Also, petition of Rev. Willis R. Ryder, pastor of Methodist Episcopal Church of Ellenburg, N. Y., in behalf of the societies of said church, urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

By Mr. MORIN (by request): Petitions of Merchants and Manufacturers' Association of Philadelphia; Central Tube Co., James H. Matthews Co., George H. Alexander & Co., Monongahela Tube Co., Chamber of Commerce, Westinghouse Electric & Manufacturing Co., Pittsburgh Meter Co., Union Electric Co., B. B. & B. Trunk Co., Germania Savings Bank, George A. Kelly Co., the Pittsburgh Dry Goods Co., Pittsburgh Hardwood Door Co., Alexander Laughlin & Co., John Daub & Sons, Thomas C. Jenkins, F. J. Kress, all of Pittsburgh, Pa., protesting against sections 7 and 18 of the Clayton antitrust bill; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Allegheny County, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring electric protection of vaults and safes in Government offices and buildings; to the Committee on Appropriations.

Also (by request), petition of sundry citizens of Chicago, Ill., protesting against House bill 13457, relative to United States surveys; to the Committee on Expenditures in the Interior Department.

Also (by request), petition of sundry citizens of the National Civil Service Reform League, protesting against section 3 of House bill 17042; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring the Newlands amendment to the river and harbor bill; to the Committee on Rivers and Harbors.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring the passage of the Harrison bill, to regulate sale of poisons, etc.; to the Committee on Ways and Means.

Also (by request), petition of citizens of Philadelphia, Pa., protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Pittsburgh, Pa., protesting against House bill 17139 and Senate bill 5364, relative to use of mails by insurance companies to procure fire-insurance policies; to the Committee on the Post Office and Post Roads.

Also (by request), petition of citizens of Pittsburgh, Pa., favoring passage of House bill 11178; to the Committee on Interstate and Foreign Commerce.

By Mr. J. I. NOLAN: Protest of the California State Rural Letter Carriers' Association against section 4 of the Moon bill; to the Committee on the Post Office and Post Roads.

By Mr. O'HAIR: Petition of Post No. 257, Greenup, Ill., Grand Army of the Republic, favoring abolition of office of pension examiners; to the Committee on Pensions.

By Mr. RAKER: Petitions of Post Office Clerks' Association of California; Branch No. 290 of the National Association of Letter Carriers of the Santa Barbara Post Office; Branch No. 726, United National Association of Post Office Clerks, of Santa Barbara; and California State Rural Letter Carriers' Association, protesting against section 4 of the Moon bill; to the Committee on the Post Office and Post Roads.

By Mr. ROTHERMEL: Papers to accompany a bill granting pension to Cecilia McCullough; to the Committee on Pensions.

By Mr. SELDOMRIDGE: Petition of sundry citizens of the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of sundry citizens of Tampa, Fla., protesting against national prohibition; to the Committee on Rules.

Also, petition of 26 citizens of Bradentown, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petitions of Harbor City Post, Grand Army of the Republic, and Harbor City Woman's Relief Corps, at San Pedro, Cal., protesting against any change in the flag; to the Committee on the Judiciary.

Kiess, Pa.	Manahan	Platt	Stout
Kinkead, N. J.	Mann	Porter	Stringer
Kitchin	Martin	Post	Summers
Knowland, J. R.	Merritt	Pou	Sutherland
Konop	Metz	Powers	Switzer
Lafferty	Miller	Prouty	Talbott, Md.
Langham	Mitchell	Rauch	Taylor, Ala.
Langley	Montague	Rayburn	Taylor, N. Y.
Lazaro	Morgan, La.	Reilly, Conn.	Temple
Lee, Ga.	Morin	Riordan	Ten Eyck
L'Engle	Moss, W. Va.	Roberts, Mass.	Thomas
Lesher	Mott	Rupley	Thompson, Okla.
Lever	Murray, Mass.	Sabath	Thomson, Ill.
Levy	Murray, Okla.	Saunders	Vaughan
Lewis, Md.	Neeley, Kans.	Scully	Vollmer
Lewis, Pa.	Neely, W. Va.	Sells	Walker
Lindquist	Norton	Shreve	Wallin
Linthicum	O'Brien	Slayden	Walters
Lobeck	O'Leary	Slemp	Weaver
Loft	O'Shaunessy	Smith, J. M. C.	Webb
McAndrews	Padgett	Smith, Md.	Whitacre
McClellan	Page, N. C.	Smith, N. Y.	White
McGillicuddy	Paige, Mass.	Smith, Saml. W.	Willis
McGuire, Okla.	Parker	Smith, Tex.	Wilson, Fla.
McKenzie	Patten, N. Y.	Stafford	Wilson, N. Y.
McLaughlin	Patton, Pa.	Stanley	Winslow
Mahan	Payne	Stephens, Nebr.	Woods
Maher	Peters, Mass.	Stephens, Tex.	Young, Tex.

So the motion to adjourn was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. McCOY (for) with Mr. CARTER (against).

Until further notice:

Mr. O'SHAUNESSY with Mr. TREADWAY.

Mr. TALBOTT of Maryland with Mr. SAMUEL W. SMITH.

Mr. GUDGER with Mr. CURRY.

Mr. DRISCOLL with Mr. BARTHOLDT.

Mr. McCOY. Mr. Speaker, I voted "present." I desire to change my vote.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. McCOY. I withdraw my vote of "present" and vote "yea."

Mr. KAHN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. If the House now moves to adjourn, will this come up as unfinished business to-morrow morning, or would it come up Thursday morning, to-morrow being Calendar Wednesday?

The SPEAKER. The Chair is inclined to think that it would go over until Thursday. The previous question was ordered on this, was it?

Mr. KAHN. Yes.

Mr. McCOY. Mr. Speaker, I find that Mr. CARTER, of Oklahoma, with whom I was paired, voted "present" on the supposition that I was not here, so that I will have to change my vote again and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. McCOY, and he answered "Present."

Mr. KAHN. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KAHN. This matter coming up on a conference report, would not the conference report have priority on Calendar Wednesday?

Mr. GARRETT of Tennessee. Mr. Speaker, I think the language of the Calendar Wednesday rule is that "immediately upon the approval of the Journal" the Speaker shall cause the roll of the committees to be called, and so forth. I am not sure; I may be mistaken in my memory of the exact wording of that language, but I think it is "immediately upon the approval of the Journal." If I am correct as to that language, of course this could not come up to-morrow.

The SPEAKER. Here is what the rule on Calendar Wednesday says:

On Wednesday of each week no business shall be in order except as provided by paragraph 4 of this rule, unless the House, by a two-thirds vote on motion to dispense therewith, shall otherwise determine.

Mr. FITZGERALD. Mr. Speaker, on the motion to reconsider no previous question was demanded or ordered, so that it does not come within the category, although a motion of very high privilege. Of course, if this motion to reconsider is to be disposed of to-morrow it brings the entire matter before the House, and there is another amendment still to be disposed of.

The SPEAKER. The Chair has ruled on two or three different occasions, and the action of the gentleman from New York has borne out the ruling of the Chair, that even a conference report could not be considered on Calendar Wednesday except by unanimous consent. The gentleman from New York has asked unanimous consent on several occasions on Calendar Wednesday to set aside that day. Now, this is a part of a conference report. The present Speaker ruled that no bill could be taken up for consideration on Calendar Wednesday without a motion to dispense with that day. The Chair thinks, under all the circumstances and rulings on the subject of Calendar Wednesday, the previous question not having been ordered on the motion to reconsider, that it goes over until Thursday. The Chair is desirous, as are the Members of the House, of observing the integrity of Calendar Wednesday so far as it is consistent with common sense.

The result of the vote was then announced as above recorded.

ADJOURNMENT.

Accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 22, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Stamford Harbor, Conn., with a view to securing increased depth and removal of obstructions to navigation (H. Doc. No. 1130); to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusion in case of James Crabtree, heir at law of Eli Crabtree, deceased, and executor of Sarah Crabtree, deceased, v. The United States (H. Doc. No. 1131); to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOEKE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911, reported the same without amendment, accompanied by a report (No. 995), which said bill and report were referred to the House Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 289) granting permission to the Army and Navy athletic associations to use the polo field in Potomac Park, reported the same with amendment, accompanied by a report (No. 996), which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (S. 754) for the relief of Jacob M. Cooper, reported the same without amendment, accompanied by a report (No. 998), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5065) for the relief of Mirick Burgess, reported the same without amendment, accompanied by a report (No. 999), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1063) for the relief of Philip Cook, reported the same without amendment, accompanied by a report (No. 1000), which said bill and report were referred to the Private Calendar.

Mr. CLAYPOOL, from the Committee on the District of Columbia, to which was referred the bill (S. 5168) for the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University and other grantees, reported the same without amendment, accompanied by a report (No. 1001), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 17919) for the relief of W. A. M. Streeter, and the same was referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 17969) to provide for the establishment of an additional life-saving station at Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A bill (H. R. 18000) for the purchase of a site and the erection thereon of a public building at Pittsfield, Ill.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 18001) providing for the extension of the post office at Galesburg, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Idaho: A bill (H. R. 18002) to provide for the making of farm loans from the postal savings funds; to the Committee on the Post Office and Post Roads.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 306) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MILLER: A resolution (H. Res. 574) requesting the President to transmit to the House a copy of Prof. Ford's report; to the Committee on Insular Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 18003) granting an increase of pension to Sidney Smith; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 18004) granting a pension to Susan J. McDermitt; to the Committee on Pensions.

By Mr. GORDON: A bill (H. R. 18005) granting a pension to Louis Naegele; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 18006) for the relief of Frank Woodruff Kellogg; to the Committee on Naval Affairs.

By Mr. LANGHAM: A bill (H. R. 18007) granting a pension to Walter C. Lettie; to the Committee on Pensions.

By Mr. McKELLAR: A bill (H. R. 18008) for the relief of the Missionary Baptist Church of Toone, Tenn.; to the Committee on War Claims.

By Mr. ROTHERMEL: A bill (H. R. 18009) granting an increase of pension to Cecilia McCullough; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A resolution (H. Res. 575) referring to the Court of Claims certain claims under section 151 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BRUCKNER: Petition of E. P. Wheeler, New York, against woman suffrage; to the Committee on the Judiciary.

Also, petition of National Civil Service Reform League, relative to H. R. 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Assistant Postmasters relative to House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Department Veterans, Army of the Philippines, relative to civil-service conditions in Philippine Islands; to the Committee on the Territories.

By Mr. CARR: Petition of 23 citizens of Ronse, Pa., favoring the passage of Sheppard-Hobson bill; to the Committee on Rules.

By Mr. CURRY: Petition of Lockeford (Cal.) Woman's Christian Temperance Union and the Woman's Council, Stockton, Cal., favoring censorship of motion pictures; to the Committee on Education.

Also, petitions of 7 citizens and residents of the third California district protesting against national prohibition; to the Committee on Rules.

Also, petition by mass meeting of citizens of Lodi, Cal., signed by C. E. Durston, chairman, and John H. Williams, secretary, in favor of national prohibition; to the Committee on Rules.

Also, petitions of 7 citizens and residents of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petition by the First Baptist Church of Woodland, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petitions by 177 citizens of the State of California, in favor of national prohibition; to the Committee on Rules.

Also, petition by the Woman's Christian Temperance Union of Napa, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition by R. W. Munson, acting chaplain, St. Helena Sanitarium, Sanitarium, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition by the Musician's Protective Union, of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition by Lockeford (Cal.) Woman's Christian Temperance Union, in favor of national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of Wisconsin Retail Jewelers' Association, of Neenah, Wis., favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: Petitions of the L. N. T. Club, by Mrs. C. B. Cannell, presiding officer, and Mrs. George Resley, secretary; the Pinon Baptist Church, by Rev. Y. P. Barnett, pastor, and Mrs. Mattie Rogers, secretary; the Pinon Baptist Sunday School, by T. F. Fleming, presiding officer, and Miss Lianie Resley, secretary; and 53 citizens, all of Pinon, N. Mex., favoring national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of James F. Donovan, Edward Flynn, Thomas Padley, F. Nichols, Andrew Link, James Rooney, Vincent Castronovo, Augustus Angelo, Jeremiah D. Dailey, J. H. Carroll, Herman Duher, Lawrence A. McGrane, R. Williams, George W. Stage, J. Hansom, William Dexter, Henry Sweet, Michael H. McElroy, Walter A. Neuthon, Thomas L. Dowling, Philip Montelli, J. N. Whelden, W. J. Murphy, R. J. Walsh, John Burns, J. H. Donling, John McDonnell, of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of Everett E. Gardiner, Ralph J. Regniere, M. Hathaway, of Cranston, R. I.; John J. Quirk, of Warwick, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the executive committee of the Retail Merchants' Bureau of the New Orleans Association of Commerce, protesting against the passage of the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Vermont: Petition of D. E. Weld and other residents of the first congressional district of Vermont, urging a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAY: Petition of sundry citizens of Rockingham County, Va., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Council of Hamilton, Ill., favoring increased bridge facilities across the Mississippi River between Keokuk, Iowa, and Hamilton, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union and V. D. Michener, of Salem, Iowa, and 7 citizens of Lee County, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition by the members of the Germania Quartette Club, of Baltimore, Md., protesting against the passage of the Hobson resolution; to the Committee on Rules.

By Mr. MERRITT: Petition of Fred N. Rounds, J. G. Goodison, M. C. Mason, W. E. Whitford, M. W. Rounds, Fred D. Ricket, Roy Badger, H. Thomjin, R. Dow, J. J. Walker, Charles Witherell, Allen M. Gaston, Gus Stratton, B. J. Mason, F. L. Rounds, J. S. Orr, B. W. Thornton, Arthur W. Young, Rev. Joseph Lobb, all of DePeyster, St. Lawrence County, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petition of Herman A. James, E. S. Horton, W. A. Noyes, Duncan Paul, C. A. McAfee, S. C. Blanveltz, Seymour Williams, T. E. Lattull, W. MacDowell, J. H. Hallock, W. J. Oakey, R. Johnston, R. Amons, W. L. Richardson, T. H. Peycock, H. I. Baldwin, George Ray Schrader, E. L. Pearse, E. F. Schrader, W. S. Ames, G. W. Parker, W. J. Richardson, James B. Cameron, C. W. Park, A. E. Fraleigh, George B. Greenough, William G. Distin, William L. Distin, E. C. Horton, William M. Tilbee, Hugh M. King, N. A. Jennings, Eliza H. Greene, G. W. Abbott, and James Rainney, all of Saranac Lake, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, letter from Rev. A. G. Sunderland, pastor Methodist Episcopal Church of Chazy, N. Y., urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Sharp	Smith, Saml. W.	Talcott, N. Y.	Volstead
Sinnott	Steenerson	Taylor, Ark.	Watkins
Sloan	Stephens, Cal.	Ten Eyck	Wingo
Small	Stevens, Minn.	Towner	Woodruff
Smith, Idaho	Stone	Treadway	Young, N. Dak.
Smith, Minn.	Taggart	Underhill	
Smith, N. Y.	Talbott, Md.	Vare	

ANSWERED "PRESENT"—6.

Garner	Madden	Stemp	Underwood
McCoy	Nelson		

NOT VOTING—222.

Adair	Eagle	Jones	Parker
Ainey	Edwards	Keister	Patten, N. Y.
Anthony	Elder	Kennedy, Conn.	Patton, Pa.
Aswell	Estopinal	Kennedy, R. I.	Payne
Austin	Evans	Kless, Pa.	Porter
Bartlett	Fairchild	Kinkead, N. J.	Post
Bathrick	Farr	Kitchin	Pou
Beall, Tex.	Fess	Knowland, J. R.	Powers
Bell, Ga.	Fields	Konop	Prouty
Borland	Finley	Lafferty	Rauch
Bowdle	Frear	Langham	Rayburn
Brockson	Gallagher	Langley	Reilly, Conn.
Brodbeck	Galiuvan	Lazaro	Riordan
Brown, N. Y.	Gardner	Lee, Ga.	Roberts, Mass.
Brown, W. Va.	Garrett, Tex.	L'Engle	Rouse
Browne, Wis.	George	Lesher	Rupley
Browning	Gerry	Lever	Saborh
Bruckner	Gill	Levy	Saunders
Buchanan, Ill.	Glass	Lewis, Pa.	Scully
Fulkley	Goldfogle	Lindquist	Sells
Burgess	Gordon	Linthicum	Shreve
Burke, Pa.	Gorman	Lobeck	Slayden
Burke, S. Dak.	Goulden	Loft	Smith, J. M. C.
Calder	Graham, Pa.	McAndrews	Smith, Md.
Callaway	Griest	McClellan	Smith, Tex.
Candler, Miss.	Griffin	McGillicuddy	Stafford
Cantor	Gudger	McGuire, Okla.	Stanley
Cantrill	Guernsey	McKellar	Stephens, Nebr.
Carew	Hamill	McKenzie	Stephens, Tex.
Carlin	Hamilton, Mich.	McLaughlin	Stout
Carr	Hamilton, N. Y.	Mahan	Stringer
Carter	Hammond	Maher	Sumners
Cary	Hardwick	Manahan	Sutherland
Casey	Harrison	Mann	Switzer
Chandler, N. Y.	Hart	Martin	Taylor, Ala.
Clancy	Haugen	Merritt	Taylor, N. Y.
Cline	Hay	Metz	Temple
Coady	Hayden	Miller	Thomas
Connolly, Iowa	Hayes	Mitchell	Thompson, Okla.
Cooper	Henry	Montague	Thomson, Ill.
Copley	Hill	Morgan, La.	Vaughan
Covington	Hinds	Morin	Vollmer
Crisp	Hinebaugh	Moss, W. Va.	Walker
Crosser	Hobson	Mott	Wallin
Curry	Holland	Murray, Mass.	Walters
Dale	Houston	Murray, Okla.	Weaver
Danforth	Howard	Neeley, Kans.	Whitacre
Davenport	Howorth	Neely, W. Va.	White
Deitrick	Hughes, Ga.	Norton	Willis
Dies	Hughes, W. Va.	O'Brien	Wilson, Fla.
Donohoe	Hullings	O'Hair	Wilson, N. Y.
Dooling	Humphreys, Miss.	O'Leary	Winslow
Doremus	Igoe	O'Shaunessy	Woods
Dunn	Jacoway	Padgett	Young, Tex.
Dupré	Johnson, S. C.	Page, N. C.	
Eagan	Johnson, Wash.	Paige, Mass.	

The Clerk announced the following additional pairs:

On this vote:

Mr. McCOY (for) with Mr. CARTER (against).

Until further notice:

Mr. CANDLER of Mississippi with Mr. GRIEST.

Mr. LEE of Georgia with Mr. DANFORTH.

Mr. PAGE of North Carolina with Mr. PAYNE.

Mr. GOULDEN with Mr. JOHNSON of Washington.

Mr. GORMON with Mr. McKENZIE.

Mr. GALLAGHER with Mr. NORTON.

Mr. REILLY of Connecticut with Mr. PATTON of Pennsylvania.

Mr. McCLELLAN with Mr. MORIN.

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. UNDERWOOD. Mr. Speaker, I desire to know if the gentleman from Illinois, Mr. MANN, voted?

The SPEAKER. He did not.

Mr. UNDERWOOD. Mr. Speaker, I have a standing pair with the gentleman from Illinois and I desire to withdraw my vote and answer "present."

The name of Mr. UNDERWOOD was called, and he answered "Present."

Mr. McCOY. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. CARTER. I voted "aye" and I desire to withdraw that vote and answer "present."

The name of Mr. McCOY was called, and he answered "Present."

Mr. HUMPHREY of Washington. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREY of Washington. I thought there was a rule about Members standing around the desk.

The SPEAKER. That is in reference to the Clerk's desk, not the Speaker's desk. [Laughter on the Democratic side.]

Mr. NELSON. Mr. Speaker, I have not voted, but I presume I can be counted for a quorum.

Mr. KAHN. I suggest, Mr. Speaker, that Mr. NELSON, of Wisconsin, can be counted.

The SPEAKER. The Chair noted him as present; that is, the Chair will announce his name to the Clerk in a minute or so. Are there any other Members present who did not answer at all on this roll call? If so, the Chair would like to know who they are so that they may be counted. The Clerk will note Mr. NELSON, of Wisconsin, as present, and the Chair is rather inclined to the opinion, not dead sure about it, because the language is rather obscure, notwithstanding what the Chair said here a few days ago, that when a Member is counted as present that he has a right to vote. It is not very clear and the gentleman from Pennsylvania [Mr. BUTLER] gave in his adherence to it, but it is a hazy kind of a performance.

Mr. BUTLER. The Chair ruled against me the other day; the Chair would not let me vote the other day.

The SPEAKER. If you read one section of the rule alone, the gentleman had no right to vote; but if you take two entirely different sections of the rule and put them together it looks like the intention was, when you come to the justice of the matter of counting a Member present, that he has the right to vote.

Mr. GARNER. In the very nature of things, if he can be counted present he ought to have the right to vote.

The SPEAKER. The Chair will make that ruling, and the Clerk will call the name of the gentleman from Wisconsin [Mr. NELSON]——

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman is not entitled to vote.

The SPEAKER. Why?

Mr. FITZGERALD. Because the rule provides that no one shall vote unless he was present in the House giving attention when his name is called or should have been called. The question of whether a quorum is present has not been developed, and it is only upon a call of the House where the doors are closed and the Sergeant at Arms is directed to bring in the absentees that a gentleman can vote before the roll is closed whether or not he was here at the time his name was called. Under the proposed other ruling it makes it possible for a Member to come in and vote at any time.

The SPEAKER. Well, inasmuch as it makes no difference, the Chair will let the question stand open. However, the Chair with his present information would allow him to vote.

Mr. FITZGERALD. The rule authorizes the Speaker to have noted as present gentlemen who have not voted, but it does not give him any authority to permit a Member to vote who did not vote.

The SPEAKER. The Chair will call the attention of the gentleman from New York, for whose parliamentary opinion he has great respect, to two different sections of Rule XV, section 1 of which is as follows:

Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called, and after the roll has been once called the Clerk shall call in their alphabetical order the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

Now, that is proposition number one. Here is clause 3.

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Now, taking those two sections together, it does not mean that the Speaker counts a gentleman present who did not vote——

Mr. SHACKLEFORD. But, Mr. Speaker, has the point of no quorum been raised?

The SPEAKER. There is a time when the Speaker has to raise it himself. Whenever the roll call develops the fact that there is no quorum the Speaker must take notice of it, if that is the proper term. What does the gentleman from New York say to those two sections?

Mr. FITZGERALD. Mr. Speaker, in all the history of the House since the adoption of the rules referred to I have never known of an instance, either in the precedents or in the practice of the House, where a Member under these circumstances has been permitted to have his vote recorded.

The SPEAKER. Well, now the Chair came to dig into this matter was, after the interlocutory performance which he had with the gentleman from Pennsylvania [Mr. BUTLER] here a

few days ago, one of the old and experienced Members of the House, who devotes a great deal of attention to parliamentary law, came to the Speaker privately and called his attention to these two sections taken in conjunction:

On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business.

Now, turn back to section 1, and it says:

And thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

The Chair stated that the matter was not very clear, that it was somewhat hazy; but it seems if you take those two sections together—and especially section 1 points out section 3—that a Member that is noted by the Speaker or the Clerk, or somebody for him, as being present has a right to vote.

Mr. MONDELL. Will the Speaker hear me for just a moment?

The SPEAKER. The Chair will hear any gentleman.

Mr. MONDELL. I would like to be heard just as to the suggestion as to the effect of a rule that a Member coming in after the close of a roll call and being noted as present by the Speaker may vote. Outside of the question of the rule—and the rule does not seem to be entirely clear, although the practice has been entirely uniform—but outside of the rule the effect of a decision of that kind would be that it would not be necessary for Members to come in during the roll call. They could saunter in at their leisure and get in at any time before the announcement of the vote.

The SPEAKER. It is only in a case where a quorum has not developed.

Mr. MONDELL. I am assuming the somewhat chronic condition that sometimes exists, and exists now, where we are right on the margin of a quorum all the time. There is scarcely ever a quorum in the House at the beginning of a roll call or in the House at any one time. The quorum comes in and goes out; but if under those circumstances Members were not required to be here when their names were called they could come in at any time before the vote was announced and could be recognized by the Speaker and vote. It seems to me it would lead to interminable delay.

Mr. FITZGERALD. Mr. Speaker, I rise to make a privileged motion.

The SPEAKER. In a minute. Inasmuch as counting the gentleman from Wisconsin [Mr. NELSON] would not make a quorum, anyway, the Chair feels like leaving the matter open until we can have a general consultation as to what the rule means, because it is extremely hazy and extremely important, too, as the gentleman from Wyoming [Mr. MONDELL] suggests.

Mr. FITZGERALD. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. KAHN. Division, Mr. Speaker.

The SPEAKER. The gentleman from California [Mr. KAHN] demands a division. Those in favor of the House adjourning will rise and stand until they are counted. [After counting.] Seventy-six gentlemen have risen in the affirmative.

The Chair thinks, after consulting the Manual, that the motion to adjourn as made by the gentleman from New York [Mr. FITZGERALD] at the particular time at which it was made was out of order——

Mr. FITZGERALD. Why, Mr. Speaker?

The SPEAKER (continuing). Until after the announcement of the result of that vote. And there is not a quorum present. The yeas were 95, the nays 110, present 5, and 1 noted—not a quorum.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. It does not take——

Mr. KAHN. I move a call of the House.

Mr. FITZGERALD. Mr. Speaker, I had moved that the House adjourn.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] had moved to adjourn. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House do now adjourn.

Mr. MAPES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MAPES. The roll call having revealed that there is not a quorum present, does it take a majority of those present to second the motion to adjourn before the Speaker can entertain it?

The SPEAKER. Oh, no.

Mr. FITZGERALD. That is only after the call of the House.

The SPEAKER. Only on the call of the House. Of course the motion to adjourn takes precedence. The only trouble about it was that when it was first made by the gentleman from New York [Mr. FITZGERALD] it was out of order. The question is now on the motion of the gentleman from New York [Mr. FITZGERALD] that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. SHERLEY and Mr. FITZGERALD) there were—ayes 87, noes 79.

Mr. KAHN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 100, answered "present" 5, not voting 224, as follows:

YEAS—104.

Abercrombie	Callop	Hardy	Rucker
Adamson	Decker	Harris	Russell
Aiken	Dent	Helm	Seldomridge
Alexander	Dickinson	Helvering	Shackleford
Allen	Difenderfer	Hensley	Sherley
Ansberry	Dixon	Hull	Sherwood
Ashbrook	Donovan	Johnson, Ky.	Sims
Bailey	Doolittle	Key, Ohio	Sisson
Baltz	Doremus	Korbly	Small
Barkley	Doughton	Lieb	Sparkman
Barnhart	Dupré	Lloyd	Stedman
Blackmon	Faison	Lonergan	Stephens, Miss.
Booher	Ferguson	Maguire, Nebr.	Stevens, N. H.
Borchers	Ferris	Moon	Taverner
Brumbaugh	Fitzgerald	Morrison	Taylor, Colo.
Buchanan, Tex.	Flood, Va.	Moss, Ind.	Thacher
Burgess	Foster	Mulkey	Townsend
Burnett	Fowler	Oglesby	Tribble
Byrnes, S. C.	Garner	Palmer	Tuttle
Byrns, Tenn.	Garrett, Tenn.	Park	Underhill
Claypool	Gillmore	Peterson	Walsh
Cline	Gocke	Quin	Watkins
Collier	Graham, Ill.	Ragsdale	Watson
Connelly, Kans.	Gray	Reed	Whaley
Conry	Gregg	Reilly, Wis.	Williams
Cox	Hamlin	Rubey	Witherspoon

NAYS—100

Anderson	Fordney	Kettner	Raker
Avis	Francis	Kindel	Roberts, Nev.
Baker	French	Kinkaid, Nebr.	Rogers
Barchfeld	Gard	Kirkpatrick	Rothermel
Barton	Gillett	Kreider	Rouse
Beakes	Gittins	La Follette	Scott
Bell, Cal.	Godwin, N. C.	Lee, Pa.	Sharp
Britten	Good	Lenroot	Sinnott
Broussard	Goodwin, Ark.	Lindbergh	Sloan
Bryan	Green, Iowa	Logue	Smith, Idaho
Burke, Wis.	Greene, Mass.	McKellar	Smith, Minn.
Butler	Greene, Vt.	MacDonald	Steenerson
Campbell	Hawley	Mapes	Stephens, Cal.
Caraway	Hayden	Mondell	Stevens, Minn.
Church	Heflin	Moore	Stone
Clark, Fla.	Helgesen	Morgan, Okla.	Taggart
Cramton	Howell	Murdock	Talcott, N. Y.
Davis	Humphrey, Wash.	Nelson	Taylor, Ark.
Dershem	Johnson, Utah	Nolan, J. I.	Towner
Dillon	Kahn	O'Hair	Treadway
Drukker	Keating	Oldfield	Vare
Edmonds	Kelley, Mich.	Peters, Me.	Volstead
Esch	Kelly, Pa.	Phelan	Wingo
Falconer	Kennedy, Iowa	Plumley	Woodruff
Fitzhenry	Kent	Rainey	Young, N. Dak.

ANSWERED "PRESENT"—5.

Burke, S. Dak.	Madden	McCoy	Underwood
Carter			

NOT VOTING—224.

Adair	Carlin	Evans	Hammond
Ainey	Carr	Fairchild	Hardwick
Anthony	Cary	Farr	Harrison
Aswell	Casey	Fess	Hart
Austin	Chandler, N. Y.	Fields	Haugen
Bartholdt	Clancy	Finley	Hay
Bartlett	Coady	Floyd, Ark.	Hayes
Bathrick	Connolly, Iowa	Frear	Henry
Beall, Tex.	Cooper	Gallagher	Hill
Bell, Ga.	Copley	Gallivan	Hinds
Borland	Covington	Gardner	Hinebaugh
Bowdle	Crisp	Garrett, Tex.	Hobson
Brockson	Crosser	George	Holland
Brodbeck	Curry	Gerry	Houston
Brown, N. Y.	Dale	Gill	Howard
Brown, W. Va.	Danforth	Glass	Howorth
Browne, Wis.	Davenport	Goldfogle	Hughes, Ga.
Browning	Deitrick	Gordon	Hughes, W. Va.
Bruckner	Dies	Gorman	Hullings
Buchanan, Ill.	Donohoe	Goulden	Humphreys, Miss.
Bulkley	Dooling	Graham, Pa.	Igoe
Burke, Pa.	Driscoll	Griest	Jacoway
Calder	Dunn	Griffin	Johnson, S. C.
Callaway	Eagan	Gudger	Johnson, Wash.
Candler, Miss.	Eagle	Guernsey	Jones
Cantor	Edwards	Hamill	Keister
Cantrill	Elder	Hamilton, Mich.	Kennedy, Conn.
Carew	Estopinal	Hamilton, N. Y.	Kennedy, R. I.

hibit and because this time they were chosen from departments that knew something about the business, and were not chosen simply in order that they might draw a salary and enjoy themselves at the exposition. You are going to have the Atlantic Fleet in San Francisco Harbor. Can there be any naval exhibit that will equal that? You are going to have the Army at the Presidio. Can there be any exposition of the Government's Army activities equal to the actual soldiers and the actual guns; the actual Army itself there?

Now, what has happened? I am not going to take the time to read the statements made by Mr. Scott on behalf of the exposition company or the statements made by the gentleman from California [Mr. KAHN] on behalf of that company, but they would have you believe that this is a spontaneous uprising on the part of the people of America to have this additional sum appropriated. What nonsense. Are we children? Do we not know the men who have been here in Washington for months? Do we not know something of the banquet that was given? Do we not know of the pressure that has been put upon men to vote this thing through? If other men do not know, I know, because they knew I was opposed to it, and I have had many men interested urge me not to make this fight. It is not a personal fight. I am doing what I believe to be my duty because of the promises then made to this House.

Oh, but they say you ought to have all the Government exhibits gathered together. What is the fact about that? The exposition company itself determined that it would be better to have the exhibits according to objects rather than from localities. For instance, they were going to have educational matters put together, so that you would have the effect of comparison. The Government exhibit was arranged to be put around according as the activities of the Government dovetailed into other exhibits. All of a sudden they discovered these exhibits must be grouped in order for the United States to have a creditable exhibit. Then they get the assistance of the Army in order to find some other excuse. Oh, how plausible they have been. First, when the fight was on, nothing was wanted. Then when the fight was won they made the excuse that they had not been able to get foreign Governments to exhibit. Now that the foreign Governments have agreed to exhibit, it is a new excuse. Now they say you must do it because the Army needs a building. If the Army needs a building at the Presidio for Army purposes, let us examine into it as an Army estimate and see to it that the plan is adapted to that purpose, and then appropriate the money, but do not let us be fooled and be made cat's-paws to pull the chestnuts out of the fire.

The Secretary of War comes before the Committee on Expositions and favors this proposition. I never knew a Secretary of War yet who was not anxious to get buildings and appropriations for the Army. And if he can get a $500,000 building, even if it is not suitable he is that much to the good. As to his knowledge whether the building could or could not be built for the two purposes, I read this statement:

Mr. KONOP. You say if a building like that could be constructed, the exhibits could be housed in it and then it could be ultimately used by you. The question is, can it?

Secretary GARRISON. I do not dare to commit myself on that, because I know nothing about it. That would have to be decided by the Quartermaster General. I would have to take the judgment of some one else.

Further along, the Secretary says:

I would suggest to you, gentlemen, that if you are interested in the question of whether this money could be expended on that reservation in such a way as to be useful, useful to the Army afterwards, that you permit me to send up right now, if you have the time, for the Quartermaster General, and, if necessary, the Chief of Engineers, so that you can find out from them by asking for yourselves. I would find out by asking them, because in such matters I take the advice of men who are experts.

Evidently the committee did not have time, because the experts were not called. Now, we are told that because he appeared before them we should be in favor of it. He did not volunteer; he was asked to come and give his testimony. I have a proper respect for these distinguished gentlemen, but with that respect I think this House knows more about the history of these expositions, about the broken promises, about the faith that has not been kept, about how Congress has been buncoed in the past than all the Cabinet officers put together. [Applause.] Therefore, with all proper and due respect for the distinguished gentlemen, I prefer to follow my own judgment and the record in the case than to follow their recommendation in this matter. Five hundred thousand dollars! Why, we had a fight two years ago, after we had beaten the bill that provided for a commission of seven men and which the gentleman from Wisconsin [Mr. LENROOT] declared was the most indefensible proposition ever brought on the floor. They tacked onto the sundry civil appropriation bill an appropriation of a million and a half dollars. We had roll call after roll call, and, in my judgment, it would have been possible to have defeated the proposal to appropriate anything. But we did not do it, we gave them $500,000, and it was my understanding then that that was the end of the thing. Now, there seems to be no end—always there is a new excuse, always a new reaching out, always a plausible explanation.

How can the Congress rely on statements, what shall it take, what assurance has it now that we will not have to pay the debts of the exposition company on the ground that conditions were not what they expected, and therefore they are in a different position? Certainly not the statements made by the gentlemen on the floor to-day, because statements made by the same gentlemen on the same floor other days have not estopped them or the exposition company from coming here and asking for the money. I repeat that if Congress is going to have any respect for itself, if it is going to have any respect for the promises made to it, it must stand up now.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SHERLEY. I will yield to the gentleman.

Mr. BARTHOLDT. Is the gentleman from Kentucky in favor of the Government exhibit at San Francisco?

Mr. SHERLEY. That is beside the question, because the exhibition has been prepared and provided for. I was in favor of it, but I thought then and think now that San Francisco owes it to her own self-respect, to put it mildly, to pay all the expense of that exhibit.

Mr. BARTHOLDT. Does the gentleman take the position that the citizens of San Francisco should pay for the National Government exhibit?

Mr. SHERLEY. I take the position that if I obtain something of value on my promises, if I am an honorable man I will keep my promises. [Applause.]

Mr. BARTHOLDT. Is not the exposition in commemoration of the completion of the Panama Canal?

Mr. SHERLEY. Yes; but we have had expositions and commemorations of everything under the sun. What is the trouble about foreign Governments exhibiting? Is it because Uncle Sam is hesitating about furnishing money because of the promises that have been made? No; it is because the world is sick and tired of being buncoed in the matter of these expositions.

Mr. BARTHOLDT. Foreign governments have agreed to exhibit, and it may be that they find it profitable.

Mr. SHERLEY. They perhaps have the same sort of pressure brought to bear on them over there that we have here. I know something about legislative bodies, and they are pretty much the same the world over. The proposition here is, Are you going to let them bunco you the second time? They broke their promise when they secured the exposition at San Francisco; they broke it when they came back and got $500,000. Read the act that Congress passed. It provided that the exposition company should furnish the building or buildings to house the exhibit. If they wanted all the Government exhibit in one building, they had the opportunity right there. It was their right to have it determined and they determined it. The exhibits have been made up on that theory. Now, all of a sudden somebody discovers that that will not do, that we must have it all in one building at the expense of half a million dollars. The gentleman from Kansas says that he has been moved by sentiment for the great city of San Francisco. We all have admiration of that city's history in connection with its great disaster. But I do not like this sentiment at this time; it is too expensive, about half a million per sentiment. I am in favor of getting to the time where we may have faith kept. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired, all time has expired, and the question is on the motion of the gentleman from California [Mr. KAHN] to recede and concur in the Senate amendment.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. KAHN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 112, nays 109, answered "present" 6, not voting 206, as follows:

YEAS—112.

Allen	Broussard	Curry	Falconer
Ansberry	Bryan	Deitrick	Ferris
Avis	Butler	Dent	Fitzhenry
Baker	Campbell	Dershem	Floyd, Ark.
Bartholdt	Church	Dillon	Fordney
Barton	Clark, Fla.	Drukker	Francis
Beakes	Cline	Dupré	French
Bell, Cal.	Conry	Edmonds	Gillmore
Britten	Cramton	Esch	Godwin, N. C.

Good	Kettner	Nolan, J. I.	Steenerson
Goodwin, Ark.	Kindel	Norton	Stephens, Cal.
Graham, Ill.	Kinkaid, Nebr.	Oldfield	Stevens, Minn.
Greene, Mass.	Kirkpatrick	Patton, Pa.	Stone
Greene, Vt.	Konop	Peters, Me.	Stout
Hansen	Korbly	Plumley	Taggart
Hawley	Kreider	Rainey	Talbott, Md.
Helin	La Follette	Raker	Talcott, N. Y.
Helgesen	Lee, Pa.	Reilly, Wis.	Taylor, Ark.
Howell	Lewis, Md.	Roberts, Nev.	Ten Eyck
Humphrey, Wash.	Lindbergh	Rogers	Towner
Johnson, Utah	McAndrews	Scott	Treadway
Johnson, Wash.	Macdonald	Sharp	Underhill
Kahn	Mapes	Sinnott	Vare
Keating	Mondell	Sloan	Volstead
Kelley, Mich.	Moore	Smith, Idaho	Watkins
Kelly, Pa.	Morgan, Okla.	Smith, Minn.	Wingo
Kennedy, Iowa	Mulkey	Smith, N. Y.	Woodruff
Kent	Murdock	Smith, Saml. W.	Young, N. Dak

NAYS—109.

Abercrombie	Dickinson	Hill	Russell
Adamson	Difenderfer	Holland	Seldomridge
Aiken	Dixon	Hull	Shackleford
Alexander	Donovan	Johnson, Ky.	Sherley
Anderson	Doolittle	Lee, Ga.	Sherwood
Ashbrook	Doremus	Lenroot	Sims
Bailey	Doughton	Lieb	Sisson
Baltz	Driscoll	Lloyd	Small
Barkley	Faison	Lonergan	Sparkman
Barnhart	Fergusson	Maguire, Nebr.	Stedman
Bathrick	Fitzgerald	Mann	Stephens, Miss.
Blackmon	Flood, Va.	Montague	Stevens, N. H.
Booher	Foster	Moon	Taverner
Borchers	Fowler	Morrison	Taylor, Colo.
Brumbaugh	Garrett, Tenn.	Moss, Ind.	Thacher
Buchanan, Tex.	Garrett, Tex.	Neely, W. Va.	Townsend
Burgess	Gillett	Oglesby	Tribble
Burnett	Gocke	Page, N. C.	Tuttle
Byrnes, S. C.	Gray	Palmer	Underwood
Byrns, Tenn.	Green, Iowa	Park	Watson
Carr	Gregg	Payne	Webb
Claypool	Hamlin	Peterson	Whaley
Collier	Hardy	Quin	Williams
Connolly, Kans.	Harris	Ragsdale	Wilson, Fla.
Cox	Harrison	Reed	Witherspoon
Cullop	Helm	Rouse	
Danforth	Helvering	Ruby	
Decker	Hensley	Rucker	

ANSWERED "PRESENT"—6.

Gard	Hay	Madden	Slemp
Garner	McCoy		

NOT VOTING—206.

Adair	Edwards	Kennedy, R. I.	Platt
Ainey	Elder	Key, Ohio	Porter
Anthony	Estopinal	Kiess, Pa.	Post
Aswell	Evans	Kinkead, N. J.	Pou
Austin	Fairchild	Kitchin	Powers
Barchfeld	Farr	Knowland, J. R.	Prouty
Bartlett	Fess	Lafferty	Rauch
Beall, Tex.	Fields	Langham	Rayburn
Bell, Ga	Finley	Langley	Reilly, Conn.
Borland	Frear	Lazaro	Riordan
Bowdle	Gallagher	L'Engle	Roberts, Mass.
Brockson	Gillivan	Lesher	Rothermel
Brodbeck	Gardner	Lever	Rupley
Brown, N. Y.	George	Levy	Sabath
Brown, W. Va.	Gerry	Lewis, Pa.	Saunders
Browne, Wis.	Gill	Lindquist	Scully
Browning	Gittins	Linthicum	Sells
Bruckner	Glass	Loback	Shreve
Buchanan, Ill.	Goldfogle	Loft	Slayden
Bulkley	Gordon	Logue	Smith, J. M. C.
Burke, Pa.	Gorman	McClellan	Smith, Md.
Burke, S. Dak.	Goulden	McGillicuddy	Smith, Tex.
Burke, Wis.	Graham, Pa.	McGuire, Okla.	Stafford
Calder	Griest	McKellar	Stanley
Callaway	Griffin	McKenzie	Stephens, Nebr.
Candler, Miss.	Gudger	McLaughlin	Stephens, Tex.
Cantor	Guernsey	Mahan	Stringer
Cantrill	Hamill	Maher	Sumners
Caraway	Hamilton, Mich.	Manahan	Sutherland
Carew	Hamilton, N. Y.	Martin	Switzer
Carlin	Hammond	Merritt	Taylor, Ala.
Carter	Hardwick	Metz	Taylor, N. Y.
Cary	Hart	Miller	Temple
Casey	Hayden	Mitchell	Thomas
Chandler, N. Y.	Hayes	Morgan, La.	Thompson, Okla.
Clancy	Henry	Morin	Thomson, Ill.
Coady	Hinds	Moss, W. Va.	Vaughan
Connolly, Iowa	Buchanan	Mott	Vollmer
Cooper	Hobson	Murray, Mass.	Walker
Copley	Houston	Murray, Okla.	Wallin
Covington	Howard	Neely, Kans.	Walsh
Crisp	Hoxworth	Nelson	Walters
Crosser	Hughes, Ga.	O'Brien	Weaver
Dale	Hughes, W. Va.	O'Hair	Whitacre
Davenport	Hulings	O'Leary	White
Davis	Humphreys, Miss.	O'Shaunessy	Willis
Dies	Igoe	Padgett	Wilson, N. Y.
Donohoe	Jacoway	Paige, Mass.	Winslow
Doolling	Johnson, S. C.	Parker	Woods
Dunn	Jones	Patten, N. Y.	Young, Tex.
Eagan	Keister	Peters, Mass.	
Eagle	Kennedy, Conn.	Phelan	

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

On the vote:

Mr. CARTER (for) with Mr. McCOY (against).

Until further notice:

Mr. STEPHENS of Texas with Mr. BURKE of South Dakota.

Mr. GARNER with Mr. TEMPLE.

Mr. HAY with Mr. MADDEN.

Mr. COADY with Mr. LANGLEY.

Mr. HOUSTON with Mr. MOSS of West Virginia.

Mr. BELL of Georgia with Mr. HAYES.

Mr. BROWN of West Virginia with Mr. PLATT.

Mr. CASEY with Mr. SELLS.

Mr. WILSON of New York with Mr. WOODS.

Mr. BRODBECK with Mr. FARR.

Mr. BURKE of Wisconsin with Mr. GRIEST.

Mr. FITZGERALD. Mr. Speaker, I ask the Speaker to order a recapitulation of the vote.

The SPEAKER. The gentleman from New York asks a recapitulation of the vote. On as close a vote as this it ought to be had. The Clerk will recapitulate the vote.

The Clerk recapitulated the vote.

Mr. LOGUE. Mr. Speaker, am I entitled to be noted as present? I was not here during the call.

The SPEAKER. The Chair can count the gentleman as present to make a quorum.

The result of the vote was announced as above recorded.

Mr. KAHN. Mr. Speaker, I move to reconsider the vote and lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. FITZGERALD. Mr. Speaker, I object to laying the motion on the table.

Mr. KAHN. Mr. Speaker, I withdraw the motion.

Mr. SHERLEY. Mr. Speaker, I object to the gentleman's withdrawing the motion.

The SPEAKER. The gentleman from California moves to reconsider and lay that motion on the table.

Mr. GILLETT. Mr. Speaker, I ask for a division of the question.

Mr. FITZGERALD. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Massachusetts and the gentleman from New York demand a division of the question. The question is, first, on the motion of the gentleman from California to reconsider the vote by which the motion to recede and concur in Senate amendment 145 was agreed to.

The question was taken; and on a division (demanded by Mr. FITZGERALD and Mr. SHERLEY) there were—ayes 66, noes 83.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 95, nays 110, answered "present" 6, not voting 222, as follows:

YEAS—95.

Abercrombie	Decker	Helm	Russell
Adamson	Dickinson	Helvering	Seldomridge
Aiken	Difenderfer	Hensley	Shackleford
Alexander	Dixon	Hull	Sherley
Ansberry	Donovan	Johnson, Ky.	Sherwood
Ashbrook	Doolittle	Key, Ohio	Sims
Bailey	Doughton	Lieb	Sisson
Baltz	Driscoll	Lloyd	Sparkman
Barkley	Faison	Lonergan	Stedman
Barnhart	Fergusson	Maguire, Nebr.	Stephens, Miss.
Blackmon	Fitzgerald	Moon	Stevens, N. H.
Booher	Flood, Va.	Morrison	Taverner
Borchers	Foster	Moss, Ind.	Taylor, Colo.
Brumbaugh	Fowler	Oglesby	Thacher
Buchanan, Tex.	Garrett, Tenn.	Palmer	Townsend
Burnett	Gillett	Park	Tribble
Byrnes, S. C.	Gocke	Peters, Mass.	Tuttle
Byrns, Tenn.	Graham, Ill.	Peterson	Walsh
Claypool	Gray	Quin	Watson
Collier	Green, Iowa	Ragsdale	Webb
Connolly, Kans.	Gregg	Reed	Whaley
Conry	Hamlin	Reilly, Wis.	Williams
Cox	Hardy	Ruley	Witherspoon
Cullop	Harris	Rucker	

NAYS—110.

Allen	Dershem	Helin	Lindbergh
Anderson	Dillon	Helgesen	Logue
Avis	Drukker	Howell	Macdonald
Baker	Edmonds	Humphrey, Wash.	Mapes
Barchfeld	Esch	Johnson, Utah	Mondell
Bartholdt	Falconer	Kahn	Moore
Barton	Ferris	Keating	Morgan, Okla.
Beakes	Fitzhenry	Kelley, Mich.	Mulkey
Bell, Cal.	Floyd, Ark.	Kelly, Pa.	Murdock
Britten	Fordney	Kennedy, Iowa	Nolan, J. I.
Broussard	Francis	Kent	Oldfield
Bryan	French	Kettner	Peters, Me.
Burke, Wis.	Gard	Kindel	Phelan
Butler	Gillmore	Kinkaid, Nebr.	Platt
Campbell	Gittins	Kirkpatrick	Plumley
Caraway	Godwin, N. C.	Korbly	Rainey
Church	Good	Kreider	Raker
Clark, Fla.	Goodwin, Ark.	La Follette	Roberts, Nev.
Cramton	Greene, Mass.	Lee, Pa.	Rogers
Davis	Greene, Vt.	Lenroot	Rothermel
Dent	Hawley	Lewis, Md.	Scott

Mr. HAMLIN. The reason I ask that question is that the statement was made that San Francisco was not asking this.

Secretary GARRISON. At the time I was there, as I now recall it, the mayor of San Francisco was absent.

Mr. HAMLIN. The parties in charge of the exposition spoke to you?

Secretary GARRISON. Yes; they came to me.

Mr. KAHN. I have not spoken to you about this matter.

Secretary GARRISON. No, sir; not in any way. Now, to continue what I was going to say: If this building can be so constructed that by the expenditure of a very inconsiderable amount of money—and perhaps it could be saved out of the initial appropriation—it could be turned into a barracks, then there is no question but that it is an economical and wise and proper thing for the Government to do, providing it wishes to initially have that sort of a building there for exhibition purposes. Of course, if you give me $500,000 to build a barracks, I will do it immediately, because it is needed. If you do it in this indirect way, it would be just as beneficial to the Army.

I would send for the Quartermaster and the Chief of Engineers, and I would say, "Gentlemen, you have $500,000. Can you construct a building for exhibition purposes to be used during the exposition, and, with no structural change—only interior changes—convert it into a barracks afterwards?" And I would take their judgment in the matter.

Mr. FRANCIS. If it is not completed in the way contemplated, is it your opinion that an appropriation would have to be asked for it soon from the War Department?

Secretary GARRISON. Oh, yes. You can not go on with the Presidio for many more years without erecting a barracks for infantry. You must have them there for the Pacific coast. I just ordered a brigade there that was on the border. Their present cantonments are very inadequate for the purpose.

The present plan is to erect, as nearly as possible, one building for our barracks, following out the idea of the continental countries, where they get a whole regiment where we have our officers' quarters. It is perfectly amazing, for we have 8 and 10 miles covering some of our military posts. They have to be kept up. Sewer pipes have to be put down and gas pipes and all that sort of thing, and the present conception of that is to keep these things—if we can build a barracks and house a regiment—on a half acre of ground, instead of spreading it over an acre and a half of ground. It is not a matter of ground that makes the difference, but it is these accessories, and of course those are expensive things. The upkeep is an expensive thing. It is not the initial investment but the constant upkeep.

I am rather inclined to think, with this modern conception, the Quartermaster General and the Chief of Engineers could suggest a building with that money which could afterwards be converted into a barracks for practically a whole regiment—probably for eight companies, and then spend a small amount of money for the other four companies. My own opinion is, if this was spent under our direction, the Army would get a very practical benefit from it, because when they got the exhibits out it would be a mere matter of removing the partitions. In all these modern barracks the rooms are low and there are places in the center for the gun racks. The partitions could be removed or additional partitions could be put up if the room was too large.

We are trying to concentrate everything, and instead of having a lot of these little cantonments we are trying to put up one substantial building, mostly of some kind of concrete, and housing just as many men as we can under the one roof, because that saves in utility and upkeep.

It is conceded on all hands that it is absolutely necessary to erect a barracks on the Presidio at San Francisco for one regiment. The present buildings are old, inadequate, wooden structures, built of cheap lumber, and if it were not for the splendid climate of California they would probably not have been able to stand as long as they have. It is further conceded that it will be impossible to go on many years more as they have without erecting a barracks for the Infantry at the Presidio.

The construction of the building contemplated by this amendment will be in line with the policy of building by the War Department in recent years, to put up one substantial structure and house just as many men as can be housed under the one roof, because that saves in utility and upkeep.

The fact that the buildings that are used at present for the barracks by the enlisted men at the Presidio are entirely inadequate for the purposes for which they are being used—and the construction of the building authorized by this amendment will meet a useful and permanent purpose—there should be no question or doubt on the part of any Member of the House in voting for this amendment.

This legislation is recommended by the President of the United States, by the Secretary of State, and by the War Department, and surely after such investigation by the administration and those in charge of this kind of work and the needs and necessities of such a building the House should unanimously recede from its disagreement and concur in the Senate amendment.

This is to be a Government work, necessary and permanent. It will enable the proper display of the Government's exhibit and attractions, and then after a few months' use can and will be readily converted into quarters for the Army stationed at the Presidio.

From every consideration and from every viewpoint it is a question of economy in the long run; and that being the case, every Member should feel that he is doing the right thing when he casts his vote for the amendment.

I sincerely trust that the Senate amendment will be agreed to, to the end that ample provision may be made for construction of this building at this time.

Mr. KAHN. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Fourteen minutes.

Mr. KAHN. Mr. Speaker, it is true that the people of California believed they would not require a Government exhibit. It is true they believed they would not require a dollar from the Federal Treasury. But some months after Congress decided that San Francisco should be the place where the exposition to commemorate the completion of the Panama Canal should be held 17 of the powers of Europe sent commissioners who met in the city of Berlin and agreed upon an exposition treaty. The terms of that treaty were such that unless a Government exhibit were made by us practically all of Europe would be absent from this exposition at San Francisco. Those facts came to the knowledge of the exposition company and created consternation. And because those facts stared the Government of the United States in the face the President sent a message asking for a Government exhibit.

That is how the matter came before this House. Then Congress voted for a Government exhibit. It was to be spread through all the buildings of the exposition.

Personally I had no objection to that; but the Secretary of War believes, and the men who are on the exposition board believe, that it would be better to have all of the exhibits of the Government under one roof. I spoke with one of them this morning, and he told me that it would be much better to have the exhibits under one roof in a Government building.

Practically every civilized country in the world will have a building at the exposition at San Francisco. England and Germany are the two notable exceptions. On the floor of the House of Commons, when Sir Edward Grey was asked why England was not going to participate, he said that this Government had done nothing for the exposition at San Francisco, and for that reason he did not see any reason why England should be called upon to be represented there. That is what we have had to face.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I can not yield just now.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. KAHN. I would like to yield to my friend, but I have only 14 minutes. If I can get more time, I will gladly yield.

Japan is putting up a building with an exhibit at a cost of $600,000. France is putting up a building with exhibits to cost $400,000. China will put in a building and an exhibit at a cost of half a million dollars. The commissioners of the Argentine Republic are in this city to-day, and they announce that the Argentine Republic is spending $1,150,000 for a building and an exhibit. Italy, Spain, Portugal, Holland, Sweden, and even little Switzerland will have beautiful Government pavilions. All of Central and South America will have buildings; and nearly every State in the Union will have its own State building.

Now, this proposed Government building is to be a permanent building for the Army, and the Secretary of War authorized me to say upon this floor and upon his responsibility that the building is needed, and that such a building can be constructed.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I regret that I can not yield. Their purpose, as I understand it, is to put up the frame at this time and later on complete the interior of the building. The Presidio of San Francisco is a three-regiment infantry post. At the present time there are decent barracks there for one and one-half regiments. The other barracks are mere whitewashed shacks, put up during the Spanish-American War; they were not even constructed by skilled mechanics. They were put up by the soldiers themselves. They are whitewashed temporary quarters, a disgrace to the Government of the United States. The Secretary of War stated before the Committee on Industrial Arts and Expositions that in any other climate they would have had to be abandoned long ago. These buildings that it is proposed to pull down are in the exposition grounds. I have pictures—photographs—of them. They are, as I said a moment ago, a disgrace to the Government of the United States.

Now, let me tell you some of the things that the exposition company has done for the Government in the Presidio. For years estimates have been sent to Congress by the War Department asking that a certain marsh on the northern end of the Presidio be filled in. The estimates, as I now recall, were for $360,000. That work has been done by the exposition company. They have given to this Government $300,000 worth of work that the Government needed in that one spot alone. They have laid out a magnificent parade ground for the Government of the United States. The exposition company paid for it. It does not cost the Government a dollar. They have laid out magnificent parks and roads and parterres, where shrubbery has been planted; they have set out beautiful trees on the Presidio

grounds. They have beautified the Presidio of San Francisco in a way that this Government never would have done, probably, or would not have done for years. The work that the exposition company has done is probably worth $400,000 to the Government of the United States.

Now, if this proposed building were simply to be torn down when the exposition is over, if it were not to be a permanent building, perhaps there would be good reason why it should not be constructed. But it is to be a permanent building. It is to house the soldiers of the United States; and any gentleman who has ever been in the Presidio of San Francisco and has looked upon the whitewashed shacks in which the soldiers now live will realize how important it is to put up decent barracks and quarters for the soldiers who wear the blue.

Mr. DUPRÉ. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. KAHN. I yield to the gentleman.

Mr. DUPRÉ. I wanted to ask the gentleman this question: If conditions such as he describes have existed, why has not the Secretary of War or the War Department appealed to Congress for relief?

Mr. KAHN. The Secretary of War has done that repeatedly, and the Committee on Appropriations has always turned down the items in the estimates. I can show the gentleman the estimates. They have not been sent down in the last few years, because they got tired of sending them down.

Mr. DUPRÉ. When was the last time?

Mr. KAHN. I do not recall; but I know that the grounds at that time were needed for field artillery maneuvers; but the Congress never provided the funds for filling in the swamp, and it has all been filled in since by the exposition company.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. KAHN. I yield to the gentleman for a question.

Mr. BARNHART. Is it not a matter of fact that the project of constructing this building on the Presidio has been before the Committee on Public Buildings and Grounds for a long time?

Mr. KAHN. It has never been before that committee to my knowledge.

Mr. BARNHART. It has been to my knowledge.

Mr. KAHN. I repeat, it has never been before that committee, and I can not yield any further. It has never been before that committee at any time. It has been before the Committee on Industrial Arts and Expositions, because the communications from the President of the United States and the Secretary of State recommending this appropriation were referred to that committee; but the Committee on Public Buildings and Grounds has never had any jurisdiction whatever of this matter. The gentleman probably has in mind the marine hospital, which is several miles away from the exposition grounds and which has nothing whatever to do with the exposition.

Now, reference has been made to the $100,000 in the naval appropriation bill and to the $200,000 for the customhouse. The $200,000 will come back into the Treasury of the United States, every dollar of it, through the customs revenues that will be collected at the exposition at San Francisco. The $100,000 for the Navy will not be expended at San Francisco. The great bulk of it will be expended right here and at Hampton Roads. That is where the fleets will come together. That is where the great entertainment is to be. The naval officers of the world's fleet are to call here upon the President of the United States. They are to be entertained here in Washington long before they reach San Francisco, and at Hampton Roads, and the bulk of the money will be expended here and at Hampton Roads; so that those expenses should not be charged up against the exposition. The fleets will go to San Francisco as a finality, but the ships of war are first going to assemble in Hampton Roads, and the money was intended to do the entertaining there. I believe that but a small part of it is to be expended at San Francisco. All that the Congress has appropriated for the exposition is $500,000 for a Government exhibit.

I have told you under what circumstances that money came to be appropriated. I am now explaining to you why the other $500,000 is asked for. That has not been asked by the exposition company, so far as I know. It has been asked by the executive officers of this Government. The President of the United States and the Secretary of State recommended it. The Secretary of War himself appeared before one of the committees of this House and pointed out the necessity for it. The Secretary of Commerce on a recent visit to San Francisco realized the necessity for it, and upon his own motion wrote me a strong letter in which he said it was absolutely essential, or words to that effect, that this building be put up for the honor of the people of the United States.

As far as the directors of the exposition company are concerned, they, as the hosts of the Nation, are going to put up the most magnificent exposition that the world has ever seen. Every American citizen will take pride in it. Every Member of Congress will be proud of what the people of California have done for this Government in planning and executing this superb exposition. The gentleman from Kansas [Mr. MURDOCK] stated how the people of San Francisco were stricken eight years ago. Their undaunted courage in rehabilitating their city has gained for them the admiration of mankind. But, sir, only two years ago a killing frost in one night destroyed practically the entire citrus fruit crop of the State of California, valued at approximately $30,000,000. It was a terrific blow to our citizens. Yet the people of that State have gone into their pockets and have put up over $30,000,000, or will have put it up by the time the exposition doors open, for this undertaking to which the nations of the world have been invited by the President of the United States. No other exposition ever came to Congress for so little as this. St. Louis, in the region in which the gentleman from Kentucky [Mr. SHERLEY] lives, got $11,000,000. Of this sum $4,000,000 was paid back, but the balance was practically an outright gift in aid of the exposition. The city of Chicago got nearly $6,000,000 as an outright gift in aid of the exposition. Yet we have not asked for a dollar and do not intend to ask for a dollar in aid of the exposition itself. What has been asked for has been asked simply because conditions compelled it. If we could have looked into the future, if we could have foreseen the attitude of European nations, we probably never would have made the statements we did. But we made them. We made a mistake, because we could not foresee the future. We did it honestly, we did it sincerely; we are but human, and it is only human to err. But as American citizens you are interested in the success and the excellence of this exposition just as much as we are. I certainly hope that Congress in its wisdom will vote for this building, which is so earnestly needed. [Applause.]

Mr. SHERLEY. Mr. Speaker, the gentleman from California [Mr. KAHN] concludes his eloquent remarks with the statement that San Francisco will never ask anything for aid of the exposition itself. A few years ago that statement would have convinced me that the future would warrant the statement, but unfortunately I recall that the gentleman from California [Mr. KAHN] was even more emphatic and equally eloquent in his promise that they would never ask a cent even for a Government exhibit or any building for that Government exhibit. Why, the gentleman's enthusiasm carried him so far that he said a Government exhibit did not amount to much, anyway.

Mr. KAHN. I thought so.

Mr. SHERLEY. I will put into the RECORD the language of the gentleman.

Mr. KAHN. I said that.

Mr. SHERLEY. The gentleman said that we had gone so far with Government exhibits that there was nothing new in them, that they would go into every State in the Union and get State exhibits; that they were raising their own money and did not want any of Uncle Sam's money. The trouble then was that they were faced with a contest that they thought they were going to lose, and which they would have lost if they had not gotten a new hold and have come here with that promise. It was not definite enough originally to suit them, and they had a subsequent hearing, and then they made it ironclad. Now, I believe in men keeping their word. I believe in communities keeping their word. I believe in States keeping their word; and if we are ever to stop the abuse of obtaining money from the Government under false pretenses we have got to do it now. [Applause.]

If I let my personal feelings for individual members of the California delegation control me here, then I might vote in the affirmative and have the pleasing reflection that I had done something that was pleasing to them.

I say to you now that the very recital of the instances of St. Louis and Chicago shows that we have got to stop now if we are ever to get done with this proposition of helping along every community that wants to have an exposition. The gentleman from California [Mr. KAHN] undertakes to say that because St. Louis got it—in his kindness he adds "St. Louis, near the gentleman's district"—therefore California ought to receive Government aid, and the statement is made here that if this building is not given the Government is going to be disgraced. Why, in point of fact, the exhibit at the San Francisco exposition by the Federal Government will be the best that has ever been made by the Federal Government. I make that statement on the authority of the men who are preparing this ex-

$500,000 for exposition purposes will either be not good enough for the exposition or it will be too good for a barracks. If the United States wants permanent barracks, let us build them; but let us not deceive ourselves or be deceived by the pretense that this is not a plain proposition to do what we were told we never would be asked to do, and a repudiation of the pledge which caused many of us originally to vote in favor of San Francisco.

The SPEAKER pro tempore. The gentleman has used four minutes.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, when this matter was originally before the House I voted for New Orleans. There is no question here, it seems to me, involving the gentlemen from California. This is not a request upon their part, nor does it come from the city of San Francisco or the State of California. In 1911, Mr. Speaker, we passed a resolution authorizing the President of the United States to invite foreign nations to participate in that exposition. We thereby committed ourselves to this project, say what we please about it. These foreign nations are to take part; they are constructing their buildings, and it would be a reflection on the honor of this Government if we did not make some sort of exposition of our Government affairs and resources at that place.

The gentleman from Massachusetts [Mr. GILLETT] says it is a mere subterfuge. I can not believe that the Secretary of War would make himself a party to a subterfuge. He has gone before the committee and has stated that in the course of a very short time, at best, we will be forced to erect barracks on the Presidio; that the present buildings are nothing more than soup houses; that a building can be erected for this purpose; and that the only loss to the Government would be the use of the building during this exposition.

Now, Mr. Speaker, the Secretary of State and the President of the United States have asked Congress to make a fit appropriation commensurate with the dignity of this Government and the great event to be celebrated at that exposition. It is not any sharp practice, it is not a question of deceit, and I am amazed that gentlemen stand upon this floor and attack Representatives from the State of California who do not ask it for themselves or for their people, but it comes as a request of the President, the Secretary of State, and the Secretary of War, and we ought to grant it in order to preserve our honor among the nations of the earth. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I am opposed to this appropriation. If I am able to determine the nature of a contract, the State of California, two or three years ago, when they were seeking to get this exposition, made a solemn contract with the Government of the United States, and that contract was that if you would give the exposition to the city of San Francisco the time would never come when they would ask the Government of the United States for one dollar. You can not twist the English language to mean anything else. That was the bold, bald, emphatic statement made by what I supposed then and suppose now to be the accredited spokesmen for the State of California, and the entire West, where they wanted this exposition held. On the strength of that statement, in my mind and my judgment there is not a shadow of doubt but that the resolution was carried. You can call this thing what you will, but it is an adjunct of the exposition. That is all it is and that is all it is intended for. And after having come upon the floor of the House, in a strenuous fight led by the gentleman from California [Mr. KAHN], to hold this exposition at San Francisco, with Mr. Rodenberg, of Illinois, leading the fight for New Orleans, finally sufficient votes were secured upon these promises to hold that exposition at San Francisco. Now, does this later request come with very good grace? I do not criticize anybody, but I put it squarely to the gentleman from California if it comes with very good grace to appear before the Congress of the United States, after having made the statement that you never would take a dollar, and after receiving $800,000, that you first said you would never ask for, and request this appropriation of $500,000 more? I do not believe it does; and I do not think this amendment ought to carry. It ought to be overwhelmingly defeated in order to teach people to stand up to their contracts.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. RAKER. Mr. Speaker and gentlemen, it seems to me the question of what was said in the debate when the original resolution was passed ought not to be considered now. I think everybody recognizes and realizes that at present that resolution, so far as the vote was concerned, stands where it was thought it was going to be before all the pulling of eagle feathers occurred on the floor of the House. There is not the slightest doubt in the world that any statement made by any Member of the delegation from California did not have relation or refer to the Government itself participating in this exposition. Here is the question of a building to be erected for the War Department on Government land to be used only for a few months by the exposition for the purpose, not of the exposition, not for California, not for San Francisco, but for the United States Government, that it may exemplify the kind and character of this Government. Our history—

Mr. BARNHART. Will the gentleman yield?

Mr. RAKER. In just a moment. It is to be erected so that it may exemplify the principles on which this Government was founded, the Declaration of Independence, and all those things that relate to it; that they might be placed there in this exposition, and, in addition to that, exhibits showing our material advancement, so that civilized peoples of the world may come to the Government building and see what has been done by the United States.

The Committee on Industrial Arts and Expositions had under consideration a similar bill to the provisions now under consideration in this bill.

The bill was prepared in conference with Secretary Bryan, of the State Department, and Secretary Garrison, of the War Department, and meets with their approval, and the same was sent to the committee by the two Secretaries. The Committee on Industrial Arts and Expositions reported favorably on the bill H. R. 16327, which is as follows:

A bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition.

Be it enacted, etc., That in order to enable the said Government Exhibit Board created by the sundry civil appropriation act approved June 23, 1913, properly to install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition the Secretary of War is hereby authorized to erect, by contract or otherwise, a suitable building in that part of the reservation of the United States known as the Presidio, at a cost not to exceed $500,000, in which to install, display, and safeguard the said exhibits of the Government of the United States: *Provided, however*, That the said building shall be so planned and of such permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design as shall be approved by the Secretary of State and the Secretary of War.

The provisions of the present bill are as follows:

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign Governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

The provisions contained in the act entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914," which provides for the participation of the United States in the Panama-Pacific International Exposition, be amended as follows: Under the head of "To provide for the participation of the United States in the Panama-Pacific International Exposition," the paragraph on page 81, which reads as follows: "The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission," and insert in lieu thereof the following: "The President of the United States is authorized to detail two civilian officers or employees from the executive departments, also one to be appointed from civil life, as members of the commission which is hereby constituted as the national exposition commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the commissioner appointed from civil life to receive a salary at the rate of $5,000 per annum until the exposition closes. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu

of subsistence while on duty in San Francisco. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerk hire and actual expenses of said commission."

The objects and purposes of the bill reported by the House Committee on Industrial Arts and Expositions has for its object the same purpose as this amendment. This amendment is more extensive and in detail, and gives some additional legislation. A year ago an appropriation of $500,000 for the preparation of a Government exhibit at this exposition was made, and ever since that time the work of preparing such an exhibit has been going on under the auspices of the officials designated by the President. That the United States should make a suitable exhibit is self-evident. This country has extended an invitation to foreign powers to participate in this world exposition, and being the host of all foreign countries and all foreigners who bring to this land their wares, arts, and methods of education, and of all who may attend the exposition, therefore it is certainly incumbent upon the United States to do its part.

On April 2, 1914, President Wilson sent a message to the Congress, transmitting the statement of the Secretary of State recommending an appropriation for the erection of a building on the Presidio grounds in which to install the Government exhibit at the Panama-Pacific International Exposition. The message of the President and the statement of Mr. Bryan, the Secretary of State, are as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As notified under the Secretary of State, many of the Governments, officially invited guests by the United States to participate in the exposition, are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

The PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition, and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation, five have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses and it should be constructed with that end in view.

The sum of $500,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted,

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

A building of the character contemplated by this amendment ought to be erected at the Panama-Pacific International Exposition. Twenty-seven foreign Governments have accepted the invitation of the President to participate in this exposition. Each of these Governments will construct a building for the housing of its exhibits. The Government of the United States being the host at this exposition, it is eminently proper that the United States should also have a building wherein its exhibits can be displayed to the best possible advantage. Unless a building such as is contemplated by this amendment is constructed the exhibits of the United States Government will be scattered through many buildings, and the very object and purpose of assembling the Government exhibit so that it may be an object lesson to our visitors from abroad, as well as to the citizens from all over the United States, will not be attained.

At the exhibitions that have been held heretofore the Government display has invariably been one of the chief attractions. The exhibit contemplated by the commission authorized by the sundry civil appropriation act of June 23, 1913, will be the most comprehensive and instructive that has ever been displayed by the United States at any exposition. The Government exhibit should not be scattered through a half dozen buildings. It would be very unfortunate if they had to be thus scattered. The people of the United States should be able to see and view the many attractions in which the Government is engaged, and those attractions and works should be exhibited at one place and under one building and in the most comprehensive and instructive manner. They can be arrayed to a much better advantage when grouped together in one building. Otherwise many of them will be lost sight of by a large number of the visitors, and one of the chief objects and purposes of the Government exhibit will be destroyed.

Nearly all of the States of the Union have accepted an invitation to participate, and will construct their own buildings to house their exhibits and provide places of assembly for the people of the various States. This will be in addition to the exhibits of foreign Governments.

The building contemplated by this amendment will be of a permanent character and will be so constructed that it can be used by the War Department when the exposition is over. It will be placed on the Government property on what is known as the Presidio. The Secretary of War, in speaking of the construction of this building when he appeared before the Committee on Industrial Arts and Expositions of the House pointed out that he believed a proper building for exposition purposes could be so constructed that after the close of the exposition it would be easily and inexpensively converted into a barracks. His statement before the committee of the House, in part, is as follows:

Mr. Chairman and gentlemen of the committee, when I was out at San Francisco on an inspection tour this summer, I found that while some of our buildings at the Presidio were in good condition and were suitable for the purpose for which they were being used, there was a great number of buildings there, which we had to use under the circumstances, which were entirely unfit. Many of them had been temporarily erected at the time of the Philippine troubles, when we were having great numbers of troops, and since that time they have been patched up and kept in use, but they are really not such buildings as should be used for housing troops or for other governmental purposes.

They endeavored to enlist me—and very properly—in an attempt to have the Presidio present an appearance to the visitors who would come to the exposition which would be a credit to the military branch of the Government, and, of course, to the Government itself. I told them that I did not feel justified in asking for a direct appropriation in the Army bill, except for enough money to put into such shape as we could the existing buildings and to fix up the offices and other things that would necessarily have to be used. I therefore asked for no extra appropriation for this purpose in the Army bill and none was granted. Out of what was granted, such an allotment was made, under due administrative procedure, as was thought proper by the Quartermaster General, and that will be placed at the disposal of the commander of that department and will be utilized to paint these old buildings and repair them where they have gone into disrepair, and generally make the Presidio as presentable as possible.

The question was then taken up about the necessity, from the standpoint of those who had the interests of the Government at heart, of a building specifically to house the Government exhibits. I told them I had no concern with that, except as an intellectual concern—none as an official—and if they could get the department of the Government that was concerned to recommend it I would take such interest in it as was proper. They said if they could get the Department of State and the President interested and show them the desirability of the United States Government doing that which, I think, 26 or 27 other Governments were doing, namely, have a building of their own, they would arrange to put this building on the Presidio and erect it under our supervision and make it so that we could convert it into some useful Army purpose. If they can be so built as to be changed into barracks, it would be of immense advantage to the Government, and really would be no loss whatever. Its use during the period of the exposition would be the only loss to the War Department.

It is absolutely necessary sometime to erect barracks there for one regiment, because they are now living in most curious buildings. They look like soup kitchens temporarily turned into living apartments. They are long, low frame buildings, built of cheap lumber, and I think it is only the splendid climate that enable them to stand as long as they have. I do not think in our climate here they would have stood so long. They are technically called cantonments, because they are all in long rows.

Mr. HAMLIN. You spoke of "them" making certain recommendations. To whom do you refer?

Secretary GARRISON. I refer to the officials of the Panama-Pacific International Exposition—the president, Mr. Moore, and I do not recall the name of the other gentleman—who particularly enlisted my attention.

tional Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

some kind of concrete, and housing just as many men as can be housed under the one roof, because that saves in utility and upkeep.

Department, at a small cost, will have suitable accommodations for the Army at the Presidio Military Reservation.

Nearly all of the foreign Governments, with the exception of England and Germany, have accepted our invitation to participate at the Panama-Pacific International Exposition, for the purpose of celebrating the completion of the Panama Canal, and in every instance have made an appropriation, not alone for an exhibit but for an appropriate building characteristic of the country itself and its arts and industries, and also to house the exhibits of its citizens.

Over 30 States of this Union have accepted the invitation to participate; have selected their sites; made appropriations for suitable buildings, which are now in course of construction.

Why should we, as a nation, when we invite the world to participate, hesitate about making an appropriation for a suitable building in which to house our exhibit so that Americans generally when they visit the exposition might take pride in their own participation?

The President of the United States and the Secretary of State, realizing that this Nation should be suitably represented, have asked Congress in this instance to act. Notwithstanding the statements of some of the gentlemen on the floor that promises were made that no appropriations should be asked for, the Chief Executive, understanding the situation, has given his approval to the proposition now before the House.

The military reservation of San Francisco will derive benefits in the way of permanent improvements that will save this Government hundreds of thousands of dollars, not alone in the filling in of lands, the estimated cost of which was $300,000, but in the permanent beautification of the grounds in the matter of parks, flower beds, beautiful trees, and well-built roads. All these improvements will be permanent and remain the property of the Government after the exposition closes.

It should be borne in mind that this is not the usual exposition appropriation for a temporary building which will be torn down, but has for its purpose a building of a permanent character, under the control and direction of the Secretary of War, that will be used for military purposes.

The Government of the United States should lead the way for the other nations of the earth, and it would have been a great stimulus to this exposition if this course had been followed. Our action up to date has proven more harmful than helpful to the success of the exposition. It has resulted in other nations being slow to take part, and in at least one instance has resulted in one of the nations refusing to participate at all.

These discussions on the floor of the House are not helpful, and instead of boosting this great exposition will do a great deal of harm. I trust that at this late day the House of Representatives will make up for whatever negligence we might have shown in the past by adopting the motion of my colleague [Mr. KAHN] to concur in the Senate amendment and provide for this permanent building, which shall be used during the exposition period to house the Government exhibit.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. J. I. NOLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I shall vote for this appropriation, but I take occasion now to call the attention of the House to the fact that in addition to a glorious climate and a few native sons, California produces the best bunch of liars that I ever knew. I say this, of course, in an impersonal sense. I happened to be a Member of the House in 1911, when the contest waged between my city of New Orleans and San Francisco took place, and I recall with distinctness the iteration and reiteration of the fact that California and San Francisco were quite self-sufficient, that they needed no Government aid and they wanted no Government aid, and that neither at that time nor at any future time would they ask for Government aid. Yet, Mr. Speaker, the fact remains that up to the present time $800,000 have been appropriated by the Federal Government to assist in this fair, and now $500,000 more are asked, making, in all, $1,300,000. When we from Louisiana came here with a naked, plain, straight-out proposition, saying that we wanted $1,000,000, we were told by gentlemen who voted for San Francisco that they were voting for San Francisco because no Government appropriation would be asked for or accepted, and yet these gentlemen from California are here exceeding our request made three years ago by $300,000.

I can well believe, Mr. Speaker, that the two great universities on the Pacific slope—Berkeley and Palo Alto—have created a chair for the special purpose of promoting the gentle art of mendacity.

I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman from Louisiana yields back two minutes.

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I was a member of the Committee on Industrial Arts and Expositions at the time San Francisco was selected as the place to hold the exposition to commemorate the opening of the Panama Canal. It is true that the representatives of San Francisco made a proposal to Congress and to that committee which did not contemplate that there should be a Government exhibit or a building. That was not a part of their proposition. Their proposition was simply that when the President should be satisfied that a corporation under the laws of the State of California had been organized and had $15,000,000 at its disposal for the purpose of inaugurating and carrying on an exposition for this purpose, then an invitation to all of the nations and peoples of the world should be extended to come and participate in the exposition.

The proposition of New Orleans was that the United States Government should inaugurate the exposition and should contribute $1,000,000 as provided in that bill. I should have voted for San Francisco even if their bill had carried a provision for a Government exhibit. I want to correct the gentleman from Louisiana [Mr. DUPRÉ]. I do not think it is fair to say that the representatives from San Francisco and California have been guilty of mendacity in this matter. If you examine the hearings before the committee at the time these representations were made, you will observe that they said they did not ask and would not ask that the Government of the United States should either have a Government exhibit there or a Government building for that exhibit. They did not say, and it was brought out in the discussion that they would oppose the Government having an exhibit or a building, and, in fact, some one, I think, made the remark during those hearings that the Government of the United States could not very well honorably abstain from having an exhibit at an exposition to participate in which they invited all of the other nations of the world. That was in 1911. We passed the resolution that San Francisco proposed, and afterwards, two years later, the Committee on Industrial Arts and Expositions brought in a bill to provide for an expensive commission, as the gentleman from New York has said, and for a $2,000,000 appropriation, to aid in carrying on the exposition. I opposed that most strenuously, because I thought it was a violation of the spirit of the proposal made by San Francisco, and it was not necessary. However, there was nothing in what San Francisco did or said or promised which prevented the United States Government from having an exhibit there if they wanted to. This is an industrial exposition.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. SHERLEY. Does the gentleman not recall that in his previous speech he quoted Mr. Scott, the head of the exposition company, as saying that he would not take the exhibit?

Mr. STEENERSON. I know what I said.

Mr. SHERLEY. He would not take it if they gave it to him.

Mr. STEENERSON. Mr. Speaker, they could not prevent the Government of the United States from exhibiting at an exposition. We must remember that the United States Government, in addition to its regular Government work, is one of the greatest industrial institutions in the world, carrying on forestry and irrigation; we are making cannon and ammunition and carrying on factories in almost every line of industry, and this being an exposition of an industrial character, it is appropriate that the United States should take part in it and have an exhibit. Two years after the proposal of San Francisco was made, the United States Congress, whether with or without the request of San Francisco, or California, appropriated for a Government exhibit. Congress had the right to provide for a Government exhibit, and did so in the sundry civil bill a year ago. I do not think much weight should be given to the argument that San Francisco promised not to ask for a Government exhibit. That fact should not and did not prevent us from having one, if we saw fit to do so. Manifestly, Congress thought that it would not be proper to be unrepresented at an exposition to which it invited other nations and which was to commemorate one of the greatest events in history, a triumph of peace and industry and not of war. Over a year ago provision for a suitable Government exhibit was made.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield again?

Mr. STEENERSON. No; I decline to yield now.

The question now comes up on the conference report on the sundry civil appropriation bill, which contains an item appropriating $500,000 for the construction of buildings at the Presidio in San Francisco which can be used temporarily for the housing of the Government exhibit and afterwards permanently as barracks and buildings suitable for that military post.

I am advised that the Secretary of War strongly favors the proposition, that the present buildings used for the troops are in poor condition and would have to be discarded within a year or two, anyway, and that by a comparatively very slight expense the buildings proposed to be built could be made to suit the purposes of the War Department after the exposition is ended.

Although, as I have stated, I opposed the $2,000,000 appropriation, I shall vote in favor of the present item. As the event we are to celebrate—the completion of the Panama Canal—draws near, it is natural that we should all feel a just pride in the great achievement. It is an event that swells the heart of every patriotic citizen. It is an event that fills with enthusiasm every friend of civilization throughout the whole world. The interest of the people of the world is constantly growing. I am advised that applications for space at the Panama-Pacific Exposition at San Francisco are so numerous that it will be impossible to fill them, only in part. When we made the appropriation a year ago for the Government exhibit we provided that suitable buildings for the housing of all said exhibits shall be provided by the Panama-Pacific International Exposition Co. without expense of any kind to the Government of the United States, and that company, I am informed, is ready and willing to provide the buildings, but that if the Government would provide these buildings in the manner indicated it would give them much more space for other exhibits and would aid greatly in making the exposition even a greater success than it otherwise would be. I think, therefore, that as reasonable men we ought to take into consideration and account the changed situation, the changed circumstances. In view of these circumstances it seems to me we ought to favor this item and appropriate this additional $500,000 for the erection of these buildings, which may be used by the exposition for the Government exhibit and afterwards as permanent structures for the War Department. I believe thoroughly in holding people to their word, especially in the matter of expositions, for our experiences in the past have not always been satisfactory; but I do not think it fair to accuse the people of San Francisco of bad faith. The Chief Executive recommended Government participation. This proposition for a building comes favorably recommended by the State Department. The committee, through a sense of fitness of things, brings forward this measure of their own accord, and it seems to me under all the circumstances that we can well afford to support the modest appropriation for these buildings which will in the course of time be of permanent use to the Government. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, the people of the United States are beginning to regard the Congress somewhat in the light of gypsy horse traders, and twice in my experience here I have myself been cheated. A number of years ago we increased the salary of the President of the United States to $75,000 a year on the positive assurance of the gentlemen who were back of the proposition that that would cover mileage, salary, and all, as was then being expended as salary and mileage. In the next Congress the same gentlemen who insisted the presidential salary bill meant a total of $75,000 brought in another bill providing for $25,000 for mileage for the President. I voted for the $75,000 proposition and got flimmed. Some years later the gentlemen from California proposed that the Panama exposition be sent to San Francisco, and with much eloquence and with forceful assurance, to me at least, they captured the exposition for San Francisco largely on the theory that San Francisco was going to pay all the expense. I voted for San Francisco under those conditions, and now in another Congress we are told that we are not responsible for what promises were made in other Congresses, but I assure you, Mr. Speaker, that the people of the United States most certainly remember those promises, and we certainly ought to keep faith with the same. I believe the proposition ought to be voted down.

Mr. KAHN. Mr. Speaker, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I have never been overenthusiastic in the matter of international expositions, and I will suffer no particular sorrow when the custom of holding these expositions passes. But I remember that I was moved once before sentimentally in this body on account of San Francisco, and I am willing to be moved in that splendid city's behalf in the same way to-day. It is a little less than 10 years ago that San Francisco was stricken by an earthquake——

Mr. KAHN. Less than eight years ago.

Mr. MURDOCK. Less than eight years ago—a disaster which appealed to the sympathy of the Nation and met immediate response in Congress. San Francisco has done a wonderful thing since, a thing which is not paralleled in the history of the world, in building itself up a greater, finer, better city than before. The exposition is to be a crowning achievement. The men who came here at the time of the contest between the two cities which sought the exposition and made promises that they would not ask for governmental aid did a foolish thing. So far as I am concerned they did not deceive me. Despite their promises I knew the request for aid would come, and I am willing to vote to-day for the Government to build a structure there worthy of the Government, and for this further reason—I have read in the last six or eight months repeatedly in the cable dispatches instances where foreign Governments asked to make exhibits are hanging back. The Panama Exposition at San Francisco consequently has had, within the knowledge of everyone here, a hard row to hoe. Now, we can not expect other Governments to appropriate money to take part in that exposition if we as a Government hang back ourselves. Certainly the event of opening the canal is one worthy of a fitting celebration, and this Government ought not to stint the exposition so far as it is concerned. This appropriation, in my opinion, ought to be made regardless of promises which have been made by the officials of that exposition in the past.

Mr. FALCONER. Will the gentleman yield?

Mr. MURDOCK. I will.

Mr. FALCONER. Does the gentleman figure that a provision for a permanent building that the Government needs there is in any way in conflict with the promises made by the delegation from California several years ago?

Mr. MURDOCK. Well, I should say yes, but regardless of the promises, this Government ought to erect a suitable building at San Francisco. Now, I have quite a record in Congress on expositions. I voted under protest for the $4,000,000 as a loan to St. Louis, and my protest was based on the fear that St. Louis would never pay the money back. St. Louis did pay the money back and if I had to vote on the proposition over again I should again cast my vote for St. Louis, and that without hesitation. We ought not to be too hard in our terms in a matter in which the whole Nation is concerned before the world. I believe this appropriation should be passed.

Mr. FITZGERALD. Mr. Speaker, this progressiveness is shocking. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, my vote in favor of San Francisco as against New Orleans was secured by the promise of the representatives from California that they never would ask or accept a dollar from the United States, a promise not made vaguely, but made definitely, precisely, and it has been quoted here by the chairman of the Committee on Appropriations [Mr. FITZGERALD]. Now, to have such a proposition as this come before the House makes me feel as if I had been defrauded and my vote had been secured by false pretenses and I certainly can not participate in that fraud. I am not disposed to criticise or feel harshly toward the Representatives from California here. I appreciate their delicate position. I appreciate that they must consider public sentiment at home and, therefore, as I say, I feel leniently toward them. I feel they are in a different position from the rest of us, that they have to represent their people, and are advocates and not judges, but I think all the rest of this House, everybody who sits in a judicial capacity and who votes as he thinks is right, stultifies himself if he votes for a proposition like this.

They said they would not ask for a dollar. They have already had $800,000, and now they are asking for $500,000 more. And the argument of my friend from Minnesota [Mr. STEENERSON], it seems to me, was so specious that I do not see how he could even deceive himself. The United States, of course, can offer this appropriation, but we all know the initiative and pressure brought upon the House for every one of these appropriations was from California, and it was not any voluntary offer of the United States to do it. And therefore, after the promises so specifically made, it seems to me that it is shameful and shameless for California now to ask this contribution.

The proposition that the building is for a barracks is obviously a mere subterfuge and evasion. A building costing

In accordance with these suggestions I was directed by the committee to confer with Secretary Bryan and Secretary Garrison, and two hearings were held upon the proposed bill, which was duly introduced into the House and is now upon the calendar.

A large part of the Panama-Pacific Exposition is to be located upon the Presidio, a Government reservation where the military department of the Pacific is at present located. Ever since the war in the Philippines it has been found necessary by the War Department to make this military department at San Francisco the largest and possibly the most important in the United States. The buildings for that purpose are inadequate, and it was through the cooperation of the Secretaries of State and War that the idea was suggested that a suitable building could be provided by the United States in which to house its exhibit at the Panama-Pacific Exposition, and yet the building be so constructed as to make it available for the purposes of the Department of War after the close of the exposition.

Secretary Garrison, when he appeared before the Committee on Industrial Arts and Expositions, emphasized the necessity of more accommodations for the military arm of the Government at the Presidio. He stated that at present the buildings occupied by part of the soldiers were little better than shacks, and except for the favorable climate Congress would have been called upon to provide appropriations for permanent buildings on the Presidio long ago.

The attention of the committee was called to the number of foreign Governments that had accepted invitations to make an exhibit on this occasion. A majority of the States will have buildings commensurate with their importance, and altogether an estimate of $50,000,000 is made as the amount that will be invested in the great exposition of 1915. This country should not be guilty of parsimony in a great enterprise of this kind. The richest country in the world should be properly represented at what is expected to be the greatest exposition of modern times. [Applause.]

In view of the fact that the bill reported by the Committee on Industrial Arts and Expositions has not been reached upon the calendar, I append the bill reported from the Committee on Industrial Arts and Expositions and the report on same:

A bill (H. R. 16327) to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition.

Be it enacted, etc., That in order to enable the said Government Exhibit Board created by the sundry civil appropriation act approved June 23, 1913, properly to install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific Exposition the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the erection in that part of the reservation of the United States known as the Presidio, which may be used in connection with the said Panama-Pacific International Exposition, of a suitable building in which to install, display, and safeguard the said exhibits of the Government of the United States: *Provided, however*, That the said building shall be so planned and of such permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design as shall be approved by the Secretary of State and the Secretary of War: *And provided further*, That the said building shall be erected under authority of the Secretary of War, by contract or otherwise, as he may direct.

[House Report No. 686, Sixty-third Congress, second session.]

GOVERNMENT BUILDING, PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Mr. UNDERHILL, from the Committee on Industrial Arts and Expositions, submitted the following report, to accompany H. R. 16327:

The Committee on Industrial Arts and Expositions, having had under consideration a bill to provide an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition, report the same with the recommendation that it do pass with the following amendments:

On page 1, line 7, after the word "Pacific," insert the word "International."

On page 1, line 8, after the letters "tion," strike out all the rest of the line and lines 9, 10, 11, 12, and 13 to and including the word "of" and insert in lieu thereof the words, "the Secretary of War is hereby authorized to erect by contract or otherwise."

On page 2, line 1, after the letters "ing," insert the following: "in that part of the reservation of the United States known as the Presidio, at a cost not to exceed $500,000."

On page 2, line 8, after the word "War," strike out the rest of the line and all of lines 9 and 10.

Amend the title so that it will read, "A bill to authorize the Secretary of War to erect a building within which to install a Government exhibit at the Panama-Pacific International Exposition, and for other purposes."

On April 2, 1914, the President of the United States sent a message to the Congress, transmitting the statement of the Secretary of State, recommending an appropriation for the erection of a building within which to install a Government exhibit at the Panama-Pacific International Exposition. The message of the President and the statement of the Secretary of State are as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erection of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

The PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation, few have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses and it should be constructed with that end in view.

The sum of $500,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

Your committee is satisfied that a building of the character contemplated by this legislation ought to be erected at the Panama-Pacific International Exposition. Twenty-six or twenty-seven foreign Governments have accepted the invitation of the President of the United States to participate at said exposition. Each of these Governments will construct a building for the housing of its exhibits. As the Government of the United States is the host at this exposition, it is but fitting and proper that our Government should also have a building wherein its exhibits can be displayed to the best possible advantage. Unless a building such as is contemplated by this bill is constructed, the exhibits of the United States Government will be scattered through a number of buildings and the very purpose of assembling the Government exhibit so that it may be an object lesson to the citizens of the United States as well as visitors from abroad will be destroyed. In expositions that have been held heretofore, the Government display has invariably been one of the main attractions. Your committee has been informed that the exhibit contemplated by the commission authorized by the sundry civil appropriation act of June 23, 1913, will be the most comprehensive and instructive that has ever been assembled. It would be a pity to scatter it through half a dozen or more buildings. The citizens of the Republic ought to know the many activities in which the Government is engaged and those activities ought to be exhibited in the most comprehensive and instructive manner. We feel that they can be shown to much better advantage under one roof in a building such as is contemplated by this bill, as otherwise many of them will be lost sight of by a large part of the visitors and the very purposes of a Government exhibit will be destroyed.

In addition to these foreign Governments nearly all of the States of the Union have accepted the invitation to be represented and will put up their own buildings to house their exhibits and provide places of assembly for the citizens of the various Commonwealths.

The building contemplated by this legislation will be of a permanent character and will be so constructed that it can be used by the War Department when the exposition is over. The Secretary of War appeared before your committee and pointed out that he believed a proper building for exhibition purposes could be so constructed that after the close of the exposition it could be converted into a barracks. He pointed out that it is absolutely necessary to erect barracks at San Francisco for one regiment, because the troops there are now living in most curious buildings that look like soup kitchens temporarily turned into living apartments. He called attention to the fact that they are long, low-framed buildings, built of cheap lumber, and that if it were not for the splendid climate of California they would probably not have been able to stand as long as they have. He said frankly that in the climate of the eastern section of this country they would not have stood so long. The Secretary of War further stated that it will be impossible to go on for many more years without erecting a barracks for infantry at the Presidio; that it has been the policy of the department in recent years to put up one substantial building, mostly of some kind of concrete, and housing just as many men as can be housed under the one roof, because that saves in utility and upkeep.

In view of the fact that the buildings that are used at present for barracks by the enlisted men of the Army in the Presidio are entirely inadequate for the purposes for which they are being used, and believing that the construction of the building authorized by this bill will serve a useful and permanent purpose, and in further view of the fact that the legislation is recommended by the President of the United States, the Secretary of State, and the War Department, your committee feels that the building should be authorized by the House of Representatives.

Mr. FITZGERALD. Mr. Speaker, I ask to be notified when I have used five minutes.

The SPEAKER pro tempore (Mr. HAY). The Chair will notify the gentleman.

Mr. FITZGERALD. Mr. Speaker, when it was proposed to hold an exposition to commemorate the opening of the Panama Canal, two cities in the United States competed for the opportunity to hold the exposition, San Francisco and New Orleans. New Orleans asked that $1,000,000 be appropriated for an exhibit and for buildings for a Government exhibit. San Francisco pledged itself that it would not ask a dollar from the Federal Government for a building or for an exhibit. On January 31, 1911, when the question was before the House as to whether San Francisco or New Orleans should be selected, Mr. KAHN said:

California did not propose at any time to come to the Congress for a single dollar of appropriation for this exposition. The legislature of our State on the 23d of January last unanimously passed a joint resolution pledging the honor of the people of California never to ask for a single dollar in aid of this international exposition, and the people of California keep their faith.

I was one of the Members of this House who voted for San Francisco upon the strength of those pledges. Subsequently the House had a bill before it to appropriate $2,000,000 urged by the people of California for a governmental exhibit for buildings and for an elaborate commission. That bill was defeated in this House. Later the Senate incorporated in the sundry civil bill an item appropriating $1,500,000 for a Government exhibit for buildings and a commission. The House voted on three separate propositions—to give $1,000,000, to give $750,000, and to give $500,000. It voted down the first two propositions, but voted to appropriate $500,000 for a Government exhibit, providing a board to consist of officials of the Government to be detailed for that purpose, eliminating all paid commissioners, and providing in the law that the exposition company should furnish the necessary building or buildings to house the Government exhibit. The board created under that act has been appointed. It has been at work, has planned and designed the Government exhibits, the space has been allotted for them in various buildings, and these exhibits are being prepared to be sent when the time comes for the exhibition in San Francisco.

The Senate has incorporated in this bill an amendment providing $500,000 for a building, which can not be constructed in time to house the exhibits for the opening of the fair, on the pretense that a building suitable for military purposes on the Presidio will be suitable for exhibition purposes. It also provides for the appointment of a commissioner from civil life, at a compensation of $5,000 a year, and that $50,000 of the $500,000 shall be available for the entertainment of distinguished persons who are to visit the fair. Although California promised never to ask for a dollar, pledged its sacred honor by resolution of the legislature, by promises of Representatives on the floor of this House, they have obtained $500,000 for Government exhibits, $104,000 for the entertainment of officers of visiting fleets at Hampton Roads, Panama, and San Francisco, $200,000 for United States customs and other officials at the fair, and having thus already obtained $800,000 in appropriations, it now has the effrontery to try and induce Congress to appropriate $500,000 more.

I voted for San Francisco as a place to hold the exposition in good faith, and replied upon the statements made. I believe that we should compel the people interested to live up to their pledges. There is no excuse for appropriating this $500,000. A building that will be suitable for exhibition purposes will be ridiculous and useless as barracks and quarters for troops. This building, if erected, unless it is to be a permanent exhibition building, will have to be destroyed. It will not be suitable for the exposition and also for the Army. It seems to me, in view of the records that have been made, in view of the promises that have been made, in view of the assurances, in view of the action Congress has taken, this Democratic House should not be induced by any specious plea to do anything to relieve the exposition company of its obligations, and appropriate this money. I hope the House will refuse to appropriate the $500,000. [Applause.]

Mr. KAHN. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, the chairman of the Committee on Appropriations has called the attention of the House to the fact that certain pledges were made at the time Congress adopted the resolution that carried with it the official indorsement of the Government of the United States to the city of San Francisco to hold the Panama-Pacific Exposition to commemorate the completion of the Panama Canal. The city of San Francisco and the State of California made the pledges in good faith. Many things have happened in that State, as they have all over the country, since that time over which the people in California and San Francisco have had no control. Our people intended as far as they were able to carry out their pledges, and have done so.

In the case of permanent buildings the exposition had to forego a number of the permanent buildings contemplated at the time this exposition was first put under way that were intended for the permanent use of the citizens of San Francisco after the exposition closed. Every way in which the company could economize has been taken advantage of, so that every obligation would be fulfilled. We are asking the Congress of the United States at this time to provide $500,000 for a permanent building, $450,000 to be used for a permanent building and $50,000 for the entertainment of distinguished visitors. The chairman of the Committee on Appropriations states that it is hardly possible to construct a building to house the Government's exhibit that will be suitable for the purposes of the War Department after the exposition closes. I call your attention to the Senate amendment, which provides—

That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War.

It is not within the province of the exposition company to say where it shall be located, what its design shall be, but it is for the Secretary of War to select a location and approve the design for War Department purposes, for barracks and quarters to be used by one of the greatest military reservations the United States has after the exposition closes. This is not the ordinary appropriation for exposition purposes. The building is to be of a permanent character, owned by the United States and placed on the Government reservation.

The Secretary of War will have entire jurisdiction over the location and the plans and designs of that structure. It is not likely that the Secretary of War, after appearing before the Committee on Industrial Arts and Expositions, favoring this appropriation, is going to permit the War Department to be used for an ulterior purpose. It not only has the indorsement of the Secretary of War, but has the indorsement of the Secretary of State, and a special message was sent to this House by the President of the United States favoring this appropriation, and the Committee on Industrial Arts and Expositions has reported that bill favorably, and it is now pending on the calendar. The chairman of the Committee on Appropriations says that space has been allotted for the Government exhibit in different parts of the exposition grounds. Is national pride not to be taken into consideration in this matter? When the people of this country and the people of the world go to visit San Francisco in 1915, is not the Nation in duty bound to provide a suitable place for its exhibit, as well as to provide a suitable exhibit? The exposition company is doing all it possibly can. Conditions have not been of the very best since 1907. When we were about recovering from the disaster of 1906 the panic of 1907 came along, and when we got the official sanction of the Government to hold the exposition we were hopeful that financial and industrial conditions would be so good that the people of the city and State would respond as Californians always do. Unfortunately the opposite has been the case, and the company and the people generally have contributed as generously as present conditions will permit.

Mr. BUTLER. Mr. Speaker, was not public pride just as great when we made the original appropriation as it is now?

Mr. J. I. NOLAN. Yes; but conditions have changed, as I have stated. Otherwise this and other appropriations would not have been asked. In this instance the Government of the United States is asking Congress to act.

Mr. BUTLER. I will ask the gentleman to tell me what those conditions are. I voted for this original proposition with the idea that no money was to be appropriated, and I will probably vote for this, but I would like to know what the change is.

Mr. J. I. NOLAN. The Secretary of War has stated that this building can be used for Government purposes, and it is intended it shall be used for Government purposes, and the plans and designs for that building will be such that the War

[Mr. UNDERWOOD] undertakes to make a comparison between the District of Columbia and the Hot Springs Reservation. There is no real, just basis for such a comparison. But if there was, it would hardly be a good one, because the Government of the United States has rarely got its equal rights when it came to dealing with the citizens of the District of Columbia. I fear that the gentleman from Alabama is qualifying himself for service in that other body, whose chief work is not in the interest of economy; and I ask this body, which is charged with the duty of holding down expenditures—I ask those on this side, who have made some claim to economical tendencies—to hesitate before we agree to lay on the Government the entire cost of an elaborate sewerage system, a system more elaborate than is necessary, even if one is built. I move the previous question, Mr. Speaker.

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves the previous question.

The previous question was ordered.

The SPEAKER. The vote is on the motion of the gentleman from Arkansas [Mr. TAYLOR] to recede and concur.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. WINGO. A division, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands a division. Those in favor of receding and concurring will rise and stand until they are counted. [After counting.] Forty-three gentlemen have arisen in the affirmative. Those opposed will stand until they are counted. [After counting.] Eighty-nine gentlemen have arisen in the negative. On this vote the ayes are 43 and the noes are 89.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point that there is no quorum present. Evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and——

Mr. WINGO. Mr. Speaker, I will withdraw the point of no quorum and demand the yeas and nays.

Mr. MANN. The Speaker has declared that there is no quorum present.

The SPEAKER. That is correct.

Mr. MANN. The gentleman is too slow.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the motion of the gentleman from Arkansas [Mr. TAYLOR] to recede from the House disagreement to Senate amendment numbered 91 and concur therein will, when their names are called, vote yea; those opposed will vote nay.

The question was taken; and there were—yeas 67, nays 170, answered "present" 4, not voting, 192, as follows:

YEAS—67.

Abercrombie	Collier	Hawley	Oldfield
Allen	Curry	Hayden	Park
Ansberry	Deitrick	Heflin	Rainey
Ashbrook	Dent	Johnson, Ky.	Raker
Baker	Difenderfer	Johnson, Wash.	Reed
Bathrick	Driscoll	Kahn	Roberts, Nev.
Bell, Cal.	Evans	Keating	Stephens, Cal.
Blackmon	Fergusson	Kettner	Stout
Broussard	Ferris	Kindel	Taggart
Burgess	Floyd, Ark.	Kinkaid, Nebr.	Taylor, Ark.
Burke, Wis.	Garrett, Tenn.	McKellar	Taylor, Colo.
Burnett	Gittins	MacDonald	Ten Eyck
Campbell	Goeke	Morgan, Okla.	Underwood
Caraway	Goodwin, Ark.	Mulkey	Watkins
Carter	Hardy	Murdock	Williams
Church	Harris	Nolan, J. I.	Wingo
Clark, Fla.	Harrison	O'Hair	

NAYS—170.

Adamson	Claypool	Flood, Va.	Hill
Aiken	Cline	Fordney	Holland
Alexander	Connelly, Kans.	Foster	Howell
Anderson	Conry	Fowler	Hull
Avis	Covington	Francis	Johnson, Utah
Bailey	Cox	French	Kelley, Mich.
Baltz	Cramton	Gard	Kelly, Pa.
Barkley	Cullop	Garner	Kennedy, Iowa
Barnhart	Danforth	Garrett, Tex.	Kent
Bartholdt	Decker	Gillett	Key, Ohio
Barton	Dickinson	Gilmore	Kirkpatrick
Beakes	Dillon	Godwin, N. C.	Konop
Booher	Dixon	Good	Korbly
Borchers	Donovan	Graham, Ill.	La Follette
Britten	Doolittle	Gray	Langley
Brodbeck	Doremus	Green, Iowa	Lee, Ga.
Brumbaugh	Doughton	Greene, Mass.	Lee, Pa.
Bryan	Dupré	Greene, Vt.	Lenroot
Buchanan, Tex.	Edmonds	Hamlin	Lewis, Md.
Burke, S. Dak.	Esch	Haugen	Lieb
Butler	Falson	Hay	Lindbergh
Byrnes, S. C.	Falconer	Helgesen	Lloyd
Byrns, Tenn.	Fitzgerald	Helm	Logue
Carr	FitzHenry	Hensley	Lonergan
McAndrews	Patton, Pa.	Sharp	Talcott, N. Y.
McCoy	Payne	Sherley	Tavenner
McKenzie	Peters, Mass.	Sherwood	Thacher
Madden	Peters, Me.	Sisnott	Towner
Maguire, Nebr.	Peterson	Sisson	Townsend
Mann	Phelan	Sloan	Treadway
Mapes	Platt	Small	Tribble
Mondell	Quin	Smith, Idaho	Tuttle
Montague	Ragsdale	Smith, Minn.	Underhill
Moore	Reilly, Wis.	Smith, N. Y.	Volstead
Morrison	Rogers	Smith, Saml. W.	Walsh
Moss, Ind.	Rouse	Stedman	Watson
Moss, W. Va.	Rubey	Steenerson	Webb
Neely, W. Va.	Rucker	Stephens, Miss.	Whaley
Norton	Russell	Stephens, Tex.	Witherspoon
Oglesby	Scott	Stevens, Minn.	Woodruff
Padgett	Seldomridge	Stevens, N. H.	Young, N. Dak.
Page, N. C.	Sells	Stone	
Palmer	Shackleford	Talbott, Md.	

ANSWERED "PRESENT"—4.

Clancy	Moon	Sims	Slemp

NOT VOTING—192.

Adair	Elder	Jones	Post
Ainey	Estopinal	Keister	Pou
Anthony	Fairchild	Kennedy, Conn.	Powers
Aswell	Farr	Kennedy, R. I.	Prouty
Austin	Fess	Kiess, Pa.	Rauch
Barchfeld	Fields	Kinkead, N. J.	Rayburn
Bartlett	Finley	Kitchin	Reilly, Conn.
Beall, Tex.	Frear	Knowland, J. R.	Riordan
Bell, Ga.	Gallagher	Kreider	Roberts, Mass.
Borland	Gallivan	Lafferty	Rothermel
Bowdle	Gardner	Langham	Ripley
Brockson	George	Lazaro	Sabath
Brown, N. Y.	Gerry	L'Engle	Saunders
Brown, W. Va.	Gill	Lesher	Scully
Browne, Wis.	Glass	Lever	Shreve
Browning	Goldfogle	Levy	Slayden
Bruckner	Gordon	Lewis, Pa.	Smith, J. M. C.
Buchanan, Ill.	Gorman	Lindquist	Smith, Md.
Bulkley	Goulden	Linthicum	Smith, Tex.
Burke, Pa.	Graham, Pa.	Lobeck	Sparkman
Calder	Gregg	Loft	Stafford
Callaway	Griest	McClellan	Stanley
Candler, Miss.	Griffin	McGillicuddy	Stephens, Nebr.
Cantor	Gudger	McGuire, Okla.	Stringer
Cantrill	Guernsey	McLaughlin	Sumners
Carew	Hamill	Maban	Sutherland
Carlin	Hamilton, Mich.	Maher	Switzer
Cary	Hamilton, N. Y.	Manahan	Taylor, Ala.
Casey	Hammond	Martin	Taylor, N. Y.
Chandler, N. Y.	Hardwick	Merritt	Temple
Coady	Hart	Metz	Thomas
Connolly, Iowa	Hayes	Miller	Thompson, Okla.
Cooper	Helvering	Mitchell	Thomson, Ill.
Copley	Henry	Morgan, La.	Vare
Crisp	Hinds	Morin	Vaughan
Crosser	Hinebaugh	Mott	Vollmer
Dale	Hobson	Murray, Mass.	Walker
Davenport	Houston	Murray, Okla.	Wallin
Davis	Howard	Neeley, Kans.	Walters
Dershem	Hoxworth	Nelson	Weaver
Dies	Hughes, Ga.	O'Brien	Whitacre
Donohoe	Hughes, W. Va.	O'Leary	White
Dooling	Hulings	O'Shaunessy	Willis
Drukker	Humphrey, Wash	Paige, Mass.	Wilson, Fla.
Dunn	Humphreys, Miss.	Parker	Wilson, N. Y.
Eagan	Igoe	Patten, N. Y.	Winslow
Eagle	Jacoway	Plumley	Woods
Edwards	Johnson, S. C.	Porter	Young, Tex.

So the motion of Mr. TAYLOR of Arkansas that the House recede from its disagreement to Senate amendment No. 91 and concur in the same was rejected.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. GLASS with Mr. SLEMP.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. ADAIR with Mr. ANTHONY.

Mr. BARTLETT with Mr. AUSTIN.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BOWDLE with Mr. BROWNE of Wisconsin.

Mr. BULKLEY with Mr. CALDER.

Mr. CANDLER of Mississippi with Mr. BARCHFELD.

Mr. CARLIN with Mr. COPLEY.

Mr. CASEY with Mr. DRUKKER.

Mr. CANTRILL with Mr. DUNN.

Mr. DERSHEM with Mr. FARR.

Mr. DONOHOE with Mr. FESS.

Mr. ELDER with Mr. MILLER.

Mr. ESTOPINAL with Mr. FREAR.

Mr. FIELDS with Mr. GRIEST.

Mr. FINLEY with Mr. GRAHAM of Pennsylvania.

Mr. GREGG with Mr. HAMILTON of Michigan.

Mr. HOUSTON with Mr. HUMPHREY of Washington.

Mr. HUMPHREYS of Mississippi with Mr. KIESS of Pennsylvania.

Mr. IGOE with Mr. HINEBAUGH.

Mr. JACOWAY with Mr. HULINGS.

Mr. JOHNSON of South Carolina with Mr. LINDQUIST.

Mr. KITCHIN with Mr. ROBERTS of Massachusetts.

Mr. LESHER with Mr. McGUIRE of Oklahoma.

Mr. LEVER with Mr. MANAHAN.

Mr. LEVY with Mr. LAFFERTY.

Mr. MITCHELL with Mr. MOTT.

Mr. MURRAY of Massachusetts with Mr. PORTER.

Mr. SPARKMAN with Mr. WOODS.

Mr. WEAVER with Mr. RUPLEY.

Mr. WILSON of Florida with Mr. TEMPLE.

Mr. RIORDAN with Mr. THOMSON of Illinois.

Mr. REILLY of Connecticut with Mr. WALTERS.

Mr. RAUCH with Mr. VARE.

Mr. McGILLICUDDY with Mr. GUERNSEY.

Mr. BORLAND with Mr. ANTHONY.

Mr. CALLAWAY with Mr. WILLIS.

Mr. WALKER with Mr. SUTHERLAND.

Mr. STRINGER with Mr. PROUTY.

Mr. SMITH of Texas with Mr. NELSON.

Mr. SIMS with Mr. MORIN.

Mr. PATTEN of New York with Mr. KREIDER.

Mr. GALLIVAN with Mr. KEISTER.

Mr. BROWN of New York with Mr. CHANDLER of New York.

Mr. ASWELL with Mr. CARY.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. GORMAN with Mr. McLAUGHLIN.

Mr. LOBECK with Mr. POWERS.

Mr. SAUNDERS with Mr. WINSLOW.

Mr. SABATH with Mr. SWITZER.

Mr. LAZARO with Mr. PARKER.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. HUGHES of Georgia with Mr. MERRITT.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. ROTHERMEL with Mr. HAYES.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. VAUGHAN with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. HENRY with Mr. HINDS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will unlock the doors. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House further insist on its disagreement to the amendment of the Senate No. 91.

The motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate No. 145.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist on its disagreement to Senate amendment No. 145.

Mr. KAHN. Mr. Speaker, I move that the House recede from its disagreement and concur in the amendment.

The SPEAKER. The gentleman from California [Mr. KAHN] makes a preferential motion, that the House recede from its disagreement to Senate amendment No. 145 and concur in the same.

Mr. FITZGERALD. I ask that that amendment be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment 145: On page 167 of the printed bill insert the following:

"PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

"Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

"The provisions contained in the act entitled 'An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914,' which provides for the participation of the United States in the Panama-Pacific International Exposition, be amended as follows: Under the head of 'To provide for the participation of the United States in the Panama-Pacific International Exposition,' the paragraph on page 81, which reads as follows: 'The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission, one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission,' and insert in lieu thereof the following: 'The President of the United States is authorized to detail two civilian officers or employees from the executive departments, also one to be appointed from civil life, as members of the commission which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the commissioner appointed from civil life to receive a salary at the rate of $5,000 per annum until the exposition closes. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence while on duty in San Francisco. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerk hire and actual expenses of said commission.'"

The SPEAKER. The question is on agreeing to the motion of the gentleman from California [Mr. KAHN].

Mr. FITZGERALD. How much time does the gentleman want, five minutes?

Mr. KAHN. There are quite a number of gentlemen who would like to be heard upon the motion. I would like about 40 minutes.

Mr. FITZGERALD. Make it 30 minutes on a side. There are some very important matters yet to come up.

Mr. KAHN. I suggest 40 minutes. I have had numerous requests for time.

Mr. FITZGERALD. Make it 35 minutes.

Mr. KAHN. Thirty-five minutes on a side, then.

Mr. FITZGERALD. I ask unanimous consent that there be 35 minutes on a side on the pending motion, one-half to be controlled by the gentleman from California [Mr. KAHN] and one-half by myself, and that at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that debate on these two motions be confined to 35 minutes on a side, one-half to be controlled by himself and the other half by the gentleman from California [Mr. KAHN], and that at the end of the 70 minutes the question be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] is recognized for 35 minutes. If no one wishes to speak, the Chair will put the question.

Mr. KAHN. I yield five minutes to the gentleman from New York [Mr. UNDERHILL].

Mr. UNDERHILL. Mr. Speaker, it is about three years and a half since Congress, by giving the stamp of its approval, located the Panama-Pacific Exposition at San Francisco, and in accordance with this action the President of the United States extended an invitation to the nations of the world to participate in this exposition.

In the sundry civil bill a year ago an appropriation of $500,000 was made for the preparation of a Government exhibit at this exposition, and ever since that time the work of preparing the exhibit has been going on under the auspices of officials designated by the President. The importance of making a suitable exhibit by the United States is self-evident. It is this country that has extended the invitation to foreign powers. The United States is, in a sense, the host of all foreign countries and of all foreigners who bring to this land their wares, their curios, and their objects of art for the education and enlightenment of all who may attend the exposition.

March 31 last the President of the United States, Woodrow Wilson, transmitted to Congress a letter from the Secretary of State calling attention to the inadequate arrangements for housing the Government exhibit. Secretary Bryan stated that in order to be imposing the exhibit should be collected under one roof, and the statements of Secretary Bryan were indorsed by the President, and the entire matter referred to the Committee on Industrial Arts and Expositions, of which I have the honor to be chairman.

Mr. UNDERWOOD. I would really prefer the gentlemen to take the matter to the conferees and decide what is a fair proportion for the Government to pay.

Mr. FITZGERALD. But the question before the House is to recede and concur in this amendment.

Mr. UNDERWOOD. I suppose the gentleman from New York is not in favor of doing anything.

Mr. FITZGERALD. I am not in favor of doing anything unless you desire to build sewers for every municipality that can work the Government upon some specious plea for doing it.

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. FITZGERALD. Mr. Speaker, I think this is a very remarkable situation in which the House finds itself. The Senate has incorporated in this bill an amendment to appropriate $237,000 to build a sewage system for the city of Hot Springs, and the gentleman from Alabama [Mr. UNDERWOOD], interested as we all are in keeping the appropriations within reason upon this side of the House, is supporting this motion, although he states he is not familiar with the facts. The plea upon which the request is made is that the Government owns the mountain, and that the surface waters from storms flowing down the mountain flow through the city of Hot Springs. Will anybody suggest that a private owner of any property should be compelled to build a sewer for a city because the surface water flows down the natural grade to where a sewer should be built? Twenty-eight thousand dollars will build the necessary sanitary sewer for the city of Hot Springs. Forty-six thousand dollars will build a more improved type, rather than an experimental type. But the city of Hot Springs, built upon a Government reservation, upon lots sold at a great bargain by the Government to those who located there, upon lots leased to residents of Hot Springs, and every dollar the Government gets outside of the Arlington Hotel lease is only $7,500 a year, and until two years ago it had received for the ground rental for property upon which is a $500,000 hotel only $5,000, and for a few years and during the greater period of the 20-year lease only $2,500 a year, because Congress has been so easy, because it has been so simple a matter to get money out of the Federal Treasury. To keep this rich gold mine for the benefit of the people of Hot Springs, Ark., it is now proposed, when this bill is being pressed for final enactment into law, to try and crowd into it an item of $237,000, not for the benefit of the Government, not to perform an obligation of the Government, but to relieve the people of Hot Springs, Ark., from the obligation to provide the sewer facilities necessary for that city. Has anybody ever proposed during the three or four years that this matter has been under consideration any system, any plan, any scheme for the construction of a sewer and the apportionment of a proper charge to the Government for which it might be under obligation to pay?

A few years ago, when an item was inserted in this bill to appropriate $10,000 for a survey to find out what was necessary, the House conferees insisted that one half of the necessary amount be paid out of the revenues of Hot Springs Reservation and the other half by the city of Hot Springs, Ark. The survey cost a little under $7,000, and there was nearly a riot in the city of Hot Springs because it was proposed that a single dollar should be imposed upon the people of that community in order to ascertain what was required in the way of sewer facilities. This item has no business in this bill. The conferees on the part of the House—the House itself—has no information that would justify them in acting favorably upon this item. The committees of the House that have jurisdiction should take it, and if a sewer system is necessary it should be provided by the city of Hot Springs, with a Government contribution that could be worked out and reported to the House with the information necessary to justify the House in acting. We have been contending, Mr. Speaker, during this session and other sessions of the House against the imposition of such items as this. It is difficult enough to prevent these appropriation bills from being loaded down with other indefensible propositions, possibly forced through here under stress of circumstances. This item can not be justified. It is simply a naked attempt to let the Federal Government spend $237,000 to build a sewer system for the city of Hot Springs, Ark., and relieve the people of that community of all obligations—

Mr. TAYLOR of Arkansas. Will the gentleman yield?

Mr. FITZGERALD (continuing). To provide sewer facilities and make the Federal Government bear a burden that does not belong to it and far beyond what any reasonable man would suggest it should bear. I now yield to the gentleman.

Mr. TAYLOR of Arkansas. Does the gentleman realize that this is not a recommendation by the citizens of Hot Springs but by the Secretary of the Interior, and that he requests an expenditure identically the same as that carried in the amendment to this appropriation bill?

Mr. FITZGERALD. I know something about the history of this item. I know that there was an active and efficient young man, who was a clerk in the District Department, who visited Hot Springs Reservation a few years ago and had conversations with some of the leading citizens of Hot Springs. They presented to him a number of suggestions as to what should be done by the Federal Government. He undertook, as representing the United States Government, to pass upon what the Federal Government should do, and he recommended that $237,000 should be appropriated, as here suggested. I have never known of a Secretary of the Interior who had any personal information about it or to make any recommendation about it. It has never been submitted in an estimate to Congress, but has been put in this bill twice by the Senate. The House rejected it on a former occasion, and I hope it will be rejected on this occasion. I desire to say to my friends on this side of the House that in the adjustment of the differences between the two Houses on this bill those representing the House endeavored to agree upon those things that could be justified before the House and the country. The bill as passed by the House carried $110,000,000. The Senate added $4,300,000 to it. The House receded from $1,600,000 of items; the Senate receded from $1,800,000 of items. There are in dispute about $737,000. Of the items on which the House receded to the extent of $1,600,000 I believe that at least half were for the acquisition of sites for public buildings. It is unfair of the gentleman from Alabama [Mr. UNDERWOOD], with the little information he has on this subject, to urge the House to agree——

Mr. UNDERWOOD. I think the gentleman's statement is unfair——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. FITZGERALD. I yield.

Mr. UNDERWOOD. The position I take on the matter, and I think it is eminently fair, is that when the committees of this House have a problem before them where Government property is involved they should look at it exactly as if it were individual property, because that is fair to the Government and it is fair to the citizens. If there is a drainage area that extends over a very wide area of country in my community, and if water shall be on that area, it is assessed, and if the Government owns a large portion of that area it should not put all the burden on that people.

Mr. FITZGERALD. The gentleman has said that already. I have not taken the position that we should deal differently with this matter than if it were a private individual. I take the position that the people of Hot Springs, Ark., should not be permitted to use the Federal Treasury to do their work. This is not before a committee of the House; it was not before a committee of the House; no committee of the House has examined into it. The gentleman from Alabama insists that the conferees shall not agree to items in this bill over which his committee has jurisdiction. Why should he urge the conferees to agree to an item over which some other committee than the Committee on Appropriations has jurisdiction? I am opposed to agreeing to this item. I can not tell—I do not know where anybody can obtain the information as to how much, if anything, the Federal Government should contribute to this sewer. I do know it should not contribute $237,000; I do know that the people of Hot Springs, Ark., should not have this sewer system built at the expense of the Federal Government and without cost to them, and therefore I am opposing the item.

Mr. UNDERWOOD. Will the gentleman answer this question for me?

Mr. FITZGERALD. Certainly.

Mr. UNDERWOOD. I would not interfere with the jurisdiction of the gentleman's committee, but this is an appropriation bill——

Mr. FITZGERALD. Well, the item is not authorized.

Mr. UNDERWOOD. It is not necessary to have an authorization for the committee to act.

Mr. FITZGERALD. Yes; it is.

Mr. UNDERWOOD. If the gentleman's committee has not jurisdiction over this question, what committee of the House has?

Mr. FITZGERALD. The Committee on Public Lands, I suppose, as this is a Government reservation, but certainly the Committee on Appropriations has no jurisdiction.

Mr. UNDERWOOD. It is an appropriation. The gentleman from New York himself would very quickly antagonize a proposition for the Committee on Public Buildings and Grounds to

make a direct appropriation and not an authorization. And this is an appropriation.

Mr. FITZGERALD. In apportioning the cost between the Federal Government and the people of Hot Springs it ought to be fixed by legislation. We have no information upon which to act intelligently. We did have an estimate from the Secretary of the Treasury of $20,000 to put in suitable condition the baths and plumbing in the public bathhouses used by the poor unfortunates who go there as charity patients to take the baths. But they do not vote in Hot Springs, Ark. The people who want this sewer do. So it was insisted that the money that should be used in putting the bathtubs and bathing places in shape, so that these poor, unfortunate derelicts who might have the benefit of the baths might take them without danger of contamination should be eliminated from the bill, and that this item, not recommended by the department, for the benefit of the people who ought to pay the cost of it, should be incorporated.

Mr. TRIBBLE. I would like to have a clear understanding of this. Does the Government take care of the water on the Government property? Is the sewer already on the Government property, and is this to construct a sewer on the Government property? Who owns the property on each side of the street?

Mr. FITZGERALD. The Government.

Mr. TAYLOR of Arkansas. The Government owns on both sides of the street?

Mr. FITZGERALD. But some of it has been sold, or some of it has been leased under ground leases.

Mr. TRIBBLE. Then private individuals live on one side of this sewer?

Mr. FITZGERALD. Some of the baths are operated by the Government and some, I understand, by the lessees from the Government. On the other side is property owned by other persons. Now, a septic sewer, that would relieve the situation of all the offensiveness, can be built, one kind for $28,000 and the other for $46,000.

Mr. BUTLER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. BUTLER. Is not this legislation; and if the Committee on Appropriations had reported it to the House, would it not have been subject to a point of order?

Mr. FITZGERALD. It is legislation, of course, and has no business here.

Mr. MADDEN. What is the total cost of the proposed improvement?

Mr. FITZGERALD. Two hundred and thirty-seven thousand dollars.

Mr. MADDEN. And what is the proportion of the property owned by the Government as it relates to the whole property to be benefited by the improvement?

Mr. FITZGERALD. I do not know.

Mr. MADDEN. Does anybody know?

Mr. TAYLOR of Arkansas. I can tell you.

Mr. FITZGERALD. I decline to yield for that purpose.

Mr. MADDEN. Then nobody knows what the proper proportion of the Government contribution toward this improvement would be?

Mr. FITZGERALD. I think the total proceeds of the sale of lots amounted to $82,000, and that was permanently appropriated for the operation and maintenance of the bathhouses.

Mr. MADDEN. So, as a matter of fact, there is not anybody connected with this case who can tell what the proportion of the city of Hot Springs should be and whether there should be any proportion levied against the Federal Government at all?

Mr. FITZGERALD. I have not been able to obtain that information in the examination I have made of the question.

Mr. MADDEN. Well, until we do obtain that information, the House surely ought not to approve this project.

Mr. FITZGERALD. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman from New York has four minutes.

Mr. MOORE. Mr. Speaker——

Mr. WINGO. Will the gentleman from New York yield to me a few minutes?

Mr. FITZGERALD. I will yield two minutes to the gentleman from Arkansas.

Mr. WINGO. Now, Mr. Speaker, in answer to the question of the gentleman from Illinois [Mr. MADDEN] I want to state that the reservation of the Government now comprises 1,100 acres. The greater part of the city of Hot Springs is not now, nor was it ever, on what is known now as the Government reservation. The gentleman from New York speaks about the conditions that existed 30 years ago. Those conditions may have existed then, but do not exist now. At that time it was a struggling village of a few thousand people, while to-day it is a city of 20,000 or 30,000 people, and each year 165,000 poor people visit there to take advantage of these wonderful curative waters. This is not a proposition to build a sewer system for the city of Hot Springs, and any man who knows the facts or who will take the public document that the gentleman from Arkansas [Mr. TAYLOR] had in his hand a moment ago and study it, and study the map there, will see that this is a proposition to provide a storm sewer for the Government reservation and not for the city of Hot Springs.

Mr. TAYLOR of Arkansas. Will the gentleman yield to me for a second?

Mr. WINGO. For just a second.

Mr. TAYLOR of Arkansas. I desire to state to the House that there used to be a creek down this valley. Will the gentleman refer to that?

Mr. WINGO. The culvert that the gentleman from New York [Mr. PAYNE] referred to was the one the Government built along the stream, the narrow gorge that lies between the two Government properties, to take care of a creek that ran through there, and not to take care of the sewage. The greater part of Hot Springs has been built up since the gentleman from New York was there. The greater part of the residence of the city lie down to the south and west of the reservation, and that part has its own sewerage system. This proposition is that the Government shall build this sewer to take care of the waters that come from the Hot Springs Reservation, on Government property. The gentleman says there is no sewage that comes from the Government property. The Government has an Army and Navy Hospital, and the boys from the Army and Navy are treated there. Every year thousands go to the Army and Navy Hospital and are taken care of at the Government buildings on the side of the East Mountain. Drives have been laid out, and the curb and surface drains have caused the water to shoot down with great force into the street in the narrow gorge, on one side of which is entirely Government property and on the other side mostly Government property; and the water rushes out there in time of rain from the Government reservation of 1,100 acres, so that the water floods what? The residences? No. The business houses? Yes, to some extent; but the greater part of the property that is damaged is the property of the United States Government bathhouses on which we have spent thousands of dollars in years past.

Ah, but the gentleman says there has been no proper estimate. There has been a proper estimate by the Interior Department. This is a business proposition for the Government to take care of its own property.

Oh, they say, it is not proper for the Government to make this appropriation. The Government is almost the only party to be protected. Instead of the Government bearing this expense, if the private property only were assessed, it would amount to confiscation. True, these waters that run down there do flow out into some part of the city. That is true. The water does flow until it reaches a higher grade, reaching into some parts of the business district. It is simply a proposition as to whether or not the Government will take care of its own property and protect that property, and incidentally the business section of the city, from the storm waters that flow from the reservation. Hot Springs does not ask for this as a matter of favor or charity, but as a matter of justice. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for three minutes.

Mr. SHERLEY. Mr. Speaker, the House is confronted with the proposition to recede on an item for nearly a quarter of a million dollars for a sewer system which the gentleman from Arkansas says is not for the benefit of the city of Hot Springs, but which we, the members of the Committee on Appropriations, who have investigated the matter from year to year, say is for the benefit of the city of Hot Springs.

Now, the very fact of that dispute shows the lack of wisdom in passing such an appropriation upon a supply bill with no more investigation than can be had here. Here is a Government reservation. Men build a town alongside of it, and then they say that because they are alongside of it and there is surface drainage from the Government land, that imposes an obligation on the Government to build a sewer to take care of such drainage waters.

Mr. WINGO. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Kentucky yield to the gentleman from Arkansas?

Mr. SHERLEY. No; I have but a few minutes. That is a proposition I will not agree to. The gentleman from Alabama

off the annual raid made upon the Treasury for the improvement of Hot Springs.

Now, Hot Springs proved to be a Government reservation, not by the act of God, but growing out of a wicked lawsuit between two rival claimants who claimed to own the property; and when the case got to the Supreme Court of the United States, the Supreme Court, unfortunately for the United States, found that the United States was the owner of those reservations which my friend from Arkansas thinks were set aside by the providence of man nearly a hundred years ago for the benefit of future generations. It was a blunder if they were set aside at all, and the blunder was only found out at the end of this litigation, some 35 or 40 years ago.

When we went down there we found this condition: On one side was the Government reservation, where the springs were. On the east side of a gorge we found various bathhouses and one large hotel. On the other side were various business houses, on the west mountain, at the foot of the mountain, fronting on the Little Hot Springs River that flowed through the gorge. These were business houses, mostly occupied by gamblers at that time, who proceeded to relieve the people of the money they brought down there. There was a tradition that the Jesse James gang used to operate between Hot Springs and the Iron Mountain road, some 30 miles away, and that the James gang never attacked a party coming out of Hot Springs, because the pickings were too poor. [Laughter.] They always struck a party going into Hot Springs before the nurses and the doctors and the bathhouse people and the hotels had had any chance at them. [Laughter.]

Well, we went there to investigate the building of a new tunnel through this gorge, to take down the flood waters that came from the mountain, both from the reservation and the mountain above, where there were three large streams that joined at the Government reservation and made a heavy flow in time of great storms, when the rain rushed down the mountain. We were there primarily to investigate the complaint that the contractor was not putting the proper material into this tunnel that was there, and they tried to confine the investigation to that; but the people wanted to be heard on something else, and I wanted to hear them, and we went into everything connected with the whole business. When the Government found that it owned the reservations on each side, especially where the springs were, and the reservations where these gambling houses were on the other side of the gorge, they appointed a commission. That commission went down there and assessed the value of the improvements that had been put on by the various people who had built there supposing they were owners, and the commission made awards of the full value of the improvements. Then the Government turned around and rented these places to the former owners, with the improvements, at a nominal rental, and when we were down there the Government was doing a flourishing business in the way of building sewers and building this tunnel, which acted as a sewer for these ground-rent proprietors, including the hotel, which was also leased at a nominal rent, and the company making a mint of money all the time. That was the condition then. They wanted to extend this tunnel down to the Ouachita River. That was the dream of those people who, I suppose, wrote the beautiful poem that my friend recited as a peroration to his speech. By the way, they had a tradition down there that in the early days some immigrant in one of those prairie-schooner wagons stopped with his family at Hot Springs one evening, and after he had put out the teams, and while the family was preparing supper, he went to get a drink of water from a near-by spring. He dipped up a dipperful of it in his tin dipper and put it to his mouth, and the hot water burned his lips. He threw down the dipper and came rushing back and said, "Here, hitch up and get out of here quick. Hell ain't a mile off." [Laughter.] I do not know whether that had anything to do with the improvement that the Government has been building there at the solicitation of the inhabitants ever since or with the rule of the Jesse James gang in after years or not.

Now, they wanted to build this immense culvert on from the lower end of it down to the Ouachita River, about 6 or 7 miles away, as I remember it. They were also building an Army and Navy Hospital at the lower end of this tunnel. In the course of a few years complaint was made that the sewage went into the tunnel. The Government had no sewage. The sewage came from the tenant houses of the Government and from the residents way up the stream. Undoubtedly that polluted this Hot Springs Creek, and they said that the fumes of the sewage were coming from the lower end of the tunnel, and that it was detrimental to the Army and Navy people who were there for the curing of various disorders for which the waters seem to be a specific. They said they must have that tunnel extended right off, to carry away the fumes. I suggested to the House then, why not let the people at Hot Springs do a little bit of the sewer and culvert construction. Of course, they had the burden of now and then a tramp who came and went into the mudhole, or the rial hole, as it was called, where this free bath has been maintained ever since. They had to take care of some few poor people who came there; but they were able to take care of them, because the rich people came there and spent their money very freely, and every man in Hot Springs, including the attendants at the bathhouses, was getting a large income out of it when I was down there, and I have not heard that any of them went into bankruptcy since then. It looked reasonable to me that they should build sewers if they did not want this sewage to go into this large town. I suggested that they build a sewer on each side of the culvert and pay for it. But they would not do that. The noisomeness of the smell was not so offensive as to induce them to put their hands into their pockets, because it did not hit the pocketbook nerve. They have kept on until they have gotten the Government to build an extension of this culvert down four blocks to Church Street, and now they want it built down to the Ouachita River, 4 or 5 miles away, to carry the sewage into that stream and not offend the fastidious noses of the people who live in Hot Springs.

Mr. TAYLOR of Arkansas. Will the gentleman yield?

Mr. PAYNE. Certainly.

Mr. TAYLOR of Arkansas. I just want to correct the gentleman. He is mistaken about the residential portion of the city being above the reservation. The residential portion is not there. It is away to the south and the southwest.

Mr. PAYNE. Part of it is there and part of it is below. It was when I was there. I do not know but they have built down more below, because I have not been there in 30 years. When I was there it was above and below.

Mr. TAYLOR of Arkansas. Everything has changed since then.

Mr. PAYNE. Every once in a while we get an excuse for an appropriation for Hot Springs. When they build a courthouse we have to give them the land to build it on. In order that there may be room enough for the courthouse, we have to give them a big slice of land. Whether they are building on it or not I do not know. Application was made. The gentleman from Arkansas [Mr. TAYLOR] shakes his head. I do not know, but we succeeded in beating the donation of land for the courthouse and allowed the citizens of Hot Springs to pay for it themselves. The greatest financial misfortune for the Government was the discovery at the end of this lawsuit that the Government owned these reservations down there in Hot Springs. It has been a source of expense ever since, and not a source of very large income. I have not examined the matter for a long time, but when I did examine it the Government was a loser because of its ownership of these reservations. Now, it is time Congress stopped and called a halt at Hot Springs, and let the people there do these things, just as they do in every other town in the United States, build the sewerage system and pay for it themselves. We have gone to work and made a survey at the expense of the Geological Survey and made a plan for them. Let them take hold and do it, and do not give them this $200,000 appropriation out of the Treasury of the United States, to be paid for by the rest of the people of the United States.

Mr. TAYLOR of Arkansas. Does the gentleman know that the Government is now receiving a revenue of about $50,000 a year from this?

Mr. PAYNE. I should be very glad to know that was so. The Government ought to get a good deal more of it.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. May I have five minutes more?

Mr. FITZGERALD. Yes.

The SPEAKER. The gentleman from New York is recognized for five minutes.

Mr. PAYNE. They ought to get a good deal more out of it. If they get $50,000 a year for the next 30 years, they may get back into the Treasury what has gone out of it in the years past, when it was a burden upon the people of the United States. Let Hot Springs citizens do something for themselves. Give them a chance. It helps people so much to be required to help themselves. Nothing is so bad for a community as to be supported partly at the Government expense. It hurts citizens who are well to do the same as it hurts poor people to be helped without using their own initiative and their own energy. I hope the conferees will stick to the disagreement until the last gun is fired, and if they want a sewer system for Hot Springs let them come in with a bill by itself so that Representatives can vote their honest convictions and not seem to be holding up an appropriation bill that ought to have been passed two months ago in order to help citizens at Hot Springs, Ark.

They have made a lot of money there out of the Government, and the town has grown up out of the Government reservation. We have sealed up the springs, built a sort of a cone over them of cement in order that no drop of hot water shall be wasted, and we have piped and conducted it to one reservoir in order to keep every drop of hot water and protect it so that it may be used by these bathhouses that are run by the people who rent them. They are not run by the Government of the United States. Fifty thousand dollars a year! If a private individual owned it, he would get a million dollars out of it, and with the same price to the ultimate consumer and without any effort. It is only another illustration of the Government trying to do business. It can not do it at a profit; it can not do it and get its expenses out of it. There is no excuse for the Government doing it in this instance, because they could surround the legislation by such safeguards that private individuals could not gouge the public as they do now. I hope that this provision will not get into the bill.

Mr. FITZGERALD. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the peculiar attitude of the people directly interested in Hot Springs, Ark., is illustrated by amendment No. 96 of the Senate. An estimate was made by the Secretary of the Treasury of $20,000 to repair the free bathhouse at Hot Springs. At the hearing it developed that the free bathhouse was in bad condition; that the tubs needed repairing; that the plumbing was out of order, and that these repairs were essential and necessary if the free bathhouse was to be put in decent condition for use.

The House committee brought in the item of $20,000 for that purpose. The Senate struck it out, I suppose, at the instance or suggestion of those particularly interested in these appropriations. And having stricken out that necessary item of $20,000, they then ask us to spend $235,000 for the building of a sewer for the people of Hot Springs.

Now, it occurs to me that these gentlemen interested in Hot Springs and the Hot Springs Reservation would be in a better position before Congress if they showed less interest in the construction of these structures which should be constructed wholly or partly by the people of Hot Springs and more interest in those things that are necessary from a congressional standpoint for the utilization of the springs by people of limited means. If there is any excuse at all for the Government maintaining the hot springs and spending a large amount of money there, it is by reason of the fact that we furnish free baths to those unable to pay for them.

This free bathhouse is utilized by many thousands of poor and afflicted people every year. It is in a shameful condition of disrepair, as all those familiar with the situation understand. And yet the friends of Hot Springs struck out this item, necessary from a governmental standpoint, and insist on our providing a sewer system for the city.

I regret that the conferees on the part of the House agreed to strike out the item of $20,000. I understand their position, that when the people locally interested say that they do not want it they could not well insist on keeping it in. What they do want is to wait a year or so and have us appropriate a large sum of money for a new bathhouse, which is not necessary. The old bathhouse, with a reasonable appropriation, can be put in good condition.

It occurs to me that people locally interested in Hot Springs are not evidencing very good faith in the matter when they use their influence to strike out a necessary appropriation for a public purpose in order to strengthen their demand or request for a large appropriation for the purpose of an expenditure that should be borne wholly or largely by the people locally.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD.]

Mr. UNDERWOOD. Mr. Speaker, I do not think this proposition is a matter that concerns the local community, but I look upon the proposition like I look upon all questions coming before the House where the Government is involved, whether in Washington or somewhere else. I think that where the Government of the United States owns a piece of property it ought to stand in the same attitude toward that property that an individual does. I do not think that because the Government of the United States owns a piece of property in a State or a community it ought to be made a burden on that community. On the other hand, I do not believe that because it owns a piece of property it ought to be expected to do for that property any more than anybody else in the community ought to do.

As I understand the situation, it is that here are two mountains which the Government owns as a reservation. The drainage of these mountains comes down a narrow gorge that happens to be a street. The Government owns one side of the street and private individuals own the other side of the street. The sewerage is on the Government side of the street and on Government property. The sewer system is not large enough to carry off the water. When there is a heavy rainfall it comes down the side of the mountain and follows the gorge, and the sewer system is not big enough to carry the water off. That is the whole proposition—whether the Government is going to make the same contribution to carry off this water from its own land that would be made if the Government sold the land to a private individual.

If the Government does not want to own the land, it can give it away, sell it, or dispose of it in some way. If these two mountain sides were owned by a private individual, running that spring, as the Government does, to raise revenue from it, undoubtedly the State of Arkansas or the city of Hot Springs would assess that drainage area in building this sewer. To-day the sewer is on the Government side of the street and I think on Government property. The Government rents out that property and receives rentals, and the only question involved in this case, I think, is whether or not the Government should contribute as a private individual would to take care of this storm water. As to the amount of the contribution the Government should make, I know nothing about it.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. The Government already has built most of it some 30 years ago—this improvement in front of its own reservations where the hot springs are and where the property is on the other side of the street—and paid for it, and this is to be a continuation of that improvement, and not because that improvement is not adequate to carry off the water from the Government property.

Mr. UNDERWOOD. I do not so understand it, because the pictures the gentleman from Arkansas [Mr. TAYLOR] showed me shows where the water dams up, and it is in the gorge between the Government property.

Mr. TAYLOR of Arkansas. And those pictures were taken by the Government of the United States.

Mr. PAYNE. But the gentleman says that this improvement is to be continued from the lower end of it at Church Street, southward.

Mr. UNDERWOOD. I do not know anything about where it is. I say this is a practical business proposition put to this House. It is the same thing as is involved in the District of Columbia. I say where the Government owns a large amount of property in this District it ought to contribute to the District government, and I have always stood for that proposition; and if the Government continues to hold this reservation, it is nothing but equitable and just that the Government should make a contribution toward taking care of the drainage waters. If the Government does not want the property, sell it and dispose of it.

Mr. MADDEN. Does anyone know what the total cost of the improvement would be?

Mr. UNDERWOOD. I have not the slightest idea.

Mr. PAGE of North Carolina. The gentleman speaks of the equity of the Government making a contribution to the building of this sewage system. This is a proposition to have the Government build it, not to make any contribution. The city of Hot Springs is not participating in it at all.

Mr. UNDERWOOD. I think that is a question for the conferees to consider. I am not arguing the question of what they ought to do.

Mr. SHERLEY. But the motion is to recede and concur, which would put the Government to the expense of building the whole thing.

Mr. TAYLOR of Arkansas. I want to say that the city of Hot Springs, lying far to the southwest, has its own sewage system, and it takes all of its taxes to maintain that, and the Government is throwing this water down on the city.

Mr. UNDERWOOD. Mr. Speaker, I do not wish it understood that I am saying what part the Government should contribute in dollars and cents, because I do not know.

Mr. FITZGERALD. Is the gentleman in favor of this motion to recede and concur?

Mr. UNDERWOOD. I think the Government ought to contribute toward it.

Mr. FITZGERALD. I want to know if the gentleman is in favor of the motion?

Mr. BUTLER. That is what I want to know.

ment to Senate amendments 44, 45, 92, and 136. The question is on agreeing to that motion.

The motion was agreed to.

Mr. FITZGERALD. I move that the House further insist upon its disagreement to the amendment of the Senate No. 91.

The SPEAKER. The gentleman from New York moves that the House further insist upon its disagreement to the amendment of the Senate No. 91.

Mr. TAYLOR of Arkansas. Mr. Speaker, I move that the House recede from its disagreement and concur in Senate amendment No. 91.

The SPEAKER. The gentleman from Arkansas [Mr. TAYLOR] moves to recede and concur in Senate amendment No. 91. The Clerk will report the amendment.

The Clerk read as follows:

Amendment No. 91: On page 115 of the printed bill insert the following:

"Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session."

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Arkansas [Mr. TAYLOR].

Mr. TAYLOR of Arkansas. I would like to have 15 minutes.

Mr. FITZGERALD. I yield 10 minutes now.

The SPEAKER. The gentleman from Arkansas is recognized for 10 minutes.

Mr. TAYLOR of Arkansas. Mr. Speaker, the Senate amendment upon which I shall insist is No. 91, page 115, House bill 7041, and which reads as follows:

"Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session."

The hot springs referred to in the amendment are located on a Government reservation embracing between 900 and 1,000 acres of land.

The hot springs were probably visited in 1541 by De Soto, who died the following spring on the Mississippi, about 100 miles away. According to traditions the curative properties of the springs were known to the Indians long before the advent of the Spaniards. There is a tale that the various tribes battled from time to time for control of the hot waters, in which they believed the "Great Spirit" to be ever present, but that finally a truce was declared under which their benefits were extended to the sick of all tribes.

It is believed that the earliest white settlement was made about the year 1800. Dunbar and Hunter, who visited the place in December, 1804, found an open log cabin and a few huts built of split boards which had been erected by persons resorting to the springs in the hope of regaining their health. Manuel Prudhomme built a cabin there in 1807 and was joined the same year by John Perciful and Isaac Cates, who camped in the neighborhood and engaged in hunting and trapping. From this time on history is complete.

In 1832 the hot springs and the four sections of land surrounding them were, by act of Congress, set aside for the future disposal of the United States, not to be entered, located, or appropriated for any other purpose whatever, thus making the first national park reservation of the country and preserving in perpetuity, free from monopoly and commercial exploitation, the waters of the springs for the benefit of the sick.

At Hot Springs there are two great mountains, one called the East and the other the West Mountain, located on this reservation. On the East Mountain are the hot springs, and, as I remember, about 47 in number, furnishing 827,000 gallons per day. On the West Mountain, which is only across a small deep valley some two or three hundred feet wide, only cold water is found. No part of the city of Hot Springs is located on the Government reservation, except it be hotels and bathhouses built under lease from the Government. The city of Hot Springs normally contains from eighteen to twenty thousand inhabitants. The uses of the waters on this reservation, and especially the hot waters, are controlled absolutely by the Government of the United States. There are some 20 or 30 bathhouses in Hot Springs, and also a public bathhouse maintained by the Government free to the indigent poor and which is absolutely inadequate. Some of the finest bathhouses in the world, I am told, are located on the reservation, and, in addition to these, an Army and Navy hospital is maintained where our soldiers and sailors are cared for in times of sickness. This reservation and these hot waters belong to the people of the United States, and because Hot Springs is in the district which I have the honor to represent on this floor I am expected to and am proud to look after the needs and wants of these springs to the end that suffering people may have the greatest benefit from these wonderful healing waters. Because, Mr. Speaker, it is known throughout our broad land that these springs are owned by the Government of the United States, the poor, helpless, and afflicted people from all over the country visit them in the hope of receiving a cure, and when they have reached there thousands and tens of thousands have been restored to health again. I may be also permitted to state that not only do they come there from all over our Nation, but from across the waters and from almost every country in the world.

The amendment to which I have reference was recommended by the Secretary of the Interior in 1913, and his report, together with the survey looking to the improvement embraced in the amendment, is found in House Document No. 1298, Sixty-second Congress, third session.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Arkansas. Yes.

Mr. MURDOCK. What is the improvement, in a word?

Mr. TAYLOR of Arkansas. For the information of the gentleman I had better read from the report. The recommendation to which I refer as having been made by the Secretary of the Interior is as follows:

"DEPARTMENT OF THE INTERIOR,
"*Washington, January 20, 1913.*

"SIR: In the sundry civil act approved August 24, 1912, provision was made for preliminary survey of the sewer system of the city of Hot Springs, Ark., in the following terms:

"The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000; one-half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark.

"By arrangement between the department and the United States Geological Survey this work was undertaken by Mr. Sledge Tatum, geographer in charge of the Rocky Mountain division of that bureau, and he has submitted his report, which, with accompanying report of J. W. Barnett, consulting engineer, and exhibits, is herewith transmitted for your consideration.

"It will be seen therefrom that an estimate is submitted in the sum of $26,505 for labor and material in perfecting a sanitary sewer system in Hot Springs and for conducting an experimental sewer purification plant, together with alternative propositions for providing purification plants in the sum of $70,000 and $20,000, respectively, dependent upon the system adopted as a result of the experience obtained in experimental plant. Estimate is also submitted in the sum of $327,540 for drainage system to care for storm waters from the mountains on the Hot Springs Reservation, which amount includes $89,700 for extending the Hot Springs Creek Arch from its present terminus on Church Street, in the city of Hot Springs, to South Water Street, approximately the city limits. The installation of the sanitary sewer system, however, it is stated, will obviate the necessity for continuing the Hot Springs Creek Arch, with its present terminus at Church Street, because the impurities which are now flowing into the creek under the arch will be cared for by the sanitary sewer system.

"To carry into effect the recommendations embodied in the report will require appropriations by Congress as follows:

"For labor and material for perfecting a sanitary sewer system in the city of Hot Springs, the installation and operation of an experimental purification plant, and providing purification tanks in connection with such system, $96,595.

"For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840.

"The sewerage system in the city of Hot Springs appears to be such as to require early measures looking to the betterment thereof, and I therefore commend your favorable consideration to the report herewith transmitted, to the end that the appropriations necessary for the completion of the work be provided by Congress."

Mr. PAYNE. Mr. Speaker, will the gentleman allow me to ask him a question?

Mr. TAYLOR of Arkansas. Certainly.

Mr. PAYNE. How far is Church Street from the Army and Navy Hospital?

Mr. TAYLOR of Arkansas. I should think about three or four blocks.

Mr. PAYNE. Three or four blocks from the Army and Navy Hospital. Has this drainage canal been extended down to Church Street?

Mr. TAYLOR of Arkansas. Yes.

Mr. PAYNE. Who did that?

Mr. TAYLOR of Arkansas. The city of Hot Springs, largely, did it.

Mr. PAYNE. Not the Government?

Mr. TAYLOR of Arkansas. Not the Government.

In order that you may understand, gentlemen, just why these improvements should be made and this appropriation granted I will explain to you that while the avenue between the two mountains to which I have referred is six or seven hundred feet above the sea level, yet storm waters coming down these mountains into the valley floods the main avenue in the city immediately in front of the hot springs waist deep to a man, flowing into these hotels and bathhouses on the reservation and flooding them, as also many portions of the city; and these floods come from the mountains on the reservation, causing bad waters to belch out of the now inadequate sewer system. I have photographs in my hand showing these flood conditions. People come there to be cured by these waters, and not to be made sick because of sewer conditions. If you ask me why it is that the city of Hot Springs does not take care of this situation, I reply that these people, while willing, benevolent, and patriotic, are the most burden-borne people in any city in the United States.

The SPEAKER. The time of the gentleman from Arkansas has expired.

Mr. TAYLOR of Arkansas. May I have five minutes more?

Mr. FITZGERALD. I yield to the gentleman five minutes.

The SPEAKER. The gentleman from Arkansas is recognized for five minutes more.

Mr. TAYLOR of Arkansas. Under the constitution of the State of Arkansas a municipal corporation can not lend its credit and issue bonds, but the only way by which it may be done is by the forming of an improvement district by petition of the people to tax themselves for necessary improvements. This they have done, but the tax is insufficient, and they are unable to meet this great and needed improvement; and in taxing themselves they can not tax any portion of the reservation, because it belongs to the United States Government. I say that Hot Springs every year bears a great burden, and why? The indigent, poor, and afflicted come there from all sections of the Nation, and they land in Hot Springs without food and without money, and the grand, charitable people of that city will not let them starve while they are struggling for health and for life. [Applause.]

As I now recall, without the exact data before me, about 165,000 baths were given to the poor in 1913 in these hot waters. The cures that are wrought are wonderful to think about, if you knew and had seen what I have seen. I remember last Christmas of meeting an old man, a soldier in the Civil War, who had visited Hot Springs, to be treated for rheumatism, and as he was returning home he told me of how horribly he had been afflicted and how much he had been suffering, but that he was then a well man, and, further, he said that he had been almost totally blind for many years, but that when he reached home by the blessing of these waters he would be permitted to look into the faces of grandchildren that he had never seen; that bathing in these waters had restored his eyesight. [Applause.] This is only one instance of wonderful cures derived. There are gentlemen on the floor of this House who can testify as to the great curative properties of these waters.

Should you grant this amendment and allow the improvements to be made, the water which floods the streets and the bathhouses will be conducted out of the city into the Ouachita River and will make Hot Springs what was intended when reserved—a blessing to suffering humanity. I sincerely hope that the Members of this House will cheerfully agree to this appropriation. The money will be well, wisely, and humanely expended. You must remember that charity is the paramount virtue, that all else is but "sounding brass or a tinkling cymbal."

The city of Hot Springs, which is located largely to the south and southwest from the Hot Springs Mountain, has caused to be constructed extensive sewers and has expended thousands of dollars, but which has proven to be insufficient to take care of the storm and flood waters from the mountains on the reservation, and since the Government of the United States owns this reservation I am sure our great people would not hesitate or complain about the expenditures necessary to make these needed improvements.

Senator KENYON, of Iowa, in speaking in favor of this amendment the other day, said, "I have been there when the town was simply flooded and the sewers could not take care of the flood waters," and further said that "this water pours down from the mountains on the Government reservation, flowing onto the streets." Senator KENYON has often visited Hot Springs and knows whereof he speaks.

I do hope, Mr. Speaker, that this amendment will be agreed to. God put these waters in the mountain for sufferers, and their great uses should not be retarded.

When Christ was walking through the valleys and over the hills of Judea, visiting the homes where disease and distress prevailed, in order that He might bring relief and comfort to the sick and the sorrowing, He found in one small space a pool of water called the Pool of Bethesda. Around it gathered day by day a crowd of the afflicted, who were placed beside the pool by their friends, awaiting for the good angel to trouble the waters; and then it was that these poor invalids were dipped in to receive a blessing and a cure. As time moved on our heavenly Father saw that the increasing ages and populations would bring more afflictions to humanity and that greater opportunity for the blessings of health must be provided. The Allseeing Eye evidently scanned the great swelling brows of the mountains in Spain, France, and Italy, and the various beautiful valleys in these countries. He then looked over the immense reach of the Alps, with their snow peaks "pinnacled dim in the intense inane," but He saw no advantageous grounds for a Bethesda in that great scope of country. He then cast his eye over the Appalachian system, that stretches from the turbid waters of the St. Lawrence River to the deep blue waves of the Gulf of Mexico. Nothing along that majestic reach of mountains engaged His attention. He then looked over the mighty and eternal grandeurs and sublime solitudes of the gigantic Rockies, from where they take their beginning in the far-off ice fields of Alaska to where they lose their mighty range in the burning sands and storm-raging waters of the Straits of Magellan, but He saw no encouraging spot along that 10,000 miles of broken grandeur. He then looked over the line of the Ozarks, waving their modest green plumes from Missouri to Texas, and He discovered an unpretending little valley in Arkansas where the city of Hot Springs was afterwards located. He touched the spirit of the earthquake and the giant arose and heaved up the mountains on his shoulders and shook them apart and out came these hot waters, sparkling with radium and other medicinal qualities, inspired at every moment and in every drop by the healing presence of untiring angels, and here the lame and halt and afflicted from all over this land and from other parts of the earth come to get the healing blessing. Here the iron sinews of rheumatism are untied; here the steel fingers of paralysis are unloosed; here the agonies of the pain king are soothed and the crutches and chairs of invalids are thrown on the junk pile, while the whole valley and the mountain side are made vocal with the grand acclaims of those who have been restored to health, and from every lip comes that grandest of all doxologies:

Praise God from whom all blessings flow,
Praise Him all creatures here below;
Praise Him above, ye heavenly hosts,
Praise Father, Son, and Holy Ghost.

[Applause.]

Mr. PAYNE rose.

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. PAYNE].

The SPEAKER. The gentleman from New York [Mr. PAYNE] is recognized for 10 minutes.

Mr. PAYNE. Mr. Speaker, I became acquainted with the classic region of Hot Springs 30 years ago, when I went down there with Casey Young, of Tennessee, and John K. Storm, of Pennsylvania, the two majority Members and myself, as an investigating committee. We were there for a whole week, and when the witnesses began to appear and tell what the obligations of the United States were to the benighted inhabitants, I was curious to know about the matter and began to ask questions. The questions were ruled out by the majority members of the committee in charge, but they afterwards relented sufficiently to allow me to cross-examine the witnesses, which I did at the three sessions each day for six days. We finally examined the last witness, and on the day when we came to make our report, although I was the minority member of the committee, I was afterwards permitted to write the report myself, which will be found somewhere in the annals of Congress, I suppose, and that report was used as the text of Mr. Holman, chairman of the Committee on Appropriations, to ward

On amendments Nos. 57, 58, and 59: Fixes the compensation of two engineers at Fort Monroe, Va., at $1,000 each, instead of $900 each, as proposed by the House, and $1,200, as proposed by the Senate.

On amendment No. 60: Continues the availability of the $350 heretofore appropriated for purchase of land at Fort Washington, Md., during the fiscal year 1915.

On amendment No. 61: Appropriates $1,500, as proposed by the Senate, for the purchase of the Dunkard Church property on the Antietam battle field.

On amendment No. 62: Appropriates $250, as proposed by the Senate, for the care, protection, and maintenance of the Confederate Stockade Cemetery, Johnstons Island, in Sandusky Bay.

On amendment No. 63: Appropriates $11,000, as proposed by the Senate, for the road from the Highway Bridge to Arlington National Cemetery.

On amendments Nos. 64 and 65: Appropriates $125,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for maintenance and improvements in Yellowstone National Park, and $100,000, as proposed by the Senate, instead of $75,000, as proposed by the House, for widening certain roads in the park.

On amendment No. 66: Appropriates $30,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for widening roads and for bridges and culverts in the forest reserves leading into Yellowstone Park.

On amandment No. 67: Appropriates $35,000 instead of $75,000, as proposed by the House, and $100,000, as proposed by the Senate, for Crater Lake National Park.

On amendment No. 68: Appropriates $25,000, as proposed by the Senate, for retaining walls in Meridian Hill Park.

On amendment No. 69: Appropriates $5,000, as proposed by the House, instead of $7,500, as proposed by the Senate, for the Commission of Fine Arts.

On amendment No. 70: Extends the survey of northern and northwestern lakes to the Lake of the Woods and other boundary and connecting waters between said lake and Lake Superior.

On amendments Nos. 71, 72, 73, 74, and 75, relating to the National Home for Disabled Volunteer Soldiers: Strikes out the appropriations, proposed by the Senate, of $22,000 for sea wall at Johns Creek at the Southern Branch and $17,000 for repair of barracks at the Pacific Branch.

On amendment No. 76: Strikes out the appropriation of $5,229.50, proposed by the Senate, for pay of certain employees of the Senate.

On amendment No. 77: Strikes out the appropriation of $7,000 for collecting the naval records of the Revolutionary War.

On amendment No. 78: Provides for a vehicle for the office of the Superintendent of the Capitol.

On amendment No 79: Strikes out the appropriation of $5,000, proposed by the Senate, for the protection of national monuments.

On amendment No. 80: Appropriates $340,000, instead of $330,000, as proposed by the House, and $350,000, as proposed by the Senate, for contingent expenses of land offices.

On amendment No. 81: Appropriates $475,000, as proposed by the House, instead of $500,000, as proposed by the Senate, for protecting public lands.

On amendment No. 82: Appropriates $25,000, as proposed by the Senate, for protecting lands involved in the Oregon & California Railroad forfeiture suit.

On amendment No. 83: Strikes out the appropriation of $15,000, proposed by the Senate, to enable the Agricultural Department to make experimental demonstrations for utilizing by-products of trees.

On amendment No. 84: Authorizes the use of $25,000 of the appropriation for protecting public lands to bring up arrears of work in the surveyors general's offices.

On amendments Nos. 85, 86, 87, 88, and 89, relating to the Geological Survey: Authorizes the purchase of motor-propelled and horse-drawn vehicles; strikes out the provision confining the geologic surveys to the public lands; appropriates $150,000, as proposed by the House, instead of $300,000, as proposed by the Senate, for gauging streams; strikes out the provision to enable the Secretary of the Interior to investigate the existence of artesian water and other underground water for irrigation of arid and semiarid regions by boring wells.

On amendment No. 90: Strikes out the appropriation of $50,000, proposed by the Senate, for medical relief in Alaska.

On amendment No. 93: Strikes out the appropriation of $12,500, proposed by the Senate, for survey of a road in Mount Rainier National Park.

On amendment No. 94: Appropriates $8,040, as proposed by the Senate, instead of $7,540, as proposed by the House, for Crater Lake National Park.

On amendment No. 95: Strikes out the appropriation of $1,500 for Sullys Hill National Park.

On amendment No. 96: Strikes out the authority, proposed by the House, to expend $20,000 for remodeling Government free bathhouses at the Hot Springs Reservation.

On amendments Nos. 97 and 98: Appropriates $10,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for improving grounds and repairing buildings of Howard University.

On amendment No. 99: Authorizes the purchase of an ambulance out of the maintenance appropriation of Freedmen's Hospital.

On amendment No. 100: Directs the transfer of $37,996.70, as proposed by the Senate, instead of $41,209.73, as proposed by the House, out of the revenues of the District of Columbia to the Treasury of the United States on account of Freedmen's Hospital.

On amendments Nos. 101 and 102: Appropriates $35,000, as proposed by the House, instead of $40,000, as proposed by the Senate, for special attorneys and counselors at law in customs cases.

On amendment No. 103: Appropriates $17,000 instead of $15,000, as proposed by the House, and $20,000, as proposed by the Senate, for defending suits in claims against the United States.

On amendment No. 104: Appropriates $485,000 instead of $480,000, as proposed by the House, and $500,000, as proposed by the Senate, for detection and prosecution of crimes.

On amendment No. 105: Authorizes the expenditure of $15,000, as proposed by the Senate, instead of $10,000, as proposed by the House, out of the appropriation for the enforcement of anti-trust laws for necessary employees at Washington, D. C.

On amendments Nos. 106 and 107: Makes a verbal correction in the text of the bill and provides for the payment of justices of the Supreme Court and judges of other courts in Washington and retired judges through the disbursing officer of the Department of Justice.

On amendment No. 108: Appropriates $615,000, as proposed by the Senate, instead of $600,000, as proposed by the House, for United States district attorneys.

On amendment No. 109: Appropriates $350,000 instead of $325,000, as proposed by the House, and $375,000, as proposed by the Senate, for regular assistants to United States district attorneys.

On amendment No. 110: Inserts a provision preventing the payment of double fees to the clerks of courts and United States marshals in Oregon, Washington, and Montana, and provides for them the same compensation as is paid to similar officers in other States.

On amendment No. 111: Appropriates $558,000, as proposed by the Senate, instead of $500,000, as proposed by the House, for miscellaneous expenses of United States courts.

On amendments Nos. 112, 113, and 114: Increases the pay of the farmer at the Atlanta Penitentiary from $900 to $1,200.

On amendments Nos. 115, 116, and 117: Strikes out the proposed increase in the compensation of the tailor at the National Training School for Boys.

On amendment No. 118: Strikes out the appropriation of $80,000, proposed by the Senate, for the Pointe Vincent Light Station, Cal.

On amendment No. 119: Appropriates $50,000, as proposed by the Senate, for changing lighting and providing additional lighting at the eastern and western entrances at Cape Cod Canal.

On amendments Nos. 120 and 121: Appropriates $997,600, as proposed by the House, instead of $1,038,000, as proposed by the Senate, for officers and crews of lighthouse vessels and tenders and inserts a provision granting 15 days' leave of absence with pay each year to employees of the Lighthouse Service.

On amendments Nos. 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 132, relating to the Coast and Geodetic Survey: Appropriates $165,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for surveys and resurveys of coasts on the Pacific Ocean; strikes out authority to reimburse officers for expenses of extending relief in certain cases; strikes out the appropriation, proposed by the Senate, of $175,000 for two new vessels; provides for an additional clerk at $1,800 in the office force; strikes out provision for an additional clerk at $1,000; strikes out the appropriation of $18,600, proposed by the Senate, for a lithographic press; appropriates $7,500, as proposed by the Senate, instead of $2,400, as proposed by the House, for the lithographic building; and appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for a one-story building between the present buildings of the survey.

On amendments Nos. 133, 134, 135, 136, 137, 139, 140, 141, and 142, relating to the Bureau of Fisheries: Strikes out the provision, proposed by the Senate, for a fish pathologist at $2,500; inserts the provision, proposed by the Senate, with reference to the operations of the Bureau of Fisheries in States where there are not adequate laws for the protection of fish; appropriates $80,000, as proposed by the House, instead of $110,000, as proposed by the Senate, for the Alaska general service; appropriates $50,000 instead of $100,000, as proposed by the Senate, for vessels and boats for the Alaskan fishery service; authorizes any corporation, firm, or individual in Florida to donate land and water rights for the marine biological station in Florida; appropriates $15,000, as proposed by the Senate, for the Clackamas, Oreg., fish station; appropriates $5,000 and $3,500, respectively, as proposed by the Senate, for the biological station at Beaufort, N. C.

On amendments Nos. 143 and 144: Appropriates $2,649,500, as proposed by the House, instead of $2,700,000, as proposed by the Senate, for expenses of regulating immigration, and restores to the bill the provision, stricken out by the Senate, fixing the salary of the commissioner of immigration at New Orleans at $2,900.

On amendment No. 147: Strikes out the appropriation of $50,000, proposed by the Senate, for an Alaskan exhibit at the Panama-Pacific International Exposition.

On amendment No. 148: Appropriates $55,000, as proposed by the Senate, for the exposition to celebrate the anniversary of the emancipation of the negro.

On amendment No. 149: Appropriates $250,000, as proposed by the Senate, for the Macdonough Memorial.

On amendment No. 150: Appropriates $5,956, as proposed by the Senate, for the International Council for Exploration of the Sea.

On amendment No. 151: Authorizes the purchase of a power lawn mower for the Botanic Garden.

On amendment No. 152: Reappropriates for the fiscal year 1915 the appropriation of $2,500 heretofore made for the removal of the fence around Botanic Garden.

On amendments Nos. 153, 154, 155, and 156: Appropriates, as proposed by the Senate, $55,000 for the expenses of the Senate Office Building, $5,000 for furniture for that building, $17,500 for repairs and improvements to the Senate kitchen and restaurant; and strikes out the provision, proposed by the Senate, concerning the unexpended balance of the appropriation heretofore made for transportation facilities in the subways of the Capitol to the Senate and House Office Buildings.

On amendment No. 158: Strikes out the provision, proposed by the Senate, excepting the reports of the Attorney General from the general provision relating to the time of submitting annual reports.

On amendment No. 159: Inserts the provision, proposed by the Senate, requiring that the lowest prices paid for typewriters during the fiscal years 1913 and 1914 shall not be exceeded during the fiscal year 1915 shall apply to "substantially" the same model of machine.

On amendments Nos. 160 and 161: Limits the amount that may be prescribed for per diem rates of allowance to persons traveling on official business to $4, as proposed by the House, instead of $6, as proposed by the Senate; and strikes out the provision, proposed by the Senate, granting allowances of $8 per day to the Board of Mediation and Conciliation and General Appraisers.

On amendment No. 162: Strikes out the provision, inserted by the Senate, regulating the compensation and per diem allowances of internal-revenue agents.

On amendment No. 163: On the amendment of the House to the amendment of the Senate: Accepts the verbal modification proposed in the appropriation of $200,000 for the relief of sufferers by fire at Salem, Mass.

The committee of conference have been unable to agree on amendments of the Senate as follows:

Amendments Nos. 44 and 45: Establishing customs collection districts at Kansas City, Mo., and Tampa, Fla.

Amendment No. 91: Appropriating $237,840 for the Hot Springs Reservation at Hot Springs, Ark.

Amendment No. 92: Increasing the appropriation for Glacier National Park from $75,000 to $100,000.

Amendment No. 138: Appropriating $25,000 for the fish-cultural station in Utah.

Amendment No. 145: Appropriating $500,000 for the Government building at the Panama-Pacific International Exposition.

Amendment No. 146: Amending the law prescribing the Government exhibit to be made at the Panama-Pacific International Exposition.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I wish to call attention to the fact that in the statement there is an error as to what had been done with amendment No. 149. The statement recites that the amendment appropriates $250,000, as proposed by the Senate, for the Macdonough memorial. That is an error in the printing. The agreement was for $140,000 instead of $250,000.

Mr. MANN. Will the gentleman yield to a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. On amendment No. 36, which made a preliminary appropriation for the construction of two revenue cutters recently authorized by law I see that the conferees have inserted as an addition to the appropriation:

And authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them.

At whose instance was this added?

Mr. FITZGERALD. The conferees did it.

Mr. MANN. Possibly the conferees were not familiar with the law that was passed, because that itself is an authorization for the Secretary of the Treasury——

Mr. FITZGERALD. The statement was made that there was some question whether authority existed to contract for their construction under the wording of that act.

Mr. MANN. In consideration of the fact that since the gentleman from New York and I have been Members of the House there have probably been passed 40 or 50 such acts under which contracts have been let, I wondered why they discovered the necessity for inserting this.

Mr. FITZGERALD. It was easier to do this than to listen to arguments.

Mr. MANN. It does not do any harm, but it is entirely useless.

Mr. FITZGERALD. It was a hot night, and very late, and sooner than suffer any longer we inserted the matter, because it did no harm.

Mr. MANN. I do not want the gentleman to think it necessary when we pass one of these acts in reference to the Lighthouse Service or the Revenue-Cutter Service, or any other service, authorizing the Secretary to acquire such and such property, that we authorize the contract to be let subject to the appropriations to be made.

Mr. ADAMSON. If the gentleman from New York [Mr. FITZGERALD] will permit, then I suggest if the insertion of this language be necessary, hereafter when we make authorizations we must add that the proper department is thereby authorized to contract within this limit.

Mr. MANN. That would be necessary if this were necessary, but we have always treated it the other way, and they have let the contracts without difficulty.

Mr. FITZGERALD. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FALCONER. Mr. Speaker, I would like to ask the chairman of the committee as to the striking out of the $50,000 provision for the Alaskan exhibit at the San Francisco exposition. Is there any provision made anywhere for an appropriation for showing the Alaskan exhibit at the exposition in San Francisco?

Mr. FITZGERALD. There is none made by the United States Government. What Alaska has done I am unable to state.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. Is that a complete report?

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate Nos. 44, 45, 91, 92, 138, 145, and 146.

The SPEAKER. The gentleman from New York moves that the House further insist on its disagreement to certain amendments, the numbers of which the Clerk will report.

The Clerk read as follows:

Amendments Nos. 44, 45, 91, 92, 138——

Mr. MANN. Please stop the reading there. Let it go down to there, and there will be another motion.

Mr. FITZGERALD. Then I move to further insist on amendments 41, 42, 44, 71, 92, and 98.

Mr. TAYLOR of Arkansas. Mr. Speaker, I desire to offer a preferential motion.

The SPEAKER. On any one of those amendments?

Mr. TAYLOR of Arkansas. Yes, sir; No. 91.

Mr. FITZGERALD. Mr. Speaker, I modify the motion so that the House further insist on its disagreement to the amendments of the Senate Nos. 44, 45, 92, and 138.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House further insist upon its disagree-

matter inserted by said amendment insert, on page 9 of the bill, after line 4, the following:

"Glenwood, Iowa, post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 3, the following:

"Lancaster, Pa., post office: For site, $138,278.78."

And the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 5, the following:

"Lenoir, N. C., post office: For site, $7,000."

And the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 16 of the bill, after line 8, the following:

"Rossville, Ga., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$445,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,650,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "; and authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$679,858"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$502,606"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,942,964"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$88,000"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 58: That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,900"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,266.67"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$340,000"; and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,305,520"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,000"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "except the justices of the Supreme Court of the United States, the salaries of judges retired under section 714 of the Revised Statutes, and the judges, officials, and employees of all courts whose sessions are held in the District of Columbia, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"All acts and parts of acts authorizing the clerks of the United States district courts in and for the States of Oregon, Montana, and Washington, respectively, to charge and collect double the fees provided in section 828 of the Revised Statutes of the United States, and all acts authorizing United States marshals in and for said States, respectively, to receive and collect double the fees provided by section 829 of the Revised Statutes of the United States, are hereby repealed, to take effect from and after January 1, 1915: *Provided*, That no clerk of the United States district courts in and for said States shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including the necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 per year, to take effect from and after January 1, 1915: *Provided further*, That nothing herein shall operate to reduce the fees that the clerks of the United States district courts and United States marshals in any States other than those mentioned herein have heretofore been authorized to charge and collect."

And the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,420"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Alaska Fishery Service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, $50,000."

And the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"MACDONOUGH MEMORIAL.

"For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, in accordance with plans to be approved by the Secretary of War and commissions to be appointed by the States of Vermont and New York, respectively, to be expended by the Secretary of War, $15,000 toward the memorial of the State of Vermont and $125,000 toward the memorial of the State of New York; in all, $140,000 *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for its said memorial and celebration."

And the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lines 9, 10, and 11 of the matter inserted by said amendment strike out the following: " : *Provided*, That the work herein authorized shall be completed on or before January 1, 1915"; and the Senate agree to the same.

Amendment numbered 163: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 163, and agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 44, 45, 91, 92, 138, 145, and 146.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25, relating to public buildings, marine hospitals, and quarantine stations: Appropriates, as proposed by the Senate, as follows:

Fort Stanton, N. Mex., sanatorium, $800.

Jellico, Tenn., post office, $40,000.

New Haven, Conn., post office, makes appropriations heretofore or hereafter made available for mail-handling devices.

Norton, Va., post office, $50,000.

Prescott, Ariz., post office, $7,500.

Sylacauga, Ala., post office, $5,000.

Washington, D. C., national archives building, $5,000, and strikes out authority to employ technical and engineering services without reference to civil-service rules and regulations.

Albertville, Ala., post office, $5,000.

Attalla, Ala., post office, $5,000.

Beaufort, S. C., post office, $5,000.

Decatur, Ala., post office, $6,500.

Glenwood, Iowa, post office, $5,000.

Lancaster, Pa., post office, $138,278.78.

Lenoir, N. C., post office, $7,000.

Rossville, Ga., post office, $5,000.

San Francisco, Cal., marine hospital, $5,000.

San Juan, P. R., quarantine station, enlarges the authority for the erection of buildings within the limit of cost.

New Orleans, La., quarantine station, $12,000.

Cape Fear, N. C., quarantine station, $25,000.

Strikes out items proposed by the Senate as follows:

Philadelphia, Pa., Mint, $10,000.

Washington, D. C., Treasury Building, $8,000.

Washington, D. C., Winder Building, $3,500.

Honolulu, Hawaii, quarantine station, $22,000.

On amendments Nos. 26, 27, 28, 29, 30, 31, 32, 33, and 34, relating to current expenses of public buildings: Inserts authority for the disposal of the wharf and warehouse at Sitka, Alaska, as proposed by the Senate; strikes out authority increasing the amount to be used for repair of the Treasury, Butler, and Winder Buildings from $14,000 to $18,000; appropriates $725,000, as proposed by the House, instead of $740,000, as proposed by the Senate, for repairs and preservation of public buildings; strikes out authority increasing the amount to be used for mechanical equipment for the Treasury, Butler, and Winder Buildings from $10,000 to $14,500; appropriates $445,000 instead of $453,500, as proposed by the Senate, and $440,000, as proposed by the House, for mechanical equipment; reappropriates the unexpended balance of a former appropriation for compensation and expenses of site agents; appropriates $2,650,000 instead of $2,600,000, as proposed by the House, and $2,700,000, as proposed by the Senate, for operating force; appropriates $850,000 instead of $825,000, as proposed by the House, and $900,000, as proposed by the Senate, for furniture and repairs of furniture; and strikes out the increase, proposed by the Senate, of $25,000 in the amount for operating supplies.

On amendment No. 35: Appropriates $2,100,000 instead of $2,025,000, as proposed by the House, and $2,226,060, as proposed by the Senate, for pay of crews of surfmen and miscellaneous expenses of the Life-Saving Service.

On amendment No. 36: Appropriates $165,000, as proposed by the Senate, toward the construction of two new revenue cutters authorized by the act of June 24, 1914, and authorizes contracts to be entered into for the construction of such revenue cutters within their authorized limit of cost.

On amendments Nos. 37, 38, and 39: Appropriates for expenses of the Bureau of Engraving and Printing in the sums proposed by the House instead of the increased amounts proposed by the Senate.

On amendment No. 40: Appropriates $175,000 instead of $150,000, as proposed by the House, and $200,000, as proposed by the Senate, for punishing violations of internal-revenue laws.

On amendments Nos. 41, 42, and 43: Increases the compensation of two employees in custody of dies, rolls, and plates in the Bureau of Engraving and Printing from $1,600 to $2,000 and from $1,200 to $1,400, respectively.

On amendments Nos. 46, 47, 48, and 49, relating to the Public Health Service: Appropriates $679,858 instead of $629,858, as proposed by the House, and $729,858, as proposed by the Senate, for commissioned medical officers and pharmacists; appropriates $502,606 instead of $477,606, as proposed by the House, and $527,606, as proposed by the Senate, for pay of attendants and other employees; and appropriates $256,000, as proposed by the Senate, instead of $245,000, as proposed by the House, for maintenance of marine hospitals.

On amendment No. 50: Inserts the provision, proposed by the Senate, relating to the condemnation of small park areas at intersections of streets in the District of Columbia.

On amendment No. 51: Inserts the provision proposed by the Senate instead of the one in the bill as passed by the House relating to the duty of common carriers in transporting engineers and other employees engaged in making the physical valuation of the property of common carriers.

On amendment No. 52: Strikes out the appropriation proposed by the Senate for collecting the military records of the Revolutionary War.

On amendments Nos. 53, 54, and 55: Makes the appropriation for the extension of the artillery-ammunition storehouse at the Frankford Arsenal available for additional facilities for storing artillery ammunition and strikes out the appropriation of $135,000, proposed by the Senate, for additional ground at that arsenal.

On amendment No. 56: Inserts the provision, proposed by the Senate, requiring the assignment of proper rooms for post-office purposes at military posts.

censure by this House would carry with it a strong criticism of my friends and associates in my district—the findings of the select committee being that my associations have not given me the ethical perceptions and standards which ought to characterize men in public life.

I have the highest respect for my constituency. I do not intend, that in this House the character and standing of my friends and the people I represent shall be either discussed or questioned in any manner. After all, the court of last resort in a matter of this kind is the constituency of the Member affected by such charges as these.

Inasmuch as the findings of fact made by the select committee are all in my favor, I consider myself fully vindicated. I feel that under the facts in this case the question of my censure ought not to be submitted to this House; but I am quite willing that it be now submitted to my constituents, and from the decision of the Committee on the Judiciary of this House I desire to appeal to my constituents. I have forwarded my resignation as a Member of this Congress from the fourth district of Illinois to the governor of my State, and I now here tender my resignation to the Speaker of this House and send to the Speaker's desk a copy of my communication to the governor. I go now from this Hall to my constituents for the purpose of appealing to them for the vindication to which I feel I am of right entitled. I have submitted my name to the voters of my district as a candidate for reelection to the Congress of the United States. I am willing to abide by their decision.

I ask that the letter containing my resignation, addressed to the Speaker of the House, be read, together with the copy of the telegram sent by me to the governor of the State of Illinois.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

WASHINGTON, D. C., *July 21, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I have this day tendered my resignation as a Representative in Congress from the fourth congressional district of Illinois to Hon. Edward F. Dunne, governor of the State of Illinois, to take effect immediately. I attach hereto a copy of my resignation so forwarded to the governor.

I have the honor to be, very respectfully,
Your obedient servant,
JAMES T. MCDERMOTT,
Member of Congress, Fourth District, Illinois.

JULY 21, 1914.

Hon. E. F. DUNNE,
Governor of Illinois, Springfield, Ill.:

I hereby tender my resignation as Representative in Congress from the fourth congressional district of Illinois, to take effect immediately.
JAMES T. MCDERMOTT.

Mr. MANN. Mr. Speaker, this communication, I take it, which is a formal notice, should be placed on file?

The SPEAKER. It should be placed on file. The House does not have to pass on it. It can not accept the resignation of a Member.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15220. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.; and

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills and joint resolutions of the following titles:

On July 7, 1914:

H. R. 13153. An act for the relief of Pete Jelovac.

On July 9, 1914:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

On July 11, 1914:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

On July 16, 1914:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; and

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

On July 17, 1914:

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;

H. R. 963. An act for the relief of Mrs. Andrew Rigannopolous;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 1291. An act for the relief of George Gardells;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3988. An act for the purchase of a building and a lot as a mine-rescue station at McAlester, Okla.;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 14229. An act for the relief of Henry La Roque;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 6260. An act for the relief of Hyacinthe Villeneauve;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 10767. An act for the relief of John D. Baldwin; and

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission; and

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws.

On July 18, 1914:

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 1517. An act for the relief of George W. Cary; and

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.

On July 21, 1914:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914;

H. R. 16523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 17041, the sundry civil appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the conference report on the sundry civil appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 994).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 10, 12, 22, 27, 28, 29, 34, 37, 38, 39, 52, 54, 64, 69, 71, 72, 73, 74, 75, 76, 77, 79, 81, 83, 87, 88, 90, 93, 95, 101, 102, 115, 116, 117, 118, 120, 122, 123, 124, 125, 126, 128, 130, 133, 134, 136, 143, 144, 147, 156, 158, 160, 161, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 21, 23, 24, 25, 26, 31, 41, 42, 43, 48, 50, 51, 53, 56, 60, 61, 62, 63, 65, 66, 68, 70, 78, 82, 84, 85, 86, 94, 96, 97, 98, 99, 100, 105, 106, 108, 111, 112, 113, 114, 119, 121, 127, 131, 132, 135, 139, 140, 148, 150, 151, 153, 154, 155, and 159, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jellico, Tenn., post office: For commencement, $40,000."

And the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Norton, Va., post office: For site and commencement, $50,000."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Prescott, Ariz., post office: For site, $7,500."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sylacauga, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out, in lines 6 and 7 of said amendment, the following words: "without regard to civil-service laws, rules, or regulations"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 7 of the bill, after line 20, the following:

"Fairbanks, Alaska: For the purchase, at a price not in excess of $15,000, of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, $15,000."

And the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 1 of the bill, after line 15, the following:

"Albertville, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 11, the following:

"Attalla, Ala., post office: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 24, the following:

"Beaufort, S. C., post office and customhouse: For site, $5,000."

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 6 of the bill, after line 18, the following:

"Decatur, Ala., post office: For site, $6,500."

And the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the

Mr. BURTON. They do not carry it out to sea, do they?

Mr. LANE. No. They transport it in those large rafts of logs.

Mr. NORRIS. Mr. President, will the Senator from Ohio yield to me?

Mr. BURTON. Certainly.

Mr. NORRIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Perkins	Stone
Brady	Jones	Poindexter	Swanson
Bryan	Kern	Pomerene	Thomas
Burton	Lane	Shafroth	Thompson
Camden	Lee, Md.	Sheppard	Thornton
Chamberlain	Martin, Va.	Simmons	Vardaman
Chilton	Myers	Smith, Ariz.	West
Clapp	Nelson	Smith, Ga.	White
Clarke, Ark.	Norris	Smith, Md.	Works
Gronna	Overman	Smith, Mich.	
Hollis	Page	Smoot	

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER and Mr. RANSDELL entered the Chamber and answered to their names.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. STERLING and Mr. TILLMAN answered to their names when called.

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The VICE PRESIDENT. There is a standing order to that effect. It has never been vacated.

Mr. GALLINGER. Mr. President, pending that I move that the Senate adjourn.

Mr. KERN. On that I call for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from New Hampshire that the Senate adjourn.

The Senate refused to adjourn.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. PITTMAN, Mr. SAULSBURY, and Mr. REED entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There as a quorum present.

Mr. BURTON. Mr. President, I had practically finished my remarks upon New York Harbor.

The next harbor in order of importance, judged by the tonnage, is that of Duluth-Superior, which has a tonnage of 41,474,776 tons and has been improved at a cost of $7,602,213.60. This includes $574,000 expended upon Duluth Harbor prior to the consolidation of the two projects on June 3, 1896, and $695,000 expended prior to that date on Superior Harbor. It will be seen that this, the second harbor in the United States in the magnitude of its traffic, has been improved at comparatively small cost—a little less than $3,000,000.

The next harbor in point of traffic is that of Philadelphia, including the channel to the sea, which is about 101 miles long, according to the official figures. In 1912 this harbor had a traffic of 26,267,335 tons, including 4,685,234 tons carried on car floats between Philadelphia and Camden. I think it hardly fair to include this latter amount, so deducting it the aggregate traffic of the harbor, including the channel to the sea, would be about 21,600,000 tons. It is fair to include the channel to the sea, at least so far as regards boats which ply to and from Philadelphia. The main object of the improvement of that river is to afford access to the port of Philadelphia; and of the expense incurred all but $3,950,000 was for the improvement of the river below Philadelphia. That makes the cost of the river below Philadelphia about $15,000,000.

This very important harbor, the third in the United States, with the means of access to it, has been improved at very great expense, because of the troublesome channels and currents in the Delaware River. One feature of those currents is that the tide does not always flow back to the sea upon the same lines upon which it moves forward on the ebb toward Philadelphia, and a great deal of silt is deposited in the channel on the upward flow of the tide which is not removed by the ebb.

The depth of the channel leading to New York Harbor and in Hudson River around in the neighborhood of the city is 40 feet at low tide. In the Philadelphia channel it is at present 30 feet, but there is a project well under way for increasing that depth to 35 feet. The additional cost of this is estimated at $6,800,200. In many respects a harbor so located must labor under disadvantages as compared with one nearer to the sea and approached by a bay. The harbor of Philadelphia is in many respects very similar to that of the city of London and to that of the city of Hamburg.

Mr. STONE. Mr. President, if the Senator from Ohio is willing to suspend for a short time his very interesting and instructive address, I should like to make a motion that the Senate proceed to the consideration of executive business.

Mr. BURTON. I am willing to suspend for that purpose.

Mr. SIMMONS. Mr. President, will it be agreeable to the Senator to go back into legislative session, in order that the Senator may finish his speech?

Mr. BURTON. Either way is entirely satisfactory to me. I shall be glad to yield.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bryan	Lane	Pomerene	Smith, Mich.
Burton	Lee, Md.	Ransdell	Sterling
Camden	Martin, Va.	Reed	Stone
Chilton	Martine, N. J.	Shafroth	Swanson
Clapp	Nelson	Sheppard	Thomas
Hollis	Norris	Simmons	Thornton
James	Overman	Smith, Ariz.	West
Kern	Page	Smith, Ga.	White

The VICE PRESIDENT. Thirty-two Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 22, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 21, 1914.

RECEIVER OF PUBLIC MONEYS.

James P. Bole, of Bozeman, Mont., to be receiver of public moneys at Bozeman, Mont., vice Walter H. Sales, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 16, 1914.

Lester Julian Efird, of Florida.
Maurice Eby Heck, of Florida.
Charles Henry Hecker, of Missouri.
Adolphus Knopf, of New York.
Robert John McAdory, of California.
Richard Weil, of New York.
Justus Marshal Wheate, of Idaho.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Harris Laning to be a commander in the Navy from the 1st day of July, 1914.

Lieut. Wallace Bertholf to be a lieutenant commander in the Navy from the 5th day of March, 1914.

Lieut. (Junior Grade) Chester H. J. Keppler to be a lieutenant in the Navy from the 28th day of April, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Robert S. Roberston, Jr., and
Raleigh C. Williams.

Ensign Harry A. Badt to be a lieutenant (junior grade) in the Navy from the 6th day of June, 1913.

Medical Inspector Edward R. Stitt to be a medical director in the Navy from the 20th day of November, 1913.

Surg. Charles M. DeValin to be a medical inspector in the Navy from the 25th day of June, 1914.

Passed Asst. Surg. Allen D. McLean to be a surgeon in the Navy from the 18th day of June, 1914.

Midshipman Stuart D. Truesdell to be an ensign in the Navy from the 6th day of June, 1914.

William B. Brinsmade, a citizen of New York, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 13th day of July, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 21, 1914.

UNITED STATES DISTRICT JUDGES.

John H. Clarke to be United States district judge, northern district of Ohio.

W. H. Seward Thomson to be United States district judge for the western district of Pennsylvania.

NAVAL OFFICER OF CUSTOMS.

Jared Y. Sanders to be naval officer of customs in the district of New Orleans.

SURVEYOR OF CUSTOMS.

Robert L. Knox to be surveyor of customs in the district of New Orleans.

APPRAISER OF MERCHANDISE.

Bat P. Sullivan to be appraiser of merchandise in the district of New Orleans.

POSTMASTERS.

MASSACHUSETTS.

William F. Murray, Boston.

NEW YORK.

Daniel E. Harrington, Saratoga Springs.
John H. Mara, Beacon (late Fishkill on the Hudson).

OHIO.

Samuel D. Hensel, Continental.

SOUTH DAKOTA.

A. J. Littig, Flandreau.
Lenora Pardy, Colman.

WISCONSIN.

C. A. Hoen, Edgerton.
Andrew P. Kealy, Hudson.

REJECTION.

Executive nomination rejected by the Senate July 21, 1914.

C. Rettenmaier to be postmaster at Albany, Minn.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 21, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We come to Thee, Almighty and ever-blessed God, our heavenly Father, at the beginning of a new congressional day, to commend our souls to Thy care and keeping, that we enter not into temptation, that we may fulfill the obligations resting upon us conscientiously, in accordance with our highest conceptions of right and duty; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENLARGED HOMESTEADS.

Mr. MANN. Mr. Speaker, yesterday the House passed the bill (H. R. 12919) to amend an act entitled "An act to provide for enlarged homesteads," with a slight typographical error in it, and I ask unanimous consent to vacate the proceedings by which the bill was engrossed and passed, so as to return to the amending stage for the purpose of offering a slight amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House vacate the proceedings as to the bill H. R. 12919 back to the amendment stage, in order to correct a typographical error. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

H. R. 12919, page 3, line 23, strike out the word "proofs" and insert in lieu thereof the word "proof."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESIGNATION OF A MEMBER.

Mr. McDERMOTT. Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. McDERMOTT] is recognized.

Mr. McDERMOTT. Mr. Speaker, I arise to a question of the highest personal privilege. On the 29th of June, 1913, there appeared simultaneously in the New York World and the Chicago Tribune an article signed by Martin M. Mulhall, a former employee of the National Association of Manufacturers, containing certain charges against me. On July 9, 1913, I arose in my place on this floor, and calling attention to the article in question, I denounced it as outrageous and untrue, and asserted that I had never received a cent from anybody belonging to the National Association of Manufacturers. I also stated that I was ready to go before any committee at any time that might be selected to investigate the charges contained in the Mulhall articles. Afterwards a resolution of investigation was passed. A select committee was appointed and an exhaustive and long drawn-out investigation was made, the result being that the committee found all the substantial charges against myself to be false and without foundation. The investigation disclosed the fact that on all occasions I voted in this House in compliance with promises and pledges I made my constituents; at all times, whenever occasion presented itself, voting for the measures coming before Congress advocated by organized labor. Unfortunately, I came to this House a poor man; fortunately, however, for myself, taking into consideration the character of the charges made against me, I leave this House a poor man. I have been compelled during my service as a Member of this House to borrow money. I have not been in a position to go to banks and to tender to them the security they require. I have been compelled to borrow from my friends. It so happened that afterwards persons from whom I borrowed money became the opponents of certain legislation which passed this House affecting their business as pawnbrokers and as liquor dealers. In the matter of the pawnbrokers bill I voted also according to the suggestion of a great labor organization here—the Central Labor Union of the District of Columbia. On account of these loans I have been censured by this committee. The committee in their findings, after reviewing carefully all the evidence presented against me, said, with reference to these money lenders and liquor dealers:

There is no evidence that such lobbies as were maintained by these effected or prevented legislation, improperly or otherwise.

However, with reference to these transactions, the committee hold that I have been guilty of acts of impropriety. In their report the committee state:

The Members of the House know Mr. McDERMOTT; know his ideals and his characteristics as the public generally does not know, and in the nature of things can not know them. His training and associations have not given him the ethical perceptions and standards relative to public office that usually characterize public men. We can not say that he has been corrupted in his votes.

It is true that I have not had the educational training and, perhaps, the social training and advantages that other Members of this House may boast or may have had. I have been invited to many places in Chicago and elsewhere that, perhaps, some Members may think above my social station; but I have preferred to associate with the people who have sent me to Congress, and when I am at home in Chicago I am to be found at my accustomed haunts and among my old companions, associating with the men and boys in the great Union Stockyards, the people I love and want to associate with. My training has been with them for over 20 years. I admire them and love them. They are open and above board. If they fight you, they fight you on the square; if they are against you, they come to you, face to face, and manfully tell you that they are against you, but they do not use the brigand methods of shooting at you from ambush. I never cast a vote that these honest, home-loving people criticized me for. I go back to them, and am willing and glad to do so. They will believe me, because they know I never lied to them; that I have always been their loyal friend and servant.

The committee action I have been discussing is the action of the select committee appointed to investigate the charges against me. Their report and the evidence presented before them was afterwards submitted to the Committee on the Judiciary of this House, with directions to report a proper course of procedure, and that committee has presented to this House their report, finding that I have been guilty of acts of impropriety and recommending that I be censured.

I have many warm friends in this House. Their elections are approaching. I do not desire to embarrass them in any way. I am conscious of no wrongdoing as a Member of this body. My only offense is that I have borrowed money. A

in cargo capacity per trainload of the railways; the traction power of the locomotive has enormously increased; the capacity of the cars has been made greater, and hence the capacity of the trainload. I should think, however, there would be a deal of traffic into the Lake Champlain region, which, if there were a 12-foot waterway up there, would be carried by water.

Mr. PAGE. The 12-foot waterway is not only assured, but it is already built from the Hudson River up to the lower end of Lake Champlain.

Mr. BURTON. Is it finished?

Mr. PAGE. It is finished now, I think, or will be finished next year.

Speaking of economic conditions, I will say that I well remember when the town of Swanton, on Lake Champlain, had a very good dock and our coal and salt came to that dock in large quantities. The railroad owned the dock, so that they were under no expense, except a very slight one to keep it in repair, and yet the dock has been abandoned, and the larger part of our coal now either comes by way of lake and rail to Burlington or comes all rail from the mines.

Mr. BURTON. It comes by rail from the mines?

Mr. PAGE. Yes; the coal from the Buffalo, Rochester, and the Pittsburgh region comes through all rail, as I understand it.

Mr. BURTON. As to that coming by way of Burlington, does it come part way by water?

Mr. PAGE. A great deal of it comes by rail, but there is some that comes by water and rail.

Mr. RANSDELL. May I be permitted to read, from the testimony of Mr. John H. Bernhard before the Senate Committee on Commerce on the 26th day of March last, on the very point which the Senator from Vermont has been discussing?

Mr. GALLINGER. May I interrupt the Senator from Louisiana, to ask if he will first state who Mr. Bernhard is? I am not familiar with that name.

Mr. RANSDELL. He is a Hollander, though his home, I think, now is in New Orleans. I am not sure as to that, but he gives that as his voting place, and he is there temporarily.

Mr. GALLINGER. Is he a naval constructor?

Mr. RANSDELL. Yes, sir. He claims that that is his business, and that his father and his grandfather before him were in that business. Mr. Bernhard has been in this country a few years.

Mr. GALLINGER. I thank the Senator from Louisiana.

Mr. RANSDELL. Here is what he says regarding his boat:

It is 240 feet long, 32 feet wide, 8 feet deep, and drawing 6 feet of water. They are equipped with two 75-horsepower gas engines, and have a speed of 8¼ miles empty and an average of 7½ when loaded. The cargo is carried on deck so that coal can be spouted quickly on the barge, unhampered by hatches, and can be unloaded quickly—the hold of the barge solely used for strengthening purposes and becoming identical to a hollow beam. We have a water-tight bulkhead on either side of the hold, closing this off from the crew's quarters and engine room; there are five lattice trusses in the hold acting the same as a bridge girder, supported on two ends. That has the great advantage that you can now place steel in the hold where you need it the most.

As to the passage in the Gulf, the Senator from Minnesota [Mr. NELSON] asked Mr. Bernhard this question:

Allow me to interrupt you there. You said the boats were flat bottom and had no keel. Could such boats be navigated with safety on the ocean to Panama—across the Gulf?

The very question the Senator from Vermont has asked.

Mr. BERNHARD. Allow me to answer you in a rather lengthy way as to that. The first barge was ready on the 1st of July and the insurance companies had insisted upon an insurance of 5 per cent. In some places 7½ per cent is paid. I had asked them to reduce it because these barges were seaworthy, although they were designed only for inland waters, and we proved this as follows: On the 2d of July a party 20 miles above Pensacola got me on the long-distance phone. He said: "I am in a fearful fix. If by Saturday week, which is the 12th of July, 1913, I can bring my 3,000 barrels of rosin into New York, I will have delivered them before the expiration of my contract and will make a good profit on my rosin, while if they are delivered after Saturday, I will lose a considerable amount of money. I have them now on flat cars—32 flat cars." That was on the 2d of July, Tuesday. He said: "The railroad will not promise delivery Monday in New Orleans. I can not ship from Pensacola because no ship leaves. If I have them Monday morning in New Orleans I can make my money. What can you suggest?" I said: "A trial trip is going to be made very soon; either to-day or to-morrow with the first barge. I am very anxious to give her the severest test I can, because I can not go with every barge. I am willing to go through the Gulf of Mexico to Pensacola and take those 3,000 barrels of rosin." We went to that town, which was Bagdad, Fla., and arrived at 8 o'clock in the morning of July the 5th, a Saturday, and found the 32 flat cars loaded with 3,000 barrels of rosin waiting for us. It took only six hours to load the 3,000 barrels of rosin. Those 3,000 barrels of rosin were loaded on her in six hours, because we can take the sides down anywhere; we rolled the barrels from skids so fast that we needed two men to count them, and we were through at 5 o'clock in the evening. We went through the Gulf of Mexico and arrived at New Orleans the next Monday morning. If this man had taken his rosin to an express company he would not have had it delivered in time. We cut the freight rate 10 cents a barrel and made $750 in 39 hours, making a handsome profit.

That proves beyond any doubt the safety of the barge—not being constructed for outside waters, not being constructed for Gulf service, yet she went through the Gulf with a load for which she was not constructed.

These barges, on the 22d of October, were in the Gulf, three of them. At that time there was a 60-mile gale; two vessels in Gulfport Harbor got damaged. The Government revenue cutter had to go into Mobile for protection. Those three barges were out in the Mississippi Sound; one went for anchor and the other two fought the storm, and none got damaged. I remember the date so well because that was the date of the first trip up the Warrior River. We had been delayed, because at every step we had great difficulties to overcome. October 22 was the lowest stage of the water. All navigation had stopped because the river had on some of the bars less than 2 feet of water. We went up on this barge drawing 4 feet, but we had 2 feet of ballast, as with a draft of 4 feet the propellers were amply submerged.

We went up the river and had our troubles; but we made the trip on a river which was impossible for the smaller boats to navigate at that stage of the water level.

Mr. PAGE. Mr. President, may I interrupt the Senator from Ohio again?

Mr. BURTON. Certainly.

Mr. PAGE. Is it not infinitely more practicable to build a vessel able to navigate on the ocean where you can build it for a 12-foot waterway than where you are limited to a 5 or 6 or 8 foot waterway?

Mr. BURTON. Oh, I am not so sure about that. It is not merely a question of draft and size, but there is a question of handling and steering. In a river there are currents, and you have to be constantly taking pains to see that your boat is not driven against the banks. Possibly you may get into a cross current and turn right around. Thus it is necessary to have steering gear of greater relative importance on a river boat than on an ocean steamer. The ocean steamer, of course, has its steering gear, but it would be helpless in a river with a strong current; it would be constantly running into shallow water or running on the banks. Again, as I have said, the model is altogether different. Those vital differences between ocean navigation and river navigation are not removed by a difference in draft of 5 or 6 feet as compared with 12 feet. Of course, with 12 feet you could construct a larger boat, and, being larger, it would probably be more stanch.

Mr. PAGE. Would not the shallow-draft boat be a different type of boat? It would be almost a flatboat, would it not?

Mr. BURTON. The larger boat would have to have the same mechanism for steering gear and for operating in the channels and currents that would be required on the smaller boat.

Mr. PAGE. A boat does not have to be especially provided for channels and currents when it goes through the Erie Canal. There you have very calm water and the boats go through it with very little steering, as I understand.

Mr. BURTON. Yes; but even so you have to be careful to see that the boat does not go against the side of the canal.

Mr. PAGE. I should like to ask the Senator if he does not believe that in time they will provide some steering gear, perhaps from the sides of the canal, in that great waterway from Buffalo to New York that will make it practicable to run a boat through there without injury to the boat even if she had only ordinary steering gear?

Mr. BURTON. I think it is possible to construct such a boat, although the qualities of such boats would be as different as mechanism which provides for going ahead on the one hand and which provides for going sideways on the other.

Mr. PAGE. But the boat which has been described by the Senator from Louisiana [Mr. RANSDELL] is almost of the flat-boat type, while the boat that draws 12 feet of water can be made after the type of an ocean-going steamer.

Mr. BURTON. I do not wish to say anything in disparagement of Mr. Bernhard's efforts or his extreme hopefulness in this matter, but my judgment is influenced very much by the fact that periodically for years some one has come forward with a new style boat that was sure to accomplish wonders. I read briefly here in 1910 from a prospectus of a new line of boats on the Mississippi River, which was one of the most glowing prospectuses I had ever read, and I was interested in it because among its projectors were men who had been insistent, violent almost, and offensive against the Rivers and Harbors Committee of the House because that committee did not immediately recognize the necessity of a 14-foot waterway in the Mississippi. They said they could make money and pay great dividends, and their promises were largely quoted in the RECORD in some remarks made by me in April, 1910. They set forth what a splendid scheme they had for carrying freight down the Mississippi River even with shallow-draft boats. Well, where is that company now?

Mr. RANSDELL. I should like to ask the Senator if they actually carried any freight? Mr. Bernhard has been carrying it.

Mr. BURTON. I do not know that they ever did.

Mr. RANSDELL. Mr. Bernhard has a boat going up the river now.

Mr. BURTON. My experience with them was that they were a type of men with whom hope was equally as gratifying as realization, and I am not sure that they ever did put any boats on the river. They were telling what they could do.

Mr. RANSDELL. I recall the company very well.

Mr. BURTON. I have before me now the figures for which I was searching, and they bring out an important point in regard to using boats both on the inland rivers and on the sea, namely, the average value of vessels per ton of carrying capacity. The figures are somewhat confusing because they are given not only for steam and sail vessels, but for unrigged vessels. The real test is the aggregate value of all, and so I will only give one set of figures, those for all vessels. These figures show what it costs per ton of freight-carrying capacity to build a boat. Atlantic coast and Gulf of Mexico, $56 per ton; Pacific coast, including Alaska, $78 per ton. I really do not know why there is the great difference between $56 and $78 in that instance, but I suppose because wages and materials are somewhat higher on the Pacific coast.

Great Lakes and St. Lawrence River, $55 per ton. That is just a dollar less than on the Atlantic coast and the Gulf of Mexico.

On the Mississippi River and tributaries, $5 a ton.

So that for all vessels, which no doubt takes in the different kinds of craft used for carrying freight, such as barges, the cost is eleven times as much per ton on the Great Lakes and St. Lawrence River and eleven and one-fifth times as much per ton on the Atlantic coast and Gulf of Mexico as it is on the Mississippi River.

All other inland waters, $18 per ton.

Anyone who is about to establish a transportation line would be confronted with those figures. They are taken from the United States census report on transportation for 1906. At the very outset it will be seen that the average cost of a floating craft required to carry a ton is eleven times as great and a little more on the Gulf of Mexico than it is on the Mississippi River; so that if one were to build a boat on the Mississippi River with a view to taking it into the Gulf, he would have to take that cost into account. That is a very prominent factor in this matter which has been so much discussed, and you will see a great deal more in the everyday newspaper than you will in the scientific journals about utilizing a boat both in inland waterways and canals and also out on the ocean. It is possible, but I do not think it is probable, that a boat will run, for instance, from St. Louis down to New Orleans and then out into the Gulf and down to Panama. The conditions in regard to the model of the boat and the water through which the boat must pass are so different in the two bodies of water that the probabilities are strongly against it.

Mr. PAGE. Does the Senator expect within the next 20 years to see an inland waterway along the border of the Atlantic that will accommodate all the coastwise traffic?

Mr. BURTON. Oh, I do not know about that; I would not wish to express an opinion at this time. There are many persons who take opposite sides on the question. I may discuss it at some time. There are certain inland waterways that I quite believe in, shallow waterways near to the coast, but far enough back so that they are central to a producing area or areas and suitable for frail craft, but, as regards attempting an inland waterway all the way from Boston around to Corpus Christi or Matamoras, I am not quite sure that I expect to see that in 20 years. I do not really believe it would be profitable.

Mr. WEST. Mr. President, I want to ask the Senator from Ohio——

Mr. BURTON. If the Senator will excuse me for a moment, I should like to make one further statement. An inland waterway such as the Senator speaks about is very largely dependent on the figures which I have just given. If the boats using such a waterway were to go out into the Gulf, they would cost $56 per ton, while if they built boats exclusively for use on inland waterways, where the water is shallow, they would not cost more than $5 a ton of freight-carrying capacity perhaps.

Mr. NORRIS. Mr. President, will the Senator yield to me?

Mr. BURTON. If the Senator will excuse me, I should like to finish my statement.

Mr. PAGE. Just one word. Does the Senator expect that such an intercoastal waterway, if that is the proper name for that kind of a waterway——

Mr. BURTON. I think intercoastal waterway is an appropriate term.

Mr. PAGE. Does the Senator think that the traffic on such a waterway would be in barges drawn by tugs, or would it be in vessels operated by their own power?

Mr. BURTON. Probably the former, in barges drawn by tugs; but such a waterway would be so different in its different parts that you can not answer that question by a general statement applicable to all its sections. For instance, there is a proposition in this bill for what is called the Delaware & Chesapeake Canal, that would make available a waterway for traffic from Baltimore to Philadelphia. There is such a waterway now. It is probable that a considerable share of that traffic will be by boats propelled by their own power. It would depend largely on the depth. If it is only 8 feet or 12 feet, or even 14 feet, naturally the larger share of the traffic will be by barges drawn by tugs, but if it gets beyond that depth a larger share would be by self-propelled vessels, that can go out into the Chesapeake Bay and the Delaware Bay and even into the ocean.

Mr. NORRIS. Mr. President——

Mr. BURTON. If the Senator from Nebraska will excuse me, I promised to yield to the Senator from Georgia [Mr. WEST].

Mr. WEST. Mr. President, I desire to ask the Senator from Ohio if he knows of the method of carrying lumber from Jacksonville to New York that is now employed by Mr. Cummer, who has great lumber interests in Florida? He employs what, I think, he calls scows, drawn by very heavy towboats, two or three of the scows being attached together with cables.

Mr. BURTON. That is, barges or scows.

Mr. WEST. Barges or scows; yes, sir.

Mr. BURTON. And a very heavy towboat is used to draw them?

Mr. WEST. A heavy towboat is employed to draw two or more of them. In that way he carries immense quantities of lumber from Jacksonville to New York, although the vessels have to go around Cape Hatteras, where the weather is almost always very rough; but I understand he has never lost a cargo of lumber. These scows carry about 500,000 feet of lumber to the scow.

Mr. BURTON. Which would weigh, dependent on the kind of lumber and the degree to which it was seasoned, say 1,250 tons.

Mr. WEST. The lumber carried is green lumber, and I think 500,000 feet would weigh 2,500,000 pounds.

Mr. BURTON. That makes 1,250 tons, just as I estimated. I was not aware that was being done. I take it that is a species of navigation very similar to rafting. Are not the scows low and near to the water, not having much freeboard?

Mr. WEST. Yes, sir; they are built for capacity, for holding lumber. They have a way of fastening the lumber on so that it is not lost. I think on some trips the cables have broken a few times, but they have never lost a cargo.

Mr. BURTON. They do not bring back a return cargo, I am quite sure.

Mr. RANSDELL. What do they draw?

Mr. WEST. I do not know, but they are shallow-draft craft.

Mr. BURTON. The Senator does not know their draft.

Mr. WEST. No, sir; but they are shallow.

Mr. BURTON. I may say to the Senator from Georgia that what he describes is closely related to the rafting of logs. The main thing to be accomplished is to securely tie the lumber so that it will not get loose. If they can do that, they might carry a quantity of lumber in a manner even more convenient than the rafting of logs. I do not look upon that as creating any exception to the general rules in regard to traffic itself. It is itself an exception of course.

Mr. WEST. I will say to the Senator that I know of nobody else who is engaged in this business except Mr. Cummer, who operates a very large mill. This was an experiment when they went into it, but it has proven very successful.

Mr. BURTON. What I should fear, of course, in any such attempt as that would be that they would meet some frightful storm that would either break the scows loose from the tug or wreck them.

Mr. WEST. Yes. I will say that they have been in terrific storms, and they have broken loose, but they have never lost a scow.

Mr. BURTON. With that kind of a load, even if the scow did get loose, if the lumber was properly fastened together, it would probably float without destruction. They could recover it. Of course, there are some varieties of lumber of such a weight that they might sink if cut loose in the water.

Mr. LANE. They lash it down. I have been on such craft where they loaded them to the sinking point and lashed the lumber down in order to get a better grip on the tide.

Mr. BURTON. Do they carry lumber in any way like that out on the Pacific coast?

Mr. LANE. Only in the bays.

crease from that source is not going to add a very great percentage to the space already in demand.

Mr. PAGE. The question in my mind was as to the extent of the traffic through the lake, which is now practically shut off to a large extent, because the large boats now run south only to Ticonderoga. In the channel south of Ticonderoga there is only 5 or 6 feet depth of water a good part of the time, but with the channel deepened to 12 feet, as is now proposed, so that large barges may load grain at Quebec, Montreal, Three Rivers, and other points on the St. Lawrence, it seems to me the great grain product of eastern Canada will eventually find its way down the Richelieu River, Lake Champlain, the Champlain Canal, and the Hudson River to New York.

Mr. BURTON. I should think that problematical. It might be, but that grain is already near the great river of St. Lawrence, and the distance to Europe is shorter by the river and Gulf of St. Lawrence than through the Richelieu River, Lake Champlain, Champlain Canal, and the Hudson River to New York and then by ship from there.

Then, another thing, you have all the governmental regulations, and every effort will be made in Canada to provide for shipping that grain by a water route directly connecting Canada with European ports.

Mr. PAGE. But the Senator must remember that during a good part of the year the St. Lawrence River is closed by ice. Of course, navigation would be closed through Lake Champlain as well; but for all that there is a large lumber, pulp, and grain traffic there that it seems to me may be developed both from Quebec and from Montreal which will eventually increase the Lake Champlain and Hudson River traffic to a very great extent.

Mr. BURTON. I think so; but as to that grain traffic I doubt very much.

There is one point in this connection to be taken into account. There are facilities for shallow draft boats in and near New York. It is very much easier to provide wharfage facilities and warehouses for traffic that comes through a barge canal 12 feet deep than it is to provide for the ocean traffic. The ocean traffic comes in on boats from nearly 40 feet draft down to 20 and 15 feet, and in order that they may obtain wharves at which they may unload their cargoes it is necessary that there be deep water. There is a large amount of channel room around New York which would provide for boats or barges from a barge canal 12 feet deep, but which would not provide for one of these ocean steamers. So that probably will be a comparatively simple problem. The great strain is to obtain deep and not shallow water frontage such as would be required for boats from the canal. I should fancy that the Harlem River would provide for some of it, and that it might be barged into some of the shallow harbors and river channels in and around New York and Brooklyn, possibly clear around Coney Island to Jamaica Bay. It should be remembered that much of the freight brought from the canal will be consumed in Greater New York and near-by points. Another class of freight may be intended for transshipment, and for this deep channels are desirable, so that a transfer may be made to ocean steamers.

Mr. PAGE. I should like to ask the Senator if he anticipates that in the next half century there will be a type of boat built drawing only 12 feet of water that will take freight at Buffalo or Montreal and bring it through these canals to New York and then proceed coastwise without transshipping?

Mr. BURTON. That opens up a very broad question. Of course it is possible to use boats which ply in shallow channels on deep channels as well, but I do not think it is probable. Boats might be used on the Mississippi River of greater draft than the three that Columbus had when he discovered America. I have some figures somewhere showing the cost per ton of building a boat for deep-water navigation and for shallow-water navigation. A much cheaper boat will carry the traffic on the rivers. The model of the boats will be different. More attention will be paid to the steering gear on a river boat than on an ocean boat, and as a result transportation is so much cheaper on one of these less expensive boats that it becomes a question which is the most profitable to build, a boat that will take your freight through these canals, as the Senator says, and then out into the ocean, or to build boats that will carry the freight to the ocean side to deep water and then reload.

Mr. PERKINS. That would be much cheaper.

Mr. BURTON. The Senator from California knows more about this subject than any of us. I think the great bulk of the traffic in such cases as that will be transshipped at the place where the shallower channel meets the sea.

Mr. PAGE. Is it expected that in the Mississippi River development as was just suggested by the Senator from Louisiana [Mr. RANSDELL], there will be a type of boats built that will take the freight from St. Louis down through the Mississippi River to New Orleans and then on down to Panama?

Mr. BURTON. A great many have said that. I have not taken what they said very seriously.

Mr. PAGE. The Senator thinks that is not practicable?

Mr. BURTON. In the first place, the model of your boat is altogether different. The method in which you maneuver the boat is very different on the river than it would be out in the Gulf. Then, again, I do not turn immediately to those figures, but my impression is that the cost of a steamer is about as 26 to 100. A boat that would stand the voyage out in the open sea must be much more solidly built than the one required in the river channel, and it is hardly profitable to build a boat which, in the first place, is much more expensive and, in the next place, can hardly be built so as to be suited for both shallow and deep water; at least, when you have the opportunity to transfer to deeper draft boats.

Mr. PAGE. The transfer costs about half a dollar a ton.

Mr. BURTON. Sometimes it costs more than that. It depends on your commodity. Everything is against the transfer, I can tell the Senator that. That is a strong statement to make, but, generally speaking, the expense of transfer has grown out of proportion to the expense of hauling. This is at least true of inland commerce, and it is one great fact that should be especially noticed in river transportation as related to railroad transportation.

Mr. PAGE. But is it not true that year by year they are managing to transfer freight from boats at a less and less sum? Fifty and sixty cents now cover the transfer of grain, coal, iron ore, and heavy material of that kind.

Mr. BURTON. I do not think we can fix that average. For instance, iron ore is loaded on Lake Superior from tipples into the boats where it would cost less than 10 cents. It is brought to a port on railroad cars and they are tipped over or put into a receptacle. It then goes down by the force of gravity into the boat. I do not suppose it costs 5 cents a ton. It all depends on your mechanism and on the materials you are handling. It would be much larger, I will say, on package freight that has to be handled carefully to protect it from breakage than it would be for handling ore and coal by transfer. Ore is about the least expensive probably to transfer.

Mr. RANSDELL. Mr. President——

Mr. PAGE. I wish to thank the Senator for his information. It is very interesting.

Mr. BURTON. It is given extemporaneously, and it is a subject which requires very careful thought. I do not believe in the idea that boats are going to be used on rivers and then go out into the open sea. You can build a boat that will do it, and you can even find men who are venturesome enough to go out upon one that is not well constructed into the ocean with its waves and storms; but it is not a natural method for going to sea.

Mr. RANSDELL. Will the Senator permit me to interrupt him?

Mr. BURTON. Certainly.

Mr. RANSDELL. In answer to the question of the Senator from Vermont I wish to say that a Hollander, Mr. John H. Bernhard, has recently perfected a type of boat which he thinks is going to revolutionize that trade and extend transportation on our interior rivers. I have a letter in my hand from him, dated the 18th of this month, in which he says he incloses an article from the New Orleans Item. If it does not take up too much of the Senator's time, I should like to read it.

Mr. BURTON. Certainly; I yield for that purpose.

Mr. RANSDELL. Mr. Bernhard says:

> When the discussion of the rivers and harbors bill comes up in the Senate and you refer to this, kindly remember that this is not all, but I am getting ready to send within the next 10 or 15 days a 1,000-ton barge to Denison, Tex.—

That is away up the Red River, as the Senator probably knows, where there is very little depth to it.

> And on the 1st of September a barge will leave here fully loaded with sugar for Corpus Christi, Tex., going, where possible, along the Intercoastal Canal—

I will state that the Intercoastal Canal, where it exists, is 5 feet in depth—

> but considering the fact that it is not entirely complete we will have to go part of the way coastwise, suffering a great loss of time. On the 15th of September I am going to send a barge from here to Jacksonville, Fla., also coastwise. If there was only the proper system of inland waterways, why, inland navigation would be revived so much the quicker.

I merely bring this in at this time in answer to the question of the Senator from Vermont, to show that in the opinion of this gentleman, Mr. Bernhard, who is one of the brightest men

I have met, it is probably entirely feasible to load a barge on the extreme upper Mississippi, send it down the river, and then on to Panama. If he can, with the small barges which he is now building, send one out in the Gulf from New Orleans to Jacksonville, and from New Orleans to Corpus Christi, a part of the way over a 5-foot waterway in the interior, and then out into the Gulf, it surely seems to me that with a perfected channel of not less than 6 feet up to Minneapolis, and not less than 9 feet that we now have from Cairo down, he can load those barges and let them go all the way to Panama.

Of course I am no expert on this subject, and I would not pretend to express an opinion, but I thought when we had the matter before our committee——

Mr. WEST. Are those barges towed or do they travel by steam?

Mr. RANSDELL. They are steel barges. He uses a propeller, I may say, rather than a stern wheel, and he uses a kind of gasoline engine.

Mr. BURTON. A Diesel engine.

Mr. RANSDELL. He is very hopeful. He testified before the Committee on Commerce that he is now delivering coal in the city of New Orleans from the coal fields of Alabama, through the Warrior and Tombigbee River system in their unfinished condition, at a very much lower rate than they have ever been able to get it, so that he can sell for 75 cents per ton cheaper than it has been sold there.

Mr. PAGE. If the project of deepening the Mississippi River is carried out, what depth does the Senator anticipate when the work is completed?

Mr. RANSDELL. Nine feet from Cairo to New Orleans; 8 feet between Cairo and St. Louis. The present project from St. Louis to Minneapolis and St. Paul is 6 feet.

Mr. PAGE. And from St. Louis to the Gulf how much?

Mr. RANSDELL. Eight feet for 200 miles, from St. Louis to Cairo, and 9 feet for the balance of the way. There are already 9 feet, I may say, from Cairo to the Gulf. I thank the Senator from Ohio.

Mr. BURTON. Mr. President, I listened to Mr. Bernhard with a great deal of interest as an enthusiastic and very intelligent young man, but my hopes in such cases are very much dampened by experience. About every other year for the last 20 years I have listened to men possessed of equal enthusiasm, who felt sure they had some invention which would revolutionize river traffic, and in almost every case their expectations have not been realized. I really was pleased, and almost startled, I may say, by what Mr. Bernhard said in regard to the ability to carry coal from the Black Warrior River region down through the locks to Mobile Bay, and then out to the Mississippi Sound, and then by the Mississippi to New Orleans. That route, however involves no very serious difficulty, because most of the way, even in the open Gulf, it is protected by islands near at hand.

Mr. WEST. Mr. President, before the Senator gets off on that line I wish to make a suggestion to the Senator from Louisiana [Mr. RANSDELL]. It strikes me that the shallow-draft boats in the Gulf of Mexico, especially along about September, would encounter great difficulty with the equinoctial gales. Does the expert say that these shallow-draft boats can weather the storms that we have on the Gulf?

Mr. RANSDELL. I have not gone into details. I will state to the Senator, but from my understanding of Mr. Bernhard's testimony these boats are so constructed that they will stand storms. They are entirely different from the old style of construction, and I gathered from him that in his opinion they would stand a reasonable storm; in fact, I think he said so. That is my recollection of his testimony.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Alabama?

Mr. BURTON. I shall be glad to yield.

Mr. WHITE. I should like to know if these boats ever go out into the Gulf of Mexico?

Mr. RANSDELL. I understand so.

Mr. WHITE. They never get out into the ocean?

Mr. RANSDELL. Mr. Bernhard states here that he is going to take one of the boats over to Corpus Christi, and he would have to go out into the Gulf a part of the distance, and that he was also going to take one to Jacksonville, in which event he will have to go out into the Gulf.

Mr. WHITE. I have myself seen boats ply between Tuscaloosa, Ala., and the inland.

Mr. RANSDELL. Those boats do not go into the Gulf. He told us that a certain type of boat could go in the Gulf. Of course I am no expert and know nothing about it.

Mr. WHITE. In reference to these equinoctial storms, the boat would not leave port when storms are threatening.

Mr. PAGE. I should like to interrupt the Senator again if he will allow me.

Mr. BURTON. Certainly.

Mr. PAGE. Have there been constructed any inland waterways with a 12-foot channel, the depth now proposed in the new Erie Canal?

Mr. BURTON. On the Mississippi, for 320 miles to the Gulf, there is 30 feet now.

Mr. PAGE. The point I want to emphasize is this: Yankee ingenuity is equal to almost anything when it is compelled to accomplish a task. It seems to me that if we should develop a 12-foot waterway for commerce, passing down the lower Mississippi into the Gulf of Mexico, which is not a very calm sea, as I understand it, is it not probable that the mind of the Yankee will eventually develop a boat that can navigate this 12-foot waterway and also navigate the ocean?

Mr. BURTON. I do not expect it. There is a wide difference between an inland waterway 12 feet deep and the open sea, a difference in the storms and winds which confront a ship. As a result of that, river ships and ocean ships are constructed on entirely different models. I am very skeptical about the success on inland waters of any single boat which carries its power within itself. In France the self-propelled boat carries, I think, less than a sixtieth part of the traffic on the rivers. I may be in error about that, but that is my recollection. It carries, however, a very small proportion, and that proportion is diminishing. River traffic is most economically conducted by barges with tugs. On the Rhine, for instance, with its splendid possibilities, the traffic is exclusively, or almost exclusively, by barges hauled by tugs. The advantage of the boat which Mr. Bernhard has devised is the very small amount of space and the limited amount of weight required for the propelling machinery, and for the fuel which is used. Just what he can accomplish by that I do not know. He seems to have accomplished some results already.

Mr. PAGE. Mr. President, the Senator from Ohio well remembers that 40 years ago there was a very large traffic on Lake Champlain. The vessels there were floating palaces. I do not know what depth they drew, but probably not over 12 feet, because they went down through the narrows at the south.

Mr. BURTON. I do not think they drew as much as that.

Mr. PAGE. But they were large vessels.

Mr. BURTON. I will ask the Senator from Louisiana, What did the Mississippi River steamboats draw? Not more than 6 or 7 feet, did they?

Mr. RANSDELL. About 7 feet, as I recall.

Mr. BURTON. And they were floating palaces.

Mr. RANSDELL. When heavily loaded, they sometimes drew from 8 feet to 8½ feet, as I recall.

Mr. BURTON. They probably were not loaded heavily except under certain conditions.

Mr. PAGE. I remember very well that the freight and passenger vessels on Lake Champlain 40 years ago were quite sizable vessels, and they went down through the narrows; but after a while the railroads got control of these Champlain Transportation Co. vessels and they cut off the travel by these boats south of Ticonderoga to Whitehall, and from that day to this the narrows have been filling up. It is true, as the Senator says, that the traffic through the narrows is now only about 500,000 tons, whereas 5 or 10 years ago the traffic was over 800,000 tons.

Mr. BURTON. How is that traffic carried—by barges or by self-propelled steamers?

Mr. PAGE. It is now carried largely on the ordinary canal boat. I do not think those canal boats generally carry over 300 tons, many of them less than that, and they are hauled by tugs.

Mr. BURTON. That is the equivalent of a barge. Do they put two or three together in one tow?

Mr. PAGE. Oh, yes; half a dozen or more. It is only a few years since the large steamers on Lake Champlain went through the narrows. Their passenger business was large and the freight traffic was quite large. But for a good many years—I should say for 20 or more—large vessels have not run south of Ticonderoga. The railroads have diverted this traffic at Ticonderoga to the West Shore Railroad line south to New York. The hope now is that we shall soon have that channel again open, so that sizable boats can be put on the whole length of the lake, and, indeed, go down into the St. Lawrence River and on to Montreal and Quebec.

Mr. BURTON. There are probably two or three reasons for the railroads taking over that traffic; their discrimination and their superior organization, which are artificial advantages, and, in addition to that, there are other advantages which you may call natural—their wider area of distribution, the great increase

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Pittman	Sterling
Borah	Hollis	Randell	Stone
Brady	Hughes	Reed	Swanson
Bryan	James	Saulsbury	Thomas
Burton	Jones	Shafroth	Thornton
Camden	Kern	Sheppard	Tillman
Catron	Martin, Va.	Simmons	West
Chamberlain	Overman	Smith, Ariz.	White
Chilton	Page	Smith, Ga.	
Cummins	Perkins	Smoot	

Mr. JONES. I wish to announce that the junior Senator from Oregon [Mr. LANE] and the senior Senator from Minnesota [Mr. CLAPP] are detained on the business of the Senate.

Mr. GALLINGER. Has the call been concluded, Mr. President?

The PRESIDING OFFICER. It has not. The Secretary will call the names of absent Senators.

Mr. GALLINGER. That is what I had reference to. Has the announcement been made as to the number of Senators present?

The PRESIDING OFFICER. Thirty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absent Senators, and Mr. LANE responded to his name when called.

Mr. CLAPP, Mr. LEWIS, Mr. SMITH of Maryland, Mr. NELSON, and Mr. POMERENE entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty-four Senators have answered to their names. There is not a quorum present.

Mr. SIMMONS. I move that the Sergeant at Arms be instructed to request absent Senators to attend the sessions of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will request Senators who are absent to attend the sessions of the Senate.

Mr. WEEKS and Mr. NEWLANDS entered the Chamber and answered to their names.

Mr. GALLINGER. Mr. President, it is very warm in the Chamber, and I move that the Senate adjourn.

Mr. KERN. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and therefore withhold my vote.

Mr. TILLMAN (when his name was called). Announcing the same transfer as on a previous vote, I vote "nay."

The roll call was concluded.

Mr. SIMMONS (after having voted in the negative). I transfer my general pair with the junior Senator from Minnesota [Mr. CLAPP] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

Mr. HOLLIS. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "nay."

Mr. CHILTON. Under the terms of my pair with the senior Senator from New Mexico [Mr. FALL] I can vote upon this question. I vote "nay."

Mr. SMITH of Maryland. I transfer my pair with the senior Senator from Vermont [Mr. DILLINGHAM] to the junior Senator from Kansas [Mr. THOMPSON] and will vote. I vote "nay."

The result was announced—yeas 8, nays 36, as follows:

YEAS—8.

Brady	Cummins	Page	Smoot
Burton	Lippitt	Smith, Mich.	Weeks

NAYS—36.

Bankhead	Clarke, Ark.	Lane	Nelson
Bryan	Hollis	Lee, Md.	Overman
Camden	Hughes	Lewis	Perkins
Chamberlain	James	Martin, Va.	Pittman
Chilton	Kern	Martine, N. J.	Pomerene
Randell	Sheppard	Smith, Md.	Thornton
Reed	Simmons	Stone	Tillman
Saulsbury	Smith, Ariz.	Swanson	West
Shafroth	Smith, Ga.	Thomas	White

NOT VOTING—52.

Ashurst	Fall	McCumber	Shields
Borah	Fletcher	McLean	Shively
Brandegee	Gallinger	Myers	Smith, S. C.
Bristow	Goff	Newlands	Stephenson
Burleigh	Gore	Norris	Sterling
Catron	Gronna	O'Gorman	Sutherland
Clapp	Hitchcock	Oliver	Thompson
Clark, Wyo.	Johnson	Owen	Townsend
Colt	Jones	Penrose	Vardaman
Crawford	Kenyon	Poindexter	Walsh
Culberson	La Follette	Robinson	Warren
Dillingham	Lea, Tenn.	Root	Williams
du Pont	Lodge	Sherman	Works

So the Senate refused to adjourn.

Mr. GALLINGER. Mr. President, a parliamentary inquiry. The principle is well established that it does not require a quorum to carry a motion to adjourn; but does it not require a quorum to determine that a body shall not adjourn?

The PRESIDING OFFICER. The Chair holds that it does not. This was upon a call of the Senate for the purpose of determining whether a quorum was in attendance.

Mr. GALLINGER. No; this was a motion to adjourn.

The PRESIDING OFFICER. And a motion pending that does not require a majority of the Senate to respond.

Mr. GALLINGER. Personally I should be glad to have the Chair at his convenience point out to me the rule that justifies that ruling. I shall not appeal from it, of course. It is well understood that if the majority votes to adjourn it does not require a quorum; but when a motion is made to adjourn and a quorum is not developed and the decision is adverse to the motion to adjourn, I do not think there is any rule that justifies the position that a quorum is not to be considered necessary.

The Secretary called the name of Mr. CLARKE of Arkansas.

Mr. CLARKE of Arkansas. Why does the Chair call for me?

The PRESIDING OFFICER. Because there was not a quorum on the roll call, and the Senator from Arkansas is not recorded as present at that time.

Mr. CLARKE of Arkansas answered to his name.

Mr. GALLINGER. As I understand, the call now is to develop a quorum, which was interrupted by my motion to adjourn; am I correct?

The PRESIDING OFFICER. The original call of a quorum is still open, and the Sergeant at Arms is endeavoring to get Senators here.

Mr. KENYON, Mr. CLARK of Wyoming, and Mr. BRISTOW entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. BURTON. Mr. President, at the time my remarks were interrupted I was describing the second characteristic feature of excellence in New York Harbor. That is the very ample space for anchorage and the movement of vessels afforded by the wide expanse in the lower and the upper bay and the narrower channels in the Hudson River and in the East River, together with a number of subsidiary channels near at hand, such as the Kill Van Kull and the Arthur Kill. In this regard there is an exceptional amount of space for fleets to anchor and move about in waters of ample depth and width.

The third characteristic in which New York Harbor is absolutely supreme among all harbors is the facility with which freight can be transferred from the sea to the land and from the land to the sea. If a skilled draftsman had undertaken the task of preparing a plan for a harbor in which there would be the utmost convenience in reaching wharves and in providing space for the transfer of freight, he could not have surpassed what nature has furnished at New York Harbor. He might possibly have made Manhattan Island narrower, so that there would be only sufficient space for wharfage, for warehouses, and for railroad tracks to bring and take away the traffic; but if he had done that there would have been no space for population on the island. The abundance of land abutting on deep channels is phenomenal. The truth of this statement will be readily recognized by anyone who considers the water front extending from Bay Ridge and Red Hook along the westerly side of Brooklyn and that on the Hudson River, both on the New York and Jersey sides; on the East River, Newtown Creek in Brooklyn; farther away on the Kill Van Kull, the Arthur Kill, and other channels almost too numerous to mention. Nevertheless, with all this abundance of space, the harbor is congested, which is a proof of the enormous traffic in this great commercial course.

The expenditures on this harbor and adjacent channels, not including the Kill Van Kull and the Arthur Kill, and the Hudson River above New York, have been for the harbor proper $7,339,284, and for the Ambrose Channel, $5,163,510. Of this amount $4,000,000 was appropriated and authorized in the act of 1899. There was considerable delay in the completion of the work, due to the fact that there was no dredging equipment in the world adequate for undertaking the task of digging so wide and so deep a channel. The Government was compelled to build dredges of its own. The amount of $4,000,000 proved inadequate, and the further sum of $1,103,510 was appropriated and authorized in the act of 1907. It was something over 10 years after the first appropriation for this channel on the 3d of March, 1899, and its final completion. The Bay Ridge and Red Hook channel received an appropriation of $4,146,100. The Hudson River channel opposite the wharves, between New York on the one side and Jersey City and Hoboken on the other, received $225,000. Nature made here a channel of extraordinary depth and there has been very little necessity for dredging except in the portion near land, and that only in a small amount.

The amount appropriated for East River and Hell Gate, between New York City and Brooklyn, has been $6,233,341, making a total of nearly $23,000,000 for this harbor proper and for the channels immediately adjacent to it.

Of course an enormous additional sum has been expended for wharves and docks by private parties and by the city.

Mr. President, we may contemplate with pride the results that have been obtained by Government expenditures in this locality. Compared with this $23,000,000, a dock company, the Mersey Channel & Dock Co., in the city of Liverpool, has expended $130,000,000 to improve Liverpool Harbor. Of course the comparison is not an exact one, because the latter amount includes expenditures for basins, into which boats may go and load or unload their cargoes free from the influence of the tide. The tide is so considerable at Liverpool as to be a very disturbing factor. But we have, nevertheless, the fact that the Government of the United States has spent upon this magnificent harbor, so colossal in all the features that make up a port, but $23,000,000, as against an expenditure of $130,000,000 on the harbor of Liverpool.

Mr. KENYON. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. What does the Senator say about the ownership of the terminals at New York Harbor? Do not the railroads own a large part of the terminals there?

Mr. BURTON. Not on the water front. Those belong almost exclusively to the city. They are, however, leased to different steamship companies and to railroads.

Mr. KENYON. In a large number of our harbors are not the terminals owned entirely by the railroads?

Mr. BURTON. Yes.

Mr. KENYON. The Senator contemplates discussing that proposition?

Mr. BURTON. I may perhaps touch upon it, but I think that is hardly relevant to the present discussion. The question of public ownership or private ownership has been very much discussed in connection with conditions in New York Harbor on the Hudson River front. It has been maintained by some who are earnestly interested in the welfare of the city that private ownership would have been better than public ownership. I am not ready myself to accept that opinion. Leases are made, and made at very high figures, to steamship companies and to railroads.

Mr. KENYON. How is it where the water fronts are owned almost entirely by the railroads?

Mr. BURTON. That would be a great disadvantage. I shall touch on that subject.

Mr. KENYON. Congress is called upon to appropriate the money, and ought there not to be some provision by which there should be public wharves and public terminals?

Mr. BURTON. That is a question which I shall discuss.

Mr. KENYON. Otherwise they would be merely for the benefit of the railroads.

Mr. GALLINGER. I should like to ask the Senator from Iowa where these terminals are owned by railroads to any great extent?

Mr. KENYON. The Commissioner of Corporations has made a very extended report upon the subject of transportation by water in the United States and part 3 deals almost entirely with that question. If the Senator will refer to that it will answer the question better than I can. I remember very distinctly in the discussion some years ago of the Panama toll proposition the Senator from New York referred to certain harbors in Connecticut where the water front was owned entirely by the New York, New Haven & Hartford, and, I think, there was one in New London.

Mr. GALLINGER. Bridgeport, more particularly.

Mr. BURTON. In this connection I will say in some harbors that is a decided feature and a disadvantage. So in the river and harbor bill for the year 1905 a provision was inserted providing for an improvement, where railroad control seemed probable, to the effect that charges on the wharves should be under regulation of the Secretary of War, and in other bills since then similar provisions have been enacted requiring that the community most interested should secure proper wharfage facilities which were not under a monopoly. That is the substance of the requirement.

Mr. GALLINGER. I was about to suggest, if the Senator will permit me, if these privileges are leased at reasonable amounts there would be no great objection to ownership by railroads which run directly to those wharves. But, of course, if there is a monopoly and an excessive charge there ought to be some method of remedying it.

Mr. KENYON. Where the railroad owns its own terminal, the entire front of the harbor, and by that very fact excludes others from the business.

Mr. GALLINGER. If there was any remedy we could apply I think it ought to be done in cases of that kind.

Mr. BURTON. I shall take up that subject a little later.

Mr. PAGE. Mr. President, may I interrupt the Senator from Ohio?

Mr. BURTON. Certainly.

Mr. PAGE. I should like to ask for information as to where the increase of wharfage and terminal facilities will be found later on, if the commerce of New York City grows, as we expect it will grow, with the opening of the enlarged Erie Barge Canal to Buffalo.

Mr. BURTON. One place would be secured by deepening shallow water on the west side in New Jersey, in very plain sight of the Statue of Liberty. I am not certain but this has already been made available, at least a part of it. Another by extending the wharves up the Hudson River. Still another, on the water front of Long Island in and around Brooklyn. So there is almost unlimited opportunity. Of course, the proposition has been made to have ocean steamships stop at Montauk, at the east end of Long Island. That proposition received very considerable support 10 or 15 years ago. The situation is this: That with increased depth and greater loads and increased traffic it is almost impossible to keep pace with the demands of commerce.

I do not think it is an exaggeration to say that the number of tons handled in New York Harbor has doubled in the time I have been connected with river and harbor legislation, within probably 10 years.

Mr. PAGE. I should like to ask the Senator by what amount he thinks the traffic will be increased, either in tons or in percentage, owing to the large expenditure of $101,000,000 by the State of New York to widen and deepen the Erie Canal?

Mr. BURTON. By the way, let me give another place, the Harlem River. That is another place that may be utilized—the Harlem River—leaving the Hudson above New York, and coming down to East River. There some of the barge traffic could be accommodated. Does the Senator ask what percentage of increased traffic there will be?

Mr. PAGE. Yes. That is, traffic due to the opening of the canal from Buffalo to the Hudson River, with a depth of 12 feet.

Mr. BURTON. I would think it would increase the traffic, but I should not anticipate that this alone would add a very great percentage to the traffic which already exists. The increase in the future will be due quite as much to the normal increase of domestic and foreign traffic as it will be to the construction of that barge canal.

Mr. PAGE. Does the Senator anticipate that the traffic between the St. Lawrence River and New York City will be very materially increased when the Narrows of Lake Champlain are made 12 feet in depth?

Mr. BURTON. When the Canadian Government finishes its part of it north of Lake Champlain?

Mr. PAGE. Yes. On the Richelieu River.

Mr. BURTON. Yes. I would anticipate the development of very considerable traffic. In the present Narrows of Lake Champlain the amount of traffic going through is, I believe, a little over 500,000 tons.

Mr. PAGE. That is correct.

Mr. BURTON. Some years ago it was more than that; it was about 700,000 tons. The traffic of New York Harbor is now about 90,000,000 tons. You can see that any probable in-

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Cummins	Overman	Smoot
Borah	Gallinger	Page	Stone
Brady	Gronna	Perkins	Thomas
Brandegee	Hollis	Pittman	Thompson
Bryan	Kenyon	Ransdell	Thornton
Burton	Kern	Saulsbury	Weeks
Catron	Lane	Shafroth	West
Chamberlain	Lee, Md.	Sheppard	White
Chilton	Lippitt	Shields	Works
Clapp	Martine, N. J.	Simmons	
Clarke, Ark.	Myers	Smith, Ariz.	

Mr. MYERS. I wish to announce that my colleague [Mr. WALSH] is necessarily absent on official business.

The PRESIDING OFFICER. Forty-two Senators have responded to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. JAMES, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. STERLING, and Mr. SWANSON answered to their names when called.

Mr. MARTIN of Virginia, Mr. TILLMAN, Mr. CAMDEN, Mr. LEWIS, Mr. BRISTOW, and Mr. HUGHES entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Iowa, to take up the bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is absent. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY]. I vote "nay." I will let this announcement stand for the day.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. He is absent, and I withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and vote "yea."

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH] and withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote. I vote "nay."

Mr. SMITH of Michigan (when Mr. TOWNSEND's name was called). My colleague [Mr. TOWNSEND] is absent from the Chamber. He is paired with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present, he would vote "yea."

The roll call was concluded.

Mr. THOMAS. I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. CHILTON (after having voted in the negative). I have a pair with the Senator from New Mexico [Mr. FALL], but under the terms of it I have a right to vote as I please on this kind of a question, and I will let my vote stand.

Mr. STONE (after having voted in the negative). I voted, but I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer my pair to the Senator from Ohio [Mr. POMERENE] and let my vote stand.

Mr. LIPPITT. I should like to ask if the Senator from Montana [Mr. WALSH] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. LIPPITT. As I have a pair with that Senator I withhold my vote.

Mr. GALLINGER. I have announced my pair with the junior Senator from New York [Mr. O'GORMAN]. I now desire to transfer that pair to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. SMITH of Maryland. I transfer my pair with the Senator from Vermont [Mr. DILLINGHAM] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

The result was announced—yeas 29, nays 32—as follows:

YEAS—29.

Borah	Catron	Jones	Sterling
Brady	Clapp	Kenyon	Thompson
Brandegee	Cummins	Page	Weeks
Bristow	Gallinger	Smith, Mich.	Works
Burton	Gronna	Smoot	

NAYS—32.

Bankhead	Kern	Ransdell	Smith, Ga.
Bryan	Lane	Reed	Smith, Md.
Camden	Lewis	Saulsbury	Stone
Chilton	Martin, Va.	Shafroth	Swanson
Clarke, Ark.	Myers	Sheppard	Thornton
Hollis	Nelson	Shields	Tillman
Hughes	Overman	Simmons	West
James	Perkins	Smith, Ariz.	White

NOT VOTING—45.

Asburst	Gore	Norris	Smith, S. C.
Burleigh	Hitchcock	O'Gorman	Stephenson
Chamberlain	Johnson	Oliver	Sutherland
Clark, Wyo.	La Follette	Owen	Thomas
Colt	Lea, Tenn.	Pomerene	Townsend
Crawford	Lee, Md.	Pittman	Vardaman
Culberson	Lippitt	Poindexter	Walsh
Dillingham	Lodge	Root	Warren
du Pont	McCumber	Robinson	Williams
Fall	McLean	Sherman	
Fletcher	Martine, N. J.	Shively	
Goff	Newlands		

So Mr. KENYON's motion was rejected.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, in dwelling upon the deficiency of our statistics, I would add that it is extremely desirable that the figures relating to traffic should be separately published. At present they are scattered through several volumes and are given but incidental attention. It was not until about 12 years ago that any importance seems to have been attached to the traffic on the rivers and harbors which were being improved. At that time when delegations came to Washington to ask for appropriations they were invariably confronted with the question, "What is the present and prospective traffic of the river or harbor whose improvement you advocate?" Immediately commercial bodies began to realize the importance of those figures. They cooperated with the engineers, and, as a result, our statistics were made much more comprehensive and perfect.

There is, I think, a general tendency to exaggerate the amount of traffic. For instance, in an improvement upon which a report was made to Congress, the local engineer expressed his doubt upon the accuracy of the figures given, stating that he could not see how the traffic could be so large. The board of review, in going more deeply into the question, found that the amount of existing traffic had been multiplied by 10. There have been other instances in which on careful analysis the figures have been found altogether untrustworthy; but with a careful review, with that scrutiny which the respective engineers would naturally give to the reports made by chambers of commerce and other bodies—more frequently, I may say, these erroneous reports are made by individuals who advocate an improvement—I do not think there is much question that accurate results can be obtained if sufficient effort is put forth.

These figures should be published either as an appendix to the Engineers report or, better still, in a separate volume, such as is the custom in France and also Germany, though in a somewhat less degree. It is especially desirable that the traffic, partly by sea and partly by river, should be distinguished from that which is exclusively by river. A great deal of confusion has arisen from a lack of this discrimination. For instance, there is no similarity between the traffic on the Delaware River below Philadelphia and the traffic on the Mississippi River above New Orleans; nor is there any natural basis for comparison between the traffic on the Mississippi River below New Orleans and that above that city. The traffic below New Orleans is almost exclusively in connection with the sea; it is made up of the freight brought in and carried out by boats which sail thereon to the Gulf and carry their cargoes to foreign lands or to the seaports of this country, while the traffic above New Orleans on the Mississippi River is almost exclusively, in strict

terms, river traffic. I say that with the exception, in order that I may be entirely understood, that occasional boats go up to Baton Rouge from the Gulf. There is a sufficient draft for that purpose, there being perhaps 30 feet all the way to Baton Rouge; but taking the traffic to which I refer on the Delaware River below Philadelphia, that between different points on the river is trivial. There is, however, a traffic of more than 20,000,000 tons brought in from or carried out to the sea. That same distinction is observable everywhere.

In foreign countries the importance of the Thames below London as a local stream is not of importance, but the river is of supreme importance as affording access to the North Sea for the great traffic of the port of London. We may take also the case of minor rivers, such as the Kennebec, leading to Augusta; the Penobscot, leading to Bangor; and the Connecticut, leading to Hartford. That traffic is partly by river and partly by sea. The cities of Bangor and Augusta have a through line from Boston and the city of Hartford has a through line from New York. The boats sail from New York through the East River and Long Island Sound to the mouth of the Connecticut, and then go up the river to Hartford. This is in no sense river traffic in the manner in which that term is ordinarily used.

Mr. President, I now pass from this first branch of the inquiry. It is perhaps fit that I should apologize to the Senate for having given so much attention to the question of facts and statistics, but, view this question as we will, there is the source of the whole difficulty. We have been improving rivers and we have been improving harbors without adequate understanding of the results. Figures are now available, though not in the abundance which I should like, to show certain tendencies. When those tendencies are understood we shall cease making many of the appropriations that we have been making; we will realize that streams which have been developed at great expense may have been useful arteries of commerce in the past but they are not so now, and the future holds out no prospects that they ever will be.

Possibly a change may occur. Almost every year we read in the newspapers or we hear from delegations of a new type of steamboat or barge which it is maintained will revolutionize conditions and restore the waning traffic on rivers. Again, almost every year we read or hear of some new boat line on some of the rivers which will rejuvenate traffic and give to the streams upon which it is located a restoration of the former conditions when boats were numerous; but usually, after the lapse of a year or two, the old conditions recur—the new style of boat is found not to be much better than the old style, and the new boat line is found to be unprofitable. Oftentimes there have been instances in which at the end of the week—it may be on Saturday night—an association of business men has made a declaration that they would give their traffic to a new boat line on the river, but on Monday morning they are making arrangements with the railroads for carrying the freight in the old way. I think nothing less than a sworn oath would make it sure that those shippers who for a time are so enthusiastic for river traffic will patronize the rivers to any very considerable extent. It thus becomes necessary for us to review this whole subject, to ascertain where we are, and to analyze these different propositions before us, so that we may act wisely in the making of appropriations. We shall find, when we recognize present conditions, that they are very different from those of the past; that rivers and streams which were utilized profitably 20 or 30 years ago are without promise of profit for the future.

Improvements of harbors have in general produced much better results than those upon rivers. This is especially true of ports of major importance, like Boston, New York, Philadelphia, Baltimore, Norfolk, New Orleans, Galveston, and many harbors on the Great Lakes.

The table hereafter given sets forth a statement of harbors on which more than $5,000,000 has been expended by the Federal Government in the relative order of their commerce either for the calendar year 1912 or for the fiscal year 1913, according as statistics are available. The expenditures to June 30, 1913, are also given.

It will be noted that there is included in this list the sums expended on rivers, some of which are of considerable length. In that portion which connects a port with the sea. I have already mentioned the fact that the rivers leading to certain ports are not, in the ordinary sense, devoted to river transportation, but that they are utilized merely for connection with the sea. The most notable examples of these are the Delaware to Philadelphia, the Patapsco to Baltimore, the Columbia and Willamette to Portland, the Mississippi to New Orleans, the Savannah to Savannah, the St. Johns River to Jacksonville, and the Cape Fear River to Wilmington, N. C. It is quite as essential that the expenditure for the improvement of these rivers which afford access to the sea should be included under the head of harbors as that a bay, such as Massachusetts Bay, which affords access to Boston, or Mobile Bay, which furnishes means of communication to Mobile, should be included under the head of expenditures upon harbors. I concede that it is exceedingly difficult to make a satisfactory classification, but the one adopted is the most accurate. The following is a list of harbors on which more than $5,000,000 has been spent, in the order of their commerce:

Harbors on which more than $5,000,000 has been spent, in the relative order of their commerce for last year.

Harbor.	Commerce.	Expenditures to June 30, 1913.
	Tons.	
New York Harbor	[1] 90,000,000	$7,320,394.26
Ambrose Channel	[2] 14,185,489	5,103,510.00
Bay Ridge and Red Hook Channels	5,384,285	4,146,100.00
Hudson River Channel	72,000,000	225,600.00
East River and Hell Gate	46,231,216	6,323,541.00
Duluth-Superior	41,474,776	[3] 7,682,213.60
Philadelphia:		
Channel to the sea	[4] 20,267,236	[5] 19,189,080.00
Harbor		6,809,280.00
Buffalo	17,925,788	5,782,671.53
Cleveland	14,296,078	7,102,664.03
Baltimore, Patapsco River	10,039,975	8,016,280.60
Columbia River mouth and to Portland	[6] 9,588,646	15,826,788.60
New Orleans	4,279,947	[7] 10,267,208.00
Galveston Harbor	4,117,324	3,962,824.34
Savannah to Savannah	3,120,676	10,464,747.60
Boston [8]	3,091,382	11,176,774.74
Mobile Bay and Harbor	2,210,488	6,883,688.17
St. Johns to Jacksonville	2,204,794	6,080,088.00
Cape Fear to Wilmington	1,072,205	5,881,188.60
Charleston	998,208	5,182,040.24

[1] Estimated tonnage for port of New York, no accurate statistics being available, vessels trading with domestic ports not being required to take out clearance papers. See page 243, volume 1, and page 1840, volume 2, Engineers Reports for 1913.

[2] Foreign commerce only. Prepared from statistics of the New York State Chamber of Commerce. See page 1880, volume 2, Engineers Reports for 1913.

[3] The Duluth and Superior projects were combined by the act of June 3, 1896. This figure includes $574,265.87 expended prior to that date for Duluth, and $108,[illegible]-853.80 expended prior to that date on Superior Bay.

[4] This figure includes 4,685,234 tons carried on car floats between Philadelphia and Camden.

[5] Of this amount $3,950,000 was expended on the Philadelphia Harbor. See page 1749, volume 2, Engineers Reports, 1913.

[6] This includes local traffic not passing to and from Portland through the mouth of the Columbia.

[7] This includes the South Pass and the Southwest Pass.

[8] This does not include all of the traffic of Boston, but the figures are the best available.

First comes New York Harbor. This stands far and away at the head, with an estimated commerce of 90,000,000 tons. It is true that this figure includes freight carried by ferries, and that the traffic of that harbor, with its different channels, when you take into account ferriage, domestic commerce, and foreign commerce, presents such complications that it is almost impossible to arrive at any satisfactory figure. It is nevertheless true that it is the leading harbor in the United States, and, judging by volume of traffic, it is no doubt the greatest harbor in the world.

Those who are proud of this country, of its production, of its commerce, and of its transportation facilities can hardly realize the importance of the features which give supremacy to New York Harbor. It has three characteristics which, taken together, make it stand out in a class by itself. First is the ease of access from the sea. The best approach from the south for an ocean steamship seeking the wharves at New York is through the so-called Ambrose Channel, 2,000 feet in width and 40 feet in depth—a depth, without counting the tide of some 6 feet, sufficient to admit at all stages the largest boat in the world, and with a width which gives abundant seaway. This approach is protected at the entrance by Long Island on the north and by the New Jersey coast on the west, giving it an advantage over any harbor in the world in its protection from the troublesome winds, those from the north and from the west.

There is a similar advantage, though less marked, in the access through Long Island Sound and the East River. While storms of considerable violence sometimes prevail on Long Island Sound, there is here also a large body of water in which there is the best of protection from the wind and from the difficulties which many boats experience in approaching a safe haven. The second feature of importance is the very great area—

Mr. BORAH. Mr. President——

and other obstructions, but we never thought in our country of asking the Government to deepen those rivers to enable us to float logs to the market. It was more expensive no doubt than it would have been if we had an open channel, but our own people have done it at the expense of private parties, and I wondered, in remembering how shoal some of those streams are in places and how those logs have been manipulated by skilled men, whether there was an actual necessity for these improvements for the purpose of getting logs to market.

Mr. BURTON. Mr. President, I think one can make the broad generalization that the mere floating of logs ought to be eliminated from consideration in the improvement of streams. I do not say that a certain amount of improvement in the way of the removal of snags and possibly in some places dredging sand bars might not be justified, where the sole purpose was to float logs or timber, but that was a method of transportation long before the rivers were improved at the expense of the Government, and it never was in itself an excuse for improving any of them. It is not until recent years that we have come to realize how large a share of the traffic of such rivers as the Red and the Arkansas, and even the Tennessee, and a number of other streams is made up of floating logs. Indeed, when you deduct the floating logs there is hardly anything left, and yet we are paying enormous sums for improving the streams on the idea that it is necessary in the interest of navigation.

Mr. GALLINGER. Mr. President, I will ask the Senator if the suggestion does not appeal to him that where streams are somewhat obstructed by snags or trees falling over them that private parties who are engaged in this great traffic ought not to remove those at their own expense?

Mr. BURTON. That is what has usually been done until the modern era of river and harbor legislation.

Mr. GALLINGER. Mr. President, the Senator from Ohio is trying to instruct the Senate, and I notice there are very few Senators present. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Myers	Smith, Md.
Brady	Gronna	Overman	Sterling
Brandegee	Hughes	Page	Stone
Bryan	James	Perkins	Swanson
Burton	Jones	Pittman	Thomas
Camden	Kenyon	Pomerene	Thompson
Catron	Kern	Ransdell	Thornton
Chamberlain	Lane	Shafroth	Tillman
Chilton	Lee, Md.	Sheppard	Walsh
Clapp	Lewis	Shields	White
Clark, Wyo.	Lippitt	Simmons	
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Cummins	Martine, N. J.	Smith, Ga.	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT entered the Chamber and answered to his name.

Mr. BURTON. Mr. President, a parliamentary inquiry. I had understood the Chair to announce that a quorum was present.

The VICE PRESIDENT. Yes.

Mr. BURTON. Forty-nine Senators?

The VICE PRESIDENT. Yes.

Mr. BURTON. Answering further the Senator from Georgia, I give also the figures for the Ocmulgee River, which are found on page 560 of the engineers' reports. In 1912 the freight carried on this river amounted to 9,528 short tons, valued at $505,130. Besides this, 21,940,000 feet, board measure, of timber was rafted down the river, valued at $317,000. It will appear that in this river, as well as the Oconee, the quantity of timber floated was, in tonnage, far in excess of the general freight. I conceive that the reason why it has been omitted in some years is that possibly in some seasons of the year the statistics were not readily available. I make this statement and include this generalization because in other publications the Oconee and Ocmulgee are given distinctive positions. The asterisk accompanies the statement of tonnage, and reference is made to the fact that this does not include floated logs. That is true of the Statistical Abstract and other publications.

It is exceedingly difficult to find these figures, though by the use of a number of publications and by correspondence with the commercial bodies some very valuable figures are obtainable. If I were to express an opinion, I would say that those of the Merchants' Exchange of St. Louis are the most valuable of those furnished by any commercial organization relating to the rivers of the country. Other valuable statistics are furnished from Cincinnati, from New Orleans, and some from Chicago.

While I am on this subject I may say that if anyone desires to study river traffic, the best publication for its comprehensiveness in statistics is the report of the Inland Waterways Commission, published in the year 1908. At that time a strenuous effort was made to compile a list of abandoned canals to show the tendencies as to water-borne traffic on rivers and canals, and to give the available figures relating to tonnage up to that date. The Bureau of Corporations took up the subject, and President Roosevelt cooperated in the work. The statistics published in that report give very complete figures down to and including the years 1906 and 1907. It is to be regretted that this publication could not be continued down to date. Then the report of the National Waterways Commission published in 1910 and 1912—the preliminary report in 1910 and the final report in 1912—gives a class of statistics equally valuable; but the aim of that publication is not so much to furnish statistics as generalizations, and hence the figures given are much less comprehensive than those contained in the report of the Inland Waterways Commission. There are other publications, such as the Statistical Abstract, the Report on Transportation by Water, and divers census reports, which have very considerable value; but none of them can compare with the publications which are available in France and Germany, particularly those in France.

Briefly commenting on the inadequacy of our statistics, I have said a great deal in regard to ton mileage, and I think it will be recognized by everyone that it is not merely the number of tons that are handled on a river that is important, but the distance that freight is carried. If tonnage alone is considered, the ferriage traffic between two cities, merely crossing a river at some point where there is no bridge, might seem to give to a stream an importance for commerce which did not belong to one of far greater magnitude and commercial importance. It is only for a few years that these figures have been gathered in this country at all. Anyone who examines them, and who has labored under the impression referred to in Gen. Kingman's letter, that when a certain amount of tonnage is ascribed to a river it was carried for the whole length of the river, must have experienced a rude shock, for it appears that the great bulk of our river traffic on most of these rivers, even those of large size and very considerable importance, is hauled for only short distances.

In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. In France these comparisons are available from 1847 to 1912 and statistics on a large and general scale from 1895 to 1912. On some rivers in the United States they are available from 1890 to 1912 or 1913, but with the qualification that the method of taking the statistics is by no means uniform; so the comparison is not so reliable as it otherwise might be. I have referred at some length in the summary given above to the French publication as an example.

The total traffic on all rivers and canals should be given, also the kinds of freight carried. It is exceedingly desirable that we should have the whole amount of freight carried on rivers in the United States aggregated in one total. If we did, and if we had a comparison by years, we could readily judge of the tendencies relating to water-borne transportation. With great labor I have tried to figure out this problem, and find that it is hardly possible to give any satisfactory figure of the aggregate traffic; but it is possible to find enough to determine what the tendencies are. Later in my argument I shall refer more fully to the inferences which may be derived from the figures available.

It is also very desirable that the different classes of commodities conveyed on all the rivers of the country should be grouped; that is, which are the principal articles of water-borne commerce? Is it package freight? Is it grain? Is it building material? Is it coal? Is it raw material for manufacture? What are the tendencies? Is the quantity of coarse material increasing out of proportion to the others? What is the tendency as to general merchandise—merchandise of considerable value per ton?

The figures relating to the French traffic show that the leading article carried on all the rivers and canals of France is building material, and that comprises about a third of the total; next in order comes coal and different mineral combustibles for fuel; next to that agricultural products and provisions. The importance of these different figures, the increase or decrease from year to year, can not be overstated. Indeed, where they are accurately obtained they show tendencies so plainly that it is impossible to deny or avoid the inference which can be derived from them.

Receipts and shipments at the respective points of receipt and distribution should be given. These figures are now given with reference to our harbors very carefully and very adequately; but on the rivers, strangely, nothing of the kind appears, save in an occasional document like that upon the wall; and that does not take up fully, as the French statistics do, the

different ports on the river as separate places of receipt and shipment.

Another item of statistics which I have included under the head "F" is charges by boat per ton per mile for different classes of freight. The engineers' reports are just beginning to furnish these, and they give very important information. We have had these figures for 20 years or more—yes; I think for 30 years—on freight passing through the Soo Canal. I may say in passing that the statistics gathered there—and they are gathered by the engineers with very little difficulty—are a model to follow. They are among the most valuable statistics furnished anywhere in the world. They show the classes of commodities passing through, the exact quantity of each, the value of all, and the rate per ton per mile.

Strangely, those commodities have varied very little in value for more than 20 years. The average value is between $10 and $12 per ton, showing that the great bulk of the freight is made up of coarse material, such as iron ore and coal. The figures also show that there has been a very substantial reduction year by year in the rate paid on freights going through.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. WEST. Does not greater tonnage pass through the Soo Canal than through any other canal in the world?

Mr. BURTON. Much greater. Something over 70,000,000 tons pass through there. In making that statement, however, it is necessary to add the qualifying statement that the statistics at the Soo, as it is called—the St. Marys River Canal—are taken on a different principle or rule from those at the Suez. In fact, they are much more complete. At the Soo statistics are gathered of the net tonnage of all boats passing through, and also of the actual freight carried. At the Suez Canal they only gather statistics of the net tonnage. They do not attempt to obtain figures as to the aggregate quantity of freight, the weight of the cargoes of the vessels. For everything under the sun there is a reason, and there is a reason for this. They charge tolls on the basis of the tonnage. It would be regarded as impracticable to ascertain the quantity of all the respective cargoes. Again, the imposition of tolls upon the quantity of freight would throw the door wide open for fraud, or at least require such minute measurement as to be impracticable. It is in every way more convenient in fixing charges to determine the rates according to the tonnage; that is, by the capacity of the vessel, and not by the cargo that is hauled.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. Certainly.

FEDERAL TRADE COMMISSION.

Mr. BORAH. Mr. President, as I see the chairman of the Committee on Interstate Commerce here I should like to ask him what is to be the program with reference to the trust legislation. Are we going to postpone that now until the river and harbor bill is disposed of?

Mr. SIMMONS. Did the Senator ask me a question? If so, I did not hear it.

Mr. BORAH. I was asking the Senator from Nevada, but I am willing that the Senator from North Carolina shall speak.

Mr. SIMMONS. The Senator from Nevada is present.

Mr. NEWLANDS. It has been the sense of the Interstate Commerce Committee that it should not press the trade commission bill until it has disposed of the securities bill now pending before it, the view being that there is quite a general demand upon both sides of the Chamber that all the so-called trust legislation should be reported to the Senate before we acted finally upon any of the bills. The Interstate Commerce Committee prepared its final draft yesterday, and it is printed to-day and is now under the inspection of the various members of the committee with a view to final action to-morrow morning, when we hope to report that bill.

As to the Clayton bill pending before the Judiciary Committee, I am told that the bill is finally shaped and the report is being written and that it will be filed to-morrow.

So whilst I did expect that these reports would be filed to-day and that we would be able to proceed with the trade commission bill to-day, I find that the condition is such that we will not be able to proceed with it until to-morrow. Then I shall expect to press the bill vigorously.

Mr. BORAH. I understand, then, the program will be not to delay longer than to-morrow.

Mr. NEWLANDS. No.

Mr. BORAH. Whether other bills are reported or not? If the other two bills are not reported, I understand we will go ahead with the trade commission bill to-morrow, anyway.

Mr. NEWLANDS. Yes; that is my intention.

Mr. BORAH. I have no intention to find fault or to criticise. While there is some difference of opinion on this side of the Chamber, speaking for myself I am not in favor of the commission bill as it stands, but I am ready to help it to its final passage, or any other trust legislation that has to go through.

Mr. KENYON. I understood the Senator from Nevada to say last week that he would vigorously press the trade commission bill. He now states that he will vigorously press it some time in the future; but evidently the bill is not to be pressed this afternoon. As we have now spent some hour and a half on the river and harbor bill, it seems to me there is a measure of much more importance that should be considered by the Senate. I gave notice on the 9th day of March that I would ask for the consideration of Senate bill 392 at the earliest opportunity.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator from North Carolina.

Mr. SIMMONS. The river and harbor bill is the unfinished business, I understand?

The PRESIDING OFFICER. It is the unfinished business before the Senate.

Mr. BORAH. Mr. President——

Mr. KENYON. I yield to the Senator from Idaho.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. BORAH. I wish to ask the Senator from Iowa what is the bill that he speaks of?

Mr. KENYON. It is a bill to place on the retired list the volunteer officers of the Civil War. Their average age is now 76 years. There has been an earnest effort made on the part of their friends throughout the country to induce Congress to take up this measure. It has been before Congress for a great many years. The Committee on Military Affairs finally reported it out, and it is on the calendar. We have tried time and time again to get it up. There is going to be plenty of opportunity, apparently, to consider the river and harbor bill, and this bill would not bring out very much discussion. I think we could dispose of it this afternoon. It is a mere act of justice to these old veterans of the Civil War, Mr. President. I move that the Senate proceed to the consideration of Senate bill 392.

Mr. SMITH of Arizona. What is the bill?

Mr. KENYON. It is what is termed the volunteer officers' retired bill.

Mr. BORAH. On that I ask for the yeas and nays.

Mr. SIMMONS. I will ask the Senator from Iowa if that is not the same bill the Senator or some other Senator upon the other side moved to take up and displace the river and harbor bill a few days ago?

Mr. KENYON. I made no motion to take it up. I think some one did move to take it up. I earnestly hope it may displace the river and harbor bill.

The PRESIDING OFFICER. The Senator from Michigan [Mr. TOWNSEND] moved to take up the bill the other day.

Mr. KERN. Mr. President, I was about to state that the Senator from Michigan [Mr. TOWNSEND] the other day made this same motion. I am very much in favor of the bill referred to by the Senator from Iowa. I took an active interest in its promotion before the committee, and I am willing to do everything I can to further its passage, but the Senators on the other side certainly can not be acting in the interest, in the real interest, of these old soldiers when they undertake to give this bill a partisan cast and undertake time after time and time after time to displace an appropriation bill that must be passed, using it as a sort of a weapon for that purpose.

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. KERN. My judgment is——

The PRESIDING OFFICER. The Senator from New Hampshire rises to a point of order, which he will state.

Mr. GALLINGER. This is not a debatable question; and if it is to be debated, I want to have it left open, because I want to say something in reply to what the Senator from Indiana states.

The PRESIDING OFFICER. The Chair holds that it is not debatable, and there is a call for the regular order. The question is on agreeing to the motion of the Senator from Iowa to proceed to the consideration of the bill, on which the yeas and nays have been demanded.

The yeas and nays were ordered.

Mr. OVERMAN. I suggest the absence of a quorum.

we could altogether abandon work which had been recommended and appropriated for during the time of our predecessors. The way to handle such a project as this is to stop it before it is commenced. There are two other locks and dams in this river less favorably situated for the increase of traffic than this Colbert and Bee Tree Shoals Canal, one to cost $1,600,000 and the other $1,000,000, which will be continued toward completion unless Congress at this session and in this bill declares that it does not want any more such waste as this Colbert and Bee Tree Shoals Canal has proved in the years 1912 and 1913.

I say with confidence that the proposed canals are less promising than this one, because, if you were to look at the cities of Florence and Sheffield and others in the neighborhood, situated less than 20 miles from the end of the stretch of the river, which is navigable all the year round, you would conclude that great benefit would be conferred by bringing them into touch with that stretch and giving them continuous all-year navigation.

I certainly regret if during the time I was chairman or a member of the Rivers and Harbors Committee such large appropriations as this were made for a public work that has turned out so badly; but, in the first place, I repeat I do not see that I am to blame, as it had been commenced and prosecuted at an expense of $700,000 before I ever knew of it. In the next place, suppose in those years 1902 and 1903 and 1905 we did think that such a plan might be successful; suppose we looked at the cities that would be made tributary to it and heard the arguments of chambers of commerce, listened to telegrams such as were sent in this morning, if we did make a mistake, then is that any reason why in this year 1914, with further information on the subject, we should make a still further mistake, one even worse than that, by passing river and harbor bills which sanction the construction of other public works and of two other locks and dams which do not promise as well as this one did?

I presume before I am through other things that I may have said, other things with which I may have had some connection will be quoted here to show that my course on this bill is inconsistent. But I shall not be troubled at all by that. The usual fault found with any action of mine during all the years when I was a member of the Rivers and Harbors Committee was that I was too conservative; that I was not liberal enough. A cry went up from divers parts of the country that I was holding back improvements, and it was with the utmost difficulty that I succeeded in keeping down these bills to the amounts which they did carry. Unquestionably, items appeared which I did not altogether approve. Others were accepted by me and my colleagues because they were in continuance of projects already begun.

More than that, the country has learned something on this question of river traffic since 1902. The facts here speak most eloquently of the tendencies of river and harbor traffic. We know more on the subject than we knew then. I should very much regret if I felt that I myself did not have now in this year 1914 a more adequate understanding of many of the problems considered from 1896 to 1909 than I then had.

Mr. President, I desire to resume where I left off last night the argument in regard to greater simplicity in the reports of the engineers. It is exceedingly difficult for anyone who does not make a speciality of these subjects to gather from the great mass of data presented in these reports facts and circumstances relating to river and harbor works. I would suggest at the beginning of each description of a river project in volume 1 be given the following general facts:

A. The general location of the river or harbor.

B. The length under improvement.

C. The natural depths and present depths available. That will compare the river in its natural and its present state.

D. The present project. For instance, if the river in its natural state was 4 feet deep and it is now 6 feet, and it is expected to make it 8 feet, those facts should appear.

E. The amount expended to date.

F. The traffic in tons and the average haul.

That would take only about 8 or 10 lines. If those facts are given at the beginning, knowledge about river and harbor improvements would no longer be the possession of the few, but any Senator or Representative who desires to post himself upon the subject could learn at a brief glance the essential facts in regard to any project in the country. Some might say that is too much like the headline system of the newspapers, but however that may be, it would be decidedly useful and it would simplify the study of a subject which I am sure has not evoked the attention which it deserves. If it had received that attention, I do not believe we should have included in this bill and in some prior bills items costing millions and tens of millions of dollars for which the United States Government is now expending money.

Supplementing what I have said, I wish to read extracts from several letters received from Gen. Kingman, who is an able and scientific officer and the Chief of our Engineer Corps, on the question of statistics. I read first from the letter of July 7. In corresponding with him I suggested that special agents be appointed as one way to obtain more accurate information. I raised the question whether these facts had best be gathered by the Engineer Corps or by some other branch of the public service. He says:

Relative to your suggestion that special agents be appointed for the express purpose of gathering statistics, I beg to say that I believe that much better results in proportion to the amount of money expended can be obtained without the appointment of such special agents than could be obtained by them. The statistics now are gathered by employees of the engineer department, who do other useful work when not engaged in commercial statistics work. The question is largely one of the relative cost and value of the statistics. Under existing laws it will be possible to collect, without the appointment of special agents, very accurate statistics, if sufficient money is spent; but it is believed that the statistics now reported, as a rule, are reasonably accurate, and that the extra refinement, which would add comparatively little to the value of the statistics, would enormously increase the cost of collection, and, as stated in my letter of July 2 to you, in many cases the cost would be no small proportion of the total cost of the improvement.

Mr. President, I do not quite agree with that last statement. The gathering of statistics is no expensive matter. It may be that the cost of collecting the statistics in some cases would bear a large proportion to the amount of traffic as in the Colbert and Bee Tree Shoals Canal, but the masters of vessels, those who navigate our rivers, are compelled by law to make a full and definite report. That has been the law for nearly 50 years, and the work of those who gather these figures is largely one of addition, subtraction, and classification.

In another letter of July 9 Gen. Kingman says:

Replying to your letter of July 8, 1914, upon the subject of commercial statistics, I would say that it might be a good thing to have a certain sum at the disposal of the Chief of Engineers, which might be allotted by him, in much the same way that survey money is allotted to the different engineering districts, for the purpose of obtaining more accurate commercial statistics than those which we now get. In the case of harbors the Government really has the machinery for collecting accurate commercial statistics with very little increased expenses, if it could be made use of. I refer to the employees at the customhouses. They do have boarding officers and they do collect a great deal of information, and without much additional expense could collect it all.

When I was stationed in Oswego N. Y., a number of years ago I made a friendly arrangement with the collector of customs at that place whereby he caused his boarding officer to visit every vessel that came into the harbor, and being provided with printed blanks he got from the master the cargo, the place from whence it came, the part that was left at the harbor, and all that was taken away and where it was to go. This information when tabulated gave very correct and comprehensive results. I explained the method to the officer who was stationed at Duluth, and the method was put in force in that district, and the last that I heard of it they were still using it. That will do for the harbors. An extension of the system would cover the internal waterways.

I have not a very high opinion of the statistics that were collected years ago. The officers charged with this work did the best that they could, but the matter years ago was not regarded as of very great importance, and it was not thought that the expenditure of money in connection with it was justified. The statistics were generally obtained by correspondence with boards of trade, chambers of commerce, managers of steamboat lines, etc. Some of the information was doubtless duplicated, and some things were doubtless missed.

The collection of correct statistics is an art and requires both training and experience. When I first went to the Tennessee River I was satisfied that we were not getting full and complete statements of the amount of business done. I therefore prepared quite an elaborate plan. I ascertained from my own employees the name and home port of every steamboat plying on the system. I learned the name of every person engaged in rafting lumber, and I addressed letters to the masters of the boats and the owners of the rafts. I explained to them very carefully what the law was and what we were trying to do and how desirable it was in the interest of the improvement to have full, complete, and accurate statistics. I was gratified to find that I got a great deal better showing of commerce than we had ever had before. But I did not discover until it was too late for me to make use of the information that year that many of the statistics were inflated—absolutely exaggerated—and made two or three times as big as they ought to have been. So that afterwards I found it necessary to study very carefully all the reports received and afterwards to send an experienced man out to visit the parties from whom reports had been received and to carefully check up their statements and to get, if possible, the exact truth.

The most troublesome class of business to get on the small rivers is the business that is carried on by independent steamboats that are owned and operated by the master, a man who keeps no books, and is probably too illiterate to keep any, and who does his business on a cash basis or with a broomstick tally or something of that kind. If you go to him at the end of the year, he can not possibly tell you how much business he has done.

Finally I would say that in order to make statistics comparable and to make it possible to deduce correct conclusions by a comparison of results taken at considerable intervals of time, it is absolutely necessary that the same method of collecting the statistics should be used in all cases, or at least that methods should be adopted that are absolutely accurate within appreciable limits. I should be glad to do anything in my power to facilitate the collection of correct statistics, and I think one of the first things that should be done would be to find out who are collecting statistics and in this way to arrange a coordination of effort that should secure the greatest accuracy and avoid the duplication of results.

In a third letter, under date of July 13, he says:

I have your letter of July 11, 1914, in which you speak of my communication dated July 9. If there is anything in that letter that you could use for the good of the public service, I certainly have no objection to your doing so. If special provision were to be made for the collection, in a more thorough and accurate manner, of the commercial statistics of rivers and harbors under consideration, I should think that some increase in the contingent fund, with the authorization for its use for that purpose, would be all that would be necessary.

Mr. President, I regard this as a comparatively simple matter. It may cost $50,000 or $100,000, but that is a very small sum to spend when we have been groping in the dark for so long.

I am inclined to think the collection of the statistics had best be left to the Engineer Corps. I will resume reading the letter of Gen. Kingman:

I somewhat doubt the propriety of reporting ferry traffic as a part of the commercial statistics on a river. A ferryboat simply takes the place of a bridge, and, in fact, in the course of time is generally replaced by one. But where landing places are not opposite each other on a river, but many miles apart, there would be no objection to considering it, and there would be no objection to considering it in any case if it were a question of ton mileage, and was so reported. People naturally, without thinking very seriously of the subject when considering the commerce on a river, imagine that the commodities are transported over the entire length of the stream, although this is hardly ever the case; so that ton mileage is really the only valuable basis of general comparison, and this is expensive to collect accurately, and, in a way, such that the commerce of one stream can be properly compared with that of another.

That is the point to which I have repeatedly called attention—the importance of ton mileage in determining the importance of a stream as an artery of commerce.

Mr. President, I have discussed this matter of the inadequacy of data and statistics on several different days, and my remarks therefore have been somewhat interrupted. With the indulgence of the Senate I desire to read a brief summary of my views on the subject of lack of statistics.

I.—LACK OF STATISTICS.

SUMMARY.

Deficiencies.

1. Lack of uniformity.

(a) Some figures are for the fiscal year ending June 30 and some are for calendar years.

(b) Classification of commodities is not uniform. The terms "miscellaneous," "general merchandise," "package freight," and so forth, are used indiscriminately. (See Report of National Waterways Commission, p. 74.)

(c) There should be a uniform rule for statistics relating to freight ferried across a river. In some cases this traffic is included in the general aggregate of traffic upon a river and in others it is not. On the Mississippi River, at and below St. Louis, ferry traffic is not included. On the other hand, for at least one year in the last decade, ferry traffic was included on the upper Mississippi. It is included on the Ohio River apparently at all points at which there are ferries. Traffic in the harbor of Philadelphia, more than 4,000,000 tons, ferried from Philadelphia to Camden, was included in the total for the last year for which statistics are available.

(d) In some cases, as on the Oconee and Ocmulgee, floating logs are excluded, though usually they are not. Indeed, they are included in almost every case.

Uniformity should be secured in the particulars above referred to by general order.

(e) There is no uniformity as regards stretches of a river or the different pools created by locks and dams. In some cases the traffic is given for the whole river as an entirety, naturally involving considerable duplication in the making up of the total.

As an example, the Mississippi from St. Louis to New Orleans is divided into four sections—St. Louis to Cairo, Cairo to Memphis, Memphis to Vicksburg, Vicksburg to New Orleans.

It is impossible to derive from the figures the amount of through traffic. (See H. Doc. No. 50, 61st Cong., 1st sess., 1909, pp. 344, 345.)

On the other hand, on most rivers the traffic is given as an entirety on the whole river.

It is valuable to have statistics by stretches or portions of a river as well as for the whole river, especially when divided by locks and dams, but, at any rate, there should be a uniform rule.

II.—INADEQUACY OF STATISTICS.

(a) Ton mileage should be furnished. This is absolutely essential. The average haul and ton mileage is given on some streams but not on others.

Indeed, I think those figures are given for a comparatively small fraction of the streams; they may be given for one-fourth or perhaps one-third. The ton mileage is given for the traffic through the Soo Canal, and that is exceedingly valuable and important.

The figures given are barely sufficient to give an adequate idea of tendencies.

(b) In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. In the Report for 1912, volume 1, a considerable number of these comparisons are given. They are also given in numerous reports from the Corps of Engineers.

(c) The French publication "Statistique de la Navigation Intérieure," affords a good example to follow. Statistics relating to rivers and canals divide the traffic into two classes:

1. That originating on the river or portion of a river, which is again subdivided into traffic between points on the river or portions of the river in question, and that which originates within and is shipped outside.

2. The second class of traffic is made up of freight originating outside and then again subdivided into two classes:

(1) That which is shipped to points on the section in question from outside.

(2) Freight passing through without unloading.

(d) The total traffic on all rivers and canals should be given; also the kinds of freight carried.

(e) Receipts and shipments at the respective points of receipt and distribution should be given.

(f) It goes without saying that charges by boat per ton per mile for different classes of freight are extremely important.

(g) It is desirable that statistics should be published separately, either as an appendix to the Engineers Report or in a separate volume, and not scattered through the volumes. There are French and German publications devoted exclusively to statistics upon rivers and canals.

(h) It is desirable that traffic partly by sea and partly by river should be distinguished from that which is exclusively by river.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. Certainly.

Mr. WEST. Before the Senator drifts too far from the matter, I should like to ask him if he knows why logs are not included in the ton mileage on the Ocmulgee?

Mr. BURTON. The Oconee and the Ocmulgee are the only two I recall now where floating logs are excluded.

Mr. WEST. Does the Senator know why logs are not included in the estimates of ton mileage on those rivers?

Mr. BURTON. My recollection is that the quantity of floated logs is given in the reports, but not in the general aggregate. The probable reason for that is that at some time difficulty was experienced in obtaining the statistics as to logs. I note that the quantity of floating logs is given on page 557 on the report pertaining to the Oconee.

Mr. WEST. Will the Senator permit me to interrupt him further?

Mr. BURTON. Certainly.

Mr. WEST. I merely wanted the information as to the Oconee and the Ocmulgee Rivers, because I know that at times timber has been a great part of the tonnage on those rivers.

Mr. BURTON. Indeed, I think the greater part at all times.

Mr. WEST. Yes, sir.

Mr. BURTON. On page 557, of the report, it is stated:

During the calendar year 1912 the amount of freight carried on the river between The Forks and Milledgeville amounted to 7,451 tons, valued at $309,150. There was also rafted on this portion of the river during the same period 17,110,000 feet board measure of lumber, valued at $287,150.

The 17,110,000 feet of lumber would weigh probably four times as much as the other traffic, if it were counted in the tonnage.

Mr. WEST. Four and a half times as much.

Mr. BURTON. Four and a half times as much. I have no doubt that the estimate of the Senator from Georgia is more accurate upon that than is my own estimate.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. I will ask the Senator from Ohio, who has made a careful study of almost every waterway in the United States, whether as a rule before the Government expended money on these streams logs could not have been floated?

Mr. BURTON. Oh, yes; and they could be floated to-day.

Mr. GALLINGER. In that connection I will say that an enormous commerce in logs has been floated down the Connecticut River, the Pemigewasset and the Winnipesaukee Rivers to the Merrimac and from there to market over short places

of navigation. The Senator from West Virginia suggests that the boat is in the river, but we have not any information to that effect.

Mr. GALLINGER. But the further information has been vouchsafed that it can not navigate the stream until the locks and the dams are built.

Mr. BRISTOW. Why do they have it in the river? I think they ought to have it in a box car.

Mr. SHEPPARD. Of course, all this humor is very pleasant, but I want to say that the statement that the river is dry, or practically dry, is an unspeakable slander; that it is a worthy project; and I shall endeavor to show that it is a worthy project when the time comes to discuss it. So far as the artesian-well proposition is concerned, the first engineer who made an examination did say something about artesian wells in the upper reaches of the river, the reaches at and above Dallas; but since that time a special board of engineers reexamined that section of the river and found that no artificial water supply would be necessary; that the rainfall was sufficient for navigation in the upper stretches of the river.

Mr. CLARK of Wyoming. I will ask the Senator what is the length of the river?

Mr. SHEPPARD. About 500 miles.

Mr. POINDEXTER. I should like to ask the Senator from Texas whether it has been charged that there is no water in this river?

Mr. SHEPPARD. Certainly it has been charged that there is no water in it. It was charged this morning; but I can demonstrate to the satisfaction of any reasonable man that all these charges are mere harmless badinage; that they are just as empty as some gentlemen claim the river is [laughter]; that the attacks they make on the river to-day are of a kind with the faked interview in the Washington Post yesterday. I think it must have been faked, because it wore all the earmarks of a fake. I refer to the interview that was published here in the RECORD yesterday purporting to come from one M. J. Wirth, of Fort Worth, Tex. Nobody in Texas seems to know anything about him.

Mr. BURTON. I should like to ask, in my own time, and while the Senator from Texas is on his feet, when he expects to make his remarks defending the Trinity. That subject seems to be assuming such importance and awakening such wide interest that I certainly would be willing to give way for his defense of the Trinity River and the various Texas projects. May I ask when the Senator from Texas intends to take this up?

Mr. SHEPPARD. I propose to discuss it when we reach the item in the bill.

Mr. BURTON. Oh, we may never reach the item. [Laughter.]

Mr. SHEPPARD. From the way the Senator is speaking now, I do not suppose we will.

Mr. BURTON. That may be.

Mr. KENYON. Mr. President, I suggest that the attack on the Trinity ought not to involve an attack on the whole plan of salvation—the salvation of Congress.

Mr. SHEPPARD. I will state, for the benefit of the Senator from Iowa, that there are no red lights on the river.

Mr. KENYON. I suppose the water could not put them out if there were.

Mr. BURTON. Mr. President, again resuming my argument, yesterday I referred to the statistics for traffic through the Muscle Shoals Canal, with its locks, and through the Colbert and Bee Tree Shoals Canal on the Tennessee River. I should like the attention of the Senator from Nebraska [Mr. NORRIS], who participated in that discussion and made some valuable suggestions. I stated that I had only the figures for the year 1912, and that possibly the figures for the later year would show a material increase. This morning I have obtained the 1913 statistics, and I ask unanimous consent that they be printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

COMMERCIAL STATISTICS OF MUSCLE SHOALS AND COLBERT SHOALS CANALS.

DISTRICT ENGINEER OFFICES, CHATTANOOGA DISTRICT,
July 16, 1914.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.:

In reply to telegram of the 15th instant relative to commercial statistics for the Muscle Shoals Canal and the Colbert Shoals Canal, Tennessee River, below is the statement for the calendar year 1913, these being the latest figures available:

Muscle Shoals Canal.

	Tons.
Cotton	1,226
Cotton seed	784
Grain	16
Hay	37
Other farm products	9
Logs	45
Lumber	147
Ties	10
Other timber products	3
Coal	45
Fertilizer	2,150
Flour	131
General merchandise	993
Machinery and implements	233
Miscellaneous	136
Total	5,887

Estimated value, $580,000.

Colbert Shoals Canal.

	Tons.
Grain	158
Live stock	1
Other farm products	89
Lumber	16
Ties	30,012
Other timber products	4
Fertilizer	209
Flour	34
General merchandise	160
Machinery and implements	5
Miscellaneous	22
Total	30,710

Estimated value, $215,000.

H. BURGESS,
Major, Corps of Engineers.

Mr. BURTON. I wish to make some comments upon these figures.

The traffic through the Muscle Shoals Canal in the year 1912 amounted to 5,520 tons. For 1913 it was slightly larger—5,887 tons. The value has also somewhat increased, from $440,857 to $585,000—an increase, however, which is not very material.

On the other hand, in the Colbert Shoals Canal, which was first opened in the month of November, 1911, there has been a decrease from 31,943 tons in 1912 to 30,710 tons in 1913, and a decrease in the value of the freight from $232,672 to $215,000. The predominant item is still railroad ties—30,518 tons in 1912 and 30,012 tons in 1913. In 1912 the traffic in merchandise and all other articles besides railroad ties amounted to but 1,175 tons. This has fallen in the last year to 698 tons, a decrease of nearly one-half.

The idea I had yesterday that possibly a later year would show some increase, which would afford some vestige of justification of these improvements, has certainly been entirely disappointed. The traffic on the Muscle Shoals Canal, though slightly increasing, is still very small. The traffic on the very expensive Colbert Shoals Canal, costing $2,313,000, and $30,000 or $40,000 a year for maintenance, has diminished in its second year.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Yes.

Mr. NORRIS. Does the Senator say, taking out logs and ties, that in 1913 there were only 698 tons?

Mr. BURTON. Six hundred and ninety-eight tons.

Mr. NORRIS. That would mean that the cost per ton to the Government would be higher this year than the one we were talking about yesterday?

Mr. BURTON. Yes.

Mr. NORRIS. Has the Senator there the expense of maintenance?

Mr. BURTON. I have not. I should conjecture that it would be somewhat less than for the first year, which was $34,500. The interest on the investment at 4 per cent would be $92,000. It would be a safe conjecture that, coupled with the cost of operation, the sum of the two would be $100,000, and probably it would be in excess of that amount; perhaps $110,000 or $115,000.

Mr. NORRIS. We found out yesterday that taking the maintenance cost for 1912 and adding 4 per cent interest on the investment, and then taking out of the calculation the logs and the railroad ties, it cost the Government about $100 a ton to put this traffic through the lock.

Mr. BURTON. Yes; or the canal. The canal includes the lock.

Mr. NORRIS. Yes. In that connection I wish to ask the Senator a question. This is only one lock on the river?

Mr. BURTON. Yes.

Mr. NORRIS. There are quite a number of other locks, are there not?

Mr. BURTON. There are in the Muscle Shoals system. Part are on one side of the river, and part on the other side.

Mr. NORRIS. Now, if it costs the Government $100 to put a ton of freight through one lock, and there are five or six locks to go through, if there was any freight there that traveled

any distance, the cost would amount to several hundred dollars per ton, would it not?

Mr. BURTON. The cost is not so great per ton of valuable freight in the Muscle Shoals Canal.

Mr. NORRIS. Probably not quite so great.

Mr. BURTON. This seems to be the maximum cost of freight passing through any lock or improvement in the Tennessee River, and perhaps it is the maximum in the United States. The total cost per ton, excluding railroad ties, for the last year—1913—would be approximately $150 per ton; and using the very striking comparison that the Senator from Nebraska employed yesterday, the value of all traffic passing through the Colbert Shoals Canal in 1913 was $215,000. The value by items is not given, but the quantity of railroad ties is almost exactly the same as last year, and they were valued at $137,000. Deducting that amount from the total value of 1913 would show the traffic other than ties had a value of $78,000. So the expense, when you count in interest on the investment and the cost of maintenance, is clearly $20,000 more than the total value of all the freight passing through the canal, excluding the railroad ties, which could readily be floated.

Mr. NORRIS. Those are the figures for this one lock only?

Mr. BURTON. Yes.

Mr. NORRIS. But suppose the freight had to be passed through two locks?

Mr. BURTON. I would not anticipate that the cost would increase proportionately.

Mr. NORRIS. I want to ask the Senator another question on a subject that I asked him about yesterday. I have found from the report of the Chief of Engineers something bearing on the point, and it is directly in connection with the subject about which the Senator is talking now.

I asked the Senator yesterday whether or not the United States Government was not liable for damages to the men who were engaged in logging and getting out and shipping railroad ties. They seem to be the principal articles that are shipped down these rivers. The Senator did not think there was any possibility of damages coming on that account.

Mr. BURTON. I understood the question of the Senator from Nebraska related to the liability of the Government for damages.

Mr. NORRIS. Well, probably not a technical or legal liability, but a moral liability. I believe the records show that the Government has destroyed an occupation in which a good many men were employed, and a great deal of money invested, by putting in these locks. If the Senator will permit me, I should like to read from the report of the Chief of Engineers for 1913. The report is speaking not of this particular lock, but of the same thing in connection with another river.

Mr. BURTON. The Kentucky River?

Mr. NORRIS. Yes. They say as follows:

> The principal commerce of the river is timber, which can be most advantageously handled as loose logs; but as the slack-water improvement has progressed it has been necessary to impose and enforce regulations preventing the running of loose logs in the portions improved, which impose hardship on the interests involved, since it requires rafting and towing the logs. If allowed to run loose the logs and the dams would cause reciprocal damage. For the towns of Valley View and Ford, at railroad crossings of the river, and formerly sawmill and transshipping points, the results have been disastrous, since such of their industry as survived has been transferred to other points.

So it seems the building of dams has driven men out of business.

Mr. BURTON. I certainly do not see any ground of liability when the Federal Government improves a waterway and makes it more suitable for general commerce.

Mr. NORRIS. About the only commerce is railroad ties and logs.

Mr. BURTON. And that is by persons who use original methods.

Mr. NORRIS. I want to say that I am not claiming that there is any legal liability, but ought we not to take into consideration before we build dams and locks in rivers where there is no navigation except for logs that we are injuring men who are engaged in the logging business?

Mr. BURTON. I have no doubt whatever that locks and dams have been constructed at very large expense in instances where the communities tributary to the river have been injured rather than helped.

The statistics for the Muscle Shoals Canal show a striking similarity for the years 1912 and 1913. Those for the Colbert Shoals Canal are not so identical.

The most unfavorable indication in the statistics for the two years for that improvement is the decline in the development of general merchandise. In the year 1912, 329 tons of general merchandise passed through that canal. That quantity diminished to 160 tons in 1913.

Think of it, Mr. President and Senators; this is an improvement which extends the navigation of a stretch of great river 206 miles long, near to two promising industrial centers—Florence and Sheffield. At one of those towns there are iron furnaces. One of them has a population of over 6,000 inhabitants. They are only a few miles from this improvement, but yet you have this unfavorable showing for the second year after this great canal is opened.

Mr. CLARK of Wyoming. What was the cost of it?

Mr. BURTON. Two million three hundred and thirteen thousand dollars. The amount of general freight, other than railroad ties, carried through it was only 698 tons for the year 1913.

The conjecture I offered yesterday that possibly in the first year the shipping interests has not as yet begun to use it and that a larger traffic would develop is disproved by the traffic of the second year.

I do not begrudge the time consumed in presenting to the Senate the arguments and the indisputable facts on such a project when similar features appear in the pending river and harbor bill.

I know something of the history of this canal. It was authorized in the year 1890. Year after year Congress hesitated about about making any appropriation. In the month of May, 1899, I saw that lock and dam, a magnificent piece of masonry, standing there alone. Egypt had no monopoly on great works of masonry the purpose of which remained a mystery. The pyramids are no finer than this lock. Of those who look upon it some praise the work and some the architects, but I think the laudation will be largely reserved to the Congressmen who obtained the original appropriation for that improvement.

It has been finished at last, and here are the results: Two million three hundred thousand dollars have been expended upon it, and if it were not for the pride in finishing what we began it had better been left unfinished, so far as any commercial results from it have been shown.

Mr. SHIELDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Tennessee?

Mr. BURTON. Certainly.

Mr. SHIELDS. I wish to ask the Senator from Ohio at what time did the worthlessness of this improvement at Colbert Shoals appear?

Mr. BURTON. You never could be sure of it until it was opened in November, 1911, and was subjected to the test.

Mr. SHIELDS. Is it not a familiar fact that $1,500,000 of the appropriation complained of was appropriated while the Senator from Ohio was chairman of the House Committee on Rivers and Harbors?

Mr. BURTON. I do not think so, though I want to look that up. While I have delinquencies to answer for, I trust that is not one of them. It is true it was a work under way when I became a member of the Rivers and Harbors Committee, and it is probable that appropriations were made for it during my service as chairman of that committee.

Mr. SHIELDS. I should like to call the Senator's attention to page 2499 of the report of the Chief of Engineers and let him see that between the period beginning March 3, 1899, and ending March 4, 1909, there was $1,518,000 appropriated for this improvement, while the Senator was chairman of the Committee on Rivers and Harbors of the House, and of course I suppose it was done with his approval.

Mr. BURTON. Well, I suppose it was, but I do not think it will amount to that figure. I see that an appropriation was made in the sundry civil act of 1906 and in the river and harbor act of 1906. But am I to blame for that? Here was a project to which the Government had committed itself in the year 1890, on which it had expended the sum of $995,000. A magnificent masonry structure had been erected; and it would be a very far cry, it would be an unusual exertion of the prerogative of a member of a committee or even of its chairman to say "I will stop that improvement right there."

A great many of these projects did not commend themselves to us. We had the Illinois & Mississippi Canal, which had already cost some six or seven million dollars, and required a million more for completion, and we actually hesitated about appropriating that additional million. But, of course, it is not very creditable to a great Government like our own to commence a public work and when it is half or two-thirds or six-sevenths completed to drop it. It is true the Rivers and Harbors Committee at the time when I was its chairman did absolutely abandon some projects for which appropriations had been made for many years. Most of them have made their way back into the bill now, and they are very prominent in this bill and the appropriations for them are very large; but we did not feel that

there is a House bill upon the calendar, reported by that committee, which relates to the franchise of a street railway in the island of Hilo. The franchise will expire on the 1st day of August unless the bill, which grants its extension for two years, is promptly passed. Those interested have expended $15,000 in the enterprise. It is very urgent, as I have stated, that the bill should be passed before the 1st of August. The street railway involved runs alongside of Government property, and the railroad will be of more benefit to the Government lands than to any others. I ask unanimous consent for the present consideration of the bill, which is House bill 8060.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado?

Mr. SMOOT. Mr. President, at this time I object to the consideration of the bill.

The VICE PRESIDENT. There is objection.

PENSION BUREAU EMPLOYEES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 427) submitted by Mr. GOFF on yesterday, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the following information:

First. The names, age, and length of service of all employees of the Bureau of Pensions on March 4, 1913.

Second. Total number of those so employed who served in any war of the United States.

Third. Total number of those so employed who served in any war of the United States who have been promoted since said date.

Fourth. Total number of those so employed who served in any war of the United States who have been demoted $100 per annum since said date.

Fifth. Total number of those so employed who served in any war of the United States who have been demoted $200 per annum since said date.

Sixth. Total number of those so employed who served in any war of the United States who have been demoted $300 per annum since said date.

Seventh. Total number of those so employed who served in any war of the United States who have been demoted $400 per annum since said date.

Eighth. Total number of those so employed who served in any war of the United States who have been demoted $500 per annum since said date.

Ninth. Total number of those so employed who served in any war of the United States who are now receiving pensions.

Tenth. Total number of those so employed who served in any war of the United States who have been dismissed or whose resignations have been asked for since said date.

Eleventh. Total number of Confederate veterans employed in said bureau on the date named.

Twelfth. Total number of Confederate veterans so employed who have been promoted since said date.

Thirteenth. Total number of Confederate veterans so employed who have been demoted since said date.

Mr. GALLINGER obtained the floor.

Mr. POMERENE. Mr. President——

Mr. GALLINGER. Does the Senator from Ohio desire to make a statement in reference to the resolution?

Mr. POMERENE. I was going to suggest this: The junior Senator from West Virginia [Mr. GOFF], who offered the resolution, is not in the Chamber, and perhaps action on it ought to be deferred on that account. I have an amendment which I intend to offer. I will send it to the desk, and ask that both the original resolution and the amendment lie over until the Senator from West Virginia is present.

Mr. GALLINGER. I was about to state that the Senator from West Virginia has been called to his home on account of illness in his family, and I have been requested to ask that the resolution might lie on the table, subject to his call, until his return.

Mr. POMERENE. If the Senator from New Hampshire will permit me, I wish also to offer this suggestion: I think that later on both the resolution and the amendment should be referred to a committee for their consideration and report, but I do not ask that to be done at this time.

Mr. GALLINGER. Let the resolution and the proposed amendment lie on the table for the present.

Mr. CHILTON. Mr. President, I desire to offer an amendment to the resolution, which I ask may take the course suggested by the Senator from Ohio [Mr. POMERENE].

The VICE PRESIDENT. The resolution, together with the amendments intended to be proposed by the Senator from Ohio and the Senator from West Virginia, will lie on the table and be printed.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent for the present consideration of the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object.

Mr. SIMMONS. Then I move that the Senate proceed to the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina, that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent. I believe, under the terms of the pair, I am entitled to vote, but I shall wait and see if I can obtain a transfer. If not, I shall withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I transfer that pair to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT], but it has been agreed by us that the pairs shall be so modified as to apply only to the trust and trades measures now before the open Senate, and to some other matters. I am therefore at liberty to vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH] and vote. I vote "yea."

Mr. CLARK of Wyoming (when Mr. WARREN's name was called). I desire to announce the unavoidable absence of my colleague [Mr. WARREN], and to state that he is paired with the Senator from Florida [Mr. FLETCHER]. I wish this announcement to stand on subsequent roll calls for the day.

The roll call was concluded.

Mr. GRONNA. May I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and vote. I vote "nay."

Mr. KERN. I desire to announce that my colleague [Mr. SHIVELY] is necessarily absent. He is paired as has been stated. This announcement may stand for the day.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. GALLINGER. Mr. President, I have been requested to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from New Hampshire [Mr. HOLLIS];

The Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; and

The Senator from Michigan [Mr. TOWNSEND] with the Senator from Arkansas [Mr. ROBINSON].

I will not repeat this announcement, but will ask that it may stand for the day.

The result was announced—yeas 37, nays 15, as follows:

YEAS—37.

Bankhead	James	Martine, N. J.	Poindexter
Bryan	Jones	Nelson	Pomerene
Camden	Kenyon	Overman	Ransdell
Chamberlain	Lane	Page	Saulsbury
Clarke, Ark.	Lee, Md.	Perkins	Sharpe
Hughes	Martin, Va.	Pittman	Sheppard

Simmons	Stone	Tillman	Works
Smith, Ga.	Swanson	Vardaman	
Smith, Mich.	Thompson	Weeks	
Sterling	Thornton	White	

NAYS—15.

Ashurst	Catron	Gallinger	Norris
Borah	Clapp	Gronna	Smoot
Brandegee	Clark, Wyo.	Kenyon	Weeks
Bristow	Cummins	Myers	

NOT VOTING—44.

Brady	Goff	McLean	Shively
Burleigh	Gore	Newlands	Smith, Ariz.
Burton	Hitchcock	O'Gorman	Smith, Md.
Chilton	Hollis	Oliver	Smith, S. C.
Colt	Johnson	Owen	Stephenson
Crawford	La Follette	Penrose	Sutherland
Culberson	Lea, Tenn.	Reed	Thomas
Dillingham	Lewis	Robinson	Townsend
du Pont	Lippitt	Root	Walsh
Fall	Lodge	Sherman	Warren
Fletcher	McCumber	Shields	Williams

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, in the telegram from Dallas, Tex., which has been read from the desk, the statement was made that some two million dollars had been raised by the citizens of that city, with the inference that it was for the promotion of the improvement of the Trinity River. I do not wish to say anything in disparagement of that growing community. Its citizens have shown great public spirit and have contributed somewhat liberally to the promotion of navigation in the Trinity River; but I think the telegram conveys an inference altogether incorrect. No such sum as $2,000,000 has been contributed toward this improvement. Information as to the amount contributed in connection with the improvement is published in a public document, and I think we should ask for an itemization of that $2,000,000. My impression is that the larger portion of it, in fact, nearly all of it, has been expended for a sewerage system and for municipal improvements which are entirely independent of any plan for the navigation of the Trinity River.

Mr. SHEPPARD. Mr. President, if the Senator will permit me, a new sewerage system was constructed in order that the disposition of the sewage might not interfere in any way with the navigation of the river, and but for the fact that they thought that it was desirable to improve the river there would have been no necessity of expending the money to provide other means for the disposition of sewage.

Mr. BURTON. I think everyone knows that it would be utterly insanitary for a growing city of that kind to discharge its sewage through a navigable stream which for a portion of the year is practically dry; and any growing community considering the future will provide some other means for disposing of its sewage rather than to discharge it through a river that sometimes has practically no flow whatever, and that, too, in the hot seasons of the year, when prompt disposition of the sewage is indispensable.

Mr. SHEPPARD. Mr. President, the river has been used for that purpose ever since the city was founded, and I dispute the statement that the river is ever practically dry. It may be dry sometimes in some branches above Dallas, but from Dallas down I dispute that it is ever practically dry, and I ask the Senator for his proof.

Mr. BURTON. I think the official reports will show that it is difficult, if not impossible, to carry away a great quantity of sewage, such as must be disposed of from a city of that size, with the ordinary flow of that river at all seasons of the year. Of course, I have not made any specialty of the sewage of the city of Dallas, but that is an inference which I very decidedly draw from the reports upon the subject.

Mr. BRISTOW. Mr. President, do I understand that this large expenditure for sewage disposal was for the purpose of carrying the refuse away from the river, so that it would not fill it up and prevent navigation?

Mr. BURTON. I so understand the Senator from Texas.

Mr. BRISTOW. And the river is dry a part of the year?

Mr. BURTON. It may not be dry, but there is practically no water or current. The suggestion was made that the flow might be stimulated by digging artesian wells, but I believe that has never been done.

Mr. BRISTOW. Is it proposed to dig artesian wells in order that we may create navigable streams, and then dig trenches for the streams to run in, in order that our steamboats may float?

Mr. BURTON. I will not say it is exactly that. Artesian wells were recommended or favorably commented on in the first report made on this river, the one upon which the improvement is based.

Mr. GALLINGER. Mr. President, the original engineers' report made the suggestion that artesian wells might be utilized to furnish water for the stream. There is no doubt about that. They have gotten along without it. Possibly the sewage helped out a little toward furnishing water for the stream.

Mr. BRISTOW. I undertook to find out during the morning hour what navigation there was on this stream, how many steamboats had been constructed, and how many steamboats were in operation carrying commerce up and down the Trinity River. Has the Senator from Ohio any information as to that?

Mr. BURTON. No; I have not.

Mr. SHEPPARD. Why, Mr. President, at present the locks and dams have not reached a sufficient stage of completion to justify the navigation of the river; but several locks and dams have been in course of construction during the last six or eight years and are now reaching completion, and we have a boat ready to pass up the stream as soon as the locks and dams now being built are completed.

Mr. BRISTOW. They have one boat?

Mr. SHEPPARD. The city of Dallas has purchased a boat to put on the river.

Mr. BRISTOW. Where is that boat now, please?

Mr. SHEPPARD. As I understand from this telegram, it is now near Galveston.

Mr. BRISTOW. How do they expect to get it there—by train or by water?

Mr. SHEPPARD. They expect to get it there by the river, I will say; and they may send for the Senator from Kansas and let his eloquence pull it up.

Mr. BRISTOW. No; my eloquence is not to be contributed to any such purpose as that.

Mr. SHEPPARD. I think it would cause such a disturbance in the atmosphere that if you put sails on the boat it would carry it right up the river.

Mr. BRISTOW. Oh, if the Senator thinks they will put on sails and navigate the air in Texas, that would be a different proposition; but the boat that I understand the city of Dallas has is not an aeroplane, I think.

Mr. SHEPPARD. A sufficient disturbance of the air produces rainfall. If we can not get the water in any other way, we might get it in that way.

Mr. BRISTOW. I suppose that is about the way the Senator expects to get the boat floated up the dry ditches that he is having the Government dig there to lower the freight rates.

Mr. SHEPPARD. No; I was simply giving an answer worthy of the charge made by the Senator.

Mr. BRISTOW. I have made no charge. I have been trying to secure information from the Senator.

Mr. SHEPPARD. I am perfectly willing to give the Senator information.

Mr. KENYON. Mr. President, this telegram, which it has been suggested is longer than the river, states that this boat is en route to Dallas under its own steam, so the Senator must realize that there is at least one boat there that is proceeding under its own steam.

Mr. BRISTOW. I wonder where that boat is. I will inquire of the Senator from Texas if he can not send a tracer for it and locate it, so that we may have some knowledge as to where that boat is now, and how much it will cost to get it up to Dallas.

Mr. SHEPPARD. I will do so, for the benefit of the Senator from Kansas.

Mr. BRISTOW. No; I think the country ought to know something about it. These vast expenditures are being made on dry ditches in Texas for the purpose of improving the navigation of the streams and thereby lowering freight rates. We have heard a good deal in the discussion about appropriations to lower freight rates. We have heard some very eloquent speeches on that subject.

Mr. CHILTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. BRISTOW. I have not the floor, except by the courtesy of the Senator from Ohio.

Mr. CHILTON. I just wanted to suggest to the Senator that probably the boat is in the river.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Washington?

Mr. BURTON. I yield to the Senator.

Mr. POINDEXTER. What river is the Senator speaking of?

Mr. BRISTOW. The Trinity River, as I understand, is the name of the ravine there that is being improved for purposes

Mr. BRISTOW. How much does the Senator expect this improvement to cost the Federal Government?

Mr. SHEPPARD. The estimate of the engineers is $3,000,000.

Mr. BRISTOW. Does the Senator think that the benefits will be more national than those of the Panama Canal?

Mr. SHEPPARD. I have not compared the two. I have not entered into any study as to which will be of more benefit to the country.

Mr. BRISTOW. Does the Senator think that possibly Trinity River will be as important a waterway for national expenditure as the Panama Canal?

Mr. SHEPPARD. Trinity River will be used by other people besides monopolists.

Mr. BRISTOW. What other people will use it? How many steamboats have navigated the Trinity River in the last year?

Mr. SMITH of Georgia. Mr. President, I call for the regular order.

Mr. SHEPPARD. I hope the Senator from Georgia will not call for the regular order.

The VICE PRESIDENT. The regular order having been called for, the presentation of petitions and memorials is in order.

Mr. BURTON. I should like to ask one question which arises, if the Senator from Georgia will permit me.

The statement was made in the telegram read at the desk that $2,000,000 had been expended by the citizens of Dallas for securing sites for locks and dams and for the construction of sewers. I think we should have an itemized statement of those expenses. Was this amount of $2,000,000 expended for the most part in providing for a sewerage system and municipal improvements?

Mr. SMITH of Georgia. Mr. President, I insist on the regular order. We will get up the river and harbor bill in a few minutes.

Mr. BURTON. I think in connection with the canalization of the river——

The VICE PRESIDENT. The regular order is demanded.

Mr. SHEPPARD. Permit me to say——

Mr. GALLINGER. Mr. President, the regular order.

Mr. SMITH of Georgia. The regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

Mr. SHEPPARD. I shall furnish the itemized statement.

The VICE PRESIDENT. The Chair is without remedy. The Senator from Georgia has called for the regular order, and the presentation of petitions and memorials is in order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 785. An act to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi;

S. 1087. An act authorizing the exchange of certain lands within the Fishlake National Forest, Utah;

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof; and

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry.

The message also announced that the House had passed the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5957) to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 13311. An act to cede a certain parcel of land to the county of Fulton, State of Georgia;

H. R. 15110. An act authorizing the Secretary of the Treasury to accept conveyance of title to certain land between the post-office site and Madison Street in the city of Thomasville, Ga.;

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes;

H. R. 16579. An act to authorize the construction of a bridge across St. John River at Fort Kent, Me.; and

H. R. 17005. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.

PETITIONS AND MEMORIALS.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Webster City Chautauqua, of Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented a resolution adopted by the National Association of Vicksburg Veterans, at Urbana, Ohio, favoring an appropriation of $200,000 to aid in the national celebration and so-called peace jubilee to be held at Vicksburg in 1915, which was referred to the Committee on Appropriations.

Mr. STERLING presented petitions of sundry citizens of Lebanon and White, in the State of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Williams, Cal., praying for the enactment of the so-called anti-narcotic bill, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to create a Federal board of censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of McKinnon Camp, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation granting pensions to widows and minor children of certain soldiers and sailors of the Spanish War, which was referred to the Committee on Pensions.

Mr. HUGHES presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Center County, Pa., praying for the enactment of legislation to prohibit interstate commerce in prison-made goods, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Flemington, N. J., praying for the enactment of legislation granting pension to all widows of veterans of the Civil War, which was referred to the Committee on Pensions.

Mr. WEEKS presented a petition of sundry citizens of Haverhill, Mass., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Massachusetts, praying for an appropriation for the celebration of the so-called "One hundred years of peace among English-speaking peoples," which was referred to the Committee on Foreign Relations.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SMITH of Georgia, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 921) for the relief of the Georgia Railroad & Banking Co., reported it without amendment and submitted a report (No. 695) thereon.

Mr. SMITH of Maryland, from the Committee on the District of Columbia, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 4492. A bill to authorize James F. Barbour and his successors in title to permanently maintain and use siding from the tracks of the Philadelphia, Baltimore & Washington Railroad in the city of Washington (Rept. No. 696); and

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia (Rept. No. 697).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 6134) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; to the Committee on Commerce.

By Mr. HUGHES:

A bill (S. 6135) granting an increase of pension to Jean H. G. Kitchel, to the Committee on Pensions.

By Mr. WEST:

A bill (S. 6136) to increase the salaries of the United States district attorney and United States marshal and deputy marshals for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. WEEKS:

A bill (S. 6137) refunding certain taxes illegally collected under the war-revenue act of June 13, 1898; to the Committee on Finance.

By Mr. POMERENE:

A bill (S. 6138) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. JAMES:

A bill (S. 6139) granting an increase of pension to Samuel B. Littrell (with accompanying papers);

A bill (S. 6140) granting a pension to Mary McJenkins (with accompanying papers); and

A bill (S. 6141) granting a pension to Charles R. Conger (with accompanying papers); to the Committee on Pensions.

By Mr. CLARK of Wyoming:

A bill (S. 6142) granting a pension to Nancy J. Northup; to the Committee on Pensions.

OMNIBUS CLAIMS BILL.

Mr. WEEKS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

WATERS OF THE RIO GRANDE.

Mr. CATRON submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, which was ordered to lie on the table and be printed.

ELIZABETH P. DURFEE.

Mr. SMOOT submitted the following resolution (S. Res. 428), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Elizabeth P. Durfee, widow of Benjamin Durfee, late messenger, United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral and all other expenses.

INTERNATIONAL INSTITUTE OF AGRICULTURE.

Mr. WORKS. I have an article on the subject of the International Institute of Agriculture by David Lubin, delegate of the United States to the International Institute of Agriculture, Rome, 1914. I desire to have the article printed as a Senate document, and for that purpose I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. The article will be referred to the Committee on Printing.

PUBLIC BUILDING SERVICE (S. DOC. NO. 551).

Mr. MARTIN of Virginia. I desire to ask that the communication I send to the desk may be printed as a Senate document. It is an estimate submitted by the Secretary of the Treasury for appropriations for the acquisition of sites and the erection of post-office buildings all within the limit of cost. The communication was referred to the Committee on Appropriations, but was not printed. Senators interested in it are anxious to have it printed, so that they may see what is being done.

The VICE PRESIDENT. Without objection, that action will be taken.

PROPOSED ANTITRUST LEGISLATION.

Mr. REED. Mr. President, I desire to give notice that on Thursday next, July 23, at the conclusion of the morning business, I shall address the Senate on the subject of trusts, trust regulation, and trust legislation.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following act and joint resolution:

On July 17, 1914:

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

LANDS IN MINNESOTA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

Mr. NELSON. I move that the Senate disagree to the amendments of the House and request a conference with the House on the disagreeing votes, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MYERS, Mr. SMITH of Arizona, and Mr. SMOOT conferees on the part of the Senate.

SABINE RIVER BRIDGE, LOUISIANA.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., which were, on page 1, line 5, to strike out "and" and insert a comma; on page 1, line 5, after "maintain," to insert ", and operate"; and to amend the title so as to read: "An act to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La."

Mr. RANSDELL. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16579. An act to authorize the construction of a bridge across St. John River at Fort Kent, Me.; and

H. R. 17005. An act authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 13311. An act to cede a certain parcel of land to the county of Fulton, State of Georgia; and

H. R. 16476. An act authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes.

H. R. 4545. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 15110. An act authorizing the Secretary of the Treasury to accept conveyance of title to certain land between the post-office site and Madison Street, in the city of Thomasville, Ga., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

HILO, HAWAII, STREET RAILWAY.

Mr. SHAFROTH. Mr. President, as chairman of the Committee on Pacific Islands and Porto Rico, I wish to state that

New York, protesting against national prohibition; to the Committee on Rules.

Also, petitions of F. M. Burden, of Seneca Falls; F. P. Gildersleeve, of Union Springs; H. E. Woodward, of Ensenore; and sundry voters of Middlesex, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Petitions of 38 members of the Christian Endeavor Society of Aurora; 63 citizens of Hebron; 22 citizens of Fairbury; 11 boys and girls of Blue Springs; 60 citizens of Shelby; sundry citizens of David City; the Nebraska State Sunday School Association; sundry citizens of Clear Creek; the Camp of Gideons at Lincoln; the Methodist Episcopal Church at Fairmont; the Methodist Episcopal Church at Surprise; the Methodist Episcopal Church at Tobias; various churches of Liberty; J. S. Dick, of Crete; the Evangelical Church Convention at York; a mass meeting of citizens to Giltner; the Christian Endeavor Societies of Fairbury; various members of the Christian Church at Fairbury; a mass meeting of citizens of Geneva; and the Epworth League Convention at Fairmont, all in the State of Nebraska, in favor of national prohibition amendment; to the Committee on Rules.

Also protests from 17 citizens of Morse Bluff, 11 citizens of Fairbury, 31 citizens of Grafton, 21 citizens of Tobias, resolution adopted by the Grand Lodge Order of Hermanns of Nebraska, a letter from Aug. Aleck, of Western, and a letter from A. B. Korn, of Shickley, all in the State of Nebraska, against national prohibition amendment; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 17226, granting a pension to Sarah Friedline; to the Committee on Pensions.

Also, petition of Leon Friedman, of Hailey, Idaho, against national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Memorial of Stephen Jackson Post, No. 191, Department of California and Nevada of the Grand Army of the Republic, relative to appropriation for reunion of veterans at Vicksburg, Miss.; to the Committee on Appropriations.

Also, memorial of the Los Angeles Chamber of Commerce, favoring passage of water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *July 21, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O God, our Father in heaven, we thank Thee that a way has been opened for our approach into Thy presence; that we can talk with Thee as a friend talketh face to face with a friend; and that we can come boldly to the throne of grace and make our requests known unto Thee. Surely our hope is in Thee. Our strength cometh from Thee. Amid the difficulties of the way we seek Thy hand. If we meet perplexing problems, may the light of Thy truth give us understanding. If doubts beclouds our sky, may we see new visions of Thy law. And may our steps this day be ordered by the Lord. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

PROPOSED ANTITRUST LEGISLATION.

Mr. BRANDEGEE. I send to the desk three short articles on three of the bills that are now pending before the Senate, and I ask that they be printed in the RECORD.

The VICE PRESIDENT. Without objection it is so ordered.

The matter referred to is as follows:

[From the New York American, July 20.]

ONE SERIOUS PERIL IN THE RAYBURN BILL.

The Rayburn bill, as rewritten by Mr. Brandeis, and now being considered by the Senate Committee on Interstate Commerce, affords an immediate illustration of the irresistible tendency of seemingly conservative railroad legislation toward Government ownership.

This bill has for its purpose the supervision by the Interstate Commerce Commission of all future issues of securities—stocks, bonds, debentures, etc.—by railroads. The commission will be vested with the power to prohibit the issuance of any block of such securities unless, upon examination, it concludes that real need existed for borrowing the money, and that the volume of securities issued was not unduly great.

So far, so good. Wildcat methods of railroad finance, overcapitalization, buying a feeder at a price and bonding it for double the price paid, consolidations like the one planned between the New York Central and the Lake Shore, with the resultant increase of capital by some hundred millions or more, all join to make the need of some such legislation evident.

But with the new issues once authorized, the railroads will at once claim that the Government is morally bound to see that no regulative legislation shall prevent the earning of money sufficient to make interest payments.

To-day the roads base their demand for an increase in freight rates largely upon the plea that the demands made upon them by Government regulation necessitate increased earnings.

If they shall be permitted, under national authorities, to turn their great volume of ill-digested securities, hundreds of millions of which stand for mere water, into new bonds, they will instantly demand that the Government stand responsible for these bonds.

If under private ownership the roads are unable to meet these fixed charges their manager will turn them over to the Government. At what price? Obviously at the value for which the Government has authorized them to issue bonds and stock. It is therefore the business of Congress, which still has the Rayburn bill in hand, to see to it that the Government supervision over the volume of securities shall not end by making the Government take over the railroads at an exaggerated and extortionate figure.

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[From the New York Tribune, Monday, July 20, 1914.]

THE SENATE LOSING INTEREST IN THE DENATURED ANTITRUST BILLS.

It is just about a month since Mr. Wilson told the Virginia Editorial Association that the administration's program of antitrust legislation was "complete" and predicted its speedy enactment. But enactment still lingers. Although the House bills, which constituted the finished Wilson program, have been torn to pieces and patched together again, the Senate is still reluctant to pass them. They have been greatly improved by the elimination of crudities all along the line. But even so, the Democratic leaders in the Senate can get up very little enthusiasm over them.

These leaders realize that a vast amount of useless labor has gone into an effort to do something which really doesn't need to be done. The administration started out with the idea that it was necessary to supplement and invigorate the Sherman antitrust law. Mr. Clayton and the other House antitrust dentists tried to put a lot of fine new teeth into the Sherman Act. But at practically every point at which the present provisions against monopoly or conspiracy to restrain trade were sought to be supplemental the experiment broke down. The proposed new law did not clarify or strengthen the existing statute. It simply overloaded and confused it. The Senate committees have been busy for the last four or five weeks ripping out the Clayton-Rayburn-Covington dentistry. What they have seen of the work of those bunglers has virtually convinced them that the Sherman law doesn't need new teeth at all.

What is the advantage, for instance, of giving an interstate trade commission power to punish interstate corporations engaging in "unfair competition" when nobody knows what such a term means? If unfair methods lead to restraint of trade, they can be dealt with already under the Sherman law. If they don't lead to restraint of trade, the commission doesn't need to worry about them. Why strain and cogitate to meet a situation which it isn't necessary to meet?

It is exactly the same with the Clayton-Gompers trick amendments giving, or merely pretending to give, union labor and farmers' organizations exemption from prosecution for violations of the antitrust law. If the amendments grant union laborers and farmers no privileges which they do not already have—as the President insists is the case—what is gained by merely saying that what is the law is the law? But if it is intended to offer special class privileges to two special classes, why incur the displeasure and enmity of all other classes? The National Association of Retail Dealers, for example, is about to descend on Congress to ask why its organization shouldn't be allowed to have the same exemption as is being offered to the farmers and the Federation of Labor people. Why, indeed, shouldn't it? If they are not to be prosecuted for carrying out the legitimate objects of their association—whatever those objects may be—the organized retailers ought not to be prosecuted for clashing to a similar extent with the Sherman law.

The antitrust bills in the original form in which Mr. Wilson approved them were destructive and vicious. In the form which the Senate committees are giving them they are far less dangerous. But, on the other hand, they are degenerating more and more into mere surplusage. No public advantage will result from passing them. It is the realization of this fact that makes them drag so woefully in the Senate. Nobody there is able to get excited over measures whose only thunder is in the title page.

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[From the New York Times, Monday, July 20, 1914.]

THE TRUST DEBATES.

While Congress is working overtime upon the trinity of antitrust bills there is proceeding in the country a second debate of another sort, of which an excellent example is afforded by the address of Lincoln Cromwell to the knit-goods jobbers, reported in Saturday's Times. He speaks for substantial middle-class business, neither the biggest nor the smallest. It does not occur to the business men whom he represents to oppose the legislation which is being thrust upon them. Their aim now is "to keep it along lines which are helpful to honest merchants rather than to theorists and politicians, with their fads and demagogy." Especially apropos is Mr. Cromwell's reference to the completeness with which the Federal courts are doing under the old law what Congress is bustling about as though there were no law to accomplish what it wants. In the decree against the Thread Trust as a combination in unreasonable restraint of trade no less than 15 practices are specifically forbidden. Blacklists, rebates, buying out competitors, fixing of resale prices, giving of bonuses, pooling of orders to get special discounts, "fighting brands," flying squadrons of salesmen to undersell competition in restricted areas, the limitation of traders from trading with others than the trust, misrepresentation of competitors' goods, threats of prosecution without intention to prosecute, selling below cost, differences of freight being considered, "free goods"—these are among unreasonable restraints of trade forbidden without the help of the new laws. It is not suggested that these are all the unreasonable restraints there are. They are merely the restraints forbidden in a single case. The power to forbid these extends to the power to forbid any other restraints contrary to commercial morality. The interesting thing about the list is that it includes so many obnoxious practices which it is designed to forbid as "unfair competition." It makes no difference whether they are forbidden as unreasonable restraints or as unfair competition, so long as they are forbidden; but it is not desirable unnecessarily to introduce a new phrase which can not be completely defined for as long a time as it has required to learn what the earlier phrase means.

Another interesting symposium to contrast with the debates in Congress is the referendum upon the Clayton bill by the United States Chamber of Commerce. The votes were taken of 359 organizations in

36 States. Nine of the ten proposals which were voted upon were rejected by majorities ranging from 6 to 1 to 20 to 1. The adverse vote is stronger than this, for many organizations declined to vote at all, on the ground that there is no demand for legislation of this sort at this time. The following votes may be given as examples:

1. The committee recommends that there should be no attempt by statute to forbid discrimination in prices of commodities; 531 in favor, 22 opposed.

2. The committee recommends that a proposal to compel persons controlling the products of mines to sell to all applicants "who may be responsible" is wrong in principle and unworkable in practice; 527 in favor, 32 opposed.

3. The committee recommends that there should not be a statutory prohibition of conditions accompanying sales and leases to the effect that buyers or lessees can not handle or use the products of competitors; 514 in favor, 35 opposed.

4. The committee recommends that the final decree in an equity suit brought by the Government which establishes the existence or the non-existence of a restraint of trade or of a monopoly should be conclusive evidence as to the same general fact in private actions brought against the same defendants under the antitrust laws; 484 in favor, 62 opposed.

Space fails to give the rest of the proposals of the Clayton bill so overwhelmingly favored by Congress and so overwhelmingly opposed in the debates among those to whom the law is to apply. Max it not be that the popularity of the trinity of antitrust laws is so great among the classes of lawmakers which Mr. Cromwell describes because they will not have to obey the law, business being out of their line? If business men were legislating, would they enact the laws which they condemn when proposed by nonbusiness lawmakers? Finally, what remains of the antitrust legislation which is pending if there is deducted from it what the courts are now preventing and punishing without the assistance of the new laws, and what the representative business men of the country vote against with almost unanimity, and yet accept with the excellent temper shown by Mr. Cromwell on behalf of those for whom he speaks?

The President continues to consult business men with commendable open-mindedness. He is not finding them rebellious, and can count upon their cooperation in just that degree to which he defers to their sentiments. Yet in all the reports of the consultations at the White House there is no such cordiality as in the echoes of the President's remarks to the effect that big business is as patriotic and moral as any other sort of business. The Chicago business men who went to advise the President regarding his antitrust proposals said of these remarks, "No more hopeful, helpful, finer words have ever come from the White House, and we believe that they will meet with the Nation's hearty approval." If either Congress or the President has elicited any such cordial expressions regarding the antitrust bills they have not been published. It is idle to contend that business wants the new trust bills. On the other hand, business will accommodate itself to them with resignation, and, as Mr. Cromwell says, will guide them into the right direction after they leave Congress.

CALLING OF THE ROLL.

Mr. GALLINGER. Mr. President, I would suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Culberson	Norris	Sterling
Borah	Cummins	Overman	Stone
Brady	Gallinger	Page	Swanson
Brandegee	Hughes	Perkins	Thomas
Bristow	James	Pittman	Thompson
Bryan	Jones	Poindexter	Thornton
Burton	Kenyon	Pomerene	Tillman
Camden	Kern	Ransdell	Walsh
Catron	Lane	Shafroth	West
Chamberlain	Martin, Va.	Sheppard	White
Chilton	Martine, N. J.	Simmons	Works
Clapp	Myers	Smith, Ga.	
Clarke, Ark.	Nelson	Smoot	

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is absent and is paired with the Senator from Arkansas [Mr. ROBINSON]. I will let this announcement stand for the day.

Mr. BRISTOW. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I wish also to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. STEPHENSON], who has a general pair with the Senator from Oklahoma [Mr. GORE].

Mr. GALLINGER. I desire to announce the unavoidable absence of the senior Senator from Vermont [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I wish also to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH]. He is paired with the Senator from New Hampshire [Mr. HOLLIS].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

IMPROVEMENT OF TRINITY RIVER, TEX.

Mr. SHEPPARD. Mr. President, yesterday the Senator from Iowa [Mr. KENYON] published in the RECORD a purported interview with one M. J. Wirth, an interview in the Washington Post, in which that gentleman ridiculed the Trinity River. I wired to Texas to find out something about M. J. Wirth, and I send the reply to the desk and ask that it be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The Secretary read as follows:

[Telegram.]

DALLAS, TEX., *July 20.*

HON. MORRIS SHEPPARD,
Senate, Washington, D. C.:

Yours date. No such person as M. J. Wirth known in Fort Worth by chamber of commerce or other organizations, nor is his name listed telephone or city directory. Statement that Trinity River is sought by interurban absurd on face. Distance by river between Dallas and Fort Worth approximately 50 miles, as against 30 miles air line over prairie country. Fort Worth Chamber of Commerce adopted resolution listed below March 19, 1914, approving improvement of Trinity. Steamboat has been purchased for navigation of the Trinity, and is now en route to Dallas under own steam to enter the trade. Water in Trinity at normal stage, and there is no truth whatever in statement of Wirth. Have been unable to locate him here or in Fort Worth or to find one who knows such a person. Dallas citizens have spent $2,000,000 of their own money in sites for locks and dams and bond issues for raising bridges and diverting sewage, and are considering spending twice as much more to supplement Government work. The canalization of the Trinity will mean a saving of $3,000 a day in Dallas freight bills. Dallas is not a seaport, but it is a port of entry with a present volume of business through its port many times greater than that of cities three times her size. This is in no sense a political project. The Trinity movement is a commercial proposition, and Dallas is supporting it for the reduction it will bring in freight rates, which will benefit the whole State. There is no pork barrel or politics in it, and this is well known to every bona fide citizen of Texas who is at all informed.

Fort Worth Chamber of Commerce resolution is as follows:

Whereas the Federal Government has designated the Trinity River for improvement; and

Whereas the improvement of this river for navigation will bring water rates into Fort Worth trade territory; and

Whereas Fort Worth is vitally interested in the prosperity and development of all of the counties in Texas through which the Trinity River runs; and

Whereas we have, as business men of Fort Worth, in years past commended the action of the Rivers and Harbors Committee and that of the Federal Government in this work in making the Trinity River navigable: Therefore be it

Resolved, That we call attention of the Texas Senators and Congressmen to the fact that the interests of Fort Worth can be vastly developed by the completion of the work on the Trinity River; that we favor an increase in the present appropriation in sufficient amount so that this work can go forward promptly. We believe that no other development can so effectually tend to solve the transportation problems in Texas, and we urge immediate action on the part of all Representatives in Congress to secure prompt and favorable appropriation for this purpose.

JOHN W. PHILP,
Chairman Trinity River Committee,
Dallas Chamber of Commerce.

Mr. BRISTOW. Mr. President, may I inquire of the Senator from Texas if the object of this appropriation for the improvement of the river is to reduce freight rates, which reduction the people of Fort Worth and Dallas will enjoy after the improvement is made?

Mr. SHEPPARD. That is partly the object.

Mr. BRISTOW. It is an appropriation, then, to secure a reduction of the freight rates which the people of that immediate vicinity now have to pay.

Mr. SHEPPARD. That is partly the object.

Mr. BRISTOW. Does the Senator think that an appropriation of public money for the purpose of reducing freight rates in some particular locality is a proper expenditure of public money?

Mr. SHEPPARD. Oh, I said that was partly the object. It will not only reduce freight rates for that locality but for an entire section. It may even have a favorable effect on Kansas.

Mr. GALLINGER. It is a Texas subsidy; that is all.

Mr. BRISTOW. Is it the purpose of the Senator to have toll gates established on this river and charge tolls for the use of it?

Mr. SHEPPARD. The question of subsidy does not enter into the question of improvement at all.

Mr. BRISTOW. The Senator is not in favor of establishing toll gates on this river?

Mr. SHEPPARD. I am not, because the improvement will be a general benefit to which the entire country is entitled.

Mr. BRISTOW. Why should the people of the United States be taxed in order that freight rates for Fort Worth and Dallas may be reduced?

Mr. SHEPPARD. I will state to the Senator it is not only the people at Fort Worth and Dallas who will be benefited but a tremendous section of country, thus making the project national in its character. I would not favor a project if it were to reduce freight rates merely in one small locality.

Mr. BRISTOW. It will probably benefit the States of Kentucky and Virginia and New Hampshire somewhat?

Mr. SHEPPARD. The Senator is so absurd now that his statement does not deserve any attempt at reply.

Mr. BRISTOW. The Senator said it was a national improvement.

Mr. SHEPPARD. I intended to say it would affect such a large scope of territory that it was almost national in character.

House of Representatives from the Rocky Mountain and Pacific Coast States."

I hereby certify that the above is a true and correct copy of the resolution adopted by the board of directors of the Los Angeles Chamber of Commerce at the regular meeting held Wednesday, July 8, 1914.

LOUIS M. COLE, *President.*

Attest:

FRANK WIGGINS, *Secretary.*

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. Con. Res. 28. Concurrent resolution accepting the statue of George Washington Glick, presented by the State of Kansas, and tendering thanks of Congress therefor; to the Committee on the Library.

JUDICIAL PROCEEDINGS IN THE UNITED STATES COURTS.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent that the bill (H. R. 4545) just objected to be restored to its place on the calendar.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the bill H. R. 4545 shall be passed over without objection. Is there objection?

Mr. MANN. Reserving the right to object, is that a bridge bill?

Mr. DUPRÉ. No.

Mr. MOORE. I understood the request to be that it should be restored to its place on the calendar?

The SPEAKER. That is true; it is the same thing.

Mr. MANN. Mr. Speaker, I understand the gentleman from Pennsylvania to withdraw his objection. Why not consider the bill now?

Mr. WEBB. Mr. Speaker, the gentleman from Pennsylvania has withdrawn his objection to the bill H. R. 4545. May we not consider it now by unanimous consent?

Mr. MANN. We have not yet passed it by.

The SPEAKER. The gentleman from Pennsylvania withdraws his objection to the present consideration of the bill. The Chair will put the question over again. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of this bill by incorporating in the RECORD a report which I made from the Committee on the Judiciary, which report was prepared by Mr. Everett P. Wheeler, of New York.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks on the bill H. R. 4545. Is there objection? [After a pause.] The Chair hears none.

ADDITIONAL LAND FOR PUBLIC BUILDING SITE AT RICHMOND, VA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11822) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will the gentleman explain the necessity of this, or the emergency, if there be one, why this bill should be passed by unanimous consent?

Mr. BARTON. Mr. Speaker, I do not think it will be necessary to take up the time, as I propose to object to the bill. I have no objection to its keeping its place on the calendar, but I do not think this is the time or place to pass it.

Mr. MONTAGUE. Mr. Speaker, I am very much obliged to the gentleman for his candor, because I did not want to trespass upon the time of the House if there was to be objection. Mr. Speaker, I ask unanimous consent that this bill may be passed without prejudice.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I desire to have unanimous consent to extend my remarks on the bill S. 485, a bill creating an additional judgeship in southern California.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on the bill creating a new judgeship for southern California. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, do I understand the gentleman is to confine his remarks to the bill to which he has referred?

Mr. RAKER. That is what I stated, and when I state upon that bill it means that. I will get, if I can, irrespective of these unanimous-consent objections on the other side, the right to extend my remarks upon the question——

Mr. MANN. Mr. Speaker, then I object. The gentleman will never get anything by threats.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I am always here.

Mr. UNDERWOOD. Mr. Speaker——

Mr. MANN. The gentleman can not get things by threats.

Mr. RAKER. I have been here right along——

The SPEAKER. Both gentlemen are out of order.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, July 21, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Thoroughfare Bay, N. C., from Core Sound to Cedar Bay, near the mouth of Neuse River, Pamlico Sound (H. Doc. No. 1125), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to occupants thereof, reported the same without amendment, accompanied by a report (No. 987), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest, reported the same without amendment, accompanied by a report (No. 988), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes, reported the same without amendment, accompanied by a report (No. 989), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLINE, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 16542) for the control and regulation of the waters of Niagara River, and for other purposes, reported the same with amendment, accompanied by a report (No. 990), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. EVANS, from the Committee on Claims, to which was referred the bill (S. 663) for the relief of Thomas G. Running, reported the same with amendment, accompanied by a report (No. 991), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 12193) for the relief of Benjamin A. Sanders, reported the same with amendment, accompanied by a report (No. 992), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (S. 4130) for the relief of V. E. Schermerhorn, R. C. Caley, G. W. Campbell, and Philip

Hudspeth, reported the same with amendment, accompanied by a report (No. 993), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MERRITT: A bill (H. R. 17982) to make Nyando, N. Y., a port through which merchandise may be imported for transportation without appraisement; to the Committee on Ways and Means.

By Mr. MANN: Resolution (H. Res. 572) requesting certain information of the President of the United States; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Resolution (H. Res. 573) requesting and directing the Secretary of Agriculture to give to the House full detailed information in regard to certain matters under the administration of the Department of Agriculture; to the Committee on Agriculture.

By Mr. AIKEN: Joint resolution (H. J. Res. 305) appropriating $25,000 for the relief of the sufferers from the hail and wind storm in Anderson County, S. C., in July, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 17983) for the relief of Lenora C. Hubbard; to the Committee on War Claims.

By Mr. BYRNS of Tennessee: A bill (H. R. 17984) for the relief of the legal representatives of Woods, Yeatman & Co.; to the Committee on War Claims.

Also, a bill (H. R. 17985) for the relief of the heirs of Jackson & Adams; to the Committee on War Claims.

Also, a bill (H. R. 17986) for the relief of the estate of A. J. Tynes, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17987) for the relief of the estate of John D. Horton, deceased; to the Committee on War Claims.

By Mr. COX: A bill (H. R. 17988) granting an increase of pension to Julia Bethel; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 17989) for the relief of the county of Barton, State of Missouri; to the Committee on War Claims.

By Mr. GODWIN of North Carolina: A bill (H. R. 17990) for the relief of St. Paul's Lutheran Church, of Wilmington, N. C.; to the Committee on War Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17991) granting an increase of pension to Mary A. Davis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17992) granting an increase of pension to Ellen Thayer; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 17993) granting a pension to Cynthia Moffit; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17994) granting an increase of pension to Henry F. Black; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17995) granting an increase of pension to Conrad H. Rowe; to the Committee on Invalid Pensions.

By Mr. WITHERSPOON: A bill (H. R. 17996) for the relief of the Methodist Episcopal Church South of Decatur, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 17997) for the relief of the Sageville Methodist Episcopal Church South, of Sageville, Lauderdale County, Miss.; to the Committee on War Claims.

Also, a bill (H. R. 17998) for the relief of the trustees of Evergreen Lodge, No. 77, Free and Accepted Masons, of Decatur, Miss.; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Los Angeles Chamber of Commerce, urging the necessity of passing water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Young People's Alliance of Pittsburgh, Pa., urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AIKEN: Papers to accompany House bill 17983, for the relief of Lenora C. Hubbard; to the Committee on War Claims.

By Mr. BARTON: Petition of Captain J. H. Fross Post, No. 163, Department of Nebraska, Grand Army of the Republic, favoring national peace jubilee celebration at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. DALE: Petition of the United Spanish War Veterans, of Manila, P. I., in reference to employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. ESCH: Memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to necessity of passing water-power legislation at this session of Congress; to the Committee on Interstate and Foreign Commerce.

Also, petition of the United Spanish War Veterans, of Manila, P. I., in reference to employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. GREENE of Vermont: Petition of Miss Agnes O. Clement and various other residents of the first congressional district of Vermont, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of J. I. Nichols and other residents of the first congressional district of Vermont, favoring the adoption to the Constitution of a national prohibition amendment; to the Committee on Rules.

Also, petition of Mrs. C. A. Dunton and various other residents of the first congressional district of Vermont, favoring the adoption of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of sundry citizens of Jamestown, New Albion, and Olean, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petitions of sundry citizens of Salt Lake City, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Tremonton, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. KORBLY: Petition of A. H. Heufer, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of John A. Hart, of Berlin, Conn., and R. E. Lambert, Unionville, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of the United Spanish War Veterans, Manila, Department Veteran Army of the Philippines, in re employment of United States citizens in the Philippines; to the Committee on Reform in the Civil Service.

By Mr. MAGUIRE of Nebraska: Petitions of sundry citizens of College View, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of J. B. Wyman Post, No. 521, Department of Illinois, Grand Army of the Republic, favoring national peace jubilee celebration at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. MERRITT: Petitions of W. H. Harwood, of Malone; Rev. S. W. Feasender, of Malone; C. M. Houck, of Constable; E. B. Spicer, of Whipplevillе; Truman Safford, of Malone; S. H. Bennett, of Malone; W. M. Nichols, O. M. Gibson, L. Donaldson, H. L. Plumb, M. W. Plumb, H. L. Donaldson, and H. I. David, all of Malone; memorial of Jerome Bartholomew, of Madrid; James S. La Lone, Raymond C. La Lone, William G. La Lone, and Maurice C. La Lone, of Chase Mills; C. N. Hawley, V. A. Gage, C. H. Towne, Frank Burns, and Willie Burns, of Crown Point, all in the State of New York, urging the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petition of the Franklin County Sunday School Association, held at Tupper Lake, N. Y., by Rev. Albert E. Rodd, pastor of the Methodist Episcopal Church, and Rev. Caleb H. Hodges, in favor of a national prohibition amendment; to the Committee on Rules.

By Mr. NEELY of West Virginia: Protests of J. M. Wait and 9 others, of Wheeling, W. Va., against passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Post Office Clerks Association of California against section 4 of the Moon bill, removing assistant postmasters from the civil-service regulations; to the Committee on the Post Office and Post Roads.

By Mr. PAYNE: Petitions of the Geneva Federation of Labor; Edward Solomon, of Seneca Falls; and the Prescoler & Hanlacher Chemical Co., of New York City, all in the State of

diverse citizenship and jurisdiction, and thereupon such suit shall be proceeded with the same as though the diverse citizenship had been fully and correctly pleaded at the inception of the suit, or, if it be a removed case, in the petition for removal."

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, I object.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. I am anxious to expedite the general dam bill and get it out of the way, and I understand the sundry civil conference report will probably be brought up. I would like that additional hour, if possible.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, my understanding was to-day that the general debate on the dam bill would last certainly through to-morrow.

Mr. UNDERWOOD. That is my understanding.

Mr. MANN. So that we may be assured if we meet at 11 o'clock in the morning the House will not proceed to read the general dam bill for amendment?

Mr. UNDERWOOD. I understand from the gentleman in charge of the bill, Mr. ADAMSON, that he does not expect to take the bill up under the five-minute rule to-morrow.

Mr. ADAMSON. Mr. Speaker, it will not be possible, in my judgment.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

THE GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, the amendments which have been tentatively agreed upon by a number of gentlemen interested in the general dam bill have already been printed, and I would like to print in the RECORD for the convenience of Members the new form of the bill, as remodeled by the amendments. I have also an additional statement or resolution passed by the Chamber of Commerce of Los Angeles, Cal., which I will also ask to print in the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I do not care anything about the printing of the resolutions. I will ask the gentleman if the bill now proposed to be printed is different from the bill form already printed?

Mr. ADAMSON. The proposed amendments are printed in it.

Mr. MANN. What does the gentleman want to do—simply insert in the RECORD what has already been printed in bill form?

Mr. ADAMSON. Yes; in bill form.

Mr. MANN. It is not something new?

Mr. ADAMSON. No.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

The bill and the resolution referred to are as follows:

A bill (H. R. 16033) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1906, as amended by the act approved June 23, 1910.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when consent has been or may hereafter be granted by Congress, either directly or indirectly through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of (the Chief of Engineers and of) the Secretary of War [and the Chief of Engineers].

"Sec. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress *then* may deem necessary in the interests of navigation, in accordance with plans *made a part of such approval*; and also that *in case such facilities of navigation shall not be made a part of such original approval and construction*, whenever Congress shall deem such facilities necessary, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions, *and in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States* [; *Provided*, That whenever Congress has heretofore provided, either directly or indirectly, through any official or department of the United States Government, for the construction, maintenance, and operation of a lock, free of cost to the United States, no charge shall be deemed necessary for navigation by the Secretary of War and Chief of Engineers in any dam in navigable waters authorized by law at the date of passage of this act, in all such cases such obligation shall continue to be of full force and effect].

"Sec. 3. That as a part of said approval the Secretary of War and the Chief of Engineers *shall require* that the plans, specifications, and location for any dam shall be such as shall best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power *and for other beneficial public purposes, and best adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.*

"Sec. 4. That as a part of the conditions and stipulations such approval shall provide—

"(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

"(b) (For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such stream, such charges to be fixed from time to time by the Secretary of War and Chief) [For the payments to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, in and about such streams, by the United States of headwater improvements of every kind, nature, and description, including storage reservoirs or forests watersheds or lands owned, controlled, or reserved by the United States at the headwaters of any navigable stream for the development, improvement, or preservation of navigation in such stream in which such dam may be located. Such charges shall be fixed from time to time by the Secretary of War and Chief] of Engineers and *to be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of the interposition of flow past their water-power structures effectually caused by the taking of such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to five per centum of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.*

"(c) (*That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary thereto, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee*) [That in the construction, maintenance, and operation of any project under this act for the promotion of navigation, the grantee may, with the consent of the Secretary of War, use and occupy, when necessary for carrying out the project, lands acquired by the United States through purchase or condemnation and any part of the public lands withdrawn by the President from entry or disposition for the sole purpose of promoting navigation, which the President may do, as provided in the act entitled 'An act to authorize the President of the United States to make withdrawal of public lands in certain cases,' approved June 25, 1910. For any of such lands so used the grantee shall pay to the United States such charges as may be fixed by the Secretary of War].

"(d) For the payment or *securing the payment to* the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, *whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works.*

"SEC. 5. That the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and Chief of Engineers, *and in the use and operation of such navigation facilities of interest of navigation shall be paramount to the use of such dam by such grantee for power purposes.* Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such locks and other channels as may be directed by the Secretary of War and Chief of Engineers, and such failure as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $500 for each month's default, in addition to other penalties herein prescribed or provided by law.

"SEC. 6. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise.

"SEC. 7. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; *and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights*

and privileges held under authority of this act, the court may decree such revocation. In case of such decree, the court may wind up the business of such grantee conducted under the rights in question, and may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act, and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, except when the United States has been previously reimbursed for such removal, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; *and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of said dam and accessory works for power purposes as the court may deem equitable in the premises.*

"*Sec. 8. That no property or project installed and operated under the provisions or benefits of this act shall be assigned or transferred except upon the written consent of the Secretary of War, except by trust deed or mortgage issued for the purpose of financing the business of such owner, and any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.*

"SEC. 9. That the rights herein granted shall continue for a period of 50 years *from and after the date of the completion of the structure* [dam] *described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided* [, or until said rights and privileges are revoked as provided in this act, or unless action by Congress shall be hereafter provided for the disposition of the project or for extending the consent of Congress and fixing the period of extension, as well as providing such additional terms and conditions of consent as Congress may deem wise].

"*Sec. 10. That at any time after the expiration of year 20 years the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon such termination and payment of the compensation authorized by Congress, of all of the property dependent in whole or in part for its usefulness upon the rights hereby granted, which shall include all accessories and appurtenant property created or acquired and valuable or serviceable in the distribution of water or in the generation, transmission, and distribution of power, and all other property the value and usefulness of which would be destroyed or seriously impaired by such termination, shall be taken upon paying the fair value of said property, together with the cost, to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States, and assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. The fair value of said property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the owners of such property, and in the event of their failure to agree, then by proceedings instituted by the United States, or by any person authorized by Congress, in the district court of the United States within which any portion of such dam may be located, in the determination of the value of said property upon the termination of said grant, as above provided, no value* [compensation] *shall be claimed by or allowed for the consent hereby granted, nor for good will, profit in pending contracts, nor other conditions of a prospective business*]; nor shall compensation for any land acquired from the United States or any State or subdivision thereof exceed the cost originally paid by the grantee].

"*Sec. 11. That in all cases where the electric current generated from or by any of the projects authorized for in this act* [including leases under section 14 hereof] *shall enter into interstate or foreign commerce, the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service, or any one not reasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and penalties shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks, or other aids to navigation, and all other capital expenditures required by the United States.*

"*The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided* [including leases under section 14 hereof,] *as an express condition thereof, a clause reserving to the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current, and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such state.*

"SEC. 12. That the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval herein provided, and shall thereafter, *in good faith and with due diligence, prosecute such construction, and shall, within the further term of three years, complete* [the dam] *and* [afterwards shall] *put in commercial operation such part of the ultimate development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the reasonable needs of the then available market, and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War and Chief of Engineers may direct and within the time specified by said Secretary of War and Chief of Engineers, so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods herein specified, not to exceed two years, may be granted by the Secretary of War, on recommendation of the Chief of Engineers, when, in his judgment, the public interest will be promoted thereby. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam and accessory works be not completed within the time herein specified or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.*

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act *whenever Congress determines that the conditions of consent have been violated.* In such case the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in such dam.

"*Sec. 14. That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and such leases may be granted by the Secretary of War and Chief of Engineers for the best interests of the United States, and in awarding such lease preference shall be given to the applicant whose plans may be deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region.* [Provided, That no lease shall be made to any private corporation or applicant operating for private profit for a longer term than 50 years, and that the provisions of this act, so far as applicable, shall be made a part of the terms and conditions of any such lease], *and all such leases and the sections thereto and the terms and conditions thereof shall be reported annually to Congress.*

"*Sec. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner be made the subject of a pool, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy or in restraint of the generation, sale, or distribution of electric energy, or the exercise of any other business combinations: Provided, however, That it shall be lawful, under the approval of the Secretary of War, for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.*

"*In no case shall such an arrangement be permitted to raise the price, render unjust or unfair any practice, work, or discrimination, or operate in restraint of trade.*

"SEC. 16. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and plural, as the case demands.

"*Sec. 17. (That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing entes operation or authorized, as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all of the conditions and provisions incorporated in this act.*") [That all of the provisions in sections 2, 3, 4, 5, 11, and 15 of this act fixing conditions of the consent of Congress and regulating practices and charges between the grantees and their customers for the construction, maintenance, and operation of dams in the navigable waters of the United States shall apply alike to all existing enterprises in operation or previously authorized in the navigable waters of the United States in which the approval and supervision of the Secretary of War and Chief of Engineers are required, as well as to new projects in the navigable waters of the United States for which the consent of Congress may hereafter be granted, in the construction, maintenance, and operation of which the approval and supervision of the Secretary of War and Chief of Engineers shall be required. All conflicting provisions contained in any previous act of Congress granting consent for the construction, maintenance, and operation of any dam in the navigable waters of the United States in the construction, maintenance, and operation of which the approval and supervision of the Secretary of War and the Chief of Engineers were required are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all the conditions and provisions in said sections 2, 3, 4, 5, 11, and 15 of this act.]

[SEC. 18. That the provisions of this act shall not apply to irrigation or power dams or other projects under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture upon the public lands of the United States, nor grants to municipal corporations for the use of water power or water power for municipal purposes, heretofore directly authorized by Congress or indirectly authorized through some department or official of the Government of the United States.]

IN RE WATER-POWER LEGISLATION. JULY 9, 1914.

"*Be it resolved*, That the Los Angeles Chamber of Commerce respectfully urges upon Congress the necessity of passing water-power legislation at this session of Congress, of such nature, while protecting the public interest, as shall make it possible to secure capital for development purposes and establish a definite and comprehensive policy for the utilization of water power under Government control.

"*Be it resolved*, That copies of this resolution be sent to the President of the United States, to the Speaker of the House, to the Secretaries of War and of the Interior, to the Senate Committee on Irrigation and Reclamation of Arid Lands, to the House Committee on Interstate and Foreign Commerce, and to Members of the United States Senate and

Mr. MANN. How many are there now?

Mr. OLDFIELD. There are 110 fourth assistant examiners.

Mr. MANN. There are now 63 first assistant examiners at $2,400 each, and 73 second assistants at $2,100 each, and 88 third assistants at $1,800 each, and 110 fourth assistants at $1,500 each. I doubt whether there is any occasion to pass this legislation. But I think these men are overworked and underpaid, so far as that is concerned.

Mr. OLDFIELD. Then why not equalize the number? I think the Commissioner of Patents is right about it, and the previous Commissioner of Patents also was in favor of this legislation, but it was never presented. We did not report it.

The inventors of the country are demanding more thorough searches, and they are entitled to it. The inventors of the country pay the expense of running the Patent Office, and the Patent Office this year will have a surplus of something like $200,000. This bill eventually will only increase the salaries by $61,000 or $62,000 a year, and anything that we can do that will make the searches more thorough and make the patents issued to inventors more valuable and more certain ought to be done, in my opinion; that is, if it is within reason.

Mr. MANN. I fully agree with the gentleman in all that general language, but the question here is whether we ought to increase a large number of salaries by unanimous consent without any showing whatever on the subject.

Mr. OLDFIELD. Well, the report shows very clearly, it seems to me, what the necessity is.

Mr. MANN. It can be done at any time by unanimous consent on an appropriation bill.

Mr. OLDFIELD. I do not want to do it that way.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). Does the gentleman yield?

Mr. OLDFIELD. Yes.

Mr. MOORE. A paragraph in the report says:

The total number of increases in the force by the foregoing bill are 15, and the total annual increase of salaries due to this increase in the members of the force and reorganization of the assistant examiners is slightly more than $61,000.

Mr. OLDFIELD. That is right.

Mr. MANN. You see, the commissioner was not very frank. The gentleman from Pennsylvania got the idea from that that this affected only 15 places, and the language is susceptible of that interpretation. But notice that is not what it says. If it did say that, it would not be true.

Mr. MOORE. It says:

The total number of increases in the force by the foregoing bill are 15.

That is to say, 15 new appointees. That is the inference to be drawn from this language.

Mr. MANN. There are more than that.

Mr. MOORE. And, including the creation of 15 new places, the total increase of salaries would be $61,000.

Mr. OLDFIELD. They really are not new places. The places are there, but it is desired to equalize the examining force in the office.

Mr. MOORE. Has the need for this increase existed for a long time?

Mr. OLDFIELD. Yes; ever since I have been on the committee.

Mr. MANN. I think there ought to be a considerable increase in the number and salaries of these men in the Patent Office, but I do not think a bill of this kind ought to be passed by unanimous consent. I therefore object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead."

The bill was read, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who having submitted final proof still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof.

"SEC. 4. That at the time of making final proof, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section 3 of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proofs has heretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included thereto to the extent and for the period required in connection with original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry: *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes."

With the following committee amendments:

Page 3, line 23, after the word "has," strike out the word "heretofore" and insert the word "theretofore."

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I should like to have an explanation of this bill.

Mr. SINNOTT. Mr. Speaker, the present enlarged homestead act permits an entry on 320 acres of arid land, land which is nonirrigable and does not contain timber.

Mr. MOORE. That is the law now?

Mr. SINNOTT. That is the law now. In addition to that it permits the entryman, before final proof, if his original entry was 160 acres of this arid land, to take an additional 160 acres.

Mr. MANN. That is where he has already taken 160 acres?

Mr. SINNOTT. Yes; where he has already taken 160 acres it permits him to take an additional 160 acres of this arid land before final proof. Now, this bill aims to give the right to take an additional 160 acres of contiguous land to one who has already made final proof.

Mr. MOORE. That is to say, a man who has already acquired 160 acres——

Mr. SINNOTT. A man who has already acquired 160 acres——

Mr. MOORE. Can by virtue of this law acquire an additional 160 acres?

Mr. SINNOTT. The gentleman is correct.

Mr. MOORE. To bring him up to an equality with the man who takes 320 acres under the new law.

Mr. SINNOTT. Provided his original entry is of arid land.

Mr. MOORE. Provided it is of the same quality of land.

Mr. SINNOTT. And contiguous.

Mr. MOORE. In looking over the bill hurriedly I find one provision which says:

That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes.

Mr. SINNOTT. That is merely the present law, and the entire bill is really a reenactment of the present law with the necessary changes to give to the entryman after final proof this privilege of taking an additional 160 acres.

Mr. MOORE. Will the gentleman state the merits of this proposition? If a man already has 160 acres, why does he want an additional 160 acres? Is he unable to make a living on 160 acres?

Mr. SINNOTT. Of course, the theory is that the land will not be designated as arid land if the entry is of such a character that the entryman can make a living upon the 160 acres. In addition to that, there is another reason: Frequently an entryman applies for the additional 160 acres before making final proof. After his application is filed, on account of delays in the survey, and sometimes by a contest, he is compelled to go to final proof on his original entry, and therefore his subsequent application dies.

Mr. MOORE. What is the position of the man who has 160 acres adjoining whose entry there is no contiguous land by which he can benefit under this act?

Mr. SINNOTT. He is not benefited at all.

Mr. MOORE. Then, the man who is surrounded by neighbors, where there is available no contiguous land, is simply shut out from the advantages that the other man can obtain under this bill.

Mr. SINNOTT. He gets nothing under this bill.

Mr. MANN. They have got another bill to let him in.

Mr. MOORE. Before I consent to the passage of this bill I should like to have the gentleman, who is well informed, or some member of the committee, state whether or not it is true, as is sometimes asserted from the Department of the Interior, that a man can not exist and raise a family on 160 acres of land.

Mr. SINNOTT. There are many quarter sections of 160 acres of which that is true.

Mr. TAYLOR of Colorado. If the gentleman will permit, I will tell him where he can find 10,000 acres of land on which a man can not raise a family, on which he can not raise a spear of grass.

Mr. MOORE. Of course there is desert land or wholly arid land. I can not understand and I do not assume that a man would be foolish enough to take 160 acres of wholly arid land.

Mr. TAYLOR of Colorado. Oh, yes.

Mr. MANN. There are some very foolish people in the West.

Mr. MOORE. There are some who go there from the East.

Mr. DONOVAN. Regular order, Mr. Speaker.

Mr. MOORE. Reserving the right to object, Mr. Chairman——

Mr. DONOVAN. Regular order.

The SPEAKER pro tempore. The gentleman from Connecticut demands the regular order. The regular order is, Is there objection to the consideration of this bill?

Mr. MOORE. I reserve the right to object.

Mr. MONDELL. Answering the last inquiry of the gentleman from Pennsylvania——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE. Have not I the right to reserve an objection in order that an explanation may be made of the bill?

The SPEAKER pro tempore. But the regular order is demanded.

Mr. MOORE. A parliamentary inquiry, Mr. Speaker. If a gentleman seeks information on a bill, is it wholly within the power of a Member, the gentleman from Connecticut, for instance, to force the Member to object or not to object, thus forcing its passage or defeat without any discussion?

The SPEAKER pro tempore. Is there objection?

Mr. MOORE. I have made a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The Chair has held that the regular order is to put the question; is there objection?

Mr. MOORE. Reserving the right to object——

The SPEAKER pro tempore. The Chair hears no objection.

Mr. SINNOTT. Mr. Speaker, I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. RAKER. Mr. Speaker, I rise to say something on this amendment, and I ask unanimous consent to extend my remarks in the RECORD on the question of woman suffrage and to include therein an article written by Hon. William J. Bryan, as published in The Commoner.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of woman suffrage and to include therein a statement by the Hon. William J. Bryan. Is there objection?

Mr. MONDELL. Reserving the right to object, Mr. Speaker, I want to ask the gentleman from California if he has any objection to placing in the RECORD together with the speech that he refers to the resolution adopted by the late Democratic caucus on the question of woman suffrage, and if he further has any objection to placing in the RECORD along with the speech the statement made by the President recently to a delegation of ladies interested in woman suffrage?

Mr. RAKER. Mr. Speaker, I am preparing, I will say to the gentleman——

Mr. MANN. The regular order, Mr. Speaker.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, Is there objection to the request of the gentleman from California?

Mr. MONDELL. I object, unless the gentleman from California will include the other matters I have referred to.

The SPEAKER. The gentleman from Wyoming objects. The question is on the committee amendment.

Mr. RAKER. Mr. Speaker, my five minutes has not expired on this amendment. There is no use in trying to rush the matter through. I want to say that many men get up and take much time here, and I believe that ordinarily a Member ought to have a right to express his general views on some subjects.

Mr. BYRNS of Tennessee. Does not the gentleman think, in view of the fact that there are other bills on the calendar and that the hour is getting late, that he ought to let this bill take its course so that other Members can have their bills considered?

Mr. MANN. The gentleman from California has got his bill through.

Mr. RAKER. Mr. Speaker, may I answer the gentleman?

Mr. BURNETT. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Is there any five-minute rule in operation?

The SPEAKER. There is not. The gentleman said he had five minutes on an amendment, but the Chair heard no amendment offered by the gentleman from California. The gentleman from California asked unanimous consent to extend his remarks in the RECORD, and the gentleman from Wyoming practically objected.

Mr. RAKER. Mr. Speaker, I want to make another request for unanimous consent. I ask unanimous consent to extend and revise my remarks on the bill H. R. 1991, which was disposed of to-day.

The SPEAKER. The gentleman from California asks unanimous consent to extend and revise his remarks on the bill H. R. 1991.

Mr. MANN. What was that bill?

Mr. RAKER. It was the bill H. R. 1991, referring to the expatriation of citizens and their protection abroad.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, does the gentleman intend to include the suffrage statement to which he has referred as a part of his remarks?

Mr. RAKER. If I get permission to extend my remarks, I shall put in what I think is legitimate.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the committee amendment to this bill.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

JUDICIAL PROCEEDINGS IN THE UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4545) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended by inserting after section 274 thereof three new sections, to be numbered, respectively, 274a, 274b, and 274c, reading as follows:

"SEC. 274a. That in case any of said courts shall find that a suit at law should have been brought in equity or a suit in equity should have been brought at law, the court shall order any amendments to the pleadings which may be necessary to conform them to the proper practice. Any party to the suit shall have the right, at any stage of the cause, to amend his pleadings so as to obviate the objection that his suit was not brought on the right side of the court. The cause shall proceed and be determined upon such amended pleadings. All testimony taken before such amendment shall stand as testimony in the cause with like effect as if the pleadings had been originally in the amended form.

"SEC. 274b. That in all actions at law equitable defenses may be interposed by answer, plea, or replication without the necessity of filing a bill on the equity side of the court. The defendant shall have the same rights in such case as if he had filed a bill embodying the defense of seeking the relief prayed for in such answer or plea. Equitable relief respecting the subject matter of the suit may thus be obtained by answer or plea. In case affirmative relief is prayed in such answer or plea, the plaintiff shall file a replication. Review of the judgment or decree entered in such case shall be regulated by rule of court. Whether such review be sought by writ of error or by appeal the appellate court shall have full power to render such judgment upon the records as law and justice shall require.

"SEC. 274c. That where, in any suit brought in or removed from any State court to any district of the United States, the jurisdiction of the district court is based upon the diverse citizenship of the parties, and such diverse citizenship in fact existed at the time the suit was brought or removed, though defectively alleged, either party may amend at any stage of the proceedings and in the appellate court upon such terms as the court may impose, so as to show on the record such

The experience of many years and the results of more accurate surveys showed that a considerable number of the tracts so withdrawn would only be partially flooded while others would probably not be overflowed at all in the construction and operation of the reservoirs already built or projected, and that as to these tracts the right of flowage was all that the Government needed. Accordingly a list of the lands which this department considered were no longer required for reservoir purposes was prepared, and under date of March 23, 1911, this list was transmitted to the Department of the Interior with the information that tracts embraced therein might be restored to entry and disposed of, provided flowage rights were retained by the United States.

To effect the restoration of these lands to the public domain and enable the Secretary of the Interior to dispose of them under the existing homestead laws, with the easement of flowage reserved, legislation by Congress is necessary, and that is the purpose of the accompanying bill S. 1784.

The interests committed to the charge of the War Department are believed to be fully protected by the provisions of the bill, and I am aware of no objections to its passage by Congress.

Attention is, however, invited to an apparent error in the description in line 8, page 2, of the bill—the word "northwest" it is thought should be changed to "southwest."

Very respectfully,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD upon the question of woman's suffrage, and to include in that a statement from the Hon. William J. Bryan, Secretary of State.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on the subject of woman's suffrage and to print a statement by William J. Bryan. Is there objection?

Mr. MOORE. Mr. Speaker——

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I am going to ask the gentleman to put off his request until the gentleman from Alabama [Mr. HEFLIN] is present. In the absence of the gentleman from Alabama——

Mr. RAKER. I hope my Democratic colleague will not object to a statement by Mr. Bryan.

Mr. DONOVAN. Mr. Speaker, I shall object unless the gentleman is willing to wait until Congressman HEFLIN is present. [Laughter.]

The SPEAKER. The gentleman from Connecticut objects. The gentleman from Alabama is not here.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That the statue of George Washington Glick, presented by the State of Kansas to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second: That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Kansas.

The message also announced that the Senate had passed with amendments a bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The message also announced that the President of the United States had approved and signed bills and joint resolutions of the following titles:

On July 13, 1914:

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

On July 14, 1914:

S. 3488. An act for the relief of Ernest C. Stahl.

On July 17, 1914:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana;

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana;

S. 751. An act to repeal section 3490 of the Revised Statutes of the United States; and

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

CEDING A CERTAIN PARCEL OF LAND TO FULTON COUNTY, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13311) to cede a certain parcel of land to the county of Fulton, State of Georgia.

The Clerk read as follows:

Be it enacted, etc., That the United States do cede unto the county of Fulton, State of Georgia, a certain parcel of land on the northeast corner of the property of the United States at Atlanta, Ga., Fulton County, upon which is located the United States Penitentiary, said strip of land containing 1,754.94 square feet, projecting into and along what is known as Forrest Road 151.55 feet.

The committee amendment was read, as follows:

Page 2, after the word "feet," insert the following:

"*Provided*, That title to the said parcel of land shall revert to the United States when it shall have ceased to be used for road purposes."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, who has charge of this bill?

Mr. PARK. I have, sir.

Mr. MANN. Does the gentleman know whether this description of the land in the bill is correct?

Mr. PARK. No, sir; I have only Mr. HOWARD's word for it. He was before the committee.

Mr. MANN. The Attorney General did not seem to be willing to take any chances on it.

Mr. PARK. The Attorney General is willing to do it if it goes back to the United States when it ceases to be used for the purpose for which the bill provides. I understand it is a rather sharp angle there, and there is a cutting down of the land to a level with the road and automobiles passing have some difficulty passing on a 20-foot roadway and they wish to extend it 18 feet 5 inches.

Mr. MANN. I have no objection to the bill and the purpose of it, but it seems to me we ought to have some one at some time to verify the description in the bill where you have a legal description of the property. The Attorney General says, in respect to this bill ceding a certain strip of land in Fulton County, Ga.:

Permit me to say that the files of the department show that the county of Fulton made application to the department as early as June, 1912, to have ceded to it a small strip of ground belonging to the penitentiary reservation——

And so forth. I do not know whether this is right or not, and he does not know either.

Mr. PARK. He has described it as 18 feet and 5 inches wide at the broad end and narrowing down to a point, being a triangle.

Mr. MANN. Well, I guess I will have to take chances on it. But the committee ought never to report a bill without verifying whether the description of it is correct or not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. PARK. Mr. Speaker, I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, after the word "feet," in line 11, insert the following:

"*Provided*, That title to the said parcel of land shall revert to the United States when it shall have ceased to be used for road purposes."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

On motion of Mr. PARK, a motion to reconsider the vote by which the bill was passed was laid on the table.

TITLE TO CERTAIN LANDS, STATE OF MISSISSIPPI.

The next business in order on the Calendar for Unanimous Consent was the bill (S. 785) to relinquish, release, and quitclaim all right, title, and interest of the United States of America in and to certain lands in the State of Mississippi.

The bill was read, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquishes, releases, and quitclaims all right, title, and interest in and to the northwest quarter of section 36, township 14 north, range 5 east, Choctaw meridian, situated in the State of Mississippi, now held under claim or color of title by individual or private ownership or municipal ownership, which was reserved, retained, or set apart for James Gipson under and by virtue of the treaty entered into between the United States of America and the Choctaw Nation of Indians on the 27th day of September, A. D. 1830: *Provided, however*, That nothing herein contained shall be construed to affect or dispose of any right, claim, or title, if any, which said James Gipson or his heir or heirs and assigns may have in or to any of said land.

SEC. 2. That the true intent of this act is hereby declared to be to convey and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said lands under the laws of the State of Mississippi, including the laws of prescription, in the absence of said interest, title, and estate of the said United States.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. SISSON. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read a third time, and passed.

On motion of Mr. SISSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

REORGANIZATION IN THE PATENT OFFICE.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 16480) amending sections 476, 477, and 440 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 476 of the Revised Statutes be, and the same is hereby, amended by inserting in line 2 thereof, before the words "one assistant commissioner," the words "one first assistant commissioner," and before the words "examiners in chief" change the word "three" to "five," so that the section as amended shall read as follows:

"SEC. 476. There shall be in the Patent Office a Commissioner of Patents, one first assistant commissioner, one assistant commissioner, and five examiners in chief, who shall be appointed by the President, by and with the advice and consent of the Senate. The first assistant commissioner and the assistant commissioner shall hereafter perform such duties pertaining to the office of commissioner as may be assigned to them, respectively, from time to time by the Commissioner of Patents. All other officers, clerks, and employees authorized by law for the office shall be appointed by the Secretary of the Interior upon the nomination of the Commissioner of Patents."

SEC. 2. That section 477 of the Revised Statutes be amended by changing the words "four thousand five hundred," after the words "Commissioner of Patents," to "five thousand" by inserting the following paragraph:

"The First Assistant Commissioner of Patents, $4,500 a year."

By inserting, after the words "three thousand" in the paragraph beginning "the Assistant Commissioner of Patents," the words "five hundred"; by changing the word "three" before "examiners in chief" to the word "five"; and, after the words "three thousand," adding the words "five hundred," so that the section as amended shall read as follows:

"SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

"The Commissioner of Patents, $5,000 a year.

"The First Assistant Commissioner of Patents, $4,500 a year.

"The Assistant Commissioner of Patents, $3,500 a year.

"Five examiners in chief, $3,500 a year each."

SEC. 3. That so much of section 440 of the Revised Statutes as follows the words "in the Patent Office," and refers to said office only, be amended as follows:

In the reference to the chief clerk, after the words "chief clerk," insert "who shall be qualified to act as a principal examiner," and change the salary of the chief clerk from "two thousand five hundred" to "three thousand."

Insert the following paragraphs:

"Five law examiners, at a salary of $2,750 a year each.

"One examiner of classification, at a salary of $3,000 a year."

In the salary of the examiner in charge of interferences change the word "five" to "seven."

In the salary of the examiner of trade-marks change the word "five" to "seven."

Before the words "principal examiners" change the words "twenty-four" to "forty-three," and in the salary change "five" to "seven."

Before the words "first assistant examiners" change "twenty-four" to "eighty-six," and in the salary change "one thousand eight hundred" to "two thousand four hundred."

Before the words "second assistant examiners" change "twenty-four" to "eighty-six"; omit the parenthetical clause "two of whom may be women"; and in the salary change "one thousand six hundred" to "two thousand one hundred."

Before the words "third assistant examiners" change "twenty-four" to "eighty-six," and in the salary change "four" to "eight."

Insert the following:

"Eighty-six fourth assistant examiners, at a salary of $1,500 a year each."

Cancel the words:

"One machinist, at a salary of $1,600 a year.

"Thirty-five copyists of drawings, at a salary of $1,000 a year each."

Insert the following:

"Four draftsmen, at a salary of $1,000 a year each."

In the clause, one messenger and purchasing clerk," change "purchasing" to "property."

Cancel the words:

"One skilled laborer, at a salary of $1,200 a year.

"Eight attendants in the model room, at a salary of $1,000 a year each.

"Eight attendants in the model room, at a salary of $900 a year each."

So that the part of the section following the words "in the Patent Office," and which refers to said office only, shall read as follows:

"One chief clerk, who shall be qualified to act as a principal examiner, at a salary of $3,000 a year.

"Five law examiners, at a salary of $2,750 a year each.

"One examiner of classification, at a salary of $3,000 a year.

"One examiner in charge of interferences, at a salary of $2,700 a year.

"One examiner in charge of trade-marks, at a salary of $2,700 a year.

"Forty-three principal examiners, at a salary of $2,700 a year each.

"Eighty-six first assistant examiners, at a salary of $2,400 a year each.

"Eighty-six second assistant examiners, at a salary of $2,100 a year each.

"Eighty-six third assistant examiners, at a salary of $1,800 a year each.

"Eighty-six fourth assistant examiners, at a salary of $1,500 a year each.

"One librarian, at a salary of $2,000 a year.

"Three skilled draftsmen, at a salary of $1,200 a year each.

"Four draftsmen, at a salary of $1,000 a year each.

"One messenger and property clerk, at a salary of 1,000 a year."

The SPEAKER. There is a typographical error in the last line of the bill. There ought to be a dollar mark before "1,000," or the word "dollars" should follow.

Mr. MANN. We have not reached that stage yet, Mr. Speaker.

The SPEAKER. I know we have not, but I thought I would suggest it while I was thinking of it. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, when I first went over this bill it struck me rather favorably, but, as I gather from it now, it will not make any change of any extent if it is passed.

Mr. OLDFIELD. It does not make much change, except that it equalizes the force in the examining department in the Patent Office.

Mr. MANN. How does it equalize it?

Mr. OLDFIELD. Well, it makes the same number in the various grades, Nos. 1, 2, 3, and 4, and as a result it really increases the number of employees in the Patent Office from 834 to 844 in that department.

Mr. MANN. That is only an increase of ten. It adds three law examiners; it adds two examiners in chief; but what it really does is to put into law the salaries and places now carried in the legislative appropriation bill.

Mr. OLDFIELD. And have been carried for a great many years.

Mr. MANN. Some of them have, and some of them have been newly inserted.

Mr. OLDFIELD. Some of them have been newly inserted, and some carried 8 or 10 years.

Mr. MANN. It would have been a very apt bill before the last legislative bill; but we carried the Fitzgerald amendment to the last legislative bill, which is now a part of the law, providing that the salaries fixed in the bill should be the legal salaries hereafter, and that authorizes both the salaries and the places, and that is all this bill does, with two or three exceptions. I do not know, unless the gentleman can inform me, just what differences there are between this bill and the provisions in the legislative bill.

Mr. OLDFIELD. The difference is in position, rather than the salary appropriations. They change some of the positions.

Mr. MANN. Now, I think I know how a bill like this came to be drawn.

Mr. OLDFIELD. It was drawn by the Commissioner of Patents.

Mr. MANN. Well, I expect not.

Mr. OLDFIELD. By whom?

Mr. MANN. The chief clerk under the Commissioner of Patents is the gentleman who is now qualified to act as principal examiner. That language was inserted in the law a number of years ago, I think, for the purpose of taking care of a very able gentleman, so I am informed and believe, hailing from the State of Illinois—and that is no discredit to him; I did not do it, and——

Mr. OLDFIELD. He is a very able man.

Mr. MANN. When the legislative bill was up in the House that part was stricken out, but it was restored in the Senate, and it is still in the law. It remained in the bill in conference. I should think that that very bright man, fearing that that provision might be left out of the law, and if left out of the law some one might succeed him——

Mr. OLDFIELD. I do not think so——

Mr. MANN. Concluded he would get up this bill. It is no discredit to him at all, but all these things are taken care of in the existing legislation, all except two or three places. I have named five of them. Let the gentleman from Arkansas name the others.

Mr. OLDFIELD. It is to equalize the examining force in the different divisions. There are to-day 110 fourth assistant examiners, and there are only 83 third assistant examiners, 73 second assistant examiners, and 63 first assistant examiners. They should be made equal in number, so that the promotions will come along regularly. It equalizes the work in the Patent Office. I think it is a very important bill and very necessary.

President of the United States must make a proclamation opening the land.

Mr. FERRIS. There is no general law on the subject.

Mr. MILLER. There is nothing in the law that provides that.

Mr. MANN. Congress is the authority that provides that.

Mr. MILLER. Every week or two we pass some sort of an act telling the Secretary of the Interior how he shall dispose of certain lands.

Mr. MANN. There was a bill here this afternoon providing for disposing of certain lands, and the President had nothing to do with it.

Mr. RAKER. I want to call the attention of the committee to this, on page 1, lines 3, 4, and 5:

For entry under the homestead laws, pursuant to proclamation of the President.

Now, when the President withdraws any land that has been reserved or when any land is reserved, except by act of Congress, the President makes the proclamation. This bill provides that the President shall by proclamation declare the land open. It then dovetails into the bill that the House passed some time since. The only question as to the date of opening is referred to in section 3, which says that the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior. Now, after it is thrown open and declared to be public land under the rules and regulations provided by that bill, the time when the parties can enter is fixed by the Secretary of the Interior.

Mr. MILLER. Will the gentleman from California yield at that point?

Mr. RAKER. In one minute I will yield. Then if there should be any question as to that, by striking out the words "by the Secretary of the Interior" and inserting the words "in the President's proclamation" it covers both phases of the case, and would then read as follows:

That the time when such restoration shall take effect as to any such lands shall be prescribed in the President's proclamation.

Now, you are covering the subject both ways from the beginning of the bill. I yield now to the gentleman from Minnesota.

Mr. MILLER. Section 2 as now drawn and section 3 as to the part we have been discussing are copied exactly from a law now in force governing other lands that were withdrawn at the same time for the same purpose. In other words, this language is the language of a law. That law operated, and evidently this law would operate. Now, it seems to me inadvisable in a small matter of this kind that the President of the United States should go to the necessity of issuing a proclamation. It seems to me vastly more advisable that the Secretary of the Interior shall simply restore the lands under such rules and regulations as he may prescribe relative to their being opened to homestead entry. And would it not be reaching the whole situation satisfactorily if in that first amendment, as suggested by the gentleman from Oklahoma, after the word "pursuant," in line 4, we add "to rules and regulations to be prescribed by the Secretary of the Interior"?

Then you will have the land opened under the homestead law under rules and regulations to be specified by the Secretary of the Interior. That is the same provision as is contained in section 3, which will fix the time. Have not you then got all the machinery necessary?

Mr. RAKER. I do not want to be captious, and I would have no objection to that.

Mr. MILLER. Then, Mr. Speaker, I ask unanimous consent to withdraw my amendment and offer as a substitute the following.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. MILLER. I offer as an amendment, after the word "to," in line 4, strike out the words "proclamation of the President," as contained in the committee amendment, and in lieu thereof substitute "such rules and regulations as the Secretary of the Interior may prescribe."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

In line 6, page 1, after the word "lands," insert the following: "in the counties of Aitkin, St. Louis, Crow Wing, Cass, Hubbard, Itasca, Beltrami, and Koochiching, approximately 6,000 acres, and outside of the boundaries of the Minnesota National Forest Reserve."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, I wish to modify it by striking out the counties of St. Louis, Hubbard, and Koochiching, because there are no lands in those counties.

Mr. MANN. And you want to strike out the word "and" before Koochiching and insert the word "and" after "Itasca."

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Strike out, in lines 6, 7, and 8, the words "St. Louis, Hubbard, and Koochiching" and insert the word "and" after the word "Itasca."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 2, line 5, after the word "Interior," insert the following: "*Provided, however*, That this act shall not apply to lot 2, in section 4, in township 54 north, range 26 west, and the southeast quarter of the northwest quarter of section 33 in township 55 north, range 26 west, said tracts described in this proviso being hereby reserved and excluded from the lands subject to homestead entry."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, there is an error in line 8, where the word "northwest" should be "southwest." Therefore I offer an amendment to strike out "northwest" and insert in lieu thereof the word "southwest."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment in line 8 by striking out the word "northwest" and inserting the word "southwest."

The SPEAKER. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

In line 22, page 2, strike out the words "January 1, 1912, and improvements made," and insert the following: "the withdrawal thereof and where improvements have been made thereon."

Mr. LINDBERGH. Mr. Speaker, as to that amendment, it has been discovered that it was made under an error. I offer as an amendment the following:

In line 23, strike out the word "twelve" and insert the word "fourteen."

Mr. FERRIS. That is stricken out by the committee.

Mr. MANN. It has not been stricken out by the House. The gentleman wants to amend the text of the bill so as to make it read "January 1, 1914," and then vote down the committee amendment.

Mr. RAKER. Mr. Speaker, there can be no misunderstanding about the matter. This language is stricken out by the committee so as to leave the lands standing as they were when the withdrawal was made. There are 21 parties who have made application in good faith, and they ought to have consideration. That being the fact, I do not feel as though the mere fact that they settled there after reverses ought to deprive them of their rights, and, therefore, I am going to support the amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Amend, line 23, page 2, by striking out the word "twelve" in the original text of the bill and inserting the word "fourteen."

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. MANN. The question now arises, Mr. Speaker, on the committee amendment, to strike it all out, and that they want to vote down.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was rejected.

Mr. MOORE. Mr. Speaker, has the bill been read?

The SPEAKER. It has.

Mr. MOORE. I want to offer an amendment to paragraph 2.

Mr. MANN. Now is the proper time to offer that amendment.

Mr. MOORE. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 18, after the word "overflow," strike out the period, substitute a comma, and insert the following: "and shall further provide that all improvements made upon the land by entrymen shall be subject to any damages that may result from such overflow."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MILLER. Mr. Speaker, does the gentleman desire to be heard in support of the amendment? If not, I should like to be heard in opposition to it.

Mr. MOORE. Mr. Speaker, the entryman goes upon the land desiring to improve it. He may come from your State, or he may come from mine. He holds a patent from the Government. It is very much like an insurance policy or a deed to him. He may not be thoroughly familiar with all of the details, nor may he be thoroughly familiar with all of his rights when he goes on the land. His disposition would naturally be to improve it if he wants to make a living upon it. I want to protect him as against the action of the Government exercising its rights to overflow the land after he has taken it. I presume the lowland would be first overflowed, if any would be overflowed, and that would be the land that he would want to use first. Or, if he did not want to use that and used land higher up, he would gradually work down, in any event, to the lower land. No provision is made in this bill to protect him against any damage that may be done to him by the Government, and there is no provision in the bill which would protect the Government against his claim for damages should the right of overflow be exercised by the Government. I do not think he has sufficient notice. He ought to be fully advised before he goes in, and the purpose of this amendment is to give notice to the honest entryman, the man who means to toil on that land after he thinks he has acquired it, that if he takes chances on certain of the land, if he plants in certain parts or builds on certain parts of it, the Government may in the course of time overflow those particular parts, and he may have his crops and buildings wiped out. I think he ought to be fully advised before he goes on the land about the risk he takes. That is the purpose of the amendment.

Mr. MILLER. Mr. Speaker, of course I am sure the gentleman from Pennsylvania [Mr. MOORE] would not advocate the insertion in a deed of anything that was not necessary or essential to the rights of the parties. The gentleman will appreciate, I am sure, that if we should require that there be inserted in these deeds, beginning with the patent from the Government and thereafter every mortgage, every deed of conveyance that may be made, the fact that the possessor of the land should not have a right of action against the Government by reason of any overflow of the land which might occur by the use of the Government of its reservoir system, we would be in a position where we might as well say that the Government would not be under any obligation to build the man's barn if it were struck by lightning and burned down, or that the Government would not be subject to damages if a cyclone destroyed the man's crops. The purpose the gentleman has in view is a splendid one, that these men shall have adequate notice of what they are getting and shall not be deceived. I think the gentleman will be convinced that they have this notice. These are scattered tracts. They are isolated fragments, as it were. They are the leavings after the Government has performed its big work of constructing these reservoirs. Heretofore when a man desired to take up one of these places and make a home he made application to the local land office and openly waived in writing, when he made his application, any right or claim by reason of overflow of the land on the part of the Government through the use of the dams or reservoirs. He did an affirmative act at that time, and therefore, of course, he had it all clearly before him. A large number of tracts of these lands are already in possession of settlers who went on in the regular way, hitherto prescribed, when they made that application, and they made the waiver, as indicated, and then went on the land and made their home and improvements.

It just happened two or three years ago that the Secretary of the Interior held he had no authority and the President had no authority to restore these lands when once they had been withdrawn. Thereupon the Secretary of the Interior and the Secretary of War both recommended this legislation restoring these lands. Everybody in that vicinity is fully advised that these lands are in this basin system.

Mr. MOORE. Will the gentleman yield?

Mr. MILLER. And, of course, two or three generations from now the deed plainly will show on its face if Tom Jones buys the land that the land is subject to overflow by the United States.

Mr. MOORE. After settlers have already made improvements for which provision is made in one of the amendments here, we are giving nothing in this bill except preference in the matter of filing claims under the new law. Therefore if flowage is authorized and these lands should be affected, as undoubtedly they would be if the water reached them, what would prevent the present entrymen or any new settler from coming to Congress and saying, "We have been damaged, our crops have been destroyed, our buildings have been inundated or carried away by the water that the Government poured in upon us, and we ask relief from the Government"? What is to prevent them from doing that, and is not that very likely to occur?

Mr. MILLER. I think the gentleman will at once see if written in the deed that which he now advocates it could not change the rights of the parties. They now would have no right of action against the Government, and they will not have any if this passes.

Mr. MOORE. Suppose a new settler should go on and acquire land where possibly inundation might take place; that man then becomes an object of concern on the part of all of his neighbors and an object of concern to his Representative, ultimately, by coming back to Congress and saying, "I entered this land in good faith; I put up my buildings; I sowed my seed; I raised my crops." Would not he have a fair right to say that——

The SPEAKER. The time of the gentleman from Minnesota has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. LINDBERGH, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill by inserting a letter from the gentleman from Minnesota and one from the Secretary of War.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letters are as follows:

HOUSE OF REPRESENTATIVES,
Washington, July 8, 1914.

Hon. JAMES R. MANN,
House of Representatives, Washington, D. C.

MY DEAR MR. MANN: I am sending you a letter from the War Department, as you wish to know what the conclusions of that department are in regard to S. 1784, being No. 269 on the Unanimous Consent Calendar. This is a copy of a letter the original of which was sent to the chairman of the Committee on Public Lands. I also inclose a letter directed to me referring to the matter. According to this letter there should be an amendment to the bill. In line 8, page 2, the word "northwest" should read "southwest."

The lands involved are largely within the district which I represent. I know their general condition and know many of the pieces specifically. A large part of the land is high and can not ever be submerged by any dam or dams now constructed or that may hereafter be built. In a few cases settlers moved onto these lands before they knew about the withdrawals and when they supposed they could homestead them. Some made improvements and still live on the land. There are very few, if any, of the tracts that are or ever can be wholly submerged. The effect of the water going back upon these lands has been to wash out the soil at the junction of the water with the shore line where there are hills and create caving banks. In time they will limit themselves, but in some cases they would be limited by the settlers if they owned the property. They would plant willows and take other steps to retard such washing. Most of the lands are brush lands and have small scrubby timber. In clearing the brush and timber the settlers, in some cases, would use the stuff cut off to pile up on the banks to prevent further caving. Many pieces of this land would make good farms. The people there are fully aware that any homestead entry would be subject to flowage rights. They understand that they would have to take the land subject to that right on the part of the Government. The people there who now own the lands would be benefited by the settlement of these lands, because the new owners would help in building roads and in keeping up schools, etc.

Sincerely,

C. A. LINDBERGH.

WAR DEPARTMENT,
Washington, July 2, 1914.

Hon. C. A. LINDBERGH,
United States House of Representatives.

SIR: Referring to your letter of the 19th ultimo, inclosing a copy of Senate bill No. 1784, present session of Congress, and asking whether this department has any objection to the passage of the bill, I beg to advise you that I have this day addressed a report on the measure to the chairman of the Committee on Public Lands, a copy of which I inclose for your information.

Very respectfully,

HENRY BRECKINRIDGE,
Assistant Secretary of War.

JULY 3, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
United States House of Representatives.

SIR: I am in receipt of a communication from Hon. C. A. LINDBERGH, Member of Congress, inclosing a copy of Senate bill No. 1784, current session of Congress, and asking whether this department has any objections to the enactment of the measure, which it appears has been passed by the Senate and is now pending on the calendar of the House of Representatives.

By Executive proclamations and otherwise numerous tracts of public land have from time to time been withdrawn from entry for the use of the War Department in connection with the "reservoir system" at the headwaters of the Mississippi River.

Mr. MOORE. In section 2 of the bill you provide that "the lands hereby restored shall forever be and remain subject to the rights of the United States to overflow the same or any part thereof," and so forth.

Mr. LINDBERGH. That is true.

Mr. MOORE. Now the tenant is permitted to have access to those lands. I am trying to get at the aftermath of it—the tenant goes in, the land is arable, it is good land. He proceeds to cultivate the land. The Government exercises the right to overflow and overflows the land. The same question arises along the lower Mississippi.

Mr. LINDBERGH. The gentleman speaks of the people complaining, really they have no legal right to complain at all. The patent under section 2 will so provide, still I think as a matter of equity that if the Government should overflow to a greater extent than was reasonably contemplated it would be no more than just to the settlers to adjust the excess damage. These lands if allowed to remain continually in the present condition would be an injury to that locality, and as these reservoirs are for the general public the particular locality that stands the burden of the floods should be given all the advantage in return that is possible with consistency.

Mr. MILLER. If a homesteader who takes a part of the Government domain wherein the Government reserves a mineral right sells that to John Jones, and subsequently a gold mine should be found upon it, I do not think anybody would seriously contend that John Jones would have any standing here or any other place as to a share in that gold mine.

Mr. MANN. If the gentleman from Pennsylvania will permit, I think the gentleman from Minnesota is mistaken in what this bill does. It only refers to those lands which the War Department or the Secretary of War may recommend shall be restored to the public domain, and the Secretary of War or the Assistant Secretary of War, speaking for the Chief of Engineers, I suppose, states:

> The experience of many years and the results of more accurate surveys showed that a considerable number of tracts so withdrawn would only be partially flooded, while others would probably not be overflowed at all in the construction and operation of the reservoirs already built or projected, and that as to these tracts the right of flowage was all that the Government needed. Accordingly, a list of the lands, which the department considered were no longer required for reservoir purposes, was prepared, and under date of March 23, 1911, this list was transmitted to the Department of the Interior with the information that tracts embraced therein might be restored to entry and disposed of, provided flowage rights were retained by the United States.
>
> To effect the restoration of these lands to the public domain and enable the Secretary of the Interior to dispose of them under the existing homestead laws with the easement of flowage reserved, legislation by Congress is necessary, and that is the purpose of the accompanying bill, S. 1784.

Referring to this bill. So, while under this, the Government reserved the flowage right, still it is not anticipated that that reservation amounts to anything at all except upon certain lands which are partially overflowed; that is, 160 acres, part of which might be low and overflowed.

Mr. MOORE. That letter does not appear in the report.

Mr. MANN. That is a letter under date of July 3, 1914.

Mr. MOORE. The report on page 6 states:

> It has been made to appear that a considerable part of these lands are not now and probably never will be overflowed.

I do not want to object to the bill, but I think it is important to draw attention to this matter, so that the people who may go upon the lands may have notice and be warned, because it would be embarrassing if a man had planted crops and had them growing——

Mr. MANN. The gentleman from Pennsylvania can be certain that if the people go on there and occupy this land, and the Government hereafter raises the dam so as to overflow more land, we will pay it, and I think we ought to pay it.

Mr. MOORE. We have paid it in other cases. I would like to ask the gentleman from Minnesota before he takes his seat why lot 2, in section 4, in township 54 north, range 26 west, and so forth, page 2, lines 5, 6, and 7, is excepted?

Mr. LINDBERGH. The reason for that exception is it is generally supposed that those lands contain iron ore, and they were excepted because it was thought wise to except them on that account.

Mr. MANN. That is an erroneous description, is it not?

Mr. LINDBERGH. Yes; and I will ask to have it amended.

Mr. MOORE. Is that under Government control?

Mr. LINDBERGH. Under the same arrangement that these other lands are under at this time.

Mr. MOORE. And not subject to homestead entry?

Mr. LINDBERGH. Not now subject to homestead entry, and this excepts them from this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider it in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to consider it in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. LINDBERGH. I have three short amendments, Mr. Speaker, that I would like to offer verbally, and then I will send the others up to the desk.

The SPEAKER. The question is on agreeing to the committee amendments. Without objection, the committee amendments will be agreed to.

Mr. MILLER. There is objection to the first committee amendment.

The SPEAKER. The Clerk will report the first committee amendment.

The Clerk read as follows:

> Page 1, line 3, after the word "domain," insert the following:
> "For entry under the homestead laws, pursuant to proclamation of the President."

Mr. MILLER. Mr. Speaker, I would like to call the attention of my colleague from Minnesota [Mr. LINDBERGH] to the language. This reads: "Pursuant to proclamation of the President." Unquestionably it contemplates opening the lands to settlement, and therefore the President by proclamation shall open them to entry, so that parties desiring can make application and make homestead entry thereon. That is one of the amendments. The original language in the bill, as contained in section 3, is as follows:

> That the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior.

It was contemplated by that language that an order from the Secretary of the Interior would restore these lands to the public domain—by that act would make them subject to homestead entry by application. Now apparently there is a conflict in these two sections.

Mr. RAKER. In regard to that matter, the committee were very clear and unanimous as to putting this amendment in the bill, that this land should not be open for rush, but it should be open under the proclamation of the President under the bill passed some time since by the Congress.

Mr. MILLER. I do not think there is any question but that may be a very satisfactory way in which to proceed.

Mr. RAKER. The amendment has not been disposed of.

Mr. MILLER. I think it ought to be considered in the line of the subsequent language, so that the committee could say which it wanted to retain.

Mr. RAKER. Unless it is voted down I think this amendment ought to be changed.

Mr. MILLER. What difference does it make whether it is the order of the Secretary of the Interior or the order of the President of the United States. In any event there would be no opportunity for the grand rush mentioned.

Mr. MANN. There is plainly a conflict here.

Mr. RAKER. The gentleman does not mean to offer amendments and change the clear intent of the bill?

Mr. MILLER. Oh, no.

Mr. RAKER. There is not any idea of taking away the thought to issue a preliminary proclamation?

Mr. MILLER. Oh, no.

Mr. MANN. The gentleman from Minnesota called attention to the fact that in section 1 you provide that restoration shall be the proclamation by the President, and in section 3 you provide it shall be by order of the Secretary of the Interior.

Mr. FERRIS. That undoubtedly ought to be changed.

Mr. MANN. Which do you want?

Mr. FERRIS. What is the precise amendment the gentleman offers?

Mr. MANN. He did not offer an amendment. It is a committee amendment.

Mr. FERRIS. The rule is uniform that the President issues the proclamation.

Mr. MILLER. I move to amend by striking out the words "pursuant to the proclamation of the President"; and I will say frankly that I do not care whether he makes the proclamation or the Secretary of the Interior makes it. It seems to me it should be the Secretary of the Interior, and I will say that that is the language heretofore used in a bill of this kind. As a matter of fact, I drew this myself originally, and that was the language adopted and was satisfactory to the department.

Mr. FERRIS. Does the gentleman think the language in section 3 is quite broad enough to inaugurate the usual rules and regulations to carry on an orderly opening?

Mr. MILLER. I certainly do. The Secretary of the Interior has got to move before anybody can do a thing.

Mr. RAKER. I want to call the gentleman's attention to this fact, namely, that there is no conflict between these two sections.

Mr. MILLER. There is a plain conflict.

Mr. RAKER. The first is a proclamation by the President that the land shall be thrown open for settlement.

Mr. MILLER. When?

Mr. RAKER. When he proclaims it and this bill passes. The provision in section 3——

Mr. MANN. He can not make a proclamation throwing this land open to the public domain without saying when it shall be thrown open.

Mr. RAKER. Surely not.

Mr. MANN. And section 3 says that the Secretary of the Interior shall fix the time for the restoration of the land.

Mr. RAKER. No; that the time when such restoration shall take place as to any such land shall be prescribed by the Secretary of the Interior.

Mr. MANN. Yes.

Mr. RAKER. That is clearly in consonance with the bill passed, that after it has been thrown open by the President the Secretary of the Interior shall have rules and regulations prescribed in his department, which is always done, and that fixes the disposition of the land.

Mr. MANN. The President can not make a proclamation restoring this land to the public domain without saying when. That fixes the time. Then you say that the Secretary of the Interior shall fix the time. I presume they will both fix the same time, and to that extent there might be no conflict.

Mr. FERRIS. Mr. Speaker, if there is a conflict—and it rather seems to me that there is—it ought to be changed. I doubt if the amendment of the gentleman from Minnesota [Mr. MILLER] should be adopted, because when section 3 is referred to, and it is asserted that section 3 is in conflict with section 1, it only fixes the time for the opening. I have had some experience in these openings, and it is necessary to go further than merely fixing the time. It is necessary to go so far as to prescribe when and how and under what conditions the lands are to be filed upon. Otherwise you would have horse races and gun fights and other irregularities that this Congress would not stand for.

Mr. MILLER. I do not care whether the proclamation is made by the Secretary of the Interior or the President. I will ask unanimous consent to withdraw my amendment.

Mr. FERRIS. I am not contending that that should be done, except that I say that section 3, standing alone, is not quite sufficient. You observe that it says this, "That the time when such restoration shall take effect as to any of such land shall be prescribed by the Secretary of the Interior." Now, under that the Secretary of the Interior would say, on the 1st of September, for instance, or the 1st of October, these lands shall be opened. Then what follows? Then the provisions of the general homestead law apply, and the rush would begin.

Mr. MILLER. And he will also say what terms and conditions shall prevail.

Mr. FERRIS. Where is that?

Mr. MILLER. That is to be supplied.

Mr. FERRIS. I am perfectly willing that that should be done.

Mr. MILLER. If the chairman of the Committee on Public Lands thinks that the words "pursuant to the proclamation of the President" are sufficient, we can strike out section 3.

Mr. FERRIS. Of course the gentleman and I know that putting it in the hands of the President of the United States means that the Secretary of the Interior shall fix up the program and the President shall merely issue the proclamation. Of course that is the usual procedure. If your amendment is adopted, then we ought to add in section 3 that the time and such further conditions and stipulations shall be fixed as the Secretary of the Interior may prescribe.

Mr. MANN. Is that done where there is a little, minor opening?

Mr. FERRIS. I think not, but it is best to proceed orderly.

Mr. MANN. Here is a small amount of property. Probably two-thirds of it has squatters on it already. Why not leave it to the Secretary of the Interior? In either case he does the work. The President can not be expected to do it.

Mr. FERRIS. I have agreed to that, but does not the gentleman think that in section 3 he ought to have authority to make the conditions?

Mr. MANN. Yes.

Mr. FERRIS. I think the amendment can be fixed up.

Mr. RAKER. Mr. Speaker, let me say it is futile if you are going to spend the time of the committee going over matters and considering these questions, and they are not brought up until after the unanimous consent is given. It is the determination of the Public Lands Committee that these lands shall not be thrown open except under the proclamation of the President, which means that under the act passed by this House there will be no more rush for these lands that are reserved. They should be opened in an orderly manner. All that the first provision does is to provide that these lands shall be opened in an orderly manner, and the third provision fixes the time upon which the parties can go on the homesteads and have their rights.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. I do.

Mr. MANN. It being a small matter at most, why would it not save any question by providing that the proclamation in the first place be made by the Secretary of the Interior and not by the President? We think there is a conflict as it stands now. We do not care how it is disposed of. Why would not that cover it?

Mr. RAKER. I have no objection.

Mr. MILLER. I move, Mr. Speaker, to amend the amendment voted by the committee by striking out the word "President," in line 5, and inserting in lieu thereof the words "Secretary of the Interior."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Page 1, line 5, strike out the word "President" and insert "the Secretary of the Interior."

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield to me for a question on that?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. I do not know anything about these public-land matters, but has it not always been the custom for the President to issue these proclamations. Has that ever been delegated to a Cabinet officer before?

Mr. MANN. It has been the custom in large openings to have the proclamation made by the President, but we frequently permit the Secretary of the Interior to dispose of certain smaller bodies of the public domain.

Mr. GARRETT of Tennessee. This does provide for a proclamation?

Mr. LINDBERGH. This was proposed to be opened to homestead entry and then was withdrawn.

Mr. GARRETT of Tennessee. It just occurred to me that possibly it ought to be done by the President as a legal proposition.

Mr. MANN. It is not necessary. Ordinarily the proprieties would require that the proclamation be made by the President; but, after all, it is a small matter. I doubt whether it is desirable to have the President annoyed with it.

Mr. TAYLOR of Colorado. Are not all these proclamations issued by the President? If we are going to have a little bit of a monument, the President issues a proclamation.

Mr. MANN. What kind of a monument?

Mr. TAYLOR of Colorado. A national monument for setting aside a piece of land, 640 acres. For such a thing the President issues a proclamation.

Mr. MANN. What kind of a monument?

Mr. TAYLOR of Colorado. A national monument, for the setting aside of a piece of Government land or anything——

Mr. MANN. Oh, yes.

Mr. TAYLOR of Colorado. Even if it is only 640 acres, the President issues a proclamation.

Mr. MANN. If there is any withdrawal, it has to be done by the President under the general law. Nobody objects to this being done by the President.

Mr. TAYLOR of Colorado. Why not let it go then?

Mr. MANN. The only difficulty is that in one case it is provided that the President shall do it, and in the other case the Secretary of the Interior.

Mr. TAYLOR of Colorado. Let us make it the President in both cases.

Mr. MANN. I do not care.

Mr. FERRIS. I think we can come at this easily. The first proposition comes from the gentleman from Minnesota [Mr. MILLER] that there is a conflict. The next thing is that the gentleman's amendment would have the Secretary of the Interior issue the proclamation. I do not think you want to do that. I think if, on page 1, in lines 4 and 5, you strike out the words "pursuant to proclamation of the President" and insert in lieu thereof "under such rules and regulations as the Secretary of the Interior may prescribe," that will let him work it out.

Mr. MILLER. That is satisfactory.

Mr. RAKER. That does not comport with the usual method of handling the public lands. In the case of all reserves the

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the bill. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I am very much in favor of the passage of this legislation, and yet I wish it were possible to have it amended so as to make it a little clearer. As the matter now stands, it is not entirely clear just what cases are provided for; and further, it is not clear, but should be made clear, whether it is intended that all proceeds shall be impounded and retained in case of an adverse decision, or whether it is proposed to retain a reasonable sum as royalty in case of an adverse decision. I would suggest the following as a substitute for the bill:

SEC. 2. That where applications for patents under the mining laws applicable thereto have been, or may hereafter be, offered for lands containing oil or gas, which lands had, prior to the submission of such application, been included in an order of withdrawal, and where no final determination or decision has been made by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe, with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom, or the proceeds thereof, and the impounding of a reasonable portion of the proceeds, pending final determination of the title thereto by the Secretary of the Interior. The amounts impounded shall be retained as royalties in cases in which the final decision shall be adverse to the applicant for patent: *Provided*, That the provisions of this act shall apply to those cases only where oil has been discovered, is being produced, or upon which drilling operations are in progress at the date of the passage of this act.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. TULLEY, one of its clerks, announced that the Senate had passed without amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. GALLINGER as the conferees on the part of the Senate.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, Nos. 44, 45, 91, 92, 138, 145, and 146, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 29.

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, be, and the same is hereby, authorized to insert under the head "Department of Justice, miscellaneous objects" the following items: "To pay to Frances Owen Lurton, widow of Horace Harmon Lurton, late a justice of the Supreme Court of the United States, $14,500."

BRIDGE ACROSS TUG FORK OF BIG SANDY RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted for the fiscal court of Pike County, Ky., to construct, maintain, and operate a bridge across the Tug Fork of the Big Sandy River, at a point suitable to the interests of navigation, at or near the town of Williamson, in the county of Mingo, in the State of West Virginia, in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. MOORE. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman who is sponsor for this bill as to the nature of it.

Mr. LANGLEY rose.

Mr. ADAMSON. Mr. Speaker, I will yield to the gentleman from Kentucky [Mr. LANGLEY], the author of the bill.

Mr. LANGLEY. Mr. Speaker, the bill was introduced by me at the request of Judge H. H. Stallard, who is county judge of the county in which I live. He informs me that our fiscal court has some understanding with the West Virginia authorities regarding the matter. Judge Stallard and his associates are progressive, high-grade officials, and I accepted their word, without inquiry or question, that this legislation was needed.

Mr. MOORE. It is a matter that comes up from the county?

Mr. LANGLEY. Oh, yes; it originates, as I just stated, from the fiscal court of my county, which is acting in cooperation with the West Virginia authorities.

Mr. MOORE. Does the gentleman know anything about the size of the Tug Fork of the Big Sandy River?

Mr. LANGLEY. Yes; I know all about it. It is quite a good-sized stream. The Government has already expended a good deal of money toward the canalization of it.

Mr. MOORE. Does the gentleman know anything about the structure and dimensions of the proposed bridge?

Mr. LANGLEY. No; not in detail; but the gentleman may be assured that it will be up to date, both in structure and materials. That is the way we are doing things down there.

Mr. MOORE. I would like to know something more about the Tug Fork.

Mr. ADAMSON. Mr. Speaker, the conversation which the gentleman from Kentucky [Mr. LANGLEY] and the gentleman from Pennsylvania [Mr. MOORE] are carrying on is not audible to all of us.

Mr. LANGLEY. That is not my fault, Mr. Speaker. I am talking loud enough, I think.

Mr. MOORE. Then I will ask the gentleman from Georgia the question that I put to the gentleman from Kentucky. I want to know something more about the Tug Fork of the Big Sandy River at or near Williamson, W. Va.

Mr. ADAMSON. Oh, I yield to the gentleman from Kentucky to answer that question. [Laughter.]

Mr. LANGLEY. Mr. Speaker, I do not know just what else it is that the gentleman from Pennsylvania wants to know about the Tug Fork of the Big Sandy. There is a great deal I could tell him about it. There are so many good things I could tell him that it would take me all summer and it would interfere with the legislative program.

Mr. MANN. He wants to know if there is any space left on that river that has not a bridge over it.

Mr. LANGLEY. Mr. Speaker, I will say in answer to that that we have already built some bridges across that fork. Millions of dollars are being expended in the Big Sandy Valley, of which the territory drained by the Tug Fork is a part. It is one of the richest valleys in the world, and the finest coal field in the world. New railroads are being built, and there are extensive coal operations going on, and cities are springing up like mushrooms in the night. We will probably have need for more bridges across that stream at different points. The Tug Fork is the boundary line between West Virginia and Kentucky at this point.

Mr. MOORE. The gentleman feels that the passage of this bill will not impede navigation on the Tug Fork?

Mr. LANGLEY. I do not think there is any question about that, and in any event there is a provision in the bill itself that the bridge is to be constructed so as not to interfere with the needs of navigation.

Mr. ADAMSON. Mr. Speaker, I will say that my information is that the stream is too deep to ford at that point.

Mr. LANGLEY. Yes; and too wide for the gentleman from Georgia to swim. [Laughter.]

Mr. MOORE. The committee is satisfied that navigation will not be affected by the construction of this bridge?

Mr. ADAMSON. Oh, we have the authority of both the gentleman from Kentucky [Mr. LANGLEY] and the War Department to that effect.

Mr. LANGLEY. There is no question about that, I can assure the gentleman.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

RESTORING TO THE PUBLIC DOMAIN CERTAIN LANDS AT THE HEADWATERS OF THE MISSISSIPPI.

The next business on the Calendar for Unanimous Consent was the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby restored to the public domain, subject to the easement provided for in section two hereof, any and all lands hitherto reserved by Executive order in connection with the construction, maintenance, and operation of reservoirs at the headwaters of the Mississippi River and its tributaries the restoration of which the Secretary of War has recommended or may hereafter recommend to the Secretary of the Interior.

SEC. 2. That the lands hereby restored shall forever be and remain subject to the right of the United States to overflow the same or any part thereof by such reservoirs as now exist or may hereafter be constructed upon the headwaters of the Mississippi River, and all patents issued for the lands hereby restored shall expressly reserve to the United States such right of overflow.

SEC. 3. That the time when such restoration shall take effect as to any of such lands shall be prescribed by the Secretary of the Interior, and in all cases where actual settlement has been made on any of said lands prior to January 1, 1912, and improvements made the said settlers shall have a preferred and prior right to enter and file on said lands under the homestead law for the period of 90 days following the time fixed hereunder for the restoration of the lands.

SEC. 4. That no rights of any kind, except as specified in the foregoing section, shall attach by reason of settlement or squatting upon any of the lands hereby restored to entry before the hour on which such lands shall be subject to homestead entry at the several land offices, and until said lands are opened for settlement no person shall enter upon and occupy the same except in the cases mentioned in the foregoing section, and any person violating this provision shall never be permitted to enter any of said lands or acquire any title thereto.

With the following committee amendments:

1. In line 3, page 1, after the word "domain," insert the following words: "For entry under the homestead laws, pursuant to the proclamation of the President."

2. On page 2, line 5, after the word "lands," insert the following words: "In the counties of Aitkin, St. Louis, Crow Wing, Cass, Hubbard, Itasca, Beltrami, and Koochiching, approximately 6,000 acres, and outside of the boundaries of the Minnesota National Forest Reserve."

3. On page 1, at the end of line 10, change the period to a semicolon and insert the following paragraph:

"*Provided, however*, That this act shall not apply to lot 2, in section 4, township 54 north, range 26 west, and the southeast quarter of the northwest quarter of section 23, in township 55 north, range 28 west, said tracts described in this proviso being hereby reserved and excluded from the lands subject to homestead entry."

4. On page 2, lines 9, 10, and 11, strike out the following words: "January 1, 1912, and improvements made" and insert in lieu thereof "the withdrawal thereof and where improvements have been made thereon."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how much land is covered in this?

Mr. LINDBERGH. About 6,000 acres; but perhaps not more than two-thirds of it would be entered, because the other third would not afford ground enough for present cultivation.

Mr. MANN. What is that land worth now? If it were not subject to flowage rights, what would it be worth?

Mr. LINDBERGH. All the way from $5 to $10 an acre. It is mostly brush land, and would cost some labor and money to clear.

Mr. MANN. This is now reserved for flowage on account of the reservoir, as I understand it?

Mr. LINDBERGH. Yes; it was withdrawn from the right of homestead entry on that account.

Mr. MANN. The purpose of this bill is to permit people to make homes upon the land subject to flowage rights if the Government hereafter should desire to overflow any of the lands in connection with the reservoir?

Mr. LINDBERGH. That is the purpose.

Mr. MANN. As I understand from the letter from the department to the chairman of the committee, the War Department states that much of this land will never be overflowed and that it is doubtful whether any of it will be.

Mr. LINDBERGH. The letter the gentleman [Mr. MANN] refers to was one written to the chairman of the committee in answer to a letter I had written. The letter states that much of it will never be overflowed, but I do not think that the letter states that it is doubtful if any will be, because a part of it is overflowed, as a matter of fact.

Mr. MOORE. The report states that.

Mr. MANN. The gentleman states that part of these lands are now overflowed. What does he mean by that?

Mr. LINDBERGH. This land was originally withdrawn without knowing which of the lands would be overflowed, and there are some lands that are not overflowed at all. Later the Government engineers determined by measurement which would and which would not be overflowed.

Mr. MANN. Yes.

Mr. LINDBERGH. Some of the lands are partly overflowed and some of them are wholly overflowed.

Mr. MANN. Does this bill endeavor to permit homestead entries on lands that are wholly overflowed?

Mr. LINDBERGH. It would not be practical at all to do that.

Mr. MANN. I do not know about that.

Mr. LINDBERGH. There is no prohibition in the bill against such entry, but the homestead laws probably could not be complied with on a homestead entry on land all of which was overflowed.

Mr. MANN. Well, suppose, as a matter of fact, the Government should hereafter determine to raise its dam, so as to extend the area of the reservoir, and would overflow much of these lands a portion of which had been taken for homes. Does my friend from Minnesota think we could escape claims on the part of these people to pay them for the loss of their homes or damage to their lands?

Mr. LINDBERGH. I think so, because the bill expressly reserves that right to the Government.

Mr. MANN. That does not make any difference. Why, we have a lot of claims here in the House, bills reported to the House, where people without any authority of law had gone on the land and made some improvements, and when they were removed they wanted the Government to pay them for the land.

Mr. MILLER. Will my friend from Minnesota permit me to answer the gentleman?

Mr. LINDBERGH. Certainly.

Mr. MILLER. As a matter of fact, in the operation of reservoirs at the present time quite extensive areas are overflowed. There has never been suggested a claim against the Government——

Mr. MANN. They are public lands, are they not?

Mr. MILLER. Some are and some are not.

Mr. MANN. If there are any private lands—if the gentleman can produce me any case in Minnesota or elsewhere where the Government has overflowed private lands and there is no claim against the Government, why, I am going to reverse my whole theory of government as to claims.

Mr. MILLER. I can cite the gentleman to a great number of such cases.

Mr. MANN. Cite me one, first.

Mr. MILLER. I have not the description——

Mr. MANN. Oh, there is no place where the Government takes or injures property that there is not a claim against the Government.

Mr. MILLER. The language of this bill precludes any legal claim ever being made against the Government.

Mr. MANN. Any legal claim; oh, yes.

Mr. MOORE. Will the gentleman yield?

Mr. LINDBERGH. Certainly.

Mr. MOORE. Suppose under this bill an entryman in good faith makes improvements as provided for in the bill on these lands and then the Government exercises its right to overflow the land and carries away or damages the improvements, how are we going to escape being met by at least a sympathetic claim on account of the loss incurred?

Mr. LINDBERGH. There might be a sympathy on the part of Congress to allow such a claim, but the people who are up there have made some entries after the withdrawals. All of them claim they are perfectly satisfied and glad to obtain homestead rights upon this permission without any obligation whatever upon the Government; but if these people should be damaged by the future acts of the Government, I should favor the Government paying reasonable damage notwithstanding.

Mr. MOORE. If the gentleman will allow me, this very question was up in another form in the matter of irrigated lands. These men in good faith say they can not comply with their contracts in 10 years; they say they are unable to do it, and it takes them more time. Here we would send a man into this land, who was going in good faith, and he makes improvements. Why should the Government in this case reserve to itself the right to overflow these lands and later on assert its right to overflow these lands and carry away his improvements, carry away his crops, carry away his barn, carry away his home? Now, that is rather an anomalous condition. I know and the gentleman knows that we are called upon here frequently, those of us who do not thoroughly understand these land-claim matters, to relieve cases of distress arising from just such a condition.

Mr. LINDBERGH. I will say to the gentleman from Pennsylvania at the present time these reservoirs or these dams exist and they overflow the land as much as it is possible to be overflowed. As a matter of fact, the water is higher now there than it has been since 1865, according to statements of reliable old settlers. The dams are already constructed. There never will be any addition to these particular dams now constructed, at least I do not believe there will be, because they are now overflowing all the land that they can overflow, according to the report of settlers up there.

and unclaimed lands to the amount of 29,650 acres, but there are some locations on that area which have not been applied for, so that there are yet remaining approximately 21,000 acres on these naval reserves that are not in litigation. Of course, this amendment does not affect that land, but the amendment does provide that the royalty or revenue, or whatever we get under these amicable temporary agreements, from those on the disputed lands, on these particular reserves, shall go to the Navy Department.

I will present herewith a report on a companion House bill which quite well, I think, presents the situation in its true light. It is as follows:

[House Report No. 519, Sixty-third Congress, second session.]

LOCATORS OF OIL AND GAS ON THE PUBLIC DOMAIN.

Mr. FERRIS, from the Committee on the Public Lands, submitted the following report, to accompany House bill 15469:

The Committee on the Public Lands, to whom was referred House bill 15469, by Mr. CHURCH, amending an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, beg leave to report the same back to the House with the recommendation that the bill do pass.

The bill was referred to the department and the department has reported on the same, and it is thought that the entire letter will be of value in the consideration of the bill by the House.

The report thereon is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I am in receipt of your request for report and recommendation upon H. R. 15469, a bill to amend the act of Congress approved March 2, 1911 (36 Stat., 1015). The amendment proposed is the addition of a section which will authorize the Secretary of the Interior to enter into agreements, under such conditions as he may prescribe, with parties who have presented or may present applications for patent for oil or gas land included in an order of withdrawal and upon which oil or gas has been discovered, is being produced, or upon which drilling operations shall be in actual progress at the date of the passage of the act, said agreements to relate to the disposition of the oil or gas produced from the lands, or the proceeds thereof, pending the final determination by the Secretary of the Interior of the validity of the offered applications for patents.

The proposed legislation is peculiarly applicable to the California oil fields, where a large number of locations and applications are under investigation or involved in proceedings which challenge the validity of the locations or the regularity of the applications presented. Many oil and gas wells are in actual operation upon these and adjacent lands, and by reason of the investigations of the department and certain suits instituted by the United States to enjoin parties from removing oil from the lands, the operators are unable to dispose of the oil or gas under existing laws pending adjudication of their claims. This is disadvantageous not only to the operators, but to the United States, because the failure to continuously operate the wells may result in the diminution or destruction of the oil or gas values through introduction of water into the wells or by reason of the draining of the oil and gas deposits from under the lands involved through wells sunk and in operation upon adjacent patented lands. The situation is one which demands immediate attention if the operators and the United States are to be saved from large and irreparable loss, and I earnestly recommend the enactment of the bill. At the same time I desire to point out that this bill gives temporary relief only, in that it permits of adjustments which will permit of the operation of oil and gas wells and take care of the proceeds pending the final adjudication of the claims by the department. It does not provide a method for disposing of the lands or the deposits after final adjudication of the cases if the claims of the applicants be finally denied. Relief for the latter situation may, however, be provided later.

I understand the present bill to authorize the Secretary of the Interior to enter into agreement with the record claimant to all or any part of a location, provided such record claimant has presented or shall present an application for patent for all or any portion of the location involved.

I further direct attention to the general bill providing for the leasing of lands containing deposits of oil, gas, and certain other minerals now pending before your committee, and to the similar measure, S. 4808, now pending before the United States Senate. The latter measures, if enacted, will prevent the future occurrence of such conditions as now confront us, and the necessity for the temporary remedial legislation now under consideration emphasizes the importance of the early enactment of the general leasing measure.

Very truly, yours,

FRANKLIN K. LANE.

A careful reading of Secretary Lane's report discloses that some temporary relief for these oil men engaged in oil production on the public domain is an emergency. The legislation authorizes the Secretary of the Interior to make working arrangements whereby the oil claimants may go on with the production of oil, and thereby preserve the rights of themselves and the United States until a suitable leasing law can be passed covering the case.

Certain irregularities with reference to some of the oil operators have brought about a confusion of title. The institution of suits has caused the pipe lines to refuse to accept the oil and buy the oil, there being no market for the oil other than the pipe-line companies, and has brought stagnation in oil development.

As will be observed by the Secretary's letter and from facts brought to the attention of the committee in a printed hearing had, above that lands held in private ownership, most of which came from original land grants, of alternate sections make it possible for the lands held in private ownership to go on with the production, pumping, and draining of the Government lands to an extent that is greatly to the disadvantage of the General Government as well as to the oil prospectors themselves.

Twenty-five or thirty independent oil producers of California appeared before the committee and presented hardships, disaster, and trouble which deserves the attention of Congress, and at the earliest possible moment.

Your committee was unanimously of the opinion that pending a time when these titles could be definitely settled and pending a time when those who deserve patents could get patents and those who should be denied patent could be formally denied patent, such temporary working arrangements as proposed in H. R. 15469 was about the only method of solving the problem.

The Secretary of the Interior is a man of broad views, keen intellect, and with peculiar and actual knowledge of the actual conditions as they exist, and it is the thought of every member of the committee, after prolonged hearings and painstaking attention, that this bill should be passed at once for the purpose of preserving what the Government has and what the developers of oil deserve, and to prevent damage and disaster from any source.

The actual method of working is thought to be that the Secretary will retain a sufficient portion of the proceeds of the oil to indemnify the Government in the event the title will finally be held to be adverse to the claimants, so that untold hardships may not follow. Some of the men developing oil in the California region have almost been driven to bankruptcy. Telegraphic appeals and personal appeals have come from California sources urging some action on the part of Congress.

The bill, as will be observed, does not part with title to a foot of land or to any oil or gas of the United States, but merely authorizes a continuation of operations to prevent waste, decay, destruction by water breaking in, and other disaster coming from the nonuse of oil machinery and oil development. The committee can not urge too strongly the advisability of this temporary relief, and it at the earliest possible moment.

The complaints have come chiefly from California and from a strip of country about 125 miles long and from 2 to 5 miles wide on the west side of the San Joaquin Valley in California. . . .

As was suggested by Secretary Lane in his letter, there is pending in both branches of Congress, and in truth the bill before the House committee is well under way, legislation providing for a leasing system of the oil and gas lands of the United States, so that hereafter tangled titles relative to the procedure and acquirement may not be one of the troublesome tasks for the American Congress to deal with. The affording of this temporary relief by the passage of H. R. 15469 will in no manner interfere with the broad-gauged conservation policy outlined in the leasing law soon to be reported and now pending before both the House and Senate committees.

Respectfully submitted.

Mr. MANN. This amendment provides, in substance, as I understand it, that as to certain of these lands any money received, instead of being paid into the Treasury as miscellaneous receipts, as nearly all money is which comes from the sale of the public domain, shall be turned over to the Secretary of the Navy, to spend in such amounts as he pleases, at such times as he pleases, for such purposes as he pleases——

Mr. FERRIS. No.

Mr. MANN. Let me finish my sentence—in the matter of investigating in regard to oil lands. Now the gentleman can correct me.

Mr. FERRIS. The gentleman states it too broadly. It goes into a fund called the "Naval reserve fund."

Mr. MANN. Oh, no; that is not what it is called.

Mr. TALBOTT of Maryland. Into an oil fund in the Navy Department.

Mr. MANN. A naval petroleum oil fund.

Mr. FERRIS. Why, is not that the same thing?

Mr. MANN. Not at all. The naval reserve fund is one thing. This goes into a special fund, which the Secretary of the Navy will control—without any appropriation, without any requirement that he come before Congress, without any control on our part over him at all, for such purposes as he pleases, at such times as he pleases, practically. The Secretary of the Navy may desire that, but I do not think Congress will ever give it to him.

Mr. FERRIS. May I read what the amendment has to say on that particular point?

Mr. MANN. Certainly.

Mr. FERRIS. It says—

And for such other purposes connected with the supply of oil for the Navy as the Congress may from time to time direct.

Mr. MANN. And for such other purposes as Congress may from time to time direct; yes.

Mr. SELDOMRIDGE. There is no limitation at all on it?

Mr. MANN. There is no limitation on it at all. Now, regardless of this naval amendment, I should like to ask the gentleman a question in reference to the bill. The bill provides that proceeds coming from oil shall be practically divided between the Government and the claimants under certain terms?

Mr. FERRIS. That is all.

Mr. MANN. It says:

Pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law.

What other disposition of the same can there be, except the determination of the title to the land?

Mr. FERRIS. Congress has now on the calendar a bill which provides for the leasing on a royalty basis of all the oil and gas lands, which finally revert to the Government. The lands so reverted would be operated under the laws then existing on the subject.

Mr. MANN. This language would not affect that.

Mr. FERRIS. Why not?

Mr. MANN. Because this says:

Pending final determination of the title.

If you determine the title and determine that the title is in the Government, then that very bill, if it is enacted, seizes the situation at once.

Mr. FERRIS. Certainly; and that is what is intended.

Mr. MANN. This is not needed in there for that purpose.

Mr. LENROOT. There is still another bill on the calendar, known as the permanent relief bill, that does not involve the determination of titles.

Mr. FERRIS. That is true.

Mr. LENROOT. And that was the real purpose of this language, so as to protect this impounded money, to be released when that time arrives.

Mr. FERRIS. The gentleman is entirely right about that.

Mr. FOSTER. What is the objection to putting that money into the Treasury, to be appropriated as Congress may see fit?

Mr. FERRIS. Personally I have no objection, except that I want to keep entire faith with the Secretary of the Navy. We give the proceeds of these oil lands to the development of the West for irrigation and the proceeds of these royalties under other legislation, and the Navy Department feel that they ought to have out of this naval reserve any royalty or renewal that comes in.

Mr. FOSTER. From listening to this amendment, I understand that the amount of land involved is 21,000 acres. Is that correct?

Mr. MANN. More than that.

Mr. FERRIS. There are 67,000 acres of it in all. Of course, more than half of it is patented and a good deal of the other has claimants for patent.

Mr. MADDEN. There are 21,000 acres that are not affected by this legislation.

Mr. FOSTER. I do not see the necessity of creating a petroleum fund in the Navy Department.

Mr. MANN. It is safe to say that that will not be done.

Mr. FOSTER. I am glad to hear the gentleman say so.

Mr. MANN. If it was submitted to a vote of the House today, I do not think 25 Members of the House would vote for it. Still, it may be that I am mistaken, after seeing the active and effective lobbying which the Navy Department did in reference to the sale of the battleships. I have never seen anything that equaled it, and I do not know what the House might do on both sides with any old proposition.

Mr. TALBOTT of Maryland. Yes; the Navy is very popular in the country.

Mr. MANN. It was not done in that way, and probably will not be again. I should like to ask the gentleman from Oklahoma a question in reference to this provision:

Said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof.

Does that contemplate a division or the impounding of the proceeds?

Mr. FERRIS. We left that discretionary with the department.

Mr. MANN. Does not the gentleman think that we ought to know whether it is to be a division or an impounding?

Mr. FERRIS. My answer is that they are drilling for oil, and the Secretary of the Interior can make such an agreement as is contemplated until the courts can pass upon it, and thus save something to the Government. To let it go on as it is we lose all. By this course we can save something and still maintain orderly procedure.

Mr. MANN. This matter has been pending for a long time?

Mr. FERRIS. Yes; that is true.

Mr. MANN. If the Secretary of the Interior has given attention to the matter he must have some idea by this time as to what he would be willing to do. It seems to me if he has any idea on the subject he ought to be in communication with the distinguished chairman of the Public Lands Committee.

Mr. FERRIS. He has, and has been before us numerous times. We have tried and the Secretary of the Interior has tried and the Department of Justice has tried its hand at it, but it is a difficult thing to do justice with a lot of different cases where each one hinges on a different state of facts. We thought the best we could do was to let the Secretary of the Interior make a temporary working agreement which would play out and be at an end when the cases were decided.

Mr. MANN. If the Secretary of the Interior has to pass on each particular case and to reach a different conclusion, it would be shorter to determine the title.

Mr. FERRIS. The gentleman thinks so, and I confess it sounds like there was some merit in it, but the Commissioner of the General Land Office came before us at the hearing and said they had not been able to do it, and they are favorable to this relief.

Mr. MANN. What position does the Department of Justice take on the bill?

Mr. FERRIS. They appeared before us Saturday morning and this morning, and they are not opposed to it. The Interior Department is for it, and has been all along. They know the facts pretty well, and most people are for it when they know our efforts to assist.

Mr. MANN. Why is the Department of Justice opposed to the bill?

Mr. FERRIS. Because they seemed to be reading this bill in connection with the permanent relief bill and had the two confused. He said Saturday morning that he had no objection to this bill and that his letters had in some instances related to both bills, but he was for this bill.

Mr. MANN. Is he opposed to the permanent bill?

Mr. FERRIS. As it stands, he is.

Mr. MANN. Does the gentleman think he can convert him on the other bill as he has on this?

Mr. FERRIS. We have a hearing to-morrow, in which the Department of the Interior and the Department of Justice and the Department of the Navy will appear in an effort to get together and accomplish something.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. Is the other bill the gentleman speaks of—the bill S. 5434—is that the permanent bill?

Mr. FERRIS. I have not it before me.

Mr. SELDOMRIDGE. That is the bill which has passed the Senate and relates to the operation of the oil lands taken up prior to the withdrawal order of 1910, the issues of which are somewhat involved and pending before the Supreme Court.

Mr. FERRIS. I think not before the Supreme Court, but pending in the California courts.

Mr. SELDOMRIDGE. This would affect not only the lands in California but lands in the Western States?

Mr. FERRIS. Yes; it is a general bill, but the main and important interests are in southern California.

Mr. SELDOMRIDGE. The remedy that you are seeking to apply is to the lands in southern California?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. The other bill has a broader scope.

Mr. MONDELL. Mr. Speaker, this bill applies to the oil lands everywhere.

Mr. FERRIS. Yes; but the acute situation is in California.

Mr. MANN. Do I understand that if this bill comes up for consideration, Mr. Speaker, that the gentleman from Oklahoma intends to offer the amendment he had read for information?

Mr. FERRIS. I have agreed with the gentleman from Maryland and the Secretary of the Navy that I will offer it, and I will. I should not feel right about it unless it was offered.

Mr. MANN. The gentleman from Oklahoma occupies a delicate position. If he does not offer the amendment the gentleman from Maryland will object to the bill, and if he does offer it, I will object. I will object now.

Mr. FERRIS. The gentleman has not removed me from the delicate situation. The oil men are between two millstones. I will try to get the Navy Department and the gentlemen together.

Mr. MANN. The gentleman from Oklahoma knows that this naval amendment ought not to be put in the bill.

Mr. FERRIS. I feel sure the gentleman from Illinois recognizes that some legislation is needed in this direction.

Mr. MANN. I do; and I would be willing to allow the bill to pass, although I objected to it once, and yet have some doubt about it.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill may retain its place on the calendar and be passed over without prejudice. I think it can yet be passed, for it is important and ought to be passed.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks on this bill. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to insert in the RECORD a draft of what I understand to be the meaning of this bill.

The bill was read, as follows:

Be it enacted, etc., That sections 2380 and 2381 of the Revised Statutes of the United States be, and the same are hereby, amended to read as follows:

"SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population; also lands having a particular value for villa sites, summer homes, hotels, sanitarium, health, recreation, or pleasure resorts.

"SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations or part thereof to be surveyed into urban, suburban, or villa lots or tracts of suitable size for the purposes mentioned, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterwards the unsold lots to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lots shall be disposed of at public sale or private entry for less than the appraised value thereof, and all such sales shall be conducted by the register and receiver of the land office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land Office."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I do not know to what extent this bill changes existing law. I should like to ask the gentleman from Utah [Mr. JOHNSON] just what change from the present law the first provision of the revised section contains.

Mr. JOHNSON of Utah. I will say that there is very little change, except that it is made applicable to certain parcels of lands, such as islands situated in the lakes and along the river banks, and also abandoned lighthouses, as reported by the Secretary of the Interior, to which the act sought to be amended does not apply except in so far as such land may be entered by scrip. The purpose of this is to enable the President to reserve it for reasons enumerated. The Secretary of the Interior states numerous islands, both surveyed and unsurveyed, in the Great Lakes and in rivers and lands along the shore line of the United States which have in time past served for lighthouses and other public purposes, and from time to time such reservations are released by the department having temporary jurisdiction over them and turned over to the department for disposition. Many of the tracts embraced therein are of little or no value for agriculture, and there are no existing public laws especially suited to their disposition.

Mr. MONDELL. Let me make this suggestion.

Mr. JOHNSON of Utah. The purpose is to enable the President to put these lands in such a way that they may be acquired by private ownership.

Mr. MONDELL. I notice on page 2 of the report the Acting Secretary suggested the necessity for the legislation is shown by a matter which is pending in his department relative to Island No. 6, in Sammon Harbor, Lake Huron, which was reserved for lighthouse purposes by Executive order. I am under the impression there is a law under which the department could appraise and sell that property. Abandoned lighthouse property could, I think, be appraised and sold. Does the gentleman know whether that comes under the same law that provides for military reservations?

Mr. JOHNSON of Utah. I think not. I am not aware of any law by which these irregular parcels of land, these abandoned lighthouses, or islands, or parts of the shores, could be disposed of.

Mr. MONDELL. If that is true, there would seem to be no objection. It would probably be wise to provide legislation for their disposal, but this act does a good deal more than that. It authorizes and therefore suggests and encourages the reservation of lands for villa sites, summer homes, hotels, sanitariums, health, recreation, and other resorts. The gentleman has had a good deal of experience with withdrawals in his country. Does he feel justified in adding all these purposes to those for which lands can now be withdrawn?

Mr. JOHNSON of Utah. I will say this, so far as it applies to the character of land described in this bill: Generally I am not in favor of it, but as it applies to the character of land described in this bill, and which can not be acquired by any other method except that of scrip purchase, I would say it would be in the interest of economy.

Mr. MONDELL. I admit that in the main it does not apply much to the gentleman's State, and therefore it may be one reason why he does not seriously object to it, because he has no harbors. There are no large rivers or river junctions in his State. Whether there are any natural or prospective centers of population on lands having value for villa sites, summer hotels, and so forth, I do not know, but I am inclined to think, Mr. Speaker, that the legislation is important enough that we ought to have a little time for its discussion. Therefore I shall feel obliged to object.

The SPEAKER. Is there objection?

Mr. FOSTER. The gentleman from Wyoming [Mr. MONDELL] objected.

BOARD OF MANAGERS FOR SOLDIERS HOMES.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. TAGGART. I rise at this time to ask unanimous consent that the House take up and consider out of its order House joint resolution No. 241, providing for the election of four members of the Board of Managers of the National Military Homes. I would not ask this indulgence of the House if it were not for the fact that an emergency has arisen in the affairs of the homes. But two members of the active members of the board of managers are now legally qualified to act, and there could not in any sense of the word be a quorum of the board of managers assembled at this time.

The SPEAKER. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to take up House joint resolution 241, for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers, House Calendar No. 105, out of its regular order on the calendar, and have it considered at the present time.

Mr. MANN. Mr. Speaker, I would not be willing to inaugurate the practice unless there was some very urgent reason for it, and in view of the fact that my colleague from Illinois [Mr. FOSTER] has already given notice that he would endeavor to have a rule reported to take up this resolution, I am not willing to inaugurate the practice now.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. TAGGART. Well, Mr. Speaker, I ask that it retain its place on the calendar.

The SPEAKER. Of course it retains its place without any ceremonies about it.

Mr. TAGGART. I understand the objection goes to taking it up out of its order rather than to its consideration when it is reached?

The SPEAKER. Of course. The Clerk will report the next one.

EXCHANGE OF LANDS IN FISHLAKE NATIONAL FOREST, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 1087) authorizing the exchange of certain lands within the Fishlake National Forest, Utah.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue patent to the Salina Land & Grazing Co., a corporation organized and existing under the laws of Utah, for the following-described lands:

East half southwest quarter, southwest quarter southwest quarter, south half northwest quarter, northeast quarter northwest quarter, north half northeast quarter, northeast quarter northeast quarter, south half southeast quarter, southeast quarter southeast quarter, section 24; east half northeast quarter, north half southeast quarter, section 25; southeast quarter southeast quarter, east half southeast quarter, section 35; and a strip 8 chains in width extending from the northwest corner of section 2, township 24 south, range 1 east, to the junction with the southeast quarter southeast quarter of section 35, township 23 south, range 1 east, of the Salt Lake meridian.

Lots 1, 2, 3, and 4, section 19; southwest quarter northwest quarter section 20; northwest quarter southeast quarter, northwest quarter northeast quarter, east half northwest quarter, section 30, township 23 south, range 2 east, of the Salt Lake meridian.

Northwest quarter southwest quarter section 1; east half northwest quarter, northeast quarter section 11; west half northwest quarter, north half northeast quarter, southeast quarter northeast quarter, northeast quarter southeast quarter, northeast half northwest quarter, southeast quarter, section 12; said northeast half being an area of 20 acres made by drawing a line from the northwest corner of 40 to the southeast corner of 40, township 24 south, range 1 east, of the Salt Lake meridian.

Southeast quarter, south half southwest quarter, section 5; northwest quarter northeast quarter, lot 2, southwest quarter, southwest quarter southeast quarter, section 7; southwest quarter, east half northwest quarter, northwest quarter northwest quarter, northeast quarter, north half southeast quarter, southwest quarter southeast quarter, section 8, township 24 south, range 2 east, of the Salt Lake meridian, upon the transfer by the said Salina Land & Grazing Co. to the United States of the northeast quarter northwest quarter section 28; southeast quarter northeast quarter section 35, township 22 south, range 1 east.

Southeast quarter northeast quarter, east half southeast quarter, southwest quarter southeast quarter, section 31, township 22 south, range 2 east.

Southeast quarter, southeast quarter northeast quarter, section 11; west half southwest quarter, southeast quarter southwest quarter, section 12; northwest quarter northeast quarter, southeast quarter northeast quarter, southwest quarter southeast quarter, northeast quarter southwest quarter, section 13; north half northeast quarter, southwest quarter northeast quarter, northeast quarter northwest quarter, east half southwest quarter, section 14; southeast quarter southeast quarter section 22; east half west half, southwest quarter southwest quarter, section 23, township 23 south, range 1 east.

Northeast quarter northeast quarter section 6, township 23 south, range 2 east.

Northwest quarter southwest quarter section 3; northwest quarter southwest quarter, southeast quarter southwest quarter, southeast quarter southeast quarter, section 11; east half southwest quarter, southwest half southeast quarter southeast east quarter, section 12, the last 40 being divided by a line drawn from northwest corner to the southeast corner, northwest quarter northeast quarter, southeast quarter northeast quarter, northwest quarter southwest quarter, southwest quarter southeast quarter, section 13; northwest quarter northeast quarter, southeast quarter northeast quarter, northeast quarter northwest quarter, northeast quarter southwest quarter, section 14; southwest quarter northeast quarter, and lot 2, section 15; northeast quarter southeast quarter section 21; northwest quarter northwest quarter, southwest quarter northeast quarter, section 23; northwest quarter southwest quarter; southwest quarter northeast quarter, section 24; northwest quarter northwest quarter section 25; north half northeast quarter section 26; township 24 south, range 1 east.

Lot 3, south half northwest quarter section 4; northeast quarter northwest quarter, northeast quarter southwest quarter, section 9; northwest quarter northwest quarter, southwest quarter northeast quarter, northeast quarter southeast quarter, southeast quarter southwest quarter, section 16; northwest quarter southeast quarter, northeast quarter northwest quarter, southwest quarter northwest quarter, section 17; northeast quarter northeast quarter, northeast quarter northwest quarter, section 18, township 24 south, range 2 east, of the Salt Lake meridian, within the Fishlake National Forest: *Provided*, That the Attorney General of the United States shall certify that a good and sufficient title to the reconveyed lands will vest in the Government: *And provided*, That the lands reconveyed to the United States shall forthwith become a part of the Fishlake National Forest.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I will ask the gentleman if these descriptions have been properly verified?

Mr. FERRIS. They were furnished by the department. I assume they are verified. They correspond to the letters.

Mr. MANN. The letters do not say anything about it.

Mr. FERRIS. We sent down and a memorandum was sent up. Am I correct about that?

We did not report one bill where they got a little the best of us in value.

Mr. MANN. I am not speaking of that. I am speaking of the verification of the descriptions. Usually the department, in making a report, gives the description in a letter, so that we can verify it.

Mr. FERRIS. As I recall, this was done by a map, properly checked, showing the lands we received and the lands we gave.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PROTECTING LOCATORS OF OIL AND GAS LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

The title of the bill was read.

The SPEAKER. Is there objection?

Mr. TALBOTT of Maryland. I reserve the right to object.

Mr. FERRIS. Mr. Speaker, I was going to ask unanimous consent that the amendment be read in lieu of the original bill, as a substitute.

The SPEAKER. Without objection, the amendment will be read for information.

Mr. FERRIS. No, Mr. Speaker; the original bill was stricken out. I ask unanimous consent that the amendment be read in lieu of the bill.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The Clerk will read.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has been discovered, prior to such application for patent, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe, with such applicants for patents in possession of such land or any portions thereof, relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The SPEAKER. Is there objection?

Mr. TALBOTT of Maryland. I reserve the right to object, Mr. Speaker.

The SPEAKER. The gentleman from Maryland [Mr. TALBOTT] reserves the right to object.

Mr. FERRIS. Mr. Speaker, this is a bill that affords temporary relief for some oil producers in California, pending the time when some suits now pending can finally be tried and settled. There has in the past been some objection to this bill on the part of the Navy Department and some objection on the part of the Department of Justice, so much so that the Department of Justice brought in their representative. As the result of numerous conferences had between the Interior Department and the Navy Department and the Department of Justice they have agreed upon an amendment among them, and it was this morning submitted to our committee and gone over, as we thought, with care, and each member of our committee agrees to it. All three departments were represented—the Navy Department, the Interior Department, and the Department of Justice.

The substance is that the royalties that come from the oil that occurs on certain so-called naval reserve lands are to be set aside for the supervision of the Navy Department, the same to go to the Navy Department for their administration and adjudication. I have in my hand the amendment referred to, which I would like to have read for information, so that the House may know what the amendment is.

The SPEAKER. Without objection, the Clerk will read it for information.

The Clerk read as follows:

Provided, That when oil or gas is produced on lands within the areas set aside as naval petroleum reserves the amount of oil or gas, or the proceeds thereof, impounded, or the damage adjudged, accruing to the United States, in case the final determination of the title should be adverse to the claimant or applicant, shall be set aside for the fuel needs of the Navy, and if paid in money this money shall be deposited in the Treasury to the credit of a fund known as naval petroleum fund, which fund shall be at the disposal of the Secretary of the Navy for use in the development of oil lands for the Navy, and for such other purposes connected with the supply of oil for the Navy as the Congress may from time to time direct: *Provided further*, That the Secretary of the Navy shall submit annually to Congress a statement of the receipts under this act and also of the expenditures and the purposes for which incurred.

Mr. TALBOTT of Maryland. Mr. Chairman, I have a letter addressed to the chairman of the committee from the Secretary of the Navy approving this amendment, and for that reason I withdraw any objection I might have.

Mr. MANN. I reserve the right to object, Mr. Speaker. This is worse than it was before. The Navy has just waked up on this. I was the one who objected when the matter was up in the House before, before the Navy Department discovered that such a bill was pending. Now, they want to get possession of the money, to spend it as they please, without an appropriation. Is that what this amendment is?

Mr. FERRIS. Partially so.

Mr. MANN. That is a very laudable purpose on their part. I suppose they would like to have us appropriate $150,000,000 a year for the next few years without any further action, and let them do what they please with it.

Mr. FERRIS. Does the gentleman understand that this applies only to those lands which are on a naval reserve?

Mr. MANN. I understand it applies to certain moneys. It is immaterial to me what the amount is.

Mr. FERRIS. Let me explain to the gentleman the status of the land. There were 67,000 acres in two reserves, declared to be naval reserves by Executive order under the Pickett bill. Approximately half of that land—to be exact, 30,960 acres—is patented to the Southern Pacific. There are 7,200 acres of the other half claimed by certain claimants. There are unentered

Mr. HARRISON. We did not get any definite figures, but I think a Member from California came before the committee and said that there were thousands, and there were other people who appeared and said that there were a great number. The committee thought that there were probably quite a number, but whether there were any or many we thought that the condition ought to be remedied.

Mr. CLINE. Will the gentleman yield?

Mr. HARRISON. Yes.

Mr. CLINE. I will say that we got our information from a gentleman from California, who seemed to be very familiar with the matter.

Mr. RAKER. Let me call attention to the fact that it could not be thousands or hardly ten, because where an American woman marries an alien who does not think enough of this country to obtain his first papers, or second papers, or make any effort at all to become a citizen, certainly we ought not to overturn the rule that has been adopted by this country and by foreign countries on this subject and complicate the question of international relations. The department reports adversely to the bill. This matter was gone into by Congress when the act of 1907 was passed. A report was made of some 560 pages showing the condition that obtained then, and after the report was made Congress passed the act of 1907 so as to clarify the matter and put this country on the same basis as foreign countries relative to the expatriation of the wife. I hope the gentleman will let it go over and retain its place on the calendar.

Mr. HARRISON. May I ask the gentleman from California is he opposed to this legislation?

Mr. RAKER. I want to fully look into the matter first. I do not want to take the time to go into that matter now. I do not think we have the time to consider it. If I gave unanimous consent I would not be in a position to go into the merits of the matter. I want to say here and now that no man stands stronger, or has for years been a stronger advocate of the right for women to vote than myself, giving them the right to vote, having a committee appointed by this House for investigation, and for the Congress of the United States to pass a constitutional amendment on that question. But this is entirely foreign, entirely distinct, entirely separate from that matter, putting a wife under the United States Government who marries one who is subject to a foreign country. There is no provision made in regard to the children born from such a marriage, one native and the other foreign, but after the marriage they are put under two distinct Governments.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. Does the gentleman wish the House to understand that he is in favor of taking the citizenship away from a woman who marries a foreigner who lives in this country?

Mr. RAKER. Mr. Speaker, I am distinctly in favor of the law as it stands to-day, recognized by England and Germany and the United States, and by the wisdom of the people in this country, that there should not be two countries to which a party may owe allegiance.

Mr. MADDEN. Then the gentleman favors taking the right of citizenship from my American girl——

Mr. RAKER. I do not.

Mr. MADDEN. Who happens to marry a man of foreign birth?

Mr. RAKER. I do not. I believe in this, that when an American girl citizen, with the facts before her, marries an alien who will not take the trouble to take out his first papers, who will not take the trouble to become familiar with our laws and institutions, who does not love them, who does not have enough regard for this country to become a citizen of it—that then she must stand in the same relation as her husband does under the law.

Mr. KENT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. Yes.

Mr. KENT. I wonder if the gentleman knows that under existing law the woman who marries a foreigner who has expressed his intention to become an American citizen and reside in this country with his wife forfeits her citizenship. If the gentleman wants to fight that proposition, let him go to it.

Mr. RAKER. The gentleman from California is somewhat prepared upon this subject, holding in his hand the entire record in the case of McKenzie against Hair, decided by the Supreme Court of the State of California on August 5, 1913, but would like to have it go over for further consideration. The court has gone into the subject fully, showing the law, the facts, and the reasons for the law. The gentleman from California has read the report upon this subject where the Department of State says that the enactment of such a law would be detrimental to this country. I am not fighting any proposition, but want further time for consideration, and all gentlemen should have no objection to that.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. KENT. Will the gentleman yield?

The SPEAKER. To whom does the gentleman yield?

Mr. RAKER. Mr. Speaker, I will not yield to any at present. I will yield in a second. I appreciate fully the distinction in respect to the right of a woman to vote, and no one has stood longer or better than I for that in season and out of season, but I do recognize a distinction in respect to a woman who is willing to forsake her country under the law, which she knows, and to marry one who is subject to a foreign country, who owes allegiance to a foreign country, about which there can be no question on earth——

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. LENROOT. I would like to ask the gentleman if he believes where an alien has declared his intention to become a citizen, a woman forsakes her country in marrying that alien who has declared such intention?

Mr. RAKER. I believe that when a man has declared his intention to become a citizen, he has certain rights, and if carried out they will become operative.

Mr. LENROOT. Then the gentleman would deprive the woman of her citizenship until that time?

Mr. RAKER. I am not in favor of denying a woman her full rights under the law. There has been much said in this country and much is being said to-day about our American girls marrying titled foreigners and sending their money abroad, and their children, and so far as I am concerned, I am willing to-day——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of the bill?

Mr. RAKER. Does the gentleman want to let it go over until next unanimous-consent day?

The SPEAKER. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order. Is there objection?

Mr. RAKER. I object.

PUBLIC BUILDING AT HANOVER, PA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to expend so much of the unexpended balance of the appropriation of $10,000 made by the urgent deficiency act of October 22, 1913, for the completion of the post-office building at Hanover, Pa., as he may deem proper for enlarging the site of said building, for incidental grading in connection with such enlarged site, and for miscellaneous items necessary in connection with the completion of said building.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understand we made a deficiency appropriation of $10,000 for this building?

Mr. LOGUE. Yes.

Mr. MANN. And finding there was a little left over, they want to grab it?

Mr. LOGUE. Oh, no.

Mr. MANN. What do they want? Is not that the fact?

Mr. LOGUE. No.

Mr. MANN. We made a deficiency appropriation for a certain purpose in connection with this building. The amount that was paid out of that deficiency appropriation was a little over $7,000, leaving something over $2,000 unexpended, and seeing it there you want to spend it.

Mr. LOGUE. Oh, no. The facts are the other way.

Mr. MANN. If they do not want to spend it, we will keep it.

Mr. LOGUE. True, it is to be expended, but to be expended in the extension of the site which the Treasury Department considered——

Mr. MANN. But that was not contemplated in the deficiency appropriation.

Mr. LOGUE. No; but inasmuch as the economy is incident to the construction of the building and enables the Government not only to have a completed building, but an enlarged site, without the expenditure of any further money——

Mr. MANN. Oh, the gentleman must not say that, because we have to spend it if we buy the land.

Mr. LOGUE (continuing). Than that which has heretofore been appropriated—the gentleman did not permit me to complete the sentence—and in the view of the department it is considered wise and proper that the acquisition of the adjacent piece of land should be had at this time. Several bills have been introduced covering this, one during the last session of Congress.

Mr. MANN. Here was the situation. We made provision for a post-office building at this place—Hanover, Pa.—within a certain limit of cost, and in the course of time we appropriated the balance of that limit of cost, I suppose, a deficiency appropriation of $10,000. And the people either there or elsewhere assume that it would be criminal to save any money. The moment they have done that which we intended to have been done and they have a little money left there, they see that there and they think they ought to have a right to have it. Now, if it is a meritorious proposition, let the gentleman bring in a bill to appropriate the money and it will be considered on its merits. The gentleman from Pennsylvania, who now has the floor, seems to think, why, this is just taking money already appropriated; it does not cost anything.

Mr. LOGUE. Oh, no; not at all.

Mr. MANN. When the fact is this is just exactly a new appropriation.

Mr. LOGUE. The Treasury Department has called the attention of the Committee on Public Buildings and Grounds to the fact that the piece of ground adjacent to the present building will more than likely be needed, that this is a new and unimproved piece of ground, and that the present owner contemplates making improvements upon it.

Mr. MANN. If all that information is correct, and I do not deny or doubt it, it ought to have been included in the report with a statement from the proper authorities giving the correct information.

Mr. LOGUE. I admit, sir, that was an oversight; that this letter should have been embodied; that it would have been self-speaking and self-convincing as to the need of the acquisition of this piece of land; but the department fears, sir, that with the improvements that it is said the owner contemplates to make that will put the value much higher than the present value.

Mr. MANN. Now, this morning we had a case up of Thomasville, Ga., where our distinguished friend from Georgia desired the Government to buy a piece of land to make a park; but, finding that he could not get it through the House by unanimous consent, he changed it so as to permit the people there to buy the land and donate it to the Government. Well, here is a similar case, except we have not an offer from the people to buy the land.

Mr. LOGUE. We rather got in the habit of doing that in Philadelphia. We have donated 900 acres of land at the League Island Navy Yard, and we have——

Mr. MANN. Is that part of the land Philadelphia is trying to get back?

Mr. LOGUE. No, sir; not get back——

Mr. MANN. There is land we own there which Philadelphia is trying to get back?

Mr. LOGUE. No; there is nothing to be got back. We ask for a lease for use that will greatly improve League Island Yard.

Mr. MANN. Philadelphia is trying to get the Government to give some land to the city for the purpose——

Mr. LOGUE. So that we can do certain dredging that the United States would have to do, and improve the navy yard in the use we make of the land to be leased.

Mr. MANN. Then the gentleman is trying to get some land?

Mr. LOGUE. So that we can make improvements in the use of the land, thereby saving the Government the expense of improving the land, and everything we undertake generally turns out to be an improvement.

Mr. MANN. They have been trying to get land. I simply was confining myself to the circumstances of the one case, and the gentleman replied to me instancing another, where they have a right to do neither.

Mr. MOORE. Will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. MOORE. The League Island proposition is a meritorious one, is it not?

Mr. LOGUE. Oh, yes; there is no question about it.

Mr. MOORE. If the Government had authorized the use of certain land it would increase the revenues of the Government, would it not, through the increase of customs receipts?

Mr. LOGUE. No doubt of it, and save the expenditure of immense sums of money.

Mr. MOORE. And a good business proposition to the Government?

Mr. LOGUE. Certainly.

Mr. MOORE. I want to ask about Hanover. How far is that building toward completion?

Mr. LOGUE. The building is now completed.

Mr. MOORE. My recollection is it was not finished last year.

Mr. LOGUE. It is finished now.

Mr. MOORE. Was there any trouble over the contract?

Mr. LOGUE. There was some trouble.

Mr. MOORE. Some delay as a result of it?

Mr. LOGUE. It is practically closed now.

Mr. MOORE. Was the delay in the completion on account of the difference over the contract?

Mr. LOGUE. Yes, sir.

Mr. MOORE. What is the population of Hanover?

Mr. BRODBECK. The town has an immediate population of 7,081, but the town and suburbs have a population of about 11,000. This building was considered ample in size for the needs of Hanover—that is, considered large enough for the present purposes, for which it was designed—but is without any special provision for the parcel post. The business has been increasing so much that it was deemed advisable at this point, while it was primarily understood by the citizens of our town before the bill was introduced for the last $10,000 to finish and complete the building, that part of that amount was to be used to acquire the additional land now in question.

Mr. MOORE. The present building occupies 88 by 104; that is a pretty fair site, is it not?

Mr. BRODBECK. I want to say to the gentleman from Pennsylvania that the additional site to be acquired is 88 by 104. The present building occupies the corner of Abbottstown and Locust Streets, and this proposition takes in property along Locust Street.

Mr. MOORE. I would like to say to the gentleman——

Mr. MANN. Regular order!

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. MOORE. Do I understand the building is not yet completed?

Mr. BRODBECK. The building has been completed and in use since last December.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LOGUE. Mr. Speaker, I would like to ask the gentleman from Illinois if there is any deficiency in the way of information at the present time which, if furnished, would cause him to withdraw his objection?

Mr. MANN. I think if you want to pass a bill of this kind you should bring an appropriation for it instead of trying to creep in on the theory that because there is an unexpended balance it will not cost anything.

The SPEAKER. Is there objection?

Mr. MANN. I have objected, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

SECOND HOMESTEAD AND DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 2008) to authorize the allowance of second homestead and desert-land entries.

The bill, with the committee amendment, was read in full.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. PERKINS. Mr. Speaker, I think perhaps the gentleman from Utah [Mr. JOHNSON] is better equipped to answer on this, as he reported it.

Mr. MANN. This is the same matter as was passed in the House bill, which is now pending in the Senate on the Senate Calendar, favorably reported, and it seems to me it would be shorter to let the Senate act on the House bill than it would to have the House insert an amendment to the Senate bill, and probably send it to conference. As the matter is now before the Senate in a House bill which passed the House and was reported favorably to the Senate on April 22 last, it undoubtedly will soon be up in the Senate and the Senate will probably adopt the House bill, which is satisfactory. If the Senate fails to amend the House bill, that gives the amendment we want to go in a little better chance. Therefore, I shall object to this.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

PUBLIC-LAND RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (S. 1214) to amend sections 2380 and 2381, Revised Statutes of the United States.

Mr. CHURCH. I yield to the gentleman from Wyoming [Mr. MONDELL], who is the author of the bill, to answer questions concerning it.

Mr. MONDELL. Does the gentleman from Illinois [Mr. MANN] desire to have the report read?

Mr. MANN. I have read the report, I will say to the gentleman, several times.

Mr. MONDELL. It is complete, and covers the case very fully.

Mr. MANN. I thought the report was fairly complete and showed reasons why the bill ought not to pass. I did not know but the gentleman might have some other information which would lead me to change my mind.

Mr. MONDELL. I do not want to take up the time of the committee unnecessarily, but what particular point did the gentleman refer to? If the gentleman would give me an idea of the objections he has to the bill, I would discuss those instead of discussing the general field of legislation.

I will say to the gentleman that old Fort Bridger is one of the oldest forts in the Rocky Mountain country. As the gentleman knows, it was established away back yonder in the old overland trail times, and the reservation included a large area of the ordinary greasewood and sagebrush land. There was a small tract around the post in a little valley that was of some little agricultural value, and after the post had been abandoned for quite a number of years provision was made under which the larger area was opened to homestead settlement without payment under the ordinary terms, and a smaller area was opened to homestead entry at the appraised price, which was $2.50 an acre, except this land upon which the post buildings were located.

It is 24 years since the larger tract was opened to homestead settlement, and 19 years since the smaller tract was opened. Since that time all but 2,000 acres of the 10,000-acre tract have been entered. I think of the larger tract about 10,000 acres have been entered in all, leaving about 3,000 acres. The lands are differently situated from the great extent of public land that lies around it, and all we propose to do is to put it in the same position relative to the public-land laws as the other lands are in.

Mr. MANN. As I understand it, this land is now open to homestead entry—the small tract of 2,000 acres or so which comes within the provisions of the railroad-grant act, where we are required to receive $2.50. It is not worth very much.

Mr. MONDELL. Of that 2,000 acres remaining, I saw the tract a couple of years ago. What is left is pretty rough, broken land, and rather rocky and gravelly.

Mr. MANN. There would be no hardship, then, if the Government retained title for a little while in itself, because there is a lot of other land in Wyoming of equal value that has not been taken up?

Mr. MONDELL. Except that there is no real good reason why the Government should retain it. As a matter of fact, it is in the interest of development to have those lands added gradually to the surrounding farms. That is the usual procedure. In other words, the fact that 65 years ago there was at Fort Bridger a military post on the old overland trail is no reason why the lands that happened to be left in that locality should be in any different status than the lands of the same kind in the country all around.

Mr. MANN. Well, I do not see any necessity or reason for the passage of this bill. Here is a very large amount of area which can now be taken. This is a small tract of a couple of thousand acres where, in order to get the land, they have to pay $2.50 an acre. If one prefers to take the land outside they can do it, and if they prefer to pay $2.50 an acre they can get this land.

Mr. MONDELL. I merely call the gentleman's attention to the fact that the land outside can be taken only under the homestead law. The desert-land law does not apply. The isolated-tract law does not apply. The mineral laws do not apply.

Mr. MANN. I suppose the mineral laws apply anywhere.

Mr. MONDELL. In this case the mineral laws do not apply to this tract. If you were to find a mine on this tract, you could not enter it under the mineral law.

Let me make this suggestion to the gentleman: This legislation is following the procedure we followed in practically every one of these cases of disposing of a large area around an old military reservation which was a large reservation in the first instance. We ordinarily open those to homestead settlement only—the unimportant parts and parts of no value—in order to give the homesteader the first chance. He has had the first chance for 24 years. But generally within 6 or 8 years after the first opening we apply the general land laws. In this case we delayed in applying the usual land laws.

Mr. MANN. Generally there is a large tract involved.

Mr. MONDELL. There are 200,000 acres here.

Mr. MANN. This bill applies to only about 2,000 acres.

Mr. MONDELL. The bill applies to the entire reservation of 209,000 acres.

Mr. MANN. They may get that now by homestead entry.

Mr. MONDELL. They can not make a desert entry or a timber entry or a mineral entry, and they can not get it under the isolated-tract law. If there is any reason on earth why these lands should remain in a restricted condition, then all the public domain ought to remain in the same way. There is no more reason why these lands should remain in a restricted condition than that all the other lands around them should remain in that condition. It is simply following the ordinary rule of allowing the general land laws eventually to control.

The SPEAKER. Is there objection?

Mr. MANN. I shall object, unless the gentleman wants to ask to have it passed over.

Mr. MONDELL. Well, rather than have it objected to, I will ask to have it passed over, Mr. Speaker.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to have the bill passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RESTORATION OF HOMESTEAD RIGHTS IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15983) to restore homestead rights in certain cases.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who has heretofore made homestead entry of lands embraced in a ceded Indian reservation, and who, in completion of the entry, has paid or shall have paid the purchase price fixed thereon as compensation for the benefit of the Indians, shall be entitled to the benefits of the homestead laws just as though such prior entry had not been made, if otherwise qualified: *Provided*, That the right of commutation of entries under this act shall not be permitted.

With a committee amendment, as follows:

On page 1, lines 6 and 7, strike out the words "fixed thereon as compensation for the benefit of the Indians" and insert "provided in the law opening the land to settlement."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FERRIS. What particular phase of it does the gentleman object to?

Mr. MANN. All of it. There is nothing in it that I like.

Mr. FERRIS. Well, will the gentleman hear me a moment? Perhaps, then, the gentleman will feel different about it.

Mr. MANN. The gentleman has a vast fund of information on these subjects.

Mr. FERRIS. I thank the gentleman for that compliment. I feel that I do have a little information on this particular subject. These are the lands ceded in one territory or another by the Indians for opening to settlement by the white people, and the opening is usually carried on by the General Government. The practice has in my State become universal and in North and South Dakota and other States where they value by appraisement they sell the lands for a fixed price and the homestead settlers pay all that the land is worth, and oftentimes more than it is worth.

Congress has usually loaded into the act that opened up such land to settlement a provision exacting of the purchaser not only that he pay for the land, but that he homestead the land as well. I am afraid I will not be able to convert the gentleman if he does not hear me.

Mr. MANN. I have heard every word the gentleman has said.

Mr. FERRIS. My bill merely gives to those homesteaders who have paid the price fixed in the law or the price fixed by competitive bid the right to take again.

Mr. MANN. As I understand it the gentleman goes on the theory that a man who has had the advantage given to him of getting a choice piece of property on one of these Indian reservations opened up by the Government may thereafter claim a homestead right in addition.

Mr. FERRIS. No; the gentleman does not get it quite right.

Mr. MANN. I may not include all of it, but to the extent to which I go do I not state it correctly?

Mr. FERRIS. The gentleman states some truth and some misconception. Let me state the facts. In three or four counties of my district the Kiowas and Comanches ceded under the treaty of 1900 their entire reservation to the Government. Through Judge Witton the Land Office auctioned off the land.

Mr. MANN. A lottery, not an auction at all.

Mr. FERRIS. It was to the highest bidder. The land sold at an average price of $10.54 an acre for the entire 505,000 acres of land, some high, dry, arid, mesquite land. That is between $1,000 and $2,000 a quarter section. Now, a man gets a quarter section of bald, naked, prairie land, without a stick of stove wood on it, without a fence post, a brickbat, or anything on it. The homesteader goes upon that land, and he has to get some lumber and fence posts, he has to dig a well and build a cyclone cellar and a shanty, and live on the land and plant a little sod crop, and exist along for two or three years. In many cases he can not make his payments, and he loses his land altogether. In most other cases the moment he proves up he puts a mortgage on the land for every cent he can get on it.

Mr. MANN. Those who lost out do not get anything out of this bill.

Mr. FERRIS. Oh, yes; they do. Those who mortgaged their land, take the money and make the required payments, and they hang along a year or two longer with the little frail equity that they have, and then they have to sell out, leaving all behind them.

My point is that where a man pays the full value of the land and the Indians get the money or the Government gets the money, as the case may be, and in addition that man has imposed upon him the provisions of the homestead law, and he has complied with it and made his payments, I think that should not exhaust his homestead rights.

Mr. MANN. Let me ask the gentleman a question: How many people were at this opening to which the gentleman referred who made bids but did not receive any allotments of the land?

Mr. FERRIS. Thousands of them.

Mr. MANN. Many times the number of those who did receive allotments?

Mr. FERRIS. I think that is true.

Mr. MANN. And they thought the ones who received the allotments were receiving a grace from the Government.

Mr. FERRIS. They thought so.

Mr. MANN. Let me ask the gentleman another question: At these Indian reservation openings, where they draw lots for first choice, and the man who gets first choice secures 160 acres, worth $20 or $30 an acre, when he pays for that land he may make another homestead entry, may he not?

Mr. FERRIS. If he has made his payments and complied with the homestead requirements. There are very few of them.

Mr. MANN. Many are called, but few are chosen.

Mr. FERRIS. Very true.

Mr. MANN. The ones who got the benefit of the Government gratuity to a large extent are the ones who want something more. Now, thousands of people from our cities tried to get in on these allotments, but failed. They are still working to help support the Government, while those who got the land want another chance.

Mr. FERRIS. Let me call the attention of the gentleman to the fact that on June 5, 1900, Congress passed an act restoring homestead rights to the people who paid nothing for the land. On May 22, 1902, Congress passed another act restoring rights to those who had paid nothing for their land. On May 17, 1906, Congress passed another act restoring homestead rights to those who had paid nothing for the land. Now, in Dakota they paid a fixed price of about $6 an acre for one class of land, $4 for another class, and $2.50 for another class. In Oklahoma we had only one class, and in some instances the amounts paid ran up as high as $25 or $30 an acre. They bought it during boom days, and many of them could not get their money back to-day if they tried. The gentleman will recall that I have had to come in almost on my hands and knees to get extensions at one time and another.

Mr. MANN. The gentleman has never come on his hands and knees. He has always come in like a roaring lion and has carried away what he wanted.

Mr. FERRIS. The gentleman does me too much honor. I have come in in sackcloth and ashes, and the gentleman has allowed me to have the necessary extensions, and there are a few of them in store for us yet.

Mr. MANN. The gentleman has always gotten what he wanted.

Mr. FERRIS. The House has always been most generous to these people; but I think the men in my State and in Nebraska and in North and South Dakota, who have struggled along and paid the price for this land, ought to have the right to take again; and I believe it is only common equity and justice that they be allowed to do so.

Mr. MANN. I should like to ask the gentleman whether these people have any greater moral right to take homestead entries than the people who did not get the chance to get something, as these people did?

Mr. FERRIS. The answer to that is simply this: When every opening of land comes there is a great boom, and many come and go in. Nearly all the first settlers are forced out or go away. The lands are switched back and forth. Some are disappointed and do not get any land at all, and some who do not get the land are the more fortunate.

Mr. MANN. I know that some of the land they get is a liability instead of an asset, but people sometimes get excited.

Mr. KENT. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. KENT. I would like to state that it seems to me that these people are in the position of having bought private land.

Mr. MANN. Oh, that is not so; it is public land.

Mr. KENT. They bought and paid for the land.

Mr. MANN. The homesteader may commute his homestead entry and buy the land, but that does not make any difference.

Mr. KENT. I do not approve of this land game, anyway. These people are in the same position as though they bought the land.

Mr. MANN. Mr. Speaker, I object to the bill.

Mr. FERRIS. Mr. Speaker, I will ask the gentleman if he will not consent to have the bill passed over without prejudice? I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

EXPATRIATION OF CITIZENS AND THEIR PROTECTION ABROAD.

The next business on the Unanimous Consent Calendar was the bill (H. R. 1991) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, be amended so as to read as follows:

"SEC. 3. Any American woman who marries a foreigner and removes from the jurisdiction of the United States, with intent to permanently reside abroad, shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein."

The Clerk read the following committee amendment:

Strike out the following language, on page 2, after the words "United States": "or, if residing in the United States at the termination of the marital relation, by continuing to reside therein."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. RAKER. Reserving the right to object, I will ask the gentleman from Mississippi if he has any objection to this going over to the next meeting?

Mr. HARRISON. I would not like to lose the place on the calendar.

Mr. RAKER. I have no objection to its retaining its place on the calendar. I just received yesterday morning the record and transcript of some matters in relation to this legislation, and I feel that it is my duty to go into it. I do not like to object at this time.

Mr. HARRISON. This matter has been up for three years, and the gentleman comes from one of the States most vitally interested in it.

Mr. RAKER. Oh, not at all; the State of California does not stand for the repeal or change of the law that has been on the statute books since 1907. I would rather not go into the matter this morning. It covers a case where an Englishman came to the country and married an American citizen. He has evidenced no intention to become a citizen or to come under the laws of the United States while he remains here; and that being the case, until I get some other information on the matter I believe it ought to be passed over.

Mr. HARRISON. I want to say that the Foreign Affairs Committee thought that this bill ought to be passed because it would be in the interest of those States that were in such a condition as California with respect to women who vote and hold property.

Mr. RAKER. Oh, no.

Mr. HARRISON. I am giving the gentleman what the ideas of the committee are and the reason that they reported the bill.

Mr. RAKER. Let me ask the gentleman. Upon your investigation how many did you find that were involved in this condition?

There was no objection.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

There was no objection.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the House bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof be laid on the table.

The SPEAKER pro tempore. Without objection it will be so ordered.

There was no objection.

PUBLIC LANDS CLAIMED BY DESERTED WIVES.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 16296) to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives. The gentleman who objected a moment ago has gone into the report and, I understand, has no objection to the bill being considered now.

Mr. FERRIS. Mr. Speaker, I hope that there will be no objection to that request. The bill is full of merit and helps out a whole lot.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent to return to the bill on the Unanimous Consent Calendar, H. R. 16296, Calendar No. 195. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I shall not object to the request that the bill be reinstated on the calendar and that it keep its place; but after a bill has been objected to in the House I do not think that later in the day we ought to return to it and pass the bill, because some gentlemen who are interested in it may have gone out.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. RAKER. Mr. Speaker, he does not object.

Mr. MANN. I will object, without wasting any time, unless the gentleman consents to that modification.

Mr. RAKER. Mr. Speaker, will the gentleman——

Mr. MANN. Oh, the gentleman from California always hopes for something that ought not to be done.

Mr. MONDELL. Will the gentleman modify his request?

Mr. RAKER. I will modify my request to that extent.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from California asks unanimous consent that the bill H. R. 16296 be restored to the calendar and be passed over without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS ST. JOHN RIVER AT FORT KENT, ME.

The business on the Calendar for Unanimous Consent was the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me.

The Clerk read as follows:

Be it enacted, etc., That the consent of Congress is hereby given to the construction, maintenance, and operation by the State of Maine and the Dominion of Canada jointly of a highway bridge across the St. John River between Fort Kent village, corporation in Fort Kent, Me., in the county of Aroostook and State of Maine, and the parish of St. Francis, in the county of Madawaska and Province of New Brunswick. Said bridge shall be constructed in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906: *Provided*, That the construction of said bridge shall not be commenced until the consent of the proper authorities of the Dominion of Canada for the erection and construction of the structure shall have been obtained.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, line 5, strike out the word "highway"; page 1, line 6, after the word "river," insert the words "at a point suitable to the interests of navigation"; page 1, line 9, strike out the words "St. Francis, in the" and insert the word "Clair, also commonly known as the parish of St. Francis, in the."

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS SABINE RIVER, IN THE STATES OF LOUISIANA AND TEXAS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16350) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

The Clerk read as follows:

Be it enacted, etc., That the Frost-Johnson Lumber Co., a corporation, with domicile at Shreveport, La., be, and it is hereby, authorized to construct and maintain a bridge of a temporary nature across the Sabine River, between Louisiana and Texas, at a point about 2 miles west of Hunter, La., suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendments were read, as follows:

Page 1, lines 3 and 4, strike out the words "a corporation, with domicile at Shreveport, La.," and insert "when authorized by the State of Louisiana."

Mr. ADAMSON. Mr. Speaker, there is a Senate bill identical in terms, and I ask that it be considered in lieu of the House bill if there is no objection to such consideration.

The SPEAKER. What is the number?

Mr. ADAMSON. It is Calendar 261, Unanimous Consent Calendar, and I ask that the House bill lie on the table.

The SPEAKER. The gentleman from Georgia asks unanimous consent that Senate bill 5957 be considered in lieu of the bill just read by the Clerk. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I notice an innovation in the report of the House bill which, frankly speaking, does not appeal to me.

Mr. ADAMSON. I do not think that is in the Senate bill.

Mr. MANN. No; it is not in the Senate bill; but as it is in several other House bills, I desire to get some information now. I suppose that some time or other it happened in the absence of a portion of the Members, and somebody was not feeling good that they inserted the language "when authorized by the State of Louisiana."

Mr. ADAMSON. I will state, Mr. Speaker, that the matter has been the subject of conversation between the distinguished gentleman from Illinois and myself, and that the committee has had this idea in view, that we ought not to fritter away the time of the Congress and of the country in granting consent without some assured basis of a business certainty; we ought to leave it to the States to do so; but on further reflection we have concluded that that is really a matter of supererogation.

Mr. MANN. The States now have that authority?

Mr. ADAMSON. Yes; they have; of course we could not give it to them, but we do not care to be granting consent to any unauthorized person; but on reflection we have concluded if they are unauthorized they will not build the bridge, and that the worst that could happen would be the lapse of the consent, and they would have to start over again, so we are not insisting on that language in any of the bills.

Mr. MANN. I notice this bill is for a temporary bridge. While it probably is not important, it leaves out the language "and operate."

Mr. ADAMSON. Well, it is only for the convenience temporarily of a lumber interest there to get rid of the output of the sawmill, which they can not do without crossing the river.

Mr. MANN. I do not know that it is necessary for us to say we give permission to that company to operate a bridge, but that is the usual language.

Mr. ADAMSON. If that word is not in the Senate bill, I ask unanimous consent to insert it.

The SPEAKER. Is there objection to the request of the gentleman from Georgia to consider Senate bill 5957 in lieu of the bill just reported by the Clerk? [After a pause.] The Chair hears none. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5957) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

Be it enacted, etc., That the Frost-Johnson Lumber Co., a corporation, with domicile at Shreveport, La., be, and it is hereby, authorized to construct and maintain a bridge of a temporary nature across the Sabine River, between Louisiana and Texas, at a point about 2 miles west of Hunter, La., suitable to the interests of navigation, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. MANN. Now, I suggest to the gentleman that in line 5 we strike out the word "and" before the word "maintain,"

and insert, after the word "maintain," the words "and operate."

Mr. ADAMSON. That is necessary, after inserting the word "operate," to make good grammar, and we would not be guilty of anything else.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 5, after the word "construct," strike out the word "and," and after the word "maintain" insert the words "and operate."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I think the title ought to be amended.

Mr. ADAMSON. Of course.

Mr. MANN. The title is the same, "To authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La." When one starts looking up the index for this he will look under the name of Frost-Johnson Lumber Co., and they will not find it. The bill ought to read, "A bill to authorize the Frost-Johnson Lumber Co. to construct a bridge, etc."

Mr. ADAMSON. I have no copy of the Senate bill before me, and I thank the gentleman from Illinois for calling my attention to it.

The SPEAKER. The Clerk will report the amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "An act to authorize the Frost-Johnson Lumber Co. to construct a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La."

The question was taken, and the amendment was agreed to.

On motion of Mr. ADAMSON, a similar House bill was ordered to lie on the table.

BRIDGE ACROSS MISSISSIPPI RIVER, NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16172) to give the consent of the Congress to the construction of a bridge across the Mississippi River at or near New Orleans, La.

The bill was read, as follows:

Be it enacted, etc., That the consent of the Congress is hereby granted to Elmer E. Corthell and Arthur McGuirk, and their successors and assigns, to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near the city of New Orleans, La., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The following committee amendments were read:

Page 1, strike out the initial "E" and insert the word "Lawrence."

Page 1, line 4, after the word "McGuirk," insert the words "when authorized by the State of Louisiana."

Page 1, line 8, strike out the words "at or near" and insert the words "near and above."

Page 2, insert a new section, after line 20, as follows:

"SEC. 2. That the time of the commencement of the construction of said bridge shall be within two years, and said bridge shall be completed within five years from the date of the passage of this act."

Change section number in line 7 from "section 2" to "section 3."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask what information the committee had in reference to this bill, or if it had any, for the construction of a bridge across the Mississippi River? While most bridge bills go through as a matter of course, when the department has reported that they will not obstruct navigation, that has not been the practice concerning bridges across the Mississippi River. Here there is no location fixed.

Mr. ADAMSON. The only limitation the department wanted to place on the location was above instead of below the city, because the magnitude of the ocean-going commerce was below the city, and the time was extended expressly on account of the magnitude of the proposition. As to the particular local reasons, I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. I would be glad to supply such information as the gentleman from Illinois may want.

Mr. MANN. The gentleman will have to supply it in order to get unanimous consent. Here is a bill to grant to two individuals, unknown, the right to build a bridge across the Mississippi River which everybody knows can not be built by individuals, but must be built by a corporation, if at all.

Mr. DUPRÉ. Does not the gentleman know Col. Corthell, one of the gentlemen mentioned in this bill?

Mr. MANN. I have not the pleasure of knowing him.

Mr. DUPRÉ. He was associated with Eads in the construction of the jetties, and subsequently went to the Argentine Republic, where he was engaged in large engineering projects. I think he lived for some time in the city of Chicago.

Mr. MANN. That does not make him immaculate.

Mr. DUPRÉ. I will say that the proposed location of the bridge is at what is known as Nine Mile Point, above the city of New Orleans.

Mr. MANN. What is this bridge for, and who is going to finance it, and who is going to own it?

Mr. DUPRÉ. I am not prepared to inform the gentleman as to how this project is to be financed. I assume that would depend on these gentlemen. I do not think they have the money in their pocket. They probably will form a corporation and issue bonds, and proceed in the usual way to raise funds.

Mr. MANN. Then, it is a pure promoters' speculation?

Mr. DUPRÉ. I do not think so. It certainly is not so on my part.

Mr. MANN. I am not speaking of the gentleman's part.

Mr. DUPRÉ. I know both of these gentlemen. Mr. McGuirk lives in the city of New Orleans, and is a man of repute there. There have been a number of indorsements of a bridge bill of this character.

Mr. MANN. Well, my observation and experience here tell me that very often the passage of a bill like this prevents a real bridge being constructed.

Mr. ADAMSON. If the gentleman will permit, I called attention to the fact that we had had several schemes before us for about 20 years, and we did not care to pass a speculative one; but we were assured that these gentlemen meant business; that a bridge was badly needed in that neighborhood across the Mississippi River, and they could not finance the matter until they knew they could get the consent of Congress; but if that were granted, they could finance the scheme and start a bridge, if we would allow them two years in which to start it.

I have every reason to believe the gentlemen were talking in good faith, and under the same reasoning that the gentleman and I pursued in eliminating those words "authorized by the State," we decided we could not lose much by giving them a trial on the face of their statement.

Mr. MANN. Of course no one would question the good faith of our friend from Louisiana [Mr. DUPRÉ]. That goes without saying in this House; but here is a proposition to give a speculative grant to a couple of gentlemen, extending the time beyond what is usually permitted for the commencement of the construction of a bridge across the Mississippi River. We have a lot of these propositions floating up and down the Mississippi River, from one end to the other. I do not know whether they want to build a bridge or whether they merely want to prevent somebody else from building a bridge. But until we have more information I shall not give consent.

Mr. ADAMSON. Do you want the bill to remain on the calendar?

Mr. DUPRÉ. I make the request that the bill be passed without prejudice, Mr. Speaker.

Mr. ADAMSON. Perhaps the gentleman from Louisiana can get the evidence to satisfy the gentleman of the bona fide nature of the proposition.

Mr. DUPRÉ. Mr. Speaker, I ask that this bill be passed without prejudice, in view of the statement made by the gentleman from Illinois [Mr. MANN].

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

FORT BRIDGER MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation in Wyoming.

The bill was read, as follows:

Be it enacted, etc., That the lands on the former Fort Bridger Military Reservation in Wyoming are hereby made subject to appropriate entry under the land laws of the United States.

The following committee amendment was read:

At the end of the bill add the following proviso: "*Provided*, That nothing in this act shall be held to provide any refundment of moneys heretofore paid for lands in the said reservation or to relieve entrymen from payments due or to become due on entries heretofore made."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would be very glad to have the gentleman from California [Mr. CHUSCH], who made the report, explain this bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I should like to have the joint resolution read.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of Commerce be, and he is hereby, authorized to have taken for the collections of the United States National Museum a series of specimens of the Pribilof Islands fur seal, to properly illustrate the range of variation in both sexes at all ages, said collection not to exceed 30 specimens in number.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, at whose expense is this to be done, and why can it not now be done as the law stands?

Mr. ALEXANDER. It will be done at the expense of the Government. The Secretary of Commerce does not think he has the power to permit this to be done under existing law. Of course, there is a closed season in the Pribilof Islands—I believe for five years—during which only a certain number of seals may be killed, and for certain purposes named in the act. A bill has already passed the Senate—S. 150—in the same terms as the House joint resolution. The House joint resolution came to me from the Department of Commerce. I introduced it and had it referred to the Committee on the Merchant Marine and Fisheries and reported it back with a letter of the Secretary recommending its passage. He does not think he has the power under existing law to permit these seals to be caught.

Mr. MANN. How many fur-seal specimens are there now in the National Museum?

Mr. ALEXANDER. I do not know. All the information I have is contained in the letter from Dr. Charles D. Walcott, Secretary of the Smithsonian Institution, who says:

I find that the Pribilof Islands fur seal is very poorly represented in the collections of the United States National Museum. The specimens are practically all defective, and it is highly desirable that this important mammal should be properly represented in the national collections.

In view of this, I am writing to ask if you think there will be an opportunity the coming summer to secure a series of skins and skulls prepared with the special needs of the museum in view. About 30 complete specimens selected to illustrate the range of variation in both sexes at all ages would form a series adequate for the scientific study of the species.

The National Museum now has one of the largest mammal collections in the world, and it is strange that there is not a good representation of one that is so valuable and of such importance to the American people as the fur seal.

The SPEAKER pro tempore. Is there objection?

Mr. MURDOCK. Reserving the right to object, I am curious to know how these specimens will be obtained after the authority to obtain them is given. Does this mean an expedition of some kind?

Mr. ALEXANDER. Oh, no; they have the employees in the islands. These seals are being killed from time to time for food and under the provisions of the existing law; but no one is authorized to kill them and furnish skins to the Smithsonian Institution for this purpose. The Secretary of Commerce wants to have the authority from Congress to do it.

Mr. MURDOCK. The gentleman does not think there will be any expense attached to this?

Mr. ALEXANDER. Oh, no; I do not think so.

The SPEAKER pro tempore. Is there objection?

Mr. JOHNSON of Washington. I object.

The SPEAKER pro tempore. The gentleman from Washington objects. The joint resolution will be stricken from the Calendar for Unanimous Consent.

PUBLIC LANDS CLAIMED BY DESERTED WIVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16206) to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Let the bill be reported, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent thereof in her name in the form, manner, and subject to the conditions prescribed in section 2291 of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof is to be offered and patent sought by applicant as a deserted wife, and a copy of the said notice shall be mailed to the last-known address of the husband of applicant.

With the following committee amendment:

Page 2, lines 17, 18, and 19, strike out the words "and a copy of the said notice shall be mailed to the last-known address of the husband of applicant," and insert in lieu thereof the following: "and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe."

Mr. MADDEN. Reserving the right to object, I should like to have the gentleman from California [Mr. RAKER] tell us how many of these cases he proposes to cover by this bill, and what is the particular need of it.

Mr. RAKER. The need for the bill has been suggested by the registrar and receiver of the Sacramento land office, and also from the Susanville land office, which is in northern California, and in the correspondence which came following the suggestion from the registrar and receiver of the land office at Sacramento, on the ground that when a homesteader's wife is abandoned she practically has no rights in the land. If she proves up under the rule, the patent goes to the husband, who may live in a nearby community, and when can take the land and sell it and deprive the wife of the whole of it.

Mr. MADDEN. He could not sell it without her consent, could he?

Mr. RAKER. Absolutely; that has been done in a number of cases.

Mr. MADDEN. How could he do it? Does not she have to join in the deed?

Mr. RAKER. No.

Mr. MADDEN. Mr. Speaker, I object to the bill.

FUR-SEAL SPECIMENS.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to return to Calendar No. 194, relating to the specimens of Pribilof Island fur seals, in order that I may change my objection and ask unanimous consent that it go over without prejudice.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to return to Calendar No. 194. Is there objection?

Mr. MANN. Reserving the right to object, is not there a Senate resolution on this same subject?

Mr. ALEXANDER. There is.

Mr. MANN. Is it on the calendar?

Mr. ALEXANDER. It is on the calendar, but not on the Unanimous Consent Calendar.

Mr. MANN. It can be placed there.

Mr. ALEXANDER. The gentleman from Washington is going to ask unanimous consent that it be passed over without prejudice.

Mr. MANN. Mr. Speaker, I object.

SALE OF CERTAIN LANDS IN COCONINO COUNTY, ARIZ.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent that the bill S. 5316, identical with this, on the Speaker's table, be substituted for this bill.

The SPEAKER pro tempore. The gentleman from Arizona asks unanimous consent to substitute for this bill the bill S. 5316. Is there objection?

Mr. MANN. Reserving the right to object, let the Senate bill be read.

The Clerk read the bill S. 5316, as follows:

An act (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof.

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause each occupied and improved legal subdivision in sections 17, 19, 20, 21, 28, 29, and 30 in township No. 41 north, of range 2 west, Gila and Salt River meridian, Arizona, to be surveyed and platted into town lots and necessary public reserves, and into agricultural tracts of not exceeding 20 acres, and into dam and reservoir sites where need for such purposes, following the lines of occupation in each case where occupied as near as may be, and delineating on the plat all irrigating ditches and canals.

SEC. 2. That the town lots shall be appraised without considering the value of any improvements thereon, and any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupation of one or more of such lots in good faith for town-site purposes, with substantial and permanent improvements upon each lot and have maintained such occupation and improvements to date of application, upon the filing of an application therefor within six months from the date of the approval of the appraisement herein provided for, shall be entitled to a patent for the same upon paying the appraised price therefor. All

such lots not covered by valid applications at the expiration of said six months shall thereafter be offered at public sale to the highest bidder, and the lots not so disposed of shall thereupon be subject to private entry; but no lot shall be sold at public sale or private entry at less than the appraised price.

SEC. 3. That any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupancy of and improving one or more of said tracts for agricultural purposes, not exceeding in all 20 acres, and have maintained the same in good faith for said purposes, upon the filing of an application to enter the same within six months from the filing of the plat of said survey in the local land office, shall be entitled to a patent for such tract or tracts upon paying the sum of $1.25 per acre therefor. All such tracts not covered by valid applications at the expiration of said six months shall thereafter be subject to cash entry upon payment of $1.25 per acre.

SEC. 4. That the dam and reservoir tracts are hereby reserved for the use of said community for the purpose of irrigation and water supply, and patent therefor shall issue to the municipality when organized upon payment of $1.25 per acre therefor. Patents to the public reserves in the town site may be issued to the municipality when organized. Any easements maintained by authority and for use of the United States are hereby reserved, and said survey shall show all such easements, and the patents to all lands affected thereby shall contain a reservation of the easement to the United States.

SEC. 5. That the Secretary of the Interior is further authorized to survey, plat, and patent such lots, agricultural tracts, and town-site reservations, which may be situated upon the west half of the southwest quarter of section 16, in township No. 41 north, of range 2 west, Gila and Salt River meridian, Arizona, upon the same terms and conditions as prescribed in sections 1, 2, 3, and 4 hereof should the title to said west half of the southwest quarter be found vested in the United States or revert thereto.

SEC. 6. That the expenses incident to the survey, appraisement, and sale, herein required to be made, shall be paid out of any fund appropriated for the survey of the public lands at the time available. The Secretary of the Interior is hereby authorized to issue proper regulations for the administration of this act.

The SPEAKER. Is there objection?

Mr. MONDELL. Reserving the right to object, this bill seems to be intended to cure a curious and unusual situation. I notice the report does not enlighten us very much in regard to it. I should like to have the gentleman from Arizona inform us as to the conditions which make this legislation necessary. In the first place, have the lands been surveyed? They are described as sections and parts of sections.

Mr. HAYDEN. The township has been surveyed, but not each of the tracts of land.

Mr. MONDELL. The ordinary rectangular surveys have been extended over the area?

Mr. HAYDEN. Yes; in July and August, 1911.

Mr. MONDELL. And the lands are occupied, and have been for a considerable length of time, by various people and under what sort of a claim of right?

Mr. HAYDEN. It was unsurveyed public domain when the settlement was made 30 years ago. The land is on the north side of the Grand Canyon in a very inaccessible part of my State.

Mr. MONDELL. The lands, part of the time at least, have been subject to entry, except for the fact that they were not surveyed?

Mr. HAYDEN. Yes.

Mr. MONDELL. Therefore the right of a homestead settler attached. Does the gentleman understand that there are no settlers on the tract who will insist on their full right as homestead settlers?

Mr. HAYDEN. It is the desire of each one to acquire title to the small tract of land he has heretofore occupied—something like 15 or 20 acres. If permitted to enter under the homestead law, one settler could locate a whole quarter section. If he did so, his entry would cover areas now occupied by his neighbors. No one wishes to do that.

Mr. MONDELL. The gentleman understands that if any people living on the land should elect to assert their rights as homestead settlers, having a homestead right, that they can claim their full rights, notwithstanding the passage of this act. Are there any persons who are likely to do that?

Mr. HAYDEN. I anticipate no trouble about this matter whatever.

Mr. MONDELL. How did it happen in this particular locality that people went on the land as homestead settlers and only occupied such small areas?

Mr. HAYDEN. A small colony settled there, and when the colonists located on these lands each one took but a small area. It is in an isolated place, way out of the world, on the north side of the Grand Canyon.

Mr. MONDELL. The people came there practically altogether as a colony and divided the land up among themselves, built their own reservoir and their ditches, and made their land allotments?

Mr. HAYDEN. Yes.

Mr. MONDELL. So the gentleman understands that there will be no one who will claim or demand full rights under the law of homestead settlement.

Mr. HAYDEN. I anticipate no such difficulty.

Mr. MURDOCK. Reserving the right to object, I would like to ask the gentleman what about the surplus land provided for in this bill? As I read it, the bill discloses that a certain part of the tract is to be surveyed and sold. As I understand, that is not now occupied?

Mr. HAYDEN. This land is on a small creek. A part of it is irrigable and a part of it is not. The agricultural lands now occupied lie along the creek bottom. If somebody wanted to buy a piece of the rough land near his entry after it was surveyed, he should have an opportunity to pay the Government for it.

Mr. MURDOCK. How extensive will this survey be?

Mr. HAYDEN. The whole area mentioned in the bill covers portions of eight sections of land.

Mr. MURDOCK. How much of that is now occupied?

Mr. HAYDEN. I doubt if much more than a thousand acres out of the whole area are under cultivation.

Mr. MURDOCK. Will the gentleman explain to the House why this settlement took place as early as it did?

Mr. HAYDEN. This little valley was discovered in northern Arizona, and people settled there, as they did in other parts of the State, long before any public-land survey was ever made. To get from my home in Arizona to this place one has to go through California, Nevada, and Utah. This part of Arizona has been very much neglected by the Government in the past.

Mr. MURDOCK. The average holding the gentleman says is something like 15 or 20 acres?

Mr. HAYDEN. Yes; and the maximum holding under this bill is 20 acres.

The SPEAKER pro tempore. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving again the right to object for a moment, I intended to ask the gentleman from Arizona [Mr. HAYDEN] in regard to the small tract, the west half of the southwest quarter of section 16, referred to in section 5 of the bill. Is that a tract to which there is at this time asserted some sort of a private claim?

Mr. HAYDEN. I understand there is some dispute as to whether it is in an Indian reservation or not. I am not positive about this, however.

Mr. MONDELL. I have no objection.

Mr. McKENZIE. Mr. Speaker, reserving the right to object, what is the objection to some one of these people taking title to this land and reconveying it to the other people in the same community under the law we have now in force?

Mr. HAYDEN. The land has been occupied for the past 30 years, and a man naturally would prefer to get title from the United States Government to the tract on which he is residing.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a moment?

Mr. HAYDEN. Certainly.

Mr. MONDELL. I wish to make this suggestion to the gentleman from Illinois [Mr. McKENZIE]. I think the plan he suggests might be accomplished, providing everybody was agreeable. There are two difficulties in the way, however. One is that if these people have divided up their lands and each has occupied a small area and anyone protests against one individual securing title to the entire tract he could be made serious trouble because of a provision of law under which land notoriously occupied at the time claim is asserted can not be taken as a homestead. If these are colonists who came in there with the intent of taking small areas, they probably would do just what the gentleman suggests on their own motion if no other provision were made, but this occurs to me to be the very best plan of procedure. The Government itself makes the division among these people that have already settled there and gives them the title, and that obviates the necessity for a division among themselves, and then there is no question but that each settler will get the land which he claims and has occupied and has helped to improve.

Mr. MURDOCK. Have the settlers previously made any attempt along this line?

Mr. HAYDEN. They have been continuously asking for a survey, and for an opportunity to get title. Not long ago an inspector was sent out by the Department of the Interior who went on the ground and examined the situation. This bill was prepared in the department and sent to us with a favorable recommendation by the Secretary of the Interior.

Mr. MURDOCK. Has there been a similar bill in previous Congresses?

Mr. HAYDEN. No; this is the first attempt to pass legislation for the benefit of these settlers.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona that the Senate bill be substituted for the House bill?

First, we should aim to exclude absolutely not only all persons who are known to be believers in anarchistic principles or members of anarchistic societies, but also all persons who are of a low tendency or of unsavory reputation. This means that we should require a more thorough system of inspection abroad and a more rigid system of examination at our immigration ports, the former being especially necessary.

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

This would not keep out all anarchists, for many of them belong to the intelligent criminal classes. But it will do what is also in point; that is, tend to decrease the sum of ignorance, so potent in producing the envy, suspicion, malignant passion, and hatred of order, out of which anarchistic sentiment naturally springs.

Finally, all persons should be excluded who are below a certain standard of economic fitness to enter our industrial fields as competitors with American labor.

There should be proper proof of personal capacity to earn an American living and enough money to insure a decent start under American conditions. This would stop the influx of cheap labor and the resulting competition which gives rise to so much of bitterness in American industrial life, and it would dry up the spring of the pestilential social conditions in our great cities, where anarchistic organizations have their greatest possibility of growth.

Both the educational and economic test in a wise immigration law should be designed to protect and elevate the great body politic and social. A very close supervision should be exercised over the steamship companies which mainly bring over the immigrant, and they should be held to a strict accountability for any infraction of the law.

Immigration into the United States for the year ending June 30, 1902, was 648,743. During the fiscal year ending June 30, 1912, there entered this country 1,285,349 aliens, and one and a half million aliens are expected this year.

President Roosevelt in his message of December 2, 1902, said:

I again call your attention to the need of a proper immigration law covering the points outlined in my message to you at the first of the session of the present Congress; substantially such a bill has already passed the House.

House insurgency, which resulted in the overthrow of Speaker Cannon and the "old guard," was given impetus by legislative trickery over this very subject. Republican violation of party obligation in this connection was clearly and succinctly set forth by one well able to speak on that subject and who has always been a true friend of legislation involving the literacy or educational test. Here is what the gentleman from Massachusetts [Mr. GARDNER] said on January 7, 1909, here on this floor:

Mr. GARDNER. I conceive, Mr. Chairman, that if the Republican national platform declares in favor of a particular proposition, and if the President of the United States, supposing that he is a Republican, includes the matter in a message, and if, in response, the Senate passes the legislation desired, then when the bill comes over to the House I should hold it to be a party question. That is sound, is it not? I hear no remarks to the contrary. That very situation arose in the spring of 1906. Yet I saw one of the Republican members of the Committee on Rules act as teller in opposition, and I saw the Speaker of the House pass at the head of the column between the tellers in opposition to the measure of which I speak. With the recollection of that scene still fresh in my memory, I refuse to be alarmed at the cry of party disloyalty, and I await with eagerness a better definition than that which I have just given you as to what a party question may be. [Loud applause.]

The Republican platform he referred to read as follows:

For the protection of the quality of American citizenship and of wages of our workingmen against the fatal competition of low-priced labor, we demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write.

The Democratic platform of 1908 contained a similar plank.

The annual presidential message to which Mr. GARDNER referred was from President Roosevelt, in part as follows:

The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens. Both the educational and economic in a wise immigration law should be designed to protect and elevate the great body politic and social.

Here is what the Philadelphia Record (June 26, 1906) had to say about the Cannon stand-pat betrayal:

HOUSE LEADERS THROTTLE VOTE ON IMMIGRATION—CANNON CRACKS WHIP SHARPLY—SPEAKER SCURRIES ABOUT AISLES, THREATENING, CAJOLING, AND IMPORTUNING MEMBERS TO SUPPORT OF MACHINE PROGRAM—BILL RIPPED AND SLASHED—EDUCATIONAL TEST KILLED OUTRIGHT AND INCREASE IN HEAD TAX KNOCKED OUT.

WASHINGTON, D. C., *June 25.*

By means of the most cowardly and discreditable tactics witnessed in the House in this generation, the immigration-restriction bill as brought up, considered, amended in ways that its friends say make it a mockery, and passed without a roll call or a chance for a roll call this afternoon.

The rule under which the bill was considered prohibited roll calls on amendments or on the bill.

* * * * * * *

CANNON CRACKS WHIP VIGOROUSLY.

The most bitterly opposed feature of the bill was that fixing an educational test for immigrants.

Feeling ran high during the debate, and when the vote came Speaker Cannon, who was most emphatically opposed to the educational test, moved about on the floor urging Members to aid in knocking it out.

On the rising vote, however, despite the personal appeals of the Speaker and his lieutenants, the substitute proposition for the appointment of a commission to investigate the immigration question was defeated, and the educational-test clause stood 136 to 123. Then there was demand for tellers, and the Speaker began to "ride herd" on the Republican Members in a way that has not been witnessed on the floor within the memory of the oldest observers.

He went around to Members who were holding back and urged them in vigorous language to go up and vote to knock out the educational clause and put in the commission provision, which he had drawn himself. When all the Members had passed between the tellers it was found these extraordinary tactics of the Speaker had won by the small margin of 11.

During the discussion the galleries were generally filled with representatives of labor and their friends.

* * * * * * *

GARDNER SEES A NEW LIGHT.

Mr. GARDNER, of Massachusetts, asked if a yea-and-nay vote would be permitted on the "educational test." He was informed by the Speaker that if the rule was adopted there could be no yea-and-nay vote, as the questions in issue would be settled in Committee of the Whole. Mr. GARDNER said it was a very bad rule, which evoked considerable laughter, for until Mr. DE ARMOND showed the sweeping character of the rule he had declared he was satisfied with the restrictions. He said that he had now a very different appreciation of statements made about the Capitol and the same statements embodied in a rule.

* * * * * * *

The New York World reported (June 26, 1906) the legislative procedure as follows:

LIFE SLASHED OUT OF BILL BY SPEAKER—MR. CANNON EXCITEDLY BUTTONHOLES MEMBERS AND TURNS VICTORY FOR EDUCATIONAL TEST INTO DEFEAT—HOW MR. CANNON DID IT.

He went to the Republican cloak rooms, "shooed" the Members there out and told them to pass between the tellers and vote in favor of the Grosvenor amendment. Then he went among the Members on the floor and excitedly urged them to vote for the amendment. In almost every case he was successful, and those he could not induce to vote for the amendment he persuaded to stay away and not vote at all.

MR. GARDNER SLIGHTED.

The Speaker appointed as conferees Messrs. Bennet of New York, Howell of New Jersey, and Ruppert of New York, leaving Mr. GARDNER, who had charge of the bill, off the committee entirely. The conferees named by the Speaker are all opposed to the educational test.

* * * * * * *

The Speaker's action in leaving Mr. GARDNER off the committee of conference was commented on by Members. GARDNER is credited with having forced the Speaker to permit the immigration bill to be considered by the House by threatening him with a Republican caucus.

IMMIGRATION COMMISSION MERELY DELAYED ISSUE.

The congressional Immigration Commission which was substituted, June 25, 1906, for the illiteracy test in the Senate immigration bill, by the Cannon organization to pretend to redeem party pledges, but in truth to get rid of the issue, merely caused delay. The commission was directed to investigate and report on the whole subject and particularly the feasibility of the illiteracy test. After an extended searching investigation at home and abroad the commission made a 42-volume report, of about 500 pages per volume, finding that "many undeniably undesirable persons enter this country every year"; that existing immigration laws are "weak and ineffectual"; that "there is a dangerous and apparently growing criminal element in the country due to immigration" (House Doc. No. 1489, pp. 29–31); and reported on pages 47–48 of volume 1:

The investigations of the commission show an oversupply of unskilled labor in the basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demands legislation which will at the present time restrict the further admission of such unskilled labor.

* * * * * * *

The following methods of restricting immigration have been suggested:

(a) The exclusion of those unable to read or write in some language.

Other recommendations are made, but by a majority (8 out of 9) vote of the commission the reading and writing test is considered "the most feasible single method of restricting undesirable immigration."

WOODROW WILSON, PRESIDENTIAL CANDIDATE, STATES HIS POSITION.

On September 4, 1912, according to press reports, Woodrow Wilson, Democratic nominee for the Presidency, said to the editors of the Association of Foreign Language Newspapers in New York City:

If we can hit upon a standard which admits every voluntary immigrant and excludes those who have not come of their own motion, with their own purpose of making a home and a career here for themselves, but have been induced by steamship companies or others in order to pay the passage money, then we will have what we will all agree upon as Americans. I am speaking to you as also Americans with myself, and just as much American as myself, and if we all take the American point of view, namely, that we want American life kept to its standards, and that only the standards of American life shall be standards of restriction, then we are all upon a common ground, not of those who criticise immigration, but those who declare themselves Americans. I am not saying that I am wise enough out of hand to frame the legislation that will meet this idea. I am only saying that it is the ideal, and that is what we ought to hold ourselves to. * * * Of course, if the immigrants are allowed to come in uninstructed hosts and to step at the ports where they enter and there to compete in an oversupplied labor market, there is going to be unhappiness; there is going to be deterioration; there is going to be everything that will be detrimental to the immigrant.

It is true enough there is no detailed expression as to his position on the illiteracy test in this speech, but that was the

subject all were considering, and the President signified that if elected he would stand for restriction that would maintain American standards. Surely the ability to read and write is one of the standards which we call American. A college president would not name less, or at least the people had a right to draw that conclusion.

The American Federation of Labor has taken great interest in this proposition, as the following report of President Gompers on national legislation for 1906 will show:

Labor has for years endeavored to secure the passage by Congress of a law restricting immigration. One of the effectual means to secure this was an educational test, and this was incorporated in the bill before the Fifty-ninth Congress, the United States Senate having adopted it in a bill which passed that body. It was clear that a majority of the Members of the House of Representatives were in favor of this bill, including the educational test, but Speaker Cannon not only used the vast power and influence of his office to defeat it, but he left the exalted position of Speaker, went upon the floor of the House, and made enough Members either go to the cloakrooms or go between the official tellers of the House and vote against the proposition. As a result of his high-handed action the educational test was defeated.

And the need for the working people taking an interest is well shown by the following letter:

[Edward Horvath Labor Agency, M. Engel, manager. Licensed and bonded. Telephone, Orchard 1039.]

124 EAST THIRD STREET,
New York City, October 4, 1913.

S. E. & H. L. SHEPARD CO.,
Rockport, Me.

GENTLEMEN: Foreign laborers are now available in this city for less wages than you can secure men for in your State.

Are you in need of any? If so, we can offer for immediate shipment any number of them of any desired nationality.

Trusting to hear from you, we are,

Very truly, yours,

M. ENGEL, *Manager.*

President Wilson was commended because labor believed he was right on this question and would use his power if elected to "maintain American standards" in the matter of the admission of immigrants. President Taft was condemned because it was believed that he would take the opposite view on this, as he had already done.

WHAT IS THE RESULT; WHAT IS PRESIDENT WILSON'S POSITION NOW.

The gentleman from Alabama [Mr. BURNETT], in his answer to my query, said:

I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote, in criticising the very class of people that would be kept out by the literacy test, will veto that bill, or has said to anybody that he would do so.

I have sincere regard for the gentleman, and I know he believed what he said. I do not know whether he would still say that he did not believe President Wilson is responsible for the holding up of this proposition; I could certainly not agree with him, to say the least of it. We passed the bill here in the House by a decisive majority months and months ago, but it is still slumbering on the Senate calendar and has been since the Senate committee reported it, March 19, to that body for consideration and a vote.

"Where ignorance is bliss 'tis folly to be wise" may be a good rule to apply here, for if the gentleman is ignorant as to the facts, I have serious doubts that he would be profited any by wisdom on the subject. He has passed the bill here and has done his work well—to this we will all agree—but the public generally knows that President Wilson is sitting on the lid that covers the immigration bill that contains the illiteracy test.

Let us call some witnesses. First—

SENATOR SMITH, CHAIRMAN IMMIGRATION COMMITTEE.

Press reports of the South Carolina senatorial debate at Gaffney, S. C., July 3, state that Senator BLEASE, who is opposing Senator E. D. SMITH for the United States Senate, again criticized Senator SMITH, chairman of the Senate Immigration Committee, for not having pushed the 60-page Burnett immigration bill, that passed the House February 4 and was reported to the Senate March 19, through the Senate, and that Senator E. D. SMITH reiterated his position toward immigration by declaring that despite the opposition of the President and party leaders to the bill he was determined, so far as was in his power as chairman of the Senate Immigration Committee, to do all he could to nail up the bars.

Gov. BLEASE is said to be some campaigner, and Senator SMITH is said to have urged that something be done toward the passage of this bill.

The New York Tribune of June 8, 1914, has a press dispatch concerning the immigration bill containing the following:

TRUST BILL USED TO BURY LITERACY TEST—WILSON AND DEMOCRATIC LEADERS EAGER TO DODGE ISSUE—ALIEN-BORN CITIZENS AND LABOR CONFLICT—TRADE-COMMISSION MEASURE MAY ENABLE PARTY TO DEFER DAY OF RECKONING.

WASHINGTON, *June 7.*

The fact that a religious controversy has been injected into the question makes it all the more dangerous politically. Members of Congress have been flooded with petitions and memorials urging them not to vote for the bill and to do their utmost to defeat it. * * *

The immigration question is one which the administration would much rather evade than solve. If the tolls controversy has cooled the ardor of Irish-American voters who have hitherto stood their ground in defending the administration, the literacy test will certainly have a similar chilling effect upon one or another important political element in the United States.

The Mercury Banner of March 27, 1914, published in Huntsville, Ala., Mr. BURNETT's State, contains the following:

WILSON OPPOSED TO LITERACY TEST.

WASHINGTON, *March 27.*

It is understood that President Wilson is opposed to the literacy test in the Burnett immigration bill to such an extent that he has hinted at veto if this test was not removed before the bill reached the White House.

W. B. Wilson, Secretary of Labor, had a conference with Senator E. D. SMITH, of the Senate Immigration Committee, and it is declared the Senator was informed of the President's objections, and that if the Executive approval was expected that the literacy test ought to be cut out of the bill.

Senator SMITH declared to-day that the literacy test would remain in the bill, and that he considered the measure as reported to the Senate the best immigration bill prepared in years, and believed that it would pass the Senate overwhelmingly. Senator SMITH declined to express an opinion as to whether the President would veto the bill.

Representative BURNETT is in Alabama engaged in his campaign.

Was the following, published in the Washington Post on February 17, 1914, merely so much guesswork? If so, how does it happen that so many are guessing alike?

WILSON TO VETO IT—HE DOOMS THE LITERACY TEST IN AN IMMIGRATION LAW—BUT CONGRESS GOES AHEAD—CHAIRMAN SMITH PREDICTS THAT BURNETT MEASURE WILL PASS—MEANTIME AMBASSADORS CUSANI, OF ITALY, AND CHINDA, OF JAPAN, MAKE PROTESTS—LATTER CONFERS WITH CONSULS, WHILE FORMER LAYS VIEWS BEFORE BRYAN—EUROPE AGAINST UNITED STATES DOCTORS AT PORTS OF EXPATRIATION—EXCLUSION DROPPED.

President Wilson will veto the Burnett immigration bill if it comes to him for signature with the so-called literacy test contained in it. This became known from an authoritative quarter last night after Chairman SMITH, of the Senate Immigration Committee, had announced that the bill, virtually as it passed the House, including the literacy test, would be favorably reported to the Senate soon. Prospects are that the bill will pass the Senate as reported from the committee, but the measure never will become law, according to close friends of the President.

PRESIDENT WILSON'S BELIEF.

The President does not consider literacy a test of character, and believes some other means should be devised to prevent undesirable aliens from entering the United States. He told callers yesterday that he had given his view to the Senate committee, and had left it to them to make it public or not as they chose.

Another "guess" is found in the Boston Transcript of February 17, 1914:

WILL VETO LITERACY TEST—PRESIDENT REGARDS IT AS NO TEST OF CHARACTER—BELIEVES SOME OTHER WAY SHOULD BE DEVISED—THE BILL, HOWEVER, PROBABLY WILL BE PASSED.

WASHINGTON, *February 17.*

President Wilson will veto the Burnett immigration bill if it comes to him for signature with the so-called literacy test contained in it. Prospects are that the bill will pass the Senate as reported from the committee, but the measure never will become law, according to close friends of the President. The President does not consider literacy a test of character, and believes some other means should be devised to prevent undesirable aliens from entering the United States.

Several members of the committee said that the literacy test would remain in the bill, with a possibility of a slight modification of that part of it which would exempt from its application aliens who showed to the satisfaction of the proper authorities that they emigrated from a foreign country "solely for the purpose of escaping religious persecution."

The Italian ambassador objects to the feature of the bill which provides for medical inspection of immigrants aboard ship.

It is said that Representative PALMER, of Pennsylvania, in campaigning for the second place in the senatorial race with Senator PENROSE, is having tremendous trouble with this very issue, it being claimed that Mr. PALMER is such a powerful friend of the President that if he would try he could get him to forego his opposition. Gifford Pinchot, Progressive, for first place, is having no trouble whatever with the issue.

"The proof of the pudding" is said to be "the eating thereof," so we have only to observe that somebody is holding this bill up. If it is not the Senate committee, then who is it? If the President is for the bill, does anyone suppose he would continue silent so long while the bill is being done to death? If he did, would any friend of the bill justify his silence?

PROGRESSIVES FOR THE BILL.

The Progressives on this floor are still for the bill, as Chairman BURNETT stated that they were for it when the bill passed. I know of no better way to maintain American standards in the matter of immigration than to adopt the rule that adults who can not read or write in their own language can not be admitted to lower the standards of labor and citizenship.

FUR-SEAL SPECIMENS.

The next business on the Calendar for Unanimous Consent was House joint resolution 270, authorizing the Secretary of Commerce to have taken specimens of the Pribilof islands fur seal as specimens for the collections of the National Museum.

The Clerk read the title of the joint resolution.

The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BAKER, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

MAIL CHUTES IN PUBLIC BUILDING, CLEVELAND, OHIO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. ASHBROOK. Mr. Speaker, this is a Senate bill, and as it passed the Senate it appropriates the sum of $800 for the purpose of installing mail chutes in the Federal building at Cleveland, Ohio. When this bill was considered by the House committee, that committee, being of the opinion that it had no right to appropriate the money, being but an authorization committee, amended the bill so that it would simply provide for the authorization, expecting it would be reached on the calendar in time, if it was passed, to be added to the general deficiency or the urgent deficiency appropriation bill. Those bills are both out of the way now. It would be impossible to have the amount appropriated at this session, and on the part of the committee I wish, therefore, to withdraw the amendment offered to the bill by the House committee.

The SPEAKER pro tempore. The House has not yet given its consent for the consideration of the bill.

Mr. ASHBROOK. Then, Mr. Speaker, I ask unanimous consent for its present consideration.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MURDOCK. Mr. Speaker, I reserve the right to object.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, I think we have here one of the finest examples of "pork" appropriations that exists.

Mr. ASHBROOK. It is a small pig, then.

Mr. DONOVAN. A bill was passed originally in 1899 limiting the cost of this building to $2,500,000. But through the cleverness and adroitness of the people back of this bill, three or four years afterwards they got another half a million dollars, making $3,000,000. But they were not satisfied with that, and they came in here six years afterwards for $775,000 more, making in all $3,775,000 for the post office, starting out with the idea originally of only $2,500,000, and leading Congress to believe at that time that it was all they wanted. There does not seem to be any limit to the greed of the Ohio chap when the Treasury is in sight. I am going to object, Mr. Speaker.

Mr. ASHBROOK. Mr. Speaker——

Mr. DONOVAN. No; I object. They have had their share. They have had their fingers in the pie wagon enough. [Laughter.]

Mr. ASHBROOK. I would be glad if the gentleman would withhold for a moment.

Mr. DONOVAN. No; I object.

Mr. ASHBROOK. Thank you.

The SPEAKER pro tempore. The gentleman from Connecticut [Mr. DONOVAN] objects, and the bill will be stricken from the calendar. The Clerk will report the next one.

REGULATION OF THE CATCHING OF SPONGES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16269) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That on and after the approval of this act it shall be unlawful for any citizen of the United States or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than 5 inches in their maximum diameter, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

SEC. 2. That the presence of sponges of a diameter of less than 5 inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of this act.

SEC. 3. That every person, vessel, or boat guilty of a violation of this act shall be liable to a fine of 50 cents for each sponge of a less diameter than 5 inches found in the possession of such person, vessel, or boat, and such fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 4. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

SEC. 5. That it shall be the duty of the Secretary of Commerce to enforce the provisions of this act, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and, upon his request to the Secretary of the Treasury, may employ the vessels of the Revenue-Cutter Service or the employees of the Customs Service to that end.

SEC. 6. That the act approved June 20, 1906, entitled "An act to regulate the landing, delivery, cure, and sale of sponges," and all other laws in conflict herewith, be, and the same hereby are, repealed.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I do not see anyone here in connection with it. There is a Senate bill pending before the Committee on the Merchant Marine and Fisheries, is there not? There is no object in passing the House bill, is there?

Mr. ALEXANDER. The Senate bill is S. 5313, on the same subject.

Mr. MANN. The Senate bill is S. 6385.

Mr. ALEXANDER. It is 5313.

Mr. MANN. I have a copy of the bill in my hand. I do not know how many bills there may be pending, but the bill S. 6385 is "to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes." It was referred. I guess that was in the last Congress?

Mr. ALEXANDER. Yes. It was referred to the Committee on the Merchant Marine and Fisheries, and I had it returned to the House. I wanted to ask unanimous consent to discharge the Committee on the Merchant Marine and Fisheries from the further consideration of that bill and consider in lieu of it the House bill.

Mr. MANN. It is the same bill?

Mr. ALEXANDER. It is the same, excepting the House bill modifies the punishment; and the gentleman from Florida [Mr. SPARKMAN] was going to offer some amendment conforming the Senate bill to the bill as reported from the Committee on the Merchant Marine and Fisheries.

Mr. MANN. The bill reported from the committee in the last Congress had in it a number of things which this bill does not have. Is it proposed to add those when this bill is considered?

Mr. ALEXANDER. No. It simply relates to punishment. The Senate bill provides that the punishment shall be regulated by the number of sponges found in the possession of the person, while this bill provides a specific fine.

Mr. MANN. Am I right in supposing that in this bill there is a punishment against citizens of the United States who bring prohibited sponges into the United States, but that foreigners have the right to do it without prohibition?

Mr. ALEXANDER. No.

Mr. MANN. I think I am right.

Mr. ALEXANDER. Judge SAUNDERS is the chairman of the subcommittee which considered this bill. I am referring to the bill H. R. 16269, the one pending on the calendar, which provides "that every person, partnership, or association guilty of a violation of this act shall be liable to a fine of not less than $5 nor more than $500."

Mr. MANN. That applies only to the people guilty of violating the act?

Mr. ALEXANDER. Yes.

Mr. MANN. And the provision of the act is that—

It shall be unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida, outside of State territorial limits, any commercial sponges—

And so forth. That does not apply to any foreigner. That specifically permits the foreigner to come there and rob the sponge bank of the sponges, and bring them into the United States without any prohibition; but if American citizens or American vessels happen to take them they are to be punished. Now, what is the object or theory of that?

Mr. ALEXANDER. The gentleman from Florida [Mr. SPARKMAN] will answer.

Mr. SPARKMAN. I will say, Mr. Speaker, that a copy of this bill was sent by the Secretary of Commerce to Senator FLETCHER and a copy to me, it having been prepared at the

Bureau of Fisheries, as I am informed, and I suppose the reasons for leaving foreigners out of the bill was the fact that it was, and is, a delicate matter to deal with foreigners in such matters as long as they are outside of the jurisdiction of the United States. It might be entirely legal. If they should bring the sponges into the United States in violation of law, we could punish them, but I doubt if you could pass a law that would permit the arrest of foreigners on the high seas for gathering sponges outside of our territorial limits—that is, the 3-mile limit.

Mr. MANN. This does not affect the foreigner.

Mr. SPARKMAN. That is my understanding. That is where the difficulty in reaching foreigners comes in.

Mr. MANN. There is no difficulty in reaching foreigners who bring, or attempt to bring, sponges into the United States. We can prohibit that. I do not know whether there is any existing law that does prohibit it or not, but I do not see what object there may be—and I do not say there may be no object—in prohibiting a citizen of the United States from going to the sponge banks and getting the sponges and bringing them into the United States if a foreigner or foreign vessel can do that without any prohibition.

Mr. SPARKMAN. I have had nothing to do with the enforcement of the old law, but the gentleman will remember that in 1906 we passed a law——

Mr. MANN. I remember that——

Mr. SPARKMAN. And the department has found that it is very difficult of enforcement. That law did not deal with the catching or gathering of sponges at all. It dealt only with the bringing of sponges into the United States, or rather the selling or curing of sponges within the United States. It did not undertake to deal with the taking of them.

Now they find it is very difficult to enforce the law, and the Secretary of Commerce writes a letter——

Mr. MANN. I have it. It says:

The measure will make it possible to correct the greatest and most destructive abuse connected with the sponge fisheries, and will supersede an act whose impossibility of enforcement tends to foster contempt for law among a considerable alien population.

I am not willing to concede that the United States can not prevent a foreigner or foreign vessel bringing sponges into the United States.

Mr. ALEXANDER. No foreign vessel can engage in our coastwise trade; that is, in fishing——

Mr. MANN. But this is outside the territorial limit. Of course they can go there.

Mr. ALEXANDER. It would be engaging in the coastwise trade.

Mr. MANN. Why, no; it would not.

Mr. ALEXANDER. I do not think any foreign vessel could come in there with sponges caught in the waters on the coast of Florida; but personally I agree with the gentleman that——

Mr. MANN. I think the gentleman would better pass this over, and ascertain in regard to that.

Mr. ALEXANDER. I have no objection.

Mr. MANN. I have no doubt whatever that something ought to be done in the way of legislation.

Mr. SPARKMAN. It is very important that some legislation be had, because the industry down there has suffered very considerably.

Mr. MANN. Yes; I remember that is what the gentleman said when we passed the bill 8 or 10 years ago, and it was true then, and it is equally true now; but it is also true that if we enact the legislation we ought to make it effective, which we did not do before.

Mr. SPARKMAN. Perhaps the gentleman can suggest some amendment that will meet the situation.

Mr. MANN. I could easily suggest an amendment, but I am not sure whether it would be desirable. Instead of saying "no citizen of the United States," I would say "no person" or "no vessel." Without examination I would not undertake to overrule the views of the department on that subject.

Mr. SPARKMAN. As far as I am concerned——

Mr. MANN. I think it had better go over, in order to ascertain about that.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Unless the gentleman asks to have it passed over I shall object.

Mr. ALEXANDER. I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

IMMIGRATION.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the immigration bill now pending.

The SPEAKER pro tempore. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks on the subject of the immigration bill. Is there objection?

Mr. MANN. Reserving the right to object, is that for the purpose of making a speech or for the purpose of inserting a lot of material?

Mr. BRYAN. I am not intending to insert any document. I desire to insert a speech. I have some clippings that I have collected.

Mr. MANN. If anyone desired to insert all the clippings on the subject of the Immigration Service, he could make up a dozen volumes. I have no objection to the gentleman's printing a speech with incidental insertions.

Mr. BRYAN. That is what it is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Speaker, a few days ago the gentleman from Alabama [Mr. BURNETT] was addressing the House on the subject of the immigration bill, and I took occasion to interrogate him as to the holding up of that bill, and particularly with reference to administration opposition.

The colloquy was as follows:

Mr. BRYAN. Mr. Chairman, will the gentleman yield there?

Mr. BURNETT. Yes.

Mr. BRYAN. The gentleman stated a moment ago something about his view of the Progressive position with reference to the distribution of immigrants. One fact is that here a short time ago every Progressive on the floor, with the possible exception of one or two, voted for the literacy test in the gentleman's bill. Now, does the gentleman assert that that bill is being held up—that is the rumor, at any rate—by President Wilson, and that the President is against it? Does the gentleman know whether that is true or not?

Mr. BURNETT. I do not; and I do not believe the President has ever said to anyone that he was opposed to that bill. I do not know why it is being sidetracked in the Senate, if it is being sidetracked; but I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote in criticizing the very class of people that would be kept out by the literacy test, will veto that bill or has said to anybody that he would do so.

Mr. BRYAN. The gentleman must admit that the Progressives helped him in the enactment of that bill.

Mr. BURNETT. Yes; every one except one of them, I think.

I take no delight in criticizing the President. I think the administration is so much better than the Republican Party could have given had President Taft been reelected that I am somewhat loath to criticize. I have voted generally for the administration measures, and am quite sure I served the best interests of the people of my State and the country in so doing.

In this matter we have an issue of the greatest importance. It is not a new or unconsidered issue.

WOODROW WILSON, THE AUTHOR.

In his History of the American People (vol. 5, p. 212), Woodrow Wilson, the author and university president, has this to say on this most important subject of immigration:

The census of 1890 showed the population of the country increased to 62,622,250 an addition of 12,466,467 within the decade. Immigrants poured steadily in as before, but with an alteration of stock which students of affairs marked with uneasiness. Throughout the century men of the sturdy stocks of the north of Europe had made up the main strain of foreign blood which was every year added to the vital working force of the country, or else men of the Latin-Gallic stocks of France and northern Italy; but now there came multitudes of men of the lowest class from the south of Italy and men of the meanest sort out of Hungary and Poland—men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence—and they came in numbers which increased from year to year; as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population, the men whose standards of life and of work were such as American workmen had never dreamed of hitherto. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

PRESIDENT ROOSEVELT HAD SPOKEN PLAINLY.

In his message to Congress, on December 3, 1901, President Roosevelt had said:

Not only must our labor be protected by the tariff, but it should also be protected so far as possible from the presence in the country of any laborers brought over by contract, or those who, coming freely, yet represent a standard of living so depressed that they can underbid our men in the labor market and drag them to a lower level. Our present immigration laws are unsatisfactory. There should be a comprehensive law enacted with the object of working threefold improvement over our present system.

Continued because the court could not give consideration to them at that time, owing to the business before it at the moment—

and I find the fees paid to the witnesses at the time the cases were continued for trial on account of the impossibility of trying them amounted to $4,450.10. This is merely the fees of witnesses in these four cases paid under the circumstances just indicated. It does not include other expenses to which the Government was put. There were, however, other cases continued for the same reason during that year, and there have been some continued for the same reason during the year 1913.

Mr. Speaker, I desire to call the attention of the House to the following facts:

Since the appointment of the present district judge the population of the district has increased nearly 400 per cent, and the number of cases of all kinds brought in our Federal court has grown to more than six times as many per annum, to wit, 117 in 1895 and 745 in 1913.

Our Federal district adjoins the Republic of Mexico, and in it necessarily arises a tremendous number of cases involving the neutrality and extradition laws of the United States and Mexico, besides a large and wonderfully increasing number of international commerce, customs, and immigration cases.

This district has in it the first thousand miles of the United States seacoast on the Pacific. It has a number of harbors of commerce which, after the Panama Canal is opened, will quadruple the usual number of admiralty and customs cases.

This district has 28 Indian reservations, 7 national forest reservations, and part of 2 national parks.

The Government still owns thousands of acres of public land that have caused, and will continue to cause, innumerable suits, because of homestead, desert, reclamation, irrigation, water-power, mineral, and oil claims.

Perhaps more than others this district is populated by eastern families who still have large property—corporate and other—interests at their old homes in other States. Federal litigation naturally follows.

The rapid growth and tremendous increase of population in this district has caused many get-rich-quick schemes to use the United States mails. Constant litigation has ensued in consequence.

Mr. Speaker, I know of no objection to this bill. It is urged by all our people, and as an evidence of that fact, I will now read in turn the resolutions passed by the California State Bar Association, the Los Angeles (Cal.) Bar Association, and the Wholesalers Board of Trade of Los Angeles.

Resolutions of the California State Bar Association:

Whereas a necessity exists for the creation of an additional United States district judge for the southern district of California on account of the magnitude of the business transacted in that court and the large increase in the population within that district, and this condition has been called to the attention of the Congress of the United States and a bill creating an additional judge for that district has been transferred to the House and referred to the Committee on the Judiciary and is now there pending:

Now, therefore, this association does urge upon that committee that the bill be reported favorably to the House at the earliest opportunity and requests the House to pass the bill as soon as possible thereafter in order that relief may be given to this district to which it is justly entitled.

I, the undersigned, secretary of the California Bar Association, hereby certify that the foregoing is a true copy of a resolution passed by that association at a meeting of said association held on the 22d day of November, 1913.

T. W. ROBINSON, *Secretary.*

Resolutions of the Los Angeles (Cal.) Bar Association:

Resolved, That whereas it became evident to this association in the year 1908 that a necessity existed for the creation of an additional United States district judge for the southern district of California on account of the magnitude of the business transacted by the United States court in this district at that time and the congestion which then was becoming burdensome, and this association did at that time cause a committee to be appointed to investigate the subject and make a report thereon, and the committee of this association did, on the 30th day of September, 1908, report that the public interest, and particularly the interest of the litigant in the Federal courts for this district, demanded immediate relief in the way of an additional judge for the southern district, and the committee of this association did secure letters from the Hon. E. M. Ross, judge of the United States Circuit Court of Appeals and from the Hon. Olin Wellborn, judge of the United States District Court for the Southern District of California, and others, showing the necessity for such additional judge, and caused the said information to be laid before Congress, and this association has earnestly endeavored ever since said time to secure an additional United States district judge to relieve the congestion which has been increasing since that time; and

Whereas the business of the Federal courts in this district has practically doubled since the year 1908 and the population embraced within the boundaries of that district has doubled, having increased from approximately 750,000 to 1,500,000 since the year 1908; and

Whereas the litigation has more than proportionately increased in the Federal courts since that time, owing to the international questions arising on account of the civil war in the Republic of Mexico, the boundaries of which extend along the southern boundaries of this district, and on account of the litigation arising over mineral claims, and particularly oil locations, and the position taken by the United States Government in relation thereto, and on account of the numerous enterprises which have sprung up in Los Angeles, owing to the great local growth, seeking to sell real estate and stock through incorporated companies, which companies had made use of the United States mails, and the increase of Federal business in connection with the ocean shipping and transportation which has sprung up in this district during the last five years, in addition to the increase which has arisen in all lines of business, which business is of the character had by other courts; and

Whereas this association did cause another committee to be appointed on the 21st day of March, 1913, to urge upon Congress the necessity of granting an additional United States judge for the southern district of California, and that committee has caused to be presented to Congress information showing the condition of the court and the necessity for the appointment, and all the Federal Representatives from the State of California having urged upon Congress the appointment of such additional judge; and

Whereas a bill creating an additional judge for the southern district of California was introduced in the United States Senate by the Hon. JOHN D. WORKS, Senator from the State of California, and has been passed by the United States Senate, and said bill has been transferred to the House and referred to the Committee on Judiciary and is now there pending: Now, therefore, be it

Resolved, That this association does most respectfully urge upon Congress that it do pass the bill at the earliest opportunity, in order that the relief may be given to this district to which it is justly entitled.

I, the undersigned, secretary of the Los Angeles Bar Association, hereby certify that the foregoing is a true copy of a resolution passed by that association at a meeting of the trustees thereof, held on the 6th day of November, 1913.

A. J. COPP, Jr., *Secretary.*

Resolutions of the Los Angeles (Cal.) Wholesalers' Board of Trade:

Whereas there is now pending before the Congress of the United States a bill for the creation of another judgeship for the southern district of California; and

Whereas the growth of population and of business in the southern district of California has been such that it is impossible for the business to be transacted by one judge; and

Whereas the business interests of this district are suffering from delays caused by the congestion of the calendar in that court, notwithstanding the constant work of Judge Wellborn in his endeavors to dispatch business.

Resolved, That the Los Angeles Wholesalers' Board of Trade, composed of the wholesale merchants and banks of this city, urge upon Congress the immediate passage of the bill creating said judgeship.

Resolved, That a copy of this resolution be sent to Hon. WILLIAM D. STEPHENS, Congressman from this district, and that he be requested to urge the passage of this measure.

Adopted at a regular meeting of the board of directors of the Los Angeles Wholesalers' Board of Trade, held September 18, 1913.

H. B. LANE, *Secretary.*

Mr. Speaker, I desire now to read a telegram received July 3 from several of the leading law firms of Los Angeles, to wit:

LOS ANGELES, CAL., *July 3, 1913.*

Hon. WILLIAM D. STEPHENS, M. C.,
Washington, D. C.:

Congestion in Federal court is denying to citizens here their right to be even heard on matters requiring immediate relief. An additional judge is absolutely necessary.

O'MELVENY, STEVENS & MILLIKEN.
GIBSON, DUNN & CRUTCHER.
MOTT & DILLON.
HAAS & DUNNIGAN.
H. H. THORNDIKE.
ALBERT LEE STEPHENS.
DENIS & LOWENTHAL.

Mr. Speaker, I have no personal motive in advocating this additional judgeship. I am not a lawyer, I have no case before this or any other court, I have no candidate for the place. The appointee will come from another party than my own. I am working solely for the public good. I express the hope of all southern California, regardless of politics or party, that this bill may pass the House at this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Strike out, on page 2, line 1, "the district of Maryland," and strike out all after the word "*Provided*," in line 8, page 2, down to the word "that," in line 12.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KETTNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. KETTNER. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

COAL AND OIL RESOLUTIONS (H. DOC. NO. 1124).

The SPEAKER. The Chair lays before the House a communication from the Hon. James S. Harlan, chairman of the Interstate Commerce Commission, making a report in reference to

certain resolutions, and also a short letter, which the Clerk will report.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, D. C., June 9, 1913.

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SIRS: I have the honor to submit the following report of the Interstate Commerce Commission, responsive to the joint resolution of the Senate and House of Representatives, a copy of which precedes the report. The commission has heretofore submitted reports under this resolution in connection with its investigations in various fields throughout the country. The report submitted herewith has particular reference to the coal and coal roads in the State of Illinois and incidentally to roads extending into adjacent Indiana coal fields.

Respectfully submitted.

JAMES S. HARLAN, *Chairman.*

The SPEAKER. Ordered printed and referred to the Committee on Interstate and Foreign Commerce.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take the general deficiency bill from the Speaker's table, disagree to Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the general deficiency bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from New York what is the status of the sundry civil bill in conference?

Mr. FITZGERALD. We are prepared to make a report today with five or six items in disagreement.

Mr. MANN. Will that probably come up to-morrow?

Mr. FITZGERALD. To-morrow, I think. The Senate must act on the report first.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes.

The SPEAKER. The Clerk will announce the following conferees.

The Clerk read as follows:

Mr. FITZGERALD, Mr. SISSON, and Mr. GILLETT.

SALES OF LANDS, KLAMATH INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10948) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52, 53).

The SPEAKER pro tempore (Mr. HAY). Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. STEPHENS of Texas. Does the gentleman desire to have further information relative to this bill? I will state that I have received a map from the department and a letter from the Commissioner of Indian Affairs and from a special inspector who has recently been on the reservation recommending this bill, and they all state positively it is necessary for this money to be used for the purpose of building a trail over this country. It is 30 miles, according to the statement, from where the Indians are living, on a creek known as Mill Creek, to the nearest point where they get their supplies.

Mr. MANN. If the gentleman has a letter of that sort, I shall be very glad to read it. I can not do it right now.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I ask unanimous consent that the bill be passed without prejudice.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

BRIDGE ACROSS WHITE RIVER, BARRY COUNTY, MO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16197) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River, in Barry County, Mo., at or near a point known as Goldens Ferry.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

Mr. DECKER. Mr. Speaker, a Senate bill of like character has passed the Senate, and I would like to ask unanimous consent that it be considered in lieu of this bill.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. DECKER] asks unanimous consent to consider a similar bill passed by the Senate in lieu of the House bill. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask if the Senate bill is in the House.

Mr. DECKER. Yes. It is No. 280 on the calendar.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] wants to know whether the Senate bill as it passed is in the House.

Mr. DECKER. Yes.

Mr. MANN. I have no objection.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

An act (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry.

Be it enacted, etc., That the county of Barry, State of Missouri, and its assigns be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Goldens Ferry, more fully described as the crossing on Golden and Cassville public road, in section 6, township 21, range 25 west, fifth principal meridian, in the county of Barry, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. DECKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that House bill No. 16197 be laid on the table.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PATENT FOR LANDS, SUSANVILLE, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16476) authorizing the Secretary of the Interior to issue patents to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to confer by proper patent to the city of Susanville (a municipal corporation of the sixth class, duly organized and existing under the laws of the State of California, with full power to hold and own real estate), of Lassen County, Cal., the following tract of public land, to wit: The northeast quarter of the southwest quarter of section 28, township 30 north, range 12 east, Mount Diablo base and meridian, Susanville land district, upon payment thereby to the Secretary of the Interior for the Government of the United States the full sum of $1.25 per acre, which patent shall be issued upon the express condition that the city of Susanville shall use said tract of land for city uses and purposes only: *Provided*, That whenever said lands cease to be used by said city for municipal purposes or are attempted to be sold or conveyed, then, and in that event, title to such lands and the whole thereof shall revert to the United States.

The following committee amendments were read:

Page 1, line 4, strike out the word "confer" and insert the word "convey."

On page 2, after the word "States," in line 10, insert the following:

"*Provided further*, That such patent shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits that may be found in such land, and the right to the use of the land for extracting the same."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] how large Susanville is?

Mr. RAKER. There are 3,500 people there. It is increasing every day. A railroad was built in last year.

Mr. MANN. Do they really need a 40-acre tract for dumping purposes?

Mr. RAKER. Well, they want to put a plant there. They believe they do, and I believe so. It lies about 2 miles from town.

Mr. MANN. How far is this from the volcano?

Mr. RAKER. About 45 miles.

Mr. MANN. I think it would be cheaper to send the waste up there and dump it.

Mr. RAKER. But you would have to climb 10,487 feet to get to the mouth of the volcano.

Mr. MANN. If the people out there are like the distinguished gentleman from California [Mr. RAKER], climbing would not hurt them.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. KETTNER. His opinion was in the first report.

The SPEAKER. The Clerk will read the amendment of the gentleman from North Carolina for information.

Mr. MANN. Mr. Speaker, I would like, first, to know what was the opinion of the Attorney General. If there was an opinion it ought to have been in the report.

Mr. WEBB. I will say to the gentleman from Illinois that I do not recall that the Attorney General ever specifically indorsed the bill creating a new judgeship in the southern district of California. The gentleman from Arkansas [Mr. FLOYD] was chairman of the subcommittee that held the hearings on the bill. There is no objection to the bill, so far as we have heard, from the Department of Justice. There is a universal demand among the judges, district attorney, lawyers, litigants, and citizens of the southern district of California for this new district judgeship.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. RAKER. The Attorney General has rendered an opinion upon this.

Mr. MANN. Mr. Speaker, as I understand, it is customary, or it ought to be customary, for the committee to refer bills of this character to the Department of Justice for information and for the judgment of the department.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. MANN. I am discussing the matter with the gentleman from North Carolina, the chairman of the committee.

Mr. RAKER. I wanted to call attention to the fact that the Attorney General has reported on this bill.

The SPEAKER. The gentleman from Illinois said that he desired to converse with the gentleman from North Carolina.

Mr. MANN. The chairman of the Committee on the Judiciary.

Mr. WEBB. My attention is directed to the fact that the Department of Justice wrote to Senator CULBERSON when this bill was being considered in the Senate, setting forth the needs for a new judge. That letter is signed by a Mr. Jesse C. Atkins, Assistant Attorney General, for the Attorney General.

Mr. MANN. It would vastly expedite the passage of bills of this character if gentlemen would include in their reports a statement from the Department of Justice.

Mr. WEBB. This is in the Senate report, and we did not think it was necessary to put it in the House report, I suppose, though I did not draft the report on this bill.

Mr. MANN. But we are supposed to get our information from the House reports. We are not supposed to read the Senate reports.

Mr. WEBB. I agree with the gentleman.

Mr. MANN. What does the Attorney General report upon it?

Mr. KETTNER. He reports favorably.

Mr. MANN. Mr. Speaker, I notice that this bill, which is intended to reenact only sections of the judicial title code, includes two judges for the district of Maryland and does not include the judgeship that was recently created at Philadelphia. I was informed the other day that that situation was relieved by the death of the senior judge in that district in Philadelphia, and I have been informed that the judge who was the senior judge when this law was enacted in Maryland has since died.

Mr. WEBB. Yes; and the amendment which I desire to offer cures that defect.

Mr. MANN. That situation existed at the time the bill was reported to the House, it existed at the time it was reported to the Senate, and at the time it passed the Senate. Why was it that the two great Judiciary Committees were unable to ascertain a fact relating to Maryland, where you simply step over the line to find out if necessary, and then recommend the passage of a bill to create an additional district judge in Maryland, whom nobody wants? The committee could see to California, but not to Maryland.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, let us hear the amendment read first.

The SPEAKER. The Clerk will report the amendment for information.

The Clerk read as follows:

Strike out, on page 2, line 1, the words "the district of Maryland," and strike out all after the word "provided," in line 8, page 2, down to the word "that," in line 12, on page 2.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to know from the chairman of the Judiciary Committee just what the bill as amended would do?

Mr. WEBB. It creates simply an additional district judge for the southern district of California. That is all there is to the bill.

Mr. MURDOCK. What is this amendment that the gentleman has offered?

Mr. WEBB. Four years ago Congress created an additional district judge for the district of Maryland, with the provision that when the senior judge died his successor should not be appointed. That law was carried forward in the judicial code, and in reenacting the judicial code that same section of the code was copied in this bill; but since that time the senior judge in Maryland has died, and unless the bill be amended in the particular which I state it would provide for an additional judge in Maryland, which is not wanted. My amendment cures that difficulty.

Mr. MURDOCK. So that this really does not eliminate a district judgeship at all?

Mr. WEBB. Oh, not at all. That judge is dead, but no successor is to be appointed under the law.

Mr. MURDOCK. The original bill which provided for an additional judge in California does not provide for an extra district?

Mr. WEBB. No. That is cared for in the judicial code, which provides for one judge in the southern district of California. This bill provides for an extra judge.

Mr. MURDOCK. That makes how many judges for California?

Mr. WEBB. Four.

Mr. MANN. An additional one in the northern district.

Mr. WEBB. Yes; the southern district has increased in population in the last few years some three or four hundred per cent.

Mr. MANN. This makes two judges in the northern district and two in the southern district.

Mr. MURDOCK. That is four.

Mr. WEBB. That is right.

Mr. MURDOCK. Will the gentleman tell me if the report of the Attorney General shows, on the face of it, in figures, that there is business there which makes these four judges necessary?

Mr. WEBB. The Attorney General's report consists mainly of a letter from the clerks in the southern district, which makes out a very very strong case in favor of an additional judge. I have a telegram, received from there a day or two ago, which I will read, if the gentleman desires, which clearly shows the great necessity for this additional judge.

Mr. MURDOCK. What I am trying to arrive at is this: States of similar population to California—Arkansas, for instance, has two judges and two districts. Louisiana has two judges, Nebraska has two judges, and Kansas only has one. Why should California have four?

Mr. WEBB. There is more business there.

Mr. STEPHENS of California. Mr. Speaker, during the year 1895, the first year under the present incumbent, Judge Olin Wellborn, there were 117 cases filed in the Federal court at Los Angeles, Cal. In the year 1913 there were some 745 cases filed, and in the first six months of the year 1914, 403 cases were filed. The present judge works every moment of his time. He takes no vacation.

Mr. MURDOCK. Does the gentleman know whether these judges are all needed or not?

Mr. WEBB. Oh, yes; they are absolutely essential.

Mr. FOSTER. Mr. Speaker, let me state to the gentleman from Kansas that last unanimous-consent day I had this go over in order that I might look up this bill, and suggested to the gentleman from North Carolina in reference to the Maryland matter, which we agreed ought to go out. Since then I have had a good deal of literature and a letter from the clerk of the court out there, which convinces me beyond any question that it was necessary that they should have this additional judge to transact the business out there.

Mr. MURDOCK. The gentleman believes that the four judges are necessary in California?

Mr. FOSTER. I have not the least doubt after having examined the matter and talking with the gentleman from the Los Angeles district.

Mr. WEBB. The population there has increased in the last 15 years from about 400,000 to 1,000,000.

Mr. KETTNER. That is in this judicial district.

Mr. FOSTER. These 17 counties have increased in population since 1900 from 424,000 to 970,000, and they are now having many cases go over on account of being unable to attend to the business.

Mr. STEPHENS of California. Mr. Speaker, if the gentleman from North Carolina will permit me to answer the gentleman from Kansas and other Members who desire information about this matter, I will say the purpose of this bill, S. 495, is to create a new Federal judgeship for the southern district of California. Perhaps never before have the facts and conditions so clearly warranted the making of a new Federal office and the naming of a new Federal officer.

There are 17 California counties, comprising an area equal to that of the States of Kentucky and Tennessee combined, in this one judicial district, and the growth in population and in court business since the present district judge was appointed has been very great indeed.

Judge Olin Wellborn, our district judge, was once a Member of this House from the State of Texas. He moved to California, and in 1895 was appointed to the bench by President Cleveland. His predecessor, Judge Erskine M. Ross, had been appointed district judge by Mr. Cleveland in his first term as President, and was promoted to the circuit court of appeals in his second term. Both of these gentlemen have well served the people and the Government. They have been fair and honest and industrious, and have filled their respective offices to the eminent satisfaction of the lawyers, litigants, and people generally.

When Judge Wellborn was appointed there were about 350,000 people in the district; to-day there are more than 1,200,000. Los Angeles is the largest city in the district. In 1895 it had a population of about 75,000; in 1910, 319,000; and to-day has more than 500,000 people.

San Diego is next in size. In 1895 its population was about 17,000; in 1910, 40,000; and to-day it claims eighty or ninety thousand.

Fresno follows next. In 1895 it had 11,000 people; in 1910, 25,000; to-day it is estimated to have about 35,000.

Pasadena, Long Beach, Pomona, Santa Monica, Venice, Alhambra, South Pasadena, Whittier, Monrovia, Covina, San Bernardino, Redlands, Riverside, Ventura, Santa Barbara, San Luis Obispo, Bakersfield, Hanford, Coalinga, Colton, Corona, Merced, and Modesto are also cities within the district, and have populations of from 5,000 to 40,000 each.

The county of Los Angeles is the most populous, having grown from 135,000 in 1895 to 501,000 in 1910, and to over 750,000 now.

In 1895 Los Angeles County had six superior or common pleas judges; to-day it has 18—three times as many as when Judge Wellborn was appointed. Many additional judgeships have been created in the other counties of the district since 1895, but there has been no increase of judges in our United States district court.

During 1895 the total new cases brought in Judge Wellborn's court numbered 117, or an average of near 10 per month. For the year 1913, 745 new cases were brought, an average of 62 per month. For the first six months of 1914 there has been a monthly average of over 73 new cases.

The following table shows the cases, civil, criminal, and in bankruptcy, that have been instituted during each calendar year beginning with the year 1895, the year of the appointment of the present district judge, and including the first six months of the year 1914:

Year.	Civil cases.	Criminal cases.	Total civil and criminal.	Bankruptcy cases.	Total of all cases.
1895	36	81	117	.....	117
1896	59	75	134	.....	134
1897	57	64	121	.....	121
1898	103	46	149	57	206
1899	76	45	121	138	259
1900	64	27	91	122	213
1901	46	36	82	111	193
1902	62	47	109	114	223
1903	73	42	115	116	231
1904	69	56	125	144	269
1905	131	55	186	181	367
1906	160	28	188	173	371
1907	111	53	164	181	345
1908	126	117	243	203	446
1909	112	73	185	233	418
1910	114	93	207	249	456
1911	145	131	276	268	544
1912	127	156	283	318	601
1913	203	178	381	364	745
1914 (first six months)	74	93	167	236	403

The condition of business in the court can best be understood by quoting the following from a letter written April 10, 1914, by William M. Van Dyke, the clerk of the court:

The actual state of the calendar and of the condition confronting the court at the present moment can best be understood and appreciated, it seems to me, if I first make a brief statement of the work that has been done by the court during the last two not unusual but very typical weeks:

On the 2d of April, with the jury out in one criminal case, Judge Wellborn impaneled a jury and proceeded at once with the trial of another criminal case, the United States v. William B. Edwards and five other defendants, indicted on a charge of conspiring to injure, oppress, etc., citizens in the exercise of civil rights, in violation of section 19, Federal Penal Code of 1910. Many witnesses for the Government and for the defendants have been sworn and examined, and as the case involves some new and important questions, the trial has been a prolonged one, and will not be concluded until to-morrow. Judge Wellborn has interrupted this trial to hear his law and motion calendars on Mondays, each calendar comprising from 30 to 40 matters, demurrers, pleas, and motions. He has also during recesses concluded the hearing of one case tried before him without a jury, and begun another. He has also received at different times during that period three reports of the United States grand jury for this district, which returned with the three reports 18 indictments. He has also imposed sentences in four cases in which defendants were convicted prior to April 2. He has received pleas of "guilty" from and sentenced four other defendants and received pleas of "not guilty" in five other cases. He has also heard and granted applications for discharge in bankruptcy in 13 bankruptcy matters, and has made orders of adjudication in bankruptcy in 18 other matters, besides hearing many other ex parte motions in court and many matters in chambers.

The calendar of cases for trial, which has accumulated during the trial of the Edwards case, and which was called this morning, in addition to the case on trial, consists of 19 criminal cases ready to be proceeded with immediately, 1 civil case, besides 1 case for the imposition of a sentence, and 4 cases for arraignments of defendants and for the entry of their pleas.

There are now set for other days during the next 10 weeks at Los Angeles 19 criminal and 31 civil cases. While a few of the 20 cases on to-day's calendar and of the 50 other cases set during the term, according to the announcement of counsel, can, perhaps, be disposed of in a day, most of the cases will take several days to try, and many will certainly require a week or more.

As I have above stated, it is also necessary that Judge Wellborn should interrupt the term at Los Angeles to hold a term of court as provided by law at Fresno, beginning on the first Monday in May. The calendar for that session is not yet made up, but I am advised that there will be tried one criminal and two civil cases, in which the Government is interested, and that there will be ready for trial six civil cases in which the Government is not interested, which the parties are anxious to have tried at said term of court. It will also be necessary to impanel a grand jury for that division of the district and receive and act upon its report. Everything considered, it appears to me that the business at Fresno for the coming session can not be disposed of in less than two weeks.

Mr. MURDOCK. Does the gentleman know whether or not the holding judge is diligent?

Mr. STEPHENS of California. Judge Wellborn has been doing and is now doing all that mortal man can do. He works continuously. He holds court every day, generally at Los Angeles, though twice each year he is obliged, under the law, to hold court at San Diego and Fresno. Mr. Speaker and Members of the House, the people of southern California are in urgent need of another Federal judge. Civil cases are more than two years behind, and many criminal cases are delayed for months beyond the time for exact justice or even fair treatment.

The following letter received a short time ago, correctly demonstrates the unwarranted inconvenience and expense to which our people are being subjected because there are not enough judges to try the cases brought:

LOS ANGELES, CAL., *May 2, 1914.*

The Hon. WILLIAM D. STEPHENS,
Washington, D. C.

DEAR SIR: We have a very important case relative to conflicting patents which is to be tried in the United States circuit court of this city under Judge Wellborn. The case is of such moment that the reporter's fees alone for taking and transcribing the testimony was over $2,500.

We completed taking the testimony in February one year ago. Ever since that time we have been anxiously endeavoring to have this case heard before Judge Wellborn. His calendar has been so full of criminal cases during that entire interval that he has been utterly unable to try our case. Worse still, about one week ago Judge Wellborn announced from the bench that, due to pressure of criminal cases, probably not a single civil case will be heard in his court this term.

We understand that there is a bill now pending for the purpose of providing this district with another Federal judge. We can assure you that it is extremely important that that bill be passed, as at present this district is virtually without a civil Federal court, and is being very greatly hampered thereby.

Realizing the extreme tardiness of court action in this district, unscrupulous companies are taking advantage of the situation and are ignoring the rights of others, depending on the profits of business so obtained to defray their legal expenses when the belated decision may be rendered against them.

We strongly urge on you the importance of passing the bill referred to.

With kindest personal regards from the writer, we are,

Yours, very truly,

WILSON & WILLARD MFG. CO.
For E. C. WILSON, *President.*

The following extract from a letter written by the clerk of the court November 1, 1913, illustrates the same thing, and also shows the tremendous expense to the Government of an always overcrowded calendar:

I have had a search made, however, as to four cases which were so continued during the year 1913—

Yes; she, too, much indulged thy fond pursuit;
She sowed the seed, but Death has reaped the fruit.
So the struck eagle stretch'd upon the plain,
No more through rolling clouds to soar again,
View'd his own feather on the fatal dart
And wing'd the shaft that quiver'd in his heart.

There will not be in a century, if ever, circumstances, facts, and causes that will make another instance which can point to this act as a precedent. Feeling that here where he received the mortal blow is where the sign of remembrance should be set up, I ask again, in this brief and faulty explanation to this House, that they vote the passage of this bill with the amendment incorporated therein. [Applause.]

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to say to my friend from Georgia [Mr. PARK] that I would not be willing to have the Government purchase land as a post-office site for the purpose of using it as a park. If the people of Thomasville desire to present this land to the Government in connection with the post-office site, I would have no objection whatever to letting the Secretary of the Treasury permit the city of Thomasville to maintain it as a park at their expense.

Mr. PARK. Then, Mr. Speaker, considering the gentleman's objection, I offer this amendment to meet his objection.

The SPEAKER. The time has not yet arrived for that.

Mr. MANN. Let it be read for information.

Mr. PARK. I present the amendment for information, Mr. Speaker.

The SPEAKER. The Clerk will read it for information.

The Clerk read as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the said post-office site, except where buildings, further additions, and approaches are now or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations prescribed from time to time by the Secretary of the Treasury.

"That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to accept conveyance of title to the land between the post-office site and Madison Street in the city of Thomasville, Ga., and the said land so acquired shall thereupon become a part of said post-office site: *Provided*, That the said enlarged post-office site, except where buildings, further additions, and approaches are now or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations to be prescribed from time to time by the Secretary of the Treasury."

Mr. MANN. Mr. Speaker, I understand from the gentleman that if the bill is now considered, he proposes to offer that amendment?

Mr. PARK. Yes; and withdraw the other.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. PARK. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that this bill be considered as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I notice that the amendment starts out, "That the said post-office site." It ought to read:

That the post-office site in the city of Thomasville, Ga.

Mr. PARK. I accept the amendment, Mr. Speaker.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment of the gentleman from Georgia [Mr. PARK].

The Clerk read the amendment, as follows:

In line 1 of the amendment strike out the words "said post-office site" and insert in lieu thereof the words "post-office site in the city of Thomasville, Ga."

The amendment to the amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Georgia [Mr. PARK] as amended by the Mann amendment.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

Mr. MANN. Mr. Speaker, I suggest that the title be amended in accordance with the amendment to conform to the text of the bill.

The SPEAKER. If there be no objection, the title will be amended to conform to the text of the bill.

There was no objection.

On motion of Mr. PARK, a motion to reconsider the last vote was laid on the table.

The announcement of the result was received with applause.

LANDS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The Clerk read the title of the bill.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that this bill be passed without prejudice. Is there objection?

There was no objection.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1818) to regulate the interstate transportation of immature calves.

The bill was read, as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is 6 weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 6 weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than 6 weeks old and over 3 weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

Mr. GARNER. Mr. Speaker, I desire to make a suggestion to the gentleman from Michigan [Mr. HAMILTON], the author of the bill.

Mr. HAMILTON of Michigan. What is the gentleman's suggestion?

Mr. GARNER. In order to save time, I ask unanimous consent that this bill go over without prejudice.

The SPEAKER. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the bill go over without prejudice. Is there objection?

Mr. HAMILTON of Michigan. Mr. Speaker, of course, if the gentleman from Texas insists upon it, I am in no position to resist; but I want to ask the gentleman if it is not possible for him to suggest an amendment to the bill which will meet such objection as he may have to it?

Mr. GARNER. Mr. Speaker, in response to the suggestion of the gentleman from Michigan I will say that I feel quite confident from the correspondence I have had with gentlemen in Texas interested in the cattle industry that we will be able to come to some definite conclusion, and that there will be no objection per se to the bill the next time it comes up. But, Mr. Speaker, I want to say in this connection that this bill is not intended to affect, and does not particularly affect, the cattle industry. No gentleman can rise on the floor of this House and point to a single instance, so far as I know, where men engaged in the cattle industry for the purpose of producing beef have ever abused the privilege of selling and transporting calves or have caused the thing which is sought to be remedied by this bill.

Mr. HAMILTON of Michigan. The gentleman is quite right about that.

Mr. GARNER. This bill is intended entirely to reach the dairy interests of this country. I may say in this connection that the indentical remedy is within the hands of each State in the Union.

Mr. HAMILTON of Michigan. Oh, no.

Mr. GARNER. The States simply refuse to exercise the right. The gentleman from Michigan shakes his head. I do not believe there is any State in the Union that can not, under the public-health provisions of its constitution, adequately take care of the situation. But I am not going to argue that point with the gentleman. I know there ought to be some legislation along this line in order to prevent the dairy people abusing the right which now exists, of killing young calves. Therefore I feel confident that the cattlemen of the country who desire to have the public health protected, and who also desire legislation from a humanitarian standpoint, will be willing to agree to an amendment which I am sure will be satisfactory to the gentleman from Michigan [Mr. HAMILTON]; but to-day I would like to have the bill go over.

Mr. HAMILTON of Michigan. Mr. Speaker, so that the matter may be fully understood by my friend from Texas and by those whom he represents, I should like to make a very brief statement. I ask unanimous consent to address the House for two minutes.

The SPEAKER. The gentleman from Michigan asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. HAMILTON of Michigan. When the bill was under consideration before the Interstate and Foreign Commerce Committee, Judge Cowan, a distinguished citizen of Texas, came before the committee representing certain western cattle raisers' associations. He made a statement to the effect that there might be times of drought, when pasturage was short, when it might be necessary to move cattle across State boundary lines, and when it might be necessary to slaughter the mothers of the calves, because of the lack of pasturage, and when it might possibly be necessary to slaughter calves under 6 weeks old. The age limit is fixed in the bill at 6 weeks.

Now, as a matter of fact, Mr. Speaker, if I am correctly informed, the cattlemen of the Southwest do not kill any calves under 6 weeks old. On the contrary, they keep their calves until they are nearer 6 months old. The situation sought to be corrected, the abuse sought to be prevented by this bill, does not apply to the Southwest. After hearings before the committee, after consultation with the Secretary of Agriculture, and after consultation by Judge Cowan with Dr. Melvin, head of the Bureau of Animal Industry, an amendment was incorporated in this bill to meet the very difficulty which my friend suggests, and I supposed that we had it all arranged to meet that situation. Of course, if my friend feels that the bill ought to go over, so that his people may have further opportunity for consideration, reluctant as I am to have the consideration of the bill postponed, I shall accede to the request, because I must.

Mr. GARNER. I hope the gentleman from Michigan will understand that I am in sympathy with the objects which he desires to attain. But it was a very short time to go to Texas and get the views of the cattlemen in that State, and then get back here in time to consider the bill to-day. That is the reason I ask to let it go over until the next unanimous-consent day.

Mr. HAMILTON of Michigan. The gentleman knows that there are great abuses of the kind sought to be prevented by this bill.

Mr. COX. Will the gentleman state who are the men that are abusing the privilege.

Mr. HAMILTON of Michigan. I will, but I do not want to trespass on the time of the House.

Mr. COX. The gentleman can have some more time.

Mr. HAMILTON of Michigan. In the dairy countries where they have a large number of cows, say 75 or 100——

Mr. COX. Michigan is a large dairy State, is it not?

Mr. HAMILTON of Michigan. Yes; there are a good many dairy farms there. In the spring there are a large number of calves born. If the gentleman was brought up on a farm, he knows that it is not easy to teach a calf to drink, and the dairymen do not like to take the time to teach the calves to drink. Besides that, the dairymen want to sell the milk instead of feeding it to the calves. The calf is in the way, and if they keep him it is necessary to teach him to drink, and so there are men hanging around these dairy farms, who make it a business to buy these young calves.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent for four minutes more.

Mr. FOSTER. The gentleman can make his speech when the bill comes up again.

Mr. COX. The gentleman has four additional minutes.

The SPEAKER. Is there objection to the gentleman from Michigan proceeding four minutes? [After a pause.] The Chair hears none.

Mr. HAMILTON of Michigan. A great many of these calves are shipped to Boston, and the testimony shows that in two days 790 calves arrived in Brighton, a suburb of Boston, and of these 790 calves 183 were dead. In six days 1,700 were brought in from New York, and in one week over 6,000 came in from New England points. These young calves, when they arrive alive, are slaughtered and the carcasses are used for food for poor people. Now, the experts say that the meat is unfit for human food. They say that the calves being too young their meat is water soaked and dropsical and becomes a fertile place of deposit of the germs of disease.

There is another thing that they do. They can this meat and label it "potted chicken," and when you think you are eating potted chicken you are really eating the carcasses of immature calves. It is an abuse that ought to be stopped not only because it is cruel, but because it is dangerous to human life.

Mr. COX. It is the dairymen that are guilty of this kind of misconduct.

Mr. HAMILTON of Michigan. It is—that is, they sell the calves to shippers, and these shippers sell the calves to unscrupulous dealers. The dairymen are anxious and willing to get rid of the calves. I will consent to let the matter go over until my friend from Texas can hear from his constituents.

The SPEAKER. The gentleman from Texas asks that this bill be passed without prejudice. Is there objection?

There was no objection.

MEDAL-OF-HONOR HONOR ROLL—ARMY AND NAVY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12179) to establish in the War Department and in the Navy Department, respectively, a roll, designated as "the Army and Navy medal-of-honor honor roll," and for other purposes.

The Clerk read the title to the bill.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. LANGLEY. Mr. Speaker, I did not understand what that was. Was there objection to the consideration of the "medal-of-honor honor roll bill"?

The SPEAKER. Yes; the gentleman from Illinois objected.

Mr. LANGLEY. I am sorry that he did so.

[Mr. LANGLEY addressed the House. See Appendix.]

FIRE-ALARM SYSTEM—GOVERNMENT HOSPITAL FOR INSANE.

The next business on the Calendar for Unanimous Consent was House joint resolution 205, to enable the Secretary of the Interior to legally fix and determine the ownership and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane and to determine such other questions as are provided for in the following resolution.

The Clerk read the title to the resolution.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will read the next bill.

ADDITIONAL DISTRICT JUDGE FOR CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and is hereby, amended to read as follows:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland senior in commission such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

Mr. WEBB. Mr. Speaker, I desire to offer an amendment.

Mr. MANN. I would like to ask the gentleman a question. Was this bill submitted to the Attorney General for an opinion?

Mr. KETTNER. It was.

Mr. MANN. What was the opinion he rendered?

for whom I have profound esteem, he is radically mistaken. I am a Republican and have been all my life, and I have been urged not to make this statement public, because a successful issue of the treaty will help the Wilson administration.

"'*I do not care to live to greet that day where my love of party smothers my love of justice and halts my courage in doing what I believe is right for the true interests of my country.*'

"Who can wonder that when such devoted friends of President Roosevelt as President Taft and Secretary of State Knox succeeded to power they should have felt under a deep moral obligation to repair the wrong which Colombia had suffered. That thought was never absent from them. President Taft's last important word to Congress was upon this subject.

"COLOMBIA'S FRUITLESS APPEAL FOR ARBITRATION.

"In his communication to President Taft, heretofore quoted, Mr. Knox said: 'Included in this most recent telegraphic correspondence is a statement of the impression of the legation at Bogota that the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question.' That is all that Colombia has ever asked of the United States—a fair hearing before an impartial international tribunal, either The Hague court or a tribunal specially constituted. No more conclusive argument was ever made than that in which Senator Bacon—at the time of his death the able chairman of the Senate Committee on Foreign Relations—demonstrated Colombia's right to arbitration under the law of nations. Colombia's claim for the value of the territory of Panama, the Panama Railway, the railroad annuities, the contract with the French Canal Co., and other advantages exceeded twofold the pecuniary sum agreed upon in the pending treaty. Not until after her right to have the amount of the damages due her ascertained by an arbitral court had been denied her was the settlement embodied in the pending treaty entered into.

"An attempt has been made to create prejudice against the treaty by the false statement that Colombia has agreed to pay me a contingent fee of $1,000,000 upon its ratification. I am her only counsel and our contract is in writing and subject to inspection by the Senate Committee on Foreign Relations whenever that body may see fit to call for it. It simply provides that I am to receive just and reasonable compensation for my services when they are concluded; and, in the event of a difference between us as to the amount, such difference shall be adjusted by arbitration. And here, in conclusion, I feel it my duty to say that my zeal in this matter as counsel for Colombia has been increased by the fact that after an exhaustive study of all the antecedents I have been as profoundly impressed as I could ever be of anything of the justice of her cause, not only in morals but under the principles of international law. Therefore, as an American citizen, I feel that a great good has been accomplished for my country in this grave matter by the making of a settlement which will reestablish the ancient and cordial friendship with a neighboring State, in which the commerce and industry of the United States will find a region most favorable for its development."

Mr. KINDEL. Mr. Speaker, I would like to ask unanimous consent for one hour's time in which to review the charges made by President Ripley, of the Santa Fe Railroad.

The SPEAKER. When does the gentleman want the hour?

Mr. KINDEL. At any time it will suit the Chair or the House.

The SPEAKER. The gentleman will have to make a more definite request.

Mr. FERRIS. Ask for to-morrow.

Mr. KINDEL. I ask, then, for to-morrow, Mr. Speaker.

The SPEAKER. The gentleman from Colorado [Mr. KINDEL] asks unanimous consent to address the House for an hour to-morrow, after the reading of the Journal. On what subject does the gentleman wish to address the House?

Mr. KINDEL. On the question of the parcel-post and freight rates, on which the Democratic Party is charged with doing wrong.

The SPEAKER. On the subject of the parcel post, in answer to Mr. Ripley.

Mr. UNDERWOOD. Mr. Speaker, I do not desire to prevent the gentleman from Colorado from having an opportunity to address the House, but there is a very important matter that will come up to-morrow, the amendment to the general dam act, and we are anxious to get general debate closed. Therefore I could not consent at this time to yield the hour to-morrow. I would be perfectly willing to yield it at a later date.

The SPEAKER. The gentleman from Alabama objects.

Mr. KINDEL. I then ask unanimous consent for leave to print. I have been trying for a year and a half to get this before the House.

The SPEAKER. The gentleman from Colorado asks unanimous consent to print his remarks in reply to President Ripley. Is there objection?

Mr. KEATING. Mr. Speaker, I object.

The SPEAKER. The gentleman from Colorado [Mr. KEATING] objects.

Mr. MONDELL. Mr. Speaker, I wish to ask unanimous consent to extend my remarks in the RECORD as to the effect of the tariff on the business of the country.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the tariff. Is there objection. [After a pause.] The Chair hears none.

The Clerk will report the first bill on the Unanimous Consent Calendar.

RELIEF OF LANDOWNERS IN MISSISSIPPI AND LOUISIANA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the Calendar. The Clerk will report the next one.

PUBLIC-BUILDING SITE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire, by purchase, condemnation, or otherwise, the portion of land between the post-office site and Madison Street, same width as post-office site and running back 50 feet, to enlarge the site for the post-office building at Thomasville, Ga., at a cost not to exceed $5,000.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object. Mr. Speaker——

Mr. PARK. Mr. Speaker, before the discussion I ask unanimous consent that the amendment which I send to the Clerk's desk may be read for information.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Amendment No. 1 to H. R. 15110: "That the said enlarged post-office site, except where buildings, further additions, and purchases are or may hereafter be located, may, in the discretion of the Secretary of the Treasury, be used as a public park, to be known as Roddenbery Park, to be maintained by the city of Thomasville under regulations to be prescribed from time to time by the Secretary of the Treasury."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. I reserve the right to object.

The SPEAKER. The gentleman from Illinois reserves the right to object.

Mr. PARK. Mr. Speaker, on a former occasion, when the bill was under consideration——

The SPEAKER. This bill is not under consideration now. The question is, Is there objection?

Mr. MANN. Reserving the right to object, I am willing that the gentleman shall make a statement.

Mr. PARK. Mr. Speaker, I want to make a statement.

The SPEAKER. The Chair knows; but as the gentleman from Illinois reserves the right to object, it is his time to talk.

Mr. MADDEN. Mr. Speaker, I would like the gentleman to tell me how large a place Thomasville is?

Mr. PARK. It has between 4,000 and 5,000 people.

Mr. MADDEN. How much of a public building have they there now?

Mr. PARK. There is none yet.

Mr. MADDEN. This is to purchase a site?

Mr. PARK. Yes; $70,000 to purchase a site and put up the building.

Mr. MADDEN. What are the post-office receipts of the town?

Mr. PARK. About $20,000.

Mr. MADDEN. How much would be invested in the public building and grounds when allowed?

Mr. PARK. Seventy-five thousand dollars.

Mr. MADDEN. The interest on that at 4 per cent would be $3,000 a year; at 3 per cent it would be $2,250 a year.

Mr. PARK. Congress has authorized it.

Mr. MADDEN. I know; but I call attention to the fact that they could probably rent a suitable place for a thousand dollars that would be as good as this building if erected. What has been done in connection with the purchase of the site and the erection of the building?

Mr. PARK. They have paid $9,000, I think, on the site—the present site. Now they want an addition of 56 feet by 140 feet.

Mr. MADDEN. Why do they want more ground?

Mr. PARK. To make a park there.

Mr. MADDEN. Why should they make a park around the public building? Why should they do that?

Mr. PARK. There is a good reason for it—to commemorate the services of my predecessor.

Mr. MADDEN. All right; I shall not object.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I understand the gentleman wanted to make an explanation of it. As I understand it, the amendment that the gentleman has had read for information is to be attached to this bill that is now pending?

Mr. PARK. Yes.

Mr. MANN. I would not be willing to consent to the consideration of the bill.

Mr. PARK. Will the gentleman reserve his objection until I can make a little discussion of it?

Mr. MANN. Yes.

Mr. PARK. Mr. Speaker, on a former occasion when the bill was under consideration the great Illinoisan, Mr. MANN, objected on the ground, as I understood it, that we could not afford to appropriate money to dedicate a monument or a park to each Member of the House as he passes on his way.

The idea uppermost in his mind, I deem, was apprehension lest a precedent be set that might in years to come unwarrantably drain the Treasury.

If passage of this bill with an appropriation to acquire further space to create a little memorial park will set a precedent then I agree with him.

I have much admiration and respect for the well-considered opinions and judgment of this great statesman.

As a slight tribute of my esteem I say that I have sat under the wand of the magician, entranced by the witchery of his wit and the charm of his logic—and I may add that his superb eloquence has more than once lifted himself and his party, and members of other parties, to a state of feeling exalted beyond partisan standards, reaching true statesmanship—and, knowing his keen perception and broad patriotism, I can not but feel that through my inefficiency on the last occasion when this bill was presented an understanding was not reached of the exact purpose and reasons therefor in my mind. I am constrained to further explain the causes and conditions upon which I base this request, and by reason of which I contend no precedent can be established by the passage of this bill.

Precedents are made from causes and conditions, and unless succeeding causes and conditions are similar there is no precedent for them.

No person born and reared or who has lived outside of influences which exist below the old Mason and Dixon's line since the Civil War can know or appreciate the feelings and emotions that throb in the breasts of southern men.

Mr. Speaker, go with me a half century and more in the past, to the period preceding and during my predecessor's life, and consider the atmosphere into which he was born and breathed and fed upon until his advent to this Hall.

He was familiar with the history of conditions that preceded his birth, when slavery and secession were creating discord and threatening to disrupt the Union.

Men of great intellect and of stern convictions on both sides of the question were drawing apart and preparing for what appeared a coming great conflict. A United States Senator, afterwards President of the Confederacy, withdrew from the Senate with a speech memorable and immortal on his lips. Such men as Robert Toombs, of Georgia, William L. Yancey, of Alabama, and others took the same view, their views being combated by men of equal intellect and convictions on the opposite side. In civil and military life a division was rapidly drawn. Robert E. Lee, then in the service of the Union, withdrew his blade from that service and tendered it to Virginia, his mother State, as did many other West Pointers; and as the Union ranks were depleted by these withdrawals they were augmented by others of the same faith and equal determination, who closed their ranks and gathered around the Stars and Stripes to battle for the Union. And when the first gun was fired at Fort Sumter there was unfurled the banner of the Stars and Bars that floated and rippled from the Atlantic all the way to the Rio Grande and far up to the Missouri; beneath its folds there rallied a devoted throng of planters and plainsmen, men from field, city, shop, and profession, all with a common impulse and prayer on their lips, swearing, as they came, that where that flag led they would dare to follow and to die.

Alongside the South Carolinians and their "rattlesnake flag," with defiant motto, "Don't tread on me," ranged Texans and their azure banner with single central star, and war memories of Goliad and San Jacinto tenderly but firmly tuning their heartstrings to battle.

And so the conflict came. The army of Northern Virginia clashed with the army of the Potomac, and the flash and roar and roll of battle scourged the land during four eventful years. At its close was the usual wreckage—the armless sleeve, the wooden leg, the shattered constitution—and his vivid imagination beheld "the warrior's banner take its flight to greet the warrior's soul." The South fought and lost all save honor and a few defeated but unconquered heroes. Nothing was left but the land and a mourning people, amidst whom ranged at will, loosed with a pen stroke, 4,000,000 of half-savage people, made unruly by men unworthy of the great East and North whence they came, and who whispered words of delusive hope into their willing ears.

For more than a decade in wretchedness the people of the South suffered, struggled, and prayed for deliverance, and none but the Anglo-Saxon of pure blood could have stood the strain.

Born during the decade succeeding the war, consider my predecessor as he opened his eyes upon the light and grew from boyhood into manhood's estate, and heard the eloquent story of those he honored, the story of the terrible conflict, believing they were right. And as Memorial Day succeeded Memorial Day he learned to feel keenly in his sensitive nature the sufferings of the people he most loved. He saw daily around him women who had been delicately nurtured, clad in faded, patched, and worn calico, turning their hands to the most menial tasks. He saw gray-bearded men in faded, patched gray bending to the plow, fighting a sterner battle alone and unfriended than they or their companions fought from Manassas all the way through Spotsylvania and the Wilderness to sad but hallowed Appomattox. As he grew older his convictions grew stronger, and when pension legislation was enacted and there was added to the overburdened Southland in her wreck and ruin greater burdens than they could bear, he felt that the vanquished were driven by the law of the sword to contribute of their poverty to pension the victors, and there was "no pity, no relenting ruth"; and his honest, earnest spirit indignant rose at the real or fancied wrong, and when he came here he came with full belief that there was great injustice done his people, and with great determination to right the wrong, with his slight body and great spirit, he felt he would overcome in part and rally others to him, and would finally overcome what he considered cruel injustice. So believing, he entered the lists and struck the shield of the doughtiest of his opponents with lance point, and attacked boldly pension legislation wherever he found a vulnerable point in the armor. He thought about it, pondered over it, argued for it, and came to the floor and fought, and sometimes won in single instances, and sometimes won in more than single instances, and by his determined stand believed he would accomplish a mission. At length his frail body, in which the spirit was bigger than the frame that held it, rose and expanded in his mighty efforts to the bursting point, and the finger of Almighty God lightly touched the tricuspid valve of his heart and there was a purpling of the lips, a bluing of the finger nails, a paling of the face—those infallible tokens of regurgitation of the blood into the chambers whence nature had forced it into the life-giving circuit.

Circulation became slow, the brain and body grew weaker and weaker. His spirit was still strong to fight, but he knew on the instant that the dusky wing of the death angel was hovering him under. Although he struggled on, shortly he retired to his home at Thomasville, with full knowledge that his task was ended though unfinished, and there he met the fate which awaited him, and awaits all, with the cool, naked courage with which he met obstacles here and elsewhere.

Believing as I do and feeling as I do, that he received the injury which caused his death while battling here; for that reason, I say, and for these causes and circumstances I have related, I declare there can be no precedent established when you dedicate this park to his memory.

Contemplating his last moments, Byron's immortal imagery of Kirk White shapes before me:

> Unhappy White, when life was in its spring,
> And thy young muse just waived her joyous wing,
> The Spoiler came, and all thy promise fair
> Has sought the grave to sleep forever there.

shorter route we secured through 'a treaty of peace, amity, navigation, and commerce,' negotiated in 1846, in which it was stipulated as follows:

"'The Government of New Granada guarantees to the Government of the United States that the right of way or transit across the Isthmus of Panama upon any modes of transportation which now exist, or that may be hereafter constructed, shall be open and free to the Government and citizens of the United States, and for the transportation of any articles of lawful commerce belonging to the citizens of the United States.

"'As compensation for that privilege (priceless at that time) the United States promised "as an especial compensation for the said advantages and for the favors they have acquired by the fourth, fifth, and sixth articles of this treaty (articles which secure to the United States reciprocal privileges of importation and tonnage dues and equal customs duties) the United States guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in any future time while this treaty exists; and, in consequence, the United States also guarantee in the same manner the rights of *sovereignty* and property which New Granada has and possesses over the said territory."'

"In the message in which President Polk submitted the treaty in question to the Senate he said, in regard to the right of transit thus won: 'The importance of this concession to the commercial and political interest of the United States can not be overrated;' and in a special message of February 10, 1847, only two months after the initiation of the treaty, he said:

"'There does not appear any other effectual means of securing to all nations the advantages of this important passage, but the guaranty of great commercial powers that the Isthmus shall be neutral territory. * * *

"'The guaranty of the sovereignty of New Granada over the Isthmus is a natural consequence of this neutrality. * * * New Granada would not yield this Province that it might become a neutral State; and if she should, it is not sufficiently populous or wealthy to establish or maintain an independent sovereignty.'

"Thus by the most solemn guaranty known to the family of nations the United States pledged itself, *by express contract*, to respect and uphold the sovereignty of New Granada over the Isthmus of Panama, a plain duty already due to New Granada under the general principles of international law.

"In emergencies other than the disturbance of interoceanic transit or peril to the persons and possessions of American citizens, there might be no intervention in the affairs of New Granada, reestablished as the United States of Colombia in 1863. By the terms of the treaty, and by the principles of international law Colombia, as the successor of New Granada, was the sovereign peer of the United States, which, save for the purpose of protecting free transit, might no more land forces on Colombian soil or even threaten such landing than she might land such forces on the shores of France or England. After a careful examination of the subject a competent expert has said that during the 40 years that intervened between the establishment of Colombia in 1863 and the Panama imbroglio of 1903 United States forces were employed in only seven instances, and for a period of 164 days, and in each instance with Colombia's approval. In no case was there fighting, the mere precautionary measures being sufficient.

"THE SPOONER ACT OF 1902 AND HAY-HERRAN CONVENTION OF 1903.

"In 1902 was passed the Spooner Act, providing for the construction of an Isthmian canal and arming the President with power to obtain from Colombia perpetual control (not cession) for canal purposes of a strip of land from ocean to ocean. Then followed the Hay-Herran convention of 1903, in which it was expressly stipulated that 'the convention, when agreed to by the contracting parties, shall be ratified in conformity with the laws of the respective countries,' and further, 'the Government of Colombia authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or parts of the shares of that company.' The first grave indignity offered to Colombia was embodied in a series of threats, which warned her that her Senate would not, as an independent legislature, be permitted to discuss all necessary amendments to the treaty in question. Col. Roosevelt did not hesitate to declare, 'when in August, 1903, I became convinced that Colombia intended to repudiate the treaty made the preceding January, under cover of securing its rejection by the Colombian Legislature, I began carefully to consider what should be done. By my direction Secretary Hay, personally and through the minister at Bogota, repeatedly warned Colombia that grave consequences might follow her rejection of the treaty.' A cable was sent to Bogota saying, 'The treaty must not be modified or amended;' and then followed a mandate saying, 'ratify the treaty or you will regret it.' Imagine Great Britain addressing such threats to the Senate of the United States when it was about to consider a treaty signed, subject to the approval of that body, between the British ambassador at Washington and our Secretary of State. Is it strange that under the sting of such threats the Colombian Senate should have refused to ratify the treaty in question on August 12, 1903?

"On August 31, Mr. Beaupre sent to Mr. Hay the following telegram, recently published in Diplomatic History of the Panama Canal (S. Doc. No. 474, 63d Cong., 2d sess., p. 438):

"MR. BEAUPRE TO MR. HAY.

[Telegram.]

"UNITED STATES LEGATION,
"BOGOTA, *August 31, 1903.*
(Received September 5.)

"August 31, 1903, 2 p. m. I had an interview with Senator Obaldia to-day. He informed me that he is willing to remain so long as there is hope for the treaty, but he is convinced that there is none, and will leave, therefore, on the 6th proximo. Confirms Gen. Reyes's statement concerning presidential candidate, and says that the next Senate was made certain for the treaty; that he bears instructions to Govs. Insignares and Barrios concerning the elections which will be held next December; that in accepting governorship of Panama he told the President that in case that the department found it necessary to revolt to secure canal he would stand by Panama; *but he added if the Government of the United States will wait for the next session of Congress canal can be secured without a revolution.* Senator Campo, from the Cauca, is about to leave, thinking the treaty gone.

"Confidential. My opinion is that nothing satisfactory can be expected from this Congress. Caro's party has been joined by Velez and Soto and their followers, constituting a decisive majority against the treaty. Gen. Reyes seems to still entertain hopes.

"BEAUPRE.

"And here the fact should be emphasized that the constitution of Colombia expressly forbade the alienation of any part of the national domain until the Congress had first expressly authorized the same.

"In the light of the evidence now available it can not be doubted that only President Roosevelt's unreasonable haste prevented the ratification of the treaty by the Colombian Senate. He has himself quoted a high official of Colombia who, on November 6, 1903, said in a note to the American minister at Bogota that on certain conditions—

"'The Colombian Government will declare martial law and, by virtue of vested constitutional authority when public order is disturbed, will approve by decree the ratification of the canal treaty as signed; or, if the Government of the United States prefers, will call an extra session of Congress, with new and friendly members next May, to approve the treaty.'

"THE OPÉRA BOUFFE REVOLUTION OF NOVEMBER, 1903.

"The delay occasioned by the exercise of Colombia's constitutional right to deliberate upon a treaty before its ratification precipitated the opéra bouffe revolution of November, 1903. Colombia had been at that time an independent State for 93 years, and for 77 years had been so recognized by us. On November 3, 1903, the Republic of Colombia was at peace with the United States, and 'the treaty of peace, amity, navigation, and commerce' of 1846, expressly guaranteeing, in a very solemn manner, her sovereignty over the Isthmus of Panama, was in full force. But despite all those things, the time had now arrived when the pen was to be superseded by the sword. An opéra bouffe revolution was being manufactured at Panama, and a dummy republic was on the way. From his published admission it is hard to doubt that as early as August, 1903, President Roosevelt was aware that the secession of the Province of Panama was being secretly fomented; and he has openly declared that toward the end of October the attempt appeared to be an imminent probability. In order to make that result possible it was absolutely necessary so to arrange the naval forces of the United States that they could be on the spot to prevent the suppression of the so-called revolution by the military forces of Colombia. To that end was issued the famous '50-mile order' of November 2, 1903. In his message to Congress of January 4, 1904, President Roosevelt said:

"'In view of these facts I directed the Navy Department to issue instructions such as would insure our having ships within easy reach of the Isthmus, in the event of need arising. * * * On November 2 the following instructions were

sent to the commanders of the *Boston*, *Nashville*, and *Dixie*: "Maintain free and uninterrupted transit. * * * Prevent landing of any armed force, either Government or insurgent, within 50 miles of Panama."'

"On November 3, 1903, the following order was sent to the commander of the *Nashville* at Colon: 'In the interests of peace make every effort to prevent Government troops at Colon from proceeding to Panama. The transit of the Isthmus must be kept open and order maintained.' Thus, while the solemn treaty was in full force and profound peace existing, President Roosevelt issued a military order, preventing Colombia from moving her own troops over her own railway from her own Colon to her own Panama, in order to put down an opéra bouffe revolution, representing less than one-tenth of the population of the Province of Panama, which the 400 troops of Colombia landed at Colon could have instantly suppressed. Under such circumstances the final act of the comedy was concluded. On November 3, at 6 o'clock, the émeute, chiefly promoted by 'the fire department,' took place, the total death roll being one Chinaman killed by one of the three shots fired from the *Bogota* on the night of the 'secession.' The report of the success of the revolution was received at Washington at 9.50 p. m. of November 3, and at 11:18 word was returned directing the commander of the *Nashville* to 'make every effort to prevent Government troops at Colon from proceeding to Panama.' On November 4 a telegram was received from the Panama consul, saying a proclamation of independence had been issued by the insurgents and three deputized to draw up a constitution. On November 6 this Government sent the following message to our Panama consul:

"'The people of Panama have by an apparently unanimous movement dissolved their connection with the Republic of Colombia and resumed their independence. When you are satisfied that a de facto government, republican in form and without substantial opposition from its own people, has been established in the State of Panama, you will enter into relations with it as the responsible government of the territory.'

"Thus a mere consul was endowed with the august function of recognizing the new Republic when satisfied that a de facto government, republican in form and without substantial opposition from its own people, had been established in the State of Panama. A little later in the day the President of the United States recognized the new nation, the Republic of Panama. And on the same fateful day was appointed Minister Plenipotentiary and Envoy Extraordinary from the Republic of Panama Bunean Varilla, a nonresident alien, whose only interest was the valorization of the shares of a speculative company. On November 13 he was officially received by the President, the earliest date at which his letters could arrive by steamer from the Isthmus, and five days later the canal treaty was signed. It is hard for one at all familiar with the rules of international law to record the details of this strange transaction with a straight face. It is hard not to gasp at this unprecedented process of nation making, a process whereby 'the President of the guaranteeing nation, itself unavoidably included in the treaty's provisions, forcibly disabled Colombia from taking the slightest precautionary measures against secession; continued and expanded his hostility, and, then, in 1 day, 17 hours, and 41 minutes from the issuance in the one city of Panama of an insurgent proclamation of independence, recognized a new sovereignty.'

"A VITAL PRINCIPLE OF INTERNATIONAL LAW.

"During the Civil War the United States became the special champion of that rule of international law which declares that a premature or unjustifiable recognition either of belligerency or independence of a community in rebellion against the parent state is really an act of intervention which the parent state may meet by a declaration of war. In a note on that subject, written to Mr. Adams in 1861, Mr. Seward said:

"'On the other hand, we insist that a nation that recognizes a revolutionary state, with a view to aid its effecting its sovereignty and independence, commits a great wrong against the nation whose integrity is thus invaded and makes itself responsible for a just and ample redress.'

"In the history of the law of nations no near approximation can be found to the process through which the military and naval power of the United States prevented the military forces of Colombia from suppressing a revolution upon her own soil. And the political power of the United States then, within less than two days, recognized the outcome of such a revolution as an independent member of the family of nations. Such conduct upon the part of the United States rendered it 'responsible for a just and ample redress,' first, because it was a conspicuous violation of the rule of international law, recognized by all States; second, because it was a conspicuous violation of the treaty of 1846, in which that rule was embodied as one of the leading stipulations in an express contract. The double liability resting upon the United States for 'just and ample redress' is beyond all controversy, so far as international law is concerned. There never has been but one open question in the case. After President Roosevelt's admission 'I took the Canal Zone' nothing remained for his successors but the ascertainment of the extent of 'a just and ample redress.' Under such circumstances could any high-thoughted or chivalrous American desire that an expression of regret should be withheld? The noble sensibilities of Senator Bacon responded to the situation when he spoke of 'the United States, as a great overshadowing power which can not be compelled by this feeble power to do anything.' Ex-Minister Du Bois, in a recent statement, has beautifully expressed the idea in the following form:

"'While negotiating for a treaty I made the Colombian authorities understand that under no circumstances would the United States apologize to any nation for a political act—that was our unwritten law that never had been and never would be broken. In purely informal conversations, and in my unofficial memorandum, *I suggested that a chivalrous expression of regret that our friendship had in any way been marred, such as any real gentleman would freely grant to another*, might later be embodied in the treaty as a balm for the wounded feelings of a once friendly nation, which had been humiliated before the world, whose credit had been destroyed in foreign countries, whose borrowing ability had been annihilated, and whose persistent appeals for arbitration had been ignored. The United States in negotiating the treaty and Colombia in ratifying it distinctly understood that no apology was embodied in article 1 and nowhere else in the agreement. The opposition to this feature, on the ground that it is an apology, is not just, and is not in the true interest of the United States.'

"OPINIONS OF SENATORS HOAR AND CULLOM.

"It may be said, but not justly, that my position as counsel for Colombia has so biased my mind in her favor as to render me incapable of forming an unprejudiced judgment even upon the questions of international law involved. For that reason I shall appeal to the judgment of two jurists and statesmen who were at the time the most able and venerable supporters in the Senate of the United States of President Roosevelt's administration, and his cordial personal and political friends. I refer to Senator Hoar, of Massachusetts, and Senator Cullom, of Illinois, leaders of the Republican Party, whose experience in matters of international law and diplomacy had extended over an unusually long period. A short time before his death Senator Cullom published a solemn and deliberate statement of Senator Hoar's views upon the subject in such a way as to leave no reasonable doubt that they were also his own. In his 'Fifty Years of Public Service,' pages 212–213, Senator Cullom says:

"'Senator Hoar was disposed to be against the recognition of the Republic of Panama, and it has been intimated that he was of the opinion that the Roosevelt administration had something to do with the bloodless revolution that resulted in the uniting with the United States of that part of Colombia which now forms the Canal Zone. * * * The President wanted the Senator to read a message which he had already prepared, in reference to Colombia's action in rejecting the treaty and the canal in general, which message showed very clearly that the President had never contemplated the secession of Panama, and was considering different methods in order to obtain the right of way across the Isthmus from Colombia, fully expecting to deal only with the Colombian Government on the subject. The President was sitting on the table, first at one side of Senator Hoar and then on the other, talking in his usual vigorous fashion, trying to get the Senator's attention to the message. Senator Hoar seemed adverse to reading it, but finally sat down, and without seeming to pay any particular attention to what he was perusing, he remained for a minute or two, then arose and said: "I hope I may never live to see the day when the interests of my country are placed above its honor." He at once retired from the room without uttering another word, proceeding to the Capitol. Later in the morning he came to me with a typewritten paper containing the conversation between the President and himself, and asked me to certify to its correctness. I took the paper and read it over, and, as it seemed to be correct, as I remembered the conversation, I wrote my name on the bottom of it. I have never seen nor heard of the paper since.'

"And here, by the side of Senator Hoar's outcry, should be reproduced the statement recently made by ex-Minister Du Bois:

"'If any person believes it is pleasant for me to oppose a great leader, whose fortunes I devotedly followed for 10 years, and

NOT VOTING—55.

Borah	Goff	McCumber	Smith, Ga.
Brady	Gore	McLean	Smith, S. C.
Bristow	Hitchcock	Nelson	Smoot
Burleigh	Hollis	Norris	Stephenson
Burton	Hughes	O'Gorman	Sterling
Clark, Wyo.	James	Oliver	Sutherland
Clarke, Ark.	Johnson	Owen	Thompson
Colt	Kenyon	Page	Tillman
Crawford	Kern	Penrose	Townsend
Culberson	La Follette	Pittman	Warren
Dillingham	Lea, Tenn.	Robinson	Weeks
du Pont	Lewis	Root	Williams
Fall	Lippitt	Sherman	Works
Fletcher	Lodge	Shively	

So the Senate refused to adjourn.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. SIMMONS. I move that the Senate adjourn.

The VICE PRESIDENT. The Senator from North Carolina moves that the Senate do now adjourn. [Putting the question.] The noes seem to have it. The noes have it.

Mr. SHAFROTH. I call for a division.

The VICE PRESIDENT. The Chair has decided the question.

Mr. SMITH of Michigan. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 21, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who hast made us after Thine own image and hast given us dominion over the works of Thy hands and thus crowned us with glory and honor, if we will, help us to subdue our passions, and put under our feet all selfish and ignoble desires, that we may rise day by day to the dignity thus conferred upon us and prove ourselves worthy of such preferment, in the name of Him who taught us how to be men. And Thine be the glory. Amen.

The Journal of the proceedings of Saturday, July 18, 1914, was read and approved.

ORDER OF BUSINESS.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to make an announcement to the House. I desire to announce that on Thursday next I will call up a privileged report from the Committee on the Judiciary touching the conduct of Representative MCDEMOTT, provided the general dam bill shall have been disposed of by that time. In case the dam bill has not been finally disposed of at that time, I give notice that immediately after the conclusion of the consideration of that bill I will call up this privileged report.

Mr. FOSTER. Will the gentleman permit?

Mr. FLOYD of Arkansas. Certainly.

Mr. FOSTER. There is a rule which I have been instructed by the Committee on Rules to report to the House, and the understanding was with the Speaker and some other Members of the House that it should be done as soon as the dam bill was completed——

Mr. FLOYD of Arkansas. I do not object to that.

Mr. FOSTER. I want to say to the gentleman that will not consume a great length of time, in my judgment.

Mr. FLOYD of Arkansas. I do not object to that.

Mr. MURDOCK. The gentleman did not state which rule this was.

Mr. FOSTER. The rule is in reference to the appointment of managers of the soldiers' home.

Mr. MURDOCK. Not in regard to the Moon bill.

Mr. FOSTER. They have no quorum, and the matter ought to be disposed of. I understand the Comptroller of the Treasury has decided it is questionable whether they can draw any money without a quorum.

Mr. MURDOCK. Has the rule been reported out in reference to the Moon bill?

Mr. FOSTER. It has been reported, but it has not been adopted by the House.

Mr. MURDOCK. But it has been reported?

Mr. MANN. It has been authorized.

Mr. FOSTER. It has been authorized by the committee; not reported.

EVENING SESSION TUESDAY.

Mr. POU. Mr. Speaker, I ask unanimous consent that the House have a session on Tuesday evening to complete the call of the calendar by unanimous consent. I have the order here.

The SPEAKER. Send it up to be reported by the Clerk and then the Chair will propound the question.

The Clerk read as follows:

Ordered, That on Tuesday night, July 21, the House stand in recess from 5 p. m. until 8 p. m.; that a session be held from 8 p. m. to 11 p. m. for the consideration in the House as in Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 318 on said calendar.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I understood it was the desire to finish at least general debate on the dam bill to-morrow, and as this might interfere with that I object.

Mr. POU. Will the gentleman be willing to put it Wednesday evening?

Mr. MANN. Well, Wednesday is Calendar Wednesday.

The SPEAKER. A recess can not be taken on Calendar Wednesday.

Mr. POU. Then, I will ask Thursday evening.

Mr. MANN. I do not know now what is going to come up Thursday under the present situation. We may have up the dam bill on Thursday under the five-minute rule, and I am sure the gentleman will not wish to interfere with that.

Mr. UNDERWOOD. I would like to state to the gentleman from North Carolina that my sympathies are entirely with him in his efforts to have these private claims disposed of, but if the gentleman would put his request off for a day or two we may get closer to a point where we can possibly reach an agreement which will be more satisfactory.

Mr. POU. I would like to say to the House, by unanimous consent, that the Committee on Claims during this entire Congress has had about two hours to pass bills which are contested. Of course I have no personal interest in this matter. I am trying to get this request for the accommodation of Members here who are interested in these claims. There has not been a single bill of the Committee on Claims that has been put through this session in any other way than by unanimous consent. Now, the session goes on, and we are told every time there will be opportunity later on. I merely want to warn the House that the chances are, if we continue to put off the consideration of the Private Calendar, that the session will end and nothing will be done.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter which I have received presenting certain information with reference to the effect of the imposition of penalties under the income-tax law, and which I desire to have the House consider——

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks by inserting a letter about penalties in reference to the income-tax law. Is there objection?

Mr. CRAMTON. And I desire to ask its consideration in connection with the Smith resolution for a waiver of such penalties.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, my attention was distracted for a moment, and I did not hear the gentleman.

Mr. CRAMTON. Mr. Speaker, it is simply a letter presenting some information as to the effect of the imposition of penalties under the income-tax law, this letter reciting facts as to the situation in Oklahoma somewhat as I have already presented them to the House in reference to Michigan.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I wish to say I have no objection to the gentleman printing this letter, but I think the gentleman should know, and everyone else should know, that the collection of these penalties from any corporation not making a return under the income tax is entirely discretionary with the executive branch of the Government.

The law provides that the penalty shall not exceed $10,000, which means that a penalty can be affixed from $1 up to $10,000, and it is not a question about which the House can further legislate or should further legislate. It is purely a question of executive discretion.

Mr. CRAMTON. I will say, Mr. Speaker, if I may, that I have no controversy with the gentleman from Alabama [Mr. UNDERWOOD] on that point. I agree with him as to the discretion of the Treasury Department. The view of the Treasury Department seems to be to the contrary, or, at least, they refuse to exercise the discretion which they have, and hence the only course to secure relief would be through action by the Congress.

Mr. UNDERWOOD. Well, I do not see where action by Congress could relieve the situation, because it ultimately would go to the discretion of the department. They could not pass a bill relieving the penalties, because some of these people are undoubtedly in default and should be penalized. I agree with the gentleman that a great many of them are not at fault.

Mr. CRAMTON. And in a great many cases the department could reasonably exercise its discretion.

Mr. UNDERWOOD. Well, I am not in a position to pass judgment for the department. So far as I am personally concerned, I am free to say that in these cases of small corporations that have been brought in because the limit of $5,000 has been knocked out, which covers most of the cases, I would be exceedingly liberal with them this year. That would be my position.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

The SPEAKER. Is there objection?

Mr. CARTER. I reserve the right to object, Mr. Speaker.

Mr. HUMPHREY of Washington. I understood the gentleman to say a moment ago that the fine could be anything from $1 up. But I received a letter from the department the other day saying that they would not consider anything less than $50.

Mr. UNDERWOOD. That was a department ruling. That is not the law.

Mr. HUMPHREY of Washington. That is what I thought. I received a letter of that kind.

Mr. CARTER. May I ask the gentleman from Michigan what it was he desired to do? Did he desire to print something?

Mr. CRAMTON. Yes. I may state that some time ago I presented the facts as to a number of cases in Michigan. This letter is a letter from a gentleman in Hugo, Okla., presenting the situation as affecting a great many corporations in Oklahoma.

Mr. CARTER. What situation is it presenting, may I ask?

Mr. CRAMTON. That a great many corporations which are not organized for profit and a great many which may be organized for profit, but, as a matter of fact, have no profit and perhaps no income, owing to a failure on their part to understand that they were liable or required to make returns under the law, failed to make their returns on the date of the limit, and because of that failure, even though they did present their returns at once on its being called to their attention, they are being fined at least $50.

Mr. CARTER. The gentleman is speaking of the income tax?

Mr. CRAMTON. Yes, sir.

Mr. CARTER. From whom does the letter come, may I ask the gentleman?

Mr. CRAMTON. Mr. Claude Spriggs is my recollection of the name, of Hugo, Okla.

Mr. ROGERS. Mr. Speaker, is the gentleman from Michigan aware that within the last week or two the Treasury Department has established a new minimum, that it has reduced the previous minimum of $50 to $20, so as to cover in part at least some of these deserving cases?

Mr. CRAMTON. I will say, Mr. Speaker, to the gentleman from Massachusetts that my information is to the contrary. In a number of cases of which I have knowledge they first accepted a penalty of $25, but recently they have increased it in other cases to $50.

Mr. ROGERS. Well, if the gentleman will pardon me, I have a case in my own district where a very small corporation, on which the original penalty levied was $50; and in view of the representations which were made in that case and other very deserving cases, the Treasury Department has within a week stated to me in a letter that it will establish a new minimum in certain deserving cases of $20.

Mr. CRAMTON. I am glad of that.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CRAMTON]?

There was no objection.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a résumé of the proceedings which led to the acquisition of the Panama Republic by the United States, compiled by Hannis Taylor.

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD by printing documents concerning the Colombian treaty. Is there objection? [After a pause.] The Chair hears none.

"WHY THE PENDING TREATY WITH COLOMBIA SHOULD BE RATIFIED—A SUMMARY OF THE INCONTESTABLE HISTORICAL FACTS.

[By Hannis Taylor.]

"In its issue of June 29, 1914, the Washington Post, despite its many hostile expressions to the contrary, said: 'The people would like to know why the United States must pay $25,000,000 to Colombia and $3,000,000 to Nicaragua. They may approve of both treaties if they know all the details, but they will never approve of either if this information is withheld.' As it is eminently just and proper that the people of the United States should 'know all the details,' the purpose of this paper is so to restate them that he who runs may read, so far as the controversy with Colombia is concerned.

"The dominating fact, which throws more light than all others upon the real nature of the transaction, was thus stated by Col. Roosevelt himself in a notable speech made at the University of California on March 23, 1911: 'I am interested in the Panama Canal because I started it. If I had followed traditional conservative methods, I should have submitted a dignified state paper of probably 200 pages to the Congress, and the debate would have been going on yet. But I took the Canal Zone, and let Congress debate, and while the debate goes on the canal does also.'

"The Taft administration, knowing that President Roosevelt 'took the Canal Zone,' made an earnest effort to settle the damages thus occasioned upon a just and honorable basis. On March 1, 1913, President Taft, as one of his very last official acts, sent to Congress a message indorsing a communication from the then Secretary of State, Mr. Knox, which concludes as follows:

"'The very latest telegram from Mr. Du Bois shows that in a subsequent interview he took it upon himself informally to ask whether if the United States should, without requesting options or privileges of any kind, offer Colombia $25,000,000, its good offices with Panama, the arbitration of the question of reversionary rights in the Panama Railway, and preferential rights of the canal, the Government would accept; to which he was answered in the negative.

"'Included in this most recent telegraphic correspondence is a statement of the impression of the legation at Bogota that the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question, or will directly compensate Colombia for the value of the territory of Panama, the Panama Railway, the railroad annuities, and the contract with the French Canal Co.'

"SENATOR BACON'S SPEECH UPHOLDING COLOMBIA'S RIGHT TO ARBITRATION.

"After the present administration had accepted the legacy thus bequeathed, coupled with the declaration that 'the Colombian Government cherishes the expectation that the incoming administration will arbitrate the entire Panama question,' the Colombian Government did, in solemn form, present its case to the Government of the United States, coupled with an earnest appeal for arbitration. At that moment the chairman of the Senate Committee on Foreign Relations was the late and lamented Senator Augustus O. Bacon, of Georgia, who on January 29, 1904, had made a famous speech in the Senate in which he advocated the making 'of a treaty with the Republic of Colombia submitting to the Permanent Court of Arbitration at The Hague, or to some other tribunal to be agreed upon, for impartial arbitrament and peaceful determination all questions between the United States and the Republic of Colombia growing out of the matters herein recited.' After an exhaustive review of every question of fact and law involved in the taking of Panama, Senator Bacon made this declaration:

"'I am content with anything which shall commit the Government of the United States in the face of the world to the proposition that, whatever there may be of difference between the United States and Colombia, the United States, as a great overshadowing power which can not be compelled by this feeble power to do anything, will voluntarily endeavor to agree with it in the settlement of existing differences; and that if it can not come to an agreement by peaceful negotiations it will not assert its great and resistless power, but that it will endeavor to have a determination of such differences and the claims growing out thereof by some impartial tribunal.'

"In the light of these antecedents the present administration determined to strive to 'come to an agreement by peaceful negotiations,' rather than yield to Colombia's demand for arbitration. The outcome is embodied in the pending treaty, whose merits depend largely upon the following facts:

"THE 'TREATY OF PEACE, AMITY, NAVIGATION, AND COMMERCE,' NEGOTIATED IN 1846.

"When the time arrived to develop our priceless yet remote territory on the Pacific coast it became necessary for us to appeal to Colombia, then called New Granada, for a free passage through her limits to California, which otherwise could only be reached by a nine months' voyage around the Horn, or by the even more dangerous wagon trail across the Rocky Mountains and the Western Desert. The all-important advantage of a

economy could be secured. So, it is not the mere matter of simplicity, not the mere avoidance of logrolling, which furnish argument for the combination of all maintenance items in one. At a later time it is my intention to introduce an amendment to this effect.

It is extremely difficult to so divide the items in this bill as to ascertain the exact amount required for maintenance, because in the case of many projects the phraseology is "continuing improvement and for maintenance." In these cases it is expected that the sum appropriated will not only provide for maintenance but for some addition to the present project. It would not, however, be difficult under instructions to the Chief of Engineers to segregate the amounts required for maintenance and aggregate them all in one sum. Such a plan would very much diminish the length of this bill, and it would enable the engineers more readily to combine different harbors and rivers in one contract if economy could be secured in that way.

I have spoken of the form of the reports transmitted to us by the Chief of Engineers and stated that in many particulars they are the best provided in any country. The objection to be made to them is that they are voluminous and that very few persons have the time to examine the different reports in detail. I wish to make a suggestion for the purpose of simplicity, with a view of making it easier for every Senator or Representative who desires to obtain the salient facts to secure them without reading a large mass of matter. This suggestion is based in some degree on the custom of newspapers in giving at the commencement of a long article a brief summary of what is contained in it. I would suggest that in the first volume with each project there be given the important facts, possibly in larger type; at least in a separate statement. For example, I will turn at random to one of these projects reported on by the Chief of Engineers. I seem to have opened the report at the item concerning Cheesequake Creek, on page 295. It says:

(g) Cheesequake Creek: This is a small stream in the eastern part of New Jersey, running in a northeasterly direction and emptying into Raritan Bay, about 2 miles east of South Amboy. Before improvement by the United States the available navigable depth in the creek was 1½ feet at mean low water over the shoals, the distance from the entrance to the upper limit of navigation being 3½ miles. Mean range of tides, 5 feet.

The original and existing project was adopted June 14, 1880, and provided for a new outlet, 5 feet deep, from the creek into Raritan Bay, at right angles to the shore line, through a beach which put across the mouth of the creek from the right bank and which had forced the outlet nearly one-half mile to the westward. This was to be obtained by dredging and constructing parallel jetties of stone, 200 feet apart, on each side of the dredged channel; the old outlet was to be closed by a pile dike, and a channel, 4 feet deep at mean low water and from 50 to 100 feet wide, was to be dredged from the mouth to the head of navigation, 1½ miles up the creek. In this distance two dikes were to be built, and a new channel to be made through the marsh was to cut off a bend in the creek. Stump Creek, a tributary stream emptying into the creek near its mouth, was to be improved by dredging a channel 50 feet wide and 3 feet deep.

The cost was estimated at $75,279, which was revised in 1885 to $90,000.

The amount expended on the present project up to the close of the fiscal year ending June 30, 1913, was $53,812.45, of which $40,000 was used in carrying out the project and $13,812.45 in maintenance. The sum of $1.25 was derived from the sale of maps. About four-ninths of the work contemplated under this project has been completed, and the work accomplished consists of the construction of the two parallel stone jetties at the mouth, the dredging of a 5-foot channel between them about one-third mile in length, connecting the creek with the 5-foot curve in Raritan Bay, and the construction of the pile dike closing the old outlet.

No work was done during the fiscal year ending June 30, 1913. Examinations of the dredged channel during the year showed that no maintenance work was necessary. The expenditures were for traveling expenses in connection with sounding the channel.

The improvement has not advanced sufficiently to affect freight rates. It is proposed to expend the available balances from the allotments from consolidated appropriations in maintenance of the improvement. No allotment for maintenance will be required next year.

The maximum draft at mean low water that could be carried through the mouth of the creek on June 30, 1913, was about 5 feet.

The commerce of the creek is principally in fertilizer, sand, brick, clay, and farm produce, and amounted in 1886 to about 50,000 tons; in 1905 to 45,500 tons, valued at $146,050; in 1906 to 83,648 tons, valued at $426,000; in 1907 to 90,500 tons, valued at $263,100; in 1908 to 79,520 tons, valued at $209,550; in 1909 to 61,880 tons, valued at $178,900; in 1911 to 36,300 tons, valued at $277,500; and in 1912 to 44,130 tons, valued at $292,200. Tonnage reported since 1907 in net tons; previous reports in gross tons.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. If the Senator will excuse me, I will yield in a few moments.

Mr. GALLINGER. Certainly.

Mr. BURTON. Anyone reading this report will see that no fault can be found with the adequacy of the information that is contained there. The only thing that is left out is the reference to Stump Creek. We are left somewhat in mystery about that. It was said that it was a tributary stream, and it was to be improved by dredging a channel 50 feet wide and 3 feet deep. It seems to have gone off the map, and no further attention has been paid to it; but much of the information contained in this little more than a page of descriptive matter could be summarized so that a person examining these reports might find out what he desired almost at a glance.

I shall now be pleased to yield to the Senator.

Mr. GALLINGER. I will ask the Senator what amount has been expended on the great waterway he has been discussing, including Stump Creek?

Mr. BURTON. The cost of completion was estimated at $75,279, which was revised in 1885 to $90,000. The amount expended on the present project up to the close of the fiscal year ending June 30, 1913, was $53,812, of which $40,000 was used in carrying out the project, and $13,812 in maintenance. The sum of $1.25 was derived from the sale of maps. About four-ninths of the work contemplated under this project has been completed.

I want to say that that is another illustration of dribbling. That project was adopted in 1880. My recollection was that it was adopted in 1882, but it seems, according to this, to have been adopted in 1880; and now, after 34 years, only four-ninths of the project has been completed.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Ohio if he does not think that in a great many of these cases it would be cheaper for the Government to put on a line of automobile trucks between those points and carry the small amount of freight that is conveyed?

Mr. BURTON. You could not very well do that here, because the project extends out some little distance into Raritan Bay.

Mr. GALLINGER. Oh, yes. In that event we might, I think, put on an addition to the truck. They are going to put one on the flying machine that is designed to cross the Atlantic, so that when it strikes the water it will float; and I think we might equip these trucks in the same way. [Laughter.]

Mr. BURTON. While it is a fact that in the campaign of 1882 the word "Cheesequake" was something of a byword against the river and harbor bill, it is not by any means the worst project in the list. There are others a great deal worse than this. I can call attention to some of them, and probably shall in the course of the debate.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. BURTON. Certainly.

Mr. KENYON. I did not understand where Stump Creek was. Did the Senator say it was in New Jersey?

Mr. BURTON. Yes; it must be.

Mr. KENYON. And near Cheese Creek?

Mr. BURTON. This is Cheesequake Creek, which empties into Raritan Bay about 2 miles east of South Amboy. It is near to Raritan Bay.

Mr. KENYON. But all projects on this creek are now abandoned, as I understand.

Mr. BURTON. This report says that no maintenance is required.

Mr. KENYON. I am sure the Senator from New Jersey [Mr. MARTINE] knows where Stump Creek is.

Mr. MARTINE of New Jersey. The mention of South Amboy interested me somewhat.

Mr. BURTON. Here is something to be noticed about that. I had not seen the latter part of it. There is an available balance there of $8,035. It is in the power of the Senator from New Jersey, or was on July 1, 1913, to bring the attention of his constituents to the fact that this beneficent Government has made appropriations for Cheesequake Creek, and that there is, or was, $8,035.90 available in the Treasury for its improvement.

Mr. MARTINE of New Jersey. That is very gratifying. I wish it were $18,065.

Mr. BURTON. I think $8,065, though, is sufficient to do all the work contemplated there. Indeed, I think possibly they will find it somewhat difficult to dispose of that.

Mr. MARTINE of New Jersey. Can the Senator inform me what the present bill carries?

Mr. BURTON. I believe the present bill has nothing for Cheesequake Creek.

Mr. GALLINGER. Mr. President, I understand the bill carries no appropriation for either Cheesequake Creek or Stump Creek. The Senator from Ohio has been endeavoring to elucidate some matters connected with Stump Creek, but he has gotten lost, I think, in the investigation.

Mr. MARTINE of New Jersey. Very likely.

Mr. BURTON. Can the Senator tell me about Stump Creek? Is it navigable?

Mr. MARTINE of New Jersey. I can not inform the Senator as to that. My knowledge of navigation is not up, particularly at that point, but I can say that the effort to belittle Cheesequake Creek and the Kill Van Kull and Woodbridge Creek and some of those other things is utterly at naught. An immense commerce passes through that creek. As to

Stump Creek, to which my friend from Ohio refers, I can not say.

Mr. BURTON. I would not put the Kill Van Kull in the same class with Cheesequake Creek. I may say to the Senator from New Jersey that the Kill Van Kull has always been a favorite of mine.

Mr. MARTINE of New Jersey. That shows the Senator's wisdom and intelligence.

Mr. BURTON. Years ago I went over the stream and recommended a very considerable appropriation for it and the Arthur Kill.

Mr. GRONNA. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. BURTON. I do.

Mr. GRONNA. I believe the Senate will be interested in this most illuminating discussion. I see about three Senators present on the other side of the Chamber, and I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gronna	Perkins	Sterling
Burton	Jones	Ransdell	Swanson
Camden	Lane	Sheppard	Thomas
Catron	Lewis	Simmons	Thornton
Chamberlain	Martin, Va.	Smith, Ariz.	West
Clapp	Nelson	Smith, Mich.	Works
Gallinger	Page	Smoot	

The VICE PRESIDENT. Twenty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

Mr. SMITH of Michigan. I move that the Senate adjourn.

Mr. THOMAS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

The Secretary proceeded to call the roll, and the roll call was concluded.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. STONE (after having voted in the negative). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I voted inadvertently. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will allow my vote to stand.

Mr. SMITH of Maryland. I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY], and will vote. I vote "nay."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. TOWNSEND (after having voted in the affirmative). I voted without announcing the fact that I was paired with the junior Senator from Arkansas [Mr. ROBINSON]. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and will allow my vote to stand.

Mr. GRONNA (after having voted in the affirmative). I have a pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from South Dakota [Mr. STERLING] and will allow my vote to stand.

Mr. SMITH of Georgia (after having voted in the negative). This morning I transferred my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST]. The junior Senator from Georgia is in the Chamber now, so I transfer the pair to the junior Senator from Indiana [Mr. KERN] and will allow my vote to stand.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

The result was announced—yeas 9, nays 27, as follows:

YEAS—9.

Catron	Gronna	Page	Smoot
Clapp	Jones	Smith, Mich.	Townsend
Gallinger			

NAYS—27.

Ashurst	Martin, Va.	Simmons	Thornton
Bankhead	Nelson	Smith, Ariz.	Tillman
Bryan	Perkins	Smith, Ga.	Vardaman
Chamberlain	Ransdell	Smith, Md.	West
Lane	Poindexter	Stone	White
Lee, Md.	Shafroth	Swanson	Williams
Lewis	Sheppard	Thomas	Works

NOT VOTING—60.

Borah	Chilton	Dillingham	Hollis
Brady	Clark, Wyo.	du Pont	Hughes
Brandegee	Clarke, Ark.	Fall	James
Bristow	Cole	Fletcher	Johnson
Burleigh	Crawford	Goff	Kenyon
Burton	Culberson	Gore	Kern
Camden	Cummins	Hitchcock	La Follette
Lea, Tenn.	Norris	Reed	Stephenson
Lippitt	O'Gorman	Robinson	Sterling
Lodge	Oliver	Root	Sutherland
McCumber	Overman	Saulsbury	Thompson
McLean	Owen	Sherman	Walsh
Martine, N. J.	Penrose	Shields	Warren
Myers	Pittman	Shively	Weeks
Newlands	Pomerene	Smith, S. C.	Williams

So the Senate refused to adjourn.

The VICE PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. ASHURST, Mr. BRYAN, Mr. MARTINE of New Jersey, Mr. POINDEXTER, Mr. POMERENE, Mr. SHAFROTH, Mr. SMITH of Georgia, Mr. STONE, Mr. TILLMAN, and Mr. WHITE answered to their names when called.

The VICE PRESIDENT. Thirty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. SHEPPARD. Mr. President, is this a new call of the Senate?

The VICE PRESIDENT. It is not a new call.

Mr. SIMMONS. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

Mr. GALLINGER. Mr. President, in reference to that motion, I desire to make a single observation. It is a repetition of what I have said before. The country must be looking upon us with a good deal of surprise, if the country is paying any attention at all to what is going on in Washington.

Mr. BRYAN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BRYAN. Is debate in order in the absence of a quorum?

The VICE PRESIDENT. The Chair is afraid he must sustain the point of order. In the absence of a quorum nothing can be done except to adjourn.

Mr. GALLINGER. I have said about all I wanted to say.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

The TILLMAN and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. SMITH of Michigan. I move that the Senate adjourn.

Mr. THOMAS. On that I ask for the yeas and nays.

The VICE PRESIDENT. The Chair is going to rule that no business has intervened since the last——

Mr. SMITH of Michigan. Then I withdraw the motion.

Mr. GALLINGER. Mr. President, I rise to a question of order.

The VICE PRESIDENT. The Senator from New Hampshire will state it.

Mr. GALLINGER. Suppose we did not get a quorum, and no business had intervened—must we always remain here? I submit that the roll has been called since the motion was made.

The VICE PRESIDENT. The Chair was not aware that the roll had been called. The Senator from Michigan moves that the Senate adjourn, and upon that motion the yeas and nays have been demanded. Is the request seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. CHAMBERLAIN (when his name was called). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to the junior Senator from South Dakota [Mr. STERLING] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair as on the previous vote and vote "nay."

The roll call having been concluded, the result was announced—yeas 8, nays 33, as follows:

YEAS—8.

Brandegee	Clapp	Gallinger	Myers
Catron	Cummins	Gronna	Smith, Mich.

NAYS—33.

Ashurst	Martin, Va.	Saulsbury	Thomas
Bankhead	Martine, N. J.	Shafroth	Thornton
Bryan	Newlands	Sheppard	Vardaman
Camden	Overman	Shields	Walsh
Chamberlain	Perkins	Simmons	West
Chilton	Poindexter	Smith, Ariz.	White
Jones	Pomerene	Smith, Md.	
Lane	Ransdell	Stone	
Lee, Md.	Reed	Swanson	

language they have the right to sink artesian wells; but this idea was expressed by the Senate in the Agriculture appropriation bill, and now we shall try and see if we can not get it in some other way.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. GALLINGER. Mr. President, I wish to ask the Senator from Virginia about two or three small items. I will ask the Senator as to amendment numbered 50, on page 48 of the bill, referring to small parks in the District of Columbia.

Mr. MARTIN of Virginia. That was agreed to, I will state to the Senator from New Hampshire.

Mr. GALLINGER. Now I will ask the Senator about amendment numbered 68, "toward the construction of necessary retaining walls in Meridian Hill Park, $25,000."

Mr. MARTIN of Virginia. That was agreed to.

Mr. GALLINGER. Now there is just one other. I will ask the Senator about amendment numbered 149, the Macdonough memorial.

Mr. MARTIN of Virginia. That was reduced to $140,000, and agreed to at that sum.

Mr. GALLINGER. Mr. President, I want in just a word to say that I think every Senator who has had service with the Senator from Virginia upon the Committee on Appropriations knows that he does not yield anything that the Senate after consideration puts in these bills if he can possibly retain the items, but it is a give-and-take operation in a conference committee. I feel sure that the Senator from Virginia has exerted himself to the utmost to retain all the items that the Senate put in; but, Mr. President, of course that is an impossibility.

I say this because of the fact that I know the Senator so well and know how diligent he is in serving this body in that responsible and arduous position and how extremely kindly disposed he is toward every Senator who is interested in an item in the bill.

Mr. MARTIN of Virginia. Mr. President, I want to say just one word. First, I thank the Senator from New Hampshire; but I want to say to the Senate that I always in matters of this sort feel myself to be the agent of the Senate and I contend as earnestly for one amendment put on by the Senate as for another. They are all right with me when the Senate puts them on a bill, and it is my duty to retain them just as long as I can do so reasonably and fairly and justly. I have done that in all instances, and I will continue to do it as long as I am at the head of the committee.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments still in disagreement and ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. PERKINS conferees on the part of the Senate.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask that the river and harbor bill be proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, the situation this afternoon shows the futility of attempting to give careful attention to important legislation here in the Senate at this time. In response to a call about half an hour was spent in obtaining a quorum, and then a conference report was presented upon a bill which is perhaps the most important of all our appropriation bills. It includes provision for a larger number of activities of the Government than any other measure coming before us. It covers a very wide field, and is of interest to every State in the Union. Yet, in spite of that call for a quorum, only 16 Members of the Senate were present to consider that report, though after a little time the number had increased to perhaps 20.

All this goes to show that when we are here for a month later than the time when the courts have adjourned and other work of a similar nature is abandoned for the summer season we are compelled to labor under very great disadvantages, and it is to be feared that whatever is done will not be well done, and, indeed, that it can not be well done. This is especially true when we take into account the fact that the Senate was in session practically all of last year and has been in session all this year until this 20th day of July, during much very oppressive weather. I fear very much that however earnest we may be or however much we may desire to enact legislation which will be of a wise and salutary character we shall not succeed. There is difficulty in maintaining a quorum. The measure of inattention is not the fault of the Members; it is due to the extreme weariness incident to the season and the long service of the past year and a half.

We had an illustration here a few days ago, when an appropriation bill was brought before the Senate at the end of a conference which had been progressing for months. In the very provision in regard to which there had been the most earnest controversy and which had caused the longest delay there was a serious mistake. Something was included that nobody wanted and that nobody intended. We have been led to understand that there are three bills of the utmost importance yet to be passed. Query, Shall we enact wise measures?

In view of the pressure for these measures, it is hard to understand why the reports upon these two other bills are not brought before us. The Senate adjourned over two days week before last and we were led to understand that these measures would be here a week ago, but they have not yet been presented to the Senate. We have a promise that one of them will be presented to-morrow and the other very promptly thereafter, or perhaps at the same time. We shall watch with interest to know whether they come here or not.

For my own part I am not discouraged in view of the nature of the bill which I am discussing by the fact that figures are not attractive to the general hearer. I have every occasion to be grateful to the Senate for the attention the Members have given me. We are considering a bill now in regard to which I should be falling short of my duty if I did not seek to expose what I regard as vital defects. The fact that at times there is a scanty attendance in the Senate may necessitate some repetition. Some of the points are of such extreme importance that I feel Members should be familiar with them, and if Senators are not present when I set them forth the first time I may be compelled to bring them again to the attention of the Senate.

Mr. President, at the time I was interrupted I was speaking of the custom of including in our river and harbor bills a very large number of items, reaching close to 200, that are merely for maintenance. It is a pleasing compliment to Members of the House and the Senate to have towns in their districts or States enumerated in this river and harbor bill, but I think these acts could be very materially improved by grouping the sums in one aggregate, and that because in almost every instance, in probably ninety-nine out of every hundred, the amounts included in the bill are the same as those recommended by the Chief of Engineers. It is thus useless to encumber the bill with many pages of items merely setting forth those recommendations.

We have a precedent for thus grouping them in one sum in two preceding bills. In the year 1900 for the first time a provision was made for an appropriation for what is called emergency purposes. The sum of $250,000 was appropriated for so-called emergencies and for the expense of making certain surveys described in the bill. Of this amount of $250,000 about $25,000 was expended upon the surveys and $225,000 allotted for emergencies. This provision for emergencies has been carried in practically every river and harbor bill since that year, and its distinctive feature is that there is no appropriation for different projects, but one aggregate sum. Indeed, there could be no appropriation for different projects because the sum is expended as the occasion arises. It is contained in the first section of that act, found on page 912 of House Documents, volume 103. Beginning at the bottom of page 911 it reads:

> That the sum of $250,000 be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes, to wit:
>
> (1) To provide for the restoration of channels, or river and harbor improvements, heretofore established or made by the Government where, by reason of emergency occurring since the passage of the river and harbor act of March 3, 1899, the usual depth of such channels, or customary use of such improvement, can not be maintained, and there is no sufficient fund available for such restoration. The amount herein provided, or so much thereof as is not required for the surveys hereinafter mentioned, shall be allotted by the Secretary of War: *Provided*, That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge and the Chief of Engineers, respectively: *Provided further*, That for no single channel or improvement shall a sum greater than $10,000 be allotted, and in expending any such allotment advertisement for bids may be dispensed with on the recommendation of the local engineer.
>
> (2) For the necessary cost of the surveys herein directed to be made: *Provided*, That the necessary expenses for such examinations and surveys on rivers, or at harbors where work is being carried on by the United States, may be paid from available funds where the unexpended balances of former appropriations for such works are sufficient for such purpose.

This appropriation rested, first, on the discretion of the local engineer, the Chief of Engineers, and the Secretary of War in making the allotment; second, the amounts were to be expended only in the case of channels, rivers, or harbors the improvement of which had been undertaken by Congress in some previous bill; third, the emergency must have arisen since the passage of the next prior river and harbor bill—that of March 3, 1899. That rule rested upon the idea that if the emergency existed before March 3, 1899, Congress had deliberately omitted to provide for it and that it was only in case some condition had arisen since the passage of that act that the money could be expended.

The next provision contains a limitation:

> That for no single channel or improvement shall a sum greater than $10,000 be allotted.

If that maximum sum had been provided in every case provision would have been made for 25 projects or, rather, for 22, because $25,000 was expended for surveys. A list is given on pages 925 and 926 in which the allotments are set forth. They range from $576.27 to $10,000. Indeed one or two are smaller than the figure I have given. There is one allotment for Duck Island Harbor, Conn., of only $202 and another of only $500, and another still, the important harbor of Newport, R. I., of only $341.67.

This provision was found to be so helpful and the discretion of the engineers was so carefully exercised that we have since then adopted the principle of leaving full discretion to the War Department in providing for emergencies. Action is taken on the initiative first of the local engineer. His action must be confirmed by the Chief of Engineers, and then the allotment is made by the Secretary of War.

Mr. KENYON. Will the Senator from Ohio permit me?

Mr. BURTON. Certainly.

Mr. KENYON. I observe that in the discussion of this important measure, appropriating some $53,000,000, there are only three Senators on the other side present. In order that the Senator from Ohio may not have to repeat what he is saying when there are more present I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Lee, Md.	Poindexter	Thomas
Burton	Lewis	Ransdell	Thornton
Chamberlain	Martin, Va.	Sheppard	Tillman
Gallinger	Martine, N. J.	Simmons	West
Kenyon	Myers	Smith, Ariz.	White
Lane	Perkins	Smoot	

The VICE PRESIDENT. Twenty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN, Mr. PAGE, Mr. SMITH of Maryland, Mr. STERLING, Mr. SWANSON, Mr. TOWNSEND, Mr. VARDAMAN, Mr. WALSH, and Mr. WORKS responded to their names.

Mr. REED, Mr. BRYAN, Mr. SHIELDS, Mr. SMITH of Georgia, Mr. CATRON, Mr. CHILTON, Mr. CULBERSON, Mr. ASHURST, Mr. SHAFROTH, and Mr. CAMDEN having entered the Chamber, responded to their names.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. JOHNSON entered the Chamber and answered to his name.

Mr. SIMMONS. Mr. President, I move that the Sergeant at Arms be directed to request absent Senators to attend the sessions of the Senate.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate to request absent Senators to attend its session.

Mr. KENYON. I move that the Senate adjourn.

The VICE PRESIDENT. The question is on the motion of the Senator from Iowa that the Senate adjourn.

The Senate refused to adjourn.

Mr. POMERENE, Mr. SAULSBURY, Mr. NEWLANDS, Mr. GRONNA, Mr. STONE, and Mr. SMITH of Michigan having entered the Chamber, responded to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SIMMONS. I ask that the order, which was adopted on my motion a few minutes ago, instructing the Sergeant at Arms to request the attendance of absent Senators, be vacated.

The VICE PRESIDENT. Without objection, it will be so ordered.

Mr. BURTON. Mr. President, the plan of an aggregate appropriation was tried and found successful on a much larger scale in the act of 1900. In 1907 a river and harbor bill carrying the largest amount in combined cash and authorization was passed. For many projects provision was made for four years. It was found in 1909 that some of the river and harbor improvements needed attention, and a request was addressed to the Chief of Engineers to furnish a list of the requirements for the maintenance and for continuing certain operations for a year following. In pursuance of that report this provision was adopted:

> That for the preservation and maintenance of existing river and harbor works, heretofore appropriated for by Congress, and for continuing in operation such dredging and other plants or equipment of any kind owned by the United States Government, and constructed or acquired for use on river and harbor improvements, there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, the sum of $8,185,750; *Provided*, That allotments from the amount herein named shall be made by the Secretary of War, and the same shall be recommended by the local engineer having such channel, improvement, or other public work in charge and the Chief of Engineers, respectively.

It will be noticed that the method of allotment was based upon this emergency provision of the act of 1900. The act further provides:

> *Provided further*, That the amount allotted to any specific channel or improvement shall not be greater than the estimated amount required for preservation and maintenance as transmitted by the Chief of Engineers in a communication dated February 17, 1909, which said letter was filed with the House of Representatives on the 18th day of February, 1909, and designated as House Document No. 1462, Sixtieth Congress, second session.

It will be observed that the amount of money to be expended was carefully restricted to the necessities of maintenance and preservation, and also for another purpose, namely:

> For continuing in operation such dredging and other plants or equipment of any kind owned by the United States Government and constructed or acquired for use on river and harbor improvements.

At that time a considerable number of dredges had been acquired by the Government for the prosecution of work independent of contractors. Other equipment in divers forms was also in operation, and it was thought undesirable that this equipment, made up of dredges and similar equipment for construction, should remain idle. I do not think any criticism has ever been passed upon that method. Maintenance and operation were carefully provided for; and if we take that as our guide, we may feel certain that for all the various works where maintenance only is required it is not necessary in the bill to specify the respective amounts. The Chief of Engineers might, either in his annual report or in a special document, such as that mentioned in the law from which I have quoted, set forth his estimates for the purpose of maintenance for the following year. Then those amounts might be disbursed under the control of the Chief of Engineers, on the application of the local engineer, with the provision that allotments be made by the Secretary of War.

It seems to me that it would relieve this measure of much of its bulk and that it would prevent any unseemly scramble for obtaining amounts for maintenance and operation beyond what is required. It might be that the provision could go a little further than the act of 1909, namely, provision might be made for expending an amount somewhat in excess of the estimate under careful restriction. For example, it might be provided that more than the estimate might be expended in case the added sum be approved by the local engineer, by the Chief of Engineers, and by the Secretary of War.

This matter of consolidation is by no means new. Beginning in about the year 1905 certain projects located near to each other were combined, and one aggregate sum appropriated for them all. This custom has been continued in river and harbor bills until this day. I quote from the bottom of page 19 of the pending bill:

> Improving harbors at Rockhall, Queenstown, Claiborne, and Cambridge, and Chester, Choptank, Warwick, Wicomico, Pocomoke, La Trappe, and Manokin Rivers, and Tyaskin Creek, Md.: For maintenance, $30,500.

Prior to the custom of combining these 12 improvements a separate appropriation was made for each one. They are located not far from each other on the Chesapeake Bay, in the State of Maryland. The amounts allotted to each by the respective river and harbor bills were very small, and it was thought desirable to combine them all in one item. Advantages in the way of economy might be obtained; a contract might be entered into by the War Department for dredging in more than one harbor. For instance, under the old plan of appropriating for each small project not more than an average of from three to five thousand dollars it was generally regarded as necessary to make a separate contract for each one. Under this combination system a contract might more readily be made which would include a half dozen, or even more, harbors; and if this plan for combination of maintenance appropriations, all in one aggregate sum, could be adopted, the same advantage in

before they neglect matters of this sort. Thirty thousand dollars spent for this purpose now may save many lives and prevent the loss of much property. Failure to appropriate may result in the loss of scores of lives and hundreds of thousands of dollars of property before we pass another bill.

The committee placed an amendment of $50,000 on the bill for an exhibit on the part of Alaska at the exposition. Of course, that is not a matter that is absolutely necessary like these others, so I can not complain so much of that being receded from, and yet it does seem to me that we could appropriate money no more advantageously and no more beneficially than for a matter of that kind. The resources of Alaska are great, but comparatively unknown. We are going to have a great exposition at San Francisco, but we will have but little money for Alaska, and her resources will be illy shown. The Government is going to build a railroad there. If it were a private agency, every opportunity to exploit its resources would be resorted to, and it is parsimonious and most unbusinesslike for Congress to neglect this opportunity to take a step so necessary for the success of this enterprise.

I want to ask the chairman of the committee what was done with Senate amendment 149, with reference to the Macdonough memorial?

Mr. MARTIN of Virginia. That was reduced to $140,000.

Mr. JONES. So we gave $140,000 for that purpose?

Mr. MARTIN of Virginia. We did.

Mr. JONES. Mr. President, it seems to me that simply illustrates how this Congress is saving at the expense of efficiency and at the expense of protection to life and property and appropriates for matters that could be put off for a while. I was in favor of that appropriation, so far as that is concerned, and yet no lives would be endangered or lost, no commerce would be injured, no Government function would be destroyed or affected in any way, shape, or form by the omission of that appropriation. Nevertheless, we have appropriated $140,000 to put up a monument celebrating this victory, which, to be sure, is meritorious in itself. We allow the poor natives of Alaska to go without medical relief; we allow the channels of Alaska to remain dangerous to navigation and dangerous to life; we make no provision for advertising and showing the resources of Alaska, where we are going to build a railroad, on the plea of economy; and yet we provide $140,000 for this memorial! Such action can not be defended.

When I say these things I do not reflect at all upon the conference committee; but I simply call this matter to the attention of Congress, because whatever we do in this regard is going to be the action of Congress. I do think Congress could show itself much more economical and act much more wisely if it would cut out some propositions of this character, or at least put them off for a while, and take up these things that really will be beneficial and a protection to our commerce and to our people. I especially think the needs of the Territory of Alaska and its natives should not be neglected in this way.

Mr. BRADY. Mr. President, I should like to ask the chairman of the committee what was done with amendment No. 83, covering experimental demonstrations for the purpose of utilizing the by-products of the forests of the West?

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator that with much regret we receded on that amendment. We urged it as earnestly as we could possibly urge it, and among other things we especially urged the small sum that was asked for by the Senator's State. The House conferees, however, insisted that it was the beginning of a service that would grow into large proportions. While I did not see that such need be the case at all, we found it impossible to move them from their determination to exclude that item, and it was surrendered by the Senate conferees.

Mr. BRADY. I regret that exceedingly. It seems to me that the conferees on the part of the House should give more consideration to a matter of as much importance as this when there was such a small amount asked. While I in no way blame the conference committee on the part of the Senate, and I know that they did the best they could, yet, as the Senator from Washington [Mr. JONES] says, it is going to be the act of Congress and not of the conference committee; and the time is coming when the men of the East will necessarily have to give more attention to the wants and real needs of the people of the West.

Mr. MARTIN of Virginia. Mr. President, I am sure the Senator is mistaken if he thinks there is any indisposition to do full justice to the western section of our country. I think if he will look through the legislation in all of its phases he will find that the Congress has dealt very liberally with the western part of our country, and it is certainly in accordance with my own ideas. The western part of our country is growing in importance. It is great now, and it is getting greater every year, and I certainly feel every desire to strengthen it and uphold it; and I believe the Congress feels the same way. We are doing to-day a great deal in the arid regions in the Reclamation Service and in the Forestry Service. Indeed, every service that can promote the welfare and happiness of the western people, I think, is receiving a generous response from the Congress of the United States.

Mr. BRADY. I am not, as I said before, finding any fault at all with the distinguished Senator from Virginia; but I can not agree with him that the records of Congress will show that they have at all times dealt fairly with the people and the resources of the West. This appropriation was a small appropriation of $15,000; and the State of Idaho itself—a young and growing State, with one-third of its territory tied up in forest reserves, and $383,000 turned into the Treasury for revenues from the forests in 1913—was refused the paltry sum of $15,000 for the purpose of demonstrating what can be done with the by-products of its timber, while at the same time Congress appropriated not only hundreds of thousands but millions of dollars, as the Senator from Ohio [Mr. BURTON] so ably demonstrated to us to-day, for expenditure on rivers where the Nation at large can not possibly be materially benefited by the appropriations.

Therefore I must insist that what I believe we need more than anything else is for the men of the East to come in closer contact with the people of the West, their wants, their hopes, their ambitions, and the resources of the West. I feel and know that while the chairman of the committee at all times has demonstrated that he feels, as he has stated here, that he wants to help the West, on the other hand, not one-fourth of the Members of the Senate and House, in my judgment, have been west of the Rocky Mountains. Under those conditions they can not understand what we really need in that country. My desire in making these remarks is to impress upon the Senators that it is their duty to study the resources of the West. I hope during the next few days to present some statistics showing what the eight mountain States have produced for this Nation, the amount of appropriations they have received, and then compare them with eight of your eastern States that I shall name; and I shall then let you judge for yourselves whether or not you think the distribution of the appropriations has been entirely equitable.

The University of Idaho has done much to demonstrate that the by-products of the stumps and logs of the forests can be made to pay a large part if not all the cost of clearing the land. Dean Shattuck and his able assistants are struggling against great odds in the work they are doing along these lines, and they deserve better treatment at the hands of our Government than they have received; and I serve notice on the Senate now that I am not going to stop until their efforts are recognized and a decent appropriation made to enable them to demonstrate what can be done in a commercial way with the by-products of the forests of the United States.

Mr. BURTON. Mr. President, there was a provision in the House bill which would cut out the surveys made by the Geological Survey in which the respective States contributed half of the amount, and the provision was so worded as to restrict the operations of that bureau to the public lands. The Senate amended that provision. I should like to know whether that amendment was retained?

Mr. MARTIN of Virginia. The House receded upon that amendment, and the Senate amendment was agreed to.

Mr. BURTON. One other amendment: There was an addition of $50,000 for another branch of work by the Geological Survey. That was added by the Senate, and the aggregate amount restored to what it was, I believe, in 1907. Was that additional amount of $50,000 retained?

Mr. MARTIN of Virginia. The Senator will have to give me some reference to it, so that I may locate it.

Mr. BURTON. I am not sure that I can turn to it immediately. I had supposed it would be recognized by the description I gave. It was an addition of $50,000 for the Geological Survey in one of its branches of activity. What is the page on which the Geological Survey appears?

Mr. MARTIN of Virginia. I think it is page 107.

Mr. BURTON. If I may ask another question, was any addition made by the Senate for the Bureau of Mines retained?

Mr. MARTIN of Virginia. I remember no addition for the Bureau of Mines.

Mr. BURTON. I will find it in a moment.

Mr. NORRIS. I think the Senator will find the amendment on page 108 of the bill. I think it is amendment numbered 88.

Mr. BURTON. Yes. What was done with that?

Mr. MARTIN of Virginia. The Senate amendments were lost. The bill was left as it came from the House.

Mr. BURTON. The Senate conferees receded entirely?

Mr. MARTIN of Virginia. Yes.

Mr. NORRIS. I was interrupted and I did not hear the response the Senator from Virginia made in reply to the question of the Senator from Ohio about the amendments on page 108; for instance, amendment numbered 88, where the House provision was $150,000 and the Senate amended it by making it $300,000.

Mr. MARTIN of Virginia. The Senate conferees receded and the appropriation is $150,000.

Mr. NORRIS. And the proviso regarding artesian wells for irrigation was stricken out?

Mr. MARTIN of Virginia. That was stricken out.

Mr. NORRIS. Now let me ask the Senator about amendment 87. Was that stricken out?

Mr. MARTIN of Virginia. That was stricken out. The language of the House bill, it seemed to us, was sufficient if they had the necessary money to embrace the purpose specified in the amendment.

Mr. NORRIS. That is, it was the opinion of the Senate conferees that without the words "boring artesian wells for investigation" they still have the power to do that.

Mr. MARTIN of Virginia. I do not see how they could investigate underground currents except by artesian wells. I think a direction to investigate the interior of the earth authorizes the boring into the interior of the earth to discover currents of water found there.

Mr. NORRIS. As a matter of fact, with the $150,000 as the bill passed the House it is conceded, I think, that the amount would not be sufficient to do the other work named in that paragraph, such as gauging streams, and leave anything of any considerable amount, at least for the purpose of boring artesian wells.

Mr. MARTIN of Virginia. The amount seemed to us to be too small. The conference committee fixed the amount as it came from the House, at $150,000. The committee put it at $200,000, and on the floor of the Senate it was increased to $300,000, but we were unable to convince the House conferees that more than $150,000 should be appropriated at this time.

Mr. NORRIS. That is the sum as it passed the House originally?

Mr. MARTIN of Virginia. Exactly.

Mr. NORRIS. While I agree with the Senator that they could use this money, or such portion as they saw fit, for the purpose named, and that includes artesian wells, I think it is conceded from the reports from the Geological Survey that they will need that much for gauging streams alone. So, as a matter of fact, while there might be authority there for the work on artesian wells, there is really no money provided for it.

Mr. MARTIN of Virginia. I agree with the Senator; but the amount was fixed in the appropriation act last year at $150,000, and the argument was made, and very naturally made, by the House conferees that the department had gotten along with $150,000 and did very good service, and the House conferees were unwilling to increase it. The Senator knows that in all this kind of legislation there is no way to fix mathematically the exact sum that ought to be appropriated, nor is there any power to arbitrarily fix it. There must be concessions in such matters in order to get legislative results.

Mr. NORRIS. I agree with the Senator.

Mr. MARTIN of Virginia. I will say that I was as anxious as the Senator from Nebraska could be——

Mr. NORRIS. I feel very much disappointed that the amendment was lost, particularly the proviso providing for $100,000, because it was in the Agriculture appropriation bill and was passed by the Senate, and I was informed then that the conferees of the House most strenuously objected because they thought the money ought to be expended under the supervision of the Geological Survey. Therefore I offered the amendment to this bill which provided that it should be expended by the Geological Survey.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. In connection with this matter, if the Senator will excuse me, I understood the chairman of the committee to say that the conferees agreed that under the language of the House bill the $150,000, or so much of it as the department might deem advisable, could be used in sinking artesian wells. Is that correct?

Mr. MARTIN of Virginia. That was the expression of opinion in the committee of conference, and an opinion in which I very positively concurred.

Mr. JONES. Did the House conferees concur in that view?

Mr. MARTIN of Virginia. That was the general talk around the board. I would not like to say that they did, for, as the Senator knows, there is nothing in conversations of that sort that is binding on the subject.

Mr. JONES. I know that.

Mr. MARTIN of Virginia. It was contended by some that that was the proper construction of the present law, and, for my part, I take it that was correct. The only trouble was a lack of money. If a sufficient amount of money had been given, I do not think there would have been any difficulty in using it for the boring of artesian wells.

Mr. JONES. The trouble is, I understand, the department construes that language as not permitting them to sink artesian wells.

Mr. MARTIN of Virginia. I am not advised as to that.

Mr. JONES. They have always made that construction. They have always refused to sink artesian wells. The investigations of artesian water, as they understand this language to cover, means such geologic investigations as they can make without actually sinking artesian wells.

That is the reason why I was very anxious to see that language in the bill. While I think a broad construction of it would give them the power and authority to sink artesian wells, I understand the department construes it as not giving them that authority.

Mr. NORRIS. I am inclined to agree with the Senator from Virginia, that the language would give them that authority. It has always been my understanding that the reason they never used it for that purpose was because the gauging of streams, of course, was a very large undertaking and a very necessary and important one, and they have not had money enough really to go into that business as extensively as they would like to do. I presume they considered that to be the most important work, and they always used the money for that purpose.

Mr. JONES. I think that is true, although I went to the department a while ago to urge upon them the importance of sinking artesian wells in certain localities under this appropriation, and they said they did not understand the language of the act as giving them that authority, and they could not sink artesian wells. I agree with the Senator and with the chairman of the committee. I think the language is broad enough to do that, but, nevertheless, they have the last say about the construction of it.

Mr. MARTIN of Virginia. I call the attention of the Senator from Washington to the language. It is for "the investigation of underground currents and artesian wells." That is the language of the bill. So this $150,000 is appropriated for the investigation of underground currents and artesian wells.

Mr. JONES. Yes; but they do not think that authorizes them to sink artesian wells.

Mr. MARTIN of Virginia. I do not see how they can investigate them until they sink them.

Mr. JONES. They have a way of making a geological investigation that does not require the sinking of wells. At any rate, that is as I understand it, and I think I got it straight from the department. They construed it that way, and that is the reason why I wanted language in the bill so that they could not take it as an excuse that they did not have authority to do it.

Mr. NORRIS. What the Senator from Washington says is very interesting to me. I should like to ask him whether it was formally put up to them for construction and they did make such a construction?

Mr. JONES. I did not put it up formally, in the way of a written communication, to get a written answer. I did not put it that way.

Mr. NORRIS. It has occurred to me that, while they did not use it for that purpose, the real reason was that they did not have money enough to do all that they desired to do in gauging streams.

Mr. JONES. I think that would have been the real, substantial reason for them to give; but they put it on both grounds.

Mr. NORRIS. They will undoubtedly do the same with this appropriation.

Mr. JONES. Certainly. They will not sink artesian wells under it.

Mr. NORRIS. I understand that they wanted $200,000 for the purpose of gauging streams, and I presume they would have been able to use that amount without any question. So the idea of the two amendments was, first, one specifically stating that it was to bore artesian wells for investigation, amendment numbered 87; and amendment numbered 88, to increase the appropriation to $300,000 and make a specific provision that $100,000 should be used for that purpose.

Mr. JONES. I am very glad to get an apparently unanimous opinion, upon the part of the Senate at least, that under this

in the aggregate in the first volume but usually by years in the later volume, although in recent years it has been the custom to adopt a statement published by the War Department in 1902 and 1903 for appropriations down to and including the year 1902. In that year, by direction of Congress, an official document was printed which gives for every river and harbor the total amount included in river and harbor and other bills for each project from the very beginning. It is now the custom in the reports to include in one aggregate sum the amount appropriated down to and including 1902, and then to give the appropriation by years since that time.

There is also in our reports—and this is an element of excellence—a detailed statement of successive plans for the improvement of each project, and this is given annually; that is, if the first depth intended in a river or harbor was 10 feet, that date when that dimension was determined upon is given, and if at a later time an increased depth, say, 12 or 15 feet was decided upon by Congress that is also given, and the successive projects are set forth one after another. At times this is confusing. It is made especially confusing when the only statement of expense given is not for the whole improvement, but for the respective projects, and it is necessary to add together two, three, or even more in order to reach the sum total. Nevertheless, to give the separate projects in detail is a decided advantage which our reports have over those of other countries.

In the United States the characteristic feature of all the reports, and the river and harbor acts as well, is the separate attention given to each improvement. One reason for this is the care with which separate appropriations are made for different projects, amounting to three or four hundred, or even more, in each bill, including nearly 200 appropriations for maintenance alone. Mr. President, I think there is room for reform in this regard. I will read briefly from the pending river and harbor bill to illustrate this. On page 2, as the bill came from the House, lines 11 and 12 read:

Improving harbor at Burlington, Vt.: For maintenance and repair of breakwater, $2,000.

In lines 13 and 14 the following item is found:

Improving Narrows of Lake Champlain, N. Y. and Vt.: For maintenance, $5,000.

From the top of page 3, I read this item:

Improving harbor at Salem, Mass.: For maintenance, $7,500.

Also:

Improving harbor at Boston, Mass.: For maintenance, $200,000.

And on the following page, page 4, lines 21 and 22, I find the following:

Improving harbor at Fall River, Mass.: For maintenance, $12,000.

I read from page 5, lines 16 and 17, the following:

Improving harbor at Stonington, Conn.: For maintenance, $6,000.

Several classes of improvements are included in our river and harbor bills. These are represented by different phraseology in the language making the appropriations. If it is a finished improvement the mere words "for maintenance" are inserted; if it is an unfinished improvement, and Congress decides to prosecute that improvement further as well as to maintain it, the words "continuing improvement and for maintenance" are used. If it is a new project entirely, the words "improving harbor," or whatever it may be, "in accordance with the report submitted in House document numbered" so-and-so are used.

In cases in which there is no appropriation except for maintenance, in almost every instance the appropriation is the exact amount recommended by the Engineer Corps. What is the use of encumbering this bill by about 400 items for maintenance in sums ranging from a thousand dollars up to $400,000 or more when, in all except perhaps two or three cases, Congress follows absolutely the recommendation of the Engineer Corps? In the bill passed in 1909 there was an illustration of what might be done in this regard.

Mr. GALLINGER. Mr. President, will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Yes.

Mr. GALLINGER. Mr. President, it requires 49 Senators to make a quorum. I believe there are about 5 or 6 Senators in the Chamber. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones	Pittman	Swanson
Bryan	Lane	Poindexter	Thomas
Burton	Lee, Md.	Shafroth	Tillman
Camden	Lewis	Sheppard	Townsend
Chamberlain	McCumber	Simmons	Vardaman
Clarke, Ark.	Martin, Va.	Smith, Ariz.	Weeks
Gallinger	Martine, N. J.	Smith, Md.	White
Hughes	Nelson	Smoot	
Johnson	Page	Sterling	

The PRESIDENT pro tempore. Less than a quorum having answered to their names, the Secretary will call the names of absent Senators.

Mr. GALLINGER. May I inquire what number have responded to their names?

The PRESIDENT pro tempore. Thirty-four Senators have answered to their names.

The Secretary called the names of the absent Senators, and Mr. RANSDELL and Mr. THORNTON answered to their names.

Mr. ASHURST entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Thirty-seven Senators having answered to their names, there is not a quorum present.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. MARTIN of Virginia. Mr. President, I hope the Senator will not press that motion. I am anxious to have the appropriation bills advanced. If the Sergeant at Arms will notify absent Senators, there are enough in committee rooms to make a quorum, and we can at least make progress with the appropriation bills.

Mr. GALLINGER. Mr. President, if there is any hope of getting a quorum in a reasonable time, I shall not insist upon the motion; but it is a reproach that at this hour we should on the first roll call develop the presence of only 34 Senators. I withdraw the motion for the present.

Mr. OVERMAN, Mr. REED, Mr. SHIELDS, Mr. SMITH of Georgia, Mr. CULBERSON, Mr. CHILTON, and Mr. WALSH entered the Chamber and answered to their names.

Mr. REED. Mr. President, if it is in order—I am not certain that it is—I should like to make a statement.

The PRESIDENT pro tempore. The statement is in order, but no vote can be taken at this time.

Mr. REED. The reason the last four or five Senators who answered to their names were not here before was that they were busy on the Judiciary Committee.

Mr. MARTIN of Virginia. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will take notice of the order and execute it accordingly.

Mr. BRADY, Mr. MYERS, Mr. THOMPSON, Mr. POMERENE, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. MARTIN of Virginia. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be rescinded.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the conference report on the sundry civil appropriation bill.

The motion was agreed to; and the Senate proceeded to consider the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. MARTIN of Virginia. I move the adoption of the report of the committee of conference.

Mr. JONES. Mr. President, before the report of the conferees is adopted I desire to say a word or two.

I have no doubt but that the Senator from Virginia and the other conferees did the very best they possibly could on these amendments. I regret, however, that they found it necessary to recede from quite a number of the amendments; for instance, one of $50,000 with reference to medical relief for Alaska, which the Senate put on. The Commissioner of Education sent a letter, I think, to different Senators—I know one came to me—showing the very great importance and necessity of an appropriation of that kind. I know we have had that matter up before the Senate several times, and the Senate has placed an appropriation on the bill for medical relief.

I think the treatment we are according to the natives of Alaska is really a shame and a disgrace to our people. As I understand from the report of the Commissioner of Education he has had to use some thirty or forty thousand dollars out of the regular appropriation made for educational purposes for medical relief and hospital service for the natives, and he was very anxious to have that appropriation increased, because the work that is imperatively needed there can not be done within the appropriation of $200,000 that was made in the House.

As I say, I have not any doubt but that the Senator from Virginia and the other conferees on the part of the Senate did all they could with reference to that matter; and I simply want to express my regret that the Congress apparently will not appropriate the amount of money we ought to appropriate to take care of those poor people in Alaska. I recognize the importance of economy. I think I am as strongly in favor of economy as any Senator; but I do not believe it is economy to mistreat and neglect the people in that country who are dependent upon us. We could really use much stronger language with reference to the matter than merely saying that we are neglecting them. We are neglecting them; we are treating them shamefully. We are allowing them to die of disease that we ought to assist them in getting rid of. They are practically helpless. They are dependent upon the Government, and yet we are absolutely neglecting them in the interest of economy. It is worse than neglect; it is almost a crime.

Mr. MARTIN of Virginia. Mr. President, if the Senator will let me interrupt him just for a word or two, I hope he will note that the bill carries $200,000 for the relief of the natives in Alaska.

Mr. JONES. For educational purposes; yes.

Mr. MARTIN of Virginia. Including the employment of physicians. It is really broad enough to include medical supplies. They can do almost anything for the relief of the native people in Alaska with that $200,000. While I thought this additional $50,000 should be appropriated for medical purposes, and made an earnest an effort as I possibly could make to retain it in the bill, I think the Senator himself, and all Senators, should take notice of the fact that we have not neglected the 35,000 natives, approximately, in Alaska when we give $200,000 for this purpose. It is true the caption says it is for educational purposes, but it is broader than education. It specifically mentions the employment of physicians.

Mr. JONES. I know that; but when we take the money for that purpose we take it away from education. They have had to close some of the schools up there in the past year because they did not have the money with which to operate them, and had to take some of the money for medical purposes; so that we are neglecting one or the other. We are neglecting their health or we are neglecting their education when we appropriate only this amount of money.

Mr. MARTIN of Virginia. I agree with the Senator that I should like to have seen it larger, but others did not take the same view.

Mr. JONES. To be sure. I am not criticising the Senator. I have tried to make that plain.

Mr. MARTIN of Virginia. I simply want to say that their condition is not so bad as it might appear to be when we remember that $200,000 has been given for purposes including medical relief.

Mr. JONES. I had the $200,000 in mind when I made the suggestion that I did. The $200,000 is absolutely necessary, but it is not enough. It is not enough for educational purposes, let alone for medical purposes, the erection of small hospitals, and so forth. As a matter of fact, the schools there have to perform the functions of medical relief and of hospitals. The Senator is not to blame, but Congress is to blame if it does not make adequate appropriations for the people up there and to care for conditions there. Of course the Senator, as a conferee, had to do the best he could, and I have not any doubt but that he did it, and I am not reflecting on him at all, and I hope he will understand that I know he has been faithful to his trust, as he always is. I am simply urging this because of its importance and because of the duty of Congress. Congress ought to see that we do appropriate a sufficient amount of money for those purposes.

Then I note that the conferees of the Senate had to recede from the provision for a survey for a road in the Rainier National Park. Of course that can not be urged upon the ground of necessity or for the same reasons as this other amendment, and I have no doubt but that the Senator did the very best he could. I regret very much, however, that that item could not have been retained. It is of great importance to the development of the Mount Rainier Park. Our people are most anxious for it, and I regret exceedingly that we can not have it now.

Referring to amendment numbered 122, which I referred to a while ago, increasing the appropriation of $165,000 to $225,000 for ocean surveys on the Pacific coast, I regret very much that that was not allowed. The same thing is true with reference to amendment numbered 125, for two new vessels for the Pacific coast, and some of these other items. As to amendment numbered 136, the clerk of the committee tells me that $50,000 of that amount was included in the urgent deficiency bill, and that left only $30,000; so I think the committee did not do anything especially wrong in receding on that under those circumstances.

Then the $50,000 for fishing vessels in Alaska—that, of course, is much better than nothing.

I want to say, with reference to those matters, that this $60,000 additional for the ocean surveys, and $175,000 for new vessels, and $100,000 for ships for the fishing service, were very urgently and very pressingly presented by the Secretary of Commerce. The Secretary went out to the coast personally and investigated these matters, and I placed in the RECORD a long letter that he sent to me urging the importance and the necessity of these appropriations. In fact, instead of the two vessels that the Senate provided for, he wanted six vessels, at a cost of $525,000, and the showing that he presents is very strong. It shows that they are absolutely necessary, and that when we cut out these things for the purpose of economy, for the purpose of holding down appropriations, we are really neglecting the necessities of the service and the necessities of the Government; and instead of economizing, in the end it is going to result in wastefulness. A record for economy may be sought, but if secured at the expense of efficiency and by neglecting the needs of the Government the people will not approve our action. The people want economy, but they want efficient service first. We are refusing the urgent requests of those at the head of the various governmental services for money which they say is absolutely necessary for good service. They know, if anyone does, and our refusal to grant what they say is necessary will result in waste and inefficiency. The record will not be one of which we will be proud, even if appropriations are held down.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

Mr. JONES. Certainly.

Mr. CHAMBERLAIN. Speaking of the $100,000 for the Alaska fishery service, I do not suppose the Senator has overlooked the fact that in addition to the $50,000 contained in this bill there is $50,000 in the deficiency bill, which makes the $100,000 which the bill originally contained.

Mr. JONES. No; the $50,000 that was in the urgent deficiency bill was with reference to the Pribiloff Island necessities, the fur-seal necessities. It was not the ordinary fishing necessities for which they wanted $100,000 for vessels, motor ships, and so on. That is what the $50,000 in the urgent deficiency bill was for. It was for the Pribiloff Islands in Alaska, and the $100,000 for ships was in addition to that.

Now, with reference to this increase for ocean surveys, I suppose the $165,000 could be used by the Coast and Geodetic Survey to do what we wanted done out of a good part of the increase of $60,000; but the $165,000, as I understand from the department, is already apportioned for absolutely necessary work of the department, and unless they abandon some work that they have planned to do and that they consider absolutely necessary they can use nothing of the $165,000 for the purpose which my colleague and I had in mind in getting this appropriation.

I will state what that purpose was. Through some of the channels in Alaska there are what they call pinnacle rocks; in other words, rocks like pyramids sticking up from the bottom. Ordinary soundings are not likely to strike those rocks, because they come up to very sharp points, and the sounding lead might fail and probably would fail between them and show a great depth. About the only way in which these pinnacle rocks can be discovered is to use what is called a drag. I suppose it is something like we use in dragging cornstalks. They drag it along the bottom of the channel, or at a certain depth, and in that way they can, of course, discover these pinnacles.

Just two or three years ago the steamship *California* struck one of these pinnacle rocks and sank, and 32 lives were lost. This would have been prevented if this channel had been dragged as it is now proposed to do. It was intended to use at least $30,000 of this increase for an additional drag party in these waters of Alaska, on which the number of ships is rapidly increasing. So the department urged this in the interest of saving life as well as for the protection of commerce, and it does seem to me that Congress ought to make ample provision with reference to matters of that kind. That was what at least $30,000 of this increase was desired for, and it does seem that Congress ought to economize on some other things, at any rate,

That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$485,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Except the justices of the Supreme Court of the United States, the salaries of judges retired under section 714 of the Revised Statutes, and the judges, officials, and employees of all courts whose sessions are held in the District of Columbia, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$350,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"All acts and parts of acts authorizing the clerks of the United States district courts in and for the States of Oregon, Montana, and Washington, respectively, to charge and collect double the fees provided in section 828 of the Revised Statutes of the United States, and all acts authorizing United States marshals in and for said States, respectively, to receive and collect double the fees provided by section 829 of the Revised Statutes of the United States, are hereby repealed, to take effect from and after January 1, 1915: *Provided*, That no clerk of the United States district courts in and for said States shall be allowed by the Attorney General to retain of the fees and emoluments of his office, for his personal compensation, over and above his necessary office expenses, including the necessary clerk hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding $3,500 per year, to take effect from and after January 1, 1915: *Provided further*, That nothing herein shall operate to reduce the fees that the clerks of the United States district courts and United States marshals in any State other than those mentioned herein have heretofore been authorized to charge and collect."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$204,420"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Alaska fishery service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In line 3 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In line 2 of the matter inserted by said amendment omit the following: "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"MACDONOUGH MEMORIAL.

"For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain in September, 1814, in accordance with plans to be approved by the Secretary of War and commissions to be appointed by the States of Vermont and New York, respectively, to be expended by the Secretary of War, $15,000 toward the memorial of the State of Vermont and $125,000 toward the memorial of the State of New York; in all $140,000: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for its said memorial and celebration."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lines 9, 10, and 11 of the matter inserted by said amendment strike out the following: "; *Provided*, That the work herein authorized shall be completed on or before January 1, 1915"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 163; and agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 44, 45, 91, 92, 138, 145, and 146.

THOMAS S. MARTIN,
LEE S. OVERMAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
FREDK. H. GILLETT,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the report be adopted.

Mr. SMOOT. Will the Senator from Virginia yield to me for a suggestion?

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. Yes.

Mr. SMOOT. Will the Senator from Virginia kindly give the Senate an intimation as to the numbers of the amendments which have not been agreed to, and to what they relate?

Mr. MARTIN of Virginia. The items in disagreement, I think, are only six. One is in respect to establishing two new customs districts, one in Florida and one at Kansas City, Mo.; another is the item relative to the drainage system for the Hot Springs Reservation; another is the appropriation for the Glacier National Park; another is the provision relative to the Utah fish station; another is the item for the Panama-Pacific Exposition, and providing for a building to house the Government exhibit; another is in reference to permitting the Red Cross to exhibit articles in connection with the Government departments and bureaus at the Panama-Pacific Exposition. Those are the only items which remain in disagreement between the two Houses.

Mr. SMOOT. I presume the Red Cross item to which the Senator refers is the one appropriating $8,000?

Mr. MARTIN of Virginia. Not at all. I do not think it carried any appropriation. I may say that, in my opinion, there is no serious difficulty about that amendment, and I think the matter will be worked out all right.

Mr. SMOOT. The appropriation is not direct; but, in offering the amendment, I understood that the Auditor of the Treasury Department held that no money which had been appropriated could be expended for the exhibit to be made by the Red Cross.

Mr. MARTIN of Virginia. A ruling was handed down that the Red Cross was not a department of the Government and could not participate in the exposition as one of the Government departments. The amendment referred to simply admits the Red Cross on the same plane as the Government departments.

Mr. SMOOT. Yes; that was the idea I had in offering the amendment. I trust the amendment will be retained in the bill.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JONES. Mr. President, I should like very much to have the report go over until to-morrow and be printed. I have no idea what has been done by the conferees.

Mr. MARTIN of Virginia. I presume the Senator may insist on that course, though I hope he will not do so. It is very important to get the appropriation bills behind us. If there is any item about which the Senator desires information, I think I am able to furnish it to him.

Mr. JONES. Can the Senator from Virginia tell me what has been done with reference to the item for ocean surveys along the Pacific coast under the Coast and Geodetic Survey? It is amendment No. 122, increasing from $165,000 to $225,000 the appropriation for the ocean surveys and resurveys under the Coast and Geodetic Survey.

Mr. MARTIN of Virginia. I will say to the Senator that we found it impossible to have that amendment retained in the bill. The House conferees were very positive about the matter, and, finding it impossible to have it retained, the Senate conferees receded.

Mr. JONES. I think I shall have to ask to have the report go over until to-morrow. The amendment to which I refer is a

very important matter. There are also other amendments in which I am interested and concerning which I desire to secure information.

Mr. MARTIN of Virginia. What good will be accomplished by having the report go over? The Senator from Washington can deal with the matter now as easily as he can do so to-morrow.

Mr. JONES. I hope to convince the Senate that we ought not to yield on so important a matter, and there are other important amendments that should be retained.

Mr. MARTIN of Virginia. The Senator from Washington can hardly think that we ought to delay the disposition of an appropriation bill that carries $112,000,000 for a matter of that sort when we have exhausted every effort that we could possibly put forth to have the amendment retained in the bill, but without success. We can not legislate through one branch of Congress alone; it takes both united to do that.

Mr. JONES. That is true; I recognize that; yet this is a matter of very great importance, touching both life and property. There are other matters also in the bill which I wish to examine. I think I shall have to ask that the report go over until to-morrow. The report has not yet been printed.

Mr. MARTIN of Virginia. Let us call for a quorum and dispose of this report. Why take it over until to-morrow? These appropriations are needed, and the session is far in advance of the time when these matters should have been disposed of.

Mr. JONES. I know that; but we have passed a joint resolution extending the appropriations until the 1st of August, so that we have until that time to take care of this matter, as I understand. There are several other amendments in which I am interested, and I have not had a chance to see whether they have been agreed to or rejected.

Mr. MARTIN of Virginia. I can advise the Senator as to the status of any amendment in which he is interested. I can assure him that we have made as earnest an effort as possible to have the amendment retained, but we could not compel the other House to do that which it was unwilling to do.

Mr. JONES. I do not question that the Senator and his colleagues on the committee have done their duty in this matter; neither do I question that if the Senate should be dissatisfied with the conference report and should insist on a further conference that the Senator from Virginia would do his best in the matter. I do not think the Senator ought to insist upon the disposition of the conference report merely upon its reading and presentation to the Senate, without any Senator having an opportunity to see what is in the report. A great many of the amendments have been agreed to with an amendment about which the Senate knows nothing.

Mr. MARTIN of Virginia. The House appropriated $165,000 for this purpose. The Senate amendment, which, I think, was offered by the Senator from Washington, only increased that sum to $225,000. So $165,000 is still left available for this purpose.

Mr. JONES. That is true as to this particular matter; yet this is a proposition which was strenuously urged by the Secretary of Commerce.

Mr. MARTIN of Virginia. It was urged just as strenuously by the conferees on the part of the Senate. The Senator from Washington can not possibly gain anything by delaying action on the conference report. Of course, if the Senator objects, the report will have to go over until to-morrow, but I can assure him he will not gain anything by it. It is impossible for him, I think, ever to convince the Senate that when the House has given $165,000 for this purpose the simple refusal of the other House to increase that sum to $225,000 should tie up this bill.

Mr. JONES. That may be true, Mr. President, but I feel——

Mr. MARTIN of Virginia. Of course, the Senator from Washington has the power to delay the adoption of the report if he chooses to exercise it, and the matter may go over until to-morrow.

Mr. JONES. I feel I ought to ask that the report go over until to-morrow.

Mr. MARTIN of Virginia. The Senator from Washington will not gain any benefit by the course he has taken.

The PRESIDING OFFICER. The Chair understands the Senator from Virginia to withdraw his motion to have the Senate agree to the conference report?

Mr. MARTIN of Virginia. Yes; I will withdraw the motion, and let the report go over until to-morrow.

The PRESIDING OFFICER. The conference report will go over.

Mr. MARTIN of Virginia subsequently said: Mr. President, I feel very unwilling to antagonize the wishes of the Senator from Washington, but upon full consideration of the matter I think it is my duty to move that the conference report on the sundry civil appropriation bill be adopted. We can dispose of it at this time as easily as we can do so to-morrow.

Mr. JONES. I am not familiar enough with the rules to know whether or not an objection would take the conference report over; but I was just thinking when the Senator from Virginia arose that when I have had an opportunity to look over these items I might consent, later in the afternoon, to the report being taken up. I wish the Senator from Virginia, at any rate, would withhold his motion until a little later in the afternoon, until I have an opportunity to look over some of the amendments in which I am interested. I am not going to antagonize the conference report unless I feel that I should do so.

Mr. MARTIN of Virginia. The Senator, then, merely wishes a little time to look over the report?

Mr. JONES. Yes.

Mr. MARTIN of Virginia. Then I will not press the motion for its consideration now, but after a brief interval I will renew the motion for its consideration.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, there are excellent reasons for a very careful consideration of the relative cost of transportation by rail and by inland rivers. Such a comparison has been made in Germany and in France, and some progress has been made upon it, but it is exceedingly difficult to put the one against the other, because the factors which enter into the complex subject of transportation are so different in the two cases. In the case of the railway, as compared with transportation by water, there is presumably a more perfect collection from the producer and a better delivery to the consumer, because the railway can run its switches and branches to the warehouses of its customers. Then, again there is a very considerable amount of difference in the degree of insurance given. The railway is an insurer; the waterway is not. For this reason I am especially anxious that the figures given here year by year should show the rate per ton per mile.

While I have been discussing this subject my eyes have chanced on the figures for the upper stretch of the Tennessee River. The average rate per ton-mile there is 3½ cents for a great variety of freight, some of it quite coarse. That is found on page 2493 of the Engineers' Report. That is more than four times as great as the average rate on railway freight, that rate being about three-fourths of a cent. Of course the distances in this instance are comparatively short—only 19 miles; so that no conclusive inference can be derived from these figures; but so far as they do have significance they tend to show that transportation by river in many cases, without counting in the cost of its improvement or maintenance, is quite as expensive as it is by rail.

Another point in the furnishing of statistics which is altogether desirable is that they should be given in a distinctive place, either in a separate book or in an appendix to the reports. As it now is, one searching for information must find first the project, and then he must turn over some pages to that portion of the report which pertains to traffic statistics. There is no opportunity to place them side by side and compare them, and, save in a few instances, there are no figures given for consecutive years. The general tonnage or general aggregate for each project is given in the first volume, and in the second volume statistics are given for particular commodities. All this restricts the study of the subject by those who are willing to take a great deal of time to learn the system; indeed, it makes it almost useless to try to utilize the statistics that are afforded here, on account of the amount of labor required to analyze them. In giving consideration to this subject, as I have in the last six weeks, I have found that the greatest difficulty was to get together the figures and frame any generalizations from them.

The French system, as I showed by the book which I produced here the other day, is better. Under that system the figures are all included in one book. They attach such importance to them that a separate publication is devoted to them. I should say, in justice to our system and to our engineers, that in some respects the figures contained in our reports are better than those embodied in the reports of foreign countries. There is an advantage, in the first instance, in the financial statements in our reports. There is no Government which so clearly sets forth the original cost of each project and the cost of maintenance year by year as does our own. The total amount expended for every river and harbor annually is given not only

Mr. BURTON. Mr. President, before the morning hour had closed I was seeking, in response to some inquiries from the Senator from Nebraska [Mr. NORRIS], to analyze the traffic of the Colbert Shoals Canal, Alabama, first opened about November, 1911, constructed at a cost of $2,313,000 and conducted for the first fiscal year of its operation at a cost of $34,500. I had reached the item of live stock, large, 1 ton. It is open to conjecture what that live stock was. Other farm products, 115 tons; fertilizer, 209 tons; flour, 142 tons; logs, 250 tons; lumber, 40 tons; ties, 30,518 tons; other timber products, 4 tons; general merchandise, 329 tons; machinery, 10 tons; miscellaneous, 55 tons.

If you take out those ties, which certainly might be floated in the main river, and which do not need any elaborate canal and locks, about 1,000 tons of freight are carried through this $2,000,000 canal with its lock and dam.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I yield.

Mr. NORRIS. I have made a computation here, and I will give it to the Senator if he wants it.

Mr. BURTON. Certainly.

Mr. NORRIS. It is the exact amount, taking out the ties and logs. There is no reason why ties and logs should need a $2,000,000 lock to go down the river. That will leave $93,592, the value of the traffic, taking out those two items.

Mr. BURTON. No; about a thousand tons.

Mr. NORRIS. Yes; 1,175 tons. Without counting any interest on the investment, but simply the maintenance, it makes the cost to the Government between $29 and $30 a ton.

Mr. BURTON. Yes.

Mr. NORRIS. Now, I want to ask the Senator what was the cost of the plant?

Mr. BURTON. Two million three hundred and thirteen thousand dollars.

Mr. NORRIS. Of course, to be accurate, there ought to be interest computed on the investment.

Mr. BURTON. Four per cent is the natural rate, which would be $92,000.

Mr. NORRIS. Of course that would very greatly increase the amount.

Mr. BURTON. In computations made by statisticians and publicists in France in the consideration of this and similar questions 4 per cent is the rate adopted. By general consent among those who have discussed the subject it does not seem fair to make the rate per cent quite as low as the rate of interest paid on Government bonds.

Notwithstanding the showing made, preliminary steps have been taken to build two more locks and dams in that river, one above Chattanooga, at a cost of $1,600,000, and the other between Chattanooga and this improvement, at an expense of a little more than $1,000,000.

Mr. KENYON. Mr. President——

Mr. BURTON. I can not understand how this Congress has allowed these projects to pass unnoticed. I yield to the Senator from Iowa.

Mr. KENYON. I was going to say to the Senator from Nebraska, who has estimated the cost of freight carried on that part of the river, that according to the minority report the cost of freight carried through the Muscle Shoals Canal was $41.76 per ton.

Mr. BURTON. That is, all kinds of freight.

Mr. KENYON. That is a very high price to pay.

Mr. BURTON. As I said a few minutes ago, it could be shipped by rail to the seacoast and to the remotest part of the globe and brought back again for that. I do not want to go searching for every coast, but the general statement is not at all exaggerated—that you can ship it to the remotest commercial port in the world and back for that cost.

Mr. NORRIS. I have made here a hurried calculation since the Senator has given me the figures. I did not take the entire cost. I lumped it off into millions, and I find that, excluding railroad ties and logs, it has cost the Government between $98 and $100 for every ton of freight taken through those locks.

Mr. BURTON. I have no doubt of it.

Mr. NORRIS. That is, counting 4 per cent interest on the investment.

Mr. BURTON. That is, interest and cost of maintenance, about $126,000, and about 1,175 tons, exclusive of ties and logs, were carried.

Mr. NORRIS. In round numbers, it makes it $100 a ton that the Government has paid during the last year to carry that freight.

Mr. BURTON. Still, there is more to follow.

Mr. GALLINGER. To carry a ton of logs?

Mr. NORRIS. No; leaving out logs and ties. It costs $100 a ton to carry one animal named here.

Mr. KENYON. Was that animal worth $100? Is there anything to show the value of the ton? In other words, the point made by the Senator from Nebraska is that it costs more than the property is worth?

Mr. NORRIS. Yes; it does. If the Senator from Ohio will permit me, I will give the value.

Mr. KENYON. Of this one animal?

Mr. NORRIS. The value of that one ton of animal was $135, and the value of the entire traffic, excluding logs and railroad ties, is $93,592.

Mr. BURTON. And the cost, with interest and operation, is about $30,000 more.

Mr. NORRIS. Something over $114,000. So the Government could have purchased all this material that was carried through there and donated it to the people and still would have been $10,000 or $15,000 to the good.

Mr. GALLINGER. And that does not include the original cost of the investment.

Mr. NORRIS. That includes interest on the original cost.

Mr. GALLINGER. But not the cost of the improvement.

Mr. NORRIS. No; it does not include the cost of the improvement.

Mr. GALLINGER. That would amount to a million or more dollars.

Mr. BURTON. Such a showing as that is simply startling. Take out the material carried through the canal which could have been carried through with the utmost ease and perhaps with a greater degree of convenience without the construction of this canal and lock, and the interest on the cost and the expense of maintenance are more than the total value of all that was carried through by some tens of thousands of dollars.

There are some minutes from which I thought to quote on the cost per ton.

Mr. NORRIS. Will the Senator permit one question before he leaves that subject? I think it ought to appear in connection with the figures that I have, with the Senator's permission, placed in the RECORD about the Government paying more for the operation of this lock than the traffic and the freight that goes through it is worth. How long has that lock been in operation?

Mr. BURTON. Only a year.

Mr. NORRIS. Is this the first year of its operation?

Mr. BURTON. Since about the beginning of 1912. I have sought, by correspondence and otherwise, to see if I could not get the statistics for the year 1913, but I have been unable to obtain them. Those given are for the first year of its operation. But you would suppose, if there was really an active and vigorous disposition to prosecute that traffic, that freight would be waiting until it was first opened. It may be that figures will be presented here showing a very material increase over those I have presented. I have given the Senate the latest figures available, and the only figures available.

Mr. NORRIS. The figures, however, on the other lock of this same river show that there has been a continual decrease from the opening down to the present time.

Mr. BURTON. Certainly.

Mr. NORRIS. In other words, where it has been in operation for several years, the decrease has continued right along from the opening of the lock to the present time.

Mr. BURTON. At least for the last 10 years. Also there has been a decrease in the traffic.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 9, 10, 12, 22, 27, 28, 29, 34, 37, 38, 39, 52, 54, 64, 69, 71, 72, 73, 74, 75, 76, 77, 79, 81, 83, 87, 88, 90, 93, 95, 101, 102, 115, 116, 117, 118, 120, 122, 123, 124, 125, 126, 128, 130, 133, 134, 136, 143, 144, 147, 156, 158, 160, 161, and 162.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 21, 23, 24, 25, 26, 31, 41, 42, 43, 48, 50, 51, 53, 56, 60, 61, 62, 63, 65, 66, 68, 70, 78, 82, 84, 85, 86, 94, 96, 97, 98, 99, 100, 105, 106, 108, 111, 112, 113, 114, 119,

121, 127, 131, 132, 135, 139, 140, 148, 150, 151, 153, 154, 155, and 159, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Jellico, Tenn., post office: For commencement, $40,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Norton, Va., post office: For site and commencement, $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Prescott, Ariz., post office: For site, $7,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sylacauga, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: Strike out, in lines 6 and 7 of said amendment, the following words: "without regard to civil-service laws, rules, or regulations"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 7 of the bill, after line 20, the following:

"Fairbanks, Alaska: For the purchase, at a price not in excess of $15,000, of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, $15,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 1 of the bill, after line 15, the following:

"Albertville, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 11, the following:

"Attalla, Ala., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 2 of the bill, after line 24, the following:

"Beaufort, S. C., post office and customhouse: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 6 of the bill, after line 18, the following:

"Decatur, Ala., post office: For site, $6,500."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 9 of the bill, after line 4, the following:

"Glenwood, Iowa, post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 3, the following:

"Lancaster, Pa., post office: For site, $138,278.78."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 11 of the bill, after line 5, the following:

"Lenoir, N. C., post office: For site, $7,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert, on page 16 of the bill, after line 8, the following:

"Rossville, Ga., post office: For site, $5,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$445,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,650,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$850,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "; and authority is hereby given to contract for the construction of said revenue cutters within the limit of cost heretofore fixed for each of them"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$175,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$679,858"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$502,606"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,942,964"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$88,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,266.67"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$85,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$340,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,595,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. NORRIS. Can the Senator tell us what was the character of that traffic? What was its nature?

Mr. BURTON. I think I can give that exactly. That going through the Muscle Shoals Canal was of rather a high grade.

Mr. NORRIS. I want to exclude timber, of course. That can come through without locks.

Mr. BURTON. Yes: I can give it in a moment. It is given on page 2510 of the Engineers' Reports for 1913. As I said, I think this statement carries out the assertion that this is a fairly good class of tonnage:

	Tons.
Coal	36
Cotton	821
Cotton seed	833
Fertilizer	2,196
Flour	124
General merchandise	797
Grain and hay	51
Logs	45
Lumber	242
Machinery and implements	173
Miscellaneous	188
Other farm products	12
Other timber products	2

That poverty-stricken showing is made for that enormous expenditure.

Mr. NORRIS. I suppose that means the quantity that passed through these locks?

Mr. BURTON. Through the locks. The Senator from Nebraska must realize that at certain seasons of the year the water is high enough in the river so that they can go by without passing through this lateral canal. The obstacle, however, at the Muscle Shoals is the worst in the river, and naturally the freight which they desire to handle carefully goes through this canal and these locks.

Mr. NORRIS. The information I want to get from the Senator, as leading up to a proposition I am interested in, is what proportion of the products that went through the locks would have traversed the river if the locks had not been there?

Mr. BURTON. There are no statistics available to aid in answering that question.

Mr. NORRIS. The locks certainly would not assist in the logging operations.

Mr. BURTON. No.

Mr. NORRIS. In fact, they would be an obstacle, would they not?

Mr. BURTON. They would. It seems that a few logs did go through, however—45 tons of logs and 242 tons of lumber.

Mr. NORRIS. The people that have the logs could not help but take them through. They could not help it if they wanted to get them down.

Mr. BURTON. If the locks were not there, naturally they could take them through the open river, and that would be the proper place for them.

Mr. NORRIS. I wanted to find out whether it would not be cheaper for the Government in some of these instances, instead of paying the necessary operating expenses, to buy out and out the material that is taken through them and donate it to the people who are using it.

Mr. BURTON. On that subject the figures here show that the total value of all the traffic that was carried through in that year was $449,857. The interest on the cost and the cost of operating would be $230,000 and a little more; so that it appears that the actual cost there to the Government is about half the total value of all the traffic that went through the canal.

Mr. NORRIS. But the Senator includes in his figures a great deal of material that would have gone through without the locks.

Mr. BURTON. That would have gone down the river, of course, but under rather unfavorable circumstances.

Mr. NORRIS. That is not the case as to some of them, I should think. For instance, the Senator includes in that statement 45 tons of logs and 242 tons of lumber.

Mr. BURTON. Yes. That, however, is only a comparatively small traffic.

Mr. NORRIS. Yes; but those logs were only obstructed by having a lock there, rather than the traffic being facilitated. In other words, would we not be under some obligation, in case we built locks all along this stream, to pay damages to the men who are engaged in the log business, because it interferes with their traffic?

Mr. BURTON. I hardly think so, although some claims quite as irrational as that have been made in connection with river improvements. In places where enormous expenditures were made in the neighborhood and the greatest benefits conferred the most unreasonable demands have been made for the payment of alleged damages.

While I have the page before me and we are on this canal I want to show the decrease in this traffic through Muscle Shoals Canal.

Mr. KENYON. Which canal are we on now?

Mr. BURTON. The Muscle Shoals Canal. I think I called attention to this matter in a report in 1910. The years for which statistics were available then made a much better showing than now. In the last 10 years the traffic here reached its maximum in tonnage in the year 1906, when 26,878 tons, of a value of $1,074,000, were carried through these locks. In 1907 it fell to 21,100 tons; in 1908 it was 12,537 tons; in 1909 it increased a little to 17,353 tons; in 1910 it fell off to 8,782 tons; in 1911 it increased to 8,962 tons; in 1912 it fell to 5,520 tons. Now, there is an illustration of the progress of river traffic and the probable benefit of building these locks and dams. The series of locks and dams that carried the 26,000 tons in 1906 has shown an almost steady decline, and carried only 5,520 tons in 1912.

Mr. NORRIS. Has the Senator any statistics as to the tonnage prior to the construction of these locks?

Mr. BURTON. I do not think the figures are available. I do not think there are any before 1890. Of course there was a certain amount of open-river navigation. This canal was commenced by the State of Alabama years and years ago, and is at the most trying spot in the river.

Now, coming to the Colbert and Bee Tree Shoals Canal, which is down there at the end of this middle section, that cost $2,313,000, as I recall the figures. I am not sure but that there is some further expense to be incurred upon that. In order that I may be entirely accurate I will turn to it so that I may have it before me.

Mr. NORRIS. Is that the Colbert Shoals Canal?

Mr. BURTON. Yes; the Colbert and Bee Tree Shoals Canal in the Tennessee River. I think it is indexed here under the head of the Tennessee.

Mr. NORRIS. The Senator will find something about that on the very next page to the one from which he has been reading.

Mr. BURTON. That is a very interesting lesson, which I think should be brought home to those who are affected by this craze for building locks and dams. It practically extends the open-river section, the best navigable section of the Tennessee River, upstream at least 8 miles and gives better access to two rather prominent manufacturing towns, Florence and Sheffield. Now, what went through that canal? Thirty-one thousand nine hundred and forty-three tons. Let us see what it consists of: Cotton, 81 tons; cotton seed, 29 tons; grain, 160 tons; live stock, large, 1 ton. The probability is that that was some beast of burden, probably a mule, carried up and down. It was put down here as if there were no humor about it. On this canal that cost $2,313,000 one animal, presumably a mule, passed both ways in the course of a year.

Mr. NORRIS. I think the Senator ought not to jump at that conclusion, because it was probably some animal which was crippled and could not walk, and they had to haul it.

Mr. THOMAS. May I inquire if that animal was going both ways at the same time?

Mr. BURTON. I think that is the most natural conjecture.

The PRESIDENT pro tempore. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

FRANCES OWEN LURTON.

Mr. SHIELDS. Out of order, I offer a concurrent resolution and ask that it be considered.

The PRESIDENT pro tempore. That can only be done by unanimous consent. Is there objection? The Chair hears none, and the Secretary will read the concurrent resolution.

The Secretary read the concurrent resolution (S. Con. Res. 29), as follows:

Resolved by the Senate (the House of Representatives concurring), That the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, be, and the same is hereby, authorized to insert under the head "Department of Justice, miscellaneous objects," the following item: "To pay to Frances Owen Lurton, widow of Horace Harmon Lurton, late a justice of the Supreme Court of the United States, $14,500."

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of the concurrent resolution. Is there objection?

Mr. SMOOT. The resolution was just offered?

The PRESIDENT pro tempore. It was just offered by the Senator from Tennessee [Mr. SHIELDS].

Mr. SMOOT. Is it a Senate resolution or a joint resolution?

The PRESIDENT pro tempore. It is a concurrent resolution. The Chair hears no objection, and the resolution is before the Senate by unanimous consent. The question is on the adoption of the concurrent resolution.

The concurrent resolution was agreed to.

DEFICIENCY APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. MARTIN of Virginia, Mr. BRYAN, and Mr. GALLINGER conferees on the part of the Senate.

FEDERAL TRADE COMMISSION.

Mr. SIMMONS. Has the unfinished business been laid before the Senate?

The PRESIDENT pro tempore. The unfinished business has been laid before the Senate.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. KENYON. I object.

Mr. LEWIS. Mr. President, a parliamentary inquiry. Is not the unfinished business the bill for the establishment of a trade commission?

Mr. SIMMONS. Yes.

Mr. LEWIS. I ask the Senator from North Carolina what particular purpose there is in asking to lay it aside?

Mr. SIMMONS. The Senator from Nevada [Mr. NEWLANDS] stated this morning that he would not proceed with it to-day.

Mr. BORAH. I wish to ask the Senator from North Carolina, and I do it in perfect good faith, why it is necessary to lay this bill aside? I did not understand what the Senator said.

Mr. SIMMONS. I desire to lay it aside in order that we may go on with the river and harbor bill.

Mr. BORAH. Are we not ready to go ahead with the trade commission bill?

Mr. SIMMONS. The Senator from Nevada [Mr. NEWLANDS] made a statement to the Senate this morning in which he said that he would not be ready to proceed with the consideration of the trade commission bill to-day.

Mr. BORAH. Mr. President, I am not in favor of the trade commission bill in its present form, and I do not propose to vote for it, and I am not going to object to-day if the Senator from Nevada made that statement; but for one I shall have to insist after to-day that the trade commission bill be kept before the Senate until it is disposed of. The mere fact that I am opposed to the bill is no reason why I should not be in favor of having it disposed of. I think it is of supreme importance that it should be disposed of. In the absence of the Senator from Nevada this is all I shall say, but to-morrow I shall object to the bill being laid aside.

Mr. LEWIS. Mr. President, may I be permitted, if I may be indulged by the Senator from North Carolina, to say that I am on the subcommittee having much to do with the physical and mechanical arrangement of the bill. I myself feel the same solicitude and anxiety to have the bill proceeded with and concluded, but as I was not in the Chamber this morning, owing to illness the last few days, since the Senator from Nevada, the chairman, has asserted the desire not to go on with the bill and must have some reason for that, I do not believe I have a right to put my views in contrast with his own nor in conflict with his knowledge. For that reason, therefore, I do not urge that the bill be proceeded with to-day.

Mr. SIMMONS. The Senator from Nevada, as I remember, stated that the Interstate Commerce Committee at a meeting this morning desired that he should not press the bill to-day.

Mr. SMITH of Michigan. If the Senator from North Carolina will yield to me for a moment, I should like to ask unanimous consent that the so-called trade commission bill be indefinitely postponed.

Mr. SIMMONS. Oh, Mr. President, I insist upon the request I made.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside. The Senator from Iowa objects. What does the Senator from North Carolina propose?

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, the river and harbor appropriation bill.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. SMITH of Georgia (when his name was called). This morning I made a transfer of my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST]. I wish that transfer to remain for the day, unless the junior Senator from Georgia should come in. I vote "yea."

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT] and withhold my vote.

The roll call was concluded.

Mr. CATRON. I transfer my pair with the Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. TOWNSEND. I transfer my general pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Washington [Mr. POINDEXTER] and vote "yea."

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote "yea" reluctantly.

Mr. NEWLANDS. I wish to announce that the senior Senator from Iowa [Mr. CUMMINS] and the junior Senator from Delaware [Mr. SAULSBURY] are paired on this question.

Mr. POINDEXTER entered the Chamber and voted "yea."

Mr. TOWNSEND (after having voted in the affirmative). I transferred my pair to the junior Senator from Washington [Mr. POINDEXTER]. I will now transfer it to the junior Senator from South Dakota [Mr. STERLING] and allow my vote to stand.

The result was announced—yeas 42, nays 10, not voting 44, as follows:

YEAS—42.

Bankhead	Jones	Pittman	Swanson
Brandegee	Lane	Poindexter	Thompson
Bryan	Lewis	Ransdell	Thornton
Camden	Lippitt	Shafroth	Tillman
Catron	Martin, Va.	Sheppard	Townsend
Chamberlain	Martine, N. J.	Shields	Vardaman
Chilton	Nelson	Simmons	Weeks
Clarke, Ark.	Newlands	Smith, Ariz.	White
Goff	Overman	Smith, Ga.	Works
Hughes	Page	Smith, Md.	
Johnson	Perkins	Smith, Mich.	

NAYS—10.

Borah	Gallinger	McCumber	Smoot
Brady	Gronna	Myers	
Bristow	Kenyon	Norris	

NOT VOTING—44.

Ashurst	Fall	McLean	Shively
Burleigh	Fletcher	O'Gorman	Smith, S. C.
Burton	Gore	Oliver	Stephenson
Clapp	Hitchcock	Owen	Sterling
Clark, Wyo.	Hollis	Penrose	Stone
Colt	James	Pomerene	Sutherland
Crawford	Kern	Reed	Thomas
Culberson	La Follette	Robinson	Walsh
Cummins	Lea, Tenn.	Root	Warren
Dillingham	Lee, Md.	Saulsbury	West
du Pont	Lodge	Sherman	Williams

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER (Mr. THORNTON in the chair). The Senator from Ohio will proceed.

Mr. CLARK of Wyoming. My colleague [Mr. WARREN] is unavoidably detained from the city. I ask that this announcement may stand for subsequent roll calls to-day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. SMITH of Georgia and Mr. SMITH of Maryland answered to their names when called.

Mr. ASHURST, Mr. CLARKE of Arkansas, Mr. CUMMINS, Mr. NEWLANDS, Mr. POMERENE, Mr. MYERS, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, another item appearing in this traffic is marble to the amount of 79,000 tons, hauled an average of 12 miles. None of the items which I have mentioned, which make up practically all of the total traffic of 474,000 tons, except about 40,000 tons of general merchandise, miscellaneous freight, and farm products, are hauled more than 36 miles; yet there is an estimate for building in that stretch 11 dams, at a cost of over $11,000,000, not recommended as worthy to be accepted now, but looking to the ultimate improvement of the river. It is time now to call attention to that fact, because if the Senate does not halt this program that is what is coming—an expense of $34,000,000 in the whole of the Tennessee River to accommodate a traffic which has been diminishing. To this must be added a large cost for annual maintenance. What is its present condition? What are we going to gain by this improvement?

The following is a quotation from a report on the river:

> It may, therefore, be assumed that navigation is suspended on account of low water in the section between Chattanooga and Knoxville about 90 days per year, and for about 100 days per year in the middle section.

I admit that navigation is uncertain. As it is said in this report, if they could have assured navigation for two-thirds of the year, or 240 days, it would be better than the present conditions. I concede a certain disadvantage, but take it year by year, that stream is now navigable for 260 days of the year. As against that, the locks in the St. Marys River, connecting Lake Superior and Lake Huron, in a recent year were available for traffic only 7 months and 23 days. So, on the upper stretch of this Tennessee River, for which there is a proposition for an improvement to cost over $3,000,000, and an ultimate improvement of I do not know how much, but at least there will be 11 locks and dams, at a cost of more than $11,000,000, they have to-day, according to this report, a larger number of days for low-water navigation than they have on the Great Lakes with their enormous traffic.

Mr. President, we are asked to approve plans of this kind, and whenever anyone raises his voice against them it is immediately said the engineers have recommended them. Well, if such is the case, is it not well to inquire whether or not some of the deductions and facts of the engineers are wrong. We do not need anyone to rise from the dead to tell us obvious facts; it does not require anyone of special wisdom or training to teach us that on a river which shares with practically all the other rivers of the country a decadent traffic, such an enormous expenditure is not desirable merely for the purpose of securing navigation throughout the entire year. Indeed, if we had had these figures through a series of years; if we knew what were the shipments to the various points, and could recognize, as these statistics show us in part, that the greatest item of the traffic on this river, comprising nearly a third of it, is 151,000 tons of iron ore, carried from the mines of a corporation there to its furnace, a distance of 16 miles only; that next to that the largest item is sand and gravel, carried only 4 miles; does anyone believe that in the years that have passed we would have permitted that improvement at the cost at which it has been prosecuted?

I am merely calling attention to this as one instance, Mr. President. I shall take up the rest of the Tennessee at a later time. The facts in regard to the middle section, from Chattanooga to Riverton, 238 miles in length, are considerably worse than this 188 miles from Knoxville to Chattanooga. It has cost more, the traffic is smaller, and the results have been less promising. There is a section of this river about 206 miles in length, from Riverton to the mouth, at its junction with the Ohio, which, while I belonged to the other House and had a part in this class of legislation, I always believed in, because it could be improved at comparatively small cost. To improve this lower portion was in the line of logical construction, which dictates that, first, you must develop a river from its mouth into the interior; but here are these three sections, practically without a single ton passing from one to the other, independent of each other, which the Government is taking up and improving independently of each other, so that when the middle section is improved to its lower end you will not be sure that the lower section is improved; and when the upper section is improved to its lower end, you will have no assurance that the middle section is improved.

Thus, the whole plan has been illogical, extravagant, and wasteful. "Oh, but," they come in and say, "if this waterway were raised to a high state of efficiency, we would have traffic." I have been listening to that argument, Mr. President, for, lo, these 20 years, and I want to put against it the facts shown by history of water transportation. When there is a stream that will justify improvement and a certain depth is secured on it—I do not care if it is only 2 feet—you will find traffic. Take the Oder River, in Germany. The low-water depth of a very important section of that river is only 2 feet, and yet they haul on it between 1,000,000 and 2,000,000 tons. Take the Elbe, with its magnificent traffic. A portion of that river is only 3 feet deep, and yet on that section much more than a million tons is hauled. There is always the assured promise of development before a high stage of efficiency is reached. The Great Lakes had a splendid traffic before they were improved on a large scale, and yet we so often hear it said if you improve our rivers, they will be just like the Great Lakes. What an absurdity! It is not necessary to present any argument in reply, because everyone knows that the channels of the Great Lakes have a depth of 20 feet and a clear fairway for boats to move in. And, again, there is an even greater difference, because the Great Lakes are in the center of one of the most productive regions in the world, and great quantities of freight must pass and repass upon them. And while I am speaking of the Great Lakes it is well to call the attention of the Senate to a fact which is not generally understood, namely, that the great bulk of the traffic there does not consist of high-grade merchandise or of material of large value; it is composed, for the most part, of coarse material. Beneficial as the improvements have been in the connecting waterways and harbors of the Great Lakes, the great expenditures which the United States Government has incurred there would never have been profitable for the conveying merely of high-grade freight.

Let me read from the figures, gathered at intervals of more than 20 years, to show the average value of that traffic. In 1890 the number of tons carried through the Soo Canal between Lake Superior and Lake Huron, was 9,041,213, with a value, in round numbers, of $102,600,000. I will ask that the detailed figures be printed in the RECORD, as I do not wish to take the time of the Senate to read them all.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The figures referred to are as follows:

Average value of freight through Soo Canal.

	Tons.	Value.	Average value per ton.
1890	9,041,213	$102,714,948	$11.30
1900	25,743,073	267,041,959	10.41
1910	62,363,218	654,900,841	10.48
1912	72,472,676	791,357,837	10.91

Mr. BURTON. In 1900, in a lapse of 10 years, the tonnage had increased from 9,000,000 to 25,000,000, and the value had increased from $102,000,000 to $267,000,000. In 10 years, from 1900 to 1910, the tonnage had increased from 25,000,000 tons to 62,000,000. In 1912, two years later, the increase was from 62,000,000 tons to 72,000,000 tons. The value in the 10 years, from 1900 to 1910, had increased from $267,000,000 to $654,000,000, and from 1910 to 1912 from $654,000,000 to $791,000,000.

Now, let us see what was the average value of that freight going through there. Was it made up of luxuries? The average value per ton in 1890 was $11.30. On certain grades of freight that would not pay the railway rate from Duluth to Buffalo or from Duluth to Cleveland. In 1900 the average value was $10.41, a drop of 89 cents; in 1910 it was $10.48; in 1912 it had risen to $10.91 cents. By far the largest share of this traffic is iron ore. Next to that comes coal, and now grain, which is of considerable value, and then lumber; but if it were not for the grain and the copper shipped through this connecting waterway, the average value of freight carried through there would be very much less than it is.

What does that prove? It demonstrates that the day of the inland waterway for transporting expensive freight is passed,

because even on the Great Lakes waterway, which has the most favorable conditions in the world, not only in the channels and in the variety of industries tributary to them, but also in the equipment for loading and unloading and warehousing, the great bulk of the freight is of coarse material, and the average value of all of it has ranged between $10.41 and $11.30 per ton.

I remember some years ago, when enthusiastic about traffic on the Lakes, I asked the manager of a wire mill located about 2 miles from the wharves at Cleveland, "Why do you not send your wire nails up the Lakes to Duluth by boat? The great majority of the tonnage of lake boats is down; they are seeking uplake freight and are carrying coal at 40 cents a ton; and it will certainly be profitable for you to carry your wire nails by boat." He answered, "The expense of hauling our nails 2 miles to the wharf and then delivering them from the wharf at the other end at Duluth, together with the inconvenience of handling, would be such as to absolutely destroy any differential between railroad rates and boat rates." Here was a city with paved streets between the mill and the wharf at one end, and another city with paved streets between the wharf and the warehouses at the other. As against that, what do you have on the rivers? Roads of an inferior nature leading to them. Most of the population on the Mississippi River is back of the levees at some considerable distance away from the river's brink. There is not sufficient traffic to warrant modern landing facilities; the methods of hauling and handling are as primitive as they were in the days of Noah; and, added to all that, a variation in the height of the river of from 30 to 70 feet on different portions of the river. These are the problems which confront transportation. Those are the facts that have been entirely ignored in this connection.

I confess, when I first took up this subject I had a large degree of enthusiasm on behalf of this class of transportation, and I do not give it up entirely now. There are certain classes of rivers where the improvements are profitable; but I am weary of rainbow chasing; I am weary of a policy which is based on an utter failure to recognize the most fundamental facts and tendencies.

Resuming my argument, Mr. President——

Mr. KENYON. Mr. President, before the Senator leaves that branch of the subject, I will ask him if he has discussed the question of traffic and commerce on the Tennessee River?

Mr. BURTON. Only on the upper stretch of the river.

Mr. KENYON. Has the Senator placed in the RECORD the amounts that have been expended on the Tennessee River?

Mr. BURTON. I have not done so at this time.

Mr. KENYON. I suppose the Senator intends these remarks to be merely preliminary, and that when he reaches the discussion of these matters at length he will discuss that question?

Mr. BURTON. I will say to the Senator that in order that I may not omit any subject of which I say, as I have said frequently, that I will return to at a later time, I am having my secretary make a note of these statements, so that I will not forget any of them.

It goes without saying that charges per ton per mile for different classes of freight are extremely important. Our reports are just beginning to give these figures.

Mr. President, it will be almost startling to observe the high rates charged on traffic on some of these rivers. I want to take up this very river that I have mentioned—the upper Tennessee. I do that simply because the figures are before me.

The average rate per ton-mile on merchandise on the Tennessee River is 11.9 cents. That, it is true, is a high grade of freight. But how does it compare with the average rate per ton-mile for the carriage of freight on the railroads of the country? That rate has varied somewhat in the last few years. I do not recall precisely what it was in the latest year, but it is approximately 7.5 mills, or three-fourths of a cent. The rate for carrying merchandise on the upper Tennessee River is approximately sixteen times as great as the average rate for carrying freight on our railroads, though, of course, it must be remembered that the average for the railroads is much below the rate for high-grade freight.

Mr. KENYON. Is the upper Tennessee River the part above Riverton?

Mr. BURTON. No; the upper Tennessee extends from Knoxville to Chattanooga. The part from Chattanooga to Riverton—238 miles—is the middle section. That is the mountain section. There are maps right here. Let me point it out to the Senator.

Mr. KENYON. It will be helpful to the large number here if the Senator will do so.

Mr. BURTON. The river begins by the junction of the French Broad and the Holston, about 4½ miles above Knoxville. That [indicating on the map] is the French Broad and this is called the Holston. They form the Tennessee River there [indicating on the map] 4½ miles above Knoxville. The river flows down here in a southwesterly direction through the State of Tennessee to Chattanooga, a distance of 188 miles.

Mr. KENYON. That is the upper Tennessee?

Mr. BURTON. That is the upper Tennessee. I may say that during the time I was a member of the Rivers and Harbors Committee of the House no one contemplated improving that upper section in any way except by open-channel work. To repeat what I have already said, we have now an estimate—although, in justice, it should be remarked that it has not been approved—for 11 locks and dams in those 188 miles, and already expense has been incurred to begin the building of a lock and dam which would cost $1,600,000 just about midway in the 188 miles below Chattanooga.

Mr. KENYON. What will the 11 locks and dams cost?

Mr. BURTON. A little over $11,000,000, as I recall the figures. They average a little more than $1,000,000 apiece.

Next, there is the middle section, 238 miles in length, flowing down here, just missing Georgia, into Alabama. The most of that section is in Alabama. It flows down here and touches one county, Tishomingo, of Mississippi—that is, on the southwest of it—and then goes on to Riverton, Ala. That is the termination of the middle section. That is 238 miles long, most of it in Alabama. That is called the mountain section. Within that space there are two portions or sections improved by locks and dams—one the Muscle Shoals, which for construction and maintenance has cost approximately $4,350,000, and the other, just above Riverton, in what is called the Colbert and Bee Tree Shoals. That has cost $2,313,000.

Mr. KENYON. Mr. President, if it does not disturb the Senator, what has the Government spent on the entire Tennessee River?

Mr. BURTON. A little less than $10,000,000 on the whole river.

Mr. KENYON. With projects of some $10,000,000 more unapproved?

Mr. BURTON. Well, the reports are different. I think the outgoing Chief of Engineers does not recommend quite so much as that. The singular feature of it is that he is apparently more liberal in the upper section than in the lower section. While I am on the subject I want to say another word, as the attention of Senators is called to that river, and I should like to have especial attention given to that, as I shall have to repeat it if it is not noticed.

What is the prospect to be secured from a new lock and dam in the upper portion of the Tennessee to cost $1,000,000, when on two series of locks and dams down here, one costing four and a half million dollars and the other two million three hundred thousand dollars, we have such a showing of traffic? Here is the one that naturally would increase traffic more than any other, because from Riverton down to Paducah at the mouth, 206 miles, it is an open river; but the other, the Muscle Shoals Canal, has been in operation for some years. I think it really opened in 1890. The traffic through those locks and dams for the last year for which we have statistics was 5,520 tons.

Mr. KENYON. What is the cost of maintenance?

Mr. BURTON. I have forgotten. It is a good deal a ton. I will give those figures in a minute. Through the Colbert and Bee Tree Shoals Canal, however, the traffic was, I believe, 33,000 tons, of which all but a thousand tons was made up of timber. With such an object lesson as that—5,520 tons in a series of locks and dams costing four and a half million dollars, and only 1,000 besides timber in another costing $2,313,000—this Congress is asked to appropriate $1,600,000 to build a dam up there in the midst of a stretch where the river will be from 2 to 8 feet lower on both sides than it is in the 22-mile pool created by the dam.

Mr. KENYON. Mr. President, if it does not disturb the Senator, the Senate increases the House appropriation by some $400,000, I believe; does it not?

Mr. BURTON. Yes; I think so.

Mr. KENYON. So that in this bill it runs up to about $1,000,000?

Mr. BURTON. I think so. It is so scattered over different projects that it will require a great deal of analysis to make clear just what is intended.

I will give the figures of the Muscle Shoals Canal. I think I can turn to those in a minute. The cost of operating the Muscle Shoals Canal for the year ending June 30, 1913, was $48,292.00. There were 5,520 tons of traffic. A computation is made here from which, if you figure interest at 4 per cent on the investment, the cost of the freight carried through the canal was $41.76 per ton. That is not the worst one either. There are one or two others worse than that.

of a stretch of 188 miles, an obviously useless expenditure in so far as benefiting commerce is concerned.

The tonnage on the Red River below Fulton, Ark., last year was 44,967, of which 42,640 tons consisted of saw logs. This total tonnage was valued at $354,715. The total amount appropriated for this stream to date is $2,768,377. The cost of this commerce per ton to the Government, averaging over a period of years, tonnage and expenditures, amounts to $4.68 if the logs are included and $90.58 if the logs are excluded. The cost per ton-mile amounts to $1.53. The average charge per ton-mile on freight carried on railroads in 1911 was $0.00757. And yet this project is given an additional $100,000 in the Senate bill.

I will ask the Senator from Ohio if he is familiar with those two projects that are in the present bill; and if so, whether they come under the head of "meritorious," as it has been asserted all of these items are?

Mr. BURTON. I do not think they do.

Mr. SHEPPARD and Mr. KENYON addressed the Chair.

Mr. BURTON. I am anxious to pursue a consecutive line of argument. On Friday last there was a very interesting discussion between Members of the Senate, in which I did not participate, as to the quality of the items in this bill.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. In a moment. I do not like to anticipate remarks which I am intending to make by taking up those items now, except that I do say it can be shown with the utmost ease that there are scores of items in this bill that are absolutely without merit, and by the time we are through with the debate here I do not think anyone on the floor of the Senate will maintain that they do possess any merit.

Take the items referred to by the Senator from New Hampshire. What is the project? The Tennessee River above Chattanooga is 188 miles in length. For many years an effort has been made to obtain 3 feet of low-water depth by open-channel work. In a recent report it is recommended that that stretch of river be improved at an expense, I think, of somewhat over $3,000,000, with a depth of 3 feet at extreme low water and 4 feet at ordinary low water; but as a part of the project it is recommended that a lock and dam be constructed midway between Chattanooga and Knoxville, about the center of the 188 miles, to furnish a depth of 6 feet. That lock and dam will cost $1,600,000.

Now, what kind of a transportation problem is that—working for an ultimate depth of 3 to 4 feet for the 188 miles, but at an expenditure of $1,600,000, providing 6 feet for 22 miles in the middle of it?

There is another phase of this matter to which I shall call attention later in the argument. You may examine the provisions of the river and harbor bill of 1912–13 and you will find no mention made of any lock. There is reference only to an executive document. When you look at the executive document you find that the local engineer in charge of that improvement submitted an estimate for the improvement of the whole river to cost $34,000,000! Even he was staggered by that, and so he recommended an improvement costing $10,000,000 between Chattanooga and the mouth of the river, and, as I recall, something over $3,000,000 between Chattanooga and Knoxville. The division engineer took up the matter, and utterly disapproved so expensive a plan. Then it went to the board of review, and they recommended still another plan, cutting down the recommendation of the local engineer, and saying that these two locks and dams above Chattanooga were not desirable and that the project be limited to open-channel work in the upper section with one lock and dam in a portion of the middle section. The Chief of Engineers then comes in with still another plan, more expensive, recommending a lock and dam in the section between Knoxville and Chattanooga and another in the middle section.

But under a provision in the river and harbor act of 1912, which does not mention which of the plans in the report is approved—under a provision which says nothing whatever about locks and dams—there has been expended already $23,000 for borings in the upper section for a proposed lock and dam there; and now, unless there is legislation here, the Engineer Corps will go ahead to build that lock and dam, to canalize those 22 miles midway between Knoxville and Chattanooga, to make that part of the river 6 feet deep, while the main body of the stretch is only 3 or 4 feet deep!

I must repeat, Mr. President, that I do not like to attack the recommendations of the Engineer Corps, but before we are through with this matter it is necessary that we should discuss and analyze this constant argument that is offered here, "Oh, the engineers recommend it," and see whether the engineers are altogether right in all their recommendations. I can say no word of them except in kindness, because of my long association with them; and again and again I repeat what I have said, that they have been hampered, embarrassed, and demoralized by the action of Congress in overruling their findings when they were consulted.

As to the other project in the Red River, I called attention to that four years ago. Why, Mr. President, for the amount that we are spending for so-called maintenance on that river, with the amount that this bill proposes to spend, $100,000, barring logs and timber, which could be floated, you could send every ton of freight handled on that river by rail and by steamship to the remotest port in the world and bring it back, for there is only about 2,000 tons on it.

One thing more I ought to say while I am on the upper stretch of the Tennessee River. Exaggerated as were the reports of the engineers on amounts, and liberal as they were with their ideas of Government money—one of them stating in one place that the Government could easily borrow at 2 per cent, and apparently thinking it was worth while to borrow to improve the Tennessee River—everyone who reported on these locks and dams recommended that in view of the great benefit of the immediate localities in which they were to be constructed the land overflowed by the construction of the dams should be furnished by those in the vicinity; that those especially interested in this improvement should see to it that the Government was put to no expense for flowage rights. The aggregate cost of flowage rights on several of these dams—though the report is not altogether clear to me—was $462,000. There is not a word in the bill that makes any reservation, and it looks as if the Government of the United States was not only to be committed to the construction of these dams, but also that this recommendation of every one of the engineers should be disregarded, and even violated, and that in the ultimate completion of the project $462,000 should be expended for flowage rights—that amount being a mere estimate, with the probability that the aggregate will be much more.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. The Senator from New Hampshire [Mr. GALLINGER] called attention to some newspaper items this morning. I think the morning hour for newspaper clippings is past, so I want to supplement what he presented by an interview in the Washington Post this morning with a citizen of Texas, which I ask to have read, with reference to another proposition in the State of Texas.

The VICE PRESIDENT. Is there any objection?

Mr. GALLINGER. I believe that clipping relates to the Trinity River?

Mr. KENYON. The Trinity River.

Mr. GALLINGER. I will say, before it is read, that I propose to discuss that famous project at some considerable length when I have an opportunity; but I think it would be illuminating to have put in the RECORD this statement from a distinguished citizen of Texas.

Mr. KENYON. Inasmuch as the Senator from Michigan [Mr. SMITH] boldly proclaimed that there was not a single item in this bill but that was meritorious, I thought possibly it would be well to have the evidence of a citizen of Texas on the subject.

Mr. GALLINGER. I think it very proper that it should go in the RECORD.

Mr. BURTON. I yield for the reading of this paragraph. I am a little afraid that when my remarks are read they will seem to lack consecutiveness and logical order, but I have no objection.

Mr. KENYON. I do not want to interrupt the Senator's remarks.

Mr. BURTON. I shall be glad to have it read. I really think it is an interesting item, and a valuable commentary as well.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

POKER FUN AT TRINITY RIVER.

"I sat in the Senate gallery Friday while the rivers and harbors bill was being discussed, and after listening to the passage at arms between Senators KENYON and SMITH of Michigan, I wondered if they really were in earnest when they said there was no 'pork barrel' legislation in connection with this bill, which annually carries an appropriation so large that it is useless to put it down in figures."

This was the observation of M. J. Wirth, of Fort Worth, Tex., who has lived there for 25 years and is conversant with river navigation in Texas, at the Raleigh.

"I was led to my remarks," continued Mr. Wirth, "by the thought that there are numerous appropriations made by Congress for the Trinity River at and near Dallas, in my State. I believe more than $1,000,000 has been appropriated for this river, which, according to the Army maps, is considered navigable. If any Senator in Washington can find this particular river at this time he can do more than we can. The Trinity neither runs, creeps, nor crawls through Dallas; in fact, it does

not even hesitate. Two years ago a new Oklahoma Representative who was asking for an appropriation for the Arkansas, one of the real streams of the Southwest, remarked that the Arkansas was wider in the dry season than the Trinity was long. Recently an electric railroad company endeavored to lease the bed of the river for an interurban line. The Trinity River is the joke of Texas, and to-day it is as dry as a bone. But we never fail to get an appropriation," concluded Mr. Wirth.

Mr. POMERENE and Mr. SHEPPARD addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield and to whom?

Mr. BURTON. I yield to my colleague first.

Mr. POMERENE. Would it not be well to send the discoverer of the River of Doubt down there to find the Trinity River? [Laughter.]

Mr. BURTON. I yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, I wish to say that I enjoy the empty jokes in the Senate about the Trinity as much as anybody. They are without any foundation in fact whatever, and are unworthy of any attention unless we admit that they are in a jocular vein.

It is my impression that this Texan did not intend his statement to be taken seriously. I hope at the proper time to show both the Senator from Ohio and the Senator from Iowa that they are making absolutely unjustifiable attacks not only on the Trinity, but on the Red and the Brazos and the other Texas rivers they have selected as targets for their attacks.

Mr. KENYON. Mr. President, from the well-known propensity of the Senator from Texas for water I am sure if there is any water there he will point it out. [Laughter.]

Mr. SHEPPARD. I will be able to do that, I think.

Mr. BURTON. I anticipate with much pleasure listening to the Senator from Texas, as we always enjoy hearing him, but I have this query in my mind: What will be the distinctive feature of his remarks when he comes to defend the Trinity? Will they not be jocular? Will they not be humorous? I take it in the final discussion of this bill we should dwell upon facts. It is said that in attacking this particular project and some others the discussion has partaken of a humorous nature. I shall wait with interest to know whether the remarks of the Senator from Texas when he comes to defend them will not also have a very decided coloring of humor.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. I do not altogether sympathize with what is said in this article about Trinity River. It is of course exaggerated; but I hope those who are defending the river will abstain from like exaggeration. I yield to the Senator from Texas.

Mr. SHEPPARD. Mr. President, I will say to the Senator that I shall be entirely willing to leave it to him to say whether my remarks should be characterized as humorous. I believe the word "humorous" is derived from a certain word that suggests water, the Latin word humor, meaning anything liquid, such as water, blood, and so forth.

Mr. BURTON. Perhaps so. I hope there will not be the same degree of exaggeration in the defense of the river which appears in this attack upon it.

I think I may say that, whatever the facts may be in regard to that interview, it represents a very large body of public opinion in the State of Texas in regard to the Trinity River and several other streams or projects in Texas that are included in this bill.

When I was talking on Thursday I dwelt upon the absence of statistics, and called attention to the superiority of the French in this regard. With their wonderful gift for classification and detail, they have prepared statistics in regard to inland waterway traffic which are the best in the world. It is true that in some respects they are no better than our own. They have not essayed to give the value of the traffic as we have. Their opinion in regard to this has been that statistics giving an estimate of freight carried on a river would necessarily be more or less incomplete and inaccurate. So they confine their attention to very minute and thoroughly subdivided figures in regard to tonnage and the distance it is carried. They also give a class of figures in addition to those which I stated the other day which are useful, the freight carried up a river from mouth to source, and that carried down from source to mouth, or in that direction. We have a few of these statistics of up-and-down-stream traffic in our reports. In the tables given on the wall, to which I shall make elaborate reference in future, the figures are given for the Mississippi River from St. Louis to New Orleans, and an effort is made there to give the up-and-down traffic separately and to give also the place at which freight is received and that at which it is discharged. This table, published in the report on the 14-foot waterway in 1908 or 1909, gives these figures for 1907, and is among the most valuable of the statistics now available.

The up-and-down traffic in the Ohio is also given in the engineer's reports. It shows a very remarkable fact, that the overwhelming preponderance is down freight. That is due to several reasons, the chief of which is that the town of Pittsburgh and adjacent rivers and areas at the head of the Ohio River are great contributors of coal and heavy material. It is also due in part to the very steep descent of the river in certain places, which makes the carrying of upright freight very difficult. This will be largely done away with if the system for the construction of locks and dams is completed.

In my remarks I called attention to the two classes of figures which are most important—the tonnage or traffic on rivers from year to year and the average distance of the haul. The French statistics give the whole amount on all rivers and on all canals in the aggregate each year. That aggregate had reached about 32,000,000 in 1904 and in the year 1912, 40,000,000 tons. An increase of traffic from year to year tends to show that the improvements are valuable; that the projects have conferred a substantial benefit upon the public.

There is, however, another class of statistics in connection with the total of traffic which is almost equally essential, and that is the average haul. When the average haul increases or holds its own it is a wholesome symptom. When it diminishes, as it has on most of our rivers, it is a very unfavorable indication.

I read a few of the figures from the French reports for several years taken at random.

The average haul in 1904 on French rivers and canals was 152 kilos. In 1905 this fell off to 149 kilos.

Passing by four years to 1910 the average was 150 kilos. In the year 1911 it was 151 kilos. In the year 1912 it was 143 kilos.

This decline, especially in the year 1912, is not altogether favorable, and gives basis for a conjecture that the traffic on the rivers and canals has well-nigh reached its maximum. No one can foretell with absolute certainty what conditions will be in the future.

Another class of figures that is decidedly essential are the receipts and shipments at the respective cities or points of receipt and distribution upon a river. These are for the most part lacking. The tables given in the charts on the wall are the best that are furnished in any report, and those are only for one year and for one river.

For instance, in the upper stretch of the Tennessee River from Knoxville to Chattanooga it would be of the utmost value if we could ascertain what is the traffic at Knoxville, what it is at Chattanooga, what it is at Kingston, what portion of this traffic is marble hauled 10 or 15 miles and from where, and what proportion is iron ore hauled perhaps 10 to 15 miles, and between what points.

This gives us not only an idea of the relative importance of each point on the river but of the degree in which our improvements contribute to the general good. Are they merely local, or are they interstate or national in their scope? In taking up that river at a later time I shall be able to show that a very large share of this traffic in the upper stretch is purely local and can not assume interstate prominence. For instance, in the year 1912 the total traffic on this river was 474,953 tons, a somewhat larger amount, I believe, than in the preceding year. Now, let us analyze this. Of the 474,953 tons the aggregate of 119,000 tons was sand and gravel hauled an average of 4 miles; 151,400 tons iron ore, not brought from Lake Superior, not brought from out of the State, but carried 16 miles, about where this proposed lock is to be, from the mine to the furnace. Thirty-nine thousand tons were logs rafted, 7,000 tons logs towed in barges, another 7,000 tons lumber towed in barges, and 20,000 tons of railroad ties.

Mr. BRADY. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I yield to the Senator.

Mr. BRADY. As this is a very important matter that the Senator from Ohio is discussing, and I observe that there are only six Members on the Democratic side and I think we should all hear his statement, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Goff	Page	Swanson
Brady	Gronna	Perkins	Thomas
Brandegee	Hughes	Poindexter	Thompson
Bryan	Johnson	Ransdell	Thornton
Burton	Jones	Reed	Tillman
Camden	Lane	Shafroth	Vardaman
Catron	Lee, Md.	Sheppard	Walsh
Chamberlain	McCumber	Shields	White
Chilton	Martin, Va.	Smith, Ariz.	
Clark, Wyo.	Martine, N. J.	Smoot	
Gallinger	Overman	Sterling	

voice and bearing enumerate to both tourist and native what they must do to survive. The changes in the Philippine civil service, under the present Governor General, coincident with the installation of a new administration in the United States, threaten to brand the whole country as a failure in colonial as well as municipal government. Judged by the warnings of the first hot season, neither the natives nor the Americans now in power are fit to govern in the Philippines, and we should at once determine to "stay" efficiently in the islands, or there will be little but a few figureheads to withdraw.

EDWIN A. SCHELL.

MOUNT PLEASANT, IOWA.

MEMORIAL ADDRESSES ON THE LATE SENATOR BACON.

Mr. SMITH of Georgia. Mr. President, I desire to give notice that on Tuesday, December 8, immediately after the routine morning business I shall ask the Senate to consider resolutions in commemoration of the life, character, and public services of my late colleague, Senator A. O. Bacon. I have placed the time so far ahead at the request of Senators who desire to pay tribute to the life and distinguished services of our late colleague, and who wish this time to do so.

Mr. BRANDEGEE. Mr. President, there was so much confusion in the Chamber I could not hear the date suggested by the Senator from Georgia.

Mr. SMITH of Georgia. Tuesday, December 8. As I stated, there are Senators who can not be here this summer who especially desire to take part in the exercises, and whom I know Senator Bacon would have been pleased to have had take part.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. Mr. President, the junior Senator from Wyoming [Mr. WARREN] has been called from the city, and has asked to be relieved from acting further as one of the conferees on the sundry civil appropriation bill. I ask the Chair to appoint a conferee in his place.

THE VICE PRESIDENT. The Senator from Wyoming [Mr. WARREN] will be excused, and the Chair appoints the senior Senator from California [Mr. PERKINS] in the place of the Senator from Wyoming.

WATERS OF THE RIO GRANDE—GEN. ANSON MILLS.

Mr. THOMAS. Mr. President, on Saturday last the Senator from New York [Mr. ROOT] presented a request to publish in the RECORD a letter addressed to him by Gen. Anson Mills, referring to some comments in the course of my remarks upon Senate joint resolution No. 117 on the 23d and 24th of last March. The Senator from New York very kindly called my attention to this communication before offering it, and asked if I had any objection to its presentation. Of course I had none.

Since the adjournment of the Senate on Saturday I have read this letter. I intend to take up but a very short time this morning in referring to it. I would not do this were it not that I think if any criticism is to be offered to a document of this sort or to the remarks of a brother Senator it should be done at the earliest possible moment.

Gen. Mills takes me quite seriously to task for what he seems to think, and perhaps correctly so, unjust aspersions upon officials, both living and dead, which I made in the course of my discussion of the treaty, so called, between the United States and Mexico.

Mr. President, before I spoke to the Senate in support of that resolution I availed myself of almost every known avenue of information. I was convinced that the subject was one of considerable magnitude and involved a somewhat devious history. I was therefore extremely careful to obtain information as closely at first hand as was possible, and only after securing it did I present the resolution to the consideration of the Senate.

Mr. President, Gen. Mills does not contradict many of my facts. He confines himself to denying the justice of my conclusions, and particularly as they concern his own conduct.

It may be that I have unjustly characterized the acts which constitute the history of this transaction, but I do not think so. There is no question in my mind—and I do not think there would be in the mind of anyone who will give the same consideration to this treaty—but that it had its origin and its consummation in the presentation and subsequent recognition of claims of the Mexican water users against the Government of the United States which had no foundation in justice, in morals, in law, or under any treaty negotiated between the two Republics. Nor can there be any question but that the opinion of Attorney General Harmon delivered in December, 1905, and deliberately ignored from that hour to this, conclusively and finally disposed of all equities based upon such considerations. This opinion Gen. Mills refers to very gingerly, for he can not challenge its existence nor the cavalier treatment it received from the hour of its delivery.

Mr. President, the effect of that treaty upon the people of my State and those of the State of New Mexico has been to deprive them of the use of the waters of the Rio Grande and its tributaries, which are absolutely essential to the development and population of that great section of the country. This great property right has been by alleged processes of law confiscated to the end that the Government of the United States may supply the people of Mexico with 60,000 acre-feet of water every year and at the expense, too, of the Reclamation Service, from which fund $10,000,000 have been and will be taken to construct the reservoir system, which is the fountain source of this perpetual drain. I felt that the people of my State and the people of the United States should be placed in possession of all the facts leading up to the consummation of that treaty and of those as well which have resulted in their deprivation of the water to which they are entitled by virtue of their constitution and under the decisions of the Supreme Court of the United States.

So I have nothing whatever, Mr. President, to retract as the situation now stands, and if I had to repeat the speech which I made last March upon the subject I should, if possible, give greater emphasis to some of the facts than I gave to them at that time.

Gen. Mills accuses me of following very closely a communication from Dr. Nathan Boyd, who was at the head of the Rio Grande Dam & Irrigation Co., an enterprise which was completely destroyed by the pernicious activities of those representing the Mexican claimants and the advocates of an international dam. It was a legitimate enterprise, which had commanded a large investment of capital from Great Britain. It had the sanction of the Government, the support of the people of New Mexico, and the decisions of the courts all behind it; yet it was swept aside by a Government suit based upon the wholly gratuitous assertion that its construction interfered with the navigation of the stream, an assertion made worse than absurd by the fact that the Government is building its dam at the same place and on a more extensive scale. If the Government does not reimburse the unfortunate investors in this enterprise, it can not escape just and merited criticism.

I very cheerfully acknowledge, Mr. President, my obligation to Dr. Boyd for the sources of much information which I spread upon the pages of the CONGRESSIONAL RECORD, but that circumstance does not deprive it of its elements of undoubted truth. His company has been obliterated by a process to which the Government was a party, having for its ultimate object, indirectly at least, the confiscation of the waters of the Rio Grande and of its tributaries for the benefit of the people of the Republic of Mexico which belong to the people of my State, and of which they have been unjustly despoiled. The pity of it is that this confiscation was both unnecessary and unbeneficial, since the waters which are the subject of our controversy disappear, either by absorption in the earth or in the atmosphere, long before they complete their journey through the desert country lying between the sources of these tributaries and the location of the Engle Dam. The statements of Gen. Mills himself, which I quoted last March, fully substantiate this.

Gen. Mills also declares that he had nothing to do with the expenditure of the appropriation of $50,000 for the Chamizal arbitration, which I criticised. That may be so. My information comes, however, from the State Department, and until I am satisfied of its incorrectness I shall insist that my statements are in accord with the facts.

Mr. President, as I said at the outset, I do not now intend to occupy the time of the Senate with a discussion of what may be, after all, a personal matter; I shall at another time again discuss my resolution, and I shall then take up the Mills letter in extenso. But there is one other statement in this letter to which I must refer before taking my seat. I may say before doing that, however, that I am by no means through with the controversy between the State of Colorado, in which the State of New Mexico is interested, and the Government of the United States as the outgrowth of these treaty conditions, and shall not be so long as I occupy a seat in the Senate, until the waters belonging to the people of my State are restored to them, to the end that they may be utilized for the upbuilding and the development of the great San Luis Valley, with its hundreds of thousands of acres needing only the fertilizing touch of these waters to yield its harvests in ever-increasing abundance to those who are waiting to utilize them and who must continue to wait until their own Government shall grant them tardy justice.

Gen. Mills, among other things, in his letter says:

> Senator THOMAS's speech was delivered on the responsibility of his oath as a United States Senator, representing the great State of Colorado. By wise and necessary constitutional provision he may not be questioned for anything he has said therein "in any other place."

Mr. President, it is true that every Member of the Senate is privileged as to anything that he may see fit to utter upon this floor; but a Senator who will shield himself behind such a privilege and by reason of it make a statement here that he would not make elsewhere is unworthy to occupy a seat in this body. Especially is that true if the statement is one of a personal character. I therefore take this occasion to say that I have never, as a Member of this body, uttered, and I hope I never shall give utterance to, either a principle or an assertion, and shield myself behind my privileges as a Senator as against its consequences. I shall endeavor to say nothing here that I would not say anywhere in the country. If I have given or shall give utterance to anything that is offensive, I shall, if it proves to be incorrect or unwarranted, at all times be ready to make due reparation; if, on the other hand, my statements are justified by the facts as I understand them, then I am prepared, Mr. President, to assume responsibility for them in all respects as though I had made them in my capacity as a private citizen. I can reconcile my sense of civic responsibility with no other course of conduct.

RIVER AND HARBOR APPROPRIATIONS.

THE VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the river and harbor bill, so called.

THE VICE PRESIDENT. Is there any objection to the request of the Senator from North Carolina?

Mr. GALLINGER. I object.

Mr. NORRIS. I object.

Mr. SIMMONS. Then, Mr. President, I move that the Senate proceed to the consideration of the river and harbor bill.

Mr. NEWLANDS. Mr. President, in this connection I wish to say that at a meeting of the Interstate Commerce Committee this morning it was determined best not to press the trade commission bill to-day, but to occupy the time of the committee in perfecting the securities bill, which is now nearing completion. We therefore will not urge the trade commission bill to-day.

Mr. BURTON. Mr. President, will the Senator from Nevada yield to me for a question?

Mr. NEWLANDS. Certainly.

Mr. BURTON. When does the Senator anticipate that the securities bill will be reported to the Senate?

Mr. NEWLANDS. I expect to be able to report it to-morrow.

Mr. BURTON. At the beginning of the session?

Mr. NEWLANDS. Yes.

Mr. BURTON. Is the Senator able to state to the Senate when the so-called Clayton antitrust bill will be reported to the Senate?

Mr. NEWLANDS. I am told that that bill is ready to be reported; but some question has arisen as to one or two sections of it. The matter will be considered this afternoon, and the bill will probably be ready to report to-morrow.

THE VICE PRESIDENT. The question is on the motion of the Senator from North Carolina that the Senate proceed to the consideration of what is commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and vote "nay."

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is absent from the city, but I am privileged to vote on all matters relating to this bill. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON] and therefore withhold my vote.

Mr. WALSH. I inquire if the senior Senator from Rhode Island [Mr. LIPPITT] has voted?

THE VICE PRESIDENT. The Chair is informed he has not voted.

Mr. WALSH. I have a pair with that Senator and therefore withhold my vote.

The roll call was concluded.

Mr. STONE. I inquire if the Senator from Wyoming [Mr. CLARK] has voted?

THE VICE PRESIDENT. The Chair is informed he has not voted.

Mr. STONE. I transfer my pair with him to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CLARKE of Arkansas (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. SUTHERLAND] is not present. I transfer the pair I have with him to the senior Senator from Indiana [Mr. SHIVELY] and let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I observe that my pair, the Senator from Minnesota [Mr. CLAPP], is not present. I transfer that pair to the Senator from Maryland [Mr. LEE] and let my vote stand.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the junior Senator from Indiana [Mr. KERN] and vote "yea."

Mr. PAGE. I wish to announce the absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement stand for the day.

Mr. GALLINGER. I desire to announce the pair between the Senator from Maine [Mr. BURLEIGH] and the Senator from New Hampshire [Mr. HOLLIS], between the Senator from Wisconsin [Mr. STEPHENSON] and the Senator from Oklahoma [Mr. GORE], and between the Senator from Wyoming [Mr. WARREN] and the Senator from Florida [Mr. FLETCHER].

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

The result was announced—yeas 38, nays 12, as follows:

YEAS—38.

Bankhead	Lane	Pomerene	Sterling
Bryan	Martin, Va.	Randell	Stone
Camden	Martine, N. J.	Ransdell	Swanson
Chamberlain	Nelson	Shafroth	Thompson
Chilton	Newlands	Sheppard	Thornton
Clarke, Ark.	Overman	Shields	Tillman
Goff	Page	Simmons	Vardaman
Hughes	Perkins	Smith, Ariz.	White
Johnson	Pittman	Smith, Ga.	
Jones	Poindexter	Smith, Mich.	

NAYS—12.

Borah	Catron	Gronna	Norris
Brandegee	Cummins	Kenyon	Smoot
Bristow	Gallinger	Myers	Weeks

NOT VOTING—46.

Ashurst	Fletcher	McCumber	Smith, S. C.
Brady	Gore	McLean	Stephenson
Burleigh	Hitchcock	O'Gorman	Sutherland
Burton	Hollis	Oliver	Thomas
Clapp	James	Owen	Townsend
Clark, Wyo.	Kern	Pearce	Walsh
Colt	La Follette	Reed	Warren
Crawford	Lea, Tenn.	Robinson	West
Culberson	Lee, Md.	Root	Williams
Dillingham	Lewis	Sherman	Works
du Pont	Lippitt	Shively	
Fall	Lodge	Smith, Md.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13511) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, on Thursday last I was speaking of the deficiency of facts and statistics relating to river and harbor improvement, and sought to show that this deficiency was one main reason for errors in our legislation on this subject.

Mr. GALLINGER. Mr. President——

THE VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. Mr. President, I noticed in the RECORD—indeed, I think I was present when the statement was made—that the senior Senator from Michigan [Mr. SMITH] declared the other day that there was not a single item in this bill that was not meritorious. I think that is the substance of his observation.

I wish to call the attention of the Senator from Ohio, if he will permit me, to two items I find discussed in the Washington Herald of this morning, and I will read them:

> Between Knoxville and Chattanooga the Tennessee River maintains a depth of from 3 to 4 feet. In the pending bill is an authorization for the construction of a dam at a cost of $1,600,000. The construction of this would raise the water to a 6-foot depth for 22 miles in the center

Also, resolution of the Chamber of Mines and Oil, of Los Angeles, Cal., favoring governmental mining experiment and mine safety stations; to the Committee on Mines and Mining.

Also, letter from Stetson-Barret Co., of Los Angeles, Cal., against mailing false financial statements; to the Committee on the Post Office and Post Roads.

Also, individual protests against national prohibition amendment from H. T. Scott and 67 other citizens of Los Angeles, Cal.; to the Committee on Rules.

By Mr. STONE: Petition of sundry citizens of Peoria, Ill., favoring investigation of the North Pole controversy; to the Committee on Naval Affairs.

By Mr. WICKERSHAM: Memorial of the Woman's Christian Temperance Unions of Petersburg and Seward, Alaska, favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *July 20, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, our God, we turn again to Thee because without Thee we can do nothing. We have no strength of our own for the battles of life. All power belongeth unto Thee. Thou art the creator of all things. Life and death are in Thy hands. But we thank Thee for Thy love, which has provided for all our needs. We come, therefore, with great confidence into Thy presence and look steadfastly into Thy face. We linger at Thy feet. "Our soul waiteth for Thee more than they who watch for the morning." Guide us this day in the way that Thou shalt choose, and may we work out all our problems in harmony with Thy righteous laws. We ask it for Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of the proceedings of Saturday last was read and approved.

TRANSPORTATION OF COAL AND OIL (H. DOC. NO. 1124).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting a report of the investigation in the matter of the relation of common carriers subject to the act to regulate commerce to coal and oil and the transportation thereof. The communication has already been printed, and it will be referred to the Committee on Interstate Commerce.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 550).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster General submitting an estimate of deficiency appropriation in the sum of $10,000 to cover the period from March 9, 1914, to June 30, 1914, for payment of amounts accruing under the provisions of the disability clause contained in the postal act approved March 9, 1914, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

AFFAIRS IN MEXICO (S. DOC. NO. 549).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 16th instant, certain information relative to the truth or falsity of the press report sent out from Vera Cruz, Mexico, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga," which, on motion of Mr. POINDEXTER, was referred to the Committee on Naval Affairs and ordered to be printed.

CALLING OF THE ROLL.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Overman	Smith, Ga.
Bankhead	Cummins	Page	Smith, Mich.
Borah	Gallinger	Perkins	Smoot
Brady	Goff	Pittman	Sterling
Brandegee	Gronna	Poindexter	Swanson
Bristow	Jones	Pomerene	Thomas
Bryan	Kenyon	Ransdell	Thompson
Burton	Kern	Reed	Thornton
Camden	Lane	Saulsbury	Tillman
Catron	McCumber	Shafroth	Townsend
Chamberlain	Martin, Va.	Sheppard	Vardaman
Chilton	Martine, N. J.	Shields	White
Clapp	Newlands	Simmons	Works
Clarke, Ark.	Norris	Smith, Ariz.	

Mr. CAMDEN. I wish to announce the unavoidable absence of my colleague [Mr. JAMES]. He is paired with the Senator from Massachusetts [Mr. WEEKS]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND], who has a general pair with the Senator from Arkansas [Mr. CLARKE], and also the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON], who has a general pair with the Senator from Oklahoma [Mr. GORE].

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SISSON, and Mr. GILLETT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations; and

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.

PETITIONS AND MEMORIALS.

Mr. BRISTOW presented petitions of sundry citizens of Winona, Cairo, and Formoso, in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Typographical Local Union, No. 136, of Duluth, Minn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. THOMAS presented a petition of sundry citizens of Westminster, Colo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Pattern Makers' Association, of Bridgeport, Conn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. MYERS presented a petition of the Chamber of Commerce of Polson, Mont., and a petition of sundry settlers on the Flathead Indian Reservation, Mont., praying for the enactment of legislation for the relief of settlers on the Flathead Indian Reservation, which were referred to the Committee on Public Lands.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Hammond, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the Typographical Union of Kokomo, of the Pattern Makers' Association of Fort Wayne, and of the Molders' Union of New Albany, all in the State of Indiana, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented a petition of the congregation of the Trinity Baptist Church, of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the City Council of Woonsocket, R. I., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 3201) for the relief of John J. Duncan, reported adversely thereon, and the bill was postponed indefinitely.

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4012) to increase the limit of cost of the United States public building at Grand Junction, Colo., reported it with an amendment and submitted a report (No. 694) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PITTMAN:

A bill (S. 6131) granting a pension to Alphens W. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 6132) granting a pension to Marie Love (with accompanying papers); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6133) granting an increase of pension to David Delahanty; to the Committee on Pensions.

PENSION BUREAU EMPLOYEES.

Mr. GOFF. I submit a resolution, which I send to the desk, and ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. The Senator from West Virginia asks unanimous consent for the present consideration of a resolution. Is there objection?

Mr. SIMMONS. I dislike very much to object, and I am not going to do so; but I give notice that I shall object to any other requests for unanimous consent.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 427) was read, as follows:

Resolved, That the Secretary of the Interior be directed to transmit to the Senate the following information:

First. The names, age, and length of service of all employees of the Bureau of Pensions on March 4, 1913.

Second. Total number of those so employed who served in any war of the United States.

Third. Total number of those so employed who served in any war of the United States who have been promoted since said date.

Fourth. Total number of those so employed who served in any war of the United States who have been demoted $100 per annum since said date.

Fifth. Total number of those so employed who served in any war of the United States who have been demoted $200 per annum since said date.

Sixth. Total number of those so employed who served in any war of the United States who have been demoted $300 per annum since said date.

Seventh. Total number of those so employed who served in any war of the United States who have been demoted $400 per annum since said date.

Eighth. Total number of those so employed who served in any war of the United States who have been demoted $500 per annum since said date.

Ninth. Total number of those so employed who served in any war of the United States who are now receiving pensions.

Tenth. Total number of those so employed who served in any war of the United States who have been dismissed or whose resignations have been asked for since said date.

Eleventh. Total number of Confederate veterans employed in said bureau on the date named.

Twelfth. Total number of Confederate veterans so employed who have been promoted since said date.

Thirteenth. Total number of Confederate veterans so employed who have been demoted since said date.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. POMERENE. I ask that the resolution lie over until to-morrow.

The VICE PRESIDENT. There being objection, the resolution, under the rules, will lie over until to-morrow and be printed.

PUBLIC BUILDING SITE AT OWEGO, N. Y.

Mr. SWANSON. From the Committee on Public Buildings and Grounds I report back favorably, without amendment, the bill (H. R. 15320) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y. As this is a very important matter, I ask unanimous consent for the immediate consideration of the bill.

Mr. SIMMONS. What is the nature of the bill for which the Senator from Virginia asks unanimous consent for present consideration?

Mr. SWANSON. If the Senator from North Carolina proposes to object, I trust he will withhold it until I can make a statement. A site has been purchased on which to construct a Federal building at Owego, N. Y. This bill proposes to waive that portion of the law requiring that a site selected for a public building shall be bounded on at least two sides by streets. The option for the purchase of the site will expire in a week. It is therefore very urgent that the bill should be passed. It has already passed the House of Representatives, and I think there will be no objection to it.

Mr. SIMMONS. I just made a statement a moment ago that I should object to any further requests for unanimous consent, but if the Senator from Virginia thinks this is a very urgent measure I shall not object, although I hope I shall have the strength to object to any further requests of a similar nature.

Mr. SWANSON. There will be no objection to the passage of the bill if it is read.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section 33 of the public-buildings act approved March 4, 1913, which requires that the Federal building site selected at Owego, N. Y., shall be bounded on at least two sides by streets.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEALTH CONDITIONS IN THE PHILIPPINE ISLANDS.

Mr. GALLINGER. I have a brief article from The Outlook of the 27th of June, 1914, relating to health conditions in the Philippines. It is a very important article, as I regard it; and, without taking the time of the Senate to have it read, I ask unanimous consent that it may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The article referred to is as follows:

[From The Outlook, June 27, 1914.]

"LETTING IN THE JUNGLE."

All travelers in the Tropics know how quickly cultivated land reverts to jungle, and how continuous the struggle against fever and the plague must be in Cuba, Panama, and the Philippines. As quickly as the panic at the coming of the elephant, panther, wild pig, and python enabled them to overrun the Indian village in the Kipling story, so smallpox, cholera, and enteritis excite a terror in men of our breed, and unless they are controlled they effectually bar all colonizing enterprises. The jungle does the rest.

The new administration has had a free hand in the Philippines. The general approval given to the tariff law and the currency bill has served as a certificate of good character. At the same time the remoteness of the islands and the widespread indifference to the results of the American occupation have protected important details of Philippine administration from proper publicity and criticism. For example, improper appointments by the governor of New York or a careless speech by the Speaker of the House at Washington are challenged at once by the daily papers, but similar happenings on the other side of the world lose their savage before they are known, if, indeed, they are known at all. We give all credit for good intentions to the President, but he ought to know the hara-kiri which is being committed under his authority in the islands. Of course, as Napoleon said after Trafalgar, "I can not be everywhere," nor can the President be expected to know the full significance of the acts of his subordinates in Manila or in the mountain Province of Luzon. So long as department clerks remain prone to gloss over the errors of their chiefs, first-hand information for the President is exceedingly difficult, if not altogether impossible, to obtain.

The prompt passage of the penal clauses against peonage and slavery raised the greatest expectations as to the efficiency of the new island government. In spite of the dismissal of hundreds of experienced men from the different insular departments, the indiscreet credit given by the new Governor General for the Filipino indorsement which had secured his appointment, and the withdrawal of military control from the southern islands, men experienced in the ways of the Malay heard even when their judgment disapproved. But now, as the first hot season is on in Manila, when the American colony is simply disheartened, and when every berth on every ship is crowded by those whose one wish is to get away from the Philippines, plain words become a matter of public duty.

Not since 1902 has there been such cause for anxiety. A smallpox scare is now terrifying Manila, and the wholesale increase of flies and mosquitoes attests the "letting in of the jungle." Only the great health and sanitary measures followed indefatigably for the last 12 years keep back such a cholera epidemic as rose in course in 1902. The decrease in the number of American health inspectors and the appointment of Filipino inspectors in their places is the explanation. These native inspectors agree with their neighbors about the nuisance of garbage cans, and through race or family sympathy fail to report glaring violations of sanitary order. Thus in six months is undone the work of years.

The English change their viceroys in India, but no one of them would think of dismissing one of that great army of military and civilian subordinates who have become specialists in doing the day's work" in correcting the native population into some scant respect for decency, law, and order. The health office of Rangoon, bestirred in as it is by cholera, black smallpox, and bubonic plague, is kept in the hands of medical men impervious to any appeal or command save that conducive to sanitary order. They are under no pressure from native public opinion as to what the natives wish done, but with reasons of

This prairie, this fair domain, had its civil birth in the red passion of fratricidal strife, and a State, fitted incomparably by nature as a theater for peace and contentment, came to the Nation as "Bleeding Kansas."

But the vastness of its natural resources were not long unrecognized. After the Civil War the immigration which came into Kansas was largely that of the soldiers of the Union Army, men who had been tempered by the mighty rigors and discipline of war. They launched, individually and collectively, not only into the development of the State, but into politics, and there followed in that period of the history of Kansas a day of the most spirited political contest, conducted with a partisan discipline which was, in its severity, almost military. The Republican Party dominated. Its conventions were huge affairs of tremendous contentions and intense factional passion. But the discipline was perfect. The defeated aspirant for a nomination pledged fealty. To "scratch" a ticket was an unpardonable sin; to be "read out of the party" a disgrace. A nomination was an election. Kansas in this period was probably the most partisan Republican of all the States in the Union.

The Democrats of Kansas at that period were mostly men who had been Democrats before the war, many of whom had served in the Union Army during the war. Immigration to the State added to their number, and in all localities they formed small groups of individuals who held fast to their opinions and who as a determined but always cheerful minority struggled at each election in precinct, city, county, and State; never, however, with notable success until George W. Glick was elected governor.

Gov. John P. St. John has been referred to here by Mr. TAGGART as one of the strongest, if not the strongest, man on the platform this Nation has seen in a generation. He is, in fact, one of the strongest men this Nation ever produced, the pioneer in a principle which spreads around the world. He had been a highly popular governor for two terms. His adherents attempted a third term for him. He was attacked by the Democrats under the leadership of George W. Glick, and Mr. Glick as a Democrat was elected governor of Kansas in this most partisan of Republican States, a little less than 20 years after the close of the Civil War. This event was manna to the Kansas Democrats. They had traveled long in the wilderness. And in their hour of triumph and jubilation as partisans they exalted George W. Glick. That initial triumph remains in the minds of Kansas Democrats epochal, and it led to the legislative preference which sent his statue here.

In the election of George W. Glick party discipline in Kansas had broken down and it was known of all men that despite its strong partisan qualities at bottom Kansas was politically individual in its mental processes. The conditions which led to the early settlement of Kansas invited no weaklings there, and the conditions in Kansas were such that if a weakling came he could not stay. The early Kansans were sons of strength. That is not mere laudation voiced by one partial to his State. As a boy I knew most of the Kansans who have been mentioned here to-day—Robinsons, Hudsons, Martins, Ewings, Anthonys, Brewers, Thatchers, Lelands, Wares, Ryans, Crawfords, Plumbs, the Elders, the Pecks, the matchless Ingalls, the Speers, and hundreds of others I could name were each distinct individual types, all of exceptional talent and strong fiber, men capable of every responsibility and worthy of statues here.

Kansas was the first of the Union States after the war to send an ex-Confederate, W. A. Harris, to the United States Senate. This was in 1897. But as early as 1883 Kansas was forgetting the lines of political division that grew out of the Civil War and was turning to the issues of the future. It was in Kansas among these same strong people later, in 1890, that the new foreseeing element of Populism arose, thriving prodigiously overnight in the fertile soil of political independence in the individual, which is and will continue to be one of the chief characteristics of this liberty-loving State.

The self-reliance of the early citizenship was general. It touched every walk of life. My grandfather, Thomas Murdock, was a minister of the gospel and had part in these rigorous times. Margaret L. Wood, widow of Sam N. Wood, an early Kansan, who was cruelly shot down in one of the county-seat wars, wrote me the other day from Boise, Idaho. In her letter she instanced the dauntless spirit of that people by saying: "Your grandfather Murdock used to walk from Emporia to Cottonwood Falls to preach to us. One of the coldest Sunday mornings I ever saw, my husband came in and said, 'Now get ready to go to church.' I said, 'The weather is too cold.' He replied, 'That old man has walked 20 miles this biting morning to preach to us. The wagon will be at the door in 15 minutes and all of us must go.' The girl whispered to me, 'We will have to go though we freeze to death.' We went, and heard a good sermon. Your grandfather was like the old-fashioned Methodist ministers of Ohio and Kentucky—conscientious, devout, brave, and self-denying."

I knew Gov. Glick in his later years. He had all of the qualities which have been ascribed to him by the two gentlemen who have just spoken. He was old-fashioned in his devotion to frugality. He believed in and he practiced economy. Like all strong men, he was strong in his opinions, firm in his convictions. Like all strong men, he was mistaken in some of them. In common with its entire citizenship, he rejoiced in the high estate Kansas reached in social progress, for he grew to see the State of which he was an early governor rise to the highest development that in many respects, I think, it is possible for a people to attain. He lived to see the day when this vast expanse which he knew as a youth as an endless, treeless, virgin prairie had grown to a rich Commonwealth, populated by a contented folk in the midst of rich fields, churches, schools, with bursting bins of plenty, with bank deposits reaching $600 per family, with $750 per family in live stock. He lived to see his State, consisting of 104 counties, number among them 87 counties without any insane, 54 counties without any feeble-minded, 96 counties without any inebriates, 33 counties without any poorhouses, 53 counties without any persons in jail, and 65 counties without a representative in the State penitentiary.

He lived to see the State which he entered under the lure and invitation of political contest bring to the vision of his old age the splendid spectacle of an era of finished development, of rounded citizenship, of peace and permanent prosperity.

As I said in the beginning, and as I shall say in closing, nearly all the States having given their quota of statutes in yonder Hall; this custom will soon pass. Available space for this statue was found with difficulty in the chamber. We are among the last who will so officiate. Let us account ourselves fortunate that for a few minutes we may put aside the fever and hurly-burly of political strife and, harking back to the contests of other days, which time has softened, pay tribute, in this presentation to the Nation, to the memory of a virile man who lived among virile men in a virile generation. [Applause.]

Mr. TAGGART. Mr. Speaker, I am informed that a concurrent resolution has been adopted by the Senate accepting the statue of Gov. Glick, but that it has not yet come over from the Senate to the House.

The SPEAKER. It can as well be adopted on Monday as to-day. The Chair is informed by the Clerk that it has not yet come from the Senate.

ADJOURNMENT.

Mr. TAGGART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 18 minutes p. m.) the House adjourned until Monday, July 20, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MAHER, from the Committee on Labor, to which was referred the bill (H. R. 17861) to regulate the wages of mechanics and laborers employed in or under any and all departments of the Government, reported the same without amendment, accompanied by a report (No. 983), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (S. 1281) providing for the retirement of certain officers of the Philippine Scouts, reported the same without amendment, accompanied by a report (No. 984), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported the same without amendment, accompanied by a report (No. 985), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 1149) for the relief of Seth Watson, reported the same without amendment, accompanied by a report (No. 986), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CRAMTON: A bill (H. R. 17969) authorizing the Secretary of War, in his discretion, to deliver to the city of Port Huron, in the State of Michigan, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. FALCONER: A bill (H. R. 17970) to provide for the survey of certain lands in the State of Washington; to the Committee on Appropriations.

By Mr. MOSS of Indiana: A bill (H. R. 17971) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. RAKER: Memorial of the Legislature of the State of Virginia, memorializing Congress to acquire Monticello, the home of Thomas Jefferson; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California: A bill (H. R. 17972) granting a pension to Julius Meincke; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 17973) granting an increase of pension to Thomas W. Chaunesa; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17974) granting an increase of pension to John Ramsey; to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 17975) granting a pension to T. W. Etheridge; to the Committee on Pensions.

Also, a bill (H. R. 17976) granting a pension to John McElroy; to the Committee on Pensions.

By Mr. POST: A bill (H. R. 17977) granting an increase of pension to Samuel Warrell; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17978) for the relief of Flora E. Campbell Sudduth, administratrix of the estate of Walter L. Campbell, deceased; to the Committee on War Claims.

By Mr. SMITH of Minnesota: A bill (H. R. 17979) granting a pension to Francis M. Goodman; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17980) granting an increase of pension to John M. Duncan; to the Committee on Invalid Pensions.

By Mr. VOLSTEAD: A bill (H. R. 17981) granting a pension to Rose Barnes; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of 98 citizens of Hamilton County, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petition of Burton R. Jones and 1,100 people of South Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petition of J. O. Maxwell and 30 other citizens of the fourth district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of G. F. Hayes and other residents of Beloit, Wis., protesting against nation-wide prohibition; to the Committee on Rules.

Also, petitions of Joseph H. Zirbes, secretary, and other members of the Racine Musicians' Union, of Racine, Wis., protesting against nation-wide prohibition; to the Committee on Rules.

By Mr. CRAMTON: Resolutions of the First Presbyterian Church, Lapeer, Mich., representing 300 people, and petition of Elmer Johnson and 49 other voters of Bad Axe, Mich., in support of the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of A. L. Raymont and 41 others of Mount Clemens, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Central Federated Union, favoring passage of the seamen's bill; to the Committee on Rules.

By Mr. ESCH: Petition of the City Council of Hamilton, Ill., relative to building bridge across the Mississippi River at Hamilton; to the Committee on Interstate and Foreign Commerce.

By Mr. FESS: Petition of sundry citizens of the seventh Ohio congressional district, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of 910 citizens of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petitions of 16 citizens of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. HULINGS: Petitions of Le Roy B. Campbell, E. O. Holmgreen, and Alfred J. Mooney, of Warren, Warren County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petitions of 192 citizens of Wellman, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of 70 citizens of Shelby County, Mo., favoring national prohibition; to the Committee on Rules.

Also, petition of 54 business concerns of Hannibal, Mo., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. MERRITT: Petitions of Mrs. John Thwaits, Willie B. Witt, Delbert D. Flagg, Herbert Chatterton, Mrs. Richard Elliott, H. M. Thwaits, Horace Carpenter, F. J. Beattie, R. H. Smith, George Booth, Erick Erickson, Joseph Currier, all of Clintonville; Milford Babcock and D. W. Adgate, of Ausable Chasm; Simeon L. McIntyre, of Crown Point; B. C. Lawrence and Mary T. Lawrence, of West Bangor; A. J. Bigelow, of Keeseville; F. L. Allen, of Peru; Myron Baker, jr., Lemuel Baker, and Mrs. Daisy Baker, of Harkness, all in the State of New York, all favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petitions of Mrs. John Thwaits, Willie B. Witt, Delbert D. Flagg, Herbert Chatterton, Mrs. Richard Elliott, H. M. Thwaits, Horace Carpenter, F. J. Beattie, R. H. Smith, George Booth, Erick Erickson, Joseph Currier, all of Clintonville; Milford Babcock and D. W. Adgate, of Ausable Chasm; Simeon L. McIntyre, of Crown Point; B. C. Lawrence and Mary T. Lawrence, of West Bangor; A. J. Bigelow, of Keeseville; F. L. Allen, of Peru; Myron Baker, jr., Lemuel Baker, and Mrs. Daisy Baker, of Harkness, all in the State of New York, all favoring the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

By Mr. RAKER: Petition of F. C. Mickel, Junction City, Cal., favoring salary for fourth-class postmasters; to the Committee on the Post Office and Post Roads.

Also, petition of the presidents of 23 railroads, protesting against House bill 17042 before report of the joint committee; to the Committee on the Post Office and Post Roads.

Also, petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., and the Southern Iron & Equipment Co., of Atlanta, Ga., relative to withholding until next session legislation affecting business; to the Committee on the Judiciary.

Also, petition of J. H. Newhauer & Co., of San Francisco, Cal., favoring passage of House bill 15986, relative to mailing false financial statements; to the Committee on the Post Office and Post Roads.

By Mr. SLAYDEN: Protest of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on Rules.

Also, protest of sundry citizens of the fourteenth congressional district of Texas, against national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Resolutions and petitions from the Southern California Conference, Free Methodist Church, representing 1,100 members; the Euclid Heights Methodist Episcopal Church, of Los Angeles, mass meeting; the Merrill Lodge, Independent Order of Good Templars, Los Angeles; a mass meeting at Alamorio; Mary Stark and 25 others of Los Angeles; Joshua Carney and 13 others of Watts; and individual cards from Mary M. Moore and 554 other citizens of Los Angeles City and County, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, resolution of the Sheet Metal Contractors' Association of San Francisco, Cal., favoring subcontracts in Government work; to the Committee on Public Buildings and Grounds.

Also, resolution of the Traffic Association of Fresno, Cal., favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, resolution of the State Federation of Labor, of San Francisco, Cal., concerning bill of complaint of the Vallejo machinists; to the Committee on Naval Affairs.

Also, petition of Charlotte A. Lane and 16 other citizens of Los Angeles, Cal., favoring Smith-Hughes motion-picture censorship bill; to the Committee on Education.

George W. Glick heard the call of Kansas, and in 1859 he went and cast his fortune in the town of Atchison. He immediately identified himself with the movement for a free State. He was an uncompromising foe of slavery.

I presume we have all noticed how certain towns produce a great many noted men. We can go up into the little town of Concord, Mass., and find that in that little city of a few thousand inhabitants there are perhaps a dozen names of men and women that have gone forth throughout the world—names destined for immortality. And we find it so in many another place. Perhaps in every State of the Union there is some one city which, for some reason or another, was the dwelling place of an unusual number of celebrated persons.

About the same time there came to the same town of Atchison another man whose statue adorns Statuary Hall alongside of that of Gov. Glick—John James Ingalls.

Strange, incongruous Kansas. Within that "grassy quadrangle" the unexpected seemed to be the law of life. There, in the midst of the pioneers who were passing through Atchison, was the polished and cultured Ingalls, an orator whose genius approached that of Burke, a satirist outrivaling Juvenal, an intellectual gladiator whose arena for 18 years was the Senate of the United States.

In that very same year came a young man to Atchison, Kans., from Brownsville, Pa., the town in which James G. Blaine grew up, and this young man afterwards became a governor of Kansas, the next following Gov. Glick. He was John Alexander Martin, secretary of the convention that drafted the constitution of Kansas in 1856, and colonel of the Eighth Kansas Volunteer Infantry, a gallant regiment, whose record for sacrifice, heroism, and suffering stands high in the list of the military organizations that have served under the flag of the United States. Albert H. Horton, afterwards a distinguished chief justice of the Supreme Court of Kansas, came and took up his residence in the little town of Atchison at about the same time that George W. Glick came there.

John Seaton, a mechanic and ironmaster—a man who had learned his trade in the old-fashioned way—came and established a foundry in Atchison and became one of the wealthiest men in that city. He left after him not only wealth but an inheritance of honor and a name and reputation for justice toward labor, for personal interest in everyone who took part in his life work with him, and for an exalted type of citizenship that will remain as one of the brightest traditions of the city of Atchison.

I shall not name the living now, nor can I call to mind all the distinguished dead who lived and worked out their careers in that one city. Suffice it to say, without mentioning States or State lines, which seem to mean less as time goes by, that they who came to Atchison represented all that was enterprising, generous, high-minded, and progressive in the American people.

George W. Glick formed a partnership with an able lawyer of Atchison—Hon. Albert G. Otis—and in this partnership continued in the active practice of law until 1894. Mr. Glick was recognized as one of the foremost attorneys at the Kansas bar. Railroad building was active in his time, and his services were sought by railway companies in the multitude of difficulties that beset their path in the beginning of their operations in Kansas. He often received large fees, but it was said of Gov. Glick that if a poor person had a case and seemed to have a right to be heard in court, regardless of whether he was to receive any fee or not, he never refused or failed to see to it that poverty did not prevent a fair hearing in court.

No successful attorney has ever escaped at least being requested to take part in politics. Very few have been able to resist that temptation. George W. Glick was a Democrat, and it is well known that for the first 30 or 40 years of the history of Kansas the State was overwhelmingly Republican in politics, and there was little, if any, opportunity for one having other views politically to attain to any high place in that State. Mr. Glick, however, accepted a nomination for the legislature, and he was elected in 1863, 1864, 1865, 1866, and then again in 1868 and 1876 and 1882 as a member of that body.

He took a very active part in preparing legislation in Kansas. He was especially interested in civil procedure, and his work was of immense value to the bench and bar. Prior to his service in the legislature the Supreme Court of Kansas was not required to render its opinions in writing. Through the influence of Mr. Glick as a member of the legislature laws requiring opinions to be fully written and a syllabus to be prepared by the judge who speaks for the court were enacted. In 1863 he drafted and secured the passage of the first law in Kansas regulating the rate of interest on money. In the early days of Kansas, as in all other frontier places, exorbitant rates of interest were allowed by statute. He had a law passed through the legislature changing the then prevailing rates of interest from 5 and 3 per cent a month to 10 and 12 per cent per annum, with penalties attached for usury.

He also took an active part in framing the marriage laws of Kansas. It was extremely difficult under the early statutes of many of the States to prove marriage. This was simplified so as to establish, without all of those difficulties, the legitimacy of children and the title to property. He took part in establishing and perfecting the occupying claimant law, the law relating to wills, the mechanics' lien law, with many others passed in the early sixties that have stood the test of time and still remain as a part of the settled policy of the State of Kansas.

In 1876, although the legislature was overwhelmingly Republican, Mr. Glick was chosen speaker pro tempore of the House of Representatives of Kansas. This honor, more significant than it perhaps may sound, usually means in the house of representatives of that State that the speaker pro tempore presides over a large part of the deliberations. But one speaker pro tempore for an entire session is elected, and he has much to do in conducting the proceedings. George W. Glick was a ready and able debater. He had the faculty of immediately grasping the meaning of everything that is done in the legislature. He was a practical lawyer. He did not have to read a statute over and over or examine a bill at great length to grasp the full import and meaning of it. His services were therefore of great value in a legislative body.

He was three times elected a delegate to Democratic national conventions, serving in that capacity in 1868, in 1884, and in 1892. A fact in his history that is not well known is that the Kansas delegation in the Democratic national convention at Chicago in 1892 presented his name as a candidate for Vice President, and he received a large number of votes.

He was nominated for governor of Kansas in 1868 at a time when he and everyone else knew that there was no opportunity to elect a Democrat to that office. He accepted the nomination, performed his duty to the party, and made an active campaign throughout the State. The people of Kansas remembered the canvass that was made by George W. Glick, and in 1882 he was again put in nomination as the unanimous choice of his party for the office of governor.

Something was said by Mr. CAMPBELL of the situation which obtained in Kansas at that time. One of the ablest platform speakers that has ever appeared in Kansas, or, perhaps, elsewhere, was then closing his second term as governor of Kansas. John Peter St. John, who still survives, and though past the age of 80 years, retains apparently the fire and vigor that characterized his movements 40 years ago, was elected governor of Kansas in 1880 for the second time, and, in 1882, offered himself as a candidate for governor for the third term.

It is a strange fact that unwritten laws are very often enforced with greater rigor and with more certainty than the most solemnly enacted statutes. The Republican Party of Kansas in 1880 for the second time, and in 1882 offered himself its rules and regulations. It had its unwritten laws, and whenever any member of that organization in public life, having enjoyed two terms in office, presented himself as a candidate for a third term, he was almost invariably disciplined by the Republican Party of Kansas. Two great facts made George W. Glick governor—the unwritten law of the prevailing party, and the uncontested and acknowledged excellence of his character and attainments. He was elected by a majority of more than 8,000 votes, although the prevailing party had an ordinary majority of more than 50,000 votes in that State.

He entered upon the discharge of his duties as governor on the 8th day of January, 1883. Sometimes I think that those who are elected by a minority party, aided by some of the majority, make a special effort to serve the people. Their administration is always interesting. They are always respected by the majority party. They are almost idolized by the minority party, to which they gave, perhaps, an unexpected victory. George W. Glick was very popular as governor of Kansas. His administration was marked by intelligence and dignity. His long experience in the legislature and his knowledge of the affairs of the State fitted him in the highest degree to discharge the duties of governor.

He was an economist in public affairs. Perhaps ultimately it was hopeless, as it seems hopeless always, to protest against prodigal expenditures. It has always been an issue in every new and growing State. Gov. Glick protested with the utmost vigor against extravagance in public office. Perhaps he injured his popularity to some extent by his protests; but he foreshadowed in his administration and in his canvass for governor the fact that some time the people are going to take their minds off the issues that are not so vital, and give their consideration

to the more pertinent and practical issue of public expenditures. He knew that the American people pay the heaviest of all taxes. The national, State, county, school district, and city or township taxes of the American citizen added together make the greatest per capita expenditure for public purposes in the world. He entered his vigorous protest against this great abuse, so incidental to a wealthy and growing community.

Gov. Glick was a pioneer. He had that advantage that only pioneers have. He saw a country as nature had fashioned it, and witnessed the work of man by which it was converted into homes. This can happen but once. Great artists have undertaken to paint scenes that could have occurred but once in the history of the world. Poets have sought after themes describing incidents in the history of the man as classics because they never happened before and could never happen again. The untouched prairie could be broken but once, and in his time he saw that prairie converted into a landscape that would delight the eye of one who can paint on canvas the glory of rural life.

He was always interested in everything incidental to the growing community. While he was governor he caused to be established the Live Stock Sanitary Commission for the protection of live stock in the State. He insisted on and had enacted into law statutes prescribing better care of the public funds. And let it be said that since his day not a single dollar of the public money of Kansas has been lost.

In 1885 he was appointed pension agent by President Cleveland, and afterwards reappointed. In that capacity he disbursed $85,000,000, and among his papers is the receipt of the Government, showing the faithful disbursement of that vast sum of money.

He gave the last years of his life to agriculture, especially to the improvement of the live stock of Kansas. He had one of the finest stock farms in the State and took a pride in breeding fine cattle. He was one of the commissioners appointed by the State to the Centennial Exposition in 1876. He was again sent to the International Exposition in Omaha in 1898. Throughout his long life he was an interesting figure in the history of Kansas, and was identified with every important or exciting event in the history of the State.

He went out as a volunteer in the Second Kansas Regiment and took part in the protection of Kansas when it was attacked in what is known as the Price raid.

In 1857 he married Elizabeth Ryder, of Massillon, Ohio, a lady descended from a distinguished colonial ancestry. Her ancestors were among the first settlers of Concord, Mass., and she derived her name from forbears who were well known among the early colonists of New York City. For 50 years and more this noble matron having with her the best traditions of American life presided over the hospitable home of George W. Glick, with the grace and dignity inherited from a fine ancestry. She added to the success of his public life the greater blessing of domestic happiness. Two children were born of this union—Frederick H. Glick and Mrs. James W. Orr, of Atchison, Kans.

George W. Glick died April 13, 1911, at the age of 84 years, having devoted to the world two-thirds of a century of active and valuable service, all of which added to the welfare of his fellow men and the progress of the great and growing community that was the scene of his noblest efforts.

In conclusion, let it be said of George W. Glick that he had one of those fortunate frames of minds which was not easily changed nor readily prejudiced nor carried away by any sudden impulse. He never moped nor mourned over defeat. He was calm, good-natured, and sensible in victory. He never visited revenge of any kind or character upon an enemy, if indeed there was anyone who ever had such resentment against him as to be described as an enemy. He was a kind and gentle citizen, full of enterprise and hope. He was approachable and sympathetic. George W. Glick was one of the best of that great multitude of enterprising citizens who were the pioneers of Kansas. There was no bitterness that gnawed out his life. There was no hatred that troubled his spirit. In his heart was good will toward all men. He saw the beginning of a great State and witnessed its progress for more than 50 years. He left it better than he found it. He added to the sum of its enterprise and he helped to develop its resources. He left his name and his work as a part of its history. [Applause.]

Mr. MURDOCK. Mr. Speaker, there are several considerations which lead me to add to the expressions already made here this afternoon, and not the least of the moving causes has been the nature of the addresses made by the gentlemen who immediately preceded me, Mr. CAMPBELL and Mr. TAGGART. In the nature of things that portion of the Capitol once the Hall of Representatives, and now known as Statuary Hall, in which each State may place two statues, will soon be closed to additional memorials. It may not be amiss to remark in passing that as the custom of placing statues there grows old, and, because of the physical limitations of the area itself, as well as the provisions of the law, draws to a close, the legislative business of presenting a statue to the Nation has become more or less perfunctory, a function performed in a wilderness of empty seats, before a drowsy reporter or two in the press gallery and a scant baker's dozen of other auditors. And yet the function, I submit, desperately formal as it has grown to be, carries with it a kindly office; for there must be virtue in the mellowing reminiscences which on these occasions well up out of the era that is gone, when, through the mists of the past, the hard lines soften and the soft lines glow as they have to-day to me, as I listened to the addresses of the two gentlemen who have preceded me.

George W. Glick belonged to an exceptional generation in time and place. The first settlement of Kansas came about not so much through the lure of land as from challenge of political contest, grown white-hot with the contention of 50 years. Men moved from the South and from the North into Kansas to battle. Largely because of river travel, then the sole means of public conveyance, the first part of Kansas settled was the northeastern corner, which is touched by the Missouri River. In this section of Kansas the chief cities were and are Atchison and Leavenworth. George W. Glick was from Atchison. Across the river is St. Joseph. That part of Kansas and Missouri is one of the richest agricultural sections in the world. It was here that the spark of conflict that had irritated a Nation for decades burst into devastating flame. The nomenclature of Kansas shows in many instances how early the southern element dominated politically, for you will find on the map of Kansas names of men who were politically prominent in the South 60 and 70 years ago. The contest here was high-tensioned and all-absorbing. There was no neutral ground. And no man was neutral. Each new arrival was to one side a loss, to the other an acquisition. And no man escaped.

As a boy I heard my father tell the story, legendary but illuminating, to the effect that when the proslavery men possessed the northeastern corner of Kansas it was their custom to post themselves at an important landing on the Missouri River and interrogate the new arrival to determine whether he was proslavery or antislavery. The crowd had tied to a convenient post a cow, and they asked the newcomer what the animal was. If he said it was a cow, they permitted him to remain as likely to be proslavery, but if he said it was a "keow," pronounced with what was believed to be the New England twang, they sent him back posthaste across the Missouri River as surely antislavery.

To the struggle for political possession the untold agricultural possibilities of the domain remained for the moment secondary and subordinate, for knowledge of its resources was necessarily limited. The map makers had libeled it by including a part of it in the "Great American Desert." Even its Indian population was not large. Some of it was unknown, for indeed only a few years before—that is, until the Mexican War—a part of Kansas was Mexico. The territory was a long amphitheater, sweeping gently upward from the Missouri River to the foothills of the Rocky Mountains—prairie—with all the mystery and fascination and loveliness that Bryant limned when he wrote—

These are the gardens of the desert, these
The unshorn fields, boundless and beautiful,
For which the speech of England has no name—
The prairies. I behold them for the first,
And my heart swells, while the dilated sight
Takes in the encircling vastness. Lo, they stretch
In airy undulations, far away,
As if the ocean, in his gentlest swell,
Stood still, with all his rounded billows fixed
And motionless forever. Motionless?
No; they are all unchained again. The clouds
Sweep over with their shadows, and beneath
The surface rolls and fluctuates to the eye;
Dark hollows seem to glide along and chase
The sunny ridges. Breezes of the south,
Who toss the golden and the flame-like flowers
And pass the prairie hawk that, poised on high,
Flaps his broad wings yet moves not—ye have played
Among the palms of Mexico and vines
Of Texas, and have crisped the limpid brooks
That from the fountains of Sonora glide
Into the calm Pacific. Have ye fanned
A nobler or a lovelier scene than this?
Man has no part in all this glorious work:
The hand that built the firmament hath heaved
And smoothed these verdant swells, and sown their slopes
With herbage, planted them with island groves,
And hedged them round with forests. Fitting floor
For this magnificent temple of the sky—
With flowers whose glory and whose multitude
Rival the constellations. The great heavens
Seem to stoop down upon the scene in love—
A nearer vault, and of a tenderer blue,
Than that which bends above our eastern hills.

to say I know something about the industrial conditions of this country. I know something about the people who are working for a living; I know something about what they suffer from the legislation that has been inflicted by the Underwood bill, and I hope the time will soon come, and I believe it will soon come, when we shall wipe this legislation from the statute books of the country, and the Republican Party will replace it with such legislation as will be for the benefit and advantage of the men who work for a living, and also that the men and women and executors of estates who have capital invested may reap some benefit from their investments.

This country will enjoy prosperity to a greater extent when the interests of both labor and capital are best conserved and property safeguarded.

But the cry has not alone come from the men employed in the flax-hackling plants of the State of New Jersey. I call the attention of the Democratic majority to the fact that there are other flax-hackling plants in the United States; but the men employed in that industry in Massachusetts are in the same situation as their brother workmen in New Jersey, but they tried to impress their unfortunate situation upon the Democratic Party before the Underwood tariff law was enacted, but their cries of distress fell upon deaf ears then. What is the answer of the Democratic majority now?

One of the very few flax-hackling plants in the United States is in Massachusetts, in the fifth district, which is ably represented on this floor by my colleague Mr. ROGERS. I refer to the Smith & Dove Manufacturing Co., of Andover. A year ago last spring, when the Underwood tariff bill was being prepared, the employees of that concern, of their own volition, sent for my colleague Mr. ROGERS. He met them during the noon hour, and they told him that if the rates then forecasted for flax hackling—which rates were later enacted into law—should prevail, it would mean the end of flax hackling in this country. While the debate on the Underwood tariff bill was in progress, on May 2, 1913, Mr. ROGERS offered an amendment designed to prevent the disaster predicted by the 100 or more workmen who had interviewed him, and told more fully the story I have sketched here. Nevertheless, like every other meritorious amendment offered by the Republican side of the House to that measure, it was contemptuously rejected. Apparently the letter from the workmen of New Jersey which I have read establishes the fact that the fears of those wage earners were not idle forebodings.

During the discussion which arose while the Underwood tariff law was being considered in the House of Representatives last year the gentleman from Alabama [Mr. UNDERWOOD] frequently stated that the measure which he presented was a revenue measure, and, if enacted into law, it would remove the burdens which had been inflicted upon the country, and especially upon labor, by the laws which had been enacted while the Republican Party was in power.

He stated that the measure which bears his name would be a competitive measure, because it would provide competition from abroad, and thereby reduce the cost of living to the consumer. He has yet to learn that in order to be a consumer to any considerable extent the laborer must have employment, and that employment is dependent upon the prosperity of the United States rather than the prosperity of any foreign nation.

While considering this phase of the situation I am reminded that the President, when he addressed the Congress, stated that it would be necessary to sharpen the wits of the American manufacturer by bringing him in competition with the manufacturer from abroad.

This is Democratic theory, and will become Democratic doctrine if the people indorse this theory when they cast their votes in the elections that are to take place in the months that will soon confront the American people.

The rumblings of the thinking voters of the State of New Jersey are beginning to find expression in notes of dissatisfaction, which the circular I have read so clearly sets forth.

I want to emphasize what they state in their circular addressed to me, and I assume that they have mailed a similar circular letter to every Member of the House of Representatives, and I quote as follows again from the circular:

> We workingmen, who have been and are being deprived of the opportunity to earn our living at our trades, appeal to you to save our trades from being entirely lost to us.

Gentlemen of the Democratic majority, it is possible for you to grant the petition of the wage earners of the State of New Jersey. Will you do it? These wage earners know that their misfortunes which have blighted their hopes are the result of erroneous tariff legislation. They do not hesitate to so state. Loss of employment at any stated occupation is a serious misfortune; but when the full result of that misfortune is to transfer an industry to another country, and you have the power to prevent that misfortune and to correct the errors and mistakes of your own party in visiting the trouble and distress upon the innocent victims of your erroneous legislation, I repeat, gentlemen of the Democratic majority, will you listen to the Macedonian cry for help which appeals from the laboring men of New Jersey?

There is another feature of the Underwood tariff law which demonstrates the utter futility of the Democratic Party's attempt to work out a theory, which should have been clear to them in advance, as it now shows by experience to be a colossal blunder in its results upon the industry which produces the finer grades of manufacturing tools and machines in this country. In the tariff law which the Underwood law repealed raw materials which are a necessity to advance this important industry which gives employment to high-grade, well-paid mechanics were admitted free of duty; but under the Underwood law these raw materials are subject to a duty, but the finished product, which employs foreign labor to produce, is admitted free. This theory finds exemplification in many phases of the Underwood tariff law. The results in practice is that the interests of the foreign workmen is better provided for than the interests of American workmen, while the policy of a tariff for revenue only may possibly loom large in the item of receipts at the customhouse.

The Payne-Aldrich Tariff Act was a good revenue producer, but the tariff against the products of foreign labor provided in that act gave full protection to the skilled American laborer of the United States.

Our Democratic majority in the Congress seem to forget that they do not represent the majority of the American people.

They unthinkingly assume that they have been commissioned by some mysterious authority to carry out the will of the people.

They forget that they are still the minority party in the country, and that only through the divisions in the ranks of their opponents they are permitted to exercise a little brief authority. Episodes like the circular letter addressed to Members of the House of Representatives should cause them to hesitate in their policy of enacting destructive legislation and to examine themselves and consider whether or not they will be likely to destroy themselves in their anxiety to overthrow the policies in governmental affairs which have given protection to American labor and prosperity and happiness to the American people.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

Mr. LENROOT. Will the gentleman permit me to make a request?

Mr. ADAMSON. Certainly.

Mr. LENROOT. I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to revise and extend his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Chicago Tribune of July 17.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois to extend his remarks as indicated?

Mr. JOHNSON of Washington. On what subject?

Mr. FOSTER. On the subject of prosperity in the West.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I would like to withhold my motion for a moment, in order to advise my friend from Massachusetts to answer his correspondent that he should date the cause of the disaster further back, to the tariff of 1909. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16053 and had come to no resolution thereon.

ACCEPTANCE OF STATUE OF GEORGE WASHINGTON GLICK.

The SPEAKER. The Chair lays before the House the resolution for the special order, which is as follows:

House resolution 558.

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

The Chair designates the gentleman from Kansas [Mr. TAGGART] to act as Speaker. [Applause].

Mr. TAGGART assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

Mr. CAMPBELL. Mr. Speaker, the law provides that the several States of the Union may send to Statuary Hall statues of two citizens of the State eligible for such an honor, and for the acceptance of such statue by the Congress of the United States. This House is now for the second time engaged in the acceptance of a statue from the State of Kansas. John James Ingalls, in statue, has for many years occupied a place in Statuary Hall. George Washington Glick, formerly governor of the State, was a pioneer. He went to Kansas before it became a State. He went before there were railroads west of the Mississippi River.

When he arrived upon the prairies of Kansas in Atchison County he was at the end of the road trail in that direction. Travel had not gone beyond, and when he stopped he began the work of a pioneer in making Kansas a habitable place in which to live. At that time nothing greeted him and those with him except the broad expanse of prairie that receded from the Missouri River westward to the Rocky Mountains. There were no common carriers of interstate commerce, no bridges, no public buildings and but few of a private character. There were no gas or electric light plants, no telephones, or rural delivery of mails. A young man full of energy and ability even then saw opportunities in that part of our domain that was then designated upon the map as the American Desert. He knew, as those with him knew, what it would require to make that desert a habitable home for a splendid citizenship. He knew of the sacrifices, of the energy, of the determination that it would take. He devoted himself to the work of making Kansas a great State from the day that he arrived upon her prairies until the day of his death. He found it a raw prairie; he left it a fertile field, inhabited by a prosperous and happy people. When he came he found nothing; when he left the people had everything. Gov. Glick saw the prairie broken, homes, barns, schoolhouses, churches, bridges, courthouses, colleges, statehouse, and charitable institutions all built and paid for.

Gov. Glick was one of the many thousands of heroes who went to the front and removed the frontier. The frontier is gone, and those who moved it are going. No honor is too great for them, and George W. Glick was one of their leaders.

He was early engaged in politics. He was a Democrat. He worked for and voted with his party, and yet almost from the beginning of his political career he was elected to office by the vote of his political opponents. He was a member of the Kansas Legislature from the early days of the State's admission to the Union, at odd intervals, whenever he could be prevailed upon to go, up to the time that he served as governor, in 1882.

He was a peculiarly popular man with those who knew him. He had a way of getting close to his associates. It is not strange, therefore, that the people of Atchison County sent him to the Kansas Legislature whenever he expressed a willingness to go.

In 1882 a peculiar political situation arose in the State of Kansas, which finds its sequel here this 18th day of July, 1914, in the acceptance of a statue for the Hall of Fame of the man who saw opportunity and seized it.

In 1880, after a long struggle, Kansas began as a prohibition State. The Democratic Party in its platforms had been declaring against sumptuary legislation of any character whatever. It had declared for resubmission of the prohibitory amendment to the constitution. But the people of Kansas did not adopt constitutional prohibition in a spasmodic frame of mind. It was a deliberate judgment upon their part. It was a determined forward movement from which they did not propose to recede. One of the great men of Kansas and the Nation, John Peter St. John, was the leader of the prohibition cause. He had just served four years as governor and had much to do with the adoption of prohibition in the State. He was running for governor for the third time.

The Democratic Party nominated George Washington Glick as their candidate for governor upon a resubmission platform and in opposition to a third term, and the campaign was made on two lines—opposition to a third term for Gov. St. John and resubmission of the constitutional amendment for prohibition. Many men who were opposed to the Democratic Party and were ardent Republicans had not yet brought themselves into hearty sympathy with prohibition, and they found it easy to vote for a candidate for governor who was making the issue that Gov. St. John had already had two terms. It was a violation of the precedents for the people of Kansas to give to any man a State office more than two terms.

Glick was elected. His term of office as governor was not conspicuous for any great achievement. The legislature was Republican. Gov. Glick was the only man elected that year on the Democratic State ticket. At the end of two years he retired to his home in Atchison, after one term as governor, with the respect of his political foes and with the devotion of his political friends. He was many times rewarded by his party and given place both of honor and emolument. He attended many Democratic national conventions as a delegate. He was the choice of the Kansas Democrats in the national convention of 1884 for Vice President. He was twice appointed by Grover Cleveland as pension agent for the Topeka district, at Topeka, Kans., pensions being distributed from there to the veterans in a number of adjoining States.

In 1911 Gov. Glick, ripe with years and experience and full of honor, reached the end of his earthly career. Gov. Glick was chosen by the Kansas Legislature for this honor from among a long line of Kansans eligible for the Hall of Fame. Offhand, I think of John Brown, Jim Lane, Charles Robinson, Preston B. Plumb, David J. Brewer, Charles W. Blair, and George T. Anthony. I think of others whom death will enroll in the list. Among the many, John Peter St. John, now full of years and crowned with honor. He is rising above political prejudice, and is esteemed and honored throughout the Republic for his devotion to a great cause. But I must not speak more of the living nor much more of the dead. A statue of Gov. Glick, that does credit to the artist who prepared it and to Gov. Glick himself, stands in Statuary Hall at the left of the door as you pass from the House to the Senate. The statue of Ingalls stands at the right of the door. They were neighbors in Atchison. They are together in the Hall of Fame. The statue of Gov. Glick has just been unveiled. I favor the resolution providing for its acceptance by Congress. [Applause.]

Mr. HELVERING assumed the chair as Speaker pro tempore.

The SPEAKER pro tempore. The gentleman from Kansas [Mr. TAGGART] is recognized.

Mr. TAGGART. Mr. Speaker, George Washington Glick was the ninth governor of Kansas. His name comes of that virile and sturdy German stock, of which people no less than 6,000,000 have come to the shores of the United States since the year 1820, at which time we began the practice of making accurate statistics of immigration.

His grandfather, George Glick, who was the son of the original German immigrant, served faithfully as a soldier in the War of 1812. The father of the mother of Gov. Glick, who was George Sanders, a Scotchman, also fought in the War of 1812 under the flag of the United States. The ancestors of Gov. Glick were residents of Pennsylvania and were identified with the interests and industries of that State. His father was a public-spirited man and took an active part in the affairs of his community. He removed to Fairfield County, Ohio, where the future governor of Kansas was born on the anniversary of American Independence in 1827. George W. Glick became a law student at an early age, and at 21 was admitted to the bar and began the practice of law at Fremont, Ohio.

A young attorney could acquire a reputation 70 years ago more rapidly and more effectively than at this time. The profession was held in high respect. It had not suffered the unfortunate taint of commercialism that has come to it, especially in our great cities. It was then distinctly a profession. It has now become scarcely anything more than a business. Young George W. Glick attained local prominence and high respect as a practitioner of law at Fremont.

Sixty years ago the Territories of Kansas and Nebraska offered to young and ambitious men the most promising field of any part of the Union. There were no railroads in those Territories at that time, and transportation was conducted by means of steamboats on the Missouri River. At that time there were two cities of importance in the Territory of Kansas, only about 30 miles apart and located on the Missouri River, namely, Leavenworth and Atchison. These were perhaps the most alluring places for ambitious young professional men who sought to identify themselves with the new and growing Territory. The name of Kansas had gone abroad throughout the world. There, upon that soil, men met each other face to face and debated with each other, sometimes with terrible meaning in their voices, the grim question as to whether or not the State of Kansas should be slave or free. So intense had become that issue that there was bloodshed in Kansas. "There were drops on the bunch grass, but not of dew." The reputation of the exciting struggle that was in progress added to the enthusiasm of the young and vigorous class of men who emigrated there.

use in our navigable streams. [Applause.] Are those who propose this $10,000,000 new fertilizer development by this new phosphoric-acid process Canadians, and do they locate on the Saguenay River inspired by pride of country? Not at all; for the financial organizers of this new development are citizens of the United States. They go to Canada because of the cheap water power to be found there and because the water-power laws of the United States do not invite them to the cheap water powers in the navigable streams of this country. And I wish to say in passing that gentlemen who expect to make political capital for themselves by throwing obstructions in the way of honest legislation to develop the great water power of this country, when these facts become known to the agricultural classes of this country, will have a day of reckoning at their own homes. [Applause.]

For seven years Congress has continued its debate upon this question, and while we talk about the conservation of our water-power resources other countries build dams and conserve their water powers, while ours go on to waste.

In the arid regions of the West it is water, not land, which measures agricultural production. In the cotton fields of the South it is fertilizer, not land, that measures production.

An examination of the summary of appropriations made by Congress for western land irrigation and reclamation discloses the following:

Early irrigation surveys	$350,000.00
Reclamation fund	79,450,438.53
Authorized bond issue	20,000,000.00
Expended by Geological Survey	4,500,000.00
Expended by Department of Agriculture	956,000.00
Expended by or through office of Indian Affairs	10,797,316.29
Total	116,003,754.82

These contributions of the Federal Government by these appropriations in aid of the reclamation of the arid lands of the West are most wisely made, for Congress can make no appropriations and pass no laws so useful to the country as those appropriations and laws which contribute to the increase of our food crops.

What appropriations has Congress made, what encouragement has the Government given to the increased production and cheaper production of fertilizers, so indispensably necessary to the food crops of the farmers of this country from Massachusetts to California and from Maine to Texas? The agricultural fertilizer bill in the United States during the single year 1909 amount to $114,882,541, and the fertilizer bill for 1909 of the 11 Southern States—North Carolina, South Carolina, Georgia, Florida, Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, and Texas—was alone $63,992,626.

Is it sound, is it sane, that out of the Federal Treasury the enormous expenditures of public funds for the reclamation of the arid lands of the West be continued—and they should be—and Congress refuse to pass constructive dam legislation that will invite and protect private capital, to be invested at its sole expense in the construction of dams for the joint improvement of navigation and development of power in the navigable streams of the country, which power will be largely employed in the manufacture of fertilizers which are just as necessary to increase the food crops and cotton crop, especially of the Southern States, as water is necessary to the production of food crops on the arid lands of the West?

As an illustration of what atmospheric nitrogen means as a fertilizer, Mr. Frank S. Washburn, president of the American Cyanamid Co., which company has its factories at Niagara Falls in Canada, says:

Experiments at the Rothamstead Agricultural Experimental Station in England, conducted now over a period of 60 successive years, prove that an amount of nitrogen equivalent to that produced in the cyanamid process by one continuous horsepower will increase wheat production by 150 bushels per year. This means that the application of a horsepower in the United States to the cyanamid industry will some day increase the food supply the equivalent in value of $150. The factory sales price of the quantity of nitrogen thus required would be practically one-half this amount, or about $75.

The President of the United States vetoes a bill passed by Congress authorizing the construction of a dam in the Coosa River, the water power from which was to be used in the fixation of the nitrogen of the atmosphere in that commercial form that competes directly with Chile saltpeter, and the very first year succeeding the date upon which the President vetoed the bill this country paid to Chile $20,000,000 for nitrate of soda used in the arts, sciences, and agriculture.

We man our forts and ships with big guns and pay big bills to Chile for nitrogen material to manufacture powder to shoot our guns with.

In view of the very startling testimony of Gen. William Crozier, Chief of Ordnance Bureau, before the Committee on Military Affairs of the Sixty-third Congress, second session, the Ordnance Bureau of the War Department has been, under congressional authority, endeavoring to accumulate a reserve supply of 65,000,000 pounds of sodium nitrate. Gen. Crozier's statement was made confidentially to the committees of the Senate and House of Representatives and was never printed, for the reason that this Government at that time did not care to disclose to the world the absence of a reserve supply of Chilean nitrate, indispensable to the manufacture of powder.

Pursuant to the recommendations of Gen. Crozier, appropriations were made for the erection of storehouses and for the accumulation of a supply of sodium nitrate, and we now have on hand between 40,000,000 and 50,000,000 pounds. At the present rate of supply it will require something over five years to complete the reserve.

We use approximately 3,000,000 pounds annually of sodium nitrate from Chile, in addition to that which goes into the reserve, in the manufacture of powder, and I think the Navy uses a somewhat greater amount.

Contemplate, if you please, the unprotected position of this country for an adequate supply of sodium nitrate in time of war.

Shall the United States be the only important country in the world wholly dependent upon other countries and pay an export tax to other countries for the essential and principal material necessary for the manufacture of powder? Shall the farmers of the United States pay for fertilizers manufactured with the cheap water powers in Canada and in Europe while our own water powers go to waste and the navigation of our rivers goes unimproved? Shall we continue to preach conservation of our water-power resources and conserve them not at all? Shall we put to service the power along the waterfalls in the streams of this country now going to waste by nonuse and manufacture fertilizers to restore the fertility now fast failing in our farm lands? Every sentiment of national pride for our industrial future demands that we do so.

It has been lately and very truly said:

The United States in our time is undergoing profound and far-reaching changes. The first great chapter of the Nation's history is closing with the passing of the public lands. From the earliest years of our national existence almost until the present the main work of our people was to acquire and to occupy the public domain, continental in extent. The continent, however, is now practically occupied; there are no longer great stretches of free land rich with all manner of unowned, undeveloped resources. We have come, consequently, to new national bases of life, and are forming new national habits. Our country, in truth, has entered a period of fundamental readjustment—economic, social, and political.

In this "fundamental readjustment" there will be proposed many new "economic" theories of government, many "social" panaceas, many "political" poulices; but none of these should cause us to forget that the earth supports us; that whatever embarrasses and is a burden to agriculture—the very foundation of all wealth—harms society; and whatever contributes to agriculture contributes to the happiness of the human family. [Applause.]

Mr. BURNETT. Mr. Chairman, before the gentleman takes his seat, will he yield?

Mr. UNDERWOOD. Certainly.

Mr. BURNETT. The gentleman referred to the monopoly of these electric powers. I want to call the gentleman's attention to the fact that electricity now generated at Lock and Dam No. 12, which Congress provided for a few years ago, is being distributed at the present time at Gadsden, my home town. Up to a few weeks ago the people of that place were paying 16 cents per kilowatt-hour for the use of the electricity. When this distribution or transmission plant was located at Lock 12 the people made complaint that the charge was too much. They demanded a reduction, which was refused. The laws of Alabama require that these electric plants shall supply all parties at the same rate. The people at that place then said to those who were supplying them with electricity for lighting purposes, "We will contract with the Alabama Power Co.," and they went to that company and found they could get a much lower rate, and now those with whom they had contracted, or from whom they were taking these supplies for their electricity at 16 cents, have reduced it to 12 cents, or a reduction of 25 per cent. That is the kind of monopoly that that brings about.

Take the town of Leeds, which is a little town in the gentleman's home county. That town would not be able to erect a lighting plant, but it is to-day securing electricity from that company to light the town. Lincoln, in Mr. BLACKMON'S district, is the same, and numbers of other little towns all through that section of the country are going to be supplied with electricity, and numbers of manufacturing plants are to be supplied with electricity that actually could not obtain it if they had to have their own plants to do it.

Mr. UNDERWOOD. I agree with my colleague. Some gentlemen who are obstructing legislation of this kind upon the ground that they are conservationists, I regret to say in my judgment are obstructionists against the best interests of the people of the United States. [Applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GILLETT] such time as he may desire.

Mr. GILLETT. Mr. Chairman, while I have very decided opinions about the fundamental principles on which this bill is based, I think it prudent for me not to discuss them now, because I have a distinct local interest in the bill and am anxious that it should become a law whether it adopts the changes and compromises which are being negotiated or not. My interest springs from the fact that men in my district are awaiting the passage of this bill in order that they may dam the Connecticut River between Springfield and Hartford, and create an enormous water power which is certain to stimulate and develop industrial activity all through that enterprising and teeming valley. But this new development and diffusion of power, although highly advantageous, is not what most attracts me in the new project. My chief interest is that I see in it the consummation of the design for which I have labored many years of bringing salt-water navigation to Springfield and Holyoke. You gentlemen who have been here longest know that discouraging story which I have told so often that I will not repeat it now. It is sufficient to remind you that though one of the most popular and influential members of the River and Harbor Committee was deeply interested in the plan and by his position could exert great influence on Congress, yet the project was repeatedly and conclusively balked by the opposition of the War Department. As you know, all Congress could do against their veto was to keep ordering surveys, and that was done so repeatedly that it seems to me there ought not to be a pebble which has not been located or a pollywog or bullhead whose favorite pool has not been charted.

When, however, this plan for a power dam was proposed the War Department at last became favorable and reported in favor of a Government appropriation in conjunction with it which would insure the long-sought end. Then we should have at once not only navigation but a stimulating diffusion of cheap power. But just when everything seemed favorable and our long-delayed navigation seemed certain of immediate fulfillment, there arose over our bill in the Senate that memorable constitutional debate which for the first time developed the two fundamental lines of opinion on the subject of water-power development. It seemed like fatality that our measure which for years had encountered such unforeseen and unavoidable obstacles should be the one over which this constitutional question should be fought out. We did not care particularly which side won. We were willing to accept the charter on the terms which either side offered—and each side was most friendly to us and was desirous we should be incorporated—but was only unwilling that in our charter the principles of its opponents should triumph; and so we were the unfortunate victim of the conflict of two opposing forces neither of which wished us any harm, but both of which together united to annihilate us.

Now, at length it seems that the antagonistic principles are in the way to be harmonized and compromised and that a general law will be enacted under which we can develop our desired water power and the Government will give us our longed-for navigation. And therefore I refrain from discussing or criticising the bill or its amendments. I carefully abstain from interposing any element of discord, and I only urge that this bill in some form be speedily passed and made law.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GREENE] such time as he may desire.

Mr. GREENE of Massachusetts. Mr. Chairman, before beginning my remarks I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GREENE of Massachusetts. Mr. Chairman, I receive quite a number of circulars and letters every day through the mail, but this morning I received a circular addressed to me which I opened and read, and I was interested in the same because of the statements therein made, and I desire to read it for the information of the House. It is from Local Union No. 691, affiliated with the United Textile Workers of America and the American Federation of Labor. I will state that the headquarters of the United Textile Workers of America are located in the city of Fall River, Mass., where I reside, and that John Golden is the president and that Albert Hibbert is the secretary and treasurer. This circular is dated "Newark, N. J., July 6, 1914," and is as follows:

[Local Union No. 691, affiliated with United Textile Workers of America and American Federation of Labor.]

NEWARK, N. J., *July 6, 1914.*

DEAR SIR: The flax dressers of Newark, N. J., and vicinity wish to have your attention drawn to the harm which has been done their trade by the passage of the tariff act of 1913, and to ask you to use your best influence to have Congress restore the protection which is necessary to enable them to meet foreign competitors on an equal basis. We have always had a 3-cent per pound duty on dressed flax until the passage of the recent tariff act, which placed dressed flax on the free list and left us without any protection whatever. The result is that the Barbour Flax Spinning Co. and other firms have already disposed of fully 80 per cent of the men employed in their hackling departments. They have opened hackling departments in Europe, where they now have their flax dressed at a much cheaper rate than it could be produced in this country. In a very short time hackling of flax will become a thing of the past unless prompt action is taken to have the duty restored on all dressed flax coming into this country.

We workingmen who have been and are being deprived of the opportunity to earn our living at our trade appeal to you to save our trade from being entirely lost to us. We again wish to remind you that prompt action is needed. For once the firms which have given us employment in the past ship their machinery to Europe, it will be impossible to recover the trade to this country.

I am, yours, respectfully,

CHAS. LACOMLIN, *Secretary,*
46 Pomeroy Avenue, Kearny, N. J.

Mr. TOWNSEND. Mr. Chairman, will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly, for a question.

Mr. TOWNSEND. I did not catch the name of the manufacturing firm that employed this writer.

Mr. GREENE of Massachusetts. The Barbour Flax Spinning Co.

Mr. TOWNSEND. What proportion of the labor employed by that concern is employed in hackling?

Mr. GREENE of Massachusetts. I do not know.

Mr. TOWNSEND. It is rather important to know.

Mr. GREENE of Massachusetts—

I know not what the truth may be.
I tell the tale as 'tis told to me.

The circular explains itself, and if the gentleman had paid attention he would have found out something about what was stated in the circular which I read. I wish to say, Mr. Chairman, that I listened with a great deal of interest to the remarks of the gentleman from Alabama [Mr. UNDERWOOD]. He is very much interested in advancing the interest of his section of the country, and I am very glad he is, and I believe this country will grow and prosper and that every man ought to take care of his own part of it, but I believe we should all be broad enough to not forget the interests of all sections of this broad land. The South has great advantages and has enjoyed great prosperity for many years under Republican administrations. I was interested also when he talked about the obstruction to legislation that has occurred in past administrations. I think there is some obstruction here even with the Democratic Party in control in this House, and there is some legislation that has been put on record since the Underwoor Tariff Act was passed which I fear may prove to be not altogether for the best interests of the people. The persons who issued the circular which attracted my attention just referred to it as the tariff act of 1913. For fear anyone should be misled as to what tariff act that circular refers to I desire to say it refers to the Underwood tariff bill of 1913, which was voted for by nearly all the Members on the other side of the House and by a few misguided Members on this side of the House. I thank God I was one of the Members who did not vote for it. I do not believe in it.

The country is beginning to reap some of the fruits of the passage of that legislation. This is simply a cry of distress that comes from a section of the country that feels the effect of this law that was put on the statute books that destroys the efficiency of these men of New Jersey as workmen, and deprives them of the continuous employment which they enjoyed under the policy of protection to American industry, which has always been maintained heretofore under Republican administrations.

Mr. TOWNSEND. Will the gentleman yield for just a question?

Mr. GREENE of Massachusetts. For just a question; yes.

Mr. TOWNSEND. In the section of the country to which the gentleman refers, the number of depositors in the savings banks has increased and the amount of the deposit of each individual depositor has increased.

Mr. GREENE of Massachusetts. I did not yield to the gentleman for a speech. I decline to yield for a speech. I have not the time to yield, because I have only a few minutes. I want

horsepower to be developed at Keokuk before the total possible power development can be sold.

Of the 40,000 horsepower developed at Hales Bar, less than one-half of this power has been marketed, and a market will have to be created for as much as 25,000 horsepower of the total development.

Of the 40,000 horsepower developed at Lock 12, on the Coosa River, the Alabama Power Co. will be competing two years with the cheap coal in the Birmingham district before all of the power at Lock 12 is sold.

Not a single joint improvement of navigation and development of water power by private enterprise in a single navigable stream in this country is under construction at this time. The so-called new principles exploited by those who have made a political football of their so-called conservation policies have succeeded in putting a stop to all such joint improvements by legislative obstacles.

This bill undoubtedly protects the rights of the public, and my only fear is that it does not hold out sufficient inducements to capital to encourage investment in such enterprises.

The remaining objection that has been made to the present law is that no tax or charge is made for the use of the power.

I will not enter upon the discussion of the constitutional right of the Government to charge for the use of water in a navigable river for power purposes. I believe the beneficial use of the water belongs to the riparian owners, subject to the laws of the State in which it is located, and that the Federal Government has no right to make a special charge or tax as a condition of its enjoyment. [Applause.] No harm can be done by not incorporating a provision to tax in the bill, for the Government at all times possesses the power to levy an excise tax on each horsepower of electricity created by water power in the United States, so long as the tax is uniform and applies to all alike. No just man would propose to tax a dam built to-day and let go untaxed a dam built yesterday. [Applause.]

The best reason why no charge should be made and no tax be levied is that the people are entitled to as cheap electrical power as it is possible to give them, whether it is used in their homes for light and heat or in the factories for manufacturing. If you put the charge or tax on the owner of the dam, he, of necessity, will hand it down to the consumer of the power.

Public regulation and the right to recapture in the interest of the public are in the line of true progress; to go further would not only be injurious to the public but in all human possibility would prevent development.

The great issue involved in this bill is the development of navigation, the cutting down of freight rates, and the development of our commerce, but it is so apparent that it is in the public interest to make a stream navigable when it is done without cost to the Government or the people that I will not delay you with a discussion of the benefits to be derived from that feature of the bill, but I do desire to call your attention to some apparent competitive economic facts, and more particularly do I wish to call your attention to some of the benefits that our country will derive from the development of the hydroelectric power in our navigable rivers, that at this time is unfortunately, and with great loss to the country, going to waste.

In the joint improvement of navigation and development of water power in the navigable streams of this country, and in the enactment of laws that will encourage these developments, we are confronted with certain competitive economic facts which neither Federal nor State legislation can regulate or control. As an example of one of these there may be cited the instance in my own State of Alabama, where the Alabama Power Co., even in large units of hydroelectric power that can be supplied from its development at Lock 12 on the Coosa River, would refuse to name a price for power lower than one-half cent, or 5 mills, per kilowatt hour. At this rate—1½ horsepower-hours being equal to 1 kilowatt-hour—the yearly cost per horsepower would be about $33, and yet electric power can be generated, using the by-product gases from by-product coke ovens in Alabama, at a cost of 2½ mills per kilowatt-hour, or at a cost of about $16.50 per horsepower-year.

The production of coke in Alabama is now running at the rate of about 3,000,000 tons per annum. This coke, when all produced in by-product coke ovens, will yield waste gases that will produce under boilers 100,000 steam horsepower. It may be expected that in 10 years, as is the case now in Germany and Austria, there will be no coke manufactured in Alabama in beehive ovens, but that all of the coke manufactured in that State will be manufactured in by-product ovens, and the waste gases from these ovens will produce steam power at about one-half the cost of hydroelectric power.

Thus we find a competition between cheaper steam power produced by waste gases from by-product coke ovens and hydroelectric power, which competition exists as an economic fact and can not be regulated by law.

Another economic fact, not to be controlled nor regulated by legislation, is that the hydroelectric power developed by building dams in the navigable streams of this country can only find its largest consumers through electrochemical and electrometallurgical processes, and by far the largest consumer will be the electric furnace. It is not necessary to review all of these processes to arrive at practical and correct conclusions for constructive legislation on this subject.

First, let us follow briefly the history of the manufacture of aluminum, the most useful of the light metals and more abundant in nature than iron, yet which costs, by chemical methods, at least $1 per pound to produce, though by electrochemical methods it is manufactured and sold with a profit at 25 cents per pound.

Aluminum was first manufactured in this country at Pittsburgh, but the lower cost of hydroelectric power at Niagara Falls drew the industry away from Pittsburgh in 1893, and now aluminum is manufactured on an immense scale at several places where water power is cheap and abundant. It is of interest and strikingly pertinent to find that when the manufacturers of aluminum, desiring to locate nearer raw materials needed in its manufacture, established their factories not on navigable streams but selected locations on nonnavigable streams. The American manufacturers have constructed their new plant on the Little Tennessee River, where they can enjoy a perpetual tenure in the supply of power, and it is significant that when it was suggested that larger supplies of power could be furnished for their operations from developments made in the navigable streams of the country, they replied that they would not make investments in factories for the manufacture of aluminum with a tenure of only 50 years, as proposed by the Federal Government for developments in navigable streams. Likewise, when the French Aluminum Co. decided to establish its factories in the United States, it did not apply to the Federal Government for a permit to build dams in navigable streams for the development of its required power, but selected a very expensive power development on the Yadkin River, a nonnavigable stream in North Carolina, where an investment of ten or twelve million dollars is now being made by the French Aluminum Co. This company preferred to select a location on the Yadkin River, where hydroelectric power will be produced at a higher rate than can be produced at a number of points upon the navigable streams of the country, but they said, we prefer to locate where hydroelectric power is higher in cost but where, on a nonnavigable stream, we are free from the restrictive and prohibitive laws proposed by the Federal Government in navigable streams.

In both developments, the one on the Little Tennessee River by the American company and the one on the Yadkin River by the French Aluminum Co., the United States lost two large navigation improvements in the navigable streams of the country which, with more favorable and reasonable laws, the improvement of the navigable streams of the country would have secured free of cost to the United States.

Congress, in passing a general dam act, can not ignore the competition between developments on nonnavigable and navigable streams.

Second. Investigation of the electric steel-furnace industry develops important economic facts as related to the development of hydroelectric power. The latest records show that at the present time there are 159 electric steel-furnace plants in operation and under construction in the various countries of the world, as follows:

France	24
Switzerland	2
Belgium	4
Germany	44
Austria	13
Hungary	2
United States	21
England	18
Italy	12
Russia	6
Sweden	6
Norway	3
Brazil	1
Spain	1
Japan	1
Mexico	1

And the productive capacity of all of these plants when in operation is estimated at over 1,500,000 tons per annum of electrical steel.

In order to operate electric steel furnaces cheap power is the first essential. Though the United States is the greatest steel and iron producer in the world, we stand third in the electrical steel industry—Germany first. The great steel corporations of the country, with waste gases from their by-product coke ovens

for the manufacture of cheap electric power, have a practical monopoly in the manufacture of electrical steel.

As a measure of the importance of electrical steel as affecting the safety of passenger transportation, it is reported that there are now 10,000 tons of electrical steel rail under test in the tracks of half a dozen railroads of this country, and not in a single instance to date has there been reported a blemish or fracture.

One of the most important items of cost in the manufacture of automobiles is the high-grade special steel required. This class of steel is now being manufactured in electric steel furnaces, using cheap electric power, and very fast electrical steel is supplanting crucible steel hitherto manufactured at a much higher cost in crucible furnaces.

Not only so, in considering this question, it is of unusual interest to know that of the 159 electric steel furnaces now in operation and under construction in the various countries of the world, 18 of these furnaces are making war materials.

That the electric steel furnace in its future enlarged operations, when cheap hydroelectric power is abundantly available in the navigable streams of the United States, will contribute to the safety of passenger transportation and to the decreased cost of living there can be no doubt.

Third, more economically important and of larger commercial interest is the manufacture of air fertilizers by the use of very cheap power, and only by very cheap power through the electric furnace using the cyanamid process. We find, and it is a shock to our commercial pride, that only in foreign countries are cyanamid plants, or lime-nitrogen plants, located and in operation for the manufacture of air fertilizers in electric furnaces. While there are no such factories in the United States, these factories are in operation in foreign countries, as follows:

Germany	3
Norway	2
Sweden	2
France	1
Switzerland	1
Italy	2
Austria	1
Japan	1
Canada	1

Total number of plants 14, having a total productive capacity of 200,000 tons per annum, and a total investment of over $20,000,000. The total capacity represents an output of $15,600,000 per annum.

One English company alone is proposing the development of 1,000,000 continuous horsepower for the production of cyanamid and its derivatives, 600,000 of which has been secured in Norway and 400,000 in Iceland.

In addition to the operations using the cyanamid process in Norway there are also factories producing nitric acid and air fertilizers utilizing hydroelectric power with the arc process to the extent of over 200,000 horsepower, with a capital investment of $27,000,000, making a total investment in these industries in foreign countries at the present time of nearly $60,000,000.

Of infinitely more commercial importance, however, than the mere fact that these factories are located only in foreign countries, when we realize that not only are these factories engaged in the fixation of the atmosphere as a fertilizer, is the wonderful economic fact that the product from these factories competes directly with nitrate of soda, or Chilean saltpeter, found only in the country of Chile.

As a measure of the economic importance of this question, we find that the estimated investment in Chile employed in the nitrate of soda industry, or Chilean saltpeter, is approximately $140,000,000. The export duty imposed by the Chilean Government is $11.16 per ton, and 60 per cent of all Chile's revenues are derived from this one source alone. During 31 years, beginning with the year 1879, the world's industries and its agriculture have paid Chile a bill of nearly $500,000,000. The official figures showing imports of nitrate of soda into the United States, by years, for 31 years, from 1883 to 1913, inclusive, amount to 6,516,031 tons, with a value of $200,971,246. In the year 1883, 56,937 tons, with a value of $2,262,701, were imported, and the importations increased so fast that in 1913, 589,135 tons, with a value of $20,718,968, were imported; and yet 500,000 horsepower of our estimated 30,000,000 undeveloped horsepower in the streams of this country now going to waste, if employed constantly during a year would produce cyanamid, or lime nitrogen, equal to the amount of Chilean nitrate imported in the year 1913, at a price of $21,000,000 to the people of this country. And yet we find gentlemen on the floor of this House who by captious criticism would destroy legislation that would effect results of this kind to the people of the United States, and say that they do it in the public interest. [Applause.]

The fixation of the nitrogen of the atmosphere as a fertilizer through the use of the electric furnace, supplied with very cheap power, ranks among the very first industrial and economic achievements of science in modern times, and while the commercial importance and growth of this new industry has been by leaps and bounds in other countries and is established commercially in other countries by every encouragement foreign countries could give to the industry, the United States, in contrast, holds the unenviable and humiliating distinction of driving away the factory proposed to be established at Montgomery, Ala., to be supplied with power from Lock 18 on the Coosa River under a grant passed by Congress in 1912 under the general dam law of 1906–1910, which grant the President of the United States promptly vetoed.

While the electric furnace is to be an economic factor in our future steel industry, the electric furnace, supplied by cheap water power, is to find its most useful service to the people of the United States in the electric furnace's relations and contributions to agriculture.

The manufacture of air fertilizers, now established in other countries, when established in this country promises alone to create a new epoch in our fertilizer industry—and the fertilizer industry is the most important of all industries in its relation and possibilities for the reduction of the high cost of living.

These present-day accomplishments and practical lessons of industrial achievements are but object lessons of the immense importance which the electric furnace, supplied by cheap water power, is assuming in our daily lives and in our industrial operations.

The very latest achievement through the electric furnace using cheap hydroelectric power, and in a sense still a secret, but of wonderful economic and commercial importance to the fertilizer industry, is the production of phosphoric acid from phosphate rock, so abundant in the States of Tennessee and Florida and also in Western States, and so indispensably necessary to the fertilizer industry.

The increasing business in this country of selling phosphate rock at the mines and of manufacturing commercial fertilizer made largely from phosphate rock is a matter of common knowledge.

The process of obtaining phosphoric acid from phosphate rock for use in agricultural fertilizers has been hitherto both tedious and very expensive. The process now and for many years employed for procuring phosphoric acid has been the system known as the sulphuric-acid process or treatment, in which process the ground phosphate rock is subjected to saturation with sulphuric acid. This process is unsatisfactory and expensive, both in failing to extract completely the free phosphoric acid from phosphate rock and also as requiring the use of large quantities of sulphuric acid, not beneficial to plant life. Very recently it has been established as a commercial success that with the electric furnace charged with phosphate rock and operating with very cheap water power phosphoric acid without the use of sulphuric acid can be successfully manufactured. The effect of this achievement and its importance to agriculture and its final contribution to the reduction of the high cost of living can hardly be realized.

Congress in passing general dam legislation can, with great interest and profit to the country, ask "Where do the manufacturers of phosphoric acid under this new process with the electric furnace, supplied with cheap power, propose to locate their factories?" The answer to that question is that the first manufacturers propose to locate in Canada, on the Saguenay River, where they have secured 200,000 to 300,000 cheap horsepower with a perpetual tenure.

Thus a second electric-furnace operation, for the manufacture of phosphoric acid, so indispensable to the manufacture of cheap fertilizers for the farmers of the United States, follows the lime-nitrogen factory, which was driven to Canada, and which had proposed to locate in Alabama and use Coosa River power. And where do the manufacturers of phosphoric acid at their proposed phosphoric-acid plant to be located on the Saguenay River in Canada expect to secure their supply of phosphate rock? Surprising as it may appear, they propose to ship Florida phosphate rock by water up the Atlantic coast to their electric phosphoric-acid plants and manufacture phosphoric acid with cheap power on the Saguenay River in Canada, and ship phosphoric acid back to the Atlantic ports for distribution to the farmers of this country. How significant it is that those who propose to carry Florida phosphate rock to Canada by water and ship phosphoric acid back by water to the United States, to be distributed largely by rail to the various States, have asked no permission of Congress, nor have they requested this Government for the right to develop water power in the navigable streams of this country, when millions of horsepower are going to waste by non-

public interest. With this in mind, I and other Republicans have cooperated with Democrats in an endeavor to remove the vicious features of this bill; and while I fully realize that as a result of such efforts the Democratic majority will be relieved of much criticism and will take the entire credit for this bill, if it shall be properly amended, I am willing that they should take all credit to which they may be entitled, for the public interest should always be considered before any partisan advantage that might have been gained by the minority party had a different course been pursued.

That the bill will be amended in the public interest before it passes this House I am confident, but if by any possibility we shall fail in amending it, then better a thousand times defeat the bill entirely and say to the people of the country that we can better afford to let our waters flow untrammeled to the sea a few years longer than pass a bill denying to them and future generations any control over the most valuable resource which we possess. [Applause.]

Mr. ADAMSON. Mr. Chairman, I refrained from interrupting the distinguished gentleman from Wisconsin [Mr. LENROOT] because I knew that he has had that speech in his system a long time, and that it would prove disastrous to him, if not to others, if not delivered; but I desire to say that the clause in the paragraph to which he devoted so much time was not in the original bill, but was prepared as an amendment, and it was fully understood should not be incorporated as one of the amendments to the bill. The fact is that it is as much the fault of the other gentlemen as ourselves. The gentleman and his associates had a copy of all the amendments we intended to offer, and looked them over, and they were satisfactory to gentlemen on both sides. I do not think the gentleman ought to blame us any more than we should blame him for the oversight in allowing the clause printed. I desire to say that I am gratified that the gentleman is now able to find himself so nearly in accord with the bill, and feel so much gratified that I will not stop to discuss whether the defect was originally in the bill or in the understanding of the gentleman. I will remind the Committee of the Whole that there is not a single amendment in the 14 that the committee is going to offer that is inconsistent with the bill as originally drawn and introduced in this House. We discussed them over and over again, and we suggested these amendments and they were agreed to by the other side.

I further desire to state that I made this statement in opening the argument, that the fears of the gentleman were entirely imaginary; that the English language did not justify any such conclusion as they tried to deduce from the language of the bill. Mr. Chairman, I am so happy that the amendments we are going to propose, and of which I gave notice, are satisfactory to the gentleman that I have nothing further to say. I hope we will proceed with the debate and adopt as soon as possible this great and valuable constructive measure on the most important subject to the country that has been before Congress for a long time. I now yield to the gentleman from Alabama [Mr. UNDERWOOD] such time as he desires.

Mr. UNDERWOOD. Mr. Chairman, I have listened with much interest to the remarks of the distinguished and able gentleman from Wisconsin [Mr. LENROOT]. I am sure that he is sincere in what he has said, and I am also equally sure that through some misinterpretation he has misled the House and carried it very far afield from what is really in this bill.

Of course the most important feature of the bill, so far as the public is concerned, is that provision in the bill that authorizes a recapture of the dam and its accessory works in the interest of the public. I can say to the House that although I have no objection whatever to the amendments that the gentleman from Wisconsin has sought to put in the bill, so far as the amendments they have put in the bill in reference to the recapture, they are far more in the interest of the corporation that will acquire the title to the dam than was the provision in the original bill. The original bill provides for the right of recapture, provides for Government supervision and regulation if the plant is not regulated and supervised by the State itself; but I will not take up the time of the House at this time to go into a discussion of the features of the bill, because they can be better and more wisely discussed when the bill is under consideration under the five-minute rule.

Mr. Chairman, for the last decade the building of dams across the navigable rivers of the country to promote navigation and at the same time create hydroelectric development has been a question much discussed, fruitful of some legislation, and productive in the end of only meager results.

The Fifty-ninth Congress passed a general dam act, which was amended in the Sixty-first Congress. This legislation was ample and complete in so far as it authorized private capital to build dams and improve navigation under the supervision and direction of the Engineer Corps of the United States Army. But the law requires those desiring to avail themselves of the law to first obtain the consent of the Congress, and it has now become practically impossible to obtain the consent of the Congress under the present law.

The objection to all bills proposed in recent years can be stated as:

First. That the general law did not provide for rate regulation in the interest of the public.

Second. That there was no provision incorporated in the law to allow the public in future years to acquire the ownership of the dam and water power except by the expensive and doubtful process of condemnation; in other words, to recapture the property for the public benefit on reasonable terms.

Third. That the persons to whom the right to build a dam was granted should be required to pay indeterminate charges or taxes to the Government or to some beneficiary named by it for the privileges granted.

Fourth. That the granting of the right to use the water of a navigable stream created a monopoly, and should not be permitted by Congress, and Congress has refused to grant permission except on conditions declared to be by those asking permits to build dams in violation of both economic and business principles, and drove capital away from such developments.

I shall discuss the last objection first, in order to determine how far the monopoly exists and to what extent we can guard against the abuse of the power.

We must not forget that there are two kinds of monopoly. The first is the industrial monopoly, in which the price of a useful commodity is privately fixed, in which competition is driven out, and in which the largest possible revenue is derived by those maintaining the monopoly. The second is a public monopoly, or a publicly controlled monopoly, such as a water-power development, the services from which are performed under public regulation. In the first class are to be found consolidations of corporations and artificial organizations and creations in restraint of trade and subject only to indirect public control and regulation, while in the second class, such as hydroelectric developments and public-service companies, are found natural monopolies performing a public-utility service under public regulation. A hydroelectric development does not produce and sell a commodity in the same sense in which steel, oil, or tobacco are commodities. Hydroelectric power is not subject to periods of overproduction and underproduction, to storage, and to other methods of market manipulation, subject to rising and falling prices, but supplies its consumers to the extent of their demands and to the extent of the capacity of the hydroelectric development, and all the time at the same price as regulated and fixed by utility commissions or other legally authorized regulatory authorities.

Supporting the contention that hydroelectric developments are natural monopolies, the following quotations from various authorities are offered:

From the testimony of Hon. Walter L. Fisher, then Secretary of the Interior, before the National Waterways Commission, November 23, 1911:

> I do not think there should be any provisions in these grants against so-called combinations or monopolies, but do believe there should be no assignment of the grant without the permission of the Government. I think hydroelectric development is essentially monopolistic and should be essentially monopolistic in its character. That is why I think it should be effectively regulated. I think they should have the advantage of the control of the market and the freedom from harassing and vexatious competition if we are going to put them under the disadvantages of effective public regulation.

It is of interest to note that ex-Secretary Fisher admits "the disadvantages of effective public regulation," by which it is inferred that he means that such regulation is not advantageous in financing hydroelectric developments, and such regulations restrict and limit profits.

From the testimony of Mr. Gifford Pinchot, before the National Waterways Commission November 23, 1911:

> I am very strongly in favor of the consolidation of water-power plants, coupling them up over large areas * * *. Better service to the community would be forthcoming if water-power companies operated over large areas. But there must be public control of their operations to prevent the benefits which come by reason of such consolidation from being translated into a general overcharge to the consumer.

From the report of the National Waterways Commission (S. Doc. No. 469, 62d Cong., 2d sess.):

> The important fact to be gathered from the entire discussion of this phase of the subject would seem to be not so much that financiers and promoters might find it to their advantage to promote a monopoly as that the economic considerations and the natural character of the business make monopoly almost inevitable, and perhaps desirable, when subject to strict public regulation.

The President of the United States, in an address before the students of the University of California in 1911, said:

> Public-service corporations are, in a very interesting sense, natural monopolies. * * * It is perfectly obvious that if other companies are allowed to compete with them there is a wasteful duplication in outlay and equipment, so that competition generally results in the eventual combination of the competing companies and the necessity to charge a price on what they supply that will pay the interest on twice as great an investment as was really necessary for the service.

By Hon. R. H. Meyer, member of the Interstate Commerce Commission (the American Political Science Review for August, 1911, p. 374):

> There are few things which the industrial history of advanced nations proves more conclusively than that competition in the field of public utilities has failed to assure reasonably adequate service at reasonable rates. The public has had occasion to learn this lesson many times on a large scale. * * * Certainly we have had enough repetition of disasters to the public as well as to investors to lift this subject out of the field of controversy; but somehow these lessons have not been on a sufficiently large and overwhelming scale, for the fetish of competition is still being worshiped, and the cry of competition is still raised by many as the touchstone capable of dissolving every obscure entanglement which the strained relations between the utilities and the public sometimes create.

The Wisconsin public-utilities law is a repudiation of the fallacy of competition as a guarantor of good service at reasonable rates and is planted squarely upon the idea of monopoly in the utility business except in the case of telephones. Give a utility plant a definite field and compel it to do its proper work reasonably well within that field; this is one of the basal ideas in the law.

Electric Light & Power Co. (1 N. Y. P. S. C., 1st D., 226) (1908).

Here the commission refused to authorize a large issue of securities on the ground that they were to be used to construct a competing plant, which was unnecessary. The commission says, at pages 249, 250, and 251, in part as follows:

> The whole electric history of New York City points the futility of competition.

Col. Roosevelt is to be complimented upon his progress and his assimilation of the common-sense doctrine of monopoly and its control, that in his late speech at Pittsburgh he says:

> Unlimited competition has proved one of the greatest curses of modern civilization. It was unlimited competition which created the great trusts, exactly as it created the sweatshop, and is chiefly responsible for child labor. The new freedom is merely the old, old freedom which permits each man to cut his neighbor's throat.

Combination is as natural in business as it is in human society. Only among primitive peoples is every man a law unto himself and an enemy to his neighbor. Combination was the first step toward civilization and is a force which will persist while civilization continues. In so far as it may invade individual rights, the remedy is not to seek its destruction, which would be impossible, but to compel its regulation for the public good. It is the expression of greater experience, better knowledge, and higher intelligence, the result of education, the effect of gradual appreciation of certain fundamental principles, and the transmission of those principles into practical operation.

Only by regulated monopoly, and not by competition and duplication, can the best services and the lowest rates be secured. As many as 20 States, recognizing the important economic fact and principle of regulated monopoly as a method of control for public-service corporations, have passed laws prohibiting competing service in public utilities until after it is shown that the necessity for competing service is required, and then a "certificate of necessity" is granted by public authorities.

A reading of the Adamson bill will disclose that sections 7 to 13, as also section 15, provide for complete and effective control of hydroelectric-power development in the public interest.

Assuming, for the purpose of this argument, that the granting of the right to dam a stream to create hydroelectric power will create a local monopoly in the distribution of the power produced, though, as a matter of fact, it may in some cases produce active competition, and is more than likely to do so when the power is used for manufacturing purposes, and assuming further that the eminent authorities I have just quoted are correct in their advocacy of the control and regulation of a public monopoly rather than its destruction, the question is squarely presented to us as to whether the bill H. R. 16053, known as the Adamson general dam bill, under consideration, fairly and effectively meets the public demand for regulation and control for the public good.

Section 7 provides that any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of the act, shall be guilty of a misdemeanor.

Power is given the Federal courts to issue injunction, mandamus, or other process to prevent the violation of the act; and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of the act, the court may decree such revocation.

This section gives ample power to enforce the law. The power to regulate the rates is given in section 11:

> SEC. 11. That in all cases where the electric current generated from or by any of the projects provided for in this act shall enter into interstate or foreign commerce the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service therefor is hereby prohibited and declared to be illegal; and whenever the Secretary of War shall be of the opinion that the rates or charges demanded or collected on the service rendered for such electric current are unjust, unreasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and failure to comply shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks or locks or other aids to navigation and all other capital expenditures required by the United States.
>
> The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided, as an express condition thereof, a clause reserving to the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: *Provided*, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, charges, and service to the consumers for such electric current and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State arising from the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.

You can not obey two masters at the same time. Priority is given to the State to regulate the charges in the interest of its citizens if it desires to do so; if not, ample authority is vested in the Federal Government to protect the consumers of the power.

The bill, therefore, protects the public against monopolistic abuse by providing just governmental regulation.

The right to recapture the property by the Government is provided for in sections 9 and 10 of the bill.

The direct grant is limited to 50 years, and the Secretary of War is given the power to terminate at any time thereafter upon giving one year's notice to the grantee of his intention to do so, the Government being required to pay the fair value of the property to the grantee, but it is provided that—

> In determining the value of said property upon the termination of said grant as above provided, no value shall be claimed by or allowed for the consent hereby granted (the franchise), nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

Should the Government determine to recapture the property, it will not be compelled to pay anything for the franchise rights, business developed, or good will, but merely for the fair value of the property belonging to the grantee. As the dam, the power house, the machinery, and the transmission lines are subject to depreciation and decay it is in the interest of the Government that the price of recapture should be the fair value and not the original cost. To provide that the grantee should receive less would prohibit men with both money and brains from entering upon the development of the power, for, with Government regulation, the profits will of necessity be limited, and the grantee takes all the chances of developing a paying business.

In the hearings before the Interstate and Foreign Commerce Committee on the subject of general dam legislation it was stated that—

> All hydroelectric engineers, as well as all investors, in fact, nearly all political students of hydroelectric developments, agree that experience has established the following business facts:
>
> First. Hydroelectric, more than any other class of industrial investments, must bear a trying interest burden over longer nonrevenue initial periods of construction.
>
> Second. The hazards of hydroelectric investment are greater than in any other class of investments.
>
> Third. In proportion as any lease period is shortened or unprovided for at its termination, as is the case in the present general dam law, in like proportion bond issues on such developments are with greater difficulty and more expensively negotiated.
>
> Fourth. Electrochemical and electrometallurgical operations, upon which water powers must largely depend for development and must rely for consumption, require and must secure power at extremely low rates, covered by long contracts.

Only four important dams have been constructed in the navigable streams of the country in the last decade: Keokuk, on the Mississippi River, under a perpetual tenure, the cost of the development to date being $8,000,000 above the estimated cost; the Hales Bar Dam, on the Tennessee River, with a tenure of 99 years, at a cost of $6,000,000 above the estimated cost. Of these, only two dams have been constructed under the general dam law of 1906–1910—the Coon Rapids Dam, on the upper Mississippi River, and the Lock 12 Dam, on the Coosa River, the latter costing $500,000 above the estimated cost.

At the Keokuk power development, of the 120,000 horsepower now ready for sale there is an available market for only 90,000 horsepower, and a market must be created for as much as 90,000

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. Yes.

Mr. JOHNSON of Kentucky. In reference to what my colleague [Mr. SHERLEY] has just said, it may not be amiss just now to invite attention to a contention which has arisen in the District of Columbia relative to the street car companies which are located here. Recently there was a bill before the District of Columbia Committee, which has been reported from the committee and is now on the calendar, for municipal ownership of the street railways of the District of Columbia. It has been argued before that committee—and by good lawyers—that, notwithstanding the fact that as a part of each one of these charters there is a provision that Congress reserves the right to alter, amend, or repeal those charters, it is contended by these attorneys that Congress has no right to repeal; that Congress can not repeal their franchises nor take them away from them; and that, in acquiring the physical property itself, it would be necessary also to acquire their franchises by purchase.

I say that question has been plausibly argued before that committee, and the argument is in print, and those who would like to read it can get it from the District Committee.

Mr. LENROOT. With reference to the suggestion made by the gentleman from Kentucky, there is not so much difference between his position and mine. I have been contending throughout this entire controversy——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I would like to have a little more time.

Mr. STEVENS of Minnesota. How much time would the gentleman like?

Mr. LENROOT. I would like to have 15 minutes.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 15 minutes more.

Mr. LENROOT. I have been contending through this entire controversy that at the end of the 50-year period Congress should be absolutely free to deal with this utility as it saw fit, and the only difference between us is whether Congress itself shall initiate it or the utility.

Mr. SHERLEY. The difference is that you have a theoretical freedom instead of an actual one, because every delay works for the benefit of the grantee. I want to have it put the other way, and force the grantee to come up and get a new life.

Mr. LENROOT. The bill as drawn absolutely deprives Congress of any freedom in either event. This amendment restores it.

Now, as to the recapture provision, the committee has one amendment here, in line 4 upon page 10, that I wish to say just a word about, and which I shall discuss more at length when we get to the bill under the five-minute rule. It reads now:

SEC. 10. That at any time after the expiration of said 50 years [as Congress may prescribe] the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon the taking over by the United States—

And so forth. Now, I do not know what the committee has in mind in the use of the words "as Congress may prescribe." I know of no other interpretation than that Congress may prescribe how the Secretary of War may terminate the rights on one year's notice. But it certainly does not change the provision that "the Secretary of War, after the 50 years, shall have the right to terminate the license hereby granted," which is not in harmony and is inconsistent with the amendment that will be proposed to section 9, that after the 50-year period their rights may be terminated at any time by Congress itself without a year's notice or any other act; and that, I trust, will be changed when we reach the consideration of the bill for amendment.

Now, section 13 is the section relating to the right to alter, amend, or repeal. I have discussed that already, and now want to discuss the amendment that the committee proposes to make to this section. I read:

SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act.

That is the present law, so far. Now, they propose to amend by adding the language "whenever Congress determines that the conditions of consent have been violated." That is the way it stood as reported from the committee. Now they offer another amendment, "or after the expiration of the original contract period, as may be deemed necessary for the interests of navigation."

Now, Heaven knows, this section was bad enough as originally reported from the committee; but they have made it a great deal worse by this amendment.

As originally reported from the committee, with the amendment, after 50 years it gave the right to alter, amend, or repeal, because there would have been no franchise existing that we did not have the right to interfere with. There could be no contractual relation, and therefore after that time there could be no violation of the conditions of the contract. But now this amendment comes in:

Or after the expiration of the original contract period, as may be deemed necessary for the interests of navigation.

So by this amendment this committee says that after the 50 years have expired you may amend, alter, or repeal a franchise of a power company, or change the terms of this act, so far as it affects such power company, only as may be deemed necessary for the interests of navigation. I hope before this debate is over some member of this committee will tell this House why, after the 50 years have expired, Congress should not have the right to deal with this question absolutely as it sees fit, whether in the interest of navigation or otherwise. They ought to have the right to change this recapture clause. They ought to have the right to require compensation at that time if they choose to do it. There are a great many rights that Congress might wish to exercise at the end of the period, rights which the Congress ought to have the opportunity of exercising.

Mr. AVIS. Mr. Chairman, I should like to ask the gentleman for information about section 10, providing for the taking over by the United States Government, one of the conditions being—

And assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof.

Will the gentleman please explain what is meant by that language, and particularly what is meant by the—

Approval of the duly constituted public authority having jurisdiction thereof?

Mr. LENROOT. I take it this is what is meant: Many of the States in enacting water-power laws now provide that contracts exceeding a certain length of time, usually 15 or 20 years, shall not be valid unless approved by the utility commission of the State. I take it that is what this means.

Mr. AVIS. Do you understand from that provision that the Government can go into the good faith of that contract, from the language that follows?

Mr. LENROOT. That is evidently the intention of the committee, I think. I am not a member of the committee, but I think so.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Mississippi?

Mr. LENROOT. I will yield for a question, if I can get a little more time. I will yield to the gentleman from Mississippi anyway.

Mr. HUMPHREYS of Mississippi. The gentleman stated—and I fully agree with him—that at the end of 50 years Congress ought to be left free to impose any conditions that in the wisdom of Congress are deemed desirable. Would not that be taken care of absolutely in this bill if the suggestion of the gentleman from Kentucky [Mr. SHERLEY] were to be followed, that an absolute period be put to the rights granted to the company, so that the burden would then be upon the company to move?

Mr. LENROOT. I think that would be very likely to result.

Mr. BURKE of Wisconsin. If the amendment proposed in the first paragraph of section 13, page 14, becomes a part of the law, will it not then impliedly say that these grants of water power are perpetual? Would not that be the meaning that the statute would necessarily carry if that becomes a part of the law?

Mr. LENROOT. In reply to this question, I will say that there is a square conflict between that language in section 13 and the language in section 9 as amended, and I would not undertake to interpret or construe the conflicting provisions. I sincerely hope that when we reach the proper stage we will eliminate the provision from section 13, making it entirely clear.

Mr. FERRIS. Will the gentleman yield right there?

Mr. LENROOT. Yes.

Mr. FERRIS. I think it is fair to the chairman of the committee and the committee itself, and to all of us who have been more or less concerned about this bill, to inquire at this point why the language in parentheses in section 13, beginning with line 15 and ending with line 18, was placed in the bill? That language undoubtedly does upset every thought that all of us have had, and it does upset the views of the committee. In our conferences on these matters we have all agreed that they should

have a 50-year contract, and we have all agreed that at the end of 50 years that should be the end of it, and we have all agreed that no such limitation as that which has been inserted should be incorporated in the bill. I want to say that I think this bill is going to accomplish great good, and I think it is full of good things, and I think it is going to be a good bill; but it seems to me that we ought now, without waiting a minute, to agree that that language go out of the bill. It has no place there. It is not in keeping with one word that any of us have ever said or thought on the subject, and I think some one on behalf of the committee ought to rise and eliminate that language.

Mr. LENROOT. I shall not undertake to discuss the bill in detail any further as my time is about expiring. When we reach the bill under the five-minute rule I shall take the opportunity to discuss it further and perhaps to offer certain amendments.

Mr. FOWLER. Mr. Chairman——

Mr. LENROOT. I am afraid I can not yield further until I have finished what I have to say.

Mr. FOWLER. I thought the gentleman had concluded.

Mr. LENROOT. I want to make a few general statements in conclusion.

Mr. Chairman, I think I ought to say a word about the laws of certain foreign countries relating to water powers. The gentleman from Georgia in his speech made some reference to a certain water-power company being driven to Ontario, Canada, because of the onerous conditions of our laws, and reference is made in both the hearings before the Committee on Interstate Commerce and Committee on the Public Lands to the inducements held out to water-power companies by Ontario, Canada, and by Norway. I thought it worth while to ascertain just what those inducements were, and I was greatly surprised by what I found.

I find that in Ontario, Canada, where these people were driven to, as alleged, leases are not made perpetual as provided in this bill, nor for even 50 years, as our present law provides, but for 20 years only, with a privilege of two renewals of 10 years each, making a total term of 40 years. The lease shall contain such terms and conditions as the minister may prescribe, and the grantee shall pay such annual rent as the minister shall fix. At the expiration of the lease all the property reverts to the Crown without any payment, except the machinery employed may be removed within a term fixed by the minister. A proviso is added that when the works are permanent and useful there may be paid to the lessee such sum as the legislative assembly of Ontario may appropriate; but this is a matter of donation entirely and not a right of the lessee.

The laws of Norway provide a great many conditions and restrictions as to operation of the water power, care of employees, and so forth, and provide for an annual payment of 25 cents per horsepower per year. The term of the franchise shall be not less than 60 nor more than 80 years, and at the expiration of the term the waterfalls, improvements, works, power station, and machinery revert to the Government without any payment to the water-power company. These foreign laws can be found in the hearings of the Committee on the Public Lands, pages 531 and 535.

Now, I want to say a word with reference to the reversion of the property to the Government. I am not contending for that in this bill. But the fact is that every water power that is developed to-day provides for the amortization of their plant. In other words, these plants are built, in nine cases out of ten, from the proceeds of the issue of bonds, and in every case a sinking fund is required to pay the entire bonded indebtedness at the end of the term. So, as a matter of fact, at the end of the 50 years' franchise every dollar of that investment will presumably be paid out of the earnings of the plant. So it is not going to be at all unreasonable at the end of the 50-year period, if we renew the consent, to make a provision that in a shorter period of time the entire plant shall revert to the Government.

Mr. SHERLEY. In other words, they make the rate to the consumer of power sufficient to pay for the entire plant?

Mr. LENROOT. Yes.

In conclusion, I wish to repeat what I stated at the outset, that this bill in its present form is an indefensible surrender of the public interest to special privilege, and I congratulate the committee upon the fact that it will itself offer amendments removing most of the serious objections to the bill.

Some of us who have been active in opposing the bill in its present form have been severely criticized and have been charged with desiring to lock up all the resources of the United States and not utilize them at all. This charge is not true. Some men smile at the words "conservation" and "conservationist," but they are good words, and that man or that party that does not make conservation of our natural resources a part of his or its policy has but a short time to live politically.

Conservationists believe in development of all of our natural resources for the greatest benefit of all our people with the smallest amount of waste that is practicable. We do not believe they should be used to make a few men rich without resulting benefits to the great mass of our people. We do not take the position that the men who with brains and capital develop these resources should not be amply rewarded, but, on the contrary, insist that they receive encouragement and protection to the fullest extent not inconsistent with the public interest. There are those who honestly and frankly take the position that the natural resources of our country still owned or controlled by the Government for all the people should be surrendered to any private interest that will develop them. That seemed to be the theory of the gentleman from Georgia, the chairman of the committee, in proof of which I wish to read a paragraph from the hearings upon this bill. Mr. Cooper made a suggestion that the water power company be expressly permitted to make a minimum return upon the capital invested, and 9 per cent was suggested by him, and that any earnings above that sum should be divided equally between the company and the State, to which suggestion Judge ADAMSON, the chairman of the committee, replied:

What you want is something that will keep the State from making a fight on you people. I do not think you would ever get the Government to adopt a partnership of that kind. You are riding two horses. You are going, with the conservationists part of the way and with us part of the way. (Hearings, p. 26.)

Here we have a very frank expression from the chairman of the committee that he is utterly opposed to the ideas and policies of the conservationists.

Mr. Chairman, the anticonservation policy was until a few years ago the policy of this Government. Under that policy we have had a most reckless, if not criminal, waste of our resources. To that policy more than any other cause can be attributed the existence of the great trusts and monopolies of to-day. Our oil lands have been so far placed in private ownership that our Navy can not find enough public lands remaining containing oil to supply our Navy with oil for fuel; and we have the Standard Oil Co., the greatest monopoly of all time. Our anthracite-coal lands are all in private ownership as a result of that policy, and our people now have to pay annual tribute to the Anthracite Coal Trust as a result of the anticonservation policy. Our iron-ore lands are all in private ownership, making possible a Steel Trust. But for the conservation policy, creating national forests, our forests would all be under private ownership now, strengthening the grip of the Lumber Trust. Of all of our natural resources our water power is the most important. It is the one resource that is not entirely or partially destroyed by use. Water will continue to flow downward to the sea so long as the world shall last; and on its way, without diminution, for every horsepower created by it and used 10 tons of coal are saved each year. The development of our water powers, therefore, is conservation in the highest degree; and the only question is whether this development shall be for the public good or primarily for private gain. Some time in the future our fuel resources will be gone, and unless we retain control of this, the only resource that can not be destroyed, the time will come when the owners of the water powers will absolutely dominate all of the industries of the Nation.

It is said by some that posterity can take care of itself. It can, but the legislation of this generation will determine whether future generations will care for themselves by revolution or orderly procedure under the form of government which we now have. This bill in its present form attempts to fix rights of water-power corporations a thousand years hence, and conservationists are justified in being concerned with the welfare of at least the generation which shall follow us. That the ideas of conservationists are as I have stated can be demonstrated by the bills now upon our calendar reported from the Committee on the Public Lands, dealing with practically all of our national resources still a part of the public domain. Every one of those bills makes provision for present use of those resources, but retaining control over them by the Government in the interest of all the people.

Mr. Chairman, this bill can be amended so as to secure development and at the same time protect the public interest. Each Member of the House has a duty to perform in the consideration of this bill. Partisanship has no place in the consideration of a bill of this character. While in a sense the Democratic majority is responsible for all legislation which passes this House, it is the duty of every Republican to do what he can to perfect this bill and make it a bill safeguarding the

the entire stock and bond issue of the Alabama Power Co. was owned by the Alabama Traction, Light & Power Co., and I found that the Alabama Traction, Light & Power Co., controlling a large percentage of the water powers of Alabama, was not a corporation organized in Alabama, not even a corporation of the United States, but is a corporation organized in Canada for the purpose of generating hydroelectric current, and so forth, in the State of Alabama, and it has, according to Moody's Manual, its principal office in Canada and not the United States.

Now, what is it that this bill does that is so dangerous to the public interest? I shall not endeavor in this general debate to discuss all of the defects in the bill, but only the vitally important provisions which are against the public interest and which unless eliminated from the bill should cause its defeat.

First. The bill gives perpetual franchises to water-power companies and deprives any future Congress for all time to come to change their terms. If this bill should pass as reported, unless the United States purchases the property of the grantee at its full value, a thousand years from now the rights of the grantee will remain fixed by this act of the Sixty-third Congress in the year 1914.

I understand that the committee will offer an amendment to the bill providing that at the end of a 50-year period Congress may impose such new terms and conditions upon the further use of the property as it may then deem wise. I have no objection to a 50-year term, for I realize that a generous term is necessary to procure the necessary capital to develop water powers, but no one can now foresee what conditions will be 50 years hence. Congress should be free at that time to deal with those conditions as they exist, and the amendment that will be proposed by the committee, I understand, will accomplish this.

Second. It grants to water-power companies all of the public lands of the United States necessary for dams, accessory works, and transmission lines upon the annual payment of 5 per cent of the value of the lands taken. It not only does that, but gives the water-power companies a preferential right to public lands as against the United States itself.

The United States may purchase lands for any public purpose, but if a water-power company needs it they are granted in this bill the right to go and take them and use them, paying only 5 per cent a year on the value.

It does not seem possible that such a provision could be incorporated in any bill having the favorable report of any committee, but here it is in language so plain that it can not be questioned by anybody.

I am glad to say that it is my understanding that the committee will offer an amendment largely eliminating this provision and providing only for the use of certain lands of the United States upon first procuring the consent of the Secretary of War and upon the payment of such charges as he may determine as just, and thus remove the objection I have stated.

Third. Section 14 of the bill permits the Secretary of War to lease the surplus water power created by any Government dam. No restrictions are placed upon the Secretary; the lease may be for 99 years or 999 years; and not only that, but when Government dams are being constructed the Secretary of War, without consulting Congress, may take in as a partner with the United States in the undertaking a water-power company, and agree with it as to what its share of the partnership contribution shall be. He is required to report to Congress his action after he has acted, but not before.

Members of the Sixty-second Congress will remember that in that Congress there was involved the use of surplus water powers to be created by Government Dams and Locks 16 and 17 on the Black Warrior River. A bill passed the Senate authorizing the Secretary of War to enter into a contract with the Birmingham Water, Light & Power Co., which contract should provide that said company, its successors and assigns, should have the right to construct, maintain, own, and operate at its own cost in connection with Dams and Locks 16 and 17 on the Black Warrior River, for a period of 50 years, electrical power stations and other structures for the development of water power and selling the same not needed for lockage, and so forth. It was provided that the company should furnish free to the Government at Locks 16 and 17 all power necessary for the operation of the locks; that the contract should provide for the payment to the Government of an annual rental for its use of the water power developed at Dams 16 and 17. For the first 20 years the rental should be $1 per annum per horsepower developed, and at the end of the 20-year period the Secretary of War could readjust the same and have the right thereafter to readjust the rental at every 10-year period. It required a minimum payment beginning with the year 1920, of $15,000 annually. (See page 4024, CONGRESSIONAL RECORD, Sixty-second Congress, first session.)

This seemed to be quite a liberal bill for the protection of the Government, but the House believed that important rights were endangered by the bill as reported by the committee, for the bill was amended in the House in the following particulars: First, requiring the Secretary of War to advertise for bids and prescribing that the lease should be made to the highest bidder; second, prescribing that at the expiration of the lease all the right, interest, and property of the company acquired by virtue of the act should pass to the Government unless Congress otherwise provides; third, cutting down the term of the lease from 50 to 25 years. Thus amended, the bill was passed by the House.

The Senate refused to accept these amendments, and it is my recollection that a compromise was reached by striking out from the bill all reference to the leasing of the surplus water power and authorizing only the construction of the dams by the Government, so that this surplus water power upon these dams in question on the Black Warrior River will be subject to the provisions of section 14, if enacted. I believe this House ought to be at least as careful of the rights of the public in the year 1914 as they were in the year 1911.

Now, in the Ferris water-power bill, reported from the Public Lands Committee, where the Government has not expended a single dollar upon the dam, but merely owns the dam site, the Secretary of the Interior is restricted in making of leases to the grant of a term not exceeding 50 years, and other regulations are provided. No one can successfully contend that we should be more liberal in the leasing of our water powers created by the expenditure of Government funds than we are in the leasing of water power to be developed wholly by private capital and where the Government owns only the dam site.

In the bill that I have referred to, proposed by Secretary of War Garrison, we find a section which covers the subject matter of this section 14, and it reads as follows:

SEC. 15. That the Secretary of War be, and he is hereby, authorized to enter into revocable leases for the use of surplus water and water power generated at dams and works constructed wholly or in part by the United States in the interests of navigation at such rates, on such terms and conditions, and for such periods of time, not to exceed 50 years, and with such provision for the periodical readjustment of rentals as may seem to him just, equitable, and expedient, subject, however, to the provisions of this act governing the authorization, maintenance, and operation of power plants, and to all regulations governing the use and disposition of the power, so far as the same may be applicable; and all such leases, the parties thereto, and the terms and conditions thereof shall be reported annually to Congress.

This is an excellent provision, fully safeguarding the rights of the public. But one objection can be made to it, and that is in the use of the word "revocable." I do not believe these leases should be revocable within the term for which they are granted; but in all other respects the suggestion of the Secretary of War should be adopted, and at the proper time I shall offer as a substitute to section 14 the section proposed by the Secretary of War, which I have just read, omitting only the word "revocable" therein contained.

Another provision in the bill is very important. The present general dam law, the general bridge law, and every special dam and bridge act that I know anything about has in it a provision reserving to Congress the right to alter, amend, or repeal the act. Every State that I know anything about reserves this power in the franchise which it grants; but not so with this bill. Here we find that the right to alter, amend, or repeal the act is reserved only when Congress determines that the conditions of the act have been violated by a grantee owning the dam. A perpetual franchise with no power to alter, amend, or repeal would be a fine thing for the water-power companies, but generations yet to come would look back upon this Sixty-third Congress and conclude that nothing short of corruption could have induced it to do this great wrong. There is, of course, nothing corrupt about it, but its results, if enacted, are just as bad as if there was.

The last section of the bill, section 17, is one of the worst. The plea is made that the concessions found in the previous sections of the bill are necessary to induce capital to develop water powers, but this section 17 provides that this act shall apply to all existing dams as well as those hereafter authorized, so that as to any existing developed water power now in operation, under the reserved power of regulation or power to change the terms of their charters, this section 17 makes them, too, these princely gifts of perpetual franchise and the other privileges I have discussed. This section repeals all previous legislation granting consent to construction of dams. This means the repeal of the Hetch Hetchy act, passed last year; the Los Angeles act, passed some years ago; and every other act and also every permit issued by the Secretary of the Interior and Secretary of War, and places all such dams under the provisions of this bill.

I understand that the committee will offer an amendment to this section removing the objections that I have referred to.

Now, many of the statements I have made as to the effect of this bill have been vigorously denied by its supporters, and in order that there can be no misunderstanding about this, I now wish to take up certain sections of the bill in detail and demonstrate that the statements I have made are absolutely correct in every particular, and I shall also indicate somewhat more in detail the amendments that I understand will be offered by the committee, removing many of the objections to the bill.

I want to go through some of the provisions now a little more in detail. I first want to call attention to section 2 of the bill. The present law provides that the Secretary of War may, in his discretion, insert in the approval of any project for a dam the stipulation that the grantee shall, at his own cost and expense, construct a lock in connection with the dam at any time that the Secretary of War and Chief of Engineers may find it necessary. This bill, which is an amendment of the act of 1910, in fact, inserts one little word, the word "then," so that as this bill stands the Secretary of War must determine in advance as to whether a lock will be required in connection with the dam for the next 50 years to come, and if he makes either a mistake in engineering, or if Congress chooses to make a stream navigable throughout its length that is not now navigable, requiring a lock where none is now required, the Government itself will have to pay for the construction of the lock, and instead of such a dam aiding navigation it will, in fact, obstruct it. And there ought to be the right on the part of the United States, when a dam is constructed across a navigable stream—and that is all this bill has to do with—to reserve the power to compel the construction of a lock at any time that it may be deemed necessary in aid of navigation. Now, the engineers can not tell at the time of the approval of a project what may be necessary. To illustrate, the gentleman from Minnesota [Mr. STEVENS] and I and other Members appeared the other day before the Board of River and Harbor Engineers in reference to a canal between Lake Superior and the Mississippi River. The gentleman from Minnesota spoke in advocacy of that canal, asking for a survey, and the members of that board then raised the objection that they could not determine at this time what kind of a canal was necessary; they could not determine what kind of locks were necessary, because it had not yet been determined what type of boats would be successful upon such a canal; and yet you are compelling the Secretary of War to determine that question, which can not in the very nature of things always be determined, or else say that the Government itself must stand the expense of restoring navigation around a dam instead of at the expense of the company itself.

All throughout section 2 carries out that proposition.

Section 4 refers to the use of the public domain by water-power companies. I want to read it to you to show how it originally read:

(c) That to the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.

Why, gentlemen, language could not be framed that would constitute more of a gift to the water powers of this country or a more complete surrender of the public domain that still belongs to us. You will find the proposed amendment, immediately following those words, in brackets, and that, as I said a short time ago, fully safeguards it, in my judgment.

Mr. BURKE of Wisconsin. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. BURKE of Wisconsin. In section 2, on page 2, in reference to the word "then," to which you called attention, I desire to ask if the amendments to be proposed contain any provisions curing or changing this?

Mr. LENROOT. Those proposed by the committee do not. The next provision I want to call attention to is section 9. The act originally read:

That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure—

Which is changed to "dam"—

described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Now, that meant nothing more nor less than a perpetual franchise. The right to recapture this property, with one exception, is a right that can not be changed by any provision in this or any other bill. The United States Government always has the right of eminent domain, and unless this property is of such a character that it could secure it and operate it under the exercise of the right of eminent domain, it could not be given the right to purchase it and operate it by the terms of this bill. And so under the exercise of the right of eminent domain we could always take over this property, but in exercising that right there is one element of value, namely, we might have to pay the value of the franchise, and this bill does eliminate that from consideration.

But these gentlemen keep saying, or did say, that it was only a franchise for 50 years, and, if that were true, then it meant absolutely nothing more than the right of eminent domain, because if the franchise did expire at the end of 50 years there would be no franchise value to pay for. But as it stood it went on and on forever, and the only right retained was to purchase.

Now, to illustrate how little that amounts to, you take this Keokuk Dam that I have referred to, belonging to the Mississippi River Power Co., and it is capitalized now for $37,500,000. They have developed only about half their power. I have not any question that 20 years from now it will be worth that sum with the transmission lines that will be built. Now suppose a proposition comes to Congress to appropriate $37,000,000 to take over the Mississippi Power Co., do you suppose Congress is going to do it unless the abuses are so gross as to compel it? Are they going to do it merely as a business proposition? Not at all. And so this right of recapture, while valuable, will not, in my judgment, be exercised, because it is going to involve tremendous amounts of money; and we must have a further right than that—the right at the end of the 50-year period to make such terms and conditions with reference to a new consent as we choose to make.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. Yes.

Mr. SHERLEY. Do I understand the gentleman's position to be that at the expiration of the 50-year lease the right of the grantee shall cease unless he shall get a new right?

Mr. LENROOT. No.

Mr. SHERLEY. Now, I want to suggest to the gentleman that proposition. I believe that it is important that you put the inertia of Government in favor of the Government instead of having the inertia of Government always in favor of the grantee. Theoretically Congress has absolute control over the street railways of the District of Columbia. Practically it has not any at all, because you can never get a bill through.

Now, if the right of that street railway company to operate its cars terminated at the end of a certain period unless it got affirmative action from the Government, you would find then that the inertia of the Government would be used for the benefit of the Government, the railway company would be anxious to do business, and at the end of the given period it would have to make terms with the Government in order to continue, and they would come to speedy terms. It is not to be assumed that the Government will be unreasonable. If you do not so provide, that inertia will practically continue the franchise indefinitely.

Mr. LENROOT. Suppose the inertia of the Government is still such that at the end of the 50 years no renewal is granted. What becomes of the property?

Mr. SHERLEY. I do not think that situation would arise; but you might, if necessary, provide for an additional period of a year or two pending negotiations; but I would certainly make it incumbent upon the grantee to get a new right. Now, he gets a right of 50 years. Why should he not at the end of that time be required to get a new one? Otherwise, I repeat, the inertia of the Government will constantly work to the advantage of the grantee.

Mr. LENROOT. There is this to be said on the other side of that proposition, and that is that at the end of that 50-year period, with this amendment adopted which will be proposed by the committee, they will be nothing but tenants by sufferance or tenants at will. They can not raise money with that kind of a title after the 50-year period.

Mr. SHERLEY. I know of a street railway company in a city—not here—that were tenants by sufferance, in my judgment, for 20 years. They did not advertise the fact, and it was usually hushed up and denied that their right was for a limited time, and they went on and borrowed money, trusting—and successfully trusting—to the inertia of that city government to prevent anything being done. The fact that they are there and that you have to move to get rid of them gives them a tremendous advantage. I would make them move in order to stay there.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PADGETT, indefinitely, on account of important business.

To Mr. KITCHIN, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. DILLON was granted leave to withdraw from the files the papers pertaining to H. R. 13560, no adverse report having been made thereon.

AMENDMENT OF GENERAL DAM ACT.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee on the Whole House on the state of the Union for the further consideration of the bill H. R. 16053.

The SPEAKER. Before that question is put the Chair will announce for the benefit of the Kansas delegation that at 3 o'clock a special order begins to present and accept the statue of George W. Glick, placed in Statuary Hall. The gentleman from Georgia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053, with Mr. GARNER in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16053, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

EXTENSION OF REMARKS.

Mr. ADAMSON. Mr. Chairman, I desire to yield to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, I wish to extend my remarks in the RECORD in regard to the subject of railway mail pay. There will be a bill considered next week, probably, in which this matter will be discussed to some extent. I understand at that time there will not be opportunity for general debate of any consequence, and I wish now to have an opportunity to extend my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Illinois makes the same request. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman, I ask leave to extend my remarks in the RECORD for the purpose of inserting a letter from one of my constituents correcting a statement in a speech which I made not long ago relating wholly to a matter within New Mexico.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing a short article from the National Field, which is the official organ of the National Farmers' Union. It seems recently John Skelton Williams, Comptroller of the Currency, said there were $500,000,000 now available under the new law for farm loans. The representative of this organization asked farm loans from national banks and failed to obtain them, and this is a recital of the attempt.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. I yield to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from the Cincinnati Enquirer on "The advancing tide of business."

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman. I ask unanimous consent to extend my remarks in the RECORD on unsurveyed and untaxed lands in the State of Washington.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Illinois [Mr. O'HAIR].

Mr. O'HAIR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD touching upon conditions both financial and commercial as they exist in Illinois.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

AMENDMENT OF GENERAL DAM ACT.

Mr. ADAMSON. Mr. Chairman. I hope the gentleman from Minnesota [Mr. STEVENS] will consume some time.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 45 minutes to the gentleman from Wisconsin [Mr. LENROOT]. [Applause.]

Mr. LENROOT. Mr. Chairman, I am somewhat at a loss to know how I ought to proceed to discuss this bill. Had I spoken upon it a week ago, as I expected to, I should have condemned it as vigorously as my command of the English language would permit, for this bill, as reported from the committee, proposed the most complete surrender of public rights to special privilege that has ever been attempted within the memory of any man upon this floor. But as Members became acquainted with its provisions, such a storm of protest was aroused that a number of conferences were held between some of the proponents and some of the opponents of the bill in its present form, and as a result of such conferences the Committee on Interstate and Foreign Commerce will itself offer amendments to the bill removing most, if not all, of its vicious features. Therefore the quandary that I am in is whether to discuss the bill as it is reported from the committee and now stands before the House or to discuss it in the light of the amendments that will be offered by the committee. After reflecting upon the matter I have concluded that I ought to discuss the bill both in its present form and also as it will stand if the amendments which I understand will be offered by the committee are adopted.

I believe it proper to discuss it in its present form, because in voting upon amendments it will be helpful to Members to know and understand that as originally reported by the committee the bill represented a public policy diametrically opposed to the public interest, a policy based upon the theory that private capital should be practically unrestricted and uncontrolled by Congress in the development of water powers upon our navigable rivers. The opponents of the bill in its original form protest against this surrender to special privilege, and the amendments which will be offered will in large measure retain in the United States proper control of these water powers and safeguard the public rights.

The bill before us, both in its present form and with the amendments proposed, is a water-power bill in fact, although navigation is the basis of our jurisdiction. In opening the debate upon this bill the chairman of the committee asserted

that the paramount purpose of this bill is to develop navigation. To quote his language:

Navigability, the purpose of the bill, bears the same relation to the development of water power, so far as this bill is concerned, that the bird we are trying to catch bears to the bait with which we bait the trap. We realize that water power—hydroelectric power—is useful for a great many purposes, and can be made profitable; and, being useful and promising profit, it may be sufficient to tempt capital to construct for the benefit of the people of the United States those creations which are so expensive that the Treasury of the United States is unable or unwilling to undertake them, to make navigable three or four thousand miles of large streams in the country which ought to be navigated for the benefit of the people.

It is true that we have not caught many birds with the bait, because capital is a wary old bird.

Now, the fact is that instead of water power being the bait, it is the other way around, for in this bill navigation is the bait and the House is the bird which the water-power interests endeavored to trap. It is to my great regret that the gentleman from Georgia, wary old bird that he is, and respected by every Member of the House, rushed to the bait and was easily caught, but I congratulate him that in offering the amendments that I understand he will offer, he will extricate himself from the trap, as well as enable the membership of the House not members of his committee to avoid it.

Now, no one questions the good faith of the gentleman from Georgia, but there is not a scintilla of evidence in the hearings or in the provisions of the bill itself to substantiate the statement that the paramount purpose of the bill is to develop navigation, although improvement of navigation may result. We have a number of waterway associations in this country, bending every energy to secure the development of navigation, but not one of their representatives appeared before the committee in advocacy of this bill. We have countless commercial bodies always ready to petition Congress and its committees to legislate for the development of navigation, but not one of them appears in the hearings upon this bill. The first witness appearing before the committee was J. W. Worthington, of Sheffield, Ala., interested in the Alabama Power Co., concerning which I will have something to say later, and his entire argument was devoted to the development of water power. The only other witness was Hugh L. Cooper, of Stamford, Conn., interested in the Keokuk Dam, on the Mississippi River, concerning whom I shall also have something to say later. His entire argument was devoted to the development of water power, not in aid of navigation but for commercial purposes. These are the only witnesses appearing before the committee. There are two letters from water-power engineers, and a number of letters from bankers and brokers who deal in water-power securities, and lastly there is a letter from the Secretary of War to Judge ADAMSON, which I suggest every Member of the House read, for in this letter there is not the remotest suggestion that navigation is the paramount object of legislation of this character. At the end of his letter is found a proposed bill which he asks Judge ADAMSON to introduce. I will ask the Members of the House to compare this bill with the one now before us for consideration, and you will at once see how far the committee has departed from the suggestions of the Secretary of War, the departure in every case being in the interest of the water-power companies.

Mr. Chairman, while it is clear that the paramount purpose of the bill before us is to aid water-power companies and not navigation, I would not condemn it for that reason. On the contrary, the development of water powers upon many of our streams is far more important than the development of navigation; and while our jurisdiction rests upon the right to control navigation, sometimes navigation itself should be considered as a minor and incidental matter as compared with the great public benefit flowing from the proper development of our water powers.

So, Mr. Chairman, this bill ought to be discussed as a water-power bill, for that is what it is, and I propose to discuss it as such.

The gentleman from Georgia, in his speech, made much of the fact that out of 95 authorizations for dams only 18 had been constructed. Accepting that statement as true, what does it prove? Only that a great many get-rich-quick promoters, with no money of their own and without a sufficient market for their power in the vicinity of their proposed dam, could not borrow the money to do the work. Financing of water power belongs in a class by itself. The usual procedure is for a promoter to first get an option on a dam site, then a franchise from the Government, then to issue anywhere from one to twenty million dollars of stock to himself to pay for the option and the franchise, and then endeavor to borrow money enough to buy the dam site and construct the works. Fail? Of course they fail. Why should they not? Go to a real estate broker in Washington, get an option upon a piece of real estate, and then endeavor to borrow enough money to pay for the real estate and erect a 10-story building on it, and you will count a much larger number of failures in that class of transactions than the promoters of water power count in theirs. But, aside from this, because money can not be had now to invest in water-power bonds is no reason why we should give water-power companies all the rights we hold in trust for the people.

If that is a good reason for repealing our laws containing restrictions and conditions as to development of water powers, then by the same reasoning we should at once abolish the Interstate Commerce Commission, for the railroads for some time have been unable to borrow money, and if we would abolish the commission and permit them to charge any rates they choose they then would be able to borrow money, buy needed equipment, and make necessary extensions. There is as much reason for doing it in the case of railroads as there is in passing this bill, and there is no good reason for doing either.

Carrying this a little further, if it is good policy to surrender all of our rights to secure development of water powers, why not repeal the Sherman law in toto? Big business is afraid of it, they say. Repeal it, and big business would expand, money would be available, combinations could be made to increase prices to consumers, insuring such large profits that capital would be attracted to invest. This bill now before us is legislation of that character, and when the membership of this House fully understand it there will be no more chance of its passage than there is of the abolishment of the Interstate Commerce Commission or the repeal of the Sherman law.

But water-power development is not in such a bad way as the gentleman from Georgia seems to think.

The total stationary power now used in the United States is about 30,000,000 horsepower, of which about 6,000,000 is water power.

The great developed water powers of the country are largely controlled by 10 groups of interests, all of them more or less interlocking and connected. In 1911 these 10 groups had developed and under construction 1,521,000 horsepower; in 1913 they had 2,711,000 horsepower, an increase of 900,000 horsepower in two years. So we are doing pretty well with the legislation which we have, without making the grants to water-power interests contained in this bill. These 10 groups in 1911 held 1,450,000 horsepower undeveloped, and in 1913 they held 3,500,000 horsepower undeveloped, and their control over the water powers of the country is steadily increasing.

I have said these 10 groups of water-power interests are more or less closely connected. There is, in fact, no competition between them in any way. The General Electric Co. heads the list; next comes the Stone & Webster Co., and so on down the line, each having its own territory without competition with any of the other of the groups.

In the hearings upon this bill Mr. Cooper, in his testimony stated that he raised the money to build the great Keokuk Dam, at Keokuk, Iowa, belonging to the Mississippi River Power Co. Upon page 18 Mr. Cooper was asked by Mr. TALCOTT, a member of the committee, this question:

How about the Stone & Webster group? What are the actual facts concerning the Stone & Webster group of water-power holdings?

Answer:

I know the Stone & Webster people very well. I would like to say that they are very strong competitors of mine, and they come nearer being idealists in selling things cheaper to the public than they can get anywhere else than anybody I have ever heard of anywhere. They are strong competitors of mine, and I have lost a lot of money and a lot of sleep over the fact that I can not get business that they get away from me; but I have yet to find a single place where the Stone & Webster people were not putting the price of their products down all the time.

Now, remember these two statements of Mr. Cooper, that he personally raised the money to build the Keokuk Dam and that the Stone & Webster people were very strong competitors of his. In an endeavor to verify this information I secured a copy of Moody's Manual of Railroads and Corporation Securities for 1913, and I turned to the report upon the Mississippi River Power Co., which owns this Keokuk Dam, and, notwithstanding the statement of Mr. Cooper that the Stone & Webster people were strong competitors of his, and that they were keeping him lying awake nights, I find that the president of this same Mississippi River Power Co. is Edwin S. Webster; the vice president is the same Hugh L. Cooper who testified. The directorship includes E. S. Webster and C. A. Stone. The managing agents are given as Stone & Webster. If this is Mr. Cooper's idea of competition, I wonder what his definition of monopoly would be. [Applause.]

At this point I may as well say something of Mr. Worthington, the other witness before the committee. I inferred from his testimony that he must be interested in the Alabama Power Co., but upon referring to Moody's Manual again I found that

Mr. SHEPPARD. Mr. President, these statistics are merely to serve as a basis for investigating the very question the Senator suggests. It is not to say arbitrarily that certain occupations produce certain disease, but by getting these figures the department will endeavor to ascertain whether they do or not.

Mr. GALLINGER. I am still of opinion that it is a dangerous field to enter upon, and I will ask to have the motion submitted to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendemnt to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

Mr. SMOOT. Mr. President, I make the point of order against the amendment as amended, because if it has been amended it is not carrying out the provisions of a resolution and is general legislation on an appropriation bill and no estimate has been made for it.

The PRESIDING OFFICER. The Chair is of opinion that the point of order is not well taken, and overrules it.

The question is on agreeing to the amendment offered by the Senator from Texas as amended.

The amendment as amended was agreed to.

Mr. BURTON. Mr. President, I should like to ask a question of the chairman of the committee, or some member of the committee, in regard to an item on page 46. It is for the payment of judgments against the United States. In lines 2 to 5 these words are used:

Together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

Mr. MARTIN of Virginia. That is in the direct language of the statute. There is a statute that provides that interest shall be paid on judgments at the rate of 4 per cent per annum. The Senator from Utah [Mr. SMOOT] raised the same question and wanted the committee not to put in that language, but it is in accordance with law. It is necessary to be put in. It is so provided by law.

Mr. SMOOT. I will say to the Senator that in looking it up I found that section 10 of the Tucker Act specifically provides that 4 per cent interest shall be paid upon those judgments.

Mr. BURTON. What class of judgments?

Mr. SMOOT. Judgments of the United States courts.

Mr. BURTON. Does that include the Court of Claims?

Mr. MARTIN of Virginia. All judgments of circuit courts.

Mr. SMOOT. Yes: all judgments of circuit courts. I was not aware of it until to-day.

Mr. BURTON. That is not true of the Court of Claims, is it?

Mr. SMOOT. No; I think not of the Court of Claims, because we never allow interest on judgments of the Court of Claims; but, as I say, section 10 of the Tucker Act specifically states that 4 per cent interest shall be paid on judgments of United States courts.

The PRESIDING OFFICER. If there be no further amendments to be offered as in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

ENLARGED HOMESTEAD.

Mr. BORAH. I ask unanimous consent for the present consideration of a bill on the calendar which has been passed by the House and unanimously reported by the Committee on Public Lands. It is House bill 1698.

The PRESIDING OFFICER. The Senator from Idaho asks unanimous consent for the present consideration of House bill 1698. Is there objection to the request?

Mr. SHAFROTH. I should like to have the title of the bill stated.

The PRESIDING OFFICER. The Secretary will state the title of the bill.

The SECRETARY. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PAGE. Mr. President, I think I must object to the present consideration of the bill.

Mr. BORAH. Why does the Senator object?

Mr. PAGE. Because I think it is a bill that ought not to be passed. I have not examined all of it with sufficient care to say so positively at this time, but I think I shall have to object to its present consideration.

Mr. BORAH. Of course the Senator has that privilege.

The PRESIDING OFFICER. Objection is made.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, July 20, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We would approach Thee, Almighty God, in the spirit of Him who taught us when we pray to say:

Our Father which art in heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil: For Thine is the kingdom, and the power, and the glory, for ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ENGROSSMENT OF CLAIMS RESOLUTIONS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of the orders which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Order No. 15.

Ordered, That in the engrossment of H. Res. 532 the Clerk be directed to strike out "[Connecticut]," on page 1, line 7; and also to insert in their proper alphabetical order the amendments offered under "Tennessee."

Order No. 16.

Ordered, That in the engrossment of H. Res. 451 the Clerk be directed to insert the amendment offered on page 2, under "Alabama," in their proper alphabetical order; and also, on page 4, line 10, to strike out "[Illinois]."

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of the orders which the Clerk has just reported. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the orders.

The question was taken, and the orders were agreed to.

CORRECTION.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to make a statement in the nature of a correction of the RECORD. During a discussion in the House on July 15 I understood the gentleman from Colorado [Mr. SELDOMRIDGE] to make the following statement, which I find is so transcribed by the reporter of debates:

This administration has been able, through its policy of wise and peaceful methods, to bring peace and good order to that disordered country.

Referring in that statement to Mexico, which statement led me to make the following observation:

Mr. Chairman, listening to the picture of order and peace having been restored in Mexico by this administration, as painted by the gentleman from Colorado [Mr. SELDOMRIDGE], it occurred to me that that picture of order and peace and quietude could only have been painted and could only have been imagined by a gentleman from Colorado.

I find that in the RECORD the statement of the gentleman from Colorado now reads differently, and I have no criticism to make of the improvement which I admit has been made in that statement, for it seems nearer to the demands of the truth. It is as follows:

This administration has been able, through its wise and peaceful policy, to bring about conditions that will result in peace and good order in that distracted country.

I make this statement, Mr. Speaker, merely to have it appear in the RECORD.

RESIGNATION FROM A COMMITTEE.

The SPEAKER laid before the House the following resignation:

WASHINGTON, D. C., *July 16, 1914.*

Hon. CHAMP CLARK,
Speaker House of Representatives.

DEAR MR. CLARK: I beg to hereby tender my resignation as a member of the Committee on Agriculture.

Yours, very truly, CHARLES H. SLOAN.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

COMMITTEE ELECTIONS.

Mr. UNDERWOOD. Mr. Speaker, at the request of the gentleman from Illinois, I move that CHARLES H. SLOAN, of Nebraska, be elected a member of the Committee on Ways and Means, and that Mr. SYDNEY ANDERSON, of Minnesota, be elected a member of the Committee on Agriculture.

The SPEAKER. The Clerk will report these nominations.

The Clerk read as follows:

JULY 16, 1914.

Hon. OSCAR W. UNDERWOOD,
Chairman Committee on Ways and Means,
House of Representatives.

DEAR MR. UNDERWOOD: I beg to recommend the election of Hon. CHARLES H. SLOAN, of Nebraska, as a member of the Committee on Ways and Means, and Hon. SYDNEY ANDERSON, of Minnesota, as a member of the Committee on Agriculture.

Yours, very sincerely,

JAMES R. MANN,
Chairman Conference Minority.

The SPEAKER. Without objection, these gentlemen will be elected to these places.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, by direction of the Democratic caucus, I also move the election of the following gentlemen to the several committees named in the paper which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Nominations of Democratic caucus:

MICHAEL J. GILL, twelfth Missouri, to be a member of the following committees: Invalid Pensions, Labor, and Industrial Arts and Expositions.

W. O. MULKEY, third Alabama, to be a member of the Committee on the District of Columbia.

WILLIAM L. IGOE, eleventh Missouri, to be a member of the Committee on the Judiciary.

E. Y. WEBB, ninth North Carolina, to be the chairman of the Committee on the Judiciary.

The SPEAKER. Without objection, these gentlemen will be elected to the places named.

There was no objection.

USE OF REVENUE CUTTERS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter from the Secretary of the Treasury with relation to certain statements that were made in the House on the 11th day of July relative to his alleged violation of the law in the use of revenue cutters.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the CONGRESSIONAL RECORD a letter from the Secretary of the Treasury on the subject of remarks that were made about his abuse of the use of revenue cutters. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to hear the letter read now.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the letter may be read at this time.

The SPEAKER. That will get it into the RECORD surely.

Mr. HUMPHREY of Washington. Mr. Speaker, reserving the right to object, I will ask the gentleman from New York if the Secretary says anything in that letter in regard to the rumor that his son, at the time he was married, was using a revenue cutter on his honeymoon trip?

Mr. FITZGERALD. I do not know.

Mr. MURDOCK. Who was married?

Mr. HUMPHREY of Washington. The son of the Secretary of the Treasury, as I have heard, used a revenue cutter for the purpose of making a honeymoon trip when he was married.

Mr. FITZGERALD. Mr. Speaker, no such statement as that has ever been made.

Mr. MURDOCK. Let us hear the letter read.

Mr. FITZGERALD. I do not think anybody would make such a preposterous statement.

The SPEAKER. The gentleman from New York asks unanimous consent that the letter be read at this time. Is there objection?

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, July 17, 1914.

MY DEAR MR. FITZGERALD: My attention has been called to page 11971 of the CONGRESSIONAL RECORD, dated July 11, 1914, where Mr. GOOD of Iowa made the following statement:

"It is a notorious fact that every Friday or thereabouts at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded down with Democratic officials, and they are taken for a cruise down the Potomac at Government expense; but that would not be so bad if the violation of the law stopped there."

He then quotes a newspaper item in which it is stated that the Secretary of the Treasury and Mrs McAdoo arrived at Mattapoisett, Mass., July 5, on the revenue cutter *Onondaga*. Mr. GOOD recites a provision of the law contained in the sundry civil bill approved July 7, 1884, which provides that "hereafter revenue cutters shall be used exclusively for the public service and in no way for private purposes." He then alleges that the Secretary of the Treasury has violated this law because he rode upon a revenue cutter, and exclaims: "If the public to-day had the power, in no uncertain terms it would demand the removal from office of the Secretary of the Treasury, who not only refuses to enforce this law but himself violates it."

Please allow me to thank you for having so effectively replied to these statements of Mr. GOOD, which I can ascribe only to utter ignorance on his part of the law and the long-standing practice of this department or to wanton misrepresentation.

[Applause on the Democratic side.]

If the present Secretary of the Treasury has violated the law in going aboard a revenue cutter, then every Secretary of the Treasury since the passage of this law in 1884 has been a violator of the law. Every one of my Republican predecessors, namely, William Windom, Charles Foster, Lyman J. Gage, Leslie M. Shaw, George B. Cortelyou, and Franklin MacVeagh, as well as my Democratic predecessors, Hugh McCulloch, Daniel Manning, Charles S. Fairchild, and John G. Carlisle, have been violators of the law. The fact is that neither I nor any of my predecessors, Republican or Democratic, have violated the law in going aboard revenue cutters. The Secretary of the Treasury is the head of the Revenue-Cutter Service, and has been since its foundation in 1792. The purpose of the service is, among other things, to patrol our coasts and the adjacent waters for prevention of smuggling, the destruction of derelicts at sea, and the rescue of life and property imperiled at sea. In the winter cruising season no revenue cutter is allowed to remain in port longer than 24 hours without a written explanation to the department. I consider it highly advantageous to the service for the Secretary of the Treasury himself to go aboard the revenue cutters and to cruise with them as frequently as possible, because it enables him to familiarize himself with the service generally, with the character and operation of the ships, and the manner in which the officers and crew are performing their duties. On two occasions within the last 17 months, when I have been on board revenue cutters, rescues were made at sea, and I secured knowledge which I have applied with great advantage in the administration of the Revenue-Cutter Service. During the fiscal year ended June 30, 1913 (report for the fiscal year ended June 30, 1914, is not yet ready), the Revenue-Cutter Service saved 327 lives and assisted vessels and cargoes imperiled at sea to the value of $10,626,610. This service, in cooperation with the Life-Saving Service, for the same year saved 4,423 lives and assisted in saving property valued at $16,650,545.

Permit me to say that my Republican and Democratic predecessors in this office have permitted Congressmen and Senators and other officers of the Government to go aboard the revenue cutters from time to time and upon such occasions as they thought it might be beneficial to the service. In all such instances officers of the Government have been permitted to use the revenue cutters only when it did not interfere with the proper cruising arrangements of the vessels, and always, as I understand it, upon the payment by such officials of their personal expenses on the ships.

Permit me also to say that the Presidents of the United States have frequently made use of the revenue cutters. I do not believe that such use was a violation of the law. President Taft and President Roosevelt have been on the revenue cutters at various times.

Mr. GOOD says: "It is a notorious fact that every Friday or thereabouts at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded down with Democratic officials, and they are taken for a cruise down the Potomac at Government expense." This statement is utterly without foundation.

[Applause on the Democratic side.]

There is no revenue cutter by the name of *Prairie*; there is a naval supply vessel by the name of *Prairie*—a sort of transport, which has been employed for some time in carrying men and supplies to and from the naval fleet in southern waters. I have no control whatever over the *Prairie*. No revenue cutter of any kind or character "leaves Boston every Friday or thereabouts and comes to Washington" for any purpose whatever, nor has any revenue cutter come from Boston to Washington or gone from Washington to Boston since I became Secretary of the Treasury. It is inconceivable how Mr. GOOD could have made such an untrue statement, especially when he could have ascertained the facts by merely inquiring at the department.

On the occasion to which Mr. GOOD refers, namely, July 5, 1914, I did arrive at Mattapoisett, Mass., on the revenue cutter *Onondaga*. The *Onondaga* was under cruising orders, and I accompanied her on that cruise. Every item of expense occasioned by my presence and that of my wife on the cutter was paid by me.

[Applause on the Democratic side.]

I have never at any time been on a revenue cutter when I have not paid every item of expense connected with my presence there. This is the only occasion upon which I have ever gone from Washington to Mattapoisett on a revenue cutter.

In the course of the debate, Mr. GOOD asked the following question: "Will the gentleman name some of the duties that might devolve upon the Secretary of the Treasury which would cause him to use a revenue cutter leaving New York Harbor with the American flag flying, and immediately after it was outside of the harbor the Secretary ordered the flag pulled down and its remaining down until they reached the port in Massachusetts where his summer home is?" If by this Mr. GOOD means to charge that any such incident as this occurred while I was on the *Onondaga*, the charge is unqualifiedly false. I have never given orders at any time concerning the flag, and the only time I have ever seen the flag lowered on a revenue cutter was at sunset, when on all revenue cutters, as well as on all naval vessels of the United States, the flag is lowered at sunset, and the salute to the flag is given.

As the administrative head of the service, I have done my utmost to learn as much as I can about the revenue cutters, because I am deeply interested in the brave men who run these ships and in the splendid humanitarian and other work they do. Not only is this lawful, but it is in the line of my duty. Such criticism as that of Mr. GOOD displays an utter lack of understanding of the law and the purposes for which the Revenue-Cutter Service is maintained.

With kind regards, I am,

Very sincerely, yours, W. G. MCADOO.

Hon. JOHN J. FITZGERALD,
House of Representatives.

[Applause on the Democratic side.]

merce urging the adoption of this amendment. It is very brief, and I will read it:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 18, 1914.

Hon. MILES POINDEXTER,
United States Senate.

MY DEAR SENATOR: Knowing your interest in the operations of the Bureau of Fisheries in salmon propagation on the Pacific coast, your attention is respectfully called to the total destruction of the hatchery building and barn at the Baker Lake (Wash.) station of the bureau.

Unless this hatchery building can be reconstructed before the fall run of salmon occurs, it will be impossible to conduct fish-cultural operations at Baker Lake during the current fiscal year. There are no funds now available for this, and it is suggested that the following item be incorporated in the deficiency bill now before the Senate Committee on Appropriations:

"Fish hatchery, Baker Lake, Wash.: For the reconstruction of the hatchery building and barn recently destroyed by fire, $4,500."

Very truly, yours,

WILLIAM C. REDFIELD,
Secretary.

In order that the information may be available for consideration in connection with this matter later on, I should like to state very briefly the extent and nature of the work done at this hatchery. It is the principal fish hatchery in the State of Washington, or was so regarded before it was destroyed by fire.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. POINDEXTER. I yield to the Senator.

Mr. THOMAS. I merely wish to inquire whether the structures were insured?

Mr. POINDEXTER. I am not advised whether or not they were insured. My impression is that the Government does not insure its buildings.

Mr. GALLINGER. Mr. President, I will say to the Senator that public buildings are not insured in the District of Columbia. I do not know how it may be outside of the District, but there is no insurance carried on Government buildings in the District.

Mr. POINDEXTER. Mr. President, this fish hatchery is in a forest reserve at the head of Baker River and on Baker Lake, and is devoted to the propagation of blueback salmon, silver salmon, humpback salmon, and steelhead trout. Its output for the last five years has been 47,905,000. For the last three years the annual output has been as follows: In 1912, 6,371,000; in 1913, 7,666,000; and in 1914, 3,643,000. In 1914 the output fell off on account of the conditions being poor, and that year might be called an off year. Its chief output is blueback salmon, and it is the only hatchery in the State putting out that variety of salmon. This salmon is found in large quantities only in the Columbia and Skagit Rivers, and this hatchery is located near the Skagit River. The blueback salmon is a very valuable commercial variety, and it is most important that it should be maintained. To delay work and prevent any output next year would affect the salmon run for years hence.

As I have indicated, the Baker Lake Station is the Government's main station in the State of Washington. The Government has four or five other hatcheries, but Baker Lake is the main one, and the only one propagating the blueback variety of salmon.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield to the Senator.

Mr. STONE. I understood the Senator to say that the blueback salmon was found only in the Columbia River and what other river?

Mr. POINDEXTER. And the Skagit.

Mr. STONE. Are these fish very numerous in those streams?

Mr. POINDEXTER. They are exceedingly numerous. It is one of the principal commercial varieties of the salmon in Puget Sound, and the run of salmon there is of very great commercial value.

Mr. STONE. I am asking to get light on a matter which I do not understand. What is the function of this fishery? Do they produce fish and distribute them?

Mr. POINDEXTER. They do.

Mr. STONE. Where are they sent?

Mr. POINDEXTER. They are placed in the waters of these streams, where they develop and follow the usual life history of salmon. When they grow to a certain size they leave the streams and go to sea, and at a certain period they return to the streams; and as they return, under certain regulations, they are trapped and canned for the market.

Mr. STONE. Yes; I understand that; but I was curious to know why the natural production in streams would not be abundant to maintain the supply, without the semiartificial way of adding to or taking care of the supply to prevent its exhaustion.

Mr. POINDEXTER. I am very glad the Senator asked that question. Of course it involves the entire policy of the artificial propagation of fish which the Government has been engaged in for many years and has developed to a very high point of efficiency, not only in regard to salmon, but in regard to cod, shad, and various inland fish.

As to why the natural reproduction of these fish is not sufficient to maintain the supply, my judgment is that it is because of the tremendous extent to which the fish are caught. It has been found from experience that unless some artificial aid is given they will be exterminated.

Mr. CLAPP. Mr. President, if the Senator will pardon an interruption, it is not only because of the increased destruction through the use of fish, but there is no period in the life of the fish when they are so susceptible to destruction by those forms of fish that take the eggs from the bed of the stream as at the egg period. It is a fact that carrying them through that period in these artificial fish hatcheries to the point where they can in a measure protect themselves by flight very largely increases the percentage of the development and preservation of the small fish. That is why the artificial production is so much preferable to the natural production at that particular point in their existence.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BORAH. Mr. President, on page 42, in line 20, after the figures "1,500," I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the committee amendment on page 42, line 20, it is proposed to insert the following paragraph:

To pay to the Hon. K. I. Perky the sum of $267.12, being the compensation of a Senator of the United States for 13 days, January 25 to February 6, 1913, during which time he served as a Senator from the State of Idaho.

Mr. MARTIN of Virginia. Mr. President, there is no doubt about the justice of that amount. I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CHILTON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 11, after line 17, it is proposed to insert:

Martinsburg, W. Va., post office and courthouse: For extension, remodeling, rebuilding, reconstruction, or improvement, including installation of an elevator, $20,000.

Mr. MARTIN of Virginia. As I understand, that is within the limit of cost, and the amendment ought to be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KERN. Mr. President, in order to make it as unobjectionable as possible, I will state that the amendment I send to the desk is offered by me for another Senator, Mr. REED. I have a memorandum in regard to it that I will read in a moment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert the following, after line 18, on page 43:

To pay the following named for overtime and expert services rendered to the Committee on Banking and Currency, assisting in compiling and indexing the hearings on the federal-reserve act from October 20 to November 5, 1913, by detail from the Government Printing Office, the sum set opposite each name respectively: Helen C. McGowa, $46.26; Elizabeth M. Eggert, $39.76; Elizabeth A. Spilman, $35.91; and Minnie B. Hegeman, $20.90; in all, $142.83.

Mr. KERN. Mr. President, the Senator from Missouri [Mr. REED], who was obliged to leave the Chamber, left with me this memorandum about the amendment. He says:

The hearings on the Federal reserve act before the Banking and Currency Committee began September 2, 1913, and were concluded October 28. The hearings cover 3,200 printed pages.

It was necessary that the index of these hearings should be prepared immediately in order to have the volumes printed and before the Senate when the bill was taken up for consideration. The committee had no additional clerical assistance, the force consisting of a clerk and two stenographers. The Printing Office was called upon to detail expert assistants in connection with the indexing, and four young ladies were detailed in compliance with this request. They assisted the clerk, night and day, including Sundays, from the 20th of October to the 5th of November. They were paid for the regular hours of employment by

the Government Printing Office, but have received no compensation for the extra time they put in at night and on Sundays. The provision proposed to be incorporated in the deficiency bill makes appropriation for payment to them for this extra service, only, at the rate they would have received had they been employed overtime by the Government Printing Office.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, during the consideration of the District of Columbia appropriation bill we had a most interesting hearing by certain blind people, and two appropriations were placed in the bill in aid of the blind. They were both lost in conference.

I observe that in this bill an appropriation for the library for the blind is inserted, which was one of the provisions which was in the District of Columbia appropriation bill. I will say that our legislation in the District of Columbia for the care of the blind is very imperfect and inadequate; but some very worthy people have established a home in Georgetown, and have constructed a new building, and they are taking care of blind people and teaching them trades as far as possible, and doing most excellent work.

I am very strongly in favor of the amendment which has been inserted in this bill for the library for the blind; but I am equally in favor of giving a little aid to this institution in Georgetown, which is in debt, having a mortgage upon its property.

The provision which appeared in the District of Columbia bill appropriated $10,000 for that purpose. I am going to offer an amendment, which I am sure the chairman of the committee will be willing should go to conference, giving them $5,000, which is the same amount that was included in the bill for the library for the blind.

I offer that amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, after line 5, after the amendment agreed to at that point, it is proposed to insert:

AID TO THE BLIND.

Aid Association for the Blind: For aid, maintenance, improvement of grounds, and purchase of mechanical equipment for the workshop of the Aid Association for the Blind, located at 3050 R Street NW., $5,000, said sum to be expended under the direction and supervision of the Commissioners of the District of Columbia.

Mr. THOMAS. Mr. President, I should like to inquire why items of that kind are not included in the District of Columbia appropriation bill? What part have they in a bill of this sort?

Mr. GALLINGER. I had just explained to the Senate in a few words that this item, carrying an appropriation of $10,000, was inserted in the District bill and passed the Senate; but it was lost in conference, as was the item relating to the library for the blind, which has been put in this bill. I wanted this item to go to conference in conjunction with the other item, and if it is lost again, of course we can not help it; but it is a very worthy purpose.

Mr. THOMAS. I think if we can lavish $75,000 upon a celebration in Maryland, we can afford to spend $5,000 for the blind.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 41, after line 2, it is proposed to insert:

To enable the Secretary of Labor to carry out the provisions of Senate resolution 68, agreed to June 30, 1914, directing him to "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged," the Secretary of Labor be, and he is hereby, authorized to employ, through the Commissioner of Labor Statistics, such temporary assistance as may be necessary to tabulate the material secured in compliance with Senate resolution 68, to be paid from the appropriation for miscellaneous expenses, Bureau of Labor Statistics, 1915.

Mr. SMOOT. Mr. President, I want to say that this is simply another duplication of work. We have the Census Department now under the Department of Commerce. Yesterday afternoon I telephoned to the Census Office and asked the Census Office if they had the information asked for in this amendment. They told me that they had the information covering a little over one-half the United States. I asked them why they did not have it to cover the whole of the United States, and they stated that the reason was that the other States had laws that were not applicable to the collection of the proper information, or at least information in which they had absolute confidence.

This work never ought to be placed in the hands of another department of the Government. To-day, under the Department of Commerce, the Census Office has a complete corps of workers for the collection of this information. If we undertake this duplication of work, if we make this appropriation at this time for the Department of Labor to undertake it, it will be only the beginning of a system that will end in a bureau in that department with an appropriation of $100,000 or $200,000 every year.

I know the Senator may say that this is simply to collect the information at this time; but experience has shown that wherever it has been undertaken in any department it has never ceased, and this is simply asking another department of the Government to do work that is being done by one of the departments at the present time.

I make the point of order against the amendment that it is general legislation upon an appropriation bill, and not estimated for.

Mr. SHEPPARD. Mr. President, this amendment to the pending bill is to carry out a resolution previously passed by the Senate during this session. It is therefore in order. On page 17 of the Standing Rules of the Senate the Chair will see the language which I am about to read.

Mr. SMOOT. In that connection let me call the attention of the Chair to the fact that the resolution of which the Senator speaks was not a joint resolution. It was only a Senate resolution and has no binding effect whatever. If it had been a joint resolution, and had become a law by the action of both Houses, then the Senator's contention would be sound.

Mr. SHEPPARD. The rules do not say "joint resolution."

Mr. SMOOT. That is what has always been held by the various presiding officers of the Senate.

Mr. SHEPPARD. The rules do not specify that it shall be a joint resolution. I call the Chair's attention to the plain language of the rule:

Or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Mr. SMOOT. Of course that means a law, and nothing can be a law unless passed by both Houses. Of course it does not say "joint resolution"; but it means and has always been held to mean a resolution passed by both Houses, which is a joint resolution or a concurrent resolution.

Mr. SHEPPARD. That is merely the *ipse dixit* of the Senator from Utah. The plain language of this rule is that the amendment is in order if it is to carry out a resolution heretofore passed during this session.

I submit to the Chair that the plain language of the rule makes the amendment in order.

The PRESIDING OFFICER. The Chair has read the rule. The Chair holds that under four conditions such an amendment is in order: Where it is to carry out the provisions of—

(1) Some existing law—
(2) Or treaty stipulation—
(3) Or act—
(4) Or resolution previously passed by the Senate during that session.

The resolution having previously passed the Senate during this session, the amendment is in order.

The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, I want to appeal to the Senator from Texas to agree to striking out three words. This amendment provides that the Secretary of Labor shall "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations," and so forth.

If we go into an investigation of the question of diseases that may occur from vocational enterprises or labor, it is an endless journey, and I do not think it is practicable. I do not see how it can be determined, except to guess. A man has a chronic disease, we will say, and he has been employed in some class of labor, some manufacturing concern. I do not know how on earth any man is wise enough to determine whether that disease was produced by the labor in which he was engaged, or whether it may not have been hereditary, or whether it may not have been produced by some other cause.

I am quite in favor of the compensation act, so far as death and disability are concerned; but I am very fearful that if we go into this question of compensation for diseases incurred we will rue the day we adopted that course.

Therefore I move to strike from the amendment the words "or by disease," and I hope the Senator will agree to have those words eliminated.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On line 5 of the amendment it is proposed to strike out the words "or by disease."

priation of between $150,000 and $200,000. I can not get my consent to sit silently by, without raising the point of order, to pay that sum to people already receiving as much money, if not more money, than they could in any other activity of life, either in private or public employment.

I have raised this point of order on every appropriation bill upon which it has been offered, and I shall continue to do so, because I do not believe we have, in good conscience, the right to take a sum of money ranging, perhaps, up to $200,000 to pay to employees some of whom are getting good salaries for but little work.

Mr. KERN. Mr. President——

Mr. GALLINGER. Regular order, Mr. President.

Mr. KERN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 3, after line 14, it is proposed to insert the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any moneys in the Treasury not otherwise appropriated, to any trust company or other claimant, taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 13, 1898 (30 Stat. L., p. 448), from such trust company or other claimant on its capital, surplus, or undivided profits, in accordance with the decisions of the circuit court of appeals in the case of Treat, collector v. The Farmers' Loan & Trust Co. and the Central Trust Co., of New York (186 Fed. Repts., pp. 760 to 765).

Mr. KERN. Mr. President, this amendment simply provides that the United States shall pay this money, which it owes according to the decision of the court. It is conceded by the Secretary of the Treasury that such is the case. I hope there will be no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Indiana.

Mr. THOMAS. I do not know that I comprehend the force of the amendment. I should like to have it again read.

Mr. KERN. It provides for the refund of taxes unlawfully collected.

Mr. BRYAN. Mr. President, I raise the point of order on the amendment that it is general legislation on an appropriation bill. There is a proper place for these claims before the proper committee.

The PRESIDING OFFICER. The Chair will submit to the Senate the point of order raised by the Senator from Florida.

Mr. KERN. Mr. President, if there is any question about the United States owing these people the amount that is conceded by the Secretary of the Treasury, justification is found for this appropriation in the decision of the court. The matter has been heretofore before the committee, and I think the justice of it is conceded by everybody; no one disputes the justice of the claim.

Mr. BRYAN. Mr. President, if so, the Senate can take the matter up in the regular and proper manner and consider and pass it. We do not know how much money is involved in this amendment. Such claims ought to be properly presented. I am not usually very jealous about other committees; but we have a Committee on Claims established for the purpose of considering claims against the Government, where the evidence is looked into, where the amount of the claim is examined, and where reports from the departments as to the amount of such claims are asked for and sent to the committee. I think it is bad legislation to put a wholesale amendment on a deficiency or other appropriation bill without knowing what is the amount involved or what are the circumstances of the case.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. Has the Senator from Florida any idea of the amount which will be involved?

Mr. BRYAN. I have none whatever.

Mr. SHAFROTH. Has the Senator from Indiana any idea of it?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from New Hampshire?

Mr. KERN. Mr. President——

Mr. GALLINGER. I addressed the Chair to take the floor in my own right. I thought the Senator from Florida was through. I rose to ask the Senator from Indiana a question. Evidently this matter is to be submitted to the Senate, and we want to vote correctly on it if we can. I ask the Senator from Indiana to make a brief statement covering this case. What are the facts?

Mr. KERN. Mr. President, the matter has been presented to the Committee on Appropriations very frequently at different times, and I presume the Senator from Virginia [Mr. MARTIN] knows more about it than do I. I have no interest in the claim at all. I offer the amendment because two trust companies in my State have made this claim to the Secretary of the Treasury, and I understand that a number of other trust companies have done likewise.

The claim is for taxes erroneously assessed and illegally collected under the war-revenue act of 1898. The Secretary of the Treasury, I know—for I have seen his written statement to that effect—admits the justice of these claims; but he contends that under the existing statute he is without power to pay them and has relegated these people to Congress for their remedy.

Mr. GALLINGER. Has the circuit court of appeals given a favorable opinion on the claims?

Mr. KERN. The circuit court of appeals in the case referred to here of Treat, collector, v. The Farmers' Loan & Trust Co. and the Central Trust Co. of New York have so decided. That decision is accepted as the law by the Treasury Department.

Mr. GALLINGER. Mr. President——

Mr. SHAFROTH. I should like to ask the Senator——

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GALLINGER. Mr. President, I have a great many times during my service here stated that if the United States were a private party or a corporation, and there was a law that would incarcerate persons or corporations for not paying their honest debts, the United States would be in jail all the time.

Mr. KERN. Yes, sir.

Mr. GALLINGER. And I have put myself on record as being in favor of paying every just claim that a citizen of this country has against the United States. I do not know but it would bankrupt the Government, for the Government is treating its citizens in this regard shamelessly, as I look at it. As the court has decided that this is a just claim, and as it is not controverted by the department, as I understand, I certainly shall vote in favor of putting it on any bill that it can properly be put on until it is paid.

Mr. BRYAN. I want to say, in reply to the Senator from Indiana [Mr. KERN], that I should like to have the letter of the Secretary of the Treasury read.

Mr. KERN. I have not the letter at hand.

Mr. BRYAN. Who has this information?

Mr. KERN. The Senator will have to take my word for some things. The chairman of the Committee on Appropriations, I think, is acquainted with the circumstances.

Mr. BRYAN. Mr. President, my recollection is that some of the tax collected under the war-revenue act of 1898 has been refunded, and bills have been pending before the Committee on Claims a good many times providing for additional refunds. Some of those who paid, as they had a right to do, at the time the tax was collected paid the money under protest or filed claims within a certain period of time. Sixteen years have elapsed since that tax was levied, and now on this fragmentary showing and upon the recollection of some one as to what the Secretary of the Treasury says ought to be paid, we are asked to appropriate an unknown sum.

These claimants have had their remedy in the courts; and the committees of the Senate have been open to them for 16 years to make any showing they could that they had either legal or equitable claims which could have received the attention of the Senate. I think there can be no question that the point of order is well taken, because no Senator will undertake to say that this is not general legislation on an appropriation bill.

The PRESIDING OFFICER. The question is, Is the amendment in order? Senators in favor of declaring the amendment in order will vote "aye"——

Mr. SMOOT. Mr. President, I desire to know how the question is going to be put to the Senate?

The PRESIDING OFFICER. Senators who believe the amendment is in order will vote "aye"; those who do not believe the amendment is in order will vote "no."

Mr. BRYAN. The question does not come upon the merits of the amendment, but it comes upon the question of whether the amendment is in order.

The PRESIDING OFFICER. The Chair has so stated. The question is, Is the amendment in order?

Mr. SMOOT. I understood the Chair would put the question in that way, for that is the way in which it should be put.

Mr. President, I feel that there is no doubt that the point of order lies against this amendment. I should dislike to be put in the position by voting to incorporate the amendment in the bill of voting at the same time against what I believe to be an absolute compliance with the rule.

Mr. GALLINGER. Does the Senator from Utah think it is general legislation? Does he think that point is well taken?

Mr. SMOOT. I think it is.

Mr. GALLINGER. On a matter that relates to two corporations?

Mr. SMOOT. We can not tell how many it refers to; it is general legislation covering everybody who would come under the provisions of the amendment.

Mr. GALLINGER. I do not so understand.

Mr. SMOOT. It may be one, or it may be a thousand; we can not say how many there will be.

Mr. GALLINGER. There are but two named in the amendment.

Mr. BRYAN. The amendment could not be framed in much more general language than it is. It applies to everybody who comes within its terms.

Mr. SMOOT. Therefore, if the question is put in that way, I shall have to vote that the point of order is well taken, because I think that it is, and I believe that under our rules the ruling of the Chair could not be otherwise than to sustain the point.

The PRESIDING OFFICER. The question before the Senate is, Is the amendment in order? [Putting the question.] The noes seem to have it; the noes have it, and the amendment is declared to be out of order.

Mr. WARREN. Mr. President, at the request of the department, I offer the amendment which I send to the desk, and ask that it be inserted in the proper place in the bill. If the point for its insertion indicated on the amendment is an improper place, I ask that the Secretary may change it.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 39, after line 24, it is proposed to insert:

BUREAU OF FISHERIES.

Fish hatchery, Saratoga, Wyo.: For addition to the Saratoga, Wyo., fisheries station, including construction of buildings and ponds, improvement to water supply, and for equipment, to remain available until expended, $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. THOMAS. Mr. President, I should like to inquire if an estimate has been made for that amendment?

Mr. WARREN. I desire to say that I have just received a letter from the department regarding this matter. If the Senator would like to hear it, I will ask that the letter be read.

Mr. THOMAS. I ask that the letter be read.

Mr. WARREN. Mr. President, I send the letter to the Secretary's desk and ask to have it read.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, July 18, 1914.

Hon. FRANCIS E. WARREN,
United States Senate.

MY DEAR SENATOR: Knowing your interest in the establishment and construction of the Saratoga, Wyo., fish-cultural station, I beg to call your attention to the condition which now exists in connection with the funds available for this purpose. Of the $25,000 appropriated, $2,000 has been expended for land and water rights and $250 for incidental items, including travel, surveys, etc. The balance of $22,500 it is proposed to use in the construction of a hatchery building, superintendent's residence, tool house, and other small buildings, water supply, a stock pond and two rearing ponds, and general equipment.

With the above work completed the station will be established and may be operated in a limited way. The experience of the Bureau of Fisheries has, however, amply proved that an appropriation of $25,000 is not enough to procure a site, construct, fully equip, and complete a modern and efficient fish-cultural station, and the investigations in connection with the Wyoming site have confirmed this.

In order to complete this station so as to get the best results it will require at least $25,000 more than is now available. This additional sum would be expended in the development of the water supply, construction of more stock ponds, rearing ponds, and buildings, and the purchase of more equipment, and would enable the Bureau to more than double its output of the valuable fishes of Wyoming.

It is therefore suggested that the following item be incorporated in the deficiency bill now before the Senate Committee on Appropriations.

"Fish hatchery, Saratoga, Wyo.: For addition to the Saratoga, Wyo., fisheries station, including construction of buildings and ponds, improvement to water supply, and for equipment, to remain available until expended, $25,000."

Very truly, yours,

WILLIAM C. REDFIELD, *Secretary.*

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

Mr. SHEPPARD. Mr. President, I should like to inquire when was the original $25,000 authorized?

Mr. WARREN. It was appropriated some three years ago.

Mr. SHEPPARD. Why has it taken so long to complete the work?

Mr. WARREN. Because they were not able to secure title to the land until within the last three months.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. SMOOT. On page 15, after line 19, I move to amend the bill by inserting the following:

Spanish Fork, Utah, post office: For site and commencement, $7,500.

I will state to the chairman——

Mr. MARTIN of Virginia. Mr. President, the amendment offered by the Senator from Utah is merely to cover an omission inadvertently made by the department. It is similar to other items in the bill, and ought to be adopted.

Mr. THOMAS. I will ask that the amendment be stated at the desk. I did not catch it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 15, after line 19, it is proposed to insert:

Spanish Fork, Utah post office: For site and commencement, $7,500.

Mr. SMOOT. I will say to the Senator that a couple of years ago a bill passed authorizing the construction of a post office at Spanish Fork, Utah, and $50,000 was appropriated for that purpose. The department have just called my attention to the fact that they have now assurance that the site can be purchased within the limit fixed by the law, and the amendment simply follows the lines of similar items which are already included in the bill.

Mr. THOMAS. Very well.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. On behalf of the senior Senator from North Dakota [Mr. MCCUMBER] I offer the amendment which I send to the desk, to come in on page 19, after line 9.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, after line 9, it is proposed to insert:

Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 31, 1914.

Mr. SMOOT. Mr. President, the object of the amendment is to relieve certain grain exporters who filed claims in due time in accordance with the law, but at the time were not able definitely to state the exact amounts to which they were entitled. Afterwards, on learning the amount of the documentary stamps which they had purchased and put upon bills of exchange, they discovered that the claims they had filed did not amount to half the actual sums expended by them. In the meantime the limit of time prescribed by the law within which claims might be filed had been reached. This is simply to extend the law so that they can file their claims and be paid for those stamps under a provision of the law which, after the matter had gone to the courts, was found to be unconstitutional.

Mr. BRYAN. I raise the point of order that the amendment proposed is general legislation on an appropriation bill.

Mr. SMOOT. I ask if the point of order was sustained on the amendment offered by the Senator from Indiana [Mr. KERN]?

Mr. BRYAN. It was.

Mr. KERN. Yes; it was.

Mr. SMOOT. Then, of course, if the point of order lies against that amendment it also lies against this.

The PRESIDING OFFICER. A similar point of order having been submitted to the Senate this morning and sustained by the Senate, the Chair sustains the point of order made by the Senator from Florida.

Mr. POINDEXTER. Mr. President, I submit the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new paragraph on page 39, after the amendment agreed to on motion of Mr. WARREN, the following:

Fish hatchery, Baker Lake, Wash.: For the reconstruction of the hatchery building and barn recently destroyed by fire, $4,500.

Mr. POINDEXTER. Mr. President, I have a letter, which I received only a few moments ago, from the Secretary of Com-

$1,200 per annum, from March 26 to April 14, 1913, as clerk and stenographer to Senator SHERMAN.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

To pay to H. W. Lillard, at the rate of $2,220 per annum, Relia M. Lane, at the rate of $1,440 per annum, and Ephraim S. Lillard, at the rate of $1,200 per annum, the same being for services as clerk, assistant clerk, and messenger, respectively, to the Committee on Revolutionary Claims, for 60 days' services, from May 7, 1914.

The amendment was agreed to.

The next amendment was, on page 42, after line 6, to insert:

To pay to L. W. Jones for services as assistant clerk to the Committee on Naval Affairs from June 1 to 4, and from July 1 to 15, 1914, at the rate of $1,440 per annum.

The amendment was agreed to.

The next amendment was, on page 42, after line 10, to insert:

To pay to R. B. Nixon for compensation and expenses in disbursing for the Joint Committees on Federal Aid in the Construction of Post Roads; to investigate Second-Class Mail Matter; to investigate General Parcel Post; and to investigate the Purchase of American-Grown Tobacco by Foreign Governments, from January, 1913, $500.

The amendment was agreed to.

The next amendment was, on page 42, after line 17, to insert:

To pay Hon. Blair Lee for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in the United States Senate, $1,500.

The amendment was agreed to.

The next amendment was, on page 42, after line 20, to insert:

To pay Hon. Frank P. Glass for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in the United States Senate, $1,500.

The amendment was agreed to.

The next amendment was, at the top of page 43, to insert:

To pay to Frank Oliver for extra services as clerk to the Committee on Interoceanic Canals, $750.

The amendment was agreed to.

Mr. SIMMONS. I understand that we are considering committee amendments.

Mr. MARTIN of Virginia. We are, by unanimous consent. If the Senator wishes to offer an amendment, he will have to wait until we get through with the committee amendments.

Mr. SIMMONS. My only reason for not waiting is that I am very anxious to leave the Chamber.

Mr. MARTIN of Virginia. It would be a violation of the unanimous-consent agreement. I would have no objection, but I do not think it would be proper to have the unanimous-consent agreement violated by anyone.

Mr. SIMMONS. After that statement by the Senator, I shall not insist upon offering the amendment now.

The next amendment was, on page 43, after line 2, to insert:

To pay Atwell J. Clopton, as additional compensation for extra services rendered the subcommittee of the Committee on the Judiciary engaged in the investigation of the maintenance of a lobby, pursuant to Senate Resolution No. 92, during the first and second sessions of the Sixty-third Congress, $500.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to insert:

To pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions during the first and second sessions of the Sixty-third Congress, as assistant clerk to said committee, by detail from the Bureau of Pensions, $1,200.

The amendment was agreed to.

The next amendment was, on page 43, after line 13, to insert:

To reimburse the official reporters of debates for moneys actually and necessarily expended by them to June 30, 1914, $3,000, and to pay Eugene C. Moxley, clerk on Journal work for CONGRESSIONAL RECORD, for extra services, $400; in all, $3,400.

The amendment was agreed to.

The next amendment was, on page 45, after line 16, to insert:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suits, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney General in Senate Document No. 546, and which have not been appealed, namely:

Under Department of the Interior, $1,228.60.

In all, $1,228.60; together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 46, line 9, after the words "One thousand and forty-nine," to insert "and Senate Document No. 647," so as to read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 1060 and Senate Document No. 547, namely:

The amendment was agreed to.

The next amendment was, on page 46, line 12, after the words "War Department," to strike out "$29,208.62" and insert "$30,458.65," so as to make the clause read:

Under War Department, $30,458.65.

The amendment was agreed to.

The next amendment was, on page 46, line 13, after the words "Navy Department," to strike out "$20,302.29" and insert "$20,601.10," so as to make the clause read:

Under Navy Department, $20,601.10.

The amendment was agreed to.

The next amendment was, on page 46, line 17, after the words "Treasury Department," to strike out "$48,596.54" and insert "$49,736.76," so as to make the clause read:

Under Treasury Department, $49,736.76.

The amendment was agreed to.

The next amendment was, on page 46, line 19, after the words "In all," to strike out "$102,270.97" and insert "$104,940.13," so as to make the clause read:

In all, $104,940.13.

The amendment was agreed to.

The next amendment was, on page 54, after line 1, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1912 and other years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 548, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting revenue from customs, $1.06.
For Public Health and Marine-Hospital Service, $11.11.
For quarantine service, $50.73.
For refunding taxes illegally collected, $1,526.21.
For payment of judgments against internal-revenue officers, $16,096.18.
For expenses of Revenue-Cutter Service, $3.71.
For Life-Saving Service, $63.12.
For repairs and preservation of public buildings, $179.
For general expenses of public buildings, $3.78.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $18,456.19.
For extra-duty pay to enlisted men as clerks, etc., at Army division and department headquarters, $439.59.
For regular supplies, Quartermaster's Department, $343.70.
For transportation of the Army, and its supplies, $9,120.70.
For ordnance stores and supplies, $11.75.
For headstones for graves of soldiers, $12.45.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $1,232.24.
For pay, Marine Corps, $653.33.
For transportation and recruiting, Marine Corps, $121.56.
For transportation, Bureau of Navigation, $19.08.
For maintenance of naval auxiliaries, Bureau of Navigation, $28.56.
For maintenance, Bureau of Yards and Docks, $1,094.92.
For freight, Bureau of Supplies and Accounts, $1,919.45.
For contingent, Bureau of Supplies and Accounts, $43.20.
For destruction of clothing and bedding for sanitary reasons, $91.68.
For enlistment bounties to seamen, $91.94.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For law library, Patent Office, 1912, $3.75.
For education of natives of Alaska, $10.
For contingent expenses, office of surveyor general of Idaho, 1914, $1.24.
For contingent expenses, office of surveyor general of Utah, 1914, $9.10.
For expenses of hearings in land entries, 1913, $2.22.
For surveying the public lands in Utah, $530.88.
For Geological Survey, $22.23.
For purchase and transportation of Indian supplies, 1913, $42.16.
For telegraphing and telephoning, Indian Service, 1913, $7.82.
For support of Coeur d'Alenes, Idaho, 1913, $3.08.
For indemnity to certain Chickasaw Indians for losses, treaty June 22, 1855, $5.743.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For transportation of diplomatic and consular officers, $291.40.
For preservation of collections, National Museum, $47.86.
For general expenses, Bureau of Animal Industry, $8.87.
For general expenses, Bureau of Plant Industry, $2.51.
For general expenses, Forest Service, $2.43.
For improvement of the national forests, $6.92.
For general expenses, Bureau of Soils, $2.07.
For general expenses, Weather Bureau, $6.36.
For contingent expenses, Department of Commerce and Labor, $5.42.
For supplies of lighthouses, 92 cents.
For expenses of light vessels, $128.54.
For expenses of buoyage, $13.40.
For miscellaneous expenses, Bureau of Fisheries, 80 cents.
For expenses of regulating immigration, $119.25.
For salaries, fees, and expenses of marshals, United States courts, $4.80.
For fees of commissioners, United States courts, 1913, $82.80.
For fees of commissioners, United States courts, $199.60.

The amendment was agreed to.

Mr. OVERMAN. Mr. President, I wish to offer an amendment. I wish to say that being at work on the Judiciary Committee, while I did receive a notice of the meeting of the Committee on Appropriations, I was negligent in not bringing it to the attention of the committee. I believe the committee will accept the amendment.

Mr. MARTIN of Virginia. I will state the senior Senator from North Carolina [Mr. SIMMONS] wishes to leave the Chamber on an urgent matter, and I ask the junior Senator from North Carolina to withhold his amendment for a few moments.

Mr. OVERMAN. Certainly; I yield to my colleague.

Mr. SIMMONS. Between lines 2 and 3, on page 43, I move to insert the amendment I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 43, after line 2, it is proposed to insert:

To pay Frank G. Jones for 15 days' extra services rendered to the Committee on Interoceanic Canals during the tolls hearing the sum of $75.

The amendment was agreed to.

Mr. NELSON. I offer the following amendment——

Mr. OVERMAN. I have sent an amendment to the desk.

The PRESIDING OFFICER. The Senator from Minnesota will indulge the Chair. There is an amendment pending. It will be stated.

The SECRETARY. The Senator from North Carolina [Mr. OVERMAN] moves to amend, on page 55, after line 15, by inserting the following:

The accounting officers of the Treasury are hereby directed to adjust, settle, and pay, out of any money in the Treasury not otherwise appropriated, not to exceed in all the sum of $175,000, to officers of the Army, their heirs or legal representatives, pay as commutation for longevity rations, or other pay or allowances that may be due said officers, their heirs or legal representatives, under the decisions of the Supreme Court of the United States, any statute of limitations to the contrary notwithstanding, which claims have been heretofore barred from adjustment and settlement by section 3480, United States Revised Statutes, repealed by act of Congress approved July 6, 1914.

Mr. OVERMAN. Congress at the present session repealed section 3480. The Senate had repealed the section several times, but it had always failed in the House of Representatives. It went to the House of Representatives at this session, and by an almost unanimous voice the House repealed the section. To carry out the repeal of the section and allow the Confederate soldiers who fought in the war, such as Gen. Lee, Stonewall Jackson, and others, to receive the amount of money that is actually due them on the books of the Treasury Department I have introduced the amendment.

Mr. MARTIN of Virginia. I ask that the amendment may be inserted at the end of the bill, after line 9, on page 58.

Mr. OVERMAN. Very well, let it be inserted at the end of the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from North Carolina.

The amendment was agreed to.

Mr. HUGHES. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 43, after line 8, insert the following:

To pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, $800.

Mr. HUGHES. Mr. President, I offer this amendment in behalf of the Senator from Indiana [Mr. SHIVELY], who is detained from the Senate on account of illness. The object of it is to pay the clerk of the Committee on Pensions a sum somewhat smaller than has been heretofore paid to that official for extra services rendered during a session of Congress. For the past 15 years such an appropriation has been made, and in nearly every case a larger sum has been appropriated. The Committee on Pensions have been extraordinarily busy during the present session. They have acted upon something like 3,300 bills. This is an extremely faithful official, who has rendered a great amount of laborious service, and has done everything in his power to facilitate the work of the Senate. I trust the amendment will be adopted.

Mr. MARTIN of Virginia. Mr. President, the Senate may dispose of this matter as it sees fit; I am not going to say anything in opposition to it. But I am going to say, in order that Senators may understand the course I will pursue in the future, that this has been, it seems, an abuse for 15 years, and there could not be a more flagrant abuse than the practice of increasing a salary by a donation at the end of a session. It has been running through a period of 15 years, and I am not opposing it at this time; but I give notice that hereafter I will raise the point of order and I will resist to the utmost such gratuities asked for at the closing hours of the consideration of an appropriation bill. If the salaries paid are not sufficient, and if Senators will come before the committee with amendments to the law increasing the compensation of the employees of their committees, such amendments will have careful consideration, but this is the last time that I will sit quiet and not oppose what I consider an intolerable abuse.

We know nothing about these things. There is not a committee clerk in the employ of the Senate in behalf of whom Senators might not get up here and make the same statement. I want some system about this matter, but I will say not one word against this amendment. It has been done, it seems, from time immemorial; but this is the last time that I shall acquiesce, if I can prevent it, in an appropriation of this sort.

The PRESIDING OFFICER. The question is on the amendment.

Mr. GALLINGER. Let the amendment be stated.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 43, after line 8, it is proposed to insert the following:

To pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, $800.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

Mr. NELSON. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Minnesota will be stated.

The SECRETARY. On page 43, after line 18, it is proposed to insert the following:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1914, including the Capitol police, the Official Reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the first and second sessions of the Sixty-third Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

The PRESIDING OFFICER. The question is on the amendment.

Mr. BRYAN. Mr. President, I raise a point of order against the amendment.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. BRYAN. My point of order is that this proposed appropriation is not estimated for or reported by a standing or select committee of the Senate.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate.

Mr. BRYAN. Mr. President, the rule is perfectly plain. Why does the Chair wish to submit the question to the Senate? It has been raised before, and has always been sustained. I do not know that anybody will contend that the amendment is not subject to a point of order.

Mr. THOMAS. Mr. President, I made a similar point of order a few moments ago, but my recollection is that the Senator from Florida voted against it.

Mr. BRYAN. That has nothing to do with this case. The Senator's point of order was not good.

Mr. THOMAS. It was a good point of order.

Mr. BRYAN. It was not. I repeat, this amendment has not been estimated for.

Mr. THOMAS. That is true, and I stand corrected.

The PRESIDING OFFICER. The Chair has been advised that a point of order like the one now made by the Senator from Florida [Mr. BRYAN] has been heretofore made and has been overruled. The Chair has the privilege of submitting the point of order to the Senate, and he therefore so submits it.

Mr. BRYAN. The point of order has never heretofore been overruled to my knowledge.

The PRESIDING OFFICER. The Chair has the privilege of submitting the point of order to the Senate, and does submit it to the Senate. All who believe the amendment is in order will make it known by saying "aye." [A pause.] Those who believe the amendment is not in order will make it known by saying "no." The noes have it, and the point of order is sustained.

Mr. BRYAN. Mr. President, it is not a pleasant task to raise this point of order. There are many employees who do real work around the Senate and the other House whom I would be perfectly willing to see paid more money on account of the long sessions of Congress, although I believe the salaries ought to be fixed in accordance with the work done. I will vote as freely and as willingly as will any other Senator to pay just salaries; but, sir, the amendment offered by the Senator from Minnesota goes much further than that, for it means an additional appro-

following day, for in Gen. Stricker's command were companies from Marietta, Hanover, and York, Pa.

Early Monday, September 12, the British forces landed at North Point, where Fort Howard now stands. Gen. Robert Ross was in command; with him was Admiral Cockburn. Admiral Cockrane remained aboard ship. Four miles' march up Patapsco Neck brought the British face to face with the Americans. Gen. Ross, veteran of the wars in Egypt, on the Peninsula, and in Holland, was killed in a skirmish before the actual battle began, presumably by two Maryland boys, Wells and McComas, who were in turn killed later in the day. Buried together, their grave is marked by a handsome and fitting monument which is a familiar landmark in Baltimore, and marks the place their bodies have rested nearly a century, now in one of the busiest sections of the city.

Early in the afternoon of Monday the 12th the battle between the British veterans and the nondescript collection of Americans began. After an hour and a half's fight Gen. Stricker retired in good order toward the city, to Worthingtons Mill. Next day the British followed, but never attacked the American forces again on land, and withdrew Tuesday, the 13th of September. The day following the Battle of North Point the British fleet attacked and bombarded Fort McHenry. During most of the day all the ships lay beyond the reach of the American guns. Finally three British ships ventured within range, but within half an hour were driven back to the old anchorage. One, the *Erebus*, was saved from destruction with great difficulty.

During the night of the 13th 1,250 men were sent from the British ships in barges with scaling ladders to storm and take the American defenses. Two barges were sunk and a number of the attacking party killed before the British withdrew. The bombardment continued all through the night of the 13th and did not cease until 7 o'clock on the 14th. Nearly 2,000 shells were discharged from the British ships, and but 4 Americans were killed and 24 wounded. In the land engagement at North Point on Monday the 12th 150 Americans and 600 British were killed.

Peace was declared on December 24, 1814—a Christmas present to the country. Thus one of the few successful land engagements of the war came at the end, and, like the Battle of New Orleans, did much to reestablish the reputation of American arms; for the brilliant exploits and successes of Decatur, a Marylander, at sea and of Perry on the Lakes exceeded anything done on shore.

The Battle of North Point and the futile bombardment of Fort McHenry next day were not big battles, it is true. They resulted immediately in preventing the sack and pillage of Baltimore and redeemed in a measure the earlier mortifying experiences of the war, besides making possible better and quicker terms of peace. Such material results are not to be despised, but, on the other hand, are to be desired and appreciated. Even now, however, it can not be doubted that the greatest good to our Nation growing out of the two days' fight and the one thing which has done most to foster and stimulate our patriotism as a Nation is entirely due to an accident, or, perhaps it is wiser to say, a Providence.

Francis Scott Key, a very young man of extraordinary patriotism and talent, had gone on board one of the British ships several days before under a flag of truce to render some service to a family friend taken on board a British ship down the bay as a prisoner on some capricious charge.

Fearing Key might divulge their plans if released before the battle, the British detained him on board the *Minden*, which was anchored during the bombardment out of harm's way. It was from the deck of the *Minden* that Key watched throughout the day of the 13th the bombardment of Fort McHenry. Through the darkness of the night of the 13th, pacing the deck of the ship of an unfriendly power at war with his native Government, he thought those immortal thoughts which found expression and permanent being in the lines of the "Star-Spangled Banner." On the 14th of September he and his friend were released by the British, and he completed his poem, begun during the actual noise and suspense of the conflict. On the 15th it was first printed. This is the plain story of the way our national anthem was born. It will never die.

The State of Maryland and the city of Baltimore invite the people of the whole United States to share with them and to celebrate with them the centennial anniversary of the birth of this same stirring anthem.

It is fitting that the Government of all the people should have a part, and the largest part, in this celebration of the one hundredth anniversary of the triumph of American military valor, and literary inspiration unsurpassed. While the love of country, while memories of great and brave men who have made our land, and while the sentiment which has stirred every true American for nearly 100 years who has heard the inspired words and quickening strains of the Star-Spangled Banner can not be reduced to terms of dollars and cents, some more precious medium of exchange must be used; still it is not amiss to remind the Senate that participation in this celebration befitting the occasion and this Government can not be had cheap.

The municipal government of Baltimore, headed by Mayor Preston, have dealt energetically with the scheme for this celebration; committees of citizens and patriotic organizations have banded together and laid out a tasteful, interesting, and dignified program for this centennial celebration to begin on September 6 and to end on September 13 next. The time is short; the necessity urgent for any action to be effective to be promptly taken. Maryland and the city of Baltimore have raised $150,000 toward the expenses of this celebration. We think it proper and we ask and urge the active cooperation of Congress in paying appropriate tribute and respect to a national benefaction, priceless to a patriotic people.

Mr. President, I think there is no more fitting time than this to help to celebrate this occasion by an appropriation from Congress of the amount provided in the amendment. I would say that I have had the bill before the Senate, and it has been reported favorably by the committee and is now on the calendar.

Mr. THOMAS. When was it reported?

Mr. SMITH of Maryland. It was reported yesterday. I hope the Senator from Colorado will not only not object to the amendment but will vote for it. I think it is entirely appropriate and it should be adopted.

During the delivery of the speech of Mr. SMITH of Maryland,

The PRESIDING OFFICER. The Senator from Maryland will suspend for a moment. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15618) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. MARTIN of Virginia. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Maryland will proceed.

After the conclusion of the speech of Mr. SMITH of Maryland,

Mr. THOMAS. If a bill for this purpose has been favorably reported we can consider it on its merits. I object to such items being tacked on a general appropriation bill, because it is no part of a deficiency and can not be.

It is not the purpose of this bill, Mr. President, to act as a medium for the enactment of legislation which ought to stand upon its own merits. It is too much the custom of Congress to permit such things, in consequence of which large amounts of money are appropriated which upon their own merits might be rejected.

If the rule of the Senate is intended for anything it is intended for just such an emergency. It provides that—

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Of course this must be submitted without debate under the rule. I did not see fit to raise the question of order, preferring the Senator from Maryland should have the courtesy of making his statement in regard to the item. That statement has consisted of a historical account of the battles around Fort McHenry and the circumstances under which the Star-Spangled Banner was written.

Mr. President, I of course do not in any way wish to detract from the historical value of that discussion or from the great service Mr. Francis Scott Key rendered to the Nation in writing the Star-Spangled Banner, but this country needs the money which it has in its Treasury for the living. There are many things that are insistent which are called to our attention but which can not receive proper consideration on account of the possible deficiency and on account of demands of this sort, which are increasing very naturally from time to time after the precedent has been started. I insist upon the point of order.

Mr. SMITH of Maryland. I will say to the Senator from Colorado there was a similar bill before the Senate the other day, and he withdrew his point of order against it.

Mr. THOMAS. Yes; and my conscience has been haunting me ever since.

Mr. SMITH of Maryland. The reason why I have asked for the adoption of the amendment on this bill is, as I stated before, because of the appropriateness of the occasion and the

time when we are going to give this celebration. Probably there will be 100,000 people from all over the country at the celebration in Baltimore, and a sum in excess of $150,000 has been appropriated by the State of Maryland and the city of Baltimore and subscribed by citizens to properly celebrate this event. My object in having the amendment go on this bill is because this is the most fitting time and occasion in which to start a monument for the sailors and soldiers of the Battles of North Point and Fort McHenry and the author of the anthem of the Star-Spangled Banner. I do hope the Senator from Colorado will take these facts into consideration and withdraw his point of order.

Mr. THOMAS. I will state that on the occasion to which the Senator refers I was satisfied it was largely due to the precedent established the year before with reference to the Battle of Lake Erie, and that in its turn would be followed by similar appropriations. If this thing continues we are going to be bedevilled by applications for appropriations for statues from all the States, for all occurrences which have historic value, and they will in all probability be presented in the shape of amendments to the deficiency and other general appropriation bills.

The PRESIDING OFFICER. Upon the amendment the Chair is inclined to submit the question of order to the Senate. The question is, Is the amendment proposed by the committee in order on this bill? [Putting the question.] The ayes seem to have it. The ayes have it.

Mr. THOMAS. Mr. President, one moment. I did not understand the question as it was put to the Senate and I do not think that some other Senators did. I certainly did not.

The PRESIDING OFFICER. The Chair will restate the question submitted to the Senate. Is the amendment proposed by the committee in order?

Mr. LEE of Maryland. I submit respectfully that the question has been put and the amendment has been sustained.

The PRESIDING OFFICER. But the Chair does not care to have any misunderstanding of his position.

Mr. GALLINGER. Let the question be put again.

The PRESIDING OFFICER. The question will be put again. Is the amendment of the committee in order? [Putting the question.] The ayes appear to have it.

Mr. THOMAS. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. THOMAS. I ask for a division.

The PRESIDING OFFICER. The Senator from Colorado demands a division. Senators who believe that the amendment is in order will rise and stand until counted. [A pause.] Those who believe it is not in order will rise and stand until counted. [A pause.] The ayes have it, and the Senate decides that the amendment is in order. The question is on agreeing to the amendment of the committee.

Mr. SHAFROTH. Mr. President, I wish to be heard for just a minute, because in the committee I voted against putting this amendment as a rider upon the appropriation bill. My objection is not that it is not a very commendable event that ought to be celebrated, for it is, in fact, one of the great events, but my objection is due to the fact that it is not proper, in my judgment, to place it on this appropriation bill. I told the Senator from Maryland I would not make a point of order against the amendment, but that I would probably oppose it in the Senate.

Mr. President, there ought to be some general arrangement, some general plan of allowing monuments to be erected, if we are going to erect them outside of the District of Columbia. I understand that very few monuments have been erected by the United States Government outside of the District of Columbia, and it seems to me that we ought to adhere to the rule that they shall be erected here. If we do not adhere to it, as we have deviated from it in the case of the Battle of Lake Erie and the Battle of Lake Champlain, it ought to be under some general rule. It ought to be under a rule that the State or the city that desires the monument shall pay a certain proportion thereof.

It is true that the city of Baltimore and the citizens thereof have subscribed a large sum of money, probably $100,000.

Mr. SMITH of Maryland. One hundred and fifty thousand dollars, and it will probably reach $200,000.

Mr. SHAFROTH. The city of Baltimore and the citizens have given that amount for this celebration, but the difficulty with that argument is that it is done for the purpose of getting people there. They expect to get the money back. The city of Denver gave $100,000 to get the Democratic national convention there, but it expected to get it back. Such contributions are made by cities not for the monument, but it is to draw great crowds. As the Senator from Maryland has said, 100,000 people will go to Baltimore at the centennial of this event.

There has been sent to me by some one, I do not know by whom, a pamphlet, and in that pamphlet there is an illustration showing a statue already of Key, the author of the Star-Spangled Banner, and it is a very beautiful monument. I understand that Fort McHenry is only a few miles away, that it is practically a part of the city of Baltimore, with street railway connections. Is it possible that we ought to have a monument erected in Baltimore at Fort McHenry when there is already a monument, beautiful in its design, which will probably cost $75,000, within a stone's throw, practically, of the monument that is proposed to be erected?

It does seem to me that that is one of the reasons why we ought not to attach such items on appropriation bills. They ought to be investigated and the question ought to be determined and there ought to be some kind of a pro rata arrangement between the city or State and the National Government, if the Government is going outside of the District of Columbia and erect monuments.

For that reason, Mr. President, it seems to me that this monument ought not to be paid for by the National Government as an entirety, even if we adopt such a theory; and I am opposed to going out of the District of Columbia except in the rarest case, such as we have done in one or two cases. I think it was not proper to do it in the case of Lake Champlain, which we passed the other day.

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Without objection, the amendment will be agreed to.

Mr. SHAFROTH. I ask for a vote on it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions," on page 28, after line 7, to strike out:

> The action of the Secretary of War in heretofore transferring submarine mines and appliances to operate them to the value of $17,075.78 from stock on hand for use in continental United States for the protection of harbors in the Philippine Islands is ratified and legalized.

And insert:

> For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments, being in reimbursement of the cost of submarine mines and appliances to operate them transferred for the protection of harbors in the Philippine Islands, $17,075.78.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," subhead "General Land Office," on page 34, after line 16, to insert:

> The accounting officers of the Treasury are authorized and directed to credit in the accounts of George W. Evans, chief disbursing clerk, Department of the Interior, the payments made to James F. Gill for services rendered as superintendent of reconstruction and general repairs to the toilet rooms, Pension Office Building, from November 11, 1912, to May 31, 1913, at a compensation of $150 per month, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 37, after line 13, to insert:

> For clothing and transportation, including the same objects specified under this head for this institution in the sundry civil appropriation act for the fiscal year 1914, $51.07.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," at the top of page 40, to insert:

COAST AND GEODETIC SURVEY.

> For payment to the Alaska Steamship Co. for damage inflicted by the Coast and Geodetic Survey steamer *McArthur* to the steamer *Dora* of the Alaska Steamship Co., $25.10.

The amendment was agreed to.

The next amendment was, on page 40, after line 5, to insert:

> For payment to the Hartford & New York Transportation Co. for damage to the barge *C. T. Marston* by the Coast and Geodetic Survey steamer *Hydrographer* on August 30, 1913, $121.42.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 41, after line 7, to insert:

> To pay to Mrs. Margaret D. Bradley, widow of Hon. William O. Bradley, late a Senator from the State of Kentucky, the sum of $7,500.

The amendment was agreed to.

The next amendment was, on page 41, after line 10, to insert:

> For compensation of the officers, clerks, messengers, and others in the service of the Senate, as follows:
>
> For salaries of clerk, $2,220 per annum; assistant clerk, $1,440 per annum, and messenger at $1,200 per annum, to the Committee on Expenditures in the Department of Labor from July 1, 1914, to June 30, 1915, and a sufficient sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 41, after line 19, to insert:

> To pay to James M. Porter, at the rate of $2,000 per annum, from March 26 to April 6, 1913, and Nettie K. De Freitas, at the rate of

The next amendment of the Committee on Appropriations was, on page 12, after line 12, to insert:

Mount Airy, N. C., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 14, to insert:

Mount Olive, N. C., post office: For site, $2,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 20, to insert:

Mystic, Conn., post office: For site and commencement, $4,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to insert:

Napoleon, Ohio, post office: For site, $7,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 24, to insert:

Nephi, Utah, post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 1, to insert:

Newcastle, Wyo., post office: For site, $3,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

New Martinsville, W. Va., post office: For site, $12,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 4, to insert:

New Philadelphia, Ohio, post office: For site, $12,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 5, to insert:

Newton, Iowa, post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 6, to insert:

Noblesville, Ind., post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 11, to insert:

North Vernon, Ind., post office: For site and commencement, $13,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 15, to insert:

Oelwein, Iowa, post office: For site, $8,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 16, to insert:

Olney, Ill., post office: For site and commencement, $6,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

Olyphant, Pa., post office: For site and commencement, $13,500.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to insert:

Orange, Tex., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 22, to insert:

Owego, N. Y., post office: For site and commencement, $15,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 24, to insert:

Pasco, Wash., post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 14, to insert.

Paxton, Ill., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to insert:

Pratt, Kans., post office: For site and commencement, $7,400.

The amendment was agreed to.

The next amendment was, on page 14, after line 10, to insert:

Provincetown, Mass.: Post office and customhouse, for site, $8,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 14, to insert:

Red Bluff, Cal., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 16, to insert:

Ripon, Wis., post office: For site and commencement, $10,400.

The amendment was agreed to.

The next amendment was, on page 14, after line 18, to insert:

Rhinelander, Wis., post office: For site and commencement, $5,500.

The amendment was agreed to.

The next amendment was, on page 14, after line 20, to insert:

Rochester, Ind., post office: For site and commencement, $8,200.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Rogers, Ark., post office: For site and commencement, $4,000.

The amendment was agreed to.

The next amendment was, at the top of page 15 to insert:

Russellville, Ark., post office: For site and commencement, $6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 2, to insert:

St. Peter, Minn., post office: For site and commencement, $2,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert:

San Pedro, Cal., post office and customhouse: For site and commencement, $6,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 13, to insert:

Sayre, Pa., post office: For site and commencement, $8,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 20, to insert:

State College, Pa., post office: For site and commencement, $15,685.

The amendment was agreed to.

The next amendment was, at the top of page 16, to insert:

Sykeston, Mo., post office: For site, $7,500.

Mr. MARTIN of Virginia. There is an error in spelling the first word on the first line of page 16. The letter "y" should be stricken out and the letter "i" inserted, so that the word may be "S-i-k-e-s-t-o-n."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 16, line 1, it is proposed to spell the first word "S-i-k-e-s-t-o-n."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 16, after line 1, to insert:

Thibodaux, La., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

Thomson, Ga., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

Tullahoma, Tenn., post office: For site and commencement, $7,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Tyrone, Pa., post office: For site, $24,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 12, to insert:

Valparaiso, Ind., post office: For site and commencement, $8,200.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to insert:

Vernal, Utah, post office: For site and commencement, $4,750.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to insert:

Vineland, N. J., post office: For site and commencement, $12,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 23, to insert:

Washington, Mo., post office: For site and commencement, $6,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 5, to insert:

Waynesburg, Pa., post office: For site and commencement, $15,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

Wilmington, Ohio, post office: For site and commencement, $12,500.

The amendment was agreed to.

The next amendment was, on page 17, after line 15, to insert:

Woodstock, Va., post office: For site, $4,250.

The amendment was agreed to.

The next amendment was, on page 17, after line 18, to insert:

Wyandotte, Mich., post office: For site and commencement, $15,950.

The amendment was agreed to.

The next amendment was under the subhead "Public buildings, general expenses," on page 18, after line 4, to insert:

The Secretary of the Treasury, in acquiring sites for public buildings in cities and towns with a population of less than 10,000, may, in his discretion, waive the provision contained in existing law which provides that sites so acquired shall face on two streets.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to insert:

Boston, Mass., customhouse: For furniture equipment, $75,000: *Provided*, That all furniture belonging to the Government in either rented or owned quarters, used by officials who will occupy space in the new building, shall be transferred so far as practicable.

The amendment was agreed to.

The next amendment was, on page 19, after line 2, to insert:

REVENUE-CUTTER SERVICE.

For repairs to revenue cutters, $6,444.50.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," at the top of page 23, to insert:

Library for the Blind: For aid of the Library for the Blind, located at 1729 H Street NW., $5,000, said sum to be expended under the direction and supervision of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 24, after line 22, to insert:

To pay to the American Surety Co., of New York, the sum of $100,358.05, the amount of a judgment which the United States recovered against the American Surety Co., and which judgment, on May 15, 1911, the American Surety Co. paid under protest and to avoid the levy and execution under said judgment, and which was covered into the Treasury, which judgment was on June 8, 1914, reversed by the Supreme Court of the United States and a new trial awarded, and upon such new trial a judgment was rendered, June 19, 1914, in favor of the American Surety Co. and the petition of the United States was dismissed.

The amendment was agreed to.

The next amendment was, on page 25, after line 10, to insert:

To pay the claim of H. H. Downing and A. G. Weaver, attorneys, for professional services rendered in connection with the acquirement, by purchase and condemnation, of 5,200 acres of land in Warren County, Va., for a remount station at Front Royal, Va., including traveling and all other expenses incurred in attendance upon the United States District Court for the Western District of Virginia at Lynchburg and Charlottesville, and the condemnation commission at Front Royal, said services embracing the period from June 6, 1911, to August 6, 1913, $5,000: *Provided*, That the sum hereby appropriated shall be in full satisfaction of all services hereafter to be rendered by said Downing and Weaver in connection with the purchase or condemnation of said land.

Mr. THOMAS. Mr. President, I wish to inquire of the Senator having charge of the bill why the Government should be required to pay attorneys not connected with the Department of Justice for services such as are described in this amendment.

Mr. MARTIN of Virginia. I will say to the Senator that Congress appropriated $200,000 to acquire land for a remount station. It required legal services far beyond the possibility of the district attorney. There were 45 tracts of land to be acquired, about 18 of them, I believe, in condemnation proceedings, which required going to half a dozen counties in Virginia. I will not go into the details, but it became absolutely necessary to employ special counsel.

Mr. THOMAS. These were employed by the Department of Justice?

Mr. MARTIN of Virginia. I do not know that they were employed by the Department of Justice. The Department of Justice approves the payment of the amount. They were employed by the War Department. The War Department had charge of the acquisition of this land.

Mr. THOMAS. This sum has been approved by the Department of Justice?

Mr. MARTIN of Virginia. Substantially it has. The testimoney taken before the——

Mr. THOMAS. By the proper authorities, at any rate?

Mr. MARTIN of Virginia. It has. It was agreed on by the quartermaster officer, Capt. Conrad, who was in charge of the work.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 26, after line 10, to insert:

Lincoln Memorial Commission: Authority is hereby given to pay H. A. Vale for services as secretary of the Lincoln Memorial Commission from March 16, 1913, to February 7, 1914, the sum of $1,000 from appropriations now available for the erection of the Lincoln Memorial.

The amendment was agreed to.

The next amendment was, on page 26, after line 16, to insert:

To erect at Fort McHenry, Baltimore, Md., under the direction of the Secretary of War, a monument in memory of Francis Scott Key, author of The Star-Spangled Banner, and the soldiers and sailors who participated in the Battle of North Point and the attack on Fort McHenry in the War of 1812, $75,000, or so much thereof as may be necessary. In the preparation of the plans and selection of a site for said monument, and the execution of all work in connection therewith, the Secretary of War shall form a committee, composed of the mayor of Baltimore, the chairman of the National Star-Spangled-Banner Centennial, the president of the board of park commissioners of Baltimore, and two other persons, to be designated by the Secretary of War, whose suggestion he shall invite and with whom he may confer and consult: *Provided, however*, That the decision of the Secretary of War shall be final in all matters: *Provided*, That the money herein appropriated may be drawn from time to time, as required in the progress of the work, upon requisition of the Secretary of War.

Mr. THOMAS. I make the point of order against this amendment that it is general legislation proposed to an appropriation bill, and that it is not germane or relevant to the subject matter contained in the bill.

Mr. SMITH of Maryland. Mr. President, I wish to say that I introduced a bill in the Senate appropriating this sum of money some little while back, and that bill has been reported to the Senate, and is on the calendar to-day.

I hope there will be no opposition to this item. Ordinarily I would not ask for its insertion in a deficiency bill, as I am satisfied it will pass the Senate. It has been considered and favorably reported by the Senate Committee on the Library. My reason for asking that it be put in this deficiency bill is because between September 6 and September 16 there is to be a celebration commemorating the Battle of North Point, Fort McHenry, and the author of the anthem "The Star-Spangled Banner." Except for that I would not ask it.

I think this is a most appropriate time and occasion for starting this monument; and if the Senate will indulge me for a few moments I should like to give my reasons. I have informed myself recently as to the historical facts, especially in regard to the most decided and influential part that was taken by the State of Maryland in the War of 1812.

Whatever controversy there may be as to the propriety and justness of the declaration of war by the United States on Great Britain on June 18, 1812, there is no controversy as to the importance of Maryland's part in that war. The war was popular in Maryland. Her people were driven by a deep and sincere faith in the justice of the cause to respond to President Madison's call and the requisition of the Twelfth Congress by an appropriation made at an extra session of the legislature of $20,000, a large sum for those days, to aid the war. Maryland at the same time raised 6,000 men. A newspaper and its editor who opposed the war were mobbed in Baltimore. Later, after the ignominious surrender by Gen. Hull at Detroit, Maryland raised a regiment, commanded by Col. William Winder, and $15,000 by popular subscription to fit it out, in addition to manning all the forts and coast defenses within the State with little or no Federal aid, and when the United States Government asked a war loan of $16,000,000 Maryland, though a small and then sparsely populated State, subscribed $3,000,000 of the loan. After all, probably no conflict has ever been undertaken with so little thought as to the means of carrying it to a successful termination.

The War of 1812 might have ended with an almost unbroken succession of defeats sustained by our soldiers on land except for the Battle of New Orleans, when Andrew Jackson so decisively defeated the British, and the Battle of North Point, a few miles east of Baltimore, on September 12, 1814.

In 1813 Admiral Cockburn, with his British fleet, had blockaded the Chesapeake and pillaged and terrorized the people along its shores. Towns were burned and private property wantonly destroyed.

In August, 1814, the British forces were further strengthened by the arrival of Admiral Cochrane and his fleet. With him came Gen. Ross and 3,000 veterans of the Napoleonic wars.

Except for a repulse by Maryland militia, at Caulk's field, when the British commanding officer, Sir Peter Parker, was killed, Admiral Cochrane and Gen. Ross met no effective opposition.

Admiral Barney had to destroy his own ships, fitted out at such pains and expense to the United States, to avoid capture by the British in the tributaries of the Potomac. Gen. Ross landed soldiers and sailors and marched to Bladensburg without difficulty, where he defeated and actually routed our troops, though far superior in numbers to his. President Madison, instead of serving a repast prepared for the American officers to enjoy after the anticipated victory, fled with his Cabinet across the Potomac, destroying the bridge behind him. Washington was pillaged and partially burned by an invading foe for the first and the last time.

Baltimore was selected as the next object of British attack. On Sunday, September 11, 50 British ships were within sight of the mouth of the Patapsco River, 14 miles below Baltimore. Gen. Samuel Smith, in charge of the American forces about Baltimore, perceived that the British would land troops and attack the city by land and water.

Everybody in Baltimore, in anticipation of the British attack, had drilled or thrown up fortifications about the city. Volunteers far exceeded the available arms. Fort McHenry, named for Washington's Secretary of War, guarded the city's inner harbor. Temporary defenses elsewhere were hastily thrown up and batteries installed. The city was in an uproar.

Seventeen hundred men under Gen. Stricker were sent out on Sunday down the Philadelphia road to what is now the North Point road. They encamped about an old meeting house some 4 miles from the present modern fortifications, known as Fort Howard, or North Point, at the junction of the Patapsco River and Chesapeake Bay. Maryland did not contribute all the men destined that Sunday night to take part in the battle of the

the aforesaid sums being the amounts paid by each of the said companies on account of insurance against fire on property in the Territory of Hawaii, which property was destroyed by the Government in the suppression of the bubonic plague in said Territory in the years 1899 and 1900.

Mr. BURTON. I am not going to oppose that item; I know it has been before Congress for a very long time; and in the discussion upon it which once occurred its merits were clearly set forth. I believe in several instances it has been adopted by the Senate but stricken out by the other House. I do wish, however, to say something in regard to the proper scope of a deficiency appropriation bill.

As the very name imports, a deficiency bill is a measure which includes provisions for branches of the public service appropriated for in regular appropriation bills, but for which provision has proved incomplete or insufficient. Under any ideal system a bill of this nature should be restricted to that class of items. There has been a marked tendency, however, in recent years to bring into this measure very old items, which have been heretofore considered and rejected. There are certain manifest disadvantages about that—the dangers of mistake.

This bill is considered by the Committee on Appropriations; some of the items inserted here have been theretofore considered by other committees of the House or Senate—by the Post Office Committee, by the Agricultural Committee, or some other committee. There is danger that, after careful consideration has been given to a proposed appropriation by a committee other than the Committee on Appropriations, the item will be disposed of without sufficient information or consideration of the subjects. I do wish to express my objection—I may say my protest—against making this deficiency bill a sort of omnium gatherum in which all sorts of items are included. I ask the Senator from Virginia why this item has not been placed upon some bill other than the deficiency bill?

Mr. MARTIN of Virginia. Mr. President, the Senator from Ohio can answer that question as easily as can I. I have no idea whether it was ever incorporated in a bill or, if rejected, why that was done. The item that is inserted here has passed the Senate, it has had the approval of this body as well as of the committee of this body. It seemed to the committee to be an exceedingly urgent matter. When the Government burns up the property of its citizens in order to prevent a plague from spreading through the community, it seems to me restitution ought to be made as soon as possible. The committee so thought. It is for the Senate to say, and, if the Senator from Ohio objects to the item, the Senate will have to determine the question.

Mr. BURTON. I am not going to object, but I think it is an erroneous policy in making up our appropriation bills. I do not see how it can be very urgent, for the claim seems to be at least 14 years old.

Mr. SMOOT. I will say to the Senator that it is a deficiency in the sense that Congress appropriated over a million dollars—I think a million and a half dollars—for the purpose of paying for property destroyed in the Hawaiian Islands to suppress the bubonic plague. At the time the appropriation was made, it was estimated that that amount would cover all of the just claims; but I think that over $2,000,000, as I remember, of claims at that time were filed, and so far as the amount of money appropriated would permit they were paid. These were claims that fell in the class of claims approved of later, but the appropriation was not sufficient to cover them. When these are paid, then all of these particular claims against the Government will have been paid. It is virtually a deficiency in the sense that there was not enough appropriated in the original bill to cover all of the claims against the Government.

Mr. BURTON. If the Senator will yield to me, this is for reimbursement for claims paid by these respective insurance companies for property destroyed by the Government?

Mr. SMOOT. That is correct. I want to say to the Senator that there were claims, in addition to these provided for in this bill, amounting to $1,500,000, which have been paid, and these would have been paid immediately if the original appropriation had been sufficient to cover them. The only reason why these claims have not been paid is, as I have stated, that the amount of the appropriation was paid out before these claims were reached.

Mr. BURTON. When was the appropriation of $1,500,000 made?

Mr. SMOOT. In 1901 or 1902, I think—I have forgotten the exact date.

Mr. BURTON. Was the provision made in an appropriation bill?

Mr. SMOOT. Provision was made in an appropriation bill to cover the other claims.

Mr. BURTON. Does the Senator from Utah recall in which appropriation bill the provision was made?

Mr. SMOOT. No; I do not, because I have not had occasion to look it up. The matter has been before the Claims Committee many times, and the Claims Committee has reported bills on the subject at least half a dozen times. I myself five or six years ago favorably reported a bill on this subject to the Senate, and it was passed; but up to this time the matter has always been held up.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," subhead "Public buildings, sites, and construction," on page 3, after line 18, to insert:

Albia, Iowa, post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, at the top of page 4, to insert:

Apalachicola, Fla., post office and customhouse: For site and commencement, $7,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

Athens, Tenn., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to insert:

Bad Axe, Mich., post office: For site and commencement, $4,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 6, to insert:

Barbourville, Ky., post office: For site, $4,300.

The amendment was agreed to.

The next amendment was, on page 4, after line 7, to insert:

Batavia, Ill., post office: For site and commencement, $23,950.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to insert:

Bellefourche, S. Dak., post office: For site and commencement, $4,500.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to insert:

Branford, Conn., post office: For site and commencement, $11,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 3, to insert:

Calumet, Mich., post office: For site, $12,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to insert:

Canon City, Colo., post office: For site, $13,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 8, to insert:

Cape Charles, Va., post office: For site, $3,700.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to insert:

Carroll, Iowa, post office: For site and commencement, $8,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to insert:

Carrollton, Ill., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to insert:

Caruthersville, Mo., post-office: For site, $3,250.

The amendment was agreed to.

The next amendment was, on page 5, after line 19, to insert:

Chamberlain, S. Dak., post office and land office: For site and commencement, $3,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 21, to insert:

Chandler, Okla., post office: For site and commencement, $4,700.

The amendment was agreed to.

The next amendment was, at the top of page 6, to insert:

Charleston, Ill., post office: For site and commencement, $9,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert:

Cheboygan, Mich., post office: For site and commencement, $8,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

Cherokee, Iowa, post office: For site and commencement, $10,600.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert:

Clinton, Ind., post office: For site and commencement, $14,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

Clinton, S. C., post office: For site and commencement, $5,500.

The amendment was agreed to.

The next amendment was, on page 6, after line 18, to insert:

Colfax, Wash., post office: For site, $7,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 19, to insert:

Comanche, Tex., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 21, to insert:

Conway, Ark., post office: For site, $2,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 2, to insert:

Decatur, Ind., post office: For site, $9,900.

The amendment was agreed to.

The next amendment was, on page 7, after line 9, to insert:

Donora, Pa., post office: For site and commencement, $13,300.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to insert:

East Las Vegas, N. Mex., post office and courthouse: For site and commencement, $18,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 17, to insert:

Eatonton, Ga., post office: For site, $3,750.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

Eldorado, Kans., post office: For site and commencement, $5,250.

The amendment was agreed to.

The next amendment was, on page 7, after line 22, to insert:

Elizabethton, Tenn., post office: For site, $2,500.

The amendment was agreed to.

The next amendment was, on page 7, after line 23, to insert:

Elizabethtown, Ky., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 3, to insert:

Fairmont, Minn., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to insert:

Fallon, Nev., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 7, to insert:

Forrest City, Ark., post office: For site, $4,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 9, to insert:

Fort Plain, N. Y., post office: For site and commencement, $8,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

Franklin, N. H., post office: For site and commencement, $24,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 15, to insert:

Franklin, Tenn., post office: For site and commencement, $7,450.

The amendment was agreed to.

The next amendment was, on page 8, after line 20, to insert:

Gallipolis, Ohio, post office: For site and commencement, $12,500.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

Geneseo, Ill., post office: For site and commencement, $10,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert:

Gilmer, Tex., post office: For site and commencement, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 4, to insert:

Glasgow, Ky., post office: For site and commencement, $7,500.

The amendment was agreed to.

The next amendment was, on page 9, after line 9, to insert:

Harrisonville, Mo., post office: For site and commencement, $3,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to insert:

Hastings, Mich., post office: For site and commencement, $6,750.

The amendment was agreed to.

The next amendment was, on page 9, after line 16, to insert:

Hodgenville, Ky., post office: For site, $4,850.

The amendment was agreed to.

The next amendment was, on page 9, after line 17, to insert:

Hollidaysburg, Pa., post office: For site and continuation, $12,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 19, to insert:

Hoopeston, Ill., post office: For site and commencement, $10,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to insert:

Houghton, Mich., post office: For site and commencement, $23,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 23, to insert:

Huntingdon, Tenn., post office: For site, $2,800.

The amendment was agreed to.

The next amendment was, on page 10, after line 11, to insert:

Lakeland, Fla., post office: For site and commencement, $10,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

Lebanon, Ind., post office: For site, $9,800.

The amendment was agreed to.

The next amendment was, on page 10, after line 17, to insert:

Leesburg, Va., post office: For site and commencement, $8,750.

The amendment was agreed to.

The next amendment was, on page 10, after line 19, to insert:

Lewistown, Pa., post office: For site and commencement, $16,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 23, to insert:

Linton, Ind., post office: For site, $4,500.

The amendment was agreed to.

The next amendment was, at the top of page 11, to insert:

Lock Haven Pa., post office: For site and commencement, $22,500.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

Long Island City, N. Y., post office: For site and commencement, $100,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 4, to insert:

McKees Rocks, Pa., post office: For site and commencement, $15,800.

The amendment was agreed to.

The next amendment was, on page 11, after line 7, to insert:

Manassas, Va., post office: For site, $3,750.

The amendment was agreed to.

The next amendment was, on page 11, after line 9, to insert:

Marianna, Ark., post office: For site and commencement, $6,500.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to insert:

Marianna, Fla., post office and court house: For site and commencement, $4,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 15, to insert:

Martins Ferry, Ohio, post office: For site and commencement, $15,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 19, to insert:

Mendota, Ill., post office: For site, $10,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to insert:

Midland, Mich., post office: For site and commencement, $4,300.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

Metropolis, Ill., post office: For site and commencement, $10,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 24, to insert:

Milbank, S. Dak., post office: For site, $4,000.

The amendment was agreed to.

The next amendment was, at the top of page 12, to insert:

Millersburg, Ohio, post office: For site, $7,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 1, to insert:

Mineral Point, Wis., post office and customhouse: For site and commencement, $4,500.

The amendment was agreed to.

The next amendment was, on page 12, after line 6, to insert:

Monroe, Ga., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 7, to insert:

Monte Vista, Colo., post office: For site, $5,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 10, to insert:

Morgan City, La., post office: For site, $4,300.

Mr. MARTIN of Virginia. Mr. President, on page 12, line 11, I move that the figures "$4,300," at the end of the line, be changed to "$4,200." It is a typographical error.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 12, line 11, in the committee amendment, it is proposed to strike out "$4,300" and to insert in lieu thereof "$4,200."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

In 1885 he was appointed by President Cleveland pension agent at Topeka, and so satisfactorily discharged these duties that he was reappointed without solicitation on his part when Mr. Cleveland again came into office. During Gov. Glick's two terms as pension agent at the Topeka agency he received over $87,000,000, which he disbursed to ex-soldiers, and holds the Government's acknowledgment for the faithful disbursement of that large sum without the loss of one cent to the Government or to the old soldiers. Among those who served as employees under Gov. Glick while pension agent there are still employed in the Pension Bureau in this city 15 men, who have contributed the following statement for these proceedings, which I am pleased to present:

We found in that closer relationship of employer and employee all he demanded, as the one in charge of this important Government position, was faithful, earnest, and honest endeavor to do and perform all duties assigned us the same as would be expected of us in any other field of human activity. He demanded the same requirements in public service as in private life. He exacted no more and was satisfied with no less. He insisted upon faithfulness in the performance of duty. He was decidedly averse to subterfuge, unmoved by flattery, and observant of the absolute rights of others. An unrelenting foe to unfaithfulness he ever admired fidelity of purpose, honesty of endeavor, and uprightness of conduct. Whether in private, public, or official life, he believed the same rules should be conscientiously applied. Officially or privately he was easily approachable, listened with interest, advised with candor, and judged with mercy.

With the exception of his immediate associates during the Civil War and perhaps a very few close friends in his social, public, or political life, it was not generally known that he served in an humble station during the Civil War. Still fewer of his immediate friends knew that he was wounded during his service. Inquiry of one of his closest friends, an important appointee during his term as governor of the State brought an emphatic denial of his service, because, as he said, "Had the governor been a soldier he would certainly have told me."

Men who campaigned with him when such a statement would have largely benefited his chances made no claim along that line, because they did not know it. He was decidedly averse to making use of this fact, even for political gain. That he took this course is characteristic of the man. Experience and observation have shown that length of service is of far less importance than the fact of service. His country called; he obeyed the call, served the term required by the Government, was in a battle, received wounds, and when discharged retired to civil life, as did thousands of others, to resume the obligations, duties, and labors of citizenship.

Guy O. Taylor, disbursing clerk for the payment of pensions; Cass Carr, John Hovenden, Lawrence A. McDonald, Mark F. Miller, Emmett Turner, Leonard S. Fortune, Isaac D. Hostberger, O. R. Martin, C. D. Nichols, J. P. Wilson, Samuel C. Garrard, Rufus G. Kessler, E. E. Miller, William H. Ruff.

For 30 years Gov. Glick was engaged in farming. He was the owner of a valuable tract of land of about 640 acres 4 miles west of the city of Atchison, and there he successfully carried on stock raising, making a specialty of breeding shorthorn cattle. A number of times he paid as high as $1,000 for a single head, and among stock dealers he obtained a wide reputation, shipping cattle all over the United States. He was a close personal and political friend of Senator William A. Harris, who distinguished himself in this body. They had many things in common, and were especially mutually interested in high-grade stock and intensive farming.

He was one of the organizers of the State board of agriculture, and served several terms as its president, and at the time of his death was still a member. He was a member of the Kansas Historical Society and its first vice president. He was a ready and vigorous writer, and contributed many valuable essays on agriculture, stock raising, and kindred subjects to various periodicals and public meetings. He was one of the Kansas commissioners at the Centennial in 1876 and a member of the board of managers at the Columbian Exposition in 1893. He was president of the Kansas board of managers at the Trans-Mississippi and International Exposition in 1898 at Omaha.

Gov. Glick served in the Second Kansas Regiment under Col. H. Quigg, and was in a number of engagements on the border. He was wounded at the Battle of the Big Blue. He enlisted as a soldier in the Mexican War, but peace was declared before he saw active service. He was a Mason, and was one of the charter members of the Knights Templar Commandery at Atchison.

Always an uncompromising Democrat, Gov. Glick had the respect and esteem of Kansas people of all parties. His sagacity and courage in treating public questions, his detestation of trickery, and his fair treatment of all won and kept him many loyal friends.

His inflexible determination to make Kansas respected and entitled to the respect of the Nation forced him into a position of prominence and responsibility. His unswerving attitude through all the changes and vicissitudes of the State made his name a household word. Until the day of his death he represented in his own individuality the best history and attainments of the State of Kansas. More than to any other man is due him the credit for the construction of the important railroads of the State of Kansas. He was a charter member of the Atchison, Topeka & Santa Fe organization, which line started from the city of Atchison, as its eastern terminus. He helped to build up the farming industries of the State, and was always consulted in all matters of farming and stock raising. His natural instincts were in harmony with an agricultural region. He was the best representative of an agricultural State.

Gov. Glick was married in 1857 to Elizabeth Ryder, of Massillon, Ohio, whose grace and dignity adorned his home and added honor to his official life. Mrs. Glick still lives at Atchison in comfort and happiness, enjoying the rewards of a well-spent life. A son, Frederick H., and a daughter, Jennie, are the fruits of this union. Gov. Glick died at his home April 13, 1911, and was buried at Mount Vernon Cemetery, Atchison, Kans. Thus ended the earthly career of one of the ablest, most active, and useful citizens who ever lived in Kansas, and whose achievements are indelibly written upon the pages of history of the State for more than a half century. It is therefore clear that for his historic renown and distinguished civic services he is in every way worthy of national commemoration by the State, and it is entirely fitting and proper that his statue in marble should be presented by the State of Kansas and accepted by the Congress and placed in the National Statuary Hall.

Mr. BRISTOW. Mr. President, George W. Glick was a resident of Kansas for more than 50 years. He devoted much of his life to the promotion of the agricultural interests of the State. He was a genial, affable gentleman, who had attractive social qualities and made many personal friends. His professional and political career was not conspicuous. He was a member of the legislature of the State for many years, served on the State board of agriculture. I believe, from its organization to the time of his death, and was governor for two years.

He was the only real Democrat ever elected governor of Kansas, except the present incumbent of that office. L. D. Lewelling and J. W. Leedy were elected governors over their Republican competitors, but they were both Populists, and were elected on a fusion ticket supported by the Populists and Democrats. Mr. Glick was elected governor in 1882, defeating Gov. John P. St. John, who was running for the third consecutive term. During St. John's incumbency of the office the prohibitory amendment to the constitution was adopted, and he began a vigorous crusade to enforce it. As a result the anti-prohibition Republicans bolted and voted for Glick, who had been nominated by the Democrats on a strong antiprohibition platform.

It is an interesting coincidence in Kansas history that Gov. Glick, the only avowed antiprohibitionist who has ever been elected governor of Kansas since the prohibitory amendment was adopted, is to be honored by the people of his State with a statue in Statuary Hall, though the issue upon which he was elected governor, that of opposition to the prohibitory amendment, has passed away. I have been told by friends of Gov. Glick that before his death he admitted that prohibition had been beneficial to Kansas. And the party which nominated him and denounced prohibition in the most violent terms has now repudiated its antiprohibition declarations and at this time is standing for the prohibitory law and its enforcement. So that, in fact, Gov. Glick and the party which he represented now admit that the issue upon which he was elected governor was a false one. The temporary victory which the Democratic Party won in the State by the election of Mr. Glick resulted in no legislation adverse to the prohibition law of the State. In fact, the law has grown stronger year by year, and to-day is more strongly intrenched in the minds of the people of Kansas than at any time since it was adopted, 34 years ago.

If I had had a voice in the selecting of the second Kansan to be commemorated by a statue in the National Capitol, there are many others that I would have chosen in preference to Gov. Glick. But the legislature, upon whom the responsibility is imposed, has made this choice, and I am glad to commend his good qualities and personal virtues.

Mr. STONE. Mr. President, for more than 25 years my home was at Nevada, Vernon County, Mo., located in the southwestern section of the State. Vernon County adjoins Bourbon County, Kans., of which Fort Scott is the county seat. These cities are about 20 miles apart. Fort Scott is the most important city in southeastern Kansas, and Nevada is one of the most beautiful, progressive, and important cities in southwestern Missouri. Because of the proximity of these counties and cities the people residing in them, respectively, were constantly brought into intimate intercourse with each other. Years ago I had a somewhat extensive acquaintance with the people of that part of Kansas tributary to Fort Scott. Back in the seventies and

eighties I participated, more or less, in political campaigns in the Sunflower State, particularly in the southeastern section. In the campaign of 1882 George W. Glick was the Democratic candidate for governor. I was complimented with an invitation to deliver several addresses in support of the ticket of which he was the head, and it was during that contest that I first became acquainted with Mr. Glick. Mr. Glick was elected governor in that somewhat memorable struggle. His victory was the occasion of great rejoicing among his political followers throughout Kansas, heartily shared in by thousands of Missourians of his political faith, especially along the western border of that State. I met him frequently afterwards, and although I can not say that I ever knew him intimately, I did know him well. He was a strong, virile, intellectual man, whose heart was full of kindness and sympathetic regard for his fellow men. He was broad minded and large hearted. He was a typical man of the then new and rapidly expanding West. He was one of the big men of Kansas—patriotic, clean in his life, devoted to the higher duties of citizenship, and withal brave and fearless.

He rendered numerous valuable services to his State and country, and justly held a high place in public esteem. His long and distinguished life was closed among the people to whom he had become greatly endeared, and when he died his countrymen felt that a great man had fallen.

Among the States that make up our Union, Kansas, because of her exceptional history and marvelous development, stands forth as somewhat unique and remarkable. She is one of the great States of our federation, and for her the spirit of promise stands like a shining figure beckoning her onward. Gov. Glick bore a conspicuous part as a builder in making Kansas beautiful and great. It is well, therefore, that the people of Kansas should honor the memory of this man who was so useful to them and the country by giving him a place in Statuary Hall among the mute marble images of so many of the great sons of America.

Mr. REED. Mr. President, the home of Gov. Glick for many years was within a few miles of Kansas City, where I reside. It therefore happened that I had occasion to follow with some degree of accuracy his career.

George W. Glick was a warrior on the battle fields of progress. He was one of those men, all too rare, who place principle above popularity and subordinate private interests to the public weal.

For a half century he waged a desperate struggle on behalf of the principles of a party hopelessly in the minority in his home State. During at least 40 years of that time not a single star of hope illumined the dark horizon. His contention therefore was without expectation of emolument or reward. No man in Kansas could anticipate political preferment who marched under the banner of Democracy. His fidelity through the long years to that cause is certain proof that he found his inspiration in duty.

In this long and desperate contest his spirits never flagged, his zeal never abated. After each disaster his was the first hand to raise the stricken banner from the dust. His voice rang loud and clear as he rallied the scattered hosts. His valor always inspired the hearts of others with courage. So he continued from early manhood until the day of his death to contend for great principles the adoption of which he believed essential to the welfare of the Republic. He saw those principles grow in popularity and strength. He lived to witness the crystallization into law of many reforms for which in the beginning his voice resounded almost alone.

It is eminently proper that the Federal Government unite with Kansas in paying honor to the lofty citizenship of such a man. It is to men of his fiber and character the country owes its onward march. Sincerity in public life, self-sacrifice, and high courage are the qualities which in the end make up the sum of human progress. It has been such architects as George W. Glick who have laid the foundation and erected the walls of the temple of civilization.

Mr. THOMAS. Mr. President, George W. Glick was a type of the early westerner, the man who cast his fortunes and utilized his talents upon the frontier in the stirring days when there was a frontier. In those days the venturesome and the ambitious were attracted by the El Dorado of the West, and, obeying that instinct which has impelled the human race westward from the dawn of civilization, he entered upon a career having its beginning in a rude western and uninhabited land and its full fruition in its redemption from barbarism and its occupation by the white man.

Gov. Glick was elected to the chief magistracy of the State which he helped to found at a time when questions of internal interest and importance had weakened the loyalty of the great majority party to its ticket. He became conspicuous by reason of the fact that he was the first Democratic governor of the State of Kansas; but with the eyes of the country upon him in consequence of that unique circumstance, he bore the burdens of his position with dignity and discharged its duties with eminent success.

It is altogether fit and proper, Mr. President, that the marble effigy of such a man should be the companion piece from the State of Kansas of that of the great Senator, John J. Ingalls, who was conspicuous for so many years in the Senate Chamber.

The PRESIDING OFFICER (Mr. CLARK of Wyoming in the chair). The question is on agreeing to the concurrent resolution submitted by the Senator from Kansas [Mr. THOMPSON].

The concurrent resolution was unanimously agreed to.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of House bill 17824, being the general deficiency appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection——

Mr. BURTON. I take it that the House provisions of the bill will not be read at all.

Mr. MARTIN of Virginia. The House provisions of the bill can be read. I did not ask to dispense with the reading of the House provisions.

Mr. BURTON. How long would it take to read the provisions of the bill as it comes from the other House? I should like, as the bill has just come before us, to have those provisions read.

Mr. MARTIN of Virginia. I do not know how long it would take; but if the Senator from Ohio wants to hear every word of the bill read, of course, he can insist on that being done.

Mr. SMOOT. The Senator from Virginia has simply asked that the formal reading of the bill be dispensed with.

Mr. MARTIN of Virginia. I simply asked that the formal reading be dispensed with.

Mr. BURTON. Will every item, including the House provisions, be read?

Mr. MARTIN of Virginia. They will not, with my approval; but if the Senator from Ohio so desires, that will be done. I might just as well be frank about it; nobody pays any attention to the reading of every word of the bill; but if the Senator from Ohio desires to have every word of the bill read, it can be done.

Mr. BURTON. Certainly; I can hardly understand the restiveness of the Senator from Virginia in regard to this. Here is an appropriation bill reported last night and placed on our desks this morning. It seems to me we should have an opportunity to understand what is in it.

Mr. BRYAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. BRYAN. Does the request of the Senator from Virginia [Mr. MARTIN] preclude the reading of the bill? My understanding is that the bill will be read at his request.

Mr. MARTIN of Virginia. I have not asked that the reading of the bill be dispensed with.

Mr. BRYAN. The House text of the bill will have to be read under the request of the Senator from Virginia.

The PRESIDING OFFICER. If the Chair may be permitted, the understanding of the Chair is that it is the formal reading of the bill which the Senator from Virginia asked might be dispensed with.

Mr. BURTON. Well, then, the whole bill will be read?

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request of the Senator from Virginia? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 11, to insert

To pay the Trans-Atlantic Fire Insurance Co., $9,500; Prussian National Fire Insurance Co., $2,850; North German Fire Insurance Co., $8,000; Hamburg-Bremen Fire Insurance Co., $10,450; Royal Insurance Co., $25,100; Liverpool & London & Globe Insurance Co., $6,900; New England Insurance Co., $6,025; Firemen's Fund Insurance Co., $9,250; National Fire Insurance Co., of Hartford, Conn., $4,150; Caledonia Insurance Co., of Edinburgh, Scotland, $750; in all, $82,975,

there is no man who ranks higher than its one-time governor, the late George W. Glick.

Grateful for his eminent services and proud of his history and attainments in behalf of the State, the legislature, at its regular session of 1913, adopted a concurrent resolution and made an appropriation for the purchase of a suitable statue, as a tribute to his memory, to be placed in Statuary Hall, where the Nation has granted to his people the privilege of placing it. This rare privilege is gratefully accepted by the State of Kansas, and the statue, done in imperishable marble, is now ready for acceptance by the Government; and, in behalf of the Legislature of Kansas and of the people I represent, I here avail myself of the honor and pleasure of presenting it to the people of the United States and their Representatives in Congress assembled.

Respectfully, yours,

GEORGE H. HODGES, *Governor.*

Mr. THOMPSON. Mr. President, I submit a concurrent resolution, and ask that it may be read and considered at this time.

The PRESIDENT pro tempore. The Senator from Kansas introduces a concurrent resolution, which the Secretary will read.

The Secretary read the concurrent resolution (S. Con. Res. 28), as follows:

Resolved by the Senate (the House of Representatives concurring), That the statue of George Washington Glick, presented by the State of Kansas to be placed in Statuary Hall, is accepted in the name of the United States, and that the thanks of Congress be tendered the State for the contribution of the statue of one of its most eminent citizens, illustrious for his distinguished civic services.

Second. That a copy of these resolutions, suitably engrossed and duly authenticated, be transmitted to the governor of the State of Kansas.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. THOMPSON. I present a communication from Hon. ROBERT L. OWEN, senior Senator from the State of Oklahoma, and ask that it may be read by the Secretary.

The PRESIDENT pro tempore. The Senator from Kansas presents a communication, which he asks may be read by the Secretary. Unless there is objection, that will be the order.

The Secretary read as follows:

[Cablegram.]

JULY 18, 1914.

Hon. WILLIAM H. THOMPSON,
United States Senate, Washington, D. C.:

I greatly regret my inability to be with you to-day. I especially desire to pay my great respect for Gov. Glick in person. He was an honor to the great State of Kansas. His upright, useful life, his great integrity, and his patriotic devotion to the public interest will always remain a model and an inspiration to the youth of Kansas and our whole country. May his splendid example be forever perpetuated by the noble monument which you to-day erect in the National Capitol.

My sympathy and good wishes are with you. Extremely sorry I am prevented being present.

ROBERT L. OWEN.

Mr. THOMPSON. I also present a telegram from Representative GEORGE A. NEELEY, of the seventh district of Kansas, which I ask may be read.

The PRESIDENT pro tempore. The communication will be read, unless there is objection. The Chair hears none, and the Secretary will read.

The Secretary read as follows:

[Telegram.]

HUTCHINSON, KANS., *July 18, 1914.*

Senator W. H. THOMPSON, *Washington, D. C.:*

Matters over which I have no control deprive me of the pleasure of being present at the proceedings in Congress upon the acceptance of the statue to the memory of the late Gov. George W. Glick. Time has only tended to magnify the splendid qualities that made him the foremost Kansan of his day, and it is indeed a happy day for the people of our State, irrespective of party, that this remembrance of his life, service, and activities is to be thus recognized.

GEORGE A. NEELEY.

Mr. THOMPSON. I also present and ask to have read a telegram just received from Hon. B. P. Waggener, of Atchison, Kans.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

ATCHISON, KANS., *July 18, 1914.*

Hon. W. H. THOMPSON,
United States Senate, Washington, D. C.:

As member of legislature for many years and as chief executive of Kansas, George W. Glick accomplished more for State than any of her public men. While he was not a brilliant orator he was a constructive statesman, and Kansas honors herself by perpetuating his memory.

B. P. WAGGENER.

Mr. THOMPSON. Mr. President, the statutes of the United States provide:

The President is authorized to invite all the States to provide and furnish statues in marble or bronze not exceeding two in number for each State of deceased persons who have been citizens thereof and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration, and when so furnished the same shall be placed in the old Hall of the House of Representatives in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

This proceeding, therefore, involves two propositions: First, the presentation by the State of Kansas to the United States of a marble statue of the late George Washington Glick; and, second, the formal acceptance of that statue by the Congress of the United States.

Sir William Jones, the noted English linguist and jurist, furnished to the literature of the world the following beautiful sentiment in verse:

What constitutes a State?
Not high-raised battlement or labored mound,
Thick wall or moated gate;
Not cities proud with spires and turrets crowned;
Not bays and broad-armed ports
Where, laughing at the storm, rich navies ride;
Not starred and spangled courts
Where low-browed baseness wafts perfume to pride.
No! Men, high-minded men,
With powers as far above dull brutes endued
In forest, brake, or den,
As beasts excel cold rocks and brambles rude,
Men who their duties know,
But know their rights, and, knowing, dare maintain,
Prevent the long-aimed blow,
And crush the tyrant while they rend the chain.
These constitute a State,
And sovereign law, that State's collected will,
O'er thrones and globes elate,
Sits empress, crowning good, repressing ill.

Sumner said: "The true grandeur of nations is in those qualities which constitute the greatness of the individual."

The causes which shape the fortunes of individuals and the destinies of nations are substantially the same. That nation is the greatest which produces the most noble men and faithful women. It has frequently been demonstrated in battle that success does not depend so much upon the number of men and guns as it does upon the character of the men behind the guns. The principal elements of success in life consist in innate capacity and pronounced determination to excel. Where either is wanting, failure is almost certain. It is therefore proper on occasions like the present to make a study of successful lives, to serve both as a source of information and as a stimulus and encouragement to those who have the capacity to emulate their example. Longfellow furnishes an important lesson in this connection in his expression, "We judge ourselves by what we feel capable of doing, while we judge others by what they have already done."

George Washington Glick, the ninth governor of Kansas, was born at Greencastle, Fairfield County, Ohio, July 4, 1827. His great-grandfather, Philip Glick, a Revolutionary soldier, was one of five brothers who came to Pennsylvania from Germany. His grandfather, George Glick, served in the War of 1812, as did also his mother's father, Capt. George Sanders. Gov. Glick's father, Isaac Glick, was a man of influence in the community where he lived, who took an active interest in State and local politics, and held many positions of public trust. His mother, Mary Sanders, was of Scotch parentage, and a woman of marked and lovable character. Both parents lived to a good old age.

Gov. Glick was reared on his father's farm near Fremont, Ohio, and there acquired the habits of industry, economy, and self-reliance that have made his later life so successful. At the age of 21 he entered the office of Buckland & Hayes as a law student, and was admitted to the bar two years later at Cincinnati by the supreme court. Rutherford B. Hayes, one of the members of this firm, afterwards became President of the United States. Gov. Glick began the practice at Fremont and soon won an enviable reputation as a hard-working and faithful lawyer. He fully sustained this reputation after coming to Kansas. Whatever else may be said of the legal fraternity, it can not be successfully denied that members of the bar have been more prominent in public affairs than any other class of citizens. Gov. Glick was a natural leader of men and consequently began early in life to take a hand in politics. When but 31 years of age he was nominated for Congress by the Democracy of his district in Ohio, but declined to accept the nomination. The same year he was nominated for State senator and made the race against Gen. R. P. Buckland, his former law preceptor. He was defeated, but ran 1,750 votes ahead of his ticket.

Locating at Atchison in the spring of 1859, about the same time that Senator Ingalls also located there, he formed a partnership with Hon. Alfred G. Otis, who afterwards became a prominent judge of the State, which partnership lasted until 1874, when an affection of the throat compelled him to relinquish the active practice of the law. This firm soon became one of the best law firms in the State. Hon. Balle P. Waggener,

of Atchison, the present general attorney for the Missouri Pacific Railway Co., and one of the most prominent Democrats of Kansas, and whose sixty-seventh birthday is being celebrated to-day, read law in this office when he was a young man and was admitted to the bar from this firm. Mr. Waggener is also the author of the resolution for the presentation of the Glick statue to the Nation, which as State senator he introduced in the last legislature. Gov. Glick soon took a leading place at the Kansas bar. His practice extended throughout all the courts, and he was a salaried attorney for two railroads and a number of large business concerns. His fees were often very large, but at the same time he did much legal work for the poorer settlers without compensation, and he never willingly saw a man sent out of court without a hearing because he was unable to pay a lawyer. At the bar he won marked prestige by reason of his thorough understanding of the law and his constant devotion to his clients' interests. He prepared his cases with precision and exactness, studied the question at issue from every conceivable standpoint, and was thus ready to meet not only the expected but also the unexpected, which happens so frequently in the courts.

Notwithstanding he was an active Democrat and lived on the Missouri River in close proximity to the State of Missouri, he was an uncompromising free-State man, and was perhaps as much responsible for the State enlisting in the free-State cause as any other person. He helped to prepare and adopt the constitution upon which the State of Kansas was admitted to the Union. He served in the first legislature and again and again in following legislatures until the policy of the State was firmly established. He was elected by the Democrats to the Kansas Legislature in 1862, without opposition, something unprecedented in that Republican State in those days. He was reelected by the Democrats against strong Republican opposition in an overwhelmingly Republican district in 1863, 1864, 1865, 1866, 1868, 1876, and 1882, serving almost constantly for 18 years, giving him the longest service in the Kansas Legislature of any man in either political party.

During his long and active service as a legislator he introduced and secured the passage of many needed and important laws that have fixed and settled the policy of the State on many matters of vast interest, and that have stood the test of time and experience. Mr. Glick in 1863 prepared and secured the passage of the first law in Kansas regulating the rate of interest on money, changing the then prevailing rates of from 5 and 3 per cent per month to 10 per cent per annum, with penalties for exacting usury. Also the first law relating to marriage, and providing for a record of the same, making it easy to prove the marriage and to establish the legitimacy of children and the title to property belonging to heirs. This law, passed in 1863, has been amended, but the original requirements of a license and a record of the marriage have not been changed. The occupying-claimant law, the law relating to wills, and the mechanics' lien law, with many others passed in the early sixties, that have stood the test of time and extended by amendments to conform to changed conditions, but not changing their theory or purpose, are now part of the settled policy of the State. Gov. Glick, as chairman of the judiciary committee, in 1868, in revising the laws, prepared and secured the adoption of sections 5046 and 5047 of the civil code, which have had a most important bearing on the proceedings of the supreme court.

Section 5046 provides that in all cases decided by the supreme court it shall be the duty of the judges of the supreme court to prepare and file with the papers of the case the opinion of the court upon the questions of law arising in the case before any mandate shall issue to the court below.

Section 5047 provides that the judge writing the opinion of the court shall prepare a syllabus of the points of law decided in the case, and file the same with the papers in the case, and in all cases a copy of the syllabus must accompany the mandate to the court below. Previous to the adoption of those two sections of the code in more than half of the cases tried and decided by the supreme court no opinions were filed, and litigants never knew on what grounds the cases were decided; and the lower courts, when cases were reversed, were left in ignorance of the reasons for reversal. These amendments to the code met with the universal indorsement of the bar of the State, and Gov. Glick received many thanks from district judges and members of the bar commending his acts in securing the passage of these statutes.

In 1876 Gov. Glick was made speaker pro tempore of the house of representatives, although that body was strongly Republican. As a presiding officer he proved eminently fair and an expert parliamentarian. During his years in the legislature he was recognized as one of its strongest members. He was a ready debater and on the alert to detect all schemes aimed at the public treasury or at the rights and liberties of the people, and knew the full meaning and import of every bill passed. He was at the head of the judiciary and other important committees, and to him is largely due the credit for the complete and successful revision of the laws of Kansas made by the judiciary committee in 1868.

He was a delegate to the Democratic national conventions in 1856, 1868, 1884, and 1892. He was the choice of the Kansas Democracy in 1884 for Vice President, and the Kansas delegation in the Democratic national convention at Chicago that year presented his name to the convention as its candidate for Vice President after the nomination of Grover Cleveland for President.

He was nominated for governor in 1868 and made the race in obedience to his party's call, although his defeat was inevitable. In 1882 he was again the unanimous choice of his party for governor and made a memorable campaign, and, though fighting against great odds, among them being a Republican majority of over 52,000, he defeated that distinguished Republican and Prohibitionist, John P. St. John, by 8,079 votes. The campaign of 1882 was an extremely lively contest. It was the first political campaign that I ever became interested in. My father, John F. Thompson, made his first political race in Kansas on the Democratic ticket for probate judge of Nemaha County, and I was naturally interested in the outcome, although only a mere boy. I remember especially the activity of Gov. Glick in that campaign. I learned from him at that time my first lesson in politics. He made a personal campaign, speaking in practically every county in the State, and when the votes were counted he had overcome the fifty-odd thousand Republican majority. Gov. Glick was the only Democrat elected on the State ticket in 1882. Gov. Glick was our first and only Democratic governor until the present administration, and our present governor was also the only Democrat elected on the State ticket in 1912.

While in the election of 1882 the resubmission question cut some figure in the contest, as prohibition had only recently been adopted in the State, and most people who were opposed to the amendment at that time, regardless of political affiliations, naturally voted the Democratic ticket, yet, after all, the fight against the third term for St. John was really the controlling factor that brought success to the Democrats. No one in any party has ever been elected for a third term for governor in Kansas, and very few men have been elected for a third term to any office. Resubmission, when submitted alone, has always been defeated, and always will be. Resubmission was like a millstone around the neck of the Democratic Party so long as it gave encouragement to this issue. General success never came to the party on principle until it freed itself of this burden. None of the old recognized leaders of the party now stands for resubmission. In fact, none of the leaders of any of the political parties now advocates it. It is a dead issue in Kansas, except to only a few politicians who refuse to recognize the settled policy of the State in this regard, and who occasionally attempt to resurrect it simply to cause trouble. Although the resubmissionists claimed to have elected Gov. Glick, their cause never received any consideration or encouragement during his administration, and before he died, like David Overmyer and other former great leaders, he repudiated the doctrine.

Gov. Glick was inaugurated January 8, 1883, and his administration was marked by dignity, intelligence, and a careful and discreet management of the material and financial interests of the State. His long experience as a legislator gave him an intimate knowledge of the State's needs, and many valuable reform measures recommended in his message to the legislature were accomplished. He entered an earnest protest against the burdens imposed upon the agricultural classes by the railroads, and asked that legislation be enacted to prevent these exactions. A law creating a railroad commission and embodying substantially a the improvements asked by him was passed and proved of great benefit to the people of the State.

Among other measures suggested by him and adopted by the legislature may be cited the first good-roads law enacted by the State; more just and equitable assessment laws for taxation; the establishment of a live-stock sanitary commission, with a State veterinary surgeon; and laws providing for the better care of public money, since the adoption of which not one dollar has been lost to the State.

A wise economy without stinginess marked his management of the State's finances, and the various educational and charitable institutions of the State were admirably cared for. He was renominated for governor in 1884, but was defeated by Col. John A. Martin, also of Atchison, although running 15,000 votes ahead of his ticket.

in this matter will appear hereafter. I understand, although I did not know it at the time, that these charges of Dr. Boyd have already been several times investigated by competent officers of the Department of State, and once by Chief Wilkie of the Secret Service; and in each case they were found wholly groundless and unworthy of serious consideration, and that Dr. Boyd, after he had gone so far as to threaten to horsewhip Secretary Hay, was denied the privilege of having personal conferences with the officers of the Department of State.

Under these circumstances I will confine myself in this letter to giving a summary as brief as may be, supported by references to some of the more important official documents, of my official connection with the matters referred to by Dr. Boyd and Senator THOMAS.

In 1888, being then a major in the Tenth United States Cavalry, while on leave of absence at El Paso, where I had resided before the war, I was requested by some of my friends "to project a remedy for the then decreasing water in the river, and the perishing of a great many farms, trees, orchards, and vineyards by the drought." (Testimony submitted to the Committee on Foreign Affairs on bill (H. R. 9710) to provide for the equitable distribution of the waters of the Rio Grande between the United States of America and the United States of Mexico," etc., "Washington: Government Printing Office, 1901." p. 221.) On December 10, 1888, I wrote a letter to the Secretary of State, formally submitting to him an outline of a project which I had conceived for an international dam and water storage on the Rio Grande near El Paso, Tex. (Testimony, p. 209.) On April 12, 1889, I received an order from the War Department to proceed to El Paso, Tex., and assist the officers of the Geological Survey in an effort to redeem the areas of irrigable land in that valley within a radius of 60 miles above and below El Paso. On April 19 I received further instructions from Maj. Powell, Director of the Geological Survey, in which he took occasion to emphasize the international character of the question involved, and directed me to consult with the Mexican officials and assure them of the desire of his office to proceed with due regard to the rights of Mexico. (See my report, testimony, pp. 180, 181.) I carried out my instructions, and on October 10, 1889, made my report giving the results of my investigations pursued in cooperation with the Mexican officials, and recommended the building of an international dam at one of two possible sites in the gorge above El Paso. (Testimony, pp. 180-208.)

On April 20, 1890, Congress passed a concurrent resolution entitled "Concerning the irrigation of arid lands in the valley of the Rio Grande River, the construction of a dam across said river at or near El Paso, Tex., for the storage of its waste waters; and for other purposes." (S Doc. 154, 57th Cong., 2d sess., p. 9.) This resolution recites the exhaustion of the water of the Rio Grande available for irrigation, caused "by means of irrigating ditches and canals taking the water from said river and other causes," and the damage and confusion wrought by the annual floods on the river; and authorizing negotiations with the Government of Mexico for the purpose of remedying these difficulties. (S. Doc. 154, 57th Cong., 2d sess., pp. 9, 10.)

On October 30, 1893, I was appointed the first American commissioner upon the International Boundary Commission, United States and Mexico, under the convention of 1889, and thereafter on May 6, 1896, Secretary of State Olney and Señor Romero, the Mexican minister, signed a protocol reciting that it was essential for the conduct of the negotiations contemplated by the foregoing resolution that certain facts should be ascertained, and directing Señor Osorno, the Mexican commissioner, and myself to investigate and report upon the following questions:

"1. The amount of water of the Rio Grande taken by the irrigation canals constructed in the United States of America.

"2. The average amount of water in said river, year by year, before the construction of said irrigation canals and since said construction—the present year included.

"3. The best and most feasible mode, whether through a dam to be constructed across the Rio Grande near El Paso, Tex., or otherwise, of so regulating the use of the waters of said river as to secure to each country concerned and to its inhabitants their legal and equitable rights and interests in said waters." (S. Doc. 229, 55th Cong., 2d sess., p. 34.)

We proceeded in this investigation at a cost of several thousand dollars, found a suitable site for a dam in the El Paso Canyon, and reported to the two Governments plans and specifications for the dam and reservoir, and an estimate of its cost—about $2,300,000. (S. Doc. 229, 55th Cong., 2d sess., p. 31 et sec, especially p. 40.) A tentative draft of a treaty providing for the construction of the proposed dam was drawn up as the result of informal conferences between the Mexican minister, Assistant Secretary of State Adee, and myself, and was formally submitted by the Mexican minister to the Secretary of State (S. Doc. 229, 55th Cong., 2d sess., pp. 180-182); and later on several bills to the same end were introduced in Congress.

Meanwhile, however, the project for an international dam at El Paso had attracted the attention of a group of men in El Paso and elsewhere, who conceived the idea of anticipating the erection of the proposed international dam by appropriating all the water which would be available therefor, by obtaining the right to construct a dam at some point higher up the river, thus putting themselves in an advantageous strategic position, enabling them to compel the United States Government to subsidize their project in order to discharge its treaty obligations to Mexico. (Testimony, pp. 7, 66, 70-71, 123, 124.) These gentlemen in 1893 organized the Rio Grande Dam & Irrigation Co., under the laws of New Mexico. On February 1, 1895, this company obtained the approval of the Secretary of the Interior, under the act of March 3, 1891, for its filings for a right of way and reservoir site in connection with a dam to be constructed at Elephant Butte, N. Mex. (S. Doc. 229, 55th Cong., 2d sess., p. 4) a point on the Rio Grande some 115 miles above El Paso.

Mr. Boyd, to whom reference has already been made, became interested in the new company early in its history, and soon became its leading spirit. (See his letter to the Secretary of State, July 11, 1902.) Not being able to finance the company in the United States he went abroad for capital, and succeeded, about 1896, in organizing an English holding company known as the Rio Grande Irrigation & Land Co. (Ltd.), to acquire by lease and assignment the franchises and rights of the Rio Grande Dam & Irrigation Co. On August 4, 1896, the Mexican minister, Mr. Romero, addressed a protest to the American Secretary of State against the activities of this company, on the ground that it would be useless to build an international dam at El Paso in order to secure to the Mexican landowners in the El Paso Valley their prior water rights, if the English company at Elephant Butte was to be permitted to appropriate all the water in the river. (S. Doc. 229, 55th Cong., 2d sess., pp. 2, 3.) The Secretary of State referred this protest to me, August 8, 1896, requesting my suggestions (S. Doc. 229, 55th Cong., 2d sess., p. 11); and on November 17, 1896, as soon as the investigations of the joint commission, regarding the amount of water taken from the Rio Grande in the United States, and the former flow of the river, had been sufficiently completed, I made a report to the effect that there was not sufficient water to supply the projected dam of the English company, and the proposed international dam at El Paso, and therefore recommended that "if practicable the approval of the reservoir of the Rio Grande Land & Irrigation Co. (Ltd.), at Elephant Butte, be canceled or withdrawn, and, if not practicable to cancel or withdraw the same, that such executive or legislative restriction be placed upon it as to prohibit it from using any part of the flow of the river to which the inhabitants of either bank of the river below may have a prior right by appropriation." (S. Doc. 229, 55th Cong., 2d sess., p. 13.)

Further correspondence between the Departments of State, Interior, the War Department, and the Attorney General resulted in suit being instituted in the Federal courts by Attorney General McKenna to restrain the building of the dam by the English company. These proceedings were instituted upon the theory that the construction of the proposed dam at Elephant Butte, N. Mex., would impair the navigability of the Rio Grande in violation of the statutes of the United States and our treaties with Mexico. In the course of these proceedings I gave my testimony under oath, like any other witness, on behalf of the Government. The case went to the Supreme Court of the United States three times. The first time it was argued for the Government by Attorney General Griggs in person; the second time, under Mr. Knox as Attorney General, it was argued by Mr. M. C. Burch; and the third time by the late Solicitor General, Mr. Bowers (Mr. Wickersham being Attorney General). The litigation was finally terminated by a decree in favor of the Government, the unanimous opinion of the court being read by Mr. Justice Harlan (Mr. Justice McKenna not participating in the consideration or determination of the case). (215 U. S. 206.)

And yet Senator THOMAS regards the institution and prosecution of this suit as the result of a "conspiracy" (RECORD, p. 5343), in which of course, I am chief conspirator; qualifies Secretary Olney's conduct in this connection in "ignoring" an opinion of Attorney General Harmon as "the most sinister feature of all the sinister features of this affair from its beginning to its end" (RECORD, p. 5343); complains that "between the time of the beginning of this suit and the final termination by the court below the President of the United States and his Cabinet were fully advised of its progress, the absence of its equities, and the effect of the suit, if successful, upon agricultural conditions in that section of the country" (RECORD, p. 5345); and finally says, in speaking of the decision of the Supreme Court of the United States enjoining the defendant company because it had failed to complete its work within the five-year period provided by the statute, that "the decree was as unjust as the suit. It was founded upon a falsehood, and the decree was consistent with its foundation." (RECORD, p. 5345.)

Furthermore, Senator THOMAS asserts that "the United States Government finally and reluctantly conceded that its proceeding against the Rio Grande Dam & Navigation Co. was a persecution and not a prosecution; that its cause of action was a pretense, and its final judgment a great wrong, and so it has agreed to reimburse those who financed the enterprise to the extent of the money invested." (RECORD, p. 5350; see also RECORD, p. 5280.) But the Senator appears to be in error. The United States has declined to recognize that there is any merit in the company's claim, and the claim of the English company is one of those which have been referred to arbitration under the convention between the United States and Great Britain of August 18, 1910, for the arbitration of pecuniary claims, and is therefore now pending before the arbitral court for settlement. The impropriety, under these circumstances, of Senator THOMAS'S remarks, in so far as they relate to this case, would seem too obvious for comment.

So far as the treaty of 1906 for the equitable distribution of the waters of the Rio Grande is concerned, Senator THOMAS is absolutely mistaken in thinking that I had anything to do with it. During President Roosevelt's administration the matter of the equitable distribution of the waters of the Rio Grande was placed in the hands of the Reclamation Service, under Dr. Newell. To the best of my recollection, I never was consulted by anyone officially regarding that treaty, and had no knowledge of its terms until after it was ratified and promulgated and I saw it in the press. In fact, the treaty was a great disappointment to me in that it abandoned the international dam at El Paso, which I had always advocated, in favor of a site which I did not believe was adapted to furnishing to the Mexican landowners in the El Paso Valley the water to which I have always thought they were entitled by virtue of their prior rights. If I could bring myself to regard an attack by any responsible man upon my personal and official honor as other than serious, I could not but regard it as a humorous circumstance to be charged with being the "Mephisto" of a treaty of which I first saw in the newspapers.

Toward the close of the Senator's speech (RECORD, p. 5280) he states that if he is "correctly informed," I "disbursed and controlled" the $50,000 appropriation for the Chamizal arbitration; and he thereupon proceeds to criticize (most unjustly, as I am advised) an item of expenditure out of this appropriation. The Senator has not been correctly informed. I neither disbursed nor controlled this appropriation nor a single penny thereof. I may add that all of my disbursements, something like $500,000 of Government money, have passed the scrutiny of the proper accounting officers of the Government, and that no act of mine during my incumbency of over 20 years as boundary commissioner has been disapproved by my superiors.

I have served in the Regular Army over 55 years, the past 20 years' service with the Boundary Commission being as an officer of the Army, with pay and allowance as such, under a joint resolution of December 11, 1893. I was appointed by Secretary Gresham as the first international boundary commissioner under the treaty of 1889 with Mexico, and have served in that capacity continuously ever since to the satisfaction of the departments under Secretaries Gresham, Olney, Sherman, Day, Hay, Root, Bacon, and Knox. I am now assailed by a United States Senator, acting under the high responsibility and privilege of his office, in a two days' speech on the floor of the Senate and accused repeatedly, both directly and indirectly, albeit always in terms as vague as they are reckless, of dishonesty in the discharge of my official duties. I am challenged either to "vindicate the integrity of his [my] conduct or receive the indignant but merited condemnation of honest men everywhere."

I assert the absolute honesty and integrity of each and every one of my official and personal acts and stand ready at all times to vindicate my integrity before any competent tribunal.

Very respectfully,

ANSON MILLS,
Mexican Boundary Commissioner and Disbursing Officer.

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
Washington, February 24, 1897.

Statement of the military service of Anson Mills, of the United States Army, compiled from the records of this office.

He was a cadet at the United States Military Academy, July 1, 1855, to February 16, 1857.

He was appointed—

First lieutenant, Eighteenth Infantry, May 14, 1861.
Captain, April 27, 1863.
Transferred to Third Cavalry, January 1, 1871.
Major, Tenth Cavalry, April 4, 1878.
Lieutenant colonel, Fourth Cavalry, March 25, 1890.
Colonel, Third Cavalry, August 16, 1892.

He was brevetted captain, December 31, 1862, for gallant and meritorious services in the Battle of Murfreesboro, Tenn.; major, September 1, 1864, for gallant and meritorious services in the Battle of Chickamauga, Ga., and during the Atlanta campaign; lieutenant colonel, December 16, 1864, for gallant and meritorious services in the Battle of Nashville, Tenn.; and colonel, February 27, 1890, for gallant services in action against Indians, at Slim Buttes, Dak., September 9, 1876.

SERVICE.

He was on recruiting service July 19, 1861, to February 17, 1862, with regiment in Army of the Ohio, and Department of the Cumberland, to October 22, 1864, and acting inspector general, district of Etowah, to February 25, 1865. He participated in the siege of Corinth, April 29 to June 5, 1862; Battles on Stones River, December 8, 1862, Murfreesboro, Tenn., December 29, 1862, to January 5, 1863; Hoovers Gap, Tenn., June 25 and 26, 1863; Chickamauga, Ga., September 19 and 20, 1863; siege of Chattanooga, Tenn., September 21 to November 4, 1863; Missionary Ridge, Tenn., November 24 and 25, 1863; Tunnel Hill, Ga. February 23 and 24, 1864; Buzzards Roost, Ga., February 25 and 26, 1864; Atlanta campaign, May 3 to September 8, 1864; Resaca, Ga., May 13 to 15, 1864; Dallas, Ga., May 24 to June 1, 1864; New Hope Church, Ga., May 26 to 31, 1864; Kenesaw Mountain, June 22 to July 3, 1864; Neal Dow Station, July 4, 1864; Peach Tree Creek, Ga., July 20, 1864, where he was slightly wounded; Utoy Creek, Ga., August 7, 1864; Jonesboro, Ga., September 1, 1864; and Nashville, Tenn., December 15 and 16, 1864.

He was on recruiting service from February 25, 1865, to November 15, 1865, when he rejoined his regiment and served with it in Kansas, March, 1866; on leave to October, 1866; member of Board of Visitors at United States Military Academy in June, 1866; with regiment at Fort Bridger, Wyo., to October, 1867, and at Fort Fetterman, Wyo. to May 10, 1868; on leave to July 10, 1868, with regiment at Fort Sedgwick, Colo., to April, 1869; and in Georgia and South Carolina to January 15, 1871.

He joined the Third Cavalry, April 15, 1871, and served with it in Arizona to December 1, 1871.

He commanded his troop at Fort McPherson, Nebr., January 17 to May 1, 1872; at North Platte, Nebr. (on leave December 2, 1872, to March 9, 1873), to August 13, 1874; in the field commanding the Big Horn expedition to October 13, 1874; on leave to January 18, 1875; commanding troop and post of North Platte, Nebr., to April 14, 1875; at Camp Sheridan, Nebr., to November 20, 1875; at Fort D. A. Russell, Wyo. (in field February 21 to April 26, 1876, being engaged in action against Indians at Little Powder River, Mont., March 17, 1876), to May 18, 1876; commanding battalion of regiment in the field on expedition against hostile Indians to October 24, 1876; being engaged against them at Tongue River, Mont., June 9, at Rosebud River, Mont., June 17, and at Slim Buttes, Dak., September 9, 1876 (where he commanded); commanding his troop at Camp Sheridan, Nebr., November, 1876, to May 21, 1877, and on leave of absence to February 27, 1878; on duty in Paris, France, with the United States commissioner, Paris Exposition, to November, 1878; and on delay to March, 1879.

He joined the Tenth Cavalry April 11, 1879, and served with regiment in Texas (on leave March 23 to June 30, 1880, and August 26, 1880, to March 21, 1881) to May 21, 1881; commanding battalion of regiment at Fort Sill, Ind. T., to November, 1881; on duty at Fort Concho, Tex., to July, 1882; at Fort Davis, Tex. (on leave October 26, 1882, to January 2, 1884), to April 1, 1885; commanding post of Fort Thomas, Ariz., to August 26, 1886; on leave to March 27, 1887; on duty at Fort Grant, Ariz., being frequently in field to September 24, 1888; on sick leave to May, 1889, on duty at Fort Bliss, Tex., assisting officers of the Interior Department in surveys (before congressional committee in this city January to March, 1890) to April 2, 1890; and on leave and under orders to July, 1890.

He joined the Fourth Cavalry July 13, 1890, and served at the Presidio, of San Francisco, Cal., to October 31, 1891; commanding regiment and post of Fort Walla Walla, Wash., to February 11, 1893.

He joined the Third Cavalry February 28, 1893, and commanded it and the post of Fort McIntosh, Tex., to June 21, 1893, and the post of Fort Reno, Okla., to August 12, 1893; on leave to October 26, 1893, and since then on duty as commissioner of the United States International Boundary Commission of the United States and Mexico.

(Signed) GEO. D. RUGGLES, *Adjutant General.*

ADDITION TO THE RECORD OF COL. ANSON MILLS, UNITED STATES ARMY, NOT INCLUDED IN THE ADJUTANT GENERAL'S CERTIFICATE OF MILITARY SERVICE.

He left West Point in 1857, went to the frontier of Texas, and engaged in engineering and land surveying; laid out the first plan of the city of El Paso; in 1859 was surveyor to the boundary commission establishing the boundary between New Mexico, Indian Territory, and Texas; in February, 1861, on submission to the popular vote of the State of Texas the question of "separation" or "no separation," he cast one of the lonely two votes in the county of El Paso against separation to 985 for separation; in March, 1861, he abandoned the State, going to Washington, and there joined the military organization known as the "Cassius M. Clay Guards," quartered, armed, and equipped by the United States Government, and served there protecting Federal officers and property, until relieved by volunteer forces called out by the President. On May 14, 1861, was appointed first lieutenant Eighteenth Infantry on the following recommendation from the then first class at the Military Academy:

UNITED STATES MILITARY ACADEMY,
West Point, N. Y., April 30, 1861.

LORENZO THOMAS,
Adjutant General, Washington, D. C.

DEAR SIR: We, the undersigned, members of the first class at the United States Military Academy, respectfully recommend to your favorable consideration the claims of Mr. Anson Mills, an applicant for a commission as second lieutenant in the United States Army.

Mr. Mills was formerly a member for nearly two years of the class preceding ours, when he resigned.

During that time his habits and character conformed to the strictest military propriety and discipline, and we feel assured that he would be an honor to the service, and that its interests would be promoted by his appointment.

Respectfully submitted.

James F. McQueesten, Chas. E. Hazlett, Henry B. Noble, Francis A. Davies, John I. Rogers, J. W. Barlow, W. A. Elderkin, A. R. Chamblisa, Emory Upton, Eugene B. Beaumont, J. Ford Kent, J. S. Poland, Addelbert Ames, A. R Buffington, C. E. Patterson, Leonard Martin, Sheldon Sturgeon, Wright Rives, Chas. C. Campbell, M. F. Watson, Obio F. Rice, Erskene Gittings, Franklin Howard, Chas. Henry Gibson, J. H. Simper, H. A. Dupont, J. Benson Williams, Chas. M. K. Leeper, R. L. Eastman, Leroy L. Janes, Guy V. Henry, N. W. Henry, John Adair jr., Judson Kilpatrick, S. O. Sokalski, Samuel N. Benjamin, J. B Rawles, L. G. Horton.

During the four years of the war he was never absent, either on leave or from sickness, and was present in all of the engagements of his regiment.

Fox's "Regimental Losses" states, on page 3, that his regiment—Eighteenth Infantry—lost more in killed and mortally wounded than any other regiment in the Regular Army, and that his company—H, First Battalion (p. 420)—lost more in killed and mortally wounded than any company in his regiment.

He invented the woven cartridge belt (and loom for manufacture), now adopted and exclusively used by the Army and Navy of the United States.

He stands No. 24 on the lineal list of 71 colonels in the Army.

Private resolution No. 1.

Joint resolution permitting Anson Mills, colonel of Third Regiment United States Cavalry, to accept and exercise the functions of boundary commissioner on the part of the United States.

Resolved, etc., That Anson Mills, colonel Third Regiment United States Cavalry, having been nominated by the President and confirmed by the Senate as a commissioner of the United States under the convention between the United States of America and the United States of Mexico concluded and signed by the contracting parties at the city of Washington March 1, 1889, is hereby permitted to accept and exercise the functions of said office of commissioner: *Provided*, Said officer shall continue to receive his emoluments in pay and allowances as colonel in the Army while holding said office of commissioner the same as he would receive were he performing such duty under military orders, and no other or additional pay or emoluments for his services as such commissioner.

Approved, December 12, 1893.

STATUE OF GEORGE WASHINGTON GLICK.

The PRESIDENT pro tempore. There being no resolutions coming over from a former day, morning business is closed.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of House bill 17824, being the general deficiency appropriation bill.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Virginia to the fact that, by a resolution heretofore adopted, exercises appropriate to the acceptance of a statue of George Washington Glick were to take place immediately after the completion of the routine morning business to-day.

Mr. MARTIN of Virginia. I will say to the Chair that I make the motion with the consent of the junior Senator from Kansas [Mr. THOMPSON] that the bill to which I refer shall be now considered.

The PRESIDENT pro tempore. Does the junior Senator from Kansas make the request that the order be temporarily laid aside?

Mr. BRISTOW. How long will the bill moved by the Senator from Virginia take? I do not want delay.

Mr. MARTIN of Virginia. The bill perhaps will not take 30 minutes. There is no controverted matter in the bill.

Mr. BRISTOW. Why not wait until the regular order is disposed of?

Mr. MARTIN of Virginia. Very well. I spoke to the junior Senator from Kansas, and my request was agreeable to him; but if the Senators from Kansas can not agree about the matter, I will withhold it.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. BRISTOW] having objected to the request of the Senator from Virginia, the regular order will be the exercises appropriate to the reception and acceptance of the statue of George Washington Glick from the State of Kansas.

Mr. THOMPSON. Mr. President, I present a letter from the governor of Kansas and ask that it may be read.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

STATE OF KANSAS, GEORGE H. HODGES, GOVERNOR,
Topeka, June 29, 1914.

To the Senate and House of Representatives, Washington, D. C.

GENTLEMEN: Among the many distinguished Kansans who have patriotically devoted their lives to the service of the State, helped make its splendid history, promoted its material growth and prosperity, and marched in the forefront of the van of spiritual and social progress,

Also, petitions of the Trinity Methodist Episcopal Church, of Kingston, N. Y., and the consistory of the First Reformed Church of Hudson, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PALMER: Petition of sundry citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of sundry citizens of Olea, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of Branch No. 61, United National Association of Post Office Clerks, protesting against dismissal of employees of Washington (D. C.) post office on ground of old age; to the Committee on the Post Office and Post Roads.

By Mr. SAMUEL W. SMITH: Petition of sundry voters of Genesee County, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Hanover Street Congregational Church, favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Memorial of the Quarterly Conference of the Methodist Episcopal Church of Scituate, Mass., favoring national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *July 18, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look to Thee as the Lord of heaven and earth and as the God of nations. Thou hast dealt bountifully with us as a Nation. Thou hast filled our storehouses, enlarged our commerce, multiplied our facilities, and blessed our homes. In wealth, and influence, and liberty, and power, and rapid progress Thou hast permitted us to become a mighty people. Grant that we may recognize Thy hand and follow Thy leadings. May we be faithful subjects of Thy kingdom. Lead Thou our leaders. Bless us in our national and international relations, and help us to master our problems for the honor of Thy name and for the accomplishment of Thy purposes. We ask it for Christ's sake. Amen.

The Vice President being absent the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Mississippi suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary proceeded to call the roll, and was interrupted by

Mr. VARDAMAN. I wish to ask unanimous consent to withdraw the suggestion of the absence of a quorum.

The PRESIDENT pro tempore. The present impression of the Chair is that under the precedents of the Senate such a request is not in order. A Senator can not interrupt a roll call when once begun, and therefore the request can not be entertained.

The Secretary resumed and concluded the calling of the roll, the following Senators having answered to their names:

Ashurst	Culberson	Nelson	Sterling
Brady	Gronna	Norris	Stone
Brandegee	Hollis	Overman	Thompson
Bristow	Hughes	Page	Thornton
Bryan	Kenyon	Perkins	Tillman
Burton	Kern	Ransdell	Vardaman
Camden	Lane	Reed	Walsh
Catron	McLean	Sheppard	Warren
Chilton	Martin, Va.	Simmons	White
Clarke, Ark.	Martine, N. J.	Smith, Ga.	Works
Crawford	Myers	Smoot	

The PRESIDENT pro tempore. The roll call discloses that less than a quorum have answered to their names. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. THOMAS and Mr. WEEKS answered to their names when called.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON] and also the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. CAMDEN. I wish to announce that my colleague, the Senator from Kentucky [Mr. JAMES], is unavoidably absent. He is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He has a general pair with the senior Senator from Maryland [Mr. SMITH]. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. There is not a quorum of the Senate present.

Mr. MARTIN of Virginia. I move that the Sergeant at Arms be instructed to notify absent Senators to attend the session.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will carry out the order of the Senate.

Mr. CLARK of Wyoming, Mr. ROOT, Mr. SWANSON, and Mr. LEA of Tennessee entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. MARTIN of Virginia. I move that the order directing the Sergeant at Arms to notify absent Senators that their presence is requested be vacated.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of the Woman's Home Missionary Society of the University Methodist Episcopal Church, of Salina, Kans., and a petition of sundry citizens of Norton, Kans., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WORKS presented petitions of sundry citizens of Chino and Los Angeles, in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROOT presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New York, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

PUBLIC BUILDING AT NEWCASTLE, IND.

Mr. KERN. From the Committee on Public Buildings and Grounds I report back favorably without amendment the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind. The bill proposes to increase the limit of cost of the post-office building by $15,000. It is found that the building can not be constructed under the present limit. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1151) to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion, reported it without amendment and submitted a report (No. 690) thereon.

He also, from the same committee, to which was referred the bill (S. 1985) to remove the charge of desertion from the military record of Capt. Daniel H. Powers, reported it with an amendment and submitted a report (No. 693) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 136) to authorize the appointment of Charles August Meyer as a cadet at the United States Military Academy, reported it without amendment and submitted a report (No. 691) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 137) to authorize the appointment of Clifford Hildebrandt Tate as a cadet at the United States Military Academy, reported it with amendments and submitted a report (No. 692) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 6126) to increase the compensation of the janitor of the Federal building at Topeka, Kans.; to the Committee on Appropriations.

A bill (S. 6127) granting a pension to Maria C. Haney (with accompanying papers), and

A bill (S. 6128) granting a pension to Samuel H. Fisher (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6129) granting a pension to Benjamin F. Klippert; to the Committee on Pensions.

By Mr. CRAWFORD:

A bill (S. 6130) granting a pension to Frank D. Brown (with accompanying papers); to the Committee on Pensions.

UNEXPENDED BALANCES OF RIVER AND HARBOR APPROPRIATIONS.

Mr. BURTON. I submit a resolution and ask for its immediate consideration.

The resolution (S. Res. 426) was read as follows:

Resolved, That the Secretary of War be requested and directed to transmit to the Senate a statement of the balances remaining unexpended on June 30, 1914, to the credit of the respective river and harbor projects of the country now under improvement.

Mr. SIMMONS. My attention was diverted. I wish to ask the Senator from Ohio what is the purpose of the resolution?

Mr. BURTON. It is a request for a statement of the balances remaining unexpended to the credit of the respective river and harbor projects at the close of the fiscal year ended June 30, 1914.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The resolution was agreed to.

Mr. BURTON subsequently said: I ask unanimous consent that the Senate reconsider a resolution which I introduced this morning, and which was passed, calling upon the Secretary of War for certain information. I move that the resolution be reconsidered; that when reconsidered it be amended by adding the words "and available" after the word "unexpended," and that when so amended it be readopted.

I ask unanimous consent to that effect.

Mr. OVERMAN. What is the request? I should like to know what it is.

Mr. BURTON. I submitted a resolution this morning calling on the Secretary of War——

Mr. OVERMAN. Oh, it is a resolution that has been passed?

Mr. BURTON. A resolution that was passed this morning. It calls on the Secretary of War for information as to the amount of money on hand to the credit of the respective river and harbor projects. I used the word "unexpended." In the form in which they keep their accounts they have two sets of figures, one of them unexpended, which may include provision for bills audited and which should be paid, and the other that which is unexpended and available.

Mr. OVERMAN. I have no objection.

Mr. BURTON. The words "and available" ought to go in after "unexpended."

The PRESIDENT pro tempore. The Senator from Ohio asks unanimous consent that the vote whereby Senate resolution 426 was agreed to may be reconsidered.

The motion to reconsider was agreed to.

Mr. BURTON. I understand that the resolution has already been forwarded to the Secretary of War. I ask unanimous consent that it may be recalled.

The PRESIDENT pro tempore. Without objection, the resolution will be recalled from the Secretary of War. The vote by which the resolution was agreed to will be reconsidered. The Senator from Ohio moves an amendment, which will be stated.

The SECRETARY. After the word "unexpended" it is proposed to insert the words "and available"

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

GEN. ANSON MILLS.

Mr. ROOT. Mr. President, I ask unanimous consent to have printed in the RECORD of to-day's proceedings a letter written to me by Gen. Anson Mills, United States Army, together with a copy of the War Department's record of Gen. Mills. This is in the nature of a statement of his case consequent upon a speech which the Senator from Colorado [Mr. THOMAS] made some weeks ago. I have shown this letter to the Senator from Colorado, and he is of the opinion with me that it is an act of justice to permit this officer's own statement to appear in the RECORD, which contains the speech of the Senator from Colorado.

The PRESIDENT pro tempore. The Senator from New York submits a request that the letter referred to by him be printed in the CONGRESSIONAL RECORD. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROOT. That order includes the copy of the record which is annexed?

The PRESIDENT pro tempore. It includes the entire request made by the Senator from New York.

The matter referred to is as follows:

INTERNATIONAL BOUNDARY COMMISSION,
UNITED STATES AND MEXICO,
AMERICAN SECTION.
2 Dupont Circle, Washington, D. C., June 25, 1914.

The Hon. ELIHU ROOT,
United States Senate.

SIR: My attention has been called to a speech of Senator THOMAS, of Colorado, delivered in the United States Senate, Monday and Tuesday, March 23 and 24 last.

Senator THOMAS attacks the entire course of the United States Government for the last quarter of a century with respect to an important question of public policy—the equitable distribution of the waters of the Rio Grande—but because of the manner and terms in which he questions the motives and impeaches the integrity of those officers of the Government who participated in the policy which the Senator deems to have been mistaken, which means practically all officers of the Government who have had anything to do with the matter in question. A Secretary of State and an Attorney General by name, other Cabinet officers, Senators, Congressmen, and Presidents by necessary implication, Republicans and Democrats, the living and the dead, alike are condemned. The exceptions prove the rule. The late Secretary of War, Mr. Lamont, escapes with his character at the expense of his "intelligence" (RECORD, p. 5343) or his attention to business; and the Reclamation Bureau, while conceded "integrity of purpose," should, in the opinion of the Senator, "be dismantled and its officials put into a humane asylum." (RECORD, p. 5352.)

Such being the Senator's opinion of the officers of the Government, their works naturally fare no better at his hands. The treaty of 1906 between the United States and Mexico for the equitable distribution of the waters of the Rio Grande, negotiated while you, Senator, were Secretary of State of the United States, and signed by you as the plenipotentiary of our Government and duly ratified by the President by and with the advice and consent of the United States Senate, is termed a "disgraceful treaty" (RECORD, p. 5351) "whose history is a scandal and a shame" (RECORD, p. 5352); "conceived in sin and brought forth in iniquity" (RECORD, p. 5347), "a huge speculative enterprise conceived by greed and fostered by governmental agencies" (RECORD, p. 6091); and, finally, "the consummation * * * of a sordid, shameful, and successful intrigue, conducted in the interests of private parties impelled by greed and gain." (RECORD, p. 5356.)

For this treaty so characterized, as well as for practically everything else which has happened in connection with the distribution of the waters of the Rio Grande for the past quarter of a century, I am held primarily responsible by Senator THOMAS. I am singled out for attack before all others, and held up for public obloquy by repeated and direct accusation and indirect suggestion, as one who, as an Army officer and American commissioner upon the International Boundary Commission, has prostituted his public trust for purposes of private gain. The Senator has used my name in his speech on the floor of the Senate no less than 52 times (including references to "this man Mills," etc.). He has charged that the motive behind a draft treaty which he say I drew "can not be reconciled with any honest or honorable purpose" (RECORD, p. 5284); and finally, he threatens me with an investigation in which I must "either vindicate the integrity of his [my] conduct, or receive the indignant but merited condemnation of honest men everywhere." (RECORD, p. 5352.)

Senator THOMAS's speech was delivered on the responsibility of his oath as a United States Senator, representing the great State of Colorado. By wise and necessary constitutional provision he may not be questioned for anything he has said thereon "in any other place." And yet this speech does great wrong to many honorable men, some of whom are no longer living, in particular it does me wrong. And as I, too, may not be among the living (I am in my 80th year) when the investigation of which Senator THOMAS speaks comes to pass in its "proper season" (RECORD, p. 5352)—if it ever does—I respectfully request you, Senator, to present this communication to the Senate, and to ask the Senate of the United States, in fairness to me, to afford me the only redress which appears to be possible, pending the proposed investigation, by publishing this communication in the CONGRESSIONAL RECORD, in order that those who have read Senator THOMAS's attack upon me may have opportunity to read my reply. I address myself in this to you, Senator ROOT, first, because I am proud to have served under you when you were Secretary of State, and to have come to know something of your desire to do justice to all men; and secondly, because as Secretary of State you had personal and official knowledge of many of the matters dealt with in Senator THOMAS's speech

A comparison of Senator THOMAS's speech, with the statement of one, Dr. Nathan Boyd, inclosed in a letter of said Boyd to the Secretary of State, dated May 26, 1902, and printed in Senate Document 134, Fifty-seventh Congress, second session, at pages 46 to 100, and with others of Dr. Boyd's communications to the department, such as his letter of June 30, 1902, July 11, 1902, etc., clearly shows that nearly every allegation and suggestion that the Senator has made in his long speech which reflects on me was derived from Dr. Boyd, whose interest

tional encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

ELIZABETH B. BUCKINGHAM.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a letter addressed to Mr. Charles S. Hamlin, Assistant Secretary of the Treasury.

The SPEAKER. Who wrote the letter?

Mr. BRYAN. The letter is signed by Elizabeth B. Buckingham.

The SPEAKER. About what?

Mr. BRYAN. The matter involved is the demotion of a clerk down here in the Treasury Department.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to print a letter from Miss Buckingham to Assistant Secretary of the Treasury Hamlin. Is there objection?

Mr. DONOVAN. Reserving the right to object, is not that a pretty small matter?

Mr. BRYAN. No; I am sure that if the gentleman will read the letter, he will see that it is a very important matter.

The SPEAKER. Is there objection?

Mr. DONOVAN. Reserving the right to object——

Mr. COX. Regular order!

Mr. DONOVAN. Is it not a small matter?

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The letter referred to is as follows:

JULY 17, 1914.

Mr. CHARLES S. HAMLIN,
Assistant Secretary of the Treasury.

MY DEAR MR. HAMLIN: Until yesterday the 16th I was an employee of the Government in the Treasury Department under the Auditor for the Post Office Department. I entered the service in the Bureau of Engraving and Printing in 1888. Since that time my record for efficiency and accuracy may be found on file in the Government archives. For 14 years I have been under the Auditor for the Post Office Department, and my record in that department may be found in your office and is subject to your inspection.

I have never had any trouble of any kind with any superior concerning my work for the Government. I have never had trouble with any associates in the department. I have never been on the carpet or been subjected to reproof, so far as I know or can recall to mind. My record for efficiency, so far as I know, has been perfect. I have always believed I was fully discharging my duties at any post to which I have been assigned.

I have never been to any Member of Congress or to anyone else with complaints against the management of my superiors, nor have I ever attempted to make trouble for the auditor of the organization.

While in the regular discharge of my duties as examiner assigned temporarily to a tabulating machine I learned on yesterday morning that I was likely to be reassigned, and that a document was likely to be submitted to me to be signed. I went to Mr. Buckley and asked him if I should sign any documents, and he told me if I did not sign that I would become involved for insubordination. A little later there was submitted to me a document to sign. I do not know what it was that I signed, and I did not intend by such signature to waive any of my rights in the premises, but signed because I thought I had no right to refuse to do so. I was then handed a document, which reads as follows:

JULY 3, 1914.

MISS ELIZA B. BUCKINGHAM,
Clerk, $1,200 per annum,
Office of the Auditor for the Post Office Department.

MADAM: By direction of the Secretary, you are hereby reduced, transferred, and appointed a clerk, Class D, in the office of the Commissioner of Internal Revenue, with compensation at the rate of $900 per annum, the appointment to take effect on date of oath.

Respectfully,
B. P. NEWTON, *Assistant Secretary.*

Oath: July 16, 1914.

And the following letter of introduction:

JULY 16, 1914.

The CHIEF CLERK INTERNAL-REVENUE BUREAU,
Treasury Department.

SIR: This will introduce to you Miss Eliza B. Buckingham, who is transferred to your office, effective to-day. She has taken the required oath and now reports for assignment to duty.

Respectfully,
CHARLES S. KRAM,
Auditor for the Post Office Department.

By this I was notified that I had been demoted from a clerkship at a salary of $1,200 per annum to a clerkship class D at $900 per annum. Against this action I most vigorously protest. After this long and faithful service, while I am still absolutely efficient, without any charge or claim of inefficiency, yet a young woman, there can not be any possible excuse or justice in my being thus demoted and deprived of my rating earned after faithful service.

No notice whatever has been served upon me except as herein stated, and I respectfully demand that I be reinstated immediately at my former rating and salary and that an investigation be had as to any charges against me or any ground for my demotion or for a reduction of my salary, and that due notice be given me of any such proceedings.

Respectfully,
ELIZABETH B. BUCKINGHAM.

NEBRASKA STATE PRESS ASSOCIATION REPORT ON TAXATION.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the report of a special committee of the Nebraska State Press Association on taxation.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by printing the report of a special committee of the Nebraska State Press Association on taxation. Is there objection?

Mr. MANN. Reserving the right to object, I will suggest that gentlemen get into the habit of walking down in front and whispering to the Speaker, and those in the House who are behind them can not hear them.

Mr. BAILEY. I have come down here because my voice is weak.

Mr. MANN. Oh, the gentleman's voice is strong enough——

Mr. BAILEY. Modesty, perhaps.

Mr. MANN. Do I understand that the gentleman wants to print something from a press association?

Mr. BAILEY. The report of a special committee of the Nebraska State Press Association.

Mr. MANN. They have more opportunities to print than anybody else in the world.

Mr. BAILEY. But the Nebraska newspapers do not circulate all over the world.

The SPEAKER. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. GREGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned until Saturday, July 18, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (S. 2930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, reported the same without amendment, accompanied by a report (No. 979), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HART, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7771) to regulate plastering in the District of Columbia, reported the same with amendment, accompanied by a report (No. 980), which said bill and report were referred to the House Calendar.

Mr. CLAYPOOL, from the Committee on the District of Columbia, to which was referred the bill (H. R. 13222) to regulate the use of public school buildings and grounds in the District of Columbia, reported the same with amendment, accompanied by a report (No. 981), which said bill and report were referred to the House Calendar.

Mr. STEPHENS of Nebraska, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River, reported the same without amendment, accompanied by a report (No. 982), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAGGART: A bill (H. R. 17949) to provide for the erection of a public building at Garnett, Kans.; to the Committee on Public Buildings and Grounds.

By Mr. GARD: A bill (H. R. 17950) to provide the manner in which pensions and arrears of pensions shall be paid to pensioners who are, or may hereafter become, members of the National Home for Disabled Volunteer Soldiers; to the Committee on Invalid Pensions.

By Mr. BRITTEN: A bill (H. R. 17951) to increase the efficiency of the personnel of the Navy of the United States; to the Committee on Naval Affairs.

By Mr. GILL: A bill (H. R. 17952) to repeal section 3480 of the Revised Statutes of the United States; to the Committee on Naval Affairs.

By Mr. LOGUE: A bill (H. R. 17953) authorizing the leasing of Government land to the city of Philadelphia; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 17954) for the relief of Frank Kinsey Hill, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. DICKINSON: A bill (H. R. 17955) granting a pension to Judith McCoy; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 17956) for the relief of The Ferries Co.; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 17957) granting an increase of pension to Anthony Gilderoy; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17958) for the relief of the estate of John Lynch, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17959) for the relief of the trustees of Pea Vine Church, Walker County, Ga.; to the Committee on War Claims.

Also, a bill (H. R. 17960) for the relief of the trustees of Pea Vine Academy, Walker County, Ga.; to the Committee on War Claims.

By Mr. McCLELLAN: A bill (H. R. 17961) granting an increase of pension to Homer Bidwell; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 17962) granting an increase of pension to Rudolph Davis; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17963) granting a pension to Julia D. Stephens; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17964) for the relief of Austin G. Tainter; to the Committee on Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17965) granting an increase of pension to John Plankey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17966) to correct the military record of James E. Brady; to the Committee on Military Affairs.

By Mr. THACHER: A bill (H. R. 17967) granting a pension to Bernard M. Cahoon; to the Committee on Pensions.

Also, a bill (H. R. 17968) granting a pension to Sarah C. Curtis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions signed by certain citizens of Tolland, Conn., urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ALLEN: Petitions of L. C. Fillmore and sundry citizens of Miami; Florence and Edith Roever, of Cleves; the Christian Endeavor Society of the First Lutheran Church; the Christian Endeavor Society of the United Brethren Church, both of Cincinnati, and the Christian Endeavor Society of St. Bernard, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

Also, memorial of Hecker Post, No. 638, Grand Army of the Republic, of Cincinnati, Ohio, approving appropriation for the peace jubilee at Vicksburg, Miss.; to the Committee on Appropriations.

By Mr. ANSBERRY: Petition of the Ohio State Pharmaceutical Association, against Pomerene amendment to House bill 6232, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. BAILEY: Memorial of the clerical force of the Altoona post office; Tyrone Branch, No. 888, and 501 United National Association Post Office Clerks; various letter carriers at Hollidaysburg, all in the State of Pennsylvania, protesting against House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of H. Krause, of Milwaukee, Wis., protesting against the passage of House joint resolution 168 or any other prohibition measure; to the Committee on Rules.

Also, petition of Andrew Barchek, of Milwaukee, Wis., protesting against the passage of House joint resolution 168 or any other prohibition measure; to the Committee on Rules.

By Mr. DUNN: Petitions of sundry citizens of Monroe County, N. Y., protesting against the adoption of the Sheppard-Hobson resolution; to the Committee on Rules.

Also, petitions of sundry citizens of Monroe County, N. Y., favoring constitutional prohibition amendment; to the Committee on Rules.

By Mr. GILL: Petition of the St. Louis Theatrical Brotherhood, American Federation of Labor, against national prohibition; to the Committee on Rules.

By Mr. HAYES: Protests from 125 citizens of the State of California, against nation-wide prohibition; to the Committee on Rules.

Also, protests from 54 citizens of Santa Cruz, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 27 citizens of Ventura, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 25 citizens of Colma, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 30 citizens of Wrights, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 30 citizens of South San Francisco, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 130 citizens of Santa Barbara, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 107 citizens of San Mateo, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 57 citizens of Santa Clara, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 45 citizens of Salinas, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 50 citizens of Redwood City, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, protests from 136 citizens of San Luis Obispo, Cal., against nation-wide prohibition; to the Committee on Rules.

Also, petition of C. E. Towne & Co., of Santa Cruz; L. Callisch, of San Jose; and Levi Strauss & Co., of San Francisco, all in the State of California, favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Metal Trades Council of San Francisco, Cal., against increasing number of apprentices in Government navy yards; to the Committee on Naval Affairs.

Also, petition of various churches of Mountain View, Morgan Hill, and Watsonville, all in the State of California, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of Santa Cruz, Cal., against House bill 7826, the Sabbath observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Santa Cruz, Cal., favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of J. S. Bidwell, of Bryson; R. S. Bossert, of Montara; and E. B. Davison, of Ballard, all in the State of California, favoring a law placing fourth-class postmasters upon a salary basis; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Boulder Creek, Templeton, Arroyo Grande, Fillmore, Morgan Hill, and other citizens of California, favoring national prohibition; to the Committee on Rules.

Also, petitions of H. T. Scott, of San Francisco, and other citizens of California, against national prohibition; to the Committee on Rules.

Also, petition from sundry citizens of the eighth congressional district of the State of California, for pension law for superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. LEWIS of Pennsylvania: Petition of the congregation of the Emmanuel Presbyterian Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Protest of Charles Brandagee, of Farmington, Conn., in re proposed legislation on medical education and practice; to the Committee on Education.

By Mr. McCLELLAN: Petitions of L. A. Gunard, Fred Bennett, J. M. Snyder, F. M. Strosbel, D. J. Heaney, and J. A. Bechard, of New York State, against national prohibition; to the Committee on Rules.

Also, petition of J. B. Carpenter, the Mountain School, of Allaben; the First Reformed Church of Hudson; Dr. Charles Park, of Hudson, secretary of the Ministers' Club; and Benjamin F. White, of Germantown, all in the State of New York, urging support of Hobson measure; to the Committee on Rules.

Also, petitions of Elbert Ellsworth, of Ellenville; Alvin Wright, of Stottville; Frank A. Ter Bush, of Greenfield; and F. P. Murphy, of Canaan, all in the State of New York, favoring passage of amendment to House bill 17042 in favor of railway postal clerks; to the Committee on the Post Office and Post Roads.

Mr. MANN. Well, it is not so very long, and I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will proceed with the reading of the resolution.

The Clerk proceeded with and concluded the reading of the resolution.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas desire recognition?

Mr. GREGG. No, sir.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I would like to be heard for a few moments on this proposition. I would like to call attention to one or two propositions involved in this resolution. The committee has recommended an amendment to be inserted in the bill H. R. 1554, to pay to the legal representatives of Paul Noyes some money. The bill was introduced by one of the best Members of the House—I suppose this will be used in his campaign—the gentleman from Connecticut [Mr. REILLY]. I think I will not detain the committee very long, but this bill presents really a unique feature to Congress. We have been discussing two bills in regard to claims for furnishing supplies to the Union Army during the Civil War, and I believe we have had a bill for the payment of property which was destroyed at the time of the Mexican War. I think the Claims Committee has reported in a bill in reference to some kind of claims following our acquisition of Louisiana or Florida or a treaty in connection with it, but this is the first instance that I recall where it has been seriously proposed that we go back to the days of Valley Forge and pay for supplies taken by the Revolutionary Army or furnished to the Revolutionary Army, but I apprehend that in the course of time we will have some one introduce a bill for supplies furnished to the Pilgrim Fathers when they landed on the rock in Massachusetts. I am not sure whether, as suggested by one gentleman here awhile ago, these supplies have been all consumed yet or whether they are still holding some in Connecticut until they really grow ripe enough for using, but the bill provides for an appropriation of $30,000 to pay the legal representatives or heirs of a claimant originating for military equipment and supplies purchased of and furnished by him for the use of the Continental Army during the War of the Revolution. [Laughter.] Now, of course, the Continental Army, if it took supplies, paid for them in script of some kind. At the end of that war they took a basketful of script to buy a basketful of potatoes, and potatoes were not at high prices.

But this modest and unassuming claimant over in Connecticut wants us to go back and make a precedent for paying for supplies sold to the Continental Army. He is able to get such an able, efficient, and distinguished Member of Congress as the gentleman from Connecticut [Mr. REILLY] to father his proposition. Some of the gentlemen here at times have felt quite impatient with me, I know, for calling attention to some of the claims, but I wonder if the most of them will not forgive me for calling attention to this claim which has slipped through the careful and close scrutiny which the Committee on War Claims gives to all of these propositions which have come before the House for action? [Applause.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 14371. Tabb, George Washington, legal representatives of.

The following committee amendment was read:

Insert, after line 7, the following:

"H. R. 1554. Noyes, Paul, legal representative of."

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, this is an amendment of the committee to insert the bill and refer it to the Court of Claims that I have just been talking about. I would like to ask the gentleman from Texas [Mr. GREGG] whether he thinks it would be proper for some one to introduce a bill and have it referred to the Court of Claims for furnishing supplies to our Spanish forefathers when they kept the Turks from overrunning Europe?

Mr. GREGG. When a bill of that kind is before me I will pass on it.

Mr. MANN. I appreciate the fact that the gentleman is asked a rather difficult question, and I do not blame him for not committing himself.

Mr. GREGG. I never cross a bridge until I get to it.

Mr. MANN. I would like to ask the gentleman if he thinks he has not——

Mr. GREGG. I will say this, that I do not think from the fact of that being an old claim it should be barred. It may be difficult to prove, and I doubt if they can prove it, but if they can do it they ought to be permitted to go into the court and prove it. That is the way I look at it.

Mr. MANN. Then why not let them approve the claims of the ones who kept the Turks out of Europe? We would not have been here if the Turks had gotten Europe.

Mr. GREGG. If that comes up, and there is any probability of proving it, I will believe in giving them the opportunity to go to the court and see if they can prove it. I do not believe in denying anybody a chance in court if he has a prima facie case.

Mr. MANN. Mr. Chairman, I can not agree with the gentleman from Texas. I think he is stating his position correctly—that is does not make any difference how old a claim is his committee will favor it. Even if it is a thousand years old the committee will be in favor of it.

Mr. GREGG. Will the gentleman excuse me a minute if I interrupt him?

Mr. MANN. Certainly.

Mr. GREGG. I did not say the committee would be in favor of the bill, but I said as a member of the committee, if they made a prima facie case, I did not care how old it was, simply because the Government has been postponing and putting it off for year after year, I would not care anything about that, but if they can make a prima facie case I think anybody and everybody ought to have the right to go into court and have a hearing.

Mr. MANN. The gentleman made the same statement before. The effect of it is that he does not care how old a claim is; he is in favor of paying it if they make the claim.

Mr. GREGG. The gentleman says I am in favor of paying it. I did not say any such thing. I said I was in favor of permitting a man to go into court and establish his claim if he could establish it.

Mr. MANN. There is no object in going into court and establishing a claim unless you expect to pay it after it is established, and the gentleman can not claim that he is in favor of sending these people to the Court of Claims and then, if they establish a case, he is not in favor of paying the claim.

Mr. GREGG. If he establishes his case, I am in favor of paying it.

Mr. MANN. Then what is the gentleman complaining about? That is my statement of what his position is, and I stated it correctly before. It makes no difference how old the claim is, the gentleman from Texas is in favor of paying it. Of course he does not pay a claim until it is established. I think there is a limit to such things. And of all the preposterous things, it seems to me, it is equal to the most preposterous for us now to talk about paying claims which never were made before for supplies furnished to the Continental Army. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

H. R. 5590. Simes, Squire.

Mr. MANN. Mr. Chairman, I move to strike out the line. I will say to the gentleman from Texas that this is for property taken and destroyed under the bill H. R. 5590.

Mr. GREGG. Under the rule we have been operating on, that ought to go out of the bill.

The CHAIRMAN. Without objection, the motion of the gentleman from Illinois [Mr. MANN] will be agreed to. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

H. R. 15255. Cassville Female College, Cassville, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is H. R. 15255, for the destruction of——

Mr. GREGG. Let that go out, then.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15263. New Hope Baptist Church, of Bartow County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is "for use and destruction."

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Illinois.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MISSOURI.

H. R. 13941. Morrison, William, estate of.

With a committee amendment as follows:

Page 4, after line 7, insert the following:

"NEBRASKA.

"H. R. 5037. Rouse, Charles G."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15310. Dominy, Ezra.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. BYRNS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 4, after line 21, insert:

"H. R. 15811. Cuffman, D. W., administrator of the estate of Josephus Cuffman, deceased."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for stores, supplies, and property appropriated by the United States authorities during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 15644. Poe, Samuel P.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

On page 5, after line 2, insert:

"H. R. 16767. Powers, Arthur A. and R. P."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for the reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for horses and supplies taken and used by the Federal troops during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amended was agreed to.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 5, after the line just inserted, insert:

"H. R. 14904. Stothard, Jerry, estate of."

Mr. BYRNS of Tennessee. This is a reference of a bill in the sum of $1,000. The bill reads as follows:

In full compensation for horses and hogs taken and used by Federal troops during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12701. Foster, Seth, et al.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. I am sure this bill was inadvertently included. This is to pay the value of a ship captured by the naval forces of the United States. I am very sure no one wants to start in to do that.

Mr. GREGG. I did not hear the gentleman.

Mr. MANN. This is to pay the value of a ship captured by the naval forces of the United States during the war.

Mr. GREGG. I have no objection to that going out. I did not notice it.

Mr. MANN. I think that went in inadvertently.

The CHAIRMAN. The question is on agreeing to the amendment to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12487. Mix, Charles E., legal representatives of.

Mr. MANN. Mr. Chairman. I move to strike out that paragraph. This is for the destruction of property.

Mr. GREGG. Very well; let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

Mr. MANN. Mr. Chairman, if there is nothing to go in under the heading of "Virginia," I ask to have the word "Virginia" stricken out.

The CHAIRMAN. Without objection, the word "Virginia" will be stricken out.

There was no objection.

The Clerk completed the reading of the resolution.

Mr. GREGG. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The motion was agreed to.

Mr. GREGG. Mr. Chairman, I move that the committee do now rise and report the several resolutions and bill favorably.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration House resolution 451, House bill 6880, and House resolution 532, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and, as amended, that the resolutions and bill do pass.

The SPEAKER. The Clerk will report the first resolution.

The Clerk read as follows:

House resolution 451, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. GREGG. Mr. Speaker, I ask unanimous consent that House resolution 532 be taken up next.

The SPEAKER. The gentleman from Texas asks unanimous consent to take up House resolution 532, reported from the Committee of the Whole. Is there objection?

There was no objection.

The Clerk reported the resolution, as follows:

House resolution 532, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER. Is a separate vote demanded on any amendment?

There was no demand for a separate vote.

The amendments were agreed to.

The resolution as amended was agreed to.

Mr. MANN. Has the resolution been disposed of, Mr. Speaker?

The SPEAKER. It has.

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that for a moment?

Mr. MANN. I will.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill S. 655, an act authorizing the Secretary of the Interior to survey the lands of the abandoned Assiniboine Military Reservation and open the same to settlement, and the same was referred to the Committee on the Public Lands.

LEAVE OF ABSENCE.

Mr. MCKELLAR, by unanimous consent, was given leave of absence until Monday, on account of death in the family.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 17, 1914.

TO THE HONORABLE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I herewith tender my resignation as a member of the Committee on the District of Columbia.

Respectfully,

WM. L. IGOE.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same.

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; and

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the na-

Mr. GORDON. Is it not a fact that at the common law a man who lives in hostile territory in time of war is presumed to be hostile?

Mr. ELDER. That raises a presumption, but it is not such a presumption as can not be refuted by evidence.

Mr. GORDON. Well, I do not know about that.

Mr. ELDER. It is generally true, because 99 per cent of the people are loyal to the country in which they live.

Mr. GORDON. Is it not a rule of international law that everybody in a hostile country in times of war is presumed to be hostile?

Mr. ELDER. Naturally they are presumed to be, but it is not such a presumption that it can not be rebutted, and these people have rebutted it.

Mr. QUIN. I want to say, for the information of the gentleman from Ohio [Mr. GORDON], that in my district, where practically every man went out and fought for the South, there were some few who were in sympathy with the Union, who stayed there and did not go out and fight.

Mr. GORDON. They say so now, because they want money out of the Treasury.

Mr. QUIN. No; and there is a stigma attached to any man who did stay there and did not go and fight.

Mr. GORDON. They say that because they want money.

Mr. ELDER. The gentleman can not say that. There were people in the North who did not believe in the position of the North, and who refused to fight in the Union Army, and in the same way there were some in the South; but the chances are that if a man lived in the South he was loyal to the South. If he was wise, he was, and his natural instincts would be that way.

Mr. MANN. Will the gentleman yield for a question?

Mr. ELDER. Yes.

Mr. MANN. Mr. Austin was living on his place and received a pass to go through the Federal lines, did he not?

Mr. ELDER. Yes; over into Georgia. There was a strip of land north and south along the river there that was in possession of the Federal Army. He got a pass to go to Georgia.

Mr. MANN. He went to Mississippi.

Mr. ELDER. Was it Mississippi? I do not remember.

Mr. MANN. And then after that he went to Georgia.

Mr. BUTLER. He went to Texas and then to Georgia.

Mr. MANN. He went through the Federal lines.

Mr. ELDER. Yes.

Mr. MANN. And then after that he took his slaves and went to Texas. Does the gentleman think that showed a great amount of affection for the Union cause?

Mr. ELDER. What would the gentleman have had him do? Would the gentleman have had him take his slaves up north? He had perhaps thousands and thousands of dollars tied up in slaves that he had bought in good faith. Would the gentleman have had him as a business proposition bring those slaves north, say into Ohio, where all his property, so far as those slaves were concerned, would be dissipated, and leave his other property in Louisiana to be dissipated? Whatever his thoughts and feelings were about the Union, would the gentleman from Illinois have had him do that?

Mr. MANN. I think those gentlemen who stayed down there and took all the advantages of being within the Confederate lines, and none of the disadvantages, and then afterwards claimed all the advantages of being Union sympathizers, and who are not willing to take any of the disadvantages, are asking a great deal.

Mr. ELDER. I might suggest to the gentleman that there were not very many advantages, I presume, in living in the South at that time; that they were practically all disadvantages, on whichever side of the fence a man might have been.

Mr. MANN. But the gentleman has just stated that there were advantages in living there at that time.

Mr. ELDER. No.

Mr. MANN. Why did not this man go away, then? He went through the Federal lines. Why did he not stay inside the Union lines?

Mr. ELDER. Anything is an advantage or a disadvantage as compared with something else. It is always relative. It would have been more disadvantageous to have come north and lost his slaves than to go to Texas. He may have gone there thinking perhaps he could save his slaves, save his property, but that did not make him disloyal to the Union.

Mr. BUTLER. The ownership of slaves would not test his loyalty?

Mr. ELDER. Absolutely not, either as a matter of law or a matter of fact.

Mr. BUTLER. Was he not the kind of a man who was catching it going and coming and getting good out of whichever side he could?

Mr. ELDER. No; he was catching the worst of it. He had the ill will of his neighbors who lived there, and he got no protection from the Northern Army, because they were not there to give it. That is about the situation the man was in.

Mr. BUTLER. I will ask the gentleman if it is not a fact that President Lincoln made known to the South and everybody else that slavery was not the contention of the war?

Mr. ELDER. He certainly did, and only as a later matter did he free the slaves. They were legal property at that time in the eyes of the United States Government. Yet it was a well-known fact that the bringing of slaves into the North was prohibited in certain States, and he could not have brought them there and retained them. Yet you would force him into the position of going away and taking the fortune that he had accumulated in his lifetime into the Northern States to be dissipated. Of course it was dissipated anyhow, but at that time no man could foretell the result of the war; and the Government received the value of this property, and no doubt they would have been glad to pay for the property which they took at that time a much larger price, if they had been compelled to purchase it, because they were at Vicksburg, a long way from the source of their supplies, and they were glad to get anything they could. Now, your own officers, captains and colonels of Grant's army, who were located within 4 or 5 miles of this plantation, testified that this man was loyal to the Union, and there is not one scintilla of evidence in the record before the Court of Claims to show that he was disloyal, except the one fact that he happened to live in the South.

Of course, as the gentleman from Illinois says, this claim may have no merit, but when the Government takes property and uses it it has in the main some basis of credit in equity, and it has a legal status in the fact that the record before the Court of Claims reeks with evidence to show that he was loyal to the Union.

You can not charge it up, as the gentleman has intimated, that there are only a few of us here in this Chamber and that a Democratic House is trying to pass the bill. A much larger claim was passed by a Republican Congress in 1898 for these same people, in the face of the very same findings of fact by the Court of Claims that these people were not loyal.

Another thing; the gentleman refers to this question of compromise. Our people are not supposed to compromise their rights unless specifically so stated. Certainly this great Government of ours, when a man presents an equitable case, should not say on any flimsy pretense that he has compromised his rights. They have done everything else but compromised their rights. They presented the claims in 1872, which they presented in good faith when the evidence could be easily obtained, but owing to the state of feeling throughout the country it was practically impossible to get any such claims through Congress. One year it would be passed by the Senate and the next year by the House, and they whipsawed the claim through Congress after Congress, and it never became a law. In order to facilitate the claim for the cotton the claim for the mules and corn, amounting to $14,640, was dropped from the bill, but through the long pages of debate when the bill finally passed the House and Senate there is no intimation that these people were giving up the claim for the mules and the corn that the Government had taken from them during the war.

Now, I do not think we are going a long way in saying that these people were loyal, when another body of men from the North, every one of them on this committee passing on that claim reported to the House, and the House passed it after several hours' debate. I do not think we are going a long way to override the Court of Claims on the same evidence, the same findings of fact, and neither do I think the Government is going a long way when it pays for property it took and used, and I certainly hope the bill will pass.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read the bill.

Mr. MANN. Mr. Chairman, I move to strike out the enacting clause.

The question was taken; and on a division there were—18 ayes and 20 noes.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. There is evidently no quorum present, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Adair	Edwards	Lafferty	Rauch
Aiken	Estopinal	Langham	Rayburn
Anthony	Fairchild	Lazaro	Reilly, Conn.
Aswell	Farr	L'Engle	Riordan
Austin	Fess	Lesher	Roberts, Mass.
Baker	Fields	Lever	Rothermel
Barchfeld	Finley	Levy	Rucker
Barnhart	Fitzgerald	Lewis, Pa.	Rupley
Bartholdt	Fitzhenry	Lindquist	Sabath
Bartlett	Fordney	Lobeck	Saunders
Beall, Tex.	Frear	Loft	Scully
Bell, Ga.	French	Logue	Seldomridge
Booher	Gallagher	Lowrigan	Sells
Borchers	Gallivan	McAndrews	Shreve
Borland	Gardner	McClellan	Sims
Brodbeck	Garner	McDermott	Slayden
Brown, N. Y.	George	McGillicuddy	Smith, Md.
Brown, W. Va.	Gerry	McGuire, Okla.	Smith, J. M. C.
Browne, Wis.	Gillett	McKellar	Smith, Tex.
Browning	Goldfogle	McKenzie	Stafford
Bruckner	Gorman	McLaughlin	Stanley
Buchanan, Ill.	Goulden	Mahan	Stephens, Nebr.
Bulkley	Graham, Pa.	Maher	Stephens, Tex.
Burke, Pa.	Griest	Manahan	Stout
Burke, S. Dak.	Griffin	Martin	Stringer
Calder	Gudger	Merritt	Sumners
Callaway	Guernsey	Metz	Sutherland
Campbell	Hamill	Miller	Switzer
Candler, Miss.	Hamilton, N. Y.	Mitchell	Talbott, Md.
Cantor	Hardwick	Mondell	Talcott, N. Y.
Cantrill	Hart	Moore	Taylor, Colo.
Carew	Hay	Morgan, La.	Taylor, N. Y.
Carr	Helvering	Morin	Temple
Carter	Henry	Moss, Ind.	Ten Eyck
Cary	Hill	Mott	Thacher
Casey	Hinds	Maikey	Thomas
Chandler, N. Y.	Hinebaugh	Murray, Mass.	Thompson, Okla.
Church	Hobson	Murray, Okla.	Townsend
Clancy	Houston	Neeley, Kans.	Treadway
Clark, Fla.	Howard	Neely, W. Va.	Tuttle
Collier	Howarth	Nolan, J. I.	Underhill
Cooper	Hughes, Ga.	Norton	Underwood
Copley	Hughes, W. Va.	O'Brien	Vare
Covington	Hulings	Ogleesby	Vaughan
Crisp	Hull	Oldfield	Walker
Dale	Humphrey, Wash.	O'Leary	Wallin
Danforth	Humphreys, Miss.	O'Shaunessy	Walsh
Davenport	Jacoway	Paige, Mass.	Walters
Decker	Johnson, S. C.	Parker	Weaver
Dershem	Jones	Patten, N. Y.	Webb
Dies	Kahn	Patton, Pa.	Whitacre
Difenderfer	Keister	Payne	White
Dixon	Kelley, Mich.	Phelan	Willis
Donohoe	Kelly, Pa.	Platt	Wilson, Fla.
DoolING	Kennedy, R. I.	Plumley	Wilson, N. Y.
Doughton	Kless, Pa.	Porter	Winslow
Driscoll	Kinkead, N. J.	Post	Woods
Drukker	Kirkpatrick	Pou	Young, Tex.
Dunn	Knowland, J. R.	Powers	
Eagan	Korbly	Prouty	
Eagle	Kreider	Rainey	

The committee rose; and the Speaker having resumed the chair, Mr. SHERLEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 6880, and finding itself without a quorum, he had directed the roll to be called; whereupon 198 Members answered to their names, a quorum; and he presented herewith a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Committee of the Whole House having had under consideration the bill H. R. 6880, the gentleman from Illinois made a motion to strike out the enacting clause, whereupon the point of order of no quorum was made. A quorum has developed, and the question is on the motion of the gentleman from Illinois to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 42, noes 68.

So the motion was rejected.

Mr. ELDER. Mr. Speaker, I move that the bill be laid aside with a favorable recommendation.

The motion was agreed to, and the bill was ordered to be laid aside with a favorable recommendation.

FLORA E. CAMPBELL SUDDUTH.

Mr. QUIN. Mr. Chairman, I ask unanimous consent to return for one minute to House resolution 451, to make an inquiry respecting the bill H. R. 14182.

The CHAIRMAN. The request of the gentleman is not in order at this time, and the Clerk will report the next bill.

Mr. QUIN. Then, Mr. Chairman, I ask unanimous consent that I may proceed for one minute. I desire to ask a question of the gentleman from Illinois who objected to the bill H. R. 14182. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, the bill H. R. 14152, for the relief of Flora E. Campbell Sudduth, administratrix of the estate of Walter L. Campbell, was objected to because of the fact that it had in it a claim for destruction of property by the Union Army. It was for the use and occupation of machine shops and warehouses in the city of New Orleans belonging to Mr. Campbell, who was a loyal man to the Union. I want to know whether, if the bill has in it for use and occupation and wear and tear and damage incident to such use, it would be right and proper, according to the idea of the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I will say to the gentleman from Mississippi that I have made no objection whatever to bills which provided for reference to the Court of Claims of claims for use and occupation, wear and tear, or incidental damages.

Mr. QUIN. That would be all right, then, according to the gentleman's construction?

Mr. MANN. I am speaking for myself only. I have made no objection to anything of that kind.

Mr. QUIN. But the gentleman does object to sending a claim to the Court of Claims for destruction of property by the Army.

Mr. MANN. That is the thing I objected to. It did not appear in that case, but it might have been destroyed as a matter of military necessity, and I do not desire to have bills of that kind referred to the Court of Claims if I can avoid it.

Mr. QUIN. I could not say myself whether it was destroyed in that way or not. I shall have to investigate it.

Mr. MANN. But use and occupation and incidental damages go without question, I think.

Mr. QUIN. I thank the gentleman from Illinois. I shall redraft the bill and leave out the claim for that portion of the claim which resulted from destruction of the property.

NATHANIEL F. CHEAIRS.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill for the relief of Nathaniel F. Cheairs.

Mr. MANN. Mr. Chairman, before that bill is reported, I move that the committee take up for consideration House resolution 532.

Mr. PADGETT. Mr. Chairman, I hope the committee will proceed with the regular order of the calendar and let us take up the next case, as I have to leave for Tennessee to-morrow, and it is a case in which I am interested.

Mr. MANN. Mr. Chairman, the motion I make is not open to debate, and I will say to the gentleman from Tennessee it will not do any good to get up the bill unless there is a quorum to pass it, and there is not a quorum here. This is a House resolution, in which I am not interested, to refer a lot of bills to the Court of Claims. If the committee prefers to waste time fooling over something that can not be passed in preference to sending a lot of bills to the Court of Claims, why, I will enjoy the prospect.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to call up House resolution 532.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. PADGETT. Division, Mr. Chairman.

The committee divided; and there were—ayes 47, noes 25.

So the motion was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BURNETT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment Knights of Pythias to be held at Terre Haute, Ind., in July, 1914.

HOUSE RESOLUTION 532, REFERRING CERTAIN CLAIMS TO THE COURT OF CLAIMS.

The committee resumed its session.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 532, referring certain claims to the Court of Claims for findings of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The Clerk began the reading of the resolution.

Mr. GREGG. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the resolution.

The CHAIRMAN. The gentleman asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

davits; it was many years ago; most anybody who had a claim against the Government who went to the right people could show they were favorable to the Union forces; but here was a case when in the march of the Union Army they found it necessary to flood a plantation, to cut the levees. That was not done for the purpose of destroying this man's property; that was a part of the military operations of the Army, and his property was destroyed as a natural consequence.

Mr. ELDER. Will the gentleman yield?

Mr. MANN. Some may have been taken—yes.

Mr. ELDER. None of this $14,640 was caused by the cutting of this levee; this was property that was actually taken by the Government, not destroyed.

Mr. MANN. Well, I believe that is a matter in controversy, although I do not raise any question about it one way or the other.

Mr. ELDER. I will just refer the gentleman to the third section of the findings of the Court of Claims. It says:

There was taken by proper authority, for the use of the Army, stores and supplies as above described, which, at the time and place of taking, were reasonably worth the sum of $14,640.

Mr. MANN. I understand. I suppose I am bound by the findings of the Court of Claims, while my friend from Louisiana is not. I will say I do not always take some of the findings very seriously.

Mr. ELDER. If they do not suit the gentleman, I am sure——

Mr. MANN. I take them more seriously than my friend from Louisiana. I said I was willing to admit that while that was a matter of controversy, in my opinion I did not make any point of it. The claim originally was for a good deal more than $14,000. The whole claim was abandoned in order to get the cotton claim allowed. Now, we passed an act in 1883 that the claims of the successors in interest and legal representatives of Sterling P. Austin, deceased, and so forth, for cotton taken by the military and civil authorities of the United States, or by either of them, during the years 1863, 1864, and 1865, and so forth, be referred to the Court of Claims, with full jurisdiction and power in said court to adjust and settle such claims and to render a judgment in said cause for the net amount realized by the United States from the sale of such cotton, and so forth: *Provided, however*, That it be shown to the satisfaction of the court that neither Sterling P. Austin, sr., nor any of his surviving representatives, gave any aid or comfort to the late rebellion, but were throughout the war loyal to the Government of the United States.

Now, the Court of Claims did not find that they were loyal to the United States. They found that his representatives were loyal to the United States, but they were not interested. They did not find Mr. Austin was loyal to the United States, but Congress—that was an act of Congress making this reference, not a mere resolution of the House—Congress having referred the claim to the Court of Claims and the Court of Claims having reported against the case, whoever had charge of the claim managed to "log" it through the Fifty-fifth Congress.

Mr. BUTLER. Does the gentleman know how that was done?

Mr. MANN. Yes; I know how it was done; done the same way as this. They found it very easy to get one claim improperly paid by Congress after the Court of Claims had rejected it; that the same people who had originally compromised and cut this claim had come there and wanted this claim paid in spite of the findings of the Court of Claims.

Mr. BUTLER. Will the gentleman yield?

Mr. MANN. I will.

Mr. BUTLER. Does the gentleman remember that that same session of the same term of Congress we paid the claim of the Methodist Church South and the John Roach claim? Can not the gentleman see now, clearly, how this one went through?

Mr. MANN. Well, the Methodist Church South had a claim out of which one man——

Mr. BUTLER. Got $100,000.

Mr. MANN. Got $100,000 in attorney's fees, when it was stated here to us that there was not an attorney's fee involved. It was not only stated to us, but the man who got the money said he had no contract for it and no claim for it. I believe I voted against it.

Mr. BUTLER. I understood there was no attorney's claim connected with it, and after the passage it developed that some attorney had collected $100,000. It was a long time ago, but I can not quite forget it. My friend, I think, will recall that this was one of a set of claims that went through in the Fifty-fifth Congress. I know that John Roach's claim went through for three or four hundred thousand dollars. He was my life friend and constituent, and I was very anxious to have his claim go through, and I voted for the Methodist Church South, and I presume I voted for this one.

Mr. MANN. I do not want to throw bouquets at myself, but my friend knows that there would have been a lot of claims gone through in the last Congress and in this Congress if I had not been on the floor.

Mr. BUTLER. I do not know how the gentleman voted in the Fifty-fifth Congress.

Mr. MANN. My recollection is that I voted against all these steals, but I did not know enough to fight them. But I know enough to fight them now. I will not say that this is a steal, but I think when a man has had his day in court three times he ought to be satisfied.

Now, on the subject of the compromise. The gentleman from Louisiana states in his report on this bill:

As stated above, this claim was held back in order that it should not complicate the claim for cotton.

Just how could it complicate the claim for cotton? Both claims were pending, both claims were known, and both claims were before Congress and before the same committee.

Mr. ELDER. If the gentleman will permit me, I think I might suggest a way in which it would complicate matters. It could complicate them just like we had bills here this morning, to which the gentleman was objecting, and, it may be, properly so—and I shall not pass on that at this time—in which some property was actually taken and used by the Government and some destroyed by the Government. Now, there is a decided question about one, and the other question there does not seem to be any doubt about; and yet it was endangering the bill to take on that portion of the property which was destroyed by the Government. That does not mean that some subsequent Congress would not pay the other claim, but it means, as we look at it now, under the precedents we have, that we only pay those claims where the Government received that property. And it looks to me as foolish, if a man has charge of the drawing of a bill, if he should present the claim in that shape; and perhaps these people, after trying for 20 years with both claims together, found out that one was endangering the other and they merely left it out of the bill.

Mr. MANN. If my friend from Louisiana [Mr. ELDER] was keeping a store and had an account against one of his customers and should sue his customer for the amount, he could not leave out some of the items and then come in and have another suit on those items that were left out. He has got to present his claim and have it adjudicated, and if he leaves out part of it it is left out for all time. He has no claim left.

Mr. ELDER. It might be said, so far as the laws in my State are concerned, I might have a contract with him for one set of business, and I might have him under a contract for another set of business, and I would not have to include the two if I sued him.

Mr. MANN. Undoubtedly. He would not need to include the two, but here was a case where both cases were pending. The gentleman from Louisiana writes:

One claim was held back in order that it should not complicate the other claims.

Now, they were not related. They were both doubtful claims. The committee did not believe either one of them ought to be paid, but they worked on the committee until the committee said, "We will recommend the payment of one of these claims if you will abandon the other," and they abandoned the other. They paid the one. There is no holding; there is no tying down. A man has got a claim against the Government. I have known cases to pass here where it is specifically provided in the bill that the amount paid should be in full for all claims against the Government, and then have known Congress afterwards to pay part of the full claim that was pending at the time. We have done that recently. I believe we passed such a bill not long ago in the House.

Mr. ELDER. Will the gentleman permit?

Mr. MANN. Certainly.

Mr. ELDER. If it were done in this case, it certainly ought to be binding on Congress; it ought to settle the matter entirely. But we did not do it in this case. I understand the gentleman, in addition, said the committee passed on them because that was left out. I do not find anything in the RECORD——

Mr. MANN. There is nothing in the RECORD——

Mr. ELDER. Or in the debates in 1898——

Mr. MANN. But I have knowledge enough of committees to make that statement advisedly without stating it as a positive fact.

Mr. ELDER. Certainly. This thing was debated for several hours in the Fifty-fifth Congress, and there was no suggestion

that the promise was to pay the full amount. It only refers to the cotton claim, and yet that other claim has been pending here at least 26 years. And there was no statement that if the Government paid this they were going to give up the other claim. It shows evidence that these people believed the amount was due them from the Government, because they presented it in the beginning and pushed it here for 20 years.

Mr. MANN. The Committee on War Claims discussed it when it was up before. The gentleman has given the House a part of the discussion. I recognize the distinguished gentlemen whose names were mentioned in that discussion. I do not recall, with due deference to them, any claim of any kind that any of them did not support while they were in Congress.

Mr. BUTLER. Will the gentleman permit me?

Mr. MANN. Certainly.

Mr. BUTLER. This evidently was abandoned at that time, because for the mere asking it could have been tacked on and gone through with the rest of them.

Mr. MANN. The cotton claim was not a good claim. That had been rejected. They slipped that through. Of course, I realize the fact which the gentleman from Louisiana may not fully realize that, as a rule—it is not absolutely true, but as a rule—that when the House is in the Committee of the Whole House to consider claims bills there are very few Members in the Hall except those who have claims pending. And they are wise enough to follow the old maxim that "If we do not hang together, we will hang separately." So, as a rule, they all vote for any claim that is reported, because if they do not they fear they will offend the chairman of the committee, and the chairman of the committee may not press very vigorously a particular claim that a particular Member is interested in when it is reached. I have seen that often. It never bothers me, because I never introduce a claim that I care anything about. If I wanted to have a claim paid that I was very anxious about, I would get some other Member of Congress to introduce it for me, being wise enough in my day and generation to know that one can not be fighting these claims and not receive like payment back. That is the way this other claim went through the House. That is the only way this claim can go through the House. It has no merit. But there are now 32 Members, including the Chairman, in the House. How many members are there on the Committee on War Claims?

Mr. GREGG. There are 15; and the gentleman did not count those in the cloakroom. There are several in the cloakroom.

Mr. LANGLEY. They know that the gentleman from Illinois is speaking.

Mr. MANN. I do not have to count the chasms and sewers of all the streets. [Laughter.] There may be some Members who have claims who are hiding out and who may be brought in in due time. But, even with the 32 that are here, there are 15 members of the Committee on War Claims.

Mr. LINTHICUM. Did the gentleman count myself?

Mr. MANN. Yes; as one member. I ought to have counted the gentleman from Maryland as two. [Laughter.] And there are 15 members of the Committee on Claims.

Mr. LANGLEY. They are not all here.

Mr. MANN. Oh, I see the gentleman from Kentucky [Mr. LANGLEY] here, who is a member of the Committee on Pensions and would vote for any bill which has for its purpose the taking of money out of the Treasury. [Laughter.]

Mr. LANGLEY. Permit me to say——

Mr. MANN. And the gentleman from Indiana [Mr. COX], who would nearly vote against any claim or bill that has for its purpose the taking of money out of the Treasury. [Laughter.]

Mr. LANGLEY. Of course the gentleman is utterly free from any criticism that might be made of him for voting for matters that would be of benefit to his district.

Mr. MANN. I am; and that can not be said of the gentleman from Kentucky. The gentleman can not find any instance while I have been here where I have voted in reference to any specific matter in my district.

Mr. LANGLEY. I always try to vote so as to serve the best interests of my district.

Mr. MANN. The gentleman from Kentucky is simply talking hot air. [Laughter.]

Mr. LANGLEY. I do not know whether the gentleman from Illinois is talking hot air or cold air, or both, but I think what he says is decidedly unfair to some Members of the House.

Mr. MANN. I do not think this claim ought to be paid. I had not intended to detain the House in discussing it so long, but, as I suggested awhile ago to the gentleman from Texas [Mr. GREGG], as we had given up this day for the consideration of war claims mainly for the purpose of sending bills to the Court of Claims, it might be wise to take up the other resolution which the gentleman has pending, and send further bills to the Court of Claims.

We send these bills to the Court of Claims very freely. Then we include great numbers of the amounts in an omnibus bill, and that goes along. I am perfectly willing, so far as I am concerned, to proceed further with this discussion; but when we start in to pay claims that have been rejected several times, I think they ought to receive, and I am quite sure they will receive, some considerable discussion before they are passed.

Mr. LINTHICUM. I would like to ask the gentleman what is the amount involved in this bill? I have heard him say a great deal about this cotton claim, but I have not heard him mention any amount in connection with it.

Mr. BUTLER. Fifty-nine thousand dollars.

Mr. MANN. The cotton claim was paid. It was the larger claim.

Mr. ELDER. Mr. Chairman, I shall not take up much of the time of the committee, but I would like to state the facts clearly and get them before the House.

The gentleman from Illinois [Mr. MANN] takes the position that there is absolutely no merit in this claim. I realize his value to this House in making fights on claims that he does not consider correct, and I think that for that reason, if for no other, he makes a good Member here.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. ELDER. Certainly.

Mr. BARTON. In order to get this matter into the RECORD, I would like to ask the gentleman just exactly what the Court of Claims is supposed to decide, and what the Committee on War Claims is to decide? What is the dividing line as to bills that we shall or shall not refer to the Court of Claims for decisions in law?

Mr. ELDER. Well, the Court of Claims, as I understand it, is to make a finding of fact in these matters referred to them; to find out questions of amount and the question of loyalty. Then, being a creature of this body, designed to do work for this body, the Court of Claims report is not binding, but it is merely persuasive; and the House, as it has done on previous occasions, has the right, both legal and moral, to go over the head of the Court of Claims. But the Court of Claims is constituted to take out the bulk of this work from Congress, and then if that court makes a glaring error, and if any Member or any committee can show that, Congress has the perfect right to go over its head and decide the case absolutely on its merits.

Now, I disagree with the gentleman from Illinois [Mr. MANN] concerning this bill. I think he is liable to make a mistake on this claim as in anything else. He makes the statement that there is nothing in this claim. Of course, this claim comes from my district, and my natural instinct are against these people. I will say frankly, because I was born and rocked in the cradle of the South, and as to people who were not loyal to us in our hour of trouble with the rest of the Union naturally there was a great deal of feeling in that country against these people, and I have no sympathy with them to-day.

Yet, now, what would be the gentleman's position? Here was a man of large wealth, who had all his property tied up in that country. The Court of Claims, without a scintilla of evidence showing that he had done a thing favorable to the South, but with the testimony of several Union officers who were with Grant's army at Vicksburg—and Grant stayed not far from this plantation for many months—to various acts of loyalty that this man did, which he could do without being caught by his neighbors, said that because the man lived in the South he was not loyal. They said that in effect. They said that in order to be loyal he should have openly taken the part of the Union Army.

Now, to have done so would have cost him his life and his entire property, because the chances are that if he had taken the part of the Union Army he would have been compelled to go north of the Mason and Dixon line, and in the meantime his entire property would have vanished. Now, you find a man who, according to the testimony of officers in Grant's army, located within a few miles of this place—and several of them were camped near there—was loyal to the Union, and the only one act of disloyalty was that the Confederacy took six of his slaves and made them work at Shreveport, and he advised those slaves to run away, and they did so.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. ELDER. Yes.

Mr. BUTLER. Is there any evidence of the claimant's disloyalty, except that growing out of the fact that he lived in hostile territory?

Mr. ELDER. None in the world; absolutely not one scintilla of evidence.

since that time the mother has died and the eldest daughter has died. There remains now but one member of the family living. Now, I do not intend to go into the circumstances of this measure. They came to me with the story, and I believed it, and after investigating it to the very bottom I know that, besides Judge Rauney, other men in Massachusetts believed the story and have absolute confidence in it. In fact, there is no earthly doubt about this under the circumstances.

Now, gentlemen, merely because the cotton claim was the only one pushed—they were both introduced in 1873—there was sufficient reason for leaving out this one. At that time there was a doubt as to whether the Government would pay for property that it had taken and used, the proceeds of which were in the Treasury, as is the case with the cotton claims. These people come here with a finding of facts that the Government actually took $14,640 worth of property and used it, and has never paid for it. I think these people should receive their money.

Mr. BUTLER. Will the gentleman yield?

Mr. ELDER. Yes.

Mr. BUTLER. The court found some disloyalty in the parent of the claimants.

Mr. ELDER. Constructive disloyalty.

Mr. BUTLER. What is constructive disloyalty?

Mr. ELDER. What they call constructive disloyalty——

Mr. BUTLER. About the same relation to loyalty, I suppose, as the old preacher in Maine had to the prohibition law; while he was for prohibition he was against its enforcement. [Laughter.]

Mr. ELDER. Here is the proposition: Of course the people of the South were intensely partisan to the South's cause, and if a man valued his hide it was not the part of wisdom for him to take an open and active stand in favor of the North. The record of the trial of this case before the Court of Claims shows, by the testimony of the Union officers, that this man, Sterling T. Austin, helped the Union soldiers wherever and whenever he could; but the Court of Claims found that because he lived in the South, and because he refused to take part for the Union Army when it would have cost him his life had he done so, that he was constructively disloyal; and it was in the face of that record, and in the face of that finding of constructive disloyalty that the Republican Congress of 1898 found that these people were entitled to that money.

Mr. BUTLER. This case is not new to me. I heard it when I was very young in this House, and got my baptism here, as you might say. I heard it discussed by Mr. Dalzell and Mr. Mahon. I do not remember whether the gentleman from Illinois [Mr. MANN] took part in the discussion or not, but this House concluded at that time that there was no such thing as constructive disloyalty; that a man was either loyal or disloyal, and that it was not necessary to be noisy in order to be loyal.

Mr. ELDER. That is what that Congress decided—that as a matter of fact he was loyal. The Court of Claims admit that on a technicality they find he was disloyal. The House found, as a matter of fact, that he was loyal, and that they would not be bound by the constructive finding of the Court of Claims. If the Court of Claims had come out and said, "As a matter of fact, we find this man was disloyal," that bill would not have passed that Congress.

Mr. BUTLER. I think that was the same session of Congress in which they passed the Methodist Church South bill, in 1898.

Mr. ELDER. I do not recall that. The finding of constructive disloyalty was merely a technical finding, and that particular finding has already been overridden——

Mr. BUTLER. I am satisfied.

Mr. ELDER. I reserve the balance of my time.

Mr. MANN. Mr. Chairman, this is a bill directing the Secretary of the Treasury—

to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

The finding of the Court of Claims was:

1. The claimant herein, Florine A. Albright, is shown to be the only surviving child and heir of Sterling T. Austin, deceased.

2. The court has heretofore found on the evidence in this case that the claimant's decedent, said Sterling T. Austin, deceased, was not loyal to the Government of the United States throughout the war for the suppression of the rebellion.

3. There was taken from claimant's decedent during the year 1863, from his plantation in Lake Providence, Carroll Parish, La., during his absence therefrom, by the military forces of the United States, by proper authority, for the use of the Army, stores and supplies as above described which, at the time and place of taking, were reasonably worth the sum of $14,640, no part of which appears to have been paid.

4. The claim in this case appears to have been presented to Congress along with a cotton claim filed by said Sterling T. Austin, deceased, in the year 1873, but the further prosecution thereof was at that time abandoned in order to facilitate the speedy determination of said cotton claim. This claim was never presented to any other department of the Government, and nothing further was done toward its prosecution until its subsequent presentation to Congress and reference to this court under the act of March 3, 1887, as set forth in the statement of the case.

Now, here is a claim which somebody claimed to have against the Government in 1872. They claimed to have this claim and another claim that they called a cotton claim. Both being of doubtful validity, even if you grant them that much of a standing, the people who had the claims abandoned one claim if they could get Congress to pay the other. But it is not the first time that a compromise has been made where a man claimed for a lot of different things and then made a compromise by which he got part of the claims paid and abandoned the others.

Mr. ELDER. Mr. Chairman, will the gentleman yield?

Mr. MANN. In just a moment. This is not the first time that under such conditions people have lost sight of the moral side of a question, and having gotten one claim paid in this way, their attorneys work them up to the point where they think they ought to get the other one paid—it is so easy.

Now I yield to the gentleman.

Mr. ELDER. Is there anything in the discussion of either case, or in this report, to show there was a compromise, or to show that they finally and definitely abandoned the claim for the corn and mules? Is it not stated in the report that it was only temporarily abandoned? And further, is not there a difference between a claim for cotton where the proceeds are in the Treasury of the United States and for property taken and used by the Government which for a long period of years Congress has refused to pay for?

Mr. MANN. Has the gentleman finished his speech?

Mr. ELDER. Temporarily, and I want the gentleman to understand it is not a compromise.

Mr. MANN. I take no exception to it. I did not want to interrupt the gentleman. The cotton claim had this standing: The Government had taken the cotton and sold it and had the money for it.

Mr. BUTLER. That is what we paid for.

Mr. MANN. It had a little better standing than the other, where we just seized the property and had not sold it. In the course of time they managed to work the committee. Now, my friend from Louisiana says that it was not a compromise. I will not say that he said that, for I think he said there was nothing in the report which said that it was a compromise, but here is the finding of the Court of Claims that is in the report:

The claim in this case appears to have been presented to Congress along with a cotton claim filed by said Sterling T. Austin, deceased, in 1872, but the further prosecution thereof was at that time abandoned in order to facilitate the speedy determination of said cotton claim.

Mr. ELDER. Does the gentleman think that indicates a compromise?

Mr. MANN. It almost says that it is a compromise. Here are two claims, and one was abandoned in order to facilitate the other, and it must be by reason of a compromise. They were not related to each other.

Mr. ELDER. If one was clear cut and the other doubtful, would it not hurt the clear-cut one to include the doubtful claim, and would not it be a matter of wisdom to leave out the doubtful claim in order to facilitate the clear-cut claim?

Mr. MANN. These claims were probably not presented in the same bill to Congress, but I do not know about that. They could easily have been, and probably were, if the gentleman who introduced them had good judgment put in two bills, both pending before the committee at the same time, both being urged before the committee, and both being met with the proposition that there was no liability on the part of the Government. And in that spirit which actuates most of the claims committees, where there is a good deal of personal work with the members of the committee, there was a compromise and they abandoned one claim and got the other paid.

Mr. ELDER. I would like to ask the gentleman a further question.

Mr. MANN. Certainly.

Mr. ELDER. If there is justice in a claim, does the gentleman think that Congress should believe in any compromise unless it is absolutely and clearly made, and not where it is a matter of inference, as it is in this case?

Mr. MANN. I do not believe a claim agent ever recognizes any compromise or any reason for abandoning a claim. I think when a person has several claims against the Government or against an individual, all of them contested and disputed, that it is quite legitimate for the parties interested to come to an agreement by which they pay one of the claims and reject the other. That is a common practice throughout the world, very common in this country between all people.

Mr. ELDER. As I understand it, considering the legal feature, we sit here as a sort of a court both of law and of equity. Suppose you go into court and set up a compromise, should it not be construed strictly, and unless specifically set forth, the court would not hold that it was a compromise?

Now, should we, as a court of equity, go further than a court of law does, and say because they did not push the claim in order to get through the other claim that thereby they had abandoned it?

Mr. MANN. The gentleman makes an unfortunate reference to a court of law in this connection. These people had no legal claim against the Government. They were only seeking what they call their equities. Then when they got this claim referred to the Court of Claims the court threw them out. Now here, in the first place, was a compromise by which this claim was to be cut out; then, after that, they got the claim referred to the Court of Claims—and the Court of Claims could not recognize the compromise because that was in Congress—and the Court of Claims rejects their claim; they still come back and want it paid. I suppose they want it paid according to the findings of the Court of Claims, although the court shuts out their claim. The bill says "pay the claim as reported by the Court of Claims." The Court of Claims reported against paying it at all.

Mr. ELDER. Did not the Court of Claims shut out the cotton claim, finding that they were not loyal because they lived in the South? As nobody has a right to sue the Government, are not all claims against the Government matters of equity?

Mr. MANN. Certainly not, and the gentleman is not correct. Anybody who has a legal claim against the Government can sue the Government in the Court of Claims or in any district court of the United States. That has been the law for many, many years. We get the notion here in the House—I do not wonder that the gentleman has it—that people who have legal claims against the Government have a hard time to collect them because we have two committees busy reporting to the House claims which never would have been brought against individuals, and which are only made against a poor old Government; and then because they are sometimes not paid instanter they say that the Government is slow about paying its claims.

Anyone who has a legal claim against the Government of the United States can bring a suit in the Court of Claims or in the district court; and if he gets judgment, judgment is paid as a matter of course. We have just passed the deficiency appropriation bill this week, carrying a large number of judgments against the United States, which were paid in that bill, and not a word was said concerning those claims in the RECORD, because they are paid as a matter of course.

Mr. ELDER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ELDER. I presume the gentleman is simply making a distinction between a court of equity and a court of law. I understand fully that if there is any particular law under which a man can sue he goes into a court of law, but, as a matter of fact, many of the equitable cases which Congress must handle and pass on have greater right in them than those that have the technical right to go to a court of law.

Mr. MANN. Mr. Chairman, the gentleman is not familiar with the law upon the subject. That is the trouble. You can not sue the Government for a tort, because the Government does not authorize its agents to commit injuries; but you can sue the Government on any other kind of a claim, practically, on all claims about which you could bring suit against an individual. You could not sue on any of these claims.

This claim having been compromised, first, having been rejected by the Court of Claims, second, our enthusiastic friends still want it paid. There are claims pending in bills now reported to the House more than a hundred years old. I do not refer to the French spoliation claims. Some of those claims will still be dragging their weary way around the halls of this House when some of the children of the grandchildren of the children of the gentleman from Louisiana are occupying seats on the floor of this House. And they will then be describing the great injustice of the Government because it does not pay some of these hoary-headed old claims that, as a rule, nobody had the gall to present during the lifetime of the generation that lived at the time the claims arose. That is the case with this claim. The generation that was alive when this claim occurred is dead and gone.

Mr. ELDER. Mr. Chairman, I would like to ask the gentleman a question. The presumption against an old claim is not that it is an old claim, but that it is late in being presented. Would that apply in this case where the claim was put in to show that it was a bona fide claim of property if it were put in in 1873, less than 10 years after the property was taken?

Mr. MANN. The presumption against an old claim is that a man who does not present a claim has got no claim. The presumption is that the ordinary individual, who is not a minor or an insane person, or an idiot, if he has a claim will present it and endeavor to have it paid. This claim was presented in 1872. The gentleman says that that is a presumption in favor of it. No; it was presented before then and abandoned in 1872, because the gentlemen who had it admitted that they had no period standing. They were willing to trade for it any claim they had in order to get another claim paid. The gentleman says that the report does not show any compromise. I read from the finding of the court of claims. Here is the language of my friend from Louisiana himself:

This claim, as stated in Section IV of the findings of fact above was originally presented to Congress along with a cotton claim filed by the claimant's decedent, Sterling T. Austin, but the prosecution of this claim was abandoned in order to facilitate the speedy determination of the cotton claim.

Now, those claims were not related, except the same people had them against the same Government. Just how the abandoning of one claim would facilitate determination of the other is something I can not understand, unless pending before the same committee some gentleman on the committee said, as we say every day about such things, "If you will abandon one of these claims, we will favor the other." To continue:

In the cotton claim the Court of Claims found the deceased "constructively" disloyal, in that he lived in the Confederacy and for other reasons hereinafter stated. It is this finding to which the court refers in section 2 above.

In spite of this finding of the court, Congress paid the cotton claim in the Fifty-fifth Congress (30 Stat. L., 1408). In paying this claim Congress practically reversed the decision of the court on the question of loyalty.

Congress has in its broad power the right to appropriate money to pay a judgment of the Court of Claims, or a finding of the Court of Claims, or to pay a judgment or a finding in the face of a judgment or a finding in the Court of Claims, or to pay any amount it pleases for any purpose it pleases. It may not have the constitutional authority, but it has the practical power. I have known a great many claims to be "logged" through Congress, to use a slang expression.

The Committee on Claims generally and at present is composed of men of very high standing, and the same can be said of the Committee on War Claims; but Members of Congress who are constantly appealing to their constituents for favorable consideration, who are constantly asking other people for their support, who are constantly seeking what they consider favors from those who vote for them, are very prone to yield to the persistent influence of some one who has a claim against the Government with its great big Treasury. As a rule, there are very few claimants who do not know somebody somewhere, who does not know somebody in the district of the gentleman on the Committee on War Claims, who has this particular matter under consideration.

To pay Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document numbered so and so.

Now, any innocent gentleman reading that would naturally suppose that the Court of Claims had made a finding in favor of the payment of this money. Well, it is directly the reverse. I do not know what the former bill was in the Fifty-fifth Congress. I was new and very green then. I am not very new now, and I may be just as green, but I did not know as much about Government claims matters then as I do now. This kind of a bill does not have any effect on me now until I look up the facts. Now, here is a case where "Mr. Austin in the spring of 1863, procuring a pass through the Federal lines at Natchez, Miss., he went to Georgia for his family."

"During his absence all the movable property on his plantation was, by order of Gen. McPherson, military commander of that district, seized and carried away by the military forces. The levee at Ashton was cut by the Army and his whole plantation submerged. He came back after the water had receded to a scene of desolation and enforced desertion. In consequence of his well-known Union sentiments and the absence of anything like legal protection, a residence among his old neighbors was both unpleasant and unsafe." I am reading from the report, which endeavors to be very favorable to him. "In the autumn of 1863, with his family and his negroes, of which he had a large number, he removed into Texas, remaining in San Antonio until after the close of the war, when he removed to Galveston." This does not say with his family and his slaves, but that is what it means. He may have been a very strong Union man, but the indications are not very favorable from the facts. I have no doubt at this day it would be easy to secure many affi-

bill to the Court of Claims we would soon be lost; and the gentleman would be worse off than I would be, because he would be asked to introduce them. I am sometimes asked to introduce these claims, but I do not remember when I have introduced any. Still, I would if I thought it was a proper claim, probably.

Mr. BYRNS of Tennessee. This property was not destroyed in the sense that it was burned, or anything of that sort. I think probably the attorney who drew this bill put that in there simply by way of extra precaution.

Mr. MANN. Very likely he wanted to cover everything and he overstepped the limit. That is not the fault of my friend from Tennessee and not my fault. I do not say that it is anybody's fault. And yet even attorneys in Chicago have to be taught by experience.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8508. Wilson, James E., heirs at law.

Mr. PADGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 17, after line 26, insert:
"H. R. 13961. Winstead, H. W."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13746. Woods, Yeatman & Co., legal representatives of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a claim for $1,000,000 for stores and supplies seized and used and incidentally destroyed by the military forces of the United States.

Mr. BYRNS of Tennessee. I do not suppose, Mr. Chairman——

Mr. MANN. I think we want this large claim examined. It ought to be confined within proper limitations.

Mr. BYRNS of Tennessee. In view of my want of past success in appealing to the gentleman from Illinois, I do not know that it would do any good to ask him to withdraw his motion.

Mr. MANN. No.

Mr. BYRNS of Tennessee. I will say, in justice to this claim, that this company was an exceedingly wealthy one, owning a large amount of iron-ore lands and many furnaces, supply stores, and so forth, in Tennessee.

Mr. MANN. There is a chance for the company to have a day in court, and when we refer such a claim to the Court of Claims it ought to be within proper limitations.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 6696. Rolling Fork Baptist Church, of Cowan, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. I think this paragraph is in the bill inadvertently. I call the attention of the gentleman to the fact that this is a case where apparently there has been a finding of the Court of Claims. A bill was introduced to carry that finding into effect. Now, the committee has referred this bill to the Court of Claims for a finding. It is a bill to carry into effect the findings of the Court of Claims, and I take it it is one of those bills where the committee would decline to include an amount in the omnibus bill, because it is for the destruction of property.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 2030. Missionary Baptist Church of Toone, deacons of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. MOON. Which is that?

Mr. MANN. It is H. R. 2030, which is for occupation, injury, and destruction.

Mr. GREGG. The one that I have there does not say destruction. What did the gentleman say was the number?

Mr. MANN. It is H. R. 2030.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 6040. Caughlen, James, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for compensation for property destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 14520. Curtis, Samuel G. and Elizabeth G., heirs at law of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property used and destroyed by the Federal Army.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois [Mr. MANN].

The motion was agreed to.

The Clerk read as follows:

H. R. 4746. Shelby Lodge, No. 162, Ancient Free and Accepted Masons, of Bristol.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property burned and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. Without objection, the motion is agreed to. There was no objection.

The Clerk read as follows:

H. R. 9261. Coleman, Mary A.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is such a unique bill that I hope the committee will pardon me if I call attention to what it is.

Mr. GREGG. What bill is that?

Mr. MANN. The gentleman will take my statement as to what it says. After I make my statement he will not want it to remain in the resolution. This is for the payment to Mary A. Coleman—

in full of all claims for damages sustained by the said Mary A. Coleman and John W. Coleman by reason of the said John W. Coleman being captured by the rebels while in the employment of the United States Government at Bridgeport, W. Va., and placed in prison, thereby losing 11 months' pay, all his working tools of trade and clothing, and while so imprisoned contracting diseases which left him a physical wreck and ended in death.

Mr. BUTLER. From what is the gentleman reading?

Mr. MANN. From the bill.

Mr. GREGG. I do not know how it got in there.

Mr. MANN. I know how it got in there, in a way. I suppose. The committee may be fairly careful about these resolutions, but, of course, it does not examine very carefully all these bills it proposes to refer to the Court of Claims. But if we start in to pay to every man who was captured by the Confederate forces or to his widow $10,000 it would take quite a bunch of money.

The CHAIRMAN. Without objection, the motion of the gentleman from Illinois [Mr. MANN] is agreed to. [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

H. R. 2211. Collett, A. J., administrator of the estate of Thomas Collett.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for the payment to A. J. Collett, administrator of the estate of Thomas Collett, deceased, the sum of $6,000 for damages by the military forces of the United States during the late Civil War.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois, to strike out the paragraph.

The motion was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 2212. Corrick, L. D., administrator of the estate of William Corrick.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois, to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 5742. Hart, Elijah M., heirs of.

Mr. FERRIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 21, after line 23, insert:
"H. R. 13520. Hefner, Harvey, heirs of."

Mr. FERRIS. Mr. Chairman, I offer this amendment at the instance of the gentleman from West Virginia [Mr. NEELY], who is necessarily absent from the House to-day. In reading this bill I am not quite sure whether it falls within or without the rule that is apparently unanimously consented to here to-day. The bill is only a few lines long. Let me read it, to see if it comes within the rule. I read:

A bill (H. R. 13520) for the relief of the heirs of Harvey Hefner.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Harvey Hefner, deceased, of Braxton County, W. Va., the sum of $4,000, out of any money in the Treasury not otherwise appropriated, in payment for a store building, dwelling, and stores and supplies taken from him by and for the use of the Union Army during the years 1861 to 1865, inclusive.

I think it is for the use of buildings, and I think it falls within your rule; and if no one objects, I would like very much to have it go in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 12231. James, F. J.

With a committee amendment, as follows:

Page 22, line 1, strike out "12231" and insert "2331."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 14007. Reece, J. A., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It provides for compensation for the destruction of property by the military forces.

Mr. GREGG. I have no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois to strike out the paragraph.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk resumed and concluded the reading of the resolution.

Mr. GREGG. Mr. Chairman, I move that the resolution be laid aside with a favorable recommendation.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] moves that the resolution be laid aside with a favorable recommendation. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 8696)——

FLORINE A. ALBRIGHT.

Mr. ELDER. Mr. Chairman, there was a bill passed over this morning that was at the head of the list. Without objection, I would like to take up the bill H. R. 6880, which was passed over without prejudice this morning.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELDER] asks unanimous consent to return to the bill named, that was passed over without prejudice. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report it.

The Clerk read the title, as follows:

A bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

Mr. GREGG. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. ELDER] such time as he may desire.

The CHAIRMAN. The bill has not yet been read.

Mr. GREGG. All right.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Florine A. Albright the sum of $14,640, in full compensation for stores and supplies taken by the United States Army during the Civil War, and reported by the Court of Claims in Senate Document No. 466, Fifty-ninth Congress, first session.

Mr. GREGG. Mr. Chairman, I now yield to the gentleman from Louisiana [Mr. ELDER] such of my time as he may need.

The CHAIRMAN. The gentleman from Louisiana [Mr. ELDER] is recognized.

Mr. ELDER. Mr. Chairman, this claim has been pending in one or the other branch of Congress since 1873, I think. During the Civil War a man by the name of Sterling T. Austin was a large property owner in the South, both in Alabama and in Louisiana and Texas. He took no actual part in the war himself, and in truth was, as is shown by the record, in my opinion and in the opinion of the Congress which sat in 1898, a Union sympathizer. There was taken some $200,000 or $300,000 worth of property from this man in the shape of cotton, mules, corn, and supplies. However, there could be traced to the Government only $59,000 worth of cotton and $14,640 worth of mules, corn, and supplies, which the Government used.

The cotton and the other supplies were for a great many years included in one bill, and that bill would pass the Senate in one Congress, and then it would pass the House in another, but it never passed both House and Senate so as to become a law; and in order to simplify matters the two bills were finally separated, and the claim for $59,000 of cotton was segregated from the rest and in 1898 it became a law, and this amount was paid to the heirs of Sterling T. Austin.

There still remains, under the finding of the Court of Claims, $14,640 worth of mules and other supplies which the Government took from East Carroll Parish, La., and for which it is justly indebted to these people at this time.

There has been only one objection to this bill, and that has been that in its finding the Court of Claims found that Sterling T. Austin was constructively disloyal, for the reason that he lived within the Confederate lines. There never was any finding of fact that he aided the Confederacy in any way. The only charge in that line was that some of his slaves did work on the Confederate breastworks, and that later he himself advised them to run away, which they did.

The record of the case before the Court of Claims treats of the fact that he at heart was a Union sympathizer, and the testimony coming from people of the South who were loyal is to the effect that the record is right. I can not have much sympathy for the claim, but the Government does owe these people this money and should pay it.

Now, this claim was fully discussed and debated in Congress in 1898, in a Republican Congress, and the debate was participated in by Republican leaders such as Mr. Mahon and Mr. Updegraff and Mr. Dalzell and others. The matter was debated thoroughly, and that Republican Congress found that while the Court of Claims had said that this man was constructively disloyal because he lived in the South, yet, as a matter of fact, he was a Union sympathizer. It is a fact that is further shown by this one incident, and a tragic one: And two years after the war, during what was known as the carpet-bag reign, this man was appointed postmaster in a little town where practically everyone was loyal to the South. His son was appointed a district judge, and the feeling against these two was evidently very high, because they were both of them killed by the people of this town in one day. The father was killed first, and the son ran out on the street and was shot down a few seconds later. Ever since then his daughters have been pushing their claim before Congress. Unquestionably, while they have received only $59,000, there was some $200,000 or $300,000 worth of property taken and used by the Government. The only trouble is they could only trace the amount that the Court of Claims found.

I would like to take just a moment of the time of the committee to read some of the statements made in the Congress of 1898, which was, of course, a Republican Congress. Speaking of Sterling T. Austin, Mr. Otjen, of Wisconsin, said:

The Court of Claims found that Sterling T. Austin, sr., was constructively disloyal, but that the present claimants were loyal to the Government. They found that Mr. Austin was constructively disloyal, simply because he resided in the territory of the Confederacy. They held that persons residing within the Confederacy were to be presumed to have been disloyal and persons residing within the Union lines were to be presumed to have been loyal.

There were no acts of disloyalty found against him. The only finding of the court was that he might, at the first opportunity, have taken his property and his family and his slaves and gone to the Federal lines. At one time there were six of his slaves impressed into the Confederate service. They worked upon the repair of gunboats at Shreveport, but the evidence shows that after they had worked there a while he advised these slaves to run away and hide in the woods, which they did, and later on went with him to Texas; so there is really no act of disloyalty found against him, excepting that under the provisions of this act he would have to show by positive acts that he had been loyal to the Government.

Now, I will read a statement in that same debate in reference to the killing of these two men by the people in that little town on account of the feeling there was against them. Mr. Updegraff said:

I want to say right here that in 1879 Sterling T. Austin and a son who had reached maturity after the war were killed at Lake Providence, La. The remainder of the family, a mother and two daughters, fled to Massachusetts, where some benevolent gentlemen, whose names I can not now recall, took charge of them and secured them places.

The Clerk read as follows:

H. R. 2369. Shelby County.

Mr. GREGG. Mr. Chairman, referring back to line 11, page 4, "H. R. 5186, Dorgan, William," the papers show that to be for the destruction of property. The gentleman from Illinois [Mr. MANN] moved to strike it out, and I am willing to agree that it shall go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the item in line 11, page 4.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

H. R. 12090. Emonet, Michel, heirs or estate of.

Mr. BROUSSARD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 8, after line 19, insert:
"H. R. 16683. Hernandez, Joseph."

Mr. BROUSSARD. Mr. Chairman, this bill is for the reference to the Court of Claims to find the amount of property used by Gen. Banks's army during the war, consisting of cattle slaughtered on his premises and used by the Army; also sheep, hogs, corn, and potatoes, and some horses that were taken for use by Cavalry.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 8307. Gardner, George W., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property taken and destroyed.

Mr. GREGG. I consent that it shall go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 8303. Gladney, Gardner & Co., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for the same thing—property taken and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion offered by the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8310. Henderson, Jennie Gaston, sole and only heir of L. B. Gaston.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for rent of a college building and for the destruction of said building by the Federal troops.

Mr. GREGG. Let it go out, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 8296. Linton, John, estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property taken, used, and destroyed.

Mr. GREGG. Let that go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 8284. Moore, Mary H., estate of.

Mr. HARRISON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 10, after line 25, insert:
"H. R. 16525. Moore, Robert, estate of."

Mr. HARRISON. Mr. Chairman, I will say that this bill was introduced May 13, 1914. It is for supplies taken and not for supplies destroyed during the war.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 14182. Sudduth, Flora E. Campbell, administratrix of the estate of Walter L. Campbell.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a claim for $20,000 worth of property destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 3320. Evergreen Lodge, No. 77, Free and Accepted Masons, of Decatur, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a bill for the destruction of property.

Mr. GREGG. That is for destruction.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 3318. Methodist Episcopal Church South, of Decatur.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is also a bill for the destruction of property.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 3319. Sageville Methodist Episcopal Church South, of Sageville, Lauderdale County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 6400. County of Barton.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 5546. Mount Zion Methodist Church, of Boone County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property burned.

Mr. GREGG. That is for destruction. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 12499. White, Samuel J.

Mr. POU. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 2 insert:
"H. R. 16946. Whitaker, William W."

Mr. POU. Mr. Chairman, the bill provides that the heirs of Whitaker be paid a certain amount—$36,000—in full compensation for property appropriated; and it also provides for damages for use and occupation, but I do not care anything about that.

Mr. GREGG. It has the language "incidental damages" in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

The Clerk read as follows:

H. R. 8016. Turner, Reuben R., legal representatives of.

The committee amendment was read, as follows:

Page 13, strike out the lines just read, lines 13 and 14.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

H. R. 8017. Bethesda Baptist Church, of Bamberg County.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is a bill for the destruction of a church.

Mr. BYRNES of South Carolina. Mr. Chairman, this bill provides for use and occupation, and the question of destruction would not be considered by the court, because the facts as presented to me were that the church was used, occupied, and destroyed by being knocked down and the lumber used for building a bridge. I will admit that the language used is not the happiest language, but inasmuch as the objection of the gentleman from Illinois [Mr. MANN] is to having the court consider a case where destruction is by burning, or where destruction as an act of war is alleged, and as those facts do not exist in this case I hope that he will not insist upon his amendment.

Mr. MANN. Mr. Chairman, in view of the modesty of the gentleman from South Carolina, who is a member of this committee, I believe, and the fact that South Carolina has very few

of these nefarious claims in the resolution—the committee has already stricken out two—and especially in view of his statement, I will ask unanimous consent to withdraw my motion.

The CHAIRMAN. Without objection, the motion is withdrawn; and the Clerk will read.

There was no objection.

The Clerk read as follows:

H. R. 8018. Beech Branch Baptist Church, of Hampton County.

The committee amendment was read, as follows:

Strike out lines 17 and 18, just read.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

H. R. 14329. Ursuline Convent, of Columbia.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. GREGG. Let it go.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 9706. Allen, William, heirs of.

Mr. BYRNS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 21, insert:
"H. R. 17911. Alley, Henry, estate of."

Mr. BYRNS of Tennessee. Mr. Chairman, this is for a reference of a claim for $21,519, in full compensation for stores and supplies and property furnished to and taken by the United States military authorities during the Civil War.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee.

The amendment was agreed to.

The Clerk read as follows:

H. R. 9732. Brown, Jesse A., legal representatives of.

Mr. BYRNS of Tennessee. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 14, after line 1, insert:
"H. R. 14955. Brown, Robert F., et al."

Mr. BYRNS of Tennessee. Mr. Chairman, this provides for the reference of a claim for $10,000 in full compensation for stores and supplies and property appropriated by the United States authorities and use and occupation of real estate and damages thereto. I ask for its adoption.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13744. Jackson & Adams, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is H. R. 13744, for property damaged and destroyed by military forces.

Mr. BYRNS of Tennessee. Mr. Chairman, I am the author of that bill.

Mr. MANN. Yes, sir.

Mr. BYRNS of Tennessee. As I remember, this was a firm which owned a sawmill, and the property was used by the Federal troops for a considerable length of time when they occupied Nashville. The mill was actually closed up and it and the surrounding yards were taken possession of and occupied by the Federal troops, and the owners were deprived of its use. Soldiers occupied it for a considerable length of time.

Mr. MANN. The gentleman can introduce a bill and probably will not delay this payment any for the use and occupation without providing for the destruction. I do not think the gentleman has entirely forgotten in connection with this reference——

Mr. BYRNS of Tennessee. My recollection is this claim is more for use and occupation than destruction.

Mr. MANN. Well, the gentleman probably does not know about that; I am sure I do not——

Mr. BYRNS of Tennessee. I only know what was stated to me. I know I filed several affidavits in support of the claim with the committee.

Mr. MANN. The gentleman had so many claims in connection with this resolution I am sure no one person could remember all of them.

Mr. BYRNS of Tennessee. I want to state to the gentleman that it has always been my uniform practice to require three or four affidavits of loyalty and merit before I introduce a bill of this character, and I am quite sure these affidavits will show that this is more for use and occupation of property than for destruction.

Mr. MANN. Well, it is plainly for destruction of property; that is what it says.

Mr. BRYNS of Tennessee. Well, it is for both; and I will submit to the gentleman that if this goes out of the bill, it will probably be a year before a reference can be secured, and certainly the gentleman does not want to prevent these gentlemen recovering any lawful sum to which they are entitled for use and occupation.

Mr. MANN. No; I do not want to prevent anybody——

Mr. BYRNS of Tennessee. I am quite sure——

Mr. MANN. From getting any lawful sum, and if it is lawful they will recover anyhow.

Mr. GREGG. Under the rule we have been operating under, I think that ought to go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

H. R. 9726. McHenry, E. B., receiver of the Bank of West Tennessee.

The committee amendment was read, as follows:

Strike out the lines just read, 23 and 24, page 15.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 9730. Mosby, Samuel, estate of.

The committee amendment was read, as follows:

Strike out the line just read, page 16, line 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 8507. Palmore, Frederick W.

Mr. SIMS. Mr. Chairman, after line 15, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 16, after line 15, insert:
"H. R. 17557. Parker, James C., deceased, estate of."

Mr. MANN. What is the character of the bill?

Mr. SIMS. It is for the heirs of James C. Parker, deceased, late of Carroll County, Tenn., the sum of $800, in full compensation for stores and supplies and property appropriated by United States authorities during or after the close of the Civil War, and for use and occupation of real estate and damage thereto.

The CHAIRMAN. The Chair understands the amendment offered by the gentleman from Tennessee should read, "Parker, James C., deceased, estate of."

Mr. SIMS. Yes.

The CHAIRMAN. It was not so written.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 292. Roth, Frank J.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property destroyed.

Mr. GREGG. Let it go.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 291. Roth, Joseph.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It is identically the same——

Mr. GREGG. Let it go.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

H. R. 13731. Tynes, A. J., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. The paragraph covers property which may have been seized or destroyed by the Army during the late Civil War.

Mr. BYRNS of Tennessee. Mr. Chairman, I want to say to the gentleman that this claim was referred to the Court of Claims, as I remember, two or three years ago, but for some reason, not entirely familiar to me, it was not properly referred. The attorney who is representing this claim thought that the bill was not properly drawn and sent me this bill which I have introduced. The attorney lives in Chicago, the city of the gentleman from Illinois. I know the claim is for some considerable amount. I remember——

Mr. MANN. Nearly $23,000.

Mr. BYRNS of Tennessee. My recollection is that Mr. Tynes owned a storehouse in the city of Nashville, and probably several of them.

This property was occupied by the troops for a considerable length of time. I hope the gentleman will let this go in.

Mr. MANN. I think not. We have been striking these all out. Nobody knows what it is. And if we refer this form of

Mr. ELDER. It would depend on what you would call an act of war. I will say to the gentleman as a matter of law the exact status of the thing is judged at the time the Army took it. Now, if they were going through the country and merely destroyed property to get it out of the way so that those people were less able to fight, as was said a moment ago in reference to Sherman's march to the sea, that was an act of war. Suppose they were down here in Virginia and the Army needed the corn that was in a certain bin, and they took it with the intention of using it——

Mr. BUTLER. For the use of the Army?

Mr. ELDER. But they carried it away, and weeks later, before they had time to use it, the Confederates were so close on their heels that in order to keep the Confederates from getting the corn, they would destroy it——

Mr. BUTLER. That would be an act of war?

Mr. ELDER. The time they took it and put it to their own use was the time to judge of the legal status of the corn. The gentleman would put up the hypothesis that if that corn was destroyed then there was no property used if we could prove it was not used. My contention is that the Government is legally responsible for the property if it was used. But if they destroyed it on the ground as an act of war, then it has a different status.

Mr. BUTLER. I see.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. GARNER. Division. Mr. Chairman.

The committee divided; and there were—ayes 17, noes 29.

So the motion was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Now, here is a bill in the proper form to be referred to the Court of Claims. I do not see that it makes any difference now with the present committee whether a man draws a bill in proper form or not, because under the theory of the present committee, if a man introduces a bill covering 100 claims and 99 of them are for the destruction of property and one is for supplies taken and used, the committee thinks all of the claims in the whole bill ought to go to the Court of Claims and a finding had in each case.

This bill is for the payment of a certain amount of money in full compensation for stores and supplies and property taken for the use of and used by the Federal forces. There is a bill that clearly defines its limitations and authorizes the Court of Claims to make a finding on the claim that the property was taken by the Federal forces for the use of the Federal forces and used by the Federal forces. But as long as the committee proposes to send to the Court of Claims any old thing, however bad it may be, if it be connected with language which would indicate a good claim, they have to take the consequences.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

H. R. 4487. Plowman, George P.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. PAGE of North Carolina). The gentleman from Illinois moves to strike out the last word.

Mr. MANN. The gentleman from Texas [Mr. GARRG] is again defending the position that if a bad claim be incorporated in the same bill with a good claim, then we ought to take into consideration the payment of both claims and send them to the Court of Claims. If there were no way of dividing the claims, we might send both to the Court of Claims with direction by an act of Congress; but there is a simple method, which any Member of Congress possesses, by which he can divide the bad claim from the good claim or the proper claim and have the proper claim referred to the Court of Claims.

Mr. BURNETT. Mr. Chairman, may I ask the gentleman a parliamentary question——

Mr. MANN. Certainly——

Mr. BURNETT. Would it be possible to strike out from the bill that part of the bill to which the gentleman refers?

Mr. MANN. It is not possible in this proceeding.

Mr. BURNETT. It would have to be stricken entirely from the resolution?

Mr. MANN. Yes; and then the gentleman could introduce a new bill in proper form and ask to have that referred to the Court of Claims.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 11.

Mr. MANN. That was line 9.

The CHAIRMAN. The Chair will say to the gentleman from Illinois that we have passed line 9 and gone to line 11.

Mr. MANN. I move to strike out the last word.

The CHAIRMAN. Does the gentleman withdraw his pro forma amendment?

Mr. MANN. I do.

The CHAIRMAN. The gentleman from Illinois withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

H. R. 4771. Pruitt, Robert, estate of.

Mr. BURNETT rose.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. BURNETT. Mr. Chairman, I desire, before we get to the Arkansas items, to move an amendment to one of the Alabama items.

The CHAIRMAN. The gentleman from Alabama [Mr. BURNETT] offers an amendment, which he sends to the Clerk's desk.

Mr. MANN. Well, Mr. Chairman, I move to strike out the paragraph on line 2, page 2.

Mr. BURNETT. Then I will withhold my amendment for the present.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 2, page 2. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The CHAIRMAN. The gentleman from Alabama sends up an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. BURNETT offers the following: Amend, after line 2, page 2, by adding the following:

"(a) H. R. 16791, Caswell Battles, heirs of; (b) H. R. 16063, Calvin Blevins, heirs of; (c) H. R. 17566, John Wheatinger, heirs of."

Mr. BURNETT. Mr. Chairman, I desire to say that I think every one of my bills meets the objection that the gentleman from Illinois has referred to, unless it be the Calvin Blevins bill, and that is for supplies and property appropriated by the United States military forces during the Civil War, and for the use and occupation of house and damage thereto.

It is clearly inferable from that language that it is damage incident to the use and occupation of the house. That is why I asked the gentleman a moment ago the question as to whether it would be permissible at this stage of the resolution to amend the original bills.

I recognize the objection that the gentleman has made, and if these matters are sent to the Court of Claims, matters heretofore barred would not be involved. I think that the language "use and occupation of the house and damage thereto," would be construed to be damage incident to the use and occupation. I would be willing to insert in the bill the language, "as the result of the use and occupation."

Mr. MANN. That could not be done.

Mr. BURNETT. Does not that, in the gentleman's opinion, meet the objection—"use and occupation and damage thereto"?

Mr. MANN. Well, suppose there had been no use or occupation, but there had been damage to the house. Would not the Court of Claims still be required to make a finding?

Mr. BURNETT. I do not think so. I think that would mean damage resulting from the use and occupation.

Mr. MANN. We have a good many bills that we refer to the Court of Claims, where we provide the ascertainment of findings as to the use and occupation and incidental damage, but here is a case where there may be no use and occupation. Of course, if there has been use and occupation, as a matter of fact, probably the damage is only in connection with the use and occupation, but the gentleman from Alabama knows as well as I do that there are some very skillful claim agents in the city of Washington, and——

Mr. BURNETT. If the gentleman will allow me to inject a remark right there, I want to say that not one of my bills has been drawn by a claim agent.

Mr. MANN. I did not say that, but they are always willing to draw bills, and they draw many bills. They usually do not send them to Members of Congress, but they send them to the people who have claims, and those people send the bills to their Members of Congress and the bills get introduced. That is a very common method of doing it.

Now, suppose a man wants to get a finding of the Court of Claims for a house that is destroyed. Well, he thinks that probably he can not get that directly, so he puts in a bill "for use and occupation and damage to the house." The Court of Claims must make a finding, and they must find the damage; and our

genial friends, the claim agents, found a very smooth way of getting around what has been heretofore the practice of Congress. In course of time, whether they get the claims paid or not, they will become a frightful bore to Congress; and whether they are paid or not, the very fact that these claims are pending on findings in the Court of Claims has a tendency to prevent the passage of proper bills to pay proper findings.

Mr. BURNETT. If the gentleman will permit, I think that if the disjunctive "or" had been used damage might be found without any proof of use and occupation; but I am of the opinion that this bill making it in the conjunctive, for use and occupation of the house, and damage thereto, would mean the damage incident to the use and occupation; and I hope that the amendment will be adopted. I realize that the gentleman's proposition is correct in regard to many of these matters. I think the court will segregate it, and I hope the amendment will be adopted.

Mr. JOHNSON of Washington. Have these bills been presented to the Committee on War Claims?

Mr. BURNETT. Yes; but too late to get them into this omnibus resolution. I desire to state to the gentleman that I would not hesitate to withdraw this bill in order to take no chances with the Court of Claims, and in order to give them no unnecessary work, because, as has been suggested by the gentleman from Illinois [Mr. MANN], that is a matter we ought to consider. If I thought there would be any other possibility of having this claim considered at this session of Congress, I would not hesitate to withdraw it.

Mr. JOHNSON of Washington. What is the date of the latest one of the gentleman's bills?

Mr. BURNETT. June 1 is the latest.

Mr. JOHNSON of Washington. All after this resolution was introduced?

Mr. BURNETT. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The amendment was agreed to.

The Clerk read as follows:

H. R. 12275. Stewart, John E., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. A moment ago the gentleman from Alabama [Mr. BURNETT], in offering an amendment, stated that his bills had been before the Committee on Claims, which of course was correct.

Mr. BURNETT. I meant that the bills were referred.

Mr. MANN. The bills were introduced and referred to the Committee on Claims.

Mr. GREGG. What is it that the gentleman moves to strike out?

Mr. MANN. H. R. 12275.

Mr. GREGG. For one, I am willing to have it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out line 8, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11721. Boragni, Peter.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. That is the California bill for the destruction of property. I suppose by the military forces, at the time of the fire and earthquake in San Francisco. While it might be very interesting to have an opinion of the Court of Claims on that subject——

Mr. GREGG. Does the gentleman move to strike it out?

Mr. MANN. I have moved to strike it out.

Mr. GREGG. I agree to the motion.

The CHAIRMAN. The question is on striking out line 14, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 10344. Winter, John G., beneficiaries under the will of.

Mr. MANN. I move to strike out the paragraph. This bill provides—

That the Secretary of the Treasury be, and is hereby, authorized to pay to the beneficiaries under the will of John G. Winter, deceased, the sum of $250,000 for the property known as the Rock Island Paper Mill and other property connected therewith, near Columbus, Ga., which was taken for the use of and used by Federal troops during the War of the Rebellion, and thereafter unnecessarily and wantonly destroyed by said troops.

I do not think we ought to enter upon——

Mr. GREGG. I am willing to let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out lines 17 and 18, page 2.

The amendment was agreed to.

The Clerk read as follows:

H. R. 13783. Hall, William B., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out the paragraph.

Mr. MANN. This is a bill to pay to the heirs of William B. Hall——

Mr. GREGG. I am willing to have it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out line 7, on page 3.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11864. Pea Vine Academy, Walker County, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Illinois moves to strike out lines 3 and 4, on page 4.

Mr. MANN. House bill 11864 is—

For the occupation, use and destruction of the property of said academy by the United States military forces during the Civil War.

Mr. GREGG. I am willing to let that go out.

The CHAIRMAN. The gentleman moves to strike out lines 3 and 4 on page 4.

The amendment was agreed to.

The Clerk read as follows:

H. R. 11865. Pea Vine Church, Walker County, trustees of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. It is the same thing.

The CHAIRMAN. The gentleman moves to strike out lines 5 and 6 on page 4.

Mr. GREGG. Let it go.

The amendment was agreed to.

The Clerk read as follows:

H. R. 2646. De Atley, E., & Co.

Mr. MANN. I move to strike out the paragraph. That is for property taken and destroyed.

Mr. GREGG. Let that go out.

The CHAIRMAN. The gentleman from Illinois moves to strike out line 9 on page 4.

The amendment was agreed to.

The Clerk read as follows:

H. R. 5186. Dorgan, William.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. FOSTER. I hope my colleague will wait just a moment. This is a resolution which I introduced, and I may have been unfortunate in the wording of the resolution——

Mr. MANN. I think my colleague was.

Mr. FOSTER. If my colleague will permit this to go over until I have looked at the papers in the case—he may be right about it.

Mr. MANN. My colleague can introduce another bill.

Mr. FOSTER. It will do no harm to pass this over for a few minutes.

Mr. MANN. I have no objection to passing it over.

The CHAIRMAN. What is the request of the gentleman?

Mr. FOSTER. I have the papers here, but I ask to pass this over for a few minutes until I can examine them.

The CHAIRMAN. If there be no objection, line 11, page 4, will be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

H. R. 5547. Asher, John, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is, in part, to pay for fences burned by the military forces.

Mr. GREGG. Let that go.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

The Clerk read as follows:

H. R. 13792. Ballenger, David, heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for full payment for the destruction of property.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The motion was agreed to.

The Clerk read as follows:

H. R. 2980. Morgan, James E., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This is for property appropriated and destroyed.

Mr. GREGG. Let it go out.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Mr. GORDON. On the gentleman's theory, what would be the objection to paying for the slaves that were emancipated? That was done as an act of war.

Mr. ELDER. That was personal property, and as they were the property of the people. I think they should have been paid for. I am not here asking you to do it, but, as a matter of law, as a matter of justice, as a matter of right and good conscience, they should have been paid for.

Mr. GORDON. Is there any property that was taken or destroyed that ought not to be paid for?

Mr. ELDER. Yes. I think when Sherman marched to the sea, when he went through and broke the backbone of the Confederacy, that was an act of war and should not be paid for.

Mr. GORDON. When Sherman marched to the sea and burned fences and buildings and destroyed property, that was an act of war?

Mr. ELDER. Yes.

Mr. GORDON. And the gentleman thinks that ought to be paid for?

Mr. ELDER. No.

Mr. GORDON. Then I would like to get the gentleman's definition of an act of war.

Mr. MANN. The gentleman from Ohio ought not to be too critical as to gentlemen from the Southern States, because they dare not say to their constituents that they are not in favor of paying all these claims.

Mr. ELDER. I would say so if I believed it, but I do not believe it.

Mr. MANN. Of course the gentleman does not believe it. If he believed it and said it, he probably would not stay here long.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. Is it not manifest that the gentleman does not expect his side of the House will be sufficiently reinforced to protect the United States against these claims by the time they come back?

Mr. MANN. Oh, that is about as big as the gentleman from Kansas ever grows. I am discussing claims, and the gentleman is seeking to introduce politics. I am perfectly willing to discuss the political question as to what the next House will be, if desired, and the gentleman from Kansas may rest assured that he will be cooling his heels outside or inside of a law office in the State of Kansas when the next House comes here. He has no special interest in these claims, and he will not be here to consider them.

Mr. TAGGART. I am not discussing just exactly what the future will be.

Mr. MANN. Then do not. I do not yield any more on that. I do not want to go into politics on the subject. I never have introduced politics on the subject of claims.

Mr. TAGGART. I just want to ask this question——

Mr. MANN. If it has anything to do with the claim, I will answer it.

Mr. TAGGART. It has.

Mr. MANN. If it is a political question, I do not propose to answer it.

Mr. TAGGART. Is it not a fact that the Court of Claims is simply made use of as a commission to take testimony; that its judgment has no force or validity whatsoever; that its findings are used simply as the basis for appropriations, and nothing more; and the gentleman's idea is to protect it against vexatious business that ultimately would not be appropriated for?

Mr. MANN. Mr. Chairman, I have stated my position many times on the floor of this House, and I will not permit my friend from Kansas to state it for me. When he has had as much experience with these war claims as many other Members of the House have had, he will know more about them, and I think he would be on my side.

Mr. TAGGART. Oh, I will never be on the gentleman's side of the House.

Mr. MANN. Oh, the gentleman will not be in the next House at all.

Mr. TAGGART. I will have plenty of company.

Mr. BYRNES of South Carolina. Mr. Chairman, will the gentleman from Illinois please inform me whether he has marked those bills which provide for repayment for destruction?

Mr. MANN. I have.

Mr. BYRNES of South Carolina. I ask the question for this reason: Regardless of the personal opinion of Members over here, it is not the intention of the committee to send to the court bills providing for any inquiry where destruction is alleged and if the gentleman has those cases marked, I think we can agree to have them stricken from the resolution.

Mr. MANN. I have not been able to get the gentleman from Texas to agree yet. The gentleman from Texas said that he was in favor of striking one bill from the resolution, but he seeks to defend all of the others that are equally bad. Here is another one, 5564, which proposes to appropriate a certain amount in full compensation for the destruction of the church building of the Mount Zion Methodist Church, burned by the Federal forces during the late War of the Rebellion. Upon what theory is that to be sent to the Court of Claims?

Mr. GREGG. Oh, I think that ought to go out.

Mr. MANN. It ought never to have come in, and that is the reason I am examining the bills. Here is another one which I suppose the gentleman defends:

In full satisfaction of the claim of the deceased against the Government of the United States for supplies and property taken for the use of the Army in the late war, or which may have been seized or destroyed by the Army during the late Civil War.

That is another case where all you have to do to have a claim for destruction inserted in a resolution sending claims to the Court of Claims is to put in a little language about use and occupation, although there may have been no use and occupation. There are a number of other bills to which I shall call attention under the five-minute rule, and I shall ask for a vote on a motion to strike them out.

If gentlemen from the Southern States, who in the main have these claims, want to get payment for property used by the Union forces in the South during the war, I am perfectly willing at all times to help expedite the payment of these claims if they confine themselves to those claims, but if in seeking to get the payment of those claims they endeavor to get payment of claims for property destroyed or damaged by the Army during the Civil War, I shall do all I can to prevent the payment of any of those claims. That is a fair proposition. I have discovered, as many other gentlemen have, that claim agents are constantly endeavoring to make new precedents for the payment of claims, and that when they find a new method of getting claims they seek to have one claim paid, and when that claim is paid they say that there are a lot of others on all fours with that claim that has been paid; that Congress has determined what it will do in that case, and they go through without question.

Mr. GREGG. Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H. R. 5560. Jackson, John Y., estate of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph.

Mr. BURNETT. Mr. Chairman, what does the gentleman mean by the paragraph—all of them that were embraced in the Alabama claims?

Mr. MANN. No; simply H. R. 5560, estate of John Y. Jackson.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, strike out, in line 6, the language: "H. R. 5560. Jackson, John Y., estate of."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken; and the Chair being in doubt, the committee divided, and there were—ayes 12, noes 33.

So the amendment was rejected.

The Clerk read as follows:

H. R. 8746. McMahon, John C., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This claim includes, among other things, pay for damages to real estate. I do not think that we ought to send to the Court of Claims a claim for damages by the Union Army for real estate. There is nothing to show the damage has any connection with the use and occupation of property. There are a good many bills referred to in this resolution which provide for the payment of incidental damage or for use and occupation and damage, but this separates the damage entirely from the use and occupation, and any damage which may have been under this provision would be required to be considered by the Court of Claims. If gentlemen desire to have bills referred to the Court of Claims, they can introduce bills which do not cover damages by the Army as a military necessity; and I am not willing that bills of this kind shall be sent to the Court of Claims, as is practically the case ordinarily with these bills.

Mr. GREGG. Mr. Chairman, I want to say to the committee that the Committee on War Claims has not been in favor of allowing claims for destruction of property as an act of war. It has been in favor and is providing for the payment for the use and occupation of property and incidental damage thereto while being used; that is, the damage incident to the use and occupation. Now, this bill provides $2,500 in full compensation

for stores and supplies and property appropriated by United States authorities during and after the close of the Civil War. This is admitted to be a proper matter to go to the Court of Claims. It further says for use and occupation of real estate. That is admitted to be a proper matter to go to the court. The only reasonable construction to be put upon that proportion relating to damages is that it is for damages incident to the use and occupation of the property and not its wanton destruction as an act of war. We had in the last omnibus bill—and I want to call the attention of the gentleman to it—we had several findings where the Court of Claims found the value of the use and occupation of the property and the amount of the incidental damage thereto, and then also found that the property was destroyed, and found its value. In every case of that kind the committee allowed only for the value of the use and occupation and for the damages incidental to the use and occupation, and did not allow for the damages done by destruction of the property as an independent matter. That came up in several bills, and if the courts should find in this case that damage was not done as incident to the occupation and use, then the committee will not allow it. It will be found separate by the court, so that Congress can separate the items and only allow such as we have been in the habit of allowing and such as ought to be allowed. Because the bill is a little inartistically worded should not prohibit it going to the Court of Claims.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to strike out the paragraph.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. MANN. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 16, noes 26.

So the motion was rejected.

The Clerk read as follows:

H. R. 4575. Parsons, Lewis E., heirs of.

Mr. MANN. Mr. Chairman, I move to strike out the paragraph. This bill provides that the Secretary of the Treasury be, and he is hereby, directed to pay to the heirs of Lewis E. Parsons, deceased, the sum of $5,000 for the occupation and subsequent injury to his land near Talladega, Ala., by the United States Army, after the close of hostilities of 1865. I do not know that we are under any liability to pay for damage to the property, and therefore I move to strike it out.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. PAYNE. Is the gentleman familiar enough with the findings of the Court of Claims, so as to be able to say whether they would be liable or likely to report this claim in the language of the bill, that this man suffered such damages in the language of the bill, quoting the whole of the bill, and saying that the damage was so much?

Mr. MANN. I do not think the Court of Claims as a rule makes a report in the language of the bill. I will say to the gentleman from New York. They would have to make the findings cover everything that was referred to in the bill.

Mr. PAYNE. I would like to ask the chairman whether——

Mr. BURNETT. If the gentleman will permit, I have seen a number of findings, and my recollection is that they itemize their findings, and in a case of that kind they would say "for use and occupation"—I believe that is the language of the bill—and that there is so much damage, and either ignore the other or else find that as a separate item.

Mr. MANN. This bill does not provide for use and occupation; it only provides for a claim for occupation; but I do not know that it makes any difference. I will say to the gentleman from Alabama every finding of the Court of Claims is laid on my table and I look over every one of them. I think if I can get the gentleman from Alabama to do that, that he will favor the motion that I have made to strike them out.

Mr. BURNETT. I did not catch the gentleman's statement——

Mr. MANN. Well, it is not important.

Mr. BURNETT. As to the character of the Court of Claims findings. Was not my statement correct that they usually itemize the findings? I know that is the case with those I have seen.

Mr. MANN. They do to a large extent, undoubtedly; they have to do so.

Mr. PAYNE. I want to ask the gentleman from Alabama, who has the floor, I believe, whether the committee left out any bills to be sent to the Court of Claims for destruction of property during the war, whether it was an act of war or otherwise; whether they left out any of these bills in this omnibus bill reported?

Mr. BURNETT. I am not a member of the committee, and I do not know.

Mr. PAYNE. I will ask the gentleman from Louisiana whether they left out any of the bills pending before the committee at the date of this resolution?

Mr. ELDER. Providing that they should go to the Court of Claims? Where we knew it was a destruction of property as an act of war we left all that sort of claims out; unintentionally one or two might have gotten through, but it was not our intention to report that sort of claims. Now, there were some claims, I will say to the gentleman from New York, which were mixed. They come in with a claim for a certain amount for property taken, and then add a claim for a certain amount for property destroyed—we might not know whether by an act of war or not; but being in one bill, we sent that bill to the Court of Claims by putting them in this bill.

Mr. PAYNE. It is peculiar to that kind of bills in this selection? That was the uniform practice, was it not?

Mr. ELDER. That was the intentional practice. There may have been one or two that got through unintentionally, where it was property wholly destroyed. The chairman stated a few moments ago he was perfectly willing to cut out all of that class of cases where it was property that was destroyed as an act of war.

Mr. PAYNE. So that if any attorney for a claimant drew a bill that was for destruction of property and nothing else, and still put in the bill, in addition to destruction of property, the use and occupation thereof, the committee very kindly put that in this resolution sending it to the Court of Claims?

Mr. ELDER. No; I do not think that.

Mr. PAYNE. The gentleman just said if the bill was for the destruction of property, or use and occupation of it, you put it in this resolution.

Mr. ELDER. If it was for both. If it was a mixed claim, we put it in.

Mr. PAYNE. And if the attorney drew it in that way, you put it in here?

Mr. ELDER. That is merely incidental. If there is no certainty as to how the property was destroyed, we did. In my opinion there are some cases where the Government should be responsible for it and should pay for it. Suppose the Government took 10,000 bushels of corn. They took it, and used a part of it, but suppose the Confederates got on their heels and they could not use the corn, and then destroyed it. The property was destroyed and was not used, and yet it was taken at the time with the intention that the Government should use it. It became an act of war later. At the time they took it they took it for the purpose of use, but the man from whom they took it is in no wise responsible for the subsequent acts of the Confederacy that forced the Government into the position where they were compelled to destroy the corn.

Mr. PAYNE. The man was not responsible for it when it was destroyed as an act of war, and still he could not recover for it.

Mr. ELDER. Do you think where they took it from a man, for the purpose of using it, later on under the necessity of war it became their own?

Mr. PAYNE. If it was a necessity of war they should not pay for it.

Mr. ELDER. Suppose that there was no proof that the Government took it, do you mean that I would have to follow that up, self, if I had been the one who lost the corn, and prove that the Government used it?

Mr. PAYNE. A man ought to prove his case, of course. You say that all questions of doubt should be resolved in favor of the Government and against the claimant.

Mr. ELDER. It is a rule of law, I will say to my friend, which he knows better than I do, possibly, that the man who has the proof also has the burden on him to produce it. They took the property away, and he was not able to follow it. That man has yet to prove the facts of the case.

Mr. PAYNE. I would like to find out the theory on which these claims are being pressed.

Mr. BUTLER. Will the gentleman answer a question?

Mr. ELDER. If I can.

Mr. BUTLER. I am sure the gentleman can.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. BUTLER. I ask unanimous consent that the gentleman from Louisiana [Mr. ELDER] has sufficient time in which to answer my question.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BUTLER. Would the taking of the corn originally be an act of war?

Mr. ELDER. No; it would not.

Mr. BUTLER. For the use of the Army?

see. I do not want anything included here that it has not been the custom of the committee to authorize and pay.

Mr. MANN. Well, I think that a little discussion at this time might shorten up the operation very much.

Mr. GREGG. I do not know what bills there are mentioned in the resolution that the gentleman thinks are objectionable. I have no idea.

Mr. MANN. Well, I called the gentleman's attention to a particular bill, and there are quite a number of similar bills.

Mr. GREGG. When we reach them, then let us raise the question.

Mr. MANN. Of course the gentleman has his notion about what ought to be done, and I have mine. We do not happen to agree. I would like to find out if I can, however, what the gentleman thinks of the proposition I did submit to the House.

Mr. GREGG. I answered as to the one the gentleman submitted. I think a bill worded that way means incidental damage done through use and occupation. I think that is the proper construction. I think it ought to be sent to the Court of Claims.

Mr. MANN. Here is one, numbered 7145, for the occupation of and subsequent injury to land. Does the gentleman think that ought to go to the Court of Claims?

Mr. GREGG. I think so.

Mr. MANN. Upon what theory, may I ask?

Mr. GREGG. I think that would be connected with the occupation and subsequent injury. It is awkwardly set out, but I think it means injury connected with the occupation.

Mr. MANN. But it clearly covers a case where the Union forces may have occupied the land and then, as an act of war, torn down the fences or the buildings.

Mr. GREGG. I do not think it is subject to that construction.

Mr. MANN. Oh, it is plainly subject to that construction. That is what it says.

Here is another bill, H. R. 12275, for stores and supplies and other property taken by the military forces of the United States and appropriated to the use of the Government or destroyed by said forces during the late Civil War. There is plainly a bill that refers to the Court of Claims a claim for the destruction of property by the Union forces. What does my friend say as to that?

Mr. GREGG. I was trying to find the bill. If we proceed in an orderly way, I think I shall have the bill when it comes up.

Mr. MANN. Well, I am proceeding in an orderly way, and I have the bill.

Mr GREGG. The gentleman says, "destroyed by said forces during the late Civil War"?

Mr. MANN. Yes.

Mr. GREGG. Understand that is divided into two subdivisions. That applies to property taken and used by the Government; then to property destroyed by the forces of the Government. When the court passes on that they will find what property was taken and used by the Government and its value; and then, if any was destroyed as an act of war, they will find that separately, and its value; and the custom of the committee has been not to allow anything that was destroyed as an act of war. But if a finding of the court embraces something that ought to be paid, then the committee reports that much, and does not report the portion that ought not to be paid.

Mr. MANN. Well, I am sorry to say that has not always been the practice of the committee.

Mr. GREGG. That is the practice I have tried to observe.

Mr. MANN. The gentleman has not always succeeded in carrying his theory into effect in actual practice. The practice is, when these claims go to the Court of Claims and they make a finding, as to most of the findings they report the items in an omnibus bill.

Mr. GREGG. I will ask the gentleman this question: In the omnibus bill that I reported this time, is it not a fact that there were only four separate items that entered into that omnibus bill for property destroyed? And is it not a further fact that when my attention was called to those I agreed that they should be eliminated from the bill?

Mr. MANN. If the gentleman makes the statement, I do not deny it. I have not criticized the omnibus bill that passed the House, although after it passed the House I discovered a number of claims in it that ought never to have been put in, and claims which, I think, if the gentleman had had his attention called to them would not have gone in.

Mr. GREGG. Did I not myself move to eliminate those that were objectionable?

Mr. MANN. That is true. But while we have among us now such a distinguished gentleman as the gentleman from Texas—and we enjoy his company here—yet neither he nor we may be here when these claims are paid. I have discovered a very different attitude at different times on the part of the Committee on War Claims.

Now, under this form of bill any person who has a claim for property destroyed as an act of war would need only to have a bill introduced to pay him for property appropriated by the United States or destroyed, and then the Court of Claims would make a finding. That is the easiest way in the world to get around the position which Congress has endeavored to take in the main heretofore, that it would not pay for property which was destroyed as an act of war. But under this form of bill there is no way to avoid that going to the Court of Claims, and the gentleman from Texas, as well as I, knows perfectly well that it is the common practice in Congress and elsewhere to denounce the United States Government because it does not pay findings made against it by the Court of Claims.

Well, the Court of Claims does not make findings against the Government, but that is what they say when they talk about it. They denounce the Government because it does not pay the findings. All that the Court of Claims does is to find certain facts. This form of bill, to refer claims to the Court of Claims, will become the common practice hereafter in introducing bills for property destroyed as acts of war. I am not willing to enter upon that course, if I can avoid it. But I do not get very much satisfaction from the gentleman from Texas, whom I understood a while ago to say he was perfectly willing to strike out claims for the destruction of property, but who, when we reach a particular claim, is not so willing.

Mr. GREGG. If the gentleman will show me a bill that is strictly for destruction of property, I will agree that it shall go out.

Mr. MANN. Here is one.

Mr. GREGG. But where it is a combination, covering some that ought not to go to the court and some that ought, we think the fact that some of it ought not to go to the court should not be allowed to defeat the bill.

Mr. MANN. No one knows whether any part of it ought to go to the court or not. Anybody can draw a bill in the alternative. A man might have a claim that was good and a claim that was bad, and you put it in the alternative. Then it is not necessary to have a good claim at all. Anybody can draw a bill of that kind and have it referred to the Court of Claims. That is the simplest proposition in the world. You say you do not wish it referred to the Court of Claims.

Mr. ELDER. I will ask the gentleman, by way of suggestion, would it not solve the difficulty to say:

Provided, That no property destroyed as an act of war shall be included in this bill.

Mr. MANN. I do not think so, because we have not that authority. This is a simple House resolution. We have the authority, under the law, to refer certain bills to the Court of Claims, but when we refer them we can not restrict the court. The Court makes the finding under the law. This is not the law.

Mr. ELDER. It would, at least, call their attention to it, so that they would make a difference.

Mr. MANN. It would not make any difference about our calling their attention to it. They would proceed under the law. Under the law the House can refer a bill to the Court of Claims, and the law says what the court shall find. They have to find the facts in relation to the claims in the bill.

Mr. ELDER. If the gentleman's position is correct, then it may be that $100,000 worth of property was taken and used by the Government, and in addition to that a small amount may have been destroyed as an act of war; and because there was a likelihood that the court would find also for the portion that was destroyed as an act of war, that would keep out the much larger amount that was taken and used by the Government. It seems to me we could certainly find some method by which the Court of Claims could pass on what we deem to be entirely legitimate claims.

Mr. MANN. There is a very simple method. It does not require a learned man to know what the method is. All that the gentleman who introduced the bill has to do is to introduce a proper bill. That would not take two seconds' time.

Mr. ELDER. I will suggest to the gentleman that inasmuch as it is too late to do anything else at this present Congress, why can we not amend this?

Mr. MANN. The gentleman can not amend it. That is the reason why.

Mr. ELDER. That would evidently be a sufficient reason.

Mr. MANN. The gentleman who introduced the bill could introduce a proper bill; and if the committee declined to recommend reference to the Court of Claims of bills carrying payment for destruction or damage to property, gentlemen know that it

is very easy to draw a proper bill. The fact is, most of these bills are drawn by claim attorneys, who are trying their utmost, in every way possible, to make new precedents, so that they may have other claims paid which heretofore have been refused payment. The gentleman knows that.

Mr. ELDER. I will admit that what the gentleman says about that is true, and I have no desire to help attorneys who are representing claims of this sort, and trying to make precedents of that sort, but that is no reason why we should not pay claims which are justly owed by the Government.

Mr. MANN. Certainly not. I am not claiming that at all, but that is a reason why we should not refer to the Court of Claims a bill that carries claims which we do not believe we ought to pay. Let them introduce proper bills. There is no trouble about that.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. TAGGART. I am asking this for information. In making these findings, does the Court of Claims make a finding that certain property was destroyed as an act of war, or will they separate the part that was destroyed incidentally to war from the part that was utilized by the Government?

Mr. MANN. I can not answer what the Court of Claims will do. We have not been in the habit of referring these claims to the Court of Claims.

Mr. TAGGART. Will the Court of Claims make a finding on a bill for the destruction of property—not for the taking and using of property, but for the mere destruction? Have they been doing that?

Mr. MANN. It would not make any difference how the Court of Claims made a finding. The first bill on the calendar, that we have just passed over, was a claim that was referred to the Court of Claims long ago. They found the amount, and found that there was nothing due. The claim that we just passed over a moment ago went to the Supreme Court of the United States, and they sustained the finding of the Court of Claims. What did the distinguished committee do? They reported a bill to pay the claim, and inserted as a part of their report the dissenting views of two of the judges of the Court of Claims, which made a finding against the bill; and because the amount was found by the Court of Claims, we are asked to pass a bill paying the finding of the Court of Claims. That is the way these things come in all the time. Whenever you refer any of these to the Court of Claims, if they make a finding of any kind fixing an amount we are apt to pay the amount because it is a finding of the Court of Claims.

Now, here is another bill, H. R. 11721, introduced by my friend from California [Mr. KAHN]. They had a great earthquake and fire out in San Francisco, and the Government went in with its forces to help stop the progress of the fire. They destroyed some property in order to prevent its being burned and in order to save other property. Here is one bill for $6,600, not a very large amount, to pay for the property which the Government destroyed, which, if the Government had not destroyed would have been burned, and which the Government destroyed in order to stop the progress of the fire. Of course the Court of Claims will make a finding on that if it is referred to the Court of Claims, and then all those who had any property at San Francisco so destroyed at that time will want their claims referred to the Court of Claims.

Mr. GORDON. Certainly; and how are you going to get away from it?

Mr. MANN. And in the end we will be asked to pay the bill. I remember at the time of the Chicago fire the Government went in and blew up buildings and blocks in order to stop the progress of the fire. So far as I know we never got to the point where we had the nerve to ask the Government to pay for the property which was destroyed. Somebody may have come to Congress on that point, but I never heard of it if they did. But the committee report in favor of having this bill go to the Court of Claims and have a finding. Of course the finding will be that the property was worth so much and that it was destroyed by the Government of the United States, and then we will be asked to pay the claim and thousands of other claims like it, probably.

Mr. CANDLER of Mississippi. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CANDLER of Mississippi. Would it not be a good idea to let these matters go to the Court of Claims, they having been here so long, and have the facts found and reported back to the House, in order that we may know what they are, and then we can eliminate those that ought not to be paid and pay those that ought to be paid?

Mr. MANN. The gentleman's question is not fair and hardly worth answering. I have said a number of times that I had no objection to referring to the Court of Claims any claim which had any chance to be appropriated for by the Government. But I would like to know the object of referring to the Court of Claims claims which the gentleman, I, and all the Members of the House think ought not to be paid.

Mr. CANDLER of Mississippi. That character of claims, of course, ought not to go to the Court of Claims.

Mr. MANN. It is that character of claims that I am talking about. Now, here is a claim for property taken for the use of and used by the Federal troops during the War of the Rebellion, and thereafter intentionally and wantonly destroyed by said troops. Upon what basis do we pay for property wantonly destroyed by the troops in the time of war? Yet the committee has practically recommended that such claims be paid, because unless they are to be paid there is no object in referring them to the Court of Claims. There are a large number of bills here for the destruction of property. Here is the bill H. R. 5186, to appropriate a sum of money, $1,000, for property destroyed by the Union soldiers during the Civil War. There is no explanation as to how it was destroyed or why. I would like to ask the gentleman from Texas upon what theory that bill is sent to the Court of Claims?

Mr. GREGG. Does it say simply for the destruction of property?

Mr. MANN. I will read the bill:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William Dorgan, out of any money in the Treasury not otherwise appropriated, the sum of $1,000, for property destroyed by the Union soldiers during the Civil War at Cold Spring, Campbell County, Ky.

Mr. GREGG. I will say to the gentleman that when we reach that item, if he will move to strike it out, I will agree with him.

Mr. MANN. Here is another one, H. R. 5547, to pay for corn taken and fences burned by the military forces of the United States during the late Civil War.

Mr. GREGG. Will the gentleman state that again?

Mr. MANN. I will read the bill:

A bill (H. R. 5547) for the relief of the heirs of John Asher, deceased.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,100 to the heirs of John Asher, deceased, late of Clay County, Ky., in payment for corn taken and fencing burned by the military forces of the United States during the late Civil War.

Mr. GREGG. There are two theories on which that claim should be paid. That corn was evidently taken for use.

Mr. MANN. It does not say so.

Mr. GREGG. That is what it means. Of course, you must give a reasonable construction to these matters. The fences, I suppose, were used for fuel. These things ought to be inquired into by the court and ascertained. That bill is all right.

Mr. MANN. I think the gentleman from Texas thinks that all these bills are all right.

Mr. GREGG. Well, I did not think that the other one was.

Mr. MANN. Oh, on that I drove the gentleman into a corner.

Mr. ELDER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. ELDER. Under what circumstances and in what way would an army burn a fence except for fuel?

Mr. MANN. I can imagine many ways. An army crossing a field might want to burn the fence in order to clear it away, and they might want to destroy the property in the country through which they were going.

Mr. ELDER. If it was a wanton destruction of property, does not the gentleman think it should be paid for?

Mr. MANN. Certainly not. That is the very idea and the trouble with the committee. They believe that it ought to be paid for.

Mr. ELDER. I think it ought to be paid for, too.

Mr. MANN. The committee believes that it ought to pay for all damage done.

Mr. ELDER. Will the gentleman permit another question?

Mr. MANN. Yes.

Mr. ELDER. Where an officer is in charge, the representative of the Government, and he permits his soldiers to go out and wantonly destroy property of the inhabitants, where it is not an act of war, the Government is entirely responsible for the destruction of that property.

Mr. MANN. That is just it; it is an act of war all the time.

Mr. ELDER. If the gentleman is going to say that it is an act of war, then when they take the corn and use it for the Army that is an act of war, because it is necessary in certain respects. What I call an act of war is where they go through and lay waste the country in order to make the inhabitants less able to fight.

Mr. GORDON. Will the gentleman from Illinois yield for me to ask a question of the gentleman from Louisiana?

Mr. MANN. Yes.

Mr. TAGGART. In the case of a rule reported by the Committee on Rules making it in order to take up a House joint resolution, I wish to ask if that would not take precedence of any other business?

The SPEAKER. The Chair does not think it would under that order. The House has the right to do as it pleases. It can do anything by unanimous consent, and the House after considerable discussion—the Chair has read only a part of it—made this peculiar order:

On motion of Mr. UNDERWOOD, by unanimous consent,

Ordered, That H. R. 16053 be given a privileged status, to be a continuing order, not to interfere with appropriation bills or Mondays or Wednesdays or pensions.

Mr. ADAMSON. Special mention of those enumerated exceptions exclude all other exceptions, and this is a continuing order.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will allow me, of course the House made this order, and it is within the power of the House to unmake it. That is not the question involved, however. The question involved here is a question of recognition. The gentleman from Kansas refers to a rule. It is a question whether the Speaker would give recognition to a bill that was ordered up for consideration by the House and had been acted upon, or to a chairman of a committee who proposed to make a new order. It seems to me clear that under ordinary circumstances the only thing that the Speaker can do is to recognize the authority of the House, which is the supreme authority so far as we are concerned, in the matter of recognition. Of course, there might be extraordinary circumstances where the House had made an order and the Speaker would feel justified in recognizing some one else in preference to that order, but under ordinary circumstances it seems to me clear that when the House has entered an order itself, that order should predominate.

Mr. MANN. Mr. Speaker, of course the House can determine the matter, anyway, by vote.

The SPEAKER. Of course.

Mr. MANN. But when these continuing orders are made I think the practice has always been that they come in only ahead of the call of committees, the purpose being that when the House is out of the ordinary privileged business, and the situation arises where the regular order is a call of the committees, then it is in order to go into consideration of the bill that is made a continuing order. Of course, if no one else were demanding recognition ahead of it, it would be in order at any time.

That order as such was not passed by the House. The Journal shows that it was passed by the House, but, as a matter of fact, no such order was presented to the House. The clerks properly reduced the unanimous consent to an order, and so showed it on the Journal. The reason pensions are mentioned was because the next day, when private bills were in order, was pension day, and some gentlemen imagined that this continuing order might be called up very speedily. That was some months ago, I think.

Mr. ADAMSON. The Speaker suggested that we except pensions.

Mr. MANN. That was because the next private-bill day was pension day.

Mr. POU. Mr. Speaker, it was stated by the gentleman from Alabama [Mr. UNDERWOOD] in explanation of this order that it was not intended to interfere with the regular business of the House. Now, the regular business under the rule to-day is that it is in order for the gentleman from Texas [Mr. GREGG] to make a motion to go into the Committee of the Whole House to consider war claims reported by his committee. It was not the purpose of the House to exclude a particular day in order under the rules and that was made clear by the gentleman from Alabama, and it seems to me perfectly clear the gentleman from Texas is entitled to recognition.

Mr. UNDERWOOD. Mr. Speaker, I do not like the gentleman to take my name in vain. I am not very much concerned about this; I can not remember everything said in this House, but if the gentleman quotes me I would like him to produce the RECORD to show that he quotes me correctly.

Mr. POU. Unless my hearing is very bad, the Speaker quoted the gentleman, not I, by saying it was not intended to interfere with the regular business of the House.

Mr. UNDERWOOD. I stated that the business of the House we did not propose to interfere with was appropriation bills and conference reports, and, as the gentleman from Georgia states, the question of pensions was put in there on the suggestion of the Speaker himself.

The SPEAKER. The Chair will read it again. This is from the CONGRESSIONAL RECORD of May 1. This is at the conclusion of the five-minute interlocutory performance:

Mr. UNDERWOOD. I believe if we get a whole day the chairman of the committee could probably dispose of general discussion in a day's time in the Committee of the Whole if he can get it at one time. The purpose of this order, Mr. Speaker, is not to interfere with the general business of the House, but to enable them to take up this bill when the House is not crowded on something else, and for that reason I thought it wiser not to put in pensions, although I can assure the gentleman pensions will not be interfered with, because some days there may be an hour or two after pensions are disposed of when this bill could be considered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that H. R. 16053 be given a privileged status, to be the continuing order, not to interfere with appropriation bills on Mondays or Wednesdays, or pensions. The Chair will put that in himself. The Chair does not want to get into a hobble about it. Is there objection? [After a pause.] The Chair hears none.

But it does seem we got into a hobble, after all. [Laughter.]

Mr. POU. Mr. Speaker, I want to submit an observation, and that is, even if the Speaker had not put in pensions of his own accord, that under the statement of the gentleman from Alabama it is not in order that this order should interfere with pensions; and if it is not in order, that it should interfere with pensions, the gentleman from Texas is in order to make his motion.

The SPEAKER. Now, the House can settle this for itself in short order. Both of these motions are privileged, and the gentleman from Texas rose first and made his motion first——

Mr. ADAMSON. I do not think that is the issue. The Speaker is aware both of us were calling for recognition.

The SPEAKER. The Chair knows. If either of the gentlemen had a preferential motion, the Chair would not care who got up first.

Mr. ADAMSON. We were both up asking recognition.

The SPEAKER. These two motions are exactly on the same footing, and the Chair will put the motion of the gentleman from Texas. Those in favor of the House resolving itself into the Committee of the Whole House to consider bills on the Private Calendar will say "aye"; those opposed will say "no."

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. ADAMSON. Division, Mr. Speaker.

The House proceeded to divide.

Mr. ADAMSON. Mr. Speaker, I withdraw the demand for a division.

The SPEAKER. The ayes have it, and the House accordingly resolves itself into the Committee of the Whole House for the consideration of bills on the Private Calendar, and the gentleman from Tennessee [Mr. SIMS] will take the chair, unless he has one of these bills.

Mr. SIMS. I have an amendment I want to offer to one of them.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT], if he has not one of these bills.

Mr. BURNETT. Mr. Speaker, I am particeps criminis. I have an amendment I wish to offer.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House for the consideration of bills in order on the Private Calendar, with Mr. SHERLEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of bills in order on the Private Calendar. The Clerk will report the first bill.

SNARE & TRIEST CO.

The Clerk read as follows:

S. 1369. An act for the relief of the Snare & Triest Co.

Mr. MANN. Mr. Chairman, under the rules this is war-claims day.

The CHAIRMAN. The Clerk should report bills from the Committee on War Claims.

Mr. ALLEN. Are not the bills called up in their order on the Private Calendar?

The CHAIRMAN. No; the understanding of the Chair is that to-day is given to the consideration of bills on the Private Calendar reported from the Committee on War Claims.

Mr. ALLEN. And those bills have preference?

The CHAIRMAN. They have.

FLORINE A. ALBRIGHT.

The first business in order on the Private Calendar was the bill (H. R. 6880) to carry out the findings of the Court of Claims in the case of Florine A. Albright.

The bill was read.

Mr. GREGG. Mr. Chairman, I ask unanimous consent that the bill be passed without prejudice.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the next bill.

REFERENCE OF BILLS TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 451, a resolution referring certain claims to the Court of Claims for findings of fact and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

Mr. GREGG. Mr. Chairman, I ask unanimous consent that the first reading of the resolution be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the resolution be dispensed with. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will report the resolution.

The Clerk commenced the reading of the resolution.

During the reading.

Mr. GREGG. Mr. Chairman, I renew my request for unanimous consent to dispense with the first reading of the resolution.

The CHAIRMAN. The gentleman from Texas renews his request to dispense with the first reading of the resolution. Is there objection?

Mr. MADDEN. I object.

The Clerk resumed the reading of the resolution.

Mr. MADDEN. Mr. Chairman, I withdraw my objection to dispensing with the first reading of the resolution.

The CHAIRMAN. The gentleman from Illinois withdraws his objection to dispensing with the first reading of the resolution. Is there further objection? [After a pause.] The Chair hears none. Does the gentleman from Texas [Mr. GREGG] desire recognition?

Mr. GREGG. Mr. Chairman, let us call for the second reading of the bill.

The CHAIRMAN. The Clerk will report the bill for amendment.

Mr. MANN. Mr. Chairman, this is a resolution to refer to the Court of Claims something over 400 bills, I believe, which have been introduced, for the payment of various sums of money, most of them relating to property or stores which were taken by the Union Army and used, many of them for the purpose of building. Some of the bills, however, say "for the destruction of property" where the destruction was clearly an act of war. Some of the bills are for damage to property where the damage was incidental to the use and occupation.

Mr. GREGG. Mr. Chairman, will the gentleman yield a minute?

Mr. MANN. Yes.

Mr. GREGG. I wish to say to the committee if there is any bill that is shown to be for the destruction of property as an act of war, I shall not insist on referring it to the Court of Claims. I recognize that that is not a proper claim.

Mr. MANN. Mr. Chairman, some of the bills are for use and occupation of real estate and damage thereto. Now, where that damage is, incidentally, damage connected with the use and occupation, I think it is perfectly proper that such a bill should be referred to the Court of Claims. But where there is use and occupation, and in addition damage to the property in connection with the use and occupation, I can see no reason why that should be referred to the Court of Claims. And I would like to get the attention of the gentleman from Texas in regard to it. Here, for instance, is the bill H. R. 5560, No. 6 in the resolution. It proposes to appropriate a certain sum of money in full compensation for stores and supplies and property appropriated by the United States authorities during or after the close of the Civil War and for use and occupation of real estate and damage thereto. As I say, some of the bills specify use and occupation and incidental damage. But this bill, for instance, proposes to refer to the Court of Claims, among other things, for finding a claim for damages to real estate. That may have been an act of war——

Mr. GREGG. Do you not think that the natural inference of that kind of a bill is for incidental damage where it says for use and occupation and damage? That would be incidental to the use and occupation.

Mr. MANN. Really I did not think so, or I would not have asked the question.

Mr. GREGG. But I think that is the proper construction to put upon it.

Mr. MANN. I do not say the gentleman is in error. I do not know what construction the court may place upon such bills. I think most of the bills heretofore have not been bills of this character.

Mr. BURNETT. Will the gentleman yield further?

Mr. MANN. Certainly.

Mr. BURNETT. Would it not, then, be the province of the court? It seems under the statement of the gentleman that there are some matters in that that would be legitimate. And would it not be a matter for the court in its findings to separate them, instead of having the whole thing going out?

Mr. MANN. Well, the Court of Claims takes the bill referred to it. We make the reference. It does not make any difference what the bill calls for; it is the duty of the Court of Claims to make a finding in regard to it. Of course we say we will not pay the amount that may be found, and yet my experience in the House leads me to say that when you get a finding of the Court of Claims for anything, gentlemen who are interested insist that it has almost the binding effect of a judgment against the Government and ought to be paid. We have gone so far in that direction that I think on this very calendar to-day is a bill to pay a certain claim which was referred to the Court of Claims and which the Court of Claims found was neither a legal nor an equitable claim against the Government. Thereupon we propose—or the committee proposes, at least—to pass the bill to carry into effect the finding of the Court of Claims, because, forsooth, they found the amount that was in controversy.

Now, if we refer to the Court of Claims and give directions to find the amount of the damage which the Army inflicted in the then enemy's country, they will make the finding, and then some gentleman says we ought to carry out the findings of the Court of Claims. Now, I will ask my friend from Alabama [Mr. BURNETT] whether he thinks we ought to enter upon a plan to pay for property which was destroyed or damaged as an incident of the war and not as an incident of the use of the property by the Army?

Mr. BURNETT. Well, Mr. Chairman, I am inclined to think we ought, but that has not been the rule, and I would not ask for a violation or enlargement of the rule. But if that is wrong, it seems that there are certain items in that very bill that would be proper, and there are others, perhaps, that might not be. There is nothing in the bill possibly that indicates what those items are. Then would it not be fair to the claimants to allow those matters to go to the Court of Claims, and they can make their findings in separate items, saying that so much was used by soldiers and there was so much to be allowed for damages, and so forth, and then let the House take care of that. I want to say that I have no interest in these special bills; but instead of rejecting the entire bill because they can not segregate the items, I think it would be better to refer the bill to the Court of Claims. I understand from some members of that court that they are pretty well up with war-claim matters. They have disposed of most of the business on the docket.

Mr. MANN. They have enough to keep them busy for some time. But would it not be fairer and equally fair to the claimant to introduce a bill which only relates to the matter where the Government might have liability, instead of introducing a bill that covers those things which the Government ought not to be liable for, and ask the Court of Claims to pass upon all the matters at once?

Mr. BURNETT. Well, the gentleman will recognize the fact that under the previous findings of the court the line of demarcation is sometimes very shadowy between those claims which, under the rule that has been followed, ought to be allowed and those that ought not to be allowed. Why would it not be fairer to get the testimony first?

Mr. MANN. Well, I see no reason why we should send to the Court of Claims a lot of claims for damages where there ought not to be any intention to pay, and one reason for thinking that is that the gentleman from Alabama himself thinks that they ought not to be paid. Now, if you get a finding in the Court of Claims you have a much stronger position for getting a claim paid. There was hundreds of millions of dollars' worth of property destroyed by the Union forces in the Southern States. I do not know how much it might amount to. At present the sums would be very large, and I am not willing, so far as my power goes, to enter upon the payment of those claims; certainly not to enter upon their payment indirectly.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GREGG. Suppose we read this resolution, and then when we come to one of those bills that the gentleman thinks is objectionable he can move to strike it out, and we can discuss it and

zens only. I am not going to take up time in discussing that feature of the bill.

ADDITIONAL BURDEN ON BUSINESS.

Mr. President, there is another phase of this question that should not be overlooked. The carrying out of the purposes of this proposed legislation will add largely to the expenses of the Government and impose another heavy burden upon the business of the country. The salaries of the trade commission and its secretaries alone amount to $59,000 a year. With the clerks, experts, lawyers, and other subordinates it is authorized to and must employ and the other expenses it must incur will, beyond a doubt, swell the cost of maintaining this commission, which the people must pay, to not less than a quarter of a million dollars a year. But this will not be the worst of it. The examinations, reports, and information that business concerns will have to furnish, if the bill becomes a law, will cost the business of the country millions of dollars a year.

Mr. President, who pays these extra expenses? Who bears the burden of this enormous additional tax on business? Why, the people, the consumers, of course. We complain of the high cost of living and wonder what causes it, while we ourselves are adding millions to it every year by creating expensive commissions and imposing new and additional burdens on the business men who furnish the people's needs. There is but one way for them to recoup their losses, forced upon them by unnecessary laws enacted by Congress. They must charge higher prices for what they sell. The cost of maintaining and carrying on the Government has become enormous. Millions of dollars of this cost is the result of the unfortunate tendency of Congress to create commissions, many of them useless, not a few idle and drawing salaries without rendering services in return, and others doing work that Congress itself should do, without additional expense to the people in the way of salaries and multitudes of extra employees. But my experience and observation here have convinced me that the expense that may be caused by such legislation as this is little thought of. But, sir, if we go on as we are now going, piling up the expenses of government, a day of reckoning will come, and it may not be far away.

Mr. President, I have tried to make a careful and unbiased study of the trust bills constituting the President's program of trust legislation and to express in the same way my own views respecting them. It is most unfortunate that the President, the head of the executive department of the Government, should have a legislative program. It is much more unfortunate that he should force that program upon Congress against its will and should insist, yea, command, not only that these bills be passed, but that they shall be passed now. Members of Congress are protesting against it. I have no kind of doubt that a majority of both branches are opposed to it. Congress is wearied with the continuous labors that have been imposed upon it by the arbitrary and unreasonable will of the President. The country is suffering from business stagnation and depression. Business, honest business, wants to be let alone to work its way out of this condition. Additional legislation will not help it. Business men know that. Every reasonable man knows it. Too much legislation, useless and harmful legislation, has done much to bring about this unfortunate condition. Business men in their despair say, "Pass the trade commission bill and leave the others alone." But this is advanced as a compromise and with the hope of escaping worse things. Business is growing desperate.

The country has been informed that these bills, all of them, will be passed this session. The President has said it, and the majority in Congress has not the moral courage to say no. To what depths of subserviency to a power outside of this Chamber has the Senate of the United States fallen! What a humiliating, what a pitiable spectacle it is! Now, sir, what is it all for? What reason or excuse is there for thus debasing the legislative department of the Government at the will of the Executive? Is there any demand outside of the White House for any such legislation as these bills call for? If there is it is not apparent. Who is likely to be benefited by it? Nobody that this Congress is called upon to aid or protect. Some say it is in aid of free competition, and that untrammeled and fair competition is for the people's good. But what is there in these bills to promote free and fair competition? I maintain, sir, that instead of preserving free and fair competition, its greatest tendency is to destroy all competition and all effort to advance trade. It is bound to put honest men in such fear of the law as to take away all incentive, all energy and effort to advance their own trade at the expense of competitors. It has been very well said that competition is the life of trade; if so, it should be encouraged; but, sir, what is likely to happen if the trade commission is created to sit in judgment upon business with power to look into the inmost secrets of a man's business and to say what he shall do and what he shall not do in the way of competition; with power to say whether the competition he may resort to is fair or unfair, and if unfair to stop it without appeal or redress, and, if he persists, cause the order against him to be enforced by proceeding against him in court? Not only so, but if he competes in a way that this commission concludes to be unfair he becomes a criminal under the law. Does anybody suppose that such a condition of things will unfetter competition? The dishonest tradesman will take his chances and compete as he pleases, leaving the commission to do its worst. The honest, law-abiding man will not compete at all, but take what trade comes to him. This kind of legislation proceeds upon the theory that the business men of the country are a den of thieves. The conditions, burdens, and restraints placed upon business and the humiliating censorship and espionage under which it is placed is shocking to every sense of freedom and liberty. It is almost inconceivable that Congress should consider seriously any such restrictive legislation that must inevitably cripple business and restrain if not wholly destroy competition. Are we losing all sense of the right to individual freedom that we should conceive of such laws as these bills propose?

The dishonest business man should be punished for any wrongs he may commit. Offenses in restraint of trade should be specifically defined so that the law-abiding business man may know what to avoid. But to impose these heavy burdens on innocent business, and place it under the supervision, espionage, and control of a Government commission is the height of injustice.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 48 minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The motion was agreed to.

DEFICIENCY APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes, and I submit a report (No. 689) thereon. I desire to give notice that I shall ask the Senate to take up the bill for consideration and passage to-morrow at the first opportunity.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. BORAH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Saturday, July 18, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 17, 1914.

SURVEYOR OF CUSTOMS.

Robert L. Knox, of Lake Charles, La., to be surveyor of customs in the district of New Orleans, in place of Edward J. Rodrigue, resigned.

NAVAL OFFICER OF CUSTOMS.

Jared Y. Sanders, of New Orleans, La., to be naval officer of customs in the district of New Orleans, in place of Charles F. Borah, resigned.

APPRAISER OF MERCHANDISE.

Bat P. Sullivan, of New Orleans, La., to be appraiser of merchandise in the district of New Orleans, in place of Rene F. Clerc, resigned.

RECEIVER OF PUBLIC MONEYS.

Oscar B. Gordon, of Prescott, Ark., to be receiver of public moneys at Camden, Ark., vice Lucius E. Rowe, term expired.

REGISTER OF THE LAND OFFICE.

Robert D. Newton, of Camden, Ark., to be register of the land office at Camden, Ark., vice Harry G. Friedhelm, term expired.

POSTMASTER.

NEW YORK.

Thomas P. Hammond to be postmaster at Middleport, N. Y., in place of Burt Graves. Incumbent's commission expired April 19, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 17, 1914.

CONSULS.

John S. Armstrong, jr., to be consul at Bristol, England.
Theodore Jaeckel to be consul at Stavanger, Norway.
John H. Grout to be consul at Milan, Italy.
Charles L. Hoover to be consul at Prague, Austria.
John A. Ray to be consul at Odessa, Russia.

CONSUL GENERAL.

Nathaniel B. Stewart to be consul general at large.

ASSISTANT APPRAISER OF MERCHANDISE.

Joseph T. Lyons to be assistant appraiser of merchandise in the district of Massachusetts.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Maj. Lewis H. Rand to be a member of the California Débris Commission.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander William H. Standley to be a commander.
Lieut. Kenneth G. Castleman to be a lieutenant commander.
Lieut. John F. Green to be a lieutenant commander.
Lieut. (Junior Grade) Felix X. Gygax to be a lieutenant.
The following-named ensigns to be lieutenants (junior grade):
David I. Hedrick,
Robert R. Paunack,
Williams C. Wickham, and
Percy W. Northcroft.
Asst. Civil Engineer Carroll Paul to be a civil engineer.
Asst. Civil Engineer Greer A. Duncan to be an assistant civil engineer.
Cecil S. O'Brien to be an assistant surgeon in the Medical Reserve Corps.
Gunner John J. Clausey to be a chief gunner.

POSTMASTERS.

ALABAMA.

Bettie T. Forster, Thomasville.
Robert Stephens, jr., Fairfield.

CALIFORNIA.

Charles H. Coffey, Gonzales.
Martin Eriksen, Ferndale.
Nellie Hawkins, Yreka.
Hattie B. McClure, Westgate.

COLORADO.

Ralph E. Belding, Eagle.

CONNECTICUT.

Walter H. Bishop, North Haven.

FLORIDA.

John M. Kelly, Bocagrande.
J. Lee Stokes, Micanopy.

IOWA.

L. A. Dugan, Kingsley.

KENTUCKY.

Len Beshear, Dawsonsprings.
Robert Dixon, Louisa.
Orie S. Ware, Covington.
Lewis C. Wilson, Irvine.

LOUISIANA.

Samuel L. Barksdale, Ruston.
Henry Allen Bule, Rayville.

MISSISSIPPI.

Benjamin R. Trotter, Lucedale.

MONTANA.

George B. Crater, Gildford.

NEW JERSEY.

James W. Rea, South Amboy.
Cleveland M. Rhen, Alpha.
J. C. H. Sherwood, Hoboken.

NEW YORK.

Robert J. Healey, New York Mills.
Byron E. Ogden, Dolgeville.

NORTH DAKOTA.

John K. Diehm, Schafer.

OHIO.

H. J. Blackmore, Pomeroy.
D. D. Granger, New London.
Wilber Winfield, Beach City.

OREGON.

Diana Snyder, Aurora.

TEXAS.

J. R. Folkes, Giddings.
Betty Matthews, Mathis.

WASHINGTON.

John D. Medill, North Yakima.
G. W. Reed, Pullman.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 17, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Blessed be the name of the Lord, our God, in whose keeping we are and by whom we are permitted to enjoy our homes, our country, our religion, and all that makes life dear; make us worthy recipients, O Lord, of all these favors by the perfect rectitude of our behavior, by our devotion and loyalty to Thee, in Jesus Christ, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. GREGG. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

Mr. ADAMSON. Mr. Speaker, I understood that I was to be recognized to-day to resume consideration of the general dam act. I understand the order of the House is to that effect.

The SPEAKER. The order that was made is this:

On motion of Mr. UNDERWOOD, by unanimous consent,

Ordered, That H. R. 16063 be given a privileged status, to be a continuing order, not to interfere with appropriation bills or Mondays or Wednesdays or pensions.

Mr. ADAMSON. I think that lets me in, Mr. Speaker.

The SPEAKER. It looks very much the same way to the Chair.

Mr. MANN. Mr. Speaker, if the Chair will permit me to make a few remarks upon the subject——.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. I think the Adamson dam bill was clearly made a continuing order and given the status of a bill reported by a committee with privilege to report at any time.

The SPEAKER. That is exactly it.

Mr. MANN. It would be in order undoubtedly to entertain a motion to go into the Committee of the Whole upon that bill.

The SPEAKER. Yes.

Mr. MANN. But it is also in order to entertain a motion to go into the Committee of the Whole for the consideration of bills on the Private Calendar, this being Friday. Either motion is in order.

Mr. ADAMSON. The point I make is that under the language of that order of the House I should be recognized to make the motion in lieu of the gentleman from Texas to make his motion.

The SPEAKER. The gentleman from Texas has a privileged motion also. Here is what took place at the time the order was made, after considerable colloquy, as disclosed by the RECORD of May 1, 1914:

The SPEAKER. The Chair would like to inquire for his own information, to help business along, so we may get away from here some time or other, about how long will it take to discuss this bill?

Mr. UNDERWOOD. I believe if we get a whole day the chairman of the committee could probably dispose of general discussion in a day's time in the Committee of the Whole if he can get it at one time. The purpose of this order, Mr. Speaker, is not to interfere with the general business of the House, but to enable them to take up this bill when the House is not crowded on something else, and for that reason I thought it wiser not to put in pensions—

The reason the gentleman from Alabama said that was because the Chair himself had suggested that pensions ought not to be excluded. Then Mr. UNDERWOOD continued:

although I can assure the gentleman pensions will not be interfered with, because some days there may be an hour or two after pensions are disposed of when this bill could be considered.

Mr. ADAMSON. Mr. Speaker, that order clearly makes this a continuing order, with certain exceptions, and war claims is not one of those exceptions.

Mr. POU. Mr. Speaker, I would like to suggest to the gentleman that if pensions is an exception, war claims must necessarily be, because they stand on exactly the same footing.

Mr. ADAMSON. Therefore there was an express exception made of pensions and not of war claims.

Mr. TAGGART. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

that the province of the court is "dicere et non dare legem." In this spirit, as I trust, I proceed to the consideration of the questions involved, taking occasion to express my obligation to counsel, whose able presentation of the law has much relieved the labor of the court, if it could not lighten its responsibility.

If the combination and conspiracy alleged and the acts threatened to be done in pursuance thereof are unlawful, it can not, I think, be successfully denied that restraint by injunction is the appropriate remedy. It may be true that a right of action at law would arise upon consummation of the threatened injury, but manifestly such remedy would be inadequate.

This is a wise and conservative statement of the sentiments that have characterized the conduct of the courts in dealing with this question that presents one of the gravest and most difficult problems with which the legislative and judicial departments of the Government are called upon to deal. In my estimation there has been nothing in the course taken by the courts as a whole of which labor organizations can justly complain. It is to the courts that they must go for the protection of their rights. In the past they have not gone in vain. The courts have shown the greatest desire to preserve and protect the rights and liberties of the laboring classes. As I have shown, this desire has resulted in the establishment of rules that stand between them and wrong and oppression, if only they rely on a just and fair enforcement of the law and do not, as has too often been the case, take the law in their own hands and resort to force and intimidation as a means of redressing their wrongs. This great question will never be settled by force, intimidation, or fraud. Such methods only make the case of the laboring man worse instead of better. Neither can the problem be settled by like methods on the part of capital. Intimidation, tyranny, and oppression on the part of employers of labor are much worse and less to be excused than like methods on the part of employees, and any law that seeks or endeavors to excuse such conduct on the part of either or to exempt them from the consequences of their own unlawful acts will only aggravate the unfortunate conditions that now prevail. There must be mutual forbearance, concessions, and justice or this question will never be rightly settled.

The following language of McPherson, judge, in Atchison, Topeka & Santa Fe Railway Co. v. Gee (139 Fed. Rep., 582, 584), as to what constitutes unlawful picketing, is worthy of careful consideration:

> But as to one phase of the case there is no denial, but practically a confession, with the alleged and boasted right to practice it. A system of "pickets," for more than a year, around and near by places to the shops of the company, has been kept up by all the accused and others. The pretense of this picketing is the right to converse with the new employees and persuade them to quit, and the further pretense that they desire to see who are at work. This picketing is done by details of pickets assigned by others, they taking turns. At all hours, when men are going to and from work, morning, noon, and evening, the workmen must go through and by pickets, sometimes two, four, six, and more at a place. At times the paths and walks are obstructed. At times the pickets are near by, making grimaces, and at times acting as if violence were intended, and at times uttering profanity and vulgarity. There is and can be no such thing as peaceful picketing, any more than there can be chaste vulgarity or peaceful mobbing or lawful lynching. When men want to converse or persuade they do not organize a picket line. When they only want to see who are at work they go and see, and then leave, and disturb no one, physically or mentally. But such picketing as is displayed in the case at bar by the evidence does, and is intended to, annoy and intimidate. The argument seems to be that anything short of physical violence is lawful. One man can be intimidated only when knocked down. But the peaceful, law-abiding man can be and is intimidated by gesticulations, by menaces, by being called harsh names, and by being followed or compelled to pass by men known to be unfriendly. Perhaps such a man may not be a bully, but is frail in size and strength, or he may be a timid man; but such a man is just as much entitled to go and come in quiet, without even mental disturbance, as is the man afraid of no one and able with or without weapons to cope with all comers. The frail man, or the man who shuns disturbances, or the timid man, must be protected, and the company has the right to employ such.

Picketing of this kind is only one kind of intimidation that can by no possibility be justified.

The views entertained by the courts as to what constitutes an unlawful conspiracy are further illustrated by the language of the opinion in Arthur v. Oakes (63 Fed. Rep., 310, 321):

> The combinations or conspiracies which the law does not tolerate are of a different character. According to the principles of the common law, a conspiracy on the part of two or more persons, with the intent, by their combined power, to wrong others or to prejudice the rights of the public, is in itself illegal, although nothing be actually done in execution of such conspiracy. This is fundamental in our jurisprudence. So a combination or conspiracy to procure an employee or body of employees to quit service in violation of the contract of service would be unlawful, and in a proper case might be enjoined, if the injury threatened would be irremediable at law. It is one thing for a single individual, or for several individuals each acting upon his own responsibility and not in cooperation with others, to form the purpose of inflicting actual injury upon the property or rights of others. It is quite a different thing in the eye of the law for many persons to combine or conspire together with the intent not simply of asserting their rights or of accomplishing lawful ends by peaceable methods, but of employing their united energies to injure others or the public. An intent upon the part of a single person to injure the rights of others or of the public is not in itself a wrong of which the law will take cognizance, unless some injurious act be done in execution of the unlawful intent. But a combination of two or more persons with such an intent, and under the circumstances that give them when so combined a power to do an injury they would not possess as individuals acting singly, has always been recognized as in itself wrongful and illegal.

Surely no Senator would want to exempt any organization from liability for such a conspiracy as the one alleged in this case to have been entered into.

Mr. President, I cite just one more case bearing on the question. In Martell v. White (185 Mass., 255, 257) this was said:

> It is elemental that the unlawfulness of a conspiracy may be found either in the end sought or the means to be used. If either is unlawful within the meaning of the term as applied to the subject, then the conspiracy it unlawful. It becomes necessary, therefore, to examine into the nature of the conspiracy in this case, both as to the object sought and the means used.

The case presents one phase of a general subject which gravely concerns the interests of the business world and, indeed, those of all organized society, and which in recent years has demanded and received great consideration in the courts and elsewhere. Much remains to be done to clear the atmosphere, but some things at least appear to have been settled, and certainly at this stage of the judicial inquiry it can not be necessary to enter upon a course of reasoning or to cite authorities in support of the proposition that while a person must submit to competition he has the right to be protected from malicious interference with his business. The rule is well stated in Walker v. Cronin (107 Mass., 555, 561) in the following language: "Everyone has a right to enjoy the fruits and advantages of his own enterprise, industry, skill, and credit. He has no right to be protected against competition; but he has a right to be free from malicious and wanton interference, disturbance, or annoyance. If disturbance or loss come as a result of competition, or the exercise of like rights by others, it is damnum absque injuria, unless some superior right by contract or otherwise is interfered with. But if it come from the merely wanton or malicious acts of others, without the justification of competition or the service of any interest or lawful purpose, it then stands upon a different footing."

In a case like this, where the injury is intentionally inflicted, the crucial question is whether there is justifiable cause for the act. If the injury be inflicted without just cause or excuse, then it is actionable. Bowen, L. J., in Mogul Steamship Co. v. McGregor (23 Q. B. D., 598, 613); Plant v. Woods (176 Mass., 492). The justification must be as broad as the act and must cover not only the motive and the purpose or, in other words, the object sought, but also the means used.

Mr. President, no reasonable and just man, uninfluenced by personal interest or prejudice, can rise from the study of the cases that I have cited, and many others that support the views they express, without a sense of security and satisfaction and a feeling of just pride that our courts, State and National, have dealt with this great question of human rights so fairly and justly and with such patriotic firmness. The weaknesses and frailties of the struggling masses of laboring men and women, whose rights are assailed by the strong and often merciless arm of the greedy and selfish powers of wealth, have been considered and treated with a degree of forbearance, sympathy, and justice that must appeal to every man who loves freedom and liberty and sympathizes with labor in its unequal struggle with capital. Labor organizations need no exemptions from liability under such circumstances. That there have been subservient judges and unjust decisions against labor organizations and laboring men I have no doubt. This is a matter much to be regretted; but such cases, I am persuaded, have been very rare. The decisions of the higher courts of last resort give evidence to my mind of the greatest desire to do simple and exact justice to the laboring classes and a scrupulous observance of their rights. How much better it will be to leave them to the protection now afforded them than to attempt to help them by discriminating between them and other citizens, and thus accentuating the class distinctions that are so evident and increasing the friction that exists between the two. There should be no class divisions or distinctions in this Republic. Any law that recognizes such a distinction or proceeds upon the theory that one class can be protected more than another in the administration or enforcement of the laws of the country is an unpatriotic mistake and little less than a crime.

What the laboring man wants is not exemption from liability for acts that if committed by some one else would be a crime. He wants and should have better wages, shorter hours, better conditions under which to work. He wants justice, not privilege or favor. He wants to be able to live with his wife and children as other men live; and the employers who deny him these rights, that belong to every American citizen, are sowing the wind and will reap the whirlwind. They are sowing the seeds of discord, malice, hatred, and revenge that will endanger their own property and their lives and imperil the free institutions of our country. I warn the Senate against passing any such law as this. It will benefit the workingman not at all. It will widen the breach between capital and labor. It will add to the flames of hatred and malice that have already sacrificed hundreds of lives and millions of dollars' worth of property. It will encourage workingmen to take the law into their own hands and add to the violence and bloodshed that have disgraced the whole Nation and made the workingman's condition worse instead of better. It will be taken as a license

to do further violence, whether we intend it as such or not. It will not raise the wages or shorten the hours or better the conditions of a single workingman. It will still further array employers against him and make his lot harder than before. Laboring men are being deceived and deluded into the belief that such a law will benefit them. It is a cruel deception that can bring nothing but disappointment. Employers of labor, in their blind folly, starve the toiling millions of working men, women, and children to secure to themselves excessive profits and useless wealth. They know not what they do. Their greed and selfishness are endangering the future of their country. It is criminal and unpatriotic. What comfort they would bring to themselves and happiness to others by withholding for themselves a reasonable profit and dividing the balance with their employees. How soon would such a course on the part of men of wealth and capacity to conduct business successfully appease the wrath of the working masses, overcome the malice and hatred that their cruel selfishness has engendered in the breasts of thousands whose toil has made them rich and prosperous but not happy, and restore peace, comfort, and happiness. When, oh, when will the people of this country learn to be just? When will business be conducted honestly and for the common good of mankind? When will business men cease to be predatory robbers under the guise of competition and become humanitarians? As employers become more exacting and oppressive in their treatment of labor, laboring men and labor organizations will become more vicious and more violent in their demands and the enforcement of them. In a late book on Mexico the author has this to say on the subject of capital and labor:

> The demands which have been and are to be made upon capital by the organized labor of the great industrial nations of earth will be more far-reaching in their effect than the simple demands which are being made by the homeless millions in Mexico. The full importance and the enormous significance of the new movement of the world's toilers is underestimated in the great nations which have been able to resist the demands of these toilers, but the day of reckoning is nearer than is generally believed.
>
> We are coming to the end of the time in which we can longer temporize with the lives of men.
>
> With the progress of education there has entered into this problem a new phase, which has for its basis the further demand for a division of the product of labor, based partly upon its necessities and having regard to a further factor, namely, the value in result of its product.
>
> The dissatisfaction of labor has only begun. No longer are the producers of wealth contented with a return which meets their necessities. They have already inaugurated a demand for a larger share in the wealth which they create; such share is to be for the future so unconnected with their necessities as the return which capital itself takes, namely, a portion of what may be called the "divisible surplus" of human production.

And why should they not have their full share of the profits derived from their own toil? If the employers of labor will see that they have, the problem of capital and labor will be solved. If they do not, they will be responsible for the suffering and loss of life and property that must follow.

Mr. President, what Congress should do is to see that the laboring man has his just rights. Nothing else is needed. Can Congress do it? I think it can. But why should the men of capital make it necessary for Congress to do by law what they can and should do as good patriotic American citizens freely and without coercion for their own and the common good?

INJUNCTIONS.

Mr. President, the law and equitable rules relating to restraining orders and injunctions and the practice of the courts in granting injunctive relief have been the growth of centuries. They have served to protect the interests of litigants of every class during all these years. They have been changed and modified by courts of equity when changes have been called for in the just administration of the law and in the public interests. They have been made general and uniform in their application without discrimination in favor of or against any class. It is now proposed by this bill to change the rules of equity in the granting of the important writ of injunction in favor of and in the interest of one class of citizens. The bill is not as serious as it might seem on first reading, but in some respects it is bad in principle, and for that reason should not be passed. It provides that no restraining order shall be granted without notice unless it is clearly shown that the delay caused by giving notice would work irreparable injury. This is not objectionable, but it is unnecessary, as, so far as I know, that is the rule and practice in the courts now. It also requires the giving of security upon the granting of either a restraining order or an interlocutory or temporary injunction. This also is without objection, but, so far as I know, it is the practice of the courts now except in rare and exceptional cases. But there are cases where some discretion in the matter of requiring security should be left to the judge. Sometimes the requirement of security would work a hardship on the complainant and even a denial of justice to the poor litigant. But the great vice of the bill is that it provides a special procedure in cases between employer and employee, and seeks, in dealing with a matter of practice, to settle the grave question of the right of employees to resort to picketing. It provides:

> That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law; and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.
>
> And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do, or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peacefully assembling at any place in a lawful manner and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto; nor shall any of the acts specified in this paragraph be considered or held unlawful.

Mr. President, the very last clause of the section, "nor shall any of the acts specified in this paragraph be considered or held unlawful," is an attempt to determine what kinds of picketing shall not be held by the courts to be unlawful. I think I have shown that the courts have upheld the right of an employee, or any number of employees in a body, to quit work at any time. The right of employees to strike is upheld by the courts as a lawful right on their part. The right to picket, if done peaceably and as a means of persuasion and not of force and intimidation, is no longer questioned. Then why this kind of legislation? It gives laboring men no new rights unless it is intended to legalize force and intimidation, offenses that are actionable both civilly and criminally independently of the antitrust law. If this act covers nothing more than is now secured to organized labor by the decided cases, it is both useless and misleading. If it is intended to extend their privileges beyond that, then it is indefensibly wrong. If it only confirms the law as it is by writing it into a statute, it is deceiving the workingmen, for they are led to believe that they are given new rights and privileges by the bill.

CONTEMPT.

Mr. President, the bill also seeks to change the procedure in cases of contempt. Such legislation has no proper place in a bill of this kind. If such a change is to be made it should be done in the judiciary act. But I can not bring myself to believe that this provision is a wise one, so far as it provides for the trial of contempt cases by jury. Such contempts as are intended to be covered by this provision will arise in courts of equity, where the original action must be tried by the court. In the trial of the contempt charged the original suit must practically be retried. The judge having tried the case and made the order will be better able than anyone else to construe it and determine whether it has been violated or not. There is no conceivable reason, in fairness and justice, why such a charge should be submitted to a jury. By confining it to "cases within the purview of this act" it is made perfectly evident that the purpose is to allow a jury in the case of labor disputes where they are denied in other cases. It is in keeping with other objectionable provisions of the bill designed to discriminate in favor of one class of citizens in the administration of justice. The vice permeates the whole bill. But for this purpose and intent these provisions would have found no place in it. It should be defeated for that reason if there were no other objection to it.

FARMERS NOT ASKING RELIEF.

Mr. President, organizations of consumers, agriculturists, and horticulturists are included in the exemption clause of the bill. They are not asking any privileges or exemptions that are not extended to other citizens. They do not need any such exemptions. If a farmers' organization is violating the just rights of others it has no right to such exemption. If it is not it does not need it. It is an insult to the farmers of the country to suppose that they want any license from Congress to commit any wrong upon their fellow men. If any farmer or farm organization has ever sought or asked for any such law as this it has not been brought to my attention. I am afraid the farmers and horticulturists were included in the provision to give it greater force and strength and to cover up the barefaced attempt to discriminate in favor of one class of citi-

this should be a part of the penal code and not treated as amendments to or belonging under the antitrust law. The antitrust law was intended to prevent combinations and conspiracies in restraint of trade. It goes no further than that. It is entirely illogical and incongruous to add to it a penal provision belonging to and which should be classed with the definitions of and provisions for the punishment of penal offenses. By adding sections 2, 3, and 4 of the Clayton bill to the antitrust law we are going to weaken that law instead of strengthening it. The provisions against discrimination, refusing to sell products, or contracting that a lessee or purchaser shall not deal in the goods of another are essentially criminal statutes defining specific crimes and prescribing punishments for their commission. They do not belong with antitrust legislation and should never be made a part of it. If these provisions are eliminated from the bill, denominated a supplement to existing laws against unlawful restraints of trade, and placed where they belong, as they should be, there would not be enough of beneficial or useful legislation left in the bill to make it worth consideration.

But, sir, there is so much of positive evil in the bill as it came from the House that it should never under any circumstances be allowed to become a law.

It provides for exemption from the provisions of the antitrust law as it now exists, as follows:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade, under the antitrust laws.

This is a direct and very serious attack on the Sherman antitrust law, by exempting certain organizations from its effects. These provisions are either vicious or unnecessary. If the organizations exempted are within the prohibitions of the antitrust law and therefore unlawful, they should not be exempted. If they are not, then the exemption is unnecessary. But there is a much graver reason than this why this exemption should not be made. It is class legislation in its worst form. Why should a labor organization be allowed to do an unlawful thing any more than a business organization? There is no reason whatever. Under our system of government all men must be equal before the law. To exempt one class from the effects of a prohibitory law and enforce it against another class is in violation of the fundamental principles of our Government. It is unjust. It is intolerable. And if there is any class of people in this country that should resist the making of class distinctions in our laws it is the laboring class. No class can suffer greater injustice than the laboring class from class legislation.

But, sir, there is no reason for any such distinction in this case. Labor organizations have been fully protected by the courts up to this time where they deserved protection from the effects of the law. Certain well-defined rules which protect labor organizations and laboring men have become thoroughly established by the decided cases, State and Federal. They are rules the justice of which no reasonable or just complaint can be made. I give them as I understand them to be fully established by the decided cases, with the citation of cases supporting them:

1. A conspiracy is a combination to effect an illegal object as an end or means, and a "civil conspiracy" is a combination of two or more persons to accomplish by concerted action an unlawful or oppressive object or a lawful object by unlawful or oppressive means.

National Fireproofing Co. *v.* Mason Builders' Association, 169 Fed. Rep., 259; American Federation of Labor *v.* Bucks Stove & Range Co., Wash. L. Rep., 154; Barnes *v.* Typographical Union, 232 Ill., 424; Karges Furniture Co. *v.* Amalgamated Woodworkers' Labor Union, 165 Ind., 421; Reynolds *v.* Everett, 144 N. Y., 189; Allis-Chalmers Co. *v.* Iron Molders' Union, 150 Fed. Rep., 155; Gray *v.* Building Trades Council, 91 Minn., 171; Martens *v.* Reilly, 109 Wis., 464; Vegelahn *v.* Gunter, 167 Mass., 92; Arthur *v.* Oakes, 63 Fed. Rep., 310; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; Plant *v.* Wood, 176 Mass., 492; State *v.* Gliddon, 55 Conn., 46; State *v.* Stockford, 77 Conn., 227; Longshore Printing Co. *v.* Howell, 26 Oreg., 527.

2. Labor organizations formed for their own protection, either in the amount of their wages or conditions under which they work, are not illegal or in violation of the antitrust law.

Wabash Railroad Co. *v.* Hannahan, 121 Fed. Rep., 563; Vegelahn *v.* Gunter, 167 Mass., 92; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; State *v.* Stockford, 77 Conn., 227; Longshore Printing Co. *v.* Howell, 26 Oreg., 527; Curran *v.* Galen, 152 N. Y., 33.

3. Employees under no contractual restraint may lawfully combine and by prearrangement quit their employment in a body for the purpose of securing from their employers an advance in wages, shorter hours, or any other legitimate benefit, even though they know at the time that such action will be attended with injury and damage to the business of their employer, provided the strike is carried on in a lawful manner—that is, a manner free from force, intimidation, and false representation.

Karges Furniture Co. *v.* Amalgamated Woodworkers' Local Union, 165 Ind., 421; Rogers *v.* Evarts, 17 N. Y. Supp., 264; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Arthur *v.* Oakes, 63 Fed. Rep., 310; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; Beck *v.* Railway Teamsters' Protective Union, 118 Mich., 497; Curran *v.* Galen, 152 N. Y., 33; Bohn Manufacturing Co. *v.* Hollis, 54 Minn., 223; National Protective Association *v.* Cunning, 170 N. Y., 315.

4. But if the organization of conspiracy is for the purpose of injuring some one else in his property or business it is unlawful.

Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; State *v.* Stockford, 77 Conn., 227; Purington *v.* Hinchliff, 219 Ill., 159; Erdman *v.* Mitchell, 207 Pa. St., 79; Delz *v.* Winfree, 80 Tex., 400; Curran *v.* Galen, 152 N. Y., 33; Crump *v.* Commonwealth, 84 Va., 927.

5. It is unlawful to use force or intimidation to induce a colaborer or anyone else to quit his employment or to interfere with or obstruct the business of another by such means.

Foster *v.* Retail Clerks' Int. Pro. Association, 78 N. Y. Supl., 860; Allis-Chalmers Co. *v.* Iron Molders' Union, 150 Fed. Rep., 155; W. A. Fletcher Co. *v.* International Association of Machinists, 55 Atl. Rep., 1077; Johnston Harvester Co. *v.* Meinhart, 60 How. Prac. (N. Y.), 168; Gray *v.* Building Trades Council, 91 Minn., 171; Farmers' Loan & T. Co. *v.* Northern Pacific Railway Co., 60 Fed. Rep., 803; Vegelahn *v.* Gunter, 167 Mass., 92; Atchison, Topeka & Santa Fe Railway Co. *v.* Gee, 139 Fed. Rep., 582; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Thomas *v.* Cincinnati, N. O. & T. P. Ry. Co., 62 Fed. Rep., 803; Cumberland Glass Manufacturing Co. *v.* Glass Bottle Blowers' Association, 46 Atl. Rep., 208; State *v.* Stockford, 77 Conn., 227; Lucke *v.* Clothing Cutters Assembly, 77 Md., 396; Longshore Printing Co. *v.* Howell, 26 Or., 527; O'Neil *v.* Behanna, 182 Pa. St., 236.

6. But not where peaceable persuasion only is used to accomplish the same result.

Rogers *v.* Evarts, 17 N. Y. Supl., 264; Reynolds *v.* Everett, 144 N. Y., 189; Tube & Forkside Co. *v.* International Union, 9 O. Dec., 602; Foster *v.* Retail Clerks Int. Pro. Assn., 78 N. Y. Supl., 860; Sinsheimer *v.* United Garment Workers, 28 N. Y. Supl., 321.

7. Declaring or enforcing a boycott with the object of injuring or destroying the business of another is unlawful, although the ultimate object of the combination is to benefit the property or business of the perpetrators of it.

Loewe *v.* California S. Fed. of L., 139 Fed. Rep., 71; State *v.* Gliddon, 55 Conn., 46; Carey *v.* Cincinnati Typo. Union, 45 Fed. Rep., 135.

8. Picketing accompanied by force, threats, or intimidation is unlawful.

Union Pac. R. Co. *v.* Ruef, 120 Fed. Rep., 102.

9. These wrongful injuries to the property or business of another are grounds for injunctive relief.

Farmers Loan & T. Co., 60 Fed. Rep., 803; Vegelahn *v.* Gunter, 167 Mass., 92; Atchison, T. & S. F. Ry. Co. *v.* Gee, 139 Fed. Rep., 582; Allis-Chalmers Co. *v.* Reliable Lodge, 111 Fed. Rep., 264; Union Pac. R. Co. *v.* Ruef, 120 Fed. Rep., 102; Carey *v.* Cincinnati Typo. Union, 45 Fed. Rep., 135; Hawarden *v.* Youghiogheny & L. Coal Co., 111 Wis., 545; United States *v.* Debs, 64 Fed. Rep., 724; Cumberland Glass Mfg. Co. *v.* Glass Bottle Blowers' Assn., 46 Atl., 208; Vegelahn *v.* Gunter, 167 Mass., 92, 1077; Coons *v.* Christie, 53 N. Y. Supl., 668; Consolidated Steel & Wire Co. *v.* Murray, 80 Fed. Rep., 811; 85 Fed. Rep., 252.

10. And a violation of the injunction may be punished as a contempt of court.

In re Doolittle, 23 Fed. Rep., 544; United States *v.* Debs, 64 Fed. Rep., 724.

11. But a court of equity will not compel the actual affirmative performance by an employee of merely personal services any more than it will compel an employer to retain in his personal service one who, no matter for what cause, is not acceptable to him for services of that character.

Arthur *v.* Oakes, 63 Fed. Rep., 310.

Mr. President, I submit that these well-established rules of law and equity, now being uniformly upheld and enforced by

the courts, afford every protection to labor organizations and all others sought to be favored by this bill that any class of our people have any right to ask. It must be borne in mind that many of the actions and prosecutions which resulted in the establishment of these just and salutary rules did not arise under the antitrust law at all, but under State statutes and the common law. Conspiracies and combinations intended to injure other people or malicious and forcible injury to business or property were not made unlawful by the antitrust law. They were unlawful at common law, and have been defined as crimes in probably every State in the Union. Therefore, to exempt labor or other organizations from prosecutions under the antitrust laws would not reach these questions. They would have been liable to action for damages and criminal prosecutions if no antitrust law had been enacted, and will continue to be if this bill is passed. Indeed, it will be found by an examination of the decided cases that very few of them were founded on a violation of the antitrust law. The antitrust law did not create the crime or offense of conspiracy. It was only intended to apply it to the specific conspiracies or combinations "in restraint of trade" and to punish such conspiracies and dissolve such combinations. Again, an examination of the cases will show that the conspiracies or organizations of labor unions were generally not to restrain trade. The parties concerned in them cared nothing about their effect on trade. The overt acts of intimidation and oppression resorted to in such cases were not, as a rule, directed against trade. Their objects were to secure employment for their members and better wages and conditions. Incidentally and as a result of the acts committed they did in some cases injuriously affect trade, and therefore brought them within the inhibitions of the antitrust law; but that was not the ultimate object of the combinations or conspiracies or the acts done under them. They would, as I have said, have been liable under the general law of conspiracy if the antitrust law had never been passed, and to exempt them from the effects of that law would be of no benefit to them. So, whatever may be the intention of this proposed exemption, it is misleading and delusive.

Mr. President, I have set out in as brief form as possible the rules of law and equity that, as I regard them, fully protect every right of labor organizations and laboring men. I desire now to quote from a few of the decided cases showing upon what principles of right and justice these rules are founded.

In the case of the National Fireproofing Co. *v.* Mason Builders' Association (169 Fed. Rep., 259, 265), which was an action for relief against an agreement creating a monopoly in restraint of trade, and against public policy, Noyes, judge, in the course of the opinion rendered by the circuit court of appeals, said:

> The direct object or purpose of a combination furnishes the primary test of its legality. It is not every injury inflicted upon third persons in its operation that renders a combination unlawful. It is not enough to establish illegality in an agreement between certain persons to show that it works harm to others. An agreement entered into for the primary purpose of promoting the interests of the parties is not rendered illegal by the fact that it may incidentally injure third persons. Conversely, an agreement entered into for the primary purpose of injuring another is not rendered legal by the fact that it may incidentally benefit the parties. As a general rule it may be stated that, when the chief object of a combination is to injure or oppress third persons, it is a conspiracy; but that when such injury or oppression is merely incidental to the carrying out of a lawful purpose, it is not a conspiracy. Stated in another way: A combination entered into for the real malicious purpose of injuring a third person in his business or property may amount to a conspiracy and furnish a ground of action for the damages sustained, or call for an injunction, even though formed for the ostensible purpose of benefiting its members and actually operating to some extent to their advantage; but a combination without such ulterior oppressive object, entered into merely for the purpose of promoting by lawful means the common interests of its members, is not a conspiracy. A laborer, as well as a builder, trader, or manufacturer, has the right to conduct his affairs in any lawful manner, even though he may thereby injure others. So several laborers and builders may combine for mutual advantage, and, so long as the motive is not malicious, the object not unlawful nor oppressive, and the means neither deceitful nor fraudulent, the result is not a conspiracy, although it may necessarily work injury to other persons.

Mr. President, this brief extract from the opinion discloses clearly the distinction between combinations of laborers for their own benefit and such as are intended to work injury to the business or property of some one else. Shall the Congress of the United States, by an exemption of this kind, change the whole law of conspiracy and relieve any body of men, whether laboring men or any other, from liability for the consequences of their own wrongful acts intended to injure another? But it may be said that it is only intended to exempt them from liability for conspiracies and combinations that are not unlawful. But that would only make the law absurd as well as misleading. Does anyone suppose that the labor leaders who are urging Congress to make this exemption in their behalf understand that it is confined to innocent acts on their part only? I have no doubt laboring men all over the country who are appealing to Senators every day to support this exemption are being grossly deceived as to its effects. If this is the construction to be placed on the bill, it will afford no protection to anybody. No man nor body of men need to be protected from the effects of doing a lawful and innocent thing. The courts, as I have shown, hold that the organization of a labor union for the purpose of benefiting its members is not unlawful. Surely, then, they need no exemption from liability for forming such an organization. Then, sir, what are we proposing to exempt them from? Is it from liability for acts of willful injury to others, force, malicious interference with other people's business, fraud, or the like? Would any Member of this body attempt to justify any such exemption?

Not only the right to organize for their own protection and benefit is accorded to laboring men by the courts, but the right to quit work in a body, to strike, is preserved to them so long as it is not accompanied by violence or other acts that would constitute a violation of law if the antitrust law had never been enacted. Thus in Allis-Chalmers *v.* Iron Mouilders' Union (150 Fed. Rep., 155, 171) it is said:

> The right to strike for any cause or no cause is clear and fully sustained by all authority. Even a conspiracy to strike, followed by legal damage, is not unlawful if formed to better labor conditions. The right of workmen to combine in trades-unions, in order to secure the economic advancement of their members, is also unquestioned; and such unions are generally regarded as beneficial institutions for bettering the conditions of labor and the relations between employer and employed. (Wabash R. R. Co. *v.* Hannahan (C. C.), 121 Fed., 563.) Whether a threat to strike, or bring about a strike, when made by a number of persons acting in concert, is lawful is an entirely different question. The right to strike being clear, the first question which comes up is, How far may the union and its members go to make the strike effective by preventing the employer from engaging other workmen so that he will eventually be compelled to yield to the demands of the strikers? This is usually the pinch of the situation. Here is the point where two equally clear and valuable constitutional rights come into opposition—the right of the workman to get as much as possible for himself on the best terms and the right of the employer to use his capital and ability as he pleases to secure whatever profit his investment and skill may bring. The legal right involved is single, but asserted by two independent and conflicting interests, and the question is, Which one must yield his right to that of the other, so far as they conflict?

The general answer to this question is that neither must be permitted to maliciously injure the other without just cause or excuse. A more special answer is that so long as each, in the conflict between them, pursues only his own fair interest or advantage, and not the injury of the other, he is not liable for any injury which is merely incidental. As said by the Supreme Court of Wisconsin in the newspaper advertising case (State *v.* Huegin, 110 Wis., 189; 85 N. W., 1046; 62 L. R. A., 700), stating their conclusion negatively, a combination of persons to do acts to promote their own legitimate interests is not liable for injury which is only the incidental result of such acts, and such a combination is not a conspiracy to inflict malicious injury within section 4466a, Revised Statutes, 1898. In other words, indirect interference by a labor union with the employer's business, not amounting to coercion, by preventing him from getting workmen to carry on his shop, is not unlawful so long as the combination is merely taking measures to secure its own legitimate advantage or economic advancement, although harm may incidentally result to the employers. So long as the betterment of labor conditions is the main object sought, even though the strikers may succeed in persuading all the available laborers to join their union and support the strike, and having thus secured a monopoly of the labor market compel the employer, after long struggle and great loss of profit, to yield to the demands or go out of business, yet such injuries can not be regarded as malicious or such acts as criminal or unlawful.

Will anyone be found to say that this rule or test of liability is not liberal enough in favor of labor organizations? Why, sir, it goes to the very extreme of liberality in their favor. Does any Senator want to go further than that in the way of exempting such organizations from the consequences of their own acts? I sincerely hope not.

In the case of Farmers Loan & Trust Co. against Northern Pacific Railroad Co. (60 Fed Rep., 803, 809), Jenkins, judge, thus stated the duties and responsibilities assumed by the courts in dealing with questions growing out of the relations between capital and labor:

> In the discussion of the important and interesting questions presented by this motion it is not within the province of the court to assume part in the contest between capital and labor, which it is asserted is here involved. It may be that the aggregated power of combined capital is fraught with danger to the Republic. It may be that the aggregated power of combined labor is perilous to the peace of society and to the rights of property. It doubtless is true that in the contest the rights of both have been invaded, and that each has wrongs to be redressed. If danger to the State exists from the combination of either capital or labor, requiring additional restraint or modification of existing laws, it is within the peculiar province of the legislature to determine the necessary remedy, and to declare the general policy of the State touching the relations between capital and labor. With that the judicial power of the Government is not concerned. But it is the duty of the courts to restrain those warring factions, so far as their action may infringe the declared law of the land, that society may not be disrupted or its peace invaded, and that individual and corporate rights may not be infringed. It therefore becomes the duty of the court to inquire whether, in respect of the things complained of, there has been threatened violation of the law of the land, and to determine the appropriate remedy, taking care, however, to apply the remedy without usurpation of jurisdiction, or, as remarked by Lord Chancellor Bacon, "to contain jurisdiction within the ancient meretenses without removing the mark"; and having also constantly in mind the maxim

the men who engage in unfair practices we propose to humiliate and degrade the whole body of business men of the country, destroy their initiative and energy, and make them subservient slaves to the power of a commission placed over them, their property, and their business by the Government. The great fault of present laws intended to control trusts and dishonest business is that they do not attempt to reach and punish specific wrongful acts or make them unlawful and punish the offenders who commit them. This is not only a great fault, but it has constituted the greatest weakness of such laws. The antitrust law has been in force for nearly a quarter of a century. As a moral educator and a stimulus to higher ideals in business it has probably done some good, but as a practical remedy for existing or expected evils or a benefit to the people of the country it has been a lamentable failure. Hundreds, probably millions, of dollars have been expended by the Government in its enforcement, and other millions have been spent by business institutions in the attempt to comply with its terms and in defending against actions brought to enforce it. Departments of Justice in different administrations of the Government have vied with each other in efforts, more or less successful, to enforce the law. They have done so somewhat boastfully, because prosecutions against big business in any form are popular and politically helpful to the party in power. So is every attempt to legislate against it. Hence the bills we have before us.

But, Mr. President, what good has come to the people of the country or harm to the corporations involved in these prosecutions? None whatever, so far as can be seen. They have not decreased the cost of living or benefited directly a single man or woman in the country. They have not decreased the value of the stock of any offending corporation or materially interfered with or injured its business. So far as I know it has not even benefited any competitors of such organizations or restored free or fair competition. If they had, the legislation now proposed would be wholly unnecessary. As we are proposing to extend this kind of legislation along the same general lines, involving inspections, examinations, inquisitions, and provisions against discrimination and combinations, and the like, our footsteps should be guided by experience. We should look conditions squarely in the face after nearly 25 years of effort along these lines and try, if we are going to legislate at all, to get down to something specific and practical. Let us define offenses specifically and send the man who violates the law to the penitentiary, where he belongs, and not burden all business with such supervision and throttling inquisitions as are now proposed. When the antitrust law was enacted there was not one offensive monopoly or trust where there are a hundred now, and they are not only greater in number, but they are stronger and more oppressive, arrogant, and overpowering in their influence. They have been born, nurtured, and waxed strong and powerful under this ineffectual and futile kind of legislation that we are now asked to perpetuate and extend. In the prosecutions that have taken place under the antitrust law thousands of cases of specific crimes and wrongdoing have been proved for which men should have been sent to jail or the penitentiary, but the courts were, in the main, helpless to punish for these offenses, because the act was against combinations and conspiracies, and the remedy was to dissolve the combination and punish only the conspiracy. And what a solemn travesty on justice, what a farce it has all been!

I had occasion, in a speech made by me in the Senate May 5, 1913, to examine and criticize the antitrust law and point out its weaknesses and inefficiency. In the course of my remarks I said:

> The first section of the act forbids only contracts, combinations in the form of trusts or otherwise, or conspiracies in restraint of trade or commerce. It does not make criminal any act of one individual or corporation against another, however oppressive or injurious, although the specific wrongful act in itself may be in restraint of trade or commerce. Such wrongful acts, that should be themselves made criminal, may be proved only to establish the ultimate fact of an unlawful contract, combination, or conspiracy. If this ultimate fact is not established, the wrongful acts committed in restraint of trade must go unpunished.
>
> The second section is subject to the same criticism. It is directed wholly against monopolies and not against acts of wrong or oppression, however much or how directly such acts tend to restrain trade or commerce. The wrongful acts are not an offense against the statute and proof of them can be made only to establish the ultimate fact of a monopoly or attempt or conspiracy to establish a monopoly. The acts themselves, some of which may be directed at one person or corporation and some at another, are not punishable under this section. There can be no doubt that the sole object and purpose of the act was to prevent contracts, combinations, and conspiracies in restraint of trade, and nothing else. It was not intended to, and does not, forbid or render criminal specific acts in restraint of trade or commerce. This is just as true of the section against monopolies as it is of the other.

Provisions of the law and decisions of the court were cited to verify the statement made.

Now, sir, what are we proposing to do by the so-called Clayton bill? Is it any better in this respect than the original antitrust bill? In some particulars and in a very slight degree it is. It does provide specifically against discrimination between customers, refusal to sell the products of mines, oil or gas wells, and so forth, and the sale of goods under an agreement that the purchaser shall not deal in the goods of anyone else. Very properly all of these are made criminal offenses and made punishable. This gives some room for hope that Congress may some time deal with this great evil in a practical way by specific and direct legislation that can be made effective. Some other provisions of the Clayton bill will be considered further along.

Mr. President, I have thus given a sort of general survey of trust legislation and its effects. Let me now, with the permission of the Senate, take up and consider the bills now before us, intended, it is claimed, to improve the existing law on the subject, and make it more practical and effective. This, as I have attempted to show, is greatly needed. Therefore the question is whether the bills before us are so framed as to have this effect or will they, if enacted, make the law worse instead of better? Will they make a law that is now only ineffectual active for evil? In some particulars I am afraid they will. There is some good in some, if not all, of the bills, but some of their provisions are not only unjust and oppressive but positively evil and vicious.

TRADE COMMISSION BILL.

First, of the bill to create a trade commission. This bill has been thoroughly and ably discussed by other Senators. The legal and constitutional phases of it have been fully covered. So I am not going to discuss it at length. I am strongly and earnestly opposed to the inquisitorial features of the bill. They seem to me to be obnoxious to every principle of free government and an unnecessary burden upon the business of the country. They apply only to business concerns engaged in interstate trade, but if Congress can enact laws of this kind, affecting such corporations, the several States have power to extend them to all other business concerns corporate or of private citizens, and then we will have the business of the whole country in a straitjacket that will be infinitely worse than the unfair competition we now have.

We assume that by such legislation we are putting big business in the hands and under the control of a commission. It is much to be feared, on the other hand, that the commission, and with it the Government, may fall into the hands of the powerful combinations of wealth. The men who can control the business and finances of a great nation may find a way to reach and control the five men who are expected to control them. It has been done. It is not at all unlikely that it will occur again. These powerful influences have, in a very great measure, guided and controlled the destinies of this Republic. They will continue to do so. Can we expect such a commission to withstand their influence? They work in mysterious ways. They know what they want. They know how to get it. They lead and influence honest men as successfully as they corrupt and bribe dishonest ones. It is a perilous thing to give over to a mere commission such enormous power for good or evil.

But, sir, I am not confining my objections to the creation of this commission in this single case. I am opposed on principle to a Government composed of commissions and bureaus vested with powers that should be preserved in the constitutional departments of the Government. We have vastly too many of them now. We are adding to the number every session of Congress. Both the legislative and judicial departments of the Government are being gradually stripped of their power that is being transferred to commissions. But, Mr. President, this is one of the worst cases of them all. This bill is an attempt to confer on this commission both legislative and judicial power. It declares unfair competition to be unlawful. It gives the commission the power to declare what is unfair competition, because it is not defined in the bill, which is legislation, pure and simple. Then it is empowered to try the question whether a corporation or association has been guilty of what it has determined to be unfair competition, and render a decree, or an order in the nature of a decree of injunction, forbidding the corporation to continue the practice.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Connecticut?

Mr. WORKS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, I simply want to call the attention of the Senator to the fact that the bill declares "unfair competition" to be unlawful, and then it confers upon the commission authority to prohibit "unfair methods of competition," which is not exactly what the Senator said. Inasmuch as "unfair methods of competition" are not in terms prohibited by the bill, but "unfair competition" is, I wondered what was the cause of prohibiting one offense and then authorizing the commission to prohibit the commission of another, if it is another. If it is the same, if "unfair competition," declared to be unlawful, is the same as "unfair methods of competition," why should not the language be the same in both cases?

Mr. WORKS. Mr. President, I think that is an inquiry that should be addressed to the chairman of the committee. I had not noticed the difference pointed out by the Senator from Connecticut, and I am not able to say now what the effect of that difference in the use of the words would be.

This action is essentially judicial in its character. So we have in this one small commission an inquisitorial body with power to force information of every phase of a company's business, a legislative body to determine and declare what is unfair competition, and a court to try and convict the company of a violation of the law it has created and enjoin it from carrying on its business in the way it has been doing. Mr. President, we should hesitate long before going this length. Besides being an injustice and highly oppressive to the business concerns immediately affected, it goes far toward changing our form of government. I can not but look upon such a step with serious apprehension.

RAILROAD SECURITIES BILL.

The bill to prevent overissues of securities is worse, if possible, than the one I have just been discussing in so far as it vests the commission with inquisitorial powers. Besides, in this case the additional and specific authority to call for reports, make inspections and investigations, and take copies of papers is wholly unnecessary. The Interstate Commerce Commission has as full and ample power in this respect as should, in conscience, be given to any commission. Of course, common-carrier corporations differ from mere trading companies. They are very justly regarded as public servants and properly amenable to governmental regulation. This, being so, there is greater reason and propriety in subjecting their property and accounts to public inspection. It was this that justified the creation of the Interstate Commerce Commission. Its work has proved the wisdom of creating it and vesting it with the powers it now possesses. The question of rates was of vital importance to shippers and to the public generally. Abuses had grown up in the transportation business that made action on the part of the Government imperatively necessary in the public interest. The misuse of their powers by the railway and other transportation companies brought this supervision of their business upon them. It was a just retribution. But even this kind of regulation may be carried to an extreme and work harm rather than good. The success of the Interstate Commerce Commission and the beneficial effects of its work have been one of the incentives to load the commission down with a multitude of duties that should never have been imposed upon it and which will, if it has not already, seriously impair its efficiency, and the appointment of numerous other commissions and bureaus that never should have been heard of. The Government has become top-heavy with commissions, and the expense of maintaining them, many of them idle and useless, is running up into the millions every year, and we keep on making more of them.

But, Mr. President, the most serious portion of this bill is not the additional inquisitorial powers of the commission and the immense burden it imposes on business, for which, at last, the people must pay. That is bad enough, as I have attempted to show in discussing the other bill. We propose that after the commission finds out everything that can be known about the property and business of a corporation no securities of any kind shall be issued or debt incurred by the company until the commission has given its consent and then only the amount allowed by the commission and to be used only for the purposes it prescribes. This looks like taking pretty strong measures. It looks like an unjustifiable imposition upon the corporation; but, to my mind, even that is not the worst of it. Practically we put the business of the carrier in the hands of the commission. It has the power either to build it up and make it prosperous and beneficial to the public or destroy it. The future of any corporation that must borrow money to carry out its purposes has its destiny placed in the hands of the commission. It follows necessarily that the Government becomes, morally at least, responsible for the success or failure of the company. But this bill expressly provides that the Government shall not be responsible. This seems an unworthy and cowardly thing to do. The Government controls the situation entirely. It may wreck the concern entirely or destroy its usefulness and efficiency. The company is helpless to do what its officers conceive to be necessary to its success, if the commission objects, yet the Government slips out of all responsibility for the failure and the corporation must suffer the consequences of the wrongful or mistaken judgment of the commission, whose word is absolute and controlling. If the Government is going to control the utility corporations it should do so openly and be responsible for their service to the public. This attempt to control the business of such corporations and shirk the responsibility is unfair and unjust and savors of downright dishonesty. I can not bring myself to believe that it is either just or good policy to venture upon this mode of dealing with common-carrier corporations.

THE CLAYTON BILL.

Mr. President, the Clayton bill, so called, has some merit. It has some provisions that one entertaining the views I do may consistently support. I am earnestly in favor of any practical legislation that will make competition free and untrammeled and curb the power of the great and powerful corporations in the public interest, but I want to be sure that it is in the interest of the public, for whom we are called upon to make laws. Any legitimate effort to prevent unfair and oppressive monopolies meets my hearty approval. Therefore the provision of the bill making it a criminal offense to discriminate in prices is to be commended; but the provision is weakened and its practical effect almost completely destroyed by making the specific "intent thereby to destroy or wrongfully injure the business of a competitor" necessary to constitute the offense. It would seem from this that the purpose of the bill is not to protect the public but competitors in business. Unless free competition will reduce rates and prices to shippers and consumers, competition is not worth having. What we need to do is to protect the people of the country from unjust or exorbitant charges. Under this bill, in order to establish the specific intent, to injure a competitor and not the public is made the test. And besides the fact that the theory upon which the bill proceeds is wrong, the intent would generally be impossible to prove.

Mr. President, the size of a corporation or the amount or scope of its business does not determine whether it is a trust or whether it is detrimental to the public interests or not. A corporation with millions of dollars of capital may deal as fairly and as honestly with its competitors and its customers as the corporation or individual of small capital doing a small business. The larger capital of the big concern and its greater facilities for doing business may, and often does, enable it to sell its goods or perform its services for less money than its smaller competitor. If so, the public should have the benefit of this advantage of big business over little business. But if big business reduces its rates or charges below a reasonable return in profits with the intent and purpose of destroying competition and then, with the competitor out of the way, *advances the rate or charge beyond a reasonable amount* this constitutes an injury and an offense against the public. We have no call to make laws to protect one competitor against another unless the unfair treatment is ultimately an injury to the public. But this section of the bill goes no further than to protect the competitor. It may be said generally that free competition is a good thing, but it is not if the big concern which could sell at a reasonable profit at a lower rate while the little concern could not, and the big one must, under this bill, charge a higher price to the public in order to protect the little one. In such a case—and such cases undoubtedly do exist—it would be much better for the little fellow to be driven out of business, provided the big fellow does not, after driving out the little fellow, advance rates or prices beyond a reasonable amount because he no longer has to meet competition. So, on the whole, this section of the bill, intended, I have no doubt, to meet a real existing evil, will be impotent to accomplish the desired result. We are bound to understand that big business is here and that it is here to stay. This is a great Nation; its business, public and private, is enormous. This is an age of big things. Without big business and combinations of wealth the big things and the great problems that are confronting us as a nation and individually could not be developed and solved.

In making laws we may as well look this fixed and unalterable fact squarely in the face and act accordingly. We cannot destroy big business. We should not if we could. We may not be able to regulate it satisfactorily. We have not done so yet. But we can and we should define the offenses that big business or little business shall not do and punish either the one or the other for doing them. If it should be regarded as a crime to sell or serve for less or more than a reasonable price or rate, make it a crime to do either and punish for it accordingly and do not refer it to a commission. Such provisions as

California has been speaking there have been, including the Presiding Officer, but three of the majority present. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gallinger	Newlands	Smoot
Brady	Gronna	Norris	Stone
Brandegee	Hughes	Overman	Thomas
Bryan	Johnson	Page	Thornton
Burton	Jones	Perkins	Townsend
Camden	Kenyon	Ransdell	Walsh
Catron	Kern	Shafroth	West
Chamberlain	Lane	Sheppard	White
Chilton	Lea, Tenn.	Simmons	Williams
Clarke, Ark.	McCumber	Smith, Ariz.	Works
Crawford	Martin, Va.	Smith, Md.	
Cummins	Nelson	Smith, Mich.	

The PRESIDING OFFICER. Forty-six Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BANKHEAD, Mr. SWANSON, Mr. THOMPSON, and Mr. TILLMAN answered to their names when called.

Mr. CLAPP and Mr. ASHURST entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from California will proceed.

Mr. WORKS resumed and concluded his speech, which, entire, is as follows:

Mr. President, we have now definitely entered upon what has come to be called trust legislation. The term is misleading as applied to the three bills now before the Senate. They extend far beyond the effort to regulate or even control the trusts. I have examined these bills as they came over from the House and they have filled me with amazement. If the business of the country is dishonest enough and oppressive enough to justify such legislation as is proposed by the three bills, our condition would seem to be hopeless, and to remedy conditions by law impossible. To attempt it would work no practical good and add to the burdens of the people who deal with the business concerns sought to be regulated. We have one commission, known as the Interstate Commerce Commission, with almost plenary and unlimited power in regulating in some respects the business of common carriers. We propose by one of these bills to extend this power enormously and in respects most vital to the corporations in the way of controlling, absolutely and without limitation by this commission, their right to issue shares of capital stock, bonds, or other securities, thus giving the commission the power to say what investments shall be made by such corporations and for what purposes. It involves, necessarily, the power of the commission to prevent any railroad corporation from extending or improving its railroad line or from new construction of any kind. In other words, it gives the commission the arbitrary and unlimited power to say what a railway company may do in the way of construction, whether new or by way of extension or improvement of its existing line. Under the provisions of the bill no common carrier can build a new line or improve an old one on borrowed money without the consent of the commission. And in order to secure this consent the carrier must lay bare its entire business and financial affairs and submit to an examination and inspection of its books and papers and that of its officers, agents, and attorneys in a way most humiliating and unjust to business men of integrity and business probity. In addition to this, we propose to create another commission of five persons and vest in that commission equally arbitrary and unlimited power over corporations and associations, and incidentally private individuals, not common carriers, but engaged in interstate trade and commerce, and authority to determine whether any such corporation or association is engaged in unfair competition, and with inquisitorial power that is extended to its subordinate employees, as broad and as offensive to all ideas of freedom and independence in business as in case of the other commission. I have tried to analyze the three bills and resolve them into tabulated and brief form for my own convenience in trying to arrive at the object and scope of their provisions and their probable effect if they are enacted. I submit this analysis with the hope that it may help other Senators to grasp the meaning and effect of the bills more readily and conveniently. It is as follows:

MEMORANDA OF PROVISIONS.

1. Interstate trade commission bill.
   a. Federal trade commission of five members created.
   b. Appointed by the President, by and with the advice of the Senate.
   c. Term of office seven years.
   d. Salaries, $10,000 a year each; secretary, $5,000; assistant secretary, $4,000; total, $59,000 a year.
   e. Commission authorized to appoint attorneys, special agents, accountants, experts, examiners, and other employees, as many as Congress will appropriate money to pay.
   f. Commission given power:
      1. To investigate any corporation or association doing an interstate-trade business whenever and as often as it pleases.
      2. To require any corporation to furnish any information it calls for at any time, without limitation.
      3. To prescribe forms of annual reports from such corporations, and to compel the making of annual reports and special reports without limit and at any time.
      4. To make public the information it obtains.
      5. To prepare decrees in suits brought by the Attorney General.
      6. To investigate and determine whether decrees procured by the Attorney General are being carried out, or are being violated, and what, if any, other or additional decree is advisable.
      7. If it finds that anyone has violated the antitrust law, to report its findings and the evidence to the Attorney General with its recommendations.
      8. Have access to all books and papers of such business.
      9. To investigate trade conditions in other countries.
      10. To prevent unfair methods of competition.
      11. To hold hearings affecting any concern whenever it pleases, to determine whether its methods are unfair or not.
      12. If it finds they are unfair, to issue an order restraining and prohibiting the use of the same.
      13. If the order is not complied with, to bring an action to enforce compliance.
      14. To issue subpœnas, compel the attendance and testimony of witnesses, and production of evidence, and to administer oaths.

The bill imposes severe penalties for failure or neglect to comply with any of the orders of the commission.

2. Bill to supplement existing laws against unlawful restraints and monopolies, known as the Clayton bill.
   a. Forbids any person engaged in commerce to discriminate between different purchasers of commodities with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor of either such purchaser or seller.
   b. Makes it unlawful for any owner or operator of a mine to refuse, arbitrarily, to sell its products to a responsible person.
   c. Forbids any person to lease or sell a commodity on condition or understanding that the lessee or purchaser shall not deal in the commodities of a competitor.
   d. Exempts fraternal, labor, consumers', agricultural, or horticultural organizations instituted for the purposes of mutual help, not only from the provisions of the bill but from the antitrust laws.
   e. Also exempting associations of traffic, operating, accounting, or other officers of common carriers, under certain conditions.
   f. Forbids any corporation engaged in commerce to hold stock of another corporation so engaged, the effect of which is to eliminate or substantially lessen competition.
   g. Forbids a corporation to hold the stock of two or more corporations where such effect will result.
      This not to apply:
      (1) To corporations purchasing stock solely for investment, or
      (2) To railroad corporations aiding in the construction of branch railroads, feeders to its main line.
   h. Forbids interlocking directors in case of corporations or other concerns doing business with each other.
   i. Forbids interlocking directors of banks where either bank has a capital of $2,500,000, or more.
   j. Forbids any bank, banking association, or trust company, in any town of more than 100,000 inhabitants, to have as a director, or other officer or employee, any private banker or director, or other officer of any other bank in the same place, with certain enumerated exceptions.

   k. Forbidding any person to be a director in any two or more corporations engaged in commerce, either of which has capital, surplus, and undivided profits aggregating more than $1,000,000.
   l. Imposes penalties for violations of the act and makes directors, officers, and agents individually and directly liable.

The bill further provides for the issuance of injunctions in certain cases and for other proceedings.

3. Bill to prevent overissues of securities.
   a. Authorizes the Interstate Commerce Commission to compel annual reports, under oath, by common carriers showing all the facts about its stock and securities, cost and value of its properties, franchises and equipments, number of employees, their salaries, amounts expended for improvements each year, and how earnings and receipts, operating and other expenses, balance of profit and loss, and a complete exhibit of the carrier's financial operations each year, including an annual balance sheet, information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same, and the keeping of uniform system of accounts and making of monthly and special reports on any subject the commission may require, including a balanced statement of its receipts on capital account and of the surplus of the income account accruing during the period covered, and all other financial transactions that may be called for.
   b. The commission is given the power to investigate all financial transactions of the carriers and examine into the actual cost and value of property acquired by or services rendered to them.
   c. The carrier may be required to disclose every interest, direct or indirect, of the directors, stockholders, officers, agents or attorneys, employees, receivers, or operating trustees of such carrier in any transaction under investigation.
   d. In addition the commission may require the carrier to furnish any further statements of fact or evidence it pleases.
   e. The commission may prescribe the forms of accounts and books to be kept by the carrier, and to keep any other is made unlawful.
   f. The commission is given the right of access to all books and papers in the hands of the carrier, its officers, stockholders, agents, attorneys, employees, receivers, or operating trustee, or anybody else that has had business transactions with the carrier.
   g. Authorizes the appointment of special agents or inspectors, who are given the right to inspect, examine, and take copies of everything they can find.
   h. Makes it a penal offense to refuse access of these special agents or inspectors to anything, punished by heavy forfeitures.
   i. Makes it a penal offense to make any false entries or accounts, or any accounts other than those prescribed by the commission, or to fail to make any entry, or to make them full, true or correct, or to destroy any account or entry, and so forth, under penalty of fine and imprisonment.
   j. Courts authorized to issue writs of mandamus to compel compliance with requirements of the commission.
   k. Special agents and examiners are authorized to administer oaths, examine witnesses, and receive evidence.
   l. Requires issuance of receipt or bill of lading for goods shipped, but the same shall not relieve the carrier from any liability under the act.
   m. Makes it unlawful for any carrier to issue any certificates of stocks, bonds, or other evidence of indebtedness, or to assume any obligation or liability unless:
      First. (a) It be for some purpose within its corporate powers necessary for its performance in the public interest and not tending to impair its financial ability to discharge its duty to the public.
      (b) And then only when such issue is approved by the commission.
      (c) The application for leave to issue shall be in the form prescribed by the commission, and includes:
         1. The total amount of the issue and how authorized on behalf of the carrier.
         2. The number and amount of all its securities outstanding.
         3. The amount to be issued and whether to be sold, pledged, or held in the treasury and the terms upon which they are to be disposed of and the consideration, etc.
         4. The number and amount of its securities so authorized and not then to be issued.
         5. If the issue is of shares of stock the number, face value, whether common or preferred, and number already outstanding.
      Second. The preferences or privileges granted to holders of any such securities, date of maturity, whether cumulative or not, etc.
      Third. The purpose to which the proceeds are to be applied.
      Fourth. If it is proposed to assume the obligation of any other person, natural or artificial, the financial condition of such other person and the object of such assumption.
   n. The application must be made under oath.
   o. When securities pledged or held as free assets shall subsequently be sold or otherwise disposed of, must file a certificate to that effect and give again all the information called for by subdivision c, above, and anything else the commission requires.
   p. On application for leave to issue securities the commission is required to give notice to the railroad commission, or other proper authority of the State in which the carrier operates, and such State representative is authorized to be heard.
   q. The action of approval shall not be construed as a guaranty or any obligation on the part of the Government.
   r. Notes maturing not more than two years after their date excepted from the provisions of the bill, but notice of their issuance must be given the commission.
   s. Commissioners must require periodical or special reports from all carriers issuing securities, including such notes.
   t. The issue of securities not authorized as above may be enjoined.
   u. And the issuance of them is made a penal offense on the part of the officers, agents, and attorneys of the carrier.
   v. Being a director of two or more carriers without the consent of the commission prohibited under penalty.
   w. Officer or director of the carrier prohibited from receiving any money or thing of value for or on account of the issuance of securities by the carrier.

I have given the provisions of the last two bills as they came from the House and the other as reported to the Senate, partly to show how far this administration is willing to go in tying up the business of the country and destroying its freedom and independence. The President has not only recommended legislation of this kind, as the Constitution authorizes him to do, but has, as I am informed, agreed with Democratic Members of both Houses of Congress as to the specific forms of the bills before they were introduced. So in that form they represent the views, objects, and purposes of the administration. Some changes and modifications of them have been made in committee of the Senate. These changes will be noted further along.

Mr. President, I was amazed, and not a little disturbed, when I came to realize the scope and extent of these bills and contemplated their probable effect upon the business and business men of the country. Their reading may well make one wonder whether we are living in a free country in a civilized age or have gone back to the dark ages, when force and despotism ruled and controlled the rights and destinies of men. This attempt to bring the business of the country under such a system of espionage, inquisition, and subservience of individual citizens to the unbridled power of government by commission in the transaction of their private business, I believe, surpasses anything in the history of this or any other civilized nation. Have we fallen so low that the standard of business honor and integrity must be fixed and enforced by law and arbitrary power? If we have, it would be far more manly and just to meet this evil condition by taking business of this kind over into the hands of the Government, if we can be assured that political appointees to office will be more honest or trustworthy than the officers of the corporations we assume to control.

Mr. President, such legislation as this is more than likely to be as futile as it is unjust. Men are not made honest or unselfish by law. Good character or probity are not the products of compulsory legislation or the enforcement of arbitrary power. Some business men are dishonest and resort to practices that should be condemned and punished; but other men are honest and conduct their business fairly and with due consideration for the rights of their competitors. Men engaged in the lines of business sought to be affected by this proposed legislation are no more unworthy nor dishonest, I believe, than others of their countrymen engaged in other pursuits. To reach and control

for when a man is indicted for stealing he is served with a copy of the indictment, and that indictment charges specifically just what is alleged to have been stolen. The time, the place, the circumstances, the article, and everything connected with it are notified to the alleged thief, so that he can answer intelligently. Yet here, in this great, solemn body, we are charged practically with thieving, with robbing the Government, with taking what we have no right to take, with using the funds of the Republic in order that we may be returned to our places in the Senate or our places in the House, and yet we are not told when and where and how we did it. It is all general, and it comes, in the main, from people who do not criticize a certain class of river and harbor appropriations.

You have heard no criticisms on this floor of appropriations for harbors. What are harbors? They are railroad terminals. How many criticisms have you heard of appropriations for these railroad terminals? I have heard none, and I have been listening very carefully; but I have heard plenty of criticisms, Mr. President and Senators, of improvements of streams which are competitors of railways. There may be no significance in that, but it is the fact all the same.

How do we originate an appropriation in the House or in the Senate? What is the initial step before we can start a so-called "pork barrel" measure? It is to order a survey.

That survey is made by the Engineer Corps of the Army. The district engineer, if he regards the project favorably, reports on it to the division engineer. He in turn reports favorably to the Board of Engineers for Rivers and Harbors if he thinks it is worthy. Then the Board of Engineers for Rivers and Harbors makes its examination, in many instances an independent examination, and reports favorably or unfavorably. After that is done, the matter has to run the gauntlet of the Chief of Engineers; and not until it has received the approval either of the Board of Engineers for Rivers and Harbors or the Chief of Engineers is it considered to have legislative status.

A project that can receive the approval of all these eminent engineers must have a great deal of merit in it. There is no finer band of men in the Union. Who are these engineers? They are selected from the very flower of the young men of America, appointed to West Point by Representatives, Senators, and the President himself, subjected to a most critical examination before they enter, required to undergo a very hard course of study, and the 10 honor men are the ones who constitute the Engineer Corps. They have honorable positions for life. They retire at a comfortable salary at the age of 64 years. They are as disinterested a body of men as it is possible to find. In the whole history of this Government we have had only one scandal connected with river and harbor work in the Board of Engineers, and even in that case many people believed the man was not guilty. And before Congress makes an appropriation for a river or harbor, before it has legislative status, it must run the gantlet of this board.

Several years ago Congress created the National Waterways Commission, of which the distinguished Senator from Ohio [Mr. BURTON] was chairman. It was a commission composed of a number of the very best men in Congress: Senators Theodore E. Burton, of Ohio; Jacob H. Gallinger, of New Hampshire; Samuel H. Piles, of Washington; William Alden Smith, of Michigan; F. M. Simmons, of North Carolina; James P. Clarke, of Arkansas; William Lorimer, of Illinois; and from the House of Representatives D. S. Alexander, of New York; Frederick C. Stevens, of Minnesota; Irving P. Wanger, of Pennsylvania; Stephen M. Sparkman, of Florida; and John A. Moon, of Tennessee. It would be very difficult to find an abler body of men. Now, what do that great commission say about the Engineer Corps and about our method of making river and harbor improvements? At page 78 of the final report of the commission submitted in 1912, quoting from their preliminary report of 1910, they say:

> The commission would advise that without a careful and unbiased examination of proposed improvements of the nature now required by statute no project should be adopted by Congress. Numerous propositions have been made for the creation of a board of public works, or other body, which shall decide upon the feasibility and desirability of propositions for expenditures on rivers and harbors. The commission is unwilling to recommend a change of this kind, and points to the fact that the past recommendations of the Engineer Corps have been carefully prepared, and with a degree of expert knowledge and comprehension of the commercial needs of the country which could not well be supplied by any other body or organization. The advantages which attach to the Engineer Corps are obvious. The members are in the permanent service of the Government, and are free from those influences which would inevitably be brought to bear upon men in civil life. Those engineers now engaged in the work are carefully trained in the planning and execution of these improvements, and have special qualifications for judging the feasibility and the cost of proposed river and harbor projects. They also have a good general knowledge of the probable commercial results which would accrue, though on this point their opinions have not been regarded as conclusive. In this connection the commission would call attention to the necessity for an increase in the membership of the Engineer Corps.

Mr. President, this report—which, let me repeat, indorses in the most unqualified language the Engineer Corps of the Army—was made by that great National Waterways Commission, of which the Senator from Ohio [Mr. BURTON], who is now criticizing this bill so severely, was chairman. Let me say to you, sir, and Senators, that practically every project in this bill received the approval of the very Engineer Corps which Senator BURTON's commission says is the ideal agency for Congress to have assist it in this work.

There are only two items in this bill, and these small ones, which did not receive the entire and cordial approval of the Engineer Corps—one the Arcadia project, in Michigan, costing $25,000, a project which has been under way for many years, but the continuance of which they did not recommend; the other, a project at Lake Contrary, on the Missouri River, where $75,000 was appropriated several years ago contingent upon a like sum being appropriated by the local people. These people were so poor that they could not contribute the $75,000, and this bill removes the requirement of the local contribution. In all other respects, so far as I know—and I studied every item of the bill—everything in it meets the approval of the Engineer Corps.

Mr. President, as one member of the Commerce Committee, I studied this bill for days and weeks and months as carefully as I ever studied any measure in my life. I was a member of the subcommittee charged with framing the bill. We gave hearings to everyone who desired to be heard. We criticized every measure as carefully as we could, and if there be any "graft" in the bill, if there be any "pork" in the bill, I do not know it. I say here and now that if there be any—and any one of the Senators inclined to be so critical will point it out, will show it, will convince me of it—and I believe I am a fair-minded man—I will rise in my place and move to strike it from the bill.

We do not claim infallibility for the Commerce Committee of the Senate. We are just as liable to err as other human beings. Mistakes may have crept into this bill. We do not deny that. Perhaps there are mistakes here, but I believe the committee is about as fair as other committees, and if you will point out any mistakes we will gladly strike them out.

No one has attempted to criticize more than 3 per cent of the 350 items in the bill. There has been criticism of 9 or 10 items out of 350, aggregating about $5,164,000 out of a total of $53,000,000—3 per cent of the items, aggregating in cost less than 10 per cent of the bill; and I wish to say to you that when it comes to defending those 10 items you will find that there is no mistake and no "graft" in a single one of them.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. If the Senator will permit me, before the hour for the unfinished business arrives, I desire to make a correction in a statement I inadvertently made a little while ago. I said that there was an item in the bill which showed that at the head of navigation there was one-tenth of an inch of water in the stream. I meant to say one-tenth of a foot, and I want that correction to be made.

Mr. RANSDELL. Mr. President, I do not know that I care to say anything else, except to repeat that, to my mind, it is outrageous for reputable journals to criticize and abuse a great piece of legislation like this without going into details, without showing us the alleged mistakes and giving us a chance, as fair-minded, honorable men, to correct those mistakes. I appeal to these newspapers and journals to point out, to give a bill of particulars, to give us a chance to correct the errors, if any there be, and if they can show any considerable percentage of error or mistake in this bill, then they will do far more than I believe it is possible to do, because, in my judgment, it is a better bill than even the "ideal river and harbor bill" of 1907.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. WORKS rose.

Mr. BRADY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Norris	Smith, Mich.
Bankhead	Gallinger	Page	Smoot
Borah	Hollis	Perkins	Sterling
Brady	Jones	Poindexter	Stone
Brandegee	Kenyon	Pomerene	Thomas
Bryan	Kern	Ransdell	Thompson
Burton	Lane	Reed	Thornton
Camden	Lea, Tenn.	Saulsbury	Tillman
Chamberlain	Lewis	Shafroth	Walsh
Chilton	Lippitt	Sheppard	Warren
Clapp	McCumber	Simmons	White
Clarke, Ark.	McLean	Smith, Ga.	Williams
Crawford	Newlands	Smith, Md.	Works

The PRESIDING OFFICER. Fifty-two Senators have answered to their names. There is a quorum present. The Senator from California [Mr. WORKS] has the floor.

Mr. NEWLANDS. Will the Senator from California yield to me?

Mr. WORKS. I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I understand that during the morning hour the Senator from North Carolina [Mr. SIMMONS] declared that unless the trade commission bill were pressed immediately to a vote he would move that the river and harbor bill be made the unfinished business.

Mr. SIMMONS. After to-day.

Mr. NEWLANDS. After to-day. I have no exception to take to the statement of the Senator from North Carolina. I think he is justified in feeling some impatience regarding the progress of both these bills.

I wish to say, so far as the trade commission bill is concerned, that conditions have thus far impeded me in pressing the measure vigorously to a vote, though I have made an effort from time to time to obtain unanimous consent for a vote. It is obvious to me now that the Democratic Party, which is responsible for this legislation, will have to see to it that a quorum is maintained here, and that a vote is obtained at an early day.

With reference to the past I have to say that the delay has been due to the fact that there have been some differences of opinion upon this side regarding section 5 of the bill as to whether the granting of the power to determine unfair competition is a delegation of legislative power, as to whether the phrase has sufficient legal significance to enable the commission to enforce it, and other questions of that kind. These doubts could only be removed by a thoroughgoing debate, which we have had, and I am inclined to believe that, so far as this side of the Chamber is concerned, those doubts have almost entirely disappeared.

There has been a disposition, however, on both sides to delay a vote upon this bill until the entire so-called trust program could be laid before the Senate by the committees having jurisdiction. It is well known that there are three measures which are being considered—the trade commission bill, the so-called Clayton bill, containing legislation supplementary to the Sherman Act, and the so-called Rayburn bill, or the railroad-securities bill. The latter has nothing to do with the question of trusts and may be eliminated from consideration, although, of course, it is desirable that we should have an early report upon that subject; but the other two bills are in a measure interlocking.

Last week we adjourned upon Thursday until Monday in the expectation that the Interstate Commerce Committee would be able to report the securities bill by the following Monday and that the Judiciary Committee would be able to report the so-called Clayton bill at that time. So far as the Interstate Commerce Committee is concerned, we found it exceedingly difficult, because of the absence of members, some of them from the city and others from the meeting, to secure such a continuous session of the committee as would result in a report of the bill, though we made substantial progress, and I think at the next meeting we will be enabled to report upon that measure.

So far as the report from the Judiciary Committee is concerned, that committee has been upon the point, as I have understood, of reporting it every day, the expectation being that upon the following day the bill would be reported, and yet five or six days have elapsed. We are told, however, that the committee is now about ready to report and that the bill will be reported either to-day or to-morrow.

I wish to say that whatever may be the action of the Judiciary Committee with reference to that bill, it is my intention to press this bill to a vote and to bring as far as I can all the powers of insistence to bear upon that subject. I would ask first, however, as an easy way of disposing of the matter, that unanimous consent be given for a vote upon this question on Monday.

Mr. BRANDEGEE. I object.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I will ask for a vote on Tuesday.

Mr. BRANDEGEE. Mr. President, I will say to the Senator, to spare him a needless waste of time in going through such requests for unanimous consent to vote on this or any other bill involving a grave change of governmental policy in the question of the regulation of corporations, there will be no unanimous consent given to this or any bill on any day until every bill has been thoroughly and exhaustively debated, so that there may be at least an approach to some preliminary understanding of the meaning of the terms employed in the bills; and that date, that happy date, I consider to be remote by the period of weeks, if not months.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Rhode Island?

Mr. WORKS. Certainly.

Mr. LIPPITT. In addition to what the Senator from Connecticut has said, I must confess that I am greatly surprised that the Senator in charge of this bill is himself willing to ask to-day that a definite time be fixed for the final vote to be taken. The Senator is aware that only this morning some members, a few members, of the Interstate Commerce Committee have been considering some important changes in section 5 of the bill. Only yesterday, I think it was, I received a communication from the chairman himself suggesting a very radical change in section 5.

Mr. WORKS. Mr. President, I yielded to the Senator from Nevada to make a short statement, which turned out to be a rather long one. I do not want to yield for a general discussion of this subject.

Mr. LIPPITT. Will the Senator allow me just to finish the few words I was going to say?

Mr. WORKS. If the Senator confines his statement to a few words, I will yield.

Mr. LIPPITT. It will not be very long, Mr. President.

The PRESIDING OFFICER. Does the Senator from California yield further?

Mr. WORKS. I yield further to the Senator from Rhode Island upon the statement that he will say but a few words.

Mr. LIPPITT. What I was trying to say is that these very important amendments are now being considered by the Interstate Commerce Committee largely at the suggestion of the Senator from Nevada himself, and it seems to me radically illogical that at the time such changes are being proposed, and being proposed, as I understand it, with the approval and at the desire of the Senator from Nevada himself, who is in charge of the bill, he should expect that a definite and nearby date should be fixed for the final vote on the bill. Certainly, if the committee and the Senator himself think that the bill should be radically changed, he ought not to begin trying to fix a date for its final consideration until we at least know what those changes are to be. I understand that even this afternoon the committee is to have a meeting to consider the proposed changes, and I merely suggest to the Senator that under those conditions the suggestion of a final vote is inopportune.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Nevada?

Mr. NEWLANDS. Will the Senator permit me a moment?

Mr. WORKS. I yield.

Mr. NEWLANDS. The amendment to which the Senator from Rhode Island refers simply relates to a court review of the action of the commission with reference to unfair competition, concerning which there are amendments pending now before the body. They are printed and are before the Senate for its consideration. Those amendments are to be disposed of by the Senate. It is customary for committees while bills are being considered to meet from time to time and counsel together with reference to pending amendments, but such meetings are not intended in any way to delay the consideration and determination of the bill.

I give notice that from to-morrow on I will press the consideration of this bill.

Mr. WORKS addressed the Senate. After having spoken for some time,

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from California yield to the Senator from Michigan?

Mr. WORKS. I yield.

Mr. TOWNSEND. One of the most thoughtful and capable Members of this body is addressing the Senate on a subject of great importance. There are present at this time 11 Members of the Senate, and during most of the time the Senator from

and the business people of my community demanding that that natural highway, but 30 miles from Lake Michigan, should be improved. At that time we had a city of about 75,000 people. It was supposed that a waterway of 10 feet of water would be all that we would ever need. Col. Ludlow, who has distinguished himself as a Government engineer, who has done some of the most important work in the history of this Government, and who died with his laurels thick upon him, recommended that project to the Government. I had nothing to do with it at all. After he recommended it I secured, through the cooperation of my friend from Ohio, who sits by my side [Mr. BURTON], all the appropriations I ever got for it.

I said that river was sometimes 16 feet in depth. It passes down through my home city oftentimes like a torrent. There is not an exposed part of the Mississippi River more hazardous than a certain portion of Grand River at certain times of the year. My own city raised and has expended over a million dollars to protect its people from inundation from that river. Many engineers, including Mr. Noble and Mr. Cooley, have said that the way to protect our city from annual inundation is to have that river dredged to a lower bottom, through which this vast volume of water might pour.

Mr. SIMMONS. May I ask the Senator a question?

Mr. SMITH of Michigan. My community has paid a million dollars in money for that work in recent years, and that expenditure began since we had the last appropriation.

Mr. RANSDELL. Mr. President, will the Senator from Michigan yield to me?

The PRESIDING OFFICER. To whom does the Senator from Michigan yield?

Mr. SMITH of Michigan. Let me first yield to the Senator from North Carolina.

Mr. SIMMONS. I understood the Senator from Michigan to say that the river of which he is speaking, to which the Senator from Iowa [Mr. KENYON] called attention, is not appropriated for in the pending bill?

Mr. SMITH of Michigan. No.

Mr. SIMMONS. There has been some money spent upon that river for its improvement?

Mr. SMITH of Michigan. Yes; and it has been very wisely spent.

Mr. SIMMONS. Four hundred or five hundred thousand dollars, I believe?

Mr. SMITH of Michigan. About $500,000, I believe.

Mr. KENYON. It was $502,000, according to the report of the Secretary of War.

Mr. SMITH of Michigan. Yes; it was $502,000.

Mr. SIMMONS. Yes. What I want to ask the Senator is this: That improvement is completed, and is not carried in this bill?

Mr. SMITH of Michigan. No, Mr. President; let me correct the Senator from North Carolina.

Mr. SIMMONS. It is completed for that project?

Mr. SMITH of Michigan. No; let me conclude. Acting upon Col. Ludlow's report and on Col. Lockwood's report, appropriations amounting perhaps to $100,000 every two years were made. While I was a Member of the House of Representatives that money was expended upon a 10-foot project from Grand Rapids to Lake Michigan, 30 miles, I believe. The distinguished Senator from Ohio came to our city and suggested that the community should expend some money; that they should, if they were interested, get some vessels on the river. Promptly money was raised from private subscription. Boats were put on the river; but under the narrow policy of the Government at that time this project was pruned down from a 10-foot project, recommended by Col. Ludlow, and upon which our appropriations were made, to a 6-foot project, which was entirely inadequate for our purposes.

Our city when those appropriations were made had a population of about 80,000; it now has 135,000 people, and is the second largest city in our State. The only reason the project has not been completed is because under the report for a 6-foot channel I did not believe the money could be wisely expended, and I refused to ask for it. Under the 10-foot project the improvement would have been completed long ago and the river would have borne upon its bosom an ample commerce which would have been distinctly creditable to the Government.

Is the Senator from Iowa satisfied with my statement? I have never asked for a cent since the project was reduced to a 6-foot project; and, of course, no traffic resulted on that kind of a project.

Mr. KENYON. Is there any commerce carried on that river?

Mr. SMITH of Michigan. Only small boats.

Mr. KENYON. Under this 6-foot project?

Mr. SMITH of Michigan. Yes.

Mr. KENYON. I have not heard the Senator say anything about the character of the commerce, and that is an element that would be involved in the matter.

Mr. SMITH of Michigan. The commerce would be the natural commerce of a city of 135,000 people, most of which is manufactures; but we can not take our commerce down that river, unload it, place it on lake steamers, and transfer it again to cars. It is impracticable.

Mr. KENYON. There must be a 10-foot project, the Senator thinks, in order to accomplish that purpose?

Mr. SMITH of Michigan. Nothing less than 10 feet would be of any use to our community; and when the engineer's report cut it down to 6 feet, I reduced my activities proportionately; I have never asked for assistance from the Government since, and I never shall for such a project.

Mr. KENYON. But there was cooperation there between the city and the Government?

Mr. SMITH of Michigan. There was, and we spent over a million dollars in our work of erecting walls. The moment we can have 10 feet of water from Grand Rapids up to Lake Michigan, I assure the Senator from Iowa that that project will be revived, and all the energy at my command will be expended on it. The commerce which will result from our great center of activity, and also from that part of western Michigan naturally tributary to the river, will amply justify any expenditure made by the Government.

Has the Senator from Iowa any further inquiry?

Mr. KENYON. I am very thankful to the Senator from Michigan, and very much delighted to learn that the money, in his judgment, has been properly expended.

Mr. SIMMONS. I have not finished my inquiry. The Senator from Iowa [Mr. KENYON] clearly intimates that this $500,000 expended upon this 10-foot project was not justified and calls for an explanation. I want to ask the Senator just this question, for I should like to have the answer to it go into the RECORD: The Senator has stated that all of this money was spent upon a 10-foot project——

Mr. SMITH of Michigan. Yes; I think so.

Mr. SIMMONS. And he justified its expenditure. Now, can the Senator tell us when this 10-foot project was adopted and when this $500,000 under it was expended?

Mr. SMITH of Michigan. Yes. It was adopted in 1896, I think, while my honored friend from Ohio [Mr. BURTON] was a member of the Committee on Rivers and Harbors of the House of Representatives, and I appreciated his interest in the matter. I think he was wise, and I do not think he regrets it to-day. That community has more than met his expectations. It is a great, thriving manufacturing center. With the largest river in our State running from that city to Lake Michigan, only 30 miles away, with a project for a 10-foot channel which can be completed under an expenditure of $600,000 or $700,000, it now looks like folly to say that the project would not be desirable.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. SMITH of Michigan. Yes.

Mr. RANSDELL. I wish to ask the Senator from Michigan if the last appropriation for the Grand River was not the sum of $88,000 carried in the perfect river and harbor bill of 1907, and if it is not a fact that the Senator has not asked for an appropriation since because the commerce fell off and he did not feel that he was warranted in asking for it?

Mr. SMITH of Michigan. Not because the commerce fell off. I want to put the Senator straight about that, because he and I are on the committee. I do not want him to get any impression that we have gone backward. Our community has gone forward by leaps and bounds. Instead of having a city, as we did then, of 80,000 people we have one now of 135,000 people, and our commerce has not only never fallen off, but has doubled and trebled.

Mr. RANSDELL. But the last appropriation was made in that act, was it not?

Mr. SMITH of Michigan. The only reason why we failed to continue the improvement of the river to completion was because the Engineer Corps reduced the maximum depth from 10 feet to 6 feet, which our community did not think was sufficient. Therefore I as their representative refused to ask for any more money on such a project.

Mr. RANSDELL. They did receive $88,000 in the river and harbor act of 1907, did they not?

Mr. SMITH of Michigan. Yes; I think that was regularly estimated for.

Mr. RANSDELL. And $100,000 in the river and harbor act of 1905?

Mr. SMITH of Michigan. Yes; although I want to say to the Senator that that money has never been expended. We built a dredge with a portion of the previous appropriation. We had been paying 15 and 20 cents a yard for dredging. Under the wise policy of the Government we built a dredge and did the work for 5 cents a yard. The whole project could have been completed, as Col. Ludlow desired to have it done, with a 10-foot channel, because for half the distance to Lake Michigan we have a 10-foot channel now, and in some places a 12-foot channel. In the other half we have only 5 or 6 feet. We want to complete the project, and I give the Senate notice that as soon as I can have influence enough with the Engineers' Department to revive the Ludlow plan with reference to Grand River I shall give you no peace until that natural highway has been opened up from the chief city on the western side of our State to Lake Michigan.

Mr. BRYAN. Mr. President, a few moments ago the junior Senator from Iowa [Mr. KENYON] sent to the desk and had read an editorial from the Saturday Evening Post, in which it was stated that the river and harbor bill was made up of unjustifiable appropriations in large part, and, as I understood the article, the terms "graft" and "pork barrel" were used. I desire to know if the Senator, in his reading of the Saturday Evening Post, has ever come across any agitation for an increase in the rates of second-class mail matter?

Mr. KENYON. I did not catch the Senator's question.

Mr. BRYAN. Has the Senator ever observed in the Saturday Evening Post any agitation in favor of increasing the postage rates on second-class mail matter?

Mr. KENYON. I have not observed it in the Saturday Evening Post, though I have observed it in other places.

Mr. BRYAN. Has the Senator observed it in any of the magazines which refer to items of the river and harbor bill as being made up of "graft" and "pork"?

Mr. KENYON. I do not know how many magazine articles have referred to the pending bill in the way which the Senator suggests. I do not think the article which I had read said it was "graft" or "pork," but said there was an impression in the country that "pork" might enter into it.

Mr. BRYAN. Well, has the Senator seen in any of the magazines an agitation in favor of increasing the rates on second-class mail matter?

Mr. KENYON. I have not.

Mr. BRYAN. Now, Mr. President, I want to read from the report of the Postmaster General for the year ending June 30, 1913:

> Although second-class matter constituted approximately 62 per cent of the aggregate weight of the domestic revenue-producing mail, it produced only 4.98 per cent of the postage derived from such mail. The difference between the receipts from second-class matter and the expenditures chargeable thereto is not as disproportionate, yet it is so great as to deserve the most careful consideration with a view to fixing more equitable postage rates on the several classes of mail so that the revenue from each may be more nearly commensurate with its cost for handling and transportation. The commission created in 1911 under a joint resolution of Congress to investigate the subject found the cost of handling and transporting second-class matter, exclusive of certain expenditures regarding which exact information was not at hand, to be approximately 6 cents a pound, and recommended that the postage rate thereon be increased from 1 cent a pound to 2 cents a pound, such charge being regarded as reasonable and a step in the direction of the equalization of the postage charges on the several classes of mail.

Then the Postmaster General proceeds to recommend an increase in the rates on newspapers and magazines.

I understood the Senator to say—and of course it is a fact—that the Saturday Evening Post has a large circulation and necessarily avails itself of the second-class mail rates, and therefore pays 1 cent a pound for the carriage in the mails of its paper, which costs the people of this country 6 cents a pound; so that the people of this country lose, according to that estimate, 5 cents a pound for every pound of the Saturday Evening Post or of any other magazine carried through the mails; and it is a strange spectacle to me that they undertake to say that items in the river and harbor bill, which save in freight rates millions upon millions of dollars to the consumers of this country, constitute graft, but that a contribution by the Government of 5 cents a pound on second-class mail matter is entirely appropriate.

Mr. KENYON. Mr. President, may I ask the Senator a question before he sits down?

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Florida yield to the Senator from Iowa?

Mr. BRYAN. I yield to the Senator.

Mr. KENYON. I was not engaged in any defense of the Saturday Evening Post. If the situation the Senator presents is true—and I assume, of course, that it is—and the Senator is a member of the committee which would have the power to report a bill to remedy that situation, and that condition, as the Senator presents it, is absolutely wrong, why has not something been done?

Mr. BRYAN. Mr. President, I do not undertake to say that the carriage of second-class mail matter for less than it costs the Government is waste.

Mr. KENYON. Well, I do not believe I would agree with the Senator on that proposition.

Mr. BRYAN. The rate is sought to be justified, of course, because of the educational value of second-class matter.

Mr. KENYON. There may be justification in that regard; that is true.

Mr. BRYAN. There have been many hearings in the Committee on Post Offices and Post Roads in an effort to adjust the various rates. It is claimed that first-class mail matter pays twice as much as it costs to carry it and that second-class mail matter is carried at a loss of 5 cents a pound. Those figures are arrived at from the reports of commissions appointed by Congress to investigate, and the Postmaster General states it here as a fact, but it certainly is a contribution by the Government for the benefit of those who avail themselves of the second-class mail privilege. If the people get it back because of the educational advantage derived, then there is no waste, no graft; but certainly it comes nearer being a subsidy than the items found in the pending bill.

Mr. KENYON. Mr. President, if this postal matter is wrong, it ought to be righted, and I would join with the Senator in an effort to remedy it; but if it is right, as the Senator seems now to say, on the ground of educational advantage, then there is nothing in the Senator's argument.

Mr. BRYAN. No, Mr. President; I think the rates ought to be raised. I think, perhaps, it might be well to let the news matter solely go perhaps at a loss, but where they double the size of a magazine for advertising and reap great benefit and great profit, it seems to me that they are in poor position to criticise the appropriations by Congress for rivers and harbors for the benefit of the people of the entire country. I do not desire the Senator to understand that I concede that the rates ought not to be raised; but I asked the Senator the question so that perhaps he and the editorial writers on the papers and magazines might consider that there is less justification for the rates they enjoy and there is more subsidy from the Government to them than in perhaps any other appropriations that come out of the Federal Treasury.

Mr. RANSDELL. Mr. President, it is a source of very painful surprise and regret to me to see such a disposition on the part of serious-minded Senators to cast such terrible reflections upon Members of their own body. The intimation—in fact, the direct charge—that the rivers and harbors bill contains "pork" or "graft" is certainly a very serious reflection upon every member of the Commerce Committee of the Senate who prepared the bill, and upon every Member of the House of Representatives, which passed those items of it that were sent to the Senate by the House.

What is "pork"? I have never heard any definition of it; but under the common acceptation it surely means that Congress is attempting to divide, to scatter around in different States and congressional districts, improper, unwarranted appropriations of public money in order to benefit some Representative or Senator.

What is "graft"? It is the receipt of a sum which you have no right to receive—an unlawful, an unjust sum. One public man recently gave utterance to the sentiment that many of the items in the river and harbor bill are "a humbug and a steal." Do the Senators who criticize this bill consider that any items in it are "a humbug and a steal"; and if so, what are these items? I should like to have them rise in their places and say what items in this bill are a humbug and a steal. What items are "graft"? What items in this bill are for the personal benefit of some Member of the House of Representatives or of some Senator?

Yet, in cold blood, that is what they mean by charging "graft" and "pork." They mean that some Senator has secured an appropriation that was unwarranted, unjust, that he had no right to secure, or that some Member of the other branch of Congress has secured an appropriation for his district that he had no right to secure, that is not warranted by the benefits to commerce to be derived from that public appropriation.

Sir, it is certainly a source of the greatest surprise and regret to me that Members of this the most dignified legislative tribunal on earth should make such accusations against their fellow Members. That is what it means, however, and you can not make anything else of it. They make those accusations without pointing out the items, without giving a bill of particulars, without treating us, sir, as any ordinary thief is treated;

Memorandum showing present status of certain river and harbor works, etc.—Continued.

Locality.	Status.
Bayou Teche, La	Work will suspend Nov. 1.
Bayou Plaquemine Brule, La	Work will suspend Aug. 15.
Trinity River, Tex	Open-channel work suspended.
Cypress Bayou, Tex. and La	Maintenance work suspended.
Red River above Fulton, Ark	Work will be suspended about November.
Red River below Fulton, Ark	Maintenance work suspended about Aug. 15.
Trinity River, Tex. (locks and dams)	Work will be suspended about October.
Sabine Pass, Tex. (maintenance)	Do.
Texas Coast waterway:	
Guadaloupe River	Work now suspended.
Aransas Pass to Pass Cavallo	Funds exhausted; redredging needed before next year's bill.
Brazos River to Matagorda Bay	Do.
West Galveston Bay to Brazos River	Do.
Aransas Pass to Corpus Christi	Do.
Brazos River:	
Lock No. 1	Work will be suspended Aug. 31.
Lock No. 8	Work will be suspended Sept. 30.
Ouachita River, La. and Ark	Open-channel work now suspended.
Yazoo River, Miss	Do.
Big Sunflower River, Miss:	
Open-channel work	Work now suspended.
Lock and dam	Work will be suspended about Sept. 15.
Ouachita River, Lock 3	Work now suspended; very important, low-water period being wasted.
White River, Ark	Work now suspended for lack of funds.
Cache River, Ark	Do.
Current River, Ark. and Mo	Do.
Black River, Ark. and Mo	Do.
St. Francis River, Ark	Do.
Arkansas River, Ark. and Okla.:	
Snagging	Only half force working; suspend Sept. 1.
Dredging	Without further funds will suspend Dec. 1.
Mississippi River:	
Ohio to Missouri River	Work already cut down one-half; will suspend all work except dredging Aug. 1.
Missouri River to Minneapolis	Day labor on dams and shore protection already suspended; all day-labor work, including dredging, must shut down July 15. No funds for care of plant and office expenses after Aug. 15. Failure to proceed will entail great hardship to contractors on account of materials gotten out for future work on their own responsibility.
St. Paul to Minneapolis	Must suspend about November.
Brainerd to Grand Rapids	Already suspended.
Missouri River:	
Kansas City to Sioux City	Work will be suspended by November.
Sioux City to Fort Benton	Work will be suspended by September.
Gasconade River, Mo	Work now stopped by lack of funds.
French Broad River, Tenn	Day-labor work already suspended.
Tennessee River, below Riverton, Ala	Day-labor work will be suspended in two weeks.
Ohio River, Dam 39	Hired-labor work must suspend July 31.
Ohio River	Hired dredges must be released Sept. 1.
Pittsburgh Harbor	Maintenance work suspended.
Monongahela River, Dam 6	Day-labor work will be suspended Aug. 1.
Ohio River, locks and dams:	
Dams 12, 14, 19, 20	Contracts for movable parts must be deferred.
Dam 15	Work suspended in incomplete state Jan. 1.
Dam 26	Work suspended Sept. 1.
Dam 28	Work suspended Aug. 1.
Dams 21 and 22	Work can not be started.
Dam 43	Work will be suspended Sept. 30.
Ontonagon Harbor, Mich	Work suspended.
Agate Bay, Minn	Work will be suspended July 15.
Kewaunee Harbor of Refuge, Mich	Work can not be resumed.
Two Rivers Harbor, Wis	Work will be suspended Aug. 1.
Racine Harbor, Wis	Do.
Fox River, Wis	Work will be suspended Aug. 10.
Michigan City Harbor, Ind	Funds needed immediately for repairs and dredging.
South Haven Harbor, Mich	Work suspended awaiting funds for maintenance.
Ludington Harbor, Mich	Do.
Muskegon Harbor, Mich	Work will be suspended about Aug. 1.
Harbor Beach Harbor of Refuge, Mich	Repair work important; no funds available.
Toledo Harbor, Ohio	No funds available for maintenance; funds for contract dredging will be exhausted in September.
Huron Harbor, Ohio	Maintenance dredging prevented by lack of funds.
Charlotte Harbor, N. Y	Work suspended for lack of funds.
Los Angeles Harbor, Cal	Dredge will be laid up Jan. 1; funds needed to remove silting in East Basin.
Humboldt Bay, Cal	Work will be suspended Aug. 1.
Sacramento and Feather Rivers, Cal	Work will be suspended Jan. 1.
Coos Bay, Oreg	Work will close down before Aug. 1; bar dredge losing most favorable season for work.
The Dalles-Celilo Canal, Oreg	Work practically closed; overhead charges high.
Willamette River:	
Portland to Oregon City	Operations are suspended.
Above Oregon City	Operations will be suspended about Sept. 15.
Clatskanie River, Oreg	Operations are suspended.

Memorandum showing present status of certain river and harbor works, etc.—Continued.

Locality.	Status.
Cowlitz River, Wash	Operations are suspended.
Lewis River, Wash	Work will be suspended about Aug. 15.
Columbia and Lower Willamette Rivers, Oreg. and Wash.	Work will be suspended about Sept. 1.
Columbia River, jetties at mouth	Work will be suspended about Aug. 15.
Columbia River, Bridgeport to Kettle Falls, Wash.	Work now suspended for lack of funds.
Grays Harbor and Bar, Wash	Work will be suspended Aug. 1.
Grays Harbor and Chehalis River, Wash.	Work delayed on account of lack of funds.
Mississippi River Commission	Failure of bill will necessitate limiting work to dredging and would exhaust all reserves for high-water protection works.

Mr. JONES. Mr. President, in the suggestion I made I did not intend to convey the impression that I thought the trade commission bill should be displaced and that the river and harbor bill should be taken up in place of it. I simply meant that the river and harbor bill should not be called up until the situation is such that it can be pressed to a conclusion. I believe it would be wise if the trade commission bill could be postponed for a few days until we get all the trust measures out, so that we may consider them all together or when we know what the whole program is to be. But that probably will not be done, and I do not especially object to having the trade commission bill considered and disposed of. What I did want to suggest was that it is simply a waste of time for the Senate and is a failure to consider other meritorious measures that might be taken up until 2 o'clock, to bring up the river and harbor bill from day to day for consideration for an hour or two and then put it aside.

Mr. KENYON. Mr. President, I do not want to delay the remarks of the Senator from Ohio [Mr. BURTON], but inasmuch as the Senator from North Carolina [Mr. SIMMONS] has suggested that the people of the country are demanding the passage of this bill and anxiously awaiting its passage, I think it is a very opportune time to place in the RECORD an editorial from a great magazine having a circulation of some 6,000,000 in this country. Newspapers certainly reflect the general sentiment of the people, and I ask that this editorial may be read. It is from the Saturday Evening Post, and is very short.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE PEOPLE WANT TO KNOW.

Congress appropriates thirty-five or forty million dollars a year for improvement of rivers and harbors. The bills are passed on the time-honored pork-barrel plan. That the expenditures involve huge waste of public funds, and that a considerable part of them is nothing better than graft in an especially obnoxious form, is commonly believed.

If it were generally accepted that such misuse of money derived from the general public obtained in any other field—say, in the railroad field—Congress would immediately order an investigation. Congressman FREAR proposes in a concurrent resolution that the House shall order a thorough investigation by the Interstate Commerce Commission of river and harbor expenditures. An investigation by a body independent of Congress would be better, but the Interstate Commerce Commission is acceptable.

We feel warranted in assuring Congress that the public would like to know approximately how much of the hundred and fifty millions or upward that has been spent on river and harbor improvement in the last five years has resulted in any tangible public benefit, approximately how much has been wasted, and about how much represents a form of political graft.

We say this without prejudice. A great part of the expenditure may have been quite justified by tangible public benefits resulting from it. The waste may be inconsiderable. But people generally believe that an important portion of the hundred and fifty millions or upward is just a tapping of the public till for the political benefit of individual Congressmen.

Surely that circumstance requires an authoritative investigation. Congress commands extensive resources for investigating. Let it employ them in this case at home.

Mr. SIMMONS. Mr. President, the Senator from Iowa sent to the desk and had read an article from the Saturday Evening Post denouncing the present river and harbor bill as being a pork-barrel proposition and full of graft. The Senator from Iowa seems to think that he has invented the theory that the river and harbor bill is a pork-barrel proposition and a graft proposition. There has been no time since I have been in the Senate, and there has not been a time in my recollection since the Government began to appropriate money for rivers and harbors, when a certain class of "uplift" papers in this country and "uplift" magazines, some of them receiving from one to two million dollars a year of graft in connection with the transportation through the mails of their own journals, has not been charging and characterizing this bill as graft. It is no new

thing. The same propaganda that is going on in connection with this measure has been carried on in connection with every river and harbor project that has been introduced. The Senator from Iowa is not a discoverer of these new terms, neither is the Saturday Evening Post. This is not the first bill to which they have been applied.

Mr. KENYON. I do not claim to be any discoverer. The people of the country have discovered it.

Mr. SMITH of Michigan. Mr. President, of course I do not like the phrase which has been applied to this bill, and I shall not dignify it by repeating it. It is not becoming to the man who utters it, neither is it proper phraseology in a Chamber of this character. I think it is very bad form, indeed, to allow an impression to prevail that this bill lacks the sanction of the engineers of the Army.

Now, I want to tell you the only interest that I have in the bill. The items for my State have come automatically from the Engineer Department of the Army. Neither by word or writing have I contributed in any way to the desire for the approval of the War Department.

I did put an appropriation in of $25,000 to finish up a harbor which serves a country community and is absolutely essential to their welfare. That community having built the harbor at their own expense at a cost of $75,000, the Engineer Corps estimated that it would take $150,000 to put the harbor in such shape as it ought to be put in. Two years ago we appropriated $10,000 to that harbor on my suggestion. The engineer officers expended the money, and said it was wisely expended. Last year we put $15,000 in the bill for the same project, which the engineers expended, and said it was wisely expended. This year the project which was to cost $150,000 as estimated for by the engineers is to be finished by an appropriation of $25,000.

Is not that economy? I think it is.

Mr. SIMMONS. I wish to ask the Senator from Michigan a question.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Michigan yield to the Senator from North Carolina?

Mr. SMITH of Michigan. Certainly.

Mr. SIMMONS. The Senator from Michigan is a member, as I ami, of the Committee on Commerce, and he has been a member for quite a number of years. I think the Senator from Michigan has been a member of the subcommittee that has considered the river and harbor bill item by item for a number of years. I wish to ask the Senator from Michigan if since he has been a member of that committee there has ever been any more thorough investigation and consideration to the various items of any river and harbor bill within his knowledge than there was given to this bill by the subcommittee having it in charge?

Mr. SMITH of Michigan. No, Mr. President. I have no hesitation whatever in saying that the subcommittee, with great thoroughness and conscientiousness, approached their task and performed their work well. The mystifying part of it all to me is that such a subcommittee, consisting of the Senator from North Carolina [Mr. SIMMONS], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Louisiana [Mr. RANSDELL], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. BURTON], and myself, were in practical accord from the time we started that work until it was finished. I say without any hesitation, because it is just to him to say and to his credit to say that the distinguished Senator from Ohio, while a number of the projects did not come in the form in which he would have desired, put the stamp of his approval upon nine-tenths of this bill without any hesitation whatever. The Engineer Corps, who have been given paramount authority in appropriations of this character, have estimated and have recommended, uninfluenced by local clamor or self-concern, 99 per cent of this bill.

I understand that there was not a single item put in in the House of Representatives that was not estimated for except one item, which was put in on the floor after the bill reached the House. It was within the province of the House to do it. They have the right and the power and the authority to recast the bill entirely if they desire, but they put just one item in, as I am informed.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Louisiana?

Mr. SMITH of Michigan. Certainly.

Mr. RANSDELL. I should like to ask the Senator if he alludes to the item for Vicksburg Harbor?

Mr. SMITH of Michigan. I do.

Mr. RANSDELL. I understand that was recommended by the Chief of Engineers. I am informed by Mr. HUMPHREY, a member of the House committee, and it is my recollection that it was recommended by the Chief of Engineers.

Mr. SMITH of Michigan. I have no doubt of it. However, the recommendation did not reach the committee when the bill was being considered in committee, I believe, and the item was placed upon the bill on the floor.

Mr. RANSDELL. It was reported favorably by the Engineer Corps.

Mr. SMITH of Michigan. Yes; but the item was placed upon the bill on the floor after the bill reached the House.

Mr. President, my honored friend from Ohio [Mr. BURTON] laid the foundation for much of the work which is now being perfected under the river and harbor acts. He did it with care and conscientiousness and thoroughness. No man in the entire country understands that situation better than he. If these projects were wrong they were wrong in their inception. To leave them now unfinished would be a poor policy. The department does not believe it can safely do it. To set this whole bill aside or place it in the category of abandoned and undesirable legislation is not to our credit.

When the work of deepening harbors, dredging rivers, and caring for our inland shipping was determined upon, the Government was committed to a great work, and it has been performed with wonderful thoroughness. If I should ever be called upon, as probably I never will be, to credit the distinguished Senator from Ohio with his most important work as a legislator—and all his work has been important; all reflects credit upon his country and upon his State; it has been intelligent and well directed and carefully considered, and I lament that the country is not to have the benefit of his services longer—if I were to ascribe to him the most important work that he has accomplished during his years of usefulness as a public servant, I should say it was his familiarity, careful scrutiny, and unhesitating purpose to put into law the great improvements that mark the history of the last quarter of a century in river and harbor work.

This bill, which may be his final work in that direction, is not discreditable to him at all. It is creditable to him, and he will take his due share of responsibility for it. If here and there some improvement seems unjustified or if time has shown that in its incipiency it was not wise, it is too late to stop it. It would be more extravagant to stop it now than to go ahead and complete the work, and leave to future generations of our countrymen the question whether it is meritorious and desirable.

Mr. KENYON. Mr. President, I wish to ask the Senator from Michigan a question about one proposition in his State. We have appropriated over $500,000 for Grand River. I should like to ask the Senator if he is very familiar with the Grand River?

Mr. SMITH of Michigan. I am. I bathed in it when I was a boy and nearly drowned in it in my youth.

Mr. KENYON. If there is enough water to drown anybody in it, it is different from many of these streams.

Mr. SMITH of Michigan. The boy who was with me did drown, much to my regret.

Mr. KENYON. And it was our good fortune that the Senator did not. Does the Senator believe that the money expended there resulted in such an improvement of navigation for the general public as to justify that large expenditure?

Mr. SMITH of Michigan. I want the Senator to listen to what I say. Grand River is the largest river in Michigan. It has its origin in the home city of my colleague, Senator TOWNSEND. It flows down through a rich agricultural country, through numerous villages and cities in my State, and it passes through Grand Rapids, my home. It assumes large proportions. At times it has been 16 feet deep. One of my predecessors in the House many years before I entered, Mr. Houseman, a very distinguished citizen of Grand Rapids, secured an early appropriation——

Mr. SIMMONS. Will the Senator from Michigan let me interrupt him? I wish to ask the Senator if there is any appropriation in this bill for that river?

Mr. SMITH of Michigan. No; not a cent; but that does not matter. My friend from Iowa put his finger on Grand River and I am going to keep his finger there until I get it wet, at least; and when he draws it out he will find that there has been no waste of money there.

One of my predecessors, a very distinguished Democrat, in the House of Representatives as early at 1870 secured an appropriation of $50,000, I believe, for that river. There were steamboats upon it and a goodly traffic. Time went on and I came into the House of Representatives. I found the chamber of commerce

the bill are willing to submit it to another body. The Senator knows the theory upon which this bill is constructed, and he knows that in all human probability a majority of the Senate will not strike out any item in the bill; but the Senator and his friends on the other side could agree in advance that the bill should be purged of a great many items that ought not to be in it, to which attention will be called and which will be resisted.

Mr. SIMMONS. I shall have no hesitation in agreeing that any item that a majority of the Senate says ought to be stricken out shall be stricken out.

Mr. SMITH of Michigan. Mr. President, if the Senator from North Carolina will permit me, I should like to suggest to the Senator from New Hampshire that there is not a single item in the bill that ought to be stricken out. Ninety-nine per cent has been recommended by the Board of Engineers.

Mr. GALLINGER. Mr. President, in view of the fact that Michigan has 40 or 50 items in the bill, of course the Senator thinks nothing should be stricken from the bill.

Mr. SMITH of Michigan. Mr. President, Michigan has 15 items in this bill, and all were approved by the distinguished Senator from Ohio [Mr. BURTON].

Mr. GALLINGER. Mr. President, that will appear as the bill is debated.

Mr. SMITH of Michigan. That will appear, and to the entire satisfaction of the Senator from New Hampshire.

Mr. GALLINGER. The Chief of Engineers has been called in to bolster up this kind of legislation, and he admits that one-half of 1 per cent of this bill is fraudulent. That would be about four or five hundred thousand dollars.

Mr. SMITH of Michigan. Oh, Mr. President, that can not be true. The Senator has been misinformed.

Mr. GALLINGER. The Senator can read the letter of the Chief of Engineers.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Colorado will state it.

Mr. THOMAS. What question is before the Senate?

The VICE PRESIDENT. The question is the river and harbor bill, which is being discussed now, as the Chair understands, in all its general features.

Mr. THOMAS. Then I call for the regular order.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Mr. President, I must beg the pardon of the Senator from Colorado, but I was addressing myself to the bill.

Mr. GALLINGER. Certainly; so was I.

Mr. SIMMONS. It is the regular order. I was addressing myself to the bill. I was interrupted by the Senator from New Hampshire, and I have been trying to reply to some suggestions and inquiries that he made.

The Senator from New Hampshire says I well know that the items of which he does not approve, and which he criticizes, will not be stricken out of the bill. I do not know that the Senate, by a majority vote, will refuse to strike out any item in the bill of which it disapproves; but if it be a fact that a majority of the Senators will not strike out some items that the Senator from New Hampshire thinks are not worthy of Government improvement, then I think the Senator from New Hampshire ought to be willing, as I am willing, to bow to the judgment of a majority of the Senators here, acting upon their responsibility to their constituents and to the country.

Mr. President, I have not seen the letter to which the Senator from New Hampshire refers as emanating from the Chief of Engineers. I do not believe the Senator has correctly reported the Chief of Engineers in the statement that he thought one-half of 1 per cent of the items in this bill were fraudulent. I can not conceive of a Government official making any such declaration as that; but if he has made any such declaration as that, I undertake to say there is no foundation for it. There is not a fraudulent item in the bill. There is not a single item in the bill that has not received the approval of the Board of Engineers and the Chief of Engineers, and that does not come before this body represented as being worthy by the people we have by law intrusted with investigating and determining these matters.

Mr. BANKHEAD. Mr. President, will the Senator yield to me for a moment?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Alabama?

Mr. SIMMONS. Yes.

Mr. BANKHEAD. I think it is well to keep the record straight in matters of this sort. The Chief of Engineers, in discussing some newspaper article criticising this bill on the ground that is was a "pork barrel," is reported to have said, and I expect did say, that he was satisfied that not more than one-half of 1 per cent of the bill was "pork." That is what he stated; not that the items were fraudulent, or anything of the sort.

Mr. GALLINGER. What he did say was:

> My judgment is that there is less than one-half of 1 per cent pork in the river and harbor bill now pending.

Mr. BANKHEAD. Not "fraudulent."

Mr. GALLINGER. It was a most astonishing communication, emanating from the Chief of Engineers. I think he entirely transcended his authority in making it.

Mr. SIMMONS. Mr. President, does the Senator from New Hampshire say, if there is any "pork" in this bill, that there is any more "pork" in it than there was in the river and harbor bills that we passed heretofore?

Mr. GALLINGER. Oh, I think not. I think North Carolina has had a lot of "pork" in every river and harbor bill.

Mr. SIMMONS. Not any more so in this bill than in the river and harbor bills that the Senator from New Hampshire, as a member of the Committee on Rivers and Harbors, has heretofore approved.

Mr. GALLINGER. I will explain that when I come to discuss the bill. I approved them largely to please the Senator from North Carolina, who always appealed to me to stand by his items in the bill.

Mr. CLARK of Wyoming. Mr. President, I should like to ask the two Senators engaged in the colloquy what is meant by the term "pork" in connection with this bill? [Laughter.]

Mr. GALLINGER. Mr. President, the Senator from Louisiana had inserted in the RECORD a long communication from a Member of the other House in which he explained very lucidly the meaning of "pork," and I shall call attention to that communication later on.

Mr. SIMMONS. Mr. President, I am not going to stop to discuss the question of "pork" in this bill. We all understand what is meant by that term; and the Senator from New Hampshire only claims that there is one-half of 1 per cent in the bill, according to the statement of the engineer.

Mr. GALLINGER. Oh, no.

Mr. SIMMONS. He has just said, further, that he does not think there is any more "pork" in this bill than in the bills he has been in the habit of passing heretofore.

Mr. GALLINGER. No, Mr. President; I——

Mr. SIMMONS. Just a moment. It would be a very extraordinary thing if we could pass a river and harbor bill, or any other bill dealing with as many single units as a river and harbor bill does, without there creeping into it some one or two things that were not proper to be put in the bill. If the Senator has in mind any particular items in this bill that he regards as "pork" in the sense in which he has used the term, I should be very glad if he would now or at some future time point out those particular items, and furnish us a list of them, so that we may investigate them.

Mr. GALLINGER. At the proper time I shall call attention to an item in the State of North Carolina where it is asserted by the Engineer Corps that at the head of navigation there is one-tenth of 1 inch of water on that improvement.

Mr. SIMMONS. I do not know to what item the Senator refers.

Mr. GALLINGER. I shall call attention to it.

Mr. SIMMONS. I shall be very glad, when we reach that item, if the Senator will call our attention to it, and we will discuss it.

Mr. GALLINGER. Yet there is a further appropriation in this bill for that stream when at the head of navigation there is only one-tenth of 1 inch of water at the present time—not enough to wash a new-born babe.

Mr. SIMMONS. Will the Senator tell me what stream he is talking about?

Mr. GALLINGER. I will tell the Senator in my own time at the proper time.

Mr. SIMMONS. I shall be very glad to hear the Senator's statement, and I have no doubt I shall be able to meet the Senator's argument upon that question.

Mr. President, I do not care to take up time unnecessarily. I wish to ask to have inserted in the RECORD a memorandum which the chairman of the Committee on Rivers and Harbors of the House caused to be prepared, setting forth the urgency of action, so that these different projects may be provided with funds, some of them being now out of funds, and showing the effect of a failure of the passage of this bill at the present session of Congress.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORANDUM CONCERNING THE PRESENT STATUS OF CERTAIN RIVER AND HARBOR WORKS AND PROBABLE EFFECT ON OTHERS IN THE EVENT OF THE FAILURE OF THE PENDING RIVER AND HARBOR BILL.

JULY 11, 1914.

The estimates submitted by the Engineer Department in recent years have been submitted on the assumption that there would be a river and harbor act each year, the act to be passed during the long session becoming a law not later than June 30 and that passed during the short session to become a law not later than March 1. Every effort has been made to keep the estimates down to the amounts actually needed to permit of economical prosecution of the works adopted by Congress up to the dates mentioned, and by reason of the regular passage in the past four years of river and harbor acts confidence that this policy would be continued has been gradually acquired; and not only the Engineer Department, but contractors engaged in furnishing materials or doing work under the department have acquired the same confidence and have made their plans accordingly.

On account of lack of funds, work is now suspended, or will shortly be suspended, on about one-third of the works provided for in the pending river and harbor bill. Should no act be passed at this session, the number of works suspended will be very considerably increased before an act could be passed at the next session of Congress. The suspension of work results not only in positive loss of time and possible interference with navigation, but seriously handicaps and greatly adds to the cost of future work by the disorganization of working forces and the effect which it has upon the confidence of contractors supplying materials or doing work for the department.

A list is herewith, showing the present status of the work on a considerable number of river and harbor works. Of the works in urgent need of additional funds attention is particularly invited to the following:

Boston Harbor, Mass., 35-foot channel: While money is on hand to pay all contract requirements for the completion of this channel, there are no funds available for the work of maintaining the completed portions. An estimate of $200,000 was submitted for this work and is carried in the pending bill, and it is very desirable that this amount should be made available at an early day.

Hudson River, N. Y.: This project was adopted in 1910 with a view to completion within a period of four years. Considerable delay was experienced in getting this project started, but the work is now well under way and should be prosecuted without interruption. Unless additional appropriations become available, all work carried on with Government plant and hired labor must be suspended by July 15 or such a reorganization of the working force be made necessary as will tend to further delay the completion of the project and increase the ultimate cost. This project is in extension of the New York State Erie Barge Canal, and the lock and channel involved should be available by the time that canal is completed.

Delaware River between Philadelphia and the sea: The existing (35-foot) project is being prosecuted at the rate of over $1,000,000 a year. When the estimate for the current year was submitted, it was prepared with the expectation that the appropriation would be made on or before June 30, 1914. Unless additional funds become available at an early day, work with Government plant must cease and the present working force be discharged. Work under contract must also be reduced to a minimum in order to cover office expenses and care of plant until work shall be resumed under future appropriations.

Absecon Inlet, N. J., and Wilmington Harbor, Del.: The river and harbor act of 1912 authorized the construction of dredges for these two localities. These dredges will be completed within the next few months, but no funds will be available for their maintenance or operation until provided by Congress.

St. Johns River, Fla.: Unless further funds are provided, work with Government plant, as at present organized, must be suspended about October 1, and the plant laid up or transferred to other localities.

Channel from Apalachicola River to St. Andrews Bay, Fla.: This project was adopted in 1910 and is now near completition; but work with Government plant has already been shut down for lack of funds and further operations must await additional appropriations. An item of $65,000 for completion of this project is carried in the pending bill.

Black Warrior River, Ala., locks and dams: The pending bill contains an item of $750,000 for the completion of this project. Unless these funds become available at an early day work on Dam No. 17 must be suspended.

Southwest Pass, Mississippi River: No funds are available for purchase of stone for raising the jetties, and this important work must be held in abeyance until additional appropriation is made.

Mississippi River between the Missouri River and Minneapolis, Minn.: This project is being prosecuted with a view to completion within a period of 12 years from 1910, and the estimates are prepared with the understanding that additional funds will be made available on or before June 30 of each year. Part of the work with Government plant has already been stopped and more will be suspended on July 15. In addition to the loss to the United States incident to the breaking up of the present working force, storage of plant, etc., failure to proceed with the work at this time will entail great hardship on the contractors on account of large quantities of materials gotten together by them on their own responsibility with a view to future contracts, relying on the declared policy of Congress in favor of an annual river and harbor bill.

Monongahela River, Pa.: Work of reconstruction of Lock and Dam No. 6 will be suspended by August 1, unless additional appropriation be made available prior to that date.

Ohio River, locks and dams: Suspension of work by hired labor on this project will be necessary at an early day, as well as postponement of beginning construction of additional locks and dams, unless further appropriations are made available for the prosecution of this project which is to be completed within a period of 12 years.

Columbia River at The Dalles-Celilo Canal, Oreg.: Work on this project is practically closed and, as the overhead charges there are high, it would be desirable to shut down immediately and entirely if it were not probable that the appropriation for completion of the work which is carried in the pending bill would become available at an early day.

Coos Bay, Oreg.: Unless funds become earlier available, work of dredging with Government plant will close down before August 1, thus losing a part of the most favorable season for work at this locality.

Columbia River at the mouth, Oregon and Washington: Without additional funds work on this project must cease about August 15. Suspension of operations in connection with this improvement must be regarded as most unfortunate. The life of the trestle used in dumping rock into the jetty is short at best, and in addition to being expensive in first cost requires heavy expenditures for its upkeep. Deterioration is as rapid when not in use as when work is in progress. Experience has shown that periods of idleness involve very large sums for restoration of plant and equipment and also increased quantities of rock on account of scour at the exposed end of the jetty. Uninterrupted operations are therefore essential to economy and the accomplishment of the best results. Any considerable delay at this time would greatly add to the cost of an already expensive project.

Columbia and lower Willamette River, below Portland, Oreg.: An expensive plant has been provided by Congress for use in cooperation with the Port of Portland Commission in securing and maintaining a 30-foot channel up to Portland. Unless funds are forthcoming, this plant must be laid up about September 1.

Grays Harbor and Bar, Wash.: This project is similar to that at the mouth of the Columbia River. The work of repair and maintenance of the jetty trestle will be suspended August 1 unless additional funds are provided.

Mississippi River Commission: While work has not yet been suspended on the Mississippi River between Head of Passes and the mouth of Ohio River a longer delay in providing additional appropriations will necessitate limiting the work of the commission to dredging and tend to exhaust all reserves for high-water protection works.

The remainder of the list is made up of works smaller in magnitude, but perhaps relatively as urgent.

Mr. SIMMONS. I also wish to have inserted a memorandum showing the present status of certain river and harbor work and the condition at other localities in the event of the failure of the pending river and harbor bill.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Memorandum showing present status of certain river and harbor works and condition at other localities in the event of the failure of the pending river and harbor bill.

Locality.	Status.
Boston Harbor, Mass., maintenance of 35-foot channel.	Work suspended for lack of funds.
Thames River, Conn.	Desirable maintenance dredging deferred from lack of funds.
New Haven Harbor, Conn.	Dredging will be suspended about Aug. 1.
Port Chester Harbor, N. Y.	No work in progress, due to lack of funds.
East Chester Creek, N. Y.	Do.
Westchester Creek, N. Y.	Do.
Tarrytown Harbor, N. Y.	Do.
Hudson River, N. Y. (day labor)	Part of the work must be suspended and the rest prosecuted under a less advantageous system.
Harlem River, N. Y.	Work will stop sooner or later this season.
Bronx River, N. Y.	Do.
Mamaroneck Harbor, N. Y.	Do.
Et al. in district.	Do.
Delaware River below Philadelphia, Pa.	Hired labor work will be suspended at an early day, and contract work be prosecuted at a minimum rate.
Cooper River, N. J.	Work now suspended for lack of funds.
Appoquinimink River, Del.	Do.
Raccoon Creek, N. J.	Work will be suspended in September.
Murderkill River, Del.	Work will be suspended in July.
Mispillion River, Del. (maintenance)	Work will be suspended in August.
Wilmington Harbor, Del.	No funds available for operation of new dredge upon completion about Jan. 1.
Absecon Inlet, N. J.	Do.
James River, Va.	Work will be suspended about September.
Trent River, N. C.	Work suspended for lack of funds.
Swift Creek, N. C.	Do.
Waterway, Pamlico Sound to Beaufort Inlet, N. C.	Do.
Cape Fear River, N. C.:	
Above Wilmington (maintenance)	Do.
Below Wilmington	Work will be suspended Sept. 1.
Charleston Harbor, S. C.	Work now suspended.
Congaree River, S. C.	Work can be continued three months.
Altamaha, Oconee, and Ocmulgee Rivers, Ga.	Hired labor work will stop July 15.
St. Johns River, Fla.:	
Below Jacksonville	Hired labor work with present plant will stop about Oct. 1.
Above Jacksonville	Work now suspended for lack of funds.
Clearwater Harbor-Tampa Bay Channel	Do.
Apalachicola River, Fla.	Do.
Flint River, Ga.	Work now suspended for lack of funds.
Chattahoochee River, Ga. and Ala.	Do.
Channel, Apalachicola River to St. Andrews Bay, Fla.	Do.
St. Andrews Bay, Fla.	Do.
Choctawhatchee River, Fla. and Ala.	Do.
Escambia and Conecuh Rivers, Fla. and Ala.	Do.
Alabama River, Ala.	Hired labor work will stop July 31.
Apalachicola Bay, Fla.	Do.
Gulfport Harbor, Miss.	Work suspended for lack of funds.
Mobile Bar, Ala.	Do.
Channel from Mobile Bay to Mississippi Sound, Ala.	Do.
Tombigbee River, Ala. and Miss.	Do.
Mobile Harbor, Ala.	Work will suspend in about a month.
Black Warrior River, Ala.	If available funds are used for Locks 2, 3, and 16, work on Lock 17 must suspend about Sept. 1. If funds are used to keep work going on Lock 17, work on Locks 2 and 3 must be suspended, interrupting navigation completely and dams not properly protected. Suspension of work may lead to great loss or damage.
Bayou Terrebonne, La.	Work now suspended for lack of funds.
Bayou Grosselete, La.	Do.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

Mr. KENYON. I object, Mr. President.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill.

Mr. SMITH of Michigan. Mr. President, from day to day we find ourselves endeavoring to secure the passage of a bill which forms a part of the annual budget of the Government and are met by a parliamentary situation difficult to understand.

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Sterling
Bankhead	Gallinger	Norris	Stone
Brady	Goff	O'Gorman	Thomas
Brandegee	Gronna	Overman	Thornton
Bristow	Hollis	Page	Tillman
Bryan	Hughes	Perkins	Townsend
Burton	Johnson	Poindexter	Vardaman
Camden	Jones	Ransdell	Walsh
Catron	Kenyon	Reed	Warren
Chamberlain	Kern	Saulsbury	Weeks
Chilton	Lane	Shafroth	West
Clapp	Lea, Tenn.	Sheppard	White
Clark, Wyo.	Lewis	Simmons	Williams
Crawford	McCumber	Smith, Mich.	Works
Culberson	McLean	Smoot	

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS].

Mr. CHILTON. I desire to announce the necessary absence of the Senator from New Mexico [Mr. FALL].

Mr. CAMDEN. I wish to announce the unavoidable absence of my colleague [Mr. JAMES], who is paired with the Senator from Massachusetts [Mr. WEEKS]. I ask that this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I also desire to announce the absence of the junior Senator from Wisconsin [Mr. STEPHENSON]. I ask that this announcement may stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Michigan. Mr. President, I understand the motion of the Senator from North Carolina [Mr. SIMMONS] is pending?

The VICE PRESIDENT. Yes; but it is not debatable.

Mr. SMITH of Michigan. I understand that. I had just about finished my remarks when a quorum was demanded. Under the rule I am unable to proceed, and I do not think what I have to say is of sufficient importance to ask unanimous consent to enable me to say it. Therefore I will await another opportunity.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate proceed to the consideration of the bill commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and in his absence I withhold my vote.

Mr. BRYAN (when Mr. FLETCHER's name was called). My colleague [Mr. FLETCHER] is absent from the city on important public business. I shon'd like to have this announcement stand for the day, without repeating it. My colleague is paired with the Senator from Wyoming [Mr. WARREN]. If present and at liberty to vote on this motion, my colleague would vote "yea."

Mr. HOLLIS (when his name was called). I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. SAULSBURY (when his name was called). My general pair with the junior Senator from Rhode Island [Mr. COLT] is so modified as not to apply to questions of this character. I therefore vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from New Jersey [Mr. MARTINE]. I make this transfer for the day. I vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER], and withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. He being absent, I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH]. I ask that the statement as to my pair and its transfer stand for the day. I vote "yea."

The roll call was concluded.

Mr. THOMAS. I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. CATRON (after having voted in the negative). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness, and will allow my vote to stand.

Mr. McLEAN (after having voted in the negative). I inquire if the senior Senator from Montana [Mr. MYERS] has voted?

The VICE PRESIDENT. He has not.

Mr. McLEAN. I have a pair with that Senator, and therefore withdraw my vote.

Mr. CHAMBERLAIN. The pair which I have with the junior Senator from Pennsylvania [Mr. OLIVER] I transfer to the Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. GRONNA (after having voted in the negative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a pair with that Senator, and therefore withdraw my vote.

Mr. TOWNSEND. I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], and therefore refrain from voting.

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement may stand for the day.

The result was announced—yeas 34, nays 17, as follows:

YEAS—34.

Bankhead	O'Gorman	Shafroth	Thornton
Bryan	Overman	Sheppard	Tillman
Camden	Perkins	Simmons	Walsh
Chamberlain	Pittman	Smith, Ga.	West
Hollis	Poindexter	Smith, Mich.	White
Hughes	Pomerene	Sterling	Williams
Kern	Ransdell	Stone	Works
Lea, Tenn.	Reed	Swanson	
Martin, Va.	Saulsbury	Thompson	

NAYS—17.

Ashurst	Catron	Jones	Page
Borah	Clapp	Kenyon	Smoot
Brady	Cummins	Lippitt	
Brandegee	Gallinger	McCumber	
Bristow	Goff	Norris	

NOT VOTING—45.

Burleigh	Gore	Myers	Smith, Md.
Burton	Gronna	Nelson	Smith, S. C.
Chilton	Hitchcock	Newlands	Stephenson
Clark, Wyo.	James	Oliver	Sutherland
Clarke, Ark.	Johnson	Owen	Thomas
Colt	La Follette	Penrose	Townsend
Crawford	Lane	Robinson	Vardaman
Culberson	Lee, Md.	Root	Warren
Dillingham	Lewis	Sherman	Weeks
du Pont	Lodge	Shields	
Fall	McLean	Shively	
Fletcher	Martine, N. J.	Smith, Ariz.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. GALLINGER. Mr. President, I submit a proposed amendment to the bill, which I ask to have read.

The VICE PRESIDENT. The Secretary will read the proposed amendment.

The SECRETARY. After line 23, on page 94, it is proposed to insert the following as a new section:

SEC. 14. That the Postmaster General is hereby authorized to pay for ocean mail service under the act of March 3, 1891, in vessels of the second class on routes to South America south of the Equator, to the Philippines, to Japan, to China, and to Australasia at a rate not exceeding $4 per mile on the outward voyage by the shortest practicable routes, and in vessels of the third class on said routes at a rate not exceeding $2 per mile on the outward voyage by the shortest practicable routes: *Provided*, That, subject to the foregoing provisions, every contract hereunder shall be awarded to that responsible bidder who will contract, under penalties prescribed by the Postmaster General, for the highest running speed between the points named in the contract.

Mr. GALLINGER. Mr. President, I ask that the proposed amendment be printed and lie on the table.

The VICE PRESIDENT. In the absence of objection that action will be taken.

Mr. JONES. Mr. President, I voted against the motion to take up the river and harbor bill, and have done so several times. I voted that way not because I am opposed to the bill—I am in favor of the bill—but I did so because in my judgment we are simply wasting the time of the Senate by taking up the river and harbor bill for half an hour or an hour each day. The Senator from North Carolina knows as well as I do that there is determined opposition to the river and harbor bill on the part of some Senators and that that opposition will go to a considerable length, if not to extreme lengths, to defeat his bill, and the only way he can pass it is to bring the bill up and keep it before the Senate until it is considered and voted upon and either passed or defeated. To take it up as we have been taking it up is wasting the time of the Senate and preventing the consideration and passage of meritorious measures on the calendar that could be taken up, considered, and passed before 2 o'clock, when the unfinished business comes up. That is the reason why I voted against taking it up, because, as I understand, the unfinished business will come up in a little over an hour—at 2 o'clock—and then this bill will be laid aside. In my opinion the Senator from North Carolina is simply playing into the hands of the opponents of the bill by bringing it up for an hour or a half an hour each day, and we are shutting out other measures that could be considered until 2 o'clock.

At any time when the Senator is ready to take his bill up and hold it before the Senate, I shall be with him and shall support him in that until the measure can be disposed of one way or the other. I simply desired to explain the reason why I voted to-day as well as on other occasions against taking up the bill, because I do not want my position misunderstood.

Mr. SIMMONS. Mr. President, the Senate is entirely aware of the fact that when the motion was made by the Senator from Nevada [Mr. NEWLANDS] to take up the trade commission bill I antagonized that motion with a motion to take up the river and harbor bill. There was such an expression of sentiment against interfering with speedy action upon the trade commission bill that I withdrew that motion and, as I remember, stated at the time my reason for withdrawing the motion. I have heretofore stated to the Senate that I had an understanding after this time with the Senator from Nevada [Mr. NEWLANDS], in charge of the trade commission bill, that I would not interfere with the consideration of his bill after the expiration of the morning hour, or after the time when the unfinished business automatically would be laid before the Senate.

I do not feel that the trade commission bill has been pressed as it should have been, but up to this time I have felt myself bound by the understanding which I then had with the Senator from Nevada. I have sought on several occasions to persuade the Senator from Nevada that neither his bill nor the river and harbor bill was making progress under that arrangement, and have endeavored to secure a modification of it. I have not succeeded up to this time. I wish to say now, however, that I think the time has come when the trade commission bill should be placed before the Senate and kept before the Senate continuously until action is had upon it; and if, after to-day, that policy is not pursued with reference to the trade commission bill, I shall feel at liberty to ask the Senate to take up the river and harbor bill and proceed with its consideration to the exclusion of other business.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Certainly.

Mr. SMITH of Michigan. Do I correctly understand the Senator from North Carolina that the present unfortunate situation, complicated as it is, is the result of any understanding upon his part with the Senator from Nevada?

Mr. SIMMONS. I have stated that to-day, and I stated it several days ago—that feeling that there was an expression of sentiment——

Mr. SMITH of Michigan. That is the only possible way in which such a situation could be accounted for, because it is well known that the passage of the bill presented by the Senator from North Carolina is absolutely essential——

Mr. SIMMONS. I was going into that matter to some extent, if the Senator will pardon me.

Mr. SMITH of Michigan. While the bill urged by the Senator from Nevada should not be seriously considered in its present form.

Mr. SIMMONS. Mr. President, that may be the view of the Senator from Michigan with reference to the trade commission bill, but I undertake to say that that is not the view of a majority of the Members of the Senate. It is not my view. While I do not mean to say that I approve of the trade commission bill as it now stands, it is my opinion that the passage of that measure essentially in the form in which it is now is of paramount importance to the welfare of this country. I have not felt, and I do not feel now, and I think that has been the feeling on this side of the Chamber—it certainly was the sentiment expressed to me which led me to enter into this understanding with the Senator from Nevada—that it would be right to antagonize the consideration of that bill with the river and harbor bill, and it was for that reason that I entered into the understanding.

But, Mr. President, in my judgment, that bill has not been pressed as it ought to have been pressed. There were conditions that made it impracticable to do that. The Senator from Nevada has stated those conditions, and the Senate has seen those conditions. I have just stated that if the Senator from Nevada shall not find himself in a position after to-day to lay that bill before the Senate and, if he can get the consent of the Senate, keep it before the body until it is finally disposed of, then I shall make a motion to displace that bill permanently in favor of the river and harbor bill.

The Senator from Michigan is entirely right in his statement that there are reasons which should powerfully appeal to the Senate and to the country why the river and harbor bill should have speedy action. It is very well understood that since we have entered upon the new system of annual river and harbor bills all the estimates made by the engineers are based upon the assumption that there will be an annual river and harbor bill. It is well understood that if there should be any failure in the passage of the river and harbor bill at this session of Congress necessarily many of the most important works of river and harbor improvement would have to be suspended. In fact, Mr. President, I think by reason of the failure of the Congress to act upon this bill before the first day of this month quite a number of very important works that are now in progress have been already suspended.

If we are to continue river and harbor work in this country, we have got to appropriate the money with which to do it; and in the conditions which now exist, if we should not pass the river and harbor bill at this session, there would be a suspension, I am advised, of at least one-half of all the river and harbor works that are now in prosecution.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Yes.

Mr. GALLINGER. I will ask the Senator from North Carolina, in view of his solicitude to pass this bill, why he would not agree to striking out all these little matters that are of no earthly consequence to the country, although they are of some consequence to communities, and let us pass a river and harbor bill appropriating for the large rivers and the harbors of the country?

Mr. SIMMONS. Mr. President, it is a very easy matter to say that the smaller items in the river and harbor bill are of no consequence to the people of this country. From the time we began work under this system of improving our rivers and harbors in this country it has been the policy of Congress—and it has been, in my judgment, a wise policy—to improve a great many very small streams throughout the country, distributed here and there from one end of the country to the other, in order to facilitate local and community transportation.

Without going into a discussion of that subject, however, if when the bill is taken up item by item Senators who are opposed to the bill are able to point out to the Senate any item that in the judgment of the Senate is not worthy of being prosecuted by the Government, they can do so. I can not be the arbiter, the Senator from New Hampshire can not be the arbiter, to determine whether or not a given appropriation is justified; but when the items are reached that he now asks me to strike out—knowing full well that I have no authority to determine whether an item is worthy or not—the Senator can then make his motion and appeal to the judgment of the Senate, and if he is able to get a majority of Senators to agree with him, they will be stricken out.

Mr. GALLINGER. The Senator can not instruct me as to my right under the rules of the Senate to make a motion; but——

Mr. SIMMONS. When the Senator asks me why I did not strike them out I can give him my reasons for not doing so.

Mr. GALLINGER. The Senator is entirely safe in suggesting that he is willing to submit it to the Senate, as the friends of

God bless you. We will stand out here in the cold, and you can hand us out something once in a while"?

"*At the least, under the plan I am opposing, there will be an avowed partnership between the Government and the trusts.* I take it that the firm will be ostensibly controlled by the senior member. For I take it that the Government of the United States is at least the senior member, though the younger member has all along been running the business. *But when all the momentum, when all the energy, when a great deal of the genius, as so often happens in partnerships the world over, is with the junior partner, I do not think that the superintendence of the senior partner is going to amount to very much. And I do not believe that benevolence can be read into the hearts of the trusts by the superintendence and suggestions of the Federal Government,* because the Government has never within my recollection had its suggestions accepted by the trusts. On the contrary, the suggestions of the trusts have been accepted by the Government.

"There is no hope to be seen for the people of the United States until the partnership is dissolved. And the business of the party now intrusted with power is going to be to dissolve it.

"Those who supported the third party supported, I believe, a program perfectly agreeable to the monopolies. *How those who have been fighting monopoly through all their career can reconcile the continuation of the battle under the banner of the very men they have been fighting I can not imagine.* I challenge the program in its fundamentals as not a progressive program at all. *Why did Mr. Gary suggest this very method when he was at the head of the Steel Trust? Why is this very method commended here, there, and everywhere by the men who are interested in the maintenance of the present economic system of the United States?* Why do the men who do not wish to be disturbed urge the adoption of this program? The rest of the program is very handsome; there is beating in it a great pulse of sympathy for the human race. But I do not want the sympathy of the trusts for the human race. I do not want their condescending assistance.

"And I warn every progressive Republican that by lending his assistance to this program he is playing false to the very cause in which he had enlisted. That cause was a battle against monopoly, against control, against the concentration of power in our economic development, against all those things that interfere with absolutely free enterprise. I believe that some day these gentlemen will wake up and realize that they have misplaced their trust, not in an individual, it may be, but in a program which is fatal to the things we hold dearest.

"If there is any meaning in the things I have been urging it is this: That the incubus that lies upon this country is the present monopolistic organization of our industrial life. That is the thing which certain Republicans became 'insurgents' in order to throw off. And yet some of them allowed themselves to be so misled as to go into the camp of the third party in order to remove what the third party proposed to legalize. *My point is that this is a method conceived from the point of view of the very men who are to be controlled, and that this is just the wrong point of view from which to conceive it.*

"I said not long ago that Mr. Roosevelt was promoting a plan for the control of monopoly which was supported by the United States Steel Corporation. Mr. Roosevelt denied that he was being supported by more than one member of that corporation. He was thinking of money. I was thinking of ideas. I did not say that he was getting money from these gentlemen; it was a matter of indifference to me where he got his money; but it was a matter of a great deal of difference to me where he got his ideas. *He got his ideas with regard to the regulation of monopoly from the gentlemen who form the United States Steel Corporation.* I am perfectly ready to admit that the gentlemen who control the United States Steel Corporation have a perfect right to entertain their own ideas about this and to urge them upon the people of the United States, but I want to say that their ideas are not my ideas; and I am perfectly certain that they would not promote any idea which interfered with their monopoly. *Inasmuch, therefore, as I hope and intend to interfere with monopoly just as much as possible, I can not subscribe to arrangements by which they know that it will not be disturbed.*

"*The Roosevelt plan is that there shall be an industrial commission charged with the supervision of the great monopolistic combinations which have been formed under the protection of the tariff, and that the Government of the United States shall see to it that these gentlemen who have conquered labor shall be kind to labor. I find, then, the proposition to be this, that there shall be two masters, the great corporation, and over it the Government of the United States; and I ask who is going to be master of the Government of the United States? It has a master now—those who in combination control these monopolies. And if the Government, controlled by the monopolies, in its turn controls the monopolies, the partnership is finally consummated.*

"*I do not care how benevolent the master is going to be; I will not live under a master. That is not what America was created for. America was created in order that every man should have the same chance as every other man to exercise mastery over his own fortunes.* (The New Freedom, pp. 193–207.)

"*Moreover, under the system proposed most employers—at any rate, practically all of the most powerful of them—would be, to all intents and purposes, wards and protégés of the Government which is the master of us all,* for not part of this program can be discussed intelligently without remembering that monopoly as handled by it is not to be prevented, but accepted. It is to be accepted and regulated. All attempt to resist it is to be given up. It is to be accepted as inevitable. *The Government is to set up a commission whose duty it will be not to check or defeat it, but merely to regulate it under rules which it is itself to frame and develop. So that the chief employers will have this tremendous authority behind them: What they do they will have the license of the Federal Government to do.* (The New Freedom, pp. 210–211.)

"When you have thought the whole thing out, therefore, you will find that the program of the new party legalizes monopolies and systematically subordinates workingmen to them and to plans made by the Government, both with regard to employment and with regard to wages. *Take the thing as a whole, and it looks strangely like economic mastery over the very lives and fortunes of those who do the daily work of the Nation; and all this under the overwhelming power and sovereignty of the National Government. What most of us are fighting for is to break up this very partnership between big business and the Government. We call upon all intelligent men to bear witness that if this plan were consummated the great employers and capitalists of the country would be under a more overpowering temptation than ever to take control of the Government and keep it subservient to their purpose.*

"*What a prize it would be to capture! How unassailable would be the majesty and the tyranny of monopoly if it could thus get sanction of law and the authority of government! By what means, except open revolt, could we ever break the crust of our life again and become free men, breathing an air of our own, living lives that we wrought out for ourselves?* The New Freedom, pp. 212–213.)

"There has been a history of the human race, you know, and a history of government; it is recorded; and *the kind of thing proposed has been tried again and again and has always led to the same result.* History is strewn all along its course with the wrecks of Governments that tried to be humane, tried to carry out humane programs through the instrumentality of those who controlled the material fortunes of the rest of their fellow citizens. (The New Freedom, p. 214.)

"*After you have made the partnership between monopoly and your Government permanent, then I invite all the philanthropists in the United States to come and sit on the stage and go through the motions of finding out how they are going to get philanthropy out of their masters.*

"I do not want to see the special interests of the United States take care of the working men, women, and children. I want to see justice, righteousness, fairness, and humanity displayed in all the laws of the United States, and *I do not want any power to intervene between the people and their Government.* Justice is what we want, not patronage and condescension and pitiful helpfulness. The trusts are our masters now, but I, for one, do not care to live in a country called free even under kind masters. I prefer to live under no masters at all." (The New Freedom, p. 216.)

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 304. Joint resolution authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, was read twice by its title and referred to the Committee on Military Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On July 13, 1914:

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

On July 14, 1914:

S. 3488. An act for the relief of Ernest C. Stahl.

On July 17, 1914:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education;

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation home stead entries, to lands in the Flathead Irrigation project, Montana.

GOLD HILL CONSOLIDATED CO.

Mr. THOMPSON. Pursuant to Senate resolution No. 394, adopted by the Senate on June 19, 1914, directing the Committee on Privileges and Elections to investigate the use of the Senate committee stationery in connection with the Gold Hill Consolidated Co., I submit a report.

Mr. KERN. I ask that the report be read.

The VICE PRESIDENT. The report of the Committee on Privileges and Elections will be read.

The Secretary read the report (No. 688), as follows:

[Senate Report No. 688, Sixty-third Congress, second session.]

STATIONERY IN PROMOTING GOLD HILL CONSOLIDATED CO.

Mr. THOMPSON, from the Committee on Privileges and Elections, submitted the following report, to accompany Senate resolution 394:

The undersigned members of the Committee on Privileges and Elections agree and direct that the accompanying report of the subcommittee appointed to investigate matters connected with the promotion of the Gold Hill Consolidated Co. be adopted and ratified as the report of the full committee, and that this action, with the report of the subcommittee, be reported to the Senate.

JOHN W. KERN, *Chairman.*
CHARLES F. JOHNSON.
JAS. K. VARDAMAN.
WM. S. KENYON.
LUKE LEA.
WM. HUGHES.
JAS. A. REED.
T. J. WALSH.
WM. H. THOMPSON.

REPORT OF SUBCOMMITTEE.

To Hon. JOHN W. KERN,
Chairman of Committee on Privileges and Elections:

Pursuant to Senate resolution No. 394, hereto attached, and appointment thereunder by Hon. JOHN W. KERN, chairman of the Committee on Privileges and Elections, we, the undersigned subcommittee, consisting of Senators WILLIAM H. THOMPSON (chairman), WILLIAM HUGHES, LUKE LEA, WILLIAM S. KENYON, and MOSES E. CLAPP, proceeded to take testimony of all the witnesses within our knowledge possessing any material information on the subject involved, and after thoroughly considering all the evidence adduced on said hearing make the following report on the two questions of inquiry covered by said resolution, and submit herewith all of the evidence taken and considered upon said hearing:

First. Mr. Walter George Newman, the organizer and promoter of the Gold Hill Consolidated Co., of Gold Hill, N. C., on or about the 29th day of May, 1914, had about 40 copies of the following letter made for his own use upon the official letterhead of the Committee on Rules, of which Senator OVERMAN is chairman; and upon the official letterhead of the Committee on Census, of which Senator CHILTON is chairman; and Mr. Newman distributed said copies among his friends and persons interested in said mining proposition:

[Copy of letter.]

GOLD HILL CONSOLIDATED CO.,
Gold Hill, N. C., May 29, 1914.

Hon. W. E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: After spending some 30 days on the Gold Hill property, and feeling you may be interested in what I may know and believe about the property, I write you this condensed information.

I have gone over the property of the Gold Hill Consolidated Co. very carefully, both on the surface and through the mine down to the 800-foot level. After examining seven veins from 2 feet 6 inches to 12 feet in width, sampling and assaying them, I must say I see greater possibilities in the Gold Hill property every day.

My first opinion is fully confirmed that the veins will go to much greater depth than the 800-foot level and carry high values in gold, silver, and copper. The copper veins alone will pay all expenses and show a handsome dividend, leaving the gold and silver clear.

After comparing the Gold Hill property with other mines and mining properties which I have examined both in the United States and Canada on which valuations have been fixed I would say I believe that $60,000,000 valuation on the Gold Hill property a conservative estimate.

Yours, very truly,

(Signed) J. C. WILLIAMS,
Economic and Mining Geologist.

Senators OVERMAN and CHILTON were absent from their respective offices at the time Newman called and had the copies of the letters made, and they never at any time consented to the use of the letterheads by Newman, and never had any knowledge of their use in this manner until some time afterwards, and about the time this inquiry was authorized.

So far as it appears from the evidence, Senator OVERMAN, Senator CHILTON, Senator POMERENE, Senator SWANSON, and Representative FLOOD are the only Congressmen interested in the mining company, and each of these Congressmen bought and paid the prevailing price upon the market for their stock, and none of them received any special favors or inducements from Mr. Newman to purchase said stock, and none of them were in any way responsible for the use of the United States stationery, and we therefore exonerate them from any blame in connection with this matter.

Second. With a view of having reopened the assay office at Charlotte, N. C., which had been discontinued a short time before, Mr. Newman took up the matter with Hon. John Skelton Williams, Assistant Secretary of the Treasury. As is usual and customary in such matters, Mr. Williams referred the request to Hon. George E. Roberts, Director of the Mint, who sent Mr. Frederick P. Dewey, assayer of the Bureau of the Mint, to look over the property and make report to the Treasury Department. Mr. Dewey investigated the property and made a report, which report was not such as, in the opinion of the officials of the Treasury Department, to warrant any further action toward the reopening of the assay office at Charlotte.

Hon. John Skelton Williams was not and never has been a stockholder in the Gold Hill Consolidated Mining Co., was not in any way pecuniarily interested therein and we exonerate him from any blame in connection with this matter.

Respectfully submitted.

WM. H. THOMPSON,
Chairman.
WM. HUGHES,
LUKE LEA,
WM. S. KENYON,
MOSES E. CLAPP,
Subcommittee.

JULY 16, 1914.

Mr. THOMPSON. I ask for the adoption of the report by the Senate.

The report was agreed to.

KNIGHTS OF PYTHIAS NATIONAL ENCAMPMENT.

Mr. CHAMBERLAIN. From the Committee on Military Affairs, I report back favorably, without amendment, the joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, and I ask unanimous consent for its immediate consideration.

Mr. BRANDEGEE. I am not rising to object to the consideration of the joint resolution, or to its passage, but I should like to ask the Senator from Oregon whether any provision is made in the joint resolution that a bond shall be given so that if any damage is done to the property loaned the Government will be indemnified?

Mr. CHAMBERLAIN. I will say to the Senator that that is provided for. The joint resolution is in the usual form.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 415, by Mr. SMITH of Michigan.

Mr. SMITH of Michigan. Mr. President, the resolution has been read to the Senate twice, and it has gone over from day to day at the request of the chairman of the Committee on Foreign Relations and at my request. I am a member of the Committee on Foreign Relations and as such share with my associates the desire to proceed to the consideration of any matter coming before that committee properly and in order. There is, however, very much involved in this resolution which I should like to discuss. It does not, however, appertain to the situation now unfortunately existing in Mexico. My complaint relates to the origin and source of most of the difficulties which have existed in Mexico for the past three years and which finally culminated in the humiliation of Diaz, the murder of Madero, and the banishment of Huerta, and while I should be quite willing to discuss the origin of this deplorable affair and the intimate connection between professional revolutionists having their headquarters in this Capital and grasping exploiters, whose greed and selfishness knows no bounds, either of decency or patriotism, but I forbear and will take some other occasion to illuminate this aspect of a situation which was born in wickedness and cradled in corruption. However, I think the better plan this morning would be to refer the resolution to the Committee on Foreign Relations. I ask that that may be done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will be referred to the Committee on Foreign Relations.

FEDERAL TRADE COMMISSION.

Mr. CHILTON submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CHILTON to the bill (H. R. 15613) to create an interstate trade commission, etc. On page 20, strike out lines 20 and 21 and insert:

"The following acts and practices are hereby declared to be unlawful:

"1. All contracts, understandings, agreements, and combinations made with the intent and purpose of preventing or restraining any person, firm, or corporation, against his will from engaging in legitimate trade or commerce;

"2. All rebates, bonuses, gratuities, discounts, or pecuniary benefits given, retained, allowed, or made for the purpose of giving one person, firm, or corporation an unfair, appreciable advantage over a competitor;

"3. All combinations, agreements, understandings, and conspiracies having in view the purpose and intent to restrain trade or commerce among the several States or with foreign nations, or in any Territory of the United States or of the District of Columbia, or between the latter and any State or States or foreign nation, or to monopolize or to attempt to monopolise, directly or indirectly, such trade or commerce, and all monopolies or attempts to monopolise such trade;

"4. All arbitrary cutting of prices, slander, or libel of business or articles of commerce, espionage of business, or unfair securing of business secrets, or willful misrepresentation of business facts, or the willful misrepresentation of corporate or business identity or stock ownership, made or done for the purpose of restraining or monopolizing or attempting to restrain or monopolize such trade or commerce;

"5. All other practices and acts which make or tend to make unfair competition."

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. JONES submitted the following resolution (S. Res. 424), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy be, and he is hereby, directed to submit to the Senate the following information:

1. Copies of all reports, letters, and memoranda prepared for or submitted to the Superintendent of the Naval Observatory since July 1, 1909, concerning or relating to the cost of preparing the American Ephemeris and Nautical Almanac and a statement of the action taken thereon.

2. An itemized statement of the cost of each of the Ephemerides for the years 1913, 1914, 1915, and 1916.

3. A statement of the cost of preparing each of the Ephemerides for the years 1895, 1896, 1897, 1898, and 1899.

4. A statement showing in detail the expenditure of the amount appropriated for piecework in connection with the American Ephemeris and Nautical Almanac during the years 1910, 1911, 1912, and 1913, showing who was employed in this work, for how long employed, and the amount paid each.

5. The names of any assistants in the Nautical Almanac Office who have been transferred to the piecework force during the last 15 years and their salaries before such transfer and the annual amount they have been paid since transfer.

EMPLOYMENT OF STENOGRAPHER.

Mr. BRISTOW (for Mr. LA FOLLETTE) submitted the following resolution (S. Res. 425), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Corporations Organized in the District of Columbia be, and it hereby is, authorized and directed to employ an additional stenographer at the rate of $100 per month, the term of service of such stenographer to conclude two weeks after the final adjournment of the second session, Sixty-third Congress.

THE FARMER AND DIRECT LEGISLATION.

Mr. NORRIS. I have here a short address entitled "The farmer and direct legislation," by George P. Hampton, secretary of the Progressive State Granges and of the Farmers' National Committee on Popular Government. I ask that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The address referred to is as follows:

THE FARMER AND DIRECT LEGISLATION.

(By George P. Hampton, secretary Progressive State Granges and secretary Farmers' National Committee on Popular Government.)

AN ADDRESS DELIVERED AT THE FIRST NATIONAL CONFERENCE ON POPULAR GOVERNMENT, WASHINGTON, D. C., DECEMBER 6, 1913.

The farmer is often referred to as the backbone of the Nation, and the organized progressive farmers whom I have the honor to represent here are, I believe, justly entitled to the credit of being the backbone of the direct-legislation movement. The organized labor forces of the American Federation of Labor may, perhaps with propriety, contest this claim, and reviewing their splendid work for direct legislation, and with keen remembrance of their timely cooperation in the campaigns to secure legislative results, I gladly concede that the progressive organized labor forces, jointly with the progressive farmers, have been the chief source of the power that has made the direct-legislation successes of the past possible. And I confidently assert that the chief thing that gives this new National Popular Government League so sure a guaranty of success in the accomplishment of its great work is that it will have affiliated with it and have the earnest cooperation of the combined forces of the organized progressive farmers and the federated labor organizations of the Nation. If the popular-government advocates outside these organized forces show equal earnestness in cooperation with the league, its success is assured.

It is not my intention to take your time with any argument for direct legislation or to weary you with an extended review of the part taken by the progressive farmers in the direct-legislation movement. That would be carrying coals to Newcastle and would be a waste of time of the conference, already overloaded with a mass of work which it is important should be acted upon before adjournment. My purpose in coming before you is simply to impress upon you the fact that the progressive granges are deeply in earnest in this matter. They are intense, determined, and consistent in their opposition to machine rule, and are fundamental in their demands for direct legislation. They are for the people's rule in everything that the term implies.

The Farmers' Alliance was the pioneer in the direct-legislation movement, and the grand old leader of the Farmers' Alliance and "father of direct legislation" in South Dakota, H. L. Loucks, of that State, is an honored member of the Farmers' National Committee on Popular Government and its chief lecturer in the national field. The significance of this statement lies in the fact that South Dakota in 1898 was the first State in the Union to establish the initiative and referendum. Since then in every progressive grange State from Maine to Washington the farmers have been continuously in the forefront of the direct-legislation movement, and I can perhaps best express the spirit of the progressive farmers' attitude toward direct legislation by the following, from a Fourth of July public address, 1908, by State Master C. B. Kegley, of Washington, on "The mission of the grange." I quote:

"'The grange stands for equality in citizenship and appeals to all men and women to consider earnestly the underlying causes that rob citizens of their sovereign rights and give the sovereign power into the hands of bosses and special-privilege corruptionists. The grange stands for the power of the people as the power in the grange in this State I appeal to everyone—patrons, men citizens who can vote, women citizens who are now denied that right, and to the youth—citizens to be—to work for direct legislation, the initiative, referendum, and recall."

Here you have the appeal for united action—the union of all forces to accomplish the great common purpose. In this spirit, under the leadership of this master, the progressive farmers of Washington have moved steadily forward until to-day the State offers to the country the most splendid example of the union of nonpartisan progressive forces for the common good. It centers in a "joint legislative committee of the Direct Legislation League of Washington, State Federation of Labor, Farmers' Union, and State Grange laws and amendments of importance to all voters." To this, since women have had the suffrage in Washington, has been added the League of Women's Nonpartisan Political Clubs.

The fight for direct legislation fundamentally sound and free from "jokers" is on to a finish in every State where the progressive farmers are able to make an effective fight; and, heedfully realizing the need of carrying this fight into the national field, thereby securing the great increase in strength from united effort and the establishment of a central bureau, the progressive granges, at their annual conference in Atlantic City in November, 1910, issued an appeal to progressives, which, as it is short, I will quote in full:

"APPEAL TO PROGRESSIVES.

"The Conference of Progressive State Granges, believing that the organized progressive farmers form a solid nucleus around which the progressive forces of the Nation can gather for nonpartisan educational campaigns, appeal to all progressives to join with them and become active participants in these educational campaigns, first, by organizing progressive leagues to cooperate with the farmers, and, second, by becoming honorary patrons of these farmers' national committees whose objects appeal to them as most important or paramount."

This was promptly followed by the organization of the Farmers' National Committee on Popular Government, "organized to"—I quote from its prospectus—"assist in extending to all States the Oregon system of popular government, including the initiative and referendum, an efficient direct primary, corrupt practices act, the recall, and the presidential preference law."

In these days, when the presidential primary is so much in evidence, it may be well to note that the progressive granges had it on their program and were working for it three years ago.

Members of this First National Conference on Popular Government, I think I have said enough to show you that the progressive farmers of the Nation are with you, and that, if you carry out the main purpose of this conference and see to it that the National Popular Government League is made a center of strength and a clearing house for the popular government workers throughout the Union, the progressive farmers will be with you to the end.

These national leagues, federations, or associations—call them what you will—uniting all the people having a common purpose, in the goal of progressive grange endeavor, not alone in the field of popular government, but in every field where the people must battle with intrenched special privilege. In their fight for the parcel post the progressive granges organized, first, the Farmers' National Committee on Postal Improvement; then, in cooperation with the progressive leaders of the Farmers' Union, lined up over 2,000,000 farmers, and then assisted in organizing the Postal Express Federation in the same way they are now working with you to launch the National Popular Government League. The parcel-post fight was so speedily successful because, ignoring their differences, farmers, organized workers, merchants, and manufacturers worked together through a central association to a common end, and it may not be out of place to add that their chief expert adviser in this movement was Congressman DAVID J. LEWIS, of Maryland, a union-card labor man. In the more fundamental work of assisting in establishing popular government throughout the Union I can assure you that the progressive farmers will be no less earnest. If there is any damper at all placed on this movement, I feel that it is more likely to come from city workers, who may fail to realize the vital importance of this central association.

In conclusion permit me to say it is gratifying to the progressive granges that a member of the grange should be selected as the executive secretary of the National Popular Government League, and, for myself, I think I may be permitted to say the fact that Senator URBAN and Congressman KING will be its chiefs helps adds greatly to my confidence in the permanent success of the league.

PRESIDENT WILSON AND THE PROPOSED TRADE COMMISSION.

Mr. BRANDEGEE. I have here extracts from the President's book entitled "The New Freedom," giving his views as to a Federal trade commission, which I ask unanimous consent may be inserted in the RECORD. The italics are mine.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"PRESIDENT WILSON AND THE PROPOSED TRADE COMMISSION.

[Extracts from President Wilson's "The New Freedom," published 1913.]

"CHAPTER IX.—BENEVOLENCE, OR JUSTICE?

* * * * * * *

"Mr. Roosevelt attached to his platform some very splendid suggestions as to noble enterprises which we ought to undertake for the uplift of the human race; but when I hear an ambitious platform put forth I am very much more interested in the dynamics of it than in the rhetoric of it. I have a very practical mind, and I want to know who are going to do those things and how they are going to be done. If you have read the trust plank in that platform as often as I have read it you have found it very long but very tolerant. It did not anywhere condemn monopoly, except in words; its essential meaning was that the trusts have been bad and must be made to be good. You know that Mr. Roosevelt long ago classified trusts for us as good and bad, and he said that he was afraid only of the bad ones. *Now, he does not desire that there should be any more bad ones, but proposes that they should all be made good by discipline, directly applied by a commission of Executive appointment.* All he explicitly complains of is lack of publicity and lack of fairness; not the exercise of power, for throughout that plank the power of the great corporations is accepted as the inevitable consequence of the modern organization of industry. *All that it is* proposed to do is to *take them under control and regulation. The national administration having for 16 years been virtually under the regulation of the trusts, it would be merely a family matter were the parts reversed and were the other members of the family to exercise the regulation. And the trusts apparently, which might, in such circumstances, comfortably continue to administer our affairs under the mollifying influences of the Federal Government, would then, if you please, be the instrumentalities by which all the humanistic, benevolent program of the rest of that interesting platform would be carried out!*

"I have read and reread that plank, so as to be sure that I get it right. *All that it complains of is*—and the complaint is a just one, surely—*that these gentlemen exercise their power in a way that is secret. Therefore we must have publicity. Sometimes they are arbitrary; therefore they need regulation. Sometimes they do not consult the general interests of the community; therefore they need to be reminded of those general interests by an industrial commission.* But at every turn it is the trusts who are to do us good and not we ourselves.

"*Again, I absolutely protest against being put into the hands of trustees.* Mr. Roosevelt's conception of government is Mr. Taft's conception, that the Presidency of the United States is the presidency of a board of directors. I am willing to admit that if the people of the United States can not get justice for themselves, then it is high time that they should join the third party and get it from somebody else. The justice proposed is very beautiful; it is very attractive; there were planks in that platform which stir all the sympathies of the heart; they proposed things that we all want to do. But the question is, Who is going to do them? Through whose instrumentality? Are Americans ready to ask the trusts to give us in pity what we ought in justice to take?

"The third party says that the present system of our industry and trade has come to stay. Mind you, these artificially built up things, these things that can't maintain themselves in the market without monopoly, have come to stay, and the only thing that the Government can do, *the only thing that the third party proposes should be done, is to act up a commission to regulate them. It accepts them. It says: 'We will not undertake—it were futile to undertake—to prevent monopoly, but we will go into an arrangement by which we will make these monopolies kind to you.* We will guarantee that they shall be pitiful. We will guarantee that they shall pay the right wages. We will guarantee that they shall do everything kind and public-spirited, which they have never heretofore shown the least inclination to do.'

"*Don't you realize that that is a blind alley? You can't find your way to liberty that way. You can't find your way to social reform through the forces that have made social reform necessary.*

"*The fundamental part of such a program is that the trusts shall be recognized as a permanent part of our economic order, and that the Government shall try to make trusts the ministers, the instruments, through which the life of this country shall be justly and happily developed on its industrial side.* Now, everything that touches our lives sooner or later goes back to the industries which sustain our lives. I have often reflected that there is a very human order in the petitions in our Lord's prayer. For we pray, first of all, 'Give us this day our daily bread,' knowing that it is useless to pray for spiritual graces on an empty stomach, and that the amount of wages we get, the kind of clothes we wear, the kind of food we can afford to buy, is fundamental to everything else.

"Those who administer our physical life therefore administer our spiritual life, and if we are going to carry out the fine purpose of that great chorus which supporters of the third party sang almost with religious fervor then we have got to find out through whom these purposes of humanity are going to be realized. *It is a mere enterprise, so far as that part of it is concerned, of making the monopolies philanthropic.*

"*I do not want to live under a philanthropy. I do not want to be taken care of by the Government, either directly or by any instruments through which the Government is acting.* I want only to have right and justice prevail, so far as I am concerned. Give me right and justice and I will undertake to take care of myself. *If you enthrone the trusts as the means of the development of this country under the supervision of the Government, then I shall pray the old Spanish proverb, 'God save me from my friends, and I'll take care of my enemies.'* Because I want to be saved from these friends. Observe that I say these friends, for I am ready to admit that a great many men who believe that the development of industry in this country through monopolies is inevitable intend to be the friends of the people. *Though they profess to be my friends, they are undertaking a way of friendship which renders it impossible that they should do me the fundamental service that I demand, namely, that I should be free and should have the same opportunities that everybody else has.*

"For I understand it to be the fundamental proposition of American liberty that we do not desire special privilege, because we know special privilege will never comprehend the general welfare. This is the fundamental, spiritual difference between adherents of the party now about to take charge of the Government and those who have been in charge of it in recent years. They are so indoctrinated with the idea that only the big business interests of this country understand the United States and can make it prosperous that they can not divorce their thoughts from that obsession. *They have put the Government into the hands of trustees,* and Mr. Taft and Mr. Roosevelt were the rival candidates to preside over the board of trustees. They were candidates to serve the people, no doubt, to the best of their ability, but it was not their idea to serve them directly; they proposed to serve them indirectly through the enormous forces already set up, which are so great that there is almost an open question whether the Government of the United States, with the people back of it, is strong enough to overcome and rule them.

"Shall we try to get the grip of monopoly away from our lives or shall we not? *Shall we withhold our hand and say monopoly is inevitable; that all that we can do is to regulate it?* Shall we say that all that we can do is to put government in competition with monopoly and try its strength against it? Shall we admit that the creature of our own hands is stronger than we are? We have been dreading all along the time when the combined power of high finance would be greater than the power of the Government. Have we come to a time when the President of the United States or any man who wishes to be the President must doff his cap in the presence of this high finance and say, 'You are our inevitable master, but we will see how we can make the best of it'?

"We are at the parting of the ways. We have not one or two or three, but many established and formidable monopolies in the United States. We have not one or two, but many fields of endeavor into which it is difficult, if not impossible, for the independent man to enter. We have restricted credit, we have restricted opportunity, we have controlled development, and we have come to be one of the worst ruled, one of the most completely controlled and dominated Governments in the civilized world—no longer a Government by free opinion, no longer a Government by conviction and the vote of the majority, but a Government by the opinion and the duress of small groups of dominant men.

"*If the Government is to tell big business men how to run their business, then don't you see that big business men have to get closer to the Government even than they are now? Don't you see that they must capture the Government in order not to be restrained too much by it?* Must capture the Government? They have already captured it. Are you going to invite those inside to stay inside? They don't have to get there. They are there. Are you going to own your own premises or are you not? That is your choice. Are you going to say, 'You didn't get into the house the right way, but you are in there,

LIST OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, schedules of claims amounting to $58,931.24 allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874 (S. Doc. No. 548), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $2,669.16, which have been presented to the Treasury Department and require an appropriation for their payment (S. Doc. No. 547), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a record of a judgment rendered against the United States by the United States District Court for the Western District of New York under the provisions of the act of March 31, 1887, as submitted by the Attorney General (S. Doc. No. 546), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 304) authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. JONES. I have here a telegram from quite a number of labor organizations urging the passage of the Clayton bill. I put in the RECORD some time ago a telegram similar to this one. So I shall not ask that this telegram go into the RECORD, but I will ask that the names of the organizations in each of these telegrams which I have underscored may be inserted in the RECORD.

The names of the organizations are as follows: International Union of Steam and Operating Engineers, of Spokane; Local Union No. 2610, of Ravensdale; the Trades Council of Everett; Bakers' Union No. 126, of Tacoma; Local Union No. 32, Plumbers and Gas Fitters, of Seattle; the Central Labor Council of Tacoma; International Brotherhood of Teamsters and Chauffeurs, of Tacoma; the Longshoremen's Union of Bellingham; Brewery Workers' Local, No. 346, of Spokane; Tailors' Union No. 68, of Tacoma; the Sailors' Union of Seattle; Marine Cooks and Stewards' Association of Seattle; the Typographical Union of Seattle; Brewery Workers' Union, No. 328, of Tacoma; Local Union No. 2257, United Mine Workers of America, of Black Diamond; the Journeymen Barbers' Union of Tacoma; Aberdeen and Hoquiam Typographical Union, No. 573, and Printing Pressmen's Union, No. 262, of Hoquiam; Local Union of Carpenters, No. 883, of Aberdeen; Trades and Labor Council of Hoquiam; and of Local Union No. 1890, United Mine Workers of America, of Seattle.

Mr. JONES. I have also a telegram in the nature of a memorial from several business men of Tacoma, Wash., protesting against the passage of the Clayton bill. I ask that the names be noted, but not that the telegram be printed.

The VICE PRESIDENT. Without objection, it is so ordered.

The names attached to the telegram are as follows: E. G. Griggs, Charles Richardson, E. E. Ripley, John L. Roberts, O. B. Olson, J. E. Bonnell, T. J. Bell, G. D. Littooy, A. G. Prichard, H. A. Rhodes, A. B. Howe, M. A. Howe, and William P. Reynolds.

Mr. THORNTON presented a petition of the congregation of the Amite Baptist Church, of Amite City, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KERN. I present numerous resolutions from sundry labor organizations in various parts of the country—Illinois, Indiana, Missouri, Pennsylvania, Montana, and Colorado—in favor of the so-called Kern-Foster bill for the establishment of mine rescue stations. I ask that the resolutions may be referred to the Committee on Mines and Mining.

The VICE PRESIDENT. The resolutions will be referred to the Committee on Mines and Mining.

Mr. KERN presented petitions of sundry citizens of Columbus, Ind., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Fort Wayne, and Lawrenceburg, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by members of the First Presbyterian Church of Michigan City, Ind., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Kokomo, Ind., favoring the adoption of a 1-cent letter postage, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Patternmakers' Association of Indianapolis, Ind., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Wellman, Spencer, and Marshalltown, all in the State of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented petitions from the National Good Citizenship Movement, 301 Security Building, Chicago, Ill., signed by sundry citizens of the State of Ohio, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions from the Christian Endeavor Society of the First Church of Christ of Findlay, representing 50 members; the Christian Endeavor Society of Cross Creek, representing 30 members; the Young People's Society of Christian Endeavor of the First Presbyterian Church, representing 56 members; the Christian Endeavor Society of the First Presbyterian Church of Mansfield, representing 70 members; the Christian Endeavor Society of Celina, representing 25 members; of 36 citizens of Niles; of the congregation of the Amherst Methodist Episcopal Church; the First Woman's Christian Temperance Union of Canton; the Christian Endeavor Society of the First United Presbyterian Church of Cleveland; the Christian Endeavor Society of the Methodist Protestant Church of Cambridge, representing 80 members; the Defiance College Sunday School; the First Presbyterian Church of McConnellsville; of 4 citizens of Columbus; of the Christian Endeavor Society of Wilkesville, representing 100 members; and of the Young People's Society of Christian Endeavor of the Central Presbyterian Church, of Zanesville, representing 94 members, all in the State of Ohio, praying for an amendment to the Federal Constitution providing for nation-wide prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 200 citizens of Bellaire, of 128 citizens of Hamilton County, of 13 citizens of Lucas County, of 6 citizens of Columbus, and of 1 citizen of Henry County, all in the State of Ohio, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of Local Union No. 39, Cigar Makers' International Union, of New Haven, Conn., and a petition of Local Union No. 608, Brotherhood of Locomotive Firemen and Enginemen, of New London, Conn., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Local Lodge No. 1014, Benevolent and Protective Order of Elks, of Attleboro, Mass., and resolutions adopted by Annawan Colony No. 91, United Order of Pilgrim Fathers, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. MARTINE of New Jersey. I present resolutions adopted by the Chamber of Commerce of Polson, Mont., which I ask may be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas there are something like 1,000 settlers upon lands in the former Flathead Indian Reservation which were not appraised at the time of the opening of the said reservation, who have been sorely distressed on account of the unjust rulings and delays in the matter of getting titles to their lands; and

Whereas a commission which was appointed to appraise the aforesaid remaining unappraised lands has made a very unjust appraisement thereof, entailing an unjust discrimination against these settlers; and

Whereas bills for the relief of these oppressed settlers have been introduced in the United States Senate by Senators MYERS, of Montana, and BORAH, of Idaho: Therefore be it

Resolved by the Chamber of Commerce of the City of Polson, Mont., in assembled session, That we heartily commend the action of the Senators named for the presentation of these bills, and we fully indorse all of the provisions of the same; and be it further

Resolved, That we urgently request the entire Montana delegation in Congress to do their utmost to have this measure enacted into law at this session of Congress; and further

Resolved, That we earnestly invite the cooperation of all Members of the Senate Committee on Public Lands and all Members of the Senate to aid in securing this legislation.

Dated at Polson, Mont., July 10, 1914.

DEAR SENATOR: The Polson Chamber of Commerce unanimously adopted the foregoing resolutions, and now submits the same for your careful perusal and earnest support.

Respectfully, yours,

POLSON CHAMBER OF COMMERCE,
By D. J. GILLAM, *President*.
By C. J. O'CONNELL, *Secretary*.

Pertaining to Senate bill 5761.

REPORTS OF COMMITTEES.

Mr. THOMAS, from the Committee on Military Affairs, to which was referred the bill (S. 2353) to authorize the President to appoint Col. James W. Pope, Assistant Quartermaster General, to the grade of brigadier general in the United States Army and place him on the retired list, reported it without amendment.

Mr. JOHNSON, from the Committee on Pensions, reported favorably an amendment proposing to appropriate $300 to pay Byford E. Long, jr., for indexing and extra services as clerk to the Committee on Pensions, Sixty-third Congress, first and second sessions, and $1,200 to pay Dennis M. Kerr for extra and expert services rendered to the Committee on Pensions, etc., intended to be proposed in the general deficiency appropriation bill, and asked that it be referred to the Committee on Appropriations, which was agreed to.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (S. 5464) to amend the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1906, asked to be discharged from its further consideration and that it be referred to the Committee on the Judiciary, which was agreed to.

Mr. SHAFROTH, from the Committee on Pacific Islands and Porto Rico, to which was referred the bill (H. R. 3060) to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, reported it without amendment and submitted a report (No. 664) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 816) for the relief of Abraham Hoover (Rept. No. 686); and

A bill (H. R. 11166) for the relief of Wilhelmina Rohe (Rept. No. 685).

Mr. O'GORMAN, from the Committee on Interoceanic Canals, to which was referred the amendment submitted by himself on the 15th instant, proposing to pay $1,000 to Frank Oliver for extra services as clerk to the Senate Committee on Interoceanic Canals, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations, which was agreed to.

Mr. SMITH of Maryland (for Mr. LEA of Tennessee), from the Committee on the Library, to which was referred the bill (S. 5711) providing for the appropriation of a sum of money for the erection at Fort McHenry, Baltimore, Md., of a monument to Francis Scott Key and the soldiers and sailors who participated in the Battle of North Point and the defense of Fort McHenry in the War of 1812, reported it without amendment and submitted a report (No. 687) thereon.

THE TELEPOST.

Mr. BANKHEAD. From the Committee on Post Offices and Post Roads I report back favorably, without amendment, Senate resolution 405, authorizing the appointment of a committee of five Senators to investigate and report upon the merits of the telepost as to its use in connection with the Post Office Department, and so forth. I call the attention of the Senator from Oregon [Mr. CHAMBERLAIN] to the resolution.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution, which was read, as follows:

Resolved, That a committee of five Senators, including the chairman of the Committee on Post Offices and Post Roads, be appointed by the President of the Senate to investigate and report upon the merits of the telepost, now in operation between St. Louis and Chicago, as to word-carrying capacity, accuracy, economy, secrecy, and general efficiency; as to its use in connection with the Post Office Department; and as to any obstacles in the way of its extension either in connection with the Government or otherwise.

Mr. CHAMBERLAIN. I desire to offer the following amendment to make the resolution more general.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Add at the end of the resolution:

And that the said committee is authorized to investigate and report upon the merits of the system of any other person or company that may offer or propose to perform the said service in connection with the Post Office Department.

The amendment was agreed to.

The resolution as amended was agreed to.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 421, submitted by Mr. BANKHEAD on the 16th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Post Offices and Post Roads be, and it hereby is, authorized to employ a temporary clerk at a salary of $120 per month, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 6121) to authorize the construction of a bridge across the Niagara River in the town of Lewiston, in the county of Niagara and State of New York; to the Committee on Commerce.

A bill (S. 6122) granting a pension to Caroline G. Sickles; and

A bill (S. 6123) granting an increase of pension to Emily S. Keller (with accompanying papers); to the Committee on Pensions.

By Mr. BRADY:

A bill (S. 6124) granting an increase of pension to Georgia Ann Taylor; and

A bill (S. 6125) granting a pension to Daniel A. Williams; to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $142,716 to enable the Supervising Architect's Office to take up delayed work in connection with public buildings heretofore appropriated for, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $5,000 to reimburse the official reporters of the proceedings and debates of the Senate for moneys actually and necessarily expended by them to June 30, 1914, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment proposing to appropriate $75,000 for furniture equipment of the customhouse at Boston, Mass., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to amend the act of June 25, 1910, relating to the reissue of Treasury drafts, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WILLIAMS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Claims.

FRENCH SPOLIATION CLAIMS.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (S. 4130) for the allowance of certain claims for indemnity for spoliations by the French prior to July 31, 1801, as reported by the Court of Claims, which was referred to the Committee on Claims and ordered to be printed.

AMENDMENT TO ANTITRUST LAW.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which was referred to the Committee on the Judiciary.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 9633) granting a pension to William J. Brown; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15721) granting a pension to Samuel A. Blair; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16315) granting an increase of pension to Michael F. Conway; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16564) granting an increase of pension to Maria A. Endsley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17569) granting a pension to John J. Harrington; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CULLOP: A bill (H. R. 17924) authorizing the Secretary of War to donate condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. THOMSON of Illinois: A bill (H. R. 17925) to authorize the Secretary of War, in his discretion, to deliver to the Indian Hill Club, of the town of Winnetka, in the State of Illinois, one condemned bronze or brass cannon with its carriage and outfit of cannon balls; to the Committee on Military Affairs.

By Mr. HAMILTON of Michigan: A bill (H. R. 17926) to purchase a site for the erection of a post-office building in the city of St. Joseph, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. COADY: A bill (H. R. 17927) to enlarge, extend, remodel, and improve the United States post-office and courthouse building located at Baltimore, Md.; to the Committee on Public Buildings and Grounds.

By Mr. BRYAN: A bill (H. R. 17928) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. TEN EYCK: A bill (H. R. 17929) making appropriation for the continuing improvement and for maintenance of the Hudson River, N. Y.; to the Committee on Rivers and Harbors.

By Mr. JOHNSON of South Carolina: Joint resolution (H. J. Res. 303) appropriating $60,000 for the relief of the sufferers from the hail and wind storm in Spartanburg and Laurens Counties, S. C., in July, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 17930) granting a pension to Alfred M. Graham; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 17931) granting an increase of pension to Benjamin A. Miller; to the Committee on Invalid Pensions.

By Mr. DEITRICK: A bill (H. R. 17932) for the relief of Patrick Conley; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 17933) granting a pension to Nelson Pennington; to the Committee on Invalid Pensions.

By Mr. FIELDS: A bill (H. R. 17934) granting an increase of pension to William C. McCracken; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 17935) granting a pension to Mary Barfield; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17936) granting an increase of pension to Milton Mitchell; to the Committee on Invalid Pensions.

By Mr. GITTINS: A bill (H. R. 17937) to remove the charge of desertion against George Wolf; to the Committee on Military Affairs.

By Mr. GLASS: A bill (H. R. 17938) granting a pension to Richard L. Miller; to the Committee on Pensions.

By Mr. GUDGER: A bill (H. R. 17939) granting a pension to Levi Buckner; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17940) granting an increase of pension to Helen J. Goodyear; to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 17941) to correct the military record of Cuthbert W. Laing; to the Committee on Military Affairs.

By Mr. MURDOCK: A bill (H. R. 17942) granting an increase of pension to William F. Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17943) granting an increase of pension to Daniel Sheesly; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17944) granting an increase of pension to George H. Homer; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17945) granting an increase of pension to Amelia Heidel; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 17946) granting an increase of pension to Richard J. Bauguess; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17947) granting a pension to Louis N. Hickey; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17948) for the relief of John C. Davis; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAILEY (by request): Petition of Branch No. 101, National Association of Letter Carriers, and Blair County Branch, National Association Supervisory Post Office Employees, of Altoona, Pa., against section 3 of House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. BATHRICK: Petition of sundry citizens of the nineteenth Ohio district, favoring national prohibition; to the Committee on Rules.

Also, petition of Oscar Nichols, of Akron, Ohio, against national prohibition; to the Committee on Rules.

Also, petition of the Grand Army Post of Ravenna, Ohio, favoring appropriation for Vicksburg celebration, October, 1915; to the Committee on Appropriations.

By Mr. CARR: Petition of sundry citizens of South Brownsville and Connellsville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of the Methodist Episcopal Churches of Roy and Solano, by their pastor, Rev. Edwin Gaskill, and of a union mass meeting of the churches of Lakewood, by J. A. Bell, chairman, and S. J. Stevens, secretary, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, memorials from 6 citizens of Rosa, N. Mex., protesting against national prohibition; to the Committee on Rules.

By Mr. HARRIS: Petition of various business men of Alabama, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. HOXWORTH: Petitions of various business men of La Fayette, Galesburg, Knoxville, and Williamsfield, all in the State of Illinois, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Vancouver, Wash., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Twisp, Wash., opposing national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Everett, Wash., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Hoquiam, Cosmopolis, Satsop, Woodland, Raymond, and Aberdeen, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of sundry citizens of Carroll County, Md., indorsing House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, a resolution of the Christian Endeavor Society of the Presbyterian Church of Emmitsburg, Md., favoring the passage of the Hobson prohibition resolution; to the Committee on Rules.

By Mr. LONERGAN: Protest of Mr. E. Rueber, of Collinsville, Conn., against the adoption of prohibition measures; to the Committee on Rules.

By Mr. MADDEN: Papers to accompany a bill to clear record of Lieut. C. W. Laing; to the Committee on Military Affairs.

By Mr. MURDOCK: Petition of sundry citizens of Whitman Community, Sumner County, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Wichita and Newton, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Mulvane, Kans., forwarded by the Woman's Christian Temperance Union, urging the passage by Congress of the Hobson-Sheppard joint resolution for a constitutional prohibition amendment; to the Committee on Rules.

Also, resolutions adopted at a mass meeting in the Methodist Episcopal Church of Garden City, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of the Epworth League of Belle Plaine, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Conway Springs, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Women's Home Mission Society of St. Paul's Church, of Wichita, Kans., for the passage of the Hobson-Sheppard joint resolution for a national prohibition amendment; to the Committee on Rules.

Also, petition of a mass meeting in the Methodist Church of Wellington, Kans., for the passage of the Hobson-Sheppard joint resolution for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Derby, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Grace Methodist Episcopal Church, of Wichita, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Walton, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of various members of the Men's Sunday School Class of the St. Paul's Church, Wichita, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Louisburg, Kans., for a national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Wellington, Kans., for a national constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition of meeting in the Methodist Episcopal Church of Canton, Kans., for the national constitutional prohibition amendment; to the Committee on Rules.

Also, petitions of various members of the German Methodist Church of Wichita, Kans., for the passage of the Hobson-Sheppard joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Colwich, Kans., in favor of the early passage by Congress of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Hunnewell, Kans., favoring the passage of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition adopted at a mass meeting of citizens of Elbing, Kans., in favor of the early passage by Congress of the joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, resolutions adopted by the Kansas-Oklahoma jurisdiction of the United Commercial Travelers, in favor of the passage by Congress of the Hobson-Sheppard joint resolution for a constitutional amendment prohibiting the liquor traffic; to the Committee on Rules.

Also, petition of sundry citizens of Newton, Walton, Halstead, Burton, Conway Springs, and Belle Plaine, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of La Crosse, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Mineral, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition from W. T. Sherman Post, No. 66, Grand Army of the Republic, of Platteville, Wis., for adequate appropriations for the veterans' reunion to be held at Vicksburg, Miss., in October, 1915; to the Committee on Appropriations.

Also, petition from 2 citizens of Madison, Wis., against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNNESSY: Petition of the Trinity Baptist Church of Providence, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 57 citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PHELAN: Petitions of sundry citizens of Massachusetts, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of sundry citizens of Poughkeepsie, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition from B. Meriaido, Charles Depaoli, John Romano, and 20 other citizens of Eureka, Eureka County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

Also, petitions of Rev. Harry Sheldon, representing 200 citizens, and Rev. Brewster Adams, representing 300 citizens of Reno, Nev., and J. M. Johnson, representing 20 citizens of Schurz, Nev., favoring national prohibition; to the Committee on Rules.

Also, petition from C. E. Burdick, S. W. Waring, T. W. Harrison, and William Kirwin, of Searchlight, Clark County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of 500 citizens of Methuen, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of 100 constituents of the twenty-eighth congressional district of New York, favoring the Hobson resolution for national prohibition; to the Committee on Rules.

Also (by request), resolution signed by 25 people of church organizations in the twenty-eighth district of New York, favoring the passage of the national prohibition bill; to the Committee on Rules.

By Mr. WALTERS: Petition of the Emanuel Presbyterian Church of Philadelphia, favoring national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petition of sundry citizens of Milford, Mass., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Brookfield, Worcester, Leominster, and Blackstone, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *July 17, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, for Thy many mercies and for Thy love, which is boundless. We thank Thee for our lives and for places where we may labor for the good of others, and so fulfill the law of Christ. We thank Thee for the providence that has given us our opportunities of service for our country. May we be inspired by those high ideals which Thou hast implanted in the consciences of men. May the gentleness of Thy grace lead us on and move us to those things that are pleasing in Thy sight, that we may meet our tasks this day in Thy strength. We ask it for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE PUBLIC BUILDING SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting estimates of appropriations relative to the public building service and recommending their incorporation in the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

minority leader, and the majority leader, and to the Committee on Rules.

Now, I have waived my opportunity this afternoon to be heard upon this bill, to the end that all other gentlemen might be heard and that we might get an early disposition and enactment of the bill and that general debate might be closed, and I will use a few minutes under the five-minute rule.

Mr. KINKAID of Nebraska. I have an understanding with the gentleman from Colorado [Mr. TAYLOR] in charge of the bill that these several gentlemen shall have their opportunity under the five-minute rule. I should have mentioned the gentleman from Washington [Mr. FALCONER], who has been here all the afternoon ready to speak.

Mr. TAYLOR of Colorado. And the gentleman from Nevada [Mr. ROBERTS] also.

Mr. KINKAID of Nebraska. I would like to have him included by all means.

Mr. TAYLOR of Colorado. Certainly.

Mr. KINKAID of Nebraska. That we shall cooperate to secure them as ample time as possible under the five-minute rule. That is the best we can do. They have all stood ready to do what they could for their constituents here and for the bill.

Mr. FALCONER. I want to say that I have appreciated the situation, and in order to hasten the final vote on the bill I will certainly acquiesce in taking my time under the five-minute rule.

Mr. LA FOLLETTE. I concur in the remarks of my colleague [Mr. FALCONER] and take the same view.

Mr. KINKAID of Nebraska. I yield to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, I want to say that I am a member of the Committee on Irrigation of Arid Lands, and I did intend to say something this afternoon, but so much has been said that I did not feel it was right to delay so important a bill.

Mr. KINKAID of Nebraska. I do not know that the gentleman heard the statement I made when I stated that the gentleman from Colorado would cooperate to secure as much time as possible under the five-minute rule.

Mr. ROBERTS of Nevada. I understand that. I have been present all day, and I wish to do everything I can to facilitate the passage of the bill.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SMALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, without amendment, bill of the following title:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas.

PAYMENT UNDER RECLAMATION PROJECTS.

The committee resumed its session.

Mr. KINKAID of Nebraska. I yield to the gentleman from Washington [Mr. BRYAN].

[Mr. BRYAN addressed the committee. See Appendix.]

Mr. TAYLOR of Colorado. If there are no further remarks, I will ask the Clerk to proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 2 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available and the initial payment be made when the charge per acre is established.

With the following committee amendments:

Page 2, line 2, strike out the word "two" and insert the word "five."

Page 2, line 5, after the word "shall," insert the word "each."

Page 2, line 6, after the word "remainder," insert the words "shall each."

Page 2, line 14, after the word "available," insert the words "as announced by the Secretary of the Interior."

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MADDEN. I rise for the purpose of asking whether or not it is the intention to leave this paragraph open to amendment?

Mr. TAYLOR of Colorado. That is the purpose, and I want the Chair to recognize the gentleman from California [Mr. KETTNER] to ask leave to extend his remarks, and then I shall move that the committee rise.

Mr. MADDEN. It is understood, then, that when the committee takes this bill up for consideration at its next meeting this paragraph will be subject to amendment?

Mr. TAYLOR of Colorado. Yes.

Mr. RAKER. Amendments will be in order.

Mr. TAYLOR of Colorado. Amendments to this section will be in order at that time.

[Mr. KETTNER addressed the committee. See Appendix.]

Mr. RAKER. Mr. Chairman, in regard to the work of the Committee on Irrigation of Arid Lands in preparing this bill, I ask unanimous consent to insert the following statement in the RECORD.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to insert a statement in the RECORD. Is there objection?

There was no objection.

The statement is as follows:

CONSERVATION BILLS.

This bill consists of the reclamation extension bill, from the Committee on Irrigation of Arid Lands; the radium bill, from the Committee on Mines and Mining; the Alaskan coal and oil bill, the water-power bill, and the general coal, oil, phosphate, and sodium bill, from the Committee on the Public Lands.

The reclamation extension bill having been placed on the Unanimous Consent Calendar, and upon the call of that calendar objection was made by Mr. MANN, the Committee on Irrigation of Arid Lands of the House met and discussed ways and means of bringing the bill before the House at an early date.

A subcommittee of the Committee on Irrigation, consisting of Mr. TAYLOR of Colorado, Mr. HAYDEN of Arizona, Mr. STOUT of Montana, and Mr. RAKER of California, took the matter up personally with President Wilson, urging him to use his good offices in bringing about early consideration of the reclamation extension bill. These four gentlemen personally interviewed President Wilson upon this bill and also upon the other bills named. The President advised the committee that he was anxious to see the legislation named disposed of at an early date, and would do whatever he could to assist in bringing about early disposition, and that he was very desirous of having the bills disposed of at an early date. The same committee then proceeded to see Mr. HENRY, the chairman of the Committee on Rules, who advised the committee that he would lend every assistance possible to bring about their early consideration. Leader UNDERWOOD was then seen by the committee, who likewise advised the committee that they could rely upon him to assist in bringing about early consideration by the House of these bills. The committee then interviewed Speaker CLARK, who was likewise willing to assist in every way in their early consideration. In this interview with Mr. CLARK it was ascertained that Mr. RAKER was second on the call for suspension of the rules, and had been for some months, and it was then agreed that when Mr. RAKER's turn was reached that the reclamation bill should be called up and should be second on suspension of the rules. If this was in any way delayed, then the Speaker advised the subcommittee that every assistance would be given to bring about an early rule or otherwise so that these bills might be considered.

In the meantime, Dr. FOSTER, chairman of the Committee on Mines and Mining and a member of the Committee on Rules, was interviewed, and signified his willingness to assist in bringing about, by rule or otherwise, the consideration of the reclamation bill, the radium bill, and the three other bills.

During the same time Hon. SCOTT FERRIS, chairman of the Committee on Public Lands, had been giving every consideration to bring about an early disposition of the three bills reported by the Committee on Public Lands, namely the water-power bill, the Alaskan coal bill, and the general coal, oil, phosphate, and sodium bill; had seen the Secretary of the Interior, and also interviewed the President with the Secretary of the Interior in regard to early consideration. Mr. FERRIS then interviewed Messrs. HAYDEN and RAKER as to circulating a petition among the Members asking for a rule from the Committee on Rules. It was then agreed to take this course, and Chairman FERRIS drew up or prepared a petition which was then circulated among the Members of the House by the members of the Committees on Public Lands and Irrigation. A majority of the House was obtained to these petitions, and the same were presented to the Committee on Rules. Messrs. FERRIS, HAYDEN, STOUT, RAKER, and others interviewed the chairman of the Committee on Rules and the members thereof, and also some of them appeared personally before the committee at the time set for consideration of a rule upon these five bills by the committee. The Committee on Rules, after consideration, agreed to a rule that the five bills be considered, namely, the water-power bill, the Alaskan coal bill, the general coal, oil, phosphate, and sodium bill, the radium bill, and the reclamation extension bill. The chairman and members of the Committee on Public Lands of the House, as well as the chairman and members of the Committee on Irrigation of Arid Lands of the House, were active in interviewing the President; the Secretary of the Interior, Mr. LANE; the chairman of the Rules Committee, Mr. HENRY; Speaker CLARK; and Leader UNDERWOOD to assist in bringing about every consideration and disposition of these bills, and every assistance and encouragement was given by

the parties named for disposition of what is known as the conservation bills, and in particular this reclamation bill.

Mr. MONDELL. Mr. Chairman, I think there was some misunderstanding as to what I desired to place in the RECORD in the extension of my remarks. The Reclamation Service prepared some tables relative to reclamation work, and I simply ask to extend those tables in the RECORD.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to extend his remarks by placing in the RECORD the tables indicated. Is there objection?

There was no objection.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. FLOOD of Virginia, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, and had come to no resolution thereon.

ENCAMPMENT OF KNIGHTS OF PYTHIAS, TERRE HAUTE, IND.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 304, authorizing the Secretary of War to loan certain saddles and bridles for the use of the national encampment Knights of Pythias, to be held at Terre Haute, Ind., in July, 1914.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of a joint resolution which the Clerk will report.

The Clerk read as follows:

House joint resolution 304.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the mount committee of the national encampment, Knights of Pythias, to be held at Terre Haute, Ind., in the month of July, 1914, 200 saddles and bridles: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and Scott Hanna, chairman of the mount committee: *And provided further*, That the Secretary of War, before delivering said saddles and bridles, shall take from said Scott Hanna a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article prepared by Mr. George P. Hampton, published in the Pennsylvania Grange News, July, 1914, on "The administration at Washington fighting for the people's rights."

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD an article from the Pennsylvania Grange News entitled "Administration at Washington fighting for people's rights." Is there objection?

Mr. MOORE. Reserving the right to object, Mr. Speaker, my attention was attracted by the reference to Pennsylvania. I would like to know who the author of the article is.

Mr. COX. I stated that it was Mr. George P. Hampton.

Mr. MOORE. That is a very good name, and I have no objection.

Mr. COX. It is a good article, too.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. GLASS, by unanimous consent, was granted leave of absence, for two weeks, on account of illness.

LEAVE TO PRINT.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that all Members may be allowed five days to extend remarks on the bill under consideration to-day.

The SPEAKER. The gentleman from Colorado asks unanimous consent that all Members be allowed five days in which to extend remarks in the RECORD on the irrigation bill.

Mr. ADAMSON. The gentleman from Colorado means to print remarks, and it is not confined to those who have spoken?

Mr. TAYLOR of Colorado. No; general leave to print on the bill

The SPEAKER. Leave to insert remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6031. An act authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ADJOURNMENT.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.) the House adjourned until to-morrow, Friday, July 17, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 15376) to amend section 16 of an act entitled "An act for the organization of the militia in the District of Columbia," approved February 18, 1909, reported the same with amendment, accompanied by a report (No. 974), which said bill and report were referred to the House Calendar.

Mr. STEVENS of New Hampshire, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, reported the same without amendment, accompanied by a report (No. 975), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WITHERSPOON, from the Committee on Naval Affairs, to which was referred the bill (H. R. 12161) to remove the charge of desertion against John Mitchell, reported the same with amendment, accompanied by a report (No. 976), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11767) for the relief of I. C. Johnson, jr., reported the same with amendment, accompanied by a report (No. 977), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12064) for the relief of Lieut. Richard Philip McCullough, United States Navy, reported the same with amendment, accompanied by a report (No. 978), which said bill and report were referred to the Private Calendar.

divided into tracts of 25 to 30 acres, line walls are built if necessary, a house is constructed at a cost of about $1,000, and the place is sold to a tenant. The land is sold to the small holders at a price not to exceed the purchase price. Frequently it is sold for less. The small holder pays 3 per cent interest at present on the purchase price and one-half per cent amortisation, payable in semiannual installments. This rate amortises the debt in about 62 years. The purchaser is given a title to the land, pays the taxes on it, and may transfer his equity at any time if he chooses.

The local authorities (county councils, etc.) may advance money for the purchase of the property which a tenant occupies to the extent of four-fifths of the purchase price, a limit of $1,600 being placed on the loan. The amount so advanced must be repaid within 30 years. Installments of such payments are of equal amounts, and may be weekly, monthly, or semiannual. The installments are inclusive of interest, the rate of which varies according to the rate at which the money is borrowed for the purpose by the local government, and the only charge for the service is 10 shillings in addition to the interest.

SCOTLAND.

The same law applies to Scotland, with only minor modifications. The small-holdings act is proving a great success in promoting intensive cultivation, dairying, stock raising, etc.

CANADA.

In Canada the provincial government of New Brunswick gives a bonus of $200 to aid in the establishment of cheese factories and creameries. It imports cattle, sheep, and pigs, and sells them at prices far below cost. It encourages by money grants the farm institutes and association of farmers.

SOUTH AUSTRALIA.

In South Australia the State assists the primary producer in many ways. It prepares, packs, exports, sells, and accounts for all kinds of produce. It slaughters and sells his animals for him. It makes and sells his butter. It packs and markets his fruits. It advances to the settler not more than $3,000 for the purpose of improving his farm. This is advanced by installments. If proper use is not made of one installment advances cease. Advances are made to discharge prior mortgages or to purchase Crown lands. Repayments extend over 30 years. Five per cent interest is charged. During the first five years the interest only is paid. Rebates are allowed for prompt payments. Loans may be secured from the State up to 60 per cent of the value of the land. These loans may be repaid in semiannual installments of less than $15 on each $500 borrowed.

NEW SOUTH WALES.

In New South Wales advances are made upon the security of freehold lands, conditional purchases, settlement leases, homestead selections, and grants. The basis of these advances is not fixed by legislation, but by regulation of the "advances to settlers' board." On freeholds advances are up to two-thirds of the unimproved value of the land plus half the official value of the improvements. On homestead selections and homestead grants advances are not to exceed one-half the value of the improvements. A maximum term of 31 years is allowed for repayment. When it is known that settlers can not meet their repayment installments because of adverse natural conditions, great clemency is exercised. The repayment installments are $5 per year on each $100 borrowed for 31 years, or a total repayment of $155 for each $100 borrowed. A system of rebates for prompt payments may reduce this amount to $140. Penalties are assessed upon delinquents. The money for this purpose is raised by the sale of guaranteed stock.

TASMANIA.

In Tasmania any man may select from 50 to 640 acres of public land. He will be given a free grant for 1 acre for each $5 worth of farming implements and improvements he places on the land if he will live on it for five years. He may if he chooses buy land to the value of $666 and pay for it in 14 years, paying $16 down, $25 the first year, $25 the second, and $50 for each of the next 12 years.

VICTORIA (AUSTRALIA).

The government of Victoria assists settlers of experience with sufficient capital to take up further land upon exceptionally easy terms. Three per cent of the value is required as a deposit and the balance of the purchase price, with interest at 4½ per cent per annum, may be spread over a period of 31½ years. The government also assists by erecting houses for the settlers and giving cheap loans to the value of 90 per cent on all improvements effected on the land. This with a view to encouraging progressive and successful settlers.

NEW ZEALAND.

In New Zealand the settler may borrow from the State not to exceed $15,000 for the improvement of his land. The amount is repaid in 73 semiannual installments of 2½ per cent of the amount borrowed; that is to say, in 36½ years at 5½ per cent per year the debt amortized. This produces an annual profit to the government of over $25,000 on outstanding loans. A poor man may take 5 acres of land in New Zealand and the government will advance him $250 to aid him in fencing, planting, and building a home.

SICILY.

Credit is given on notes which are made payable at the time of harvesting crops, so that the farmers may get the money when they need to work the farm and may pay the note when the crop has been sold. The maximum time for which money can be borrowed from these banks is 50 years; the rate of interest 3½ per cent plus about 2 per cent for amortization.

ITALY.

The maximum length of time for which a loan is made is 35 years, repayable in a lump sum if for less than 10 years, and with amortization in case of loans made for a longer period. The rate of interest as a rule is 4 per cent, but it rises sometimes to 4½ per cent and sometimes as high as 5 per cent, according to the state of the money market. To this must be added a charge for income tax. In the case of long-term loans, made for 35 years, the regulations provide that the rate of interest may vary, always remaining at one-half per cent higher than the rate of interest paid by the savings bank to its depositors.

Long-time loans are made to associations for agricultural purposes, for the purchase of live stock, and for improving breeds of live stock. The rate of interest charged is from 2 to 3½ per cent. In some special cases the bank has made mutual loans bearing no interest. Short-time loans for six months are made for the purchase of seed, the rate of interest charged being 2 per cent, and 3 per cent when the loan is for other agricultural purposes. The local banks discounting these notes are allowed to charge an extra 1 per cent on 2 per cent loans and an extra one-half per cent on 3 per cent loans, raising them to 3 and 3½ per cent. Lately the rate of interest was uniformly fixed at 2½ per cent on condition that the local banks could charge a maximum rate of only 3½ per cent.

ROUMANIA.

Loans are made to members and to nonmembers of cooperative banks, members paying interest at the rate of 8 to 10 per cent, while nonmembers pay from 1 to 2 per cent more. Loans are to be utilized for productive purposes, and are chiefly granted upon personal security, the payment of such loans being guaranteed by the entire estate of the borrower. The duration of the loan is usually from 6 to 9 months, with right of prolongation to 18 months.

HUNGARY.

The Government aids the farmer by supplying him with seeds, saplings, and stock for breeding, requiring a fair interest on the purchase price and insuring the animals for one year. Where sufficient guaranty can be given for advances in the form of State aid, loans are granted at a low rate of interest—in some cases without interest. For the purchase of steam plows, 5 to 10 neighboring farmers come together to form a union. Having out of their own resources subscribed 50 per cent of the purchase price, they received the balance as a loan from the department of agriculture. The terms were for five years at 2 per cent interest. These were later modified, the department granting no advances, but, for five years, subscribing 5 per cent of the arrears of payment.

Mortgage bonds are issued at 4½ per cent, running 63 years, with a yearly charge, including amortization, of 4.85 per cent; also mortgage bonds at 4 per cent, running 50 years, with a yearly charge of 4.7 per cent.

The National Small Holdings Land Mortgage Institute originally made loans at the rate of 5½ per cent and for a period of 33½ years. Later the rate was 5 per cent and the period 15 years or 33½ years. Still later the rate was 4½ per cent, the period 17, 25, 40, or 50 years, and afterwards 4 per cent, with periods of 20, 30, 50, 65 years. On a loan for 65 years the holders of the bonds get 5 per cent, and the debtor pays for 65 years 5.56 per cent, of which 5 per cent is interest, 0.21 per cent is amortization, and 0.35 per cent for administration and commission. For 50 years the interest is 5 per cent; amortization, 0.47 per cent; commissions, etc., 0.35 per cent, making a total of 5.82 per cent. The Government furnishes seed to the farmers at a nominal price for cash or on credit.

AUSTRIA.

The amount of mortgage may be one-half the estimated value of houses and two-thirds the value of agricultural property, in which case the amount of the mortgage will be two-thirds of twenty-five times the net earning capacity of the holding. Loans are not made in cash, but in bonds, the bonds being sold on the stock exchange and the borrower getting the proceeds of the sale. In the event of a loan being contracted at 4 per cent interest the borrower would have to repay 4½ per cent yearly, so that the full loan would be amortized in 54½ years. Every loan must be amortised within 59 years.

BOHEMIA.

Credit for the purpose of improving and purchasing land is given on the security of a mortgage on the land. Loans are based on two-thirds of the value of the land mortgaged and are repayable by amortization at the rate of 1 per cent. The rate of interest charged on loans varies from 4 to 6 per cent.

RUSSIA.

Private land-mortgage systems. Kharkoff. The longest term for which money is loaned is 66 years. In addition to the annual installments on the original loan interest must be paid at the rate of 4 per cent. Cost of administration must also be included. Sixty per cent of the valuation of the estate is the maximum amount which can be loaned.

The Peasants' Land Mortgage Bank, Kharkoff, was established by the Government to do business exclusively with the peasants. Large estates are purchased and sold in small holdings to the peasants. The general policy is to establish a period of repayment extending over 55½ years. The rate of interest charged, including amortization, cost of administration, and repayment of loan, amounts to only 4½ per cent. Any costs above this are borne by the Government. The Government loans money to the peasants, the funds for this purpose being secured by the issue of bonds. The net interest rate on these bonds frequently amounts to 5 or 6 per cent, so that the Government is losing money in the business.

In the fall the peasants need money and are willing to sell their goods at almost any price. To prevent speculation the Imperial Bank grants money to credit associations on the security of grain. The Government takes the grain, puts it into granaries, and loans money on it as security, charging from 5 to 6 per cent on the loan.

GERMANY.

On loans concerned with land cultivation the interest rate of the Royal Land Improvement Institute, of Bavaria, is one-fourth per cent lower than the rate of the agricultural bonds which are issued against the loan; that is, if the loan is granted in 3½ per cent bonds, the borrower pays only 3¼ per cent interest. The other one-fourth per cent is paid by the State.

These State favors to agricultural undertakings are granted for the reason that in many cases projects are initiated from which no income is expected, or only after many years.

The repayment rate is fixed according to the original sum lent and remains the same every year. The amount of the loan may not exceed the estimated increase in value from the agricultural undertaking projected. Neither may the loan exceed the cost of the undertaking. If individuals wish a loan, they must secure it by a first mortgage on their agricultural and forest land, and such loan can not exceed one-half the estimated value of the property.

Money is loaned by the Credit Union of Wurttemberg on first mortgage on city and country property, preference being given to country property. All loans are confined to the amortization plan on terms payable in installments of from 10 to 50 years, at the option of the borrower. On a 50 year amortization mortgage, the interest of the borrower is at the rate of 4.85 per cent—interest, 4 per cent; amortization, 0.06 per cent; advance to reserve, returnable with compound interest at the expiration of the loan, 0.19 per cent. The minimum loan is 500 marks; no maximum. The loan is made on the basis of 50 per cent of the valuation, specially determined by the local municipal authorities where the loans are to be granted.

Landholders' cooperative associations, known as Landschaft and controlled by the Prussian Government, are organized for the purpose of procuring money on mortgage. Loans are made to a borrower on 66

per cent of the value of his land. He receives bonds which pay as a rule 3½ per cent and are sold in the open market, and he pays to the Landschaft 4 per cent interest. The extra one-half per cent goes to pay running expenses and for amortization after a period of from 45 to 54 years.

The German Middle Class Bank and the German Peasant Bank are public-utility corporations. Loans are made to farmers, who pay charges amounting to 4 or 4½ per cent inclusive of one-half or 1 per cent for amortization and 3 or 3½ per cent interest, so that within 64½ or 42 years the mortgage is repaid. Loans are granted in the form of land-mortgage bonds by the Hereditary Estates Credit Society of Saxony. Repayment takes place as follows: Three per cent interest plus one-half per cent additional annual charge, 66 years; 3½ per cent interest plus one-third per cent additional charge, 71 years; 3½ per cent interest plus one-half per cent additional charge, 60½ years; 3½ per cent interest plus 1 per cent additional charge, 44 years; 3½ per cent interest plus one-third per cent additional charge, 69 years; 4 per cent interest plus one-half per cent additional charge, 50 years.

SWITZERLAND.

Canton banks are Government institutions. Loans are made upon land alone up to three-fourths of its value. Repayment is made by payment of interest at the rate of 4½ to 4¾ per cent and amortization payment of from one-half to 1 per cent interest. With a payment of one-half per cent for amortization the loan would run about 50 years.

HOLLAND.

Loans are made by the Land Mortgage Bank of Holland on 50 per cent of the assessed valuation of the land. Term of credit is from 3 to 40 years. Payment for 40 years would be at the rate of 4.5 per cent for interest, 1.05 per cent for amortization, and 0.25 per cent for expenses; total, 5.8 per cent.

DENMARK.

Credit associations loan on 60 per cent of the valuation of the property. Interest rate, 4½ per cent; amortization, 0.5 per cent; expenses, 0.15 per cent.

Small holders' Government loans are made to those who have worked at least four years for other farmers. The loan the Government grants is 90 per cent of the valuation of the land, charging 3 per cent interest for a period of 5 years, and later renewed for 5 or 10 years. The small farms created in this way must be occupied individually. The loans the Government has granted in this way amount to 25,000,000 crowns (about $7,000,000); of this amount the Government has lost practically only 10,000 crowns ($2,800).

FRANCE.

France extends short time agricultural credit. Regional banks distribute to the local banks the funds placed at the disposal of agricultural credit by the Government. The local banks loan money, generally for about one year, on personal credit, with the indorsement of some one of known respectability, at an interest rate varying from 3 to 5 per cent.

Collective long time loans are made to cooperative associations organized for the purpose of purchase, production, and distribution. Interest varies from 1½ to 2 per cent on such loans. This favorable rate of interest is always granted on the basis of the belief that the promotion of agriculture means the promotion of the national interests. Agriculture, it is contended, is more heavily burdened than other industries, and in order to fight rural depopulation and further the social interests of the nation, the welfare of the farming population must be cared for.

Long term individual credit is granted only to small agricultural holdings, the value of the loan not exceeding 8,000 francs. The maximum period for which the loan runs is 15 years, and is only allowed in the case of young farmers. The purpose is to assist the small farmers to purchase holdings and to encourage young men who have finished their military service to take up small farms. The loans are extinguishable by amortization, the rate of interest being as a rule 2 per cent. Security is generally a mortgage on the land, although other securities, such as life insurance policies or personal indorsement will be accepted. The law has been in operation two years, and over 12,000,000 francs have already been loaned.

Under the Credit Foncier, which, like the Bank of France, is subject to the legislative provisions of the French Government, a farmer may borrow money at 4½ per cent interest and 1½ per cent amortization for a period of 30 years.

The CHAIRMAN. The time of the gentleman from Idaho has expired.

Mr. SMITH of Idaho. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CONNOLLY of Iowa. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to extend in the RECORD my remarks on this bill by placing in the RECORD some tables that have been prepared by the Reclamation Service showing the condition of the fund and the projects.

Mr. DONOVAN. Mr. Chairman, I object. The gentleman had general debate here, and if he had not spent his time in talking hot air he would have been able to put it all in. [Laughter.]

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. BAILEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MOORE. Mr. Chairman, I make the same request.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MONDELL. Do I understand, Mr. Chairman, that there was objection to my request to insert in the RECORD these tables?

Mr. DONOVAN. I objected.

Mr. MONDELL. I am glad to know it. It shows the gentleman's attitude on these subjects.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask if there is any gentleman in the House who desires to make a speech against this bill? I know the gentleman from Oklahoma [Mr. MORGAN] does, but I will ask if there is any other gentleman besides the gentleman from Oklahoma who desires to make a speech against this bill? There seems to be no one else who desires to address the House in opposition to the bill. I will ask the gentleman from Oklahoma whether or not we can not agree between himself and the gentleman from Nebraska [Mr. KINKAID] and me for an extension of time to the gentleman from Oklahoma during the consideration of the bill under the five-minute rule, in view of the fact that we have agreed to adjourn to-day in 15 minutes?

Mr. KINKAID of Nebraska. I will say to the gentleman from Oklahoma that I shall be glad to cooperate in that direction.

Mr. TAYLOR of Colorado. We shall endeavor to give the gentleman from Oklahoma an extension of time under the five-minute rule—as much time as he may desire—in order that we may close this general debate and adjourn by 5 o'clock.

Mr. MORGAN of Oklahoma. I would be glad, Mr. Chairman, to expedite the consideration of the bill and the closing of general debate. I have a great regard for the gentlemen who are in charge of the bill, and I have a great deal of sympathy for those men out there on these irrigation projects who are interested and who would be benefited by the enactment of the bill. I have a peculiar view on this matter. There is a peculiar situation that applies to Oklahoma that does not apply generally to the other States, and hence I have felt that I would like to have at least half an hour in which to present some things as a matter of duty.

Mr. TAYLOR of Colorado. If the ranking Member on that side of the House and I will agree, as we offer to do, that the gentleman may have half an hour on next Wednesday, would not the use of that time be considered the gentleman's full duty to his constituents?

Mr. MORGAN of Oklahoma. I will say that in view of that promise of the extension of time for half an hour at the beginning of the consideration of the bill under the five-minute rule, or early in its consideration——

Mr. TAYLOR of Colorado. Yes; as early in its consideration as possible, of course, we shall have to have the sections read——

Mr. MORGAN of Oklahoma. Yes; in view of all the circumstances I do not want to be unreasonable, and I will agree to that.

Mr. KINKAID of Nebraska. Mr. Chairman, there are several gentlemen on this side who want to be heard and who want time.

Mr. TAYLOR of Colorado. My understanding and intention is that we will be exceptionally lenient with the time under the five-minute rule.

Mr. KINKAID of Nebraska. The gentleman from Washington [Mr. LA FOLLETTE] and the gentleman from Nevada [Mr. ROBERTS] and the gentleman from Oregon [Mr. SINNOTT], also the gentleman from Washington [Mr. FALCONER] and some others are desirous of time later on, if we close general debate this afternoon.

Mr. TAYLOR of Colorado. The gentleman from Oregon [Mr. SINNOTT] has been here all day long, and I have promised him that he shall have an opportunity to address the House, and I want to see that he has an opportunity to do so.

Mr. SINNOTT. Mr. Chairman, my State is vitally interested in this bill, and I think my State is interested in the same particular as is the State of Oklahoma. But in the interest of speedy action on this bill I shall be willing to waive my right to be heard to-day if the gentleman can assure me that I shall have an opportunity to speak later.

Mr. RAKER. Mr. Chairman, just a moment, in regard to the general debate to-day: As one of the members of the committee I have given a great deal of time to this bill, whether I understand it or not; but I think I do. It has not only been considered in committee, but we have gone with it to the President, and to Cabinet officers, and to the Speaker of the House, and the

Mr. MOORE. In the Eastern States we have large areas of land that could be purchased with improvements, all ready for tilling, at prices less than the cost of the construction we have heard about to-day, which gives rise to the inquiry as to why men should have gone into arid territory and taken these chances.

Mr. STOUT. In order to make an adequate explanation in reply to the gentleman's question——

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. MOORE. Ask for more time.

Mr. TAYLOR of Colorado. Mr. Chairman, we have a call for about two hours' more time right now.

Mr. MOORE. I will say to the gentleman from Colorado that I interrupted the gentleman from Montana in the midst of his address, and therefore would like to see him have more time.

Mr. TAYLOR of Colorado. We have agreed to adjourn at 5 o'clock.

Mr. STOUT. Give me just a moment.

Mr. TAYLOR of Colorado. All right.

Mr. STOUT. I was just going to answer the gentleman's question as to why there are idle lands in the cities back East and the people are going out to the West. In order to do so I would have to make some invidious comparisons between the climate of the West and the climate of the East. Such comparisons might possibly prejudice some of my friends from the East, and therefore I prefer not to answer his question. [Applause.]

Mr. BRYAN. Would the gentleman allow me to suggest that if the people of the reclamation districts asked and got as much protection as the people of the State of Pennsylvania they would certainly bankrupt the country.

Mr. MOORE. The gentleman from Washington does not know what he is talking about. Comparatively Pennsylvania gets as little out of the Congress as any State in the Union.

Mr. STOUT. He found that instead of being obligated to pay $25 or $30 per acre for his water right, he would be compelled in some instances to pay twice that amount and more. Instead of having to pay $2.50 to $3 per acre per year, he discovered that he would have to pay $5 or $6 per acre, not counting the maintenance charge of approximately $1 per acre annually.

It is safe to say that a very large percentage of the settlers on these reclamation projects throughout the West are people of moderate means. Most of them are men with families who seized upon this opportunity to secure some land, build homes, and provide the means with which to educate their children. I have personally met scores of them and can say to you that as a class they are hard working, frugal, patriotic American citizens. On some of the projects in my own State ther have been struggling along for several years, facing the discouragements which always fall to the lot of the pioneer with an unwavering faith that their Government would awaken to the disadvantageous conditions under which they have been compelled to exist and render the relief which is so absolutely necessary if they are to succeed in their efforts to build and enjoy homes on those western plains. They are the blood and sinew of the highest type of American citizenship, and ask no odds of Uncle Sam except that he shall grant such conditions as will enable them to discharge their obligations to the National Government without the abatement of a single copper. [Applause.]

I would invite the attention of the House to the difficulties which a new settler on a reclamation project has to face. Assume that he has some means, a thousand or two thousand dollars. Many of them, of course, have much less. He has to build a house, and even the construction of the most modest dwelling eats deeply into his resources. Then there are barns and other outbuildings to be erected. A team of horses must be purchased, and also farming implements, cows, hogs, and chickens. He has to break the sod, a laborious task even with the best of equipment, and frequently level a portion of his claim. He must construct small lateral ditches in order to distribute the water over his farm and then fence the place. Before he has finished these necessary improvements, in all too many cases, his little hoard of savings is wiped out.

It is impossible to get more than a few acres into cultivation the first year, and if the product from this small tract so cultivated is sufficient to provide feed for his few head of stock and vegetables for his table, the settler counts himself fortunate. Certainly there will be no surplus to sell for the money required to purchase clothing for his family and school books for his children. In many instances he is so far from market that any surplus which he might have can not be disposed of at a profit. If the settler comes from some other State, as many of them naturally do, he has to contend with unknown conditions of soil and climate. He has little credit, and if he does happen to possess some collateral upon which to negotiate a loan, the interest rate is high.

Manifestly the settler should be given a few years in which to build his house and other buildings, to get his raw land under cultivation, and to stock up his place, before being placed under the necessity of beginning to pay his water charges. It is equally important that his payments should be as light as possible when he first begins to make them. This bill gives him relief in these two all-essential particulars. It also possesses provisions for more amply safeguarding the great interest which the Government has in the projects and simplifies the administration of the affairs of these giant undertakings. It makes infinitely more secure the Government's investment by making it easier for the settler to return to the reclamation fund the money assessed against him for his water right.

I do not presume that anyone will seriously attempt to controvert the far-reaching importance of the work undertaken by the National Government in reclaiming vast portions of the arid and semiarid States of the western part of this country. At no time in the world's history has there been such a demand for land by the landless as at the present time. "Back to the soil" is a slogan born of the hopes which have welled up in the hearts of millions to possess some of God's domain and to work out their own destinies beneath their own vine and fig tree.

Every thoughtful student of social economy recognizes the necessity of stemming the tide of immigration to the crowded tenements of the great cities and turning it toward the open country to aid in the production of the things upon which not only the prosperity but the very existence of the cities depends. This land hunger has within the last two decades doubled, trebled, and even quadrupled the price of land in the great agricultural States of the eastern, southern, and central regions of our country. The time has passed when a man of moderate means can go into those regions and acquire sufficient land upon which to earn a livelihood and lay aside a competence for his declining years. He must push on out toward the frontier, on to the Great Plains and into the shadows of the western mountains.

The Government can engage in no greater enterprise than that of encouraging its people to go out there into that great western country, tame the soil, conquer the elements, and attain that independence which is at once the glory of the Republic and the hope of its future existence. Every handicap should be removed, every protection thrown about them while they are engaged in the supreme task of building homes and reclaiming a veritable empire for the benefit of generations to come. Each and every one of them should be made to feel that their Government is in sympathy with their efforts, that it is standing behind them, wishing them success, understanding their needs, and willing to extend a helping hand to aid them in any extremity.

I ask for the settlers on those reclamation projects merely that they may be given a fair show to work out the problems which confront them. Free them from the red tape which so often entangles them, to the impediment of their progress, remove restrictive conditions, open up the way for their advancement by granting them terms possible of fulfillment, and the future for them will be assured. They are not mendicants, appealing to you for special favors, but thrifty, hard-working, self-reliant American citizens, who ask only that which every westener considers eternally sufficient—just an even break. This bill gives them that and nothing more. Enact it into law and within the lifetime of many Members of this House every project now in course of construction will have been completed, every cent of the money invested in them will have been returned to the Government, to be reinvested in other enterprises of even greater magnitude. Our Government can devote its vast resources to no more worthy work than that of providing land for the landless, homes for the homeless, and hope for the hopeless. Such, I submit, Mr. Chairman, are the purposes of the bill now before the House for its consideration. [Applause.]

Mr. KINKAID of Nebraska. I yield two minutes to the gentleman from Idaho [Mr. SMITH].

Mr. STOUT, Mr. FOWLER, and Mr. JOHNSON of Washington by unanimous consent were granted leave to extend their remarks in the RECORD.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield two minutes to the gentleman from Idaho [Mr. SMITH].

Mr. GARNER. Mr. Chairman, will the gentleman yield until I can ask a question of the gentleman from Colorado? Is it the purpose of the committee to close general debate on this bill to-day?

Mr. TAYLOR of Colorado. We were in hopes to close debate at 5 o'clock. I have been liberal with everybody. They have

consumed three times more on the other side of the aisle than we have. I propose to close debate and adjourn at 5 o'clock, and we have promised everybody to be as liberal as possible under the five-minute rule. I even promised one gentleman 30 minutes under the five-minute rule if he would not talk now.

Mr. SHERLEY. Will the gentleman from Colorado permit a question? When are those in opposition to the bill going to be heard?

Mr. TAYLOR of Colorado. We are ready to hear them at any time. There is not a soul in this House who has asked me to speak against this bill.

Mr. SHERLEY. I will say to the gentleman that I was not on the floor when the agreement was made, but since I have been here the debate has been alternating between those who are in favor of the bill.

Mr. MOORE. I want to say to the gentleman from Colorado that we have been tolerant in this matter. Those who have had questions to ask have done so without asking for time. There might be opposition to this bill. There are some gentlemen who have been somewhat pert in their answers.

Mr. DONOVAN. Regular order, Mr. Chairman. The gentleman from Idaho is losing his time.

Mr. TAYLOR of Colorado. So far as I am concerned, and so far as the gentleman from Nebraska [Mr. KINKAID] is concerned, we will give you all the time that is needed.

Mr. MOORE. It is fair for us to know——

Mr. TAYLOR of Colorado. What do you want?

Mr. MOORE. The gentleman can not say whether the opposition had any time.

Mr. DONOVAN. The gentleman is out of order. Time is being used up here.

Mr. MOORE. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is the gentleman from Connecticut [Mr. DONOVAN] the only gentleman in order at all times?

The CHAIRMAN. That is not a parliamentary inquiry. The gentleman from Idaho will proceed.

Mr. RAKER. Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, the gentleman from California [Mr. RAKER] is clearly out of order.

The CHAIRMAN. The Chair can not state whether the gentleman from California is out of order or not until he states his question.

Mr. DONOVAN. He can only make a point of order. The gentleman from Idaho is entitled to the floor. The gentleman from California has no right to interject remarks.

The CHAIRMAN. The gentleman from Idaho [Mr. SMITH] is recognized.

Mr. SMITH of Idaho. Mr. Chairman, if you should purchase a horse for $100 and were unable to meet the payments as they became due and the seller should advise you that in order to get an extension of time you would be expected to pay $300 for the horse and interest on the deferred payments, you would feel that you were not getting a square deal. Yet a transaction of this character represents exactly the situation which confronts the settlers on a great majority of the Government irrigation projects.

The building of the great dams, storage reservoirs, and canals was a work that was entirely new to the engineers of the country, and those employed by the Government to estimate the cost were greatly mistaken in their calculations. In every instance the cost of construction was greatly in excess of the estimates, and in some instances was two and three times the original estimates. These settlers, in entering the land, were naturally under the impression that the first estimates were correct and that the water would cost them in some instances as low as $15, when subsequent developments have shown that it will cost them three and four times as much.

The enactment of the reclamation law in 1902 was hailed with delight by thousands of people who desired a home in the arid States, as well as by the Senators and Representatives from those States, and the economists and philanthropists who recognized the great possibilities of turning hundreds of thousands of acres of worthless lands into productive farms and the establishment of cities and towns, the construction of railroads, and other evidences of progress in a country which for centuries had been nothing but a desert. As quickly as possible after the enactment of this law the Secretary of the Interior, to whom the administration of the law was committed, had the necessary surveys made and the boundaries of the various projects were established. This land was withdrawn from entry under the general land laws and made available only to those who desired to enter under the reclamation law. Notwithstanding that none of these projects could be completed within three to five or more years the land was opened to entry and the people invited to select the land they desired and make entry at the local land offices. Residence was required in order to confirm the right to the land, notwithstanding the fact that there was no water available for even domestic purposes.

Thousands of home seekers flocked upon these various projects, some of them without money and probably only a team of horses, others with several thousand dollars. They established themselves upon the land in such houses and shacks as they could erect, and settled down to wait patiently for the delivery of the water. As heretofore stated, they were required to continue residence upon the land or subject their entries to contest by other prospective settlers who were anxious to get a homestead. The hardships and sufferings of these people living upon the desert, in many instances 10 or more miles from the post office, and being required to haul water a great distance for domestic purposes and to water such stock as they had upon the place, can not be portrayed in words. Only those who have endured them can convey any impression of the agony which they experienced. In nearly every instance those who went there with money consumed it all in maintaining themselves, and after two or three years found themselves reduced to poverty.

Under the Black Canyon project in Idaho, a part of the Payette-Boise project, there are over 900 families who have been on the land for nearly 10 years, who are still waiting for the water to irrigate their lands, but on the Minidoka project and on a portion of the Payette-Boise project in my State water was finally furnished and the people are making every possible effort to build homes and improve their farms, and some of them are succeeding remarkably well. Many of them, having used all of their capital to maintain themselves and families before water was available, are finding themselves unable to meet their payments which have accumulated, and in some instances their claims are now subject to cancellation. The Secretary of the Interior has extended the time of payment from time to time with the hope that this bill would be enacted and the settlers would be able to save their claims. If the relief prayed for is not afforded, or if the settlers are burdened with the necessity of paying interest on the deferred payments as has been proposed, it would simply mean that many of them will be required to give up their claims, and all of their suffering and effort will go for naught and the claims will be canceled. These entries will then be open to the stranger, who will have the unearned benefit of the work done by the original entryman, except such improvements as could be removed from the land.

As heretofore stated, these settlers entered the land with the hope of making a home for themselves and families. They have complied with the law in every respect and are now confronted with the necessity of paying two or three times as much for the water as they originally expected. They are perfectly willing to meet the increased payments, but plead for an extension of time within which to earn the money to do so. The Government can not be injured by the enactment of this bill. No appropriation is asked; it is simply a plain petition from a most deserving class of citizens, who ask that the time of payment of the debt which is hanging over them may be extended, in order that they may save their homes and prevent their families from being thrust out, after having spent years in the struggle to get a home upon the public domain. [Applause.]

Much has been said here to-day in regard to the liberality of the Government with reference to those who go upon the public land with a view of establishing a home. It is true that our Government has been liberal, but not so much so as many other nations throughout the world, who recognize the importance of encouraging the development of their agricultural resources.

The substantial encouragement given the farmers in other countries is well stated in an article prepared by Comptroller Ryan, of the Reclamation Service, printed in the April number of the Reclamation Record, from which I quote:

ENGLAND.

In England, by the small-holdings act of 1907, county councils are authorized to purchase or condemn large estates and subdivide them into small tracts to be sold. The purchaser pays one-fifth down and the balance is spread over a term of 50 years. The money to buy the land and subdivide is loaned by the public works land commissioners at 3½ per cent. The average cost of land acquired under this act was less than $100 per acre. The cost of preparing them for sale to small holders has averaged $10 per acre. During 1908 and 1909, 60,889 acres were acquired under the act. Of this area 34,234 acres were sold in small holdings and 26,655 acres were leased.

IRELAND.

The estates commission and the congested districts board are commissions nominated by the Government, and have for their object the division and sale of estates. The procedure is as follows: A large estate is put up for sale and appraised. If the price asked by the owner is satisfactory, the estate is purchased and the owner is paid in Government land, scrip, or stock bearing 3 per cent interest. Estates sold under compulsion the Government must pay for in cash. The estate is then

must constitute the principal foundation for the development of the semiarid regions; not only this, but a large part of the foundation for productions and business to justify the expenditures we are making to increase transportation and lessen its cost.

Mr. Chairman, if given ample time, these irrigated farms will become not only very productive but very profitable, and the communities where they are will be made prosperous. I can see the day not very far distant when these farmers, or the communities which they have built up, will be paying back returns to the Government in the form of income tax, besides the good which will be distributed generally.

Mr. Chairman, James Tyson, born in Australia, was one of the first to perceive, also to realize, handsomely upon the possibilities in irrigation. Asked what his pursuit had been, he said:

Fighting the desert. I have been fighting the desert all my life, and I have won. I have put water where there was no water; beef where there was no beef; I have put fences where there were no fences, and roads where there were no roads. Nothing can undo what I have done, and millions will be happier for it after I have been long dead and forgotten.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. KINKAID of Nebraska. I ask but half a minute.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield the gentleman half a minute more.

Mr. KINKAID of Nebraska. Mr. Chairman, these irrigation farmers, with their families, constitute a grand army that has been fighting the battle for greater opportunities—greater opportunities for agriculture, greater opportunities for home building. Where the Government has put water, they have brought the plow, the reaper, and the thrasher. From the seed they have sown they are reaping rich harvests of golden grains; they have increased the supply of bread and meat for the millions that are here and will provide more for the millions that are coming. They have painted the brown and bare lands green with luxuriant alfalfa; they have diversified agriculture by the cultivation of the sugar beet and built million-dollar factories to manufacture their saccharine into sugar; they have brought agricultural form, order, method, prosperity, and landscape beauty out of the unproductive commons, resulting in populous communities with flourishing towns outnumbering the isolated ranches which theretofore constituted the population. The conquest they have been waging for the reclamation of the semiarid West has already been more than half won. In a few years their victory will be complete, if they shall not be encumbered by the payment of interest.

Mr. Chairman, our country leads the world in the republican form of its Government, and this has done much in a political way for its citizenship; but if we are to cope with the newer countries in agriculture and home building, we must lessen rather than add to the burden of the faithful and loyal home builders of the semiarid West. [Hearty applause.]

The CHAIRMAN. The time of the gentleman from Nebraska has again expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. FOWLER].

Mr. FOWLER. Mr. Chairman, I have not studied this bill from a scientific standpoint sufficiently to have really made up my mind as to what is best to be done with it. The one thing that I have done is to go into the measure in a general way, and I have reached the conclusion long ago that farming is of such high importance to the American people that no man, either in or out of a legislative body, can afford to do anything to discourage it. Farming stands out among the other businesses of the world like Pike's Peak does among the foothills of the Rockies. On it the Nation depends for its success. From its yield this year we expect to add more than $10,000,000,000 of wealth to our resources. On it all other occupations of the world rest, and without it none of them can survive. For that reason, no man can afford to do anything which would in any way discourage agriculture.

It is plain and must be conceded by everybody that there is in the West a mighty empire, a rainless region, which when irrigated is as fertile as the valley of the Nile or the Mississippi, a region which produces a greater quantity per acre than any other soil in America. I was in Salt Lake City on the fiftieth anniversary of the settlement of that great city, and I found irrigated arid land in that basin producing 100 bushels of wheat to the acre, while down in Illinois where we claim to be the cream of productiveness, we were troubled to get a yield of from 20 to 30 bushels per acre. With the great opportunities in the West, with that vast empire before us, our duty is plain; we can not afford to say that it is an individual project, because it is not. It is like opening up a great river for navigation. It is like building the Alaskan railway to get the coal and other products out of Alaska. It is like digging the Panama Canal to hasten and cheapen the commerce of the world. It is of such high importance that it rises far above an individual proposition and becomes national in character.

The question confronting us is whether we will allow that great productive area to lie dormant, as it has for all ages in the past, or whether we will in our wisdom take hold of it in a businesslike way and provide the people of the West with the proper means of irrigation, so that we can reclaim that vast arid region. There is plenty of water there, I understand, plenty of water to be reached for the purpose of irrigating all of that property, and it ought to be done. We talk of economy—and I am a calamity howler on that subject—but when I see my country giving away 200,000,000 acres of land to corporations, when I see my country giving away vast sums, like a nation's gold, to the same corporations to build transcontinental railways, then I say that a proposition to reclaim the arid lands of the West is so overshadowing in its importance to America that the money required for this purpose is small, indeed, when compared with what we have given away to corporations.

I know that whatever sum may be appropriated here will be a tax on the people. The expense of Government naturally is always a burden. We can not escape it. These burdens sometimes fall more heavily upon one section of the country than another; but whatever may be said, the greatest wisdom that can be brought together here in this body ought to be exercised in order to reclaim this priceless territory.

It may be best to amend the bill in some parts so that the Government will receive a small rate of interest on what is advanced, but it is far more generous to aid the poor homeseekers without exacting usury than it is to give both principal and interest to rich corporations.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. FOWLER. Yes; if I can get a little more time.

Mr. RAKER. Well, there are a number of gentlemen who have yet to be heard.

Mr. FOWLER. My time is not yet up and I will yield to the gentleman, but I may want a little more time.

Mr. POST. Section 13 speaks of the farm unit. What is the farm unit under this reclamation project?

Mr. RAKER. Mr. Chairman, if the gentleman will permit, I will answer that by saying that it is a tract of land sufficient to support a man's family and his wife.

Mr. POST. No definite area?

Mr. RAKER. No definite area. It runs from 20 acres up to 150 acres.

Mr. FOWLER. Mr. Chairman, I suppose the able gentleman from California has given the proper definition. I understand that a farm unit is the allotment made to the individual family, whatever it may be. That has always been my understanding of the term. I say whatever may be appropriated here, whether it is loaned by the Government with interest or without interest, it will be a tax upon the people. I have placed my ideas of taxation in a few crude verses, which I desire to recite:

TAXATION SHOULD BEGIN WHERE THE SURPLUS SETS IN.

The taxing power of Government
From the consent of the people flows,
With no right to raise another cent
Beyond what the need of revenue shows.
Its burdens on the people are laid
To encourage the progress of man,
Without which no effort would be made
To endure such a burdensome plan.

To use this power for private gain
Is an invasion of human rights.
More wicked than to plunder the slain
On battlefields after bloody fights.
An equal chance in the race of life
For happiness and prosperity
Should be maintained in all tax-rate strife
And handed down to posterity.

Enough to satisfy man's daily wants
Is demanded by nature's decree,
And should not suffer from hasty jaunts
Of tax collectors, but should be free.
Where shall the taxing power begin
On its mission to raise revenues?
Yonder, just where the surplus sets in,
That's the place to start tax-levy crews.

Begin where no cries are heard for bread;
Begin when the heart ceases to ache,
Because the poor have been clothed and fed;
Begin where want and woe never spake.
Mark well the spot where poverty ends,
And, begin not, till plenty is sure.
For God, to the world, this message sends,
"Rob not the poor because he is poor."

Locate the dividing line between
Toil and treasure and pain and pleasure;
On one side of this line may be seen
Pride and plenty and lust and leisure,
Controlling the policies of state,
While on the other, trouble and tears,
Wail and want, doubt and despair, debate
Grave problems of state for coming years.

Look! Spread out o'er this magic domain,
Wealth, a hundred thirty billions lie,
Piled, like the iron ore in fair Lorraine.
In heaps, while from hunger millions die.
Here begin, but with caution proceed,
Taxing large fortunes most steadily,
So that hereafter there'll be no need
To tax breadwinners so readily.

[Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I want to ask unanimous consent that those who so desire may have five days in which to extend their remarks in the RECORD upon this bill.

Mr. FOSTER. I would like for the gentleman to confine it to those who have spoken on this bill.

Mr. TAYLOR of Colorado. The reason I put it in that shape was that there are a great many who desire to speak and who can not.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that those who have spoken upon the bill——

Mr. TAYLOR of Colorado. No; I did not say those who have spoken.

Mr. FOSTER. I suggest that has to be done in the House. The committee has no power to authorize that.

Mr. TAYLOR of Colorado. I withdraw the request; and I yield 10 minutes to the gentleman from Montana [Mr. STOUT].

Mr. STOUT. Mr. Chairman, anyone who has made even a slight study of the conditions which obtain on the 28 Government reclamation projects which have been begun since the passage of the Newlands Act 12 years ago must realize the absolute necessity of remedial legislation, such as proposed in this bill. One of the most beneficent enterprises ever undertaken by this Government, the reclaiming of millions of acres of unused and useless land for the benefit of our people, will fall far short of its splendid purpose if the measure now under consideration fails to pass this House. My personal knowledge of conditions under which thousands of settlers in the State of which I have the honor to be one of the Representatives at Large in this body are struggling has induced me to presume upon the time and patience of the House at this time. As a matter of fact, I possess no particular aptitude for speech making. When I was making my campaign for Congress I promised the good people of Montana that I would not make any speeches if they sent me down here. [Applause.] Those who were fortunate enough to hear my predecessor oratorical efforts generally agreed that perhaps it would be just as well if I adhered to that announced determination. Thus far I have religiously observed the promise so solemnly made and so enthusiastically received by my constituents. I have sat here for 15 months and heard about 15,000 speeches. There have been moments when temptation has beset me, but impulse has always yielded to the saner judgment of a second thought, and the voluminous RECORD of two trying sessions has remained unadorned by any extended outburst from this source. Upon reflection, I may add that the RECORD has not suffered particularly by reason of my self-abnegation. Despite my failure to illumine its pages with occasional discursions into "the state of the Union," the CONGRESSIONAL RECORD has managed to hold its own with an appreciative clientele as the source of considerable wisdom, the very fountain of wit, and the consonant vehicle for the dissemination of enlightenment. [Laughter.] Taken in conjunction with the blessed, though sadly overworked, franking privilege, the CONGRESSIONAL RECORD serves as the bulwark of our sacred institutions by aiding and abetting the lofty aspirations of the Nation's elect. [Applause.]

The only earthly excuse I have to offer for breaking my pledged word to my people, violating a solemn covenant with myself, and interjecting these halting remarks into the proceedings of this day is the profound interest which my constituency has in the measure now before the House for consideration. The success and happiness of thousands of the best people in Montana, which is equivalent to saying the best people on God's footstool, depend upon the passage of this bill. Its enactment into law means for them that hopefulness and good cheer which a future, filled with promise, carries into the hearts of all who toil for better things. Its failure would be the capsheaf of their misfortune, the consummation of years of hopelessness and sturdy sacrifice.

When the reclamation act was passed in 1902 Montana presented greater opportunities for successful operation under the new law than did any other State in the Union. There were millions of acres of as fine soil as can be found in all outdoors, and possessing, in almost limitless quantities and correct proportion, the elements required for the bountiful production of grain and grasses and vegetables. Agricultural science had not yet perfected the marvelous system of dry farming and these vast level bench lands were lying idle and unproductive solely because the rain did not fall in sufficient abundance to inspire the thousands of hungry land seekers with the confidence required to attempt the work of reclamation. Across these plains flowed mighty rivers, fed by the eternal snow on the distant mountain tops, and this combination of unused soil and wasting waters appealed to the men who were placed in charge of the reclamation work as the ideal situation for beginning the task intrusted to their hands. As a further justification for giving Montana the preference it was found that that State was by far the heaviest contributor to the reclamation fund, accumulated by the sale of public lands.

Seven great projects with a total area of 254,924 acres have been started in Montana. Two of these have been practically completed and substantial units of the others made ready for the settler. When all of the projects have been finished they will afford homes for twenty-five or thirty thousand people and will produce annually millions of dollars worth of grain, hay, vegetables, and live stock.

SOME MISTAKES MADE.

In outlining work of the extent of that accomplished by the Reclamation Service, it is impossible to avoid making some mistakes. In view of its magnitude, this was practically a new field of operation and one involving greater engineering feats than had ever before been attempted in that particular line of endeavor. In the beginning estimates were made by the Government engineers of the ultimate cost per acre which the settler, who was to reimburse the Government for its expenditure, would have to pay. It was upon the basis of these estimates that thousands of settlers entered upon these lands and established their homes. They had implicit faith in the Government making good its promises, and so made provisions to take care of their yearly payments. But as the work advanced a number of unexpected situations arose which vastly increased the cost of construction. It was found advisable for the Government to build more lateral ditches than the original plan contemplated, to erect bigger dams and wider and deeper canals. Difficulties in engineering, which could not have been reasonably foreseen, were encountered. But the chief element of increased cost over the first estimates was the great advance in the cost of labor and supplies. I am willing to admit that no one was particularly to blame for these unfortunate conditions, but the fact remains that the burden fell on the settler.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STOUT. I will.

Mr. MOORE. I sympathize as thoroughly as the gentleman does with the men who went on these lands, but I would like to know just what sort of an understanding they had when they entered? Were representations as to the per acre cost made by the Government or its officials, or were they made by individuals?

Mr. STOUT. As I understand it, I am glad the gentleman from Pennsylvania asked the question, many representations were made by representatives of the Government.

Mr. MOORE. In circulars and in literature?

Mr. STOUT. Yes, sir.

Mr. MOORE. The gentleman has conversed with a great many of these people, I assume?

Mr. STOUT. I have seen a good many.

Mr. MOORE. Can the gentleman tell us whether they did go in good faith, believing they could accomplish what they sought to do on the terms and the prices indicated?

Mr. STOUT. I can reply to the gentleman that those with whom I talked went in thinking they could fulfill their obligations to the Government.

Mr. EVANS. Yes; when the spring floods come along they come all the way down to the Mississippi River, and they do damage as far down as New Orleans. The construction of these irrigation projects will stop the damage all the way down from St. Louis to New Orleans.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. TAGGART. We have a dam on the Platte River in Wyoming. That dam, I believe, is 270 feet high, is it not?

Mr. KINKAID of Nebraska. It is higher than that, but I have forgotten the exact number of feet.

Mr. TAGGART. It is capable of retaining a flood in case there is one, is it not?

Mr. KINKAID of Nebraska. It will impound flood waters.

Mr. TAGGART. And the theory is that if it is allowed to run out in the dry season, it can be used for irrigation purposes, and in case of a flood in spring it will effectually retain the flood?

Mr. KINKAID of Nebraska. Of course it conserves flood water.

Mr. TAGGART. When you get a flood in the arid region, it is usually a serious flood, is it not?

Mr. KINKAID of Nebraska. They have been the most destructive of any in many instances.

Mr. Chairman, the necessity for this legislation is mutual to the water users and the United States. That has been accurately ascertained and determined by the proper officials. The comptroller of the Reclamation Service, Mr. Ryan, was delegated by the Secretary of the Interior to come before the Committee on Irrigation and give his testimony, which expressly represents the views of the Secretary of the Interior, as well as the comptroller himself.

I shall read briefly from his testimony:

Mr. KINKAID. I should like some information on the North Platte project.

Mr. RYAN. I have a statement here which shows the number of payments—the number of water users and the number of payments they have made on each of the projects, showing those who have made payments, and how much they have made. Then here is a statement for each year since the projects were opened. The North Platte project, for instance, the total amount of building accruals is $566,940, and the total amount paid is $162,000, and the total amount unpaid is $404,000.

The CHAIRMAN. Now, what is the reason for that default, if you know, Mr. Ryan?

Mr. RYAN. They have been unable to make the payments; they have been unable to make the land produce sufficient to make the payments.

The CHAIRMAN. Is it your judgment, Mr. Ryan, that, without an extension of time, these water users on that project you just mentioned, for instance, would be able to meet their payments within 10 years?

Mr. RYAN. They would not. I think it problematical on the North Platte whether a sufficient extension of time is made under the provisions of this bill. I have doubts about it.

The CHAIRMAN. Is it probable, Mr. Ryan, that the money for these construction charges could be returned more certainly in 20 years than in 10? That is not the question either that I intended to ask. Don't you think that we can get the money back more quickly by extending the time than by letting it remain as it is?

Mr. RYAN. Yes, sir; absolutely. The 20-year extension is necessary as a business measure in order to get the money back into the reclamation fund. I doubt if you would get it back under the terms of the old bill, but I feel certain that you will get it back under the terms of the new bill.

EXPLAINS WHY.

The example of the discouraged and disheartened settler, unable to succeed on the land he operates will deter new settlers from going on the unoccupied lands. Unless water-right applications are made for large areas not now under contract there will be a large deficit in the repayments to the reclamation fund. In order to secure thrifty and industrious settlers upon all of these lands, it is necessary to make our terms liberal enough to induce them to put their time and their labor against our investment. If we make our present settlers prosperous and contented, we will have no need to fear but that we shall have an abundance of applicants for lands not now in use.

The CHAIRMAN. The gentleman has consumed 25 minutes.

Mr. GREENE of Massachusetts. I yield to the gentleman 15 minutes additional time.

Mr. KINKAID of Nebraska. I have read this statement of Mr. Ryan to show the mutuality of the public with the private water user, as to the development of further projects. Unless these settlers who are already on existing projects get relief, there will be no newcomers and no new takers of the new projects. Unless water-right applications are made for large areas not now under cultivation, there will be a large deficit in the repayments of the reclamation fund. Instead of putting off the day of the payment, this bill, duly enacted, will facilitate and accelerate the payment of funds, because of the increased number of entrymen coming on and taking these lands. The more lands taken, the more entrymen there will be to help make water-right payments. Let me repeat for emphasis that I asked Comptroller Ryan this question: "You regard it as a mutual proposition between the Government and water users that this relief be afforded—that it is in the interest of both?" To which Mr. Ryan replied, "Yes, sir."

Mr. Chairman, this makes it plain it is a mutual proposition between the Government and water users in order to get the money back to the Government and that the water user may have time to make the money. Mr. Chairman, this is a question of internal improvement. It is not a question of money loaning. It is not a question of investment, considered from the business man's standpoint. The gentleman from Illinois [Mr. MADDEN], able and useful Congressman that he is, is also a successful business man, and he is able to perceive at once that this is not an interest-paying proposition to the Government. The gentleman from Illinois [Mr. MADDEN] joins with his colleague from Illinois [Mr. MANN] in his proposal that interest should be paid by water users on the time given for water-right payments. This is not to be viewed as a commercial proposition for investment by the Government. It is a broader question, looking to the future of this country, a great country with a great population and a great people, and we can never be a great people without the material prosperity of the individual.

Some little criticism has been made of the bill, because it allows four years without making any payment, after making the initial payment. This is done for the purpose of enabling the homesteader to get a start, to subdue the soil. The mistake was made in the first place by assuming that water users could make their payments in 10 years. It takes 4 or 5 years to subdue the land. As pointed out by the able reclamation official of Victoria, Australia, at this Denver convention last spring, it was a great mistake not to allow the water user time and sufficient latitude in which to get a start, and that has been the great stumblingblock in our reclamation law. Other countries provide for this. Australia provides for this, New Zealand provides for it, and Argentina is going to provide for it. Are we to be behind these new countries? Are we to pursue a policy that will encourage emigration out of our country into these foreign countries?

Mr. Chairman, I desire to here emphasize as strongly as I can that water users are entitled to 10 years additional time as an equitable right, and they have a strong case at that in equity for such relief. They are entitled to it as a matter of equitable right and equitable relief without having to pay for it a consideration in the form of interest. They are entitled to it as a matter of justice, and they should not be required to buy justice.

Mr. Chairman, they are entitled to it, first, for the reason given by the Secretary—that a mistake was made in the first instance, when 20 years time should have been allowed instead of 10 years in which to make water-right payments. The mistake occurred by reason of an erroneous estimate in the time reasonably required. Who should be responsible for this erroneous estimate? Mr. Chairman, I submit it is not tenable to invoke here or apply the rules of a sharp bargain or of beware and take care of yourself at your own peril when entering into a contract. The application of no such a rule to this condition would become an enlightened people and an enlightened Government. But let me here invoke the Golden Rule. Mr. Chairman, the Government has already required water users to make good for the mistakes made in estimates as to the cost of construction, notwithstanding their bargain with the Government under the law that the first estimates made, which turned out to be too low, was what water users and the Government were both bound by.

In many instances the first estimates made of the cost of construction and what it would cost the water user per acre for his water right were found to be entirely too low, and the construction charges had to be increased. Department officials viewed it that water users were morally required to pay the actual cost of construction, and water users acceded to the proposition. Such being the case, the Government is now bound by the same rule; it should do as it has required itself to be done by by water users, which means that it should correct the mistake made in the first instance, and that without exacting interest therefor.

Mr. Chairman, I regard it as very pertinent to right here read an excerpt from a letter written me by the Comptroller of the Reclamation Service, Mr. Ryan, in reply to a letter I wrote him about this bill. It reads:

There is one point to which I desire to particularly call your attention, and that is that the people of the various projects were attracted there by the promise contained in the reclamation law that they should have their water-right charges without interest, and that the Government is therefore under a moral obligation not to assess interest against these people now on the projects.

Mr. Chairman, this expression represents the well-settled convictions of the Secretary of the Interior and the reclamation

officials who have had the greatest amount of experience with the operation of the act.

The relief should be cheerfully and immediately granted, and without price.

A second reason why the time should be extended is the greatly increased subsequent estimates of the cost of construction. It is very plain that the more the water user has to pay the longer time it will require him to make it out of the land—and water users are not capitalists, to start with—and the very theory of the reclamation act is that he be given time to make the cost of his permanent water right out of the land.

Mr. Chairman, another cogent and unanswerable reason, as I conceive it to be, why water users should be accorded 10 years extension of time, and without interest, is the necessity involved in the problem. It is necessary that he have not only the time, but also that it be accorded to him without price, because the proposition would not be a feasible one upon an interest-paying basis. To illustrate, we will all agree that there is no legitimate business that can be successfully conducted upon borrowed capital with interest paid at 50 per cent per annum. I mention an absurdly high rate to emphasize that every business has its limits of the cost of operation which may permit of its being successful. I think it will also be granted that some kinds of legitimate business can not be conducted upon borrowed capital and pay interest at even 6 per cent per annum.

Mr. Chairman, there are some branches of business, some enterprises, which would be very helpful in a public way which can never be put upon their feet, never get a start, upon borrowed money at any rate of interest. The question of the feasibility of the payment of interest by water users was determined when the reclamation act was passed. It was then determined that it was not feasible for the water user besides paying the cost of construction to pay interest for the time given him in which to make payment. It was conclusive that this would not be feasible after irrigation capitalists and investors had possessed themselves or secured control of all of the feasible projects, by which I mean such as would pay dividends or interest upon the cost of development. Private investors had left remaining only what could be reclaimed at very great cost, or far greater cost than private parties would ever risk, but large areas of the best of the semiarid lands yet remained unappropriated by private interests. Mr. Chairman, this remaining semiarid area—I mean its development—presented a problem for our Government to solve. It was to be solved in the interest of the public. The reclamation act does not contemplate immediate pecuniary gain by the Government. It does contemplate abundant returns in a public way when development shall have been accomplished.

Mr. POST. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. POST. I did not quite catch the force of the gentleman's argument as to why the Government should not ultimately recover interest on its original investment.

Mr. KINKAID of Nebraska. Because this land and project will not stand it. The proposition will not stand the payment of interest and allow the water users to live. They can not make a success of it and pay interest. That is the only reason the Government ever undertook the reclamation of arid lands by use of public-land moneys.

Mr. POST. Would not that lead to the conclusion that the project was a failure?

Mr. KINKAID of Nebraska. No; not in the broader view of the question. Of course, from a money loaning or private capital investment standpoint, I grant you would be right. But we are pursuing a broad public policy for agriculture and home building.

Mr. TAYLOR of Colorado. If the gentleman from Nebraska will allow me, I want to suggest that there is a large percentage of land now owned by the Government in the public domain under the reclamation projects. It is open to you or me or anybody, but there will not anybody go there if they have got to pay $100 an acre for it, and pay $100 an acre more in grubbing sagebrush, oak brush, and rock, leveling the land and building ditches, and then try to grow a crop of alfalfa to produce something to sustain the family, and pay annual maintenance charges besides, and then pay interest. In other words, Uncle Sam has got the land, it is on his hands, and if he wants to get his money back he will have to offer terms that will interest settlers.

Mr. KINKAID of Nebraska. I will state, in addition to what the gentleman from Colorado has so well said, that the returns can not come soon. It is a long-time investment which will bring great returns to the public in the end in population and wealth. We might as well dismiss the question of continuing the operation of the reclamation law if we are going to calculate that it must be put on a paying basis at the start.

Mr. POST. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. POST. I understood the argument a while ago as to why the Government should not recover ultimately was because the construction had doubled what the original estimate was. It is a good deal like the fellow who wants to borrow $1,000 from the bank and afterwards finds that he requires $2,000, and the conclusion would be that the banker ought not to charge any interest at all.

Mr. KINKAID of Nebraska. I perceive the difficulty with the gentleman. He is reasoning from a banker's standpoint, from the investment standpoint. This is not a proposition of that kind. This is a home-building proposition. The Government started out on this with the high purpose of making these desert areas productive.

Mr. HARDY. Will the gentleman yield?

Mr. KINKAID of Nebraska. I am pleased to yield.

Mr. HARDY. Is not the cash value of a debt due in 20 years less than 50 per cent of the face of the debt?

Mr. KINKAID of Nebraska. You and I learned something of that kind in our mental and practical arithmetics when we were in school.

Mr. HARDY. If that be so and the Government spends $100 and requires it to be paid back in 20 years, is not that equivalent to requiring only 50 per cent of the investment?

Mr. KINKAID of Nebraska. The gentleman from Texas is good at figures, and he can figure if he shall choose. The fallacy is in judging this grand policy of internal improvement from a private investment standpoint. It ought not to be considered in that way.

Mr. TAGGART. Will the gentleman yield?

Mr. KINKAID of Nebraska. Yes; I shall be pleased to yield.

Mr. TAGGART. As compared with what the Government might lose in the way of interest on the money invested in reclamation, how would it compare with the vast domain that the Government absolutely gave away under the homestead act without money and without price? If the value of the land that was given away in your State and in mine within the last 50 years is estimated now, I ask how many billions, not millions, of dollars would it be worth at this time?

Mr. KINKAID of Nebraska. I agree with the gentleman from Kansas in the statement he has made, and will add we have given away more than ten times the area of land contained in the semiarid region to the great railways. We also loaned and subsidized them in money and the issue of bonds.

Mr. Chairman, the debate has already developed the issue whether river and harbor expenditures constitute a fair criterion for our contention that no interest should be paid by water users. I shall not extend this argument upon the line thus far conducted; it is a very simple proposition, and what is in it can be seen at a glance. I am frank to say before the debate commenced I had expected to instance that river and harbor appropriations for the last 12 years aggregated $372,000,000, I believe it is, which is just about the cost of the Panama Canal. I had intended to point out how much more bountiful the returns would be to the public for the investments made in arid lands than from river and harbor expenditures, which I grant must be made, the question being the amount of the expenditures. Mr. Chairman, I shall not extend the argument upon this issue, but I do deem it logically and legitimately in point to cite that of the river and harbor appropriations a considerable percentage of it has been used and is being devoted to the construction of levees, not for the purpose of navigation, but for the sole purpose of preventing overflow of rich bottom lands tributary to the rivers.

The percentage expended in this way is for the direct purpose of the reclamation from overflow and swamp, not of the public domain but of lands privately owned. Not one dollar of even the principal is required to be repaid, thus leaving no basis for interest payment. Mr. Chairman, paradoxical as it may seem, it would appear that the reason why water users should pay interest is only because they have agreed to pay back the principal moneys invested. Mr. Chairman, providing as we are so extensively for water transportation by the construction of the Panama Canal and by river and harbor appropriations, and as the Congress has already appropriated for the improvement of public roads through the country, it seems to me that we have thereby created just about a necessity for increasing our resources of agricultural production in order to give both symmetry and consistency to our development by policies of internal improvement. It is very plain that the homes and productive farms which the reclamation of arid lands will bring about

by the Reclamation Service. Of course, as in all other Government work, money has been spent in a useless and improper manner by this service. I know of such instances from my own observation. But the question at issue here, however, is not what ought to be done about the mistakes of the past, but whether the submission of estimates by the Reclamation Service and annual appropriations by Congress will cure the evil. I can see nothing in our present methods, as exemplified by other congressional appropriations, to indicate that any saving would be effected.

Mr. Chairman, in conclusion, let me say that in common with every water user on the Federal reclamation projects, I am indeed glad that after a long and wearisome delay we have at last begun the discussion of this measure in the House. I ventured a prediction about a month ago that this bill would pass the House by the 15th of July. As prophets go, I was fairly accurate in that the discussion of the bill was commenced on yesterday. I sincerely trust that we will conclude the general debate to-day, so that we can take up this measure next Wednesday, under the five-minute rule, and pass it.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 25 minutes to the gentleman from Nebraska. [Applause.]

The CHAIRMAN. The gentleman from Nebraska [Mr. KINKAID] is recognized for 25 minutes.

Mr. KINKAID of Nebraska. Mr. Chairman and gentlemen, I am very glad the relief sought is freely recognized as not being a merely local question confined to a congressional district or one State. Its extensive geographical scope makes it a great national question. It is also politically treated as a national question. I am glad to acknowledge my appreciation of the firm support being given this bill by the Department of the Interior, which presumably correctly represents the attitude of the present administration. Had the Republican national ticket succeeded in the last election there would have also been an administration bill, just such a bill as this, for enactment. It also goes without saying that if the Progressive national ticket had won, the reclamation act would have received the fostering care of the administration of Theodore Roosevelt, because the original act was passed under his administration, assisted by his ardent support. No political party has ever taken a stand against this act, and I am glad no partisan politics is involved in this relief bill. The Republican administration had found by experience of the Interior Department, and I may say a practical demonstration by water users, that this relief by the extension of time from 10 to 20 years was necessary. That was clearly demonstrated, and has been confirmed by the many figures, statements, and reports which the Department of the Interior has from time to time given to the public.

Mr. Chairman, this bill constitutes the present paramount legislative interest of approximately the west one-half of the United States. It is not merely the particular localities now under irrigation which are vitally concerned, but as well the unirrigated country surrounding those localities, and especially as well the many towns to which these irrigated vicinities are tributary.

The bill is not the product or draft of any single Member of Congress, neither of any official. Its provisions represent the consensus of opinion on the one hand of the Secretary of the Interior and his able and experienced corps of reclamation officials, including engineers, legal advisers, and other valuable help——

Mr. RAKER. Will the gentleman yield right there?

Mr. KINKAID of Nebraska. Certainly.

Mr. RAKER. In addition to the Members of Congress from the Western States, practically all of them, is it not a fact that the Senators from the various States also participated in this conference with all those interested in the administration?

Mr. KINKAID of Nebraska. The gentleman from California is entirely correct.

Mr. RAKER. And not only one but many conferences were had on this bill, and it was gone over thoroughly before it was presented to the House?

Mr. KINKAID of Nebraska. It must have been deliberated two or three months before it was drafted, and then it went to the committees and was thoroughly considered by the committees, and it was so acceptable as drafted that it passed the Senate without any resistance whatever.

Mr. Chairman, I had been about to state when I yielded to the gentleman from California [Mr. RAKER] that Senators and House Members from all the irrigation States, and especially the members of the Senate and House Irrigation Committees, participated with the Secretary of the Interior and his very capable and experienced corps of reclamation officials in deliberations had upon the preparation of the bill, the Secretary himself officiating as chairman of the conferences.

Mr. RAKER. Will the gentleman yield further?

Mr. KINKAID of Nebraska. With pleasure.

Mr. RAKER. Is it not a fact that while there has been considerable complaint from the farmers on these projects they were called here a year ago last summer, and were here a couple of months, as representatives from each project, and full hearings were had before the Secretary of the Interior, and volumes of testimony taken, and that this bill is practically the result of that conference, as well as the other one just named, between the Members of the House and Members of the Senate?

Mr. KINKAID of Nebraska. I thank the gentleman from California for calling my attention to that. I intended to make that very statement of fact and tell of the long, arduous, painstaking, highly capable, and thorough investigation that was conducted by the Secretary of the Interior in order to ascertain what might be expedient to be done for settlers. The Secretary was most faithful and able in the discharge of this self-imposed official duty. The Secretary reached the conclusion which was inevitable upon the evidence. Besides hearing from the lips of the water users themselves of their efforts and experiences and as to existing conditions the Secretary made an extended tour, seeing for himself most of the projects. I shall read what the Secretary says upon that subject in his annual report.

The Secretary says:

> We mistook the ability of the farmer to pay for his water rights. Ten years was the time given. His optimism and our own was too great. The time should be doubled.

Please observe this further statement of the Secretary, which I read:

> This should be done not alone because of the inability of many to meet their obligations to the Government but because it will prove a wise policy to give a free period in which the farmers may more fully use their farms.

Mr. RAKER. Will the gentleman yield right there? Is it not a fact—and I want it from the gentleman, if it is within his knowledge—that one of the reasons that has raised the cost of these projects is that when they first estimated they simply estimated for a dam and a main ditch, and since that time practically each project has added a distributing system, and there are hydroelectric plants and other drainage systems that were absolutely necessary, and hence the price of the project has been doubled, and having doubled the price of the project, these men ought to have additional time for payment?

Mr. KINKAID of Nebraska. Nobody is better informed on that, I take it, than the gentleman from California, but I would answer in the affirmative the question which he has asked. I will just state in that connection that on the North Platte project the first estimate there was $35, but it was increased first $10, making it $45, and subsequently increased $10, making it $55——

Mr. RAKER. Right in that connection I want the gentleman to explain to the House whether or not it is a fact that when they raised the estimate it was done by virtue of their putting in a distributing system to deliver water to the farmers, when, as a matter of fact, the original only contained the estimate for a main ditch?

Mr. KINKAID of Nebraska. I do not doubt the gentleman is correct about that, but I am not sufficiently informed to answer on that particular point.

Mr. Chairman, 25 or 30 years ago some publicist said, "America is another name for opportunity." Nothing could have been more truly expressed with reference to the boundless opportunities for legitimate endeavor, but especially for homesteading, home securing, and home building in the yet unsettled portions of Iowa, Minnesota, Nebraska, Kansas, and the Dakotas, within the humid limits.

Mr. Chairman, for the several years preceding the enactment of this reclamation law in 1902 opportunity for the securing of homes on the public lands and the extension of agricultural development in the United States had well nigh become exhausted. I mean such opportunity had become almost exhausted in the humid regions of the West; and what was to be done about it? Were our people to be allowed to emigrate to Canada, Australia, or to some other new country, where they would find agricultural lands blessed with adequate rainfall or irrigated by the State?

Mr. Chairman, the result of this ascertainment and the agitation which followed was that the people of the semiarid West appealed to the Congress for a national irrigation law, providing that the funds arising from public-land sales be used in the development of irrigation projects, and the result was the act of 1902.

Mr. Chairman, the membership has been fully advised of the extent of the delinquencies in water-right payments, and I shall not here take the time to go into figures upon this question.

Mr. Chairman, the able and distinguished gentleman from Illinois [Mr. MANN] in the remarks he has made freely accords that the time for making water-right payments should be extended from 10 to 20 years, and the views he expresses show him to be well grounded upon this question. He seems to be convinced, as the Secretary of the Interior and the members of both committees and many other Members of the Senate and House are convinced, that such an extension of the time of payment is a necessity. I personally appreciate the approval of the gentleman from Illinois of this, the main feature of the bill, but I do regret that the gentleman from Illinois [Mr. MADDEN], who has already spoken, and some others, should be impressed that a rider should be imposed upon the extension of time in the form of interest payment.

I contend that interest payment is not tenable at all. I contend that it would be thoroughly and fundamentally repugnant to the original act. I contend that rather than to impose the requirement of interest payment we had better introduce an act to repeal the reclamation act, because interest charge must make its operation a failure.

Mr. Chairman, when the act was passed it was determined it would not be an interest-paying proposition, because it would not endure the payment of interest. It was only because the projects which the Government has taken up and set on foot were not feasible at all as business propositions from a private-investment standpoint that Congress passed the reclamation act and assumed the onus of furnishing the money to settlers without interest. Private capital would only invest where the payment of interest or the return of dividends were assured; where reputable irrigation engineers had ascertained that large or reasonable dividends would be realized. Practically all such feasible projects had already been secured by private capital. The question thus arose whether the development and the increase of population in the western country should be encouraged by Government aid. It was granted that private capital would never undertake the development of what the Government has since undertaken, and that it was not an interest or dividend paying proposition to start with. Mr. Chairman, the arrangement does not constitute a borrowing by water users. Water users are simply going in on the cooperative plan with the Government for the general development of the country. Water users have joined hands with their Government to do something not only for their individual private interests, but for the public interest as well.

The act provides for a policy for internal improvement, looking to a great ultimate good. The Government does not expect to reap immediate advantage. It would be idle to contend for that. But the Government had to undertake this and do this much, allowing money to be used without interest or without any returns, or else allow these fertile lands of the West—which they are, when water is put upon them—to lie idle and unproductive. It is an act to reclaim the desert, to make the unproductive desert productive. And, Mr. Chairman, it is an act also to build up citizenship.

> What constitutes a State?
> Men, high-minded men.

It is for the benefit of the State and the Nation that we build up our citizenship, and the surest foundation is to secure to them comfortable and profitable homes.

Mr. Chairman, it is not legitimate or fair at all to impose interest payment. To impose interest charge would break the majority of water users; some of them, of course, would survive because they were well-to-do when they took up the land.

Mr. Chairman, I want to read this particular plank from the Republican platform, based upon the experience of the Interior Department:

> We favor the continuance of the policy of the Government with regard to the reclamation of arid lands; and for the encouragement of the speedy settlement and improvement of such lands—

Mark the words:

> *For the encouragement of the speedy settlement and improvement of such lands.*
>
> We favor an amendment to the law that will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

I want also to read from the report of the Secretary of the Interior upon the same point. He says:

> I feel the keenest sympathy with those who are upon these projects, who are entering upon this work of putting the desert into *public service.*

The Secretary of the Interior recognizes that the water users are not only helping themselves in a private way, but are doing a public service, and these reasons are my justification for saying that this is a cooperative plan. These pioneers, helping to develop these lands, are citizen patriots doing a great public service to help develop this country, so that it will cope in population, agricultural production, and power with the other countries of the globe.

We were told in the excellent speech by Mr. Mead, who was at one time in the Reclamation Service here, and who had previously been the highest reclamation officer in the State of Wyoming, when I had the pleasure to know him—he stated in his speech delivered at Denver at the irrigation convention this season that the United States is in competition with Australia, New Zealand, and Argentina for population, in substance. Mr. Mead meant, too, that the kind of laws and policies we applied to irrigation and the manner of help accorded water users would largely determine the question of our supremacy over these competing countries with respect to the settlement and development and production and prosperity of the semiarid regions of the several countries. Mr. Mead explained wherein foreign countries had done and were doing so much more for irrigation by giving the water user a good start and more favorable terms throughout than the United States has undertaken to do for its water users.

While water users in the United States will cheerfully repay to the Government the full cost of construction if they may be afforded reasonable time in which to make the money, or a good portion of it, from the use of the lands irrigated, the State of Victoria, in Australia carries permanently for water users the full cost of construction, requiring from water users annual payments which would be equivalent to a reasonable income on the investment made by the State. So water users in Victoria can invest in live stock and other personal property the $25 or $50 or $75 or more per acre, which a permanent water right costs in the United States, and presumably about the same cost obtains in Victoria. The consequence is that the permanent investment the water user in Victoria has in the land is small, indeed, as compared with the permanent investment the American water user will have in the land when his water right has been paid for. The great advantage the Victoria water user has over the water user in the United States will be obvious to everyone. It is not only that the water user in Victoria is permitted to invest and carry in live stock and other personal property the greater portion of his wealth, but the taxable valuation of his land will be so much lower than the irrigated farm in the United States where the cost of construction charge becomes a permanent investment in the land.

It was not a remarkable or exceptionable arrangement on the part of our Government to provide irrigation out of public-land funds without requiring the homesteader to pay interest. I have just pointed out that Australia has gone away ahead of us in this respect, and I should add New Zealand and in some particular respects should add also Canada, but the Canadian Government does not directly itself develop irrigation projects.

Mr. EVANS. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes.

Mr. EVANS. Is it not a fact that many of these projects are used for the purpose of retaining the flood waters that otherwise would do damage as they flow down untrammeled through the valleys of this country?

Mr. KINKAID of Nebraska. Yes; certainly. The gentleman from Montana is correct. They do a great service in that respect and will help to avoid the necessity of large appropriations for the improvement of rivers and the construction of levees.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. KINKAID of Nebraska. Yes; with pleasure.

Mr. SHERLEY. Will the gentleman state a case where an irrigation reservoir has materially prevented floods in the valleys below? Will the gentleman name just one?

Mr. KINKAID of Nebraska. I had rather refer the question to an expert irrigation engineer—yes; I yield to the gentleman from Montana [Mr. EVANS].

Mr. SHERLEY. You say that that has happened. I want to know of a river where that has happened. All the far West is represented here.

Mr. EVANS. I would not undertake to name one, because very few of those irrigation projects are at the present time completed. But it is a notorious fact that it is the expectation of engineers that when these large bodies of water are impounded the damage below that point will be lessened by the regulation of the flow of this water.

Mr. SHERLEY. All the irrigation is in arid lands, in the arid region?

Mr. EVANS. Yes.

Mr. SHERLEY. Do you have floods in the arid regions?

Mr. HARDY. How about this land?

Mr. HAYDEN. Some of the land in these projects is entered under the desert-land act, and for that the entryman will pay a dollar and a quarter an acre.

Mr. MADDEN. And they take money from the sale of other lands and put it into this fund.

Mr. HAYDEN. About $4,000,000 was derived from the sale of the public land last year.

Mr. HARDY. The Government not only gets nothing for this land to start out with, but it spends a hundred dollars an acre for it.

Mr. HAYDEN. That is done on the same theory that land is given to the settlers without cost and without price under the homestead law. It is for the benefit of all the people of the United States, not to make a profit out of the public domain, not to use it as a source of revenue, but to provide homes for our people. The only way we can make homes for anybody on most of the remaining public land is to irrigate it.

Mr. EVANS. Will the gentleman allow me to make this suggestion, that a part of the money that comes to this fund comes from the sale of coal lands, from the sale of timberlands, from the sale of phosphate lands, and other lands, for which the Government charges a certain price.

Mr. HAYDEN. I thank the gentleman from Montana for bringing out that fact. Now, let me continue the quotation from Mr. UNDERWOOD:

> The congressional debates in the early history of our Government show that Congress at that time recognized a very marked distinction between the right to dispose of public moneys derived by taxation and the disposition of public lands or the proceeds thereof. Most of the Representatives in Congress in the first half century of our national existence were strict constructionists as to the power of the Government to expend moneys derived from taxation for any other purposes than those within the governmental powers enumerated in the Constitution; but these same Representatives were very liberal in the disposition of public lands for other purposes. In the beginning they gave the sixteenth section of each township of land to the States and Territories for school purposes, and afterwards gave the thirty-second section for the same purpose. They followed that by giving public lands to promote the building of canals in the country, and at a later period large donations of public lands were conveyed to railroad companies, as a direct gift, for the purpose of building railroads and improving the country.

If we can give away the public domain to the extent of 140,000,000 acres, which has been done under the homestead law, does it not logically follow that we can give away the money received from the same source, or we can loan it without interest? It is merely a question of the best public policy. The gentleman from Illinois [Mr. MANN] contends that we can not justify a loan to farmers without interest in one part of the country and refuse to loan money to farmers in another part of the country with interest. I have no controversy with him on that general proposition. If we came to the Treasury of the United States and asked for the loan of money derived from the general revenues of the Government, and if it was necessary for the Government to borrow money to make up the amount loaned, then, of course, we ought to pay interest. But the money in the reclamation fund is of a peculiar character. The sums received from the sale of public lands are so small that if divided among the States and loaned to farmers practically no relief would be afforded. I stand ready to vote for any well-considered rural credit bill that may be offered to this House. To charge interest on the reclamation fund will benefit nobody.

Here we have a fund derived solely from the sale of public lands and a part of the private purse of the Nation. If we can properly give the land itself away, we can loan the money received from the proceeds without interest or give the money away. You can not escape that reasoning. On the other hand, if you follow the argument which the gentleman from Illinois has made to its logical conclusion, we ought to repeal the homestead law. We should consider the public lands as an asset of the Government and endeavor to obtain all we can for them. We should offer them for sale to the highest bidder and thus increase the revenues of the Government.

But such a policy has not been followed. We have sold lands for a nominal sum, or given them away, upon condition that the settlers shall make homes for themselves and families. We have about reached the limit of available public lands and we can not provide any more new homes for our citizens now unless it is on irrigated lands. One-half of the area of the reclamation projects is public land that would otherwise be not cultivated or made into homes for our people. A wise public policy makes it necessary that this plan be continued.

If interest is to be charged we must follow the plan inaugurated in Europe of amortizing the debt and extending it over 50 or 60 years. Twenty years is a reasonable time in which to expect the repayment of the cost of reclamation projects if no interest is charged. The government of no other country in the world has attempted to collect agricultural loans in so short a time as 10 years. The small-holdings act of 1907 passed by the British Parliament provides for a repayment period of 50 years. The estates commission and congested districts boards in Ireland make loans for 62 years. In the State of Victoria, Australia, they are so anxious to get settlers that they not only give away the public domain, but they level it, put it in crops, spend money for houses, and teach the new settler how to cultivate his land. Under the Victorian closer-settlement act the period of repayment is 32 years.

The principal European nations all provide for loans to agricultural associations. In Italy the period of repayment is 35 years, in Austria 54½ years, in Switzerland 50 years, while in Hungary the National Small Holdings Land Mortgage Institute makes loans for a period of 65 years.

It is unnecessary for us to follow such a policy in this country, because our people are not so poor as the European peasants. It is only fair, however, considering the hardships that the settlers in the West are compelled to endure, and considering the benefit that they confer on the whole Nation by making the desert habitable and productive, that we should advance money for the construction of irrigation works without interest. The remission of an interest charge on this money can properly be considered a donation by the United States in behalf of the general welfare.

We ought to consider ourselves fortunate that a fund is available for the development of the West without expense to the taxpayer. All other internal improvements by the Government are paid for out of the Treasury without reimbursement. Anyone who will examine into this question thoroughly will see that the general public is benefited by an increase in the production of foodstuffs. The construction of irrigation projects directly affects the meat supply of this country. The alfalfa fields of the West are all used to fatten the stock that is brought in from the ranges, and if it were not for the fact that we now have over 13,000,000 acres of irrigated land we would be still more embarrassed by the high cost of living.

We believe it is better policy to loan this money without interest so as to get the principal back as quickly as we can. The returned money can then be used to construct other irrigation works and thus provide homes for more people and continue the development of the country.

Mr. SHERLEY. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. SHERLEY. Does not that raise the question whether the same amount of money and the same amount of energy expended on land that is naturally productive and does not need irrigation would give a larger return?

Mr. HAYDEN. I doubt it as a matter of fact. The amount of money available from the sale of public lands is so small that if you once attempted to distribute it over the entire farming area of the United States it would accomplish nothing.

Mr. SHERLEY. Is not the basis of your claim this: That you think the money belongs to that locality because it came from the public domain of that locality and ought to be expended there? I differ completely there with the gentleman. I believe the public domain belongs to all the people of the United States and not to the State in which it happens to be situated.

Mr. HAYDEN. That being the case, would the gentleman advocate obtaining as large a sum as possible from the sale of it?

Mr. SHERLEY. I might and might not; it would depend upon whether I considered it particularly desirable to have homesteads made on it. I do not consider that it is particularly desirable to spend a great amount of money in making arid land capable of producing crops when we have a great deal of land already capable of producing crops that is not being employed. If we were crowded for land, the gentleman's proposition would have more merit, but we are not, and what the gentleman is proposing is that we constantly stimulate immigration into a section which is less worthy of development than other sections of the country.

Mr. HAYDEN. Mr. Chairman, I shall not argue with the gentleman whether my section of the country is more worthy of development than his, because I know that our pride in our States is such that we would never reach an agreement; but if we follow the gentleman's argument to its logical conclusion, we ought never to have passed the homestead law; we ought to have held the public land as a private individual or a speculator would in order to obtain the highest possible price for it.

Mr. SHERLEY. What we did was to take land that was peculiarly adaptable for settlement and get it settled up, and there was a reason, not only economic but national, in favor of

developing the West; but now you have got to a point where you have land that is not worth giving away unless a great deal of money is spent on it, and that raises a question of whether, having other land that is worth developing, we ought to spend the money on these arid lands and offer the tremendous inducement that you are offering of principal without interest.

Mr. FALCONER. Mr. Chairman, will the gentleman from Arizona yield?

Mr. HAYDEN. Yes.

Mr. FALCONER. Where in the United States may people now get free good land?

Mr. SHERLEY. Oh, I did not say that they could get it by having it given to them; but if you will pass a law saying that the people of my State can get from the Government without interest money necessary to buy land, they will buy land in my State, and a great deal of land that is not now in cultivation will be put in cultivation.

Mr. FALCONER. Yes; but I would observe that a great deal of the uncultivated land there, and a great deal of the uncultivated land within 100 miles of the National Capital, to which reference has been made this afternoon, is not worth taking as a gift, and that as compared to some of the land in the West after it is developed, say, for 10 or 20 years, the eastern land is not so productive.

Mr. SHERLEY. If it is so very profitable, then men would jump at the chance to get the loan and pay interest.

Mr. FALCONER. It takes time, of course, to get the land improved, even under Government help. Adverting to a previous remark of the gentleman, I was wondering if the gentleman figured that land in Texas was public land, or if it belonged to the State.

Mr. SHERLEY. If the gentleman knows the history of America, he will know how Texas happened to come into the Union.

Mr. FALCONER. I do.

Mr. SHERLEY. And that the rule that would apply to the public domain of the West would not apply to the State of Texas.

Mr. FALCONER. That is true.

Mr. SHERLEY. Then the gentleman's question does not need an answer.

Mr. FALCONER. There are certain rights in certain States and the money derived from certain natural resources, some argue, ought to go to a certain extent for the benefit of the State.

Mr. SHERLEY. I know a great deal of the Northwest country became a part of the Union as a result of the energy, courage, and heroism of the people of my State, and I feel that their descendants have an interest in that public domain, and that they have not surrendered it to the few people who have gone out into those Western States.

Mr. HAYDEN. Mr. Chairman, there is one other argument that has been advanced by way of amendment to this bill that I should like to discuss in the few remaining minutes of my time. It has been said by the gentleman from Illinois [Mr. MADDEN] that this bill should be amended to provide for annual estimates by the Secretary of the Interior of the expenditures to be made from the reclamation fund. The act as passed in 1902 made a continuing appropriation. Whatever sums of money received from the sale of public lands may now be expended by the Secretary in the reclamation of arid lands without his coming to Congress for an annual appropriation. I believe that I can speak in fairness on this matter, because the projects in my State are so far advanced that they must be completed under any system of estimates and appropriation.

It seems to me that the record of this Congress, and of past Congresses, on appropriations is not such that we can boast that there would be a material advantage in changing the system. All regular appropriations are made available on July 1, at the beginning of each fiscal year. On any ordinary public work, where the money is not reimbursable, it may be said that it is immaterial whether the appropriation is made at one time or another, because the loss falls on the Government. But in the case of a reclamation project with a large number of farmers absolutely dependent upon the prompt completion of the irrigation works and making their plans accordingly, if we were to repeat the spectacle that we have here to-day of great appropriation bills not yet passed that ought to have been approved long ago, then we will be placing a burden of suffering on a people that already have assumed all the hardships that they should be expected to bear.

There is no inherent virtue in passing a bill through the Appropriations Committee; that process does not necessarily mean economy. Until we adopt a budget system so that we can limit appropriations to certain amounts, and know that this limitation will not only apply in this House but also to another body, I can not see any particular advantage in having the expenditures from the reclamation fund passed upon by the Committee on Appropriations. If a budget were adopted, I should not so much object to this change.

The Secretary of the Interior is now limited by the amount of this fund, and it is in his discretion as to where it shall be expended. One of the troubles with the original reclamation act was that section 9 provided that the major portion of the money should be expended in the States from which it came. The result was that the Secretary of the Interior, in order to carry out the spirit of the act, began the construction of 32 projects, some of them in places where they were not warranted. When the bonding act was passed, in 1910, that section was repealed, as it was seen to be vicious.

It is now proposed that we go back to the same old system and make the expenditure of this fund dependent upon the political influence of Members of this House rather than leave it to the discretion of the Secretary of the Interior. It has been seriously argued that we would save large sums of money in our river and harbor appropriations if a lump sum were given to some department or commission with directions to expend it as they saw best from an engineering point of view, rather than to leave it contingent upon the passage of a bill in which every Member of the House and Senate is interested. Somebody must show me where there is more virtue and more economy in the mere fact of getting a bill through the Appropriations Committee than to leave the expenditure of a limited sum to the discretion of a responsible Secretary, a member of the Cabinet who has pride in his work.

Mr. SHERLEY. If the gentleman will permit.

Mr. HAYDEN. Certainly.

Mr. SHERLEY. There has been no undertaking of the same magnitude as the Panama Canal. That, of course, the gentleman will admit?

Mr. HAYDEN. Yes.

Mr. SHERLEY. Every appropriation that has been made for that canal, beyond the initial appropriation at the time of the purchase of the canal rights from the French company, has been made through estimates submitted to the Committee on Appropriations, and by annual appropriation. If the gentleman is familiar with the history of the building of the canal he will know there has not been a year since those estimates were submitted to the Committee on Appropriations that the appropriation was not much under the amount that was estimated, and the greatest physical undertaking of mankind has been conducted practically without waste and scandal. Now, can the gentleman show anything like that or approaching that with reference to the Reclamation Service that has been beyond the control of Congress?

Mr. HAYDEN. I can say this, that the officials of the Reclamation Service claim that the expenditures made under their direction have been no more wasteful, and, in fact, more economical, than the ordinary governmental expenditures.

Mr. SHERLEY. My only answer to that is that that is the most severe indictment of governmental expenditures that I have ever heard of, because if the rest of the Government is as bad as the Reclamation Service, it is high time we should get a new form of government.

Mr. HAYDEN. I have never had an opportunity to thoroughly investigate the expenditures of the Reclamation Service. I understand that a superficial investigation has lately been conducted by a subcommittee of the Committee on Appropriations, but for some mysterious reason the hearings have not been printed, so that the ordinary Member of this House has had no opportunity to study the facts that have been developed. I have been fortunate enough to secure one copy of a summary of the testimony, which was evidently prepared by a Member who has no personal knowledge of irrigation. I understand that at this hearing the engineers of the Reclamation Service claimed that the expenditures of the service based on the unit of cost of moving earth, stone, and other material, has been no higher, and not as high in many cases, as the expense of similar work by private corporations and much cheaper than other governmental work of like character.

Mr. SHERLEY. I will say to the gentleman that I just recently had an appeal made to me by one of the chief champions of the bill, one of the men who went as a member of the committee to investigate it, and his argument to me to vote for the bill was that there had been such a tremendous unnecessary cost placed upon these farmers as to compel relief to be given to them now.

Mr. HAYDEN. I would have the gentleman from Kentucky to distinctly understand that I am not here to defend any waste or extravagant expenditures that may have been made

ultimate ownership of the irrigation system by the water users under it is foredoomed to failure.

From almost the very beginning the corporations organized to operate canals were engaged in litigation with the farmers. The laws of the States or the decisions of the courts soon declared such companies to be common carriers and prohibited them from charging more than a reasonable rate for the service rendered. Most of the canal companies were overcapitalized, and when they were unable to earn the dividends that had been anticipated western irrigation stocks and bonds received a bad name in the money markets of the world. The failure of most of such enterprises was not due to any lack of feasibility from an engineering point of view, but because they violated the true conception which has been so well stated by Elwood Mead—

That water is public property; that whoever diverts it is a public servant; that whoever uses it in irrigation is a public benefactor; and that rights to the control of streams can only be exercised wisely and safely under public supervision.

When people were few and water in the streams comparatively plentiful no thought was given to water rights, but each individual or association ding its own ditches and appropriated such quantity of water as was needed. But with increasing settlement the time came when there was not water enough in the streams to irrigate all the lands. A series of wet years would breed overconfidence, so that when the dry years came some lands had to go without water. This condition led to disputes, sometimes even to bloodshed. The court calendars were crowded with lawsuits over water. Not only did the farmer lose directly by the drouth, but often what remained of his substance was expended in attorney fees and court costs defending his water rights.

The very necessity of the situation required that some system for the equitable distribution of water be devised, and this was done with more or less success by the legislatures of the Western States and Territories. The English doctrine of riparian rights was almost universally abandoned and the new principle of appropriation substituted in its place. With this change came the idea that the water should be wedded to the land, and that the first in use should be the first in right.

The various irrigation enterprises in the West were widely separated. The Federal Constitution confers no jurisdiction on Congress over the streams within the States, except where navigable rivers are used in interstate and foreign commerce. Consequently there is no uniform irrigation code in the West, but each State has passed laws to meet its particular needs. Wyoming ranks first in the excellence of its laws on this subject. Colorado, Idaho, Utah, and Montana have also successfully solved the problem.

The State of California, however, presents a striking illustration of the conflict between the legal theories that exist in humid and in arid countries. Northern California is well watered, while the average annual rainfall in Southern California is less than 20 inches, so there has been a diversity of interests which is clearly reflected in the statutes of that State. The antagonistic doctrines of appropriation and riparian rights were both recognized, and the result is that its water laws have in reality been written by the courts. Innumerable lawsuits have been tried and the judges have, by their decisions, finally brought order out of chaos. I venture to say that if the money that has been spent in California on water litigation had been devoted to the construction of new irrigation enterprises homes would have been provided for at least a hundred thousand people.

When the early Spanish explorers arrived in what we now call the Southwest they found the Indians watering their crops and observed evidences of ancient aqueducts, which proved that irrigation has been practiced in that region from prehistoric times. There is a canal at Las Cruces, N. Mex., that we know has continuously watered the same land since before the Pilgrim Fathers landed at Plymouth Rock or the Jamestown colony was founded.

The Americans who came into Arizona and New Mexico after the Mexican War soon learned the art of irrigation from the natives. In both Territories the Spanish laws and customs relating to water for irrigation were in a measure recognized by the early legislatures. Arizona, however, borrowed from California the method of settling disputes over water rights by litigation. The idea that the distribution of water is a ministerial rather than a judicial function has never been adopted in my State. In the valley where I was born there have been many bitterly contested lawsuits, but finally the irrigators came to see that instead of quarreling over the meager minimum flow of the stream their only salvation lay in the storage of water that went waste to the sea when the river was at flood.

But as everywhere else in the West the pioneers were poor and the project was so vast that its construction was impossible unless outside help could be obtained. Similar situations had arisen in all of the arid-land States because local development had reached its limit. It was impossible for the States of the arid region to undertake this work because, with more than half their area owned by the Federal Government and therefore not taxable, their sources of revenue were so limited that funds could not be raised for this purpose. Public sentiment soon began to crystallize in favor of national aid for irrigation, and Congress first answered this demand by the passage of the Carey Act in 1894.

Under the terms of the Carey Act each of the arid-land States was granted 1,000,000 acres of desert land on condition that the State should provide for its irrigation. This law was little utilized for a number of years, and even to this date has brought about the reclamation of a comparatively small area out of the total amount of land under irrigation in the West. While there have been other contributing causes, such as the lack of proper engineering supervision by the States, the principal reason for the failure of the Carey Act lies in the fact that interest, often at a high rate, had to be paid on the money borrowed to pay for the construction of irrigation works. It has been exceedingly hard for promoters to finance Carey Act projects because neither the States nor the Federal Government would loan their credit to the enterprises. The promoters were often more interested in their immediate profits than in the ultimate success of the settlers and could not, like a government, wait for time to work its marvels.

All those who had made a study of the situation finally came to an agreement that the only way that the larger western irrigation projects would ever be constructed was by the United States. As the owner of large areas of land, the Federal Government had a proper interest in its development. A population established in these otherwise waste places meant a wider home market for manufactured articles. But, above all, a wise irrigation policy meant the upbuilding of the Nation by providing homes for our own citizens in their own country. These were the compelling reasons that induced Congress to pass the reclamation act in 1902. The act was carefully prepared by men who were familiar with the actual conditions. We who live in the West believe that its fundamental principles are sound, and we are not trying to change them by the bill that is before you.

The reclamation act dedicated the receipts from the sales of public lands in the Western States to the work of reclaiming the desert, and thereby provided a fund that has done and will do wonders for the West. No one who truly desires that the arid region shall continue to develop would change that feature of the law.

The requirement that the cost of all irrigation works shall be returned to the reclamation fund was the height of wisdom: First, because it placed this appropriation in a class by itself, free from the smell of the pork barrel; and, second, because, by this revolving fund, every practicable irrigation project in the entire West will ultimately be developed. No one now proposes to interfere with this excellent plan.

The time has come, however, when, out of our experience, certain amendments to the reclamation act are demonstrated to be necessary. The authors of this act all recognized it to be an experiment, and none presumed to say that it would never need amendment. The bill before you is not a one-sided measure, but is drawn for the benefit of both the Government and the settler.

In the original act no penalty was provided for the failure to pay the construction charges when due. With the time extended to 20 years and the payments graduated, your committee is convinced that the average water user can meet the payments as they fall due. Those who do not should be penalized.

Some have complained that the penalties in this bill are excessive, but upon examination you will find that they are no greater than the penalties for delinquent taxes in most States and not so great as in some Western States. It is necessary that the rate of penalty be higher than the current interest on money. Otherwise the farmer would prefer to owe the United States rather than his local bank in case it was necessary for him to make a loan.

The greatest difficulty about securing the prompt payment of construction charges is that owing to the increased cost of all the projects the annual payments on a 10-year basis are now excessive. As has been explained to you by those who have preceded me, this increased cost is due to a number of reasons; the principal items of increase, as stated by the Reclamation Service, being that works of larger extent were constructed than were first contemplated and that, as we all know, the prices paid for labor and materials have advanced. For instance, in Arizona, on the project where I live, it was understood that the

cost would amount to about $25 or $30 an acre. With that understanding the farmers upon the project mortgaged their lands to the United States.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Arizona yield to the gentleman from Missouri?

Mr. HAYDEN. With pleasure.

Mr. HENSLEY. Is it not a fact that the testimony taken before the committee that sat at Phoenix for some time in April last year shows that the farmers were led to believe that the charge of the Government would not exceed $15 per acre for impounding the water and furnishing it to them as it got in condition to do so?

Mr. HAYDEN. It is true that the original estimate was $15 an acre for the construction of the Roosevelt Reservoir, but I was referring to figures which included a diversion dam and the distributing system. But the private landowner agreed to pay whatever the cost might be. He mortgaged his farm just as he would to a private individual, and his wife signed the mortgage with him. It is of record that their property is mortgaged to the United States for the amount due as their share of the cost of the project.

As a matter of fact, the construction charge on that land will be more than $60 an acre. But my people are not repudiating the debt. They realize that the project is worth to them all that it has cost. It would be difficult to find anybody who would prefer to return to the old conditions that existed prior to the passage of the reclamation act. What I have said of the Salt River project is true of all the other projects in the United States. There is no desire to escape payment. But the water users come to Congress with this reasonable proposition: That inasmuch as the cost of these projects has in all cases more than doubled, they ask that twice the time be allowed in which to pay the debt.

Mr. HARDY. I think the equity of the farmers for more time is absolutely good, but money costs this Government something, because it owes a great debt and it is paying interest, and 20 years' time on an original investment is worth whatever the Government is paying in interest on its debt. If it is 3 per cent, 20 years is worth 60 per cent additional. That additional amount must be paid by taxes collected from the whole people. Now, under what logic can one set of people ask the rest of the people of the United States not simply and solely to give them a home, but also to give them from $50 to $60 an acre on that home in order to build it up? If they pay back the principal, the rest of the people will be out the amount of the interest.

Mr. HAYDEN. If the gentleman from Texas will pardon me, I have a line of argument here that I should like to present just now. I shall answer his question before I conclude my remarks.

So far as the United States is concerned, another difficulty has arisen in connection with these projects, and that is that certain men, taking advantage of the provisions of the reclamation act, have speculated upon the land in the projects. We have attempted in this bill to cure that evil. As the figures stand to-day, there will ultimately be irrigated under all the Government projects approximately 3,000,000 acres of land. Last year the Reclamation Service was prepared to irrigate 1,290,000 acres. Contracts, however, were made for the payment of operation and maintenance charges for only 942,000 acres, and crops were actually grown on but 721,000 acres of land. These figures tell the story of speculation under the reclamation projects. They show that the owners of between 350,000 and 500,000 acres have preferred to let their lands remain in idleness, out of cultivation, in the hope of selling it unimproved to some future settler. Everybody knows that the reclamation act was not intended to serve any such purpose. The act was designed to make homes for the many, not riches for the few.

Your committee has attempted to prevent the acquisition of this unearned wealth by the following provisions in this bill: First, by providing that under all projects there shall be a minimum operation and maintenance charge, whether the land is cultivated or not. That is to say, that whenever the irrigation works are completed so that water is available for delivery to the land, then the owner of the land shall pay his share of the operation and maintenance of the project whether he cultivates his land or not. The Government has done its part, and the water is ready for his use. It is unfair to the bona fide settlers who are improving their lands that the whole of this burden should be put upon them. I know that I speak for all actual cultivators of the soil in my country in saying that they are in favor of this proposition.

We have also presented in this bill a section requiring that in order to maintain his water rights the landowner or entryman shall cultivate a certain proportion of his land, increasing the amount each succeeding year until three-fourths of the entire area is placed under cultivation. If he fails to do this, it is evident he is holding the land for speculative purposes, and we provide in that event for the forfeiture of his water rights.

Mr. HARDY. Do you forfeit the title to the land?

Mr. HAYDEN. We can not forfeit a man's title to his land if it is in private ownership. If it is public land, his entry can be canceled after the lapse of a certain time, and in that way it can be forfeited.

We also have in this bill a provision which is based upon a recommendation made by a congressional investigating committee that visited certain reclamation projects last year, of which my good friend from Missouri [Mr. HENSLEY], who questioned me a few moments ago, was chairman. That committee pointed out the evil of permitting the owners of large areas of land to bring their holdings within these projects without requiring them to fix in advance the price at which it shall be sold to settlers. We provide that any individual who owns more land than one farm unit, who desires in the future to come under one of these projects, shall agree with the Secretary of the Interior upon the terms on which he will dispose of his excess land. Hereafter it will be impossible for a speculator to reap all the advantage that would come from the enhanced value of his land by reason of its inclusion in a new project. The new settler is entitled to a share in this profit, and we intend to see that he gets it.

As I have stated before, the passage of this bill will be to the mutual advantage of the Government and the water users under the projects. The settler will not only obtain twice the time in which to pay his debt to the United States, but we have graduated his payments so that they are smaller during the early part of the payment period. The farmer is thus given an opportunity to improve his land, to bring it all into cultivation, to purchase live stock, or to have an orchard in bearing before the burden of payments become heavy.

We have provided for a separation of the charges for operation and maintenance from the construction charge, so that hereafter the water user will know the exact use to be made of the money he pays to the Reclamation Service. Under certain conditions we provide that the care and operation of a project may be turned over to the water users under it, and the water users' association may do away with a lot of red tape by acting as the fiscal agent of the Government in the collection of all charges due. These are some of the advantages that this measure contains for the irrigators under the projects. I shall point out other benefits that will accrue to them when we take up the bill section by section.

Now, to answer the question of the gentleman from Texas [Mr. HARDY], permit me to say that this fund which we are using to reclaim the desert is not to be considered as the ordinary revenues of the Government. This was explained with the clearness for which he is noted by the gentleman from Alabama [Mr. UNDERWOOD], who, when the bill providing for the issue of reclamation bonds in the sum of $20,000,000 was under consideration in 1910, made this statement:

At the time that the irrigation bill was passed it was contended that the proceeds of the sale of public lands were not subject to the same limitations under the Constitution as moneys derived from taxation, and the bill segregated the moneys arising from the sale of arid lands in 18 Western States and provided that they should be held as a trust fund for the purpose of irrigating and improving the public lands in those States to encourage the building of homes. The Secretary of the Interior became the trustee for the management of this fund, and the bill provided that such projects as were feasible and practicable should be developed and the lands irrigated should be sold to settlers at the cost of the improvement by the Government and the proceeds of such sales should be returned to the trust fund to be again used for irrigation purposes under the trust. At that time the question was raised by some of the ablest Representatives in the House as to whether the proposition to use money derived from the sale of public lands for the purpose of irrigation was constitutional. It was contended by those who advocated the bill that moneys derived from the sale of public lands were a part of the private income of the Nation; that the public lands of the country had originally been given to the General Government by the State of Virginia, other public lands had been secured by the purchase of the Louisiana Territory from the Government of France, and others had been ceded by the Republic of Mexico after the Mexican War as a war measure; that the original cost of these lands was very little, a large portion of it coming to the Government without any outlay of money; and that the amount paid by the Federal Government to France for the Louisiana Purchase had long since been paid back into the Treasury many times over, and that, therefore, none of the moneys derived from the sale of these lands at the time of the passage of the bill came directly or indirectly from taxes levied on the people.

Mr. HARDY. Would there be any money derived from the sale of those lands if the settlers on them and the parties to whom we sold them were only to pay back what the Government paid out and that in a period of 20 years?

Mr. HAYDEN. The gentleman should understand that there are different land laws.

The CHAIRMAN. The gentleman from Illinois is recognized for 20 minutes.

Mr. MADDEN. Mr. Chairman, I confess, to begin with, I am not very familiar with farming in irrigated territory, but I understand that these projects cover about 3,000,000 acres; that is, that 3,000,000 acres will be the sum total of the land that can be reclaimed under these projects. We were given to understand when we entered upon the development of these arid lands by these irrigation projects that the cost per acre would be about $22.50. We have already expended about $80,000,000 and I believe $20,000,000 has been made available, so that if we were to assume that the money already expended and that which is available would cover the cost of the reclamation projects, totaling 3,000,000 acres of land, we would have expended at the rate of $33 per acre. But I am told that it is estimated to cost about $50,000,000 before these projects can be completed, and I would not wonder if it would cost $50,000,000 more than the estimated $50,000,000 before they will be completed; and if that should be true, we would find ourselves having expended $200,000,000 for the development of 3,000,000 acres of land——

Mr. COX. Pretty expensive land.

Mr. MADDEN (continuing). Or sixty-six and a third dollars per acre. Now, I can see that it would be hard for those who settle upon these lands to meet the payments with such an excessive cost within a period of 10 years, and I am willing, personally, to extend the time to any reasonable limit, so that no hardship may be imposed upon those who have settled in the West where irrigation is necessary; but I can see no good reason why we should say to the people who have settled upon these lands that the Government of the United States will invest $200,000,000 to make the lands in these arid regions tenantable, advance the money, give the land, and charge no interest. It would be a great injustice to the people of all other sections of the Union.

The argument is being made by those favoring the bill that this is the only place where men living in the densely populated sections of the United States can go to get a home. Well, I can point to 10,000,000 acres of land in Wisconsin that can be bought for a bagatelle in a section of the Union where irrigation is not needed and of tens of millions of acres in the center of the country where civilization is complete and where the rainfall produces the crop, and there is no need for those who are said to live in hovels in cities, and I do not agree that they do so live, to go to these arid regions in order to take up a home if they can find a home in the agricultural regions in the Middle West, where lands can be had at a low price and where no risk whatever has to be run in their cultivation.

Mr. RAKER. Will the gentleman yield for a question there?

Mr. MADDEN. I shall be delighted.

Mr. RAKER. Is not the region the gentleman refers to cut-over or logged-over land; that is, the Government sold it to private individuals and they got the benefit of the timber?

Mr. MADDEN. Oh, but I apprehend in the cultivation of land for purely agricultural purposes that they do not need timber on it.

Mr. RAKER. I know; but the land the gentleman referred to had timber on it.

Mr. MADDEN. The land referred to by the gentleman from California, which once was timbered, is now ready for occupation by the man who makes a living by tilling the soil.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. HARDY. I ask the gentleman for information. What are the terms on which these settlers buy this land from the Government as to any payment to the Government over and above what the Government spends?

Mr. MADDEN. The gentleman refers to this arid land?

Mr. HARDY. Yes.

Mr. MADDEN. They do not pay anything at all for the land. The Government spends money for its development. It turns the water over for the use of the farmer, of the settler, and this bill proposes that he shall pay 5 per cent on the original cost to the Government to begin with, and five years later he makes his first payment, which amounts to 5 per cent, and continues on until at the end of 20 years he has paid the Government back the amount the Government expended 20 years before.

Mr. HARDY. Then whose land is it?

Mr. MADDEN. It is the land then of the man who has paid these 5 per cent for 20 years.

Mr. HARDY. Practically the result is that the Government loaned enough money to this man to buy his land, and he paid it back in 20 years?

Mr. MADDEN. Yes; and without interest.

Now, there is no man in America who has a tendency toward agriculture who would not be glad to have the Government afford him such opportunity as this. I am a farmer—the gentleman from Connecticut [Mr. DONOVAN] laughs, but I say I am a farmer—and I have a farm which is conducted scientifically, operated as a farm and not as a bothouse, and I would be glad if the Government would furnish me the money to buy more land, which I would be willing to cultivate if I were not called upon to pay more at the end of 20 years than what the Government had loaned. Yes, I would be glad to pay the Government interest on the money it advanced to me, and so would thousands of other American citizens everywhere throughout the Union.

Mr. FERGUSSON. Will the gentleman yield?

Mr. MADDEN. Yes; I will yield.

Mr. FERGUSSON. In reference to your assertion that these people could go and get homes in Wisconsin by going there and buying lands, does the gentleman realize when he makes that statement how many millions of men in this country have not a dollar and have not the right to go and settle it and reclaim it?

Mr. MADDEN. Of course, I know that there are millions of men in the United States who have not the money with which to buy land, and I am advocating the loan of money to these men, so that they can buy land in certain sections of the Nation and cultivate crops; and yet the Government refuses to advance it to them, even on the payment of interest. There is no reason why the Government should loan money to people who move onto arid-region land and let them have that money without interest.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. I will.

Mr. COX. I know the gentleman, from personal experience, goes at a matter as a scientific proposition. I want to ask the gentleman if he has made any figures with a view of seeing how much interest would have accumulated to the Government on the total amount of money the Government advanced at 2 per cent, or even 3 per cent, interest?

Mr. MADDEN. We have loaned them the $80,000,000. We have $20,000,000 more at the disposal of the Department of the Interior, if I understand the situation correctly. That amount at 3 per cent would be $3,000,000. We would have earned from the interest payment on money already expended, as nearly as I can calculate, without pretending to be accurate, something in the neighborhood of $10,000,000 from the beginning of the project up to the present time.

Mr. TAYLOR of Colorado. Will the gentleman permit a suggestion? Let me suggest to the gentleman that the Government has not loaned even a dollar—not a nickel; has not loaned a cent.

Mr. MADDEN. What the Government has done is this——

Mr. TAYLOR of Colorado. The Government has simply gone out and tried to build 32 Government reclamation projects, and has invited innocent poor people to come and settle under them, and has told them they could get the land for $10 or $15 an acre. Now, the overhead charges have mounted from $20 to $50 an acre, and they are asking the poor people there to pay it, and they can not do it.

Mr. MADDEN. The statement of the gentleman from Colorado ought not to go unanswered. The gentleman's statement would lead the House and the country to believe that the Government of the United States, whatever mysterious being that might be presumed to be, began an agitation for the development of the arid lands of the West, and suggested that it would like, as a Government, to irrigate the lands, and it put red-lined advertisements in all the newspapers of the United States advising would-be settlers upon irrigated arid lands to come and take the land at Government expense.

Now, the trouble is that the gentlemen coming from the arid regions, and speaking for the people of those regions on the floor of this House, came here as enthusiastic advocates of irrigation projects, and begged on bended knees and pleaded with all the eloquence which they possessed for the development of the territory in which they lived, and promised all kinds of things to get votes to pass the bill that has put us in the condition in which we are to-day.

Now, that is true, and I do not think the statement of the gentleman from Colorado would leave the situation as it ought to have been left. We went on at their earnest solicitation. They were honest in their advocacy of these measures. They believed they could accomplish certain results. They were mistaken in their belief, and the Government of the United States found itself investing vast sums of money to build water projects in order that these lands might be irrigated.

Mr. TAYLOR of Colorado: Now, has any farmer in the United States ever had a word to say of the expenditure of one dollar of that money? Answer that, yes or no.

Mr. MADDEN. Which farmer?

Mr. TAYLOR of Colorado. Any settler under any project. Has he ever been consulted for one minute about the expenditure of that $86,000,000?

Mr. MADDEN. No; I do not suppose he has.

Mr. TAYLOR of Colorado. Of course he has not. He has had no more to do with it than you have.

Mr. MADDEN. If he has not, he has not had much.

Mr. TAYLOR of Colorado. He has not had anything to do with it.

Mr. MADDEN. But gentlemen, like the gentleman from Colorado, are the ones who are responsible for that condition. They came here on the floor of this House and made everybody believe they could make a garden out of a wilderness; that you could do it for a nominal expenditure of public money; that everybody who went onto this arid land watered at Government expense would become rich in no time. And we allowed the Department of the Interior to accept the money coming from the sale of public lands and to expend that money for the development of these irrigation projects. And we found ourselves in the predicament of having begun projects that were impossible of perfection, and we had to appoint a committee of the Senate and of the House and a commission of Army engineers to go out and overlook and revise the work of the Department of the Interior, where it failed, either by lack of knowledge or because of its lack of patriotism, and we were obliged to call a halt. And now we are asked again to continue our confidence in the Department of the Interior and to continue to authorize the Secretary of the Interior to expend moneys received from the sale of public lands in the development of irrigation projects without coming to Congress to tell us why or where or when.

Now, personally, I have the greatest confidence in the Secretary of the Interior, no matter who he may be. But he is human, and he has too much to do, and he can not know; and whoever he may be himself he undoubtedly has under him men who are not always filled with that degree of patriotism which permits the economic expenditure of the public funds, and they have not been expended economically on these irrigation projects. On the contrary, there has been reckless extravagance with the public funds, without the accomplishment of the kind of work that we had the right to hope for.

And while I do believe that we ought to develop these lands and give the people the opportunity to settle upon them, I believe that this legislation, before it is finally enacted, should provide that no money shall be expended on these projects by the Secretary of the Interior, or under his direction, unless he comes with an estimate of the cost of the annual necessary expenditure for their development to the Committee on Appropriations of the House, and that such money as he may require for the expenditure in any given fiscal year shall be authorized by the Congress. We have had no control over the expenditures. We have abdicated our rights and we have created a condition which is unjustifiable.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. MADDEN. Yes.

Mr. HARDY. I am studying this question for the first time. Are there any other public lands that are given to settlers absolutely without money and without price?

Mr. MADDEN. Absolutely no other public lands within the confines of the United States.

Mr. HARDY. Is there any logic in the proposition that the Government should take lands and make them worth the very highest price and then give them away without money and without price?

Mr. MADDEN. There is neither logic nor reason nor right nor justice in it. And while I favor the most hearty cooperation along legitimate, decent business lines with the people of the arid West in the development of the lands of that section of the country, I believe I would be failing in the performance of my duty under my oath of office if I did not insist that every year the Interior Department shall be compelled to come to the Committee on Appropriations, just as the War Department does, just as the State Department, and as all the other departments do, and state what they want to expend for this purpose, and state why they want to expend it, and make an estimate of the cost and give an opportunity to the committee to examine those in charge of the expenditures.

That is the legitimate, decent business way to conduct this affair, and it is the only way in which it can be successfully and honestly conducted.

Now, I do not want what I have said to be construed as in opposition to this bill, except in so far as I believe the bill as at present drawn does not safeguard the public rights, for I have as much sympathy with these dwellers in the arid West as any man in this House has. I believe that sympathy, however, ought not to be the guiding consideration in reaching a conclusion on so great a matter as this. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MADDEN. I thank you, gentlemen, for the courtesy you have shown me.

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 30 minutes to the gentleman from Arizona [Mr. HAYDEN].

The CHAIRMAN. The gentleman from Arizona [Mr. HAYDEN] is recognized for 30 minutes.

Mr. HAYDEN. Mr. Chairman, the reclamation act was passed a little over 12 years ago; to be exact, it was approved on June 17, 1902. With your permission, I desire to sketch briefly the history of irrigation in the United States in order that it may be understood why our national irrigation policy was adopted—a policy new to this Government and as yet imperfectly appreciated by many of our citizens. I shall then discuss the particulars wherein the reclamation act has failed to realize the high hopes of its authors entirely and will point out how the bill that is before you supplements the original act to the advantage of both the Government and the settlers under the reclamation projects.

But few Americans who reside east of the Great Plains and the Missouri River know anything definite about irrigation or the laws and customs that prevail in irrigated countries. They have had no occasion to learn, since the eastern half of the United States is blessed with an abundant rainfall. Nor is there a tradition among them on this subject, because they or their ancestors all came from western Europe, one of the well-watered regions of the earth.

Our language is derived from a foggy island in the North Atlantic, where most of the tillable land has been obtained by draining marshes and fens. The Bible is the only great work in all English literature that correctly expresses the spirit of those who dwell in the land of little rain, and it is often misinterpreted by men who do not understand the meaning of "living waters."

Our laws are likewise founded on the common law of England, and riparian rights to the flow of streams were recognized from the very beginning by the colonists on the Atlantic coast. For nearly a century after the Revolution the entire energy of the American people was devoted to the settlement of that part of the United States where rainfall is plentiful. But finally the great wave of immigration reached as far west as the one hundredth meridian, which approximately coincides with the line of 20-inch rainfall, and was there halted. Beyond that line lay the arid West.

While it is true that in at least two-thirds of the land area of the world irrigation is necessary in order to produce crops, yet this was the first time that men of our race had been confronted with such a problem. Anglo-Saxon irrigation began in the Salt Lake Valley 77 years ago, when the Mormon pioneers first diverted the waters of City Creek onto the thirsty soil of Utah. The habits of cooperation which the Mormons had learned in Illinois and Missouri enabled them, under wise leadership, to promptly develop an irrigation system that made life possible in an otherwise fruitless land.

To the union colony at Greeley, Colo., belongs the credit of the next advance by men of our race in irrigation. It has been said that these followers of Horace Greeley transplanted the spirit of a New England town meeting to the far West and again demonstrated the great truth that by the combined efforts of men the most difficult problems can be solved. The success of this colony inspired numerous irrigation enterprises until now Colorado ranks first in the area of land under canals.

The successes that I have mentioned caused the pioneers all over the arid West to turn their attention to the advantages of irrigation. They were men without means, so that the first irrigation works were necessarily primitive. But as time went on capitalists from the Eastern States became interested in irrigation enterprises. During the irrigation boom which occurred from 1885 to 1893, large sums of money were invested in the hope of extraordinary returns. The promoters of these schemes, however, overlooked a fundamental fact that is true of every irrigation system in the world. There can be no permanent peace and no real agricultural prosperity where the ownership of the water or the means of conveying it is separated from the land to be irrigated. Where water means life it is not safe and has never been found practicable to permit its control by others than those who use it. Any plan that does not provide for the

pay him an annuity every year in order that he may buy his groceries and meat. What is the distinction?

Mr. MOORE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. MOORE. The gentleman from Wyoming [Mr. MONDELL], in his address on this subject, indicated that about 10,000 farmers would be affected. According to the ordinary method of calculation that would mean 50,000 people, all told—farmers and their families. Is that the extent of the benefit we would be granting by passing this bill?

Mr. MANN. That is not. The gentleman from Wyoming [Mr. MONDELL] gave the wrong impression, if that is what he stated. I did not hear him make the statement.

Mr. MOORE. I mean to ask whether 10,000 farmers will be affected, and whether those figures are correct?

Mr. MANN. They only apply to 10,000 farmers now on irrigation projects; but the bill contemplates the continuous use for all time of all money coming to the Government from the public domain, in building irrigation projects, and applies to everybody who goes on those projects in the future. There may be 10,000 of them now. I do not know how many of them there will be.

Mr. MOORE. And for those 10,000 farmers we have already expended under the reclamation system about $80,000,000.

Mr. MANN. I do not know how many farmers there are. Somewhere in the neighborhood of $80,000,000 have been expended, I believe.

Now, I have said so much in regard to the future. I leave it to the House to determine how gentlemen will go home to districts which are not in the arid region and explain to their farmer constituents why they voted to give the farmers in Colorado money to the extent of $50 to $100 an acre for 20 years without interest, and voted against or refused to consider a proposition to have the Government loan the farmers in their districts money upon which those farmers were willing to pay 3 to 5 per cent interest. I do not have to meet that question, as far as the farmers are concerned, though I do not know what my constituents who want to build homes will say. Some man might say "I would like to have a little home, and I want to buy a lot. It is just as important for me to have a home as for some man in Montana or Wyoming, and now you are taxing me indirectly to give him money without interest. For God's sake let me have some, and I will pay interest."

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KINKAID of Nebraska. I yield to the gentleman five minutes more.

Mr. ROBERTS of Nevada. Is there not a material difference between the farmer who lives in a country where they have rain occasionally and the farmer who lives in a country where they do not have any rain?

Mr. MANN. There is a material difference in his surroundings, but no difference in the farmer himself. All of those people have come from the country where they have rain. They are the same kind of people, all trying to make a living properly. They have my entire sympathy in that respect.

Mr. ROBERTS of Nevada. Is it not a fact that the one farmer needs it and the other does not need it, and the country is getting the benefit of the crops where God Almighty sends the water, and the country is also getting the benefit of the irrigation projects where the water is corralled and brought to them?

Mr. MANN. Oh, the man in the East needs the money, or thinks he does, just as much as the man in the West. The only difference is that the people in the East are a little more modest about the way they ask for it.

Mr. SHERLEY. Will the gentleman yield?

Mr. MANN. Certainly; I yield to the gentleman from Kentucky.

Mr. SHERLEY. I want to suggest to the gentleman that there is a great deal of land on which rain falls that is not being cultivated, and there are a great many men who would be glad to buy it at the Government expense. Would it not be better to help them to buy land in a country where the Lord helps them than to send them out West, where it is necessary to go to the expense of irrigating?

Mr. MANN. There is probably more land within 100 or 200 miles of the Capital of the greatest Nation of the world, which people would be glad to take and cultivate if the Government would loan them the money at interest to buy it, than there is in all of the irrigation projects that the Government has anything to do with.

Now, as to those who are already on the irrigation projects, they have agreed to pay back the construction charges within a certain time, within 10 years. Here is the proposition: Let them pay back 2 per cent a year for 4 years instead of 10 per cent a year, with the hope, as provided in the bill, that they will pay it all back within 20 years' time. Now, that is without interest. If these people upon these projects can not make out of the use of the soil more than 2 per cent a year on the construction charges, I think we had better abandon the whole Reclamation Service. There are thousands of ways by which we can invest money and increase the production of the soil that will pay more than 2 per cent a year. There is not 10 per cent of the farms of the country where they can not by the use of more money increase their product more than 2 per cent on the cost of the increase.

Now, I am perfectly willing to give these people 10 years' time, 20 years' time, 40 years' time, 50 years' time, so far as that is concerned, for the payment back of the money which the Government has invested there. I do not believe that it is profitable to the Government to engage in enterprises of that kind unless the return warrants some payment of interest. True, the law now, drawn by the friends of irrigation—and I do not blame them for getting all they can—does not provide for the payment of interest. Although they drew the law and put everything in they could in their favor, they are now stung. [Laughter.] That is true, and we all admit it.

If these projects will not pay any interest on the investment, why should we make them? These people are asking for delay in payment. I think we ought to give them the delay in payment; but if the projects are worthy at all, they ought in the end to pay interest on the investment. Why should we let even our friends out there have vast sums of money, millions upon millions, which are unprofitable, where the investment is not worth while, investments that no one would make? We either ought to back out or else they ought to be able in some way to pay something for the use of that money. They want the time extended 10 years, and I would be willing to make it a great deal longer than that, but the Government ought under no circumstances to advance to any project any money unless the project is worth the while. The test whether an expenditure ought to be made and whether the project is worth the while is, Is it profitable in some direction? You can not very well differentiate the farmer in one part of the country from the farmer in another part of the country or the crops in one part of the country from the crops in another part of the country. The test is whether he can afford to pay for the use of the money. [Applause.]

Mr. TAYLOR of Colorado. Mr. Chairman, I yield 15 minutes to the gentleman from New Mexico [Mr. FERGUSSON].

Mr. FERGUSSON. Mr. Chairman and gentlemen of the committee, it must be obvious to all that I labor under a disadvantage, not by design, but by accident, in following the gentleman from Illinois. Still I have some ideas that I would like to present briefly, based largely on a life of about 30 years in the midst of the scenes of these irrigation projects.

Now, as to the return of interest. We spend millions of dollars for great public interests, for great public improvements, affecting all the people, like the rivers and harbors, pensions, and various matters for the general good of the public in this country, and nobody before ever thought of charging interest to be paid by the people who receive benefit therefrom.

I look at this question—the effort to reclaim the great arid lands of the West—as a great public question. Our industrial centers, our cities, are filled with people without a place to lay their heads, without a spot they can call a home. Many of them are burdened or blessed with wife and children. They are anxious to get into the West, where there is a chance to build a home for themselves and children. Why discriminate, why make ingenious arguments, almost Shylock-like, looking at it from a business point, when everybody knows that the effort is to provide homes by law in the great arid West, where alone in our country it is possible for a poor man without a home, with wife and children around him, to make a home for himself and his family.

Now, gentlemen talk about interest. Under this law a man goes out on the land. He expects the Government to furnish him water. He is excused for five years from paying anything, but what does he do? In the general interest of the great public of the United States, in the general interest of the people of the great arid West, he seeks to increase the population and the number of home lovers and those who make patriotic citizens. It is a fact that those who own their homes here are the very best citizens of our country. What does he do in lieu of paying interest? because I think that is the only argument against this bill that has any force in it. What does this man do during the five years? He has to level the land, grub up the roots of the cacti and the mesquite, the roots of which are as big as your leg and run far into the ground, and which they dig up and dry and use for fuel. He has to dig and level

and reclaim the land. Do you want to charge him interest for doing a great public service like that, in addition to all the labor that he has to do to prepare the land for irrigation? Not only does he have to dig up the roots and clear the land from rocks and other obstructions, but he also has to level it, which takes teams and plows and scrapers and labor, a devotion that you who have never lived in the West can not conceive of. He has to do all that in addition to his other duties.

Now, these great appropriations for rivers and harbors are sufficiently paid for by the general good that is done. We are entitled to that argument as much as anyone else. We in the West know the suffering of these poor homeseekers, and when they devote their lives to reclaiming the West, in God's name are they not paying interest? In addition to that, under this general scheme they agree to pay the principal back. Who is going to pay the principal back on all of your money that you appropriate for pensions and for rivers and harbors, which you pile, in addition to labor and cruel privations, upon these poor devils, many of whom I have seen upon the verge of starvation. I have seen a man who tried to make a home under a 160 or a 320 acre homestead and who has failed, and met by absolute suffering for himself and family. You ask why did he go there.

Mr. Chairman, how can he live in the cities when sometimes he can not get work? He wants to go somewhere, and now for 20 years, and latterly still more than earlier, you have driven him to Canada, where the British Government, with a liberality which we might well copy, has made the land laws so that our people, being unable to get homes in the United States, are going to Canada. I will tell you, you need to help these men. Instead of making them pay interest, it would be no more than just that you would excuse them from paying part of the principal back, because of the great natural obstructions which must be overcome by this bold pioneer, who fears no hardship, who fears no deprivation of the ordinary necessities of life, who, driven by dire necessity, by his crying babies and his poor, ill-clad wife, must submit to any hardship that you put upon him. I have seen not one, but a dozen, who have failed utterly for two successive years. No rain. This year in New Mexico it has rained as much as it has in Washington, and those who had the nerve to put in crops again will profit by it; but last year it did not rain at all and the seed did not sprout, and I have seen these men breaking rocks on the streets in my city, with their wives out in the country 20 or 30 miles, in their little shacks, absolutely on the verge of starvation. And now you want to make him pay interest. Is it not a great public question? I have lived for 30 years in these scenes, and I know what I am talking about. Is it not a great public question to so fix these reclamation laws, the one that you are now considering, as that these men can reclaim the land? They can not reclaim the land if you put the screws to them, Shylock-like—every dollar back or you get no chance. If it were a private benefaction to each man, that would be a different question.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. GORDON. Right upon that point—if it were a private benefaction. Why is not this just as much a private question as it would be if the people in my city who have no homes should come here and press the argument that the American people are interested in having every citizen in the country own his own home?

Mr. FERGUSSON. I would say that you are right, and I will do anything within the power of this great Government, with its limitless wealth, filling up so rapidly now with the increase in its own population and the influx of helpless and hopeless people from other lands. I would say, "Yes; if you are an honest man, if you have a wife and children, if you need a little help, and if you will pay the principal back, I will excuse you from paying interest for 20 or 40 years." I would help that man.

Mr. GORDON. Does the gentleman know what that would bring this Government to? Where would we get the money to do that?

Mr. FERGUSSON. The gentleman does not think we have no money?

Mr. GORDON. We have not any money to engage in such enterprises as that.

Mr. FERGUSSON. How about the $150,000,000 for pensions that we have been expending for the last 40 years? You do not ask the principal or the interest back upon that.

Mr. MADDEN. No; they get that.

Mr. FERGUSSON. But when we from the West come here in good faith, with our hearts beating with sympathy for the efforts of men to make homes, and make a proposition to give to these people the use of the money which will be amply secured, every dollar, because the acre now is not worth two cents; and when the man gets through with it, with the help of the Government in loaning him the money, if you want to put it that way, or with the help of the Government in reclaiming hundreds of thousands of acres by irrigation enterprises—when we come and make that proposition to you, you say, "No; you must pay the interest."

The man says to the Government, "Let me have 40 acres or 60 acres or 80 acres; let me have a chance, and I will make that land so that it will be worth ten times the value of it now, when you gave me the money to use upon it." Is not that something better than interest—the good he does the General Government and the country we live in? My friend, I am thoroughly convinced that if the gentleman from Illinois [Mr. MANN] understood the matter he would look at it differently. This gentleman, the minority leader, with his powerful and ingenious mind, has looked at this only from the Shylock business standpoint, when it is a great public question that ought to challenge the patriotism and the heart. If he has any, of every man upon this floor, to help these people to these cities that can not get work, at least to the extent of excusing them from the payment of interest, when the acre of land when he goes upon it is not worth a dollar. In the course of 20 years he will make that acre worth to the whole Government $50, and he will pay you the principal back besides.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. COX. What does the gentleman say in response to the argument made by the gentleman from Illinois [Mr. MANN] that on principles of equity and equality, if the Government embarks in this line of work of giving to the gentleman's people all of the money needed to develop irrigation, without interest, the Government should also give to the people in the State of Illinois and the people in the State of Indiana, where we can buy good land and get anywhere from $50 to $100 an acre, an amount of money sufficient to buy from 80 to 160 acres free of interest? What does the gentleman say in response to that argument, which strikes me to be the very gist of the gentleman's argument?

Mr. FERGUSSON. Mr. Chairman, my answer to that is this, that in Illinois, or in the gentleman's own State of Indiana, the land, as the illustration indicates, is already worth $50 to $100 an acre. If the Government furnished the money to go and buy some of that, the man would have to be tolerably well fixed to start with. We would create a market for that land that would make it worth $250 an acre for speculative purposes pretty soon, but the gentleman's question ignores utterly the point that I have been trying to enforce in my inexperienced way here. I have spoken many times in the courts of our country, but seldom in a parliamentary body. Gentlemen, you ignore the fact that the Government of the United States has engaged in great enterprises intended for the general good of the Government. I will say another thing, that your proposition would involve leaving forever unreclaimed these great valuable rich public lands, and I can not overstate the richness of the soil with water on it. It is absolutely astonishing how rich it is with plenty of water on it. You are ignoring utterly this great proposition, the national importance of it. You should put out of your mind the question of dollars and cents. I am willing to vote for any bill here that will help a man with his wife and baby, in the congested cities, or in the big industrial centers, to get a start some way. Ah, my friends, if we do not realize the kind of civilization we are in, as it has evolved up to date; if we do not realize that we must go forward and forward and get the Shylock system back of us, instead of having a great President, a constitutional President, conceiving the principles of government as Jefferson founded it, as Lincoln interpreted it; a Government of the great masses of common people, to be owned by them, to be run by them, for their benefit; if we do not rise up to the occasion, you are going to drive us back to a great oligarchy and despotism, or you are going to have in the presidential chair some Debs and a great cataclysm may come on this country; not as in France, but it will come to this country under the reign of the ballot. In France, the poor devils had nothing but the bullet and guillotine to correct their wrongs, but with universal suffrage in this country you should not reach the Shylock argument of reactionaryism too far in this day and generation. [Applause.]

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 15 or 20 minutes, as he may desire, to the gentleman from Illinois [Mr. MADDEN].

that? Is he willing to have an assessment made upon all the people of all the States according to the benefits they receive from river and harbor improvements? Why not discuss this question by itself on its merits?

Mr. FRENCH. The assessments for river and harbor improvements will, of course, fall upon the country generally, the people of my State as well as the people from the State of New York, and we are glad to bear our part.

Mr. PAYNE. Oh, the difficulty is the people of the State of New York have to pay one-third to one-half of all the assessments of all the States.

Now, if you are willing to have the people of your State assessed according to the benefit, we will take it in New York State, and gladly take it, and pay in that proportion. But I do not think you ought to bring it into an argument for this bill.

Now, when we had this matter up three or four years ago and you were trying to get the loan, which I favored at that time and helped to get through, the statement was made that the people who had gone out there generally in response, not to the invitation of the Government, but to the invitation of the railroad agents and land agents and all that sort of thing, and having hard luck, had found employment, a great many of them, with contractors who were actually building these works, and that that had helped tide them over.

Mr. FRENCH. That has helped out some.

Mr. PAYNE. A good deal, has it not?

Mr. FRENCH. A good deal; yes.

Mr. PAYNE. In telling these hard-luck stories, why do you not tell the whole thing and lay the proposition before the Members of the House, so that they can understand it from the beginning to the end? Of course when you started in with this thing we were promised if we would turn over to the irrigation fund the avails from the sale of land and from the sale of additional land and pay for those first works, it would so increase the irrigation fund the Treasury would never have to pay a dollar. And when we loaned the $20,000,000 the promise was made that we would get this money back. I am in favor of relieving those people out there and extending the time for payment, but it ought to be put on an equitable basis all the way through. And if we made a mistake in not charging interest on the money the Government actually pays out, we ought to provide for that now, and other things, as we go along, and deal fairly with the people who are interested. And while we in the State of New York think we have to pay a good deal more than other sections of the country, we are patriotically willing to stand our full share, and we will not weigh it on apothecary scales either. But sometimes you bear pretty heavily on New York and other eastern States in all of these projects.

And there is another thing I want to ask you about right there. There is a proposition in the sundry civil bill for a survey of the underground streams in some of the States for the purpose of irrigation. Is it proposed to saddle that upon the people of the country, too?

Mr. BRYAN. Let me suggest to the gentleman that the last expenditure I noticed on that line was for measuring the stream flow of the Hudson River.

Mr. PAYNE. Well, the Hudson River benefits every section of the country, but the improvement has generally been paid for by the State of New York. We have also built the canal there and given you the benefit of it, too. So do not throw that at me.

Mr. BRYAN. You can get more benefit from the Interstate Commerce Commission and the Attorney General than from any other department.

Mr. FRENCH. Mr. Chairman, it seems to me in line with the statements I have already made that the analogy is complete, and that the aid that the Federal Government is giving in the development of our waterways and our harbors and other improvements of that character that are shared by the people generally, without the hope of having any interest paid, and without the hope of having the principal paid, ought to be carried further and be maintained as it was maintained when the original law was passed, and let this money, the most of which will ultimately come from the public lands themselves, largely, in fact, on account of the irrigation and reclamation work that we have been carrying on, constitute a fund to be used for the reclamation of our great western country in the carrying on of a work that will be of benefit to the people of my State, it is true, and so, the country; and, indeed, the people of my State are people transplanted from every other State in the American Union. This is a bill that is of interest to all, just as the river and harbor bill is a bill that is of interest to all.

Again, the settlers upon reclamation projects should not be required to pay interest, because this reclamation work is a part of the great homestead policy that the Government has followed for half a century.

The fertile lands of Illinois, of Iowa, of Minnesota required not that they be irrigated when they were given to the people of these States. Yet it is proposed, as regards lands, that without irrigation are desert, the Government shall make them fit for homes providing the settlers then establish their residence and even pay the initial cost to the Government of reclamation work and, indeed, we are requiring more of these settlers than was required of the settlers of the great States of the Plains.

Again, the extension of time should be granted without interest, because public policy in many other lines has made it seem best for the Government to bear largely of the initial burden, bearing the burden collectively, that the great good might come later on because of the completion of the object sustained through Government aid.

Less than one week ago I voted to pass the bill that carried $200,000 for the relief of the sufferers in Salem, Mass., on account of the disaster there. My people are willing to bear their share of this burden.

We have made Federal appropriations for the maintenance of levees to prevent the overflow of the Mississippi River. We have donated millions of acres of the public domain to the building of railroads throughout the country. We have done these things because it was felt that the large public policy of building up our country in these lines could be better assumed by the Government than by the individuals if required to bear the burden or to work out these projects without aid.

Just one other word and then my time will be up, and that is this: These settlers may be able to go ahead if you provide an interest payment in passing this bill. But, gentlemen, it is not right that you require it from them. It is not right, manifestly, that you require it from the settlers who have already gone upon the lands upon the basis of the original law which required no interest payment. It is as much of a violation of our duty to those settlers to require interest to be paid as it would be to impose some other condition that is utterly impossible upon an individual, and then under the stress and coercion of that impossible condition make him agree, voluntarily, then, if you please, and couch his agreement in that language, to submit to the impossible conditions. If I held you up at the point of a gun and asked that you make me a present of your purse and your watch and your chain, and you couched your presentation speech in most beautiful and gracious language to me, I have done a wrong because I have obtained under coercion that which is yours. And the same principle applies here. Many of these settlers are in desperate straits, many of them would be glad to grab at a straw, to grab at anything, to avail themselves of any opportunity, to get relief, and even to agree to pay interest, if necessary, in order to tide them over, but, gentlemen of this House, it is not right that we should require that of them any more than it is right that under the stress of impossible conditions you compel a citizen to agree to conditions that originally he did not want to assume.

I thank the gentlemen. [Applause.]

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I was a Member of the House when the reclamation bill first passed. There was a great deal of opposition to the subject for a good many years. I was one of those who supported the proposition for the Reclamation Service. I think at that time we made a mistake, which I am afraid we may repeat now, of letting those people who are strongly in favor of the irrigation service draw the bill instead of having it drawn by those who were in favor and those who were not so strongly in favor. We undoubtedly made a great mistake when we provided that the money paid into the Treasury from the sale of public lands should be paid out in irrigation work without any control of it by Congress.

The result of that was natural and, I think, inevitable. Everybody became interested in irrigation work. The States, through the Carey Act and through private contractors, and the Government, by the incentive which was given to the movement by a law of Congress, and everybody started in with irrigation projects. Most of them to-day have been unsuccessful, both the Government projects and the private projects, and there are now floating all over the country great quantities of bonds on irrigation projects which are not worth 100 cents on the dollar, and many of which never will be paid.

We started it with a whoop and a hurrah. We have now expended in the neighborhood of $75,000,000 or more, coming in from the sales of the public domain, in carrying on a great number of reclamation projects. People all over the country were taught to believe that anybody, without knowledge on the subject, could just go out West and take up from 5 to 160 acres of land connected with an irrigation project and be living in easy affluence ever after; and men who did not know a barn from an office building went out on these projects and took up land.

It was inevitable that most of them should fail. There were many eastern farmers—and I use the term "eastern" merely as the western people use it—who went out there who knew something about farming where the Lord provides the water at regular periods, but who knew nothing about farming on an irrigation project, and they did not succeed very well. And then the Government engineers started in to construct these projects, thinking they knew in advance what it would cost, and people crowded upon the projects, and it developed that the cost was much greater than it was anticipated. Where men might have been able to pay the original estimated cost, they were not able to pay the cost which finally developed, and in many cases, owing to the lack of money coming in in such quantity, as some gentlemen with iridescent dreams in their heads imagined, the Government was not able to finish the projects and furnish the water within the time that had been anticipated and which had been promised. There were thousands of people upon these lands that were worth nothing without water, and no water; and, of course, they could not succeed, and could not pay their share of the construction charges.

I do not agree with the gentlemen from the Western States that the irrigation service is at all comparable with the construction of rivers and harbors. They are on different lines entirely. It may better be compared to the homestead law, where we give to the man who takes up, for $1.25 an acre or for nothing, land worth from $25 to $100 an acre if it were put up for sale. It may be compared with that system of parting with our public domain. But a river and harbor scheme would never be defensible; no expenditure for river and harbor improvement is defensible, except upon the theory that it is worth what it costs and must pay to somebody—the public as a whole—more than the interest on the investment. When we improve a harbor, if that were just a dead loss, no one could defend it. We assume that when we have improved the harbor there will be such a reduction in the cost of transportation, applicable to all parts of the country, as will more than pay 3 or 4 or 5 per cent interest on the money we have expended.

Now, we come to the question of these settlers out in the West. Undoubtedly some relief must be granted to them. The Government does not desire to dispossess them from the land upon which they have entered. We want to help them to the point where they can cultivate the soil and make it profitable. But, after all, when any investment is made by the Government we must ask the question, Does it pay to make the investment? No one would think of having the Government construct great public works unless we thought it paid, unless we thought that the returns to the public at large would be more than a reasonable rate of interest.

Now, the bill that we have before us not only covers the irrigation projects now in existence, but it also covers all possible irrigation projects in the future. And what is the very first provision in this bill? That is the one as to the irrigation projects hereafter. The Government is to go ahead and spend the money constructing irrigation projects. Then it is to give the land outright to the persons who enter it. That is conformable to our homestead law. The person then pays 5 per cent of the construction charge of the project, the cost of the construction being supposedly charged against the property which receives the benefit of the irrigation. They pay 5 per cent. Then they pay nothing for five years, is it not?

Mr. SMITH of Idaho. Four years.

Mr. MADDEN. Five years.

Mr. GORDON. Yes; five years. You have it right.

Mr. MANN. They pay nothing for five years, not even interest. Now, if the investment of this money on these projects does not produce at least 3 per cent interest, what is the reason why we invest it?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield the gentleman 15 minutes.

Mr. MANN. Make it 10 minutes. I shall not use more than that.

The CHAIRMAN. The gentleman from Illinois is recognized for 10 minutes.

Mr. MANN. We would not make an investment anywhere unless we thought there would be some return from it. While it is true in a way that there is a return to the public at large from having anybody cultivate any portion of the soil and produce crops, because we could not live without the cultivation of the soil and without the production of crops, yet no sensible man individually would think for a moment of investing money in a farm which would not pay any interest whatever or any return whatever. And the question is whether the Government is under obligation to furnish the cost of constructing irrigation works and then give the land away, and in addition give the use of the money for 20 years without any interest whatever, because under this bill, after the man pays 5 per cent of the principal, he pays nothing more of the principal for five years. Then he pays 5 per cent of the principal a year for five years. After that he pays 7 per cent. I believe it is, so that the principal is entirely repaid in 20 years' time.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. SELDOMRIDGE. The gentleman has expressed a desire to give relief to a very deserving class of citizens. Does not the gentleman recognize the fact that if interest charges are imposed on these people in making these payments the time of payment would necessarily have to be extended in which to meet the principal?

Mr. MANN. I have not yet discussed the question that the gentleman is talking about.

Mr. SELDOMRIDGE. Is there not a consideration in the shortness of time for the payment of the principal?

Mr. MANN. I have not discussed that feature as applicable to the present irrigation projects. I was discussing the first section of the bill, which the gentleman from Colorado knows does not apply to anybody now on the irrigation projects, but applies only to those who go upon these projects in the future.

The question is, whether the Government is under obligation now to loan money—because that is what it amounts to—to a farmer out West for the purpose of permitting him to cultivate the soil without interest, without any payment for five years, except 5 per cent of the principal of the loan, and at the same time decline to loan money to the farmers east of the Rocky Mountains, who are willing to pay interest for the construction of barns, for the purchase of stock, for the purchase of farm implements, and possibly also for the purchase of land, all of which they greatly need.

There are thousands of people in my city who would be extremely glad to have the Government say to them, "If you will pay back to us 5 per cent on $10,000, we will advance you the $10,000 to go down into Illinois and buy a farm, and then you do not need to pay any more for five years. You need never pay the interest, but if you will pay back the principal in the course of 20 years you may have the farm." These people would be willing to do more than that. They would be willing to pay 3 per cent interest on the $10,000. They would be glad of the opportunity.

Mr. MONDELL. Of course the gentleman realizes that during these four and a half or five years during which the entryman is not to pay any building charge he is all that time paying a maintenance charge of from one to two dollars an acre.

Mr. MANN. Oh, certainly; he is paying the maintenance charge, but he is paying for water, which he gets when he wants it. In many portions of the country he pays for the water, but the Lord does not always give it to him when he wants it, and sometimes he loses his whole crop thereby.

But I do not complain about anything. I thought it was proper to call the attention of the Members of the House to the propositions involved in the bill, because I was very sure that the gentlemen advocating the bill would never do so. I do not complain of the length of time given to these people, or of the fact that it is proposed to require no payment for five years. The Government would still hold the title to the property. But the proposition to which I am seeking to call the attention of the House is whether we can loan money without any interest to one set of people in the country and then refuse to loan money to other people, equally meritorious, who are willing to pay interest.

Mr. SMITH of Idaho. Has the gentleman taken into consideration the fact that on these new projects that are contemplated the cost of the water will probably be $100 an acre, and if you add to that the interest, it would make it impossible to sell the land?

Mr. MANN. Then what is the reason we do it?

Mr. SMITH of Idaho. Simply because if interest is imposed it would be impossible——

Mr. MANN. There is no reason that can be given, except the fact that gentlemen want it. If the project, when carried into execution, will not pay interest, it ought not to be entered upon. The gentleman might as well propose that if the farmer can not make a living upon these irrigation projects, we ought to

the individual farmer has a personal interest in making a success of his homestead we may as well abandon all work of this kind.

The individual homesteader is the one who is interested more than we are interested—more, even, than the community in which he lives is interested—and my experience is that he can be depended upon to do the best that is in him to make his home not only attractive from the standpoint of the home, but to make the lands that it contains remunerative in the shortest possible time. Furthermore, it has always been the theory of the homestead law that it was a law for the poor man, that it was to help the individual establish himself in the world, and to that end and carrying out that spirit the reclamation law and the payments thereunder should be made as reasonable as may be possible.

There are a great many features in this bill that I am very anxious to refer to when we consider it under the five-minute rule. There are some features in it that I do not like and that I tried to have omitted when the measure was being considered in the committee. The main thing, however, as I see it and that I urge, is that we pass the bill within the speediest possible time, to grant the settlers upon these projects the boon of a few years, at least within which they may spend all their energies, direct all their attention, and set apart all of their capital to converting the homestead into an area of land that will be productive, and that will make it possible for the homesteader to meet his payments as soon as he may get under way.

Mr. Chairman and gentlemen of the House, a mistake was made when we provided that these payments should be made in so short a time as that set forth in the original bill, but a greater mistake was made when the Congress asked that beginning with the very first year of reclamation the homesteader should be in position to meet his first payment.

Experience has demonstrated abundantly that earnest as these farmers are, resourceful and energetic as they are, they can not from the land itself extract the money with which to make the payments required under the present law.

They are a thrifty people. They are an earnest people. They are a people who want only one thing at our hands and that is an opportunity. They are an industrious people; they are in every way a people than which there are none better in all our land, and who, if they could be given the opportunity of a breathing spell until they can get things going on the farm, will demonstrate within the next few years that the national reclamation law is a success; that desert lands can be made to blossom and that the only reasonable way of carrying on a great reclamation undertaking such as our Government has inaugurated, is by placing it upon the basis as it concerns the individual farmer as will enable him within reason to maintain his home, to make improvements, and to bring the desert land itself into a state of fruitful production. So much for even the most favorable conditions. The lot of the homesteaders who have been compelled to live on arid lands years before water was made available—and most of the homesteaders have had that experience—is doubly hard.

The settlers were required to live on the lands in order not to forfeit their homestead rights, and required to do a certain amount of cultivation and improvement. It was a desert country and they could not raise crops successfully by dry farming, and as a result they were compelled to expend the substance they brought there with them in order that they might build up and develop their land.

Mr. MOORE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MOORE. Will the gentleman explain how long it takes to cultivate crops and have trees come to fruit in a country like that. How long does a settler have to wait?

Mr. FRENCH. I will be glad to answer the gentleman. The point I have been making is that prior to the turning on of the water on the land several years must elapse before the settler can make progress or set out an orchard, for instance, because probably there is no crop that requires water immediately upon its being set out as does a fruit orchard of any character.

Mr. MOORE. He first has to clear away the sagebrush.

Mr. FRENCH. Yes; he first clears away the sagebrush, and it takes several years to clear away the sagebrush and completely subdue a farm of that character and prepare it for the water to be placed on it.

Mr. MOORE. In the meanwhile he has to live and has no fresh vegetables?

Mr. FRENCH. He has to live, and he has little opportunity to raise vegetables from the soil; often he has to buy them.

Mr. MOORE. And his holdings produce nothing.

Mr. FRENCH. In many instances they produce practically nothing. In some instances, under stress of circumstances, settlers have made the desert land itself, through intense cultivation and great care, yield something upon which they could live.

Mr. MOORE. After he gets the brush and cacti removed and has a chance to plant something, how long would it take apple trees or fruit trees to grow and produce a crop?

Mr. FRENCH. Within three, four, or five years a little fruit is raised, but often seven years or longer before a dependable crop can be raised.

Mr. MOORE. And he must maintain himself for four or five years before he gets anything?

Mr. FRENCH. Yes; even after the land is reclaimed.

Mr. MOORE. The cost of construction, if I understood the gentleman from Wyoming correctly, amounts to from $25 to $65 an acre?

Mr. FRENCH. Yes; and often runs up to $100.

Mr. MOORE. And up to that time he gets no return?

Mr. FRENCH. Practically nothing.

Mr. PLATT. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. PLATT. Are not a great many of these landholders speculators, and not farmers at all?

Mr. FRENCH. I am glad to answer that question. The law requires one to be a bona fide homesteader when he enters the land. These lands were taken up by those willing to maintain them in good faith, and there are not many people on reclamation projects that are there for the purpose of speculation, other than that praiseworthy speculation which prompts any man to make a trade or to buy property for a home or to take a homestead in the rainfall belt. Most of the people are people of very small means indeed.

Mr. PLATT. Is it not a fact that a large proportion of these people who took up lands have sold out instead of cultivating it after they got the title?

Mr. FRENCH. The gentleman has asked another question that I am glad he asked. Prior to the repeal of the provision of the law permitting the settlers to enter after the withdrawals had been made, many settlers went upon the projects, and although they were opposed by the forces of nature, they tried to live there until the land could be reclaimed. They were forced by dire necessity to spend two or three years of their lives there, to spend all the substance they had accumulated, and finally some of them threw up their lands and moved off and let somebody else take the burden, being fortunate if they could obtain a little compensation for their relinquishment. There were some who did that, but they were not speculators; they were forced to sell. They would not have been there if it had not been for the practical invitation of the Government to go upon the land several years before the water was available for reclamation.

I want to say that there is probably no system so well calculated to break up large holdings of land as the irrigation system we are developing in our western country. People desire to live upon small units of land—and this is in response to the question or suggestion from the gentleman from New York—and in all the projects the tendency is more and more to break up the 160 and 160 acre tracts into 80 acres, 30 acres, 20 acres, and so on.

I was talking to a gentleman not long ago who told me that already in the State of Utah the average farmer upon irrigated lands owns not far from 30 acres. In my State the projects are newer, and probably the average is a little larger than that, but it certainly can not be greatly larger, and the tendency on all those projects is for the lands to be broken up into smaller and smaller amounts, until the lands can be made to serve the greatest number of people who live upon the lands.

Mr. Chairman, I stated what I did a moment ago—before I was interrupted—to call attention to the great necessity for relief at this time. Thousands of people before water was available for reclamation had expended all of their substance waiting for the water to be turned upon their lands. We repealed the clause permitting advance entries, but that did not help the poor settlers who had already gone there and had established homes.

Let us assume a more favorable condition. Let us assume the people enter upon the lands at the time that the water is made available by the Government. Then what do we have? As has been suggested by the questions that have been asked, it is necessary to wait two, three, or four years for the lands to be brought into shape that they may be productive to such an extent that they can materially reduce the cost of the irrigation system to the settler. The settler who has gone broke, who has absorbed all of his substance by the time that the water is available, is in a bad way. You can readily understand the straits that he is in. I then call attention to the fact that the man who goes upon the land the first year that water is available is also in severe straits, because his orchard that he may set out will not be bearing for the market short of four

to seven years, the lands that he might cultivate for annual crops will not be capable of the greatest production for two or three years, and then, again, settlers make mistakes in not knowing what crops will find ready market.

Mr. COLLIER. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. COLLIER. I would like to know this: What new legislation does this bill seek to enact aside from the 10-year extension without the payment of interest and the administrative features associated with that?

Mr. FRENCH. I will say to the gentleman that that is the heart of the bill. The other features as we get to them can probably be developed best under the five-minute rule; but that is the heart of the bill. It is to extend the number of payments from 10 to 20 years, to provide a small initial payment, and to waive payment for a period of 5 years after that, permitting the settler to get on his feet.

Mr. MOORE. In substance it is a relief bill?

Mr. FRENCH. It is a relief bill, pure and simple, but one that contemplates payment of money originally assumed by the settler to the Government during a period of 20 years.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MANN. The gentleman says that it is a relief bill, pure and simple. Does not the bill provide that people who go upon these irrigated lands hereafter shall be required to pay only 5 per cent of the construction charge when they make their entry, and even not then until they get their water, and that thereafter they shall be required to make no payment for 5 years, and never be required to pay anything for interest?

Mr. FRENCH. Oh, that is true.

Mr. MANN. And that applies to people hereafter?

Mr. FRENCH. Yes.

Mr. MANN. That is not a relief bill, is it?

The CHAIRMAN (Mr. SELDOMRIDGE). The time of the gentleman from Idaho has expired.

Mr. FRENCH. Mr. Chairman, I will ask the gentleman from Nebraska to yield me some more time.

Mr. DONOVAN. Mr. Chairman, I withdraw my objections to the gentleman's request, putting what he sees best in the RECORD. He has talked upon this subject intelligently, and he has stuck to the text of the bill; and that is a great treat after the quibbling that we are obliged to listen to most of the time.

Mr. KINKAID of Nebraska. Mr. Chairman, I yield 15 minutes more to the gentleman from Idaho.

Mr. FRENCH. Mr. Chairman, the gentleman from Connecticut has been so good-natured and complimentary in his remarks that I may avail myself of the privilege of inserting certain data that will be of interest. There may be some things that I would like also to put into the RECORD on account of interruptions. I yield now further to the gentleman from Mississippi.

Mr. COLLIER. Mr. Chairman, what I wanted to know was, if there is anything else to be accomplished by this bill other than the extension of that time?

Mr. FRENCH. Oh, that is the heart of it; and while there are other things embodied in the bill, some things that I favor and some that I do not, that is the heart of it, and it is because of that part of the bill that I am so anxious that the bill shall be enacted into law.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Yes.

Mr. GORDON. The gentleman is especially strong for that part of the bill that provides for loaning money to purchasers without interest. I wish the gentleman would answer the inquiry of the gentleman from Illinois [Mr. MANN], which he made a moment ago upon that subject, and at the same time explain why we ought to loan farmers out in Idaho money without interest when they are refusing to loan the farmers down in Ohio money for which they offer to pay interest?

Mr. FRENCH. To whom is that last criticism directed?

Mr. GORDON. It is directed against this bill; against the very bowels of it.

Mr. FRENCH. That last criticism against not permitting the farmers to borrow money in Ohio? I favored the farm-credit bill some time ago.

Mr. GORDON. Oh, I am opposed to loaning farmers money out of the Federal Treasury, even if they pay interest upon it. But I can not see why you should loan these irrigators out West money without interest, and that is what I would like to have the gentleman elaborate.

Mr. FRENCH. I am glad the gentleman has asked that question, and I was going to answer the question as originally asked by the gentleman from Illinois [Mr. MANN]. In the first place, we ought to pass this bill providing the relief and extension of time for 20 years without interest for the reason that the original bill did not contemplate that interest should be paid, and all the contracts which were entered into were entered into on the distinct understanding upon the part of the settlers that interest should not be paid. I see the point the gentleman has in mind when he says, how about it then as applied to all future entrymen? Now, as applied to all future entrymen as well as those upon the lands now, I would say that this bill ought to pass making that provision for the reason that it affords the best way of developing the western country, in which the whole Nation has a vital interest. It is the same principle we have applied in developing the Mississippi and Ohio Rivers [applause], the same principle as in developing harbors along the Great Lakes, as in developing the great ports along the Atlantic seaboard, as in developing the tributaries of our larger rivers into a network of waterways for the great benefit of the American people. Congress is making appropriations of millions upon millions of dollars for this work, and is not only providing that interest shall not be paid, but with the distinct understanding that the principal itself shall never be paid. [Applause.]

Mr. GORDON. Will the gentleman yield?

Mr. FRENCH. I do.

Mr. GORDON. Permit me to ask right there, what is the analogy between spending money on public highways open to everybody and the spending of money upon private property?

Mr. FRENCH. It seems to me that the gentleman ought to see a very clear analogy between the spending of millions of dollars for the improvement of waterways along our coasts, for the improvement of the Mississippi River and its tributaries, for improvement of all the ports for the use of the trade of this country, for the primary benefit of those immediately concerned in trade or those living near by who are benefited by the improvements and the values they create.

Mr. MOORE. Will the gentleman yield?

Mr. FRENCH. Yes.

Mr. MOORE. Mr. Chairman, I think the gentleman weakens his case, as I think the gentleman from Wyoming did, when he makes the comparison between irrigated lands and waterways. The gentleman ought to see the distinction between the improvement of a waterway which is a public project, not for the benefit of any individual, and the appropriations of money, directly or indirectly, as in the case of irrigation, for the ultimate benefit of the individual if not for the present benefit of the individual. Now, I have heard it said that this bill, which I would like to favor as a relief measure, because I think these farmers sorely need the assistance—I have heard it said this bill was to be used to a certain extent as a buffer against the river and harbor bill, which is being held up on the other side of the Capitol. I would very much regret being forced to vote for or against this bill, feeling that it was obstructing a bill intended to appropriate money for the rivers and harbors of this country.

Mr. TAYLOR of Colorado. If the gentleman will permit me at that point, I think the only one I have ever heard make a suggestion of that kind was the Senator from Idaho.

Mr. FRENCH. I will say I never heard even of that suggestion in reference to this bill. However, since the gentleman has referred to the Senator from Idaho [Mr. BORAH], I believe he did suggest that with the same propriety that this Congress should appropriate for rivers and harbors that it ought to pass, not this bill but a bill to create a bond issue which would afford a further extension of the reclamation law.

Mr. MOORE. I raise the question now because two speakers, both of them conspicuous advocates of irrigation projects, have suggested that those projects are worthy as against rivers and harbors projects.

Mr. PAYNE. Do I understand the gentleman is advocating now a bond issue for the reclamation project?

Mr. FRENCH. No; not at all; I am advocating the passage of this bill. I was answering the gentleman from Pennsylvania and the suggestion made by the gentleman from Colorado; and the suggestion was made—I have seen it reported in the papers—that the same argument that has been used in favor of passing a liberal appropriation for rivers and harbors ought to hold good in providing some appropriation or a bond issue for carrying on the reclamation work.

Mr. PAYNE. Is the gentleman in favor of the proposition that the expense of improving the rivers and harbors should be assessed upon the people of the United States according to the benefits they receive?

Mr. FRENCH. They have never been assessed that way.

Mr. PAYNE. I know; but would the gentleman favor it? Of course the gentleman knows that would be very hard on the people of his State to receive as much benefit in proportion to what they have invested in the State as any State in the Union; but why does the gentleman bring in any such argument as

Department of the Interior, United States Reclamation Service—Continued.

PROJECT ACCOUNTS—Continued.

Projects.	Assets.					
	Net cost of project.		Inventory of stock on hand.	Accounts receivable.		
	Building.	Operation and maintenance.		W. R. building charges.	W. R. O. and M. charges.	Miscellaneous.
Oregon, Umatilla	$1,469,300.25	$176,385.93	$38,940.44	$150,477.88	$23,549.92	$304.22
Oregon-California, Klamath	2,379,217.06	150,911.80	45,263.15	69,477.00	788.62	537.75
South Dakota, Bellefourche	3,128,240.02	222,272.08	52,500.84	167,220.00	41,276.63	190.20
Utah, Strawberry Valley	2,285,139.24		73,197.06			1,124.71
Washington, Okanogan	602,097.16	62,009.00	9,000.00	52,387.70		1,368.00
Washington, Yakima-Storage	1,128,774.07		203,122.38			35,537.39
Washington, Yakima-Sunnyside	2,335,428.69	471,832.02	23,085.04	230,618.30	19,830.88	12,409.99
Washington, Yakima-Tieton	2,963,842.11	114,930.22	26,040.69	218,893.48	20,856.02	51,095.05
Wyoming, Shoshone	4,010,772.83	118,921.44	90,555.64	127,126.04	7,934.66	10,656.02
Preliminary investigations	80,488.73					
Secondary projects	774,456.94		90,003.39			157.81
Jackson Lake enlargement			93,699.45			[1] 111,372.53
General expenses			60,019.23			78.05
Indian projects:						
Montana, Blackfeet	6,166.17		39,796.10			9,074.43
Montana, Flathead	8,616.66		104,088.80			69,231.62
Montana, Fort Peck	390.83		38,541.56			7,867.18
Total	32,581,673.61	3,890,704.28	3,078,011.54	[2] 1,897,406.48	[3] 817,902.05	332,880.33

Projects.	Liabilities.							Net investment of the United States.
	Accounts payable.	Water right repayment accruals.						
		Building charges.			O. and M. charges.			
		Accrued.	Forfeited.	Advanced.	Accrued.	Forfeited.	Advanced.	
Arizona, Salt River	$39,056.73	$100,000.00						$10,063,905.36
Arizona-California, Yuma	130,341.73	269,530.18	$756.00	$317.50	$12,445.70	$251.00	$8.17	6,399,131.21
California, Orland	9,381.41							611,830.17
Colorado, Grand Valley	78,447.59							967,435.09
Colorado, Uncompahgre	31,641.63							5,345,785.47
Idaho, Boise	222,647.78							9,122,412.78
Idaho, Minidoka	73,244.13	402,462.80	6,667.78	96,846.27	365,703.90	1,687.49	905.04	4,499,037.95
Kansas, Garden City	3,715.46							276,471.29
Montana, Huntley	20,006.66	308,827.88	3,289.68	5,874.37	84,942.91	851.23	9.75	1,001,674.16
Montana, Milk River	89,469.42							1,675,676.88
Montana, St. Mary storage	40,365.66							791,501.00
Montana, Sun River	89,069.14	163,437.47	1,244.53	278.63	41,865.28	211.86	61.40	1,305,828.00
Montana-North Dakota, Lower Yellowstone	34,767.57	51,272.59	255.00	26,138.95	162,546.34	95.50	580.00	3,153,992.49
Nebraska-Wyoming, North Platte	56,976.89	501,479.43	3,539.70	4,102.80	344,339.17	871.55	370.59	6,097,123.47
Nevada, Truckee-Carson	65,088.04	304,961.13	1,317.80	1,083.65	144,562.12	1,275.07	175.94	5,341,471.61
New Mexico, Carlsbad	5,683.76	114,026.80	108.20	39,922.60	115,757.45	85.95	714.24	780,809.19
New Mexico, Hondo	229.31							301,731.23
New Mexico-Texas, Rio Grande	13,283.05							757,677.16
New Mexico-Texas, Elephant Butte storage	175,549.49							1,767,145.09
New Mexico-Texas, Rio Grande Dam appropriation								1,000,000.00
North Dakota, North Dakota pumping	3,760.29	80,883.54	152.00	30.40	46,654.36	74.70	.40	927,429.43
Oklahoma, Lawton								100.88
Oregon, Umatilla	12,375.41	307,448.22	1,371.22	28,360.10	75,226.83	390.53	6,511.38	1,497,501.95
Oregon-California, Klamath	16,733.51	318,394.00	9.00	4,543.00	99,197.25	3.75	8,341.13	2,189,921.74
South Dakota, Bellefourche	95,679.89	273,097.56	588.00	936.00	129,029.65	180.40		3,111,605.27
Utah, Strawberry Valley	31,388.42							2,425,072.50
Washington, Okanogan	5,500.00	68,228.40		130.00	34,566.87			619,027.53
Washington, Yakima-Storage	36,759.53							1,330,674.48
Washington, Yakima-Sunnyside	11,298.97	811,789.45		5,819.15	446,931.55		513.11	1,816,913.00
Washington, Yakima-Tieton	14,726.97	406,998.59		2,020.11	128,982.08	3.00	178.50	2,842,608.32
Wyoming, Shoshone	26,556.56	329,900.99	2,101.94	2,895.21	89,621.96	1,480.61	692.46	3,912,805.00
Preliminary investigations								80,488.73
Secondary projects	1,673.97							781,944.08
Jackson Lake enlargement	16,565.85							[4] 34,268.95
General expenses	12,547.05							47,550.26
INDIAN PROJECTS.								
Montana, Blackfeet	6,074.21							48,952.49
Montana, Flathead	21,981.38							159,932.70
Montana, Fort Peck	9,170.08							37,473.49
Total	1,502,420.34	[5] 4,812,709.03	21,419.15	220,117.74	2,373,042.42	7,462.64	18,863.31	83,342,542.66

[1] Advance receipts. [2] This is balance now due on building. [3] This is balance now due in O. & M. [4] Credit balance. [5] This is total, both due and paid on building.

Mr. Chairman, I yield back the remainder of my time.

Mr. KINKAID of Nebraska. I yield 15 minutes to the gentleman from Idaho [Mr. FRENCH].

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] is recognized for 15 minutes.

Mr. FRENCH. Mr. Chairman, to save time, I ask unanimous consent to extend my remarks on this subject in the RECORD by adding data that I do not desire to give in full as I speak.

The CHAIRMAN. The gentleman from Idaho [Mr. FRENCH] asks unanimous consent to extend his remarks on this subject in the RECORD. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. FRENCH. Mr. Chairman, my only object was to save time. I shall need to ask for more time at the conclusion of the 15 minutes.

Mr. Chairman and gentlemen of the committee, as has been said by one or two who have preceded me, this bill is rather a compromise measure and the result of several bills that have been offered by Members from the Western States, one of those bills being offered by myself, proposing an extension of time to the homesteaders in the arid lands of the Western States. It is, as has been justly stated, one of the most important bills

that this Congress has been called upon to consider, and while it directly affects but a small portion of our country, it is of immense importance to the people who are affected.

Prior to some 20 years ago all the work that had been done in the way of reclaiming the arid lands of the West, that up to that time had been indicated upon the map as the Great American Desert, had been the result of private initiative, the individual reclaiming by irrigation 160 acres of land or less; by the organization of individuals into associations and the construction of irrigation works; by the building of smaller or larger irrigation systems by private capital. In that way we succeeded in reclaiming hundreds of thousands of acres of arid lands in the West and in demonstrating that the so-called desert, if given water, would become a veritable Garden of Eden.

About 20 years ago the Carey Act was passed, which proposed that the arid States could each reclaim an amount of land not to exceed 1,000,000 acres. The work was new. The States did not understand it and did not have the machinery under which to operate, and by the time the States had passed laws and machinery had been established for the reclamation of the land another decade had practically passed by. Then it was that the sentiment in the West and the country over developed along the line that the Federal Government ought to undertake the reclaiming of the desert West. The result was the passage of the national reclamation law in 1902. Since that time both the States of the West and the Federal Government have been working—not hand in hand, but side by side—for the reclaiming of the waste areas. For my part, I think it it a good thing that these two systems have been in operation side by side. I think it has made for greater efficiency upon the part of the Government. I think it has had a wholesome effect upon the States, because the States operating independently of the Government and the Government operating independently of the States have each contributed to the success and the experience of the others, and the result is that to-day, after some 10 years' experience, both the States and the Federal Government are in better shape to go ahead with the great work of reclaiming the West than either would have been if permitted or required to undertake the work without the aid and assistance of the other. Up to this time something like $86,000,000 has been expended by the Federal Government for carrying on the reclamation work. When the law was passed we could not see very far into the future. We could not realize that land, instead of being reclaimed at an expense of some $15 to $20 or $30 an acre, would prove to be land that could not be reclaimed for less than $25 to $100 an acre. I believe $110 represents the highest amount per acre on any Federal Government project. We could not foresee those things; and when the bill was passed it was provided that the payments for the reclaiming of the land should be made by the settlers within a period of 10 years. Another provision of the law was that the lands to be reclaimed should be available for entry, after withdrawal for reclamation purposes, under the homestead law. There were those who felt there was not much demand for reclaimed or irrigated land. There were others who felt that there was great demand; and in order to test that matter out, the Congress wrote into the law a provision that these lands might be entered under the homestead law. Personally, I believe it was a mistake, and some three or four years ago it was corrected, but in the meantime thousands of settlers went upon these lands in the hope, nay, as they felt, the promise of the Government, the invitation of the Government, to settle upon these lands, because the Government intended to reclaim them.

The settlers went from the Middle West, from the Eastern States, from the Southern States, and there is probably not a Member of this House from whose State one or more or many men with their families have not gone to some part of the great western country and settled upon the arid lands. Under the hardship of the strict letter of the homestead law requiring definite residence on the land, under the strict compliance with the rules and regulations of the department touching the administrative features of the law, tremendous hardship has been worked upon the settlers. They went from the Central, Eastern, and Southern States with a few hundred dollars in money, maybe with a few thousand dollars, and with a homestead right, and took their families with them. They made entry on the desert where the Government was planning to build a reclamation system, but after waiting years it developed in some cases that these reservations were merely tentative, and nothing has even yet been done. Even taking the best conditions possible, where the Government within a short time began the construction of an irrigation system, we find the best the settlers could expect was that they would have to wait three years or four or five or six years before they could obtain water from the canals and irrigation system constructed by the Government.

The sentence "Water was turned into the ditches of the Minidoka project" or "the Payette-Boise project" on a given date carries with it to those who have never had an opportunity of observing what reclamation means the complete culmination and triumph of the irrigation project. From the standpoint of the engineer who has undertaken to deliver the water to the main canals and main laterals such may be the case, but from the standpoint of the homesteader it merely means the beginning of his work.

Imagine, if you can, a tract of land of 40, 80, or 100 acres that is partly level, partly rolling; that in part is rocky; that for the most part is covered with a growth of sagebrush, greasewood, and other desert plants, and remember that before the water that is running by, within possibly half a mile, can be made to serve its purpose upon this land laterals must be built that will convey the water to all the lands that can be irrigated.

Further than this, the lands must be cleared of the desert growth, and the clearing of lands of sagebrush and greasewood is a problem that means much work for the homesteader. In most places the land itself must be carefully handled in order that the surface may be brought into such shape that it will receive the water in uniform measure.

Beyond this, the land must be plowed and harrowed; crops must be raised; trees must be set out; homes must be built; barns and outhouses must be erected; fences must be constructed; and, in other words, the work of the homesteader on an irrigated tract during the first year or few years of his settlement is a hard work and a work that yields practically no remuneration.

The orchard will not produce its crop of fruit for several years; the level field will produce an exceedingly small crop the first year, and when all allowances have been made for unforeseen contingencies on account of climate, on account of water, on account of the soil itself, and the handling of the irrigation system, the farmer who has gone to one of our desert farms under the reclamation system with maybe several thousand dollars, has found himself at the end of two years or three years burdened with debt and struggling under responsibilities of which he had not even dreamed when he made his homestead entry.

The fine fruit that you see marketed with the name of Idaho in the Washington markets and that was grown upon irrigated lands was not grown upon lands that were irrigated for the first time last year or the year before last, but was grown upon lands that have been irrigated for many years.

The crops that can be immediately produced the first year—and none of them will do the best at that time—must be of a character necessarily as will go to the local market. With everybody producing all that he can of crops that can go to the local market, necessarily the local market itself must be overstocked, and the result is that farmers upon the irrigated tract must patiently wait.

Now, what does this all mean? It simply means this: That when we provided in 1902 that the payments upon reclamation lands should be made in 10 annual payments, we did not realize that the first few years would be practically unproductive years. We did not realize that during the first few years the expenses to which I have referred and the additional expenses of sustenance and clothing, and many household demands which press hard upon the entryman would be especially burdensome.

In this bill we are asking, not that these farmers be relieved of the payments that they have assumed. We are asking that they be granted 20 years instead of 10 within which to make their payments. We are asking further than that that during the first five years they be exempted from making payments with the exception of the first payment that will insure the good faith of the entryman.

This may not be the time to discuss the amount that the entryman should pay as his initial payment to insure good faith. The committee have proposed fixing the amount at 5 per cent. My own judgment is that for the first five years there should be no payment, or, if any, a payment not to exceed 2 per cent to insure good faith.

Take an entry of 80 acres on a project where $50 per acre represents the cost of irrigation and the entire cost of water for the project will be $4,000; 5 per cent of $4,000 is $200, an amount that could better be expended by the farmer in placing his farm into shape that would make it productive instead of being paid as a part of the cost of reclamation. Two per cent of the amount would be $80. This amount would be an evidence of good faith, and certain it is that unless we recognize that

to their distinguished orator. Many of them are engaged in conversation——

Mr. MANN. The statement is not true. What is the use of making it? I want that to go into the RECORD—that the statement is not true.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] does not yield. The gentleman from South Carolina is not in order.

Mr. MONDELL. I think it is about time that side of the House learned something about the rules of debate. They may not like the pointed arguments that are being made, but it is their duty to keep silent. The frothy and windy gentleman from South Carolina [Mr. RAGSDALE] can speak in his own time and make his own arguments if he has any which he desires to make.

Mr. RAGSDALE. Mr. Chairman——

Mr. MONDELL. I do not yield, Mr. Chairman.

Mr. RAGSDALE. Nor am I asking the gentleman to yield.

The CHAIRMAN. The gentleman from South Carolina is not in order. The gentleman from Wyoming has the floor.

Mr. RAGSDALE. Mr. Chairman, I rose for a proper purpose, believing myself to be in order——

The CHAIRMAN. The Chair will state to the gentleman that he is not in order unless the floor is yielded him by the gentleman from Wyoming.

Mr. MONDELL. Anticipating action by Congress on the subject of payments the Secretary of the Treasury refrained from making demands for payments due until he can readjust under the new law. And my own opinion is that the passage of this law on this important matter will not reduce the income into the reclamation fund in the next year or two, but that, as a matter of fact, it will have the opposite effect, because under the terms of the bill on a number of projects the payment of 5 per cent will be required where no payments for building charges have heretofore been made. The probability is that the adjustments under the 20-year law will not for the coming year materially reduce the total amount that will come in; but it will readjust them so as to take the load from those who are least able to pay and place a part of the burden on those who are better able to pay it.

I understand that no final figures have been made as to the immediate effect in the matter of payments under the plan, but inasmuch as on a number of projects the payments will not be very materially reduced below the payments now due, and other projects not now paying building charges will have the building charge fixed and the notice issued under which the initial payment is to be made, my own impression is, although that impression is, I admit, rather in the nature of a guess, that the payments for the coming fiscal year will not fall far below, if, as a matter of fact, they do not equal or exceed the amounts now due under the old plan.

EARNEST, HONEST, AND DESERVING FARMERS.

Approximately 10,000 honest, earnest American farmers, most of them with wives and families, have gone upon these lands at the invitation of the Government. They have not only encountered the difficulties and the hardships incident to pioneer life, but added to that have been the peculiar trials and difficulties which surround irrigation development, the winning of arid lands from their aridity, the building of homes and communities in arid and desert places. The soil has not always yielded as quickly or as generously as was expected. The markets have not always developed as promptly or favorably as was anticipated. The hope and expectation of at least one profitable crop has been taken from them by a change in our tariff policy. Added to all this has been the very considerable increase above what was estimated, promised, or fixed as to the cost of the water rights per acre. In this condition of affairs we feel fully justified in asking on behalf of these good people a liberal policy in the matter of payments. Ultimately these projects on which approximately $86,000,000 has been expended will cost, when fully completed and the full acreage is brought in, nearly $150,000,000, but this will all be repaid eventually under the plan we propose. When you take into consideration the fact that we have spent upward of a billion dollars for rivers and harbors, no dollar of which has been repaid to the Government, it surely can not be said that we are asking more than is proper on behalf of these people who are doing the pioneer work of bringing arid and unfruitful acres into bearing and productiveness. The work the people on these projects are doing is not for themselves or their posterity alone, but it is a work which will, so long as time runs and these fluctuating waters flow, redound to the benefit of mankind. They have not simply made two blades of grass grow where but one grew before; they have created orchards, fertile fields, and fruitful gardens where only the cactus, the sagebrush, and the greasewood flourished. They have banished the senseless chatter of the prairie dog and the weird cry of the coyote and substituted for them the sounds of civilization, the laughter of children, and the melody of village bells. They deserve all and more than we ask in their behalf. [Applause.]

I present for the consideration of the House a number of tables, which afford information as to the state of the reclamation fund and status of reclamation projects.

Statement showing, by projects, the estimated area of public and private irrigable lands, the average size of farm unit, the approximate number of homestead and private purchases of water rights, the price per acre for which water has been sold, and the date when payments began to be made.

State.	Project.	Estimated area of irrigable lands under project (acres).			Average farm unit (acres).	Approximate number of homestead and private purchases of water rights.			Price per acre for which water has been sold.		Date when payments began to be made.
		Public.	Private.	Total.		Public.	Private.	Total.	Building charges.	O. and M.	
Arizona	Salt River	20,074	198,536	218,600	40-42						Rental.
Arizona-California	Yuma	74,000	57,000	131,000	40	171	1	172	$55, 806	$1.00	Jan. 12, 1910
California	Orland	4	19,996	20,000	(1)						Rental.
Colorado	Grand Valley	30,070	22,930	53,000	25-35						Do.
Do	Uncompahgre	34,000	106,000	140,000	40-80						Do.
Idaho	Boise	67,711	139,289	207,000	40-80						Do.
Do	Minidoka	96,725	22,000	118,725	40-80	1,115	110	1,225	$22, $30, $40	.75	May 9, 1907
Kansas	Garden City		10,677	10,677	(1)				$37.50		[2] Mar. 6, 1908
Montana	Huntley	29,213	3,192	32,405	40-52	542	9	551	$30, $50	1.00	May 21, 1907
Do	Milk River	72,000	147,557	219,557	80-92						Rental.
Do	Sun River	74,974	31,372	106,346	40-80-62	187	11	198	$30, $36	1.00	Mar. 26, 1908
Montana-North Dakota	Lower Yellowstone.	17,913	42,203	60,116	80-56	103	180	283	$43.50, $45	1.50	Dec. 21, 1908
Nebraska-Wyoming	North Platte	83,358	45,912	129,270	40-80-65	820	130	950	$45, $55	1.10	July 29, 1907
Nevada	Truckee-Carson	140,451	65,549	206,000	40-80	262	257	519	$22, $30	.75	May 6, 1907
New Mexico	Carlsbad		20,277	20,277	(1)		516	516	$31, $45	1.75	Dec. 17, 1907
Do	Hondo	240	9,760	10,000	(1)						Rental.
New Mexico-Texas	Rio Grande	13,039	141,961	155,000	(3)						Do.
North Dakota	North Dakota pumping.	882	11,357	12,239	34-4	9	127	136	$35	1.00-1.50	Apr. 8, 1908
Oregon	Umatilla	22,336	33,164	55,500	40	125	317	442	$60, $70	1.30	Dec. 27, 1907
Oregon-California	Klamath	32,000	38,700	70,700	58 [4]	2	428	430	$30	.75	Nov. 18, 1908
South Dakota	Belle Fourche	44,631	55,369	100,000	40-80-33	321	339	660	$30, $35, $40	.60	June 21, 1907
Utah	Strawberry Valley		60,000	60,000	(1)						Rental.
Washington	Okanogan	1,324	8,837	10,071	40	46	366	412	$65, $110	2.25	Nov. 12, 1908
Do	Yakima:										
	Sunnyside	2,565	100,259	102,824	20-32-45	57	3,293	3,350	$10, $31, $52	1.80-.95	Nov. 18, 1908
	Tieton	2,175	32,362	34,537	31	58	996	1,054	$25	1.50	Nov. 7, 1910
Wyoming	Shoshone	155,469	8,653	164,122	40-80-75	395	7	402	$45, $47, $50, $55	1.00	Nov. 25, 1907
Total		1,015,064	1,432,902	2,447,966		4,213	7,107	11,320			

[1] Private land. [2] Refunded. [3] Not established. [4] Average size.

Statement showing acreage to which water can be supplied, acreage which is being irrigated, and public land uncentered on Apr. 30, 1914.

State.	Projects.	Acreage for which service can supply water, 1914.	Acreage estimated to be irrigated, 1914.	Public land uncentered Apr. 30, 1914.
				Acres.
Arizona	Salt River	203,431	190,000	
Arizona-California	Colorado River			
Do	Yuma	[1] 61,575	[2] 32,000	60
California	Orland	14,300	9,000	
Colorado	Grand Valley			
Do	Uncompahgre	[3] 53,000	36,000	
Idaho	Boise	207,000	100,000	
Do	Minidoka	118,000	85,000	859
Kansas	Garden City			
Montana	Huntley	30,649	18,000	1,565
Do	Milk River	15,000	4,500	
Do	Sun River	16,346	12,000	2,845
Montana-North Dakota	Lower Yellowstone.	26,578	15,000	847
Nebraska-Wyoming	North Platte	85,828	70,000	4,287
Nevada	Truckee-Carson	65,000	48,000	265
New Mexico	Carlsbad	20,267	20,267	
Do	Hondo	1,200	1,200	
New Mexico-Texas	Rio Grande	35,000	35,000	
Do	Rio Grande Dam appropriation.			
North Dakota	Missouri River pumping.	12,239	6,000	580
Oklahoma	Cimarron			
Oregon	Central Oregon			
Do	Umatilla	16,750	6,000	116
Oregon-California	Klamath	[4] 35,500	[5] 30,000	23
South Dakota	Belle Fourche	68,870	50,000	3,843
Utah	Strawberry Valley			
Washington	Okanogan	9,000	8,000	
Do	Yakima:			
	Sunnyside	81,000	68,000	
	Tieton	34,000	20,000	
Wyoming	Shoshone	41,171	23,000	13,401
Total		1,261,704	886,767	28,723

[1] 49,000 water-rental basis; 12,575 public notice.
[2] 6,500 water-rental basis; 5,500 public notice.
[3] Gunnison water will also be furnished to canals in private ownership for 6,000 acres.
[4] 27,000 public notice; 3,000 water-rental basis.
[5] 27,000 public notice; 8,000 water-rental basis.
Acreage is 35,000 to Oct. 1; after that, 55,000 acres.

Statement of receipts and expenditures, by States, to Apr. 30, 1914.

State.	Receipts.		Expenditures.
	Bond loan (36 Stat., 835).	Sale of public lands.	
Arizona	$1,455,000	$1,140,609.74	$15,594,211.31
California	390,000	5,356,943.08	2,663,542.50
Colorado	2,500,000	6,060,991.83	6,337,577.56
Idaho	2,000,000	5,039,708.90	14,081,170.51
Kansas		963,080.07	376,471.39
Montana	1,000,000	8,589,260.73	7,354,430.39
Nebraska	1,400,000	1,664,013.83	4,397,553.83
Nevada	$1,193,000	$541,596.96	$5,588,272.08
New Mexico	2,700,000	3,939,790.95	3,831,433.89
North Dakota		11,921,858.43	1,947,467.39
Oklahoma		5,763,537.84	72,312.10
Oregon	775,000	10,413,928.22	3,596,791.08
South Dakota		6,823,778.66	3,219,007.83
Texas	1,800,000		1,017,926.90
Utah	2,272,000	1,880,479.34	2,380,940.61
Washington	1,915,000	6,433,209.73	7,460,383.36
Wyoming	600,000	4,320,900.46	6,014,027.60
Preliminary investigations			80,488.73
General accounts			289,655.99
Total	20,000,000	81,504,919.82	86,374,088.06

Statement showing total estimated building cost of all primary projects.

[Prepared Apr. 2, 1914.]

State.	Project.	Estimated gross building cost to completion.
Arizona	Salt River	[1] $11,862,972.46
Arizona-California	Yuma	9,899,495.98
California	Orland	936,000.00
Colorado	Grand Valley	4,505,020.00
Do	Uncompahgre	9,192,396.83
Idaho	Boise	14,434,650.47
Do	Minidoka	4,955,992.23
Kansas	Garden City	301,082.51
Montana	Huntley	1,447,060.26
Do	Milk River (includes St. Mary Storage)	7,746,897.05
Do	Sun River	5,387,605.00
Montana-North Dakota	Lower Yellowstone	2,836,626.23
Nebraska-Wyoming	North Platte	12,828,014.88
Nevada	Truckee-Carson	8,449,853.11
New Mexico	Carlsbad	1,040,253.86
Do	Hondo	[1] 439,351.10
New Mexico-Texas	Rio Grande (includes Elephant Butte Storage).	9,771,108.00
North Dakota	North Dakota Pumping	[2] 714,175.48
Oklahoma	Lawton	100,000.00
Oregon	Umatilla	3,841,234.78
Do	Oregon Cooperative Work	[3] 500,000.00
Oregon-California	Klamath	4,331,756.55
South Dakota	Belle Fourche	3,583,081.43
Utah	Strawberry Valley	3,407,000.00
Washington	Okanogan	886,543.98
Do	Yakima (including Storage, Sunnyside, and Tieton).	13,049,157.92
Wyoming	Shoshone	9,452,000.00
	Total	149,051,407.05

[1] This does not include the cost of operation and maintenance during construction, the earnings of which are estimated to equal the cost.
[2] Does not include construction of E. and W. Bottom, Williston; Upper and Lower Bottom, Buford; Canal Extension "A," Buford; and Trenton Flat.
[3] Amount allotted for cooperation work with the State of Oregon. No data in office showing the estimated completed cost.

Department of the Interior, United States Reclamation Service.

[Balance sheet showing financial conditions on April 30, 1914.]

PROJECT ACCOUNTS.

Projects.	Assets.					
	Net cost of project.		Inventory of stock on hand.	Accounts receivable.		
	Building.	Operation and maintenance.		W. R. building charges.	W. R. O. and M. charges.	Miscellaneous.
Arizona, Salt River	$9,931,205.42		$212,435.51			$89,318.16
Arizona-California, Yuma	6,416,557.46	$189,036.98	307,754.82	$128,014.42	$18,301.33	3,324.49
California, Orland	607,471.14		13,693.47			46.97
Colorado, Grand Valley	997,901.27		67,535.71			445.50
Colorado, Uncompahgre	5,292,361.97		83,825.13			1,240.00
Idaho, Boise	8,995,671.94		330,924.22			18,494.40
Idaho, Minidoka	4,300,346.00	836,443.81	134,884.28	53,198.73	72,199.20	150,485.34
Kansas, Garden City	374,502.68		5,694.07			
Montana, Huntley	1,134,037.28	166,231.63	28,477.09	78,974.49	17,693.76	121.39
Montana, Milk River	1,660,394.17		73,908.42			365.89
Montana, St. Mary storage	658,495.56		110,392.05			7,982.04
Montana, Sun River	1,303,900.32	65,168.25	146,867.98	73,932.77	12,686.34	33.89
Montana-North Dakota, Lower Yellowstone	2,821,089.42	402,187.04	34,771.16	44,608.47	127,259.76	82.50
Nebraska-Wyoming, North Platte	6,178,879.77	274,265.35	120,029.08	325,745.95	111,853.45	
Nevada, Truckee-Carson	5,373,723.34	296,658.52	126,710.34	68,429.04	4,451.22	575.89
New Mexico, Carlsbad	878,472.49	115,501.73	17,690.07	43,446.70	4,637.50	
New Mexico, Hondo	361,246.58		610.05			168.98
New Mexico-Texas, Rio Grande	731,022.13		39,938.08			
New Mexico-Texas, Elephant Butte storage	1,982,371.22		300,279.81			43.85
New Mexico-Texas, Rio Grande Dam appropriation	1,000,000.00					
North Dakota, North Dakota pumping	686,483.81	238,037.48	15,365.56	74,835.51	34,082.76	1,869.69
Oklahoma, Lawton	109.98					

Service testified before the Committee on Appropriations that the probable cost on the completion of the 3,000,000 acres of land now in progress of irrigation would amount to about $165,000,000, or an average of $55 an acre. And what I wanted to ask the gentleman, if he knows, is whether the amount that will probably be received in the future from the sale of public lands will be sufficient to complete these projects?

Mr. MONDELL. Well, the gentleman asks me for an expression of opinion which might or might not be valuable; it will all depend upon what the income from the sale of public lands is. If the income from the sale of public lands is large enough, yes. If it decreases and diminishes, no; but the gentleman is not entirely accurate in his figures as to the estimate of the total cost of these primary projects. The last estimate which I have here is $149,051,407. Of course, it is a question that can not very well be known by any of us at this time just where we are going under this fund. If we can receive into the fund $10,000,000 a year these projects can be carried on and extended possibly as rapidly as it is necessary to carry them on, although the people who live in the vicinity of the projects would very much prefer to have their construction expedited, but that is a matter that we can not decide at this time here in connection with this discussion.

Mr. CARR. Does the gentleman recall the acreage of the land irrigated which is now water-logged?

Mr. MONDELL. No; no one knows the exact acreage, but it is not very great in the aggregate and is being reduced by drainage.

Mr. CARR. I recall the commissioner testified that these projects did not take into contemplation the clearing of these lands of their water-logged condition.

Mr. MONDELL. I am inclined to think the gentleman is mistaken about that.

Mr. CARR. Let me ask the gentleman this question——

Mr. MONDELL. Well, I want to answer that proposition. There were some rather loose statements made in connection with that situation, and the figures of actual irrigable lands which I have given are the figures after all nonirrigable lands are eliminated, and the total that I have given of $149,051,000 is the sum for the complete construction of these projects, drainage included. So that the figure that is given includes the drainage.

Mr. CARR. You have already expended, according to your figures, $86,000,000.

Mr. MONDELL. Yes.

Mr. CARR. Now, the commissioner testifies it would take perhaps $165,000,000 to complete the project?

Mr. MONDELL. I do not agree that anyone in authority has testified that it will take $160,000,000 for the construction of the projects undertaken. It will take approximately $150,000,000. But I do not see that that really has anything to do with the discussion. And while I would like to yield to the gentleman, my time flies.

Mr. CARR. Three million acres?

Mr. MONDELL. Less than 3,000,000 acres. The fact that the cost is going to be so heavy before we get these lands all under irrigation is a very strong argument in favor of the extension of the payments.

EFFECT OF SUGAR DUTY ON PROJECTS.

While I do not want to inject into this discussion anything political in character, as that is never my disposition in any discussion, I can not properly refrain from referring to the effect of the policy relative to the sugar-beet industry inaugurated by the Underwood tariff bill on many of these lands. There are a number of projects whose lands are peculiarly adapted to the growing of sugar beets; in fact, most of them are adapted to that class of agricultural industry. With a duty on sugar sufficient to make the growing of sugar beets and the manufacture of beet sugar successful in this country, it was anticipated and logically expected that in a comparatively short time most of these projects would secure beet-sugar factories and the people engage to a considerable extent in the growing of sugar beets. This was a consummation devoutly to be wished and confidently looked forward to; for the sugar beet not only thrives well on most of these lands, but the cultivation of the beet enhances the value of the land for other crops. The presence of a beet-sugar factory furnishes employment for some months each year to a considerable number of persons, and the by-products of the factory are helpful to the dairying and stock-raising industries by furnishing a large amount of nutritious and fattening stock food.

While the reduction which has already taken place in the duty on sugar under the Underwood bill is probably not enough in itself, if that were the end of it, to render the sugar-beet industry impossible on these areas, the ultimate free trade in sugar, which the bill provides, if it should bring the reduction in the price of sugar which it was claimed it would, will render impossible the production of sugar from beets on these lands.

Of course, if the wiping out of the tariff does not produce a lower price for sugar, as the reduction of the tariff has not, it may be claimed that the beet-sugar industry would still be possible; but that view entirely overlooks the fact that under free sugar the importer could lower his price without loss long enough to bankrupt the American sugar producer and then raise it again. In this condition of uncertainty no one seriously contemplates or expects the erection of new beet-sugar factories. Leaving out of the discussion the question as to the wisdom, propriety, or advisability, from a national standpoint, of wiping out the tariff on sugar, the fact remains that as to these communities the Government has, since it made its original contract or offer with regard to the irrigation of their lands, adopted a policy which deprives them of an important source of income which they were justified in believing would be available to them.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes, sir.

Mr. RAKER. What particular project is there where there has been any decrease in the acreage since the passage of the Underwood tariff bill?

Mr. MONDELL. The acreage of sugar beets?

Mr. RAKER. Yes. What project?

Mr. MONDELL. I am not fully informed as to the decrease of the acreage of sugar beets since the passage of the Underwood bill. I presume there has been, but I do not know as to that. But the gentleman knows, as I know, that sugar-beet enterprises that were projected for these areas before the passage of the Underwood bill have been entirely abandoned, and while there should have been a large increase of the amount of sugar beets grown there has been no increase of the acreage and there has probably been a considerable decrease. I know that in my own State we would probably have had one or two sugar-beet factories under the process of erection at this moment if it had not been for the passage of the Underwood bill. And that is true of Nevada, Colorado, Montana, as well as Wyoming.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. ROBERTS of Nevada. Is it not a fact, in answer to the question of the gentleman from California [Mr. RAKER], that in the State of Nevada, where the Truckee project is, one of the largest irrigation projects in the world, a sugar-beet factory was erected in 1910 and was running full blast, but has closed down and all the farmers have quit raising beets? It is as silent as the tomb to-day.

Mr. MONDELL. That is a pretty conclusive answer to my friend from California [Mr. RAKER].

Mr. KENT. Does the gentleman from Wyoming [Mr. MONDELL] know what became of all those beet factories that were going to be built for the purpose of defeating the Underwood bill?

Mr. MONDELL. I did not understand the gentleman's inquiry.

Mr. KENT. What happened to all those beet factories that were going to be built for the purpose of defeating the Underwood bill?

Mr. MONDELL. I have not any knowledge of any beet factories that were to be built to defeat the Underwood bill, but I do know quite a bit concerning the sugar-beet factories that the Underwood bill defeated. I have positive personal knowledge that factories would have been undertaken but for the Underwood bill, and the gentleman from California knows it just as well as I do.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. I hope the gentleman from Nebraska will give me a little more time. I have been interrupted a good deal.

Mr. KINKAID of Nebraska. I will yield 20 minutes more to the gentleman from Wyoming.

Mr. MONDELL. I thank the gentleman. I realize there is a great demand for time. I am discussing the matter——

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CRAMTON. In reference to the inquiry of the gentleman from California [Mr. KENT], I would like to suggest that in my district, at the town of Pigeon, although a site had been selected and the building of a beet-sugar factory determined upon, and some of the material was on the ground when the

Underwood law went into effect, the building of the factory has been abandoned.

Mr. MONDELL. The testimony of the gentleman from Michigan is in line with the facts that are known to us all.

I know that in my own State options had been taken on sites for factories, and contracts had been made or were in contemplation for fuel—natural gas—for use of the factories; but they were all abandoned at a considerable loss, the bonus being surrendered, as the result of the Underwood tariff bill. I did not suppose that anybody would be simple enough to deny that sort of thing.

Mr. RAKER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from California?

Mr. MONDELL. Yes.

Mr. RAKER. I want to make first a statement, and then ask a question.

Mr. MONDELL. Make it short.

Mr. RAKER. I observe that the gentleman mentions projects where contracts for improvements had been abandoned. Will the gentleman give the House information as to where on any of these projects it was contemplated to erect a sugar factory that was not erected because of the Underwood tariff bill?

Mr. MONDELL. Oh, yes.

Mr. RAKER. Where?

Mr. MONDELL. The Shoshone project, Big Horn and Sheridan Counties, was a promising site for a factory; elsewhere too numerous to mention. Besides that, a factory closed down on the Truckee-Carson project. A factory was contemplated in the State of Montana, on the Clarkes Fork of the Missouri River—a beautiful, purling stream in the district represented by my handsome young friend from Montana [Mr. STOUT]—and they were practically ready to construct it, and that factory would have utilized beets from the Shoshone project. But of course they could not undertake to build the factory after the enactment of the Underwood bill.

Mr. CARR. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. MONDELL. Yes.

Mr. CARR. Will the gentleman state to the House whether there was anything else that could be raised on these projects?

Mr. MONDELL. Yes; but they had good reason to believe that they would have the oportunity to raise sugar beets. If the gentleman wants to defend free sugar, he has a perfect right to do it. But if I were a Democrat and wanted to defend free sugar, I would defend it squarely and take the consequences. I would not attempt to blow hot and cold and to play fast and loose and pretend you could reduce the price of sugar so low that no one but a peon could make it, and then try to claim that American factories, paying high wages, could continue in business under those circumstances. It is preposterous, ridiculous, and illogical, and the gentleman ought to be ashamed of it. [Applause on the Republican side.]

Mr. CARR. Does the gentleman say that the price of sugar has not been reduced?

Mr. MONDELL. Oh, I am a man of family and a householder and a housekeeper, and I know that the price of sugar to the consumer has not come down; and I know, further, that the Sugar Trust has gained what the United States Treasury has lost by the reduction of the duty.

Mr. CARR. Has the price really come down?

Mr. MONDELL. I explained to the gentleman that so long as the importer has the power to reduce the price and can drop it without losing a cent he will do so as long and as often as it is necessary to put his competitor out of business, and only long enough to do that; and under those conditions no man with money to invest, no farmer with muscle to expend, is willing to go into an industry when he knows that after his investment shall have been made it can all be taken away from him.

Mr. STOUT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Montana?

Mr. MONDELL. Yes; I yield.

Mr. STOUT. I understood that the gentleman spoke of the contemplated construction of a factory on Clarkes Fork, Mont.?

Mr. MONDELL. Yes.

Mr. STOUT. Is it not a fact that they have been contemplating the construction of that factory for at least 10 or 12 years?

Mr. MONDELL. Oh, no; not that long, because it is not that long ago that that region was in a position to raise beets enough to admit of the construction of a factory. The factory at Billings was constructed only about eight years ago.

Mr. STOUT. Make it eight years ago.

Mr. MONDELL. Then there were scarcely beets enough raised in the Yellowstone and on the Clarkes Fork Valleys to keep the Billings factory going, but as soon as sufficient acreage was obtained they began to discuss the building of a factory on Clarkes Fork; and a distinguished Democrat, a friend of mine and of the gentleman from Montana was down here during the consideration of the Underwood bill pleading with a Democratic Congress to save them from the destruction of their industry of raising sugar beets and their hope of a new factory.

Mr. DONOVAN. Mr. Chairman——

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Colorado?

Mr. MONDELL. I do.

Mr. TAYLOR of Colorado. Is not the gentleman in favor of this bill?

Mr. MONDELL. I am, as the gentleman knows.

Mr. TAYLOR of Colorado. Does not the gentleman think that, as friends of the measure, as he and I are, that we ought not to indulge in this tariff talk? [Applause on the Democratic side.] Is not this measure in the interest of the West and in the interest of our constituents?

Mr. MONDELL. Oh, I object to the periodical scoldings that come from that side of the House and to the lectures as to what I shall do and what I shall not do. In the first place, I did not discuss this as a political proposition at all. Sugar is going on the free list, and the gentleman from Colorado [Mr. TAYLOR] who has just spoken knows just as well as I do that of the factories in his State some of them are closed and no new ones will be built.

Mr. TAYLOR of Colorado. Even if that were true, which it is not, what has that to do with this bill? I object to this cheap peanut politics being played and jeopardizing this important measure.

Mr. MONDELL. I am trying to call attention to the fact that these people went onto these projects and made these contracts with the understanding that——

Mr. GORDON. Mr. Chairman, will the gentleman yield to me?

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. No; I have not the time. I would like to say a word or two myself.

Mr. GORDON. I would like to know whom they made those contracts with.

Mr. MONDELL. Farmers went on to these projects and made these contracts with the Government with the understanding they were to pay so much per acre for water rights on lands that were valuable, most of them, for sugar-beet production—the best sugar-beet lands in the world. On some of those projects it is best to grow some sort of root crop at the beginning to bring the lands into condition for other crops. I say these people looked forward to sugar-beet production as one of the most certain sources of income. You take it away from them. You say you do it in the interest of the people. Stand by it, and have the courage of your convictions, and then help us to extend the terms of payment that these people are entitled to by reason of the fact that you have taken these opportunities away from them.

Mr. ROBERTS of Nevada. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I yield to the gentleman.

Mr. ROBERTS of Nevada. I wanted to ask the gentleman if it is not a fact that the gentlemen on the other side were playing politics when they asked the gentleman what factory had closed and what ones had not?

Mr. MONDELL. Yes; that is the fact. I simply called attention to the facts as to the fiscal policy of their party and they get excited and say I am playing politics.

EXTENSION OF PERIOD OF PAYMENTS.

In view of the conditions which now confront and surround entrymen on these projects it is proposed to extend the period of payments from 10 to 20 years, and in doing so to make some changes in the reclamation law which are needed and essential to the successful carrying out and continuation of irrigation enterprises by the Government. On June 23, 1913, the Secretary of the Interior issued public notices under which he readjusted the payments on a number of projects. Under that readjustment there became due, and remains due at this time, the sum of $1,897,406 in building charges.

Mr. RAGSDALE. I desire to call attention to the fact that the gentlemen on the other side of the House are not listening

Mr. MADDEN. Reserving the right to object, the request should provide that these two gentlemen be required to yield half the time——

The SPEAKER. They have already agreed to, and the Chair will take their word for it.

Mr. MADDEN. I think the House ought to have something to say about it.

The SPEAKER. Of course. The Chair thinks that, too. Does the gentleman add that?

Mr. MANN. I think that is unnecessary.

Mr. MADDEN. Then, I will withdraw the suggestion.

The SPEAKER. The gentleman withdraws it. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (S. 4628) extending the period for payment of reclamation projects, and for other purposes, with Mr. FLOOD of Virginia in the chair.

Mr. TAYLOR of Colorado. Mr. Chairman, I desire to say to the House that in view of the statement of the Speaker that there is a notice out for a Democratic caucus in this room immediately after the adjournment of to-day's session, to fill some vacancies in committees, I will notify the Members that I will ask the committee to rise about 5 o'clock this afternoon. Will the gentleman from Nebraska [Mr. KINKAID] now consume some of his time?

Mr. KINKAID of Nebraska. Yes, Mr. Chairman. I will yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, there is a general desire among those favorable to this legislation to consume as little time as possible in general debate. I certainly share in that desire and feeling in regard to the matter. I should take no time at all in general debate if it were not for the fact that there are quite a number of gentlemen in the House who were not here at the time of the passage of the reclamation law, who are not familiar with that law and its working, and it has occurred to me that a general statement of facts and figures with regard to the operations under the reclamation law might be helpful in the consideration of the measure under the five-minute rule.

It was my good fortune to belong to and be a member of the unofficial committee of 17, representing the Western States and Territories, that drafted the original reclamation act. I was a member of the Committee on Irrigation of Arid Lands that considered the act in committee. I had the honor of reporting the bill to the House and had charge of the debate, and President Roosevelt was kind enough to hand to me for my State the pen with which the act was signed. I was also the author of the legislation under which a loan of $20,000,000 was made to the reclamation fund. I live in the part of the country in which these projects are being developed, and have kept in close touch with that development, not only in my own State, but throughout the West. I have personally visited many of the projects under construction, and think I am fairly well informed as to the conditions under which this great work has developed, and the present situation with regard to the projects, both from the engineering standpoint and the standpoint of the men who are trying to conquer the desert, and make homes in the wilderness under these great projects.

PROMISED BY THE REPUBLICAN PLATFORM.

Mr. Chairman, I want to say that while this is not in any way a party measure, and should not be so considered, for it has had and has support on both sides of the House, gentlemen on the Republican side of the House should not forget that in the passage of this legislation, as in the passage of some other legislation that has been presented by our friends on the other side, we are simply carrying out Republican platform pledges. The last Republican national convention made this declaration:

> We favor the continuance of the policy of the Government with regard to the reclamation of arid lands. For the encouragement of the speedy settlement and improvement of such lands we favor an amendment to the law which will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

So that this Congress, controlled by a Democratic majority, has in this legislation acted in accordance with the platform pledges of the Republican Party, confessing, of course, as in many other matters, that the only wise legislation that can be had is legislation that has been recommended and pledged by our party.

EXTENSION OF RECLAMATION PAYMENTS.

Mr. Chairman, the reclamation law of June 17, 1902, authorized the Secretary of the Interior to make examinations and surveys for, and to locate and construct, irrigation works for the storage, diversion, and development of waters for the irrigation of arid lands in certain western public-land States to which, by subsequent enactment, the State of Texas was added. The funds for this work were to be derived from the proceeds of the sale of public lands. These funds proving inadequate for the completion of projects which have been undertaken as rapidly as the public interest seemed to demand, the act of June 25, 1910, provided for advances from the Treasury to the reclamation fund of sums not to exceed in the aggregate $20,000,000.

The receipts from the sale of public lands flowing into the reclamation fund up to the end of the fiscal year ending June 30, 1913, amounted to $81,504,919.82, to which is to be added the available loan of $20,000,000. The expenditure on account of all projects and undertakings up to April 30, 1914, amounted to $86,374,086.01. Twenty-seven primary projects have been undertaken. The estimated area of the irrigable lands under these projects when completed is 2,447,966 acres. Of this area 1,015,064 acres were public lands and 1,432,902 acres are in private or State ownership.

PRESENT STATE OF PROJECTS.

The Reclamation Service is at this time prepared to furnish water for irrigation to 1,261,704 acres, of which 28,732 is public land which on the 1st of May was unentered and approximately 50,000 acres are State lands unirrigated. It is estimated that 886,967 acres of the lands for which water is available are actually being irrigated the present season. Taking from the total of the lands for which water is available the public lands still unentered and the 50,000 acres of State lands leaves 296,014 acres included in farms occupied by owners or entrymen which have not yet been actually brought under cultivation. It ordinarily requires from three to five years from the beginning of irrigation for the owner or entryman to get all of his land under water and cultivation; therefore this difference between the acreage of land occupied and the acreage cultivated will eventually be wiped out as to these lands.

PAYMENTS DUE.

On the 27 primary projects above referred to there are 9,645 users subject to building charges, in addition to which there are 1,263 persons having old or preexisting rights not subject to building charges, but which are subject to operation and maintenance charges. Up to the date of the last report available there has been returned to the reclamation fund in the payment of building charges $2,915,303, and on account of operation and maintenance charges there has been paid $1,855,141, or a total of $4,770,444. The reclamation law provides for the return to the reclamation fund of the estimated cost of constructions in 10 years.

Very soon after the first payments became due it became apparent that, owing to a variety of circumstances and conditions, entrymen and owners would not be able to meet their payments if they were divided into 10 equal annual installments. The Secretary of the Interior therefore, by regulation, provided for a system of graduated payments, beginning with a sum considerably less than one-tenth of the total charge and gradually increasing in amount so as to cover the entire building charge in 10 years. On a considerable number of projects, at least, this arrangement might have proved permanently satisfactory and landowners and entrymen might have been able to meet these payments had conditions been as favorable as was anticipated, and particularly had the cost per acre remained as low as was originally expected or estimated.

FORMER ESTIMATES OF COST.

When the reclamation law passed a cost of $25 an acre for a water right was, in most parts of the arid West, considered high, and the original estimates of the Reclamation Service were even less than that as to some of the projects. For instance, on the Minidoka project in Idaho and the Truckee-Carson project in Nevada the original estimate was $22 an acre; on the Huntley project in Montana $30 an acre; on the Carlsbad project in New Mexico $31 per acre. The actual cost on these projects will run from $40 to at least $55 per acre, and on some of the projects of considerable area the construction cost will be upward of $65 an acre; on a few in the neighborhood of $100 per acre.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield at that point?

Mr. MONDELL. Certainly.

Mr. MURDOCK. What is the reason for that tremendous discrepancy?

Mr. MONDELL. I propose to discuss that. If I do not go into it sufficiently in detail, the gentleman may interrupt me a moment later.

CAUSES OF INCREASED COST.

These increases of cost arise from a variety of causes, which in the limited time I have for the discussion of the matter I can not go into in detail. But in addition to these increased costs are a variety of causes not fully realized at the time the reclamation law was passed, which render it difficult for any landowner or entryman to meet his payments in 10 years, and utterly impossible for the owner or entryman of limited means, who most needs a home, to do so. On many of the projects—in fact, nearly all of them—the cost of clearing, leveling, and preparing the land for the growth of crops has been greater than anticipated. The cost of the necessary buildings and other improvements has been greater than was calculated. Furthermore, on many of the projects it has required a longer time than was expected to bring these wild lands, lacking in vegetable mold or humus, to grow the kind of crops which would bring the best return. In some localities unexpected seepage and waterlogging has occurred, which, though it has been or will be remedied by drainage, for the time being deprives the owner or entryman of the full use of his land.

I have not discussed the reasons for the increased cost of construction which, perhaps, the gentleman from Kansas [Mr. MURDOCK] had in mind. That arose from a variety of causes. It arose very largely from the very general increase and advance in the cost of material and in the wages of labor about the time the reclamation law went into effect. The eight-hour provision of the law also had some effect. It also came about by reason of the fact that the reclamation engineers, in the first instance, based their estimates very largely on private construction. Mr. Chairman, it is notorious that Government construction costs more than private construction. I do not mean to say that it costs the Government any more to get the same amount of work done, to secure the same results, than it does a private individual, but it is necessary, apparently, under Government construction, Government supervision, to be more thorough than it is often considered necessary to be in this class of construction by private enterprise. For one thing the Government engineers feel compelled to require the contractor to finish his work better, perhaps, than as a practical proposition it is essential it should be done. The gentleman realizes how an engineer of the Reclamation Service, like an Army engineer on river and harbor work, would be subject to criticism if he allowed the contractor to leave the work with an unfinished and slovenly appearance, although the work might for practical purposes be perfect. A private contractor could let a contract with a view of having the work completed without what they call a "sandpaper finish," and have the work done more cheaply, and possibly in the long run it would be just as good. I do not think we ought to criticize Government engineers because of the necessity, as they understand it, of finishing work perfectly. Further, a private constructor may figure and believe that he can get along with wood structures or relatively light or temporary structures for a part of his work. The Government engineer feels that he would be subject to criticism if he did not build all of his work practically for all time. The result is that we use concrete and stone almost exclusively for this work, for turnouts, and for the minor structures, as well as the larger structures, with the result that the cost is higher than was anticipated, based as it was largely on construction not so permanent in character, not so well finished.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MURDOCK. Aside from the causes the gentleman has given, it struck me, from the fact that he said the original estimates were $25 an acre and in some cases they had reached as high as $65 an acre, that possibly some unusual physical obstacle had been met with. Is not that true?

Mr. MONDELL. That is true in some cases, and the gentleman understands this, that in some cases the increase of cost has been due to unexpected seepage and necessity for drainage. A project in my State has been increased in acre cost $5 or $6 on account of the necessity of constructing a complete drainage system, and a drainage system, I will say to my friend, that could not have been anticipated by the best irrigation engineers at the time the project was undertaken, for the country has every indication and appearance of a territory that would be naturally perfectly drained. The engineers, not being able to look down below the surface, were unable to determine as to conditions that no one anticipated, which necessitated drainage at considerable cost. That is true on many of the projects.

Mr. MURDOCK. What was the cause where the cost has reached $65 an acre? Was that one of those cases of unforeseen seepage?

Mr. MONDELL. The projects on which very low estimates were made were the first projects undertaken. On some of the projects more recently undertaken the estimated price was $50 or $60 an acre at the beginning. They are more difficult; they were not the character of projects which were anticipated to be undertaken as the first projects when the law was passed. They were undertaken later because it was believed that the land values were enough to justify the expenditure of that amount. For instance, on one project in Idaho we have spent $34 per acre for the whole project for storage alone. In addition to all the cost of the construction of the ditches the storage works alone lay that enormous cost upon the land, and yet I think that no one who knows the situation of the Boise Valley will doubt, if not the propriety of undertaking that work at this time, at least the fact that the work will be paid for.

Mr. MOORE. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. MOORE. The gentleman dealt only with the construction cost when he mentioned $25 to $65 per acre?

Mr. MONDELL. Yes.

Mr. MOORE. Is there an original land-value cost in addition?

Mr. MONDELL. There is no land value that the Government is interested in primarily for this work. These lands are of two classes. They are either privately owned lands—I have just given figures of the two classes—they are either privately owned lands, which are pledged to the repayment of the expenditure before the project is undertaken, or they are public lands which are entered under the provisions of the homestead law with the obligations of the irrigation law added thereto.

Mr. MOORE. Whether private or public lands, they come under the reclamation law?

Mr. MONDELL. They come under the reclamation law, because there are public lands on all projects and practically all projects have some private lands.

Mr. MOORE. I asked the question with regard to the cost to ascertain if the gentleman could tell what the price of the land to the farmer would be when it was in a state of cultivation.

Mr. MONDELL. Well, in some cases farmers, whose lands are to be irrigated, did spend large sums of money attempting to irrigate them before the Reclamation Service took charge, and in some cases as much as $50 an acre had been spent on the lands before the Reclamation Service took up the project. Of course such owners must have laid upon that original investment whatever is the burden of the reclamation charge. In addition to that the reclamation law requires a subdivision of privately owned lands and will not allow anyone to secure a water right for more than 160 acres, so that the owner of large areas must subdivide and sell the excess. On some projects the excess amount is sold for a considerable sum. On most of the projects in the North the selling price has been comparatively low, but on the Salt River project, for instance, they have sold lands as high as $80 an acre, perhaps more, in addition to which must be the burden of the reclamation charge.

Mr. MOORE. If it costs $25 to $65 an acre, taking the extreme figures which the gentleman gave, to prepare the land for cultivation, $80 an acre would be a fair selling price?

Mr. MONDELL. Twenty-five dollars to sixty-five dollars. Does the gentleman mean the cost of the land ready for cultivation; is that what he has in mind?

Mr. MOORE. That I understood to be the construction cost.

Mr. MONDELL. That is the construction cost.

Mr. CARR. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. CARR. The gentleman has stated that the amount of money that has been appropriated or received from the sale of public lands has been about $81,000,000.

Mr. MONDELL. Up to last June, a year ago.

Mr. CARR. A further appropriation of $20,000,000 has been made which would bring the total amount up to $101,000,000.

Mr. MONDELL. Yes, sir.

Mr. CARR. Now, having already expended more than $86,000,000 in this project, the Commissioner of the Reclamation

knowledge of what this language means as the Senator from Nevada is in; but the Senator from Nevada is so anxious to get through the Newlands Federal trade commission bill, or the title of it, that he does not care what is in the bill, if he can only get it through and have the framework established.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I yield.

Mr. GALLINGER. Is this the Newlands Federal trade commission bill?

Mr. BRANDEGEE. I think, if you tried to take that title away from it, you would have trouble.

Mr. GALLINGER. I read this, which bears the signature of my colleague:

Moreover, we propose to elect in the place of Senator GALLINGER this fall another man who shares my views on these subjects—Congressman STEVENS, who is the author of the trade commission bill now pending in the Senate.

Mr. BRANDEGEE. As between such high authorities, I would not know how to decide.

Mr. NEWLANDS. The statement read by the Senator from New Hampshire is probably confined to section 5 of the bill. It is a fact that the origin of section 5 is a bill introduced by Mr. STEVENS, of New Hampshire, but I will state further that the very first trade commission bill which I offered in the Senate over three years ago provided against "unfair competition."

Mr. GALLINGER. The junior Senator from New Hampshire [Mr. HOLLIS] did not confine his statement to section 5, his exact words being:

Congressman STEVENS, who is the author of the trade commission bill now pending in the Senate.

I do not know who is the author of this bill.

Mr. SMITH of Michigan. Is that a letter?

Mr. GALLINGER. It is from a letter; yes.

Mr. STONE. What difference does the authorship of the bill make?

Mr. BRANDEGEE. I do not know that it makes any difference who is the author of this bill. The Senator from Nevada, as he says, has had the honor of introducing a great many bills on this subject. No one of them has been like any other one of them, but they have all been trade commission bills, and they have all provided for another Government commission. Nobody knows who is the author of this bill. It is a composite production. It does not proceed upon any particular theory that is coherent or consistent. In section 5——

Mr. NEWLANDS. Mr. President, the Senator is quite correct in stating that it is "a composite production." It was very effectively amended by the Interstate Commerce Committee during the last Congress, when the Senator from Minnesota [Mr. CLAPP] was chairman of that committee. It was only tentatively amended at that time, it is true, and never perfected with a view to its report, for it was not reported. That committee reported no particular bill, but simply made a report covering the general principles of legislation which it recommended; but, among other things, it recommended a trade commission bill. The bill which that committee considered was a bill which had been introduced by myself in 1911, and I have to say that I was very much indebted to some of the Republican members of that committee for valuable suggestions in regard to the bill.

Mr. BRANDEGEE. Mr. President, we did secure the elimination of some objectionable features in the bill, but the Senator from Nevada has stated his views in the written report he has made upon this bill, and in remarks upon his previous bills, as well as on the pending bill, and I should like now to have a little time to give a few views of mine in a more or less connected way.

Mr. STONE. Does the Senator desire to go on this afternoon?

Mr. BRANDEGEE. I am perfectly willing to continue my remarks from day to day or week to week at any time, at the convenience of the Senatoe.

Mr. STONE. Or from month to month?

Mr. BRANDEGEE. Or from month to month; yes. I yield to the Senator from Missouri.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 37 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 17, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 16, 1914.

SECRETARIES OF EMBASSIES.

George L. Lorillard to be secretary of the embassy at Buenos Aires, Argentina.

Hugh R. Wilson to be second secretary of the embassy at Buenos Aires, Argentina.

Sheldon L. Crosby to be second secretary of the embassy at Madrid, Spain.

SECRETARIES OF LEGATIONS.

Robert B. Davis to be secretary of the legation at Port au Prince, Haiti.

Oscar L. Milmore to be secretary of the legation at Asuncion, Paraguay.

H. F. Arthur Schoenfeld to be secretary of the legation at Montevideo, Uruguay.

William P. Cresson to be secretary of the legation at Panama, Panama.

POSTMASTERS.

NEBRASKA.

Ralph L. Duckworth, Indianola.

NEW YORK.

John A. Ganey, New Hartford.
Glenn F. Pollard, Oriskany Falls.

OKLAHOMA.

J. Lee Smith, Waynoka.
L. B. Sneed, Guymon.

RHODE ISLAND.

Thomas F. Cavanaugh, Woonsocket.

SOUTH DAKOTA.

William Lowe, Madison.

VIRGINIA.

Thomas S. Burwell, Lexington.
Robert J. Northington, South Hill.

REJECTION.

Executive nomination rejected by the Senate July 16, 1914.

G. T. Breckenridge to be postmaster at Paragould, Ark.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thy spirit, O God our Father, be upon us to uphold, sustain, and guide us in every act looking to the larger application of justice, that every man, woman, and child throughout the length and breadth of the land may have an equal chance to live, grow, and enjoy the fruits of their own labors; that wrongs may be righted, discords cease, and every virtue encouraged; that brotherly love may have its sway—each for all and all for each. In the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

SWEARING IN OF A MEMBER.

Mr. UNDERWOOD. Mr. Speaker, the credentials of Hon. W. O. MULKEY, elected a Member of Congress from the third district of Alabama, are on the Speaker's table, and I ask that the oath of office be administered to him.

The SPEAKER. The Chair has examined the gentleman's credentials and finds them correct.

Thereupon Mr. MULKEY, accompanied by Mr. UNDERWOOD, appeared at the bar of the House and took the oath of office prescribed by law.

PAYMENTS UNDER RECLAMATION PROJECTS.

The SPEAKER. By order of the House, in effect this is Calendar Wednesday, and the bill that came over from yesterday is the bill S. 4628, the irrigation bill. Before going into Committee of the Whole House on the state of the Union, the Chair, at the request of the gentleman from Alabama [Mr. UNDERWOOD], announces that as soon as the House adjourns this afternoon there will be a Democratic caucus held in the Hall for the purpose of electing Members to fill vacancies on committees.

Mr. TAYLOR of Colorado. Mr. Speaker, before going into Committee of the Whole, I want to inquire if we can not agree upon a limit for general debate?

The SPEAKER. Has the gentleman any suggestion to make?

Mr. TAYLOR of Colorado. I am willing to agree to one hour on a side, or two hours on a side, if necessary. I will ask unanimous consent that general debate on this bill be limited to four hours, one half to be controlled by myself and the other half by the ranking minority member of the committee, Mr. KINKAID of Nebraska.

The SPEAKER. The gentleman from Colorado, pending going into Committee of the Whole, asks unanimous consent that general debate on the irrigation bill be limited to four hours, one half to be controlled by himself and the other half by the gentleman from Nebraska [Mr. KINKAID].

Mr. FOSTER. Mr. Speaker——

Mr. MANN. Reserving the right to object——

Mr. FOSTER. I want to inquire if debate will be restricted to the subject of the bill?

Mr. TAYLOR of Colorado. I am perfectly willing—in fact, would be glad—to so limit it.

Mr. MANN. Mr. Speaker, this is one of the most important bills that has been before Congress for a long time. I do not know how much debate gentlemen desire to have upon it, but in view of the fact that the two gentlemen who are to control the time are both in favor of the bill—and I have no objection to that—I do not think the time ought now to be limited.

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that I am perfectly willing to give those who are opposed to the bill one-half of the time.

Mr. MANN. The gentleman would not be able to carry that into effect if the time was limited and those opposed to the bill wanted two hours.

Mr. TAYLOR of Colorado. I do not think they would make any unreasonable request. If those who are opposed to the bill want half of my two hours, I will give it to them. Personally I would like to have less general debate than that if we could agree upon it.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to make this observation: The debate, as I understand it, is to be on the bill.

Mr. TAYLOR of Colorado. I hope so, if we can agree to it.

Mr. BURKE of South Dakota. I presume that the gentleman from Illinois and some others, who may think as he does about it, may want to talk when the bill is under consideration under the five-minute rule. I am opposed to the amendment of the committee, which strikes out section 16 from the bill. I want to discuss it at some length. I do not care to discuss it in Committee of the Whole under general debate when there is no one here. I would rather see the time for general debate limited, and then have an understanding that under the five-minute rule there shall be considerable latitude in discussing the different provisions of the bill.

Mr. TAYLOR of Colorado. I would be very glad to agree to that.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will yield, I want to say that I think this bill is a very important one. It does not affect my own constituency, but I realize the importance of the bill to the western country. I am in hopes that the bill will be modified to some extent and then passed. I think the bill ought to be amended to some extent before it becomes a law, and then it ought to pass.

I have no objection to giving the settlers 20 years instead of 10, but there are some other provisions in the bill that I would like to see changed. But what I wish to say is this: I do not think we will accomplish anything by agreeing to four hours of general debate to-day. I believe it will be absolutely wasted. I would like to see the debate on this bill limited to two hours, with the understanding of gentlemen in charge of it that we will have a reasonable latitude for debate under the five-minute rule. I do not think it is necessary to make an agreement as to that, for the House always lives up to a gentleman's agreement. Let us have some latitude under the five-minute rule, and two hours of general debate. I will ask the gentleman to modify his request to that extent.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I want to make this observation: There are many Members of the House who are not at all familiar with the provisions of the reclamation law, and they can not well become familiar with the provisions of the reclamation law by the discussion which would be had under the five-minute rule. There ought to be some discussion in general debate on the general provisions of the bill, in order that Members may be informed as to the entire matter, before we begin the discussion of the provisions in the bill.

There ought to be latitude of debate under the five-minute rule; personally I should like to make a general statement of 20 or 25 minutes, as to the law and the workings of the law and the reasons why it is necessary for these modifications. That can not well be done under the five-minute rule.

Mr. TAYLOR of Colorado. What does the gentleman from Wyoming suggest?

Mr. MONDELL. I think if we make an agreement at all it should be for four hours; that would be satisfactory, with the hope that the discussion be confined to the bill. Of course if, before that time, gentlemen get through with the discussion on the bill, the debate ought to close.

The SPEAKER. The Chair will state to the gentleman from Iowa that he understands the gentleman from Illinois [Mr. FOSTER] makes it conditional that he will object unless the debate is confined to the bill.

Mr. FOSTER. I think the Speaker hardly got my idea——

The SPEAKER. The Chair wants to get it. The Chair wants to ask the gentleman from Nebraska [Mr. KINKAID] a question of his own. Both the gentleman from Colorado [Mr. TAYLOR] and the gentleman from Nebraska [Mr. KINKAID] are for this bill. The Chair does not know that there is a soul in the House who is against it, but it is a wretched, bad practice to have all the time on any bill controlled by one side. The gentleman from Colorado [Mr. TAYLOR] says he is willing to yield one-half of his time to anybody who is opposed to the bill. Is the gentleman from Nebraska [Mr. KINKAID] of the same frame of mind?

Mr. KINKAID of Nebraska. I think that would be a very good disposition of the time. We might select some one who was representing the opposition, and let him control the time on that side.

The SPEAKER. No; the Chair does not suggest that.

Mr. MANN. Oh, no.

Mr. KINKAID of Nebraska. That is, to sublet it. The gentleman from Colorado [Mr. TAYLOR] and I can divide the time; but, as far as I am concerned, I have thought of letting some one who is opposed to the bill parcel out the time to those who are opposed to it.

The SPEAKER. The reason the Chair made the remark is that he has seen the time here when it was almost impossible for any Member to get any time against a bill, because the proponents of the bill monopolized the whole thing.

Mr. TAYLOR of Colorado. The gentleman from Nebraska [Mr. KINKAID] will yield, will he not, time to the opponents of the bill?

Mr. KINKAID of Nebraska. That is satisfactory to me.

The SPEAKER. The gentleman from Colorado [Mr. TAYLOR] asks unanimous consent——

Mr. MORGAN of Oklahoma. Mr. Speaker, reserving the right to object, this is a bill of very great importance to my people, and I would not like to give unanimous consent unless it is understood that I can have 30 minutes in which to discuss this bill in general debate.

The SPEAKER. The Chair suggests to the gentleman that he negotiate with the gentleman from Colorado [Mr. TAYLOR] or the gentleman from Nebraska [Mr. KINKAID].

Mr. MANN. As far as I am concerned, I am perfectly willing that the time be divided equally between the two gentlemen, and take chances on that; but I am not willing, under these conditions, to agree to closing general debate at this time.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. It will save time to have an understanding that the time be controlled by the two gentlemen.

Mr. TAYLOR of Colorado. I ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Nebraska and one-half by myself.

The SPEAKER. The gentleman from Colorado asks unanimous consent that the time for general debate be controlled half and half by himself and the gentleman from Nebraska [Mr. KINKAID]. Is there objection?

Mr. TAYLOR of Colorado. I want to make an additional request—that the debate be confined to the bill.

Mr. MANN. I shall object to that, although I hope gentlemen will start in with a lot of other debate; but somebody might want time for something else.

The SPEAKER. You had better leave out that condition, then.

Mr. TAYLOR of Colorado. All right, then. I will withdraw that latter part of the request.

The SPEAKER. The gentleman from Colorado asks unanimous consent that one half of the time for general debate be controlled by himself and the other half by the gentleman from Nebraska [Mr. KINKAID]. Is there objection?

Laws of South Dakota, 1907, chapter 131, page 196:

Any person, firm, or corporation, foreign or domestic, doing business in the State of South Dakota and engaged in the production, manufacture, or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regular, established dealer in such commodity, or to prevent the competition of any person who in good faith intends and attempts to become such dealer, shall discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Mr STERLING. While I am on my feet I want to call attention to the statement made by the Senator from Nevada [Mr. NEWLANDS] in regard to the amendment offered by the Senator from Delaware [Mr. SAULSBURY]. I regret that the Senator from Delaware is not here; but I understand the Senator from Nevada to say that the Senator from Delaware had offered an amendment which permitted a review by the courts of the orders and decisions of the commission. I have what I think to be the only amendment offered by the Senator from Delaware on that subject, and I wish to call the attention of Senators to it.

On page 21, strike out lines 15 to 22, inclusive, and insert:

If any corporation fails or neglects to obey any order of the commission while the same is in effect, the commission, or any person for whose benefit such order was made, may file in the district court of the United States within any district where the method in question was used, or where such corporation is located or carries on business, a petition setting forth briefly the grounds on which relief should be granted the petitioner and the order of the commission in the premises. Such suits in the district courts of the United States shall proceed in all respects like other causes or actions, except that on the trial of such cause or action the findings and order of the commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the district court nor for costs at any subsequent stage of the proceeding, unless they accrue upon his appeal. If the petitioner shall finally prevail, he shall be allowed a reasonable attorney fee, to be taxed and collected as a part of the costs of the suit. All petitions for the enforcement of an order of the commission under this section shall be filed in the district court of the United States within one year from the date of the order, and not after. And said court is hereby authorized to enter such judgment, order, or decree as may be appropriate in such cause or action.

It will be seen that under the amendment of the Senator from Delaware no relief whatever is given to the party or the corporation against whom the order is made. He has no right under this to seek a review by the court. If this amendment were adopted, there would then be no question whatever but that the court would have no power to review on the application of a person against whom the order was made. Under the principle that the expression of the one excludes the other, any other proceeding by the court than a review of the order on the application of the Government or on the application of the party in whose behalf it was made could not be had.

Mr. BRANDEGEE. I wish to ask the Senator from Nevada in relation to the statement he made a few minutes ago. If I understood him correctly, he said that his position was based upon this, that inasmuch as the Constitution gives Congress the power to regulate commerce among the States, Congress may authorize an administration commission to regulate commerce, provided it lays down the rule within which the commission shall act. The Senator from Nevada states that this bill does provide a definite rule within which they shall decide what unfair competition is. I should like him to state what that rule is.

Mr. NEWLANDS. I will state that the phrase "unfair competition" has both an economic and a legal significance.

Mr. BRANDEGEE. Which does the Senator think the commission is bound to follow, or both?

Mr. NEWLANDS. The legal significance, and the legal significance is the same as the economic significance. This matter has been discussed now for 20 years. There is hardly an economic writer who has not spoken of unfair competition as expressing something else than the mere offense of passing over, to which it was originally confined. There is hardly a court that has acted in any large trust case that has not used the words "unfair competition" as words of perfectly ascertainable meaning. Those words have been used in not only carefully considered decisions of courts but in decrees themselves.

I do not profess to be either able or willing to stand here and answer every possible conundrum that may be proposed to me in possible cases arising under this phrase, with all kinds of fine distinctions, and so forth. All I say is that we have laid down the rule and we propose a tribunal to administer that rule, and that is the regulation of commerce under the Constitution. That regulation can not take away any man's right of property; it can not confiscate it; nor can the power be exercised except within the limits of the authority. The courts can intervene at any moment to protect either property against confiscation or an individual against an unauthorized act by a commission of this kind.

Now, we can, if we choose, go further and give a right of review; and that is being considered by the Senate and it will be presented in various amendments. That review may be confined to the law, and it may cover both the law and the facts.

I was greatly amused with the facetious speech of the Senator from Connecticut. It was amusing to us all. Of course he could hardly be serious in the exaggerated view that there is no difference between a criminal prosecution and a proceeding in equity by injunction; that there is no difference between a proceeding which lands a man in jail as the result of an indictment and a proceeding under which the defendant can absolutely protect himself from going to jail by obeying the judgment of the court given under the Constitution and the law.

So, from the terrors that the Senator depicts of criminal proceedings and landing in jail all citizens of the Republic are quite exempt. This power has been exercised by the Interstate Commerce Commission, the power of making an order to cease and desist. These orders have been enforced by the court. There have been no terrors connected with the proceedings, except perhaps of evildoers who might finally land, through really criminal proceedings, in jail, just as the man whom we seek to control in these practices could finally land in jail through a perfection of monopoly.

Mr. President, the business man of this country has no fear of this method of inquiry. He wants a tribunal of experts consisting of lawyers and economists and men trained in business to act in judgment upon business matters.

The boards of trade of this country have been almost unanimous in their indorsement of such a proposal, with a full knowledge of all of the provisions presented to them by the National Chamber of Commerce through a referendum. These chambers have been debating this matter for months, and the demand has largely arisen from them. They know what they want. The business men have no fear of such a tribunal, nor have they fear of any substantial injustice being done.

Had we yielded to the terrors which the Senator describes we would have never organized an Interstate Commerce Commission. Had we yielded to such terrors we never would have passed the antitrust act. If such terrors are to control, we never will pass any adequate measure that will meet the evils that are apparent to all, of practices in embryo which finally ripen into monopoly.

We are merciful to these men who are thus offending against good morals in business by checking them in their mad career, and we are merciful to the business men of the country when we give them a tribunal in which, without expense to them, they can meet their giant opponents and secure administrative justice.

Mr. BRANDEGEE. Mr. President, I had hoped to get some light from the Senator as to what is the accurate definition and rule that he has laid down for this commission to delimit its powers with.

The Senator has referred to my facetious speech. I will do him the compliment to say that I consider his to have exceeded mine in that line. When the Senator says, in answer to the inquiry of another Senator as to what is the accurate definition and rule that he has laid down for this commission to delimit its powers with.

The Senator has referred to my facetious speech. I will do him the compliment to say that I consider his to have exceeded mine in that line. When the Senator says, in answer to the inquiry of another Senator as to what the thing in this bill which is declared to be unlawful is, he is met with the response that the chafrman of this committee does not care to stand here to answer conundrums and to go into the refinements of distinction, and flippantly waves his hand and waves them all into thin air.

If Congress is declaring something to be unlawful, the people of the country are entitled to know what we mean by that language, and the Senator from Nevada does not know. If he does, he failed to state it.

Mr. NEWLANDS. Mr. President, I have stated again and again that in my judgment this phrase covers all practices——

Mr. BRANDEGEE. I do not yield to the Senator at this time.

Mr. NEWLANDS. Against morals and——

Mr. BRANDEGEE. The Senator must not interrupt me, as I did not interrupt him.

The Senator says that "unfair competition" means what it means in law and what it means in economics. I do not know what economists say about unfair competition, neither do I know whether they agree in what they say about it, and I do not believe the commission who are sitting in judgment as between two corporations of this country, one of which is charging the other with having gotten some of its business which it otherwise would have gotten by unfair methods of competition, would get the slightest illumination from these anonymous economists who exist in the Senator's mind. Economists do not make the

statutes and they do not make the laws of this country, neither do magazine writers nor charitable institutions nor boomers of particular cults or factions; but the Congress of the United States is declaring something or other to be unlawful here, and it is alleged that the business men of this country are demanding that legislation. Now, I deny it.

Mr. President, I have been a member of this committee for three or four years. I sat for months in 1911 under a resolution introduced by the Senator from Minnesota [Mr. CLAPP], and we took testimony to the extent of three volumes as large as that [exhibiting], which may be had by any Senator, as to whether any additional legislation was necessary or not to enforce the Sherman law in this country. There appeared before our committee representatives of pretty nearly every class of people in the country—if it is proper to speak of classes of people in this country—representatives, I will say, of employers and employees and leading lawyers and presidents of chambers of commerce, writers and thinkers on these subjects.

Now, what legislation did the great mass of those people demand of Congress? They did not one of them ask that any statute should be passed prohibiting anybody from doing anything. They said that they wanted remedial legislation. They wanted legislation so that they could know what they could do without violating the Sherman law. Mr. George Perkins came here, and his testimony is all extant and is very informing. I am speaking now simply from memory—I have not read it lately—but Mr. George Perkins, who believes in large units and large corporations and the economies that he says are produced by large units in the industries of this country and in others, and who says that they are necessary to compete with the similar units into which our foreign competitors are organized, wants something that will allow combinations without danger of prosecution under the Sherman law.

I have no doubt the Senators here from the coal-producing States know what the situation is in their States as to the soft-coal industry. The former Senator from West Virginia, Senator Watson, who was a member of our committee, brought on here from West Virginia, that great coal-producing State, representatives of both the large and small coal operators, and they swore before the committee that the condition in that industry was something awful. What they were complaining of was cutthroat competition. They said that the resources in the soft-coal fields were being ruined by the way that industry was compelled to be conducted under the present straightjacket Sherman antitrust law. They said that only the richest mines could be operated, and the competition was so fierce that only that coal could be taken out which was the cream of the mine; that the rest of it was abandoned; that they were skimming the cream and leaving millions upon millions of tons of coal in mines under this unscientific method of cutthroat competition, which could probably not be recovered hereafter, whereas if they were allowed to have a trade commission which would have authority to set the seal of approval of this Government upon an agreement that those otherwise competing coal miners and coal companies might make with each other to stop this wasteful competition, to fix the price of coal higher, it would result in a great economic operation of their coal properties, that the supply would last longer, and that they could all make a little something, instead of only the richest miners or those who had the richest holdings making it all and leaving the rest abandoned.

That was the burden of the refrain of nine-tenths of the expert witnesses who appeared before our committee, and that was the kind of trade commission they were demanding, as they described it, a trade commission that would help business. There has been nobody here demanding a trade commission as an additional scourge to business. No business man has come on here and said that he thought a commission of the Government that should act as a Pinkerton police department or a secret-service agency or a mere smelling committee would help anybody's business.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. I do, for a question.

Mr. NEWLANDS. Does the Senator recall that the Chamber of Commerce of the United States, which is affiliated with all the boards of trade and commerce of the country, has recently had a referendum which presented this bill with all its details, and that upon that referendum the boards of trade and chambers of commerce by a very large majority declared for this measure, and particularly for the provision relating to unfair competition?

Mr. BRANDEGEE. No, I do not; and I deny that it is the fact.

Mr. NEWLANDS. Is the Senator also aware that the Merchant Retailers' Association sent a telegram yesterday, which was put into the RECORD, urging the Senate particularly to adhere to section 5 of the bill?

Mr. BRANDEGEE. Mr. President, I heard the Senator have a telegram read from somebody, I think in St. Louis or some western city, which was immediately exposed by the Senator from Minnesota [Mr. NELSON], as I recall, who said he had received a similar telegram from a similar association in his State and that they were acting under an entire misapprehension of the situation, as I think they are.

I will say when I say that——

Mr. NEWLANDS. Will the Senator permit me?

Mr. BRANDEGEE. Certainly.

Mr. NEWLANDS. The Senator from Minnesota indicated that the dissatisfaction with the proposed law was that the provision was confined to corporations and was not extended to individuals.

Mr. BRANDEGEE. Perhaps if it covers corporations it should be extended to individuals. But that is another question. I am saying that what the Chamber of Commerce of the United States—if that is the institution that the Senator refers to as the national chamber—did was to poll their constituents around this country, and they sent to them a copy of the House Clayton bill as a sample. That is my recollection about it.

Mr. NEWLANDS. They sent a referendum also for the Senate bill.

Mr. BRANDEGEE. Now, there appeared within a day or two of that same occurrence—and I will read it to the Senate later from the testimony, that there may be no mistake about it—some business gentlemen who said they represented I do not know how many millions, over one hundred, I do not know, but several hundred million dollars invested in industries in Indiana.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. I yield to the Senator.

Mr. NELSON. Is it not possible that these business men may not know what is for their own good, and that it is wise for us to administer such remedy as we think is best for them?

Mr. BRANDEGEE. I think we ought to act according to the duties and powers of our office. If we are not fit to legislate, we ought to go home and let the business men do the legislating and let us do the business. Probably we would both do better or worse than we do now; I do not know which. But these men from Indiana went to the White House, and they were told by the President that their troubles were purely psychological and they ought to go home and brace up and talk cheerful and chipper, and then everybody else would be chipper. Then they came over to us. The testimony will show what they said. I asked one of them who testified if he and his friends were in favor of a trade commission. He replied that they thought it would be a great thing. I said, "What trade commission bill are you in favor of?" He did not know. I asked him if he thought those whom he represented when they voted had known what was contained in the bill which they said they were in favor of, and he said he did not think they did. I then took the Newlands trade commission bill and read to him what the commission was authorized to do in the inspecting and investigating line, and asked him if that was the kind of a trade commission these business men had petitioned for; and he said, "Oh, no; that is not what we want at all." "Well," I said, "do you not think it would help business to have that?" "No," he said; "I do not." Said I, "Do you think it would restore business confidence if Congress should adjourn?" "I certainly do," he said. Well, that gentleman did not think——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Nevada?

Mr. BRANDEGEE. I do.

Mr. NEWLANDS. The Senator will recall that three associations were represented there, I think, one from Ohio, one from Indiana, and another from Illinois; and whilst one of the gentlemen did respond as the Senator has indicated, the Senator will recollect that the others responded favorably, and that one of them, from Chicago, a very intelligent man, declared that it would be impossible to attempt to define the various trade practices that ought to come under the condemnation of the law, and he said if there were 20 of these practices to-day, and they were forbidden expressly, there would be 20 more invented to-morrow just as effective.

Mr. BRANDEGEE. I agree to that; and I agree that that gentleman was in just the same position of absolutely guiltless

Mr. NEWLANDS. There is no question of being in jail unless he disobeys the injunction of the court.

Mr. BRANDEGEE. No; he has disobeyed the judgment of the commission. If it were left to the judgment of the court, the Senator from South Dakota would be satisfied. The Senator from Nevada proposes that this commission shall decide whether the method of competition in trade is unfair, and then the commission sends its secretary or its attorney to the court, and it says: "Here is the order of the commission, and here is the seal of the commission. Now, you issue an injunction to enforce this order." As the Senator from South Dakota has said, the judiciary of the United States is to be made the administrative branch of this judicial-executive commission, and compelled to issue this injunction against the business man who has been illuminated by this sort of a process as to exactly what he can do in business; and a man is sent to jail; and then, perhaps, upon a writ of habeas corpus alleging that he has been unlawfully kidnaped and landed in a dungeon in this free country, he can get some sort of a review of the constitutionality of this act.

That is the way the poor, puzzled business man, who is looking for this beacon light of the "new freedom," plaintively singing—

Lead, kindly light, amidst the encircling gloom—

is led straight into a dungeon. This bill, which is to uplift and help the psychologically depressed business men of this country [laughter] and guarantee them a new Magna Charta of liberty—for we do not deal in anything less than "constitutions" and "Magna Chartas" and "emancipation proclamations" in these days—is an ignis fatuus. [Laughter.] The "Statutes of the United States" is no longer a sufficiently dignified name to characterize our imperial processes. They must be denoted by grandiloquent and epoch-marking titles.

That is all there is to this bill. When the Senator from North Dakota asks the Senator from Nevada, who is actuated by charitable and benevolent and cheerful optimism about all these things which are perfectly simple in his mind, and who says, "Let us poke it right out, especially as the administration insists upon it"—when the Senator from North Dakota asks the Senator from Nevada to what extent a gentleman can go in indulging in his propensities and ingenuity for unfair competition without landing in a dungeon, whether he has got absolutely to annihilate competition in toto, the Senator from Nevada informs him, radiating geniality upon the Senator from North Dakota, that if the method of competition which falls under the ban of the infallible judgment of this commission has a tendency to unfairness, why, then the court comes right down. The Senator from Nevada would not claim that it had got to be absolutely annihilated, but if it "tends" toward it, or has a "tendency" to impair competition, then the commission acts; and the Senator from Nevada, when he has illumined the situation with that brilliant light, feels perfectly satisfied, and I have no doubt in 5 or 10 minutes will demand unanimous consent for naming a day to vote upon this bill and all amendments to final passage.

The truth of it is, the Senator from Nevada is living in an incandescent fog of optimism and illusion on this matter. He has not landed anywhere upon his feet. The country knows absolutely nothing about what he proposes to give them. They think it is a sort of anodyne of all soporific and oleaginous substances which will be a poultice to the ends of its shattered nerves, when really it is nothing but a scourge and a dose of Spanish fly and cayenne pepper to irritate and drive them to distraction.

If these poor, misguided "uplifters" and business men who delight to come down here and attend a function at the White House and then go away and give an interview about how prosperous their business is in consideration of the free lunch to which they have been treated understood in the faintest degree what sort of a dose is going to be administered to them, to their private books and private business, charged with no public use, heretofore supposed to be allowed to proceed as business men are able to compete with each other in a free country—if they understood that any time they uttered some remark as to politics or business which savored of lese majesty, the next day they were to be visited by a little snooper or spotter from Washington who would pull out his credential card and demand the combination of their safe and all their documents and books and papers and contracts and affiliations with other corporations and individuals—they would subside, both as to their political and their humanitarian sentiments, very quickly. If they understood what this dose of help to the poor business man was to be, they would see that their only salvation is to nip this sort of legislation in the bud, to brand it as undemocratic and un-American and tyrannical; and instead of trying to get this bill amended here and amended there, they would scotch this snake right at its birth and, in fact, never allow it to be born.

The American people know that business will not tolerate such things in this country as a commission to be continually snooping around, charged with nothing but the power to arbitrarily promulgate an infinite and unregulated series of "don'ts." If this commission is fit to decide what is an unfair method of competition, it is certainly fit to decide what is a fair method of competition; and it has got to decide what is fair before it can decide what is unfair. If, in their inquisition based upon an anonymous letter or the complaint of a competitor, they find that the practice is fair upon a complete show-down; if they find that the party who is dragged down here to defend what he has heretofore considered to be lawful competition in business has engaged in no unfair practice, then the man ought to be allowed to proceed in it with confidence, and not be subject, as he would be under this bill, to a suit by the Department of Justice, brought about by the investigations of another series of snoopers and spotters and Government spies.

I say to them that when they have come on here and have shown everything, and have gotten a verdict that they are innocent, and have gotten the indorsement of the very commission that this Government has set up as the criterion of what is fair and unfair, unless there is something put into this bill that when they have been told by one branch of the Government that what they are doing is fair they shall not be prosecuted by the Department of Justice and pronounced by a court to be engaged in an unfair practice or a violation of the Sherman law, then the result of this bill will simply be to make confusion worse confounded. It is not fair for Congress to set up a tribunal to determine the rules of justice and fair play among competitors, and then, after they have gotten the judgment of the Government that what they are doing is fair, to have another branch of the Government free to proceed under another criminal statute and get a judgment of a court that although they were proceeding in accordance with one branch of the Government still they are guilty of a crime and liable to go to jail for it.

Yet such is the half-baked character, not only of what is written in this bill, but such is the confusion of thought among committees and individuals, among newspapers, and among the Cabinet, and in the mind of the President himself, that they do not know what is going on. They do not compare the provisions of these bills with the recommendations that the President himself has made to Congress.

If the country knew in what sort of fog we are proceeding, under the pretense of lending firm guidance to their wandering footsteps, there would be a panic in this country. But the country apparently is afraid to attempt to find out. When the great business men of the country come down here to tell us and our committees what they think would be beneficial to them, they are persecuted and hounded as conspirators and lobbyists; and then the same men, or men of equal character or no better character, are invited in honor to the White House, and go away singing the praises of the fountain of all knowledge and bending their pliant necks to the yoke.

Mr. McCUMBER. Mr. President, if there is any one thing that ought to be certain—and I will direct my remarks to the Senator from Nevada, and he can answer them when he answers the Senator from Connecticut—it is a criminal statute. It is a statute which can destroy my business or send me to jail.

I want to know where I am going to land under the provisions of this bill as construed by the Senator from Nevada. The Senator from Connecticut and myself, we will say, are engaged in a competitive line of business. He may have more capital than I have. He may take means that I consider unfair and which are unfair in his competition, and he may drive down the price of the commodity that we are both selling, until he is able to drive me out of business, and then obtain a monopoly. If that is the limit of the extent to which this provision will go, and no further, it may be all right; but suppose the public gets the benefit of this close competition in a cheaper product, and suppose he has not destroyed me entirely but has merely injured me. Suppose he has made my property so nearly valueless that while I may continue in business at a 1 per cent profit it would scarcely pay me to do so, but I am still continuing in business. Can he be indicted for unfair practices so long as I am keeping alive and keeping up a competition, when the result of that competition is for the benefit of the purchasing public which buys our commodities?

If I understand the Senator correctly, he can be so indicted. If that is true, then this commission has got to say somewhere that I am entitled to some reasonable profit, and it has got to

determine what that reasonable profit is, in order to determine whether or not his unfair means is destroying competition.

Is that the authority the Senator is going to confer upon this commission—to determine when that competition has gone far enough, and to say, "Thus far and no further you can go in your competitive methods"? I am assuming all the time that they are unfair.

If the Senator says that they must not be such as will merely cripple me in my business, but must be such as will absolutely destroy my business, then he may find some basis for his claim that a benefit will be obtained by preventing the people getting lower prices, because by doing that temporarily he will hold the competitive field open; but if I understand the Senator correctly, he says that if the unfair practices cripple me as a competitor, if they injure me as a competitor, then, although they do not drive me out of business, the commission could investigate the matter and issue an order that I shall be injured no longer. If that is the case, then I think we are stifling competition, and in the end are doing a great injury to the country.

Mr. STERLING. Mr. President, I have here copies of several statutes from various States, defining "unfair competition." The States from which I have quoted are Nebraska, North Dakota, Montana, Iowa, California, Utah, Wyoming, Louisiana, and South Dakota. I think perhaps the printing of these in the RECORD may be of some use to the Senate by way of affording examples of "unfair competition," and may be suggestive as to amendments offered or to be offered. Therefore I ask leave that they may be printed in connection with my remarks.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

STATE STATUTES—UNFAIR COMPETITION.

Laws of Nebraska, 1907, chapter 157:

SECTION 1. (Local unfair discriminations.) Any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Nebraska and engaged in the production, manufacture, or distribution of any commodity in general use that shall intentionally, for the purpose of destroying the business of a competitor in any locality, discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city than is charged for said commodity by said party in another section, community, or city, after making due allowance for the difference, if any, in the grade or quality and in the actual cost of transportation from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared unlawful.

Laws of North Dakota, 1913, chapter 287:

SECTION 1. (Unfair competition.) Any person, firm, or corporation, foreign or domestic, doing business in the State of North Dakota and engaged in the production, manufacture, distribution, purchase, or selling of milk, cream, butter fat, grain, or any commodity in general use, that shall, with the intention of creating a monopoly, or of destroying the business of a competitor or of any regular established dealer, or to prevent competition of any person who in good faith intends and attempts to become such a dealer, discriminate between different sections, communities, towns, or cities or portions thereof, in this State by purchasing at a higher or selling at a lower rate or price in one section, community, town, or city, or portion thereof, in this State than is paid or charged by such person, firm, or corporation for such milk, cream, butter fat, grain, or commodity in operation in another section, community, town, or city or portion thereof, in this State, after making due allowance for the difference, if any, in the actual cost of transportation of such commodities, shall be guilty of unfair discrimination.

Laws of Montana, 1913, chapter 7:

SECTION 1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Montana and engaged in the production, manufacture, or distribution of any commodity in general use that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm, or corporation who in good faith intends and attempts to become such dealer, shall discriminate between different sections, communities, or parts of this State by selling such commodity at a lower rate or price in one section, city, or community, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Laws of Montana, 1913, chapter 8:

SECTION 1. Any person, firm, or corporation, foreign or domestic, doing business in the State of Montana and engaged in the buying, selling, production, manufacture, or distribution of any commodity in general use that intentionally, for the purpose of destroying the competition of any regularly established dealer in such commodity, or to prevent the competition of any person, firm, or corporation who in good faith intends and attempts to become such dealer shall discriminate between different persons, sections, or communities in, or parts of this State, by buying such commodity at a higher rate or price in one section, city, or community, or any portion thereof, than such person, firm, or corporation, foreign or domestic, pays for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Iowa Reports, Cornwall, 153, page 704:

Any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Iowa and engaged in the business of buying milk, cream, or butter fat for the purpose of manufacture, or of buying poultry, eggs, or grain for the purpose of sale or storage, that shall, for the purpose of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities, cities, or towns of this State by purchasing such commodity or commodities at a higher price or rate in one section, locality, community, city, or town than is paid for the same commodity by said person, firm, company, association, or corporation in another section, locality, community, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful, but prices made to meet competition in such locality shall not be in violation of this act; and any person, firm, company, association, or corporation, or any officer, agent, receiver, or member of any such firm, company, association, or corporation found guilty of unfair discrimination as defined herein, shall be punished as provided in section 5028-c of the Supplement to the Code, 1907.

The above section is an amendment to section 5028b of the Code Supplement.

Statutes and amendments to the codes of California, 1913, chapter 276, page 508:

SECTION 1. It shall be unlawful for any person, firm, or corporation doing business in the State of California and engaged in the production, manufacture, distribution, or sale of any commodity of general use or consumption, or the product or service of any public utility, with the intent to destroy the competition of any regular established dealer in such commodity, product, or service, or to prevent the competition of any person, firm, private corporation, or municipal or other public corporation, who or which in good faith intends and attempts to become such dealer, or to discriminate between different sections, communities, or cities, or portions thereof, of this State by selling or furnishing such commodity, product, or service at a lower rate in one section, community, or city, or any portion thereof, than in another, after making allowance for difference, if any, in the grade, quality, or quantity, and for cost differences between such places due to distance from the point of production, manufacture, or distribution and expense of distribution and operation. This act is not intended to prohibit the meeting in good faith of a competitive rate or to prevent a reasonable classification of service by public utilities for the purpose of establishing rates. The inhibition hereof against locality discrimination shall embrace any scheme of special rebates, collateral contracts, or any device of any nature whereby such discrimination is in substance or fact effected in violation of the spirit and intent of this act.

Laws of Utah, 1913, chapter 41, page 53:

SECTION 1. (Unfair competition and discrimination prohibited.) Any person, firm, or corporation, foreign or domestic, doing business in the State of Utah and engaged in the production, manufacture, or distribution of any commodity in general use, that intentionally, for the purpose of destroying the competition of any regular, established dealer in such commodity, or to prevent the competition of any person who, in good faith, intends and attempts to become such dealer, shall discriminate between different sections, communities, or cities of this State by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than such person, firm, or corporation, foreign or domestic, charges for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination.

Session laws of Wyoming, 1911, chapter 62, page 84:

SECTION 1. That any person, firm, or corporation, foreign or domestic, doing business in the State of Wyoming and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than is charged for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution, and freight rates therefrom, shall be deemed guilty of unfair discrimination: *Provided, however*, That this act shall not apply to any case where, by reason of different railroad rates or other natural things in favor of any manufacturer or dealer of goods of this or another State, such manufacturer or dealer sells at a different price than he does in another, in order to meet the competitive rates or other natural things in favor of such other manufacturer or dealer: *Provided further*, That this act shall not apply to any case where any manufacturer of or dealer in goods manufactured or produced in this State sells products in one place cheaper than in another to meet upon the same or more favorable basis any competition from foreign States or this State: *Provided further*, That this act shall not prevent the sale of goods at proper commercial discount customary in the sale of such particular goods.

Acts State of Louisiana, 1908, act 128, page 187:

SECTION 1. *Be it enacted by the General Assembly of the State of Louisiana*, That any person, firm, company, association, or corporation, foreign or domestic, doing business in the State of Louisiana and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of injuring or destroying the business of a competitor in any locality, discriminating between different sections, communities, cities, or localities in the State of Louisiana, by selling such commodity at a lower rate in one section, community, city, or locality than is charged for such commodity by said person, firm, company, association, or corporation in another section, community, city, or locality, after making due allowance for the difference, if any, in the grade or quality of such commodity and in the actual cost of transportation of same from the point of production, if a raw product, or from the point of manufacture, if a manufactured product, shall be guilty of unfair discrimination, which is hereby prohibited and declared unlawful and to be a misdemeanor; and that all sales so made shall be taken and considered as prima facie evidence of unfair discrimination.

ing the ascertainment by him of the fact that the edicts of law declaring that every man should be good and should be

function of the commission and the reason for its creation, then how does the administrative commission take all of these business questions away from the court?

Mr. KENYON. I should like to ask the Senator if he believes the court would have no power in equity to determine the question of whether an act did constitute unfair competition; whether, if this commission tried to make an order that something was unfair competition when it was palpably not so, that power is withdrawn from the courts under this bill?

Mr. McCUMBER. Under the law or under the principles of right?

Mr. KENYON. Under general principles.

Mr. BRANDEGEE. Mr. President, it was clearly the intention of those who drew the act, if that has any bearing upon the construction of the act, that the commission shall have sole and exclusive power to determine what is fair and what is unfair in methods of competition as to corporations engaged in commerce among the States. The whole idea back of the act, in the minds of its proponents and advocates, as stated by the quotation which the Senator from South Dakota [Mr. STERLING] read from the RECORD from the answer of the senior Senator from Iowa [Mr. CUMMINS], is to take this matter of the method of competition among corporations engaged in interstate commerce away from the courts, because you can not decide these business questions by the slow and tedious process of the courts, as they phrase it. They say that system has been tried and been pronounced a failure. Therefore they attempt to confer that power upon this commission, not of lawyers who know anything about what the courts have heretofore decided to be a fair or unfair method of competition, but upon a commission of business men, experts skilled in business, as they say; and that commission of expert business men are to pronounce by their fiat, evolved from their inner consciousness, without any rule to guide them laid down by the legislative branch of the Government, what is a fair and what is an unfair method of competition.

To be sure, the act states that they are only authorized to prohibit unfair competition, or at least an unfair method of competition; but in order to determine what is an unfair method they have got, in their own minds at least, to fix the standard, to wit, what is a fair method, because "unfair" can not mean anything except what is not fair, any more than "abnormal" can mean anything except what is not normal. So, if a court can intervene when a competitor has been disappointed in securing a contract and comes to this commission, either in the attempt to make the successful competitor relinquish half of his contract or sublet a part of it to him or for any other purpose, and can say that the commission which this great Congress has just set up, these experts at $10,000 a year each, sitting continuously in Washington, with power to strangle or to promote such business competition and methods as, according to their unbridled imagination, may from day to day each, sitting continuously in Washington, with power to strangle action of the commission at the start, it shows what an absurdity it is for Congress to set up this tribunal and leave the power with the courts—and I do not believe we can take it away—to strangle the very creature that we are setting up to supersede the courts.

Mr. KENYON. Then if the Senator says we can not take it away, that answers my question; the power will remain in the courts, and a party aggrieved can go into a court of equity and secure his relief. So this would amount to nothing.

Mr. BRANDEGEE. I think he could. I think this is absolutely worse than nothing, because it evidences such a fundamental misunderstanding of the whole principle upon which our Government is founded—the division of powers into the legislative, executive, and judicial departments—for Congress to sit here solemnly enacting a statute for the purpose of getting away from the courts when they know that under the Constitution a man in this country can not be held in prison at the arbitrary dictum of an executive commission. It not only makes Congress ridiculous, but it puts Congress in the attitude of relegating the free institutions of this country back to the days when executive authority was supreme.

I will not intrude further upon the Senator from South Dakota. I beg his pardon, but I could "orate" upon this subject.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield.

Mr. GRONNA. This is a very important bill, and I believe Senators ought to be present to hear this interesting discussion. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones	Norris	Smith, Mich.
Borah	Kenyon	O'Gorman	Smoot
Brady	Kern	Overman	Sterling
Brandegee	Lane	Perkins	Swanson
Burton	Lea, Tenn.	Pomdexter	Thomas
Camden	Lee, Md.	Ransdell	Thornton
Catron	Lewis	Shafroth	Tillman
Chamberlain	McCumber	Sheppard	Vardaman
Crawford	Martin, Va.	Simmons	White
Gallinger	Martine, N. J.	Smith, Ariz.	Williams
Gronna	Nelson	Smith, Ga.	Works
James	Newlands	Smith, Md.	

Mr. VARDAMAN. I desire to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS]. This announcement may stand for the remainder of the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY] on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-seven Senators have answered to their names; not a quorum. The roll of absentees will be called.

The Secretary called the names of absent Senators, and Mr. LIPPITT, Mr. REED, and Mr. WALSH having entered the Chamber, answered to their names.

Mr. CHILTON, Mr. COLT, Mr. CULBERSON, Mr. CLAPP, and Mr. STONE having entered the Chamber answered to their names.

The PRESIDING OFFICER. Fifty-five Senators have answered to their names. A quorum is present. The Senator from South Dakota will proceed.

Mr. STERLING. Mr. President, a few words more. Whether or not the Senator from Connecticut [Mr. BRANDEGEE] may be right in his view that the power of the courts could be invoked in case of an erroneous order made by the commission, I think it should be so written in the bond. As I recall, one of the great controversies before the Senate at the time the rate bill was under discussion in 1906 related to the question whether or not there should be power conferred upon the courts to review the orders and decisions of the Interstate Commerce Commission, and that bill was not enacted into law until such power was conferred upon the courts.

So here, Mr. President, the powers of the proposed trade commission are greater than, and different from, those which relate merely to investigating and supervising corporations engaged in commerce as defined in the pending bill. Under the orders of the commission as authorized by section 5 property rights and contract rights may be affected; and I insist that power should be conferred upon the courts to review the decisions and orders of the trade commission and to prevent the taking of property without due process of law.

Upon this commission, as this bill stands, both legislative and judicial powers are conferred. The legislative power is vested in the Congress; the judicial power is vested in the "Supreme Court and such inferior courts as Congress may from time to time ordain and establish." Neither of these powers can, under the Constitution, be conferred upon this commission.

So, having the objections I do have to the bill as it stands, and in view of the extreme doubt, anyhow, as to whether a court can review the orders of the commission, I have prepared an amendment. I wish to say that in the preparation of this amendment I have followed largely the statute with reference to the powers conferred upon the courts in reviewing the orders of the Interstate Commerce Commission, especially the powers as at first conferred upon the commerce court and then by recent act, of course, transferred to the district courts of the United States. I will read the amendment:

After line 22, page 21, insert the following:

"And jurisdiction for the enforcement of any order so issued by said commission restraining and prohibiting the use of any such unfair method of competition is hereby conferred upon the district courts of the United States. Such district courts shall also have jurisdiction of suits to enjoin, set aside, annul, or suspend any order of said commission restraining or prohibiting the use of any method of competition as unfair: *Provided*, That the pendency of such suit shall not of itself stay or suspend the operation of such order of the commission, but said court in its discretion may restrain or suspend in whole or in part the operation of such order pending the final hearing and determination of the suit: *Provided further*, That the procedure in said district courts shall be the same as near as may be as the procedure heretofore prevailing in cases in the Commerce Court and arising out of the orders made by the Interstate Commerce Commission, and that the venue of any suit hereafter brought to enforce, suspend, or set aside in whole or in part any order of said commission restraining or prohibiting the use of any particular method of competition as unfair shall be in the judicial district wherein is the residence of the party or any of the parties upon whose application or petition the order was made or in the district wherein the method or methods complained of as constituting unfair competition are used or employed."

Mr. President, I am not opposed to a trade commission bill as such; I am in sympathy with the provisions of the bill relating to the supervision and investigation of corporations

and with its requirements in regard to publicity of the acts of corporations. I wish the bill may be perfected so that beyond question it will serve what I believe to be a fine and useful purpose; but in conferring upon the commission the power to prevent unfair competition we are, as I have said, delegating both legislative and judicial powers. With the amendment to the substantive law which I first read, or a similar amendment, extended if you please to acts of unfair methods in buying as well as in selling, and with this amendment conferring upon the courts jurisdiction to review and annul or to modify any order of the commission, I believe we will have a wholesome and practical piece of progressive legislation.

Mr. NEWLANDS. Mr. President, in reply to the Senator from North Dakota [Mr. McCUMBER] and the Senator from Connecticut [Mr. BRANDEGEE], I wish to call attention to the fact that this is an act to regulate commerce. Under the Constitution this power is given to Congress, and it has been determined that this power can be exercised by an administrative tribunal created by Congress under a rule prescribed by Congress. The proponents of this bill believe that they have in this bill presented a rule of action, and that the action of this administrative board under that rule is absolutely constitutional.

Mr. President, with reference to the review in the courts, I have to say that it is true, as alleged by the Senator from Iowa [Mr. CUMMINS], that it was the purpose of the committee not to make all the facts reviewable by the court. It was the purpose of the committee in framing this bill to make the decision of this tribunal a final one. That, however, has its limitations under the Constitution and the law. The courts can at any time condemn any action under this exercise of power that is confiscatory of property and also can condemn any act that is not authorized by the statute itself; so that, as to the question of authority and as to the question of confiscation of property rights, the courts will be open whatever may be the phraseology of this bill.

As to the wisdom of having a review by the court, that review can be limited to the law or it can cover both the law and the facts, according to the way in which we write the statute. There are amendments now pending covering these questions which I have no doubt will be fully considered by the Senate. Among them is an amendment offered by the Senator from Delaware [Mr. SAULSBURY], a member of the committee, in which is provided a review by the courts both as to the law and as to the facts.

Mr. McCUMBER. Mr. President, the main difficulty that some of us have on this side is in the matter of the construction of the words "unfair competition." Most of us here, I think, are inclined to give those words their usual, common-sense meaning; and, giving them that meaning, they cover an immense field. The Senator is inclined to give them a most restricted meaning, a restriction that holds them within the definition that there must be in the end a destruction of competition, and a meaning almost the opposite of what the words are themselves.

We can sometimes arrive at the necessity and propriety of any legislation by understanding how we can apply it to a given set of facts, and we may understand the view of the proponent of a measure by asking him a question or two relative to the application of his proposed measure to a fact.

Let us suppose that the Senator himself is to draw an indictment against some one who has violated the provisions of the law prohibiting unfair competition. Let us see, for a moment, what he would have to allege. I assume, in the first place, that he would allege that the party had been guilty of unfair competition as against a certain statute. He would then set out, as a second proposition, the facts constituting the offense, wherein the competition had been unfair. He would necessarily have to follow that up with some kind of a result. That is, he would have to declare what the result of that competition had been in order to demonstrate that it had been unfair.

Now, let us suppose that the Senator follows those usual rules in drafting an indictment for a criminal offense. Let me ask him if he would not, under his construction, be compelled to declare in the indictment that the unfair competition had resulted in the destruction of competition; in other words, that it had stifled competition, and that that was its purpose?

I am inclined to believe that the Senator would assume that all those allegations would have to be made, and they would all have to be proven. Therefore, if it is necessary to establish the fact in order to constitute the offense, that the competition had not only been unfair, but that it had resulted or would result in the elimination or the stifling of real competition in the end, why would it not be the proper thing to declare that meaning and intent in the bill itself?

If the purpose of section 5 of this bill is to prevent the unfair competition which results in the end in stifling competition, what possible objection can there be to declaring, in a definition, what you would have to prove if you were to establish the offense in the eyes of any court? Could there be any possible objection to making it so clear as that?

I want to carry that just a step further. The Senator would have to prove that there was competition. He would have to prove that the competition was unfair. Then he would have to prove some kind of a result from that unfair competition. What result would he have to establish under the provisions of his bill? Would he not have to prove the fact that the result was such as to destroy the competition entirely, to destroy his competitor, and thereby create a monopoly?

Mr. NEWLANDS. I presume the Senator would not contend that the result must be proven if we prove that this practice was indulged in with the intent to injure or destroy.

Mr. McCUMBER. The offense certainly must result in something, else you could not say that it was unfair competition. In the end it is competition and the character of competition that is to be proven, is it not?

Mr. NEWLANDS. Then the Senator's idea is that the complainant should have no remedy at all until the destruction is complete?

Mr. McCUMBER. No; I simply say that you would have to allege the inevitable result of that competition, and to prove it, or else you would have to allege that it had accomplished such results. One of those two things must be done. Now, then, what constitutes the competition? Suppose here is one concern, and you force down prices to such an extent as to prevent its making more than 1 per cent upon its investment. You have competition. Your method has been unfair, perhaps; but as long as your competitor is still in business, and is able to make 1 per cent on his investment, is it such competition as the courts would take cognizance of or this commission would take cognizance of?

Will the Senator answer that query?

Mr. NEWLANDS. Mr. President, it is impossible for me to answer "yes" or "no" to every inquiry that can be imagined, with reference to a case that would come under this statute. I should say, with reference to stifling competition, that all you would have to prove would be an unfair method whose tendency was to stifle competition. I do not think you would have to wait until the destruction was complete in order to entitle you to make the complaint. I presume the commission would inquire into the general tendency of the practice; and if the tendency was, by the employment of an unfair method, to injure or destroy——

Mr. McCUMBER. Right there is a question: Must it be just to injure or must it be to destroy? There is the crux of the whole case.

Mr. NEWLANDS. Either. Of course, the Senator is aware that in charging an offense against the criminal law it is necessary to be very much more precise and definite than it is under the civil law; and there is, of course, a definiteness of statement in an indictment that would not be required in civil pleadings or in the proofs under them. There is quite a distinction between the civil and the criminal law.

Mr. McCUMBER. We all understand that.

Mr. NEWLANDS. This is simply a civil proceeding, and no penalties are attached to it.

Mr. BRANDEGEE. Why, Mr. President, if a man is enjoined by the commission from continuing a practice that the commission says is unfair, and the commission applies to a court for an injunction to restrain him, and obtains it, and he violates the injunction, he is put in jail for contempt of court. While this does not purport upon its face to be a criminal statute, the man finds himself in jail without any judicial process whatever. He is there; and the refinements which the Senators draws between the civil law and the criminal law are of very little satisfaction to the gentleman who is sitting on the stone floor of a cell, and is wondering by what sort of American law he has been landed there.

Mr. WHITE. Mr. President, I should like to suggest one idea to the Senator.

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Alabama?

Mr. NEWLANDS. If the Senator will permit me——

Mr. WHITE. Yes, sir.

Mr. NEWLANDS. I will state that the defendant can immediately purge himself by complying with the order of the court.

Mr. BRANDEGEE. Without any due process of law whatever? The court has not adjudicated anything. The commission brings you an arbitrary order.

Let us see if they are really and fairly supported by the authorities relied on in the course of this debate by those who advocate this amendment offered by the committee.

The case of Field *v.* Clark and the cases cited therein are relied upon by the advocates of section 5 of the bill as it stands. Field *v.* Clark (143 U. S.) is typical of a number of cases which construe acts of Congress conferring certain powers upon the Executive or some executive official of the Government.

The case arose under the tariff act of 1890. The claim was made by Marshall Field & Co., against whom duties were imposed under the act on goods imported, that the act was unconstitutional, because it delegated legislative powers to the President in giving him power under certain conditions to suspend the operation of the law with reference to imports from certain countries; but the authority given the President under the act of 1890 to suspend the provisions of the act relating to the admission, free of duty, of sugar, molasses, coffee, tea, and hides is not comparable with the authority conferred by the terms of this bill.

There was no uncertainty about the act of 1890. It admitted the articles free of duty. In the interests of reciprocal trade, however, the President was authorized to suspend this provision if countries exporting these articles insisted on imposing a duty on agricultural and other products. It was purely an administrative power, depending for its exercise upon a contingency within the control of other exporting nations. The legislature simply said definitely what should happen in the event of a contingency of which the Executive could take notice as well as the legislative branch of the Government.

The legislature prescribed the exact duties which should be imposed on the goods imported in the event the President should, for the reasons named in the act—not his own—suspend the operation of the act.

To quote from the opinion of the court very briefly in that case:

> He had no discretion in the premises except in respect to the duration of the suspension so ordered. But that related only to the enforcement of the policy established by Congress. As the suspension was absolutely required when the President ascertained the existence of a particular fact, it can not be said that in ascertaining that fact and in issuing his proclamation, in obedience to the legislative will, he exercised the function of making laws. Legislative power was exercised when Congress declared that the suspension should take effect upon a named contingency. What the President was required to do was simply in execution of the act of Congress. It was not the making of law. He was the mere agent of the law-making department to ascertain and declare the event upon which its expressed will was to take effect. It was a part of the law itself as it left the hands of Congress that the provisions, full and complete in themselves, permitting the free introduction of sugars, molasses, coffee, tea, and hides from particular countries should be suspended in a given contingency and that in case of such suspensions certain duties should be imposed.

The court in Field against Clark quotes from the case, Locke's Appeal (72 Penn. St., 491, 498), as follows:

> To assert that a law is less than a law because it is made to depend on a future event or act is to rob the legislature of the power to act wisely for the public welfare whenever a law is passed relating to a state of affairs not yet developed or to things future and impossible to fully know.

The proper distinction the court said was this:

> The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which can not be known to the lawmaking power, and must therefore be a subject of inquiry and determination outside of the halls of legislation.

But, Mr. President, of course, what will constitute unfair competition is not one of the many things which can not be known to the lawmaking power. Presumably it is better known to the lawmaking power than to any other power, and under our system the lawmaking power can not shift the burden and responsibility of determining what is unfair competition upon any other power or department of government. It must be determined within "the halls of legislation."

The case of the brig *Aurora* (7 Cranch., 382) cited in Field against Clark is not in point, nor is it authority for the proposition involved in this bill. Under the act considered in that case the President was simply authorized in case either France or Great Britain should modify her edicts so that they should cease to violate the neutral commerce of the United States, he should declare the same by proclamation, and that thereafter trade suspended by the act should be renewed with the nation so revoking or modifying her edicts.

The legislature did not transmit any power of legislation to the President by this act. "It only prescribed the evidence which should be admitted of a fact upon which the law should go into effect." It was competent for Congress to make the revival of an act depend upon the proclamation of the President showing the ascertainment by him of the fact that the edicts of certain nations had been so revoked or modified that they did not violate the neutral commerce of the United States.

The case of the brig *Aurora* is in line with other cases which have been cited. I do not now recall the titles of all of them, but there is the case arising out of the statute authorizing the Secretary of War to remove unreasonable obstructions to navigation in a river. What is the situation with regard to it? The engineer can determine the fact as to whether a bridge is an unreasonable obstruction or not, and that is altogether different from the case here. So with reference to the case growing out of the statute to prevent the importation of impure tea. Buttfield *v.* Stranahan, 192 U. S., 470. It rests on the same principle.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Ohio?

Mr. STERLING. I yield.

Mr. BURTON. Before passing from that subject, as to the jurisdiction which the Secretary of War has to declare a bridge an unreasonable obstruction to navigation, I am quite familiar with those decisions and have been connected with some litigation on the subject. First, the right of the Secretary of War to make that kind of a decision was denied quite strenuously. The Senator from South Dakota said that that case can be very clearly distinguished from this case, in which there is the right to decide what is unfair competition. I would prize the opinion of the Senator from South Dakota on that subject and his statement of the particulars in which they differ.

Mr. STERLING. They differ in this, according to my view, Mr. President, that in the power to prevent unfair competition the question is more or less speculative. It is a question of the ethical or economic standard of different individuals as to what constitutes unfair competition. There is no basis, we may say, of physical facts upon which to base the opinion as to whether it is a case of unfair competition or not, whereas in the case of the power given the Secretary of War to remove a bridge or other obstruction that is deemed to be an unreasonable obstruction in a navigable river it is a question of an ascertainable physical fact to be determined by the expert or by the engineer, and which will show whether under given conditions as to the flow of water in the river, the height of the bridge, the size and carrying capacity of the boats, they have been unreasonably obstructed by that bridge. It is a question of computation and of figures, whereas the question of unfair competition may be altogether outside the realm of figures and calculation based on physical facts. In my opinion, I will say to the Senator, there is a marked distinction between the two classes of cases. As is suggested to me by the Senator from West Virginia [Mr. GOFF], one is the opinion of individual men and the other is a matter of exact measurement by those qualified and competent to make it.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nebraska?

Mr. STERLING. I yield.

Mr. NORRIS. Right on that point, according to the Senator's definition, would it not be the opinion of men as to whether the obstruction was reasonable or not? I can see how there might be no opinion involved if it just said there should be no obstruction; but the words used are, I think, "unreasonable obstruction." Would not the word "unreasonable" be similar to the word "unfair," and imply an opinion?

Mr. STERLING. I think not, Mr. President. The question as to whether it is an unreasonable obstruction in the river will depend, as I said, upon the size of the boats, the depth of water in the river, and other facts easily ascertainable. Whether the bridge will in any way obstruct the traffic is a physical fact to be determined.

Mr. NORRIS. That would be true, it seems to me, if the word "unreasonable" were not used; but two men equally intelligent might disagree as to whether the obstruction was of such a nature as to be unreasonable. One man might think it was only a reasonable obstruction, the other might think that it was an unreasonable obstruction.

Mr. STERLING. But, after all and in the last analysis, I would say, although the word "unreasonable"—and I appreciate the force of the Senator's suggestion—is used, it is a question largely of figures and of expert knowledge.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota?

Mr. STERLING. I yield.

Mr. McCUMBER. Let me ask the Senator wherein this proposed law as to "unfair competition" would differ from a law declaring that every man should be good and should be

punished if he were not; and authorizing a commission to determine whether he is good or bad?

Mr. STERLING. I will say to the Senator from North Dakota that according to my view the bill admits of a possibility of that kind, the determination upon the part of the commission as to whether a man is good or not.

Mr. President, the Senator from New Hampshire [Mr. HOLLIS] yesterday cited the statutes of several States and from those statutes sought to deduce the conclusion that section 5, although in bare terms preventing unfair competition, was sufficient. But, Mr. President, no State statute prevents unfair competition and stops there. The Senator will be able to produce no such statute. A State statute simply prohibiting unfair competition would be quickly adjudged by the court as void for uncertainty.

I have taken the pains to look over the statutes cited by the Senator from New Hampshire, and I find that in every case the specific acts or conduct which will constitute unfair competition are fully set forth.

Mr. President, this ought to be a hint to us here. The very fact that State legislatures in enacting laws of this kind have, without exception, felt it necessary to specify and define the particular things which shall constitute unfair competition is a very good reason why we should follow the same safe course.

Nearly all these statutes, I think all of them, are leveled against unfair competition in buying and selling, and thus discriminating between different sections and cities and communities for the purpose always of crowding out or destroying a competitor. In most States that have such statutes the offense is a discrimination in selling. In a few States, notably in North Dakota, I think, and in Montana, either buying or selling with such intent is an offense.

So the statutes of other States specifying and defining what is "unfair competition," or, in a term more frequently used, "unfair discrimination," instead of affording an argument for the bill as it is, afford the reason why we should specify in this bill what we deem to be unfair competition in commodities in interstate commerce and in providing against such unfair competition. With that in view, Mr. President, I presented several days ago an amendment in which I, in the main, followed the statute of the State of South Dakota. I wish to read this amendment, or a portion of it:

> It shall be unlawful for any person, firm, or corporation engaged in the production, manufacture, or distribution of any commodity in general use and which is the subject of or intended for commerce, as herein defined, to intentionally and for the purpose of destroying the competition of any regularly established producer, manufacturer, or dealer in such commodity, or to prevent the competition of any person who in good faith intends and attempts to become such a producer, manufacturer, or dealer, make or give any undue or unreasonable preference or advantage to any particular person, firm, or corporation in the sale or disposition of such commodity, or to discriminate between different States, sections, communities, or cities by selling such commodity at a lower rate in one State, section, community, or city than such person, firm, or corporation charges for such commodity in another State, section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom.

Now, there is this clause, which is new and is not embodied in the South Dakota statute, namely, that which relates to the making or giving any undue or unreasonable preference or advantage to any particular person, company, firm, or corporation in the sale or disposition of such commodity.

Then follows this, which I adapt from section 3 of the interstate-commerce act. I want to read that section, and then I will read that part of my proposed amendment of which it is the counterpart. Section 3 of the act provides:

> That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

The corresponding part of my amendment reads:

> And it shall be unlawful for any such person, firm, or corporation so engaged in the production, manufacture, or distribution of any such commodity to subject by any charge, rebate, or other unfair means or method of competition any particular person, company, firm, corporation, or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

There is this further important difference, Mr. President, between my amendment and section 5 of the bill. Section 5 is limited to unfair competition practiced by corporations, and corporations alone, but individuals of vast wealth and vast facilities and partnerships with vast wealth and facilities engage in interstate trade and business. Why should they not be under the ban of any law against unfair competition as well as corporations?

Now, Mr. President, there is one other point on which I wish to speak briefly while I have the floor, although I had not expected to speak at all to-day, and that relates to the part of the act conferring jurisdiction upon the courts, or rather that part of the act which fails to confer jurisdiction upon the courts.

As I read this bill when it was first brought into the Senate I arrived at the conclusion at once that no power was given the court to review the proceedings or the order of the trade commission. I thought, indeed, the exercise of any power upon the part of the court to review, on appeal or otherwise, any order of the commission was by a plain implication prevented. Now, note the reading of this particular paragraph:

> Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

This is the sum total of the power of the court under section 5.

Yet it has been said again and again by the Senator from Nevada [Mr. NEWLANDS] that the commission is an auxiliary to the court. Under the plain language of this act the court is the auxiliary to the commission, and the court has as much judicial power as the sheriff or the clerk of a court would have, its business being simply to enforce the order of the commission, and that is all. Its powers here are ministerial, not judicial.

Wishing to ascertain the views of some of the advocates of this feature of the bill, I made inquiry of the senior Senator from Iowa [Mr. CUMMINS] when the bill first came under discussion here in the Senate.

On page 11105 of the RECORD the following occurred:

> Mr. STERLING. I should like to ask the Senator from Iowa a question as to whether or not he is in favor of conferring upon this commission the power to determine absolutely, and without appeal or review upon appeal, the question of unfair competition in any given case?
>
> Mr. CUMMINS. I am. I have the same confidence in the commission—or I shall have—that I have in the court. I believe it will do justice in a greater number of cases than will be done in the courts. Neither am I disparaging the courts, for I think no man excels me in reverence and admiration for our judicial system; but whenever you attempt to regulate commerce in this way through the medium of lawsuits, you have a miserable failure.

Without reading further from that answer and paragraph, I then asked and received answer as follows:

> Mr. STERLING. Mr. President, I should like to ask the Senator one further question. Does the Senator from Iowa understand the bill to so exclude the courts from reviewing and rendering a decision on the question?
>
> Mr. CUMMINS. In helping to prepare this legislation I tried to make it so that the courts would not have the power to review the discretion and the judgment exercised or the facts passed upon by the trade commission.

Mr. President, I have always believed it was the law that in any controversy arising between an individual or a citizen and an administrative or other branch of the Government in which property or contract rights were affected or to be affected the individual had the right some time to invoke the exercise of the judicial power, and in the case of our most summary proceedings (necessarily so, because of the necessities of government), namely, tax proceedings for example, there was somewhere between the time of the listing of the property for assessment and valuation and the time of the payment of the tax or the sale of the property for the taxes the right on the part of the citizen to have the question as to whether it is an illegal tax or an unjust tax or whether the property is subject to taxation submitted to a court for determination.

Mr. KENYON. I should like to ask the Senator a question along that line. I am very much interested in his argument. Under this act, if the commission should decide that something was unfair competition and start to make an order as authorized by the act, would not the party have a right to go into a court of equity and enjoin the commission from making that order?

Mr. STERLING. He might, were it not for the reading of this bill, I would say.

Mr. KENYON. The Senator thinks, from the reading of the act, that it excludes that equity jurisdiction?

Mr. STERLING. Yes, sir; from the reading of the bill and from the interpretation put upon it by the Senator's colleague, the senior Senator from Iowa [Mr. CUMMINS], it seems to me that that is its plain intent.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. STERLING. Yes.

Mr. BRANDEGEE. If a court of equity has power to enjoin the commission from issuing an order, which is the sole

whatever. It fixes no standard of just dealing between competitors. It does not even venture to say that methods which in the manufacture, production, or distribution of a commodity will give undue preference or advantage to one competitor over another, or will be to the prejudice or disadvantage of another competitor, shall be deemed unfair competition and under the ban of the law.

There is this further thing to be noticed in the bald terms in which section 5 is framed: The element of injury to the individual or to the public is not necessarily involved, I think, in any term or phrase or paragraph of the bill. The Legislature, having furnished no test or guide, throws upon the commission the whole burden of investigating, comparing, speculating, and finally declaring for itself the various elements that enter into unfair competition. This certainly involves a legislative function, a power we are forbidden under the Constitution to delegate.

Mr. President, this commission, no more than we ourselves, can find a precedent—notwithstanding what has been said by the Senator from Nevada [Mr. NEWLANDS]; notwithstanding anything that was said, I think, by the Senator from New Hampshire [Mr. HOLLIS] in his able speech of yesterday—for its guidance under a statute like this, failing as it does to give instance, example, or definition of "unfair competition" or to specify any condition upon which the commission would be authorized to exercise its power to hear, determine, and restrain any alleged act or condition on the ground that it constituted unfair competition.

Reference has been made to the statutes of several States; and in the speech of the Senator from New Hampshire [Mr. HOLLIS] the titles of the acts were given, and just enough of the statute to indicate that it was a prohibition against unfair methods in buying or selling any commodity without naming the methods which under the acts constitute unfair competition. If, however, the commission should take for its guidance the acts which by statute in different States constitute unfair competition, that would be the same as to declare that Federal law should follow State law, and what power on earth can do that but the Congress of the United States?

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. Certainly.

Mr. CLAPP. I think the fact that the Senator has an amendment pending is a very strong argument in support of the Senator's position. The Senator has an amendment pending designed to prohibit local underselling, as it is called.

Mr. STERLING. Yes.

Mr. CLAPP. Now, without that amendment being adopted, assuming that the provision in section 5 is constitutional, the commission could declare the act prohibited in the Senator's amendment, and make it unlawful. On the other hand, without the declaration of the commission or of Congress, local underselling is now lawful. In other words, if the authority sought to be conferred by section 5 is valid and constitutional and as far-reaching as the friends of the bill contend, we absolutely delegate to the commission power to enact a law prohibiting local underselling, or refuse to act. It seems to me the Senator's relation to that very amendment is a complete support and justification of his argument.

Mr. STERLING. I thank the Senator for his observation; it is very pertinent.

Mr. President, it is urged that the powers given the Interstate Commerce Commission afford an analogy for section 5, and justify conferring upon the trade commission power to prevent unfair competition; but, according to my view, the cases are not parallel. Why? Because, first, the statute, the interstate-commerce act, requires that the rates of the common carrier shall be just and reasonable; and, second—and this is the important thing that distinguishes the power of the Interstate Commerce Commission from any power given the trade commission under this bill—with the Interstate Commerce Commission, and under the law governing it, there are the known or ascertainable factors from which it can be determined whether the rates are reasonable and not confiscatory. There is the element of physical valuation of the railroad, the value of roadbed, of iron, of rolling stock, the element of operating expenses, of depreciation, of the volume of business, and of reasonable profit.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield; certainly.

Mr. NELSON. I do not want to interrupt the Senator if it is not agreeable to him.

Mr. STERLING. It is entirely agreeable, Mr. President.

Mr. NELSON. Back of all this lies the chief feature that distinguishes one case from the other. In the case of railroads, because they are quasi-public corporations, we assume the power to regulate the rates; not only to prescribe the mode in which they shall do business, but also the rates they shall charge the public.

Mr. STERLING. Yes.

Mr. NELSON. We have no such power to fix rates in respect to other corporations or other businesses. We may in a measure regulate them; but when it comes to telling them what they must charge for their commodities, and what service they must render the public, we are perfectly powerless. So the proposed trade commission can not operate like the Interstate Commerce Commission to protect the public to that extent.

Mr. STERLING. Mr. President, I thank the Senator from Minnesota for calling attention to the distinction. It is a very important one. In the one case it is a quasi-public corporation and in the other a private corporation.

Aside from that, however, I have mentioned the elements that can be considered in fixing rates. These elements present, their use in determining a reasonable rate for the carriage of persons and of property is a matter of figures, of computation; and the legislature having prescribed that the rates shall be just and reasonable, the problem of determining whether under given material conditions they are so or not may well be left to an administrative board or tribunal. The fact that it is does not make of such board a legislature.

I speak of the material conditions with which the Interstate Commerce Commission has to deal. I do so to distinguish such conditions from the varying speculative and ethical conditions and standards with which the trade commission must be confronted if it has no other guide than a statute authorizing it to prevent "unfair competition."

There are a few methods of competition which we know to be unfair. Some of them have been enumerated here. They are the subjects of various State statutes already. They cause injury and financial loss to competitors and in turn to the public. I would see that these have the mark of our disapproval in a measure which shall, in general language, describe them rather than burden this commission with that which, in the nature of things, is impossible of achievement.

These now present themselves to my mind as practical considerations: In the work of the commission, in the questions that will be brought before the commission to decide under a law such as is proposed by section 5 of this bill, we open wide the doors to a consideration of the innumerable standards of business morals, to questions of business ethics, varying as they will with the individual, with the community, with the particular trade or with the times. What a fine opportunity for the man who never is, but is always afraid he is, going to be hurt. What a fine chance for the overzealous and self-constituted guardian of the business morals of the community. And how tempting the situation will be to the man inspired by fear or jealousy of a business rival.

I think it requires no great stretch of the imagination to see these as some of the possibilities arising out of the very generality of the term "unfair competition," and the prohibition against the use, not of any known or designated method of "unfair competition" causing some known or designated injury, but just "unfair competition."

Mr. President, if I may be allowed to paraphrase, I think it is better to cure the ills we have than dare fly to others that we know not of.

In view of the intensity of competition now in many lines of trade, perfectly independent concerns will, without combining in restraint of trade at all, without discrimination between communities or individuals at all, be induced to cut prices to the general public. Some competitors with fewer facilities, or whose pay rolls show a higher wage, will be hurt, and may be forced out of business, and there will be many who will be heard to say that competition of this kind is unfair and ought to come under the ban of the law.

Mr. McCUMBER. Mr. President, will the Senator allow me to ask him a question right there?

Mr. STERLING. Certainly.

Mr. McCUMBER. I wish the Senator from Nevada [Mr. NEWLANDS] might answer it, as he is fathering this bill; but I should like to ask the Senator from South Dakota the same question that I intended to ask the Senator from Nevada.

Take, for instance, an illustration of this kind: Here are two manufacturers of proprietary medicines. One of them has an elixir that may be possibly of some benefit in the cure of tuber-

culosis, and he advertises it as a cure. Some one else gets up a concoction, and he also advertises that it is a cure for tuberculosis, and he puts his product in competition with the other product. It may be absolutely valueless, having no medicinal power or efficacy whatever. Now, would the trade commission, under the term "unfair competition," be authorized to investigate the question of the merits of those two proprietary medicines?

If I understand the word "unfair," I can not imagine anything being more unfair than to put a spurious article against one that might have some virtue. If that would not be unfair competition, then I should like to know what would be unfair competition or where would be the limit of the jurisdiction of this commission.

Mr. STERLING. I think under the terms of the bill the jurisdiction and power of this commission are limitless. They can make all such inquiries, without regard to whether or not the competition has served in any sense the interests of the public or contributed to the public welfare.

That calls to mind a clipping made from a Washington paper just a few days ago in regard to competition in the sale of oil and gasoline. It is headed:

GASOLINE PRICES ARE MANY—REFINERS' WAR REDUCES GALLON COST TO 10½ CENTS IN MICHIGAN—COAL OIL AND NAPHTHA ALSO GREATLY CHEAPENED AS RESULT OF PRODUCERS' FIGHT IN INDIANA.

I will read just a paragraph or two from this clipping:

As a result of the cuts in the prices of petroleum products it is stated that most of the Standard Oil refining companies will not make as good a showing in net earnings for the first six months of the current year as in the same period last year. The gasoline business is in a very good condition, a large increase having been made, but the consumption of lubricating oils, particularly in the East, has taken a big drop.

That must mean that the gasoline business is in good condition so far as the public is concerned; and yet probably under the provisions of this bill some firm or corporation engaged in the sale of gasoline would be heard to say that somebody had practiced unfair competition.

Crude oil prices generally have been cut anywhere from 20 per cent to 30 per cent, while prices of refined products have shown reductions of from 20 per cent to as high as 40 per cent in some cases. In the Middle West the consumption of refined oil is understood to have increased greatly this year, but prices have been reduced more in this territory than any other, principally owing to severe competition.

The concluding paragraph of the article is:

A price war being held by garage owners in Jersey City has reduced the price of gasoline from 20 cents to 9 cents a gallon. The Standard Oil Co. started the fight by selling to a combination of garage owners at greatly reduced figures. Rival garage men combined and made an arrangement with the Gulf Refining Co. to buy at a price less than quoted to their rivals.

Now, whether either of these named companies would complain of unfair competition or not, it is easy to conceive of a situation and of parties wherein the cry would be made that there was unfair competition, although the public was getting the benefit of it. In any event the commission would have a case before it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Nevada?

Mr. STERLING. Yes.

Mr. NEWLANDS. I will ask the Senator, if one of these corporations was cutting the price with a view to destroying its competitor, and with a view to afterwards raising the price to a high monopolistic price, whether he would not regard that as a method that should be condemned by law?

Mr. STERLING. In answer to that, Mr. President, I think I would say "yes"; I would regard it as such a method; but as to whether or not it would be a method covered by this bill is another question. The only way I see by which we may reach that condition of things is by a section which will describe and define that as a method of unfair competition which the commission may prevent and prohibit.

Mr. NEWLANDS. I will say with reference to that, that this phrase would cover just such a transaction, according to the decision of Chief Justice White in the Standard Oil case. He spoke of unfair competition, such as discrimination in price, with a view to destroying a competitor. I do not quote his language exactly, but that was the tenor of it.

Mr. STERLING. Mr. President, I think a wrong interpretation has been put upon the language of Chief Justice White in the Standard Oil case. Reference has been made to it in a number of instances by the Senator from Nevada [Mr. NEWLANDS], by the Senator from New Hampshire [Mr. HOLLIS], and by some others here. Under what was the prosecution in the Standard Oil case and in the Tobacco Trust case? The Sherman law. Section 2 of the Sherman law prohibits monopoly and attempts to monopolize. In the opinion by Chief Justice White discrimination in price under certain conditions was mentioned as one of the instances of a monopoly or an attempt to monopolize—by thus securing the market or trade away from a competitor; that is all. It does not at all follow from that that this or that act or conduct will be unfair competition under the terms of section 5 of this bill.

In the stress of competition—another practical consideration here—in the methods adopted by the ambitious to succeed as they reach out after business, it will be found that while individuals and corporations keep within the law and do not combine in restraint of trade, nor quite create or attempt to create a monopoly, yet in their advertising methods, in puffing their own, in depreciating the like commodities of others, in the wages paid, in the quality of their output, they will be just on the border line between the fair and the unfair; and it is easy to see that amid such conditions the commission will not be lacking in business.

As to the possibly varying views of different commissioners at different times regarding what would constitute unfair competition, it being to such an extent an ethical question or an economic question, I am sometimes reminded of the saying of the old common-law lawyer, John Selden, who had his misgivings in regard to what the chancellors might do in their decisions. You will remember he said:

"It is all one as if they should make the standard of measure we call a foot a chancellor's foot; what an uncertain measure this would be! One chancellor has a long foot, another a short foot, a third an indifferent foot; and 't is the same thing in the chancellor's conscience.

When you come to consider the different elements and considerations involved in many cases likely to be brought before the commission, and the temptation there will be to bring cases of alleged unfair competition before the commission, the burden that will be imposed upon it can be seen.

Uncertainty in the law, Mr. President, relating to any of the relations of life, whether they are personal, whether they are domestic, whether they are public, is bad enough; but there is trade—"trade, the calm health of nations"—to be subjected to all the uncertainties which may arise from the administration of this uncertain law. I can not contemplate the result with quite a serene mind.

We must concede, I think, that business has suffered severely in the past because of uncertainty in the law, at least in the meaning of the law, which is the same thing; and as business has suffered, so has the public. Happily, however, both the interstate-commerce law and the antitrust law have at last, in their main and most mooted features, received certain and reasonable construction and interpretation. Their administration is wholesome and more effective than it was once thought it ever would be. Through these great acts of legislation as now understood the people of this country have demonstrated their capacity to govern. The instrumentalities of production and commerce can be permitted to live, compete, and at the same time be subject to reasonable control. But business has no sooner understood and adjusted itself to the situation than we are threatened with an act which will open the floodgates of conjecture and speculation as to what business may depend upon.

The difference between the other acts to which I allude and this is that they more nearly define something, and this, too, in terms of the law, so that under given conditions it is not difficult to say whether the law has been violated; but here we turn it over to a commission, to a nonlegislative and a nonjudicial body with all the latitude of prohibition against unfairness in competition that the boys at school used to impose on each other when they went into a fight, where "no scratchin', no kickin', no bitin', no pulling hair, no gouging" was allowed. Which will the commission declare is permissible under the rules of the game prescribed by the commissioners, or will they bar all these and limit the war to a straight stand-up and knockdown and out? It is understood, of course, that they are not to prevent the fight. A waiting and expectant public insists that that shall go on.

No, Mr. President, we overload this commission. Instead of giving them something reasonable, tangible, certain, or even in the language of the law "capable of being made certain," we give them something to keep them guessing, to keep business guessing, to keep the public guessing, to the injury of both business and the public. Business now frets and hesitates under the uncertainties of this bill and the pending antitrust bill. And no wonder, when we consider all that they involve. As I look at the language of that portion of this bill relating to unfair competition, I think if it stood alone I would be tempted to entitle it "A bill to perpetuate uncertainty in business."

I think it clear that the powers conferred upon the Interstate Commerce Commission are not analogous to the powers proposed to be conferred by this bill on the trade commission.

they have got themselves upon the wrong horse. There is no unfair competition, unless by confusion of ideas a profitless stifling of competition be accepted to mean the same thing.

Mr. McCUMBER. Now for the Senator's definition.

Mr. WILLIAMS. That profitless stifling of competition may take either one of two directions. It may mean selling goods within a restricted area or for a restricted time at less than the cost of production, in order to drive out of trade a restricted competitor—one geographically restricted—or it may be buying the raw material at a price so high that the restricted competitor can not afford to pay for it, and thus drive him out; or it may be by buying the raw material, again, at a price so low that the men who have the raw material can not afford to produce it; but when you go through with it all, it is not always competition, but a stifling of competition, a murder of competition, by unfair and frequently dishonest methods; because some of these people have not stopped merely at that sort of thing, but they have gone further and torn up pipe lines and done a great many other similar things.

In the bill to which I had reference those phrases are used rather than the words in the pending bill. I do not want to take up the Senator's time too long, but the central idea of that bill is that while the Federal Government can not interfere with the State in making a charter to a corporation, the Federal Government can say when a given corporation with a given charter shall be permitted to engage in interstate commerce, and that that shall not be permitted whenever there lies within the charter granted by the State the potentiality of a trust or the actuality of a trust—either one; and that, as the very first thing, we shall go back to the old common-law principle, that where a charter expressly gives power to a corporation to purchase the stock of another corporation of a competitive character, it contains within it the potentiality of a trust—in fact, the actuality of a trust—and that where that express power is not given, then by the common law one corporation can not own the stock of another at all. So all your trust evils come out of the law—out of express law. They come by the law of favoritism; they come by the fact that the charter, which is the law of the being of the corporation, grants rights which were unknown at common law.

What I want to direct the Senator's attention to and the attention of the Senate to, so far as I can, is that the great weapon—I might say shield, too—but the principal weapon that the United States Government has is to deny the right to enter into interstate commerce of any corporation which has a charter, which either has already made out of it a trust or may make out of it a trust from the very provisions of the charter itself, some of them going so far as to give a right to do certain things everywhere else, except in the State of its creation. New Jersey and Delaware have given such charters as that. I would provide that wherever a corporation attempted to step into the national arena with a charter provision that gave it a right to do certain things outside of the State of its incorporation and not to do them inside of the State of its incorporation it should not be permitted to enter into interstate commerce at all, that being one of the illustrations of the things that a corporation ought not to be permitted to enter the field with a power to do whether it did it or not.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. The Senator from North Dakota has the floor, and I was interrupting him.

Mr. McCUMBER. I merely wish to say to the Senator from Mississippi that I feel complimented that, with his careful analytical mind, he entirely agrees with me concerning what the definition ought to be; in other words, that it ought to be a prohibition against the stifling of competition by unfair means.

Mr. WILLIAMS. That is it exactly. That is the language of the bill which I have introduced.

Mr. McCUMBER. Well, why not say so in the definition of this term "unfair competition"? Under the terms of the bill the thing that you are to stop is, first, competition; it is to be checked if it is unfair; but after all it is the question of competition. No matter how unfair a proposition may be, if it is not unfair competition you are not going to check it in business. Therefore under the plain terms of your proposed law you are striking at competition. I asked the Senator to give me the occasions under which he would say that "competition" was "unfair competition." He has practically given me two—the main two that have been in my mind.

Mr. WILLIAMS. If the Senator will pardon me, I will give him a few more.

Mr. McCUMBER. I want to finish my sentence. Therefore I have drawn an amendment intended for exactly the same purpose that the Senator intends his words to mean, namely, that the words "unfair competition" shall be construed to mean: "The sale or purchase at a loss of any article of commerce at any particular point for the purpose of destroying competition at such point." This amendment has in view but one thing, and that is practically the same thing of which the Senator approves, to prevent the destruction of competition by unfair means. If the Senator can secure an amendment to section 5 which will either strike out the words "unfair competition" and substitute the words that he has used, or define "unfair competition" to mean any practices that tend to destroy competition by unfair means, then I could see my way clear to vote for section 5; otherwise I could not.

Mr. WILLIAMS. If the Senator will pardon me, this bill—and I perhaps ought to admit that it should be made the subject of a separate and independent speech, instead of intruding it here—provides that a corporation shall not enter into interstate commerce unless it is organized under laws with a charter that shall do or fail to do various things, which I need not now enter upon; but upon the point that the Senator was directly talking about a moment ago it uses this language:

3. If it, directly or indirectly, of itself or in connection with others destroys or seeks unfairly to stifle fair competition in any part of the United States in the manufacture, production, mining, purchase, sale, or transportation of any articles of commerce not the subject of any patent, copyright, or trade-mark held by it either by making or effecting exclusive contracts, rights, or privileges relating thereto—

And the Massachusetts statute already forbids that—

by restricting its customers or other persons with regard to price, territory, or otherwise, in freely buying, selling, or transporting any such article, by securing the monopoly or control of raw material or sources of supply—

That is what was done out in Minnesota, you know, when you went into those new fields—

or of any business connected therewith, by temporarily or locally reducing prices with intent to stifle competition—

Which facts must be proven to the satisfaction of a jury, of course—

by accepting rebates, or by any other act, device, or course of business that is unfair and tends to secure an unfair advantage and unreasonably and unfairly to destroy competition.

That is the definition which I have given.

Mr. McCUMBER. Yes, Mr. President; but that is not the definition which would naturally flow from the consideration of the terms used in the bill. If the Senator from Mississippi will secure the modification of section 5, so that it will be directed against stifling competition by unfair means——

Mr. WILLIAMS. That is the point I am making.

Mr. McCUMBER. I do not believe that any of us would oppose it.

Mr. WILLIAMS. What is really meant in the bill when it says "unfair competition" is the unfair stifling of competition.

Mr. McCUMBER. Then, why not say "the unfair stifling of competition"?

Mr. WILLIAMS. And if it is amended so as to include that, I think, then, it would do away with the objection to that section.

Mr. McCUMBER. Let me ask the Senator why not say, then, in so many words, "the stifling of competition by unfair means," and prohibit that instead of prohibiting "unfair competion." There is a great difference between the two.

Mr. WILLIAMS. I am agreeing with the Senator as well as I can——

Mr. McCUMBER. I am glad of that; and I hope the Senator will act with me to make it effective.

Mr. WILLIAMS. I agree with the Senator that really the phrase "unfair competition" is too broad, and that it really does mean in the minds of even those who proposed it the stifling of fair competition, and that it ought to be so expressed, and I would go further and indicate how fair competition is stifled.

Mr. BORAH and Mr. NEWLANDS addressed the Chair.

Mr. McCUMBER. I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I suppose the bill to which the Senator from Mississippi has been referring is the bill which he introduced some time ago on the subject of trusts and their regulation.

Mr. WILLIAMS. Yes. I will say it is the last one; I have amended it several times since first introducing it.

Mr. BORAH. I have reference to the last one.

Mr. WILLIAMS. It is to be found on page 717 of "Bills and Resolutions Relating to Trusts," fourth print, and is Senate bill 1138.

Mr. BORAH. Mr. President, I had been giving some consideration to that bill, and I want to say, in passing, that I think it is constructed on a sound principle. The truth is that we have no monopolies in the industrial world in this country except those that arise by reason of charter privileges, by reason

of the law granting special privileges or special powers or special favors. It is perfectly within our power to control those monopolistic powers by shearing the corporation of the powers, and it is also perfectly within our power to deny the channels of interstate trade to the commodities of any corporation which possesses or undertakes to practice any of those powers.

Mr. WILLIAMS. Just call them "undesirable persons in interstate commerce."

Mr. BORAH. Exactly. While the State can organize the corporation and give it its existence, it is within our power, nevertheless, to say whether it shall engage in the business of interstate trade; and we can say: "You shall not engage in interstate trade until you comply with all the conditions which we denominate as necessary."

Mr. WILLIAMS. And give them a reasonable time in which to get proper amendments to their charters.

Mr. BORAH. Certainly. Then we would have a law with which all must comply, and it would not depend upon the judgment of a commission with reference to the details of business, which, in my judgment, it is impossible for a commission successfully to oversee. I agree very thoroughly with the principle upon which the bill referred to by the Senator from Mississippi is constructed.

Mr. WILLIAMS. Mr. President, I want to say one word more, and then I shall not further intrude upon the time of the Senator from North Dakota. What the Senator from Idaho [Mr. BORAH] has just said is not only true, to wit, that there are no trusts and no monopolies that do not grow out of a special charter privilege, a legally conferred privilege of some description, a privilege conferred by law; but it is also true that if any monopoly could grow up without a legal privilege merely by fair competition and by producing as good an article as some one else, or a cheaper article and a better one, both at the same time, it would have a God-given right to the monopoly. If I could go out to-morrow and raise cotton cheaper than any man in the South without any legal privilege of a special character conferred upon me, without any distinction being given me by law, without any right outside of the law being granted to me specially—if I could raise cotton cheaper than the Senator from Arkansas, cheaper than the Senator from Georgia, and then go further and raise it cheaper than anybody in the South, I would have conferred a benefit upon mankind; in other words, it is not the size of the business that hurts; it is the nature of the business that hurts. You may have a monopoly that has not a capital of over $50,000, and you may have a large business, which is not a monopoly, with a capital of $50,000,000. The first may have gained its purposes by bribery of the town council, and the second may have gained its purposes by fair competition, by exceeding its competitors in the cheapness and quality of its production.

If I can exceed you in cheapness and quality of production or you can exceed me, that is your right, and no man has any right to do away with it until we are prepared to go to socialism and to do away with property rights altogether, and that I am supposing not to be discussed right now. But there is not a trust, there is not a monopoly, there is not a quasi monopoly, there is not a thing of any sort that exists in this country that hurts the industrial character of the people that does not owe its existence to special privilege conferred by law, and generally by charter law.

Mr. BORAH. Mr. President, the Senator says that if a combination or an individual can produce an article cheaper than anybody else and thereby get control of the market and in a sense create a monopoly, that would be a blessing to mankind. I agree with that proposition, but it would only be a monopoly, in all probability, if he were not protected by special privilege, for a limited time.

Mr. WILLIAMS. I do not believe there ever would be one.

Mr. BORAH. Even if there were it would only be for a limited time.

Mr. WILLIAMS. I was merely supposing that if a man acquired a monopoly in that way it would be all right; but no man ever acquired one in that way in the entire history of the world, and I do not believe anybody ever will.

Mr. BORAH. Somebody else would get onto his scheme unless it was protected by law; so if you were producing an article cheaper and putting it upon the market, finally you would find a competitor, if everybody had an equal chance, who would do the same thing, and it would only be a monopoly, if at all, for a limited time. A monopoly comes from the fact that through a corporate charter certain privileges are granted and certain advantages given which are utilized for monopolistic purposes, and which protect the corporation from competition, when they can dispose of goods, not of better quality, but of worse quality, by reason of certain privileges granted by law.

Mr. WILLIAMS. And as a consequence of special privilege they produce inferior goods.

Mr. BORAH. Exactly.

Mr. NEWLANDS. Mr. President, the Senator from North Dakota [Mr. McCUMBER] finds fault with the phraseology that is used in section 5 and indicates that if that phraseology is changed, in order to suit his views as to what should be forbidden under this phrase, he would vote for the bill. He is reenforced by the Senator from Mississippi [Mr. WILLIAMS], who declares the term "unfair competition" is hardly an accurate expression; that what we are seeking to do is to prevent the stifling of fair competition; and the Senator from North Dakota declares that the two Senators are in accord. We are discussing the question of a phrase, the meaning of that phrase, and the adaptation of that phrase to certain conditions which we seek to correct by law.

I want to do the same thing that the Senator from Mississippi and the Senator from North Dakota want to do—to prevent the stifling of competition by unfair methods. The courts have given us a phrase and the economists have given us a phrase in "unfair competition" that covers that very ground.

It is true that there is contention upon the floor of the Senate as to what the term "unfair competition" covers; but it is admitted now by all that it has a legal significance. The Senator from Missouri [Mr. REED] at first claimed that it had no legal significance which could be enforced. Later, however, he admitted that it did have a legal significance, but that that significance applied to only one form of stifling fair competition, and that was the passing of goods of one man off as the goods of another, vulgarly known as "passing over"; and he complains that our purpose would be defeated if the operation of the proposed statute were confined to that single method of stifling fair competition by unfair methods. Those who support the bill, however, have presented authorities, both in economics and in the decisions of courts and the decrees of courts, showing that the words "unfair competition" have the very meaning of stifling fair competition by unfair methods.

Mr. WILLIAMS. Destroying or stifling.

Mr. NEWLANDS. Destroying or stifling by unfair methods. Legal terms are elastic. The common law would not be what it is if it had not adapted itself to new conditions and new circumstances. During the last 20 years the question of trusts and monopolies has become the absorbing question of discussion in this country, and we find that the courts, in passing upon the Sherman law, have in their decisions and in their decrees used this phrase as an all-embracing phrase.

Chief Justice White, in the Standard Oil case, speaks of "unfair competition, such as"—not simply such as "passing over," as the Senator from Missouri would contend—but "such as discrimination in price, bribery of employees," and two or three other instances in a carefully considered decision of the court, where every word was weighed, not only by the learned Chief Justice, but by every Associate Justice on that bench; and we find the term used in decrees as an all-embracing phrase. I will not weary the Senate by reading these decisions or decrees. They will be found in the remarks which I made in presenting this bill, in the remarks of the Senator from Arkansas [Mr. ROBINSON], in the remarks of the Senator from Iowa [Mr. CUMMINS], and in the very able address of the Senator from New Hampshire [Mr. HOLLIS] yesterday, in which he met fully and completely every criticism that has been made upon this phrase, and I beg Senators who did not have the pleasure of hearing that speech to read it, for it is a strong, close, legal argument upon this single proposition.

Mr. STERLING. Mr. President, I had the pleasure of hearing the Senator from New Hampshire [Mr. HOLLIS] yesterday, but I am not able to say that I agree with him at all in his conclusions with reference to the application of the term "unfair competition." It seems to me, having in view the colloquy between the Senator from Mississippi [Mr. WILLIAMS] and the Senator from North Dakota [Mr. McCUMBER] a moment ago, that nothing is to be gained by in general terms "prohibiting the stifling of fair competition," for in such case unfair methods are resorted to by a competitor, and it all comes back to the question as to what is "unfair competition" and to the fundamental question whether a statute authorizing a commission, in the broad terms of this bill, to prevent "unfair competition" is not a delegation of purely legislative power.

Under section 5 of this bill there is no rule or standard by which the commission is to be governed. There is no named contingency on the happening of which the powers of the commission are to be exercised. As to what will or will not constitute unfair competition, the Legislature, in section 5, gives no hint

plead for them before committees, and afterwards gained no benefit from them, but rather condemnation.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I should like to inquire whether there is any Senator who wishes to speak on the trade commission bill to-day?

Mr. McCUMBER. I should like to take at this time about 10 minutes for the discussion of the bill.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Massachusetts?

Mr. McCUMBER. I yield, Mr. President.

Mr. WEEKS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Sterling
Borah	James	Newlands	Stone
Brady	Johnson	Norris	Thomas
Bryan	Jones	Overman	Thompson
Burton	Kenyon	Perkins	Thornton
Camden	Kern	Poindexter	Tillman
Catron	Lane	Pomerene	Walsh
Chamberlain	Lea, Tenn.	Ransdell	Weeks
Chilton	Lee, Md.	Shafroth	West
Clapp	Lewis	Sheppard	White
Clarke, Ark.	McCumber	Simmons	Williams
Colt	McLean	Smith, Ariz.	Works
Gallinger	Martine, N. J.	Smith, Ga.	
Gronna	Myers	Smoot	

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present. The Senator from North Dakota will proceed.

Mr. McCUMBER. Mr. President, a commission appointed to assist in the general development of the business interests of the country might be of benefit to the American people. One with constructive powers undoubtedly would be of some good. One with powers that were designed to prevent improper practices might possibly in the end tend to constructive business and also be beneficial to the country. So there may be some fair features of this bill. I shall not go into the details, but I shall confine my few remarks to-day to only one feature of the bill, and that is section 5.

There are two vices in section 5, vices that must not only seriously affect the producer and seller of commodities but more disastrously affect the consumer. First, this section destroys the main purpose of the antitrust law. Second, it destroys the incentive for any new and untried project by surrounding the individual and hemming him in between two conflicting laws—one law that enforces full competition and another that prevents it—one that punishes him if he does not compete and one that punishes him if his competition is too ardent or too strong.

The antitrust law prohibits a monopoly. It prohibits any and all agreements to fix uniform prices. That law prohibits an agreement even to maintain a just and very reasonable price. It prohibits an agreement to maintain a price which would allow but fair living profits to all. Such is our jealous regard for freedom of competition in trade that we will not allow the benefits that flow naturally from competition to be checked or hindered by any benefit that may flow from an agreed even reasonable price to be fixed upon the disposition of commodities.

In the antitrust law we proceed upon the theory that it is no part of our legislative duty to protect competing businesses against each other, but simply to protect the people against the combination of any business interests. We declare that the interest of the public demands that competition be encouraged to the limit and that combination be discouraged in every respect. Every thoughtful American must admit that this is the only true policy; that while there may be here and there an injustice inflicted as against an individual by reason of too close a competition, by reason of some peculiar advantage which one business is possessed of that is not held by another by reason of practices possibly which we might hold to be perfectly fair, nevertheless the interest of the public demands this free and open competition. The moment we check that, that moment we make fixed and unchangeable the prices of all commodities; that moment we discourage the inventive genius that is ever directed toward the cheapening of production, for why should anyone strive to cheapen production if he can call upon the Government to compel his competitor in business to hold the prices of his commodities and to proceed through such business methods as shall allow him to continue his business with a reasonable profit and without modification?

Now, Mr. President, for the first time in our history we propose to put a limit upon competition and the methods of competition. We propose to declare that all competition shall be fair, and we create a commission, one of whose great duties it is to see that there shall be no competition which does not accord with that commission's idea of justice and fairness. Was ever individual, or any number of individuals, clothed with such vast and far-reaching powers? Of course, no one who will stop to consider for a moment can maintain the proposition that this commission will be able to cover the immense field over which it is given jurisdiction. Incapable because of human limitations to cover the entire field, it will apply its powers and its corrective influences over such few lines of industry as it is able to do, and will omit, from sheer necessity, all other lines of business. It will therefore in its operation bring about one rule of conduct for the few it can not reach and another rule of conduct for the many. But while the many may be ostensibly free, the specter of interference will always hang above every line of business, checking its energy and destroying its courage.

Section 5 is another one of these great governmental steps into the vast field of paternalism, a proposition on its face that is always persuasive. It is worse than paternalism, because it assumes paralysis to a great degree. It says to every American citizen who may be possessed of a reasonable degree of individual initiative and who may be willing to chance his property or his labors in an uncertain undertaking, providing that that uncertainty is compensated by the supposed alluring profits, "You may enter into this enterprise, and if it is successful you may have a fair return upon your investment. If it is unsuccessful and you lose your capital, that is your concern and not the concern of the Government."

All the world's progress, commercial and industrial, has so far been founded upon exactly the opposite theory. Our Nation's progress has demonstrated the propriety of the old theory. Our reason, if we will use it, convinces us that the other method can produce nothing but industrial stagnation in the end. Of course a too rigid control of all business enterprises directed toward minimizing the profits of such enterprises naturally calls for the guaranty of those reasonable profits by preventing unfair competition, but the two combined spell death to the enterprising spirit of the people.

If we need section 5 at all, it is to meet only one practice for which, while there may be adequate laws in the States, there is no adequate governmental provision. No competition should be covered by this bill except that competition which is intended in the end to create a monopoly and destroy competition. The practice of the great business interests, wherever competition originated at any particular point some years ago was to sell its product at a losing price at such point, until it had destroyed its competitor, while it was able to recoup its losses at other points; or, on the other hand, to pay beyond a profit-making price at any point of purchase until it had destroyed its competitor at such point, had become so common and the injustice flowing from it so flagrant that State laws were enacted to check the evil. With these provisions in our Federal statute and covering interstate commerce, section 5 would operate most justly if properly managed.

The question whether or not the competition is in fact in furtherance of a monopolistic design ought to be the only question submitted to the decision of this commission. The mere fact that a manufacturer or merchant may sell his product at a particular point at a loss would not constitute an offense against the term "unfair competition" as defined by the amendment which I propose. For the purpose of disposing of a surplus or of getting rid of an accumulation at the end of a season, the sale of such product at a loss is not only proper and just but often necessary, but if that sale is made not for these purposes, but from all of the evidence it should appear that it is persisted in for the main purpose of getting rid of a competitor, it ought to be stopped, and it ought to be stopped not because it is competition, but because in the end it is destructive of competition and is intended to be destructive of competition.

This commission ought not to be given power itself to determine the multiplex methods of conducting business to determine whether or not the method is fair to a competitor. That shackles trade and destroys competition. Under such an authority the commission could inquire into the merits of the claims of a merchant or manufacturer as to the comparative value of his respective products. In all cases of fraud there is a remedy in the courts of law at the present time. Those courts are created to afford relief in such cases. There is the proper

place to litigate all questions of that character. In all cases of trade-mark infringement the remedy in the courts is full and complete. We therefore, Mr. President, do not need a commission for that purpose.

Section 5 in its entirety ought to go out of the bill. If it does not go out, then it ought to be so modified that its only purpose will be to forbid practices that would operate to destroy competition in the end and thereby create a monopoly.

In the discussion of this question a number of days ago I asked the Senator from Nevada [Mr. NEWLANDS] if in case a manufacturer of automobile tires, who was selling his product 25 cents cheaper than that of other reputable manufacturers, should give out as a declaration that in their manufacture, and in every other respect, they were up to the standard of the best makes, whether or not the commission would be authorized to investigate that question to see whether the competition created by that declaration and method of advertising would be fair; and the Senator from Nevada concluded that that would be one of the cases which the commission, upon a proper complaint, would be authorized to investigate. That is only one out of hundreds of thousands of practices that are indulged in in the close competition between the manufacturers and the merchants dealing in all kinds of commodities in order to create the competition which the public are demanding.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Mississippi?

Mr. McCUMBER. In just one moment. Therefore, Mr. President, if we clothe the commission with authority to investigate all questions of unfairness, there is absolutely no limitation to their jurisdiction, and there is no business that dare enter upon a close competition through the methods usual to-day that would not fear that its energies in the competitive line might be checked by the order of this commission.

I now yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, I wanted to ask the Senator from North Dakota if he did not think that possibly the idea lying in the mind of those using the phrase "unfair competition" is really the idea of preventing the destruction or the stifling of fair competition, and whether it would not be better to express it in that way, to forbid any combination or others from destroying or seeking unfairly to stifle fair competition. That would maintain a law of competition by forbidding competition from being destroyed or stifled by unfair means, whereas the general phrase "unfair competition" has not been sufficiently specific.

To forbid a company from unreasonably and unfairly destroying competition, it seems to me, bears a definite meaning, whereas to generally forbid unfair competition does not, because it would be left to somebody to determine what is fair and what is unfair, and perhaps after an honest man has been guilty of an act which in the ordinary course of business is taking place frequently and which is afterwards adjudged to be fair, whereas the court in foro conscientiae pronounces it to be unfair. Is not what we want to do to forbid the stifling of fair competition?

That is the question I wanted to ask the Senator. I wish to say that those phrases were used in a bill which was introduced by me, but the credit of drawing which was for the most part due to a young lawyer in New York by the name of Robert R. Reid. It made that distinction, and I think it is a distinction that will recommend itself to one's intellect.

Mr. McCUMBER. Mr. President, the suggestion of the Senator from Mississippi is right along in harmony with the remarks that I have just made, that if we are to use the term "unfair," the term ought to have a definition applied to it, so that the commission will know it is intended for the same purpose the Senator thinks it is intended for.

The word "unfair" is a very broad term. It is the converse of "fair," anything that this commission would consider as not entirely within the lines of morality in commercial transactions, of course, would be called unfair, and yet you might not call it unfair; I might not call it unfair. There ought to be a limitation, and that limitation should be fixed in the law itself.

Mr. WILLIAMS. But, if the Senator will pardon me for a moment, I go a step further than that. I do not think you ought to destroy competition at all, but you ought to destroy all combinations seeking to destroy fair competition.

Mr. McCUMBER. How will you destroy them?—because that will lead us to the particular point I am thinking of.

Mr. WILLIAMS. I will give the Senator several ways in which to do it. You ought to forbid them from unreasonably and unfairly destroying competition. I always maintain the right of competition, and the only thing I insist upon is that it shall not be stifled by unfair methods.

Now, I will give the Senator an illustration. Here is the Standard Oil Co. They proposed at one time to fight a man in Marietta, Ohio, who was selling oil in competition with them. They immediately reduced the price of oil within the district in which he could sell to a price where it was ruinous for him even to sell. When they got it to that point, they went so far in the little town of Columbus, Miss., as to purchase a general furnishing store. That, Mr. President, is an old-fashioned city, with which you are acquainted [Mr. CLARKE of Arkansas in the chair]. It is one of the few old places left with the fragrance of antebellum civilization, the peculiar southern civilization, about it.

Those merchants had agreed to buy oil of this man Rice, of Marietta. In came the Standard Oil Co. which said, "Well, but we will sell you this oil at half the price." Of course, the merchants knew that they could not sell the oil at half the price profitably, and they were merely trying to run Wright out of Columbus and then later on raise the price of oil. This happened to be in an old-fashioned community, and these men said to one another, "Now, we will not do that." They held a meeting and they said, "We will not do it." They published an article in the newspapers and they said, "We will not do it. This object is first to put the other competitor out of the field and later to raise the price." So that little Columbus town, with no great wealth or anything else, is the only thing upon the American continent that ever whipped the Standard Oil Co.

Finally the Standard Oil Co. came down there and opened a store and sold general supplies, calico, tobacco, and one thing or another in competition with the merchants to make them quit. The merchants said, "We will not quit. We are gentlemen, as our fathers and our grandfathers were; we have given our word to one another, and we have given our word to the community, and, what is more, the customers will not quit us; they will not patronize you." Sometime after that in this peculiar old-fashioned community a man or two did go and buy some things from the Standard Oil commission house, but in the next morning's paper they were out in an apology, saying they had not been advised about it at all and they were not going to do it any more; showing that where real honor amongst gentlemen prevails these trusts can be defeated; but the point I was using as an illustration was not so much to praise a little town, although it deserves great praise, as to show what are unfair efforts to stifle competition.

Mr. McCUMBER. The Senator has given one.

Mr. WILLIAMS. And what these people call "unfair competition" is not competition at all; it is an effort to stifle competition; it is an effort to take competition by the throat and choke it to death. That is what they were doing, and they were doing it only in a limited field where Rice in Marietta, Ohio, could sell oil, while they were selling oil at the original price or at even an increased price in other places.

Mr. McCUMBER. Mr. President, just a moment. The Senator from Mississippi has reiterated in a particular case the same thing that I have been talking about as a general proposition—of one of the cases that should be reached by a proper definition in section 5. Right there will the Senator allow me to carry it a little further on and give him another case where the Standard Oil or some other company may pay higher to stifle competition? Out in my own State years ago, when we had our old-line elevators, with an elevator at every little station—there might be a hundred of them in the State—they, not wanting competition at a particular point, when another elevator would be started they would immediately pay a higher price for grain in its purchase than the other elevator could afford to pay; but they would recoup by cutting down the price at the several stations where they had no competition. That gives you the two points—the one which the Senator has suggested and the one which was in my own mind—of selling really at a loss, and the other in purchasing at a loss at a particular point, one of the things already covered by State laws in purely intrastate business, but is not upon our statute books in relation to interstate business.

Mr. WILLIAMS. If the Senator will pardon me——

Mr. McCUMBER. Just one moment. We want to reach those two forms of competition. I now yield to the Senator from Mississippi.

Mr. WILLIAMS. If the Senator will pardon me a moment, of course I understand, as he does, that there are certain things, as a combination to buy as well as a combination to sell, buying trusts as well as selling trusts and as well as holding trusts and as well as the old-fashioned trustees' trust; but what I was trying to get clear in my mind by suggestion from the Senator—and it was done sympathetically and not critically at all, because I had been listening to what he said with a great deal of interest—was that in speaking of "unfair competition"

And yet the figures could be furnished without very great difficulty.

I want to refer again to another important line of figures contained in the French report, and that is as to the commodities that are carried. When compared from year to year these show very distinctly the tendency, namely, that river traffic is made up almost entirely of coarse material. I will read briefly from the figures given for the year 1904.

Mr. KENYON. Mr. President, I should like to inquire of the Senator if these figures have ever before been presented to the Senate?

Mr. BURTON. I think not in detail. Some references have been made to these figures in certain reports, especially in the reports of the National Waterways Commission, and to a slight extent in the report of the Inland Waterways Commission.

Mr. KENYON. It does seem to me that during the presentation of such important figures as these there ought to be a larger attendance of the Senate. I will not suggest the absence of a quorum, because it will break into the Senator's argument; and I realize that the Senator wants to finish his remarks.

Mr. BURTON. I realize, Mr. President, that figures are dull and in no sense attractive. I hope, however, to bring these facts to the attention of the public; and those who are responsible for the collection of statistics, I trust, will profit by them; and I have no reason to complain of the attention paid right here in the Senate.

Mr. KENYON. I observe, Mr. President, that on the side of the party charged with responsibility there are only seven Senators present, and one, I think, is now passing out of the room, or probably two are passing.

Mr. BURTON. There is one on this side.

Mr. KENYON. And one on this side. It does seem to me that in voting away such a large sum as $53,000,000 the party responsible for the conduct of the Government ought to have a larger representation present to listen to these figures.

Mr. JONES. Mr. President, the Senator did not mean to say that there was only one present on the minority side. He meant that one of the majority was sitting on the minority side.

Mr. KENYON. That one member of the majority party was sitting on this side.

Mr. BURTON. Mr. President, I think I should prefer to proceed.

Mr. SIMMONS. I want to say that I think the Senator from Ohio in his discussion of this subject has ordinarily had a pretty fair attendance of the Senate. We all understand that at this hour, for reasons I need not state, a number of Senators are generally absent.

Mr. BURTON. Mr. President, I recognize that the material which I am using now is the least attractive—I trust, at any rate, that that which I shall present later will prove more attractive—of anything pertaining to this subject; but I am dwelling on it at considerable length because it is vital. We can not know how to frame river and harbor bills without having these facts before us.

Now, I ask leave to have printed in the RECORD a translation from this statistical statement of interior navigation in France for 1904, taken from the top of page 54. It is brief, and I will refer to it in my argument.

The VICE PRESIDENT. In the absence of objection, permission is granted.

The translation referred to is as follows:

Statistics 1904.

Types of traffic or merchandise.	Tonnage in 1904.		Average haul in 1904.
	Tons.	Ton mileage.	
		Kilometers.	*Kilometers.*
Combustible materials	9,785,796	2,187,681,379	223
Material for construction	11,776,649	871,321,678	74
Fertilizers	1,549,849	113,928,077	73
Wood fuel and lumber	1,819,949	315,493,562	173
Metals and machinery	821,626	227,771,154	277
Raw materials in metallurgic industry	1,522,066	338,221,336	222
Industrial products	1,065,607	298,109,202	280
Agricultural and food products	3,791,274	575,047,099	152
Miscellaneous	323,356	31,701,332	98
Wood floated, of all kinds	151,675	9,145,000	60
Total	32,607,447	4,968,385,799	152

Mr. BURTON. Mr. President, in the first place, this table shows very clearly the tendency toward the limitation of the traffic on rivers to coarse material. The two leading articles which stand out by themselves are, first, combustible materials, 9,785,796 tons. In order that I may be thoroughly understood I should say that in the year 1904 the total traffic on the rivers of France was 32,607,000 tons, but on these rivers in the year 1912 the traffic had increased to 40,000,000 tons, and 9,785,796 tons of that traffic were made up of combustible material, practically coal, lignite, and coke. The next is materials for construction, including minerals, 11,776,649 tons. That is the largest item. Those two together constitute almost exactly two-thirds of the actual tonnage for the total traffic on all French rivers and canals. Next come agricultural products and provisions, 3,791,000 tons. Next to that come wood to burn and wood for service, which means lumber for use in building. Next to that comes fertilizer.

Anyone who studies the statistics will see in the figures of the first two items, coal and building material, a very important point. The average haul of the coal is 223 kilometers. The average haul of the building material is only 74 kilometers, a little less than a third as much. That is, the building material is made up of quarry stuff, of bricks, of material for plaster, that will not bear the expense of a long haul; so the kilometric tonnage or ton-mileage for those articles is less than for any other important article. Very much of this coal comes from Belgium, and is hauled a considerable distance to the city of Paris.

One very interesting fact in regard to the French river statistics is that the traffic very largely focuses around the city of Paris. The city of Paris has a much larger tonnage in water traffic than any of the seaports of France; and building material, coal, and other articles of kindred nature are brought in there by boat.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. Yes.

Mr. WORKS. The Senator from Ohio, who has had large experience in formulating and participating in the passage of legislation of this kind, is endeavoring, I understand, to inform us how this legislation should be formulated and enacted. I wish to ask the Senator whether he has formulated any plan or system that he has submitted or expects to submit to the Senate for enactment?

Mr. BURTON. That is, for the whole bill or for the statistics?

Mr. WORKS. For the whole bill; the manner of making appropriation for rivers and harbors.

Mr. BURTON. No doubt I shall do so before I finish. I will answer the Senator from California by an illustration. In one of our colleges a distinguished professor being asked his views on a certain subject replied to the student, "You will find that treated in my works, volume so-and-so, page so-and-so." The student said, "Yes; but, Professor, I have already examined that volume and I do not altogether understand it." The professor replied, "Well, those are the best views I have on the subject."

I have pointed to the act of 1907, which I think in itself, and in the report accompanying it, furnishes a guide to follow, namely: Begin no new projects unless you provide for their completion. That, of course, does not apply to an indefinite, indeterminate project like the Mississippi River below Cairo, where levees and revetments are to be constructed from year to year, but it does apply in a general way. I will point out another idea which is exemplified in that bill: Make progress on the old projects. If a dozen are up for attention, instead of going along as in this bill and making insufficient, almost trivial, appropriations on the entire dozen, postpone 9, 10, or even 11, and take up one and finish it.

I think in any consideration of the bill the fact will have to be taken into account that our appropriations for harbors have been far more profitable than those for rivers. I would take into account—and I want to dwell on that at length before I conclude my remarks—the different conditions pertaining to our inland waterways. There has been a revolution in that regard. I do not blame the men who in the past have made appropriations for these various rivers with the idea of developing navigation. There is a certain class of them for which appropriations can be made now. But we are not keeping pace with the times. We are seeking to develop and utilize obsolete methods of transportation.

I would take that into account. I would especially have regard for avoiding waste in the construction of locks and dams on many of our rivers. When we come to that point we shall find that right there has been the very worst extravagance and waste of public moneys.

I have gone over this matter in a somewhat fragmentary way, and I thank the Senator from California for asking the very practical question whether I propose any substitute. Before we are through with this bill I shall seek to formulate

and put into the form of amendments some definite propositions on this subject. I will say, further, that if a certain amount of this bill were stricken out—I do not want to say what fraction—it would not be objectionable. I saw a statement a few days ago to the effect that only one-half of 1 per cent of this bill was objectionable. I am inclined to think that in the course of the debate any contention for such a percentage as that will be abandoned, and some very much larger fraction will be conceded.

Mr. WORKS. I was wondering whether an independent act might not be passed providing how these appropriation bills should be made up or how they should not be made up. Of course, if you simply go on formulating these river and harbor bills without any guide or any means of determining how they shall be drawn, you will probably have this trouble every time an appropriation bill is presented here. I think the Senator has been struggling against this very condition of affairs, at least ever since I have been in the Senate, and I suppose for years before I came here, and nothing seems to be accomplished. The same condition of things arises every year. Now, if some independent statute could be formulated that would provide the system which should be adopted in making these appropriations and formulating a bill, it might be very effective.

I wish to say to the Senator that I am very much in sympathy with a good many of the things he is saying here. I think we are squandering a good deal of money in these river and harbor appropriations which, in some way, ought to be avoided.

Mr. BURTON. I do not think the great fault lies in the system. After the adoption of the act creating the Board of Review, in 1902, and during the years in which the members exercised conservatism it was comparatively easy to frame a bill that should have no objectionable items; that is, no new ones. There were a number of old ones, features that it was difficult to get rid of. The committee for about 10 years preceding and including 1907 put them out—eliminated them. They did it against popular pressure, against attacks in Congress, in the House and Senate, and much more bitter attacks by newspapers and others outside. I think we were making progress, so that by 1907 a very much better bill was framed, though it was not entirely free from objectionable items. Indeed, Mr. President, while I have a certain amount of pride in that measure, I would be willing to concede that there was more than one-half of 1 per cent of undesirable items in the $87,000,000 carried in that bill. We did the best we could at the time; but some of them have proven, while not absolutely wasteful, to be injudicious.

In any system of public works there is the danger of making mistakes; but since about 1907 this enormous pressure for river and harbor improvements has grown surprisingly. I have dwelt on that subject before, but I might take it up again. All sorts of clubs and organizations have been established; some of them for the express purpose of promoting some river and harbor improvement, sometimes with ample salaries, with a president and a secretary coming down to Washington to press particular projects. All this elaborate campaign has been carried on to influence Congress.

Before I am through, though with sincere regret, because of my long association with them, I must criticize the present standards of the Engineer Corps. It is time for us to overhaul some of the reports that have been made; but I shall not do so without saying what I have repeatedly said, that it is not so much their fault as it is the pressure from the people behind them, a pressure which judges a Member of the House of Representatives, and even a Senator, by his ability to get appropriations. The more objectionable, the larger, and the more wasteful the appropriation, the more credit the Representative or Senator seems to obtain for having secured its insertion in an appropriation bill.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I do.

Mr. CLAPP. I think the Senator, by his last expression, would leave an impression that perhaps he did not mean to leave. Of course it is undoubtedly true that the bigger an appropriation the more credit there is to getting it, and it is probably equally true that the bigger the appropriation, if, in fact, reprehensible, then the more reprehensible and less justifiable it is; but the credit is not accorded on account of the recognized absence of justification for the appropriation, which might be inferred from the manner in which the Senator left the statement. It results from the fact that the bigger the appropriation the more credit, and the bigger the appropriation, if, in fact, reprehensible, then the more reprehensible it is.

Mr. BURTON. Mr. President, I have known of some small appropriations that were worse in their quality than the big ones.

Mr. CLAPP. Yes; but I do not think the Senator really means that the credit is given for appropriations because of the fact that they are reprehensible.

Mr. BURTON. Oh, no.

Mr. CLAPP. That is what I was pointing out.

Mr. BURTON. If you should go into the locality where the projects are, the people would all say: "This is a commendable appropriation, and all the rest is 'pork.'"

Mr. CLAPP. Yes.

Mr. KENYON. Mr. President——

Mr. BURTON. Just a minute. People have false standards as to value. Only a comparatively small number understand or make any study of this problem. They have an exaggerated idea of the benefits that will come, say, from canalization or some other improvement; but judged by the standards of commerce and engineering in their modern development, some of the projects that are approved in the community, and that they advocate in the utmost good faith, are among the very worst.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. I do not believe the philosophy of the Senator from Minnesota [Mr. CLAPP] can be absolutely true—if so, it is a very severe indictment of the honesty of thought of our people—that the people of a community are gratified by the size of an appropriation even though possibly the appropriation may not be necessary.

I know of one instance in a community where a Congressman, possibly in conjunction with a United States Senator, secured a very large appropriation for a Federal building. A campaign was coming on. The general sentiment of the community was that the old Federal building was good enough. They had to tear it down; they had to dynamite the foundation of that splendid building in order to spend this large amount. Now, that had just the opposite effect. The people of the community were indignant over that waste of public money; and while a monument is there in the form of a fine Federal building, there was a general feeling that it was money wasted, and the vote of the community went overwhelmingly against the candidate for Congress who secured it. They understood it; they thought of it.

Mr. CLAPP. Yes; I quite agree with the Senator from Iowa that where it is recognized that the appropriation is not warranted the people resent it. Perhaps in calling attention to what might be misunderstood in the remarks of the Senator from Ohio I was somewhat careless in my own statement. Of course I did not mean that in cases where the appropriation was recognized as unjustifiable, of the fact that the larger the appropriation the more it was to be condemned, the size of the appropriation increased the appreciation for it.

Mr. KENYON. I think sometimes it increases the disgust that public money is spent in that way.

Mr. CLAPP. Yes; when it is recognized that it ought not to be spent. But it is natural that we appreciate favors or benefits, as we may regard them, in proportion to the size of the benefits. What I meant was, the individual looking at the appropriation as a benefit, that the larger the appropriation the more credit was accorded for it; and consequently if the appropriation was in fact a reprehensible appropriation, then it might be said as a sequence that the more reprehensible it was the more credit there was for it.

I think we understand one another.

Mr. BURTON. This opens up a very broad field. There is a great difference between people inert and taking no interest in public affairs and an enlightened public sentiment and popular opinion. I have confidence in the people when they are once aroused. There are no better electors or no more intelligent or patriotic people than the people of the United States, but everyone knows that oftentimes a few who have some selfish interest to gratify are very much more potent in an election than the great mass of people who are indifferent. In all that I say I am making a criticism on the indifference of the average voter, his inattention to public affairs and lack of appreciation of the benefits of the Government under which he lives.

I in a measure concur with what the Senator from Iowa has said. I think there is a very great exaggeration of the benefit obtained by a candidate in promoting his chances through the obtaining of appropriations. I have known many instances in which persons had obtained large appropriations, having

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the Senator from South Carolina [Mr. SMITH]. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. As he is absent, I withhold my vote.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence, I withhold my vote.

Mr. TOWNSEND (when his name was called). I transfer the pair I have with the junior Senator from Arkansas [Mr. ROBINSON] to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. WARREN (when his name was called). I have a pair with the Senator from Florida [Mr. FLETCHER]. I do not know how he would vote. If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I am unable to procure a transfer of the pair and I withhold my vote.

The roll call was concluded.

Mr. WEEKS. My colleague [Mr. LODGE] has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "yea" on this question.

Mr. SMITH of Georgia. I transferred my pair to the junior Senator from Indiana [Mr. KERN].

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted.

The VICE PRESIDENT. He has not.

Mr. GRONNA. I have a general pair with that Senator. I will transfer my pair to the Senator from Vermont [Mr. PAGE] and allow my vote to stand.

Mr. KENYON. I wish to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness, and the absence of my colleague [Mr. CUMMINS] from the city.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND], who has a general pair with the Senator from Arkansas [Mr. CLARKE], and also the absence of the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming], who is paired with the Senator from Missouri [Mr. STONE] as stated. If my colleague were present, he would vote "yea."

The result was announced—yeas 26, nays 35, as follows:

YEAS—26.

Borah	Crawford	McCumber	Smoot
Brady	Gallinger	McLean	Sterling
Brandegee	Gronna	Nelson	Townsend
Bristow	Hitchcock	Norris	Weeks
Catron	Jones	Perkins	Works
Clapp	Kenyon	Poindexter	
Colt	Lippitt	Smith, Mich.	

NAYS—35.

Bankhead	Lewis	Ransdell	Stone
Bryan	Martin, Va.	Reed	Swanson
Camden	Martine, N. J.	Sanisbury	Thompson
Hollis	Myers	Shafroth	Thornton
Hughes	Newlands	Sheppard	Vardaman
James	O'Gorman	Simmons	Walsh
Lane	Overman	Smith, Ariz.	West
Lea, Tenn.	Pittman	Smith, Ga.	White
Lee, Md.	Pomerene	Smith, Md.	

NOT VOTING—35.

Ashurst	Dillingham	Lodge	Shively
Burleigh	du Pont	Oliver	Smith, S. C.
Burton	Fall	Owen	Stephenson
Chamberlain	Fletcher	Page	Sutherland
Chilton	Goff	Penrose	Thomas
Clark, Wyo.	Gore	Robinson	Tillman
Clarke, Ark.	Johnson	Root	Warren
Culberson	Kern	Sherman	Williams
Cummins	La Follette	Shields	

So the Senate refused to proceed to the consideration of Senate bill 392.

Mr. TOWNSEND. Mr. President, I am very sorry the motion we have just voted upon has been decided as it has been decided, and by what appears to have been a party vote. I do not think it was generally understood by the friends of the measure that it had no support on the other side of this Chamber, and I am not now convinced that it has none. I am not sure that some Senators may not have voted against my motion with the idea that it was supplanting——

Mr. NORRIS. If the Senator will yield a moment, I think he ought to modify his statement a little. It was not entirely a party vote.

Mr. TOWNSEND. I did not know that. I am glad I was mistaken.

Mr. NORRIS. I remember hearing at least one Senator on the other side, my colleague, the Senator from Nebraska [Mr. HITCHCOCK], voting "yea."

Mr. TOWNSEND. I am very glad of the exception. I will not at this time criticise Senators too severely. I was going to say that it is possible there are Senators on the other side who are friendly to this measure, but who feel that it ought not to supplant the appropriation bill now before the Senate. I have recognized that feeling and have tried to accommodate the measure to the reasonable convenience of Senators. I have been waiting day after day and week after week in the hope that a time would arrive when the Senate would consent to the consideration of this measure.

I am convinced that the appropriation bill now before the Senate is going to be pending here for a great many days. It has dragged its weary way for weeks through this body, and no possible harm could come to its consideration if it were temporarily laid aside. The bill which I presented is one which could be disposed of in a very short time, and, as I have stated on the floor before, if it is ever to be acted upon favorably to the beneficiaries of the measure, that disposition should be made now; at least, it ought to be brought before the Senate, so that its merits could be discussed. I have such confidence in its merits and justice that I feel sure that an understanding of it would insure it support. I regret that I could not have got it up this morning, because I believe that between this hour and 2 o'clock we could have disposed of it, and it would have settled a question of vital and immediate importance.

I desire to state, however, Mr. President, that the matter is not going to end here. Every possible excuse for not considering it now, which is offered by those who would support it at another time, is going to be met, if it is possible to do so. The junior Senator from Iowa [Mr. KENYON], the senior Senator from Kansas [Mr. BRISTOW], and myself have tried hard and often to secure consideration of this bill. We have been unable to receive recognition when no other matter was before the Senate. We are not, however, entirely discouraged. The justice of this cause should be irresistible. If time was not of the very essence of our cause, I could wait the inevitable success which must come with understanding. But every day of delay means irreparable worry to the men entitled to its benefits. It must at least be brought before the Senate for consideration on the merits.

The Volunteer officers of the Civil War are dying fast. Two thousand of them passed away within the last year. They are past 77 years of age on the average. Holding the views I do, it seems to me that it is absolutely criminal for the Senate to neglect longer what I regard as a plain duty in order that the Senate may continue the consideration of the river and harbor bill, which some Senators who voted against this measure have characterized as a pork-barrel bill, a bill for distributing doubtful, local benefits. You have voted to continue the consideration of such a bill in preference to one which is but a belated recognition of the Nation's duty to men who organized, trained, and led the forces which preserved our Nation and made it possible to have a Government which could make appropriations for internal improvements.

To me it is little less than criminal on the part of the Senate to put this measure aside in the face of the fact that it possibly can not be reached during the present session of Congress, because there will always be the same excuse presented that something of an apparently more pressing nature requires the attention of Congress. In an hour we could have performed an act of justice that would have brought sunshine into the lives of 14,000 old men who deserve more from the hands of the Government than it can ever pay. The last hours of those who will pass away to-night and to-morrow would have been made a little brighter, even though no material benefits would have reached them.

Mr. KENYON. Mr. President——

Mr. TOWNSEND. I yield to the Senator from Iowa.

Mr. KENYON. I simply wanted to suggest to the Senator and to ask him if he knew that of the six of the committee who appeared before the Military Committee of the Senate to present this matter last December, three since that time have passed away?

Mr. TOWNSEND. I have been so informed.

Mr. KENYON. And these old soldiers are passing away at a rapid rate. If there is any merit in this bill, and if we are

going to do anything for them, it should be done at this session of Congress, and not be any longer delayed.

Mr. TOWNSEND. Mr. President, I quite agree with the Senator from Iowa. To me it is a very serious matter. Since I introduced this bill, I have met the committees of the old soldiers who have had it in charge. There have been four different chairmen, distinguished soldiers, men who had the confidence of the Army and of the country, and three of those four chairmen have now been mustered out and can not be here to share in whatever victory might come; but neither will they be affected by the humiliation which to-day's vote would have brought them.

Mr. President, I can not properly now go into the merits of this matter as I should like in order to present them to the Senate and to the country. I am forced to wait now, and to allow the bill to rest until possibly some more favorable occasion may arise.

RIVER AND HARBOR APPROPRIATION.

The Senate, as in Committee on the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I have dwelt on the lack of uniformity of our statistics relating to river and other traffic, but more important still is the inadequacy of those statistics. They are insufficient to furnish a satisfactory basis for formulating a policy that we may adopt. I think, perhaps, I ought to qualify that statement by saying that we have sufficient statistics to indicate certain marked tendencies, but if we had them in more lucid shape we could be more assured of our conclusions. In order that statistics may be adequate, I repeat, the details as to ton mileage as well as the number of tons is absolutely essential, as that affords the best test of the use of a navigable stream. The average haul and ton mileage is given on some rivers, but not on others. These statistics have only been given, as I recall, since the recommendation of the National Waterways Commission in 1910. In order that the increase or decrease in traffic may be recognized, comparisons should be given for successive years. It should be stated that in volume 1 of the Report of the Chief of Engineers for 1912 many of these comparisons are given—some of the figures relating to tonnage go back as far as the year 1890—but, generally speaking, figures are only given for the year for which the report is made. It is perfectly evident that, if we wish to ascertain whether or not an improvement is judicious and profitable, we should know the extent to which these channels have been used for a period of years, whether river traffic is increasing or diminishing, and this can not be ascertained by taking up each stream with its traffic for one year as if that stood out by itself.

In this regard I wish to call attention to a French publication, Statistique de la Navigation Interieur, which is perhaps the most perfect book published for the presentation of statistics on inland waterway traffic. I will say to my friend the Senator from North Carolina [Mr. SIMMONS], who more than a week ago expressed a wish that I might finish my remarks during that afternoon, and to my friend from Iowa [Mr. KENYON], who seemed to have some degree of apprehension that my remarks might continue for a very long time, that while this is a most formidable appearing book, I shall read from it only very briefly.

Mr. KENYON. I did not want the Senator to shorten his remarks out of any consideration for me.

Mr. SIMMONS. The Senator from Ohio does not mean to imply that by what I said I wanted in any way to unduly push or press the Senator?

Mr. BURTON. Oh, no; I suppose it was possibly only in anticipation of the length of my remarks and not from any effort at all to limit my time.

The French statistics relating to rivers and canals divide the traffic into two classes: First, that originating on the river or on a stretch of a river; and, second, that originating outside the river or the particular stretch in question.

The first class of traffic, that originating on the river, is again subdivided into two varieties—traffic between portions of the river in question and that which originates within and is shipped outside.

Suppose we take, as an illustration, the Mississippi River between St. Louis and Cairo. The first variety of the first class of traffic would be that on the portion of the river between St. Louis and Cairo, and the second, that originating somewhere at or between St. Louis and Cairo and going outside. The second class is subdivided into two varieties or kinds—that made up of freight originating outside, and includes, first, what are called arrivals, those coming from outside the stretch or the river to a point on the stretch or river; and, second, that passing clear through without stopping. The second variety of the second class would be illustrated, using the same example as before, the Mississippi River from St. Louis to Cairo, by traffic originating at Keokuk or Burlington, passing through this stretch from St. Louis to Cairo and going to Memphis or to New Orleans.

The French statistics give other facts which are vital to this inquiry—the general condition of all traffic, the number of miles or kilometers that are under improvement in the whole country, and so forth.

For the year 1904, which is the date of the volume I have before me and which seems to be the latest available in the Congressional Library, the total length of waters in France is given at 16,687 kilometers, of which 12,070 were used in that year, showing the abandonment of 4,617 kilometers. It again gives a description of lines principal and lines secondary. The lines principal are those which are 2 meters or more in depth—that is, about 6.6 feet—and those of less depth than that. The volume states the total tonnage and the total kilometric tonnage for each year, the latter with quite as much care as the former, and a list of freights by routes of navigation, so that we may know in what particular portions of France certain commodities are shipped upon the rivers.

It gives carefully a separate statement of that traffic which is carried by self-propelling boats and that carried by barges, towed by steamers or from the banks. The tendency is very decidedly toward an increase in the traffic carried in barges as against that carried in steamers running by their own power. Anyone who studies this subject can realize how important that is. If any persons were thinking of engaging in the traffic, say, on the Mississippi River, and the question should arise, "Shall we ship from St. Louis to New Orleans by steamer or by barge?" they would not be safe in determining which of the two should be adopted without knowing what the tendencies are not only in this country but abroad. So far as our statistics are concerned, unless one gather it from personal observation or from some merchants' exchange or commercial organization in this regard, he would be very largely in the dark.

Another thing: A comparison is given of the traffic on the rivers from the year 1847 to date. French economists use these tables to aid them in pointing out for a period of more than 60 years which years were prosperous and which were not. No one could exaggerate the value of this class of statistics if we possessed them in our own country.

Again, there are more extensive and more detailed figures, beginning in 1892, on which comparisons can be made from year to year, and they are published in the same volume, and side by side.

Still further, the tonnage is given by ports or cities on the different streams and also the tonnage passing through the city of Paris. One important item which is carried in each report is the total amount of traffic on all the rivers and canals in France. Other European countries, though in less detail and with less frequency, furnish the same figures. In Great Britain and Wales the total amount of tonnage carried on inland waters is between 30,000,000 and 35,000,000 according to last reports; in France in the year 1912 it was 40,000,000, speaking in round numbers; in the little country of Belgium it is even more; Germany has the largest waterway traffic of all of the European countries, aggregating, according to the last available annual report, some 90,000,000 or more. I believe the figures are not available for the last few years.

It would be impossible by any amount of labor to ascertain the total tonnage on the rivers of the United States. In making a rough approximation, I would say that more than one-half of the inland traffic on all our rivers and lakes was on the Great Lakes and connecting waters, and, if we were to multiply the amount of tonnage and the distance hauled the proportion on the Great Lakes would probably constitute not less than nine-tenths of the whole.

I submit that we should not be left altogether in the dark as to the facts which indicate the tendencies of traffic. It is, perhaps, an appropriate time to repeat that quotation of Mr. Gradgrind, from Mr. Dicken's novel Hard Times, "What I want is facts"; and we do not have them in any official report now before us. We can gather them from a multitude of publications of trade organizations, from official reports of the Census Bureau, the Bureau of Corporations, and the Engineer's reports; but we are more or less in the dark as to what the tendencies are not only as to traffic on rivers but on all related questions of transportation by water in the United States.

Now, this is to notify you that changes may be expected at the end of this fiscal year; circumstances will imperatively require them. Therefore you should make such arrangements in the Government service or elsewhere as will best promote your own welfare. Frugality is commended; lay aside something for the day of need. Transfers to other branches of the public service will be encouraged.

Let us remember that our rating depends upon our own qualities. Nature deals more generously with some than others but all can overcome handicaps by continued effort. Let us continue true to our high ideals; let us aim to do a little better this year than ever before, and thus continue to deserve the high praise that is now given to the employees of this bureau. Let us appropriate and apply the precepts of President Wilson and regard service as an opportunity.

For your loyalty and kindness all have my heartfelt thanks.

G. M. SALTZGABER, *Commissioner.*

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of the river and harbor appropriation bill.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. Yes.

Mr. BORAH. Mr. President, I am not going to delay action on the request of the Senator from North Carolina, but I should like to say that before a great while I desire an executive session. I shall not insist on it now; but I shall undertake in the course of an hour or two to get it. I want some little matters which are in executive session disposed of, and, while I will not interfere just at this time, I will later.

Mr. SIMMONS. I hope the Senator will not ask for an executive session until after 2 o'clock.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent that the bill commonly known as the river and harbor bill be laid before the Senate. Is there any objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I do not wish to monopolize the time on this bill, and if the Senator from North Carolina or if any Senator on the other side would like to proceed at this time, I will be glad to waive my right to address the Senate. Other things being equal, I should like to proceed with my remarks, as they are intended to constitute a consecutive and a logical development of the whole subject.

Mr. SIMMONS. I do not know of any Senator on this side who desires to speak until after the Senator from Ohio has concluded his remarks.

Mr. BURTON. Mr. President, I am satisfied that if the people understood the nature of the pending river and harbor bill, it would not be enacted into law. I am equally well satisfied that if the Members of the Senate understood this measure, it would not pass this body. One reason—indeed, I may say the main reason—why several recent river and harbor bills have been enacted, notwithstanding severe criticisms visited upon them, is the lack of facts, the absence of properly arranged statistics upon this subject, and it is to that point that I wish to address my remarks this morning, at the same time making some further suggestions relating to the deficiencies of our system and to the reforms which should be adopted.

If anyone will undertake the nerve-racking task of seeking to ascertain definite tendencies and generalizations from the statistics which are available, he will find that he must labor under the very greatest difficulty, although there are figures sufficient to show certain tendencies, such as the decrease of river traffic, save in exceptional instances easily understood, and also the decrease of the average haul.

What are the defects in the present system of gathering the facts and collating statistics relating to our river and harbor system? In order that the measure may be intelligently framed and made a real benefit to the country it is necessary that we shall have a full understanding of the results and tendencies of existing river and harbor improvements and the results likely to be achieved from proposed river and harbor impovements as well.

The first objection to the statistics which we now have is their lack of uniformity. Some of the figures given with relation to tonnage and the nature of the traffic pertain to the fiscal year ending June 30, while others relate to the calendar year ending December 31. I suppose the main reason for this discrepancy is that in many instances the figures published in the reports are furnished by boards of trade and commercial organizations, and it is more convenient for them to furnish tables for the calendar year, while on the other hand statistics taken immediately by the officers of the Engineer Corps conform to the general rule relating to the financial operations of the Government, under which the year is held to close on June 30. This creates confusion, but it is not the most serious instance of lack of uniformity. In the classification of commodities different classes of traffic on different rivers and in different years are not uniformly stated or sufficiently analyzed.

In its report of 1910 the National Waterways Commission pointed out the defects in this regard in the following words. I begin to read on page 73:

> In the course of their investigations the members of the commission have observed the lack of comprehensive statistical information upon inland waterway traffic.

And for the most part I shall direct my attention to inland waterway traffic pertaining to rivers and canals.

> In some localities, as at the locks at Sault Ste. Marie, detailed statements are carefully prepared under the direction of the Army Corps of Engineers, giving the quantity and quality of the freight and the number of passengers carried through the locks. Other reports made by the Corps of Engineers afford valuable information, though in some instances incomplete.
>
> Available statistics are furnished by several different bureaus of the Government, but are strikingly lacking in uniformity and in sufficient classification as well. The terms "general merchandise," "miscellaneous merchandise," "unclassified freight," and "package and packet freight" are used in the same general sense, though quite ambiguously as to what categories of freight are included.
>
> It is recommended as desirable that a uniform system be established applicable to all waterways under which statistics may be collected, showing the volume and different kinds of traffic carried on the rivers and inland channels of the country. This will not only be valuable in affording suggestions as to the extent to which waterway traffic is increasing or diminishing, and thus assist in determining the legislative policy to be pursued, but will also afford information of very considerable service to the commercial interests of the country. It is to be noted that we are far behind several countries of Europe in the accuracy of statistics relating to inland navigation. It is desirable that the statistics should show not merely the number of tons carried and the money value of the same but the distances over which commodities are transported, so that not only the number of tons carried may be ascertained but the ton mileage as well. In many respects statistics of the latter are more valuable than of the former. In some instances ferry traffic which is carried a half mile or less is placed upon the same footing with traffic carried a thousand miles or more.
>
> It is a question of detail for Congress to consider what agency shall be intrusted with the collection of these statistics. It is thought that the necessary information can be obtained by the expenditure of a comparatively trivial sum of money, and the duty may be imposed upon existing bureaus and officials, such as the Army Engineer Corps, the collector of customs, where the navigable channels are near to customhouses, and those engaged in the Steamboat-Inspection Service. Rules requiring masters or owners of boats to report the quantity of freight and the distance it is carried should be enforced.

We already have statutes on this subject. Under a statutory provision adopted nearly 50 years ago the masters of boats are required to report the quantity of freight they carry, as well as the distance. Furthermore, in pursuance of this recommendation of the Waterways Commission, a clause was inserted in the river and harbor act of 1910 requesting the report of ton-mileage as well as of the total number of tons of traffic; and in a limited number of instances—perhaps some fifteen or twenty—that request has been complied with.

I stated a few days ago, and I repeat it to-day, that the statistics of ton-mileage throw a flood of light on the condition of our river traffic. Formerly when a report stated that a river or canal carried a certain number of tons of freight it has been the general understanding that that freight was carried for the whole stretch of the river, or for the greater share of it. For instance, it would be presumed that freight carried on the lower Mississippi was to be carried from Cairo to New Orleans. These statistics show, however, that on streams of considerable size and length the average haul is less than 100 or even less than 50 miles; in some instances it is less than 20 miles. The inference from this is plain that, save in the case of special commodities, the river is no longer used on any extensive scale for the carriage of traffic; that commodities are picked up at landings or in the smaller cities and carried to the nearest railway crossings. This is especially noticeable on the upper Mississippi River, extending from St. Paul to the mouth of the Missouri, where, with a length of 658 miles and a tonnage of 1,830,000 tons, the average haul is only 31.6 miles.

These classifications of traffic, to return to that subject, should be made uniform by general order; and again the classification should be as minute as possible. Generally speaking, the articles designated as "merchandise," "miscellaneous freight," and "package freight" all refer to a class of commodities which are being carried in diminishing amounts upon the rivers. The railroads have absorbed most of this traffic. It is especially desirable, however, that there should not be one rule on the Missouri and another rule on the upper Mississippi; that the traffic passing along the Ohio should be classified in the same manner as that passing along the Hudson; in brief, that there should be one general classification which everyone making any report should sedulously adopt and follow.

Again, Mr. President, there should be a uniform rule governing the reports of ferriage freight. It is perfectly clear that a ferry, generally speaking, is a substitute for a bridge, and as

the country develops it is often followed by the construction of a bridge. But if we look through these statistics, what do we find? In some years of the last decade on the upper Mississippi, say, between Davenport and Rock Island, or Davenport and Moline, ferriage traffic was included as a part of the tonnage carried on the river and placed on just the same footing as if it had been carried from St. Paul all the way to St. Louis. On the portion of the lower Mississippi from St. Louis to the mouth of the river ferriage traffic is omitted, or, rather, it is reported separately. It does not figure as a part of the alleged traffic of the river.

So here we see on one stream different rules prevail in the reports made on different sections. On the Ohio River ferriage traffic is included. In the report for the last year for which statistics are available—from April 1 to December 31, 1912—the total traffic of the stream, given as 8,316,369 tons, included 1,619,621 tons of ferriage traffic. In the harbor of Philadelphia, with enormous traffic, there is included 4,000,000 tons carried across from Philadelphia to Camden. In the tonnage of the harbor of New York ferriage traffic is included.

I do not think I need to further argue, first, in favor of the rule of uniformity, and second, that this ferriage traffic should be separately stated. Certainly it is very different from over-sea traffic in New York Harbor, and clearly the same distinction would exist between commodities carried across from St. Louis to East St. Louis and traffic carried down the river from St. Louis to Memphis or any other point down the river which involves a haul of hundreds of miles.

Moreover, there is no uniformity in these statistics as regards stretches of a river. In some cases the traffic is given for the river as an entirety and in other cases it is given by sections, which necessarily involves much duplication. Perhaps the best illustration of this, again, is to be found upon the Ohio River. On this stream, in a distance of a little less than 1,000 miles, 54 locks are projected. The traffic is classified according to the tonnage passing Locks 1, 8, 18, 26, 37, and 41. There are certain modifications which, I am frank to say, I am not able to fully understand from an examination of the figures. On page 2541 the last report of the Chief of Engineers states:

> In order to facilitate the collection of commercial statistics vessels operating on the Ohio River are required to make a report of tonnage and passengers carried each time they pass one of the following locks and dams: Nos. 1, 8, 18, 26, 37, and 41.
>
> Special blanks, printed with a penalty stamp, are furnished each vessel, and by proper folding they can be addressed and sent to the proper lockmaster.
>
> Steamboats operating in pools between movable dams or not passing one of the above-named locks make report at the close of each month.
>
> Boats with through coal tows or through packet boats make a report at only the first lock through which they pass.
>
> Ferries report direct to this office monthly.
>
> Reports of traffic are required, at the close of each month, of lockmasters of all locks and dams now in operation.

Presumably, on that basis, coal destined from Pittsburgh to New Orleans would be reported only at Lock No. 1, while the figures on such shipments would be omitted at Locks 8, 18, 26, 37, and 41; but as I read the reports, the amount is apparently included at Lock 41, which seems to violate the general rules laid down. This constitutes a serious defect in the manner of preparing statistics. But there is another defect more serious still in the figures relating to the traffic on the Ohio River.

Whenever it is necessary for a boat or a tow to pass the location of a lock and dam, whether it passes through the lock or through the open river depends upon the stage of water. Each dam is movable, and when there is a sufficient stage of water the dam is put down flat on the bottom of the river and preferably the boat goes through the open, natural stream; but if the water is low the dam is put up, a pool is formed, and the boat goes through the lock. Now, in the statistics reported there is no distinction between traffic passing through the lock and traffic passing through the open river. Yet the difference between them is of the very greatest importance. Indeed, the most essential figures required relate to the use made of those locks, and the proportion of the traffic relatively aided by the locks in passing and that not aided and which is able to go through the open river. I have regarded this as a subject of enough importance to frame an amendment with reference to it, and perhaps in the course of this discussion other amendments will be offered for the purpose of securing more accurate statistics.

Another illustration of the stretches of a river is furnished by the Mississippi from St. Louis to New Orleans. This portion is divided into four sections—from St. Louis to Cairo, from Cairo to Memphis, from Memphis to Vicksburg, and from Vicksburg to New Orleans. The traffic is given separately by these sections, and it is absolutely impossible to tell from the general figures what portion is through traffic and what portion of it is local. The Board of Engineers chosen to examine into the proposed project for a 14-foot waterway made a report on the traffic for 1907, in which they sought to show approximately what was through traffic and what was local traffic. It is found on page 344 of the document containing their report, and at a later time I shall make reference to it.

Presumably there are very considerable duplications, for a portion of the traffic proceeding from St. Louis to Cairo and reported as of that stretch also passes over the stretch from Cairo to Memphis, and then perhaps on from Memphis to Vicksburg and from Vicksburg to New Orleans; but none of the statistics with which we are furnished annually will give us any light upon this subject.

I do not think I need to argue that in order to judge of the extent of traffic on that river it is absolutely necessary that we should know how much it is through traffic and how much of it is local. We should not only be furnished with the tons of traffic which are handled in different sections of the river, but the ton mileage as well, so that we may know what the tendencies really are.

I may add that on most rivers, such as the Hudson, the Red, and the Arkansas, and most shorter streams, the traffic is given in its entirety for the whole river.

I may say in this connection that there is a notable tendency toward shorter hauls on all our rivers. By that, of course, I do not mean to include such traffic as that through the St. Marys River and on the Great Lakes. The traffic carried through the Soo Canal has for many years been conveyed by boats an average distance of between 800 and 900 miles, while on many inland streams the average length of haul has fallen to a mere fraction of what it was formerly.

I call attention to certain points.

Mr. TOWNSEND. Mr. President, will the Senator from Ohio yield to me for the purpose of making a motion at this time?

Mr. BURTON. As far as I am concerned personally, I am certainly willing to yield.

VOLUNTEER OFFICERS' RETIRED LIST.

Mr. TOWNSEND. Mr. President, I realize that a measure which has been on the calendar for a long time is entitled to consideration, as it seems to me, and I move that the Senate proceed to the consideration of Senate bill 392, Order of Business 209, being what is known as a bill creating a volunteer officers' retired list.

The VICE PRESIDENT. The Senator from Michigan moves that the Senate proceed to the consideration of the following bill.

The SECRETARY. A bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes.

Mr. SIMMONS. Do I understand that this is a request for unanimous consent or a motion to proceed to the consideration with a view to supplanting the river and harbor bill?

Mr. TOWNSEND. That is the idea.

The VICE PRESIDENT. It is a motion. The question is on the motion of the Senator from Michigan.

Mr. SIMMONS. I ask——

Mr. TOWNSEND. The motion is not debatable, I understand.

The VICE PRESIDENT. The question is on the motion of the Senator from Michigan to proceed to the consideration of the bill.

Mr. TOWNSEND. Upon that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], who is necessarily absent. I therefore withhold my vote.

Mr. HOLLIS (when his name was called). I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my general pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY]. I vote "nay."

Mr. WORKS. There is a general statute already in existence, and this is an amendment of that statute so as to include the Yosemite National Park. It is quite desirable that there should be a hotel built there, and that it may be in operation by next year, when, it is hoped, a great many people will desire to visit the Yosemite National Park.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SHAFROTH. Does this bill propose to give the right to the Secretary of the Interior to lease any land on the public domain?

Mr. WORKS. Only as to land in the Yosemite Park.

Mr. SHAFROTH. In the park itself?

Mr. WORKS. In the park itself.

Mr. SHAFROTH. Well, then, I withdraw my objection to the consideration of the bill.

Mr. SIMMONS. Mr. President, I do not propose to object, unless this bill leads to debate, and, if it does, I shall do so.

Mr. WORKS. I do not think the bill will lead to debate.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. BANKHEAD submitted the following resolution (S. Res. 421), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Post Offices and Post Roads be, and it hereby is, authorized to employ a temporary clerk, at a salary of $120 per month, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

METHODIST BOOK CONCERN SOUTH.

Mr. LEA of Tennessee submitted the following resolution (S. Res. 423), which was read, considered by unanimous consent, and agreed to:

Resolved, That there be printed 3,000 additional copies of Senate Report No. 1416, Fifty-fifth Congress, second session, entitled "Methodist Book Concern South," for the use of the Senate document room.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS. Mr. President, the other day the Senate passed a resolution providing for printing the evidence taken before the Interstate Commerce Commission in the New York, New Haven & Hartford Railroad investigation. The printing clerk tells me that in the evidence there are some maps and charts, and that under the law he has no right to authorize the printing of them unless they are specifically mentioned in the resolution. Therefore I ask unanimous consent for a reconsideration of the resolution in order that it may be amended by specifically providing for the printing of illustrations.

Mr. SMOOT. There is no need of the Senator asking for a reconsideration. He can ask the unanimous consent of the Senate now that the illustrations be included in the order for printing. That is all that is necessary.

Mr. NORRIS. I have no objection of course to putting it in that form. I make that request.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent that the maps, charts, and other illustrations contained in Senate Document No. 543, Sixty-third Congress, being the evidence and the report of the Interstate Commerce Commission, be printed as a part thereof. Is there objection? The Chair hears none, and it is so ordered.

AFFAIRS IN MEXICO.

Mr. JAMES. I ask unanimous consent to have printed in the RECORD an editorial from the New York World of to-day, entitled "Wilson's Triumph in Mexico"; and also an editorial taken from the New York Times, headed "Huerta's Ending."

There being no objection, the articles were ordered to be printed in the RECORD as follows:

WILSON'S TRIUMPH IN MEXICO.

The President's Mexican policy, concerning which there have been many misgivings, has triumphed. The dictator has resigned. A constitutional government is to be established. There will eventually be peace at home and peace with the United States.

When Gen. Huerta, on the 18th of February, 1913, telegraphed to President Taft: "I have overthrown this Government and the forces are with me," he had no thought of the man who in two weeks was to be President of the United States or of the forces that that man would array against the Mexican usurpation.

One week after Mr. Wilson's inauguration he gave due warning to Gen. Huerta and all other Latin-American chieftains who gain office by intrigue and assassination when he said: "We can have no sympathy with those who seize the power of government to advance their own personal interests and ambitions." Huerta laughed at this avowal, and not a few citizens of the United States pronounced it visionary and fantastic.

Yet the new American doctrine that usurpation is not to be recognized in this hemisphere has been established in the one country where its success seemed most doubtful. Against Huerta's airy presumption Wilson arrayed adamantine conscience. In opposition to the tyrant's armed forces Wilson marshaled the forces of liberty and justice.

It has taken some hard fighting in Mexico to overthrow the man who overthrew the Government, but moral courage of a higher order has been needed to enable the administration at Washington to hold true to its principles. The triumph is ours as well as Mexico's. The honor of victories won in the realm of morals is no less than that of battles gained on bloody fields.

Thanks to Woodrow Wilson, a great country and an oppressed people are upon the threshold of a new epoch.

HUERTA'S ENDING.

President Huerta has resigned, his resignation is accepted by the deputies, and Francisco Carbajal rules as provisional president in Mexico City. The revolutionary leader, Villa, assumes that, with the decline of the presidency, Huerta will again put on the general and will take the field. But the Mexican revolution has been won—not in the riven republic, but at Niagara Falls, at Washington.

Woodrow Wilson is the restorer of peace in Mexico, not by invoking the horrors of war, but by virtue of reason among nations. Whether the fallen dictator now leaves the country or remains to die fighting or a captive is of little moment in Mexican history. President Carbajal is a man of peace, who would offer little resistance to the forces of Carranza. Forces are now in being in Mexico which, we believe, will effectually prevent a long military occupation of the capital.

PROPOSED TRUST LEGISLATION.

Mr. WORKS. Mr. President, I desire to give notice that tomorrow, immediately after the close of routine morning business, with the permission of the Senate, I shall submit some remarks on trust legislation.

HOUSE BILL REFERRED.

H. R. 17824. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

AFFAIRS IN MEXICO.

Mr. POINDEXTER. Mr. President, I ask to have laid before the Senate resolution No. 419, which went over on yesterday.

The VICE PRESIDENT. The Chair will lay the resolution down in the order in which it came over. There is a preceding resolution. The Chair lays before the Senate resolution No. 415, coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 415) submitted by Mr. SMITH of Michigan on the 13th instant, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called constitutionalist government of Mexico for the purpose of thwarting the designs of the United States Government and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any person, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or lead such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or financially interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. SIMMONS. I desire to inquire if the Chair did not announce some time back that morning business had closed and if we have not been proceeding by unanimous consent?

The VICE PRESIDENT. The Chair had no authority so to announce. These resolutions came over from a preceding day and are now being laid before the Senate.

Mr. SIMMONS. I understood the Chair at one time to announce that morning business had closed. I evidently misunderstood the Chair.

The VICE PRESIDENT. The Chair revised the statement upon examining the calendar at the desk and finding that resolutions had come over from a preceding day.

Mr. TOWNSEND. Mr. President, the senior Senator from Michigan [Mr. SMITH] is not here, and I have been unable to find him. I should like to have the resolution which has just been read go over until to-morrow morning without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 419) submitted by Mr. POINDEXTER on yesterday, as follows:

Resolved, That the Secretary of the Navy is requested to inform the Senate as to the truth or falsity of the press report sent out from Vera Cruz, Mexico, June 17, 1914, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga"; and to inform the Senate of all the circumstances relating to said act if it occurred.

Mr. STONE. Mr. President, I ask to have the resolution go over. I have not had an opportunity to examine it.

Mr. POINDEXTER. Mr. President, I can explain the resolution to the Senator from Missouri, I think, in a moment. It is not a matter which is at all complicated, and its terms are so expressed that nothing could be gained by any further investigation. The resolution simply asks for a report from the Secretary of the Navy as to the truth or falsity of a charge that was made by a newspaper correspondent, which has been published very generally in this country, that an ensign in the Navy, who had a squad of men under his command and had captured some prisoners during the occupation of Vera Cruz, applied the so-called Mexican system of execution, the law of flight, or "ley de fuga." That question having been raised in the country, it is in the interest of the ensign, of the Navy, and of everybody else that there should be an opportunity given to ascertain the facts and for the Navy Department to state what the facts are. I think the Secretary of the Navy would probably welcome the occasion for stating the facts, which would be given him by the passage of this resolution.

Mr. STONE. Mr. President, I did not see the article published to which the Senator refers, and I have not heard of it. Do I understand that it was printed in some paper in this country that an American officer, under some pretense or excuse of flight by prisoners, had them shot?

Mr. POINDEXTER. Yes; that report was sent out by a newspaper correspondent in some detail.

Mr. STONE. Mr. President, if that is all there is to it, I think it entirely proper that the department should be given an opportunity to report the facts to the Senate.

Mr. POINDEXTER. That is the purpose of the resolution.

Mr. McCUMBER. Mr. President, I want to ask the Senator from Washington, if such a charge has been made and published and such a charge is untrue, why is it necessary for the Navy Department to get authority from the Congress of the United States to deny the charge? Can not the Secretary of the Navy deny it or give an explanation of it without being required to do so by Congress?

Mr. POINDEXTER. Undoubtedly he has the power to issue a statement, not to the Senate, however, or to Congress. I suppose he could give a statement to the press to be published.

Mr. McCUMBER. He could give a statement to the public, could he not?

Mr. POINDEXTER. He has not seen fit to do so, and I do not know that the matter has been called to his attention.

Mr. McCUMBER. The thing that surprises me is that, if there is such a charge and it is without foundation, the Secretary of the Navy does not of his own volition give a denial of that charge to the press.

Mr. STONE. More than that, Mr. President, if the Senator will permit me, if such a charge has been made and there is foundation for it, it would be surprising that the Secretary of the Navy had not taken some very drastic action with regard to it, not only to let the country know the facts, but at the same time to punish any man who was guilty.

Mr. McCUMBER. I would naturally suppose so.

Mr. STONE. I can not, therefore, believe, Mr. President, that there is any substantial foundation for this publication. I am inclined to think that we are dignifying a sensational penny-a-liner's article in some sensational newspaper. Nevertheless, if the Senator from Washington deems it of sufficient gravity and importance to call the attention of the Senate and of the department to it, I can not see that there is any objection to having the report made for which he calls.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

CAPT. JOHN H. GIBBONS, UNITED STATES NAVY.

The VICE PRESIDENT. Morning business——

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Is closed.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SIMMONS. I ask unanimous consent——

Mr. SMITH of Michigan. I thought I addressed the Chair before the announcement of the conclusion of morning business was made; but, if the Senator from North Carolina will permit me, I simply desire to have read into the RECORD an editorial from the Public Ledger, of Philadelphia, of Wednesday, July 15, upon the naval service of Capt. John H. Gibbons. It is very brief, and if the Senator will permit me to have it read, I will be very glad.

Mr. SIMMONS. Mr. President, I have no objection to the Senator having it printed in the RECORD, but I hope he will not insist upon having it read at this time.

Mr. SMITH of Michigan. Very well, I ask unanimous consent that it be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the editorial will be printed in the RECORD.

The editorial referred to is as follows:

THE CASE OF CAPT. GIBBONS.

Capt. John H. Gibbons has won the highest honors which his profession has to give an officer of his rank. He has been naval attaché at London, commander during two administrations of the presidential yacht *Dolphin*, and Superintendent of the Naval Academy. Each of two ships which he has commanded won the gunnery trophy as first in the fleet in marksmanship. During the hurricane years ago in the harbor of Apia, Samoa, when two-thirds of our squadron there were wrecked, Gibbons, then a young lieutenant, led his men up the weather shrouds of the *Vandalia* to form a human sail. He has served ably and with honor in all our wars since then—in Cuba, the Philippines, in China, and off the Mexican coast, commanding a force of 3,000 seamen on shore at Vera Cruz. And yet this gallant and distinguished officer, when he returned as captain of the dreadnaught *Utah* from months of enervating duty in these southern waters, was abruptly notified by telegram that the plucking board had marked him for retirement; that his country had no more active duty for the man who had served with such ability and devotion for 35 years.

This sort of thing is simply brutal; it is an arrant mockery of the "square deal." Except to make a vacancy, there was apparently no reason for it, since the Secretary of the Navy has publicly exonerated all of the officers thus compulsorily retired this year from any defects in habit, temperament, or professional qualifications. He adds, too, and truly: "The present method (plucking) is too cruel. The retirements to-day are tragedies."

This matter should not be allowed to rest here. Neither the Navy nor the Nation can afford to wrong such men as Capt. Gibbons. Congress should at once repeal the "plucking" provision of the personnel law; and the legislation should be retroactive, so that officers such as Gibbons, Potts, Rust, and others who, with a clear record, were thus forcibly retired may be returned to their old place on the active list. These officers, like those promoted for gallantry in action, can then be carried as "extra numbers" in their grade without interfering with the flow of promotion. If, when justice is thus done, elimination is found to be necessary to obtain promotional flow, let the Navy Department find some more "human and humane" method than the present barbarous system.

ADDRESS BY THE COMMISSIONER OF PENSIONS.

Mr. HITCHCOCK. I ask unanimous consent to have printed in the RECORD an address by the Commissioner of Pensions, Mr. Saltzgaber, to the employees of the Pension Office, and commended as a high-minded and worthy expression of a bureau chief to his employees.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The address referred to is as follows:

AN ADDRESS BY THE COMMISSIONER OF PENSIONS.

To the employees of the Pension Bureau:

The necessity for a reduction in the number of employees in the bureau has caused the officials much regret. Our noble and kind-hearted Secretary of the Interior solicited upon us that in effecting reductions and removals we should be guided by considerations of efficiency and humanity. These cardinal principles we have endeavored to follow, but we were well aware that there could be no exact measurement of comparative justice in making selections from the nearly 1,400 employees of the bureau. We have done the best we could. The task has been laborious, continuous, and disheartening, but our labors were made easier by manifestations of the loyalty and forbearance of the employees themselves.

The painful experience through which we have just passed should impress on our minds very seriously and forcibly at this time a few important lessons. One is that we have no certain tenure of employment; the Government is under no moral or legal obligation to keep us on the pay roll when it has no work for us to do.

Each has his own ideas about retirement laws and civil-service pensions, but these are subjects wholly within the province of and to be determined by the Congress. We can only deal now with the situation as it is. Other lessons are that the work of the Pension Bureau is diminishing; that the number of old soldiers and their widows is decreasing rapidly; that the act of May 11, 1912, as amended by the act of March 4, 1913, has greatly curtailed the work to be done in their behalf; that the force now in the bureau must soon be still further largely reduced. We should prepare now to be ready.

He also, from the same committee, to which was referred the bill (S. 1231) for the relief of Lemuel H. Redd, reported it with an amendment and submitted a report (No. 673) thereon.

Mr. STERLING, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, S. Dak. (Rept. No. 675); and

H. R. 16205. An act for the relief of Davis Smith (Rept. No. 674).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 1529) for the relief of T. A. Roseberry, reported it without amendment and submitted a report (No. 676) thereon.

Mr. PITTMAN, from the Committee on Public Lands, to which was referred the bill (H. R. 17045) for the relief of William L. Wallis, reported it without amendment and submitted a report (No. 677) thereon.

Mr. BRYAN, The Committee on Claims, to which was referred the bill (S. 5489) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, having had the same under consideration, I am directed by that committee to submit a report (No. 680), accompanied by a bill (S. 6120) for the allowance of certain claims reported by the Court of Claims, in lieu of the bill heretofore referred to that committee.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. SWANSON, from the Committee on Naval Affairs, to which was referred the bill (S. 1267) to transfer Capt. Armisteed Rust from the retired to the active list of the United States Navy, reported it with amendments and submitted a report (No. 681) thereon.

Mr. NORRIS, from the Committee on Public Lands, to which was referred the bill (H. R. 16431) to validate the homestead entry of William H. Miller, reported it without amendment and submitted a report (No. 678) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 11745) to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien, reported it with an amendment and submitted a report (No. 679) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto, reported it without amendment and submitted a report (No. 683) thereon.

Mr. WORKS, from the Committee on Public Lands, to which was referred the bill (H. R. 1516) for the relief of Thomas F. Howell, reported it without amendment and submitted a report (No. 682) thereon.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF LABOR.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported the following resolution (S. Res. 422), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on Expenditures in the Department of Labor be, and it hereby is, authorized to employ a clerk at $2,220 per annum, an assistant clerk at a salary of $1,440 per annum, and a messenger at $1,200 per annum, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 6108) validating locations of deposits of phosphate rock heretofore made in good faith under the placer-mining laws of the United States; to the Committee on Public Lands.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 6107) to amend an act approved February 20, 1903, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota"; to the Committee on Commerce.

By Mr. HITCHCOCK:

A bill (S. 6108) to investigate the claims of and to enroll certain persons, if entitled, with the Omaha Tribe of Indians; to the Committee on Indian Affairs.

By Mr. LANE:

A bill (S. 6109) for the relief of Emmett W. Entriken; to the Committee on Claims.

A bill (S. 6110) granting an increase of pension to Francis E. Curtis; to the Committee on Pensions.

By Mr. WHITE:

A bill (S. 6111) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on Corporations Organized in the District of Columbia.

By Mr. WORKS:

A bill (S. 6112) granting a pension to Alice L. Cochran (with accompanying papers); to the Committee on Pensions.

By Mr. BURTON:

(By request): A bill (S. 6113) to authorize the closing to navigation of Swan Creek in the city of Toledo, Ohio; to the Committee on Commerce.

A bill (S. 6114) granting an increase of pension to Henry T. Hersiet; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6115) for the relief of B. D. Sheffield; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 6116) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. BRISTOW:

A bill (S. 6117) granting a pension to George R. Carver (with accompanying papers); and

A bill (S. 6118) granting a pension to William McClure (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6119) for the relief of Leon Greenbaum; to the Committee on Claims.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to refund out of any moneys in the Treasury not otherwise appropriated to any trust company or other claimant taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 13, 1898, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHEPPARD submitted an amendment proposing to enable the Secretary of Labor to carry out the provisions of Senate resolution 68, authorizing an investigation and report upon the mortality and disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES (for Mr. CLAPP) submitted an amendment proposing to appropriate $3,000 to pay the persons who compiled, annotated, and indexed volume 3, Indian Laws and Treaties, under Senate resolutions of March 3, 1907, and August 14, 1912, etc., intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to erect at Fort McHenry, Baltimore, Md., under the direction of the Secretary of War, a monument in memory of Francis Scott Key, author of the Star Spangled Banner, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. McCUMBER submitted an amendment providing for the refund of sums paid for documentary stamps, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of July, 1914, a sum equal to one month's pay, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. O'GORMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

KANAWHA, GAULEY, AND NEW RIVERS, W. VA.

Mr. CHILTON. I submit a resolution which I ask may be referred to the Committee on Military Affairs.

The resolution (S. Res. 420) was read and referred to the Committee on Military Affairs, as follows:

Resolved, That the Secretary of War be, and he is hereby, instructed to investigate and to report to the Senate as soon as practical, whether or not the waters of the Great Kanawha, the Gauley, or the New Rivers, in West Virginia, are being polluted, and if so, how and by what means; also whether or not the ore washings on the New River, by which the New and Kanawha Rivers were heretofore polluted, have been stopped, and if not, why not.

Mr. CHILTON. To accompany the resolution, I submit an editorial from the Charleston Mail, of West Virginia, explanatory thereof, which I ask may be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RIVER POLLUTION.

For some half dozen years or more there has been an annual complaint about the pollution of the rivers, with especial reference to the Kanawha. In the case of the Kanawha this complaint, so far as Charleston is concerned, relates more to the aesthetic than to utility, as the city gets its water from the Elk—a stream that in the last few years has been the subject of very great pollution. The water we drink, however, is filtered and also chemically treated to make it pure, and tests have shown that it is pure.

However, there are persons in this valley who depend upon the waters of the Kanawha for drinking purposes, and to these persons the condition of that stream is a very serious matter. In this connection it must be said that it is extremely dangerous to drink the raw water out of any American river. All of them carry a fluid that is not fit to drink from a sanitary point of view. We make our rivers vast natural sewers, emptying into them the filth of all our cities, and then taking this filthy water and by filtering and chemical processes we attempt to restore the pristine purity with more or less success, but always with the danger that some portion will escape purification, as is sometimes the case.

In Germany, the country that has taken the lead in so many things, they do things differently. There the sewerage of the city is not turned into the streams. It is turned into vats and is made into fertilizers at a commercial profit, and thus an economic waste is prevented and the streams are kept free from a great source of contamination. The Germans, thrifty folk that they are, thus kill two birds with one stone.

We in this country have yet some things to learn; and learning them, to practice them. We should take more pride in our streams—pride in their appearance and pride in their purity. We should not only insist that other persons shall not pollute them, but we should likewise be sure that we do not dump our own filth into them. A pure looking, clear stream is not necessarily a safe stream to drink from or even to bathe in. In fact, its very clarity may be dangerous in that it leads to belief that the water is pure when it is dangerously germ laden.

PAUL M. WARBURG.

The VICE PRESIDENT. The following resolution, Senate resolution 413, comes over from a preceding day, which the Chair, in accordance with the decision heretofore made, decides to be a resolution that should be presented in executive session.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Thomas
Borah	Hollis	Perkins	Thompson
Brady	Jones	Pittman	Thornton
Bristow	Kenyon	Poindexter	Tillman
Bryan	Kern	Pomerene	Townsend
Burton	Lane	Ransdell	Vardaman
Camden	Lea, Tenn.	Shafroth	Warren
Catron	Lee, Md.	Sheppard	Weeks
Chamberlain	McCumber	Simmons	West
Clapp	McLean	Smith, Ga.	White
Crawford	Martin, Va.	Smoot	Williams
du Pont	Martine, N. J.	Sterling	Works
Gallinger	Nelson	Stone	
Gronna	Newlands	Swanson	

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The Chair had reached the conclusion of morning business and announced that in accordance with the decision of the Chair heretofore made Senate resolution 413 is a resolution which should be presented in the executive session of the Senate.

FEDERAL EMPLOYERS' LIABILITY LAW.

Mr. STONE. I understood the Chair to state that morning business has closed. I got in here about 5 minutes after 12. It must have been closed very soon after the Senate met.

The VICE PRESIDENT. The Senate convened at 12.

Mr. STONE. I know it did; but it usually takes more than five minutes to go through with the routine business.

The VICE PRESIDENT. It did not this morning. The statement is incorrect. The Chair did not announce that morning business had closed. The Chair had reached resolutions coming over from a preceding day.

Mr. STONE. I have a letter received this morning containing a little over two typewritten pages that I should like to have read. It is in the nature of a petition or request of Congress. I should like to have it read and referred to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read it.

The Secretary read as follows:

KANSAS CITY, MO., *July 9, 1914.*

Hon. WM. J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I take the liberty of calling your attention, in behalf of the railroad men, to the two recent decisions of the Supreme Court of the United States construing the Federal employers' liability act of 1908, as amended in 1910, to wit: Behrens against Illinois Central Railroad Co., decided April 27, 1914, and Horton against Seaboard Air Line Co., decided about the same time.

In the Behrens case the court held that an employee injured or killed did not have the right to bring, or his administrator bring, an action under the Federal employers' liability act, unless the employee was actually engaged in handling interstate commerce at the time of the accident. While the court reaffirmed its former decisions in holding that the act was constitutional and clearly within the powers of Congress to enact, it said, with reference to the clause "shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce" (sec. 1 of act) that "giving the words their usual meaning, as we think must be done, it is clear that Congress intended to confine its action to injuries occurring when the particular service in which the employee is engaged is a part of interstate commerce."

It is apparent from this decision that to give railroad employees the relief that Congress evidently intended by this act, section 1 thereof should be amended, the words "while he is employed by such carrier in any commerce handled by such carrier" being substituted for "while he is employed by such carrier in such commerce."

Such amendment would bring all railroad men within the provisions of the act regardless of whether they were engaged in interstate or intrastate commerce at the time of accident and would be of great benefit to railroad employees.

Sections 3 and 4 of said act deny to the railroads the defenses of contributory negligence and assumption of risk when the negligence complained of is a violation by such common carrier of any statute enacted for the safety of employees, and in the Horton case, supra, the court decided that said sections 3 and 4 only applied where the negligence was a violation of the Federal statutes.

If the act can be amended in said sections 3 and 4 thereof by adding after the word "statute" and before the word "enacted," in the proviso of said sections, the words "Federal or State," so that said sections will read: "where the violation by such common carrier of any statute, Federal or State, enacted for the safety of employees," etc., then the railroad will receive the protection that Congress has evidently intended to give them by this law, which said Horton case, supra, practically denies where the negligence causing the injury or death was a violation of a State statute.

By section 6 of the act, as amended in 1910, the State courts are given equal jurisdiction with the Federal courts. If Congress has power to do this, why can not sections 3 and 4 be amended so as to put in active operation the various State safety-appliance acts?

Thanking you in advance for any efforts made by you along the lines herein suggested for the benefit of the railroad men, I beg to remain,

Yours, very truly,

E. C. WHITSITT,
Secretary-Treasurer Missouri State Legislative Board of the Brotherhood of Locomotive Firemen and Enginemen and Attorney for said Board.

The VICE PRESIDENT. The letter will be referred to the Committee on the Judiciary.

YOSEMITE NATIONAL PARK.

Mr. WORKS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations," and I submit a report (No. 671) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. The Senator from California asks unanimous consent for the present consideration of the bill reported by him.

Mr. SHAFROTH. I ask that the bill may be read.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill.

Mr. SHAFROTH. I should like to have the bill go over, as I desire to examine it closely. I may not object to its consideration finally; but it announces a principle to which I have objection, and this land is upon the public domain.

Mr. WORKS. Will the Senator allow me to explain the bill before he objects to its consideration?

Mr. SHAFROTH. Certainly.

Mr. WORKS. There is some reason why the bill should be passed expeditiously.

Mr. SHAFROTH. I did not hear the remark of the Senator from California.

Mr. WORKS. Will the Senator allow me to make an explanation which I think may satisfy his mind on the subject?

Mr. SHAFROTH. Yes, sir.

Mr. WORKS. The only effect of the bill will be to allow the Secretary of the Interior to lease a place for the construction of a hotel in the Yosemite National Park. Such a provision is already in existence as to other parks, and this only proposes to extend the right.

Mr. SHAFROTH. Does the bill propose to extend it only as to one site?

Mr. WORKS. That is all.

Mr. SHAFROTH. Is it a general clause?

By Mr. CALDER: Petitions of various voters of the sixth congressional district of New York; 650 citizens of Brooklyn; the Young People's Society for Christian Endeavor of Park Congregational Church, of Brooklyn; the Rochester Temperance Federation, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Western Society of Engineers, of Chicago, Ill., against House bill 13457, relative to distribution of topographic and hydrographic surveys and other work of the United States Geological Survey; to the Committee on Expenditures in the Interior Department.

Also, petition of 1,500 members of Carpenters' Union No. 309, of New York, and Local No. 17, International Brotherhood of Blacksmiths and Helpers, against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of 150 members of the congregation of the Newfield Methodist Episcopal Church, of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of Farragut Circle, No. 35, Ladies of the Grand Army of the Republic, of Paterson, N. J., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. DUNN: Petition of sundry citizens of Monroe County, N. Y., favoring the passage of Hobson-Sheppard resolution; to the Committee on Rules.

By Mr. FESS: Petition of sundry citizens of Wilmington, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of the Christian Endeavor Society of the Second Presbyterian Church, of Providence; the Christian Endeavor Society of the First Presbyterian Church, of Providence; the Christian Endeavor Society of the People's Baptist Church, of Auburn; 12 residents of North Kingston; the Christian Endeavor Society of the Church of Christ, of Manton; the Christian Endeavor Society of Kingston; C. H. Mogoon, of Kingston; and the Church of the Redeemer, of Providence, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of Henry Eltz, Henry L. Molter, Adolph Ties, Henry Manschott, Henry Christman, Christopher Hutton, Adolph Uhrig, F. Martin Miller, Valentin Soltysiok, Rudolf Reininger, Melchoir B'ck, Frederick Mann, jr., Frederick Marx, Joseph Wacker, Michael Bosko, Eduard E. Hertell, Peter G. Wetzelaer, Joseph Fojtho, F. Xavier Bobay, Engen Lanar, F. W. Jurgens, Carl Haruschka, Jacob Marx II, Joseph Kurns, William Schlelein, G. Raymond, Manuel Hathaway, of Cranston; Conrad Zinsel, Herman Wuth, Richard Wischnowitz, Karl Dunst, Karl Miller, William J. Fraser, of Arlington; Wenteiln Marsmer, of Oaklawn; Adolph Krauss, of Johnston; Euclide A. Jodoin, of Centerville; Michael Fogarty, Edward D. Thompson, Peter Bunn, Hermann Park, Ludwig R. Woplert, Max Schwarzenberg, Fred Grable, John F. Weag, Fred W. Reidel, Michael Sullivan, Oscar F. Hirsch, Benedict Reguis, Hermann Benedict, Hugo Yanyar, John Grussiin, Fred H. Bartels, John Schmidt, Karl Schart, Andrew E. Garies, Nicola Tella, Robert E. Bishop, Robert E. Lowry, Thomas J. Dwyer, James D. Donovan, Paul Fucht, Franz X. Yole, M. Albert Kornischke, George J. Gracie, Michael H. Burns, Aime Chrisben, William A. Dicher, Jules Peter, Paul Kulem, M. Lockiewicz, Michael Lukowski, Arno E. Hofmann, K. Birong, William Eck, Eugene M. Gauch, H. Freudigmann, Johan Docekal, Paul F. Schmidt, Martin Freudigman, A. J. Schultheiss, L. F. Schulze, Anton E. Petzold, Max E. Wiensch, Louis Wetzstein, Frank Schroeder, Andrew Kraft, John W. Kluoy, John Soellner, Paul F. Schmidt, Joseph Schart, and Charles H. Drane, of Providence, all in the State of Rhode Island, protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marshalltown, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of Samuel Kopnuk, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petitions of 200 citizens of Portville, 20 citizens of Niobe, and sundry citizens of Sandusky, Caneadea, and Jamestown, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of 39 citizens of Atlantic City, N. J., and of 3 citizens of Philadelphia, Pa., relative to credit to Dr. F. A. Cook for his polar efforts (H. J. Res. 282); to the Committee on Naval Affairs.

By Mr. HOWELL: Petitions of 26 citizens of Salt Lake City, Utah, protesting against national prohibition; to the Committee on Rules.

Also, petition of 40 citizens of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

Also, petition of Elizabeth A. Hayward, Elizabeth M. Cohen, and others, of Salt Lake City, Utah, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HULINGS: Petitions of sundry citizens and churches of the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Tailors' Local No. 119, of Oil City, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. KAHN: Memorial of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, indorsing House bill 5139 and proposing amendments thereto; to the Committee on the Post Office and Post Roads.

By Mr. KENNEDY of Rhode Island: Petition of 21 citizens of Pawtucket, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KREIDER: Memorial of the freight traffic committee of the Merchants and Manufacturers' Association of Philadelphia, Pa., relative to the proposed further extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Memorial of the freight traffic committee of the Merchants and Manufacturers' Association, relative to the extension of parcel post; to the Committee on the Post Office and Post Roads.

Also, petition of Shenandoah Valley Council, No. 530, Order of Independent Americans, relative to increasing pay, etc., of chaplains in the Navy; to the Committee on Naval Affairs.

By Mr. LIEB: Petitions of J. T. Hodges, A. J. Payton, Jacob Bauman, Robert R. Simpers, John W. Feigel, J. H. B. Logan, W. M. Heuring, Robert B. Hamilton, John Burdick, Lafe Melton, Laurence Morris, Mr. Wetzal, F. A. Heuring, Edward Melton, Ben F. Huffman, L. M. John, J. J. Robinette, N. Laut, W. C. Holmes, G. B. Hibbs, S. H. Kennedy, John M. Killian, Dailey Sargent, Isaac A. Peckinpaugh, James Hill, S. A. Preschly, W. E. Fay, S. N. Maclay, Rev. J. L. Battram, John Himmelhelm, Charles Carlile, Edward Briscoe, Everett Cohoon, G. C. Burkhart, J. H. Stites, M. C. Wien, W. C. Shrode, Nash Eskridge, Fred C. Cochean, J. A. Hudson, Barney Hudson, John W. Keerney, W. H. Brown, W. H. Brother, Robert R. Snyder, C. A. Fay, J. G. Rinstidt, J. A. Pfeifer, George H. Ranes, J. A. Kinney, Charles Mayhall, D. S. Bennett, W. H. Cost, F. M. Richards, C. D. Ehrman, J. S. Wright, Jasper Gillett, and P. A. Oelze, all of Rockport, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of Nick Schwartz, George Maier, Walter Brainard, Henry Wehling, Henry Wilbert, John Wuetherich, Christ. Wuetherich, David Zuber, Albert Salisbury, George Rupp, J. S. McCune, Fred Dietzel, Martin Bleckman, Fred Baker, Sam Augermeier, Frank Barr, John James, E. H. Guess, William R. Steffee, George M. Daussman, jr., H. W. King, Ivan Martin, Ike Hornbrook, Gurley Purdue, William Bischman, R. B. Gilman, John Buckner, George J. Lindenschmidt, Louis Buchanan, C. R. Green, Martin Bleckmann, George F. Dolde, John Cummings, John H. Jansen, Joseph Shoulet, Charles Hanrahan, Louis J. Rahm, J. C. Sutherland, Joseph S. Urich, Charles W. Schymick, Elmer Dannenberg, Leonard Seller, Charles L. McGregor, Edward Greek, M. C. Hall, William Klenck, William Hobell, M. Pfoll, Walter Kiler, Peter J. Schmitz, Perry Lumpton, John Laugel, Jacob Matz, Paul Dalp, Otto O. Brandley, James Carahan, Frederick Baumeyer, John Abbing, J. H. Byrne, George Schneider, George W. Shute, H. C. Vette, John Zuber, William Yeker, V. H. Arnold, Lawrence Hensley, Frank J. Dillmann, Charles Vogel, Harry Walton, Chester Bickel, Peter Hohl, Jerome Schaefer, Henry Wingel, Harry Martin, Albert G. Ernling, Jacob Smith, Charles L. Puffer, John Hartley, Rufus S. Shepard, Dave R. Thomas, Henry C. Miller, P. F. Duber, Harry McDowell, Jacob Winder, Roy Ferres, Charles Hampton, John Baer, and Edwin Yebinger, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the New Britain Christian Endeavor Union, New Britain, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of Branch No. 59, United National Association of Post Office Clerks, of Bridgeport, Conn., protesting against section 6 of House bill 12928, in re postal employees' pay; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Postmasters, Rutherford, N. J., in re House bill 17042, concerning postal employees; to the Committee on the Post Office and Post Roads.

By Mr. McKENZIE: Petition of sundry citizens of Freeport, Ill., that due credit be extended Dr. F. A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. MERRITT: Petitions of sundry citizens of Falk, Chateaugay, Ticonderoga, Waddington, and Schroon, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Resolutions of the Fresno Traffic Association, of Fresno, Cal., favoring the passage of House bill 4822, to reduce the rate of postage on letters to 1 cent; to the Committee on the Post Office and Post Roads.

By Mr. OGLESBY: Petitions of Paul I. Aldrich, Leslie J. Tompkins, and 33 others, of Yonkers, N. Y., urging the passage of House joint resolution 277 and Senate bill 4941, for national prohibition; to the Committee on Rules.

Also, petition of Mark Arkison, P. J. Johnson, Charles Stewart, W. C. Schaefer, Hugh Sinclair, C. F. Truax, Otto C. Hedderick, of Yonkers, N. Y., protesting against the Hobson-Sheppard-Works resolutions; to the Committee on Rules.

Also, 17 petitions from railway post-office employees residing in New York City and vicinity, urging a proposed amendment to House bill 17042, to amend postal laws; to the Committee on the Post Office and Post Roads.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the city council of Woonsocket, R. I., favoring the passage of the Hamill bill for retirement of aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. SCOTT: Petitions of 1,001 citizens of Storm Lake, 75 citizens of Marcus, 275 citizens of Correctionville, and sundry citizens of Sioux County and Clay County, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of 8,000 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. SLAYDEN: Petitions of Eleanor Blackenridge, Mrs. William Dunne, and others; N. M. Washer, D. E. Potter, and others, all of San Antonio, Tex., favoring woman suffrage legislation; to the Committee on the Judiciary.

By Mr. SPARKMAN: Petition of sundry citizens of Ocala, Fla., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *July 16, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we desire to approach Thee in the simplicity of our faith and in deep humility of spirit, for Thou art the great God who inhabiteth eternity, the Creator of all the worlds, the Preserver of all things, and the Judge of all men. Thou hast a right therefore to demand our service. We can not hide from Thy presence. No thought can be withholden from Thee, O God. We pray that Thou wilt bestow upon us, therefore, Thy rich grace that we may accomplish Thy purposes and that we may honor Thy great name. We ask it for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PETITIONS AND MEMORIALS.

Mr. WORKS presented a petition of sundry citizens of Riverside, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a resolution adopted by Captain J. H. Freas Post, No. 163, Grand Army of the Republic, Department of Nebraska, of Beaver City, Nebr., favoring an appropriation to aid in the celebration of the peace jubilee to be held at Vicksburg, Miss., which was referred to the Committee on Appropriations.

Mr. BRISTOW presented petitions of sundry citizens of Du Quoin, Junction City, Lucas, Belleville, Derby, Muivane, Wichita, Salina, Winfield, and Topeka, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented resolutions adopted by Local Union No. 621, Brotherhood of Locomotive Engineers of Wymore, and of the Brotherhood of Railroad Trainmen, of Chadron, in the State of Nebraska, favoring the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions and telegrams in the nature of petitions from sundry citizens of Tobias, Stratton, Pawnee, Valley, Nelson, and Wolbach, all in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. McLEAN presented a petition of Local Union No. 608, Brotherhood of Locomotive Firemen and Enginemen, of New London, Conn., and a petition of Local Union No. 39, Cigar Makers' International Union, of New Haven, Conn., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of sundry churches of New Britain and Bridgeport, in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Duluth, Minn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of St. Paul, Minn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the congregations of sundry churches of Bridgeport, Conn., and a petition of sundry citizens of West Hartford, Conn., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of sundry citizens of Mexico, Rumford, Cornish, and Ridonville, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Fire Underwriters of Franklin County, Me., praying for the enactment of legislation to prohibit the use of the mails in procuring or effecting insurance in companies not duly authorized to transact business in the various States, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 217, Plumbers and Steam Fitters, of Portland, Me., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA presented a petition of sundry citizens of Rolette County, N. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of sundry citizens of Newport, R. I., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 962) for the relief of William H. Shannon, reported it without amendment and submitted a report (No. 672) thereon.

Mines in every way appropriate for national legislation with a view of safeguarding the lives of miners, lessening the waste of essential resources, and promoting the economic development of mining, which, along with agriculture, must in the future, even more than in the past, serve as the very foundation of our national prosperity and welfare and our international commerce.

And we certainly had a right to construe those planks as a guaranty of fair treatment to the West.

After his visit to many of the reclamation projects and thorough investigation, Secretary Lane, in his last annual report, says:

There is one matter of great moment to these people which should be corrected by law as soon as possible. We mistook the ability of the farmer to pay for his water rights. Ten years was the time given. His optimism and our own was too great. That time should be doubled.

And in the following letter to the chairman of the committee Secretary Lane gives his hearty approval to this bill:

FEBRUARY 28, 1914.

MY DEAR JUDGE: In answer to your inquiry, I beg to advise you that I heartily indorse your bill for the extension of time for the payment of construction charges on irrigation projects.

Cordially, yours, FRANKLIN K. LANE.

There can be no question whatever by anyone who knows anything about this subject as to the absolute necessity for this legislation at this time. The Secretary has already felt compelled by the emergency of the situation to issue an order deferring payments under these projects until the first of next month under the confident hope and belief that Congress would pass this bill before that time. This bill passed the Senate last March and has been pending on our calendar ever since, and the Members can little realize the anxiety of the West to obtain the approval of the bill before this session adjourns. The main purpose of the bill is to extend the period within which construction charges on irrigation projects must be paid by the water users. The present law requires all such charges to be paid within 10 years. This bill extends the time to 20 years. Actual experience has demonstrated beyond question that the time fixed by the present law is much too short. The settlers under these reclamation projects after years of the hardest possible work and the utmost economy have found that it is an absolute impossibility for nine out of ten of them to clear and break their land and prepare it for cultivation and make the necessary improvements and in addition thereto to make the payments to the Government of the construction charges as the law now requires. That is the reason the Secretary has been compelled to extend the time of these payments to prevent the loss and destruction of the homes and property rights of thousands of these honest, industrious, and bona fide home builders. The committees and everybody who knows anything about it knows that the time of payment should and must be extended to 20 years.

This extension is imperatively necessary, not only for the settlers themselves, but for the success of the reclamation work. The entire Reclamation Service and nearly all the 31 projects will soon be in a very serious situation if this relief is not speedily granted.

There are many reasons why this condition has come to pass. Since the passage of the original reclamation law on June 17, 1902, the cost of everything has increased. At that time and for a few years thereafter, and when these projects were being selected and started, it was generally and confidently believed that the land would be watered for from $10 or $15 to $20 per acre. And the great expense, necessary hardships, and delays of the settlers were not fully realized.

Since then there has been a general increase of construction cost, and the work has been done in a more permanent and substantial manner and upon a much larger scale than originally contemplated. The result is that instead of the water costing the farmers $15 or $20 an acre it is going to cost them from $40 to $100 per acre. And while this situation was never anticipated by the original settlers—and in many cases it is a very great hardship upon them—yet there is no thought of repudiating this obligation. All they ask is that they be given a reasonable opportunity to make this money, as they must, out of the land and pay out.

Moreover, a large part of the land under many of these projects has not yet been taken by anybody. It is still public domain. Nobody will settle upon this land unless the Government will give them a reasonably fair chance to pay for it.

It is not the wealthy but the poor people, very often men with large families, who take this land, and they have got to make a living as they go along, besides reclaiming this barren land and paying the Government.

The extension we ask for is not only a matter of necessity for the settlers; it is a matter of good business for the Government. It is nothing more than common sense and fair dealing between the Government and these thousands of settlers who have gone on these lands in the utmost good faith. This is all I care to say in the opening of this debate. I will go into the details and discuss the various provisions of this bill, as we reach them, under the five-minute rule.

The West appeals to this House on behalf of these tens of thousands of home builders, to give them an opportunity to repay the Government and save their homes.

Mr. Chairman, I reserve the remainder of my one hour's time.

Mr. KINKAID of Nebraska. I do not know of anyone. There are several Members who are anxious to speak, but I do not know of anyone who is ready to speak now.

Mr. MADDEN. Mr. Chairman, I think it is about time we get through with the day. No one seems to be anxious to go on with this bill.

Mr. TAYLOR of Colorado. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FERGUSSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 4628) extending the period of payment under reclamation projects, and for other purposes, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 10525. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes; and

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

ADJOURNMENT.

Mr. TAYLOR of Colorado. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Thursday, July 16, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting item of legislation to increase the limit of cost for the erection of a building or buildings on the site of the immigration station at Boston, Mass. (H. Doc. No. 1121); to the Committee on Public Buildings and Grounds and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting certain information, under direction of House resolution No. 295, regarding holder of title to railroads from Atchison to Waterville, Kans., and whether the United States has commenced action to recover principal and interest due on bonds issued by the United States to the railroad company (H. Doc. No. 1122); to the Committee on Ways and Means and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting supplemental estimate of appropriation for site and commencement of post-office building at Winchester, Mass. (H. Doc. No. 1123); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAY, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, reported the same with amendment, accompanied by a report (No. 967), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. O'SHAUNESSY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17882) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River, reported the same without amendment, accompanied by a report (No. 970), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., reported the same with amendment, accompanied by a report (No. 971), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5462) to authorize the county of Harry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry, reported the same without amendment, accompanied by a report (No. 972), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., reported the same without amendment, accompanied by a report (No. 973), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKENZIE, from the Committee on Military Affairs, to which was referred the bill (H. R. 868) for the relief of Thomas E. Phillips, reported the same with amendment, accompanied by a report (No. 968), which said bill and report were referred to the Private Calendar.

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 17004) for the relief of S. L. Burgard, reported the same with amendment, accompanied by a report (No. 969), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 17906) validating locations of deposits of phosphate rock heretofore made in good faith under the placer mining laws of the United States; to the Committee on the Public Lands.

By Mr. VOLLMER: A bill (H. R. 17907) granting the consent of Congress to the Interstate Bridge & Terminal Co., of Muscatine, Iowa, to build a bridge across the Mississippi River; to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Resolution (H. Res. 570) directing the Secretary of the Treasury to transmit to the House of Representatives all facts in his possession with reference to the conduct of the collector of customs of the Laredo district, in the State of Texas; to the Committee on Ways and Means.

By Mr. DOOLITTLE: Resolution (H. Res. 571) requesting the Secretary of Commerce to report to the House all facts and information in his possession concerning the prices paid for wheat to the producer thereof in the State of Kansas and the prices at which said wheat is sold for export by dealers, concerns, and exporters at Kansas City, Mo., and how such prices are fixed and determined; to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Joint resolution (H. J. Res. 302) authorizing and directing the President of the United States to invite foreign Governments to participate in the celebration of the fortieth anniversary of the founding of the Washington navel orange industry; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17908) granting an increase of pension to Lavena Stevens; to the Committee on Invalid Pensions.

By Mr. BROWN of West Virginia: A bill (H. R. 17909) granting a pension to Charlotte L. Arnett; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 17910) granting an increase of pension to Walter Smith; to the Committee on Invalid Pensions.

By Mr. BYRNS of Tennessee: A bill (H. R. 17911) for the relief of the estate of Henry Alley, deceased; to the Committee on War Claims.

By Mr. COX: A bill (H. R. 17912) granting an increase of pension to Preston W. Lett; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17913) to correct the military record of Joseph Rodhart; to the Committee on Military Affairs.

By Mr. GOOD: A bill (H. R. 17914) granting a pension to William H. Johnson; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 17915) granting an increase of pension to E. G. W. Moon; to the Committee on Invalid Pensions.

By Mr. LIEB: A bill (H. R. 17916) for the relief of Louis Wasem; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 17917) granting a pension to Charles Copenshire; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17918) to muster in and muster out George C. Fox; to the Committee on Military Affairs.

By Mr. OGLESBY: A bill (H. R. 17919) for the relief of W. A. M. Streeter; to the Committee on Military Affairs.

By Mr. RAGSDALE: A bill (H. R. 17920) granting a pension to Edwin C. Gasque; to the Committee on Pensions.

Also, a bill (H. R. 17921) for the relief of the heirs of John W. Powers; to the Committee on War Claims.

By Mr. REED: A bill (H. R. 17922) granting an increase of pension to Patrick Dowd; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17923) granting an increase of pension to Hannah Archer; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of a certain church at Francesville, Ind., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by H. Gooding Field, secretary of the Civic Federation, Honolulu, Hawaii, urging an appropriation to enlarge Kalihi Basin; to the Committee on Rivers and Harbors.

Also (by request), petitions signed by certain citizens of Connecticut, urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. BRITTEN: Affidavit to accompany House bill 17896, for the relief of Francis Murphy; to the Committee on Naval Affairs.

either a substantial increase in their salary or that some money will be paid to them for extra services.

We have already let remain in here an item of $2,500 for extra work done by the Clerk of the House. I am not kicking about that; I am not criticizing it at all; it may be, and I expect is, all right, but here are men occupying positions where no one for a moment will deny they have to deliver the goods and do deliver them well, and amidst the rumblings of these debates, in all of the cross fire that takes place, the anomalous thing, the wonderful thing to me is the few times that Members rise on the floor of the House and ask even to have their language corrected, showing their eternal accuracy. I dare say that is the best and most competent corps of stenographers in the world. Not only skilled in their line of work, but educated and scholarly, as of necessity they must be before they can do this kind of work.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

The Clerk concluded the reading of the bill.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The CHAIRMAN. Before that is done the Chair will call the attention of the gentleman from New York to page 21, lines 6 and 7, where there seems to be a typographical error, the word "of" being printed twice.

Mr. FITZGERALD. That is a typographical error, and should be corrected.

The CHAIRMAN. Without objection, the correction will be made.

There was no objection.

The CHAIRMAN. The question is on the motion of the gentleman from New York that the committee do now rise and report the bill with amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency appropriation bill, and had directed him to report the same back with sundry amendments with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] If not, the Chair will put them en gross. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the bill was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROSSECK, for the remainder of the week, on account of the death of a close relative.

EXTENSION OF REMARKS IN THE RECORD.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general deficiency bill.

The SPEAKER. Is there objection?

There was no objection.

PAYMENTS UNDER RECLAMATION PROJECTS.

The SPEAKER. By unanimous consent, the remainder of the day is to be taken up in the consideration of the bill S. 4628, extending the period of payment under reclamation projects, and for other purposes, which the Clerk will report.

The Clerk reported the bill by title.

The SPEAKER. This is on the Union Calendar, and the House will automatically resolve itself into the Committee of the Whole House on the state of the Union, and the gentleman from Virginia [Mr. FLOOD] will take the chair.

Mr. TAYLOR of Colorado. Mr. Speaker, pending that, I will ask gentlemen on the other side if we can not agree on a time for general debate?

Mr. KINKAID of Nebraska. What time does the gentleman propose?

Mr. TAYLOR of Colorado. One hour on a side.

Mr. KINKAID of Nebraska. I have had requests for much more than an hour; I should not say two hours, but an hour and a half, possibly two hours.

Mr. FITZGERALD. I suggest that gentlemen wait until to-morrow and then try to agree on a time in which to close debate. There are some of us who, while we are not entirely opposed to the bill, have some suggestions which we wish to make in an effort to improve it.

Mr. KINKAID of Nebraska. The gentlemen would probably freely exercise that privilege under the five-minute rule.

Mr. FOSTER. I do not think that we can agree on a time to close debate to-night.

Mr. MONDELL. Could not an agreement be reached as to the time for general debate?

Mr. FITZGERALD. I think we can do that to-morrow and probably save time.

Mr. DONOVAN. Mr. Speaker, reserving the right to object to the gentleman's request, I would like to ask him a question.

Mr. TAYLOR of Colorado. Certainly.

Mr. DONOVAN. Does the gentleman think it is fair, in view of the fact that the leaders of the minority are absent, to take up a measure of this character?

Mr. TAYLOR of Colorado. Well, it is taking an unfair advantage——

Mr. DONOVAN. The gentleman must realise we have not a single Member here from New England, of the minority, except the gentleman from Fall River, and all these great commercial States——

Mr. GILLETT. Mr. Speaker——

Mr. DONOVAN. Well, the gentleman is probably down and out.

Mr. GILLETT. Well, I will not be where the gentleman will be next fall.

Mr. DONOVAN. I will suggest to the gentleman from Massachusetts that he get the floor in an orderly way. The gentleman should not set a bad example by being disorderly. If he can not get recognition except——

Mr. GILLETT. What right has the gentleman to the floor?

Mr. DONOVAN. I reserved the right to object.

Mr. TAYLOR of Colorado. Mr. Speaker, I ask unanimous consent that the time may be equally controlled between the gentleman from Nebraska [Mr. KINKAID] and myself, and that we proceed to fix no limit on general debate at the present time.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I understand that the gentleman from Nebraska and the gentleman from Colorado are both in favor of the bill, and I do not think we should do that, at least to-night.

Mr. TAYLOR of Colorado. Well, Mr. Speaker——

Mr. FOSTER. I think we had better go ahead without this at present.

Mr. TAYLOR of Colorado. Let me call attention to the fact we have done that very thing before, and I know that there is no desire upon this side——

Mr. FOSTER. I will state that I have no desire to delay the consideration of this bill at all, but I suggest it is hardly the thing to do to-night to agree to this, but to-morrow morning it may be possible to arrive at some arrangement satisfactory to all parties.

Mr. KINKAID of Nebraska. I would suggest to the gentleman from Illinois and to the membership that I am not seeking anything exceptional and would not have thought of it; in fact, I did not suggest such arrangement myself, but there are plenty of precedents here that this is not an exceptional request that the gentleman from Colorado makes.

Mr. FOSTER. I think the gentleman from Colorado had better withdraw his request to-night and take it up to-morrow.

Mr. KINKAID of Nebraska. Is it not agreeable to go on to-night for an hour?

Mr. FOSTER. Certainly, I have not any objection; go ahead for three hours if you like.

The SPEAKER. The thing that is objected to is to having the entire time controlled by gentlemen entirely favorable to the bill.

Mr. TAYLOR of Colorado. That has been the custom——

The SPEAKER. Oh, no.

Mr. FOSTER. Oh, no.

Mr. TAYLOR of Colorado. You have that in respect to the bill which is now under consideration, the dam bill.

Mr. FOSTER. Nobody raised any objection to it.

Mr. TAYLOR of Colorado. The gentlemen on the opposite side of the House not opposed are dividing the time.

Mr. KINKAID of Nebraska. Suppose we proceed for an hour without an agreement?

Mr. TAYLOR of Colorado. I will withdraw the request.

Mr. TOWNSEND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. TOWNSEND. I move that the House do now adjourn.

Mr. TAYLOR of Colorado. Oh, no; let us go on.

Mr. TOWNSEND. If the gentlemen can not arrive at any agreement——

The SPEAKER. They will arrive at an agreement in a minute or two.

Mr. TOWNSEND. Then I will withdraw my motion if it is likely they will arrive at an agreement. I wanted to force them to that position.

The SPEAKER. The gentleman from Colorado withdraws his request, and the House resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4628, and the gentleman from Virginia [Mr. FLOOD] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 4628, with Mr. FLOOD of Virginia in the chair.

The CHAIRMAN. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4628. An act extending the period of payment under reclamation projects, and for other purposes.

Mr. TAYLOR of Colorado. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the first reading of the bill be dispensed with. Is there objection. [After a pause.] The Chair hears none.

Mr. TAYLOR of Colorado. Now, Mr. Chairman——

Mr. DONOVAN. Mr. Chairman, will the gentleman, before he commences his speech, allow a question right here?

Mr. TAYLOR of Colorado. Yes.

Mr. DONOVAN. Does the gentleman, as the manager of this bill—the chairman of the committee, I assume——

Mr. TAYLOR of Colorado. Acting chairman.

Mr. DONOVAN. Is he going to allow our distinguished friend from Wyoming [Mr. MONDELL] to roam afield on every subject on this bill, or is he going to hold him to the text?

Mr. TAYLOR of Colorado. In answer to the gentleman, I will say that I will endeavor——

Mr. DONOVAN. As chairman of the committee, in fairness to his associates, he ought not to oblige us to sit in our seats and listen to the dribble that we have listened to to-day.

Mr. TAYLOR of Colorado. I assure the gentleman from Connecticut that I will endeavor, as far as I can, to induce the gentleman from Wyoming [Mr. MONDELL] to talk as closely to the bill as possible. As the acting chairman of the Committee on Irrigation of Arid Lands and having charge of this reclamation bill, I shall earnestly try to confine the debate to the subjects embraced in this measure, both for the purpose of saving time and to prevent the provisions of the bill from becoming involved in and complicated by outside matters.

Mr. Chairman, I am authorized and directed by the Committee on Irrigation of Arid Lands to call up and present this bill, S. 4628, to the House. I am not going to make a long or formal speech on the bill at this time. It is a bill that has received a very great deal of careful—in fact, exhaustive—consideration. There is no measure before this House, excepting some of the great party measures, or possibly the general appropriation bills, that has received the attention of as many people or as much consideration as this one. Furthermore, there is no bill pending in this House, I believe, of any kind that is of more importance to the West, to the 16 arid States where we have the Government reclamation projects, than this measure; and for that reason the western delegation in this House earnestly asks our friends from the East and the North and the South to be patient in the consideration of it and endeavor to put yourselves in our shoes, to a certain extent, and let us show you the very great importance of this measure to the development of our country.

Mr. MADDEN. Will the gentleman yield?

Mr. TAYLOR of Colorado. Certainly.

Mr. MADDEN. There is no doubt in the world but great consideration has been given to the question, but I notice the bill does not provide for any interest on deferred payments.

Mr. TAYLOR of Colorado. That is true.

Mr. MADDEN. Does the gentleman think this bill ought to pass without such a provision?

Mr. TAYLOR of Colorado. Yes; I think so. I think we can convince the gentleman from Illinois [Mr. MADDEN] before we get through that it would entirely unfair and unwise, and, in fact, that it would be contrary to the welfare of the Government itself to impose any interest charge upon the present settlers or upon the people that we hope will hereafter come in and take the lands that are not yet settled upon.

Mr. MADDEN. Does the gentleman think that the Government of the United States ought to furnish money to establish irrigation plants for the development of the western country without interest and at the same time refuse to enact legislation to loan money to men who have land in other sections of the country, where crops can be raised without irrigation? That is the one question I would like to have the gentleman think about.

Mr. TAYLOR of Colorado. I will say to the gentleman from Illinois that in the course of the discussion of this measure, and when we reach that part of this bill, I am going to specially take that matter up in detail and endeavor to convince the gentleman from Illinois, as well as all other Members of this House, that it would be absolutely unjust and impracticable to add a provision requiring the payment of interest.

The Irrigation Committees of both the Senate and the House, in conjunction with the Secretary of the Interior, Mr. Lane himself, and the officials of the Reclamation Service, have diligently and earnestly worked together on this bill for months and months. The Secretary held long and exhaustive hearings and heard the representatives from all of the 31 projects extending over the 16 Western States. There were hundreds of witnesses. The Secretary then made a trip of personal inspection of many of these projects, and the Members from those States and the members of the Irrigation Committees have held a great many conferences together and with the Secretary, and this bill is the composite result of all of that long, exhaustive, conscientious work. It is no one individual's bill. Two or three Senators and four or five Representatives have at some time or other introduced bills on this subject. I have introduced two myself—H. R. 4868, on May 7, 1913, and H. R. 10973, on December 8, 1913—and many of the provisions of my bills are retained in this bill. But this is in reality a committee measure—that is, the composite result of many compromises—and while not entirely satisfactory in all its details to many of us, is the very best we can prepare and present to this Congress.

The bill has the hearty approval of President Wilson and the Secretary of the Interior, the Reclamation Service, and the entire western half of the United States. As to the necessity of this legislation and the promises that have been made to the West, let me call the attention of the House to a plank in the last Republican national platform which reads as follows:

We favor such fair and reasonable rules and regulations as will not discourage or interfere with actual bona fide homeseekers, prospectors, and miners in the acquisition of public lands under existing laws.

RECLAMATION OF LANDS.

We favor the continuance of the policy of the Government with regard to the reclamation of arid lands; and for the encouragement of the speedy settlement and improvement of such lands we favor an amendment to the law that will reasonably extend the time within which the cost of any reclamation project may be repaid by the landowners under it.

While the last Democratic national platform did not contain any plank specifically mentioning this extension to the settlers of the time of payments, I am very positively informed that such a plank was agreed upon by the resolutions committee of the Baltimore convention, and that it was only through inadvertence that it was omitted. But the last Democratic national platform, adopted at Baltimore, did contain the following provision:

We believe in the conservation and the development for the use of the people of the natural resources of the country. Our forests, our sources of water supply, our arable and our mineral lands, our navigable streams, and all the other material resources with which our country has been so lavishly endowed constitute the foundation of our national wealth. Such additional legislation as may be necessary to prevent their being wasted or absorbed by special or privileged interests should be enacted, and the policy of their conservation should be rigidly adhered to.

The public domain should be administered and disposed of with due regard to the general welfare. Reservations should be limited to the purposes which they purport to serve and not extended to include land wholly unsuited therefor. The unnecessary withdrawal from sale and settlement of enormous tracts of public land upon which tree growth never existed and can not be promoted lands only to retard development, create discontent, and bring reproach upon the policy of conservation.

The public-land laws should be administered in a spirit of the broadest liberality toward the settler exhibiting a bona fide purpose to comply therewith, to the end that the invitation of this Government to the landless should be as attractive as possible, and the plain provisions of the forest-reserve act permitting homestead entries to be made within the national forest should not be nullified by administration regulations which amount to a withdrawal of great areas of the same from settlement.

Immediate action should be taken by Congress to make available the vast and valuable coal deposits of Alaska under conditions that will be a perfect guaranty against their falling into the hands of monopolizing corporations, associations, or interests.

We rejoice in the inheritance of mineral resources unequaled in extent, variety, or value, and in the development of a mining industry unequaled in its magnitude and importance. We honor the men who, in their hazardous toil underground, daily risk their lives in extracting and preparing for our use the products of the mine, so essential to the and industries, the commerce, and the comfort of the people of this country. And we pledge ourselves to the extension of the work of the Bureau of

Mr. BRYAN. Mr. Chairman, I wish to speak against this motion of my colleague, to strike out the last two words. That is the regular order.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized.

Mr. BRYAN. I would like, in the five minutes I have, in reference to this particular section, having heard the gentleman from Wyoming [Mr. MONDELL], who is a member of the committee, suggest that this was out of order, and was recognized by the committee as a pure gratuity; but observing from the suggestion of the Chair that it is in order, and there is no chance of striking it out on a point of order, to ask the gentlemen of the committee over there, who are noted along certain lines for economy—for instance, when we wanted to give $1,800 to our secretaries, the gentlemen protested very vigorously—I would like to ask if the members of the committee, all of them, are approving this, and if the committee is unanimous in believing that, for some reason that does not appear of record, it is right and ought to be allowed? If they do, I am willing to yield to the importuning of my friend and colleague over here and not attempt to strike it out by a point of order.

The CHAIRMAN. The Chair will state to the gentleman from Washington that the Chair stated that this provision was authorized by law.

Mr. FITZGERALD. It is not, Mr. Chairman. The wording of the provision is misleading.

The CHAIRMAN. The gentleman will wait until the Chair has stated what his position is and what he did state. The Chair stated that the appropriation was authorized by law. The Chair based that ruling upon the following language in the bill:

To pay South Trimble, Clerk of the House of Representatives, as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,584.68.

If there is no such act as that, the Chair is ready to reverse his ruling.

Mr. FITZGERALD. That act authorizes the services, not the compensation, which is different. I think it is only fair to the House to state what the situation is.

Mr. BRYAN. I reserve the balance of my time, Mr. Chairman.

Mr. FITZGERALD. The act requires the Clerk to perform certain duties in addition to his duties as Clerk of the House. He must prepare and certify for the respective committees of the House the records which are filed with him. He does not do it alone. It requires the services of others, and he is responsible for his certificate on a comparison with the printed record that it is correct. A good many years ago—I do not know how many—the House gave to the Clerk a compensation fixed upon a method of computation then adopted as pay for his services, the responsibility imposed upon him, for the certification, and also allowed him certain sums for the payment of persons necessarily employed in connection with the work.

This matter is inserted in this bill on a certificate signed by the chairmen of the three Election Committees of the House, dated June 9, 1914, when this paragraph in the bill was sent to the Committee on Appropriations. The certificate is to the effect that the matter has been examined and the work found to have been well and efficiently executed as per statement attached, and then the statement is made that there are 12 election cases, and the compensation fixed for allowance to the Clerk was based upon the same rate as has been fixed in other years.

Whatever may be said as to whether this is the most desirable way to compensate the Clerk of the House, there is one thing to be said, and that is the practice of the House has been to make this payment, upon the theory that these additional services are rendered, and that there is a sufficient responsibility to justify the additional payment.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FERRIS. Of course the gentleman knows that, with reference to these Election Committees and their work, what I am going to say will not be the last word, but two of these contested elections originated in my State, and I know that there is a lot of work and responsibility connected with the preparation of these cases. A lot of it passed through my office and over my desk, and I know that those engaged in connection with those cases do have a lot of work. I simply wanted to make that statement.

Mr. FITZGERALD. The act relative to contested-election cases, approved March 2, 1887, provides largely for the mode of procedure and imposes upon the Clerk of the House a number of very important duties in connection with these contests. From the time that act was passed it has been the custom of the House to make provision for the payment of the services rendered under that status in accordance with a well-defined procedure.

This item has been certified by the chairmen of three committees most intimately connected with the matter, and our committee has followed in this instance what has been done invariably on all former occasions—accepted the certificate and recommended the appropriation.

Mr. BRYAN. Mr. Chairman, I have heard what the gentleman from New York [Mr. FITZGERALD] said, and there are here in the House the most distinguished economists that I know of, members of the Committee on Appropriations. These gentlemen have investigated this item in the hearings. They know all about it, and they are responsible for the economies in the administration of the House. Of course, it is recognized that a good part of this amount—$4,584.68—is for compensation, but Mr. Trimble, the Clerk of the House, testified that $2,584.68 of it was pure net.

Mr. FITZGERALD. Two thousand five hundred and eighty dollars is for fees for services performed.

Mr. BRYAN. Yes; to him. After all stenographers have been paid and all clerks and employed agents paid, then there is left in the pot $2,584.68, and that is an absolute gift. I am not going to take further time of the House. I leave it, gentlemen, to you.

Mr. FITZGERALD. We are following the custom of the House for 27 years, and unless the House changes it by some specific enactment my theory is that the money ought to be paid.

Mr. BRYAN. I will say to the gentleman that when the Progressive Party comes into power they will "do up" the Democrats and the Republicans and show you what real economy is. [Laughter.]

Mr. JOHNSON of Washington. If that time should ever come, Mr. Chairman, I hope the gentleman will talk a little less of his politics on the floor and speak rather in his district. This House has been wasting time for a year and a quarter.

Mr. SISSON. Mr. Chairman, the gentleman from Washington [Mr. BRYAN] called attention to some questions asked by me in the subcommittee in connection with this item. I want to say that I am a member of the subcommittee that made up this bill, and the amount here fixed for fees is for services rendered by the Clerk of the House. The rate of fees was fixed by prior Congresses, and at every Congress these fees have been paid to other Clerks preceding the present incumbent. I could see no special reason why this Clerk should not be entitled to these fees. I grant you that the fees seemed to me to be very high. The questions asked by me of Mr. South, who is the deputy clerk, brought out the fact that this $2,584.68 was net.

Now, having stated this much, every Member of the House has all the information that I have, and the fact that we reported the bill from the subcommittee to the full Committee on Appropriations and that the full committee then reported it to this House indicates that we assume the responsibility for the bill. I do not know that it was necessary for anybody to call any special attention to that matter or that it was necessary to call our names in connection with it, but every Member of the House, now that the bill has been reported and is pending before the House, must understand that the responsibility rests just as heavily on his conscience and just as heavily on his economic brain as upon the members of the committee, because any Member who is opposed to this item can make a point of order, and if he does not he is as much responsible for its being in the bill as we are. The individual responsibility rests upon every Member of the House, just as it rested upon every member of this committee. We did no more than report the bill to you. It is your duty to turn it down or to approve it or to amend it, just as you see fit, and to exercise all the economy that may be in your minds or in your hearts.

Mr. BRYAN. Will the gentleman agree that he will absolutely prevent the insertion of this item in the conference report by the Senate if we strike it out here?

Mr. SISSON. I do not know that I shall be a member of the conference, but I have heretofore been on conference committees, and if the gentleman does not believe that I will stand by what this House wants done he can consult the members of conference committees that I have been on. When a Member of this House is appointed on a conference committee he ceases to represent his own individual views and represents this House in the conference, and if the House strikes out any amendment or any paragraph in this bill I shall do all in my power as a conferee, in case I am appointed a conferee, to represent the views of the House, because when I become a conferee I cease to represent my individual views and I represent the views of

the House in connection with my fellow conferees; and you may be assured that not only as to this item but also as to every other item that the House puts out of this bill and which the Senate may put back, if I am a member of the conference committee, I will represent the views of this House to the best of my skill and ability.

Mr. BRYAN. I am not going to make the point. It is up to the gentlemen of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, fiscal year 1915, $3,000.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WATKINS:
Page 29, between lines 11 and 12, insert:
To pay salary of reviser of the United States Statutes for the Committee on Revision of the Laws, as authorized and provided by House resolution No. 535, Sixty-third Congress, second session, agreed to on July 3, 1914, $4,000, or so much thereof as may be necessary.

Mr. FITZGERALD. I reserve a point of order on the amendment.

Mr. WATKINS. Mr. Chairman, on the 3d of this month the House of Representatives authorized the appointment, by the Committee on Revision of the Laws, of this employee at the fixed salary therein stated. The Committee on Revision of the Laws met and made the appointment, with the understanding that the House resolution would be carried out to all intents and purposes; but the reviser who had been employed to perform the work contemplated in that resolution was advised that he would have difficulty in procuring the payment of his salary. The leader on the minority side of the House called my attention to the fact that provision had not been made for it in this appropriation bill. In fact, I had not up to that time called the attention of the chairman of the committee to it, and it was an oversight on my part; but after the minority leader called my attention to the necessity for it I did speak casually to the chairman of the committee about it, but in his hurry he did not have an opportunity to give full consideration to it. I am not finding fault with the chairman of the committee, or with any member of the committee. It was simply an oversight on my part that as chairman of the Committee on Revision of the Laws I did not call attention to it in time, and it was left out of this bill. The fact is, I am informed, that the contingent fund of the House will not be adequate to pay the amount.

Mr. FITZGERALD. Who said it would not?

Mr. WATKINS. The gentleman who has been employed——

Mr. FITZGERALD. It is $75,000.

Mr. WATKINS. The gentleman who has been employed is the one who stated that he has received that information. Whether that be the case or not, Mr. Chairman, I wish the Members of this House to know the facts—that the employment has been made, that the employee has entered upon the discharge of his duty, and the clerk of the committee and this employee are now working constantly and propose to work regularly until they are ordered by the House of Representatives to cease the work.

The gentleman who was assigned to this position has given up another position and has begun his work with the expectation of continuing it, at least until the work can be put in such a form as will meet with the approval of the House of Representatives at its next session.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. GARRETT of Tennessee. Is it not a fact that by the wording of the resolution it provides that the salary shall be paid out of the contingent fund until Congress shall make an appropriation for it?

Mr. WATKINS. Yes; and it is expected that Congress will do it now, because the work may not last longer than the 4th of next March unless provision is made for it.

Mr. GARRETT of Tennessee. I am not complaining about it. I am just asking if my recollection of the language of the resolution is correct.

Mr. FITZGERALD. I do not know what the resolution is that has been adopted. The practice has been that the compensation is paid out of the contingent fund, and if the position is continued up to the time when the next legislative bill is under consideration, the position will be provided for in that bill. It is preposterous to say the contingent fund of the House is inadequate to pay the salary of this position for a few months. The contingent fund for the last fiscal year carried, all told, over $200,000. The legislative bill, which will be signed to-day or to-morrow, carries $75,000 for the contingent fund. If this place is provided for, the compensation will be paid out of that fund the same as a dozen or more employees will be provided for in that way. If the place is to be continued beyond this session of Congress, provision will be made for it in the legislative bill. To insert it in the deficiency bill makes confusion and trouble. There is no question but that the compensation will be paid. The gentleman should not press it on this bill, where it does not belong.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I do.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To reimburse the official reporters of debates $500 each and the official stenographers to committees $400 each for moneys actually and necessarily expended by them to June 30, 1914, $4,600.

Mr. COX. Mr. Chairman, I move to strike out the last word. I am not going to consume much time on it. The item reads as follows:

To reimburse the official reporters of debates $500 each and the official stenographers to committees $400 each for moneys actually and necessarily expended by them to June 30, 1914, $4,600.

If I understand it correctly, this $500 sought to be appropriated is money to repay the official reporters of debates in the House for money actually paid out for help?

Mr. FITZGERALD. They pay the amanuenses for transcribing their notes and some other things.

Mr. COX. Mr. Chairman, I want to say a few words. I believe my record in this House has been consistent in opposing the increase of salaries. For seven years I have opposed it at every opportunity and used every weapon in my possession to prevent increase of salaries. I believed I was right in it, and I believe I am right in it, but of all the men connected with the Congress who in my judgment ought to have an increase of salary, or some extra compensation, it is the official reporters of debates in this House. I know of no class of men, not even excepting ourselves, that do as much hard, laborious, soldiering work as the official reporters of debates do on this floor. I know of no work, nor do I believe any other person knows of any work, connected with the Congress of the United States that is as trying on the nerves, physically and mentally, as the work required to be done by these men. It requires an extraordinary, high-priced talent, something far beyond the experience and talent of an ordinary mechanic. They must be something far beyond the ordinary average reporter. I am informed, and reliably so, that before a reporter of these official debates is fully competent to perform this arduous service he must practically have two years' experience upon the floor of this House before he is competent to do this work.

Here is a class of men whose salary was fixed 41 years ago. During that period of time the Members' salary has been increased from $5,000 to $7,500 a year. I do not hear very many men at any time rising on the floor of the House and saying anything on behalf of this class of men; and yet, as I said a moment ago, I believe of all the employees who ought to have their salaries increased it is this class, the official reporters of debates.

Now, I have not been asked to say this. Not one reporter has mentioned it to me. I sought some information from one of them. Not one has complained to me along this line in regard to his salary.

Mr. RAKER. Will the gentleman yield?

Mr. COX. Yes.

Mr. RAKER. What is the salary?

Mr. COX. Five thousand dollars. The legislative, executive, and judicial appropriation bill increased the salary of many Government officials. I recall that it increased the salary of the Assistant Attorney General from $6,000 to $7,500, and yet I dare say that not an Assistant Attorney General of the United States will do the hard, strenuous, day-in-and-day-out work that these reporters have done here for us. They have been in almost continuous session since April, 1913, and, I may say, almost in continuous session since April, 1900. For 41 years, almost in continuous session since April, 1900. For 41 years, without grumbling, without kicking, day in and day out, they have served this House on the salary of $5,000 per year. I see no way to get it in here or to offer an amendment. What called it to my attention was the fact that the gentleman from Alabama [Mr. UNDERWOOD] appeared before the Committee on Appropriations and asked for it. I have read the hearings, and I believe the time has come when these men should have an increase of salary.

Before the President of the United States signs this bill I hope somewhere, some place, along the line they will have

Mr. FOWLER. He was trying to get a chance to perform them all the time.

Mr. MOORE. That may be, but I am not raising that question.

Mr. SHERLEY. Mr. Chairman, I want to suggest that the payment in these cases is for different reasons. In the one case it is a contract obligation which the successful contestant is prevented from performing through no fault of his own. Therefore, having contracted for the service at a certain time, he being ready and willing at all times to continue the service, the contract being upheld as valid, he is entitled to compensation.

The sitting Member has been paid and is permitted to retain the money on the theory of a quantum meruit, not a contract, for services rendered. He is entitled to the money he got for the services he performed. It is not a precedent that makes you pay a successful contestant; it is a fact that under the law he has a contract at a regular salary during the year. That contract is not recognized until a period subsequent to the beginning of his service; but that is through no fault of his. Therefore, he has the right in law, whatever people may think about the equity of it, to insist upon the payment of the contract that he was ready to carry out at all times.

Mr. MOORE. Mr. Chairman, the gentleman states very clearly what I am attempting to state, perhaps not so well. I repeat, I am not questioning this particular payment to Mr. GILL, except to point out the fact that in this instance and in all instances——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FOWLER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. I am pointing out that under the system of contests that prevails we are now in the position of paying twice for services once performed. I am disposing of questions of law and equity to get at the facts. The fact is that we pay twice for one service.

Mr. SHERLEY. I think the real wrong is right in this House, in that they do not settle contests within 30 days after the House meets.

Mr. MOORE. The gentleman is stating again exactly what is in my mind, and stating it succinctly and clearly. The financial phase of the question to-day is this: We are paying Mr. GILL an amount equal to that paid to Mr. Dyer. We have paid, or will have paid, twice for one service. In addition to that, in this particular case, on line 11, we are making provision for the payment of $2,000 more to Mr. GILL, I presume for attorneys' fees, and on line 12, for $2,000 to Mr. Dyer, presumably for attorneys' fees, making an additional appropriation of $4,000. That is to say, there is twice as much paid here as in the case of an ordinary Member, plus $4,000 for attorneys' fees.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. RAKER. Does not that expense go for the cost of procuring this record, which my recollection is consists of about 2,000 printed pages?

Mr. MOORE. That may or may not be, but on line 22 we have provision in this bill for payment to the Clerk of the House of a sum amounting to $4,264.68 for various services performed in connection with contests, so that as we face the financial situation at this particular time we are making provision not only for this duplicated payment to Mr. GILL, but we are also making provision for the payment of nearly $11,000, see line 19, for attorneys' fees in contest cases, and we are providing for the payment to the Clerk of the House of $4,264.68, making a total in these contest cases of approximately $23,000. What I want to state to the House about this system is intended in no partisan spirit whatever.

The gentleman from Kentucky [Mr. SHERLEY] is entirely right, and so is the gentleman from Mississippi [Mr. SISSON], who conceded the same thing in answer to a question by a gentleman on his side, that these contests ought to be settled very early in the session. A contest against a sitting Member is the most annoying thing in the world to a man who is trying to act in a representative capacity. It is a great injustice to him if the contest be not tried immediately. It is a gross injustice to the people whom he represents, because they can not obtain his full and complete services as a Representative if he has to defend a contest. Have any of you ever had notice of contest served on you? Some of you have, I assume, because a number of familiar names are on this list, where provision is made for upward of $10,000 for attorneys' fees.

Mr. FITZGERALD. Mr. Chairman, at this point I ask unanimous consent that the committee rise informally to permit the Speaker to lay before the House a report from the Committee on Enrolled Bills.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the committee rise informally for the purpose of permitting the Speaker to lay an enrolled bill before the House. Is there objection?

There was no objection.

Accordingly the committee rose, and the Speaker resumed the chair.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title; when the Speaker signed the same:

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The committee will resume its sitting.

Accordingly the committee resumed its sitting.

Mr. MOORE. Mr. Chairman, the contest system as it now prevails puts a Member whose seat is contested to a great personal disadvantage and minimizes even to the smallest degree his services to the people whom he is accredited here to represent. Under this system he is subject to be called back home, no matter whether he lives in Maryland, just across the District line, or out in California, at the call of the contestant upon a simple written notice to appear before any notary public. He must appear personally or by counsel and defend against the activities of a contestant, no matter what his standing, even if he be a fee-chasing adventurer. He is practically at the mercy of such a man, if the contestant happens to be so constituted.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE. Mr. Chairman, I ask for three minutes more.

Mr. DONOVAN. Mr. Chairman, reserving the right to object, the gentleman must know that this is a subject that should be treated of in general debate. Besides, we are all out of order. The matter before us is that on line 6, and the gentleman is talking about a matter that has not yet been read.

Mr. MOORE. The gentleman may have a contest in his district some time, and he may need this information. However, if he wants to object, and the committee is so anxious to proceed to spend this $23,000 without attempting to protect the Members in the future, I withdraw my request.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 28, after line —, insert the following:

"Capitol power plant: For additional amount, including the same objects specified under this head in the sundry civil appropriation act for the fiscal year 1914, $2,700."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. Mr. Chairman, the matter we have just been discussing in reference to this case, as suggested by the gentleman from Connecticut, has gone over to other matters, but I believe there will be no objection to five minutes' discussion of the same subject.

Mr. DONOVAN. Mr. Chairman, I do not want to object, but allow me to make an observation. Why should there be discussion of matters which should be matters of general debate? The matters offered here under the five-minute rule are for the purpose of offering amendments or approving or disapproving of the items.

Mr. BRYAN. Mr. Chairman, I move to strike out the last two words. This compensation to Mr. GILL for salary is made and it is necessary and just to make it. Fairness and all sense of right require that it should be made under the conditions that prevail, but the conditions are wrong and somebody is to blame. The gentleman from Kentucky [Mr. SHERLEY] suggested the real culprit, the real basis of the whole trouble is that this House does not hear these contested-election cases and dispose of them promptly. We condemn the courts of this country for their long delays, but if the courts of this country put up any such methods as this House puts up in contested elections, there would be recall of the judges, recall of judicial decisions, and other methods of reforming the judiciary would be resorted to without successful opposition.

Here we have a situation which brings about almost graft or something of that kind. I do not call it graft. I believe that Gov. Folk said that wherever you see law violated or unenforced there somebody is always standing to collect graft. All these cost allowances are not graft because they are to be authorized by law, but in this very section there is an appropriation of some $4,264 to the Clerk of this House. There is an appropriation also for fees and expenses and extra salaries. The Clerk ought not to be blamed for that, but here is what the Clerk says about it in the hearings. One of the members of the committee is interrogating:

MEMBER. How much of this $4,264.68 is for the Clerks' fees; do you know?

Mr. SOUTH. That would be $2,584.68. It is divided up there.

MEMBER. Does the Clerk have anything to pay out of that amount?

Mr. SOUTH. No, sir.

MEMBER. That is set to the Clerk?

Mr. SOUTH. That is practically set to the Clerk. This is figured on the same basis that has been observed for 18 or 19 years. In the Gill-Dyer case there were 100 pages of reproductions of signatures to poll books, etc., together with photographic work, plate engravings, etc. There was a great deal of work in it this year. I think it was more than twice the amount of work that we have had to do in any other year. There were 10 cases last year and 12 cases this year, but the work was much harder this year.

Mr. MONDELL. Will the gentleman yield?

Mr. BRYAN. This is the same system, he says, which was in operation in previous years where the work was not half what it was this year, and it was discovered by the committee that there was $2,584.68 of absolute net gain to the Clerk without any consideration in the world, and it was so stated by the Clerk at the time that it was allowed to him, without consideration. It is not graft, because it is to be appropriated by a committee that stands for economy in this House. It is to be appropriated by law, but I say that this kind of a condition ought to bring the blush of shame to those who have charge of legislative matters in this House, inasmuch as we permitted the House to remain disorganized, without appointing a committee, for weeks and months last year while the Democratic caucus was in session; no committees appointed, and all these kinds of charges accumulating because contests were not heard and public business neglected, and I say that the gentlemen who have charge of legislation here ought to be ashamed that there should be a condition of this kind where we all agree, as the gentleman from Kentucky stated, that there was inexcusable delay, and yet nobody takes the blame. I believe we ought to stand for economy if we are going to preach economy, and when we discover $2,500 of largess and bonus in our appropriations we ought to stand on the floor and oppose it.

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. To what point did the Clerk read?

The CHAIRMAN. To page 28, line 6.

Mr. MONDELL. Well, the gentleman from Washington has been discussing an item on page 20.

Mr. FITZGERALD. We have not reached that yet.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To pay South Trimble, Clerk of the House of Representatives, the amount due for services in compiling, arranging for the printer, reading proof, indexing of testimony, stenography and typewriting, supervising the work, and expenses incurred in the contested-election cases of the Sixty-third Congress (12 in number), as authorized by an act entitled "An act relating to contested elections," approved March 2, 1887, the sum of $2,584.68; and an additional sum of $1,680 to such persons as were actually engaged in the work designated by the said South Trimble and in such proportion as he may deem just for assistance rendered in the work; in all, $4,264.68.

Mr. MONDELL. Mr. Chairman, I reserve a point of order on the paragraph. I do that not because I intend to make the point of order myself but because of the absence from the Chamber at the moment of the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, does the gentleman say that I am absent from the Chamber?

Mr. MONDELL. For the moment. The gentleman was out for a moment when he was called to the telephone, and for that moment he was absent from the Chamber; and having discussed this item, I reserved this point of order in his absence in order that he may make it if he desires to do a real work of reformation. The gentleman discussed this item of $2,584.68 which is proposed to be paid to the Clerk of the House.

Mr. BRYAN. Mr. Chairman, I make a point of order on the paragraph and I ask for a ruling of the Chair.

Mr. MONDELL. Mr. Chairman, the gentleman can not take me off my feet.

Mr. BRYAN. Then I withhold the point.

Mr. MONDELL. I had an idea during the discussion of the item by the gentleman from Washington that he would like to do so, possibly, but gentlemen seem to be irritated whenever I attempt to address the House this afternoon. This is a pure gratuity, there is no question about that. The gentleman from Washington suggested that it was a matter of law. The gentleman should know there is no law for a gratuity of this kind; there can not be; there is not any. I do not say that it is not following the practice which has been followed heretofore. That may be true. I doubt if it is a good practice. Here is a Democratic Congress pledged to economy and reform in matters of this sort, and yet they are slavishly following what a Republican Congress did and what a Republican Congress did with much better reason for doing it, because my understanding and my belief is that in the past the Clerk has really done some work in examining these contests other than the work done by the clerks.

In this case the amount is stated that is to be paid for the clerks, and it is also admitted that the clerks did all that was done. So that the amount that we propose to give to the Clerk of the House is a gratuity, an honorarium adding that much to his salary. There was a time when the Clerk received a smaller salary than he is receiving now. Possibly he was entitled to and should have had these sums, but we increased his salary, and should this Democratic Congress, pledged to economy, now that the Clerk's salary is larger than it was formerly, give him this very considerable gratuity when it is understood he does nothing at all for it?

Mr. MOORE. The gentleman is on the Appropriations Committee. Can he explain why we are making provision for the payment of counsel fees in certain cases that have not been settled? Contests, I am informed, are still pending in certain of the cases referred to on page 20, between lines 11 and 19.

Mr. MONDELL. No; I do not. I presume the gentleman on the other side will say that we are following precedents. Everything goes nowadays on the simple statement that they are following a Republican precedent, whether as a matter of fact they are doing so or not.

Mr. MOORE. Has it not been fairly well ascertained that these counsel fees, running up to $2,000, have been an inducement for people to bring contests?

Mr. MONDELL. Oh, that is true.

Mr. MOORE. And they have encouraged a sort of contest ambulance chasing that has made it very embarrassing?

Mr. MONDELL. That is very true, and the Democratic majority is encouraging it. But I rose to discuss this particular item because the gentleman from Washington [Mr. BRYAN] was worrying about it and I want him to know he could strike it out on a point of order, and because it is a clear gratuity it is subject to a point of order, and the point of order is reserved.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words. I sincerely hope that the gentleman from Wyoming [Mr. MONDELL] will not encourage my colleague [Mr. BRYAN] to strike out this paragraph. It has been printed out in the State of Washington that the members of the congressional delegation from that State can live well on mileage and mucilage; that is, on their mileage and the $125 received for stationery account. Now, if that sort of stuff is being printed in the State of Washington and circulated there, that we are a tribe of cheap people, and can leave our homes and come to the city of Washington to represent the great State of Washington and while here struggle along on $1,200 or so a year, I do hope it will not fall to any of us to make living harder for those who labor long and hard as clerks for this House——

Mr. DONOVAN. A point of order, Mr. Chairman.

Mr. JOHNSON of Washington. And receive, many of them, pay entirely too small for the work they perform.

The CHAIRMAN. The point of order is overruled. The appropriation is authorized by law.

Mr. BRYAN. Whose point of order is that?

Mr. FITZGERALD. No point of order was made.

The CHAIRMAN. The Chair thought that the gentleman from Wyoming [Mr. MONDELL] made the point of order.

Mr. FITZGERALD. Because it is in order I do not want any erroneous ruling to be made. It is not authorized by law.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Has a point of order been made?

The CHAIRMAN. The Chair understands a point of order was made by the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. I reserve the point of order.

The CHAIRMAN. But the point of order was reserved.

Mr. MADDEN. I ask for the regular order, Mr. Chairman.

waters the tendency is to take on more passengers than are justified under the law.

Mr. MOORE. It is a very important provision, especially in large cities.

Mr. FITZGERALD. I suppose there are many excursionists that go down the Delaware River, where the fare is cheap, for an outing. This is to prevent overcrowding.

Mr. MOORE. Where the boats are overcrowded and without supervision?

Mr. FITZGERALD. Yes. This is to prevent putting on more than are allowed by the regulations of the department.

Mr. MOORE. The inspectors to be employed would be employed only for the emergency?

Mr. FITZGERALD. They are usually employed for particular days—Saturdays, Sundays, and holidays. On other days the employees of the Customs Service are adequate.

Mr. MOORE. Would that be at a per diem compensation to be fixed by the Secretary?

Mr. FITZGERALD. Yes.

Mr. MOORE. So that, while there is no appropriation for these men, the Secretary has the discretion to appoint them wherever he thinks they are needed?

Mr. FITZGERALD. The appropriation for the collection of customs has been used heretofore. This is to enable them to employ additional men.

Mr. MOORE. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn.

The Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $7,203.77.

Mr. GOOD. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. Did we not appropriate enough in the regular legislative appropriation bill to cover the salaries for Members of the House?

Mr. FITZGERALD. We did; but we have had a new Member.

Mr. GOOD. To whom does the gentleman refer?

Mr. FITZGERALD. To the gentleman who was seated by the House.

Mr. GOOD. Does the gentleman refer to Mr. GILL, of Missouri?

Mr. FITZGERALD. I think so.

Mr. GOOD. The item is for $7,203.77. If my recollection serves me correctly, Mr. GILL was seated about the 15th of June. That would mean that during the fiscal year ending June 30, 1914, Mr. GILL would be entitled to pay for 15 days. It occurred to me that $7,203.77, under an administration pledged to economy, was a rather stiff proposition.

Mr. FITZGERALD. I do not know that it is.

Mr. GOOD. It is about $500 a day.

Mr. FITZGERALD. The House has decided that this man was entitled to his seat; entitled to his seat from the 4th of March, 1913. Under the law he is entitled to be paid.

Mr. GOOD. He is entitled to his seat; but he was not here. He was engaged in other gainful occupations.

Mr. FITZGERALD. I do not know whether he was or not.

Mr. GOOD. According to the record of this House he was.

Mr. FITZGERALD. It does not make any difference. He is entitled to be paid. The gentleman has not been here long enough, or he would recall, as I recall, when there was a continual procession of Democrats out of this House and Republicans into it; and they were paid, because when the House has decided that a man is entitled to his seat he has been paid from the time his term begins.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Not only is he entitled to the time from March 4, 1913, but if he were seated on the last day of this session, according to the precedent set by a Republican House, he is entitled to pay for the entire two years.

Mr. GOOD. But is it the policy of this administration to follow the example of those very extravagant administrations that you have been talking about from time immemorial?

Mr. FITZGERALD. No; we do not hope to rival them at all; but we propose to do justice. We intend to pay a man what he is entitled to, no matter what the appropriations aggregate. We are not going to try to make a record for economy by denying to a man what he is entitled to under the law.

Mr. GOOD. The gentleman speaks of what he is entitled to "under the law." Will the gentleman point me to the law that provides that a man who served in this House for only 15 days shall be paid for 365 days?

Mr. FITZGERALD. The Constitution provides that the House shall determine the right of a person to a seat in the House. It determined that Mr. GILL was elected. If he was elected, his term commenced on the 4th of March, 1913. Under the law he is entitled to the compensation from the time his term commenced. If there be any way under the law of getting it, the gentleman might suggest the propriety—although I do not—of asking the Republican who was unseated to return the money which was paid to him when he was not entitled to it. But this is one of the anomolies that sometimes happen under the law. One man gets his certificate and he comes here. A contest is filed against him. I understand that in this case there was a very exhaustive hearing before the Committee on Elections, and a very voluminous record of testimony was taken. It was taken so as to protect the man occupying the seat against any injustice, to prevent his being unseated unless there was conclusive proof that he ought to be. All the time that he was here he was paid. Through frauds for which he was not personally responsible another man was prevented from actually sitting in the House; but the House has decided that he ought to have been here, that he was elected; and that being so, his term commenced the same day as the term of the gentlemen and myself. This appropriation is to pay him the same as every other Member has been paid who has been seated under the same conditions. The gentleman would not expect us to defraud this man of his salary in the hope that we might delude somebody into thinking we were trying to economize. I would not care if it broke all records that ever were made or ever could be made, I favor voting every dollar necessary to pay the legitimate obligations of the Government.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. GOOD. I ask for two minutes more. The gentleman has taken practically all my time.

Mr. FITZGERALD. I hope the gentleman may have two minutes.

The CHAIRMAN. Unanimous consent is asked that the time of the gentleman be extended two minutes. Is there objection?

There was no objection.

Mr. GOOD. I have no objection to the provision. I only wanted to ascertain——

Mr. FITZGERALD. The gentleman ought not to expect me to object to it.

Mr. GOOD. No; I did not expect the gentleman from New York to object, but I did expect that some economist on that side would object to these gratuities.

Mr. FITZGERALD. This is no gratuity.

Mr. GOOD. There is a long list of what I have taken to be gratuities on this page.

Mr. FITZGERALD. No; they are not gratuities.

Mr. GOOD. Are not the following items for expenses of contestants and contestees gratuities?

Mr. FITZGERALD. No.

Mr. GOOD. Does the law provide for them?

Mr. FITZGERALD. They are allowances for expenses adjusted under the law, certified under the law, and reported in this bill under the law.

Mr. GOOD. Certified by the Committee on Accounts; but not under any statute, are they?

Mr. FITZGERALD. Certified under the statute which provides that allowances shall be paid for the expenses for these contests, to either the contestee or contestant or to both, as may be determined by the Committees on Elections, and certified by them up to the amount of $2,000 each.

Mr. GOOD. The gentleman is better informed on the subject than I am, and I accept his statement.

Mr. FITZGERALD. That is the statute.

Mr. GOOD. I only looked up the first item, and I can not find any statute authorizing the payment of a salary when the person was not here and was not a Member.

Mr. FITZGERALD. The House has decided that this man was elected.

Mr. GOOD. I understand that.

Mr. FITZGERALD. And that his term commenced on March 4, 1913.

Mr. GOOD. I understand that.

Mr. FITZGERALD. This amount of $7,203.77 is the sum necessary to supplement the balance to the credit of the Sergeant at Arms. This Member who was seated by the House draws his pay from March 4, 1913, until June 30.

Mr. GARNER. Will the gentleman yield?

Mr. GOOD. I do not desire to have all of my time taken up, but I yield to the gentleman.

Mr. GARNER. I do not desire to take up the gentleman's time, but I wish to suggest to him that where he finds a gratuity in the bill that is not authorized by law, all he has to do is to make a point of order, and it will go out. If the gentleman has in mind any item that is not authorized by law, all he has to do is to make a point of order. Any one man in the House can keep out a gratuity that is not authorized by law.

Mr. GOOD. Mr. Chairman, I shall not make any objection to this, and I shall make no motion to strike it out; but I think the time is approaching when Members will not receive compensation for services that they do not perform. The time ought to be here now when Members who are seated at the end of a session ought not to be paid for services that some one else has performed and received pay for. I make no objection to this item. I only want to call the attention of the House to the fact that it is a bad practice. It is a practice that ought to be corrected. It has been running too long already. I do not care what party instituted that practice. The party that follows it is liable to criticism, for we ought not to pay two men for one man's work.

Mr. SISSON. Mr. Chairman, I have always been looked upon as being economical; but it happens that this is in exact accordance with the uniform custom, so far as I am informed, from the beginning of contested-election cases under the Government. The Constitution provides that when a man is elected to Congress he is entitled to his seat. Compensation then under the Constitution is fixed by Congress. Now, when a man is elected to Congress and does not receive his certificate of election, it is not his fault or the fault of the people in his district who have elected him. It is certainly not his fault, but the fault of the House, if it does not instantly begin an investigation and seat him at the earliest date possible. If he is denied the right to take his seat, then he is simply penalized by the delay of the House, and the will of the people has been thwarted for the length of time that the other man occupies the seat, if in the judgment of the House he has not been elected by the people. So it would put us in a very anomalous position to undertake to say that a man should not have his pay when the people had elected him to Congress, and when we say he was elected to deprive him of his pay. He has been punished by being deprived of his seat, and being put to the trouble of making a long and expensive contest.

Mr. FERRIS. Mr. Chairman, I am in accord with the action of the committee. I think they have only done their duty in this matter; but does not the gentleman think the Committee on Elections ought to be punched up in order to get them to have their hearings earlier in the session? I understand that to be the point that the gentleman from Iowa [Mr. GOOD] is making.

Mr. SISSON. Without offering criticism of any Committee on Elections, my personal opinion is that these matters ought to be attended to expeditiously, in the very beginning of the session, and the man who is really elected to Congress ought to have his seat at the very earliest possible moment. I think the delays in these election cases penalize not only the man who is entitled to his seat, but also penalize the Federal Treasury in having to pay two men for the time that the rightfully elected Member is delayed in getting his seat, which is wrong.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. SISSON. Yes.

Mr. GOOD. I remember years ago a gentleman from my State, a district judge, while holding his office for four years was elected to Congress, but the Republican who ran against him was seated. The district judge contested the election, and the day before Congress adjourned they seated the district judge. Now, he received his salary of $3,000 a year as district judge during the two years, and he received the $10,000, the pay of a Member of Congress. I will ask the gentleman if he thinks that is right. I do not care what party inaugurated the plan, it seems to me there is something wrong about it.

Mr. SISSON. Mr. Chairman, I do not think the case cited by the gentleman from Iowa authorized Congress to pay the salary or the gentleman to draw two salaries. In most of the States they have a provision prohibiting a man from holding two offices or drawing two salaries. There happens to be no law of that kind here in reference to Federal offices. There should be. In the case mentioned by the gentleman, I think the judge ought not to have been permitted to draw two salaries. But I will state that I am not familiar with the facts in the case stated.

Mr. GOOD. The gentleman knows that the law provides that a Member who is sworn in and regularly elected, if not here attending to his duties, shall not draw his salary. Why should we discriminate and give a salary to a man who has not been sworn in until a few days before Congress adjourns, when he is out at work at his regular occupation?

Mr. SISSON. I can not yield to the gentleman further. I will say to the gentleman that because Congress does wrong in not requiring a Member to remain here and attend to business, and yet pays him a salary, is no reason why we should do another wrong when we keep a man out of his seat waiting. I do not think we ought to penalize any man. It is the fault of Congress in both instances.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask for one minute more.

The CHAIRMAN. The gentleman from Mississippi asks that his time be extended one minute. Is there objection?

There was no objection.

Mr. SISSON. The gentleman from Iowa [Mr. GOOD], I want to say, voted to postpone the hearing in the election case of Gill and Dyer, and thereby delayed the case and compelled Congress to pay two salaries that much longer. He should not now complain.

Mr. MOORE. Mr. Chairman, I am glad that this discussion has arisen. We are told that the election of a Member constitutes a question of the highest privilege, and here we are met with the financial phase of it. We have to pay the sitting Member where the seat is contested up to the time he is unseated, and then we pay the contestant for the full period, if he is successful. In addition to this we pay his attorney fees up to $2,000, the limit allowed by law.

Mr. RAKER. Will the gentleman yield?

Mr. MOORE. For a question.

Mr. RAKER. The gentleman is making a criticism; what is the law in his State in regard to contests?

Mr. MOORE. I am not criticizing this item, but rather the whole contest system.

Mr. RAKER. What is the law of the gentleman's State as to contests? Take the case of the sheriff. A man gets a certificate that he is elected to the office and it is contested, and after a month or six months he is turned out. What is the law of the gentleman's State in regard to that?

Mr. MOORE. It would go to the courts and result in an ouster, possibly. That proceeding is entirely different. It is so different that I want to make that point. Here is a body which is a law unto itself. It can do exactly as it pleases. No one Congress does what a previous Congress did, if it does not want to.

In this item we have reached the financial phase of the question. We are making allowance to the gentleman from Missouri [Mr. GILL] for that period of time that he was not in the House, but when Mr. Dyer was in the House. I believe that is according to precedent. I do not believe we can raise or cite any precedent against it.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. FOWLER. Was it the fault of the gentleman from Missouri that he was not in the House.

Mr. MOORE. It was not his fault of course. He tried to get here.

Mr. FOWLER. If he was elected by the people of his district to represent them, was not he entitled to be in the House and entitled to his salary?

Mr. MOORE. I have just indicated to the gentleman that I am not questioning the item or the payment of this money, because precedent has established the system. I am trying to get at the system. We have already paid Mr. Dyer for performing the services of a Representative, and he performed them in a faithful manner, as one duly elected and certified as elected, up to the time he was unseated. Now we are going to pay Mr. GILL, the successful contestant, for the entire period of time Mr. Dyer served the people of the district and while Mr. GILL was not a Representative. I have said that I am not finding fault with this particular appropriation to Mr. GILL, because it is true that the system of paying contestants has prevailed, and there is ample precedent for appropriation in this case; but we are in the anomalous position of paying twice for being served once.

Mr. FOWLER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. FOWLER. Which one of these men does the gentleman think is more entitled to the salary?

Mr. MOORE. In equity I would say that Mr. Dyer having served faithfully under a certificate of election and under his oath of office should be compensated for the time he served. I am not contending that Mr. GILL has not a right to be paid for what he was legally entitled to, but he did not perform the service that Mr. Dyer performed.

ment if the gentleman from Connecticut is to be allowed to interrupt me.

The CHAIRMAN. The Chair does not know of any rule by which the gentleman from Connecticut may be excluded from making a point of order.

Mr. MONDELL. Is there not any rule of the House whereby a gentleman can be prevented from rising every 15 or 20 seconds and interrupting a speaker?

The CHAIRMAN. Yes; if the speaker will observe the rules.

Mr. MONDELL. I want to know whether I am within the rules, and I will ask the Chairman whether I am?

SEVERAL MEMBERS. The regular order.

The CHAIRMAN. The regular order is demanded, and the gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, I want to proceed in order, and therefore I make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. Mr. Chairman, I ask the Chair whether or not under this item, which is for clothing for noncommissioned officers and men of the Marine Corps, made necessary clearly by reason of our occupation of Vera Cruz, in the discussion of it I may not discuss the general Mexican situation, with which the matter is connected?

The CHAIRMAN. The Chair thinks, under the latitude of debate allowed in the House, the gentleman could discuss the Mexican situation under this item.

Mr. SISSON. Mr. Chairman, I did not understand the Chair's ruling.

Mr. MONDELL. Mr. Chairman, I hope the gentleman from Connecticut will——

Mr. SISSON. Did the Chair state the gentleman could discuss it?

The CHAIRMAN. Yes.

Mr. MONDELL. Mr. Chairman, the Chair has been generally fair, and the gentleman from Connecticut has been entirely unfair. He does not understand the rules of the House. [Laughter.]

Mr. Chairman, I do not want to take up the time of the House discussing this matter. [Laughter on the Democratic side.] I want to emphasize the fact that after having spent millions of money sending our great fleet to Vera Cruz, after having lost the lives of many gallant men, after having unfortunately sacrificed the lives of many Mexicans, it appears by an agreement of our representatives at Niagara Falls that we were not justified in those acts. We all know that as a matter of fact, because our representatives have signed a protocol under which we agree not to demand any satisfaction. We took Vera Cruz ostensibly because we were entitled to a salute of 21 guns. We all know perfectly well that Vera Cruz could have been taken without firing a shot or the loss of a life if we had waited a day so as to have given the Mexican commander notice of our intent, because he certainly would not have made any defense against our overwhelming forces.

Mr. RAGSDALE. Will the gentleman permit——

Mr. MONDELL. The loss of life was due to the precipitant character of our attack—no; I do not yield to the gentleman.

Mr. RAGSDALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAGSDALE. How long has the gentleman been speaking?

The CHAIRMAN. Four minutes and a half.

SEVERAL MEMBERS. All day.

Mr. MONDELL. I have been speaking whenever I could—whenever the obstreperous gentlemen on that side of the House who do not want to hear what I have to say did not rise to interrupt me. The loss of life there was due to the precipitant character of our attack, under which it was impossible for the commanding Mexican general to inform the forces scattered over the city of his desire that they should offer no resistance. It resulted in the loss of life on the part of our men and on the part of the Mexicans. That was in order that we might keep a cargo of ammunition from landing which a few days later landed at Puerto Mexico.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, this item is to supply deficiencies required to purchase clothing for the marines at Vera Cruz. The gentleman from Wyoming [Mr. MONDELL], under each of the various items of this bill to supply deficiencies arising out of that situation, has reiterated a number of threadbare criticisms of the administration in connection with the situation in Mexico. Having put his entire speech in the RECORD yesterday under general debate, he is now reinstating it on the installment plan under each of these items. The gentleman was very anxious to go ahead to-day with the reclamation-extension bill. He threatened to prevent this bill being taken up because it might interfere with the reclamation-extension bill; yet if it had not been for the futile and useless and time-wasting tactics indulged in by him to-day the reclamation bill would have been under consideration for the last hour and a half. [Applause.] That may be the way some gentlemen take to expedite the consideration of a bill——

Mr. MONDELL. Mr. Chairman——

Mr. FITZGERALD (continuing). But whenever I favor the consideration of a bill——

Mr. MONDELL. Mr. Chairman, a parliamentary inquiry.

Mr. FITZGERALD. No; I will not yield for a parliamentary inquiry; the gentleman can not take me off my feet in that way. Whenever I favor the consideration of a bill I do everything possible to prevent time being wasted in the consideration of the one that is in its way, and the more time that is occupied to-day in the consideration of this bill——

Mr. MONDELL. A point of order, Mr. Chairman.

Mr. FITZGERALD (continuing). The less time will be taken for the consideration of the reclamation extension bill, and the longer it will be delayed in its consideration and enactment, due largely to the futile, useless tactics in which the gentleman from Wyoming has indulged to-day.

Mr. MONDELL. I commend the Chairman for his attitude.

Mr. FITZGERALD. The gentleman can not do anything but state his question of order in my time; I will not permit it.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MONDELL. My point of order is that the gentleman is not discussing the bill [laughter] or the amendment. However, I am not making that point of order——

Mr. FITZGERALD. The gentleman has stated his point of order. [Cries of "Regular order!"]

Mr. MONDELL. But I call attention to the difference between the latitude allowed on this side and that allowed on the other side.

The CHAIRMAN. The gentleman from New York is replying to the argument of the gentleman from Wyoming in discussing the item just as closely as the gentleman from Wyoming was. The point of order is overruled.

Mr. FITZGERALD. This item is to pay for the clothing which had to be purchased to put the marines in the field in Mexico. Is the gentleman opposed to it? Does the gentleman wish the marines, 5,000 of them, the largest body put in the field since perhaps the Civil War, to be put in there unclothed, unfed, unprovided for, or will he find that an additional excuse to indulge in futile criticisms of the administration; or has he the courage to indulge in a legitimate discussion of this bill by striking out the provision instead of resorting to well-known parliamentary tactics to lengthen out its consideration in order to prevent the giving of time to the consideration of another bill in which he professes to be interested? I am anxious to have this bill disposed of, and such useless, worthless, time-wasting discussion, which does nobody any good, results in criticism which does not do even the gentleman himself any good. The less of it that is indulged in the more quickly this bill will be disposed of.

I do not know whether it will be necessary to state for the seventeenth time under the next item the same criticism that has been stated 16 times in two days by the gentleman in order to expedite this bill. If it will do any good, I shall ask, after the House concludes to-night its consideration of this bill and the reclamation extension bill, that it remain in session sufficiently long to enable the gentleman to indulge in all of the criticisms he may desire to make of the administration. Or let him put them in the RECORD, because nobody will pay any attention to them whether they are uttered on the floor or simply printed in the RECORD. Legitimate criticism of the administration is proper. It is highly important in a body like this that Representatives should legitimately, properly, and honestly criticize the acts of the party in power. That is conducive to good administration. It is one of the important features of our system of government. But this picayune, partisan, nasty, time-wasting action of the gentleman from Wyoming [Mr. MONDELL] is not at all compatable with the dignity of the House or in keeping with the high standing which the gentleman should maintain. I hope the House will proceed with its public duties and end this useless performance. [Applause on the Democratic side.]

Mr. MONDELL. I believe, Mr. Chairman, I am entitled to five minutes to close debate on my motion.

The CHAIRMAN. The gentleman has had five minutes.

Mr. MONDELL. I had five minutes at the opening of the debate, and I would like to have five minutes more.

Mr. FITZGERALD. If the gentleman will agree not to talk any more than that, I will not object.

Mr. MONDELL. Am I not entitled to five minutes to close debate, the time not having been consumed?

The CHAIRMAN. Five minutes on a side is exhausted. Does the gentleman offer another amendment?

Mr. MONDELL. I move to strike out the last two words.

Mr. DONOVAN. A point of order, Mr. Chairman.

Mr. MONDELL. Mr. Chairman, I move to strike out the paragraph.

Mr. DONOVAN. A point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Mr. Chairman, the rules say:

> A pro forma amendment to strike out the last word has long been used * * * but a Member who has occupied five minutes on a pro forma amendment may not lengthen this time by making another pro forma amendment.

[Laughter and applause on the Democratic side.]

Mr. GOOD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. GOOD. The motion to strike out the paragraph is not a pro forma amendment, is it?

The CHAIRMAN. The Chair thinks it is a pro forma amendment.

Mr. GOOD. A motion to strike out the paragraph? Is that the ruling of the Chair?

Mr. MONDELL. I have moved to strike out the paragraph.

The CHAIRMAN. Is the gentleman from Wyoming opposed to having this paragraph in the bill?

Mr. MONDELL. I do not think the Chairman has any right to ask me whether I am opposed to it or not.

The CHAIRMAN. The Chair thinks that under the circumstances that is a pro forma amendment.

Mr. GILLETT. Mr. Chairman, will the Chair hear me a moment on that? The ruling which the gentleman from Connecticut [Mr. DONOVAN] cited says that a gentleman can not extend his time by making another motion. Now, the gentleman from Wyoming is not doing that. He had his five minutes, and the gentleman from New York had his five minutes in answer. Now, it is commencing again. That precedent simply applies to a case where a gentleman having used five minutes immediately tries to get five minutes more by offering another amendment.

The CHAIRMAN. The Chair will recognize the gentleman from Wyoming [Mr. MONDELL] for five minutes.

Mr. MONDELL. Mr. Chairman, gentlemen on the other side will not expedite the transaction of the business of the committee by scolding me or by saying ill-natured or unparliamentary things to me in connection with this bill. I started in in good faith to discuss the items in this bill, and gentlemen on the other side have in an unparliamentary way attempted to defeat my efforts to refer to matters of great public interest. The gentlemen on the Democratic side do not want the Mexican mess of their administration discussed, and it will be discussed, even though they do not like it. The gentleman from New York [Mr. FITZGERALD] may say that nobody pays any attention to it. I do not know why that side is so disturbed about my taking a little time to discuss these matters if they are not paying any attention to them.

There are a few things in connection with this Mexican situation which I propose to emphasize if it takes all summer to do it. One of them is that we foolishly, wantonly, futilely sacrificed the lives of American marines and seamen at Vera Cruz. We have confessed it through our own agencies in the signing of the protocol in which the administration's representatives have said we did not demand, and therefore admit we were not entitled to any satisfaction for the affair at Tampico on account of which we took Vera Cruz.

As a matter of fact, like the entire Mexican policy, if one may dignify the wabble of the administration by such a name, it has been one of insincerity. We did not take Vera Cruz precipitately and without the ordinary notice that we should have given under the rules of war, because of the affair at Tampico. We did it to prevent the landing of arms, and the next week they were landed at Puerto Mexico. Our boys died in vain, and we blotted out the lives of hundreds of Mexicans in order that we might prevent the landing of munitions of war, and then a few days afterwards we threatened the constitutionalists with dire punishment if they did not allow the landing of arms at Tampico when the *Antilla* and the *Sunbeam* appeared in the offing. And as it has been with this so it has been with the whole miserable mess of the administration's attitude toward the situation in Mexico. The President appeared here and told us that we were and must remain neutral in this struggle, and everybody knows it is notorious that no moment since then has the administration been neutral in the matter. We have aided and abetted cutthroats and bandits like Villa and Zapata, and we have aided in the extension of the horrible reign of rapine in Mexico. [Applause on the Republican side.] What has happened and what may be expected to happen in Mexico as the constitutionalists, so called, advance is clearly set forth in the following clipping from the Star of this evening:

> SCHOOLMASTERS MURDERED.
>
> Killing of the director and the inspector of the school of the Christian Brothers at Zacatecas, Mexico, and the imprisonment of 11 other members of the order, all French citizens, was reported to President Wilson to-day in a telegram laid before him by Brother Clementian, a member of the order, and William H. De Lacy, former judge of the juvenile court here. The President was asked to take immediate steps to have the imprisoned men set free and to prevent threatened similar occurrences at Saltillo, Acaisinco, Mexico City, Miacoac, Morelia, Puebla, Queretaro, and Toluca, where other schools are maintained.

It seems no one is safe from these people, and they are particularly brutal in their treatment of those whose devotion to the cause of religion and charity and instruction should appeal to their sympathies.

The Clerk read as follows:

> The unexpended balance on June 30, 1914, remaining to the credit of the appropriation of $3,525.87 authorized in the deficiency appropriation act approved October 22, 1913, for the completion during the fiscal year 1914 of the examination and classification of lands within the limits of the Northern Pacific grant under the act of July 2, 1864 (13 Stats., p. 365), is continued and made available to meet the expenses pertaining to such examinations and classifications as may be incurred during the fiscal year 1915.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to extend my remarks on this paragraph.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks on the paragraph just read. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> United States penitentiary, Leavenworth, Kans.: For subsistence, including the same objects specified under this head for this institution in the sundry civil appropriation act for the fiscal year 1914, $13,967.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] offers the following amendment, which the Clerk will report.

The Clerk read as follows:

> On page 24, in line 21, strike out the word "fourteen" and insert in lieu thereof the word "thirteen."

Mr. SISSON. Mr. Chairman, that is simply a mistake in the year.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> BUREAU OF NAVIGATION.
>
> To enable the Secretary of Commerce to employ temporarily, in addition to those now provided for by law, such other persons as may be necessary, of whom not more than two at any one time may be employed in the District of Columbia, to enforce the laws to prevent overcrowding of passenger and excursion vessels, and all necessary expenses in connection therewith, fiscal year 1915, $15,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] moves to strike out the last word.

Mr. MOORE. This Bureau of Navigation item, $15,000 for additional inspectors for the steamboat service, would seem to imply temporary employment only.

Mr. FITZGERALD. Heretofore the temporary employees who were employed on Saturdays, Sundays, and holidays, in keeping track of the number of persons going on excursion steamers, were paid from the appropriation for the collection of customs under the Treasury Department. The Comptroller of the Treasury has held that while customs inspectors and other employees might be detailed to this work, there was no authority to employ persons temporarily. They have expended about $15,000 each year for this purpose, and this is to enable the Department of Commerce on rush days to put on the necessary employees to check off the excursionists.

Mr. MOORE. It is incident to the summer-excursion business?

Mr. FITZGERALD. Yes.

Mr. MOORE. Has any particular section of the country asked for this special service?

Mr. FITZGERALD. No. I know that about New York and Philadelphia and the Great Lakes there is a necessity for this service. Wherever there are excursion boats on navigable

Mr. MONDELL. Mr. Chairman, a discussion of these items, the necessity for which arises out of our occupation of Vera Cruz, makes in order a discussion of the facts relative to our occupation of that Mexican seaport and of the general situation to which that fact is related.

To continue my statement of a moment ago, the gentleman from Tennessee [Mr. GARRETT] evidently does not realize the fact that the Federal Government in Mexico was not founded by assassination. The present Government was established several days before the assassination of President Madero.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. GARRETT of Tennessee. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. I did not assert that the Federal Government was based upon assassination.

Mr. DONOVAN. A point of order, Mr. Chairman.

The CHAIRMAN. What is the gentleman's point of order?

Mr. DONOVAN. That the Member from Wyoming is not talking to the subject matter of the amendment.

The CHAIRMAN. The point of order is overruled.

Mr. GARRETT of Tennessee. I did not assert that the Federal Government in Mexico was based upon assassination.

Mr. DONOVAN. Mr. Chairman, I raise the point that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-one members present; not a quorum.

Mr. GARRETT of Tennessee. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on division (demanded by Mr. GARRETT of Tennessee), there were—ayes 5, noes 39.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed Mr. GARRETT of Tennessee and Mr. GILLETT.

The committee again divided; and the tellers reported—ayes 10, noes 72.

The CHAIRMAN. The point of order of the gentleman from Connecticut that there is no quorum present is well taken. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Elder	Lafferty	Prouty
Ainey	Estopinal	Langham	Rauch
Anderson	Fairchild	Langley	Rayburn
Anthony	Fess	Lazaro	Riordan
Aswell	Fields	L'Engle	Roberts, Mass.
Austin	Finley	Lenroot	Rothermel
Barchfeld	Fordney	Lever	Sabath
Barnhart	Frear	Levy	Saunders
Bartholdt	Gallivan	Lewis, Pa.	Scully
Bartlett	Gardner	Lindquist	Sells
Beall, Tex.	George	Linthicum	Sharp
Bell, Ga.	Gerry	Lobeck	Sherley
Borchers	Gillmore	Loft	Shreve
Borland	Godwin, N. C.	Logue	Sims
Brown, N. Y.	Goldfogle	McAndrews	Slayden
Brown, W. Va.	Gorman	McClellan	Slemp
Browne, Wis.	Gostden	McGillicuddy	Small
Browning	Graham, Pa.	McGuire, Okla.	Smith, Md.
Brueckner	Green, Iowa	McKellar	Smith, J. M. C.
Buchanan, Ill.	Greene, Mass.	McKenzie	Smith, Minn.
Burke, Pa.	Greene, Vt.	McLaughlin	Smith, Tex.
Burke, S. Dak.	Gregg	Madden	Sparkman
Callaway	Griest	Mahan	Stanley
Cantrill	Gudger	Maher	Stephens, Nebr.
Carew	Guernsey	Manahan	Stringer
Carlin	Hamill	Martin	Summers
Cary	Hamilton, N. Y.	Merritt	Sutherland
Chandler, N. Y.	Hardwick	Metz	Switzer
Church	Hay	Miller	Talbott, Md.
Clancy	Hayes	Moreau, La.	Taylor, Ala.
Clark, Fla.	Henry	Morin	Temple
Collier	Hinds	Morrison	Thacher
Connolly, Iowa	Hinebaugh	Mott	Thomas
Cooper	Hobson	Murdock	Thompson, Okla.
Copley	Houston	Murray, Mass.	Tuttle
Covington	Howard	Murray, Okla.	Underwood
Crisp	Howarth	Neeley, Kans.	Vare
Dale	Hughes, W. Va.	Neely, W. Va.	Vaughan
Danforth	Hulings	Norton	Walker
Davenport	Johnson, Utah	O'Brien	Wallin
Davis	Jones	O'Hair	Walsh
Dies	Keister	O'Leary	Weaver
Difenderfer	Kelley, Mich.	O'Shaunessy	Whitacre
Dixon	Kelly, Pa.	Palen, Mass.	White
Dooling	Kennedy, Conn.	Parker	Willis
Doughton	Kennedy, R. I.	Patten, N. Y.	Wilson, N. Y.
Driscoll	Klem, Pa.	Patton, Pa.	Winslow
Drukker	Kinkead, N. J.	Payne	Woods
Dunn	Kitchin	Peters, Me.	Young, Tex.
Dupré	Knowland, J. R.	Plumley	
Eagle	Konop	Porter	
Edwards	Korbly	Powers	

The committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill H. R. 17824, the general deficiency bill, finding itself without a quorum, caused the roll to be called, whereupon 229 Members answered to their names, and he presented a list of the absentees.

The committee resumed its sitting.

The Clerk read as follows:

Equipment of vessels: For equipment of vessels, including the same objects specified under this head in the naval appropriation act for the fiscal year 1911, $19,565.47.

Mr. MONDELL. Mr. Chairman, when I was interrupted a short time ago in the discussion of these items made necessary by our taking and occupation of Vera Cruz, I was calling attention to some errors the gentleman from Tennessee fell into in his discussion when he would have us understand that the present Federal Government of Mexico was founded on assassination, and therefore the President was justified in not recognizing that Government. I call attention to the fact that the present Government of Mexico was established some days before the unfortunate taking off of President Madero. It is entirely proper that our Government should withhold its recognition of that Government for some time.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the paragraph for the equipment of vessels.

The CHAIRMAN. The point of order is well taken, and the gentleman will confine himself to the question before the House.

Mr. MONDELL. This item is in regard to the repair of vessels used in connection with our taking of Vera Cruz. Our taking of Vera Cruz became necessary by reason of our failure to recognize the federal government.

Mr. FITZGERALD. The gentleman is mistaken; the paragraph has nothing to do with that situation.

Mr. MONDELL. The gentleman imagines that it has not.

Mr. FITZGERALD. I know what I am talking about, and the point of order is well taken.

Mr. MONDELL. If the gentleman insists on my talking about these particular vessels——

Mr. FITZGERALD. I do not insist on the gentleman's speaking at all. [Laughter.]

Mr. MONDELL. The gentleman from New York is altogether too modest. He is always anxious to hear me talk.

Mr. FITZGERALD. This is an item to supply deficiencies for the year 1911, and has nothing to do with other items which arose out of the situation with Mexico.

Mr. MONDELL. It has to do with the repairs of vessels.

Mr. FITZGERALD. Yes; in the year 1911.

Mr. MONDELL. It opens up the entire question of the use and repair of vessels belonging to the naval establishment, and could be very properly discussed, but I do not care to take the time now, because there are a number of paragraphs to which my remarks will be in order.

The Clerk read as follows:

BUREAU OF MEDICINE AND SURGERY.

Transportation of remains: For transportation of remains of officers and enlisted men, including the same objects specified under this head in the naval appropriation acts for the fiscal years that follow:

Mr. MONDELL. Mr. Chairman, this appropriation is made necessary because of the unfortunate loss of life of American soldiers and sailors at Vera Cruz. That unfortunate loss of gallant American seamen was the result of our failure to recognize the Federal Government in Mexico. I was about to remark a moment ago when interrupted that it was the duty of our Government, after having waited long enough to emphasize our abhorrence of crime, of assassination, which followed the establishment of the Government of Huerta to then recognize that government.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the question. The item before us is as to the transportation of remains, and the gentleman has made no motion. There is no appropriation in this particular paragraph. The Clerk finished reading at line 11.

Mr. MONDELL. I have no objection to the Clerk reading the other line.

The CHAIRMAN. The Clerk will read line 12.

The Clerk read as follows:

For 1914, $5,000.

Mr. MONDELL. Mr. Chairman, I was about to remark——

Mr. RUBEY. Mr. Chairman, what is the gentleman talking to? He offered no amendment.

Mr. MONDELL. I thought I did offer an amendment.

Mr. RUBEY. What was the gentleman's amendment?

Mr. MONDELL. To strike out the last word.

Mr. RUBEY. The gentleman may have intended to make that amendment, but he did not.

Mr. MONDELL. The gentlemen on the other side are getting so technical that I shall endeavor to meet all of their different objections to my discussion of these matters. Mr. Chairman, I move to strike out the last word, and that gives me five minutes.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word, and the gentleman is recognized.

Mr. MONDELL. If after withholding the recognition of the Federal Government of Mexico on account of the assassination of President Madero we had recognized that Government, we would have been in a position where we could have negotiated directly with the people of Mexico during all this period of time during which it has been necessary for us to indirectly communicate with them through intermediaries appointed as personal representatives of the President.

The gentleman from Tennessee I fear falls into the same error that the President has fallen into—that we recognize the head of a government. We do not do that in our dealing with a foreign power, we recognize the people of the country as represented by the government.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. MONDELL. And much as we may dislike the head of the government, much as we may disapprove of the method and conditions under which the government is established, it is our duty to maintain such relations with all civilized people that we may deal with them directly through the authorities they have established or they have accepted.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman is not talking to the question. The paragraph reads: "For 1914, $5,000."

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. How much of my time had I consumed at the time the Chair decided I was not discussing the paragraph?

The CHAIRMAN. About three minutes.

Mr. MONDELL. Now, Mr. Chairman——

Mr. RUBEY. Mr. Chairman, a parliamentary inquiry. When an objection is made and sustained that the gentleman is not speaking to the bill, under the rules should he not take his seat?

Mr. STAFFORD. Oh, no; Mr. Chairman, nobody has called the gentleman to order.

Mr. MONDELL. Mr. Chairman, I was observing the rules of the House. I ask to be recognized for the remainder of my time.

The CHAIRMAN. The question is on the motion of the gentleman from Washington that the gentleman from Wyoming may be permitted to proceed in order.

The motion was agreed to.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, I have not for a single moment been speaking out of order, and I refuse to accept any time on the theory I have not been proceeding in order.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. In just a moment. I have not for a moment been speaking out of order, but I do not desire to raise that question with the Chair. I yield to the gentleman from California.

Mr. RAKER. In a statement the gentleman made this morning he said that he was anxious——

Mr. MONDELL. The gentleman will be brief in his statement.

Mr. RAKER. Yes; I will be brief—to get to this irrigation extension bill.

Mr. MONDELL. I am very anxious to get to it.

Mr. RAKER. Does the gentleman not believe that these questions of criticisms and little scoldings would be better laid aside, so that we may get through with this bill, in order that we may take up the reclamation extension bill, and really get to it, instead of talking about it? [Applause on the Democratic side.]

Mr. MONDELL. Mr. Chairman, I did not yield to the gentleman from California to read me a lecture. The gentleman from California voted to postpone the consideration of the irrigation bill two weeks ago.

Mr. RAKER. I did not.

Mr. MONDELL. He did vote to dispense with Calendar Wednesday, when the irrigation bill was the next bill for consideration. I voted against it; and I propose to discuss great national issues when they are before the House, whether it pleases my friend from California or the gentleman from Connecticut or not.

Mr. RAKER. It is not a question——

Mr. MONDELL. The day of free debate and discussion has not yet closed in the House of Representatives, much as gentlemen upon that side would like to close it.

Mr. RAKER. Would not the gentleman yield for another question?

Mr. MONDELL. No; I will not, Mr. Chairman, because the gentleman does not ask me a question, but proceeds to scold me, claiming that I am delaying the consideration of another bill.

Mr. RAKER. There can not be any doubt about that.

Mr. MONDELL. When he himself has voted to delay consideration of that bill and I voted against that delay.

Mr. RAKER. Mr. Chairman——

Mr. CANTOR. Mr. Chairman, I demand the regular order.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California is recognized.

Mr. BRYAN. Mr. Chairman, I make the point of order that that motion has already been made.

Mr. RAKER. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman, the question of criticism in regard to postponing the reclamation extension bill by unanimous consent——

Mr. GOOD. Mr. Chairman, I make the point of order that the gentleman is not speaking to his amendment.

The CHAIRMAN. The point of order is well taken, and the Clerk will read.

The Clerk read as follows:

MARINE CORPS.

Clothing: For noncommissioned officers, musicians, and privates authorized by law, $69,836.50.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. This is an item made necessary by our military and naval operations at Vera Cruz, and the discussion of that, of course, opens up the entire Mexican question. I am not surprised that gentlemen on the other side do not care to discuss that question. In view of the fact that after the insistence of the administration upon a salute of 21 guns——

Mr. DONOVAN. Mr. Chairman, I make the point of order.

Mr. MONDELL. The administration through its representatives at Niagara Falls has now——

The CHAIRMAN. The gentleman from Wyoming will suspend until the gentleman from Connecticut can state his point of order.

Mr. MONDELL. Mr. Chairman, I present a point of order, a matter of personal privilege. I have the right to address this House, and I have not attempted to do so to-day that I have not been interrupted by the gentleman from Connecticut, and I insist upon the Chair preserving order and seeing that the gentleman from Connecticut retains his seat.

The CHAIRMAN. The Chair thinks the gentleman from Connecticut is within his rights in making the point of order. Whether it is good or not is for the Chair to determine.

Mr. DONOVAN. Mr. Chairman, he is not talking to the amendment which he made to strike out the last word appearing on line 18, page 19.

The CHAIRMAN. The Chair will suggest that the gentleman from Wyoming be permitted to proceed so that the Chair may determine whether he is discussing the amendment.

Mr. MONDELL. Mr. Chairman, I ought not to pay any attention to the vaporings of the gentleman from Connecticut, but in order to assure the Chair that I am proceeding in order——

Mr. DONOVAN. Mr. Chairman, the vaporings of the gentleman from Connecticut have nothing to do with the amendment that the gentleman offers. This is a farce. The gentleman is violating the order of the House and violating the rules, and has no regard to his amendment and does not intend to speak to it. I submit that good order and parliamentary practice should be observed. The gentleman had the floor, I think for half an hour, and he had the chance to say all that he wished to say.

The CHAIRMAN. The Chair will suggest to the gentleman from Wyoming that he observe the rules in reference to discussion.

Mr. MONDELL. The gentleman from Wyoming would respectfully suggest to the Chair that he has been observing the rules, and the Chair has repeatedly said so, but in spite of that fact the Chair allows the gentleman from Connecticut to interrupt me in my discussion. I can not make a connected state-

The Clerk read as follows:

The commissioners are authorized and directed to pay to Charles H. Wiltsie and others, from the appropriation for "Refunding taxes, etc.," the amount of certain taxes and other charges paid by them on account of certain properties erroneously sold at tax sales, together with interest at 6 per cent per annum on said amounts from date of sale to date of payment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I think it is subject to a point of order. Does not the gentleman think Mr. Wiltsie will think he is in geat luck if he can get the principal without requiring interest at 6 per cent?

Mr. FITZGERALD. I am not sure about the law; that is the custom. If a locality or municipality sells property at a tax sale, and there is a defect, an error, or mistake—I do not know what the law is here, but I know what the law is in my State of New York—the purchaser of the tax lien receives the money with interest.

Mr. MANN. I would not say the gentleman was mistaken as to New York, because the other day when I thought he was, he ran over me. I doubt if there is a provision anywhere in these cases to pay interest. They refund the principal, but I doubt very much if even in New York they pay the interest.

Mr. FITZGERALD. In New York they pay the interest where through error a sale has been made. The city is required to pay principal and interest.

Mr. MANN. Out of what does it pay the interest? The city does not make the tax sale, I assume.

Mr. FITZGERALD. It does; the collector of assessments and arrears is the official who sells.

Mr. MANN. I do not know, but I suppose that in New York they collect taxes for the State, county, and city?

Mr. FITZGERALD. They are all collected by one official.

Mr. MANN. But he is not a city official.

Mr. FITZGERALD. Yes; he is a city official.

Mr. MANN. Is he a city official and does he collect all the other taxes?

Mr. FITZGERALD. Yes.

Mr. MANN. Out of what do they pay the interest? Part of the principal would have gone to the State and part of it would have gone to the county or borough, probably. I do not know how it is in New York. What do they pay the interest out of?

Mr. FITZGERALD. I do not know.

Mr. MANN. I do not believe they pay the interest.

Mr. FITZGERALD. They do.

Mr. MANN. Well, I accept the gentleman's statement, of course.

Mr. FITZGERALD. I know they pay it out of some fund.

Mr. MANN. I think it is not usual, and there is no reason for it.

Mr. FITZGERALD. The total amount involved here, as I have just figured, including interest, is $139.

Mr. MANN. I did not know what the amount was. I do not see any reason for paying the interest. Will it be agreeable to the gentleman, or will he consent, to striking out the interest?

Mr. FITZGERALD. I will not consent to it, but the gentleman can move to do so.

Mr. MANN. Then I make the point of order on the paragraph.

Mr. FITZGERALD. I think this is an appropriation in accordance with the law which provides for refunding.

Mr. JOHNSON of Kentucky. This is for refunding something the District of Columbia has never gotten.

Mr. MANN. Where is any such provision of law? There is none that I know anything about.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will indulge me just a moment, I think I can explain the system under which this is done. Mr. Wiltsie, of Syracuse, N. Y., is a professional buyer of property sold at tax sales. He buys thousands of pieces of property sold here in the District of Columbia. The law provides that the owner of the property in getting it back shall pay to him what he paid for it plus interest at the rate of 12 per cent. Mr. Wiltsie has never been known to accept original cost plus that 12 per cent interest. Instead, he requires everyone who is so unfortunate as to have his property sold at tax sale to pay to him the amount of an attorney's fee, which the unfortunate one would have to pay if he went into court with Mr. Wiltsie in order to get the title out of him. He is extortioning upon the people here, and I do not believe that any sort of consideration ought to be shown him in this instance.

Mr. MANN. Then, Mr. Chairman, I will withdraw the point of order, and I move to strike out of lines 13 and 14, on page 14, the words:

Together with interest at 6 per cent per annum.

The CHAIRMAN (Mr. GARRETT of Tennessee). The gentleman from Illinois withdraws the point of order and offers an amendment, which the Clerk will report.

Mr. MANN. I move to strike out all after the word "sales," in line 13, to the end of the paragraph.

The Clerk read the amendment, as follows:

Amend, on page 14, by striking out all of the paragraph after the word "sales" in line 13.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

War Department.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 15, after line 4, insert:

"To enable the commission created by section 26 of the public-buildings act approved May 13, 1908 (Stat. L., vol. 35, p. 543), to procure not exceeding 500 lithograph copies, in colors, of the map authorized in said section of all lands in the District of Columbia in and to which the United States has title, to continue available during the fiscal year 1915, $1,201, or so much thereof as may be necessary."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

MILITARY ESTABLISHMENT.

QUARTERMASTER CORPS.

For transporting and caring for interned Mexican soldiers and military refugees at Fort Wingate, N. Mex., and elsewhere, for the six months commencing July 1, 1914, $170,000, together with the unexpended balance of the appropriation made in the urgent deficiency appropriation act approved April 6, 1914, to reimburse appropriations for support of the Army for expenditures for these purposes made prior to July 1, 1914.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there are something more than 5,000 of the so-called military refugees held at Fort Wingate and at other points along the Mexican border—men, women, and children. Under The Hague convention neutral powers are obligated to interne the soldiers—belligerents—that come upon their territory during war. This obligation rests on neutral powers. I do not believe anyone familiar with the conditions can honestly say that we are a neutral power in the present situation in Mexico. Notwithstanding, we have a duty to perform to these unfortunate people.

In view of our attitude toward the constitutionalists our retention of these people really amounts to an aid to the constitutionalists, because these people interned and held by us, 4,000 of them, are federal soldiers. So far as the women and children are concerned, the fact that we hold them and refuse to allow them to go back to Mexican territory, is proof positive that we ourselves have no confidence in the honor of the constitutionalist forces, and are fearful that the women and children of their own blood and nation would suffer at their hands if we allowed them to go back over the border. We have already appropriated $500,000 for the purpose of caring for these refugees. We are now proposing to appropriate $170,000 more. The question is, Are we ever to be reimbursed? The Hague convention provides for reimbursement, but our representatives at the Niagara Falls mediation conference agreed that the Government of the United States will not claim a war indemnity or other international satisfaction.

Let us assume for the sake of illustration that the so-called constitutionalists should establish themselves as a permanent government in Mexico. They would be under no obligation to reimburse us, because we have not recognized them and they are not parties to the mediation conference, and because it has not been at their request or suggestion that we have interned these people.

Again, if the government established in the City of Mexico which we recognize in the future claims to be a party to those protocols, to this understanding at Niagara Falls, then they can claim that they are absolved from responsibility for payment by paragraph B of article 2, under which we waive all claim or demand for indemnity or satisfaction.

And this is the position we find ourselves in with regard to this particular phase of the Mexican controversy: Our Government, in the interests of humanity, proceeds to care for these Federal soldiers, who would have been butchered had they been sent back across the border; when we proceed to care for these women and children, who would have suffered all manner of outrage and indignity had they gone across the

border, then we meet the representatives of the Huerta government at Niagara Falls and agree that we shall make no demand on anyone represented or bound by the terms of the Niagara conference for any expenditures we have made in regard to this or any other matter.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Pennsylvania?

Mr. BUTLER. With whom did we make that agreement at Niagara Falls?

Mr. MONDELL. Well, the gentleman knows who were present at the Niagara Falls mediation. There were representatives of the Huerta government, which we never recognized, and which we had been trying to overthrow for more than a year.

Mr. BUTLER. Were the constitutionalists there?

Mr. MONDELL. They were not officially represented, as I understand it.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FITZGERALD. Mr. Chairman, all that I desire to say is that under the provisions of The Hague convention, ratified and proclaimed on February 28, 1910, to which the United States was signatory, article 11 provides—

A neutral power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theater of war.

It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.

It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

Article 12 provides—

In the absence of a special convention to the contrary, the neutral power shall supply the interned with the food, clothing, and relief required by humanity.

At the conclusion of peace the expenses caused by the internment shall be made good.

And article 13 provides—

A neutral power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory, it may assign them a place of residence.

These hostile troops were received on the territory of the United States. They have been interned. Accompanying the troops were a number of women and children. They are kept with the troops. They have no desire to leave them. They are a part of the army. The cooking and other things done by distinct services in our Army are done by the women in the Mexican Army. There has been no application on the part of these people to return. They do not desire to return. They are better off now than they have ever been.

The United States is performing the obligations imposed by the treaty, and there is no situation or condition that calls for any protest or criticism.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 16, after line 5, insert the following:

"The Secretary of War is authorized to accept the deed from Edward Ingersoll, conveying to the United States a tract of land containing about 1 acre, now forming part of the Springfield Armory, Springfield, Mass., the said deed having been received May 16, 1859, registered in book 108, page 153, Hampden County, State of Massachusetts, by James D. Russell, register."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

CONTINGENT, NAVY.

For contingent, Navy, including the same objects specified under this head in the naval appropriation act for the fiscal year 1914, $64,229.55.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, the appropriation made in this item was made necessary by reason of our occupation of Vera Cruz, and it raises the question of why we are occupying Vera Cruz. After having signed a protocol waiving all claim for indemnity or satisfaction, why are we at Vera Cruz? Because of the incident of Tampico, said to have been an insult to our flag, we demanded a salute of 21 guns. We would not accept 16. But our representatives at the mediation conference have agreed that we are not entitled to any salute. A stiff-necked administration sent a majestic fleet across the seas under forced draft, landed marines at Vera Cruz, and sacrificed the lives of 19 brave American boys. For what? For nothing—so our representatives at Niagara Falls have said—as we are entitled to no satisfaction for the affair at Tampico, according to their admission.

The gentleman from Tennessee [Mr. GARRETT] said a little while ago that he gloried in the determination of the administration not to have war with Mexico. Ah, the administration knew that the American people would not uphold any administration for a moment that would plunge us into war with Mexico. But the administration did bring on war with Mexico at Vera Cruz, at the cost of American lives and at the cost of the lives of many Mexican people. The gentleman from Tennessee says he glories in the fact that the administration declines to recognize the Federal Government at the head of which is Huerta.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman is not talking to the amendment.

Mr. MONDELL. Mr. Chairman, every time I attempt to address the House the gentleman from Connecticut insists on rising and interrupting me. I decline to be interrupted more.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is pursuing the usual course.

Mr. DONOVAN. The gentleman is not speaking to the amendment.

The CHAIRMAN. The gentleman will proceed in order.

Mr. MONDELL. Mr. Chairman, it is very difficult to proceed with a five-minute discussion when subjected to constant interruption from Members who have no right to interrupt. I shall ask the Chair to protect the committee from the interference of the gentleman from Connecticut, who does not know what constitutes orderly debate.

Mr. Chairman, the gentleman from Tennessee [Mr. GARRETT] glories in the fact that the administration has not recognized the Presidency of Huerta in Mexico, because, he said, it was founded on assassination.

Mr. DONOVAN. Mr. Chairman——

Mr. MONDELL. It is a good thing that the gentleman from Tennessee had admitted but a moment before that he was not well informed with regard to affairs in Mexico. Had he been well informed, he would have known that the government of Huerta was established in Mexico some four or five days prior to the assassination of President Madero.

Mr. DONOVAN. Mr. Chairman, a point of order.

Mr. MONDELL. However that may be——

The CHAIRMAN (Mr. HARRISON). The gentleman from Connecticut makes a point of order. The gentleman from Wyoming will desist. The gentleman from Connecticut will state his point of order.

Mr. DONOVAN. That the gentleman from Wyoming is not speaking to the subject matter under the five-minute rule.

Mr. MONDELL. Mr. Chairman, I think it is high time that the gentleman from Connecticut, who does not know and does not understand what constitutes orderly debate or the amenities of the House, be informed by the Chair. I think it is the duty of the Chair to inform him. The gentleman has constantly interrupted me every time I have tried to discuss the matter before the House to-day. I realize that gentlemen on the other side do not want this matter discussed, but I assure them I shall discuss it.

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. How much of my time was used by the gentleman from Connecticut and my request of the Chair for protection?

The CHAIRMAN. The present occupant of the chair will state that he was not in the chair at the time, and can not give the gentleman that information.

Mr. GARRETT of Tennessee. I ask unanimous consent that the gentleman from Wyoming may proceed for five minutes.

Mr. DONOVAN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the gentleman from Wyoming be permitted to proceed for five minutes. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects. The Clerk will read.

The Clerk read as follows:

PAY, MISCELLANEOUS.

For pay, miscellaneous, including the same objects specified under this head in the naval appropriation acts for the fiscal years that follow:

For 1913, $16,619.27.

For 1912, $6,110.49.

tleman tells us that business is prosperous and business men are contented and happy.

Why, Mr. Chairman, if we needed any other indication, we only need to look at the railroad returns for the last month for which we have statistics—the month ending May 31 of this year. The revenues of the New York Central lines alone fell off for the month of May over $4,000,000 as compared with the same month of 1913. The revenue of the Pennsylvania lines fell off for the same month over four and a half million dollars, as compared with the same month of last year. The building permits in 118 principal cities of our country for the month of April fell off over $15,000,000. Is it strange that the gentleman from Washington [Mr. HUMPHREY] finds there is no demand for lumber? Whichever direction we turn we find the same conditions. The importations of foreign goods are steadily increasing and our exports are falling off. A river of gold is flowing toward Europe to make up for the loss in our balance of trade.

Gentlemen were endeavoring to show that pig-iron furnaces were in full blast. We made nearly 4,000,000 tons less of pig iron in the first six months of this year than we did in the first five months of last year. The steel companies are all working under 40 per cent less orders than they had a year ago.

But I can not fully go into this subject. I did not rise to speak upon it, but rather on another subject that was brought up by the gentleman from North Carolina, who I am glad to see in his seat. I have for the gentleman the highest respect and also an affectionate regard, but I am compelled to object at this time to some statements he made, although I understand they were not made with the intention of reflecting upon me or any other Member on this side to whom he referred. A few days ago he read what he called the roll of honor of men on this side who had voted for some of the antitrust bills, and among those names was my own.

Now, I think if the gentleman had heard some remarks that I made at the time, or had taken the trouble to read them, for which I do not blame him if he did not, he would have scarcely included me in that roll of honor. I said at the time, and I say now, that I would not have voted for the bill if I had supposed that it would ever come back from the Senate as it went from the House, and it is quite evident now that when it comes back it is not going to be in such a shape that its framers will recognize it. The father will not know the child.

I said also at that time, and I think I was expressing the sentiments of a large number of Members on this side who voted for the same bills, that the antitrust bill—the Clayton bill—intentionally or unintentionally, was drawn so as to put the Members on this side who voted for or against the bill in a false light. It contained one or two good provisions. It reaffirmed legislation to which we have always expressed our adherence. It attempted to reach practices which I and others on this side have denounced, and which we said were already covered by provisions of the present law. But gentlemen on the other side said that they were not so covered. If we voted against the bill, we exposed ourselves to the charge that we had abandoned the principles which we had always fought for and advocated, and I declined, Mr. Chairman, for myself, to walk into such a trap. And others on this side refused to walk into the trap also.

But the gentleman from North Carolina says we are responsible for the Clayton bill by reason of our vote. I am not inclined to share the responsibility. We no more consented to that bill being rammed down our throats than an English suffragette when put in a strait-jacket and a reverse stomach pump put in her mouth consents to take the food forced down her gullet.

We protested, we objected, we offered amendment after amendment to take out what we deemed to be useless and what I might say at this time seemed to be senseless provisions of the bill, for some of them were senseless; and the only result of our labors was that the much-vaunted personal criminal liability section was modified, and if it had not been modified this House would have been the laughingstock of the legal world. We responsible for that bill? I think everything of the gentlemen on the other side. I know them to be courteous and affable, pleasant and accommodating gentlemen, as a rule. The exceptions are so few that I would not consider them. I would do almost anything for them, and I do not wonder that they are looking for some one to divide the load; but I decline to share the responsibility for this legislation. If it passes the Senate and is successful in practice, they will get the credit for it; if it is a failure—and, even when amended, I predict the antitrust bill will be—they must bear the brunt and the burden. In any event, they afford no remedy for business conditions and are no excuse for prolonging this session. We should adjourn as quickly as possible and give the country a chance to recover from the effect of what this Congress has already done.

Comparison of failures for first 6 months of each of last 10 years, as shown by R. G. Dun & Co.'s mercantile reports.

[From the New York American.]

Year.	Number.	Liabilities.
1914	8,344	$183,099,730
1913	8,193	137,999,061
1912	8,317	106,012,223
1911	7,061	103,698,334
1910	6,388	112,230,308
1909	6,801	96,641,373
1908	8,709	124,374,833
1907	5,628	89,558,662
1906	5,612	67,554,074
1905	6,210	58,904,585

The Clerk read as follows:

To reimburse the appropriation "Tabulating equipment, Office of Auditor for Post Office Department," fiscal year 1914, for tabulating equipment, rental of machines, and purchase of cards for the Office of the Auditor for the Interior Department to the close of the fiscal year 1914, $5,194.19.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. I would like to ask some information about this $5,194.19. How much of that is for these machines and how much for new equipment? I see there are no hearings upon that.

Mr. FITZGERALD. We had the information upon that item in the consideration of a former bill. The Auditor for the Post Office Department furnished to the Auditor for the Interior Department different materials and supplies on hand, to that extent, and it is necessary to reimburse the appropriation in order to enable other bills that were incurred to be paid.

Mr. BRYAN. He furnished them to the Auditor for the Interior Department?

Mr. FITZGERALD. Yes.

Mr. BRYAN. So this is a refund?

Mr. FITZGERALD. Yes. The information upon it was obtained on a previous bill.

Mr. BRYAN. There has always been a scarcity of testimony when it comes to the renting of these tabulating machines down there, except when the gentleman from Virginia or some one is giving them a pretty hard knock in suggesting that they have been thrown out of some other department, and that is the only time that we hear much about them.

Mr. FITZGERALD. The information about this item was obtained on a former deficiency bill, and it was not repeated.

Mr. BRYAN. Does the gentleman know the name of the company that gets that rent?

Mr. FITZGERALD. I do not.

Mr. BRYAN. It is a Georgetown company, is it not?

Mr. FITZGERALD. I know nothing about it. All I know is that the machines are rented.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Winchester, Mass., post office: For site and commencement, $15,000.

Mr. DEITRICK. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 9, line 17, strike out the figures "$15,000" and insert in lieu thereof the figures "$20,000."

Mr. FITZGERALD. Mr. Chairman, there is no objection to this amendment. Since the bill was reported supplementary estimates have come from the Treasury Department asking $20,000 to be appropriated instead of $15,000, as originally requested.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Massachusetts.

The amendment was agreed to.

The Clerk read as follows:

CUSTOMS SERVICE.

To defray the expenses of collecting the revenue from customs, $300,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. Will the gentleman kindly explain whether there is anything new in this $300,000 item? Is it an exigency of the service?

Mr. FITZGERALD. Mr. Chairman, it is due to the fact that the appropriation made was $300,000 less than it cost to administer the service. In the reorganization of the Customs Service $10,150,000 was appropriated, and the law required the service to be reorganized so as to effect a saving, I think it was, of $350,000. That was upon the theory that the cost of the service was $10,500,000. As a matter of fact, the expenditures in the

year previous, on which it was being based, was $10,700,000 or more. There has been an actual saving of over $300,000, and with the readjustments that are going on the officials of the Treasury Department state that during this fiscal year it will not cost in excess of $10,150,000.

Mr. MOORE. This does not contemplate the use of any money for extra service on account of income-tax collections or anything of that kind?

Mr. FITZGERALD. No; this is the customs service entirely.

Mr. MOORE. And due to the reorganization?

Mr. FITZGERALD. No; it was expected that under the reorganization the service would be conducted for $10,150,000. That was due to a misunderstanding of the total cost of the service the preceding year upon which the saving was estimated. They are making readjustments and changes, and the result will be that this year it will be $10,150,000. The total appropriations for 1912 were $10,850,000, and the actual expense $10,800,000. For 1913 they were $11,000,000 and the actual expense $10,931,000. The President concerned the reorganization as shown upon the face of the order issued by him as requiring a decrease in expenditures of $350,000. The decrease actually made by the reorganization was $336,000. We deduct the $350,000 from the amount expended during the fiscal year of 1912, which was $10,800,000, and the result is $10,450,000. If the $336,000 were deducted from the amount actually expended during the fiscal year 1913, the result is $10,575,000, and the statement is made that the expenses have been actually decreased during the fiscal year just ended on an average of $25,000 a month.

Mr. MOORE. The reorganization effected a reduction in the number of customhouses?

Mr. FITZGERALD. Customs districts.

Mr. MOORE. I have a case in mind which was brought to the attention of a committee of which I am a member.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. It was suggested that there should be a change of the customs headquarters from one section of the State to another. Then came another suggestion by way of compromise that both locations should be recognized as headquarters. Would this appropriation be intended to cover any such proposition as that?

Mr. FITZGERALD. No; under the reorganization——

Mr. MOORE. It would be a restoration of the old system in such a case.

Mr. FITZGERALD. The reorganization order fixes the districts, and that fixes the number of collectors of customs. There is not really much interest in having a city designated as headquarters, but the interest is in having a collector assigned to a particular place, and the collectors are not in the classified service.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

Mr. SISSON. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 10, after line 22, insert:

"Nothing contained in the District of Columbia appropriation act for the fiscal year 1915 shall be construed as relieving street railway companies from bearing all of the expenses of paving streets or avenues between the exterior rails of the tracks of their roads in the District of Columbia, and for a distance of 2 feet from and exterior to such tracks on each side thereof and of keeping the same in repair, as required by section 5 of the act providing a permanent form of government for the District of Columbia, approved June 11, 1878."

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having taken the chair, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 300. Joint resolution to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1644) for the relief of May Stanley, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRYAN, Mr. OVERMAN, and Mr. CRAWFORD as the conferees on the part of the Senate.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Refunding taxes: The commissioners are authorized and directed to pay to Charles H. Wiltsie, from the appropriation for "Refunding taxes, etc.," the sum of $35.68, on account of cancellation of certain erroneous tax sales.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I notice this item is in reference to the repayment to Charles H. Wiltsie for an erroneous tax sale and another item in regard to a similar matter. One is for the repayment of $35.68 and the other is authorizing a refund without naming the amount, together with interest at 6 per cent per annum. I would like to inquire if the $35.68 includes interest also?

Mr. FITZGERALD. I did not understand the question of the gentleman.

Mr. MANN. Does the $35.68 in this first item include 6 per cent interest as proposed in the succeeding item?

Mr. SISSON. Mr. Chairman, if the Chairman will pardon me, my recollection is it does provide for 6 per cent interest. There was some little discussion of it in the committee, not during the hearing, but some little discussion as to how the item was made up, and my recollection is that it does include 6 per cent interest.

Mr. MANN. Where a tax buyer buys property at a tax sale, I never knew one who was especially lenient to the owner of property when it came to adjusting and cancelling the title. Now, if a man buys a tax title with the expectation of making a very large profit, why should he receive a reasonable profit if he falls down?

Mr. FITZGERALD. This is what happened——

Mr. MANN. I know what happened. They sold the property erroneously.

Mr. SISSON. Personally I agree absolutely with the gentleman from Illinois, because the statute in my State, for example, does not permit interest, but simply permits him to get the costs and the principal back.

Mr. MANN. He is in great luck to get anything back. He buys at his own risk. If he buys something good he could not lose a cent and if he fails he expects to lose.

Mr. SISSON. I will say to the gentleman, my understanding of this case was it was not exactly on all fours with the redemption of land where the land was property sold for taxes. This was a sale where they sold the wrong property, and the property which was sold and bought by this man was property which the District had no right to sell. The whole fault was upon the officials of the District. The man whose property was actually sold did not owe any taxes, there were no taxes due the District, and it was a mere error on the part of the officials by which this man made the purchase at the sale, and it was upon that theory that he was allowed interest on his money.

Mr. MANN. Well, it is like buying anything else where the seller has not a good title; he must take his chances.

Mr. SISSON. Caveat emptor.

Mr. MANN. A man takes his chances on many things of this kind. Now, I have no objection to the man receiving the principal, but I do not see why we should pay interest to a tax buyer who is not entitled to a dollar, when, if he had a good title, he would exact not 6 per cent interest, but all the interest that the law allows, which is very likely 25 or 50 per cent.

Mr. SISSON. I think the gentleman is absolutely correct in the principle he lays down, if the District was selling property where the taxpayer was negligent and did not pay his taxes, or where any trouble resulting to the purchaser by virtue of the failure of the District to do its duty shall have happened.

Mr. MANN. Is this man a professional tax buyer?

Mr. FITZGERALD. I think he is.

Mr. JOHNSON of Kentucky. I can say to the gentleman he is a professional.

Mr. MANN. He keeps a record of these things, and he does not rely wholly upon the books of the District for this information.

Mr. SISSON. I will state, as far as I know, I know nothing about his being a professional tax buyer.

Mr. MANN. I will say frankly when the next item is reached, if it is subject to a point I will make it unless the interest is cut out.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

or an average of $122.163.56 a year, or an average of $10,180.30 a month, or an average of $339.45 a day.

The then Secretary of State, Mr. Knox, declined, upon an invitation of the committee, to appear before it and explain these extraordinary, as well as enormous, expenditures. He appeared before the committee, but that was only after he was duly subpenaed to appear. Still he declined to give the committee the information, and then when he was served with a subpœna duces tecum to produce certain vouchers and papers which would disclose the purposes for which this money was expended, he, as well as President Taft, were so determined that not only the public should not know the purposes for which this money was used, but also that a committee of Congress should not know, that the President did the extraordinary and unheard-of thing of issuing Executive Order No. 1382, as follows:

EXECUTIVE ORDER NO. 1382.

No information of any kind whatever shall be furnished by the Secretary of State or any officer or employee of the Department of State to anyone other than an officer of that department entitled thereto for official use in regard to moneys expended and accounted for by certificate in pursuance of section 291 of the Revised Statutes of the United States, except upon due direction in writing from the President, nor shall any vouchers or other papers in relation to such expenditures be produced in pursuance of subpœna or otherwise except upon direction in writing from the President in each case.

WM. H. TAFT.

THE WHITE HOUSE, *July 7, 1911.*

Mr. GILLETT. Was not this done on the ground that it would be prejudicial to the public interests to have them divulged?

Mr. HAMLIN. That was undoubtedly their theory, and in all human probability the present administration may conclude that it is not advisable at this time, for the same reason, to make public the amount of money paid Mr. Lind.

In the light of these facts, certainly it does not become gentlemen on that side of the House to raise any question about the present administration not making public the compensation paid to the Hon. John Lind.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. HAMLIN. Yes.

Mr. FITZGERALD. Let me say this: There was no request from any member of the committee that anybody from the State Department other than Mr. Carr should appear in order to furnish that information.

Mr. GILLETT. The gentleman must be mistaken. That is a misstatement that the gentleman ought to correct.

Mr. HAMLIN. I have not yielded to the gentleman from Massachusetts, and as my time is limited I can not do so now.

I want to call the attention of the House to this additional fact: During the six years wherein you expended over $700,000 that you would not account for, and even resorted to a special Executive order to keep from telling what you used the money for, there was no war in existence; there was not a cloud on the horizon; but everybody knows why Hon. John Lind was appointed to go to Mexico. There was at that time a very delicate situation existing between our Government and the one on the other side of the Rio Grande. He went as a confidential agent of the President, and I am certain in my own mind that the President made no mistake in reposing confidence in him, and I can appreciate the facts, as the gentlemen on that side ought to, that it might not contribute to an early and peaceful settlement of the delicate questions between the two Governments to give publicity such as the gentleman from Massachusetts pretends that he wants. At any rate, I am content to put our record up against the Republican record, for I have no doubt that later on, when the war clouds have blown away, the President and Secretary of State will not object to making public the compensation paid Mr. Lind.

Mr. CRAMTON. Mr. Chairman, listening to the picture of order and peace having been restored in Mexico by this administration, as painted by the gentleman from Colorado [Mr. SELDOMRIDGE], it occurred to me that that picture of order and peace and quietude could only have been painted and could only have been imagined by a gentleman from Colorado. [Laughter and applause.]

Mr. MOORE. Mr. Chairman, I had intended, in order to obtain five minutes, to introduce an amendment, but under the agreement that is not now necessary.

The gentleman from New York [Mr. FITZGERALD], who is the great Democratic economist of this House, indicated a little while ago, in a rather apologetic speech, that the Republican Party was responsible for Mr. Carr, the Chief of the Consular Bureau in the State Department, and that Mr. Carr was the spokesman for John Lind, and that therefore the Republican Party is responsible for the condition that prevails in Mexico.

It was rather a far-fetched proposition to thus relieve the Democratic Party and the White House and to unload the Mexico situation upon the Republican Party.

The gentleman from Colorado [Mr. SELDOMRIDGE] a moment ago spoke of "the peace and order" and the reign of law that had been "restored" in troubled Mexico. He spoke of the thousands and tens of thousands of mothers who were grateful for the services of John Lind in preventing the destruction of American life in that country. I then thought of the 10 lives of American sailors already taken in Mexico as the result of the administration's policy there. Every one of those 10 lives was of value to some mother, to some father, or to brothers and sisters in this country. They were laid down upon the altar—shall we say of liberty or of honor? We do not know, except that they responded to the policy of the administration.

Now, the gentleman from Massachusetts [Mr. GILLETT] rose very properly, as I conceive it, to inquire not only what was paid to our so-called American emissary to Mexico, but also to ascertain, if possible, just what services were performed by him in Mexico. This Congress has no information as to what John Lind did in Mexico; it has no information as to the services he performed there to restore law and order. All this Congress knows about Mr. Lind's services comes from ordinary newspaper sources, and much of it has come recently from Niagara Falls, and not from Mexico. Hence it would seem as if the inquiry of the gentleman from Massachusetts was entirely appropriate.

The chairman of the Committee on Appropriations on two or three occasions has been unable to answer why a responsible head of a department has not appeared before his committee to explain demands for money. In the case of the Labor Department recently it appeared that more than $2,000,000 had been appropriated to the Bureau of Immigration at the request not of the Secretary or any Assistant Secretary of the Department of Labor, but at the request of one of the inspectors of the Bureau of Immigration; and upon his representation more than $2,000,000 was appropriated, and this Congress, representing the people and entitled to know, was satisfied.

Now, if there is one thing that the people of this country have been inquiring about recently it is just what the present situation in Mexico is. They want to know why we interfered in Mexico and what our policy is. If any gentleman upon the other side, making appropriations for the payment of the expenses of John Lind or any other emissary of the Government, knows what our Mexican policy is, I suggest that he state it now. It is proper that we should know. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. ROGERS. Mr. Chairman, on the 14th of June last I received a letter from a Greek constituent of mine telling me that his property rights in Asia Minor were being invaded by the Turks, and asking me to take up with the State Department the question of what could be done in his behalf.

I took up the question by telephone with the State Department on the following day, and was advised that if I would send to the department a copy of the letter which I had received prompt attention would be given to the case. So on the 15th of June I wrote the State Department, inclosing a copy of the letter from my constituent, and asking for a report.

I understand it is a rule of the various departments—whether by courtesy or custom I do not know—to answer letters from Members of Congress either on the day on which they are received or on the following day. It may be that only an acknowledgment can be given at that time; but, at all events, it is the custom to make at least the prompt acknowledgment. On the 29th of June, just two weeks after I had originally taken up the matter with the State Department, I having received neither information nor acknowledgment, I wrote the department a further letter, asking the courtesy of at least a reply. Last Saturday I had still heard nothing. So I went to the Department of State and talked with the man in charge of the case. He told me that he had dictated a letter to me about it. That letter has not yet arrived. It may have been dictated, but at all events four or five days have elapsed, and in the meantime nothing has been heard.

Mr. Chairman, I do not pretend that these questions come under the personal supervision of the Secretary of State; but it strikes me that there may be an illustration of the "Like master, like man" principle here. If the Secretary of State himself is off junketing or chautauquaing, it is not to be expected that his subordinates will show the same zeal in the performance of their public duties as if they had a brighter

example as a beacon on their path. As I say, over four weeks have elapsed on a question which is inherently an emergency matter and not even an acknowledgment has yet been received from the Department of State. [Applause on the Republican side.]

Mr. GARRETT of Tennessee. Mr. Chairman, the critics of the present administration, evidently feeling that somehow or some way they have failed to create the effect intended by a criticism of its economic and fiscal policies, turn ever and anon to a criticism of its conduct of foreign affairs, and they speak with particular reference to the conduct of affairs as regards the Republic of Mexico, because, forsooth, that is close by and is attracting the greatest amount of public attention.

Mr. Chairman, I do not profess to know the details of the policy or the purpose of the administration as regards the Republic of Mexico, and yet I presume that I know as much of it as the great majority of those who have seen fit to criticize that policy. But, sir, there are two elements of that policy that stand out with such conspicuousness that all of us can and do understand them. Those two policies, fundamental in their character, I approve without reservation. One of them is that, if this administration can with honor prevent it, the sons of the mothers of this Republic shall not be sent there to die in useless battles, and that everything that can with honor be done shall be done to prevent the sacrifice of the sons of this Republic in a war for which there is no legitimate occasion. [Applause on the Democratic side.] The other policy, Mr. Chairman, is that this administration will not recognize as the President of the Republic of Mexico Mr. Victoriano Huerta. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL], addressing the committee yesterday afternoon, said that the administration would not recognize the Federal Government in Mexico. Not so, Mr. Chairman. No utterance of the President of the United States has ever been given which was entitled to that construction. What the President of the United States has said, what he has made clear, is that this Government will not recognize one who has risen to his place by virtue of participation in or connivance with assassination. [Applause.] I agree with that policy. For a hundred years it has been the curse of the Republics to the south of us that revolutions have been encouraged; that a rise to power by means of assassination has been encouraged. I think the time has come in the economy of events and in the progress of civilization when this great Republic, the master spirit of the Western World, ought to let it be known that men can not rise to power by the practice of murder and assassination and receive the recognition of this Republic. [Applause.]

Mr. MONDELL and Mr. KAHN rose.

The CHAIRMAN. The gentleman from California.

Mr. MONDELL. Mr. Chairman, I rise in opposition——

The CHAIRMAN. Debate is limited to 20 minutes, and 19 minutes have been consumed. The purpose of the Chair was to recognize the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I ask unanimous consent that I may proceed for three minutes.

Mr. FITZGERALD. I will not object. The gentleman is from Minnesota, and I understand his purpose; but I shall object to further extensions.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] asks unanimous consent that he be permitted to proceed for three minutes. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, I have never had any faith in the policy of the present administration in reference to its dealings with Mexico and the troubles confronting that country to-day. I have less faith in that policy now than I have ever had in the past, because of recent developments. But inasmuch as extended discussion has occurred respecting Mr. John Lind, of my State, I desire to say something in his behalf; not that a word is necessary in this presence, but that a proper estimate of the man may be given at this time and in this place.

For four years Mr. John Lind was an honored Member of this body. He was one of the most distinguished governors the State of Minnesota ever had. For many years he has been one of the most public-spirited and prominent citizens of that State. He is to-day unquestionably one of the half dozen ablest lawyers in the entire Northwest. He is a man of the highest intelligence, of unimpeachable and unassailable integrity, broad-minded, square, and honest. For many years Mr. Lind was the able president of the board of regents of the University of Minnesota, one of the largest institutions of learning in America, of which institution I am a graduate. His services there were of such a broad-minded and efficient character that the period of the greatest development of that university is coincident with the period of his work. He is one of the big men of the United States; and the people of my State hold him in the highest esteem. I can not imagine how any man could have been selected by the present administration more fitted for such a mission than was Mr. Lind. I myself believe that the instructions given him and the policy he was required to carry out are responsible entirely and alone for the deplorable conditions that have resulted lately in Mexico; but I do wish to say that, while Mr. John Lind is a member of a political organization different from my own, I honor him as I honor few men in my State, and I feel myself proud to be called his friend. I desire to make this statement in order that it may go into the RECORD in connection with the other remarks. [Applause.]

Mr. FITZGERALD. Mr. Chairman, let the Clerk read.

The Clerk read as follows:

BUREAU OF EQUIPMENT.

To pay voucher in favor of the Autographic Register Co. for wireless telegraph forms and carbon paper furnished during the fiscal year 1910, $32.50.

Mr. GREEN of Iowa. Mr. Chairman, I am the Member to whom the gentleman from New York [Mr. FITZGERALD] referred in connection with the understanding by which the general debate was closed last evening.

Mr. FITZGERALD. Mr. Chairman, last night the gentleman from Iowa [Mr. GREEN] agreed not to use the 25 minutes allotted to him in general debate so that the debate might be concluded, on condition that during the 5-minute debate he might speak for 5 minutes. I ask unanimous consent that he may address the committee for 10 minutes, in accordance with that understanding.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the gentleman from Iowa [Mr. GREEN] may be permitted to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Chairman, about two weeks ago the gentleman from New York [Mr. LEVY] presented to this House a resolution fixing the time for the adjournment of this Congress. He spoke very briefly upon the subject, and at the conclusion of his remarks the distinguished gentleman from Alabama [Mr. UNDERWOOD], the leader of the majority of this House, very wisely moved that the House then and there adjourn without any further discussion of that subject.

Under the same direction the business in this House has been so arranged that there has been no further discussion of the resolution, and, so far as I know, there is no intention or prospect of its being taken up. And yet it is one that ought to be considered. The people of this Nation have become impressed with profound distrust of the ability of this Congress to legislate for its benefit. At the very time when the gentleman from New York rose to present his resolution I had in my hand to present to this House a resolution adopted by the chamber of commerce of the largest city of my State, praying also that this Congress would adjourn; that no further legislation be enacted at this time in view of what had already been placed on the statute books and the effect which it had had on the country. This petition was one of many which I have received, one of hundreds which have been received by the Members of this House.

Yesterday we listened to a long dissertation by the gentleman from Alabama [Mr. HEFLIN] undertaking to show that the country was in fact prosperous and contented so far as business conditions were concerned, but he neglected to consider the most important branch of statistics connected with that matter.

Last February, or January, I think it was, the gentleman from Georgia [Mr. HARDWICK] was attempting to show that this country was prospering under a Democratic tariff, and at that time I called his attention to the fact that in the month of December last we had reached the peak, so far as the amount of liability in commercial failures was concerned, and also so far as the number was concerned; that over 2,900 firms had failed that month, with liabilities aggregating $31,000,000, but we were assured that conditions would shortly become better, and that we could adjust ourselves to the new tariff.

Mr. GORDON. Will the gentleman yield?

Mr. GREEN of Iowa. No; I have lost 15 minutes by coming in at this time; I can not yield. I am sorry.

Mr. GORDON. I thought you would not.

Mr. GREEN of Iowa. But we have at this time the statistics for failures for the first six months of this year. Perhaps my friend from Georgia would like to know something more on the subject, and if so, he shall have it. For the first six months of this year the liabilities of commercial failures have reached the astonishing and stupendous aggregate of $185,000,000, more than $50,000,000 more than they have aggregated before in that period in the history of the country and more than three times what they were 10 years ago; and still the gen-

Mr. DONOVAN. Mr. Chairman, I renew the point of order.

The CHAIRMAN. The Chair overrules the point of order. The Chair thinks the gentleman from Massachusetts is discussing the amendment which he offered.

Mr. GILLETT. And therefore I was not surprised that the Secretary of State and his assistants stayed away, because that is their habit, and therefore I would not suggest that it was done in order to avoid examination or giving information on this subject. But it does seem to me to be very proper now, when the mission of Mr. Lind is terminated, that we should know the amount which his services cost the Government.

Mr. MONDELL. Mr. Chairman——

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. The Chair recognizes the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the question before the committee is not as to the standing and character of John Lind. Most of us know him as an honorable gentleman and as a man——

Mr. DONOVAN. A point of order.

Mr. MONDELL. Of high character, a gentleman, and a scholar——

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. There can be only one speech for a motion and one against under the five-minute rule.

Mr. MONDELL. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Massachusetts.

The CHAIRMAN. The gentleman is opposing the amendment offered by the gentleman from Massachusetts?

Mr. MONDELL. I am.

The CHAIRMAN. The Chair recognizes the gentleman.

Mr. MONDELL. Whatever we may think as to the mission——

Mr. DONOVAN. Mr. Chairman, the chairman of the committee is the one who is opposing this amendment.

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that the gentleman from Massachusetts offered an amendment at the time the gentleman from New York took his seat.

Mr. FITZGERALD. We will make much more progress if the gentleman from Connecticut will permit this discussion to go on.

Mr. DONOVAN. I suggest the chairman of the Committee on Appropriations will proceed in a parliamentary way by addressing the Chair before taking the floor and injecting remarks into the discussion.

Mr. MANN. The gentleman from Connecticut has not addressed the Chair.

Mr. FITZGERALD. The gentleman is not in the Chair, but he imagines he is in it all the time.

The CHAIRMAN. The gentleman from Wyoming is recognized.

Mr. MONDELL. This is not a question, Mr. Chairman, of the character and ability of John Lind. The question is as to what has been the outcome of Mr. Lind's mission, and I do not believe that anyone is well enough satisfied with the outcome to believe that Mr. Lind's services have been particularly valuable to the country. My personal opinion is that Mr. Lind is not responsible for that fact, but that his instructions were of such a character that he was forced to be the representative of the so-called constitutionalists and their aid rather than the representative of the people of the United States. But, Mr. Chairman, this item covers other expenditures. It covers the expenditures which arose out of the mediation conference at Niagara Falls. Some inquiry was made by the members of the subcommittee relative to the amount of money there expended; but, proceeding properly under his instructions, I assume Mr. Carr could not give the committee information on that point.

It is a matter of very great interest to the country to know just how much of this money we spent for this mediation conference in view of what we got out of it. The net result of the conference as found in the protocols which were signed and accepted on behalf of the United States were that, "The Government of the United States of America will not in any form whatsoever claim a war indemnity or other international satisfaction" for occurrences in Mexico up to that time, and further, we agree and pledge ourselves to recognize any bandit government which may be established by the so-called constitutionalists in the City of Mexico.

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from Wyoming is not speaking on the subject matter of the amendment.

Mr. MONDELL. Oh, yes, I am, Mr. Chairman; I am discussing the expenditures under this item.

Mr. PAYNE. Mr. Chairman, I make the point of order that the performance of the gentleman from Connecticut is dilatory and therefore out of order.

The CHAIRMAN. The Chair would hardly so hold, but the Chair thinks the latitude allowed in debate will permit the gentleman from Wyoming to proceed on the line he is proceeding.

Mr. MONDELL. Mr. Chairman, we must make these appropriations because the sums provided are necessary to pay the obligations of the Government, but it is regrettable that out of these expenditures so little credit has been obtained for the Government and the people of the United States. I do not blame Mr. Lind altogether for the failure of his mission. I do not blame the honorable gentlemen who were mediators at Niagara Falls for the surrender they made of American rights and claims. I think that those higher in official position than either of those gentlemen are to blame for the fact that we have waived all claims to satisfaction or indemnity of any kind for the indignities we suffered and the losses of our people and that we agree to recognize any kind of a government, military and arbitrary in form as it may be, that may be established by Villa or Zapata or anyone else at Mexico City.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Can Members of this House inject remarks here without first obtaining recognition by the Chair?

The CHAIRMAN. The Chair thinks they ought not to do so.

Mr. DONOVAN. Well, under the rule they are disorderly in so doing. Is that correct?

The CHAIRMAN. According to the rule it is a violation of the rule.

Mr. DONOVAN. I sincerely hope, Mr. Chairman, my distinguished friend, the leader of the minority, the gentleman from Illinois, will pay attention——

Mr. MANN. I raise the point of order that the gentleman from Connecticut did not have——

The CHAIRMAN. The gentleman will state his point of order.

Mr. MANN. I make the point of order the gentleman from Connecticut did not have the floor and therefore was not entitled to address the committee.

The CHAIRMAN. The Chair recognized the gentleman from Connecticut to make a point of order——

Mr. MANN. There was no point of order——

The CHAIRMAN. Yes; the gentleman submitted a point of order.

Mr. MANN. I beg the Chair's pardon, he did not submit a point of order.

The CHAIRMAN. The gentleman from Connecticut submitted a parliamentary inquiry.

Mr. MANN. Yes; and after he submitted the parliamentary inquiry he went on with a tirade which was not in order.

The CHAIRMAN. The gentleman knows it is difficult to take a Member off his feet after he takes the floor.

Mr. SELDOMRIDGE. Mr. Chairman, I move to strike out the paragraph.

Whenever any appropriation comes before the House which relates to the State Department the gentleman from Massachusetts [Mr. GILLETT] always grows hysterical. He aspires to be the mouthpiece of those whose purpose is to harass, annoy, and interfere with the policy which has been in successful operation in our State Department under the present able and conscientious administration with reference to Mexico.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman is not speaking to the amendment. He is striking out the paragraph. The management of the State Department by the Secretary of State has nothing to do with it. Now, they had plenty of time in general debate, Mr. Chairman——

The CHAIRMAN. The Chair has stated to the gentleman from Connecticut that under the liberality allowed in debate the discussion by these gentlemen of this item is in order. Their remarks constitute a discussion of the amendment.

Mr. DONOVAN. Will the Chair permit the reading of this clause?

The CHAIRMAN. Yes.

Mr. DONOVAN. This book says:

In all cases the five-minute debate in the Committee of the Whole is confined to the subject.

The CHAIRMAN. These gentlemen are confining themselves to the subject.

Mr. SELDOMRIDGE. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] is singing the swan song of those who have been greatly disappointed over the outcome of our differences in Mexico. I am sure that in many thousands of American homes to-day fathers and mothers are rejoicing in the fact that this administration has been able, through its wise and peaceful policy, to bring about conditions that will result in peace and good order in that distracted country. I believe, Mr. Chairman, that the opposition to the President would welcome a situation there that would involve American life and loss of American property, purely for partisan advantage; but because we have pursued a policy which has resulted in peace and not in bloodshed and which has brought to the Republic of Mexico the dawn of a better and a brighter day, these gentlemen resort to criticism and attack of the State Department which is mainly of a bushwhacking and guerrilla character. [Applause on the Democratic side.]

Mr. CRAMTON. Will the gentleman yield?

Mr. SELDOMRIDGE. Mr. Chairman, imputation has been made here—not directly, but indirectly—upon the services which the Hon. John Lind has rendered to the Government as special ambassador to Mexico.

Mr. CRAMTON. Will the gentleman yield?

Mr. SELDOMRIDGE. I decline to yield. Mr. Lind was a most worthy and tactful representative of the American people in a most trying and critical situation. He is an honored son of that great race so many of which settled in the northwestern portion of this country, redeemed it from the wilderness, and made it one of the most prosperous and productive sections of the United States. If I mistake not, Mr. Chairman, citizens of the Scandinavian race will resent at the polls the imputation which has been placed upon Mr. Lind by gentlemen on the other side.

I am acquainted with the honorable gentleman; I have followed his career with interest and admiration. I know that he would not take from the Public Treasury one penny to which he was not entitled and which he had not justly earned. This debate that we are now having with reference to this appropriation simply demonstrates the facts that our Republican friends are trying in some way to impugn the honesty, the ability, and the services which Mr. Lind has so distinctly rendered to this country. The money has been taken from this fund to defray the necessary and ordinary expenses incurred in the negotiations in which Mr. Lind participated; it has been wisely expended in view of his distinguished services and the happy and much desired outcome of the negotiations. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and all amendments thereto be closed in 10 minutes.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment, and I would like five minutes on that.

Mr. CRAMTON. If the gentleman will yield me one minute at this time it will be sufficient.

Mr. ROGERS. I want about three minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be concluded in 20 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and amendments thereto be concluded in 20 minutes. Is there objection?

There was no objection.

Mr. HAMLIN. Mr. Chairman, anent the remarks of the gentleman from Massachusetts [Mr. GILLETT], made a few moments ago, I desire to say that less than three years ago the committee of which I have the honor to be chairman made an investigation of the State Department.

Early in our investigation we found what we regarded as an abuse of the authority granted the President and Secretary of State in the use of what is known as the emergency or secret fund. Under section 291 of the Revised Statutes of the United States the President and Secretary of State may report expenditures out of that fund by what is known as a secret certificate, that is, report these expenditures in a lump and not in detail and not disclosing the purposes for which these expenditures were made. I repeat that we found on investigation that some very great abuses had been made of this privilege by the administration.

I early became convinced that there are very few expenditures which can properly be made out of this fund and which may not be reported as other expenditures are reported. In other words, that the cases which ought to be covered by these secret certificates are extremely few, and my opinion in that regard has not changed one iota, notwithstanding the change of the administration.

To be sure, I realize that there are circumstances where the administration must use money out of this fund, and where it would not be expedient or in accordance with public policy to make known at the time the purposes for which these expenditures were made, but I must insist that they are few and far between.

Mr. Chairman, referring again to the remarks of my friend from Massachusetts, I beg to state that of all the people in the world, he and his Republican associates are the last ones who should raise any question about the publication of expenditures of this secret fund, and it is inconsistent for them to insist that the expenditures of this fund should be made public.

I beg to remind him and others that under the Republican administration this fund was used with as much freedom, apparently, by the President and the Secretary of State as if it had been their private funds. The truth is that they not only used all the money which Congress gave them for the emergency or secret fund, but about $155,000 out of other funds during the six fiscal years ending June 30, 1911, covering all these expenditures by secret certificates in settlement with the Treasury Department. To be more explicit, the Republican administration expended during the six fiscal years, to which I have referred, $732,981.52, which was covered by secret certificates in settlement with the Treasury Department.

Mr. GILLETT. How many years?

Mr. HAMLIN. Six; and it will be borne in mind that during that time Congress had only given them $575,000 to be used as an emergency or secret fund, but they expended the amount which I have just given, to wit, $732,981.52, and in order to do that they had to use money out of other funds, which they did without any authority of law whatsoever, arbitrarily covering its expenditure by secret certificates in settlement with the Treasury.

These figures I take from official statement furnished me by a Republican Secretary of the Treasury in a letter, copy of which I will not take time to read, but will insert in my remarks.

TREASURY DEPARTMENT,
Washington, August 2, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives, Washington, D. C.

SIR: In compliance with the request contained in your letter of July 18, 1911, there is submitted below a statement prepared by the Auditor for the State and other departments showing all moneys disbursed by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes of the United States, from July 1, 1905, to March 31, 1911:

July, 1905	$2,589.84
August, 1905	4,226.01
September, 1905	11,678.47
October, 1905	14,019.77
November, 1905	16,924.24
December, 1905	7,716.85
January, 1906	8,890.08
February, 1906	4,689.94
March, 1906	11,739.26
April, 1906	10,570.36
May, 1906	10,871.46
June, 1906	14,389.41
Quarter ended, Sept. 30, 1906	29,304.72
Quarter ended Dec. 31, 1906	16,131.98
Quarter ended Mar. 31, 1907	33,629.94
Quarter ended June 30, 1907	29,667.34
Quarter ended Sept. 30, 1907	22,677.79
Quarter ended Dec. 31, 1907	29,896.34
Period from Jan. 1 to Apr. 6, 1908	18,043.92
Period from Apr. 17 to June 30, 1908	21,682.36
Quarter ended Sept. 30, 1908	27,195.50
Quarter ended Dec. 31, 1908	21,958.25
Quarter ended Mar. 31, 1909	49,876.00
Quarter ended June 30, 1909	27,602.78
Quarter ended Sept. 30, 1909	26,561.45
Quarter ended Dec. 31, 1909	29,566.71
Quarter ended Mar. 31, 1910	32,806.46
Quarter ended June 30, 1910	15,611.16
Quarter ended Sept. 30, 1910	43,272.60
Quarter ended Dec. 31, 1910	100,081.96
Quarter ended Mar. 31, 1911	16,991.15

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

You will observe that this letter only brings it up to March 31, 1911. Recently I asked the Secretary to give me a statement of the disbursement from April 1, 1911, to June 30, 1911, so as to complete the statement for the full six fiscal years—from July 1, 1905, to June 30, 1911:

TREASURY DEPARTMENT,
Washington, October 28, 1911.

Hon. C. W. HAMLIN,
Chairman Committee on Expenditures in State Department,
House of Representatives.

SIR: Replying to your letter of October 24, 1911, I have the honor to inform you that the sum of $13,505.72 was expended by the Department of State and accounted for by certificates of the Secretary of State under section 291, Revised Statutes, United States, for the period April 1 to June 30, 1911, as shown by the files of this department.

Respectfully,

J. F. CURTIS, *Acting Secretary.*

Thus it will be seen that from July 1, 1905, to June 30, 1911, there was expended through the State Department, under section 291, heretofore quoted, the enormous sum of $732,981.52,

pediting of this bill. I feel that it would be beneficial to our hearing to have it go over until to-morrow. I think the suggestion made by the gentleman from Illinois [Mr. MANN] is eminently fair and proper.

Mr. KINKAID of Nebraska. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. KINKAID of Nebraska. I want to ask the gentleman from New York a question.

The SPEAKER. The gentleman from New York will give his attention.

Mr. KINKAID of Nebraska. Does the gentleman think it is probable the general deficiency bill can be completed in time this afternoon to enter upon consideration of the reclamation bill?

Mr. FITZGERALD. I do not think this bill will take very much time. I think there are one or two items on which there may be a little discussion, but the bill consists mostly of public-building items, audited claims, and judgments.

Mr. MANN. There are very few matters of possible controversy in the bill.

Mr. FITZGERALD. I think only two or three items that will occasion any discussion in the House.

Mr. KINKAID of Nebraska. Will there be any general debate permitted?

Mr. FITZGERALD. The general debate is ended. Last night it was agreed that one gentleman might speak 10 minutes under the 5-minute rule. In consideration of that he agreed to forego the right to take 25 minutes. That is the only thing left. The general debate is closed.

Mr. KINKAID of Nebraska. We have been disappointed a good many times. I am not making any complaints. We have miscalculated about getting consideration of this bill, so that the interests of our constituents have been delayed, and they have been disappointed frequently. I would like it very much if we could get to the consideration of the bill to-day, and begin it, anyway. As far as I am concerned, I shall not interpose any objection, if the arrangement is made with the understanding that we are to get through with the deficiency bill in time to take up the irrigation bill to-day.

Mr. MONDELL. Do I understand that the gentleman from New York accepts the suggestion of the gentleman from Illinois [Mr. MANN]?

Mr. FITZGERALD. I will not object to it.

Mr. MONDELL. That we put Calendar Wednesday over until to-morrow, but that if we get through with the deficiency bill this afternoon in time to begin the general debate, we will take up the extension bill at that time.

Mr. FITZGERALD. I have no objection to that.

Mr. RAKER. If the request made by the gentleman from Illinois is agreed to, and the House finishes the consideration of the deficiency bill some time in the middle of the afternoon, and if the reclamation extension bill is then taken up, that will not count as a day on the committee time. The committee will still have their regular two days allowed by the rule?

Mr. MANN. Oh, yes. Mr. Speaker, supplementing the request of the gentleman from New York [Mr. FITZGERALD], I ask unanimous consent that to-morrow be substituted for to-day as Calendar Wednesday, but that when the deficiency bill now pending is concluded to-day, it shall be in order to proceed with the consideration of Senate bill 4628 for the remainder of the day.

The SPEAKER. Before the Chair puts that question, he wants to understand: Is this fragment of a day to be counted against Calendar Wednesday, or are you to have Calendar Wednesday plus the fraction?

Mr. GARNER. Plus the fraction.

Mr. MANN. Plus the fraction.

Mr. ADAMSON. Then, if we finish the deficiency at any time to-day, we will begin Calendar Wednesday, but extend it during to-morrow?

Mr. MANN. No; not begin Calendar Wednesday, but begin the consideration of that bill, so that it will be in order to take up the bill for the remainder of the day.

Mr. ADAMSON. I do not see how that can prejudice the regular order at all.

Mr. MANN. Oh, no; not at all.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that to-morrow be substituted for Calendar Wednesday; and the gentleman from Illinois [Mr. MANN] supplements that with the request for unanimous consent that if we finish the deficiency bill in time to-day, the fragment of the day remaining shall be devoted to the consideration of the irrigation bill, S. 4628, and that that shall not be counted as against to-morrow as Calendar Wednesday. Is there objection?

Mr. GARRETT of Tennessee. Mr. Speaker, of course that means that there will be no interference with the ordinary day program as applied to the bill?

Mr. MANN. This day would not be counted as a part of Calendar Wednesday.

The SPEAKER. No; this day will not be so counted.

Mr. MANN. It will be considered under a special order to-day.

Mr. GARRETT of Tennessee. That ought to be understood.

Mr. MANN. It is understood.

The SPEAKER. Is there objection?

There was no objection.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17824, the general deficiency bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

The Clerk, proceeding with the reading of the bill, read as follows:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, to continue available during the fiscal year 1915, $25,000.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word. I wish to ask the chairman of the committee if this is the appropriation out of which Mr. Lind, the commissioner to Mexico, was paid?

Mr. FITZGERALD. That is the information furnished to the committee.

Mr. GILLETT. I would like further to ask the gentleman if he can inform the House what compensation has been paid to Mr. Lind for his services? He was appointed by the President, and, as I understand, ensconced himself on the outskirts of Mexico and there, without any knowledge of the language or the temperament of the Mexicans, was expected to be the one source of information of our administration upon the conditions in Mexico. Now his service is terminated, and it seems to me that it is no more than proper that we should know what the expense of his mission has been, although it seems to me it was dear at any price.

Mr. FITZGERALD. Mr. Chairman, I do not know the compensation paid to Mr. Lind, and it seemed to the representative of the Department of State to be inexpedient to make public at this time the compensation paid for his services.

Mr. GILLETT. May I ask the gentleman if the Secretary of State appeared before the committee?

Mr. FITZGERALD. No; he did not.

Mr. GILLETT. Did any Assistant Secretary of State appear?

Mr. FITZGERALD. No.

Mr. GILLETT. Did anybody appear whose judgment on the propriety of divulging these facts would carry weight?

Mr. FITZGERALD. Mr. Carr, the employee of the State Department, who has served there for many, many years, director of the Consular Service, who has had the confidence and respect and esteem of several Republican administrations, appeared before it. This gentleman, who had been in the innermost confidence of the Republican administrations in diplomatic affairs, said that in his opinion it was inexpedient at this time to state for public information the compensation paid to Mr. Lind. It was due to the belief that a statement of the compensation at this time, in view of the unsettled conditions in Mexico, might provoke controversy and discussion that would not be conducive to the amicable adjustment of affairs in Mexico.

The gentleman from Massachusetts himself appreciated the, perhaps, impropriety of making this information public at this time. The record before the committee discloses this fact:

Mr. GILLETT. Mr. Carr, I would like to ask a question, although I appreciate that you may not think it wise to answer—

Mr. GILLETT, of course, knew that Mr. Carr had had a long experience in the State Department under Republican administrations, which qualified him peculiarly to determine whether

it would be wise to make this information public, and therefore he said—

although I appreciate you may not think it wise to answer; and if so, I will not urge you. Is there any objection to your stating what has been paid to Mr. Lind?

I think that shows the opinion of the distinguished gentleman from Massachusetts, who is a man of great experience in the House and one intimately acquainted with the delicacy of adjusting a situation such as exists in Mexico to-day.

Mr. Carr said:

Mr. CARR. I do not know what amount, if any, was paid; but I should think there might be objection to making public any amount that may have been paid——

Mr. GILLETT (interposing). Is the Secretary himself in the city?

Mr. CARR. The Secretary is in the city and was not able to be at this hearing this morning owing to the fact that he had to attend the funeral of the late minister from Venezuela. The question you ask is one which I could not answer categorically.

Mr. GILLETT. I appreciate that.

Mr. CARR. But my own judgment would be it would be inexpedient to state that compensation.

Mr. GILLETT. I would like to ask you, if it is proper for you to state it, whether Mr. Lind is still being paid out of this fund.

Mr. CARR. I do not know, but I think he is not being paid.

Mr. GILLETT. You do not know?

Mr. CARR. I do not know, but my opinion is that he is not.

The CHAIRMAN (Mr. FLOOD of Virginia). The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask that my time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that his time be extended five minutes. Is there objection?

Mr. DONOVAN. Reserving the right to object, Mr. Chairman, all this is a matter that very properly should come up under general debate. It is now turning out just as I expected it would turn out.

Mr. FITZGERALD. I am explaining an item in the bill.

Mr. DONOVAN. Yes; but that is not the purpose of the thing.

Mr. FITZGERALD. I am making this statement for the RECORD, so that the public will not be misled by ingenious statements made by partisan opponents.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, this emergency fund is provided for the Department of State because it is realized that in conducting all of our relations with foreign countries it is essential that the President be in a position to utilize the services of men in whom he has confidence to be sent upon many missions of vital importance to the welfare of the United States. No one, Mr. Chairman, can determine as to the wisdom of a particular selection by the President other than himself. He must have confidence in the person selected. It is not enough that gentlemen in other branches of the public service, or that persons outside of the public service, have confidence in some individual. The President must have confidence in the individual.

Who is John Lind? I know him personally. I served with him in this House; the gentleman from Massachusetts [Mr. GILLETT] has personal acquaintance with him. In the Biographical Congressional Directory, edition of 1913, I find the following:

John Lind: A Representative from Minnesota; born in Sweden, March 24, 1854; attended the public schools and the State University of Minneapolis; taught school, studied law, and was admitted to the bar in 1877. Practiced in New Ulm, Minn. Appointed receiver of the Tracy land office in 1881. Elected as a Republican to the Fiftieth, Fifty-first, and Fifty-second Congresses—March 4, 1887-March 3, 1893. Served in the Spanish War as quartermaster of the Twelfth Minnesota Regiment of Volunteers. Elected governor of Minnesota in 1898 as a Democrat. Elected as a Democrat to the Fifty-eighth Congress—March 4, 1903-March 3, 1905. Resumed the practice of law in Minneapolis, Minn. President of the board of regents of the University of Minnesota.

I imagine, Mr. Chairman, that most of the criticism that has been indulged in by Republicans of the President, because of the selection of Mr. John Lind for the delicate and important mission entrusted to him, is due to the fact that although he had started in public life as a Republican, and had been elected to this House three times as a Republican, his high, honorable, and sensitive nature could no longer tolerate the practices and conduct of the Republican Party, and he therefore renounced that party, and was triumphantly elected as governor of his State as a candidate on the Democratic ticket. [Applause on the Democratic side.] He was afterwards elected to this House as a Democrat. He is one of the most distinguished lawyers in the great northwest country. He is a man of culture and refinement and scholarly attainments, having served as president of the board of regents of the State university. I can understand how the selection of this man of such distinction, attainments, and culture must rile to the very depths oldtime standpat Republicans. [Applause on the Democratic side.]

I have no doubt, Mr. Chairman, the country will heartily approve every act of the President, done by him in his efforts to bring order out of chaos, to restore peace and tranquillity and orderly and constitutional government to the disheartened and troubled people of Mexico, and he has the good wishes and the prayers of every good and patriotic man in this country, in Mexico, and in every other country in the civilized world that his efforts may be successful. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman quotes the questions that I put to Mr. Carr as indicating that I recognized the impropriety of this information being given. I did recognize the very possible impropriety of Mr. Carr giving that information, because I recognized that Mr. Carr was neither the Secretary nor the Assistant Secretary, but was merely the chief of a bureau. I recognized that it was not——

Mr. DONOVAN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under the five-minute rule there can be only two speeches, one for and one against an amendment. The gentleman from Massachusetts [Mr. GILLETT] has already spoken upon his motion. He has no right to speak again on that motion to strike out the last word.

The CHAIRMAN. The Chair thinks the point of the gentleman from Connecticut is well taken.

Mr. GILLETT. Mr. Chairman, I move to strike out the last two words. Continuing where I was so courteously interrupted by the gentleman from Connecticut——

Mr. DONOVAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The rule says that in all cases the five-minute debate in the Committee of the Whole shall be confined to the subject. I propose to make the point of order against the gentleman from Massachusetts unless he confines his remarks to the subject.

The CHAIRMAN. The gentleman from Massachusetts will proceed in order.

Mr. GILLETT. I certainly will, Mr. Chairman; and I will continue to confine myself to the subject as I have before. As I say, Mr. Carr, who represented the State Department, was only the head of a bureau, and I recognized that he probably——

Mr. DONOVAN. I rise to a point of order. The gentleman is not speaking to the amendment, under the five-minute rule, as required by the rule. It is immaterial to us what Mr. Carr or anyone else does. We are reading this bill under the five-minute rule.

The CHAIRMAN. The amendment is to strike out the last two words, and the Chair thinks the gentleman from Massachusetts is discussing this amendment.

Mr. MANN rose.

Mr. DONOVAN. Mr. Chairman, the gentleman from Illinois does not have any standing unless the Chair wishes to hear him on the point of order.

The CHAIRMAN. The Chair does not know why the gentleman from Illinois rose.

Mr. MANN. I am standing, Mr. Chairman, but the House would be better off if the gentleman from Connecticut were sitting all of the time. [Laughter.]

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. GILLETT. Mr. Chairman, again, I appreciated that Mr. Carr very probably would not feel that he could properly take the responsibility of giving us this information, because he was merely the head of a bureau, and that information was a matter of probable——

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Massachusetts is not speaking to the amendment.

The CHAIRMAN. The Chair thinks he is.

Mr. DONOVAN. What? in speaking of Mr. Carr?

The CHAIRMAN. The gentleman is discussing the appropriation of $25,000, which he moved to strike out.

Mr. GILLETT. And Mr. Carr, therefore, as I say, might very properly feel a delicacy about making the statement, but neither the Secretary of State nor any of his assistants came before the committee. If this had been under a Republican administration, I might have thought that very possibly it was so unusual that the Secretary of State and his assistants had stayed away in order not to be examined on some such question, but I recognize that under this administration the heads of the different departments are not in the habit of coming before the Committee on Appropriations to give us the information that we desire.

J. Lee Stokes to be postmaster at Micanopy, Fla., in place of Mary A. Carlton, resigned.

ILLINOIS.

Charles C. Grady to be postmaster at Rock Falls, Ill., in place of Rollin H. Woods, resigned.

S. A. D. Howe to be postmaster at Cowden, Ill., in place of B. E. Prater, resigned.

Frank H. T. Maronde to be postmaster at Franklin Grove, Ill., in place of James H. Lincoln. Incumbent's commission expired June 2, 1914.

Walter E. Roberts to be postmaster at Coffeen, Ill., in place of Thomas G. Laws, removed.

Merton L. Spangler to be postmaster at Plainfield, Ill., in place of Ulysses S. G. Blakely. Incumbent's commission expired April 29, 1914.

Darlin H. Thompson to be postmaster at Earlville, Ill., in place of Edward B. Tabor, resigned.

IOWA.

Harry E. Chichester to be postmaster at New London, Iowa, in place of James M. Crawford. Incumbent's commission expired June 24, 1914.

Francis A. Gallagher to be postmaster at Walnut, Iowa, in place of Fergus E. Walker. Incumbent's commission expired May 18, 1914.

G. E. Scoles to be postmaster at Nashua, Iowa, in place of Frank E. Fritcher, resigned.

KANSAS.

Robert L. Notson to be postmaster at Herington, Kans., in place of David W. Naill. Incumbent's commission expired June 14, 1914.

KENTUCKY.

Len Beshear to be postmaster at Dawsonsprings, Ky., in place of Will P. Scott, resigned.

Robert Dixon to be postmaster at Louisa, Ky., in place of Arthur M. Hughes. Incumbent's commission expired April 12, 1914.

Orie S. Ware to be postmaster at Covington, Ky., in place of William H. H. Bowen. Incumbent's commission expired June 20, 1914.

Lewis C. Wilson to be postmaster at Irvine, Ky. Office became presidential July 1, 1914.

LOUISIANA.

Samuel L. Barksdale to be postmaster at Ruston, La., in place of Lou S. Flournoy. Incumbent's commission expired June 26, 1913.

Henry Allen Bule to be postmaster at Rayville, La., in place of Robert H. Brown. Incumbent's commission expired April 4, 1914.

MINNESOTA.

Alois Hirscher to be postmaster at Shakopee, Minn., in place of Peter J. Schwartz. Incumbent's commission expired April 1, 1914.

John B. Hughes to be postmaster at Lake Benton, Minn., in place of Albert E. Tasker. Incumbent's commission expired June 24, 1914.

MISSISSIPPI.

Benjamin R. Trotter to be postmaster at Lucedale, Miss., in place of Benjamin R. Trotter. Incumbent's commission expired May 31, 1914.

MONTANA.

George B. Crafer to be postmaster at Gildford, Mont. Office became presidential July 1, 1914.

NEW JERSEY.

James W. Rea to be postmaster at South Amboy, N. J., in place of Edward E. Haines, deceased.

Cleveland M. Rhen to be postmaster at Alpha, N. J. Office became presidential July 1, 1914.

J. C. H. Sherwood to be postmaster at Hohokus, N. J. Office became presidential July 1, 1914.

NEW YORK.

George E. Barry to be postmaster at Clifton Springs, N. Y., in place of John H. Stephens, resigned.

Fred Burns to be postmaster at Walden, N. Y., in place of Thomas B. Gibson, resigned.

Thomas J. Gallagher to be postmaster at Geneva, N. Y., in place of Abram R. Wyckoff. Incumbent's commission expired December 21, 1913.

Daniel E. Harrington to be postmaster at Saratoga Springs, N. Y., in place of William W. Worden. Incumbent's commission expired March 16, 1912.

Robert J. Healey to be postmaster at New York Mills, N. Y., in place of David L. Jamieson. Incumbent's commission expired January 11, 1913.

Charles M. Hodges to be postmaster at Marion, N. Y., in place of Warren H. Curtis. Incumbent's commission expired May 18, 1914.

L. D. MacWethy to be postmaster at St. Johnsville, N. Y., in place of Timothy Dinneen. Incumbent's commission expired December 16, 1912.

John H. Mara to be postmaster at Beacon (late Fishkill on the Hudson), N. Y., in place of John Sewell, jr., resigned, and to change name of office.

Byron E. Ogden to be postmaster at Dolgeville, N. Y., in place of William Jennings, deceased.

George W. Salisbury to be postmaster at Phelps, N. Y., in place of William L. Crothers. Incumbent's commission expired January 25, 1914.

Howard R. Stevens to be postmaster at Hopewell Junction, N. Y., in place of J. W. VanTassell, deceased.

John E. Townsend to be postmaster at Poughkeepsie, N. Y., in place of Robert H. Hunter. Incumbent's commission expired January 12, 1913.

NORTH CAROLINA.

A. H. Boyden to be postmaster at Salisbury, N. C., in place of James H. Ramsay, resigned.

NORTH DAKOTA.

John K. Diehm to be postmaster at Schafer, N. Dak. Office became presidential January 1, 1914.

Samuel Loe to be postmaster at Northwood, N. Dak., in place of Andrew S. Ellingson. Incumbent's commission expired March 22, 1914.

OHIO.

Wilber Winfield to be postmaster at Beach City, Ohio. Office became presidential July 1, 1914.

OREGON.

Diana Snyder to be postmaster at Aurora, Oreg., in place of Diana Snyder. Incumbent's commission expired June 22, 1914.

PENNSYLVANIA.

J. Thomas Butler to be postmaster at Coraopolis, Pa., in place of Edward C. Dithrich. Incumbent's commission expired March 16, 1914.

George N. Coryell to be postmaster at Darby, Pa., in place of Benjamin F. Magnin. Incumbent's commission expired April 19, 1914.

James W. Hutchinson to be postmaster at Springdale, Pa., in place of James W. Johnston. Incumbent's commission expired June 22, 1914.

Edmond Jeffries to be postmaster at Monessen, Pa., in place of Edward M. Frye. Incumbent's commission expired February 11, 1913.

Frank M. Longstreth to be postmaster at Lansdowne, Pa., in place of Isaac P. Garrett. Incumbent's commission expired March 8, 1914.

Michael Minahan to be postmaster at Verona, Pa., in place of John McCurdy. Incumbent's commission expired April 19, 1914.

Edward C. Peeling to be postmaster at York, Pa., in place of Samuel S. Lewis. Incumbent's commission expired January 28, 1914.

Willard H. Weigel to be postmaster at Elizabeth, Pa., in place of George W. Wright. Incumbent's commission expired April 21, 1914.

Clyde S. Yothers to be postmaster at Mount Pleasant, Pa., in place of H. J. Jordan. Incumbent's commission expired February 2, 1914.

SOUTH DAKOTA.

A. J. Littig to be postmaster at Flandreau, S. Dak., in place of E. G. Akam. Incumbent's commission expired May 6, 1914.

Lenora Pardy to be postmaster at Colman, S. Dak., in place of Edgar M. Bentley, deceased.

TENNESSEE.

Mrs. E. W. Carmack to be postmaster at Columbia, Tenn., in place of G. E. McKennon, declined.

TEXAS.

J. R. Folkes to be postmaster at Giddings, Tex., in place of E. W. Kennerly, resigned.

Betty Matthews to be postmaster at Mathis, Tex. Office became presidential July 1, 1914.

VIRGINIA.

W. N. Brown to be postmaster at Danville, Va., in place of F. D. Lumpkin. Incumbent's commission expired December 14, 1912.

Thomas S. Burwell to be postmaster at Lexington, Va., in place of McClung Patton, resigned.

John W. Kelham to be postmaster at Onley, Va. Office became presidential July 1, 1914.

Robert J. Northington to be postmaster at South Hill, Va., in place of William H. Jones. Incumbent's commission expired April 28, 1914.

WASHINGTON.

Talleyrand Bratton to be postmaster at Goldendale, Wash., in place of Howard M. Spalding, deceased.

John D. Medill to be postmaster at North Yakima, Wash., in place of William L. Lemon. Incumbent's commission expired June 24, 1914.

WISCONSIN.

Marcus T. Syverson to be postmaster at Tomah, Wis., in place of George Graham. Incumbent's commission expired January 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 15, 1914.

APPRAISER OF MERCHANDISE.

Frank H. Sosey to be appraiser of merchandise in the district of St. Louis.

COLLECTOR OF CUSTOMS.

Fountain Rothwell to be collector of customs for the district of St. Louis.

COLLECTOR OF INTERNAL REVENUE.

George H. Moore to be collector of internal revenue for the first district of Missouri.

PROMOTIONS IN THE ARMY.

GENERAL OFFICER.

Col. George Bell, jr., to be brigadier general.

COAST ARTILLERY CORPS.

Capt. Harry L. Steele to be major.

INFANTRY ARM.

First Lieut. Bruno T. Seber to be captain.
First Lieut. Gustave A. Wieser to be captain.
First Lieut. Charles R. W. Morison to be captain.
First Lieut. Walter L. Reed to be captain.
First Lieut. Ira F. Fravel to be captain.
First Lieut. Ned M. Green to be captain.
First Lieut. J. Alfred Moss to be captain.
First Lieut. Charles F. Leonard to be captain.
Second Lieut. John W. Simons, jr., to be first lieutenant.
Second Lieut. Jubal A. Early to be first lieutenant.
Second Lieut. Edward G. Taylor to be first lieutenant.
Second Lieut. Alfred H. Erck to be first lieutenant.
Second Lieut. Fred P. Jacobs to be first lieutenant.
Second Lieut. Walter S. Grescen to be first lieutenant.
Second Lieut. Cary I. Crockett to be first lieutenant.
Second Lieut. Oliver A. Dickinson to be first lieutenant.
Second Lieut. Homer H. Slaughter to be first lieutenant.
Second Lieut. Henry C. K. Muhlenberg to be first lieutenant.
Second Lieut. John F. Curry to be first lieutenant.
Second Lieut. James E. Chaney to be first lieutenant.
Second Lieut. William J. Fitzmaurice to be first lieutenant.
Second Lieut. Carl C. Oakes to be first lieutenant.

CAVALRY ARM.

Second Lieut. James L. Collins to be first lieutenant.

MEDICAL CORPS.

Capt. William L. Keller to be major.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. John H. Beiler to be second lieutenant of Infantry.

Second Lieut. Allen R. Edwards to be second lieutenant in the Coast Artillery Corps.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Additional Second Lieut. Frederick Herr to be second lieutenant.

Additional Second Lieut. Clifford James Mathews to be second lieutenant.

MEDICAL RESERVE CORPS.

First lieutenants with rank from July 6, 1914.

John Henry Beckert.
Harry Cockerille Blair.
Rex George Botend.
Claude Wiggins Cummings.
Clinton Willoughby D'Alemberte.
James Francis Donnelly.
Andrew Clinton Hansen.
William Pryor Harrison.
Frank Tomlinson Hogeland.
William Williamson Jarrell.
Joseph McConnell.
Weston Wallace Nipper.
Wilbur Moorhead Phelps.
Henry Forrest Quackenbos.
Summerfield Moon Taylor.

APPOINTMENTS IN THE NAVY.

Charles C. Galloway to be an assistant dental surgeon in the Dental Reserve Corps.

Lyle H. Miller to be a second lieutenant in the Marine Corps.

POSTMASTERS.

MASSACHUSETTS.

Edward M. Bent, Medfield
Thomas F. Dean, South Attleboro.

NORTH CAROLINA.

A. H. Boyden, Salisbury.

TENNESSEE.

Mrs. E. W. Carmack, Columbia.

VIRGINIA.

W. N. Brown, Danville.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 15, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, in whom all our longings, hopes, and aspirations are centered, quicken us in Thine own way that we may be true to the better instincts of our nature and live to the standard of values illustrated in the life and precepts of the Christ and go on our way rejoicing, assured that all will be well; for Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday, and the Clerk will call the roster of the committees.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that to-morrow be substituted for to-day—for business in order to-day.

The SPEAKER. The gentleman from New York asks unanimous consent that to-morrow be substituted for to-day for the consideration of Calendar Wednesday business. Is there objection? The Chair hears none.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. To reserve the right to object. Those of us who are interested in the bill for the extension of the period for payments on reclamation projects have been waiting several weary months for an opportunity for the consideration of that legislation. Other measures have gotten in the way. On a motion made on the other side two weeks ago Calendar Wednesday was dispensed with. We have now reached the time for the consideration of that bill. I do not know of anything pending that is so urgent as to justify dispensing with Calendar Wednesday.

Mr. FITZGERALD. Oh, this is only to substitute to-morrow for to-day.

Mr. MANN. Let me make a suggestion that possible will meet with approval. Will it be agreeable to everybody if we substitute to-morrow for to-day, with the understanding that when the deficiency bill is finished to-day, if it shall be finished before the time for adjournment, it shall be in order to proceed with the reclamation bill, which will be the first bill on the call on Calendar Wednesday and which might give a little additional time.

Mr. FITZGERALD. I have no objection if those in favor of the dam bill do not object. My only desire in the matter is to dispose of the general deficiency bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I want to suggest to the gentleman from Wyoming that, as I understand it, this is merely a postponement for one day, and it is really for the ex-

have for their purpose a creation of great combinations; and the committee was curious to know whether your views were in harmony with the opinion of the country, which is strongly opposed to anything tending to centralize or monopolize business.

Mr. JONES. I have not the slightest hesitation in answering any questions along that line that may be asked as to what my views may be as to general policy. I am thoroughly in accord with what I believe to be President Wilson's policy in destroying monopoly.

Senator HITCHCOCK. How would you go to work in destroying the zinc monopoly?

Mr. JONES. I do not believe it is destructive, because I do not believe it is a monopoly in that sense.

Senator CRAWFORD. That is a case where the supply has been limited by nature and is not limited by artificial combination.

Mr. JONES. Exactly.

Senator HITCHCOCK. Yes; it looks that way.

Senator SHAFROTH. There is no law requiring a man who owns a mine, if there is no other mine of the kind in the world, to divide it up so as to permit of competition.

Senator CRAWFORD. By destroying the combination you could not increase the output from that mine.

Senator HITCHCOCK. Where are the other mines in the world that produce oxide of zinc?

Mr. JONES. The European oxide of zinc is made, as I said, out of spelter. They do not make it out of ores direct. The Vielle Montagne is the original concern and is still very wealthy.

Senator HITCHCOCK. Where is that?

Mr. JONES. The Vielle Montagne is a Belgian concern. They are the central, the head of all the zinc concerns, and they buy mostly their ores. They have ores of their own. The Vielle Montagne was originally a mine, but that was exhausted, as most mines are exhausted, and they buy their ores all over the world. They get a good deal from Spain. They get a good deal from Silesia. There are large zinc mines in Silesia, and there is a Turco-Greek island that produces a good deal.

Senator HITCHCOCK. What is our tariff on your product?

Mr. JONES. The tariff on spelter was reduced to 1¼ cents. It was 2½ cents; and the tariff on oxide of zinc, I think, is the same—1¼ cents or 1½ cents.

Senator HITCHCOCK. It is a reduction from what it formerly was?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Why should there be any tariff if there is only one mine in the country?

Mr. JONES. You take the Sherwin-Williams Co., out in Missouri. They would have something to say about it. They are buying Missouri and New Mexico ores. As far as the New Jersey Zinc Co. is concerned, the probability is that the foreign products would not seriously jeopardize its business, so long as it has this one mine which is going.

Senator HITCHCOCK. Suppose the tariff is 1¼ cents per pound, what per cent of your selling price would that represent?

Mr. JONES. Well, taking 4¾ cents, for instance, about the selling price—30 per cent. It is not so much a question of the tariff on zinc as it is the relative tariff on white lead and zinc. They are the real competitors, and they are very vigorous competitors.

When you say that we have 85 per cent of the oxide of zinc trade, that is misleading, because the real competitor of zinc is white lead, and every movement in either one of those products affects the other, and there is a very keen and lively competition, and always has been, between white lead and zinc.

Senator HITCHCOCK. Are there any other questions? We have kept Mr. Jones nearly all day.

Senator LEE. Senator CRAWFORD has just called your attention to the fact that nothing could be done to increase the product of that New Jersey mine, and yet the combination that you have made really increased the applicability and public usefulness of the product of that mine, did it not?

Mr. JONES. Oh, yes; it has made the output a great deal more, although, of course, that hastens the exhaustion.

Senator SHAFROTH. You were speaking of the competition between white lead and zinc?

Mr. JONES. Yes, sir.

Senator SHAFROTH. Now, what is the extent of the production of white lead?

Mr. JONES. Oh, it is very large; very much larger than that of oxide of zinc. I could not give you the figures.

Senator SHAFROTH. And yet that has a very strong influence upon the price of zinc?

Mr. JONES. It has the controlling influence. I should say there is probably three or four times as much white lead used as there is oxide of zinc.

Senator SHAFROTH. I have no other questions, Mr. Chairman.

Senator HITCHCOCK. Are there any further questions by any member of the committee? Mr. Jones, we are very much obliged for your statement.

Mr. JONES. I am obliged to you and the committee for your courtesy, Mr. Chairman.

(Thereupon, at 4 o'clock p. m., the committee adjourned.)

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I move that on Saturday next, immediately after the close of the morning hour, the Senate proceed to the consideration of the trade commission bill, and that at not later than 4 o'clock on that day a vote be taken on the bill and all pending amendments.

Mr. SMOOT. The motion is out of order, Mr. President. The Senator can not now move to take up a bill at some future day. He can ask unanimous consent to take it up.

Mr. SMITH of Georgia. He can not create a cloture by motion.

Mr. SMOOT. It is impossible to create a cloture on a bill by moving to take it up on a certain day. The Senator can ask unanimous consent.

Mr. NEWLANDS. Then I ask unanimous consent that——

Mr. SMOOT. In order to do that the roll will have to be called, and I ask the Senator not to make the request, because, until the Senator from Iowa [Mr. CUMMINS] returns, I shall not give consent to a vote upon this bill at any time.

Mr. NEWLANDS. I ask the Senator whether Senators on the other side have not received a communication from the Senator from Iowa saying that he will be back on Friday and will be perfectly willing to proceed to a vote on this bill on Saturday? He told me that he would acquaint his friends on the other side with his views in that particular.

Mr. SMOOT. I am perfectly aware that the Senator from Iowa will be back on Friday. That is what he stated before he left here; but nothing was said, nor have I heard anything from the Senator from Iowa, as to an agreement for unanimous consent to vote on the bill. Further, I wish to say to the Senator from Nevada that there are one or two other Senators who will not consent to a unanimous-consent agreement at this time. I have been asked by a Senator within 10 minutes to allow no unanimous-consent agreement at this time, and we are only losing time by requests for unanimous consent to vote upon this bill.

The PRESIDING OFFICER. Objection is made.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the unfinished business will be temporarily laid aside.

PERSONAL EXPLANATION.

Mr. LEA of Tennessee. Mr. President, I rise to a question of personal privilege. Almost coincident with the passage on my motion by this body of Senate resolution No. 153, directing the Interstate Commerce Commission to investigate certain practices and methods of the Louisville & Nashville Railroad I was selected as a target for abuse and vilification by one E. B. Stahlman, formerly a vice president, a legislative agent, and a lobbyist of that company, and now publisher of the Nashville Banner, and very generally believed in Tennessee still to have connections with that railroad.

Coincident with the publication on Thursday last of the preliminary report by the Interstate Commerce Commission in response to the Senate resolution directing that this investigation be made the said E. B. Stahlman published a more aggravated attack on me than theretofore on the first page of the same issue of his paper, in which on an inside page was published the report of the Interstate Commerce Commission, apparently as if to break the force of the astounding story of debauchery through free passes by this railroad which Stahlman served so long as lobbyist.

I replied, answering his charges, establishing their falsity by the testimony of disinterested parties, men of the highest character, and laid bare his record as investigated and exposed by a Senate committee.

On July 14, 1914, there appeared the following dispatch from Nashville in the Washington Herald:

[Special to the Washington Herald.]

NASHVILLE, TENN., *July 13, 1914*.—Branding Senator LEE LEA as "scion of an honored, wealthy family, gotten down to the low level of a holdup bandit and plain grafter," E. B. Stahlman, owner of the Nashville Banner, to-day, in print, charged LEA with grafting $10,000 from the erstwhile judiciary committee and also $10,000 from Republicans of the State to aid the fusion cause.

LEA, owner of a rival paper, and Stahlman are waging a bitter war in print, LEA having previously denounced Stahlman. Until a few months ago they were fast friends.

While the charges relate to a time several years ago, some months before I was either a candidate for or elected to the Senate, the only office I have ever held or have ever been a candidate for, still if I am the creature he describes I would be unfit for membership in this body or association with decent men.

Fortunately for me the character of E. B. Stahlman, who makes these charges, is not only well known in Tennessee but in Washington, where he was once the subject of a senatorial investigation. The said Stahlman, in addition to being the lobbyist of the Louisville & Nashville Railroad, of which he was vice president for many years, would lobby for any concern which desired legislation by any public body and would pay the hire of a lobbyist.

He was at one time employed to lobby through Congress a claim of the Methodist Publishing House of approximately $300,000. He entered into a solemn, written contract with the agents of the publishing house by which he was to receive 35 per cent of any amount collected on this claim, a copy of which contract, as published in the report of the Senate investigating

committee, I will, in the absence of objection, incorporate in my remarks without reading:

ARTICLES OF AGREEMENT BETWEEN BARBEE & SMITH, BOOK AGENTS OF THE METHODIST EPISCOPAL CHURCH SOUTH, AND E. B. STAHLMAN.

Witness:

First. That we Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby give power of attorney to the said E. B. Stahlman to prosecute our claim before the Congress of the United States, for the use and abuse of the publishing house of the Methodist Episcopal Church South by the Armies of the United States during the war between the States from A. D. 1861 to 1865.

Second. We, Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby agree that the said E. B. Stahlman shall receive as compensation for his services 35 per cent of whatever sum shall be collected from the United States for the liquidation of the aforesaid claim.

Third. It is hereby agreed between Barbee & Smith, book agents of the Methodist Episcopal Church South, party of the first part, and E. B. Stahlman, party of the second part, that should the Congress of the United States make no appropriation for the liquidation of the aforesaid claim, then, in that case, no compensation shall be paid to the said E. B. Stahlman for his services, from any source whatever, and he shall have no recourse upon us or our successors in office forever.

Fourth. We, Barbee & Smith, book agents of the Methodist Episcopal Church South, do hereby agree and covenant that this power of attorney herein and hereby conveyed to the aforesaid E. B. Stahlman shall continue in full force and effect until the final adjournment of the Fifty-fifth Congress of the United States.

(Signed) BARBEE & SMITH,
Book Agents for the M. E. Church South.
E. B. STAHLMAN.

After the bill allowing this claim passed the House and was pending in the Senate, a question of fact was raised by Senators whether Stahlman had a contract for a percentage of this claim as a fee if the claim passed and it became certain that the bill would not pass so as to permit this payment to Stahlman. When the issue was raised Senator BATE, of Tennessee, who was in charge of the bill, received a specific denial from the said E. B. Stahlman that he had any contract or was to receive any fee or any money other than his expenses for his work on the claim which was, as he stated, prompted by his interest in the church.

The bill passed the Senate, the claim was paid by the Government, and Stahlman immediately collected out of the amount paid on the claim a sum in excess of $100,000. The matter then became the subject of a senatorial investigation and the Senate Committee on Claims reported in part as follows, the full report being found in volume 8, Senate Report No. 1416.

Mr. Stahlman admits he intended that they [Senators] should receive this impression from what he said, and a fair interpretation of his words meant that there was no contract and that he was not connected in the case on account of money consideration. They were deceived and misled, and the deception was willful and deliberate on Mr. Stahlman's part.

In CONGRESSIONAL RECORD, volume 31, part 6, page 5677, is found the following extract from a speech of Senator Hale, of Maine:

Does the Senator believe that this lobbyist, who has looted this great appropriation that Congress gave to this religious society, has ever in any way contributed to the passage of the bill? Did it not go through entirely outside of him?

On page 5804 of the same volume of the RECORD is found the following extract from a speech of Senator TILLMAN, of South Carolina:

I hope (the church) will make this thief and liar, Stahlman, disgorge.

In the same volume of the RECORD, page 5806, is found the following extract from a speech of Senator Morgan, of Alabama:

If this man Stahlman, who seems to be a German and who has floated into the case somewhere or other and somehow or other, has violated, as he seems to have violated, his duty and the obligations of a man to tell the truth, under the circumstances, if he has done so, that man will be tolerated. He is worse relished now than if he had succeeded in getting a hundred million dollars out of this thing. There is no chance to put him in any worse attitude than he is to-day.

On page 5801 of the same volume of the RECORD is found the following extract from a speech of Senator Bacon, of Georgia:

In my conversation with the Senator from Tennessee and others before going to see Mr. Stahlman no mention was made of any percentage, and in my conversation with Mr. Stahlman there was no mention of any percentage. It was simply a question whether or not there was a large fee to be paid to him or others out of the recovery on account of this claim of the Methodist Book Concern, and his assurance to me was that there was no such contract, but there would necessarily be some expenses to be paid.

Inasmuch as this man is attempting to destroy my character and to blacken my reputation, it is proper to place before my colleagues the estimate he placed upon his own veracity, or rather, lack of veracity.

In Senate Document Report No. 1416 is found the following statement, under oath, by E. B. Stahlman:

Well, then, make me the martyr. I made the denial. Peter denied his Lord three times. He told a story. I do not claim to be better than Peter. If Peter was forgiven—and Peter is the rock upon which the church was founded—Stahlman can be forgiven for the crime he has committed, if crime it be.

These proofs of Stahlman's lack of character and want of veracity were embalmed in the archives of this Government before I was a Member of this body and at a time when I was absent from Nashville, being at college, and I did not know of them until long afterwards. Recently, since his attacks on me, I investigated these reports, of which I had gained information, and published his record as laid bare by the report of the Committee on Claims, the speeches of Senators, and his own confession under oath.

Since this man has branded himself and has been branded by a report of a committee of this body and by Senators familiar with the transaction, it is unnecessary for me to characterize him or the charges he has made against me other than to pronounce them as utterly and absolutely false.

In conclusion, I have naught in my private life or as a public official which I desire to conceal from my colleagues or from the public, and I would welcome any action that the Senate might deem proper to take upon these charges made by this characterless creature, whose record in all the nakedness of its dishonor has been exposed to this body.

The meaning of this attack must be as obvious to all as it is to me. It is intended to be a painful lesson to me and a blackhand warning to others not to dare to train the pitiless light of publicity upon the nefarious conduct of lawbreaking corporations and their corrupt lobbyists.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 16, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 15, 1914.

UNITED STATES DISTRICT JUDGE.

John H. Clarke, of Cleveland, Ohio, to be United States district judge, northern district of Ohio, vice William L. Day, resigned.

MEMBER OF THE CALIFORNIA DÉBRIS COMMISSION.

Maj. Lewis H. Rand, Corps of Engineers United States Army, for appointment as a member of the California Débris Commission provided for by the act of Congress approved March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California," vice Maj. Sherwood A. Cheney, Corps of Engineers, United States Army.

POSTMASTERS.

ALABAMA.

Bettie T. Forster to be postmaster at Thomasville, Ala., in place of Hattie N. Tabb, resigned.

Robert Stephens, jr., to be postmaster at Fairfield, Ala. Office became presidential April 1, 1914.

ARKANSAS.

G. T. Breckenridge to be postmaster at Paragould, Ark., in place of John H. McPherson. Incumbent's commission expired January 25, 1914.

CALIFORNIA.

Charles H. Coffey to be postmaster at Gonzales, Cal., in place of William T. Elliott, resigned.

Martin Eriksen to be postmaster at Ferndale, Cal., in place of Leander H. Miner. Incumbent's commission expired June 14, 1914.

Nellie Hawkins to be postmaster at Yreka, Cal., in place of O. M. Schwatka, deceased.

Hattie B. McClure to be postmaster at Westgate, Cal. Office became presidential January 1, 1914.

COLORADO.

Ralph E. Belding to be postmaster at Eagle, Colo. Office became presidential July 1, 1914.

CONNECTICUT.

Walter H. Bishop to be postmaster at North Haven, Conn., in place of William P. Leete. Incumbent's commission expired June 25, 1914.

FLORIDA.

John M. Kelly to be postmaster at Bocagrande, Fla. Office became presidential April 1, 1914.

Mr. JONES. Yes, sir.

Senator NELSON. A pretty good stock. I guess that is all.

Senator REED. How many companies have been taken into that New Jersey company, absorbed or financed in any way?

Mr. JONES. Two besides ours.

Senator REED. What proportion of zinc products does that New Jersey company control?

Mr. JONES. Zinc products?

Senator REED. Of the products that you produce?

Mr. JONES. In the spelter business—that is metallic zinc—the total spelter trade of the country amounts to about $373,000 to $400,000, of which the New Jersey Zinc Co. and its subsidiaries manufacture about 20 per cent. Of the sulphuric acid, which is a by-product in roasting the zinc ore, the total output of the country is enormous. The total output of the country is fully 3,000,000 of tons, of which we make 100,000.

Senator SHAFROTH. One-thirtieth then you make?

Mr. JONES. Three per cent of the total output.

Senator SHAFROTH. That would be about one-thirtieth?

Mr. JONES. Yes; of zinc, the New Jersey Zinc Co. and its subsidiary, the Mineral Point Zinc Co., make about 70,000 to 75,000 tons a year, and make the larger part of the product of the country. That is made out of the New Jersey zinc mine ores, which are the only ores in the country that make a certain grade of oxide of zinc.

Senator NELSON. The oxide of zinc; is that the material from which they make paint?

Senator REED. White lead?

Mr. JONES. No; not white lead. White lead is an entirely different product. Of course it is keenly competitive with zinc in paints. Mixed paints are made up of a certain percentage of it.

Senator REED. It looks like white lead; is that it?

Mr. JONES. Yes, sir; it has certain advantages over white lead. It does not turn yellow, for instance, while white lead does turn yellow.

Senator REED. You said you made the large part of the product. What proportion?

Mr. JONES. The Sherwin-Williams Co. has quite a large plant down in Missouri; just the output of that I do not know. The Ozark Co.—I think they make about 10,000 tons. The Mineral Point Zinc Co. makes about 7,000 tons, and the New Jersey Co., at Mine Hill, makes about 63,000 tons.

Senator REED. Are those the only concerns that produce the product?

Mr. JONES. They are the principal concerns that produce the product.

Senator REED. Then you produce about 70 per cent?

Mr. JONES. Of the oxide of zinc; yes.

Senator REED. Now, where in Missouri are your mines located?

Mr. JONES. We have no mines of consequence in Missouri. We have mines in Colorado. We have some mines in Joplin, Mo., but we are not operating them.

Senator REED. I understood you to say you had some in Missouri. You simply have some mine territory there?

Mr. JONES. Yes. We have some ore properties in Colorado, at Canon City, Colo., and we have bought considerable ores at Leadville.

Senator REED. As I understand you, this oxide of zinc is used to make a paint, which is a character of paint which closely resembles white lead, and then it can be colored to any color?

Mr. JONES. Zinc oxide is never used by itself as a paint. It is used in combination with lead. It lacks what is called coloring capacity when used alone.

Senator REED. Has the New Jersey concern any relations of any kind with any other institution engaged in producing this product?

Mr. JONES. None whatever; only the subsidiaries that I have mentioned.

Senator REED. You sell in competition then with them?

Mr. JONES. Absolutely.

Senator HITCHCOCK. And in the case of oxide of zinc you manufacture about 90 per cent of the product?

Mr. JONES. Not more than about 85 per cent. I am not sure what the Sherwin-Williams Co. manufacture. They are the largest manufacturers of mixed paint. They use a great deal themselves, and just how much they sell I do not know.

Senator REED. You are making that oxide of zinc in Wisconsin, in your plant there, and the New Jersey company in its plant in New Jersey?

Mr. JONES. Yes, sir.

Senator REED. And what other company was there making it that was taken in?

Mr. JONES. What was known as Manning & Squire. There were two concerns that claimed an interest in this large mine in New Jersey, the unique mine deposit—Manning & Squire and the Lehigh Zinc & Iron Co. They were all mixing portions of the same mine, and there had been litigation among them lasting for pretty nearly 40 years as to lines, etc., and the courts were at their wits' ends how to decide it, and the New Jersey company purchased the interest of those companies in that mine.

Senator REED. The New Jersey Zinc Co. was a company that was organized to take over all of these properties and adjust these differences by accommodation?

Mr. JONES. No, sir; that is not correct. The New Jersey company is an old company organized 40 years ago.

Senator REED. It was finally used as a conduit to take them over, however?

Mr. JONES. It purchased the other companies.

Senator REED. And it paid them in stock?

Mr. JONES. It paid them in stock.

Senator REED. So that in that way the New Jersey company, which was an old company which had a limited capital stock, acquired the properties. Do you remember how much its capital stock was before this consolidation?

Mr. JONES. I should say about $4,000,000.

Senator REED. And it proceeded then to increase its capital stock and to take in these various rivals that were quarreling over the ownership of that deposit in New Jersey and pay them out of the common stock?

Mr. JONES. Yes, sir.

Senator REED. Thus all those rivalries were reconciled?

Mr. JONES. Yes, sir.

Senator REED. These concerns that you speak of as being engaged in mining are also engaged in manufacturing?

Mr. JONES. Yes, sir.

Senator REED. So that the mining controversies were wiped out and the rivalries in trade between those concerns were wiped out?

Mr. JONES. That is correct.

Senator REED. Now, that left your company one of the large outside producers?

Mr. JONES. Yes, sir.

Senator REED. And your company was taken in, and you took your pay in stock?

Mr. JONES. Yes, sir.

Senator REED. And then there was put into this one consolidation 80 per cent to 90 per cent of the production of zinc oxide?

Mr. JONES. Yes; not of spelter.

Senator REED. Of zinc oxide?

Mr. JONES. Yes, sir.

Senator REED. So that the only important concern left outside is the Sherwin-Williams Co., of Missouri?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. It has about one-eighth?

Senator REED. Yes. Now, all of this consolidation of these various interests was worked out through increasing the capital stock of the New Jersey company and turning over to the various companies that were taken in or to their owners stock in the new company?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. What is the price of zinc now?

Mr. JONES. It varies according to the quality a good deal. Oxide of zinc which contains a little lead, which practically all western oxide does, sells about half a cent lower than oxide of zinc which is made at the New Jersey mine, which is practically lead free. It ranges anywhere from 4½ cents up to 5½ cents.

Senator HITCHCOCK. It has been advancing in price over a period of years?

Mr. JONES. There was an advance made about two years ago. There was no advance made this year.

Senator HITCHCOCK. How has it been affected by this last tariff?

Mr. JONES. The tariff was reduced on oxide of zinc and spelter.

Senator HITCHCOCK. Has it affected the price?

Mr. JONES. It has not affected the sale very materially.

Senator HITCHCOCK. Are there any importations of oxide of zinc?

Mr. JONES. There are importations of what is known as French oxide, red seal and green seal. The French process of manufacture are entirely different from the American. First, they make spelter, the metallic zinc, and then they oxidize that, and it makes a denser, whiter pigment that costs a good deal more money. That is worth from 6 to 7 cents a pound, and there is an importation of that.

Senator HITCHCOCK. Is this oxide of zinc used in stereotyping?

Mr. JONES. No, sir. Spelter, the metallic zinc, is used in zinc plates.

Senator HITCHCOCK. I know that the cost of stereotyping material has been increasing.

Mr. JONES. No; oxide of zinc is not used for that.

Senator REED. There is no real competition between the character of oxide of zinc you produce and the character of oxide of zinc produced in Europe. That is correct, is it not—that is a higher grade?

Mr. JONES. That is a higher grade of oxide. Of course, there is competition for the reason that the denser, whiter pigment will go farther than oxide made by the American process.

Senator CRAWFORD. Do this New Jersey company and the Sherwin-Williams Co. in this country control this oxide production?

Mr. JONES. Yes, sir. The Sherwin-Williams Co. and the New Jersey company control the oxide production. Its subsidiaries manufacture all the oxide of zinc that there is of American manufacture.

Senator CRAWFORD. They do not control the basic material from which the oxide can be produced in this country?

Mr. JONES. Not all, except so far as the ores of Mine Hill are peculiar; they are lead free. Oxide of zinc that is produced from western ores has an ingredient of lead which makes it impracticable to use it in the rubber trade. It makes the rubber brittle.

Senator CRAWFORD. Does that explain why they have such a large proportion of this business?

Mr. JONES. Absolutely. The Mine Hill ore has had a natural monopoly of ores of that character. There is no other mine of the kind in the world.

Senator HITCHCOCK. That is in New Jersey, is it not?

Mr. JONES. That is in New Jersey.

Senator REED. Why were your profits so comparatively small formerly?

Mr. JONES. In the first place the properties were very uneconomically managed. That is a very expensive mine; you have to go down deep for the ore; and the mining expense has been greatly reduced and the output has been increased. As I said before, all mining operations are necessarily extensive proceedings, and that mine is an extraordinary mine, but it is a rapidly exhausting mine. The company has been making the utmost out of it, and every economy that can be made has been used, and gradually it will be compelled to find some means of utilizing western ores, which at present are utilized to a limited extent.

Senator REED. You spoke a moment ago about that mine being a natural monopoly. What was your mine in Wisconsin?

Mr. JONES. What was our mine in Wisconsin?

Senator REED. Your mine in Wisconsin produced the same class, did it not?

Mr. JONES. No, sir; it did not. That was the trouble. The Mineral Point Zinc Co. was organized by a number of citizens of Mineral Point, Wis., who developed the zinc business and the territory—I was born there, and born with an interest in it. And when these citizens of Mineral Point built an oxide plant there they knew nothing about it. They borrowed a lot of money from a brother of mine, and when they found that they had the plant all fixed and all built and had their storehouse full, they could not sell a pound of it; and the way we got into the zinc business was, we had to take that property, at their urgent solicitation, for the money that my brother had loaned to them.

At that time there was a certain amount of what is known as carbonates. The zinc ores are mostly carbonate and silicate and sulphide ores.

Of the carbonate ores there was a sufficient supply for our purposes. We had to tear down the plants and rebuild them, and of the carbonate ores—there were a sufficient amount of carbonate ores for our uses for the time being, but that stock became exhausted; and there is to-day—outside of a certain amount of carbonate ores at Leadville, there is not much deposit of carbonate ores there.

At that time it was impossible to make oxide of zinc that was salable out of the desulphurized sulphide, and we found that the kind of oxide that we could make out of the ores that were left in Wisconsin would only meet certain demands of the paint men; that is, certain grades of paint only, and not the others. We were at a disadvantage, in that the kind of ores that we were restricted to would not make the kind of oxide of zinc that the trade demanded; and this New Jersey deposit,

which was, as I say, practically a natural monopoly of a nonleaded zinc—they could supply the entire trade.

On the other hand, the New Jersey Zinc Co.'s mine was rapidly exhausting, and the time was certain to arrive when they would have to make oxide of zinc of some sort out of western ores. In other words, they would have to establish a western department in order to meet the requirements of the trade after that mine was exhausted; and our needs, with what was certain to be their need, dictated an industrial fusing up of the business with them. It was not a question of monopolization; it was a question of "root hog or die."

Senator REED. I do not understand how, if you did not have the material, you could be of benefit to them.

Mr. JONES. Because we were making a low grade of oxide which was valuable used with—

Senator REED (interposing). Mixed with theirs?

Mr. JONES. Mixed with theirs. And we do mix it to this day.

Senator REED. By mixing the two products——

Mr. JONES (interposing). By mixing the two products we made a salable product.

Senator HITCHCOCK. You were not making any dividends before you consolidated with the New Jersey company?

Mr. JONES. The Mineral Point Co. never at that time had paid a dollar of dividends. I do not mean to say that we did not make any money, but every dollar of the money had to go into plant, experiments, and extensions.

Senator CRAWFORD. Then these big dividends will come to an end when this New Jersey mine is exhausted?

Mr. JONES. I am sorry to say they will.

Senator CRAWFORD. Then you are making hay while the sun shines?

Mr. JONES. Yes, sir.

Senator CRAWFORD. You have got a pretty good thing while it lasts?

Senator HITCHCOCK. You were taken into that concern in what year?

Mr. JONES. Eighteen hundred and ninety-seven. And I say that there has never, to my knowledge, been a charge of any sort that we have been in violation of any federal law, and no charge in any State in which we have operated that we have been in violation of any State law at all.

Senator HITCHCOCK. That was in 1897. Prior to that time your capital stock had been about $400,000?

Mr. JONES. $400,000.

Senator HITCHCOCK. And you were given $900,000 of stock in the New Jersey concern, and the New Jersey concern had $4,000,000, which was increased to $10,000,000?

Mr. JONES. $10,000,000.

Senator HITCHCOCK. With an indebtedness of $3,000,000?

Mr. JONES. The indebtedness was incurred afterwards, to build plants. There was no indebtedness in 1897.

Senator HITCHCOCK. So that the capital of the two concerns was doubled at the time of the consolidation?

Mr. JONES. Substantially; yes, sir.

Senator SHAFROTH. What was the value of your plant at the time it was taken into the New Jersey company?

Mr. JONES. We had a mine down in New Mexico, which we still have, which is a pretty good mine, and I should say that when we turned in our company the value of our properties was fully what we got in stock at the time.

Senator SHAFROTH. $900,000?

Mr. JONES. $900,000. I should say that the plant was worth at least $450,000, the capital stock being $400,000, and that our mine was worth as much more.

Senator SHAFROTH. What was the New Jersey company worth? How much did it put in in actual value into this new organization?

Mr. JONES. Well, it put this mine, on which no valuation has ever been put.

Senator SHAFROTH. It is very valuable, however?

Mr. JONES. Oh, yes; it is still a valuable property, although, as I say, it is a rapidly exhausting property.

Senator SHAFROTH. I will ask you whether or not, in your judgment, the total assets and property of the company amounted to $10,000,000?

Mr. JONES. I think they did; yes, sir.

Senator SHAFROTH. So that you do not think that any watered stock was put into either one of them?

Mr. JONES. No, sir; not a dollar.

Senator HITCHCOCK. Are there any further questions?

Senator REED. Had the mine in New Mexico ever paid any dividends?

Mr. JONES. No, sir. Well, that belongs to the Empire Co.; it has made no profit.

Senator REED. I say, at the time it went in?

Mr. JONES. No, sir; we had gotten ores from it. We had not developed the mine at the time we sold it to the New Jersey Zinc Co.

Senator REED. Has it been developed since?

Mr. JONES. It is being developed now.

Senator REED. Do you get some of this ore out of it that you use in mixing the oxide?

Mr. JONES. Some of it. We got it for that purpose, but it proved not so very good. But large bodies of sulphide——

Senator NELSON (interposing). Your company was taken in by the New Jersey company for $900,000, and that Missouri company, I think you said, for $300,000?

Mr. JONES. The Prime Western, that was purchased afterwards. That was not a part of the original transaction. We wanted to go into western spelter.

Senator NELSON. What was taken in when they organized the New Jersey company and issued all that stock? What was taken in outside of the original company?

Mr. JONES. The organization known as the Lehigh Zinc & Iron Co. and a concern known as Manning & Squire, of New York.

Senator NELSON. They were taken in at how much?

Mr. JONES. I do not remember the amount. They were taken in. I think Manning & Squire was taken in at about, I should say, $1,200,000. It has been so long ago I do not remember the exact figures, but I should say the Lehigh Zinc & Iron Co. was taken in at about $1,500,000.

Senator NELSON. Now, this old New Jersey company owned this mine, did they not?

Mr. JONES. It had been in litigation for 40 years between these three concerns. They claimed to own it all, and the others claimed to own a large slice of it.

Senator NELSON. And they settled the litigation and issued stock?

Mr. JONES. Yes, sir.

Senator NELSON. I am going to ask a question, but I suppose it shows my ignorance. What is spelter?

Mr. JONES. Spelter is metallic zinc.

Senator NELSON. Metallic zinc?

Mr. JONES. It is like sheet zinc.

Senator NELSON. What is that used for?

Mr. JONES. It is used in galvanizing. All the galvanizing is made out of spelter, and all the sheet zinc. It is used in the arts pretty largely. And it is used in making brass very largely. It is one of the constituents of brass.

Senator NELSON. What proportion of the spelter products of the country does the New Jersey company produce?

Mr. JONES. A little less than 20 per cent.

Senator NELSON. And 90 per cent of the oxide?

Mr. JONES. Yes, sir.

Senator NELSON. There is another product?

Mr. JONES. Sulphuric acid.

Senator NELSON. What proportion of that does the new Jersey company produce?

Mr. JONES. About 3 per cent.

Senator NELSON. And what is that used for?

Mr. JONES. Sulphuric acid?

Senator NELSON. Yes.

Mr. JONES. It is used very largely in making fertilizers and in the arts. It is used in the Southern States in manufacturing fertilizers; the bulk of it is used for that. That is an enormous industry. We make that merely as a by-product of the roasted ores. Most of it is made out of iron pyrites, as a direct manufacture. We do not do that at all.

Senator NELSON. Now, what is the process when you extract the ores from the New Jersey mines in the ground? Do you reduce it first?

Mr. JONES. No, sir. That is a complex ore. It consists of what is known as willemite—that is, a silicate of zinc and a mixture of willemite and franklinite, which is a mixture of manganese and iron zinc. That is separated by quite an elaborate magnetic separating plant, a very large plant, which, by magnetic process, takes the franklinite, which is slightly magnetic, out of the willemite, and that willemite is then used in making spelter, being free from iron and lead; the franklinite is roasted in furnaces, and the oxide of zinc goes away and the franklinite—the iron—remains as what is known as spiegeleisen, which is then used in making steel. It is fed into steel furnaces and it helps to make the steel tough.

Senator CRAWFORD. Do you employ many men in your New Jersey corporation?

Mr. JONES. Employees?

Senator CRAWFORD. Yes.

Mr. JONES. Yes; a very large number. Of course, the mining operations nowadays are carried on largely by machinery, but we employ a very considerable number of men in mining and also in the smelting industry.

Senator CRAWFORD. Smelting and manufacturing?

Mr. JONES. Yes, sir.

Senator CRAWFORD. Are you in sympathy with the general policy of these big consolidations, with the power that may be, in the abstract, dangerous, depending entirely on whether the men who are using it are good men or bad men?

Mr. JONES. No, sir; I am not in sympathy with them.

Senator CRAWFORD. You really do not believe in it?

Mr. JONES. I do not, frankly. I am giving my personal impressions now, and not those of any corporations I may be connected with. I think industrially most of them are failures, and the difficulty is that they reduce the individual to a mere unit.

Senator CRAWFORD. Your idea is that if one of them is organized it may be dangerous or it may be kept within bounds by the right kind of a board of directors; that you could accept a position on the board of directors for the purpose of keeping it within bounds, although there was a dangerous power vested in it?

Mr. JONES. I think they can be kept within reasonable bounds perfectly well, and I think many of them are.

Senator HITCHCOCK. You think this is not a combination in restraint of trade or in control of trade—the New Jersey Zinc Co.?

Mr. JONES. I do not.

Senator HITCHCOCK. It has 85 per cent, you say, of the zinc trade of the country?

Mr. JONES. Of the oxide of zinc.

Senator HITCHCOCK. Of the oxide of zinc, I mean; yes.

Mr. JONES. About that.

Senator HITCHCOCK. Well, is there any other concern that controls a larger per cent of the products it manufactures?

Mr. JONES. Not of oxide of zinc.

Senator HITCHCOCK. No; I mean of any other industry. Is there any other company that comes any nearer to monopolizing a certain product?

Mr. JONES. No, sir. As I said, so long as oxide of zinc continues to be made out of the New Jersey mine ores the trade demands it and will not have anything else. It makes a grade of oxide zinc that can not be made out of any other known ores in this country. I will say frankly that that mine is the whole business. There is no artificial combination of units to eliminate competition. That has not been attempted at all, and has not been accomplished; but that mine constitutes a natural monopoly.

Senator HITCHCOCK. Suppose your company and these others had not been united with the New Jersey corporation, would there be some competition between them?

Mr. JONES. Well, as I told you before, we were up against it, because we could not get ores that would make a product that would meet all the needs of our customers; and it was in order to get a product that would meet the needs of our customers that we were willing—we had not any desire, but we were willing—to sell our properties to the New Jersey company for stock in that company; and ever since then, as I told you, we have mixed the two and made a good product out of the mixture. I believe it has been industrially a great advantage to our customers; and my own judgment is that our customers have been fairly treated, and as you have seen there has been no combination in restraint of trade.

Senator HITCHCOCK. One of the purposes in creating the new banking and currency system is to decentralize the banking power in the United States

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Which has been used to create monopolies. And I suppose that thought has been in the minds of some when the question arose as to your connection with two concerns which seem to

Mr. JONES. Your statement is wrong. It aggregated not $120,000,000 but some $130,000,000.

Senator HITCHCOCK. When you say "property" what do you refer to?

Mr. JONES. Plants—

Senator HITCHCOCK. I find that the valuation which the actuaries and accountants found of the McCormick property was $39,068,157; and upon the Deering plant, $27,237,195; upon the Piano plant, $3,068,667; and I have not been able to find the other one, the Warder, B. & G. Co.

Senator NELSON. The Warder, Bushnell & Glessner Co.

Mr. JONES. Those figures do not include any outstanding bills receivable; there were an enormous amount of farmers' notes outstanding.

Senator HITCHCOCK. The plants themselves fall something short of $70,000,000.

Mr. JONES. Well, the outstanding notes of the International Harvester Co. are enormously large.

Senator REED. This is the allegation:

"That of this stock ($120,000,000), $53,400,000 was apportioned among the owners of the McCormick, Deering, Warder, Bushnell & Glessner, and Piano Cos., in consideration of the transfer by each company of all its real estate, factories, plants, buildings, improvements, machinery, patterns, tools, apparatus, fixtures, patents, inventions, devices, patent rights, licenses, trade-marks, trade names, and good will, of all and singular said property as a going concern, and supplies, products, and materials on hand, pending contracts, railroad equipment, as well as all other property of the vendor appertaining to the vendor's business, except bills and accounts receivable."

Now, that is $53,400,000

Mr. JONES. Those are the allegations of the bill; they are not proved.

Senator REED (reading):

"Stock in the amount of $40,000,000 was apportioned among the owners of the McCormick, Deering, Piano, and Warder-Bushnell & Glessner Cos., in consideration of the assignment by the vendor companies to the purchasing company of bills and accounts receivable of like amounts, guaranteed by the vendors or for cash.

"Stock in the amount of $3,148,196.66 was issued to J. P. Morgan & Co., of New York, who had paid that amount in cash to secure the property of the Milwaukee Harvester Co., which was conveyed to the International Harvester Co., as above stated."

Now, that was a company of $1,000,000.

"Stock in the amount of $3,451,863.34 was issued to J. P. Morgan & Co. for services rendered and for legal expenses."

That is the allegation of the bill, as you see; but generally speaking, the Government is pretty careful about this bill. However, I do not think we need waste any more time on that. I am through with my questions.

Senator SHAFROTH. None of this was, however, done while you were a director?

Mr. JONES. None of it.

Senator HOLLIS. I would like to ask a few questions: In 1909, Mr. Jones, you had to make up your mind whether you would become a director of the International Harvester Co.?

Mr. JONES. Yes, sir.

Senator HOLLIS. And you had to satisfy yourself upon certain problems. Now, you knew at that time that the International Harvester Co. was popularly called the Harvester Trust?

Mr. JONES. Yes, sir.

Senator HOLLIS. And you knew that throughout the West, or in some sections, there were charges that they acted as a monopoly, acted oppressively, and raised prices by unfair means. You knew those charges were made?

Mr. JONES. I did.

Senator HOLLIS. You did not want to become a director in a concern like that, did you?

Mr. JONES. No, sir.

Senator HOLLIS. And therefore you had to pass judgment for yourself as to whether those charges were true?

Mr. JONES. In a general way, I did.

Senator HOLLIS. Yes; in a general way.

Mr. JONES. I did.

Senator HOLLIS. Now, if you had believed that these other officials with whom you associated yourself were lawbreakers and were acting in violation of the Sherman antitrust law, would you have become a director?

Mr. JONES. No, sir; I would not if I thought so at the time.

Senator HOLLIS. At the time; I am speaking about 1909.

Mr. JONES. Yes, sir.

Senator HOLLIS. And then the matters that you had to settle for yourself divided themselves into two branches, generally speaking.

The first was as to the original organization, which might or might not have been in violation of the Sherman antitrust law. Now, how did you regard that?

Mr. JONES. That is a legal question—

Senator HOLLIS (interposing). No; I am not asking you as to whether they had or not; but, as I understand, you regarded that as a question to be determined by the courts?

Mr. JONES. I did. I felt just as sure then as I do now that it would have to be decided by the courts.

Senator HOLLIS. And you considered that as a question on which honorable men might fairly divide?

Mr. JONES. I did.

Senator HOLLIS. The other question was as to the selling agencies throughout the country, where it was claimed that the International Harvester Co. in their contracts with dealers provided that the dealers should not deal in competing goods of any other concern. You knew that that was the charge?

Mr. JONES. I knew that that was not the fact. It has been disproved.

Senator HOLLIS. I am asking you this: You knew that that was the charge?

Mr. JONES. I knew that that was the charge.

Senator HOLLIS. When you became associated with this company as a director, of course it would make a difference in the fairness or unfairness of the company whether that practice was continued?

Mr. JONES. It would.

Senator HOLLIS. And have you satisfied yourself as to whether the selling contracts are unfair?

Mr. JONES. I have satisfied myself that I believe they are entirely fair. There is no element of exclusive dealing in them at all. The agents of the International Harvester Co.'s machines handle the Deere machines; they handle any other machines that they see fit.

Senator HOLLIS. So that you, by personal investigation, have satisfied yourself that there is nothing in the conduct of the International Harvester Co. with which a high-minded man can not properly identify himself?

Mr. JONES. I have.

Senator HOLLIS. Now, going back to the 1909 situation, when you joined the company, was there any reason in the world why you should have associated yourself at that time with a company of lawbreakers?

Mr. JONES. Not the slightest.

Senator HOLLIS. Was there anything in it for you?

Mr. JONES. Nothing whatever in it, either financial or sentimental. I believed that the gentlemen who asked me to go in were not lawbreakers, and that is the reason I went in. If after I went in I had found out that they were, I would have gone out of the company.

Senator POMERENE. You did not anticipate this situation of to-day. [Laughter.]

Senator HOLLIS. If it should result, in the Government's suit against the International Harvester Co., that there is a decree that the combination was unlawful in 1901 or 1902, and that it must be dissolved, would that alter your opinion at all as to the moral status of your present associates?

Mr. JONES. It would not. That is a matter again upon which there might be a difference of opinion. I believe, personally, that they thought they were not doing anything wrong; but it may turn out that they were. If the court says that they were, we will all believe they were.

Senator HOLLIS. You distinguish, do you not, between something legally wrong and something morally wrong?

Mr. JONES. I do.

Senator REED. Do you think it is perfectly right morally for a man to create a monopoly?

Mr. JONES. That depends altogether upon the kind of monopoly. Business morality is in the making. Things that were considered legitimate 25 or 30 years ago are not considered legitimate now, and by the same persons.

Senator NELSON. Mr. Jones, you surprise me. I always thought the Decalogue and the principles of the Christian religion were immutable, and not subject to change. They are the same now as they were 1,900 years ago.

Mr. JONES. I am not speaking of the Decalogue.

Senator NELSON. But as to the rules and principles of morals I did not suppose there was any new discovery. You will recall that Macaulay, in his History of England, says that while there are a great many new discoveries and inventions in science, in the matter of religion and morals there are none. But you have announced a new gospel.

Senator HOLLIS. Allow me to express what I understand as to the Gospel. That the principles of morals and of the Gospel have never changed, but our understanding of them has constantly changed.

Senator REED. I thought since the Sherman antitrust law was enacted we all understood that monopolies were prohibited and combinations in restraint of trade were made illegal. But I have no further questions to ask.

Senator LEE. If the criticisms of the law officers of the National Government, as expressed in this bill of complaint, should receive the final approval of the courts, no matter what form that approval might take, in the way of a decree, it would not have the slightest effect upon your personal fortunes?

Mr. JONES. Not a particle. I have got $100 invested in the common stock; that is all.

Senator LEE. Now, in case those criticisms should take affirmative form, in the nature of a final decree, and this company was directed to do certain things, or undo certain things which were done, your attitude would be, of course, entirely corresponding to the order of the court?

Mr. JONES. Why, certainly.

Senator LEE. There is nothing in your financial or personal relationship that would preclude you from taking that attitude?

Mr. JONES. Nothing at all, Senator.

Senator LEE. You have been acquainted a long time with the President, have you not, Mr. Jones? You have been closely associated with him in Princeton matters?

Mr. JONES. Yes; Princeton University.

Senator LEE. And in that connection he has had ample opportunity to make personal observation of your character and conduct, has he not?

Mr. JONES. He has had some opportunity to make investigation; yes, sir.

Senator REED. It is an unpleasant question to ask, and I only ask it to show that there is a distinction. You say that no decree of the court would affect your personal fortune. If it should be determined by the court that the harvester company is a trust operating in violation of law—

Senator HOLLIS (interposing). I referred to this bill of injunction.

Senator REED (continuing). It might affect the officers of the company.

Mr. JONES. Why, there is nothing charged against them. I do not understand how there could be a personal decree there, Senator. There has never been any suggestion of a thing of that sort that I have heard.

Senator REED. It is a very possible form of decree, however.

Senator HOLLIS. I want to remind the members of the committee that they have not asked anything about the Zinc Trust.

Senator HITCHCOCK. That will come up later.

(Thereupon, at 3 o'clock p. m., the committee took a recess on a call for a quorum in the Senate, after which the following proceedings were had:)

Senator NELSON. Mr. Jones, are you a stockholder, director, and officer in the New Jersey Zinc Co.?

Mr. JONES. I am a stockholder and a director. I am not an officer.

Senator NELSON. Did you join in the organization of that company?

Mr. JONES. I did not join in the organization of the company; that had been organized a long time ago. I joined in the acquisition by the New Jersey Zinc Co. of the Mineral Point Zinc Co. in 1897.

Senator NELSON. I am coming to that.

Mr. JONES. Yes; I had nothing to do with the New Jersey Zinc Co.; that was organized a long time ago.

Senator NELSON. You are a stockholder and a director in the Mineral Point Zinc Co.?

Mr. JONES. I am a director and I am at present its president.

Senator NELSON. Yes.

Mr. JONES. The Mineral Point Zinc Co. is a subsidiary of the New Jersey Zinc Co.

Senator NELSON. When was that Mineral Point Zinc Co. organized?

Mr. JONES. The Mineral Point Zinc Co. was organized in 1883.

Senator NELSON. And when was it taken in by the New Jersey Zinc Co.?

Mr. JONES. In 1897.

Senator NELSON. 1897. After it was taken in, was there an increase in the capitalization of the New Jersey Co.?

Mr. JONES. Yes sir.

Senator NELSON. What was the capitalization before that?

Mr. JONES. The capitalization before that was something like $4,000,000.

Senator NELSON. $4,000,000?

Mr. JONES. The capital stock was increased in 1897 to $10,000,000.

Senator NELSON. $10,000,000. And how much was your Mineral Point Zinc Co. taken in at?

Mr. JONES. About $900,000.

Senator NELSON. What was the original capitalization of that company?

Mr. JONES. $400,000.

Senator NELSON. And they took you into the New Jersey Co. at $900,000?

Mr. JONES. They did. That was the capitalization.

Senator NELSON. Did you get money or stock for it?

Mr. JONES. Stock entirely; no money.

Senator NELSON. The New Jersey Co., you say, is capitalized for $10,000,000?

Mr. JONES. $10,000,000.

Senator NELSON. What does that consist of, common and preferred stock?

Mr. JONES. No, sir; it is all one stock; there is no preferred stock; it is common stock.

Senator NELSON. One stock?

Mr. JONES. Yes, sir.

Senator NELSON. Is the company bonded, too?

Mr. JONES. Yes, sir; it has a bond issue of $4,000,000, of which there is a little under $2,000,000 outstanding.

Senator NELSON. $3,000,000. That is in addition to the capital stock?

Mr. JONES. Yes, sir.

Senator NELSON. Did you become a director of the New Jersey Co. at the time they took in your Mineral Point Co.?

Mr. JONES. No sir.

Senator NELSON. When did you become a director of the New Jersey Co.?

Mr. JONES. I became a director of the New Jersey Zinc Co. about six years ago, I should say.

Senator NELSON. Are you acquainted with what is known as the Prime Western Smelter Co.?

Mr. JONES. I am.

Senator NELSON. What is that—a Wisconsin corporation?

Mr. JONES. No, sir; a Missouri corporation.

Senator NELSON. Were you one of the organizers of that company?

Mr. JONES. No, sir; I had nothing to do with the organization of it.

Senator NELSON. Are you a stockholder?

Mr. JONES. That is a subsidiary of the New Jersey Co.

Senator NELSON. I asked you, are you a stockholder in that?

Mr. JONES. I am not.

Senator NELSON. Are you a director?

Mr. JONES. I am not.

Senator NELSON. Is it a subsidiary of the New Jersey Co.?

Mr. JONES. It is.

Senator NELSON. Do you know what that was taken in for?

Mr. JONES. I can not tell you exactly. I should say roughly about $300,000, but I am not sure about it.

Senator NELSON. Do you know what it was capitalized for originally?

Mr. JONES. I do not know; I do not remember.

Senator NELSON. But it was taken in by the New Jersey Co.?

Mr. JONES. It was.

Senator NELSON. For $300,000?

Mr. JONES. I should say about that. I do not carry the figures in my mind accurately.

Senator NELSON. Do you know anything about the Empire Zinc Co.?

Mr. JONES. Yes, sir.

Senator NELSON. What kind of corporation is it?

Mr. JONES. That is a mining organization entirely; it furnishes the raw material; it mines zinc ore; it does not manufacture at all.

Senator NELSON. What State is that corporation organized under?

Mr. JONES. That is a Missouri corporation, I think; Missouri or Colorado; Missouri, I think.

Senator NELSON. How much is that capitalized for?

Mr. JONES. I am not sure; I do not remember about that; it is not a large corporation.

Senator NELSON. Was that taken in by the New Jersey Zinc Co.?

Mr. JONES. It was.

Senator NELSON. Are you president and director of the Depew & Northern Railway Co.?

Mr. JONES. I am.

Senator NELSON. Where is that?

Mr. JONES. That is a road about 4 miles long, connecting the smelter plant of the Mineral Point Zinc Co. at Depew, Ill., with what was known as the "3 I's Railway Co." It is a connecting road.

Senator NELSON. Was that taken in by the New Jersey Co.?

Mr. JONES. The stock of that is owned by the Mineral Point Zinc Co., which is a subsidiary.

Senator NELSON. The stock is owned by the Mineral Point Zinc Co., which is a subsidiary of the New Jersey Co.?

Mr. JONES. Yes, sir; it was a feeding road of the Mineral Point Co. plant.

Senator NELSON. Are you connected with the Mineral Point & Northern Railroad Co.?

Mr. JONES. I am a director of that.

Senator NELSON. Is that a Wisconsin corporation?

Mr. JONES. That is a Wisconsin corporation. That is also a feeding road, all the stock of which is owned by the Mineral Point Zinc Co. It is intended to connect the plant of the Mineral Point Zinc Co. with the iron-ore territory.

Senator NELSON. So that the Mineral Point Zinc Co. owns these two railroad companies, and the Mineral Point Zinc Co. was taken in by the New Jersey Co.?

Mr. JONES. These railroads were built after it was taken in.

Senator NELSON. Yes; but the stock is held by this Mineral Point Zinc Co.?

Mr. JONES. It is.

Senator NELSON. And the Mineral Point Co. stock is held by the New Jersey Co.?

Mr. JONES. It is.

Senator NELSON. Have you any competitors in the zinc business of any account—the New Jersey corporation?

Mr. JONES. Yes, sir; very vigorous competitors.

Senator NELSON. Your chief mine is in New Jersey, is it not?

Mr. JONES. Yes; the chief mine is in New Jersey.

Senator NELSON. Yes. Does not the company have a zinc-proof contract with their customers? Does not the company make a contract with their customers regulating the sale and disposal of the property?

Mr. JONES. No, sir; it does not.

Senator NELSON. No kind of contract?

Mr. JONES. No, sir.

Senator NELSON. Just a sales contract?

Mr. JONES. They are at liberty to do anything they like with it after they get it.

Senator NELSON. What are the profits of the New Jersey Co. a year?

Mr. JONES. The last two years the profits have been large, growing out of its mining operations. The profits were about $5,000,000.

Senator NELSON. $5,000,000?

Mr. JONES. Yes, sir.

Senator NELSON. And they paid a dividend of about how much?

Mr. JONES. They paid dividends of about $5,000,000 during the last year and $1,000,000 the year before.

Senator HITCHCOCK. What was the capital?

Mr. JONES. $10,000,000.

Senator NELSON. They paid $5,000,000 this year and $4,000,000 the year before?

Mr. JONES. That is my recollection; yes, sir.

Senator NELSON. And what interest do the bonds bear?

Mr. JONES. Four per cent.

Senator NELSON. That is, after paying the fixed charges and paying the interest on the bonds they had this dividend to pay?

Mr. JONES. Yes, sir.

Senator NELSON. Fifty per cent one year and over 40 per ce the next year?

Mr. JONES. Yes, sir.

Senator NELSON. It is a profitable thing?

Senator NELSON. Did you become a director of the New Jersey Co. at the time they took in your Mineral Point Co.?

Mr. JONES. No sir.

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Senator NELSON. Are you a stockholder?

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Mr. JONES. Yes, sir.

Senator NELSON. Fifty per cent one year and over 40 per ce the next year?

Mr. JONES. Yes, sir.

Senator NELSON. It is a profitable thing?

Senator NELSON. Do you sell it to jobbers or retailers?

Mr. JONES. We sell it to retailers.

Senator NELSON. Throughout the country?

Mr. JONES. Yes, sir.

Senator NELSON. Do you have any contract of rebate with them, or any contract by which you fix the price at which to sell your product?

Mr. JONES. None whatever.

Senator NELSON. And what do you do with the other products?

Mr. JONES. Spelter we sell to the trade at large.

Senator NELSON. Yes.

Mr. JONES. Also the sulphuric acid.

Senator NELSON. To the jobbers or the retailers?

Mr. JONES. The retailers. We do not sell to jobbers at all.

Senator NELSON. You do not sell to jobbers?

Mr. JONES. No, sir.

Senator NELSON. Now, you say last year your profits in the company—you declared a dividend of $5,000,000, which would be fully 50 per cent; and the year before over $4,000,000. Now, how much the year before that?

Mr. JONES. Well, it went down; the year before that, my recollection is that the profits would be about $3,500,000; but the figures are not——

Senator NELSON (interposing). Now, the company was organized in 1907?

Mr. JONES. No, sir; in 1897.

Senator NELSON. I mean your company was taken in then?

Mr. JONES. In 1897.

Senator NELSON. In 1897 your company, the Mineral Point Co., was taken in?

Mr. JONES. Yes, sir.

Senator NELSON. And shortly after that you were elected a director, were you not?

Mr. JONES. No, sir; I was elected a director about six years ago.

Senator NELSON. What have been the profits; take the six years, year by year, the first years that you were a director?

Mr. JONES. During the first years they were comparatively low.

Senator NELSON. How low? Enough to pay 10 per cent dividends?

Mr. JONES. No, sir; not during the first years.

Senator NELSON. Seven per cent?

Mr. JONES. I should say about 7 per cent.

Senator NELSON. Well, the next year?

Mr. JONES. Well, with the improved mining plants that we had they gradually went up. The dividends have been increasing.

Senator NELSON. How much were they the next year?

Mr. JONES. Well in a period of 17 years I do not remember the dividends right along from year to year. They went up to 10 per cent.

Senator NELSON. Thirty per cent, 40 per cent, or 50 per cent?

Mr. JONES. It did not reach 30 per cent until, I should say, three or four years ago.

Senator NELSON. And since then have they been at that rate, from 40 to 50 per cent?

Mr. JONES. During the last two years; yes, sir.

Senator NELSON. About 50 per cent?

tation? I say frankly, without any reservation at all, that I have felt that the business as transacted by the International Harvester Co. since I became a member is not objectionable to law in any way nor inimical to public interests.

Senator REED. It is charged in this bill [indicating] that the company when it was originally organized only controlled the binder, harvester——

Senator NELSON (interposing). That is, four or five companies.

Senator REED. That the company, when it was first formed, controlled about 75 per cent, I believe it is, of the binder and mower business, and a much smaller per cent of other agricultural implements; but that it had been increasing its holdings from time to time until at the date this petition was filed it was charged that—

"At least 90 per cent of the harvesters and grain binders, and 75 per cent of the mowers, and over 50 per cent of the binding twine annually produced and sold in the United States are the products of the International Harvester Co., and are sold through the International Harvester Co. of America, as herein described.

"There are only three or four manufacturers of harvesting machinery in the United States other than the International Harvester Co. These, in comparison with it, are small; and as their business does not embrace the entire United States, in many sections of the country the International Harvester Co. has complete monopoly of the harvesting machinery."

Now, it is a fact, is it not, that you are increasing your holdings, increasing the output of your factories, and increasing the number of agricultural implements constantly, and are still doing it?

Mr. JONES. No, sir. I think you will find that the record disproves those allegations. The company did acquire—Senator NELSON mentioned the Osborne Works.

Senator NELSON. What?

Mr. JONES. The Osborne Works. The company did acquire one or two plants after the original organization, and by such acquisition——

Senator NELSON (interposing). They acquired one up in New York, I think.

Mr. JONES. The Osborne Co.

Senator NELSON. The Osborne Co.?

Mr. JONES. Yes. Now, they did increase their output somewhat in that way; but during the last six or seven years the proportion of the business in harvesters and mowers has been steadily and rapidly decreasing, and it is now less than the original 75 per cent that was charged there in the petition.

Senator HITCHCOCK. What is the proportion of the business? How is it in the aggregate, without regard to the relation?

Mr. JONES. The harvesting and mowing machine business is not on the increase. That has been a stationary business for some years. All of the unoccupied lands in the country pretty nearly are taken up, and the increase has been in the Canadian Northwest, where new land comes into cultivation. The increase in the business has been largely in these outside lines. It has been a fact proved in the record that the harvesting machine and mower business has been for a number of years, certainly, stationary. If not slightly recedent; and the expectation is that it will still further recede.

Senator NELSON. Does not that come from the fact that the raising of small grain has been stationary?

Mr. JONES. That is it exactly. It has been the small grains that have been stationary; the people have been going into the dairy business.

Senator NELSON. What companies have been interested in the manufacture of harvesters and mowers?

Mr. JONES. The John Deere Co. is a very powerful corporation.

Senator NELSON. The John Deere Co. is operating through your company?

Mr. JONES. Oh, no, sir.

Senator NELSON. I meant the Deering Co.

Mr. JONES. Oh, the Deering machine is a part of the International Harvester machine.

Senator NELSON. That is what I meant.

Mr. JONES. But the John Deere Co. is a very powerful organization.

Senator NELSON. That is a great plow company?

Mr. JONES. That is a great plow company; but they are manufacturing an enormous number of harvesters and mowers.

Senator CRAWFORD. Well, is the Plano Co. in your company?

Mr. JONES. Yes; the Plano is a part of the International Harvester Co.

Senator NELSON. Then they took in another company from Ohio in addition to the Osborne Co.; what was that named?

Senator POMERENE. The Warder Giessner Co.

Mr. JONES. Yes; that was a part of the original consolidation, I think.

Senator NELSON. I did not mean to interrupt Senator Reed's question.

Senator REED. Some of the plants which you have acquired have been dismantled, have they not, and ceased to operate?

Mr. JONES. I do not think any plants have been dismantled. The articles manufactured at the plants, in some instances, have been changed; some of these side lines. For instance, the plant at Milwaukee, the tractor engines are built there, and the cream separators and, I think, the shredders.

Senator NELSON. Well, you have discontinued that as a harvester and a mower plant?

Mr. JONES. Yes; we have discontinued it as a harvester and mower plant.

Senator NELSON. Did you not take in one at Minneapolis? Was not a company there manufacturing harvesters and mowers?

Mr. JONES. At Minneapolis?

Senator NELSON. Yes.

Mr. JONES. I have no recollection of it. I do not remember any plant up there that was taken in; there may have been one. If so, it was in the early years.

Senator REED. You took in the Akron Works, at Akron, Ohio?

Mr. JONES. Yes, sir.

Senator REED. You acquired that from the Alden Miller Co.?

Mr. JONES. Yes, sir.

Senator REED. They manufactured the Buckeye mowing machine or harvester. They discontinued the manufacture of that, did they not?

Mr. JONES. I am not sure of that.

Senator POMERENE. I may say that that concern went into the hands of a receiver, and was later sold out by the receiver, and I think it was after that that your company became the possessor of it.

Senator REED. After it was sold out?

Senator POMERENE. After it was sold out.

Mr. JONES. That was before my connection with the company, and I can not pretend to have any knowledge of it at all.

Senator HITCHCOCK. Mr. Jones, what are the annual profits of your company before the payment of interest? Just the profits of operation.

Mr. JONES. My recollection is that the last annual report showed that, after the payment of the 7 per cent dividend on the preferred and 5 per cent on the common stock, there was—I am very poor at carrying figures in my head—I think the total profits above the dividend and surplus are something like $14,000,000.

Senator HITCHCOCK. Now, is it true that before the organization of this company the individual concerns were only making $10,000,000?

Mr. JONES. Before the organization altogether? I really can not tell you about that. I never went into that end of it at all.

Senator HITCHCOCK. I notice from something that I have here that I was looking over [indicating], the hearings, that the total profits of the McCormick, the Deering, the Warder B. & G., and the Plano Co. aggregated $10,283,000.

Mr. JONES. But you must bear in mind that since then pretty nearly all of these outside lines have been instituted, and these profits that I have mentioned included all the foreign business, which has all sprung up since the organization of the International Harvester Co. in 1901.

Senator HITCHCOCK. Where did the additional capital come from?

Mr. JONES. Do you mean the additional $20,000,000? The $120,000,000 was in that original company.

Senator HITCHCOCK. Where did the additional capital come from to do this much larger business?

Mr. JONES. The surplus each year has been turned into capital.

Senator HITCHCOCK. No new capital has been brought in?

Mr. JONES. No new capital except that $20,000,000 stock dividend.

Senator NELSON. When was that stock dividend declared?

Senator REED. In 1910.

Mr. JONES. Somewhere about 1910.

Senator NELSON. What was after you became a director?

Mr. JONES. Yes; I became a director in 1909.

Senator NELSON. You joined, then, in declaring that $20,000,000 stock dividend?

Mr. JONES. I did.

Senator NELSON. After they had received 7 per cent on their preferred stock and 5 per cent on the common stock, you joined in declaring the $20,000,000 stock dividend in addition?

Mr. JONES. I did; representing the surplus actually available for it.

Senator HITCHCOCK. Is that not one of the evils of this consolidation in restraint of trade, Mr. Jones, that it does result in wringing large profits out of the consuming public?

Mr. JONES. Well, it sometimes results that way, and it sometimes results just the opposite way. There are unsuccessful combinations, and there are successful ones. I do not think that you can say that all the combinations have wrung larger profits out of the public; and there were a number of years when the corporation did not pay the dividends I have mentioned. There were four or five years after the company was organized in which the company did not declare more than 4 per cent.

Senator NELSON. On the common stock?

Mr. JONES. On the common stock.

Senator NELSON. But the preferred stock always paid 7 per cent?

Mr. JONES. My recollection is that it did.

Senator CRAWFORD. Does this increase come out of the increased price the consumers pay, or does it come out of enlarging the business, or does it come out of the reductions or economies that result from these consolidations? We hear statements in support of each one of these propositions. What is your opinion about it?

Mr. JONES. I think the Missouri case covers that. I think that the Supreme Court of Missouri found that the company had not increased to the consumer the cost of the machines, as a judicial determination of that fact—and I believe it is the fact. They have not increased the cost of the machine to the consumer equal to the actual cost of manufacturing. They have been able to effect certain economies. They get their raw materials, and they have their large selling expenses spread with their other lines.

Senator NELSON. Well, they have subsidiary companies owning timberlands and manufacturing timber, and owning iron ore and manufacturing pig iron?

Mr. JONES. They have. The Wisconsin Steel Co. is the subsidiary that furnishes the raw material.

Senator NELSON. Yes; the iron?

Mr. JONES. Yes, sir.

Senator NELSON. And what is the company that procures the wood?

Mr. JONES. I think it is called the Deering Co. It is down in Missouri. They have certain large timber tracts down there.

Senator NELSON. Yes.

Mr. JONES. It is at a place called Deering, I know; and I am not sure what the subsidiary itself is called.

Senator NELSON. Well, those subsidiary companies, of course, are owned by the parent company?

Mr. JONES. Yes, sir.

Senator NELSON. And they furnish the supplies?

Mr. JONES. Yes, sir; the raw materials.

Senator CRAWFORD. Well, if is that efficiency in organizing this thing clear down to the raw materials that causes the greater economy in production?

Mr. JONES. Undoubtedly; in part.

Senator CRAWFORD. The prices have not been reduced in any of these implements?

Mr. JONES. Well, they have not been advanced in any of these implements, and they have not been very much reduced. The cost of manufacture has gone up; the cost of raw material, of course, has gone up in that industry, like everything else.

Senator NELSON. Now, let me call your attention to this, Mr. Jones: Before the organization of this company, each one of these constituent companies—the Deering, the Plano, the McCormick, and all those other companies—each would have their own sales agent in a town?

Mr. JONES. Yes, sir.

Senator NELSON. Now, in this organization you cut all of that out and have only one sales agent in a town?

Mr. JONES. No, sir; that is a mistake, Senator NELSON.

Senator NELSON. It is not a mistake, of my own knowledge.

Mr. JONES. As a matter of fact, that was found to be not feasible. It was found that the Deering machine could not be handled by McCormick agents, and there are selling agents in pretty nearly all the large centers.

Senator NELSON. Well, that is the jobbing centers. But when you come to deal with the farmers—now, I live in a small town of 3,000

people, the county seat, and we have only one sales agent there representing the company, and he has handled it for years, and before that we had five or six.

Mr. JONES. Well, in the larger centers there are——

Senator NELSON (interposing). In the jobbing and distributing centers?

Mr. JONES. Yes, sir.

Senator NELSON. But where you come to deal directly with the farmers, instead of having four or five or six agents you have only one. Those are the facts?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. Mr. Jones, I would like to get this in a more compact form than I have had it before. I notice by the hearings in this case, to which your company and the directors were defendant, that the profits of the companies which composed the original company when it was created had prior to that time been paying an aggregate of $10,283,056?

Mr. JONES. Yes, sir.

Senator HITCHCOCK. And that the profits of your company in 1910 were $10,700,000, which is a 60 per cent increase in the profits; and I understood you to say that no new capital had gone into the enterprise at all?

Mr. JONES. The surplus or—no; no new capital; that is correct.

Senator HITCHCOCK. And you started with a surplus of $2,000,000, and by 1910 the surplus had increased to $10,000,000. Now, the question I put to you is just a question to get your point of view—whether you do not think that is exacting, or that that indicates that the corporation was taking the limit to be said and produced in the United States. These concerns were the McCormick Harvesting Machine Co., an Illinois corporation, capital stock $2,500,000, with factories located at Chicago, Ill."

Now, this is the original organization.

Senator SHAFROTH. When was that originally organized?

Senator REED. In 1902.

Senator SHAFROTH. Do you mean that $2,500,000 was all the capital stock that the McCormick Co. had in 1902?

Mr. JONES. Stock.

Senator REED. I mean that this petition says that that was all the stock of the company, $2,500,000.

Senator SHAFROTH. How long had that company been in existence at that time?

Senator REED. I do not know.

Senator SHAFROTH. It may have been accumulating property for 20 or 40 years before that.

Senator REED. "The Deering Co., with factories at Chicago, Ill."

Now, there is no value given there.

"The Plano Manufacturing Co., an Illinois corporation, capital stock $1,000,000, with factory at West Pullman, Ill.

"The Warder-Bushnell & Glessner Co., an Ohio corporation, capital stock, $3,000,000, with factories at Springfield, Ohio.

"The Milwaukee Harvesting Co., a Wisconsin corporation, capital stock, $1,000,000."

Senator NELSON. Assuming, Senator REED, that the Deering Co. was as big as the McCormick Co.——

Senator REED (interposing). I am going to give you the Deering Co.'s figures, because it is stated in the record of the suit, if I can get my eyes on it.

Senator LEE. I think the witness has already stated that he did not enter into an examination of that original valuation.

Mr. JONES. Well, I will state without any hesitation and absolutely that the record of these legal proceedings shows that at the time the International Harvester Co. was organized inventories, made elaborately and by outside concerns having no interest in it, showed an actual surplus of cash value above the total stock issued, namely, $120,000,000.

Senator SHAFROTH. Then there has never been any watered stock in this company?

Mr. JONES. Not a dollar of watered stock.

Senator NELSON. Let me call your attention to one fact—and it appeared in the bill; these implement companies had been accustomed for years to sell on time and take the notes of farmers. Now, that paper was turned over to the company and stock was issued for $40,000,000 for that paper. That is what the bill shows. But that paper was worth something. They collected those notes, and they issued stock for them. The notes went to the new company, and the new company collected them and got the money out of the farmers.

Mr. JONES. I do not quite understand. Do you mean that there was a duplication of stock issued for the notes and then stock issued for the cash?

Senator NELSON. No; stock issued for the notes, and the notes went to the new company.

Senator SHAFROTH. If the notes were paid, what would be the difference?

Senator NELSON. They got their money back.

Senator SHAFROTH. They would have to get their money back in order to make their capital intact.

Senator NELSON. But that did not go into the question of manufacturing.

Senator SHAFROTH. They put in $20,000,000.

Senator HOLLIS. Working capital.

Senator SHAFROTH. They put in $20,000,000 of working capital.

Senator LEE. I wanted to know whether the physical properties and cash were $120,000,000?

Mr. JONES. $120,000,000, yes; including plants and manufactured stock and credits outstanding—debts actually owing, farmers' notes, and property.

Senator SHAFROTH. Did it include any good will?

Mr. JONES. Not a dollar of good will.

Senator CRAWFORD. Or promoters' fees?

Mr. JONES. Not a dollar of promoters' fees.

Senator NELSON. Oh, yes; Morgan & Co. received promoters' fees.

Mr. JONES. Well, promoters' fees; there was a fee paid for organization expenses.

Senator REED. $2,451,863.34 was paid to J. P. Morgan & Co.

Mr. JONES. But there was property in actual cash covering that turned over to the company. I state positively that the records show that the property turned over to the company exceeded by actual cash value the entire stock issued, including promoters' fees and all.

Senator REED. Here is a company organized that takes over a lot of property. The physical properties that it takes over and the notes and bills receivable that it takes over aggregated $120,000,000. Now, when they get through with their organization they take $2,000,000 and turn it over to Morgan & Co.

Senator REED. But it has been the policy of the company to gradually reach out, and when it saw an instrument that was used on the farm that it was convinced was a good thing it added it to the business of the company, if it could do it upon terms which it thought were advisable.

Mr. JONES. I think that is a fair general statement.

Senator REED. So that as a result of this policy at this time the company has become engaged in the production, in addition to harvesters and reapers, of a very large number of those implements which the farmers use?

Mr. JONES. I should say a considerable number of them. Some of the most important farming implements the International Harvester Co. has never gone into. For instance, plows is a very large industry; thrashing machines is a very large industry, which the International Harvester Co. has never gone into.

Senator REED. You do not make those?

Mr. JONES. No.

Senator REED. You do have agency contracts, do you not, by which the agent you employ, the agencies that you establish, participate to some extent in the profits of the company?

Mr. JONES. The machines are sold out and out to the agents and they sell the machines.

Senator REED. Yes; but you spoke of a participation arrangement with some of your employees?

Mr. JONES. That has nothing to do with the selling contract.

Senator REED. That has nothing to do with the selling contracts?

Mr. JONES. No, sir; that is merely an attempt to work out a scheme of profit-sharing indirectly.

Senator REED. Now, do these agencies that are established throughout the United States participate in any way in the profit sharing?

Mr. JONES. I do not believe they do, although I can not answer positively about that.

Senator REED. In these contracts that you make with agents—you have seen those contracts I believe you said?

Mr. JONES. I have, although I am not really familiar with the specific terms of them

Senator REED. And I suppose that the contract itself would be the best evidence, and I think we can perhaps get them?

Mr. JONES. They are in the record.

Senator REED. I think so.

Senator NELSON. They are in that Missouri case also.

Mr. JONES. There is no secret about them.

Senator REED. Mr. Jones, what was the capital of the International Harvester Co. before the segregation of the European or foreign business?

Mr. JONES. $120,000,000, $60,000,000 of each kind; $60,000,000 of common and $60,000,000 of preferred stock.

Senator REED. What was it after the segregation?

Mr. JONES. The segregation merely accomplished a division of the existing stock. The stock was increased afterwards, but the $60,000,000 of common stock was divided into $30,000,000 common stock of the International Harvester Co., and $30,000,000 of common stock of the International Harvester Corporation; and the $60,000,000 of preferred stock was divided into $30,000,000 of preferred stock of the International Harvester Co. and $30,000,000 of preferred stock of the International Harvester Corporation.

Senator NELSON. You use the terms "company" and "corporation." Are they two distinct companies?

Senator REED. Yes. One is the American and one is the European company.

Senator NELSON. The European company is the "corporation"?

Mr. JONES. Yes; the corporation.

Senator NELSON. And the New Jersey company is the "company"?

Mr. JONES. The International Harvester Co. of New Jersey manufacture the domestic harvesters and mowers.

Senator CRAWFORD. But it has an identity of ownership all through?

Mr. JONES. Well, it is the same, in the sense that the holders of the stock of the International Harvester Co. are largely the holders of the stock of the International Harvester Corporation; but not entirely the same, because there has been a considerable amount of this stock on the market and transferred. I do not suppose even the officers know to what extent there is an identity of holding.

Senator NELSON. Now, this sales company, the successor to the Milwaukee company, what is the technical name of that?

Mr. JONES. The International Harvester Co. of America.

Senator NELSON. The International Harvester Co. of America; and the manufacturing company is the International Harvester Co. of New Jersey?

Mr. JONES. The International Harvester Co. of New Jersey is the manufacturer of the harvesters and mowers.

Senator NELSON. That is the parent company, is it not?

Mr. JONES. That is the original International Harvester Co.

Senator NELSON. And it is under that head that the others move; that is the main planet, and the other two companies move under that planet?

Mr. JONES. Do you mean the International Harvester Corporation?

Senator NELSON. The Milwaukee company, as I call it, is the sales company of the New Jersey Co.?

Mr. JONES. That is correct. I thought you included the International Harvester Corporation as under the control of the International Harvester Co. The International Harvester Co. has no control of the International Harvester Corporation.

Senator REED. Just to get that in one place in the record, is the International Harvester Co. of New Jersey a corporation organized with $120,000,000 of stock, which was afterwards increased to $140,000,000?

Mr. JONES. Yes, sir.

Senator REED. That is one company. There is the International Harvester Corporation, which was organized to take over the European and Canadian business?

Mr. JONES. Yes, sir.

Senator REED. And it is capitalized at $60,000,000?

Mr. JONES. Yes, sir.

Senator REED. There is in addition to that the International Harvester Co. of America, which is what you have commonly denominated the sales company?

Mr. JONES. That is correct.

Senator REED. Those three companies now constitute what would generally be called the International Harvester Co. and its subsidiary companies?

Mr. JONES. Well, you do not expect me to assent to the fact that the International Harvester Corporation is a subsidiary in any sense whatever. It is an absolutely separate legal entity.

Senator REED. They are separate legal entities; the statement of fact is all that I want.

Senator NELSON. What is the stock of the sales company; how much capital stock have they?

Mr. JONES. My recollection is $1,000,000.

Senator NELSON. How much?

Mr. JONES. $1,000,000.

Senator NELSON. $1,000,000 only?

Mr. JONES. That is my recollection. I have very little to do with that, and I am not a director of it, and I really do not know.

Senator CRAWFORD. Senator Reed, will you let this come in right after your question, that the sales company and the New Jersey company have an identity of ownership; but this company that took over the foreign business embraces stockholders that are not interested in the two American companies?

Mr. JONES. That is perfectly true.

Senator REED. But they have the same officers?

Mr. JONES. Yes, sir; they have the same officers as the International Harvester Co., but not the same as the International Harvester Co. of America. As I say, I have nothing to do with the International Harvester Co. of America, not being a director; but I do not think they have the same officers.

Senator REED. Can you tell me the year in which the International Harvester Corporation, the European concern, the foreign concern, was organized?

Mr. JONES. It was organized during the summer of 1912.

Senator REED. And, coming back now to recapitulate a moment, its capital stock was $60,000,000. The capital stock of the International Harvester Co. at that time was $140,000,000. After the separation of the European companies had been effected, what was the capital stock then of the International Harvester Co.?

Mr. JONES. My present recollection is that the increase of capital stock was made after the European and foreign business and the outside lines were transferred to the International Harvester Corporation. My recollection is that at that time all the capital stock of the International Harvester Co. was $120,000,000, $60,000,000 of each kind, and that the increase of capital stock was made after that. That is my present recollection.

Senator REED. Well, I think, Mr. Jones, that you probably are in error about that.

Mr. JONES. I may be.

Senator REED. Because I find it alleged here in the petition (indicating) that in 1910 the capital stock was increased to $140,000,000.

Mr. JONES. 1910? Then that was previous to the organization of the new company.

Senator REED. By the declaration of a stock dividend of $20,000,000. And a little further on in the tabulation of the stocks of different years I find, under 1910, common stock, $80,000,000, and preferred stock, $60,000,000. I think probably that was done at that time.

Mr. JONES. Yes; that increase had been made previous to that time. My distinct recollection is that the division was made half and half.

Senator REED. Then, in fact, did not you organize the European company in 1910?

Mr. JONES. No, sir; that is not correct. The International Harvester Corporation was organized only a short time before the bill was filed, and my recollection is that the bill was filed during the presidential campaign year, which was 1912.

Senator REED. What I have been asking is this: Assuming, now, that you had $140,000,000 of stock in the International Harvester Co. at the time that the company owned the United States business and the foreign business, how much stock remained of the International Harvester Co. stock? What was the capital stock after you had taken those assets out? Did you reduce it from $140,000,000?

Mr. JONES. There was no reduction of the total capitalization of both companies. That is, the $140,000,000 was divided; the International Harvester Co. of New Jersey stock was reduced, my recollection was, by $60,000,000. Now, it may be that that $20,000,000 of addition having been made before that was also divided, but my recollection was that the capital stock was divided equally. It having been estimated that the foreign business and the outside lines were substantially one-half of the total business.

Senator REED. Then, if I understand you correctly, you did actually have a meeting and reduce the capital stock of the International Harvester Co. after you had taken out the European business?

Mr. JONES. Certainly; that was done by regular stockholders' meeting. That was a matter of public property.

Senator REED. Well, of course I have not followed this closely.

Mr. JONES. Certainly; it was a regular stockholders' meeting and all done publicly.

Senator REED. So that it was reduced?

Mr. JONES. So that it was reduced by the amount that was turned over to the International Harvester Corporation.

Senator REED. I am a little at a loss, Mr. Jones, to understand—I am asking this question with the greatest respect, in order to try to get at the facts—how it came that a man of your standing and property, as I understand, was willing to devote his labor to this enterprise in which you had no real interest—financial interest—and if you have anything further that you want to say about it along that line I should like to hear it.

Mr. JONES. Well, I will be very glad to state it as it struck me at the time. I was requested by friends that were pretty nearly lifelong to help them out so far as I could as a member of the board of the directors of the International Harvester Co. They pretended that they wanted not my assistance as a stockholder or in any financial way, but they were good enough to say that they thought possibly my judgment and experience might be of help to them, and they asked me as a favor to consent to become a director of the corporation.

Senator NELSON. In what way did they ask you to help them out, if any?

Mr. JONES. By consenting to become a director of the corporation and by giving whatever judgment and advice I would be able to give in the transaction of the business.

Senator NELSON. They did not ask you to aid them in any way of dissolving?

Mr. JONES. None whatever.

Senator NELSON. And you did not go in for that purpose?

Mr. JONES. I did not go in for that purpose at all. I would have felt that it was, on the whole, rather selfish and rather cowardly, inasmuch as I had the time, to refuse to do it merely because it was going to involve some trouble; and there are certain features of corporate management that have appealed to me personally. The entire relation of corporations to the public has yet to be worked out satisfactorily, and, while I had not any conceit that I could contribute to

any great extent to that problem, it was interesting to me, and from that point of view there was an aspect that rather appealed to me, and that is all the explanation that I can give.

Senator REED. Well, I thought perhaps there was something further.

Mr. JONES. No, sir.

Senator REED. Now, you accorded with the general policies of the company while you were in it?

Mr. JONES. After my election; yes, sir; I did.

Senator REED. And you did not make any effort to stop its practices or change its policies?

Mr. JONES. I know of no practices in the company after I became a director that I thought in any way in contravention of law.

Senator REED. Or good morals?

Mr. JONES. Or good morals.

Senator REED. In other words, if I get you correctly, Mr. Jones, you simply mean to say this: It is your idea that a corporation organized along the lines in the way that this company is organized is a perfectly proper, legitimate business transaction?

Mr. JONES. That is going further than my answer went.

Senator REED. Well, I do not want to go an inch further than you want to go.

Mr. JONES. Well, let me define my own position in that regard. The attack which has been made upon the International Harvester Co., as represented by the suit, referred primarily to the circumstances attending the organization. It was claimed that in the manner in which it was organized it was a monopolistic enterprise and operated in restraint of trade. Now, with those circumstances which constituted the gist of the charge I had nothing to do.

And you and I are agreed, I suppose, upon the proved of them. I say that that question is to-day pending before the courts, and if the courts say that that was an improper organization I shall be prepared to say that I think so, too.

But you are asking me for an opinion on a question that is now pending before the courts of the United States. When you ask me whether I entirely approve of the entire organization and methods of transacting the business I confine my statement to the transaction of business by the corporation since I became a director.

Senator NELSON. Well, Mr. Jones, I will put the question to you in a brief form. On the whole, you approve the course of this company; you approve the course of this New Jersey company and its two affiliated companies?

Mr. JONES. Since I became a member of the board of directors.

Senator NELSON. And indorse everything they have done since then?

Mr. JONES. Since 1910?

Senator NELSON. And approve of it?

Mr. JONES. I do, heartily.

Senator NELSON. And do not think they have been in any sense law violators?

Mr. JONES. I do not, sir, since I became a director.

Senator HITCHCOCK. Whose place did you take on the board of directors?

Mr. JONES. Some eastern man.

Senator HITCHCOCK. How did the vacancy occur?

Mr. JONES. By resignation. I am not sure whether it was Mr. Hagood or some eastern man.

Senator HITCHCOCK. Was he unsatisfactory to the voting trustees?

Mr. JONES. Not that I know of. I have no reason to suppose so at all. I made no inquiry about that. I was merely told that there was a vacancy and asked to consent to my election to fill the vacancy. I am not at all sure whose vacancy it was.

Senator HITCHCOCK. You think it possible that the vacancy occurred and you were selected as a concession to Mr. McCormick?

Mr. JONES. I have not any reason to think so at all, sir.

Senator HITCHCOCK. Are you interested in business enterprises with Mr. McCormick?

Mr. JONES. Not in the slightest.

Senator HITCHCOCK. In no other way?

Mr. JONES. In no other way whatever, sir.

Senator HITCHCOCK. Are there any other questions? Senator CRAWFORD. Do you wish to question?

Senator CRAWFORD. Just this: Before Mr. McCormick suggested that you take a place on the board of directors did he give you an outline of the reasons why he wanted you on the board and what particular theories or purposes he had in mind to carry out in connection with this organization and its future plans?

Mr. JONES. No, sir. I gave substantially the entire transaction. He simply asked me, on the score of old and long-standing friendship, to consent to go on the board.

Senator CRAWFORD. And you did not commit yourself to any specific plan?

Mr. JONES. I did not, sir, at all.

Senator CRAWFORD. That is all.

Mr. JONES. And I was not asked to.

Senator NELSON. The question was just one matter that you spoke of that I wanted to inquire a little further about. In speaking about these conferences with the Attorney General, as I understood you, you stated that that portion of the business of the International Harvester Co. which was in foreign countries was highly competitive, and you seemed to distinguish between that and the business in this country, as I inferred?

Mr. JONES. That is substantially correct.

Senator POMERENE. Now, my first question is, What did you mean when you said that the foreign business was highly competitive? Did you mean with business enterprises of a similar nature in those particular countries or did you mean that the business as between American companies who were seeking those markets was highly competitive?

Mr. JONES. Both, sir. In all the countries in which the International Harvester Co had been operating in foreign countries there were local manufacturers of harvesting machines, with the possible exception of Russia. I am not sure whether the harvester and mower trade of Russia had local manufacturers or not, but in Sweden and Germany and France it had. There was also, and is to-day, quite a large foreign business by American companies. The Deere Co., for instance, has a large foreign trade in harvesters and mowers. I believe the Massey Harris Co., of Canada, has a large foreign trade.

Senator NELSON. If you will allow me, the McCormick Co., to my certain knowledge, had an agency at Odessa, Russia, as early as the eighties. The man who was agent for a good many years used to be our county auditor.

Mr. JONES. That is a selling agency.

Senator NELSON. That is a selling agency.

Mr. JONES. They have a warehouse at Odessa, but no manufactories.

Senator NELSON. Yes; they had a big agency at Odessa.

Senator POMERENE. What was your purpose in having these plants built abroad? Was it to avoid the tariff or take advantage of the difference in wage cost?

Mr. JONES. The tariff in some countries was pretty nearly prohibitory, and it is going up constantly. There was another element. Each of these countries that I have mentioned—due either to prejudice or different physical conditions—requires a somewhat different type of machine. Norway, for instance, will not have the regular American machine, and they will not have the machine that will go in Germany or France. There are certain local peculiarities that have to be met with a workout on the ground.

Senator REED. It is pretty hard to place a Norwegian anyhow, is it not, Senator NELSON? [Laughter.]

Senator SHAFROTH. Well, I do not think that a Norwegian is the only one that is hard to place. [Laughter.]

Senator POMERENE. Now, what were the particular distinguishing features, so far as they related to the business of your company here in America, that made them objectionable to the Department of Justice, rather than the foreign business?

Mr JONES. Well, it was charged that in the manufacture and sale of harvesters and mowers a substantial monopoly had been created by the creation of the International Harvester Co., and that it accomplished a restraint of trade. There was no pretense that the foreign branches of the company had produced any such results, nor was there any such result claimed in any of the outside lines. The company had no such proportion of the trade in any of those lines that made it possible to suggest a monopoly. And the foreign trade is a large and growing trade; it has been growing a good deal faster than the domestic trade; and to mix up a trade that was new and that had been built up without any pretense whatever of any monopolistic condition—to keep it mixed up and make it abide the result of the decisions of the court with regard to local domestic business—would not have resulted in any good public interest, and it would result in ultimate public loss, without apparently any motive.

Senator POMERENE. What proportion of the American trade did the International Harvester Co. have?

Mr. JONES. Of the American trade?

Senator POMERENE. Yes; of the American trade.

Mr. JONES. Well, it has been going down steadily. When the corporation was organized my recollection is that it was charged that something like 75 per cent—was it? The percentage has been going down steadily, and my recollection is that it is now somewhere in the neighborhood of 50 per cent. I am referring now to harvesters and mowers.

Senator POMERENE. When you expressed your approval of the transactions and business methods of the International Harvester Co. since your connection with it, did you have in mind and give your approval to that statement to the original organization of the company?

Mr. JONES. I did not, sir.

Senator POMERENE. Or any of the transactions of that company between the date of its organization and the time when you became a directing force in the company?

Mr. JONES. I limited my statement, or meant to do so, strictly to the transactions of the company after I had become a director.

Senator POMERENE. The purpose of my question was to make that perfectly clear.

Mr. JONES. I want to make that clear.

Senator POMERENE. If I understand you, then, you meant simply this, that assuming that the business as then organized was organized in conformity to and not in violation of the law, anything which was done after that, so far as you were cognizant of it, was in harmony with what you believed to be the law?

Mr. JONES. Precisely; that is just what I meant to state.

Senator POMERENE. I will put another question just to get your viewpoint. As a general proposition, do you approve of the combination of these large manufacturing concerns that are in the same line of business, so as to control the trade of a country so large as this country? You can answer that question or not, just as you like.

Mr. JONES. Why, that opens up a very interesting question; and there might be some circumstances under which it would be industrially proper, and then circumstances under which it would be injurious. Now, whether in the particular case it was justified or injurious is a question now pending before the courts.

Senator REED. Upon which you would not care to express an opinion?

Mr. JONES. I would rather not. It is a legal question.

Senator POMERENE. Well, I will not ask it.

Senator REED. Assuming that the primary organization was within the prohibition of the law and in violation of it, and the organization having been effected, and the concern being then and there carrying out the purpose of their organization, would you consider that in carrying out the purposes for which the illegal organization was effected, you would not be violating the law?

Mr. JONES. Well, let me answer that in this way: It might be held that by the formation of the International Harvester Co. of New Jersey a power had been lodged in that company which no company ought to have—a monopolistic power. It might be true, however, Senator, that such power so lodged had never been injuriously exercised.

Senator NELSON. It might be true, but it is not true, Mr. Jones.

Mr. JONES. Well, that is a question concerning which, as I say, courts have to decide. I am trying to answer fairly Senator REED's question, whether a corporation which would be conceded to have been a monopoly when created——

Senator REED (interposing). To have been organized in defiance of the law.

Mr. JONES. Well, to have been organized in defiance of law, it might well be that such a corporation, never having exercised that power, competition will grow up inevitably, provided injurious practices are not carried out, and competition might spring up in the course of time which would completely destroy and nullify any monopolistic tendency. As a matter of fact, I think that the record shows that the competition of the International Harvester Co. has grown every year, and is to-day vigorous.

Senator REED. That is not exactly the point.

Senator CRAWFORD. Let him finish. Had you finished?

Senator REED. Pardon me; I did not mean to interrupt.

Mr. JONES. I had substantially finished.

Senator REED. It is more an ethical question than anything else; but assuming that a concern is organized in defiance of the law, having certain specific purposes, namely, to engage in trade and commerce; that this organization is illegal; do you feel that a man is then warranted in going on and conducting that concern, which, from its very inception and from the very nature of its organization, is illegal? Would it not be his duty to insist upon its disorganization?

Mr. JONES. Let me ask you, does not your question assume that the corporation is using a power which it illegally acquired by its organi-

Mr. JONES. I know that in part the general counsel of the company, Mr. Edgar A. Bancroft and Mr. Tom P. Wilson, the special counsel of the company, had repeated conferences in the matter.

Senator REED. Did Mr. Perkins have anything to do with it?

Mr. JONES. I do not think he had anything to do with it.

Senator REED. Who was the Attorney General with whom these negotiations were had?

Mr. JONES. Mr. Wickersham.

Senator REED. Mr. Wickersham?

Mr. JONES. It was all carried out with him under the previous administration.

Senator REED. Do I understand that Mr. Wickersham, before bringing his suit against the harvester company had negotiations with the officers of the company with reference to what was to be the scope of that suit, and that time was allowed the harvester company to set its house in order and segregate its European business from its American business?

Mr. JONES. No, sir; I would not state it in just that way.

Senator REED. Just how would you state it?

Mr. JONES. Certain proposals were made by the International Harvester Co. to meet the objections of the Government growing out of the organization of the International Harvester Co. which did not meet the views of the administration, and when it became evident that the company and the Government could not agree on a program that would meet the views of the Government the status of the foreign business of the company was explained to the Attorney General and his assistants; and the status of the Canadian business and the so-called outside business, concerning which there was no controversy; and the proposal to delimit, as it were, the controversy and to confine it to the lines of business that were claimed to be monopolistic was explained. And I want to say that Mr. Wickersham, the Attorney General, did not assume to bind the Government by any agreement but the proposal, or what the company proposed to do, was explained to the Attorney General and his assistants, and it was carried out with their full knowledge of what was being done, and when the bill came to be filed it was filed against the International Harvester Co.

Senator REED. Were you familiar with the negotiations while they were being carried on?

Mr. JONES. In a general way; I had nothing to do with them.

Senator REED. I understand; but they were laid before the board of directors from time to time, and you knew of them?

Mr. JONES. I did.

Senator REED. You knew of the contention which the Government was making, that the International Harvester Co. and its allied corporations constituted a combination in restraint of trade in this country?

Mr. JONES. I did.

Senator REED. And you took part in the segregation of the European business from the American business?

Mr. JONES. I did, sir.

Senator REED. Thus to that extent eliminating that company from any attack which might be made by this Government?

Mr. JONES. I did.

Senator REED. And you knew that the Government contended that this was a combination in restraint of trade?

Mr. JONES. That the International Harvester Co. was; yes, sir.

Senator REED. Yes. And it contended that even after the segregation of the European business?

Mr. JONES. Yes, sir; but not as to the European business.

Senator REED. No; not as to the European business; but it contended that the business here in the United States was still a combination in restraint of trade and a monopoly?

Mr. JONES. Yes, sir.

Senator REED. Now, Mr. Jones, what did you do, if anything, toward endeavoring to secure a dissolution of this monopoly here in the United States which the Attorney General was charging and complaining was a monopoly?

Mr. JONES. Well, I can not claim, Senator, that I advanced any specific proposal for the segregation. Various suggestions were made to the Attorney General in an attempt to meet his views as to what ought to be done.

Senator REED. Well, did he state what his views were? Did you understand what the Attorney General's views were?

Mr. JONES. No, sir. I had no personal interview with the Attorney General.

Senator REED. Well, I mean you got it from your representatives and attorneys and agents who came and laid it before the board of directors?

Mr. JONES. Yes, sir.

Senator REED. You then know in a general way what the Attorney General's views were?

Mr. JONES. I knew in a general way that the Attorney General insisted that the corporation would have to be split up, and the question was to what extent it would have to be split up.

Senator REED. Did you ever make any motion to the board of directors to split it up and make it conform to the requirements of the Attorney General?

Mr. JONES. I did not.

Senator REED. Did you ever vote for such a proposition?

Mr. JONES. Such a proposition never came to a vote.

Senator REED. Such a proposition never came to a vote?

Mr. JONES. No, sir.

Senator NELSON. Was not a proposal made by the Department of Justice, under this administration, for you to break it up into different parts?

Mr. JONES. Under the present administration?

Senator NELSON. Yes, sir.

Mr. JONES. So far as I have ever heard, no such proposal was ever made. The suit was a pending suit when this administration came in.

Senator NELSON. No; but was not a proposal made, either by the International Harvester Co. of New Jersey or by the Department of Justice, or both combined, to break up this combination into some of its constituent elements?

Mr. JONES. I never heard of such a proposal made to or by the present administration; and so far as my information goes, no negotiations have been had at all with the present administration along those lines.

Senator NELSON. Were there such negotiations with the former administration?

Mr. JONES. Those are the negotiations I have just been telling about—with the former administration.

Senator NELSON. What did it stand upon, the refusal of the corporation to accede to the request of the Attorney General?

Mr. JONES. Well, I do not remember that there was any specific proposal which was turned down; but the negotiations were protracted for a considerable time, and it was evident that the administration would insist upon a more drastic separation than the authorities of the International Harvester Co. believed to be just.

Senator NELSON. Excuse me, Senator REED, for interrupting you.

Senator REED. Certainly. Well, coming to that, the point I am trying to arrive at is this: The Attorney General made certain requirements or demands which were laid before your company?

Mr. JONES. In an informal way.

Senator REED. Yes; through your attorneys or representatives?

Mr. JONES. Yes.

Senator REED. And those requirements or demands of the Attorney General were rejected by the company, and thereupon the suit was filed. That is the situation in it?

Mr. JONES. That is substantially correct.

Senator REED. Yes. Can you tell us, Mr. Jones, of any effort that you made to bring about the dissolution of this corporation in such a way as to meet the requirements or requests or demands of the Attorney General?

Mr. JONES. I took no steps of my own, Senator, at all in the matter. The matter was in the hands of the counsel of the company, and they reported from time to time what they were doing and what their convictions were, and what their conclusions were; and I will say frankly that, so far as I had any judgment, I concurred in their judgment, and I assume responsibility for doing that.

Senator NELSON. Senator REED, before you go on further, I would like to know the status of that suit.

Mr. JONES. That suit was submitted to the court last November in the Minnesota circuit.

Senator NELSON. Yes.

Mr. JONES. Before Judges Sanborn, Hook, and Adams.

Senator NELSON. Was a decision given or rendered?

Mr. JONES. No, sir; it has not. It is still pending. They have the case under advisement.

Senator POMERENE. Submitted on its merits?

Mr. JONES. Submitted on its merits on final hearing.

Senator REED. Do you recall when the Missouri Supreme Court decided that the International Harvester Co. was a trust in restraint of trade?

Mr. JONES. I do.

Senator REED. What time was that?

Mr. JONES. The decision came out—the suit had been instituted before I became a director—the decision came out, I should say, about three years ago; that is, the first decision handed down. Then there were applications for rehearing. I am referring to the first decision.

Senator REED. The opinion was handed down three years ago, and then there were applications for rehearing; and an appeal was then taken to the Supreme Court of the United States, something like two years and a half ago, was it not?

Mr. JONES. Yes, sir.

Senator REED. So that two and a half years ago you knew of that decision of the Supreme Court of Missouri?

Mr. JONES. Yes.

Senator REED. And you knew that the International Harvester Co. was a combination in restraint of trade?

Mr. JONES. Yes, sir; under the laws of Missouri.

Senator REED. Yes; under the laws of Missouri. And the laws of Missouri are somewhat similar in their general aspect to what we call the Sherman antitrust law, are they not? The case involves substantially the same issues that are now involved in the case in Minnesota in the United States court?

Mr. JONES. Well, of course, they come under not the same issues, because the charges are under entirely different jurisdictions and statutes.

Senator REED. I understand. But what I am trying to get at is, you are a lawyer, and I understand you are a very fine one, and I have no doubt that you are.

Mr. JONES. I make no such claim at all, sir.

Senator REED. Well, I have been so told on very high authority. The Missouri trust statutes are, of course, in different phraseology from the statutes of the United States; but the Missouri trust statutes forbid combinations in restraint of trade, and in their general aspect reach the same things that are reached in the antitrust statutes of the United States. That is true, is it not?

Mr. JONES. They seek to accomplish the same results.

Senator REED. Yes; and in general it is the same class of statute.

Mr. JONES. Yes, sir.

Senator REED. So that you did know some two and one-half years ago at least that the final judgment of the Supreme Court of the State of Missouri was to the effect that the International Harvester Co. was a trust and combination in restraint of trade?

Mr. JONES. I did; yes, sir.

Senator REED. You had that light, and you also had the opinion of the Attorney General of the United States at the time that you acquiesced in the opinion of your lawyers which you just spoke of?

Mr. JONES. I did.

Senator REED. I want to go back and take up another topic. You stated that the International Harvester Co. had not in the United States acquired any new plants, except such as it had itself built, since your connection with it?

Mr. JONES. I did.

Senator REED. But you also stated that it had taken on some side lines, I believe?

Mr. JONES. Yes.

Senator REED. Can you tell us what they were?

Mr. JONES. I mentioned some of them a little while ago. They were manure spreaders and wagons.

Senator NELSON. Cream separators?

Mr. JONES. Yes; cream separators.

Senator REED. Binding twine?

Mr. JONES. Binding twine; yes, sir. That is quite an extensive industry. There are certain small implements of tillage that I am not familiar with.

Senator NELSON. Corn planters?

Mr. JONES. I am not sure.

Senator NELSON. Corn cultivators?

Mr. JONES. I think they have a line of corn planters. I do not have the familiarity that an executive officer would have with the details of the business; but I think they have some of those smaller tillage implements. They do not handle plows, I know.

Senator REED. Mr. Jones, the manure spreader is rather a recent invention, is it not, as a successful one? I mean, within the last few years?

Mr. JONES. Within the last 12 or 15 years, I should say.

Senator REED. You acquired the patents on that, did you not?

Mr. JONES. I presume we did, but I do not know the facts.

Senator REED. Was there not a plant at Waterloo, Iowa, making manure spreaders, and did you not acquire that plant?

Mr. JONES. Well, now, that I have no knowledge of. It is possible that we did.

Senator REED. You say you did take them on; do you know how you took them on?

Mr. JONES. I am not sure about that. What I had in mind, Senator, if you will let me explain——

Senator REED (interposing). Certainly; I want you to be just as plain as you can.

Mr. JONES. What I had in mind was, I was speaking of the Canadian plant, which is manufacturing lines of goods which are held to be competitive; that is, comparatively competitive. What I had in mind was that since I have become a member of the board no such plants or businesses had been acquired by the company as were charged by the Government to be monopolistic in their tendency, or tending to restrict trade.

Senator REED. Yes.

Mr. JONES. For instance, the wagon business. The company acquired the Weber Wagon Co.'s works. They had been acquired, I think, a year or two years before I became a director. They manufacture wagons.

Senator NELSON. Did you not acquire the Osborne Co.?

Mr. JONES. The Osborne Co. was acquired a long time before that, Senator.

Senator REED. Coming back to the other question: I understand you now to say that what you meant a little while ago by your answer—and I do not think you are at all in conflict with it—was that when you said that no new plant had been acquired you meant plants that were in competition with the business the Harvester Co. then did?

Mr. JONES. Exactly.

Senator REED. But you did not mean to say it had not acquired plants which manufactured certain articles of farming machinery which up to that time you had not engaged in extensively?

Mr. JONES. Exactly.

Senator REED. And one of these is the manure spreader, as you recall?

Mr. JONES. I am not sure of that. I know the company acquired the Weber Wagon Works, but I am not sure what the origin of the manure spreader was.

Senator REED. When you acquired the Weber Wagon Works you were not acquiring a competitive plant, because you did not handle wagons?

Mr. JONES. Yes, sir; that had been acquired.

Senator REED. But when you did acquire the Weber Wagon Works you began to handle wagons?

Mr. JONES. Yes, sir.

Senator REED. And you think the Weber Wagon Co. was acquired before you became a director?

Mr. JONES. My recollection is that it was. I know I went there shortly after I became a member of the board.

Senator REED. Where are that company's works located?

Mr. JONES. Outside of Chicago, about 10 miles.

Senator NELSON. They make buggies also?

Mr. JONES. No, sir; they make a truck. It was known as the Weber Wagon Works, and I do not think that they make buggies, although I am not sure. I have gone through the plant, but I do not know. I am not sure about that. I saw nothing when I went through the plant except the wagon works proper. It may have been changed since then.

Senator NELSON. When did you take up the business of cream separators?

Mr. JONES. That was a considerable time before I had anything to do with the company. They are made at the Milwaukee plant.

Senator NELSON. Yes. What name do you give your cream separators that you put on the market?

Mr. JONES. It is used as the International.

Senator NELSON. The Laval?

Mr. JONES. No; the Laval is another cream separator. This was called the "International"; but whether it retains the original name I am not sure.

Senator REED. Well, you must be selling under a different name, because I have not seen a cream separator labeled "International Harvester Company."

Mr. JONES. Well, all of the implements turned out by the International Harvester Co. have the name of the company somewhere on them.

Senator NELSON. Yes.

Mr. JONES. For instance, the Weber wagon is still known as the Weber wagon, but it bears the name of the International Harvester Co. on it.

(Thereupon, at 12.20 o'clock p. m., the committee took a recess until 1.30 o'clock p. m.)

AFTER RECESS.

The committee reassembled at the expiration of the recess.

Senator LEE. Mr. Chairman, there is some little difference of opinion about the nature of this proceeding. I am a new Member of the Senate, and I told Senator SHAFROTH that I looked upon these proceedings as part of the executive business of the Senate, and thought they were clearly confidential. He seemed to think that that was the proper view to take of it. I spoke to Senator REED about it afterwards, and he did not understand it that way. I understood you to say so, Senator SHAFROTH?

Senator SHAFROTH. That is an executive session.

Senator LEE. It seems to me we ought to clear that up. There is nothing in the rules about this being confidential. It is only an inference from the fact that the proceedings of the Senate on executive nominations are confidential; and this is theoretically a part of the proceedings of the Senate. I thought I would like to ask the chairman to lay that matter before the committee.

Senator REED. I do not understand how you got that impression about what I said, Senator LEE.

Senator LEE. I thought you did.

Senator REED. You asked me some question about it a while ago. I did not mean to say that these hearings were public.

Senator LEE. They are certainly not confidential, as far as other Members of the Senate are concerned.

Senator REED. I say I did not mean to say that they were public. I do not know how you got that impression.

Senator HITCHCOCK. Here is what I told the newspaper men: The meeting was not an open meeting, but after its conclusion I would give them a statement as to what the committee had done, and I did that the other day.

Senator SHAFROTH. I think it is all right to state what conclusion the committee has come to.

Senator LEE. Yes.

Senator SHAFROTH. But it does seem to me that this is part of the executive business of the Senate.

Senator HITCHCOCK. It is better, I think, to have the chairman, or some designated member, make a statement to the newspaper men.

Senator REED. Well, they are liable to make all sorts of wild statements. One newspaper man came to me and asked a question, assuming that certain things had transpired here in the committee that had not transpired at all, and I said, "There is nothing of that kind that has taken place," and passed on.

Senator LEE. There is another question analogous to this which is being discussed on the floor of the Senate. Senator BORAH is now making a motion to make public all the discussion and evidence relative to the pending Nicaragua treaty, and Senator WILLIAMS says that the statements of the witnesses were made on the confidential basis; and there you have it.

Senator HITCHCOCK. In that case, Senator BORAH has avoided attending meetings of the Senate Committee on Foreign Affairs, and he proposes to bring up his matter of his own knowledge. There he is standing for a principle, the public discussion of the question. In this case, when the reporters came to me, I said that Mr. Jones had been meeting the committee and had been explaining to the committee his relation with certain business enterprises, and that his remarks this morning were confined to the harvester company. This is news so far, but as to the details of it, I think that is a matter for the committee only.

Senator LEE. I do not suppose it makes the slightest difference to Mr. Jones whether it is public or not, but I think from the standpoint of the Senate it is better to have it confidential.

Senator REED. My opinion about this is that the best thing to do, absolutely, for all concerned, Mr. Jones, the President, this committee, and the Senate, is to give absolutely what takes place here, which is the truth, and not have a lot of newspaper fellows guessing at wild things. There has been nothing which has taken place here this morning that Mr. Jones is not willing to stand for before the world and that we are not willing to stand for before the world; and everything has been pleasant and proper, and I always find that it is a good deal better to just let them know——

Senator SHAFROTH (interposing). Well, after it is through, we can then determine as to whether or not it should be made public.

Senator LEE. I would not feel at liberty to give it out.

Senator CRAWFORD. Primarily, the notes taken here are for our service and use, and when we get through with them they are for the use of the Senate.

Senator NELSON. We can have this record printed for use in the executive session.

Senator CRAWFORD. Certainly; and that is primarily where they belong, rather than to the public, unless there is some reason why they should be given publicity.

Senator SHAFROTH. If the Senate were to remove the secrecy of the session or the proceedings or the minutes, that would be all right. That is often done, or sometimes done.

Senator REED. My experience with these newspaper people is that when you have got a perfectly clean bill of health it is better to tell them all about it—absolutely the facts—and not let them draw a lot of inferences. I do not care, as far as I am concerned; I am telling you what I honestly think. If you take the Committee on Foreign Relations, Senator LEE, you have an entirely different proposition. They are dealing there with questions of the utmost delicacy, involving the relations between our country and another country. It may be very necessary that some third country should not know what our dealings are. But this is a different proposition, and, as far as I am concerned, I do not care; but I think you are right to have an expression from the committee, Mr. Chairman.

Senator HITCHCOCK. Yes; we will take that up at the close of the hearing.

ADDITIONAL STATEMENT OF MR. THOMAS D. JONES, OF CHICAGO, ILL.

Mr. JONES. May I make an additional explanation in the matter of the relation with the previous Attorney General? I am not sure I made it entirely clear; and I want, in justice to Attorney General Wickersham, to say that these matters, of transacting foreign business in the outside lines, through the International Harvester Corporation, were fully explained to him; but they did not undertake to O. K. the transaction. That is, the company understood that they reserved any right which the United States might have at any future time. If I gave the impression in my previous testimony that there was any O. K.ing of the transaction, I would like to have that corrected.

Senator REED. I do not think you did.

Mr. JONES. I do not think I did. But I want to make it sure, in justice to Mr. Wickersham, that he did not assume to pass upon that, but saw no particular objection to the transaction. But still it was especially understood that the right of the Government was reserved to bring any future action that they might see fit to bring.

Senator CRAWFORD. In effect, it was simply segregating and putting over in a class by itself that business?

Mr. JONES. Absolutely, that is all there was to it; but he did not assume to pass upon, as being permissible, or did not assume to permit anything of that sort.

Senator REED. Mr. Jones, before adjournment, we were discussing the question of the acquisition by the company of various subsidiary farming implements. Now, you had spoken of the manure spreaders and the wagons, and the——

Senator NELSON. Cream separators.

Senator REED. The cream separators, and the binding twine, and cultivators.

Mr. JONES. Well, there is a corn shredder.

Senator REED. There is a corn shredder—in a general way, and in order to abbreviate this, because I do not believe any one of us care much for the minutiæ of it—the company, if I understand you correctly, has been since your connection with it, from time to time, acquiring additional farming implements or instruments that are used in connection with the farm, and that has been a part of its general policy?

Mr. JONES. Yes. I think very few of them have actually been acquired; some of them have been extended since I became a member. I think the Weber Wagon Co. had been acquired before that.

Senator REED. I think you are correct in saying that the Weber Wagon Co. had been acquired before you became a member; I gathered from the petition that it was acquired before that.

Mr. JONES. Yes.

Senator REED. Well, in harvesters and mowers, which were the original line of activity, the principal lines of activity of the harvester company, you make those in Canada?

Mr. JONES. Yes, sir.

Senator REED. What proportion of the harvesters and mowers used in Canada are supplied from your Canadian plant or from your United States plant?

Mr. JONES. That is, what proportion of the total Canadian consumption?

Senator REED. Yes.

Mr. JONES. I could not answer that question. I do not really know.

Senator REED. It is a majority, is it not?

Mr. JONES. I should say not; but that may be correct. The Massey-Harris Co. is a very powerful company.

Senator REED. What were the lines in which you meant to say, a while ago, that you did supply a majority of the implements in Canada?

Mr. JONES. My statement was, or my understanding is, that the majority of the implements which the International Harvester Co. sells are made in Canada.

Senator REED. Oh.

Mr. JONES. But it is not a majority of the Canadian trade.

Senator REED. Then I misunderstood you.

(Thereupon, at 11.10 o'clock a. m., the committee took a recess, to reassemble in the room of the Committee on the Philippines at 11.30 o'clock a. m., at which time the following proceedings were held:)

Senator HITCHCOCK. Senator Reed, will you proceed with your questions?

Senator REED. You can not give us any accurate statement in regard to the output of the Canadian factory?

Mr. JONES. I can not. I have not——

Senator REED (interposing). You can not give us any accurate statement in regard to the shipments from the United States by the International Harvester Co.?

Mr. JONES. I can not give you the proportions of the total shipments made by the International Harvester Co. that come from the States. I have not followed that at all.

Senator REED. Would you have any difficulty in getting that for us?

Mr. JONES. Not the slightest.

Senator REED. By wire?

Mr. JONES. I do not think there would be the slightest difficulty about getting it.

Senator REED. Your company has a plant for manufacturing purposes at what point in Canada?

Mr. JONES. Hamilton.

Senator REED. And you spoke of warehouses; do you know at what points they have warehouses?

Mr. JONES. There are a large number, Senator. There are warehouses in the larger centers of Canada and the United States.

Senator REED. Well, I was speaking about Canada only.

Mr. JONES. Well, in Canada there are warehouses scattered over all places like Winnipeg and the larger shipping centers—the company has warehouses at those centers.

Senator REED. Do you know the aggregate, or approximately the aggregate, of your sales in Canada—say, the last year?

Mr. JONES. I can not give you that.

Senator REED. Do you know the aggregate amount of money that you have invested in Canada, in plants, warehouses, and in the Canadian business?

Mr. JONES. I can not give you that from recollection. As I say, most of the investments were made there before I became a member of the board, and I have only picked up such information in connection with questions that would arise from time to time before the board. I can not give you that.

Senator REED. You spoke of having European plants. How many European manufacturing plants have you?

Mr. JONES. There is a plant at Norkopping in Sweden. There is a plant in Russia.

Senator NELSON. At Odessa?

Mr. JONES. No; there is a warehouse at Odessa, but not a manufacturing plant. The manufacturing plant is at—well, I will remember the name in a minute. It is a Russian name. There is a manufacturing plant in France. Those manufacture the parts of the harvesters; those are harvester manufactories primarily.

Senator REED. Mowing machines, too?

Mr. JONES. Mowing machines and harvesters.

Senator REED. Are there any other European plants than those three?

Mr. JONES. No, sir; there is no other European plant that is actually going.

Senator REED. Well, have you some——

Mr. JONES (interposing). Property has been acquired in Hungary, but the plant is not completed; it is only in process.

Senator REED. They are building it now?

Mr. JONES. Well, the plant has been acquired and the tracks are laid; the actual building has not been begun, but the property has been acquired.

Senator REED. Did you buy the factory out there or did you build one?

Mr. JONES. The European factories have been built mostly de novo. In the case of the Russian plant, the buildings were in existence for an entirely different line of business, and the property was bought and transformed into an entirely different factory. There was no harvester or mower business purchased in Europe.

Senator REED. Have you established any plants in Asia?

Mr. JONES. None.

Senator REED. Or in Japan?

Mr. JONES. None at all in the Orient.

Senator CRAWFORD. Any in South America?

Mr. JONES. No; no plants in South America; no manufacturing plants.

Senator REED. Can you tell me where the Russian plant is——

Mr. JONES. Norkopping is the——

Senator NELSON (interposing). Norkopping is in Sweden.

Mr. JONES. That is in Sweden; yes. I am trying to think out that Russian name.

Senator REED. Well, you may get it later, perhaps; it is not material. When were the steps taken to acquire this plant in Hungary?

Mr. JONES. About a year and a half ago.

Senator REED. You knew all about that?

Mr. JONES. I did.

Senator REED. And sanctioned it?

Mr. JONES. I did.

Senator NELSON. Had these plants in Russia and France and Sweden been started before you became a member of the board?

Mr. JONES. They had all been started but had not been finished; that is, we made appropriations to them from time to time; but my recollection is that the initiation of the enterprises were all under way before I became a member of the board, excepting the one in Russia.

Senator REED. Let us take the plant in France; when was that initiated?

Mr. JONES. I could not give you the date.

Senator REED. How much has been done on that in the way of enlarging it, or enlarging its sphere of activity, since you became a member?

Mr. JONES. Not so much as Norkopping and the Russian plants.

Senator REED. Now, of course, it is perhaps a little indefinite and hard to get it definite——

Mr. JONES (interposing). Do you mean how much money we have appropriated? I do not remember.

Senator REED. Let us take the Russian plant. When was the acquisition of that?

Mr. JONES. I can not tell you the date of the inception of that, either.

Senator REED. What has been done with that since you became a member of the board in 1909?

Mr. JONES. We have made several appropriations, providing for certain plant extensions and providing for machinery, equipment, etc.

Senator REED. Extending the plant?

Mr. JONES. Extending the plant and extending the equipment of the plant that was there.

Senator REED. What has been the extent of that?

Mr. JONES. In money?

Senator REED. Yes; what would you approximate?

Mr. JONES. I do not think I could tell you that.

Senator NELSON. May I ask a question there, Senator Reed, to clear the matter up?

Senator REED. Certainly.

Senator NELSON. When you start in foreign countries, do you incorporate in those countries, or how do you get the right to do business there?

Mr. JONES. It depends on the country, Senator. There must be an ownership in all the countries; that is, either a corporation organized under the laws of those countries, or what we call ordinarily a partnership. For instance, in Hungary corporations are not allowed to operate at all. There there are certain trustees. They have a peculiar form of organization that is substantially our form of copartnership; that is, the property has to be held in the name of individuals as trustees, but no corporation can be organized.

Senator NELSON. But in France and Sweden and Russia they are corporations?

Mr. JONES. Corporations.

Senator NELSON. You incorporate under the laws of those countries?

Mr. JONES. Yes.

Senator NELSON. But you hold a majority of the stock?

Mr. JONES. We hold all of the stock.

Senator NELSON. But you have to get some of the citizens of those countries to act as officials?

Mr. JONES. Yes, sir.

Senator NELSON. And to hold some stock?

Mr. JONES. That is, qualifying shares; yes, sir; but the substantial holdings are in the International Harvester Co.

Senator REED. In other words, in all of these places—and when I say all of these places I mean all of these European places where you have established yourselves—the harvester company is in control of the business and owns substantially all of it?

Mr. JONES. Yes, sir.

Senator REED. Does your company own it, or the individual members of the company?

Mr. JONES. The company holds—do you mean——

Senator REED (interposing). The International Harvester Co.

Mr. JONES. The International Harvester Co.; yes, sir.

Senator REED. Holds the interest?

Mr. JONES. That is, you understand that in 1912 the foreign business was put in a separate corporation?

Senator REED. Yes.

Mr. JONES. The International Harvester Co., which was the original organization. Before the suit was begun, with the concurrence of the legal department, the foreign plants, and foreign business, and the so-called outside lines, there was a corporation organized under the name of the International Harvester Corporation.

Senator REED. With the concurrence of what legal department?

Mr. JONES. Of the law department of the Government.

Senator REED. Of the United States Attorney General's Office?

Mr. JONES. Yes, sir.

Senator REED. You organized a separate corporation to run the European business?

Mr. JONES. Yes, sir; to take over the European business.

Senator REED. To take over the European business.

Senator NELSON. May I ask a question? You have two domestic corporations, have you not—the New Jersey corporation, and then a corporation succeeding the Milwaukee corporation?

Mr. JONES. Well, that was the International Harvester Co. of America. That was the selling agency.

Senator NELSON. That was the Milwaukee company?

Mr. JONES. Yes, sir.

Senator NELSON. That is the selling agency of the International Co. of New Jersey?

Mr. JONES. Yes, sir.

Senator NELSON. The one manufactures and then turns it over to the other to sell?

Mr. JONES. Yes, sir.

Senator NELSON. But they are all controlled by the same interest?

Mr. JONES. They are.

Senator REED. When you organized this European company—what is the name of it—the one to take over the European business?

Mr. JONES. The International Harvester Corporation.

Senator REED. The International Harvester Corporation, and not "company"?

Mr. JONES. Yes, sir.

Senator REED. Now, who constitutes the International Harvester Corporation? Who holds that stock?

Mr. JONES. The stock originally of the International Harvester Co. was reduced by substantially one-half at the time of the organization of the International Harvester Corporation and stock of the International Harvester Corporation was issued for the amount so reduced.

Senator REED. And put in the hands of these same voting trustees?

Mr. JONES. No, sir; that was after the voting trust had expired.

Senator REED. Then, in whose hands was it put? Who actually came in possession of that stock upon the incorporation?

Mr. JONES. Those who surrendered the stock, by the amount by which it was reduced, by the original International Harvester Co., received stock of the International Harvester Corporation.

Senator REED. Well, who are those people, the principal ones that surrendered this stock and took the stock of the International Harvester Corporation?

Mr. JONES. Who are the individuals?

Senator REED. Yes; the principal ones.

Mr. JONES. Well, the McCormick family and the Deering family together.

Senator REED. And Perkins and the Morgan interests?

Mr. JONES. And Perkins and the Morgan interests have some stock, as I understand. I am not familiar with the details of the stock holding.

Senator REED. Well, just to get at it so that we can get it all in a nutshell—I take it there is really no dispute about the facts?

Mr. JONES. None whatever.

Senator REED. This stock, the great majority of it, was owned by the International Harvester Co., by the Morgan interests, represented by Mr. Perkins, by the McCormick interests, and by the Deerings; that is the situation, is it not?

Mr. JONES. If you state it in the reverse order I can say yes; it was owned largely by the McCormicks and the Deerings, and the Morgan interests held a certain amount of stock.

Senator REED. Those three interests had a majority of the stock in that company?

Mr. JONES. That is my understanding.

Senator REED. Yes. Now, subsequently you organized a sales company known as the International what?

Mr. JONES. You are referring now to the International Corporation?

Senator REED. No; the sales company.

Mr. JONES. That is the International Harvester Co. of America. That was not subsequently organized; that was one of the original companies.

Senator REED. One of the original companies?

Mr. JONES. Yes, sir.

Senator REED. Now, these same three interests control a majority of that, do they not?

Mr. JONES. My understanding is that the stock of the International Harvester Co. of America is owned by the International Harvester Co.

Senator REED. Owned by the parent company?

Mr. JONES. Yes, sir; controlled by them.

Senator REED. When you organized the International Harvester Corporation to take over the European business, did these same three interests continue to control the majority of the stock in that?

Mr. JONES. The stock of the International Harvester Corporation was, as I said, issued to those whose stock had been reduced in the amount which it had been reduced in the International Harvester Co.

Senator REED. You told us a moment ago that the International Harvester Corporation stock——

Mr. JONES. Yes.

Senator REED (continuing). Was given in lieu of International Harvester Co. stock and to the people who surrendered International Harvester Co. stock?

Mr. JONES. Yes.

Senator REED. Now, what I am coming to is this: Did not that leave the control of the International Harvester Corporation to these same interests?

Mr. JONES. Certainly.

Senator REED. The Morgan interests, represented by Mr. Perkins and the Deerings and the McCormicks. That is correct?

Mr. JONES. That is correct.

Senator POMERENE. If I may clear up my thought, the stock of the International Harvester Corporation was not in fact then held by the American companies?

Mr. JONES. By the American companies?

Senator POMERENE. Yes.

Mr. JONES. No, sir; held by the stockholders.

Senator REED. Now, as a matter of fact, these three corporations, in their practical operation, are all run under one general management and control, are they not?

Mr. JONES. Well, strictly that is not correct; substantially it is—that is, the same persons——

Senator REED (interposing). Manage all of them?

Mr. JONES. Yes; legally they are entirely separate entities.

Senator REED. I understand. But the controlling interest is the same in all three of them?

Mr. JONES. Yes.

Senator REED. Can you tell us how much the stock of the International Harvester Co. was reduced at the time you separated the European business from the American business?

Mr. JONES. My recollection is that it was reduced by $30,000,000 of each kind of stock, $30,000,000 of common and $30,000,000 of preferred; $60,000,000, divided substantially into half.

Senator REED. And for that $60,000,000 of stock there was stock issued in the European ventures?

Mr. JONES. That is correct.

Senator REED. So that there is now $60,000,000 invested—at least, so far as the face of the stock goes—in the European investments?

Mr. JONES. European and Canadian; outside of the United States.

Senator REED. Oh, that takes in European and Canadian?

Mr. JONES. Yes, sir.

Senator REED. Now, the Canadian holdings also went into the International Harvester Corporation?

Mr. JONES. The corporation; yes.

Senator REED. Who are the officers of the International Harvester Corporation?

Mr. JONES. Mr. Cyrus H. McCormick is——

Senator REED (interposing). What is he?

Mr. JONES. He is the president.

Senator REED. Cyrus H. McCormick?

Mr. JONES. They have the same officers as the company.

Senator NELSON. Are you a director of that?

Mr. JONES. I am.

Senator REED. Cyrus H. McCormick is president of the International Harvester Co., and he is——

Mr. JONES. And also of the corporation.

Senator REED. I will get to that in a moment. And who is the vice president of the International Harvester Co.?

Mr. JONES. There are two vice presidents, James Deering and Harold McCormick.

Senator REED. Harold McCormick? And can you name the directors?

Mr. JONES. I can; give me a little time, and I will name them all. They are Cyrus H. McCormick, Harold McCormick, James Deering, Charles Deering, Richard F. Howe, J. H. Jones—that is the other Jones.

Senator NELSON. Mr. Jones represents the Piano interests?

Mr. JONES. He is known as "Piano Jones." That is his common name. He is substantially the owner of the Piano plant.

Senator NELSON. The Piano plant; yes.

Mr. JONES. J. J. Glessner.

Senator NELSON. That is an Ohio company?

Mr. JONES. That used to be the Warder-Bushnell Co.

Senator NELSON. Yes.

Mr. JONES. And Mr. Perkins.

Senator NELSON. He was not manufacturing any machines before he went into this business; he was not manufacturing any harvesters?

Mr. JONES. I believe not.

Senator POMERENE. Perhaps it was political machines. [Laughter.]

Mr. JONES. Mr. Thomas Lamont, John G. Wilson, Edgar A. Bancroft, John A. Chapman, E. H. Gary. The resident director in New Jersey was elected to succeed a gentleman who died, and just for the moment his name escapes me. I have not yet mentioned myself as a director.

Senator REED. Are these same gentlemen you have named the officers and directors of the International Harvester Corporation?

Mr. JONES. Yes, sir.

Senator REED. They hold the same relative positions in the International Harvester Co. of America—the sales company?

Mr. JONES. No, sir; that is not correct. I am not a director of that company, and I must say that I can not offhand give you the officers of it.

Senator REED. Anyway, the stock of that company—that is, the International Harvester Co. of America—is all owned by the International Harvester Co.?

Mr. JONES. Yes, sir.

Senator REED. So that the control of the International Harvester Co. of America and the officers of the International Harvester Co. means the control of the International Harvester Co. of America, because the stock is held by the International Harvester Co.?

Mr. JONES. Directly or indirectly that is true.

Senator REED. That is true.

Senator NELSON. Are you a director in what you call the sales company—the Milwaukee company?

Mr. JONES. No, sir; I am not.

Senator NELSON. You are only a director in the New Jersey company and the foreign company—those two?

Mr. JONES. That is all. You speak of the foreign company. That includes Canada; outside lines—the corporation and the company.

Senator NELSON. That is what I meant.

Senator REED. Now, this taking over of the European business by the new company which you have formed, called the International Harvester Corporation, occurred after you became a director?

Mr. JONES. Yes, sir.

Senator REED. And also the building of the plant in Hungary?

Mr. JONES. The acquiring of the properties in Hungary.

Senator REED. The acquiring of the properties in Hungary occurred after you became a director?

Mr. JONES. It did.

Senator REED. And in those two enterprises that I have just discussed you were consulted and you were a party to it?

Mr. JONES. I was.

Senator REED. Have you got any such investment as $60,000,000 in these European plants?

Mr. JONES. Yes, sir; in the business that is controlled by the International Harvester Corporation there is an investment of $60,000,000.

Senator REED. An actual investment of $60,000,000?

Mr. JONES. That is, I get that on the authority of the auditors and accountants; I have not myself examined into it.

Senator REED. Is any part of that good will, or is it actual investment?

Mr. JONES. No, sir; actual investment. There is no good will represented in the balance sheets of the International Harvester Co. or the corporation at all.

Senator REED. What was the purpose of organizing, or, rather, I mean of establishing these plants in Europe?

Mr. JONES. The purpose was this, Senator: The International Harvester Co. was about to have suit brought against it, and negotiations had been going on between the Department of Justice and the International Harvester Co., and it was evident that the question of the legality of the International Harvester Co. would have to be tested; and there were certain lines concerning which the Government made no charges whatever, and after investigating all the circumstances connected with them they agreed that any bill that was to be filed ought not to reach enterprises that were in no way in controversy. That applied to all of the foreign business, which was highly competitive; and to all of the so-called outside lines—Canadian business, which is strictly and highly competitive; and those properties were segregated from the reaper and harvester business, which was a storm center.

Senator REED. You say the European business was highly competitive, and therefore was left out. Am I to understand from that that the business in this country—the United States—was not highly competitive?

Mr. JONES. Well, Senator, you know that just about as well as I do, I think. There is a very vigorous competition going on, growing daily.

Senator REED. I do not understand why you drew that distinction, then.

Mr. JONES. Well, it was claimed by the Government that a practical monopoly had been established by the organization of the International Harvester Co. It was not claimed that any semblance of monopoly had been established anywhere or any restraint of trade of any kind accomplished by the establishment of foreign plants or any Canadian plants, but that they were all to the good, and that it would be a misfortune from their point of view to allow proceedings that were intended to reach only these lines, which were claimed to be monopolistic, to interfere with business that was not in any way claimed to be monopolistic or in restraint of trade.

Senator REED. Those negotiations were carried on with the Department of Justice. Do you remember who represented your company in those negotiations?

Senator POMERENE. When you say "they," will you please state the names?

Mr. JONES. Mr. Cyrus H. McCormick was the man who asked me; but he told me that he was speaking on behalf of his mother and brother and sister and the family. My acquaintance had been a family acquaintance from the time I went to Chicago.

Senator HITCHCOCK. It was then a matter of personal feeling for the McCormick family that led you to become a director; acting on a desire to gratify them?

Mr. JONES. The request was made to me as a personal favor, a personal matter, and that was the initial motive in my giving consent. The work was to me an interesting one. I had the time to give it; and the relations of corporations to their employees and to the public is an interesting question; and I was willing to give the time, and I had the time to give; and I met the request of my friends for those reasons; and at the same time I recognized that it was a work that was worth giving some time and attention to; and I did give such time and attention as the work seemed to require.

Senator HITCHCOCK. Will you state the nature of the duties of the directors?

Mr. JONES. The duties of the directors of the International Harvester Co. are not particularly different from the duties of directors of other companies. Questions of general policy came regularly before the board.

Senator HITCHCOCK. In what form?

Mr. JONES. The relations of the company to its employees has had a good deal of attention by the board of the International Harvester Co., in the way of profit sharing and schemes of that sort, which are occupying the attention of the directors of a great many corporations at the present time; which are not yet satisfactorily solved, but they will be later.

Senator CRAWFORD. Just how long had the International Harvester Co. been in existence when you went on the board?

Mr. JONES. The International Harvester Co. was organized in 1901.

Senator NELSON. 1902, my impression is; but you may be right.

Mr. JONES. Either 1901 or 1902.

Senator REED. Mr. Chairman, I hope the Senator will not misunderstand me; but I suggest, for the sake of order that we let the chairman finish his questions, and then let the Senator ask questions; that is in order that we may not get at cross purposes.

Senator CRAWFORD. I very seldom ask any questions; and I am usually corrected in that way by the Senator when I do. [Laughter.]

Senator REED. I never corrected you in my life; and I would be more likely to offend than you; but I make that suggestion because I can see that otherwise we might be acting at cross purposes. I am willing to be governed by it myself, although sometimes I am tempted to break that rule.

Senator HITCHCOCK. The acting chairman only desired to ask sufficient questions to bring the matter before the committee and then intended to leave it to the members to take up; and I think I have about accomplished that purpose; and other members of the committee are better posted on this end of the subject than I am.

There is another matter concerning a business connection of Mr. Jones that I think had better be taken up afterwards, if it meets the approval of the committee; and the chairman will now ask the other members of the committee to ask questions as to the International Harvester Co. I would suggest that Senator Reed begin.

Senator REED. Mr. Jones, you had no connection whatever with the International Harvester Co. until you became a director, as I understand it?

Mr. JONES. None whatever.

Senator REED. Did you have any business relations with any of the principal owners of the stock?

Mr. JONES. None whatever. I never had any professional or business relations with any of the members of the McCormick family; it was purely a personal acquaintance.

Senator REED. How did you acquire the one share of stock which you have?

Mr. JONES. The company carries a certain amount of stock which it issues to its stockholders, by way of bonus; it has invested in its name a portion of the shares of stock; and I purchased the stock from the company and paid par for it.

Senator REED. That would be $100, I suppose?

Mr. JONES. One hundred dollars.

Senator REED. What was the capital stock of the company?

Mr. JONES. At that time it was $120,000,000; $60,000,000 of preferred and $60,000,000 of common stock.

Senator REED. How much of that stock was in the hands of the voting trust?

Mr. JONES. I could not tell you that. That was a matter that the corporation, as such, had nothing to do with. The voting trust was created without the intervention of the corporation itself. But there was a large part. There was more than a majority of the stock.

Senator REED. Practically all of it?

Mr. JONES. Well, I should say a very large part of it. I really do not know just what it was. But the corporation, as a corporation, of course, had nothing to do with the voting trust.

Senator REED. I understand; but is not this true—so that we can get at it in a word—that when the International Harvester Co. was organized all of the stock, except one share to each of the directors, was impounded primarily from the stockholders into the hands of a voting trust, and did not those trustees hold the shares of stock, issuing to the various parties who had put in assets or money, not certificates of stock, but certificates of the voting trust reciting that they held for the use and benefit of those owners certain shares of stock? That was the preliminary and original organization, was it not?

Mr. JONES. That is, I understand, substantially correct, except that I would not say that I think substantially all. I do not know what amount. I know there was more than a majority of the stock.

Senator REED. Complete control of the corporation for a number of years was by this device placed in the hands of the voting trustees?

Mr. JONES. Control of the stock?

Senator REED. Yes.

Mr. JONES. Yes; that is correct.

Senator REED. And a contract was made with the various parties who came into this organization, the various companies and the owners of the various companies—that is, the owners of the stock—by which their interest was to be paid for in the stock of the International Harvester Co., and, instead of the stock being turned over to them, at least a majority of it was held by the voting trustees?

Mr. JONES. That is correct.

Senator REED. Now, that arrangement was to continue for how many years?

Mr. JONES. That arrangement was to continue for five years; and there was a provision in the trust agreement that it might be extended for another five years, at the will of the trustees, and it was so extended.

Senator REED. Yes. That agreement was made about 1902?

Mr. JONES. Either 1901 or 1902.

Senator REED. And, of course, continues up to the present time?

Mr. JONES. No, sir; it has expired.

Senator REED. When did it expire?

Mr. JONES. It expired at the end of 10 years. If they made it in 1901, it expired in 1911; if they made it in 1902, it expired in 1912.

Senator REED. In any event, that voting-trust arrangement was in full force and effect at the time you were made a director?

Mr. JONES. It was.

Senator REED. You could not, therefore, have been elected a director of that company except by the acquiescence and consent, and, indeed, by the direct action, of the voting trustees?

Mr. JONES. That is correct.

Senator REED. Now, the members of that voting trust were who?

Mr. JONES. There was a representative of the Morgan firm—my recollection is that it was Mr. Perkins—and Mr. Cyrus H. McCormick, and, I think, one of the Deering men. My recollection is a little hazy. I never had anything to do with the concern at that time, and my knowledge of the details of the trust was derived only from general conversations.

Senator REED. I am not asking who the voting trust was primarily, but who were the voting trustees at the time you were elected a director? Did not the voting trust consist of Mr. Perkins, Mr. Cyrus H. McCormick, and Mr. Deering?

Mr. JONES. That is my recollection of the voting trustees.

Senator REED. You had no acquaintance with Mr. Perkins at that time?

Mr. JONES. I do not think I had ever met Mr. Perkins at that time.

Senator REED. And you had no acquaintance with Mr. Deering at that time?

Mr. JONES. Yes, sir; I had known Mr. Deering for many years, slightly. He is a Chicago man.

Senator REED. You had no business relations with him?

Mr. JONES. None whatever.

Senator REED. Did Mr. Deering ask you to become a director?

Mr. JONES. He did not.

Senator REED. The request came to you alone from Mr. Cyrus H. McCormick?

Mr. JONES. It did.

Senator REED. And having had a long acquaintance with him and his family, and being upon terms of personal intimacy and friendship with them, you accepted the position?

Mr. JONES. Yes; I did.

Senator REED. After you did accept the position, did you hold it merely in a nominal way, or did you take an active interest as a director?

Mr. JONES. I took an active interest as a director.

Senator REED. Did you attend the meetings of the board?

Mr. JONES. Every meeting that was held where I could go to it I attended.

Senator REED. How frequently did the board meet?

Mr. JONES. Every two weeks. When I first joined the board, however, quite a number of meetings used to be held in New York, for the reason that there were a good many directors living there. When the meetings were held in New York I did not go on unless I was notified that there would be business requiring the full board, in which case I went on. But during the period I have been a member of the board I think I have not missed more than two or three meetings of all the meetings that have been held.

Senator REED. Whether they were held in Chicago or in New York?

Mr. JONES. No, sir; I mean those held in Chicago. I did not attend all of those held in New York.

Senator REED. How many meetings would you say were held in New York that you were not present at?

Mr. JONES. There were a good many. I went to New York twice to attend the meetings, and I could not tell you just how many meetings of the board were held in New York that I did not attend.

Senator REED. Could you approximate it in any way?

Mr. JONES. Well, there were probably a dozen or more meetings that I did not attend.

Senator REED. Do you know in what year they were held?

Mr. JONES. They were held, I should say, some of them in 1909, 1910, and 1911.

Senator REED. Do you think that you were present at all meetings at which important business was transacted?

Mr. JONES. Well, I could not be sure of that, Senator, because if a meeting were held in New York and I was advised that important business was to be transacted, I was usually so notified, and, as I say, I went there twice to attend meetings.

Senator REED. Were you present at any meetings at which the officers were authorized to acquire any new companies or properties, belonging to outside companies?

Mr. JONES. No, sir; I was not.

Senator REED. Were you present at the meeting at which the stock was raised from $120,000,000 to $140,000,000?

Mr. JONES. I was present at a meeting at which that was considered. I think I was present at the meeting at which the final vote was taken. I am sure I was present at a meeting at which it was considered.

Senator REED. Did you favor that proposition?

Mr. JONES. I did.

Senator REED. You did favor that proposition?

Mr. JONES. I did.

Senator REED. Were you present at the meeting at which the stock dividend of $20,000,000 was declared?

Mr. JONES. I was.

Senator REED. Did you favor that or oppose it?

Mr. JONES. I did; I favored it.

Senator REED. Where are the minutes of the directors' meetings?

Mr. JONES. They are kept by the secretary.

Senator REED. Yes; they are kept by him; but where are they actually now—do you know—Chicago?

Mr. JONES. I suppose they are in Chicago.

Senator REED. Did you ever examine the books to see whether they kept pretty full record of the meetings—the minute book?

Mr. JONES. I never examined the book itself, Senator.

Senator REED. You have heard them read, however, at meetings?

Mr. JONES. I have. The minutes of previous meetings are always read.

Senator REED. Could you say in a general way whether those minutes were pretty fully kept?

Mr. JONES. I think they were fully kept.

Senator REED. Who is the present secretary and custodian of these records?

Mr. JONES. Mr. Howe was secretary for a number of years. He is a brother-in-law——

Senator POMERENE (interposing). Give his full name, please.

Mr. JONES. Richard F. Howe, I think, was the secretary.

Senator REED. You say he was a brother-in-law of whom?

Mr. JONES. He was a brother-in-law of the Deerings.

Senator REED. Yes.

Mr. JONES. He was secretary for a good many years.

Senator REED. Is he the present secretary?

Mr. JONES. No, sir; Harold McCormick is the present secretary.

Senator REED. He resides in Chicago?

Mr. JONES. He does.

Senator REED. Where are the offices of the International Harvester Co.?

Mr. JONES. In the Harvester Building.

Senator REED. In Chicago?

Mr. JONES. Yes, sir.

Senator REED. And does the secretary keep his office and records there?

Mr. JONES. Yes; at least I so understand.

Senator REED. I suppose there is a considerable force of employees there?

Mr. JONES. Very large.

Senator REED. Are you familiar with the contracts that the harvester company made with agents for the sale of machinery, the output or product of this company?

Mr. JONES. I was not familiar with them in detail. I knew in a general way about them. I had nothing to do with the drafting of them, if that is what you mean. I never passed upon the terms or effect of them.

Senator REED. Not from a lawyer's standpoint. What I am trying to get at is, you are an active member of the board; and did you undertake to become familiar with the business that you had to transact?

Mr. JONES. Not in its details; not as an executive officer of the company would be expected to do.

Senator REED. Not in its minute details, but its general policies.

Mr. JONES. Yes; its general policies.

Senator REED. Now, you knew, did you not, that there was a form of contract which was entered into between the harvester company and various agencies that it used?

Mr. JONES. Yes; I did.

Senator REED. Have you seen that form of contract?

Mr. JONES. I have seen them. As I say, I had no occasion to examine them critically. I knew what the general policy was with regard to the sales, and I assumed that the contract carried out the general policy.

Senator REED. What I understand you to mean—and I want to be sure that I get you right—is that while you did not undertake to minutely examine into the question of the contract between the harvester company and A. B. or C. the agent, or the absolute details, you did know the general form of the contract, the general character and nature of the contracts that the company made with its agents?

Mr. JONES. Yes; I think I can say that is true. Coming into the corporation as a going concern, I would not have quite the same familiarity with those things as if I had come into a new concern, and the things were formed right under my attention.

Senator REED. Yes.

Mr. JONES. The concern was a going concern when I went into it.

Senator REED. You received no compensation as a director at all?

Mr. JONES. I got the ordinary director's fee for actual attendance, $20 for each meeting; that was absolutely all.

Senator REED. Not a very tempting consideration, so far as money goes?

Mr. JONES. No, sir; and when I went to New York I got my actual traveling expenses and no more.

Senator REED. Yes. What were these plans with reference to employees—this participation plan? What was that, in a general way?

Mr. JONES. Well, the plan has been modified repeatedly. In a general way there was what would be called a profit-sharing scheme. There was a bonus given to the employees of the company who had rendered notably good service, and they were permitted to purchase—the company had a fund of the stock—they were permitted to take a certain amount in cash and a certain amount in the stock of the company—which most of them did.

Senator NELSON. What kind of stock, common or preferred?

Mr. JONES. The common stock.

Senator NELSON. Not the preferred?

Mr. JONES. The stock that the company bought and distributed was common stock.

Senator NELSON. Excuse me, Senator REED, for breaking in.

Senator REED. Certainly. Now, Mr. Jones, you say that after you came in no new plants or properties were acquired?

Mr. JONES. Well, I did not understand that to be the question. The company has purchased new plants. It has not purchased other concerns; no going concerns. I understood that to be your question.

Senator REED. When you say it has purchased new plants, just what do you mean?

Mr. JONES. It has purchased several plants in Europe. There was a plant in Canada when I became a member of the board; but it has been enlarged, and the company has built a very large number of warehouses and properties of that sort since I became a member of the board; in fact, at pretty nearly every meeting there was some property being acquired. When you asked me before, I thought you meant taking in other concerns.

Senator REED. I think my question was couched in that way.

Mr. JONES. Yes.

Senator REED. Now, you say you acquired plants in Canada. Do you mean that the company built new plants in Canada?

Mr. JONES. Built new plants.

Senator REED. It established new institutions?

Mr. JONES. Yes.

Senator REED. It did not buy out some that were in existence?

Mr. JONES. No, sir.

Senator REED. Now, what kind of plant was it that it built or established in Canada?

Mr. JONES. The large Canadian plant manufactures harvesters and mowers and also some of what is known as side lines, the new lines of business.

Senator REED. What are the side lines?

Mr. JONES. Such implements as manure spreaders and cream separators and implements of tillage. The original line was harvesters and mowers entirely.

Senator REED. This plant now that is built in Canada makes manure spreaders, does it?

Mr. JONES. I am not sure whether the Canadian plant makes manure spreaders or not. I do not think it does.

Senator REED. They did acquire the manure-spreader rights after you came in?

Mr. JONES. No, sir; they were manufacturing manure spreaders when I joined the company. That is my recollection.

Senator REED. Well, I am a little confused about that.

Mr. JONES. I was mentioning that merely as one of the so-called outside——

Senator REED (interposing). Side lines?

Mr. JONES. Side lines.

Senator REED. But now, coming to the plant in Canada, and just sticking to that for a moment, could you state pretty accurately what that plant is, and what it does, and how much it has invested in it, and so on?

Mr. JONES. I could not tell you how much is invested. It is intended to supply primarily the Canadian trade in reapers and mowers; they have a pretty heavy tariff there.

Senator REED. And also to manufacture these side lines?

Mr. JONES. Such side lines as are manufactured there. It was also contemplated originally that they would do so.

Senator REED. Do you know how much capital was invested in this plant?

Mr. JONES. Well, I could not tell you. Since I have been a member of the board of the company there have been spent there—well, I should say several hundred thousand dollars; I do not carry those details in my mind.

Senator REED. In Canada?

Mr. JONES. In Canada.

Senator REED. Where is the plant located?

Mr. JONES. At Hamilton.

Senator REED. Is there only one plant there?

Mr. JONES. Only one manufacturing plant. The company has warehouses, of course, in other portions of the Dominion.

Senator REED. Scattered all over the Dominion?

Mr. JONES. Yes.

Senator REED. Does this plant manufacture enough to supply the trade in Canada?

Mr. JONES. No, sir; it does not. It manufactures most of it, but not all of it.

Senator REED. It manufactures a majority of the farming implements used in Canada?

Mr. JONES. Yes, sir; it manufactures a considerable part.

Senator REED. Would you say the majority?

Mr. JONES. I should say the majority.

Senator REED. Now, the parent company—that is, the company in Chicago—also ships into Canada largely also, does it?

Mr. JONES. Yes, sir; what is required over and above the manufacture of the Canadian plant.

Senator REED. Taking in connection the output of the Canadian plant and the output of the harvester company in this country, what proportion of the consumption of farming implements in Canada are supplied by the institution as a whole?

Mr. JONES. By the Canadian institution or——

Senator REED (interposing). By both. What proportion of the entire consumption in Canada was supplied by the International Harvester Co., either through its plants in Canada or through its plants in the United States?

Mr. JONES. I could not tell you the exact proportion; but as you know the Massey & Harris Co., which is a Canadian corporation, has a very large trade, a larger trade in Canada than the International Harvester Co., as I understand it.

Senator NELSON. Let me ask you this question, to clear it up: Under what name are you operating in Canada?

Mr. JONES. The International Harvester Co. of Canada.

Senator NELSON. You have no other name?

Mr. JONES. I spoke of the Massey & Harris Co.; that is a Canadian concern.

Senator NELSON. Oh, yes.

Senator REED. I understood you to say a moment ago—and if I am not correct, please put me right—that the International Harvester Co., through its Canadian plant, sold the majority of the agricultural implements in Canada?

Mr. JONES. Oh, no, sir; I meant the majority of those that are sold by it.

Senator REED. By it, yes; in the lines it covers.

Mr. JONES. Exactly.

Senator REED. And in the lines it covers, through its Canadian plant, with the addition of the machinery which is sent from this country by the International Harvester Co.; in those lines what proportion of the trade do you cover in Canada?

Mr. JONES. I can not answer that question. There are several vigorous competitors over there. My recollection is that the Massey-Harris Co. has the larger part of the Canadian trade.

Senator REED. That is, taken altogether.

Mr. JONES. Taken altogether.

Senator REED. But now you have certain lines in which you have a larger trade than in others, have you not?

Mr. JONES. Yes, sir. The smaller implements, I have not very much of a guess how much of the smaller implements like cream separators, etc., are sold over there. I know more about the harvesters.

Senator NELSON. I suggest that you refer to the harvesters and mowers, Senator REED.

Senator REED. Yes; let us get at it in another way. You speak of certain lines in which you have a larger trade. What were those lines—harvesters and mowers?

Mr. JONES. Harvesters and mowers.

Senator REED. What else?

Mr. JONES. Harvesters and mowers would be the larger element.

Senator REED. How about plows?

Mr. JONES. The International Harvester Co. does not carry plows; it does not deal in plows; it is not a plow-manufacturing company.

My only thought was that the Senator was attacking a bill in which I am interested. I am not the author of the bill, but I believe firmly in it. The Senator says he is opposed to it because he is opposed to commissions. I think I quote him correctly.

There has been no charge, so far as I am concerned, that the Senator has been opposed to trust legislation, but I do charge that he is against this particular piece of trust legislation. My arguments were directed against him because I understood him in that way, and I so understand him now. I prepared my remarks and put them in writing purposely, so that I might know what I was saying. There is no mistake in them; there is no misquotation; there is no assault in them; and anyone who has tried as many cases as my friend has against distinguished lawyers ought by this time to have learned to give and take in fair argument. As my remarks were prepared, so they will appear in the CONGRESSIONAL RECORD to-morrow; and I challenge any Senator to point out any misquotation of any kind or any insinuation in them. Every charge was directly made, as I believe charges should be directly made. What the Senator from Missouri said on three different days is also in the RECORD; and in my quotations from his speech, I have given the pages where he said the things he has said.

The Senator will find, if he turns to his speech made on Monday last, that the distinguished Senator from Nevada [Mr. NEWLANDS] asked him to suggest proper words that would carry out the intent of this proposed statute; the Senator from Delaware [Mr. SAULSBURY] appealed to the Senator from Missouri to help perfect this statute; he has been asked to do it, and he has declined to do it. The RECORD shows, as I understand him—I fear to quote him, because I may not quote him exactly right—that the substance of his promise now is that when he has time he will help us. I so understand it; and I sincerely hope he will, for we could not have better help, and help is what we want in framing this bill.

I have not advocated the passing of an unconstitutional statute. I say this proposed statute is constitutional, and I say it will effect what we want. It is therefore no more than natural that a Senator who is opposed to a commission of this kind should fight this proposed law if he thinks it will be effective and do the things which he thinks ought not to be done through a commission.

With these remarks I leave it.

[Mr. BORAH addressed the Senate. See Appendix.]

Mr. HITCHCOCK. Mr. President——

Mr. BORAH. I yield to the Senator.

Mr. HITCHCOCK. In furtherance of what the Senator from Idaho has said, to the effect that Mr. Jones has no desire to conceal his views on the trust question, I will read the following telegram, which I have within the hour received from him:

[Telegram.]

CHICAGO, ILL., *July 15, 1914.*

Hon. G. M. HITCHCOCK, *Washington, D. C.:*

I see from the newspapers that controversy has arisen over the publication of my testimony before Banking and Currency Committee. I do not assume the right to have anything to say in the matter, but perhaps I may be permitted to say that I have not the slightest objection to such publication, but would, on the contrary, rather welcome it.

THOMAS D. JONES.

Mr. THOMAS. Mr. President, I think if we have one more session behind closed doors, so that the rest of the hearings can be read, the public will be in full possession of all the facts. [Laughter.]

Mr. BORAH. Well, Mr. President, I am reading this for the purpose of illustrating the practical proposition which is now being presented to the Senate, and I do not care whether it is the testimony given by Mr. Jones before the committee or his public view of the questions, it is an illustration of what may happen under this proposition to transfer the lawmaking power—because that is what it will result in—and the capacity or the ability or authority to determine what is "unfair competition" to five men who may have a wholly different view from what the Senator from New Hampshire has as to what is "unfair competition." Mr. Jones was being interrogated by the Senator from Ohio [Mr. POMERENE]:

Senator POMERENE. As a general proposition, do you approve of the combination of these large manufacturing concerns that are in the same line of business, so as to control the trade of a country so large as this country? You can answer that question or not, just as you wish.

Mr. JONES. Why, that opens up a very interesting question——

Mr. LEE of Maryland. Mr. President, I rise to a point of order.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). The Senator from Maryland will state his point of order.

Mr. LEE of Maryland. The Vice President decided this morning that proceedings in a committee which was charged to investigate a matter pending in executive session were proceedings within executive session. Now, the Senator from Idaho is reading from the proceedings within an executive session of the Senate here in open session, and in obvious violation of its rules. Under these circumstances I raise the point of order as to whether the Senator from Idaho has a right openly to violate the rules of the Senate as the Vice President this morning construed them.

Further, Mr. President, I am perfectly willing, before I sit down, to make the statement that, individually, I am in favor of changing the rules in a lawful and orderly manner, so that all nominations which bear a political aspect may be discussed in the open; but I believe that the American people will have more respect for the Senate if we proceed in an orderly manner to change our rules in a lawful way, rather than to give to those Members of the Senate who are willing to proceed in an unlawful manner, contrary to the rules of the Senate, an advantage over the law-abiding Members of the Senate.

The PRESIDING OFFICER. The Senator from Idaho is reading what purports to be from a newspaper, and is commenting on it. The point of order made by the Senator from Maryland does not appear to the Chair to be within the precedents of the Senate, and the point of order is overruled.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr BORAH. I do.

Mr. GRONNA. May I ask the Senator from Maryland, with the permission of the Senator from Idaho, the particular matter he refers to that happened this morning?

Mr. LEE of Maryland. I understand the Senator from Idaho is quoting something from the Post which purports to be——

Mr. GRONNA. I understand that; but what I should like to know is, What decision does the Senator from Maryland refer to?

Mr. LEE of Maryland. I refer to a decision by the President of the Senate, which he rendered this morning, to the effect that the proceedings in a committee of the Senate upon an executive nomination are within the rules governing the privacy of executive sessions.

Mr. BORAH. Mr. President, I did not feel that I was violating the rules of the Senate by reading a matter which appeared in the public prints. If I had felt so, I should have waited until the vote was taken in executive session, which will result in having it made public. I did not, however, feel that I was violating the rule, and I prefer not to rest under the charge of being a lawless individual.

I never have divulged anything that came to me from the executive sessions of the Senate. I have sometimes, when absent, found very accurate information in the newspapers when I got back. I do not know how it got out.

I simply want to say that I do not propose, out of a mere superficial and insincere appearance of obeying the rules, to be curtailed in legitimate debate here upon matters which are in the public possession. All these matters are in the possession of the public. Here is a thing which appeared in the papers this morning. I am only discussing that which is already in the possession of the public. The people of the United States will not have very much respect for us if we refuse to discuss the matters which are in the public possession out of a mere superficial and flimsy regard for rules which really do not cover the subject we are discussing.

Mr. LEE of Maryland. Mr. President, I should like to ask the Senator two questions. The first is, Did not he lend the weight of his good reputation and high responsibility to the credibility of this alleged newspaper report of the secret proceedings of the Senate when he said, in open Senate, that he believed the report to be true?

Mr. BORAH. I did. I enter that plea. I rather think the statements are true.

Mr. LEE of Maryland. Yes. Did not the Senator confirm the revelation, if a revelation has been made?

Mr. BORAH. I think it is a little too dignified to call the manner in which this got out a "revelation." [Laughter.]

Mr. LEE of Maryland. Secondly, would not the Senate stand better before the country if it proceeded to amend its rules in the regular, law-abiding fashion, rather than to proceed by a constant disregard of its rules, apparently approved by the leading Members of the body?

Mr. BORAH. The Senator will agree with me that I have done all I could to mend the situation, because for some time I have advocated open sessions upon these matters. Now, if I

really believed this was in violation of the rule I should defer my remarks until another date; but it never occurred to me that a discussion of a newspaper article could be in any way considered as a violation of the rules simply because it purports to give a reference to executive business.

Mr. LEE of Maryland. If the Senator will pardon another interruption, I have been myself very much tempted to discuss a newspaper publication in connection with the nomination of Mr. Jones—a publication given out by the chairman of the committee, and which publication, though remarkably fair from an opponent of the confirmation, was nevertheless lacking in a good deal that might have been fairly said therein. I was much tempted to correct or enlarge the statement made, so that the proper public impression might have been made upon the subject; but we gentlemen on the committee who look with some reverence upon the rules of the Senate until they are lawfully changed have found that our hands are tied upon the subject, and that the public impression, which doubtless reacts upon the Senate in some measure, has gone out the other way.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I merely wanted to find out whether I correctly understood the statement of the Senator from Maryland. Did he say he reverenced the rules of the Senate?

Mr. LEE of Maryland. Well, I would not use that expression, and I hope I did not.

Mr. THOMAS. I hope so, too. [Laughter.]

Mr. LEE of Maryland. But I respect them, and I have promised to uphold them, though there are many of them, like this secret-session business, which I should like to see abolished.

Mr. BORAH. I shall take some interest in the vote of the Senator when the question comes to open session.

Mr. STONE. Mr. President, I should like to inquire of the Senator from Idaho, if he expects to continue his observations at any considerable length, whether it would be agreeable to him to take up the thread of his discourse to-morrow morning and let us have an executive session?

Mr. BORAH. Mr. President, of course I can do as I always do, and yield to the convenience of the chairman of the committee. I will finish these remarks at some other time and undertake then to apply the views of the gentleman who has been selected for the Federal Reserve Board to the practical application of a Federal trade commission.

Mr. STONE. I have no wish, of course, to interfere with the Senator's remarks except in a way that is entirely agreeable to him. It is now getting somewhat late if we are to have an executive session.

Mr. BORAH. Mr. President, I will yield. I will simply say, before I yield, that I was drawn into this debate by the reference made by the Senator from New Hampshire, and I always prefer to reply to such matters while they are fresh in my mind. I will yield, however.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by D. K. Hempstead, its enrolling clerk, announced that the Speaker of the House had signed the joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," and it was thereupon signed by the Vice President.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 50 minutes spent in executive session the doors were reopened.

NOMINATION OF THOMAS D. JONES (S. DOC. NO. 542).

Mr. HITCHCOCK. I move that the injunction of secrecy be removed from the hearing had before the Senate Committee on Banking and Currency on the nomination of Thomas D. Jones for appointment as a member of the Federal Reserve Board, and that it be printed in the RECORD.

Mr. REED. I ask that the hearing be printed as a document.

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Without objection, that action will be taken, and the hearing will be ordered to be printed in the RECORD.

The matter referred to is as follows:

NOMINATION OF THOMAS D. JONES FOR APPOINTMENT AS A MEMBER OF THE FEDERAL RESERVE BOARD.

MONDAY, JULY 6, 1914.

COMMITTEE ON BANKING AND CURRENCY,
UNITED STATES SENATE,
Washington, D. C.

The committee assembled at 10.30 o'clock a. m.

Present: Senators GILBERT M. HITCHCOCK (presiding), REED, POMERENE, SHAFROTH, HOLLIS, LEE, NELSON, BRISTOW, CRAWFORD, and McLEAN.

Senator HITCHCOCK. The committee has invited Mr. Thomas D. Jones, of Chicago, to appear for the purpose of giving the committee any further information he may desire. Mr. Jones, will you please state, for the record, your name, residence, and business?

STATEMENT OF MR. THOMAS D. JONES, OF CHICAGO, ILL.

Mr. JONES. My name is Thomas D. Jones. My residence is Chicago. Do you want the street address?

Senator HITCHCOCK. I hardly think that will be necessary.

Mr. JONES. At present I am not in active business. I was an attorney at law for some years.

Senator HITCHCOCK. Mr. Jones, the committee is charged with the duty of making a report to the Senate on your nomination to be a member of the Federal Reserve Board, and finds certain business connections of yours that it would like to have further information about; and I think the first question that may be properly taken up is your connection with the International Harvester Co. as a director. Will you please state when you became a director of that company?

Mr. JONES. I became a director of the International Harvester Co. in November, 1909.

Senator HITCHCOCK. Had you, previous to that time, been interested in the company?

Mr. JONES. I had no interest of any kind in that company previous to that time. I had no connection whatever with it of any sort.

Senator HITCHCOCK. Had you any connection of any sort with its subsidiary companies?

Mr. JONES. I had no connection of any sort with its subsidiary companies.

Senator HITCHCOCK. You are not one of the Jones family mentioned in the Plano Co.?

Mr. JONES. I am not. Mr. Jones of the Plano Co. I had never met until I became a member of the board, although I knew of him.

Senator HITCHCOCK. You are named as one of the defendants in the action brought by the United States?

Mr. JONES. I am.

Senator HITCHCOCK. Against the harvester company?

Mr. JONES. I am.

Senator HITCHCOCK. When was that action brought?

Mr. JONES. That action was brought in the summer of the presidential campaign—that would be the summer of 1912, would it not?

Senator SHAFROTH. Yes.

Mr. JONES. The summer of 1912.

Senator HITCHCOCK. Did you yourself answer in that case?

Mr. JONES. A joint answer was put in on behalf of all the defendants.

Senator HITCHCOCK. What was the nature of the answer on your part?

Mr. JONES. The nature of the answer on my part was a denial of any conspiracy in restraint of trade. The answer was put in by the attorneys of the company, and consisted in the main of a general denial of the charges of the bill.

Senator HITCHCOCK. Your answer was identical with the others?

Mr. JONES. My answer was identical with that of the other individual defendants.

Senator HITCHCOCK. Have you appeared as a witness in the hearing in that case?

Mr. JONES. I have not.

Senator POMERENE. May I ask a question here, Mr. Chairman?

Senator HITCHCOCK. Certainly.

Senator POMERENE. Were there separate answers filed for each of the defendants, or was there a joint answer of all?

Mr. JONES. Certain groups of the defendants answered together, in my recollection. The answers were put in by the attorneys of the company, and there were certain charges—the corporation made certain answers—and then my recollection is that certain charges were made specifically against certain of the defendants which were answered. But those directors who had nothing to do with the organization, their answers were general.

Senator HITCHCOCK. What do you mean by "general," Mr. Jones?

Mr. JONES. Denying the intention to monopolize or to accomplish a restraint of trade, and denying the practices that were alleged to be oppressive.

Senator HITCHCOCK. A part of the complaint as it was read to the committee was with regard to continuing acts of the corporation down to very recent years; down to the filing of the suit in 1912. Have you any acquaintance with those acts complained of?

Mr. JONES. No, sir; and my reading of the record was that, although there is such a general allegation, there is absolutely no proof of it. The charges were made as of continuing acts; but I read the briefs of counsel of the various sides, and the case finally turned almost entirely on the method of the original organization of the company as being an attempt to create a monopoly in restraint of trade.

Senator HITCHCOCK. Would you like to state to the committee your reasons for your going into the directorate of this company without having any financial interest in it?

Mr. JONES. Certainly. I had been on terms of close intimacy with the McCormick family since I went to Chicago, over 30 years ago, and in the early part of 1909 they said to me that there was a vacancy on the board of the Harvester Co. and they would like me to consent to become a director. I told them what they knew already, that I had no interest whatever in the stock of the concern, and had no plans contemplating an investment; and they said they knew that, and that it was not an investor in stocks that they were looking for. It was somebody who could afford to give the time and was willing to give the time—such time as would be demanded as a director of the company—and they asked me as a personal favor to consent to do so.

Senator HITCHCOCK. Not for any compensation?

Mr. JONES. Not the slightest nor the promise of any or the expectation of any.

viduals he is totally astonished, and I apprehend that will be the case with the author of this telegram from Missouri.

Mr. REED. Mr. President, until within the last hour I had no idea the Senator from New Hampshire [Mr. HOLLIS] was an enemy of mine.

Mr. HOLLIS. Mr. President, I hope the Senator will permit me to disclaim any such idea as that I am his enemy. I tried to answer a very forceful and direct speech in a forceful and direct way.

Mr. REED. I shall be more generous to the Senator than he was to me. I shall permit him to interrupt me. But when he was speaking and making his deliberately prepared assault, which he read from a document, he refused to allow me the privilege of correcting any misstatement he made in order that it might appear in the RECORD in connection with his statement.

Generally a refusal to be interrupted has its basis in the fact that the gentleman who has the floor is either doubtful of his logic or fearful of his facts. I was not permitted, as the Senator went along, to correct the numerous inaccuracies and partial statements of his address. He seemed to be inspired by a species of acrimony growing out of the fact that I have dared to criticize one section of this bill. He ascribes to me by innuendo, if not by direct statement, a desire to defeat all remedial legislation. He assumes with a modesty which characterizes all his acts that anyone opposed in the slightest degree to a production of his pen or brain must be at enmity with all reforms and all virtuous movements.

It frequently happens in this country that there are men so constituted they can not understand how one may oppose them and still desire to occupy a position of decent citizenship. I apprehend that in the whole course of my life this is the first time that anyone hiding behind a veiled insinuation has sought to hold me up to the country as a champion of monopoly or as opposed to remedial legislation. I am not embarrassed by an insinuation of that kind under these circumstances and conditions. Deliberate misquotation of what has been said, partial quotation of what has been said, distortion of the facts in cases solemnly reported and read into the RECORD have never obscured the truth and will deceive none but the unwary.

I came into this Chamber one day, as the Senator well knows, and found the trade commission bill being discussed as though section 5 were to cover every sort of rascally practice indulged in by men in commerce. With that thought before me I stated that the term had no definite meaning. I made my statement with that thought before me so broad that it could be well said I had made a general statement. But I was discussing the phrase in the light of the discussion then going on and not the question as to whether the phrase had a totally different meaning in the law. Subsequently, and among the very first few words of my second speech, in which I discussed the real meaning of the phrase, I made that plain, so plain that no one but a very careless man or a very vindictive enemy ought to have mistaken it, for I said:

> In addressing myself to this subject a few days ago I asserted rather broadly that the term "unfair competition in commerce" had no definite or fixed meaning in law. I find that the statement which I made is broader than I intended to make it. I meant to say, and I now say, that "unfair competition" has no such meaning in the law as will embrace the objects and purposes of the author of this bill.

Certainly common fairness ought to have led the Senator to have given my second statement due prominence.

I intend to reply to the address of the Senator, but I do not intend to reply to it to-day, because I want to lay before the Senate an analysis of the decisions which he has cited and of the statutes he has quoted. I shall undertake to show that every decision he has cited which is not bottomed upon some special statute of a State is merely a decision arising under the antitrust acts; that the question being tried was whether the antitrust acts had been violated; that the term "unfair competition" was employed merely in colloquial sense. I shall try to show, as I said the other day, that there is no well-considered case, especially of any Federal court, holding that the term "unfair competition" has any other or different meaning than the limited one defined in the dictionary and in the cases which I read.

Now, the Senator has cited a number of statutes of States which I have not read and which for the most part he did not read, but I caught from the title of the acts that these special laws did embrace a specification or definition of what constituted unfair competition.

Nobody has doubted and nobody could doubt that in writing a statute we might employ any term, however distinct its meaning is in the law, and we could by apt and proper words give to it in the statute an entirely different meaning than it has at the common law.

All that I have stated on this branch of the case is that if you employ the term "unfair competition" without any definition, without any specification, the courts will ascribe to it the meaning which the courts already hold it to have, namely, a term which merely covers those practices whereby A substitutes his goods on the market for the goods of B. I stated that if the friends of this bill were to effectuate their purpose they must do it by either adopting some other general term which covers the character of practices against which they inveigh or by using descriptive phrases prohibiting certain acts, or, at least, the character of the acts.

The Senator in his generosity said that I had declined to prepare such phraseology. I hardly know how to reply to that assertion and use parliamentary language. I never declined any such office. I finished my remarks here the other day and was compelled immediately to attend the Judiciary Committee or the Committee on Banking and Currency. I have been engaged in work on these committees constantly, and I have had no opportunity to undertake to perfect this phraseology. I made no such declination or refusal.

With the Senator's suspicions that I may be against the entire bill I have no concern. Neither his suspicions nor his opinions disturb me or will disturb me.

Mr. President, I did take two positions, and I take them now. First, I say if we adopt section 5 without amendment its scope will be limited to the prevention of what has been determined to be unfair competition by the courts; namely, those acts which consist in the substitution of one man's goods for the goods of another in the market.

I have taken the other position that if the view just stated be not correct then the term is a general term so vague, so indefinite, and so uncertain that the courts are likely to hold that it has substituted or sought to substitute the opinion of three men as to what can and can not be done for the Constitution of the United States and the law of the land.

It is easy enough to understand how we can create a commission and give it the power merely to investigate, and we can undoubtedly create a commission and give it the power to go beyond mere investigation. We can probably give it the power over certain subjects to enforce a law or rule which we write. But we can not give it the power to create a law and to make a rule out of its own brain, and substitute the arbitrary rule of three men for the law of the land.

That is the position I have taken. So I say if we accept section 5 at all we must define properly the authority of this board and lay down a rule which will enable the business men of this country to determine from the law and not from the will of three men what they may do and what they may not do.

It is quite a consistent thing to argue in this wise and still to be in favor of enforcing and strengthening the trust laws. No man will go further than I will to throttle monopoly in its inception. If I may use a very awkward expression, I am in favor of promoting monopolistic infanticide. I would like to see the practices which lead to monopoly prohibited by the lawmaking power; but I would at the same time give to the citizens of this country a law which would tell them what was prohibited and not remit them to the opinions of three gentlemen—for three will constitute a majority of the board.

I would do that for two reasons: First, because the citizen is entitled to that protection under the Constitution of this country, and, second, I would do it because I am unwilling to put all the business of the United States in a condition where a change of one member in a board might determine the question whether a business transaction was lawful or unlawful.

The statement has been made here repeatedly that the same arguments I am now advancing were made when we created the Interstate Commerce Commission. Mr. President, I presume the same argument I am making has been made not only by those who opposed the Interstate Commerce Commission, but it has been made in defense of human right a thousand times, aye, ten thousand times, when it was properly and rightfully made. The demagogic appeal to prejudice, that an argument was made at some time that was not applicable in that particular case, and the invocation in the sacred name of the Interstate Commerce Commission smack of the same kind of so-called argument which has too frequently characterized this debate. Some gentlemen seem to think that what we want to do here is to pass a law willy nilly, Constitution or no Constitution, right or no right, to drive straight on.

The remarks of the Senator from New Hampshire indicated that it was quite a proper thing for Congress to pass an unconstitutional law and then let the courts declare it to be unconstitutional, and that no harm is done. Yet this is the very fountain source of the law. Every man who has advanced to that desk to take the oath of office swore before his God to

uphold the Constitution of the United States. It is in our keeping, it is in our care in a peculiarly sacred manner, and when it is proposed that the Congress of the United States shall begin trampling upon the Constitution of the United States, I ask, What criticism can justly be made of the anarchist, who says in his vulgar phraseology, which I can not repeat, that the Constitution is to be disregarded?

It is the business of Congress to go on and pass laws and to say to the courts, "Correct us," or is it our business to use every possible care to see that laws enacted here are just laws, are wise laws, are laws that we have the right under our oath of office to pass, laws that are sanctioned by the Constitution?

There are men who would prefer a commission to a constitution. I have no doubt there were men in the days of George III who preferred the government of the king to the government of the Constitution. There were men in the days when our fathers founded this Government who preferred a concentration of vast power in the hands of a few men. There were even some men who would have preferred, I doubt not, giving arbitrary power to a centralized government. But, sir, wiser counsels prevailed, and from the lips of Jefferson and Madison and Adams and Washington, and all the immortals who founded this Government, came the declaration that this should be a government of law and not a government of men, a government of law that the people had enacted, not a government by decree of a king or by the mandate of any board or potentate. It was held then to be of the very essentials of liberty that every citizen of this country, every man then living and every man who should thereafter come upon the soil over which our flag floated, should have laid down before him rules of law which he could follow. It was pointed out then, and it may well be repeated to-day, that that is alone the difference between freedom and slavery, between a republic and an oligarchy, between liberty and monarchy.

So when it is sneeringly proposed that we shall disregard the Constitution and let the courts correct us afterwards, I say it would have been better if such a doctrine as that had been uttered in a meeting of anarchists assembled in the crowded districts of a great city than upon the floor of the United States Senate.

Mr. President, I have been an advocate of the doctrine that the Supreme Court of the United States should not have authority to set aside an act of Congress except by the concurrence of two-thirds of its members. I have advocated that because I believed in my inexperience that Congress, being largely composed of lawyers and charged with the great responsibilities imposed upon it, was not passing laws improvidently, but was carefully keeping within the limits of the Constitution. But if we are to have the doctrine announced, "Pass the law anyway and let the courts take care of it," then, thank God, we have courts to take care of it.

Down in Kentucky they passed a law, and I suppose somebody there stood up and sneered at those who dared mention the fact that there was a constitution. This law was passed in 1906. I read from the acts of Kentucky for the year 1906, at page 429, chapter 117:

> 1. It is hereby declared lawful for any number of persons to combine, unite, or pool any or all of the crops of wheat, tobacco, corn, oats, hay, or other farm products raised by them for the purpose of classifying, grading, storing, holding, selling, or disposing of same, either in parcels or as a whole, in order or for the purpose of obtaining a greater or higher price therefor than they might or could obtain or receive by selling said crops separately or individually.
>
> 2. That contracts or agreements made or entered into by persons with each other the object or intent of which is to unite, pool, or combine all or any of the crops of tobacco, wheat, corn, oats, hay, or other farm products raised by such persons for the purpose of classifying, grading, storing, holding, selling, or disposing of said crops, or any of them, either in parts or as a whole, in order or for the purpose of obtaining a better or higher price therefor than could or might be obtained by selling said crops separately or individually, are hereby permitted, and shall not because of any such combination or purpose of said persons be declared illegal or invalid.
>
> Section 3 of the act was thereafter amended so that it read:
>
> Such persons so entering into such an agreement or contract as is set out in the foregoing sections are hereby permitted to select an agent or agents through or by or with whom said parties so entering into such agreement may classify, grade, store, hold, sell, or dispose of said crop, or any of them, and said agent or agents shall have the right to take, receive, hold, store, classify, grade, sell, or dispose of said crop so placed in said agreement, for the purpose of accomplishing the object of such combination or agreement between such principals, and contracts and agreements entered into by such agent or agents for the purpose of classifying, grading, storing, holding, selling, or disposing of said crop so combined, united, or pooled, either in parcel or as a whole, are hereby permitted, and shall not because of any such combination or purpose of such original agreement of such principals so entering into said combination, or of such agent or agents, be declared illegal or invalid.
>
> All contracts heretofore made by any person or persons for the purposes set out in the foregoing sections are hereby declared valid, if otherwise legally binding on the parties. To prevent any breach or violation of any contract made for the purposes set out in the foregoing sections a restraining order and writ of injunction may be issued by proper officer, as prescribed in the Civil Code of Practice.
>
> For any breach or violation of any contract entered into for the purposes set out in the foregoing sections, the injured party may recover the damages sustained by him by reason of such violation of such contract of the person violating the same, and also of any person who shall induce or persuade another to violate such contract, which damages shall include the reasonable expense and attorneys' fees incurred by the injured party in prosecuting an action to recover such damages, or to prevent a violation of such contract, if the party complaining shall succeed in doing so, which may be recovered in the same action or original proceeding. Said agent, when so selected as herein provided, shall have the sole right to sell said crop so pooled or combined, and it shall be unlawful for any owner of such crop to sell or dispose of same, and for any person to knowingly purchase the same, without the written consent of such agent, and upon conviction thereof he or they shall be fined in any sum or amount not exceeding $250 for each offense, to be fixed by the jury in their discretion.
>
> 2. Whereas many crops of tobacco and other products have been combined and pooled in this State under contract and agreement entered into for the purposes set out in the above section, an emergency is now declared to exist, which requires that this act should and it shall take effect from and after its passage and approval by the governor.

Mr. President, that was thought to be a great piece of legislation in its day and generation, and its day and generation are about now; but the Supreme Court of the United States had to be called upon to construe it, and they did construe it in the case of Patrick Collins, plaintiff in error, against the Commonwealth of Kentucky, which was decided on June 22, 1914. When the court got through with it there was not anything left of the statute.

Did Kentucky gain anything by putting upon its statute books a law that could not be enforced? Did it not lose all the months and years intervening after the passage of a law which fell dead from the pen that engrossed it? Was it not an absolute injury to the purposes and objects of those who sought to permit certain practices? Would it not have been wiser, then, to have written a law that could stand the assaults to be made upon it in the courts? I have read this statute and cited this decision merely for the purpose of emphasizing to the friends of this bill the importance of preparing a bill that will stand, and of not putting forward one that is doubtful, to say the best, and in all probability a law which can not be sustained. Every day we spend in passing a law which can not be enforced, every day that we spend in trying to enforce a law that can not stand, is that much time lost in the great cause that we all seek to serve.

I am no enemy of proper trust legislation. The Senator who made these unkind remarks knows that I am laboring with the Judiciary Committee to try to perfect a trust statute that will give at least some guide to the business of this country, and yet will arrest in their inception the very practices which have been referred to as so injurious. Before any Senator rises and attributes to a brother Senator such motives, he ought to have some reason for doing it other than those born of personal dislike.

Mr. President, I rose to speak for only a moment, and have taken too much time. I apologize to the Senate for taking it now, because I intend hereafter to reply at length to the speech of the Senator from New Hampshire.

Mr. BORAH. Mr. President——

Mr. HOLLIS. Mr. President, I think the Senator from Idaho [Mr. BORAH] will yield to me under the circumstances for a moment.

The PRESIDING OFFICER. The Senator from Idaho is entitled to the floor.

Mr. BORAH. I yield to the Senator.

Mr. HOLLIS. Mr. President, the junior Senator from Missouri [Mr. REED] has seen fit to serve notice on the Senate that any man who dares to point out the inconsistencies of his arguments, to show that the authorities on which he bases his arguments have been overruled, or to show any hole in his logic, must be considered his enemy. I am very sorry that the Senator has given that notice to the Senate, because no one likes to be considered the enemy of anyone in the Senate, and particularly the enemy of such a brilliant and resourceful Senator as the one who has just spoken; but, Mr. President, the pity of the remark is that it may prevent some timid Senator from making a speech at some time to the Senate, and the country may thereby lose something of real value; but I assure the Senator that his remarks, so far as they apply to me, will not tend in the slightest to close my mouth. I shall always be sorry when a man is so sensitive and thin-skinned as to believe that pointing out the inconsistencies of an argument are the assaults of an enemy; but if that is so I can not help it.

I am very sorry for it, and I am more sorry for the man who feels that way than I am for myself; but a Senator who is so vigorous in his swordplay as is the junior Senator from Missouri has no right to be so sensitive when the very weapons he employs against others are for the moment turned against him.

executive officials the duty of bringing about the result pointed out by the statute.

In Interstate Commerce Commission against Goodrich Transit Co., supra, the court said:

The Congress may not delegate its purely legislative power to a commission, but having laid down the general rules of action under which a commission shall proceed it may require of that commission the application of such rules to particular situations and the investigation of facts with a view to making orders in a particular matter within the rules laid down by Congress.

The power given by this bill to the trade commission to administer the rule against unfair competition is analogous to the power given to the Interstate Commerce Commission to administer the rule laid down in section 3 of the act to regulate commerce which makes it unlawful to give undue or unreasonable preferences or advantages. It is also precisely analogous to the power conferred on the Interstate Commerce Commission in section 15 of the act to regulate commerce to compile the discontinuance of unjust or unreasonable or unjustly discriminatory or unduly preferential or prejudicial classifications, regulations, or practices and to prescribe what classification, regulation, or practice is just, fair, and reasonable, to be thereafter followed.

(b) It is urged that the term "unfair competition" is too vague, that it has no certain meaning in the law. The answer to this objection is that it is not necessary that the meaning should be completely ascertained. There are many terms in the law, such as fraud and negligence, whose meaning is constantly being extended. Certainly "unfair competition" has a better ascertained meaning than the terms "unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial classifications, regulations, or practices," had when section 15 of the act to regulate commerce was first enacted. As a matter of fact, "unfair competition" is a term which has an unusually definite legal meaning. The courts have no difficulty at all in dealing with this term. As I have previously stated, in Standard Oil Co. v. United States (221 U. S.), at pages 42–43, the court, by Mr. Chief Justice White, said:

Without attempting to follow the elaborate averments on these subjects, spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition, espionage, of the business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent.

In State v. Fairmont Creamery Co. (153 Iowa, 702), at pages 700–710, the court, by Evans, judge, said:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than in others. In the purchase of commodities the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weak competitor and creating a monopoly is one of the modern evil inventions.

Many States have enacted laws prohibiting unfair competition. A typical instance is a Nebraska statute entitled "An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Can anyone imagine that the Nebraska courts have had any difficulty in deciding that "unfair competition" means just what it says, without being limited to the particular acts of substitution of goods?

Mr. STERLING. Mr. President——

Mr. HOLLIS. If the Senator will pardon me, I shall be through pretty soon. I have refused to be interrupted.

Mr. STERLING. The only inquiry I wish to make——

Mr. HOLLIS. I should be glad to yield ordinarily, but——

The PRESIDING OFFICER. The Senator declines to yield.

Mr. HOLLIS. Similar statutes are found in New Jersey, South Dakota, Minnesota, Iowa, and other States. Chapter 210, Laws of 1913, State of New Jersey, is entitled "An act to prevent unfair competition and unfair trade practices." See also State v. Drayton (82 Nebr., 254), State v. Standard Oil Co. (111 Minn., 85), State v. Bridgman & Russell Co. (117 Minn., 186).

In Oklahoma, chapter 114 of the session laws of 1913 is headed:

MONOPOLIES—UNFAIR COMPETITION AND DISCRIMINATION.

An act to define and prohibit unfair competition and discrimination—

And so forth.

Section 1 prohibits price discrimination.

Section 5:

Raising or lowering by such combination, or any member thereof, in the immediate territory of a financially weaker competitor, the price of a commodity handled by such competitor or lowering the price charged for services rendered the public by such competitor, while at the same time the same combination, or some member thereof, is engaged in buying or selling a like commodity for a different and more advantageous price, or is charging a greater rate for like services rendered the public at another point within the State of Oklahoma, is hereby declared to be unfair and destructive competition and is hereby prohibited:

And so forth.

California Statutes 1913, page 508, act 4207a, title 536a:

UNFAIR COMPETITION.

An act relating to unfair competition and discrimination, making certain unfair and discriminatory practices unlawful, defining the duties of the Attorney General in regard thereto, declaring certain contracts illegal and forbidding recovery thereon, providing for actions to enjoin unfair competition and discrimination, and to recover damages therefor, making the violation of the provision of this act a misdemeanor, and providing penalties.

Prohibits price discrimination in selling.

Section 7 provides:

The legislature declares that the purpose of this act is to safeguard the public against the creation or perpetuation of monopolies and to foster and encourage competition, by prohibiting unfair and discriminatory practices by which fair and honest competition is destroyed or prevented. The act shall be liberally construed that its beneficial purposes may be subserved.

North Dakota, Laws of 1913:

UNFAIR COMPETITION.

An act to amend sections 1, 2, and 4 of chapter 258 of the session laws of 1907, relating to trade discrimination and unfair competition.

Prohibits price discrimination in selling or purchasing.

Montana. Laws of 1913, chapter 7, an act entitled:

An act to prohibit unfair competition and discrimination, and providing a penalty—

And so forth.

Prohibits price discrimination in selling.

Chapter 8, an act entitled:

An act to prohibit unfair competition and discrimination and providing a penalty—

And so forth.

Prohibits price discrimination in buying.

Utah, Laws of 1913, chapter 12:

An act relating to unfair discrimination and competition in certain commodities or articles of commerce between different sections, communities, localities, cities, or towns, and prescribing a penalty therefor.

Prohibits price discrimination in purchasing.

Chapter 41:

An act to define and prohibit unfair competition and discrimination—

And so forth.

Prohibits price discrimination in selling.

Wyoming, Laws of 1911, chapter 62:

PROHIBITING UNFAIR COMPETITION.

An act to prohibit discrimination between different sections, communities, or localities; unfair competition, and providing penalties therefor.

Louisiana, Acts of 1908, act No. 128:

An act "to prohibit unfair commercial discrimination between different sections, communities, cities, or localities in the State of Louisiana, or unfair competition therein, and providing penalties therefor."

Prohibits price discrimination in sale of commodities for purpose of injuring or destroying the business of a competitor in any locality.

Penalty: Fine or imprisonment.

Chapter No. 210, Laws of 1913, State of New Jersey:

An act to prevent unfair competition and unfair trade practices.

1. It shall be unlawful for any merchant, firm, or corporation, for the purpose of attracting trade for other goods, to appropriate for his or their own ends a name, brand, trade-mark, reputation, or good will of any maker in whose product said merchant, firm, or corporation deals, or to discriminate against the same by depreciating the value of such products in the public mind, or by misrepresentation as to value or quality, or by price inducement, or by unfair discrimination between buyers, or in any other manner whatsoever, except in cases where said goods do not carry any notice prohibiting such practice, and excepting in case of a receiver's sale of a sale by a concern going out of business.

Laws of Nebraska, 1907, chapter 157. Act entitled:

An act to prohibit unfair commercial discrimination between different sections, communities, or localities, or unfair competition, and providing penalties therefor.

Similar statutes are found in Minnesota, Iowa, South Dakota, and other States.

Then we come to an act in Australia, which I call attention to because of the very illuminating remarks made in reference to the statute by the chief justice of the high court of Australia. This is the Australian industries-preservation act of 1906, as amended by the acts of 1907, 1909, and 1910:

REPRESSION OF MONOPOLIES.

4. (1) Any person who, either as principal or as agent, makes or enters into any contract, or is or continues to be a member of or engages in any combination in relation to trade or commerce with other countries or among the States (a) in restraint of or with intent to restrain trade or commerce, or (b) to the destruction or injury of or with intent to destroy or injure by means of unfair competition any Australian industry the preservation of which is advantageous to the Commonwealth, having due regard to the interests of producers, workers, and consumers, is guilty of an offense.

* * * * * * *

6. (1) For the purpose of section 4 and section 10 of this act, unfair competition means competition which is unfair in the circumstances.

The remarks by Judge Isaacs which put this whole matter of "unfair competition" in a very lucid way are as follows:

In the case of The King and the Attorney General of the Commonwealth v. Associated Northern Collieries (14 Commonwealth Law Reports, 387), the high court, by Isaacs, judge, said at page 473:

The act under which these proceedings are taken, as I have already pointed out, indicates that prices may be reduced so low as to work injury to Australian industries by unfair competition, and a combination to restore to a fair level prices that had been reduced to a dangerous limit could not for that reason be regarded as contravening the law.

The court said, at page 653:

If by superiority of service or commodity, by lower prices, more desirable terms, or any of the arts and inducements known to active rivalry, always consistent with healthy competition, and free from force or fraud, a trader attracts to himself the whole of the trade in any particular direction, he does not offend against the law of monopoly. The field of opportunity is open to all; he has fairly used it and has succeeded. He has succeeded not because he has silenced but because he has outstripped his competitors, and because the public find it to their advantage to voluntarily accept his service in preference to that of others they might have; and should he abuse his opportunity by asking unduly high prices, or restricting facilities or otherwise, the field is as open as ever for competitors to offer and for the public to accept. At all events, up to that point, he has neither done nor intended any harm to the community. But if not content with serving the public to the best of his ability and letting consequences take care of themselves, he so acts as to purposely concentrate in himself the existing means of public satisfaction in such a way and to such an extent as in the circumstances to prevent or destroy all reasonably effective competition, he does, within the meaning of the statute, monopolize or attempt to monopolize. Competition itself counteracts attraction of trade, and so long as it remains legitimate the law, as I read it, does not reprove it simply because it attains its necessary object.

When, however, a trader forsakes his quality of competitor and becomes an engrosser, when he sets himself to stifle or strike down effective competition which stands as a commercial protection between himself and the community at large, and so substantially to gather into his own hands the power of dictating the terms upon which the public needs may be satisfied he offends against the enactment.

So I may say that under this bill he would clearly offend against this enactment; and no court would have any difficulty—especially the Supreme Court of the United States, with all its experience—in knowing what "unfair competition" meant.

Judge Isaacs goes on:

In my opinion the prevention or destruction of all reasonable and effective competition—the natural commercial safeguard of the public—is at the root of the conception of monopoly within the meaning of the statute.

In order to get very complete and specific information about unfair competition one has only to turn to the decrees in cases under the Sherman Act. There will be found precisely defined numerous examples of unfair competition. Nowhere is it more indispensable to use language having precise meaning than in a decree. Yet in the case of United States against General Electric Co., in the decree entered by the Circuit Court for the Northern District of Ohio, Eastern Division, at the end of the eighth clause enjoining the use of a specific unfair method of competition, the following language is found:

Provided further, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

In addition, there are numerous textbooks on unfair competition in which the authorities are collected and analyzed. Among such works are Singer on Trade-Mark Laws of the World, and Unfair Trade; Paul on the Law of Trade-Marks, Including Trade Names and Unfair Competition; Nims on The Law of Unfair Business Competition; Hopkins on The Law of Trade-Marks, Trade Names, and Unfair Competition; Hesseltine's Digest of the Law of Trade-Marks and Unfair Trade.

(c) The objection that orders of the commission are not subject to review by the courts is easily met. The language of the section in its present form would seem to provide for review by the courts. But if it is thought not to do so, it can easily be changed; and since a different construction has been put upon it, it should be amended so as to prevent the possibility of such mistake.

(d) The objection that the commission will be overloaded by the task imposed upon it is not well taken. The commission alone can initiate a proceeding. It is not bound to act on complaint. It will only act when it deems action desirable in the public interest, and it will not undertake more than it can do.

(e) In the course of his recent and able speech the Senator from Idaho said:

I fear the time may come, if this law is enacted, when it will be used as a buffer in prosecutions under the Sherman law, when defendants, in cases brought under that law, will seek shelter behind the decision of this trade commission as to what constitutes unfair competition.

The law now contemplates forcing competition, and this law would prohibit unfair competition. I doubt the wisdom of putting business in this strait-jacket.

I call the attention of the Senator from Idaho to this part of my remarks.

The Senator does not seem to have noted the inconsistency between his fear that defendants in prosecutions under the Sherman law will seek shelter behind the decisions of the trade commission and his doubt of the wisdom of putting business in this strait-jacket. If the Sherman law will be weakened by conferring upon the trade commission the power to prevent unfair competition, how can it be said that the effect will be to put business in a strait-jacket? His fear and his doubt, however, are equally unfounded. The commission will have no power to authorize the use of a method of competition as fair or to give immunity from the Sherman law. The only orders the commission can issue are orders prohibiting the use of unfair methods of competition. It is not possible to weaken the Sherman law in that way. The idea that business will be put in a strait-jacket implies an equally singular misconception. Unfair competition is the most effective weapon of monopoly. Prevention of unfair competition, instead of putting business in a strait-jacket, will liberate business. Fair, free, and open competition is the object which the Sherman Act, no less than this bill, seeks to promote. The two laws will be in perfect harmony.

I now desire to yield to the Senator from Missouri [Mr. REED], who evidenced a desire to ask a question when I started.

Mr. REED. Mr. President, I shall reply to the Senator in my own time and in my own way.

Mr. BORAH. Mr. President, has the Senator concluded?

Mr. HOLLIS. Yes.

Mr. NEWLANDS. Will the Senator yield to me to have a telegram read?

Mr. BORAH. I will.

Mr. NEWLANDS. I ask that the telegram I send to the desk, from J. R. Moorehead, secretary of the National Federation of Retail Merchants, Kansas City, Mo., may be read by the Secretary.

The PRESIDING OFFICER (Mr. WALSH in the chair). Without objection, that will be done.

The Secretary read as follows:

[Western Union night letter.]

KANSAS CITY, MO., *July 14, 1914.*

Senator FRANCIS G. NEWLANDS,
Washington, D. C.:

Hope you stand firm for unfair competition clause in trade commission bill. It is the only hope of the small business man as against his larger competitors and certainly gives no guilty person or corporation a chance to escape final punishment for violating the antitrust law. It would require more money than the average small business man is worth to hire attorneys and pay costs to protect himself against unfair competition. Unless the Government undertakes to protect him through such a trade commission as you suggest he is powerless to protect himself. Commission should have power to investigate and correct abuses before expensive litigation, which we are unable to bear, is forced upon us by one-sided investigations and indictments. Sherman law was intended to protect the small business man as well as the public. As it now operates big business can use it without violating it to intimidate and destroy small competitors, who are prohibited from combining for self-protection by the same law.

J. R. MOOREHEAD,
Secretary National Federation of Retail Merchants.

Mr. REED rose.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire having addressed his remarks in the opening of his speech to the Senator from Missouri [Mr. REED] and at the close of his speech to the Senator from Idaho [Mr. BORAH], the Chair recognizes first the Senator from Missouri.

Mr. NELSON. Mr President, will the Senator from Missouri yield to me for just a moment?

Mr. REED. I will.

Mr. NELSON. I desire to say that I have received telegrams similar to that just read from retail merchants in Minnesota. They labor under the impression that section 5 of the trade commission bill covers all cases of unfair competition between all classes of business. When I call the attention of the man sending the telegram to the fact that the bill is limited to corporations and does not affect partnerships or indi-

(b) The commission is empowered and directed to apply this rule to particular situations and circumstances, with a view to making orders in particular cases within the rule laid down by Congress.

(c) The orders of the commission are not final. If not acquiesced in they can be enforced only by the courts after judicial review of the proceedings before the commission.

Now, as to the evil to be corrected through the action of the commission under section 5.

The numerous cases which have been decided under the Sherman Act have established beyond doubt that the only effective means of building up and maintaining monopoly, where there is no control of a natural resource or of transportation, is the use of unfair competition.

Fair competition is competition which is successful through superior efficiency. Competition is unfair when it resorts to methods which shut out competitors who, by reason of their efficiency, might otherwise be able to continue in business and prosper. Without the use of unfair methods no corporation can grow beyond the limits imposed upon it by the necessity of being as efficient as any competitor. The mere size of a corporation which maintains its position solely through superior efficiency is ordinarily no menace to the public interest.

The object of section 5 is to prevent the creation or continuance of monopoly through unfair methods.

I will say to the Senator from Rhode Island [Mr. COLT], who sought to interrupt me, that I have now reached the point concerning which he wished to ask me a question.

The Sherman Antitrust Act does not become effective until a monopoly is full grown, in full panoply, so that you can prove to the court that is is a monopoly and is in restraint of trade; but if the proposed trade commission has its attention called to some unfair method of competition, it can immediately investigate, and if it decides that it is unfair competition and may lead to monopoly or restraint of trade, it may prohibit it; and then the court will come in and put that prohibition into effect.

It may be urged that the Sherman Act sufficiently protects the public in this regard. This is not true, for the following reasons:

The Sherman Act applies only to restraint of trade by a combination and to monopolization of commerce. Unfair competition is a means of restraining or of monopolizing trade. But there may be some doubt as to whether the mere use of an unfair method, without more, by a corporation of no conspicuous size, would be held to fall within the scope of the Sherman Act.

At all events, the Department of Justice, with its manifold other activities, has not in the past brought suit under the Sherman Act, and probably will not do so, except in cases of great magnitude involving what appear to be very clear violations of the act. In such suits the Attorney General usually alleges the use of unfair competitive practices in support of his main contention that a monopoly exists which ought to be dissolved. The injunction against the future use of such practices is only an incidental part of the decree. Countless competitors succumb before relief is finally obtained.

The Department of Justice deals with monopoly as an accomplished fact. It did not attack the Oil Trust or the Tobacco Trust until after they had destroyed competition and obtained monopoly of the markets. If a trade commission, armed with the power to prevent unfair competition, had existed when the founders of the Tobacco Trust began to carry out their calculated policy of exterminating competitors, that astoundingly successful attempt to monopolize could have been frustrated. Instead of merely terminating an illegal condition after harm has been done, the trade commission will prevent not only the infliction of harm but also the monopoly to which that harm would have led.

We have a conspicuous example of the need of such legislation as is proposed by the pending bill in the result of the Harvester Trust case in Missouri. The courts of Missouri found that the Harvester Trust was an illegal restraint of trade under the Missouri statutes, and they enjoined the Harvester Trust from doing any more business in Missouri. The result was that the Missouri farmers could not buy any farm machinery, and the State had to enter into a trade with the Harvester Trust to allow them to violate that decree or to change the decree sufficiently so that they could get in machines enough to enable the farmers to do business. So that the Sherman Antitrust Act or any act that prohibits restraint of trade or abolishes monopoly may come in too late, after all the other competitors have been killed off, and when, if you drive the trust out of the State, you can not get any goods.

The pending bill is aimed to nip those practices in the bud, to begin as early as these very spry and active gentlemen themselves begin. There is no danger that we will get too much law or too efficient law to keep up with this class of merchants; and, as is suggested by the chairman of the committee [Mr. NEWLANDS], it is done to preserve the lives of the small competitors, so that when you have got all the monopoly out of the way the little fellows are there to do business.

The commission, by reason of its knowledge of business affairs and the concentrated attention it will give thereto, its facilities for investigation, its rapid, summary procedure, will be able to protect business against unfair competition in much more effective and timely fashion than the Department of Justice can do.

The Department of Justice, on the other hand, will be relieved of a load of burdensome work which it is not well fitted to perform. It will be able to give its main attention to the great task of prosecuting suits for the dissolution of monopolies, leaving to the trade commission the important service of policing competition, so as to protect small business men, keep an open field for new enterprise, and prevent the development of trusts.

THE METHOD PROVIDED IN SECTION 5 IS THE BEST METHOD OF CORRECTING THE EVIL OF UNFAIR COMPETITION.

One of the great issues in the last presidential campaign was whether the solution of the trust problem was to be found in the regulation of monopoly or in the regulation of competition. The Democratic Party declared itself for the abolition of monopoly and the regulation of competition. The regulation of competition means the prevention of competition that destroys for the purpose of gaining monopoly, and so is harmful to the public—the prevention, in short, of unfair competition. The Sherman Act is adequate for the abolition of monopoly; it is, however, but imperfectly adequate for the regulation of competition. The present Congress is charged with the duty of supplying the defect in the law.

Two ways of regulating competition have been proposed. One is the method provided in section 5 of this bill. The other is to define, one by one, the various unfair practices, and to make each one a criminal offense.

The objections to the latter method are many and conclusive, and this is important, because, as I understand, it is here that the members of the Interstate Commerce Committee and the members of the Judiciary Committee disagree. Let me state a few of them:

(a) It is impossible to frame a set of definitions which embrace all unfair practices. The best we can do is to define those which we know to be unlawful from the decisions and decrees of the courts under the Sherman Act. The list of these is so formidable that no draftsman has yet ventured to enumerate more than a small fraction of them in any bill introduced in Congress. It is almost like trying to define "citizen" by giving the name of every citizen in the United States. But if they were all defined and prohibited under severe penalties it would at once be necessary to begin over again. The number and variety of unfair practices is as unlimited and inexhaustible as the wit of man. Judge Evans, of the Iowa Supreme Court, has well described them as "modern evil inventions." How can you define the scope of human inventiveness? With each new invention there would arise a public demand for Congress to make a new definition and prohibition. It is the experience of all who have had to do with legislation that after you have had a long struggle over any great bill, whether it is a tariff bill or a currency bill or a trust bill, it is very difficut to get it up again within a few years and to find the enthusiasm that will lift it over the obstacles that stand in the way of amendment or reenactment. If Congress adopts the method of definition it will undertake an endless task. Compare such a cumbrous, imperfect method with the elastic, comprehensive Sherman Act, which, as Chief Justice White has said, by generic designation embraces "every conceivable act which could conceivably come within the spirit or purpose of the prohibition of the law, without regard to the garb in which such acts were clothed." Men have urged in favor of the policy of definition that business men do not understand the law and need to be enlightened. This contention was well founded three years ago, but now that the later decisions and decrees have clarified the law it is no longer heard. In order to be informed as fully as Congress can inform them, business men have only to read the decrees of the courts in cases which have arisen under the Sherman Act.

I might say here that the distinguished senior Senator from Minnesota [Mr. NELSON] the other day said in his remarks that every man knew when he was committing a fraud, and he gave some illustrations to show that. So every man knows perfectly well when he is engaging in unfair competition. Men who can not draw the distinction between right and wrong get into jail

very early in their careers. We have quite effective machinery for them, because they are little fellows.

(b) It is practically impossible to define unfair practices so that the definition will fit business of every sort in every part of this country. Whether competition is unfair or not depends in a peculiar degree upon the surrounding circumstances of the particular case. What is harmful under certain circumstances may be beneficial under different circumstances.

If you make a rigid definition applicable to everybody in the whole United States, you will stop some things which you would choose under some circumstances to encourage if you could only look far enough into the unknown, and some things which you would like to stop will slip through the meshes of your definition. The definitions in the Clayton bill which the House has passed are subject to this criticism.

(c) It would be impossible to frame definitions without using language which would present very difficult problems of construction to the courts. One has only to read the definitions in the Clayton bill to be convinced of this, or to read the descriptions of unfair methods of competition in the court decrees and then imagine how complicated the definitions of these same methods would be if the language of the decrees were altered and qualified so as to have a universal application instead of applying to a particular business. The definitions would give rise to a long series of litigated cases continuing until the new language had all been judicially construed. Instead of being clarified, the law would be obscured.

(d) A definition once enacted can never be adapted so as to meet the requirements of a particular situation. An order of a commission or a court decree, on the other hand, is flexible. Orders of the commission issued under section 5 may be modified or set aside and the courts retain jurisdiction of their decrees for the purpose of modification. In the very recent decree dissolving the Thread Trust it is ordered that—

Jurisdiction of this cause be, and is hereby, retained for the purpose of enforcing this decree and for the purpose of enabling the parties to apply to the court for modification hereof if it be hereafter shown to the satisfaction of the court that by reason of changed conditions or changes in the statute law of the United States the provisions hereof have become inappropriate or inadequate to maintain competitive conditions in interstate or foreign sewing-thread trade in the United States or have become unduly oppressive to the defendants and are no longer necessary to secure or maintain competitive conditions in such interstate and foreign trade.

No such discriminative molding of the law to changing conditions will be possible in case the method of defining unfair practices should be adopted.

ADVANTAGES TO BUSINESS OF THE METHOD PROVIDED IN SECTION 5 FOR PREVENTING UNFAIR COMPETITION.

Nobody defends unfair competition. The Senator from Missouri is as much opposed to unfair competition as any of us. He calls it a rascally practice; and that is a good, vigorous description of it. Only the pirates of business, who desire monopoly, have an interest in its continuance. Everybody else wants to have it stopped. The only question is as to the best way of stopping it with the least risk to legitimate business operations. My belief is that if a vote could be taken it would be found that American business men are almost unanimously in favor of committing the duty of preventing unfair competition to the trade commission, under the wise restrictions provided in section 5 of this bill. The board of directors of the United States Chamber of Commerce at a meeting held in Washington a few days ago took favorable action in regard to section 5 by authorizing the sending of a special bulletin to the members of the chamber explaining the section and pointing out its merits.

One has only to consider what would happen in the actual working under section 5 in order to see why it would be acceptable to all business men, except those who wish to monopolize, especially to the small business men who are the victims of unfair competition. Let us suppose that the commission in the course of its investigations finds a corporation using what it regards as an unfair method of competition. The first thing the commission will do will be to call the matter to the attention of the managers of the corporation. There will then take place a full, informal discussion between the commission and the managers. The managers will have every opportunity to explain and persuade the commission, if they can, that the method of competition is fair; and the commission, on its part, will present its views. Should neither party convince the other, the commission will then hold a formal hearing, at which the corporation will offer testimony and will be represented by counsel. If at the close of the hearing the commission abides by its original opinion, it will declare that the method of competition in question is unfair, and will issue an order that the same be discontinued. The corporation will then have the choice either to obey the order or to disregard it. If the order is disregarded, no penalty will be incurred. All that the commission can do will be to present the case to a Federal court, which will then decide in the regular course whether the order of the commission is just, and if it is so decided, will enforce the order by proper process.

The corporation will thus have three chances to protect itself against arbitrary or unjust action: First, in the informal discussion with the commission; secondly, upon the hearing before the commission; and, thirdly, in the suit in court. Doubtful cases probably will always go to a court and be judicially adjudicated and determined. The function of the commission will be to act as an administrative agency to see that the law is applied and enforced, and in this respect it will be precisely like the Interstate Commerce Commission. The court in performing its judicial function will have the very important benefit of an investigation such as no court has the facilities for making, and of findings by a commission composed of men whose judgment on a question of business practice, by reason of their comprehensive knowledge and experience of business, will be entitled to great weight. The court will doubtless ascribe to these findings, as the Supreme Court has said in speaking of the Interstate Commerce Commission, "the strength due to the judgments of a tribunal appointed by law and informed by experience." (Interstate Commerce Commission v. Union Pacific R. R., 222 U. S., at p. 541.) We must not lose sight of another advantage to men in a small way of business. Such men are timid. They fear to incur the hostility of great corporations. In one of the cases I have read to the Senate the customers of the plaintiff were afraid to put the plaintiff's goods on their shelves. They were afraid the American Tobacco Co. would see them there and punish them. Such men can not afford the expense of long-drawn-out legal proceedings, carried from one court to another. It will be an inestimable boon to them to have a strong arm of the Government come to their rescue and, in the public interest, bear the expense of the contest.

OBJECTIONS RAISED AGAINST SECTION 5 AND ANSWERS THERETO.

Those who oppose section 5 have argued (a) that its provisions are unconstitutional; (b) that the term "unfair competition" has no certain legal meaning; (c) that orders of the commission will not be subject to review by a court, so that business will be exposed to the arbitrary judgments of five "irresponsible" commissioners; (d) that the task imposed upon the commission is so vast that it can not be performed and the commission will break down; (e) that the action of the commission under this section will be used as a buffer in prosecutions under the Sherman law, and will put business in a straitjacket. Let us consider these objections in order:

(a) The constitutionality of the section is assailed on the ground that it involves a delegation of legislative power. This question is no longer open. The Supreme Court has considered the arguments urged against section 5 in cases that go much further than this bill proposes to go and has rejected them as unsound.

The rule of law which the trade commission will administer is the rule declaring unfair competition to be unlawful. In enacting that rule Congress will clearly indicate the result it desires to bring about; and in enforcing the rule, so as to bring about the result pointed out by the statute, the commission will exercise administrative and not legislative power. This is absolutely established by the decisions. The cases in point have been referred to in the Senate and are to be found in the CONGRESSIONAL RECORD. They are as follows:

Field v. Clark (143 U. S., 649).
In re Kollock (165 U. S., 526).
Butterfield v. Stranahan (192 U. S., 470).
Union Bridge Co. v. United States (204 U. S., 364).
St. Louis & Iron Mountain Railway v. Taylor (210 U. S., 281, 287).
Monongahela Bridge Co. v. United States (216 U. S., 177).
United States v. Grimaud (220 U. S., 506).
Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194).
Kansas City Southern Railway v. United States (231 U. S., 423).

In Butterfield against Stranahan, supra, the rule laid down by Congress made it unlawful to import tea inferior to certain standards. The Secretary of the Treasury was authorized to establish the standards and to enforce the rule. The court held that in performing his duties under the act the Secretary of the Treasury exercised executive and not legislative power. The court said:

Congress legislated on the subject as far as was reasonably necessary, and from the necessities of the case was compelled to leave to

Plaintiff, in addition to the foregoing, alleges specifically: That, during the year 1905, it received a proposition from a cigarette dealer in China to manufacture for him a large number of cigarettes for the Chinese trade. That plaintiff made for said customer a large order for cigarettes, which were shipped as directed, accepted, and paid for. That said order promised to furnish a market for at least 7,000,000 cigarettes a month. That the vice president of defendant, by means of the espionage aforesaid, ascertained that plaintiff had received said order and made said shipment, and immediately communicated with one of its employees, giving him directions to ascertain to what port these goods were shipped and the name of the consignee. "If you can not learn the name, perhaps you can find out the markings on the case"; concluding, "A carload means to us about 5,000,000 cigarettes. If we get this information, I think we can shut off their market." That this information was obtained and the market was "shut off," to plaintiff's great damage. Finally, plaintiff alleges: That defendant W. M. Carter was in the employment of defendant American Tobacco Co. for some time prior to the year 1909. That during the year 1908 he proposed to take a block of stock in plaintiff company, representing that he was an expert salesman and was thoroughly familiar with the cigarette trade and could sell large quantities of plaintiff's goods. That plaintiff's officers accepted the proposition of defendant Carter, and he took 30 shares of its stock and was made manager of plaintiff's sales department and entered upon his duties during the month of February, 1909, and continued to draw his salary until October 1, 1909. That after becoming manager of plaintiff's sales department "he purposely and willfully so managed the sales department of said business as to greatly decrease and injure the business of said company. He transferred salesmen from territory in which they were acquainted and were selling goods to other territory in which they were strangers," etc. Plaintiff alleges many other wrongful and injurious acts of defendant W. M. Carter, all of which, it avers, injured its business. That from various facts and circumstances, plaintiffs have reason to believe, and therefore allege, that the said W. M. Carter was working in the interest of and carrying out the plans and scheme of the defendant American Tobacco Co. while he was drawing his salary from the Ware-Kramer Tobacco Co., and that his conduct and work, as alleged in the complaint herein, was the work and acts of the defendants, and had for their purpose the injury and destruction of Ware-Kramer Tobacco Co. and its elimination as a competitor of the defendant.

Now, here was a case as far removed as possible from the ordinary cases of substitution or "palming off," a case that describes in detail a great many practices that the pending act is meant to prohibit. I wish to read further from the opinion to show that the court considered these offenses as unfair competition and used the term. Quoting, therefore, from page 169, I read:

Conceding all that is claimed by defendants in regard to what is fair competition in business, the limits of which have not been very definitely fixed, it is clear that, eliminating all doubtful averments, sufficient allegation remains, admitted by the demurrer, to place the acts of the defendants beyond the limits of fair competition.

* * * * * * *

It requires no argument to show that the course of conduct pursued by defendants toward the Ware-Kramer Tobacco Co. from the moment its projectors conceived the idea of bringing it into corporate existence, through its struggle to take upon itself the form and features of an organic life, and while, in defiance of the efforts of defendants to throttle its activities, it maintained an existence with promise of success, were calculated and intended not only to restrain but to destroy it. While it may be that some one or more of the "things done," as set out in the complaint were in and of themselves within the limits of "fair competition," they are, as said by Mr. Justice Holmes, "bound together as the parts of a single whole. The plan may make the parts unlawful." No argument is required to show that the scheme was intended to restrain the interstate trade of plaintiff, and that it "brought that result to pass." While it is true that "fair competition is the life of trade," it is equally true that "unfair and excessive competition" is death to trade—of all competition—followed by the establishment of "monopoly," which My Lord Coke defines to be:

"An insitution or allowance to any person or persons, bodies politic or incorporate, of or for the sole buying, selling, making, working, or using anything whereby any person, or persons, bodies politic or corporate are sought to be constrained of any freedom or liberty that they had before, or hindered in their lawful trade."

And which our Constitution, from 1776 to the present day, declares to be "contrary to the genius of free state and ought not to be allowed." (Const. N. C., art. 1, par. 31.)

The demurrer must be overruled.

I refer also to another case, which defines "competition," set forth in People's Tobacco Co. v. American Tobacco Co. (170 Fed. Rep., 396; Circuit Court of Appeals, fifth circuit).

The next case is an Iowa case.

JUDICIAL INTERPRETATION OF "UNFAIR COMPETITION" BY STATE COURTS.

In State v. Fairmont Creamery Co. (153 Iowa, 703), where the question was as to the constitutionality of an Iowa statute prohibiting unfair competition by purchasing at higher prices in one locality than in others, with intent to injure or destroy a competitor, the supreme court, by Evans, judge, said:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than in others. In the purchase of commodities, the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute, and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weak competitor and creating a monopoly is one of the modern evil inventions.

That case shows clearly how useless, how futile, it would be to undertake to define all the different unfair practices that we wish to prohibit.

In In re Greene (52 Fed. Rep., 104), indictment for violation of Sherman Antitrust Act, at page 116, Judge Howell E. Jackson, afterwards a justice of the United States Supreme Court, discussing the meaning of the term "monopoly," said:

When this section of the act was under consideration in the Senate, distinguished members of its Judiciary Committee and lawyers of great ability explained what they understood the term "monopoly" to mean, one of them saying, "It is the sole engrossing to a man's self by means which prevent other men from engaging in fair competition with him."

There is the use of the term "fair competition" in its ordinary sense, and of course "unfair competition" would go with it.

In United States v. Whiting (212 Fed. Rep., 466 (Mass.), Mar. 23, 1914), indictment for violation of Sherman Act, Judge Morton said, at page 478:

An attempt to monopolize means an attempt to get control of the industry in which the defendant is engaged by means which prevent other men from engaging in fair competition with him.

In United States v. American Naval Stores Co. (172 Fed. Rep., 455) at page 459, Sheppard, district judge, charging jury, said:

The size of business and the gaining of business popularity, fair dealing, sagacity, foresight and honest business methods, even if it should result in acquiring the business of competitors, would not make an illegal monopoly. It is the acquisition and use of unfair and illegal power in defeating competition which makes such illegal monopoly.

See also Dueber Watch Case Manufacturing Co. v. E. Howard Watch & Clock Co. (66 Fed. Rep., 637, at p. 639; C. C. A., second circuit).

I have now discussed certain cases which use the terms "unfair competition" and "fair competition" in the exact sense for which we are contending in the pending bill. I now come to some decrees of the Federal court where the term "unfair competition" is used. It is well known to every lawyer that there is no part of a lawsuit which is so important and where the language is so carefully used as in the decree of the court at the end of an equity proceeding.

DECREES OF FEDERAL COURTS IN CASES UNDER THE SHERMAN ANTITRUST ACT WHERE THERE WAS NO QUESTION AS TO FRAUDULENT IMITATION OF TRADE-MARKS OR TRADE NAMES.

Decree in United States v. Central West Publishing Co. et al. (District Court of the United States, Northern District of Illinois), entered August 3, 1912.—The decree specifically restrains the use of numerous unfair methods of unfair competition.

Subdivision 5 of clause 2 of the decree restrains the defendants—

From threatening the competitors of either of these defendants that they must either cease competing with defendants or sell out to one or the other of the defendants herein, and from threatening that, unless they do, their industries will be destroyed by the establishment of near-by plants to actively compete with them, or by any other method of unfair competition.

There we have the exact words of the pending bill—"any other method of unfair competition"; and it is any method of "unfair competition" that this bill proposes to prohibit. In clause 3 of the same decree there is this provision:

That the defendants, Western Newspaper Union, Western Newspaper Union of New York, Central West Publishing Co., George A. Joslyn, John F. Cramer, H. H. Fish, and M. H. McMullen, be, and they are hereby, permanently enjoined from either directly or indirectly, by themselves or through their agents or employees, from in any manner continuing to do any acts in unfair competition against the other defendant company, * * * to wit, American Press Association.

There we have the term "unfair competition" again used in the precise sense for which we contend.

Decree in United States v. General Electric Co. (Circuit Court for Northern District of Ohio, Eastern Division), entered October 12, 1911.—The decree specifically restrains the defendant from using a number of unfair methods of competition. At the end of the eighth clause the following proviso is found:

And provided that nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

United States v. American Tobacco Co. (221 U. S., 106, 181).—The court, by Mr. Chief Justice White, said that the history of the combination was—

demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible.

The evidence, the Chief Justice said, justified—

the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination.

The term "unfair competition" is used by Attorneys General Wickersham and McReynolds in the papers that were drawn and filed in the Supreme Court. One of them was read the other day by the junior Senator from Missouri [Mr. REED], but

I refer to some others. The first is in the Standard Oil Co. v. The United States (221 U. S., 28 and 29).

Argument for the United States by the Attorney General and Mr. Frank Kellogg:

We believe that the defendants have acquired a monopoly by means of a combination of the principal manufacturing concerns, through a holding company; that they have, by reason of the very size of the combination, been able to maintain this monopoly through unfair methods of competition, discriminatory freight rates, and other means set forth in the proof (p. 28).

Evidence that the defendant companies obtained rebates and discriminatory rates in the transportation of their product as against their competitors, and engaged in unfair and oppressive methods of competition, thereby destroying the smaller manufacturers and dealers throughout the country, is material in this case (p. 29).

United States v. American Tobacco Co. (221 U. S., 106)—Argument for United States.—The Attorney General and Mr. James C. McReynolds, before he was Attorney General, used this language, on page 122:

Moreover, if important, the evidence clearly establishes that the defendant's actions have been characterized by duress and unfair and oppressive methods, and that following a fixed plan they have sought to suppress competition and secure monopolies.

Economists use the term "unfair competition" as descriptive of the methods employed for destroying competition for the purpose of obtaining monopoly. This is shown by the two following articles: "Unfair competition," by Prof. William S. Stevens, in the Political Science Quarterly for June, 1914, and "The trust problem," by E. Dana Durand, in the Quarterly Journal of Economics for May, 1914.

Other articles and textbooks will be cited a little further on. I feel that this conflict which has arisen in the Senate over the precise meaning of the words "unfair competition" is entirely academic. If the junior Senator from Missouri is right in his claim that the words "unfair competition" have a peculiar and limited meaning applicable only to cases of the substitution of one man's goods for another's—and I am free to say that he cites many authorities that point in that direction, although none of them is conclusive—it is very easy to separate the two words "unfair" and "competition," so that they will not become mixed with the particular sort of methods that he complains of. It would be very easy to make the operation of this act certain by specifying that "unfair or oppressive competition" is prohibited, or that "unfair methods of competition" are prohibited, or that "unfair or oppressive methods of competition" are prohibited. Therefore, unless the friends of the bill feel that they are committed and can not conscientiously abandon any word or line of it, I suggest—and I hope the chairman of the committee will consider the suggestion and agree to it—that the words "unfair" and "competition" be separated by some word that will not do them any harm, such as "oppressive" or "methods of," so that there will not be the particular label that has been attached in many cases to offenses such as substituting one man's goods for another.

I also wish to suggest to the chairman that it might be wise to insert on page 21, line 10, after the word "act," the words "or by the antitrust acts," so as to be sure that the practices defined by the courts as prohibited by the antitrust acts may surely be included.

Mr. NEWLANDS. On what page is that?

Mr. HOLLIS. Page 21, line 10. I will speak to the chairman of the committee about that later.

Fear has been expressed that in some mysterious way the trade commission act may deprive litigants of their recourse to the courts under the present practice, but no precedent is cited, no argument is presented to justify that fear. The Sherman Antitrust Act is left in full force and vigor; the courts are left with powers unimpaired. The trade commission act simply provides an additional remedy supplemental to those now existing, more elastic and more efficacious.

In fact, the commission will be auxiliary to the courts; it will be composed of men fulfilling the functions of a high office, just like the judges of our courts; and its services will be honest, impartial, and high minded, just like the services of our courts. In fact, as I read the bill, and as I understand it, nothing can be done to compel any man to obey this commission without recourse to the courts, so that the courts must furnish the sanction to carry out the orders that seem proper to the commission.

From the speeches delivered by the Senator from Missouri on three separate days I begin to suspect that he fears that the bill will work more certainly and more effectively than he is now willing to admit.

He began, as we have seen, by stating his opposition to government by commission. With any man's statement on that proposition I have no quarrel, because it is difficult for Democrats who have been brought up on the idea of strict construction and State rights to concede to the Federal Government all the authority that seems to be necessary to cope with industrial monopoly. I grudge it; I do not want to go a bit further than is necessary; but when, in order to carry out the first cause of the Democratic Party, namely, the protection of the masses of the people from the aggressions of the few, the powerful few—whenever, in order to carry out that purpose of the Democratic Party, it is necessary to cede to the Federal Government power enough to do the job, then, Mr. President, I am for it; but I have no quarrel with those who are not willing to go to that length at present. But the distinguished Senator followed up this statement by claiming that the law was unconstitutional, because it delegated to the commission the powers of Congress to make laws. He then claimed that the words "unfair competition" meant nothing, that no court had defined the term. And finally he claimed that the term "unfair competition" had a very precise and limited meaning which would limit the operation of the act far more than its author intends.

No doubt the able Senator is opposed to the establishment of a trade commission. But if the law as passed proves unconstitutional, or if it is so vague on the one hand or so precise on the other that it will permit the commission to deal with none of the evils its author intends it to reach, then the Senator should be satisfied, for according to his positive assertions it will be void and of no effect, and therefore will do no harm. According to the Senator the purpose of the bill will certainly fail. What more can any sincere opponent of commissions ask?

But the Senator's vigorous denunciation of the bill, his protests against its passage, his appeals to the friends of the bill to make it perfect, and his refusal to suggest any phrase that will make it perfect, lead to the irresistible conclusion that the Senator knows only too well how effective it will prove.

Why should the opponent of the commission complain because it grants no power to the commission? Why should he not be content with a measure that gives them no power? Why should one who objects to place any weapon in the hands of the commission complain that the lance provided is nothing but a mullen stalk?

The conviction grows, Mr. President, that the bill provided by the chairman of the Interstate Commerce Committee is altogether too effective to suit the Senator from Missouri.

I now want to analyze somewhat at length the provisions of the bill, what they are supposed to accomplish, and what I believe they will accomplish. Section 5 reads as follows——

Mr. COLT. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Rhode Island?

Mr. HOLLIS. I do.

Mr. COLT. May I ask the Senator a question for information merely?

Mr. HOLLIS. Yes.

Mr. COLT. Why are the words "unfair competition" used instead of the words "restraint of trade" or "attempt at monopoly"? What is it intended to cover by the phrase "unfair competition" that is not already covered by the words of the antitrust act?

Mr. HOLLIS. If the Senator will pardon me, I have already declined to be interrupted by one Senator. I cover that point fully a little later; and I would rather not be diverted now.

Section 5 of the pending bill reads as follows:

Sec. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

This, as I understand, is the only section of the bill that has been seriously attacked. The section may be analyzed thus:

(a) Congress lays down a general rule of action under which the commission shall proceed, namely, that unfair competition in commerce is unlawful.

In the very interesting and able discussions of the trade commission bill which have been made recently by the junior Senator from Missouri he has taken four positions:

First. That he is opposed to the bill because he does not believe in government by commission. (CONGRESSIONAL RECORD, p. 11113.)

Second. That he is opposed to the bill because it constitutes a delegation of the powers of Congress. (CONGRESSIONAL RECORD, p. 11114.)

Third. That he is opposed to the bill because there are no decisions of courts that amount to a rule of law as to what constitutes "unfair competition." (CONGRESSIONAL RECORD, p. 11115.)

Fourth. That he is opposed to the bill because there are countless decisions of courts that lay down the exact meaning of "unfair competition." (CONGRESSIONAL RECORD, pp. 11875–11876.)

GOVERNMENT BY COMMISSION.

The arguments presented by the learned Senator were all presented with force and earnestness when the Interstate Commerce Commission was under discussion. The same calamities were predicted. The same arbitrary power, "more arbitrary than that possessed by any king or potentate on earth," was depicted. The same claim was made that action by the commission would not be "due process of law"; that an order by such a commission would be confiscation. There was the same appeal to the "law of the land," the same reference to "constitutional liberty," and the same apostrophe to the "forefathers of our country."

But, despite these impassioned appeals and dire predictions, the Interstate Commerce Commission has proceeded to apply the law, proclaim rules and regulations, decide cases, and issue orders, to the great and growing satisfaction of the people and of the railroads, until it is the most notable success of our administrative government.

Opposition to the Interstate Commerce Commission and its orders has dwindled until there is complete acceptance of this particular form of "government by commission," and no one ever dreams of abolishing the commission and going back to the intolerable abuses that existed before the commission began its labors.

The burden is certainly upon him who objects to a trade commission to show why such a commission would not be as useful and satisfactory as the Interstate Commerce Commission. The distinguished Senator from Missouri has not pointed out any difference between the two in either theory or practice. He gives his opinion, and his colleagues may share that opinion or reject it, as their judgment may prompt them.

DELEGATION OF POWERS OF CONGRESS.

The other three reasons given by the Senator are not matters of opinion but matters of law, to be determined by legal precedents.

The Senator made a downright, positive assertion that the law would be unconstitutional because it would constitute a delegation of the powers of Congress, and he bottomed his assertion on the authority of a single case—Louisville & Nashville Railroad Co. v. McChord (103 Fed. Rep., 216).

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. LEA of Tennessee in the chair). Does the Senator from New Hampshire yield to the Senator from Missouri?

Mr. HOLLIS. I must decline to yield. I shall be glad to yield later.

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. HOLLIS. I shall be glad to answer any questions when I have finished.

Mr. REED. After a statement of that kind I do not wonder that the Senator——

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. REED. Declines to have an answer interjected into his remarks.

Mr. HOLLIS. From this case the Senator from Missouri read copious extracts, covering about two pages of the RECORD.

Since then several Senators have cited more than a dozen decisions by the Supreme Court of the United States directly contrary to the McChord case, and the distinguished Senator from Iowa has shown that the McChord case was itself reversed by the United States Supreme Court on appeal (183 U. S., 483), while the reasoning of the judge quoted at such length by the Senator from Missouri was expressly repudiated by the Supreme Court in Louisville & Nashville Railroad Co. v. Garrett (231 U. S., 298), in which the same Kentucky statute and the same question were considered.

NO DECISIONS DEFINING "UNFAIR COMPETITION."

The assertion of the Senator regarding the lack of decisions defining "unfair competition" was equally positive:

Mr. President, I undertake to say that there are no decisions of courts that amount to a rule of law as to what constitutes unfair competition. (RECORD, p. 11115.)

The statement was downright and unqualified. It carried the impression that the Senator had examined the question and knew what he was talking about.

The best answer to this third proposition is the Senator's fourth proposition, made just three weeks later, in which he asserts that there are numerous cases defining "unfair competition"—"all through the books"; in "digests, textbooks, and dictionaries of law"; in "English decisions"; in "courts of this country," giving to the term "unfair competition" a "definite, fixed meaning." (RECORD, p. 11875.)

"UNFAIR COMPETITION" RESTRICTED TO SUBSTITUTION OF GOODS.

In his remarks on this subject on July 13 the distinguished Senator challenged any friend of the bill to produce an authority to show that the term "unfair competition" covers the abuses at which this bill is aimed. Before I conclude I shall produce many such authorities. But first I may be pardoned for the suggestion that the Senator was equally emphatic when he based his first argument on an overruled case, and his second argument on a proposition he has himself overruled.

I have tried to find the latest edition of Black's Law Dictionary, which was quoted from copiously by the Senator in his speech. I have not been able to find it, but it is no doubt correctly quoted from. I do find, however, in Black's Law Dictionary, edition of 1891, page 238, the following:

Competition: in Scotch practice. The contest among creditors claiming on their respective diligences, or creditors claiming on their securities.

Now, there is a definition of the word "competition," and, under the reasoning of the Senator, because unfair competition is defined in a dictionary or in cases as applying only to cases of palming off goods or substitution, then the same argument would apply here, and when the word "competition" is used it has this extremely limited meaning. But would anyone argue that this precise, limited meaning of the word "competition" would bind courts in construing a statute dealing with competition?

I have looked through Anderson's Law Dictionary, through Abbott's Law Dictionary, and Bouvier's Law Dictionary, and I find no such limited definition of "unfair competition."

I have carefully examined many of the cases cited by the Senator to establish the point that the term "unfair competition" is confined in law exclusively to the practice of substituting one kind of goods for another. None of these cases supports the Senator's proposition. All of them, it is true, are cases in which the complainant sought to prevent the defendant from "palming off" his own goods in place of the complainant's. It was held in each case that such practices do legally constitute "unfair competition," but no case holds that "unfair competition" is limited to this claim of trade deception. Any such declaration would be at best obiter dictum, for that point could not, from the nature of the case, be involved in the decision of the suit. It was for the court to decide in each instance whether the particular case came within the law against unfair competition, not whether some other case lay outside it.

The case of Coca Cola Co. v. Gay Ola Co. (200 Fed. Rep., 720), cited by the Senator and discussed by him, is a fair illustration of all his precedents. It was there held that the manufacture and sale of an article in close imitation of the plaintiff's product, with the evident purpose of deceiving consumers, constituted "unfair competition," and should be enjoined. There is not a suggestion in the case that "unfair competition" is confined to the kind of practice described in the complaint. It might as well be argued that when a man is convicted of forging a bank check, and the conviction is affirmed, the case is authority for the proposition that a man can not be convicted of forging anything besides bank checks—stock certificates, for example. The argument would be that because a man had been convicted of forging bank checks the crime of forging must be confined to that particular kind of fraudulent penwork.

The case of Everett Piano Co. v. Maus (200 Fed Rep., 718), upon which the Senator places special emphasis, is wide of the mark. In that case the complainant applied for an injunction, but the court held that there was an adequate remedy at law, and the petition for injunction must therefore be dismissed. It is clear that if the suit had been at law to recover damages the court would have held it to be a case of unfair competition warranting a verdict for the plaintiff. The observation of the court that the bill did not state a case of "unfair competition"

was not essential to the decision of the case, and was therefore obiter dictum.

It is true that in cases similar to trade-mark suits, where the complaint is that the defendant is "palming off" his goods for those of the complainant, it has grown to be the custom to apply the term "unfair competition" to cases which equity will enjoin. But there is nothing in the cases to show that the term is applied exclusively to such cases. This is merely one kind of "unfair competition." I shall now proceed to cite many cases of an entirely different class in which the term is used by the courts.

In the course of his argument on Monday last, the Senator from Missouri issued this challenge:

I challenge any man to bring here the decision of a court holding that "unfair competition" is any other or different than I have defined it from the books. (RECORD, p. 12026.)

The first case I shall cite in response to the challenge is the case of the State v. Central Lumber Co. (123 N. W. Rep., S. Dak., 504), where the court was passing upon the constitutionality of a statute of South Dakota prohibiting unfair competition by discrimination in prices. The court, by Whiting, judge, said, at page 509:

To get rid of competition and thus acquire a monopoly the man, firm, or corporation possessed of or controlling large capital no longer said to his competitor: "Let us combine and thus obtain a monopoly of the business we are engaged in and by so doing increase our profits by raising prices to the consumer." No; that would be criminal, and might lead to trouble, and, too, it was a crude way of acquiring the thing sought. Now he says to a competitor, if such competitor be weaker than he: "Get out of my way. Sell me your business or I will destroy it by unfair competition"; or, in many cases, without giving his victim a chance to sell him the business he has, he sets about destroying it, and by a method as certain as the passing of time; a method that need bring him not even an immediate financial loss. He puts the price of the commodity handled so low at the point where his victim is in business as to make it impossible to meet such price except at a loss, and to offset what loss he suffers at that point he raises prices at one or more other points. * * * Again, human experience, recognizing the laws of God and nature, controlled and guided by an aroused public conscience, evolved a new law and placed it upon the statute books of this and many other States—a law aimed at monopolies obtained through unfair competition. * * * We believe it is inherent in the powers of the State to protect one citizen against "unfair competition" of another citizen where such "unfair competition" is used as a means to and with the intent to deprive such other of his rightful enjoyment of property or the use thereof.

Here is a case from South Dakota construing a law against unfair competition, using the term "unfair competition" in several places, and using it obviously without the limited application contended for; that is, in a case involving a substitution of goods. Other cases to the same effect are State v. Drayton (62 Nebr., 254), State v. Standard Oil Co. (111 Minn., 85), and State v. Bridgman & Russell Co. (117 Minn., 180).

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from New York?

Mr. HOLLIS. If the Senator will pardon me, I stated at the outset that I would not care to be interrupted until I had concluded. I have already declined to yield.

Mr. O'GORMAN. Probably this question might help. I was only desirous to know what is the precise language of the statute. I am not addressing the inquiry in a hostile sense at all.

Mr. HOLLIS. I think I have it.

Mr. O'GORMAN. The question is whether it is confined to the words "unfair competition" or whether it is supplemented by a reference to unfair competition in the cutting of prices.

Mr. HOLLIS. I will look it up and inform the Senator and place it in the RECORD later.

The next case I wish to refer to is the United States v. Patterson (205 Fed. Rep., 292). It was an indictment of officers of the National Cash Register Co. for violation of the Sherman Antitrust Act.

The indictment set out 11 methods of unfair competition. The defendants claimed that the alleged unlawful acts were committed against infringers of patents owned by the National Cash Register Co., and were therefore lawful.

The court denied this claim, holding that a patentee for the protection of his rights under the patent is limited to the pursuit of his legal remedies in the Federal courts.

The court, Hollister, judge, said, at page 300:

The doctrine, asserted in this case for the first time, that the rights of the patentee are of such character that those operating under them may agree, in order to protect them, to engage in acts of unfair competition such as are charged in this case, and even to burn their competitor's factory, or destroy the competing—as they believe, infringing—machines by violence * * * I am unable to agree with.

* * * * * * *

Aside from that one instance, however, there has been no evidence tending to show actual violence to a competitor's cash register in the possession of one of its customers. Therefore the argument of counsel for defendants goes further, with that one exception, than the acts of unfair competition the evidence for the Government tends to prove. But the principle is the same, whether the acts of unfair competition were acts of violence upon competitors' cash registers themselves or acts falling short of actual violence.

Here we have a case in the United States court having nothing whatever to do with substitution cases or "palming-off" cases, but applying the term "acts of unfair competition" to acts of violence upon competitors' cash registers themselves, or acts falling short of actual violence.

A case that has been referred to more than once and which has been brushed aside with very little attention by those who opposed this bill, but a case which would be the subject of a three hours' argument, if it happened to be decided the other way, in my opinion, is the case of the Standard Oil Co. v. The United States (231 U. S., pp. 42–43), where the court, by Mr. Justice White, said:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition, espionage of business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent.

Here was the Supreme Court of the United States speaking through its Chief Justice in a case that had nothing to do with substitution cases or "palming-off" cases, deliberately, in summing up, using the words "unfair methods of competition" and defining them to be "such as local price cutting at the points where necessary to suppress competition, espionage of business competitors, the operation of bogus independent companies, and payments of rebates on oil, with the like intent."

It seems to me unthinkable that the Supreme Court of the United States, which will have to pass in the last instance on the bill under consideration if it becomes a law, would be pushed aside by the citation of cases where unfair competition has been applied to substitution practices. It seems to me unbelievable that the United States Supreme Court would be led away from this solemn and deliberate decision and this use of precise language in one of the most important cases that it has ever decided.

Another case I wish to quote from is Ware-Kramer Tobacco Co. v. American Tobacco Co. (180 Fed. Rep., 160; Circuit Court Eastern District of North Carolina).

This was an action under section 7 of the Sherman Antitrust Act to recover threefold damages for injury to the plaintiff's business.

The case arose on demurrer to the complaint. The court overruled the demurrer.

The opinion of the court, by Judge Connor, states, page 165:

Whether, under the language of the statute, the members of the illegal combination or the conspiracy may, in the prosecution of their business, resort to the legal methods open to those who are living in obedience to the law, with immunity from an action for injuries inflicted upon the business or property of others—that is, resort to fair competition—has not, so far as the industry of counsel has revealed, been decided. The position of the plaintiff is that the unlawful combination and its members are "outlaws" and not within the pale of the protection conferred upon those who pursue a lawful calling in a lawful way.

At page 166:

The theory upon which the complaint is drawn is that defendants, being an unlawful combination within the terms of the statute, in furtherance of its general plan, scheme, or purpose to restrain all interstate trade in manufactured tobacco and cigarettes, and to monopolize the manufacture and sale of tobacco, first resorted to unfair and oppressive means, fully set out, to prevent its (Ware-Kramer Tobacco Co.'s) organization.

I call the attention of the Senate to this quotation particularly because it sets forth many different sorts of competition which are intended to be prohibited by the pending bill.

Quoting, then, at page 167:

Plaintiff alleges that during the years named defendants, by the means aforesaid and other means, such as maintaining a close watch and espionage upon plaintiff's shipments, maintaining a system of spies upon such shipments from the depot at Wilson, N. C., and communicating same to the defendant's officers, both in New York and Wilson, sending the representatives to different customers of plaintiff, and by threats, promises, and inducements many of plaintiff's customers were unlawfully and unfairly taken from them. That this systematic espionage upon and interference with plaintiff's business continued until it was compelled to move to Norfolk, Va., to escape the same.

Plaintiff sets forth, among others, the following means resorted to by defendants to interfere with and restrain their trade: Using coupons in an unfair manner; selling cigarettes at and below the cost of production; paying jobbers extra discounts in territory where plaintiff's cigarettes were selling well; giving jobbers and dealers free goods to induce them to press the sale of their goods as against plaintiff's goods, and by requiring dealers not to handle plaintiff's goods; by interfering with the labor of independent manufacturers; by making jobbers and dealers afraid to keep exposed to view or on their shelves where they could be seen the goods of plaintiff, for fear the American Tobacco Co. would injure the business of such dealer or jobber; by making jobbers and dealers afraid to advertise plaintiff's goods; by the refusal of the American Tobacco Co. to sell to and by purposely delaying the shipment and delivery of goods ordered by jobbers and dealers who sold or advertised the goods of plaintiff.

executive session. That point has been directly ruled upon, as it seems to me, by a previous President pro tempore of the Senate, who for years, as we know, because of the death of the Vice President at that time, was presiding officer continuously of this body for a long period and achieved a very distinguished reputation as a presiding officer and as a parliamentarian; and I think that his ruling is entitled to very great weight and should be controlling. It is true that it was not appealed from, and it is true that the motion which I made yesterday was made and seconded by another Senator, that the doors be closed. That course was taken, and that course could be taken here this morning; there is no question about that. I have not seen proper, however, so far, at least, to make any such motion, but to raise the question that the resolution itself can not be considered except in a regular executive session.

Mr. BORAH. Mr. President, I make no pretensions to expert knowledge as to parliamentary law, but before introducing this resolution I made such investigation as I could and gathered such information as was at hand, and I came to the conclusion that if the resolution related to the nomination of an officer whose name had been submitted for confirmation by the Senate I would not be entitled to make this motion in open session. I came to the conclusion, however, that with reference to the treaties there were no precedents to be found against this procedure. I believe that the precedents, in so far as they have been cited or can be found, have no bearing on the matter now before the Senate that is contrary to the course which is now being pursued. The precedents cited by the Senator from Missouri relate to the question of nominations and the confirmation of appointees. There is a way by which the Senator from Missouri can have the matter disposed of behind closed doors; but it is not subject, Mr. President, in my judgment, to the point of order, and it is particularly not so at this stage of the proceedings.

TLe VICE PRESIDENT. The Chair will inquire whether there is pending before the Senate of the United States a treaty with Nicaragua or a treaty with Colombia?

Mr. STONE. Mr. President, there is a treaty pending between the United States and Colombia; there is no treaty pending between the United States and Nicaragua.

The VICE PRESIDENT. There will probably be an appeal from the ruling of the Chair, but the Chair is going to make a ruling. Of course the precedents cited are those that have no relation to treaties and are the rulings of a preceding occupant of the chair, and always "the dead are great." The Chair is expressing no opinion at all upon the advisability of the consideration of treaties in executive session. That is a matter of the rules of the Senate. The Chair believes, however, that it was the intention at the time of the adoption of the rules of the Senate that all matters with reference to treaties with foreign governments, which in the judgment of the Chair would embrace the action of the committee thereon, should be considered in executive session, unless the seal of secrecy should be removed by the action of the Senate. The Chair believes that that action should first be taken in an executive session of the Senate.

The point of order as to the resolution presented by the Senator from Idaho [Mr. BORAH], however, has its difficulties. To the mind of the Chair it is a resolution directed to a treaty now pending before the Senate of the United States and under consideration by the Committee on Foreign Relations. As to the treaty with Colombia, however wrong the Chair may be, the Chair has no doubt that the rules of the Senate require that all proceedings of the committee and of the Senate shall be in executive session until a motion be made in executive session to remove the seal of secrecy. As to the Nicaraguan matter, however, there seems to be no treaty pending before the Senate of the United States; so that the Chair would have no doubt about sustaining the point of order as to the Colombian treaty, but the Chair has doubt about the so-called Nicaraguan treaty, there being in reality no such treaty and there being nothing properly before the Senate as in executive session with reference to Nicaragua.

Mr. BORAH. Mr. President, in order that we may have the matter finally disposed of, I desire to take an appeal from the ruling of the Chair.

The VICE PRESIDENT. It will be very agreeable to the Chair to have an appeal taken. In view of the fact that the Colombian treaty is mentioned in the resolution, the Chair sustains the point of order. An appeal is taken.

Mr. BORAH. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. I suggest the absence of a quorum.

Mr. STONE. As I understand, the question now is whether the ruling of the Chair shall be sustained.

The VICE PRESIDENT. That is the question, but the Senator from Washington [Mr. POINDEXTER] has suggested the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Overman	Sterling
Bankhead	Hollis	Page	Stone
Borah	Hughes	Perkins	Swanson
Brady	James	Pittman	Thomas
Brandegee	Jones	Poindexter	Thompson
Bryan	Kenyon	Randell	Thornton
Burton	Kern	Saulsbury	Tillman
Camden	Lane	Shafroth	Vardaman
Catron	Lea, Tenn.	Sheppard	Walsh
Chamberlain	Lea, Md.	Simmons	Warren
Clapp	Martin, Va.	Smith, Ariz.	West
Clarke, Ark.	Martine, N. J.	Smith, Ga.	White
Crawford	Nelson	Smith, Md.	Works
Gallinger	Newlands	Smith, Mich.	
Goff	Norris	Smoot	

Mr. VARDAMAN. I have been requested to announce the unavoidable absence of the junior Senator from Tennessee [Mr. SHIELDS]. He is detained from the Chamber on important public business.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present.

The Chair decided that the resolution of the Senator from Idaho [Mr. BORAH] must be considered in executive session, and sustained a point of order against its consideration in open session. From that ruling of the Chair the Senator from Idaho has taken an appeal and has called for the yeas and nays. The request has been seconded, and the yeas and nays have been ordered.

The question is, Shall the ruling of the Chair stand as the judgment of the Senate? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in the absence of a transfer I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the senior Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. HOLLIS (when his name was called). I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can get a transfer, I shall withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. DILLINGHAM], which I transfer to the senior Senator from Indiana [Mr. SHIVELY], and will vote. I vote "yea."

Mr. STONE (when his name was called). I transfer the standing pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is absent from the Senate on important business. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER] and therefore withhold my vote.

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness, and vote "nay."

Mr. CLARKE of Arkansas. I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. I discover that he is not present and therefore withhold my vote.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. MYERS. Has the junior Senator from Connecticut [Mr. MCLEAN] voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator and therefore withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "yea."

The result was announced—yeas 42, nays 19, as follows:

YEAS—42.

Ashurst	Kern	Perkins	Stone
Bankhead	Lea, Tenn.	Pittman	Swanson
Bryan	Lea, Md.	Pomerene	Thompson
Camden	Lewis	Randell	Thornton
Chilton	Lippitt	Saulsbury	Tillman
Gallinger	McCumber	Shafroth	Walsh
Goff	Martin, Va.	Sheppard	West
Hollis	Martine, N. J.	Simmons	White
Hughes	Newlands	Smith, Ariz.	Works
James	O'Gorman	Smith, Ga.	
Johnson	Overman	Smith, Md.	

NAYS—19.

Borah	Clapp	Nelson	Smoot
Brady	Gronna	Norris	Sterling
Bristow	Jones	Page	Townsend
Burton	Kenyon	Poindexter	Weeks
Catron	Lane	Smith, Mich.	

NOT VOTING—35.

Brandegee	Dillingham	Myers	Shively
Burleigh	du Pont	Oliver	Smith, S. C.
Chamberlain	Fall	Owen	Stephenson
Clark, Wyo.	Fletcher	Penrose	Sutherland
Clarke, Ark.	Gore	Reed	Thomas
Colt	Hitchcock	Robinson	Vardaman
Crawford	La Follette	Root	Warren
Culberson	Lodge	Sherman	Williams
Cummins	McLean	Shields	

So the ruling of the Chair was sustained.

Mr. BORAH. Mr. President, I suppose the motion should come properly from the chairman of the Committee on Foreign Relations; but if the chairman does not desire to do so, I desire to make a motion to go into executive session to consider this matter. I make that motion, Mr. President.

Mr. MARTIN of Virginia. Mr. President, I will ask the Senator from Idaho if he is willing to withhold that motion for just a moment, in order to permit the passage of a resolution continuing the appropriations, as it is rather an urgent matter?

Mr. BORAH. Yes.

EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report a resolution, for which I ask immediate consideration.

The VICE PRESIDENT. The joint resolution will be read.

The resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," was read, as follows:

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator.

Mr. STONE. The Senator stated either that he would make or he did make a motion that the Senate proceed to the consideration of executive business. I wish to state to the Senator that I intended at an early hour this afternoon to move that the Senate proceed to the consideration of executive business. The reason why I did not do so at once was that there was some legislative business here that I understood it was desired to have transacted.

Mr. BORAH. As I understand the Senator, he proposes at an early hour to move an executive session?

Mr. STONE. I did

Mr. BORAH. I have no desire to urge the motion in view of that statement, and I withdraw the motion.

AFFAIRS IN MEXICO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 415) introduced by Mr. SMITH of Michigan on the 13th instant, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called constitutionalist government of Mexico for the purpose of thwarting the designs of the United States Government and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any persons, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or lead such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or financially interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain and report upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. SMITH of Michigan. Mr. President, of course, I should like immediate consideration of the resolution, but I desire to consult the convenience of the chairman of the Committee on Foreign Relations.

Mr. STONE. Mr. President, I thought if it was agreeable to the Senator from Michigan, the resolution might go over until to-morrow morning.

Mr. SMITH of Michigan. Very well. Of course, it goes over until to-morrow without prejudice.

PAUL M. WARBURG.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 413, submitted by Mr. POINDEXTER on the 13th instant, as follows:

Resolved by the Senate of the United States, That the Interstate Commerce Commission is hereby directed to report to the Senate the form, manner, and extent of the participation by Paul M. Warburg, recently nominated by the President for membership on the Federal Reserve Board, with the financial transaction or transfers or sales of stocks or bonds of the Rock Island, Chicago & Alton, and other railway companies or systems.

Mr. NORRIS. In the absence of the Senator from Washington [Mr. POINDEXTER], and as the morning hour is just about to expire, I ask unanimous consent that the resolution may go over without prejudice.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. What is the request?

The VICE PRESIDENT. Is there objection to the resolution going over without prejudice? The Chair hears none, and it goes over.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. HOLLIS. Mr. President, I intend to make some remarks upon the pending bill, and I ask Senators kindly not to interrupt me until I have finished my speech, when I shall be glad to consider any questions that may be propounded to me.

I desire first to answer as well as I can certain propositions that were submitted to the Senate by the junior Senator from Missouri [Mr. REED], and then to make some general observations on the purport of the trade commission bill.

gather from the physician at the bedside of the patient that it only has sore throat.

I think this correction ought to be made.

Mr. SIMMONS. Mr. President, I ask unanimous consent to have the Secretary read a letter published in the Wall Street Journal from Mr. Henry B. Endicott, the head of the United States Shoe Machinery Co., which I understand is one of the largest manufacturing companies in the world.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. BORAH. Mr. President, I am not going to object to the reading of this editorial, nor to other editorials——

Mr. SIMMONS. It is not an editorial at all. It is an article containing a letter written by the head of this great manufacturing concern.

Mr. BORAH. Whatever it is, I am not going to object to it at this time, but I think we had better have a unanimous-consent agreement to the effect that prosperity is here and proceed to transact the business of the Senate.

Mr. SIMMONS. If the Senator will join me in a resolution unanimously affirming that prosperity is here, I will withdraw the article.

Mr. BORAH. Yes; I will agree to the unanimous consent if it will enable us to proceed to the business of the Senate and go home.

Mr CLAPP. Mr. President——

Mr. SIMMONS. I do not desire to get into any controversy about the reading of this article; but the Senator from New Hampshire [Mr. GALLINGER] has risen here on the last two days during the morning hour and caused to be put in the RECORD certain clippings, and this is a letter from the head of this great manufacturing concern giving his views about the business situation in the country in his particular line of industry. In view of the action of the Senator from New Hampshire, I think Senators ought not to object to my request to have this letter read; but if there is any objection to it on the part of the Senators representing the other side, I will withdraw it.

Mr. GALLINGER. There certainly will be no objection on my part, but I do not wish to be put in the attitude of having precipitated this discussion in the first place. The Senator must go back of the Senator from New Hampshire to find the origin, the genesis, of this matter of placing newspaper extracts in the RECORD.

Mr. SIMMONS. The Senator on yesterday offered some clippings. I then said that I would insert some clippings, but I did not get the opportunity. The Senator has again to-day offered some clippings, and I had a couple of short clippings that I desired to put in the RECORD. As I say, I withdraw this one if there is any objection coming from the other side of the Chamber.

Mr. CLAPP. Mr. President, I want to make a statement without taking part in a controversy or reflecting upon anyone.

There would be no objection to the suggestion of the Senator from Idaho about entering into unanimous consent, because every man in this country who is at work knows he is at work, and every man who is out of work knows he is out of work. It is a good deal like the time we used to spend here, after the Payne-Aldrich tariff bill was passed, reciting every morning the price of household commodities, when every woman in this country knew what she was paying for them.

Mr. SMITH of Michigan. I hope there will be no objection to the request of the Senator from North Carolina.

The VICE PRESIDENT. The Chair did not hear any, and the article has already been ordered to be read.

Mr. SMITH of Michigan. The inundation of newspaper clippings each morning simply indicates the advanced policy of the other side of the Chamber with reference to "pitiless publicity." I hope it may continue in all respects.

Mr. POINDEXTER. Mr. President——

Mr. SIMMONS. Mr. President, I withdraw the request if there is to be a controversy about it.

Mr. POINDEXTER. The Senator from Michigan referred to the matter of publicity. I understood that on yesterday he had in his possession some very authoritative expressions on that subject. If he has them now, I should like to know it, and should like to have him present them to the Senate.

Mr. GALLINGER. Mr. President, let the article be read. There was no objection.

Mr. SMITH of Michigan. Which one—the one asked for by the Senator from Washington?

Mr. POINDEXTER. Both of them.

Mr. SIMMONS. Mr. President, as there seems to be so much trouble about the article, I withdraw it.

The VICE PRESIDENT. The Senator from North Carolina withdraws the article.

Mr. GALLINGER. Mr. President, there is no trouble about it. Nobody objects.

Mr. McCUMBER. I ask for the regular order.

COMPILATION OF TARIFF ACTS.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (No. 44) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the compilation entitled "Comparison of the tariff acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and of October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," as prepared under the direction of the Ways and Means Committee by John E. Walker, assistant clerk to the committee; 5,300 copies for the use of the House, 2,500 copies for the use of the Senate, and 2,000 copies for the use of the Ways and Means Committee.

MAY STANLEY.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1644) for the relief of May Stanley, and for other purposes.

Mr. WORKS. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. BRYAN, Mr. OVERMAN, and Mr. CRAWFORD conferees on the part of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 300. To continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," was read twice by its title and referred to the Committee on Appropriations.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. I understand there is a motion pending that the resolution be referred to the Committee on Foreign Relations.

The VICE PRESIDENT. That is the motion pending.

Mr. BORAH. If I can have a yea-and-nay vote upon the proposition, I shall not detain the Senate in the discussion of this matter any further. Upon the motion pending I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll for a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Goff	Martine, N. J.	Smith, Ga.
Borah	Gronna	Newlands	Smith, Md.
Brady	Hughes	Norris	Smith, Mich.
Brandegee	James	Overman	Smoot
Bryan	Johnson	Page	Sterling
Burton	Jones	Perkins	Stone
Camden	Kenyon	Pittman	Swanson
Catron	Kern	Poindexter	Thomas
Chamberlain	Lea, Tenn.	Ransdell	Thornton
Chilton	Lewis	Saulsbury	Townsend
Clapp	Lippitt	Sheppard	West
Colt	McCumber	Simmons	White
Gallinger	Martin, Va.	Smith, Ariz.	Works

Mr. KENYON. I desire to announce the absence of the Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness. I will let this announcement stand for the day.

Mr. PAGE. I wish to announce that my colleague [Mr. DILLINGHAM] is necessarily absent from the city. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement will stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON] and also of my colleague [Mr. SUTHERLAND]. Both Senators have pairs. I will allow this announcement to stand for the day.

Mr. KENYON. I desire to announce the necessary absence of my colleague [Mr. CUMMINS]. I will let this announcement stand for the day.

Mr. CHILTON. I wish to announce the unavoidable absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day. He has a general pair.

Mr. GALLINGER. I should like to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH].

Mr. STONE. What is the question immediately before the Senate?

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The pending question is upon the motion to refer to the Committee on Foreign Relations the resolution introduced by the Senator from Idaho [Mr. BORAH], upon which the yeas and nays have been ordered.

Mr. SMITH of Michigan. May we have the resolution read?

Mr. STONE. Before that is done I wish to make a point of order on the resolution. I speak now to the resolution rather than the motion to refer; but I think the point of order could be equally applicable to one as the other. I make the point of order that a resolution of this kind can not be considered in the open session of the Senate, since it refers to executive business, so made under the rules of the Senate. I call the attention of the Chair to the fact that this very question has been frequently ruled upon. I find in the collection of Precedents, by Mr. Gilfry, at the bottom of page 180, the Forty-eighth Congress, first session, the following:

15. FOR RECIPROCITY WITH MEXICO.

(48th Cong., 1st sess.; Jour., p. 195; Jan. 21, 1884.)

Mr. Van Wyck submitted the following resolution:

"*Resolved*, That any further consideration of the reciprocity treaty between Mexico and the United States be had in open session of the Senate".

Whereupon, Mr. Anthony objected to the reception of the resolution during the legislative session of the Senate, it being in the nature of business which would be considered in executive session.

From the decision of the Chair Mr. Van Wyck appealed to the Senate; and

A motion having been submitted by Mr. Edmunds that the doors be closed, and the same having been seconded,

The Presiding Officer directed that the galleries be cleared and the doors closed.

At the bottom of the next page I find the following:

16. PENDING WITH CHINA.

(53d Cong., 2d sess.; Jour., p. 155; Apr. 17, 1894.)

Mr. Mitchell, of Oregon, submitted the following resolution, which was ordered to lie on the table:

"*Resolved*, That the pending Chinese treaty be considered in open session."

(Ib.; Jour., p. 178; May 7, 1894.)

The Vice President laid before the Senate the resolution submitted by Mr. Mitchell, of Oregon, April 17, 1894, as follows:

"*Resolved*, That the pending Chinese treaty be considered in open session".

Whereupon, Mr. Chandler moved that the doors be closed; and the motion having been seconded,

The Vice President directed the galleries to be cleared and the doors closed.

Of course, that can be done now. Such a motion can be made; but we find further, at the bottom of page 184—

(53d Cong., 2d sess.; Jour., p. 50; Jan. 16, 1894.)

Mr. Call gave notice that he would move to suspend a part of Rule XXXVIII, his object being to have the nomination of the internal-revenue collector for Florida considered in open session, and he submitted the following resolution:

"*Resolved*, That so much of Rule XXXVIII, paragraph 2, as is contained in the following words: 'All information communicated or remarks made by a Senator, when acting on nominations concerning the character or qualifications of the person nominated, also all votes upon any nomination, shall be kept secret,' shall be suspended in the consideration of the nomination of the collector of internal revenue of the State of Florida."

Mr. Hoar raised the question as to whether the resolution should not be discussed with closed doors when taken up for consideration, and, pending the question, moved that the doors be closed.

I call the attention of the Chair especially now to what I shall read from the same page—page 184, paragraph 25:

Mr. Call gave notice of his intention to move certain amendments to the rules, the object of which was to permit the consideration of the nominations of Charles Swain and Joseph N. Stripling in open executive session.

(Ib.; Jour., p. 172; Mar. 17, 1890.)

Pursuant to the notice given on the 14th instant that he would move to amend the thirty-sixth and thirty-eighth rules of the Senate, in order to allow the consideration of the nominations of Charles Swain and Joseph N. Stripling in open executive session, Mr. Call asked the reading of a resolution which he had sent to the Secretary's desk.

The President pro tempore (John J. Ingalls) declined to entertain the resolution, and decided that a motion to consider matters relating to executive business in open executive session must be made when the Senate is in executive session; whereupon, Mr. Sherman submitted a motion that the doors be closed, and, the same having been seconded by Mr. Edmunds, the President pro tempore directed the galleries to be cleared and the doors closed; and

After proceeding with closed doors and the consideration of executive business, the doors were reopened.

Former Senator Ingalls was well regarded, I think, as one of the best presiding officers the Senate has ever had and one of its ablest parliamentarians. He decided that a resolution concerning executive business could only be submitted in an executive session. Then the Senate went into executive session for the purpose of considering the resolution.

Mr. SMOOT. On motion.

Mr. STONE. Yes; it was on motion. The Senate can not go into executive session except on motion; at least, I do not know of any other way.

Now, I put the question to the Chair whether that is not a good ruling which was made by the then presiding officer, to which I have called attention, that Senators can not undertake to discuss, under a resolution or motion, executive business in open session?

The VICE PRESIDENT. Will the Senator from Missouri pardon the Chair? The Chair has not the precedent where the presiding officer took the initiative.

Mr. STONE. Has the Chair a copy of the book from which I am reading?

The VICE PRESIDENT. Yes; but the Chair has not the precedent where the presiding officer took the initiative.

Mr. STONE. If the Chair will turn to the middle of page 184, beginning with the words and figures—

25. Chair declines to entertain motion in open session relative to executive business.

The Chair will find that in the book which he has before him.

The VICE PRESIDENT. Yes.

Mr. STONE. Now, if the Chair will follow the language down to next to the last paragraph he will find the words—

The President pro tempore (John J. Ingalls) declined to entertain the resolution, and decided that a motion to consider matters relating to executive business in open executive session must be made when the Senate is in executive session.

The VICE PRESIDENT. That was with reference to nominations. Where is the rule of the Senate that at any stage of the proceedings the Senate may not remove the injunction of secrecy from treaties? This motion, the Chair understands, refers to treaties.

Mr. STONE. At any stage of the proceedings in executive session a motion can be made and considered; but I think the ruling to which I have called attention is directly in point. It is true in that particular instance the business before the Senate related to appointments; but that was executive business just as a treaty is executive business, and the Chair declined to entertain the motion or resolution, holding that it could be heard only in executive session; and he refused to put the question to the Senate in open legislative session.

Mr. BRANDEGEE. Mr. President, I will say to the Senator from Missouri that, if my recollection serves me, the motion to remove the injunction of secrecy from a treaty has been made at this session of Congress in legislative session on the floor by the Senator from Massachusetts [Mr. LODGE], and carried.

Mr. SMOOT. And I will also say such a motion was made by the Senator from Georgia [Mr. SMITH], and carried.

Mr. President, I will call the Senator's attention to the fact that in the case cited, in which the President pro tempore, Hon. John J. Ingalls, declined to entertain the resolution, there was no appeal from that decision, and Mr. Sherman submitted a motion that the doors be closed. The Senate did not go into executive session, but the doors were closed, just the same as they were closed yesterday on the motion of the Senator from Missouri [Mr. STONE]. Of course, I myself believe that the Senator from Missouri could make that motion now on this resolution, but I do not believe that it applies to an executive session, especially when Rule XXXVI, paragraph 3, specifically states:

And all treaties which may be laid before the Senate, and all remarks, votes, and proceedings thereon, shall also be kept secret, until the Senate shall, by their resolution, take off the injunction of secrecy, or unless the same shall be considered in open executive session.

The injunction of secrecy as to executive sessions has been removed time and time again by a vote in open session; and, as the Senator from Connecticut [Mr. BRANDEGEE] says, it has been done two or three times at this session of Congress.

Mr. STONE. It may have been done, Mr. President, two or three times at this session of Congress; it may have been done previously; but I am sure it was never done when the point of order was made against it. It was done in the way of unanimous consent, there being no objection to it. A great many things may be done here that are violative of the rules when no point is made against them, when no objection is raised; but a different situation is presented where the objection is raised, as I raise it now, and the point of order is presented that such a resolution as that pending can be offered and considered only in executive session, or at least can only be considered in

sesses individual surroundings. No two are alike, and they must be governed accordingly. This bureau should examine all proposed power developments and encourage in every way its construction. It should encourage the confidence of individuals and corporations. The costs of plants and lines of distribution should be kept, that the experiences in one plant might be a guide to another. In time I assume such a careful system would be established, that the approval of plans and costs would become a valuable assistance in the flotation of securities to complete the plant, and a large saving be made in promotion costs that would inure to the benefit of the public. And in the end it would aid in taking water-power securities out of the realm of electrical manufacturing concerns, the association of which at the present time is tending to a water-power monopoly. With a bureau administered by a fair-minded man, under the supervision of the Secretary of Interior, I can see where great good can be done, with an appropriation to properly equip and maintain it.

I have always been a State rights man, and have felt that the Government should have nothing to do with water-power development, but my experience on the Klickitat River convinces me of the danger of an absolute State right control and the ability of large power interests to combine for their collective advantage thereunder.

My old firm owned the land for 7 miles on both banks of the Klickitat River, from its mouth up the stream, and part of the land on both banks an additional 6 miles up the stream. This being riparian land under the laws of the State, we owned the sole right to use the waters of river where we owned the land on both banks, and had under contemplation the development of a large power plant, to be used in the development of the country between the White Salmon and Klickitat Rivers as far back as Mount Adams. During the 1912 session of the Washington State Legislature Judge Carrol B. Graves, of Seattle, caused to be presented a senate bill, No. 185, "to prevent the use of waters within the State for purposes of use in any other State." The primary object of the bill was to prevent the generation of power within the State and use it in any other State. The real object was to destroy the power value of the Klickitat River, so that they might pass a water code, then before the legislature, which would permit the appropriation of the water of the Klickitat River if it was not developed for water power. The bill was so drastic and so affected all the power companies of the State that representatives of the Washington Water Power Co., Stone & Webster, the Pacific Power & Light all met with myself at Olympia, and considered the bill so destructive, unconstitutional, and iniquitous that we agreed to stand together and defeat it, and met before the committee on Friday for that purpose. We presented such a strong line of argument that the matter went over until Monday for another hearing. During the interim Judge Graves met all the representatives at Seattle, except myself, and they agreed to withdraw the bill and present senate bill 319, with provisions the same as the other, except bill 319 was confined to intrastate waters and excepted all plants constructed March 1, 1913. These provisions excepted every one of the power companies represented, and the power companies assented to this action, and the bill was presented. I was left to fight my own battle against the iniquity of the bill and defeated it. I am therefore forced through experience to conclude that these power companies have little consideration for equity or justice or the rights of others, nor do they care how vicious a measure they support so long as they are excepted from its measures.

Hence I conclude that a water power bureau administered along equitable lines, under the supervision of a higher authority, open at all times to consider all sides and conditions surrounding the development of the project, offers safety and assistance to an independent developer he can secure in no other manner. I believe any man of sufficient caliber to fill the office of Secretary of the Interior is competent to pass on the matter finally, and after a few years the data secured by such a bureau would develop such knowledge as would guide almost any water-power development to ultimate success.

Under such a permit as the International Power & Manufacturing Co. the minimum rental required is less than interest on the investment necessary to acquire the flowage rights measured by the average fee-simple owned plant in this State. I think the maximum rentals are high, but believe experience will reduce these as the circumstances warrant.

The two bills seem to me to have so many features alike that I approve, and the features I disapprove are in both, that I hope there will be united action in producing a beneficial bill. House bill 16673 seems to go a long way toward the bureau idea, but I do not know enough about departmental procedure to conclude if it gives the Secretary of Interior power to create such a bureau; and if it does not I would like to see this brought about and an appropriation made to support it, and the income received from rentals divided as section 8 of that bill provides, after deducting the cost of administration of the bureau.

There is such a field for manufacturing in this western country, with its cheap, undeveloped resources, the healthful and beneficial climate for operators, that I long to see the day when power development is one of economic progress rather than exploitation, and I believe this can be brought about through a National Government in conjunction with the States than in any other way. I trust you may find some thought herein that may aid you.

In view of the kindly treatment I received from the departments, I inclose you two copies. If you use any of this matter will you kindly furnish one copy to the Department of Interior and one to the Department of Agriculture that they may be advised of my views as expressed herein.

Yours, sincerely,

RUBEN S. YEARSLEY.

THE MISSISSIPPI RIVER.

Mr. RANSDELL. Mr. President, I ask unanimous consent to have published as a Senate document a number of articles and addresses by Judge Robert S. Taylor, of Indiana, a member of the Mississippi River Commission. We shall very soon have before us an important discussion on the Mississippi River, and these articles, I think, will prove a very valuable addition to the literature on the subject.

Mr. SMOOT. I move that the matter be referred to the Committee on Printing.

Mr. RANSDELL. I have no objection to that.

The VICE PRESIDENT. The articles and addresses will be referred to the Committee on Printing.

Mr. BURTON. Mr. President, I should like to make one inquiry about these addresses by Judge Taylor. Is there included in the list the hearing before the Senate Committee on Commerce, perhaps two years ago?

Mr. RANSDELL. Yes, sir; that is included; also the hearings before a subcommittee of the Senate Committee on Commerce of January 20, 1914; also an article on "The subjugation of the Mississippi River"; also an address delivered in New Orleans, La., on October 27, 1903; a bulletin on "The present aspect of the Mississippi River problem"; a bulletin issued in 1908 and reissued in 1910, and a bulletin on "An emergency in the life of a river"; also an article appearing in the North American Review in 1883, and another article which appeared in that publication in 1884. Not any one of them is long. The document will perhaps comprise from 120 to 125 printed pages, and will form a very valuable and complete discussion of the whole subject.

Mr. BURTON. I think I may say to the members of the Committee on Printing, if these documents are referred to that committee, that these addresses would constitute a very valuable contribution to the subject; but I am anxious to know whether the Senator from Louisiana can assure me that they include all the addresses by Judge Taylor before the Senate Committee on Commerce. There is one he delivered—I can not recall the exact date—but I am unable to find any copies of it in the rooms of the Committee on Commerce.

Mr. RANSDELL. I have before me an address which was sent me by Judge Taylor himself. I wrote the other day and asked him to send me copies of all his articles and hearings on the subject. He replied that some of them had been misplaced, but he did send me a copy of the hearings before the Senate Commerce Committee, as I have stated, on March 2, 1910, and I rather think that is the article to which the Senator from Ohio refers.

Mr. BURTON. I am not positive, but my impression is that it was later.

Mr. RANSDELL. I should like to say that if there are other articles, with the consent of the Senate, I should be very glad to have them included. My purpose is to make this document as complete as possible.

The VICE PRESIDENT. The documents will be referred to the Committee on Printing.

PUBLICATION OF EXECUTIVE SESSION PROCEEDINGS.

Mr. THOMAS. Mr. President, the Senate yesterday held a very long session behind closed doors for the purpose of considering a motion of the Senator from Nebraska [Mr. HITCHCOCK] to make public certain testimony of Mr. Thomas D. Jones. I notice this morning's Washington Post devotes four columns to our proceedings, including an accurate production of the testimony which was read from the record. It was suggested to me that since scarcely any mention is made by that paper of our proceedings in open session, that the best way from now on to secure publicity for what we do and say is to hold all of our sessions behind closed doors. I am in favor of publicity, and I have assumed that we could get it only by open sessions. I am now well convinced that publicity is the result of curiosity, which we can arouse by closing our doors, and thus attract, through the columns of the press, the attention of the public to all grave affairs which for various reasons are supposed to be carried on behind closed doors.

Another thing which requires favorable comment in this connection is that the reports of our proceedings behind closed doors are not only more elaborate but in some respects more correct than are the reports of proceedings in open session.

INDUSTRIAL CONDITIONS.

Mr. SAULSBURY. Mr. President, the senior Senator from New Hampshire [Mr. GALLINGER] yesterday showed such kindly solicitude regarding business conditions in my home town of Wilmington, Del., that I thought possibly it might be interesting to get for him, and for the benefit of the Senate, which had read into its RECORD an alleged newspaper dispatch, the exact conditions so far as business conditions there could be shown by bank clearings, which, I fancy, are about as near an index of the business of a city as can be had. So I have taken the trouble to obtain the comparative clearings in my city for the last four years.

I desire to say for the benefit of my distinguished friend that the bank clearings for the last calendar and fiscal years of the Clearing House Association of Wilmington have been much greater than for any like year during the past four years. I will state that for the fiscal year of the clearing house association, which ends regularly on March 31, that the clearings for the year ending March 31, 1912, exceeded those of 1913 by

$12,000,000; that they exceeded those of 1912 by $20,000,000; that they exceeded those of 1911 by $21,000,000, and those of 1910 by $23,700,000.

For the calendar year ending December 31, 1913, the clearings exceeded those of 1912 by $5,000,000, those of 1911 by $20,000,000, and those of 1910 by $20,000,000. The clearings for the year ending March 31 last exceeded those for the year ending December 31, 1913, by $10,000,000. I think that the trade condition in one's own locality should not be misrepresented, at least by newspaper reports read into the CONGRESSIONAL RECORD.

Mr. GALLINGER. Mr. President, the Senator from Delaware [Mr. SAULSBURY] suggested that I had put in the RECORD on yesterday an alleged dispatch to the press concerning conditions in Wilmington. The Senator further suggested that misrepresentations were being made concerning the prosperity of the State which he so ably represents, or the chief city of that State. I desire to have read another "alleged" dispatch which I find in the papers of this morning.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WORK FOR UNEMPLOYED.

WILMINGTON, DEL., *July 14.*

In order to provide work for the unemployed, if possible to do so, the levy court to-day asked its attorney for an opinion as to whether it could legally bid upon its own work as is done in other places. The matter was brought up by Commissioner Burris, who thought that it was necessary to do something to give men out of employment work on public improvements.

Mr. GALLINGER. Mr. President, I am not going to burden the RECORD to any considerable extent, but I have an excerpt here, not from an "alleged" dispatch, but from a statement by a man who represents a very large constituency, namely, the coal miners of the United States. I should like to have it read, and then I will cease.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

40,000 MINERS OUT OF WORK.

Duncan McDonald, secretary-treasurer of the Illinois Mine Workers, addressing the State efficiency and economy committee last week, announced that 40,000 of the 90,000 members of his order in the State are out of work.

"Many of these miners are on the verge of starvation," said Mr. McDonald, "as we have not enough money in our relief fund to supply them all. Eighteen mining companies failed last year, and probably more than that number will fail this year." People of Illinois had no idea of the desperate condition in the mining industry until Mr. McDonald came to the front with the facts. There are various causes for this condition, which is attributed to overproduction of coal. When factories are closed, or running half time, when industries of all kinds are hedging as closely as possible, the demand for coal diminishes, the companies that try to continue in business fail, and the miners lose their positions and they and their families go hungry. The price of beefsteak or imported clothing makes no difference to them, as they can buy neither.

LOOK FOR ONLY TEMPORARY RELIEF.

People of the Middle West believe better times are in sight, but they also believe that the improvement will be brief. It will reach its zenith while the immense crops are being marketed, and the money therefrom distributed, but after that there is no assurance of anything resembling stable or permanent relief. Mortgages will be lifted, debts canceled, there will be a brisk business in the automobile trade, in the clothing and household supplies trade, and then the country will settle down to a long, hard winter. The manufacturers of Europe, who have been the chief beneficiaries of the new tariff, will get much of the money, and the chances are that the smokestacks of American mills and factories will continue cold, and the miners and others who thrive when home industry thrives will continue to look for jobs.

Mr. SAULSBURY. Mr. President, I only desire to say what I think the distinguished senior Senator from New Hampshire knows, that when I used the word "alleged," in connection with the dispatch which he had read into the RECORD on yesterday, I did not mean to impute any bad faith on his part. My thought was that no sensible newspaper would pay telegraph rates on any such stuff; certainly no newspaper would be justified in spending more than a single postage stamp in securing such an item as was inserted in the RECORD on yesterday; and therefore I concluded that it must be an alleged dispatch which came by mail. I had no idea of casting the slightest imputation at all on my distinguished friend from New Hampshire.

Mr. STONE. Mr. President, I desire to say that I had intended this morning to make an observation or two on what the Senator from New Hampshire said on yesterday, and particularly in regard to the editorial from the Washington Post which he had read. I have sent for some data, however, which I thought I should have this morning; and not having it now, I shall probably lay it before the Senator from New Hampshire publicly to-morrow morning.

Mr. CHILTON. Mr. President, I have something in the same line as that presented by the Senator from New Hampshire, which will no doubt entertain the Senate, especially as it comes from me, until the Senate ascertains the time to which it relates.

First, I want to read a statement from a newspaper that the total number of unemployed in the United States is estimated at 1,200,000, including half that number in large cities, New York having 250,000 unemployed and Chicago 90,000.

That is even better upon the calamity side than claimed by the Senator from New Hampshire.

Also, that the total number of unemployed in the city of Chicago is estimated by the Federation of Labor at 100,000, and a warning was issued to craftsmen to keep away from that city. We also read that in Chicago Bulgarians numbering 700 appealed to the city and county authorities for deportation to their own country, and so forth in various cities.

When I explain to the Senate, however, that these were newspaper accounts published in the year 1908, when the Republicans were in control of this country, they will see that the cold facts gathered by business men when there was no combination of capitalists to create impressions falsely and to make the same combination in news which they had in business, the force and effect of this matter will be better understood by the Senate.

I have a compilation of that tale of woe from different cities of the United States published in the year 1908, during Mr. Roosevelt's term as President. I should like to insert it in the RECORD, so as to show that the slight things they are talking about now are nothing as compared with the actual facts in 1908. I will call these and insert them. They are exact extracts from newspaper accounts in the year 1908.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

[From the Charleston (W. Va.) Gazette, Tuesday, June 23, 1914.]

PROSPEROUS TIMES NOW COMPARED WITH 1907-8.

Republicans, Bull Moose, and politicians of several brands have charged the Democratic Party with incompetency in business affairs. The Tory Republican press has dilated on the alleged depression in American business since the enactment of the Wilson tariff law and the new banking act.

But if evidence of a real depression is wanted, compared to which present conditions are highly prosperous, it is only necessary to turn to a real panic during the Republican régime—that of 1907—when the Republicans had been in power 11 years.

The following is industrial history of the period following the panic:

Chicago: Total unemployed estimated by Federation of Labor at 100,000. Warning issued to craftsmen to keep away from the city. February 11, 1908.

Chicago: Bulgarians numbering 700 appealed to city and county authorities for aid and for deportation to their own country. April 8, 1908.

Buffalo: Five hundred men besiege office of superintendent of poor for food. Four men taken to hospital suffering from starvation. January 20, 1908.

Camden, N. J.: Riot follows application of 1,500 men for 400 jobs advertised by the Joseph Campbell Co. August 10, 1908.

Denver: More than 200 Bulgarians petition governor for employment or aid to return to Bulgaria. March 20, 1908.

Detroit: More than 2,000 men march to the city hall to solicit work of mayor. January 28, 1908.

Grant City, Mo.: Fifty men kneel before various churches pleading for work. One man killed himself because he failed to obtain work. April 22, 1908.

New York: School children numbering 5,000 mob the restaurant of Adolph Lorber to obtain free meals offered by Mr. Lorber. February 12, 1908.

New York: Government urged by Central Federation Labor Union to let contract for subway to furnish work for 500,000 unemployed. March 15, 1908.

New York: Demonstration in favor of revolution made by 10,000 unemployed singing the Marseillaise and other inciting songs. Bomb thrown at police by anarchist during the demonstration. March 28, 1908.

Philadelphia: Total of 50,000 idle reported by the labor unions in the Kensington district February 10, 1908.

Philadelphia: Riot follows march of 1,000 foreigners, chiefly women, to the city hall to demand employment. Three policemen shot and fourteen unemployed arrested February 20, 1908.

Philadelphia: Loan of $9,000,000 to provide funds for public work asked by the city for unemployed. Race riot followed demonstration of unemployed demanding work. Italians attacked by men of other nationalities.

San Francisco: Organized unemployed league formed; demands the issue of $25,000,000 in bonds to aid unemployed January 28, 1908.

Toledo: One thousand Hungarians marched through the rain to receive a loaf of rye bread each March 23, 1908.

United States: Total unemployed estimated at 1,200,000, including half that number in large cities. New York, 250,000 unemployed; Chicago, 90,000.

This is the Republican record of the winter of 1908, immediately following the panic in the latter part of 1907. This was under the Republican rule of Col. Roosevelt, who now criticizes the economic policies of President Wilson and their interference with prosperity. Significantly nobody has heard in 1914 of bread riots and of millions of unemployed and all the other earmarks of a full-grown depression.

Mr. WHITE. Mr. President, I rise to correct what seems to me to be an inaccuracy. I understand it was published, or is to be published, in the Republican campaign book.

The announcement was made that the Progressive Party was dying. I think this is probably not a correct diagnosis, as I

ter, that the country may not be deprived of accurate information as to who voted for the present tariff law and who did not.

Mr. NORRIS. I think so. I think there ought to be additional copies. If it goes to the Committee on Printing, the committee can easily remedy it by a resolution providing that it shall be printed as a Senate document and a certain number of additional copies shall be printed for the use of the Senate. That would mean that all the additional copies would be divided up among the Members of the Senate, and of course it would give them a much larger number.

Mr. SMOOT. I will say to the Senator that whenever a document is printed as a public document there is one copy sent to each of the libraries of the country; there are so many allowed to the House, so many allowed to the Senate, and so many allowed to each of the departments, which amounts, of course, in round numbers, to the number of copies the Senator stated. If the Committee on Printing reports favorably upon printing this as a public document, in the same resolution it can provide that a certain number be printed for the use of the document room. The documents which are printed for the use of the document room are not allotted to each Senator, but they are given to Senators as called for. Of the original number printed as public documents each Senator is allowed a certain quota.

Mr. BRANDEGEE. Mr. President, will the Senator from Utah inform me if a certain number of extra copies of a public document are printed for the document room and are liable to be all given out to the Senator who first applies for them, would it not be wiser that these 5,000 or 10,000 extra copies of this document be printed for the use of the Senate, so that they will be distributed equally amongst Senators?

Mr. SMOOT. In that case we would have reported the resolution that so many copies be printed for the folding room. When they go to the folding room each Senator is credited with his share of the number.

Mr. BRANDEGEE. That is what I should like to see done.

Mr. SMOOT. When they go to the document room they are distributed from the document room as called for.

Mr. WORKS. Mr. President, I should like to ask whether this statement, when published, will include the votes in the House of Representatives as well as in the Senate?

Mr. SIMMONS. I think not, Mr. President. It was prepared under the direction of the Secretary of the Senate, and covers only, I think, the yea-and-nay votes taken in the Senate.

Mr. NORRIS. The yea-and-nay votes in the House would only amount to one or two, I think.

Mr. WORKS. Whatever votes were taken could be disclosed, and I think they should be included in the document.

Mr. SIMMONS. That would probably require the joint action of the two Houses.

Mr. WORKS. It might be that joint action would be required; but it seems to me it would be a very desirable thing that the statement should show the votes of the two Houses.

The VICE PRESIDENT. The statement will be referred to the Committee on Printing.

PEND OREILLE RIVER DAM.

Mr. JONES. Mr. President, on the 29th day of July, 1913, the Secretary of Agriculture and the Secretary of the Interior granted a permit to the International Power & Manufacturing Co. for the use of the public land in connection with the building of a dam across the Pend Oreille River. Knowing that for some reason this project had not been financed, I wrote to the gentleman who has charge of it, asking for facts and information with reference to the matter. I have here his letter, which gives some very valuable suggestions with reference to the important questions relating to the water-power legislation. I ask that the letter may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands, which is considering this matter.

There being no objection, the letter was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

SPOKANE, WASH., *July 7, 1914.*

Hon. WESLEY L. JONES, *Washington, D. C.*

MY DEAR SENATOR: I have your favor of June 24 in regard to the legislation before Congress concerning the development of water powers on the public lands, and requesting information regarding the value of that certain permit issued to the International Power & Manufacturing Co. by the Secretaries of Interior and Agriculture on the 29th day of July, 1913, which permit is printed as a public document, being Senate Document No. 147, Sixty-third Congress, first session; also my opinion of Senate bill 4415 and House bill 16673, Union Calendar 258.

I will answer your inquiries as briefly as possible, but the unique position of the project sought to be developed by the International Power & Development Co., its competitive surroundings, the limitations of its markets, and the disposition of corporations throughout the United States engaged in water-power development to discourage construction of water-power projects under this character of permit, makes it necessary to cover the subject at length that you may understand the problems that confront an independent developer of water-power projects, especially in a field which can be reached by established plants, and that you can render such assistance, through congressional legislation, as will be beneficial to the public, a protection to capital who desire to invest in these enterprises, and at the same time lend encouragement to the individual or corporate effort and energy required to initiate and complete such an undertaking.

The power site of the International Power & Manufacturing Co. is located on the Pend Oreille River, in Pend Oreille County, Wash., about 90 miles north of Spokane. The immediate surrounding country is very mountainous and is sparsely settled. There are but few small towns or villages, and these so far have developed little use for electric light and power. The mountains are, however, covered with a heavy growth of timber, a large percentage of which is valuable for pulp manufacturing, and there are also large deposits of high-grade lime, clay, silica, iron, lead, zinc, and copper in a country contributary to the site. All these resources are practically undeveloped and offer an opportunity to capital to establish some very large manufacturing industries if cheap power can be obtained for operative and treatment purposes, as there is no coal found in that country. Cheap power is an absolute necessity to this general development to meet the prevailing high freight rates to a profitable market for the manufactured goods, and as nature has created a possible power development at the site selected which engineers have examined and proclaimed the cheapest development per horse power in the United States, I have every reason to believe, all things being equally adjusted, it will be only a short time until this can be accomplished and the site be made the center of one of the largest and most beneficial and profitable industrial sections of the United States.

The present power development in western Montana, northern Idaho, and eastern Washington, in which territory the site is situated, is controlled as follows:

The Washington Water Power Co., with its principal office at Spokane, Wash., transmits its power to Newport, Wash., about 65 miles south of the power site of the International Power & Manufacturing Co., where it supplies power to the North Idaho & Montana Power Co., a corporation affiliated with H. M. Byllesby & Co., of Chicago, and under their management and control. The North Idaho & Montana Power Co. distributes its power and sells to the lighting franchises in a number of towns along the Great Northern Railroad in Washington, Idaho, and Montana. The Washington Water Power Co., from their numerous plants on the Spokane River, distribute power to the Coeur d'Alene mining districts to the east, the city of Moscow, Idaho, on the south, and the cities of Lind and Wilson Creek, Wash., on the west. They own the franchises in all the cities of any size in this territory, and are in a position to connect up and supply any intermediate or new development.

The Montana Power Co. covers practically all of Montana, and from their Thompson Falls plant, now building, can cover the Coeur d'Alene country and much of the territory controlled by the Washington Water Power Co., if they so desire.

To the west of the Washington Water Power Co. is the territory served by the Pacific Power & Light Co., a corporation controlled by the American Power & Light Co.

All these corporations are identified both commercially and financially with the large power interests of the United States. Many of their directors are directors, stockholders, and officers in large power companies affiliated with large hydroelectrical and electrical manufactories, and many of them are connected with strong financial houses, while caring for the financial requirements of these companies will lead no assistance to competitive companies and do everything possible to discourage others from so doing.

On the Kootenai River in southern British Columbia are the plants of the Kootenai Power Co., which supplies power to within 60 miles of the power site of the International Power & Manufacturing Co. on the north and west.

You can therefore appreciate that the possibility of supplying any considerable amount of power for public-utility purposes by the International Power & Manufacturing Co. at this time is very slight, and the use for its power can only be found in establishing manufactories and using their power at low costs. This fact was clearly established and understood by the Secretaries of Interior and Agriculture at the time the permit was issued, and as far as they could under the law the permit was blended in its terms to meet the situation. How far the low price at which this power is capable of per horsepower development, and consequently the low price at which it can be sold, thereby affecting the rates for power and light now made by competitive companies of the community, has affected the financing of the project is an unsettled question, and whether the objection offered to this permit by the large power interests all over the United States affiliated in sentiment, if not in dollars, is to be overcome is yet to be seen.

The control of any power project, under any permit, which contains the public-participating features of this permit, is a fact that perhaps will never be admitted. But whether it is or is not which is a well established fact that men connected with the competitive power companies of the community have on every occasion and at every place where financial assistance might be rendered the enterprise belittled the permit, endeavored to discourage its promoters, and assert in every way to have the public, and bankers in particular, believe that the permit lacked any substantial value in any way to the development of the project, and in fact was injurious to its financial benefit.

Not only has this been done, but representatives have been employed and maintained at Washington to circulate the same statements, and at the same time urge water-power legislation along lines that I believe would intrench the water-power trusts or corporations now in control of the water-power development of the United States in a firmer hold on all the water-power developments of the country. These are the attacks that every independent power developer must meet to-day, and if he is to be unshrouded in his efforts the legislation you enact must be such as will bend to meet the unjust and artificial obstacles that are raised to prevent the consummation of his plans. Otherwise all the power development of the country must be completed by the present combination of electrical manufacturers and their financial associates, who at present control such a large percentage of the developed water powers of the United States, or the Government must develop them for the benefit of the country.

With this preliminary statement, I will now take up your letter regarding the permit.

From the standpoint of securing a valuable franchise from the Government, a part of the value of which should be returned to the public, I consider the permit good with the following modification: The permit

should be indeterminate as to time and irrevocable except for breach of conditions, with a provision that the United States can take over the property at any time on the payment of the value of the plant, the same to be determined by arbitration or through the usual legal channels. The desirability of this change in the permit is recognized by everyone. So far as it was possible to go under existing laws at the time the permit was issued this was done. The most serious objection I have had to the permit, from capital, has been to this feature. In an enterprise of this character, entering on a new field, confined to a sale of power almost exclusively for manufacturing purposes, every element of permanency should be made to the permit that capital can more easily be secured and at the lowest possible cost. Under the present permit one is subjected to the whims and fancies of the Secretaries of Interior and Agriculture, and while I have no complaint to make of Secretary Lane or Secretary Houston, who have rendered every attention, courtesy, and consideration in an effort to arrive at a solution of the problems surrounding water-power development on public lands in a manner beneficial to the public, to capital and the permittee, a change in these offices might also bring a change in policy. That at least is the expressed fear of capital.

There are other features of the permit, I believe, could be changed without loss to the public and at the same time make the permit easier to finance. The suggestions I make are old to the departments, as I made them at the time the permit was issued. At that time my suggestions were rejected, and I accepted the permit, believing this provisions were the stepping-stones to a closer understanding and relationship between the departments and the permittee, and that the former would be as willing to correct a provision of the permit that was later demonstrated to be detrimental to the success of the enterprise as the permittee would be to suggest it. And I felt that many of what I termed the inequalities of the permit would eventually be changed by the department when the permittee had established a development managed on the lines of the permit and a spirit of public benefit demonstrated with it for private or corporate benefit and demonstrated the provisions were impractical.

Section 8, page 6, of the permit provided a rental charge based on the estimated capacity of the plant taken from the flow of the streams. In the application of this schedule of charges the departments were endeavoring to insure to the public the maximum development of the stream and a minimum charge to the consumers. I have no objection to this purpose, but the hardship imposed on the permittee is to follow the power or light charges to the ultimate consumer. This will, in my judgment, compel water-power companies to go into the distribution of the power to the ultimate consumer, whereas this might be done to better advantage by corporations organized locally.

It seems to me the permittee should be only responsible for the reasonableness of the charge made at its plant or its own distribution line. That, if it sold power to a distributing company at a price which the departments or a public-utility commission of a State considered fair, the price charged by the distributing company should be regulated by the same bodies. The question of the cost of collection could in that manner be segregated from the cost of distribution and it would be easier to work out regulations in a manner fair to everyone on this basis than under the terms of the permit, where the permittee is charged with the duty.

Again, I feel the rental charges should not be revised every 10 years, unless the revision would be downward. My reason is this: The power development of the West must hereafter be used largely for manufacturing and irrigation purposes. To establish manufacturing plants in the West one must be able to assure the manufacturers that his power costs can be depended on for long periods of time. Manufacturing enterprises of the East are based on long life and in many cases running through several generations. The attraction of western manufacturing development is cheap raw material, with plenty of cheap power, but the price of the latter must be fixed and determined and should decrease in cost as the quantity used increases. The average power plant can show a very material reduction on the price for power when the full capacity of the plant is sold, from the price made with the initial development, which must be based on the use of a part of the capacity of the plant.

Section 9 provides for charges on the estimated capacity of the plant. I would suggest that the fairest method of calculation would be in the amount of power generated and sold. If the permittee builds his dam on the stream the full heights the physical features of the stream permit, that should constitute a full development instead of the installation of the machinery to utilize the full capacity of the stream flow. If the permittee installs machinery and offers the power generated to the public at prices approved by the departments or the public-service commission of the State, or both, he has done all he should be required to do, and he should pay his rental on the power he generates and sells rather than on the capacity of the plant. No one will be more interested in selling all the power generated and installing machinery to the full development of his plant as fast as he can sell it, because he can sell the full development at a less price per horsepower and make a greater profit than he can to sell a part of his development at a higher price. He should be compelled to install such measuring devices as will disclose the amount he makes and sells, and his records and books should be open at all times to the departments or commission having supervision over him. Such a plan would provide a rental on actual power produced and sold, and not on estimated capacity.

I have no objection to the supervisory terms of the permit or its provisions against combinations. In view of supervision and regulations of all public utilities by public-service commissions in nearly all the States, and as we have such a commission in this State, which is eminently fair to all interests, I can not agree that the permit is unworkable and believe if difficulties of its operation are disclosed they can all be adjusted in a conference with the departments. So far as my own experience is concerned, with both the Departments of Interior, Agriculture, and War, and the various bureaus of the same, with which my permit was negotiated, there was displayed a disposition only to arrive at a solution of the problems of the International Power & Manufacturing Co. and helpfulness to the enterprise, and I do not flatter myself that I secured any consideration reserved from others. In many elements of the permit they could not agree with me, in others they did, and I am of the opinion if capital and individuals interested in water-power development in the United States would be willing to sit in with these gentlemen and as earnestly endeavor to reach a common ground in these matters that would be fair and equitable to everybody concerned as they are willing to herald broadcast all over the country their autocratic mandates that these matters can not be financed unless it is done in a manner approved only by them, whatever differences exist would be speedily adjusted and the water wheels of progress would be turning all over the country.

Replying to your inquiries—

(a) Have you succeeded in securing funds for development purposes?

I have not definitely succeeded in securing funds for development of the project. I am negotiating with people who I believe will ultimately furnish the money.

(b) In case you have been successful, what, in general, were the terms under which you secured the former?

Not having secured the capital, I can not give you the terms. So far the terms considered have been a bond issue to cover cost of plant, with a large part of the capital stock to cover cost of underwriting.

(c) How many unsuccessful attempts did you make to secure development capital?

I have made six attempts, so far, to secure capital. Most of these led ultimately to the same source or fountainhead of money for hydroelectric development. The independent developer sooner or later must find out that the circle of financial operators in the United States who handle hydroelectric securities is very small and has many wires leading out from the one center through many channels to control as well as censor developments.

(d) What was the nature of the objections raised by those who refused to cooperate with you?

The objections to the permit were various. (1) That there were sufficient plants now operating in this territory; (2) that we should wait until the Washington Water Power Co. had developed business to take over the site; (3) that capital was not going into new enterprises until general business was more steady; (4) that the revocable features of the permit made the development unstable; (5) that the time was not opportune for this development; (6) lack of markets.

(e) What, in your opinion, are the defects in the Pend Oreille permit?

I regard the defect in the permit is its revocable features. As this power must be sold in large units for manufacturing purposes, and it can be developed and power sold with a profit at a lower cost than now prevails in this community, I do not consider the other features of the permit so unworkable. I believe the departments will modify them to suit the conditions that arise. I also believe the other changes I have suggested, if granted, would enable me to finance the project on a better basis, and I can not see wherein the changes suggested are injurious to the public.

I am of the opinion, Senator, that the difficulty with the permit is the objection of large power interests to accept its principles, and that these objections are of the mind rather than to the efficiency of the permit. As you inclose me S. 4415 and H. R. 16673, Union Calendar 258, I am taking the liberty to present my views of the same. I believe the administration, Secretary Lane, and yourself are actuated in an earnest desire to enact legislation that will insure development of water power in the United States under suitable national control, protecting the public interest, and in a manner satisfactory to capital. You know ever since I came to the State, in 1892, I have earnestly endeavored, with some degree of success, to help the settler grow his "two blades of grass where none or only one grew before," and now that the agricultural development of our State is along diversified rather than settlement lines, and the ways are open to the next step of progress, or its industrial development, which can only be done by the harnessing of our water powers, I am going to impose on your good nature a little longer to discuss these bills and give you some facts that may assist you in bringing about constructive legislation.

The great objection I have to both these bills is the 50-year limit of the permit. As the greatest use for power must be along manufacturing lines, and the development of water power must carry with it the building of factories coincident to the development of the plant, to insure earnings to pay the fixed charges of the undertaking, and as manufacturers should have an indeterminate period of operation, the power company should be able to make, if necessary, a contract for power running over a period of 100 years without any change in the contract, unless it is a sliding scale of reduction.

I presume that both of these bills are aimed to pacify those people who believe the Government should have a large revenue from developed water powers on public lands. These people have always limited the franchise to 50 years without any apparent reason for that particular period of time. My idea of water-power development is one of sufficient charge by the Government to pay for the supervision of the construction of the plant and the regulation of its operation—a regulation that will insure to capital a fair return on the money and effort invested in the plant and insuring to the public rates that would offer an opportunity to communities to employ labor and furnish all the comforts to humanity that electricity will supply. This, in my judgment, is the function of the Government as applied to water power on public lands, and whatever legislation it is necessary to enact to produce this result should be enacted, and I know nothing that will assist in inducing manufacturers to locate in the West as a guarantee that their power can be depended upon. If the contract must be limited to 50 years, then one-fiftieth of the power plant, together with one-fiftieth of the cost of each manufacturing plant constructed to use the power, must be charged off annually, and this will become a charge which the consumer of energy and manufactured goods must pay. If the permit runs indefinitely, this will not be necessary.

Personally I care not how restrictive the permit may be as to supervision of rates or regulation as to combinations, nor have I any objection to the condemnation of the plant at any time, through the proper channels, provided the equity of the owners is considered and the capital invested protected. These things I feel are of much less concern to the permittee if he wants to do the right thing and affect him less in making a market for his energy than does the limitation of the term of the permit, especially if he is up against a manufacturing use for his power. I would therefore urge that the permit or lease be made indeterminate and the public safeguarded against extortion and rapacity in other ways.

The provision of Senate bill 4415 as to appraising the power site and and the payment of a rental of 5 per cent on the approved value. This is a rental, and I can not see much difference than paying it on the capacity of the plant, and the value of the land for power purposes would in all probability creep in. A small charge on the power produced and sold would, I think, be preferable and more easy to adjust.

I see no reason to change my view expressed in the conferences I had a year ago—that the great trouble of water-power development was the uncertainty of the political and economic agitation, and that, inasmuch as the National Government has become and will continue to be a factor in water-power development, I should like to see a bureau established in the Interior Department where the supervision and regulation would center, and which bureau would become a clearing house for all water-power problems. Every water-power development pos-

and operate a public highway bridge across the Sulphur River, at a point suitable to the interest of navigation, at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTINE of New Jersey:

A bill (S. 6095) granting a pension to Navarra Kantz Simpson (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6096) granting an increase of pension to Mary M. Nolan; to the Committee on Pensions.

By Mr. KENYON:

A bill (S. 6097) for the relief of Sarah McLaughlin; to the Committee on Claims.

A bill (S. 6098) granting an increase of pension to R. M. Sherman; to the Committee on Pensions.

By Mr. STERLING:

A bill (S. 6099) granting a pension to Catharine Curry (with accompanying papers); to the Committee on Pensions.

By Mr. WEST:

A bill (S. 6100) providing for the appointment of an additional district judge for the southern district of the State of Georgia; to the Committee on the Judiciary.

By Mr. WEEKS:

A bill (S. 6101) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River; to the Committee on Commerce.

By Mr. SMOOT (for Mr. STEPHENSON):

A bill (S. 6102) for the relief of the heirs of Dr. Oscar Chrysler; to the Committee on Claims.

By Mr. JAMES:

A bill (S. 6104) granting an increase of pension to Frances A. Rogers (with accompanying papers); and

A bill (S. 6105) granting an increase of pension to John T. Allen (with accompanying papers); to the Committee on Pensions.

SUPPRESSION OF CORRUPT PRACTICES.

Mr. SHEPPARD. I introduce a bill for reference.

The bill (S. 6103) to suppress graft and prevent corruption by prohibiting certain relations of Members of Congress, Resident Commissioners, members of the Cabinet, Federal judges and justices, and other Federal officers with certain individuals, firms, corporations, companies, and associations, and prescribing penalties, was read the first time by its title.

Mr. GALLINGER. I will ask that the bill be read. The title is rather startling.

The bill was read the second time at length, as follows:

A bill (S. 6103) to suppress graft and prevent corruption by prohibiting certain relations of Members of Congress, Resident Commissioners, members of the Cabinet, Federal judges and justices, and other Federal officers with certain individuals, firms, corporations, companies, and associations, and prescribing penalties.

Whereas the first obligation of a public servant is to the people; and

Whereas the proper discharge of official duties requires that public servants shall have no relations with corporate or other interests that might conflict with an unselfish devotion to the common good; and

Whereas relations and entanglements tending to lead public men astray should be prevented as far as possible by proper laws and penalties: Therefore

Be it enacted, etc., That whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States, or marshal thereof, or a member of the Cabinet of the President of the United States, or to any other office under the Government of the United States, shall, after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly, asks, accepts, receives, or agrees to receive any loan of money or property or of any other thing of value, or any promise of any loan of money or property or of any other thing of value, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any individual, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to have forfeited his office or place, and furthermore may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States, and the burden of proof to show that adequate and legitimate consideration has been given for the things herein mentioned shall rest upon the official who has asked or accepted, received or agreed to receive them. By the words "adequate and legitimate consideration" is meant by such consideration as usually obtains in the course of ordinary business transactions.

SEC. 2. That whoever, being elected or appointed a Member or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States, or marshal thereof, or a member of the Cabinet of the President the the United States, or to any other office under the Government of the United States shall, after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly asks, accepts, receives, or agrees to receive any loan of money or property or of any other thing of value, or any promise of any loan of money or property or of any other thing of value, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any individual, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to have forfeited his office or place, and furthermore may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 3. That whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, or being appointed a judge or justice of any court of the United States or marshal thereof, or a member of the Cabinet of the President of the United States, or to any other office under the Government of the United States, shall after his election, nomination for election, or appointment, and either before or after he has qualified and during his continuance in office, directly or indirectly, asks, accepts, takes, or agrees to take any office or employment, or remuneration for the performance of any office or employment, from any railroad, sleeping-car, dining-car, ship, steamboat, express, telegraph, or telephone company, or from any person, firm, association, company, or corporation under indictment for or acting in violation of the antitrust laws of the United States or of any State, or that has been officially shown to have violated any of the antitrust laws of the United States or of any State, or from any firm, corporation, person, officer, or agent acting for or in the interest of the individuals, firms, associations, corporations, or companies hereinbefore mentioned, shall be punished by fine of not less than $100 nor more than $5,000, or by imprisonment for not more than five years, or by both such fine and imprisonment, and may also be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

SEC. 4. That nothing in this act shall be construed to apply to religious, charitable, or other benevolent organizations not conducted for pecuniary profit.

SEC. 5. That any firm, association, individual, company, or corporation hereinbefore mentioned, tendering or promising to tender, giving or promising to give, the things described in this act to the officials hereinbefore described, before or after qualifying for office, shall be punished by a fine of not less than $100 nor more than $5,000, and may also be barred from interstate commerce; and the said individual may also be imprisoned for not more than five years, and may also be adjudged to have forfeited any office or place he may hold under the United States, and, furthermore, may be adjudged to be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Mr. BRANDEGEE. What is this document?

The VICE PRESIDENT. A bill introduced by the Senator from Texas [Mr. SHEPPARD] and read at the request of the Senator from New Hampshire [Mr. GALLINGER], and it is now about to be referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I think it had better be referred to the Federal trade commission.

The VICE PRESIDENT. The bill will be referred to the Committee on the Judiciary.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to appropriate $1,000 to pay Frank Oliver for extra services as clerk to the Senate Committee on Interoceanic Canals, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Interoceanic Canals and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $5,000 for aid to the Library for the Blind, located at 1729 H Street NW., Washington, D. C., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. McCUMBER submitted an amendment intendel to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for

other purposes, which was ordered to lie on the table and be printed.

THE PLATTSBURGH MEMORIALS.

Mr. SAULSBURY submitted the following concurrent resolution (S. Con. Res. 27), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Whereas the Government of the United States has provided for the erection of memorials at or near Plattsburgh, N. Y., in commemoration of Commodore Thomas Macdonough's victory on Lake Champlain in September, 1814, and commissions have been appointed by the States of Vermont and New York, as well as a commission to be appointed by the President of the United States, which are to have in charge the erection of such memorials and the suitable commemoration of said victory: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

AFFAIRS IN MEXICO.

Mr. POINDEXTER. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 419) was read, as follows:

Resolved, That the Secretary of the Navy is requested to inform the Senate as to the truth or falsity of the press report sent out from Vera Cruz, Mexico, June 17, 1914, and published in the United States, that an ensign in the United States Navy caused to be shot unarmed Mexican prisoners under the so-called Mexican "ley de fuga"; and to inform the Senate of all the circumstances relating to said act, if it occurred.

Mr. KERN. I ask that the resolution may go over.

The VICE PRESIDENT. The resolution will go over.

Mr. POINDEXTER. I wish to inquire if there was objection to the present consideration of the resolution.

The VICE PRESIDENT. There was. The Senator from Indiana [Mr. KERN] asked that the resolution go over.

EXEMPTIONS FROM CIVIL-SERVICE LAWS.

Mr. GALLINGER submitted the following resolution (S. Res. 418), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Committee on Civil Service and Retrenchment is hereby directed to collate and report to the Senate the number of employees included in the acts of the Sixty-third Congress approved to date who have been exempted from the provisions of the civil-service laws, and also the number who have been exempted during that period by Executive order, giving in each case the duties and salary of the incumbent.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD (S. DOC. NO. 544).

Mr. NORRIS. Mr. President, day before yesterday the Senate had before it the report of the Interstate Commerce Commission, in which they submitted to the Senate evidence that had been taken under a resolution passed by the Senate, and the same was ordered to be printed in connection with their report as a Senate document. The demand for the evidence will not be so very great, but the demand for the report is great, and I wish to ask now that the report be printed separately. In order that the Secretary may have a proper record of it, I send to the desk and ask for the adoption of the following order.

The order was read, as follows:

Ordered, That 10,000 copies of the report of the Interstate Commerce Commission submitted to the Senate on July 13, 1914, relative to the financial transactions of the New York, New Haven & Hartford Railroad Co., be printed for the use of the Senate document room.

Mr. SMOOT. I will ask the Senator from Nebraska if he has learned what the printing of 10,000 copies will cost?

Mr. NORRIS. I have learned that it will cost much less than the limit that would compel us to pass a concurrent resolution.

Mr. SMOOT. Much less than $500?

Mr. NORRIS. The document will be somewhat larger than the pamphlet I have in my hand, which has 101 pages. It is already in type, of course, and the only expense will be the cost of the paper and the ink and the small amount of labor that will be necessary to print it.

Mr. SMOOT. Evidently if it is to contain only 101 pages, it will come within the limit.

Mr. NORRIS. It will not come anywhere near the limit. I have had the estimate of the Public Printer.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is agreed to.

VOTES ON TARIFF LAW OF 1913.

Mr. SIMMONS. Mr. President, I have in my hand a statement prepared in the office of the Secretary of the Senate relative to the yea-and-nay votes of the Senate during the consideration of the tariff bill of 1913. I ask that it may be printed as a document.

Mr. SMITH of Michigan. What is the document?

Mr. SIMMONS. It is a statement prepared in the office of the Secretary of the Senate of the yea-and-nay votes on the tariff bill.

Mr. SMITH of Michigan. That is, upon each schedule or upon the final passage of the bill?

Mr. SIMMONS. Upon all the schedules of the bill; all the votes that were taken.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Carolina?

Mr. BURTON. I presume it will be practically the same as the document published in regard to the votes on the tariff bill of 1909.

Mr. SIMMONS. Yes; which was prepared by the late Senator Bacon. I have not examined it carefully, but I understand that that is the line it follows. It simply gives the yea-and-nay votes, without any comments at all.

Mr. BRANDEGEE. I wish to ask the Senator from North Carolina how many copies each Senator would have if it is simply printed as a public document and nothing more said? Would it give us more than two or three copies?

Mr. SIMMONS. I think that would be a matter for the Committee on Printing. I suppose the request will be referred to the Committee on Printing, and it would report it back.

Mr. BRANDEGEE. It is my impression if it is simply printed as a public document under some regulation, we would have only a few copies each.

Mr. SMOOT. Each Senator would have two.

Mr. BRANDEGEE. Each Senator would have two. It seems to me that while it is being set up in print it would cost very little more to have enough copies printed so that each Senator can be liberally supplied. I should like to have quite a number. I hope the Committee on Printing will provide that enough copies shall be printed.

Mr. SIMMONS. I had supposed that under the rule the motion would go to the Committee on Printing, and they would recommend the number of copies that it was thought expedient to print.

The VICE PRESIDENT. The motion will be referred to the Committee on Printing.

Mr. BRANDEGEE. I should like to move an amendment, if it is in order, that it go to the Committee on Printing with instructions that if they report favorably, they shall provide enough copies so that each Senator may have, say, 25.

Mr. SIMMONS. What number does the Senator suggest?

Mr. BRANDEGEE. I would be satisfied with 25 copies; but I do not know how that would strike others. Two copies would not be of much use to me.

Mr. SIMMONS. I suggest that instead of 25 copies each Senator be given 50 copies.

Mr. BRANDEGEE. Whatever number the Senator thinks best.

Mr. NORRIS. I wish to make an inquiry. I think this is knowledge the Senate ought to have, but from what inquiry I have been able to make, when a document is ordered printed as a Senate document it gives to each Senator about two copies, while as a matter of practice, I think, when they are not called for the clerks in charge, after waiting a reasonable length of time, will often supply an additional number of copies to those who desire them. Sometimes a document is printed and there are only a few Senators who desire copies of it. It seems to me, if that is correct, the Committee on Printing has no jurisdiction whatever, unless the resolution provides that additional copies must be printed, and if it provides that additional copies shall be printed for the use of the Senate, then all the additional copies will be distributed among the Members of the Senate. But as I understand it, and I should like to be informed if I am not right, the printing of a document will mean the printing of between 1,600 and 1,700 copies, and under the law they are divided up among the House and Senate and the departments and other officials of the Government and public libraries, so that there are only about 2 copies left for each Senator.

Mr. SMITH of Michigan. Does the Senator from Nebraska know that there will be any great call for copies of the tariff votes?

Mr. NORRIS. Oh, no; I am not speaking of this document in particular. I wanted to know whether I am right about the number.

Mr. SMITH of Michigan. A little later in the fall it might be very desirable to have the specific votes of Senators on that unfortunate measure, and I hope the Senator will press the mat-

SENATE.

WEDNESDAY, *July 15, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look to Thee for Thy blessing as we enter upon the duties of this day. May these men who watch at the gate of our Nation have Thy laws within their hearts. May they have wisdom and grace to observe Thy statutes. May they magnify Thy name and enjoy Thy constant favor. During this heated term, which tries men's strength, may it please Thee to preserve their lives and health, their going out and their coming in, and in all their plans and deliberations be Thou their guide and their counselor. We ask it in Christ's name. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. THOMAS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes; and

H. R. 10523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. GRONNA. Mr. President, I present a petition from the Merchants and Manufacturers' Association of Baltimore, Md., which I ask to have read at the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read the petition.

The Secretary proceeded to read the petition, and was interrupted by.

The VICE PRESIDENT. The Chair is of opinion that until the rules of the Senate are changed this is not a petition which comes to the Senate in open session. Unless there be an appeal from the Chair, the reading of the petition will cease.

Mr. GRONNA. Mr. President, this petition was received by me through the mails. Under the Constitution of the United States the people of our country have a right to petition Congress for such legislation as they demand. I did not present the petition for the purpose of showing that it meets with my approval, because it does not. I do not share in the opinion that men who are engaged in big business are the only ones who——

Mr. SWANSON. Mr. President, I call for the regular order.

Mr. GRONNA. Petitions of this kind, I want to state——

Mr. SWANSON. When I am in the Senate during the morning hour I am going to call for the regular order. We are wasting time here repeatedly, and it will be utterly impossible to reach a final adjournment of this session of Congress unless the rules of the Senate are enforced. Petitions can be presented as the rule provides, and if it is asked that they be printed in the RECORD I will consent, but I shall in the future call for the regular order when I am in the Senate during the morning hour, and I call for the regular order now.

Mr. GRONNA. Mr. President, if the Senator from Virginia wants to take me off the floor when I present a petition sent to me by a commercial body of one of the great cities of the United States, he may do it, but I want to remind him that I shall probably be here as long as he will be here and that my time will come to make a similar suggestion to the Senator from Virginia.

Mr. SWANSON. I desire to say that in this matter there is no discrimination against the Senator from North Dakota or any other Senator.

Mr. GRONNA. I was proceeding in an orderly manner. I decline to yield.

The VICE PRESIDENT. The regular order has been called for, and unless there is an appeal from the Chair the petition will be referred to the Senate in executive session.

Mr. GRONNA. That is not satisfactory to me, Mr. President; but I still have the floor, and I want to make a few observations.

The VICE PRESIDENT. The presentation of petitions and memorials is in order.

Mr. GRONNA. I have a telegram in the nature of a petition from E. E. Garvin, secretary of Minot Division, Order of Railway Conductors, of Berthold, N. Dak., which I ask to have printed in the RECORD.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

BERTHOLD, N. DAK., *July 14, 1914.*

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

Minot Division, No. 483, Order Railway Conductors of America, honorably solicit your support of the Clayton antitrust bill designed to take labor organizations from under the Sherman antitrust law. We respectfully request your untiring efforts in behalf of its passage before the close of this session of Congress.

E. E. GARVIN, *Secretary.*

Mr. GRONNA. I have also petitions here, and I will ask to have only one read by the Secretary, and then I ask that they may be properly noted and referred to the Committee on the Judiciary.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

A PETITION TO THE SENATE OF THE UNITED STATES.

BROCKETT, N. DAK.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.:

We, the undersigned voters, earnestly petition for the passage by the United States Congress of the joint resolution introduced in the House of Representatives December 10, 1913, by Congressman RICHMOND P. HOBSON and on the same day introduced in the Senate by Senator MORRIS SHEPPARD, providing for the prohibition of the sale, manufacture for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof.

Mr. GRONNA presented petitions of sundry citizens of Hansboro, Grafton, and Kintyre, all in the State of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Typographical Union No. 690, of Devils Lake, N. Dak., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. GRONNA. Day before yesterday I presented several petitions praying for national prohibition, and through inadvertence I overlooked briefing them. I wish to state now that those petitions were from the following towns and cities in the

State of North Dakota; Mrs. John McDermid Hamilton, Hamilton voters, Kenmare Methodist Episcopal Church, Westhope mass meeting, Bathgate citizens, Neche voters, Henton Christian Endeavor and Christian Temperance Union, Elmore mass meeting, Northwood voters, Forbes (80 people), Guelph (100 people), Sheldon mass meeting, Forest River mass meeting (300 people), Grafton mass meeting (300 people), and Hensel meeting of citizens.

The petitions are signed by a great number of voters and citizens of the State of North Dakota. Many of them are personally known to me. They are good business men, and, looking at the question from an economic standpoint as well as from a moral standpoint, they believe in having this amendment to the Constitution passed.

We are fortunate in my State, Mr. President. We have no large cities. We are a rural population, and the people of my State think for themselves. We do not think it is necessary to select for high positions men whose ambition and whose entire life has been spent for the very purpose of making money either for themselves or for great corporations.

So, Mr. President, I say that our people feel that they have the right to express their views, and they also have a high regard for the opinion of the common people of this country. There are thousands of men outside of the so-called big business who possess the genius, the skill, and the intelligence to do justice to business, but they also are in sympathy with the idea that honest business must be done and that the common everyday man must be taken care of just as well as those who are engaged in big business if we are going to have substantial prosperity.

Mr. SMITH of Arizona presented petitions of sundry citizens of Tempe, Williams, and Tucson, all in the State of Arizona, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Crown King, Tucson, and Phoenix, all in the State of Arizona, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 477, Brotherhood of Railroad Trainmen, of Winslow, Ariz., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. CATRON presented resolutions adopted at a union meeting of churches in Lakewood, N. Mex., favoring national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Texas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Central Labor Union of Lebanon, N. H., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Woman's Christian Temperance Unions of New London County, Windham County, and Tolland County, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GOFF presented memorials of sundry citizens of Charleston, W. Va., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens and churches of the State of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the Woman's Christian Temperance Unions of Rochester and Barton and Bennington County, in the State of Vermont, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. SMITH of Michigan presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Ironwood, Mich., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations of the State of Michigan, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Bad Axe and Detroit, in the State of Michigan, remonstrating against the proposed increase in the number of chaplains in the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry labor organizations of the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Cloverdale, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. COLT presented a petition of the City Council of Woonsocket, R. I., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of the congregations of sundry churches of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions and telegrams in the nature of petitions from sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented a petition of sundry citizens of Providence, R. I., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented petitions of sundry citizens of Mitchell and Salem, in the State of South Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 10460) for the relief of Mary Cornick (Rept. No. 667);

A bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States (Rept. No. 669); and

A bill (H. R. 14679) for the relief of Clarence L. George (Rept. No. 668).

Mr. THORNTON, from the Committee on Fisheries, to which was referred the bill (S. 5283) to regulate the catching of whales in the waters of the Territory of Alaska, reported it without amendment.

Mr. SIMMONS, from the Committee on Commerce, to which was referred the bill (S. 5449) to make Pembina, N. Dak., a port through which merchandise may be imported for transportation without appraisement, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

Mr. CLAPP, from the Committee on Standards, Weights, and Measures, to which was referred the bill (S. 4517) to establish a standard box for apples, and for other purposes, reported it with amendments and submitted a report (No. 670) thereon.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 6078) for the relief of Alice Harvey and Winifred Waltz, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

SULPHUR RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably with an amendment the bill (S. 6061) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Pace's ferry, between the counties of Bowie and Cass, in the State of Texas, and I submit a report (No. 666) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Commerce was, in line 5, after the name "Sulphur River," to insert "at a point suitable to the interest of navigation," so as to make the bill read:

Be it enacted, etc., That the consent of Congress is hereby granted to the Board of Trade of Texarkana, Ark.-Tex., to build, maintain,

so entirely self-sacrificing as to yield up everything to the welfare of the country.

I know—

The gentleman from New York asserted—

that some Members on this side are voting continually for appropriations because they fear the wrath of the public if they do not vote out of the Public Treasury assistance for everything anyone suggests. I have in my hand a letter which is somewhat characteristic of the correspondence which I receive daily.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Speaker, I ask unanimous consent for one minute more.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for one minute more. Is there objection?

There was no objection.

Mr. MOORE. Interpolating a few asterisks and leaving out some of the things the gentleman from New York said, he came down to this:

We charge the Republicans for 12 years of my service in the House under Republican administrations with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party and in our attempts to show that what we charged in order to get in power was true. We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress.

Maybe that is the reason why the bills were held up. Perhaps they had not gotten in everything they wanted. I read further:

They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughing stock of the country.

I appeal to them now before it is too late. I appeal to them now before we have gone beyond recall to stop the conduct of which they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe that the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions. [Applause.]

Why, gentlemen, what further or more effective indictment could be made against the statement just uttered by the gentleman from New York [Mr. FITZGERALD] in answer to the gentleman from Massachusetts [Mr. GILLETT] than this utterance on April 10 last by the same gentleman from New York, who was then, as now, the chairman of the Democratic Committee on Appropriations? [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 15, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FITZGERALD, from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," reported the same without amendment, accompanied by a report (No. 960), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRIFFIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9687) changing the designation, fixing the status of, and granting an increase in pay to certain clerks employed with the Army at headquarters of departments, divisions, brigades, districts, Army service schools, and posts commanded by general officers, and heretofore known as headquarters clerks, reported the same with amendment, accompanied by a report (No. 965), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17825) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark., reported the same without amendment, accompanied by a report (No. 966), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 15309) providing for the payment for certain services arising under the Navy Department, reported the same without amendment, accompanied by a report (No. 961), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 10327) for the relief of Morris Dietrich, reported the same with amendments, accompanied by a report (No. 962), which said bill and report were referred to the Private Calendar.

Mr. EVANS, from the Committee on Claims, to which was referred the bill (S. 1803) for the relief of Benjamin E. Jones, reported the same without amendment, accompanied by a report (No. 963), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17891) to incorporate the Federal Council of the Churches of Christ in America; to the Committee on the Judiciary.

By Mr. CULLOP: A bill (H. R. 17892) to amend section 15 of the act to regulate commerce by authorizing the commission to require a uniform classification of freight; to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17893) to amend section 3 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: A bill (H. R. 17894) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: Resolution (H. Res. 567) providing for the consideration of House joint resolution 300; to the Committee on Rules.

By Mr. GOLDFOGLE: Resolution (H. Res. 568) directing printing of additional copies of House Document No. 939, Sixty-third Congress, "Wages and Regularity of Employment in the Dress and Waist Industry in New York City," and also additional copies of House Document No. 908, Sixty-third Congress, being "Conciliation, Arbitration, and Sanitation in the Dress and Waist Industry in New York City"; to the Committee on Printing.

By Mr. KINDEL: Resolution (H. Res. 569) directing the Attorney General to inform the House if action is contemplated against the United States and Adams Express Cos. for a refund of moneys collected in excess of rates charged individual shippers; to the Committee on the Judiciary.

By Mr. LOGUE: Joint resolution (H. J. Res. 301) designating the "Star-Spangled Banner" as the national anthem; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAKES: A bill (H. R. 17895) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy; to the Committee on Naval Affairs.

By Mr. BRITTEN: A bill (H. R. 17896) for the relief of Francis Murphy; to the Committee on Naval Affairs.

By Mr. BURKE of Wisconsin: A bill (H. R. 17897) granting an increase of pension to Hannah Heuser; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17898) granting an increase of pension to Nancy E. Wynn; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17899) granting an increase of pension to James H. Layne, jr.; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17900) granting a pension to Daniel J. Noonan; to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 17901) granting an increase of pension to George J. Wolf; to the Committee on Invalid Pensions.

By Mr. PETERSON: A bill (H. R. 17902) granting an increase of pension to Margaret S. Gemberling; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17903) granting an increase of pension to Robert W. Griffin; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 17904) granting an increase of pension to Henry Hodson; to the Committee on Invalid Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 17905) for the relief of the heirs of J. W. Meadows, deceased; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOOHER: Petition of 52 merchants of the fourth Missouri district, favoring the passage of House bill 5308, relative to taxing of mail-order houses; to the Committee on Ways and Means.

By Mr. CONNELLY of Kansas: Petitions of 24 citizens of Logan, 48 citizens of Burr Oak, 26 citizens of Montrose, 23 citizens of Formoso, 87 citizens of Hoxie, 67 citizens of Sheridan County, and 287 citizens of Norton County, all in the State of Kansas, favoring the Sheppard-Hobson amendment for national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of Salem, S. Dak., and the Epworth League of the Huron district, St. Lawrence, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of 120 citizens of Bangor, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petitions of sundry citizens of Wallace and Shoshone, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. GARNER: Memorial of the Dallas (Tex.) Chamber of Commerce, protesting against amendment to the alien immigration law; to the Committee on Immigration and Naturalization.

By Mr. GILL: Petition of sundry citizens of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of 200 citizens of Brewer, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of Cloverdale, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. HAY: Petition of the Epworth League of the Methodist Episcopal Church of Front Royal, Va., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the Trinity Baptist Church, of Providence, R. I., and 100 citizens of Greystone, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of sundry citizens and churches of the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petitions of the National Wholesale Liquor Dealers' Association and sundry citizens of the State of Colorado, protesting against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of 385 citizens of Shenandoah, Pa., and 155 citizens of Sesk, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Mr. Benjamin P. Woodward, of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of the Western Society of Engineers, of Chicago, Ill., protesting against the passage of House bill 13457, relative to surveys by United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. McGILLICUDDY: Petition of sundry citizens of Mexico and Ridlonville, Me., in favor of national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of College View, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of sundry citizens of Rensselaer Falls, Gouverneur, Hamilton, Minerva, Millsboro, and other places in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Potsdam and Ogdensburg, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. NEELEY of Kansas: Petition of various members of the Christian Endeavor Society of Lacrosse, sundry citizens of Liberal, and various members of the Christian Church of Langdon, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of Thomas Smith and 15 others, of Moundsville, W. Va., and William J. Soroggins and 10 others, of Wheeling, W. Va., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Hancock County Bar Association, of New Cumberland, W. Va., expressing confidence in Hon. Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia; to the Committee on the Judiciary.

Also, petition of sundry citizens of Triadelphia, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of 270 citizens of the city of San Francisco against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, petitions of various custombouse employees of San Francisco urging the passage of the general deficiency bill on account of their failure to receive pay from middle of June; to the Committee on Appropriations.

Also, resolutions of the Southern California Conference of the Free Methodist Church, favoring a constitutional amendment providing for nation-wide prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Memorial of the Ministers' Union of Newport, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PETERSON: Petitions of 323 women and children of Warsaw, 525 citizens of Lafayette, and sundry citizens of Lafayette, Hammond, Gary, Oxford, Crown Point, Rensselaer, Kentland, Fowler, Hammond, Remington, Goodland, Earl Park, Wolcott, Brookston, Monticello, West Lebanon, Valparaiso, and Whiting, all in the State of Indiana, favoring national prohibition; to the Committee on Rules.

Also, petitions of Mrs. M. A. Gregory, Mrs. W. H. Lloyd, and others, of Valparaiso; Mrs. S. Coulter, Mrs. Charles Eniman, and others, of Lafayette; Mrs. C. E. Newton, Elizabeth Grave, and others, of Monticello; and Kate W. Ray, Mrs. Jennie Roberts, and others, of Gary, all in the State of Indiana, favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Indianapolis, Evansville, Lafayette, Ind.; Chicago, Ill.; and the American Association of Foreign Language Newspapers, New York, against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of William Fink, of New Haven, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of 780 citizens of Lowell, Mass., and 100 citizens of Hudson, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. STOUT: Petition of the St. Paul's Methodist Episcopal Brotherhood of Helena, Mont., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of Edward Van Leuven and 50 citizens of the twenty-eighth congressional district of New York and F. A. Sherman & Co., of Albany, N. Y., favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. THOMSON of Illinois: Petition of sundry citizens of Chicago, Ill., favoring House joint resolution 282, relative to claims of Dr. Frederick A. Cook to be discoverer of the North Pole; to the Committee on Naval Affairs.

The gentleman from New York says that we were prevented and delayed by constant calls for quorums. That is true, but I think it is but fair to suggest that these points of order and delay and filibuster came from that side of the House. It did not come from this side of the House. They are responsible for it.

I did not when I began, and I do not now, pretend to apportion the blame for this delay and mismanagement. I do not know, and I do not say, whether it was the administration with its measures and the pressure it brought upon the House to carry those measures through ahead of the appropriation bills that caused the trouble, or whether it was the Committee on Rules that manages the House—I do not determine who made the trouble. All I have a right to say is that the Democratic Party is responsible. The Democratic Party has full control of the House, and it is responsible, and it may apportion the blame upon all the branches of the Government and such committees of this House as it pleases. But it can not shift responsibility from itself.

The gentleman from New York indulges in the usual talk of Republican extravagance and profligacy. We have never claimed, as that party always has, to be the special disciples and advocates of economy, but when the gentleman reproaches us for extravagance he must have forgotten the record that this Congress is making. He must have forgotten some remarks he made in this House not long ago reproaching that side of the House for the extravagance which they were developing in every direction. I venture to say that when at the end of this Congress the gentleman comes to make the report, which the chairman of the Appropriations Committee always has to make, of the expenditures of this Congress, he will find it very hard to reconcile them with the Democratic platform and professions and the charges against the Republican Party in which he now indulges.

Now, as to the Fifty-first Congress, which he refers to, it is noticeable that he has to go back 24 years for a Republican precedent. During the whole 16 years of recent Republican control there is not a single case of such legislation. The Fifty-first Congress was very different from this. That was a Congress where the Republicans had such a narrow majority that it was necessary for every man to be constantly present, because it was the Congress where that side of the House did not simply filibuster in the ordinary way, but that side of the House absented itself day after day in a body from the Chamber, and compelled this side of the House, with its very slender majority, to keep a quorum, only one man on that side of the House being present to insist on obstructive motions. With such difficulties, it is no wonder that all legislation was delayed.

That was the Congress where the Reed rules were adopted, and that of itself was a revolution which absorbed a vast amount of time. It was the Congress of the McKinley bill, and, above all, it was the Congress of the most vicious and desperate filibuster ever known in these Halls, a filibuster that would not be tolerated to-day. Members would not now dare to absent themselves in a body and leave the Chamber to their opponents, because public sentiment would condemn them for not doing their duty. It was against that kind of obstruction that that Congress had to legislate.

So, as I say, the gentleman has to go back to 1891 for a Republican precedent. But what I wish to draw attention to is that after 16 years of business management, where the appropriation bills went through on time and there was no necessity for the extension which so demoralizes the Government, the very first year the Democratic Party has control of the administration and of Congress appears that defect for which we have always criticized them—inherent incapacity for business management.

Mr. FITZGERALD. Mr. Speaker, the legislative bill was agreed upon to-day because a majority of the House voted for the motion which I made, which made possible agreement between the Houses.

The District bill was agreed to to-day because the Senate made concessions to the House that the House insisted upon; otherwise there could not have been an agreement. So far as the inability to obtain a quorum of the Committee on Rules in order to do business is concerned, let me say that there was no difficulty in obtaining a quorum. There was a quorum of the committee in the city.

Mr. GILLETT. The gentleman means a quorum on the Democratic side?

Mr. FITZGERALD. No; there was not a quorum of the committee on the Democratic side; but committees are made up of Democrats and Republicans and Progressives, and the latter complain loudly enough when they are not given an opportunity to be present, so they should not insist upon objecting when business is to be taken up and they are present. There were three Republicans on that committee who were in the city, but it was a notorious fact that if the committee met they were likely to act in such an unpatriotic manner that it would have been impossible to obtain any report. But there would have been a quorum of the committee, and, if necessary, enough Democrats to make a quorum of the committee here to-morrow to do whatever business would have been necessary.

Mr. JOHNSON of Kentucky. Mr. Speaker, it is now after 7 o'clock. The Members of the House have grown tired after the long day's work and have nearly all gone home. Without counting, I do not believe there are more than 25 Members present. It happens, however, that the gentlemen who have spoken since this resolution has been under consideration have taken occasion to say that they were not responsible for the delay in the passage of the appropriation bills. It further happens that each of those gentlemen, I believe, voted against the passage of the Panama Canal tolls repeal bill. One speaker attributes the delay to the Democratic Party, alleging incompetency and inefficiency. To that, of course, nobody gives serious attention. Everybody recognizes and realizes the spirit in which that was said; but it has been more seriously said by another that the delay in the passage of the supply bills has been occasioned by the displacement of those bills with the Panama Canal tolls repeal bill. I for one, and I believe I can also speak for absent Democrats, wish to assume responsibility to the extent that I am able to do it of delaying the passage of the supply bills, in promoting the passage of the Panama Canal tolls repeal bill. If the Panama repeal bill had not been gotten up, and considered and passed when it was, the probabilities are that that statute, iniquitous in my judgment, would still be upon the statute books. It is true that the supply bills have been delayed, but with all their delay not a single account has gone unpaid, not a single salary up to now stands unpaid.

Mr. GILLETT. Men have been discharged.

Mr. JOHNSON of Kentucky. We have accomplished the result of the repeal of the Panama tolls bill without having any delay in the payment of a bill or a salary or the discharge of even one man because the appropriation bills have been delayed. The result is better for the whole country than if the supply bills had passed long ago.

Mr. MOORE. Mr. Speaker, I ask to be heard on this.

The SPEAKER. The Chair will again admonish Members that this resolution is now being considered in the House as in Committee of the Whole and that the five-minute rule ought therefore to prevail. The gentleman from Massachusetts [Mr. GILLETT] very pleasantly ran along with his speech, and the Chair permitted him to do so, as did the gentleman from New York. The rule, however, is for five minutes.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. MOORE. Mr. Speaker, in view of the statement made by the gentleman from Kentucky [Mr. JOHNSON] that he did deliberately help to hold up the supply bills for the purpose of passing the Panama Canal tolls repeal bill, I wish to say that from my viewpoint, as a Republican, the delay in the passage of these supply bills has been due very largely to Executive interference in the affairs of Congress, as for instance, in the demand for the passage of the Panama Canal tolls repeal bill. We have had antitrust legislation and Panama Canal tolls legislation thrust upon us, and the Democratic majority has been substantially helpless in the matter. It has had to do the bidding of the White House with respect to these important measures in order that the Democratic platform at Baltimore might be carried into effect. We have dallied with the regular business.

Mr. FITZGERALD. Oh, that statement is not correct. Whatever was done here was done by the Democratic Party in the House on its own responsibility, and after full deliberation.

Mr. MOORE. The gentleman makes that statement, but will the gentleman say whether his Committee on Appropriations met in the usual way to prepare the supply bills at the usual time?

Mr. FITZGERALD. Yes; it did.

Mr. MOORE. Then why this long delay? It was not because the gentleman did not get his lunch, was it?

Mr. FITZGERALD. No.

Mr. MOORE. It was not because sometimes his stomach was out of order, waiting for gentlemen to get over their penchant for demanding a quorum?

Mr. CAHLIN. Oh, that is a personal question.

Mr. FITZGERALD. It was due somewhat to the fact that the gentleman from Pennsylvania [Mr. MOORE] persisted in taking up what very many of us thought was an unusually large amount of time in the discussion of the bill.

Mr. MOORE. Well, I am quite sure whatever time the gentleman from Pennsylvania took up was as near the point as it was possible to make it, and he was in no way responsible for the raising of points of no quorum during this session of Congress. I believe, with many other Republicans, that the Democratic Party, being in control, it could do substantially as it pleased, and that the obligation was upon it to pass the supply bills, in order that wages should be paid and that the business of the Government might go on. It is rather anomalous that the Committee on Appropriations under a Democratic administration should meet in the usual way as it met during 16 years of Republican administration, and then on each succeeding year after it came into full power still be obliged to ask for an extension of time to get its bills through to pay wages and avoid the confusion to which the gentleman from Massachusetts has referred. I believe it was due not so much to the gentleman from New York and the Appropriations Committee as to an insistence from the White House upon the Democratic majority for the passage of the administration bills. Thus the appropriations were held up and all the ordinary incidental business of the Government was sidetracked. It was a matter of political policy, whether right or wrong, and the Democratic majority yielded to carry out the wishes of those "higher up," who seemed to want to make the Democratic platform effective, whether they violated one of the cardinal planks in reference to the Panama Canal or not.

But I rose, Mr. Speaker, to refer to the rather remarkable statement of the gentleman from New York, the chairman of the Committee on Appropriations, in arraignment of the alleged extravagance of Republican Congresses. To a certain extent the gentleman from New York has turned tail upon that proposition.

A short time ago, in April, I think, when one of the appropriation bills was up, he made a startling statement in regard to Democratic aggrandizement, and to the Democratic desire to secure more appropriations than any of the Republican administrations have secured.

Now, I have asked for five minutes in order that within that time, even to this very scant attendance of the House, I might refer to at least two unusual speeches, one by the gentleman from New York, the same gentleman from New York who a little while ago undertook to tell us how much Republicans were to blame in the preparation and passage of these important appropriation bills.

Let us first recur to the RECORD of April 7, 1914, and listen to the eloquence of the gentleman from Mississippi [Mr. SISSON], a member of the Committee on Appropriations, of which the gentleman from New York is chairman. We were then discussing the proposition to increase the salaries of clerks to Congressmen, and the gentleman from Mississippi was charging his colleagues with extravagance and appealing to the Republican minority here to save the face of the Congress of the United States. The gentleman from Mississippi began——

Mr. FITZGERALD. The gentleman from Mississippi never appealed to Republicans for economy.

Mr. MOORE. The gentleman says so, but out of the mouth of the gentleman from Mississippi we may be able to contradict the statement. The gentleman from Mississippi said:

> Republicans are always extravagant. They are not to be blamed for extravagance. They do not know any better. But the Democrats know better. They have had better training.

And there was great applause at that. The gentleman from Mississippi continued:

> I said this in a speech before, in the last session; and when I made that speech Members of the Democratic House came to me and asked me not to put it in the RECORD, because it would be used by the Republicans in their campaign book. Let them use it. If they do, it will be by way of confession and avoidance. They can get no consolation out of it, except that we know better. You may use that statement now, gentlemen, because when Democrats get to be so violently extravagant that it makes our record look bad as compared with the very wicked records of the Republicans, I must apologize to you Republicans for having ever used the words "criminally extravagant" in criticising the appropriations that you made, for if that expression, "criminally extravagant," was proper to apply to you—my God—the English language has never found an adjective strong enough to apply to Democratic extravagance.

And then there was applause on the Republican side. There was much more of this——

Mr. FITZGERALD. He certainly did not appeal in the hope of getting any help from the Republicans.

Mr. MOORE. I now turn to the remarks of the gentleman from New York. I shall quote from the gentleman:

Mr. DONOVAN. Mr. Speaker, will the gentleman yield for a question?

Mr. MOORE. I have not the time. In justice to the gentleman from New York [Mr. FITZGERALD], I must quote him accurately. If he will give me time to yield, I will do so.

Mr. DONOVAN. I only wanted to ask you to put the date of that speech in the RECORD.

Mr. MOORE. It was April 7, 1914. I will be very glad to put it in the RECORD, because I believe the gentleman from Mississippi stands by that speech.

Now, on April 10, 1914, the gentleman from New York was opposing an effort on the part of certain gentlemen, both Democrats and Republicans, to retain certain assay offices somewhere in the vicinity of their districts. There was a proposition to concentrate them all, and all the employees in the assay service as well, in the city of New York, which the gentleman from New York [Mr. FITZGERALD] so ably represents upon this floor. The gentleman from New York, in his statement that day, said he was not very well; he was not feeling good, and was not of very cheerful demeanor. Perhaps it was one of the days when he was not able to get down to lunch. I know how hard he works, and give him credit for staying here frequently beyond the lunch hour.

Mr. FITZGERALD. I am glad the gentleman has given an excuse, if there be any, for the speech he is going to read.

Mr. MOORE. The gentleman had a very good excuse. I think he stated it forcibly himself when he said there were times when he stood upon this floor in support of his bills when he knew that there was provender waiting for him downstairs. He stood here with stoical heroism because a sense of duty predominated with him, even as it does with the gentleman from Connecticut [Mr. DONOVAN], who remains so faithfully on every occasion. But the gentleman from New York [Mr. FITZGERALD] said:

> Mr. Chairman, it may seem somewhat strange—

This was in opposition to the attempt of gentlemen from other sections of the country to retain the existing assay offices:

> But I hope it is not out of place to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representative would be affected.
>
> In a few months—

And these words ought to be set down as classics in our political history when any controversy arises as to Republican or Democratic extravagance—

> In a few months—

Said our distinguished friend from New York—

> I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public moneys. Whenever I think of the horrible mess that I shall be called upon to present to the country on behalf of the Democratic Party—

And there was laughter upon the Republican side—

> I am tempted to quit my place.

Now, I was one of those who held up his hand in protest against the gentleman quitting his place at that time. I felt we needed a strong man like him on guard when these rapacious representatives of his own party were insisting upon looting the Treasury. There he stood, a veritable Ajax defying the Democratic lightning, protecting the entire country—Democrats, Republicans, and Prohibitionists alike, and I will also include the Progressives, whom I temporarily forgot—and I admired him.

> I am tempted to quit my place—

He said—

> I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform.

I am quite sure there was no covert reference to the White House when the gentleman from New York made that rather prophetic and direct statement—

> and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people.

Evidently all Democrats did not then think alike or look alike to the gentleman from New York. But the gentleman from New York had the courage of his convictions. He struck out boldly and told the country what he thought. He made it clear that the Democratic Party was not made up of Puritans, nor was it

tingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

Mr. GILLETT. Mr. Speaker, this is certainly an extraordinary situation. Here we are at half past 6, nothing like a quorum present, and it is impossible undoubtedly to get a quorum, and yet this very important resolution, extending the appropriations for the sundry civil bill, an enormous bill, and the Indian appropriation bill, is brought up and unanimous consent is asked for its passage—and that is the only way it could be passed. It seems to me that illustrates the inherent incapacity of the Democratic Party to administer this Government, which is the charge which on this side of the House we have not only this year but in previous years continuously made. If any one gentleman wished to raise an objection, it would be impossible for this resolution to pass, and, in fact, the grounds upon which the gentleman from New York asks to pass it now is because to-morrow in a full House unanimous consent probably would not be granted, and unless it was passed to-morrow the Government would be incapable of paying its officials. So that that side of the House, the party which is responsible for the business management of the country, has put itself in this predicament. It put itself in the same predicament two weeks ago. I think the inconvenience and confusion which exists by not passing the appropriation bills before the end of the fiscal year is not generally appreciated. The press here in Washington, which has, of course, peculiar interest in Washington matters, has called repeated attention to the unfortunate result of the District bill being held up, because the bathhouses are closed; but that is simply one illustration of what is going on all over the country in different departments.

Mr. MOORE. Mr. Speaker, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. MOORE. Are salaries involved in this proposition at all? If we fail to pass this resolution now, would we be holding up the salaries of workmen employed by the Government in any of the departments?

Mr. GILLETT. Oh, yes; the sundry civil bill covers a great many. Of course, the legislative bill has gone through.

Mr. MOORE. There were complaints last year from many employees in the Government service—I think some in the customs service—that they were held up and could not get their pay. Would that same condition arise now if we failed by unanimous consent to let this resolution go through?

Mr. GILLETT. Yes.

Mr. MOORE. Then, if any one Member of the House should exercise the power, which the gentleman has correctly stated any one Member has, to object to the passage of the resolution at this time, that Member might be responsible for deferring the payment of wages to Government employees, who, of course, might be sorely in need thereof.

Mr. GILLETT. Yes; that is what I criticize; that that side of the House should allow any such condition to exist where any one man, perhaps with legitimate reason, could prevent the bill becoming effective at the proper time, and then there would be there without any provision being made for their salary. Now, two weeks ago, as I say, the same thing happened, and then one extension was made. But I happened in one of the departments to-day, and as I came out an official asked me if the legislative bill was likely to go through to-day. I said I did not know. He said, "I hope it will, because if it does not there are seven clerks in our employ who for the last 14 days have been thrown out of work because they were not employed under a continuing appropriation, and therefore the continuing of the appropriation of last year did not provide any salaries for them, and they had to be dropped." And undoubtedly that is going on in various departments, causing not only confusion, but expense to the Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. STAFFORD. I notice that the legislative bill was delayed being introduced in the House until June 17 of this year.

Mr. FITZGERALD. When?

Mr. GILLETT. Not the 17th.

Mr. STAFFORD. On what date was it introduced?

Mr. GILLETT. The legislative bill was introduced long before that. That was the sundry civil bill, was it not?

Mr. STAFFORD. I have in my hand H. R. 15279, an act making appropriations for the legislative, executive, and judicial departments of the Government, and it states it was received in the House of Representatives on June 17, 1914, in order to be printed.

Mr. FITZGERALD. That is when it came back from the Senate.

Mr. STAFFORD. That passed the House April 17, 1914.

The purpose of my rising was to make this inquiry: During the prior administrations, when the Republicans were in control, this legislative bill was oftentime presented in the House within three weeks after the first assembling of the session. Can the gentleman inform the committee as to the reason for the delay in not presenting it to the House earlier for consideration?

Mr. GILLETT. I will leave that to the chairman of the committee; but what the gentleman suggests about the promptness of the Republican administrations is borne out by the report which the gentleman from New York [Mr. FITZGERALD] filed when he first introduced the resolution to continue the appropriation for 15 days. He cited there all the Congresses from the Fifty-fourth to the present in which it had been necessary to introduce such a resolution. And if you will notice, in the last Congress, the first Congress where the Democratic Party came into control after that time, a similar resolution had to be introduced for about half a dozen bills. I do not blame the Democratic Party particularly for that, because I recognize that in the last Congress the Senate was Republican, and I appreciate that it is quite different when one House belongs to one political party and another House to another political party, because then no one party has the responsibility and the pressure which responsibility brings upon it to compel the bills to be passed in due time.

So, as I say, I do not criticize the Democratic Party for the Sixty-second Congress, because the Senate was Republican and the responsibility was shared, but in this Congress, where both the Senate and the House are Democratic, and where there is a responsibility on that party alone to see that the appropriation bills are passed before the 1st of July, in this Congress, I do criticize and condemn the majority that has control of the House.

And I wish to call attention to the fact which appears upon this report made by the gentleman from New York, that from the Fifty-third Congress, which is the last Congress of Democratic control until the Sixty-second Congress, when the Democrats took control again, in those 16 years, when the Republican Party had control of both branches of the legislature, there was not a single case where all the appropriation bills were not passed before the 1st of July. That marks the contrast between the business efficiency of the Republican Party and the business management of the Democratic Party. The last Democratic Congress—the Fifty-third—failed to pass the appropriation bills on time. The following eight Republican Congresses were always prompt, and now this Democratic Congress fails again. It is that discrepancy to which I call attention, because I do think that while passing these temporary resolutions for 15 days at a time does in a certain manner tide over the difficulty, and the public at large probably feels that it makes no difference, and that the Democratic Party is doing its duty; yet, as a matter of fact, it makes a great difference. The Treasury Department becomes greatly confused in its accounts. Often in many items it is very difficult to apportion the one twenty-fourth of the amount which is appropriated. And therefore good business management always requires that the appropriation bills for the ensuing year should be passed before the commencement of that year. That was done for 16 years by the Republican Party. And now, just as soon as the Democratic Party gets in power, they repeat their former practice and begin to illustrate what we have always criticized them for, namely, their inefficiency and their incapacity for business management.

Now, I reserve the balance of my time, Mr. Speaker. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Massachusetts overlooked the Fifty-first Congress. That was a somewhat famous Republican Congress. It was a notorious Congress; not only Republican, but notorious in the annals of the Congresses of the United States. The first session of that Congress extended until October 1, 1890, or 93 days beyond the fiscal year ending June 30, 1890. The joint resolution of June 30, 1890, continued the appropriations for 1890 for 30 days. They were further continued until August 14, 1890, by joint resolution of July 30, 1890, and they were continued until August 29, 1890, by joint resolution of August 14; so that not until the 29th day of August was that most notorious of all Republican Congresses able to pass the appropriation bills. There was less excuse for that Congress than others, because that was the Congress, if I recall correctly, when there was a complete revolution in the procedure in the House by which the extensive filibustering indulged in prior to that time had made it difficult to transact the public business, and by the change the public business was very greatly expedited.

So far as I am personally concerned, Mr. Speaker, I assume no responsibility whatever for any delay that has taken place in the enactment of the appropriation bills into law. I endeavored to have the legislative, executive, and judicial appropriation bill considered in the House prior to the consideration of the bill for the repeal of the Panama Canal tolls. I pointed out to various gentlemen the difficulties attending the adjustment of the appropriation bills and the danger that resulted from any attempt to delay their consideration in the House. It was suggested that the Panama Canal tolls bill would take very little time in either body, and that it would not delay the consideration of the legislative bill. The legislative bill had to be deferred until after that bill was considered here, and it was delayed considerably in its consideration by the House.

I protested against the rule that was suggested for the consideration of the antitrust legislation to the exclusion of all other public business in the House. I emphasized the fact that the sundry civil appropriation bill was then practically ready and that it should be given right of way; that it was imperative that it should be given the right of way if it were to be enacted into law before the 30th of June, the end of the fiscal year. The bill could have been brought into the House and considered very much earlier than it was possible to have it considered, because the antitrust bills were under consideration.

When the sundry civil bill was before the House I did everything in my power to expedite its consideration, but, for one reason or another, the Members of the House, exercising their privileges under the rules, continually delayed the proceedings of the House by useless points of no quorum and fruitless roll calls and refusals to remain in session after 5.30 or 6 o'clock.

Certainly, I was punished more severely than anyone else by protracted sessions, because I was compelled to be here all the time during the consideration of the bill while many gentlemen who aided in the frittering away of valuable time made themselves conspicuous, temporarily, by the suggestion of the absence of a quorum and then were able to absent themselves later when it was necessary for myself to be present during the consideration of the bill. I know that I was compelled to suffer some of the inconveniences that persons suffer from sometimes who, for one reason or another, are compelled to go without food for a considerable length of time. There were three or four days, Mr. Speaker, when I was unable to obtain any lunch and practically no dinner.

Anyone who desires to understand just how necessary food is to the human body need only to be put in charge of such a bill and spend eight or nine hours on the floor of the House with an empty stomach, combating all the pugnacious and antagonistic Members of the House, and he will quickly learn to appreciate the value of regular meals. I repeat that, so far as I am concerned, there is no responsibility upon me for any delay in the consideration or passage of these bills.

It is true that for 16 years the Republicans passed the appropriation bills very speedily and before the termination of the fiscal year; but it must also be recalled that those 16 years were the most profligate and wasteful in the entire history of the Government. The cost of the Federal Government during that period increased about 150 per cent. It would not have increased with such startling rapidity if the necessary time had been taken to resist the insistence of another body and to compel the elimination of items from the appropriation bills that should not have been incorporated in them. I know that there was a general disposition during those 16 years—because I was here during the larger portion of them—to expedite the appropriation bills and to adjourn the Congress; and the underlying motive of that haste and that speed was to make it impossible for the Congress to consider legislation imperatively needed and insistently demanded by the country, in order that those who were fattening and growing rich under the Republican laws might be relieved of their special privileges and some relief be given to the masses of the people.

It was the prevalence and the continuation of that policy which finally resulted in the uprising of the people and brought in a Democratic Congress and the election of the distinguished gentleman from Missouri [Mr. CLARK] as the first Democratic Speaker in the House in many years.

That Congress, the Sixty-second, had considerable difficulty with the appropriation bills. The departments were all in the control of the Republicans. The Senate was in the control of the Republicans. They had been leading a reckless, profligate existence, under the encouragement of Republican Congresses. They resisted every effort that was made to cut down useless appropriations, to eliminate useless offices, and to bring back the Government to a sound financial basis. It was necessary to combat the Senate at every point. There was really very little encouragement, although much ostensible encouragement from the Executive in the attempted reform during that period.

In June, 1912, the two parties held two great political conventions, and practically by unanimous consent suspended the business of Congress for more than a month in order that the Members of both Houses might attend those political conventions. Whatever delay resulted during that time must have been equally shared by the representatives of the two parties.

What is there extraordinary about this resolution? It is designed to maintain the Government in a lawful, orderly, and proper manner. All of the appropriation bills with the exception of two, the Indian appropriation bill and the sundry civil appropriation bill, are practically laws. The legislative and District appropriation bills were agreed upon to-day. Would the gentleman from Massachusetts [Mr. GILLETT] have preferred that the House yield to the unreasonable and improper demands of another body and permit the incorporation into those bills of items that should not be in them in order that the bills might have been agreed to prior to the 30th of June?

So far as I was concerned, I preferred that we should discuss and determine those questions, not in the interest of those little groups that desired special privileges and favors in those appropriation bills, but determine them in the interest of all of the people of the United States. Any one Member could object and prevent the passage of this resolution to-day. If he did so, it would unquestionably be taken up and passed on Thursday. I think a parliamentary expedient could be found that would make it simple enough to pass it upon that day. But to-morrow is the last day to which the appropriations have been continued, and it would result in considerable confusion if that day passed without the resolution being agreed upon. It would result in very much embarrassment to a great army of Republicans who, through some fortuitous circumstances, have not yet been separated from the pay rolls of the Government, as, in my opinion, they should be, because the more speedily they are eliminated the better and more efficient administration of the public affairs we are likely to have. [Applause on the Democratic side.]

Of course I understand that the criticism of the gentleman from Massachusetts [Mr. GILLETT] is really Pickwickian. He does not mean it. He knows he does not mean it, because if he had been really desirous of making trouble he would have attempted to tie up the governmental service as affected by those two appropriation bills, by preventing the passage of this resolution. It is one of those good-natured criticisms that are indulged in in parliamentary bodies, that will not have any peculiar, permanent, beneficial effect, but serves the same purpose as the safety valve upon a boiler. Now that the pressure has been removed, he is glad that we will proceed with the consideration of the public business and an orderly maintenance of the various departmental services. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Speaker, I wish to say a few words in response to what the gentleman has said. It is very true that I might, if I had wished, have tied up this resolution, as any one man might. I have no such purpose. While reprobating and regretting the predicament in which we are, that these great appropriation bills should be dependent upon the will of any one person, yet I recognize that it is desirable that this resolution should go through. But I do think it is very appropriate that there should be pointed out the defects and bad management which brought us into this position.

The gentleman from New York [Mr. FITZGERALD] said that the legislative and District bills went through to-day so that they are not covered by this resolution. That is very true, Mr. Speaker. But why did they go through to-day? We all know the real reason. The real reason is that they went through to-day because this resolution not being privileged under the parliamentary rules, it could not be adopted without a rule, and it is impossible for the Democratic Party to get a quorum of their own on the Committee on Rules.

That is another phase which might well be criticized. Because they could not get that, it was necessary for them to come to an agreement on the legislative and District bills, for it would certainly have been a shocking sight for the country if these two bills had failed and this resolution had also failed so that the whole force covered by them could not be paid, just because the Committee on Rules of this Democratic Committee on Rules could not get a quorum. I think that is a sufficient explanation, and in itself is a severe criticism of the management of that side of the House.

crease in this direction, thus conferring the benefit on the farmer and the consumer.

In order to describe the great benefits which it is contemplated shall be rendered in the near future by the Parcel Post Service, I take the liberty of quoting liberally from the words of the present able Postmaster General:

The Parcel Post Service is at a turning point in its history. It must respond to the increasing demand for closer, quicker, and surer communication between our people. The facilities it has always controlled have become more important and new facilities have been added, but the people are looking to it for still greater and wider performance.

The successful postmaster or executive officer may no longer be a passive agent. He must develop with the demand for the service and keep abreast of the best modern business thought.

Phenomenal as has been the growth and development of the parcel post, the new service is still in its infancy. We have but scratched the surface of its possibilities for usefulness. Further experience will no doubt justify further extensions of service and revisions of rates and conditions of mailability that will have the effect of vastly increasing the traffic. Improved methods of postal operation and increased efficiency will bring about a more satisfactory and complete service.

IT UNITED PRODUCER AND CONSUMER.

Postmasters can render great service in the reduction of the high cost of living by bringing together those who wish to buy and those who wish to sell farm products. With the agencies at his command, the postmaster should secure the names of those farmers who can supply farm produce in retail shipments, together with the quantities available and the prices asked. This information he should furnish to the patrons of his office and of other offices where the patrons wish to secure direct shipments of such fresh food products. Thought and ingenuity will enable each postmaster to supplement this general plan in whatever ways are best suited to the local conditions. Postmasters should also make a careful study of conditions under which the farmers within their reach now market their produce and under which their city patrons secure food products. This will enable postmasters to present more convincing arguments for the use of the parcel post and to render valuable service to their communities in reducing the cost of living.

Postmasters should urge the organization of "shipping clubs" among their rural and city customers for the purpose of using in the most effective manner the parcel post as a means of exchange of produce. It is particularly desirable to encourage organizations of farmers for cooperation in shipping farm products.

This interest and activity of the Democratic Party in extending the Parcel Post System is in fulfillment of a plank contained in its national platform of 1912, in which it was declared:

We favor the establishment of a parcel post or postal express, and also the extension of the rural delivery system as rapidly as practicable.

AGRICULTURAL EXTENSION BILL.

The 1912 Democratic national platform contains the following plank in relation to agricultural extension teaching:

We recognize the value of vocational education, and urge Federal appropriation for such training and extension teaching in agriculture in cooperation with the several States.

In compliance with this platform pledge, Congress has passed what is known as the Lever agricultural extension bill, making provisions for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and the acts supplementary thereto, and the United States Department of Agriculture. Its purpose is to "provide for the commencement of cooperative agricultural extension work, field demonstrations, publications, and otherwise," carried on in a way mutually agreeable to the Secretary of Agriculture and the land-grant colleges receiving the benefits of such acts. In brief, it undertakes to make such provisions as will bring to the attention of the farmer and the farmers' wives and children in the most striking manner such demonstrated truths and practices as to make up the most up-to-date methods in agriculture, which, if lived up to, will make rural living desirable and profitable as an occupation. It aims to carry to the farmer the improved methods and practices of the agricultural colleges, experiment stations, the Department of Agriculture, and the best farmer, and demonstrate their value upon the farm itself, thus providing the means by which the agricultural institutions may be made to serve all the people, as should be the case, rather than a limited and privileged few.

The bulletins from the agricultural press have not been sufficient to reach the farmer in the remote districts, who most needs the agricultural information which the Department of Agriculture and State experiment stations and agricultural colleges have accumulated for the last 50 years. It aims for practical demonstrations in the most enlightened farming methods.

The late Dr. Seaman A. Knapp, founder of the demonstration work in this country, said:

There is much knowledge applicable and helpful to husbandry that is annually worked out and made available by the scientists in the United States Department of Agriculture and in the State experiment stations and by individual farmers upon their farms which is sufficient to readjust agriculture and place it upon a basis of greater profit, to reconstruct the rural home, and to give to country life an attraction, a dignity, and a potential influence it has never received. This body of knowledge can not be conveyed and delivered by a written message to the people in such a way that they will accept and adopt it. This can only be done by personal appeal and ocular demonstration.

By this law there is permanently appropriated $480,000 each year to each State which will agree to the provisions of the law. Increases are provided for during the first seven years, and after that time there is permanently appropriated for each year the sum of $4,100,000, in addition to the said sum of $480,000, which is to be distributed among the several States in the proportion which the rural population of each State bears to the total rural population of all the States. In short, it means and provides the funds for the payment of expenses of practical agricultural experts who will go out among the farmers of the State and demonstrate to them—so that the eye of the farmer may see—the practical workings of the most up-to-date and scientific methods of farming.

This piece of legislation was demanded by the rural population of the country and will soon be in successful operation. While it was pending every school, large or small, interested in the development of agricultural information and knowledge petitioned for its speedy passage. This demand had existed for many years prior to its passage. The law will be put to good use in instructing the farmer and his children in practical and up-to-date farming activities.

ANNUAL INCREASE OF AGRICULTURAL APPROPRIATION.

The splendid work of the Department of Agriculture has been recognized by this administration and encouraged by an increased appropriation of $1,524,000 over the largest annual appropriation made during the Taft administration. The total amount appropriated by this Congress for agricultural purposes, exclusive of permanent annual appropriations, being $19,511,000, making a total annual with permanent appropriations of over $24,000,000 for farming purposes.

Among the many important improvements made in the work of the Department of Agriculture is a new division known as Farm Management. The duties of this division are to make an investigation of the cost of producing farm products under varying farm conditions, distribution of investment, relative return of different systems of farm management, ascertaining previous experience in farm management in this and other countries, development and plans for building better farm dwellings, study of the cheapest and most effective method of eradicating weeds and cultivating the soil, and, in fact, to make a study of a thousand and one phases of farm life and publish the results thereof.

OFFICE OF MARKETS.

The Democratic administration has established in the Department of Agriculture a division known as the Office of Markets, and has secured an appropriation therefor of $200,000 for this year. It is the belief of the present administration of the Department of Agriculture that effective and economical methods for properly distributing and marketing farm products are of equal importance to the farmer and country at large as are scientific methods of production. There is no profit in it for the farmer to improve the quality and increase the quantity of his crops if he can not learn when, how, and where to sell them to the best advantage. Without some advantageous means of directly connecting the producer and consumer both of them suffer. It is sought to prevent abundant harvests from being allowed to be sold at ruinous prices in glutted markets, while insufficient supplies cause exorbitant prices and unsatisfied want at other points.

It is believed that when this work has been fully organized the department will be able to assist the farmer in disposing of his crops as effectively as it has assisted him in producing them. Some of the principal lines of investigation which will be undertaken in connection with this work are: Cooperative production and marketing; market surveys, methods and cost; market grades and standards; city marketing and distribution; transportation of farm produce; storage problems; marketing miscellaneous products; and marketing by parcel post. This work will bring about a much cheaper and more equitable distribution of farm produce, and the farmer will thereby be the chief beneficiary of such improvement, and the consumer will also have his share in this reduced and cheaper plan of distribution. Heretofore the Government has devoted its energies almost entirely to the problem of increasing farm production, but recent experience has demonstrated that it is of equal importance to the farmer that his crop should be marketed in such a manner as to enable him to secure a better price for his products, and at the same time enable the consumer to purchase necessary food cheaper.

BIRD LAW.

It has appropriated $50,000 annually for the protection of insect-devouring birds of the country. The farmers of the country have in years past and are at the present time losing millions of dollars in crops because of crop-destroying insects, until it has become apparent that the annual loss to farmers from these insects alone amounts to millions of dollars. Recent experiments have shown the value of insect-devouring birds in helping to save the farmer's crops from the powers of ravage. This work, it is estimated, will finally save the farmers of the country millions of dollars annually.

HOG CHOLERA.

In the fall and early winter of 1913–14, when hog cholera swept the northwest section of the country, destroying thousands of hogs, valued at millions of dollars, the Democratic Congress rose to the occasion and made a special appropriation of $200,000 for the purpose of assisting in the control and extermination of this great destroyer of hogs, one of the greatest sources of the farmers' wealth.

The Democratic House during the present session has shown its interest in farm postal highways, and has mapped out and planned a system of such highways to be built and constructed in connection with the highway departments or commissions of the different States. As the bill passed the House the bill contained an annual appropriation of $25,000,000. Heretofore millions of dollars have been appropriated annually for the improvement of rivers and harbors, for the building of battleships, for the building of fortifications, and for dozens of other Government objects, but up to this time this is the first and only appropriation made by the Federal Government to aid the States in building, constructing, and improving farm highways. It is the beginning of an improvement which is destined in years to come to spread all over the country in every direction, to the great advantage of the farmer and his real estate.

It has aided the farmer in a score of other important directions and has vigorously enforced the oleomargarine laws, which are designed to protect the farmers' butter products from deception and fraud in the butter markets of the country.

CONCLUSION.

The facts here presented must prove, beyond successful denial, to every intelligent and impartial farmer or other person that the market prices paid to farmers for their produce or crops during nine months of the present Democratic tariff have been, on the average and in general, with only one or two minor exceptions, higher than in the year 1913 under the Payne tariff. These facts also demonstrate beyond successful contradiction that the increase in a few imported farm products has not injured, damaged, or lowered the price of the American farmer's products. These facts demonstrate that the great natural law of supply and demand is of far greater controlling force than any tariff law, whether made by Republicans, Democrats, or Bull Moose. The foregoing statements of facts also conclusively show, especially with reference to farm crops, that the price varies with the yield, and the yield depends upon the weather, over which no tariff has control, and over which Providence alone has control.

Let the farmers of this country bear well in mind that the members of the Democratic Party are as much interested in their prosperity and welfare as their fellow citizens who wear the Republican Party label. Tariff laws that work, or may work, an injury to the farmer, injure Democrats as well as Republicans, and there is no reason for distrusting the Democratic Party in its management of the tariff where it is made up of individuals as honest and sincere in their motives as are the individuals of the Republican Party. When stripped of calamity howling and partisan coloring there remains but an honest difference of opinion between them on this important subject. I take it for granted that the average member of each party is equally interested in maintaining and promoting the welfare and prosperity of the farmer. How, then, shall it be determined what party is right in its contention upon this subject? There is only one way, and that is to let the facts determine who is right. The facts that I have here presented, comparing the market prices received by the farmer during nine months under a Democratic tariff, show that such prices were higher in general and on the average than in the same months in the year 1913 under the Payne-Aldrich tariff.

If circumstances in the future, of which there are no indications now, should show that the present tariff is exposing the products of the American farmer to a competition which in itself lowers the price of his products, the Democratic Party can be safely depended upon to so alter the tariff as to give the American farmer equal justice and equity in the administration of the tariff laws. Until then let the army of calamity howlers practice in the wilderness, and that farmers and the rest of the country are certain to enjoy peace and prosperity.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CANDLER of Mississippi, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency appropriation bill, and had come to no resolution thereon.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to discharge the Committee of the Whole House on the state of the Union from consideration of House joint resolution 300, extending appropriations, and to consider the same in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee of the Whole House on the state of the Union from further consideration of House joint resolution 300, and to consider the same in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. GILLETT. Mr. Chairman, reserving the right to object, I wish to say to the gentleman that I desire to have a little debate upon this resolution. I am perfectly willing to undertake the consideration of it now, but I wish the gentleman to agree that I shall have time for that purpose.

Mr. FITZGERALD. Mr. Speaker, I have no objection. I might wish to say something in reply. How much time does the gentleman wish?

Mr. GILLETT. I do not think more than 5 or 10 minutes, unless in reply to something that might be said.

Mr. FITZGERALD. The situation is this. Objection was made to-day to the consideration of this resolution because of the failure on the part of the managers on the part of the House and the Senate to agree on the legislative and District appropriation bills. Those bills have been agreed to. To-morrow is the 15th, when the present appropriations expire, and it may or may not be possible to consider this resolution in the House to-morrow. To-morrow is Calendar Wednesday. The resolution should be passed to-night. I am perfectly willing to have whatever discussion may be desired at this time.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, do I understand from the gentleman's statement that to-morrow will be the last day?

Mr. FITZGERALD. To-morrow is the 15th.

Mr. STAFFORD. So that it would be ample time to consider it to-morrow?

Mr. FITZGERALD. But to-morrow is Calendar Wednesday.

Mr. GILLETT. But it would require unanimous consent no more to-morrow than to-night.

Mr. FITZGERALD. But it would require "more" unanimous consent to-morrow than it does to-night.

Mr. STAFFORD. I think, Mr. Speaker, it ought to go over until to-morrow.

Mr. FITZGERALD. I conferred with the gentleman from Illinois when the arrangement was made about the agreement on the District bill, and he stated that he would inform the gentleman from Massachusetts that he would not object further to the resolution. It is important that it go through to-day.

Mr. STAFFORD. Does the resolution include the District bill and also the legislative bill——

Mr. FITZGERALD. No——

Mr. STAFFORD. That has been agreed to.

Mr. FITZGERALD. The District bill has been agreed to and probably will be signed to-morrow. The only bills now undisposed of are the Indian appropriation bill and the sundry civil bill, outside of the river and harbor bill.

Mr. STAFFORD. Of course, it is not possible to have an agreement on those three bills by to-morrow. I take it.

Mr. FITZGERALD. Until the House disposes of the deficiency bill the gentleman from Massachusetts and myself are unable to go to conference on the sundry civil bill.

Mr. MOORE. Are the river and harbor appropriations affected by this resolution at all?

Mr. FITZGERALD. No, they are not.

Mr. STAFFORD. Mr. Speaker, on the statement of the gentleman from New York, I will not interpose any objection.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain con-

official census figures. In the year 1910 there were 41,178,000 beef cattle in the United States, and in January, 1914, according to the United States Department of Agriculture, there were 35,835,000. Thus, in four years there has been a total decrease in the supply of domestic meat cattle of six and one-half million head; or, in other words, such cattle have decreased annually at the rate of 1,330,000, or 3.3 per cent.

In 1910 there were 52,448,000 sheep in the country, and in January, 1914, there were only 49,719,000, an annual average decrease in four years of 642,000, or 1.3 per cent.

In 1910 there were in this country 58,186,000 swine, and in January, 1914, according to the official estimates, there were 58,933,000, an increase in four years of only 1.3 per cent. These official statistics relating to the supply of meat animals show conclusively the wonderful increase in the spread between the supply and demand of such animals in this country.

These are natural causes, bearing no relation whatsoever to a high or low tariff, or no tariff whatsoever, which create the growing breach between supply and demand.

There is, and will continue to be for years to come, a natural increase in the population. It must be fed. There is, and will continue for years, a diversification in farming. A half a generation ago the farming lands of this country were devoted to grain raising almost exclusively, and the western or wild lands, which then covered millions and millions of acres more than at the present, were devoted to the pasturing of beef cattle. With the great growth of our city population, which is now, according to the last census, about 51 per cent of the entire population, there is a great demand for other things besides grain and beef cattle. Thousands and thousands of acres of farming lands are now and have been for recent years devoted only to the production of milk for the supply of this city population. Millions and millions of acres of farming lands which in recent years were devoted to the raising of crops are now devoted to the supply of milk, butter, and cheese to feed our cities. The increased supply of butter, milk, and cheese has taken away from the production of beef cattle and grain, millions upon millions of acres of farm lands.

This has naturally decreased the acreage formerly devoted to the raising of crops and feeding of beef cattle. From this standpoint the reason must be clear why the supply of meat animals in this country has decreased annually while the population of the country has increased. No kind of a tariff, high or low, can change these natural conditions. With the price of farm products, including meat animals, such as they are now and have been for the last few years, there is no doubt but what the American production will at all times, until our population will continue to have grown much greater, supply nearly all of the demand of our people, and if at times there is a shortage, importations must be made, and importations made under such circumstances will not be in competition with our home products, but will merely be filling a vacancy which our products are not numerous enough to fill.

Again, it must be borne in mind that it is the American packers who are slaughtering, chilling or freezing, and exporting Argentine beef from that country to this country. The export business of that country in the meat line is mainly controlled by American packers. Out of nine establishments for the chilling and exporting of meat in Argentina five are owned and operated by Chicago business concerns. They practically control the export of meat from that country to this. Certainly no one expects that the Chicago Beef Trust, which owns and controls the packing establishments in Chicago and also in Argentina, is going to be so foolish as to allow the beef which it buys in the United States and that which it buys in Argentina to get into competition in the markets of America. This is a problem that can not be settled by any tariff laws. This is a problem the Democratic Party hopes to control and solve when its new antitrust legislation, now pending, becomes a law.

According to the most recent statement of the Agricultural Department, the demand for meat has grown until not only have exports ceased, but the packers are now buying grass cattle that were formerly fed. The latest official figures of that department, for June 15, show that the packers paid on the average $7.43 for hogs, as compared with $7.10 for the previous four-year average on June 15; that $6.32 a hundred was paid on the average for beef cattle on June 15, 1914, as compared with $5.22 for the last four years; $7.69 for veal, as compared with the average price of $6.54 for the last four years; and $6.47 for lambs, as compared with $6.25 for the last four years.

The meat packers of Chicago declare that in the coming fall and winter the public will see the highest meat prices in the history of the trade. All this proves the great scarcity of meat in this country, while the demand continues to grow. With the demand increasing on the one hand and the supply diminishing on the other, the price of meat, as well as other articles of human food, will continue to rise in value whether there is a high or low tariff on such articles or no tariff at all. Under such conditions the importation of meat and food products will cause no damage to home producers until the amount of such importations, added to the home production, shall be raised to the height of the demand and leave an oversupply.

BREEDING STOCK.

On the 8th of last June the distinguished gentleman representing the minority [Mr. MANN], in attempting to answer some remarks made by his colleague from Illinois [Mr. RAINEY] on the 6th of June, referred to the high-priced stock of Argentina. He read to us from the latest United States Yearbook, and he emphasized with considerable force extracts from that volume describing Argentine cattle, and exhibited a group picture of the same to the House. He laid considerable stress upon the fact that at some stock sale, an Argentine bull was sold for $35,000. It struck me at the time that he intended to convey the impression that, as breeding stock under the present law is upon the free list, there would soon be imported breeding stock from Argentina in competition with the home-raised breeding stock.

TWENTY-THOUSAND-DOLLAR BULL CALF.

That evening, while the gentleman's remarks and exhibition were fresh in my mind, I read in the Sheboygan Press, in great, big headlines, an announcement of the sale of a bull calf in the gentleman's city of Chicago. It appears that a sale of cattle had taken place near Chicago shortly before, and among the cattle sold there was a 3½ months' old bull calf, born and raised in the gentleman's State. After spirited bidding this calf was sold for $20,000.

Now, people familiar with the growth and increase in value of a calf, growing into a fully developed animal, know that when any kind of a calf, and especially a bull calf, becomes full grown and is in a state of its most usefulness, that it is worth from five to ten times as much as when it was a calf 3 months of age. So here we have the makings of a bull which will far exceed in value the Argentine bull whose picture the gentleman took so much pride in exhibiting in this House. We have coming from the gentleman's home State the makings of a $200,000 American bull. The breeders and farmers of America interested in breeding and in developing fine stock, in view of these circumstances, need have absolutely no fear of bull competition from Argentina. Intelligent and informed people also will bear in mind that the importation of stock-breeding cattle was made free under the Payne or Republican tariff law, as well as under the present Underwood tariff.

But our opponents sometimes say in reply, "Well, the reason that the prices of farm products are higher this year than last year is because there was a scarcity in last year's farm products." This is true in a small degree, and untrue in a very much larger degree. It is true that there was a shortage of about 700,000,000 bushels in the amount of corn raised last year. It is also true that the American wheat crop last year exceeded by 240,000,000 bushels any wheat crop ever produced in America, and that the price of wheat this year is higher than it has been for many recent years.

DECREASE OF COST OF LIVING.

As a last resort for the condemnation of the present tariff law our opponents sarcastically twit us with having failed to reduce the cost of living in the cities by the present tariff. It is true that the high cost of living in cities has not been reduced to the degree that the Democratic Party hoped and expected. On the other hand, it is a fact that many necessaries of life and other articles have been reduced in price to some extent. It must be borne in mind that so far the new law has been in operation only nine months, and that we have statistics available for only seven of those nine months.

In the case of meats we have discovered what I individually claimed at the time of the passage of the tariff law, that our Beef Trusts control the exports of beef from Argentina and that they will not allow those meats when imported into the United States to come into competition with the beef owned and purchased by them in America. Such has conclusively proven to be the case. On the other hand, it must be remembered that in every large and in nearly every small city there are interstate and local trusts and combinations between wholesalers and retailers, by which the natural law of supply and demand has been prevented from working in a natural manner, thus preventing many necessaries of life from being purchased cheaper. When a dozen men or corporations concentrate into their hands the meats and other products produced by the farmer and make an agreement to sell them at a fixed price to the ultimate consumer there is no competition, and we ought to have competition from abroad, if we can get it, under such circumstances, so that under such conditions there will be fair and competitive American markets in which the consumer can trade.

I hope that intelligent, impartial, and observing people will not come to the conclusion that because the Democratic Party desires to cheapen the cost of living in the cities that we intend to do so at the expense of the farmers. The Democratic Party is interested in having the farmer meet the ultimate consumer in as short a trade route as possible. Official investigation made by Secretary Wilson, of the Department of Agriculture, in the Taft administration, showed that out of $100 paid by the consumer for such farm products as form the necessaries of life that only $45 was received by the farmer, the balance going to the transportation company, the wholesaler, jobbers, and retailers. It is after the farmer's products have passed from his hands and have been combined in the possession of a few corporations, or a few men of great resources, that the price of these farm products are artificially advanced. The Democratic Party wants competition, from wherever it may be secured, brought against the trusts and combinations which buy the farmers' products at the lowest possible price, and then screw up the price of such articles when sold to the ultimate consumer. This administration has not as yet had sufficient time to reach all of these trusts, combinations, and monopolies that so deal with the products of the farmer after they have left the farmer's hands. A few weeks ago we passed antitrust legislation which is designed to break up such combinations, trusts, and monopolies, and when such laws have finally been placed upon the statute books, which we hope and believe will be the case before we adjourn, then we firmly believe that these interstate and local combinations, trusts, and monopolies which artificially and unnecessarily and outrageously raise the price of farm products after they leave the farmer's hands and before they get into the hands of the ultimate consumer, will be dissolved and destroyed.

Then there will be freer and more opportunity for the farmer to dispose of his products direct to the ultimate consumer, and no army of parasites can then grow, thrive, and feed off of both the farmer and ultimate consumer. Where there is full and free competition the price for which the farmer sells is not affected by increases or decreases of imports, unless such increased or decreased imports be large enough to create an oversupply or bring about a scarcity.

The Democratic Party in its campaign did not contend that the high tariff was the sole cause of the high cost of living. It did contend, and still contends and believes, that in very many instances it provided the shield behind which trusts, combinations, and monopolies were formed for the purpose of hammering down the price paid to the farmer, and for the purpose of screwing up the price of those products when sold to the consumer. If the people will have patience until the Democratic tariff law has been given a fuller and fairer opportunity to operate after the passage of our proposed antitrust laws, the people of this country will find great relief in all directions.

They will find the farmer receiving as much for his products, if not more, than now, and they will find the people buying the necessaries of life for less. This may seem paradoxical, but it is absolutely true. When the trusts, which are situated, thrive and live between the farm producer and the ultimate consumer, are destroyed, then there will be less dividends to provide for trusts, combinations, and monopolies, and less of the idle middlemen to support. The farmer and the consumer will be drawn closer together, thereby enabling the farmer to secure better prices for his products and at the same time enable the ultimate consumer to buy cheaper than now.

HIGH COST OF LIVING WORLD WIDE.

The cost of living in the last few years in this country has grown very rapidly. We have been prone, however, to believe that this was peculiar alone among our people. Such, however, is not the case, for the general complaint against the high cost of living has prevailed in all civilized nations. There has been a growth in this cost everywhere—in some countries greater than in others—and it is usually due to the same causes.

Prof. John B. C. Kershaw, fellow of the Royal Statistical Society, of London, who is widely known as a student and expert, wrote an article upon the subject, which was published in the Scientific American of March 21, 1914. He points out in that article in detail the reasons which he considers responsible for the great rise in the cost of living throughout the world, and shows that this condition is not peculiar to any one nation. He says in part:

> The rise in the prices during the last 15 years has not only been great, but general. It applies to almost all commodities and to all countries for which we have figures.
>
> The principle cause for this he attributes is the continued growth in population of the world, the increased demand for luxuries, and the extravagant way in which the present generation is exhausting the material resources of the earth. Food and other commodities of life are dearer, in his opinion, because of the increase in the number who want them, and they are becoming more scarce. According to his opinion the outlook seems to indicate that the rise in prices is permanent and is likely to be aggravated in future years.
>
> He includes in his article a table showing the level of food products from 1900 to 1912, inclusive. From this table it appears that the price of necessary food articles usually used by the workingman have gradually raised in price from 1900 to 1912, inclusive, in the countries hereafter named as follows:

	Per cent.
In the United Kingdom	15
In France	13
In Germany	30
In Holland	23
In Italy	20
In Russia	21
In Canada	51
In Australia	16
In New Zealand	14
In United States	38
In Norway	19

> Judging from this world-wide rise in the cost of food products, it must be apparent to all, that in the question of the cost of living we have a world-wide problem, and not alone an American one. Under such circumstances it is unreasonable to suppose that any tariff law, high or low, that may be passed by Congress will materially affect the cost of living one way or the other. So far as the high cost of living is due to artificial reasons, and not to the law of supply and demand, the only relief is in regulation, control, or destruction of trusts, combinations, and monopolies in all matters, and especially in dealing with the necessaries of life, both in interstate and intrastate commerce. The Democratic Party hopes that by the passage of the proposed antitrust legislation and its enforcement after passage to in a large measure control and destroy the evil practices of such trusts, combinations, and monopolies.

DEMOCRATIC PROTECTION FOR THE FARMER.

The Democratic Party has since the days of Jefferson been not only the traditional but practical friend of the farmers. It has at all times constituted itself the champion of their welfare. Through its efforts it has manifested and put into practice during this administration its professions of friendship.

A Democratic House in 1911 inaugurated and passed a country-wide parcel-post system in connection with the Post Office Department. For more than a generation this valuable means for the transportation of small packages has been a part of the postal system of nearly every civilized country. Its merits had been demonstrated. The demand for it in this country had been for nearly a generation widespread. For 16 long years, while the Republican Party was in power, these demands were repeatedly presented to Congress, and repeatedly Republican Congresses turned deaf ears to the appeals of the farmers and consumers of the country. Finally in 1911, in response to the long, continued, and widespread demand on the part of the people, a Democratic House inaugurated and passed this most valuable piece of legislation.

This particular branch of the public service has been during the present administration, in charge of that able and distinguished Democratic statesman, Hon. A. S. Burleson, the ablest and most progressive Postmaster General that has been at the head of our Post Office Department in the history of our Government. Under him and through his efforts of practical management, the parcel-post system has been extended throughout the length and breadth of the land. Repeated extensions of its usefulness have been successfully established and are now in operation. The weights permitted to be carried have been increased, and the rates for carriage decreased.

Already so great has been the volume of business transacted by this branch of the Post Office Department that express rates on all commodities not exceeding the weight permitted to be carried by the parcel-post system have been reduced by an average of about three-quarters of the charges previously made by express companies.

When the farmer and ultimate consumer become familiar with this great system, it will enlarge direct trade between them and will bring the farmer higher prices for his produce, and at the same time enable the consumer to buy such produce at a cheaper price than where the same has been handled by the middleman or the retailer. This system is but in its infancy, and in the course of two or three years more under the present able administration there will undoubtedly be a wonderful in-

ing period, which injured the growing and ripening barley to such an extent that the yield of barley in that season was only a little more than one-half of the average barley yield per acre. In the fall of 1911 and through the winter of 1911 and 1912 and in the spring of 1912 barley did range from $1.20 to $1.30 per bushel.

But the gentleman fails to tell us that in the fall of 1912, when the barley crop for that season came in and there had been a little more than an average annual yield of barley, that barley-raising farmers could get in the markets for their barley but from 60 to 70 cents a bushel, yet the same Payne tariff on barley of 30 cents a bushel was upon the statute books and was the same tariff on barley in 1911 and in April, 1912. If the Payne barley tariff of 30 cents per bushel was responsible for barley prices ranging from October, 1911, to the coming of the 1912 new barley crop from $1.20 to $1.30 per bushel, why did not that same Payne tariff of 30 cents a bushel on barley maintain the price of barley at $1.20 to $1.30 a bushel in the fall of 1912?

Here is a fair sample of the arguments used by the army of calamity howlers now parading the country trying to fill the ears of the farmer with falsehoods, and to prove the unfairness of the gentleman and that he intended to misrepresent. I call attention to the fact that he was not fair enough in this connection to compare the price of barley in April, 1913, with April, 1914. If he had made such a comparison and was reporting the true results, he would have to say that barley in 1914 brought on the average from 6 to 10 cents more per bushel than in 1913.

POTATOES.

The tariff on potatoes was reduced from 25 cents a bushel and placed upon the free list, except that if potatoes are imported from a country that imposes duties upon potatoes imported from the United States, that, then, such potatoes shall pay a tariff duty of 10 per cent ad valorem. This prevents the importation of potatoes from Canada excepting upon the payment of such 10 per cent ad valorem, and our quarantine laws and regulations act as a formidable barrier to the importation of potatoes from other countries. During the first four months under the new tariff law some 3,260,000 bushels of potatoes were imported into the United States. If this rate were maintained throughout the year, we might expect a total annual importation of 10,000,000 bushels per annum.

The annual yield of potatoes, however, is very uncertain and variable. For instance, in the year 1912, the United States imported nearly 14,000,000 bushels, notwithstanding that there was then a tariff duty on the same of 25 cents per bushel. The trouble in that year was that the drought of the previous year of 1911 had rendered the yield of potatoes in that year very scarce and limited. Notwithstanding such large importation in that year, the farmers of the country prospered. It again forcibly illustrates the rule or law of supply and demand. Notwithstanding the reduction of the duty on potatoes in the present tariff law, the price at all times since the 1st of October, 1913, has been higher than during the same period in the previous years.

LOCAL MARKETS.

For the preparation of these remarks I have gathered market quotations in five different places in my district for this year and last, and have caused the same to be verified. The statement of prices that I herewith present shows the average prices paid to the farmer in my district at the periods named in this and last year. They do not represent the prices paid by the consumer after the farm products have passed through the hands of the middleman, but the prices actually received by the farmer.

Market quotations of Sheboygan, Wis., for different dates in 1913 and 1914.

	Feb. 28, 1913.	Feb. 27, 1914.	Mar. 28, 1913.	Mar. 27, 1914.
Wheat.....bushel..	$0.75-$0.82	$0.80-$0.90	$0.75-$0.80	$0.80-$0.92
Rye.....do....	.58- .52	.80- .58	.50- .52	.58- .58
Corn.....do....	.40- .46	.50- .53	.40- .45	.54- .58
Oats.....do....	.28- .30	.36- .39	.28- .29	.38- .40
Barley.....do....	.50- .60	.52- .68	.45- .50	.56- .65
Buckwheat.....do....	.60- .65	.65- .75	.....	.....
Dairy butter.....pound..	.29- .31	.27- .30	.26- .28	.24- .27
Creamery butter.....do....	.35	.31	.34	.27
Eggs.....dozen..	.17	.25	.15	.17
Potatoes.....bushel..	.27	.50- .55	.30- .35	.45- .55
Chickens, live.....pound..	.12	.12	.13	.14
Cattle, live.....cwt..	4.00- 6.00	5.00- 7.00	4.00- 6.00	5.00- 7.00
Veal, calves.....do....	8.00- 8.50	8.00- 9.00	8.00- 8.50	7.00- 9.00
Hogs, live.....do....	7.75- 8.00	8.25- 8.35	.....	8.25 8.25- 8.60
Hogs, dressed.....do....	.....	10.00	10.50	11.00 10.50
Sheep.....do....	4.00- 4.50	4.50- 5.50	4.00- 4.50	4.50- 5.50
Lambs.....do....	5.50- 6.50	6.00- 6.50	6.50- 7.50	7.50- 9.00
Hides.....pound..	.10	.11	.10	.14
Cheese, square prints, pound.....	.16½	.17½	.14½	.16½

Market quotations of Sheboygan, Wis.—Continued.

	June 15, 1913.	June 15, 1914.
Wheat.....bushel..	$0.78-$0.88	$0.80 -$0.92
Rye.....do....	.50- .54	.58 - .59
Corn.....do....	.46- .50	.62 - .64
Oats.....do....	.30- .34	.35 - .41
Barley.....do....	.52- .60	.54 - .65
Dairy butter.....pound..	.20- .23	.20 - .24
Creamery butter.....do....	.29	.28½
Eggs.....dozen..	.15	.17
Potatoes, old.....bushel..	.28- .30	.60 - .65
Chickens, live.....pound..	.12	.13
Cattle, live.....hundredweight..	5.00- 6.00	5.00 - 7.00
Veal, calves.....do....	8.00- 8.50	8.00 - 9.00
Hogs, live.....do....	7.50- 8.20	7.75 - 8.55
Sheep.....do....	4.00	5.00 - 6.00
Lambs.....do....	7.00	8.50
Hides.....pound..	.09- .10	.12 - .14
Wool.....do....	.19- .20	.21½ - .23½
Cheese.....do....	.15	.15½

MILWAUKEE MARKETS, JUNE 19, 1914.

For the purpose of affording a further comparison, I herewith present quotations and prices of the articles above mentioned in the local markets, with those for the same articles in the Milwaukee market on the same day and month in the years 1913 and 1914, to wit, June 23:

	1914	1913
Wheat.....bushel..	$0.93½-$0.95½	$0.83 -$0.89½
Rye.....do....	.61 - .66	.55 - .61
Corn.....do....	.70½- .74½	.61 - .62½
Oats.....do....	.40 - .42	.39 - .41
Barley.....do....	.58 - .65	.58½
Potatoes, old.....do....	.72 - .82	.25 - .28
Potatoes, new.....do....	.90 - 1.00	.85 .90
Dairy butter.....per pound..	.25	.25
Creamery butter.....do....	.28½	.23
Eggs.....per dozen..	.16½	.15 - .16½
Hens, live.....per pound..	.14	.16 - .12
Cattle, live.....per cwt..	7.75 - 8.75	6.40 - 8.41
Calves.....do....	8.75 - 9.50	8.25 - 9.00
Hogs, live.....do....	8.00 - 8.60	8.00 - 8.30
Sheep.....do....	4.50 - 5.50	4.00 - 4.25
Lambs.....do....	8.00 - 9.00	7.00 - 7.51
Hides.....per pound..	.13½- .15	.13½
Wool, fine, merino.....do....	.22 - .23	.20
Cheese.....do....	.15 - .16	.14½- .15

IMPORT OF FARM PRODUCTS.

When the prophets of ruin and calamity are confronted with positive facts proving that the prices of nearly all farm products are higher this year than at the same time last year, they resort to other tactics equally in vain and equally false. They then try to blind the farmers and the public with claims and prophecies that vast imports of farm products are coming into this country in competition with our home farm products. They contend that if the prices of the articles which the farmer has to sell have not yet been lowered below that of last year, that the imports from foreign countries will soon result in flooding the American markets with foreign goods, thereby depriving the American farmer of much of the market that he would otherwise enjoy.

With saddened countenances, with faltering voices, and with crocodile tears they refer to the increased imports from foreign countries since the 3d of October last, when the present tariff law went into effect. With great and false solicitude they are trying to blind the farmers and the general public with those increased imports and with the prospect of a continuance of the same. So far they have only been able to point to increased imports during the life of the present tariff in eggs, corn, beef, and potatoes, and a few minor articles.

EGGS.

Eggs imported from China is one of their ghost stories. It will be remembered that the tariff on eggs in the Payne tariff bill was fixed at 5 cents per dozen, and in the Underwood tariff bill they are placed upon the free list. In this case it is not cheap foreign labor that they are apprehensive of, but it is the cheap Chinese hens. It is true that there has been an increased importation of eggs during the first four months of the present law. A careful investigation, however, discloses that during the month of March under the present law some 12,000 cases of eggs were imported from China to Vancouver. One-half of these were consigned from there to San Francisco and the other half remained in Vancouver. These are the vast and enormous importations of Chinese eggs which are to drive the American hen out of the laying business and ruin the American egg market with cheap prices.

During the last three months of 1913 and in January, 1914, there were imported into this country from all countries, in round numbers, 2,900,000 dozens of eggs. They were worth

$613,000. For the purpose of this argument let us assume that the importation of eggs for those four months represent one-third of the annual imports of the same. In that case our total importation of eggs for the year would be worth $1,839,000. Our statistics show that in the year 1912 we exported $3,395,000 worth of eggs, more than double in value the importation of eggs from foreign countries if they continue to be imported during the remaining eight months of the year in the same proportion as during the first four months. In 1912 the average price paid us for these exported eggs was 22 cents per dozen and the average price paid for the eggs brought into the United States during those four months was 13½ cents a dozen. What harm, I ask, is it to the American farmer and poultryman if we import eggs at 13½ cents a dozen on the average and export twice as many at 22 cents a dozen?

Our 1910 census returns show that in that year the value of the eggs used or consumed in the United States was, in round numbers, $320,000,000. If the importation of eggs for this year continues at the same rate for the above-mentioned four months, the amount imported will be about one-half of 1 per cent of the eggs used in this country in the year 1910. There were produced in this country in 1910 1,591,000,000 dozens of eggs. How, then, I ask in all seriousness, is an egg importation of one-half of 1 per cent going to affect the price of American eggs upon the American markets? Every intelligent, impartial, and thinking person, especially farmers, can not and do not expect such a trifling importation to make any impression whatsoever upon the egg market. It will have no more effect upon the egg prices of this country than Lake Michigan would be affected if we were to take a tub of water out of it. In truth, the increased supply of spring eggs reduces the price each year far more and has a hundred times greater effect on the market than the importations spoken of.

CORN.

During the latter part of April this year the calamity newspapers of the country published with great scare headlines a report that 500,000 bushels of Argentine corn had been purchased for delivery in May in the city of Chicago. This seemed like importing coals to Newcastle. The story was so strange that it was unbelievable, and yet it was published and republished, repeated and repeated by our opponents and by a partisan press to blind the public and farmers of this country to the true workings of the present tariff law.

That able and distinguished Democrat from Illinois, Hon. H. T. RAINEY, undertook a thorough investigation of this rumor, and some time ago upon the floor of this House he presented the result of that investigation relating to the importation of corn. After a long watchful waiting and painstaking examination, he discovered that up to the time that he made the exposure of these rumors on the 6th of last June, that only one carload of Argentine corn, containing 60,000 pounds, was delivered in Chicago, and that it was upon a contract for the delivery of this car of corn that the story that 500,000 bushels of Argentine corn was said to have been contracted for and was to be delivered in Chicago in May. According to the story of one of the partners of the firm that bought this car of corn, it was purchased and brought to Chicago by way of experiment, or trial as chicken feed. The poultry men of Chicago and vicinity evidently had found American corn so expensive for poultry feeding that as an experiment they wished to try this car of Argentine corn for chicken feeding purposes only.

His investigation disclosed that this rumor of trade or purchase of 500,000 bushels of Argentine corn was simply registered by the corn speculators in the Chicago market for the purpose of keeping down the price of corn in May. It was seized upon by those who are seeking every opportunity to slander and belittle the operation of the present tariff, and to blind farmers.

As shown by the same gentleman, a little over 7,034,000 bushels of Argentine corn was imported into this country during the four months commencing October 1, 1913, and ending February 1, 1914. At the same rate this would make for a year 21,000,000 bushels. The average annual yield of corn in this country during the last few years has been a little over 3,000,000,000 bushels. Our corn exports in 1912, including corn meal, were 41,500,000 bushels, in round numbers, so that our exports would be just about double our imports. It will thus be seen that our exports and imports combined are only about 2 per cent of our total annual production. Of the 7,000,000 bushels of corn imported during the months of October, November, and December, 1913, and January, 1914, some 4,000,000 bushels have been used exclusively by the Corn Products Co., of Edgewater, N. Y., for the manufacturing of corn products for export, and is thus used in a way that could not possibly bring it into competition with the American farmer. According to a year's average yield, we raise in this country 650 bushels of corn for every bushel of corn imported from the Argentine Republic. With only this sort of competition in corn, the price of American corn upon American markets will be reduced about as rapidly as a person can lower the level of Lake Michigan with a pail. Let it be remembered that the corn of the Argentine Republic has been exported from that country to the English markets for many years last past, and that upon those same markets American corn has been sold in millions of bushels each year in direct competition with Argentine corn. If American corn can compete successfully and at a profit with Argentine corn upon the English markets, why then is there any reason why American corn can not compete with Argentine corn on the American markets?

This is a competition that the American corn raisers had to endure for years in spite of the fact that there was a duty of 15 cents a bushel on corn. It must be remembered, too, that during all of these years when enormous quantities of American corn were being exported and sold in English markets that it was being sold at a higher price than it would command in the home market, for if it did not there would be no purpose in exporting it to the English markets.

IMPORTED BEEF.

During the last several months there has been imported into this country from Argentina dressed beef at the rate of about 9,000,000 pounds monthly. At this rate of importation the annual importations of Argentine beef will be about 108,000,000 pounds. At first blush and without reflection this seems to be an enormous quantity of beef to import. Without comparison and an analysis one would be prone to think that such an importation would displace a very large quantity of American-produced beef. If we stop to consider the same for a moment, however, we will be confronted with the fact that there are now in this country about 100,000,000 people. Imported beef to the amount of 108,000,000 pounds annually would give us a trifle of over 1 pound of beef for each person a year.

The consumption of dressed meat in the United States for the year 1909 for each person was:

	Pounds.
Beef	80.34
Veal	7.54
Pork (excluding lard)	67.61
Mutton and lamb	6.58
Lard	10.06
Total meat and lard consumed by each person on the average in 1909	172.13

No intelligent person for a moment believes that a pound of imported meat for each person in this country, will in any way whatsoever lower or affect the price of the other 172.13 pounds used by each person during the year.

Statistics further show that there is more meat consumed in the United States each year by the average person than in any other country on earth. The average amount per year used by persons in the—

	Pounds.
United Kingdom	119
Germany	113
France	80
Argentina	140
Canada	129
United States	172

Such a comparison shows the insignificant amount of American-produced beef displaced by imported beef. The effect produced by the dropping of these 108,000,000 pounds of Argentine beef into the great demand for beef in this country makes no more impression than the casting of a pebble into the Potomac. Besides, we have seen from the above figures that beef during the past year has gone up instead of down, thus showing that the importations of beef have made absolutely no impression upon the American market. Meat imports have been increasing, and meat imports must continue. The demand for beef in this country is larger than the supply.

The population of this country has increased to 100,000,000 people at the present time. During the last 14 years the population has steadily increased, thereby increasing the demand. On the other hand, during the last several years the supply of beef cattle in this country has actually diminished. Thus there has been an increase in the difference between the supply and demand from both ends. The demand, on the one hand, has increased, and the supply, on the other hand, has decreased. To meet these wide-spreading conditions, or spread between the supply and demand, it is necessary that there be some importations of meat, and those importations must increase in the near future unless our farmers produce more beef cattle than they have been producing in recent years.

To forcibly illustrate the increasing difference between the supply and demand of beef cattle in this country, let us consider

It thus will be seen that the average price of the lower grades of wool increased in my district, from 1913 to 1914, 4 cents per pound and that the higher grades increased 3½ cents per pound.

The wool produced in Wisconsin, although of a fair grade and quality, is not equal to the highest and best grade of wool produced in the country, such as produced in the State of Ohio. According to the United States Census statistics for 1913, the wool produced in the latter State averages 65 per cent fine and 35 per cent medium, while the Wisconsin wool, according to the same census reports, averages only 20 per cent fine and 80 per cent medium.

I have in my possession a letter dated June 25, 1914, written by the Hon. J. W. Cassingham, of Coshocton, Ohio, to our colleague, Hon. WILLIAM A. ASHBROOK, in which Mr. Cassingham, who was formerly a Member of this House and is now president of the Commercial National Bank of that place, and is a reliable, well-informed, and experienced business man generally, says that fine unwashed merino wool sold in Ohio in 1913 at 20 cents per pound, and that the same grade of wool sold in the same place and State in the year 1914 at 25 cents per pound. I am reliably informed that all first-class unwashed merino wool produced in Ohio is this year selling generally at an advance of 5 cents per pound, excepting such as was contracted for early before the wool market had developed.

Undoubtedly many farmers will be found who will claim that the market price of wool paid to them has not advanced over the price paid in the year 1913, but wherever you find a farmer who makes such a claim you will find one who had contracted early to sell his wool and before the price of wool had been fixed by the supply and demand. Farmers who contracted to sell their wool clip early were induced to do so by the hue and cry of Republican calamity howlers, who by their direful songs and doleful choruses caused a feeling to prevail that wool and sheep were going to the dogs at a two-forty rate. Wool farmers who were thus deceived and lost several cents per pound for their wool clip this season have no one to blame but Republican calamity howlers, who have been filling the ears of the wool-growers with the predictions of direful ruination. Comparisons in the price of wool for the last 17 years show that wool is bringing a higher price to-day than at any time since 1897, and reliable testimony to this effect is appearing every day in the columns of the public press.

Recently through the courtesy of my colleague of the sixth district of Wisconsin, Hon. M. K. REILLY, I was shown a copy of the Oshkosh Northwestern, a Republican newspaper published at Oshkosh, Wis., under date of June 6, 1914. The editorial policy of that paper is, and always has been, Republican, and it is published by a Republican editor, who in the past has been highly honored by his party and his fellow citizens.

Among other things stated in his editorial upon wool, I find the following paragraph:

> In the wool manufacturing industry, the same as with the wool-growers, it is now conceded that the tariff instead of proving destructive, is having very little effect upon conditions. The American woolen mills are having all they can do; there has been no reductions in profits or dividends, and with assurances of continued prosperity, there have been several noticeable extensions and enlargements of their business.

A further paragraph from this distinguished editor may be of interest to our standpat Republican friends, who, ever since the Underwood bill was introduced in the House of Representatives, have been howling themselves blue in the face in uttering dire prophecies of failure and ruination for American business and industries. It is as follows:

> The new tariff may not be perfect, it is true; yet a perfect tariff is beyond the range of hope or possibility. It will be noted, however that few, if any, specific instances are being cited where the new tariff is proving destructive or even seriously damaging to American industries.

It is, indeed, refreshing in these days of perpetual calamity howling to find a Republican newspaper that will treat and discuss the tariff question and the business conditions of the country from a business and not a partisan standpoint. The Oshkosh Northwestern editor and his valuable paper are to be congratulated upon his fairness, sound judgment, and good citizenship.

From nearly all the great wool-producing sections of the far West come reliable reports showing the market price paid wool raisers for their wool clip this year to be from 3 to 5 cents per pound more than last year. In fact, reliable evidence is at hand showing that in many instances wool has sold this year in Oregon and other mountain States at a higher price than has been received for the same in the last 17 years. When we take into consideration that during those 17 years there has been a tariff duty on imported wool of not less than 11 cents a pound, we may be able to appreciate the fact that may be it was not the tariff on wool heretofore nor the fact that it is now on the free list that makes wool higher now. This may open our eyes to the fact and enable us to see that as a general rule the price of farm products are controlled by supply and demand and not to a certainty or to a general rule by a tariff duty on imports. I do not for one moment claim that the advance in the price of wool is solely due to the free listing of imported wool, but it is in part due to that fact and in the remaining part that there is a scarcity of sheep in the country. This last fact is not due to the new tariff, but the decrease in sheep, as shown by the 1899 and 1909 census of Wisconsin, has been more than 36 per cent in the last 10 years, and about 15 per cent decrease in the Nation. The free listing of wool has made it possible for woolen mills to continue and to enlarge their business operations. It is a notorious fact that during the Payne tariff certain woolen mills which were required to use certain grades of foreign wool in order to manufacture the kind of cloth for which they had been equipped and had built up a market or trade were unable to operate and were driven to the wall.

There are in my home city of Beaver Dam, Wis., two instances of this last kind. One woolen mill located there was established in 1863, and the other was built in 1865. The latter continued in business until four years ago last August, when, under the Payne or Republican tariff of 11 cents a pound on wool, it was obliged to shut down and go out of business and has remained out of business since.

The woolen mill established in 1863 continued to do business until two years ago last October, when under a Republican tariff of 11 cents a pound on wool it was forced to close. These two woolen mills were for years the most prosperous to be found in the Northwest. One of these mills now has for over four years and the other for over two years been standing empty and idle, without a loom stirring, all due to a tariff that prevented them from obtaining at a reasonable price imported wools that were necessary to be used in manufacturing their particular kind of cloth, for which they had built up a trade.

For years the National Woolen Manufacturers and Wool Association at their annual meetings have passed resolutions commending a tariff on wool and condemning any and all movements toward the free listing of wool. They met again this year, but no resolution in condemnation of the free listing of wool was passed by this association.

The United States Department of Agriculture arranged last May for a national conference of representatives of woolgrowers and of the wool business to bring out views from all interests as to what the Government might be able to do to assist in increasing the world's supply of wool. There came to this convention woolgrowers, merchants, spinners, and weavers for the purpose of considering their business in all its aspects. That convention was in session several days and not once was the subject of a tariff talked about. There were in this conference over 100 men, representing all phases of the wool and woolen manufacturing business. They discussed the different phases of the wool and woolen business, but they said nothing about the tariff. The reason was that instead of being ruined by the newly reduced and much abused wool tariff rates, the wool business and the woolen manufacturing business has been increasing right along at the head of farm products and manufacturing enterprises.

It was expected by nearly everyone that the price of wool would drop as soon as the Underwood bill became a law. Instead of that drop, there has been a steady advance, averaging, according to the most reliable authorities who came to that conference, about 10 per cent. As wool prices have advanced since the 1st of June, I am inclined to think that the average increase in the selling price of wool received by the farmer has increased nearer 15 or 18 per cent than 10 per cent. At this conference not one word of complaint was uttered against the removal of the duty on wool.

But the conference did make complaint. It made complaint that the sheep industry was being seriously injured by dogs. Sometime before the holding of the conference referred to the United States Department of Agriculture had sent out to over 1,000 counties in different States of the Union asking these questions: "How much could the number of sheep in your county be increased without displacing any of the live stock now raised?" A majority of the answers received were to the effect that the number of sheep could be increased 150 per cent and not necessitate a reduction in any other kind of stock. The second question sent out by the department was this: "What is the reason this 150 per cent of sheep are not raised?" And the answer came from more than two-thirds of the counties, 'Dogs.'"

So it seems that wool and sheep have not gone to ruination under the free listing of wool, but that they have gone to the "dogs." I expect that this will make all puppies popular hereafter with the calamity howlers' brigade, and that while market

prices go up, every puppy will be called "tariff." Because, under the Payne wool tariff, the sheep in this country in 10 years decreased over 36 per cent in number in Wisconsin and 15 per cent in the Nation in the same period, and because of the additional fact that when wool is free listed that its only enemies seem to be dogs, therefore a wool tariff and dogs go hand in hand, and both will be held high in the estimation of the average wool standpatter.

SHEEP.

Not only is wool higher in price this year than last, but the sheep itself brings a higher price. In the direful predictions of what was to happen if wool was placed on the free list, the sheep itself was included. The workings of the law of supply and demand, however, as will be seen from the table of prices that I am about to give, show that the price of sheep has raised fully 20 per cent since a year ago.

LAMBS.

Even spring lambs share in the general raise in prices. They seem to frisk and gambol about upon the green pastures with more delight and alacrity than a year ago. Evidently they have a right to, as even the price of lambs has gone up over the price paid for them last year by an average of about 18 per cent. The prices of lambs are now higher than in any July in the history of the Chicago stockyards.

HIDES.

One of the very few articles upon which the people were given relief by the Payne or Republican tariff was hides, which were placed upon the free list. For years the subject of protecting or placing hides upon the free list was warmly debated pro and con. On the one hand it was contended that the placing of a tariff duty on foreign hides entering this country would enable the farmer to secure a greater price for the hides produced by him, and that all marketable cattle would thereby command a greater price. On the other hand it was contended that in the placing of hides upon the free list the hide market would not be lowered and the farmer would get as much, if not more, for hides than under protection. Finally, they were placed upon the free list, and were continued upon the free list by the present Democratic tariff law.

An inspection of the following table will show that the prices of hides have been higher since the tariff duty was removed from the same than during the years when a heavy tariff was imposed. A bare review of this table shows that this year the price of nearly all kinds and grades of hides are higher than they have been at any time during the last 10 years, thus showing that tariff duties do not necessarily enhance the price of the home-produced article nor does free listing of the same plunge it into ruin.

Comparative prices of Chicago packer hides for 10 years, week ending June 20, 1914.

	Spready steers.	Heavy native steers.	Heavy Texas steers.	Light Texas steers.	Ex-light Texas steers.	Butt brands.	Colorados.	Branded cows.	Heavy native cows.	Light native cows.	Native bulls.	Branded bulls.
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
1905	14 -15	13 -13½	14½	14½	13½	13 -13½	13 -13½	12½	12½-12¾	12½-12¾	10 -10½	9½
1906	15½-16½	14½-15	14½-15	15	14½-14½	13½-13¾	13½	14½-14½	14½-15	14½-15	11½	10½
1907	16 -18	15½	15½	14½-15	14 -14½	13½-14	13½-14	13 -13½	13 -14	12½-14	11½-12½	10½
1908	13 -14	14	15	13½	11½	12½-13	12½-13	11	11	11	9 - 9½	8
1909	19 -21	16½-17	17	16	15	15½	15½	14½-15	15½-15½	15 -15½	13 -13½	12½
1910	15 -15½	13 -14½	14½-15	13½-14	12½-13	13 -13½	12½-13	11½-12	12 -13½	12 -12½	11 -11½	10 -10½
1911	17 -18	16	15½-15½	14½-14½	13½-13½	14½	14½	13½	14½-15	15	13 -13½	11 -11½
1912	20 -22	17½-17½	16½	16½	15½	15½	15½	15½	16 -16½	16½	12 -14	11½-11½
1913	19 -20	17½-17½	17½	17½	16½	16	16½	16½	16½-16½	16½-16½	13½-14½	13½
1914	18½-19½	18 -19½	19 -19½	18½	18½	17½-18	17½-18	18 -18½	18½-19	19 -19½	15½-16½	14½-15½

Comparative prices of Chicago country hides for 10 years, week ending June 20, 1914.

	Heavy steers.	Heavy cows.	Buffs.	Extremes.	Bulls.	Branded hides.	Calf-skins.	Kips.
	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.	Cents.
1905	11½-11½	11½-11½	11½-11½	11½-11½	9½	10½-11	13½-14½	11 -12
1906	13	13½-13½	13 -13½	13	10½-11	12½	14 -15½	11 -12½
1907	12 -12½	11 -11½	10½-11	10½-11	10	9½-10	14½-15	10½
1908	8½- 9½	8 - 8½	8½	8 - 8½	7 - 7½	7½- 8½	12½-14	8 - 9
1909	14	13½	13½	13½	11½-11½	11½-13	17 -19	13½
1910	11 -11½	10 -10½	10 -10½	10 -10½	9½- 9½	8½- 9	14½-16½	10 -11
1911	12½-13	12½-12½	12½-12½	13½-13½	10½-11½	10½-11½	16½-20	13½-15½
1912	13½	13½	13½	14 -14½	11½-11½	12½-12½	17½-23	15½-17
1913	14 -14½	14 -14½	14 -14½	14	12½-12½	13½-14½	17 -23	15 -17
1914	16 -16½	15½-16½	16 -16½	17 -17½	13½-14½	14½-16½	18 -21½	17½-19

For the foregoing table I am indebted to my predecessor in office, the Hon. Charles H. Weisse, of Sheboygan Falls, Wis.

PEAS.

Among the most rapidly developing, thriving, and profitable farming industries to be found in the State of Wisconsin, and especially the district which I represent, is the pea-canning industry. With us and in the Northwest it is of but comparative recent origin. There is now scarcely a village or city upon a railway but which has one or more pea-canning factories. A large acreage is devoted to this crop. The tariff on canned peas under the Payne tariff was 2½ cents per pound, and under the present tariff law it is 1 cent a pound. The pea-canning season has just finished, and I have made careful investigation and comparison of the prices paid in at least a dozen places in my district this and last year.

In many instances the land is rented for cash by the factory owners and worked by their own help. In the majority of instances, however, the farmers in the vicinity of the factory raise the peas for sale at the factory. After being drawn to and milled at the canning factory the farmer is paid, after the same are milled, a price ranging from 1¼ to 2½ cents per pound, and averaging about 2¼ cents per pound, the average yield per acre being 2,500 pounds, and the average value of yield per acre being from $50 to $55. Such has been the general average price for at least the last four or five years.

Factory owners in many instances rent the land, plowed or unplowed, from the farmer and work and grow their own peas. The rent for unplowed land will average $11 per acre and for plowed land $13 per acre. The prices this year at all points where I made inquiry show as great a rental per acre and as great a price per pound for milled peas as in any previous year. This demonstrates that the reduction in the tariff on peas of 1½ cents a pound, or 60 per cent, has not decreased their price this year under a Democratic tariff for revenue only.

BARLEY.

Wisconsin is one of the five great barley-growing States of the Union. The time was but recently when it stood first in acreage, in yield, and in quality. According to the census, its total barley yield in 1909 was, in round numbers, 22,156,000 bushels, valued at $12,682,000. The tariff on this article was reduced from 30 to 15 cents per bushel. At the six different points investigated in my district on the last week in February, the first week in April, and the 11th of June, 1914, I found the average price of barley paid direct to the farmer higher by from 4 to 7 cents in each instance than the market price of barley at the same periods in the year 1913.

The gentleman from Michigan [Mr. HAMILTON] stated in his speech of the 11th of July, 1914:

> That the price of barley in Chicago ranged from $1.20 to $1.30 per bushel in April, 1912, and from 55 to 60 cents a bushel in April, 1914.

Such a comparison and statements are unfair and unworthy of the gentleman. It is, in fact, an insult to the intelligence of the farmers of the country as well as to the membership of the House. The gentleman knows, or ought to know, that the reason why the market price of barley in Chicago in April, 1912, was from $1.20 to $1.30 per bushel was because in the season of 1911 there was a great drought and heat spell that spread over the barley-growing regions of the country just at the ripen-

growth of all forage plants. We do not have to use fertilizers as they do in Europe. Hence, we can produce food of all kinds more cheaply than they can if we apply the same amount of skill and attention. The European farmer has to give strict attention to farming in order to make a livelihood, as their soil is not as productive as ours. He must make the very best use of his materials, and he does.

In closing I repeat that I do not see anything alarming in the dairy situation. The little competition which we will have will prove a healthy stimulus to our farmers. It may seem hard for a while, but I believe it will work out all right in the end.

These sentiments relating to butter prices are corroborated and indorsed in an article published February 18, 1914, in the West Bend Pilot, in my district, written by Mr. Carl H. Wallau, an extensive owner and operator of creameries in Washington County, Wis. He entertains and expresses views identical with those contained in Hoard's Dairyman. His article is quite lengthy, but there is nothing in it to indicate that it is from Hoard's Dairyman, but appears to be an independent thought of Mr. Wallau. This gentleman is not only a leading creameryman but is an intelligent and industrious citizen, and in politics a Republican. He says in his article as follows:

Mr. Editor: On the front page of your issue of February 11, 1914, appears an article headed "Indicates cheaper butter," reprinted from the Milwaukee Daily News. In connection with this article permit me to say that the highest grade of creamery butter has little to fear from the importations of foreign butter, as of the high grade known as "Extra creamery" not enough is produced to supply the demand, and the quality of butter imported thus far ranks only with a fair grade of storage butter. Therefore it will come into competition with such or second-grade butter, with the effect that the poor butter maker and the creamery man who is careless about his work either will have to mend their ways or quit the business, as they are the ones who will suffer mainly from this new competition.

That the importation will have some influence on the price of first-grade butter during the flush of storage seasons can not be denied, but all butter factories are now equipped to change from butter to cheese making at a moment's notice, and therefore can take advantage always of the highest market.

In conclusion we wish to say that the man who has won the confidence of his patrons and continues his business in a straight and businesslike manner, aiming to produce the best butter that can be produced, and spares no expense to keep the quality of his butter at a uniform high standard, has nothing to fear from such competition, from the importation of Australian butter, or the organization of a few more creameries.

It is true that since March 15, 1914, the price of butter has fallen in some instances 4 or 5 cents. Of course, those who believe that all good things spring from a Republican tariff, charge this decrease in price of butter since that period to a Democratic tariff. In the last three or four weeks it has, however, regained, and even exceeds, last year's butter prices at this date.

The facts, however, are quite plain, and show positively that whatever decrease there has been in the price of butter since March 15 is due not to the tariff but to supply and demand. The butter on hand in public and private storages on March 1, 1914, as compared with other recent years on the same date is interesting. For this purpose, I again quote liberally from an editorial article from Hoard's Dairyman, of March 4, 1913, which is self-explanatory. It shows that on the 1st of March, this year, there was in stock in the four principal butter markets of the country more butter than at any time on that date during the years 1912 and 1913. This table shows that there was on hand on the 1st of March, 1911, in round numbers, over 30,000,000 pounds of butter in such four markets, as against 18,000,000 this last March 1, 9,681,000 in 1913, and 11,720,000 in 1912. It shows plainly and positively that in the years when the largest stock of butter was on hand on that date the price was lowest; and, on the other hand, it shows that in those years when the stock was lowest, to wit, March, 1913, when only 9,681,000 pounds were on hand, the price was the highest.

The second of the tables herewith submitted shows the London butter-market prices for different periods in 1911, 1912, and 1913 as compared with the price of butter on the market in New York, and that in nearly every instance if there were added to the London market price of Australian, New Zealand, Danish, and Siberian butter the 2½ cents per pound present tariff and a cent for transportation charges that there were only a few instances in the whole column of figures where the London price plus the 3½ cents revenue and transportation charges does not exceed the New York butter-market price. Such being the case, it is silly to contend that foreign butter dealers will sell their butter in New York at a price which will bring them less net per pound than in London. These tables were not composed by Mr. Urner to advance any partisan interests, but were submitted from the standpoint of a business man, without reference to any political bearing that they might have. I trust that all interested in what butter is and will be worth will read these tables and his language carefully.

The butter on hand in public and private storage on March 1, 1914, as compared with other years is interesting.

The following table gives the stocks on hand March 1 in the four principal markets—New York, Chicago, Boston, and Philadelphia—and the average prices on the Elgin markets for February and subsequent dates for the same years:

	1911	1912	1913	1914
Pounds of butter, Mar. 1	30,148,000	11,723,000	9,681,000	18,288,000
	Cents.	*Cents.*	*Cents.*	*Cents.*
February prices	26.10	29.75	35.5	29.4
April (1st Monday)	21	30	32	.....
May (1st Monday)	22	30	28	.....
June (1st Monday)	21.50	25	28.5	.....
July (1st Monday)	23	25.50	26.5	.....

The above figures would seem to indicate that the stocks on hand March 1 each year were sufficient to warrant the change in price. It will be noted that the February price of 29.4 cents in 1914 is almost equal to the February price of 29.75 cents for 1912, and there was in storage 6,574,600 pounds more butter than in 1912.

The total imports from the time that the new tariff went into effect until March 1, 1914, were less than 6,000,000 pounds.

Mr. Frank G. Urner, of New York Produce Review, in an address before the Michigan Poultry, Butter, and Egg Association, gave some very interesting figures in American and foreign prices of butter. The following table was prepared by him from English sources. The table gives the prices of foreign butter in the London market, the great world's market for the surplus of all nations.

"London and New York butter prices compared.

	Australian.	New Zealand.	Danish.	Siberian.	United States at New York
1911.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
July	23.5	.....	26	23.1	25
August	25.7	.....	28.2	24.9	27.5
September	27.1	.....	29.5	26.2	27.7
October	26.6	.....	31.2	27.2	31.1
November	27.9	28.4	29.7	26.	34.0
December	27.7	28.6	30	27.1	37.5
1912.					
January	28.6	29.2	29.7	28.3	36.5
February	28.1	28.8	29.7	28.1	31.1
March	27.1	27.7	28.7	27.[illegible]	31.1
April	24.8	25.4	27.4	24.9	32.0
May	23.6	24.7	25.7	23.7	30.4
June	23.6	24.1	25.4	23.5	27.5
Average	26.3	27.2	28.6	26	31.[illegible]
1912					
July	23.5	24.8	26.5	22.8	27.1
August	24.4	.....	28.2	23.4	26.5
September	24.6	.....	28.4	24	25.1
October	25.2	.....	28.6	24.8	31.1
November	25	25.4	28.3	23.8	34.5
December	25.3	26.1	28.5	24.2	37.5
1913.					
January	24.3	25.3	27.	24.1	35.2
February	24	26.3	28.5	24.2	36.1
March	24.2	26	28.7	24.2	36.8
April	23.8	25.1	26.4	23.7	34.5
May	23.5	24.	24.9	22.3	28.6
June	23.1	24.1	25.8	22	27.5
Average	24	25.4	27.5	23.1	32.2

"One of the striking things about this table is the remarkably uniform prices of butter throughout the year on the London market, while the American prices vary as much as 13.2 cents between July, 1911, and January, 1912, and 10.2 cents between August, 1912, and March, 1913.

"Probably one of the effects of the new tariff will be to level the prices in this country and lower them somewhere near to the London market plus the extra freight charges, if any, and the 2½ cents tariff. Mr. Urner estimates that the reduction in American prices, in order that foreign butter of the best grades may be marketed in competition with our butter, will be in the case of Danish butter from zero to 1 cent, in the case of New Zealand butter 1 cent, about 2 cents in Australian, and about 3 cents in Siberian. In the case of undergrades the reduction of American undergrades which would compete would be greater than the above figures.

"There has been received in New York between the time the new tariff went into effect until February 10, 1914, 6,930 casks and 10,987 boxes, or about 1,500,000 pounds, of foreign butter. Most of the Siberian butter was low-grade storage goods. Nearly 8,000 boxes were Australian storage butter from London, and was of low grade.

"Fresh butter from New Zealand, Denmark, and Australia was of very good quality. It would seem that the American creameries making low-grade butter are the ones likely to suffer from

foreign competition. It is said that the bulk of the storage stocks now held in New York are of low-grade goods.

"Creamery men and patrons had better take a good, long, hard think about this quality question."

DEMOCRATIC PROTECTION OF BUTTER.

Far more important than any tariff that may be imposed upon butter imports is the protection of the American farmer butter maker and creamery man from the fraudulent competition of oleomargarine and other substitutes for butter. For years this sort of competition has been going on, notwithstanding a statute sufficient, if enforced, to protect the American farmer. Great losses have been sustained by the American farmer through want of the enforcement of this law. Those Republican partisans who are now singing in chorus the calamity howl, for 16 years sat idly by winking at the fierce competition to which the American butter makers were forced by the Beef and Oleomargarine Trusts, and never once did they raise their hand to protect the American butter maker against this sort of competition.

Since the Department of Justice has been in charge of a Democratic administration the American farmer has witnessed the doing of things for his protection against those who would compete with him by fraud and deception.

Take the case of John F. Jelke, the millionaire oleomargarine manufacturer, convicted on the 4th day of last May in the United States district court at Chicago, and sentenced by Judge F. A. Geiger to serve two years in the Federal penitentiary at Fort Leavenworth, Kans., and fined $10,000, for conspiring to defraud the United States Government of taxes on oleomargarine, the sentence imposed upon him being the maximum under the law.

Nine of the associates and employees of this oleomargarine manufacturer, Jelke, were fined $2,500 each for conspiring with him in the perpetration of oleomargarine frauds.

It is true that Jelke was indicted under the Taft administration late in the summer of 1911. After commencing the prosecution of this millionaire manufacturer who had colored white oleomargarine and sold it without paying the Federal tax, Federal suits were started by the Government during the Taft administration in Chicago, to recover $800,000 in oleomargarine tax from this violator of the law. When the case was gone into on preliminary examination, it was found that the oleomargarine manufacturer, the J. F. Jelke Co., owed the Government over $2,000,000 in oleomargarine taxes which they failed to pay the Government, instead of $800,000, which Secretary of the Treasury MacVeagh, a Republican Cabinet Member, had compromised for $101,000. Upon the coming into power of the Wilson administration the proposed compromise with this millionaire violator of the oleomargarine law was set aside.

Commissioner Osborne, the present faithful Democratic Commissioner of Internal Revenue, is pushing the investigation of these cases of violation of the oleomargarine laws for the collection of $2,000,000 that was overlooked by Commissioner Cabell and Secretary MacVeagh, under the Taft administration, and a Democratic Department of Justice has commenced proceedings to recover the same.

The butter interests of the country owe a debt of gratitude to the present Democratic administration in bringing the facts concerning these cases out in the open and showing up the unfaithful officials under the Taft administration who had sworn to perform their duties to the American people, but were caught compromising with the oleomargarine manufacturers who had gouged the Government out of $2,000,000 and were allowing them to be let off criminally and financially with the payment of only $101,000. A sentence of this oleomargarine manufacturer of two years in the United States penitentiary at Fort Leavenworth, and the payment of a fine of $10,000, will go further toward purifying the butter markets of the country of spurious and fraudulent butter competition than all the tariff duties that can be piled upon imported butter.

This is only one conspicuous example of what the present Democratic administration has done in trying to stamp out this fraudulent competition on the part of oleomargarine manufacturers against real butter produced by the genuine farmer. There are many other examples or cases of prosecution started to punish oleomargarine offenders which time and space forbid to specify at this time. Such work is the kind of protection this Democratic administration is giving the real butter makers of the country. If oleomargarine were made to stand upon its own bottom, the genuine butter producers of this country would need have absolutely no fear of foreign competition.

This is one of the few instances in which a millionaire has been sentenced to prison for violating the law. It will have a far more reaching effect in protecting the farmer from such fraudulent competition than a thousand ordinary sentences by fine for such violations, and it will have a most wholesome effect.

There is now pending similar criminal prosecutions against the Moxley Oleomargarine Co., of Chicago, who are slated to be tried on a similar charge next September. For years the farmers have been complaining of the looseness and lack of enforcement of the law when violated by oleomargarine manufacturers, but this is the first administration in the history of that law in which violators have been given the stern sentence of imprisonment. This is genuine protection for the farmer.

WOOL.

Whenever there has been a general revision of the tariff the question of protection or free trade for wool has always occupied the center of attention. Those favoring the policy of tariff protection for wool and sheep always predicted the ruination of the wool and sheep industry of this country if they were to be placed upon the free list. On the other hand, the Democratic Party has, as a rule, contended and declared that the free listing of wool would be beneficial not only to the manufacturers of woolen goods, but to the producers of wool.

When the Underwood tariff bill was pending in the House and Senate in the spring of 1913 and down to the present time the champions of protection for wool have filled the CONGRESSIONAL RECORD and the press of the country with gloomy and direful predictions of ruination for the sheep and wool industry of the country. Many Democrats in the Democratic House caucus doubted the wisdom of placing wool upon the free list, but the majority of our fellow Democrats were of a different opinion and finally succeeded in writing upon the statute books a tariff placing wool upon the free list. In the course of the debate upon the wool question it was pointed out by friends of the policy of free listing wool, that the policy of protection for wool had failed to encourage and increase the number of sheep raised in this country. The censuses of 1890 and 1900 were called forth to prove and did show conclusively that the number of sheep in this country decreased from 1880 to 1900 by more than 13,000,000. Even then, with a tariff during that period of about 11 cents a pound upon unwashed wool, the price of American-grown wool was not such as to leave the wool producer even a fair profit for his capital and labor.

The last Republican tariff placed a duty of 11 cents a pound on unwashed first-class wool. The present Underwood or Democratic tariff places wool on the free list.

Wisconsin is not known as a wool-producing State, yet, according to the census of 1910, there were upon the farms of that State in that year 929,783 sheep, of which 628,539 were of shearing age. This last number of sheep represented a decrease of 36.3 per cent as compared with the number of sheep of shearing age in Wisconsin on June 1, 1900. The wool produced in that State in 1910 amounted to 4,688,000 pounds, and was valued at $1,267,000. It will thus be noticed that, notwithstanding there was upon imported wool from 1900 to 1910 a tariff of not less than 11 cents a pound, yet the actual number of sheep decreased in that State. Of the total number of sheep of shearing age in the State, 45,048, valued at $89,323, belonged to the second congressional district, which I have the honor of representing. The rank of Wisconsin as a sheep and wool producing State, according to the census of 1913, is fourteenth in the Nation. The second congressional district ranks higher than the average district in Wisconsin in raising sheep and producing wool.

I have, therefore, assumed, in making an investigation and comparison of the prices paid for wool in the second congressional district of Wisconsin for last year and this year that the market prices in that district ought to be fairly representative of the market prices throughout the country. I have written seven different firms of wool jobbers and dealers in my district to ascertain the price of wool at the same dates last year and this, and I have found that the price of unwashed wool in the year 1913, from the 1st to the 20th of June, ranged from 17 to 19½ cents per pound, and that during the period of from the 1st to the 20th of June, 1914, the market price of wool paid to the farmer-producer by the wool jobbers and dealers in the same places, ranged from 21 to 23½ cents per pound. This information comes from first hands and in direct response to letters written to the parties from whom the information was sought without expressing to them the purpose for which it was sought.

I have obtained reliable information from one of the best-known woolen mills in the country, situated at Sheboygan Falls, Wis., that this mill, which buys its supply of wool from farmers producing the same in that vicinity and elsewhere in this country, that the prices paid by them were as follows:

	1913	1914
Scoured medium wool ..... pound	$0.35	$0.44 to $0.42
Do ..... do	.40	.45 to .46
Do ..... do	.45	.50 to .52
Scoured fine wool ..... do	.50	.58 to .60

I cite these facts for the purpose of showing you a dairy market that would most certainly show the bad effects of the rates upon farm products in the Underwood tariff bill, if it has a depressing or cheapening effect upon such farm products any where in the country. If the farmers of that State have not suffered in the price which they received for their dairy products since the Underwood tariff law has been in effect, then the prices received by the farmers for such products have not been cheapened in any other portion of the country.

CHEESE MARKET.

At Plymouth and at Sheboygan, in Sheboygan County, in my district, are to be found the largest primary cheese markets in the country. The cheese markets of these little cities have for years had, and still have, a national reputation. Upon reliable authority I have been supplied with the prices paid to the cheese makers upon three distinct and separate dates in each of the years 1913 and 1914:

Cheese prices on Plymouth Central Cheese Board, 1913 and 1914.

	Feb. 18, 1913.	Feb. 17, 1914.	Apr. 29, 1913.	Apr. 28, 1914.	June 17, 1913.	June 16, 1914.
Longhorns	13½	15½	13⅞	16	14⅞	15½
Young America	16⅞	17¼	15½	15¾	14⅞	15½
Daisies	17¼	17	14½	16½	14⅞	14½
Twins	16	16½	15¼	15⅞	14¼	14¼
Square prints	16½	17¼	14½	16½	15	15½

A bare inspection of the above table discloses the fact that the price for each variety of cheese above named on the three different dates in the year 1914 above stated were higher than the same variety of cheese on or about the same dates in the year 1913, and they may be verified by an inspection of the records of the Plymouth cheese boards.

It may, however, be contended by some that the Plymouth and Sheboygan cheese markets are but local in their nature and do not reflect the true market value of cheese throughout the country. In other words, some people have contended that the price of New York cheese has been reduced below the price that was received for it by the cheese maker last year. Owing to the added competition from Canada, because of the lowering of the tariff on cheese, there have been charges and countercharges in relation to the price of Wisconsin and New York cheese. In order to give the facts, I herewith produce market prices back for a period of nine years, so that those who care to may judge for themselves. This year the New York prices of cheese, which are most exposed to Canadian and foreign competition, lead over the prices paid for cheese in Wisconsin, but in former years Sheboygan County board prices were higher than other dairy boards in the United States and Canada. Figures are the best evidence, and these can be verified as to their correctness. The prices were as follows:

Months.	Plymouth board.	Utica, N.Y., board.	Canada.
	Cents.	*Cents.*	*Cents.*
June, 1914	[1] 14¼	[1] 14⅞	.....
June, 1913	14	13¼	.....
June, 1912	12¾	12⅞	13
June, 1911	11⅞	10⅞	10⅞
June, 1910	15	13¾	10¾
June, 1909	1[illegible]	12⅞	12¼
June, 1908	10⅞	10	11
June, 1907	13	11¼	12¼
June, 1906	11⅞	10⅞	12
June, 1905	10	8¼	9¾

[1] Flats.

In this connection I take the liberty of presenting cheese-market reports from the June 24, 1914, issue of the Dairy Market Reporter, the official organ of the Wisconsin Cheesemakers' Association, published at Sheboygan Falls, Wis. This shows the price paid for the different grades of cheese upon the Sheboygan Dairy Board and upon the Plymouth Central Cheese Board on practically the same day of the same month in the years 1913 and 1914. The prices here shown are also substantially the prices paid for cheese at Plymouth, Wis., by the Sheboygan County Cheese Cooperative Society, a rival cheese board. The prices paid for the different grades by all boards in June this year are higher than the prices paid for the same grades of cheese at the same time in the year 1913. I also add cheese market prices paid at Brockville, a noted cheese-marketing center in Canada, on the 18th of this last June, for the purpose of affording a comparison between American and Canadian cheese prices:

SHEBOYGAN DAIRY BOARD

SHEBOYGAN, WIS., *June 23, 1914.*

Twenty-three factories offered 2,383 boxes of cheese on the call board to-day, and all sold as follows: 322 cases Young Americas, at 15 cents; 70 cases longhorns, at 15⅞ cents; 1,561, at 15¼ cents; and 120 boxes square prints, at 15¼ cents.

Sales a year ago to-day on the Sheboygan board were—142 cases Young Americas, at 14⅞ cents; 616, at 14¼ cents; 537 cases longhorns, at 14⅞ cents; 1,038, at 14¼ cents; and 120 boxes square prints, at 14⅞ cents.

PLYMOUTH CENTRAL CHEESE BOARD.

PLYMOUTH, WIS., *June 22, 1914.*

Twenty-four factories offered 2,581 boxes of cheese on the call board to-day, and all sold as follows: 69 twins, at 14¼ cents; 336 cases Young Americas, at 15 cents; 445 daisies, at 14¼ cents; 30 double daisies, at 14¼ cents; 1,234 cases longhorns, at 15¼ cents; 115 boxes square prints, at 15⅞ cents; 252 at 15¼ cents, and 100 at 15 cents.

Sales a year ago to-day on the Plymouth board were: One hundred and twenty-three twins at 14 cents, 447 cases Young Americas at 14⅞ cents, 122 daisies at 15⅞ cents, 1,778 at 14¼ cents, 12 double daisies at 14 cents, 63 cases longhorns at 14⅞ cents, 1,443 at 14¼ cents, and 260 boxes square prints at 14⅞ cents.

CANADIAN CHEESE MARKETS.

[From the Montreal Trade Bulletin.]

BROCKVILLE, *June 18.*

About 8,000 boxes of cheese changed hands here to-day at a ruling of 12⅞ cents, although 12⅞ cents and 12⅞ cents, the latter price for white, was paid in some quarters. The ruling is a quarter of a cent lower than a week ago. At the board meeting there were no sales, the salesmen refusing to accept the reduced offer. The goods put up for sale totaled 2,880 boxes of colored and 1,000 boxes of white.

BUTTER.

Wisconsin is one of the largest butter-producing States in the Union. Its butter products in 1910 amounting in value, in round numbers, to $80,000,000, and it is reliably estimated that its annual production has since increased in value to over $100,000,000. Any tariff detrimental to the butter interests of the country would be reflected in the prices paid for butter in the markets of Wisconsin, but no evidences of such reduction are to be found in the market prices paid to the farmers of that State this year under the Underwood tariff law as compared with the prices paid the creamery men or butter makers under the Payne tariff law.

I herewith submit a table showing the prices paid for creamery butter on different dates in the months of January, February, March, April, May, and June in the years 1911, 1913, and 1914 at Johnson Creek, in my district, one of the largest creamery butter producing points in the Northwest:

1911.	Cents pound.
Jan. 9	29
Jan. 16	27
Jan. 23	25
Jan. 30	25
Feb. 6	26
Feb. 13	26½
Feb. 20	26½
Feb. 27	25½
Mar. 6	26
Mar. 13	26
Mar. 20	25
Mar. 27	24
Apr. 3	21
Apr. 10	21
Apr. 17	21
Apr. 24	22
May 1	22
May 8	21½
May 15	21
May 22	21
May 29	23
June 5	21½
June 12	22
June 19	23
June 26	23
1913.	
Jan. 6	34
Jan. 13	33–33½
Jan. 20	32
Jan. 27	33
Feb. 3	34
Feb. 10	34½
Feb. 17	35
Feb. 24	34½
Mar. 3	35
Mar. 10	35
Mar. 17	34
Mar. 24	34
Mar. 31	35
Apr. 7	32
Apr. 14	33
Apr. 21	33
Apr. 28	30
May 5	28
May 12	28
May 19	28½
May 26	27
June 2	28

	Cents per pound.
June 9	27½
June 16	28
June 23	27½
1914.	
Jan. 5	35
Jan. 12	32½–33
Jan. 19	32½
Jan. 26	29½
Feb. 2	29½
Feb. 9	30
Feb. 16	30
Feb. 23	30
Mar. 2	30
Mar. 9	27
Mar. 16	26½
Mar. 23	26½
Mar. 30	24½–25
Apr. 6	24½
Apr. 13	25
Apr. 20	23½
Apr. 27	23½
May 4	25
May 11	26
May 18	25½
May 25	27½
June 1	26½
June 8	26½
June 15	27½
June 22	27½

It will be observed that the prices paid for butter in given months in 1911 and 1914 were in every instance higher in 1914 than in 1911, and that the prices paid on the same dates and months in 1913 vary. In some instances the prices of 1914 were from one-half to 2 and 3 cents lower than on the same or corresponding dates in 1913, but in a majority of cases they were higher in 1914 than in 1913.

ELGIN BUTTER MARKET.

The butter market of Elgin, Ill., is widely known as an important, extensive, central, and controlling butter market. It usually correctly reflects the price of butter throughout the season. Its butter quotations are now and for a number of years last past have been largely in general use in the markets of the Northwest. For the purpose of affording a comparison of this year's prices and those of previous years and for the additional purpose of showing that the local market reports which I have quoted are correct, I present the following report from the Elgin market, proving conclusively that upon that important butter market, the price of butter in the month of June this year was as high as it had been at the same time in that market in the four years next preceding this:

ELGIN BUTTER MARKET.

ELGIN, ILL., *June 22, 1914.*

Sales on the call board were at the same price as last week, 27½ cents. Six lots were offered. They amounted to 126 tubs; all sold at 27½ cents. Bids ranged 26, 26½, 26¾, 27½ cents. Elgin price for week, based on majority sales, was 27½ cents.

Prices previous years.	Cents.
June 15, 1914	27½
June 23, 1913	27½
June 24, 1912	33
June 24, 1911	22
June 27, 1910	27½

BUTTER COMPETITION.

Many intelligent and industrious dairymen interested in producing butter have expressed the fear that competition with imported butter would result in lowering the prices of butter. This is a mighty important question to all farmers. It is true that some butter has been imported. I wish, however, at this time to take the liberty of quoting the opinion of that experienced and responsible dairyman, ex-Gov. W. D. Hoard, of Fort Atkinson, Wis. This gentleman has had a long experience in all dairy matters. He is not one of those who would be likely to go out of his way to say a good word for the butter tariff contained in the present Democratic tariff law. He is an able, intelligent, and patriotic gentleman, and one whose Republicanism never has been and is not now being questioned. He is and for a long time has been the editor and publisher of Hoard's Dairyman, the leading dairy paper published in the United States, and recognized as an authority.

FOREIGN BUTTER.

In an editorial in Hoard's Dairyman, published at Fort Atkinson, in my district, on the 10th of last February, the following opinion was expressed by the editor or the editorial force of that paper:

Since the passage of the Underwood-Wilson tariff and the consequent reduction of the protective duty on butter, many of our readers have expressed great fear that the butter industry of this country would be greatly injured thereby. No doubt can be had whatever that between the upper and lower millstones—the tariff and oleomargarine—the common and inferior makes of butter are going to suffer somewhat. But, as we view the situation, the injury will be visited almost wholly upon the lower grades, and for this reason fine high-grade butter has never been a drug upon the market. Indeed there has never been enough of it to supply the demand at a fair price. This quality of butter is almost wholly dependent upon flavor. The number of people who want good butter is constantly increasing. Foreign butters and oleomargarine do not reach that demand. No creamery that can persuade its farmers to supply it with high-grade milk and cream need fear any serious injury to its trade. It is only those who market an inferior grade of butter that are going to be most affected by the foreign importations.

From another editorial published in the same paper a few weeks later the following extract is taken:

Well, times are changed. The public is getting its fill of bad butter. Last year witnessed for the first time a real spread in price between good and bad butter. The markets have begun to react. There came on a little change in the tariff. It was dropped from 6 cents to 2½ cents per pound. Foreign butter from Australia, New Zealand, Denmark, and Russia began to make its appearance in American markets. That, together with a heavy production at home, sent prices down. The decline has apparently stopped at a point where it is not profitable to bring in the high-grade Danish and New Zealand butter, but the low-grade Russian and Australian butters are selling several cents lower on English markets, and can still come in and compete with American low-grade goods. What is the result? There is going on all over the country a strenuous effort to get good cream to make the high grade butter that will not come into competition with the low grade foreign stuff, and it looks as though there would be no creamery, big or little, that can not make good. The little change in the butter schedule may mean the salvation of the butter industry in the country.

In an article published in a later edition of Hoard's Dairyman, written by Prof. G. L. McKay, an agricultural expert of the University of Illinois, we find the following language:

The lowering of the tariff has resulted in the importation of some foreign butter, as would naturally be expected. This at first caused some uneasiness among dealers who could not see the extent to which foreign butter would be imported in the future. This is responsible for the recent fluctuations in the price of butter.

Farmers and everybody else should remember that there is still a tax of 2½ cents per pound on butter. Adding to this the railway and steamship charges for transportation we find that the American producer has still a protection of about 3½ cents per pound. This should be sufficient to offset the cost of labor in foreign countries. In Europe women and children perform a great deal of the outside labor, which reduces the cost of production considerably in those countries.

Even if another political party comes into power soon it is doubtful if we will ever again have a much higher duty than now on dairy products. We certainly can not expect to have a duty of 6 cents per pound on butter, as we have had up to the present time.

A certain amount of competition is a good thing. It stimulates. The dairyman is much like a man on a bicycle. He can not stand still. He has either got to go forward or fall over. I believe he will go forward.

The countries from which we may expect competition are New Zealand, Australia, Argentine Republic, and Siberia. While some butter has been imported from Denmark, I do not look for much butter from that country. The Danish people already have established a trade with Great Britain. The Englishmen are very fond of good things to eat, and they are one of the greatest consumers of butter in the world. They demand a very fine grade of butter and are willing to pay for it. This Denmark is at present supplying to them. There seems to be no reason to expect the Danish will give up this profitable market to send all their butter to this country.

It may be safely stated that the importation of foreign butter into this country will not affect our best grade of butter, as this will be superior to the butter sent from the other countries I have mentioned. On the whole, I am inclined to believe that the little competition we will get will stimulate our people so that we will produce more butter and better butter in the future than we have ever done in the past. We need not expect to be swamped by any great invasion of foreign butter. Only a certain amount of butter is produced in the world, and a certain amount of this is required for home consumption. If all the butter made should be sent to the United States, there would be a butter famine in every country, which would have serious results. Hence, I can not see anything alarming in the dairy situation at the present time.

Up to date there have arrived in New York 1,481,522 pounds of butter; 4,179 casks came from London, 52 from Liverpool, 150 from Hull, 12 from Havre, 2,090 from Copenhagen, 419 from Hamburg, 5 from Rotterdam, 13 from Trieste, and 10 from Palermo; also 8,967 boxes from London, 6 boxes from Liverpool, and 2,014 boxes from Buenos Aires, making a total importation of 6,930 casks and 10,980 boxes. The casks average 125 pounds and the boxes 56 pounds, which makes the total 1,481,522 pounds. It is also interesting to note that of the imports thus far 3,877 casks were Siberian butter, mostly last summer's make and of low grade; 7,967 boxes were cold storage, Australian butter bought on the London market, 1,004 fresh New Zealand, 1,085 casks of fresh Danish, 2,014 boxes fresh Argentine, and 23 packages from southern Europe.

The Danish butter costs 24½ cents delivered in New York. So there is no money in the importation of butter of this quality.

Last June 326 pounds of butter were brought into this country through San Francisco, 229 pounds in July, and 506 pounds in August. These, of course, were sample lots of butter. In October, 104,200 pounds were imported; in November, 345,840; in December, 281,084, and in January, 740,454 pounds. This butter costs from 29 to 30½ cents per pound. The great bulk of this butter came from New Zealand when our market broke. Everyone who imported this butter has lost money on it, not only because of the drop in the prices, but because some of the New Zealand butter, which was stored when the prices went down, turned fishy. As a result dealers who had contracted for further shipments sent them on to England, preferring to take their losses over there rather than keep it in this country.

Our experience so far with foreign butter suggests that the lowering of the tariff may have the same effect as opening up gates that have shut out water from a low place. The water rushes in with a tremendous velocity that looks for a while as if it would sweep everything before it; but soon the turmoil subsides and the water falls back and finds its own level.

Most of the foreign countries were very anxious to test our markets. They have tested them, and so far without much success. I expect to see conditions readjust themselves very soon.

Our greatest need in America to-day is more cooperation among the agricultural interests and greater study and attention to general agricultural problems. We are blessed in this country with excellent soil and climatic conditions. Our soil in the Central West is adapted to the

to organize her farmers for business purposes and has made only slight progress in providing credit for her farmers. It is true that in recent years some splendid men have taken a deep interest in the work of bettering agricultural conditions in that country. Considerable progress has been made in Ireland under the leadership of Sir Horace Plunkett. But England is the one European Government that has done little to aid the development of her agricultural interests. Indeed, her economical policy has obstructed the growth of agriculture, depreciated the value of her farm lands, and impoverished her farmers. England has 800,000 paupers. The United States, with double her population, has less than 80,000. James J. Hill in his book, "Highways of Progress," speaking of the effect of England's policy toward agriculture, says:

> Business in the streets of her cities is impeded by processions of gaunt men shouting in wretched concert, "We want work! We want work!"

WHO SHOULD UNITED STATES FOLLOW?

The way is plain for this great Republic. Germany and France and other European nations have marked the way. England's policy and the sad fate of her agriculture stand as a warning to our statesmen and a great object lesson to our farmers. We must abandon the idea of reducing the cost of living by importing food products. We must produce the food to feed our own people. We must give up the policy of free trade in farm products embodied in our new tariff law. We must protect our farmers in our home markets. We must teach our farmers the importance of organization to meet modern conditions in business with a view to reducing to a minimum the cost in the transportation, manufacture, sale, and distribution of farm products. The farmers must have a larger percentage of the wealth they produce and the middlemen must take less.

We must establish a system of agricultural credit for the farmers of the United States that is unexcelled. We must see to it that our farmers can borrow money at as low a rate as it can be borrowed by railway, public utility, and municipal corporations. The farmers must be able to finance their industry as easily and cheaply as any other business is financed. To accomplish this great end the Federal Government and the State governments must enact the necessary legislation and furnish such capital and credit as may be necessary, whether that be much or little. All should be done upon a safe, sound, and conservative basis, but not timidly, grudgingly, or sparingly. Our farmers are the most intelligent on earth. They are loyal and patriotic. They will not be unreasonable in their demands. It is not simply what the farmers of this generation have at stake, but it is the destiny of the Nation that should inspire us to action. We must stay by old-time policy and plan to feed and clothe our own people. We have 3,000,000 square miles of territory. We have 1,900,000,000 acres of land. We have 978,000,000 acres of land included in our farms. Only 478,000,000 acres of this land is improved. Nearly three-fourths of our land is unimproved, unoccupied, uncultivated, and unproductive.

What a magnificent field for agricultural development and expansion! Are we equal to the task before us? To achieve great things we must plan for great things. The destiny of the Nation is in our hands. Fifty years from now we will probably have 200,000,000 people. These millions must be employed—they must be fed and clothed and sheltered. They must live upon a scale that means a high standard of civilization. Means for the promotion of education, culture, refinement, and morality must be provided. We must not forget that agriculture is the base of our industrial pyramid. Our industrial development must be symmetrical. We must maintain the proper equilibrium between our chief industries—commerce, manufacturing, and agriculture. To this end the United States must adopt and pursue an affirmative policy for the promotion of agriculture. We must continue our work in the diffusion of knowledge in scientific agriculture among our farmers; we must guard the markets of our farmers from foreign competition as carefully as we would guard their money; we must aid our farmers in forming business organizations that will enable them to retain a larger per cent of the wealth they produce, and equip them to cope successfully with organized commercial and business interests; and above all we must create a system of farm credits broad enough to include both mortgage and personal credit, long-time and short-time credit, comprehensive enough to meet the wants of the man who owns a farm and the tenant who is ambitious to own a farm; and further yet, we must work out a system of long-time mortgage credit—extending from 25 to 50 years—whereby the farm laborer or the wage earner in the towns and cities with limited means may become the owner of a farm.

The task before us may be difficult, but great will be the reward. For with these things in progress of accomplishment the larger current of population will again flow back to the farm; rural population will increase in equal ratio with our urban population; ample food will be produced to feed our people for an indefinite period; the pillars of the Republic will be strengthened; the American people will maintain their leadership among the Nations of the earth; social standards will be improved; a higher civilization will be developed; poverty will grow less; wealth will be more abundant and more equitably distributed; and a better, brighter, happier day will dawn upon all who shelter under the Stars and Stripes. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, I regret very much that my colleague [Mr. HUMPHREY of Washington] has left the Chamber, for there is a matter I deem it necessary for me to refer to in which he is an interested party. Whatever bitterness may develop here on this floor between my colleague [Mr. HUMPHREY of Washington] and others, I am quite sure that none shall develop between him and me. I have planned to keep out of the debates or proceedings of this House any reference to the campaign between us as to the representation of the first congressional district on this floor. That is a matter for the hustings in my State. But in my colleague's brief reply to the gentleman from Alabama [Mr. HEFLIN] awhile ago he threw down the glove before me, in a sense, by criticizing my vote on the tariff. I do not know whether he publishes his speech in to-day's RECORD or not. That glove I shall cheerfully take up at the proper time and place, which is during the campaign and in my district. "The proof of the pudding is in the eating thereof," and I have decided to put the matter up to him in the following manner:

My colleague [Mr. HUMPHREY] having in public debate this afternoon in this House referred to and adversely criticized my vote on the tariff, I invite the gentleman to meet me, and as many of the people of the first congressional district of the State of Washington as care to attend, at a public meeting at the Dreamland Rink, at Seattle, Wash., a hall with a seating capacity of 5,000 people, on such date in the month of September next and under such rules as may be agreed upon by Mr. J. C. Herbsman, the State chairman of the Progressive Party, on my behalf, and some other person to be named by my colleague on his behalf; provided, that the rules to be adopted shall make it in order for Mr. HUMPHREY to defend his own record on the tariff and other matters in Congress and to attack mine, and for me to defend my record and attack his; and provided further, that at the close of the last speech, without further delay, the question of who pays the expenses of the meeting, not to exceed $250, shall be submitted to the audience and decided by majority vote; the amount of such expenses to be deposited pending the decision of the audience by each of the speakers while the band plays but before the speaking begins.

R. S. V. P.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. SLOAN. Mr. Chairman, I want to call attention to the fact that this appears to be a plan to break the quorum of this House along about the middle of September, and I do not know that it should go unchallenged.

Mr MOORE. Mr. Chairman, does the gentleman understand that R. S. V. P. proposition advanced by the gentleman from Washington means that the Members of Congress are invited to this joint debate arranged for in this ex parte matter?

Mr. SLOAN. I have no doubt that the Members of the House will desire to be present at it.

Mr. BRYAN. The debate will doubtless be fixed at a time after adjournment.

Mr. MOORE. Who will bear the expenses of Members of Congress?

The CHAIRMAN (Mr. CANDLER of Mississippi). The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. CONNOLLY].

[Mr. CONNOLLY of Iowa addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I ask that the Clerk read the bill.

The Clerk read as follows:

DEPARTMENT OF STATE.

To pay the cost of the transportation of diplomatic and consular officers in going to and returning from their posts or when traveling under orders of the Secretary of State at the rate of 5 cents per mile, but not including any expenses incurred in connection with leaves of absence, $25,000.

Mr. BURKE of Wisconsin. Mr. Chairman, it is my desire at this time to present, in my humble way, the condition of market prices of farm products during nine months under the present Democratic tariff. I shall not, however, attempt to do so from a partisan standpoint, but from the standpoint of one who is interested only in facts. I know the great importance of the farming industry to our country.

The tillers of the soil far exceed in numbers those employed in any other single industry. In intelligence, industry, and patriotism they are not excelled by any class. No wealth comes to them excepting by virtue of the sweat of their brows; no discriminations, no trusts, no combinations, and no monopolies are attributable to them. They constitute the great body of law-abiding, industrious, thrifty, and progressive citizens of the Nation. Their prosperity means the Nation's prosperity; their adversity means business depression in the Nation; their importance and intelligence demand that their interests and welfare shall at all times command the serious respect and consideration of all legislators. They are entitled at all times from their Representatives in Congress, regardless of party, to a fair, impartial, and truthful treatment and consideration. A Representative who would knowingly misrepresent the effect of laws and conditions upon their labors and the fruits of their toil would be unworthy of a seat in this legislative body.

The farmers of this country constitute, on the average, the most intelligent body of our citizens. Calamity howlers and blind partisans may for a time deceive a few of them with crocodile tears and prophecies founded in ignorance and partisanship desire, but sooner or later the farmer will realize the truth, and he will welcome the truthteller and cast the calamity howler behind him.

COMPARISON OF LAST AND PRESENT TARIFF RATES.

From our memories figures and percentages are often fleeting. No matter how frequently we may hear or read them, still they will escape from us. It is not usually safe to quote tariff rates or figures without having the same in back and white before our eyes. Knowing that this difficulty is experienced by most men, and in order that the statements that I shall make and the conclusions that I shall endeavor to draw in the course of these remarks, I shall take the liberty at this time of presenting certain tariff-rate tables and tables of market prices.

I do this in order that there may be in these remarks no uncertainty, no guesses, and no prophecies, but a plain straightforward statement of facts. I shall ask my hearers and readers to judge and weigh the present tariff on farm products by its effects on the same, and in the light of the statements and figures I herewith present.

For the purpose of fully understanding these comparisons, let us bear in mind in the beginning that the present Underwood or Democratic tariff became a law on the 3d of October, 1913. The Republican or Payne tariff, immediately preceding it, became a law on the 5th of August, 1909, and continued until its repeal by enactment of the Democratic tariff. Previous to the adoption of the Payne or Republican tariff there was upon the statute books of the United States, a tariff known as the Dingley law, passed some time in 1897.

	Last or Republican tariff law placed on—	Present or Democratic tariff law places on—
Barley	30 cents per bushel	15 cents per bushel.
Corn	15 cents per bushel	Free.
Oats	do	6 cents per bushel.
Rye	10 cents per bushel	Free.
Butter	6 cents per pound	2½ cents per pound.
Cheese	do	20 per cent.
Milk, fresh	2 cents per gallon	Free.
Peas, contained in tin cans	2½ cents per pound	1 cent per pound.
Eggs	5 cents per dozen	Free.
Hay	$4 per ton	$2 per ton.
Potatoes	25 cents per bushel	10 per cent.
Wheat	do	10 cents.
Poultry, alive	3 cents per pound	1 cent per pound.
Poultry, dressed	3 cents per pound	2 cents per pound.
Horses	$1.50 per head	Free.
Cattle	27½ per cent	Do.
Sheep	$1.50 per head	Do.
Hides	Free	Do.
Wool	11 cents per pound	Do.
Malt	45 cents per bushel	25 cents per bushel.

In the present Underwood or Democratic tariff law, wheat and potatoes are placed upon the free list, excepting importations of wheat and potatoes from countries which maintain a tariff on such articles shipped from the United States to such countries. The present law requires that on wheat and potatoes imported from such countries there be paid a duty of 10 cents a bushel on wheat and 10 per cent ad valorem on potatoes. In these two articles Canada has been and is our principal competitor. Although we have had up to this date nine months of the Underwood tariff law, yet Canada, up to this time, has not placed her wheat or potatoes on her free list. In fact, some two or three months ago a proposition to place these two articles upon the free list so as to take advantage of our present tariff law was defeated decisively in the Canadian Parliament. Indications now are that Canada will maintain a duty against wheat and potatoes imported into that country, and so long as she does, a tariff duty will be maintained in this country against Canadian wheat and potatoes to the extent of 10 cents per bushel on wheat and 10 per cent ad valorem on potatoes.

THE TARIFF ON DAIRY PRODUCTS.

There are no products of the farmer more sensitive to competition than are dairy products. If the Underwood or new Democratic tariff has worked an injury to the farmer, or lowered the prices which he receives for his products, it will show that injury first in those products which are the most sensitive to competition. Our Republican friends upon the floor of this House have charged repeatedly that the new Democratic tariff is ruining and destroying the prosperity of the farmer. They have pointed out instances of the importation of a few thousand bushels of corn from Argentina, a few thousand pounds of beef from the same country, and a few thousand tubs of butter from Argentina, New Zealand, Siberia, Denmark, and Australia. Import statistics prove that it is true that butter has been imported during the last nine months from the countries named, as well as some corn and beef.

During the debate upon that schedule of the tariff bill relating to farm products it was freely predicted by our opponents that so many farm products were being placed upon the free list and the duty upon so many other farm products materially reduced that the farmer could not help being ruined and forced into bankruptcy. In fact, I was one of those who sincerely believed that the new tariff bill cut too deep into the tariff on some farm products and placed too many of the same on the free list. I was one of those who in the Democratic caucus actually and vigorously protested against the reduction of the tariff duty on dairy products, on barley, oats, wheat, cattle, and beef. At that time I honestly believed that too great a reduction was being made in the tariff on farm products as compared with those of other industries. I had the courage to say so then; but having since discovered and learned by observation that the tariff has had no such effect upon farm products, nor any injurious effect at all, I have the courage to acknowledge my mistake and belief, and shall endeavor to cite the proof of those facts to you now.

If the lowering of the tariff on dairy products has worked an injury to the farmer and producer of those products, I believe that that injury would have been first seen and demonstrated in the greatest of all dairy States, the State of Wisconsin, which I have the honor to in part represent. It is the greatest dairy producing State in the Union, and I have the honor of representing the most extensive and productive dairy producing congressional district in the United States.

According to the census returns of 1909, Wisconsin is the champion dairy producing State in the Union, and since that date its dairy products have increased in a large degree. By that census it had displaced New York, which was second in dairy importance, while Iowa was third in rank and Minnesota fourth. The bureau's figures upon the production of butter, cheese, and condensed milk, according to that census, are as follows:

	Number of establishments.	Amount.
Wisconsin	2,649	53,843,249
New York	1,552	42,458,345
Iowa	512	35,849,955
Minnesota	784	28,297,462
Illinois	293	17,798,278
Michigan	435	16,267,498
Indiana	125	9,958,600

According to the Wisconsin Dairy and Food Commission, Wisconsin in the year 1912 manufactured 47 to 50 per cent of the Nation's cheese supply. Our cheese men were making no less than 35 types of cheese in that year, and they were making the styles and types for which there was the greatest demand upon the leading cheese markets of the country. In that year the value of cheese products in Wisconsin was between $23,000,000 and $24,000,000. The estimated production of cheese in Wisconsin for 1912 was 180,000,000 pounds, and since that time the production of that article in Wisconsin has been largely increased.

My first duty is to them, and my highest concern is the prosperity of the industry from which they secure support.

Over 40 per cent of the population of the United States reside upon the farms. The welfare of so large a percentage of our population is a matter of great national magnitude.

Agriculture is a basic industry. All other industries depend upon it for support. Aid to agriculture is aid to all. Agriculture is a national business. The decadence of agriculture means national decay, national deterioration, national weakness, national inferiority, and national dependence; growth of agriculture means national development, national expansion, national progress, national prestige, national power, national superiority, and national supremacy.

BUYING FOOD ABROAD.

It has not been many years since it was the common boast in this country that we could feed the world. Yet for the fiscal year just ended June 30, 1914, we unquestionably actually purchased more foodstuff from abroad than we sold abroad. Official statistics for the fiscal year which ended June 30, 1913, show that in value the exports of all foodstuff from the United States exceeded the imports by but $97,000,000. The official figures for the entire fiscal year ending June 30, 1914, have not yet been complied. There has been, however, a large increase in the importations of foodstuff into the United States, including food animals, by reason of our new tariff policy, which places many farm products on the free list. We have sufficient data now to show that for the year just passed the people of the United States have purchased more foodstuff from abroad than they have sold abroad. This indicates that agriculture in this country is losing its position as our chief industry and we are driven to the pitiable position of asking other nations to help feed us. It seems to me, Mr. Chairman, that this brings to this Congress, to this Nation, to this people, a most important question—what shall be the national policy of the United States toward agriculture? It is sufficient, it seems to me, to constrain the National Congress to consider in the most serious manner what means and methods the National Government may adopt and what laws the National Congress may enact to promote the expansion and prosperity of our agricultural interests.

EUROPEAN AGRICULTURE.

Mr. Chairman, in 1913 two commissions from the United States went abroad to study agricultural conditions in Europe. One went under the auspices of the Southern Commercial Congress; the other was appointed by the President under an act of Congress.

The American commission in its report says:

> Thirty years ago European agriculture was in a bad way. To-day it is fair to say, from the European point of view, its agriculture is prosperous.

This revolution in agricultural conditions in Europe—this change from prostration to prosperity—has not been due to accident, but has been due largely to favorable legislation, to efficient administration, and to wise economical policies pursued by European nations.

European governments have aided agriculture along four general lines: First, in providing facilities for instruction in scientific agriculture; second, in levying tariff duties to protect their farmers in their home market from foreign competition; third, by the organization of their farmers for business purposes; and fourth, by providing their farmers with ample credit at a low rate of interest. Great Britain is the one important European country that has neglected agriculture, and her course stands as a monument to the folly of her statesmen.

The United States should profit by the experience of European countries. We should adopt the methods and pursue the policies which have contributed so effectively to the prosperity of European agriculture.

What has the United States done to aid agriculture along these four lines? First, in agricultural education we have been a leader among nations. No other country has facilities equal to those in the United States for instruction in agricultural science. No other country expends so large amount of money for agricultural education. Our appropriations for the support and the equipment of the Department of Agriculture are annually increasing. The agricultural appropriation bill this session carries over $19,000,000. We have recently passed the Lever bill which contemplates the expenditure of many millions of dollars in farm demonstration work. No one contemplates a backward step in agricultural educational work. Our appropriations must be continued, enlarged, and extended until every farm has been brought to a high state of productivity, and until every farmer has attained a high degree of prosperity.

PROTECTION.

Second, the United States, like many European nations, has done much to promote agricultural prosperity through protective tariff duties upon agricultural products. We fostered industrial development through the same policy. Great manufacturing centers were developed. Mighty cities grew into existence. The land became dotted with prosperous towns and villages, inhabited by well-paid and intelligent American citizens, employed in mills and factories. This process went on until we had 60,000,000 of people residing in our towns and cities. Our farmers possessed a great home market—the best in the world. This added value to their lands and enhanced the prices of their products. The prosperity which our farmers have enjoyed during the past 15 years has been due not to any material increase in the yield per acre of their lands, but to the higher range of prices received for their products. But, alas, the party now in power enacted a new tariff law and entered upon the policy of free trade in farm products. By so doing, the United States discarded one of the most potent and effective instruments used by most of the great European countries to promote agriculture. We abandoned a policy which has contributed immensely to our agricultural wealth and to the prosperity of our farmers. Free trade in farm products is a great national blunder which should be rectified at the earliest date possible.

ORGANIZATION IN BUSINESS.

Third. The United States Government has done little to organize its farmers for business purposes. In this respect we are far behind European Governments. Cooperative business methods have contributed immensely to agricultural prosperity in most of the European countries. Germany has more than 25,000 farmers' cooperative societies. Unquestionably too large a percentage of the wealth produced by the farmers of the United States goes to corporations and individuals engaged in the purchase, transportation, manufacture, sale, and distribution of farm products. Certainly our farmers should be able to market their crops and secure more than 46 per cent of the price which the consumers pay. The Federal Government must aid the farmers of the United States in perfecting methods and means whereby they may market and distribute their products to consumers, without submitting to unjust, undue, or unfair tribute levied by corporations.

AGRICULTURAL CREDIT.

Fourth. What has the United States done to provide credit for its farmers? Practically nothing. Long ago continental European countries recognized the importance of ample credit and reasonable interest as instruments for the development of agriculture. Rural-credit institutions were established, and through them agriculture has expanded, large profits have accrued to farmers, great wealth has been added to nations, improved social conditions have been developed, farm life has been made more attractive, and, above all, new hope, higher aspirations, better living, and greater happiness have come to millions of European farmers.

The Republican Party was the first political organization to recognize the importance of rural credit, and it was the only party that placed in its platform in 1912 a positive declaration in favor of the enactment of State and Federal laws to provide credit for our farmers. In its national platform promulgated at Chicago, June 22, 1912, the Republican Party declared as follows:

> It is of great importance to the social and economic welfare of this country that its farmers have facilities for borrowing easily and cheaply the money they need to increase the productivity of their land. It is as important that financial machinery be provided to supply the demand of farmers for credit as it is that the banking and currency system be reformed in the interest of general business. Therefore we recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries and the passage of State and Federal laws for the establishment and capable supervision of organization having for their purpose the loaning of funds to farmers.

This plank in the Republican platform of 1912 covers the entire ground. First, there is a recognition of the social and economical importance of rural credit; second, credit for the farmers is placed upon an equal footing with credit for general business; third, authoritative information is demanded; fourth, there is an appeal for immediate constructive legislation in the following language:

> We recommend and urge * * * the passage of State and Federal laws for the establishment and capable supervision of organizations having for their purpose the loaning of funds to farmers.

The leaders of the Democratic Party, now directing national legislation, apparently have not recognized the wisdom of the Republican platform declarations. This Congress has been in session continuously for 15 months. The Banking and Currency

Committee have reported no rural credit bill to the House. Practically all other business was sidetracked for nearly 6 months while Congress had under consideration the new banking and currency act. When this act was before the House I offered an amendment authorizing the organization of rural banks "to provide the farmers of the United States with better credit, cheaper interest, and larger capital with which to develop the agriculture of the United States." In a speech supporting my amendment I said:

> You are providing a currency for merchants, for manufacturers, for business men, for bankers, for speculators, for capitalists * * * and letting the farmers go. * * * You are putting the cart before the horse. The first thing you should do is to take care of the great agricultural interests of this country.

This session of Congress is drawing to a close. It is generally understood no rural credit bill be reported at this session of Congress. The short session of next winter will expire in three months by limitation of law. It will be crowded with other business. Rural credit bills will have little chance for consideration. Unless called in special session, the Sixty-fourth Congress will not convene until in December, 1915. Under the program outlined by the party in power what reasonable prospect is there of rural credit legislation until late in the year 1916? In the meantime our farmers must wait while other great interests are being cared for; agricultural development will be retarded and farmers will not be able to enlarge their farming operations for lack of capital and must continue to pay a much higher rate of interest than is being paid by the farmers in European countries. Against this program I want to enter my earnest and emphatic protest, and I appeal to the leaders of the Democratic Party now in power to report a rural credit bill, give it the right of way in this House, and let it be passed before this session of Congress shall adjourn.

OUR CREDIT INSTITUTIONS.

What are the credit institutions of this country? All told we have 29,254 banks; 25,993 reported to the Comptroller of the Treasury. These banks have $1,560,000,000 cash in their vaults, $2,096,000,000 capital stock, $2,249,000,000 surplus and undivided deposits, $20,033,000,000 invested in loans and securities, and $25,712,000,000 in resources. They have loaned and invested $10 for every dollar they have in capital, and they have loaned and invested $14 for every dollar they have in cash.

These banks are credit institutions. They are the custodians of the credit of the country. Credit is a mighty instrument of power in the commercial and industrial world. Only through its expansion has our great material development been made possible. As a factor in our material development credit should be ranked with the mighty natural forces of steam and electricity. Trade, transportation, commerce, mercantile, and industrial enterprises have largely monopolized the credit power of our banks. The object of rural credit legislation is to create credit for agriculture. Its purpose is not to rob commerce. Its object is to supply agriculture, to create a new credit for our farmers, to place in their hands an instrument of productive power that will extend, expand, and enlarge their industry, increase their earning power, add to their profits and savings, multiply their wealth, and thus increase by a hundredfold the wealth of the country from which all other industries and classes will reap untold benefits. Rural credit banks do not mean opposition or antagonism to existing commercial banks. Rural credit banks mean the establishment of a new enterprise, the founding of a new institution. Their effect will be like the building of a new mill, the erection of a new factory, the opening of a new mine—to aid and assist all other business and to distribute blessings to the entire community. One great fact should be thoroughly understood—without adequate credit agriculture can not keep pace with the expansion of commercial and industrial enterprises. The very strength and perpetuity of our Nation depend in a large measure upon the maintenance of a proper equilibrium between commerce, manufacturing, and agriculture. To attain this great end we are justified in exercising all the constitutional power vested in Congress.

Mr. SLOAN. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes; I will yield.

Mr. SLOAN. In the plan of rural credit that the gentleman presented, was there any provision made for nonland-owning farmers, known as tenants?

Mr. MORGAN of Oklahoma. In answer to the question of the gentleman from Nebraska [Mr. SLOAN] I will state that in the limited time which has been allotted to me at this time I will not be able to discuss the various systems of rural credit which have been adopted by most of the European countries. My great object now is to impress upon Congress the importance of action. The details and extent of the system we will establish will be a matter for discussion when the matter is up for consideration. But my own views are that the system should provide some way whereby tenants with limited means could become the owner of a farm without the sacrifice and struggle for himself and family which they would have to make under the present system. Not only should it include the tenant farmer, but should extend in its scope to include the farm laborer and wage earner in the towns and cities who desire to go to the farm and make better provision for himself and family, but is also ambitious to participate in what should be a great national patriotic movement to promote agricultural development.

REDUCTION OF INTEREST.

One great object of rural credit is the reduction of the interest charge upon existing indebtedness of farmers. The census of 1910 reports only the mortgage indebtedness on farms operated by their owners. This amounts to $1,726,173,000. Estimating according to their number the amount of mortgage indebtedness upon farms not operated by their owners, there is a total farm mortgage indebtedness in the United States of $2,300,000,000. The census does not show the amount of money farmers have borrowed on personal securities or how much credit they have obtained from merchants. The total amount of personal indebtedness of farmers is unquestionably very large. Competent judges have estimated that the farmers of the United States owe from four to five billions of dollars, upon which they pay an annual interest charge of probably $400,000,000. European farmers borrow money at from 4 to 5 per cent annual interest. American farmers pay an average rate of from 7 to 8 per cent. If through rural credit farmers could secure a reduction of 3 per cent in the rate of interest, it would mean a saving of from $100,000,000 to $150,000,000 annually. But the object of rural credit is not merely a reduction of interest charge or to lessen the indebtedness of our farmers. Indeed, rural credit contemplates an enlargement of the use of credit as an instrument for the expansion of agriculture, the enlargement of farming operations, and an increased productivity of the soil.

EXAMPLE OF OTHER NATIONS.

We may profit by the example and experience of the three leading European countries—England, Germany, and France. Germany has an area of less than the State of Texas. Her soil is comparatively poor, and her climate is not as good as that of the United States. She has a population of 65,000,000, but now imports but 5 per cent of her food products. Her population is growing at the rate of a million a year. But Germany is planning to feed her own people—to increase the production of her food products in proportion to the growth in her population. Her statesmen are not planning to reduce the cost of food products by importations from abroad. By tariff duties she protects her farmers from foreign competition. By legislation and by governmental supervision and direction her farmers have been organized for business purposes to secur for them the largest possible percentage of the wealth they produce. She has provided her farmers with ample credit at a low rate of interest. Ample credit has enabled German farmers to enlarge their farming operations. German agriculture has been expanding at a ratio corresponding to the growth in population.

France is said to be the banker nation of Europe. Agriculture is her main source of wealth. France, like Germany, protects her farmers by a tariff upon farm products. The markets of France are not opened by a free-trade policy to the agricultural products of the world. The peasant farmers have their agricultural syndicates and their cooperative business organizations, through which they purchase supplies at the lowest prices and sell their products at the highest figures. Agriculture in France has been successfully financed. The Government has aided by grants and subsidies. When the law was passed providing for cooperative banks to provide personal credit for the peasant farmers of France, the Government required the Bank of France to advance 40,000,000 francs to the capital of these banks, and to make large annual advancements thereafter. The Bank of France discounts the notes and bills of the peasant farmers, thus giving the farmers of France access to the greatest money market of the world. Spain, Italy, Belgium, Denmark, Switzerland, Austria-Hungary, and practically all other European countries protect their farmers from foreign competition.

Contrast agricultural conditions in Germany and France with agriculture in England. England's policy has been to rely for political strength upon industrial development at home and the expansion of her commerce abroad. Free trade has been her motto. Agriculture was left to its fate. The result is, England looks to other countries to feed her people. She has done little

Mr. BURKE of Wisconsin. Mr. Chairman, it is my desire at

cipal competitor. Although we have had up to this date nine

The average price for the first group of four years under the old tariff was for January 93.3. It was 78.6 for the other. For February it was 95 for the four-year group, 80 for the two-year group. March it was 96.2 as compared with 83, and so on, with an average between these two groups of years, covering fairly all of the six months, of 16 cents per bushel in favor of the former law. So that a man desiring to find the truth could not have been easily mistaken, as the following table will show:

Price of wheat per bushel.

Months.	1909	1910	1911	1912	1913	1914	Average 4 years.	Average 2 years.	Decrease or increase.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	93.5	103.4	88.6	88.0	76.2	81.0	93.3	78.6	—14.7
February	95.2	105.0	89.8	90.4	79.9	81.6	95.1	80.2	—14.9
March	103.9	105.1	85.4	90.7	80.6	83.1	96.2	83.1	—13.1
April	107.0	104.5	83.8	92.5	79.1	84.2	96.9	81.6	—15.3
May	115.9	99.9	84.6	99.7	80.9	83.9	100.0	82.4	—17.6
June	123.5	97.6	86.3	102.8	82.7	84.4	102.5	83.5	—19.0

It seems to me that a zealous pursuit of the truth as to the price of wheat would have sent the gentleman to the papers of the great city of Indianapolis, the capital of his own State. Indiana possesses its great capital city and the gentleman from Indiana, and it is proud of one of them. When he made his speech on the 4th day of June, 1914, wheat was there quoted at 96½ cents, while two years before it was $1.17.

I quote these figures from the Indianapolis Star, a paper I have heard quoted three times as authority by the gentleman from Indiana, who, I regret to say, is absent at this time, after having made his remarkable speech this afternoon concerning the price of farm products.

The gentleman from Indiana again, on June 27, 1914, stated, page 11261 of the RECORD:

Farm products are commanding a high price, the best ever known.

The farmers of the country undoubtedly wish this were true. They would be very glad to have the statement made good.

I submit the following table of leading product prices on June 27, 1914, in several markets:

Cash prices.

[From the Indianapolis Star.]

	June 27, 1912.	June 27, 1914.	Decrease.
INDIANAPOLIS.			
Wheat, No. 2 red ... bushel	$1.07½	$0.79½	$0.28
Corn, No. 3 white ... do	.80½	.73½	.07
Oats, No. 2 white ... do	.54½	.38½	.15½
Hay, No. 1 timothy ... ton	20.00	17.00	3.00

[From the Chicago Record-Herald.]

CHICAGO.			
Wheat, No. 2 hard ... bushel	$1.04	$0.84½	$0.19½
Corn, No. 2 yellow ... do	.75½	.68½	.07½
Oats, No. 2 white ... do	.54	.39½	.14½
ST. LOUIS.			
Wheat, No. 2 hard ... bushel	1.07½	.90	.17½
Corn, No. 2 yellow ... do	.76½	.69½	.06½
Oats, No. 2 white ... do	.52½	.38½	.14½
KANSAS CITY.			
Wheat, No. 2 hard ... bushel	1.11½	.88	.23½
Corn, No. 2 yellow ... do	.78½	.69½	.07½
Oats, No. 2 white ... do	.49½	.38½	.11½
NEW YORK.			
Wheat, No. 2 hard ... bushel	1.18	.91½	.26½
Corn, No. 2 yellow ... do	.81½	.77½	.07

If market prices are not fully convincing, allow me to submit the following table showing the farm prices for small grains during the first six months of the last six years, grouped as heretofore, and the decrease in price for the last two years compared with the four years previous.

Farm price of certain small grains, 1st of each month, for the United States for years 1909, 1910, 1911, 1912, and average for these four years as compared with the price for same months for 1913 and 1914, and the average for these two years:

Prices per bushel for oats, barley, and flaxseed.

	1909	1910	1911	1912	1913	1914	Average, 4 years.	Average, 2 years.	Decrease.
Oats:[1]	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
January	48.1	42.8	33.2	45.1	33.3	30.1	42.3	35.6	—06.7
February	48.1	43.0	33.1	47.5	32.4	30.3	43.4	35.8	—07.6
March	51.1	46.0	32.8	49.8	33.1	33.9	44.9	36.0	—08.9
April	53.2	48.6	32.3	52.0	33.1	30.5	45.7	36.3	—09.4
May	55.3	43.3	33.2	55.0	34.2	36.5	46.0	36.8	—10.1
June	57.4	43.0	34.7	55.3	36.0	40.0	47.6	38.0	—09.6
Barley:[2]									
January	56.5	57.6	59.8	80.4	49.9	52.2	65.0	51.0	—14.0
February	58.3	59.3	64.1	91.2	51.4	52.4	68.2	51.9	—16.3
March	59.4	60.2	63.0	91.0	49.0	51.1	68.4	50.0	—18.4
April	61.2	59.7	69.1	92.3	48.5	51.7	70.5	50.1	—20.4
May	63.8	56.5	74.0	94.2	48.3	49.3	72.6	48.8	—23.8
June	67.0	55.7	73.8	91.1	52.7	49.1	71.9	50.9	—21.0
Flaxseed:[3]									
January	173.2	171.2	221.1	187.11	106.2	124.2	175.6	115.2	—60.4
February	179.8	192.9	233.9	190.8	106.3	127.8	186.8	118.5	—68.3
March	141.3	193.1	240.7	183.9	119.0	132.5	189.7	123.7	—66.0
April	145.6	193.9	244.6	191.3	113.6	132.8	191.3	121.2	—68.1
May	148.7	200.8	241.9	181.0	114.3	134.7	193.2	124.5	—70.7
June	153.4	193.5	225.0	205.0	115.8	136.8	194.7	126.3	—68.4

[1] Average decrease between months, 2 periods, 8½ cents.
[2] Average decrease between months, 2 periods, 19 cents.
[3] Average decrease between months, 2 periods, 66½ cents.

Should we see fit to consider May the month preceding the gentleman's statement, the following table of important farm products for 1912 and 1914 will be of interest:

	1914	1912	Decrease.
MAY.			
Corn ... bushel	$0.721	$0.794	$0.073
Oats ... do	.305	.56	.165
Barley ... do	.493	.982	.489
Potatoes ... do	.714	1.273	.559
Hay ... ton	12.32	17.64	5.32
Flaxseed ... bushel	1.347	1.81	.463

All the foregoing information was available to the gentleman at the time he made his statements. It may, however, be of interest to submit a table showing the wheat prices of a recent date compared with two years ago.

Cash wheat prices on certain markets.

	July 11, 1912.	July 11, 1914.	Decrease.
Omaha	$1.03	$0.73	$0.30
Chicago	1.04½	.83½	.21
New York	1.15	.87½	.27½
Kansas City	.96½	.76	.20½
Minneapolis	1.07½	.86½	.21

The fall of price in wheat during the last two years has been more than 15 cents per bushel. The difference in average price between the period including 1913 and 1914 and the period of four years preceding is in excess of 15 cents a bushel. The difference in price between June 1, 1914, and the average price for a period of five years preceding that date is 15 cents a bushel. The reduction of the tariff in the Underwood bill was 25 cents per bushel for those countries that receive our wheat free and 15 cents a bushel for the products of countries which do not admit our wheat free. The importation of wheat for the first eight months of the Underwood law increased 357 per cent over those of the corresponding period one year before. It may be interesting to know the effect in dollars and cents to the average wheat farmer of the country, the several States, and the different counties in my congressional district what a fall in price of 15 cents a bushel means.

July estimate of production.

	Estimated production, 1914.	Loss in value at 15 cents per bushel.	Number wheat-reporting farms.	Loss to average farmer raising wheat.
	Bushels.			
United States	930,000,000	$139,500,000	1,458,667	$95
Ohio	34,500,000	5,175,000	137,523	42
Indiana	43,000,000	6,450,000	104,273	61
Illinois	44,400,000	6,660,000	78,434	87
Minnesota	62,000,000	9,300,000	93,049	99
Iowa	16,308,000	2,446,200	36,284	67
Missouri	40,800,000	6,120,000	79,434	82
North Dakota	95,900,000	14,385,000	59,365	242
South Dakota	48,300,000	7,230,000	39,496	181
Nebraska	73,300,000	10,980,000	64,322	170
Kansas	151,987,000	22,798,000	74,701	304
Washington	54,400,000	8,160,000	13,805	588

July estimate of production—Continued.

Nebraska.	Production 1913.	Loss in value at 15 cents per bushel.	Number of farms.	Loss to average farmer.
	Bushels.			
Fourth district	23,579,011	$3,536,851	23,741	$149
Butler County	2,203,875	330,581	1,853	179
Fillmore County	2,553,207	382,981	2,025	188
Gage County	2,764,583	414,687	3,103	133
Hamilton County	2,174,532	326,179	1,944	167
Jefferson County	1,269,165	190,374	1,866	102
Polk County	1,989,250	298,387	1,848	163
Saline County	2,397,481	359,622	2,205	163
Saunders County	1,397,333	209,599	2,796	75
Seward County	2,726,985	409,032	2,170	188
Thayer County	1,572,360	235,854	1,924	122
York County	2,300,340	345,051	2,184	157

In considering the relative prices of wheat and other grains during the last two years it is entirely proper to call attention to the fact that prices of farm implements used in securing these crops be given. Upon the authority of the Hon. C. B. Dempster, of Beatrice, Nebr., president of the leading farm-machinery factory west of the Mississippi River, I can state that there has been an advance of price to the retailer during the 12 months preceding June 1 of this year of wagons, plows, disk harrows, grain drills, and so forth. There has been a tendency to advance in price windmills, pumps, and similar farm appliances. I give, however, in detail, the prices quoted and obtained by the International Harvester Co. for the years 1912, 1913, and 1914, the same being based f. o. b. cars Chicago, Ill.

	1912	1913	1914
Grain binder:			
6-foot	$102.50	$102.50	$102.50
7-foot	105.50	105.50	105.50
8-foot	125.00	125.00	125.00
Mower:			
5-foot regular	36.00	36.00	37.00
5-foot vertical	37.00	37.00	38.00
6-foot	39.00	39.00	40.00
Corn binder	102.50	102.50	102.50

	1912	1913	1914
Rakes, 10/32 S. D	$18.75	$18.75	$19.75
Tedders, 6-fork	27.00	27.00	28.00
Disk harrows, 12/16	20.50	20.50	21.50
Manure spreader, No. 2	90.00	90.00	90.00
Cream separator, No. 2 B. B	48.50	48.50	48.50
Weber wagon, 3-horse	61.50	63.00	65.00

It will be interesting further to know the course of prices of binding twine during the last three years which the farmer must use in taking care of his crop. It has increased as will appear from the following table of prices quoted by the International Harvester Co.:

	Sisal.	Standard sisal.	Manila.	Pure manila.
1912	7½	7½	8½	9½
1913	9½	9½	11½	12½
1914	9	9	11	13½

Is it any wonder that the farmer, pressed between the upper millstone of falling wheat prices and the lower stone of rising machinery and binding twine prices, has little patience with statements upon the floor of the House at such variance with well-known market facts. The farmers know that the majority party so drafted its recent tariff law as to make them bear its burdens and suffer from its injuries. They resent the gratuitous insult in the assumption on the floor of this House that farmers do not remember back a period of two years, and that they do not know their own markets. Free-trade statesmen will learn that farmers' memories are in working order while their forgetters are decayed and rusting. As ex-President Roosevelt well said:

As for the farmer, the present tariff, the administration's tariff, was so framed as to result in the sacrifice of his interests. He had no spokesman, no friend in high quarters, and his welfare was contemptuously sacrificed. At every point where his interest was concerned he was made to suffer.

Talk of distinguished gentleman on the floor of this House can not by mere audacity and emphasis change markets nor can it close the minds of farmers deeply interested, nor convince them that 15 to 20 cents a bushel decrease in price of their wheat really makes it higher. They know that they pay their bills, reduce their mortgages, and buy their lands by the increase in their receipts and not their decreases.

That psychology which makes a debt an asset causes a deficit to appear as a surplus, converts a "bust" into a "boom" they do not understand or take any stock in. The gentlemen whose duties it were to have seen that the farmer had fair treatment in tariff readjustment may be compelled to content themselves this fall with psychological majorities which do not carry certificates of election. Because it will be recalled that two of the great political parties—Republican and Progressive—declared that the farmers should receive protection equally with all other industries. And the third, the majority party, gave no notice to the farmers of the United States, through their Baltimore platform, that their products should be placed upon the free list. Reduction was promised; removal was not. But they recall the first table appearing in the Underwood tariff bill report which charges farm products to be the principal offender in the matter of high prices. This was made the excuse for placing nearly all farm products on the free list and making approximately 80 per cent in value of American articles recruited to the free list by the Underwood tariff law come from the farm. Moreover, on page 18 of that report appears the following committee prophecy over the signature of every member of the majority of the Ways and Means Committee, including the gentleman from Illinois:

In our judgment the future growth of our great industries lies beyond the seas.

We are having the fulfillment of that prophecy. Agriculture is our greatest industry, and that committee has done its utmost to cause its greatest growth in Canada, Argentina, and Australia. Perhaps the best proof of this is the fact that while the increase of finished or manufactured imports during the first eight months of the operation of the new tariff law amounts to only 8.8 per cent, the increase of the following leading farm products which were placed upon the free list or given rates radically reduced for same period as compared with a similar period one year before is 140 per cent:

Cattle; horses; sheep; animals; bread and biscuits; corn; oats; wheat; hay; beef and veal; mutton and lamb; pork; prepared and preserved meats; bacon and ham; all other meats; sausage and bologna; sausage casings; milk and cream, fresh and condensed; butter and substitutes; cheese and substitutes; eggs; vegetables—beans, onions, peas (dried), potatoes, all others in natural state; wool, unmanufactured.

So the gentleman from Illinois [Mr. RAINEY] may claim credit of being a prophet, but he carries no profit which would bring credit or cash to the American farmer. And yet this should not have authorized the gentleman from Illinois making such dire threats as he did on the 27th day of June, 1914, against anyone on this side forecasting conditions which even a wayfaring man, however mentally unequipped, must see. It was a grotesque sight on that day to hear the gentleman from Illinois [Mr. RAINEY] try to limit the manner of speech on the minority side, while the gentleman from Indiana went the limit. Of course these gentlemen are kindred souls, having much in common both in personal charm and mental characteristics. They have been doing great team work to excuse themselves from the outrage which they aided in perpetrating, in formulating, passing, and now defending the agricultural schedule of the Underwood bill. The gentleman from Illinois insists upon a monopoly of the right to prophesy business conditions. The writers of Indiana have almost a monopoly on the fiction of literature. It appears that the gentleman from Indiana would try to give that State a corner upon the fiction of legislation.

The gentleman from Indiana is a genial and interesting statesman from a great State. It is the State which Edward Eggleston once credited with a "schoolmaster," and later Booth Tarkington vouched for the citizenship of the "gentleman from Indiana." From the gentleman's qualities of mind, manner, and mien we must regard him as the combination of the two, scholar and statesman, two in one, the divine patriot. But with all this, many of his admirers would be pleased to see him get his facts on straight in regard to wheat. [Applause on the Republican side.]

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, I have no apology to offer for my partiality toward farmers or for my deep interest in legislation to promote agriculture.

My constituents are largely farmers, and their chief industry is agriculture.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent for the present consideration of the conference report.

The SPEAKER. The gentleman from North Carolina [Mr PAGE] asks for the immediate consideration of the conference report, the rules to the contrary notwithstanding. Is there objection?

Mr. MONDELL. Mr. Speaker, this is very important legislation. It seems to me that we ought to have more Members present than are here at this time, and I feel that I must object.

Mr. PAGE of North Carolina. Will the gentleman allow me? The resolution adopted some time ago continuing appropriations was for 15 days. It expires to-morrow. To-morrow is Calendar Wednesday, and ordinarily we could not consider this conference report on to-morrow, and unless it is considered and passed in the House to-night and goes to the Senate, an objection having come from his side of the House this morning to continuing the provisions of this resolution, necessarily there must be one day when there will be no provision for the District of Columbia. If the gentleman will allow me, the leader of the minority, who is temporarily out of the Hall, has discussed with me several times these three matters in disagreement. If he has in mind any objection that he might have to this final report, he will find, I think, the things he was contending for are embodied in it. I hope the gentleman will not object. It is a matter that personally I care no more about than he does, but it seems to me that it would bring about confusion and a very considerable difficulty if this bill were not passed by the House to-night.

Mr. MONDELL. Mr. Speaker, reserving the right to object, I am very much interested in this bill, and we all are. The affairs of the District of Columbia must not be allowed to get into a more unfortunate condition than they have by reason of the failure of this bill up to this time. I do not entirely like the ground on which the gentleman bases his suggestion that I should not object, namely, that there was objection on our side this morning to the consideration by unanimous consent of the resolution to extend the appropriations. I think there were very good reasons for that objection—very excellent reasons. I think the presence of this bill here now is proof positive of the effect of that objection. If that objection had not been made, the probability is that the District bill would not have been agreed to.

Mr. PAGE of North Carolina. Then why destroy the purpose of the objection by objecting now to the result of that objection?

Mr. MONDELL. Mr. Speaker, in view of the fact that to-morrow is Calendar Wednesday, and therefore this bill could not be taken up, and that we are all interested in having the appropriation bill passed, I shall not object.

Mr. GILLETT. Mr. Speaker, reserving the right to object, I think it would be fair to call attention to the fact that it is 5 o'clock in the afternoon, and there are not more than 25 Members present. At the same time, Mr. Speaker, in calling attention to that fact, I wish to say that, for myself, I recognize the extreme importance of this bill becoming a law to-day. I do think, however, it is very bad business management to bring such an important measure up at such a time when a single objection would kill it and when the scant attendance of itself gives reasonable ground for such an objection. I feel myself that the result of the conference is fairly satisfactory, and therefore I put the responsibility on the majority and will not object.

Mr. MADDEN. Mr. Speaker, reserving the right to object——

Mr. DONOVAN. The regular order, Mr. Speaker.

Mr. PAGE of North Carolina. I hope the gentleman from Connecticut will withdraw that.

Mr. MADDEN. Mr. Speaker, I wish to ask the gentleman from North Carolina [Mr. PAGE] whether the committee has reported against the payment of $2,000 to one Keller?

Mr. PAGE of North Carolina. Yes. The Senate has receded absolutely from that amendment.

Mr. MADDEN. Then I have no objection.

Mr. COX. Mr. Speaker, reserving the right to object, I have the bill before me, but what disposition is made by the conference report of what is known as the Borland amendment?

Mr. PAGE of North Carolina. There is an agreement on the Borland amendment, a modification of the original Borland amendment, embodied in the report.

Mr. COX. Did the Senate finally yield on that?

Mr. PAGE of North Carolina. Yes; they yielded largely.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] demanded the regular order. The regular order is, Is there objection to the request of the gentleman from North Carolina [Mr. PAGE] to consider immediately this conference report without having it printed? [After a pause.] The Chair hears none, and the Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT NO. 964.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendments of the Senate numbered 226 and 227, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

Omit the matter inserted by the House amending said Senate amendment, omit the matter stricken out by said Senate amendment, and in lieu thereof insert the following:

"Hereafter whenever under appropriations made by Congress the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or completely resurfacing the same, not less than one square in extent, from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata, according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which new pavement or resurfacing is laid: *Provided*, That there shall be excepted from such assessment the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are included within the building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-half of the total cost upon the abutting property owners and the remaining one-half and all of the expenses of maintenance and repairs to be paid from the revenues of the District of Columbia and from the Treasury of the United States in equal parts: *Provided*, That where the width of the street, avenue, or road to be paved or completely resurfaced from curb to curb or gutter to gutter, as the case may be, shall exceed 40 feet, the excess, including the cost of intersections or spaces within which street railways are required to pave, shall be paid for one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 23, United States Statutes at Large: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

And the House agree to the same.

ROBERT N. PAGE,
T. U. SIMSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

STREET RAILWAYS, DISTRICT OF COLUMBIA.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to file an amended report on the bill (H. R. 15191) to provide for the acquisition, ownership, and operation by the Commissioners of the District of Columbia of all the street railroads located in the District of Columbia. (H. Rept. 917.)

The SPEAKER. Without objection, the amended report will be filed.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, H. R. 10523, the District of Columbia Appropriation bill.

EXTENSION OF REMARKS.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article on "Safety at Sea, and Liability of Vessel Owners for Losses at Sea," by Thomas I. Parkinson, of Columbia University, published in the Survey of July 4, and to extend my remarks briefly on the same subject.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in the RECORD by inserting the article named. Is there objection?

There was no objection.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. SHERLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. GILLETT rose.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GILLETT] is recognized.

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Nebraska [Mr. SLOAN].

The CHAIRMAN. The gentleman from Nebraska [Mr. SLOAN] is recognized for 30 minutes.

Mr. SLOAN. Mr. Chairman, on the 6th of July this year, at the first convening of this House following the 4th of July, the gentleman from Indiana [Mr. CULLOP], who has just made such an emphatic statement on agricultural product values, rose in his place and asked that he be given the privilege to extend his remarks in the RECORD by having printed therein a speech delivered by the President of the United States on the 4th day of July, 1914. The speech was at Independence Square, in the city of Philadelphia. Unanimous consent was given. It was a notable speech, by a notable man, on a notable occasion; but perhaps the one sentence challenging the greatest attention of the press and public in that interesting address was as follows:

> I have heard a great many facts stated about the present business conditions, and it is strange that these facts as stated do not tally with each other.

The President of the United States, whom we all honor, both for himself and for the position he occupies, is entitled to receive careful statements of fact concerning business conditions from whatever source. But more especially should he be warranted in relying on the statements which go into the great CONGRESSIONAL RECORD. Especially should this be true when those statements are made by a professed friend.

I was very much interested in the fact that the gentleman from Indiana [Mr. CULLOP] was selected to present that presidential speech to the House. Again, I was very much interested this afternoon when, in accordance with the custom of recent days, he ranged himself on the floor as chief lieutenant for the administration's principal defender, the gentleman from Alabama [Mr. HEFLIN].

The greatest business fact existing in this country at this time is the wheat crop of this country. It is the largest business fact of the United States. It is, perhaps, the most important business fact of the world. It is a business fact to which men of all vocations, whether transportation, industrial, or commercial, are looking for the removal, at least in part, of the so-called world-wide depression, referred to recently by our Secretary of Commerce; a depression which we took such pains a little over a year ago in this House to open our gates to, so that we might absorb and secure a great deal more than our fair share of that world-wide depression; a depression that in 1912 was world-wide except in the United States.

Wheat coming from the northwest in a golden stream is expected to neutralize the effect of that stream of gold now leaving our shores. It is hoped to set at work one hundred thousand of the quarter million idle freight cars, and aid the railroads hereafter to run into terminals instead of receiverships. It will doubtless give employment to a large number of men who for the last few months have been unemployed. It is expected to work wonders by statesmen in power in neutralizing the havoc which their ill-considered legislation has wrought. Even the wheat farmer until recently hoped that he might obtain out of the abundance which came from a benign providence and his own industry something more than the actual cost of production. Of this largest business fact in this country the President of the United States is entitled to have the truth.

It was on the 4th day of June of this year that the gentleman from Indiana [Mr. CULLOP] rose in his place and discussed the prices paid for wheat. This is the language. You will find it on page 9821 of the RECORD:

> Wheat now is a better price under Democratic times than it was in 1912 under Republican rule.

I waited some time to see whether the gentleman would correct that statement. I thought perhaps the statement, so astounding, might not have been given credence. But I had occasion to discuss that fact with a number of my eastern colleagues, who seemed to have accepted the statement as correct.

Now the partisan reference made to this time in June, compared to two years before, is a challenge he had a right to submit, and we gladly accept, because June, 1912, fairly represented the prosperous times and good farm prices under a protective tariff and Republican administration, and the date of his speech fairly represents the change his party has wrought. But what are the facts? When the gentleman from Indiana [Mr. CULLOP] stood on the floor of the House giving the price of wheat on the 4th day of June and stated that it was higher than it was two years before, wheat at Omaha was 88¼ cents per bushel; June 4, 1912, it was $1.08¼. When he made the speech, looking past every obstruction into the eyes of his colleagues, on June 4, 1914, wheat at Kansas City was 91½ cents, while on June 4, 1912, it was $1.12, a difference of 20½ cents per bushel. When, in fine scorn of the facts, he made the speech, wheat at Minneapolis was 93¾ cents; on June 4, 1912, it was $1.12¼. The vulgar fact that wheat in Chicago was 96 cents a bushel on June 4, 1914, while two years before that it was $1.01½ did not halt him. New York's price of $1.05½ in 1914 and $1.21¼ in 1912 did not even modify his emphasis. These are cash prices quoted on No. 2 hard, except at Minneapolis, where the prices are on No. 2 northern.

Cash price of wheat at certain markets.

	June 4, 1914.	June 4, 1912.	Decrease.
			Per cent.
Omaha Bee	$0.88¼	$1.08¼	0.20
Kansas City Star	.91½	1.12	.20½
Minneapolis Tribune	.93¾	1.12¼	.19½
Chicago Record-Herald	.96	1.11½	.15½
New York Sun	1.05½	1.21¼	.15¾

NOTE: Prices are on No. 2 hard, except Minneapolis prices are No. 2 northern.

Average decrease in five markets, 18 cents per bushel.

If these dates are regarded as too narrow; if the gentleman desired to give facts concerning prices, he could have resorted to a broader field, using the records of the United States Department of Agriculture. The wheat farm prices quoted are for January, February, March, April, May, and June of the several years. I place them in two groups—one for the years 1914 and 1913 in one group and the other for the four preceding years. I group 1913 and 1914 together because the anticipatory effects of one go with the actual results of the other.

Through the work of President Wilson, ably and intelligently carried out by Secretary of State William Jennings Bryan, we are now making treaties with the nations of the world agreeing that all future differences that might arise between us and other nations should be submitted to an international tribunal before we resort to force.

In my judgment, we are far behind some of our so-called soulless corporations in our treatment of the men in the Federal service.

If the Pennsylvania Railroad Co. and the Public Service Corporation of New Jersey and other corporations can adopt a pension plan for their superannuated employees, certainly this Government of ours can well afford to follow in their wake. In conversation with Mr. Hartford, president of the Atlantic & Pacific Tea Co., a short time ago, he informed me that their company had a pension appropriation of $15,000 yearly for the men who had faithfully served their company and who were now too old to take care of themselves.

We are demanding of the corporations a higher standard of business morality; we are demanding a strict adherence to the Sherman law, but the Government allows itself to be outdistanced by the men of the progressive corporations of the United States with regard to the treatment of employees.

I am anxious to see this order of things changed; I am desirous of seeing the Federal Government lead in an honest effort to render life's burden less arduous to the men in our employ than it is at the present time. And it is for this reason that I am heartily in favor of a pension system which will be just alike to the Government and to employees.

I might enlarge and talk of the honest and efficient service rendered by our Federal employees; that, however, would take more space than I shall attempt to use in the present discussion. Suffice it for me to say that I believe that the people of the eighth district of New Jersey desire me to support a retirement plan for our Federal employees, and I propose to reflect their sentiment when the matter comes before Congress by my vote thereon.

Mr. BARTON. Mr. Chairman, the tariff is one of the oldest unsolved problems of our country. We have three distinct schools of thought, each honestly believing that they have the correct theory. Many tariff bills have been tried, and in the judgment of the American people have been found wanting. One school believes in the old Democratic doctrine of free trade; other Democrats have abandoned that theory and now stand for a tariff for revenue, or, as Mr. UNDERWOOD styles it, a competitive tariff, while Republicans and Progressives in their platforms have a tariff just high enough to represent the difference in cost of production at home and abroad, believing that it is necessary to lay such a tariff to protect the industries and the workingmen of this country against a lower standard of living and wages in foreign countries.

Democratic Representatives from congested centers rise in their places and proclaim that the cost of living has been reduced as per the promises of the majority party. Those from agricultural districts rise and proclaim that the prices to the farmer have not been reduced. The different speeches made to circulate in that particular section the Member represents; but fine-spun theories and statements without basis are not effective among the people of to-day, for we represent a constituency that are intelligent and of an inquisitive turn of mind. Facts and conditions are to them the best evidence.

The workingman who pays his grocer, butcher, and other necessary living expenses will know whether wages are good, work plenty, and the cost of living reduced.

The farmer who takes his produce to the market will know without the advice of some politician when he sells his cream, butter, eggs, cattle, corn, hogs, wheat, vegetables, and other farm produce if the price is good, and he will also know from practical business tests whether the money he gets for his produce will purchase the goods he buys at a proportionately lower figure.

You Members who voted to take practically all the tariff off the stuff he produces should have examined into the condition of the average farmer of to-day. He does not pick his money off of the trees, gather butter from buttercups, extract milk from milkweed, nor get honey from the honeysuckle; he does just plain common everyday hard work and lots of it; he does not go to work at 9 o'clock in the morning, quit at 4, take every Saturday afternoon off and six weeks vacation in the hot months; he toils. Not even with the certainty of a Government or other employee is his compensation assured. He takes a chance of rain and hail, of winds, storm, and flood, of insects and all the vicissitudes of nature, and how much profit does he get for this hard work and hazard? Let an extract from Bulletin No. 570, issued by the Department of Agriculture, tell you.

Labor income of farmers in the United States.

Page.[1]	Item.	Total.	Amount per farm.
268	Number of farms	6,361,502	[2] 138.1 acres.
269	Improved land ... acres	478,451,750	75.2 acres.
276	Total farm investment	$40,981,449,090	$6,443.67
277	Investment in farm buildings	$6,325,431,528	$994.34
277	Investment in implements and machinery	$1,255,140,783	$198.88
	RECEIPTS.		
348	Dairy products (excluding milk and cream used at home)	$266,413,463	$98.75
352	Wool	65,472,328	10.20
352	Mohair	901,597	.14
355	Eggs produced	306,688,960	48.21
355	Poultry raised	202,506,272	31.83
356	Honey and wax	5,992,053	.94
358	Domestic animals sold	1,562,936,694	245.69
358	Domestic animals slaughtered	270,238,793	42.48
370	Total value of all crops	$6,487,161,223	
379	Corn ... $1,435,553,919		
383	Oats ... 414,897,422		
388	Barley ... 92,458,571		
397	Hay, etc. ... 836,004,877		
373	Total value of crops used for feeding ... 2,769,714,789; Feed sold ... 509,253,522		
	Net value of crops fed ... 2,260,461,267; Net value of crops	3,226,699,956	507.22
	Total gross farm income	6,237,850,146	980.55
	EXPENSES.		
373	Labor	$651,611,287	$102.43
373	Fertilizers	114,382,541	18.06
373	Feed	299,880,867	47.13
373	Maintenance of buildings (at 5 per cent) [1]	316,272,578	49.72
	Maintenance of implements and machinery (20 per cent)	253,029,866	39.78
	Taxes (0.6 per cent)	245,948,694	38.66
	Total	1,881,584,911	295.78
	Miscellaneous expenses (15 per cent of other expenses)	282,237,736	44.37
	Total expenses	2,163,822,647	340.15
	SUMMARY.		
	Total gross income	6,237,850,146	$980.55
	Total expenses	2,163,822,647	340.15
	Net farm income	4,074,027,499	640.40
	Interest on investment (at 5 per cent)	2,049,572,454	322.18
	Labor income [1]	2,024,455,045	318.22
	Interest on mortgage ($1,715 at 6 per cent)		102.90
	Available for purchase of live stock and for family living		537.50

[1] Abstract of the Thirteenth Census.

[2] Average total area per farm.

[3] 41 per cent in New England, New York, Pennsylvania, Michigan, and Wisconsin; 5 per cent in Virginia, West Virginia, Illinois, Missouri, Kansas, Iowa, Nebraska, Minnesota, North Dakota, South Dakota, Ohio, and Indiana; 54 per cent elsewhere.

[4] Includes unpaid family labor and all the farm furnishes toward the family living except milk and cream. Does not include income from outside sources, and the amount paid for live stock bought must be deducted from this sum.

Five hundred and thirty-seven dollars and fifty cents. If he belonged to a labor union and was working for a corporation, he would strike. Were it not for the fact he raises most of his food he would be bankrupt. His yearly income, as shown by this report, would not buy the cigars of the men who wax rich in handling or gambling on his products, and yet he is the man that in the construction of the Underwood tariff bill was made the sacrifice.

Our farmers know that every bushel of grain, every pound of food product, every dollar of agricultural commodities that are thrown into the American markets by foreign countries displaces just that much of his product.

The Department of Commerce sends us a monthly statement of the imports and exports, and I insert here a statement showing the imports of farm products for the past eight months

under the Underwood tariff bill and for the corresponding eight months under the old law:

Article	Total imports for 8 months, October, 1913, to May, 1914, inclusive, under tariff law of 1913.		Total imports for 8 months, October, 1912, to May, 1913, inclusive, under tariff law of 1909.	
	Quantity.	Value.	Quantity.	Value.
Cattle [1] ... number	682,456	$15,088,442	319,137	$5,094,211
Horses [1] ... do	28,437	1,640,046	7,108	1,301,089
Sheep [1] ... do	218,137	384,866	12,996	67,712
Animals, other (including live poultry) [1]		262,589		168,099
Bread and biscuits [1]		325,889		190,852
Corn [2] ... bushels	10,246,857	6,502,743	255,609	145,618
Oats [2] ... do	21,951,219	7,755,997	73,879	35,611
Wheat [2] ... bushels	1,926,680	$1,713,790	451,302	$349,441
Hay [3] ... tons	104,517	1,101,856	24,048	847,836
Beef and veal [4] ... pounds	146,125,427	[5] 12,433,441		
Mutton and lamb [4] ... do	9,484,655	[6] 797,320		
Pork [4] ... do	2,482,298	[6] 287,491		978,451
Prepared and preserved meats [4]		[6] 1,475,072		
Bacon and ham [4] ... pounds	1,470,736	[6] 290,490		
All other meats [4]		[6] 642,817		
Sausage and bologna [4] ... pounds	492,293	125,676	512,214	118,928
Sausage casings [4]		1,870,683		1,571,390
Milk and cream, fresh and condensed [7]		1,379,761		664,915
Butter and substitutes [8] ... pounds	7,189,120	1,600,162	895,231	233,995
Cheese and substitutes [9] ... pounds	43,085,635	7,947,313	33,672,791	6,260,261
Eggs [10] ... dozen	5,492,575	1,009,259	[10] 247,842	127,898
Vegetables:				
Beans [11] ... bushels	1,310,221	2,325,273	641,490	1,253,030
Onions [12] ... do	749,274	654,544	509,618	322,019
Peas, dried [13] ... do	742,294	1,501,772	645,278	1,056,729
Potatoes [14] ... do	1,632,983	778,403	258,004	257,536
All other in natural state [15]		1,307,849		1,135,449
Wool, unmanufactured, [16] [17] pounds	198,730,814	43,202,720	128,785,853	23,837,645

[1] Free on and after Oct. 3, 1913.

[2] Duty reduced from $30 per head where value not over $150, 25 per cent ad valorem where value over $150 per head, to 10 per cent ad valorem on all.

[3] Live poultry reduced from 3 cents per pound to 1 cent per pound; dead, from 5 cents per pound to 2 cents per pound.

[4] Either placed on the free list or duty reduced about one-half.

[5] Free on and after Oct. 3, 1913. Duty was 15 cents per bushel.

[6] Duty reduced from 15 cents per bushel to 6 cents per bushel.

[7] Free if imported from countries which impose no duties on like imports from United States, otherwise 10 cents per bushel. Duty was 25 cents per bushel.

[8] Duty reduced from $4 per ton to $2 per ton.

[9] Free on and after Oct. 3, 1913. Duty was 25 per cent ad valorem.

[10] Included in all other meat products prior to July 1, 1913.

[11] Free on and after Oct. 3, 1913. Duty was 4 cents per pound.

[12] Free under both laws.

[13] Duty reduced from 6 cents per pound to 2½ cents per pound.

[14] Duty reduced from 6 cents per pound to ad valorem duty equivalent to about 4 cents per pound.

[15] Included in all other articles prior to Oct. 3, 1913.

[16] Duty reduced from 45 cents per bushel to 25 cents per bushel.

[17] Duty decreased from 40 cents per bushel to 20 cents per bushel.

[18] Free if imported from countries which impose no duties on like imports from United States, otherwise 10 per cent ad valorem. Duty was 25 cents per bushel.

[19] Duty reduced from 25 per cent ad valorem to 15 per cent ad valorem.

[20] Practically all free of duty since Dec. 1, 1913.

[21] Imports for 6 months since December, 1913, 183,473,116 pounds; 104,079,043 similar 6-month period preceding year.

[22] Total value of all meat products, except sausage, bologna, and bologna casings, for 8 months, $15,926,541.

[23] No figures for months under old law. Quantity and value figured at two-thirds of year.

Ten million two hundred and forty-six thousand eight hundred and fifty-seven bushels of corn, 21,951,219 bushels of oats, 1,926,680 bushels of wheat, 146,125,427 pounds of beef, 9,484,655 pounds of mutton, 2,482,298 pounds of pork, 682,456 head of cattle, 7,189,120 pounds of butter and substitutes, $1,379,761 worth of milk and cream, 43,085,635 pounds of cheese, 5,492,575 dozens of eggs, 1,310,221 bushels of beans, 749,274 bushels of onions, 742,294 bushels of peas, 1,632,983 bushels of potatoes; and do you think the farmer will not know that the dollars paid for this produce naturally cheapens the price of his foodstuffs and that the money paid for same goes to a foreign country, to enter there into the foreign country's business, and leaves the bills of American farmers and American business men? Sending money to a foreign country enriches foreigners at the expense of our people. Do not you think that the farmer will ask you who are responsible for this law why, if it is a tariff for revenue only, you discriminated against Schedule G—the farm schedule—which was the third revenue producer in this country? He will ask why you did not lay a duty in such a manner as to let it apply equally to all business, his included. He will ask why you protected 80 per cent of the products of New Jersey and only 35 per cent of the products of Nebraska, 71 per cent of New York and 30 per cent of Kansas, 80 per cent of Rhode Island and 20 per cent of Wyoming, 87 per cent of Connecticut and 12 per cent of Nevada, 63 per cent of Maryland and 9 per cent of Arizona.

In fact, why did you draw the line and collect a tariff on only 36 per cent of the products west of the Mississippi River? You said that the intention was not to destroy a legitimate business. Are not the cane growers of Louisiana doing a legitimate business, and will you contend that their business has not been destroyed? A hundred million dollar sugar industry in that State put out of business, 20 great sugar mills, and the planters at that place know not where to turn. Are not the beet raisers and beet-sugar producers of this country doing a legitimate business? Mr. FORDNEY, in his speech of July 1, made these statements, and no answer has yet been placed in the RECORD:

The reduction of duty as provided for in the Underwood tariff law, sanctioned and approved of by the administration, on Cuban sugar is a fraction over one-third of a cent per pound. This change or reduction of duty was made effective March 1, 1914. Its effect so far has been to close the following beet-sugar factories:

In Ohio, the Continental Sugar Co., with a slicing capacity of 500 tons per day, and the Alliance Sugar Co., with a capacity of 600 tons per day.

In Nevada, the Nevada Sugar Co., slicing 500 tons.

In Arizona, the Southwestern Sugar Co., 650 tons capacity.

In Wisconsin, the Rock County Sugar Co., 700 tons capacity.

In Iowa, the Iowa Sugar Co., 500 tons capacity.

In California, the Alameda Sugar Co., 800 tons capacity; the Sacramento Valley Sugar Co., 700 tons capacity.

In Colorado, the Holly Sugar Co., 600 tons capacity; the Las Animas Sugar Co., 700 tons capacity; the American Beet Sugar Co., 400 tons capacity.

In Michigan, the Western Sugar Refining Co., 600 tons capacity.

Twelve factories in all out of a total of 74 in the United States, or about 16 per cent of our beet-sugar factories, have already been driven out of business.

Is not farming a legitimate industry; and if you really wanted to reduce the cost of living why did you not go to the proper place to do this instead of free listing the products of the man who your own Department of Agriculture says only makes $337.59 after a year's hard labor?

The high cost of living is not due to the farmer getting too high a price for his product. He was just getting to a point where he had some chance to get ahead, and no man on earth deserves to prosper more than he. It is due to the stock gambler who plays with prices as the other gambler with his cards and victims, and to the middleman who gets from 50 to 500 per cent profit before it reaches the table of the consumer; with all this food product brought into this country you have not reduced the price to the consumer; it does not necessarily mean that to reduce the price to the farmer you have reduced the price to the consumer. Take wheat for an example; you have cheapened the price to the farmer. Is bread cheaper? You have brought 10,000,000 bushels of corn into this country, making the price of American corn cheaper. Have you reduced the price to the consumer of corn products? No; the middleman is the beneficiary and the Government the loser in revenue. In other words, you invite foreign importations to force down the prices of farm products and permit importers to enrich themselves at the expense of the farmer and consumer.

The money that goes to Argentina for corn and beef, that goes to Mexico and Canada for cattle, meat, wheat, oats, rye, barley, potatoes, and hay; that goes to Australia for wool, beef, and mutton; that goes to China for eggs, builds no homes, builds no schools, builds no churches, pays no wages, and pays no debts in the United States. It goes to a foreign country, and goes to stay. The farmer was against Canadian reciprocity. How, then, in the name of justice can he submit to a wholesale free list with all nations without reciprocity? I know the American farmer will see the injustice done him. I know he will understand that he has been made the goat of this tariff bill. And I firmly believe he will support men and parties that give him equality with all other American industries, all other American people, and a preference as against the foreigners.

Mr. SHERLEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, and had come to no resolution thereon.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I present the conference report on the District of Columbia appropriation bill.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] presents the conference report on the District of Columbia appropriation bill, which the Clerk will report.

The Clerk read as follows:

H. R. 19523. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

it is a most tremendous fact, and I can not conceive any subject more worthy of the attention of the legislature, more worthy of the attention of all.

THOMAS CARLYLE: British industrial existence seems fast becoming one huge poison swamp of reeking pestilence, physical and moral—a hideous living Golgotha of souls and bodies buried alive. Thirty thousand outcast needlewomen working themselves swiftly to death. Three million paupers rotting in forced idleness. And these are but items in the sad ledger of despair.

Prof. HUXLEY: A population whose labor is insufficiently remunerated must become physically and morally and socially unstable; and though it may succeed for a while in industrial competition, by reason of the cheapness of its produce, it must in the end fall, through hideous misery and degradation, to utter ruin.

[From Leslie's Weekly, April 30, 1914 (American authority).]

Recently, in London, a large conference of influential people, representing society, the church, and every political party, was called by the Duchess of Marlborough to unite with the women workers in a protest against the "sweating" system. Factories and workshops in Great Britain give employment to 2,000,000 women and girls and at least 100,000 more work in their homes. After mentioning $3.75 a week as the amount estimated for the minimum requirements for a single woman, the Duchess of Marlborough said that in organized industries there were probably 300,000 who earn less than $3 a week, while there are many who earn only $1.50 a week. A shirt maker in the meeting produced a shirt for the making of which she was paid 18 cents a dozen. By working from 5.30 a. m. to 11 p. m. this woman and her husband made in a week $2.62; out of this they had to pay 37 cents for the machine and 45 cents for cotton, leaving the net wages of the two for one week's work $1.80. We have nothing like this in the United States.

These witnesses have told the story of how English workingmen live. This testimony impresses me with the fact that the problem of the English workmen is not the "high cost of living," but rather of how to keep from starving. I have, with one exception, quoted English authority on conditions in England, for the reason that England is a free-trade country, and the cost of living there would be as low there as in any European country.

We have seen how workmen live in the Old World; let us inquire how they live here. Let us turn from this picture of despair and misery to look upon one of hope, promise, and advancement. That we may see ourselves as others see us, I shall call as witnesses not Americans, but rather some of the illustrious writers and historians of Europe. This is what they say of our laboring classes:

EUROPEAN OPINION ON LABOR CONDITIONS IN UNITED STATES.

JAMES BRYCE: The native workpeople are, of course, fairly educated, they read the daily newspapers, while their women may take a weekly religious journal and a weekly or monthly magazine; many of them, especially in the smaller cities, belong to a congregation in whose concerns they are greatly interested. Most are total abstainers. Their wives have probably had a longer schooling and read more widely than they do themselves. In the smaller towns, both in New England and the West, and even in some of the large cities, such as Philadelphia and Chicago, the richer part of them own the houses they live in—wooden houses in the suburbs, with a little veranda and a bit of garden—and thus feel themselves to have a stake in the country. Their womankind dress with so much taste that on Sunday, or when you meet them in the steam cars, you would take them for persons in easy circumstances. (The American Commonwealth.)

PIERRE LEROY-BEAULIEU: The census returns thus confirm the common opinion that the wages paid in the United States are, on an average, the highest in the world. I believe I am warranted in saying that this is the case in respect not only to the nominal but to the actual wages. Of the three great needs of man—food, clothing, and shelter—the first is assuredly satisfied at less cost in the United States than in Europe, as is the second, for clothes—and particularly machine-made footwear—may be bought there at very low prices. Lodging, however, is very much higher, and perhaps the additional expenses incurred under this item offset the saving possible in food and clothing. Still, everything considered, there can hardly be any doubt that actual wages, like nominal wages, and almost to an equal degree, are higher in the United States than in Europe.

WILHELM VON POLENZ: And it is the possibility of getting on in life which give a peculiar stamp to the working classes of America. A people which has seen Presidents, inventors, multimillionaires, and bank directors rise from the ranks knows no limits to its hopes and demands. The man in a small way of life in America has higher pretentions in the matter of furnishing and comfort of his home. In the luncheon basket of the mason may be found such food as roast beef, tarts, tomatoes, pudding, and melon—food that with us is only found on the table of the middle classes. (The Land of the Future.)

ALFRED MOSLEY: That the American workman earns higher wages is beyond question. As a consequence, the average married man owns the house he lives in, which not only gives him a stake in the country but saves payment of rent, enabling him to increase his savings or to purchase further comforts. Food is as cheap if not cheaper in the United States as in England, whilst general necessaries may, I think, be put on the same level. (American versus English Working Conditions.)

CHARLES WAGNER: In this effort of civilization America holds the record, and it must be added that nowhere is industry more honored than in that land. Through his own efforts a man may attain to anything, and it is in the men who are the sons of their own achievements that occupy the first place in the general esteem. (My impressions of America.)

DIOMEDE CARITO (on his return voyage): I approached and entered into a short conversation during which I experienced an emotion of patriotic joy such as I had seldom felt in all my life. A few years before those peasants had left our country ignorant and unable to read or write, and were therefore slaves in the true sense of the word. For is not ignorance slavery? When they returned to their country these humble Pariahs of the earth brought with them a little capital in American money, and, what is more, a little portion of the spirit of the country whence they returned—if I may say so—entirely humanized. * * * And when the discourse turned on North America, on the country which their labor had helped to fertilize, it was a hymn of exultant praise of the Odyssee which had taken them to new shores, to new and brighter horizons, which had cleared their minds and enabled them to rise toward the heights of human dignity. They returned no longer slaves to the humble plot of ground, but with means to become proprietors of a piece of land; to ascend one step on the social scale. (In the land of Washington.)

HUGO MUNSTERBERG: It can not be doubted that the American laborer is a different sort of creature from the continental laborer; his material surroundings are different, and his way of life, his dwelling, clothes, and food, his intellectual nourishment, and his pleasures would seem to the European workman like luxuries. The number of industrial laborers in the year 1880 was 2.7 millions, and they earned $947,000,000; in 1890 it was 4.2 millions, earning $1,891,000,000; and in 1900 there were 5.3 millions laborers, earning $2,320,000,000; therefore at the time of the last census the average annual wage was $437. This average figure, however, includes men, women, and children. The average pay of grown men alone amounts to $500. This figure gives to the German no clear idea of the relative prosperity of the workingman without some ideas of the relation between German and American prices.

The average laborer lives on the same plane as the German master artisan; and if he is dissatisfied with the furnishings of his home, it is not because he needs more chairs and tables, but because he has a fancy for a new carpet or a new bathtub. (The American.)

A. MAURICE LOW: Labor in the United States is more liberally recompensed than in any other country. Workingmen can be broadly divided into two classes—the skilled worker, who has served an apprenticeship and is a master of his craft, and the unskilled laborer, who does work requiring brute strength rather than intelligence. The former constitutes the hierarchy of labor and wields great power in the management of trade unions and in improving the general condition of labor; the latter is usually unorganized and exerts little influence.

The factory system was early transplanted from England and is coincident with the general expansion of industrial occupations in the United States. Without attempting to raise the political or economic question, whether the protective system in America has been the cause of high wages or whether, as American free traders are fond of asserting, the wages of American workingmen would be equally as high without protection, owing to superior natural advantages, the fact remains that the American workingman is better paid than the workingman in any other country. (America at Home.)

E. LEVASSEUR: Taking everything into consideration except rents, the ordinary objects consumed by the laborer's family, quantities and qualities the same, cost rather more in France than in America, and this is particularly true of Paris as compared with New York. In consequence the average American workman enjoys a real as well as a nominal income which is probably more than twice as great as that of the French workman.

Real wages being higher in the United States, the American workman lives more comfortably than the European, certain grades of English labor excepted. He has acquired settled habits of consumption and enjoyment; his food is more substantial than that the workman of continental Europe; he dresses better; he is more comfortably lodged, and often owns the house in which he lives; he insures his life; and, if provident in his own way, he spends more for amusement and upon the societies with which he is affiliated; in other words, he has a higher standard of life than the European workman. Such a condition is one of the most desired results of civilization, and the American people are justly proud of it. (The American Workman.)

The testimony of these notable witnesses, whose experience covers a span of more than half a century, is an inspiration, and is certainly conclusive of the fact that Samuel Gompers was right when he said—

that whether the cost of living in Europe or America is greater to the working man depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay in money will remain about the same.

HIGH WAGE SCALE IMPOSSIBLE WITHOUT PROTECTION.

We have thus seen that the cost of living abroad is as high as in the United States. The difference between workingmen here and abroad is the difference in the wages they receive. Our workingmen receive from 2 to 6 times more wages than the European workmen receive. Why? Why is the European workman, year in and year out, confronted with the problem of poverty, cold, hunger, and starvation? Are we not all largely of the same blood? Have we not all the same ambitions? Has not the English factory system been transplanted in this country? Why, then, should our laboring men enjoy vastly superior advantages and comforts? Why is it that we annually receive from Europe more than a million men, women, and children? Every year witnesses an increasing number of immigrants flocking to our shores. They have learned in the hard school of adversity that Europe offers only starvation wages to her workmen and that America offers vastly more. European workmen understand that not only nominal but actual wages are higher in this country than in any other country in the world. That tells the whole story. They are attracted here by our higher wages and superior advantages.

Wages are higher here, because the policy of protection to American workmen recognizes and guarantees a higher wage scale and a higher standard of living. The policy of the Republican Party has always been, and still is, to maintain tariff duties that will measure the difference in the cost of production at home and abroad. This difference consists almost entirely of the difference in the labor cost. In building up an industrial system under that American policy the American manufacturers can and do pay their laborers higher wages than are paid abroad. With an increased wage the American laborer demanded a higher standard of living than the world had ever known. As that standard of living advanced the demand for increased wages, for shorter hours, and for improved conditions surrounding the workmen came from the trades-union.

ACCOMPLISHMENT OF TRADES-UNIONS.

The organizing of laboring men in this country into trades-unions has done much to improve the conditions of labor, but let us always remember that it was the American policy of protection that made the accomplishment of the trades-unions possible. Without protection our manufacturers could not have paid the high wages which our laboring men now enjoy. Their product would then have come into free and open competition with the unfair and underpaid labor of Europe. Without trades-unions the workingmen would not have received this high wage scale which protection made possible. If unionism alone is responsible for the superior wages paid our workmen, why is it that in England, where labor is highly organized, laboring men are compelled to live in the most deplorable conditions? But in England the hours that constitute a day's labor are longer, and the pay the union men receive is much less than in this country. If protection is not the cause, what is the reason that our workmen are so much better paid and better fed?

UNDERWOOD TARIFF LAW UNFAIR TO LABOR.

For the past nine months we have been operating under a law enacted by a Democratic Congress which greatly reduced the tariff duties on foreign-made goods imported into this country. This law was enacted in response to a direct promise of the Democratic Party to reduce the cost of living. After a fair trial of more than nine months no one will seriously contend that this law has reduced the cost of living to the consumer in any appreciable degree. But who will not admit the Underwood law has seriously reduced the power of the American laborer to earn a livelihood? Its real effect has been to injure the American laboring man, and to improve the conditions of labor abroad. During the month of April, 1914, our purchases of foreign-made goods exceeded our purchase of such goods in April, 1913, by more than $36,000,000. During the same month our exportation of American-made goods was $37,000,000 less than in April, 1913, a loss in a single month under the Underwood tariff act of $73,000,000, most of which would have been paid in wages to the American workingmen.

It certainly can not be contended that a law which changed a growing balance of trade in our favor to a balance of trade against us is a good thing for American labor. In view of this large increase in importation of foreign-made goods that are taking the place of domestic-made goods, it might be well to inquire whether the foreign-made goods imported into this country under greatly reduced tariff duties are manufactured by laborers who are members of trades-unions; whether they were manufactured in unfair shops; whether they were manufactured by children under 14 years of age; and whether they were manufactured in the sweatshops and prisons of Europe. In Italy over 50,000 children work in textile factories 10 hours a day at an average wage of less than 10 cents; in Japan 60,000 children work 12 hours a day in textile industries at an average daily wage of less than 7 cents; while in India more than 60,000 children are employed making carpets at a daily wage of less than 5 cents. These children are all under the age of 14 years, and if their product is to come into open competition with the product of the American trade-unionist, what is to become of organized labor's demands? Can we long protect labor if we leave the product of labor unprotected?

PROTECTION AND UNIONISM HANDMAIDS OF LABOR.

It is a most encouraging sign that the rank and file of organized labor in this country is realizing that unions are useless if the product of union labor is to be brought into open competition with underpaid nonunion labor, child labor, and even convict labor of Europe. The inconsistency of a program which protects our laborers only against their American competitors is un-American and is unworthy of the rank and file of any organization. Trade-unionists should stoutly object to the product of their labor being brought into open competition with the product of nonunion and unfair labor, and for this reason, mindful of their own interests and of the high object of their organization, they will not vote to bring the product of the unfair and underpaid labor of Europe into open competition with the product of their own labor.

American laboring men are of a high order of intelligence, and they are beginning to realize that a man ought to have what he votes for, so long as his vote is cast with the majority. The man who votes to reduce the cost of living in this country to the same low level of living costs in Europe can not object to living under the same conditions and working for the same wage that confronts the European wage earner. We can not have high wages for labor if the product of labor is cheap. We can not have steady employment for labor here if our people buy their supplies made in sweatshops abroad. When one buys an imported article, what assurance has he that it was not made by unfair labor? If it is right to boycott goods made in this country by nonunion men, is it not equally right, aye, is it not a duty to boycott goods made in the sweatshops of Europe by children, by unfair and underpaid labor, and even by convict labor? The American workmen ought to be protected to the extent that the goods which he produces should not be displaced by goods made by unfair, underpaid, nonunion workmen of Europe. This being true, what more effective method can be devised to protect American labor from this unfair competition than the Republican policy of protection? It made unionism possible. It made possible the wage scale enjoyed by our workmen, which is the highest scale of wages paid to workmen the world over. If the many advantages that trade-unions have gained are to be preserved to the laboring men of this country, this can only be done by maintaining the policy of protection to American labor and American industry. These two policies have given labor its dignity and independence, and the day is rapidly approaching when American labor throughout our broad land will cease to oppose these principles and will champion with vigor and enthusiasm these two great American policies—protection and trade-unions.

Mr. GILLETT. I yield to the gentleman from Washington [Mr. LA FOLLETTE].

[Mr. LA FOLLETTE addressed the committee. See Appendix.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Chairman, I desire to bring to the attention of the House this afternoon a dispatch from Bayonne, N. J., published in one of the great daily papers of our State. It demonstrates how another great mercantile institution feels regarding the retirement and the pensioning of faithful employees. Bear in mind that the company which plans these betterments is a subsidiary of the well-abused Standard Oil Co., and, standing alone, this change in their system means little; but I want to remind this House, Mr. Chairman, that this is but one of many powerful institutions in New Jersey which have adopted a retirement and pension policy for their superannuated employees. To recall offhand a few of these progressive, humane, and energetic concerns, let me mention the Pennsylvania Railroad, the Public Service Corporation of New Jersey, and the Great Atlantic & Pacific Tea Co., of Jersey City; and may I not direct your attention to the fact that these organizations are noted for honesty in the handling of their stockholders' funds? My point is, Mr. Chairman, that we are now demanding a higher standard of honesty and efficiency from big business. In so doing I believe we are acting wisely, and I know that the legislative program which is now being considered by this body will unquestionably redound to the great and lasting good of the Nation.

But it is strange that "soulless" corporations should blaze the way for this great Government in the proper pensioning of faithful employees.

PENSION AND INDEMNITY PLAN FOR OIL CO. EMPLOYEES.

BAYONNE, July 6.

A new system of indemnities and pensions for the employees of the Tide Water Oil Co., of Bayonne, has gone into effect.

When hurt in accidents employees will receive partial or full wages for varying periods, according to disability. The company will provide hospital, medical, and surgical expenses.

Employees with the company 25 years and 65 years old will be retired on pension on application. Those employed 20 years will be retired on approval of a committee of the directors. Those 70 years of age who have been employed 20 years or more will be retired automatically. The pensions will be based on 1 per cent of the average wage earned for 10 years preceding retirement multiplied by the number of years of service, but no pension will be less than $20 a month. Pensions of deceased employees will be paid to the widows or minor children for 1 year. When requested the company will pay funeral expenses.

I believe that the United States Government should set an example to the other nations of the world in an endeavor to settle all disputes by reason instead of by force.

I believe that the United States, in its capacity of employer, should set an equally good example to the corporations of the country in its treatment of the employed.

cate us from the difficulties into which the follies of the administration had plunged us, or at least keep up the appearance of mediation until the so-called constitutionalists, with the aid and encouragement of the administration, might extend their theater of devastation to the City of Mexico.

THE FRUITS OF MEDIATION.

The fruits of mediation to date are a protocol of three articles agreed to by the representatives of the United States and Mexico. The most significant of these is subdivision (b) of article 2, under which the United States waives the right or claim to indemnity or satisfaction of any sort or kind from the Government or people of Mexico.

What an abject surrender upon the part of the administration from its stiff-necked demand for a salute of 21 guns and an abject apology is this agreement to demand no satisfaction or indemnity whatever for incidents on account of which the administration rushed a mighty fleet over the seas, sacrificed American lives, and now maintains a hugh fighting force amid the dangers and the discomforts of the Tropics.

No satisfaction? No indemnity? What about the Americans who have lost their lives in Mexico? What about the millions of dollars' worth of American property that has been destroyed? What about the lives and property of the citizens of other countries for which, under the Monroe doctrine, we have assumed responsibility? What about the lives of our gallant men who fell at Vera Cruz? The millions which the taking and holding of that port has cost us? Are we to have no recompense, no satisfaction, not even an explanation or apology for all these losses? It would seem not, for whoever else may or may not be bound by the terms of the protocols, we certainly are. Thus has a policy begun in inane vaccilation, pursued in malevolent meddling, continued in truckling partisanship to the insurgent cause, and characterized all the while by insincerity, double dealing, and Pecksniffian hypocrisy, finally closed the present chapter with a truly characteristic surrender of American rights.

MAY SETTLE HER OWN DIFFICULTIES.

Recent dispatches from the City of Mexico inform us of the appointment by President Huerta of Francisco Carbajal, of the Mexican Supreme Court, as minister of foreign affairs, and state that should Huerta resign and Carbajal thus succeed him as provisional president the constitutionalists would acknowledge the administration of Carbajal and peace would be restored. If there be any truth in this statement, it will prove that the Mexicans themselves are more disposed to adhere to constitutional forms than our administration, which has laid such stress on them. If peace shall be thus established in Mexico, it will be in spite of rather than by reason of the machinations of our administration.

If, however, events should follow their probable course, and in the immediate or more remote future the rival constitutionalist chieftains, after carrying their campaigns of plunder to the City of Mexico, shall fly at each other's throats and begin anew the sanguinary and sickening programs of plunder and pillage, such an outcome will be but the logical result of the administration's policy.

NO CREDIT FOR THE UNITED STATES IN ANY EVENT.

Whatever may be the outcome, the miserable mess and muddle which constitutes the administration's record leaves no chance or hope for honor or credit for the part we have taken in the unhappy situation in Mexico.

Mr. TAGGART. Will the gentleman indulge me to ask him a question?

Mr. MONDELL. I am sorry, but I have not the time.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. If I can get a little extension of time, I will be glad to yield. Will the gentleman from Massachusetts give me five minutes more? I need about five minutes to close.

Mr. GILLETT. My time is all promised, but I will yield the gentleman five minutes.

Mr. MONDELL. I will answer the gentleman, if he will be brief.

Mr. TAGGART. What does the gentleman think ought to be done?

Mr. MONDELL. Now?

Mr. TAGGART. Yes; now.

Mr. MONDELL. I think the administration has made such a mess of it that I would want a little time to think it over before I can think of any plan that would bring satisfactory conditions out of the awful mess and muddle into which the administration has brought matters. Northern Mexico, where many of our people lived, where they have homes and valuable properties, is in desolation. Homes are wrecked and property destroyed. At the best it will take a decade to establish normal conditions and a generation to overcome the prejudice which has been engendered.

The open and notorious as well as the secret and covert aid and assistance given by our administration to the so-called constitutionalists will not only permanently prejudice us in the eyes of all who have upheld the Federal Government, but, as an example of what we may be expected to do in other contests that may arise in Mexico, will tend to make all classes of the Mexican people suspicious of us and fearful of our disposition to take sides in their local affairs. We may reasonably expect the permanent hostility of those whose cause in Mexico our administration has made every effort to overthrow, and we can not hope for the confidence or friendship of those who realize that the sum of our aid and comfort to them measures our perfidy and double-dealing with others.

No part of our past glorious history is brighter than that which has had to do with the management and conduct of our foreign relations. Courage, dignity, straightforwardness, not to mention such elementary virtues as honesty and truthfulness, have heretofore universally characterized our foreign dealings. We turn with relief from the contemplation of the humiliating spectacle which the present management of our foreign relations with Mexico, with Colombia, with England relative to the Panama Canal presents to the glorious days of Seward and Olney, Blaine and John Hay. Cheered by the recollection of American diplomacy of their days, we take comfort in the fact that the present policy of insincerity, of folly, of prejudice of American interests and surrender of American rights can last but two years longer at the most. [Applause.]

I yield back the balance of my time.

Mr. GILLETT. I yield to the gentleman from Iowa [Mr. Good].

THE TARIFF AND TRADE-UNIONS—A QUESTION OF WAGES.

Mr. GOOD. Mr. Chairman, the question of protection is simply a question of wages. Years ago James G. Blaine, standing on the floor of this House, declared, "The tariff question is essentially a question of wages." The great industrial development in this country in the years that have intervened since that statement was made abundantly attest its truth.

So, too, the question of trade-unions is essentially a question of wages. In brief, the demand of organized labor is for an eight-hour day, a standard wage scale, and that when more than eight hours is exacted for a day's work additional pay shall be given for the extra work. It claims that goods manufactured by nonunion workmen and in unfair shops, where a lower wage scale is maintained and longer hours of service are demanded for a day's wage, ought not come in competition with the goods produced by union labor. It demands of its members and sympathizers that they shall not purchase or use goods manufactured in such unfair shops.

It is plain to be seen therefore that trade-unions and the tariff alike are essentially questions of wages. It is a significant fact that to-day trade-unions are recognizing more thoroughly than they have ever recognized before how utterly inconsistent and futile it is to protect labor and leave the product of labor unprotected.

DOMESTIC AND FOREIGN WAGES COMPARED.

On the 25th day of March, 1914, the Daily Consular and Trade Reports, a Government publication, edited by the Hon. William C. Redfield, Secretary of Commerce, contained an article from the American consul at Liege, Belgium, giving the wages paid labor in firearms and ammunition factories. The laborers so employed, as described in that article, embrace not only common laborers, but also the highest skilled laborers in both wood and metal. This scale of wages was so low that it attracted my attention and caused me to send the report to Brig. Gen. Crozier, Chief of Ordnance, United States Army, requesting him to furnish me a comparison of the wages paid in Belgium with the wages paid by him in the Government arsenals, where he employs several thousand men in the manufacture of similar articles. Gen. Crozier's reply, together with the comparison made by him, is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, April 1, 1914.

Hon. JAMES W. GOOD,
House of Representatives, Washington, D. C.

DEAR SIR: Subject: Comparison of wages paid in Belgium with those paid in the United States in the manufacture of firearms and ammunition.

1. Answering your note of the 28th ultimo, inclosing a copy of the Daily Consular and Trade Report for March 25, 1914, inviting attention to the statement therein contained of the wages paid laborers in the firearms and ammunition factories of Belgium, and requesting a statement of the wages paid in the Government arsenals for similar employment, I inclose herewith two statements prepared in this office, one showing a comparison of the wages paid in Belgium—as stated in the

Consular and Trade Report—with those paid at the Springfield Armory, Springfield, Mass., in the manufacture of firearms, and the other giving similar data with reference to the manufacture of ammunition, the latter statement showing the wages paid at the Frankford Arsenal, Philadelphia, Pa., which is the Government's ammunition factory. The Springfield Armory is the Government's small-arms plant.

2. I am also returning herewith, as requested, the copy of the Consular and Trade Report received with your notes.

Respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

Here are the inclosures, giving a comparison of wages paid in Belgium and the United States in the manufacture of firearms and ammunition.

Comparison of wages paid in Belgium and United States in the manufacture of firearms.

Designation.	Belgium.	United States.[1]
	Per hour.	*Per hour.*
Drop forger	$0.08 to $0.13	$0.37½ to $0.50
Barrel rolling	.08 to .13	.34[2]
Forging	.08 to .13	(3)
Power milling (miller)	.07 to .13	.22 and .28[3]
Hand milling	.07 to .13	.25 and .28[3]
Profiling	.05 to .06	.31[2]
Drilling	.05 to .06	.31[2] to .37[2]
Tapping	.07 to .13	.31[2] to .37[2]
Shaving	.05 to .10	.31[2] to .34[2]
Polishing	.05 to .10	.32[2] to .37[2]
Filing	.09 to .13	.31[2] to .37[2]
Woodworker (machinery):		
Stock turning and drilling	.07 to .09	.31[2] to .40[2]
Stock sanding and polishing	.10 to .14	.31[2] to .40[2]
Assembling, etc	.09 to .14	.31[2] to .37[2]
Toolmakers	.10 to .16	.40[2] to .46[2]
Machinists	.10 to .16	.37[2] to .43[2]
Packers	.06 to .10	.28[2] to .28[2]
Common laborers	.06 to .10	.25
Draftsmen	[4]25.00 to 30.00	[4]83.33 to 100.00

[1] Rates taken from Springfield Armory. All male employees in United States. A large majority of these employees work on piecework, and make from 10 to 20 per cent more than day wages.

[2] Per month.

[3] Per month. Some of the arsenals employ a larger number of draftsmen than others, and the rate of pay extends to $183.33 per month.

Comparison of wages paid in Belgium and United States in the manufacture of ammunition.

Designation.	Belgium.	United States.[1]
	Per hour.	*Per hour.*
Machine operators (women)	$0.05 to $0.07	$0.14½ to $0.19
Automachine tenders	.12 to .16	.40[2]
Machinists	.12 to .16	.31½ to .50
Toolmakers	.12 to .16	.34½ to .47
Helpers	.05 to .09	.25
Carpenters	.07 to .10	.37½ to .40
Electricians	.07 to .10	.31½ to .53
Steam fitters	.07 to .10	.31½ to .34½
Draftsmen	[3]25.00 to 30.00	[3]75.00 to 166.67

[1] Rates taken from Frankford Arsenal.

[2] Per month.

[3] Proportion of males and females employed: 400 men to 100 women in United States. A large majority of these employees work on piecework and make from 10 to 20 per cent more than day wages.

Again, on June 18, 1914, the Daily Consular Reports, page 1160, gives another picture of wages paid to European workmen. I refer to the report of American Consul General Ethelbert Watts, at Brussels, from which I quote the following:

The average weekly pay in Belgium of mechanics, machinists, and toolmakers is 35 francs ($6.75), helpers 20 francs ($3.86), and usually time-and-a-half pay for overtime. The workday is 10 hours, 6 days a week. If a mechanic loses an hour or more on account of sickness, lateness, etc., it is the custom to deduct it from his pay.

Mr. Chairman, upon receipt of the information from Gen. Crozier I made a speech in this House, on April 21, 1914, in which I compared the wages paid to workmen in this country and in Belgium. That speech evoked some little discussion and even criticism on behalf of a labor organization in New England. The criticism was to the effect that in comparing wages I had failed to make a comparison of the cost of living in the two countries. I recognize the justice of this criticism, for, after all, it is not so much what a man receives for his day's toil as it is what he can purchase in the community where he labors with the wage he receives. Any comparison of the wages paid workmen in this country with like wages abroad which does not include a comparison of the cost of living and the condition of the laboring classes in the respective countries is incomplete and is subject to criticism.

ACTUAL AS WELL AS NOMINAL WAGES GREATER IN UNITED STATES.

Having on that occasion given only nominal wages, I desire now to make some comparisons as to actual wages paid to American and European workmen. I approach this subject with some misgivings, for I realize how difficult it is to compare the prevailing retail prices of the necessaries of life in one country with similar prices in other countries. In making such a comparison one is confronted at once with a multitude of objections, any one of which would destroy the value of such comparison. For illustration, there is no uniformity in the grading of articles which comprise the necessaries of life which has international recognition.

It has occurred to me, therefore, that the best method of determining the relative cost of living here and abroad is to compare in a broad way the everyday life of the laboring classes. The important thing to determine is whether the American laboring man, when his labor is protected by adequate tariff duties, gets more of the good things of life for his toil than the European workmen who work under a free-trade system. Even this comparison as applied to laboring classes, which comprise the great bulk of a country's population, is unjust to the United States, for it eliminates the element of saving of the American workmen, the dollar left over. While this element is an important factor with the American workmen, with the European, except in isolated cases, this does not exist.

Applying this standard of measuring the cost of living in this country as compared with European countries, we are appalled at the result. While American workmen receive, as was shown by the report of Gen. Crozier, from two to six times the wages received by European laborers, yet if our workmen here voluntarily live the life of self-denial which the European laborer is compelled to live their cost of living is no more than the cost of living abroad.

A few years ago Samuel Gompers, president of the American Federation of Labor, visited Europe for the purpose of making a study of the conditions of workmen there as compared with workmen of this country. His report was published in the American Federationist of January, 1910, and from that report I quote the following:

Mentally contemplating the many cities I visited, and having in mind the conversations I had with workingmen who had lived both in Europe and America, I believe I may assert that whether the cost of living in Europe or America is greater to the workingman depends entirely on the standard of living he adopts while in America. If he voluntarily lives the life of self-denial in this country that he compulsorily lived in his native land, his outlay of money will remain about the same. Even then he will hardly be able to escape gaining something for the superior supply of the good things of life in America.

Living is cheap to the wage worker in Europe only because he does without what in America soon becomes a necessity to him—food in good quantity and quality, presentable clothes among his aspiring fellow workmen and their families, and a comfortably furnished home in quarters responding to his awakened desires for equality with his American neighbors, and in general a large and freer life.

"How often do these people eat meat?" is a question the American in Europe finds himself asking when looking about among the wage workers. Meat is usually from 25 to 100 per cent higher in price than in the United States. * * * The cheapness and abundance of many varieties of fruits and of our melons and tomatoes is a surprise to him. Closely after the most pressing necessities comes a line of things cheaper than in Europe—cotton clothing, including overalls, jumpers, shoes—the American shoe has a sale all over the Continent—newspapers, the cost buying twice to four times the reading matter contained in a German, French, or Italian paper. Access to good water renders expenditure for alcoholic drinks less common.

It may be said that Samuel Gompers is an American, and on this subject a prejudiced witness. Let me call as witnesses, then, men whose reputation for scholarly attainments are known throughout the world. I shall call some noted Englishmen to portray the condition of the workmen of their country. Listen to their testimony:

SOME ENGLISH OPINIONS ON LABOR CONDITIONS ABROAD.

JOHN RUSKIN: Though England is deafened with spinning wheels, her people have not clothes; though she is black with the digging of fuel, they die in cold; and though she has sold her soul for gain, they die of hunger.

JOHN BRIGHT: Nearly one-third of the whole people dwell in homes of only one room, and more than two-thirds of the people of Scotland dwell in homes of not more than two rooms. We find poverty and misery. What does it mean? It means more than I can describe and more than I will attempt to describe; and as need begets need, so poverty and misery beget poverty and misery. In fact, in looking at the past, to me it is a melancholy thing to look at; there is much of it which excites in me not astonishment, but horror. The fact is there passes before my eyes a vision of millions of families—not individuals, but families, fathers, mothers, and children—passing ghastly, sorrow stricken, in never-ending procession from their cradles to their graves.

BENJAMIN DISRAELI: There is no gainsaying the existence, rich and potent as the British Empire is, of widespread privation among the working classes of Great Britain. This distress has now become a constant, an aggravated, quantity. Men, women, and children, by hundreds of thousands, miserably half clad, have to face the chill English winter, hibernating as best they can in dark, frowzy abodes, from which they emerge but to plead for bread.

JOSEPH CHAMBERLAIN: The class of agricultural laborers of this country (Great Britain) are never able to do more than make both ends meet, and have to look forward in times of illness or on the approach of old age to the workhouse as the one inevitable refuge against starvation. The ordinary conditions of life among the large proportion of the population are such that common decency is absolutely impossible; and all this goes on in sight of the mansions of the rich.

JOHN MORLEY: It is an awful fact—it is really not short of awful—that this country (Great Britain), with all its wealth, all its vast resources, all its power, 45 per cent—that is to say, nearly one-half—of the persons who reach the age of 60 are or have been paupers. I say

[Applause on the Democratic side.]

Mr. GOOD. What is his name?

Washington, D. C.

DEAR SIR: The papers of these days contain reports of speeches made in Congress relative to the condition of the country, and to farmers in

been shut down for two weeks, are reopened to-day and 7,000 employees

Mr. HUMPHREY of Washington. Mr. Chairman, before the gentleman begins, will he yield me enough time to read a telegram that I have here from Bloomington, Ind.?

Mr. MONDELL. I yield to the gentleman.

Mr. HUMPHREY of Washington. This telegram is as follows:

BLOOMINGTON, IND., *July 3, 1914.*

Hon. W. E. HUMPHREY M. C.,
Washington, D. C.:

Shower's factory here closed down four days last month for want of orders, started again last week and tried work, but had not enough orders and had to close down Friday for another week; going to start Monday and try again and hope to run part of the time with a reduced force. These are the facts. Oolitic stone industry operating not over one-third force.

WALTER BRADFUTE, *Editor Daily World.*

I think that that is later than the telegram read by the gentleman from Indiana.

Mr. CULLOP. Oh, I have one dated the 9th.

Mr. HUMPHREY of Washington. Mr. Bradfute, who signs that telegram, is also a stockholder in that company.

Mr. Chairman, I ask unanimous consent to also insert in the RECORD another telegram received from Mr. Will H. Hays, inasmuch as the gentleman from Indiana [Mr. CULLOP] also referred to him.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

The telegram referred to is as follows:

INDIANAPOLIS, IND., *July 3, 1914.*

WILLIAM E. HUMPHREY, M. C.,
Washington, D. C.:

Walter Bradfute, editor Bloomington (Ind.) Telephone, who gave us first information about Shower's shutdown, will wire you to-day exact facts about Shower's shutdown. Bradfute is also stockholder in company. This factory shut down a part of week before last; then tried to run again last week and had to shut down Friday because they had more cancellations than orders. They are now shut down, but are going to try again to start Monday, running a small portion of the time with a reduced force. They say their business is in the worst condition it ever has been. These are exact facts.

WILL H. HAYS.

THE MEXICAN SITUATION.

Mr. MONDELL. Mr. Chairman, among the items contained in the general deficiency bill are a number which are made necessary by reason of the policy which is being pursued by the administration in Mexico. The first of these is an item of $170,000 supplemental to the appropriation of $500,000 heretofore made for caring for a little more than 5,000 military refugees at Fort Wingate, N. Mex., and other points near the Mexican border. Three thousand three hundred and forty-eight of these people are Mexican federal soldiers and officers, 1,005 are women, and 512 are children.

Other items carried in the bill made necessary by the administration's policy with regard to the Mexican situation are $25,000 to reimburse the so-called emergency fund under the State Department. This is the fund from which special and confidential advisors and agents of the administration, such as Mr. Lind, are paid. There was available in the fund at the beginning of the fiscal year 1914 $86,000, so that the sum now appropriated, together with the amount available the 1st of June a year ago, amounts to $111,000, to which must be added $50,000 carried in the current Diplomatic and Consular bill. There are also items amounting to $325,000 for the Navy and Marine Corps made necessary by our occupation of Vera Cruz.

THE INTERNED REFUGEES.

We are caring for these interned Mexican soldiers and their families under articles 11, 12, and 13 of The Hague convention, which make it the duty of a neutral power which receives on its territory troops belonging to belligerent armies to intern them and to provide them with food and clothing and other relief required by humanity. Article 12 of The Hague convention provides that at the conclusion of peace the expense caused by the interned shall be made good.

I take it for granted that no one will question the propriety of making such appropriations as may be necessary to care for these refugees. However we may have failed otherwise in the performance of our duty as a Nation in our dealings with Mexico, we should not fail to reasonably care for these unfortunate people so long as we detain them on our soil. Nevertheless these people present one of the curious anomalies of the Mexican policy of the administration. The Hague convention places the duty we have assumed with regard to these people on neutral powers, but no one with any degree of knowledge of the policy of the administration toward affairs in Mexico will claim that the administration's attitude has been one of neutrality as between the contending forces in Mexico.

NOT NEUTRAL; NO INDEMNITY.

While Congress has preserved an attitude of neutrality and a condition of official peace with Mexico, the administration, when not engaged in acts of war such as the taking of Vera Cruz, has to a certain extent openly and notoriously and to a greater extent secretly and covertly conspired, plotted, and maneuvered for the overthrow of the federal government in Mexico and the triumph of the revolutionary forces.

This attitude, so far as it affects the interned refugees, renders our retention of those of them capable of bearing arms not an act of humanity but of further aid to the revolutionary forces. So far as the women and children are concerned, our retention of them is evidence of the fact that the administration can not trust the revolutionary authorities with which it has been cooperating and to which it has been giving aid and comfort to protect defenseless women and children of their own blood and nation.

It is not clear to me who or what government in Mexico it is expected will be bound by the terms of the protocol signed at Niagara Falls. If only the federal authorities acknowledging Huerta are to be bound by it, and that government is overthrown, the succeeding revolutionary government need not be expected to recognize our claim for the care of the refugees. If it be contended that whatever government is established in Mexico is bound by the terms of the protocol, then we can scarcely hope for a return of the expenditures made, because by the terms of the protocol we waive all "war indemnity or other satisfaction."

WHY DO WE HOLD VERA CRUZ?

A considerable portion of the sums carried in this measure are, as I have stated, rendered necessary by reason of our occupation of Vera Cruz, and a consideration of these items naturally leads to the query, Why are we occupying that Mexican port? It was taken, according to official announcement, to enforce our demands for a salute of 21 guns for the affair at Tampico. The A. B. C. mediators, who, we are reliably informed, undertook the work of mediation at the suggestion of our Secretary of State, have declared we are not entitled to a salute, and so the reason or excuse for our occupation of Vera Cruz has passed. The administration has no longer any excuse for holding Vera Cruz, except that the return of that city to the federal forces would strengthen the federal cause. As from the beginning down to the present time the administration has sacrificed American interests, American lives, American prestige, and American honor to its determination to aid the revolutionaries and overthrow the federal government, it is not to be expected that the path of honor and rectitude will be followed in this matter.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GARRETT of Tennessee. The gentleman just made the statement—and I am asking this for information, and I hope the gentleman will understand that that is my sole reason—that the mediators have determined that this Government was not entitled to the salute mentioned.

Mr. MONDELL. By paragraph B of the second article, I think it is, of the protocol, we waive all claim or demand for satisfaction of any sort or kind or any war indemnity.

Mr. GARRETT of Tennessee. Will the gentleman insert that in full?

Mr. MONDELL. I will refer to it more specially a little later on in my speech. In fact, I shall deal with that question at some length.

FOLLY, FUTILITY, AND BAD FAITH.

Events have fully demonstrated the folly and futility of the administration's handling of the Mexican situation. More than that; they have framed an even more serious indictment, for to the charge of folly must be added that of bad faith. Few, indeed, will be found who, in the light of events, will attempt to commend or indorse the fruits of the policy thus far pursued. There are some, however, who, overlooking the manifest and notorious failure of that policy in the production of satisfactory results, in the protection of life and property, in the restoration of peace, have been inclined to refrain from criticism on the theory that, at least, the policy has been pursued in good faith, futile and fruitless of results as it has been.

But even these half-hearted and wholly negative defenses and excuses are no longer tenable in view of what has transpired. The President took pains to remind Congress in his message delivered at the beginning of the present session that we are the friends and champions of constitutional government, and he would, I assume, have us understand that the attitude of our Government in its dealings with the Mexican situation

was actuated by a desire to aid in the establishment and maintenance of a government constitutional in basis and form.

At the suggestion of our Secretary of State, so we are reliably informed, the mediation conference came into being. The only government in Mexico not purely revolutionary, the only government having any claim of constitutionality, is that of which Huerta is the head. Through the insistence of our delegates the representatives of the Huerta government, for the sake of peace, agreed to the elimination of Huerta as the head of the federal government. The only way under the constitution of Mexico in which a constitutional succession could be established was by the appointment by Huerta of some satisfactory person as his secretary of foreign affairs, who by the resignation of Huerta as President would succeed temporarily and provisionally to that office.

ADMINISTRATION AGAINST CONSTITUTIONALISM.

This plan of constitutional succession was vigorously, emphatically, and persistently opposed by our administration, with the result that the mediators and the Mexican delegates reluctantly waived insistence upon this necessary constitutional procedure pending the selection of an individual to be agreed upon for provisional president. The names of a number of men of high character and standing in Mexico who had kept aloof from the present struggles were suggested, but the American delegates were instructed and it is reliably stated that the President himself insisted that no one should be agreed upon to temporarily assume the reins of power in Mexico except an avowed and notorious partisan of the revolutionary cause.

It seems altogether probable that those at the head of the revolutionary forces might have been influenced to accept a presidential succession under constitutional forms, but the all-powerful influence of our administration was brought to bear to defeat such an arrangement. It is as well established as such a matter, guarded by diplomacy, can be that the revolutionary forces and authorities would have agreed to the appointment of a neutral in the present conflict as provisional president under constitutional forms had not the all-powerful influence of our administration again stood against such a reasonable and constitutional arrangement.

The administration, while claiming to base its Mexican policy on a desire to encourage and promote government along constitutional lines, has been aiding and abetting the revolutionists on the theory that they were adherents of constitutional government. The utter disregard of the rules of civilized warfare of the chieftains of the revolutionary cause, their marauding and plundering, their contemptuous refusal to give satisfaction or even reasonable explanation of outrages brought to their attention by our consular agents has made it very apparent to all the world that they are constitutionalists in name only.

The recent summary arrest and imprisonment by the agents of Villa of the officers in the State of Chihuahua who had been appointed or chosen under the forms prescribed by the revolutionary movement itself and his appointment in their stead of his own partisans affords the clearest proof that these rival chieftains have no sort of regard for constitutional forms. Following all this comes the declaration from constitutionalist headquarters that the plan they are operating under, the so-called plan of Guadalupe, contemplates only a military despotism until they shall have extended their plan of rapine and plunder over all Mexico.

The developments of the situation have thus clearly revealed the mockery and hypocracy of the administration's pretenses of desire to aid the establishment and maintenance of constitutional government in Mexico. The administration's policy, so far as it can be dignified by such a designation, has clearly had but one end and aim—that, the overthrow of the federal government in Mexico. To the accomplishment of this one purpose the wanton destruction of American lives and property in northern Mexico by the forces of the revolution have been overlooked, and the very men responsible for these outrages have been aided and abetted, petted and patronized by the administration.

Mr. GARRETT of Tennessee. Is it agreeable to the gentleman to yield there for an interruption?

Mr. MONDELL. Yes, sir.

Mr. GARRETT of Tennessee. The language the gentleman has used is "the destruction of American lives by the constitutionalist forces."

Mr. MONDELL. Yes.

Mr. GARRETT of Tennessee. Can the gentleman name a single American life that has been taken by the constitutionalist forces under military order?

Mr. MONDELL. Well, the gentleman asked me if I can give the name of any American life that has been taken——

Mr. GARRETT of Tennessee. Or any person.

Mr. MONDELL (continuing). By the constitutionalist forces under military orders. The life of any American taken or the life of anyone taken in time of war by war order would be prima facie supposed to be taken under military law. I do not have any cases of the taking of the life of an American citizen by military tribunal, but the gentleman knows as well as I do that the lives of scores, if not of hundreds, of Americans have been lost in northern Mexico during the troubles there. Americans have lost their lives by the tens and by the scores, if not by the hundreds, as the gentleman knows, in the territory under the control and at the hands of people giving allegiance to the so-called constitutionalist cause. I recall only one case, that of a Texas stockman—Veragua, if I remember the name rightly—whose life was said to have been taken by the Federal forces or those favorable to the Federal cause. Northern Mexico, more than half the Republic, has been swept by the bandit forces owing allegiance to the so-called revolutionary cause, and they have been plundering, pillaging, and murdering, and committing all manner of horrible crimes.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield further?

Mr. MONDELL. Our administration has overlooked all that, and by the protocol have agreed that we shall not ask satisfaction or indemnity.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. If the gentleman will be brief—I can not unless I can get a little more time.

Mr. GILLETT. I have not any more to yield.

Mr. MONDELL. Well, I can not yield any further, because I have not the time to conclude what I have to say.

THE EMBARGO ON ARMS.

The embargo on the shipment of arms into Mexico, solemnly declared by the President under authority of Congress, has been repeatedly violated apparently without objection from and probably through the suggestion, aid, and connivance of officials whose duty it was to enforce it. I realize how serious a thing it is to charge an administration with conniving at the violation of its own orders, but if this has not been done all along the border then public opinion there has been grievously misled and misinformed.

The evasion of the purpose and intent of the embargo by the *Antilla* and other vessels and the connivance of those high in the counsels of the administration in such evasion is recent and notorious. In the case of the *Antilla* the aid and encouragement given by our officials went to the point of threatening the Mexican Federal Government with summary reprisal if attempt was made to prevent her landing her cargo of guns and ammunition at Tampico.

The letters of Capt. Sherbourn Hopkins were not needed to prove that officials of the administration were engaged in either overlooking or actually encouraging the violation of the embargo on the shipment of arms which the administration had in response to an insistent public demand established.

In the carrying out of the administration's policy of aiding the revolutionists and eliminating Huerta hundreds of Americans were left to their fate at Tampico, as our ships reluctantly weighed anchor and moved out to sea on the peremptory order of the Secretary of War. To eliminate Huerta the finest and one of the largest fleets ever assembled steamed under forced draft to Mexican waters. To prevent ammunition from reaching the Mexican Federal Government we violated our treaty with Mexico and sacrificed the lives of nearly a score of our brave boys and took the lives of several score of Mexicans in the taking of Vera Cruz.

Now that poor, distracted Mexico is having a brief respite from slaughter, from pillage, plunder, and murder while the revolutionary chieftains are endeavoring to adjust their differences so as to leave each in the best possible situation to overcome and destroy the other when a more opportune time shall arrive, the opportunity is presented of reviewing and summing up the devious pathway of the administration's dealings with Mexico and its results.

It is now clear that the loss of heroic men and good money at Vera Cruz was unjustified, unnecessary, and fruitless of results—that it was all sacrifice and no gain. Having plunged the country into acts of war at Vera Cruz on a flimsy pretext, after supinely submitting to every form of indignity offered to Americans by the constitutionalists of the north, the aid of the representatives of our South American neighbors was invoked by the administration in the hope, I assume, that they might extri-

The gentleman from Washington [Mr. HUMPHREY] is circulating these reports against good business men, assassinating the character of business in this country. William N. Showers, the head of the Showers industry at Bloomington, Ind., is one of the four brother who founded that industry 40 years ago. From small beginning they built it up until it is the greatest of its kind in the world. They pride themselves upon their business character, upon their business management, upon their good financial standing before the world, and yet the gentleman from Washington is the first man in all this country who has attempted to assassinate their good business standing. Before he circulates rumors of this kind injuring the financial and business standing of men throughout the country the gentleman ought to investigate the truth of the statements.

Mr. Showers is a high-minded, sagacious business man, with an untarnished reputation. For years this industry has established and maintained the custom of giving the employees a week's vacation during Fourth of July week and the Christmas holidays, and it matters not how pressing business is, this custom is always observed. It has proven most satisfactory, and the relations between the employers and their employees are most harmonious. In this industry disputes between the laborers and their employers are unknown; it avoids strikes, lawsuits, and animosities, and produces the very highest efficiency. It is due this splendid management that I should say this here and give it as wide publicity as possible.

The people of Bloomington are proud of this great and thriving industry, and honor Mr. Showers as one of the most successful and enterprising citizens of the great State of Indiana, and I am glad of the opportunity in this public way to pay him this deserved tribute.

Now, Mr. Chairman, both the gentleman from Washington and the Republican State chairman have circulated a base slander, without any reasonable excuse, about this reputable institution, calculated to do it injury in the business world and humiliate its management. Their object I am unable to comprehend, but it will react on them and the party they represent. They have attempted to assassinate the good reputation which these people have enjoyed for 40 years, but their attempts will prove futile and their efforts will be denounced by all high-minded, self-respecting people, irrespective of party affiliations. Such methods to bolster up a failing political cause are to be deprecated, and the men who resort to them will sooner or later be cast into oblivion, where they belong.

On Tuesday, July 8, I received the following telegram from the proprietor of the Bloomington Daily World:

The Fourth of July vacation given by the Showers factory is over, and on yesterday it resumed operation with a thousand men, running its fullest capacity; and the first day it received over 400 new orders. Business is booming here.

This is the situation of this prosperous plant, and all of the slanders circulated by the gentleman from Washington and the Republican State chairman can not change it. They may assault reputable institutions, circulate slanders, in their desperation to discredit prosperity and the success of Democratic policies, but their assaults will be in vain, and their inexcusable conduct meet the rebuke it deserves at the hands of an indignant and outraged public.

The Indianapolis papers repudiated the statement of the gentleman from Washington as soon as it was made on the floor of this House. I want to read now from the Indianapolis Star about the condition there. The Indianapolis Star is a Republican paper, with Bull Moose tendencies. [Laughter.] The Indianapolis Star says that some of the Republican calamity howlers of that city have acknowledged privately that their sales this year are far ahead of last year—that they are simply doing the calamity talk in the hope that it will fool the ignorant people and get the old stampat party back into power.

Such is their public confession. Oh, how desperate is their cause. But, Mr. Chairman, it will not do that. I desire to read now an extract from a letter written by a Republican farmer in my district:

Here is what he says:

I see some of the fellows in Congress are howling "calamity." They are whistling in their own graveyard to keep their courage up. If calamity is around here it is invisible in form and walks in gum shoes, as no one has seen or heard it. Last week I sold two ordinary steers for $90 apiece, $180. About the middle of June I sold my old corn for 83 cents a bushel, and I have the best wheat crop I ever raised, for which I am offered a reasonably good price, better than I ever did under Republican rule. All farm products command the best price I ever knew. Labor is employed, money is plenty, and people satisfied. Now, if this is the kind of calamity the Democrats furnish, I say continue to give it to us, keep it up. It may be hard on Republican office seekers, but it is good for us farmers and we are satisfied.

[Applause on the Democratic side.]

Mr. GOOD. What is his name?

Mr. CULLOP. Simeon Edwards, a well-known farmer, doing well, a man who never voted the Democratic ticket in his life, but who will do so this fall. [Applause on the Democratic side.] If this conduct of misrepresentation and slander about conditions is continued by the gentleman from Washington and the Republican State chairman of Indiana, what few Republicans are left in that State will become so thoroughly disgusted at their conduct that there will not be enough Republicans left in some of the counties to form election boards. That is the size of the situation out there. We are willing that the procession shall continue to move on. Now, some more prosperity items for the gentleman from Washington.

Take the city of Evansville, the second largest city in Indiana. The Republican and Democratic papers alike say that business was never better and that the people of that enterprising city are enjoying the blessings of a prosperous era and are contented with conditions and desire well enough let alone. I submit some extracts from the press of that city.

Probably the most convincing feature of the prosperous conditions in Evansville is the progress being made from a strictly financial standpoint. This second city of Indiana has 11 banks whose deposits are $25,000,000. I quote you the headlines from the Daily Courier of Evansville:

$189,210 GAIN IN BANK ASSESSMENTS—COUNTY BOARD OF REVIEW NAMES $2,143,580 AS ASSESSMENTS ON INSTITUTIONS.

The assessment of Vanderburg County banks was completed yesterday by the county board of review. The assessment is 75 per cent of the capital stock, surplus, and undivided profits. The increase of bank assessments this year over 1913 is $189,210.

Furthermore, it would seem that the passage of a Democratic currency bill has had a general stimulating effect upon the banking institutions as a whole, and I will cite you some of the most important developments in Evansville within the last few weeks which give decisive indication that the political calamity howlers had better put the soft pedal on when they get in the vicinity of Indiana's second city next fall:

Officials of the Citizens' National Bank announce 10-story office structure will be erected at once at Fourth and Main Streets.

North Side Bank two weeks ago moved into its new $30,000 building at Indiana and Main Streets.

New bank organized in the Fulton Avenue business district, marking the opening of the fifth important business district within the city limits of this prosperous city, namely, the Main Street district, the north side district, the Fulton Avenue district, the west side district, and the Howell district.

American Trust & Savings Bank two weeks ago began construction work on a two-story addition to its already magnificent bank building.

The Commercial Bank officials last week completed plans for the building of a five-story hotel on its Fifth Street property, lying adjacent to the bank.

The City National Bank recently occupied its $250,000 bank building at Third and Main Streets, said to be the finest building of its kind in the Middle West.

[From the Evansville Journal-News, Republican daily, July 3.]

FIFTY-FIVE THOUSAND DOLLARS PAID FOR MAIN STREET REALTY FOR DE JONG STORE—MAX DE JONG AND SIDNEY ICHENHAUSER PAY HIGH PRICE FOR SITE BETWEEN SIXTH AND SEVENTH ON MAIN STREET TO BE USED FOR LOCATION FOR NEW STORE—SHOWS BUSINESS DEPRESSION, PSYCHOLOGICALLY OR REAL, HAS NOT AFFECTED LOCAL REAL ESTATE.

That the present business depression, whether psychological or otherwise, has had no effect on Evansville real estate values was shown Friday when a deal was completed whereby Max De Jong and Sidney Ichenhauser purchased from John W. Boehne 60 feet of Main Street property between Sixth and Seventh Streets for $55,000 cash.

The property purchased is now occupied by the H. Herman Co. at 616 Main Street, the Stahlschmidt Piano Co. at 618 Main, and the Miller store at 620 Main Street. It is understood that Mr. De Jong intends to erect a large store building there as soon as the lease on his present place of business expires. The new store will be the finest retail store in Evansville.

The deal Friday shows the increase in the value of Main Street property and that business is rapidly moving toward Eighth Street. It is impossible at present to buy property between Third and Fourth on Main, and it is impossible to get prices on property between Fourth and Fifth or Fifth and Sixth Streets. It is therefore natural that the business district must expand, and once the De Jong store is erected between Sixth and Seventh it will be but a short time until that block will be filled with modern buildings.

The erection of the Boehne Building at Eighth and Main Streets was the first move in that direction and others are expected to follow soon. Another strip of ground between Sixth and Seventh is now under consideration, and the owner has been offered and has refused $1,000 a front foot for it. The owners of the ground occupied by the Peerless Laundry are ready to erect a building suitable to Main Street, for a good tenant. Philip Heitman, according to rumor, has been offered $50,000 for the 37 feet of Main Street property where the Novelty Theater is now located.

In the opinion of Evansville business men, especially those with a knowledge of real estate values, this city is growing so rapidly that no temporary business depression can have any effect on values.

Again, I want to call his attention to a letter from a farmer residing in the district of my colleague, Mr. DIXON. It is good reading, and I commend it to the patient consideration of the gentleman from Washington. It is as follows:

FRANKLIN, IND., R. R. 4, *July 6, 1914.*

Hon. W. A. CULLOP,
Washington, D. C.

DEAR SIR: The papers of these days contain reports of speeches made in Congress relative to the condition of the country, and to farmers in

particular. According to these "prophets of evil" we are about to go to the dogs right.

As a farmer I wish to state that if dire calamity stalks abroad over the land he must wear rubber heels on his shoes and assume an invisible guise. For be it known, he has not shown up in this neck of the woods, and inquiry made reveals his absence elsewhere among the farmers.

With the greatest wheat crop in the history of the country just harvested in spite of a very great shortage of help, and the price, when the enormous yield is considered, highly satisfactory; with the price of corn higher than wheat and rapidly approaching the dollar mark in spite of those enormous shipments from Argentina, and with top-notch prices prevailing for hogs, cattle, sheep, wool, and, in fact, for everything the farmer sells, we are tolerably well satisfied with "Prof." Wilson and his "boys," thank you.

Then, too, Providence is with us. For in spite of a drouth that prevailed more or less extensively, the outlook now is for a fine corn crop. And, of course, the administration should have due credit for abundance of crops as it is charged with shortages.

That law about us borrowing money on long-time loans at low rates of interest from the Government is all right, but the trouble is we don't need to borrow much money now. We've most all got enough spare change on hand to buy a new tire occasionally.

Speaking of tires reminds me that us farmers have got a kick coming, and that is on the price we are compelled to pay for our automobiles. For we feel that the duty of 30 to 45 per cent should be removed so we can buy them cheaper. From $900 to $2,000 is too much to pay for an automobile, and yet us farmers must pay these prices. It is not fair or right to us. So we want a big reduction in autos. Also cheaper gasoline. For the putting of gasoline on the free list has not made it cheap enough for us farmers to buy for our gasoline engines and automobiles.

If the laws passed by this administration are driving the ship on the rocks, so far as us farmers are concerned, we say let her drive. If we are asleep, please don't disturb our slumbers. Let us snore.

Yours, for cheaper autos and gasoline,

A. E. SMITH.

So much for Indiana; but this ought to be enough to convince any reasonable man that there is no panic in Indiana, and, what is more, there will be none during the admirable administration of Woodrow Wilson. The people of that State believe in him and his policies, and the combined efforts of the Republican State chairman and the gentleman from Washington, so far as the people of that State are concerned, fall with a dull thud on deaf ears. They know better, and they resent their campaign of deception and slander. Again, I say to the gentleman from Washington, beware of those Indiana Republicans. They will string you and then laugh about what an easy mark you are. By all means let them alone.

Now, Mr. Chairman, some more calamity in other States. I call attention to the following item from Detroit, Mich.:

FOR THE CALAMITY EDITOR OF THE TELEPHONE.

[Special.]

DETROIT, *June 28.*

The Ford Motor Co. will double its plant before fall, making it by far the largest manufacturing plant of any kind in the country. Seven new buildings and a power house will be erected, the total cost being about $5,000,000.

Each new building will be six stories high, 900 feet long, and 60 feet wide.

The power house will be 85 feet high, 150 feet wide, and 240 feet long, and will house the largest gasoline engine in the world. The gigantic motor will have 30,000 horsepower.

The company plans, with its increased facilities, to double its output for 1915. When the factory is running at top speed about 40,000 men will be employed.

The present plant covers 45 acres. When the additions are completed the entire plant will be over 85 acres.

Sounds pretty good for Democratic policies.

I give another from Birmingham, Ala., that sounds prosperous:

[From the Ledger, Birmingham, Ala., June 27, 1914.]

NEWS ITEMS THAT COMPEL OPTIMISM.

The Woodward Iron Co. has sold so much pig iron since June 1 that it blew in another stack this week to help manufacture and fill orders.

Two big things for Birmingham are simultaneously in progress—the building of the viaduct at Twenty-eighth Street and First Avenue and the construction of the $1,500,000 yards and terminals of the Southern Railway.

Birmingham's citizens are pulling for the big university with a unanimity that seems to spell success.

Plans are forming for the building of a railroad from St. Andrews Bay, Fla., to Montgomery, via Chipley and Graceville, Fla., and Hartford, Enterprise, and Troy.

The city has won the title to 14 acres of North Birmingham Park. The deed has been made out. This is one of Birmingham's most beautiful park tracts.

Double-tracking of the Southern Railway system is to be continued on an indefinite basis.

Clanton is building a municipal waterworks plant.

Perry County is extending its good-roads system.

The Frisco gave an order for 32,000 tons of rails to the Ensley mill.

Crop prospects continue to be most propitious.

Auburn voted a bond issue for the location of the Lee County High School.

And here is one from New York which sounds good, and I know my good friend from Washington will enjoy it:

CARPET MILLS EMPLOYING 7,000 HANDS REOPEN.

YONKERS, N. Y., *July 14.*

The big mills of the Alexander Smith & Sons Carpet Co., which have been shut down for two weeks, are reopened to-day and 7,000 employees are back to work. The resumption of operations in the mills was good news to the business men of the city, as the company releases a pay roll of about $75,000 in the city each week.

Another from New York which would impress any reasonable man that the panic wave had not reached that section of the country:

Vice President Munro, of Union Pacific, says business outlook has improved remarkably in past six weeks and that country is in better shape than it has been in four years. "With the crop prospects over the country almost superperfect, I can see nothing but prosperity and lively business ahead."

And still another that has a tone of prosperity about it:

Seaboard Air Line Railway has purchased 5,000 tons of 90-pound rail and 12,000 tons of 85-pound rail for its year's requirements. The company is also asking bids on 10 mountain type passenger locomotives, 15 mikado freight locomotives, 45 passenger cars, and 325 box cars.

We must not pass by the great city of Chicago. From the Chicago Tribune, a Bull Moose organ, we take the following, which sounds well:

CHICAGO CUSTOMS INCREASE $500,000—COLLECTOR AMES SHOWS LOCAL MERCHANTS BOOSTED YEAR'S IMPORTS—LOWER AT OTHER PORTS—CUT IN TARIFF RATES RESPONSIBLE FOR REDUCTION IN GENERAL REVENUES.

That business in the Middle West is prospering more than in other sections of the country, and that Chicago merchants are importing more foreign goods than ever before are two facts shown by the report of John C. Ames, collector of customs at Chicago, for the fiscal year ending yesterday. Figures made public by the collector show the revenues of the local office for the year increased almost $500,000.

Other ports have reported that their receipts dropped during the year, and the Secretary of the Treasury recently admitted the customs revenues would fall below his expectations.

OTHER PARTS LOWER.

The showing of the Chicago office is said to be the more remarkable because of the new tariff, which went into effect last fall, and which placed many articles on the free list and lowered the duty on others. The values of the imports are not obtainable, but the increase of 5 per cent in the revenues is believed to indicate an increase of at least 10 per cent in the amount of the imports.

REVENUES OF OFFICE.

Revenues of the Chicago office for the past five years, ending June 30, have been as follows:

1914	$11,302,577
1913	10,853,703
1912	10,059,102
1911	10,882,000
1910	10,506,000

INCREASE OF $57,000 IN JUNE.

Collections for the month of June, 1914, as compared with June, 1913, show an increase of $57,000.

The importation of beef, pork, and hams and bacon from Canada has become an important factor in supplying the Chicago market since these meats were placed on the free list on October 4 of last year. Much Argentine beef is received at New York, but no entries were reported here.

Oh, now, things are not so bad in his own State as the gentleman from Washington would have the country believe. People do not erect buildings in panicky times. They make the old ones answer; but in prosperous times this character of improvement thrives, and so it is thriving in Seattle, the home of the gentleman from Washington, as the report of the superintendent of buildings shows. Here it is:

Seattle, Wash., issued building permits—	
1913, Jan. 1 to June 1	4,086
1914, Jan. 1 to June 1	4,078
Valuation of buildings to be constructed under permits:	
For 1913	$4,322,160
For 1914	4,720,690
Increase	398,530

F. JOHNSHAUS,
Superintendent of Buildings.

Mr. Chairman, out in the Middle West these standpat calamity howlers six months ago were busy telling farmers that on account of the admission of Argentine corn free of duty it would depreciate the value of farm lands and devastation would surely follow. Within the last two weeks, in southeastern Illinois, in the district my good friend Dr. FOSTER represents—just across the Wabash River, separating Indiana and Illinois—one of his constituents sold his farm for $287.50 an acre. Never were such prices known in that locality for land under any Republican administration. It would be impossible to convince, in that case, either buyer or seller that we are now in the midst of a disastrous panic. Conditions furnish the best evidence, and the people realize that there is demand for their products. Good prices prevail and labor is employed. This is what convinces and outweighs all attempts made by the political trickster and the party demagogue to save his fast dismembering party from annihilation. Democratic policies and Democratic times inspire confidence and assure prosperity, and the combined efforts of standpatters will not prevent or even retard it. [Applause on Democratic side.]

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming [Mr. MONDELL].

safe to predict for the future and is decidedly anxious that Congress adjourn.

E. F. Crooks, manager of Belding Bros., manufacturers of silk thread and silk linings says there has been a slight decline in business for several months. The shop is running full time, but not with a full force, about 15 per cent of the employees not being at work. He feels that times are going to be worse before they are better.

CUTLERY IS QUIET.

The three enteries at Bay State—the Northampton, Rogers, and the Clement Manufacturing Co.—report the same thing. In none of them is there any rush. Things are going along slowly, there being no attempt to speed up and no demand for the greatest efficiency. Business is quiet, more so than usual at this time of year, and lines are shut down for two weeks. The summer the Northampton Cutlery are shut down for two weeks. The summer is always a quiet time and in the early fall business begins to pick up for the holiday trade. The outlook is not promising.

The Florence Manufacturing Co. reports normal business for the time of year. In January the company found itself with an immense stock of hair and tooth brushes on hand, and for weeks the shop ran eight hours a day with a half holiday Saturday. The stock was worked off, and now orders are coming in with their usual activity. The plant is running full time, and is dull in certain departments only. William Corden, general manager, says the reduction of employees at the present time is not more than 5 per cent. He feels that the outlook in his line of goods is encouraging.

The Williams Manufacturing Co., which makes baskets, reports good business in certain lines and poor business in mill baskets and that trade. On the whole conditions are satisfactory for the time of the year, taking into account the general trend of business. The Florence Co., which manufactures cabinets and gas stoves, reports business good. They have not been affected by the hard times and feel things normal. The company is running full time and with the ordinary force. The Norwood Engineering Co., of Florence, manufacturers of filters, hydrants, and machinery, reports a normal business. Things have been dull, but are picking up, and the outlook is encouraging.

DULLNESS IN EASTHAMPTON.

In Easthampton conditions are not as favorable as in Northampton. The principal manufactures are cotton goods and elastic webs, and in both of these there is a marked depression. The West Boylston Co., manufacturers of cotton goods, says: "We have been hit, with all textile manufacturers. There is no denying the fact that business is poor. We are in the same boat with New Bedford and other cotton manufacturing centers. Business is carried on from hand to mouth, there being neither large orders nor large purchases. We do not see a bright outlook ahead, and fear that things will be worse before they are better. We are running full time, but with only about 75 per cent of a full force."

The Hampton Co., mercerizers, bleachers, and dyers, tells practically the same story. The company admits that business is not good and that prospects are not bright. Large orders are not coming in and the company is not buying in large quantities. There is no rush about placing orders and drummers are not insisting that orders must be placed at once or they can not be filled. The company is running a full day force but practically no night force, this representing about a fourth of the usual day force. In certain lines there is activity, and if one were so disposed could use these as a barometer and declare that business was rushing. Activity is only in spots, and generally speaking there is more than a psychological depression.

In rubber elastics there has been a marked depression for many months. This is not due to the present administration but to styles in dress. Young men are wearing belts and not suspenders, and this means hard times for the manufacturers of elastic webs. Business is a little better than it has been, but is far from good. For nearly two years the mills have not been running full capacity, many of the looms being idle.

HUNTINGTON HUSTLING.

HUNTINGTON, *July 6.*

Business in Huntington is good. Mills are all running full time. The Huntington Manufacturing Co. woolen mill has been running nights. Some new buildings are being built, and it has been difficult to secure sufficient help. The town has been reconstructing the Pond Brook Road, so called, and it was necessary to get outside help, as the labor supply in the home market was inadequate, and in consequence about 25 out-of-town men had to be hired. Lumbermen and farmers find it extremely difficult to hire men for their business in the local market, and are obliged to get men elsewhere.

Huntington has no cause to complain, except that the labor supply is short. There is no reason to expect any different conditions in this section.

GREENFIELD TOOL TRADE DULL—DEPRESSION IS FELT BY FACTORIES.

GREENFIELD, *July 6.*

It is not uncommon to have business quiet with Greenfield industries at this season of the year, and most of the factories are now shut down for the summer vacation. It is the annual inventory time, and July is the vacation month for employees.

The Goodell-Pratt Co., manufacturers of mechanics' tools, employing 275 hands, has been running 10 hours a day up to the vacation time, and after the first two weeks in this month will resume operations, with only a few men out in the foundry. W. M. Pratt, at the head of the company, is abroad studying the foreign business situation. It is reported at the factory that just now there is a dullness in the tool trade, considered to be only temporary depression.

F. E. Wells & Son, manufacturers of tools and machinery, employing 100 men, have reduced the number nearly one-half since a year ago, with 45 hours to the week in all departments but one. This is on a basis of 20 per cent less time. The factory closed Thursday for 10 days, a longer period than usual, due to the general business depression, which perhaps has been brought about to some extent through delay in settling up the railroad matters and the new tariff. However, it is thought that good crops may enliven business conditions this fall. No magnitude of business is expected for a long time. Salesmen report generally poor business, with conditions worse than in 1893 and 1894.

BUSINESS IS QUIET.

The Goodell Manufacturing Co., makers of mechanics' tools, feels keenly the present business depression and looks forward to no special change for a year. Business is reported to have dropped 20 per cent off from last year, and a similar reduction in the employment of labor has been the natural consequence.

The Russell Manufacturing Co., screw-cutting tools, employing 25 men, opened its new factory in November. Naturally business has been brisk in work to prepare for the trade. Employees are working 10 hours a day, and the shutdown was only for the Fourth of July vacation.

The Greenfield Machine Co., employing 15 men, was shut down July 3 for one week. They attribute the very little domestic business to the general hard times and have been working on export business. The company officers believe reduction in the tariff has had something to do with the present conditions.

The Bicknell-Thomas Co., manufacturers of specialties and friction clutches, report that business depression is at a low ebb. The company looks forward to an increase, with a hope that honest business will soon get a chance to go forward.

Emil Weisshrot & Sons, manufacturers of pocketbooks, employ 125 hands, against 175 last year. The concern feels there is a general business depression, but no definite reason is given.

COMPARISON OF CONDITIONS.

The American Tap & Die Co.'s factory is shut down for one week and has a full stock on hand. Hard times are felt, because orders are coming in slow as compared to last year.

The Greenfield Tap & Die Corporation, through Treasurer F. H. Payne, says the following of business:

"I inclose copy of some figures that we mailed the Wall Street Journal, at their request, on June 15, making comparison of business for the first five months of 1912, 1913, and 1914. In making up this list we have considered 1913 as representing a maximum, or 100 per cent. Percentages for the years 1912 and 1914, on either side of the column containing 1913 results, represent proportional amounts of the various items of the other two years.

"I may further state that we do not believe business in this country will increase until Congress adjourns and until the railroads have been allowed an increase in their freight rates."

Mr. Payne's comparison is as follows, percentage based on assumption of 1913 figures being 100 per cent:

	1912	1913	1914
	Per cent.	*Per cent*	*Per cent.*
Wages, Jan. 1 to June 1	84.24	100	74.45
Average number of employees	84.68	100	85.22
Number of days employed	100	100	86.66
Average number of hours per week per man	100	100	84.44
Sales	96.34	100	80.58
Orders received	.....	100	88.63
Orders unfilled June 1	.....	100	54.89

MANY MEN OUT OF WORK, BUT NO HARD TIMES IN WESTFIELD.

WESTFIELD, *July 6.*

Judging from the number of men in town who are out of work, there seems to be general industrial depression; but a canvass of the factories fails to reveal such a condition. While some of the plants are not running full time, owing to the summer schedules of hours, none of them is greatly inconvenienced.

The Pope Co.'s plant is not very busy, many hands having been laid off, and the company's affairs are such that in some of the departments a four-day schedule has become effective.

Just when the entire plant will be running on full time is a question, but it is hoped that with the harvest season there will be more times at the plant. During the winter months more than 900 men were employed at times in the plant, but this number has gradually dropped down until one of the recent pay rolls showed 600 men at work. Since that time some of the men have been laid off, but the company claims that there is not the serious depression which has been rumored. Receipts for June did not reach the figure of a year ago, but this is explained by the fact that it takes a moneyed market to dispose of the goods. With bumper crops in the fall it is hoped that there will be more money, and consequently the demand for motor cycles and bicycles will increase.

In the H. B. Smith foundries there is not a noticeable curtailment of work. The men are not working on full time, owing to the agreement which was reached with the officials during the summer months. There are more than 900 men employed at the present time, and this number is less than 100 short of that which is employed in the rush seasons. These are the two large plants of the town, although the whip industry employs the largest number of men in Westfield. In another large plant there was a third more business done during the month of June than a year ago.

There are plenty of laborers unemployed at the present time and this is attributed to the fact that there is little building, and unskilled men are out of work. Westfield seems to be faring better than some of the other industrial communities, but the depression is being felt here. Some of the manufacturers are most firm in their statements that it is not a "psychological" depression.

MANY MEN OUT OF WORK IN ATHOL—SHOE TRADE GOOD.

ATHOL, *July 6.*

The business depression is strongly felt in this town, especially in the metal trade. Peculiar, however, while the metal works are having hard sledding, the shoe manufacturing business is good, and a fairly large number of orders continue to come in. The largest industry in Athol is the L. S. Starrett Co., manufacturers of fine mechanical tools. This company which employes nearly 800 skilled mechanics, has reduced its working hours twice during the last three months. The last reduction was made last week, the factory now being run on a four-days-a-week basis.

Frank E. Wing, secretary of the Starrett Co., has come into considerable prominence of late on account of a letter written by him on business conditions and sent to President Wilson. The Union recently printed the letter in full. The statement of President Wilson that the depression is merely psychological has gained national prominence, but the Athol concern, through Mr. Wing, probably was the first definitely to take up the statement for analysis, directly with the manufactures through the Employers' Association. Copies of the letter have been circulated by Donald Tulloch, secretary of the association, of Worcester. The impression which the letter has created among Worcester County Association members who received it can be imagined when one firm ordered 1,000 copies sent it for distribution. Mr. Wing has also written to several of the Congressmen an entirely different letter along the

same lines. Mr. Wing says: "We have endeavored in every way possible to uphold the hands of the President, and to refrain from doing and saying anything which might be construed in the slightest degree criticising his actions and his policies. For the last year we have constantly led about business, said it was good and that everything looked all right for a continuance, and even an increase in good business, and that we must give the President and Congress a fair show, and everything would come out all right. But business is not good. It has not been good for a year, and it is steadily growing worse."

PHILIPPINES TRADE LOST.

Mr. Wing places a large part of the blame for the business conditions of this country on the tariff, but finds an altogether different reason for the depression in our most notable insular possessions. Metal trade with the Philippines has fallen off with great rapidity. Of the situation there Mr. Wing says: "The present administration has killed business in the Philippines. When it came into power there was a flourishing business there, and we ourselves were having a good business in our tools in Manila, but the present policy of turning out Americans and putting Filipinos in their places in responsible positions has absolutely strangled business throughout the country. A prominent business man from Manila, who was in our office within a month, stated to us that more harm had been done to business conditions in the preceding eight months than could possibly be remedied in three years, if conditions could at once be brought back to their former status."

The Union Twist Drill Co., a metal concern, and one of the three largest in town, employing 600 skilled mechanics, is also affected by the hard times. This company has cut 10 hours a week from its working schedule. It manufactures gears and cutters, selling mostly to the manufacturer. Although this concern is affected by the depression, it is evident at this officials look at it as only temporary, for it awarded this week a contract to the E. J. Cross Co., of Worcester, for a three-story factory building of brick construction and a brick addition one story high at an estimated cost of $60,000.

SHOE BUSINESS IS GOOD.

The Bates Bros., manufacturers of pocketbooks, one of the oldest industries in Athol, is another affected by the depression in business. The firm reduced its running time nearly two months ago. It employs about 150 hands, mostly women. It is the first time this company has reduced its working schedule for 16 years.

Business is remarkably good with the Lee Bros. Shoe Co. This concern is working full time and hiring new hands continuously. It employs 600 workmen. Business in this factory is fully as good as it was a year ago at this time.

Business in the various other factories in Athol, all employing less than 100 hands, is fairly good, considering them as a whole. None of these have laid off men or made a cut in business hours.

Store business is poor. The reduction in hours by the two big metal companies makes a big difference in the amount of money spent with the local merchants. Again, with the employees not knowing whether their jobs are safe and the possibility of another reduction in working hours coming, it makes them think twice before spending for more than the bare necessities of life. Although the merchants are advertising early sales and pushing goods at ridiculously low prices in an effort to get them off their hands, the goods are moving slow. Some manufacturers and merchants look for better times by the 1st of October, but others are pessimistic.

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Wyoming.

Mr. SHERLEY. Mr. Chairman, I want to yield 10 minutes to the gentleman from Indiana.

Mr. GILLETT. But that side has had an hour and five minutes and we have only had 15 minutes.

Mr. SHERLEY. I supposed we were alternating in speakers.

Mr. GILLETT. I do not think it is equitable to use 1 hour and 5 minutes on that side and on this side 15 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT of Tennessee. Reserving the right to object, the gentleman from Washington read from the Washington Post of this morning the following language:

WILMINGTON, DEL., *July 13.*

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

He stopped there. The article continues:

The officials, when asked, declined to blame the Democratic administration for the condition.

Mr. HUMPHREY of Washington. I stated that I was going to put the rest of the article in.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HEFLIN. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman is too late; the Chair had announced that there was no objection.

Mr. SHERLEY. Mr. Chairman, I should be glad to have the privilege of yielding 10 minutes to the gentleman from Indiana.

Mr. GILLETT. I wish to yield 30 minutes to the gentleman from Wyoming, and it is for the Chair to decide who is entitled to the time.

The CHAIRMAN. The gentleman from Massachusetts has just occupied time, and the Chair will recognize the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, if the description of calamity given by the gentleman from Washington is as far wrong in other places as his statements of it in my district, he is woefully mistaken. On the 2d of July the gentleman from Washington stood on the floor of this House and announced that the Showers Manufacturing Co., of Bloomington, Ind., the largest factory in my district, had closed for want of business. He reiterates that statement again to-day. Nothing could have been farther from the fact. When he made that statement July 2, I telegraphed to Bloomington about the matter and received the following reply:

BLOOMINGTON, IND., *July 2, 1914.*

Hon. W. A. CULLOP, M. C.,
Washington, D. C.:

Showers factory has enjoyed the most prosperous year in its 40 years' business. It always closes the week of July 4 for vacations. It will resume work next Monday with a full force of 1,000 men, with orders enough to run till Christmas. Stone operators forced to work their men 12 hours a day to get out orders. Every factory in Bloomington is running full force, and the Wilson administration is being commended by all except the Republican calamity howlers.

OSCAR CRAVENS.

Now, if that is the kind of calamity that the gentleman from Washington means in my district, I wish he would give us more of it. Not only the Showers factory, which is said to be the largest factory of its kind in the world, is prosperous, but Bloomington is a city in the heart of the oolitic limestone district in Indiana, and the mills are not able to fill their orders in that territory, and to-day they are building three new stone mills, at an aggregate cost of $180,000, to meet the increased demand for their product.

In addition to that, in the city of Bloomington they are building private dwellings and business houses costing over $300,000, every factory is running to its fullest capacity, and business was never better in that city than it is to-day. On Monday following the Fourth of July vacation the Showers factory started up, employing a thousand men, 200 more than the gentleman from Washington said were turned out of employment, and on that day it received 400 additional new orders. Rather prosperous, it seems to me.

Now, I want to say to the gentleman from Washington that I tried to give him some good advice some time ago about the Republicans of Indiana, concerning the information he gets from them. The Republican State chairman of Indiana was here three days before the gentleman from Washington made his speech. He lives in my congressional district. I live in the same congressional district in which the Showers factory is located. He knew, or could have known, when he left Indiana on the Sunday before his arrival here that the story was not true, but he brought it over for the purpose of stringing the gentleman from Washington. I told him to beware of Indiana Republicans. [Laughter.] But it seems he did not heed the advice and fell into the trap they set for him. Now, again I want to impress on him, so he will not be strung again, to beware of what they tell him, but always investigate it thoroughly before he rushes on the floor of the House and inserts it in a calamity speech. No doubt every Republican in Indiana laughed when they heard of it about how easy the gentleman from Washington was.

They are a smooth bunch I say to him, and they saw the desperation of the gentleman and the spectacle he was making of himself, and they wanted to make him as ridiculous as possible, as they knew every time he spoke he was hurting their party, and they brought that story over here and had the gentleman circulate it through the CONGRESSIONAL RECORD, in order that everybody would realize how utterly ridiculous the statement was and at a time when the factory was enjoying as great prosperity as it had ever enjoyed in its history.

Now, Mr. Chairman, I am unable to comprehend the motive of the gentleman from Washington in making such statements without any foundation or reliable information concerning the same. Does he not realize such statements are calculated to do good people and their business serious injury and might do them great financial harm? Does he, in his desperation to bolster up standpatism and in trying to keep alive its rapidly dying embers, believe it necessary to attack sound business institutions and circulate in the most public manner false rumors about their true conditions? If he does, let me say to him he will fail in his indefensible attempt. The people have been fooled as long as they are going to be about protection and standpatism. They know it is a subterfuge and a sham.

WHAT SPRINGFIELD MEN SAY ABOUT BUSINESS SITUATION.

The depression in business is reflected in the greatly decreased volume of freight passing through the city over the lines of the New York, New Haven & Hartford, Boston & Albany, and the Boston & Maine Railroads, according to George E. Boss, agent of the New Haven and Boston & Maine roads.

"The attitude of the shippers shows that business is very dull," he said. For instance, the shipment of full carload lots of freight is far below normal, and, in fact, has fallen almost to nothing. On the other hand, the number of less-than-carload shipments is about normal. This shows that business men are living hand to mouth, as it were, and is about as good a sign of the times as I know."

In the trades the dullness is even more marked than in any other line. Francis F. Squire, president of the Springfield branch of the National Metal Trades Association, says that conditions have not been as bad for years; they are at present.

"There are more skilled mechanics idle to-day than ever before in the history of Springfield," he declared. "Manufacturing plants in the Connecticut Valley, and in the whole eastern part of the country, for that matter, are running with greatly reduced forces of men. For the most part the plants are running full time, but have reduced their forces greatly. This is marked especially in those plants employing large numbers of skilled mechanics.

MANY OUT OF WORK.

Speaking of general conditions in Springfield and vicinity, Chester W. Allen, superintendent of the State Free Employment Bureau, said that there is no question about business being dull.

"We are having practically no call for machinists," he said. "Many of the factories are laying off men, and we have many of the men call every day. Some of them get employment on farms in the vicinity of Springfield, and many seem glad to get anything while things are dull. The building trades, also, are dull, and many are out of work at present. While once in a while there is a call for men, there always are many times more idle men than there are jobs for them. In Springfield, building seems to be almost at a standstill. There is a good demand for farm labor and for general laborers. The farmers are taking many of them, but even then there are nowhere near enough jobs to go around."

Following are the statements of some representative Springfield business men on present-day conditions:

Harold A. Wesson, assistant treasurer of Smith & Wesson:

"Our business is very quiet at the present time, much more so than usual at this time of the year. Evidently people are not spending money for firearms, if they have any money to spend."

Herman Schelhammer, assistant factory manager of the Bosch Magneto Co.:

"At the present time our business is good, because we are in the midst of the summer auto season. In general, business is the same as last year, but not as good as it was two and three years ago."

DULLNESS AT HENDEE FACTORY.

R. W. Ellingham, works manager of the Hendee Manufacturing Co.:

"We are in the midst of the slack season, but our business for the past six months has not been as good as the corresponding six months of last year."

Walter H. Whiteside, president of the Stevens-Duryea Automobile Co.:

"Our business from January 1, 1914, to July 1, 1914, was 28 per cent greater than in the corresponding period last year. We have made more cars, and our general business is much better. The increase in demand for cars, however, comes largely from the West and Middle West."

C. B. Potter president and treasurer of the Potter Knitting Co.:

"Immediate business is good, but the outlook for the future is not bright. The last year has been an uncomfortable and unsatisfactory one in our line. Customers who should be buying now for next fall are putting it off, and business seems to be going along on a 'hand-to-mouth' method."

W. R. Reid, treasurer of the National Needle Co.:

"Our business is holding up well, although it is not quite as good as it was last year. The outlook for the future does not look promising."

Harold Ley, president of the Fred T. Ley & Co. (Inc.):

"Our business is better than ever. The outlook is splendid, and everything looks rosy, as far as we are concerned."

Kurt R. Sternberg, treasurer and general manager of the Dickinson Manufacturing Co.:

"Although we have more customers than in previous years, they are not buying as much as usual. Our business has been 40 per cent less than last year and 25 per cent less than two years ago. We have found it necessary to lay off 22 per cent of our help. However, the business outlook is good at the present time."

An officer of the National Equipment Co. said:

"Our business is not as good by a great deal as it was last year. Our plant is running on short time, and the immediate future holds no promise for better conditions."

MR. GILBERT PESSIMISTIC.

Adolph W. Gilbert, president and general manager of the Chapman Valve Manufacturing Co.: "Our sales and orders for the last year are about the same as the preceding year, but this comes by our going out for special work and quoting lower prices. The sales and orders of our regular business, as reported by our branch houses, show a decrease of 25 per cent from the preceding year. The outlook for the future is bad, and I fear the coming six months more than I did the six which have just passed. I do not believe that the outlook in our business will become any brighter until some time after the fall elections."

Joshua L. Brooks, president and treasurer of the Brooks Bank Note Co. and president of the Springfield Board of Trade: "Our business for the last six months shows a 5 per cent increase over the corresponding months of last year. The majority of business has come in small orders, and indicates a 'hand-to-mouth' policy of buying. The future looks good, and I believe that we have passed over the worst part of the bad business conditions."

Charles J. Spill, superintendent of the United Button Co.: "We have done but 40 per cent of the business this year that we did last year, and the business outlook from our standpoint is bad. The majority of our orders have been small, and our business has practically diversified into a retail proposition."

Charles S. Potter, manager of the Hampden Lumber Co.: "Our business this year is quite a little off from that of last year, but general conditions seem to be improving and the outlook is favorable."

Walter P. Dodge, treasurer and general manager of Barney & Berry (Inc.): "Our business depends to a great extent upon the weather, and it is almost impossible to make a careful and accurate forecast of business conditions."

Theodore W. Leete, treasurer and general manager of the Taber-Prang Art Co.: "There is a general uncertainty and depression in the business world, and our concern has felt it. People hesitate in placing any large orders, and everyone seems to be waiting for the business atmosphere to clear so that they may know where they are at. The outlook for the immediate future is not good."

WEST SPRINGFIELD PAPER MILLS RUN ON SHORT SCHEDULE.

West Springfield manufacturers and business men are not rushed with work. Inquiry among them reveals that times are very quiet.

"Our business is quiet, and on account of slack orders we have been obliged to cut down to from four to five days a week," was the statement of William H. Shuart, president of the Springfield Glazed Paper Co. Mr. Shuart said that he foresees no immediate relief from the present condition of affairs

"On account of a falling off in business it has been necessary for us to reduce the help 25 per cent since March 1," said F. O. Scott, superintendent of the Southworth Paper Co., Mittineague.

P. J. Shea, chief clerk of the Boston & Albany shops, said that the business at the shops is as good as last year and it has not been necessary to reduce the help.

C. P. Fairbanks, factory manager of the Gilbert & Barker Manufacturing Co., said that business is good and the factory has been running more hours than usual. As to the outlook for the future, Mr. Fairbanks has nothing to say.

E. L. Clark, general manager of the Ramapogue Ice Co., said that business was good and he had optimistic views of the future.

L. H. Mowes, of the Strathmore Paper Co., said that the company is satisfied with the present condition, but looks for an improvement in the future. The company is running full time and the help has not been reduced.

Charles B. Clark, jr., manager of the Clark Independent Oil Co., said that business is good and prospects for the future are bright.

Thomas L. Hagen, president of the Four Bros. Independent Oil Co., said that the business has fallen off considerably in comparison with last year and collections are slow. Mr. Hagen sees no immediate relief from the present state of affairs, and says that the policies of the Wilson administration have had a demoralizing effect on general business. He said that there is uncertainty in the business world and a large part of the failing off is due to tariff revision.

DULLNESS IN CHICOPEE MILLS—PROSPECTS FOR FUTURE ARE UNCERTAIN.

Reports from the different factories in Chicopee show a general depression, which has been felt since the last part of May and the early part of June. In many cases a large number of hands have been laid off, while in others the condition has been met by a reduction in the working hours. The months of June and July are the dull season of the year, which, added to the scarcity of orders, has resulted in the reduction of working forces.

Many rumors have been current to the effect that some of the Chicopee factories are on the verge of a shutdown, but the reports of the officials are encouraging.

Having filled their last summer order, the Stevens-Duryea Automobile Co. is operating with only a little more than half of its usual force. The average number of hands employed in the Board of Trade also had a cut in

Will the gentleman from Alabama please note that great prosperity? And I hold here in my hand another one, of July 2:

[From the Albany Journal, July 2, 1914.]

BIG CHATHAM PLANT MAY HAVE TO CLOSE—THREE BRANCHES HAVE SHUT DOWN, AND PRESIDENT W. C. WOODWARD IS DISGUSTED WITH BUSINESS INTERFERENCE.

CHATHAM, *July 2.*

The Chatham Shirt Co. is experiencing the dullest period in the history of the plant. At the Chatham factory the cutters are working on half time and the three outside factories at Keeseville, East Nassau, and Petersburg are closed. Orders never were so scarce as at the present time, and many concerns which contracted for shirts earlier in the season are endeavoring to cancel their orders. The company has withdrawn all its salesmen but one from the road, and it is probable that this man will also be withdrawn, inasmuch as he is finding it almost impossible to obtain enough orders to make his trips profitable. Neither wholesalers nor retailers are buying beyond immediate needs, and they all report that their business has very greatly decreased during the past few months.

At the Chatham plant the laundrymen are working nearly on full time, and the stitchers have been on full time thus far, inasmuch as a large quantity of cloth has been cut, and this will be made into shirts. The prospect is exceedingly discouraging, however, and unless there is a revival in business in the near future it will mean the partial or entire closing of the plant, thus throwing about 175 people out of employment. The total force at the three factories which have been closed is about 150.

W. C. Woodward, president of the company, believes the present administration's constant interference with business and the consequent turmoil and uncertainty to be at the bottom of these conditions. He believes if the railroads were granted the rate increase they ask for that business would improve. He believes every businessman would be willing to pay this increase. Mr. Woodward thinks conditions will be still more unfavorable until election.

It is his opinion that the people are so thoroughly disgusted with the present state of affairs that they will welcome the opportunity to elect a Republican State ticket from governor down to the least important office on the ticket; also a Republican Congressman in this district. "They will not stand for this sort of thing much longer," said Mr. Woodward. "Every man I talk to is thoroughly sick of it, and if these conditions endure for six months you will see more failures in this country than were ever seen before. I know of Democrats who have voted the ticket for several years who say their eyes have been opened of late, and that they will have no further connection with that party."

I suppose, however, that the prospects are good for these closed mills. My friend from Alabama says so. I wish my friend from Alabama [Mr. HEFLIN] would read the daily papers. If he would do that instead of going to the Secretary of Commerce, he would find out something. This is from the Washington Post of to-day:

HOLLAND'S WRITES OF HIGH LOSSES BUSINESS HOUSES HAVE SUFFERED IN SIX MONTHS—EXPORTS ALONE HOLD OWN—ONE CORPORATION, IN A PRIVATE REPORT, FINDS THAT ITS BUSINESS DROPPED FROM $3,000,000 IN ONE-HALF OF 1912 TO AMOUNT $900,000 FOR THE SAME PERIOD THIS YEAR—SOME OF THE REASONS OFFERED.

NEW YORK, *July 13.*

While the managers of many of the big industrial corporations think it inexpedient to report for publication what their business for the first half of the present calendar year was, measured in dollars, and compared with a like period in the previous year as well as in 1912, nevertheless some of them do tell in confidence what their recent experiences have been. For instance, one of the largest of American industrial corporations caused a comparison to be made on July 1 of the business done in the first six months of 1912, and then again the business of a like period of last year and also the business done in the six months which have just ended.

GREAT LOSS IN BUSINESS.

Their sales in a period of normal business activity approximate about $3,000,000 for six months. The total business done in the first six months of 1912 was a little under $3,000,000. The total business done last year in the same period was a little over $1,800,000. Their business for the first six months of the present year was, in round numbers, $900,000. Of course these managers look with apprehension upon a report of this kind.

A falling off such as these figures show can not be met much longer without compelling the managers of the industry to consider the expediency of liquidating or possibly of greatly reducing their capital.

DUE TO FOREIGN TRADE.

But perhaps the most interesting feature of this report—a report which in its general characteristics many of the other large industrial corporations have been reading somewhat anxiously, since their reports are of like tenor—is the fact that no small part of the business which was carried in the first six months of the present year was due to exportations. A statement of this kind is confirmed by the official statistics which were prepared by the Washington Bureau of Commerce. These authoritative figures show that although in the past eight months, which is the time that has elapsed since the new tariff law went on the statute books, the falling off in the money value of our exports, as compared with the like period in previous years, was nearly $146,000,000, yet only a little over 8 per cent of this falling off was in manufactured articles.

TARIFF DOES NOT AFFECT EXPORTS.

Apparently, either in spite of this tariff or because it plays no part in our exportation of manufactured commodities, we are practically holding our great foreign trade in manufactured articles. The reason is not far to seek, since the greater part of this trade is uninfluenced by the tariff, because those in other lands who buy these manufactured products are able to obtain most of them in the warehouses established by American industries in other lands. Much of our exportations of our manufactured products is with the countries from which we buy comparatively little.

The fundamental fact revealed by these confidential reports, which are confirmed in a measure by the statistics from Washington, is that there has been a woeful falling off in the United States in the demand for manufactured articles. The depression which our manufacturers are reporting is chiefly at home.

CAUSE FOR DROP IN EXPORTS.

Probably when detailed reports come from Washington it will be learned that much of the decrease of our export trade in the past eight months can be traced to the shortage of a part of our agricultural products last year, and particularly the unsatisfactory character of the harvest of corn.

The promise of stupendous crops this year, as well as the certainty of the harvest of some portion of them which is contained in the latest of the Government crop reports, justifies the expectation, so it is said in this city, that we are to make good in the fall and early winter of this year some part of the falling off in the exportations which have been observed since October 1 of last year up to July 1 of this.

The Washington authorities assume now that we shall be able to export perhaps as much as 250,000,000 bushels of wheat this year. If that expectation is fulfilled, we shall have exported about twice as much wheat this year as the average export of wheat for the past five years has been.

CROP A CURIOUS COINCIDENCE.

One of those curious coincidences of harvest times like that one which in 1896 caused a change of conditions which has become traditional seems likely again to be manifested this year. For, while there is now no doubt that the United States will harvest considerably over 900,000,000 bushels of wheat, nevertheless, in other parts of the world the promise is that there will be no more than an average crop, and in some countries considerably less than the average. Everyone who voted in the presidential election of 1896, and who shared in the interest of the campaign that preceded the election, will recall that, of a sudden, only about six weeks before election day, the market price of American wheat approached the dollar mark, although earlier it had been much less than this.

HIGH PRICES EXPECTED.

This occurred simultaneously with the continued fall in the price of silver, and thereby an object lesson was furnished to the farmers, or what they thought was an object lesson, which taught them that the constant depreciation of silver was not the cause of the low prices they were receiving for their wheat. The wheat fields of continental Europe yielded very small harvests, and when the crain factors of Liverpool and London learned authoritatively how small these harvests had been they began to make such imperative demands for American wheat as inevitably greatly to increase the price.

There came a few weeks ago from some parts of the West intimations that some apprehension prevailed in the agricultural districts lest the enormous harvest which was then coming should cause considerable depreciation in price. The Washington authorities are in accordance with the experts of this city, who are persuaded that the unsatisfactory wheat harvest in other parts of the world will make it certain that American wheat will command satisfactory prices.

GREAT SOUTHERN CORN CROP.

There come intimations from other parts of the country that in some of the Southern States there are to be harvested enormous crops of corn. The development of the corn agriculture in some of the Southern States has been one of the striking features of American agriculture of the past 10 years. After all, it is the corn crop and the products which a great corn harvest make possible, such as meat, upon which the country must place its chief reliance for great increase in the exportation of food products. There comes from Washington an unusual statement intimating that in some parts of the West, on account of the scarcity of corn and the fact that wheat is being harvested plentifully, the farmers are feeding wheat to their live stock; and the Washington authorities estimate that possibly as much as 75,000,000 bushels of wheat will be utilized in this way. That is a new thing to report.

HOLLAND.

That is some of the great prosperity that has been brought to the country by this new tariff law. I think my friend dwelt somewhat upon steel. I hold in my hand the Daily Iron Trade of Monday, July 6, in which I find the following:

LITTLE ACTIVITY IN IRON MARKET—SALES AND INQUIRIES CONFINED TO SMALL LOTS—PITTSBURGH MARKET SEEMS TO BE DIGESTING RECENT NEWS OF MERCHANT STACKS GOING OUT.

THE DAILY IRON TRADE,
NEWS BUREAU, 2148 OLIVER BUILDING,
Pittsburgh, July 6.

Pig-iron inquiry appears light and is confined largely to small lots of foundry and malleable grades, ranging from 500 to 1,000 tons. Actual sales are small also. Despite some favorable reports of inquiry for basic and Bessemer irons, little live open inquiry appears on the market to-day. Some sliding-scale tonnages may be quietly under negotiation, but traces of such business are difficult to find, leading to the belief that few such transactions are under way.

The Pittsburgh market seems to be digesting recently published information regarding merchant furnaces blowing out and planning to blow out, as well as others tying up with independent steel works projects. Prices have not changed in any particular.

I turn over another page of this Daily Iron Trade Review. I ask my Democratic friends to consider this. It shows the wonderful prosperity of the country. It is no wonder that my friend from Alabama [Mr. HEFLIN] feels called upon to come here and shout, "The outlook is splendid." But what about the conditions now? Listen to this, from the same paper:

ORE MOVEMENT IS OFF 40 PER CENT FOR THE PERIOD UP UNTIL JULY 1 AS COMPARED WITH CORRESPONDING PERIOD LAST YEAR.

The week opens with the lake fleet badly bunched at Lake Erie ports. The thick weather which prevailed during the latter part of last week caused many carriers to reach port too late to start unloading before the double holiday began on Saturday, with the result that Monday morning finds the docks congested. It will take a couple of days to work the fleet out and will throw a surplus of tonnage on the coal market. Several carriers were waiting for coal cargoes on Thursday last, and many of them will now have to co up light. There appears to be nothing in sight for the wild carrier as yet. No improvement is expected in the trade during July. The only activity so far has been in chartering grain for future loading, and the present surplus of tonnage has caused that rate to be shaded a bit.

Ore shipments during June were 5,502,367 gross tons as against 7,974,444 gross tons for June, 1913, a decrease of 2,472,077 tons. Up to July 1, 9,624,116 tons have been moved as against 16,125,042

gross tons for the corresponding period last year, a decrease of 6,500,926 tons. The movement in the ore for 40 per cent less than it was for the same period last year. The movement to June 1, however, was more than 50 per cent less than that of last year, so that the trade is gaining a little headway. No material improvement is expected during July, but it looks now as though the low point of depression had been reached, and that one may expect a constantly increasing movement during the balance of the year. The outlook is somewhat more hopeful than it was a month ago, and a total movement of 37,000,000 tons for the season is now predicted. Following were the ore shipments during June and up to July 1, with corresponding data for last year:

Port.	June, 1913.	June, 1914.
Escanaba	845,414	580,101
Marquette	552,206	262,075
Ashland	774,281	541,315
Superior	2,877,078	1,097,865
Duluth	1,895,776	1,045,784
Two Harbors	1,548,727	1,075,193
Total	7,974,444	5,502,367
1914 decrease		2,472,077

Port.	To July 1, 1913.	To July 1, 1914.
Escanaba	1,800,607	1,076,020
Marquette	1,059,776	383,948
Ashland	1,349,702	885,091
Superior	4,077,349	2,733,502
Duluth	3,988,948	1,778,876
Two Harbors	2,997,688	1,767,680
Total	16,125,042	8,624,116
1914 decrease		8,500,926

This shows that the shipments of ore during the month of June just past were 40 per cent less than they were a year ago. How are we manufacturing such a great amount of steel products in this country, when the ore shipments are almost cut in two? The figures tell the true story.

I have another copy of the Daily Iron Trade Review, of July 8, a still later date. I want to read an item or two in this, which will be interesting:

GERMANS DEFEAT AMERICAN MAKERS—WIN SHEET ORDER BY AT LEAST $4 A TON MARGIN—SAME LOW PRICES SAID TO BE QUOTED EW YORK.

PHILADELPHIA, *July 7.*

In a recent test of competition for a good-sized order of steel sheets for shipment to Montreal as the stake, American makers were vanquished by German mills to the extent of at least $4 a ton.

The order, which called for a tonnage of No. 14-gauge blue annealed, was placed with German mills upon the basis of 1.40 cent f. o. b. Montreal. This price figures back to about 1.20 cents, Pittsburgh basis. The lowest price that it had been reported domestic producers had made on steel sheets in the present weakened market has not been below 1.30 cents, Pittsburgh, for No. 10 gauge. This price, it is said, is below the cost line, and it has been done only in certain cases. The German mills, as shown by this case, therefore have been able to take business at much below the dead line for the American sheet trade.

Prices approximating those named at Montreal are said to have been quoted by German makers here in New York market, although no sales of consequence yet have been traced to this source.

Sheet business with eastern mills is not active, but there is a fair run of miscellaneous orders, largely for early delivery. The leading eastern maker resumed at only part capacity this week after the holiday shutdown.

This shows how the American manufacturer under this new law was unable to get these orders, and they went to Germany.

That ought to receive applause on that side of the House. Then I turn inside, and I find, under the head of "Financial notes of iron and steel," it gives a long list of companies, including a large number of steel companies in the United States, too long to read, that have passed their dividends for the first time in many years. Does this show prosperity? I want to say to gentlemen on that side of the House that it does not make any difference how many speeches you make consisting of stories and adjectives, the truth is—and the figures show it—that the steel industry in this country is more than 40 per cent below normal, and steel is the great barometer of the business of the country.

Mr. Chairman, I am sorry I have not more time to reply to the prepared speech that my distinguished friend from Alabama has spent so many days laboring over. He has consumed an hour attempting to answer what I said in five minutes. I want to make this observation in closing: I believe that it is the right of the people in this country to know the truth. Let us have "pitiless publicity." I believe if business is bad, the people should know that. If business is good, they should know that fact. The truth should be put before the people until they can justly judge of the work of this administration up to this time. I stand on the floor of this House, and I assert that business is worse to-day than it has been at any time in 20 years, and I appeal to the public, to business men, to laboring men, to all classes throughout the country, as to whether or not I am stating the truth. Walk up and down the streets of this city, or any other city in the United States; stop and talk to men of all classes, and ask them whether or not business is good or bad. I am perfectly willing to trust my reputation both as a legislator and a man to the people of this country, when I stand on the floor of this House and declare that business is bad. The people are not to be long deceived; they know whether I am telling the truth or not. When the gentleman from Alabama stands up and says that business is good, that there is great prosperity, the people know whether or not he is stating the fact. I am perfectly willing to leave the verdict to them as to who has stated the facts in this controversy. [Applause on the Republican side.]

Mr. Chairman, I shall insert in the RECORD, as bearing upon the business conditions of the country, an editorial from the Washington Post of July 13, 1914, and a portion of the review of the industrial condition in New England, as printed in the Springfield Union.

The matter referred to is as follows:

[From the Washington Post, July 13, 1914.]

THE FARMER LOSES.

In the 10 months ended April, 1914, the value of foreign foodstuffs imported into the United States increased $10,000,000, or $1,000,000 a month. This money, which should have gone to the American farmer, went to foreign farmers.

In the same period the exports of American foodstuffs decreased $64,416,000, or $6,400,000 a month.

The adverse balance against the American farmer, so far as dealings with the outside world are concerned, is $75,000,000 in 10 months.

During the 10 months ended April, 1914, there were imported 20,058,008 bushels of oats, as against 714,747 bushels imported during the same period ended April, 1913. (Comparing the same periods, there were exported 1,834,054 bushels of wheat, against 709,329; other breadstuffs, $2,602,052, against $1,362,670; fruits, $26,185,168, against $21,635,382; nuts, $722,217, against $616,200; butter, $1,633,375, against $253,513; cheese, $9,302,488, against $7,643,980; eggs, all, $6,444,247, against $5,815,570; prepared vegetables, $3,016,115, against $2,772,100; fresh vegetables, $1,468,306, against $1,308,821. The importation of eggs during the 10 months ended April, 1914, amounted to 5,043,745 dozens, valued at $1,000,000.

These are staples, produced by American farms, orchards, and gardens. The new tariff reduces the duty upon these articles and opens the market to foreign farmers. The foreigner has seized this opportunity and is now making $1,000,000 a month which formerly went to the American farmer.

The consumer gets no benefit from this tariff reduction. The price has not gone down on a single article mentioned. The high tariff formerly kept the foreigner out and gave the business to the American farmer. The new tariff throws the business to the foreign farmer, who, with the middleman, pockets the benefit, and the consumer pays as much as he did before. The only loser is the American farmer.

This loss of $1,000,000 a month comes only 10 months of the new tariff. It is natural that the loss should be greater as soon as foreign farmers awaken to the splendid opportunity offered by the American market. The more they take advantage of this opportunity the more the American farmer will lose.

The only way to prevent this loss to the American farmer is to put the tariff up again, and shut out the foreigner. The experiment has been in effect long enough to show that it does not decrease the cost of living.

Maybe this item of $1,000,000 a month loss through the low tariff will be borne in mind by the American farmer when he votes next November for Congressmen who frame tariff bills.

[From the Springfield Union, July 7, 1914.]

HAND-TO-MOUTH BUYING CAUSES DULL BUSINESS—SURVEY OF WESTERN NEW ENGLAND REVEALS REAL DEPRESSION; FACTORY HEADS NOT OPTIMISTIC; MILLS ON SHORT TIME FILLING LIGHT ORDERS—NO CERTAINTY OF QUICK RECOVERY—CRITICISM OF ADMINISTRATION AND SUSPENSION OF PENDING LEGISLATION NEEDED TO BRIGHTEN OUTLOOK; REPORTS FROM MANY MANUFACTURING CENTERS.

The Union to-day presents its readers a strictly matter of fact, unbiased statement of business conditions in the Connecticut Valley and western Massachusetts as they are found by its regular correspondents. Summarized, the reports show that the business depression in this part of New England is very real. Some communities report prosperity, but they are exceptions to the rule. Four and five day working weeks and shorter working days are more common than full weeks and 10-hour days.

Business men say conditions indicate a "hand-to-mouth" buying policy, which means that the factories must run on short time, making just enough goods to keep up with orders. The "hand-to-mouth" policy in turn is due to uncertainty as to the future. Some business men blame the effects of the tariff, and most of them believe there will be no improvement until after the fall elections. While there are optimists among the business firms quoted, there is not a little pessimism.

In Springfield there is unusual dullness, according to the testimony of railroad men, the State free employment bureau and the local president of the National Metal Trades Association, besides the heads of a dozen or more firms. Chicopee has similar reports, and from Pittsfield and vicinity come reports of unpleasant conditions. Holyoke firms are not thriving, although there is not great complaint. North Adams, Brattleboro, Vt., Thompsonville, Conn., and Ware report excellent business conditions, while Greenfield, Northampton, Westfield, and other towns have just ordinary times. Athol and Orange seem to be dull.

The consensus of the reports seems to be that business men are waiting for a change in Congress and a settlement of pending legislative questions before they buy heavily. Orders are light, there are many men out of work, and prospects for the future are not too encouraging.

buy them—they may not know it or mean anything by it—but they are seriously interfering with the panic-fraught arguments of the gentleman from Washington. [Laughter.]

Let us hear what West Virginia has to say to the mournful message of the gentleman from Washington. It will be remembered that standpat Republicans said that the Underwood tariff bill would ruin the steel industry of the United States, but instead of doing that it is inviting foreign capital into our country, for here at Charleston German capitalists have invested a million dollars in a steel plant to be erected here. It will employ American workingmen and manufacture steel in the United States. Does this look like the fruit of a discredited and doomed administration? No, Mr. Chairman, it is the directresult of constructive legislation. It is the blessed offspring of a tariff for revenue only. [Applause on the Democratic side.] Bring the smelling salts and have the camphor ready for the gentleman from Washington, for here is a blow like unto the one that struck Billy Patterson a long time ago. [Laughter.] A special from Stroudsburg, Pa., says:

A woolen mill which closed down here before the Underwood bill with free wool went into effect has now reopened with splendid business prospects.

[Applause on the Democratic side.]

John V. Farwell Co., of Chicago, speaking of the wholesale dry-goods business, says that business is better than it was a year ago; that the volume of business in wool dress goods shows decided gain over a year ago.

The New York Times of July 12 says that building permits issued in June of this year compare quite favorably with those issued for the same month last year; that 75 leading centers in the United States, according to reports by Dun's Review, call for the expenditure of $72,000,000, as against $68,000,000 for the same month last year. Continuing, it says:

Among the cities where the most pronounced increases appear are Baltimore; Chicago; Seattle, Wash.—

And Seattle is the home of the gentleman. [Applause on the Democratic side.]

Why, Mr. Chairman, can it be that this melancholy feeling has overtaken Seattle? Can it be that all this direful news of business disturbance is coming from the district of the gentleman? Can it be that Seattle, located in the glorious golden West is pining and whining in concert with the gentleman from Washington? I can not believe that they have any such conditions in that splendid, growing city of the West.

Mr. BRYAN. Will the gentleman yield?

Mr. HEFLIN. Briefly.

Mr. BRYAN. However it may pain me to hear you commenting on my colleague in making those statements, I can not stand here and hear you make any statements in reference to the prosperity of Seattle. I assure you that everything up there is on the uplift, and everybody is happy. We are all encouraged by what has been done—the Alaskan railroad bill and the development of the Pacific coast——

Mr. HEFLIN. Praise God from whom all blessing flow. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Alabama yield to the other gentleman from Washington [Mr. HUMPHREY]?

Mr. HEFLIN. I can not yield now. Why, Mr. Chairman, it would be almost sacrilegious to yield just now. [Laughter.] Seattle is happy, and everybody is happy, except the gentleman from Washington [Mr. HUMPHREY]. [Applause on the Democratic side.]

Standpat Republicans over there denounced the Democrats for putting sugar on the free list, and they said that the consumer would not be benefited by the reduction of the tariff on sugar.

Let us put Mr. Spreckels, president of the Sugar Refining Co. of New York, on the witness stand. Here is what he says:

It may be of interest to know that under the stimulus of the reduced tariff consumption in the Eastern States alone has increased practically 20 per cent. The consumption from March 1 to June 19, 1913, was 748,000 tons, and the consumption of sugar from March 1 to June 19, 1914, was 893,000, an increase over last year of 145,000 tons.

[Applause on the Democratic side.]

"By their fruits ye shall know them." What have been the fruits of this Democratic administration? In the little manufacturing State of Connecticut, Fred P. Holt, bank commissioner, tells us that the total deposits in the savings banks of Connecticut October 1, 1913, were $307,000,000, and that the total deposits in the savings banks of that State on June 1, 1914, a period of only seven months from October, 1913, were $312,000,000. [Applause on the Democratic side.]

The New York Times of July 12, this year, shows that the clearings for the United States as reported by the Financial Chronicle were, July 12, 1913, $2,968,000,000, and that on July 11, 1914, the amount had increased to $3,400,000,000.

Mr. Chairman, such news as this stampedes the standpatter and chokes the chronic croaker. The panic sought after and prayed for by the gentleman from Washington has failed to materialize. How mournful he looks as the grief-fraught winds of political disaster howl around the ruins of the G. O. P. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from Washington complains that the present administration has sent out of the country more gold for a given length of time than any other administration has done. In 1904, under a Republican President, we exported that year $121,000,000 in gold, and in 1909, under another Republican President, we exported $132,000,000 in gold. The total amount of gold exported for five months, ending with May this year, is $35,000,000, and the total amount of gold imported—coming into the United States—for the same period of time was $26,000,000. The gentleman need not worry about gold now going out of our country to Europe. The cotton crop of my State alone will bring back all the gold exported to Europe this year before the 1st of December. [Applause on the Democratic side.] The New York Herald says that the value of the American crop this year will be $10,000,000,000, and that the $82,000,000 of gold exported to Europe since January 1 looks like loose change in comparison with these billions. [Laughter.] A $10,000,000,000 crop. Why, Mr. Chairman, that is twenty-five times the amount of the world's annual output of gold.

The gentleman from Washington complains that this administration has turned the balance of trade against us and that it is the first time such a thing has happened since the Wilson-Gorman tariff law of 1894. The gentleman ought to have known better, Mr. Chairman. There was no yearly balance of trade against us under the Wilson-Gorman law, but it is a fact that in 1909, under the reign of the Republican Party and a high protective tariff law, the three summer months gave a trade balance against us of $18,000,000, and the New York World says that in February, 1910, the balance of trade against us was $4,000,000, and that in March of the same year it was $19,000,000. The gentleman is exceedingly careless in his statement.

Let me read a notice about prosperity on the Pacific coast. From Los Angeles comes the cheering news of genuine prosperity. The Los Angeles Tribune says:

The fiscal year ended yesterday, and its termination served to spell prosperity for all of southern California. From every channel of finance, from the Government's sources of revenue, from the city's mart where money comes and goes, the clearing house, from the coffers of the merchants, small and large, come the tidings at the close of day that the period of time which commenced on the 1st day of last July has been richer and busier than at any other time in the history of the city.

Listen to what the Springfield Republican says:

Money has been cheap for months and the banks have had a great abundance to loan.

Mr. Chairman, from far-off St. Paul comes the happy message that never before in the history of St. Paul have the bank deposits touched $60,000,000, and never before have the assets been within $5,000,000 of the record established on June 30 this year. The June bank clearings here showed an increase of $10,000,000 over June 1, 1913. This figure is unprecedented in the history of the city. These signs of prosperity must be very displeasing and annoying to the gentleman from Washington as he goes about with his nostrums and joy-killing implements. [Laughter and applause on the Democratic side.]

The Philadelphia Record says that in the absence of some great calamity this country is assured of a prosperous 12 months. Let the gentleman from Washington shake off this hideous spell of gloom and despondency and lift his eyes toward the mountains of Democratic hope.

Mr. Chairman, there are many more things that I want to say, but my time is about out. I could speak at length giving these pleasant calamity items to the gentleman from Washington [Mr. HUMPHREY]. [Laughter.] The gentleman has persisted in the work of calamity howling and chronic croaking until, I fear, he is going to be like the situation was with an old fellow at Montgomery, Ala. He had been engaged in fighting fermented millet juice for some time. [Laughter.] Finally his appetite craved limburger cheese. [Laughter.] He immediately went in search of it, and soon found some of high rank and smell. [Laughter.] He went into the store, tasted it, and asked the merchant how much of it he had. The merchant said, "I have 40 pounds of it." The old fellow said, "All right; give me all of it." [Laughter.] The merchant said, "You don't want that much?" The old fellow said, "Yes, I do; I want it to take home with me." [Laughter.]

So the merchant wrapped it up, and the old fellow took it and carried it down to the station. Everybody that he passed looked around, seized his nose, and quickened his step.

[Laughter.] That got on his nerves; and finally he went into an express office and walked up to the expressman's desk and said, "I want to ship this to Verbena." The expressman looked at him, seized a weapon, and ordered him to beat a retreat and beat it quickly. [Laughter.]

Then, the old fellow went out with his limburger, and he met a man on the street near the express office, and said, "Mister, they won't ship my cheese for me." Whereupon this gentleman, walking rapidly away, said "Go to an undertaker's establishment and buy a cheap casket, and ship it home as a dead friend." [Laughter.] He went to the undertaker's shop and bought a casket, and called old Uncle Rufus, a drayman, to carry his friend to the station. [Laughter.] The undertaker put the casket into the wagon, and the old fellow sat on the hind end by it. Uncle Rufus drove his little one-mule dray mournfully down to the station. [Laughter.] You know, in the old days they would not bury anyone soon after death, but kept them out for a long time. They said that sometimes people went off in a trance, and they did not want to bury them as dead, and then have the horror of thinking that they had only gone off in a trance. So, Mr. Chairman, as the old man and the drayman drove along, the wind came up pretty strong from the rear of the dray, and old Uncle Rufus, looking back and holding his nose, said "Boss, was your friend sick long?" The old fellow said "No." Then old Uncle Rufus said, "Well, you sho is got one good consolation, and dat is he hain't gone off in no trance." [Laughter and applause on the Democratic side.]

So, Mr. Chairman, I want to say to the gentleman from Washington [Mr. HUMPHREY] that if he does not let up on the tactics that he has been employing here for some time, if he does not refuse longer to be the vehicle in which threats of a panic to order are conveyed into this House, if he does not quit giving aid and comfort to the enemies of good government, it will not be long until he will find his political hopes in a ballot-swamped casket, and it will be no temporary interment. He won't be gone off in no trance. [Loud laughter and applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Wyoming [Mr. MONDELL].

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I withdraw that and yield 15 minutes to the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. The gentleman from Washington [Mr. HUMPHREY] is recognized for 15 minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I have listened with a great deal of pleasure, if not with a great deal of profit, to the wordy oration of one of the White House pets. It may be said of his speech that it consisted of a great noise and stories that were both old and vulgar. [Laughter.]

Now, I want for just a moment to say to the gentleman that part of his speech I had heard my colleague [Mr. BRYAN] deliver before he gave it to the gentleman from Alabama. [Laughter.] I would suggest to my friend and colleague that he study the speech of Col. Roosevelt, recently delivered at Pittsburgh, in regard to the Underwood tariff bill. He does not agree with my colleague as to the blessings it has brought. I do not wonder that my colleague is anxious, having voted for that bill, to furnish evidence to some gentleman on that side to attempt to discredit me. He is certainly entitled to any glory he can get out of the fact of having voted for that Democratic tariff bill.

I did not hear the first part of the speech of my learned friend from Alabama [Mr. HEFLIN], but if it was like the last part I did not miss much, and it will not be necessary to answer it. But I want to refer to that part of his speech where he insisted that business is good.

First, he took up the question about the woolen schedule. I ask the gentleman why it was that the Crawford Woolen Mills, at Martinsburg, W. Va., went into the hands of a receiver week before last, if there is such great prosperity in the woolen industries? I would call the attention of the gentleman to the fact that during the first three months in 1914 our imports of woolen and worsted goods were $7,664,370. That is under a Democratic tariff law. During the first three months of 1913, under a Republican tariff law, they were $2,254,000, or a balance of $5,410,000, not in favor of the American, but in favor of the foreigner, in three months. What country is prospering under the Underwood tariff bill? Not our own. "Oh, but," said the gentleman from Alabama [Mr. HEFLIN], "the outlook is splendid." Why not tell us something about the business conditions? The outlook is always splendid in Democratic eyes. I pick up to-day's Washington Post.

Let us see about this wonderful prosperity that my distinguished friend from Alabama [Mr. HEFLIN] is speaking about. On page 1 in the Post I read this statement—and I hope the gentleman from Alabama [Mr. HEFLIN] will listen, and I will yield to him any time that he wants me to. I will not ask him questions and then dodge behind the privilege of the House to keep from being interrupted. I notify the gentleman now that he may break in whenever he pleases. This is the article in to-day's Post:

JOBS OF 1,000 MEN GONE—WAGES OF OTHERS ARE REDUCED AT THE BIG PLANTS IN WILMINGTON, DEL.

[Special to the Washington Post.]

WILMINGTON, DEL., July 13.

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

The officials when asked declined to blame the Democratic administration for the condition. In addition, the Pennsylvania Railroad shops and the plant of the American Car & Foundry Co. have placed their employees on reduced wages. The repair shops of the Pullman Car Co. have also begun reducing their force.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Tennessee?

Mr. HUMPHREY of Washington. No. If the gentleman from Alabama [Mr. HEFLIN] wants me to yield, I will yield to him, but not to the other gentleman. I see sitting by the side of my distinguished friend from Alabama the distinguished gentleman from Indiana [Mr. CULLOP]——

Mr. BROCKSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Delaware?

Mr. HUMPHREY of Washington. I will not yield. I see sitting beside my friend from Alabama my learned friend from Indiana [Mr. CULLOP]. He is one of the men who has become almost hysterical because I said something about lack of prosperity in Indiana——

Mr. HEFLIN. The gentleman said he would yield.

Mr. HUMPHREY of Washington. I do not yield in the middle of a sentence.

Mr. HEFLIN. In the article you read just now, does not that gentleman say that that is not due to the Democratic tariff?

Mr. HUMPHREY of Washington. He probably does not know any more about it than the gentleman from Alabama. And the very day that my distinguished friend from Indiana [Mr. CULLOP] made his prosperity speech, the largest factory in his district closed. It was rather unfortunate that he selected that particular time to orate on our wonderful business activity.

Mr. GILLETT. That speech may have been the cause of the factory closing down.

Mr. HUMPHREY of Washington. Then let me read a little more about the prosperity that under this Democratic administration is blessing the country. I hold in my hand an article from the Washington Post of July 10, which says:

FURNACES IN OHIO CLOSE—IRON PRODUCTION CUT FROM 50 TO 30 PER CENT IN A WEEK—FURTHER CURTAILMENT IN SIGHT WHEN THE UNION FURNACE GOES OUT OF BLAST IN AUGUST.

[Special to the Washington Post.]

CLEVELAND, OHIO, July 9.

The Daily Iron Trade says:

"Practically one-third of the merchant blast furnaces active in Ohio on July 1 were idle yesterday, a week later. The list of four furnaces, which were blown out the latter part of last week, was supplemented Tuesday, when Corrigan, McKenney & Co., of Cleveland, placed one of their river furnaces on the idle list. Furnaces which blew out last week were the Lawrence, of the Martins Iron & Steel Co.; the Hamilton, of the Hanging Rock Iron Co.; the Cherry Valley, of M. A. Hanna & Co., and one Wellston, of the Wellston Steel & Iron Co.

"Of 31 merchant furnaces in Ohio, 12 were producing pig iron on July 8, while 19 were out of blast. On July 1, 17 were active and 14 were idle.

"The Jisco furnace of the Jackson Iron & Steel Co., and the Norton, of the Norton Iron Works, of Ashland, Ky., joined the idle list in June. The present rate of blast-furnace operations among Ohio merchant furnaces is 39 per cent, compared with 52 per cent a week ago.

"The Union furnace, of Rogers, Brown & Co., which is one of the two active blast furnaces in the southern Ohio district, will go out of blast on August 1."

Here is another one taken from the press dispatches Saturday:

$1,000,000 STEEL COMPANY IN RECEIVER'S HANDS.

ALTON, July 11.

The Alton Steel Co., a million-dollar concern manufacturing hoop steel and cotton ties, is to-day in the hands of a receiver. The outstanding securities of the company are in the neighborhood of $1,250,000.

Inability to get a fair price for its product is given as the cause of the receivership.

Mr. Chairman, I indulge the prophecy that when Congress adjourns and the gentleman returns to the district that he now represents he will find that his course while Congress was engaged in passing important legislation was not and is not approved by the thoughtful and patriotic people at home. [Applause on Democratic side.] I venture to suggest to the gentleman that he will find that the great majority of patriotic Americans living in his district are in full sympathy with this great Democratic President in his efforts to free this country from the curse of trusts and monopolies. He will find that the people are looking beyond the footlights where the partisan performer is playing for political advantage—that they are thinking of the welfare of their children and their children's children—that they are saying in their heart of hearts "God bless the President and long like the Republic." [Applause on the Democratic side.] Yes, Mr. Chairman, when the record of his conduct here at a time when sinister interests were throwing every obstacle possible in the way of just legislation and trying to hamper and hinder the President in bringing relief to the American people is laid bare before the people of Washington that record will be obnoxious and revolting to them. Then they will say to the gentleman "You had the opportunity to support and sustain the President in his battle for the plain people but you chose to criticize and slander him. You had the opportunity to serve your country but you chose to serve the interests instead." Then, when the gentleman is greeted with the frown of their condemnation instead of the smile of their approval, he can say, truthfully, "Without warrant or excuse I have brought it all on myself. The thorns that I have reaped are of the tree that I have planted. They have torn me and I bleed." [Applause on the Democratic side.]

Mr. Chairman, they will say to the gentleman from Washington, "When the President was storming the breastworks of intrenched privilege, when he was driving the enemies of the Republic from the temple of the people, when he stood with drawn sword smiting monopoly hip and thigh you might have conveyed to him a message of approval and good will from the people of Washington; you might have said a word of encouragement as he battled with the forces of greed and avarice."

But no, Mr. Chairman, he brought no friendly message and spoke no kindly word. Where was the swarthy knight of Washington, with his raven's plume? He was standing on the ramparts of the opposition, contributing munitions of war and otherwise giving aid and comfort to the enemy. There he stood, trampling upon the flag of equal rights and waiving the banner of special privilege. [Applause on the Democratic side.]

But, Mr. Chairman, the gentleman from Washington says that Democrats here are doing the bidding of the President. I want to say to the gentleman that I had rather follow the chosen head of a hundred millions of people; I had rather follow the leadership of a man who has bared his breast to the enemies of his country, fighting for what he knows is best for his countrymen; I had rather follow Woodrow Wilson up the mountain side over the flinty paths of difficulty and the jagged rocks of privilege to the mountain summit of the new freedom than to be the pliant tool and handy instrument of evil in the hands of the enemies of my country. [Applause on the Democratic side.]

Mr. Chairman, the gentleman from Washington has had to do with a panic, and he knows something about panics. He ought to be authority on the subject, since he and his party brought one on us in 1907. It came like a thief in the night, with no more warning than a thunderclap from a clear sky. There was no excuse under God's heaven for it. Good crops abounded all about us. It came after 10 years of control by the Republican Party. What did the gentleman from Washington say about that panic? Why, here is his speech. He said that there was not much excuse for it. He said it was a panic of unfounded fear, a panic that was brought upon us because of lack of confidence of the people in banks.

Mr. Chairman, what does it take to shake and shatter confidence? The very thing that the gentleman from Washington has been doing here for the last two or three weeks tends to disturb confidence and excite fear. It takes such conduct as the gentleman has been engaging in here to disturb business and shake faith in the business institutions of America. The gentleman says "Unfounded fear." Have we got anything like that now? What is the gentleman trying to do but fan into flame the embers of unfounded fear? It may be that the gentleman wants to see a panic now like the Republican panic of 1907. He doubtless wants to be able to say that "the Republicans produced a panic in 1907 and the Democrats produced one, with my aid, in 1914, just seven years later." [Laughter and applause on the Democratic side.]

Now, Mr. Chairman, I want to make a correction in the gentleman's speech made in 1909, I believe. There is a typographical error in it. He goes on to say "This was a panic of plenty." Oh, what a delightful panic—"panic of plenty." I want to strike out "of" and insert "a," so that it will read "It was panic aplenty." [Laughter.] That is what we had under the Republican administration. [Applause on the Democratic side.] The gentleman's party was in power in every branch of the Government. What happened then? Why, a man who had accumulated money could not get it out of the bank. They locked the door under Republican rule, and when the poor man called for his own money to buy bread for his little ones, they said, "It is yours, but you can not get it." That panic was the fruit of the Republican Party, and by their fruits ye shall know them. [Applause on the Democratic side.]

This panic talk of a few Republicans has caused some timely things to be written and said. J. Kee Maxwell, in the Peoria Journal, has contributed the following poem:

SAD, VERY SAD.

Day in, day out, he moans and sighs
 And shakes his head in doubt;
His sorrow he can not disguise,
 The country's down and out.

The workingman is on the bum;
 It surely is a crime
To make a fellow being glum—
 They work him overtime.

[Laughter.]

And lo, the humble farmer guy,
 His lot is worse by far;
It takes two loads of wheat to buy
 A 1915 car.

The railroads are in dire distress;
 Ah, brethren, it is tough!
For in dejection they confess
 They haven't cars enough.

The bankers, too, are stricken sore;
 When harvest time begins,
With one accord they'll raise a roar—
 And build more money bins.

Small wonder that this patriot
 Should be so heavy souled;
A peaky Democrat has got
 The job he used to hold.

[Laughter.]

How comforting it must be to the gentleman from Washington to be constantly carrying around messages of gloom and despondency. How sweet must be the occupation of dispelling confidence and hope with doubt and uncertainty.

Our country has been sorely afflicted by Republican rule. Individual enterprise and industry have been hampered and crippled. Commerce has been fettered and competition practically destroyed. The patient was suffering with many disorders when the great physician of economic ailments—the Democratic Party—took charge of his case. The treatment was completely changed. Republican belts and bandages, that cramped the muscles and hindered circulation, have all been removed by the Democratic doctor. Trust pills and tariff ointments have all been discarded and the patient is recovering rapidly. In fact, he says that he is almost well, and he is really looking well—so much better than he did under the old treatment of the Republican Party.

But when nearly everybody is happy over the improved appearance of the patient, the gentleman from Washington is whispering in his ear that he looks mighty thin and that the prospects are he will die.

The gentleman has his counterpart in many communities of the country. I have in mind now an old bad-news peddler that my friend Preacher Brannan, in my district, told me about. He said that there was an old settler just over in east Alabama who made it his business to haunt the bedside of the sick and to relate to the suffering one all the miserable and melancholy things that he could remember—and he remembered them all—about people that he had seen suffer and die. One day this old bad-news peddler called to see Nat Jenkins. Nat, of course, was sick, but the old fellow never heard of it before. So as soon as he was comfortably seated at the bedside of Nat he looked sorrowfully at him and said, with a voice from the tomb, "Nat, old fellow, you are looking mighty bad." Whereupon Nat said, "I feel a whole lot better, and the doctor says I am improving right along now." "Yes," said the old fellow, "but doctors don't know everything. I tell you that you are a mighty sick man, and my opinion is that you are not long for this world. How long have you been sick?" "Eight days," said Nat. "Yes," said the old man mournfully, "the ninth day always tells the tale. It's the fatal time. Bill Johnson was afflicted just like you are, and Bill died on the ninth day." [Laughter.]

The gentleman from Washington seems to enjoy the office of chronic kicker and bad-news peddler. He comes with his nostrums and joy-killing implements spreading gloom and despondency wherever he goes.

But the gentleman is relying too seriously on the power of his office, and he has overestimated his ability to wreck the car of Democratic progress and prosperity now moving through the country.

This mighty car is freighted with the rights and liberties, the hopes and expectations of the greatest nation of people on the globe, and the gentleman can no more stop it or impede its progress than did the little ant the great railroad train. He got on the rail of the railroad track and stood up on his hind legs and said, "In order to show my power and prowess I am going to wreck this train. When the engineer sees me he will be frightened half to death. Then he will blow his whistle loud and long. Then the conductor will put his head out of the window, see me reared up on my hind legs, and when he does he will give the alarm to the passengers in the train, and consternation will reign as they realize that certain death awaits them." [Laughter.] But, Mr. Chairman, the train came thundering along. The engineer did not even lower his eyes to the spot where the ant so bravely stood. The conductor never put his head out of the window, and not a passenger was disturbed. The train sped on, and the only thing that was left to tell of the folly of the ant was a greasy spot on the rail. [Laughter and applause on the Democratic side.]

Let the gentleman from Washington, before it is everlastingly too late, profit by the example of the ant.

Mr. Chairman, in that speech he charges the present administration with closing mills and factories in great numbers. Let us see how his charge tallies with the facts of the situation. I have obtained from the Department of Commerce statistics which show that the number of cotton spindles in operation in the United States May 31, 1913, was 30,556,000, and that on the same date for 1914 more than 31,000,000 spindles were in operation in this country. Let me quote from a high authority on this subject as to the State of New Hampshire:

I have been in New Hampshire recently and I could not learn of a single cotton mill or woolen mill or textile mill of any kind, pulp mill or paper mill that had closed.

This statement, Mr. Chairman, is from the junior Senator from New Hampshire, Senator HOLLIS.

What says New Jersey in reply to the gentleman from Washington concerning closed mills and factories?

The Singer sewing-machine plant at Elizabeth, N. J., employs 10,000 hands. When we put the products of that plant on the free list, Republican croakers said that with sewing machines on the free list the plant would go dead; but not so. It has long been the custom of this plant to shut down for one month during the summer for repairs and other purposes; but this year the company has notified its workmen that they could have only one week; that sewing machines had been sold so rapidly and that orders were coming in so fast that they could not afford to close shop more than a week this year.

What says the South to the charge of closed mills and factories? L. W. Parker, president of the Parker Cotton Mills Co., and the head of 18 southern cotton mills, says:

The textile industry is not threatened by foreign competition, and the outlook for all business the country over is bright.

How about the woolen industry? While mills are shutting down and factories are closing in the imagination of the gentleman from Washington the Cleveland Worsted Mills Co., of Ohio, has increased its capital stock from $3,000,000 to $10,000,000, and in doing so it makes the following statement:

Recent tariff legislation has brought about a change in business conditions in connection with our industry. It will become necessary for the company to enlarge the volume of business, thereby requiring additional manufacturing facilities.

[Applause on Democratic side.]

While the hallucination of panics and business disturbance rages in the mind of the gentleman from Washington, Henry Kleine, of Chicago, president of the National Leather and Shoe Finders' Association, says "the business outlook is good and the West is jubilant." Then, from the Pacific slope, comes the testimony of S. J. Burtchaell, vice president of the National Leather and Shoe Finders' Association. Hear him, O ye of little faith from Washington. This is what he says:

The country and the country's business outlook never looked so well.

What says Rhode Island to the charge of closed mills and factories under the present administration? Mr. Speaker, from Burville, R. I., comes the answer:

With every woolen mill here running full time and some of them running day and night, business is better than it has been in 10 years.

What says Indiana to the closed-factory argument of the gentleman from Washington? From Elwood, Ind., comes the glad answer:

The tin-plate industry is in a flourishing condition. The tin-plate workers ride in their automobiles to the office of the paymaster to collect their wages. This city of 13,000 people has a pay roll of $146,000 a month.

And yet Republicans predicted that reducing the tariff tax 50 per cent on tin plates would kill the industry and starve its employees. [Applause on the Democratic side.]

What says Pennsylvania, the home of Pittsburgh, the industrial giant of the western world? What is her answer to the gloomy accusations of this disciple of disaster? From Altoona, the industrial center of the Pennsylvania Railroad Co., comes the answer:

Every department of the Altoona shops is working full time and some of them are working overtime.

This city is enjoying an unsurpassed era of prosperity. There is the greatest activity in all business circles in Altoona, and leading business men declare that their record of business for 1914 will be ahead of anything done in years. In the face of these facts, if the gentleman from Washington will take some headache salts he can remove the last painful impression of shut mills and closed factories from his gloomy and melancholy brain. [Laughter.] The wayfaring man ought to be able to see by this time, Mr. Chairman, that there is no panic except a political panic in the gentleman's district. [Laughter.] Lord Byron says that "there is music in everything if men but had ears." And, Mr. Chairman, there are signs of industrial activity and business prosperity all about us if the gentleman from Washington only had eyes. But some people go through life, Mr. Chairman, blinded to its beauties and deaf to its music, groping among its shadows and murmuring its dolorous strains. They suffer from their disordered imaginations and miss a great deal in this world. [Applause on the Democratic side.]

Mr. Chairman, when I hear the clang of hammers, the sound of the saw, the music of the woodman's ax, of falling trees, and the song of the sawmill; and when I hear the wind singing through the gates of morn, breathing balm in the ranks of the bending corn; and when I see millions of white and red cotton blossoms nodding welcome to the gold-belted bee; and when I see a bumper wheat crop pouring plenty into the elevators of the West; and when I see railroad trains moving the crops in the jubilee of transportation, and hear the hum of wheels and the roar of active industry all around me, I feel like asking the gentleman from Washington, Are you putting on for a purpose or are you both blind and deaf? [Laughter and applause.]

Now, Mr. Chairman, the gentleman charges that this administration has driven mighty armies of men out of employment into idleness. Senator HOLLIS, of New Hampshire, says that labor has never been better employed in New Hampshire than it is to-day. Samuel Gompers, the tribune of organized labor in the United States, says conditions are improving, more men find work, and feeling of uncertainty is passing. The fact is disclosed that since the Underwood tariff bill went into operation wage earners for the first time have been able to purchase automobiles and ride in them when they go to collect their wages. [Applause on the Democratic side.]

Then, again, Mr. Chairman, the gentleman says we have destroyed business. Let us put some witnesses on the stand and see whether or not we have been helping or hurting business. While the Republicans are flooding the country with pessimistic literature saying that the wool industry is ruined raw wool is bringing a better price than it did before the Underwood bill went into effect, and woolen mills are running full time, and both industries are enjoying prosperity. It is an interesting thing to note, Mr. Chairman, that not long ago the Wool Growers' Association of the United States met here in the city of Washington. They discussed ways and means to prevent sheep losses by wild animals, and they talked about how to lessen the evils of the sheep-killing dog, but not a word, Mr. Chairman, was said against the Underwood tariff law on wool. [Applause on the Democratic side.] Why? Because, as an Oregon newspaper correspondent says, the price being paid is the top notch to date for fine wool.

Up in Michigan a real estate man of 20 years' experience, whose business is building houses and selling them to workingmen on monthly payments, says that he has had more contracts this year than ever before and that initial payments were larger than any year of his experience.

Hear what Dover, N. H., has to say:

The Pacific Mills are installing 30,000 new spindles.

Does this look like we are hurting the business of New England? [Applause on the Democratic side.]

Here is another calamity item for the gentleman from Washington; it comes from Indiana:

This summer 150 automobiles are being sold every day in Indiana and most of them are going to the rural districts.

How sad is this information, Mr. Chairman. Every time the sun goes down on 150 of these sales in Indiana the people who

new glory of our statesmanship that we can secure permanent peace without any cost?

MEXICO.

The American people, under the leadership of the President and the Secretary of State, are now, with sublime patience, seeking to put into practice in our relations with the Republic of Mexico the principles of this new diplomacy.

Mexico is the victim of a mesalliance. The Caucasian race conquered the Mexican Indian, mixed and mingled with him, and bred a race that has inherited all the vices and misfortunes of both. It is a race in its infancy. The Mexican is a primitive man. The great example of the United States in establishing a republic misled the Latin American into believing that he also was fitted to work at the tremendous task of self-government. In the course and progress of government in Mexico the native Mexican has been robbed of all his goods, both real and personal. He has no place that he can call his own. The land of his fathers has been parceled out among unscrupulous usurpers and adventurers from different parts of the world, as well as among the grandees of his own country. He is a slave in the hands of an unscrupulous master. He is sold as a chattel for debt. He is scourged for failing in his task, and driven away when the period of his servitude is ended, only to fall into the hands of another master.

THE MAN WITHOUT A HOME.

It is in the nature of man to love a home. He is without dignity if there is no place that he can call his own. It is one of the natural yearnings of humanity to have a sense of dominion over some spot of earth. To be deprived of it and to live a nomadic life is wholly inconsistent with civilization. All of these misfortunes have come to a people in the latitude of the Tropics. In the history of man, no people in the Tropics have attempted self-government except the people of Latin America.

NO MIDDLE CLASS.

No people have ever flourished without a middle class. The partnership of prince and peasant may have succeeded in past ages, but in our time and during the past century it has been a lamentable failure. Without this middle class, and with the incongruous relation of prince and peasant, Spain lost her Empire; and when her Empire was lost, even the Spanish aristocrat, whose pride would not permit him to become utterly ignoble, was not left with the people of Latin America, but in his place came the bandit, the freebooter, and the adventurer.

LED BY ADVENTURERS.

Mexico presents the horrible spectacle of a nation of ignorant peons led by contending groups of remorseless and desperate characters whose purpose is plunder and whose highest ambition is to usurp by force the places of power in that so-called Republic. The native Mexican, having nothing to lose and perhaps the remote chance or a specious promise of something to gain, follows the leader that is nearest to him and who is able to pay him for his military service.

OUR DUTY.

In the presence of this situation, what is our duty in Mexico? There are those who say that we owe it to civilization to occupy Mexico with the military forces of the United States and establish stable government there until such time as the Mexican people will come to a realizing sense of their duty to each other.

TEACHING WITH THE BAYONET.

In other words, that we should undertake to teach the Mexicans self-government at the point of the bayonet. Then, after having taught the Mexican this valuable lesson, it will be our duty to withdraw our forces from Mexico and allow the thoroughly instructed Mexican to proceed with the establishment of self-government. It is believed by a part of our people that if a share of the Mexicans were killed by American soldiers the survivors would learn how to conduct a Government. There are also those of our people who believe that we ought to enter upon the complete occupation and permanent conquest of Mexico and annex it to the United States. They affirm that the Monroe doctrine makes the Government of the United States responsible for the peace and good order of the whole American continent and that whenever a condition of chaos exists in any of the Latin-American Republics it is our duty to proceed to the conquest of the country that is in a state of revolution. We have among us those who favor pacification by force and those who favor absolute conquest.

Separate and apart from these is the great mass of the American people, always ready to manifest that they are not wedded to the past but are willing to demonstrate to the world that they are as progressive in their notions of international relations as they are in every other phase of American life. They believe that conquest is unworthy of the American people. They judge rightly that the crowning glory of the American is that he has become the conqueror of the forces of nature instead of the conqueror of men.

Sixty-nine years ago our people regarded Mexico somewhat in the light of an equal. When a dispute arose with Mexico they felt as though the national honor was at stake. Mrs. John A. Logan, in her reminiscences, describes with great literary skill the scene as she witnessed it in southern Illinois, when the long delayed news reached the people that war had been declared with Mexico. The people assembled, flags waved, drums were beating, and ambitious orators were loudly appealing to the patriotism of young men. Few people knew and no one cared what the issue was. There was a prospect of a fight and an opportunity for glory.

THE COST.

What a marvelous change in the people in two generations!

We now hold that it is not our honor that is questioned, but that it is our patience that is taxed. The mass of the people are not clamoring for the invasion or the conquest of Mexico. We know the cost of war. We would not fasten upon ourselves the burden, from the standpoint of taxation alone, of paying pensions, bounties, claims, and the tremendous cost of conducting military campaigns, all of which would not be paid in the next century, even to acquire Mexico as a business proposition. From a moral standpoint we revolt at the thought of staining the American flag with the blood of a people that have not attacked or invaded us as a nation—a people that are the victims of their own misfortunes. From a practical standpoint it would seem that if shooting down people can teach the science of self-government the Mexicans, at the present rate of progress, will finally attain that end themselves.

WE WILL COMPEL RESPECT.

We have compelled respect for the flag in Mexico. We have demanded and exacted the protection of lives and property of American citizens.

A REAL SOLDIER.

We have on the soil of Mexico a brigade of highly disciplined and efficient troops commanded by Brig. Gen. Funston a practical soldier, who is a graduate of no military school, but who learned the science of war under fire. I believe that he could march his troops into the City of Mexico practically unopposed. Our Navy is on both coasts of Mexico. We are ready and willing to maintain the honor of the United States and to protect our people, but we are willing to wait with the utmost patience in the hope that order may be restored in Mexico.

THE CROWNING ACHIEVEMENT.

If the man who at present usurps the office of President of Mexico is compelled to retire without further bloodshed, if a President is elected under the constitution of Mexico, if the contending forces that are distracting that unfortunate country will lay down their arms, and the people of Mexico, in the security of peace, can proceed to work out the reforms that are necessary for the welfare of that unfortunate people, and our troops and sailors can come home with only the loss of a score of glorious lives and the honorable wounds of a few more—if this can be accomplished by the efforts of the President and the Secretary of State it will stand alone, isolated and detached, in the history of nations as the greatest diplomatic victory of all time.

Mr. FITZGERALD. Mr. Chairman, I yield one hour to the gentleman from Alabama [Mr. HEFLIN].

The CHAIRMAN. The gentleman from Alabama [Mr. HEFLIN] is recognized for one hour.

Mr. HEFLIN. Mr. Chairman, a few days ago, on account of false alarms sounded by the gentleman from Washington [Mr. HUMPHREY] regarding business conditions in this country, I nominated him as the mouthpiece of calamity howlers, the prophet of civic evil, chairman of the committee on political distress, and the self-constituted forerunner of business destruction. [Applause on the Democratic side.]

The gentleman in reply, during my absence, suggested that my speech was unmarred by a single thought, and yet the gentleman himself was the subject of my remarks. [Laughter on the Democratic side.]

The gentleman alluded to personal bearing and voluptuous verbosity. [Laughter.] I shall make no comment upon the personal pulchritude of the gentleman from Washington, for that, fascinating and charming as it is, is something that he can not help. [Laughter.] Be it said to the credit of the gentleman that he is now doing all in his power to cover up and hide as much of it as possible, and he is to be commended for this, since whiskers are on the free list. [Laughter and applause on the Democratic side.]

The gentleman made some observations about my peculiar style of oratory. Well, Mr. Speaker, there are so many styles

of oratory in the House that I hardly know which to adopt as my model or standard; but I can assure the gentleman from Washington that his peculiarly rare and fascinating style is in no danger of infringement from me. [Laughter.]

Then, Mr. Chairman, the gentleman indulged in euphonious phrase when he had me "sailing around on the suffrage sea." How beautiful and poetic, Mr. Chairman—sailing on the suffrage sea! [Laughter.]

It is both interesting and amusing to me, Mr. Chairman, to see the gentleman from Washington come out from his hiding and break his long silence to submit a few observations on suffrage and the suffrage sea. The gentleman launched his little suffrage batteau, armed with palm-leaf paddle, and perspiring now at every pore, he is rowing on the suffrage sea—just before the congressional election. [Laughter and applause on the Democratic side.]

Silent so long on the subject of woman suffrage, Mr. Chairman, the gentleman remembers that his colleague [Mr. BRYAN], as State senator in the State of Washington, was instrumental in submitting to the people of that State the proposition of woman suffrage, and, too, he recalled the fact that in the House a few days ago the selfsame gentleman made some remarks in favor of woman suffrage, and now, all of a sudden, in sheer desperation, the gentleman from Washington [Mr. HUMPHREY] vacates the panic-haunted halls of the interests and quits, temporarily, the imaginary shores of business disaster and launches his frail and hitherto untried bark on the suffrage sea. [Laughter.] Let me paraphrase the figure of Ulysses. When the gentleman from Washington [Mr. HUMPHREY] discovered his colleague [Mr. BRYAN] sailing on the suffrage sea and found that he was regarded as an old sea captain on the suffrage sea he exclaimed, "Push off, and sitting well in order, smite the sounding furrows, for my purpose holds to sail beyond the suffrage stars and far out on the suffrage sea before the next congressional election." [Laughter.] Leonidas at Thermopylæ, Cæsar beyond the Rubicon, and Napoleon at Austerlitz never displayed such daring and heroism as did the gentleman from Washington in boldly declaring his position on woman suffrage long after opposition to the cause had ceased in his State and the thing itself was an accomplished fact. [Laughter and applause on the Democratic side.]

Mr. Chairman, this hero of many unfought battles in the cause of woman suffrage now "nails the flagstaff to the mast and sets every threadbare sail, then gives it to the god of storms, the lightning, and the gale." And yonder he goes, Mr. Chairman, braving dangers and hardships just before the congressional election, sailing on the suffrage sea. [Laughter and applause.]

Mr. Chairman, three months prior to granting women the right to vote in the State of Washington a resolution indorsing woman suffrage was submitted to a Republican State convention. The gentleman from Washington was there when that resolution was overwhelmingly defeated. Not only that, Mr. Chairman, but the gentleman made a speech to that convention, but nowhere in that speech can there be found a single reference to suffrage or "the suffrage sea." In that speech the gentleman said, "Let us unfurl the banner of Republicanism," but the banner of woman suffrage never floated across his vision, nor did he even hint at a voyage on the suffrage sea. [Laughter and applause on the Democratic side.]

OUT IN THE STATE OF WASHINGTON.

The way was dark and dank
When the Repubs beat the plank
For suffrage by the suffrage sea.
HUMPHREY was demure
When not quite so sure
About suffrage and the suffrage sea.

[Laughter.]

But now just see him walk,
Or even hear him talk
(Within the last week or two),
And he is the author of the suffrage sea.

[Laughter.]

One time he acted queer,
And he didn't talk so clear
About suffrage or the suffrage sea.
But now he's in a fight,
And he shows a fearful fright,
Displays it day and night,
About suffrage and the suffrage sea.

[Laughter and applause.]

For BRYAN, his running mate,
Has been sailing here of late,
About on the suffrage sea.
So now he takes a stand,
Hoping 'twill command
Votes for him on the suffrage sea.

[Laughter.]

He's as cunning as a hawk,
But he's just now learned to talk
Suffrage and the suffrage sea.
He's been silent now so long
That his belated suffrage song
Sounds lonely on the suffrage sea.

[Laughter and applause.]

But he wants the bees to hum
When he beats his suffrage drum
For reelection by the suffrage sea.

[Laughter.]

How easy 'tis to sail
When people say "All hail
To suffrage and the suffrage sea."
His deceptive ammunition
'Gainst woman's intuition
Will be puny on the suffrage sea.

[Laughter.]

They'll greet him with a song,
And it won't be very long
Till he'll hear it on the suffrage sea.
And this is the song they'll sing unto thee,
Sailing on the suffrage sea:
"So long thou hast kept us waiting
That we thought thou never wouldst come."

[Laughter and applause.]

Now, Mr. Chairman, having replied to the speech of the gentleman from Washington [laughter], I shall proceed to discuss some of his gloomy outcroppings regarding panical prospects and business disturbance.

Mr. Chairman, something is radically wrong with the gentleman from Washington. He has become very morose here of late, and he has gone from bad to worse, down this sorrowful road of gloomy forebodings, until I fear that he is coming to be very much like an old fellow down in my State.

He was always complaining. Things were always out of joint, and he was always grumbling and growling. One day a gentleman, who used to know "Old Bill," as the neighbors called him, asked, "Where is Old Bill now?" The answer was, "Why, he is over there, growling as usual. He's done got now to where he don't enjoy anything but eating sour horse apples and sitting up with a corpse." [Laughter and applause.]

Mr. Chairman, things are all out of joint to the gentleman from Washington. He has become a chronic croaker, and if he keeps up this croaking, it is certain that the day is not far distant when Old Bill will be called on to sit up with his political corpse in the Seattle district in the State of Washington. [Laughter.]

Mr. Chairman, I saw the gentleman in this House when his party was in power in every branch of the Government. He had every opportunity possible then to vote for remedial measures, but, like his party, the gentleman has persistently and insistently voted to increase the power of a favored few and against measures in the interest of the masses. He has voted for measures that taxed necessities and placed luxuries on the free list. Like his party, he has been the friend of privilege, the exponent of class legislation, and the faithful friend of the trusts, and now he criticizes the fearless and faithful democracy of this administration for striking from the limbs of labor, commerce, and industry the shackles forged upon them by the Republican Party. [Applause on the Democratic side.]

Mr. Chairman, if I wanted a man in this country to lead a charge against intrenched privileges and plutocracy, I won'd never select the gentleman from Washington; but if I wanted a man who had served the privileged classes, one peculiarly suited to the disgusting task of exaggerating notices of business disturbance, to the delight of trust magnates and tariff barons, I would turn with unerring precision to the gentleman from Washington and say: "Thou art the man." [Applause on the Democratic side.] Some of the big crooks and criminals of the country are anxious to have Congress adjourn before their cases are reached in the legislative program. They have hung out distress signs and sounded panic signals in their efforts to frighten business and force an adjournment of Congress, but the President and the members of his party in Congress have gone on passing laws in the interest of the American people. [Applause on the Democratic side.]

In my judgment, Mr. Chairman, the gentleman from Washington mistakes the attitude of his own constituents when he believes that they will stand for the tactics that he is employing here to embarrass and misrepresent the President of the United States. I do not believe that the patriots dwelling in the district of the gentleman indorse his efforts to frighten legitimate business and induce a few indignant plunderers of the people to believe that the time is opportune for them to bring on a panic.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 16025. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14274. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 12542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the time for general debate be controlled one-half by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves, pending the motion to go into the Committee of the Whole House on the state of the Union, that the time for general debate be divided, one-half to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and one-half by himself. The question is on agreeing to that motion.

The motion was agreed to.

Mr. DONOVAN. Mr. Speaker, does not that motion require unanimous consent?

The SPEAKER. It does not at the present juncture. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

The motion was agreed to.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, with Mr. ADAMSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I yield half a minute to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, it is strange that in the midst of the greatest progress the world has ever known—mechanical, industrial, educational, and moral—the art of diplomacy seems to have undergone little or no change since ancient times. In the early ages envoys were sent from one nation to another, attended with great pomp and splendor, for the purpose of impressing upon the rulers they visited the power and glory of their respective governments. News traveled slowly in those days, and the information of the world depended largely upon exaggerated rumors.

POLITE FRAUD.

Diplomacy was studied and perfected as the art of ceremonions and polite fraud. The entertaining ruler impoverished his kingdom in seeking to outdo in splendor the visiting embassies and convince them that although they had heard of the grandeur of his court "the half was never told." Down through the centuries came these ceremonions observances and customs, bringing with them the warrant of history and the accredited habit of the ages. The end and aim of diplomacy was to seek some advantage for the nation that was represented. The crowning achievement of diplomacy was to make such alliances and combinations with the great powers as would enslave or destroy the weaker nations. In all the history of international relations until this time there is not a single instance of where a new or struggling nation was encouraged or favored by a great power. It seems to have been one of the principles of diplomacy that the weak were the legitimate spoil of the strong, that the new and progressive had to yield to the antiquated and unprogressive.

THE RIGHT OF CONQUEST.

The right of conquest was taught by learned authors of international law, and these writers derived the principles they taught from the Governments of ancient Greece and Rome. Until the Spanish-American War occurred and put the new principle of invading a nation or intervening within a nation in behalf of humanity, as the American Government did in the case of Cuba, there was not a single principle of international law that was an improvement on the statesmanship of antiquity. The basis of it was that all rights were vested in the state, and the more powerful the state the more rights it had. In international law the individual was nothing. If the peace and good order of society required it, he might be scourged, sold, or butchered, because it was fitting that he should be sacrificed in the interests of the state.

THEN AND NOW.

We read our own short history and are astonished to realize how trifling the affairs of an everyday life a century and a half ago would seem to us now. The agriculture of the revolution would now seem like the work of a child.

The manufactures of that day were conducted by men who perfected the skill of their hands and who, with lifelong patience and a degree of humble pride, worked to the end of their lives in their accepted and lowly station. Here and there one of the puny ships that braved the sea in those days remains to convince us of the unconquerable courage of man. The grinding labor with which the poor eked out a hungry existence has given place to a nobler effort full of prophecy of the day when the perfection of science will all but equalize every form of human endeavor and when labor may be the most profitable of all vocations.

Why should we multiply words to describe what is about us, and above all things why should we boast of it when we realize that it has practically been left to us and that it represents more than a century of a noble and unselfish struggle to improve the condition of mankind. With all of this progress, can we not discover some new way of disposing of the questions that may vex the world without resorting to arms?

CONQUEROR OF NATURE.

We have, in a measure, conquered nature. This is a noble conquest and has, in a measure, satisfied our honest pride. Will we leave our task and go back and take our place alongside the predatory barbarians of antiquity and proclaim that conquest and force are the inevitable inheritance of the human race?

There is something in a centennial anniversary which causes men to reflect and think. One hundred years ago the great Napoleon, after having been overwhelmed by the combined

armies of Europe, was a prisoner on the island of Elba. All Europe was in arms. In the United States nearly half a million of men were organized to resist the invasion of the forces of Great Britain. All at once, in the course of a year, peace was declared, and for nearly half a century afterwards there was comparative peace throughout the world. The third and fourth generations have come since that time, and our thoughts go back to the mighty struggles of a hundred years ago. We understand Napoleon better now than did the generation in which he lived. Perhaps a hundred people read carefully his life and its purposes now for the one who knew the facts in his time. We have not only studied his life and his achievements but we have gone back and have read the history of other men whose purposes were similar to those of Napoleon.

SPARTA LEFT NOTHING TO THE WORLD.

The most impressive and significant thing about warrior nations is that they leave absolutely nothing to the generations that come after them. In all the history of men the people of Sparta stand first in the perfection of military discipline. While there were but few of them, they were the greatest military nation that the world has ever known.

Can anything be more impressive than the fact that the ancient Spartan left practically nothing to the world? They left a few names that endure, like Leonidas and Thermopylæ. They put the word "laconic" into the dictionary to describe the short speech of the soldier of Laconia. Imaginative historians recite a few incredible instances of their stoicism. Perhaps some schoolboy has wept over Thermopylæ. From all the history of Sparta the world can claim no inheritance except the inspiring memory of battles that were lost or won. They wrought neither in bronze nor in marble; they erected no great permanent public work; they wrote no classic history; they wrote no poetry; they left no relic but the corroded weapons that are exhibited in the museums of great cities. How different was the rival city of Athens, whose work in architecture, literature, and art still remain the envy and the glory of the world. Alexander the Great left nothing but a legacy of trouble; and when we go to the tomb of Napoleon we see no reference to any permanent work that he left to his people, but surrounding his mausoleum is the roll of his victories, for his glory rests upon the memory of Marengo, Austerlitz, Jena, and a dozen other tremendous struggles, none of which had the effect of making any great or permanent change for the better, either in the history of his country or in the progress of the world.

SHALL WE TURN BACK?

When we turn away from these pages and reflect, should we not fairly ask ourselves, What would it profit us to go forth on a career of conquest? The conquered hates the conqueror. Have we an ambition to go out into the world and promote hatred? Can we work miracles of progress along every other line and then go back and stand with Cæsar in our attitude toward the world? Have we a new thought on every other subject, and yet insist on the same diplomacy that was practiced in the time of Solomon? As one who has read history with whatever of capacity he had to understand it, and in most cases not without pain, I have the happiness to feel that the United States has now turned away from the ancient precedents that were old in the time of the Pharaohs, and that we have set our faces toward the future with the hope of promoting peace throughout the world.

THE MAN AT THE HELM.

We have the good fortune to have at the head of the Government a man who has brought to this great task a wealth of varied and deep learning, a conscience that is not the growth of yesterday—not a frame of mind conjured up to suit the occasion of serving as President, but which is the reward of the patience and self-discipline of a noble life.

A HERO OF DEFEAT.

He has brought with him and placed at his right hand in the service of this Government one who stands alone in the history of American statesmanship.

Other men have suffered defeat and lapsed into obscurity. Disappointment has so stricken the vanity and the pride of others that hope fled from their hearts, and they were seen on the stage of action no more. You may search the history of ancient and modern times, and you will find but one for whom defeat served every purpose of victory, and who had more power and influence in private life, in the government of his country, than any other man had at the same time in the highest councils of the Nation. It is an instinct of human nature to humiliate further those we have defeated and to crush and trample those we have overthrown. The Secretary of State is the first character in history who has firmly united to himself in public esteem and affection a great people that rejected him for their leader. Defeat has only added to the unconquerable purpose of this man, who has proven that an office is a mere gift, sometimes capriciously given by the people, but that a place in the hearts of the world is the imperishable glory of the truly great man. And these two great leaders of the American people have patiently and scientifically gone about the task of abolishing bloodshed and war.

Deeply impressed as they are with the dignity of the human race and its hope of final perfection, they have asked the nations the question, "Should not the rule of reason prevail in all the acts of men?"

REASON MUST RULE.

The law of every civilized land demands that every sane adult person will be held responsible for his unreasonable acts that injure anyone else. Nearly all the wars that have ever been waged since the beginning of time were begun on the first impulse of national passion, when reason was dethroned and patriotism run mad, demanded to be led against the enemy. Whoever asked for calm deliberation was scouted or mobbed. No wonder the ancients imagined that there was a god that presided over panic and over war and over many of the violent impulses that are manifested by a mass of people. There is no horror more unimaginable or indescribable than a whole nation in anger clamoring for battle and bloodshed. Calmly, gently, the President and the premier have set to work to put forth the power and influence of a Nation of a hundred million people against the ancient vice of giving expression to national wrath. Already they have entered into treaties of peace with 16 of the nations, and have agreed upon a system of composing differences and strife that will mark an era in history.

In these treaties it is provided that—

The high contracting parties engage to submit for investigation and report to a commission, to be constituted according to the provisions of the following article, all differences of whatever nature they may be which may occur between them which can not be composed by diplomatic methods or are not submitted to a tribunal of arbitration; they bind themselves not to declare war nor to open hostilities during the examination by the commission and before the commission has presented its report.

And further that—

Each country, by means of its Government, chooses two members—one from among its own subjects, the other from among those of a third State—the two Governments, after agreement, will name the fifth member, on condition, however, that he be not a citizen of either of these two countries. Each commissioner shall hold his place during a term of four years; at the expiration of this term, or in the event of vacancy, the confirmation or the substitution of the commissioner, whose term may have expired or whose place may be vacant, shall be made in the same manner.

If all efforts under the provisions of these treaties fail, and, as a last resort, it is provided that—

The high contracting parties reserve to themselves the right to act independently on the subject matter of the dispute after the commission shall have presented its report.

WHAT IS PERSONAL SHOULD BE NATIONAL.

Whoever has taken part as a juror, or in a professional capacity in the trial of a case, where the defendant was charged with murder, and where his defense was that he acted upon sudden and sufficient provocation, will understand the deep meaning that is put into the words:

They bind themselves not to declare war nor to open hostilities during the examination by the commission and before the commission has presented its report.

THE COMMON LAW.

In the case of one charged with homicide, the defendant is held accountable for a greater degree of guilt, if he had time for reason to resume its sway before he took human life. If he had what is called "cooling time" in the simple phraseology of the common law, and then killed the person that had provoked him, he would be held guilty of murder. Under the provisions of these treaties there will be time for national anger to cool and for wise counsel to prevail. Four other nations have practically agreed to accept the terms of similar treaties.

WE ARE SAFE.

Intrenched as we are, with a great ocean on each side of us, with no possibility and evidently no purpose on the part of any nation to attempt to invade us, can we not live in hopes that some day we can dispense with the tremendous expenditures for armies and navies, with which we are now burdened? With treaties containing these beneficent and wise provisions, entered into with the nations of the world, it is inconceivable that we could be drawn into any great war. The world has been so materialistic that it has glorified war above peace; that it has cast into bronze the soldier with uplifted saber while it has left unhonored the heroes of moral victory, who made peace without war. The triumph of the soldier is to secure peace for his country at frightful cost. Can we not hope that it is the

is not a privileged resolution. It can be brought before the House at this time in only one way, by a report from the Com-

I want to say that there is no law against returning to the Treasury of the United States any salary or mileage paid to a

from our amendment to Senate amendment No. 1, but we have

ANSWERED "PRESENT"—5.

Moon	Sloan	Taylor, Ala.	Walters
Rothermel			

NOT VOTING—175.

Adair	Fields	Lafferty	Prouty
Ainey	Finley	Langham	Rayburn
Ansberry	Fordney	Lazaro	Riordan
Anthony	Frear	L'Engle	Roberts, Mass.
Aswell	Gallivan	Lesher	Sabath
Austin	Gardner	Levy	Saunders
Burchfeld	George	Lewis, Pa.	Scully
Barnhart	Gerry	Lindquist	Sells
Bartlett	Gilmore	Lobeck	Sharp
Beall, Tex.	Glittus	Loft	Shreve
Bell, Ga.	Glass	McAndrews	Sims
Borchers	Godw'n, N. C.	McClellan	Slayden
Borland	Goldfogle	McDermott	Slemp
Brown, N. Y.	Gorman	McGillicuddy	Smith, J. M. C.
Brown, W. Va.	Goulden	McGuire, Okla.	Smith, Md.
Browne, Wis.	Graham, Pa.	McKellar	Smith, N. Y.
Browning	Griest	McLaughlin	Smith, Tex.
Bruckner	Griffin	Mahan	Sparkman
Buchanan, Ill.	Gudger	Maher	Stanley
Burke, Pa.	Guernsey	Martin	Stephens, Nebr.
Butler	Hamill	Merritt	Stevens, N. H.
Calder	Hamilton, N. Y.	Metz	Stringer
Callaway	Hamlin	Morgan, La.	Sumners
Cantor	Hardwick	Morin	Sutherland
Cantrill	Hayes	Morrison	Switzer
Carew	Henry	Mott	Talbott, Md.
Cary	Hinds	Murdock	Taylor, N. Y.
Chandler, N. Y.	Hinebaugh	Murray, Okla.	Temple
Clancy	Hobson	Neeley, Kans.	Thacher
Cooper	Houston	Neely, W. Va.	Thomas
Copley	Howard	Nelson	Thompson, Okla.
Crisp	Hoxworth	Norton	Vare
Dale	Hughes, W. Va.	O'Brien	Vaughan
Davenport	Hulings	O'Shaunessy	Walker
Dies	Johnson, Wash.	Paige, Mass.	Walsh
Diffenderfer	Jones	Parker	Weaver
Dooling	Kahn	Patten, N. Y.	Whaley
Doughton	Kelley, Mich.	Patton, Pa.	Whitacre
Driscoll	Kennedy, Iowa	Peters, Me.	White
Eagan	Kennedy, R. I.	Plumley	Willis
Eagle	Kiess, Pa.	Porter	Wilson, N. Y.
Edwards	Knowland, J. R.	Post	Winslow
Esch	Korbly	Pou	Young, Tex.
Fairchild	Kreider	Powers	
Fess			

So the motion was agreed to.

The Clerk announced the following pairs:

Ending August 4, 1914:

Mr. WEAVER with Mr. SLOAN.

Commencing July 14, until further notice:

Mr. BURKE of Wisconsin with Mr. FREAR.

Until further notice:

Mr. LAZARO with Mr. PARKER.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. GILMORE with Mr. AUSTIN.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. RIORDAN with Mr. WALTERS.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. HENRY with Mr. HINDS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. SABATH with Mr. SWITZER.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BORLAND with Mr. ANTHONY.

Mr. SAUNDERS with Mr. WINSLOW.

Mr. WILSON of New York with Mr. LAFFERTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. LOBECK with Mr. POWERS.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GALLAGHER with Mr. HULINGS.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. ASWELL with Mr. CARY.

Mr. BARNHART with Mr. CALDER.

Mr. BROWN of New York with Mr. CHANDLER of New York.

Mr. BROWN of West Virginia with Mr. FESS.

Mr. DOUGHTON with Mr. JOHNSON of Washington.

Mr. HAMLIN with Mr. HINEBAUGH.

Mr. GALLIVAN with Mr. KEISTER.

Mr. HOWARD with Mr. KELLEY of Michigan.

Mr. JONES with Mr. FORDNEY.

Mr. MORRISON with Mr. KIESS of Pennsylvania.

Mr. PATTEN of New York with Mr. KREIDER.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. POST with Mr. LINDQUIST.

Mr. POU with Mr. MCGUIRE of Oklahoma.

Mr. RATBURN with Mr. MOTT.

Mr. SIMS with Mr. MORIN.

Mr. SMITH of Maryland with Mr. NORTON.

Mr. SMITH of Texas with Mr. NELSON.

Mr. STRINGER with Mr. PROUTY.

Mr. WALKER with Mr. SUTHERLAND.

Mr. WHALEY with Mr. ROBERTS of Massachusetts.

Mr. WHITE with Mr. SELLS.

Mr. CALLAWAY with Mr. WILLIS.

Mr. ROTHERMEL with Mr. HAYES.

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. GLASS with Mr. SLEMP.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. WALTERS. Mr. Speaker, did the gentleman from New York, Mr. RIORDAN, vote?

The SPEAKER. He did not.

Mr. WALTERS. I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. WALTERS was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the motion was agreed to was laid on the table.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17824, the general deficiency bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the general deficiency bill.

Mr. FITZGERALD. And pending that motion, Mr. Speaker, I wish to ascertain whether we can not agree upon a time for the conclusion of general debate.

Mr. GILLETT. Mr. Speaker, I have had requests for 2 hours and 30 minutes on this side. I have told the gentlemen that I assume the other side will be willing to agree to that.

The SPEAKER. What does the gentleman from New York say?

Mr. FITZGERALD. I am trying to figure out the requests. Can not the gentleman get along with two hours?

Mr. GILLETT. These gentlemen have requested that much time, and even before Saturday. I would have to show a very difficult favoritism in telling some gentleman I could not give him time. I would not know how to select.

Mr. FITZGERALD. Cut it down a little, and that will close general debate.

Mr. MANN. Mr. Speaker, will the gentleman yield? It was proposed Saturday to give this side of the House 4 hours. I understand that this side of the House has used 1 hour and 45 minutes.

Mr. FITZGERALD. It has used more than that; it had 30 minutes out of my time.

Mr. GILLETT. I figured it up from the RECORD this morning, and I figured that side of the House has used two hours and a half and we have used an hour and three-quarters.

Mr. MANN. If the gentleman will allow me to say, the gentleman from Massachusetts has me down for 15 minutes, and while I would like to use it—I do use time occasionally in the House—I am willing to let that go, and he can reduce his time to 2 hours and 15 minutes, which will make just 4 hours on this side of the House.

Mr. FITZGERALD. Well, I ask unanimous consent that the time for general debate be limited to 4 hours, 2 hours and 15 minutes to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and 1 hour and 45 minutes by myself. That equalizes the time.

Mr. GILLETT. Mr. Speaker, I will be content with that.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to four hours, one

hour and three-quarters to be controlled by himself and two hours and a quarter by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object this measure was before us Saturday last for several hours, and during that time not one single sentence of the English language was used on the subject matter of the bill. I wish to say now, Mr. Speaker, if they are going to allow the Members of this House on this appropriation bill, covering nearly $5,000,000, to cover every subject under the sun, they must furnish a quorum to listen to them. Now, the gentleman has asked unanimous consent, and if Members go away and leave nothing but empty seats, as far as I am concerned, I am going to object, and I do object to the unanimous consent, and whatever time is used will go in the hands of the presiding officer, and you must keep a quorum; if not, I shall make the point at the first opportunity.

Mr. FITZGERALD. Mr. Speaker, I have no objection to the gentleman insisting on a quorum, but in order to enable the committee to equalize the time between the two sides I will ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

The SPEAKER. Did the gentleman from Connecticut [Mr. DONOVAN] object to the request?

Mr. DONOVAN. Mr. Speaker, I did object to the request, and object again to this request.

The SPEAKER. If the gentleman objected, that is the end of it. The gentleman from New York [Mr. FITZGERALD] prefers another request, which is that in the general debate the time be controlled one-half by himself and one-half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection to that?

Mr. DONOVAN. Mr. Speaker, I object.

Mr. FITZGERALD. Pending the motion, Mr. Speaker, I move that general debate on this bill close in four hours.

The SPEAKER. The gentleman from New York moves that all general debate on this proposition close in four hours.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. DONOVAN. Mr. Speaker, I raise the question of a quorum.

The SPEAKER. The gentleman from Connecticut raises the point of no quorum, and the Chair will count.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The motion, I take it, is carried. The gentleman did not object to the vote, because there is no quorum present.

The SPEAKER. He raised the point of no quorum.

Mr. MANN. That comes after.

Mr. TAGGART. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TAGGART. I make the point of order against the motion of the gentleman from Connecticut [Mr. DONOVAN] on the ground that it is dilatory. A vote has just been concluded.

The SPEAKER. Oh, no; it is not dilatory. There has been business transacted. The Chair rules it is dilatory only when a man is trying to be dilatory.

The Chair will count. [After counting.] One hundred and fifty-seven gentlemen are present, not a quorum. The Doorkeeper will close the doors.

Mr. GARNER. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman does not have to move it, because the other vote has not been finished.

The Doorkeeper will close the doors, the Sergeant at Arms will bring in absentees, and the Clerk will call the roll. Those in favor of the motion of the gentleman from New York [Mr. FITZGERALD] to limit debate to four hours will, as their names are called, answer "yea," and those opposed will answer "nay."

The question was taken; and there were—yeas 241, nays none, answered "present" 7, not voting 185, as follows:

YEAS—241.

Abercrombie	Bell, Cal.	Byrns, Tenn.	Cramton
Adamson	Blackmon	Campbell	Crosser
Aiken	Booher	Candler, Miss.	Cullop
Alexander	Bowdle	Caraway	Curry
Allen	Britten	Carlin	Danforth
Anderson	Brockson	Casey	Decker
Ashbrook	Brodbeck	Church	Delfrick
Avis	Brumbaugh	Clark, Fla.	Dent
Bailey	Bryan	Claypool	Dershem
Baltz	Buchanan, Tex.	Cline	Dickinson
Barchfeld	Bulkley	Coady	Dillon
Barkley	Burgess	Collier	Dixon
Bartholdt	Burke, S. Dak.	Connelly, Kans.	Donohoe
Barton	Burke, Wis.	Connolly, Iowa	Doolittle
Bathrick	Burnett	Conry	Drukker
Beakes	Byrnes, S. C.	Cox	Dunn
Elder	Hensley	Maguire, Nebr.	Sims
Esch	Hill	Manahan	Sinnott
Evans	Holland	Mann	Sisson
Falson	Howell	Mapes	Small
Falconer	Hughes, Ga.	Miller	Smith, Idaho
Farr	Hull	Mitchell	Smith, Minn.
Ferguson	Humphrey, Wash.	Mondell	Smith, Saml. W.
Ferris	Humphreys, Miss.	Moon	Stafford
Fitzgerald	Igoe	Moore	Stedman
Fitzhenry	Jacoway	Morgan, Okla.	Stephens, Cal.
Flood, Va.	Johnson, Ky.	Moss, Ind.	Stephens, Miss.
Floyd, Ark.	Johnson, S. C.	Murray, Mass.	Stephens, Tex.
Foster	Johnson, Utah	Nolan, J. I.	Stevens, Minn.
Fowler	Jones	Oglesby	Stevens, N. H.
Francis	Kahn	O'Hair	Stone
French	Keating	Oldfield	Stout
Gallagher	Kelly, Pa.	O'Leary	Taggart
Gard	Kennedy, Conn.	Padgett	Talcott, N. Y.
Garner	Kennedy, Iowa	Page, N. C.	Taylor, Ark.
Garrett, Tenn.	Kent	Palmer	Taylor, Colo.
Garrett, Tex.	Kettner	Park	Ten Eyck
Gill	Key, Ohio	Payne	Thomson, Ill.
Gillett	Kindel	Peters, Mass.	Towner
Goeke	Kinkead, N. J.	Peterson	Townsend
Good	Kirkpatrick	Phelan	Treadway
Goodwin, Ark.	Kitchin	Post	Tribble
Graham, Ill.	Konop	Pou	Underhill
Gray	La Follette	Quin	Underwood
Green, Iowa	Langley	Rainey	Vollmer
Greene, Mass.	Lee, Ga.	Raker	Volstead
Greene, Vt.	Lee, Pa.	Rauch	Wallin
Hamilton, Mich.	Lenroot	Reed	Walters
Hamlin	Lever	Rellly, Wis.	Watkins
Hammond	Lewis, Md.	Roberts, Nev.	Watson
Hardy	Lieb	Rogers	Webb
Harris	Lindbergh	Rouse	Williams
Harrison	Linthicum	Ruby	Wilson, Fla.
Haugen	Lloyd	Rucker	Wingo
Hawley	Logue	Rupley	Witherspoon
Hay	Lonergan	Russell	Woodruff
Hayden	McCoy	Scott	Woods
Heflin	McGuire, Okla.	Seldomridge	Young, N. Dak.
Helgesen	McKenzie	Shackleford	
Helm	Macdonald	Shefley	
Helvering	Madden	Sherwood	

NAYS—0.

ANSWERED "PRESENT"—7.

Donovan	Moss, W. Va.	Sloan	Taylor, Ala.
Gordon	Ragsdale	Steuerson	

NOT VOTING—185.

Adair	Eagle	Knowland, J. R.	Rayburn
Ainey	Edmonds	Korbly	Reilly, Conn.
Ansberry	Edwards	Kreider	Riordan
Anthony	Estopinal	Lafferty	Roberts, Mass.
Aswell	Fairchild	Langham	Rothermel
Austin	Fess	Lazaro	Sabath
Baker	Fields	L'Engle	Saunders
Barnhart	Finley	Lesher	Scully
Bartlett	Fordney	Levy	Sells
Beall, Tex.	Frear	Lewis, Pa.	Sharp
Bell, Ga.	Gallivan	Lindquist	Shreve
Borchers	Gardner	Lobeck	Slayden
Borland	George	Loft	Slemp
Broussard	Gerry	McAndrews	Smith, J. M. C.
Brown, N. Y.	Gilmore	McClellan	Smith, Md.
Brown, W. Va.	Glittus	McDermott	Smith, N. Y.
Browne, Wis.	Glass	McGillicuddy	Smith, Tex.
Browning	Godwin, N. C.	McKellar	Sparkman
Bruckner	Goldfogle	McLaughlin	Stanley
Buchanan, Ill.	Gorman	Mahan	Stephens, Nebr.
Burke, Pa.	Goulden	Maher	Stringer
Butler	Graham, Pa.	Martin	Sumners
Calder	Gregg	Merritt	Sutherland
Callaway	Griest	Metz	Switzer
Cantor	Griffin	Montague	Talbott, Md.
Cantrill	Gudger	Morgan, La.	Tavenner
Carew	Guernsey	Morin	Taylor, N. Y.
Carr	Hamill	Morrison	Temple
Carter	Hamilton, N. Y.	Mott	Thacher
Cary	Hardwick	Murdock	Thomas
Chandler, N. Y.	Hart	Murray, Okla.	Thompson, Okla.
Clancy	Hayes	Neeley, Kans.	Tuttle
Cooper	Henry	Neely, W. Va.	Vare
Copley	Hinds	Nelson	Vaughan
Covington	Hinebaugh	Norton	Walker
Crisp	Hobson	O'Brien	Walsh
Dale	Houston	O'Shaunessy	Weaver
Davenport	Howard	Paige, Mass.	Whaley
Davis	Hoxworth	Parker	Whitacre
Dies	Hughes, W. Va.	Patten, N. Y.	White
Diffenderfer	Hulings	Patton, Pa.	Willis
Dooling	Johnson, Wash.	Peters, Me.	Wilson, N. Y.
Doremus	Kahn	Platt	Winslow
Doughton	Kelley, Mich.	Plumley	Young, Tex.
Driscoll	Kennedy, R. I.	Porter	
Dupré	Kiess, Pa.	Powers	
Eagan	Kinkaid, Nebr.	Prouty	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARTER with Mr. TEMPLE.

Mr. MONTAGUE with Mr. PLATT.

Mr. FINLEY with Mr. KINKAID of Nebraska.

Mr. DUPRÉ with Mr. EDMONDS.

Mr. DOREMUS with Mr. DAVIS.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The motion is carried.

agreement back to the House. The Senate conferees have insisted that the Senate will not yield from its position, but will

was a simple way to dispose of the matter. I voted against it on the Senate mileage and insisted on our mileage, as the Senate

Mr. PALMER. Oh, I know the contrary.

Mr. FALCONER. No; I do not think the gentleman does.

Mr. PALMER. In a previous Congress I myself offered an amendment to this bill to make the mileage 10 cents a mile. We had a record vote upon it, and came within 4 or 5 votes of passing it. I, of course, voted for it. I have voted for the House amendment to provide for actual expenses, and the parliamentary situation was such that Members could not vote for the same amendment to apply to both; but I say to the gentleman that I am opposed to the miserable makeshift of having one rate for the House and one rate for the Senate.

Mr. FALCONER. I am glad to hear that.

Mr. PALMER. I am honestly in favor of having the same rate for both, and I believe now this troublesome question could be adjusted if the conferees representing the two Houses would sit down like reasonable men and do a reasonable thing, namely, compromise between the two items.

Mr. ROBERTS of Nevada. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Before I do that I want to ask the Chair is an amendment to this proposition in order? I will offer this amendment——

Mr. MANN. It is not in order now.

The SPEAKER. Wait a minute. The Chair will examine it and see.

Mr. MANN. No motion is ahead of the motion to recede and concur.

Mr. PALMER. I do not propose to get ahead of it by offering any other motion. I am offering an amendment to this motion to recede and concur.

The SPEAKER. The motion to recede and concur is the preferential motion.

Mr. PALMER. I am offering an amendment to the pending motion.

Mr. ROBERTS of Nevada. Will the gentleman yield?

Mr. BYRNS of Tennessee. Will the gentleman permit a question?

Mr. PALMER. Just a moment. I move to amend the pending motion by adding at the end thereof "provided mileage for Representatives and Senators shall be at the rate of 10 cents a mile."

Mr. FITZGERALD. I make the point of order that at this stage of the proceedings the motion to recede and concur is the preferential motion.

The SPEAKER. The gentleman from New York is correct.

Mr. PALMER. Mr. Speaker, will the Chair hear me for a moment?

The SPEAKER. The gentleman's time is up.

Mr. PALMER. On this point of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. The gentleman has not the floor to offer any motion, anyway.

The SPEAKER. The Chair understands that perfectly well, and rules it out of order.

Mr. PALMER. If it is ruled out of order on that account, I shall have to submit.

Mr. FITZGERALD. It is out of order on both grounds.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when I see my genial friend from Pennsylvania [Mr. PALMER] in the House, I feel like saying to him "Welcome to our city." [Applause and laughter.]

Mr. PALMER. The gentleman will admit that it is only recently that I have been absent.

Mr. MANN. Oh, I made substantially the same remark when the gentleman made the same proposition in the last Congress, and it has been true ever since. The gentleman from Pennsylvania [Mr. PALMER] has just stated that he voted for the 5-cent mileage proposition. The gentleman imagines that he was here, because I have the CONGRESSIONAL RECORD in my hand, under date of June 25, where the gentleman from South Carolina [Mr. BYRNES] offered a motion for 5 cents a mile, and among those voting is not found the name of the gentleman from Pennsylvania [Mr. PALMER], but among those absent I read the name "PALMER." The gentleman has been absent so much that he forgets how he votes when he is here.

Mr. Speaker, the gentleman from Pennsylvania [Mr. PALMER] just stated that it would be an easy matter to extend this appropriation under the legislative, executive, and judicial appriation act. The gentleman from New York [Mr. FITZGERALD] this morning reported a resolution from the Committee on Appropriations, to which I reserved all points of order, because it is not a privileged resolution. It can be brought before the House at this time in only one way, by a report from the Committee on Rules. There are various people connected with the woman-suffrage movement who have been trying for days and weeks to get a meeting of the Committee on Rules. I thought possibly we might do it in this way. There is not a quorum of the committee that will be assembled. I doubt very much whether that side of the House wants to have a meeting of the Committee on Rules just now for any purpose; but if the committee have a meeting for any purpose they will have the woman-suffrage proposition up before them you can be mighty sure. [Applause.] Then they will have to fish or cut bait.

And then there is another resolution we would like to get up before the Committee on Rules, the resolution relating to another amendment to the Constitution. The Committee on Rules have not been very active in reference to these propositions; they laid them over once, and then they laid them over again, because they could not get a quorum of the committee together.

Now some of the gentlemen think 20 cents a mile is too much, and some think it is too little. I am like many of the other gentlemen who have spoken. I do not care whether Congress pays me 20 cents a mile, or no mileage. I shall not decline a nomination or election in either event. [Laughter.] But while I am a Member of the House I shall be in Washington on attendance at the sessions of the House. [Applause.] And I think it comes in mighty poor grace for a gentleman to talk about mileage graft, a small amount, who has been drawing his salary while he has been engaged in political work for himself at home, and who has not been present in the House.

And when gentlemen talk about mileage being graft, I have been led to suppose that the man who took graft was a grafter. I would like to know the name of any Member of this House who has declined to receive what he calls this graft. [Applause.] I do not believe it is graft. If I did, I would not be a grafter and take it. The gentleman who calls it graft is a grafter if he takes it. [Applause.] We have a great pother about this. Gentlemen who are here are worrying about the mileage. I wonder that the majority side of the House does not enforce the law in reference to absences and salary. The law provides that the gentleman from Pennsylvania [Mr. PALMER], who has been away from Washington so long, shall not receive his salary while he is absent. Does he take it? If it is graft to take mileage which the law allows, is it honest to take salary which the law forbids? [Applause on the Republican side.] I suggest to the gentleman from Pennsylvania that people who live in glass houses, and mighty thin glass at that, had better be conspicuous by quietness instead of rising to debate a proposition about graft of other people. He had better remove the beam from his own eye before he tries to take the mote out of the eyes of others. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Speaker, the Committee on Appropriations saw fit to put into the appropriation bill a provision to take the place of existing law. This new provision was that each Member of the House and Senate should have all his expenses paid to and from Washington for each and every session of Congress, and that the traveling expenses of each and every dependent member of his family should also be paid for every session. The law that has been upon the statute books for a great many years provides for 20 cents a mile for each regular session.

This measure would not seem to me to work economy. It would all depend on the number of dependent persons in the family of the Member. It would be manifestly unfair to Members with small families. It would give a greater mileage to Members with large families than they draw now. It would allow a dependent member of any Member's family to get on a train at his home at any session of Congress and take a trip to Washington and return again. They would not have to come together or with the Member under that provision, and would not have to return when he did.

They would be at liberty to take as many excursions to and from Washington as there were sessions of Congress during the period of the Member's service. No one knows whether it would work economy or not. I, in company with a great many others here, voted for the 5 cents a mile on the amendment offered by the gentleman from South Carolina. I believe that more of the time of this House, in actual value, has been taken up in the discussion of this item of mileage than would be the difference in mileage between 5 cents a mile and 20 cents a mile. There has been feeling wrought up over it. Accusations have been made; and we have been called to task by a gentleman who was not with us when we voted for 5 cents a mile.

I want to say that there is no law against returning to the Treasury of the United States any salary or mileage paid to a

Member. If some distinguished patriot here, having an afflicted conscience, will return to the Treasury of the United States the mileage he feels that he should not have taken, I will be the first to contribute $50 toward erecting a bronze tablet to his memory as the first patriot of the twentieth century. [Laughter and applause.]

The Senate has voted almost solidly to retain the old law. While it may be our duty to recede and agree with the Senate, I shall not vote to agree to continue mileage at the old rate.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. JOHNSON of South Carolina. I yield one minute to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, I simply want to put in the RECORD section 17 of United States Statutes at Large, volume 14, page 323, act of July 28, 1866, which reads as follows:

> That the compensation of each Senator, Representative, and Delegate in Congress shall be $3,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session.

That has been the law for 48 years, and we are just as much bound to appropriate for it now as we were then.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I shall vote to recede upon this amendment, as I voted previously; but I do not care to discuss that now. I do want to say a word with reference to the imputation made by the gentleman from Alabama [Mr. UNDERWOOD] and by the gentleman from New York [Mr. FITZGERALD] that the resolution continuing the appropriations for two weeks longer could not be gotten before this House, because there are not a sufficient number of Democratic members of the Committee on Rules in the city of Washington.

I want to say to these gentlemen that there are three members upon the minority side on the Committee on Rules, of which I am one, and we have ever been ready as members of that committee to do anything that was necessary to carry on this Government, and until they call a meeting of the committee and place it before the Committee on Rules they have no right to make the statement that they have made. [Applause on the Republican side.] The reason is, however, that they are afraid to call a meeting of that committee, not because they fear this resolution will not pass, but because some other matters might be brought up before that committee if a meeting is called.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD] two minutes.

Mr. UNDERWOOD. Mr. Speaker, I am glad to understand that the gentleman from Wisconsin is willing to pledge himself to the House to report a resolution to extend the appropriations.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. I did not state that; I said the committee could be relied upon to do what is necessary. If that is necessary, we will agree to it.

Mr. UNDERWOOD. The gentleman, then, is not ready to pledge himself at this time. I wish to say, as far as I am concerned, that I am making no effort to prevent the consideration of any proposition that is before the Rules Committee at this time. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I thought I had made it clear in my statement to the House that the conferees had repeatedly proposed to the Senate conferees a compromise of 10 cents, or any other compromise, and the Senate conferees have absolutely refused to discuss the matter.

I move the previous question on the motion of the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The question is on ordering the previous question on the motion of the gentleman from New York [Mr. FITZGERALD].

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD], that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to the amendments of the Senate Nos. 1 and 20, and agree to the same.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the motion read that the House shall recede from its disagreement to Senate amendment No. 1? As I understand it, we are to vote on the question of receding from our amendment to Senate amendment No. 1, but we have no disagreement to Senate amendment No. 1. We have agreed to Senate amendment No. 1 with an amendment.

Mr. FITZGERALD. We recede from the amendment of the House to Senate amendment No. 1.

Mr. MANN. And recede from our disagreement to Senate amendment No. 20, and agree to both the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois is correct, and I will modify my motion accordingly.

The SPEAKER. The question is, then, on the motion that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to amendment of the Senate No. 20, and agree to the two amendments.

The question was taken.

Mr. COX. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Indiana demands a division. Those in favor of the motion will rise and stand until counted. [After counting.] One hundred and one——

Mr. DONOVAN. Mr. Speaker, count me with the rest.

The SPEAKER. One hundred and two gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Fifty-three have risen in the negative. On this vote the ayes are 102 and the noes are 53.

Mr. COX. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. CANDLER of Mississippi. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Indiana makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and eighty-six Members present, not a quorum. The Doorkeeper will clo... the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were—yeas 132, nays 121, answered "present" 5, not voting 175, as follows:

YEAS—132.

Abercrombie	Dupré	Humphrey, Wash.	Payne
Adamson	Eder	Humphreys, Miss.	Ragsdale
Aiken	Esch	Igoe	Raker
Anderson	Estopinal	Jacoway	Reed
Avis	Evans	Johnson, S. C.	Roberts, Nev.
Bailey	Falconer	Johnson, Utah	Rogers
Bartholdt	Ferguson	Kahn	Rouse
Beakes	Ferris	Kennedy, Conn.	Rubey
Bell, Cal.	Fitzgerald	Kent	Scott
Blackmon	FitzHenry	Kettner	Sells
Booher	Floyd, Ark.	Key, Ohio	Sinnott
Bromseard	Francis	Kindel	Smith, Idaho
Bulkley	Gallagher	Kirkpatrick	Stevenson
Burgess	Gard	Kitchin	Stephens, Cal.
Burnett	Garrett, Tenn.	Konop	Stephens, Tex.
Campbell	Gill	La Follette	Stevens, Minn.
Caraway	Gillett	Langley	Stout
Carlin	Good	Lee, Ga.	Taylor, Colo.
Carter	Goodwin, Ark.	Lee, Pa.	Ten Eyck
Church	Greene, Mass.	Lenroot	Thomson, Ill.
Clark, Fla.	Greene, Vt.	Lever	Towner
Claypool	Gregg	Lilithicum	Townsend
Covington	Hammond	McCoy	Treadway
Cramton	Hardy	Madden	Tuttle
Curry	Harris	Maguire	Underhill
Danforth	Hart	Mann	Underwood
Davis	Hawley	Miller	Vollmer
Deitrick	Hay	Mondell	Volstead
Dent	Hayden	Moore	Wallin
Donohoe	Heflin	Murray, Mass.	Watson
Donovan	Helgesen	Nolan, J. I.	Wilson, Fla.
Drukker	Howell	O'Hair	Winge
Dunn	Hughes, Ga.	Oldfield	Witherspoon

NAYS—121.

Alexander	Decker	Keating	Rauch
Allen	Dershem	Kelly, Pa.	Reilly, Conn.
Ashbrook	Dickinson	Kinkaid, Nebr.	Reilly, Wis.
Baker	Dillon	Kinkead, N. J.	Rucker
Baltz	Dixon	Lewis, Md.	Rupley
Barkley	Doolittle	Lieb	Russell
Barton	Doremus	Lindbergh	Shackleford
Bathrick	Edmonds	Lloyd	Sherley
Bowdle	Falson	Logue	Sherwood
Britten	Farr	Lonergan	Sisson
Brockson	Flood, Va.	McKenzie	Small
Brodbeck	Foster	MacDonald	Smith, Minn.
Brumbaugh	Fowler	Maguire, Nebr.	Smith, Saml. W.
Bryan	French	Mapes	Stafford
Buchanan, Tex.	Garner	Mitchell	Stedman
Burke, S. Dak.	Garrett, Tex.	Montague	Stephens, Miss.
Burke, Wis.	Goeke	Morgan, Okla	Stone
Byrnes, S. C.	Gordon	Moss, Ind.	Taggart
Bryan, Tenn.	Graham, Ill.	Moss, W. Va.	Talcott, N. Y.
Candler, Miss.	Gray	Ogleby	Tavenner
Carr	Green, Iowa	O'Leary	Taylor, Ark.
Casey	Hamilton, Mich.	Padgett	Tribble
Cline	Harrison	Page, N. C.	Watkins
Coady	Haugen	Palmer	Webb
Collier	Helm	Park	Williams
Connelly, Kans.	Helvering	Peters, Mass.	Woodruff
Connolly, Iowa	Hensley	Peterson	Woods
Conry	Hill	Phelan	Young, N. Dak.
Cox	Holland	Platt	
Crosser	Hull	Quin	
Cullop	Johnson, Ky.	Rainey	

everything within reason that could be justified under parliamentary law to effect its purpose, that the time has now come for the House to recede from its position and agree to the Senate provision and permit the bill to become law. We gain nothing by further agitation and discussion. The responsibility for the failure to reduce the mileage from the amount fixed by law must be borne by the body which declines to yield in any respect, and we should not, in our desire to change this mileage, whatever be our motive, longer delay the enactment of this bill, so important to the maintenance and conduct of the Government. No one in this body will charge me with being an advocate of extravagant appropriations in this House. I believe that I can say my record has been as consistent in favor of proper economies as anyone here. It seems to me that the time has come when it is necessary to recognize the situation that exists and to take the necessary steps to have this bill become a law. I hope the motion which I have made, which brings the two Houses to an agreement on the mileage question, will be adopted.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I supported the House proposition to fix the mileage for Members and Senators at the actual amount of their expenses. So far as I am personally concerned, I would be very glad to see the mileage fixed at that rate now, or, rather than have this question come before the Congress every year, I would be glad to see the mileage entirely abolished. [Applause.] But we are facing a very serious condition, and the Members of this side of the House, regardless of their views in reference to the mileage question, should not overlook the responsibility that they owe to the Government. The condition that confronts us to-day is this: Here is a bill that has been entirely agreed upon except one item carried in two paragraphs in reference to the question of mileage. This bill carries $37,000,000. In its folds are the appropriations for the entire judiciary of the country, for the executive branch of the Government, for the legislative branch of the Government. If it is not agreed upon to-morrow, or a resolution passed extending appropriations for last year, the legislative, executive, and judicial branches of the Government will have to run without salary if they run at all. Now, I take it if that condition existed for a few days it might not seriously hurt, but if it existed for longer than that time it would be a serious blow for the Government of the United States. The gentleman from New York has just offered a resolution to extend the existing appropriations for last year.

That resolution has been objected to, and on account of the small number of that committee in the city at this time it is doubtful whether a rule can be immediately obtained for its present consideration.

Now, the membership of this House has expressed its position to the country on this question. There can be no doubt about it, because the roll has been called a number of times. The Senate has expressed its position on this question on a roll call. This is new legislation, legislation on an appropriation bill, and therefore is contrary to the rules of this House. The uniform practice, as the gentleman from New York [Mr. FITZGERALD] has stated, is that when you put new legislation in an appropriation bill, in the end, if the two Houses can not agree, the House proposing the legislation must recede. And although it is clear that the sentiment of this House is in favor of abolishing mileage, or, at least, reducing the amount of mileage, the time has come when that is no longer the issue. The question is as to passing this appropriation bill and supplying this Government with the necessary funds with which to run it. It is the duty of every man on this side of the House, who is responsible to the country to maintain this Government, to pass this bill at this time regardless of his views on the question of whether there should be mileage or whether mileage should be abolished. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] is recognized for three minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, this question has been discussed fully and freely at this session of the House, and further discussion of it would avail nothing. I simply wish to say, in so far as I am concerned, that I have not abandoned my position on the question of mileage, nor have I changed my views. As the gentleman from South Carolina has said, the House conferees made an honest, earnest, sincere, and determined effort to carry out the wishes of the House, but for the fourth time they have been compelled to report a disagreement back to the House. The Senate conferees have insisted that the Senate will not yield from its position, but will insist that the law shall remain as it is so far as this appropriation bill is concerned. And, as has been said, their position was confirmed on yesterday by the Senate itself by a record vote of 55 to 7.

The Senate conferees have insisted constantly that they were entitled to have the House recede from its disagreement because of the well-known parliamentary precedent that when one house puts new legislation upon an appropriation bill to which the other body objects, then it is the duty of the house proposing new legislation to recede.

In answer to the gentleman from Pennsylvania [Mr. PALMER] and the gentleman from Texas [Mr. HARDY], I want to say that the House conferees have realized from the beginning that when the House takes one position and the Senate takes another a compromise is in order. And the House conferees have been ready at all times to agree upon any reasonable compromise on this proposition, but the Senate, as I have said, has insisted that they will agree to nothing except the present and existing law of 20 cents a mile. So it is just a proposition as to whether or not you are willing to recede or whether you will adhere to the proposition as proposed by the House and possibly see this appropriation bill fail. As for me, I stand now where I have always stood. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to my colleague [Mr. RAGSDALE].

The SPEAKER. The gentleman from South Carolina [Mr. RAGSDALE] is recognized for two minutes.

Mr. RAGSDALE. Mr. Speaker, when I came here, nearly two years ago, as a Member of this body, it was with a desire to cooperate with men who made a great Democratic victory possible. Under the splendid leadership of the Speaker of this House and the majority leader [Mr. UNDERWOOD], the Democrats have been led to victory which we never believed before could be accomplished. They have stated here, as the gentleman from Alabama has stated to-day, and before, that an appropriation bill of this character ought to pass at once, and that the cheap politics that have been played by some people here to get before the people as great reformers and economists ought not to hold up at this time appropriation bills and keep them from passing. I have voted with him consistently in this legislation, as I have in nearly all other legislation that he has offered here.

As one who has voted with him from the first, I am willing to vote as he directs now. I hope the House will take the position which he has taken and that this appropriation bill may become a law. Calamity howlers are singing all over the country of the disaster that is going to come if this and that thing is not done, and we should have a recess for a time in order to give the Democrats an opportunity to go home and meet the objections which have been made against the party. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] is recognized for five minutes.

Mr. GILLETT. Mr. Speaker, I agree entirely with the argument made by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Alabama [Mr. UNDERWOOD], but I criticize them because they did not make that argument two weeks ago instead of to-day. If they had done so then, they would have saved the inconvenience and confusion in the various departments of the Government which has resulted from being 14 days under an extension of appropriations. The very argument which they are making now was just as forcible and timely then.

Now, Mr. Speaker, I was in favor of the House proposition originally, both in committee and on this floor, but two weeks ago, when the question came up whether this great bill should go into force before the year ended or whether we should have the confusion in the departments and the expense occasioned by its failing, I voted to concur with the Senate. I knew that in doing so I was carrying out the wishes of the majority of that side, though I was not in accordance with their vote. [Laughter.] They are responsible for legislation. They ought to take that responsibility, and in my opinion they ought to have taken the position two weeks ago that they take now. But I was willing to act as a cat's-paw and to vote as I thought was right and in accordance with your wishes, though against your action, and I hoped that it might prevail, even though you might still pose as economists and purists and say that against your will this legislation was forced upon you. So you are compelled now, as, I repeat, you ought to have done before, to come out and say that it is to the advantage of this Government that we should yield to the Senate in this matter. I would suggest, though, Mr. Speaker, that if they really wanted to effect this reform there was a simple way in which to do it. They could have yielded on the Senate mileage and insisted on our mileage, as the Senate

would have been perfectly willing to do, and it would not have been long before the Senate would have been shamed against taking the mileage which they proposed. They would not have dared to let us take 5 cents a mile and they take 20 cents a mile. So, if that side of the House had really wanted to accomplish this reform, there was an easy way before them. But I believe now it is to the advantage of the country that this bill should no longer be delayed and that we should vote to concur with the Senate. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. PALMER].

The SPEAKER. The gentleman from Pennsylvania [Mr. PALMER] is recognized for five minutes.

Mr. PALMER. Mr. Speaker, I judge by the rather apologetic remarks of many of my fellow mileage economists this morning that they are about to lay down before the Senate on this proposition, but I for one can not bring myself to that.

I recognize the importance of passing this great bill at this time, and I recognize also that a bill carrying so large an appropriation ought not to be held up for any considerable length of time pending a dispute about an item which is as small as this in point of amount. And yet I do not agree with the gentleman from Alabama [Mr. UNDERWOOD] in regard to our responsibility in connection with it. The fact is that if this appropriation shall not be passed by to-morrow an extension resolution will be passed providing for the needs of the Government——

Mr. FITZGERALD and Mr. UNDERWOOD rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PALMER. In just a minute. And, as I understand it, there are other appropriation bills which have not been passed, so that, even if this is passed to-day or to-morrow, it will still be necessary to pass such an extension resolution, and it will be just as easy to include this bill as to leave it out.

Now I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I want to call the gentleman's attention to the fact that a resolution has been offered this morning and unanimous consent asked and objection has been made, and if the gentleman does not know it, I can advise him of the fact that there is not a controlling membership of the Committee on Rules in the city at this time on this side of the House.

Mr. PALMER. Well, I have enough confidence in the gentleman's ability as a leader to believe that he can lead a majority of 2 to 1 in this House to pass a resolution to provide for the needs of the Government for two weeks.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. PALMER. Yes.

Mr. FITZGERALD. There is not in the city a majority of the Committee on Rules composed of Democrats. I doubt if they are going to be brought here. As I understand now, an extension resolution can be passed by unanimous consent if the legislative bill and the District bill are disposed of.

Mr. PALMER. Mr. Speaker, I do not believe that the gentleman from New York or the gentleman from Alabama will seriously contend and say to the House and to the country that, though we have a majority here of 150 or 160 Members, we can not pass in this House a resolution of the character that I am talking about.

Mr. FITZGERALD. The gentleman——

Mr. PALMER. I do not care to yield further. It is safe to say that that can be done.

Mr. FITZGERALD. We have a majority ostensibly of 160 in this House, but we have not got them in Washington. [Applause on the Republican side.] And the gentleman from South Carolina [Mr. JOHNSON] and myself are two of the Democrats who have stayed here all the time attending to the public business. [Applause.]

Mr. PALMER. Mr. Speaker, as long as there is a quorum in the city there is a safe majority of Democrats in this body, and this resolution can be passed; and every Member of the House knows it perfectly well.

Now, I want to say that there is no cheap politics in this mileage proposition, as the gentleman from South Carolina [Mr. RAGSDALE] would have the House believe. There are Members here who have been absolutely honest in the belief that this mileage "graft" ought to be taken away from Members at both ends of the Capitol. It is unfair, because it is placing the Congress in an unenviable light throughout the country, because we vote to ourselves mileage which is many times greater than we allow to any other officer of the Government. An ambassador who goes to his foreign post is allowed only 5 cents a mile. An officer in one of the departments here in the city who travels about on public business is allowed only about one-fourth or one-fifth of what we vote to ourselves.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. PALMER. Give me a few minutes more, please. Will the gentleman from South Carolina yield me five minutes more? My time has been taken up principally by interruptions.

Mr. JOHNSON of South Carolina. Yes, Mr. Speaker; I yield to the gentleman five minutes more.

The SPEAKER. The gentleman from Pennsylvania is recognized for five minutes more.

Mr. PALMER. I have this to say about it, Mr. Speaker: This matter will not down. It has been, as the gentleman from New York [Mr. FITZGERALD] says, before the Congress ever since he has been here. We have had an open and a bitter fight upon it in every Congress since I have been here, and it seems to me, in order to make a final settlement of this much-disputed question, it would be better to hold up this bill for a day or two while the House insists not upon its legislative proposition but upon a compromise proposition of, say, 10 cents a mile.

I want to say to my colleagues that we shall never again get so near to a correction of this abuse as we are now. Why, yesterday in the Senate a distinguished Member of that body made a long speech in which he declared that he would wipe out all of this mileage. Why? Because Members of the House who voted for the House proposition were coming over to the Senate and lobbying for the Senate amendment. And to-day the gentleman from Massachusetts [Mr. GILLETT] reiterates the charge that we, who have voted upon this thing time after time and have gone upon record against this unfair system of exorbitant mileage to Members, are not sincere; that we do not want the reduction; and that we really want the Senate rate to prevail.

Mr. TAGGART. Mr. Speaker, will the gentleman yield there for a question?

Mr. PALMER. In just a moment. It seems to me there can be only one answer to that kind of a charge of insincerity upon our part, and that is to insist upon the proposition that we started to maintain. Now I yield to the gentleman.

Mr. TAGGART. Was the gentleman from Pennsylvania here when we had a record vote upon 5 cents a mile?

Mr. PALMER. Yes; I have voted upon several such propositions.

Mr. TAGGART. I mean the other day.

Mr. PALMER. Yes; I was here and voted upon it.

Mr. HARDY. Mr. Speaker, will the gentleman yield for just one question?

Mr. PALMER. In just one moment. We have never had before this House until in this Congress a proposition to make a fair compromise at 10 cents a mile. I, for one, believe if that proposition were put up to the conferees of the Senate, with the House firmly behind it, that they would agree to it rather than permit this bill to continue longer in conference.

Mr. FALCONER. Mr Speaker, will the gentleman yield?

Mr. PALMER. I will yield to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. I wanted to say that I voted for the bill as passed by the House covering mileage for Members and their families. I think that is equitable and fair. Does not the gentleman think he does the whole House an injustice in stating that Members voted one way and lobbied in the Senate the other way?

Mr. PALMER. I did not say that. I said a Member of the Senate upon the floor said that. I do not know whether it is true or not. I hope not.

Mr. HARDY. The gentleman is putting that alleged fact into the RECORD to-day. Does not the gentleman think that is unfair unless the man who did it was named?

Mr. PALMER. I think it was very unfair in the Senate for the gentleman to make that statement. I maintain here that there is only one answer to make to that.

Mr. HARDY. Is not the gentleman spreading a rumor that——

Mr. PALMER. I do not know that I am spreading a rumor.

Mr. FALCONER. Mr. Speaker, will the gentleman yield now?

Mr. PALMER. Yes.

Mr. FALCONER. Do I understand the gentleman to say that he has gone on record as favoring 5 cents a mile for his own mileage or on House Members' mileage?

Mr. PALMER. I voted for the House amendment.

Mr. FALCONER. Does not the gentleman know that he has never voted for 5 cents a mile for his mileage, but has shoved 5 cents a mile off on the Senators? And does not the gentleman know that he voted at no time to reduce his mileage below 20 cents a mile for himself or full mileage for himself and his family?

to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 12, 13, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, and 19 and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the Senate recedes. The facts and circumstances as presented fully warrant and justify the allowance of pension in this case.

On amendment No. 2 the House concurs in the Senate amendment. This beneficiary has died since the bill in her behalf passed the House of Representatives.

On amendment No. 3 the House concurs in the Senate amendment. This is merely a change in the service.

On amendment No. 4 the House concurs in the Senate amendment. This is only a change of phraseology.

On amendment No. 5 the House concurs in the Senate amendment, as this is only a change of phraseology.

On amendment No. 6 the House concurs in the Senate amendment, as the facts in this case do not substantiate the claim that the soldier is disabled from any cause incident to service.

On amendments Nos. 7 and 8 the House concurs in the Senate amendments. This is only a change in phraseology.

On amendment No. 9 the House concurs in the Senate amendment, as this is only a change in service.

On amendment No. 10 the House concurs in the Senate amendment, as this is a typographical error.

On amendment No. 11 the Senate recedes, it having been shown that the increase to $40 per month is not warranted.

On amendment No. 12 the Senate recedes. The facts of this case fully justify and warrant the allowance of pension.

On amendment No. 13 the Senate recedes, it having been shown that a reduction in rate was not warranted by the facts of the case.

On amendments Nos. 14 and 15 the House concurs in the Senate amendments, as this is only a change of phraseology.

On amendment No. 16 the Senate recedes, as it is shown that the facts fully warrant the allowance of pension in this case.

On amendment No. 17 the House concurs in the Senate amendment reducing the allowance of pension in this case to $25, as it is not believed that a higher rate is warranted.

On amendments Nos. 18 and 19 the House concurs in the Senate amendments, as this is only a change in service.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 959).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15071, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, and 8, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1: The House concurs in the Senate amendment. It is not conclusively shown that the death of the soldier was due to his military service.

On amendment No. 2: The House concurs in the Senate amendment to reduce this item from $24 to $17 per month. This is in accordance with the evidence presented.

On amendment No. 3: The House concurs in the Senate amendment to strike this item from the bill. The soldier is drawing a pension of $17 per month under a special act of Congress passed June 22, 1910, and it is not shown by the report in this case that the allowance of another special act is justified.

On amendment No. 4: The Senate recedes. The evidence in this case fully justifies the allowance of pension of $12 per month to the widow and $2 additional for the minor child until it reaches the age of 16 years.

On amendments Nos. 5 and 6: The House concurs in the Senate amendments. These are merely changes in the service.

On amendment No. 7: The Senate recedes. The evidence in this case fully warrants the granting of pension at $12 per month.

On amendment No. 8: The House concurs in the Senate amendment, as it is merely a change in the phraseology.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

REPRINT OF HOUSE REPORT NO. 110.

Mr. LEVER. Mr. Speaker, I ask unanimous consent for a reprint of House Report No. 110, which accompanied the agricultural extension bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent for a reprint of House Report No. 110.

Mr. MANN. Had not the gentleman better state how many copies?

Mr. LEVER. I ask for a reprint of 1,000 copies for the use of the House.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—CONFERENCE REPORT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 15279, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the legislative, executive, and judicial appropriation bill, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 954).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate numbered 1, and on amendment numbered 30 of the Senate, to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. JOHNSON of South Carolina. Mr. Speaker, the legislative, executive, and judicial appropriation bill as it was brought into the House provided that mileage hereafter should be limited to the actual traveling expenses of the Member and the immediate and dependent members of his family. In the Senate that provision was stricken out and the amount under existing law was restored. Four times the House conferees have met the Senate conferees, and every item in the bill has been agreed to except mileage. Yesterday for the first time the Senate discussed the question, and took a yea-and-nay vote upon it, and by a vote of 55 to 7 the Senate insists upon its amendments. The position of the Senate as revealed to the conferees is that this is legislation on an appropriation bill, that the House has proposed the legislation, that the Senate objects

to the legislation, and that the unbroken rule obtaining between parliamentary bodies of coordinate powers is that the body proposing legislation in an appropriation bill must finally yield if the other body refuses to accept the legislation.

The conferees have acted in good faith and have endeavored to carry out the wishes of the House, as the wishes of the House were made known by the RECORD. I believe that the Senate will let the bill fail rather than yield to the House upon this proposition. It is now for the House to say what it desires the conferees to do.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Pennsylvania.

Mr. PALMER. Mr. Speaker, I notice by the RECORD that there was a good deal of discussion in the Senate about the proposition of a compromise at 10 cents a mile. I would like to ask the gentleman if that matter has been considered by the conferees?

Mr. JOHNSON of South Carolina. It has.

Mr. PALMER. It seems to me that that is the logical outcome of a dispute of this kind, where the House claims the mileage ought to be 5 cents and the Senate claims it ought to be 20 cents, and that, like other reasonable men, they could get together on some figure between the 5 and the 20. Has that been proposed by the House?

Mr. JOHNSON of South Carolina. Mr. Speaker, the House conferees have suggested to the Senate conferees the possibility of a compromise at 10 cents a mile, or upon actual expenses, but the Senate conferees absolutely refuse to consider anything, and they say that they stand upon the law, and I call the gentleman's attention to the fact that all of the suggestions in the Senate in regard to a compromise came from the seven gentlemen who voted in the negative. There were 55 on the other side.

Mr. PALMER. Mr. Speaker, I am inclined to think that those suggestions came also from members who voted among the 55, at least some of them. Let me see if I understand the matter. As the bill stands at the present time the House insists upon actual expenses for the House Members and upon 5 cents for Senate Members. Is that correct?

Mr. JOHNSON of South Carolina. That is the legislative and the parliamentary situation.

Mr. PALMER. Of course that is an impossible and an intolerable position.

Mr. JOHNSON of South Carolina. It is an impossible and ridiculous position, I may say to the gentleman, but it came about on account of a peculiar parliamentary situation.

Mr. PALMER. Members of the House and of the Senate unquestionably are entitled to have and ought to get the same rate of mileage.

Mr. JOHNSON of South Carolina. Certainly.

Mr. PALMER. I want to ask the gentleman if he does not believe that if the House would recede from both of these amendments, whatever the parliamentary procedure may be, and propose 10 cents a mile, that the Senate would agree to it?

Mr. JOHNSON of South Carolina. Mr. Speaker, I do not believe that the Senate would agree to anything.

Mr. HARDY. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Texas.

Mr. HARDY. If any compromise were to be made, does not the gentleman think the real and just compromise would be the actual and necessary expenses of a Member and the dependent members of his family, as was first incorporated in the measure by the House?

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from Texas will understand that I believe in the proposition as it came into the House for the actual and necessary expenses of the Member and members of his family.

Mr. HARDY. I want to say that that is what has always appealed to me as being just and right, and that, it seems to me, ought to be made or might be made the basis of compromise.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say to the gentleman from Texas that I am as heartily in favor of that proposition as any Member in the House. I am simply stating the condition as we find it, and that is that the Senate absolutely refuses to legislate on this subject in an appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I offer the following motion, which I send to the desk and ask to have read.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Would it not be the proper thing and the necessary thing first to agree to the conference report?

Mr. FITZGERALD. I understand there is a report of disagreement, and I think no action is necessary.

Mr. MANN. I suppose no action is necessary, since the Senate did agree to the conference report.

Mr. FITZGERALD. The motion I propose will bring the matter before the House.

Mr. MANN. The gentleman can not make a motion until the amendments are before the House in some shape.

Mr. FITZGERALD. This motion will bring them before the House.

The SPEAKER. The Clerk will report the motion of the gentleman from New York.

The Clerk read as follows:

Mr. FITZGERALD moves that the House recede from its amendment to the amendment of the Senate No. 1, and recede from its disagreement to the amendments of the Senate Nos. 1 and 30 and agree to the same.

Mr. FITZGERALD. Mr. Speaker, I ask the gentleman from South Carolina to yield me three minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the question of mileage for the two Houses of Congress is one that has been the subject of acrimonious debate during my 15 years of service in this House. It is a matter in which I have very little personal concern. Under the law, at 20 cents a mile, the amount that I receive annually as mileage is $92. I am indifferent as to whether I am paid $92 for mileage as a part of my compensation or for reimbursement for my expenses, or whether the mileage be absolutely abolished. Indeed, the smallness of the amount which I receive might be a temptation for me to demagogue on this question. We have this situation, however, before us. The Committee on Appropriations this year reported a provision providing for the actual traveling expenses of Members and immediate and dependent members of their families incurred in going to and returning once from each session of Congress by the nearest route usually traveled. With such a provision as that, Mr. Speaker, the amount of mileage which I would receive, if accurately computed, would not be very different from the amount I receive at 20 cents a mile. To take myself, my wife, and seven children, five of whom must have their fares paid [applause], with the necessary and proper traveling accommodations, according to the computation I would receive nearly as much as I receive now at 20 cents a mile. Personally I have always believed that whatever the mileage fixed for Members, it should be fixed at a flat rate. I do not have any desire, and I do not think there is much necessity of compelling me to keep an account of the money that I would expend for the traveling expenses of my family in attempting to account for it. I believe that when we are appropriating money for over 500 Members of the two Houses if a flat rate were fixed, whatever it might be, it would be the best under all circumstances. The Senate struck out the provision for the actual traveling expenses of Senators, $25,500, and inserted for mileage of Senators under existing law $51,000. The House concurred in that Senate amendment with an amendment providing for the payment of mileage to Senators at the rate of 5 cents a mile, and there has been no agreement possible upon that amendment. In reference to amendment numbered 30, the House had a provision in the bill providing for the actual traveling expenses of Members and the immediate members of their families, and appropriating $87,500 therefor. The Senate struck that provision out and inserted a provision for mileage of Representatives, Delegates, and Resident Commissioners, $175,000.

Under parliamentary law the House could have taken the same action as it did in regard to the other provision. This matter has come before the House three or four times. There have been three or four record votes. I voted upon each occasion to sustain the position of the House relative to the amount to be paid for mileage. After the last vote I suggested to the gentlemen acting as managers upon the part of the House in the conference that the proposition be made that the entire matter be compromised by fixing the mileage for both Members of the House and Senate at 10 cents a mile. I believe such an agreement would have met with the approval of the House, and that the bill could have been agreed upon and become a law. I am informed that the proposition was made and rejected. The Senate, by a vote of 55 to 7, has insisted upon its position regarding mileage. This bill carries $36,000,000 for the support of the departmental services of the Government. The difference involved between mileage at the rate of 20 cents a mile and the amount estimated and fixed in the bill to pay the actual expenses of Members and their families amounts to $100,000. So far as I am concerned, in view of the action of the Senate, I believe that the House, having demonstrated its desire to make the reduction in the amount of mileage and having resorted to

Mr. PAYNE. Mr. Speaker, a similar publication has been made with reference to a number of tariffs, and I think this ought to be made. I am in favor of the resolution. I have no objection to it.

Mr. HAMILTON of Michigan. May I ask the gentleman how these volumes are to be distributed?

Mr. UNDERWOOD. As far as the House is concerned, they will go to the folding room of the House. Each Member will get his pro rata. Two thousand copies will go to the Ways and Means Committee; but it is usual, in printing documents of this kind, to give an additional number to the committee, because the demand from outside people comes to the committee. More than that, Members sometimes run out of their quota, and the committee has always tried to aid a Member who happens to need more than his quota, where it was possible to do so from the committee copies, regardless of which side of the House the request came from.

Mr. HAMILTON of Michigan. About how many will that give to each Member?

Mr. UNDERWOOD. There will be 5,500 copies for the use of the House. Probably the gentleman is a better mathematician than I am. It will give each Member about 10 copies. Mr. Speaker, I ask for a vote.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina presented a conference report on the legislative, executive, and judicial appropriation bill, but subsequently, by unanimous consent, withdrew the report.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I present a joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies."

Mr. MANN. I reserve all points of order on the resolution.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution, and the gentleman from Illinois [Mr. MANN] reserves all points of order. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies," approved June 30, 1914, are extended and continued in full force and effect for and during the last half of the month of July, fiscal year 1915; and to continue during the last half of the month of July, fiscal year 1915, the operation of the Interstate Commerce Commission in securing a valuation of the several classes of property of carriers subject to the act to regulate commerce, authorized by the act of March 1, 1913, a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $7,000, together with any unexpended balance of a similar sum appropriated for the first half of said month of July.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. I object.

PENSION BILLS SENT TO CONFERENCE.

Mr. RUSSELL. Mr. Speaker, I call up from the Speaker's table the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill S. 4261, insist on the House amendments, and agree to the conference asked for. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask that the same action be taken on the following bills:

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take the bills just reported from the Speaker's table, insist on its amendments, and agree to the conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska.

CONFERENCE REPORTS ON PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the statement be read in lieu of the report. Is there objection?

Mr. MANN. I object; the report is short.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 958).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15504, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment, as it is only a change in the phraseology.

On amendment No. 2 the House concurs in the Senate amendment, as it is only to correct a typographical error.

On amendment No. 3 the House concurs in the Senate amendment, as this word is superfluous.

On amendments Nos. 4 and 5 the House concurs in the Senate amendments, as it is only a correction of service.

On amendment No. 6 the House concurs in the Senate amendment, as it is only a change in phraseology.

On amendment No. 7 the House concurs in the Senate amendment, as it is only a correction of service.

On amendment No. 8 the Senate recedes. The evidence shows the disability from which the soldier now suffers was incurred in service, and a pension of $17 per month is fully justified.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 956).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13920, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment reducing the amount to $12 per month, as it is not believed the evidence justifies a higher rate, as well as the fact that a precedent should not be created in this class of cases.

On amendment No. 2 the House concurs in the Senate amendment, as it is not believed the facts justify the allowance of pension.

On amendment No. 3 the House concurs in the Senate amendment, reducing the amount of pension to $24 per month in this case, as it is believed this is adequate to cover the disability suffered.

On amendment No. 4 the House concurs in the Senate amendment reducing the amount of pension to $24 per month in this case, as it is believed this is fully adequate to cover the disability suffered by the soldier.

On amendment No. 5 the House concurs in the Senate amendment, as this is merely a correction of service.

On amendment No. 6 the Senate recedes. The evidence in this case warrants the allowance of pension of $12 per month to this widow and $2 additional for the minor child until it reaches the age of 16 years.

On amendments Nos. 7 and 8 the House concurs in the Senate amendments, as this is only a change in phraseology.

On amendment No. 9 the House concurs in the Senate amendment reducing the amount of this pension to $20 per month, as this is the sum usually allowed in cases of this character.

On amendment No. 10 the House concurs in the Senate amendment, as it is not believed the facts warrant increasing this widow's pension from $12 to $20 per month.

On amendment No. 11 the House concurs in the Senate amendment. It is not believed the evidence justifies increasing this widow's pension from $12 to $20 per month.

On amendments Nos. 12 and 13 the House concurs in the Senate amendments, as it is merely typographical errors which are corrected.

On amendment No. 14 the House concurs in the Senate amendment, as it is not shown that the death of the soldier was due to service.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 957).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 14546, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, and 23, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17.00"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.

STATEMENT.

On amendment No. 1 the House concurs in the Senate amendment, as it is only a correction of service.

On amendment No. 2 the House concurs in the Senate amendment, for the reason that it is only a change in phraseology.

On amendment No. 3 the House concurs in the Senate amendment reducing the allowance of pension to $24 per month in this case, as it is not believed the facts warrant a higher rate.

On amendment No. 4 the House concurs in the Senate amendment reducing the allowance of pension to $20 per month in this case, as it is believed this rate is adequate to cover the disability suffered.

On amendment No. 5 the House concurs in the Senate amendment, as this is merely a correction in service.

On amendment No. 6 the House concurs in the Senate amendment striking this item from the bill, as it is not believed that the facts and circumstances warrant the allowance of pension.

On amendment No. 7 the House and Senate have agreed on $17 per month as a proper rate to be allowed in this case, both receding from their former position.

On amendment No. 8 the House concurs in the Senate amendment, as it is not believed that the evidence warrants the allowance of a pension in this case.

On amendment No. 9 the House concurs in the Senate amendment, as the soldier is now dead.

On amendment No. 10 the Senate recedes. It is believed that a pension of $12 per month is fully justified in this case.

On amendment No. 11 the House concurs in the Senate amendment, for the reason that it is not shown by the evidence that the soldier contracted the disabilities in the service.

On amendment No. 12 the House concurs in the Senate amendment, as this is merely a correction in service.

On amendment No. 13 the House concurs in the Senate amendment reducing the amount in this case to $20 per month, as it is not believed the facts warrant a larger sum.

On amendment No. 14 the House concurs in the Senate amendment, as this is only a change in phraseology.

On amendment No. 15 the House concurs in the Senate amendment, as it does not appear that the sailor's death was due to service.

On amendment No. 16 the House concurs in the Senate amendment, as this is only a correction in the service.

On amendment No. 17 the House concurs in the Senate amendment, as this is only a correction of an error.

On amendment No. 18 the Senate recedes. The evidence in this case fully justifies the allowance of pension at the rate of $12 per month.

On amendment No. 19 the House concurs in the Senate amendment, as this is only a correction of service.

On amendment No. 20 the House and Senate have agreed that $24 per month is a proper rate in this case by the evidence submitted, both receding from their former position.

On amendments Nos. 21, 22, and 23 the House concurs in the Senate amendments, as this is only a change in the phraseology.

On amendment No. 24 the House and Senate have agreed on $17 as a proper rate in this case, both receding from their former position.

JNO. A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT (NO. 955).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13297, having met, after full and free conference have agreed

There has been a decided improvement in the steel business and its allied interests in the last few weeks. The United States Steel Corporation reports an increase in orders of 34,697 tons in June over May. I am confident that this improvement is going to continue; there is every reason why it should. The crop movement already begun is demanding the employment of idle cars. On June 1 the number of idle cars in the country was 242,572. On July 1, one month later, 21,697 of these idle cars had been put into service. It should be borne in mind in this connection that 207,000 freight cars were actually built during the calendar year 1913.

This large addition to the rolling stock of the railroads may account, in part, for the 220,875 freight cars reported as being idle on the 1st day of July. Before the fall crop movement is ended these idle cars will be upon the rails moving the crops from the farms to the markets and carrying commodities from sellers to buyers.

NEW TARIFF HAS NOT ADVERSELY AFFECTED AMERICAN INDUSTRIES.

"Has the lowering of tariff duties by the present administration been instrumental in any way in bringing about the depression?"

Answer. No; I have been unable to discover how the new tariff has adversely affected American industries or American interests, and I do not believe that anyone can show it. It is perfectly clear, however, that the falling off in our exports for April and May, 1914, as compared with the same months of 1913, reflects the well-known business depression in those foreign countries which are our best customers, and demonstrates the shortage of food-stuffs at home, which reduced our usual exportations of those articles.

This shortage resulted from the poor crops of last year. An analysis of our imports, which increased for April and May, 1914, over the same months of 1913, shows that the great bulk of them comprise articles that do not compete with our manufacturers. Many of them were on the free list of the old tariff act and remain so under the present tariff, such, for instance, as coffee, cotton, fertilizers, fibres, hides and skins, India rubber, raw silk, and bananas, all of which show large increases in the aggregate. Raw wool, which was previously dutiable, was put on the free list by the present law, and a large part of the increased imports are represented by that item. Nevertheless, the price of raw wool to the American producer has increased.

These importations show that our wool manufacturers must be busy turning out a larger quantity of finished goods. The duty on sugar was reduced and the importations of sugar were largely increased. It would be tiresome in the extreme and would involve a lengthy discussion to go into a complete analysis of the export and import figures for these months or for the past year and to explain the causes affecting the movement of each item involved. I refrain, therefore, from attempting it.

ENACTMENT OF RIGHT MEASURES PUTS AGITATION TO SLEEP.

"Business interests generally, regardless of politics, seem to think that a cessation of legislation having in view the regulation of railroad and industrial corporations would do much to bring about a return of confidence. Do you believe that legislation of this sort is responsible for the present business situation, or that a postponement of proposed legislation would restore confidence?"

Answer. No; legislation is not responsible for the present business situation, nor will a postponement of proposed legislation—the antitrust laws, for instance—restore confidence.

The lack of such legislation impairs confidence. The passage, not postponement, of such legislation will establish confidence. So long as the trust question remains in the political arena it will be a cause for discussion and agitation. Agitation disturbs confidence. The way to effectively put out the fires of agitation is by applying corrective remedies that square with intelligent public opinion. Then confidence will be secured, because the issue will be rightly settled.

The tariff law and the currency law prove this. There is no disturbing thought now about the tariff. It is settled, and the manufacturers and business men may do business on a definite basis. The currency question is settled, and there is no more uncertainty about our financial system.

Confidence in our financial future is firmly established. It is no longer the subject of debate, and so it will be with the trust question. Enactment of the right corrective measures now will put agitation to sleep and give business the rest it craves and can realize only from wise statutes.

THE INCOME TAX.

"Will the income-tax rate be increased instead?"

Answer. I see no present reason for increasing the income tax.

"Has the collection of the income tax at the source been a success?"

Answer. Yes; more so than expected.

"Is it true that complaints of the annoyances caused by the present system of collection have been so general throughout the country that the Government is considering some other method of making the collections?"

Answer. There has been an apparent attempt upon the part of the partisan press to make it appear that there has been a great amount of complaint about collection of the income tax at the source and that there is general dissatisfaction with this new form of taxation. This is not correct. I have made it a point to secure information upon this subject, and the reports we get from the collectors of internal revenue throughout the country show that there have been remarkably few complaints and very little grumbling on the part of those who pay the tax. The experience of the first year of the income tax has proved that the legislation is successful. Most people recognize the justness of this form of taxation. The law went into operation 27 days after its passage and threw upon the Treasury Department an amount of work almost superhuman in its character. The time was so short within which to prepare regulations for the collection of the tax at the source and the system was so new that a good deal of confusion and inconvenience resulted at first.

During the coming fiscal year an effort will be made to simplify as much as possible the methods of collecting this tax. The department is anxious to do this, not only for the comfort and convenience of those who have to pay it but in order to make the machinery for collecting the tax as efficient and economical as possible.

NO "TINKERING" WITH THE TARIFF.

"If the dwindling revenues of the Government continue, will the tariff bill be amended or duties in certain schedules be increased?"

Answer. The revenues of the Government are not dwindling; they are increasing. No amendment of the tariff schedules will, therefore, be necessary. It is a gratifying reflection that it will not be necessary to tinker with the tariff and that our manufacturers now have a definite basis upon which they may do business. The revenues of the Government were greater for the fiscal year ended June 30, 1914, than for the fiscal year ended June 30, 1913. The Treasury is in splendid condition, with a net balance in the general fund of more than $150,000,000.

NO BOND ISSUE LIKELY.

"Is it the intention of the Treasury Department to put out new issues of Treasury notes and Panama bonds in the near future?"

Answer. No; there is no present necessity, nor do I contemplate any in the near future, for the issuance of Treasury notes or Panama Canal bonds. There have been expended by the Government out of current revenues on the Panama Canal more than $240,000,000. The Secretary has the right to reimburse the Treasury for these expenditures at any time he thinks it advisable through the sale of Panama Canal bonds, but, as I said before, no such necessity is in sight.

WE CAN FACE THE FUTURE WITH ABSOLUTE CONFIDENCE.

"What do you think of the outlook for the future?"

Answer. I think it is splendid, notwithstanding the fact that the disaster doctors have been working overtime to make the Nation sick. They seem willing to wreck business and bring suffering upon the innocent in order to destroy the administration, simply because the administration is destroying privilege and reestablishing true democratic government. But they haven't succeeded and they won't succeed. The general business situation is inherently sound and our financial position is exceptionally strong. The greatest winter wheat crop on record is already secured and the Secretary of Agriculture reports the prospect for other crops unusually promising. Our economic situation is better and sounder to-day than any other nation on the globe. With such foundations, how can prosperity be avoided? When I read the hysterical stuff that appears in the opposition press, I can not help recalling Lord Nelson's famous message to the people of England when they were in a state of fright over threatened foreign invasion. "This is no time for nervous systems." We are in no danger of a foreign invasion of goods or anything else to our hurt, and certainly there is no excuse at this time for "nervous systems." We can face the future with absolute confidence.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I simply wish to ask the Senator from Missouri a question. I ask the Senator whether he will not, before making the motion he has in mind, yield to me for a moment to endeavor to obtain unanimous consent for a vote on the interstate trade commission bill at some early date?

Mr. SMOOT. Mr. President, it will be impossible to get unanimous consent for that purpose at this time, and if the Senator should make such a request it would compel calling of the roll. I sincerely hope the Senator will not insist upon his request at this time.

Mr. STONE. We would have to call the roll.

Mr. SMOOT. In fact, I will say to the Senator now that I would object if he should make the request.

Mr. NEWLANDS. I wish to state to the Senator from Utah that many Senators have urged me to slow up the consideration of the trade commission bill until the Senator from Iowa [Mr. CUMMINS] can return; he will be here on Friday.

Mr. SMOOT. I had that in view when I said I would object.

Mr. BRANDEGEE. I demand the regular order.

Mr. NEWLANDS. I understand the Senator from Iowa is entirely willing——

The PRESIDING OFFICER. There is objection to the request of the Senator from Nevada. The Senator from Connecticut calls for the regular order.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 15, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 14, 1914.

CONSUL GENERAL.

Nathaniel B. Stewart, of Georgia, now consul at Milan, to be consul general at large of the United States of America, vice James E. Dunning, resigned.

CONSULS.

John H. Grout, of Massachusetts, now consul at Odessa, to be consul of the United States of America at Milan, Italy, vice Nathaniel B. Stewart, nominated to be consul general at large.

John A. Ray, of Texas, now consul at Sheffield, to be consul of the United States of America at Odessa, Russia, vice John H. Grout, nominated to be consul at Milan.

John M. Savage, of New Jersey, to be consul of the United States of America at Sheffield, England, vice John A. Ray, nominated to be consul at Odessa.

Benjamin F. Chase, of Pennsylvania, now consul at Leghorn, to be consul of the United States of America at Fiume, Hungary, vice Thomas E. Heenan, deceased.

Roger Culver Tredwell, of Indiana, now consul at Bristol, to be consul of the United States of America at Leghorn, Italy, vice Benjamin F. Chase, nominated to be consul at Fiume.

John S. Armstrong, jr., of North Carolina, now a consular assistant, to be consul of the United States of America at Bristol, England, vice Roger Culver Tredwell, nominated to be consul at Leghorn.

Charles L. Hoover, of Missouri, now consul at Carlsbad, to be consul of the United States of America at Prague, Austria, vice Frank Deedmeyer, nominated to be consul at Chemnitz.

Wallace J. Young, of Illinois, to be consul of the United States of America at Carlsbad, Austria, vice Charles L. Hoover, nominated to be consul at Prague.

Walter A. Leonard, of Illinois, now consul at Stavanger, to be consul of the United States of America at Colombo, Ceylon, vice Charles K. Moser, nominated to be consul at Harbin.

Theodore Jaeckel, of New York, now consul at Maskat, to be consul of the United States of America at Stavanger, Norway, vice Walter A. Leonard, nominated to be consul at Colombo.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Cedric Watterson Lewis, Cavalry, unassigned, to be second lieutenant of Infantry, with rank from June 12, 1914.

Second Lieut. Joseph Webster Allison, jr., Infantry, unassigned, to be second lieutenant of Cavalry, with rank from June 12, 1914.

PROMOTIONS IN THE NAVY.

Lieut. Commander William H. Standley to be a commander in the Navy from the 1st day of July, 1914.

Lieut. Kenneth G. Castleman, an additional number in grade, to be a lieutenant commander in the Navy from the 1st day of July, 1911, with the officer next below him.

Lieut. John F. Green to be a lieutenant commander in the Navy from the 9th day of April, 1914.

Lieut. (Junior Grade) Felix X. Gygax to be a lieutenant in the Navy from the 13th day of February, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

David I. Bedrick,
Robert R. Paunack,
Williams C. Wickham, and
Percy W. Northcroft.

Asst. Civil Engineer Carroll Paul to be a civil engineer in the Navy from the 23d day of April, 1914.

Asst. Civil Engineer Greer A. Duncan, with rank of ensign, to be an assistant civil engineer in the Navy, with rank of lieutenant (junior grade), from the 23d day of April, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 14, 1914.

UNITED STATES MARSHAL.

Mark Storen to be United States marshal for the district of Indiana.

POSTMASTERS.

MASSACHUSETTS.

James J. Gorman, Bridgewater.
John F. Shea, Bondsville.

MICHIGAN.

J. B. Murphy, Wayne.

MINNESOTA.

J. M. Blake, Pierz.
Agnes H. Christenson, Beardsley.

TENNESSEE.

B. A. Heard, South Pittsburg.

WITHDRAWAL.

Executive nomination withdrawn from the Senate July 14, 1914.

POSTMASTER.

Cyrus Tompkins to be postmaster at Hopewell Junction, in the State of New York.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 14, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord, our God and our Father, ever constant in Thy ministrations, help us to walk worthy of the gifts Thou hast bestowed upon us and teach us that to know the meaning of the ten great commandments and to put them into practice is better than to know when, where, and how they came into existence; that to keep a conscience void of offense toward Thee and our fellow men is better than to speculate as to the origin. Hear us, and help us to live our convictions in the spirit of the Lord Jesus Christ, for Thine is the kingdom and the power and the glory forever, amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. If there be no objection, the Journal will be approved.

CORRECTION OF THE RECORD.

Mr. JOHNSON of Kentucky. Mr. Speaker, in the debate yesterday the gentleman from Alabama [Mr. BURNETT] in his remarks used the word "statute." In revising those remarks, which appear near the bottom of the first column, on page 13135 of the RECORD, the gentleman has changed the word "statute" to the word "resolution," which makes the remark that I made immediately following appear to be silly. Therefore I feel compelled to insist upon the use of the original word "statute" instead of the word "resolution." The Official Reporter who took down the words advises me that his notes show that the word "statute" was used by Mr. BURNETT. I am sure that the gentleman from Alabama [Mr. BURNETT] will not take issue with me upon that subject.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] does not appear to be here.

Mr. BARTON. Mr. Speaker, that manuscript came to me, and, knowing that the gentleman from Alabama [Mr. BURNETT] had acknowledged that he had made a mistake in using the word "statute" when he meant "resolution," I am responsible for making that change.

Mr. JOHNSON of Kentucky. It is not a matter of great consequence, but immediately following the remarks of the gentleman from Alabama [Mr. BURNETT], I said:

While the gentleman from Alabama said he was reading from the "statute," he is not.

To this the gentleman from Alabama replied:

I am reading from this bill.

The change of the word "statute" to "resolution" puts me in the attitude of criticizing the use of the word "statute," and when the word "statute" is stricken out and the word "resolution" inserted in lieu of it; it leaves my remark apparently without any foundation. That is the reason I ask that the original word "statute" be put back into the RECORD.

The SPEAKER. If there be no objection, the correction will be made.

COMPARISON OF TARIFF ACTS.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 44, to print 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913."

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the House resolution which the Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and of October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," as prepared under the direction of the Ways and Means Committee by John E. Walker, assistant clerk to the committee; 5,500 copies for the use of the House, 2,500 copies for the use of the Senate, and 2,000 copies for the use of the Ways and Means Committee.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I notice something in the resolution with regard to the equivalent ad valorem rates of duty for the years 1913 or 1914. I do not know which it is.

Mr. UNDERWOOD. There is only one year, this last one.

Mr. PAYNE. Does that mean the whole fiscal year, including the time in which the act of 1909 was in force?

Mr. UNDERWOOD. My understanding is that it only includes the year from the time that the bill took effect.

required to pave, shall be paid for one-half out of the Treasury of the United States and one-half out of the revenues of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owners of the property to be assessed therein provided for and of the services of such notice shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

And the House agree to the same.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

Mr. SMITH of Maryland. I ask that the report be adopted.

Mr. SMOOT. Just a moment. I did not catch fully the purport of the last amendment agreed to by the two Houses. I take it for granted it is a compromise on the Borland amendment.

Mr. SMITH of Maryland. It is.

Mr. SMOOT. And the provisions of the amendment as agreed to are that the District pay one-half and the property owners one-fourth on each side of a street for paving?

Mr. SMITH of Maryland. That the District and the Government shall pay one-half and that the property owners on each side shall each pay one-quarter.

Mr. SMOOT. Or, in other words, the District pays a quarter, the Government pays a quarter, and the property holders on each side of the street pay a quarter each?

Mr. SMITH of Maryland. That is correct so far as the paving of streets is concerned; but the streets are to be maintained by the District and the Government.

Mr. SMOOT. That is, as I gather it, the purport of the amendment.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The question is on agreeing to the conference report.

The report was agreed to.

FINANCIAL CONDITIONS—VIEWS OF THE SECRETARY OF THE TREASURY.

Mr. NEWLANDS, Mr. STONE, and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. I ask that the unfinished business, the trade commission bill, be laid before the Senate, and that its consideration be resumed.

Mr. STONE. I rise to a privileged motion.

The PRESIDING OFFICER. The Senator will state it.

Mr. STONE. I move——

Mr. SIMMONS. I think I know the motion the Senator intends to make, but before he makes it will he consent to yield to me for a moment?

Mr. STONE. I am going to move that the Senate proceed to the consideration of executive business.

Mr. SIMMONS. Will the Senator yield to me to make a request?

Mr. STONE. I yield.

Mr. SIMMONS. I ask unanimous consent for the publication in the RECORD of an interview given by the Secretary of the Treasury, Mr. McAdoo, to the New York World of July 13, 1914, answering twenty-odd questions propounded to him by certain business men of this country. It is a very fair, calm, and dispassionate statement of facts, in which the whole people are interested, by the head of this great department of the Government. I ask that it be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the interview referred to will be printed in the RECORD.

Mr. GRONNA. I ask for the regular order. If we are to transact morning business, I have some petitions I desire to present.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

Mr. POINDEXTER. Will the Senator from Missouri withhold that motion for just a moment?

Mr. SIMMONS. I inquire whether the request made by me has been granted?

The PRESIDING OFFICER. The Chair put the request, and it was granted.

The interview referred to is as follows:

SECRETARY OF TREASURY ANSWERS FOR THE WORLD 20 VITAL QUESTIONS—MR. MCADOO SAYS THAT THE TREASURY DEPARTMENT WILL AGAIN, IF NECESSARY, DEPOSIT GOVERNMENT MONEY IN THE BANKS TO ASSIST IN MOVING THE CROPS, AND THAT THE FINANCIAL CONDITION OF THE COUNTRY IS EXCEPTIONALLY SOUND—NO NECESSITY WHATEVER FOR AN ISSUE OF BONDS—BUSINESS STIMULATION IS ALREADY REPORTED FROM MOST SECTIONS, AND THERE IS NO EXCUSE FOR "NERVOUS SYSTEMS"—ENACTMENT OF THE RIGHT CORRECTIVE MEASURES NOW WILL PUT AGITATION TO SLEEP AND GIVE BUSINESS THE REST IT CRAVES.

[By S. S. Fontaine.]

Secretary of the Treasury McAdoo has given to the World the first comprehensive interview to which he has submitted since he assumed office on March 4, 1913. A list of interrogatories, covering a wide range of subjects, in which the business men of the country are deeply interested at this time, was prepared under the advice of leading bankers and financial experts, and the Secretary has answered them with great frankness. The result is a document which will doubtless prove of engaging interest to all the readers of the World, but especially to those who are seeking light on the attitude of the Treasury Department on the many questions affecting the country's financial and political economy. The questions as submitted by a World staff correspondent and as answered categorically by Secretary McAdoo follow:

MONEY FOR MOVING CROPS.

"What steps are you prepared to take to assist the banks of the country in financing the unprecedented crop yield of this season?"

Answer. If the necessity appears, I shall again deposit Government money in the banks to assist in moving the crops. On June 29 a letter was sent to the president of each of the 7,500 national banks in the country asking for a report of the financial demand in his locality for money during the next six months; if so, for what purposes and in what month it would be most needed. The replies will enable the department to determine intelligently what assistance is required.

It is my purpose to deposit Government money only to move the crops, but to help every kind of legitimate business in every section of the country where I am convinced that assistance is necessary or desirable.

This will be done in a sane and rational way, with due regard to conditions and not improvidently. In spite of partisan statements to the contrary, this administration has done more directly to help the farmer and business generally by using Treasury money to relieve stringency, to restore financial equilibrium, and to promote confidence than any other administration within my knowledge.

LAST YEAR'S RELIEF.

In fact, this administration, for the first time in the history of the Government, put money directly in those sections of the country where crops were to be moved and where it was most needed, taking commercial paper as security. Every business man and every banker knows what relief that gave, because it made available a vast amount of self-liquidating paper growing out of trade operations and provided a supply of money in direct response to the demands of business. For the first time since the war we had in effect a flexible currency which came into existence when needed and automatically retired when the demand ceased. This was a valuable object lesson. The country has secured the permanent benefits of an elastic currency in the new Federal reserve act.

FEDERAL RESERVE SYSTEM SOON IN OPERATION.

"Do you expect the new Federal reserve banking system will be in full operation in time to facilitate the crop movement?"

Answer. The new Federal reserve banks should be in operation in time to materially help the crop movement. Whether they are or not, the Treasury is ready and can extend all the aid that may be needed. The financial condition of the country is so exceptionally sound now and money is so easy that no concern whatever need be felt about the immediate future. You have not heard this year, for the first time in many years, anything about tight money this fall or any expressed fear of inability to handle the big crops that are in prospect.

The Federal reserve banks will be ready for business much sooner than expected. An immense amount of work has been done that does not appear on the surface. When the Federal Reserve Board organizes it will find comprehensive information, collected and prepared by the Reserve Bank Organization Committee, and reports made by a committee of experts, composed of E. Parker Willis (chairman), Edmund D. Fisher, Andrew A. Benton, A. Howard Wolfe, Joseph A. Broderick, Ralph Dawson, and Stephen H. Farnham, of New York, on a system of uniform accounting, clearing-house functions, commercial paper, etc.; also briefs from important clearing houses and commercial bodies on the definition of commercial paper. The reserve board will be able to get down to business quickly and expedite the final steps in the organization of the banks.

COMMERCIAL PAPER AS COLLATERAL FOR GOVERNMENT DEPOSITS.

"It has been stated that you will be willing this year to accept commercial paper as collateral for Government deposits in the banks. Will the failure of the Claflin Co., with its great quantity of unredeemed paper in the hands of the banks, be likely to restrain you in any way in carrying out this policy?"

Answer. The Claflin failure will not deter me from again accepting commercial paper as security for Government deposits. All paper accepted by the Government is passed upon by a clearing-house committee in each city and a special representative of the Government, and, in addition, each piece of paper must be indorsed by the bank offering it. So the Government has not only all the assets of the bank behind the paper, but the responsibility of the makers themselves. Last year the Treasury deposited $37,386,000 almost wholly against this kind of paper. Every dollar was paid back to the Treasury on April 2, 1914, and the Government received as profit, at 2 per cent interest, $267,844.51.

The Claflin failure, by the way, simply proves all over again what has been proved thousands of times before—the futility of overexpansion. Neither tariff laws nor alleged depression were responsible for that failure. It is the old familiar cry of "biting off more than you

can chew." It also proves the economic fallacy of too much consolidation. The combination of 30 retail stores in as many separated cities got beyond the available capital of the mother concern and also beyond the "limits of efficiency."

WILL IT PREVENT PANICS?

"When the Federal reserve association is in working order, do you believe that it will prevent panics?"

Answer. Assuming wise administration, and that, I think, is certain, the new system ought to prove a successful preventive of financial panics. And by absolute we assume "wise administration" of the system! The able American mind is not yet obsolete and patriotism is not yet dead! There is abundant material to draw from, not only for members of the Federal Reserve Board, but also for directors of the Federal reserve banks. We are usually the slowest people on earth to correct our own abuses, but when we once begin the job we generally do it thoroughly.

We have been trying without avail for almost half a century to reform our banking laws, and then, all of a sudden, we woke up and put upon the statute books the most far-reaching and beneficial piece of legislation since the national bank act.

I look forward to a wonderful period of financial stability, with its inevitable complement of undisturbed confidence, and to an era of unequaled prosperity for this country under the new Federal reserve system. The provisions of the law, which permit our banks to establish foreign branches, together with our new tariff law, will contribute beyond the expectations of even intelligently optimistic men to the expansion of American trade and commerce. A big foreign trade will of itself tend greatly to stabilize our domestic trade and make extremes of business depression at home far less possible. Our foreign trade has always been restrained by unwise tariff laws and a lack of American banking facilities. The new laws have removed these obstacles.

WHAT CREATED BUSINESS DEPRESSION.

"Do you believe there is any truth in the rumor that there has been a deliberate conspiracy on the part of a certain group of financiers, politically opposed to the administration, to create business depression?"

Answer. No; I would not say that. It would be nearer to say that there has been a systematic attempt, politically organized, to make the country believe that there is a serious business depression. All the "divine-right" and "vested-right" interests and most of the big financiers are allied with the political opposition to the Democratic party and are helping the calamity campaign all they can. By "divine-right" interests I mean those who, because of their wealth, education, social standing, and acquired or inherited leadership of great enterprises, believe that they have superior rights and are entitled to be left undisturbed. They resent any sort of change or government regulation or control. You may remember that a certain anthracite coal magnate some years ago assumed that attitude when the great coal strike was on. By "vested-right" interests I mean those who have been long intrenched in "privilege" through favoring tariff laws and every sort of governmental beauty and who consider any interference with their "privileges" an invasion of sacred rights. Then we have the soreheads and chronic kickers and Pharisees who are always against an administration they can not control.

These elements, not so much by concert of action as by common sympathy, have united in a drive against the administration. They have produced the "psychology" of the situation, which, operating upon a time of the year when business, for perfectly normal reasons, is usually below par, has produced a certain amount of hysteria in shallow minds and a certain amount of fear in timid souls. But, on the whole, little has been accomplished; every day their gloomy prophecies are being dispelled by facts and the steady advance of business prosperity. Crops—prodigious crops—are beginning to move, and business stimulation is already reported from nearly every section of the country. We are going to have a splendidly prosperous fall season.

SURPLUS IN TREASURY.

As evidence of the conscienceless efforts to create uneasiness I need only call attention to the wild predictions made on the floor of Congress a short time ago by certain Republican leaders that the United States Treasury was piling up a huge deficit and that the Secretary of the Treasury would soon issue Government bonds. How thoroughly they are discredited. The Treasury statement issued July 1 shows that the fiscal year closed with a surplus of $33,784,452.07. This amount and $1,000,000 more was spent on the Panama Canal, but that is for property bought and paid for, and is an asset, not a deficit. And an issue of Government bonds is not in sight; in fact, one can not be discovered with a telescope, much less with the oversensitive obliquity of vision of our highly excitable political opponents.

NO ALARM ABOUT GOLD EXPORTS.

"Is it true that you have at any time felt any apprehension about the gold exports?"

Answer. No; not the slightest. On the contrary, I have regarded the gold exports as a benefit to this country, because we could spare the gold and the exports have secured the foreign financial situation. International finance is so intimately related these days that a catacylism in England, France, Germany, or any other important country reacts injuriously and directly upon our domestic situation. In time of European trouble American securities are always sold first, because there is a ready market for them. At such times there may be a sudden unloading on our market of large volumes of bonds and stocks, which is always depressing and hurtful. If we can let Europe have gold when she needs it, and we do not, and thus conserve the general situation, it protects us. The present movement has not hurt us in the least. If the papers and political partisans did not make a noise about it, as little would have been heard of it as has been felt of it, and that is nothing.

When the Federal reserve banks are in full operation they can exercise a material influence upon gold imports and exports and furnish a large measure of protection to our gold reserve if the need at any time arises.

GOLD HOLDINGS HAVE INCREASED.

"Have the gold holdings of the Treasury increased or decreased during the gold-export movement?"

Answer. They have increased. July 1, 1913, the total stock of gold in the country was $1,894,619,157. July 1, 1914, the total stock of gold in the country—after deducting all exports during the year—was $1,892,154,731, showing an actual increase in the total stock of gold for the year of $25,535,574. Not only was there a gain during the fiscal year in the total stock of gold in the country, but there was a gain of $17,363,237 in the amount of gold in the Treasury.

GOLD IMPORTS, $65,232,067.

"Since January 1 the gold shipments from the port of New York to Paris, London, and Berlin amounted to $78,000,000. Does this imply that the balance of trade between this country and Europe is no longer in our favor by reason of foreign competition?"

Answer. No; it certainly is not due to foreign competition. I believe that the gold exports since January 1—which, by the way, have been abnormal only in the month of June—do not necessarily indicate that the actual balance of trade is against this country. They are due principally to the constant sale for several months by European holders of American securities. The total exports of gold for the fiscal year ended June 30, 1914, were $112,432,185, whereas the imports of gold for the same year (June, estimated) were $65,232,067, so that the net exports of gold for the entire fiscal year just ended were only $47,200,098. This is a bagatelle, so far as affecting the strength of our position is concerned, and has no particular significance. For the same fiscal year, as already stated, our total stock of gold, in spite of these exports, increased $25,535,574. I want to call attention particularly to the $65,232,067 of gold imported during the year. This is, at least, a very tidy amount, but very little is ever heard of gold imports, whereas gold exports are played up hideously. Why? Because gold imports are not palatable to the calamity howler, and it suits his purpose best to suppress all knowledge of them.

CROPS WILL CREATE HUGE BALANCES IN OUR FAVOR.

"Do present indications point to a return flow when the grain and commodity exports season is in full swing?"

Answer. Yes; there is no doubt that we shall be able to import gold in the fall, if we want to. The marketing of our crops must necessarily create huge balances in our favor. Gold imports do not, however, always follow because the balance of trade is in our favor. If our credit can be more profitably employed in Europe, they will remain there until such time as they can be more profitably employed at home. Then they will be recalled, and gold imports will naturally follow.

THE GOLD BEHIND THE GREENBACKS.

"With the abolition of the endless-chain greenback system, will there be any danger in the future of a gold outflow in sufficient volume to be a serious menace to the Treasury holdings of specie?"

Answer. There is no danger now of any such gold outflow as will menace the Treasury's holdings of specie. The "endless-chain greenback" is practically a thing of the past. Your question implies the existence of a fear which the American people inherited from the experience of the last Cleveland administration, more than 20 years ago. At that time the conditions were essentially different. Then we had only a small and depleted gold reserve behind the greenbacks; now we have $150,000,000 of gold behind the greenbacks. Moreover, the country's total stock of gold at that time was relatively small—only about $500,000,000. Now we have the greatest stock of gold of any nation on earth, namely, $1,892,154,731, of which we hold in the Treasury of the United States $1,276,581,594. When gold is withdrawn for export it is usually upon presentation of gold certificates, against which there is 100 per cent of gold on deposit in the Treasury. The amount of greenbacks presented is relatively small.

I consider the position of the Treasury and of the country impregnable so far as gold is concerned. Moreover, our stock of gold is increasing each year not only through domestic production, which is large, but also through the constant increase in the wealth of the Nation.

We have only $346,129,016 of greenbacks and Treasury notes outstanding, against which we have a gold reserve of $150,000,000. We shall in time get a 100 per cent of gold behind the greenbacks, provided the surplus earnings of the Federal reserve banks shall be used as the act authorizes, "to supplement the gold reserve held against outstanding United States notes." This is a very wise provision of the law.

PAYING DEBTS OR LENDING MONEY.

"It has been claimed that the present outflow of gold has been due to the unfavorable balance of trade, as well as to the enormous expenditures of American tourists in Europe during this season of the year. Is it also true that, because of the railroad and other Wall Street scandals, Europe has been sending American securities back to us in enormous volume, and that the gold shipments, to a great degree, represent liquidation of the indebtedness thus created?"

Answer: The outflow of gold at any time shows that we are either paying our debts abroad or that we are lending money abroad. If we are paying debts, they may represent either imported goods, expenditures of American tourists, or the purchase of American securities which have been sent back to this country. As before stated, I think that the principal cause for the recent exports of gold is the sale of American securities by European holders who need the money and have found that they could get gold more advantageously by that means than by any other. Europe has simply needed gold, which we could easily spare, and she has got it by paying for it in one form or another, either by the sale of our securities at prices which attracted American purchasers, or by borrowing from us at interest rates which are profitable to American lenders.

HOW DEPRESSION TRACED TO THE RAILROADS.

"What, in your opinion, is the cause of the present depressed state of business, which has reduced the operating capacity of steel and other trades and thrown many people out of employment?"

Answer: Business depression has been greatly exaggerated. The Treasury Department touches indirectly business in all parts of the country, especially the banking business of the country. The reports which have come to me from many reliable and well-informed sources convince me that the chief depression exists in those industries and businesses which are dependent largely upon the railways for orders. There is no doubt about the fact that the railroads have withheld orders for supplies and have deferred maintenance of way and equipment to an the utmost possible extent for the past six months. I do not say that this is illegitimate. They have been suffering from reduced earnings during this period, and caution would induce many of them to proceed slowly; but the greatest impelling motive undoubtedly has been their desire to make as few commitments as possible until the Interstate Commerce Commission has rendered its decision on their application for increase in rates. An examination of the reports of the railroads as to maintenance of way, equipment, etc., during this period would undoubtedly verify these conclusions. It is to be hoped that the rate decision will soon be made. Whether the increase is granted or not, the railroads ought to know as quickly as possible the basis upon which they are to proceed.

I also quote from the Journal of Commerce, as follows:

Paris, June 27, 1914. Wheat crop short. France will have to import 60,000,000 bushels of wheat.

Compare that with your statements in regard to the importation of corn.

The Journal of Commerce of July 3, 1914, states:

Kansas City and Southern Record: Gross earnings $11,000,000, or $50,000 greater than in 1913.

I will not tire the Senate by quoting the editorial in the paper of the Senator from Pennsylvania [Mr. OLIVER] to which reference has been made, wherein he goes on to show that in Pittsburgh they are fast approaching a million-dollar-a-day record in wages paid, but I will quote from an editorial in the Philadelphia Record—and I had really treasured this with the hope that my friend the Senator from Pennsylvania [Mr. PENROSE] might be here, as I wanted to give this to him right from his own hearthstone—the Philadelphia Record editorially says:

All departments of the Pennsylvania Railroad's Altoona shops are working full time; some of them overtime. Contractors are having difficulty in getting men. The Baltimore & Ohio shops at Pittsburgh have added 800 men to their rolls. The crop demands have lessened the idle cars for the last half of June 12,000 cars. Failures were fewer in June than in previous month.

The Journal of Commerce of July 10, 1914, says:

Ford—

Of automobile fame—

says there is absolutely nothing wrong with business. All lines feel the awakening.

I quote again from the Journal of Commerce of July 10:

The American Chicle Co. increases business facilities.

The gratifying thing I see about that is that my Republican friends who are wont to cry calamity have ceased chewing the rag and have gone to chewing gum [laughter]—the Chicle Co. have multiplied their facilities.

The Journal of Commerce also says that $1,000,000 will be expended for improvements by the Tennessee Copper Co.

I now quote from the New York Times of July 10, 1914, as follows:

PHILADELPHIA, *July 10.*

The Pennsylvania Railroad to-day gave orders for 100,000 tons of steel rails.

I quote another extract from the New York Times, as follows:

[Special to the New York Times, July 10, 1914.]

GETTING NEW ENGINES.

The Chicago, Milwaukee & St. Paul has just placed an order for five of the largest type of engines. This road recently stated that it had 90 idle engines.

In this connection, I notice that the New York Post, of July 11, 1914, says that Mr. Newman Erb, president of the Minneapolis & St. Louis Railroad, has just returned from Europe, and he finds even there that business prostration has existed and still exists, though it is somewhat picking up, and good business is in sight.

I met a gentleman night before last, Mr. Rapheal Herman, of Detroit, whose opinion as to the business outlook is published in the Washington Star of last evening. Representative DONAHUE, of Michigan, introduced Mr. Rapheal Herman to me as a curiosity. I said "In what way; he is a splendid looking fellow." Mr. Herman answered, "Well, I am a Republican and a protectionist, and yet I have the courage and temerity to assert that times are good and business is generally very much improving." I asked him in what particular line he was engaged, and he said that he was engaged in the manufacture of attachments and connections used in the manufacture of engines and boilers. "Well," said I, "it may be that is the condition in your particular part of the country"—he came from Detroit. He said, "No, sir; the best business I have is in the city of Philadelphia." Oh, that some phone might carry this to the ears of OLIVER and PENROSE, telling them that general conditions are infinitely better than they have been.

I say, Mr. President, that, while there are instances of depression and instances of idleness, yet, as I said here some days ago, we are reaping the result of a life of debauch and of ruthless extravagance, and it ill becomes Senators of the United States, in the face of all God's blessings that surround us, in the face of bountiful crops, with myriads of acres planted to corn that is just bursting into fruition and into wealth, and myriads of bushels of wheat that will supply not only the hungry mouths of our people, but the hungry mouths of the starving millions of the Old World, to cry calamity. I say it is a crime, and worse than a crime; in the midst of all these manifold blessings it is a sin. If our friends on the other side can get some comfort out of finding a condition of things where some poor mortal may have been thrown out of employment and his family starving, in God's name let them get it. I do not believe that they are warranted in uttering this calamity howl, I say, pick up and chirp and have courage. You know in your own hearts that you are blessed beyond comparison and almost beyond reason. We are richer, mayhap, than our deserts.

I say I could multiply the instances I have given by the hundreds. The Senator from New Hampshire knows that the testimony I have given is not the testimony of Democrats, but the testimony in the main—in fact, I think, almost without exception—of papers which uphold the Republican Party and that have voiced your propaganda and pressed on your dogma of protection until you have cursed the country and imposed a burden upon all mankind.

Mr. GALLINGER. Mr. President, I will ask the Senator if he does not think he is rather trenching upon the rule when he charges me with being guilty of crimes and sins? [Laughter.] I refer to the rule that says that one Senator shall not impute improper motives to another Senator.

Mr. MARTINE of New Jersey. Oh, that is very nice; but Heaven knows, and the Senate knows well, that my reference was not to an individual, but to a collection and aggregation of individuals made up of the Senator and others, who, under the guise and misnomer of the Republican Party, have burdened the people and have brought detriment to them. [Laughter.]

Mr. GALLINGER. Does the Senator think that it makes the offense the less, in view of what the rule prescribes, if he applies it to several of us?

Mr. MARTINE of New Jersey. Well, it spreads it out a little thinner. [Laughter.] The fact is, that if I should attempt to spread out the wrongs of the Republican Party, they would cover many, many people; but I have to say that as to the generous, glorious, genial, grand, big-hearted, and splendid Apollo, in the person of the Senator from New Hampshire, it would be impossible for a man to say anything very ungenerous or very unkind, and God knows that in my heart the Senator is the last man to whom I would charge any personal aim or intent to cause detriment to anybody; but you have been so long under the ban of Republican iniquity that you scarce know when to stop.

Mr. GALLINGER. Mr. President, I will forgive everything the Senator has said about me, though he has really violated the rule, if he will take back the appellation "Apollo" as applied to me. [Laughter.] I can not stand that.

Mr. MARTINE of New Jersey. Well, I want to be on the side of truth; and I think the Senator, as an M. D., must realize that he measures up better in physique than the average of God's children.

Mr. BORAH. I call for the regular order.

The VICE PRESIDENT. The regular order is the presentation of petitions and memorials.

PETITIONS AND MEMORIALS.

Mr. VARDAMAN. I send to the desk two telegrams in the nature of petitions from men and women of Mississippi, expressing their opinion upon the proposed amendment to the Constitution of the United States to prohibit the manufacture of intoxicating liquors. In their judgment and opinion I most heartily concur. I ask that the telegrams may be printed in the RECORD, without reading.

There being no objection, the telegrams were referred to the Committee on the Judiciary and ordered to be printed in the RECORD.

[Telegram.]

CARROLLTON, MISS., *July 3, 1914.*

Hon. J. K. VARDAMAN,
United States Senate, Washington, D. C.:

Undersigned petition Congress to submit amendment prohibiting importation and manufacture of liquor.

WOMAN'S CHRISTIAN TEMPERANCE UNION.
Mrs. W. A. BILLUPS,
President Methodist Woman's Society.
Mrs. J. R. BINGHAM,
President Baptist Ladies' Aid Society.
Mrs. W. D. KIMBROUGH,
President United Daughters of the Confederacy.
Mrs. S. E. TURNER,
President Beethoven Club.
Mrs. V. STILLSON.

[Telegram.]

BATESVILLE, MISS., *July 6, 1914.*

Hon. JAMES K. VARDAMAN,
United States Senate, Washington, D. C.:

Mass meeting of citizens at Batesville petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

R. A. N. WILSON, *Chairman.*

Mr. WARREN presented petitions signed by 147 citizens of Sheridan, Wyo., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 636, United Association of Plumbers and Steam Fitters, of Detroit, Mich.,

praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against the proposed increase in the number of chaplains in the United States Navy, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Brawley and Oakland, and of the congregations of the Arlington Christian Church of Riverside, and of the Southern California Conference of the Free Methodist Church, of South Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bakersfield and Mount View, in the State of California, praying for the enactment of legislation to establish Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

He also presented a petition of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRANDEGEE presented a petition of the Housatonic Valley Preachers' Union of Connecticut, Massachusetts, and New York, praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of sundry citizens of Washington, D. C., Michigan, Ohio, Iowa, and Illinois, praying for the enactment of legislation to recognize Dr. Frederick A. Cook as the discoverer of the North Pole, which were referred to the Committee on the Library.

SURVEY OF RIO GRANDE BORDER.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 98) authorizing a survey and examination of the Rio Grande border of the United States to determine the advisability of constructing a highway either along the entire border or certain sections thereof, reported it without amendment and submitted a report (No. 665) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 6089) granting an increase of pension to William Mower;

A bill (S. 6090) granting an increase of pension to Caroline L. Ackley; and

A bill (S. 6091) granting an increase of pension to Joseph L. Williams; to the Committee on Pensions.

By Mr. COLE:

A bill (S. 6092) granting a pension to Mary E. Gilbert (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 6093) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii relating to certain gas, electric light and power, telephone, railroad, and street railway companies and franchises in the Territory of Hawaii, and amending the laws relating thereto; to the Committee on Pacific Islands and Porto Rico.

By Mr. CHILTON:

A bill (S. 6094) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BANKHEAD submitted an amendment proposing to appropriate $9,500 for the Transatlantic Fire Insurance Co., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THOMAS D. JONES.

Mr. HITCHCOCK (at 12 o'clock and 40 minutes p. m.). Mr. President, I desire to make a request for unanimous consent.

The VICE PRESIDENT. If the Senator prefers a request, it will be put to the Senate.

Mr. HITCHCOCK. I ask unanimous consent that the hearings before the Committee on Banking and Currency recently held concerning the confirmation of Mr. Thomas D. Jones, the record made by the committee in that case and the report of the committee, as well as the minority views of four members of the committee, may be printed and made public.

Mr. STONE. Mr. President, some one—possibly the Senator from Nebraska himself—has given out what purport to be the hearings before that committee. They have been printed broadcast. I do not know whether they have been correctly printed or not; but if this request is to be taken up now I move that the doors of the Senate be closed under Rule XXXV.

Mr. KERN. I second the motion.

The VICE PRESIDENT. The Sergeant at Arms will clear the galleries and close the doors.

The Senate thereupon proceeded to deliberate with closed doors. At 5 o'clock and 25 minutes p. m. the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, its assistant enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 31.

That the House recede from its disagreement to the amendments of the Senate numbered 226 and 227 and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Omit the matter inserted by the House amending said Senate amendment, omit the matter stricken out by said Senate amendment, and in lieu thereof insert the following:

"Hereafter whenever under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or completely resurfacing the same not less than one square in extent, from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement or resurfacing is laid: *Provided*, That there shall be excepted from such assessment the cost of paving the roadway space included within the intersection of streets, avenues, and roads, as said intersections are included within the building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-half of the total cost upon the abutting property owners and the remaining one-half and all of the expenses of maintenance and repairs to be paid from the revenues of the District of Columbia and from the Treasury of the United States in equal parts: *Provided*, That where the width of the street, avenue, or road to be paved or completely resurfaced from curb to curb or gutter to gutter, as the case may be, shall exceed 40 feet, the excess, including the cost of intersections or spaces within which street railways are

The Senator from Missouri suggested that he would have similar articles to insert from day to day. The Senator said:

That is all I shall insert this morning, but I think I will take occasion morning after morning to furnish my friends on the other side with some comforting evidence of the real condition of the country.

I will now ask the Senator from Missouri if he has any further articles to present to-day for insertion in the RECORD?

Mr. STONE. Mr. President, as I see some evidences of rising temperature in those who are suffering from the calamity fever, I may offer a dose of soothing sirup this morning, and small doses from time to time.

Mr. GALLINGER. The Senator alludes——

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Carolina?

Mr. GALLINGER. For what purpose?

Mr. SIMMONS. The Senator seems to want a lead this morning, and I thought I would give it to him. The Senator from Missouri——

Mr. GALLINGER. I will say to the Senator that I was talking to the Senator from Missouri, who had promised us some further enjoyment this morning. I do not know that I want to get the Senator from North Carolina involved in any matter that the Senator from Missouri is in charge of.

Mr. STONE. He is the consulting surgeon.

Mr. SIMMONS. It was not for the purpose of helping the Senator from Missouri. The Senator from Missouri can help himself. He can take care of himself better than any other person I know in public life in America; but I thought the Senator from New Hampshire wanted a lead, and having some papers which he drew from his pocket, as he seemed to be soliciting the Senator from Missouri to give him a lead in the matter, I thought I would do it.

Mr. GALLINGER. The Senator from North Carolina can follow just as well as lead. The Senator usually leads, but I prefer that he should follow this morning.

Mr. SIMMONS. That is satisfactory to me.

Mr. GALLINGER. I have a great many newspaper clippings in my desk and I have scores of them in my committee room, and I thought yesterday I would insert some of them in the RECORD, but I find in the Washington Post of this morning some very interesting reading, which I will introduce instead of the others. I will first ask that this brief item shall be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

JOBS OF 1,000 MEN GONE—WAGES OF OTHERS ARE REDUCED AT THE BIG PLANTS IN WILMINGTON, DEL.

[Special to the Washington Post.]

WILMINGTON, DEL., *July 13.*

The industrial depression has struck Wilmington with vigor. It was announced to-day by officials of the Harlan & Hollingsworth Corporation that 1,000 workmen have been discharged during the past few weeks.

The officials, when asked, declined to blame the Democratic administration for the condition. In addition, the Pennsylvania Railroad shops and the plant of the American Car & Foundry Co. have placed their employees on reduced wages. The repair shops of the Pullman Car Co. have also begun reducing their force.

Mr. GALLINGER. Mr. President, "Holland" writes most interestingly a daily letter to certain newspapers in the country. I have noticed during the last couple of months that "Holland" has been endeavoring to bolster up the industrial and trade conditions of the country. He has been doing precisely what the manufacturers have been doing. The manufacturers have kept back the actual conditions as far as they could, because they want to keep their credit good, so as to be able to borrow money. They do not want to advertise to the world that they are in financial distress or industrial disturbance. The other day I read a letter in the Boston Herald from a large manufacturer, in which he said he had gotten tired of lying and he was going to tell the truth. He said, "For the last six months I have been saying business is pretty good, but the fact is that business is wretchedly bad, and now I am going to tell the public the truth about it." "Holland" evidently has reached the same conclusion, and this morning he has this to say. He has a good deal more to say, but as I do not want to take any unnecessary time, I will ask that only a part of the article be read.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Delaware?

Mr. GALLINGER. I do.

Mr. SAULSBURY. I heard an interesting article read from a newspaper just now regarding Wilmington, Del. May I ask who presented the article?

Mr. GALLINGER. I presented it. I took it from the Washington Post. It purports to be a special dispatch from Wilmington.

Mr. SAULSBURY. I may say, if the Senator will permit me, in regard to that article that it is not an unusual thing for a thousand men be out of employment in Wilmington. We are very fortunate to have only a thousand men out of employment.

Mr. GALLINGER. This is in only one establishment.

Mr. SAULSBURY. The Harlan & Hollingsworth Car Manufacturing Co., the American Car & Foundry Co., and the Pullman Car Co. have their shops there.

Mr. GALLINGER. The statement was that those concerns were also in more or less distress, and 1,000 men had been dismissed from one particular concern.

Mr. SAULSBURY. I also noticed that the American Car & Foundry Co. was mentioned. This is the eastern branch of that large car-building works; and I may say that the condition in Wilmington, where there are many shops which are furnishing car supplies, is that when men have been discharged, and I have been told by many of the men themselves, they have been laid off when there was work in the shops to do. I do not mean to say that that condition exists in all the shops, but these men told me they had been discharged when they had as much work to do as ever. They told me they could not be fooled by alleged conditions when they were discharged and work existed in the shops which could be done.

Mr. GALLINGER. That is a most extraordinary suggestion. Of course it will go into the RECORD for what it is worth. The idea that when work is at hand in any manufacturing concern men are discharged is certainly food for the marines and not for the Senate of the United States.

Mr. SAULSBURY. May I ask the Senator if it is not conceivable that where there are large communities greatly interested in railroad supplies, when peculiar conditions exist pending certain investigations which have been going on by the Interstate Commerce Commission, these conditions may not be as serious as they look?

Mr. GALLINGER. Possibly so; but there is no suggestion that that is the condition in Wilmington alone. I should like to have read what "Holland" has further to say.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. Well, Mr. President, I think I will occupy the time now for a little while.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Washington Post.]

"HOLLAND" WRITES OF HUGE LOSSES—BUSINESS HOUSES HAVE SUFFERED IN SIX MONTHS—REPORTS ALONE HOLD OWN—ONE CORPORATION, IN A PRIVATE REPORT, FINDS THAT ITS BUSINESS DROPPED FROM $3,000,000 IN ONE-HALF OF 1912 TO ABOUT $900,000 FOR THE SAME PERIOD THIS YEAR—SOME OF REASONS OFFERED.

NEW YORK, *July 13.*

While the managers of many of the big industrial corporations think it inexpedient to report for publication what their business for the first half of the present calendar year was, measured in dollars and compared with a like period in the previous year, as well as in 1912, nevertheless, some of them do tell in confidence what their recent experiences have been. For instance, one of the largest of American industrial corporations caused a comparison to be made on July 1 of the business done in the first six months of 1912, and then, again, the business of a like period of last year, and also the business done in the six months which have just ended.

GREAT LOSS IN BUSINESS.

Their sales in a period of normal business activity approximate about $3,000,000 for six months. The total business done in the first six months of 1912 was a little under $3,000,000. The total business done last year in the same period was a little over $1,000,000. Their business for the first six months of the present year was, in round numbers, $900,000. Of course, these managers look with apprehension upon a report of this kind.

A falling off such as these figures show can not be met much longer without compelling the managers of the industry to consider the expediency of liquidating or possibly of greatly reducing their capital.

Mr. GALLINGER. "Holland" says a good deal more along the same line. I will refrain from presenting it, but I do want to present a very interesting editorial from this morning's Washington Post, and I commend it to the farmers of Missouri, as well as to the farmers in other parts of the country.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire ask for the reading?

Mr. GALLINGER. Yes; I want to have it read, as the farmers of the country will want to read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

THE FARMER LOSES.

In the 10 months ended April, 1914, the value of foreign foodstuffs imported into the United States increased $10,000,000, or $1,000,000 a month. This money, which should have gone to the American farmer, went to foreign farmers.

In the same period the exports of American foodstuffs decreased $64,410,000, or $6,100,000 a month.

The adverse balance against the American farmer, so far as dealings with the outside world are concerned, is $75,000,000 in 10 months.

During the 10 months ended April, 1914, there were imported 20,058,998 bushels of oats, as against 714,767 bushels imported during the same period ended April, 1913. Comparing the same periods, there were imported 1,854,054 bushels of wheat, against 769,329; other breadstuffs, $2,602,252, against $1,362,630; fruits, $26,155,168, against $21,635,382; nuts, $722,217, against $620,290; butter, $1,633,515, against $258,513; cheese, $6,302,438, against $7,683,399; olive oil, $6,444,237, against $5,815,810; prepared vegetables, $3,015,545, against $2,772,100; fresh vegetables, $1,468,396, against $1,308,821. The importation of eggs during the 10 months ended April, 1914, amounted to 5,043,765 dozen, valued at $1,000,000.

These are staples produced by American farms, orchards, and gardens. The new tariff reduces the duty upon these articles and opens the market to foreign farmers. The foreigner has seized this opportunity and is now making $1,000,000 a month which formerly went to the American farmer.

The consumer gets no benefit from this tariff reduction. The price has not gone down on a single article mentioned. The high tariff formerly kept the foreigner out and gave this business to the American farmer. The new tariff throws the business to the foreign farmer, who, with the middleman, pockets the benefit, and the consumer pays as much as he did before. The only loser is the American farmer.

This loss of $1,000,000 a month covers only 10 months of the new tariff. It is natural that the loss should be greater as soon as foreign farmers awaken to the splendid opportunity offered by the American market. The more they take advantage of this opportunity the more the American farmer will lose.

The only way to prevent this loss to the American farmer is to put the bars up again, and shut out the foreigner. The experiment has been in effect long enough to show that it does not decrease the cost of living.

Maybe this item of $1,000,000 a month loss through the low tariff will be borne in mind by the American farmer when he votes next November for Congressmen who frame tariff bills.

Mr. GALLINGER. Mr. President, that is all I care to put into the RECORD this morning, and——

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Colorado?

Mr. GALLINGER. If the Senator will just withhold his interruption for a moment—that is all I care to put into the RECORD this morning, and I did it simply because the challenge was made on yesterday. If the plan announced by the Senator from Missouri is to be continued, I have a great deal more interesting material, and undoubtedly I will be in receipt from day to day of much additional information. This very morning a letter comes to me from New Hampshire showing that a large manufacturing concern has closed its doors and that the doors are to be kept closed until they get orders.

Mr. President, it will be of value to the people who read the CONGRESSIONAL RECORD to find that the political party which promised such glowing results from the new tariff have failed to bring about what they promised.

Mr. THOMAS. Mr. President, I noticed in the Washington Post of this morning another piece of depressing information which seems to have escaped the notice of the Senator from New Hampshire [Mr. GALLINGER]. It was a résumé of the recent report of the Interstate Commerce Commission upon the New York, New Haven & Hartford Railroad Co. I discovered from that résumé that 336 subsidiary corporations of that concern have been practically put out of business. Those who are dependent upon them for a living, those who had invested their money in them, are principally inhabitants of New England, and their condition must be quite as deplorable as that of the poor workmen who seem to have been temporarily thrown out of employment in Wilmington. I also noticed, Mr. President, that between sixty and ninety millions of dollars, doubtless representing the earnings of small investors, have been frittered away and wasted, if not stolen, through the agency of these 336 corporations, manipulated by the interests which are now so extremely concerned about business conditions and who desire to go back to the good old ways of doing business.

I drew an inference also from this report, Mr. President, that one man, since deceased, was primarily responsible for the creation of these 336 helpless subsidiary corporations as dummies to do the work which preceded the wrecking of the larger concern; but his responsibilities have ended. And I was reminded, too, of a clipping also taken from the Washington Post shortly after Mr. Morgan's unfortunate demise. It is an extract from his will, which I will read into the RECORD for the consolation of the New Haven's unfortunates. It is as follows:

I commit my soul into the hands of my Savior in full confidence that having redeemed it and washed it in His most precious blood He will present it faultless before the throne of my heavenly Father; and I entreat my children to maintain and defend, at all hazard, and at any cost of personal sacrifice, the blessed doctrine of the complete atonement for sin through the blood of Jesus Christ, once offered, and through that alone.

It seems pertinent to present this, but without comment, as a sort of companion piece to the report of the Interstate Commerce Commission.

Mr. CHILTON. Mr. President, a great many of us, at least, do not know who "Holland" is, but, I take it, every Senator here will know the author of the article which I send to the Secretary's desk and ask to have read. It is a telegraphic dispatch to the New York World.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and the Secretary will read as requested.

The Secretary read from the New York World of Saturday, July 11, 1914, as follows:

PROSPERITY FIRST FINDS PITTSBURGH, NEWSPAPER SAYS—SENATOR OLIVER'S AFTERNOON DAILY DECLARES THAT IS THE OPINION VOICED BY LEADING BUSINESS MEN THERE—ALL BRANCHES OF TRADE FEEL RETURNING STIMULUS—STEEL PLANTS PUTTING ON MORE MEN, AND THERE IS $15,000,000 IN PRIVATE BUILDINGS.

[Special to the World.]

PITTSBURGH, *July 10.*

The Chronicle-Telegraph, Senator GEORGE T. OLIVER'S afternoon daily paper, prints the following to-day:

"Pittsburgh is the first of American cities to recover from the depression in business which has affected the entire country"——

Mr. BORAH. Mr. President, does the Senator from West Virginia think that such charges ought to be made against the Senator from Pennsylvania in his absence? [Laughter.]

Mr. CHILTON. I did not know the Senator from Pennsylvania was absent, and I have no doubt the Senator would not object to anyone accusing him of telling the truth, even in his absence.

The Secretary resumed and concluded the reading of the article, as follows:

"In this manufacturing district the ebb tide in the commercial and industrial field caused by the change in the Nation's tariff policy, the changes wrought in the banking and currency system, and the uncertainty in the railroad rate situation has been reached.

"Pittsburgh is returning to its old-time prosperity. This is the opinion voiced by leading manufacturers, bankers, and business men of the community.

"FEEL RETURNING STIMULUS.

"All branches of trade," the paper declares, "are feeling the stimulus of the return of normal conditions. The Pittsburgh pay roll, measured on the unexampled standard of $1,000,000 a day, again is making itself felt in the home commercial mart. This unrivaled asset in Pittsburgh business, and especially in guaranteeing the stability of the community's mercantile trade, is growing greater.

"Reports from the iron and steel industry for July in the Pittsburgh district show an increase over June of 10 per cent. The August outlook is still better. In the fall many new industries located by the Pittsburgh Industrial Development Commission will begin operations. All told, these concerns will give year round employment to skilled mechanics of the highest wage-earning capacity. This will mean at least 4,000 additional buyers who will augment the receipts of Pittsburgh merchants.

"$15,000,000 IN BUILDING

"In building operations Pittsburgh this year is spending more than $15,000,000. This sum does not include the municipal improvements referred to by Mayor Armstrong. Financial men regard as a true index to the confident feeling of the people the readiness with which the municipal bonds for these improvements were bought.

"Meanwhile," it is said in the paper, "other Pittsburgh industries are indicating by their policy the arrival of richly fortunate times to come. The Jones & Laughlin Steel Co. has been employing additional men and the United States Steel Corporation also has been adding to its forces so the greatly increased demands of the immediate future may be met. The National Tube Co. is already working to 80 per cent of its capacity and soon will be working in full. The present building boom now so noticeable in Pittsburgh is declared by contracting engineers and builders to be the most remarkable experienced here in years. That this situation will be greatly exceeded seems apparent in the enormous building activity scheduled for the near future."

Mr. MARTINE of New Jersey. Mr. President, lest this howl of calamity should overtop everything, and since it seems as though there were a preconcerted plan upon the part of the distinguished Senator from New Hampshire [Mr. GALLINGER] to burden the community all at once with this appalling cloud to mitigate somewhat that horrid condition, I desire to present some communications I have come across. I have copied verbatim from the New York Tribune of July 7, as I hesitated to mutilate the paper, the following item:

Pennsylvania orders 84 engines. Will spend $1,680,000. The locomotives will cost an average of $20,000 each.

If all this calamity exists, pray, I ask in all reason, why does the Pennsylvania Railroad Co. spend this money and for what purpose will it use these engines?

From the Journal of Commerce of July 7 I read the following:

The roads bought 19,000 tons during June, 1914.

In the Journal of Commerce of the same date I notice the following:

Heavy exports of wheat. Over 1,000,000 bushels will be shipped by St. Louis.

The same paper on the same date—and Senators can not charge the Journal of Commerce with being our paper—says:

Texas Co. buys 500 acres. Will expend in building refinery $2,000,000 and employ 1,000 men.

the parcel post; to the Committee on the Post Office and Post Roads.

Also (by request), petition of John F. Cobaugh, of Johnstown, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request) petition of M. Nathan & Bro., of Johnstown, Pa., protesting against the passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. BARCHFELD: Petition of the First Presbyterian Church of McKees Rocks; the Methodist Protestant Church of Castle Shannon; the Mount Washington Presbyterian Church, of Pittsburgh; the First Pentecostal Church of Pittsburgh; the Woman's Christian Temperance Union; the Mount Washington Branch of the Young People's Christian Union, of Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Clairton and Duquesne; 141 citizens of the sixteenth, seventeenth, and eighteenth wards of Pittsburgh, Pa.; and Local Unions Nos. 22, 67, and 144, United Brewery Workers of America, of Pittsburgh, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition and remonstrance of the Chamber of Commerce of Pittsburgh; the Pittsburgh Hardwood Door Co.; the Central Tube Co.; Alexander Laughlin & Co.; F. J. Kress; the George A. Kelly Co.; the H. L. Dixon Co.; George H. Alexander & Co.; Thomas C. Jenkins; James H. Matthews & Co.; the Monongahela Tube Co.; the Hartje Paper Co.; the Union Electric Co.; the B. B. & B. Trunk Co.; and the Manufacturers' Light & Heat Co., all of Pittsburgh, Pa., against sections 7 and 18 of House bill 15657, which exempt labor, agricultural, and other associations and discriminate in their favor in the matter of prosecution under the antitrust laws; to the Committee on the Judiciary.

Also, petitions of the Knoxville Christian Church, of Pittsburgh; the Knoxville United Presbyterian Church, of Pittsburgh; the Christian Endeavor Society of West Elizabeth Presbyterian Church; the West End Methodist Episcopal Church; the Second Presbyterian Church; the First Baptist Church of Pittsburgh; the Valley Presbyterian Church, of Imperial; and sundry citizens of Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petitions of the Grace Methodist, the Mount Washington Methodist Episcopal, the Presbyterian, and the Methodist Protestant Churches of Pittsburgh; the Young People's Society of Christian Endeavor of the Presbyterian Church of Duquesne; the Good Hope Church, of Hays; the Cobden Street Baptist Church and the Mount Washington Baptist Church, of Pittsburgh; the Methodist Church of Munhall; and sundry citizens of Imperial, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petitions of Lillian F. Ferckert, Bessie P. Titus, and others, of the executive board of the New Jersey Woman Suffrage Association; Jenney G. Kerlin, Stella B. Buckwalter, and others, of Camden; and Mary E. Borton, Helen Woodruff Tatlock, and others, of Woodstown, all in the State of New Jersey, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: Papers accompanying a bill granting a pension to James Moore; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: Petitions of sundry citizens of Starkville, Verona, Shannon, Nettleton, and Tupelo, all in the State of Mississippi, favoring national prohibition; to the Committee on Rules.

By Mr. CONNELLY of Kansas: Papers to accompany House bill 17200, granting a pension to Henry Pierson; to the Committee on Pensions.

By Mr. DALE: Petition of the National Civil Service Reform League, protesting against section 3 of House bill 17042, relative to assistant postmasters; to the Committee on the Post Office and Post Roads.

By Mr. DERSHEM: Petitions of 2,100 citizens of Waynesboro, 40 citizens of Hartleton, and the Woman's Christian Temperance Union of Lewistown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of South Dakota, favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of H. L. Bowley, of New York City, favoring the Smith-Hughes motion-picture censorship bill (S. 4941 and H. R. 14895); to the Committee on Education.

Also, petitions signed by 131 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions and resolutions from C. S. Baldwin, of Lancaster; the Christian Endeavor Society of New Holland; Rev. J. H. Higby, Rev. E. A. Bawden, Mr. M. J. Bawden, Mr. L. E. Herbert, and Mr. S. J. Trainer, of Lancaster; Capt. and Mrs. Tanks, for the Salvation Army, Lancaster; Rev. E. A. Bawden, president, and F. C. Beckwith, secretary, for the congregation of the First Methodist Church of Lancaster; Anna C. Book and sundry citizens of Quarryville; and Wilfrid P. Riggs, for 92 citizens of White Rock, all in the State of Pennsylvania, favoring a national prohibition constitutional amendment; to the Committee on Rules.

Also, petition of Rev. W. S. Barnes and other citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HELGESEN: Petitions of various Sunday schools of Walsh County, N. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of various members of the Methodist Episcopal Church of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MAHER: Petition of the General Post Office Letter Carriers' Mutual Benefit Association, of New York City, relative to House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. MOORE: Resolution of the freight traffic committee of the Merchants and Manufacturers' Association, of Philadelphia, Pa. relative to the proposed extension of the parcel post; to the Committee on the Post Office and Post Roads.

By Mr. NEELEY of Kansas: Petitions of sundry citizens of Liberal and Nickerson, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of Lucius Fairchild Post, No. 11, Grand Army of the Republic, of Madison, Wis., and George H. Legate Post, No. 125, Grand Army of the Republic, of Mineral Point, Wis., urging appropriation for the reunion of veterans at Vicksburg, Miss.; to the Committee on Military Affairs.

By Mr. PATTON of Pennsylvania: Petitions of sundry citizens of Mount Jewett, Penfield, Rixford, Hale College, Custer City, and Mahaffey, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. E. I. Latsham, Mrs. Lillie Latham, and others, of Bradford, Pa.; Mary Weber, Margaret A. Bell, and others, of Dubois, Pa., favoring woman's suffrage legislation; to the Committee on Rules.

By Mr. PLATT: Petitions of sundry citizens and various members of Apokeesing Lodge, No. 80, International Order of Good Templars, of Poughkeepsie, and sundry citizens of Moore Mills and Pleasant Valley, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of Local Union No. 352 of the International Union of the United Brewery Workmen of America, of Reno, Nev., against national prohibition; to the Committee on Rules.

By Mr. SCULLY: Petition of LeRoy Emley, of Creamridge; William Van Kirk, of Red Bank; F. W. Sprague, jr., of Cedar Run, all in the State of New Jersey, in favor of amendment to H. R. 17042, relative to Railway-Mail Service; to the Committee on the Post Office and Post Roads.

Also, petition of James R. Haviland, in favor of retirement of superannuated and disabled employees; to the Committee on Reform in the Civil Service.

Also, petition of C. A. Burrows, of Lancaster, Pa., in favor of House bill 4352, for old-age pensions; to the Committee on Pensions.

Also, petitions of Mrs. John Mickle, of Point Pleasant, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of the New Jersey Pharmaceutical Association, in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of A. F. Paulis, of New Brunswick, N. J., and Ignatz Lustgarten, of Woodbridge, N. J., against national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition of P. N. Van Derken and 270 other citizens of Fruitland, Idaho, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 6 citizens, the Bethel Baptist Church, and the Christian Endeavor Union, all of Kalamazoo; the Christian Endeavor Society of Bethany; the Reformed Church of Kalamazoo; and 1,100 members of the First Methodist Episcopal Church of Albion, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petition of 7 citizens of Lansing, protesting against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 40 citizens of Flint, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Nebraska: Petition of sundry citizens of Pilger, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of various members of the Methodist Church of Canisteo, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of various voters of the second congressional district of the State of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar measures introduced in Congress; to the Committee on Rules.

By Mr. WALLIN: Memorial of the New York Eastern Christian Conference, favoring national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 12 citizens of Sevier County, Ark., favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *July 14, 1914.*

The Senate met at 12 o'clock m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, we come to Thee because Thou art worthy to be praised and to be held in everlasting remembrance by the children of men. Thou art the giver of every good and of every perfect gift, and we come to make mention that Thy name is exalted and to declare Thy doings among Thy people. May we this day honor Thy great name, and as we meet responsibilities to our country may we not forget our obligations to Thee. As we seek the interest of men may we remember that "righteousness exalteth a nation, but sin is a reproach to any people." May our ear be open to Thy voice, and may our responses to the call of every duty be sincere, patriotic, and complete. We ask it in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy, submitting an estimate of appropriation in the sum of $10,000 on account of damage occasioned by recent typhoon in the island of Guam, which, with the accompanying papers, was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House recedes from its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and agrees to the same; and also recedes from its disagreement to the amendment of the Senate No. 30, and agrees to the same.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding of 10,000 copies of the compilation entitled "Comparison of the tariff acts of 1909 and 1913, showing the classification, rates of duty, and sections of the acts of August 5, 1909, and October 3, 1913, together with the equivalent ad valorem rates of duty on the imports for the fiscal year ending June 30, 1913," etc., in which it requested the concurrence of the Senate.

The message further announced that the House returned to the Senate, in compliance with its request, the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The message also announced that the House insists upon its amendments to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

The message further announced that the House insists upon its amendments to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. HELVERING, and Mr. KINKAID of Nebraska managers at the conference on the part of the House.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States; and

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

INDUSTRIAL CONDITIONS.

Mr. GALLINGER. Mr. President, on yesterday after the reading of the Journal the senior Senator from Missouri [Mr. STONE] called attention to the fact that he held in his hand some newspaper clippings which he wanted to have read "for the edification and comfort" of his "friends the Senator from Utah [Mr. SMOOT], the Senator from New Hampshire [Mr. GALLINGER], and some others." Later on he alluded to us as "the lamentators." The Senator had those read into the RECORD, after which he was followed by the Senator from Alabama [Mr. WHITE] and the Senator from Mississippi [Mr. WILLIAMS], with somewhat similar articles.

this kind of weather after half past 5; and it is about time that we should rise.

Mr. JOHNSON of Kentucky. Would the gentleman be willing to go to the place where general debate be closed, with the understanding that there will be 15 minutes for general debate on a side the next time the bill is up?

Mr. STAFFORD. Fifteen minutes on a side will be acceptable so far as I am concerned.

Mr. BURNETT. I would like to have an understanding as to what "this side" and "that side" means. We would expect to control one-half of the time with the proponents of the substitute.

Mr. STAFFORD. Say that there be 40 minutes' time—20 minutes to be controlled by the other side and 20 minutes by this side. But I think that half an hour will be ample.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to know whether the gentlemen would be willing to take the rest of the House into their confidence?

Mr. STAFFORD. I suggested to the gentleman having the bill in charge that we now rise, and limit the debate to half an hour—one half of the time to be controlled by the side in favor of one proposition and the other half by the side in favor of the other proposition. I know that there is a gentleman on this side opposed to the resolution who would like to have 15 minutes.

Mr. LOGUE. Would the gentleman be in favor of 45 minutes?

Mr. JOHNSON of Kentucky. The gentleman on that side who wishes to speak 15 minutes is opposed to the resolution?

Mr. LOGUE. Let the control come over here, so that we can allow him that.

Mr. STAFFORD. I am perfectly willing to do that.

Mr. JOHNSON of Kentucky. Then, if I understand the gentleman's proposition, it is that when the bill is under consideration, after to-day, 30 minutes are to be given to general discussion, 15 minutes to be controlled by me and 15 minutes by himself?

Mr. STAFFORD. It has been suggested by the chairman of the committee on Public Buildings and Grounds that there be 20 minutes on a side.

Mr. JOHNSON of Kentucky. And then, if we agree upon 20 minutes on a side——

Mr. STAFFORD. Twenty minutes to be controlled by the gentleman from Kentucky [Mr. JOHNSON] and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

Mr. JOHNSON of Kentucky. If we reach that agreement, then we will proceed further along this afternoon, so as to reach the five-minute stage?

Mr. STAFFORD. We could not do that. We will proceed, then, at the termination of 40 minutes' general debate to the consideration of the bill under the five-minute rule at the next meeting.

Mr. MOORE. A parliamentary inquiry, Mr. Chairman?

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Will the Chair kindly indicate the agreement under which we are now proceeding?

The CHAIRMAN. There is no agreement, the Chair understands, except that general debate shall be confined strictly to the subject matter under consideration. There is no limit of time fixed by the House.

Mr. MOORE. We were unable to get the drift of the understanding on this side.

Mr. JOHNSON of Kentucky. Mr. Chairman, I ask unanimous consent that all general debate be closed upon this bill in 40 minutes when it is next taken up, 20 minutes to be controlled by me and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

The CHAIRMAN. The Chair is under the impression that an order of that kind would have to be made in the House and not in Committee of the Whole.

Mr. JOHNSON of Kentucky. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, having under consideration bills relating to the District of Columbia, reported that that committee had had under consideration Senate joint resolution 129, relating to the awards and payments thereon in what are commonly known as the Plaza cases, and had come to no resolution thereon.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent that when this bill is up for consideration again all general debate shall close within 40 minutes after the bill is taken up; 20 minutes to be controlled by myself and 20 minutes by the gentleman from Pennsylvania [Mr. LOGUE].

The SPEAKER. The gentleman from Kentucky asks unanimous consent that when Senate joint resolution 129 is reached again general debate shall be limited to 40 minutes, 20 minutes to be controlled by himself and 20 minutes to be controlled by the gentleman from Pennsylvania [Mr. LOGUE]. Is there objection?

There was no objection.

CONVEYANCES MADE BY THE CENTRAL PACIFIC RAILROAD.

The SPEAKER. The Chair lays before the House a resolution passed by the Senate, which the Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada.

The SPEAKER. Without objection, the request of the Senate, as expressed in the resolution, will be granted and the bill returned.

There was no objection.

EXTENSION OF REMARKS.

Mr. MOORE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Colombian treaty.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD on the subject of the Colombian treaty. Is there objection?

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army; to the Committee on Military Affairs.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 1291. An act for the relief of George Gardells;
H. R. 1580. An act for the relief of John R. Norris;
H. R. 1517. An act for the relief of George W. Cary;
H. R. 2536. An act for the relief of John Streckfus;
H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;
H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;
H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;
H. R. 1138. An act for the relief of Helen Wakefield;
H. R. 14925. An act for the retirement of H. R. Drake;
H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;
H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;
H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;
H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;
H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;
H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, California;
H. R. 10767. An act for the relief of John D. Baldwin;
H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;
H. R. 9362. An act for the relief of R. B. Whitacre & Co.;
H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;
H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;
H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;
H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;
H. R. 5079. An act for the relief of Mary Abel;
H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 9421. An act for the relief of John T. Glynn;
H. R. 943. An act for the relief of Mrs. Andrew Riganopolous;
H. R. 6229. An act for the relief of Hosea Stone;
H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;
H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;
H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;
H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;
H. R. 7484. An act for the relief of Stanley J. Morrow;
H. R. 7327. An act for the relief of Charles L. Hill;
H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;
H. R. 6871. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;
H. R. 6290. An act for the relief of Hyacinthe Villeneuve;
H. R. 6952. An act for the relief of William P. Havenor;
H. R. 7208. An act to increase the limit of cost of the public building at Smyrna, Del.;
H. R. 10245. An act for the relief of C. M. Hammond;
H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;
H. R. 5746. An act for the relief of Marcus L. Pelham;
H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;
H. R. 14229. An act for the relief of Henry La Roque; and
H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.
H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Tuesday, July 14, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEBB: A bill (H. R. 17869) providing for the appointment of an additional district judge for the southern district of the State of Georgia; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: A bill (H. R. 17870) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, Marine Corps, and the Revenue-Cutter Service; to the Committee on Military Affairs.

By Mr. DERSHEM: A bill (H. R. 17871) conferring on the Court of Claims jurisdiction with respect to certain claims; to the Committee on the Judiciary.

By Mr. PHELAN: A bill (H. R. 17882) to grant the consent of Congress for the city of Lawrence, county of Essex, State of Massachusetts, to construct a bridge across the Merrimac River; to the Committee on Interstate and Foreign Commerce.

By Mr. ALEXANDER: A bill (H. R. 17883) to amend article 16 of the act approved June 7, 1897, entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17884) to amend article 16 of the act approved August 19, 1890, entitled "An act to adopt regulations for preventing collisions at sea"; to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 17885) to amend rule 15 of the act approved February 8, 1895, entitled "An act to regulate navigation of the Great Lakes and their connecting and tributary waters"; to the Committee on the Merchant Marine and Fisheries.

By Mr. FITZGERALD: Joint resolution (H. J. Res. 300) to continue the provisions of a joint resolution approved June 30, 1914, entitled "Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies"; to the Committee on Appropriations.

By Mr. UNDERWOOD: Concurrent resolution (H. Con Res. 44) to print 10,000 copies of the compilation entitled "Comparison of the Tariff Acts of 1909 and 1913"; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 17872) granting a pension to James Moore; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17873) granting a pension to Socrates P. Battle; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 17874) granting a pension to Mary M. Greer; to the Committee on Invalid Pensions.

By Mr. GITTINS: A bill (H. R. 17875) granting an increase of pension to Adah B. Ray; to the Committee on Invalid Pensions.

By Mr. KETTNER: A bill (H. R. 17876) granting an increase of pension to Levi Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17877) granting an increase of pension to Orlando C. Limbocker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17878) granting an increase of pension to Henry F. Sapp; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17879) granting a pension to Leah Peterson Austin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17880) for the relief of the Citizens' National Bank of Los Angeles, Cal.; to the Committee on Claims.

By Mr. TALCOTT of New York: A bill (H. R. 17881) granting an increase of pension to Harriet I. Dagwell; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 17886) granting an increase of pension to Hiram A. Spencer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17887) granting an increase of pension to Benjamin G. Sargent; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 17888) for the relief of John G. Brazelton, administrator of the estate of Green Brazelton, deceased; to the Committee on War Claims.

By Mr. PHELAN: A bill (H. R. 17889) to remove the charge of desertion now standing against the record of Henry C. Bliss; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 17890) for the relief of Ancil B. Spencer; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by W. A. Nugent, adjutant of Nelson A. Miles Camp, No. 10, United Spanish War Veterans, of San Francisco, Cal., urging the adoption of House bill 5129, being a bill to provide pensions for all civil-service employees of the Post Office Department; to the Committee on Reform in the Civil Service.

Also (by request), resolution signed by the pastor of the Upper Alton Presbyterian Church, of Alton, Ill., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by A. J. Burns, secretary of the Electrical Contractors' Association, State of Missouri, urging adoption of 1-cent rate for first-class mail matter; to the Committee on the Post Office and Post Roads.

Also, petition signed by certain citizens of Bland, Gerald, Herman, Pacific, Berger, Owensville, Union, St. Clair, Sullivan, Washington, Rosebud, and New Haven, Mo., urging the adoption of House bill 5308, a bill compelling concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

Also, petition signed by Fred Wherman and others, of Montgomery City, Mo., urging the adoption of the Sheppard-Hobson prohibition amendment; to the Committee on Rules.

By Mr. ADAMSON: Petition of the secretary of the District Conference, Methodist Episcopal Church South, of Columbus, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AIKEN: Petition of the Baptist Church of Denmark, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of the Women's Christian Temperance Union of Springville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ALLEN: Protests of 143 citizens of Cincinnati, Ohio, against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of the Chamber of Commerce of Altoona, Pa., protesting against the extension of

property that has reduced the rent and reduced the value of the property in a way that these people could not dispose of it nor even rent it for a fair price.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. BURNETT. Yes, with pleasure.

Mr. JOHNSON of Kentucky. I wish to ask the gentleman if the persons to whom he is just this minute referring are those who will sit down on their property and hold it for better prices?

Mr. BURNETT. No; they are not all of that class. Unfortunately, those people would have to take the price offered them; but the more opulent neighbor over in the next block could say, "Well, my neighbor is forced in his extremity to take what you propose, but I do not have to take it." Therefore that more opulent man will be the beneficiary of the proposition of the gentleman. That is what it may easily result in.

Now, my judgment is that most of these people are willing to be settled with, outside of the Baltimore & Ohio Railroad, and especially if we have hanging over them the power of condemnation. The gentleman from Kentucky says that the Baltimore & Ohio are in the courts. I will not go extensively into the legal propositions involved in this case. I have had my serious doubts whether every one of these condemnation cases and awards was not res judicata. It is true that in the statute is the provision that when the President believes it to the public interest, he may pay for the property, and then it becomes condemned, and the property is the Government's. But, Mr. Chairman, I believe that provision may be construed by the courts to be only a provision in the interest of the property holders, to prevent the heavy hand of the Government being laid on property at any time in violation of that constitutional provision that it must be by due process after compensation tendered. Hence that question may come up on these condemnation proceedings. If we undertake to go on with the Baltimore & Ohio case now pending, or with any of these others, that may be a question. But, Mr. Chairman, the very fact that these people have been through the mill for months will make most of them willing to take the award; and that is what our resolution provides, that the tender of compensation shall not exceed the amount provided for in these awards.

Then, if there were condemnation proceedings, the Attorney General thinks the President had the veto power over the award, and that they had a right to set aside the proceedings. If that is true, is it not safer from the Government standpoint to see that there is the right of condemnation in this resolution and the right of exercising the power of eminent domain in order to keep the property holders themselves from holding up the Government and demanding excessive price by purchase?

In regard to the commission itself, it seems to me that there can be no better men from the standpoint of the Government, nor from the standpoint of the people, than the chairman of the Public Buildings and Grounds Committee of the Senate and the chairman of the Public Buildings and Grounds Committee of the House. Mr. Woods is the man who is in charge of the Capitol Grounds. He is a man who knows a great deal about it, and therefore the committee put him on there as one of the commissioners. But the resolution of the gentleman from Kentucky provides that no Member of Congress and no ex-Member of Congress shall be a member of this commission. If we want to get those who are of the best material, in the interest of both parties we should select some Member of Congress who is especially familiar with business of this kind. Who could be more so than the able chairman of the Committee on Public Buildings and Grounds of the House, who has been a member of this committee six or eight years? When he was named in our report as a member of the commission he had been renominated, and therefore we knew that for at least two years more he could be a Member of the House. Then there is the distinguished Senator from Virginia, Mr. SWANSON, chairman of the Senate Committee on Public Buildings and Grounds, who has been in the House and the Senate for years, and who has been on the Committee on Public Buildings and Grounds in the Senate for several years himself. Who could know more or would be more competent to judge of these things, Mr. Chairman, than these distinguished gentlemen?

I think I am communicating no committee secrets improperly when I say that when this question was discussed it was proposed that exactly the same membership that the old commission was based on should compose the commission, to wit, the Speaker of the House, the President of the Senate, and yet for the very reason that I have stated we thought it wise to substitute the chairmen of the Senate and House Committees on Public Buildings and Grounds. The Speaker and Vice President, while very busy men, would not know; their position would not bring them so often in contact with these matters as would that of the chairman of the Committee on Public Buildings and Grounds of the Senate and the chairman of the Committee on Public Buildings and Grounds of the House.

Mr. Chairman, we have had some experience in regard to the work of these two gentlemen, the chairmen of the Senate and House Committees on Public Buildings and Grounds, and their willingness to do it, in the splendid report just made to Congress provided for in the bill we passed last session, providing for a commission consisting of the chairman of the Senate Committee on Public Buildings and Grounds and the chairman of the Committee in the House on Public Buildings and Grounds, and two or three Cabinet officers. Mr. Chairman, I believe that if we were to ask the Cabinet officers themselves, they would state to us that the chairmen of the Senate and House committees did the greatest part of the work in looking into these questions, and in getting up and making the report.

For that reason, Mr. Chairman, I think that they would make the better commission. We went into the matter with deliberation. We were on it for weeks and months, and we felt anxious to bring it to a conclusion in order that the poor people over whom debts were hanging, and who had been unintentionally mistreated by the Government in not receiving the awards allotted to them on this property, might get relief. We wanted to hasten it and get it along more rapidly, and yet we held session after session, meeting after meeting, conferring with the President and some Cabinet officers in order to reach a just conclusion in regard to these matters.

We have the report of the Attorney General on the bill, so far as he was willing to make a report. He regarded it as a matter that he had no right to make a report on except as a mere suggestion, but in that report you will find a letter from the Attorney General in which he states that he believes the power of veto ought to remain in the President, so far as the condemnation proceedings are concerned.

Now, that is left in the resolution of the Committee on Public Buildings and Grounds. If the Baltimore & Ohio Railroad Co. undertakes to hold up the Government—and I am inclined to agree with the gentleman from Kentucky that it is true that they have done so—if they should do so again, do you believe that Mr. CLARK, of Florida, or Mr. SWANSON, of Virginia, would agree to that hold-up scheme? If they did not, o[illegible]t we not to have the right of condemnation? Look at the map, and you will see that if we do not destroy the absolute harmony of this proposition from here to the Union Station we will be compelled to have some of the lots claimed by the Baltimore & Ohio Railroad Co., and if so, and this commission can not agree as to the value of the property, then will you tie the hands of the Government, and have to come up here at the next session of Congress and ask for power to condemn, because that is what you are doing if you adopt the resolution of the Committee on the District of Columbia.

You would be coming here at the next session and doing that which we ought to do now, and that is, authorize a condemnation, and leave with the President the veto power to say that if that award is too high either as to the Baltimore & Ohio or anybody else he has the right to set it aside. It seems to me that in the resolution which we offer we make it much clearer that the President has that power than in the former law, and we provide that it is no award until that power is exercised, if exercised in 60 days. We give him 60 days within which to make that veto, and then we say that after the expiration of those 60 days, if he does not exercise it, and not until the expiration of 60 days, this becomes an award. Hence it seems to me it is much better than the law under which we acted before.

As I said a moment ago, I have considerable doubt as to whether the veto of the President, expressed as it is in the uncertain terms of the former law, means anything except that it was put there in the interest of the landowner himself. But we have tried to correct all of these uncertainties. Mr. Chairman, I would not care if an amendment similar to that suggested by the gentleman in his resolution was placed upon our resolution limiting the amount that the Baltimore & Ohio Railroad was to receive to the actual cost of the property and 6 per cent interest thereon. But, it seems to me, as has been said by the gentleman from Nebraska [Mr. BARTON], that it is rather an imputation upon the honesty of the marshal of the District to say that he would summon a dishonest jury, because I do contend that in the resolution that we have framed the judge orders the marshal to summon six jurors, and the marshal then selects the jurors and summons them, and reports them to the court, and then the court hears any objections that may be made to their acceptance. That is the law in many States. As I recollect it, that is the law in our State; the

probate judge, who has jurisdiction of condemnation proceedings, orders the sheriff to summon the commission or the jury for the purpose of viewing the property and making the award. The judge is not expected to do it, and if that is the law under which they have been acting heretofore in the District—and I have no right to dispute the statement made by the gentleman from Kentucky [Mr. JOHNSON]—the resolution that we offer here is a modification of that, and requires the judge to order the marshal to summon them; and do we believe here—are we willing to stand here and admit that in the very inception of this administration a marshal has been appointed who will go around for the purpose of helping the Baltimore & Ohio Railroad or anybody else? If so, the same imputation might be made against the sheriffs in all of the counties and in all of the States that have similar provisions. For that reason I think the particularity with which the gentleman specifies that jurors must be men who are not in any way interested in this and that way is unnecessary, and I think that is covered by the provision in our resolution that they must be disinterested people. As lawyers, we know that sometimes there is too much specification. The gentleman goes on and specifies the particulars in which they will be excludable. If there is some other particular kind of interest or some other kind of reason for which, perhaps, under a challenge for cause they might be thrown out, then might not the inclusion of those particular specifications in his resolution mean the exclusion of some other very important specification that the gentleman has omitted through the very particularity in which he indulges?

Mr. Chairman, I believe those are the mean features of difference between us. Here is a commission composed of the chairmen of the Committees on Public Buildings and Grounds in the Senate and in the House and the Superintendent of the Capitol Building and Grounds. The gentleman in arguing that says Mr. Woods, the superintendent, will have the right to act as umpire and to decide a difference between Mr. CLARK and Mr. SWANSON. Does anybody believe that there ever will be any difference as to the matters of right and principle between those two splendid Democrats? I do not charge that the gentleman means any kind of insinuation or imputation of that kind in his resolution. I know he does not. He simply takes the broad position that Members of Congress have not time to do these things, and therefore he wants to appoint a commission that is to be paid, a commission that may go on indefinitely, a commission that is authorized, at $5 a day, to employ clerks and stenographers, and to entail all these expenses, when here is a commission that will act without pay. All that is provided for is not exceeding $15,000 which the may pay out in actual expenses that may be incurred in securing the titles to this property. Not a cent for CLARK, not a cent for SWANSON, not a cent for Woods, and yet the gentleman's resolution provides for a sort of indefinite commission that the President, who has only been here for a year, shall appoint, while here are gentlemen who have been here for years. Who would be the most likely to select a good commission to act on the facts, the President of the United States, with his manifold duties, or this Congress itself by the selection of the chairmen of the committees of the House and the Senate, men who have been on this class of committees for a long time, having to do with these matters constantly, so that they are able to see the dangers and pitfalls of those who are trying to hold the Government up?

Now, Mr. Chairman, what are the propositions involved in the substitute offered by the gentleman from Pennsylvania and the resolution of the gentleman from Kentucky? One ties the hands of the Government to an absolute purchase. One gives the President the power to appoint an indefinite commission, and the gentleman says that the main thing, that the great leading central idea is not to permit the Baltimore & Ohio Railroad to hold up the Government and make it in damages they ought not to have. Mr. Chairman, is that brought about by simply empowering the commission to say to the Baltimore & Ohio Railroad that we will give you this, and if you do not want to take it, there it ends? If you look at the map, you will see that the checkerboard system that will be brought about by refusing to permit condemnation of some of the property will make it so highly inharmonious that any man coming from the station up here, when it is cut up, will be absolutely astonished to look upon what the Government has done. There are places, as the gentleman has said, where, as an original proposition, I do not believe they should have been taken. Some of these are perhaps the poor people, those whose property has been held up. As an original condemnation, I believe they ought not to have been taken, but, Mr. Chairman, there is a question of justice. It is very often said that our Government damages its people and, on some occasions, it is slower pay than any great corporation or individuals, and we know sometimes that accusation is unjust. Now, the Government, under the exercise of the right of eminent domain, as provided for by this former bill, has gone and made this condemnation. It has depressed rental values and the value of the property of these people. Now, what is just, what is right in regard to the matter? It is of no use to quibble over these unimportant legal questions.

Every single one of the squares which are provided for by a condemnation in our bill is provided for in the resolution of the gentleman from Kentucky, hence the gentleman can not argue, of course, that we ought to leave out some of these lots, because he is giving the commission power to go and purchase these very squares. We simply give them the power to go and purchase them and pay for them by segregation, or if we can not purchase them then we condemn them if we think it proper to do so. Those are the questions that are involved. It is a matter which was referred to our committee. I, as acting chairman, when the gentleman from Florida was away for a month or two, sought some way by which our committee could decline to act upon that proposition. I felt that as the Committee on Appropriations had acted upon it that that committee ought to have it; but, as was said by the chairman of that committee, the matter came before us as an amendment of the Senate, and hence would have gone out on a point of order if a point of order had been made if the House Committee on Appropriations had now taken jurisdiction, and on an investigation I found that there was no legitimate or proper way by which the committee over which I was then presiding could shirk the responsibility. I believe it is in the interest of the Government and in the interest of the people that the substitute offered by the Committee on Public Buildings and Grounds should be adopted, and I hope it will be done. [Applause.]

Mr. DONOVAN. Mr. Chairman, I want to ask a question of the chairman, or the gentleman who has just taken his seat, and that is if the gentleman ought not to make the point of no quorum or adjourn under the circumstances presented here? It has been stated that the presence of a minority was needed to prevent abuses. The leader of the minority is absent, and those great manufacturing and commercial States are practically without one representative on the part of the minority, and I think if the gentleman wishes to be fair, whether they have gone on pleasures of their own or business of their own rather than on congressional business, that he ought to have a call of the House and bring them back to their duties.

Mr. JOHNSON of Kentucky. Mr. Chairman, I will say to the gentleman from Connecticut——

Mr. DONOVAN. Mr. Chairman, I yield back the rest of my time.

Mr. JOHNSON of Kentucky (continuing). That I am anxious to get to the end of general debate, or, in other words, it is self-evident that this matter can not be concluded this evening; and I wish when it comes up upon the next day for its consideration that it will not then be open to general debate and the entire time be taken up under general debate instead of under the five-minute rule. I am anxious to get this afternoon to where the bill will be under the five-minute rule.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield? It is now 5 o'clock and very oppressive. Could not we have some agreement that general debate at the next meeting will be limited to, say, half an hour, 15 minutes to be controlled by the gentleman from Kentucky and 15 minutes on this side, and then to take up the bill under the five-minute rule? It is a very important bill, and I say, in behalf of that suggestion, that when the committee next meets there will be a large membership here, and the Members would like to hear a concise statement in 15 minutes on a side as to the merits of these respective propositions.

Mr. JOHNSON of Kentucky. I believe, Mr. Chairman, the gentleman from Wisconsin will agree that under the five-minute rule we can get just as much out of it as we can under a 15-minute discussion on a side.

Mr. STAFFORD. And there is going to be considered when we rise other legislation, and I would suggest to the gentleman that in the absence of a quorum we had better rise and try to have some agreement as to general debate for half an hour.

Mr. JOHNSON of Kentucky. Perhaps we can get to the five-minute rule in a few minutes.

Mr. STAFFORD. I do not think we can. I think it would be advisable—and I am desirous of expediting the consideration of the bill—that we rise and limit the debate to half an hour. I think that will meet with general approval.

Mr. JOHNSON of Kentucky. I hope the gentleman will not insist on it.

Mr. STAFFORD. It is now 5 o'clock. Other matters are to be brought up, and I would like that we should not sit during

lines to clear up the condition of the Plaza awards, and I do know that we worked most diligently, honestly, and faithfully until we brought out the House joint resolution that is now on the calendar, No. 269, which will be offered as a substitute for the resolution presented by Mr. JOHNSON of Kentucky. I know that the legal aspects of this matter were thrashed out thoroughly, that the President of the United States was advised with on this proposition, and that after giving the matter careful attention we came to the conclusions that are embodied in the resolution, and that those conclusions were that an expedient way to settle up this matter would be better for the United States and better for the people who had been wronged—and when I say the people who have been wronged of course I do not refer to the railroad, because they can continue this matter indefinitely—I mean the small property owners who now can not get rentals out of this property and who could not sell nor mortgage and who could not rent or, in fact, use to advantage the rights that naturally belong to them.

And it is for those people that we considered that action rather than indefinite postponement was necessary. I have no more sympathy for the Baltimore & Ohio Railroad than has the gentleman who has just preceded me. I do not know an officer of that organization; neither do I know a man connected with it; and yet I do not believe, nor do I think, that the able attorney, Mr. JOHNSON of Kentucky, will hold that a letter dated in 1912, signed by the general counsel of that railroad, would bind that corporation to pay or to accept a certain price for their land.

Mr. JOHNSON of Kentucky. If the gentleman will permit right there, I will say that my argument as I endeavored to make it was to show that the representations of those people prevailed upon Congress to pass a bill to acquire property at one price and then afterwards insisted that it should be acquired at a very much larger price.

Mr. BARTON. Would not the gentleman think that would consist more of sharp practice than it would of a straight business agreement that could be held unlawful?

Mr. JOHNSON of Kentucky. I never meant to indicate anything else except that it was sharp practice. I know full well that there is no paper that I have seen which would bind the railroad to a sale.

Mr. BARTON. Thank you. Then, arguing from that standpoint, in fixing the amount we shall pay the Baltimore & Ohio Railroad, we must take into consideration that there are two sets of interests to conserve—the interests of the United States, and we can well expect the Baltimore & Ohio Railroad to take care of its own interests. I do not believe that we as the Congress of the United States could fix a price that would force the Baltimore & Ohio Railroad to sell. And if we could, and that authority was granted us, there would be such indefinite postponement of that proceeding that the park that has been planned and that we are anxious to see, now since it has been started, would be beyond the life, probably, of the Members of this Congress.

I am frank to state that had I been here when that bill was first originated I should have voted against it, but now we have a condition and not a theory, and I think that the solution of that condition is well met in the conclusions of our committee. I do not know the value of that property. The other Members of this body I am satisfied do not know the value of that property. We must trust some one. Then the question is: Whom shall we trust? In our report we say:

> The chairman of the Committee on Public Buildings and Grounds of the Senate, the chairman of the Committee on Public Buildings and Grounds of the House, and the Superintendent of the Capitol Grounds, be, and they are hereby, appointed a commission for the purpose of acquiring the said tract or parcels of land by either purchase or condemnation proceedings, making payment or settlement therefor out of the appropriations heretofore made and herein referred to, and in the settlement of the said tract or parcels of land, the said commission to have power and authority as follows.

We have made provision that in case this land can not be purchased at once that there can be recondemnation proceedings, so that we can acquire the land. The bill introduced by the gentleman from Kentucky [Mr. JOHNSON] I do not believe makes this provision. I am in favor of excluding the professional jurryman just the same as is the gentleman from Kentucky [Mr. JOHNSON]. I do not believe that any man who has any interest, direct or indirect, in the property in this plaza award should be considered as a jurryman. And, at that, I have confidence enough to think that the Democratic marshal who selects this jury would have consideration enough, after the words that have been spoken from the floor of this House along that line, to heed the admonition.

Mr. JOHNSON of Kentucky. Does the gentleman mean to say that the United States Marshal of the District of Columbia would have anything whatever to do with the selection of a jury?

Mr. BARTON. Is he not sent by the court to bring them in?

Mr. JOHNSON of Kentucky. He is not. The court selects them itself.

Mr. BARTON. I will leave that for you lawyers. Lawyers never do agree, anyway, and I will leave that for one of the gentlemen who will follow me.

Mr. JOHNSON of Kentucky. There is no dispute about that. The trial court just selected the last three commissioners who fixed these values, and if it is to be determined under the same act as then, the trial court would select the commissioners again.

Mr. BARTON. If that be true, then I am willing and anxious to amend this provision of ours, if it is adopted as a substitute, in such a manner that it will be impossible to give it a different construction, that all of these people you name in your resolution shall be excluded.

Mr. JOHNSON of Kentucky. I will say to the gentleman that under the usual condemnation proceeding in the District of Columbia, that which is provided for by the code of laws for the District of Columbia, the United States marshal does nominate to the court certain persons for the jury, but under the statute of 1890, under which we are proceeding now, the United States marshal has nothing whatever to do with it. The court itself makes the selection.

Mr. LOGUE. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. LOGUE. In the resolution that comes from the Committee on Public Buildings and Grounds we especially provide that the court shall hear objection, and the court therefore does actually select.

Mr. JOHNSON of Kentucky. The court has never been without the right to hear objections, and when you put that in the bill you give him no right he did not have before.

Mr. LOGUE. Of course, they have the right, and it does not lessen the effect of the court's action.

Mr. JOHNSON of Kentucky. That does not change the statement at all that the United States marshal has nothing to do with this matter.

Mr. LOGUE. It merely provides that he shall summon the jurors and the court shall select.

Mr. BURNETT. I think the gentleman from Nebraska [Mr. BARTON] is correct. The language of the resolution is that after the return of the marshal—that is, of the notices giving notice to the respondents or the property holders provided therein—the court shall cause the jury of six experienced jurors, disinterested men, who shall be residents of and freeholders in the District of Columbia, and so on, to be summoned by said marshal. That does not mean that the court shall designate the names of the jurors. That is the language in many of the States.

Mr. JOHNSON of Kentucky. While the gentleman from Alabama said he was reading from the statute, he is not.

Mr. BURNETT. I am reading from this bill.

Mr. JOHNSON of Kentucky. I have said, and I insist, that under what is known as the public-printing act of 1890 the marshal has nothing to do with the selection of the jury.

Mr. BURNETT. I have not controverted the statement and have not said I was reading from the act. I said I was reading from the bill.

Mr. JOHNSON of Kentucky. The gentleman in revising his remarks will take notice of that part where he said that that is what the statute says.

Mr. BURNETT. I meant that this bill says that. Regardless of what the general law is, this bill when it becomes a statute will control, and under this bill, in my judgment—and I do not think it can be otherwise—the marshal himself will select the jury. That is the language in many of the States in the Union. It is the language in my State. The probate judge, who has jurisdiction of condemnation proceedings, orders the sheriff to summon the jury, and the sheriff goes and selects them; and under the language employed in this bill I do not think there is any question about the fact that the marshal himself will select them. Then the court, before accepting the jury, summoned by the marshal, as I think it means, shall hear any objections that may be made to any member thereof, and shall have full power and authority to pass upon any such objection and to excuse any juror or cause to be filled any vacancy in the jury to be impaneled, and so on.

Mr. LOGUE. Would not that, if enacted, no matter what other provisions are made by existing statute, provide a way for the summoning of a jury and the selection of a jury in this particular proceeding without regard to the existing laws?

Mr. BURNETT. Yes. I just stated that.

Mr. JOHNSON of Kentucky. There is no provision in the bill anywhere to the effect that persons holding liens upon that property or professional jurymen shall not serve.

Mr. LOGUE. It says "people in interest."

Mr. BURNETT. It says they are not interested in any way, and are not related to any parties that are interested therein.

Mr. BARTON. It seems as though that is very explicit.

Mr. BURNETT. Yes.

Mr. BARTON. I am opposed to the commission as set out in the resolution introduced by Mr. JOHNSON of Kentucky. I think that the chairman of the Committee on Public Buildings and Grounds of the House and the chairman of the Committee on Public Buildings and Grounds of the Senate have ample time to make these awards. I feel that their responsibility is greater than that of any outsider that could be brought in to adjust this matter. I know that they serve without pay, and there is no incentive for them to continue indefinitely making these awards. Mr. CLARK of Florida is the only one of the Members with whom I have the honor of a personal acquaintance; but as a working member of that committee I know he is an able, conscientious, and tireless worker. I know he is extremely conscientious at all times; and I want to say, as a minority member of that committee, representing the minority—and I know the entire committee, and, I believe, the entire House of Representatives—that we could not choose a man of higher grade as one of that commission.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BARTON. I would like to have a little more time.

Mr. BURNETT. I yield five minutes more to the gentleman.

The CHAIRMAN. The gentleman from Nebraska is recognized for five minutes.

Mr. BARTON. Mr. Chairman, I can not understand the workings of a Member's mind who comes to the conclusion that a Member of this body and a Member of our associate body, the Senate, who are responsible to the people, can not and will not perform this service with as much honesty and with as good judgment as any outsider who is responsible to no one. I do not know Elliott Woods any more than Brother JOHNSON does, but if he is not a man in whom we could place that trust he is not a fit man to fill the position that he now holds.

The public buildings commission bill that will be offered as a substitute is a well-considered bill and one that means action. We should, in justice to the people who own the property, act and not indefinitely postpone by naming a paid commission, whose pay depends upon their length of service.

Mr. JOHNSON of Kentucky. Will not the gentleman admit that their pay does not depend upon their length of service? Does it not say in so many words that their compensation shall be agreed upon between themselves and the President before they begin the work?

Mr. BARTON. It is very indefinite, is it not?

Mr. JOHNSON of Kentucky. No; it is as certain as can be.

Mr. BARTON. It is indefinite in amount.

Mr. JOHNSON of Kentucky. No. The President is perfectly familiar with this subject, and he knows how long it will take to do the work.

Mr. BARTON. I do not believe that the President——

Mr. JOHNSON of Kentucky. Let me call the attention of the gentleman to another thing: The measure he is advocating appropriates $15,000 for an undefined purpose. The one I am advocating does nothing of the sort.

Mr. BARTON. I would rather advocate a certain amount to do a certain business, with the qualification that it does not necessarily take all the proceeds of the amount, than to leave an indefinite proposition open to any amount that might be fixed. And I want to say further that I do not believe even the President of the United States—and I hold him in as high regard as does the gentleman from Kentucky—I do not believe the President of the United States has any better judgment as to a committee or a commission that shall sit in a position of this character than have the Members of this body.

I think the main point in the whole controversy is this: Do we want little tracts of land scattered all over the award or do we want one body of land? Do we want an indefinite postponement, with litigation with the railroad company, or do we want a recondemnation and a price fixed and paid and the awards made?

Mr. JOHNSON of Kentucky. If the gentleman will pardon me——

Mr. BARTON. Yes——

Mr. JOHNSON of Kentucky. I will say that, in my judgment, the gentleman has misconceived the issue entirely. While they are minor issues, the dominant one is, Shall the Baltimore & Ohio Railroad receive nearly $900,000 more than they have said they would take?

Mr. BARTON. I will say in reply that I admire the stand that the gentleman has taken in his fight against the interests in the District of Columbia, be they the Baltimore & Ohio Railroad Co. or any other interests that are working for their selfish aggrandizement——

Mr. JOHNSON of Kentucky. Thank you, sir——

Mr. BARTON. But I do want to say further that I think sometimes, maybe, the zeal and enthusiasm which the gentleman from Kentucky injects into his tireless fight along this line may lead him over the line of discretion and beyond the dictates of his best judgment, and I do not believe that any commission that we would appoint or that the President would approve would recommend an award if it was shown that there was a profit or rake-off, you might say, of the $900,000 to be paid to any interest, regardless of whether it is the Baltimore & Ohio Railroad Co. or anyone else; that the President would let it pass unchallenged. I have absolute confidence in the President's honesty.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. BURNETT. Mr. Chairman, there are two resolutions before the committee. One is a resolution reported from the Committee on the District of Columbia; and as a substitute for that, which will be offered by the gentleman from Pennsylvania [Mr. LOGUE], is the resolution reported by the Committee on Public Buildings and Grounds. There are not many essential differences between the two resolutions. The main purpose of the resolution reported by the Committee on Public Buildings and Grounds was that these poor property owners shall expeditiously and quickly be paid that which ought to have been paid to them many months ago. On account of the unfortunate wording of the statute, as construed by the Department of Justice, the President was not permitted to segregate these awards and pay them separately. If he had been permitted to do so, the question would have been settled a long time ago.

There are many legal collateral questions that have been injected into this debate that, I think, have no relevancy whatever. The gentleman from Kentucky [Mr. JOHNSON] has argued that the condemnation proceedings that have been had in these matters are a nullity. I doubt very much whether the fact that there was a confirmation of these awards, four days in advance of the time when they should have been confirmed, makes them void. Perhaps it renders them voidable, but upon a collateral attack they would not be void.

But if we believe the contention of the gentleman that those proceedings are a nullity then the weakness of the gentleman's resolution becomes more apparent. In our resolution we provide for the payment of all these awards separately. The commission may treat with any of the property holders, and if they can arrive at what they believe to be a just compensation for the property then they can make the purchase at a price not to exceed the award in the former condemnation proceedings. That is as far as the commission provided for by the resolution reported by the chairman of the Committee on the District of Columbia may go. That resolution does not permit a condemnation. If the Baltimore & Ohio Railroad or any one of these individual landholders should refuse to sell, the matter simply stops there. It seems to me that puts it in the hands not only of the Baltimore & Ohio Railroad but of any of the small landholders to say to the Government, "You have no right of condemnation. You can not help yourself, therefore I will refuse your offer of purchase. I know you have got to have this property; if not now, then later on. You can not take it in a checkerboard system." And that is what it would result in if the right of condemnation was not lodged with the commission. We purchase one lot here and the man next to it says that by reason of that purchase and by reason of the fact that you are going to have a park "this adjoining lot has become more valuable and therefore I will refuse to take any price that you may offer, because you have not the power under the law to force me to take it." It seems to me that is one vice of the resolution of the gentleman. It simply puts it into the hands of property owners to hold up the Government; and then we can not take it under condemnation proceedings.

As an original proposition I think perhaps Congress went far afield in trying to select a great deal of this property; but they have done so. Condemnation proceedings have been had. Many of the very poor people of this city, many of those over whose property mortgages are now hanging, many of those who have been unable to pay their legitimate debts and liens upon that property are unable to do so because the Government has waited so long after having placed a cloud upon that

this respect, they are exhausted. Should the commission already existing again attempt to condemn it would be met at the very threshold of its proceeding with the plea that a judgment already exists between it and the property owners, hence the necessity for the creation of a new commission and the delegation of new authority. This leads to the question whether or not the judgment is final as against the United States. The United States is a Government clothed with all the powers of sovereignty delegated to it and not retained by the States. An examination of the origin and character of the high power of eminent domain will disclose that it is not exhausted or extinguished upon its exercise by the sovereign power of a State. It is one of the inherent powers of every government, and from its very nature can not be exhausted or extinguished.

That eminent jurist, Judge Cooley, in his Constitutional Limitations, sixth division, chapter 15, page 644, says:

> The existence of a particular power in the Government is recognized on the ground of necessity, no delegation of the legislative power by the people can be held to vest authority in the department which holds it in trust, to barrain away such power, or to so tie up the hands of the Government as to preclude its repeated exercise, as often and under such circumstances as the needs of the Government may require. For if this were otherwise the authority to make laws for the government and welfare of the State might be so exercised in strict conformity with its constitution as at length to preclude the State performing its original and essential functions, and the agent chosen to govern the State might put an end to the State itself.

In the case of the United States *v.* Cooper, 20 District of Columbia, 104, it is said:

> It needs no citation of authority to show that the right to take private property for public uses in the exercise of the right of eminent domain belongs inherently to every nation justly calling itself independent and sovereign; that the power is so far-reaching that it extends in case of necessity to the right of disposing of all the wealth of the country; that this authority belongs to every State in the Union; that it existed in the General Government independently of and before the adoption of the fifth amendment of the Constitution, which only imposed a limitation to its exercise; and that, in the language of the Supreme Court, in Cherokee *v.* Kansas Railroad, 135 United States, 667, "all lands held by private owners everywhere within the geographical limits of the United States are held subject to the authority of the General Government, to take them for such objects as are germane to the execution of the powers granted to it: *Provided*, They will not be taken without just compensation being made to the owner."

The exercise of the right of eminent domain by a sovereignty can not be the creation of grant or compact. It inheres in the existence to an independent government, and comes into being eo instanti with its establishment, and continues as long as the government endures. The United States did not derive the right to exercise it in Louisiana from France, or in Florida from Spain, or in California from Mexico, or in Alaska from Russia; the right was coeval with its proprietorship as sovereign, and the United States could no more have abandoned the exercise of this right within the District of Columbia than it could have bound itself not to declare war or levy taxes without the assent of the Legislature of Maryland. The correct view in the power of eminent domain is not in reserve, but an inherent right—a right which pertains to sovereignty as a necessity, a constant and inextinguishable attribute.

Some very respectable authorities hold that a judgment in condemnation of private property to a public use is final and conclusive where the exercise of the power is by a sovereign State, but I am fully convinced that the weight of authority is to the contrary, and that upon principle it should be so. If the proposition was to be solved otherwise it would be to deprive a sovereign State of one of its inherent powers. In the case of a corporation or municipality it acts through delegated power and not by an inherent right. To permit a corporation or other legal entity to condemn private property until it obtained a price by judicial ascertainment, that would be destruction of the private ownership of property. But that is not applicable to a sovereign State and is based upon the theory that you can not divest the State of one of its inherent powers; that to do so would be destructive of the State itself, and that no injury can result to the owner of private property because the State will do no wrong, the latter no doubt being based upon the ancient fiction that the Crown can not commit a wrong.

As I have heretofore pointed out, the solemn declaration of Congress to ultimately acquire this property for the extension of the Capitol Grounds stands unimpeached and unimpaired. The more than five years of delay has wrought financial havoc among the various property owners affected, especially those of small holdings. Anyone familiar with the situation will agree with me that the long delay has brought upon the smaller holders a situation amounting to governmental spoliation. The conditions are such that we should act speedily in the matter and furnish to the unfortunate property holders just, speedy, and adequate relief. If the property is not to be taken, then relief should be given by removing the cloud that hangs over this property by an open, unequivocal declaration of abandonment to acquire.

Without any intention or design on its part the declaration of Congress to acquire this property for the most laudable purpose of extending, enlarging, and beautifying the grounds immediately surrounding this superb and magnificent building, the Nation's Capitol, has cast a cloud and destructive shadow upon the property affected, entailing hardships and heavy pecuniary losses to the property owners who are helpless victims. The existing conditions were forced upon them without their invitation or making. They are wholly without remedy. They are without a forum to which to appeal for relief. The Government is omnipotent and can not be sued for damages it has so unintentionally wrought. Congress alone can furnish some measure of relief by providing a method for consummating the purpose originally intended and enforcing its speedy execution.

Below are the names of the owners, with the appraisement value as reported by the court commission, of the nine squares yet to be acquired:

SQUARE NO. 633.

Carra H. Granger (2)	$15,115.00
Edward W. Byrn (3)	14,755.00
(4)	23,698.00
District of Columbia (5, 6, 7, 16, 17, 18, 19, 20, 21, 22, 23)	44,590.78
James R. Brevoort (8, 9, 10, 11, 12, 13, 15, 24)	141,300.00
Linda A. Palmer (14)	631.00
Chesapeake & Potomac Telephone Co. (25)	12,582.00
Josephine W. Hester (26, 27)	14,065.00
Harry Norment (28, 29)	10,291.00
Clarence F. Norment (30)	18,677.00

SQUARE NO. 632.

Baltimore & Ohio R. R. Co.	294,820.00

SQUARE NO. 683.

The Real Estate & Improvement Co. (2)	15,360.00
Mary Martina Yamasa (3, 4)	48,500.00
Real Estate & Improvement Co. (5)	17,430.00
Real Estate & Improvement Co. (6)	20,940.00
Real Estate & Improvement Co. (7)	37,375.00
Real Estate & Improvement Co. (8)	16,302.00
Real Estate & Improvement Co. (9)	13,530.00
Real Estate & Improvement Co. (10)	20,467.00
Real Estate & Improvement Co. (11, 12, 13)	7,533.00
Estate of Genevieve B. Winsatt (14, 15)	4,635.00
Real Estate & Improvement Co. (16, 17, 22, 23)	19,100.00
James P. Barrett (21)	9,207.00
Mary Brick (18)	5,930.00
Mary Howard (19)	6,326.00
Josephine H. Bauer (20)	7,894.00
Real Estate & Improvement Co. (24, 25, 26, 27)	39,000.00

SQUARE NO. 684.

Jacob Carr (1)	34,400.00
Cornelius Collins (2)	7,870.00
James A. Duffy, trustee (3)	27.00
Rosanna B. White et al. (4)	7,608.00
Rosanna B. White et al. (5)	297.00
Jacob Carr (6)	7,708.00
Jacob Carr (7)	297.00
Real Estate & Improvement Co. (8, 9, 10)	69,373.00
Frederick B. Dairymple et al. (11, 12)	8,590.00
Real Estate & Improvement Co. (13, 14, 29, 30, 31, 32, 33, 34)	30,749.00
Real Estate & Improvement Co. (21, 22, 23, 24, 42)	11,168.00
Real Estate & Improvement Co. (15, 20, 27, 28, 39)	22,877.00
Real Estate & Improvement Co. (16)	11,814.00
Real Estate & Improvement Co. (25, 26)	10,570.00
The National Savings & Trust Co., trustee (17)	6,480.00
Julia Diviney (18)	6,481.00
Hannah B. Sperry (35)	5,008.00
Robert A. Dore (19)	6,630.00
Henry Walters (36)	5,894.00
Anna Whitehand (37)	5,991.00
Ida C. Sebree (38)	5,991.00
Real Estate & Improvement Co. (40)	25,420.00
C. Louis Dahler estate (41)	2,851.00

SQUARE NO. 723.

William H. Harnsberger (1)	6,500.00
Harry Kaufman et al. (2)	4,600.00
Joshua A. Clark (3)	4,925.00
Harry L. Brown (4)	4,850.00
Elizabeth Clover (5, 6)	7,186.00
Malcolm Hufty (7)	3,635.00
Jacob B. Avery (8)	5,584.00
John F. Reinhardt (9)	6,664.00
August Hoffa (10)	6,403.00
Louis A. Dellwig (11)	16,650.00
Johanna Engel estate (12)	6,926.00
Laura Banes (13)	7,256.00
Jacob S. Grubes (14)	12,740.00
George B. Ellis (15, 16)	10,460.00
Henry J. Keogh (17, 18, 19)	19,700.00
Francis S. Carmody (21, 22)	40,000.00
Robert Nicholson (23)	10,770.00
Francis S. Carmody (24, 25, 26)	18,500.00
William H. Allen (27)	6,386.00
Jennie C. Barber (28)	5,915.00
Herman Koss (29)	6,082.00
Eliza M. Peters Buchanan (30)	6,102.00
Margaret M. Barrick et al. (31)	7,386.00
Michael B. Harlow, trustee (32, 33)	13,646.00
George R. Hill estate (34)	6,498.00
Gerardo Tasca (35)	6,746.00
Washington City Orphan Asylum (36, 37)	13,233.00
Harriet F. Wheat (38)	6,187.00
Bridget Burns (39)	4,280.00
Charles F. Fisher (40)	4,239.00
Mary Stecher (41)	4,525.00

SQUARE NO. 722—Continued.

James G. Payne estate (42, 43)	$8,878.00
Louis Auerbach (44)	6,714.00
Isabelle H. Weber (45)	6,702.00
Walter R. Wilson (46)	6,909.00
Mary Hosford (47)	7,115.00
Emma Shephard (48)	8,151.00
George B. Ellis (49)	5,686.00
Lewis Kimmel estate (50)	5,176.00
James T. Owens (51)	5,216.00
Mary A. Gallagher (52)	5,232.00
James R. Beattie (53)	6,150.00
John R. Lord (54)	6,100.00
Emil G. Schafer (55)	6,100.00
William A. Leetch et al. (56)	6,240.00
Edward Haler et al. (57)	6,240.00
Sarah B. Hinds (58, 59)	12,800.00
George R. Rose (60)	5,800.00
Mary E. Riggs (61)	5,200.00
Albert Banes et al. (62, 67)	8,772.00
Mary A. Spencer (63, 64, 65, 66)	10,973.00
Jesse H. Powell (68)	9,524.00
John Donnelly (69)	7,525.00
James K. White et al. (70)	7,338.00
Margaret B. Rankin (71)	7,262.00

SQUARE NO. 722.

James M. Groff (1, 2, 3)	7,515.00
Mary E. Brownell (5, 8)	6,151.00
James M Allen estate (6, 7)	5,590.00
James C. Carroll (9)	4,474.00
Evan H. Tucker (10)	4,392.00
Mary D. Sutton (11)	4,742.00
Clifford C. Smith (12)	4,959.00
Margaret A. Casey (13)	5,100.00
Nellie B. Sage et al. (14)	5,175.00
Alice L. Nairn et al. (15)	3,887.00
Henry E. Perkins et al. (16)	4,387.00
Samuel R. Henry (17)	3,952.00
Stephen B. D. Rollins (18)	4,221.00
Lucinda H. Hall (19)	4,148.00
Louisa C. Groff (20)	4,970.00
Ronald McDonald, trustee (21)	3,999.00
Sarah G. Marvan et al. (22)	3,800.00
Theodore J. Mayer estate (23)	3,970.00
Phillip Morgan Elkins (24)	7,206.00
John V. Wurdemann (25)	7,458.00
Jennison P. Rowell (26)	6,201.00
Lena Sheckells et al. (27)	6,877.00
Isaac G. Peatrey (28, 32)	9,885.00
Charles P. Jacobs (31)	8,766.00

SQUARE NO. 721.

Bernardine J. Kerr (1)	5,080.00
Benjamin H. Warder estate (2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12)	53,264.00
The Real Estate & Improvement Co. (43, 44)	3,474.00
The Real Estate & Improvement Co. (13 to 17, inclusive)	21,483.00
Washington Terminal Co. (45)	2,520.00
The Real Estate & Improvement Co. (46, 47)	5,040.00
The Real Estate & Improvement Co. (48, 49, 133, 134)	10,080.00
The Real Estate & Improvement Co. (35, 130, 131, 132)	17,640.00
Carl Yeager (50)	4,630.00
Ernest Lent (51)	4,275.00
Michael W. Bold (52)	4,555.00
Gaudenzio Rinni (61)	11,310.00
Gaudenzio Rinni (62)	7,836.00
Mary M. Tiers (63)	6,715.00
Matilde Goidschmid (64)	6,415.00
Alice M. Boswell (65)	6,415.00
Louise C. Moore estate (66)	6,415.00
Mary A. O'Beirne (67)	9,996.00
Harriett M. Storch (68)	7,150.00
Clara M. Steine (69)	7,025.00
Francis Hyde Engeman (70)	6,900.00
Jane E. Munder (71)	4,858.00
Ella H. Enoch (72)	4,987.00
Edward Helmuth (73)	5,051.00
Julian L. Hausch (74)	5,115.00
Sarah E. Fisher (75)	5,244.00
James E. Herron estate (76)	5,373.00
Ida A Chew (77)	6,144.00
William H. Speshouse (97)	8,829.00

SQUARE NO. 680.

Abner & Drury Brewing Co. (1)	53,438.00
Real Estate & Improvement Co. (part 3)	22,209.00
Samuel C. McDowell (6)	135,588.00
Ellen M. Morse et al. (7)	54,850.00

SQUARE NO. 681.

Baltimore & Ohio Railroad Co. (1)	70,630.00
Baltimore & Ohio Railroad Co. (2)	23,693.00
Baltimore & Ohio Railroad Co. (3)	19,522.00
Baltimore & Ohio Railroad Co. (4)	15,739.00
Baltimore & Ohio Railroad Co. (5)	36,725.00
Baltimore & Ohio Railroad Co. (6)	21,420.00
Baltimore & Ohio Railroad Co. (7)	22,452.00
Baltimore & Ohio Railroad Co. (8)	22,277.00
Baltimore & Ohio Railroad Co., parts 9, 10, 11, square 681; parts 2 and 3, square 680	230,800.00
Baltimore & Ohio Railroad Co., lots Nos. 12, 14, and 15	232,865.00
Baltimore & Ohio Railroad Co., lot No. 16	20,839.00

SQUARE NO. 682.

Real Estate & Improvement Co. (17, 18, 19, 20, 25)	39,690.00
Real Estate & Improvement Co. (10, 11, 12, 13, 14, 15, 16, 26, 27, 28, 32, 33, 34, 35, 36, 37)	157,844.00
Real Estate & Improvement Co. (29, 30, 31)	51,360.00
Total	3,204,434.78

The following lots belong to the United States:

Square 633, lot No. 1; square 683, lot No. 1; square, 723, lot No. 20; square 722, lots Nos. 29, 30, 33; square 721, lots Nos. 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99, 100, 101, 102, 103, 123, 124, 125, 126, 127, 128, 129; square 680, lots Nos. 4 and 5; square 681, lot No. 13; square 682, lots Nos. 2, 3, 4, 5, 6, 7, 8, 9.

In square No. 721, lots Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 were not appraised by the Supreme Court of the District of Columbia Commission; also lots Nos. 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120 121, 122.

Now, Mr. Chairman, I desire to ask unanimous consent to extend my remarks in the RECORD further by incorporating a schedule of the lot owners with the appraisements.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend and revise his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. POST. Now, I wish to say this much further, that I do not believe that the committee ought to vary from the practice which Congress has always followed in the acquisition of property on behalf of the United States Government; that we ought to create this commission which is provided for in House joint resolution 269. The difficulty with Mr. Johnson's resolution is that it is not extensive enough; it does not cover the project, and does not cover the original scheme. It simply creates a commission and empowers that commission to purchase such property as may be voluntarily offered to it. House joint resolution 269 is a complete scheme. It covers the entire project. It creates a commission and it delegates to that commission the power to purchase such property as may be voluntarily offered to it, and if it can not acquire all the property in that way it endows the commission with power to condemn such property that it may not be able to purchase.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOGUE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nebraska.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to bills of the following titles, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING as the conferees on the part of the Senate:

S. 4261. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

PLAZA AWARDS.

The committee resumed its session.

Mr. BURNETT. Mr. Chairman, I desire to be recognized for an hour, and I yield 15 minutes of that time to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Chairman, I will not undertake to present the legal aspects of this question, as that matter has been thoroughly thrashed out by the Members who have preceded me and who are bright, able attorneys. The question which presents itself to me is whether or not we shall acquire the entire tract or just own, as this last bill introduced and offered by Mr. JOHNSON contemplates, a few lots here and there surrounded by other property. Are we ready to conclude a bargain that is entered into by a previous Congress, be the bargain good or bad, or shall we indefinitely postpone? I do not understand the intricacies of the rules and regulations that govern the House of Representatives. I do know that this bill or a bill similar to this was referred to our Committee on Public Buildings and Grounds and that a subcommittee of which I had the honor to be a member was appointed to make an investigation along these

bill of March, 1913, and of June 23, 1913, appropriated funds sufficient to pay these awards, any irregularity in this record was certainly cured, so far as any objections might be made on the part of the United States Government. The judgment is certainly binding upon the property owners, because there can be no doubt but that the court had jurisdiction of the subject matter, and the property owners should have taken advantage of any irregularity in the proceeding.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman will pardon me an interruption, I will say that under the leave granted me to extend my remarks in the RECORD, I will insert in the RECORD an argument controverting the position which the gentleman has taken, and I think successfully controverting it.

Mr. POST. Mr Chairman, I am very glad that the gentleman has that opinion of what he may accomplish. Conceding that under the act of 1890 the President was vested with the power to approve or disapprove, I desire to call the attention of the committee to this fact, that after the court had reviewed and confirmed the awards, Congress itself by the sundry civil act which President Taft disapproved in March, 1913, recognized the awards, and the sundry civil bill of June, 1913, contained an appropriation to pay the exact amount of these awards, and President Wilson signed that bill and approved of the act of Congress making payment for those awards; and if he had any authority under the act of 1890 to veto or disapprove or disaffirm these awards, by his approving the appropriation that was made by Congress he thereby exercised his right, if he had one, although I do not concede that he had any.

Mr. MADDEN. Will the gentleman yield?

Mr. POST. Yes, sir.

Mr. MADDEN. The gentleman's contention then is that after having approved the bill making the appropriation for the payment of this money it was beyond the power of the President to direct that no payment be made?

Mr. POST. Yes; because he had approved what Congress had done, and the act expressly stipulated that it was to pay the awards of this court commission, and he approved that act.

Mr. MADDEN. And the gentleman's contention is that he has no further right?

Mr. POST. None, whatever.

Mr. PLATT. That is right.

Mr. BURNETT. Will the gentleman yield?

Mr. POST. Yes.

Mr. BURNETT. In regard to the $500,000 appropriation per annum, does not the gentleman think that this subsequent appropriation of $2,900,000 was a legislative ratification or approval of the previous act?

Mr. POST. Yes, sir.

Mr. JOHNSON of Kentucky. I think the gentleman will entertain a different opinion——

Mr. POST. Here is my friend from Kentucky——

Mr. JOHNSON of Kentucky (continuing). When he sees the argument I shall insert in the RECORD as a part of the speech I made to-day.

Mr. POST. Well, I have given this pretty close study, and it will take considerable argument to convince me I am wrong. Mr. JOHNSON objects to the proceeding in this case because, he says, the court confirmed these awards four days before the expiration of the 30 days. Now, a long time elapsed, from March 13 until June 13, when Congress itself approved and confirmed these awards by making an appropriation to pay them and directing this commission to pay them.

Some other interesting legal questions are involved in a consideration of the question:

First. Did the President of the United States have any authority to intervene?

Second. Is the judgment in the condemnation proceedings final as between the property holders and the Government?

Third. Can a second condemnation by the Government be maintained?

Mr. STAFFORD. Will the gentleman yield there to enable me to make this statement?

Mr. POST. Certainly.

Mr. STAFFORD. A few moments ago I asked whether the gentleman had information as to the original Senate amendment providing for the purchase of this ground——

Mr. POST. I have not.

Mr. STAFFORD. I have just gotten that amendment in the RECORD, here, on page 8438, if the gentleman will permit me, of the Sixty-first Congress, second session, which shows the total appropriation was $3,600,000.

Mr. POST. Well, after that they appropriated annually.

Mr. STAFFORD. After that went to conference, the conferees agreed to what the gentleman has stated is the law.

Mr. POST. The act of August 30, 1890, is materially different from the act of June 25, 1910. In the former act authority was given simply to purchase or condemn lands necessary for the extension of the Government Printing Office, the appropriation therefor was made prior to the condemnation proceedings, and the President of the United States was given authority, if he thought the public interest required it, to cause payment to be made to the respective persons entitled, according to the judgment of the court.

Now, there is a wide difference in the act of 1890. Congress did not say what property was to be acquired; Congress simply provided a commission to select a site and authorized the condemnation, but left it to the discretion of the President of the United States to say whether that site was a suitable site and to say whether the price fixed in the discretion of the President was suitable; but here in the act of June 23, 1910, Congress itself says that we declare that we intend to acquire this property. Congress selected the property, and did not leave or delegate the power to anybody to make that selection, and that is the difference between the two cases.

In the latter act Congress itself selected the exact area to be acquired, stating each tract by its square number, and declared in unequivocal terms its intention to acquire such property. It seems clear that under act of June 25, 1910, the act of August 30, 1890, became applicable, but the inquiry readily suggests itself, to what extent? In my opinion that act controls only so far as the application to the Supreme Court of the District of Columbia becomes necessary in the proceedings to condemn the property sought to be acquired; that far and no further. In the latter case Congress determined in advance the identical property to be acquired and declared the public use to which it was to be put. There was nothing left for the determination by the President. The Congress had already determined that the public interest required the acquisition of this specific property. In the Government Printing Office act a discretion was clearly vested in the President, first, as to the specific property to be taken; second, whether or not the public interest required the taking of the exact property that had been condemned.

In these respects the two acts are essentially different. These essential differences clearly limit the Government Printing Office act to the proceeding to be had in the event it became necessary to exercise the right of eminent domain in the acquisition of any of this property under the act of June 25, 1910. The Congress having solemnly declared its purpose to acquire these grounds for public uses, naming them specifically, did not delegate to any other department of the Government the power and authority which it had properly exercised. In the one case the Congress delegated to the Executive the right to determine whether or not the public interest required the taking of certain property for the use of the Government Printing Office, and whether the exact property selected for that purpose was suitable to the Government needs. In the other case the Congress itself exercised these functions. The Congress having declared its intention to acquire this property, and having stipulated the purpose of its acquisition, such declaration became the law and there is no authority for any other department of the Government to annul the fixed purpose of the Congress. The right to withdraw from the declared purpose to acquire this property is necessarily vested with that department of the Government clothed with the power to acquire and to declare the public uses for which the acquisition is to be made. The determination of the Congress as to the propriety of the acquisition is paramount. A simple illustration will clearly demonstrate this. If the commission composed of the Vice President, the Speaker of the House of Representatives, and the Superintendent of the Capitol Grounds had acquired the whole or a part of this property by purchase from the owner as they were authorized to do by act of June 25, 1910, and the owners had voluntarily deeded their property to the Government, the President would have been absolutely removed from the domain of its acquisition. If the commission had purchased a part of the squares sought to be acquired and the owners had voluntarily deeded the same to the Government, as to such part the title to the property purchased would have been good, and the President as to such part would have been absolutely removed from any discretion whatever in its acquisition. To me, then, it is perfectly clear that the Congress did not intend to delegate to the President any discretion in the premises.

The act of August 30, 1890, confers upon the President of the United States but a single power, and that is, if he thinks the public interest requires the acquisition of the property sought he can so designate. It does not specifically confer upon him the right to determine as to the amount fixed by the condemnation proceedings as being a proper value of the lands to be

acquired. In the order filed by the President in the proceedings of the Supreme Court of the District of Columbia it is declared that the public interest requires that the real estate should not be acquired by the United States for the sum fixed in the appraisement as confirmed by the court. The basis upon which the order is predicated is the appraisement fixed by the condemnation commission. It is apparent, then, that the President did not base his objection upon the grounds that the public interest did not require the acquisition of this property for the purpose declared by the Congress. It was based solely upon the price fixed by the commission. The courts have universally held that this can not be done unless accompanied by an absolute abandonment of the purpose to acquire. (Union Railway Co. v. Standard Wheel Co., 149 Fed. Rep., 701; C., R. I. & P. Railway Co. v. City of Chicago, 143 Ill., 641; Rogers v. The State of St. Charles, 3 Mo. Appls., 43.)

The very language used by the President indicates that if the sum fixed in the appraisement had been less, then it would have been in the public interest to acquire and take over the property. There is nowhere in the proceedings any declaration of a final and ultimate purpose to abandon. The property affected, in this case amounting to upward of $3,000,000 in value, is still clouded with the declaration of Congress of its intention to ultimately acquire it for the purpose expressed. This cloud is hanging over this property like Banquo's ghost since June 25, 1910, and has resulted in direful distress to the unfortunate holders of titles within its area. During this period no one would buy within that area after the declaration to acquire, unless for purely speculative purposes. No one of the owners of the 462 parcels of land affected could afford to erect buildings upon their property and make it productive; no one would take long leases upon buildings already erected within that area. By the filling in of the streets and avenues by the erection of the Union Station prior to this, many of the properties were destroyed, some without any compensation, others with only partial compensation for damages inflicted, and a great many of the properties left wholly without any use or rendered practically valueless for leasing purposes. Notwithstanding this long period, now more than five years in duration, taxes have become imposed and become a charge upon the landowner, street assessments charged against the abutting properties, and if mortgaged interest dates came with fixed regularity, and in some instances the proceedings have amounted practically to confiscation. The moment the declaration was made all power and privilege in the owner to sell, build upon, to execute long leases upon his property was brought practically to an absolute end.

To leave the title to this vast property clouded in this uncertainty and abandon these property owners to further distress and sacrifices, after Congress has solemnly declared its intention to acquire the property for the extension of the Capitol Grounds, would be to shock the conscience.

As heretofore pointed out, the judgment confirming the awards of the court commissioners was approved and confirmed by the court on February 24, 1913, and the President's objections were filed in that court on March 18, 1914, more than a year after the awards were confirmed. In the meantime Congress had spoken upon this subject in no unrestricted terms. In March, 1913, then within about a month after the time the judgment of the court was confirmed approving the appraisements by the court commissioners, Congress appropriated the exact amount necessary to pay the aggregate of the awards, and, in the language of the act, it was to complete the acquisition of the squares; and again in the act of June 25, 1913, Congress made the same appropriation for the exact purpose. In both cases Congress spoke upon the subject before the President intervened. It was not until the lapse of about eight months after Congress had appropriated the money to complete the acquisition of this property that the President filed in the court his disapproval. Even if it be conceded that by the act of August 30, 1890, the President did have a discretion in the premises, is it not fair to presume that by the act of June 30, 1913, appropriating the exact sum necessary to complete the acquisition of the squares, that this discretion was removed, and is it not reasonable to conclude, even granting that he had a discretion under the Government Printing Office act, that in approving this appropriation he exercised the discretion so conferred upon him; and if once exercised, can he again do so? The answer is certainly negative.

There is another consideration to which I desire to call attention. Squares 634 and 685 were condemned, paid for, and possession taken by the Government. This acquisition was concluded as early as May 18, 1912, and before proceedings were instituted to condemn the remaining squares. In this connection it was the declared purpose of Congress to acquire the whole of nine and one-half squares named in the act of 1910. It was not the purpose of Congress to acquire a part only of the property. The scheme for enlarging and extending the Capitol Grounds was a definite, distinct project, embodying the whole of the property. I do not believe it can be successfully contended that Congress in declaring its purpose to acquire the specific squares named in the act of 1910 intended to acquire a part only of the property. An isolated square or piece of property located at various points within the area defined would be of no benefit to the Government for the purpose declared. It required the acquisition of each and every parcel included within the limits defined in order to accomplish the declared purpose of the Congress. The acquisition of this property was to be an entirety, and the commissioners were empowered not to acquire a part only, but all, of the property designated, and were given ample authority to acquire it in one of two ways—first, by purchase; and if unsuccessful in this manner, then by exercise of the high right of eminent domain.

The authority conferred could mean nothing less than a complete acquisition of all the property. President Taft approved the awards that were made for squares 634 and 685, and ordered payment accordingly. The question then naturally arises whether or not the President, even conceding that he had the authority originally to enter his disapproval to the acquisition of the property, because in his opinion he thought the public interest would not justify its acquisition, after having sanctioned the acquisition of a part, could he reject the remainder?

The President based his order on the sum fixed in the appraisement as confirmed by the court and declared the public interest did not require that the Government should take over this real estate for the sum so fixed and for that reason alone directed that the proceeding be dismissed. On the other hand, the jury that fixed the awards was of the opinion that they were just and fair as between the owners and the Government. The commission so declared in a letter addressed to the Attorney General of the United States on February 6, 1913. (H. Doc. No. 1392.) This opinion was concurred in by the Attorney General and by those versed in real-estate values in the area in which the squares condemned are located; that the awards were reasonable; and that the land could not hereafter be acquired except at an increased valuation. (H. Doc. No. 1392.) The court so believed, as evidenced by the fact of its confirmation of the awards; and Congress so believed, as evidenced by its ordering payment twice of the sums necessary to pay the awards.

Is the judgment binding upon the property owners? It is certainly an anomalous situation. An entry stands of record dismissing and discontinuing the cause. In most States a time limitation is fixed by statute in which the appropriation must be accepted or abandonment will take place; yet so far as value and the purpose is concerned, the judgment is res adjudicata. In other words, where a value has been fixed for a particular purpose this becomes final in every subsequent attempt to appropriate for the same purpose.

The authorities are rather uniform in holding that when the power of eminent domain has been granted by legislative enactment that it is exhausted. (Mason v. Brooklyn City R. R., 35 Barb., 373; Brooklyn Central R. R. v. Brooklyn City, 32 Barb., 358; Hudson Canal Co. v. New York Railway, 9 Paige, 323; Kenton County v. Turnpike Co., 10 Bush, 529; Brigham v. Agricultural Branch R. R., 1 Allen, 316; Mills on Eminent Domain, Sec. 58.)

The court in the case of Moorhead et al. v. Little Miami Railroad Co. (17 Ohio, 340) say, in speaking of the power of the railroad to exercise the right of eminent domain which had been delegated by the Legislature of the State of Ohio, the corporators had the power to locate and construct a railroad; they could not exercise this right but once without a further grant to accomplish this object. A most important attribute was bestowed upon them by the legislature—the extraordinary reserve power of subjecting the property of private individuals to public use. If it was intended that this should be a continuing power, one that might be exercised, and reexercised again and again, as often as might suit the convenience of this company, the legislature should have so declared in express terms.

The court in Mason v. City of Brooklyn (35 Barb., 373) says:

> It is undoubtedly true that when a corporation chartered for the purpose of constructing a railway has located its lines it can not change the location and adopt a new route unless the power to do so is expressly granted in its charter, and then only in the manner indicated. This upon the plain principle that when the power thus conferred upon a company has once been exercised it is exhausted.

The Plaza case, to my mind, comes clearly within the scope of this principle. Congress created a commission and delegated to it the power of eminent domain; that commission has exercised its delegated powers, and having once exercised its powers in

In the meantime, after the enactment of the law authorizing the acquisition of this, California Street was extended afterwards to the Union Station grounds, and all the lots south of that are left out of resolution 269. The Johnson resolution includes the whole of that.

In making the appraisals in condemnation proceedings the commissioners appointed to appraise the property left that out. So that under resolution 269 it is only contemplated taking that portion of square 721 which lies south of California Street.

Mr. BURNETT. Will the gentleman yield?

Mr. POST. Yes.

Mr. BURNETT. Then that which is embraced in the holding of the Baltimore & Ohio Railroad would not be embraced in resolution 269, from the Committee on Public Buildings and Grounds?

Mr. POST. No, sir; it would not.

Now, the sundry civil act of June, 1910, provided—and this is the law under which the commission was created and under which it operated in these awards—it is hereby declared—Thirty-sixth Statutes, page 738—to be the purpose of Congress to ultimately acquire all of square 632; and then it enumerates the squares I have read and included in the original Wetmore bill. I call attention of the committee that the language of the original act was that "It is hereby declared to be the purpose of Congress to ultimately acquire all of these squares." That is important, because in the exercise of the high power of eminent domain it always rests with the sovereign power to declare that intention. It is true in many of the States that power is sometimes delegated—delegated to railroad companies, to municipalities—but in this instance I want to impress on the committee that Congress itself declared the intention to acquire this property. I do that because I take issue with the President and his advisers on that proposition. I maintain that the President had no veto power, because Congress itself had declared its intention to acquire this property; but I will treat of that later on.

The sundry civil appropriation act of June 25, 1910, Thirty-sixth Statutes, page 738, provides:

It is hereby declared to be the purpose of Congress to ultimately acquire all of squares Nos. 632, 633, 634, 680, 682, 683, 684, 685, 721, 722, 723, in the city of Washington, D. C., for the enlargement of the Capitol Grounds and for the construction of a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said plaza. The Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Grounds are hereby authorized and directed to acquire said premises by purchase, condemnation, or otherwise, and to expend for that purpose not more than $500,000 in any one fiscal year, commencing with the year 1911, and the persons authorized to acquire such property shall annually, within said limit, purchase whatever of said property is in their judgment offered at the lowest prices relative to its actual value, provided they shall not purchase any property at above its fair actual value. If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year. If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (Stat. L., vol. 26, ch. 837). For the execution of the foregoing, $500,000.

It will be noticed that under this act if the commissioners could not purchase the property they were instructed to acquire, then they were authorized to commence condemnation proceedings, and these proceedings were to be had, and the method was to be the same as that under the act of 1890 for the extension of the ground for the public printing building.

Now, in that act it did provide that after the commission had selected the site, after the commission had appraised that site, then the President of the United States could approve or disapprove of the location and the value placed upon it by the commission.

At the time of the passage of this act Vice President James S. Sherman, Speaker Joseph G. Cannon, and Mr. Elliott Woods constituted the commission for the acquisition of this property.

The sundry civil appropriation act of March 4, 1911 (36 Stats., p. 414), provides:

That the persons designated in said act to acquire the land described therein for the purpose stated shall continue to serve under said law and to exercise all the powers and duties conferred thereby in every particular and as fully, notwithstanding either or any of them may have ceased by operation of law to occupy the office held at the time of the passage of the said sundry civil act, and the said persons acting under said sundry civil act shall constitute and be known as a commission, any two of whom shall constitute a quorum and be competent to transact the duties devolving on them.

It will be seen by this act, notwithstanding the fact that Mr. Cannon may have gone out of Congress and that Vice President Sherman may have died, although he had not at that time, it created the same individuals as this commission and authorized their continuance of this work.

In view of the fact that Vice President Sherman is deceased and ex-Speaker Cannon is absent from the Capital it was thought expedient to create a new commission. A history of the proceedings of the commission created by act of June 25, 1910, is pertinent to a correct understanding of the necessity of the pending resolution. It will be noted that the act authorized the commission to purchase the land for the use of the United States Government. Under this authority the commission on the 8th day of July, 1910, advertised for sealed bids for the sale to the Government of the lands within the area to be acquired. In addition to the advertisement it caused notices to be given to the various property owners or their agents so far as they could be ascertained. On the 10th day of August, 1910, the bids received were publicly opened, there being within the area to be acquired about 462 parcels of land. Of this number the owners only of 272 parcels, or about 59 per cent and representing 71 per cent of the entire area, filed bids with the commission. After a careful consideration of all the bids submitted the commission submitted them to the Attorney General of the United States, and on the 14th day of October, 1910, the Acting Attorney General recommended that they be rejected and that it would be to the interest of the Government to acquire title through condemnation proceedings.

Mr. STAFFORD. Will the gentleman yield?

Mr. POST. Yes.

Mr. STAFFORD. Do I understand that the gentleman from Ohio is going to take up the question of the authority of the President to reject these bids?

Mr. POST. Yes. On May 9, 1911, acting upon the advice of the Attorney General's Office, the commission determined to reject all bids submitted, and requested the Attorney General to institute condemnation proceedings. On August 13, 1911, proceedings were commenced in condemnation to acquire squares numbered 634, and 685, these two squares being situated immediately north of the Capitol Grounds and being two squares where the buildings have recently been demolished and removed. These proceedings were concluded on April 22, 1912. The aggregate amount of the awards granted to the property owners by the court commissioners for the two squares was $1,119,635.50, and were approved by the commission on May 18, 1912, and payment ordered to be made to the various property owners. These two squares contained 99 parcels of land, and were subsequently paid for and possession taken by the Government. At the instigation of the commission condemnation proceedings as to squares 632, 680, 681, 682, 683, and 684, 721, 722, and 723, and that part of square 633 lying east of Arthur Place, were commenced on September 16, 1912, and concluded on January 29, 1913; that part of square 633 lying west of Arthur Place the commission did not deem essentially necessary, and it was not embraced in the condemnation proceedings. The awards included about 350 parcels, the total appraisement aggregating $3,204,434.78. On February 6, 1913, the Attorney General having reported to the commission that he had given careful consideration to the awards made for each parcel of land and that he believed the same to be reasonable, and having advised that the Government accept each and every award, the commission, then consisting of Mr. Cannon and Mr. Wood, instructed the Attorney General to take the necessary steps to secure the confirmation of the various awards by the court. On the 29th day of January, 1913, the court by an entry duly recorded, approved and confirmed the assessments and awards made by condemnation proceedings.

The appropriations made under the provision of the act of June 25, 1910, are:

Sundry civil act of June 25, 1910	$500,000
Sundry civil act of Mar. 4, 1911	500,000
Sundry civil act of Aug. 24, 1912	500,000

Of these three appropriations there has been expended in the condemnation of squares 634 and 685, $1,119,635.50 and in advertising and miscellaneous expenses $502.07, making a total of $1,119,537.57, leaving an unexpended balance of $380,462.43.

Mr. STAFFORD. Will the gentleman yield?

Mr. POST. Certainly.

Mr. STAFFORD. It may be that the gentleman from Ohio can inform the committee as to the amount provided in the Senate amendment to the sundry civil bill before the amendment of the House conferees was adopted. The Senate amendment provided for a direct purchase. I think, in the aggregate amount of three million and a half dollars.

Mr. POST. No; it provided that there should be an appropriation each year of $500,000.

Mr. STAFFORD. That was not the original amendment. When the sundry civil bill passed the House it contained no

provision for the purchase of the Plaza. There was an amendment put in in the Senate authorizing a direct purchase of the property and appropriating three and a half million dollars.

Mr. POST. Two million eight hundred thousand dollars.

Mr. STAFFORD. What was the total amount?

Mr. POST. Three million dollars; but it included an unappropriated balance after paying for these two squares. Upon recommendation of the commission there was included in the sundry civil bill passed by Congress March, 1913, an appropriation of $2,823,972.35 to pay the costs of these condemnation proceedings and the awards made by the court commission, this sum, together with the unexpended balance of $380,462.43, being sufficient for that purpose. This sundry civil bill was vetoed by President Taft, but for reasons entirely separate and distinct from the condemnation proceedings. This appropriation of $2,823,972.35 was carried in the sundry civil bill approved June 23, 1913, as follows:

To complete the acquisition of squares numbered 632, 680, 681, 682, 683, 684, 721, 722, 723, and all that part of square numbered 633 lying east of Arthur Place, provided for by the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," the sum necessary, in addition to sums already appropriated, to pay the amounts awarded by court commission under the statute, $2,823,972.35.

The amount of this appropriation was obtained by subtracting from the aggregate appraisement of all the lots sought to be acquired $3,204,434.78, the unexpended balance of the three prior appropriations being $380,462.43. By act of June 25, 1910, should condemnation proceedings become necessary, the commissioners were authorized to proceed under the act of Congress (Stat. L., vol. 26, ch. 837, p. 412) providing a site for the enlargement of the Government Printing Office. This act contains a provision that when such report—report of the commissioners in condemnation—shall have been confirmed by the court, the President of the United States shall, if he thinks the public interest requires it, cause payment to be made to respective persons entitled according to the statement of the court, and so forth.

The proceedings in condemnation remained in this condition until March 18, 1914, when the President assuming to act under the above provision filed in the District Court in said cause the following instrument in writing:

Whereas under an act of Congress approved June 25, 1910, and acts supplementary thereto, proceedings have been instituted on behalf of the United States in the Supreme Court of the District of Columbia, being District court cause No. 1046, to acquire by condemnation in accordance with the provisions of the act of Congress approved August 30, 1890, the title to the real estate in the city of Washington described as squares 632, 680, 681, 682, 683, 684, 721, 723, and all that part of square 633 lying east of Arthur Place, for the enlargement of the Capitol Grounds; and

Whereas the commissioners appointed by the court in said proceedings have appraised the value of the said real estate at the sum of $3,204,434.78, which appraisement was confirmed by said court on the 24th day of February, 1913: Now, therefore,

I, Woodrow Wilson, President of the United States, by virtue of the authority vested in me by law, do hereby declare that the public interest requires that said real estate shall not be acquired by the United States for the sum fixed in said appraisement as confirmed by the court, and I accordingly direct that the said proceedings to condemn said lands to the use of the United States be dismissed.

A copy of this order may, if necessary, be filed in said cause, and spread upon the minutes of said Supreme Court of the District of Columbia.

WOODROW WILSON, *President.*

Signed in duplicate.
Done at the city of Washington on the 18th day of March, 1914.

Mr. JOHNSON of Kentucky. Mr. Chairman, will the gentleman yield for a question?

Mr. POST. Certainly.

Mr. JOHNSON of Kentucky. Did I understand the gentleman correctly to say that the measure which he is advocating does not include the acquirement of the northern portion of square 721?

Mr. POST. It does not.

Mr. JOHNSON of Kentucky. I find on page 7 of the measure which the gentleman is advocating these words:

Whereas proceedings have been had in the Supreme Court of the District of Columbia for the condemnation of certain real estate desired by the Government for the extension of the Capitol Grounds, which said land is fully described in said proceedings.

Mr. POST. That does not cover square 721.

Mr. JOHNSON of Kentucky. And over on page 9 of the same measure, in lines 3, 4, and 5, the following language:

And they are hereby appointed a commission for the purpose of acquiring said tracts or parcels of land.

Mr. POST. Yes.

Mr. JOHNSON of Kentucky. Will the gentleman please tell me where the northern portion of square 721 is left out in the measure that he is advocating?

Mr. POST. It was left out in the proceedings that were held in the District court, and this simply covers the property that was included in those proceedings.

Mr. JOHNSON of Kentucky. Does not the gentleman think he is mistaken?

Mr. POST. Oh, no; I think I am absolutely correct.

Mr. JOHNSON of Kentucky. The gentleman does not, however, set out in the measure that he is advocating any of this property by numbering the squares?

Mr. POST. No.

Mr. JOHNSON of Kentucky. It is just referred to as property described in the original proceedings?

Mr. POST. The property which was included in the condemnation proceedings; and if the gentleman will look at House Document 1392, he will find that I am correct. It does not include the northern half of 721. They were expressly left out by lot numbers.

Mr. JOHNSON of Kentucky. If the gentleman will pardon another interruption, I have before me the report of the commission, and on page 26 thereof, under the subtitle of schedule as to square 721, I would be glad if the gentleman would show, if he can, where the northern portion of that square is not included?

Mr. POST. If the gentleman will turn to page 27 of that report, he will find, in the third paragraph, parcels numbered 18, 19, 20, and on up to 42, inclusive, and it specifically states that these parcels are not to be taken in these proceedings, and are therefore not appraised by the commission. Those lots lie directly east of the station, in the vacant ground there.

Mr. JOHNSON of Kentucky. I think the gentleman will find on investigation that those are the lands taken by the Union Station.

Mr. POST. Oh, no; my information is the other way, and I think the gentleman is absolutely mistaken about that.

Mr. JOHNSON of Kentucky. I think not, and I think the gentleman, on investigation, will find that I am correct about it.

Mr. POST. Mr. Chairman, I wish to call the attention of the committee to the language that was used by the President in the paper which he filed in the Supreme Court of the District of Columbia. He says there:

* * * do hereby declare that the public interest requires that said real estate shall not be acquired by the United States for the sum fixed in said appraisement as confirmed by the court. * * *

He does not undertake to controvert the authority that Congress itself had formally expressed its intention in the original act. In other words, he does not veto the express statement that Congress had theretofore made of its intention to acquire this property. He says that the public interest does not require the acquisition of this property at the price fixed in the appraisement. He further says that a copy of this order may, if necessary, be filed in said case and spread upon the minutes of the Supreme Court of the District of Columbia.

This paper was filed on the 4th day of April, 1914.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. POST. Yes.

Mr. STAFFORD. Then, if I understand the gentleman's contention, it is that the act authorizing the acquisition of this Plaza ground did not vest in the President any authority to negative an award?

Mr. POST. That is correct.

Mr. STAFFORD. And the statement in that act stating that if condemnation proceedings are resorted to they should be in consonance with the act providing for the enlargement of the Government Printing Office was merely directory as to the proceedings, and did not vest any authority in the President to negative the express purpose of Congress as declared in that act for the acquisition of this Plaza ground.

Mr. POST. The gentleman has stated my position exactly.

On the 4th of April, 1914, the United States attorney for the District of Columbia directed the clerk of the court to discontinue and dismiss the proceedings, and the clerk of the court on the same day made an entry discontinuing and dismissing the proceedings. To this entry of dismissal the Baltimore & Ohio Railroad Co. filed a motion to strike from the files the paper filed by the United States attorney for the District of Columbia on April 4, 1914, and to expunge from the record the entry discontinuing and dismissing the proceeding.

It will be noted that by the original act of June 25, 1910, the commission created by that act is limited to the acquisition of property in value not in excess of $500,000; that, notwithstanding this limitation upon the power of the commission, upon the advice of the Department of Justice, the proceeding to condemn the whole of the property was commenced on September 16, 1912, and concluded on January 29, 1913. The court entered its judgment, approved and ratified and in all things confirmed the assessments and awards made by the condemnation commission. This action on the part of the commission was no doubt premature, but the Congress having, in the sundry civil

versally accepted that the words "good and marketable, and clear of all incumberance" pass practically the best and the highest title that can be conveyed to land. The phrase is looked upon in the State that I in part represent as being the words which, when embodied in an agreement of sale, put the vendor to a strict compliance to relieve the title of any possible flaw, easement, charge, or lien and convey a title that would be indefensible.

We therefore say the settlement is to be made at once with those you can settle with, where the prices are fair and equitable, but for those which are not, and in cases where you can not agree—where the Baltimore & Ohio Railroad Co. will not concede, or any other holding company refuses to come down to statements that practically in the past have been used by them to fix the value, and which therefore should estop them from the assertion of any higher claim—to do what? To apply for the appointment of a jury of view, to whom will be referred the disputed claims and who shall make an award, which award, after being confirmed by the court as to regularity and the correctness of the proceedings, shall be valid and binding unless disapproved of by the President of the United States within 60 days of the date of the filing of that report, which disapproval must be evidenced in writing, filed in the proceedings.

We have so worded that as to provide that the disapproval of the President shall not affect the entire report, and that we shall not again be confronted with the condition of its being held by the opinion of the Attorney General that the report was an entirety, and that the disapproval of a single item of the award in that report carried the disapproval of the entire report. We have set forth in our resolution the statement that the disapproval of the President of the United States shall affect only the particular item or items to which he asserts his disapproval, but that the report in all other particulars shall be binding and conclusive.

We have not therefore left this open for it to be haphazardly considered by any commission. We have not left it open that an award of a jury in the future may be conclusive and binding, even if you do suffer in the District of Columbia as we suffer in other portions of the United States by gentlemen ready to volunteer their services at all times for juries of view or juries in condemnation proceedings, and where we find that the selection very seldom goes out of a decidedly limited circle. We have guarded that, because we have added to it the further condition that the President of the United States has the right to disapprove.

The resolution as reported from the Committee on the District of Columbia does what? It simply provides for the employment of three commissioners by the President of the United States to purchase such property as can be purchased at this time at figures not exceeding those set forth in the report of the Jury of view.

I am taking this as a broad proposition, and I do not purpose to answer or attempt to answer statements made as to the quantum of land held by the Baltimore & Ohio Railroad Co. or its holding company. I consider that immaterial, because I consider that the proper commission will handle the question without regard as to who are the owners. But we are confronted with the fact that Congress in the past has made an appropriation for a great enterprise. True, it may be criticized at this time. True, if put over to gentlemen who now compose the House, it might not be decided upon at present as it was decided upon in the past. But it is an undertaking that means a great development for the city of Washington, and an undertaking that is safeguarded so that the Government will not pay a penny more than it should pay, and an undertaking that should be carried on to its completion and to its end.

I do not believe it is to the best interests of the District of Columbia, nor to the best interests of the great development plans that are under way in the District of Columbia, nor to the best interests of the United States, that the authority to take land here should be an authority limited to particular spots, and that we would find that the Government is not and could not become the owner of all the land embraced within the present plan of development.

If we pass the resolution as it comes from the Committee on the District of Columbia we merely provide for the purchase of some of the land and leave the rest of the land to be disposed of in the future. The resolution as coming from the Committee on Public Buildings and Grounds provides for both. It provides for the relief of the individual property owner who may be to-day suffering. It provides as well for the acquisition on the part of the Government of all the land embraced in the scheme known as the Plaza development.

So I contend that the committee's report, or the committee's substitute as reported to the House, takes up the matter in its entirety, and at the proper time I shall offer it as an amendment to the resolution which has been offered by the gentleman from Kentucky [Mr. JOHNSON].

I am advised that the record of past proceedings shows that Members of Congress and public officials are competent to deal with great undertakings. I find upon a brief examination that the condemnation of land for the site of the Government Printing Office was intrusted to a commission composed of the Secretary of the Treasury, the Public Printer, and the Architect of the Capitol, who were directed to acquire the land.

The act of 1904, providing for a site for the Senate Office Building, created a commission to acquire the ground composed of Senators Cullom, GALLINGER, and Cockrell.

The act passed in 1908, providing for the acquisition of five squares of ground south of Pennsylvania Avenue, for offices for the State Department and Departments of Justice, Commerce, and Labor, authorized the Secretary of the Treasury to acquire the ground.

The original act to authorize the enlargement of the Capitol Grounds created a commission to acquire the land required composed of the Speaker of the House, the Vice President, and the Superintendent of the Capitol Building and Grounds.

I am not willing to consider that there is any impediment incident to a membership in the House. I am free to state that I believe that a Member of the House, placed in a position of responsibility, being called upon to exercise his judgment in the acquisition and purchase of land and the determination of the price he will pay therefor, stands as a public character who will perform that duty equally as well, if not better, than the private commissioner, taken from private life, who is in no way hereafter answerable to the public. I view it that a Member of the House will be equally careful, if not more careful, in the exercise of an extra duty thrown upon him than will the individual brought from private life and just commissioned for that particular act. And the same applies to the Member of the Senate. I believe that the commissioners, as designated in the resolution coming from the committee on Public Buildings and Grounds, occupy a position that assures us of the most careful thought and consideration of this entire proposition.

The words of the gentleman from Kentucky have been well chosen. The attention of the membership of this House has been called to the fact that an apparent injustice was being done to the Government in a report heretofore made, and that the heroism and devotion to public duty on the part of the President of the United States in his disapproval prevented that injustice from being carried into effect. I firmly believe that the same spirit will pervade the gentlemen who are designated under the House resolution. I am satisfied that careful thought and consideration will be given by them, and that in the adoption of the resolution that I shall offer subsequently as an amendment we will close up the matter in its entirety.

No one holds a brief here for any corporate interest or any interest counter to the welfare of our Government. We are moved in the thought that our plan is expeditious, that it is simple, that it means relief to the individuals who are suffering, that it means the Government can acquire a part of this land at once at an equitable and proper price that has been approved by the President of the United States, ratified by the Congress, and is the work of a jury, before whom evidence was adduced as to value. We believe that as to the remaining part we safeguard against the attempt at a grab by limiting the power of the commission to acquisition within particular figures, those figures being the reports heretofore made; and with the notice served to-day, I am satisfied that no member of that commission will have the hardihood to approach the figures of the report made in the cases that were the subject of criticism.

Then we provide for the completion of the plan, the ending of the undertaking, by making it possible for this Congress to provide, after settlement with the individuals, for condemnation proceedings to acquire the rest of the land, and then we further safeguard it by attaching to those condemnation proceedings the necessity for the approval of the President of the United States, and his disapproval ending it.

I think by this means we have surrounded it with all the terms and conditions that will make it an expeditious and at the same time a cautious plan, and we have placed it where it will be safeguarded by the honorable gentlemen to whom it will be intrusted. And even should they be forgetful or should they be careless or should they be negligent, we will have that same heroic devotion to public duty on the part of the President that the gentleman from Kentucky [Mr. JOHNSON] called attention to, and it will be exercised again; that is, his veto to nullify an excessive award and thereby prevent the United States Government paying a cent more than it should. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. COLLIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to joint resolution of the following title:

S. J. Res. 29. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12570) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. ASHURST, Mr. LANE, and Mr. CLAPP as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had still further insisted upon its amendments Nos. 1 and 30.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

PLAZA AWARDS.

The committee resumed its session.

Mr. POST. Mr. Chairman, I find myself in an anomalous situation. I am for House joint resolution 129, coming from the District Committee, but I am more for House joint resolution 209, which comes from the Committee on Public Buildings and Grounds.

To my mind House joint resolution 129 is not broad enough. It does not take in the whole situation.

The extension of the Capitol Grounds for the purpose of beautifying them originated in 1910, and the proposed plan contemplated an entire scheme. Under the resolution of the gentleman from Kentucky [Mr. JOHNSON] the commission which it creates would simply be authorized to purchase such property as the property owners might offer for sale and upon which they might agree as to the price. It was never contemplated by Congress, in the original declaration and intention to acquire this property for the purposes stipulated, that isolated pieces of property should be acquired. It was contemplated that all of the nine and one-half squares mentioned in the original law should be bought and each and every parcel in those squares obtained for this purpose. Now, under the resolution of the gentleman from Kentucky [Mr. JOHNSON], as I said a moment ago, you would procure a piece of property here and one over there, and the object sought to be accomplished would not be obtained.

Under resolution 209 a complete plan for the entire acquisition of all the property is proposed.

There is still another objection to the resolution of the gentleman from Kentucky [Mr. JOHNSON]. It vests in the President the right to appoint a commission of three members, and curtails his power in that direction. In that respect it differs from the acquisition of any public ground that I have been able to discover. Whenever Congress has heretofore created a commission and delegated to it the power to acquire property for the Government, it has always intrusted it in the hands of Members of Congress or the heads of departments. In this case I do not see any reason for violating the rule that Congress has always followed in that respect.

There is another serious objection to House joint resolution 129. It vests in the President the veto power. It gives the President the same discretion that he exercised in the former condemnation proceedings. I expect to dwell upon that question. It treats of the legal aspects of the case. I have gone over this carefully, and I want to give some history in relation to it.

First, I want to treat of House joint resolution 209. Mr. Chairman, House joint resolution 209, Union Calendar No. 247, makes provision for a commission to acquire land to extend the Capitol Grounds north to the Union Station Plaza, not heretofore obtained by the Government for that purpose. It creates a commission composed of the Speaker of the House of Representatives, chairman of the Committee on Public Buildings and Grounds of the Senate and chairman of the Committee on Public Buildings and Grounds of the House, and authorized this commission to acquire by purchase, if possible, the land on behalf of the United States for that purpose; if unable to purchase any or all of such lands, then jurisdiction is conferred upon the Supreme Court of the District of Columbia at the instigation of the committee to condemn such lands as the commission may not be able to purchase. All the machinery necessary for the exercise of the right of eminent domain by the Government in this respect is fully provided for in the joint resolution.

May 12, 1909, Senator Wetmore introduced a bill for the enlargement of the Capitol Grounds. This bill, among other things, provided:

> That for the enlargement of the Capitol Grounds, to provide a dignified and adequate approach to the Capitol, and to construct a direct avenue of about 150 feet in width from the junction of Pennsylvania Avenue and First Street NW. to the Union Station Plaza, the center line of said avenue to be located on the axis of the Peace Monument and the site of the westerly fountain in said Plaza, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds be, and they are hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, all of squares Nos. 632, 633, 634, 660, 661, 684, 685, 721, 722, and 723, in the city of Washington, D. C.

The commission afterwards, acting under authority conferred by another act of Congress—the act really vital—left out that portion of the block in which the Maltby Building is situated. The bill of the gentleman from Kentucky [Mr. JOHNSON] and the resolution 209 also omit that. The resolution of Mr. JOHNSON includes the whole of square 721.

the proceedings required his approval before any payment could be made and any title pass, and the failure of his approval to appear affirmatively is the end of the proceedings in regard to the acquirement of the land of the Baltimore & Ohio.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. COX). Does the gentleman from Pennsylvania yield to the gentleman from Wisconsin?

Mr. LOGUE. Yes.

Mr. STAFFORD. Will the gentleman specify where the authority is which gives the President the power to negative these condemnation awards?

Mr. LOGUE. I can not offhand refer to the statute, but I will in a few moments.

Mr. POST. Mr. Chairman, if the gentleman from Pennsylvania will permit, I presume the authority is contained in the act of Congress which authorized the extension of the grounds for the Government Printing Office, although I would not agree that the President had any authority. That was authorized in 1890.

Mr. STAFFORD. Then I presume it is under this clause contained in the original sundry civil act:

If such condemnation proceedings are deemed necessary, they shall be in accordance with the provisions of act of Congress approved August 30, 1890, providing a site for the enlargement of the Governmnt Printing Office. (Stat. L., vol. 36, chap. 837.)

Mr. LOGUE. That is correct, and the statute referred to provided that after the jury had filed its report, and after the same had been confirmed, and after it was approved by the President of the United States, and after the payment of the amount of the award, then the title would pass to the United States. It did not provide for the taking of title by virtue of that statute, but it provided for the compliance with all these requirements first, and then after the payment of the money would the title pass. Therefore just stating that which to my mind is a collateral proposition and which will solve itself in the court proceedings I am going to treat this as if we had no such condition, because if it is to be argued out in the future as a legal proposition and successfully maintained that the entry of dismissal was a nullity, and that the act of Congress in adding the approval or disapproval of the President was ultra vires and of no effect or consequence then we are unfortunately caught by the award of that jury and bound thereby. However, the condition that confronted the Committee on Public Buildings and Grounds in the reference to it of what is known as the Post resolution was this: Many individual property owners find themselves handicapped. Notice has been given of the acquisition of their land, loans secured upon the real estate have become due and are becoming due, and will not be renewed by any of the people who in the past have advanced the money.

We find that their properties can not be rented by reason of the uncertain tenure incident to a condition like this. We find that almost all are ready to accept the amount of the award made by the jury of view; and I am now speaking solely of the individuals, and leaving the Baltimore & Ohio Corporation out of it. The Committee on Public Buildings and Grounds, after several meetings, referred this matter to a subcommittee, that has recommended to the House a substitute for the Post resolution, which provides for a commission to be appointed or a commission, rather, to be created, consisting of the chairman of the Senate Committee on Public Buildings and Grounds, the chairman of the House Committee on Public Buildings and Grounds, and Mr. Elliott Woods, Superintendent of Capitol Building and Grounds. They would have authority to do what? To immediately settle with every person embraced in the condemnation proceedings at figures not exceeding the amount of the award made by the jury of view. So that the individual property owner, harassed, damaged, annoyed, and fearing future injury by delay, could, the day after the passage of this resolution, tender a deed to the United States Government, receive his money, and be at an end of his trouble and the Government in full possession of the title. That, of course, embraces the right and power of that commission, if it desired, to go to the Baltimore & Ohio or its holding company and offer the amount of money specified in the award, and purchase from them at the figures that the jury awarded. But I am firmly of the opinion that no commission constituted as this is, composed of the chairman of a great committee of this House and the chairman of a great committee of the Senate, would for one moment fly in the face of the disapproval of the President of the United States, who specifically found these awards to be in excess of the real value of the property. I am equally well satisfied that no commission constituted as this is will, in the face of the statements that have been read by the gentleman from Kentucky [Mr. JOHNSON] as to the price that has been fixed on this property by the Baltimore & Ohio Railroad Co., or its holding company, offer a penny in excess of such figures as are manifested by the letter of counsel.

I would accept the letter of Mr. Hamilton as being conclusive and binding upon me were I a member of this commission as being the statement of the owner himself, because I believe where counsel engaged in matters of this sort state values they do not do it without the necessary authority.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. LOGUE. Certainly.

Mr. MADDEN. Does the gentleman know what the letter contained on the proposition?

Mr. LOGUE. The one just read by the gentleman from Kentucky [Mr. JOHNSON]?

Mr. MADDEN. I do not know anything about that; but I am talking about the letter Mr. Hamilton wrote stating in effect that they would be willing to sell the property for the original cost, the cost of filling in the ground, the amount of taxes that have been paid from the time the land was acquired, and 6 per cent interest on the original cost, and I have understood, though I do not know, that this letter was in the possession of the commission for quite a while, and while it was in their possession they endeavored to ascertain——

Mr. JOHNSON of Kentucky. Will the gentleman yield for an interruption?

Mr. MADDEN. After I have completed the sentence——

Mr. JOHNSON of Kentucky. I take it for granted the gentleman from Illinois [Mr. MADDEN] was not in the House when I read the letter of Mr. Hamilton.

Mr. MADDEN. No; I was not.

Mr. JOHNSON of Kentucky. The reporter now has it for the purpose of copying it, and I think the gentleman was not here.

Mr. MANN. The gentlemen are referring to two different letters.

Mr. LOGUE. There were two different letters, I believe.

Mr. MADDEN. The letter I have reference to, although I have never seen it, and I do not know anything about its contents except what I have heard, I believe was in the possession of the commission for some time; and perhaps while in possession of the commission during the period of nearly two years the commission endeavored to ascertain from Mr. Hamilton, on behalf of the Baltimore & Ohio Railroad, what the cost of filling in this ground was, what the amount of taxes would be on it for that period of their ownership; and I think they were unable to ascertain that, but I was rather of the opinion we might be getting a wrong impression if it was thought that the statement of the Baltimore & Ohio Railroad attorney was to the effect that they would take the original purchase price and 6 per cent interest, and I wanted to know whether the gentleman understood that, and whether he could enlighten the House in reference to it.

Mr. LOGUE. I can not enlighten the House; but I understood by the effect of the question put by the gentleman from Illinois [Mr. MANN] that, in addition to merely receiving the value of the land plus 6 per cent, there are other conditions to be performed by the Government, to wit, cost and expense of the Baltimore & Ohio filling in the ground, taxes to be paid, so that it was not merely a matter of computation of a sum with interest for a specific period, but it was an ascertainment of other outlays that had been made. But what I wanted to convey was the thought that that commission—and I care not in what manner it is or how composed—would not jump over the award of any jury, in view of the statements made here to-day, of hundreds of thousands of dollars in excess of the actual value of the land having been fixed by the award; that they would not jump over and accept that award in view of the information given here to-day as to what was the real value of the property, as to the basis upon which they could figure out what the Baltimore & Ohio was willing to take. But the main point, to my mind, is this: Suppose that a commission was constituted well safeguarding the interests of the Government, I do not believe that that commission, constituted as it has been by the Committee on Public Buildings and Grounds in the substitute it offered, will fly in the face of a public disapproval of the figures of a jury——

Mr. STAFFORD. Will the gentleman yield?

Mr. LOGUE. Certainly.

Mr. STAFFORD. As I understand this proposition, the appraisement has been gone over by the Attorney General?

Mr. LOGUE. Yes, sir.

Mr. STAFFORD. What objection could there be for substituting the Attorney General and some Cabinet officer, such as the Secretary of Commerce, in place of the chairmen of the respective Committees on Public Buildings and Grounds

to act in conjunction with the Superintendent of the Capitol Building and Grounds and pass on this question? They have gone over it. The distinguished chairmen of the House committee and the Senate committee have had no knowledge whatsoever of the appraisal or the facts connected with it.

Mr. LOGUE. Personally, as regards that, of course—and when I say personally I mean simply as an individual member of that committee—I would have no objection; but we have carefully considered in committee various public officials, heads of departments, the Executive of the United States, acting in conjunction with these and thoroughly conversant with the reports which they had received, without undertaking to disapprove of any of the officials of whom the gentleman has spoken; but in taking the chairman of the Senate committee and the House committee, we would take two gentlemen who had become conversant by reason of this very matter, having had it before their respective committees, and inasmuch as the disapproval of the President of the United States gives specific information as to what awards were thought excessive and the fact that individual owners be willing to accept their figures and the figures of the jury, we felt satisfied that that would be a proper make-up of the commission.

Mr. STAFFORD. Does the gentleman maintain that the distinguished chairmen of the Committees on Public Buildings and Grounds are conversant with the value of that property which has been condemned?

Mr. LOGUE. The wording of all the resolutions undertakes to recognize that the awards made by the jury were reasonable and just awards, except the award made to the Baltimore & Ohio Railway.

Mr. STAFFORD. The Johnson resolution does not except that at all; it is founded upon an entirely different predication.

Mr. LOGUE. It excepts that; I do not think we differ on that.

Mr. STAFFORD. The Johnson resolution provides for an investigation de novo upon the valuation of these tracts.

Mr. LOGUE. While it may so state, I recall that the gentleman from Kentucky [Mr. JOHNSON], in presenting the proposition on the floor, said that his commission would give immediate opportunity for prompt payment to the several people who are willing to accept the amount of the previous award.

Mr. JOHNSON of Kentucky. If the gentleman will pardon an interruption just there, the resolution reported out of the committee of which I have the honor to be chairman provides that when the owners of the property have agreed with the commission upon a sale price and presented deeds which the Attorney General says conveys the unencumbered fee simple title, then the President shall pay. The proposition which comes from the committee of which the gentleman from Pennsylvania [Mr. LOGUE] is a member provides for the purchase of merely a commercial title.

Mr. LOGUE. Oh, no.

Mr. JOHNSON of Kentucky. A marketable title.

Mr. POST. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. POST. I want to answer for the gentleman from Pennsylvania [Mr. LOGUE]. The United States district attorney for the District here had this matter under consideration; and if the resolution is passed, either the one which is proposed by the gentleman from Kentucky or the one proposed by the gentleman from Pennsylvania, they could resort to the same source. The Attorney General himself would have no knowledge of this. It would be the district attorney, and the committee could apply to him for any information.

Mr. STAFFORD. As I understand it, the attorney who was appointed by the Government was the attorney connected with the Department of Justice who has jurisdiction in condemnation proceedings here in the District?

Mr. POST. Yes, sir.

Mr. STAFFORD. Now, the Attorney General has passed upon this matter at the request of the President of the United States, and why not allow him and another member of the Cabinet to act as advisers, in conjunction with the Superintendent of the Capitol, in passing upon whether these awards are right or proper or exorbitant or not?

Mr. POST. The answer to that is that any committee that Congress could appoint for that purpose might have that same information.

Mr. BURNETT. May I answer the gentleman's question? Did the gentleman ask in regard to a suggestion that the Attorney General and some other member of the Cabinet should be a member of the commission?

Mr STAFFORD. My idea was to substitute, in place of the chairmen of the respective committees, a Cabinet officer. One of the Cabinet officers is already acquainted with this question. The respective chairmen have no knowledge of the valuation of that property, but we have the Attorney General, who has passed upon it, at the suggestion of the President, and the Secretary of Commerce is a good business man.

Mr. MANN. May I ask my friend why a former Member of the House would know more about the extension of the Capitol buildings and grounds than a present Member of the House? I am sure he has not had time since he has filled the position of Secretary of Commerce to get acquainted with the subject.

Mr. STAFFORD. He is reputed as a good business man.

Mr. MANN. We are all business men.

Mr. STAFFORD. We know that 90 per cent of the Members of this House are not business men.

Mr. BURNETT. I had a talk with the Attorney General about this. I was chairman of the subcommittee that looked into this, and the Attorney General said, "Do not have any member of the Cabinet. Cabinet officers have too much to do and too many other responsibilities; and whatever else you do, do not name a member of the Cabinet."

Mr. STAFFORD. Does not the gentleman recognize also that Members of Congress have more than they can generally attend to without taking upon themselves extra outside work?

Mr. BURNETT. I want to say that I was a member of the Public Buildings Committee, and in the absence of the chairman of the committee I acted as chairman when this commission was suggested, and the idea of the committee, of these gentlemen who are having to do every day with appropriations for public buildings, was that this very matter itself, having been referred to the Public Buildings Commission, they would probably be more capable of doing that very thing, and feel more pride in looking after it, than any other Member of Congress or any Cabinet officer would have. And that is a practical proposition.

Mr. STAFFORD. While we all agree that members of the Cabinet have as much as they possibly can attend to and have very large additional burdens put upon them, we know that if we would impose upon them this additional duty they would attend to it promptly and efficiently.

Mr. BURNETT. I want to say further to the gentleman that there is a commission provided for by the Congress, and that commission is composed in part of the chairmen of the Public Buildings Committees of the House and Senate. They have no doubt done more work than anyone else on the commission, and I say this without reflection on any other member of the commission. They have had a great deal of detail work. If the gentleman will read the report, he will see that somebody has been giving it careful, conscientious, and earnest attention.

Mr. LOGUE. Mr. Chairman, inasmuch as these proceedings are not new, inasmuch as the commission appointed is not asked to go out and acquire a tract that has not been considered, inasmuch as this commission will have testimony which has been taken under oath, and will have the report of the jury of view and the opinion of the Attorney General, it will not be much more than a culling committee of three, to quickly pick out those pieces of land where the price is looked upon as reasonable by both the Government in the past and the property owners who did not appeal, and report a quick settlement to relieve the distress that is incident to the matter being tied up.

Mr. TALCOTT of New York. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. TALCOTT of New York. Is it generally taken for granted that the principle on which the valuation of the individual property owner's property is based is different from that on which the valuation of the property of the railroad is based?

Mr. LOGUE. Inasmuch as we are met by practically an approval of the awards made to the individuals and disapproval of the awards made to the corporation, that condition must necessarily exist.

Mr. BARTON. Are you quite sure that the President approved of all the local or small holdings?

Mr. LOGUE. That I would not undertake to say, but the principal complaint is directed toward the awards made to the Baltimore & Ohio and its holding company.

Now, then, with the commission in possession of these facts, the power conferred under the substitute resolution reported by the Committee on Public Buildings and Grounds is as follows, namely, to make immediate settlement with the owners at prices not exceeding the amount of the award of the jury of view, and payment thereof to be made upon their conveying to the United States Government a good and marketable title, clear of all encumbrances.

It was stated a few moments ago—and questioned—whether that was not merely a commercial title. But I think it is uni-

New Jersey Avenue and on North Capitol Street between D and C Streets.

By the Union Station legislation, being the acts of February 12, 1901, and February 28, 1903, Congress was even more liberal. These acts presented to the Baltimore & Ohio Railroad Co. and to the Washington Terminal Co. (which is owned one-half by the Baltimore & Ohio Railroad Co. and one-half by a subsidiary of the Pennsylvania Railroad Co.) all of the public space now occupied by these companies with tracks, yards, and the Union Station. In addition, there was appropriated to these two railroad companies $3,000,000 of public money. In order to emphasize that these companies ought to be recipients of special privileges this legislation expressly exempts from taxation a considerable part of their tangible property within the District of Columbia.

Supplementary of such gifts the following appropriations have been made in recent years: Two million one hundred thousand dollars for the elimination of railroad grade crossings in Washington and in purchasing and improving the Plaza, which is an entrance to and a setting for the Union Station, and $500,000 for damages for change of grade of streets made necessary by the construction of the Union Station and terminals.

The sum and substance of this legislation is that Congress has presented to the Baltimore & Ohio Railroad Co. all of the public streets and spaces now and heretofore occupied by it and its subsidiary, the Washington Terminal Co., and has also appropriated millions of dollars out of the Treasury to it and for its benefit. For all of which no charge has been laid upon either company. The Baltimore & Ohio Railroad Co. has shown its appreciation of this lavish generosity on the part of Congress by consistently refusing to pay taxes on the public spaces occupied by it, although taxes are expressly laid thereon by the Union Station legislation. At the present time there are uncollected tax bills against the Baltimore & Ohio Railroad Co. and the Washington Terminal Co. amounting to about $55,000. The justice of this taxation is manifest. Here is certain valuable real estate withdrawn from public use and placed in the exclusive use and possession of these companies. They are deriving from it the same benefits as if it were owned in fee by them. Being devoted to a private use it becomes taxable property. The law which makes it taxable is consonant with the general rule that where public space is granted to persons or corporations for private use the property is brought within the taxing power.

The Baltimore & Ohio Railroad Co. has not hesitated to avail itself of the valuable benefits granted to it by the Union Station legislation, although it has sought to avoid the very reasonable obligations imposed on it by this legislation. If we recall the many favors that Congress has showered upon it, the lack of public spirit thus manifested by this public-service company is most deplorable.

The legislative history of this company in the District of Columbia justifies me in saying that the time has come for Congress to demand that it should treat the Public Treasury fairly.

Fifth. There is nothing unfair in the agreement, which Mr. Tawney said had been made. Much of the railroad property has been in the actual, continuous use of this company during a long term of years as sites of the old passenger and freight depots, for yards and general trackage. Other portions of the property have been improved by buildings from which a rental income has been obtained. The agreement mentioned by Mr. Tawney would permit the company to obtain every dollar it has expended for the property, with 6 per cent interest thereon. When we recall that this company is without power to speculate in land and should not be encouraged to do so it is apparent that such an agreement is in accord with public policy.

Mr. BARTON. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. BARTON. Your bill, as I read it, contemplates a settlement with all the small property owners and leaves open the settlement with the Baltimore & Ohio Railroad?

Mr. JOHNSON of Kentucky. It does, and they are in court asserting that they have rights, and it is not right for us to undertake to deal with them as long as they are in court, and this bill only permits the purchase from them when the sale comes voluntarily.

Mr. BARTON. Would you favor the Government acquiring a part of that property and leaving it an open question as to the rest of it?

Mr. JOHNSON of Kentucky. In order to punish an outrage I would, but I am not advocating that. In the report of the committee, which I drafted, I put in the right to acquire every piece of this property.

Mr. POST. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. I do.

Mr. POST. I wish to ask the gentleman what provision is made for taking care of property the owners of which are under disability, where they can not convey?

Mr. JOHNSON of Kentucky. If anybody who is under disability owns property, the code of law for the District of Columbia provides how that sale may be made. If it is a lunatic, a married woman, or anybody under disability, there is provision in the District code as to how his or her property may be sold, and if it is offered at a price which the commission has a right to pay, then the purchase can be made.

Now, let me discuss for a few moments some of the awards to the Baltimore & Ohio Railroad Co. I find that on January 9, 1909, the Baltimore & Ohio Railroad sold and conveyed square 678. The consideration was $450,000, or $2.42 per square foot. This property adjoins the Plaza and fronts 271 feet on Massachusetts Avenue.

Immediately across Massachusetts Avenue is square 680, all of which is unimproved. Part of this latter square was condemned at $5 per square foot, and other portions at $6.40, $7, and $11 per square foot. The average of the awards for this square was approximately $6.50 per square foot, or 2.68 times the sale price of the square directly across the street.

On March 13, 1909, the Baltimore & Ohio Railroad Co. parted with 9,772 square feet from square 681. The price paid was $1.50 per square foot. The lot so sold was taken from the most valuable portion of the square. The Baltimore & Ohio owns the remainder of the square, all of which is unimproved. For the remainder of this square this company was awarded an average of $4 per square foot, nearly three times the previous sale price of the most valuable portion of it.

On December 29, 1905, the Baltimore & Ohio sold 42,575 square feet of land from square 680 at $2.70 per square foot. It will be seen that this valuation is approximately the same as that placed by the same company in 1909 on square 678, located directly across the intervening street. Yet the average valuation of this square in the condemnation proceeding was approximately $6.50 per square foot of unimproved land, more than twice the preceding sale price.

In December, 1905, the Baltimore & Ohio sold 5,043 square feet from square 682 for $1.78 per square foot. This square was appraised at an average of $5.40 per square foot, three times the preceding sale price.

It will be noticed that these sales were made after the location of the Union Station improvement and the determination of the Plaza.

In April, 1902, the Baltimore & Ohio Railroad Co. offered, in writing, to sell square 681. I have already read from the letter of Mr. Hamilton, attorney for the Baltimore & Ohio, in which he stated that—

> A fair value to place upon this property would be $1.40 per square foot, which is something less than was paid by the company recently for properties in square 680 and square 678. At $1.40 per foot the price of this square is $235,478.60.

The award for this same square was $628,614, which was $393,135 more than the offer just referred to.

After the passage of the act of June 25, 1910, this company offered to sell square 682 at $4 per square foot. The award for this square was $5.40 per square foot. This difference amounted to $62,541. The profits that this company, a railroad transportation company, would have taken out of the Treasury on its real estate ventures in the District of Columbia, had these awards been approved, were enormous. The property originally cost the company $547,513. The awards were $1,729,417, or more than three times the cost price. The cost price with 6 per cent interest to the time the awards were made amounted to $1,138,607. The awards were therefore $590,810 more than the amount which Mr. Tawney said had been agreed upon as the sale price. While some of this property was acquired many years ago, most of it was purchased between 1898 and 1905.

It may occur to many of you that the commission created by this resolution can not now compel this company to accept original cost plus 6 per cent interest. But whether this agreement can be enforced or not, I submit that the House, having passed the original measure on the faith of the representation that such an agreement had been made, should do all within its power to secure its performance. If the property can not be purchased at the figures named, condemnation proceedings, it is true, may follow. But if excessive awards then be made, the President of the United States will, in my humble opinion, again take his position on the side of the people and protect them from the attempted fraud. Injustice is not made tolerable by repetition.

To my mind, the compelling thought in this matter is that, by our votes here, we should hold up the hands of the President. It does not answer to say that the commission proposed by the

Committee on Public Buildings and Grounds may not seek to overturn the action of the President. One member of that commission is already on record as being in disagreement with the President. What specious and plausible arguments will be made to the commission and what the effect will be I can not foretell, nor can you. I can only judge of the future by the past. If such a commission be created and should repudiate the action of the President, the blame for such extraordinary action will rest not only upon the commission, but also upon the Congress that regarded so lightly the official act of the greatest President since the War of the States.

It is easy for us to move along lines of least resistance. It is easy for us to shut our eyes and vote in favor of appropriations for every project that comes before Congress. By doing so we will receive the plaudits and aid of the beneficiaries of our votes. It is easy to refrain from asking questions as to the manner in which the money of the people is expended. But I have not been able to choose the easier course.

Now, please pardon me for trespassing upon your time a little further to call your attention to some of the other requirements which are contained in the amendment offered by the Committee on the District of Columbia. It has become an ascertained fact that during the last five years about 150 condemnation proceedings have been had in the District of Columbia, and in these proceedings the juries have been made up of less than 150 different individuals. That to me sounds nothing short of being an astounding state of affairs. The District Committee in its amendment recommends to this House that no man shall be permitted to serve as one of these commissioners to acquire this property who has served upon any one of these condemnation juries. That seems to me reasonable and fair.

The amendment further provides that nobody who owns land in this zone to be acquired by the United States shall be a member of this commission. It further provides that neither an officer nor a stockholder of any corporation which has a lien upon any property in that zone shall be one of these commissioners. It further provides that no man who has a lien on any of that property shall be one of these commissioners. It provides that no one shall be one of the commissioners if anyone of his family be interested. It further provides that no man who is a stockholder in the Baltimore & Ohio Railroad or in any subsidiary company shall be a member of this commission.

I say that this House ought to demand that this resolution become a law. The resolution further provides that neither an ex-Member of Congress nor a Member of Congress shall be a member of that commission. I say that no Member on the floor of this House who does his duty has time to devote to such a commission. It is said that these smaller property holders ought to have their money, and that they ought to have it quickly, and now that but little more than a quorum of this House is in town nobody should be spared from this House to give his time and attention to these condemnation awards. The business of this House should not be interfered with by imposing new duties upon Members.

When the original bill was up for consideration and it was proposed that the Vice President and the Speaker of the House be made members of the commission, the gentleman from Wisconsin [Mr. STAFFORD], who was then, as now, an honored Member of this House, presented an able argument in an effort to show that no Member of Congress should be a member of this commission. He said that if this commission was made up of Members of Congress it would finally result in a "one-man" commission. The gentleman's words have become real prophecy; the commission did become a one-man commission. During the greater part of the time, or at least during the time when the effort was made to spend more than $3,200,000 of the public money, that commission was practically a one-man commission, the Vice President of the United States having died and Mr. Cannon having duties which required his almost undivided attention. I do not know Elliott Woods, the Superintendent of the Capitol Building and Grounds. If I ever saw him, I did not know him. I do not speak of him with a desire to censure, but I do say, in a spirit of justice and in the cause of right, that a commission should not be composed of two Members of Congress and leave Elliott Woods the umpire between them. Should a difference arise between these two Members of Congress that some have suggested should be on the commission, and there should be a difference of opinion between them, then in steps Mr. Elliott Woods as umpire.

Now, let us look at the situation. Elliott Woods all along has been a member of this commission. He participated in the unauthorized and illegal proceedings.

We find him officially asking for the approval and payment of the excessive awards. Then we find standing out before us the courageous act of Woodrow Wilson refusing to approve what Elliott Woods approved. Notwithstanding these facts, I understand you will be asked to place Elliott Woods again on the commission with power to purchase any of the property, including that of the Baltimore & Ohio Railroad Co., at the figures fixed in the awards, or, in other words, to place him in a position where he may sit in judgment upon the action of the President. The plan is to put him back on this commission that he can override one of the great executive acts of the President of the United States. For myself, I declare that I never will be a willing instrument to any such legislation.

When you consider the enormity of what you may do, are you willing to go on record and say that you will put back on this commission the very man who approved the excessive awards and who made it necessary for the President to take the action he did?

Mr. Chairman, I feel that I have already taken too much of the time of the House, and with just a very few more remarks I shall conclude. I do not feel, however, that I should conclude without again inviting the attention of the membership of this House to the declaration made upon this floor when this bill was passed, a declaration which influenced its passage, a declaration made by a man who from his entire course in Congress stood unimpeached, even by innuendo, that there was an agreement with the railroad company that it would accept for its holdings original cost and 6 per cent interest.

Then we have the letter from Mr. George E. Hamilton, addressed to the Engineer Commissioner of the District of Columbia, between all the lines of which you can easily read, that they were willing to accept original cost and 6 per cent interest. And do not forget that when this commission could have bought a part of this Baltimore & Ohio Railroad land at a figure lower than it was finally appraised at they refused to do so. Then the members of the commission, who refused to buy it at the lesser figure, gave their support to the effort to collect the larger amount.

Then we have the fact that the President of the United States, after months and months of investigation and careful study, at last said to the individual owners of this land: "Regretting that my action will cause disappointment, I find your awards coupled with others that I can not approve."

Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LOGUE. Mr. Chairman, acting for and on behalf of the Committee on Public Buildings and Grounds, to whom was referred the resolution introduced by the gentleman from Ohio [Mr. POST], I could say at the outset that there are many things upon which we can agree with the gentleman from Kentucky [Mr. JOHNSON]. The conditions as stated by him very fully cover the circumstances. We are confronted, however, with some peculiar situations which no legislation of this House can change or alter, if certain contentions are true. I want to refer for a moment to the proceedings had in the District of Columbia for the condemnation of the land. Proceedings were dismissed by order of the Attorney General, and from that dismissal the Baltimore & Ohio has, while not appealing, made a motion to strike off the entry of dismissal. If the Baltimore & Ohio Railroad Co. is correct, as a legal proposition, and the proceedings are held to have been dismissed improperly, it means that the proceedings are reinstated, but in this condition: The act of Congress which provided for the acquisition of this land gave to the President of the United States after the report of the jury of condemnation was confirmed practically what might be still a veto power. Whether such power is exercisable or not, or whether the President of the United States could be attached to any judicial proceedings and made a part thereof, is a question, I presume, which will be argued in some other forum; but, however, I contend that the proceeding for the taking of the land being of a statutory character, that one whose land is taken is bound by all the terms and conditions of the statute under which the land is taken, and, therefore, the attaching as a condition precedent to the acquisition of the land the approval of the President of the United States means this: That unless such approval is given the proceedings are a nullity and no title whatever passes. I believe that in any proceedings for the acquisition of land by statute, as well as any right that we may seek to enforce, which is conferred by statute, we are bound to conform strictly to all of the requirements of the statute. So, should the Baltimore & Ohio Railroad Co. be successful, or its holding company be successful, in having stricken from the record the entry of dismissal of the proceedings before the jury of view, we would then have these proceedings reinstated, but reinstated with the disapproval of the President of the United States a matter of record. The statute authorizing

read—I do not know how many times—the name of the Real Estate & Improvement Co., of Baltimore city——

Mr. JOHNSON of Kentucky. I did not count them.

Mr. MANN. But I think the gentleman duplicated several of them, although inadvertently——

Mr. JOHNSON of Kentucky. I do not think so.

Mr. MANN. It appears five times. Now, if the Baltimore & Ohio Railroad Co. owns 5 or 10 or 15 lots out of 50 or 60, it is not fair that we should be led to believe by the gentleman's statement—I acquit him of any intention to mislead—that the Baltimore & Ohio Railroad Co. owned that square. I supposed, until I looked at the paper that the gentleman was reading from, that that was the case.

Mr. JOHNSON of Kentucky. I will hand to the gentleman my own map of that immediate locality, made and given to me by the assessor for the District of Columbia, Mr. Richards.

Mr. MANN. I take it that the assessor——

Mr. JOHNSON of Kentucky. That shows that the square 721 is cut into two pieces by a little, short, narrow street called "California Street," extending just that one square. The north end or the northern half of that square 721 is owned by the Baltimore & Ohio Railroad Co., according to information given to me by the assessor, who assesses it, and the southern end of square 721 is owned by various individuals.

Mr. MANN. I do not know what the map shows. I take the statement of the gentleman, of course, as to the map. But I much prefer to take the statement of men who look at the records as to the ownership of property than that of the assessor, who does not. Here is a statement of the ownership by lots; the ownership as to each lot of the whole 129 lots. It is an official statement. It would be more convincing to me than a map gotten up by the assessor.

Mr. JOHNSON of Kentucky. I will say to the gentleman just here that if he will take the whole report and read it he will find instance after instance where the assessors have charged ownership to various parties on some of that land, and have collected the taxes on it, and yet the commission to which you refer say they do not know who own it.

Mr. MANN. Yes; but the assessors do not assess real estate taxes against individuals; they assess them against the land.

Mr. JOHNSON of Kentucky. They assess taxes against the land, and then they advise the tax collector from whom to collect it.

Mr. MANN. The tax collector does not go to individuals to collect the taxes on real estate. They go to the office of the tax collector and pay the taxes. The gentleman never heard of the tax collector going around from house to house and collecting the taxes on real estate.

Mr. JOHNSON of Kentucky. The tax collector does not, in fact, collect all of the taxes.

Mr. MANN. The gentleman never heard of a real estate tax collector going out and collecting taxes on real estate. People go to his office and pay the taxes. If they do not, the land is sold for the taxes.

Mr. JOHNSON of Kentucky. Then we have the wonderful phenomenon presented to this District, if that is true, of all those who own property going to the office of the tax collector and paying their taxes, when the gentleman from Illinois [Mr. MANN] knows that year after year one concern, at the head of which is a Mr. Wiltsie, of Syracuse, N. Y., comes down here to the District of Columbia, and buys in hundreds of pieces of property for the unpaid taxes; and you have an item in a bill which proposes to repay to Mr. Wiltsie some money on account of a piece of property which he acquired at a tax sale. And perhaps it is right to do so.

Mr. BURNETT. Will the gentleman permit an interruption?

Mr. JOHNSON of Kentucky. I do.

Mr. BURNETT. I notice that in the gentleman's schedule he has left out lot 682. That is in the original bill. Was that left out intentionally or unintentionally?

Mr. JOHNSON of Kentucky. Where is that?

Mr. BURNETT. On page 2, lot 682 is left out.

Mr. JOHNSON of Kentucky. I will say to the gentleman that if there is any square or lot left out it was done inadvertently and not intentionally. It was done either by the clerk who wrote it, or by the printer.

Mr. BURNETT. I wanted to inquire whether there was any reason for leaving it out.

Mr. JOHNSON of Kentucky. So far as I know, if it has been left out, it has been unintentionally left out.

It was perhaps inevitable that this proceeding, conceived and conducted in defiance of law, should be productive of no good results. We need not be surprised, therefore, to find that the property of the chief beneficiary of all this legislation and litigation, the Baltimore & Ohio Railroad Co., was so excessively valued that the President of the United States felt constrained to interpose his veto in order to prevent this raid upon the Treasury.

To my mind it is clear that this entire proceeding was void, because the court was without jurisdiction of the subject matter—a defect that can not be waived. It is elementary that while consent may give jurisdiction of the parties it can not confer upon the court jurisdiction of the subject matter which is otherwise lacking. The clause of the act of June 25, 1910, which relates to this subject is in this language:

> If in any year there should not be offered property substantially up to said sum of $500,000 at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year.

Could language be plainer? Could Congress have expressed more clearly the intention that the court proceedings authorized by the act should not in any year adjudicate upon property worth more than $500,000? If so, this is a limitation upon the jurisdiction of the court. It does not answer to say that the provision is a limitation upon the power of the commission alone. Of course, the acts of the commission were ultra vires and void, but we can not stop here. To assert that a statutory commission is without power to institute an action and yet to assert that the court, whose powers are defined and limited by the same statute, has legal power to entertain it is, to my mind, a contradiction in terms. The controlling feature is that the court proceeding which Congress intended to authorize was a proceeding limited to a condemnation of $500,000 worth of land in any year.

While the District Supreme Court, in which this proceeding was instituted, is a court of general jurisdiction, in the condemnation of this particular land its jurisdiction was expressly defined and limited by special act which supersedes the general law on this subject. It is therefore as to this proceeding a court of limited jurisdiction, and when it exceeded that jurisdiction, under all authority its acts were void. In no sense is the limitation regulative of procedure. Under the very letter of the act all questions of procedure are to be governed by the act of August 30, 1890. Limitations upon the amount to be adjudicated by a court are always regarded as regulative of the jurisdiction of the court rather than of procedure.

In condemnation proceedings, which involve the exercise of the highest powers of sovereignty, limitations of authority or jurisdiction are more quickly apprehended and rigidly enforced than in any other class of cases. In Cooley's Constitutional Limitations, seventh edition, page 759, we find this statement of the law:

> The right to appropriate private property to public uses lies dormant in the State until legislative action is had, pointing out the occasions, the modes, conditions, and agencies for its appropriations. Private property can only be taken pursuant to law, but a legislative act declaring the necessity, being the customary mode in which the fact is determined, must be held to be for this purpose "the law of the land," and no further finding or adjudication can be essential unless the constitution of the State has expressly required it. When, however, action is had for this purpose there must be kept in view that general as well as reasonable and just rule that whenever in pursuance of the law the property of an individual is to be divested by proceedings against his will a strict compliance must be had with all the provisions of law which are made for his protection and benefit or the proceeding will be ineffectual. These provisions must be regarded as in the nature of conditions precedent, which are not only to be observed and complied with before the right of the property owner is disturbed, but the party claiming authority under the adverse proceedings must show affirmatively such compliance.

After discussing certain rules applicable to private corporations which possess this extraordinary right, the author continues:

> And substantially the same strict rule is applied when the State itself seeks to appropriate private property, for it is not unreasonable that the property owner should have the right to insist that the State, which selects the occasion and prescribes the conditions for the appropriation of his property, should confine its action strictly within the limits which it has marked out as sufficient. So high a prerogative as that of divesting one's estate against his will should only be exercised where the plain letter of the law permits it and under a careful observance of the formalities prescribed for the owner's protection.

Judge Cooley defines jurisdiction of the subject matter to be the "authority to take cognizance of, try, and determine cases of that description." (Cooley's Constitutional Limitations, p. 575). Adopting the definition, the District Supreme Court in this proceeding, under the very letter of the act of June 25, 1910, neither had the authority to take cognizance of nor to try nor to determine a condemnation proceeding in any year where the amount involved exceeded $500,000.

It may be urged that the objection to the jurisdiction of the court should have been promptly made in this proceeding. But failure to do so on the part of those who undertook to put themselves above the law can not validate the proceeding. I take

the following statement of the law on this subject from Cooley's Constitutional Limitations, page 575:

> The proceedings in any court are void if it wants the jurisdiction of the case in which it has assumed to act. (a) Jurisdiction is, first, of the subject matter, and, second, of the persons whose rights are to be passed upon.
>
> A court has jurisdiction of any subject matter if, by the law of its organization, it has authority to take cognizance of, try, and determine cases of that description. If it assumes to act in a case over which the law does not give it authority, the proceeding and judgment will be altogether void, and rights of property can not be divested by means of them.
>
> It is a maxim in the law that consent can never confer jurisdiction, by which is meant that the consent of parties can not empower a court to act upon subjects which are not submitted to its determination and judgment by the law. The law creates courts, and upon considerations of general public policy defines and limits their jurisdiction, and this can neither be enlarged nor restricted by the act of the parties.
>
> Accordingly, where a court by law has no jurisdiction of the subject matter of a controversy, a party whose rights are sought to be affected by it is at liberty to repudiate its proceedings and refuse to be bound by them, notwithstanding he may once have consented to this action, either by voluntarily commencing the proceedings as plaintiff or as defendant by appearing and pleading to the merits, or by any other formal or informal action. This right he may avail himself of at any stage of the case, and the maxim that requires one to move promptly who would take advantage of an irregularity does not apply here, since this is not mere irregular action but a total want of power to act at all. Consent is sometimes implied from failure to object, but there can be no waiver of rights by laches in a case where consent would be altogether nugatory.

In the case of In re Terry (128 U. S., 290; 32 Law Ed., 405) the court, quoting with approval from Ex parte Fiske (128 U. S., 712), said:

> When a court of the United States undertakes by its process of contempt to punish a man for refusing to comply with an order which that court has no authority to make, the order itself, being without jurisdiction, is void, and the order punishing for contempt is equally void. It is well settled now, in the jurisprudence of this court, that when the proceeding for contempt in such a case results in imprisonment this court will, by its writ of habeas corpus, discharge the prisoner. A judgment which lies without the jurisdiction of the court, even one of superior jurisdiction and general authority, is, upon reason and authority, a nullity.

In the case of Wilson v. Walker (109 U. S., 258; 27 Law Ed., 927) the court adopted the language used in Bigelow v. Forrest (9 Wall., 339), quoting:

> Doubtless a decree of a court having jurisdiction to make the decree can not be collaterally impeachable, but under the act of Congress the district court had no power to order a sale which should confer on the purchaser rights outlasting the life of French Forrest. And the judgment of the court was that so much of the decree of the district court as was in excess of its powers was void. * * *
>
> * * * The doctrine invoked by counsel, that when a court has once acquired jurisdiction it has a right to decide every question which arises in the case, and its judgment, however erroneous, can not be collaterally assailed, is undoubtedly correct as a general proposition, but is subject to many qualifications in its application. It is only correct when the court proceeds after acquiring jurisdiction of the cause, according to established modes governing the class to which the case belongs, and does not transcend in the extent or character of its judgment of the law which is applicable to it.

Nothing that is here said calls into question the legal proposition that the right of eminent domain, plenary in character and almost unlimited in extent, inheres in the Government as an incident of sovereignty. But this right must be exercised on the subjects Congress shall select and in the manner that Congress shall provide. Congress alone may define the position of the Government in such matters. Notwithstanding shadowy distinctions between procedure and jurisdiction may be made, there is no fair-minded man who will deny that the court proceeding which Congress intended to authorize was one wherein the amount involved in any year should not exceed $500,000. This plainly expressed intention of Congress, which was a material inducement for the passage of the act, can not be thwarted by refined distinctions and labored constructions.

If the money of the people is to be used to enable the Baltimore & Ohio Railroad Co. to get rid of its unprofitable holdings, it is not unreasonable to demand that the law that permits this to be done should undertake to prevent a recurrence of the fraudulent valuations recently condemned by the President. The District Committee resolution limits the price to be paid for voluntary purchases from this company to the amount stated by Mr. Tawney as having been agreed upon, viz, original cost plus 6 per cent interest. In addition to what has already been said, I submit the following reasons why such a provision should be included in the resolution:

First. The Baltimore & Ohio Railroad Co. is a railroad transportation company, having no power under the acts of Congress giving it the right to engage in the District of Columbia in real estate speculation. It has been said that this property was acquired by the railroad company for purposes of railroad improvement. If so, any idea of this kind was abandoned more than 11 years ago; and yet the railroad company has not disposed of any of its surplus holdings. If the court awards had been approved, this company would have secured profits over cost and 6 per cent interest of $300,810. The realization of such profits in this case would be an incentive to further real estate speculation. The demand of the times is that transportation companies be divorced from the coal business, from the business of real estate and railroad speculation, and, in fact, from every business except that of transportation. The provision to which I have referred would withdraw, at least to some extent, this incentive of large profits, while at the same time it would not impose loss upon the company on account of its real estate holdings in this District. The greater part of the railroad property in the area in question is held in the name of a holding company, the Real Estate & Improvement Co. This company is capitalized at only $2,500, and yet owns millions of dollars' worth of real estate in the District of Columbia.

Second. The railroad company is interested in millions of dollars' worth of real estate in the vicinity of the proposed park, the value of which will be materially enhanced by this improvement. It owns one-half of the stock of the Washington Terminal Co., which in turn owns the Union Station. In addition, the Baltimore & Ohio Railroad Co. has other holdings in this immediate vicinity. The effect of this legislation is to establish a large park in front of its property, which must, of course, be maintained at public expense. The consequential benefits to its direct and indirect holdings should certainly form a consideration for the sale of its property within the park area to the Government at reasonable prices, rather than at such prices as required the Executive disapproval.

Third. The railroad company is the chief beneficiary of all of this legislation. Let there be no misunderstanding about it. The awards of the court commission amounted to $2,204,434, of which $1,729,417, or 54 per cent, was for the benefit of the railroad company. The facts are that it has certain unprofitable holdings to the south and east of the Union Station. The effort has been to unload these holdings upon the United States at an enormous profit. The park scheme is merely a subterfuge. As the gentleman from Alabama [Mr. UNDERWOOD], and other gentlemen who are now Members of the House, said on June 28, 1910, the United States has no use whatever for this property, while the original and upkeep cost will be enormous. But if this unnecessary expenditure of millions of dollars of the people's money must be made at a time when the people have the right to demand economy in the administration of their affairs, we have the right to demand that the chief beneficiary of this proposed legislation should be subjected to some restrictions in its demands upon the money of the people. Is such a provision necessary? Read the answer to this question in every line of the recent court proceeding.

Fourth. The Baltimore & Ohio Railroad Co. has been the beneficiary of so much congressional legislation by which it has obtained special privileges and benefits that Congress has the right to demand some fairness at its hands. A few instances will be given.

By acts of May 9, 1828, and March 2, 1831, the Baltimore & Ohio Railroad Co. was given the right to extend its line of railroad into the District of Columbia and the city of Washington—

> along such public street or alley to such point or terminus within the said city as the said company shall find best calculated to promote the objects of said road.

No charge was made for this or any of the other privileges granted by these acts.

By act of March 3, 1835, this company was given the further right to construct its road through certain enumerated squares, after which follows this provision:

> And the assent of Congress is hereby given to the construction of the said railroad through or over any of the said lots or parts of lots which are owned by the United States.

For this and other privileges conferred by this act no present or future charge was laid upon the company.

The Metropolitan Branch of this company was constructed within the District of Columbia and the city of Washington by authority of act of Congress of July 25, 1866, and act of the legislative body of the city of Washington of January 17, 1867. The congressional act authorized the construction of this branch within the District of Columbia and then—

> to such point or points, terminus or terminal, as may be agreed upon between the said company and the corporation of Washington in respect of a road within the limits of Washington.

The act of the municipal legislature located this branch as follows:

> Entering the said city at the intersection of its northern boundary and New York Avenue, crossing said avenue and passing through the northwest corner of square 710 to First Street east, thence along the center of that street to the present track of the Washington branch of the Baltimore & Ohio Railroad.

This act also grants the company the right to construct and maintain tracks on D Street between North Capitol Street and

inquiry. These condemnation awards were returned to the courts on January 29, 1913, shortly before the termination of President Taft's term of office.

Upon the awards being filed the court allowed 30 days within which exceptions to the awards might be filed and continued the case until the 6th day of March, 1913, two days after President Taft's term of office would have expired. But what next was done? Let me tell you, counsel representing the commission in this proceeding, on February 24, 1913, went into court and moved that those awards be confirmed, notwithstanding the 30 days had not yet expired by four days. President Taft approved the awards in the first proceeding, notwithstanding, as I believe, some of them were excessive. Is it unreasonable for us to believe that the law fixing the amount to be condemned in any one year was violated and that later the confirmation of the awards was rushed through in order to keep this entire matter in safe hands? Is it illogical to conclude that the intention was that Woodrow Wilson, with his clear head and his great respect of law and justice, should not be permitted to scrutinize what had been done? If such were the intention it seemed for a while that it would be successful. The amount needed to pay the awards, including the excessive allowances to the Baltimore & Ohio Railroad Co., was inserted by the Senate in the sundry civil bill, which was to and did reach President Taft before his term expired. But as the plans of mice and men sometimes fail so, in the present case, an unforeseen contingency upset any calculations on this subject. President Taft vetoed the sundry civil bill because of his objections to certain limitations on expenditures for prosecutions under the Sherman law which affected farmers and laborers' organizations, and the bill was not again passed until Woodrow Wilson became President of the United States.

The President, I know, has sympathized most deeply with the smaller property holders who have their property tied up in this proceeding. But, being the strong, the courageous, the just man that he is, he was compelled, through force of circumstances, to deny his approval to the awards, notwithstanding that this action on his part resulted in disappointment to those whose awards he would have approved had he been given the opportunity of doing so. Now the question comes, What is this House to do? I say that this House ought to authorize some plan by which these individual property holders, whose property has not been excessively valued, can be paid for their property. But I go further, and say that we ought not to permit the Baltimore & Ohio Railroad again to hang onto the skirts of these individual property holders and by our legislation be pulled through to a position to which they are not entitled. Senate joint resolution No. 129 was, in the Senate, referred to and acted upon favorably by the District of Columbia Committee. Recently it passed the Senate. It came to us and was referred to the District of Columbia Committee. When it came before the committee it was discussed both formally and informally by the members of the committee. The result of this discussion was that the bill was reported by the House District of Columbia Committee to this House with amendments. I hope Members have read these amendments in the report which is now before you; but for the benefit of those who have not read them and have not ascertained the difference between the Senate bill and the House bill, I ask your indulgence that I may show you the difference. The Senate joint resolution is very short and provides:

> That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

One important feature of the amended bill is that there is a provision that the President shall appoint a commission of three men to go and purchase from these individuals their different pieces of property and to pay for them whatever they think they are worth, not exceeding, as to any parcel, the price which the condemnation commission has heretofore fixed for it. The exception is that this commission shall not purchase from the Baltimore & Ohio Railroad Co. its property at a price exceeding the original cost plus 6 per cent interest.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. POST. How is the Government to procure, under the gentleman's resolution, the Baltimore & Ohio property if it refuses to accept the terms of the resolution?

Mr. JOHNSON of Kentucky. I did not catch the question of the gentleman.

Mr. POST. How will the Government acquire the property of the Baltimore & Ohio which is sought to be acquired if it refuses to accept the terms of this resolution?

Mr. JOHNSON of Kentucky. Why, I will ask the gentleman, in return, another question. Does he know of an individual property owner who will not accept these terms? Is not the man in whom you are interested, Mr. McDowell, begging and pleading that you help pass the bill so that he can get what the condemnation jury awarded him?

Mr. POST. That is true, but you do not answer my question. The question I put to you was, How is the Government to acquire the Baltimore & Ohio property under your resolution unless they accept the terms of the resolution?

Mr. JOHNSON of Kentucky. If the gentleman will pardon me, I will get to it in the regular course of my argument. As I was saying when I was interrupted, the Government is authorized to buy the property of the Baltimore & Ohio at a price not exceeding original cost plus 6 per cent interest. The gentleman from Ohio [Mr. POST] asked how the Government is to acquire the property of the Baltimore & Ohio Railroad. I say to him this, that I agree with the gentleman from Alabama [Mr. UNDERWOOD] that this property has never been needed. If the property of the Baltimore & Ohio is to be acquired for nearly $600,000 more than it is worth, I say that we should stand like Woodrow Wilson stands, and not be forced to buy that which we do not need.

Now, as I said, the President has refused to put his stamp of approval upon this whole transaction. The Attorney General of the United States advised the President, as I am informed, that as all the parties were joined in one suit the awards could not be separated. Then when the President refused to put his stamp of approval upon these excessive awards the Attorney General went into open court and asked for the entrance of an order to dismiss these proceedings. The individual property owners to a man, or to a woman, acquiesced in this step. Their acquiescence has put them out of court. But the Baltimore & Ohio Railroad and its holding company have gone into court and have appealed from that ruling of the court dismissing those proceedings. The individuals whom we are not opposing are out of court. There is no proceeding now under which one foot of their property can be condemned. The only way, and the quickest way, to acquire their property now is by voluntary sale to a commission provided for in this bill, notwithstanding the intimations of the Washington Herald that it would be unconstitutional, or something of that sort, for the commission to acquire their property by purchase.

Now, then, to repeat, the individuals are out of court, and there is no condemnation law under which they can get back, and they have not appealed. The Baltimore & Ohio Railroad has appealed from the decision of the court dismissing the former condemnation proceeding. Now, the Baltimore & Ohio Railroad is still in court.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. In just a minute. The Baltimore & Ohio Railroad is still in court. If they have rights there, if the award to the Baltimore & Ohio Railroad is res adjudicata, then they have it, and the United States Government may, if their contention is right, be compelled to take this property at a price which the President of the United States has said is extortionate.

Now I yield to the gentleman from Ohio [Mr. POST].

Mr. POST. I understood the gentleman to say that the Baltimore & Ohio Railroad had appealed from the order dismissing the condemnation proceedings.

Mr. JOHNSON of Kentucky. Filed a motion to set it aside, which is practically the same thing.

Mr. POST. That is different—pending upon a motion to set aside an entry of dismissal.

Mr. JOHNSON of Kentucky. It is six of one and half a dozen of the other.

Mr. GARRETT of Texas. Is the property that is owned by individuals so situated relative to the property owned by the railroad company that it can be purchased and used for park purposes and leave the other?

Mr. JOHNSON of Kentucky. I will answer the gentleman a little more fully than by the answer "yes" or "no." The main part of the property, which lies between the Capitol Building and the Union Station, is owned by the Baltimore & Ohio Railroad; and I may say that the Baltimore & Ohio Railroad owns square No. 721, down to the northeast of the railroad station and on the other side of Massachusetts Avenue, which runs in front of the Union Station. Back there they have square No. 721. They did not desire to sell only that part of their property which lies between the Union Station and the Capitol in order that a park might be made there, but they also included in this project square No. 721, which lies back and almost behind the Union Station—at least to the east of it—and is in no sense between the Union Station and

the Capitol Building. But lying in front of square No. 721, owned by the Baltimore & Ohio Railroad, are two other squares. The Baltimore & Ohio Railroad knew at the time that it projected this scheme that they could not sell square No. 721 to the Government unless at the same time they induced the Federal Government to take the two squares, owned by individuals, which lie in front of it.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. POST. The report that was made by the commission, now contained in Senate Document 1394, and by a majority of the commission, Mr. Cannon and Mr. Elliott Woods, gives the appraisement—and I have a copy of it here—of lot No. 721, and not a single foot of ground in lot 721 is reported as being owned by the Baltimore & Ohio Railroad Co.

Mr. JOHNSON of Kentucky. That does not make any difference. I have before me here a map made by Mr. Richards, assessor of the District of Columbia, and he shows, having it marked in red, that it is owned by the Baltimore & Ohio Railroad Co.

Mr. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of Kentucky. I will.

Mr. FITZGERALD. The fact is the name on the assessor's list may or may not be the name of the true owner of the property.

Mr. JOHNSON of Kentucky. I take it for granted that mistakes can be made anywhere.

Mr. FITZGERALD. And that accounts for the fact that the assessor's list may disclose the names of persons who at the time did not own the property.

Mr. JOHNSON of Kentucky. I have the report of the commission for enlarging the Capitol grounds, and on page 26 thereof, as to square No. 721, and over on page 27 thereof, we find this language:

> The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Further down on that same page it says:

> The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Then, further down on the page, it says:

> The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Still further down the commission's report says:

> The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Then there is one at the top of the page that I overlooked, which reads as follows:

> Parcels Nos. 13 to 17, both inclusive: We appraise the value of the owner of the fee simple of the premises included in these parcels at $21,481.
>
> The Real Estate & Improvement Co., of Baltimore city, was the only person appearing before the commission claiming the ownership of the title to the said fee simple.

Mr. LOGUE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Pennsylvania?

Mr. JOHNSON of Kentucky. In just one second. Now, then, the Real Estate & Improvement Co., of Baltimore, is the real estate holding company of the Baltimore & Ohio Railroad, and in the District of Columbia they own millions of dollars' worth of property, although under their charter they have not the right to own a single foot of land here except for legitimate and necessary railroad purposes. Now I yield to the gentleman.

Mr. LOGUE. Does not parcel 721, or square 721, embrace 129 separate parcels?

Mr. JOHNSON of Kentucky. I do not know. The gentleman may have counted them correctly, and probably has done so. I have never counted them.

Mr. LOGUE. In the part you are reading does not that appear?

Mr. JOHNSON of Kentucky. I find a lot of them consolidated. Here I see:

> Parcels Nos. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42: These parcels are not to be taken in this proceeding, and are therefore not appraised by this commission.

Then I see:

> Parcel No. 45: We appraise the value of the owner of the fee simple of the premises included in this parcel at $2,520.

And then the following:

> Parcels Nos. 46 and 47: We appraise the value of the owner of the fee simple of the premises included in these parcels at $5,040.

And then this:

> Parcels Nos. 48, 49, 133, and 134: We appraise the value of the owner of the fee simple of the premises included in these parcels at $10,080.

And so forth, and so on. I do not know how many there are; I have not counted them. But the fact remains that the Baltimore & Ohio Railroad Co. owns a part of that square through its holding company.

Mr. MANN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MANN. I ask unanimous consent that the gentleman be allowed to conclude his remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Kentucky [Mr. JOHNSON] be allowed to conclude his remarks. Is there objection?

There was no objection.

Mr. GARRETT of Texas. Mr. Chairman, I desire to ask the gentleman this one question.

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. GARRETT of Tennessee. I understand the situation to be that individuals owning property in this lot, between here and the station, are satisfied with the condemnation proceedings, and that the prices set out in those proceedings are agreeable to them and they want a settlement, but that the trouble comes with the price that is to be paid to the Baltimore & Ohio Railroad Co.

Mr. JOHNSON of Kentucky. In answer to the gentleman I will say this: That I have not seen an individual owner of property within that zone—and I have seen a great many of them—who is not willing and most anxious to take the amount awarded to him. But we can not state officially, neither could the District Supreme Court state officially, whether or not everybody was satisfied, because the attorney representing this condemnation commission went into court 4 days before the 30 days had expired and had those awards, one and all, confirmed.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. OGLESBY. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes; I yield to the gentleman from New York.

Mr. OGLESBY. He could not have had those awards confirmed by the court without notice to the property owners if they had objected.

Mr. JOHNSON of Kentucky. Let me say to the gentleman that I know that what he says could not be legally done, was done. You have heard of the man who said he could not be put in jail for a certain thing, but he was in jail. The gentleman now says that the court could not confirm those awards before the 30 days' time had expired, but nevertheless the court did do so.

Mr. FITZGERALD. It was on notice, was it not?

Mr. JOHNSON of Kentucky. There was no notice.

Mr. FITZGERALD. I do not know as to the fact. I am asking the gentleman.

Mr. JOHNSON of Kentucky. Without notice.

Mr. FITZGERALD. The attorney for this commission was Mr. Strickland, the Assistant Attorney General of the United States in charge of the condemnation proceedings in the District of Columbia?

Mr. JOHNSON of Kentucky. Yes, sir.

Mr. FITZGERALD. I am asking the gentleman whether this notice was given to those holders?

Mr. JOHNSON of Kentucky. No, sir. There was no notice to the individual owners of the property. I am not here speaking for the Baltimore & Ohio Railroad Co. I do not know whether it had notice or not.

Mr. FITZGERALD. I am simply asking whether, under the proceedings here in the adjustment of the awards of the commission, the awards can be confirmed without notice having been given to the various parties interested?

Mr. JOHNSON of Kentucky. I do not know whether the court abused its authority or not when it confirmed the awards; but I say that it is within the range of possibility, at least, that an act of injustice to one or more of the individuals may have been done when the awards were approved before the time had expired.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. I do.

Mr. MANN. Returning to the lot or square 721, I see by the book which I hold, which the gentleman just held in his hand a moment ago, that there are 129 lots in that square.

Mr. JOHNSON of Kentucky. I did not count them.

Mr. MANN. The gentleman did not have to count them. It shows on the table itself, on page 30. The list, the schedule, covers every lot from 1 to 129. As to 75 of them, the title was not acquired by condemnation proceedings. The gentleman

dollars were used to acquire and pay for these two squares upon which buildings have been demolished.

Mr. WINGO. These two squares the gentleman speaks of are immediately west of the Senate Office Building?

Mr. JOHNSON of Kentucky. As I said before, they are the two squares lying immediately west of the Senate Office Building and upon which the buildings have been demolished.

Mr. BATHRICK. The gentleman means to say that not only the houses but the land had been paid for?

Mr. JOHNSON of Kentucky. Yes; the land and also the buildings. The Vice President, Mr. Sherman, died. Then we had left two commissioners—the then Speaker of the House, Mr. Cannon, and the present Superintendent of Capitol Building and Grounds, Mr. Elliott Woods. Now, mind you, at a time when there was in full force and effect the provision that an amount not exceeding $500,000 should be used in any one year for that purpose, this commission, in open defiance of that statutory provision, next proceeded to condemn all the remainder of the land in question, which was valued at $3,204,434.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. The gentleman knows that the Attorney General of the United States said that that was in conformity with the law and not as the gentleman says—in open defiance of the law.

Mr. JOHNSON of Kentucky. I do not. I will say that when the first condemnation proceeding was filed by this commission that the allegations of the petition show that the commission was aware of the provision limiting their power of acquisition in any year to land worth not exceeding $500,000; but in the second proceeding to condemn more than $3,000,000 worth of property, according to the awards, when there had been no change in the law, they omitted these allegations.

Mr. MANN. The gentleman knows that when the first condemnation proceeding was filed it was identically the same as when the last was filed.

Mr. JOHNSON of Kentucky. The law was the same. I agree with the gentleman in that.

Mr. MANN. When the first condemnation proceedings were filed there had not been appropriated $1,500,000, enough to pay for the two squares. The Attorney General decided that they had the right under the law to file condemnation proceedings if any part of the sum had been appropriated. Of course, they could not pay more than $500,000 a year. But when the gentleman says that it was in open defiance of the law I ask him if he is familiar with the fact that it was done in accordance with the opinion of the Attorney General of the United States?

Mr. JOHNSON of Kentucky. If the gentleman, in the latter part of his question, refers to the second proceeding, I will say that I am not familiar with the assumed fact that it was done under a ruling of the Attorney General that the law authorized the commission to institute any such proceeding. In view of the plain letter of the statute I am at a loss to understand how the Attorney General could have so ruled, and I do not believe that he did. I have respect for the opinion of the gentleman from Illinois, but I take issue with him there, and I say that I do not believe that his position upon that point is correct.

Mr. MANN. The gentleman will not take issue in a moment. The first condemnation proceeding was requested by the commission on July 1, 1911, and the court proceedings were commenced on August 13, 1911. That was before the $1,500,000 had been appropriated, as the gentleman will admit. The first appropriation of $500,000 was made in 1910, and there had not been then appropriated the $1,500,000, or enough to pay for these proceedings.

Mr. JOHNSON of Kentucky. Repeating, I will say that three $500,000 annual appropriations had been made before the second proceeding was instituted. The petition in the first proceeding contains evidence that the commission were undertaking to observe the limitation of $500,000 a year. They, in fact, encroached upon the third $500,000 appropriation something more than $100,000. Therefore there was paid for the two squares which lie west of the Senate Office Building something more than $1,100,000.

Mr. POST. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. POST. For the gentleman's information I will say that the awards for the two blocks were confirmed by the court on the 14th of May, 1912, and the last $600,000 appropriation was made in the sundry civil bill of August 24, 1912.

Mr. JOHNSON of Kentucky. Mr. Chairman, this digression has not had much connection with the real issue. It suffices to say that when the law stood as it was originally enacted the commission filed a suit to condemn land valued at about $3,200,000, when they had no legal right to condemn more than $500,000 worth.

At this point, and before getting further into the argument of the case, I desire to invite attention to an article that appeared in the Washington Herald day before yesterday, July 11, 1914. That paper seems to speak not for any individual who owns property within the zone sought to be acquired, but it does seem to speak for the Baltimore & Ohio Railroad. I will insert the article in the RECORD, which is as follows:

PLAZA BILL SUBSTITUTE IS DOOMED TO DEFEAT—JOHNSON'S RESOLUTION FOR NONMEMBER COMMISSION REGARDED AS IMPEACHING INTEGRITY OF HOUSE—BITTER FIGHT IS PREDICTED.

Every indication points to defeat in the House on the substitute resolution of Chairman BEN JOHNSON, of the District Committee, upon the Plaza awards. By innuendo, at least, through the mere introduction of his substitute, JOHNSON is regarded as having impeached the integrity of the whole House by making not only present Members, but all past Members, their relatives, friends, debtors, and creditors, dead or alive, ineligible to membership on the commission.

But if indications are to be relied on, the fight will not be of long duration, and the results are overwhelmingly against the substitute resolution. For this reason neither the chairman nor his substitute has yet been taken seriously by the other Members. Certainly not by many, it seems.

The Baltimore & Ohio Railroad Co. officials are reported to be laughing up their sleeves over the proposition that would entirely disregard the present fair market value of their Plaza property.

The law officers of that corporation, it is predicted, would certainly raise what is believed by Washington lawyers a simple but effective constitutional objection to being deprived of their vested interests in this or any other property of the exercise of the right of eminent domain without being paid a fair market price.

Not what might have been considered fair when Representative Tawney, whether with or without authority, said on the floor of the House that the Baltimore & Ohio would accept the original cost price plus 6 per cent interest, but what the property would bring now in the open real estate market

The railroad company is apparently waiting only for Mr. JOHNSON to shoot out his trump.

It must be known to all of you that this paper is the official organ in this vicinity of the "interests." It is not at all surprising that it should misrepresent and sneer when anyone seeks to compel any railroad company to treat the public fairly. But it is surprising that this organ of the interests should undertake to state in advance what the position of the House would be on any legislation affecting the railroads. For it to do so is an insult to the membership of the House, because it implies a knowledge that no such organ should possess.

To return to the history of this project. When this matter was being considered by the House on June 23, 1910, following the presentation of the conference report, the gentleman from Alabama [Mr. UNDERWOOD] opposed the conference report. I shall read from the CONGRESSIONAL RECORD of that date:

Mr. UNDERWOOD. I am not in favor of acquiring it at all, but if we are going to acquire it at all, in my judgment the Senate proposition was a very much better proposition than the one offered by the House conferees.

Mr. SULZER. I quite agree with the gentleman about that.

Mr. SIMS. Why do we want to acquire this property, with street car tracks running all around and through it?

Mr. UNDERWOOD. I do not think we need it or want it.

Mr. SIMS. On what pretense do they base their claim for the appropriation?

Mr. UNDERWOOD. I do not know. There is no necessity for it on account of public buildings. We have just bought a piece of land down near the Treasury Department for public buildings. We have room in the Mall for other public buildings. I do not think it is contended by anyone that this property should be used for public building sites, and I agree with the gentleman from Tennessee that it is not a suitable place to establish a public park. Therefore I hope the conference report will be disagreed to.

In the same connection, on page 8338 of the CONGRESSIONAL RECORD, just referred to, this colloquy occurred:

Mr. UNDERWOOD. Let me ask the gentleman, Are not several blocks of this land owned by the Baltimore & Ohio Railroad Co.?

Mr. SMITH of Iowa. I do not think so.

Mr. UNDERWOOD. It was formerly owned by them down where the old station was, if they have not sold it.

Mr. SMITH of Iowa. I may be mistaken, but my understanding is that they do not own it at present.

Mr. UNDERWOOD. Will the gentleman state whether or not they have not tried to sell the land to the Government?

Mr. SMITH of Iowa. Not to my knowledge.

Later, Mr. Tawney, who was the chairman of the Committee on Appropriations and who had this whole appropriation bill in charge, took care of what promised to be a serious obstacle to the passage of the bill. He said:

Mr. TAWNEY. If the gentleman from Iowa will permit me, and I can have the attention of the gentleman from Alabama [Mr. UNDERWOOD], this is what I think the agreement is between the Pennsylvania Railroad and the Government; if the Government hereafter purchases the land from the Pennsylvania Railroad Co., the understanding is that it is to pay the price the Pennsylvania Railroad Co. paid for the property, plus 6 per cent. That is already agreed to.

Let me repeat, Mr. Chairman, Mr. Tawney, in charge of this bill, said, "That is already agreed to." It will be seen, however, that Mr. Tawney at that time inadvertently used the name of the Pennsylvania Railroad Co. instead of the Baltimore & Ohio Railroad Co. I should add in that connection that the Pennsylvania Railroad Co. owns no property within this zone—that whatever railroad property is owned within this zone is owned by the Baltimore & Ohio Railroad Co. or the holding company of the Baltimore & Ohio Railroad Co.

Mr. GARRETT of Tennessee. Did the Pennsylvania Railroad Co. own any land within that zone at that time?

Mr. JOHNSON of Kentucky. It did not at that time own any. Reverting a moment to the second condemnation proceeding, for the enlightenment of those who have not studied it, I would state that the situation is about this: The suit was brought by the attorney for the commission to condemn—according to the awards—about $3,200,000 worth of property in one proceeding, when the law was plain that they could not, with any deference to the statute, condemn more than $500,000 worth in any one year. I will read that section of the statute referring to the amount which the commission was authorized to acquire in any one year. It is plain, and reads as follows:

If in any year there should not be offered property substantially up to the sum of $500,000, at its fair value or less, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and the Superintendent of the Capitol Building and Grounds are authorized to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, but for not to exceed what they estimate to be $500,000 worth in any one fiscal year.

Not only did the commission disregard this plain limitation, but the proceedings were so instituted that when it came to the President of the United States for his approval—and the law required either his approval or his disapproval—the President found, according to the opinion of the Attorney General, as I am informed, that he must either approve all of those awards or reject all of them. In other words, they were not severable. The President, as we all know, disapproved of the awards because a part of them were excessive. In other words, he disapproved those awards because he felt unwilling to put his hand into the Treasury of the people to pay to the Baltimore & Ohio Railroad Co. nearly $600,000 more than they had agreed to take for their property. Some gentlemen, no doubt, right here will ask, Did the Baltimore & Ohio people agree to take the original cost plus 6 per cent interest for their property? Mr. Chairman, Mr. Tawney stood upon this floor as chairman of the Committee on Appropriations and unhesitatingly said to this House, inadvertently using the name of the Pennsylvania Railroad Co. for the Baltimore & Ohio Railroad Co., that such a settlement had already been agreed to. Those are his words. Where is the man, I ask, who will stand here and impugn the integrity of former Representative Tawney? I am not he. I stand here in his absence to defend him and to say that I most sincerely believe that upon that occasion he had the information from which to get the truth and spoke the truth to this House. But Mr. Tawney is corroborated in another way. I hold in my hand a copy of a letter, which I will read. At the top of the letter appear "Hamilton & Colbert, attorneys and counselors at law, Century Building, 412 Fifth Street, Washington, D. C.," and also "Baltimore & Ohio Railroad Co., George E. Hamilton, local counsel." That letter is dated April 10, 1902, and is addressed to Maj. John Biddle, engineer commissioner. At that time Maj. John Biddle was the Engineer Commissioner of the District of Columbia. The letter is as follows:

WASHINGTON, D. C., *April 10, 1902.*

Maj. JOHN BIDDLE,
Engineer Commissioner.

DEAR SIR: Referring to memorandum of prices paid by the Baltimore & Ohio Railroad Co. for property in squares 630, 678, 679, 680, 683, and 684, I have to say that squares 678 and 679 were inadvertently included, and as these squares are contained in the area of the Massachusetts Avenue terminal the company, of course, will require them.

Referring to the property in the other squares enumerated above, I have to say that the prices quoted to you were the actual prices paid for the land and did not include the cost of conveyancing or the interest on the purchase money since the date of these purchases. The property referred to has been acquired from time to time during the last four years, and the company thinks that a reasonable arrangement would be for the District, in addition to the actual purchase price, to add, in order to cover interest, abstract of title, and conveyancing, 6 per cent for two years, which would be less than the average time of holding by the company. If, therefore, to such of the property as you may need, excluding squares 678 and 679, you add to the purchase price given 6 per cent for two years, the result will give you the company's position as to these properties.

As to square 632, we understood that that square was not included in the arrangement talked of between yourself and President Loree, and therefore nothing need be said in regard to it.

Square 681 was purchased by the company about 1870 or 1871 at an average cost of 80 cents per square foot. Much of this property was unused until comparatively recent years, and the company thinks that in order to cover the interest, etc., on the purchase money during the period when it was not used that a fair value to place upon this property would be $1.40 a foot, which is something less than was said by the company recently for properties in squares 678 and 679. At $1.40 per foot, the price of this square is $236,478.80.

As stated to you a few days ago, I have no personal knowledge of the agreement between President Loree and yourself, and, of course, when President Loree returns the matter can be, if desired, taken up again and placed in definite shape.

Yours, very truly,

GEORGE E. HAMILTON.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. CLARK of Florida. What position did Mr. Hamilton occupy toward the Baltimore & Ohio Railroad Co.?

Mr. JOHNSON of Kentucky. This letterhead says, "George E. Hamilton, local counsel, Baltimore & Ohio Railroad Co."

Mr. CLARK of Florida. Does the gentleman know what authority he had to bind the railroad company, being the local counsel?

Mr. JOHNSON of Kentucky. Mr. Chairman, the gentleman knows that I do not know, but I believe the gentleman knows of Mr. George E. Hamilton sufficiently well to know that he is one of the most prominent attorneys in the District of Columbia, and that he would not have written a letter relating to the business of his client unless he had authority to do so. I would not so impugn his integrity.

As I was about to say when I was interrupted, this letter corroborates the statement made by Mr. Tawney that the Baltimore & Ohio people had made a proposition to take original cost plus 6 per cent interest for their property.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Certainly.

Mr. MANN. Has the gentleman a copy of the bid or offer which the company made to the commission, and is he going to produce that later?

Mr. JOHNSON of Kentucky. Mr. Chairman, in answer to the gentleman I will say that I have that, but when they came to price this property to the commission they did not price it at what it had cost them. They did not give the correct figures in several instances, and I can establish that fact.

Mr. MANN. If the gentleman will pardon me, I understood—and I ask for information—that when the commission advertised for bids the Baltimore & Ohio, or whatever company owned the real estate representing them, made a bid—or perhaps it was before they advertised for bids—without naming the price, proposing to sell the property for the original cost, plus the money they had used in filling the property, plus taxes and 6 per cent interest. I did not know whether the gentleman had a copy of that. I suppose that would have been with the original papers.

Mr. JOHNSON of Kentucky. I think I have it somewhere, but I am not quite sure. In any event, I have seen or heard something of it in going through the record. But I do not think that the gentleman from Illinois states the proposal correctly.

Mr. MANN. I think it would be very informing if the gentleman would produce it.

Mr. JOHNSON of Kentucky. I can say this: At every stage since this legislation was enacted the Baltimore & Ohio Railroad has asked more for its property than the agreed price stated by Mr. Tawney, and more than the figures contained in the letter written by Mr. Hamilton, attorney for that company. Now, please bear in mind that a fight was being made upon the conference report relating to the acquisition of this property, and that fight was being led by the present leader of this House [Mr. UNDERWOOD]. The vote was close—141 voted to pass it and 131 voted against its passage. A change of 6 votes would have changed the result. Who doubts that but for the statements made upon this floor by Mr. Tawney, who was in charge of the conference report, that this property was to be acquired at its original cost plus 6 per cent interest, the original bill would not have passed? Therefore, I say that the main question which now arises is, Shall the Public Treasury be invaded to pay to the Baltimore & Ohio Railroad nearly $600,000 more for their property than they asked, as an inducement for the passage of this bill by the House?

We can not escape the conclusion that there has been a concert of movement somewhere which in every instance redounded to the benefit of the Baltimore & Ohio Railroad. In the first place, the people who lived in that zone, rich and poor, found themselves connected and bound together with the Baltimore & Ohio Railroad. Later that company was placed in this position, viz, all of these awards had to be disapproved by the President of the United States or they would get $600,000 more than they had asked. Was it a mere coincidence that the law authorizing the condemnation proceeding was violated and that the direct effect of such violation was that the Baltimore & Ohio Railroad Co. was associated in the condemnation proceedings with a lot of poor people, many of whom were women? Was it expected that these poor people and these women should pull them through? Moreover, there is another feature that suggests an

Mr. DONOVAN. Mr. Speaker, I wish to make a request for unanimous consent.

The SPEAKER. The gentleman will make it.

Mr. DONOVAN. I make it in order to ask that our distinguished colleague from Ohio, Dr. FESS, may be allowed to notice that not a single Member of the minority from Ohio is here, or from all New England, at the present moment. [Laughter.]

Mr. GILLETT and Mr. TREADWAY rose.

Mr. MANN. I also would like to make a request.

Mr. GILLETT. Oh, Mr. Speaker——

Mr. DONOVAN. Well, I will withdraw the New England part. Not a single minority Member from the great State of Ohio is here.

Mr. MANN. I ask unanimous consent, Mr. Speaker, to make another statement in the RECORD, and that is that if there were no one here from the Connecticut delegation we would be that much better off. [Laughter.]

Mr. CRAMTON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and nine Members are present—not a quorum.

Mr. GARRETT of Tennessee. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] moves a call of the House. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Eagan	Knowland, J. R.	Porter
Ainey	Eagle	Korbly	Pou
Anthony	Edmonds	Kreider	Powers
Aswell	Edwards	Lafferty	Prouty
Austin	Estopinal	Langham	Rainey
Baker	Fairchild	Lazaro	Rayburn
Barchfeld	Farr	L'Engle	Riordan
Barnhart	Fess	Lesher	Roberts, Mass.
Bartholdt	Fields	Lever	Sabath
Bartlett	Flood, Va.	Levy	Saunders
Beall, Tex.	Fordney	Lewis, Md.	Scully
Bell, Ga.	Gallivan	Lewis, Pa.	Sells
Blackmon	George	Lindquist	Sharp
Borchers	Gerry	Linthicum	Sherley
Borland	Gill	Lobeck	Shreve
Brodbeck	Gilmore	Loft	Slayden
Brown, N. Y.	Gittins	McAndrews	Sleemp
Brown, W. Va.	Glass	McClellan	Smith, Md.
Browne, Wis.	Gooke	McDermott	Smith, J. M. C.
Browning	Goldfogle	McGillicuddy	Smith, N. Y.
Bruckner	Gorman	McKellar	Smith, Tex.
Brumbaugh	Goulden	McLaughlin	Sparkman
Buchanan, Ill.	Graham, Pa.	Mahan	Stanley
Burke, Pa.	Green, Iowa	Maher	Stephens, Nebr.
Burnett	Griest	Manahan	Stevens, Minn.
Butler	Griffin	Martin	Stevens, N. H.
Calder	Gudger	Merritt	Stringer
Callaway	Guernsey	Metz	Sumners
Cantor	Hamill	Moore	Sutherland
Cantrill	Hamilton, N. Y.	Morgan, La.	Switzer
Carew	Hardwick	Morin	Talbott, Md.
Cary	Haugen	Mott	Taylor, N. Y.
Chandler, N. Y.	Hayes	Murdock	Thacher
Cooper	Henry	Murray, Okla.	Thomas
Copley	Hinds	Neeley, Kans.	Thompson, Okla.
Covington	Hinebaugh	Neely, W. Va.	Vare
Crisp	Hobson	Nelson	Vaughan
Crosser	Houston	Norton	Walker
Curray	Howard	O'Brien	Walsh
Dale	Howworth	Oglesby	Weaver
Davenport	Hughes, W. Va.	O'Shaunessy	Whaley
Decker	Hulings	Paige, Mass.	Whitacre
Deitrick	Johnson, Wash.	Palmer	White
Dies	Jones	Parker	Willis
Difenderfer	Keister	Patton, Pa.	Wilson, N. Y.
Dooling	Keiter, Mich.	Peters, Me.	Winslow
Driscoll	Kennedy, R. I.	Phelan	Young, Tex.
Drukker	Kiess, Pa.	Platt	
Dunn	Kinkead, N. J.	Plumley	

The SPEAKER. On this vote 238 gentlemen have answered. A quorum is present.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with.

Mr. RAKER. Mr. Speaker, on July 11——

The SPEAKER. Wait until we get through with this. The gentleman from Alabama moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I ask unanimous consent to correct the RECORD of Saturday, where it is stated that——

The SPEAKER. That has already been straightened out.

Mr. RAKER. My name is mentioned as absent.

The SPEAKER. The Chair understands that. They got the wrong list in.

Mr. MANN. If the gentleman from California had been here, he would have known it.

Mr. RAKER. I want to say to the gentleman that I am here all the time.

The SPEAKER. This whole conversation is out of order.

Mr. RAKER. I know; but the gentleman from Illinois is constantly accusing me of not being here.

The SPEAKER. The Chair will announce, for the benefit of those who were not here at the opening to-day, that when the House met the botch work in the printed roll call in Saturday's RECORD had been straightened out.

DISTRICT OF COLUMBIA BUSINESS.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering District legislation; and, pending that motion, Mr. Speaker, I ask unanimous consent that all debate be confined to the subject matter of the bills that may be considered.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District business; and, pending that, he asks that the general debate shall be confined to the subject matter of the bills that are under consideration. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is the gentleman prepared now to say what bills may be called up in the committee?

Mr. JOHNSON of Kentucky. The first bill I expect to call up is the one that relates to the plaza awards. Then if we have time I shall call up the bill relating to policemen and firemen being allowed to ride free on the street cars.

Mr. MANN. That is on the House Calendar.

Mr. JOHNSON of Kentucky. Wherever it may be, I hope to reach it.

Mr. MANN. That would not be in Committee of the Whole?

Mr. JOHNSON of Kentucky. No.

Mr. MANN. Does the gentleman expect, when we have gone into committee, to rise after the plaza awards resolution is disposed of?

Mr. JOHNSON of Kentucky. I may be a little unprepared to answer questions so quickly, but I have over here five bills or measures. One is the Senate joint resolution 129, relating to the plaza awards, and another is the bill H. R. 8847——

Mr. MANN. That is on the House Calendar——

Mr. JOHNSON of Kentucky. Relating to policemen and firemen riding free on the street cars.

Another is H. R. 17097, to fix the salary of the auditor of the Supreme Court of the District of Columbia. Another is H. R. 1710, to prohibit the intermarriage of persons of the white and negro races within the District of Columbia. Another is for the relief of Clara Dougherty and others.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky [Mr. JOHNSON]?

There was no objection.

The SPEAKER. The question is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of bills relating to the District of Columbia, with Mr. BYRNS of Tennessee in the chair.

PLAZA AWARDS.

Mr. JOHNSON of Kentucky. Mr. Chairman, I desire to call up for consideration Senate joint resolution 129, relating to awards and payments thereon in what is commonly known as the Plaza cases.

The CHAIRMAN. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Whereas awards for the payment for property taken in the condemnation proceedings for what are commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now, therefore, be it

Resolved, etc., That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

With the following amendment reported by the Committee on the District of Columbia:

Strike out all after the resolving clause, and insert the following:

"That the President of the United States shall appoint a commission of three men to complete the acquisition by the United States of so much of the real estate in squares 652, 680, 681, 683, 684, 721, 722, 723, and also that part of square 633 lying east of Arthur Place in the District of Columbia, as in the opinion of the President, is desirable for the extension of the Capitol Grounds. The said commission shall have power to purchase any of said real estate at such a price as the said commission may deem to be the fair market value thereof, not exceeding, however, as to any lot or parcel, the amount of the award made therefor in the condemnation proceeding, district court action numbered 1046, recently pending in the Supreme Court of the District of Columbia: *Provided, however*, That the purchase price to be paid hereunder for any of said real estate which was owned by either the Baltimore & Ohio Railroad Co. or the Real Estate and Improvement Co. of Baltimore City at the time when said action numbered 1046 was instituted shall not exceed the bona fide, actual, original cost thereof to either of said companies, plus 6 per cent interest thereon from the date of purchase by either of said companies until the date upon which the court confirmed the awards made in the aforesaid district court action numbered 1046.

No purchase herein provided for by said commission shall be deemed to be complete until such purchase shall have been approved by the President of the United States. When the President has so approved, and the Attorney General of the United States has certified that all necessary deeds conveying to the United States the unencumbered, fee simple title to the real estate so purchased have been delivered, the President shall cause payment of the agreed purchase price to be made to the person or persons entitled thereto. All such payments shall be made out of the appropriations heretofore made for the acquisition of said real estate.

Each of the purchases made in pursuance of the provisions of this resolution shall be deemed to be a separate transaction from any other purchase made hereunder.

No person who has within the last five years served on any commission or on any jury in any proceeding to condemn real estate in the District of Columbia shall be eligible to be a member of the commission herein provided for; neither shall any ex-Member of Congress or any Member of Congress be a member of said commission.

Each of the commissioners herein provided for shall, before entering upon the duties of the position, state under oath (or affirmation) that neither he nor any member of his family owns or has a lien upon any real estate, or has any financial interest whatever in any real estate within the zone herein set out; and, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, owned any stock in any corporation which owns land in said zone; and, further, that neither he nor any member of his family is the creditor of anyone who owns land in said zone; and, further, that neither he nor any member of his family is an officer of or has any stock in any bank, trust company, or other corporation which is the creditor of any person who owns real estate within said zone; and, further, that he is not financially indebted to any person, firm, or corporation which owns real estate in said zone, or who has any loan to any person who owns real estate in said zone; and, further, that he is not indebted to or employed by any person, firm, or corporation which owns or has a lien on real estate in said zone; and, further, that neither he nor any member of his family has, since the institution of the court proceeding hereinbefore referred to, accepted or used any pass or other form of free transportation upon any railroad or subsidiary thereof which owns, directly or indirectly, any real estate within said zone.

The members of said commission shall be paid, out of said appropriations and upon requisition of the President, a reasonable compensation for their services, which shall be determined by agreement between the President and the members of said commission before they enter upon the discharge of their duties.

The said commission may employ a clerk and a stenographer to assist in performing the work herein provided, if they deem such assistance necessary; but the compensation of neither the clerk nor the stenographer shall exceed $5 a day while actually engaged in said work.

All laws to the extent they are in conflict herewith are hereby repealed.

Mr. COX. Mr. Chairman, I offer the following as a substitute for the committee amendment.

Mr. MANN. Not yet. The bill has not been read for amendment.

The CHAIRMAN. The bill is now open for general debate. The gentleman from Kentucky [Mr. JOHNSON] is recognized.

Mr. MANN. This is the first reading of the bill.

The CHAIRMAN. It is not yet open for amendment, and has not been read for that purpose.

Mr. LOGUE. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. JOHNSON of Kentucky. I yield to the gentleman.

Mr. LOGUE. On behalf of the Committee on Public Buildings and Grounds, who desire to be heard in connection with this matter, I desire to ask the gentleman as to the time that will be allotted?

Mr. JOHNSON of Kentucky. Whenever the gentleman from Pennsylvania gets the floor—and he will have ample opportunity to get the floor—under the rule he will be recognized for one hour.

Mr. LOGUE. I thought we might make some agreement as to time.

Mr. JOHNSON of Kentucky. I shall be very glad to do so.

Mr. LOGUE. I think an hour would cover it.

Mr. JOHNSON of Kentucky. How much time do you want?

Mr. LOGUE. An hour under my control for the use of the other members of the Committee on Public Buildings and Grounds.

Mr. MANN. We will not agree to that now.

Mr. LOGUE. Very well.

Mr. MANN. Let us see how the debate runs. Several gentlemen want to be heard.

Mr. JOHNSON of Kentucky. Mr. Chairman, I trust that the Members of the House will give their attention to the discussion of this resolution, inasmuch as it involves a project on which the money already spent and the money to be spent amounts to about $4,200,000.

I think it will be well, for the benefit of Members of the House who were not here when this project originated, to give a history of it.

By the act of February, 1903, the Union Station was provided for as it now stands and as it is now located. That change of station involved the change of grades of the streets which approach the Union Station. By the Union Station legislation Congress made a gift to the Baltimore & Ohio Railroad Co. and to a subsidiary of the Pennsylvania Railroad Co. of $3,000,000 in money, in addition to other valuable grants which will be considered presently. In 1901 Congress passed an act making the Baltimore & Ohio Railroad a present of a million and a half of dollars to assist in the elimination of grade crossings and the erection of the station. The next year a subsidiary road of the Pennsylvania Railroad Co. felt that it had been discriminated against because it, too, had not been made a specific present of a million and a half. Then Congress made another appropriation to the subsidiary of the Pennsylvania Railroad of a million and a half dollars. In other words, to those two corporations—to say nothing of land given to them, to say nothing of the street rights and privileges given to them—Congress made a present of $3,000,000. Please bear in mind that the Federal Government for that $3,000,000 did not receive any interest whatever in the Union Station, but simply made to those corporations a present of that much money. At the time that this Union Station project was originated the Baltimore & Ohio Railroad had its depot and tracks on this side of the present station.

The sundry civil appropriation bill of June 25, 1910, contains a provision relative to the acquirement of this property, which is commonly known as the Plaza land.

Mr. FITZGERALD. Was not that a Senate amendment?

Mr. JOHNSON of Kentucky. If the gentleman had not asked this question when he did, it would have been unnecessary, because I was coming to that in the very next sentence. The sundry civil appropriation bill as reported to the House in June, 1910, had nothing whatever in it about the acquisition of this park. After that bill passed the House and went to the Senate the Senate put upon it an amendment authorizing the acquirement of these 10 or 12 squares as a park. I wish to invite your attention to this particular feature of it, that that amendment put on by the Senate and afterwards adopted in this House upon the report of the conference committee, provided that this property should be acquired, but that no more than $500,000 worth should be acquired in any one year. Operating under that provision, an annual appropriation of $500,000 was made. A second appropriation of $500,000 and a third appropriation of the same amount was subsequently made. After two of the three appropriations of $500,000 were available the commission, composed of the then Vice President, Mr. Sherman, the then Speaker of the House, Mr. Cannon, and the then and now Superintendent of the Capitol Building and Grounds, Mr. Elliott Woods, directed that proceedings be instituted in the District courts, and they were instituted, for the purpose of acquiring by condemnation the two squares that lie directly west of the Senate Office Building. To these two squares I wish to direct your attention. Some of the statements in the public press of the city of Washington has left not only the public but the Members of this House to infer that while the houses on those two squares have been torn down and carried away they have not been paid for. Exactly the contrary is true.

These houses which have been torn down have been paid for, and they were paid for long ago. They were paid for out of the three appropriations of $500,000 each. The first two $500,000 appropriations were not sufficient to pay for them. One hundred thousand and some odd dollars of the third appropriation, making eleven hundred and some odd thousand

There has been much criticism here by the Senator from Iowa [Mr. CUMMINS] about the antitrust law being so difficult to interpret. There is not any difficulty on the part of the law, nor does the difficulty arise from the varied opinions of the judges. It arises from the fact that the methods by which these monopolies and trusts pursue their calling and carry out their program are as manifold and as intricate and as devious as the cases of fraud and usury. Have you ever found a court that was able to lay down a hard and fast rule as to what constituted fraud? Have you ever found a court that was able to lay down a hard and fast rule as to what constituted usury? No more can you find a hard and fast rule in the courts in respect to violations of the antitrust law.

Mr. REED. Mr. President——

Mr. NELSON. I yield to the Senator from Missouri.

Mr. REED. And yet does the Senator know, in all his experience as a lawyer, of any man really committing an actual fraud who did not know he was engaged in rascally practices every minute he was engaged in that fraud? Does not the man who perpetrates the fraud always know he is perpetrating a fraud?

Mr. NELSON. There are some cases where, of course, it would seem at first blush that it is difficult for a man to know that he is violating the law, and he wants some moral instruction on it.

I remember a case in the neighborhood of my old home in Wisconsin. An old farmer who was very rich loaned out money to his neighbors. They had a very rigid usury law in Wisconsin. No one could get more than 10 per cent interest, and if he took a cent more he forfeited principal and interest combined. This old fellow had this cute way about it: If a poor neighbor came to him to borrow $100, he would scratch his head and say, "Well, money is pretty scarce. I don't know whether I can raise it for you." Then he would chat with him a little while, give him a chew of tobacco if he used chewing tobacco, or give him a pipe to smoke, and then he would take him out into the yard and say, "I have got some fine cows here and colts and steers. If I could sell some of these, I might be able to loan you the $100." Then he would show the poor fellow a $20 cow and say to him, "Now, that cow is worth $50. If you will take that cow for $50, I will loan you $100, and you can give me your note for $150." That was his idea of that transaction; and it never dawned upon him, until the circuit court of Dane County explained to him that that was a case of usury, that it was actually usury. [Laughter.]

It is so with this antitrust law. The law is as broad and as comprehensive as the commerce clause in the Constitution, and the courts, whenever a case has come before them, have met that case upon the facts in each case.

Take the case that I quoted a moment ago. Take the American Tobacco Co. case. Among the grounds which the Supreme Court said were entitled to consideration in determining whether it was a trust and monopoly was this—I read from the opinion in the Tobacco case:

> Because immediately after that combination and the increase of capital which followed the acts which ensued justify the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination—a purpose whose execution was illustrated by the plug war which ensued and its results, and by the snuff war which followed and its results.

If the Senator from Nevada had had his law on the statute books at that time, he might have suppressed the plug war and the snuff war, but the American Tobacco Co. would still have existed as a monopoly. He would have had the glory, through this commission, of stopping competition in plug tobacco and in snuff, and he could not have gone an inch farther.

No, Mr. President. In the first place, I am utterly opposed to section 5, because it is designed—I do not say that was the purpose of the Senator from Nevada or of anybody else, but its manifest purpose and design must be—to act as a kind of a protector, as a kind of a shade, as a kind of a brake for these trusts and monopolies; and, in the next place, as a remedy it is the most harmless pill garlic imaginable. It strikes at only one side of the manifestations of the trusts and nothing else.

Mr. President, it is late in the evening, and I have no desire to enter into a discussion of this matter, but I could not help saying what I have, in view of the peculiar remarks made by the Senator from Nevada.

Mr. JONES. Mr. President, I desire to suggest to the Senator from Nevada that the substitute he has reported ought to be printed. I understood the Senator to report a substitute for the amendment of the Senator from Iowa.

Mr. NEWLANDS. Yes. I will also offer, besides the amendment I have already presented as a substitute for the amendment of the Senator from Iowa to section 7, an additional section to be called section 11. I will ask that it may be read, and that both may be printed.

Mr. SIMMONS. Mr. President, I wish to inquire of the Senator from Nevada whether it is his purpose to place his bill before the Senate to-morrow and insist upon action?

Mr. NEWLANDS. It is my purpose.

Mr. NELSON. Mr. President, I wish the Senator from Nevada would be kind enough to have all the amendments he has offered, or proposes to offer, printed so that we can have an opportunity to examine them.

The VICE PRESIDENT. They will be printed.

EXECUTIVE SESSION.

Mr. LEWIS. Mr. President, I move that the Senate resolve itself into executive session at this time.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF ASSOCIATE JUSTICE HORACE HARMON LURTON.

Mr. SHIELDS. Mr. President, it is my painful office to communicate to the Senate the death at Atlantic City of one of the most distinguished citizens of the United States, Associate Justice Horace Harmon Lurton, of the Supreme Court of the United States.

Mr. Justice Lurton, while born in the State of Kentucky, was essentially a citizen of Tennessee, for there he spent the most of his life. He had a judicial career seldom equaled by any citizen in this country. He held, when he was barely eligible to the office, the high office of chancellor. He was for a term associate justice of the Supreme Court of Tennessee, and then chief justice of that court, afterwards judge of the sixth circuit of the United States, senior judge of the United States circuit court of appeals, and Associate Justice of the Supreme Court of the United States, the office he held when his death occurred yesterday morning; and in all of these eminent offices he so discharged his duties as to justly deserve and enjoy the reputation of being one of the ablest jurists of his day.

Mr. President, I offer the resolutions I send to the desk, and ask for their adoption.

The VICE PRESIDENT. The Senator from Tennessee submits resolutions, which will be read.

The resolutions (S. Res. 417) were read and considered by unanimous consent, as follows:

Resolved, That the death of Horace Harmon Lurton, Associate Justice of the Supreme Court of the United States, which occurred in Atlantic City, N. J., at 5 o'clock a. m. yesterday, July 12, 1914, causes profound sorrow and deep regret to the Members of this body.

Resolved, That as a mark of respect to the memory of the distinguished jurist and the services he has rendered his country, the Senate do now adjourn.

The VICE PRESIDENT. The question is on the adoption of the resolutions submitted by the Senator from Tennessee.

The resolutions were unanimously agreed to; and (at 5 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 14, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate July 13, 1914.

COLLECTOR OF CUSTOMS.

Fountain Rothwell, of Columbia, Mo., to be collector of customs for the district of St. Louis, in place of Charles F. Gallenkamp, whose term of office expired by limitation March 31, 1914.

APPRAISER OF MERCHANDISE.

Frank H. Sosey, of Palmyria, Mo., to be appraiser of merchandise in the district of St. Louis, in place of Theodore D. Kalbfell, superseded.

ASSISTANT APPRAISER OF MERCHANDISE.

Joseph T. Lyons, of Roxbury, Mass., to be assistant appraiser of merchandise in the district of Massachusetts, to take effect October 1, 1914, in place of Samuel W. George, resigned.

COLLECTORS OF INTERNAL REVENUE.

George H. Moore, of St. Louis, Mo., to be collector of internal revenue for the first district of Missouri, in place of Edmund B. Allen, superseded.

Henry P. Keith, of Hempstead, Long Island, N. Y., to be collector of internal revenue for the first district of New York, in place of William J. Maxwell, superseded.

UNITED STATES MARSHAL.

Mark Storen, of Scottsburg, Ind., to be United States marshal for the district of Indiana, vice Edward H. Schmidt, removed.

PROMOTIONS IN THE ARMY.

Coast Artillery Corps.

Maj. William C. Davis, Coast Artillery Corps, to be lieutenant colonel from July 8, 1914, vice Lieut. Col. Thomas W. Winston, retired from active service July 7, 1914.

Capt. Thomas F. Dwyer, Coast Artillery Corps, to be major from July 8, 1914, vice Maj. William C. Davis, promoted.

First Lieut. Rollo F. Anderson, Coast Artillery Corps, to be captain from July 8, 1914, vice Capt. Thomas F. Dwyer, promoted.

Second Lieut. Wallace L. Clay, Coast Artillery Corps (detailed first lieutenant in the Ordnance Department), to be first lieutenant in the Coast Artillery Corps from July 8, 1914, vice First Lieut. Rollo F. Anderson, promoted.

Second Lieut. Walter L. Clark, Coast Artillery Corps, to be first lieutenant from July 8, 1914, vice First Lieut. Wallace L. Clay, whose detail in the Ordnance Department is continuous from that date.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 13, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Ira Nelson Morris to be envoy extraordinary and minister plenipotentiary to Sweden.

POSTMASTERS.

IOWA.

J. H. Baughey, Nora Springs.
William C. Gambell, Sigourney.
John T. Lanigan, Monticello.
William M. McClain, Conrad.
H. A. Nash, Perry.
J. Brady Pyatt, Tipton.
C. A. Sample, Oakland.

NEBRASKA.

A. G. Corey, Fairfield.
John Klusella, Hemingford.
Robert E. Pate, Minden.
Nixon H. Reed, Butte.
R. F. Rowe, Arcadia.

OHIO.

Harry C. Brown, Manchester.
Frank C. Schiffer, Shelby.
James A. Smith, Belle Center.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 13, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Spirit, everywhere present, a potent influence in the affairs of men, strong to deliver, and a very present help in trouble, possess our souls in patience and inspire us with high ideals and earnest purposes, that, in spite of the trying weather, we may fulfill every duty devolving upon us with "malice toward none and charity for all"; that harmony may reign and good legislation obtain; that Thy kingdom may come and Thy will be done after the similitude of the Master. Amen.

The Journal of the proceedings of Saturday, July 11, 1914, was read.

CORRECTION OF ROLL.

Mr. GARRETT of Tennessee, Mr. BYRNS of Tennessee, Mr. ALLEN, and Mr. WATKINS rose.

The SPEAKER. The Chair recognizes the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. Mr. Speaker, I desire to suggest a general correction of the RECORD.

The SPEAKER. The Chair is much obliged to the gentleman.

Mr. GARRETT of Tennessee. Page 11969 of the RECORD of July 11, 1914, reads:

> The Clerk called the roll, and the following Members failed to answer to their names.

The list of the names shows an exact reversal. It should be: "The following Members answered to their names."

Mr. MANN. It should be: "The following Members failed to answer to their names," and those names that are in should be taken out and those not in should be inserted.

Mr. GARRETT of Tennessee. Perhaps I did not make it clear. It says: "The following Members failed to answer to their names," and then there should follow the names of those who failed to answer. As a matter of fact it says: "The following Members failed to answer to their names," and then there follow the names of those who did answer.

Mr. ALLEN. Would it not be proper to ask unanimous consent that the names of those who were present be stricken from the RECORD and the names of those who were not present be substituted?

Mr. MANN. You will have to ask unanimous consent to have the RECORD corrected. The reporters will take care of that.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] asks unanimous consent to have the RECORD corrected.

Mr. GARRETT of Tennessee. Mr. Speaker, one moment. It seems to me that perhaps a statement might be very well made in that connection. The practice of this body and of the Senate is different. In the Senate when there is a roll call, they record the names of those present.

The SPEAKER. The House records the names of those that are not present. It doubtless grew out of confusion in the Government Printing Office in some way.

The request of the gentleman from Tennessee [Mr. GARRETT], as amended by the request of the gentleman from Illinois [Mr. MANN], is that the Printing Office be directed to print the matter right. Is there objection? [After a pause.] The Chair hears none.

Many Members came to the Chair about the matter, and one of the reporters finally illuminated the subject to me. I found, very much to my surprise, that up until 26 years ago they printed the RECORD as it is printed this morning. There is a general tendency in nature to revert to the "original type," and I suppose some "old stager" down there got hold of the roll and fixed it as they were accustomed to fix it a quarter of a century ago.

Mr. TAGGART. Mr. Speaker, I suggest a correction of the RECORD.

The SPEAKER. Is it about the same thing?

Mr. TAGGART. On Saturday I am recorded as not being present; but I was present and answered to my name.

The SPEAKER. That has all been cleared up.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. By directing the Printing Office to print it as it ought to be printed, will that mean that those who are recorded as not present will be recorded as present? Is it not true that the whole list was present and were recorded as not being present?

The SPEAKER. Yes.

Mr. BURNETT. And that will be the correction?

The SPEAKER. Yes.

Mr. BURNETT. And the fact is that those who are marked here as not answering to their names did answer?

The SPEAKER. Yes.

The Journal was approved.

CHANGE OF REFERENCE.

Mr. GREGG. Mr. Speaker, on last Friday the bill (S. 544) for the relief of the Virginia Military Institute was reported to the House and referred to the Committee on Claims. It belongs to the Committee on War Claims.

The SPEAKER. Without objection, the change of reference will be made.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. RAYBURN, for 10 days, on account of sickness in family.

To Mr. FINLEY, for one week, on account of business.

To Mr. MURRAY of Oklahoma, until after the Oklahoma primaries on August 4.

WITHDRAWAL OF PAPERS.

Mr. BYRNS of Tennessee, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. E. Stewart, of Cheatham County, Tenn. (H. R. 8357), no adverse report having been made thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6464. An act for the relief of Charles R. Grant; and

H. R. 5304. An act to increase the efficiency of the aviation service of the Army, and for other purposes.

Dealing with those identical subjects is this trade-commission bill. If we strike out section 5 and leave this merely to be a board of investigation, well and good; but with section 5 or anything covering the bill that section 5 is intended to cover remaining in the bill, then you will have this sort of a situation. The Judiciary Committee is dealing with certain practices that are specified, and at the same moment you are creating a commission here and propose to give it such broad powers that its authority extends to every practice and act of concerns engaged in interstate commerce. The jurisdiction of the commission covers the whole field as with a blanket.

Thus there are two plans, each of them separate and distinct, both of them being considered at the same time—one of them being considered in the Senate, the other being considered in the committee. The Senate can not intelligently act until it knows what the committee will report regarding the bill it has, and the committee can not act until it knows what the condition of the law is to be at the time they bring in their report.

The thing to do, in my judgment, is to get both these bills before the same committee or before the joint committees. Let them consider the two together. Let them bring in a report which embraces what is good in both and which will work out one consistent plan and scheme.

Mr. VARDAMAN. Mr. President——

Mr. REED. Nothing but that will ever give us in my judgment a harmonious scheme of legislation or get us anywhere.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I do.

Mr. VARDAMAN. I wish to ask the Senator from Missouri if it is possible to carry out his idea except by unanimous consent?

Mr. REED. That is a parliamentary question the Chair can answer. I think this bill by resolution of the Senate could be referred to the joint committee; that is, the committee——

Mr. VARDAMAN. It would require an amendment to the rule.

Mr. REED. No; I think not. I think a resolution could settle it.

The VICE PRESIDENT. The Chair has found out that the Senate can do anything.

Mr. VARDAMAN. I was just going to suggest to the Senator from Missouri, in order to bring up the matter in a concrete form, that it might be well, if that is his opinion, to put it in the form of a resolution. It strikes me there is a great deal of merit in the suggestion made by the Senator from Missouri.

Mr. NEWLANDS. Mr. President, I think the logical way to act is to have a vote as soon as possible upon this bill and the amendments. If section 5 be stricken out, we will then have, as the Senator from Missouri says, simply a bill which provides for a trade commission with ample powers of investigation upon their own initiative and in aid of the courts and of the Attorney General. If section 5 remains in, then the Judiciary Committee will know to what subjects the Clayton bill should be confined.

It can, if it chooses, taking the view that is entertained by the Interstate Commerce Committee, conclude that section 5 covers all the various practices that in the common vernacular are termed "unfair competition," and having come to that conclusion, the Judiciary Committee can, if it chooses, leave out all legislation with reference to specific practices which are to-day regarded as "unfair competition," or they can put them in, according to their pleasure.

Mr. REED. Mr. President, will the Senator pardon me if I ask him a question?

Mr. NEWLANDS. Certainly.

Mr. REED. If we create a commission with power to prohibit all unfair practices in trade, then, in the name of goodness, what is the use of passing any more law? Why trouble ourselves further? Why not go home and go to rest and enjoy our sweet repose and say that the business of this country is in the hands of that commission, with full power to prohibit everything that is wrong and to promote everything that is right? That is the very question.

Mr. NEWLANDS. Well, Mr. President, that will be a consideration that will address itself to the mind of every Senator when he votes upon section 5. If he is of the view of the Senator from Missouri, he will vote against it; and if there should be a majority of the votes of the Senate in accordance with this view, section 5 will go out, and we will still have a bill just as good as, and, in my opinion, better, than the bill that comes from the other House; but if the Senate should be of a contrary opinion, and should be desirous of bringing peace to the business of this country, to afford protection to numberless pigmies in business that are now being injured and destroyed by giant competitors, whose practices, whilst leading up to monopoly, do not as yet have the character of monopoly—why, then, if the majority have that view and think that is a desirable end to be attained, section 5 will remain in the bill.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. Mr. President, if there are a number of small business concerns which are being destroyed by monopolistic practices, the thought occurs to me why somebody is not active in taking hold of those people who are destroying them? We have sufficient law and we have the means at hand by which to take hold of them; and if they are so well known—and I think they are; I think the Senator is right—I do not see why we do not take hold of those people who are practicing monopoly, or who are guilty of monopolistic practices which lead to a complete monopoly, and put them where they belong.

Mr. NELSON. By giving them places of honor. [Laughter.]

Mr. NEWLANDS. If the Senator from Idaho thinks that the machinery of the law is now adequate to meet every condition, of course he will vote against this bill; but I do not think it is, and the friends of this bill do not think it is. There are numerous practices tending toward monopoly that may not come within the provisions of the antitrust law and amount to a monopoly or to monopolization. We want to check monopoly in the embryo. Monopoly commences in insidious ways, by practices that are against good morals and constitute violations of individual rights for which the individual can have an action at law or in equity, but rights which the individual, because of his poverty or of his insignificance, is often unable to assert against these great organized powers. The very purpose of this bill is to protect small business against giant competitors just as we protected the shippers of the country against the giant railroad combinations when already there were remedies both at law and in equity in favor of the shippers. There never has been a time in the history of the common law when an action would not lie for extortion. The Senator from Idaho would relegate society to its ancient condition, with reference to those giant railroad combinations, so that every man who is oppressed would have to go into court with expensive counsel——

Mr. BORAH. No, Mr. President, the Senator from Idaho would not do that.

Mr. NEWLANDS. And assert his right against the gigantic organizations.

Mr. BORAH. The Sherman antitrust law may be enforced by the Government itself at the public expense, and through the public prosecutor, the Attorney General, that law is made effective; that is, if it is made effective. It is not at the expense of the individual, unless the individual sees fit to go into the prosecution. Then if he recovers he gets three times the amount of his damages.

I would not relegate these people to the old condition of affairs, but Chief Justice White, in his opinion in a great case with which we are all familiar, said that this law not only prohibits monopoly, but it prohibits every step which may lead to monopoly. I do not know of a single step which we would prohibit that is not prohibited by the interpretation of the law which has been placed upon it. You not only have the public prosecutor, but you have under this law the means by which an individual may cause the punishment of a person who has injured him. I think when you have the law, but not the courage to enforce it, you can not get any more by enacting more law.

The objection, Mr. President, to this proposition, to my mind, is that we have a few men who ought to be brought under the surveillance of the law and who ought to be punished, and you are building a scheme here which proceeds upon the theory that you want to oversee and to supervise and superintend and police the entire business world, 90 per cent of which does not need it at all. If we could have those who are in charge of these monopolistic combines punished, or if we could have the combines dissolved, if we could have these monopolies broken up, there would be no occasion for this very heavy expense to which we are to be put for the purpose of supervising the honest and those who are carrying on a legitimate business. If we have not the willingness or the courage to enforce the law we have, we will simply have another dead letter on the statute books.

Mr. NEWLANDS. Mr. President, the antitrust law is either inadequate to cover all the conditions that gradually lead up to monopoly, or else the machinery for the administration of that law is and has been so ineffective as not to accomplish its object.

The Senator inquires why we do not get to work in the enforcement of that law. Well, does the Senator expect conditions to be any better in the future than they have been in the

past? We have had numerous lawsuits upon this vexed question, and yet the practical results have not been satisfactory to the American people. We have been given the law, yes; but the practical enforcement of the law has not been satisfactory to the American people. Now, does the Senator propose to indict every one of the Presidents and indict every one of the Attorneys General for neglect of duty? Is it not time to think that there is something defective in the system itself which intrusts the enforcement of that law to the shifting incumbency of the Attorney General's Office, with three or four Attorneys General in one administration?

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. I beg the Senator not to interrupt me at present; I will yield to him in a moment.

The Attorney General's Office is a part of the political department of the Government, subject, as we know, in the past to political influences, so that prosecutions have been accelerated and prosecutions have been slowed down because of the exigencies of the hour. Has there been anything of that kind in the administration of the interstate-commerce law by the Interstate Commerce Commission? No; it has moved on with dignity, precision, consecutiveness, and power, until it has covered the entire field of railroad administration and has declared principles that are known to all, so much so that there is nothing left now in railroad administration except the control of securities and the valuation of the roads themselves. The administration of the interstate-commerce act side by side for the last 20 years with the administration of the antitrust act, one intrusted to a commission and the other intrusted to an officer of the political department of the Government, indicates the superiority of the former system.

Whilst this bill does not go as far as I would wish, it goes very far, and ultimately, with popular approval, it will go far enough, in my judgment, to embrace the entire administration of the antitrust acts.

With reference to section 5, let us have a vote upon it and let it either stay in or go out of the bill. The Judiciary Committee will know then what our action upon that subject is. I am sure I am not averse to consultation with the Judiciary Committee. I welcome such consultation, and will be glad to confer with them at any time upon the provisions of the two bills; but I do not see any reason why the prosecution of this particular legislation should be slowed up for an instant. On the contrary, I believe it will lead to a more logical conclusion with reference to the Clayton bill.

So far as I am concerned, with reference to many of the practices which are proposed to be condemned in the Clayton bill, I think that the provisions against them might be better enforced through the proposed trade commission. I believe in the effective way of giving a man who is violating the law and who happens to be a director of a corporation, or to give the corporation itself, an order to show cause why a certain practice should not be discontinued and have a summary hearing and the decision of this tribunal of experts—not simply experts in law, but experts in industry and trade.

I am solicitous that the rights of those brought before that tribunal shall be so protected as that an appeal to the court can be taken under such sanctions as we prescribe for the preservation of the corporation's rights in the full presentation of its case.

Then there is the power to punish by contempt for disobedience to the mandate of the law, which is much more effective than the criminal prosecution of individuals, bringing them before grand juries and petit juries and submitting all these questions to the varying influences, passions, and prejudices of the hour. I believe that in this way a complete system of administrative law can be built up much more securely than by the eccentric action of grand juries and trial juries. I believe that it is not always necessary to administer the law with the aid of grand and trial juries. The vast body of our law is civil law. The parties have their remedy either in damages or by the summary processes of a court of equity, which can seize hold of a recalcitrant and bring him into subjection to the law, and the administrative tribunal will aid and accelerate the administration of the civil law.

Mr. President, so far as I am concerned I would be willing to yield to any suggestion for mutual consultation between the Judiciary Committee and the Committee on Interstate Commerce, but I am not willing, so far as my individual view is concerned, to see the passage of this bill delayed. That is a matter, of course, that is subject to the wisdom of the Senate itself.

Mr. NELSON. Mr. President, I have listened with astonishment to the remarkable speech of the Senator from Nevada [Mr. NEWLANDS]. One would think, after listening to his remarks, that the sort of Pooh-Bah commission proposed by the pending bill will have greater powers and will be more effective against trusts and combinations in this country than all our courts combined. Most of the leading trusts in this country have been prosecuted in the courts. The Sugar Trust is now in the courts, and testimony is being taken in that suit; the Harvester Trust is in the courts; the Steel Trust is in the courts; the Tobacco and the Standard Oil cases have been decided by the courts, and there are a number of other trust cases pending. Judging from the remarks of the Senator from Nevada, he infers that the proposed trade commission is to constitute a great remedy for the suppression of trusts. The opinion seems to prevail in some quarters that if you give the proposed commission ample power it will do more to suppress trusts and monopolies in this country than all the courts of the country combined; and yet what jurisdiction is given the commission? Its activities are confined simply to one feature of what occurs in the case of a trust or a monopoly. These trusts and monopolies, as a rule, are formed under the corporation laws of the several States. If we had no corporation laws, if men could do business only as individuals or as partnerships, it would be impossible to form these great corporations. They are formed through the corporation laws of the several States; and after these monopolies have been formed and established a part of their work, in many instances, is to drive out competitors from the field, and the few they have not been able to absorb in their combination they seek to drive out by unfair competition.

What does the Senator from Nevada propose to do with his bill? What is the trust remedy he proposes? Why, as I said a moment ago, it is only to nibble at one side of the trust. It is simply to reach the matter of unfair competition. Suppress that, and you have accomplished the whole thing, according to the idea of the Senator from Nevada. You still leave the monopoly; you still leave it in all its force and power, as it has been able to form itself under the corporation laws of the several States. All that you can do, taking all that is claimed for section 5, is that you can suppress unfair competition; but in all other respects the octopus, the monopoly, remains a living being to plague the American people.

I can tell you what section 5 is for. It does not require much to tell what it is for. It is to act as a brake, as a protector, as a back fire for these monopolies against the enforcement of the antitrust law. This is not a new matter, Mr. President. Ever since these big concerns found that there was some virtue in the antitrust law, and found that the courts had power to dissolve these trusts and resort to drastic remedies, the hue and cry went up from them: "Oh, for God's sake, let us know how to do business within the pale of the law. Since these decisions in the Trans-Missouri case and the Joint Traffic case and the Knight case and the Standard Oil case we are at a loss to know how to do business in this country. For God's sake come to our relief and tell us how we big monopolies can transact business in this country"; and so the cry has gone on from that day to this.

In 1898 several bills were introduced, akin to section 5 of this measure—bills to relieve these great monopolies from the onus of the antitrust law; bills for the purpose of informing them, for they were so ignorant that without advice they could not tell how they could do business. Bills were introduced, as I said, prepared in New York by the attorney of the Steel Trust. One of those bills, a remarkable bill, segregated all corporations engaged in interstate commerce into corporations operating under the interstate commerce law and all other corporations, and then it provided that the Bureau of Corporations should have jurisdiction over corporations not under the interstate commerce law and should investigate them, and if they gave them a clean bill of health they were to be bidden Godspeed on their journey, and if the Interstate Commerce Commission gave the railroads a clean bill of health they were to be bidden Godspeed on their journey.

Fortunately, that legislation failed to pass. The Judiciary Committee of the Senate, with one accord, vetoed that measure. Section 5 of this bill is of a more homeopathic character, and yet it is in the same trend, in the same direction. The plan of it is: "Do not go for these trusts in court. Charge them with being unfair in their competition, make them before this wonderful commission, and if this commission determines that they are not guilty of unfair competition, why, God bless you, let them go; they have not violated any law. If the commission does determine that they are guilty of unfair competition, why, make them stop that part of their program; but in God's name let them have a free hand for everything else."

That is all there is in this legislation, in a nutshell. My idea is that we should leave the antitrust law intact.

I am not arguing against or for any one of these bills, because I confess I know very little about them at the present time. I expect to be enlightened later on. If the Senator says there is no purpose to accomplish that result and that the statements of the newspapers are without authority, that absolutely answers my question.

Mr. REED. Mr. President, lest there should be a misunderstanding, being a member of the Judiciary Committee I think I ought to say that I think it is very doubtful whether the Judiciary Committee will bring in a bill in such form that its enforcement will depend upon the trade commission. It may be done. The truth about the matter is, to my mind at least, that we are proceeding here like sheep without a shepherd. We have divided a question which ought not to have been divided. It is here in the form of two or three bills when it should be here in one bill. There is no question in my mind but that we would gain time if this bill were referred back to the committee from which it was reported, and if the Senate were to pass a resolution requesting the Interstate Commerce Committee and the Judiciary Committee to meet jointly and to jointly consider this bill and the so-called Clayton bill. If that were done we might agree upon a consolidated bill, and we might get somewhere.

As it is now, this bill is being pressed for passage. If it is passed in anything like its present form it will have to do with the enforcement of matters of a general character and nature which are covered by the Clayton bill. At the same time the members of the Judiciary Committee are working on the Clayton bill and they can not assume that this bill will be passed; neither do they know what its form will be if it is passed. They are utterly in the dark as to whether this bill will go through with a board possessed of broad and general powers or whether it will be a board of limited jurisdiction and powers, or, indeed, whether there will be a board.

Therefore we are required to pass upon a substantive law and to provide the machinery for its enforcement, while the very machinery that might have to do with its enforcement is being created here in the Senate.

So long as we are proceeding in this way I do not think we are going to get anywhere. I am greatly interested in this bill. I want to be here when it is discussed. I want to know what the Senate is going to do about it, and I want to know what the Senate is going to do about this bill before I am ready to conclude that we are prepared to act upon the other bills, because, if this bill is passed, then, of course, the others might be changed in many respects, whereas if this bill is defeated, or if it is greatly modified, then, of course, we must, in considering the measure now before the Judiciary Committee, prepare to go alone.

I am not the chairman of either of these committees; I have no authority to speak for anybody but myself; but it seems to me that what ought to be done is to take an adjournment of about three days, and these two committees ought to be requested to get together; they ought to try to hammer this legislation into shape, and at the end of that time to bring in a consistent general plan.

Mr. SAULSBURY. Mr. President, I think there is some misapprehension among Members of the Senate in regard to the three bills which have been alluded to. The Interstate Commerce Committee had two of those bills under consideration. One it has reported, and that is the trade-commission bill. The other bill, which it has under consideration, is the so-called railroad-securities bill. That bill, which has been called the Rayburn bill, has absolutely nothing to do with the functions of the trade commission. The trade commission is not given any power and is not called upon to act with regard to any matter contained in the Rayburn bill. The railroad-securities bill or Rayburn bill deals solely and exclusively with matters pertaining to the issue of railroad securities and increasing the inquisitorial powers of the Interstate Commerce Commission—two subjects which, I think, everyone must grant have absolutely nothing to do with the trade-commission bill. Then why should that bill be brought in with the trade-commission bill? I think I may absolutely disagree with all the propositions in the Rayburn bill, but there is no reason why I should disagree with this bill for that reason, or why I should agree with this bill because I agree with the Rayburn bill.

Mr. REED. Mr. President, if the Senator will pardon me——

Mr. SAULSBURY. Surely.

Mr. REED. I have not intended, in what I have said, to be referring to the Rayburn bill.

Mr. SAULSBURY. I understand.

Mr. REED. That is a bill by itself, as the Senator states. I think it could be enacted without any conflict with the other two bills or anything that is contained in their sweep and purview.

Mr. SAULSBURY. And should be, I think, Mr. President.

Mr. REED. But the particular bill we have here now is intimately associated with the bill that is before the Judiciary Committee, called the Clayton bill. Each of them relates to the same general subject, and if a commission is to be created, its powers and its duties ought to be specified with reference to the matter contained in the Clayton bill. If it is not to be created, then in enacting the Clayton bill we must provide the methods for its enforcement. So it seems me that both of these bills belong in the same class and ought to be brought in as one general plan.

Mr. GALLINGER. Mr. President, if the Senator will permit me, somewhat inadvertantly I alluded to the three bills; but, upon the suggestion of the Senator from Nevada, I immediately excluded the bill with relation to railroad securities, and then simply interrogated the Senator as to the probability of consolidating the so-called Clayton bill and the trade-commission bill. That was the only point I had in mind.

Mr. SAULSBURY. Mr. President, I have no doubt that many of the subjects which are being considered in connection with the so-called Clayton bill or the antitrust bill might be considered in connection with the trade-commission bill. It is also true that there are subjects in the Clayton bill as it came from the House and the Senate which have no necessary connection whatever with the trade-commission bill. For example, the matter of the exemption of trade unions and matters of that sort can be treated of in an entirely separate bill.

Mr. NEWLANDS. And injunctions.

Mr. SAULSBURY. And matters pertaining to injunctions, as the chairman of the Interstate Commerce Committee suggests.

The Interstate Commerce Committee did, in a quite exhaustive way, consider all the subjects embraced in all three of these bills. When they came from the House, if I recall correctly, it was at the instance of the Judiciary Committee that the Clayton bill was referred to that committee; and it was so referred without objection from the Interstate Commerce Committee, because I am satisfied that if the other members of the committee felt as I did, they were perfectly willing that the Judiciary Committee should wrestle with many of the problems contained in the so-called Clayton bill.

I see no reason, however, why we can not dispose of the trade-commission bill practically as it is reported; and I think it could be very readily done if some of the gentlemen who have addressed themselves to section 5 of this bill would make constructive suggestions regarding the subject aimed at by section 5 rather than simply object because section 5 is not framed in a way which would suit them.

I intended to ask the Senator from Missouri, to whose argument I listened with a great deal of interest, as I always do to his arguments, whether it would not be possible to avoid every objection he has made to the method of drawing section 5 by giving the words "unfair competition" a statutory construction in the act itself? Without undertaking to make any conclusive suggestion, or one which has been very thoroughly considered, but to make a suggestion which I wish he would consider in view of his argument, I would suggest that his argument might be met by including in that section something equivalent to the following:

> The words "unfair competition," as used in this act, shall be construed in their ordinary, usual, and colloquial sense, and shall include anything printed, said, or done in the course of trade, or in aid thereof, which would give to any injured party a right of action at law or in equity.

Thereby including in the jurisdiction of the trade commission the right to inquire in a preliminary way and to use its power to prevent the use by any unfair competitor, speaking in the colloquial sense, of those methods, or to prevent such competitor doing those things which the courts of this country have settled to be improper and illegal.

Mr. REED. Mr. President, as the Senator addresses his request to me, if the courts of this country have already settled that the acts to be referred to are improper and illegal, then the last thing we ought to do is to deprive those courts of jurisdiction and deprive the citizen of his opportunity to go into the courts and protect his rights. Moreover, the definition advanced by the Senator seems to me—and I speak now, of course, having simply heard it read once—falls utterly to reach the things we want to reach. We do not care to reach the things the law already condemns and that the courts already prohibit and punish. Our remedy there is complete; yet the definition would limit us to that kind of case. What we want to reach is that realm which at present may be entered upon by the unjust man.

To illustrate—and I take the commonest and plainest illustration—a very large concern like the American Tobacco Co., spread over the entire country with its business, can afford at a given point to run its business at an absolute loss for many years because it is replenishing its exchequer from all the rest of the country. Accordingly such an institution, desiring to destroy a competitor that is weaker than it is, can go into his trade territory and sell goods similar to his for less than the actual cost of production and force him into bankruptcy.

Now, that is to-day absolutely legitimate. Absolutely one competitor has the right to do that to another competitor unless you can go further and show that he is in fact creating a monopoly. It is to that destructive competition we ought to address ourselves as one of the things to be corrected. There are, of course, many other unjust practices we can reach.

But I call the Senator's attention to the fact that we gain nothing by giving this commission control over acts which the courts already have control over and which the law already condemns. Indeed, I would rather open the door of the courts of this land to parties who are injured than create a dozen commissions, for whenever you give every citizen his right to go into court and to protect himself, there are then open thousands of tribunals where justice may be obtained, whereas if you undertake to concentrate all those powers in one board you at least make it more difficult to obtain redress.

We must by general terms or by specific terms prohibit the practices which we believe to be inimical to trade, and we accomplish nothing unless we go beyond the point the law has already reached, for if we do not go beyond the point the law has already reached, of course we remain exactly where we are now, except we have created a new tribunal that has obstructive machinery, because, as this bill is drawn, it would seem to leave the matter in this wise, that an injured party would be first required to go to the commission for his relief instead of going to the court of his own district.

If the Senator will pardon this long interruption, I think we will never harmonize these two bills except by putting them upon the same table before the same committee, where they can be amalgamated. I believe if that were done we might agree upon certain substantive antitrust legislation, and we might agree to create a trade commission having at least broad powers of investigation. But I do not believe we will ever agree upon any law that will place the business of this country under the control of a board governed by no rule of action except its own concept of what is right and what is wrong.

Mr. SAULSBURY. Mr. President, I think the Senator from Missouri misapprehends in a large measure the good which may come from this trade-commission bill. I have already said that I am not prepared to follow as far as others may lead in commission government, but I think one affirmative good which this bill may produce will be the easy remedy which may be had by anyone aggrieved, without expense to himself, to have full consideration given to his complaints, just as the Interstate Commerce Commission makes quick and easy investigation and reports when complaints are made to it regarding railroad rates and questions of that character.

It seems to me that this trade commission may very well act in a preliminary fashion in securing the rights of persons engaged in trade where they are being oppressed by the practices of their competitors in a way which financially, because of the great expense of courts and of the time it would require, they can in no other wise meet. It seems to me that will possibly be the greatest benefit which may arise from this trade-commission bill as it is proposed.

But, Mr. President, I can not have much sympathy with the proposal that it is easier and better to do two things than it is to do one thing. The Judiciary Committee has not yet reported on its bill, and no one can tell when it will report. This bill as it now stands has met the general accord of a majority of the Interstate Committee and will work some affirmative good. If the Senate desires that the Judiciary Committee shall report a proper amendment, we can impose any other duties upon this commission which the Congress may see fit to add to it. We may use the trades commission as a hat rack if we desire, and let anything be hung upon it, let any duty be imposed upon it, that Congress may see fit to hang upon it or impose upon it.

It is due to the misapprehension which, I think, the Senator has as to the good which may come from the general inquiry which, in a preliminary way, is made by this trade commission that he is in error. I believe myself that we advance the matter very much more quickly by bringing in this bill, and as most of the Senators who have objected to this bill have addressed themselves to section 5, if they will aid to perfect section 5, I am sure we will shorten the time for the consideration of the bill very greatly.

I hope the Senator from Missouri will aid us in producing, regarding the objects of section 5, the end which his great ability would undoubtedly be very useful in producing.

Mr. REED. Mr. President, I must not be put in position of one who is seeking to obstruct remedial legislation.

Mr. SAULSBURY. The Senator did not understand me as making that suggestion.

Mr. REED. No.

Mr. SAULSBURY. I am sure I did not.

Mr. REED. No; I am sure the Senator did not mean to say that, yet once or twice this afternoon it has been suggested that I would be better employed if I would write section 5 in a correct way than I am in finding fault with it.

The first thing necessary to get the mind of the Senate concentrated upon the thought of writing a proper section is to convince the Senate that the section as it is now written will not be effective, and it is for that reason that I have been taking the time of the Senate and have tried to convince it that section 5 is ineffective. If the chairman of the committee and the committee that brought in section 5 will withdraw it and bring in a substitute, or if they will say now that they do not propose to urge it, then of course we can start the work of trying to draw a proper section.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Delaware?

Mr. REED. I do.

Mr. SAULSBURY. I only desire to interrupt the Senator for a moment, to call his attention to a fact which I think I ought to have stated before. I have myself proposed an amendment to this section providing that the finding of the commission shall be only prima facie evidence in the courts of the facts therein found and shall in no wise conclude any litigants in the court from attacking the finality of that finding. I thought I ought to call the attention of the Senator to that.

Mr. REED. Of course the amendment suggested by the Senator from Delaware would remove one of the constitutional difficulties that now confronts us, because on that point I am very clear in my mind, although I reserve the right, upon further examination of the authorities, to change my opinion if I find, upon examination of the authorities, that my present view is erroneous. I am very clearly of the opinion that you can not make a finding by a board or commission of this kind conclusive of any question of fact or law.

But, Mr. President, addressing myself just a moment to the suggestion made a moment ago, that we could go on and pass the trade commission bill and that the Judiciary Committee could go ahead with its work, let me show how impossible that is—not by generalization, but by specific statement. Let me take section 12 of the Clayton Act, which provides "that whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents."

There are those who contend that before such a drastic remedy as that is invoked there should be a finding by a commission and an opportunity for the officers of the corporation to undo their wrongful acts, and that only in the event they fail to undo those wrongful acts should they be held criminally liable. I am not saying for a moment that I agree to that view, but it is a view that is advanced. Yet those who propose it do not know whether or not we are going to have a commission. If they know we will have a commission, then their argument, of course, will be addressed solely to the question as to the advisability of such a line of procedure as I have indicated they believe in.

I could go through this bill and show the same situation with reference to other sections. I perhaps chose the poorest illustration in the bill when I selected section 12.

Moreover, the Clayton bill not only deals with the labor problem and with the trust problem, but it also, strangely enough, deals with banking problems. There are a number of sections in that bill which ought to be handled as a separate bill, and I break no confidence when I say that the Judiciary Committee has solved that problem by agreeing to strike them out.

But all the trust features of the bill have two elements. First, a denunciation by law of certain acts that have a tendency toward the creation of trusts and monopoly and that are destructive of honest competition as illegal; second, the designation of a tribunal to determine the facts and to enforce the law.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY].

Mr. TILLMAN. I have a general pair with the Senator from West Virginia [Mr. GOFF]. In his absence I withhold my vote, but I will vote if it be necessary to make a quorum.

Mr. NEWLANDS. I announce the unavoidable absence of my colleague [Mr. PITTMAN].

The result was announced—yeas 6, nays 40, as follows:

YEAS—6.

Colt	Gronna	Page	Sterling
Gallinger	Nelson		

NAYS—40.

Ashurst	Kern	Perkins	Smith, Md.
Bankhead	Lane	Poindexter	Smoot
Bristow	Lea, Tenn.	Reed	Swanson
Bryan	Lee, Md.	Saulsbury	Thomas
Camden	Lewis	Shafroth	Thompson
Chamberlain	Martin, Va.	Sheppard	Vardaman
Chilton	Martine, N. J.	Shields	Weeks
Hitchcock	Newlands	Simmons	West
Hughes	O'Gorman	Smith, Ariz.	White
Johnson	Overman	Smith, Ga.	Williams

The PRESIDING OFFICER. The Senate refuses to adjourn.

Mr. SMOOT. There is not a quorum, Mr. President.

Mr. GALLINGER. I think the roll will have to be called.

Mr. TILLMAN. I vote "nay" to make a quorum.

The PRESIDING OFFICER. On the question of adjournment the Chair is of the opinion that it is not necessary to have a quorum in order that the Senate may adjourn or refuse to adjourn.

Mr. REED. It is necessary to have a quorum to record any vote, Mr. President.

Mr. LEWIS. The announcement which the Senator from South Carolina [Mr. TILLMAN] has just made that he would vote makes a quorum.

Mr. HOLLIS. I also have a right to vote in order to make a quorum. I vote "nay."

Mr. LEWIS. Mr. President, may I inquire if there is still a deficiency to make a quorum?

Mr. GALLINGER. Let the announcement be made.

The PRESIDING OFFICER. The vote now is 6 in the affirmative, 42 in the negative, and the Senator from New Mexico [Mr. CATRON] being present makes a quorum. The Senate refuses to adjourn.

Mr. GALLINGER. If we are to do business without a quorum, I make the point of no quorum.

Mr. O'GORMAN. Mr. President, I am requested to announce that the senior Senator from Louisiana [Mr. THORNTON] is absent because of illness.

Mr. LEWIS. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Chair is of the opinion that no business has been transacted since the call of the roll and that there is a quorum present.

Mr. REED. It is impossible to hear in this part of the Chamber.

The PRESIDING OFFICER. The roll call has just disclosed the presence of a quorum, and the Senator from New Hampshire [Mr. GALLINGER] has suggested the absence of a quorum. The Chair holds that there is a quorum present. The Senator from Missouri [Mr. REED] is recognized.

Mr. REED. Mr. President, the statement was made a moment ago that recent cases had changed the rule I had been discussing. I challenge any man to bring here the decision of a court holding that "unfair competition" is any other or different than I have defined it from the books. Speaking of recent decisions, I call attention to the case of Simplex Automobile Co. against Kahnweiler et al., One hundred and forty-seventh New York Supplement, which was decided on May 15 of this year. In that case the court adheres to the definition, and states:

> Actual or probable deception on the part of customers by reason of the defendant's practices must appear. Of course, there must be actual competition before there can be any unfair competition. * * * There is no evidence to sustain the finding of fraud or deception of the public or diversion of trade.

The case is in line with those I have previously quoted.

Mr. President, I call the attention of Senators to two decisions in Two hundredth Federal Reporter, which, taken together, make the point I am urging very clear. The first is the case of the Coca-Cola Co. against Gay-Ola Co. In that case the Coca-Cola Co. filed its bill of complaint, alleging unfair competition, and specified a partial imitation of its trade name, the imitation of its bottles, the imitation of its printing, the imitation of the color of its product, and various other imitations. Nevertheless, the court held that the Coca-Cola Co. would have probably failed to make out a case of unfair competition if it had not, in addition to the evidence to which I have adverted, shown an actual purpose on the part of the defendant company to impose its goods upon the public as and for the Coca-Cola product. Under those circumstances, the court, in a very exhaustive opinion, declared that there was in this cause a case of unfair competition established, saying in part:

> The record also requires the conclusion that defendant's business had a substantial basis in this contemplated fraud.

It was therefore held that a case of unfair competition had been made out.

As an absolute demonstration, if one can demonstrate anything by the decisions of courts, that the practices against which the author of this bill seeks to level the anathema of the law are not included in the term "unfair competition," I call attention to a very short case. A preliminary word: The author of this bill seeks to prevent every kind of rascally and unjust conduct by which one competitor breaks down the business of another competitor. That is clearly indicated in everything he has said, and he has been very frank about it. Here is a case covering absolutely the character of practices the author of this bill seeks to denounce. It is the case of the Everett Piano Co. against Maus, and I want to read the facts to the Senate, as they are very brief, in order that I may challenge the attention of the Senate to the significance of the authority:

> This suit was brought for alleged unlawful interference with complainant's sales of pianos. Complainant averred that it had for years manufactured and sold pianos under the trade name of "Everett," and had not only established the name as a trade-mark, but had also in 1902 caused the name to be registered according to the laws of the United States.

In this instance there was a trade-mark, which only makes the case that much more forceful.

> The interference averred is, in substance, that defendant while engaged in buying and selling pianos other than the Everett was advertising and representing to the public and to prospective purchasers of pianos that defendant was able to procure from the factories of complainant new Everett pianos, and to sell them at a price far below their real or market value.

What a rascally piece of business that was. How unjust and unfair it was, using those terms in their ordinary and colloquial sense. I proceed to read from the opinion:

> That to deceive the public and prospective purchasers and to injure, damage, and discredit the reputation and standing of and the demand for Everett pianos, as also to injure complainant's reputation and business, defendant keeps at his place of business an Everett piano, which he has permitted to become and remain in an "untuned and poorly voiced condition, so that the music produced from said piano is greatly inferior in quality and tone to the music of an Everett piano in good condition"; that he represents the condition, quality, and music of all Everett pianos to be similar in such respects to this one, which he also represents "to be a new Everett piano, just recently received from complainant's factory"; and that defendant knows all of such advertisements and representations to be false.

One can hardly imagine practices that would be regarded—I am using the term in its colloquial sense—as more unfair, more unjust, more rascally than that. It was a plain attempt to steal another man's trade and business, but the defendant did not seek to attempt to steal that trade and business by substituting his goods for the goods of the complainant, and because the complainant did not allege such substitution and deception of the public, not as to the character of the Everett piano, but a deception of the public as to the identity of the two pianos, the court held this not to be a case of unfair competition. I read:

> We think that the bill states nothing more than a trade libel, and consequently that it does not state a case for the interposition of a court of equity. Kidd v. Horry (C. C., 28 Fed., 773, per Justice Bradley). The bill in its averments falls in a number of particulars respecting well-known grounds for equitable interference.

Now, listen:

> It does not state a case of unfair competition, because it is not averred that defendant has attempted to palm off any other kind of piano as that of complainant. Edward Hilker Mop Co. v. United States Mop Co. (191 Fed., 613, 618; 112 C. C. A., 176; C. C. A., 6th Cir.), and cases there cited. It does not state a case of infringement of complainant's trade-mark (Saxlehner v. Eisner & Mendelson Co., 179 U. S., 19, 33; 21 Sup. Ct., 7; 45 L. Ed., 60), nor a case of boycott, as abundantly appears in the case relied on in that behalf (Gompers v. Buck Stove & Range Co., 221 U. S., 418, 437; 31 Sup. Ct., 492; 55 L. Ed. 797; 34 L. R. A. (N. S.), 874). It falls far short of stating a case of the class to which Emack v. Kane (C. C.) (34 Fed., 46), belongs, or Commercial Acetylene Co. v. Avery Portable Lighting Co. (C. C.) (152 Fed., 642). See also Acme Acetylene Appliance Co. v. Commercial Acetylene Co. (192 Fed., 321; 112 C. C. A., 573; C. C. A., 6th Cir.). A multiplicity of suits (Boise Artesian Water Co. v. Boise City, 213 U. S., 286; 29 Sup. Ct., 426; 53 L. Ed., 796) is not threatened, or at all probable; nor is any showing made that the wrongs averred can not be redressed in a court of law.

There is a case of most unfair practices, using the term in a colloquial sense, but not a case of unfair practices or unfair competition as that term has been defined by the courts of law. So, I might say all the vast field which is endeavored to be covered by the bill is not covered at all, because the use of the term "unfair competition" excludes the very things the author of the bill hopes to cover by his bill. It follows, therefore, if I am correct, that if we adopt section 5, we will simply have con-

ferred upon a commission a power already possessed by courts of equity and which has been exercised for a hundred years, namely, the power to prevent A from imposing his goods upon the public as the goods of B, and that we will have gone no further than that.

Moreover, having addressed ourselves in the law to a method of prohibiting a specific act which has therefore not been incorporated within the denunciation of our statutory law, we will in all probability have cut off the jurisdiction of the courts until, first, the litigant or complainant shall come to this commission. Instead of being able, as he is now and has been for a hundred years at least been able, to go into a court of equity and invoke its powers and prerogatives and place himself under the protection of its arm, he will be denied access to the courts until he has first come to this tribunal. Thus, instead of furthering a plan for the lessening of unfair and unjust practices, instead of furnishing an additional means by which interference with trade may be made the means of establishing monopoly, we will have built a legal barrier in front of the citizen when he undertakes to enforce his rights. That is not the purpose of my friend who introduced this bill, but that is exactly the position we are placed in.

Mr. President, I am appealing to Senators not to put upon the statute books a law that will be abortive. At the present time public opinion is well crystallized back of a movement to further curtail and, if possible, effectually eradicate the powers and privileges of monopoly. It is the experience of all legislative bodies that when a sentiment is so crystallized, if some act can be passed which impresses the public with the thought that a remedy has been effectuated, public opinion lapses and the battle is over for the time being, and it may be years before again public sentiment can be aroused so that legislation is possible. Accordingly, the worst enemy of trust legislation could hope for nothing better than to see this Congress solemnly adopt a law and adjourn, only to discover after adjournment that all it had succeeded in doing was to actually circumscribe and narrow the scope of the antitrust statutes now upon the books.

If Senators who have studied this law will examine the authorities that I have cited, and examine the authorities which have been cited by my friends who take an opposite view, they will discover that the path of the law is very plain; that it leads unerringly to the conclusion that "unfair competition" is limited as I have said it is limited, and as all these books say it is limited, and that what our friends upon the other side are relying upon is the mere loose or argumentative statements, descriptive phraseology that creeps into the opinions of courts, and that was never intended to amount to a declaration by the court that the term "unfair competition" covers the practices these gentlemen seek to prohibit.

Mr. President, there are other important considerations, and I address myself for just a moment to the statement of one of them.

If this term has a definite meaning, and if it be the narrow meaning I contend it must be given, then clearly we can not put it in a statute, because it will do exactly the thing we do not want to do. It will become necessary, therefore, to find some other term, some other phrase, if we proceed to enact section 5 of this bill. In seeking for that term or phrase, I have this to say: Unless some lawyer can discover a term which has been held to embrace the practices we seek to prohibit, and that term has been clearly construed by the courts, so that when we adopt it we adopt it with the construction, then we must, by apt and proper language, define the acts or character of acts we propose to prohibit, because if we do not employ a term which has a definite meaning or do not employ a descriptive phrase which advises all of the people as to what is lawful and what is unlawful we have not succeeded in passing a law at all. The attempted law will be void because of vagueness and uncertainty or else it will be void because we have sought to grant to a board almost unlimited powers. Thus, we will have provided that the people shall be governed not by the law of the land but by the will of a board of men, which is only another way of stating that you will have substituted arbitrary government and arbitrary power for free government.

Mr. NEWLANDS. Mr. President, I offer as a substitute for the amendment offered by the Senator from Iowa [Mr. CUMMINS] an amendment which has been agreed to by the committee and which has the approval of the Senator from Iowa. The committee's action consists in dividing this proviso into two parts and placing the latter part as an additional section, to be called section 11.

The amendment offered by the Senator from Iowa is as follows:

> *Provided*, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

That was adopted after striking out the words "have any force or effect nor," so that the proviso will read:

> *Provided*, That no order or finding of the court or commission in the enforcement of this section shall be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

I offer that as a substitute for the amendment offered by the Senator from Iowa, and later on I shall offer an amendment by way of an additional section to the bill which will cover the closing part of the amendment of the Senator from Iowa.

Mr. GALLINGER. Mr. President, does the Senator ask that a vote shall be had upon the amendment?

Mr. NEWLANDS. I ask for a vote.

Mr. SMOOT. Let it be stated from the desk.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The Secretary will state the proposed amendment.

The SECRETARY. It is proposed to amend section 5 by adding the following:

> *Provided*, That no order or finding of the court or commission in the enforcement of this section shall be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. I do.

Mr. GALLINGER. I will ask the Senator from Nevada as to the accuracy of the suggestion that was made in certain newspapers this morning—and I do not always give credit to the newspapers as being accurate—that the majority side of the Chamber, through their several committees, are now engaged in perfecting certain bills that have been reported to them with a view of consolidating the three bills that we have talked about more or less into one bill for the consideration of the Senate.

I will say to the Senator that that appealed very strongly to me, if it is a feasible thing to do, and it gave me courage to believe that if that course were pursued we would be able to get away from Washington before the fall months were upon us. I simply ask the Senator for information, as I have no doubt he exactly understands the status of the bills that are now being considered by, I think, two committees of the Senate.

Mr. NEWLANDS. Mr. President, no suggestion has come to my attention, except that from the newspapers, with reference to joining these three bills in one bill. The Judiciary Committee has been considering the so-called Clayton bill, and, I am told, will be able to report it within a couple of days. The Interstate Commerce Committee of the Senate has been considering the so-called railroad securities bill and will be able to report that shortly; but the latter bill has no relation whatever to the subject matter of the trusts, and, of course, it would hardly be proper to attempt to incorporate that bill with the other two. A junction between the other two might be possible, but I see no inclination in that direction, and at present I do not think it desirable.

I will state that the members of the two committees have been in communication with each other, and I understand some amendments are being made in the Judiciary Committee which will make the interstate trade commission the medium of enforcement of certain of the provisions in the Clayton bill to the exclusion of the criminal penalties now imposed by that bill. I will also state, with reference to the question of interlocking directors and holding companies, that the Senator from Iowa [Mr. CUMMINS] has been pressing certain amendments to this bill, holding that the enforcement of those provisions should be intrusted to the trade commission. There are provisions in the Clayton bill relating to interlocking directors and holding companies, and those provisions are enforced there through penalties; but if that bill is amended in such a way as to intrust the enforcement of those provisions to the interstate trade commission, the same purpose will be accomplished that is sought to be accomplished by the Senator from Iowa. So I think there is every prospect of harmony of action on this question.

Mr. GALLINGER. The Senator, I think, answers my question. I was merely solicitous of ascertaining, leaving out of the calculation the bill regulating the issuance of bonds and securities, whether there was any probability or purpose of consolidating the so-called Clayton bill with this bill in some form and making it one bill covering substantially the ground that the two bills now occupy. It occurred to me that if that could be done it would lessen the debate.

If we are to have three separate bills before the Senate in this torrid season of the year for lengthy consideration and debate, I suppose some of us will live through it—I propose to, for instance, because I am young—but I should be glad, indeed, if there were a short cut toward reaching the same point.

Brandegee	Chamberlain	Hitchcock	Jones
Bryan	Chilton	Hollis	Kenyon

of the goods of one manufacturer or vendor for those of another, and competition, such as local price cutting at the points where necessary,

to suppress competition; espionage of the business of competitors; the operation of bogus independent companies; and payments of rebates on oil, with the like intent—

And there the distinguished Senator paused. He should have read on, for what follows not only relates to the same subject, but is part of the same sentence—

the division of the United States into districts, and the limiting of the operation of the various subsidiary corporations to such districts, so that competition in the sale of petroleum products between such corporations had been entirely eliminated and destroyed.

The gravamen of the charge was that the defendant had violated sections 1 and 2 of the Sherman antitrust act, and this language of the court was simply descriptive of the various acts which had been indulged in, all of them having the effect and tending to the creation of a monopoly and to the restraint of trade.

I have gone through this very long opinion. From first to last it is apparent that the action was not one for unfair competition. It was a suit invoking the powers of the Federal Government under the Sherman antitrust act, and the thing that was being tried was whether the Standard Oil Co., by the various practices it had indulged in in seeking to destroy its competitors, in seeking to drive them out of business, in gathering them into its vast organization, had been guilty of a restraint of trade and the creation of a monopoly. Now, when learned and industrious gentlemen are driven to a point where they must grasp at a mere descriptive phrase used by a court, not in its decision, but in loosely describing the practices of the defendant, it seems to me they have but little to stand upon, particularly when the long line of decisions, giving to "unfair competition" a specific and distinct meaning, stands before them and will undoubtedly be followed by the courts.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. REED. Certainly.

Mr. NELSON. It seems to me the reference of the court to that subject matter was simply a reference to a part of the evidence that went to establish the existence of a trust. All those things can be taken into consideration in an action under the antitrust law for the purpose of showing that the corporation is working in restraint of trade, or is a monopoly. As an evidence of that fact the fact that they drive competitors out of business is among the very best evidence that is considered. That was all that the court intended in the case the Senator cited—to refer to it as a part of the evidence that went to establish the fact that the Standard Oil Co. was a monopoly and was an institution in restraint of trade.

Mr. REED. Mr. President, I am obliged to the Senator. I tried to say substantially the same thing; but, I think, with his usual directness and clearness of statement, the Senator from Minnesota has expressed the thought much better than I was able to. Undoubtedly the court went no further than the Senator has indicated.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I do.

Mr. NEWLANDS. I am very glad the Senator from Missouri is going into this matter so thoroughly, for of course we both have the same purpose in view, and that is to bring certain practices known in the ordinary vernacular as "unfair competition" under the condemnation of this commission.

The Senator is undoubtedly right in his assumption that at common law, as shown by the numerous cases to which he referred, "unfair competition" had a limited signification. Whilst admitting that, I contend that in both economics and law that term has become an elastic term, embracing other things than those originally contemplated in it; and as an evidence of that, those who believe that this phrase is entirely adequate have referred not only to the economic discussions of this matter, showing that the words "unfair competition" have the wide significance that we contend for—a significance which has been reached after years of discussion of trusts and monopolies—but the courts themselves have now accepted the term used by the economists, and are using this phrase, not in the narrow and limited significance which it once had, but in the broader significance which the economists have attached to it.

It is with reference to this that I referred to the language used by Chief Justice White in the Standard Oil case and to the fact that such language has also been used in some of the decrees of the courts; I can not be very exact in my memory of the language employed, but which referred to fair competition as if it were a term of wide significance, and to unfair competition as a term of equally wide significance.

Now, I would be very glad to welcome any suggestion of phraseology that will cover all that we want. My belief is that this phrase will cover everything that we want, and will have such an elastic character that it will meet every new condition and every new practice that may be invented with a view to gradually bringing about monopoly through unfair competition. But if an adequate phrase can be invented or coined that will meet exactly all the requirements of the future, I would be very glad to accept it.

Mr. REED. Mr. President, that is trying over again what has been said here by the Senator before, and he is always interesting, no matter how often he may say the same thing. But the trouble is that when a legislative body, in adopting a statute, employs a phrase which has a definite meaning in law the courts hold that the phrase in the statute has the same meaning it previously had in law. They do not examine to ascertain whether some economist has used it otherwise; they do not examine to find out whether the term has been differently used in newspapers and in current gossip; they ask themselves the question whether the term has been defined in the law, and they accept the legal definition. That is the difficulty. I am not now contending against this bill, but I am insisting that if we undertake to do a thing we ought to do it, and not in attempting to do a certain thing do something entirely different.

Mr. President, I cited authorities the other day where courts had construed statutes almost directly the opposite of what their language in the ordinary and colloquial sense would import, because before the statute was adopted the phraseology employed by the statute had been given a certain particular and technical construction by the courts, and hence it was held that that construction was incorporated into the statute.

Moreover, Mr. President, if the learned Senator will examine the case he himself has cited and to which I referred—the Standard Oil case—he will find there the doctrine which utterly annihilates the view he has just suggested. In the Standard Oil case, in the long and exhaustive opinion by Mr. Justice White, the court distinctly analyzed the claim that the Sherman Antitrust Act was not broad enough to cover the kinds of restraints of trade which had been indulged in by the Standard Oil Co.; and the argument having been made with great force that there was a limited meaning to be attached to the term "restraint of trade," and that there was also a limited meaning to the term "monopoly," Mr. Justice White accepted the doctrine that we must go back to the decisions of the courts in order to ascertain what the meanings of those terms were. Starting with that in view and tracing the history of the decisions of the courts through a long course of years, he arrived at the conclusion that the terms "monopoly" and "restraint of trade" did not under the decisions of the courts have the restricted and narrow meaning contended for by the attorneys of the Standard Oil Co. On the contrary, he found that under the previous decisions of the courts the terms "monopoly" and "restraint of trade" were broad, sweeping, general terms, sufficient to cover the practices of the defendant company.

Mr. President, in that very opinion there is found a condemnation of the practices that will be indulged in here if we were to adopt this phrase, in disregard of the construction which has been given to it by the courts in the past. I call attention to the conclusion of the court with reference to this matter. It will be found at page 56 of the Two hundred and twenty-first United States:

From the review just made it clearly results that outside of the restrictions resulting from the want of power in an individual to voluntarily and unreasonably restrain his right to carry on his trade or business, and outside of the want of right to restrain the free course of trade by contracts or acts which implied a wrongful purpose, freedom to contract and to abstain from contracting and to exercise every reasonable right incident thereto became the rule in the English law. The scope and effect of this freedom to trade and contract is clearly shown by the decision in Mogul Steamship Co. v. McGregor (1892, A. C., 25). While it is true that the decision of the House of Lords in the case in question was announced shortly after the passage of the antitrust act, it serves reflexly to show the exact state of the law in England at the time the antitrust statute was enacted.

In this country also the acts from which it was deemed there resulted a part, if not all, of the injurious consequences ascribed to monopoly, came to be referred to as a monopoly itself. In other words, here, as had been the case in England, practical common sense caused attention to be concentrated not upon the theoretically correct name to be given to the condition or acts which gave rise to a harmful result, but to the result itself and to the remedying of the evils which it produced. The statement just made is illustrated by an early statute of the Province of Massachusetts—that is, chapter 21 of the laws of 1778-79—by which monopoly and forestalling were expressly treated as one and the same thing.

It is also true that while the principles concerning contracts in restraint of trade—that is, voluntary restraint put by a person on his right to pursue his calling, hence only operating subjectively—came generally to be recognized in accordance with the English rule, it came, moreover, to pass that contracts or acts which it was considered had a monopolistic tendency, especially those which were thought to unduly diminish competition, and hence to enhance prices—in other words, to monopolize—came also in a generic sense to be spoken of and treated as they had been in England, as restricting the due course of trade, and therefore as being in restraint of trade.

In other words, we had come to the English rule, which was older than our rule. I am anxious that the Senator shall get right on this question. I appreciate the fact that in examining all the difficult problems presented by this bill it was natural to have employed a term which in its colloquial sense seemed to cover the case. Yet I appeal to him now not to insist upon doing the utterly useless thing of adopting a statute condemning a certain practice by name and overlooking the fact that the meaning in the law of that term is entirely different from the meaning he is seeking to ascribe to it. I imagine one would be in a very peculiar position——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, let me call the attention of the Senator from Missouri to the fact that this section 5, relating to unfair competition, is an additional section not covered by the bill as passed by the House. So even assuming that his narrow interpretation of the term "unfair competition" is correct, nevertheless the bill will be fuller and more complete in the remedy of monopolistic tendencies than would be the bill without it. I assume, of course, that the Senator has been so busy with his work upon the Judiciary Committee and his work of research regarding this particular phrase that he has not yet been able to get to work the constructive quality of his mind, which we all know he possesses, and I again urge that the Senator present here in some concrete form an amendment which will cover all the unfair practices that he would like to see condemned, and which I would like to see condemned, in addition to that particular unfair practice which he says throughout all the time of the common law has been sanctioned in its application to a particular condition.

Mr. NELSON. Will the Senator from Missouri yield to me?

Mr. REED. Certainly.

Mr. NELSON. It seems to me that section 5 of the trade commission bill is only nibbling at one side of the real trust question. I wish in this connection to quote from the opinion of the Supreme Court in the Tobacco case. A brief summary here will show in what shape the court put it. I read from the opinion as follows:

Considering, then, the undisputed facts which we have previously stated, it remains only to determine whether they establish that the acts, contracts, agreements, combinations, etc., which were assailed were of such an unusual and wrongful character as to bring them within the prohibitions of the law—

That is, the antitrust law.

That they were, in our opinion, so overwhelmingly, results from the undisputed facts that it seems only necessary to refer to the facts as we have stated them to demonstrate the correctness of this conclusion. Indeed, the history of the combination is so replete with the doing of acts which it was the obvious purpose of the statute to forbid, so demonstrative of the existence from the beginning of a purpose to acquire dominion and control of the tobacco trade, not by the mere exertion of the ordinary right to contract and to trade, but by methods devised in order to monopolize the trade by driving competitors out of business, which were ruthlessly carried out upon the assumption that to work upon the fears or play upon the cupidity of competitors would make success possible. We say these conclusions are inevitable, not because of the vast amount of property aggregated by the combination, not because alone of the many corporations which the proof shows were united by resort to one device or another. Again, not alone because of the dominion and control over the tobacco trade which actually exists, but because we think the conclusion of wrongful purpose and illegal combination is overwhelmingly established by the following considerations.

Then they cite first (a), which I will not read; and they cite next (b), and this is the language of the court:

(b) Because, immediately after that combination and the increase of capital which followed, the acts which ensued justify the inference that the intention existed to use the power of the combination as a vantage ground to further monopolize the trade in tobacco by means of trade conflicts designed to injure others, either by driving competitors out of the business or compelling them to become parties to a combination—a purpose whose execution was illustrated by the plug war which ensued and its results, by the snuff war which followed and its results, and by the conflict which immediately followed the entry of the combination in England and the division of the world's business by the two foreign contracts which ensued.

So, Mr. President, quoting from this opinion—and I ask the indulgence of the Senator, I say again that this provision in section 5 of the trade commission bill is simply nibbling at one corner of the parts that go to make up a trust monopoly in restraint of trade. It is one of the features that the court will always take into account and always consider. If you restrain that little matter of unfair competition, as you call it, what then? You still leave the trust intact and you get no substantial remedy; you get only one corner of it. The trust still exists to prey upon the public, and you have only had the experience of calling attention to one feature of what the trust in its manipulations and operations is doing. Now, what good does that do?

I apologize to the Senator for taking up so much of his time.

Mr. REED. I thank the Senator for the interruption.

Mr. VARDAMAN. Mr. President, this is one of the most important questions before the Senate. It is one of the important measures which the Executive has announced to the country must positively be enacted before we adjourn. Yet there are less than a dozen Senators in the Chamber listening to the discussion. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Jones	Norris	Smoot
Brandegee	Kenyon	Overman	Sterling
Bryan	Kern	Page	Swanson
Camden	Lane	Perkins	Thomas
Catron	Lea, Tenn.	Reed	Thompson
Chilton	Lee, Md.	Saulsbury	Tillman
Clapp	Lewis	Sheppard	Townsend
Culberson	McCumber	Shields	Vardaman
Gallinger	Martin, Va.	Simmons	Walsh
Hollis	Martine, N. J.	Smith, Ariz.	Weeks
Hughes	Nelson	Smith, Ga.	West
Johnson	Newlands	Smith, Md.	White

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present.

Mr. GALLINGER. I move that the Senate adjourn.

The PRESIDING OFFICER put the question and declared that the noes appeared to prevail.

Mr. GALLINGER. I think we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL]. Under the terms of my pair I feel that I am at liberty to vote on this question, and I vote "nay."

Mr. LEA of Tennessee (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the junior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. SAULSBURY (when his name was called). While I have a general pair with the junior Senator from Rhode Island [Mr. COLT], we have agreed this morning that either shall be at liberty to vote on such trivial questions as this. I therefore vote. I vote "nay."

Mr. SMITH of Maryland (when his name was called). I have a pair with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], which I transfer to the junior Senator from Tennessee [Mr. SHIELDS], and vote "nay."

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is detained from the Senate on important business. I therefore withhold my vote.

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay." I desire also to add that the Senator from Illinois is absent on account of illness in his family.

Mr. WILLIAMS (when his name was called). Repeating my previous announcement as to my pair and its transfer, and requesting that that announcement stand for the remainder of the day, I vote "nay."

The roll call was concluded.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], who is absent, and I therefore withhold my vote.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote. I vote "nay."

Mr. HOLLIS. I have a general pair with the junior Senator from Maine [Mr. BURLEIGH], but, under my understanding with him, I may vote if necessary to make a quorum.

15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 8.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, and 7, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I move that the trade commission bill be now taken up for consideration.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HOUSTON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Myers	Smith, Md.
Brady	Johnson	Norris	Smoot
Brandegee	Jones	O'Gorman	Stone
Bryan	Kenyon	Page	Swanson
Burton	Kern	Perkins	Thomas
Camden	Lane	Poindexter	Thompson
Catron	Lea, Tenn.	Reed	Townsend
Chamberlain	Lee, Md.	Saulsbury	Vardaman
Chilton	Lewis	Sheppard	West
Clapp	McCumber	Sherman	White
Gallinger	McLean	Simmons	Williams
Gronna	Martin, Va.	Smith, Ariz.	Works
Hollis	Martine, N. J.	Smith, Ga.	

Mr. CHILTON. I desire to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. NEWLANDS. Mr. President, I inquire whether there is any Senator who wishes to address the Senate upon the trade commission bill now pending? If not, I ask to proceed with the bill.

Mr. BRANDEGEE. Mr. President, I inquire what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the amendment offered by the Senator from Iowa [Mr. CUMMINS], which the Secretary will state.

The SECRETARY. It is proposed to amend section 5 by adding thereto the following:

Provided, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts, nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust acts or any part or parts thereof.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. REED. Mr. President, I ask if it is intended to have a vote at this time?

Mr. BRANDEGEE. I wanted to know what we were going to vote on, if there was to be a vote, and therefore I asked what the pending amendment was.

The PRESIDING OFFICER. The question now is upon the amendment, as the Chair understands. For what purpose does the Senator from Missouri rise?

Mr. REED. I rise to suggest that there is only about one-tenth of a quorum in the Senate. Before we proceed to vote upon this bill there will have to be a quorum here. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Missouri suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burton	Gallinger	Hughes
Borah	Catron	Gronna	Johnson
Brandegee	Chamberlain	Hitchcock	Jones
Bryan	Chilton	Hollis	Kenyon
Kern	Newlands	Saulsbury	Tillman
Lane	O'Gorman	Shafroth	Vardaman
Lea, Tenn.	Overman	Sheppard	West
Lee, Md.	Page	Simmons	White
Lewis	Perkins	Smith, Ariz.	Williams
Martine, N. J.	Poindexter	Swanson	Works
Nelson	Reed	Thompson	

Mr. PAGE. I wish to announce the necessary absence of my colleague [Mr. DILLINGHAM] and his pair with the senior Senator from Maryland [Mr. SMITH]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

Mr. REED. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator is interrupting the roll call. The Chair has just directed the Secretary to call the names of absent Senators.

The Secretary proceeded to call the names of absent Senators, and Mr. MARTIN of Virginia, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. SMOOT, and Mr. WALSH answered to their names.

Mr. CLARKE of Arkansas and Mr. CAMDEN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS].

Mr. REED obtained the floor.

Mr. GALLINGER. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. Certainly.

Mr. GALLINGER. Mr. President, I want to repeat, in substance, what I said a few days ago, that the other side of the Chamber is largely responsible for the proposed legislation now pending, and it is a remarkable spectacle that at the hour of 2 o'clock we should spend 15 or 20 minutes in getting a bare quorum of the Senate. Some of us on this side are staying here under great personal inconvenience, and, as we think, to the detriment of our health; and I do not know how long the other side of the Chamber can hold us responsible for being here to make a quorum to consider the so-called administration measures. That is all I care to say, Mr. President, but I think it is well that the country should understand that at the hour of 2 o'clock we have wasted 10 or 15 minutes in getting a bare quorum of the Senate.

Mr. KERN. Mr. President, will the Senator from Missouri allow me?

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. REED. Certainly.

Mr. KERN. I think it would be fair to absent Senators to say that a number of them are at work in the Committee on the Judiciary perfecting the bills that are to be brought before this body, and a number of others are away on urgent business. I think the absences are mostly unavoidable.

Mr. REED. Mr. President, I might add that at the time the Senator from New Hampshire [Mr. GALLINGER] made his remarks, by actual count there were 10 Republican Senators in this Chamber and there were at least 20 Democratic Senators. While I should like to see a better attendance—I agree to that—I think there is a responsibility upon all Senators to be here when it is at all possible.

Mr. President, at the hour fixed for the recess of the Senate on last Thursday I was in the midst of a discussion of section 5 of the pending bill. I had undertaken to demonstrate two questions: First, that if the term "unfair competition" has a definite meaning that meaning will be incorporated into the statute. Second, that the term "unfair competition" does have a certain limited and definite meaning, and that it does not at all cover those unfair practices which the author of this bill seeks to prohibit. I had stated the proposition that the term "unfair competition" means in law, those practices by which one man substitutes in the trade his goods for those of another. I had further undertaken to demonstrate, and I think successfully, that the term "unfair competition" has had that particular limited meaning in the law of this country for many years, that it had that particular common-law meaning, and that for many years the courts of England have given to the term that restricted meaning. Therefore I had urged that if we adopt the term into this law all we will have succeeded in doing is to confer upon the commission about to be created a power, under section 5, to prohibit one man from selling his goods as and for the goods of another. Moreover, if we adopt this section as it is now written and confer this power upon the trade

commission we will have conferred upon it no power save one which has for many years been exercised by the courts of equity of this country and of England. Besides, we will probably, by the adoption of this section, restrict the right of the citizen to enter the courts and obtain relief until and unless he first applies to the commission.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do, for a question. I desire to proceed and get through with what I have to say, but I will yield for a question.

Mr. BRANDEGEE. That is all I wanted the Senator to yield for. I shall not detain him more than a second.

The Senator states that if the meaning be attached to "unfair competition" which has been given to it by the court decisions and authorities which he has read, no power or authority will be conferred upon this commission except what has already, and long before this, been exercised by the courts. Does the Senator think we can confer upon this executive or administrative commission authority which has been exercised as a part of the judicial power?

Mr. REED. The Senator has asked a question which I do not want to answer at this time. I think his question a very difficult one. I intend hereafter to discuss that proposition. Just at this time I am addressing myself to the author of this bill and to the friends of this bill, to say to them that if they adopt section 5 in its present terms they will have accomplished nothing except to confer or attempt to confer upon a commission the right to investigate and prevent A from going into the market with goods which are an imitation of the goods of B or which have imitated the trade name of B.

Mr. BRANDEGEE. Mr. President, does the Senator prefer that I should not ask him any question at this time? I will desist if it interrupts the Senator.

Mr. REED. No.

Mr. BRANDEGEE. Then take the other case: Suppose the Senator is incorrect in his assumption that this bill only attempts to confer what has been heretofore exercised by the courts under the term "unfair competition." Suppose it confers something else. Suppose it confers, or attempts to confer, upon the commission the authority to prohibit a corporation engaged in commerce from doing anything that, in the opinion of the commission, may be unfair. Then what would the Senator say about the validity of the bill?

Mr. REED. I have referred to that in my previous remarks. I said then, and I say now, that if the term "unfair competition" has no definite meaning in the law, and it is written into this bill unaccompanied by language declaring its meaning, we will then be conferring upon the commission the power practically to make the law, to declare that which, in their opinion, is right to be right, and that which, in their opinion, is wrong to be wrong. Thus we will have substituted, for the Government of the people by a law of the land, the rule of the people by the opinion of three or five men.

That, however, is aside from the question I am just now discussing. I want, if I can, to demonstrate to the author of this bill and to its friends, that if they accept section 5 in its present form they will not at all have accomplished the purpose they have in view, which is to prohibit certain practices which may be called unfair, using the term in its colloquial sense, but which, using the term in its legal sense, will not at all be included within that term.

Mr. President, I cited a number of authorities upon this proposition, and I want very briefly to call attention to a few more.

The case of Cole v. American Cement & Oil Co. (130 Fed. Rep., 703), contains this language:

The law of unfair competition seeks only to restrain fradulent practices inducing confusion of goods and deception of the public, and it can not be used to prevent a defendant from adopting a trade-mark or label intended to attract attention and popularise its produce, although it results, and is intended to result, in better enabling it to compete with complainant, where no deception or confusion of goods is caused or intended thereby.

In that case the defendant issued a circular advertising an article of its manufacture to some extent similar to one issued by the complainant, and inclosed in the cartons containing those goods certain statements, but it was held that this was not unfair competition, where the defendant's circulars did not attempt to impose these goods upon the public as the goods of another.

The case of Howe v. Wyckoff, Seamans & Benedict (198 U. S., l. c., 140), uses this language. I challenge the attention of lawyers to this quotation:

The essence of the wrong in unfair competition consists in the sale of the goods of one manufacturer or vendor for those of another, and if defendant so conducts its business as not to palm off its goods as those of complainant the action fails.

In Newcomer & Lewis v. Scriven (168 Fed. Rep., 621; l. c., 626), the court said:

But it is not shown that any customer was misled into buying garments as made or sold by the Scriven Co. which were made by others.

In that case, which was one of unfair competition, the courts dismissed the bill because of the failure to show the deception.

The case of Goodyear India Rubber Glove Manufacturing Co. v. Goodyear Rubber Co. (128 U. S.) is of similar import, the syllabus being:

Relief in equity to restrain unfair trade is granted only where the defendant, by his marks, signs, labels, or in other ways, represents to the public that the goods sold by him are those manufactured or produced by the plaintiff, thus palming off his goods for those of a different manufacture, to the injury of the public.

In Rathbone v. Champion Steel Range Co. (189 Fed. Rep., 26) I find this as one of the syllabi:

The essence of the wrong in unfair competition consists in the sale of the goods of one manufacturer or vendor for those of another, and the copying by one manufacturer of stoves of an unpatented design of a stove made by another, only a few of which had been sold, so that it was not known to the buying public, and no purchaser was deceived, the characteristic marks of the original designer being removed and those of the maker substituted, did not constitute unfair competition which would sustain a suit for an injunction.

Now, notice: In that case the defendant had done a very unfair thing. He had copied another man's goods. He was taking advantage of the other man's art and genius and ability. He was, in effect, stealing the other man's ideas; and yet, because the goods of the injured party had never obtained a trade reputation, so that the public would be deceived into believing they were getting his goods instead of those of his unfair and rascally competitor, the court stated this not to be a case of unfair competition, and hence denied the relief.

In Hilker v. Mop Co. (191 Fed. Rep., 613) you will find this language in the syllabi:

Nothing less than conduct tending to pass off one man's business or merchandise as that of another will constitute unfair competition, and similarity of circulars sent by a defendant manufacturer to its agents and prospective agents to those sent by complainant to its agents is not sufficient to constitute unfair competition, where the contents of the circulars were such that they were not likely to be shown to ultimate purchasers of the article.

Mr. President, I could continue to cite cases of this kind for some hours. The books are full of them. In every case I have been able to discover that has ever been held to be a case of unfair competition the action has been for an imitation of the goods of another, or of the packages in which another incloses his goods, or of the trade name of another, so that a fraud was worked upon the public, the manufacturer or dealer at the same time being deprived of his trade.

Of course, Mr. President, we use the word "unfair" to cover many things. We may use it to describe the competition between firms or individuals. Its colloquial sense is one thing while its legal sense is quite another. When you examine the books you will find that in law the term is universally used to describe the practices specified, referred to a few moments ago. That being true, it follows that if we pass this bill we will have done nothing more than to confer upon this board the right to investigate whether a competitor is imitating the goods or the name of complainant, and it will get us nowhere.

Mr. President, I pause at this time to call attention to the authorities which have been cited by some learned Senators. They have searched through the books to find some place where a court has used the term "unfair competition" in order to describe certain practices which were unjust or rascally. Of course, in all the decisions that have been written it is not difficult to find the term sometimes used in its colloquial sense; but I challenge any man to produce a well-considered decision, especially by any court of the United States, which has held that "unfair competition" has any such meaning as these gentlemen contend for. On the contrary, nearly every case they have cited is, when properly understood, squarely in the teeth of the contention they make.

I know of no better illustration than the case which was referred to by the author of this bill, the learned Senator from Nevada [Mr. NEWLANDS]. He read into my remarks on Thursday a quotation from the Supreme Court of the United States which he appeared to think was a conclusive answer to my argument. Now, what was it? He read this language—language which is a part of the court's description of the averments of the petition in this case. I read:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary

and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4845) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5207) granting pensions and increase of pensions to soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. SHIVELY. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. STERLING conferees on the part of the Senate.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 8428. An act to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, was read twice by its title and referred to the Committee on Privileges and Elections.

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, was read twice by its title and referred to the Committee on Pensions.

PENSIONS AND INCREASE OF PENSIONS.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 13, 16, 37, 38, 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, and 27, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40"; and the Senate agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 35, 39, and 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 42, 43, 44, and 45, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. STERLING submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 26, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.
JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 11, 12, 13, and 16.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 17, 18, and 19, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, and 14, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 10 and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, and 23.

And agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17"; and the Senate agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4 and 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, and 8, and agree to the same.

BENJAMIN F. SHIVELY,
N. P. BRYAN,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WILLIAM H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

divided and subdivided, hastening from county to county and occupying fields remote from one another. For nearly 48 hours a pitched battle was fought at Walsenburg with 1,500 armed men who responded to the labor leaders' call for volunteers.

During these red days my chief concern was to prevent further bloodshed. I went into conference after conference with the leaders of the strike to avert further public calamities and prevent the shedding of innocent blood. I was willing to waive for the time all considerations of treasonable practices I besought the leaders' cooperation with me in restoring order. Truce after truce was arranged between the soldiers of the State and their armed adversaries. These truces were scrupulously kept by the National Guard, but the labor leaders who agreed to them either could not or did not control their own people. The time came when the rebellion assumed such proportions that it could not be met with the greatly reduced force at my disposal, a force unpaid for four months, and to pay whom for any further service there was no visible means or prospect of means. I called the legislature of the State together in extra session to provide for this expense. At the same time I requested the President of the United States to take charge of the situation with Federal troops. That request was honored. Upon the coming of the Federal troops, the National Guard was withdrawn from county after county. The name and power of the United States was freely invoked; the strikers and their sympathizers subsided, and peace and order were restored.

So long, at least, as the United States troops remain in Colorado, or when I or some more potent agent shall have succeeded in settling the strike, which, of course, is the root of the evil, peace and order will prevail. If the strike is not settled, or if it shall be deemed necessary to withdraw the United States troops under present conditions, I greatly fear that the struggle will be revived. The strike leaders are very earnest and zealous men in their cause. I fear that their zeal in the hour of passion has led them beyond all lawful bounds.

It is idle to make predictions. Neither side of the industrial conflict is at present disposed to make any concession whatever. Both cry loudly that there is nothing to arbitrate. The recognition of the union remains the vital point of the controversy. The strikers declare that without it all else is in vain. The mine owners point to the fact that they have promised permanent employment to the men now at work in their mines, and that they can not and will not supplant them with those who have been lately engaged in destroying their property and killing their people. They claim that recognition of the union means nothing else.

The State has taken no side whatever in this industrial conflict. I have used every means at my disposal to bring about a settlement and to avert civil war. A time came when I found the leaders of one side of this conflict heading an armed rebellion against the State. I can not escape the belief that Colorado's experience is but a local expression of general conditions and, in that aspect, of vast importance to the people at large. The remedy for such conditions lies with the legislative and not with the executive branch of the government. It is a governor's duty to enforce the constitution and laws of his State. The hundreds or thousands of men lately in arms against the military forces of the State are still in Colorado, and so are their arms, hidden away, perhaps to await a future use. What the future holds, who can say?

ELIAS M. AMMONS.

INDIAN APPROPRIATIONS.

The Senate resumed the consideration of the action of the House of Representatives requesting a conference on the disagreeing votes of the two Houses on the bill (H. R. 12570) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. TOWNSEND. I now desire to refer to the matter properly before the Senate.

Mr. NEWLANDS. May I ask what is the regular order?

The VICE PRESIDENT. The regular order is the privileged question, the motion of the Senator from Arizona that the Senate insist upon its amendments and agree to the conference asked by the House of Representatives, and that the Chair appoint the conferees.

Mr. TOWNSEND. To that matter I desire very briefly to speak because of what has been said by the senior Senator from Montana [Mr. MYERS]. I have no question as to the Senator's interest in his constituents; I have no question about his loyalty to the people of his State; but I submit, Mr. President, that the Senator has already stated sufficient to disclose the fact that he is not in a position to act as an impartial advocate of the Senate bill. A conference committee so composed would be a vain thing, so far as its influence on the conference for the Senate contention is concerned. I am not quarreling with the Senator as to his views on that matter. He has as good a right to hold those views as I have to hold the contrary; but here is action which has just been taken by the Senate which I regard, and which I must presume that the Senate regarded, as of great importance. It was discussed here for days, and finally it was written into the bill.

The Senator has admitted that he went to the House for the purpose of influencing action on the part of Members of that body against the action of the Senate. I repeat, therefore, that a conference so constituted would not be carrying out the ideas that the Senate has when it creates a conference committee.

I am sorry that the Senator did not feel that it was his duty to refuse to act as a conferee on this bill. It would have cleared the atmosphere; it would have produced in the minds of Senators the idea that there was to be a free, fair, and open conference and that the Senate conferees were to exert themselves to the utmost for the Senate contentions. Any other conference, I repeat, is a vain thing.

I have felt for some time, Mr. President, that we were writing provisions in bills in the Senate with the idea that a conference would write them out again. I submit, Mr. President, it is a bad way to legislate; that to spend time here to write provisions into bills with the idea that a conference will be appointed which would eliminate them would be an almost criminal waste of the Senate's time.

I am, I repeat, sorry that the Senator will stand even as a conferee on the bill under these circumstances; and that is not impeaching his honor nor his integrity nor his devotion to his people at all. But the Senate has a right here. That right has been expressed by a majority vote of the Senate, and we should be sure that every effort is made by the representatives of this body to maintain the action of the majority.

I would rather the withdrawal on the part of the Senator from Montana as a conferee would have been voluntary; but if he does not withdraw, there is a way by which it can be prevented. I shall feel it my duty to move, as a substitute, that the Committee on Indian Affairs appoint the conferees so that a majority of the committee shall appoint the conferees to represent the Senate at this conference.

Mr. MYERS. Mr. President, the intimation of the Senator from Michigan that if I do not withdraw I am liable to be turned down has no effect upon me whatever, because I wanted to hear what he said. I had made my statement in regard to this matter, and the Senator immediately claimed the floor again. I thought it was fair and proper to hear what he had to say, and I wanted to hear what he had to say.

Mr. TOWNSEND. If the Senator will permit me, I am willing to rest this matter entirely upon what the Senator himself has said on this proposition.

Mr. MYERS. So am I, and if the Senator will listen to me in patience a few seconds longer I think that I will not be in his way any longer. I want to make it plain that nothing the Senator has said about the possibility of appealing this matter to the Senate or leaving it to the Committee on Indian Affairs has the least effect upon me, because I was simply waiting to hear what the Senator had to say. I wanted him to say all he had to say on the subject; I wanted to hear him; but almost immediately after he took the floor the second time and long before he made that suggestion I had told the chairman of the committee, the Senator from Arizona [Mr. ASHURST], that after the statement which had been made and after the charges which had been made I intended to decline to serve even if appointed on the conference. I also told the Senator from Mississippi [Mr. WILLIAMS] a short time ago.

In this connection, if the Senator will permit me, I want to say a few words further just along that line. I appreciate the Senator's reference to my loyalty to my State and my constituents, but it seems the Senator has some question about my loyalty to the Senate and my duty as a Member of the Senate. The Senator seems to think it would be a vain thing for the interests of the Senate for me to serve on the conference committee. I do not know why he should think so, unless he would think that I would prove truant and false to my duty and throw down the interests of the Senate. As long as we are in this discussion and I have started out to state the facts and to deal frankly in the matter, I will say that I have not solicited being a conferee and I have given it little thought. Had I been made a conferee I had intended to stand for any reasonable length of time and to any reasonable degree for that amendment of the Senate as well as all others. I had intended to leave that amendment practically, were I a conferee, to the other two Senate conferees, who would naturally, I assume, be the Senator from Arizona [Mr. ASHURST] and the Senator from Minnesota [Mr. CLAPP] on the part of the Senate. I intended to have little to say about it, but to leave it, owing to the circumstances, largely to their judgment and to tell them so, and if they saw fit in the end to recede to abide by that action, and if they saw fit to stand for it, to stand with them always. I had intended to take but little part in the action on this amendment, if any at all, in view of the part that I took on the floor of the Senate.

If a State had an interest in the Indian appropriation bill and a Senator who, in the natural course of things, was liable to be made a conferee stood up for the interest of his State, it had never occurred to me that he was liable thereby to disqualify himself, in the opinion of some Senators, to render himself unfit to act as a conferee. If that is the case, then a Senator who is naturally in the line of appointment as a conferee dare not have anything to say really about amendments to or provisions in the Indian appropriation bill, because if a Senator

took a determined stand and was defeated by the Senate, especially if it related to something of interest to his own State, he would thereby be disqualified from acting as a conferee or subject his action as a conferee to the suspicion of other Senators. If that is the case, then about the only thing a Senator can do who is naturally in line to be a conferee and whose State has interest in the Indian appropriation bill is to take no part in the debate over those particular items or else announce that he will not serve as a conferee. It did not occur to me that a Senator would be considered as being put in that position.

However much patriotism Senators may have, or not, I say that I had intended, in view of the part I had taken on this particular amendment, if made a conferee, to have little if anything to say about it, being willing to leave it on the part of the Senate to the judgment and fairness and sense of right and propriety under the circumstances to those whom I would naturally suppose would be my associates on the conference, the chairman of the committee and the Senator from Minnesota.

But I realize now, after the charges which have been made, or the suspicions which have been expressed, that it would not be best for me to go on the conference committee, because, if I went on it and did as I contemplated doing, if I left the matter practically to my associates of the Senate, or even took any other course, or even had joined them in standing up for and insisting on the amendment, and by any perchance the report of the committee should have eliminated that amendment, then Senators who are inclined to believe that I am unfit or disqualified to serve as a conferee would be sufficiently inclined to believe that that particular amendment had been receded from through my stand or influence or activity.

Under the circumstances, even disregarding the suggestion of the Senator from Michigan, because I arrived at my conclusion before he threw out his suggestion, I would not want to be a conferee on the part of the Senate; and if unanimously elected or if appointed by the Chair, I would not serve. If, because I have been interested in the affairs of my State and have talked to Representatives from my State about our mutual affairs, as I believed I had a perfect right to do, there are any Senators now who feel that, owing to the circumstances, I am not a fit or qualified conferee to do fair and impartial justice to the Senate, or who have any doubts about my fidelity to my duty to the Senate, they having the preliminary suspicion or doubt now, it would be accentuated if that report should finally eliminate any amendment in regard to Montana in which I took an active part or expressed a decided interest. That being the case, I would prefer not to give any Senator ground for any such suspicion or thought that might arise in his mind. Therefore, under the circumstances, I make the request now that I be not appointed one of the conferees on this bill.

An appropriation bill contains innumerable items and amendments. As I say, it never before occurred to me that a Senator, by taking an interest in such items as pertain particularly to his State, would thereby disqualify himself to act as a conferee, but Senators seem to feel that I have been so faithful to my State that I have unwittingly disqualified myself.

If a bill were pending involving scores of items in which his State might be interested and on which he would be in line to act as a conferee, I fail to see what a Senator would do in the future except to sit quietly or announce in the beginning that under no circumstances would he serve as a conferee. Therefore, I simply ask permission of the Senator from Michigan at this juncture to announce, as I did some time earlier in the discussion, a determination in my mind that I would decline to act as a conferee, but I preferred to hear all that was going to be stated about the matter on either side before announcing my intention. It is a new idea to me, but I wanted to hear what was going to be said before I announced my determination, that I now do announce, and I request the Chair that I may not be designated for service as a conferee on the bill.

Mr. TOWNSEND. Mr. President, knowing the Senator from Montana [Mr. MYERS] so well as I do, he has come to the conclusion that I expected he would reach. I ought to say, however, that there has been no criticism as militating against his qualifications to sit as a conferee, because his interest in the Indian bill, either for or against certain items, alone, of course, would not disqualify him for a conferee, although it has been true in the Senate during all the time that the ranking members of the committees have not been appointed conferees, but those who were known to favor the measure that was before the Senate have been put upon such committees.

Furthermore, the Senate has the right to expect of its conferees more than passive support of its measures. Members of a conference committee can not sit quietly by and leave the duty of defending the action of the Senate to some others, but every conferee ought to be in a position to work earnestly and conscientiously for the action that has been taken by the Senate.

Mr. REED. Mr. President, I want to say just one word, because I think this is in effect a challenge of the good faith of a Senator. If we are to indulge in the doctrine that a man is unfitted for the position of conferee because upon one item of a bill containing hundreds of items he had an opinion which was not in accord with the majority of the Senate, it would not be long, if we enforced that sort of rule, until we would find all of the members of the committee likely to be disqualified. That is particularly true with reference to appropriation bills.

Knowing the high character of the Senator from Montana [Mr. MYERS], and having heard what he said here this morning as to his purpose, and, indeed, without having waited to hear what he said, I have not the slightest doubt that if he were made a conferee he would endeavor to carry out the mandate of the Senate with as great zeal and intelligence as he would if he had voted in a different manner. I confess I do not like what is in effect a challenge of the good faith and integrity of a Senator.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona [Mr. ASHURST].

The motion was agreed to.

The VICE PRESIDENT. The Chair is frank to confess that he was not able to clearly hear the statement of the Senator from Montana [Mr. MYERS] as to whether or not he desired to be appointed on the conference committee on this bill.

Mr. MYERS. Mr. President, I have declined in advance to serve as a member of the conference, but I wish to say, further, what I intended to say while on the floor.

I am not aware, during my more than three years' service here, of any act of impropriety or of bad faith which I have ever committed as a Member of this body, but I do say that under the circumstances I did decline, and now decline, to act as a conferee on the part of the Senate on this bill.

Mr. ASHURST. Mr. President, the Senator from Montana [Mr. MYERS] declining to serve as a conferee, all I can do is to suggest to the Chair to appoint the next ranking member of the committee in his stead, Mr. PITTMAN.

The VICE PRESIDENT. The Chair is informed that the Senator from Nevada [Mr. PITTMAN] is the next ranking member of the committee, but that he is out of the city and will not return until Thursday next. The Senator from Oregon [Mr. LANE] being the next ranking member, he will be appointed in the place of the Senator from Montana [Mr. MYERS]. The Chair appoints as the conferees on the part of the Senate the Senator from Arizona [Mr. ASHURST], the Senator from Oregon [Mr. LANE], and the Senator from Minnesota [Mr. CLAPP].

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 157 to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; agreeing to the amendment of the Senate No. 163, with an amendment, in which it requested the concurrence of the Senate; disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

NEW JERSEY AND NEW YORK HARBOR-LINE COMMISSION.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission, which were, on page 1, lines 5, 6, and 7, to strike out "whose assignment to duty relates to harbor work in, or in the neighborhood of, New York Harbor"; on page 1, line 7, to strike out "said."

Mr. HUGHES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 4261) granting pensions and increase of pensions to certain soldiers

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. The resolution will go over, under the rule, and be printed.

BOARD OF CHILDREN'S GUARDIANS.

Mr. SMOOT submitted the following resolution (S. Res. 416), which was read and, with the accompanying papers, referred to the Committee on the District of Columbia:

Resolved, That the Committee on the District of Columbia be directed to investigate the statement of Prof. William H. H. Hart, principal of the Hart Farm School, and accompanying papers, relating to care and maintenance of wards of the board of children's guardians of the District of Columbia and to damages sustained by him in connection therewith, and to report their findings and recommendations at the next session.

CONVEYANCES IN NEVADA BY CENTRAL PACIFIC RAILROAD.

Mr. WALSH. On Thursday evening in the absence of myself and the Senators from Nevada the Senate passed the bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada. It was intended to submit an amendment to the report of the Committee on the Judiciary before action was taken by the Senate. Accordingly I ask unanimous consent that the vote by which the bill was ordered to a third reading and passed be reconsidered, and that the bill be recalled from the House.

The VICE PRESIDENT. The usual parliamentary practice will be to recall the bill from the House and enter a motion to reconsider.

Mr. WALSH. Very well.

The VICE PRESIDENT. The question is on the motion of the Senator from Montana to recall the bill from the House.

The motion was agreed to.

Mr. WALSH. Notice will be made of the motion to reconsider.

The VICE PRESIDENT. The notice will be entered.

CONSTRUCTION OF LOCKS AND DAMS.

Mr. BURTON. If the Senator from Michigan [Mr. TOWNSEND] will yield, I desire unanimous consent to introduce a resolution seeking information, and I ask for its immediate consideration.

Mr. NEWLANDS. I can not consent that the unfinished business shall be laid aside except for the offering of bills.

Mr. BURTON. I do not think it will lead to any discussion. If it does, I will ask that it go over.

Mr. NEWLANDS. Do I understand the Senator from Ohio to say that he will withdraw it if it leads to discussion?

Mr. BURTON. I will ask that it go over if it leads to discussion.

The resolution (S. Res. 414) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be requested and directed to transmit to the Senate at an early date a list of locks and dams constructed and operated by the Federal Government, with the respective rivers or channels in which they are located, including the cost of construction of each, the cost of maintenance to date, the cost of maintenance for the last year for which figures are available, the distance of each from the mouth or source of the river, the date when each lock and dam was finished and made available for use, and the tonnage passing through each lock for the last year for which statistics are available; also a list of locks and dams now under construction.

AFFAIRS IN MEXICO.

Mr. SMITH of Michigan. I desire to introduce a resolution, which I ask to have read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 415) was read, as follows:

Whereas the publication of certain correspondence has been made the basis of allegations in many newspapers that certain persons owing allegiance to and domiciled in the United States have been engaged in correspondence with the authorities of the so-called Constitutionalist Government of Mexico for the purpose of thwarting the designs of the United States Government, and for the promotion of their own interests; and

Whereas in certain of this correspondence agents of the President of the United States have been represented as affording advice to the agents of the said rebellion against the Government of Mexico, intended to enable said revolutionists to evade the orders of the President of the United States against the shipment of arms and munitions of war into Mexico: Therefore be it

Resolved, That the Committee on Foreign Relations or a subcommittee thereof is hereby authorized and directed to inquire, investigate, ascertain, and report whether any person, associations, or corporations domiciled in or owing allegiance to the United States have heretofore been or are now engaged in correspondence with those in rebellion against the Government of Mexico and in violation of the laws of the United States, or whether any persons, associations, or corporations have heretofore been or are now engaged in financing, encouraging, or inciting civil strife in Mexico for the promotion of their own interests or for any other reasons, and whether any agents of the President of the United States have been heretofore or are now engaged in giving advice to those in rebellion against the Government of Mexico to enable or had such agents or authorities to constructively evade the orders of the President of the United States against the shipment of arms or munitions of war into Mexico, or whether any agents of the Government of the United States may be in any way personally or pecuniarily interested for their own gain or profit in the regrettable strife in Mexico.

Resolved further, That said committee or a subcommittee thereof is hereby empowered to summon witnesses, to send for persons or papers, to administer oaths, and to take and secure whatever testimony and evidence that may be required to ascertain the facts upon the matters aforesaid; and said committee or a subcommittee thereof is hereby authorized for the purpose aforesaid to sit wherever necessary and act as well when Congress is not in session as when in session.

Resolved further, That the said committee is hereby directed to report the result of said investigation and inquiry to the Senate during the first month of the next session of Congress; and the expenses incurred by such investigation and inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. WILLIAMS. Mr. President——

Mr. SMITH of Michigan. I note that the Senator from Missouri [Mr. STONE] has come in, but I think at this time I will not press the resolution. I ask that it may go over under the rule until to-morrow.

Mr. WILLIAMS. Very well; that is all right. It will go over under the rule.

The VICE PRESIDENT. The resolution will go over and be printed.

THE COLORADO STRIKE.

Mr. THOMAS. I ask unanimous consent to have published in the RECORD an article in the current number of the North American Review by the governor of Colorado on the Colorado strike. It consists of only 10 pages and is a matter of almost national importance.

Mr. BRANDEGEE. What does the Senator ask to have done with the article?

Mr. THOMAS. That it be printed in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

THE COLORADO STRIKE.

[By His Excellency Elias M. Ammons, governor of Colorado.]

Much has been said and much written about the troubles in Colorado arising from the strike of the coal miners. The parties involved have hurled statements back and forth, and counterclaims and denunciations more or less intemperate have found their way into the public prints to such an extent that, despite the importance of the subject, the public seems to have no clear conception of what has happened. So far as I know, the State itself has not spoken, nor has anyone in authority as yet properly analyzed the conditions in Colorado. It is therefore my purpose to give here an impartial portrayal of the conditions as they have existed in the past and now exist, and which at present are so generally misrepresented and misunderstood.

For four years an industrial struggle, which only recently reached its most acute development, has been going on in Colorado. The economic problem, serious enough in its beginning, has reached a tragic climax of nation-wide importance. During these four years much bitterness has been engendered, and the dispute, which originally involved an economic question between capital and labor, has finally become political, between the State, on the one hand, and those who deny its authority, on the other. Riot has assumed the proportion of rebellion, focusing the attention of the whole American people upon Colorado.

The origin of the present situation dates back as far as 1910, when the coal miners in the district north of Denver struck. That strike has been going on ever since and remains unsettled at this writing. Largely as a sympathetic measure, a strike was called in the southern coal fields, in which are located the largest and most productive mines of the State. This strike was declared in September, 1913, and spread to the mines located in Fremont and Routt Counties. For years the United Mine Workers of America, a powerful international organization of labor numbering over 400,000 members, has been busy organizing local unions among the coal-mining population through which this strike spread. It should be remembered that the coal-mining population of Colorado is composed very largely of south European immigrants who speak practically no English and have as yet little understanding of the American form of government. The mines in which they work are variously owned, there being some 30 or 40 companies operating in the State, of which 3 are conspicuous because of their size and importance. However, although the ownership of all these mines was in various hands when the organization of the miners by the United Mine Workers had progressed sufficiently to make possible the calling of the strike, 20 or 30 small coal-mining companies made common cause with the 3 larger ones and presented a united front of coal-mine owners in opposition to the striking union miners.

These are the contending parties. In this conflict, under present laws, the State government has no voice or concern. It is primarily occupied only with maintaining the peace and dignity of the State. The governor is charged by the constitution with the duty of seeing that the peace of the State is maintained and that the constitution and laws are obeyed by all alike. It is no part of his duty to intervene or mediate in labor strikes or to attempt a settlement of such disputes. I departed from the strict letter of official duty so far as to attempt by every means in my power an adjustment of the differences between these contending economic forces. I am still engaged in that attempt.

The mine owners in Colorado also own the dwellings erected near the mines for the housing of the workmen and their families. When the strike in the southern field was declared, large numbers of workmen left their former abodes. The United Mine Workers assembled these people in tents near the properties where they had been employed. These groups of striking miners with their families thus established in tent colonies were located at points that commanded the approaches to the mines. Colorado has a drastic law against picketing. It prohibits even the persuasion of men at work to quit their employment. The tent colonies were, of course, about pickets. The nonunion workmen had to pass by or through the colonies in going to work. On the other hand, the mine owners employed a force of guards upon their properties who were armed to protect them and their workmen from aggression. It was not long before the strikers of the colonies were also armed. There were two contending armed bodies in close proximity to each other. The strikers claimed a fear of attack by the mine guards, upon which their leaders justified their armament. So far as I have been able to discover, that fear was unfounded, though it may have been honestly entertained. Between these two armed bodies many bloody battles were fought. To this day the village of Hastings, which harbored then, as now, the farmers and mine workers, exhibits the marks of thousands of bullets shot by a large party of attacking strikers. An automobile containing five of these mine guards, returning to their mine upon their lawful occasion, was ambushed and four of the party murdered, the fifth being seriously wounded and left for dead. With reference to this incident, and to give an insight into the point of view of the striker leaders, I may add that one of the great labor leaders of the country came to my home in Denver and tried to convince me that the men who ambushed and murdered these people ought not to be prosecuted, for the reason that a state of war existed, and that the right of the strikers to kill the mine guards should not be questioned. I could multiply such instances of lawlessness and disorder occurring before the coming of the troops. During all that time I was doing my utmost to forestall further bloodshed and disorder by attempting to settle the strike itself. But the time came when, despite all other considerations, the State had to assert its authority through its military arm. In the southern field a reign of terror prevailed. The good citizens of the State, in no wise concerned with the strike itself, were in real danger of their lives. Between the two contending forces no respect whatever was paid to the constituted civil officers of the peace. Because of the almost frantic appeal of the sheriffs of both southern counties, of the boards of county commissioners, mayors, judges, and other civil authorities, as well as from hundreds of the citizens, I felt constrained to call out the National Guard. These soldiers of the State went into this seething caldron of blood and battle in the last days of October. They found these two armed bodies of men in large numbers thirsting for each other's blood and ready for action at each other's throats. The National Guard occupied a territory over 100 miles in extent, quelled the disorder, reestablished the constitution, and without firing a shot preserved the peace of the State for six long and weary months.

I feel that I should add here a word for the National Guard. These men have been made the object of very bitter public attack. Opprobrium, undeserved, has been unstintedly heaped upon them. The charge that they were recruited from the purlieus of the great cities and were not representative of the average population of the State is an absurdity. Any charge that they were hirelings of either side to the industrial dispute is ridiculous. The truth is that the Colorado National Guard is composed, as in other States, of farmers, tradesmen, mechanics, and artisans, with an unusually large proportion of professional men. It is a volunteer force. These men have served their State with a truly commendable devotion, to the sacrifice of their own personal interests, risking their lives in a quarrel not of their making and in which they had no interest. They have not been paid this year even the pittance that is allowed by law. If ever patriotism found expression, it is in the unrecompensed and unwelcome services of these soldiers of the State who have only the consciousness of a duty performed to reward them, and upon whom has been heaped the opprobrium and abuse of those whose interest has dictated.

The troops of the State were able to enforce peace. But it was a sullen and unwilling peace. The mine guards were disarmed and sent away. The strikers promised to surrender their arms, but they did not do so. Similarly, a recital of the pledges of the leaders to surrender these arms to the United States troops was unfulfilled. In the meantime and after the military occupation had begun, I continued unceasingly my efforts to adjust or settle the strike. Conferences with both sides aroused my hopes of a settlement. For 30 days after the calling of the troops I prevented the importation of new workmen and held the situation in abeyance, hoping thus to bring about a termination of the strike, which I felt would be more difficult after the strikers' places in the mines had been taken by other workmen.

About this time, and by the courtesy of the President of the United States, I had the assistance of the Secretary of Labor, himself a member of the United Mine Workers of America. The striking miners had formulated a series of enumerated demands, most of which were vouchsafed by the existing laws of the State of Colorado. The chief, and, as the event has proved, the only remaining one, was the question of the recognition of the union. This point has been insistently refused by the operators and as insistently demanded by the union. Both sides, however, agreed to a conference composed of officials of the mining companies and representatives of the miners, with myself and the Secretary of Labor and myself. This conference was held in my office. At the request of both sides I acted as chairman of their meetings. The demands of the strikers were considered and canvassed. The Secretary of Labor and myself had been led to believe that the point of the recognition of the union was to be waived. At this conference it was agreed that I should make suggestions of settlement which were to be accepted in toto.

I was much elated at this apparent success, and with the assistance of Secretary Wilson I prepared and forwarded to both sides the agreed suggestions. The strikers were to waive the recognition of the union and the mine owners were to concede every other point demanded. Within a few hours I received a letter from the mine owners unequivocally accepting the terms of the proposed settlement. The striking miners, however, rejected the proposal. The conference came to nothing, and the Secretary of Labor returned to Washington. I was afterwards told, confidentially, by the strike members of the conference that they had been instructed in the first place not to accept anything but the recognition of the union.

Upon this miscarriage of our plans of settlement, I directed that all men who desired to work in the mines and who had full knowledge of the strike and conditions of employment should be permitted to work and be protected in so doing. A large number of men were then brought in to work in the mines. They were given military protection in going to the properties and in remaining at work thereon. This is the circumstance which caused the strikers to look upon the National Guard as being in league with their adversaries. They saw their places in the mines taken by others whom they called "scabs." They felt the restraint imposed upon them by the State's troops. They could not prevail the working of the mines by these new laborers either by intimidation or by persuasion. Ignorant, and, I am afraid, disposed to lawlessness, these strikers felt that in protecting the nonunion workmen the National Guard was causing their strike to fail. From restlessness their feeling toward the State's troops grew into impatience, and, as days went by, to fury. In this feeling their leaders shared. The fight began to be waged not merely against the coal operators but against the troops and the State itself. Day by day the notion that an unholy alliance existed between the State authorities and the coal-mine owners was disseminated throughout the State and country by the efficient press bureau of the labor organization. Every argument was used to substantiate that idea. Its utter lack of foundation will go without saying.

An incident occurring during the military occupation will illustrate the point. When trouble broke out in Routt County, a district remote from the seat of the main trouble, the citizens arose *en masse* and announced their intention of forcibly expelling the strike leaders from the county. An appeal was made to me for protection against this body of citizens by the strikers' organization. It was promptly met. I sent troops at once into Routt County, protecting the strikers and their leaders from the aggressions of the populace. I had to give military protection to a newspaper in Trinidad, the organ of the strikers, to save the plant from a formal demolition at the hands of the citizens, who felt themselves outraged by its utterances. These and many more such incidents occurred at a time when the strikers' leaders and the strikers' press were proclaiming that the military arm was being used solely in aid of their antagonists.

In the middle of April, after the troops had enforced a six months' peace and when they were almost four months in arrears of pay, it was felt that they must be withdrawn. It was hoped that the peace thus established would continue. It was feared that it would not. The most earnest protests were made to me by citizens of all classes against the withdrawal. It was felt and generally predicted that as soon as the military restraint was removed the stored-up wrath of this alien population would flare out in some malignant way. Within six days after this withdrawal the eruption came. It was general throughout the coal-mining regions of the State. A widely extended uprising had been carefully planned. The storm broke at Ludlow. Much has been made of Ludlow. It was seized upon as a means of inflaming the minds of men and justifying the acts of treason and murder that followed. The facts in connection with Ludlow have been distorted, and in various forms spread broadcast throughout the land. It has been described as a massacre. It is given out that the National Guard, servile hirelings of the great coal companies, mercilessly shot and burned defenseless women and children in the Ludlow tent colony. On the miserable untruth and injustice of such a story I shall comment presently. However, it was believed, and may still find credence among a great number of the American people who have not the facts and have no reason to believe otherwise. Riot became rebellion. Under the bloodying glare of the story of Ludlow, as given to the world, the leaders correlated and organized the outbreaks which were smoldering and ready to burst forth into a determined, well-administered, and financed rebellion against the constituted authorities of the State. Ludlow was an incident, not an event. The battles and crimes that were committed during the following 10 days would doubtless have occurred had there been no Ludlow incident.

When the troops were withdrawn, 34 men were left upon police duty near Ludlow, the largest of the tent colonies. On April 20 these men were attacked by ten times their number of strikers. The objective was doubtless the village 2 or 3 miles distant consisting of the nonunion workmen and their families. The National Guard thus attacked defended themselves, and later put the strikers to flight and destroyed their colony. The women and children were all removed to places of safety before the attack save only those who were concealed in pits dug beneath the tents. From these pits the soldiers rescued over 30 women and children while the tents were burning. This rescue was made with distinguished bravery and under a heavy fire from the strikers themselves. One pit, almost hermetically sealed, escaped the notice of the rescuers, and 36 hours later was discovered and found to contain the bodies of 2 women and 11 children. These poor people died of suffocation in their subterranean prison, where they had been confined by their would-be protectors. Not a burn or a char or a bullet mark was found upon any of them. The oxygen contained in this closed chamber could not have supported their lives for more than two or three hours. One little boy was accidentally shot, apparently by a striker's bullet. With that exception no women or children were shot or burned or otherwise hurt during the day's fighting. There was no massacre. Men died on both sides; those of the strikers died with arms in their hands fighting against the State; the soldier, on the contrary, tortured and mutilated even before death, gave his life to his country in the discharge of his duty.

Two days later the labor leaders formulated a call to arms, which was published in the press and sent broadcast throughout the State. It was subscribed with the signatures of the leaders. I quote from this call, as follows:

"Organize the men in your community in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving under the guise of State militiamen.

"Gather together for defensive purposes all arms and ammunition locally available. Send name of leader of your company and actual number of men enlisted at once by wire, phone, or mail to W. T. Hickey, secretary of State Federation of Labor.

"Hold all companies subject to order.

"People having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists send them to the State Federation of Labor.

"The State is furnishing us no protection, and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State and we expect to break no law. We intend to exercise our lawful right as citizens, to defend our homes and our constitutional rights."

This call was responded to. The arms that the National Guard failed to gather up were taken from their hiding places and distributed among the strikers. Many more were purchased and placed in the hands of the strikers. During the winter the strikers had augmented their numbers by hundreds, if not thousands, of idle men who never had been coal miners. Colorado seemed to be a resting place for bands of the unemployed. By this augmentation of numbers the force of men who could be armed against the State was truly formidable.

The National Guard was again called out and sent into the southern fields. Its going was heralded by telegrams warning these armed men of the approach of the troop train, and urging that its entrance be disputed. One leader who signed the call to arms was arrested while taking a large number of high-power rifles and quantities of ammunition to his people by automobile. In the northern field armed strikers imprisoned the sheriff in the Hecla mine and besieged him there until relieved by the National Guard. An armed band seized the Chandler mine, in Fremont County, not without much fighting. By way of reprisal the refugees of Ludlow marched 12 miles from Trinidad to Forbes, destroyed their camp, killed 9 of its defenders, and then returned to Trinidad and paraded the streets in triumph. Many of the smaller mines of the State were seized and their managers imprisoned or expelled. The mining villages I have referred to were attacked and many killed. The toll of death in these few days is known to have reached 50, and I believe it to be much greater. The National Guard had to be

had been to Representatives urging them to stand against certain Senate amendments; but if it is so that the Senators who have been urging Representatives to attempt to defeat the Senate amendments are Senators who are to be named as conferees to maintain the position of the Senate, I should myself think they were not in a position to enter a conference, which, under the rules, has to be what is called a full, free, and fair conference. If they have been instigating Members of the House to oppose what they are going to advocate as Senate conferees, I can not conceive that they could properly perform their functions.

I am astonished to hear such a statement made, and I, for one, would not vote for a motion to make Senators conferees if I thought they had been urging the people with whom they are to confer to persist in their opposition to the amendments which they say they are for, as representatives of the Senate.

Mr. ASHURST. Mr. President, will the Senator yield to me for just a minute?

Mr. BRANDEGEE. I yield the floor.

Mr. ASHURST. A statement has just been made which would tend to insinuate that some conferee to be appointed by the Chair on this bill has been working with some Member of the House to induce a disagreement to some of these amendments. I want to say here again in the most emphatic terms, and I hope the Senator from Connecticut heard me say a moment ago, that while it is true I voted against the so-called Mississippi Choctaw amendment, I did so in pursuing a line of thought on the subject that I have followed since I have been in the Senate. If that disqualifies me from being a conferee, very well. I also stated that since the Senate had, by two roll-call votes, favored the distribution of a part of that fund to the Mississippi Choctaws, I would steadfastly and in good faith urge that amendment in conference. I object to, take exception to, and resent any insinuation or suggestion that I, if I am the person meant as one of the conferees, am going to do other than act in good faith and resolutely try to carry out the orders of the Senate. I want that to be understood here and for all time.

Mr. BRANDEGEE obtained the floor.

Mr. TOWNSEND. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Michigan?

Mr. BRANDEGEE. I wanted to answer a statement the Senator from Arizona made about me; but I will yield if the Senator from Michigan thinks he can do it better.

Mr. TOWNSEND. No; I do not think that I can, but I think the Senator would be better able to understand the situation after I have made the statement. I have not even insinuated that the chairman of the committee had taken that attitude or that he had consulted with any Member of the House or that he had taken any other position than the one he has stated. I so expressed myself when I spoke the first time.

Mr. BRANDEGEE. I understood the Senator so to express himself, and I did not understand the Senator from Arizona to say that the Senator from Michigan had insinuated anything about him. I did understand the Senator from Arizona to say that he regarded what I had said as an insinuation that he would not do his duty as a member of the conference committee. I made no such statement. I made no such insinuation. I did not refer to the Senator from Arizona at all. I do not know who the Senators are who would be, under the custom, conferees upon this bill. My statement and my knowledge is based solely upon what the Senator from Michigan has just stated here on the floor, which is that he understands, and, if I get his language correctly, he is credibly informed, that Senators who would be liable, under the custom of the Senate as to the appointment of conferees, to serve as conferees, have been to Members of the House urging them to oppose what these very Senators are hereafter supposed to urge them to accept. I say that, if the Senator's statement is correct, any such Senator who is liable to be a conferee is unfitted for the post, because he can not enter the conference under a pledge to enter it for a full, free, and fair conference if he has been instigating opposition to the lip service he is going to render hereafter as a conferee.

I do not know whether those are the facts or not. I say, if they are the facts—and the conferees who are to be named will know whether or not they are the facts as relating to themselves—such a conferee ought not to serve. He ought to recognize the impropriety of his position. If he does not, there would be no use in calling it to his attention, because those are things which a man must recognize for himself. They are questions of decency and of good faith and of straightforward conduct. There would be no use in my calling it to his attention. If a gentleman does not know that it is not a fitting thing for him, representing the Senate, to go to the House and ask them to stand up against the very thing which to-morrow he is going to beg them to yield to, there is no use in my calling to his attention the fact that that is not a straightforward thing. I expect that if any conferee has been in the business which the Senator from Michigan states he has knowledge that certain Senators have been in, the perception of the fitness and decency of things will induce such a Senator to decline to act as a conferee, because if he does not, I for one would have no confidence whatever in the conference report that emanated from a Senator whose sentiments and conduct had been of that character.

Mr. WILLIAMS. Mr. President, I have made a very hard fight in the Senate for two successive Congresses in behalf of the Mississippi Choctaws. I have received generous support from Senators upon both sides of the Chamber. Very soon after the Senate won its fight over the Committee on Indian Affairs—because that is about the way it ought to be stated—the Senator from Arizona [Mr. ASHURST] came to me of his own accord and told me that he considered himself instructed by the Senate, and, with that chivalry which is one of his characteristics, told me that he would fight just as much for the Mississippi Choctaw amendment as for anything else in the bill. I have no fear in the world of any betrayal by the Senator from Arizona.

I understand, furthermore, that one of the conferees will be the Senator from Minnesota [Mr. CLAPP]. There is no man in this body whom I trust more absolutely than he, and I know just as well as I know anything—just as well as I know that I am here—that if he felt that he ought to surrender this point he would not serve as a conferee. I have absolute confidence in him.

The other conferee, by seniority, will be the senior Senator from Montana [Mr. MYERS]. I have absolute confidence in him. He would not serve if he were prepared beforehand to surrender the Senate's fight.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. WILLIAMS. Yes.

Mr. BRANDEGEE. I agree with the Senator entirely; and if I agree that I have confidence in those gentlemen it is because I can not believe that any one of them has been guilty of what the Senator from Michigan charges.

Mr. WILLIAMS. Mr. President, either the Senator from Connecticut misunderstood the Senator from Michigan or the Senator from Michigan must have been misinformed.

Mr. BRANDEGEE. I will ask the Senator from Michigan, if the Senator from Mississippi will yield to me——

Mr. WILLIAMS. If these are the three men to serve as conferees, I know all three of them so well that I pledge my word of honor that anything of that sort hardly could have occurred.

Mr. BRANDEGEE. I do not know; but I will ask the Senator from Michigan whether or not I have misunderstood what he said, because I do not want to proceed on any misunderstanding.

Mr. TOWNSEND. Mr. President, if the Senator will yield, what I said and what I desire to have remain in the RECORD was that a Senator who had committed himself against the Senate bill ought not to be on this conference committee, and that I had been informed that a Senator who was liable to be a member of that conference committee had been to Members of the House immediately after the bill passed the Senate and for the purpose of working against the action taken by the Senate.

The Senator from Mississippi has mentioned the Senators. I do not wish to be invidious. It is not fair to be so. I intended to have it rest entirely upon the honor of the Senators who were to be upon the conference committee. I feel now, however, that it is necessary for me to be specific, and I shall be so now. I have learned that the Senator from Montana [Mr. MYERS], after the bill passed, was very much disappointed over the action taken by the Senate in reference to certain reclamation projects in his State, and that he had been to the House and had talked with members of that body with the hope of encouraging them in their efforts to defeat the bill.

I can not believe that under the circumstances the Senator from Montana [Mr. MYERS] would accept a position on this conference committee. I have made this clear, although, as I said a moment ago, I had preferred to make the statement general and to allow it to rest with the individual consciences of the Members of the Senate who are to act as conferees.

Mr. MYERS. Mr. President, will the Senator yield to me at this point?

Mr. WILLIAMS. Yes.

Mr. MYERS. I had intended, before the discussion was over, to take the floor and make the statements that I shall now make.

While the previous statements of the Senator from Michigan were general I thought it was incumbent upon me, as one of the senior members of the committee on the Democratic side, to express my views and to make a statement of what I had to say, because under the general rule of procedure I would naturally be one of the conferees.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. BORAH. Mr. President, will the Senator yield to me while I dispose of a matter which I should like to dispose of before 1 o'clock?

Mr. MYERS. I yield, with the consent of the Senator from Mississippi. He has the floor.

Mr. BORAH. Will the Senator from Mississippi yield for just a moment?

Mr. WILLIAMS. Yes.

Mr. BORAH. I ask that Senate resolution 411, which comes over from a preceding day, may be permitted to go over until to-morrow without prejudice.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. STONE. I should like to inquire if that is the resolution the Senator offered with respect to open hearings on the Colombian and Nicaraguan treaties?

Mr. BORAH. It is.

INDIAN APPROPRIATIONS.

The Senate resumed the consideration of the action of the House of Representatives requesting a conference on the disagreeing votes of the two Houses on the bill (H. R. 12570) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. MYERS. As I say, while the first statements made by the Senator from Michigan [Mr. TOWNSEND] were general, I had intended, just as soon as I could obtain the floor, and after the conclusion of the running debate between certain other Members who succeeded each other with rapidity, to get the floor and make my statement.

I have no objection whatever to the Senator being specific about his statements, or charges, or whatever he may regard them. I welcome them, and was going to ask him myself to be specific if he had not voluntarily done so, or if he had not been drawn out by the Senator from Mississippi [Mr. WILLIAMS].

On the Democratic side of the Senate Committee on Indian Affairs I am the second ranking member. I am next to the chairman. As I understand the practice and custom that would ordinarily make me one of the three conferees, as they generally take the first two on the Democratic side and the ranking member on the Republican side.

As to my interest in anything contained in the Indian appropriation bill, it has been said here by the Senator from Michigan that certain amendments which were put on in the Senate were bitterly fought and contested by some of the Senators who may be conferees on the part of the Senate. I did oppose some of those amendments. I opposed one, in particular, which relates to the interests of Montana. I opposed it to the last, and opposed it with all of my ability. I thought it ought to have been defeated, and so thought to the end. If I was bitter in my opposition I knew nothing about it. I did not intend to be bitter toward anybody who was against me, nor toward the Senate, nor toward anybody whatever in connection with it.

After that amendment, in regard to the Flathead reclamation project, which I considered most unjust, had been adopted by the Senate, I did talk in regard thereto to Montana's Representatives in the House of Representatives, Messrs. EVANS and STOUT, the Representatives of my State, who are just as much interested in Montana matters and in that particular matter as I, and explained to them what had been done in the Senate; and I feel that I had a right to talk to them about it. If there is any impropriety in that I know nothing about it.

I want to say that the only talk I had in regard thereto with any House Member was with the Representatives of my own State, Messrs. EVANS and STOUT. I did say to them that I hoped they would succeed in having that amendment defeated in the Indian Affairs Committee of the House or on the floor of the House.

I feel free to say that Montana's entire delegation—my colleague in the Senate and myself and the two Representatives in the House—have felt and still feel that that amendment is unjust and improper. I have consulted with my colleague in this body about it, and I feel that I had an equal right to express my opinion about Montana matters and matters in which we were concerned to my associates who represent the State of Montana in the House. I simply told them my view of it, discussed the situation with them, left it with them, and since then have heard nothing from it except what I have learned from reading the papers and the CONGRESSIONAL RECORD.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Michigan?

Mr. MYERS. I do. The Senator from Mississippi has the floor, but I yield with his consent.

Mr. WILLIAMS. It is so long ago that I got the floor that I have almost forgotten that I had it.

Mr. SMITH of Michigan. The subject under discussion would be as appropriate after 1 o'clock as now, because it is a conference report, as I understand. Will the Senator from Mississippi yield for a moment to permit me to introduce a bill?

Mr. WILLIAMS. No; I can not do it right now. If the Senator will wait just one second I shall be through. I have only a sentence or two to utter, and then I shall be through.

Mr. MYERS. I want to say, further, with the Senator's permission, that I will finish in a minute or two. He yielded to me for a statement.

Mr. WILLIAMS. But the hour of 1 o'clock will come on us.

Mr. MYERS. I am about through now. I simply wish further to say that it has been my intention, were I made a conferee—and I paid no attention to that, as far as I am concerned—to stand in good faith, for any reasonable length of time, for the Senate amendments, and to do my duty according to custom and practice, as I saw it, in favor of the Senate amendments. I want to say, however, that if anybody thinks anything I have done disqualifies me from being a conferee, then I do not want to be a conferee. If the Senate thinks, under the circumstances, that I am unfit to be a conferee, or have disqualified myself, I simply leave it to the Senate. I committed no impropriety, though, in anything I have done.

Mr. WILLIAMS. Mr. President, I want to add just this: I have every reason to believe that if this Mississippi Choctaw matter gets back before the House of Representatives it will meet with different treatment. Over there at first the entire argument went off upon the idea that a whole lot of lawyers somewhere were going to get a slice out of this fund. The Members of the House, and especially my friend, Mr. MANN, seemed not to be aware of the fact that the Senate had passed a resolution cutting off every one of the contingent fees and other charges, and when the subject comes up in the House again I have every reason to believe that the House will take a different course from what it has taken up to this time. I hope the Senate conferees will insist upon the Senate amendments, and I know that representing the Senate as good, honest men they will.

Mr. TOWNSEND obtained the floor.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. As this matter is privileged the Chair recognizes the Senator from Michigan.

Mr. SMITH of Michigan. I should like to introduce a bill.

Mr. TOWNSEND. I yield to my colleague for that purpose.

(The bill appears under an appropriate heading.)

PAUL M. WARBURG.

Mr. POINDEXTER. I desire to submit a resolution, and in this connection I call attention to an editorial which was submitted this morning by the Senator from Mississippi [Mr. WILLIAMS] and ordered to be printed in the RECORD. I notice in the editorial from the New York World a paragraph quoted from the New York Sun, as follows:

> The business world feels itself fettered by the general attitude of political hostility to the higher mechanism of business, a hostility of which the President is the principal exponent.

Commenting upon that the New York World article, presented by the Senator from Mississippi, contains this paragraph:

> If the almost incredible financial knavery that has been brought to light in connection with the Rock Island represents "the higher mechanism of business" we have no doubt that the President is hostile to it.

That being, Mr. President, upon a very vital and pressing issue now before the Senate and the country, I offer the following resolution relating to the subject.

The resolution (S. Res. 413) was read, as follows:

> *Resolved by the Senate of the United States*, That the Interstate Commerce Commission is hereby directed to report to the Senate the form, manner, and extent of the participation by Paul M. Warburg, recently nominated by the President for membership on the Federal Reserve Board, with the financial transaction or transfers or sales of stocks or bonds of the Rock Island, Chicago & Alton, and other railway companies or systems.

Mr. MARTIN of Virginia. It would not be in order, Mr. President.

Mr. BANKHEAD. I want to say in defense of this motion, if I am permitted to make it under the rule, that I am in favor of the law as it stands. I shall vote for mileage as it now is and has been for a great many years. But, Mr. President, I have had so much experience and observation on this question of mileage that I think it ought to be settled in some way. I confess in making the motion I have suggested it might be regarded as a little bit wicked on my part. I should like to see the motion adopted; I should like to see the matter stricken out of this bill, so that I could go to another House and watch some of these economists faint. I have no doubt, Mr. President, a careful observer would see some gentlemen on this side turn very pale. This matter ought to be settled. We ought to knock it out. I think perhaps that would be the best thing to do. Then at the next session of Congress it might be reinstated perhaps. But if I am not permitted to make the motion, if it is not in order, of course I will not make it. I would like to have the sense of the Senate in some way in order that we might get the sense of another body in some way that would go right down to what they really mean and want.

Mr. SHEPPARD. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Texas will state his inquiry.

Mr. SHEPPARD. Is not the motion of the Senator from Alabama in order?

Mr. BANKHEAD. I understood the chairman of the committee to say that it is not in order.

Mr. MARTIN of Virginia. I undertood the Senator from Alabama to propose an amendment to the bill as it passed the Senate, and that is certainly not in order. If I understood the Senator correctly, his motion would not be in order.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUGHES. Is it proper at this time to move that the Senate recede from its disagreement to the amendment of the Senate with an amendment? In my judgment, that motion is not only proper but is a preferential motion, and I offer it.

Mr. GALLINGER. Let it be read.

Mr. MARTIN of Virginia. I do not consider such a motion as that in order. The bill has passed——

Mr. VARDAMAN. Let it be read.

The VICE PRESIDENT. Let us see what the motion is. The Secretary will read it.

The SECRETARY. The Senator from New Jersey [Mr. HUGHES] moves that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

Omit the matter inserted by the House amending said amendment, omit the matter stricken out and inserted by said Senate amendment, and in lieu thereof insert the following:

"For mileage of Senators, $51,000: *Provided*, That after the fiscal year 1915 no mileage or other allowance for expenses in attendance on sessions of Congress shall be paid to any Senator, Representative, Delegate from a Territory, or Resident Commissioner."

Mr. WARREN. Mr. President, that is not a preferential motion. It could only be preferential if it simply proposed to recede from the Senate amendments. That is the only way it can be considered as a preferential motion. Furthermore, the amendment would not be in order at any time as it is written.

Mr. HUGHES. Mr. President, I will say that it seems to me perfectly plain under all parliamentary law that a motion that will bring the two Houses together is not only in order, but is preferential.

Mr. WARREN. The Senate has ruled upon it time and again. It was ruled upon in the House several times last week. A preferential motion can only be a simple matter of receding.

Mr. HUGHES. Mr. President, I should like to explain my object in offering this amendment, although it is hardly necessary for me to explain my object after what was stated by the Senator from Alabama [Mr. BANKHEAD]. I believe the present system of drawing mileage about as fair a one as could be established. I do not profit by it to a great extent, for my mileage is infinitesimal, and I do not care anything about it. I have frequently voted for the present system of mileage, because it gave additional compensation to some Members, and, in my opinion, no Member of the House or the Senate is overcompensated now. Substantially it works a rough sort of justice, and I am perfectly satisfied with it. But I am eternally tired of the constant recurrence of this question and the effort on the part of certain gentlemen to make political capital at the expense of others. I do not think it is a spectacle at all elevating to the country to see the House and Senate continually bickering over this matter of mileage. It is a question upon which gentlemen should vote their convictions, and the spectacle we are constantly seeing of men voting one way in the RECORD and another way on a division, and voting in the RECORD one way and lobbying Members of another House to offset the effect of that vote, is a bad thing. It is a bad thing for the country. It is a cause of general criticism which includes not only those who should be included in it but men whose position on this matter is the same as their position on every other matter. I sincerely hope that it can be put an end to.

My proposition is that mileage shall be paid to Members of the House and Members of the Senate for the ensuing year just as it always has been paid. The argument is made occasionally that Members were elected with the understanding that they would receive this mileage, and that any attempt to change it now would be an interference with practically a contract right. So far as the House of Representatives is concerned, this amendment meets that objection. So far as the House is concerned, every man will receive the amount for his mileage to the end of his term under the law that under the law it was supposed at the beginning of the term he would receive, and Senators will receive mileage the same as the mileage of the House just so long as the House itself receives mileage, and then, after 1915, we pay no mileage.

The VICE PRESIDENT. The Chair is of the opinion that the proposed amendment of the Senator from New Jersey is not in order. The Chair will state the parliamentary situation. The House of Representatives passed an appropriation bill containing certain items with reference to the compensation of Senators and Representatives for mileage. It came to the Senate, and was amended in the Senate, and then went to conference, and the question is before the conferees for settlement or determination, unless the Senate recedes from its amendment. The amendment here proposed is legislation that has to do with the future, and has never been considered in the Senate, and the sense of the Senate has not been taken thereon.

Mr. MARTIN of Virginia. I make the motion that the report be adopted and that the Senate further insist on its amendments numbered 1 and 30.

The VICE PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The ayes seem to have it. The ayes have it.

Mr. GALLINGER. I will ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia that the Senate further insist.

Mr. NORRIS. I ask for the yeas and nays.

The VICE PRESIDENT. The Chair desires to ascertain on which motion the yeas and nays are demanded.

Mr. GALLINGER. I withdraw the demand.

Mr. NORRIS. On the motion of the Senator from Virginia.

The VICE PRESIDENT. But he has made two motions. One is to agree to the conference report which has been agreed to by the decision of the Chair. The next motion is that the Senate insist upon its amendments and ask for a conference.

Mr. MARTIN of Virginia. I do not ask for any further conference. Let that come from the House, if they desire it. My motion is simply that the Senate further insist on its amendments numbered 1 and 30.

Mr. GALLINGER. On that motion I think we ought to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER] which I transfer to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. KERN (when Mr. THORNTON's name was called). I desire to announce the absence of the Senator from Louisiana [Mr. THORNTON] on account of illness. I ask that this announcement may stand for the day.

Mr. TOWNSEND (when his name was called). I have a general pair with the junior Senator from Arkansas [Mr. ROBINSON], but I am informed that if present he would vote as I would vote. Therefore I shall vote. I vote "yea."

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES], and therefore withhold my vote. I wish to announce that my colleague [Mr. LODGE] is absent from the Senate and has a general pair with the senior Senator from Georgia [Mr. SMITH]. If my colleague were present, he would vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], and also that the Senator from New Mexico [Mr. FALL] is paired with the Senator from West Virginia [Mr. CHILTON].

Mr. CATRON (after having voted in the affirmative). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and let my vote stand.

Mr. TILLMAN (after having voted in the affirmative). I have a general pair with the junior Senator from West Virginia [Mr. GOFF]. I transfer that pair to the Senator from Indiana [Mr. SHIVELY] and allow my vote to stand.

Mr. LEA of Tennessee. I transfer my pair with the Senator from South Dakota [Mr. CRAWFORD] to the junior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. HOLLIS. I desire to announce my pair with the junior Senator from Maine [Mr. BURLEIGH]. I therefore withhold my vote.

Mr. SMOOT. I desire to announce that the junior Senator from West Virginia [Mr. GOFF] is paired with the senior Senator from South Carolina [Mr. TILLMAN]; that the junior Senator from Wisconsin [Mr. STEPHENSON] is paired with the junior Senator from Oklahoma [Mr. GORE]; and that my colleague, the Senator from Utah [Mr. SUTHERLAND], is paired with the Senator from Arkansas [Mr. CLARKE].

Mr. GALLINGER. I was requested to announce the pair between the senior Senator from Vermont [Mr. DILLINGHAM] and the senior Senator from Maryland [Mr. SMITH].

Mr. KENYON. I desire to announce the unavoidable absence of my colleague [Mr. CUMMINS].

The result was announced—yeas 55, nays 7, as follows:

YEAS—55.

Ashurst	Hitchcock	O'Gorman	Sterling
Bankhead	Hughes	Overman	Stone
Brady	Johnson	Page	Swanson
Brandegee	Jones	Perkins	Thomas
Bristow	Kern	Poindexter	Thompson
Bryan	Lea, Tenn.	Reed	Tillman
Burton	Lea, Md.	Root	Townsend
Camden	McCumber	Saulsbury	Walsh
Catron	McLean	Shafroth	Warren
Chamberlain	Martin, Va.	Shields	West
Clarke, Ark.	Martine, N. J.	Simmons	White
Colt	Myers	Smith, Ariz.	Williams
Gallinger	Nelson	Smith, Mich.	Works
Gronna	Newlands	Smoot	

NAYS—7.

Borah	Kenyon	Norris	Vardaman
Clapp	Lane	Sheppard	

NOT VOTING—34.

Burleigh	Fletcher	Oliver	Smith, Ga.
Chilton	Goff	Owen	Smith, Md.
Clark, Wyo.	Gore	Penrose	Smith, S. C.
Crawford	Hollis	Pittman	Stephenson
Culberson	James	Pomerene	Sutherland
Cummins	La Follette	Ransdell	Thornton
Dillingham	Lewis	Robinson	Weeks
du Pont	Lippitt	Sherman	
Fall	Lodge	Shively	

So the motion of Mr. MARTIN of Virginia was agreed to.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate Nos. 6, 13, and 140 to the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending July 30, 1915, disagreeing to the residue of the amendments of the Senate to the bill and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ASHURST. I move that the Senate insist upon its amendments disagreed to by the House of Representatives, agree to the conference asked by the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The VICE PRESIDENT. The question is on the motion of the Senator from Arizona.

Mr. TOWNSEND. Mr. President, I realize, of course, that this is the regular way in which to proceed with matters of this kind, and in what I have to say I do not wish to reflect upon any Senator; but my understanding has been at all times that when conferees are appointed by the Senate or by the House of Representatives they are appointed with the idea that they will stand by the action of the body which appoints them.

The bill appropriating funds for the Indian Service contains some provisions which were very bitterly opposed by Senators who would naturally act as conferees on the part of the Senate on that bill. I have learned that since the bill was passed here there has been an effort made on the part of a Senator to persuade the House to oppose the action taken by the Senate.

The Indian bill was the subject of long consideration; there were embodied in the bill some radical changes in existing law. It was believed that those changes were for the benefit of the Indian Service; but it is idle, of course, to assume that those changes will be agreed to in conference if the Senate conferees are opposed to the Senate action.

I say this, I repeat, without any desire to reflect on anybody; but it has occurred to me that it would be embarrassing for Senators who are opposed to provisions in the bill and who do not propose to maintain them in conference to act as conferees on this measure. I realize that the chairman of the Committee on Indian Affairs has opposed one of the provisions of the bill, and yet I am perfectly confident after talking with him that he would insist on the position taken by the Senate. I have no complaint to make about his position as a conferee.

Mr. ASHURST. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Arizona?

Mr. TOWNSEND. I do.

Mr. ASHURST. Mr. President, I have listened with interest and attention to the remarks of the distinguished Senator from Michigan [Mr. TOWNSEND]. In the inception of his remarks he stated that some of the Senators who would probably compose the conference committee were "bitterly" opposed to some of the amendments which were placed in the bill by the Senate. Speaking for myself, I think the RECORD will disclose that I voted only against one amendment, and in no sense did I "bitterly" oppose the same; although I thought then, I think now, and will always think, until my mind is changed by proper evidence and argument, that the so-called Mississippi Choctaw amendment was not a wise and proper amendment. But, Mr. President, my individual view as a Senator is submerged and lost when I become a conferee; and I wish to state to the Senate, if such an assurance is necessary on my part, that I am in good faith for all the amendments that the Senate put on the bill.

The Senator from Michigan, of course, is not oblivious to the fact that since the so-called Mississippi Choctaw amendment was put on by the Senate the House of Representatives, another body of this Congress, has declined to concur in that amendment. The question upon which I presume the Senate conferees may at some time ask advice and instruction from the Senate is, How long shall we insist upon that Senate amendment, and shall we insist to the extent of killing the bill? I would not do that; but I again, in conclusion, say that I am for all the amendments adopted by the Senate, because, as a conferee, I am the servant of the Senate and my individual opinion must be subordinated to the will of the Senate.

Mr. TOWNSEND. Mr. President, I have felt that that would undoubtedly be true so far as the Senator from Arizona is concerned, and yet I regret very much that he thought it was necessary to declare that he was opposed to that provision now, because it certainly will weaken his attitude as a conferee, for it is due notice served upon the House of Representatives that eventually that point will be yielded. I am, however, more interested in certain other provisions of the bill, which seem to me to go to the very vitals of our conduct of Indian affairs; and having heard, I think from good authority, that a certain Senator, who probably will be on the conference committee, has bitterly opposed them, not only at the time the bill was up here, but has been active in the House, it is worse than a farce to have a conference composed of men who are not in sympathy with the provisions of the bill, which has taken so much time to prepare and which received so much attention in the Senate.

Mr. BRANDEGEE. Mr. President, I desire to ask the Senator from Michigan if he meant to state, as I understood him to state, that Senators who, according to the custom of the Senate, will be managers of the conference on the part of the Senate, have been to Representatives in the House to oppose the amendments which they are to advocate as Senate conferees?

Mr. TOWNSEND. I have been so informed.

Mr. BRANDEGEE. When the Senator made his statement, at first I simply understood him to state that certain Senators

tical, legal way, and without violating the rules of legislation. I perhaps have been as strenuous as anyone in the effort to preserve the dignity and the rights of the Senate, to have legislation enacted in legislative bills and not in appropriation bills, and to have appropriations made in a clean, orderly manner, and according to the rules.

While I have believed and I still believe we should not change this rate at this time, I stand ready at any time, if a bill comes to us in the regular way, to do away with mileage entirely or to make it any other sum. Here, however, is a law that has been on the statute books, with only slight alterations, since the beginning of the Government, and the amount of per mile allowance has not been altered at all. For some 75 years every Senator and every Member of the House of Representatives has drawn this mileage. All our illustrious predecessors in both Houses have drawn this mileage, though none was obliged to accept or use it. There has been, so far as the annals of history record, not a single case of troublesome conscience or of effort toward economy sufficiently strong that any Senator or Representative has failed to draw in full his mileage. I see no reason why, in this, if not illegal, certainly disorderly, way we should at this time make this change, and especially when on the House side, on every vote that has been taken there, as the RECORD shows, on a division the majority has favored retaining the law as it stands; and it is only when a roll call is ordered that the opposite side has been able to carry the matter by 10 or 12 votes, as the RECORD discloses. I may say, further, that many of those who have answered to their names on one side of the matter have favored the other side when in private conversation.

Mr. President, it would be strange, indeed, if, after all these years, we should now for the first time accuse all of those who have gone before of extravagance or "graft." When talking of criticism, if anyone believes that we shall ever reach the utopian condition where we shall not be constantly criticized in the Senate, and for that matter in the House as well, the sooner he is disillusioned the better, for such condition will never come to pass. You see nothing of consequence in the newspapers about this controversy in regard to mileage. You hear nothing of it, unless it is from some penny-a-liner who wants to create a little sensational color and who seizes upon the question of mileage as he would upon the salary and calls it a "salary grab," and so forth.

When it comes down to the original proposition of the House, of actual expenses, et cetera, the House has since withheld it from the Senate, and, as the chairman has so well said, has proposed as the only alternative to give the Senators mileage, one trip at 5 cents a mile, while the Members of the House take actual expenses for all the dependent members of their families.

It so happens that with the average age of the Members of the House, and the conditions there, the amounts they would draw would be quite different in comparison from the amounts drawn by Senators. Looking over the list of members of their families demonstrates that perfectly.

Now, who is to say what actual expenses are? There are men sitting in this body who, when they travel, travel in a sleeping car and in a drawing-room. Another Member of the same body will occupy but a single upper berth. Upon arriving here the Senator certifies that he paid so much for his transportation in a Pullman car. It goes to the Vice President for his approval. Shall we put the Vice President of this body in a position where he must pass upon every porter's fee every time a Senator's boots are blacked, his tickets, his meals, and determine whether or not each is a proper expense; and shall we furnish him with necessary clerks, and shall the House have the same, to check up and audit these innumerable little items and accounts? Who is to say who may compose the dependent members of one's family? Shall we include the nurse who must travel with wife or children in ill health or dependent upon the service of such assistant? Shall we include the servants who for years have been dependent members of the family, who always travel with the family and minister to their wants? Shall we include a father, a brother, a son, a mother-in-law, or a sister? Shall we include a father or brother who has served in the war, who is drawing a pension which in part may support him, and who a Member of Congress feels should be considered as a member of his family, and whom such Member may take pleasure in supporting? Shall we put all such relatives, although they may have some means of their own and yet be mainly supported by a Member who feels obligated toward them both in honor and affection in the list of dependent members of his family because he contributes to their support? Or shall we oblige him to cut them all off, although they may accompany him from place to place and live with him here in Washington or at his home?

I am prepared to admit that it sounds persuasive to say "actual expenses," but what Cabinet member has ever found it practicable, where actual expenses are provided for servants of the Government who travel on official business, to really keep track of or impose actual expenses as such? Why, Mr. President, almost invariably where such language occurs and actual expenses are provided for, the head of the Government department makes a ruling that so much per diem may be expended in lieu of subsistence, and so forth. Were it otherwise, Mr. President, an army of clerks and auditors would be required to make up the accounts of the pennies here for street-car fare, the quarters there for cab hire or baggage, and the various other little items incident to travel.

Mr. THOMAS. Mr. President——

Mr. WARREN. I yield to the Senator from Colorado.

Mr. THOMAS. Mr. President, is it not possible that the policy of abolishing mileage has behind it the element of necessity? Is it not possible that we are obliged to economize in that way, and by shaving down the expenses of traveling officials, and possibly the salaries of clerks and employees, in order to get money enough to buy the Chesapeake & Delaware Canal and investigate certain other lines of so-called river and harbor improvements for which certain localities are clamoring, for we can not do both, perhaps?

Mr. WARREN. The Senator might mention the expenditure of $50,000,000 in Alaskan railroads that the Government proposes to build.

Mr. THOMAS. Yes; I might name the Alaskan railroad, where, however, we get a quid pro quo for our money; where we get property which belongs to Uncle Sam for the money we expend. It is possible, however, that we may need it for that purpose; so I suggest that there may be an element of necessity behind this matter. We must cut down these things or we can not get the money to spend elsewhere.

Mr. WARREN. I am congratulating myself that I stand upon the same general plane as the distinguished Senator from Colorado, whose words always illuminate a subject. I am ready to do away with mileage entirely whenever the House shall send us a bill, in the proper way of legislating, changing a law some 75 years of age; but not in this manner. In fact, I do not believe the conferees in this case have the power to say just what shall be the items of expenses that shall be approved under the House proposition of actual expenses. The conferees can not have any more power than the Senate itself has; and when a Senator on this floor proposes an amendment to change existing law, without the backing of either an estimate or favorable report from a standing committee, and enact new legislation, he is immediately called down because what he proposes is general legislation. Certainly the agents of the Senate have no more power than the Senate itself has.

It seems to me the motion made by the chairman of the committee should prevail and the matter should go back to conference, to be settled in the proper way—the way in which these matters always have been settled in conference.

Mr. WILLIAMS. Mr. President, of course if there were no mileage, we would have a condition of unequal salaries paid Representatives and Senators. It would be perfectly unjust to the State of Colorado, to the State of Texas, to the State of Arizona, to the State of New Mexico, or Washington or Oregon that their representatives in the two Houses of Congress should be paid less than the representatives from Maryland or Virginia; and if we had no mileage, of course they would be paid less. So the idea of abolishing mileage conflicts with the primordial law of justice and of equality. There ought to be, as nearly as practicable, absolute equality of compensation.

If it can be arrived at, of course it ought to be, as nearly as possible, the precise expenses of the Senator or the Congressman who comes here. The trouble, however, about saying that in so many words in a statute is about what the Senator from Wyoming has called attention to. One man would travel in one way and one man would travel in another, and you would have to have a question of each man's accounts; so it is just as important that the matter should not be indefinite as it is that it should not be unjust and unequal. It seems to me that if this matter goes back to conference, the conferees upon the part of the Senate might very well agree to meet the House half or third or quarter way and agree to a mileage of 10 or 15 cents instead of 20 cents, as it is now.

Mr. MARTIN of Virginia. Mr. President, will the Senator allow me to interrupt him?

Mr. WILLIAMS. Certainly.

Mr. MARTIN of Virginia. Everybody knows that that is more than the expense of the travel; and if you are going to make an allowance in excess of the actual cost, I do not see why you should not adhere to the rule which has prevailed for 75 years. It would not take 15 cents, or 10 cents, either, to pay a Senator's mileage to Washington and return.

Mr. WILLIAMS. Mr. President, I beg the pardon of the Senator from Virginia; but speaking for myself, the Senator is mistaken. It depends upon the size of a man's family.

Mr. MARTIN of Virginia. That is exactly the point. It depends on the size of his family. I said "a Senator's mileage." In my judgment and speaking for myself alone, I think you would as well make allowance for boarding the family after they get to Washington as to take that into consideration in determining the mileage.

Mr. WILLIAMS. Very well. Now, Mr. President, I have heard that argument, too. I am greatly in favor of the family idea in this world. I think the man who has five or six or seven children is entitled to some degree of consideration on that account. I think the man who brings his wife with him to Washington and brings his children with him to Washington is entitled to some degree of consideration on that account. I do not agree that a Senator or a Congressman stands alone in this world without wife and without children. I think they are a part of him, and that if you could bring it down to accuracy, determination without room for dispute and scandal, the House has selected a very good measure of compensation; that is to say, the actual expenses of the Congressman or Senator, together with the dependent members of his family.

The thing that troubles me about that, however, is deciding who are to be counted as dependent members of his family. If the provision went a little bit further and said "his wife and dependent minor children," then there would not be any doubt.

My mileage does not pay my expenses and those of my family to Washington and back. That is perhaps my misfortune, or perhaps my merit. You may call it whichever of the two you please. At any rate, however, I do not travel very frequently without my family. I prefer to have them with me, and I think it is better for everybody to have them with him. I think people ought to be encouraged to have their families along.

Ten cents a mile would not cover the average Senator's expenses to and from Washington with his dependent minor children and his wife, and 15 cents would barely cover it; 20 cents, as a rule, will more than cover it. It has to be rather a large family for it not to cover it.

I hope when the matter goes back to conference the Senate conferees will meet the House conferees upon some common plane. I would not have it as the House has it, because of the indefiniteness, because of the fact that somebody must audit the accounts, because of the possibility of scandal growing out of it, one man pretending to have spent a great amount of money coming to Washington and the other having spent only what he needed to spend. One man will travel at the public expense as cheaply as he would at his own expense, and another man will travel at the public expense at twice what he would at his own expense. So I do not think the House has started out on the right idea. I do think, however, that the amount of mileage which we receive at present is more than is ordinarily, upon the average, necessary for the traveling expenses of a Senator and his wife and minor children to and from the Capital; and I do think that his wife and minor children ought to be considered just as much as he is, and that is not a question, as the Senator from Virginia says, of whether you pay their board after they come here. The Senator has to do that already, and, of course, that naturally reduces his compensation below that of the man who has never been brave enough to go out and marry a good woman and take care of her and see her through the world in the proper way.

I think the matter should go back to conference, so that the Senate may express its idea and the House its idea. I think, of course, that the House motion of putting Members of the House upon one footing and Members of the Senate upon another is simply absurd. We can not tolerate that. So the whole matter must go back to conference, and I want merely to express the hope that the Senate conferees may meet the House conferees, say, one-fourth of the distance of difference at any rate, and make the mileage for the future, say, 15 cents each way, or perhaps even 10 cents each way.

Mr. McCUMBER. Mr. President, I regret exceedingly to see that the Senator from Mississippi has departed so far from the old Jeffersonian principles of government that he is advocating at last upon the floor governmental support of the families of the officials of the Government, because, talk as you will, this mileage adds so much to the compensation, and whenever you give one dollar extra because of the size of a family the Government is contributing that much to the support of the official's family. It is a vicious proposition to introduce into any free government, and I sincerely hope the chairman of the committee will stand out against any such proposition as this coming from the House.

The Senator from Mississippi has not answered the proposition of the Senator from Virginia that there is just as much reason for the Government paying a portion or all of the rent of the official's family, because if a man has seven children he has to rent a larger house for them, his expenses are heavier, his board is heavier, his necessary cost of living is more, and the same reason that would justify us in asking the Government to support our families in bringing them from our homes to the city of Washington would justify us in asking the Government for a further contribution to support them during the time they are here. Men support their families according to their means, and they gauge their expenses according to their ideas of economy. Those who can afford to do so will have more luxuries and comforts than those who can not afford to do so, but when the Government pays for them you may be sure that they will all have the equivalent luxuries. There will be very little difference, indeed, as the Senator must know.

I hope the Senate will not adopt a system of this kind. Every Senator who is fit to represent the Government can take care of his own family, and if he can not take care of and support his own family he had better stay home. This country is not a monarchy; it has no royal family whose extravagances are to be loaded upon the people, and we do not want an official royal family whose living expenses, board, or traveling expenses are to be assumed by the American people.

One word about the amount of the mileage, and the 20 cents per mile which is accorded to Senators, and which adds considerably to the compensation of those living a great distance from the Capital. When you balance up the matter finally there is very little difference in compensation. No man can properly represent his people and remain two years away from his home State. He must go back several times, especially under our new system of double elections. He must meet his constituents; he must confer with them; and it makes a vast difference whether he has to go over to Baltimore to go home or whether he has to go to San Francisco. I will guarantee that there is not one of the western Senators whose expenses in traveling back and forth on occasions where it is his duty to go to his home State will not equal or exceed the amount of compensation he receives in the way of mileage; and this independent of the traveling expenses of his family. So, taking it all in all, it works out approximate justice.

I simply desire to express again my most earnest hope that we will not introduce a new system of official family support for the officers of the United States. If we think that 20 cents a mile is more than it should be, then cut it down, make it less; but it ought to be exactly what the expense would be to a Senator, irrespective of his family, because, by whatever name you see fit to call it, it is compensation added to his salary.

Mr. WILLIAMS. I hope the Senator did not understand me as wanting to put it upon a family basis in the law. I merely argued that 15 cents, as a rule, would cover family expenses; that is, of wife and dependent children. For that reason I thought that would be a fair amount, as I supposed the Senator understood.

Mr. BANKHEAD. Mr. President, I desire to ask the chairman of the committee if under the parliamentary situation this mileage question can be eliminated from the bill? If that is the case, I desire to make a motion to strike it out.

Mr. HUGHES. I have an amendment to offer.

Mr. BANKHEAD. I have the floor.

Mr. HUGHES. If the Senator desires to offer an amendment which has that purpose in view, very well.

Mr. MARTIN of Virginia. I will answer the question of the Senator from Alabama by stating that the plan he suggests might be adopted if the Senate proposes to ignore the law which is on the statute books and fail to appropriate the money that the law requires shall be appropriated. We have a law on the statute books which provides that each Member of Congress shall receive 20 cents a mile for each mile he travels going and returning at each regular session of Congress. That is the statute law, and the committee feels that it is incumbent upon it to appropriate to meet that obligation which is imposed by law.

Mr. President, I will follow it with a motion after the Senator gets through, but I simply answer the Senator's question now.

Mr. BANKHEAD. I only wanted to know if a motion such as I have intimated would be in order.

ORIGIN OF THE PLUCKING BOARD.

Fifteen years ago promotion in the Navy was so slow that officers did not attain high rank at an age when they best were fitted to wield it.

So Congress enacted that each year, unless 40 officers, by resignation or death, left the Navy, as many as would make up that number of vacancies must be forcibly retired. The duty of eliminating them was given to a board of rear admirals, known as the board on selection for retirement, or, more familiarly, as the plucking board. The idea was to get rid of the dead wood. But last year and this the plucking board has shown that either already it has cut down the dead wood, and to obtain its annual sacrifice must top off living boughs, or that it does not know dead wood from green.

Last year it eliminated Capt. Templeton Potts, a most efficient and capable officer, against whom nothing could be urged, except lack of sea service. To this Capt. Potts has replied that he repeatedly asked for duty at sea, but was ordered by the Navy Department to serve on different boards on shore. Accordingly, for no other reason apparently than that he obeyed the orders of his superiors, the plucking board dismissed him from the Navy.

This year the plucking board has eliminated officers of such value to the service that hereafter undoubtedly the plucking board itself will be eliminated.

SECRETARY DANIELS'S REGRETS.

When he announced the names of those ordered out Secretary Daniels said that since he had taken charge of the Navy Department it was the most unpleasant duty he had been called upon to perform. In the list of those he retired he said he recognized some of the most efficient officers in the service.

"There should be some method by which officers will be able to reach higher grades," said the Secretary of the Navy, "while they are yet young enough to be of real service. But the present method is too cruel. The retirements to-day are tragedies. I think this is the last plucking board the Navy Department will call together."

For the appreciative and sympathetic attitude of Secretary Daniels in this matter those who consider the plucking board a menace and who believe, for the good of the Navy, it should go, are grateful.

But removing a judge from the bench because he has condemned innocent men is not enough. If the innocent men still remain in prison, punishing the judge will not help them. If the plucking board has cast into outer darkness efficient officers, men the Navy wants, men for years trained and drilled in her service, who are her loyal and devoted servants, not only should the plucking board be "plucked," but the men who have been so unjustly humiliated should be restored to duty; not only in justice to them, but for the "good of the service." The Navy can not afford to lose them. She can not at the age of their greatest usefulness throw them on the scrap heap.

Just as each year the value of a battleship decreases, the value of the man who commands a battleship grows; his blow is heavier, his experience is more widely gathered, his ability and judgment have been put through severe tests; each day, considering him merely as a machine, he has increased in power, output, and efficiency. His growth in discipline, loyalty, in devotion to his country may be taken for granted.

CAPT. GIBBONS'S RECORD.

Of those officers plucked this year, except by reputation, I know but one. He is Capt. John H. Gibbons, until a few days ago in command of the battleship *Utah*. And to illustrate the kind of man the plucking board sees fit to "recall," I would like to remind the readers of the Post of his record.

Thirty-five years of his life have been given to the Navy; eighteen and a half years of that time have been spent at sea. This is sea service proportionately equal to or even greater than that of the five rear admirals who condemned him. In all the wars in which our country has engaged since Gibbons joined the Navy he has taken an active part. He saw service in Cuban waters at the battle of Manzanillo and the bombardment of Morro Castle; in the Philippines, where he commanded the gunboat *General Alava*, and after a fight rescued from the Filipinos a party of American soldiers and hundreds of Spanish prisoners; in China during the Boxer revolution; and in Vera Cruz, where on shore he commanded the fighting forces of the *Florida*, *Arkansas*, *San Francisco*, *Chester*, and of his own dreadnaught, the *Utah*. For two years he was our naval attaché in London. He was good enough for both Mr. Taft and Col. Roosevelt. Under each he commanded the *Dolphin*, the Navy vessel assigned to the use of the President.

For three years he held a position which is one of the most responsible in the service, that of the superintendent of the Naval Academy, the man who trains and teaches our future admirals and who sets them an example. For his services at that post, by both Secretary Meyer and Secretary Daniels, Gibbons was most heartily praised, and also by the president of the Board of Visitors to the Naval Academy, Herbert L. Satterlee, a former Secretary of the Navy.

When Gibbons was in command of the *Detroit* she won the gunnery trophy; when he was in command of the *Charleston* she won the gunnery trophy. As long ago as the hurricane at Apia, Gibbons, then a junior lieutenant, was commended for leading his men up the shrouds of the storm-driven *Vandalia* and forming a life sail, thus helping to save the lives of the crew and the life of the ship.

When the Navy was policing Vera Cruz, Gibbons was on shore in command of 3,000 bluejackets. But when he returned to the *Utah*, during the two months before he was ordered to home waters, he did not visit the plazas nor loiter under the portales. With the exception of one evening, when he dined at the Diligencia, if you wanted to find Gibbons you could find him only on his ship.

Three weeks ago, when the *Utah* came north, I had the privilege of returning with her and of sharing the captain's mess. As a junior officer on different warships and as our attaché in London for 17 years, I have known Gibbons, but I had never before seen him in command of a dreadnaught. And what I saw of him in that capacity led me to write this.

At a safe distance I have followed the sea service for 20 years, and when I say I know few captains smarter than Gibbons, more efficient, more intelligent, physically more alert and fit, in his habits as temperate, in mind and thought as kind, sane, and conservative, I echo only what all the officers of his wardroom said of their captain. And this was him at first-hand; their lives as well as those of 1,100 bluejackets, and property worth $14,000,000, are, or were, in his keeping. They ought to know, and what they think of him ought to count.

During the passage home Capt. Gibbons did his own inspecting, his own navigating. In dungaree he crawled through manholes and down oily ladders; in thick or fair weather he spent his time upon the bridge. His mind was always on his job. When at dinner the marine would spoil my best story by announcing that somewhere on the horizon a rough-looking oyster boat had appeared or that the officer of the deck wanted to make it 8 o'clock, Gibbons would give that fact as grave consideration as though the orderly had told him a hurricane was approaching under forced draft or that the German Navy was in our course and cleared for action.

DAMPER ON AMBITION.

When last I saw Capt. Gibbons as I left the *Utah* at Tompkinsville the fog and rain were dripping from his oilskins. The entire night he had spent upon the bridge; and the following morning, without a plug, he docked his ship at the Brooklyn Navy Yard. Twenty-four hours later he opened a telegram and found he was dismissed from the Navy.

As he went down the gangway in the clothes of a civilian his shipmates, still in uniform, saw him leave them with eyes that were blurred with angry tears. For them the scene was the essence of injustice and ingratitude. For them it was both a mockery and a menace. What hope did it hold out for their future? They saw a man in the prime of life, who had held with honor three of the highest posts in their profession, thrown out, as you would throw out a drunken cook. What incentive for unceasing vigilance, study, and risk of life did it leave with them? What lesson did it teach to 800 midshipmen at Annapolis to whom Gibbons, their commanding officer and their friend, had been the living promise of what after 30 years they might hope to attain?

Secretary Daniels is determined the plucking board must go. That is good, but it is not enough. It has robbed the Navy of a man the Navy needs, and the people of a good and faithful servant. An act of Congress, with the recommendation of the President, can return Capt. Gibbons to his ship and to the service. He is a man "who never sought an honor or shirked a duty." His country can not afford to lose him. It can not afford to wrong him.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted an amendment proposing to appropriate $260.68 to pay Joe H. Norris for salary for per diem and traveling expenses while performing the duties of supervisor of Indian Schools October 21, 1912, to November 11, 1912, under instructions from the Commissioner of Indian Affairs, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. SHIVELY submitted an amendment proposing to appropriate $1,200 to pay Ryford Long, jr., for indexing and extra services as clerk to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. WILLIAMS submitted an amendment proposing that the sum of $7,055.94, subject to a reduction as hereinafter provided, being the unpaid part of the appropriation heretofore made by Benjamin H. Rutledge, administrator of Adam Tunno, be paid to Jane Johnson Hall, administratrix, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. BANKHEAD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—ALMAR F. DICKSON.

On motion of Mr. BRANDEGEE, it was

Ordered, That the papers accompanying the bill S. 4020, Sixty-third Congress, second session, to remove the charge of desertion from and correct the military record of Almar F. Dickson, be withdrawn from the files of the Senate, no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS—CONFERENCE REPORT.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference, have been unable to agree.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.
JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. Mr. President, I desire to state, in reference to the conference report which has just been read, that it is exactly the same as the report made on a former occasion. The conferees on the part of the two Houses have been unable to agree on the question of mileage for Senators and Members of the other House. I present the report a second time, in order that each of the two Houses may have another opportunity to express itself on this matter, and take such order in the premises as it sees fit to take.

So far as the Senate conferees are concerned, they feel practically, indeed distinctly, instructed by the Senate to adhere to the existing law. It is a recognized principle in matters of this sort in all legislative bodies when there is an existing law and one House proposes to change it, that the House proposing the change must yield, unless the House to which the proposition is made is satisfied with the change. The Senate has expressed its disapproval of the provision of the House of Representatives in this bill, which is a change of existing law.

Mr. GALLINGER. Mr. President——

Mr. MARTIN of Virginia. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Will the chairman of the committee definitely state precisely what the House proposition is, if they have made any proposition?

Mr. MARTIN of Virginia. The House have made no proposition, except to allow Senators 5 cents a mile for traveling to and from Washington at each session of Congress. So far as the House is concerned, they insist on the provision contained originally in the bill, which is that Members of the House shall receive for mileage what they actually expend for themselves and the dependent members of their families; in other words, the proposition of the House is to establish one rule for the House and a different rule for the Senate.

Mr. GALLINGER. Have they undertaken to define the term "dependent members of the family"?

Mr. MARTIN of Virginia. There has been no effort to define that provision.

Mr. GALLINGER. So that the proposition is to have one law for the Senate and another law for the House of Representatives governing this matter?

Mr. MARTIN of Virginia. That is the proposition of the House, but if the Senate sees fit to do so it might recede from its amendments and concur in the House provision, which would put both Houses on the same plane, the Members of each to receive actual traveling expenses for themselves and the dependent members of their families. If the Senate should see fit to recede from its amendments numbered 1 and numbered 30 and accept the House provision, it would leave the bill go to the President with the provision that the same measure of compensation for mileage shall be applied to both Senators and Members of the House; that is to say, actual expenses for themselves and the dependent members of their families.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Idaho?

Mr. MARTIN of Virginia. I do.

Mr. BORAH. Is it within the power of the conference committee to determine who constitute the "dependent members" of the family of a Member of Congress, and so prescribe a rule that we may know what that term means? I think it is too vague. If it were made definite, I would be disposed to think it a proper solution.

Mr. MARTIN of Virginia. I take it for granted that if Congress saw fit to do so it might insert a provision defining who shall constitute the dependent members of the family of a Member of Congress.

Mr. BORAH. Would that be within the province of the committee of conference?

Mr. MARTIN of Virginia. The committee might accept the House provision with an amendment making that definition. I think that would be competent.

Mr. BORAH. I think a provision of law so indefinite and uncertain as that would be as bad as the other proposition has been pictured to be. If the matter is to be passed upon, it ought to be made definite. I am opposed to paying the expenses of a retinue of dependents.

Mr. MARTIN of Virginia. So far as I am concerned, I have no other function except to carry out the wishes of the Senate in this matter. It is exceedingly distasteful to me, and I know it is to all Senators, to have an important bill like this tied up on account merely of a difference on the question of mileage to the Members of Congress.

Mr. GALLINGER. Mr. President, if a definition were to be made of the term "dependent members of the family," would it not likewise be necessary to define precisely in what style a Senator or Member of the House should travel—whether he should have a lower berth, or an upper berth, or a section, or a seat in the smoking car, or some other perhaps more sumptuous way of traveling? Would it not lead to inextricable difficulties along that line unless that phrase were defined?

Mr. MARTIN of Virginia. Mr. President, so far as I am concerned, my opinion is that the provision inserted in the bill by the House is exceedingly objectionable. As has been stated by the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Idaho [Mr. BORAH], it is vague and uncertain and might open an opportunity for unwise practices which would bring great criticism on the Members of both Houses of Congress.

Mr. GALLINGER. Mr. President, I am going to venture a suggestion to the chairman of the committee. Having had some experience in these matters myself, I find that the House conferees are quite apt to say that we do not take a record vote on these questions in the Senate; that the Senate perfunctorily says "we disagree to the amendment." My suggestion to the Senator is that on this matter my impression is that it would be well to have a record vote, so that it might appear precisely what the attitude of the Senate is.

Mr. MARTIN of Virginia. Mr. President, the motion that I will submit is that the report be adopted and that the Senate further insist on its amendments numbered 1 and numbered 30.

Mr. HUGHES. Mr. President——

Mr. MARTIN of Virginia. Will the Senator excuse me for a moment, until I can get before the Senate exactly what I wish to present in connection with this report?

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. VARDAMAN. I rose to ask the chairman of the committee if it were not within the province of the conference committee to determine the number of members of the family of a Senator or Representative who may travel at the expense of the Government? Would it not be a very satisfactory settlement of this matter to fix the number and let the mileage be fixed at the actual expense of traveling?

Mr. President, while I am on my feet I wish to say that this matter, it seems to me, is a subject before Congress at nearly every session. It has provoked a great deal of discussion and acrimonious criticism; it has entered into the political contests of many Senators and Representatives for many years; and I think it ought to be settled now and for all time, if such were possible of accomplishment. Personally, if I may be permitted to make the suggestion, I think it would be satisfactory to say that the actual expenses, in accordance with the amendments which the House proposes, is all that should be charged against the Government, and I wish the committee would take that view of the matter and settle it for all time. Like Banquo's ghost, the mileage question is perpetually coming up for consideration. It is a trifling, inconsequential, little thing, and I think it would be wise if the committee would fix the number of the family that might travel, say, a Senator's or Representative's wife and himself, or, so far as I am concerned, I would be willing to confine the expenses to the Representative and Senator alone. Really, I should prefer the proposition which limits the payment of mileage or expenses to the Senator or Representative. After considering the matter more materially, I hardly see how we could with propriety provide for the payment of the traveling expenses of the family. But, Mr. President, it is a small matter and of little concern to me personally; but I want the matter settled, and settled now.

Mr SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. MARTIN of Virginia. I yield to the Senator from Texas.

Mr. SHEPPARD. I wish to ask the chairman of the Appropriations Committee if the Senate conferees made any proposition to the House conferees along the line of a compromise?

Mr. MARTIN of Virginia. I will say, Mr. President, that we did not make any proposition of compromise, nor do I feel disposed to make any now. I am the agent of the Senate, and will execute any order the Senate sees fit to give, but the Senate conferees thought that the law which has been in force since the foundation of the Government and which is the law of the land now could not be changed by the House alone. The House has proposed the change, the Senate has declined to agree to that change, and we stand on the law and on the action of the Senate which has been several times expressed. If the Senate sees fit to change the instructions which it has given with practical unanimity—there were perhaps not more than two or three dissenting when the vote was taken the last time, whereby the Senate decided to abide by the law as it exists—it is, of course, within the power of the Senate to do so.

Mr. WARREN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wyoming?

Mr. MARTIN of Virginia. I yield to the Senator from Wyoming.

Mr. WARREN. There need be no trouble about changing the mileage rate if the Congress sees fit to do so in the usual, prac-

companies not duly authorized to transact business in the various States, which were referred to the Committee on Post Offices and Post Roads.

Mr. SHEPPARD presented a petition of sundry citizens of Austin, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of New Hampshire, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Concord Lumber Co., of Concord, N. H., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the petition of C. A. Burrows, of Lancaster, Pa., praying for the enactment of legislation to provide for an old-age pension, which was referred to the Committee on Pensions.

Mr. GRONNA presented petitions of sundry citizens of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Fargo Chautauqua, of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of the first congressional district of North Dakota, praying for Federal aid in the strike district of Colorado, which was referred to the Committee on Education and Labor.

Mr. MYERS presented a petition of sundry citizens of Rollins, Mont., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of sundry citizens of Danbury, Ansonia, Hartford, Suffield, South Norwalk, and New Haven, all in the State of Connecticut, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Trades Council of New Haven, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Housatonic Valley Preachers' Union, of the State of Connecticut, and of the congregations of the Methodist Church of Easton and the Methodist Church of Higganum, and of the Woman's Christian Temperance Union of Waterbury, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Conn., praying for an appropriation for the erection of a suitable monument to the memory of John Ericsson, which was referred to the Committee on the Library.

He also presented a petition of Local Grange No. 47, Patrons of Husbandry, of Bolton, Conn., praying for the enactment of legislation for Government ownership and operation of the telephone and telegraph lines, which was referred to the Committee on Post Offices and Post Roads.

Mr. OVERMAN presented a petition of sundry citizens of Durham, N. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Greensboro, N. C., praying for the recognition of Dr. Cook as the discoverer of the North Pole, which was referred to the Committee on the Library.

Mr. PERKINS presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented telegrams in the nature of petitions from sundry citizens of Oregon, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Kearney, Nelson, and Holdrege, all in the State of Nebraska, praying for an appropriation to aid the National Association of Vicksburg Veterans in connection with their national celebration and peace jubilee, which were referred to the Committee on Appropriations.

Mr. KERN presented petitions of the United Mine Workers of Jenny Lind, Ark.; Walsenburg, Colo.; Higginsville, Mo.; Brockton, Pa.; Corona, Kans.; Staunton, Ill.; Nanticoke, Pa.; Lexington, Mo.; Pittsburg, Kans.; Toltec, Colo.; Superior, Wyo.; Starksville, Colo.; Beancreek, Mont.; Marby, Pa.; Thayer, Ill.; Sopris, Colo.; Dekoven, Ky.; Monarch, W. Va.; Marceline, Mo.; Lamaford, Pa.; Freeland, Pa.; Flinton, Pa.; and Belleville, Ill., praying for the enactment of legislation to provide for safety stations in mines and additional protection for workmen in mines, which were referred to the Committee on Mines and Mining.

He also presented resolutions adopted by Local Branch Journeyman Stonecutters' Association, of Bedford, Ind., favoring the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. PAGE presented resolutions adopted by the State convention of the Socialist Party of Vermont, favoring Federal operation of the mines in Colorado, which were referred to the Committee on Education and Labor.

Mr. BRANDEGEE presented petitions of sundry citizens of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Connecticut, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portland, Conn., praying for the enactment of legislation providing for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

Mr. COLT presented a petition of sundry citizens of Providence, R. I., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Hospitaler Commandery, No. 279, Knights of Malta, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 92) authorizing the governor of any State to loan to military colleges and schools within his State such tents and camp equipage as have been issued to the State by the United States under the provisions of existing laws, reported it with amendments and submitted a report (No. 657) thereon.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 205) authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State, reported it without amendment and submitted a report (No. 656) thereon.

He also, from the same committee, to which was referred Senate concurrent resolution No. 19, authorizing the Secretary of War to return to the State of Louisiana the original order of secession, reported adversely thereon, and the concurrent resolution was postponed indefinitely.

He also, from the same committee, to which was referred the bill (S. 5525) restoring Maj. William O. Owen to the active list of the Army, reported it with amendments and submitted a report (No. 658) thereon.

Mr. OVERMAN. I am directed by the Committee on Rules, to which was referred Senate resolution 293, to amend Rule XXV of the standing rules of the Senate, to submit an adverse report (No. 659) thereon. I ask that the resolution be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 784) to place Lieut. Col. Junius L. Powell on the retired list of the Army with the rank of brigadier general, reported it without amendment and submitted a report (No. 662) thereon.

He also, from the same committee, to which was referred the bill (S. 5684) to correct the military record of Oliver C. Rice and to grant him an honorable discharge, reported it with amendments and submitted a report (No. 664) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 1174) for the relief of William Walters, alias Joshua Brown (Rept. No. 663); and

A bill (H. R. 13608) to correct the military record of Charles A. Coulson (Rept. No. 660).

Mr. SWANSON, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 6059) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice, reported it without amendment and submitted a report (No. 661) thereon.

PETROLEUM FOR FUEL.

Mr. SIMMONS. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 16955) to amend section 4474 of the Revised Statutes of the United States, and submit a report (No. 655) thereon. At the request of the Senator from California [Mr. PERKINS], I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. Mr. President, will the Senator from North Carolina merely explain what the bill proposes before unanimous consent is given for its consideration?

Mr. GALLINGER. Let the bill be read.

Mr. SIMMONS. I ask that the bill be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 4474 of the Revised Statutes of the United States by adding thereto the following:

Provided further, That when crude petroleum of a flash point not less than 150° F. is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 4472, Revised Statutes of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELLSON FALLS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 412, to pay to Nellson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at rate received by her at time of death, submitted by Mr. SIMMONS on the 7th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Nellson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

JAMES F. SELLERS.

Mr. WILLIAMS. By direction of the Committee on Rules, I report back with amendments Senate resolution 278, authorizing and directing the Sergeant at Arms to appoint James F. Sellers additional messenger at $1,200 per annum, submitted by the junior Senator from Pennsylvania [Mr. OLIVER] for Mr. PENROSE on February 21, 1914. I ask unanimous consent for the present consideration of the resolution.

The amendments were, in line 2, after the word "appoint," to strike out the name "James F. Sellers"; in line 4, before the words "per annum," to strike out "$1,200" and insert "$1,050"; and in line 5, after the word "Senate," to insert "for the period of six months," so as to make the resolution read:

Resolved, That the Sergeant at Arms of the Senate be, and he hereby is, authorized and directed to appoint an additional messenger, who shall be paid at the rate of $1,050 per annum from the contingent fund of the Senate, for the period of six months, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate, until otherwise provided for by law.

The amendments were agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Michigan:

A bill (S. 6073) to repeal section 9 of the act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; and

A bill (S. 6074) for the relief of officers of the Navy of the United States who were involuntarily retired in July, 1914, pursuant to section 9 of the act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

By Mr. BANKHEAD:

A bill (S. 6075) granting an increase of pension to William T. Hamilton; to the Committee on Pensions.

By Mr. ROOT:

A bill (S. 6076) to authorize the issuance during 1915 of a coin of the denomination of 25 cents, as may be required for the ordinary purposes of circulation, to commemorate the opening of the Panama Canal and the centenary of peace; to the Committee on Banking and Currency.

A bill (S. 6077) for the relief of Chief Engineer George W. Magee, United States Navy, retired (with accompanying paper); to the Committee on Naval Affairs.

A bill (S. 6078) for the relief of Alice Harvey and Winifred Waltz; to the Committee on Military Affairs.

A bill (S. 6079) granting a pension to Ella M. Decker; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6080) granting an increase of pension to W. H. Langdon; and

A bill (S. 6081) granting an increase of pension to William P. Stone; to the Committee on Pensions.

By Mr. OVERMAN:

A bill (S. 6082) granting an increase of pension to Nannie J. McDowell; and

A bill (S. 6083) granting a pension to Nathan N. Colvard; to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 6084) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Commerce.

By Mr. NEWLANDS:

A bill (S. 6085) granting a pension to Leila F. Devine; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 6086) granting a pension to Mary Alfrey; to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6087) granting an increase of pension to Roswell Sayers; and

A bill (S. 6088) granting a pension to Margaretta B. Benjamin; to the Committee on Pensions.

JOHN HENRY GIBBONS.

Mr. SMITH of Michigan. I introduce a bill, and ask that it be referred to the Committee on Naval Affairs.

The bill (S. 6072) for the relief of John Henry Gibbons, captain on the retired list of the United States Navy, was read twice by its title and referred to the Committee on Naval Affairs.

Mr. SMITH of Michigan. In connection with the bill which I introduce I desire to have printed in the RECORD a statement which appeared in the Washington Post yesterday by Richard Harding Davis on the subject. I had expected to make some remarks on the bill at this time, but I simply ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD, as follows:

FATE OF CAPT. GIBBONS, "PLUCKED" FROM NAVY IN HIS PRIME, CRUEL ERROR WHICH DEMANDS REDRESS, DECLARES RICHARD HARDING DAVIS.

[By Richard Harding Davis.]

Before this article was written I had sent a letter to former President Roosevelt, asking him to let me tell what I believed he probably thought of Capt. John H. Gibbons, who, two weeks ago, was retired from the Navy by the plucking board.

Col. Roosevelt's answer arrived after this article had been sent out, but his letter requires no context.

This shows us Capt. Gibbons, as Theodore Roosevelt, when President of the United States, knew him.

Eager and generous, it shows us also something of the man who wrote it, who, deep in his own affairs, which are the affairs of many millions of people, found time to answer a signal of distress from a shipmate in trouble.

COL. ROOSEVELT'S LETTER.

This is Col. Roosevelt's letter:

OYSTER BAY, LONG ISLAND.

DEAR DAVIS: While I was President, and therefore Commander in Chief of the Navy, Capt. Gibbons served under my personal eye, and I am able to speak from first-hand knowledge of his conduct and efficiency. I saw him in command of the *Delphin*; I saw him in noncommand positions on other ships; I saw him in the Navy Department at Washington, and I consulted him about questions of equipment, direction, and general policy in naval matters. In every position he showed himself to be a man of marked efficiency—one of the most useful men in the Navy; one of the men who, as President, I should, in the event of war, have been delighted to see in a position of responsibility and command, because I was well assured that in such a position he would bear himself fearlessly, efficiently, and honorably.

From the standpoint of the country I regret very greatly that there is any danger of our losing his services. I am,

Faithfully, yours,

THEODORE ROOSEVELT.

to bring together in one place what the CONGRESSIONAL RECORD shows with reference to the nomination and confirmation of Robert H. Terrell.

The CONGRESSIONAL RECORD of February 18, 1914, shows:

Executive nominations received by the Senate.

Robert H. Terrell, of Washington, D. C., to be judge of the municipal court of the District of Columbia. (A reappointment, his term having expired.)

On April 24, 1914, the RECORD shows:

Executive nominations confirmed by the Senate.

JUDGE OF THE MUNICIPAL COURT.

Robert H. Terrell to be a judge of the municipal court of the District of Columbia.

On May 2, 1914, page 7621 of the CONGRESSIONAL RECORD, appears the following:

CONFIRMATION OF ROBERT H. TERRELL.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent that my vote on the confirmation of Robert H. Terrell as a judge of the municipal court of the District of Columbia be made public. I desire it to be known that my vote was cast against his confirmation.

On June 18, 1914, the RECORD shows that unanimous consent was given to publish the vote of all the Senators with reference to the confirmation of Robert H. Terrell. The vote was as follows:

YEAS—39.

Brady	Cummins	Lewis	Shively
Brandegee	Gallinger	Lodge	Smith, Mich.
Bristow	Goff	McCumber	Smoot
Burleigh	Hollis	Martine, N. J.	Sterling
Burton	Hughes	Nelson	Thomas
Catron	Johnson	Norris	Thompson
Chilton	Kenyon	Page	Walsh
Clapp	Kern	Pomerene	Warren
Clark, Wyo.	La Follette	Root	Weeks
Crawford	Lane	Shafroth	

NAYS—24.

Bankhead	Lee, Md	Reed	Smith, Ga.
Bryan	Newlands	Robinson	Smith, S. C.
Fletcher	Overman	Sheppard	Thornton
Gore	Owen	Shields	Vardaman
James	Pittman	Simmons	West
Lea, Tenn.	Randell	Smith, Ariz.	Williams

I have now, Mr. President, put together everything that the RECORD shows with reference to the nomination and confirmation of Robert H. Terrell.

Of course we understand that all nominations are considered in secret executive session, that no record is made of the speeches of Senators in secret executive sessions, and that even the votes of Senators are not made public and do not appear in the RECORD except by unanimous consent.

I feel, however, that I am justified, in view of the unanimous consent given at my request that my action with reference to Robert H. Terrell be made public, to add that all Senators who were present are aware of the fact that during the two and one-half months the nomination of Terrell was held up in the Senate I on every opportunity protested against his confirmation, and spoke frequently at length against his confirmation. I, of course, voted against his confirmation.

Mr. BORAH. Mr. President, as I understood the letter, it was giving an account of what happened in executive session with reference to the confirmation of a judge.

Mr. SMITH of Georgia. It was a charge that I voted for his confirmation.

Mr. BORAH. I merely wish to ask the Senator if he does not agree with me that executive sessions with reference to the confirmation of judges ought to cease, and that the confirmations ought to be had in open session? If we are going to state what has happened after the session is over, there is every reason why executive sessions should be done away with, so far as those matters are concerned. This only illustrates the proposition that we ought to terminate executive sessions entirely with reference to everything except some possible treaties with foreign Governments.

INDUSTRIAL CONDITION OF THE COUNTRY.

Mr. STONE. Mr. President, I hold in my hand a couple of newspaper clippings, one of which I should like to have read. I have clipped it from the Iron County Register, a prominent, influential Democratic journal in Missouri, and it seems to have been copied from the St. Joseph Observer, another strong, influential Democratic journal. I think it would be very well to make this the basis of some similar matter that I purpose to insert in the RECORD from time to time for the edification and comfort of my friends the Senator from Utah [Mr. SMOOT], the Senator from New Hampshire [Mr. GALLINGER], and some others. I should like to have it read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Unique industry furnishes occupation for a large number of men and women and shows handsome profit to makers.

Jefferson City.

Corncob and wooden pipes——

Mr. STONE. If the Secretary will turn to the other side of the paper he will find what I asked to have read.

Mr. GALLINGER. I think the subject the Senator's correspondent was dealing with is a very important one. It is important that the corncob and wooden pipe industry should flourish in this country. I think it ought to be read.

Mr. WARREN. I should like to have it read.

Mr. STONE. You can have it read if you wish, but I do not know what it is.

The VICE PRESIDENT. The other side of the paper will be read.

Mr. STONE. That is not the article that I sent up to be read. I think it would be well for the Secretary before he begins to read to know what it is that a Senator desires to have read.

Mr. WARREN. Do I understand that the Senator has something with which he wishes to brace up the courage of his colleagues and will not tell us the subject of it?

Mr. STONE. No, sir; it is something with which I wish to brace up the courage of the lamentators on the other side.

Mr. WARREN. I think their courage will be sufficient for the occasion when the time comes, as the Senator will probably find. The boys often whistle when they go through the woods to keep their courage up. I notice that these little ebullitions of whistling and singing come often nowadays from the Democratic side, and we enjoy it, I am sure. We hope the other side will devote itself diligently to overcoming the alleged "psychological depression."

Mr. STONE. I hope the Senator at least enjoys it, since he has so much occasion to employ it.

Mr. CLAPP. Mr. President, it seems to me the thing to settle is whether we shall have the corncob-pipe article read, or the article that the Senator from Missouri wants to have read.

The VICE PRESIDENT. The article was not marked in any way. So the Chair does not think the Secretary is to blame for what he started to read; but it was not what the consent of the Senate was given to have read. The article on the other side of the corncob article the Secretary will read.

The Secretary read as follows:

Camden, N. J.: Riot follows application of 1,150 men for 400 jobs advertised by the Joseph Campbell Co. August 19, 1908.

Denver: More than 200 Bulgarians petition governor for employment or aid to return to Bulgaria. March 20, 1908.

Detroit: More than 2,000 men march to city hall to solicit work of mayor. January 28, 1908.

Granite City, Mo.: Fifty men kneel before various churches pleading for work. One man killed himself because he failed to obtain work. April 25, 1908.

New York: School children besiege the restaurant of Adolph Lorber to obtain free meals offered by Mr. Lorber. February 13, 1908.

New York: Government urged by Central Federated Labor Union to let contracts for subway to furnish work for 500,000 men unemployed. March 15, 1908.

Philadelphia: Loan of $9,000,000 to provide funds for public work asked by the city for unemployed. Race riot followed demonstration of unemployed demanding work. Italians attacked by men of other nationalities.

San Francisco: Organized unemployed league formed. Demands the issue of $23,000,000 in bonds to aid unemployed. January 28, 1908.

Toledo: One thousand Hungarians march through the rain to receive a loaf of bread each. March 28, 1908.

Such is a part of the story of the winter that followed the panic of 1907. Democratic policies to blame? Not a bit of it. Republicans had been in power for 11 years. Democratic President to blame? Not a bit of it. Theodore Roosevelt was in the White House. Democratic Congress to blame? Not a bit of it. The country was safely standpat. Democratic tariff law to blame? Not a bit of it. The law of Dingley still prevailed.

Explain the panic of 1907 as you will—say it was a bankers' panic; say it was a result of a "psychological condition." It was a "condition." It was a condition that prevailed under a Republican President, and at a time when Republican legislation framed to foster prosperity was still upon the statute books. If the Democrats are panic makers, they have not yet been able to duplicate the winter effect at their line. They have not of 1908. As a matter of fact, history shows that the Tory press forgets a lot when it assails the new tariff laws and the new currency law as panic breeders. While they are organizing a "business depression" the standpat politicians should stage a few bread riots to give a realistic touch to their show.—St. Joseph Observer.

Mr. STONE. Mr. President, I have here an editorial which I clipped from the Washington Post. As we all know, the Washington Post for months past has filled its columns with direful prophecies of hard times and of evil to come. But even the Washington Post is awaking to the fact that the country is in excellent industrial condition and that we are moving rapidly along the path of industrial development and progress. I think it wise to insert in the RECORD this confession from the editorial columns of the Post. In order to economize time, as

it is half a column or thereabouts in length, I will merely ask to have it inserted instead of having it read.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The article referred to is as follows:

GREAT CROP YIELDS WILL INSURE LARGE BUSINESS.

So much depends upon the crop results for this present year that the country watches with anxiety the climatic conditions of each week in the corn and cotton belts and in the wheat section of the Northwest and Canada.

The winter wheat results are now well assured and the yield will surpass by many millions of bushels the highest record of production ever attained in the United States.

Cotton has made excellent progress during the month of June, and this last week has been notably favorable in the entire cotton belt; so much so that many speculative holders of cotton have been sellers, believing that the yield will be well up to high record mark.

Reports from the West and Southwest as to corn are of a character that promises a remarkable yield, the late rains having worked wonders in the growth of the plant; and it is easily to be seen that the agriculturists in the corn belt will not be surprised if the yield of corn makes fully as fine an aggregate in comparison to yields in former years as has the winter wheat.

The business men of the country should be greatly encouraged by these brilliant prospects for immense crops, as these yields of cotton and corn, if of the aggregates now estimated, will furnish the soundest and most reliable basis for general prosperity in business affairs of the United States.

The news from the West, including Southwest, Northwest, the Middle West, Central West, and far West, is that the railways will be called upon for full capacity of cars and motive power to transport the products of the soil.

That means that Pennsylvania, Ohio, and Alabama iron and steel plants, furnaces, and coke ovens will be called upon for greater outputs.

That means that West Virginia, Virginia, and Kentucky coal mines will have a demand that will call for employment of greater numbers of miners.

That means that the industrial districts of the United States will resume activities and be able to dispose of larger outputs than during the past two years.

The prosperity of the farmers and the greater activity in the manufacturing sections will insure larger demands upon the merchants in every city and town of the United States, and by the middle of August this will be fully demonstrated, and it will make a great change for better business in every part of the Republic.

The section of the Union comprising Maryland, Virginia, West Virginia, and the District of Columbia will be among the first of the sections to feel the returning tide of good trade, and local sentiment as to business will be largely changed during the next three months.

Mr. STONE. That is all I shall insert this morning, but I think I will take occasion morning after morning to furnish my friends on the other side with some comforting evidence of the real condition of the country.

Mr. GALLINGER. Mr. President, if we go into that and the Senator's friends on this side submit editorials and excerpts from newspapers showing a different condition of things, it occurs to me that the CONGRESSIONAL RECORD will not be a fair index of the proceedings of this body, but an omnium-gatherum of the opinions of newspapers scattered throughout the country. The Senator knows that the Democratic papers are, of course, trying to make it appear that we have prosperity. The Republican papers, on the other hand, say we have not prosperity, but the contrary. I think it is a questionable practice to fill up the CONGRESSIONAL RECORD with such newspaper extracts.

Still, if the Senator wishes to go into it, his friends on this side will accommodate him by inserting articles of a different tenor, and we will let the numerous readers of the CONGRESSIONAL RECORD decide which represents the true facts.

Mr. WHITE. Mr. President, I have a clipping which I should like to have read for its psychological effect upon the business world, to say nothing of the quieting effect it may have upon the Senators on the other side.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

BUSINESS BOOM BRINGS BIG ORDER FROM PENNSYLVANIA RAILROAD.

ALTOONA, PA., *July 5.*

With every department of the Altoona shops, the industrial center of the Pennsylvania Railroad Co., working full time and many departments working overtime, this city is enjoying an unsurpassed era of prosperity.

An order for 81 freight engines, the largest ever used by the Pennsylvania, has been placed with the Juniata shops, while an order has just been placed with the car shops for 1,000 all-steel box cars, the most costly equipment of its kind ever ordered by the railroad.

Mr. WHITE. Mr. President, while I asked to have it read for its psychological effect, it may also be appropriate as a plea of set-off or recoupment to articles read by Senators on the other side, with which this contrasts the business conditions of the country.

Mr. WILLIAMS. Mr. President, pursuing the same line I shall ask permission to have the Secretary read an editorial in the New York World of Sunday, June 28, entitled, in rather high-flown language, "When big business is an ass."

Mr. GALLINGER. The Senator was not heard in this part of the Chamber. Will the Senator state what the article is?

Mr. WILLIAMS. I have asked to have the Secretary read an article in the New York World of Sunday, June 28, under the graphic title "When big business is an ass." I think it will have some effect "psychologically," as that seems to be the adverb chiefly now in use.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read the editorial from the New York World of Sunday, June 28, 1914, as follows:

WHEN BIG BUSINESS IS AN ASS.

Our neighbor, the Sun, upon whom we are accustomed to rely for a correct interpretation of the political sentiment of Wall Street, bitterly complains that—

"The business world feels itself fettered by the general attitude of political hostility to the higher mechanism of business, a hostility of which the President is the principal exponent."

If the Morganized finance which resulted in the Cliflin failure represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the plunder of the New Haven Railroad represents "the higher mechanism of business" we have no doubt that the President is hostile to it.

If the almost incredible financial knavery that has been brought to light in connection with the Rock Island represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the sort of finance that wrecked the Frisco and broke the back of the Pere Marquette represents "the higher mechanism of business," we have no doubt that the President is hostile to it.

If the corrupt manipulations that were exposed in the lobby investigation represent "the higher mechanism of business," we have no doubt that the President is hostile to it.

If sneaking attempts to intimidate Congress by means of form telegrams and mimeographed letters represent "the higher mechanism of business," we have no doubt that the President is hostile to it.

What is more, the country is hostile to it, and whenever the issue is definitely drawn the President will win and big business will be beaten.

With every economic question that has come before him the President has sought to deal prudently, cautiously, and sanely. No word of demagogy has fallen from his lips. He has indulged in no reckless agitation; he has made no incendiary appeals to popular passion; he has neither denounced, nor abused, nor threatened. He has sought to carry out no economic policies that he was not elected specifically to carry out, and yet the great business interests of the East have fought him at every step with every weapon at their command. He offered them peace, and they have chosen war. Having chosen war, they can expect no truce until the issue is decided.

They themselves have created a situation in which there is nothing for Congress to do but to go ahead with the administration's program and carry it through. Big business in politics is usually an ass. It was never more of an ass than when it undertook to bulldoze Woodrow Wilson and this Democratic Congress.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the National Young People's Christian Union, in convention assembled at Boston, Mass., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

BOSTON, MASS., *July 11, 1914.*

Hon. THOMAS MARSHALL,
Vice President, United States Senate, Washington, D. C.:

National Young People's Christian Union convention, Universalist Church, petitions Senate to submit prohibition amendment and to pass national censorship motion-picture bill. Please order this petition printed in full in RECORD.

CARL F. ELSNER, *Secretary.*

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Duluth, Alexandria, Cohasset, Sauk Center, Minneapolis, Paynesville, St. Cloud, Rushmore, Crystal Bay, Farmington, Moorhead, and Waseca, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minneapolis, Duluth, and East Grand Forks, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of sundry citizens of Maine, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Board of Fire Underwriters of Sagadahoc County, Me., praying for the enactment of legislation to prohibit the use of the mails to insurance

Also, petitions of Mrs. F. T. McWhiter, Mrs. G. M. Henderson, and others; and Mrs. Alex Hugh Scott, Caroline Curtis, and others, of the North Boulevard Franchise League of Indianapolis, Ind.; Marion H. Barnard, Anmira Perlam Denton, and others, of Irvington, Ind., urging woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of West Indianapolis, Ind., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of A. S. Morley and 30 other citizens, of Arlington, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of the Christian Church of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. OGLESBY: Petition of 213 residents of the twenty-fourth congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of sundry citizens of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Paint Trade Mutual Fire Insurance Co. of Providence, R. I., protesting against Senate bill 5664, relative to use of mails for procuring fire insurance policies; to the Committee on the Post Office and Post Roads.

By Mr. PADGETT: Paper to accompany House bill granting increase of pension to Biddey C. Wolff; to the Committee on Invalid Pensions.

By Mr. PALMER: Petition of the Moravian Christian Endeavor Society, of Easton, Pa., and the Keystone League Christian Endeavor Society, of Freemansburg, Pa., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. RAKER: Petition of the Annual Convention of Friends' Church of California, representing 3,500 members, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of W. F. Robertson, P. B. Smith, and 12 other citizens; Moss Archambeault, Edward Hart, F. B. McKeown, and 11 other citizens, all of Reno, Nev.; and C. C. Dixon, of Sparks, Nev., against national prohibition; to the Committee on Rules.

By Mr. SCOTT: Petitions of sundry citizens of Marcus, sundry citizens and the Baptist Church of Storm Lake, the Woman's Christian Temperance Union of Sioux Rapids, sundry citizens of Sioux Center and Sioux County, sundry citizens of Spirit Lake, and 192 citizens of Linn Grove, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petitions of 28 citizens of Sparta, 72 citizens of Prairie City, 19 citizens of Vale, 15 citizens of Multnomah County, and 11 citizens of the second congressional district, all in the State of Oregon, against national prohibition; to the Committee on Rules.

Also, petition of 35 citizens of La Grande, Oreg., favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of the Christian Endeavor Society of the First Congregational Church of Union City; the Christian Endeavor Society of the First Reformed Church of Kalamazoo; Alma B. Ford, secretary of the Woman's Christian Temperance Union of Albion; John C. TenDyle, president of the Young People's Society Christian Endeavor of the First Congregational Church of Kalamazoo; George Brown, A. E. Burke, Mrs. P. Z. Weenink, John Seedik, L. O. Hays, Charles H. Pollycutt, H. Vonde Polder, Theodore Hoekstra, Dena Reenders, Elizabeth A. M. Dalm, Miss J. Davitt, Leonard Gideon, Mr. Mesink, H. J. Weemiek, Mr. Hoedkerk, 200 members of the Trinity Lutheran Church, and 100 members of the East Avenue Methodist Church, of Kalamazoo, all in the State of Michigan, favoring national constitutional prohibition (Hobson bill); to the Committee on Rules.

By Mr. SMITH of Maryland: Petitions of 206 citizens, mostly of Baltimore, Md., relative to national recognition to Frederick A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. SMITH of Minnesota: Petitions of 234 citizens of Minneapolis, Minn., and the German Evangelical Synod of North America, Minnesota district, against national prohibition; to the Committee on Rules.

By Mr. STONE: Petitions of sundry citizens of the sixteenth congressional district of Illinois, against national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Alabama: Petition of sundry citizens of Mobile County, Ala., protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Resolution of Shelby Norman Post, No. 231, Grand Army of the Republic, asking for an appropriation of $200,000 for the purpose of promoting a national celebration and peace jubilee in commemoration of the semicentennial of the ending of the Civil War in 1865, to be held at Vicksburg, Miss., October, 1915; to the Committee on Appropriations.

SENATE.

MONDAY, *July 13, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we thank Thee for our great country—for its organization, its resources, and its possibilities. We thank Thee for its abundant harvests and for the bountiful supplies of divine grace and providence that have marked its progress from the beginning. We praise Thy name for every token of Thy favor that has exalted our Nation. Grant that we may have a due consideration of our responsibility and measure up to our opportunities. May we follow Thy leading, rely upon Thy power, and cherish Thy precepts. May we continue to abide under the shadow of the Almighty. "Lord God of hosts, be with us yet, lest we forget, lest we forget." We plead for this in Jesus' name. Amen.

The Journal of the proceedings of Thursday last was read and approved.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of February 7, 1914, a report concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., together with a transcript of the record made in this investigation in accordance with a further Senate resolution of June 24, 1914. The communication and accompanying papers will be referred to the Committee on Interstate Commerce.

Mr. NORRIS. Mr. President, I should like to call the attention of the Chair to the fact that the Senate has already passed a resolution authorizing the printing of that report and the accompanying evidence as a Senate document.

The VICE PRESIDENT. The Chair was not aware of that.

Mr. NORRIS. We have passed a Senate resolution to print the report and the evidence as a Senate document.

The VICE PRESIDENT. Then the report and the accompanying papers will be referred to the Committee on Printing.

Mr. NORRIS subsequently said: Mr. President, did I understand the Chair to refer the communication from the Interstate Commerce Commission to the Committee on Printing? As I understand, there is no occasion for referring it to that committee, in view of the previous action of the Senate.

The VICE PRESIDENT. Where would the Senator from Nebraska have it referred?

Mr. NORRIS. As I understand, there is no occasion for any reference. The Secretary of the Senate will have it sent to the Printing Office, where it will be printed, the same as any other document. It has already been ordered printed.

The VICE PRESIDENT. The Chair was of the impression that if it had been ordered printed the Committee on Printing would send it to the Printing Office to have it printed.

Mr. NORRIS. I understand the Committee on Printing only reports such matters back to the Senate, and the Secretary of the Senate then has it sent to the Printer.

The VICE PRESIDENT. If it has been ordered printed——

Mr. NORRIS. It has been ordered printed.

The VICE PRESIDENT. The Chair has no idea how it will be printed.

Mr. NORRIS. Just the same as any other document. It will be sent to the Printer.

The VICE PRESIDENT. The communication and accompanying papers will be referred to the Committee on Interstate Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 5304) to increase the efficiency of the Aviation Service of the Army, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H. R. 6464) for the relief of Charles R. Grant.

The message further announced that the House agrees to the amendment of the Senate No. 157 to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; agrees to the amendment of the Senate No. 163, with an amendment, in which it requests the concurrence of the Senate; disagrees to the residue of the amendments of the Senate; requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT managers at the conference on the part of the House.

The message also announced that the House agrees to the amendments of the Senate Nos. 6, 13, and 140 to the bill (H. R. 12579) making appropriations for the current and continuing expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915; disagrees to the residue of the amendments of the Senate to the bill; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requests the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 8428. An act to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes; and

H. J. Res. 288. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws;

H. R. 923. An act for the relief of Mrs. Andrew Rigmopolous;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 1291. An act for the relief of George Gardels;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 1589. An act for the relief of John R. Norris;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 2538. An act for the relief of John Streckfus;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 3068. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 6052. An act for the relief of William P. Havener;

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 6280. An act for the relief of Hyacinthe Villeneuve;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 7293. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 9042. An act to permit sales by the supply departments of the Army to certain military schools and colleges;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9352. An act for the relief of R. B. Whitacre & Co.;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 10767. An act for the relief of John B. Baldwin;

H. R. 11008. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, California;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;

H. R. 13319. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 13385. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 14229. An act for the relief of Henry La Roque;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14925. An act for the retirement of H. R. Drake;

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; and

H. J. Res. 235. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

PERSONAL EXPLANATION.

Mr. SMITH of Georgia. Mr. President, I ask the attention of the Senate to a matter of a somewhat personal nature. I received this morning a letter from a friend containing the following statement:

> This is to advise you that a number of your opponents in south Georgia are trying to arouse prejudice against you in racial districts and among the voters by repeating to them a great story about your having voted to keep a negro in office over a white man, having reference to a negro judge in Washington.
>
> I know you had a reason, and a reasonable one, for casting your ballot that way, and I wish, if you can, you would furnish me with the proper statement to offset this tale.

As Robert H. Terrell is the only negro who has been confirmed by the Senate, this story must refer to him. I ask leave

required, although the number of trips could be doubled if necessary, thus avoiding the long delays that now consume the time of those who have business at Angel Island, and also minimizing the dangers incident to navigation in stormy weather.

Contrasted with the present location and facilities, the proposed transfer of jurisdiction of Alcatraz presents a well-marked improvement; in fact, there is no comparison between the two properties, and I would have no hesitancy in recommending, in lieu of any further expenditure of funds on improvements at Angel Island, that the matter of transfer to Alcatraz be made the subject of favorable action.

I desire to add, however, that I would have preferred to see the new immigration station for the port of San Francisco located upon the mainland, provided a convenient site was available, although it must be admitted that many excellent reasons have been assigned in favor of Alcatraz Island as a suitable location. Suggestions made that a portion of either of the two United States military reservations situated in or near the city of San Francisco be secured have proved unavailing, as the War Department has recently stated to a representative of this department that no space on either the Presidio or the Fort Mason reservation could be spared. Taking advantage of a suggestion made in an address by Capt. Robert Dollar, on my recent visit to San Francisco, with a view to the location of the new station upon the mainland, this department has gone to the extent of seeking the cooperation of the Chamber of Commerce of San Francisco, with which Capt. Dollar is associated as chairman of the foreign trade committee, with the result that after due deliberation by that body, its vice president and general manager, in transmitting the views of the chamber, says: "While there are many reasons which would favor a location on the mainland, it is our understanding that the tender by the War Department of Alcatraz Island for this purpose offers to the Immigration Service the most feasible and available site. We are aware that the present location on Angel Island is inadequate and inconvenient, and it would be a great step in advance to utilize Alcatraz Island for the purpose, and I am therefore instructed by our board of directors to express our opinion that Alcatraz Island would get rid of many of the disadvantages that now obtain at the present location. This opinion is expressed without prejudice to any other sites which may hereafter be considered on the mainland."

Capt Dollar, in discussing this report, adds his approval of its contents as follows:

"I called a meeting of the directors and members of the chamber of commerce, at which time this subject was discussed at length. * * * I have read the communication sent from the chamber as a result of such meeting. I approve of the action taken."

The department is not unmindful of the great cost involved in securing a site on the mainland in a large city like San Francisco and constructing the necessary buildings and accommodations thereon, and it is that fact, not the least among many favorable considerations, that influences it in agreeing to the transfer of the present station to Alcatraz Island, where, to a great extent, in addition to sufficient land, all wants of the Immigration Service, with few exceptions, can be immediately provided for at comparatively small expense. Among the exceptions can be noted a hospital suitable for a station intended to accommodate both oriental and occidental immigration.

It is proper to suggest that involved in the transfer there is necessity for an immediate appropriation in the sum of $44,[illegible]40 for the purpose of placing the buildings at Alcatraz Island in condition for use by the Immigration Service, a considerable proportion of same being necessary for transforming the section now consisting of cells in the buildings hitherto used as a military prison. It is understood that the transfer can not be effected from the present station until these necessary changes have been completed, and unless appropriation therefor is made there would be no authority in law for this department to incur the expenditure for same.

The department is informed that by act of Congress approved September 28, 1850, providing for a lighthouse on Alcatraz Island, the Lighthouse Establishment has certain privileges thereon. The bill now pending before your committee might properly be amended so as to make the transfer subject to the rights of the Lighthouse Service on the island.

The department, as at present advised, suggests the following amendments to this bill:

1. Strike out from the title the words "its buildings" and insert in lieu thereof the following: "buildings, machinery, and improvements."

2. Strike out, in line 3, page 1, the words "its buildings" and in lieu thereof insert "buildings, machinery, and improvements."

3. Strike out, in lines 5 and 6, same page, the words "as and known, designated as and called the United States military prison on," and insert in lieu thereof "for and known as the Pacific Branch, United States Military Prison."

4. Strike out, in lines 8 and 9, the words "and naturalization" and insert in lieu thereof "as an immigration station or for such other uses as may be provided for by law or regulation approved by the Secretary of Labor."

5. Strike out small letter "t" in the word "the," line 9, and insert in lieu thereof capital "T."

6. Strike out, in line 9, the words "and all its buildings" and insert "together with all buildings, machinery, and improvements."

7. Line 7, after the word "is," insert "except as herein otherwise provided."

8. Strike out period after the word "Labor," in line 11, and insert the following: ", subject to the provisions of the act of Congress approved September 28, 1850, providing for a lighthouse at Alcatraz Island."

As thus amended, and with the comments above submitted, this department recommends the passage of said measure.

In connection with the foregoing, and in view of the fact that the suggestion to transfer Alcatraz Island to this department for use as an immigration station originated in the War Department at the suggestion of Brig. Gen. E. H. Crowder, Judge Advocate General of the Army, I deem it my duty to transmit herewith a copy of a letter addressed by Gen. Crowder, on February 28, to the Bureau of Immigration, and to state that as to the method of such transfer, whatever shall be deemed advisable by your committee will be entirely satisfactory to this department.

Respectfully, W. B. WILSON, *Secretary.*

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 19, 1914.

Hon. JULIUS KAHN, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. KAHN: Referring to your inquiry over the telephone this morning as to the total cost of reconstructing the military prison at Alcatraz Island, Cal., I have the honor to inform you that funds were appropriated for this purpose in the sundry civil acts for the fiscal years 1908, 1909, and 1910, as follows:

Fiscal year 1908	$50,000
Fiscal year 1909	100,000
Fiscal year 1910	100,000
Total	250,000

The several acts making the appropriations for this work provide that the sum appropriated shall be so expended as to give the maximum amount of employment to the inmates of said institution.

The records of this office show that the estimated cost of the labor of prisoners on the work in question is $191,498.20, which amount, it is thought, should be added to the $250,000 to obtain the actual cost of reconstructing the prison, making a total of $441,498.20.

Very respectfully,

J. B. ALESHIRE,
Quartermaster General.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Massachusetts makes a request to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I yield half a minute to the gentleman from New York [Mr. CONRY].

Mr. CONRY. Mr. Chairman, I ask unanimous consent to print in the RECORD a speech delivered by Representative WITHERSPOON on the Fourth of July in Tammany Hall, New York.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CANTOR having assumed the chair as Speaker pro tempore, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17824, the general deficiency bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BARNHART, indefinitely, on account of illness.

To Mr. PROUTY, for 10 days, on account of important business.

To Mr. BUCHANAN of Illinois, for 10 days, on account of illness.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p. m.) the House adjourned to meet Monday, July 13, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting items for consideration in connection with the general deficiency bill; credits in the accounts of the disbursing clerk of the Treasury Department, $3.61; vouchers aggregating $2.25, submitted by custodian post office, courthouse, and customhouse, Duluth, Minn. (H. Doc. No. 1118); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Stillaguamish River, Wash. (H. Doc. No. 1119); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Delaware River, Camden, N. J., from Cooper River to Newton Creek (H. Doc. No. 1120); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. O'LEARY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 8847) amending

paragraph 81 of the act creating a public utilities commission, reported the same with amendment, accompanied by a report (No. 953), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 8847) amending paragraph 81 of the act creating a public utilities commission, reported the same with amendments, accompanied by a report (No. 952), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LONERGAN: A bill (H. R. 17851) for erecting a suitable memorial for Nathan Hale; to the Committee on the Library.

By Mr. CANTOR: A bill (H. R. 17852) for erecting a suitable monument to Commodore Uriah P. Levy in the city of Washington, D. C.; to the Committee on the Library.

By Mr. LEVY: A bill (H. R. 17853) to amend section 14 of the act entitled "An act to regulate commerce," approved February 4, 1887, and amendments thereto; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Minnesota: A bill (H. R. 17854) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and to create a water-power commission for the regulation of such dams and the power and electric current generated thereby; to the Committee on Interstate and Foreign Commerce.

By Mr. CASEY: A bill (H. R. 17855) to provide an industrial alcohol commission under the general direction of the Secretary of Agriculture devoted to aiding in developing denatured alcohol production in farm distilleries, and its use for light, heat, and power, and other industrial purposes; to the Committee on Agriculture.

By Mr. JONES: A bill (H. R. 17856) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands; to the Committee on Insular Affairs.

By Mr. CARAWAY: A bill (H. R. 17857) to provide for appointment to places under the government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 17858) to make eligible for appointment ex-soldiers of the Union and Confederate Armies, and for other purposes; to the Committee on Reform in the Civil Service.

By Mr. FALCONER: Resolution (H. Res. 564) requesting the War Department and Navy Department to furnish the House of Representatives copies of all correspondence and orders in the matter of the order of deportation of Fred L. Boult from Vera Cruz; to the Committee on Naval Affairs.

By Mr. DOOLITTLE: Resolution (H. Res. 565) authorizing the Speaker to appoint committee to investigate charges that combination exists in Kansas and Missouri to depress the price of wheat paid to producer; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Resolution (H. Res. 566) to pay Harry Brandle compensation at the rate of $100 per month from May 23, 1914, to July 10, 1914; to the Committee on Accounts.

By Mr. FINLEY: Joint resolution (H. J. Res. 299) appropriating $60,000 for the relief of the sufferers from the hail and wind storm in York County, S. C., July 7, 1914; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17859) granting an increase of pension to Henry Wilson; to the Committee on Invalid Pensions.

By Mr. DERSHEM: A bill (H. R. 17860) granting a pension to Maggie W. Bitner; to the Committee on Invalid Pensions.

By Mr. FALCONER: A bill (H. R. 17861) to reimburse certain Indians for labor done in building a schoolhouse at Queets River, Quinlault Indian Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. MCKENZIE: A bill (H. R. 17862) granting an increase of pension to Angeline E. Strong; to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 17863) granting an increase of pension to Biddey C. Wolff; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 17864) granting a pension to Condy Boyle; to the Committee on Pensions.

By Mr. RAKER: A bill (H. R. 17865) granting an increase of pension to Martha Ann Benjamin; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17866) granting a pension to William H. Culler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17867) granting a pension to George B. Phyles; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17868) granting an increase of pension to Joseph Bartlett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Christian Endeavor Society of the Christian Church of Mexico, the Mexico Baptist Young People's Union, the Woman's Christian Temperance Union of Laddonia, and a mass meeting of citizens of Bellflower, all in the State of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petitions of Robert Reid and other citizens of Denison, Warren L. Reed and other citizens of the National Military Home, Mrs. James Cleland and other citizens of Hoyt, E. E. Urner and other citizens of Topeka, Rev. I. J. Pearson and other citizens of Topeka, Robert J. Church and other citizens of Sabetha, and Katie E. Mayer and other citizens of Leavenworth, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petitions of sundry citizens of Riddlesburg, the Young People's Society for Christian Endeavor of Zion, the Lutheran Evangelical Church of Hollidaysburg, and the Young People's Society for Christian Endeavor of the First Lutheran Church of Tyrone, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petition of 217 citizens of Ann Arbor, 19 citizens of Hudson, and 54 citizens of Parma, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

Also, petition of Clara S. C. Waldron, Mary Louise Hinsdale, and others, of Ann Arbor, Mich., favoring legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Letters from Edward Loew, of Salem, S. Dak., and Lloyd H. Riding, of St. Lawrence, S. Dak., favoring the enactment of legislation providing for national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petitions of 1,074 citizens of Waynesboro, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of East Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Bridgeport, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of 27 citizens of Osage, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 128 citizens of Hudson County, eleventh congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of sundry citizens of Viroqua, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of the First Congregational Church of Norwood, Mass., for censorship of motion pictures; to the Committee on Education.

By Mr. GUERNSEY: Petition of 115 citizens of Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of Washington County and others, of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of August Schott and A. F. Ziegenfus, of Latrobe, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Memorial of the city council of Woonsocket, R. I., favoring the passage of the Hamill bill, relative to pensions for aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. KORBLY: Petition of Bert Goodpasture and others, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

The buildings are in fine shape, have separate compartments, and provisions for each room, with ventilation, and I have been advised by the Commissioner General of Immigration, who has gone all over the United States, that so far as use for that purpose is concerned there are no buildings anywhere in the United States better equipped.

I want to call attention particularly to the fact that here is an expenditure of some $700,000 that can be turned over and used by the Immigration Service. It is estimated that the cost of the labor of these prisoners on the work was $191,498.20. The military authorities have been contemplating the withdrawal of the prisoners from the island for a number of years. It was felt that they could be transferred to the mainland, and the cost of administration would be materially reduced. The transfer contemplated by this bill will mean a saving to the Government of a considerable sum each year, so far as the military establishment is concerned, to say nothing about the great saving to the Government of using it as an immigration station instead of going and buying land and buildings that will cost half a million or more, and that would not be as good as these buildings that we have already got.

It will be necessary to have an adequate immigration station to meet the necessities of the situation. The buildings on Alcatraz Island are fireproof, sanitary, and modern in every respect. If these buildings were to be continued as a military prison, there is no doubt that the Government would be compelled to construct additional buildings on Angel Island for the use of the Immigration Service at considerable cost to the Government.

I desire to get that fact fully before the Members of the House. At practically no cost or expense, the Department of Labor is ready to take charge. They are anxious to do it; and we would like to have it in shape at as early a date as we can. I trust the Members of the House may see their way clear to permit this bill to go through.

Mr. FITZGERALD. Is that to take care of the Asiatics that the gentleman expects to come into California? If not, where are the immigrants going to come from who will use this station?

Mr. RAKER. They claim now that there are 200,000 who have already engaged their passage and paid for it to land in San Francisco in 1915 from Europe. No Asiatic. We want them excluded for all time.

Mr. FITZGERALD. They must be a pretty prosperous class if they engage their passage two years ahead.

Mr. RAKER. We are advised that that is the fact.

Mr. FITZGERALD. I suppose that is because of the great era of prosperity that this country is going to enjoy under this Democratic administration.

Mr. RAKER. I think so.

Mr. FITZGERALD. And news of it has already spread to the innermost points of Europe?

Mr. RAKER. I do not believe there is any doubt about the prosperity.

Mr. FITZGERALD. Is not that true?

Mr. RAKER. Yes.

Mr. GILLETT. But is it not because in two years they know that there will be another administration?

Mr. RAKER. No. Look back to the beginning of immigration, and the gentleman will see that when there was no prosperity in this country and hard times were upon us, immigration was low; but whenever prosperity is great the immigration runs up from 750,000, and this year it will be 1,300,000. It will be more next year. All you have to do is to look at the records of immigration, and it gives an indication that the people from the Old World, when they learn of prosperity in this country and learn of its splendid conditions and opportunities, come in in perfect streams. But when times are hard they do not come. There is no question about it on earth.

Mr. CANTOR. They go the other way.

Mr. RAKER. Certainly. The following letters were received from the War Department by me on this subject:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, October 14, 1913.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEAR SIR: Your communication of October 11, 1913, relative to the Pacific branch, United States military prison, Alcatraz, Cal., in relation to the condition of Alcatraz Island and the buildings thereon, has been received. A proper reference has been made in order to enable the necessary information to be obtained. As soon as possible you will be further advised in the premises.

Very respectfully,
GEO. ANDREWS,
The Adjutant General.

WAR DEPARTMENT,
Washington, October 21, 1913.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. RAKER: I have the honor to acknowledge the receipt of your letter of October 11, 1913, making certain inquiries concerning the United States military prison at Alcatraz, Cal.

In reply I have the honor to inclose herewith the information you desire and to inform you, with reference to your ninth inquiry, that the War Department has no objection to the transfer of Angel Island and its buildings to the Bureau of Immigration and Naturalization, to be used as it sees fit, provided it can make satisfactory arrangements with that department.

Very truly, yours,
LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE.
(Memorandum for the Chief of Staff.)

Subject: Pacific branch, United States military prison, Alcatraz, Cal.

1. Number of acres in Alcatraz Island, about 12.
2. All of the grounds used for prison purposes.
3. There are no buildings on the grounds not pertaining to the prison.
4. A copy of a report of the quartermaster of the prison, dated August 27, 1913, containing information desired relative to the buildings, is herewith.
5. No information available in the office of The Adjutant General or of the Chief of the Quartermaster Corps.
6. Cost of the buildings, as shown by report referred to above, $756,356.64.
7. The floor space on the wharf is 16,170 square feet. Cost, $45,067, is included in amount given in answer to question No. 6. Wharf is believed to be in serviceable condition, no estimates for repairs having been received in the office of the Chief of the Quartermaster Corps.
8. Distance from wharf on Alcatraz Island to the wharf at Fort Mason is about 1½ miles; exact distance unknown. Distance from the wharf on Alcatraz Island to the ferry building at the foot of Market Street, San Francisco, is about 3 miles; exact distance unknown. The length of time that would be consumed by ferryboats between these places is not known in this office.

H. O. S. HEISTAND,
Adjutant General.

No.	Date of erection.	Title.	Materials of construction.	Cost to date.
4	1904	Quartermaster's storehouse	Frame	$2,009.34
5	1887	Quartermaster's wagon shed	do	678.00
6	1887	Quartermaster's stable	do	1,378.67
7	1881	Officers' quarters	Brick foundation	5,976.14
8	1893	Commandant's quarters	Frame on brick foundation	8,723.00
9	1891	Officers' quarters	do	6,207.50
10	1882	Old hospital building	do	23,891.98
12	1859	Noncommissioned officers' sleeping quarters	do	2,562.00
13	1859	do	do	3,322.00
14	1859	do	do	3,213.00
15	1873	Civilian employees' quarters	do	3,338.00
22		Old prison or chapel building	Brick	1,200.00
25	1900	Tool house	Frame	527.00
28	1882	Quartermaster and subsistence storehouse and offices	Frame with brick foundation	5,604.00
33	1883	Wharf	C. I. pile; wood floor	45,067.00
36	1886	Coal shed	Frame	900.00
38	1873	Boathouse	do	753.00
39	1904	Old post bakery (now civilian employees' quarters	do	2,764.00
41	1876	Waiting room and storeroom	do	623.00
43	1893	Married soldiers' quarters	do	2,421.00
47	1882	Hospital stewards' quarters	do	1,534.00
58	1907	Post plumbers' quarters	do	2,128.00
59	1900	Paint shop	do	354.00
64	1906	Barracks	Concrete block; brick basement and foundation	60,000.00
65	1910	Post exchange	Reinforced concrete walls and foundations	6,756.00
66	1910	Morgue	Reinforced concrete	600.00
67	1912	Power plant and shop buildings	do	18,579.26
		Machinery, boilers, etc.		31,465.54
	1913	Prison building	Reinforced concrete	420,000.00
		Plumbing fixtures, cooking apparatus, etc.		60,000.00
		Sewer system	Brick, C. I. pile, and sewer tile	4,750.00
		Fresh-water system	Wrought-iron pipe, galvanized	9,063.00
		Fire and sanitary water lines	do	5,894.00
		Fuel oil line	do	2,650.00
		Fuel oil tanks	Concrete and brick	3,000.00
		Electric street-lighting system	Underground	3,248.00
		Telephone system	Government aerial lines	3,000.00
		Total		756,356.64

The matter was taken up with the Department of Labor, and the following letter was received from Hon. A. Caminetti, Commissioner General:

UNITED STATES DEPARTMENT OF LABOR,
BUREAU OF IMMIGRATION,
Washington, October 30, 1913.

Hon. JOHN E. RAKER, M. C.,
House of Representatives, Washington, D. C.

MY DEAR MR. RAKER: I have received your letter of the 24th instant inclosing copy of bill introduced by you transferring the control and

jurisdiction of Alcatraz Island from the Department of War to the Department of Labor.

This matter is peculiarly within the jurisdiction of the War Department, with which the proposition originated. Our department has taken no action with respect to the subject, and I do not feel, therefore, that it would be proper for me to submit any comments on the bill at this time.

Of course, if the chairman of the committee to which the bill has been referred requests the department to submit, through the Speaker of the House, in accordance with Rule XLI of the House Regulations, a report on this proposition, the matter will be gone into in due course.

Very truly, yours,
A. CAMINETTI, *Commissioner General.*

The War Department and Department of Labor made full reports on this bill, and both reports were favorable and are as follows:

WAR DEPARTMENT,
Washington, November 11, 1913.

To the CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

SIR: The department is in receipt of request of October 28 for information and remark on H. R. 9017, a bill for the transfer of the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

2. More specifically, the object of the bill is to transfer the Pacific branch of the United States military prison, located on Alcatraz Island, Cal., to the Department of Labor for use as an immigrant station. The antecedents of this proposed legislation are the following.

3. In a report of inspection made by the Judge Advocate General in the month of July of this year, the history is given of the establishment of Alcatraz as a place of confinement of military prisoners, as follows:

"PACIFIC BRANCH, UNITED STATES MILITARY PRISON, ALCATRAZ ISLAND, CAL.

"The earliest use of Alcatraz as a place of confinement of military prisoners of which I have been able to find any record was in 1861–1863, during which period a temporary wooden prison was constructed there as a measure of economy. At the outset of the Civil War, in the fall of 1867 the wooden prison appears to have been replaced by one of brick. It has been in continuous use as a military prison from 1861 to the present time. The island is situated in the Bay of San Francisco, is an irregular oblong in shape, rocky and precipitous on all sides, rising to a height of 136 feet above tidewater, and destitute of vegetation. It has an area of 11.9 acres. It lies directly in the path of commerce, and summoned as it is with the rather conspicuous new prison building, is perhaps more prominent in the view of the incoming passenger and more the subject of his inquiry and that of residents and visitors generally than any other object in the harbor. The answer they receive, that it is a prison for the confinement of our military offenders, gives an impression of the character of our enlisted personnel and of the discipline of our Army, which is unfair and unjust to the service. In pursuance of the act of March 12, 1907, which authorized the Secretary of War to designate branch prisons which, equally with the military prison at Leavenworth, would be subject to the laws relating thereto, Alcatraz was on March 22, 1907, designated as the Pacific branch of the United States military prison. The sundry civil act of March 4 of the same year carried an appropriation of $50,000 for reconstruction, followed by an additional appropriation of $100,000 carried in the sundry civil act of May 27, 1908, and a further appropriation of $100,000 carried in the sundry civil act of March 4, 1909; or a total reconstruction fund of $250,000, as against $582,000 and $60,000 appropriated about the same time for the reconstruction of the main prison at Fort Leavenworth. The reconstruction work at Alcatraz is complete. The prison there, like the one at Fort Leavenworth, is the individual cell type, admirable in all its appointments and furnishing accommodations for 600 prisoners."

4. The objections to Alcatraz as a military prison were stated as follows:

"It is somewhat difficult to understand how the War Department came to recommend and Congress to appropriate the large sum of $250,000 for a new prison building on such a site as Alcatraz. Legislation then in force had laid so many restrictions upon the use that may be made of indoor prison labor (manufacturing) and upon the purchase of the products of such labor, that it was even then impossible to find continuous indoor employment for prisoners, and the necessity existed then as now for extensive facilities for outdoor employment. Modern penology demands such outdoor employment on other grounds, and I understand that considerations of this character are ordinarily controlling at the present time in the selection of sites for penitentiaries. These considerations apply with much greater force to military prisons than to civil prisons. At the time of my inspection of Alcatraz I found that practically all prisoners confined there who were not needed in the domestic administration of the prison were kept on Angel Island in a stockade and employed in the new barrack construction now going on at that island; also that the custom existed of transporting them back and forth between Alcatraz and other points in the harbor for daily labor as required. The expense involved constitutes an additional objection to Alcatraz as a prison site."

5. In respect to the availability of the branch prison at Alcatraz as an immigrant station, report continues as follows:

"I inspected Alcatraz on July 11 in company with the Commissioner General of Immigration and the local commissioner, and upon completion of our inspection of Alcatraz we looked over the present immigrant station at Angel Island. I am authorized by the Commissioner General of Immigration to report to you that he is of the opinion that Alcatraz, lying as it does directly in the path of commerce, surrounded by deep water, and within reasonable distance of the mainland, is admirably situated for the purposes of an immigrant station; that the prison constructed would, with slight alterations, lend itself admirably to the immigrant service; that the cell system was unobjectionable, and even appropriate and necessary for certain classes of immigrants received on the western coast; that the barrack room was admirable in all its appointments for the higher classes of immigrants. Practically all the auxiliary buildings necessary to the immigrant service are found at Alcatraz, and ample quarters for officials of that service. The objection urged in this report to Alcatraz as a site for a military prison would not be an objection to a site for an immigrant station, but rather an argument in its favor."

6. The report concluded with the following recommendations:

"I should have no hesitation in recommending the abandonment of Alcatraz if there were available in the harbor of San Francisco buildings which could be adapted for the purpose of a military detention barracks without too much expense. The commanding general of the Western Department (Gen. Murray) was of the opinion that Old Fort Point would prove an admirable location for a detention barracks, and could be adapted at small expense. At his request I inspected this post and found that the site was partly occupied by the Lighthouse Service, which, in my judgment, has more space than it needs for the operation of a single lighthouse. I found ample space for the confinement of detentioners from our western posts. At my request the constructing quartermaster is preparing estimates of the expense of adapting these casemates to the purposes of a detention barracks and will submit them to you upon your arrival in San Francisco on July 31. The advantage of Old Fort Point as a site for such a barracks is that it is located on the mainland in reasonable proximity to the large garrison at the Presidio, where the detentioners could be employed on fatigue work, with space within reasonable distance for outdoor instruction.

* * * * * * *

"In the event a suitable location on the mainland for a detention barracks can be found in San Francisco I recommend further that the authority of Congress be sought for the transfer of Alcatraz to the Department of Labor for utilization as an immigrant station."

7. What is said above represents the attitude of the department toward the proposed legislation on the subject to-day. The buildings on Alcatraz constitute model detention barracks, and the sole objection to continuing it as such is, first, the sentimental one that its prominence in the harbor advertises in a way unfair to the military service the discipline of the Army, and, second, the more substantial objection that there are not only no facilities for outdoor drill and instruction of the prisoners confined therein, but prisoners must be transferred considerable distances in order that that part of their sentences relating to hard labor may be carried into execution.

For the reasons above stated and for the further reason that great economy to the Government will result I recommend the transfer of the present military establishment on Alcatraz Island to the Department of Labor. It will furnish that department with admirable facilities for the conduct of its immigration service.

In view of the great amount of money which the War Department has expended in the building up of Alcatraz, and the further fact that the modification of Fort Winfield Scott will amount probably to $50,000, it is respectfully suggested, in case the transfer is authorized as herein recommended, that this amount be transferred to the War Department from the appropriations for the Department of Labor, in order that the War Department may be put to no additional expense in the preparation of a suitable establishment at Fort Winfield Scott. I believe this is an entirely reasonable and proper request, in view of the fact that the transfer of Alcatraz to the Department of Labor will result in a saving to that department of at least $500,000.

Very respectfully,
LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE JUDGE ADVOCATE GENERAL,
Washington, D. C., February 26, 1914.

MY DEAR MR. CAMINETTI: My statement to you that the transfer of Alcatraz prison would be germane to section 2 of S. 1032 was based upon the theory that legislation transferring the prison was germane to legislation under which the prison had been created and existed. It seems to me that this must be conceded. I do not know, however, that we are called upon to decide that question. If you have prepared a letter in relation to H. R. 9017, you might conclude it with the suggestion that H. R. 9017 might be handled as a separate enactment or incorporated in section 2 of S. 1032, leaving it to the committee of Congress to judge of the advisability and propriety of such incorporation.

Sincerely, yours,
E. H. CROWDER,
Judge Advocate General.

Hon. A. CAMINETTI,
Commissioner General of Immigration,
Washington, D. C.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 4, 1914.

Hon. JAMES HAY, M. C.,
Chairman Committee on Military Affairs,
House of Representatives, Washington, D. C.

MY DEAR SIR: Some time since you referred to this department for report copy of a bill (H. R. 9017) introduced by Mr. RAKER, entitled "A bill transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor." The preparation of the desired report has been delayed until full opportunity could be had to investigate the situation and ascertain whether or not the proposed transfer of jurisdiction would adequately meet the necessities of the immigration service.

The present immigration station for the port of San Francisco is located on the north side of Angel Island, a distance of about 6 miles from the city, necessitating quite an expenditure for the operation and maintenance of ferry service. The remoteness of the station makes the transaction of the public business burdensome and expensive, owing to the loss of time in going to and fro. The buildings, with the exception of the power house, are constructed of wood, and unquestionably constitute a constant danger to the occupants, owing to their inflammable character; the topography of the island upon which they are situated is such as to render almost impossible a convenient arrangement of the existing structures or of those which might be erected in future. It is conceded by all who have knowledge of the situation that it would be an unwise investment to make further improvements and expenditures for facilities at the present site.

On the other hand, Alcatraz Island is far superior to Angel Island, both in point of location and in the facilities situated thereon. While the principal buildings were primarily designed for military purposes, they are strong, well built, and those that could be used for housing immigrants as well as for administrative purposes are either fireproof structures or reasonably so convertible, and they can be adapted to immigration purposes by the expenditure of an amount of money small in comparison to their original cost. The main building, which is capable of housing 600 or 700 inmates, is not excelled for sanitary and hygienic conditions by any public building in the United States, and is wholly fireproof.

This island is convenient to the city of San Francisco, being only 1½ miles from the northern water front thereof and is easily reached; but it should be remembered that the operation of a ferry would still be

MALICIOUS CAMPAIGN AGAINST INDEPENDENCE.

"So, since the Democratic Party's victory at the polls in November, 1912, up to this day our adversaries have been misrepresenting conditions in the Philippines in their endeavor to poison American public opinion. Upon the receipt of the news that a Democratic administration had been elected they asserted that the mere triumph of the Democratic Party, carrying with it the possibility of Philippine independence, had shaken our social, economic, and governmental structures, and had given rise to a situation of general distress. When a few months later the then President-elect made his first reference to the Philippine question in a speech delivered at Staunton, Va., at which, in passing, he said that he hoped that the Philippines would soon cease to be the frontier of the United States, absurd reports of the effect of this speech upon the Philippines were instantly circulated. Here is what a correspondent of a great metropolitan paper said:

"When the words of his Staunton interjection—'The Philippines are our frontier; I hope that we shall soon be able to deprive ourselves of that frontier'—had been published in the Philippines there fell upon the flourishing and expanding business of the islands a most killing frost. * * *

"Like a clock in a house shaken by an earthquake, that new-found business expansion stopped; like a pulse in the body struck by lightning, the current of its life ceased to throb. * * *

"The banks shut down on practically all loans and overdrafts. Capitalists, accustomed to place their money through brokers on commercial loans, drew in their funds; insurance companies and other institutions that had been investing their surpluses in local enterprises closed their doors to such transactions. * * * Professional men and salary earners who had been putting their savings into local industries began to draw out their money as fast as possible, and to divert their monthly balances toward the savings banks. * * *

"Real estate values have fallen off nearly 100 per cent, or it would be more exact to say that practically all movement in real estate has stopped, and it has become impossible to estimate values from market transactions. The business is paralyzed.

"If we use a little common sense in reading this report, its absurdity will at once be revealed to us. Only the most shameless determination to use every means to prejudice public opinion without the slightest regard for truth could explain how any sane person would write such statements. Can you imagine that the speech of any man, even though he be the President-elect of the United States, could produce instantaneous paralysis in business, immediate falling off of the value of real property to such an extent as to leave no value whatsoever—for this is what a hundred per cent decrease in value means? The author of such reports insults the intelligence of his readers.

"From the same sources that originated this stupendous story a cry went up to heaven when, but a few months later, and already as President of the United States, President Wilson announced his policy for the Philippines and appointed a majority of Filipinos to the commission. They called this step revolutionary and predicted every calamity for the islands in consequence.

GOV. HARRISON'S ACCOMPLISHMENTS.

"Then when the present Governor General sent by President Wilson tried in earnest to carry out the policy of his superior by giving the Filipinos opportunity to show their administrative capacity, these same persons stopped at nothing short of personal insult in their effort to discredit the governor. Gov. Harrison found upon his arrival in the Philippines a bureaucratic, top-heavy government, and he has substituted for it a simpler, more scientific, and less expensive one. He found that offices which could and should be filled by Filipinos were unnecessarily in the hands of Americans, notwithstanding the promise of his predecessors that such offices would be given to the natives of the islands, and he proceeded to redeem these pledges. He found an extravagant government, whose outlay exceeded its income, and he placed it on a self-supporting basis. He found the faith of the Filipino people in the representatives of the American Government in the islands shaken, both because of this extravagance and of a general failure to fulfill promises. He proceeded to restore the confidence of those people in the United States, so that to-day, as never before, you have your best friends in the people of the islands.

"How has this patriotic and statesmanlike endeavor of Gov. Harrison been received by the opponents of Philippine independence? The answer is to be found in the public prints. The governor has been accused of demoralizing the service, of "kicking out" American employees, of creating anti-American sentiment in the islands, of having produced depression in business—in a word, of bringing about a chaotic situation there.

"I shall not impose upon your kindness by wasting your time and mine in answering these biased and self-interested critics. Enough for me to say that no man in whatever position or of whatever nationality was ever given by the Filipino people such a magnificent reception as was tendered to Gov. Gen. Harrison upon his arrival at Manila, because the fame of his righteousness and ability had preceded him there. Delegations from every Province of the archipelago came to Manila to greet their governor. I know of persons who traveled on foot through the mountains and valleys of northern Luzon for several days in order to have the pleasure of hearing the inaugural address of the new governor general. The largest crowd ever gathered in Manila, numbering thousands upon thousands, were aligned upon the route from the pier, where Gov. Harrison and his wife landed, to the Luneta, where he delivered his inaugural address and conveyed to us the message he brought from the President of the United States. Flowers, banners, arches, and bands of music gave evidence of the cordiality of the reception to Gov. Harrison by the Filipinos. So touching a sight will never fade from the memory of Gov. Harrison though he should live a thousand years.

"The people of the Philippines have not been disappointed in Gov. Harrison. His popularity has been increasing, and during the short time of his administration he has demonstrated that we were right in placing our confidence and hope in him. His achievements will speak of American intelligence, justice, and patriotism long after his detractors are dead and forgotten. How hard he has worked and how economical and efficient a government he has given us! He has not only honored himself and the President who has appointed him, but he has also honored his own people and has given credit to the whole American Nation.

"The effect of the so much criticized step taken by President Wilson in giving us the control of the Philippine Legislature and of the policy of Gov. Harrison in appointing Filipinos to responsible administrative position has been to restore faith and confidence in the American Government on the par. of the Filipino people, while the practical result has been efficiency and economy in the service. Before the Filipinos had full control of their legislature there had been for three consecutive years a deadlock concerning the appropriation bill between the popular house, which refused to indorse the extravagance of the commission, and the commission itself, which insisted upon such extravagance. The government expenditures were defrayed through executive orders, and they were always in excess of the ordinary revenues. Bonds had to be issued and a part of the gold-standard fund spent to meet the deficit. Since the Filipinos have had the control of both branches of the legislature there has been enacted an appropriation bill, which does away with the unnecessary expenses of the government. Thus, further deficits have been avoided.

THE NEW PHILIPPINE LEGISLATURE A SUCCESS.

"The conditions existing in the islands prior to the inauguration of President Wilson's policy are set forth by Gov. Gen. Harrison in his first message to the Philippine Legislature in the following words:

"From June 30, 1908, when the surplus in the insular treasury was ₱17,499,894.97, the surplus has fallen as of June 30, 1913, to ₱14,230,220.23. Of this sum, however, about ₱5,000,000 is only nominally available, it being invested in supplies and having been carried to the surplus account in 1911, thus leaving an actual cash surplus in hand at the conclusion of the last fiscal year of only about ₱9,000,000.

"This shrinkage in the available surplus of the government has come about notwithstanding the fact that during this period of four years the sum of ₱6,000,000 has been obtained by the sale of an issue of public-works bonds and expended out of the treasury, and notwithstanding the further fact that a little less than three and a half million pesos from the gold standard fund has during this period passed through the treasury in the same way. * * *

"Our treasury is therefore obviously approaching a point where a deficit of four and a half million pesos confronts us. How, then, shall we avoid this deficit and restore the finances of our government to a normal and self-supporting condition? In my judgment, but one course is open * * * and that is economy of the most drastic kind.

"A considerable burden is also laid upon the treasury by the large proportion of American employees in this government. While the enunciated policy has been to reduce this number as rapidly as possible consistent with the demands of fairness and efficiency, the last annual report of the bureau of civil service shows that there were more Americans having a permanent status in the Philippine civil service in 1912 than in any previous year since 1905.

"We find, moreover, that as incident to highly centralized bureaucratic government a number of offices have been created and salaries have been raised without, what seems to me to have been, due authority of law; and as further inevitable result of bureaucracy, here as elsewhere, too many offices now exist.

"A further and perhaps considerable saving might be effected by a change in our method of appropriation; good usage elsewhere commends to us a system of direct treasury appropriations."

"The situation after the first session of the legislature, when in both branches thereof Filipinos alone, with the exception of the Governor General, were seated, it described in the following message of the governor to the legislature at the closing day of its session:

"Gentleman of the Legislature, nearly four months ago I addressed you for the first time. I came to you then with high expectations of your legislative ability; those expectations have now been justified. During the regular session which has just elapsed your labors for the public welfare have been earnest, industrious, and efficient. Your course has been one of progress and economy of the public moneys. Many laws of great importance have been enacted. Among these is the general appropriation act for the current expenditures of the government, the first to become law since 1910. This act effected many reforms in the fabric of this government, and has met with widespread approval. Peace and prosperity throughout the islands and tranquillity of the public mind bear evidence of this approval. The President of the United States has expressed his appreciation, and the Secretary of War has sent the following message:

"'I congratulate you upon the passage for the first time in three years of a general appropriation bill and on the fact that the bill was passed unanimously by both houses. I have no doubt but that there were, as to a great many features, differences of opinion, but it is a source of satisfaction to the department that such differences were satisfactorily adjusted. Please extend to both houses of the Philippine Legislature my congratulations on this event and express to them my hope that this is but an indication of what may be expected in the future.'

"The art of government is in many respects, the highest of the sciences. You have already demonstrated the ability of a legislature composed almost entirely of Filipinos to enact difficult and progressive legislation. In the days to come you will maintain the high standard you have already raised.

"This is the testimony of a competent and unbiased observer. Gov. Harrison, before going to the Philippines, was the ranking Democratic member of the Ways and Means Committee of the House of Representatives. His ability and patriotism was unanimously conceded by both Senators and Representatives, who had every reason to know him intimately, because for many years he had been working with them, and when appointed governor of the Philippines he was paid a tribute by the Senate and by the House seldom, if ever, given to other officials. His nomination was not only unanimously approved in the Senate, but was confirmed within 24 hours after it was sent in, contrary to the practice of that body. In the House of Representatives both Democrats and Republicans joined in the indorsement of the appointment. This is what the Republican leader, Mr. MANN, said of this appointment:

"Mr. Speaker, in this connection and in behalf of this side of the House I desire to congratulate the President and the country upon the appointment of Francis Burton Harrison to the high position of governor of the Philippine Islands. I believe that no better selection could have been made out of the entire population of the United States, and that the action of the President is a guaranty to the country that the Philippine question will receive careful and honest consideration.

"The American people may well accept the judgment of the present Governor General as to the capacity of the Filipino people. Reasoning from that judgment, we have apparently come to the point when the Filipino people may properly ask the Congress of the United States to enact a bill now recognizing Philippine independence.

INDEPENDENCE WILL BENEFIT AMERICAN TAXPAYERS.

"I said at the beginning of my remarks that the granting of independence, which is demanded by your duty toward the Filipino people, would also be to your financial interest, and this I am prepared to prove. True it is that if the Philippines were free there would be fewer and ultimately no American officeholders in the islands; true it is also that there would be more difficulty for certain American trusts in 'cornering' our products; but it is also true that the American people would not have to bear the burden of fortifying and defending the Philippines, an undertaking which costs not a cent less than $40,000,000 yearly, millions which, although rich people like you can well spare, should be spent in this country or left in the pocket of the American taxpayer. Your separation from the Philippines will at once relieve you of the only weak point where you could easily be stricken in case of war.

"There are those, however, who assert that by holding the Philippines you get the benefit derived from having a market for your surplus and a field wherefrom you can buy your needed tropical products. Why should you lose your trade on account of our national freedom is more than I can comprehend. If our trade is profitable to you now, why should not it be when governmental ties between us are cut? Is it perchance because while under your control you are taking undue advantage of us? No; certainly not. Is it because our trade is regulated by laws mutually beneficial to us? Why can not the same trade regulations be established by treaty between the Republic of the United States and the Republic of the Philippines? If you give the Filipinos their liberty, there will be nothing that they will not gladly concede to you. You will have not only their trade but their gratitude, and you will not only benefit yourselves and them but you will have given then the last touch to the work for the liberation of mankind you began in 1776. America's flag may then cease to fly over our public buildings, but her influence will be our inspiration, and we and our children will bless the day when Dewey entered the Bay of Manila."

Mr. DONOVAN. Mr. Chairman, I think the time has come when I ought to make a point of order that there is no quorum present.

Mr. FITZGERALD. I hope the gentleman will not do that yet.

Mr. DONOVAN. You are overdoing this thing. We have listened all this afternoon, and not one word has been said on the subject matter.

Mr. FITZGERALD. I want to yield to the gentleman from California 10 minutes, otherwise it may be fatal. I yield to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I am going to speak on the bill H. R. 9017, transferring the control and jurisdiction of Alcatraz Island and the buildings thereon from the War Department to the Department of Labor. I will read the bill:

A bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor.

Be it enacted etc., That Alcatraz Island and all its buildings thereon, now under the control and jurisdiction of the Department of War, and now used as and known, designated as, and called the United States military prison on Alcatraz Island, Cal., be, and the same hereby is, transferred to the Department of Labor, to be used by the Bureau of Immigration and Naturalization, the said Alcatraz Island and all its buildings thereon to be hereafter under the exclusive control and jurisdiction of the Department of Labor.

The bill was amended by the Committee on Military Affairs, and, as amended, reads as follows:

Be it enacted, etc., That Alcatraz Island and all buildings, machinery, and improvements thereon, now under the control and jurisdiction of the Department of War, and used for and known as the Pacific branch, United States military prison, on Alcatraz Island, Cal., be, and the same hereby is, except as herein otherwise provided, transferred to the Department of Labor to be used by the Bureau of Immigration as an immigration station or for such other uses as may be provided for by law. The said Alcatraz Island, together with all buildings, machinery, and improvements thereon, shall be hereafter under the exclusive control and jurisdiction of the Department of Labor, subject to the provisions of the act of Congress approved September 28, 1850, providing for a lighthouse at Alcatraz Island.

The amendments were in accordance with the departments' recommendations, both War and Labor.

This bill has been thoroughly considered by the Committee on Military Affairs, and the object and purpose of it is to transfer Alcatraz Island and the buildings thereon now used for a military prison to the Department of Labor for an immigration station. The island is about 2½ miles from San Francisco, and there are buildings on it that have cost the Government $756,356.64. These buildings are in splendid repair. The island is at the entrance of Golden Gate, where every one sees it as they enter. It is in plain view of the exposition grounds and about 1½ miles distant. It has been used for a military prison since 1864. The War Department has maintained a military prison there, but they realize that they can maintain them cheaper on the mainland. These convicts for smaller offenses are sent there, while the convicts for severer offenses go to McNeill Island and Fort Russell. This will cost the Government not 1 cent. It simply transfers it to the Department of Labor for an immigration station.

The buildings will be ready to be used at once by the immigration station. The immigration station is now located on Angel Island, some distance from San Francisco. They have there wooden buildings, and while it is a nice location, it is wholly insufficient. It is now used for Asiatics and others, but when the canal is opened there will be a great influx of immigration, and the idea is that this island and the buildings be turned over to the Department of Labor.

I want to call the attention of the House particularly to the fact that the War Department asked for this transfer, and it has so reported. The Bureau of Labor wants the island and the buildings for an immigration station. The Committee on Military Affairs have reported favorably upon the bill.

It is now upon the calendar, and at the first opportunity I get—to-night, if I can—I am going to ask if the House will not permit the bill to be taken up and passed, so that it can go to the Senate, to the end that the Department of Labor may begin work at once upon the arrangement of their plans out there, to have the thorough use and benefit of these magnificent buildings, that will otherwise be unused.

Alcatraz Island is in the Bay of San Francisco, Cal., about 2 miles from the mainland and in a direct line with the Golden Gate. It has been occupied for many years by the Department of War as a military post, and more recently as a United States military prison. The prison building was authorized in the sundry civil act for the fiscal year 1908, and appropriations therefor were made in that year and the years 1909 and 1910 in the aggregate of $250,000.

difference in the figures is not real, but purely psychological. Our total exports for the first eight months during the same period amounted to $161,732,619, a psychological decrease of 16.9 per cent since the previous May. Our total exports were during the same period $1,640,367,305 against $1,786,070,945. But then that is merely a psychological statement sandwiched in with theoretical explanations which doubtless will appeal to business men in this country. The greatest apology he offers for the present business depression is that commercial depression is world-wide. That sounds good and may fool some people, but the great body of American people will look at conditions from their own standpoint rather than through the glasses of some one else. They know that in reality times are bad and that theoretical preaching will not fill their empty dinner pails. The American people believe that business, like charity, should begin at home, and will from this time forth fight for the protective principles of our forefathers. Let us throw the arms of protection around our varied industries and preserve them from the onslaught of an unequal competition based wholly upon a different scale of wages and a lower standard of civilization. Let us use the slogan, "Buy American-made goods," and do something to encourage the business men of this country to invest their money in home industries and to increase the size and the number of pay envelopes on pay day. The Secretary of Commerce admits that the net export balance for the current fiscal year will exceed $400,000,000, approximately $250,000,000 less than that of last year. What has become of that balance, gentlemen, and whither are we drifting? But we are accustomed to hearing explanations and apologies and can expect to hear them during the rest of the present administration. In fact, it might well be termed "An apologetic administration." Methinks the administration doth apologize too much. We have apologized and kowtowed, kowtowed and apologized, to very nearly every nation on earth, for very nearly everything under the sun, and have made ourselves the laughing stock of the civilized world, and according to latest reports there are three or four more apologies incubating. A few more apologies, gentlemen, and the American people will excuse you from further service and let you go home; but before you go, in the name of humanity, apologize to the American people for the awful ruin you have wrought. [Applause.]

Mr. FITZGERALD. Mr. Chairman, a number of associations are being formed all over the United States for membership, in which I commend the Members on the Republican side of the House. The motto of these associations is: "Boost, don't knock." [Laughter.]

The only trouble with this country is the continual knocking of the calamity howlers who are in the minority in the Government of the United States. My prophecy is that the next election will eliminate the most vociferous of them from public life. I ask unanimous consent that my time be extended 30 minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Chairman, since the Democratic Party has been in power in the Philippines we have occasionally heard grumblings of discontent from certain gentlemen in this country and in the Philippines which seem to arise out of the fact that that great man and Democrat, Gov. Gen. Burton Harrison, formerly a distinguished Member of this House, is governing those far-off islands in the interest of the Filipino people instead of in the interest of the Sugar Trust, the Harvester Trust, and Republican politicians.

The ring of disgruntled ones is composed mainly of a group of controlled newspapers, trust magnates, and former office-holders in the Philippines, who are up in arms because the new administration has interfered with and reversed the old policy of exploitation of the Philippines and the Filipinos.

Gov. Gen. Harrison is sincerely endeavoring to get the Filipinos ready to take charge of their own government, and it is only to be expected that there should be a wail of anguish go heavenward from special privilege.

The fact is, however, that the Filipino people realize the new administration in the Philippines has their interest at heart, and they are glad indeed that there has been a change of administration. They bless the day it came.

In this connection I wish to insert in the RECORD a speech delivered by the Hon. MANUEL L. QUEZON, Delegate to the United States from the Philippine Islands, before the Chamber of Industry at Cleveland, Ohio, April 14. Mr. QUEZON's work in this country for the earliest possible independence of the islands is known to every Member of this Congress, in which body he is held in the highest esteem.

Mr. QUEZON's speech is as follows:

THE DUTY OF THE UNITED STATES TO THE FILIPINO PEOPLE.

"Mr. Toastmaster and gentlemen of the Chamber of Industry, in view of the fact that this is preeminently a gathering of business men, it would perhaps have been more appropriate had I selected for my topic the agricultural, commercial, or industrial conditions in the Philippines. I have, however, decided to touch upon a loftier subject—the duty of the United States toward the Filipino people.

"Americans have the reputation of being, and they are, a practical people, but not, I am convinced, 'practical' to the extent of sacrificing their sense of national rectitude to the desire to make money. On the contrary, from what I personally know of the characteristics of Americans, in addition to what is to be gathered from their history, I believe that much as they, being human, take a fancy to the pleasant twinkle of a double eagle, the feeble blaze of gold is, and I hope will always be, as nothing compared with the steady light of patriotism which has ever been the American's guide in political as well as economic affairs. You Americans refused to pay a nominal duty on tea, and yet were ready to spend every cent and sacrifice every man in this land to uphold your principle that 'taxation without representation is tyranny.' You would not give one cent for tribute, but millions for defense. You waged among yourselves the bloodiest war of modern times because of the doctrine that no nation can endure half slave and half free. You must therefore consider not only the cold question whether the Philippine Islands, looked upon as a national investment, pay or do not 'pay,' but the additional question—by far the more important of the two—what the nature of the duty of the United States toward the people of the islands really is.

"Fortunately for you in this case, duty goes hand in hand with your pecuniary interests.

"The days when nations considered themselves free to do with and to one another as they pleased are, thank God, over. No decent public opinion would to-day countenance the naked proposition that a stronger nation may, simply because of its strength, arbitrarily impose its will on a weaker. No one now dares to deny that the moral laws which bind individuals in their intercourse are equally binding upon nations. One nation dealing with another is expected to carry out its promises, if specific promises are made; or, in the absence of special compact, to maintain an attitude suggested at once by the principles which form the bulwark of its political existence, and by the law of nations.

"Gauged by the foregoing ideas the duty of the United States to the Philippines is plain: Congress should enact a law giving the Filipinos their independence. The reasons are these:

"First. That this country has promised, both expressly and by implication, to withdraw its sovereignty from the Philippine Islands—by implication, when upon the declaration of war between the United States and Spain the Government of the United States asserted that that war was not waged for territorial aggrandizement or commercial expansion; expressly, in that the past Republican and the present Democratic administrations have both declared it to be the policy of the United States to give the Filipino people their independence when they can establish and maintain a government of their own competent to discharge its obligations both domestic and foreign.

"Second. That the fundamental propositions upon which the Declaration of Independence was based and from which it acquires its obvious justification are these two great and complementary principles: (1) That all Governments derive their just power from the consent of the governed, and (2) that the right is inherent in every people to establish such government as to them shall seem best.

"How could you then impose your government upon the Filipinos and call the action just when its powers are not derived from the consent of the governed? How can you deny to the Filipinos the right to establish such government as to them shall seem best and yet remain true to your own principles?

"Under these principles and in the light of those solemn promises, could you now, if you would, turn around because of the insidious campaign of a few interested persons and forever retain the Philippines under the pretext of some religious, scientific, or other alleged beneficent motive? Would you, if you could, do a thing that would place upon your history an indelible stain? The answer of every self-respecting American can be but an energetic 'no' to those questions.

POLITICAL CAPACITY OF THE FILIPINOS.

"But, it is said, this is a settled matter; the Filipinos will most assuredly have their independence; it is only a question of time; they will be free in five or four or perhaps three generations, if at that time they wish to be free from us. Let me tell those who thus speak that the question of time is all

important here. Those who promise an independence to be granted when you and I and our sons and grandsons are all dead and properly buried are either insincere and too shrewd to disclose to the American people the real purpose which underlies their protestations, or, if they are honest, they have been fooled. Indeed, for all practical purposes, in so far as the American and the Filipino peoples are now concerned, to promise that the Philippines shall be free in the course of the next hundred or seventy-five years is tantamount to an assertion that the islands are permanently annexed to the United States.

"What would that promise amount to when you, who make it, shall not redeem it, and we, to whom the promise is made, shall not live to see it realized? Can you by your pledge bind generations yet unborn?

"But, the objectors assert, the Filipinos are not ready and will not be ready for self-government for years and years to come. This talk of independence is all folly. It is but the cry of a few Filipino politicians, who, disguised as patriots, desire to get power in their hands in order that they may enslave and exploit their own people, but who will not be able to maintain any kind of government, because they will soon be cutting each other's throats in a mad scramble for office.

"To this the Filipinos unanimously say: We all want independence and are entitled to it. The argument of Filipino incapacity for self-government is hypocritical. It is the veil with which the American officeholder covers his desire to keep his place. It is the ambush behind which lurks the company which monopolizes our hemp and the sugar interest, which have already acquired, in defiance of an act of Congress, 65,000 acres of land in one tract, and are ready to get more if given time and opportunity. Or at best it is the wish father to the thought of some American missionaries or churchmen who mistakenly think that they can make more converts among the wild men of the Philippines if they are backed by American soldiers.

"Our adversaries proceed: The masses of the people in the Philippines are in such a state of dense ignorance that they know nothing and care less about independence. Those people are semicivilized, if not entirely savages. Some of them eat dogs, and for proof we refer you to the St. Louis Exposition, where Igorots were exhibited engaged in that toothsome pastime. As further proof of the deplorable condition of those people behold the 'moving' and 'nonmoving' pictures of naked natives armed with bows and arrows and spears. It would be a pity to see this people adrift. The Government of the United States alone can civilize them, and it must, for the sake of humanity, undertake and carry to its successful termination this altruistic work.

"Again the Filipinos answer: We know that we are a civilized people and have been civilized for 300 years. We know that there are only 600,000 non-Christians in the Philippines, while there are 7,000,000 Christians, 65 per cent of whom were literate before American occupation, and at least fully 75 per cent of whom now are. We know that we had a university in the Philippines even before Harvard University was established and that now we have two. We know that we had 1,674 public schools before American occupation, distributed among 900 towns, and now we have 4,404. We know that we had colleges in every important capital city and several in Manila for both men and women before American occupation, and that now the number has greatly increased. We know that there are Filipinos in the supreme court of the islands—the chief justice being one of them—who are at least equal to their American associates. We know that half of the judges of the court of first instance are Filipinos. We know that all the justices of the peace are Filipinos. We know that the municipal and provincial governments are administered by Filipinos elected by Filipino voters. We know that the Philippine Assembly, the lower house of the legislature, is composed entirely of Filipinos, also elected by Filipino voters; and we know that if permitted to elect the upper house of the legislature we would elect senators who would be equal to their task. We know that we could elect a president who would be at least as wise and patriotic as any chief executive the President of the United States could appoint over us.

DIFFERENCES BETWEEN MEXICO AND THE PHILIPPINES.

"Finally our opponents end this controversy by exclaiming, Behold Mexico to-day. If you make the Philippines independent, another Mexican situation, which would perplex the United States with a repetition of the 'watchful waiting' policy, is sure to arise.

"This Mexican argument seems effective nowadays. I do not know much about Mexico and the causes that lay at the root of this unfortunate disturbance in that Republic. But there is something I can say in connection with this argument. In the first place, when we judge other people's affairs it is well to remember that paragraph of the Scriptures which tells us, in effect, that we should be fully aware of the beam in our own eye before commenting on the mote in that of our neighbor. What nation on the face of the earth has been free from internal disorders or revolution? What nation can say that it will ever be free from this, the most dreadful calamity that can befall any country?

"In the second place, let me give you some points respecting the principal differences between conditions in Mexico and conditions in the Philippines, which may explain why we confidently expect that that which is going on in the distressed Republic of Mexico will not happen in the islands if free from the control of the United States. I am making no invidious comparisons, but merely stating facts. Mexico acquired its independence from Spain by force of arms, and previous to that time the people of Mexico took no part in the government of their country. Despotic foreign absolutism was the kind of government that prevailed in Mexico until then. Once independent, a democratic form of government was established. The change was so radical that the failure of the new government was inevitable. Moreover, the great majority of the people (upon which democratic governments must depend) did not have either education or property, and therefore did not possess those qualifications leading to the maintenance of public order and of law. To this day knowledge and wealth are still the monopoly of the few. In the Philippines, on the contrary, the majority of the people are literate and property owners. Besides, we have been practicing the art of self-government for 15 years under American supervision. During this time we have been electing our provincial and municipal officials, members of our assembly, and, although the political campaigns in the Philippines are heated, we have abided by the results of the elections or have gone to the courts with our protests. We have never resorted to arms to settle any controversy. Now, gentlemen, these are precisely the conditions that give stability to a democratic government—an intelligent and property-owning electorate habituated to respect the will of the majority.

"But after all is said and done, the question as to the Filipino capacity for self-government can be satisfactorily answered only by a practical showing.

PRESIDENT WILSON'S POLICY.

"President Wilson has undoubtedly realized this fact, for he has adopted a policy whereby the question can be settled in the only practical way. After reaffirming the oft-avowed policy that independence is the goal toward which you would move as rapidly as the safety and permanent interest of the people of the Philippines would permit, the President has appointed a majority of Filipinos in the Upper House, thus giving us the control of both branches of our legislature so that we may fully show our legislative capacity. The Governor General of the Philippines at the same time, in harmony with the policy of the President, is appointing Filipinos to responsible administrative positions. If, in this test, the Filipinos are successful, the speedy end of your occupation of the islands should come. If the Filipinos fail, there will be a halt, and friends of colonialism may claim, at least, a temporary victory.

"Is there any fair person who could object to such a policy? If our opponents are sincere in their contention that they object to our freedom only because we are not fit to be free, why should they object to this practical test? If we are really incapable of assuming and exercising any governmental power, is not this the surest and quickest way of finding it out? I must admit that this policy did not altogether suit the Filipinos. We expected and hoped for a more decisive step than this. We construed declarations made by the Democratic leaders and contained in the Democratic platform as meaning the immediate enactment of a law that would grant Philippine independence as soon as the Democrats came into power. And we were the more prepared to construe the platform thus, because, in our opinion, no further test of our political capacity was necessary considering that during 15 years of Republican administration we had successfully handled each new administrative task submitted to our control. Yet in spite of our natural and justifiable anxiety to obtain our independence without delay, having absolute faith in the honesty of purpose of your great President whom we all admire and love, we have determined patiently to abide by his decision and have been willing to await and give him the time to observe the results of the test to which he has just put us. But our opponents were not prepared to adopt a similar attitude. Why? Simply because they feared the outcome. They know that in this trial the Filipinos will be successful and they are not ready to give us a fair chance.

It tells you that "one of the best ways to reduce the expense of your food is to substitute cheese for meat."

Therefore, if you are hungry, eat cheese.

If porterhouse steak costs too much, eat cheese.

When the mills shut down, eat cheese.

When the pay check stops, eat cheese. [Laughter.]

PRICES.

You said you were going to reduce the cost of living.

You have reduced revenues, business, wages, and employment, but you have not reduced the cost of living.

Again I introduce in evidence the declarations of your own witnesses.

The Bureau of Labor Statistics, in a bulletin printed February 10, 1914, reports "the prices of 15 common articles of food in 40 important industrial cities, in which live one-fifth of the total number of people in continental United States," and admits that, comparing prices on December 15, 1912, with prices on December 15, 1913, 13 articles advanced and only 3 declined in price.

The Chicago Daily Trade Bulletin shows that the wholesale price of potatoes ranged from 35 to 40 cents a bushel on May 1, 1913, and from 60 to 68 cents a bushel on May 1, 1914.

That the price of Baldwin apples ranged from $2.50 to $3.50 a barrel on May 1, 1913, and from $3.50 to $5.25 on May 1, 1914.

That the price of eggs ranged from 16 to 17 cents a dozen May 1, 1913, and from 18 to 18½ cents on May 1, 1914.

That "fowls, dressed, scalded, and iced," ranged from 16½ to 17 cents per pound May 1, 1913, and were 17 cents a pound May 1, 1914.

That creamery butter ranged from 27½ to 28 cents a pound May 1, 1913, and from 21 to 22½ cents a pound May 1, 1914.

That smoked hams ranged from 16½ to 17 cents per pound May 1, 1913, and from 15½ to 16 cents May 1, 1914.

That smoked shoulders ranged from 12½ to 13 cents per pound May 1, 1913, and from 13½ to 13½ May 1, 1914.

That fresh lamb ranged from 11 to 12 cents a pound May 1, 1913, and from 11 to 12 cents a pound May 1, 1914.

That fresh veal ranged from 12 to 12½ cents a pound May 1, 1913, and from 12½ to 13½ cents a pound May 1, 1914.

The Weekly Northwestern Miller shows that flour ranged from $4 to $4.20 per barrel May 3, 1913, and from $4 to $4.20 a barrel April 25, 1914.

The Northwestern Provisioner shows that fresh beef (good native steers; carcasses) ranged from 12½ to 13 cents a pound May 3, 1913, and from 13 to 13½ cents a pound April 25, 1914.

You told the people that protection had reared a wall around the helpless victims of licensed plunder, and that you were going to tear down the wall and inaugurate a millennium of low prices, by letting in a flood of cheap-made, cheap-grown, foreign commodities.

Ask the people this fall how they like your method of lowering prices, and count their answers in the ballot boxes.

Prices were high here, high the world over—high in protected countries, high in unprotected countries—but you told the people that protection was the sole cause of high prices, and that the way to lower prices was to elect a Democratic President and a Democratic Congress. They did it; and your tariff for revenue is producing a deficiency of revenue.

Ask them how they like it this fall, and count their answers in the ballot boxes.

The President talked about how you were going to make things cheaper in the "market basket," and you assessed the farmer to make things cheaper in the market basket, on the theory that he was getting too much for what he had to sell, forgetting that you can not strike a blow at one industrial class without injuring every other industrial class.

FARMERS NOT RECEIVING THEIR SHARE.

But your Secretary of Agriculture now admits that—

we have suddenly been brought face to face with the fact that under existing conditions, in many instances, the farmer does not get what he should for his product. (Annual Report, Secretary of Agriculture, p. 19.)

Is it a good way to help the farmer get what he ought to get for what he has to sell to take away from him his home market and give it to foreigners?

The Secretary of Agriculture says:

According to the best guess I can secure, it appears that less than 60 per cent of the land is reasonably well cultivated, and less than 12 per cent is yielding full returns or returns considerably above the average.

Is it a good way to help farmers to raise bigger crops to force down the price of what they raise by forcing them to compete with cheap foreign land and cheap foreign labor?

Again, I offer in evidence the declarations of your own departments. Mr. Leon Estabrook, Chief of the Bureau of Statistics, in the Department of Agriculture, says:

The condition is undoubtedly a marketing problem.

And explains that—

The high prices paid by consumers, ranging from nearly 5 to 500 per cent more than the farmer receives, indicate that there is plenty of room for lowering the cost of farm products to consumers and at the same time largely increase the cash income per farm without increasing production.

But you have proceeded upon the theory that the best way to lower prices is to lower the farmer's income and increase the income of foreign farmers.

Mr. Estabrook says:

The long line of distributors and middlemen between the farmer and the consumer are in a position to take advantage of the market and, to a certain extent, control the market in both directions, because they are better organized to keep informed of crop and market conditions, and to act promptly, than either farmers or consumers who are not organized, and as individuals are helpless.

But you invite foreign importations to force down the prices of farm products and offer a wider range for dealers and importers to enrich themselves at the expense of both farmers and consumers.

The money that goes to Argentina for corn and beef; the money that goes to Canada for cattle, meat, wheat, oats, rye, barley, potatoes, and hay; the money that goes to Australia for wool, beef, and mutton; the money that goes to China for eggs, builds no homes, builds no barns, buys no tools, pays no wages, and pays no debts. It goes away to stay.

PSYCHOLOGY.

When the new tariff law went into effect at 10 minutes after 0 o'clock on the night of October 3, 1913, foreign goods of the estimated value of $170,000,000 were being held in bonded warehouses waiting to be released under the lower duties of the new law, and these importations have gone on until the first six months of the new law resulted in a loss of nearly $78,000,000 in our foreign trade compared with the same six months a year ago.

Every dollar's worth of foreign goods displaces a dollar's worth of goods made here and takes its toll out of the pay envelope of every American workingman.

Before the import of manufactured materials and the export of manufactured products began to dwindle under this administration we had 35,000,000 people engaged in gainful occupations—twelve and one-half millions engaged in farming, eight and one-half millions in manufacturing and mechanical pursuits, six millions in trade and transportation, and eight and one-half millions in professional and domestic service—and we were all interdependent then as we are now.

We had 600,000 factories with an annual output of $18,000,000,000, paying out $3,000,000,000 a year to 6,000,000 people whose purchasing power depended on their work, and their work depended on the factories and the factories depended on orders and orders depended on prosperity.

But when the mills shut down and the pay check stops, men buy less and less at the stores and the stores buy less and less of the mills and the farmer sells less and less to everybody.

On May 29 last a deputation of manufacturers and business men told the President that business was halting and depressed; that thousands of men were out of work; and that capital was unwilling to extend itself under present conditions.

In reply the President told them there was "no material condition or substantial reason why the business of the country should not be in the most prosperous condition" and that the present business depression is "merely psychological."

In his "Civil Liberty" Lieber says:

It is a psychological fact that whatever interests or excites a number of separate individuals will interest or excite them still more when brought together.

About 100,000,000 people in the United States know that things are wrong, and the instantaneous spread of thought by telegraph, telephone, and newspapers brings them together in a national consciousness that things are wrong.

But the President disposes of a condition, obvious to all, by saying that it is merely a state of mind.

He says, in effect, all things must have a cause; and, since there is "no substantial reason" for business depression, therefore there is no business depression.

It is all very simple. Hard times are an illusion. An empty stomach is an hallucination. Men out of work and shrinking pay rolls are ocular delusions and languishing trade is a figment of the imagination.

Facts are "merely psychological." "This is the atmosphere we breathe with so much refreshment" while our home market

is being given away to foreigners and being exploited by foreign trusts; while the purchasing power of our own people is being reduced and our money is being sent abroad to enrich foreign nations; while the level of American citizenship is being lowered down to the level of foreign citizenship.

DEMOCRATIC REFORM TO REALIZE A PROPHECY.

You went about talking about a gibbet for business men who protested against being driven out of business by a bad industrial policy.

Was there ever a thing more puerile than to suppose that business men would stop their business and talk hard times for political effect?

Was there ever a time when business men more loyally tried to make the most of a difficult situation?

Was there ever a more gratuitous insult to the intelligence and patriotism of the business men of America than to suppose that they would go into bankruptcy for political effect? [Applause on the Republican side.]

Everybody knows that prices are up the world over.

Everybody knows that high prices are not due to local or temporary causes.

Everybody knows that the rapid growth of industrial centers in America has pushed on the era of high food prices.

One hundred years ago only 5 per cent of the people lived in towns. Now nearly 50 per cent are congested in cities.

Some 57 years ago Macaulay, writing to an American correspondent, predicted that—

the time will come when wages will be as low and fluctuate as much with you as they do with us.

Then—

He said—

your institutions will be fairly brought to the test.

You Democrats are urging on the day of low and fluctuating wages.

And then Macaulay prophesied that—

the day will come when, in the State of New York, a multitude of people, none of whom has had more than half a breakfast or expects to have more than half a dinner, will choose a legislature—

And he asks—

Is it possible to doubt what sort of a legislature will be chosen?

Speaking from the standpoint of a confirmed distrust of a democratic form of government, he added:

There will be, I fear, spoliation. The spoliation will increase the distress; the distress will produce fresh spoliation.

Abraham Lincoln once said:

If danger ever comes to us, it can not reach us from abroad; it will rise up from among ourselves.

Every patriot prays that danger may be averted, and yet you statesmen deem it wise to hasten on the day of lower wages in the face of a world-wide condition of high food prices.

In the presence of the struggle for life in great industrial centers, in the presence of the steady rise in prices the world over, you chatter like children about protection being the sole cause of high prices and propose to make the people better off by taking business away from American manufacturers and giving it to foreigners; by taking bread out of the mouths of our own people and feeding it to foreigners.

In the presence of the certainty that hunger and want and desperation would follow from your policies, you went about telling audiences that protection was the exclusive cause of high prices and how you were going to make prices lower. You have not lowered prices, but you have lowered the wages of labor and lowered the level of American citizenship.

Clearly there was never a time when it was more the duty of legislators, scientists, and philanthropists to help to increase our farm products; to encourage American agriculture; to keep business booming; and to keep labor employed at good wages; but you statesmen met the need by discriminating against the American farmer, by prating about the tariff being the sole cause of high prices, and by forcing down the level of American citizenship to the level of foreign citizenship.

The halfway house of dreams has disappeared, and the road this side has led all the way downhill.

The presidential cavalcade, with its outriders of political soothsayers and jugglers, preceded by the Secretary of Commerce blowing his empty horn of plenty, is passing men out of work, listless factories, and dissatisfied farmers on its way to a signboard marked *November, 1914*. [Applause.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Nevada [Mr. ROBERTS].

A HARBINGER OF PERSPECTIVE PROSPERITY.

Mr. ROBERTS of Nevada. Mr. Chairman, some very interesting figures have recently been given to the country by our learned and esteemed Secretary of Commerce, and they certainly afford the basis for some real thought. The gentlemanly optimist of the present administration must certainly view conditions in their perspective through the glasses of some foreign optician if he perceives anything of a comforting nature in his latest statistics. Of course, the gentleman is an acknowledged authority on some things which peculiarly fit him for the position he now occupies as the administration's "harbinger of perspective prosperity." According to his own statements upon the floor of this House he has long been engaged in the "blowing" business, and no one in touch with the activities of the gentleman from New York will dispute the wisdom of the Chief Executive of this Nation in selecting him for the important position he now occupies. It has been said that the fans and blowers manufactured by his concern are the best on the market to-day, and there is no doubt in my mind, from what I have heard and read, that the manufactured products of his factories can, without loss or waste, "blow hot or blow cold," at the option of the operator.

It is but meet and proper that during these torrid days of business depression and stagnation that some one thoroughly familiar with the prevailing atmospheric conditions should be on hand ready to regulate the fans and blowers in the various industries of this country. Why not place the Weather Bureau under the supervision of the Department of Commerce?

But methinks it will take something more than fans and blowers to bring back to life the dead and dying industries throughout the land. Mr. Redfield is a gentleman and a scholar and entitled to the respect and admiration of his countrymen. Anyone who can face the business men and workingmen of this country at the present time and present facts and figures in such a manner as to make them believe that times are prosperous is entitled in after years to a prominent place in Statuary Hall. I respectfully suggest that the pedestal be boldly marked with this inscription: "This statue was made in foreign lands and chiseled by foreign artisans."

No one doubts the sincerity of Mr. Redfield, nor his loyalty to the American people; but one is apt to think, and justly so, that his view of business conditions is in reality from the standpoint of a foreign observer. During the year 1912 the Secretary made several interesting speeches in this House which were generously punctuated by applause. He drove home some cold facts. One thing he said strongly impressed me at the time, and I desire now, through the columns of the CONGRESSIONAL RECORD, to extend him my heartfelt thanks. He it remembered that he stated in a discussion of the tariff measure that he was engaged in foreign manufacturing, and, to use his own words, "My concern is at this moment erecting a factory in Canada to manufacture goods in Canada." It is true that he gave several plausible reasons for engaging in business there, but the one thing that impressed me most was the fact that the Canadians were loyal to their own industries, and he called especial attention to the fact that Great Britain exhibited everywhere these signs: "Buy British goods." And, to further use his language, he says: "That scheme is worked to the fullest limit all over Great Britain and is taken advantage of, and very properly so, by English manufacturers."

But there are a few questions that might properly be asked at this time. Aside from the preservation of patent rights, what benefits could be derived in Canada by Mr. Redfield's manufacturing concern that could not be derived in this country? It can not be that the esteemed Secretary of Commerce would prefer to engage in business under some other flag than the Stars and Stripes. It can not be that a free trader would go to Canada in order to get protection for a home industry. Certainly the fact that Canada has a tariff measure capable of protecting its home industries was not taken into consideration in the establishment of the factory. The question of wages and the cost of living could not have entered into the proposition. What, then, gentlemen, was the real reason? If we can find out what it was, we might be able to improve our own conditions.

The fact remains that his concern established a business in Canada, while not only Canada but every other country on the face of the earth is deriving benefits for its own industries at the expense of our own people. If Mr. Redfield and the other advocates of the so-called Underwood tariff bill could see things as they really are, rather than in the perspective, things would be speedily changed and the wrongs righted. They will be after the next election.

I wish to call attention to some of the statements emanating from the chamber of commerce concerning our importations and exportations. The increase of all imports during the month of May amounted to $31,000,000. The total imports for the first eight months under the present tariff measure amounted to $1,288,656,041 as compared with $1,223,519,305 for the same period last year. Free merchandise for the same two periods was respectively $800,214,088 and $683,015,455. Of course, the

antagonism in the Congress of the United States are drawing together, and I conceive it my duty, without

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON of Michigan. Mr. Chairman, the night he signed the tariff bill the President announced to the country that he felt like "a man who is lodging happily in the inn which lies halfway along the journey."

Halfway along the journey to where?

If, looking out from the windows of his halfway inn, the President could have seen the hungry unemployed crowds that would gather along the way shivering in the snows of winter coming on, if he could have heard the famished cry for food and work down the road, he would not have lodged so happily in his halfway inn.

The little sycophantic crowd that gathered in the halfway house of presidential good cheer in October to applaud the signing of the tariff bill has grown strangely quiet since then, except for the lone vociferation of the Secretary of Commerce, lifted up like the voice of an ill-advised rooster in the night, mistaking a dark lantern for the sunrise. [Laughter.]

The blasts of triumph blown on the passage of the Federal reserve act have died away like the blast frozen in Munchausen's horn.

Whatever there was of reassuring promise in the Federal reserve act is fading away.

Banks do not make prosperity. Banks live on prosperity. Confidence makes business, and business makes prosperity.

It takes something more than the creation of Federal reserve banks and the transmutation of debts into money to make money move from hand to hand and turn the wheels of industry.

Taxes were never higher in time of peace than now, and yet excessive taxes are being supplemented by the tax of idleness, and idleness is the heaviest of taxes.

The policy that sends our money abroad to enrich foreigners at the expense of our own people; the policy that gives our market away to foreign nations that protect their own markets against us; the policy that promotes foreign industry by depressing American industry; the policy that drives American labor out of work in order to give work to foreign labor; the policy that forces American business to the wall to increase foreign business—such a policy deposits no money in American banks, but it does deposit money in foreign banks.

Give a man a chance to do business and banks will lend him money, but if you legislate him out of business his credit is gone.

The man who wants to borrow money at a bank must give security now as heretofore, but the business of the country is without security, except the security that on the first Tuesday after the first Monday in November there will be a referendum on the state of business. [Applause on the Republican side.]

PROMISES.

This administration has been in power now for about 16 months. Everybody realizes that. Business depression is widening and deepening dangerously.

The newspapers from day to day have told the story of business depression, reduced credit, slow collections, men out of work, bread lines, municipal lodging houses, and of how even the morgue was used in New York as a place of refuge on winter nights for the living as well as the dead.

You went into power through a split in the Republican Party on a platform which, in the language of Bill Nye, has "gone glickering up the flume."

In it you said protection was the cause of high prices and "that no substantial relief could be secured for the people" under protection.

You told the farmers and the laboring men that they were the "chief sufferers" by reason of protection; that protection "raises the cost of the necessaries of life" to them, "but does not protect their product or their wages."

You told the people that "material reductions should be speedily made upon the necessaries of life" that you were going to do it "by legislation that would not injure or destroy legitimate industry," and you said your "pledges were made to be kept in office as well as relied upon during the campaign."

DISCRIMINATION AGAINST FARMERS.

In the campaign that followed you quivered with emotion from town to town about the high cost of living and how you were going to reduce it.

Your Ways and Means Committee, in its report on the tariff bill, specified the advance in farm products as a cause of national solicitude and framed its bill with the deliberate purpose of cutting down the farmers' proceeds.

You told the farmer the duty did him no good; you told him that he was one of the chief sufferers by reason of protection, and, besides, you said you had constitutional scruples about levying duties except for revenue, anyway.

You said it was one of your fundamental principles that protection was unconstitutional, and then you proceeded to frame a tariff bill to cheapen farm products, reduce the wages of American labor, and lower the level of American citizenship.

You invited foreign ships to unload their foreign cargoes here, and forced American farmers to tax themselves to build roads and bridges for the convenience of Canadian competitors, whom you invited across the line by low duties or no duties.

Your tariff bill has opened no market anywhere for American commodities, but has opened the American market for foreign commodities everywhere.

SUGAR.

You took the duty off from sugar, deprived the country of the revenue derived from sugar, restored the Sugar Trust to power, and organized a policy that will wipe the beet and cane fields off the face of the map, to save a theoretic cent a month per capita on sugar, provided the Sugar Trust does not take it.

Obviously you regard sugar growing as illegitimate and the Sugar Trust as legitimate.

A gentleman writes me from my own district: "I have 25 shares—$100 par—of beet-sugar stock, which I will sell to any Democrat at 50 cents on the dollar. They say 'we do not want to injure any legitimate business,' so they ought to be glad to buy at that price. This stock sold at $105 per share about a year ago."

WHEAT.

You figured up the growing acreage of wheat in Canada, and then you cut down the duty on wheat to make wheat cheaper, and thereby make bread cheaper.

You made wheat cheaper and you made farmers poorer, but the one-sixtieth of a cent which you theoretically saved on a loaf of bread for every cent you assessed the American farmer on a bushel of wheat is absorbed long before the elevators, millers, bakers, retail dealers, and railroads have finished taking toll along the way from the wheat fields to the consumers of bread, and bread is no cheaper.

By a curious course of reasoning, when you reduced the duty on wheat to make bread cheaper you retained a duty of 50 cents a barrel on flour to protect the miller.

Obviously you regard farming as illegitimate and milling as legitimate.

CORN.

The duty on corn was 15 cents a bushel. You made corn free. The corn belt of the United States produces a distinctively American crop, and it produces distinctively American men, who know exactly what is being done to them.

Argentina is the corn belt of the Southern Hemisphere. Their corn matures in May; ours in October. Argentine land is cheap and the wages of Argentine labor are low.

The rate on corn from San Lorenzo, Argentina, to New York ranges from 5 to 6½ cents a bushel on full cargoes, and—

Corn is shipped from Rosario, Argentina, to New York for about the same rate as is charged by rail from Buffalo to New York. (Farmers' Bulletin 581.)

To Galveston the rates for the last few months of 1913 were considerably lower from the upriver ports of Argentina than from Kansas City. The rate from Kansas City to Galveston in 1913 was 9.8 cents per bushel, while three out of four rates from Argentina to Galveston were less than 7 cents, one of them being as low as 5.1 cents per bushel.

Ocean rates apply to full cargoes; that is, when a ship is chartered to carry corn only. Regular lines of steamships, where smaller lots than full cargoes are carried, often charge lower rates than are paid on full cargoes of corn. (Farmers' Bulletin 581.) And tramp steamers bring corn for 3 cents a bushel.

About 10,000,000 bushels of corn have come from Argentina in the last eight months, and most of it has been consigned to the Corn Products Refining Co., a Standard Oil corporation.

The freight on corn from Chicago to New York is 11.8 cents a bushel. Obviously western corn can not pay the freight and compete with Argentine corn in the East, and corn has dropped 12 cents below October prices, notwithstanding the short crop of 1913.

The corn crop just housed in Argentina is the largest ever raised there. It will furnish 250,000,000 bushels for export, and the newspapers state that the officials of the New York, New Haven & Hartford Railroad are so "impressed with the immense business now in sight by reason of the huge crop Argentina has just raised" that the old method of billing corn through from New York to New England points on a local tariff, plus 3 cents for lighterage, has been abandoned, and a new and

lower rate has been inaugurated on corn from tidewater to New England points, as a result of which the whole New England market will be lost to American corn.

Heretofore the farmers of the Middle West have supplied New England and the East with corn. Hereafter Argentina will supply New England and the East with corn, and hereafter New England will buy her corn no cheaper, but New England money will go to Argentine farmers instead of American farmers and will go to foreign ships for carrying corn from Argentina instead of to American railroads.

Not only that, but the newspapers say that the last week of April 750,000 bushels of Argentine corn were contracted for by Chicago dealers to arrive by way of Montreal, and that importations of Argentine corn have found their way to Oklahoma.

If the importation of 10,000,000 bushels of Argentine corn in the last seven months can break the price of corn and take away from our own people not only the eastern market but invade the very heart of the corn belt, what effect will the importation of 250,000,000 bushels have?

You have made the American farmer poorer and the Argentine farmer richer and corn products are no lower.

Every bushel of Argentine corn, grown by cheap labor on cheap land displaces a bushel of American corn, and the whisky distillers, the Glucose Trust, and the Starch Trust take the profit; the consumer pays no less and the farmer stands the loss.

But when you took the duty off from corn, you kept a duty of $2.90 a gallon on whisky and 40 cents a hundred on corn meal.

Obviously you regard whisky and corn meal as legitimate and corn as illegitimate.

OATS, BARLEY, RYE, HAY, POTATOES, AND DAIRY PRODUCTS.

You cut the duty on oats from 15 cents to 10 cents a bushel and, in the language of your own bulletin:

The increased importation of corn from Argentina has been accompanied by an immense importation of oats from Canada into the United States.

You say:

Relatively small consignments were received in July, August, and September, 1913, but with October a larger movement began—

So that, as you explain—

The total imports during the four months ending January, 1914, amounted to over 16,000,000 bushels, or more than the total imports during the seven years beginning July 1, 1906, and ending June 30, 1913. (Farmers' Bulletin No. 581.)

Every bushel of imported Canadian oats displaces a bushel of American oats, and the importer and the dealer take the profit and the farmer stands the loss.

You cut the duty on barley from 30 cents to 15 cents a bushel. Canada produces barley, and so does North Dakota. The price of barley in Chicago ranged from $1.20 to $1.30 a bushel in April, 1912, and from 55 to 60 cents a bushel in April, 1914, and the brewer takes the profit and the farmer stands the loss.

You reduced the duty on barley and retained a duty of 45 cents a hundred on barley malt. Why? Is farming "illegitimate" and brewing "legitimate"?

You cut the duty on hay from $4 to $2 a ton, and the dealer and the importer take the profit and the farmer stands the loss.

You took the duty off from rye, and the importer and the distiller take the profit and the farmer stands the loss.

You took the duty off potatoes, and the importer and the dealer take the profit and the farmer stands the loss.

In a speech recently made at Bingham, Me., ex-Gov. Fernald, of Maine, speaking from an intimate knowledge of conditions, declared that Maine dairy farmers are losing $7,000 a day.

Gov. Fernald owns a creamery, and in March, 1913, he was paying farmers 33 cents a pound for butter fat, but in March, 1914, under the new tariff law, the price of butter fat was forced down by Canadian competition to 23 cents a pound, and butter is no cheaper, and the farmer stands the loss.

Gov. Fernald told his audience that in one day he counted 29 carloads of Canadian hay at Danville, on their way to Boston; and ever since the new tariff law was passed the Maine farmer has been receiving $2.50 less a ton for hay than theretofore, and the importer takes the profit and the farmer and the Treasury stand the loss.

The Michigan Manufacturer and Financial Record says:

Michigan farmers are up in arms over the injury done the dairy interests by the new tariff law. The bottom has dropped out of the market for dairy products and prices have lowered about one-third in the last three months.

Cream, or butter fat, has dropped from 32 to 22 cents; milk from $1.90 to $2 per hundred to $1.25 delivered at the factories at Obly and Bad Axe * * *.

One farmer stated that his milk checks for March were $30 less for the same quantity than for February.

You tried to placate the farmer by taking the duty off from farm implements and the price of farm implements has gone up.

But suppose a farmer's implements will last five years; and suppose before the duty was removed it cost $500 to buy the implements to start the average farm; and suppose after the duty of 15 per cent was removed the farmer saved the whole amount, bought his implements for $425 and saved $75; and then suppose you calculate the loss the farmer will sustain each year on every crop he grows by reason of tariff reductions, and the result will show his loss on crops each year to be greater than his total gain for five years on implements.

BEEF.

The shouting and the tumult of the last campaign have died away and history is passing judgment day by day. You said protection was the cause of high prices, and you took the duty off from meats, deprived the Government of the revenue derived from meats and turned it over to the packers, but prices have gone up.

I offer in evidence your own official declarations, and I read from Farmers' Bulletin No. 581, as follows:

There are nine establishments for slaughtering, chilling, freezing, and exporting beef located in or near Buenos Aires, and five of these companies are owned and operated by Chicago slaughtering and packing houses. These five do by far the major portion of the entire business (p. 31).

Most of the meat that comes from Argentina comes from Chicago packers who consign it—

to themselves at New York for sale by themselves in New York or wherever they please to send it by rail. It is not assumed that they are using Argentine beef to beat down the prices of Chicago beef (p. 39).

The packers then control prices, the farmer takes what he can get, and the consumer pays what he must.

You told the people in the last campaign that the quantitative theory of money was a dream; that the law of supply and demand had been repealed and higher prices inaugurated by protection; and that you were going to reduce prices by reducing duties.

But I offer in evidence the declaration of the Department of Agriculture that—

the large increase of the value of meat animals on farms is accounted for by the increased cost of production and the increased consumption or demand, arising from the fact that production has not kept pace with the increase of population, and in the case of cattle and sheep has actually declined. (Bulletin 575, p. 4.)

We told you that ten thousand times in the last campaign, but you kept right on talking about protection being the cause of every evil.

You told the people who live in cities that the farmer was getting too much for what he had to sell. Now you admit that—

this unprecedented increase in the average value of meat animals does not necessarily mean that farmers and stock raisers are making more, if any, profit. (Bulletin 575, p. 4.)

You did not care to discuss the law of supply and demand in the last campaign. You wanted to keep right on talking about protection.

Now you say:

The cost of production has probably increased more rapidly than the increase in the selling price of live stock. (Page 4.)

You argued in the last campaign that the fact that prices were high demonstrated that farmers were getting too much for what they had to sell.

Now you say:

It is well known that producers of farm products are the last to receive any benefit from higher prices paid by consumers, yet they are prompt to increase production if there is a prospect of realizing better returns. (Page 5.)

We had arguments, essays, speeches, and denunciations in the last campaign about the price of meat and the farmer's relation to it.

Now you say:

The very fact that there is a present shortage of nearly 19,000,000 meat animals in the United States since the census of 1910 indicates clearly that the business is not profitable to producers; otherwise every farmer and stock raiser in the country would have increased his herds of meat animals. (Bulletin 575, p. 5.)

CHEESE.

Day by day your own official records have been compelled reluctantly to demonstrate the slowing down of factories, the falling off of exports, and the swift advance of foreign importations.

The tariff wall is down, the surplus is wiped out, the Secretary of the Treasury is treasurer of an overdraft, and the high cost of living is advancing with remorseless disregard of decreasing pay rolls.

But we are not without relief. The Secretary of Agriculture has issued a little book on cheese. It tells you how to use cheese instead of meat. It says cheese "is so used by the peasants of some parts of Europe."

The "grand old man from Monroe" states in his usual clear and forceful manner in this short editorial in this paper, of which he has been the editor for, lo, these many years, the condition as it presents itself to the American people at the present time. Much "big business"—not all, it is true—has many shady methods, and they do not care to have the "blessed sunshine of publicity" turned on and these methods exposed to public gaze. [Applause.]

I desire now to call attention to the address of the President of the United States delivered before the Virginia Editorial Association, at the White House, on June 25, 1914.

The address is as follows:

I think it appropriate, ladies and gentlemen, in receiving you, to say just a word or two in assistance of your judgment about the existing conditions. You are largely responsible for the state of public opinion. You furnish the public with information, and in your editorials you furnish it with the interpretation of that information. We are in the presence of a business situation which is variously interpreted. Here in Washington, through the Bureau of Commerce and other instrumentalities that are at our disposal, and through a correspondence which comes in to us from all parts of the Nation, we are perhaps in a position to judge of the actual condition of business better than those can judge who are at any other single point in the country; and I want to say to you that as a matter of fact the signs of a very strong business revival are becoming more and more evident from day to day.

I want to suggest this to you: Business has been in a feverish and apprehensive condition in this country for more than 10 years. I will not stop to point out the time at which it began to be apprehensive, but during more than 10 years business has been the object of sharp criticism in the United States, a criticism growing in volume and growing in particularity; and, as a natural consequence, as the volume of criticism has increased business has grown more and more anxious. Business men have acted as some men do who fear they will have to undergo an operation and who are not sure that when they get on the table the operation will not be a capital operation. As a matter of fact, as the diagnosis has progressed it has become more and more evident that no capital operation was necessary; that at the most a minor operation was necessary to remove admitted distempers and evils. The treatment is to be constitutional rather than surgical, affecting habits of life and action which have been hurtful; for on all hands it is admitted that there are processes of business, or have been processes of business, in this country which ought to be corrected, but the correction has been postponed, and in proportion to the postponement the fever has increased—the fever of apprehension.

There is nothing more fatal to business than to be kept guessing from month to month and from year to year whether something serious is going to happen to it or not and what in particular is going to happen to it, if anything does. It is impossible to forecast the prospects of any line of business unless you know what the year is going to bring forth. Nothing is more harmful, nothing has been declared by business men to be more unfair, than to keep them guessing.

The guessing went on; the air was full of interrogation points for 10 years and more. Then came an administration which for the first time had a definite program of constructive correction—not of destructive correction, but of a constructive correction of admitted evil—a very clear program, disclosed, so far as possible in a general program, in its particulars as well as in its general features. And the administration proceeded to carry out this program.

First, there was the tariff; and business shivered. "We do not like to go in; the water looks cold." But when the tariff had been passed it was found that the readjustment was possible without any serious disturbance whatever. So that men said, with a sense of relief, "Well, we are glad to get that behind us; and it was not bad, after all."

Then came the currency reform. You remember with what resistance, with what criticism, with what systematic holding back, a large body of bankers in this country met the proposals of that reform; and you know how, immediately after its passage, they recognized its benefit and its beneficence, and how ever since the passage of that reform bankers throughout the United States have been congratulating themselves that it was possible to carry out this great reform upon sensible and solid lines.

Then we advanced to the trust program, and again the same dread, the same hesitation, the same urgency that the thing should be postponed. It will not be postponed, and it will not be postponed because we are the friends of business. We know what we are doing. We purpose to do it under the advice—for we have been fortunate enough to obtain the advice—of men who understand the business of the country; and we know that the effect is going to be exactly what the effect of the currency reform was—a sense of relief and of security.

Because when the program is finished it is finished; the interrogation points are rubbed off the slate; business is given its constitution of freedom and is hidden to go forward under that constitution. And just so soon as it gets that leave and freedom there will be a boom of business in this country such as we have never witnessed in the United States.

I as a friend of business and a servant of the country would not dare stop in this program and bring on another long period of agitation. Agitation longer continued would be fatal to the business of this country, and if this program is delayed there will come agitation with every letter in the word a capital letter. The choice is a sober and sensible program now completed or months upon months of additional conjecture and danger. I, for one, could not ask this country to accuse a policy which subjected business to longer continued agitation and uncertainty, and therefore I am sure that it is beginning to be evident to the whole press of this country, and by the same token to the people, that a constructive program is at last not only to be proposed but completed, and that when it is completed business can get and will get what it can get in no other way—rest, recuperation, and successful adjustment. I can not get rest if you send me to bed wondering what is going to happen to me in the morning; but if you send me to bed knowing what the course of business is to be to-morrow morning I can rest. How much better is certain justice to the men engaged in business.

It is a matter of conscience as well as a matter of large public policy to do what this Congress, I am now certain, is going to do—finish the program. And I do not think that it is going to take a very long time. I believe that the temper of those engaged in this great thing is admirable; that the various elements sometimes in antagonism in the Congress of the United States are drawing together, and that we shall witness an early statesmanlike result, for which we shall all have abundant reason to be thankful.

The President, in his usual forceful, direct, and clear style, states exactly the situation confronting the American people. He calls attention to the fact that we passed the tariff bill, and then the currency bill, and now the three trust bills are to be considered and passed before Congress adjourns. He says that action will not be postponed, because we are the friends of business.

The first of these trust bills deals with the trade commission, and gives this commission power, if this law is enacted and placed upon the statute books, to supervise and investigate the condition of the great corporations in this country. The second one adds to and gives additional powers to the Sherman anti-trust laws to control the great trusts that have so long preyed on the people of this great Republic, and the third and last one deals with the securities—the stocks and bonds—of the great railroad corporations of this country. If it should become a law no such condition could exist and no such results be reached as happened recently in the New Haven Railroad case.

The President of the United States is doing the very best he can for the masses of the American people. He is not fighting for the classes and special interests, but for the people at large, and hence this demand to adjourn. The people are not asking adjournment, but "big business" is. It will not be hard to find the pathway of duty if you honestly want to serve the people.

I desire to call attention to another editorial from the same paper to which I referred a moment ago, with reference to the President. It is under the headline of "Our Peerless President," and is as follows:

OUR PEERLESS PRESIDENT.

Woodrow Wilson is without doubt the greatest of American Presidents, and history will so style him. If he has made a single executive or administrative mistake, it has not been disclosed. If he has for a single moment surrendered conviction to win popular applause, the record fails to show it. His aims have all been lofty, and with wonderful courage he has labored for consummation, yet at all times has he exhibited the highest attributes of the statesman and diplomat, being ready for compromise and concession in the interest of the greatest possible achievement, where obstinacy, which is sometimes construed as firmness, would have either lost all or won at the expense of party harmony and organization. * * * His sincerity and patriotism; his absolute disregard for the ridicule of the cartoonist or the criticism of opponents has enabled him to secure from Congress more important legislation than was ever before enacted in a single term.

[Applause.]

That editorial expresses the opinion of the President of the United States, which I dare say, and here assert, is entertained by the masses of the American people. They are standing to-day in solid phalanx behind him, and as he presses onward in the great battle to attain greater achievements and more glorious developments in the interest of all the people they applaud him and will stand by and support him during this administration; and when the great successes and victories which he will attain during his first administration are consummated, I prophesy they will call him to the Presidency for another term. [Applause on the Democratic side.]

Mr. Chairman, the President is urging that the Members of Congress remain here in order that the policies of the administration and the announced program may be carried out to a final conclusion. The President of the United States called to his high office, carrying the banner of the Democratic Party, must adhere to the course he has mapped out, and the question is will the members of his party respond to his call and rally to his support in carrying out the principles of governmental policy that are correct in the light of reason and common sense. All the agencies in this country seeking special privilege are exerting all their power to embarrass and hamper his onward, straightforward, progressive march; but the country may rest in the assurance that he is a safe pilot, guiding the "Old Ship of State" in these latter days in a fearless and capable manner, and when the storm is past he will anchor her safely in port and bring solace, prosperity, and good cheer to his fellow countrymen, and the Democratic Party under his leadership will prove itself to be the unfaltering champion of a Government "Of the people, by the people, and for the people."

The hands of our great Democratic President shall be and must be upheld. He possesses the statesmanship and diplomacy of the patron saint of the Democratic Party, Thomas Jefferson, the grit and determination of Andrew Jackson, and the intrepidity and daring of the great "Harry of the West," who said he "would rather be right than be President." Any Democrat who fails to sustain him in the great battle he is waging will prove false to his constituents and the best interest of his Government and to the great country of which he is a citizen. I have sustained him in his great economic policies up to date, and I conceive it my duty, without criticism of others, to remain here until the program he has announced is fully completed and consummated. In doing so, in my judgment, I will subserve the highest interest of my constituents and the welfare and prosperity of this great Republic. With duty inscribed on our flag, let us say to the President, "We are with you, as the great leader of the Democratic Party; let your sword flash at the head of the column and lead on, and you will find no 'stragglers' or 'camp followers' in the ranks, but a united and triumphant army marching to victory under your matchless leadership." [Applause.]

The Democratic Party, standing for certain well-known principles and reforms, of which our President is a true exponent, has been intrusted with the mission of carrying these policies into execution in the true spirit of the founder of our party, who declared there should be "equal rights to all, special privileges to none." Let us remain here as long as necessary to discharge this great mission, and in doing so receive the plaudits of a loyal and patriotic people.

I would be happy to go home. I dare say my people would be glad to see me and have me tell them about some of the great things this Democratic administration has accomplished, and nothing would give me greater delight than to have that pleasure; but in view of the urgent request of the President of the United States, I expect to remain here and by my presence help to keep a quorum and by my vote help to carry out the policies and the announced program of our party and our great and good Democratic President. I have an opponent in my district who is trying to defeat me for reelection, and the primary election will be held on Tuesday, the 18th day of August; and if the program of the President is carried out, I doubt seriously whether I will have an opportunity to get back to my district by that time; but whether I do or not, I will do my duty, remembering that the immortal Robert E. Lee said "duty" is the greatest word in the English language, and leave my interest and my cause in the hands of the patriotic people whom I have on the floor of this House during all my service represented with fidelity, honesty, efficiency, and promptness. If I fail by the wayside, I will fall with my face to the front, faithfully serving my party and my country. If I triumph and am reelected, I shall be happier in the consciousness of not having deserted my post and in the realization of having at all times performed my duty to my constituents, who have honored me, to the Democratic Party, of which I am a member, and to the great country of which I am a citizen.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. CANDLER of Mississippi. I thank you, my friends, for your very kind attention. [Great applause.]

Mr. SISSON. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has five minutes remaining.

Mr. SISSON. I yield five minutes to the gentleman from Ohio [Mr. ANSBERRY].

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] is recognized for five minutes.

Mr. ANSBERRY. Mr. Chairman, I want to say to my colleague from Iowa [Mr. GOOD] that he apparently is not familiar with the history of a very peculiar transaction which was at least in part carried out under the administration of the very distinguished gentleman who presided over the destinies of the Treasury of the United States during a recent Republican administration. I would like to have the gentleman's attention.

The CHAIRMAN. The Chair knows of no way of enforcing his attention. [Laughter.]

Mr. ANSBERRY. I wanted to ask him whether he knew of the transaction that smelled to high heaven and which arose out of the purchase of the old customhouse in New York City by the National City Bank. Surely the gentleman has heard something of this most remarkable transaction in which the Government sold this property at an inadequate price, so it has been said, I think, for $3,250,000; only $750,000 of which was paid down, the balance being deferred, and then the Government very kindly rented the property until the new customhouse could be completed at an annual rental of $130,000—4 per cent of the purchase price. I think that agreement was made in the early nineties, and, strange to relate, the title remained in the Government for many years, thus saving for some one the taxes that would have been paid had the deal been made in a businesslike manner.

Mr. GOOD. Well, Mr. Chairman——

Mr. ANSBERRY. Just a moment. The gentleman would not permit me to finish the question I was asking of him. The gentleman said he did not know anything about that story, and did not care to hear it. Of course, we all fear the gentleman did not want to hear it.

But the story is substantially as I have stated it. The National City Bank of New York purchased the old customhouse for something like $3,250,000. It was said at the time that it was bought at considerably less than it was worth. I do not know anything about that, but I do know that they kept that transaction under cover for a long time. The National City Bank owned it, as a matter of fact. The title remained in the Government under this arrangement, and the Government, of course, does not pay taxes.

Mr. GOOD. When was this?

Mr. ANSBERRY. Never mind; I will get to that. The gentleman did not seem to be in a hurry about learning these facts in his time. I will give them myself.

Finally these facts leaked out. It was debated time and again on the floor when the rent item was being discussed in the appropriation bill as late as 1906. The newspapers got hold of it and made a scandal of it; or, rather, they told the truth about it, and the truth told about this man who was the Secretary of the Treasury amounted to a scandal.

Perhaps that would be the precise way to state it. Thereupon they completed the transaction in this manner: The title was changed, and the money that was supposed to be paid to the Secretary of the Treasury, or whoever represented the Government, was immediately deposited—and where do you think? In the National City Bank; and I assume that it stayed there until a Democratic administration came in and made them pay 2 per cent interest on the funds which they had belonging to the Government of the United States.

I say this for the information of the gentleman from Iowa [Mr. GOOD], who attacked a Democratic Secretary of the Treasury and said he was incompetent. He did not say he was dishonest. Certainly he did not state any facts that would come within a gunshot of the malodorous, rotten transaction to which I have referred, and which was a matter of common knowledge to every man in the United States who read the daily newspapers, and to every man in the United States who had any knowledge of what was going on in the city of Washington relative to the Government of the United States and the affairs of the Treasury at that time.

Now, I will yield to the gentleman.

Mr. GOOD. When was this? Will the gentleman give me the date?

Mr. ANSBERRY. I think the original contract was made when Lyman J. Gage was Secretary of the Treasury. Now, when was Mr. Shaw Secretary of the Treasury?

The CHAIRMAN. Does the gentleman yield?

Mr. ANSBERRY. Yes.

Mr. GOOD. He was Secretary of the Treasury during the last term of the administration of President Roosevelt.

Mr. ANSBERRY. I am quite certain that this contract was still being carried out when he was Secretary of the Treasury. In fairness to him, I will say I never heard his name connected with the transaction. I was mistaken when I interrogated my friend from Iowa and referred to Secretary Shaw, and of course have no desire to do the Secretary any injustice.

Mr. GOOD. Is the gentleman sure it was Secretary Shaw?

Mr. ANSBERRY. I meant Secretary Gage, whose name was bandied about in connection with that transaction.

Mr. GOOD. I will say to the gentleman in answer to his question that I was certain Secretary Shaw had no connection with the transaction referred to, and I feared, however, that his information was based entirely upon groundless newspaper reports and that he had been fearfully misled.

Mr. ANSBERRY. I can not let the gentleman take all my time; but if he will get up here again and reiterate the statement that he never heard of this transaction, I will say to him that he can not only sit at my feet and get information but he can sit at the feet of every man who was a newspaper reader during the time that these things were debated in Congress and were carried in all the newspapers of the country.

Mr. GOOD. If I wanted information, I would not go to the gentleman from Ohio for it.

Mr. ANSBERRY. I fear the gentleman does not want any information. I fear that if he did get very much more information than he now has on this question—and I know he wants to be honest about it—he would get up in the House and denounce any transaction of the character I have described; and he would also apologize for the adverse references he has made to the very efficient administration of the Treasury in the hands of the distinguished gentleman who now presides over the destinies of that great institution.

I yield back the remainder of my time.

Mr. KINKAID of Nebraska. I ask unanimous consent to extend the remarks I made last Monday in support of my bill, H. R. 11745.

[From Paper, June 24, 1914.]

BUSINESS "PSYCHOLOGY" IN THE NORTHWEST.

APPLETON, WIS., *June 22.*

As has been stated heretofore in this correspondence, the paper business in this district reflects with the general feeling of lassitude that is affecting other industries throughout the country. The approach of the vacation season does not, of course, give promise of improvement.

Your correspondent's memory goes back far enough, however, to recall a good many summers in the past when the paper business was duller than it is likely to get this summer, times when some manufacturers were disposed to feel that the bottom of the world had fallen out and that the industry would never be brought back to where it was before. But in these cases prosperity always returned after its little junketing visit elsewhere. A good many manufacturers, aware of these things, are disposed to look with a good deal of philosophy upon present conditions. Resting spells like the present, they assert, wherein little mill building goes on, gives the country's constantly increasing demand for goods time to catch up with the productive capacity—even usually to exceed it—so that some morning the country awakens to the fact that it can not get goods as soon or in the quantity that it wants them. Then there is a "boom," which continues until new construction has brought production up to or beyond the amount that demand calls for.

Of course, in the present instance manufacturers hereabouts are looking for some stimulation after the middle of the summer and in the fall, due to the effect of the expected record breaking crops. Just what this will amount to or how long it will last remains to be seen. The expectation, however, seems to be justified.

[From the Paper Trade Journal, June 25, 1914.]

SAVAGE MANUFACTURING CO. (INC.).

SKOWHEGAN, ME., *June 24, 1914.*

The Savage Manufacturing Co. has just filed a certificate of organization with the Somerset County register of deeds, for the purpose of making pulp and paper. The company is doing a unique business, continuing the industry started by E. L. Savage, of making paper for box linings, etc., from black stockings and newspapers. The stockings are used to give the various textures. It is said that this is the only firm manufacturing paper from these materials exclusively in the United States.

About 26 hands are employed, and the demand is so great that Mr. Savage plans to increase the capacity of the plant. The company is capitalized at $200,000, of which $150,000 is common and $50,000 preferred stock.

Officers of the new company are James O. Savage, of Lawrence, Mass., president; E. L. Savage, of Skowhegan, treasurer; James O. Savage, Lawrence; Charles E. Savage, Groveton, N. H.; E. L. Savage; E. Bramhall; and Minna B. Savage, of Skowhegan, are directors.

MILL STARTS UP AGAIN.

YARMOUTH, ME., *June 24, 1914.*

The mill of the Forest Paper Co., which was shut down for two weeks to give an opportunity to reduce the stock on hand, has started up again, and is now expected to run on full time for the rest of the year. During the two weeks' shutdown 200 men were idle.

HOLYOKE—GOOD BUSINESS SURELY LOOKED FOR.

HOLYOKE, MASS., *June 23, 1914.*

The trade conditions have a slightly better tendency, though they are fully expected to remain quiescent for some weeks yet. Those who have returned from short business trips say that while business is "flat," they see "no reason for scare heads about it." Shrewd observers see activity ahead. There is an unmistakable feeling that the worst has now been reached and that the turning point has come. The shutdowns are all of a temporary nature, and all for good reasons.

CHICAGO—RENEWED SIGNS OF LIFE.

CHICAGO, ILL., *June 22, 1914.*

A decidedly easier feeling made itself apparent in the local paper market during the last week. Paper men now freely predict that the summer in all probability will be better than most members of the trade had been led to expect. Business, it appears, has grown tired of holding its breath, or, better still, has found it foolish to do so, and during the last week began to breathe freely again. Collections are reported good, and the activity of the last week was more or less of a surprise to all. Men who a few weeks ago said they were prepared to sit back and wait for fall before looking for any improvement now have jumped up suddenly and declare that July is going to witness a decided improvement in trade. There was no cause for complaint in any branch of the trade last week. Bonds and ledgers met quite a satisfactory demand. Book stock moved well at the prices which have been maintained for some time. There was a fair demand for news print. From dealers in old paper stock came particularly bright reports as to an indicated increased activity. The accumulations were comparatively heavy and there was a ready demand for old stock. Prices are just about as those quoted the week before, but it is confidently expected that improvement in this regard will come before long. Some of the local paper men look for prices to improve from 10 to 20 per cent.

FOX RIVER VALLEY—HOPE FOR EARLY REVIVAL.

APPLETON, WIS., *June 23, 1914.*

"I am inclined to think, and I base my judgment on actual conditions and developments of the last week, that immediately after the July 4 shutdown things are going to look up a bit." It isn't often this correspondent uses a direct quotation in regard to market conditions, but the above, coming from a man away up in the business, far-sighted and conservative, is so unusual nowadays that it serves as a good and encouraging lead to the weekly market paragraph from the Middle West. The sentiment is no mono; in fact, most of the paper manufacturers share the opinion of the one above quoted. Just at present all are frank to admit that things are slower than they were a month ago, but everything industrially in this part of the country seems to be shaping itself for an early revival.

KALAMAZOO—CONDITIONS UNCHANGED.

KALAMAZOO, MICH., *June 22, 1914.*

The tone of the paper trade remains about the same as last week, from what can be learned from manufacturers. There seems to be but little change, although all of the mills manage to keep their machines busy.

[From the Trade Journal, June 18, 1914.]

RUMFORD, ME., *June 16, 1914.*

An expenditure of $150,000 will be made this year by the Oxford Paper Co. for the purpose of increasing the capacity of their plant. The largest of the new buildings—the main building, so called—is 85 by 216, and is constructed to contain two large machines. The beater room is 75 by 90 and the small building, 33 by 72. The company has a shipping platform 700 feet in length, which will soon be increased to 800 feet. The Maine Coated Paper Co., an auxiliary of the Oxford Paper Co., the buildings of which were completed last fall, is not as yet running to the full capacity of its plant, but orders are being received every day and the amount of work is increasing steadily each week. This company, too, has plans for further improvements, which will be carried out and completed in the near future.

PULP-WOOD MILL STARTED.

AUGUSTA, ME., *June 16, 1914.*

The pulp-wood mill of the S. D. Warren Co., at Kennebec, of which Howard MacFarlane is superintendent, has just been started for the season, and shipments of pulp wood have begun. The mill is now run by electricity, the power being furnished by motors installed recently by the Central Maine Power Co., and everything is working in fine shape. The mill will ship about 70 carloads of pulp wood per week, and the amount of poplar used for the season will be about 150 cords.

R. P. Andrews, of the R. P. Andrews Paper Co., who has just returned from a two weeks' trip in Michigan, Illinois, and other States, says that business conditions are quiet. He states that the greatest optimism is evident, however, in the West because of the "bumper" crops, and that the paper men are looking forward to one of the biggest autumns in years. While at Menasha, Wis., he attended the birthday party of George A. Whiting, of the Geo. A. Whiting Paper Co., which was also attended by many other paper men. Predictions at the party were made that the autumn would bring much better results in all lines of business.

HOLDING UP THEIR RECORDS.

The Black-Clawson Co., of Hamilton, Ohio, report that while business conditions are not what they should be, largely because of political reasons, they have nevertheless been able to keep well up toward the records of other and more favorable seasons. While there is room for improvement, they incline to the belief that conditions might be much worse, and the approach of fall should witness a general revival in business in all lines.

These dispose of at least one industry which it was charged has been practically destroyed by the tariff. I can cite others of a similar character, but it is hardly necessary to do so, as this shows the effort of one Republican manufacturer in his own branch of industry who deliberately endeavored to mislead the American people through the Secretary of Commerce.

As to the sugar industry, a letter received from the president of the Federal Sugar Refining Co. stated:

It may be of interest to know that under the stimulus of the reduced tariff consumption in the Eastern States alone has increased practically 20 per cent. The consumption from March 1, 1914, to June 19, 1914, was 893,000 tons; in 1913, 745,000 tons, showing an increase of 145,000 tons.

Added to this information is the following circular, issued by the same company, under date of June 17, 1914:

FEDERAL SUGAR REFINING CO.,
91 Wall Street, New York, June 17, 1914.

DEAR SIRS: Three months' operation under the new tariff show that the consumer is receiving all the benefit of the 25 per cent reduction in the duty on sugar. Since the new rates went into effect refiners' selling price has averaged 3.819 cents per pound as compared with an average price for the last 10 years of 4.85 cents per pound. The average price for the same period has been average in-bond price of 96° test raw sugar for 14 years, combined with been 4 cents per pound. The reduction in the duty, combined with the fact that the world's production this year is the largest on record, is responsible for the prevailing low prices, but that the reduced tariff is directly responsible for a large part of the decline is shown by the following comparison of prices between March 1 and June 1, 1914, with prices for other years when the in-bond price of raw sugars was on the same basis.

Years.	Period of weeks.	Average in-bond price 96° raws.	Cuban duty 96°.	Duty paid price raws.	Average net price refined.
		Cents.	*Cents.*	*Cents.*	*Cents.*
1904	5	2.001	1.348	3.439	4.36
1905	2	2.092	1.348	3.44	4.35
1906	14	2.072	1.348	3.42	4.375
1907	6	2.085	1.348	3.433	4.506
1911	3	2.102	1.348	3.45	4.566
1913	16	2.089	1.348	3.437	4.229
1914	(1)	2.04	1.01	3.05	3.819

[1] Mar. 1 to June 1.

The average price of refined sugar in other years when raw sugars were selling in bond at 2.09 cents per pound, as compared with 2.04 cents now, was 4.40 cents per pound in contrast with 3.819 cents per pound during the past three months. It is therefore clear that a saving of 0.581 cent per pound is being effected by the reduced duty which, figured on the amount of sugar consumed in the United States last year, namely, 3,743,139 long tons, or 8,384,631,360 pounds, would be equal to $48,714,708. While the 25 per cent reduction in the tariff affords some relief from the exceptionally high rate that we have been laboring under, the real benefit to the consumer will come in 1916, after which a further saving of some $100,000,000 per year will be effected.

Very truly, yours,

F. C. LOWRY,
Manager Sales Department.

It is not my purpose to go fully into all the details which show that the tariff has not brought about the depression of business, spoken of by my friends on the other side, and which does not exist, and it has not affected even the items which are considered luxuries. For illustration, sugar is not wholly a necessity, because only a nominal percentage is used for the breakfast table, and it largely enters into other manufactures which can be readily imagined, while at the same time the price of sugar has been reduced to the consumer, thus showing not only was the manufacture of sugar increased but that the price has been lowered to the consumer.

I shall touch briefly upon the Mexican policy of the President. I have, with him, been firm in the belief that it was absolutely essential for the peace of this continent that Huerta should be driven from power in Mexico. This Nation, with the Monroe doctrine fully recognized, is under the necessity of preserving order and stability of government in all the Republics upon this continent.

It is certain that Huerta reached the presidency by the assassination of Madero, and he was, if not directly, then indirectly responsible for that assassination, even if he did not inspire it, and gave the order which ended Madero's life. And America could not tolerate, either in the interest of humanity or in the exercise of her power upon this continent, a succession to the presidency by any such infamous procedure. It is an object lesson to all other republics that power must come from and through the people and must be exercised in a peaceable and orderly manner and that these old-time methods of disposing of rulers will no longer be tolerated or acquiesced in. If the President had recognized Huerta, it would have been an invitation to others to achieve power by the same means; and his refusal to recognize Huerta marks him as a man of high ideals, a firm believer in constitutional government, and a strict believer in the enforcement of the Monroe doctrine. If we do not insist upon a stable government in Mexico and in Latin American republics generally and foreign interests suffer, how can we say to England, France, and Germany that they must keep their hands off, if the interests of their citizens or their lives and property are jeopardized on this continent? They would have a right to use all the power at their command, even to the extent of occupying territory upon this continent, to remedy any wrong to their citizens; but we must exercise if you please a supervision over these republics, determined that they shall use all peaceful and constitutional methods in the exercise of their sovereign power for the preservation of lives and property. We can then resist every effort made by any one of these foreign powers to occupy even a foot of land upon this continent.

In the accomplishment of these things Woodrow Wilson has gone steadily on, refusing to be swerved by any power or influence, determined that Huerta shall go, and using all lawful means to that end through the agency of those in Mexico who were engaged in open rebellion against Huerta. I fail to understand the argument of our Republican friends in opposition to the President's policy for the bringing about of peace within the borders of our sister Republic. It has been properly termed a "watchful and waiting" policy, but it has been such in the interest of peace and to prevent a war, the results of which, both in life and in financial waste, can not be estimated. It is unfortunate, indeed, that American lives have been lost, but it was well said by the President, "Their lives were not sacrificed in vain." This policy has prevented a greater destruction of American lives, and I am satisfied that he will succeed in driving Huerta out and bringing about peace and order in that distracted country.

As further evidence, if that is necessary, as to the high ideals which control Woodrow Wilson, let me refer to his course on the Panama Canal treaty. He was not coerced by Great Britain, but to me, as to others, he stated that he had not received any communication, either directly or indirectly, from that country with reference to the action of Congress in relieving our coastwise steamships from the payment of tolls; but his high sense of honor and his duty impelled him to call the attention of the Congress to what he believed to be a palpable violation of a treaty made with a foreign power, and in this, like all other questions affecting the Nation, he has not permitted himself to be swerved nor moved by sneers, ridicule, charges of cowardice, or the charge that he surrendered American rights to a foreign nation. He has been courageous enough to do the right thing.

He has been criticized for insisting upon Congress remaining in session until the new antitrust legislation was put through, and while at first his course seemed to have aroused the strongest and fiercest opposition on the part of the business people of the United States generally, yet I am satisfied that that feeling has subsided, for the business and financial interests of the country are beginning to recognize that if the existing antitrust laws are ineffective to personally punish those who have been directly responsible for the infamous financial operation of corporations so recently exposed and laid bare by the Interstate Commerce Commission and the Department of Justice, those laws should be strengthened in the interest of honest dealing. Unhappily, these financial operations have resulted in causing great distress to thousands of our people whose savings were invested in these institutions without a single person being sent to jail for these rascalities.

The passage of the bills now pending will, in my judgment, have the effect of preventing a recurrence of these infamous financial operations; and while I had serious doubts about one of these bills while pending in this House, yet I am certain that as they will eventually reach the President they will serve the useful purpose of making corporate guilt personal and of avoiding scandals hereafter. No further legislation affecting the business or financial interests of the country will be enacted, I am sure, during the term of Woodrow Wilson.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] has 17 minutes remaining.

Mr. SISSON. Mr. Chairman, I yield the balance of my time to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Chairman, a short time ago the President of the United States issued a statement in which he said there was an effort on the part of "big business" throughout the United States to bring about an adjournment of Congress. In view of developments from then until now I do not believe anybody would question for a moment but that he was entirely correct when he made that statement to the American people. It is evident that letters prepared in advance and telegrams made to order have been sent broadcast throughout this land asking citizens of the United States to sign them and then send them to their Members of Congress and Senators, calling upon them to bring about an adjournment of Congress. One was sent to a prominent business firm in my district, to which they replied through their manager, and I desire to read his reply and place it in the RECORD. It is as follows:

JUNE 18, 1914.

The ———— Co., *St. Louis, Mo.*

GENTLEMEN: We have your letter asking us to write or wire the Senators and Congressmen from this locality to adjourn and not make any more laws.

We did not comply with your request, for the reason we disagree with you; but this disagreement, you understand, is in a friendly way, as we see it differently perhaps from other people.

The main reason we did not comply with your request was the party now in power has a great deal to do. They have and are trying to undo some things that has required the Republican Party 40 years to do, and if the Democratic Party has done it in this short time, what they have done will be for the good of the country at large, and we see no reason why they should be asked to adjourn.

Forty years is a long time, and the Democratic Party has made many promises to the people of the United States, and these promises they are trying to fulfill, as this is the first time they have been in a position of power to transact and put into execution their ideas of government, and we believe you and everyone else should let them alone.

If they can hold on long enough to convince the people of the United States that there is more in them, then some of the rich corporations and trusts throughout the country may be made to do better by them being in power.

We hope you will not think we are arbitrary in this matter, but believe that they are doing their duty honestly and squarely for the best interest of the masses of this country and let them alone.

Yours, truly,

———— ———— Co.,
By ————, *Manager.*

[Applause.]

I fully agree with the views expressed by my constituent in this letter. I do not give his name, as I have not his permission to do so, but suffice it to say he is a prominent business man and the manager of one of the largest and most successful wholesale and retail hardware businesses in my district. He was right when he said "the party in power has a great deal to do" in "trying to undo some things that it has required the Republican Party 40 years to do." It is a big undertaking to correct their grievous wrongs and many iniquities, but if let alone we will do it in the interest of all the people.

I desire also to call attention to an editorial taken from the Aberdeen Examiner, published at Aberdeen, Miss., and edited by Maj. S. A. Jonas. In the public press in my State he is frequently referred to as "the grand old man from Monroe." The editorial is as follows:

That old cry "Business men want Congress to adjourn" is again heard in the land, and emanates chiefly from a class of "business men" who are deeply entangled in lawless measures they fear to have Congress probe. No matter how long the British, German, or French parliaments prolong their sessions, the cry by cable or wireless never comes announcing a demand for their adjournment. The fact is that Congress is always in too great a hurry to adjourn, and scores of honest bills fail "for lack of time."

the oath of office. He made little progress; however, and after he had been there only six weeks he pronounced the system utterly inefficient for its purposes.

Mr. GOOD rose.

Mr. GLASS. No; I will not be interrupted by the gentleman; he was not even courteous to me. Gov. Burke had been there scarcely six weeks before he pronounced the system inefficient and appealed to his superior officer to have it changed; but Mr. Baker, the Republican chief of the bureau, insisted to the Comptroller of the Currency that it should remain. This Republican chief of the bureau, as an expert accountant, urged that the system was all right; and upon his advice it was continued in operation for some time. It was discarded only after Gov. Burke applied to the Civil Service Commission for two expert accountants to investigate and devise a better system. These experts, both Republicans, fully justified the criticism made by Gov. Burke before he had been in office six weeks. They recommended that the accounting system devised and the machines put in under a Republican administration be discarded and an efficient system substituted. Since that was done, which the Democratic Treasurer long theretofore asked to be done, the accounting has been kept right up to date. These are the facts; they can not be disproved.

The gentleman from Iowa stated that he did not say to the House that the machines were put in under a Democratic administration. I appeal from his statement on the floor to-day to the CONGRESSIONAL RECORD reporting his speech some days ago.

Mr. GOOD. I did not state anything of the kind.

Mr. GLASS. The gentleman stated that, and the notes will show it.

Mr. GOOD. The notes will not show it.

Mr. GLASS. On page 12225 of the RECORD of June 26, 1914, the gentleman from Iowa is thus reported:

Mr. GOOD. Is it not a fact that practically all the new machinery, tabulating machinery, that was brought in by the Secretary under the new administration was entirely discarded?

So the gentleman from Iowa did state to the House that this inefficient system of accounting with these tabulating machines was "brought in under the new administration" and had been discarded thereafter. The system and the machines were brought in under a Republican administration, and the whole change was inaugurated under the administration of Mr. MacVeagh and had been for several months operated under two Republican Treasurers by the Republican chief of the bureau and Republican clerks when Gov. Burke took office.

If I had any criticism to make of this administration, it would be directed against a hapless civil service that protects inefficient Republican employees, and thus affords excuse to Republican Congressmen to criticize a Democratic administration for Republican neglect or incapacity. Inefficient employees of the Treasury ought to be put out and somebody put in, whether Democrats or Republicans, who can properly perform the work. [Applause.]

I do not want, Mr. Chairman, to be misunderstood. I believe in an honestly administered civil service. In the 14 years I have been a Member of this House I have voted every time for suitable civil-service regulations and for civil-service appropriations; but the system should be operated fairly. And surely when a Republican official maladministers a public office it is totally dishonest for a Republican Congressman to criticize a Democratic administration for the deficiency. [Applause.]

[Mr. SISSON addressed the committee. See Appendix.]

Mr. SISSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, under leave to extend my remarks, I incorporate the letter and answer to the same below. I do so to illustrate the "system" employed by unscrupulous organizations who want to accomplish under cover of secrecy what they do not have the courage to do in the open—to discredit the present Democratic administration. The utter want of patriotic motives, the anxiety of men who have lived on the favor of legislation under former administrations, is fully rebuked by the person to whom this letter was written.

HOW THE PROTECTIVE TARIFF MAGNATES ARE GATHERING PUBLIC SENTIMENT AND HON. S. M. FOSTER'S REBUKE.

CONFIDENTIAL INQUIRY.

THE AMERICAN PROTECTIVE TARIFF LEAGUE,
New York, June 26, 1914.

Mr. S. M. FOSTER,
President German American National Bank,
Fort Wayne, Ind.

DEAR SIR: Our president, Col. Francis L. Leland, who is well known to you as a banker, believes that one of the best barometers of industrial conditions is the weekly pay-roll checks of merchants and manufacturers, and at his suggestion we have the honor to ask:

"*First.* What was the total amount of the pay-roll checks in your bank for the week ending June 23, 1913?

"*Second.* What was the total amount of the pay-roll checks for the corresponding week ending June 20, 1914?"

We will under no circumstances divulge the name of a bank giving us this information, but wish to publish a statement giving the comparative pay-roll checks in bulk for the weeks named.

We earnestly ask you cooperation in this inquiry.

Sincerely, yours,

W. F. WAKEMAN,
Treasurer and General Secretary.

PRESIDENT FOSTER'S REPLY.

FORT WAYNE, IND., *June 29, 1914.*

Mr. WILLIAM F. WAKEMAN,
Treasurer and General Secretary the American Protective Tariff League, 339 Broadway, New York City.

DEAR SIR: Replying to your "confidential inquiry" of the 26th instant, in which you ask for data which you propose to use for the purpose of instituting a comparison between the pay rolls of this year with those of the same time a year ago, I beg to say:

It would be more creditable to your organization if it would use its funds along lines that would tend to decrease any tendency toward business depression that may exist rather than along lines that have a strong influence toward increasing this tendency.

The purpose of your inquiry is so clearly political, and the intent to discredit the present administration and recent legislation so apparent, that this bank declines to have anything to do with it, and feels justified in giving expression to its lack of sympathy with your efforts.

It is such movements by such organizations as yours that justify the charge that there is being made a systematic and disloyal effort to create a condition of mind in the people of the country that will bring about and intensify a spirit of commercial depression.

No more discreditable and dishonorable think could be attempted by men claiming to be loyal citizens of the Republic. As you very well know, to spread broadcast over the country any evidence or argument tending to show the existence of business depression, only tends to produce and heighten the depression. That this is your intention and purpose is revealed in your letter, though not explicitly stated.

Very truly, yours,

SAM'L M. FOSTER, *President.*

Mr. SISSON. Mr. Chairman, I yield to the gentleman from New York [Mr. CANTOR].

Mr. CANTOR. Mr. Chairman, the various items contained in this bill represent the activities of the three great branches of the Government which deal with the making of the laws, their interpretation and construction by the United States courts, and with the exercise of executive power by the President.

When we stop to think of the great financial and commercial interests affected directly through these great appropriations, it is well to consider our responsibility with respect to the governmental machinery which controls these vast interests. The Democratic Party coming into power after an absence of 18 years found itself charged with the responsibility of carrying into effect by legislation the fundamental policies of the party and to apply the remedies which it has always urged for the correction of abuses in the financial system of the country, and for the relief of the people from trusts and monopolies which fostered and grew up under the care and protection of the Republicans. It was expected that in carrying out these policies and in formulating these remedies that necessarily it would cause a halt in the business of the country until finance, trade, and commerce knew the character of the new tariff law and the new currency system which had been suggested. It seemed to be a difficult undertaking to drive out special privilege and the money control protected by our political opponents for many years when in control of national affairs; and in the course of legislation made necessary for these purposes it was expected that business would wait until definite lines of legislation had been reached and finally adopted. It has always been so with business when the tariff was under revision.

In the course of the recent debates in this House, men on the other side have with ghoulish glee called our attention to every newspaper notice or clipping which showed a diminution in business and read letters received from inspired sources, which seemed to justify their statements upon the floor that national bankruptcy was practically threatened and that idleness was an epidemic. These statements have been answered over and over again by Democrats representing the various manufacturing districts, but they do not seem to have allayed the great thirst of some of these gentlemen for these misrepresentations on the subject. There is no doubt that business has halted and manufacturers, in spots, have reduced their operating expenses, but that is not true generally throughout the country, as has been amply demonstrated by the President through sources of information that could not be gainsaid. It is true that this depression has been largely psychological in the sense that the great monopolies, through the newspapers, have endeavored to create a general belief throughout the country that the Democratic Party was the enemy of the manufacturers and business men,

and that it was wholly incompetent to deal with national affairs. All this was inspired by those who were deriving vast benefits from Republican rule and also had shaped legislation here in Washington and who were in practically unlimited control of the committees of this House and who had charge of that party during the various congressional and presidential campaigns of the past. I believe that the present administration has amply answered the serious charge that it was incompetent to deal with national matters. It has been a party of construction, notwithstanding the gigantic opposition from powerful sources all over the country. It has revolutionized the money system, which had entrenched itself almost beyond hope of redemption upon the trade and commerce of the country, by the passage of the banking and currency bill which, although fought bitterly during the various stages of legislation by these powerful influences to which I have just referred, have at last admitted its justice. As was well stated by Secretary McAdoo, in his interview with S. S. Fontaine, of the New York World, when he was asked the question:

When the Federal Reserve Association is in working order, do you believe that it will prevent panics?

His answer was:

Assuming wise administration, and that, I think, is certain, the new system ought to prove a successful preventive of financial panics. And why should not we assume "wise administration" of the system? The able American mind is not yet obsolete and patriotism is not yet dead. There is abundant material to draw from, not only for members of the Federal Reserve Board, but also for directors of the Federal reserve banks. We are usually the slowest people on earth to correct our own abuses, but when we once begin the job we generally do it thoroughly.

We have been trying without avail for almost half a century to reform our banking laws, and then, all of a sudden, we woke up and put upon the statute books the most far-reaching and beneficial piece of legislation since the national bank act.

I look forward to a wonderful period of financial stability, with its inevitable complement of undisturbed confidence, and to an era of unequaled prosperity for this country under the new Federal reserve system.

The provisions of the law which permit our banks to establish foreign branches, together with our new tariff law, will contribute beyond the expectations of even intelligently optimistic men to the expansion of American trade and commerce. A big foreign trade will of itself tend greatly to stabilize our domestic trade and make extremes of business depression at home far less possible. Our foreign trade has always been restrained by unwise tariff laws and a lack of American banking facilities. The new laws have removed these obstacles.

WHAT CREATED BUSINESS DEPRESSION.

Do you believe there is any truth in the rumor that there has been a deliberate conspiracy on the part of a certain group of financiers, politically opposed to the administration, to create business depression?

Answer: No; I would not say that. It would be fairer to say that there has been a systematic attempt, politically organized, to make the country believe that there is a serious business depression. All the "divine right" and "vested right" interests and most of the big financiers are allied with the political opposition to the Democratic Party and are helping the calamity campaign all they can. By "divine right" interests I mean those who because of their wealth, education, social standing, and acquired or inherited leadership of great enterprises believe that they have superior rights and are entitled to be left undisturbed. They resent any sort of change or governmental regulation or control. You may remember that a certain anthracite coal magnate some years ago assumed that attitude when the great coal strike was on. By "vested right" interests I mean those who have been long intrenched in "privilege" through favoring tariff laws and every sort of governmental bounty, and who consider any interference with their "privileges" an invasion of sacred rights. Then we have the soreheads and chronic kickers and Pharisees, who are always against an administration they can not control.

These elements, not so much by concert of action as by common sympathy, have united in a drive against the administration. They have produced the "psychology" of the situation, which, operating upon a time of the year when business, for perfectly normal reasons, is usually below par, has produced a certain amount of hysteria in shallow minds and a certain amount of fear in timid souls. But on the whole little has been accomplished. Every day their gloomy prophecies are being dispelled by facts and the steady advance of business prosperity. Crops—prodigious crops—are beginning to move and business stimulation is already reported from nearly every section of the country. We are going to have a splendidly prosperous fall season.

The tariff bill, hardly a year old, to which the manufacturing interests of the country are adjusting themselves, with the income-tax provisions, has not only proven to be a great revenue raiser, but in the end will destroy the privileges heretofore enjoyed from the high protective tariff and will reduce the cost of the necessaries of life, besides affording the opportunity of extending and increasing our manufactures, which means additional employment to the American mechanic. The reduction in the tariff has not affected the manufacturers of the United States, but, as I have already stated, has simply called a halt until they can adjust themselves to the new rates.

It has been stated by Republican Members of this House that the Secretary of Commerce, in the many addresses he has made in various sections of the country, has been more optimistic than conditions warranted, and, in fact, made statements as to the condition of business which were not borne out by the facts. They have read letters which we on our side have said came from Republican sources, intended largely, if not wholly, for the benefit of the Republican Party for purely political reasons.

There seems to have been a studied and well-devised plan for the preparation and publication of these things, in order to affect political conditions regardless of their effect upon general business and created the impression that the conditions were as they represented them. They have been properly termed "calamity howlers," without a shred of patriotism, willing to sacrifice business and financial interests for party advantage and for interests which have always pecuniarily benefited when that party was in power. As an illustration of this sort of campaigning I call attention to a letter received by Secretary Redfield from Edward Lefevre, of Fallsburg, N. Y.:

FALLSBURG, N. Y., *June 25, 1914.*

SECRETARY OF COMMERCE.

DEAR SIR: I see by papers you are saying business of the country is good, and I wish to state the manufacturing of paper, which is a large business in this country, is rotten.

There is very much more paper coming in this State than ever before, and has forced prices down where there is not a living in the business.

Several mills have failed in the these business of late, and it is impossible to get orders; can find no one with any confidence in the business ability of the administration.

Most truly,

EDW. Y. LEFEVRE.

To which the Secretary replied:

JULY 10, 1914.

Mr. EDWARD Y. LEFEVRE,
Fallsburg, N. Y.

DEAR SIR: Your letter of the 25th ultimo is received, inclosing clipping from the Paper Mill of June 20, and I note your statement "the manufacturing of paper, which is a large business in this country, is rotten."

I find, however, that your clipping from the Paper Mill of the 20th does not include all that issue of that paper had to say on conditions in the paper trade, for the same copy from which your clipping is taken also says, under the heading "Markets of the week":

"Reports from the paper-mill centers state that production is being maintained and in some cases increased on a better demand from the jobbers and large consumers."

And it also adds:

"Fine paper houses report a good demand for light weights. Wrappings are moving steadily and in larger volumes. Paper bags are in good request, with prices holding very steady."

Yours, very truly,

———, *Secretary.*

Upon the same subject that this correspondence treats of are the following extracts from trade journals dealing wholly with the business of manufacturing pulp wood and paper:

[From the Paper Mill, Saturday, June 20, 1914.]

KANSAS CITY, MO., *June 17, 1914.*

Business has shown some improvement in Kansas City recently, business interests showing more disposition to turn loose their money with Kansas agriculturists engaged in harvesting one of the biggest wheat crops in the history of that State. The printing trade has taken heart and is doing nicely, while the encouragement has extended to the paper business. Collections are improved, and all lines of paper are in better demand. Prospects for fall are excellent, and Kansas City apparently is in line for big business for the next year.

MARKETS OF THE WEEK.

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Reports from the paper-mill centers state that production is being maintained and in some cases increased on a better demand from jobbers and large consumers.

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Conditions in the jobbing trade continue as previously noted in these reports. The demand from consumers and final distributors is said to be slowly increasing, with a greater inclination to make purchases for future requirements. Fine-paper houses report a good demand for light-weights. Wrappings are moving steadily and in larger volume. Paper bags are in good request, with prices holding very steady.

LOUISVILLE BUSINESS.

LOUISVILLE, KY., *June 16, 1914.*

Business with the Louisville paper men is continuing good, in spite of the fact that a lot of people are talking of hard times and business depression. Kentuckians are beginning to feel as if this sort of talk is all bugaboo. Conditions in Kentucky and the vicinity are really very good just now.

[From the Paper Mill, Saturday, June 27, 1914.]

BIG PULP-WOOD SEASON LOOKED FOR BY APPLETON PULP WOOD CO.—THE FIRST RAFTS BY WATER HAVE ARRIVED.

APPLETON, WIS., *June 22, 1914.*

An unusually big and successful season is anticipated by the Appleton Pulp Wood Co. in the matter of water transportation of pulp wood. The first of a dozen or more big rafts to be towed across Lake Superior this season arrived from Port Arthur, Canada, at Ashland last Thursday afternoon, and another raft of approximately 6,000 cords is expected the latter part of this week or early next. The raft that reached there last week contained a little more than 5,000 cords of 5-foot wood. The wood is being shipped by the Russel Timber Co., of Port Arthur, to the Appleton Pulp Wood Co.

[From Paper, June 17, 1914.]

MISSISQUOI MILLS RUNNING STEADILY.

SHELDON SPRINGS, VT., *June 15.*

The new board mill of the Missisquoi Pulp & Paper Co. at Sheldon Springs, Vt., which has been building for the past two years, has started up in good order and has now been running steadily for about three weeks. This is said to be one of the best equipped board mills in the country.

retary of the Treasury can claim any credit for the savings

Mr. ANSBERRY. Let me finish the question.

instructed by Assistant Secretary Williams to investigate immediately this congestion and the causes of it. This resulted in our report of June 11, which recommended that the force in the sections handling the checks should be considerably augmented by detailing clerks from other divisions of the department. On July 18 an inventory was taken of the amount of uncleared checks on hand. Since that date the total checks received and cleared each day have been tabulated, and we are therefore able to present the following statement of the total amount of checks on hand at the close of business each day from July 12 to August 30. This statement is as follows:

Statement of uncleared checks, Treasurer's office, July 12 to Aug. 30, 1913, inclusive.

Date.	National banks.	Treasury offices.	Total.
July 12	$21,337,385.74	$37,988,929.69	$59,326,315.43
14	25,274,948.68	41,439,737.25	66,714,685.93
15	30,604,969.02	43,525,455.32	74,130,424.34
16	28,631,639.61	22,705,719.56	51,337,359.17
17	28,562,642.80	26,489,720.70	55,052,363.50
18	26,516,892.03	28,651,981.64	55,168,873.67
19	26,588,565.37	29,017,575.22	55,606,140.59
21	25,944,750.50	36,095,438.49	62,040,188.99
22	26,223,761.89	37,868,998.66	64,092,760.55
23	24,774,877.66	41,000,055.06	65,774,932.71
24	22,298,179.47	43,740,759.45	66,038,938.92
25	19,369,497.18	46,238,389.44	65,607,886.62
26	17,134,611.40	48,498,281.06	65,632,892.46
28	16,590,951.87	51,164,057.40	67,755,009.27
29	17,796,241.10	53,501,030.43	71,297,271.53
30	19,066,671.49	32,116,819.97	51,203,491.46
31	19,898,741.65	34,929,362.40	54,828,104.05
Aug. 1	14,238,855.99	37,716,528.11	51,955,385.10
2	14,312,507.26	40,494,318.97	54,806,826.23
4	15,356,652.15	42,928,678.72	58,285,330.87
5	17,944,501.58	28,747,989.65	46,692,491.23
6	17,428,211.26	31,260,970.08	48,689,181.34
7	17,846,628.76	20,998,171.86	38,844,800.62
8	18,603,129.88	23,270,890.80	41,874,020.68
9	18,493,039.45	26,826,537.71	45,319,577.16
11	18,821,224.82	15,381,332.87	34,202,557.69
12	20,602,964.99	11,744,502.88	32,347,467.87
13	21,664,021.68	14,611,887.25	36,275,908.93
14	23,347,091.76	17,358,158.00	40,705,849.76
15	23,789,005.63	17,567,081.32	41,356,086.95
16	23,865,890.85	20,467,050.72	44,332,941.57
18	25,512,671.98	22,970,772.49	48,483,444.47
19	25,489,113.71	21,222,308.55	46,711,422.26
20	25,377,952.13	24,500,049.81	49,878,001.94
21	26,433,291.45	25,381,206.72	51,814,498.17
22	25,243,700.58	27,191,522.67	52,435,223.25
23	23,742,094.96	26,379,062.36	50,121,157.32
25	21,178,810.55	29,141,124.68	50,319,935.23
26	19,564,412.90	28,586,292.01	48,150,704.91
27	19,188,205.29	27,780,819.40	46,969,024.69
28	18,920,309.90	22,423,675.28	41,343,985.18
29	18,095,013.60	24,256,817.92	42,351,831.52
30	18,834,356.94	25,241,771.59	44,076,328.53

From this statement it will be observed that the highest amount of checks on hand appears on July 15—$74,130,424.34—and the lowest on August 12—$32,347,467.87. It will also be noted that during this period of 43 working days, on 4 only was the amount of uncleared checks below forty millions, and on 24 days it was in excess of fifty millions.

Considerable criticism has been made regarding the use of the Hollerith system for furnishing to the bookkeepers the necessary data for making the charges and credits to the proper accounts, the principal complaint being that frequent errors are made in punching the cards, resulting in innumerable counter entries, and that postings can not be made from the holes in the cards as rapidly as from ordinary figures. It is true that a great number of counter entries have been put through the books on account of errors in punching and other mistakes, and it is also admitted by those in sympathy with the system that more time is required to post from the punched cards than from ordinary figures. It is also true that the skill of the operators and bookkeepers in posting to the ledgers from a group of holes rather than from actual figures ought in course of time to increase and thereby reduce the grounds for such complaints to a minimum.

These criticisms, however, do not constitute the more serious objection to the use of this device for clearing the checks. The work of the sections which handle these checks is similar to the work in a bank, and the checks should be handled with the same dispatch as in a large bank. No bank could continue in business were it to hold checks for a week before charging them to the customers' accounts. It is admitted by those in charge of the checks that under the present system it will not be possible to clear the checks the same day they are received, for the reason that two or three days' checks must be available constantly in order to keep the entire force busy all the time. As a matter of fact, however, we find that the office, with its increased force, has not yet been able to get even within five or six days of current clearing.

A further objection to the present method lies in the fact that in order to insure accuracy in punching the symbol number on the card, much time must be expended in listing and footing the symbol numbers on adding machines. It is safe to say that the aggregate amount of labor spent on this process alone would occupy all the time of two or three clerks. This would be wholly saved by the system we propose.

The inability of the office under the present system to handle and clear the checks currently also causes serious losses of time elsewhere in the Treasurer's Office and otherwise, e. g., the difficulty in ascertaining whether a check has been presented for payment on which a stop notice has been filed; the lack of accurate knowledge regarding a disbursing officer's balance, inquiries regarding which are made almost daily; also the large number of checks outstanding by the books at the end of a month, although these checks are actually in the office, which entails much additional—wholly unnecessary—work upon the disbursing clerks and auditors.

Other illustrations might be cited concerning the embarrassing position in which the office has been placed by reason of inability to furnish information which should be immediately available were the work actually current. We think, however, that enough has been shown to demonstrate the necessity for the adoption of a system whereby all checks received before noon each day will be cleared at the close of business the same day. We submit, further, that any system in which this is not possible is not efficient or economical, and that such methods can not meet the necessities of the public business. Therefore we think the present methods should be discarded in considerable part. We believe that the system now in use should be at once replaced by a more rapid and more economical system through which the business of the office may be properly handled.

THE WORK OF THE STATING SECTION.

After the close of the month, the items making up the debits and credits in the disbursing officers' accounts are arranged in chronological and numerical sequence and a schedule of these items, together with the balance as shown by the books, is prepared by the "stating section" in triplicate, one copy being sent to the officer, one to the auditor, and one copy retained.

This constitutes a "statement" of the officer's account, which when acknowledged and verified by him insures the correctness of his account on the books. It is therefore essential that this statement should be rendered promptly to the officer. Any delay in preparing and transmitting these statements not only prevents the officer from effecting a reconciliation of his own accounts and a verification thereof by departmental inspectors, but also retards the work of the auditor who is charged with the examination of the officer's account as no final settlement of the account can be made until this statement, accompanied by the canceled checks, is received by the auditor from the Treasurer. The work of the auditors under the most favorable conditions must be considerably behind the period covered by the audit, and anything that tends to aggravate this condition is to be deplored. We are informed that urgent and repeated complaints have been made to the Treasurer's office by the auditors concerning the delays in sending these statements, with the result that a large number of clerks in the auditors' offices have been forced to sit idle while waiting for these statements and vouchers to come in.

The condition of the work of the "stating section" is best illustrated by the following examples, the business of these officers being among the largest in Washington.

DISBURSING CLERK, PENSION OFFICE.

This is the largest account, both in checks issued and in money totals, on the Treasurer's books. This account has never been balanced since the account was taken over February 1 last, except for the last few days in July, when Mr. Taylor assumed the office of disbursing clerk. After struggling with the February account for some months it was sent to the auditor unbalanced a few weeks ago. So far as we can learn no such thing was ever heard of before.

DISBURSING CLERK ZAPPONE, DEPARTMENT OF AGRICULTURE.

Last statement rendered was for the month of March.

DISBURSING CLERK JOHANNES, DEPARTMENT OF COMMERCE.

Last statement, rendered the month of April, was received August 21.

DISBURSING CLERK JACOBS, TREASURY DEPARTMENT.

Last statement, rendered the month of April, was sent August 20.

DISBURSING OFFICER FOR WASHINGTON NAVY YARD ACCOUNTS.

Last statement received was for the month of March.

DISBURSING CLERK WILSON, DISTRICT OF COLUMBIA.

Statement for the month of May was received September 4.

We are informed that very few of the July accounts have at this writing been stated. A depositor in a bank, no matter how large his account, who could not secure a statement of his account earlier than from one to four months after the close of a period would change his bank immediately. While Government disbursing officers can not change their banker, they can not be prevented from indulging in adverse criticism regarding the administration of the Treasurer's office. Herein lies considerable danger. It is impossible to terminate these complaints, of which there have been, we are informed, many hundreds sent to the Treasurer's office in writing, so long as there is good ground for them. If the causes are not soon removed, there is probability that the matter will reach the ears of Congress, and an investigation may be ordered. Therefore, if the possibility of such a thing is to be averted, it is important that the work in this section be brought up to date immediately. We are informed that under the system which prevailed prior to last February the New York and Washington offices, which carried at least eight-tenths of the business, regularly furnished complete statements in the majority of cases by the middle of the month following the period reported.

Very respectfully,

HARVEY S. CHASE,
Certified Public Accountant.

Mr. ANSBERRY. Mr. Chairman——

Mr. SISSON. I yield 5 minutes of my time to the gentleman from Virginia [Mr. GLASS].

Mr. GLASS. Mr. Chairman, the facts involved in this controversy are very simple, and there can be no confutation of the definite assertion made by me that the gentleman from Iowa [Mr. GOOD] deliberately misrepresented them from beginning to end. He can not put into the RECORD any report that will justify any of the misstatements with which I have charged him.

The facts are, briefly, these: Treasury Order No. 5, issued by a Republican Secretary of the Treasury in the last days of Mr. Taft's incumbency, revolutionized the accounting system of the Treasury Department and the method of transacting current business. The system was devised by a Republican administration and has been administered since by Republican attachés of the Treasury Department, under a Republican chief of bureau.

When Treasurer Burke came in he found this system installed, and I am credibly told that not one single hour of Gov. Burke's incumbency of the office witnessed such confusion or such delay in the accounting system as he found when he took

inasmuch as the gentleman from Virginia [Mr. GLASS] was | and what does it show? I read from it:

Mr. GOOD. Mr. Chairman, I do not yield.

Mr. ANSBERRY. But you did yield for half of it.

Mr. GOOD. I yielded for a question on the subject under consideration. I will not yield to discuss something foreign to this question.

Mr. ANSBERRY. This is pertinent to that question.

Mr. GOOD. I decline to yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. ANSBERRY. Do you know what I am talking about?

Mr. GOOD. No; and I do not care to know.

Mr. ANSBERRY. I thought so.

Mr. GOOD. The report to which I have referred is as follows:

A REPORT TO THE SECRETARY OF THE TREASURY, WASHINGTON, D. C., CONCERNING THE CONDITION OF ACCOUNTING AND BOOKKEEPING IN THE OFFICE OF THE TREASURER OF THE UNITED STATES AT THE BEGINNING OF BUSINESS ON SEPTEMBER 2, 1913, SUBMITTED SEPTEMBER 15, 1913.

To the honorable the SECRETARY OF THE TREASURY.

DEAR SIR: Under your instructions the undersigned, with his assistants, has been engaged, from time to time since March 31, 1913, in making examinations, investigations, and reports in relation to various divisions and sections of the Treasury Department. These reports, sometimes verbal, but usually formal and typewritten, have related mainly to the Office of the Treasurer of the United States and its various subdivisions. These formal typewritten reports were dated as follows: May 15, June 2, June 11, and July 31. In addition, the reports upon the "Daily statement" and the "Monthly statement" of the Treasury were submitted in printed form, as the results of investigations into the sources of information and the methods of bookkeeping wherefrom the figures in these statements were derived. The printed forms were accepted and adopted by you on June 30, 1913, and have been published regularly from July 1 to the present date.

Without repeating what has been already laid before you in our previous reports, I wish to present herein the results of our later investigations in the Treasurer's Office, particularly in relation to the condition of the accounting and bookkeeping at present, namely, at the beginning of business September 2, 1913—September 1 having been a holiday.

The conditions which we now exhibit are serious, and we bespeak your immediate consideration of them.

THE OFFICE OF THE TREASURER OF THE UNITED STATES.

In the multitude and magnitude of its transactions, the office of the Treasurer of the United States is probably the greatest financial office in the world.

During the year ended June 30, 1912, the total of the entries passing through its books approximated $6,000,000,000. It maintains accounts in 1,600 national banks. It furnishes the funds and keeps the accounts of nearly 3,000 Government disbursing officers. It acts as agent for 7,500 banks in the redemption of their bank-note circulation, and it handles for the Post Office Department the deposits of surplus money-order funds from 50,000 postmasters. It receives every business day from twenty-five to forty thousand checks, and it must keep the continually changing records of nearly two billions of paper currency secured by gold and silver in its vaults. In the performance of these and other highly responsible duties the services of over 640 people are required in the Washington office alone.

It is apparent that properly to record the great amount of business which passes through the Treasurer's office, with its extraordinary maze of entries, transfers, issues, redemptions, exchanges, etc., not only is unusual skill required from the bookkeepers and accountants, but the system of accounting employed should be so complete and effective in all its parts that it will thoroughly control the millions of items passing through the books each year and at every moment properly safeguard the vast sums for which the Treasurer is responsible under the law.

THE CHANGE IN METHODS ON FEBRUARY 1, 1913.

When the new method of paying Government creditors was inaugurated, February 1 last, which carried with it the transfer to Washington of the accounts of nearly all the disbursing officers of the Government, the office was soon overwhelmed by the volume of business which fell upon it, and for the handling of which it had not had sufficient time for preparation.

Extraordinary efforts were made to recover from the disorder into which the accounts were thrown by reason of this change of method, but the work of the office is still, at the end of seven months, in such a condition as seriously to retard the work of the auditing officers of the Government, to impair the efficiency of the force handling the accounts, to make evident the inability of the office to furnish properly the information desired by Government debtors and creditors, and even to jeopardize the safety of the public funds.

With the work on national-bank accounts two and one-half months behindhand, with a week or more accumulation of uncleared checks constantly on hand, with disbursing officers' accounts unbalanced and unstated for months, with controlling accounts ignored by reason of the pressure of details, and with the task of bringing order out of the confusion which now exists deemed hopeless by the clerks engaged upon the work, it is manifest that the efficiency of the staff is seriously affected, and that the condition calls for immediate and effective remedies.

A glance at some of the disbursing officers' ledgers containing a multitude of counter entries and of unbalanced pages, as well as their generally scratched appearance—a condition for which the bookkeepers are not primarily responsible—is sufficient to cause one to appreciate the disheartening effect on men who have heretofore been accustomed to take pride in their work.

In order that these conditions may be clear to you in some detail we submit brief explanations of the situation in the disbursing officers' ledgers, in the national-bank ledgers, in the "stating section," and in the system of examining and clearing checks.

ACCOUNTS IN THE DISBURSING OFFICERS' LEDGERS.

On account of the transfer to Washington on February 1, 1913, of all disbursing officers' accounts, except a few kept in Hawaii and the Philippines, the Treasurer's office is now carrying on its books accounts with over 2,500 disbursing officers, which are kept in 9 ledgers and supposed to be controlled by summarized accounts in the cash room. As a matter of fact, these controlling accounts are such in name only, no attempt having been made since February 1 to reconcile the total of the balances in the detailed ledgers with these "controlling" accounts. In fact, the detailed accounts have at no time been in such shape that a total of the balances could be taken off. This statement of ours is best illustrated by the following examples taken from one of these ledgers a few days ago:

Account 17045. Redemption agent United States Treasurer, national-bank redemption agency.

From February 1 to August 30 the total credits to this account on the ledger were $409,166,500.94 and the total debits were $380,092,636.09. No balances have been entered in this account since it was started. The difference between the two sides is a credit of $23,073,983.85, while the balance to the credit of this account on that day, according to the "cash-room" statement, was $28,617,899.12, a difference of over five and one-half millions of dollars.

Account 17042. Redemption and exchange account.

The balance to the credit of this account according to the ledger on August 30 was $1,256,288.09. The balance according to the "cash room" on the same day was $1,863,094.35, a difference of $606,806.26.

Account 17041. Treasury warrants.

From February 1 to August 30 $15,014,336.86 was charged to this account. One credit for the insignificant sum of $15 appears against this heavy debit. In other words, on its face the account shows an overdraft of $15,014,321.68, while as a matter of fact it should show a credit balance of $3,733,805.31, according to the daily cash statement of August 30.

So much confusion has existed in these accounts that overdrafts have frequently appeared, necessitating a reexamination of all of the original items making up the debits and credits and revealing the fact that the bookkeepers had been furnished with erroneous data for posting. Counter entries innumerable have been the result, some of them for very large amounts.

Due to the uncertainty of the correctness of the balances as shown by the books, the office has been unable to state authoritatively, in response to inquiries, the balance to officers' credit, but of late has been replying to such inquiries by saying that the "amount to the officer's credit would warrant payment of his check for $———," with no certainty that this balance might not be wiped out the next day through the clearance of checks which had already been in the Treasury for a week or longer.

Since July 1 an approximate control has been established over the nine ledgers, but this control has covered only the debits and credits for the month and has not extended to balances brought forward.

These accounts, which are in all respects similar to the accounts of depositors in a bank, should be handled with the same efficiency and promptness and be as effectively controlled and proved as those of any financial institution. Until this is done there can be no assurance of their correctness at any time.

THE NATIONAL BANK ACCOUNTS.

Prior to June 1, 1913, the Treasurer had accounts in about 500 active depositary banks, but since that date the number has greatly increased, until there are now about 1,000 active accounts on the Treasurer's books, to say nothing of half as many more "inactive" accounts.

All of these "active" banks are receiving money for the Government's account, paying checks issued by officers of the Government, and transferring moneys in excess of their authorized holdings either to Treasury offices or to other national banks. Because of the magnitude and multitude of the transactions of these agents of the Government, and because the fidelity of the custodianship should be speedily determined, there is necessity for prompt verification of every charge against its account.

This, we regret to say, it does not do, and under present conditions it can not do. At the date of this writing (Sept. 2) the bank accounts have been fully verified only to June 14, while the account for the period ending June 21 is now being handled. This is to say, that over two months' banking business remains unbalanced and unverified.

Aside from the lack of accurate knowledge regarding the condition and correctness of these accounts opportunities exist for gross irregularities, the perpetration of which would seriously reflect upon the administration of the office. It would be possible, under the conditions in which the accounts now are, for an officer or employee of an active depository bank to report to the Treasurer that said bank had transferred to some other bank $50,000 or more as "excess deposits"; to charge this amount to the Treasurer's general account; to put the money in his pocket; and to depart for parts unknown without this action being discovered by the Treasurer's office within two months—long enough for the absconder to reach the uttermost parts of the earth.

Another illustration may serve to emphasize our statement. If an active depository bank should notify its correspondent in New York to deposit with the assistant treasurer in New York $50,000 for its credit as a transfer of excess deposits and at the same time advise the Treasury of such notification, and the correspondent should fail to make such deposit, it would not be discovered by the Accounting Division for over two months. In the meantime, if the correspondent bank should fail, the Treasurer might have serious difficulty in holding the original bank for the money. The latter would undoubtedly plead that the Treasurer had been guilty of contributory negligence, and therefore could not recover.

We give these illustrations to emphasize more forcibly the embarrassing situation in which the office would find itself should such an instance actually occur. We have devised a plan for keeping these accounts which will wholly eliminate these dangers, for the reason that the lack of verification of a reported transfer would be immediately discovered

THE PRESENT METHOD OF EXAMINING AND CLEARING CHECKS.

There is received by the Treasurer's office each day from 25,000 to 40,000 warrants and checks of various kinds which have been paid by depository banks and Treasury offices, and for which the paying institution must be given credit, and charges made to the respective accounts against which the warrants and checks are drawn.

At the time the present order of business went into effect, February 1, 1913, the mechanical device, known as the Hollerith machine, was installed as a means for facilitating the clearance of the checks. It was to be expected, of course, that during the first few weeks there would be considerable congestion in the handling of these checks due to the unfamiliarity of the operators and employees with the work. The fact is, however, that even after the system has been in operation for several months the congestion has continued to such an extent as to retard seriously the work of stating and auditing the accounts. No definite figures of the amount of uncleared checks on hand had been available, but it was known to be a very large sum. On June 10 I was

Mr. SISSON. Mr. Chairman——

Mr. GOOD. Mr. Chairman——

Mr. GILLETT. Let the gentleman from Iowa [Mr. GOOD] have five minutes.

Mr. GOOD. We are entitled to time on this side, and I will yield it then.

Mr. SISSON. Mr. Chairman, I will reserve the balance of my time, but I want to ask the gentleman not to trespass too much upon it. I have agreed to yield to a gentleman on this side some time in my own time, and I want to make some remarks on my own account.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Chairman, I ask for recognition in my own right.

Gentlemen of the committee, I think if Members will read the hearings as to what took place before the Committee on Appropriations and also the CONGRESSIONAL RECORD as to the action of the House in the consideration of the legislative, executive, and judicial appropriation bill, they will find that the gentleman from Virginia [Mr. GLASS], who has just addressed the committee, is greatly in error. I stated openly and frankly when the legislative bill was before the House that under Executive Order No. 3 operations were commenced by a Republican Secretary of the Treasury; that after machines were installed, after certain work previously performed by the subtreasuries had been brought to Washington, it was found in a few weeks that the Treasury was running behind. I do not know whether the employees in the office of the Treasurer of the United States under the present Secretary are Republicans or not, and I do not care. I do know that the officials in charge of that great department are responsible for the work of that department; and to show that I have told the House what is absolutely true so far as any statements coming to me are concerned, I ask, Mr. Chairman, to extend my remarks in the RECORD by printing the report from which I have previously quoted and to which the gentleman has taken exception.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to include in his remarks the report to which he has referred. Is there objection?

There was no objection.

Mr. GLASS. Assuming the gentleman made as full a statement of facts in his previous address to the House as he makes now—which I insist is an assumption that does not accord with my recollection of his remarks or my reading them the next day in the RECORD—did not the gentleman make it appear that a Democratic administration was responsible for this confusion and delay, and did he not explicitly assert that it was a Democratic administration that put these counting machines in and had them thrown out on the recommendation of these experts?

Mr. GOOD. I say now——

Mr. GLASS. Now, the gentleman can answer that.

Mr. GOOD. Now, the gentleman will not take me off of the floor when I am addressing the House in my own time.

Mr. GLASS. No; I will not.

Mr. GOOD. I have been kind enough to yield to him.

Mr. GLASS. I can not take the gentleman off the floor.

Mr. GOOD. I will say to the gentleman now, and I will repeat it as many times as the gentleman wants me to do so, that the present administration is responsible for the great delay and for the confusion that has existed in that department for more than a year.

Mr. GLASS. The gentleman has not answered my question yet.

Mr. GOOD. I do not yield to the gentleman. I will say to the gentleman that as to whether or not the machines were thrown out or brought in by a Republican administration I do not know. I do not attach any importance to that incident. I do know that they are not now being used, and yet the last estimate for this department carried additional sums for the purchase of more of these machines.

Mr. GLASS. Will the gentleman yield?

Mr. GOOD. I can not yield now. I will yield after I have answered the gentleman. I do not know, of course, what is in Mr. Herbert Brown's report, to which the gentleman has referred, and which he inserts in the RECORD, but I know this, that four or five days after I made some remarks on this subject, about two weeks ago, a gentleman employed in the Treasury Department told me that the next day after I had made my remarks the Treasurer of the United States went to the different offices under him and seemed to feel very much incensed because of some criticism that had been made of his department, and asked the heads of the departments to prepare statements, inasmuch as the gentleman from Virginia [Mr. GLASS] was going to make the administration's reply. I trust what the gentleman has said is the administration's reply and that this matter may now be cleared up.

Mr. GLASS. Will the gentleman yield?

Mr. GOOD. Not now. I will yield to the gentleman later.

Now, in regard to Herbert Brown, I do not know what opinion he entertains of me. I do know what I think of him. I do know that I hold Herbert Brown in the highest esteem and regard, as I do also Herbert Wood. They have shown their ability and true worth. Now, let us see just what took place in the office of the Treasurer. When the Committee on Appropriations was considering the legislative, executive, and judicial appropriation bill we found that Mr. Burke, the Treasurer of the United States, had had detailed to his office, in addition to his regular force, 56 men, and that they were running behind day after day. They could not secure a balance of a single account in that great accounting department of the Government.

Mr. GLASS. If the gentleman will permit an interruption there, does not the gentleman know——

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Virginia?

Mr. GOOD. I yield for a question.

Mr. GLASS. I do not want to ask a question. I want to make a statement.

Mr. GOOD. I can not yield for that.

Mr. GLASS. I will put it in the shape of an interrogatory. Does not the gentleman know that the extra force was detailed by the preceding Secretary under an act of this House, incorporated in an appropriation bill, authorizing the Secretary of the Treasury to detail a force at the subtreasuries to come here and work out this new system?

Mr. GOOD. No. I know that that is not the case. A few extra clerks may have been so detached.

Now, if the gentleman will possess his soul in patience for a moment, I will make some explanation of this matter that I think will throw some light upon it.

When the Committee on Appropriations were considering an increase in the force in the Treasurer's department I called the attention of the committee to the fact that they were getting behind with the work in the Treasurer's office every day. We had extended hearings on this matter, and some publicity was given the subject. The result was that Mr. Herbert Brown and Herbert Wood from the Civil Service Commission were detailed to go to the Treasurer's office and show the Treasurer how to run the business of that office.

Mr. GLASS rose.

Mr. GOOD. I will not yield to the gentleman now; not until I make my statement. The gentleman ought not to ask me to yield in the midst of a sentence.

Mr. GLASS. I yielded to the gentleman, and I tried to do it with good grace.

Mr. GOOD. Herbert Brown and Herbert Wood went to the Treasurer's office, and they are there to-day. That office has been practically in the hands of receivers for six months, and the receivers are making a good showing. They have been there for almost six months, running the Treasurer's office. They have discharged since they went there those 56 detailed clerks. They sent 10 men to a reading room—the gentleman from Virginia did not tell it—but the facts are that they sent 10 men to a reading room, where the Government furnishes these high-class and high-paid clerks with magazines and newspapers, and they have said to those men, "You must stay out of the Treasurer's office. We have no need of your services. At any rate, you must keep out of our division."

Herbert Brown and Herbert Wood have been criticized by some of the officials under the Treasurer, and especially by the chief clerk of that department, because they have sent men to the reading room. They have said to Herbert Brown and Herbert Wood that it would create a public scandal if it were known that there were 10 men, high-paid clerks, in the Treasurer's office who are not needed and who have been sent to a reading room to read magazines when it required these men and about 40 additional detailed clerks to run the office as run by Treasurer Burke. Mr. Herbert Brown and Mr. Herbert Wood told them that it would not make any difference how much of a scandal it would create, they proposed to demonstrate how cheaply and how efficiently that office could be run, and under their management—an intelligent management, if you please—they are bringing the accounts down to date. The work will soon be current.

The gentleman from Virginia said I misrepresented the record. Here is the record. Here is an examination, which the Secretary of the Treasury paid several thousand dollars to have made, of the office of the Treasurer of the United States, and what does it show? I read from it:

DISBURSING CLERK, PENSION OFFICE.

This is the largest account both in checks issued and in money totals on the Treasurer's books. This account has never been balanced since the account was taken over February 1 last, except for the last few days in July, when Mr. Taylor assumed the office of disbursing clerk. After struggling with the February account for some months, it was sent to the auditor unbalanced a few weeks ago. So far as we can learn, no such thing was ever heard of before.

Disbursing Clerk Zappone, Department of Agriculture: Last statement rendered was for the month of March.

Disbursing Clerk Johannes, Department of Commerce: Last statement rendered the month of April was received August 21.

Disbursing Clerk Jacobs, Treasury Department: Last statement rendered the month of April was sent August 20.

Disbursing officer for Washington Navy Yard accounts: Last statement received was for the month of March.

Disbursing Clerk Wilson, District of Columbia: Statement for the month of May was received September 4.

Now, we take up the account of the redemption fund of national banks and we find from this report, as I stated some days ago, that the nearest they ever even came to striking a balance after they had been in office for seven months was a discrepancy of over $5,500,000.

That is in this statement. I do not know anything about it, except as stated by this report and Government officials. But when I have spoken upon this subject I have given the source of my information, and I want to say to the gentleman from Virginia that when he reads from the hearings before the Committee on Appropriations, as he has, he should remember that when Mr. Burke came before the committee and questions were asked him, Mr. Baker usually made the answer. He apparently realized that he knew but little about the business of that great office.

Mr. GLASS. The gentleman said that when the United States Treasurer, Mr. Burke, was before his committee and questions were asked him, the answer was given by Mr. Baker, the Republican head of the bureau?

Mr. GOOD. Yes; but wait a moment.

Mr. GLASS. I notice from the record here that when questions were asked, Mr. Burke responded for himself. He said:

This is not our system. We did not put it in. We found it there. It is a condition. It was practically recommended by Congress when they gave the Secretary of the Treasury the power to transfer from the subtreasuries a sufficient number of clerks to do this work.

There is the answer.

Mr. GOOD. Will the gentleman state what page he is reading from?

Mr. GLASS. I am reading from page 950.

Mr. GOOD. The fact is, the hearings will show that we commenced with that office at about page 50 or 75, or something like that, and the examination continued for a couple of months.

The hearings continued for a couple of months, and the gentleman has read from what was testified to by Mr. Burke after he had been drilled several times with regard to this subject, after Herbert Brown and Herbert Wood had established an efficiency system in the Treasury Department, and it really began to dawn upon him something of the magnitude of the work that one in charge of that great department must perform. Herbert Brown and Herbert Wood had demonstrated what a competent head of this department could do.

Mr. GLASS. But it was testified to——

Mr. GOOD. If the gentleman wants to ask a question, I will yield to him.

Mr. GLASS. Was it not testified to some time before the gentleman made his speech here on the floor?

Mr. GOOD. Certainly. I do not say now that Mr. Burke did not answer a single question. Mr. Burke answered a great many questions; but when we delved into the intricate problems of his office he seemed dazed and knew nothing about them, nothing more than the Secretary of the Treasury did when he came down and testified before the committee.

Mr. GLASS. But did not the United States Treasurer put the gentleman from Iowa in possession of the fact that the system under which this confusion and delay were created was a system inaugurated by his Republican predecessor, and did the gentleman state that fact to this House?

Mr. GOOD. No; the gentleman did not put me in possession of that information. I knew it before I knew the present Treasurer of the United States.

Mr. GLASS. Did you state it to the House?

Mr. GOOD. I knew about Executive Order No. 5, and when it was issued, and I stated it to the House. You will find that I criticized the order at the hearings. My criticism of the Treasurer is that he was incompetent to cope with the situation. He did not know how to bring his work current. It was left for Herbert Brown and Herbert Wood to show the Treasurer how to conduct that office. Neither the Treasurer nor the Secretary of the Treasury can claim any credit for the savings effected by the system established by Herbert Brown and Herbert Wood. Without the aid of these gentlemen the Treasurer would still be plodding along in his old way.

Mr. BARKLEY. In view of the fact that this department has been for 16 years in charge of the Republicans, how did it happen that an efficiency system was needed at this late hour?

Mr. GOOD. If the gentleman had been listening to the discussion of this subject, I do not believe he would have asked that question. Executive Order No. 5, promulgated by Mr. MacVeagh early in February, 1913, which provided for bringing into the United States Treasury certain work previously done by the subtreasuries. It did unquestionably throw additional work upon the department, but the order provided for the transfer of sufficient clerks to do the extra work.

Mr. BARKLEY. What did that have to do with the question of efficiency?

Mr. GOOD. The efficiency of the department was not questioned under Republican rule. The department was efficient under MacVeagh. As stated here in the report, the accounting that your Secretary of the Treasury ordered paid for says nothing like this was ever heard of under Republican rule or any previous rule. It all goes to show that the present Secretary of the Treasury and the Treasurer himself were not competent to cope with the great questions confronting them in the administration of those offices.

Mr. BARKLEY. Did not the gentleman state a few moments ago that Brown and Wood were brought there for the purpose of establishing an efficiency system?

Mr. GOOD. Yes; after a Democratic administration had been in power for almost a year.

Mr. BARKLEY. How long?

Mr. GOOD. For pretty near a year.

Mr. BARKLEY. This confusion had been going on as the result of this change made in February, had it not?

Mr. GOOD. No; not as the result of that, because Herbert Brown and Herbert Wood have demonstrated that that could be cleared up in a very short time with a little intelligence and a little system in the office. It should not have taken much understanding of bookkeeping to have rejected the unworkable system installed by Baker, but it was too much for Treasurer Burke. It remained for Herbert Brown and Herbert Wood to make the change. The trouble was that your officials did not know how to run the office, and when Burke first appeared before the committee he still claimed that Baker's plan was all right; and I ask the Members to read this report, which I will put in the RECORD. It will demonstrate that what I have said to you on this subject is abundantly borne out by the facts that were in the possession of Mr. McAdoo. I have tried not to misrepresent a single fact in this case, and I defy gentlemen on the floor of this House or elsewhere to point to a single instance where I have misrepresented a fact in regard to the administration of this office. If Members will read this report that will appear in the RECORD, they will find justification of every statement I have made. Investigate that department, and you will find that the whole question arose because your officials were not capable of taking hold of these great problems and settling them in the right way. You admit it all when you admit that the civil service had to send men to show you how to run that office.

Mr. ANSBERRY. Will the gentleman yield?

Mr. GOOD. In just a moment. The Secretary of the Treasury the other day made a statement that went out through the country, when he was answering the criticism because $80,000,000 of American gold had been sent abroad. By the way, the bill that we are considering carries an item, I forget how much it is; but I am told that the shipment of this gold has cost the Government about $35,000. The Secretary of the Treasury said, "Oh, the $80,000,000 of gold that we sent abroad does not amount to anything. We have an unlimited supply of gold." If he made this statement, and I have not seen the report denied by the Treasurer, he does not know what the facts in the case are, or else he is trying to mislead the American people. The facts are that we have a very limited supply of free gold, and anyone who will read the Treasury statement can not fail to be convinced of that fact. Now I yield to the gentleman from Ohio for a question.

Mr. ANSBERRY. The gentleman is criticizing the Treasurer of the United States and the Secretary of the Treasury. I will ask him if he recalls an instance in which a Secretary of the Treasury from his State of Iowa was involved in a transaction with the National City Bank of New York, in which——

Mr. GOOD. I do not yield for such a question.

Mr. ANSBERRY. Let me finish the question.

2. KEEPING DISBURSING OFFICERS' ACCOUNTS.

The accounts are posted by means of an adding and subtracting typewriter, which automatically shows the balance resulting from every entry and at the same time accumulates totals of debits and credits for use in proving postings. Overdrafts are thus brought to attention at once, whereas formerly, when the accounts were not balanced daily, they were not certain to be revealed until the end of the month.

3. FILING AND ARRANGING CHECKS.

(a) Instead of filing checks in exact numerical arrangement from day to day, the filing section now sorts them into groups of 100 or 200, behind guides with visible tabs, and arranges them in exact numerical sequence at the end of the month. This change has saved the time of about 12 clerks.

(b) The arrangement of pension checks in numerical sequence, which served no purpose, has been discontinued, with a saving of three or four clerks.

4. STATING ACCOUNTS.

The only change thus far made in the stating of accounts is the elimination of the larger part of the pension statement. This change has relieved three or four clerks.

PROPOSED IMPROVEMENTS IN THE METHODS OF THE ACCOUNTING DIVISION.

1. IDENTIFYING CHECKS WITH SCHEDULES.

Checks are now examined on receipt to make sure that they are properly stamped by the remitting bank, so that they can be identified with the bank after having been separated from the schedules on which they are listed. It is proposed instead to puncture the checks and schedules with a special machine in such manner as to identify them with each other. This change will save the time of four or five clerks and expedite the clearance of the checks.

2. KEEPING DISBURSING OFFICERS' ACCOUNTS.

The charges against disbursing officers are now posted from adding-machine lists of the checks on which the account numbers have been entered. It is proposed to post the accounts from the checks themselve and unnumbered lists (to be identified with the checks by the amounts of the items). After the charges have been posted the account numbers will be entered on the tapes from the checks, and will then be compared with the numbers of the accounts to which postings have been made. By this means it is expected to avoid posting to the wrong account.

3. STATING DISBURSING OFFICERS' ACCOUNTS.

During July it is expected to get a number of disbursing officers to prepare and send to the Treasurer a list showing the serial numbers and amounts of checks issued by them. This can be done without additional work by means of an attachment to the typewriter used in writing checks. It is proposed to stamp the date of payment opposite the items on this list and to prove the account by listing the outstanding checks instead of listing those paid, as at present. This plan is expected to reduce the labor of stating accounts and also to make it possible to do a large part of the stating during that part of the month when the work in the other sections of the office is light.

4. KEEPING ACCOUNTS WITH DEPOSITARIES.

Plans are now being perfected for keeping accounts with depositaries which are expected to reduce the work greatly and permit it to be kept current. The important changes proposed include

(a) Requiring banks to remit a daily schedule of certificates of deposit which will serve both as a detailed record of the charges to banks and as a detailed record of uncovered moneys, the number of the warrant, when issued, being entered opposite the description of the certificate. This will eliminate the entry of these certificates individually in two records that are now made without imposing an appreciable burden on the depositaries.

(b) Requiring the depositaries to send to the Treasury daily, with the checks and warrants paid, a notice of the transfer of funds to other depositaries; filing these notices in a check file behind guides with visible tabs; withdrawing them from this file on receipt of the corresponding certificates of deposit; comparing them with the certificates to insure that the funds were not unduly long in transit; and pinning the two together and filing them in a permanent file. Notices of transfer and certificates will be added on receipt to obtain totals for sections of the country and the notices will again be added on withdrawal from the outstanding file. Control totals will thus be obtained which will show the aggregate amount of the notices in each section of the file, and will be proved with the notices periodically. It is hoped that this plan of checking out transfers, which will eliminate the transit accounts from the bank ledgers, will save the time of six or eight bookkeepers now engaged in keeping such accounts.

(c) Transferring the liability accounts from the cash room at Washington to the Division of General Accounts and eliminating the Washington remittance account. This is an account to which are credited receipts at banks and subtreasuries which are subsequently to be taken up by the cash room and credited to liability accounts kept there. When the items are taken up on the Washington transcript, they are charged out of the remittance account. If the liability accounts are transferred to the Division of General Accounts, the receipts mentioned can be credited directly to these accounts and the Washington remittance account dispensed with.

(d) Reducing the "account proper" with depositaries to a statement of the daily totals of—

1. Revenues and repayments received.
2. Funds received by transfer.
3. Checks and warrants paid.
4. Funds transferred.
5. Balance to the credit of the Treasurer.
6. Balance to the credit of postmasters and judicial officers.

These accounts will either be posted daily from abstracts of the Treasurer's account similar to those now received from depositaries or will be required of the depositaries semimonthly, the daily abstracts being dispensed with. In either case the accounts will be balanced with sectional controlling accounts built up from the documents received each day. This plan of keeping the "account proper" will materially reduce the labor now spent on the work, and will also render unnecessary the semiannual interest statement now required of banks, as the interest charges can be taken from the account itself. The balances used in computing the interest can also be verified in totals with less labor than is now spent in proving the footings on the semiannual interest statement.

5. KEEPING GENERAL ACCOUNTS.

It is proposed to establish control over the detail accounts with depositaries and disbursing officers by means of a general ledger kept by double-entry system. This ledger will be so constructed that a trial balance from it will produce the daily cash statement.

OUTLINE OF PROCEDURE FOLLOWED IN CLEARING CHECKS.

The depositaries remitting the checks sort them by disbursing officers, and when there are two or more checks of any disbursing officer except the pension disbursing agent attach to them an adding machine tape on which the amounts of the checks are listed. The total amount of the checks of each disbursing officer is then entered on a schedule with the disbursing officer's number and the serial numbers of the checks. Pension checks are sorted by amounts, listed by serial number only on a separate pension schedule, the total of which is entered on the general schedule and put up in a separate bundle on the outside of which is entered the total amount of the checks inclosed.

On receipt in the accounting division the checks are examined to see that they are properly stamped by the remitting bank. The checks of all disbursing officers, except the pension disbursing agent, are then divided into groups—known as bank groups—comprising all the checks received from one or more banks and including as nearly as possible about 500 checks. Each group is designated by a letter. The corresponding general schedules are similarly grouped and designated by the same letters.

The bundles of pension checks are then separated from the other checks and the pension items on the general schedules are compared with the totals of the pension checks as shown on the outside of the bundles.

The totals of the schedules are then added to get a grand total for each group, and the pension-check items on the schedules are also added.

The checks are then sorted into 31 sections, according to the numbers of the accounts to which they are chargeable. (These numbers are printed on the checks.) Of the 31 sections, 10 comprise one account each, while each of the other 21 comprises a number of accounts. Stop cards are placed between the several sections.

The checks are then added, a total being printed at each stop card. The totals of the sections having a number of accounts each and the totals of the sections having one account each—known as specials—are then separately recapitulated, and the list is turned in to an examiner, who has already received a list of the schedule totals for the group and of the pension items for the group. The examiner adds the totals of the two classes of sections to the totals of the pension items and compares the result with the total of the schedules.

If the figures agree, the group is passed as correct. If the figures do not agree, the totals of the tapes attached to the checks by the banks are added for each section separately and total of each section is compared with the corresponding total obtained by adding the checks individually.

The tape is divided into three parts: (1) The list of the checks in the sections having a number of accounts each; (2) the recapitulation of these sections; and (3) the list of the checks for the "special" accounts with the recapitulation for such accounts. The first part is filed, the second part is marked to show the section number of each item and is held at the examiner's desk, and the third part is handed, with the corresponding checks, to a clerk, who marks the account number on each portion of the list, cuts it up, and assembles the portions pertaining to each account.

This clerk then adds the totals for each account from the various group lists to get a grand total for that account, and proves the grand totals for all the 10 accounts against the sum of the group recapitulations for the "special" accounts.

The checks for each of the "special" accounts are then assembled, sorted by serial numbers to the thousands digit, and searched to detect checks against which stoppages have been placed.

The remaining checks are sent back to the sorting room, where those in each section are handed to a clerk, who sorts them into a file box containing a guide card for each account in the section. The checks are left extending beyond the guides at the right-hand end to show that the sorting has not been verified. To verify sorting, the sorter compares the signatures on the checks with an autograph signature of the disbursing officer which has been pasted on the guide card.

The checks are then returned to the adding-machine room, where the bank tapes and the checks without tapes are added to get the total for each disbursing officer, and these totals are recapitulated to a grand total for the section.

In the meantime the bank-group recapitulations of the sections having a number of accounts each have been combined so as to get a total for section 1, a total for section 2, etc. These totals are compared with the totals of the checks in the corresponding sections.

If the totals agree, the tape is approved by the examiner; if they do not agree, the checks are remoded individually. When the list for any section has been approved, the totals for the accounts in that section are marked with the account numbers and the tapes are sent to the bookkeepers to be posted to the disbursing officers' accounts.

The checks are then examined in order to detect any the payment of which has been ordered to be stopped. They are next stripped of the banks' tapes (see par. —) and sent to the canceling machine to be stamped with the date of payment. They then go to the file clerks.

Pension checks are proved to the accompanying pension schedules by counting those of each amount and multiplying by the amount, and by listing on the adding machine those of miscellaneous amounts. The totals for the several banks are then added and proved to the total for each bank group derived from the pension items on the general schedules. The bank number and the total amount of the pension checks from each bank are then entered on a statement which goes with the checks to the auditor each day after the checks have been canceled. When checks are received without pension statements they are stated by number and amount in the Accounting Division before being sent to the auditor.

The posting to the disbursing officer's accounts is done by means of typewriter adding machines that will add to the old balance the credits, subtract the debits, and show the new balance, and will at the same time accumulate totals of the debits and credits. Each box is posted as a unit, and the total of the debits is compared when the posting is completed with the total reached by the adding-machine operator. The correctness of the postings is then assured. Twice or three times a month the balances of the accounts are proved by adding to the balances at the end of the preceding proof period all the credits since that time, subtracting all the debits since that time, and checking the result with the final balance.

In the file room the checks are sorted behind guides showing the account numbers, and under each account number groups of 200 serial numbers. At the end of the month the checks of each disbursing officer are sorted into exact numerical sequence and sent to the stating section, where statements of account are prepared, which show in detail checks cleared during the month and the amounts placed to the disbursing officer's credit.

Clerks returned to the offices from which they had been detailed.

Name.	Salary.	Date.	Office.
		1914.	
Hoffman, J. H.	$1,200	Feb. 11	Auditor Treasury Department.
Burns, H. W.	1,200	Mar. 17	Auditor Interior Department.
Lerner, M. L.	1,400	do	Commissioner Internal Revenue.
Hardman, Lyman	1,200	Mar. 20	Auditor War Department.
Farrar, C. C.	1,600	Mar. 28	Do.
Washington, E. W.	1,400	Apr. 2	Do.
Keeler, E. H.	1,000	Apr. 7	Do.
McNulty, F. H.	1,200	do	Do.
Bibb, J. C.	1,200	Apr. 9	Auditor Navy Department.
Wood, R. H.	1,400	Apr. 16	Auditor War Department
Cleveland, C. E.	1,000	Apr. 25	Auditor State Department.
Dunlap, Charles	1,600	do	Commissioner Internal Revenue.
Guyton, E. E.	1,400	do	Director of Mint.
Hamilton, J. R.	1,000	do	Auditor Navy Department.
Harlan, P. J.	1,200	do	Office of Recorder.
Baxter, U. H.	1,200	do	Auditor War Department.
Price, W. K.	1,000	do	Auditor State Department.
Howes, J. D.	1,800	do	Auditor War Department.
Somerville, J. A.	1,200	do	Bookkeeping and Warrants.
Ross, J. W.	1,200	May 7	Auditor War Department.
Garth, K. C.	1,400	May 11	Auditor Interior Department.
Stanford, W. J.	1,000	do	Do.
Rudy, J. T.	1,400	May 18	Auditor War Department.
MacLennan, C.	1,000	May 20	Do.
Adkins, M. T.	1,800	May 23	Auditor Post Office Department.
Branson, W. S.	100	June 1	Auditor State Department.
Means, H. V.	780	do	Bureau Engraving and Printing.
Relyea, Grace	1,200	do	Auditor War Department.
Total (25)	36,080		

Clerks separated from the service.

Name.	Salary.	Date.	Cause of separation.
		1914.	
Maddox, C. E.	$1,200	Feb. 14	Death.
Bonzal, R. M.	1,200	May 15	Do.
Total (2)	2,400		

Clerks detailed to other offices.

Name.	Salary.	Date.	Office.
		1914.	
Faunt Le Roy, Mrs.	$900	May 21	Auditor Interior Department.
Green, T. H.	1,800	do	Do.
Taylor, Grace M.	1,000	do	Do.
Robertson, M. C.	1,000	May 29	Do.
Solan, Katherine	900	do	Do.
Howe, John T.	1,000		Shipping room.
Total (6)	6,600		

Clerks unemployed, awaiting assignment to other work.

	Salary.
Annie M. Cocks	$1,400
Mrs. M. J. Durfee	700
Eliza I. Geiser	1,200
Willey O. Jones[1]	1,800
Emily P. Johnston	900
Mary Agnes Kelly	900
G. E. Parker[1]	900
Cora E. Sauter	900
J. G. Sim[1]	1,200
Mrs. Amelia M. Simons	900
Esther A. Wells	800
Total (11)	11,600

Exchanged with other offices.

From—		To—	
Name.	Salary.	Name.	Salary.
Posner, Lillian A.	$1,100	Jameson, Helen W.	$900
Buchanan, J. W.	1,200	Goodrich, Eva C.	700
Chisholm, J. L. B.	900	Krause, B. A.	700
Dorsey, Frank J.	1,400	Warren, Leon	700
Kelly, Martin J.	1,400	Jennings, H. R.	1,200
Tompkins, R. W.	1,200	Parker, Grace B.	900
Total (6)	7,300	Total (6)	4,100
Saving	2,200		

[1] Detailed to the office of the Auditor for the Interior Department June 18, 1914.

Salary of clerks appointed.

J. L. B. Chisholm	$900
H. L. Church	900
Mrs. E. de G. Robb	900
A. Allen Gray (detailed to the office of the Auditor for the Interior Department June 18, 1914)	900
Oswald N. Todd	900
Total (5)	4,500

Salary of clerks employed temporarily to assist in installing new system.

Sadie Killeen	$1,200
Mrs. Neff	900
Total (2)	2,100

Clerks employed in sections of Accounting Division not yet taken up by Division of Efficiency.

	June 15.	About Feb. 1.
Bookkeeping section	12	7
Warrant section (including Mr. Baker's office)	58	33
Total	70	40
Increase	10	

MR. BAKER'S STATEMENT OF PERSONNEL AND PROCEDURE OF THE ACCOUNTING DIVISION ABOUT FEBRUARY 1, 1914.

The Accounting Division is composed of the following sections: Warrants, bookkeeping, examining, proving, sorting, and stating.

The warrant section receives and registers all Treasury accountable and settlement warrants and clears the registers when the warrants are returned paid. There are seven clerks employed in this section, including the clerk in charge and a messenger.

The bookkeeping section keeps the accounts with the subtreasuries, mints, and assay offices, depositary banks, and disbursing officers; keeps the registers of receipt warrants and journal of covered and uncovered moneys; and prepares the daily cash statement. There are 43 employees in this section, including the clerk in charge and one messenger; 31 of these are engaged in keeping books, 3 in preparing the daily cash statement, and 7 on miscellaneous work, such as correspondence, typewriting, filing, etc.

The examining section receives and examines the schedules and paid warrants and checks sent in by subtreasuries and depositary banks; keeps the registers of symbol numbers assigned to disbursing officers; handles powers of attorneys and authorities to indorse; and has charge of the key punching, tabulating, and sorting machines. This section has 47 clerks: 14 of these are engaged in handling correspondence, incoming and outgoing mail, and filing schedules; 2 in examining schedules, warrants, and checks received, and 12 in operating key and gang punching, tabulating, and sorting machines.

The proving section has 24 clerks, 8 of whom are engaged in sorting and canceling checks, and 16 on adding machines verifying the schedules.

There are 26 clerks in the sorting section, including the clerk in charge and a messenger: 3 of these are employed in handling correspondence in connection with requests for stoppages of payment, and 21 are engaged in sorting checks and arranging them in numerical sequence.

The stating section prepares monthly statements of accounts for disbursing officers and others. There are 37 clerks in this section, 12 of whom are engaged in handling correspondence and auditors statements to disbursing officers and auditors and adjusting differences. There are 4 typewriters and 21 adding-machine operators engaged in making up the statements.

The general procedure is as follows:

The schedules are received from the subtreasuries and banks by the examining section; the mail is opened, and the schedules listed for use in the preparation of the daily cash statement. The schedules and checks are then distributed among the examiners, who make an inspection of the schedules to see that they are properly prepared, and examine the checks to see that they are grouped by disbursing officers who drew them, are signed, and are indorsed by the bank that cashed them. A special examination is made of indorsements on pension checks.

The schedules are then passed to the proving section, where the checks are run through adding machines for the purpose of verifying the checks to the several disbursing officers whose names appear on the schedules.

After this work has been completed the checks are sent to the sorters for assembling by disbursing officers and the schedules are passed on to the key punchers. After the checks have been assembled by disbursing officers they are sent to the sorting section to be arranged in numerical sequence by issuing offices. The key punchers punch a card for each disbursing officer whose name appears on the schedules and a card for the total amount of the payments reported on each schedule. The cards are then gang punched and passed through the tabulating machines for the purpose of verifying the cards with the schedules, after which the cards are sorted by disbursing officers and the total amount of each officer's cards obtained.

These totals are then entered on journal vouchers which are sent to the bookkeepers for posting to the individual disbursing officer's accounts. The cards which represent the amounts paid by the several banks are sent to the bookkeeper who keeps the accounts with the depositaries.

At the end of each month the personal bookkeeper makes up memorandum statements, which are sent to the stating section, where statements of accounts are prepared in triplicate, one copy of which is sent to the disbursing officer, one copy to the auditor, and one copy retained.

All subtreasuries render daily transcripts, while depositary banks render transcripts four times each month. The receipt of these transcripts they are examined, after which they are passed to the bookkeepers, who keep the accounts with the subtreasuries and depositary banks.

is a serious side to this discussion.

may have enjoyed the privilege of rising on one of those cut-

Treasury gave as his only excuse for not issuing the order

objection?

Mr. GOOD. Mr. Chairman, reserving the right to object, I want to ask the gentleman the date of that report?

Mr. GLASS. This report is dated May 27, 1914.

Mr. GOOD. By whom is it signed?

Mr. GLASS. It is the report of Mr. Brown, because Mr. Brown handed me the report and told me it was his report.

Mr. GOOD. Did I understand the gentleman to say he is going to print in the RECORD the report of Harvey S. Chase, to which I referred awhile ago?

Mr. GLASS. No; I have not Mr. Chase's report; but if the gentleman has the report of Mr. Chase, it relates to the administration of the accounting department under a system inaugurated by a Republican administration, and administration by a Republican chief and his clerks.

The CHAIRMAN. Is there objection to inserting the document referred to? [After a pause.] The Chair hears none.

Mr. GLASS. This report will show, upon a recapitulation of economies set forth in detail, that the Secretary of the Treasury has saved $941,272 to the taxpayers of this country by his administration of that office. [Applause on the Democratic side.]

In the course of the discussion the other day the gentleman from Wyoming [Mr. MONDELL] undertook to flout the economies of this administration by suggesting that he had failed to find out from the Treasury Department something of the extravagant expenses incurred by the Federal reserve organization committee in going around the country seeking information relating to the new banking and currency system. It was suggested that the gentleman from Wyoming could not get the information because the committee was afraid to reveal its extravagant expenditures. Mr. Chairman, I can supply the information. If the organization committee had expended every dollar put at its disposal, the sum would have been only $100,000. But the committee has not expended half of that amount. The expenses of these gentlemen were only $7,575.98, going from one end of the country to the other in an exhaustive effort to ascertain essential facts on which to base their action in inaugurating the greatest revolution in the banking system in this country that has been made since the foundation of the Republic. [Applause on the Democratic side.] Seven thousand five hundred dollars covers the personal expenses and $1,856 the expenses of the stenographic force.

There is now to the credit of the fund $65,000. Talk about extravagance! I ask the gentleman from Iowa [Mr. GOOD], as I would ask the gentleman from Wyoming [Mr. MONDELL] were he here, to contrast that expenditure of a little more than $9,000 with the expenditure of your monetary commission on its junket over the face of the earth of $287,000. [Applause on the Democratic side.] Two hundred and eighty-seven thousand dollars for the assembling of a library to which few persons will ever resort; for the translation of works that might have been bought for a farthing in a London book store, and for many other things that were useless. And with what result? What did we get for our $287,000? Merely a bill that proposed to turn the entire banking business of America over to "the system" which we were endeavoring to destroy. Yet gentlemen on the other side have the audacity to charge the Democratic administration of the Treasury Department with extravagant expenditures. [Loud applause on the Democratic side.]

There has been no extravagance under Secretary McAdoo's régime. There have been inaugurated great economies. The report of the experts which I shall presently file will demonstrate this in detail.

Furthermore, it may be asserted, the present Secretary of the Treasury has saved the country $1,387,933.70 in interest charges alone, and $267,844.51 of this amount is interest derived on Government loans to banks throughout the country engaged in helping American farmers move their crops. Theretofore the banks borrowed crop-moving funds from Wall Street, and Wall Street borrowed from the Federal Treasury without interest. Last year depositary banks paid the Treasury nearly one million and a half dollars in interest, and the Federal Treasury helped to "move the crops" at a profit of $267,000 on the people's money in its vaults.

The CHAIRMAN (Mr. CANDLER of Mississippi). The time of the gentleman has expired.

Mr. GLASS. Mr. Chairman, I now desire to insert in the RECORD the following summary of places abolished in the Treasury Department, as taken from the report handed me by Mr. Brown:

Summary of places abolished.

Appointment Division, 1 clerkship	$1,200
Auditor for Interior Department, 6 clerkships	14,420
Auditor for Post Office Department, 25 clerkships	28,320
Auditor for the State and Other Departments, 5 clerkships	5,200
Auditor for War Department, 18 positions	$16,460
Bookkeeping and Warrants Division, clerk hire	700
Disbursing clerk, 1 clerkship	1,000
Customs Division have made a reduction of 649 employees payable out of a lump-sum appropriation, reduction amounting to	481,000
Treasurer of the United States, 2 clerkships	2,600

I also desire to insert the report in full, together with a memorandum of economies effected in the department:

EXHIBIT A.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 27, 1914.

MEMORANDUM OF ECONOMIES EFFECTED IN THE TREASURY DEPARTMENT SINCE MARCH 4, 1913.

A recapitulation of the economies set forth in detail in the attached memorandum shows a net saving of $941,272.

In addition to the above savings, by an order of the department of April 30, 1912, depositary banks were required to pay, on and after June 1, 1913, interest at the rate of 2 per cent per annum on all Government deposits. Including interest already paid and interest due to date, the amount of income derived under this order on deposits other than for crop-moving purposes amounts to approximately $1,120,089.19; interest on special deposits for crop-moving purposes also amounts to $267,844.51, making a total net income of approximately $1,387,933.70 realized as a direct result of the order above referred to.

Improvement work is continually going on in the department, and it is necessary, if it is to be continued, that the Secretary have, as heretofore, a contingent fund at his disposal for this purpose, in order that prompt and effective results may be obtained.

ASSISTANT SECRETARY IN CHARGE OF PUBLIC BUILDINGS.

Sites for public buildings, 1913 bill: Congress appropriated $30,000 for salaries and expenses of site agents to inspect 300 sites. All the sites have been inspected at a cost of $20,000, effecting a saving of $10,000.

Of the 300 sites inspected, about 30 have been accepted, on which $85,000 has been saved by the Assistant Secretary's negotiations with the vendors after negotiation and final recommendation by site agents.

Total saving to date on sites, $95,000.

APPOINTMENT DIVISION.

Abolished one clerkship at $1,200 per year.

AUDITOR FOR THE INTERIOR DEPARTMENT.

Installed mechanical devices to audit pension accounts, without which 30 more clerks would have been required.

Cooperated with Treasurer's Office, which resulted in a material saving in clerical force.

Auditor instrumental in establishing administrative examination of accounts in Pension Office, resulting in a saving of many clerks in Pension Office.

AUDITOR FOR THE NAVY DEPARTMENT.

Reduced size of records, which saved large amount for printing and economized filing space.

Auditor dispensed with private secretary.

AUDITOR FOR THE POST OFFICE DEPARTMENT.

Changed method of accounting for deposits of surplus money-order funds	$7,640
Saving in rent	8,200
Changes pertaining to money-order transfers	800
Omitted punching of symbols by gang punchers	7,000
Changed method of auditing issued international money orders	5,000
Changed method of settling postmasters' accounts	25,247
Changes in examination of money-order statements	25,300
Total	74,187

AUDITOR FOR THE TREASURY DEPARTMENT.

No specific economies. Taking care of increased volume of work without increase in force.

AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Saving in clerk hire (5 clerks), $5,200.

AUDITOR FOR THE WAR DEPARTMENT.

Saving in clerk hire (12 clerks, 1 messenger), $16,460.

BOOKKEEPING AND WARRANTS.

Saving in clerk hire, $700.

BUREAU OF ENGRAVING AND PRINTING.

Use of power presses	$90,000
Use of motor trucks instead of horse-drawn vehicles	5,000
Reorganization of office of custodian of dies, rolls, and plates	3,000
Improved method of drying plate printed impressions	5,000
Total	103,000

CHIEF CLERK AND SUPERINTENDENT.

Contingent expenses for horses and wagons	$5,500
Rent	40,650
Total	46,150

Photostat has saved thousands of dollars in clerk hire.

COMPTROLLER OF THE CURRENCY.

No specific economies. Volume of work increased without increase in force.

COMPTROLLER OF THE TREASURY.

No specific economies. Volume of work increased without increase in force.

CUSTOMS DIVISION.

By a reorganization of the Customs Service an actual reduction in expenditures will be realized during the fiscal year of $481,000.

The force employed in the Customs Service has been reduced from 7,998 to 7,249 employees, a reduction of 649. At the same time the

customs receipts for the year will be between $15,000,000 and $20,000,000 in excess of the amount estimated.

DISBURSING CLERK.

Saving in clerk hire, $1,000.

INTERNAL-REVENUE BUREAU.

No specific economies. Income tax has increased expenditures.

LIFE-SAVING SERVICE.

No specific economies.

LOANS AND CURRENCY.

Numerous instances of bettered methods, without any specific economies.

MAIL AND FILES.

No specific economies.

MINT BUREAU.

Appropriations have been reduced by approximately $75,000.

PRINTING AND STATIONERY.

No specific economies.

PUBLIC-HEALTH SERVICE.

No specific economies

PUBLIC MONEYS.

By reason of the regulation issued by the Secretary of the Treasury on the 20th of April, 1913, to the effect that interest would be charged on all public moneys with depositary banks, the Government will have, up to and including June 30, 1914, collected interest in an amount approximating $1,400,000

REGISTER OF THE TREASURY.

Discontinued Division of Notes, Coupons, and Currency. Saving in salaries, $18,400. (Clerks are detailed to other offices.)

REVENUE-CUTTER SERVICE.

No specific economies. Improvement at service depot at Arundel Cove resulting in savings in repairs to vessels.

Some economies effected in the systematization of purchasing supplies.

SECRET SERVICE.

No specific economies.

SPECIAL AGENTS' DIVISION.

Saving from vacancies in the force on salary roll, $9,375. (Since March 4, 1913.)

Unexpended balance of appropriation for detection and prevention of frauds will be somewhat in excess of such balances for former years.

SUPERVISING ARCHITECT.

Changes in method of supplying electric current to public buildings, $23,000.

TREASURER OF THE UNITED STATES.

Improved methods without specific economies.

EXHIBIT B.

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., June 17, 1914.

MEMORANDUM FOR ASSISTANT SECRETARY HAMLIN REGARDING THE WORK OF THE EFFICIENCY DIVISION OF THE CIVIL SERVICE COMMISSION IN THE TREASURER'S OFFICE.

Since the Division of Efficiency began its investigation of the Accounting Division of the Treasurer's Office the force employed on those parts of the work in which methods recommended by the Efficiency Division have been adopted has been reduced by 50 clerks, or 35 per cent, as shown by the following comparison of the number of persons employed on June 15 with the number employed about February 1, according to Mr. Baker's statement appended hereto:

Number of employees June 15, 1914.

CLEARING CHECKS.

Correspondence and miscellaneous	8
Opening mail	4
Examining bank stamps (three of these clerks were detailed to the office of the Auditor for the Interior Department June 18)	6
Sorting checks and examining signatures	12
Proving general schedules and adding checks by disbursing officers	19
Proving pension schedules and preparing summary	4
Canceling checks	1
Handling stoppages (one of these clerks was detailed to the office of the Auditor for the Interior Department June 18)	4
Total for clearing checks	58
Keeping disbursing officers' accounts	6
Filing checks and arranging them in numerical order	4
Stating disbursing officers' accounts	27
Total	94

Number of employees about February 1, 1914.

CLEARING CHECKS.

Correspondence and miscellaneous (including opening mail)	14
Examining checks and schedules	21
Proving schedules	19
Ascertaining charges against disbursing officers (punch-card system)	12
Sorting checks	3
Canceling checks	2
Handling stoppages	8
Total for clearing checks	74
Keeping disbursing officers' accounts	10
Filing checks in numerical order	22
Stating disbursing officers' accounts	37
Total	144

The difference is accounted for as follows:

	Number of employees.	Salaries.
REDUCTIONS IN SALARY ROLL.		
Returned to the offices from which they had been detailed	20	$36,000
Segregated from the service	3	2,400
Detailed to other offices	6	6,400
Assigned to other sections of the Accounting Division to assist in bringing their work up to date	10	[1] 12,000
Unemployed, awaiting assignment to other work [2]	11	11,000
Exchanged with other offices (without increase or reduction of force)		2,200
Total reductions	57	70,700
ADDITIONS TO SALARY ROLL.		
Appointed	5	4,680
Promoted		2,100
Employed temporarily to assist in installing new system	2	2,100
Total increase	7	8,780
Net reduction	50	62,000

[1] Estimated.

[2] Three of these clerks were detailed to the office of the Auditor for the Interior Department June 18.

Twenty clerks were relieved from duty before April 30, while the Efficiency Division was conducting experiments; the remainder have been relieved since the new system was installed on May 1.

In addition to the reduction in cost there has been much improvement in the accuracy and promptness with which checks are cleared and posted. When the Efficiency Division began its work the checks were cleared, as an average, about five days after they were received. Checks from subtreasuries are now cleared on the day of receipt, and checks from banks either on the day of receipt or on the next day. If, as is hoped, the inspection of bank stamps can be eliminated, it will be possible to clear each day all checks received up to 11 o'clock, which means a large majority of all the receipts.

Errors in the total of charges and credits, which were formerly not infrequent, have been eliminated. Checks are still charged to the wrong account, but changes now being made will practically eliminate such errors.

The foregoing results, so far as they may be credited to the Division of Efficiency, have been accomplished with an expenditure of $4,712 from the appropriation for the Division of Efficiency and $3,595.75 from the Secretary of the Treasury's contingent fund, a total of $8,307.75.

In the near future it is hoped to discontinue the examination of bank stamps, which requires the services of six clerks; to reduce by three or four clerks the force engaged in sorting checks and handling stoppages; and to reduce by about one-third the force engaged in stating disbursing officers' accounts, keeping depositary accounts, handling Treasury warrants, and registering daily abstracts of the Treasurer's account with banks.

From the foregoing statements it is clear that the 99 additional clerks requested for the Accounting Division in the Treasurer's estimates for 1915 are not needed, and it is suggested that the tentative withdrawal of the estimate for these clerks be confirmed. In preparing the estimates for 1916 it will be possible to eliminate a considerable number of positions now provided for.

Appended are (1) a statement of the more important changes that have contributed to the reduction of force; (2) a statement of further important changes proposed; (3) an outline of the present procedure; (4) a list of the clerks relieved from duty in the Accounting Division since February 1, with their salaries; and (5) Mr. Baker's statement of the personnel of the Accounting Division about February 1.

Respectfully,

HERBERT D. BROWN,
Chief, Division of Efficiency.

Approved:

JOHN A. MCILHENNY,
President Civil Service Commission.

IMPORTANT IMPROVEMENTS EFFECTED IN THE WORK OF THE ACCOUNTING DIVISION.

1. CLEARING CHECKS.

(a) The examination of drawer's signature has been deferred until the checks are assembled by disbursing officers, thus facilitating the detection of irregularities and at the same time verifying the accuracy of sorting and thereby insuring that the charges against disbursing officers are correctly ascertained. (See next paragraph.)

(b) Charges against disbursing officers, which were formerly obtained by punching cards from the entries on the schedules, are now obtained by adding the checks after they have been sorted by disbursing officers. In order to reduce the number of items to be added, the totals of the tapes attached by the banks to the checks of each disbursing officer are used instead of the amounts of the individual checks.

(c) The bank schedules, instead of being proved individually with the totals of the accompanying checks, are proved in runs of about 500 checks. The checks in each run are sorted into sections by disbursing officers' numbers before being added, and a total is made for each section. Combining corresponding section totals for the various runs produces control totals, to which the charges against disbursing officers are proved.

(d) The serial numbers of checks against which stoppages have been placed are entered on the guide cards, and the checks are examined for stoppages before payment is effected. Formerly checks against which stoppages had been placed were not detected until after they had been paid.

ters and to go from one place to another on them to perform properly imperative official duties? Is it wise or safe for anyone to take as a proper characterization of the purpose of such journeys the statements that may be made about them in the public prints?

Mr. BURKE of South Dakota. If the gentleman will permit me, what he has just said might be considered as an inquiry to me, inasmuch as I propounded the question that the gentleman is answering. I want to say to him that I am quite in accordance with what he says. I have too high a regard for this official to believe that this can be true; but I thought perhaps the gentleman was in possession of the facts, and that he could answer the charge of the gentleman from Iowa [Mr. GOOD].

Mr. FITZGERALD. I am in possession of no facts which would justify me in the belief that any Democratic official in this administration is guilty in the slightest degree of the violation of any law. [Applause on the Democratic side.]

I have not hesitated when I have had information that I have believed was reliable about officials overstepping the limits of their authority to discharge my public duty as a Representative by free criticism of them. In this case I have no information that would justify such action. It seems to me from my knowledge of the extent of the functions of the Treasury Department, of the multitudinous duties imposed upon the department by law, of the necessity of high officials keeping somewhat close scrutiny of those under them, that it is not only likely but quite probable that it has been essential for the Secretary of the Treasury and some of his assistants at various times to travel on revenue cutters in the performance of their duties.

Mr. GOOD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GOOD. Will the gentleman name some of the duties that might devolve on the Secretary of the Treasury which would cause him to use a revenue cutter leaving New York Harbor with the American flag flying, and immediately after it was outside of the harbor the Secretary ordering the flag to be pulled down, and its remaining down until they reached the port in Massachusetts where his summer home is—can the gentleman tell us what public duties would cause such an act as that?

Mr. FITZGERALD. I would have to suppose that that happened.

Mr. GOOD. Well, the gentleman can suppose that it did happen.

Mr. FITZGERALD. Of course I can suppose it, but it would be quite an effort to do so. I live in a seaport town and I am somewhat familiar with maritime matters. My recollection is that the flag is raised on vessels while they are in port and is lowered when the port is left. I am not familiar with the regulations, but that is my recollection. However, I shall venture this assertion, that the Secretary of the Treasury, while on a revenue cutter, never suggested any action relative to the flag, or knew or had any knowledge of the raising or lowering of the flag, unless it was called to his attention or he noticed it by accident.

From what source could the information come that the Secretary of the Treasury had boarded a revenue cutter in New York, proceeded outside, and then ordered the flag lowered, kept it lowered, and traversed the sea incognito until he arrived at a port in New England where his summer home was located? I suppose that I shall be asked to assume that he then had a thunderous volley sounded to attract the attention of all the expectant summer residents, had the flag raised, and some sort of an aerial message sent that the Secretary of the Treasury had arrived and was awaiting the assemblage of the community to do him homage. If anyone suspects that there is any foundation in fact for these charges, I shall claim residence in Missouri, and I demand to be shown. I think it is one of the same idle, visionary conjectures that gentlemen on that side of the House are continually having. I am really surprised that there can be so little substance to what seemed to be such a serious charge when made.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. HUMPHREY of Washington. I want to ask the gentleman a question. Assuming it is true——

Mr. FITZGERALD. Why assume anything; why not proceed to discuss facts; why assume that everything is wrong and that another Jeremiah must revisit the earth to recite the woes of mankind?

Mr. HUMPHREY of Washington. When I am dealing with the Democratic Party I am not far wrong in my assumption that nothing is right. I want to ask the gentleman—now there is a serious side to this discussion.

Mr. FITZGERALD. I understand that; too serious to have charges of this character made unless based on the most accurate and substantial information.

Mr. HUMPHREY of Washington. I was going to ask the gentleman if it was true, assuming that the Secretary of the Treasury has used this vessel for his private purpose for pleasure, is it a violation of the statute?

Mr. FITZGERALD. The statute provides that these vessels shall be used for public purposes only, and not for private purposes. Let me give the gentleman an illustration, to show how ridiculous such charges may be. At the time of the last international yacht race I watched the races from a revenue cutter.

Mr. MONTAGUE. Under what administration was that?

Mr. FITZGERALD. I do not remember; but it was a Republican administration. The revenue cutter under the law was detailed for the purpose of policing the course of the international yacht race. It was there on public business. Under no stretch of the imagination could it be said, although I was a Representative in Congress, that I was on board on official duty or for any official purpose. I was there because I desired to see the yacht race. I was permitted to go by the gracious attitude of a Republican Secretary of the Treasury after considerable persuasion. Could it be said that the law was violated by permitting the revenue cutter to be used for private purposes to enable me and some more distinguished gentlemen to observe the race while the boat was there in the performance of the duties imposed upon the Revenue-Cutter Service by law? Can it be said that if a revenue cutter goes from the port of New York to the port of Boston for the purpose of having discharged some of the service imposed upon the department by law, that the fact that the Secretary of the Treasury, who is charged with responsibility for the service, is on board make use of the cutter a use for private purposes? Assume that if on the way from one place to another it should happen to stop and let him off at some place where he might happen to desire to stay temporarily, would the fact that he got off, instead of remaining aboard and traveling past where he desired to get off, change the character of the purpose of this trip?

Mr. Chairman, it shows how easily ridiculous charges can be made to appear of great importance. I do not expect from Democratic officials a less regard for the law than from Republicans, and I know that it would be very difficult for them to have less regard for the law than some Republicans I have known.

So far as my observation goes this administration has been as careful in the observation of the law and has lived up to the obligations of the law as far as it is possible to expect mere human beings to do, and not even the most enthusiastic of us among the friends of the administration make any pretensions that this administration is guided by angelic hands. The Democratic officials are just mere men, with a keen, earnest, and patriotic desire to further to the best of their ability, unselfishly and disinterestedly, the best interests of all of the people of the United States. [Applause.]

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from New York has three minutes remaining.

Mr. SISSON. Mr. Chairman, I desire to be recognized now in my own right.

The CHAIRMAN. Does the gentleman from New York reserve the balance of his time?

Mr. FITZGERALD. I will reserve the balance of my time.

The CHAIRMAN. The gentleman from Mississippi is recognized for one hour.

Mr. SISSON. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. GLASS.]

Mr. GLASS. Mr. Chairman, I imagine that it would be much more conducive to a reputation for amiability to sit placidly, as we have been prone to do on this side, and listen, without protest, to bitter assaults upon Democratic public officials; but at the risk of accentuating a reputation for pugnacity, which I am sure I do not deserve or like, I shall venture to respond briefly to the observations made by the gentleman from Iowa [Mr. GOOD]. That gentleman began by expressing a disrelish for criticism of public officials, but I shall have to become vastly more credulous than ever I hope to be to attach a great deal of sincerity to that disclaimer, in view of the gentleman's violent assaults on the officials of this administration.

I have no information touching the episode which he made the subject of his remarks just now. I think the distinguished gentleman from New York [Mr. FITZGERALD] has responded in an appropriate way to that. I do happen to know, however, that the Revenue-Cutter Service under this administration has never been put to any expense on account of any individual who may have enjoyed the privilege of riding on one of those cut-

ters. Indeed, unless I am very much mistaken, the Secretary of the Treasury himself, when he ventures to ride upon a revenue cutter, when not in strict line of duty, defrays out of his own purse all of the expenses incident to such a trip.

But, Mr. Chairman, I have serious misgiving about the accuracy of anything that the gentleman from Iowa may say about the Secretary of the Treasury or about the Treasury Department under the existing administration, because a few days ago I sat here and heard that gentleman make one of the most remarkable assaults upon the present administration of the Treasury Department that ever I have heard made upon any department. I marveled that a Member of this House with any sort of regard for his representative responsibilities and his intellectual integrity could have so far misrepresented the facts involved in the incident that the gentleman from Iowa discussed.

The gentleman made it appear that the confusion and delay in the accounting department of the Treasury were due to the maladministration of a Democratic Secretary of the Treasury and a Democratic United States Treasurer. I assert that the gentleman from Iowa knew absolutely to the contrary.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. GOOD. Will the gentleman permit me to insert in the RECORD a report made by an accountant hired by the Secretary of the Treasury that was made to the Secretary of the Treasury last September, that proves every word that I said and much more. It is the worst indictment——

Mr. GLASS. Mr. Chairman, I will save the gentleman that trouble. I have the report here, and I am going to insert it in the RECORD in extension of my remarks. [Applause on the Democratic side.] The report shows that not one word of truth attaches to the assault made by the gentleman upon the Secretary of the Treasury.

Mr. GOOD. On the contrary——

Mr. GLASS. Mr. Chairman, I will not be further interrupted.

Mr. GOOD. I will say that I did not state one-half the truth.

Mr. GLASS. The gentleman from Iowa called attention to the fact that the accounting department of the United States Treasury was amazingly delayed in its operations and expressed the belief that if Members of this House could know what confusion existed there and what delay, they would "hold up their hands in holy horror."

The plain implication of the gentleman was—in fact, the gentleman's statement was—that this confusion and delay were occasioned by an incompetent United States Treasurer. The gentleman knew very well that the confusion created and the delay were consequent upon a system inaugurated by the preceding Secretary of the Treasury, Mr. MacVeagh. He also knew that the system had been administered by the Republican head of the accounting bureau and by the Republican clerks who were there when the present Secretary of the Treasury took office. [Applause on Democratic side.] I say that the gentleman knew these facts, because——

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. GLASS. Yes.

Mr. GOOD. The gentleman knows that Executive Order No. 5, about which he is speaking, went into effect just about three weeks before the outgoing Republican administration relinquished that office. Is not that true?

Mr. GLASS. Yes; I am perfectly familiar with all of the details of Executive Order No. 5.

Mr. GOOD. And it was put in operation at about that time?

Mr. GLASS. Executive Order No. 5, constituting one of the most extraordinary performances ever known under any administration, revolutionizing the entire accounting system of the United States Treasury Department, was issued on the 1st of February, 1913, a little more than one month before the expiration of the term of office of the preceding administration. It was put in operation under the supervision of two successive Republican Treasurers, as I recall. It was charged at the time that the order was issued for the express purpose of embarrassing the incoming administration.

I declined to ascribe any such purpose to the distinguished Republican Secretary of the Treasury, and I declined to enter upon a committee investigation because my own personal inquiry convinced me that the order was not issued with any such purpose. There was a question of propriety involved, a very serious question of propriety: That a Secretary of the Treasury on the very eve of his outgoing should be willing to embarrass his successor by issuing an order that involved a revolutionary procedure in the accounting department of the Treasury; but beyond the question of propriety there was no question of right involved. The law had been on the statute books since 1906; and, as I said the other day, the Republican Secretary of the Treasury gave as his only excuse for not issuing the order nearly four years theretofore his ignorance of the fact that the statute was in existence, albeit the law was enacted upon the initiative of former Senator Aldrich, with the avowed purpose of improving the accounting system of the United States Treasury.

The gentleman from Iowa, as he now confesses, was familiar with this order; therefore he knew that the confusion and delay in the Accounting Bureau of the Treasury were directly due to the extraordinary order issued by a Republican Secretary of the Treasury. It was due to the system inaugurated by the Republican Party on the eve of its outgoing, and at no time——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I will yield the gentleman five minutes more.

Mr. GLASS. The gentleman knew that at no time from the day the Democratic administration took charge of the Treasury was the confusion as great or the delay as complete as it was under the preceding Republican Treasurers, who had operated under this order; and yet the gentleman sought to make this House believe that the confusion and delay were occasioned by the incompetency of the present Secretary of the Treasury and the present Treasurer of the United States. He concealed the fact from the House that the head of the accounting department, Mr. Baker, is a Republican, put there by a Republican Secretary of the Treasury and retained there to-day. He failed to state to the House that nearly every accounting clerk in the bureau is a Republican, put there by Republican Secretaries of the Treasury and retained under this Democratic administration. He kept back the fact that the whole confusion and delay were created by this Republican system.

Not only that; the gentleman from Iowa deliberately made it appear that the machines which were put in the accounting department were put there by order of a Democratic Secretary of the Treasury, and then had to be thrown out at great loss to the Government. The gentleman knew perfectly well—he learned in his committee across the table from the Treasurer and the Secretary of the Treasury—that those machines were put in there by order of Mr. MacVeagh, the preceding Republican Secretary of the Treasury. He knew also that they were put out on order of a Democratic United States Treasurer, after he had vainly tried to make them operate. Why did not the gentleman tell the House these facts and not create a false impression here for partisan advantage? [Applause on the Democratic side.] I say the gentleman knew the facts, and I shall put proof of this in the RECORD. Here is the testimony of Secretary McAdoo before the Appropriations Committee, and the gentleman sat across the table from the Secretary when the latter was testifying:

> Mr. MCADOO. Let me say one word in this connection. I do not want to saddle anything on my predecessor, but I do want to say we found confusion existing there, and I think inevitable confusion, from the attempt to install a new system, and we were simply trying to meet the conditions and do the best we could.

Testimony to similar effect was made in response to interrogatories presented by the gentleman from Iowa to the United States Treasurer. Yet, with this previous knowledge of the facts, the gentleman stood here on the floor of this House and arraigned the Democratic Party for maladministration of the public service. [Applause on the Democratic side.]

The gentleman also insisted that there had been a great increase in the clerical force of the Treasury Department. As a matter of fact, the report of the two expert accountants shows that there has been a decrease of the clerical force in the accounting department to the extent of 50 clerks. Mr. Brown, one of the expert accountants, upon whose recommendation these machines, put in by a Republican administration, were thrown out, authorizes me to say there is not one particle of justification for the criticism made here by the gentleman from Iowa, charging the Democratic administration with this maladministration. [Applause on the Democratic side.] And Mr. Brown is a Republican. He said me: "I am a Republican. I believe in the principles of my party. I wish for its success, but I refuse to countenance such a gross injustice as these misrepresentations imply." [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. SISSON. Mr. Chairman, I will yield five minutes additional to the gentleman.

Mr. GLASS. Mr. Chairman, I shall ask leave to extend my remarks in the RECORD in order that I may present this report of these experts upon the confusion in the accounting department of the United States Treasury and upon the administration of that office.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

On the 24th day of June Congress appropriated $475,000 to purchase two additional revenue cutters that will be added to this great fleet of pleasure craft for the Secretary of the Treasury and those to whom he may desire to extend the courtesy of violating the laws of the United States. The Secretary of the Treasury is not responsible for this statute, but, Mr. Chairman, he is responsible for the administration of the laws so far as the revenue cutters are concerned.

Mr. Chairman, we have had in the past 10 years a period of law enactment. What we need to-day is a renaissance of law enforcement. How can the President of the United States expect the ordinary citizen to obey and respect the law when his Secretary of the Treasury violates the law with impunity? Public sentiment should demand the removal from office of every official whose sworn duty it is to enforce the law, but who refuses to enforce it. And if the public to-day had the power, in no uncertain terms it would demand the removal from office of the Secretary of the Treasury, who not only refuses to enforce this law but himself violates it. I commend him to the words of a great Republican, to those patriotic words of Abraham Lincoln:

Let every American, every lover of liberty, every well-wisher to his posterity swear by the blood of the Revolution never to violate in the least particular the laws of the country and never to tolerate their violation by others. As the patriots of seventy-six did to support the Declaration of Independence, so to the support of the Constitution and laws let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberty. Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools in seminaries, and in colleges; let it be written in primers, in spelling books, and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the Nation; and let the old and the young, the rich and the poor, the grave and the gay of all sexes and tongues and colors and conditions sacrifice unceasingly upon its altars.

[Applause.]

Mr. Chairman, above all let it be taught to-day to the Secretary of the Treasury, who violates the law with impunity.

Mr. CLARK of Florida. Mr. Chairman, will the gentleman yield?

The CHAIRMAN (Mr. ADAMSON). Does the gentleman from Iowa yield to the gentleman from Florida?

Mr. GOOD. Yes; I yield the floor.

Mr. CLARK of Florida. No; I simply want the gentleman to answer a question. Does the gentleman think that Secretary of War Taft violated the law when he went on an excursion to the Philippines with a lot of his friends and Members of Congress on a Government vessel? [Applause on the Democratic side.]

Mr. GOOD. I know of no statute prohibiting the President of the United States to ride on a war vessel when he is at the head of the Army and Naval forces of the United States.

Mr. CLARK of Florida. He was Secretary of War, and he used a transport.

Mr. GOOD. Yes; and he was sent on public business to the Philippine Islands.

Mr. CLARK of Florida. But not on that excursion. There were several marriages contracted on that trip. It was a social affair.

The CHAIRMAN. The gentleman from Iowa [Mr. GOOD] has used seven minutes.

Mr. GILLETT. Mr. Chairman, I now yield three minutes to the gentleman from Washington [Mr. BRYAN].

Mr. GREEN of Iowa and Mr. MONDELL rose.

The CHAIRMAN. For what purpose does the gentleman from Iowa rise?

Mr. GILLETT. He yields, Mr. Chairman, to the gentleman from Washington.

The CHAIRMAN. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I rose for recognition at the time the gentleman from Massachusetts yielded to the gentleman from Washington.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized for three minutes.

Mr. BRYAN. Mr. Chairman, a few moments ago the gentleman from New York [Mr. FITZGERALD] made a very caustic and unauthorized and untrue statement about the policy of a former President of the United States on the subject of the civil service, and when the gentleman from Massachusetts [Mr. GILLETT] undertook to defend the former President and to challenge the statement, the gentleman from New York stated that the gentleman from Massachusetts had no right to defend the former President of the United States in that matter or in any other matter.

The gentleman from New York was wrong in that particular. Any gentleman on this floor who has respect for truth and for a true record of an administration such as was conducted by President Roosevelt has a right to rise on this floor and defend him against those charges; and I just want, in the three minutes I have, to read a tribute to his administration from an authority that is not politically aligned with President Roosevelt, but for whom, perhaps, the gentleman from New York has more or less regard. It is a tribute from Woodrow Wilson, the historian.

In Woodrow Wilson's Epochs of American History, in the volume entitled "Division and Reunion," the author pays a tribute to President Roosevelt which is about as emphatic in terms of commendation as can be found anywhere. A close perusal of these volumes will disclose the fact that it is much more commendatory than is accorded to any other President by the author, Woodrow Wilson. A special chapter is given to the subject "President Roosevelt's policies," and in that chapter a brief record of "certain more or less manifest results" are "ventured," as follows:

By the President's mediation in the great anthracite coal strike in October, 1902, the country was instructed to recognize that dangerous insolence of aggregated capital, that heedlessness of public rights, which is signified by the term "plutocracy"; by the successful prosecution by the Government of the Northern Securities case, in 1903, the Sherman Act was rescued from disuse and shown to be, if not itself an adequate or certain measure for dealing with great capitalistic combinations, yet a powerful weapon in the hands of the Executive with which to negotiate for such a measure from Congress; by the Elkins Act of 1905, and the prosecutions that have ensued under it, railroad rebating has been rendered a relatively unprofitable practice, attended with great risk; by the Hepburn Act the Interstate Commerce Commission has been recalled from failure and made a valuable administrative agency; by the investigation of the Chicago stockyards, the public were taught the value of publicity and the serviceability of government as an inquisitorial and informing agency; by the pure-food law, a scope of power over interstate commerce, not often hinted at before, was asserted successfully by the National Government; by the public-land policy of the administration, the responsibility of the present to future generations was emphasized as by its other policies the responsibility of capital to the community was insisted upon.

It has been sometimes urged against Mr. Roosevelt's administration that it failed of institutional progress along any definite line. However this may be, all must admit that the chief legacy of this remarkable administration to the people of the United States is one of ideas. Mr. Roosevelt brought to office, together with a thoroughly aggressive disposition to urge them, certain formulated notions. He believed that government, if informed and administered by experts, could be made an agency for the advancement of the community; he believed that there was still in the United States a large and, if properly led, dominant body of citizenship independent in its affiliations of either labor or capital; he believed in the Presidency as the natural and responsible, because sole, representative of that citizenship; and he believed, finally, in party as the necessary instrument of leadership.

He closes by saying:

One can recognize the validity of many of the criticisms that have been leveled against Mr. Roosevelt's administration and still agree with Gov. Hughes, of New York, in characterizing it as "an administration which has impressed the American people with the necessity for the correction of obvious evils and has stirred the American conscience."

Now, if that be true, if the statement of Woodrow Wilson be true in that particular, is it possible that the President of the United States, Theodore Roosevelt, violated all his ideals and all of his principles on civil service and prostituted that great cause to his political ends by appointing men whom he could use politically without regard for the public service, without regard to the public interest, but to further partisan political ends?

I think the gentleman from New York will be ashamed of his statement when he sees it in the RECORD, and I hope he will purge the RECORD of that statement.

President Roosevelt, he said, used his administration, used his power under the civil service, for his own political purposes. The gentleman from New York can not make good his statements. He can not offer the evidence or the proof.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Washington [Mr. BRYAN] is a new Member of this House.

If he were in politics long enough to walk on his own feet, he would not make the assertion that any statement that I make in this House is untrue. I neither make untrue statements nor do I so far violate the rules of the body of which I am a Member as to characterize the statements of others—I almost said "gentlemen," but I will say "Members"—as untrue. I suggest that the Representative from Washington continue his work of reading the writings of Woodrow Wilson. The more he reads of President Wilson's works the more information he will obtain, the better qualified he will be to perform his public duties, and the more likely to form a correct estimation of what is proper in a Representative in this body.

Mr. Chairman, the gentleman from Massachusetts [Mr. GILLETT] has been criticising the present administration for its actions in connection with the civil service. Recently a statement appeared as to the character of the exemptions made by the President of the United States, in the exercise of his authority under the civil-service rules. A knowledge of the President's action will be valuable and instructive and will be approved by every unbiased and impartial critic. Men who have been injured while at work in the governmental service; widows formerly in the classified service, whose husbands, after years of faithful service, had died, have been appointed or reinstated without examination, and some persons who had for long years served in some minor capacity as messengers have recently, by Executive order, been promoted to such positions as unskilled laborers, so as to obtain a slight additional compensation.

I have personal knowledge of some of these acts by this administration. A resident of my district was employed by the Army engineers on river and harbor work. He was an engineer, and had charge of a hoisting engine. Without negligence on his part, as the result of an accident to the apparatus, he lost an arm, so that he could no longer follow his occupation of engineer. He was in sound physical condition, a man about 32 years of age, possessed of an ordinary school education. He could not get private employment, because no one would employ a man with but one arm. He sought employment among private enterprises as a watchman or messenger, but the fact that he was disabled prevented him from obtaining employment. He sought an opportunity to take the civil-service examination, so that he might qualify for a position as messenger in the departmental service, but the Civil Service Commission declined to permit him to take an examination because of the physical defect—the loss of an arm, without fault on his part and while engaged in the governmental service. Here was a man 52 or 53 years of age, sound physically, with the exception that he had lost an arm in the governmental service; of fair education, competent to pass an examination, refused employment in private life, forbidden to take the civil-service examinations for employment by the Government, anxiously seeking an opportunity to earn his livelihood, and finding every door closed to him. That such a situation should exist in our civilization seems impossible; to permit it to continue would be intolerable.

The facts were presented to the President of the United States. The record was referred to the Army engineers in charge of the work where this man had been employed. Upon a report from them that this man had been an industrious, sober, faithful, and competent employee, that he had lost his arm as the result of an accident for which he was not at fault, President Wilson issued an order that he might be appointed in the Federal service as a messenger, without examination, wherever there might be need for his services. Afterwards the head of one of the departments appointed him to such a position. That act and similar acts by the President are now criticized and condemned as a violation of the underlying principles of the civil-service law.

Mr. GILLETT. Of course nobody——

Mr. FITZGERALD. Such action is only what should be expected of a humane man in the White House. With such a record before him, with the power given to him under the law, how could he do otherwise than give this man an opportunity to support himself and his wife and three or four dependent children by employment in the Federal service in a position for which he was fully qualified?

Or take the case of the widow of some Government employee, who before her marriage had been employed in the departmental service. After years of married life with some employee in the Federal Government, who had rendered faithful and efficient service in an inconspicuous place and then passed away, why should she be deprived of the opportunity to return to that service? Who would insist that she be compelled to qualify through the medium of an examination, if her capacity had previously been established? Who can criticize the Executive for permitting such a woman to return without examination to a position similar to the one which she had formerly occupied in the Government service? Are such acts to be condemned for mere political effect, as violations of the civil-service law?

Mr. GILLETT. The gentleman seems to intimate that I condemn those acts. Of course I do not condemn them. I believe nobody condemns them. But does the gentleman bring up a praiseworthy case like that as any answer to this exemption of whole classes for patronage purposes?

Mr. FITZGERALD. The gentleman may not in specific terms have condemned these acts, but he was condemning the action of the Chief Executive for his raid upon the civil service, his violation of the civil-service law, his prostitution of the authority given him under the law, for the purpose of providing places in the Government without examination. Mr. Chairman, I should be willing to stake my reputation on the statement that the great majority of the exemptions made by President Wilson since he has been in office has been of the character I have described. I have watched with some care what has been done, and I have stated the facts.

The gentleman refers to the recent action of the President in exempting from examination the commercial attachés or agents who are to be appointed to promote the foreign commerce of the United States. The Secretary of Commerce, before the Committee on Appropriations, advocated such legislation. I believe that his position was absolutely sound. He wishes, for instance, to obtain a man to send to South America to make an investigation of the boot and shoe trade in some of the South American countries. He said—and I believe his contention to be correct—that the man who would be of any value to the United States is not the man who may be successful in passing an examination in reading, rhetoric, grammar, higher mathematics, ancient history, botany, or some other similar subjects which may not be familiar to those citizens of the United States who are familiar with the shoe trade, but what is needed is a man who knows the boot and shoe trade, who knows its history and its development, who has some knowledge of the trade in the particular country to which he is to be sent, as well as the language of the country, and is of such a presentable appearance that his services will be of some value.

Men are needed to investigate the woolen and worsted business abroad, the extension of trade in cotton goods and other articles of American manufacture. The character and type of men desired can not be best obtained through a civil-service examination. Such men must be taken from the trade; they must be familiar with the trade, its technique, and its development and extension. To be of real value they must be known to those who are to make use of their reports and rely upon them. Men will not do who will be sufficiently interested only to draw the salary attached to the place and be without other ambition or greater capacity than is required to draw the salary. I do not believe that the charges as to the prostitution of the civil service by this administration can be sustained. I do not believe that the facts justify them. So far——

Mr. BURKE of South Dakota. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from South Dakota?

Mr. FITZGERALD. I do.

Mr. BURKE of South Dakota. The gentleman has illustrated his ability to defend the administration very effectively——

Mr. FITZGERALD. I am not defending the administration. I am telling the truth about the administration, and the truth is always its own defense.

Mr. BURKE of South Dakota. The gentleman has demonstrated his ability to defend the administration against the charges made by the gentleman from Massachusetts [Mr. GILLETT]. The gentleman from Iowa [Mr. GOOD] just made a charge against an official of this Government that, if true, amounts to a malfeasance in office. Personally, I have a very high estimate of the man who presides over the Treasury Department, and I am not inclined to believe the charge made against him can be true. Having great confidence in the gentleman's knowledge of what goes on with relation to governmental matters, I should like to have him tell us what the facts are in relation to the charge made by the gentleman from Iowa [Mr. GOOD]. To me it is a very much more important matter than the question of the violation of the civil-service law.

Mr. FITZGERALD. Of course, Mr. Chairman, it is an extraordinary request to ask me to explain what there may be in charges made by partisan Republicans against a Democratic administration.

Mr. CANTOR. Partisan newspapers.

Mr. FITZGERALD. It is asking me to perform a remarkable and peculiar service. I have no knowledge of any facts upon which these charges have been made. Gentlemen base them upon certain reports in newspapers and certain reports of the movements of different persons. I have been sufficiently long in public life to lead me to the conclusion that it is not always wise to place too much reliance upon what one reads in the public press. If anyone has violated any law to such an extent that he is guilty of malfeasance in office, there is a remedy. One of the valuable things about our system of Government is that we provide remedies for such things. But may it not be possible that certain officials of the Treasury Department, in the performance of some of the multifarious duties imposed upon them, have been required to go aboard revenue cut-

Mr. GILLETT. Yes.

Mr. FITZGERALD. The gentleman does not believe that any situation exists at all parallel to what there was in the administration prior to the one just before this one?

Mr. GILLETT. Indeed, I do.

Mr. FITZGERALD. The gentleman knows that for several years, as far as Congress was concerned, it had no independent thought or action. It simply waited until the ukase went out from the White House and the big stick was flourished and then it rapidly acquiesced in whatever was proposed.

Mr. GILLETT. Oh, on the contrary, the gentleman will find many instances in the case he has in mind where the leaders on this side of the House openly broke from the influences and desires of the White House.

Mr. FITZGERALD. Yes; and those leaders are now discredited and were retired from public life, because they were recognized as hostile to the public interests. That is one of the reasons why the Democratic Party has been put into power.

Mr. GILLETT. That may well be.

Mr. FITZGERALD. A little coterie on that side of the House, hostile to the best interests of the people, set themselves up in independence of those who were attempting to represent the interests of the people. The purpose of those leaders was to defeat legislation which the country desired. [Laughter on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman's sarcasm I recognize, and I recognize also how far from a fair portraiture of conditions it is.

Mr. FITZGERALD. Oh, it is not sarcasm. I regret that the cold, naked truth has such a disturbing effect upon the gentleman from Massachusetts; but somebody must speak the truth on occasions, however much it may be distasteful to gentlemen on that side of the House. [Laughter.]

Mr. GILLETT. There were no such instances during that administration of increasingly breaking down of civil-service laws as there has been during this Congress.

Mr. FITZGERALD. I recollect that during the period in mind the customary thing was to send three Executive orders at one time to the Civil Service Commission, one exempting a place, the other naming the man for it, and a third covering the place back into the classified service. [Laughter.] However much the gentleman may criticize this administration, no one in it ever had the presumption to attempt to rival in that respect the distinguished civil-service reformer in the White House previous to President Taft.

Mr. GILLETT. Mr. Chairman, the gentleman is utterly unfair in that, because that question was brought up and thoroughly discussed here at the time. Charges were made then such as the gentleman now makes, and they were thoroughly discussed, and it was shown that the exemptions which were made were made in the interest of the service and not in the interest of patronage.

Mr. FITZGERALD. The gentleman is not as well informed as he might be. I am speaking of cases of which I have personal knowledge. I know a case, for instance, where a distinguished resident of Brooklyn——

Mr. GILLETT. Oh, I do not care to have the gentleman make his speech at this time.

Mr. FITZGERALD. I should like to put this one in the RECORD—where a distinguished resident of Brooklyn who had been an active Republican, a former Member of this House, had served actively in the Republican ranks, and after he left the House was appointed to a certain position. After a time it was covered into the classified service. Later he got out of harmony with the dominant forces in the Republican organization in the State of New York. He did not go along as docilely as desired, and so President Roosevelt took the place out of the classified service and put in a much more useful, docile, and servile member of the Republican organization at the request of the then distinguished Senator from the State of New York, the well-known and famous civil-service reformer, the late Thomas C. Platt. [Laughter.] Can the gentleman cite a single act of the Executive during this administration relative to the civil service that in any way would approach the degradation of the civil service practiced in the case to which I have referred?

Mr. GILLETT. Mr. Chairman, I do not know as to these facts, and I have suspicions as to the accuracy of the gentleman's statement, because it was not necessary to take the case out of the civil service in order to drop a man.

Mr. FITZGERALD. It was not necessary to do so to drop him.

Mr. GILLETT. No.

Mr. FITZGERALD. But that was not what was of chief interest. They were anxious to take care of a particularly useful member of the organization.

Mr. GILLETT. What was the office?

Mr. FITZGERALD. The office was that of shipping commissioner of the port of New York. The gentleman removed was a former Member of this House, Mr. Hanbury, of Brooklyn, and the gentleman placed in the office was Capt. Dickey, of Newburgh.

I have the facts, I have the names, I have the locations, and I know the political exigency that made Col. Roosevelt forget, at least temporarily, his long professions of interest in the advancement of civil service in order to secure the helpful cooperation of a very distinguished political mechanician in the State of New York. [Applause and laughter on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I do not know anything about that instance. I do not know that I ever heard of it before.

Mr. TOWNSEND. The gentleman knows about it now.

Mr. GILLETT. I do remember this: That some such charges as the gentleman has made were brought up in this House and were thoroughly discussed. I remember I, among others, went at that time and investigated the charges which had been made. I was satisfied that the charges fell to the ground upon investigation and that the then President had lived strictly and honestly up to his professions about civil service. I will say that I believe he has done more for the civil service and the merit system in the United States than any other one man. It is just possible, though I am sorry to believe it, that he made exceptions. I was not aware of them during his service. I was not aware of the case the gentleman stated, and, therefore, of course, I can not defend him; but it is a great surprise to me if he did, and I am sure there is some good explanation of it.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. HUMPHREY of Washington. Mr. Chairman, it occurred to me when the gentleman from New York [Mr. FITZGERALD] was asking whether we knew of any cases in the present administration that I would like to ask him if he has investigated the publicity bureau which they have in the Agricultural Department, where they are now employing some 20 men to get out publicity articles, and if he is familiar with the fact of their issuing a notice for men to take the civil-service examination for those places, and if he is aware of the fact that after having taken an examination in each instance they took special favorites and put them there?

I will say to the gentleman that I am going to introduce a resolution in a few days to investigate that advertising bureau, but I call the gentleman's attention to the fact now that they have some 20 men employed down there in the Agricultural Department contrary to the law; that they are drawing salaries; that they have been placed on the various rolls, and that it is a sham roll that they have made up, and that they are taken out of the different departments and they are down there employed for that particular purpose, absolutely in violation of the civil-service law.

Mr. FITZGERALD. Let me say this to the gentleman from Washington——

Mr. HUMPHREY of Washington. I hope the gentleman will investigate, and he will find out where there is need for some explanation.

Mr. FITZGERALD (continuing). That the peculiar makeup of the gentleman's topography—if that expression properly expresses what I have in mind—enables him to talk more easily through his hat than any other man in this House. [Laughter and applause on the Democratic side.] And that perhaps accounts for a great many of the statements he has been making about the Democratic Party. There is a statute which prohibits certain things being done relative to publicity agents, and certain other things are permitted. One is the preparation of material for distribution equally relative to the activities of the department to the press. None is employed in the Department of Agriculture in violation of the civil-service law. The gentleman is mistaken, and I might add that if the gentleman introduces a resolution to investigate the activities of the Agricultural Department, so far as its publicity activities are concerned, he will probably not get a dozen votes on that side of the House, and probably not a dozen on this——

Mr. HUMPHREY of Washington. I would not get any over there.

Mr. FITZGERALD. That department has always been a special favorite of the House. The House is interested in what it is doing and desires that department to do what it is doing. But I was not discussing the publicity business of the Department of Agriculture. I am talking about an eminent civil-service reformer.

Mr. HUMPHREY of Washington. I would like to ask the gentleman why that publicity is not in violation of the civil service. The gentleman challenged us awhile ago to point it out.

Mr. FITZGERALD. No; it is not. Let the gentleman get statements of fact and put them before the House and they will be just as completely repudiated as his statements about the shipping of pig iron and steel products from Europe into the district of the gentleman from Alabama [Mr. UNDERWOOD], a pure figment of the imagination. [Applause on the Democratic side.] Now, the gentleman from Oregon——

Mr. HUMPHREY of Washington. Oh, get me in the right State.

Mr. FITZGERALD. From Washington has become the official "S O S" of the Republican Party [laughter on the Democratic side], and signals of distress are constantly being sounded by him. There is nothing in sight whatever to indicate as to when his task will be finished. [Laughter on the Democratic side.]

Mr. HUMPHREY of Washington. Well, I notice I usually get a rise out of that side; I have not failed yet.

Mr. FITZGERALD. No. The gentleman is like the wasp—nobody desires to permit it to linger and sting, but it is brushed aside and killed at the earliest opportunity. [Applause on the Democratic side.] Now, to come back to a more substantial argument——

Mr. GILLETT. It could easily be more substantial.

Mr. FITZGERALD. I believe that if the gentleman from Massachusetts will take the trouble to examine carefully the record of former President Roosevelt and his civil-service activities and reforms, as he has the record he has just been reading from, he will ascertain that as a civil-service reformer, Col. Roosevelt is like the character in a play recently staged, who announced that he was a reformer, that he favored reform, but he first wanted the satisfaction of having fallen so low that there might be the greater enjoyment in the reformation. [Applause and laughter.]

Mr. GILLETT. Mr. Chairman, that attack is preposterous and absurd [laughter on the Democratic side], and if the gentleman from New York attacks President Roosevelt on civil service I can assure him it will have very little effect——

Mr. FITZGERALD. Let me ask the gentleman.

The CHAIRMAN. Does the gentleman yield?

Mr. GILLETT. I will.

Mr. FITZGERALD. Now, I am a civil-service reformer myself. [Applause and laughter.]

Mr. GILLETT. I notice the gentleman says that with a smile, and it excites a smile.

Mr. FITZGERALD. It seems to arouse a lot of amusement; but I have consistently voted in favor of placing positions in the classified service and against exempting positions from the classified service. President Roosevelt can not make any such statement about his record. I know other cases, and I may mention them, if the gentleman provokes me sufficiently [laughter on the Democratic side], in his career which I could give to the House; and without the possibility of contradiction I assert that he never hesitated to permit his convictions or professions about the civil service to prevent him putting into office any man whom he thought could be of use to further his political interests. He took places out of the classified service and removed men, regardless of their qualifications, in order to make room for men he wanted to use politically, and I can prove it.

Mr. GILLETT. The gentleman says he can state that without contradiction. I contradict it.

Mr. FITZGERALD. Now, the gentleman from Massachusetts is not authorized to speak on behalf of or act for Col. Roosevelt on any political matter, and would be repudiated if he attempted to do so. [Applause on the Democratic side.]

Mr. GILLETT. That is quite possible.

Mr. BRYAN. Will the gentleman yield?

Mr. GILLETT. No; I do not.

Mr. BRYAN. I want to denounce it as false. [Laughter.]

The CHAIRMAN. The gentleman declines to yield.

Mr. GILLETT. It is quite possible, but that does not change my opinion of his conduct, and while the gentleman has propounded a question about a certain case which I can not answer because I know nothing about it, yet, when he says President Roosevelt never hesitated to put in one of his supporters and was constantly hampering the civil-service law, I know that the gentleman is wrong, because that very question was brought up and discussed and investigated here in this House, and those who made that assertion were proven to be wrong. There is this distinction moreover between that administration and this. If that administration did make any exceptions, they were exceptions of a few individuals. This administration is making them by companies and platoons.

You do not limit your exceptions to any one case. You have excepted in a number of different laws whole classes, and your President apparently means to keep up with you, despite his civil-service records and professions.

Mr. OGLESBY. Will the gentleman yield?

Mr. GILLETT. Not now. He has recently issued this Executive order:

Schedule A, subdivision XI, section 3, of the civil-service rules is hereby amended to read as follows:

"3. Commercial agents, experts, and special agents to investigate trade conditions abroad and in the United States, including the insular possessions, with the object of promoting the foreign commerce of the United States, including experts and special agents employed upon the field work of investigating the cost of production at home and abroad.

"WOODROW WILSON.

"THE WHITE HOUSE, *July 2, 1914.*"

There is a whole class exempted. Apparently he does not wait for the legislative bill, which creates a class of men with salaries aggregating $100,000, who are by the law creating them excepted from the civil service, but, as if to publish his approval in advance and lead the procession, the President exempts all commercial agents.

Now, Mr. Chairman, I have been led far afield from the question I began to discuss, which was the constant increase of the influence of the Executive under this administration. Yet I will say for myself that while I believe it is most unfortunate that the legislative branch should allow itself to be influenced by the Executive, yet in the present instance I believe it is for the public good, for I believe that the President of the United States is much wiser and safer than the Democratic majority in Congress. And whereas the increase of Executive influence is a most unfortunate tendency, yet personally I believe, in most cases, that in the dissensions and differences between the Executive and the legislative, the Executive has been much more likely to be right than the legislative. I would gladly prefer, as long as we are for our sins to be punished by a Democratic administration and Congress, to trust the President in the White House than the Congress at the Capitol. Of course, you may say it is inconsistent to first criticize the increase of Executive influence and then say that you like the result, but they are both of them unfortunate. They are both of them evils. I regret both, but of the two I will confess I think in its immediate result it is much better that this Executive should encroach upon this Congress. I hope we will soon be rid of both, and both dangers eradicated.

Mr. TOWNER. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. TOWNER. Does the gentleman think the banking and currency bill as it came from the President's hands was a much better piece of legislation than it was after it had passed even the Democratic caucus or the Democratic majority?

Mr. GILLETT. I do not wish to go into details or individual cases. I do not mean that the President is right as against the House in every instance. In fact, I think they are both of them wrong most of the time, but as a rule I prefer the judgment of the President to that of Congress.

Mr. Chairman, I yield to the gentleman from Iowa [Mr. GOOD] 10 minutes.

The CHAIRMAN. The gentleman from Iowa is recognized for 10 minutes.

Mr. GOOD. Mr. Chairman, it is not a pleasant duty for a Member to call attention to violations of law by officials whose sworn duty it is to enforce the law. But while we are considering a great appropriation bill, it seems to me that it is not inappropriate for Congress to know how some of the money which we are appropriating is being used by those who have charge of its administration. I refer, gentlemen, to the Revenue-Cutter Service. We appropriate every year about $2,500,000 for this great service. It was first instituted to enforce the revenue laws of the United States, to prevent smuggling of foreign goods into this country, and to-day we have a great fleet under the control of the Secretary of the Treasury. It is a notorious fact that every Friday, or thereabouts, at this time of the year the revenue cutter *Prairie* leaves Boston, comes to Washington, and is loaded with Democratic officials, and they are taken for a cruise down the Potomac at Government expense. But that would not be so bad if the violation of the law stopped there. I have here the Washington Post of July 6, 1914, from which I want to read the following dispatch:

[Special to the Washington Post.]

MATTAPOISETT, MASS., *July 5, 1914.*

William G. McAdoo, Secretary of the Treasury, and Mrs. McAdoo arrived at their summer home here to-day.

They came on the revenue cutter *Onondaga*.

Charles S. Hamlin, Assistant Secretary of the Treasury, and his guest, Assistant Secretary Baldwin, who were in Mattapoisett for the Fourth, left to-day for Washington.

Mr. Chairman, the statute of the United States enacted in 1884 provides:

And hereafter revenue cutters shall be used exclusively for public service and in no way for private purposes.

hanced price of his product? What consumer of sugar, getting more pounds for the dollar by reason of the tariff being taken off, would have the tariff restored? The prices of cattle and hogs are high and will continue to be high as long as the demand is large and the supply limited. An ever-increasing population calls for more food products. Who is there bold enough to oppose an income tax, provided by the Underwood bill? Who would relieve the corporations, given special privileges by law, from their fair share of taxation? Who would substitute the discarded Payne-Aldrich tariff law for the present law, that shelters no monopoly and yet provides sufficient revenue for all the needs of the Government? Some changes in the law may be needed. After a fair trial they will be provided. Experience furnishes the test of every law.

The laws on other subjects were also promised in Democratic platforms.

A bill has passed the lower House of Congress providing for Federal aid for public roads, and is now pending in the Senate. A comprehensive law providing for rural credits is now being constructed by Congress, to the end that lower rates of interest may be provided for those who offer lands for security. We hope shortly to see a farmers' credit bill a part of the law of the land and expect its passage by Congress during this term.

Legislation has been enacted restricting the powers of the Federal courts and their jurisdiction lessened, and Federal judges are less arrogant than heretofore. Articles of impeachment have been preferred by Congress; some of them convicted and removed, others forced to resign; their powers curtailed and further restrictions are being pressed for enactment. However, it will not be complete until life tenure is stricken down, and I hope that in the early future the joint resolution proposed by me to amend the Constitution so that the terms of circuit and district United States judges shall be limited to not exceeding a term of 10 years may pass Congress and be submitted to the States for constitutional amendment, and that these judges shall be elected or appointed in such manner as Congress shall, by law, direct. When this amendment shall have been adopted and the terms of Federal judges limited by law, Federal courts will regard the public welfare as never before.

Three great antitrust measures are now pending before Congress. The passage of this antitrust legislation at this session is earnestly desired by the President, and it is the main part of his present program, specially recommended for passage and enactment into law before adjournment, so that the business world and the country may not longer be kept in suspense as to the rules of conduct prescribed by law that shall govern and control big business. Better be settled now than be kept in abeyance and leave uncertain the things that business ought to know with as little delay as possible. Such is the expressed wish of the President. Such is the desire of the majority of Congress. Such is the demand of the country. It was promised by platform declaration, and faith must be kept.

These bills have already been passed by the House and are now pending in and awaiting the action of the Senate, and the House remains in session waiting for the passage of these measures by the Senate and their return to the House, when amended, so that they may become a law during this session of Congress.

This legislation is promised by Democratic platform declaration. These three bills, passed by overwhelming majorities in the House after full discussion, are fresh in the recollection of the House and the country, and need no special mention at this time. We await the action of the Senate.

They are what are known as the Covington bill, being a bill to create an interstate trade commission, to define its powers and duties, and for other purposes; a bill by virtue of which the acts, business methods, and practices of corporations may be annually reported and secured for purposes of legislation and control.

Second, the Clayton bill, being a bill to supplement existing laws against unlawful restraints and monopolies, and for other purposes. This proposed law seeks to prevent monopoly in trade and commerce and to protect legitimate business and fair competition from the control and domination of great corporations and trust concerns, that have sought to control all the business of the country for their selfish purposes, a bill to help stay the hand of corporate greed and save the toiling masses from undue oppression, a bill in the interest of honest competition and for the protection of local dealers and against monopoly in any commodity anywhere.

The third antitrust measure, known as the Rayburn bill, is a bill seeking to control the issuance of stocks and bonds of corporations and to prohibit common or interlocking directorates and management, and providing for fines and penalties in violation thereof.

I have already spoken on an amendment offered by me to one of these trust bills—the Clayton antitrust bill. I need not make further reference now to the merits of these bills, for the passage of which some of us are spending the summer here, when we would be glad to be in our districts and looking after those ambitious gentlemen who, with industrious activity and by every known method of modern politics, seek to exhibit their virtues and lessen the confidence of the voter in the sitting Member of Congress. Some Members would be glad to be in their districts, where much poison is being planted and where noxious weeds are being grown from foul seeds that have been sown, and by their presence among their constituents for a brief while, to offset and lessen the damage done, by in a measure properly responding to those who, in their overzealous desire for place, have not hesitated to plant many false impressions and by widespread misstatements have sought an undue advantage, as against the man whose sense of duty keeps him here.

The Congressman who stays on his job and is not stricken down by his constituency because he fails to canvass his district in his own interest, when he can not go back and meet his people face to face because of conditions here, will be the more grateful if his public conduct is approved in his absence. During the brief time that I have been in Congress this has been my summer resort. Four summers have I spent here in this Capital City of the Nation, here at a low altitude, almost on a level with the sea, where a humid atmosphere makes the heat more oppressive and through which the rays of a hot summer's sun pour in the daytime down upon asphalt pavement and upon brick and stone, and when night comes they give back into the atmosphere the heat absorbed by day, making the night both hot and oppressive.

President Wilson in his Fourth of July address at Philadelphia was appreciative when he said that—

> The Members of the House and Senate who stay in hot Washington to maintain a quorum of the Houses and transact public business are performing an act of patriotism. I honor them for it, and I am mighty glad to stay there and stick by them till it is over.

Only those who are here in daily attendance can fully appreciate all the conditions that surround the individual Member who stays here from a sense of duty, though he would love to look into the face of his constituents and to grasp again the friendly hand that has helped him; but there is an abiding thought that he can afford to trust those who gave him place and who desire that he shall remain here in discharge of his duty as long as necessary to aid the President and Congress in the enactment of legislation promised and desired by the people.

Mr. MURRAY of Massachusetts. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of printing a statement by Mr. ARSENE J. PETERS, a Representative in Congress, which appeared in the Boston Sunday Post of June 14, 1914.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD, for the purpose indicated by him. Is there objection?

There was no objection.

Mr. POU. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. I make the same request.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. FITZGERALD. On what subject?

Mr. MANN. On the subject of politics—statesmanship, a subject foreign to the gentleman.

Mr. FITZGERALD. If it is on the first subject, it is superfluous. [Laughter.]

Mr. DONOVAN. Mr. Chairman, I did not hear on what subject.

The CHAIRMAN. The gentleman from Illinois says on the subject of politics—statesmanship.

Mr. DONOVAN. Well, the gentleman talks so little that I shall not object. [Laughter.]

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. I yield 30 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, a few days ago, in the course of some remarks relative to the influence of the Executive upon

the legislative body, I referred to two instances where the gentleman from Alabama [Mr. UNDERWOOD] had stated as an argument to the House the wishes of the President of the United States. The gentleman from Alabama thought I was mistaken in my recollection. Now, of course, it is a matter of very slight importance whether I was mistaken or not, for I recognize that the memory of the gentleman from Alabama [Mr. UNDERWOOD] is doubtless quite as good as mine; but it happened that I had been impressed when the gentleman from Alabama spoke by what seemed to me a very extraordinary argument, so I was quite sure that I was correct; and I have looked at the RECORD to corroborate my memory, and I have found the two instances to which I referred. I mention this, not, of course, as any reflection on the lack of memory of the gentleman from Alabama, for the leader of the House, who is constantly obliged to take the floor, can not be expected to remember every argument he has ever used, but merely because of the illustration of the principle which I think it gives. On the 15th of October last, when the question was up whether the House should adjourn from day to day, I find that the gentleman from Alabama remarked:

> The President of the United States has asked me, representing this side of the House, not to agree to an adjournment until the currency bill can be passed in the Senate or some satisfactory arrangement made.

The other instance to which I referred was the occasion of the passage of the resolution relative to sending troops to Mexico. I find that the gentleman said:

> I would not insist upon the immediate consideration of this resolution and its going through to-night if it were not for the fact that the President of the United States himself has stated that it is of the utmost importance to the Nation that it should be passed.

Since then other gentlemen have suggested to me that they have heard other similar remarks. As I say, the corroborating of a man's memory is of little consequence, but I wish to cite these as surprising indications and confirmations of the opinion which is abroad in the country that the executive power is encroaching upon the legislative, and that this Congress is largely an echo of the wishes of the other end of the Avenue. The gentleman from Alabama [Mr. UNDERWOOD] himself stated that he recognized the importance of the independence of the executive and the legislative branches, and that makes still more impressive the fact that he, the leader of the House, should think it necessary to use as an argument the wishes of the Executive. He knew the body he was addressing. He knew what argument would appeal to the Democratic side.

Mr. DONOVAN. Mr. Chairman, I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point that there is no quorum present. The Chair will count. [After counting.] Fifty-five Members present, not a quorum. The Clerk will call the roll——

Mr. FITZGERALD. Mr. Chairman, I move that the committee rise.

Mr. DONOVAN. Regular order, Mr. Chairman.

The CHAIRMAN. Did the Chair understand the gentleman from New York to make a motion that the committee rise?

Mr. DONOVAN. Mr. Chairman, you have said there was not a quorum present and have directed the Clerk to call the roll.

Mr. FITZGERALD. The gentleman from Connecticut is out of order. I have moved that the committee rise. If the gentleman from Connecticut will stop interfering by his useless objections, we will make more progress. I ask that my motion be put.

The CHAIRMAN. The motion that the committee rise is in order whether there is a quorum present or not. The gentleman from New York moves that the committee now rise.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 6, noes 45.

Mr. GARRETT of Tennessee. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. GARRETT of Tennessee and Mr. FITZGERALD.

The committee again divided; and the tellers reported that there were 8 ayes and 65 noes.

The CHAIRMAN. The Chair will note as present and not voting the gentleman from Connecticut, Mr. DONOVAN, and the gentleman from Kentucky, Mr. ROGERS. That makes 75, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Baker	Bell, Ga.	Bradbeck
Ainey	Barchfeld	Blackmon	Broussard
Anthony	Barnhart	Borchers	Brown, N. Y.
Ashbrook	Barthsldt	Borland	Brown, W. Va.
Austin	Bartlett	Bowdle	Browne, Wis.
Bailey	Beall, Tex.	Britten	Browning
Bruckner	Godwin, N. C.	Linthicum	Riordan
Brumbaugh	Goeke	Lobeck	Roberts, Mass.
Buchanan, Ill.	Goldfogle	Loft	Rothermel
Buchanan, Tex.	Gorman	Logue	Sabath
Burke, Pa.	Gordon	McAndrews	Scully
Butler	Graham, Pa.	McClellan	Sells
Calder	Gregg	McDermott	Sharp
Callaway	Griest	McGillicuddy	Sherley
Cantrill	Griffin	McGuire, Okla.	Shreve
Carew	Gudger	McKellar	Slayden
Carter	Guernsey	McLaughlin	Stemp
Casy	Hamill	Mahan	Smith, Md.
Chandler, N. Y.	Hamilton, N. Y.	Maher	Smith, J. M. C.
Coady	Hardwick	Manahan	Smith, N. Y.
Cooper	Harris	Martin	Smith, Tex.
Copley	Hart	Merritt	Sparkman
Covington	Hayden	Metz	Stanley
Crisp	Hayes	Miller	Stevenson
Crosser	Henry	Moore	Stephens, Nebr.
Dale	Hinds	Morgan, La.	Stephens, Tex.
Davenport	Hobson	Morin	Stringer
Decker	Houston	Morrison	Sumners
Dent	Howard	Moss, Ind.	Sutherland
Dies	Howworth	Mott	Switzer
Difenderfer	Hughes, W. Va.	Murdock	Talbott, Md.
Donohoe	Hulings	Murray, Okla.	Taylor, N. Y.
Dooling	Jacoway	Neeley, Kans.	Thacher
Doughton	Johnson, Wash.	Neely, W. Va.	Thomas
Driscoll	Jones	Nelson	Thompson, Okla.
Drukker	Kahner	Norton	Underhill
Eagan	Kelley, Mich.	O'Brien	Vare
Edmonds	Kennedy, R. I.	O'Leary	Vaughan
Edwards	Kless, Pa.	O'Shaunessy	Walker
Estopinal	Knowland, J. R.	Page, N. C.	Walsh
Fairchild	Kreider	Paige, Mass.	Walters
Farr	Lafferty	Palmer	Weaver
Fess	Lanham	Parker	Whaley
Fields	Langley	Patten, N. Y.	Whitacre
Fordney	Lazaro	Patton, Pa.	White
Frear	Lee, Pa.	Peters, Me.	Williams
Gallagher	L'Engle	Plumley	Willis
Gallivan	Lenroot	Porter	Wilson, Fla.
George	Lesher	Post	Wilson, N. Y.
Gerry	Lewis, Md.	Powers	Winslow
Gill	Lewis, Pa.	Ransdale	Young, N. Dak.
Gilmore	Lindquist	Reilly, Conn.	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. ADAMSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 17824, the general deficiency bill, finding itself without a quorum, had caused the roll to be called, and 224 Members had answered to their names, and he presented a list of the absentees.

The committee resumed its session.

Mr. GILLETT. Mr. Chairman, I appreciate the courtesy and the nonpartisanship of the gentleman from Connecticut [Mr. DONOVAN], who is filibustering against his own side of the House, and then waits until his colleagues on that side have finished their remarks and makes his point of no quorum in the middle of one of my sentences.

Mr. DONOVAN. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. DONOVAN. I hope the distinguished Member from Massachusetts will not have those thoughts engrossed and framed and hung up in the great galleries of this country, because it is not worthy of such a great mind as the gentleman from Massachusetts has. [Laughter.]

Mr. GILLETT. Mr. Chairman, I did not hear the most of what the gentleman from Connecticut said, but I do not think I lost anything by that. [Laughter.]

Now, to resume, Mr. Chairman. When the gentleman interrupted me I was commenting on the significance of the argument which the gentleman from Alabama made about the President's wishes. I know that the gentleman, as he suggested at the time, does his own thinking. I know that he has his own opinions, that he knows the arguments which can be made on any subject, and that no man will more masterfully present them. But the gentleman from Alabama also knows his fellow Members on that side of the House. He knows the arguments that will most appeal to them, and therefore it is peculiarly significant that he should use the President's wishes as arguments to accomplish what he desires.

I appreciate that no Congress has been more earnest in the pursuit of patronage, of what are called spoils, than this Congress. I appreciate that the President is the dispenser of patronage, and so I appreciate what a powerful argument that would be as addressed to that side of the House; but I still think it very unfortunate that this increasing and encroaching influence from the White House should be so illustrated.

The gentleman from Alabama, I remember a few years ago, published in one of the magazines, I think the Forum, an article upon the dangers of Executive patronage, and I would call that to his attention. I think we are having more illustrations of that danger during the present Congress than we have had for many years.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GOOD. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. GOOD. I just wanted to ask a question in regard to the vote.

Mr. POU. Yes; I yield.

Mr. GOOD. The gentleman does not mean to say that the Republicans voted for the Underwood tariff bill, does he?

Mr. POU. No; I do not. But some of them did.

Mr. GOOD. How many?

Mr. POU. I do not know how many. There were several. I have their names here. There were several distinguished gentlemen on that side who voted for the Underwood tariff bill. I am sorry that there were not more; but there were some.

Mr. GOOD. You can not charge any sins in voting for that bill to this side of the House.

Mr. POU. One of them I find was the distinguished gentleman from Pennsylvania, my colleague on the Committee on Rules, Mr. KELLY.

Mr. BRYAN. Mr. Chairman, the gentleman does not mean to call Mr. KELLY of Pennsylvania a Republican?

Mr. POU. He was put on the Committee on Rules to represent the Republican Party. I find also Mr. MACDONALD here; I find also Mr. MANAHAN, Mr. RUPLEY, and Mr. STAFFORD.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield?

Mr. POU. Yes.

Mr. BRYAN. If the gentleman is going to call "Republicans" the four Progressives who voted for that tariff bill, we are going to mob him for it. [Laughter.] We are not Republicans, and we will not stand for the application of any such name as that to us.

Mr. POU. All that I know is that the Committee on Rules is one of the most important committees of the House, and Mr. KELLY of Pennsylvania was put on that committee, not as a Democrat but as an anti-Democrat. I wish he were a Democrat, because he is an earnest, honest, patriotic, young man; and he had the nerve to stand up here and vote his convictions also on the currency measure.

Now, we come to the currency bill, a bill which everybody admits has been needed for a generation. Mr. Wilson had the nerve to insist upon its prompt passage. It was a "bad" bill until it was passed, and then suddenly it got to be a good bill. On the currency bill the yeas were 286 and the nays were 85. You got little more than 50 per cent of your own vote against the bill.

Here is a list of the Republicans and Progressives who supported the measure.

Republican and Progressive roll of honor, composed of those who supported a Democratic currency bill:

Bell, Cal.	Frear	Lindquist	Rupley
Browne, Wis.	Haugen	McLaughlin	Smith, J. M. C.
Cary	Helgesen	MacDonald	Smith, Minn.
Cooper	Hinebaugh	Manahan	Smith, Saml. W.
Cramton	Kelley, Mich.	Mapes	Stafford
Dillon	Kelly, Pa.	Murdock	Stephens, Cal.
Esch	Kent	Nelson	Woodruff
Falconer	Lafferty	Nolan, J. I.	Young, N. Dak.
Farr	Lenroot	Norton	
Fess	Lindbergh	Porter	

The yeas on that measure were, as I have shown, 286 and the nays were 85, while 38 Republicans and Progressives went on record in favor of the bill.

Mr. MADDEN. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Illinois?

Mr. POU. Yes; I yield to the gentleman.

Mr. MADDEN. Does the gentleman from North Carolina assume to say that the currency bill that was finally enacted was the same bill that the gentleman refers to?

Mr. POU. Well, in all essential particulars. The gentleman knows, I think, that there were no very essential differences in it.

Mr. MADDEN. The only essential difference between the bill that passed the House and the bill that passed the Senate and was finally approved by the House was this, that if the House bill had become a law it would have put every business house in the United States into bankruptcy, while the bill that was finally passed in a very much modified form was approved by most of the men who had voted against the House bill originally.

Mr. POU. Yes; the same was said about the Reyburn bill, and yet only 12 were found willing to vote against it on a roll call. And the same was said about the trade commission bill, and on that we did not even have a roll call. We may therefore assume that nobody was opposed to it. I think our friends on the other side of the Chamber ought either stop criticising these administration measures or stop voting for them.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. POU. I have very little time. There was one other point I wanted to bring out, but I will yield to the gentleman.

Mr. MADDEN. I wanted to call the gentleman's attention to the fact that nobody on either side of the House objected to the trade commission bill and nobody claimed that it would not be beneficial to the country, and no man can truthfully assert that such claim has been made.

Mr. POU. I know that the gentlemen on the other side of the Chamber have been making the welkin ring by charging that the Wilson administration was destroying the business of the country. You have had telegrams and letters read claiming that there is a general paralysis of business, and you have insisted that the country is going to the devil on account of the very legislation which some of you gentlemen have voted for.

Mr. MADDEN. As to most of those statements that the gentleman refers to I want to say they are true.

Mr. POU. Now, the other day Col. Roosevelt rose to remark that the foreign policy of Mr. Wilson's administration was laughed at in Europe. Well, the world has had long experience with European diplomacy. European diplomacy did not stop the Balkan war. It did not stop the murder of 40,000 or 50,000 Christians and Armenians purely on account of their religion. It did not stop the disastrous war in South Africa. Spion Kop and other bloody battlefields tell of the success of European diplomacy as applied to South Africa. Mr. Wilson's administration has been trying to avert the necessity of armed intervention by this country in Mexico. It would have been an easy matter to have involved this country in war and to have had our soldiers shot down and brought back dead. I think the diplomacy of Mr. Wilson's administration and his foreign policies will compare favorably with European diplomacy. I suppose the distinguished ex-President thinks we ought to be at war with Mexico right now. For me, I would prefer to have the foreign policies of this administration ridiculed if a contrary policy would involve this country in a bloody war with our neighbor, Mexico.

Now, Mr. Chairman, this is all I care to contribute to the gaiety of the nations to-day. In examining the record vote on these measures it seemed to me if there is anything wrong with this legislation the responsibility is, in a measure, over there as much as it is over here. I will not pause to make any comments upon the patriotism of any man who constantly is predicting panic and financial disaster to bring about the success of any political party. I hope that there is no man in this Chamber who has so little patriotism that he would be willing to see ruin and disaster come to the country in order that any political party—I care not what its name is—may come back into power. And yet sometimes one is almost persuaded that such is the case. If these measures for which the administration is pressing are just, if the legislation is righteous, there is an unprejudiced jury which will pass upon the question in November. That jury has the good of the country at heart and is made up of the rank and file of the American people. With perfect confidence this administration will appeal to that jury. Upholding the administration in a solid vote on this side of the aisle; upholding the administration, sustaining it, in pressing for the passage of these measures, we find many of the opposite parties who put principle above party allegiance.

No bad measure would be supported in this way. It must be that these measures are so righteous that they deserve not only the solid support of the Democratic Party in this Congress, but that they received because they deserved support from every political party which has representation here. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] wishes me to yield to the gentleman from Missouri [Mr. DICKINSON] 20 minutes.

The CHAIRMAN. The gentleman from Missouri [Mr. DICKINSON] is recognized for 20 minutes.

Mr. DICKINSON. Mr. Chairman, on the 1st day of February, 1910, by the favor of a generous constituency of the sixth district of Missouri, I was elected to membership of the House of Representatives of the American Congress, succeeding a man of marked ability, a resident of Bates County, Mo., elected for 10 successive terms, giving to his district the benefit of ripe experience resulting from long service, which lasted nearly 19 years, his useful career having been cut short by his untimely death. During the short period of my service here in Congress, by reason of long-drawn-out sessions and repeated extra sessions, called for extraordinary legislation desired by the country, I

have remained almost constantly at the seat of government, being permitted to see little of those whom I was elected to serve, because my duties required my attention in Washington.

During the short period that I have been permitted to serve a loyal people, the country has witnessed and gone through a political revolution not yet completed. The special election that gave me place here was fought out on the lines of the tariff.

The Payne-Aldrich tariff bill, the indorsement of the Taft administration, and what was known as Cannonism were the active issues. The result of that remarkable contest revealed the beginning of a new era in the politics of our country. It was the first evidence of protest at the polls against existing political conditions. The Payne-Aldrich law was obnoxious to the large majority of the people and was believed to be written in the interest of monopoly and in plain disregard of the wants of the consuming public, and was wiped from the Federal statute book by Democratic effort and Progressive Republican aid, and a lower tariff—the Underwood "tariff-for-revenue" law—substituted in its stead. President Taft was swept into political oblivion and Speaker Cannon retired from his high place and returned to private life.

As a result of this political revolution the Democratic Party rode triumphant into power. The once proud and arrogant Republican majority was dethroned and became a small minority in these halls; both branches of Congress became Democratic; the Republican Party, torn asunder, split into two factions bitterly antagonistic to each other. A new condition was ushered in: the great power, once so arbitrarily used, of naming all the committees of the House was taken from the Speaker, who was no longer permitted to control the House with despotic power, but his powers were limited largely to the ordinary powers of a presiding officer, and this great office has since been filled by a great Missourian, a great historian, a philosopher, a great character, loved by the entire membership of this House, an eminently fair and just presiding officer, in the person of CHAMP CLARK, of Missouri. [Applause.]

And what has been the result? The disrupted and once arrogant Republican Party, broken upon the rocks of political defeat, gave place to a triumphant and united Democratic Party, that has endeavored to keep faith with the American people. The country witnesses to-day with a glad heart a great Democrat as the Chief Magistrate of our wonderful country. A strong, courageous, clear-headed, and determined President is striving with wonderful ability to represent the best thought and wishes of the American people; and Woodrow Wilson has to-day the confidence of the people of the United States, as with a strong heart and a clear brain he seeks to do the will of all the people who love the Government and our common country. [Applause.]

What are the accomplishments of this Democratic administration brought about by the efforts of a great Democrat in the White House and the continuous labor and earnest efforts of the Democratic majorities in both branches of Congress? The House is presided over by Speaker CHAMP CLARK, of Missouri; the Senate is presided over by Vice President MARSHALL, of Indiana; a great Democrat is in the White House; a just tariff law has been written upon the statute books of the Nation; an income tax is being collected from the men of large incomes and all business corporations to help bear the burdens of Government; sugar freed from tax comes more abundantly into the home; a large free list for the necessities of daily use for the consumers of the land; and a lower tariff wall for imports, bringing competition and weakening the hand of monopoly.

A great currency problem has been worked out and is being put in operation to break the power of the Money Trust and to lessen the influence of Wall Street; to distribute the money of the people for the benefit of all and destroy the control thereof by a centralized money power; to make many money centers, from which the blood of commerce may flow into all avenues of trade and into all homes of the land; and to end congestion and centralization of the money of all the country in the great city of New York. The President and Congress served the people well in this great effort for a currency law that would decentralize the money of the Nation and would make many money centers instead of one.

BANK PANICS ARE NO LONGER FEARED.

Two constitutional amendments have been adopted during the brief four years I have been in Congress, one providing for an income tax, the other for the direct election of United States Senators, and Federal statutes enacted by Congress in reference thereto. One amendment to shift in a large measure the burdens of Federal taxation, the other to make more responsive to the will of the people the Senate of the United States, thereby tending to make it, like the House, a popular body and not the home of the millionaire or the agent of corporate wealth and special interests.

A Federal corrupt-practice act has been made the law of the land, seeking thereby, under severe penalties of fine and punishment, to prevent the corruption of the ballot and the purchase of seats in Congress, so that the halls of Congress shall be filled with honest representatives of a free and independent citizenship.

The physical valuation of railroads has been provided for and is now being made, to the end that these great properties and arteries of trade and commerce may be economically and honestly managed in the interest of all the people; that the issuance of watered stock may cease and be squeezed out, wherever possible; that overcapitalization may end; that the incomes of these great public-service corporations may not be longer diverted to build up the private fortunes of those who have operated and robbed the railroad properties so as to enhance private fortunes; to put an end to rebates for the benefit of favored shippers; to compel the using of the incomes of railroads for the improvement and betterment of the roadbeds and its service, for more reasonable rates for freight as well as passengers, so that the people who pay the rates and support the railroads and the employees who operate and labor upon the railroads may receive larger benefits and compensation for money and labor contributed, and so that robbery for private benefit may end.

A breaking up of monopoly and the putting of an end to the domination by special interests of our public-service corporations and other industries for excessive private gain, to the injury of the public welfare, is earnestly sought to be accomplished by Democratic effort. A better condition awaits the country by reason of Democratic success. The grip of corporate greed has been weakened, the strength of monopoly has been broken, respect for law has been increased, the masses of the people encouraged to renewed effort for relief; but the struggle for political health must go on. There can be no permanent relief without continued effort. The interest of the people must not abate, the hands of those who have helped to bring about these conditions must be held up and strengthened, or else there is no reward for honest service. Special interests are always alert and active, seeking to punish those who have weakened their power. Intrenched monopoly ever reaches out for more power and never ceases in its efforts. Let the people be jealously active and ever watchful, in order that the public may retain what it has now and may recover more that is its due. There can be no halting of effort by those who would preserve for the people all that is justly due them. The Democratic Party has spoken its wishes in platform declarations, and a sincere effort is being made to keep these platform promises.

The work is not yet complete. Hasty legislation should not be desired. Careful consideration should be given to the enactment of laws that are to affect the welfare of nearly a hundred millions of people. And yet legislation should not be unduly delayed, but hastened, as far as practicable, to the end that criticism may not be deserved.

Criticism will abound, for such is human nature, and the public man must bear with patience the criticism, whether just or unjust, whether from friend or from foe.

The patient work he performs and the daily service he may render his constituents he may not receive credit for; the good he does may be overlooked or forgotten; the laws beneficial that he may help to enact may not be put to his credit, but his mistakes and omissions will not be overlooked by those who desire to displace him.

No man should expect laws to be enacted to interfere with the law of supply and demand. All men know that abundant crops lower the price of farm products, and the demand for and scarcity thereof enhances the value of said products. Laws should not be enacted to interfere with natural laws, but in aid thereof. Tariff laws that build a wall around a country, save for revenue purposes in support of the legitimate needs of the Government, should no more be tolerated than walled cities, as of old.

The advocates of the Underwood "tariff-for-revenue" law did not promise to increase the price of the products of the farm or factory, a surplus of which are shipped abroad, but it contemplates lower prices in protected articles to be purchased by farmers and other consumers of manufactured articles that have been unduly protected and prices raised by reason of high tariff walls and monopoly aided thereby. An enlarged free list given by the Underwood bill was demanded by the farmers and other consumers of manufactured products. Those who predicted dire disaster by the enactment into law of the Democratic tariff-for-revenue bill have seen their prophecies unfulfilled. What producer of wool, now on the free list, will complain of the en-

The SPEAKER. The gentleman from Illinois was the last one.

Mr. DONOVAN. Then I object.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time for general debate be equally divided between the two sides, to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the time for general debate be divided between the two sides, one half to be controlled by himself and the other half by the gentleman from Massachusetts [Mr. GILLETT]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is, is there objection to the request of the gentleman from New York?

Mr. DONOVAN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Connecticut objects, and the question is on the House resolving itself into the Committee of the Whole House on the state of the Union to consider H. R. 17824.

The question was taken, and the motion was agreed to.

The SPEAKER. Accordingly the House resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Georgia [Mr. ADAMSON] will take the chair.

Mr. DONOVAN. Mr. Speaker, I raise the question of no quorum.

The SPEAKER. The House has just resolved itself into the Committee of the Whole House on the state of the Union.

Mr. DONOVAN. But I am not too late to raise the question of a quorum.

The SPEAKER. The gentleman can not raise the question of a quorum in the House, because the House has gone into the Committee of the Whole House on the state of the Union——

Mr. DONOVAN. How does it go into Committee——

The SPEAKER. The Chair has nothing on earth to do with the Committee of the Whole House on the state of the Union.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. How can the House be in the Committee of the Whole House on the state of the Union before a Chairman has been appointed by the Chair?

The SPEAKER. The Chair has already appointed the gentleman from Georgia [Mr. ADAMSON].

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17824, the general deficiency bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. DONOVAN. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Connecticut objects and the Clerk will read the bill.

The bill was read at length.

During the reading of the bill the following occurred:

Mr. DONOVAN. Mr. Chairman, in the first reading of the bill it should be read in full and a part of it should not be skipped.

Mr. FITZGERALD. Mr. Chairman, I make the point of order the gentleman has no right to interrupt the proceedings of the committee, and I ask for order so that business may be transacted.

The CHAIRMAN. The Chair is informed that the gentleman from Connecticut is mistaken, and it is not in order to interrupt the reading of the bill. The Clerk will read.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. The Clerk is not reading the bill. He is skipping a part of it.

The CHAIRMAN. The Chair has not discovered it; the Chair is watching the Clerk, and the Chair will see that the gentleman from Connecticut is protected. The Chair hopes there will be order, so that he can see the gentleman from Connecticut is not defrauded. The Clerk will read.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. The Clerk is skipping part of it.

The CHAIRMAN. The Chair has not observed any skipping. The gentleman from Connecticut will please not interrupt the reading.

Mr. DONOVAN. We are entitled to a reading of the bill, Mr. Chairman, I take it.

The CHAIRMAN. Well, the Chair hopes the gentleman will be careful to discover a mistake before he attempts to correct one.

The Clerk resumed and concluded the reading of the bill.

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Massachusetts [Mr. GILLETT] is recognized for one hour.

Mr. GILLETT. Mr. Chairman, I yield 20 minutes out of the time of the gentleman from New York [Mr. FITZGERALD] to the gentleman from North Carolina [Mr. POU].

The CHAIRMAN. The gentleman from North Carolina [Mr. POU] is recognized for 20 minutes.

Mr. POU. Mr. Chairman, on yesterday the following appeared in the Washington Times:

ALTOONA, PA., *July 8.*

With every department of the Altoona shops, the industrial center of the Pennsylvania Railroad Co., working full time, and many departments working overtime, this city is enjoying an unsurpassed era of prosperity. An order for 81 freight engines, the largest ever used by the Pennsylvania, has been placed with the Juniata shops, while an order has just been placed with the car shops for a thousand all-steel box cars, the most costly equipment of its kind ever ordered by the railroad.

Mr. Chairman, we have been told so often of late that a condition of business stagnation exists all over the land that it is with genuine pleasure that I read this telegram. Some of our Republican colleagues in this House have told us that there is financial depression everywhere, that thousands of wage earners are out of employment, and that a terrible panic is bound to come unless the American people decide to do one thing, namely, put the old stand-pat Republican Party back into power. It certainly is refreshing to learn that there is at least one city which finds itself exempt from the ruinous conditions we have heard described. No need of soup houses in Altoona. Indeed, it is just possible that a few of the great army of unemployed may find work if they can only get to Altoona, for this telegram informs us that every department of the Altoona shops is working on full time, while in many departments the shops are running overtime. The news is no doubt especially pleasing to our Republican colleagues from the great State of Pennsylvania. The statement of conditions must be true, for a similar telegram appeared in a Philadelphia paper, the organ of stand-pat Republicanism in that State. Likewise, Mr. Chairman, I learned on good authority that a great manufacturing concern in New England, which employs approximately 15,000 operators, positively declined, about the first of this month, to give those operators a half holiday unless they would agree to work overtime to make up for the loss of that half day. The company was behind time in filling orders. It may be, Mr. Chairman, that conditions are not so bad as we have heard described in this Chamber. Let us not forget that just a year ago the stage appeared to be all set for a panic which was scheduled to arrive about that time. The panic was fortunately averted by vigorous action of Mr. Wilson's administration.

Mr. Chairman, in a great Nation like ours there will probably never be a time when men can not be found out of employment in the great cities. There will probably never be a week when some failure in business is not announced. The purpose of those gentlemen who have been crying panic and hard times is plain. They are striving to put the Republican Party back into power. They do not mention the Roosevelt panic of 1907. They tell us men are out of employment in Chicago, for instance. The Democratic Party is in power, therefore the Democratic Party is responsible for the failure of these Chicago men to get work. These apostles of hard times do not tell us that during the Roosevelt administration and the Taft administration men were also walking the streets of Chicago in search of employment. At no time during the 16 months of the Wilson administration has there been a condition which approached in seriousness the disastrous Roosevelt panic. On the contrary, there has been steady improvement; and even those gentlemen who cry hard times will not deny that the President and those associated with him have done what they could to make impossible the recurrence of another Roosevelt panic.

But I did not rise, Mr. Chairman, to enter into a discussion of the general condition of the country. I rose to remind those gentlemen on the other side of the aisle who have been crying hard times that the Republican minority in this Chamber can not consistently criticize the administration so long as you yourselves are divided in your support of the administration measures.

Since the Democratic Party came into power five great measures have been passed by the House of Representatives, two of which have become laws, while three at this time are being considered by the Senate.

Let us consider first the trade commission bill. That is one which we are told is going to bring ruin and disaster to the country. It is now pending in the Senate. There was not even a roll call over here. Here is what happened in this Chamber as told by the RECORD of that day:

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

If this is a ruinous measure, who is responsible for it? You are just as much responsible as we are.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. POU. I will.

Mr. MADDEN. Did the gentleman hear anybody on this side of the House say it was a ruinous measure?

Mr. POU. No; but the gentleman knows that there has been an attack in the press not only upon other measures but upon this one as well, and I am going to show further on that not only on this but on four of these measures you split to pieces over there; and if this legislation is bad, you are as much responsible for it as we are, and it is time to quit calamity howling when you yourselves are voting for the Wilson administration measures.

The trust bill I will mention next. On that the yeas were 297 and the nays 54. There are 145 of you over there. Where were the remainder of you when this roll was called? Only 54 were found who were willing to go on record against this "ruinous measure" known as the Clayton bill. This bill has been the target of Republican criticism. If it is going to ruin the country, why did you vote for it? If it is going to ruin business, why did you not present a solid front against it? There are 145 Members of this body who are not Democrats, yet there were just 54 who were willing to go on record against the Clayton bill. No man can deny the significance of this. The minority in the Chamber not only did not present a solid front against this bill, but 57 Members actually voted with us. I think the country should know exactly who these gentlemen are. They are to be commended, not criticized. For my part, I entertain the highest respect for the position they took. It means that they are not narrow-minded partisans. It means that they have the courage of their convictions. Their list of names constitutes a roll of honor which I am going to put in the RECORD.

Republican and Progressive roll of honor, composed of those who supported the Clayton antitrust bill:

Anderson	Gardner	Lindbergh	Sloan
Barton	Good	McKenzie	Smith, Idaho
Bell, Cal.	Green, Iowa	McLaughlin	Smith, J. M. C.
Bryan	Hangen	MacDonald	Stafford
Burke, S. Dak.	Hawley	Mapes	Sutherland
Campbell	Helgesen	Mondell	Temple
Cary	Hinebaugh	Morgan, Okla.	Thomson, Ill.
Copley	Hulings	Moss, W. Va.	Towner
Cramton	Johnson, Wash.	Murdock	Vare
Curry	Kelly, Pa.	Nolan, J. I.	Walters
Davis	Kennedy, Iowa	Porter	Woodruff
Dillon	Kent	Roberts, Nev.	Woods
Farr	Kinkaid, Nebr.	Rupley	
Frear	La Follette	Scott	
French	Lenroot	Sinnott	

Let us next consider the Rayburn bill, which a great many people believe is much needed. Certain gentlemen have been engaging in high finance in this country. Watered stock has been sold to the people, and hundreds of homes have been ruined, because when men buy stocks and bonds they do not know what they are getting. I do not need to mention instances. You see them all around you every day now—railroads going into the hands of receivers and stock bought by innocent purchasers going down to almost nothing, and bringing ruin and disaster to homes throughout the land. The Wilson administration said this ought to be stopped, and the Rayburn bill was reported to the House; and here is the vote on it—yeas 325, nays 12.

Republican and Progressive roll of honor, composed of those who supported the Reyburn bill:

Anderson	Chandler, N. Y.	French	Hinebaugh
Anthony	Copley	Gardner	Howell
Austin	Curry	Good	Hulings
Avis	Danforth	Graham, Pa.	Humphrey, Wash.
Bartholdt	Davis	Green, Iowa	Johnson, Utah
Barton	Dillon	Greene, Vt.	Johnson, Wash.
Browne, Wis.	Drukker	Guernsey	Kahn
Bryan	Edmonds	Hamilton, N. Y.	Keister
Burke, S. Dak.	Esch	Haugen	Kelley, Mich.
Butler	Falconer	Hawley	Kelly, Pa.
Calder	Farr	Hayes	Kennedy, Iowa
Campbell	Fess	Helgesen	Kennedy, R. I.
Cary	Frear	Hinds	Kent
Kiess, Pa.	Morgan, Okla.	Sells	Thomson, Ill.
Kinkaid, Nebr.	Moss, W. Va.	Shreve	Towner
La Follette	Mott	Sinnott	Treadway
Langley	Murdock	Slemp	Vare
Lenroot	Nelson	Sloan	Volstead
Lindbergh	Nolan, J. I.	Smith, Idaho	Walters
McGuire, Okla.	Paige, Mass.	Smith, J. M. C.	Willis
McKenzie	Plumley	Stafford	Winslow
McLaughlin	Porter	Steenerson	Woodruff
McDonald	Powers	Stevens, Minn.	Woods
Mann	Roberts	Sutherland	
Mapes	Rupley	Switzer	
Mondell	Scott	Temple	

Think of that, if you please—just 12 Members were willing to go on record against this bill. If it is not a righteous bill, why did so many of you vote for it? If it is not a good bill, why did 101 Republicans and Progressives vote with the Democrats when the bill was passed by the House? Can you consistently criticize a bill which you yourself supported on a roll call? I am not criticizing any man who supported the bill. Remember, if you please, there are 145 Members who are not Democrats. If this is a bad bill from your standpoint, there should have been at least 145 votes against it.

No, Mr. Chairman, the Rayburn bill is not going to ruin business, as every intelligent man knows; on the contrary it is going to help legitimate business; certainly this House thinks so, for there were only 12 votes against it. Where were all those calamity howlers when that roll was called: these men who have been predicting disaster and wanting Congress to adjourn in order to save the country? Just 12 men, as I have said, marched up and voted against the bill.

Mr. GOOD. Will the gentleman yield?

Mr. POU. I will.

Mr. GOOD. To which of the great measures the gentleman has mentioned, the tariff bill or the trust bills, may the country look for relief from the high cost of living? Which one of these measures will bring about the low cost of living as promised by the Democratic Party, and when will it come?

Mr. POU. The country may look, I think, to all of these measures for some relief from burdensome conditions. If the gentleman will go and ask his wife she will tell him now that the reduction in the cost of living has already commenced, as she finds when she goes to any great department store. Probably you have not talked to your wife lately about this matter. [Applause.]

Mr. GOOD. Will the gentleman enumerate some of the articles which are selling cheaper now at retail, for instance in the city of Washington?

Mr. POU. Yes; I will mention one of them. You can get nine pounds more of sugar for $1 than you could under your Republican high tariff.

Mr. DONOVAN. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DONOVAN. In order to have order. The gentleman can not interrupt unless he addresses the Chair first.

The CHAIRMAN. The point is well taken.

Mr. POU. Coming on down a little further to the currency bill——

Mr. GOOD. Can the gentleman name only one article?

Mr. POU. I have already mentioned one article to the gentleman, and I said if he would talk with his wife she would probably mention some others to him.

Mr. GOOD. But will the gentleman——

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Iowa?

Mr. POU. No; I prefer not to do so now. I may take time later on and investigate the proposition suggested by the gentleman. There are numerous articles, some of them among the necessaries of life, which have gone down in price; not much, it is true, but they have gone down some, and I predict they will go down more. At any rate, that is what the proprietors of the great department stores in the cities have been telling us, and they ought to know.

But I did not rise to discuss prices, Mr. Chairman. I rose for another purpose. Some of you gentlemen over there have been saying that this administration is ruining the country, and you have been trying to bring pressure upon Congress to adjourn. I charge that you are responsible to a very considerable extent for nearly all the legislation which has been put through this House up to this time. You have no right to sit in your seats over there and remain silent or vote "aye" on this measure or that measure and then cry out to the country that Mr. Wilson is ruining the country by pressing these very measures to final passage.

Now I come to the Underwood bill. Yeas 255, nays 104. You got 104 out of the 145. That is the best you could do on even the Underwood measure.

themselves in tall grass. I remember that the first rat that left the trap never got more than a foot from it. The second ran a yard, perhaps. And so on The last rat always tried desperately to reach the fence.

But it was very seldom that even the last rat escaped that bulldog's snapping jaws I imagine that my bulldog and the young ensign and ex-football star, whom I have mentioned, both of whom applied the law of flight, are somewhat alike

Immediately upon learning of this story at Vera Cruz by the military authorities Mr. Boalt was arrested.

Mr. Boalt insisted that facts substantiated his story. He was ordered deported. He communicated with his news connections in Chicago, and from there came the story of his predicament to his associates here in Washington.

The matter was immediately taken up with the Navy Department. The Navy Department indicated it would investigate the matter.

Mr. Speaker, we want to get the details of this incident. We desire to know who initiated demand for arrest and deportation of Mr. Boalt, and we want the facts brought out at the court of inquiry placed before the House.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the tariff.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD on the subject of the tariff. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that I may extend my remarks in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. GARNER. On what subject? Let us have the subject. I think that it is due to the House that every gentleman who asks unanimous consent to extend his remarks in the RECORD should state upon what subject he expects to extend his remarks.

Mr. RAKER. Mr. Speaker, I hope to extend them on the subject of the Kinkaid bill, if I get the privilege.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the general deficiency appropriation bill.

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to ask the gentleman from Massachusetts [Mr. GILLETT] if we can agree on 40 minutes' debate on a side?

Mr. GILLETT. Mr. Speaker, I will state to the gentleman that I have had requests for four hours of general debate upon this side.

Mr. FITZGERALD. Is everybody on that side losing his head in the hot weather? [Laughter.]

Mr. GILLETT. We have not had any general debate for a long time.

Mr. FITZGERALD. Oh, the Republicans have been doing nothing but talking.

Mr. GILLETT. Well, that is all the minority is allowed to do. [Laughter.]

Mr. FITZGERALD. There is no desire on this side to debate the bill.

Mr. GILLETT. Let me tell the gentleman that it is saving time in a certain way, because much of the time for which I have been asked was to have been granted when the House had under consideration the general dam bill, but it is much more appropriate on an appropriation bill.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that general debate on the minority side be limited to four hours.

Mr. GILLETT. I am content with that.

Mr. MANN. Yes; but how much does the gentleman's side of the House propose to use?

Mr. FITZGERALD. We will not use so much time as that.

Mr. MANN. Oh, you never can tell.

Mr. FITZGERALD. I know from the general character of the indiscriminate assaults that are made upon the administration by the other side that we will need hardly two or three minutes to dispose of them. [Laughter.]

Mr. MANN. But it always does take more.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time of all the minority in the House on this bill in general debate be limited to four hours, to be controlled by the gentleman from Massachusetts [Mr. GILLETT].

The SPEAKER. And how much for the majority?

Mr. FITZGERALD. I am not limiting that. We will not use very much.

The SPEAKER. The gentleman from New York asks unanimous consent that general debate be limited to four hours for the minority.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, the general debate is going to take the usual course of talking on any subject the gentlemen see fit to talk about, I suppose? Is that right?

M. FITZGERALD. If a Member gets the floor, he can talk on anything under the sun.

Mr. DONOVAN. And then it is going to follow under the five-minute rule, where they will ask to extend their time, and then talk on any subject that they see fit? That will probably follow, will it not?

Mr. FITZGERALD. I am unable to predict what this House is likely to do.

Mr. DONOVAN. Mr. Speaker, let me suggest that the ranking member of the minority the other day suggested in one of his talks that the presence of the minority was essential to prevent abuses, and I believe he then hied himself away, and we have hardly looked upon his face since.

Mr. GARNER. To whom does the gentleman refer by the ranking Member of the minority—the gentleman from Massachusetts [Mr. GILLETT]?

Mr. MANN rose.

Mr. DONOVAN. Oh, I am not referring to the gentleman from Illinois [Mr. MANN], although he is the ranking member of every committee here. [Laughter.] I take it that the gentleman is interested in well-doing in this body. We met here last Monday, and there were only 67 Members present to do business. We tried to get a quorum and could not do it. Now, the gentleman from New York [Mr. FITZGERALD], instead of trying to get unanimous consent to allow a few Members to talk on every subject under the sun, should try to get the Members of Congress here to do business, and then insist——

Mr. FITZGERALD. Mr. Speaker, I object to this indiscriminate lecture and to the gentleman criticizing me when I am trying to perform a public duty.

Mr. DONOVAN. We have been listening to indiscriminate lectures from the gentleman from time to time here.

Mr. FITZGERALD. It evidently has not had the effect it should have upon the gentleman.

Mr. DONOVAN. I will say to the gentleman from New York——

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, the gentleman from New York, pending the motion to go into Committee of the Whole House on the state of the Union, asks unanimous consent that general debate be limited to four hours——

Mr. FITZGERALD. To those opposed to the bill, to be controlled by the gentleman from Massachusetts [Mr. GILLETT], and that I be permitted to control the time on this side, and this side will not take more than four hours. I will make that suggestion.

Mr. DONOVAN. Mr Speaker——

The SPEAKER. The gentleman from New York, pending that motion, asks unanimous consent that the minority shall have not more than four hours of general debate, to be controlled by the gentleman from Massachusetts [Mr. GILLETT], and if the majority concludes it wants to debate the bill it shall have not more than four hours, to be controlled by the gentleman from New York [Mr. FITZGERALD]. Is there objection?

Mr. DONOVAN. Mr. Speaker, reserving the right to object, first, I want to make a parliamentary inquiry.

Mr. MANN. Mr. Speaker, regular order.

The SPEAKER. The regular order is, is there objection to the request?

Mr. DONOVAN. I am reserving the right to object, Mr. Speaker.

The SPEAKER. The Chair knows; but the regular order is called for.

Mr. DONOVAN. Does the Speaker deny the right to reserve the right to object?

The SPEAKER. Whenever the regular order is demanded it is the business of the Speaker——

Mr. DONOVAN. But a gentleman should rise from his seat when he calls for the regular order.

The SPEAKER. It was demanded two or three times before when the gentleman was standing up.

Mr. DONOVAN. Who has asked for the regular order?

Alhambra, Cal., and the North Pasadena Methodist Church, of Atkinson, and Kewanee, all in the State of Illinois, favoring

matter of fact, I answered "no" and then changed my vote to "present," being paired with the gentleman from Pennsylvania, Mr. MOORE. He would have voted for the amendment and I against it. I thought it would appear in the RECORD as paired, but it does not, and I wish to make this statement of our respective attitudes.

The SPEAKER. Without objection, the correction will be made.

Mr. MANN. Mr. Speaker, did I understand the gentleman from Tennessee to ask to have the RECORD corrected, or simply to make a statement?

The SPEAKER. The gentleman from Illinois is correct; it is not a correction of the RECORD. The Chair has studied for some time this matter of voting "present." Sometimes there will be 15 or 20 Members in front of the Clerk's desk after a roll is called twice, with a request to withdraw their votes, stating that they were paired and want to answer "present." It seems to the Chair, although he is not trying to force the matter on anyone or rule in regard to it, that it is an absolute waste of time. If a Member is paired, the proper thing for him to do in the first instance is to answer "present."

CHARLES R. GRANT.

The SPEAKER laid before the House the bill (H. R. 6464) to muster in and muster out Charles R. Grant, late a volunteer of the Army in the Civil War, with Senate amendments.

The Senate amendments were read.

Mr. GORDON. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

MARY E. DE COSTER.

Mr. LLOYD. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 516 (H. Rept. 952).

Resolved, That the Clerk of the House of Representatives be, and he hereby is, authorized and directed to pay to Mary E. De Coster, widow of the late Capt. Francisco V. De Coster, a deliveryman of documents to the House document room, the committees of the House, and the House Office Building, a sum equal to six months' salary at the rate he was receiving by law at the time of his death; said sum to be paid from the contingent fund of the House, and to be considered as including funeral expenses and all other allowances.

The following committee amendments were read:

Line 3, after the word "pay" insert "out of the contingent fund of the House."

Strike out in lines 7, 8, 9, and 10 the words "said sum to be paid from the contingent fund of the House, and to be considered as including funeral expenses and all other allowances," and insert in lieu thereof "and a sum not exceeding $250 to defray the funeral expenses of said Francisco V. De Coster."

The SPEAKER. The question is on the amendments.

The committee amendments were agreed to.

The resolution as amended was agreed to.

MESSENGERS IN THE POST OFFICE.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution:

The Clerk read as follows:

House resolution 530 (H. Rept. 951).

Resolved, That 14 messengers in the post office of the House now authorized to be employed from December 1, 1913, until June 30, 1914, inclusive, may continue to be employed during the remainder of the present session of Congress and be paid out of the contingent fund of the House.

With the following committee amendments:

On page 1, line 2, strike out the word "now."

On page 1, line 6, after the word "Congress," insert the words "and receive pay from July 1, 1914."

The committee amendments were agreed to.

The resolution as amended was agreed to.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to introduce and have read by the Clerk a privileged resolution.

The SPEAKER. The proper way to introduce the resolution is through the basket. If the gentleman desires to have unanimous consent to have it read, very good.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to have it read.

Mr. FITZGERALD. What is it?

Mr. FALCONER. It is a resolution having to do with a matter in Vera Cruz. An acquaintance of mine, a man who is in the employ of the Newspaper Enterprise Association, has recently been ordered deported because of a story he sent out relative to the extraordinary actions of certain naval officers.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17824, the general deficiency appropriation bill.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I ask unanimous consent that the gentleman from Washington may have the privilege of extending his remarks in the RECORD and also that I may have the same privilege.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Reserving the right to object, is the request of the gentleman from Washington disposed of?

The SPEAKER. No. The gentleman from California undertook to couple his request with that request.

Mr. MANN. Oh, the gentleman from California tries to take an unfair advantage, and I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. RAKER. Mr. Speaker, would the gentleman from Washington——

The SPEAKER. The matter is not debatable.

Mr. RAKER. Mr. Speaker, I withdraw my objection to the request of the gentleman from Washington.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. FALCONER] to extend his remarks in the RECORD? [After a pause.] The Chair hears none, and it is so ordered.

Mr. FALCONER. Mr. Speaker, had objection not been raised, I would have asked for immediate consideration of the following resolution:

Resolved, That the Department of War and the Department of the Navy be, and are hereby, requested to furnish the House of Representatives copies of all correspondence and orders in the matter of the order of deportation of Fred L. Boalt, a correspondent of the Cleveland Press and affiliated newspapers, from Vera Cruz, on account of the publication of an article alleging that an officer of the United States Navy and marines under his command applied the "law of flight," firing upon unarmed Mexican prisoners during the occupation of Vera Cruz.

Resolved further, That the said departments advise the House of Representatives at whose initiative Boalt was ordered deported, and whether or not testimony now being taken at the court of inquiry now being held on board the U. S. battleship *Texas*, at Vera Cruz, is being censored by the officers of the United States Army.

My purpose for introducing this resolution is plainly understood by the context and wording.

Mr. Speaker, Fred L. Boalt was a resident of my State, a newspaper man in Seattle, and his professional ethics and standard of integrity have secured for him a high place in the esteem of his coworkers and the newspaper fraternity generally.

It is my opinion, sir, that Mr. Boalt would not write a story without fact, and his story is so extraordinary that in this modern day of civilization it commands the attention of the public.

We have heard much of late of the dove of peace, flitting hither and thither, from the abode of the Carnegie Peace Commission to the Department of State, and we are moved to inquire if it can be possible that while the principle of the "brotherhood of man" is being promulgated here in this great country, and with special emphasis being placed upon our own—America's—high standards, embracing the new freedom, if it can be possible, sir, that the mailed hand of the United States reaching out and beyond our own borders into the land of a neighboring Republic and there in one of its fairest cities viciously murders defenseless citizens in a manner unworthy of the time in which we live and of the country we call our own.

Mr. Boalt's article, sent out to the Newspaper Enterprise Association from Vera Cruz, which caused his arrest and an order issued for his deportation, is:

When the Americans took Vera Cruz, an ensign, in his student days perhaps the best fullback Annapolis ever had, had command of a squad of men who took many prisoners.

The prisoners were corraled in a room. At a word from the ensign they were released and told to scurry for the next corner. Those who reached it in safety, in the opinion of the ensign, deserved to live.

But very few did.

The ensign applied the "ley de fuga"—the law of flight.

The law of flight is not nice. The rules of civilized warfare forbid the application of the law of flight.

But war is war; and one American naval officer did apply the law of flight. He admits it; boasts of it. Curiously enough, his friends applaud him for it. Hundreds of American Army and Navy officers and men know that this ensign and his men applied the forbidden law of flight—made sport of prisoners of war, and even noncombatants, giving them a flying start and "potting" them as they fled.

I have been told that it was fun to see them run.

When I was a boy, I had a bulldog who applied the law of flight.

The trick was for the dog to catch, if he could, all the rats before they reached the split-rail fence which surrounded the pasture. Once through the fence, there was no catching the rats, because they lost

Also, a bill (H. R. 17831) authorizing either party to a civil suit in the courts of the United States to take the testimony of the adverse party by filing interrogatories prescribing the method of procedure and its effect, and for other purposes; to the Committee on the Judiciary.

By Mr. ANSBERRY: A bill (H. R. 17832) for the reduction of postage on first-class mail matter; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 17833) granting an increase of pension to John W. Murtaugh; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 17834) granting an increase of pension to Daniel Houts; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17835) granting a pension to Melissa Fisk; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 17836) granting a pension to Helena Strumpf; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17837) for the relief of Herman H. Schrade; to the Committee on Claims.

By Mr. CRAMTON: A bill (H. R. 17838) granting an increase of pension to Jeremiah Hyatt; to the Committee on Invalid Pensions.

By Mr. CLARK of Florida: A bill (H. R. 17839) granting an increase of pension to Mrs. S. T. Lisk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17840) granting an increase of pension to Michael D. Aker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17841) granting a pension to John J. Ogiesbee; to the Committee on Invalid Pensions.

By Mr. CANDLER of Mississippi: A bill (H. R. 17842) for the relief of George Richardson; to the Committee on the Public Lands.

By Mr. FLOYD of Arkansas: A bill (H. R. 17843) granting a pension to Charlotte A. Stone; to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 17844) granting an increase of pension to Ann M. Morrison; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17845) granting an increase of pension to Luanna A. Baldwin; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17846) granting a pension to Mary C. Chrisman; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 17847) granting an increase of pension to John G. Woolley; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 17848) granting a pension to Thomas Conley; to the Committee on Pensions.

Also, a bill (H. R. 17849) for the relief of William Helm; to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 17850) granting a pension to John C. Hardy; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the Central Presbyterian Church, of Summit, N. J., urging adoption of amendment abolishing polygamy in the United States; to the Committee on the Judiciary.

Also, petition of John S. Watts and 103 other citizens of the ninth congressional district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of sundry citizens of Torrey, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Williams County (Ohio) Sunday Schools and the Bethany Christian Union of Henry County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of sundry citizens of Summit County, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petitions of 14 citizens of Jackson, Mich., in opposition to national prohibition; to the Committee on Rules.

By Mr. BELL of California: Petitions of 100 citizens of Alhambra, Cal., and the North Pasadena Methodist Church, of Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BHODBECK: Petition of 33 citizens of Loganville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of Emil E. Vogt, of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Fishel-Nessler Co., of New York City, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, petition of the Western Society of Engineers, favoring passage of House bill 13457, relative to surveys by the United States Geological Survey; to the Committee on Expenditures in the Interior Department.

Also, petition of the United States Civil Service Retirement Association, favoring bill for retirement of aged employees of the United States Government; to the Committee on Reform in the Civil Service.

By Mr. COOPER: Petition of the Young People's Society and the Sunday School of Cargill Methodist Episcopal Church, of Janesville, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Resolutions of the German Methodist Episcopal congregation of Marine City; the First Baptist Church of Lapeer, representing 200 people; the First Methodist Episcopal Church of Lapeer, representing 250 people; the Highland Park Presbyterian Church, representing 500 people; and a mass meeting of citizens of Mayville, all in the State of Michigan, supporting the Hobson resolution to submit the question of national prohibition to the legislatures of the various States; to the Committee on Rules.

By Mr. DANFORTH: Petitions of Rev. L. A. Southworth and 59 others of Albion; R. Bert Irwin and 25 others of Rochester; Maria C. Grames and 28 others of Hemlock; George E. Knapp and 23 others of Hemlock; C. R. Seeley and 64 others of Attica; Thomas Turner and 25 others of Lyndonville; C. E. Hamilton and 54 others of South Livonia; various residents of Waterport and Lyndonville; the Woman's Christian Temperance Union of Attica; the Disciples of Christ, at Elmira convention; the Collins Class of the Monroe Avenue Methodist Episcopal Church, of Rochester; the Andrew and Philip Class of the Monroe Avenue Methodist Episcopal Church, of Rochester; the Hubbell Bible Class of the First Baptist Church of Rochester; the Hubbell Class of the Corn Hill Methodist Episcopal Church, of Rochester; the Men's Class of the First Church of Christ of Rochester; the Young People's Society for Christian Endeavor of the First Presbyterian Church of Batavia; the Independent Order of Good Templars, of Kendall; the Christian Endeavor Society of the Spencerport Baptist Church; the Monroe County Sunday School Association, of North Chili; the Woman's Christian Temperance Union of Kendall; the Baraca Class of the Second Baptist Church of Rochester; the Christian Endeavor Union of Rochester; the Gibbs Bible Class, of Rochester; and the Cardius Class of the West Avenue Sunday School, of Rochester; various members of churches in Albion, Brighton, Castile, Cuylerville, Dansville, Indian Falls, Irondequoit, Medina, Moscow, Mumford, Rochester, Spencerport, and West Henrietta, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. DECKER: Petition of Vesta Wood, Helen M. Stranin, and others, of Carthage, and Henrietta C. Cosgrove and others, of Joplin, Mo., favoring legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. FESS: Petition of sundry citizens of Chillo, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Protests from sundry citizens of Ipswich, Mass., against the adoption of prohibition measures now pending in Congress; to the Committee on Rules.

By Mr. GILL: Petitions of sundry citizens, the Painters' District Council, and the Building Trades Council, all of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of 33 citizens of Howland, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of the first congressional district and others of the State of Oregon, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens and churches of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petition of sundry citizens of Galesburg, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of various business men of Geneseo, Annawan, Atkinson, and Kewanee, all in the State of Illinois, favoring

House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of sundry citizens of Quincy, Ill., against national prohibition; to the Committee on Rules.

By Mr. KALANIANAOLE: Petition of 630 citizens of Honolulu, Hawaii, and 150 citizens of Oahu, Hawaii, favoring national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of sundry citizens of Jeannette, Pa., favoring the passage of the Hobson-Sheppard resolutions, which provide for a prohibition amendment to the Federal Constitution; to the Committee on Rules.

Also, petition of J. William Wellen, of Latrobe, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Baptist Young People's Union of New Kensington, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Charles E. Dunham, of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Luzerne County, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of various congregations of the Methodist Episcopal, Presbyterian, and United Evangelical Churches of Port Carbon, Pa., and sundry citizens of Oak Grove, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of 1 voter of State of Pennsylvania, protesting against national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Memorial of the Central Methodist Protestant Christian Endeavor Society, of New Market, Md., favoring national prohibition; to the Committee on Rules.

By Mr. LINDBERGH: Petition of sundry citizens of Request, Minn., favoring a prohibition amendment to the Constitution; to the Committee on Rules.

Also, petition of sundry citizens of Eagle Bend, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of 405 residents of the District of Columbia, in favor of Sabbath observance in the District; to the Committee on the District of Columbia.

By Mr. McCLELLAN: Petitions of Rev. E. P. Mesich, of Spencertown; Rev. R. M. Roberts, of Esopus; M. Gildersleeve and Mrs. M. Martin, of Hurleyville; W. S. Barnes and 9 other residents of Marlboro; E. S. Ryder, of Cobleskill; H. R. Soper, of Coxsackie; F. Walker, of Allaben; and 25 citizens of Germantown, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union of Hudson, N. Y., favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Plattsmouth, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of E. A. Olson and 49 other citizens of San Francisco, Cal., against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, petitions of sundry citizens of the State of California, favoring the passage of an amendment to the Constitution to provide for nation-wide prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of various churches, representing 600 citizens of Skowhegan, 150 citizens of Clinton, 50 citizens of Randolph, 110 citizens of China, and 150 citizens of Gardiner, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of 46 citizens of Poughkeepsie, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the Bolton Grange, of Connecticut, favoring Government ownership of telephone and telegraph; to the Committee on the Post Office and Post Roads.

By Mr. ROBERTS of Nevada: Petition of Mrs. J. W. Adams and Mrs. Fred Stadt Muller, in behalf of the Nevada Association of Women Opposed to Equal Suffrage, protesting against the proposed extension of the franchise to women; to the Committee on the Judiciary.

By Mr. STEPHENS of Nebraska: Petitions of sundry citizens of Neligh, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petitions of 200 citizens of Vernon, Tex., and 230 citizens of Quanah, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of Local Union No. 29, Metal Polishers and Buffers, of Albany; the Central Federation of Labor, Albany; sundry citizens of Albany and Troy, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions and resolutions of sundry citizens of Bourne; the Methodist Episcopal Church of Hanson; sundry citizens of Belmate; the Baptist Young People's Union of Middleboro; the First Portuguese Methodist Episcopal Church of New Bedford; the Methodist Church of Chilmark; the New England Yearly Meeting of Friends; sundry citizens of Vineyard Haven, Wareham, and New Bedford; the Barnstable Woman's Christian Temperance Union; the Falmouth Woman's Christian Temperance Union; the Pentacostal Church of the Nazarene, of Wareham; the Plymouth County Woman's Christian Temperance Union; the Quarterly Conference of the Methodist Episcopal Church of Acushnet; the Quarterly Conference of the Methodist Episcopal Church of Long Plain; the Senior Christian Endeavor of Hanson; the Quarterly Conference of the Methodist Episcopal Church of Marion; and the Christian Endeavor Society of Hanson, all in the State of Massachusetts, favoring adoption of national constitutional prohibition amendment; to the Committee on Rules.

Also, memorial of Geo. W. Perry Post, No. 31, Grand Army of the Republic, in behalf of Gettysburg peace memorial; to the Committee on Appropriations.

Also, resolutions of the city of Medford, Mass., for the retirement of all civil-service employees of the United States Post Office Department; to the Committee on Reform in the Civil Service.

Also, petitions of sundry citizens of New Bedford, Mass., remonstrating against national constitutional amendment; to the Committee on Rules.

By Mr. VOLLMER: Resolution of Aug. Wentz Post, No. 1, Grand Army of the Republic, of Davenport, Iowa, asking for an appropriation of $200,000 for the purpose of promoting a national celebration and peace jubilee in commemoration of the semicentennial of the ending of the Civil War in 1865, to be held at Vicksburg, Miss., in October, 1915; to the Committee on Appropriations.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

By Mr. WHITE: Petition of C. M. Williamson and 120 others, of Cannelville, Ohio, and J. P. Peairs and 90 others, of Duncan Falls, Ohio, urging the adoption of the national prohibition amendment to the Constitution; to the Committee on Rules.

By Mr. WOODRUFF: Petition of various residents of Maple Ridge, Mich., and various members of the Methodist Church of Turner, Mich., in support of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Gaylord, Mich., favoring national prohibition; to the Committee on Rules.

HOUSE OF REPRESENTATIVES.

SATURDAY, *July 11, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, Almighty Father, in spite of the widespread secularism of our day, that the Christ spirit obtains to a larger degree in the hearts of men than ever before; that there is less dogma, more religion, less bigotry, more brotherly love, less sectarianism, more toleration; yet we are far from the kingdom, and we pray for more of the spirit which makes for righteousness, that wars shall cease to be, peace and good will reign supreme everywhere, in Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AVIATION SERVICE.

Mr. HAY. Mr. Speaker, I ask that the Speaker lay before the House the bill H. R. 5304.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 5304. An act to increase the efficiency of the Aviation Service of the Army, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. HAY. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

THE SALEM DISASTER.

Mr. GARRETT of Tennessee. Mr. Speaker, I wish to make a statement for the Record. On the vote on the appropriation for the Salem disaster I am recorded as voting "present." As a

ing national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of 405 residents of the District of Columbia, in favor of Sabbath observance in the District; to the Committee on the District of Columbia.

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Mr. GARRETT of Tennessee. Mr. Speaker, I wish to make a statement for the RECORD. On the vote on the appropriation for the Salem disaster I am recorded as voting "present." As a

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5087. An act for the relief of Edward L. Keyes; to the Committee on Military Affairs.

S. 802. An act for the relief of F. W. Tyler; to the Committee on Claims.

S. 5033. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.; to the Committee on Interstate and Foreign Commerce.

S. 4896. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery; to the Committee on the Public Lands.

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.; to the Committee on Interstate and Foreign Commerce.

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes; to the Committee on Agriculture.

S. 4254. An act to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama; to the Committee on Claims.

S. 968. An act for the relief of Thomas G. Running; to the Committee on Claims.

S. 3925. An act for the relief of Teresa Girolami; to the Committee on Claims.

S. 4930. An act for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth; to the Committee on Claims.

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

S. 5847. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on Public Buildings and Grounds.

S. 1880. An act for the relief of Chester D. Swift; to the Committee on Claims.

S. 1127. An act for the relief of Samuel H. Walker; to the Committee on Claims.

S. 105. An act for the relief of the legal representatives of John T. Brickwood, deceased; Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger; to the Committee on Claims.

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes; to the Committee on Military Affairs.

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes; to the Committee on the Public Lands.

S. 638. An act for the relief of William Liskey; to the Committee on the Public Lands.

S. 598. An act providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries; to the Committee on the Public Lands.

S. 2382. An act for the relief of Charles M. Clark; to the Committee on Military Affairs.

S. 145. An act for the relief of Charles Richter; to the Committee on Military Affairs.

S. 2550. An act for the relief of Jacob Scott; to the Committee on Military Affairs.

S. 1905. An act to prevent the desecration of the flag of the United States of America; to the Committee on the Judiciary.

S. 3457. An act authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Fraser, Mont.; to the Committee on the Public Lands.

S. 771. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long; to the Committee on Claims.

S. 4854. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both; to the Committee on the Merchant Marine and Fisheries.

S. 5312. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes; to the Committee on the Merchant Marine and Fisheries.

S. 4977. An act to establish a fishery experiment station on the Pacific coast of the United States; to the Committee on the Merchant Marine and Fisheries.

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof; to the Committee on the Public Lands.

S. 5092. An act for the relief of Charles A. Spotts; to the Committee on the Public Lands.

S. 2472. An act for the relief of Herman von Werthern; to the Committee on Military Affairs.

S. 4946. An act to establish an additional fish-cultural station in the State of Texas; to the Committee on the Merchant Marine and Fisheries.

S. 819. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes; to the Committee on the Public Lands.

S. 1758. An act for the relief of Warren E. Day; to the Committee on Claims.

S. 2661. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims; to the Committee on Claims.

S. 2630. An act for the relief of Clarence Hazelbaker; to the Committee on Indian Affairs.

S. 4500. An act to place certain officers of the Army on the retired list; to the Committee on Military Affairs.

S. 1220. An act to increase the limit of cost of the public building authorized to be constructed at Durango, Colo.; to the Committee on Public Buildings and Grounds.

S. 2656. An act to correct the military record of Thomas Smith; to the Committee on Military Affairs.

S. 4725. An act providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast; to the Committee on the Merchant Marine and Fisheries.

S. 725. An act to correct the military record of Aaron S. Winner; to the Committee on Military Affairs.

S. 2985. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.; to the Committee on Public Buildings and Grounds.

S. 5211. An act to amend section 1225, Revised Statutes, as amended by act approved September 20, 1888, etc.; to the Committee on Military Affairs.

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.; to the Committee on Claims.

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy; to the Committee on Claims.

S. 5406. An act to establish a light and fog-signal station on Michigan Island, Lake Superior; to the Committee on Interstate and Foreign Commerce.

S. 1377. An act for the relief of Alfred S. Lewis; to the Committee on Military Affairs.

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry; to the Committee on Interstate and Foreign Commerce.

S. 1000. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy; to the Committee on Naval Affairs.

S. 3898. An act to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899; to the Committee on Indian Affairs.

S. 4954. An act for the relief of Stephen Morris Barlow; to the Committee on Military Affairs.

S. 5429. An act for the purchase of two bronze copies of the original marble portrait statue of George Washington; to the Committee on the Library.

S. 2877. An act to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860; to the Committee on Foreign Affairs.

S. 728. An act for the relief of Nathaniel Monroe; to the Committee on Military Affairs.

S. 1124. An act for the relief of G. L. Tangyhill; to the Committee on Military Affairs.

S. 1160. An act for the relief of Isaac J. Reese; to the Committee on Military Affairs.

S. 5204. An act for the relief of Alice H. Gilson; to the Committee on Claims.

S. 770. An act for the relief of Thomas Coyle; to the Committee on Claims.

S. 5197. An act granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes; to the Committee on the Public Lands.

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest; to the Committee on the Public Lands.

S. J. Res. 146. Joint resolution to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength; to the Committee on Military Affairs.

S. 2823. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices; to the Committee on the Public Lands.

S. 4880. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands; to the Committee on the Public Lands.

S. 5555. An act to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910; to the Committee on Interstate and Foreign Commerce.

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin; to the Committee on Interstate and Foreign Commerce.

S. 1293. An act for the relief of Harrison H. Hollowell; to the Committee on Military Affairs.

S. 5674. An act confirming the title of the widow and heirs of John Robinson, deceased, to certain lands, and authorizing and directing the issuance of patent therefor; to the Committee on the Public Lands.

CHANGE OF REFERENCE.

Mr. RUSSELL. Mr. Speaker, I ask to rerefer to the Committee on Pensions the pension bill S. 2466. It was referred to the Committee on Invalid Pensions; but all of the services were rendered since the Civil War, and so the bill should go to the other Pensions Committee.

The SPEAKER. If there be no objection, the change of reference will be made.

There was no objection.

SWEDISH IMMIGRATION.

Mr. LINDBERGH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the history of Swedish immigration to the United States. The principal part of the remarks will be a speech made by the gentleman from Nebraska [Mr. LOBECK] at Ottumwa, Iowa, a few days ago.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD on the subject of Swedish immigration. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. RUSSELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 26 minutes p. m.) the House adjourned until Saturday, July 11, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 15727) authorizing the county of St. Louis to construct a bridge across the St. Louis River, between Minnesota and Wisconsin, reported the same with amendment, accompanied by a report (No. 942), which said bill and report were referred to the House Calendar.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17637) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark., reported the same without amendment, accompanied by a report (No. 943), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17762) to amend an act approved February 20, 1908, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River between the States of Wisconsin and Minnesota, reported the same without amendment, accompanied by a report (No. 944), which said bill and report were referred to the House Calendar.

Mr. JOHNSON of Kentucky, from the Committee on the District of Columbia, to which was referred the joint resolution (S. J. Res. 129) relating to the awards and payments thereon in what are commonly known as the Plaza cases, reported the same with amendment, accompanied by a report (No. 950), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 4969) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 945), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 946), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 947), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 948), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 10897) for the relief of Sarah McLaughlin, reported the same with amendment, accompanied by a report (No. 949), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914, and for prior years, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. CARAWAY: A bill (H. R. 17825) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River at or near St. Francis, Ark.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17826) to amend an act entitled "An act providing a permanent form of government for the District of Columbia"; to the Committee on the District of Columbia.

By Mr. CLARK of Florida: A bill (H. R. 17827) conferring police powers on all conductors and motormen on all electric and other street railways in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FLOYD of Arkansas: A bill (H. R. 17828) authorizing the Secretary of War, in his discretion, to deliver to the town of Green Forest, in the State of Arkansas, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

Also, a bill (H. R. 17829) authorizing the Secretary of War, in his discretion, to deliver to the town of Siloam Springs, in the State of Arkansas, four condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. DENT: A bill (H. R. 17830) to require the production of books, documents, and writings in court before the trial of all civil causes in courts of the United States upon motion of either party to produce the same, and for other purposes; to the Committee on the Judiciary.

Twentieth Regiment Kansas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 18, line 15, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill as amended was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill S. 5575.

The SPEAKER. The gentleman from Missouri calls up the bill S. 5575, which the Clerk will report.

The Clerk read as follows:

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill for amendment.

The Clerk read as follows:

The name of David H. Geer, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 2, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Mary J. Richardson, widow of Sewell D. Richardson, late of Second Company Sharpshooters, Twenty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 3, strike out lines 13 to 17, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of William H. Southwell, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 4, line 3, strike out "$30" and insert "$24."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Emma S. Gere, widow of Thomas P. Gere, late first lieutenant and adjutant, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 4, strike out lines 5 to 8, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Isabella A. Trask, widow of Jedediah F. Trask, late of Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Benedikta Hess, widow of James Hess, late captain Company G, Forty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 4, strike out lines 14 to 25, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Ella Hawkins, widow of William J. Hawkins, late of Company E, Fortieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 1 to 4, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Mary E. Turner, formerly Ross, helpless and dependent daughter of Joseph Ross, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 13 to 16, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Emily M. Walker, widow of Benjamin F. Walker, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 21 to 24, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Harriet M. Case, widow of Marcus A. Case, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Pages 6 and 7, strike out lines 22 to 24, inclusive, on page 6, and lines 1 and 2 on page 7.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Naomi Fiedler, widow of John A. Fiedler, late of Company C, Ninety-second Regiment, and Company C, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 3 to 7, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. BURKE of Wisconsin. Mr. Speaker, I ask unanimous consent that House joint resolution No. 288 be taken from the Speaker's table and considered, and placed upon its passage. It is House joint resolution 288, to amend an act entitled "An act granting pension and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The object of the resolution, if I may be permitted to explain it now, is to correct errors in a certain omnibus pension bill which has become a law. They have been discovered at the Pension Bureau, and that bureau refuses to honor these items unless they are corrected.

The SPEAKER. This is a House joint resolution?

Mr. BURKE of Wisconsin. Yes.

The SPEAKER. The gentleman from Wisconsin [Mr. BURKE] asks unanimous consent for the present consideration of House joint resolution No. 288, which the Clerk will report. Is there objection?

There was no objection.

The Clerk read as follows:

Whereas by errors in printing the bill reported by the House Committee on Invalid Pensions upon H. R. 11260, approved May 2, 1914 (Private, No. 22), the designation of the military service of one James L. Ackley, late of Company L, First Regiment Wisconsin Volunteer Cavalry, was changed to read First Regiment Wisconsin Volunteer Infantry; and the designation of the military service of one Tobias Stiles, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, was changed to read Fifth Regiment Pennsylvania Volunteer Infantry; and the designation of the military service of one James Rhykerd, late of unassigned One hundred and eleventh Regiment New York Volunteer Infantry, was changed to read Eleventh Regiment New York Volunteer Infantry; and the designation of the military service of one John Carver, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, was changed to read Thirteenth Regiment Tennessee Volunteer Infantry; and the designation of the military service of one William A. Yantis, late of band, First Regiment Kentucky Volunteer Cavalry, was changed to read First Regiment Kentucky Volunteer Infantry; and the designation of the military service of one Jeremiah Dillane, late of Company G, First Regiment California Volunteer Cavalry, was changed to read First Regiment California Volunteer Infantry; and the designation of the military service of one William H. Warner, late of Company D, Fortieth Regiment New York Volunteer Infantry, was changed to read One hundred and fortieth Regiment New York Volunteer Infantry; and in the claim of Lucinda Saint John, widow of James N. Saint John, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, was changed to read Lucinda Saint John, widow of John N. Saint John: Therefore be it

Resolved, etc., That the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914 (Private, No. 22, 63d Cong.), granting an increase of pension to one James L. Ackley, be corrected and amended so as to read as follows:

"The name of James L. Ackley, late of Company L, First Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one Elizabeth Stiles be corrected and amended so as to read as follows: "The name of Elizabeth Stiles, widow of Tobias Stiles, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

That the paragraph in said act granting a pension to one Lucy A. Rhykerd be corrected and amended so as to read as follows: "The name of Lucy A. Rhykerd, widow of James Rhykerd, late of unassigned One hundred and eleventh Regiment, New York Volunteer Infantry, and pay her a pension at the rate of $12 per month."

That the paragraph in said act granting an increase of pension to one John Carver be corrected and amended so as to read as follows: "The name of John Carver, late of Company B, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one William A. Yantis be corrected and amended so as to read as follows: "The name of William A. Yantis, late of band, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving."

That the paragraph in said act granting an increase of pension to one Catharine Dillane be corrected and amended so as to read as follows: "The name of Catharine Dillane, widow of Jeremiah Dillane, late of Company G, First Regiment California Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving."

That the paragraph in said act granting an increase of pension to one William H. Warner be corrected and amended so as to read as follows: "The name of William H. Warner, late of Company D, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving."

That the paragraph in said act granting a pension to one Lucinda Saint John be corrected and amended so as to read as follows: "The name of Lucinda Saint John, widow of James N. Saint John, late of Company H, Twenty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, do I understand that all those errors occurred in one bill?

Mr. BURKE of Wisconsin. Yes.

Mr. GARRETT of Tennessee. Just as a matter of curiosity, how did they happen?

Mr. BURKE of Wisconsin. I have no knowledge. When these bills were introduced individually they were correct, but the errors appear to have been in the printing.

Mr. GARRETT of Tennessee. Not in the enrollment?

Mr. BURKE of Wisconsin. No; I did not examine the enrolled bill. We examined the report and the printed bill that was introduced in the House after it came from the committee, and in some instances the errors appeared there. In other instances the errors appear later on. I think in one instance the error appeared in the printing that was done for the Senate.

Mr. GARRETT of Tennessee. It is remarkable that so many errors should occur in one bill.

Mr. BURKE of Wisconsin. It is that.

Mr. GARRETT of Tennessee. I do not object.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Ought not the preamble to be stricken out?

Mr. GARRETT of Tennessee. I think it is customary to retain the preamble to a joint resolution, but not to a bill.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BURKE of Wisconsin, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 10767. An act for the relief of John D. Baldwin;

H. R. 10345. An act for the relief of C. M. Haumond;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 6893. An act for the relief of Mary E. Goodley;

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.;

H. R. 6260. An act for the relief of Hyacinthe Villeneuve;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 14025. An act for the retirement of H. R. Drake;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 14229. An act for the relief of Henry La Roque.

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 12191 An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11006. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal.;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 1291. An act for the relief of George Gardella;

H. R. 1138. An act for the relief of Helen Wakefield; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 60. An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals;

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws; and

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

The SPEAKER. The gentleman from Tennessee withdraws the pro forma amendment, and the question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I now call up the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up an omnibus pension bill and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Thomas T. Keibler, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 1, strike out lines 6, 7, 8, and 9.

The amendment was agreed to.

Mr. LONERGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of pensions.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

The name of William W. Mikels, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 3, line 3, strike out the figures "$36" and insert in lieu thereof the figures "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Capt. Ramsey's Company K, First Regiment Ohio Volunteer Infantry, War with Mexico, and second lieutenant Company D, Hatch's battalion Minnesota Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

Mr. RUSSELL. Mr. Speaker, I move to amend by striking out on page 3, lines 9, 10, 11, 12, 13, and 14, being the case of Lydia M. Salisbury, as the beneficiary is dead.

The amendment was agreed to.

The Clerk read as follows:

The name of Lot H. Fleming, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 5, line 3, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Amanda M. McKenney, widow of John J. McKenney, late of Company D, Twenty-third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5 strike out lines 24 and 25, and on page 6 strike out lines 1 and 2.

The amendment was agreed to.

The Clerk read as follows:

The name of John Stansell, late of Company I, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 3, 4, 5, and 6.

The amendment was agreed to.

The Clerk read as follows:

The name of Frances E. Brown, widow of Oscar F. Brown, late captain Company C, First Battalion Mississippi Marine Brigade Volunteer Cavalry, and Company E, First Regiment Mississippi Marine Brigade Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 3, 4, 5, 6, 7, and 8.

The amendment was agreed to.

The Clerk read as follows:

The name of Ezra Rice, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 17, 18, 19, and 20.

The amendment was agreed to.

The Clerk read as follows:

The name of Sarah I. B. Hammond, widow of Henry C. Hammond, late of Company I, First Regiment Maryland Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22, 23, 24, and 25.

The amendment was agreed to.

The Clerk read as follows:

The name of Isabella Reed, widow of James C. Reed, late first lieutenant and adjutant Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 9, 10, 11, and 12.

The amendment was agreed to.

The Clerk read as follows:

The name of Edward B. Sawyer, late colonel First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $72 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, line 23, strike out "$72" and insert in lieu thereof "$50."

The amendment was agreed to.

The Clerk read as follows:

The name of Mary H. Bacon, widow of Theodore C. Bacon, late captain and assistant adjutant general, United States Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 10, strike out lines 6, 7, 8, and 9.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of William R. Mathis, late of Company G, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, line 17, strike out "$36" and insert "$30."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Charles L. Stuck, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, strike out lines 19 to 22, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Silas Wright, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 12, strike out lines 23 and 24, and, page 13, strike out lines 1 and 2.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of William B. Scace, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 13, strike out lines 7, 8, 9, and 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Richard Riggs, late of Company B, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 15, line 16, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Jennie J. Sheehan, widow of Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 19, strike out lines 20, 21, 22, and 23.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 21, strike out lines 11, 12, 13, and 14.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John Wortman, late of Company I, One hundred and seventieth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 22, line 11, amend by inserting the letter "F" and a period after the name "John."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 25, strike out lines 3, 4, 5, and 6.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 5446.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to consider the bill in the House as in the Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to waive the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The name of Mary B. Edwards, widow of John Edwards, late colonel Eighteenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 2, strike out lines 6, 7, 8, and 9.

The question was taken and the amendment was agreed to.

The Clerk read as follows:

The name of Nathaniel Little, late of Company D, One hundred and thirty second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 3, strike out lines 15, 16, 17, and 18.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Emmett Langston, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 4, line 9, strike out "$50" and insert "$40."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Vernona H. Coon, widow of John Coon, late additional paymaster, United States Volunteers, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 17, 18, and 19.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Jennie A. Norton, widow of Hiram R. Norton, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 7, 8, 9, and 10.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, second battalion, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 15, 16, 17, 18, 19, and 20.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 7, strike out lines 1, 2, 3, and 4.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Anna O. Stanton, widow of Clark Stanton, late second lieutenant Company A, and captain Company K, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 18, 19, 20, and 21.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22, 23, 24, and 25.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Ellis P. Woodward, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 5, 6, 7, and 8.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Fannie E. Douglass, widow of Stephen M. Douglass, late of Company A, Fourteenth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 9, strike out lines 9, 10, 11, and 12.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John N. Hutton, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 10, strike out lines 5 to 8, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Andrew C. Rogers, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 11, line 1, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Patrick L. Kennedy, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 12, strike out lines 18 to 21, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of George M. Withers, late of Company K, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 13, line 22, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Salem Gillispie, late of Company C, Sixth Regiment United States Colored Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 15, line 5, strike out "$35" and insert "$30."

The amendment was agreed to.

The Clerk read as follows:

The name of Emma F. Webster, widow of George A. Webster, late of Company H, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, and pay her a pension at the rate of 20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 16, strike out lines 3 to 7, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Robert B. Parker, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company K,

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Henry M. Means, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 2, strike out lines 23 and 24; and, on page 3, strike out lines 1 and 2.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Elma K. Carpenter, widow of Arthur B. Carpenter, late captain, Nineteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 4, strike out lines 7 to 10, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Henry C. Doll, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 7 to 9, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Frances M. Robertson, widow of Robert S. Robertson, late first lieutenant Company K, Ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $17 per month.

The committee amendment was read, as follows:

Page 5, strike out lines 22 to 25, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Selena E. Noland, widow of Andrew Noland, late of Company C, Forty-third Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 6, strike out lines 9 to 12, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of John M. Mishler, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hersheba Wood Logan, widow of Floatus V. Logan, late of Company C, Third Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Collier, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendments were read, as follows:

Pages 7 and 8, strike out all from line 16, on page 7, down to and including line 6, on page 8.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The Clerk read as follows:

The name of Josephine C. Sumner, widow of William Sumner, late first lieutenant Company C, Twenty-seventh Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 11 to 14, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 18 to 22, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Florence E. Fiske, widow of Nelson Fiske, late captain and assistant quartermaster, United States Volunteers, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 10, strike out lines 18 to 21, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Joanna A. Bevans, former widow of Charles T. McCarter, late of Company A, Second Regiment, and Company E, Fourth Regiment, Wisconsin Volunteer Cavalry, and widow of Henry T. Bevans, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 11, strike out lines 1 to 6, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of Nancy Matzel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and widow of William H. Matzel, late of Company I, Eighty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 15, strike out lines 18 to 20, inclusive.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MONDELL. Mr. Speaker, I desire to offer an amendment by inserting the following.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] offers an amendment which the Clerk will report. On what page does this amendment come?

Mr. MONDELL. At the end of the bill.

The Clerk read as follows:

Page 20, after line 2, insert the following as a new paragraph:

"The name of Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month."

Mr. MONDELL. Mr. Speaker, this item appeared on page 8 of the bill, but was stricken out by the committee. I hope the House can see its way clear, and I hope the Committee on Invalid Pensions can see its way clear, to reconsider that action. It is a peculiar case, and yet an exceedingly meritorious one. I assume that the committee struck out the item because of the peculiar facts.

Mr. GARRETT of Tennessee. Has the committee amendment striking it out been agreed to?

Mr. FOSTER. Yes.

Mr. MONDELL. I will say that I was not here at the time the item was reached in the bill, but I realize that the matter has been passed upon.

Mr. GARRETT of Tennessee. It would be subject to a point of order. I do not know whether the point of order will be raised or not.

Mr. MONDELL. It is subject to a point of order. I realize that; but I hope the point of order will not be made. It is an exceedingly meritorious case. This woman is 78 years of age. She has practically no income.

Before the Civil War this soldier married a woman, and later they separated. It seems he did not secure a divorce, but he left the first wife a great many years ago. She never took any trouble to learn of his whereabouts. Years after, in 1877, he married the beneficiary of this item and lived with her for many years. She has no income worth mentioning, and is an exceedingly worthy woman.

Mr. FOSTER. Is the first wife living or is she dead?

Mr. MONDELL. The first wife is dead. She died in 1910.

Mr. FOSTER. But I understand the last one was never married to the soldier.

Mr. MONDELL. Oh, yes; she was married to the soldier.

Mr. FOSTER. She went through a legal marriage?

Mr. MONDELL. Yes.

Mr. FOSTER. But the soldier really had no right to contract the marriage with this woman; is that it?

Mr. MONDELL. I think that is true.

Mr. DONOVAN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. There is a little colloquy taking place which we can not hear. If this is a session of Congress, we ought to know what is going on.

The SPEAKER. The committee will be in order. Gentlemen will please speak so that they may be heard.

Mr. MONDELL. Mr. Chairman, I do not want to take up the time of the committee, and I will be very brief. The report shows that——

The SPEAKER. The time of the gentleman has expired.

Mr. MONDELL. I ask unanimous consent that I may have three minutes more.

The SPEAKER. The gentleman from Wyoming asks for three minutes. Is there objection?

There was no objection.

Mr. MONDELL. The facts in this case, as shown by the Senate report, are, the soldier was married to claimant at Cheyenne, Wyo., July 9, 1877, and they lived together as husband and wife until soldier died. The claimant filed a claim February 28, 1913, under the act of April 19, 1908, which has never been adjudicated. It appears from evidence filed that in March, 1856, she was married to William Hadaman, with whom she lived as his wife until about 1874, when he committed the crime of incest, for which he was convicted and sentenced to the Kansas State Penitentiary for two years. She was informed by the sheriff of the county that the conviction and sentence of her former husband divorced her from him, and she knew nothing to the contrary until after she had filed her claim for pension, when she ascertained that formal application to the courts and a decree were necessary to a legal divorce. She moved with her children to Nebraska; believed herself divorced, and in this belief married the soldier, Samuel Miller. She has been unable to learn anything of her first husband since his release from the Kansas State Penitentiary in 1876, and knows nothing of his movements and whereabouts since that time. He was a soldier in the Union Army during the Civil War, but has never applied for a pension, which, no doubt, he would have done if he were living, and she believes him to be long since dead.

It further appears from the evidence filed that in April, 1852, the soldier, Samuel Miller, was married to his first wife, Rebecca Miller, and that he left her about 1872 or 1873 and never afterwards returned to her. He had three children by the first wife, one of whom is, perhaps, still living. Claimant declares that soldier informed her prior to their marriage that his first wife was dead and that both believed themselves free to marry. The first wife, however, did not die until October 12, 1910. Claimant was recognized as soldier's wife in the community in which they lived and he left her by his will such property as he had. She is unable to establish her claim at the Pension Bureau by proving the divorce of her first husband and the death of soldier's first wife prior to his marriage to claimant in July, 1877.

Claimant is 78 years of age. It is shown that both she and the soldier were of good character and high repute during the 30 years and more they resided in Wyoming. It is further shown that claimant is in necessitous circumstances, having only a small amount of property, which is mortgaged for two-thirds its value and which yields an income of approximately $100 a year. The evidence indicates that she married the soldier in good faith, believing she could properly do so, and she lived with him as his wife for over 35 years and succeeded to his property when he died. The beneficiary, the claimant in this case, the wife of the soldier since 1877, has taken care of him and looked after him. She is more than 78 years old and has practically no property or income. It does seem to me that we might overlook the irregularity of the case and grant her a pension. I know her to be a fine woman and a woman of excellent character. She has always been a good wife since her marriage to this soldier, and certainly does need the pension.

Mr. RUSSELL. Mr. Speaker, this claim was considered by the House committee, and the committee thought that it was an improper claim to be allowed. The fact seems to be undisputed that both of these parties, Mrs. Miller and her husband, were married previously to this marriage, and neither one of them had a divorce.

Mr. MONDELL. In the case of Mrs. Miller, if the chairman will remember, her first husband was convicted of a serious crime many years ago and sent to the penitentiary. The woman took it for granted that his conviction freed her from her marriage obligations. She never thereafter considered herself the wife of the convict, never saw him or heard of him, and quite a number of years afterwards she married the soldier.

Mr. RUSSELL. It is a fact that she did not get a divorce.

Mr. MONDELL. She never got a divorce from her first husband because, as she said, she made inquiries in regard to it and understood that the conviction of her husband amounted to an annulment of her marriage and that it was not necessary for her to secure a divorce.

Mr. RUSSELL. She doubtless had good grounds for a divorce but never obtained it. It was also a fact that her husband was a married man and had not been divorced when she married him.

Mr. MONDELL. He had been separated from his wife for years; it was not a recent separation, and Mrs. Miller is not to be blamed for that separation. The claimant in this case is not to be blamed because she did not know about the antecedents of the soldier. She is responsible in regard to her own case; but her excuse is that, her husband having been convicted as a felon, she was informed that it was not necessary to secure a divorce from him.

Mr. RUSSELL. Of course, Mr. Speaker, the House committee felt that it was a very dangerous precedent to set, and in violation of all the previous practices of the House and the committee of the House, and it was stricken out by unanimous vote of that committee. I could not to-day consent to restore it to the bill.

Mr. MONDELL. Mr. Speaker, in view of what the chairman of the committee has said, I withdraw my motion, and hope that in conference the equities of this case will be considered. Mrs. Miller is a thoroughly good woman, and a well-meaning and deserving woman. I think she is entitled to the pension, and she certainly does need it.

Mr. RUSSELL. I understand she has no property?

Mr. MONDELL. Nothing to amount to anything.

Mr. RUSSELL. Is she in feeble health?

Mr. MONDELL. She is 78 years old and not at all strong. If she was in perfect health she could not be very strong, being a woman of that age. Mr. Speaker, I ask unanimous consent to withdraw my amendment. I fear the case may be prejudiced by my pressing it. I hope it will be agreed to in conference.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to withdraw the amendment. Is there objection. [After a pause.] The Chair hears none.

Mr. GARRETT of Tennessee. Mr. Speaker, I move to strike out the last word. In view of the suggestion that this may be considered in conference which was made by the gentleman from Missouri, and the wish expressed that it might be done by the gentleman from Wyoming, I want to say that quite recently I had a case on all fours with this case. The difference in that case was that the claimant, who was a widow, had not been married, but her husband had been married and never obtained a divorce from his wife. The case was refused in the department under the general law. I thereupon looked into the precedents that had been followed by the Committee on Pensions, with a view of determining whether or not it would be proper for me to introduce a bill. I make it a rule in regard to the introduction of pension bills not to introduce a bill that I am not willing to stand behind and urge with all possible vigor. I have in two or three instances been misled in the introduction of bills that I could not stand behind. After examining the precedents I came to the conclusion that there was no chance of obtaining relief in my case which, I say, is almost on all fours with the case of the gentleman from Wyoming. I really hope the precedent will not be made.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. MONDELL. These people were married in due and regular form and lived together as man and wife for 35 years.

Mr. GARRETT of Tennessee. Yes. In the case which I have in mind the people lived together, I think, for 25 years. They were duly married, but the husband had not been divorced from his former wife.

Mr. MONDELL. Mr. Speaker, it seems to me that if we have a rule which prevents pensioning in cases of that kind, it is a rule which would be more honored in the breach than in the observance, because to all intents and purposes in the eyes of God and the law this woman was the wife of that soldier.

Mr. GARRETT of Tennessee. Mr. Speaker, there is force in the suggestion the gentleman makes perhaps, and I am not saying there is not, but without arguing that question, if it is true, then certainly there are enough of these cases to create a distinctive class, and there ought to be a general law to fit those cases rather than special bills. I do not agree with all that a great many of my colleagues on that side say in regard to having these cases come under a general law. I realize that there are peculiar conditions that arise which sometimes render a special bill equitable, but the conditions presented in the case by the gentleman from Wyoming, and similar cases, if they are equitable, could be covered in a class by a general act, rather than by special bills.

The Clerk read as follows:

The name of James R. Beaty, late of Company H, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $18 per month.

The committee amendment was read, as follows:

Page 20, strike out lines 1 to 3, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Florence M. Crakie, widow of David J. Crakie, late brigadier general, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 20, line 10, strike out "$50" and insert "$30."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John Morris, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 21, line 19, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Margaret T. Fuger, widow of Frederick Fuger, late major Fourth Regiment United States Artillery, and lieutenant colonel United States Army, retired, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 22, line 4, strike out "$50" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Marshal B. Burk, late of Company K, Forty-fourth Regiment New York Volunteer Infantry, and first lieutenant and captain Company C, Ninth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 22, strike out lines 6 to 11, inclusive.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I desire to call up the bill (S. 4261) granting pensions and increase of pension to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri also asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill for amendment.

The Clerk read as follows:

The name of George W. Miller, late sergeant major Fifth Regiment West Virginia Volunteer Cavalry, and first lieutenant Company H, Sixth Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 1, strike out all of lines 6 to 10, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of John M. Dickerson, late second lieutenant Company D, One hundred and thirty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 2, line 4, strike out the figures "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Jerusha Hayward Brown, widow of Edward M. Brown, late lieutenant colonel Eighth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 3, strike out all of lines 11 to 18, inclusive.

Mr. STAFFORD. Mr. Speaker, there are two amendments. I think they ought to be acted upon separately.

The SPEAKER. There is one amendment.

Mr. STAFFORD. There are two propositions, and the gentleman from South Dakota [Mr. BURKE] wishes to address himself to the second proposition.

Mr. BURKE of South Dakota. Mr. Speaker, I wish to call attention to the amendment which proposes to eliminate the provision in this bill granting an increase of pension to Jerusha Hayward Brown. The bill as it passed the Senate granted to this woman a pension of $50 per month. It has been stricken out by the House committee on the ground that the pension she is now receiving is considered fully commensurate. I want to say that this is an extremely unusual case. This old lady is now about 91 years of age. She married her soldier husband in 1846. He had an honorable service in the Civil War, retiring with the rank of lieutenant colonel. He died in 1903. In addition to being the widow of a soldier she is also the daughter of a distinguished officer of the War of the Revolution, and therefore is one of the few surviving real daughters of the Revolution. I had intended to ask the House to disagree to the amendment of the House committee, but I appreciate, Mr. Speaker, that the consideration of private pension bills is very largely a unanimous-consent procedure. Having the utmost confidence in the distinguished gentlemen who constitute the Committee on Invalid Pensions, and especially knowing the great generosity and the liberal disposition of those who will be the conferees, and believing that when this bill gets into conference and when they consider the circumstances of this case, the great age of this claimant and the fact that she is without any means, except the pension that she now receives, they will consent to recede from the amendment and permit this increase to become a law, because it is just and meritorious and because she will not be permitted in all probability of drawing it but a short time.

For all of these reasons I am not going to ask the House to disagree to the amendment of the committee, and will leave the matter to the generosity of the conferees.

Mr. RUSSELL. Mr. Speaker, I am glad that my friend from South Dakota [Mr. BURKE] has consented to make no fight against this amendment at this time. The committee of the House by unanimous vote struck this item from the bill, and, of course, the committee, as represented to-day, by only two or three members, could not consent to this amendment if the gentleman should offer it. But, as he states, the committee of conference, when appointed, will probably go over this matter again, and if it appears that it is just and proper that this item should be restored, I am sure the committee of conference will be disposed to do what is right.

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

The name of William Ramsey, late of Company D, Sixth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 4, line 10, strike out the figures "$50" and insert "$40."

The amendment was agreed to.

The Clerk read as follows:

The name of Garret W. Patterson, late of Company C, Eleventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 5, strike out lines 23 and 24 and lines 1 and 2 on page 6.

The amendment was agreed to.

The Clerk read as follows:

The name of Eunice B. Prescott, widow of Lewis Prescott, late of Company D, First Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 6, strike out lines 9 to 12, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Warren T. Noyes, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 6, line 15, strike out "$50" and insert in lieu thereof "$40."

The amendment was agreed to.

The Clerk read as follows:

The name of William H. Mason, late of Company I, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 6, strike out all of lines 23 to 24, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of George Wood, late of Company C, Sixth Battalion, District of Columbia Volunteer Infantry, and pay him a pension at the rate of $15 per month.

The following committee amendment was read:

Page 8, strike out lines 6 to 8, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of James Carroll, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 8, strike out all of lines 21 to 24, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Lizzie M. Smith, widow of Monroe A. Smith, late of Company E, Sixth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 9, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Seymour Norman, late of Company A, Seventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 9, strike out lines 17 to 20, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Rhoda A. Work, widow of William A. Work, late of Company D, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 10, strike out lines 1 to 4, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of William Ferguson, late of Company G, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 11, line 3, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of Emma A. Davis, widow of Henry K. Davis, late of Capt. Edward Fitzki's battery, Pennsylvania Emergency Militia, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 11, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Alice C. Sawtelle, widow of Charles Greene Sawtelle, late brigadier general and Quartermaster General, United States Army, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The following committee amendment was read:

Page 13, line 12, strike out "$30" and insert in lieu thereof "$24."

The amendment was agreed to.

The Clerk read as follows:

The name of John O'Hara, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 14, strike out all of lines 17 to 20, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Ebenezer C. Rush, late of Company E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The following committee amendment was read:

Page 16, strike out lines 9 to 12, inclusive.

The amendment was agreed to.

The Clerk read as follows:

The name of Corda P. Gracey, widow of Samuel L. Gracey, late chaplain Sixth Regiment Pennsylvania Volunteer Cavalry, and former widow of Harris A. G. Pratt, late of Company M, First Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The following committee amendment was read:

Page 18, strike out lines 3 to 8, inclusive.

The amendment was agreed to.

Mr. FOSTER. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] moves to strike out the last word.

Mr. FOSTER. I observe that the Committee on Invalid Pensions has reported these Senate bills. I judge that these are all the pension bills that have been passed by the Senate up to this time. Is that true?

Mr. RUSSELL. Yes; I think that is true.

Mr. FOSTER. Now, can the gentleman from Missouri inform the House how many House pension bills are still in the Senate and have not been acted upon there?

Mr. RUSSELL. There is only one.

Mr. FOSTER. Just one?

Mr. RUSSELL. Yes.

Mr. FOSTER. So that they have not passed that one bill?

Mr. RUSSELL. We have one House bill that they have not passed.

Mr. FOSTER. It seems that for some reason or other they have not been reporting these pension bills there as promptly as you have been doing it here in the House?

Mr. RUSSELL. No; they are behind; but about 10 days ago they passed five of our House bills, and they have gone through conference, and the conference reports were agreed to here yesterday.

Mr. FOSTER. But not in the Senate?

Mr. RUSSELL. They have gone to the Senate, but have not been agreed to yet, unless it was done to-day. But the Senate has passed, in all, eight of our House bills.

Mr. FOSTER. So there is one more left?

Mr. RUSSELL. Yes; one more.

Mr. FOSTER. So that we have passed here all the Senate bills that have come over here up to this time?

Mr. RUSSELL. Yes.

Mr. FOSTER. But there is one that has not yet come back here that was passed by the House some time ago?

Mr. RUSSELL. Yes; one bill.

Mr. FOSTER. Can the gentleman tell us how long ago that was?

Mr. RUSSELL. I believe it was the last Friday in May. The clerk of the committee so informs me. I did not remember the date. The clerk of the committee says it was the last Friday in May. They passed it through the committee and put it on the calendar one day last week.

Mr. FOSTER. It has just been on the calendar for a short time?

Mr. RUSSELL. Yes.

Mr. BURKE of South Dakota. Mr. Speaker, will the gentleman yield?

Mr. RUSSELL. Yes.

Mr. BURKE of South Dakota. Is it not a fact that in the other body there were a number of Senate bills reported and on the calendar for a number of weeks before they were considered in the Senate?

Mr. RUSSELL. Yes. They have passed our bills as promptly as they have passed the Senate bills.

Mr. BURKE of South Dakota. The point I want to make is that there has been no apparent effort on the part of the Senate to treat the House bills differently from the Senate bills?

Mr. RUSSELL. No. I think the Senate has simply been busy with other important legislation. I do not think there is any disposition to defeat our bills or to delay them.

Mr. FOSTER. I withdraw my pro forma amendment.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] withdraws his pro forma amendment. The question is on the third reading of the Senate bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RUSSELL, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. RUSSELL. Mr. Speaker, I call up Senate bill 5843.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

sults which the gentleman from New York declares that no one is seeking to accomplish.

The other gentleman says that a great rich State like Massachusetts ought to get along without national help, but he does not mention the fact that Massachusetts has always responded whenever help was urgently needed elsewhere. Let me read a telegram which I received this morning from the governor of the State of Massachusetts, sent by his secretary, Mr. John F. Meaney:

Amount raised in Massachusetts for the San Francisco relief fund, $815,000. Amount raised in Massachusetts for the Messina fund, $176,000. Amount raised in Massachusetts for the Dayton fund, $211,000.

[Applause.]

And yet the gentleman says that we come here with our hands outstretched asking for relief and that we are unwilling to do our share. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE of North Carolina. Mr. Speaker, it is not the most pleasant task in the world to appear on this floor in opposition to an amendment of this kind. And yet some of us conceive that it is our duty to defend an institution that recently and in recent years seems to have few friends—the National Treasury. Gentlemen have cited in advocacy of this appropriation numerous precedents, or what they call precedents, as a warrant for this appropriation. They fail utterly to mention other disasters that have occurred in our country where no appeal was made to the American Congress for aid and where the situation was taken care of by the local authorities.

A great many of us recall in recent years the great flood in the city of Galveston that swept away millions of property and thousands of human lives. More than 8,000 perished in that great disaster, and yet the Congress of the United States was not appealed to to care for the unfortunate there. In that locality and all over the State of Texas those that were charitably inclined, from Maine to California, responded to the needs and the needs were met.

Gentlemen of the House, it seems to me the strongest argument that can be advanced here as to why this appropriation should not be made, as to why there is no necessity for the Federal Treasury to be called upon in this instance, is the fact that a great State like Massachusetts, rich and powerful, that has contributed to other disasters, as just stated by the gentleman from that State, of millions of dollars, that it should come to the Congress of the United States, when, by their own statement, they need $1,700,000 for this situation, and ask for the pitiable sum of $200,000.

If you have any disaster at all, if there is any necessity for Government aid, $200,000 will not likely meet that necessity. Mr. Speaker, in all of these cases that have been cited by various gentleman there has been great loss of human life or imminent danger of great loss of life, and in these cases the National Government has gone to the rescue for the purpose of saving life. So far as the record goes, in this disaster at Salem, Mass., there was not a single life lost. The record before the Appropriations Committee in the hearings upon this subject shows that the property lost is infinitesimal when the insurance is paid. Contrast it with the great conflagration in Chicago, within the memory of some of us, when there was no contribution made from the National Treasury. Think of the flood at Johnstown, that destroyed hundreds of lives and millions of property, and yet that was taken care of without an invasion of the National Treasury. I recall that in 1887 or 1886 there was a drought that devastated the whole western half, practically, of the empire of Texas. A bill passed Congress appropriating money to furnish seeds that these people might plant their crops. It went to the White House, where there was a Democrat who believed in the local authorities taking care of the things for which they were created and in protecting the National Treasury, and Grover Cleveland vetoed that bill and said it was the duty of the citizen to support his Government and not the business of Governments to support the people.

Mr. MURRAY of Massachusetts. Mr. Speaker——

Mr. PAGE of North Carolina. No; I can not yield.

The SPEAKER. The time of the gentleman from North Carolina has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to Senate amendment 163 with an amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 76, noes 33.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were yeas 162, nays 64, answered "present" 6, not voting 201, as follows:

YEAS—162.

Abercrombie	Donovan	Howell	Platt
Aiken	Doolittle	Hughes, Ga.	Post
Alexander	Doremus	Humphrey, Wash.	Quin
Allen	Doughton	Igoe	Ransdale
Anderson	Dunn	Johnson, Utah	Raker
Ansberry	Dupré	Kahn	Reed
Avis	Eagan	Keister	Reilly, Wis.
Barkley	Esch	Kelly, Pa.	Roberts, Nev.
Barton	Estopinal	Kennedy, Conn.	Rogers
Bathrick	Falconer	Kennedy, Iowa	Rubey
Beakes	Ferris	Kent	Rupley
Bell, Cal.	Floyd, Ark.	Kettner	Saunders
Booher	Francis	Kinkaid, Nebr.	Scott
Britten	French	Kirkpatrick	Seldomridge
Brockson	Gallivan	Kitchin	Sims
Brodbeck	Gard	Konop	Sinnott
Broussard	Gardner	Korbly	Smith, Idaho
Bryan	Gill	La Follette	Smith, Saml. W.
Burke, S. Dak.	Gittins	Langley	Stedman
Burke, Wis.	Glass	Lee, Pa.	Stephens, Cal.
Burnett	Goeke	Lenroot	Stevens, N. H.
Campbell	Good	Lewis, Md.	Stone
Candler, Miss.	Goodwin, Ark.	Lieb	Taggart
Caraway	Graham, Ill.	Lindbergh	Talcott, N. Y.
Casey	Gray	Lloyd	Tavenner
Church	Green, Iowa	Lonergan	Taylor, Ark.
Clark, Fla.	Greene, Mass.	McKenzie	Taylor, N. Y.
Coady	Greene, Vt.	MacDonald	Temple
Collier	Hamill	Madden	Ten Eyck
Connolly, Iowa	Hamilton, Mich.	Maguire, Nebr.	Thacher
Conry	Hamlin	Manahan	Towner
Cramton	Hammond	Mapes	Townsend
Cullop	Harris	Mitchell	Treadway
Curry	Harrison	Montague	Volstead
Danforth	Haugen	Morgan, Okla.	Wallin
Deitrick	Hawley	Moss, W. Va.	Watkins
Dershem	Hayden	Murray, Mass.	Winter
Dickinson	Hellin	Nolan, J. I.	Woodruff
Dillon	Helgesen	Payne	Woods
Dixon	Helvering	Peters, Mass.	
Dobohoe	Hinebaugh	Phelan	

NAYS—64.

Adamson	Fitzgerald	Kindel	Ronse
Bailey	Foster	Lee, Ga.	Rucker
Baltz	Fowler	Lesher	Russell
Blackmon	Garner	Lever	Sherwood
Bowdle	Garrett, Tex.	Levy	Sisson
Buchanan, Tex.	Godwin, N. C.	McCoy	Stafford
Burgess	Gordon	Moon	Stephens, Miss.
Byrnes, S. C.	Gregg	Morrison	Stephens, Tex.
Byrns, Tenn.	Hardy	Nelson	Taylor, Colo.
Claypool	Helm	O'Hair	Thomson, Ill.
Cline	Hensley	Padgett	Tribble
Connelly, Kans.	Holland	Page, N. C.	Tuttle
Cox	Howard	Park	Underwood
Dent	Jacoway	Peterson	Watson
Falson	Johnson, S. C.	Rainey	Williams
Fergusson	Key, Ohio	Rayburn	Witherspoon

ANSWERED "PRESENT"—6.

Bulkley	Garrett, Tenn.	Sloan	Stevens, Minn.
Davis	Gillett		

NOT VOTING—201.

Adair	Carr	Fordney	Johnson, Wash.
Ainey	Carter	Frear	Jones
Anthony	Cary	Gallagher	Keating
Ashbrook	Chandler, N. Y.	George	Kelley, Mich.
Aswell	Clancy	Gerry	Kennedy, R. I.
Austin	Cooper	Gilmore	Kiess, Pa.
Baker	Copley	Goldfogle	Kinkead, N. J.
Barchfeld	Covington	Gorman	Knowland, J. R.
Barnhart	Crisp	Goulden	Kreider
Bartholdt	Cramer	Graham, Pa.	Lafferty
Bartlett	Dale	Griest	Langham
Beall, Tex.	Davenport	Griffin	Lazaro
Bell, Ga.	Decker	Gudger	L'Engle
Borchers	Dies	Guernsey	Lewis, Pa.
Borland	Difenderfer	Hamilton, N. Y.	Lindquist
Brown, N. Y.	Dooling	Hardwick	Linthicum
Brown, W. Va.	Driscoll	Hart	Lobeck
Browne, Wis.	Drukker	Hay	Loft
Browning	Eagle	Hayes	Logue
Bruckner	Edmonds	Henry	McAndrews
Brumbaugh	Edwards	Hill	McClellan
Buchanan, Ill.	Elder	Hinds	McDermott
Burke, Pa.	Evans	Hobson	McGillicuddy
Butler	Fairchild	Houston	McGuire, Okla.
Calder	Farr	Howard	McKellar
Callaway	Fess	Hughes, W. Va.	McLaughlin
Cantor	Fields	Hullings	Mahan
Cantrill	Finley	Hull	Maher
Carew	FitzHenry	Humphreys, Miss.	Mann
Carlin	Flood, Va.	Johnson, Ky.	Martin

Merritt	Parker	Slayden	Underhill
Metz	Patten, N. Y.	Slemp	Vare
Miller	Patton, Pa.	Small	Vaughan
Mondell	Peters, Me.	Smith, J. M. C.	Vollmer
Moore	Plumley	Smith, Md.	Walker
Morgan, La.	Porter	Smith, Minn.	Walsh
Morin	Pou	Smith, N. Y.	Walters
Moss, Ind.	Powers	Smith, Tex.	Weaver
Mott	Prouty	Sparkman	Webb
Murdock	Rauch	Stanley	Whaley
Murray, Okla.	Reilly, Conn.	Steenerson	Whitacre
Neeley, Kans.	Riordan	Stephens, Nebr.	White
Neely, W. Va.	Roberts, Mass.	Stout	Willis
Norton	Rothermel	Stringer	Wilson, Fla.
O'Brien	Saloath	Sumners	Wilson, N. Y.
Ogdenby	Scully	Sutherland	Winslow
Oldfield	Sells	Switzer	Young, N. Dak.
O'Leary	Shackleford	Talbott, Md.	Young, Tex.
O'Shaunessy	Sharp	Taylor, Ala.	
Paige, Mass.	Sherley	Thomas	
Palmer	Shreve	Thompson, Okla.	

So the motion to concur in the Senate amendment with an amendment was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. GILMORE (for Salem amendment) with Mr. POU (against).

Mr. LOGUE (for Salem amendment) with Mr. BULKLEY (against).

Mr. BROWN of New York (for Salem amendment) with Mr. HULL (against).

Mr. FARR (for Salem amendment) with Mr. STEVENS of Minnesota (against).

Mr. MAHAN (for Salem amendment) with Mr. OLDFIELD (against).

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. DIFENDERFER with Mr. MCGUIRE of Oklahoma.

Mr. ELDER with Mr. LINDQUIST.

Mr. FINLEY with Mr. MILLER.

Mr. FLOOD of Virginia with Mr. MONDELL.

Mr. JONES with Mr. MORIN.

Mr. WEBB with Mr. PROUTY.

Mr. WHITE with Mr. SMITH of Minnesota.

Mr. ASWELL with Mr. CHANDLER of New York.

Mr. BROWN of West Virginia with Mr. FESS.

Mr. CARLIN with Mr. FREAR.

Mr. CARTER with Mr. EDMONDS.

Mr. BELL of Georgia with Mr. DAVIS.

Mr. HAY with Mr. MANN.

For the session:

Mr. CLANCY with Mr. HAMILTON of Michigan.

Mr. BULKLEY. Mr. Speaker, did the gentleman from Pennsylvania, Mr. LOGUE, vote?

The SPEAKER. He did not.

Mr. BULKLEY. Then I desire to withdraw my vote of "no" and answer "present."

The name of Mr. BULKLEY was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present; the Doorkeeper will open the doors.

Mr. FITZGERALD. Mr. Speaker, I move that the House ask for a conference.

The SPEAKER. The gentleman from New York moves that the House ask for a conference.

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLETT.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HOWARD, for 10 days, on account of sickness in his family.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill S. 4845.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House.

Mr. STAFFORD. Mr. Speaker, reserving the right to object, has this bill been reported to the House by the House committee?

Mr. RUSSELL. No; it is a Senate bill.

Mr. STAFFORD. Mr. Speaker, I am reserving the right to object, and I am inquiring whether this bill has been acted upon by the House committee at any time?

Mr. RUSSELL. It has been acted upon by the House committee, but it is a Senate bill.

Mr. STAFFORD. It has been reported to the House?

Mr. RUSSELL. Yes; and I ask unanimous consent that the Senate bill be considered in the House as in Committee of the Whole House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill for amendment.

The Clerk read as follows:

The name of Annie A. Voigt, widow of Charles H. Voigt, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The committee amendment was read, as follows:

Page 4, strike out lines 13 to 16, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of George W. North, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 7, line 11, strike out "$50" and insert "$40."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Harriet A. Frazier, widow of Benjamin Frazier, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 8, strike out lines 9 to 12, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of John J. Schneller, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 8, strike out lines 22 to 25, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Allison W. Pollard, late second lieutenant Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 9, strike out lines 1 to 4, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Robert G. Sleater, late of Company H, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

Mr. RUSSELL. Mr. Chairman, I move to strike out lines 3 to 6, inclusive, on page 10; the party is dead.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, strike out lines 3 to 6, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Catherine E. Brown, widow of David H. Brown, late of U. S. S. *Little Rebel*, United States Navy, and pay her a pension at the rate of $12 per month.

The committee amendment was read, as follows:

Page 10, strike out lines 11 to 13, inclusive.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Timothy W. Reardon, late of Company F, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 13, line 17, strike out "$30" and insert "$24."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The name of Pleasant W. Logan, late surgeon First Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The committee amendment was read, as follows:

Page 16, line 3, strike out "$36" and insert "$45."

The question was taken, and the amendment was agreed to.

and of the good people of the State and of the country in general, Congress declined to do anything. When Galveston was swept by flood and Johnstown suffered in the awful disaster that shocked the country it was not suggested that the Federal Government should aid with money.

It is said, Mr. Speaker, that San Francisco furnishes a parallel case and a precedent. There is no parallel. The earthquake shook San Francisco and was followed by fire. The fire was raging a day when the news reached the country of the appalling character of that catastrophe. Forty per cent of the people of California were involved. The entire food supply was wiped out. Thirty-four hundred acres of the city were swept by fire, which lasted for three days. The legislature of the State was convened and authorized the governor to declare public holidays, and public holidays were declared, running over a period of three months, so as to prevent negotiable paper being presented and becoming due. The entire population was dependent for its very existence upon the rations furnished by the Federal Government. The State and local authorities were utterly unable to cope with the situation; were unable even to police the city and furnish protection to life and property, so that Federal troops were furnished for such purposes, and nearly six months were required to remove the débris resulting from the earthquake and fire so that the people might begin the work of rehabilitation.

It is said that Salem and San Francisco furnish parallel situations. I deny it. There is no comparison between them. When the floods occurred last year in the Ohio and Mississippi Rivers Congress did what it has done and I believe always will do—cooperated with the State authorities by utilizing all the facilities of the Government to prevent the destruction of human life during the emergency. But we declined to recommend $2,000,000 to rehabilitate the people of Dayton, to replace their household effects, to furnish subsistence, and reestablish them in housekeeping, just as it is proposed to do here. Everyone realized that such action could not be defended from any viewpoint. If Congress initiates this policy, then whenever there be a flood in the Mississippi and the great Yazoo Delta is overflowed, whenever fire or other disaster or catastrophe afflicts any of the people of the United States, we may expect the State governments and localities to come to the Federal Treasury as the easiest place to get money to care for the destitute and the helpless and those deserving of charity. Instead of the States and localities doing such work, for which they are organized, we shall continually have appeals of this character. Such demands constantly grow. They are subversive of our whole scheme of government. The Federal Government should not be asked to do such things, and we should refuse to do them. It is neither pleasant nor easy to resist the appeals that have been made by those pressing for this appropriation, and still the appeals are neither so meritorious nor so persuasive as many others neglected by the Congress. I have in the discharge of my duties as head of the Committee on Appropriations resisted to the best of my ability the efforts to place burdens upon the Federal Treasury which do not belong to it. I know that the support and cooperation to which I am entitled has not always been extended to me. States, localities, and individuals successfully unload many obligations upon the Federal Treasury. Some one must attempt to stop these raids.

Believing, Mr. Speaker, under existing conditions, that an appropriation from the Federal Treasury for the relief of the Salem sufferers is contrary to sound public policy and can not be justified on any ground whatever, I hope the amendment will not be agreed to.

How much time have I used, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has used nine minutes.

Mr. FITZGERALD. I reserve the balance of my time.

Mr. PHELAN. I yield three minutes to my colleague from Massachusetts [Mr. GALLIVAN].

Mr. GALLIVAN. Mr. Speaker, I have been a Member of this House for a little over two months, and I had resolved to wait until some of my newness had worn off before asking for the attention of the House. But when the immediate welfare of 17,000 men, women, and children in the old city of Salem, Mass., is at stake I cast all resolutions to the winds and I rise to urge this House to agree to this amendment.

Mr. Speaker, the gentleman who has just taken his seat [Mr. FITZGERALD] has not told this House that the matter of Federal aid to Salem originated here in Washington. On the night of this great disaster the President of the United States wired to our governor, asking him what aid the Federal Government could give in the hour of distress. Our splendid governor, the Hon. David I. Walsh, waiting to realize just how great the disaster was, hesitated before calling for aid from the powers here in Washington.

When Gov. Walsh at last asked that the President lend his assistance a message came to Congress recommending an appropriation of $200,000, and another branch of Congress has unanimously answered that message by the passage of this amendment. I know that some of the watchdogs of the Treasury have been working overtime trying to defeat this proposition; but, Mr. Speaker, precedents, almost without number, are here cited to you to show that it is no new action for Congress to take in matters of this nature. What our President has asked for in his plea for a devastated city should, in my judgment, be granted immediately. Mr. Speaker, I love to recall that whenever other sections have called on Massachusetts for aid she has never failed to respond according to the demands. Throughout the length and breadth of the Nation the prompt and patriotic philanthropy of the old Bay State is known and appreciated, and Massachusetts at this time, and without delay, has responded to the appeal from one of her own cities—to one that has suffered a blow peculiarly heavy and appealing.

Thousands have lost their homes and employment simultaneously, and there is no neighboring city or town around Salem where the 17,000 people who have been stricken by this calamity can now locate and the breadwinners among that number find employment.

Thousands of families must be sheltered, fed, cared for, and aided in every possible way until gradually they are placed beyond the need of aid. It will take time and it will take money, and as a Representative of a Boston district I have a right to ask this House to lend us that aid.

Mr. Speaker, Boston has always led the way in extending relief in such catastrophes. It was Boston that sent the first carload of supplies to stricken San Francisco; it was Boston that first heard the cry of help from the cities and towns along the river when the Mississippi overflowed its banks, and it was Boston again that led the way in affording succor to quake-rocked Messina.

Mr. Speaker, when I hear economy suggested at such times I like to read the words of the junior Senator from Mississippi, when in the Senate the other day, speaking for this $200,000 appropriation, he said:

> Mr. President, service to man is the most acceptable service to God, and he who paints the pallid cheek of care with the rose of health, who causes to blossom in the garden of the heart made desolate by adversity the flower of hope, who fills the soul with cheer, stimulates courage, and helps the weak and faltering to try again—that man has lived and done the highest purposes of life. I hope this measure may receive the votes of every Senator in this Chamber.

That tells the story, and that is the way that Bostonians have of rating men—not by the size of their fortunes, but by the extent and quality of their service to their fellow men. Oh, I remember the great figures of my own boyhood, men who were pointed out to me to be remembered. They were such men as Wendell Phillips and James Russell Lowell, Oliver Wendell Holmes, and Phillips Brooks, and the immortal Boyle O'Reilly, champions in great causes, leaders in the warfare of humanity against the powers of darkness. [Applause.] I might go on in this vein, not to boast but to express the spirit of my city. But this would be to trespass on the time of this House too far. Mr. Speaker, if I have drifted into a eulogy of Boston, remember that I am her son, and the son does not criticize his mother.

I firmly believe the men of this Congress may well look to the future to be remembered by their action in cases such as now appeal to them, and when they vote to give to the stricken people of Salem this sum of money they will receive the everlasting gratitude of a never-forgetful and a never-ungrateful Commonwealth. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has six minutes remaining, and the gentleman from Massachusetts [Mr. PHELAN] has five.

Mr. PHELAN. I yield two minutes to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] is recognized for two minutes.

Mr. HARRISON. Mr. Speaker, I have just looked over the list of appropriations that have been made by previous Congresses for the various sections of the country when the people have suffered from fires, storms, and overflows, and I find that the Federal Government has been most generous and kind to my State and my section. We are now called on to vote in this instance for an appropriation of $200,000 to the distressed people of historic Salem, and for my part, under the circumstances, I am only too glad to vote substantial aid and encouragement to them. God knows, from what these gentlemen have said, the poor people need it. I recall that only a few years ago

a most destructive storm swept south Mississippi devastating property and killing people, carrying in its path sorrow, wreck, and ruin. The Federal Government through Congress promptly and ungrudgingly came to our aid and assistance and appropriated $250,000 for that purpose. A little later another storm swept the district of my good friend, Mr. CANDLER, practically destroying the little town of Macon, Miss. Congress was liberal and again generously appropriated money for their relief. Year after year you have appropriated for the sufferers from the overflows of the Mississippi and other rivers. You having been so responsive to the call of my State and my section, I can not, for the life of me, see how any Representative from the South, and especially from my State, can vote against this appropriation, that will carry so much aid and assistance and materially relieve the distressed people of a locality in another section of our country. In such times as these, I believe that every section should help every other section, and when my name is called I shall happily and assuredly vote for a concurrence in the Senate amendment. I hope it will be adopted.

The SPEAKER. The gentleman yields back one minute.

Mr. PHELAN. I yield to the gentleman from Massachusetts [Mr. TREADWAY].

Mr. TREADWAY. Mr. Speaker, I gladly express my appreciation, as a native-born citizen of Massachusetts, of the praise bestowed upon our State and the stricken city of Salem by the gentleman from Virginia [Mr. MONTAGUE]. Much of the early history of our country chronicled the deeds of the citizens of Massachusetts, and no place within its borders contributed more historic material than Salem, where 17,000 inhabitants have been rendered homeless by the devastating ravages of a terrible fire. If time permitted, I would call further attention to the history of the Bay State, but I can not do better than quote the words of a former noted Senator and one of America's most eloquent men, Daniel Webster:

> I shall enter on no encomium upon Massachusetts; she needs none. There she is. Behold her, and judge for yourselves. There is her history; the world knows it by heart.

Mr. Speaker, this request for an appropriation of $200,000 for the relief of the sufferers in Salem is not a local one. The relief committee, composed of prominent citizens of Boston and neighborhood, asked the governor of the State to act in behalf of the State in bringing the matter to the attention of the President and the Congress. One of the last acts of the legislature, which adjourned a few days ago, was to make an appropriation from the State treasury. The general public has been liberal in subscriptions, and up to yesterday had subscribed over $415,000. The citizens of our State have been generous and ever ready to answer the call of distress from other sections of the country and from foreign lands, as evidenced by the contributions made for the sufferers in San Francisco and Dayton and in Messina. So we ask for this appropriation, not in the spirit of charity, but as an act of simple justice to a community and a State willing at all times to answer the call of suffering humanity, whether at home or abroad.

Mr. FITZGERALD. I yield to the gentleman from Mississippi [Mr. SISSON].

The SPEAKER. The gentleman from Mississippi [Mr. SISSON] is recognized.

Mr. SISSON. Mr. Speaker, Congress has never yet declined to make appropriations where human life was at stake. Wherever the destruction of property is imminent and impending, and can be prevented, in those emergencies Congress has always responded. Wherever a condition has been such that we could endeavor to prevent the disaster, or to prevent the loss of life, we have responded. But in no case has it put itself in the attitude of becoming, as it were, an insurance company. Let me state to you that if you pass this appropriation, when floods shall come and break the levees in my State I propose to ask you to respond in enormous amounts of money. These appropriations that were made here were not appropriations for doing other than taking care of the situation while human life was likely to be lost. When the flood was all over my own place down in that section of the country, I was not in favor of taking care of the tenants on my place, but on the contrary, where those people who had no means were compelled to live, the Government simply gave them rations until the flood subsided, and as soon as the flood subsided the aid was withdrawn.

In fact the table placed in the RECORD on yesterday by the gentleman from Massachusetts [Mr. GARDNER] is misleading. These appropriations were to reimburse the War Department for rations and other expenses incurred by it under authority of Congress to prevent loss of life. The way it has always been done in this: When the overflow has been so great as to endanger the loss of life the Secretary of War is authorized to use the military stores to prevent the loss of life and Congress has simply passed appropriations to reimburse the War Department. We are willing to do this in this case. In fact we are doing that now. The National Guard of Massachusetts, through its governor, is using the Government tents, beds, blankets, and so forth, to care for the homeless. The Secretary of War extended further aid of this kind, and it was stated that it was not needed. If Congress goes beyond this sort of aid and enlarges upon the scope of aid the Federal Treasury will be swamped. It is a new doctrine that the people should be fed by the Federal Treasury when they are out of a job. They say yes, but the burning of this great factory was a great calamity. Yes; a most unfortunate one. We all regret it, but after the fire is out and the immediate distress resulting therefrom is relieved the obligation, according to all the precedents, is over. The people should bestir themselves and get busy and relieve themselves. They say that they are going to rebuild; then let the people be given work clearing away the débris and be employed to assist in the great work of rebuilding the destroyed property. Only about 1,800 of the 17,000 reported to have been left destitute are now without shelter, and they are in comfortable Army tents and on good Army beds.

Let the work of reconstruction begin and all will find work. What, will it be contended that the Government shall feed these people until the factory is rebuilt? Such a contention is most dangerous and leads into a most dangerous field. When the great Baltimore, Chicago, and Yazoo City fires occurred not a dollar was asked for and not a dollar paid. In the Mississippi flood, in all the cyclone disasters enumerated, no direct appropriation was ever made; only aid was extended through the Army, as I have indicated. Tents and beds and food were given for only a few days to relieve the immediate distress, and the Secretary of War presented his bill, which has been for food, drugs, and such aid as would give the community a few days to get on its feet. Already $489,000 has been raised; and this is more than ample to take care of 1,800 people for a few weeks until they can get work.

If there was any danger of loss of life here, I would not hesitate for one moment to vote for an appropriation to save human life. But merely because people are without jobs, because a factory has burned and the opportunity of obtaining a job is gone, it is idle to say that Congress ought to respond. If you do that, you should respond when an individual loses his home, if it is all he has. When a little town is wiped out, as a little town in my State was, there was not a dollar asked. Why? Because when men lose their jobs it is not the business of the Government to hunt up jobs for them. It is not the function of the Government; it is for the men to get out and hustle. If a factory had closed its doors for all time to come, would there be any man here who would say that these men ought to have Government aid?

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PHELAN. Mr. Speaker, I yield the remainder of my time to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, it is true, as the gentleman from New York [Mr. FITZGERALD] says, that we propose to feed the unemployed and homeless sufferers from the Salem fire. What are the facts? Instead of $1,000,000, as he says, we need $1,700,000 all told, to relieve suffering and rehabilitate the city. The earning capacity of Salem has been wiped out, because its industries have been wiped out, and yet it will bond itself for $700,000 as a consequence of this fire. That is a grievous burden for a city with a population of 45,000 souls. Seven hundred thousand dollars and the interest on that sum must ultimately come right out of the city of Salem.

The State of Massachusetts is inhibited by its constitution from making a direct appropriation to help Salem out, but for poor relief in Salem, for the militia, by the rebate of taxes, and by the appropriation of supplies from public institutions the State has already entailed on itself an expense of $195,000. The legislature has adjourned, but doubtless in the next session there will be large additional bills to pay.

Yes, it is true that we are going to feed these people. You talk about it being our duty to find them other employment. The Lord knows that we would do so if we could. They do not want to eat the bread of idleness, but you can not take a cotton-mill operative and all of a sudden convert him into a foundryman or a laster.

The gentleman from New York says that no effort is being made to seek remunerative employment for these people. He is entirely mistaken. I happen to have in my pocket a letter to the Secretary of Labor written by Mr. John L. Saltonstall, a member of the local committee of labor in Salem. Mr. Saltonstall is bending his energies to accomplish the very re-

tion, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909."

Mr. FITZGERALD. Mr. Speaker, I move that the House concur in the Senate amendment

Mr. MANN. Mr. Speaker, will the gentleman yield to me for five minutes?

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, it seems a peculiar motion for the gentleman from New York [Mr. FITZGERALD] to make, that the House agree to this amendment. When the Alaska railroad bill was before the House it contained a provision for the issuance of bonds for the payment of the expenditures in connection with the construction of that road, and it was the distinguished gentleman from New York, displaying the most activity, I think, he has displayed on any bill before the House, who succeeded in striking out of the Alaska railroad bill the provision for the issuance of bonds for the construction of that road, stating to the House with due frankness that the Government would be able out of its ordinary receipts to pay the expenditures of the construction of the Alaska road and there was no necessity for the issuance of bonds. I joined with the gentleman at that time, as the majority of the Members here did, and we struck out of the Alaska bill the authority to issue bonds. Now the only thing that is asked for in this amendment, although in terms the amendment covers a good deal—the only new thing in it is the authority to issue bonds for the payment of the expenditures of building colliers in connection with the Panama Canal. All the rest of the authority to issue is in the present existing law. If I am correctly informed, and I will ask the gentleman whether there is anything new except the colliers?

Mr. FITZGERALD. This excludes the colliers; this prevents bonds being issued for building colliers. That is one of the purposes of this amendment.

Mr. MANN. Oh, no; this does not exclude colliers.

Mr. FITZGERALD. Read it.

Mr. MANN. The gentleman does not know what the amendment is. [Laughter.] It is not only contrary to the motion the gentleman made before, but he does not really know what it is. The purpose of this amendment is to permit the issuance of bonds to replace in the Treasury the money that is expended in building colliers.

Mr. FITZGERALD. No; I repeat again, the purpose of this amendment, among others, is to prohibit the replenishment of the Treasury with money that is spent for the building of colliers.

Mr. MANN. Let me ask the gentleman, What is the new provision in this amendment from existing law? The current sundry civil bill carries a provision authorizing the issuance of bonds for the construction of work on the Panama Canal.

Mr. FITZGERALD. Well, the current law is:

That all expenditures from the appropriations heretofore, herein, and hereafter made, etc., shall be reimbursed from the proceeds of bonds, exclusive of fortifications and exclusive of the amount used for operating the canal and for the permanent organization after the canal is open for use and operation.

Now, this amendment is:

Exclusive of fortifications and colliers and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is open for use and operation.

And then instead of requiring the Treasury to reimburse it is made discretional by the change of the word "shall" in the existing law to the word "may" in the amendment. It makes it possible, if so desired, to pay the cost of the canal out of current receipts instead of compelling the Treasury Department, regardless of the condition of the Treasury, to issue bonds to replace the money paid on that account.

Mr. MANN. If the gentleman be correct—and I am not sure but he is—I am willing to apologize to him.

Mr. FITZGERALD. I think the gentleman is with me.

Mr. MANN. I am if the gentleman is correct. If the purpose of this is to exclude the issuance of bonds for colliers——

Mr. FITZGERALD. That is the purpose.

Mr. MANN. This amendment was in the bill as it was presented to the House and went out on a point of order. I supposed the amendment was the same; I assume it is.

Mr. FITZGERALD. Well, it is. That is my information—that it is the same.

Mr. MANN. The statement was then made—and I am not sure I examined it carefully—that it was for the purpose of allowing the issuance of bonds for this purpose.

Mr. FITZGERALD. We had reached the point in the bill when the bill was under consideration, and the gentleman made his point of order without any explanation——

Mr. MANN. Well, that may be.

Mr. FITZGERALD. And the purpose is to exclude colliers and fortifications and the cost of operating and maintaining the canal and the cost of permanent organization from reimbursement from proceeds of bonds, and in addition we changed the word "shall" to the word "may," so that the Treasury Department is not under mandatory legislation to issue bonds but it is left discretionary with them.

Mr. MANN. Well, Mr. Speaker, I have often found that the gentleman from New York is both acute, indefatigable, intelligent, and trustworthy——

Mr. FITZGERALD. If there is anything else, I would be glad to have it.

Mr. MANN. And I think the gentleman is correct this time, and I shall vote for the gentleman's motion.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask that amendment 163 be reported.

The SPEAKER. The Clerk will report Senate amendment numbered 163.

The Clerk read as follows:

Page 205, after line 15, insert as a new paragraph the following:

"That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this provision shall be made under the direction of the Secretary of War."

Mr. FITZGERALD. Mr. Speaker, I move to disagree to the Senate amendment.

The SPEAKER. The gentleman moves to disagree to the Senate amendment.

Mr. PHELAN. Mr. Speaker, I move to concur in the Senate amendment with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Massachusetts moves to concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the words inserted by the Senate and insert in lieu thereof the following:

"For the relief of the sufferers from the recent conflagration in Salem, Mass., $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this provision shall be made under the direction of the Secretary of War."

Mr. FITZGERALD. Let me say this: If the House is to concur in this amendment with an amendment, the country will take it as the desire of the House to make the appropriation, and we simply wish the amendment in proper form. That is a fair statement to make to the House.

Mr. GARDNER. Mr. Speaker, I wish to state that I drafted that amendment at the suggestion of Mr. Courts and the gentleman from New York [Mr. FITZGERALD] on the understanding that if the amendment is adopted it settles the whole question.

Mr. FITZGERALD. That will be construed as an instruction. I yield 15 minutes to the gentleman from Massachusetts [Mr. PHELAN] and I reserve 15 minutes in opposition, and at the end of that time I shall move the previous question.

Mr. GARDNER. Will the gentleman from New York yield permission, by unanimous consent, for the gentleman from Massachusetts [Mr. PHELAN] to yield out the time?

Mr. FITZGERALD. He can do as he pleases.

Mr. PHELAN. Mr. Speaker, I shall try to explain this situation just as briefly as possible, because the time is very limited. Everybody knows about the fire in Salem, Mass. I think that there is scarcely anybody in the country, outside of somebody who lives in Salem or who has been there to see the situation, who realizes the magnitude of the damage wrought by that fire. I was there during the fire and have visited the scene since, and I have communicated with people who have had to do with the arrangements for relief, and I know pretty well what the situation is. But I can give only a suggestion as to what the real conditions are.

Let me say at the start that because it was a fire it has not received the publicity that an earthquake or some other calamity of an unusual nature would get in the newspapers. As a result, the people of the country do not realize the extent of the havoc wrought, and therefore the voluntary contributions, while they have been very generous, have not come in in sufficient amounts to take care adequately of the damage done there. The governor of the Commonwealth of Massachusetts has requested Federal aid, and the President of the United States has sent a special message asking Congress to grant such aid. The Senate has adopted the amendment in the sundry civil bill granting Federal aid, as recommended by the President; and it remains

only for this House to concur in this amendment in order that Federal aid may be granted to the stricken city.

I will state that the territory burned was 254 acres in extent. There were burned eight leather factories, eight shoe factories, nine shoe-stock establishments, six machine shops, and three big foundries, besides a number of small plants. The Naumkeag Cotton Mill was the largest single plant destroyed, employing something like 2,000 hands. There were over 17,000 people driven out of their homes by the fire. The total damage has been conservatively estimated at $10,000,000.

To compare it with Chelsea, the damage done in Salem was much more disastrous, because while the conflagration in Chelsea was of great extent the factories in Chelsea were saved, while in Salem not only were the homes burned to the ground, but the factories and other places of employment were laid in ruins. Thus thousands of good, honest, and industrious people are without homes and, what is worse, without means of employment by which to earn their livelihood. Unless relief is given, and given speedily, many will be in actual need of the necessities of life—for clothing, food, and shelter. They lost practically everything, and they have no means of subsistence. Most important of all, I repeat, they have no means of getting employment with which to earn a living.

Immediately after the fire camps were established, and the people lived in tents. The State militia was sent to Salem, to the number of some 1,200 men, to take care of the tents and of the people in the tents and to protect property. At the beginning there were something like 3,500 people in these tents, but gradually the number has gone down, until there are about 2,000 or 2,500 persons living in that way in Salem to-day. In addition to that, of the 17,000 who were thrown out of their homes, there are a great many who have been taken in by friends or hospitable people living in Peabody, Lynn, and other surrounding towns, and are living there temporarily.

As a citizen of Massachusetts, I witnessed with pride the sympathetic spirit everywhere manifested, from the governor down to the humblest citizen. Everybody has joined in cooperating to give aid and relief to the stricken city and its unfortunate sufferers. It is absolutely necessary that something should be done by the Government if the people in Salem are going to get proper relief. The great problem is going to arise next winter, because the factories and the Naumkeag mills can not be built inside of six months. The State government has contributed generously, not only by direct appropriation but by the abatement of the State tax, by the expenditure for the State militia, and by the contribution of State supplies, such as beds and other equipment.

The suggestion has been made that this will establish a precedent. If you will look into the CONGRESSIONAL RECORD, on page 11918, you will find a long list of precedents for this action by Congress, covering a period from 1812 down to the present time. All we ask is that this House shall do what the President has asked us to do, and what the Senate has already done. We know if men want to do so, they can talk about precedent and all that sort of thing and make a plausible argument, appropriate, perhaps, in settling a legal controversy. But this is not the time for a legal argument. Where people are in distress and suffering, we ought, without drawing fine distinctions, to give them aid unhesitatingly and ungrudgingly.

Now I yield two minutes to the gentleman from Virginia [Mr. MONTAGUE].

Mr. MONTAGUE. Mr. Speaker, I concur very heartily in the amendment adopted by the Senate.

There was a time when a constitutional question could have been suggested in bar to the present measure. That time, however, has long since passed. Precedent after precedent for appropriations of this character, based upon general humanitarian purposes, have neutralized the arguments which might have been found valid early in the history of our Republic. The picture of disaster, of distress, of sorrow, of want, and of misery which has overtaken one of the most historic towns in one of the most historic Commonwealths of the American Union must appeal to this House.

May I suggest to the House what I hope is not an improper argument? The American Congress can never repay Massachusetts for what she has done for the American Nation. [Applause.] Massachusetts is not only a historic but a romantic Commonwealth, and in the hours of our infancy and struggle it was the genius and the courage and the self-sacrifice of that great Commonwealth that contributed as much as any single Commonwealth of the original 13 States to the establishment of free government upon these new shores. [Applause.] And therefore, Mr. Speaker, when this appeal is made to us, and when we consider appropriations of like character, made in some instances upon motives, in my humble opinion, of less merit, I shall with great pleasure cast my vote in favor of the amendment. [Applause.]

Mr. FITZGERALD. Mr. Speaker, the sympathy of everyone goes out to the destitute and stricken people of Salem, who have lost their property and their homes in the fire which devastated that community on the 25th of June. No question of the power of Congress was raised by those who in antagonizing this appropriation opposed making the Federal Government bear the burden of the poor relief of the State of Massachusetts.

The fire occurred on the 25th day of June. Appeals were issued for subscriptions to relieve the people who were made destitute. Some 250 acres were burned, a number of industries were destroyed; 17,000 people, or about 3,000 families, it is asserted, were rendered homeless. The State of Massachusetts, by its militia, completely policed the devastated section, furnished tents and established camps for those destitute, and at the last report there were 1,900 of the supposed number of destitute persons being cared for in those camps.

A request was made that Congress should appropriate $200,000 for immediate relief, to meet the exigencies that were then pressing. Upon receipt of the request the Committee on Appropriations met at once to consider the question of aid by way of appropriation from the Federal Treasury. These facts were ascertained: Without seeking or attempting to place the mill hands and operatives in remunerative lines of employment elsewhere, it is proposed to maintain them at public charity, or at the expense of the Government of the United States, for a period of six months or longer, and until it is possible for the owners of the industries to rebuild their mills and factories and furnish the people with employment. There was no pressing necessity shown for additional money at this time. Three hundred and eighty thousand dollars had been raised by public subscription. The State of Massachusetts had not been active. It had not appropriated a dollar. Since the Committee on Appropriations has made its inquiries Massachusetts has appropriated, under the guise of poor relief, $100,000.

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore (Mr. HAY). Does the gentleman yield?

Mr. FITZGERALD. No; I will not yield at present. So that at the time the Committee on Appropriations declined to recommend an appropriation of $200,000, requested upon the theory that it was needed for the immediate necessities of the occasion, there was available $483,000 of the $1,000,000 that it is estimated will be required to care for these people during a period of at least six months, but in all probability from 8 to 10 or 12 months.

The only question involved was the question of the propriety of the Federal Government being called upon by a great, rich, prosperous State like the State of Massachusetts to take care of its destitute people because of any disaster, because of any catastrophe——

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Because of any situation that was not at that time beyond the control and the ability of the local and State authorities to control.

Mr. MURRAY of Massachusetts. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. FITZGERALD. I prefer not to yield.

The SPEAKER pro tempore. The gentleman from New York declines to yield.

Mr. FITZGERALD. What has Congress done and declined to do in similar situations? What has been the policy of the Government? Two years ago the towns of Austin and Costello, in the State of Pennsylvania, numbering 3,500 people, were the victims of a flood resulting from the bursting of a dam. Practically all of the houses in the towns were wiped out. All of the industries were destroyed. Seventy-seven persons lost their lives. Three million dollars' worth of property was destroyed. Yet Congress, because it is not part of the functions of the Federal Government to take care of destitute persons, declined to appropriate for the relief of those impoverished by the disaster. During this last winter, when the floods in the Brazos River, in Texas, swept a vast territory, destroying $15,000,000 worth of property, a request was made to appropriate money to buy seed to plant corn, and Congress declined to extend such relief.

In the Briceville, Tenn., mine disaster, where a large number of persons lost their lives and others were rendered homeless and dependent, Congress declined relief. In the Black River floods in Wisconsin, where a community was wiped out and the homeless people were dependent upon the charity of the State

The SPEAKER. Have we not had the final vote on that proposition?

Mr. MANN. No; certainly not.

The SPEAKER. What else could the House itself do?

Mr. MANN. The House has had a vote on the recommendation of the committee.

The SPEAKER. Yes.

Mr. MANN. And has turned down the recommendation of the committee.

The SPEAKER. Yes; that is true.

Mr. MANN. Now, there is nothing else the House can do; but the rule sends it back to the committee, where it is considered de novo.

Mr. UNDERWOOD. Mr. Speaker, I think the reading of this rule clearly demonstrates that the gentleman from Illinois [Mr. MANN] is in error. The rule says:

Whenever a bill is reported back from the Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House.

Now, Mr. Speaker, that rule clearly refers to a bill and not an amendment to a bill. It clearly refers to a situation where the Committee of the Whole has made an adverse report on a bill, such as striking out the enacting clause, as the footnotes below demonstrate, or where it has adversely reported the whole bill. Necessarily it would go back to the Committee of the Whole, and properly so, for consideration, and the language of the rules does not say "a bill or amendment," or "a bill or resolution"; and all the rules of the House have held that where the rule says "a bill" it does not mean "a resolution." This language refers to a case where a whole bill has been adversely reported. Where the House has disagreed to such a report, then necessarily it goes back to the Committee of the Whole for consideration and amendment. But here is a bill that has been favorably reported, and most of the amendments acted on in Committee of the Whole, and with one recommendation of the Committee of the Whole adverse. It seems to me clear that the action of the committee in recommending it to the House is subject to any relevant motion that can be made when the previous question is ordered. Of course it can not be amended. If the previous question had not been ordered, it could have been amended in the House, but the previous question having been ordered, clearly it is in order for the gentleman from Mississippi [Mr. HARRISON] to move that the Senate amendment be agreed to.

The SPEAKER. The Chair thinks that the motion for the previous question expended its force when the vote was taken, and that this amendment is back in the House in the same condition that it would have been if it had never been sent to the committee, and that the motion of the gentleman from Mississippi to concur in the Senate amendment is in order. The question is on the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in the Senate amendment.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference with the Senate on the disagreeing votes of the two Houses.

Mr. FITZGERALD. We have already voted to disagree on the other amendments.

Mr. STEPHENS of Texas. I ask for a conference.

The SPEAKER. Has the Senate asked for a conference?

Mr. STEPHENS of Texas. No. I move that the House ask for a conference.

The SPEAKER. The gentleman from Texas moves that the House ask for a conference.

The motion was agreed to, and the Speaker announced as conferees on the part of the House Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, H. R. 17041, disagree to all the Senate amendments, and ask for a conference.

Mr. LEWIS of Maryland. Mr. Speaker, reserving——

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to all the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I should like to have the attention of the gentleman from New York [Mr. FITZGERALD] for a moment. I notice that there are two Senate amendments—Nos. 44 and 45, I think—that seek to create new customs districts under the law. We have recently rearranged all the customs districts of the United States. At the present time I know of no reason why these new districts should be created. There is one collector over a number of customhouses, and I see no reason to believe that the present system is not working effectively. I certainly do not believe that this important change should be made in an appropriation bill without careful consideration by the House committee that has the matter in charge, in consultation with the Treasury Department, and after a hearing and a report. I rose for the purpose of asking the gentleman from New York [Mr. FITZGERALD] if the bill goes to conference by unanimous consent, will he agree to bring those items back to the House before a final agreement is reached?

Mr. RUCKER. Mr. Speaker, will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. RUCKER. Is one of those places Kansas City, Mo.?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. I will ask the gentleman if the authorization to the President to reorganize the customs service, under which authority he discontinued the customs district of Kansas City, was not in an appropriation bill?

Mr. UNDERWOOD. It was.

Mr. RUCKER. And whether, acting under that authority carried in an appropriation bill, he did not discontinue the customs district at Kansas City?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. Is it not true that Kansas City was one of the best-paying customhouses in the United States, from the standpoint of what it cost to keep it up?

Mr. UNDERWOOD. It probably was. That does not have anything to do with it. The gentleman evidently does not have a conception of what this reorganization is.

Mr. RUCKER. I beg the gentleman's pardon. I think I have some conception of it.

Mr. UNDERWOOD. I am sure the gentleman does not or he would not have asked the question about the receipts of the office at Kansas City. The whole system and control of the customs districts was changed under Executive order made by authority of Congress. Heretofore we have had collectors of customs in each port, small or large. That brought about a system of extravagance in expenditure. In a number of small ports we were paying men two and three thousand dollars, sometimes, as salaries when they did not collect $5. That was one reform. But, more than that, where ports were close to each other, there was no coordination of effort in making the returns, assessments, and valuations, because one collector of customs would decide on one question and another on another.

Now, one of the great purposes in making customs districts, instead of having a collector in each port, was to bring certain territory within one jurisdiction. Kansas City was put within a jurisdiction. That collector is just as much the collector of Kansas City as he is of the port where he flies his flag.

Mr. RUCKER. At St. Louis.

Mr. UNDERWOOD. Now, the question whether the amount of business in Kansas City should require the location of headquarters at Kansas City or at St. Louis is a matter about which the gentleman may be right as to his conclusions. But as a proposition to create a new district simply because they are not the headquarters at this time, I see no reason for, because the collector is merely the director of the men under him and the subcollector at this other port is occupying the position of collector, with all the force and all the authority, except subject to the regulation of his superior officer. Heretofore the collector had to come to the Treasury Department direct from that port, but the deputy collector now goes to his superior officer in one of the 40 or 45 districts.

Mr. RUCKER. Will the gentleman yield again?

Mr. UNDERWOOD. Yes.

Mr. RUCKER. I believe it is a fact that for many years the chairman of the Committee on Appropriations has sought to eliminate a lot of useless customhouses because of the fact, as stated by the gentleman a moment ago, that it costs about $1,000 to collect $1. There are quite a number of gentlemen here who in the discharge of their high duty seek to save people from these unnecessary expenses, but by reason of the interest of the Members in retaining every official in their State or district, that interest being combined, it was impossible to carry the reform through. For that reason the language was put in an appropriation bill authorizing the President to reorganize the service. I will ask the gentleman if it ever was contemplated at the time the language was put in the bill that the office at Kansas City should be abolished?

Mr. UNDERWOOD. I do not know what was in the mind of the Treasury Department, but I will say that it was contemplated that an entire new system should be created; that in place of each customs office standing out by itself and having

hundreds of them in the United States it was contemplated that we should divide the country into customs districts where in a certain area the same class of goods imported and the same conditions prevailed, and one man could overlook them all.

To illustrate more fully—you may have an army and you may have a general commanding, and each unit commanded by a captain; or you may have an army divided into regiments and the regiments divided into companies. Now, for the purpose of perfecting the system and making uniformity of valuation, and uniformity in appraisements, they have made the collector of customs in some ports the collector of customs for the district, and subcollectors take the place of the original collector. Nothing could be accomplished by this resolution that I can see except to create a new salary for a man in Kansas City, unless it is a question of pride, and I think that figures a good deal in it.

The mistake of the whole matter was in not making the collector the "collector of district" No. 44, or No. 45—whatever the district may have been—instead of making him collector of St. Louis or collector of the port of Chicago, and bringing other ports in. There would be nothing in the pride question if they had said that the collector of St. Louis shall be collector of district 44, or whatever the number is.

Mr. RUCKER. Mr. Speaker, in many of the debates had heretofore on the uselessness of customhouses, does the gentleman recall that there was ever any assertion that the office at Kansas City ought to be abolished?

Mr. UNDERWOOD. I do not think it was suggested that the office should be abolished. As a matter of fact, the office at Kansas City is not abolished. The office at Kansas City is just as virile and effective and doing business to-day exactly as it did before this order of President Taft was made. The only difference is that there is a subcollector who is in charge of that port, of that particular office, under the command of a man who happens to be located at St. Louis. As far as I am concerned, I would be perfectly willing to have a law passed allowing the Secretary of the Treasury from time to time to say where the flag of the collector of the district shall float and where it may be the most available for the public service, and then let Kansas City and St. Louis determine between themselves which has had the bigger collection of receipts and which was entitled to have that flag fly over it.

Mr. RUCKER. Ordinarily I am willing and content to follow the lead of the gentleman from Alabama, but this time I can not do so, because I think that if this amendment is stricken out of the bill it would perpetuate a wrong.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Missouri [Mr. RUCKER] that if we let these two amendments go through we will destroy the present system, which is economical. It is not only economical in the matter of salaries, it is economical because it brings uniformity of effort, it unifies valuations, and protects the customs service, and as chairman of the Committee on Ways and Means I have not heard one word of protest from the Treasury Department that the Government revenues are not fully protected and that the efficiency of that office is not just as great to-day as it was before. I can assure the gentleman that while there are only two in this amendment there are forty who will be knocking at the door if we agree to the amendment. Of course some gentlemen merely want an increase in salary. That is one thing, and it is a minor consideration. The other thing is that one town does not like to say that it belongs in the other town's customs district. It was unfortunate that they should name the man the collector of the town, when he was the collector of the district.

Mr. RUCKER. Mr. Speaker, I will say to the gentleman that we Missourians did not relish the fact that the Republican President, a man for whom I entertain the highest respect, should on the eve of departing from his office, after having been defeated at the polls, destroy an institution in our State, and in that way slap the face of one of the best cities in the United States.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Missouri that he did not destroy the customhouse, and I am sure that if the gentleman will write to the Treasury Department to-day he will get a report that the efficiency and usefulness of that customhouse is just as great as ever. They only made Kansas City in the customs service follow the flag of St. Louis, just as they made in the case of the selection of the Federal reserve cities a great many western cities bow in obeisance to the Kansas City Federal reserve bank.

Mr. RUCKER. Mr. Speaker, pretty soon there will be a change of offices in St. Louis and Kansas City if this bill goes through, and under the new administration the receipts will be much greater and the office will be fully as well administered.

Mr. UNDERWOOD. I do not think there is any question about receipts, because the subcollector at Kansas City performs the service the other man did, and is probably just as efficient. If he were made collector, he would still perform those duties, only he would get a little more salary.

Mr. RUCKER. Mr. Speaker, I want to say that I have very great respect for the wisdom of the Senate in putting this amendment in the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARRETT of Tennessee. Mr. Speaker, the gentleman has compared the customs organization to that of an army. I suppose that comparison would apply equally as to a volunteer army as to a regular army, and while such a thing, of course, could not happen in Missouri, I was just wondering whether or not the displacing of 40 would not work to deprive some volunteer colonels and generals of the opportunity of getting a commission?

Mr. UNDERWOOD. Mr. Speaker, I can not advise my friend from Tennessee upon that question. I merely rose to ask the gentleman from New York if he would not agree to bring this matter back so that the House might have an opportunity to vote upon it, in case the Senate did not recede from its amendment.

Mr. FITZGERALD. Mr. Speaker, I am quite willing to state that the House will have an opportunity to pass on the matter.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have a vote and consideration of the matter to-day on amendments 157 and 163. I think it would be better to dispose of them now, while the House is fairly well attended, than when they are brought back from conference. One is the issue of bonds for the Panama Canal, and the other is with reference to the appropriation for the Salem, Mass., fire sufferers. I suggest to the gentleman from New York that he ask unanimous consent to take the bill from the Speaker's table and disagree to all of the other amendments, so that we may consider these at this time.

Mr. TAYLOR of Arkansas. Mr. Speaker, one of the amendments in the bill I desire to move to concur in, and that is amendment 91, on page 115. I do not wish to waive any right that I have with reference to the matter by consenting to disagreement to any or all of the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, I am quite willing to agree that the House shall have opportunity to pass on amendment No. 91. The gentleman is not particular about making the motion to-day?

Mr. TAYLOR of Arkansas. With this understanding, I will not press it now.

Mr. FITZGERALD. I am willing to agree with the gentleman that he shall have the opportunity before the bill is disposed of.

Mr. MANN. I think we had better dispose of it now.

Mr. FITZGERALD. I would like an opportunity to look into the amendment a little.

Mr. MANN. Oh, I do not think the gentleman will have any trouble in sending it to conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill H. R. 17041, the sundry civil appropriation bill, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference, except as to amendments 157 and 163, which will now be considered in the House. Is there objection?

Mr. CARLIN. Mr. Speaker, reserving the right to object, I want to ask how much debate is expected to be allowed on these amendments?

Mr. FITZGERALD. I do not know. I understand that on amendment 163 30 minutes will be satisfactory.

Mr. GARDNER. Fifteen minutes on a side.

Mr. FITZGERALD. How much time does the gentleman from Illinois want on amendment 157?

Mr. MANN. Not over five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report amendment 157.

The Clerk read as follows:

Senate amendment 157: Line 16, page 192, after the word "expended," strike out the period and insert a colon and the following:

"*Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and opera-

S. 4976. An act permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis.;

S. 2278. An act granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes;

S. 4254. An act to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama;

S. 3925. An act for the relief of Teresa Girolami;

S. 663. An act for the relief of Thomas G. Running;

S. 1880. An act for the relief of Chester D. Swift;

S. 1127. An act for the relief of Samuel H. Walker;

S. 105. An act for the relief of the legal representatives of John T. Brickwood, deceased; Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger;

S. 1930. An act granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes;

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes;

S. 638. An act for the relief of William Liskey.;

S. 5042. An act legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada;

S. 586. An act providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries;

S. 2882. An act for the relief of Charles M. Clark;

S. 145. An act for the relief of Charles Richter;

S. 2550. An act for the relief of Jacob Scott;

S. 1905. An act to prevent the desecration of the flag of the United States of America;

S. 3457. An act authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Frazer, Mont.;

S. 4930. An act for the relief of V. E. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth;

S. 771. An act for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long;

S. 4854. An act to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both;

S. 5313. An act to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes;

S. 4977. An act to establish a fishery experiment station on the Pacific coast of the United States;

S. 5316. An act authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof;

S. 5092. An act for the relief of Charles A. Spotts;

S. 2472. An act for the relief of Herman von Werthern;

S. 4946. An act to establish an additional fish-cultural station in the State of Texas;

S. 819. An act providing for the homestead entry of certain lands in the State of Washington, and for other purposes;

S. 1758. An act for the relief of Warren E. Day;

S. 2630. An act for the relief of Clarence Hazelbaker;

S. 4500. An act to place certain officers of the Army on the retired list;

S. 1220. An act to increase the limit of cost of the public building authorized to be constructed at Durango, Colo.;

S. 2656. An act to correct the military record of Thomas Smith;

S. 4725. An act providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast;

S. 5293. An act for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 2985. An act for the purchase of a site and erection of a Federal building at Crisfield, Md.;

S. 5211. An act to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc.;

S. 544. An act for the relief of the Virginia Military Institute, of Lexington, Va.;

S. 3525. An act for the relief of Pay Inspector F. T. Arms, United States Navy;

S. 5406. An act to establish a light and fog-signal station on Michigan Island, Lake Superior;

S. 1377. An act for the relief of Alfred S. Lewis;

S. 5462. An act to authorize the county of Barry, State of Missouri, to construct a bridge across the White River in Barry County, Mo., at or near a point known as Goldens Ferry;

S. 1060. An act fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy;

S. 3898. An act to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899;

S. 4954. An act for the relief of Stephen Morris Barlow;

S. 5429. An act for the purchase of two bronze copies of the original marble portrait statue of George Washington;

S. 2877. An act to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860;

S. 728. An act for the relief of Nathaniel Monroe;

S. 5674. An act confirming the title of the widow and heirs of John Robinson, deceased, to certain lands and authorizing and directing the issuance of patent therefor;

S. 1124. An act for the relief of G. L. Taneyhill;

S. 1293. An act for the relief of Harrison H. Hollowell;

S. 1160. An act for the relief of Isaac J. Reese;

S. 5204. An act for the relief of Alice H. Gilson;

S. 770. An act for the relief of Thomas Coyle;

S. 5197. An act granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes;

S. 5198. An act to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest;

S. 2661. An act for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims;

S. 2823. An act relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices;

S. 4880. An act authorizing Ponca City, Okla., and the board of education of said city to convey certain lands;

S. 5847. An act to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; and

S. 5555. An act to amend an act entitled "An act to authorize the construction and maintenance of a dike on Ohalla Slough, Lincoln County, Oreg.," approved June 25, 1910.

S. J. Res. 146. Joint resolution to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength;

The message also announced that the Senate had passed without amendment bills and joint resolution of the following titles:

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 13985. An act to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La.;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 11066. An act authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal.

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 963. An act for the relief of Mrs. Andrew Riganopolous;

H. R. 14925. An act for the retirement of H. R. Drake;

H. R. 6014. An act for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.;

H. R. 9042. An act to permit sales by supply departments of the Army to certain military schools and colleges;

H. R. 6260. An act for the relief of Hyacinthe Villeneuve;

H. R. 2540. An act for the relief of the estate of Philip Felix Herwig, deceased;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 4744. An act to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army;

H. R. 3041. An act to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell;

H. R. 10345. An act for the relief of C. M. Hammond;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 11747. An act to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn.;

H. R. 11254. An act to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak.;

H. R. 3988. An act for the purchase of a building and lot as a mine rescue station at McAlester, Okla.;

H. R. 13819. An act to increase the limit of cost of Federal building at Pendleton, Oreg.;

H. R. 5746. An act for the relief of Marcus L. Pelham;

H. R. 6220. An act for the relief of Hosea Stone;

H. R. 9421. An act for the relief of John T. Glynn;

H. R. 12778. An act for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer;

H. R. 8893. An act for the relief of Mary E. Goodley;

H. R. 12166. An act for the relief of Jennie S. Sherman or her heirs;

H. R. 10767. An act for the relief of John D. Baldwin;

H. R. 9147. An act to restore First Lieut. James P. Barney, retired, to the active list of the Army;

H. R. 1517. An act for the relief of George W. Cary;

H. R. 6052. An act for the relief of William P. Havenor;

H. R. 5884. An act granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal.;

H. R. 14229. An act for the relief of Henry La Roque;

H. R. 11381. An act for the relief of the estate of T. J. Semmes, deceased;

H. R. 1291. An act for the relief of George Gardells;

H. R. 13133. An act for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.;

H. R. 7484. An act for the relief of Stanley J. Morrow;

H. R. 2536. An act for the relief of John Streckfus;

H. R. 1138. An act for the relief of Helen Wakefield;

H. R. 14684. An act for the relief of the Commissioner of Internal Revenue;

H. R. 2407. An act for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia;

H. R. 6831. An act to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss.; and

H. R. 12191. An act for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased.

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914;

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6464. An act for the relief of Charles R. Grant;

H. R. 14685. An act to satisfy certain claims against the Government arising under the Navy Department;

H. R. 5304. An act to increase the efficiency of the Aviation Service of the Army, and for other purposes;

H. R. 4988. An act to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak.; and

H. R. 8688. An act for the relief of Lucien P. Rogers.

INDIAN APPROPRIATION BILL.

The SPEAKER. The Clerk will report the next recommendation. The vote will now be taken on the recommendation relating to Senate amendment 140.

Mr. STEPHENS of Texas. Mr. Speaker, would it be in order that the roll call be dispensed with?

The SPEAKER. You do not have to have a roll call unless it is asked for. The question is on agreeing to that portion of the report relating to Senate amendment 140.

Mr. FERRIS. Mr. Speaker, was the vote announced on the other proposition?

The SPEAKER. Yes. The yeas were 153, the nays 92, and those answering "present" 9. The vote now is on agreeing to that part of the report of the Chairman of the Committee of the Whole House on the state of the Union which relates to Senate amendment numbered 140. The report is to disagree to the amendment. Those in favor of adopting that portion of the report will say "aye," those opposed will say "no."

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from South Dakota asks for a division. Those in favor of agreeing to that portion of the report will rise and stand until they are counted. [After counting.] Ten gentlemen have arisen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Seventy-four gentlemen have arisen in the negative. On this vote the ayes are 10 and the noes are 74, and the House refuses to agree to that part of the report.

Mr. HARRISON. Mr. Speaker, I move——

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House insist upon its disagreement to the Senate amendment and ask for a conference; and on that I move the previous question.

Mr. HARRISON. Mr. Speaker, I want to make the motion to concur in Senate amendment numbered 140—to agree to it.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] moves to agree to amendment 140.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Has not the vote already been taken on the motion of the gentleman from Texas [Mr. STEPHENS] on that question?

The SPEAKER. The vote has already been taken on that portion of the report from the Committee of the Whole House on the state of the Union, disagreeing to Senate amendment numbered 140.

Mr. GARRETT of Tennessee. Does not that end it?

The SPEAKER. The House refuses to agree to that part of the report.

Mr. GARRETT of Tennessee. If the gentleman had made a preferential motion to concur earlier, it would have been in order?

Mr. HARRISON. The Speaker ruled that I could not make that. I have now made it.

Mr. MANN. Mr. Speaker, under this rule, does not the bill go back to the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair did not understand the gentleman.

Mr. MANN. I say, the House having disagreed to the adverse recommendation of the Committee of the Whole, under the rules does not the bill go back automatically to the Committee of the Whole House on the state of the Union?

The SPEAKER. What becomes of the other part of the report?

Mr. MANN. The other part of the report has been disposed of. The Committee of the Whole House made an adverse report on this amendment, and the House has disagreed to that report. The rule says in these cases the bill goes back to the Committee of the Whole House.

The SPEAKER. Has the gentleman the rule there?

Mr. MANN. I think I can find it. Paragraph 853, page 378, of the new manual provides:

> Whenever a bill is reported from a Committee of the Whole with an adverse recommendation and such recommendation is disagreed to by the House, the bill shall stand recommitted to the said committee without further action by the House, but before the question of concurrence is submitted it is in order to entertain a motion to refer—

And so forth. This was an adverse recommendation on this amendment.

The SPEAKER. Does the gentleman think that that language applies to this kind of a situation?

Mr. MANN. I do not see why not.

The SPEAKER. Why does it?

Mr. MANN. That is what it says. The very purpose of it is that the committee may desire to amend this proposition. Amendments should be made first in Committee of the Whole. Here is a rejection of the adverse report of the Committee of the Whole by the House. I do not differentiate this situation from that of a House bill under consideration. Of course this is a Senate amendment to a House bill. It is immaterial to me——

The SPEAKER. All that the Chair wants to do is to rule so that if anything like this comes up again it will not be in a muddle.

Mr. MANN. We are operating under the previous question. The Chair has ruled that a motion to concur was not in order.

The SPEAKER. The Chair ruled that the motion to concur at a particular state was not in order.

Mr. MANN. Oh, but the previous question is still operating.

The SPEAKER. How does it operate after the House has voted on the proposition?

Mr. MANN. The gentleman moved the previous question.

The SPEAKER. He did.

Mr. MANN. To the final vote.

The SPEAKER. Yes.

Mr. MANN. We have not had the final vote yet.

agreed to except amendments numbered 6 and 13, which should be agreed to, and which were agreed to. The rest of them were disagreed to except amendments numbered 139 and 140, on the request of the gentleman from Mississippi [Mr. HARRISON] to have a separate vote on them. It happens in practice that nobody ever moves to adopt the report of the Committee of the Whole House on the state of the Union. There are two instances in which no motion is required. One is on a conference report and one is on the report of the Committee of the Whole House on the state of the Union, but practically the motion is pending to agree to the report of the Committee of the Whole House on the state of the Union. Ordinarily three motions could be made—that is, if this bill is in that state—a motion to disagree, a motion to concur with an amendment, and a flat motion to concur. Now, in this matter it seems to the Chair it ought to be decided in a way to give the House the best opportunity to really express its opinion. It might want to disagree, it might want to flatly concur, it might want to concur with an amendment. The previous question having been ordered on this matter, the Chair thinks that the motion to concur is not in order, and that the vote is on whether the House will adopt the report of the Chairman of the Committee of the Whole House on the state of the Union as to these two amendments—that is, to disagree to them—and the vote is on amendment numbered 139.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry for the sake of the record. The Chair has held that it is because the previous question had been adopted?

Mr. SPEAKER. Yes.

Mr. HARRISON. Mr. Speaker, I will again make my parliamentary inquiry on the proposition.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. That is, if the negative vote fails on this disagreement whether or not that will be equivalent to a concurrence?

The SPEAKER. The Chair thinks not in this peculiar situation. If the question was simply on this amendment, then it would be.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent that the two amendments be reported.

The SPEAKER. Without objection, the Clerk will report the two amendments.

Mr. BURKE of South Dakota. I object, Mr. Speaker. I do not object to 139 being reported.

The SPEAKER. The Clerk will report amendment No. 139 unless some other gentleman objects.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians, of Oklahoma, entitled under existing law to share in the funds of their respective tribes, or to their lawful heir out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. A vote of "yea" concurs in the report of the Committee of the Whole and disagrees to the Senate amendment, and a vote of "nay" to the contrary. Am I correct in that assumption?

The SPEAKER. Yes.

Mr. FERRIS. And a disagreement in the Senate amendment amounts to sending the matter to conference, does it not?

The SPEAKER. No mere disagreement would send it to conference, but the probabilities are that that is where it would go. Of course it would take another motion.

Mr. HARRISON. Mr. Speaker, I desire to renew my unanimous-consent request that amendment No. 140 be read in connection with amendment No. 139.

Mr. BURKE of South Dakota. Mr. Speaker, I shall object to amendment No. 140 being read until No. 139 is disposed of.

The SPEAKER. The gentleman from South Dakota objects.

Mr. HARRISON. I desire to make another unanimous-consent request.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. I ask unanimous consent that amendment No. 140 be considered before amendment No. 139.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that amendment No. 140 be considered before amendment No. 139. Is there objection?

Mr. BURKE of South Dakota. I object, Mr. Speaker.

The SPEAKER. Now, the Committee of the Whole House on the state of the Union reports in favor of disagreeing to Senate amendment No. 139.

Mr. CARTER. Mr. Speaker, a vote "yea" would be a vote to disagree?

The SPEAKER. Yes.

Mr. CARTER. And a vote "nay" would mean not to disagree? And if the nays should be in the majority, then this matter would not be sent to conference until some other disposition was made of it?

The SPEAKER. That is the Chair's understanding. Those in favor of the report of the Committee of the Whole House on the state of the Union on amendment No. 139——

Mr. HARRISON. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] demands the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of no quorum.

Mr. MANN. In order to expedite business, however, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Mississippi [Mr. HARRISON] demands the yeas and nays.

The yeas and nays were ordered.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. What is the status of the proposition before the House? What is it the House is voting on?

The SPEAKER. The House is to vote on the part of the report of the Committee of the Whole House on the state of the Union which recommended a disagreement to Senate amendment No. 139, which is the Choctaw amendment.

Mr. BURNETT. That is the recommendation of the Committee of the Whole House on the state of the Union?

The SPEAKER. The recommendation of the Committee of the Whole House on the state of the Union is that the House disagree to amendment No. 139; and a vote "yea"——

Mr. BURNETT. Sends it back to conference?

The SPEAKER. A vote "yea" simply means a disagreement to that amendment.

Mr. ALEXANDER. Is it not a disagreement to amendment No. 139?

The SPEAKER. Yes.

Mr. ALEXANDER. That is the question.

The SPEAKER. The yeas and nays are ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 153, nays 92, answered "present" 9, not voting 179, as follows:

YEAS—153.

Alexander	Fess	Jacoway	Roberts, Nev.
Allen	Fitzgerald	Johnson, S. C.	Ruby
Anderson	Fitzhenry	Johnson, Utah	Rucker
Avis	Floyd, Ark.	Kahn	Saunders
Bailey	Foster	Keating	Scott
Barkley	Francis	Keister	Seldomridge
Barton	Frear	Kennedy, Conn.	Sinnott
Bathrick	French	Kennedy, Iowa	Sloan
Bell, Cal.	Gard	Kent	Smith, Idaho
Booher	Gardner	Key, Ohio	Smith, Saml. W.
Bowdle	Garner	Kinkaid, Nebr.	Stafford
Brodbeck	Garrett, Tenn.	Kirkpatrick	Stephens, Cal.
Bulkley	Garrett, Tex.	Konop	Stephens, Tex.
Burke	Gill	Lenroot	Stevens, N. H.
Burke, S. Dak.	Gillett	Lesher	Stone
Burnett	Gittins	Lieb	Stout
Byrns, Tenn.	Glass	Lindbergh	Taggart
Campbell	Godwin, N. C.	Lindquist	Talcott, N. Y.
Cantor	Goeke	Lloyd	Tavenner
Caraway	Gordon	McGuire, Okla.	Taylor, Ark.
Carter	Graham, Ill.	Maguire, Nebr.	Taylor, Colo.
Clancy	Gray	Mann	Taylor, N. Y.
Connolly, Iowa	Greene, Mass.	Mapes	Temple
Cox	Greene, Vt.	Mondell	Thacher
Cullop	Hamilton, Mich.	Morgan, Okla.	Thomson, Ill.
Curry	Hammond	Murray, Okla.	Towner
Danforth	Harris	Nolan, J. I.	Townsend
Dershem	Haugen	O'Hair	Treadway
Dickinson	Hawley	Oldfield	Tuttle
Difenderfer	Hay	Park	Vollmer
Dillon	Hayden	Payne	Volstead
Dixon	Helgesen	Peters, Mass.	Wallin
Doolittle	Helvering	Post	Williams
Dunn	Hill	Prouty	Wingo
Edmonds	Hinebaugh	Rainey	Woodruff
Esch	Howell	Raker	Woods
Falconer	Hughes, Ga.	Rauch	
Ferguson	Hull	Reed	
Ferris	Humphrey, Wash.	Reilly, Wis.	

NAYS—92.

Abercrombie	Conry	Helm	Padgett
Aiken	Crampton	Holland	Peterson
Aswell	Deitrick	Howard	Phelan
Baltz	Dent	Igoe	Platt
Beakes	Donohoe	Kelly, Pa.	Quin
Blackmon	Donovan	Kindel	Ragsdale
Britten	Doremus	Korbly	Rogers
Brockson	Doughton	Langley	Rouse
Broussard	Dupré	Lee, Ga.	Rupley
Brown, W. Va.	Eagan	Lee, Pa.	Russell
Brumbaugh	Elder	Lever	Sherwood
Buchanan, Tex.	Estopinal	Lewis, Md.	Sisson
Burke, Wis.	Faison	Lonergan	Smith, Md.
Byrnes, S. C.	Finley	McKenzie	Smith, Minn.
Candler, Miss.	Flood, Va.	MacDonald	Steenerson
Carlin	Fowler	Madden	Stephens, Miss.
Carr	Gallivan	Mahan	Tribble
Casey	Goodwin, Ark.	Manahan	Underwood
Chandler, N. Y.	Green, Iowa	Miller	Watkins
Clark, Fla.	Greer	Mitchell	Watson
Cline	Hamlin	Montague	Webb
Coady	Harrison	Moon	Whitacre
Collier	Heflin	Murray, Mass.	Witherspoon

ANSWERED "PRESENT"—9.

Ansberry	Levy	Page, N. C.	Rayburn
Bryan	Morrison	Pou	Stevens, Minn.
Hardy			

NOT VOTING—179.

Adair	Evans	Langham	Roberts, Mass.
Adamson	Fairchild	Lazaro	Rothermel
Alney	Farr	L'Engle	Sabath
Anthony	Fields	Lewis, Pa.	Scully
Ashbrook	Fordney	Linthicum	Sells
Austin	Gallagher	Lobeck	Shackleford
Baker	George	Loft	Sharp
Barchfeld	Gerry	Logue	Sherley
Barnhart	Gillmore	McAndrews	Shreve
Bartholdt	Goldfogle	McClellan	Sims
Bartlett	Good	McCoy	Slayden
Beall, Tex.	Gorman	McDermott	Slemp
Bell, Ga.	Goulden	McGillicuddy	Small
Borchers	Graham, Pa.	McKellar	Smith, J. M. C.
Borland	Griest	McLaughlin	Smith, N. Y.
Brown, N. Y.	Griffin	Mahoney	Smith, Tex.
Browne, Wis.	Guager	Martin	Sparkman
Browning	Guernsey	Merritt	Stanley
Brueckner	Hamill	Mecz	Stevenson
Buchanan, Ill.	Hamilton, N. Y.	Moore	Stephens, Nebr.
Burke, Pa.	Hardwick	Morgan, La.	Stringer
Butler	Hart	Morin	Sumners
Calder	Hayes	Moss, Ind.	Sutherland
Calhoun	Henry	Moss, W. Va.	Switzer
Cantrill	Heseley	Mott	Talbott, Md.
Carew	Hinds	Murdock	Taylor, Ala.
Cary	Hobson	Neeley, Kans.	Ten Eyck
Church	Houston	Neely, W. Va.	Thomas
Claypool	Howarth	Nelson	Thompson, Okla.
Connelly, Kans.	Hughes, W. Va.	Norton	Underhill
Cooper	Hulings	O'Brien	Vare
Copley	Humphreys, Miss.	Ogdesby	Vaughan
Covington	Johnson, Ky.	O'Leary	Walker
Crisp	Johnson, Wash.	O'Shaunessy	Walsh
Crosser	Jones	Paige, Mass.	Walters
Dale	Kelley, Mich.	Palmer	Weaver
Davenport	Kennedy, R. I.	Parker	Whaley
Davis	Kettner	Patten, N. Y.	White
Decker	Kiess, Pa.	Patton, Pa.	Willis
Dies	Kinkead, N. J.	Peters, Me.	Wilson, Fla.
Dooling	Kitchin	Plumley	Wilson, N. Y.
Driscoll	Knowland, J. R.	Porter	Winslow
Drukker	Kreider	Powers	Young, N. Dak.
Eagle	Lafferty	Reilly, Conn.	Young, Tex.
Edwards	La Follette	Riordan	

So the recommendation to disagree to Senate amendment No. 139 was agreed to.

The Clerk announced the following pairs:

On the vote:

Mr. THOMPSON of Oklahoma (for) with Mr. WHALEY (against).

Mr. MORRISON (for) with Mr. KITCHIN (against).

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Until further notice:

Mr. LAZARO with Mr. PARKER.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. GILMORE with Mr. AUSTIN.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. BULKLEY with Mr. CALDER.

Mr. RIORDAN with Mr. WALTERS.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. HENRY with Mr. HINDS.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SABATH with Mr. SWITZER.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BELL of Georgia with Mr. PLUMLEY.

Mr. BORLAND with Mr. ANTHONY.

Mr. BROWN of New York with Mr. CARY.

Mr. CALLAWAY with Mr. DRUKKER.

Mr. CLAYPOOL with Mr. DAVIS.

Mr. FIELDS with Mr. JOHNSON of Washington.

Mr. HENSLEY with Mr. FARR.

Mr. LINTHICUM with Mr. GOOD.

Mr. NEELY of West Virginia with Mr. HAMILTON of New York.

Mr. REILLY of Connecticut with Mr. KELLEY of Michigan.

Mr. ROTHERMEL with Mr. KIESS of Pennsylvania.

Mr. SIMS with Mr. MOSS of West Virginia.

Mr. STRINGER with Mr. NELSON.

Mr. UNDERHILL with Mr. MOORE.

Mr. WALKER with Mr. PARKER.

Mr. WEAVER with Mr. SLEMP.

Mr. WILSON of Florida with Mr. WINSLOW.

Mr. WILSON of New York with Mr. LAFFERTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SHERLEY with Mr. FORDNEY.

Mr. SMALL with Mr. SUTHERLAND.

Mr. PALMER with Mr. WILLIS.

Mr. MCCLELLAN with Mr. STEENERSON.

Mr. LOBECK with Mr. POWERS.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GALLAGHER with Mr. HULINGS.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. MCCOY. Mr. Speaker, I was not present in the Hall, listening. Am I entitled to vote?

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House a telegram addressed to the Speaker of the House which the Clerk will report.

The Clerk read as follows:

GALLIPOLIS, OHIO, *July 9, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives,
Washington, D. C.:

I telegraphed you last Friday that I was down with typhoid fever, and I am still a very sick man. I would like very much to have the RECORD show this fact, and would appreciate an indefinite leave of absence. My eyesight has failed me, but I am informed that the RECORD does not show that I telegraphed you.

R. M. SWITZER.

The SPEAKER. Is there objection to the request just read?

There was no objection.

The SPEAKER. The Chair is informed that the previous telegram from Mr. SWITZER just referred to does appear on page 11576 of the RECORD of Thursday, July 2.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5325. An act authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin;

S. 5087. An act for the relief of Edward L. Keyes;

S. 802. An act for the relief of F. W. Tyler;

S. 5033. An act to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I.;

S. 4836. An act granting to the State of Utah title to certain lands in said State for use as a fish hatchery;

Mr. MANN. I know; but in the House. The gentleman stated that the motion to concur ought to have been made before the bill was referred to the Committee of the Whole House on the state of the Union. When was there opportunity to make such a motion?

Mr. CAMPBELL. Unfortunately, a Member must choose his remedy.

Mr. MANN. He could not have had that one; that is sure.

Mr. CAMPBELL. He could have opposed sending the bill to the Committee of the Whole.

Mr. MANN. Not at all; that is done automatically by the Speaker, and not done by the House. It is referred to the Committee on Indian Affairs by the Speaker under the rules of the House. When it is reported back it is referred to the Committee of the Whole House on the state of the Union by the Speaker and not by the House.

Mr. GARRETT of Tennessee. Will the gentleman from Kansas permit me to ask the gentleman from Illinois a question?

Mr. CAMPBELL. Yes.

Mr. GARRETT of Tennessee. Is not the trouble here a failure to remember that this proposition is a de novo proposition?

Mr. MANN. I think it is a de novo proposition.

Mr. GARRETT of Tennessee. If it be a de novo proposition, why does not the previous question moved by the gentleman from Texas apply to the bill and all amendments thereto, as is the case with all other propositions?

Mr. MANN. Because the previous question can not cut off a preferential motion. A motion to recommit was made after the previous question was ordered. Suppose when a Senate amendment comes before the House some gentleman moves to disagree and demands the previous question, that does not cut off the right to make a preferential motion, nor does the ordering of the previous question cut off the right.

Mr. GARRETT of Tennessee. In so far as the House is concerned, is it not a mistake to even consider Senate amendments in Committee of the Whole? It is not a Senate amendment when it goes to the Committee of the Whole, but the bill comes in de novo. The House does not recognize Senate amendments except as a matter of convenience.

Mr. MANN. The gentleman is mistaken. The rule specifically provides for the consideration of Senate amendments, and when this bill was referred to the Committee of the Whole it was only for the consideration of the Senate amendments. No other portion of the bill was considered.

Mr. GARRETT of Tennessee. The rule provides that any Senate amendment shall be subject to a point of order when it is being considered in Committee of the Whole; if appearing originally in the House bill it would be subject to that point of order.

Mr. MANN. The rules require that it shall be considered in Committee of the Whole House on the state of the Union if it involves an appropriation, and so forth, or if it were a matter in the House that would require consideration by the Committee of the Whole House on the state of the Union. That is only avoided by unanimous consent, generally, and the rules require it.

Mr. FITZGERALD. Mr. Speaker, I wish to call the attention of the Chair to one instance where a somewhat similar case was decided. But first I wish to call the attention of the Speaker to this fact: If the Committee of the Whole House on the state of the Union reports a bill, either with a favorable recommendation or with a recommendation that the enacting clause be stricken out, the only question that could be submitted to the House is the recommendation of the Committee of the Whole House on the state of the Union. No other motion can intervene.

Now, on May 5, 1826——

The SPEAKER. From what is the gentleman reading?

Mr. FITZGERALD. Section 6271 of volume 5 of Hinds' Precedents.

On May 5, 1826, the Committee on the Judiciary, to whom was referred a message of the Senate announcing that that body adhered to its amendment to the bill to amend the judiciary system of the United States, reported the following resolution:

Resolved, That a conference be asked of the Senate upon the subject matter of the disagreeing votes of the two Houses on the amendment proposed by the Senate to the said bill.

Mr. John Forsyth, of Georgia, proposed a motion to agree to the Senate amendment.

The Speaker declined to receive the motion, on the ground that the question before the House was the resolution of the Committee on the Judiciary, which must first be disposed of.

The question before the House at this time is the recommendation of the Committee of the Whole House on the state of the Union that the Senate amendment be disagreed to, and until that report is disposed of no other motion is in order. This precedent is the only one I have been able to find, and it comes as close to this situation as it is possible to have it. The report of the Committee on the Judiciary was in effect a report that the chairman be instructed to move that a conference be asked, and it was equivalent under the present rules to a demand to reduce that motion to writing and put it in the form of a resolution. The other motion, which is a preferential motion, was held not to be in order until the recommendation of the committee was disposed of.

The SPEAKER. The Chair will ask the gentleman if he thinks that the case he cited is parallel to this?

Mr. FITZGERALD. Not exactly parallel; but I call the attention of the Chair to the fact that while that report from the Committee on the Judiciary purports to be a resolution, it in effect is a motion reduced to writing under the rules of the House. Every motion must be reduced to writing if demanded by any Member. The report of the Committee of the Whole House on the state of the Union is no different from a report from any other committee. The Committee on the Judiciary, to which the Senate amendment and message were referred, reported its recommendation. In this case the Committee of the Whole House on the state of the Union, to which the Senate amendments were referred, has made its report. In both instances the report of the committee is before the House. In that case the preferential motion to recede from the amendment and agree to the same, after notice on the part of the Senate that it adhered to its amendment, was the most highly privileged motion that could be made, because it brought the Houses together and ended the disagreement, and yet it was held that that motion could not be entertained until the report of the Committee on the Judiciary had been disposed of.

In the case now before the House the stage of disagreement has not been reached. The report of the committee is before the House, and that report must be disposed of before any other motion.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. If that is sound parliamentary law to-day, it is as much as saying that the recommendation of the committee must be acted on before the question can be put as to another disposition of the subject matter.

Mr. FITZGERALD. What other action could be taken if the Committee of the Whole House on the state of the Union made a report that the enacting clause be stricken out of the bill?

Mr. GARDNER. That is different; but suppose a standing committee reports a resolution to censure a Member, does the gentleman for a moment say that the question must be on the adoption of that resolution before the question can be taken on the motion to table the whole matter?

Mr. FITZGERALD. Oh, the motion to table the matter is different. The gentleman can move to table this amendment and end the bill; because the laying of the amendment on the table under the practice of the House would carry the entire bill to the table.

Mr. GARDNER. If the ruling of 1827 is correct, it means that when a committee makes a report, their report is pending and can not be displaced by a motion of higher privilege.

Mr. FITZGERALD. The difficulty is that the gentleman does not appreciate that there is some difference in the proceeding upon the Senate amendments and upon bills ordinarily brought before the House. The Senate amendments are here. The previous question has been ordered. If the Speaker holds that the previous question is ordered on these amendments until they are finally disposed of, then it makes no difference when this amendment comes before the House, nothing can be done with it. My contention is that the previous question is ordered on the recommendation of the committee as to the disposition of the Senate amendments.

If the motion of the gentleman from Mississippi [Mr. HARRISON] can be interposed at this point and the previous question considered ordered on the motion to concur and the motion to disagree, then the House has to determine to concur in the amendment or to disagree to the amendment, and do nothing else. It may be possible that the House desires to refuse to concur in the recommendation of the Committee of the Whole and to concur in the Senate amendment with an amendment. To hold that the previous question is operating on the recommendation of the committee to disagree, and also operating on the motion of the gentleman from Mississippi that would be interposed, to concur, would be to tie the House hand and foot and place it in a position where it can do nothing except to concur or disagree. If the House wishes to concur, it will first

vote down the recommendation of the committee and the amendment will be before it, and then it can concur in it with an amendment or it can concur in it without an amendment.

Mr. GARDNER. Suppose the previous question had not been adopted at this particular stage of the proceedings; which would have preference, the motion to agree or the motion to disagree?

Mr. FITZGERALD. My contention is that the vote must first be taken upon the report made by the Committee of the Whole. That is what is before the House, and that is not amendable. The House must dispose of the recommendation of the Committee of the Whole. Suppose a bill had been reported from the Committee of the Whole with a favorable recommendation, would the gentleman contend that we could interpose with the motion to strike out the enacting clause?

Mr. GARDNER. Certainly; you could interpose with any preferential motion, to lay it on the table or anything of the sort.

Mr. FITZGERALD. It would not be in order after the previous question had been ordered.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MANN. The gentleman has charge of a great many appropriation bills, and always when they are reported from the Committee of the Whole House on the state of the Union moves the previous question. For what purpose did the gentleman make that motion?

Mr. FITZGERALD. To cut out further amendment and debate.

Mr. MANN. But the gentleman has just stated that the House must first dispose of the committee recommendations before it can do anything else. The fact that the gentleman always moves the previous question is of itself conclusive proof that a motion to amend the bill takes precedence of the motion to pass the bill.

Mr. FITZGERALD. The motion to amend the bill is one thing, but a motion to modify the report of the committee is a different thing. The report of the committee is that certain amendments be agreed to and that the bill as amended do pass. Other amendments may be in order, or modifications of the amendments reported may be in order, without the previous question, but no modification of the report that the amendments be agreed to and that the bill do pass is in order after the previous question.

Mr. MANN. It is not the recommendation of the committee that comes before the House; it is the bill that comes before the House; and when the Committee of the Whole House on the state of the Union reports a bill it may be without any amendments, but with the recommendation that the bill do pass. The vote is not on the recommendation of the committee; it is on the bill; and without the previous question being ordered a motion to amend the bill is in order, and the gentleman knows that as well as I do.

Mr. FITZGERALD. I remember a decision where the Committee of the Whole House on the state of the Union reported a bill with the recommendation that it do lie on the table, and because of the peculiar character of that report it was held that it was necessary to move that the bill lie on the table; otherwise it might be desired to discuss the recommendation, and debate would not be possible if the motion were considered as pending.

Mr. GARDNER. If the Chairman of the Committee of the Whole House on the state of the Union reports an appropriation bill and the gentleman from New York moves the previous question on the bill and amendments to final passage, would the gentleman assert that it would be out of order for me to interpose a motion to lay the whole thing on the table?

Mr. FITZGERALD. It has been held that that motion is in order.

Mr. GARDNER. Then it seems to me that settles it.

Mr. FITZGERALD. If the previous question be ordered, the motion to lay on the table is not in order.

Mr. GARDNER. That may or may not be so.

Mr. FITZGERALD. I argued that question very elaborately here, and Mr. Speaker Cannon held that pending the demand for the previous question the motion to lay on the table was in order, but after the previous question had been ordered the House having determined the vote on the main question the motion to lay on the table was not in order.

Mr. GARDNER. But the gentleman has shifted his ground. He contends that the pending question is the acceptance of the report of this Committee of the Whole. He has founded his whole argument on that substructure, and when I force him to admit that I have the right to interpose a motion to lay on the table he shifts his position by saying that the motion to lay on the table is not in order if the previous question has been ordered.

Mr. FITZGERALD. Mr. Speaker, I am simply citing what I know to be the established rule of the House, which was impressed upon my mind very distinctly, because in the extra session, when the Payne bill was under consideration, a Member on this side moved to discharge a committee and take up a resolution of inquiry. There was some discussion, and the gentleman from New York [Mr. PAYNE] announced that he would move to lay the resolution upon the table. I advised the Member upon this side to demand the previous question, in order to shut out that motion. After an argument lasting some time, Speaker Cannon held that if the previous question were ordered the motion to lay on the table would not be in order, because there was a distinct ruling to that effect——

Mr. GARDNER. Nobody denies that.

Mr. FITZGERALD (continuing). But that if the previous question had only been demanded, it did not cut off the motion.

Mr. GARDNER. Nobody denies that; but the gentleman has based his whole superstructure on the supposition that the pending question must always be the report of the committee, and that a motion can not be interposed. Now, he says that if the previous question were ordered on the report of the committee, that then nothing can be interposed, and I forced him to admit that prior to the previous question being demanded a motion to lie on the table could be interposed.

Mr. SAUNDERS. Mr. Speaker, the subject matter before the House now is not the amendment, but the report of the Committee of the Whole House relating to the amendment. In other words, there is before us, so to say, a motion of the Committee of the Whole relating to the disposition of this subject matter, the subject matter being the amendment. With reference to the report of the committee, touching this subject matter, the previous question has been ordered. The main question now being the disposition of the recommendation of the committee relating to this particular subject matter, it does not seem to me that after the previous question has been ordered, the motion of an individual Member relating to the amendment, and not to the recommendation of the committee, can be received, or regarded as preferential. This motion, so to say, of the Committee of the Whole should be entitled to preferential disposition, and be immediately acted upon by a vote of this body. The gentleman from Texas [Mr. GARNER] suggests that if we do not agree to the recommendation of the Committee of the Whole we thereby agree to the Senate amendment. But in this he is in error. We do not do anything of the sort. The House may be perfectly willing to disagree to the amendment, by agreeing to the recommendation of the Committee of the Whole, but that does not mean that if the House votes down this recommendation it is therefore ready and willing to concur in the amendment. Not at all. By rejecting the recommendation of the committee, we leave ourselves in a position to deal with the amendment as we see fit. We may be willing to agree to the same, on a motion to that effect, or we may be willing to agree to it with an amendment. Hence to vote down the recommendation of the Committee of the Whole simply brings the subject matter of that recommendation before the House for our disposition. Once before the House we may direct to it any motions that are proper under our rules. It seems to me that the plain common sense of this matter is to vote upon this recommendation with relation to which the previous question has been ordered, and if in its discretion, the House shall vote down that recommendation, then we can deal with the Senate amendment as may seem best to us, by appropriate motion.

The SPEAKER. The Chair will inquire of the gentleman from Mississippi—there has been so much of this—did the gentleman ask that these two amendments be considered together?

Mr. HARRISON. I asked yesterday afternoon for the two amendments to be considered together, and there was objection.

The SPEAKER. It was objected to?

Mr. HARRISON. I now renew that request that these two amendments be considered as pending and be considered together.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that amendments numbered 139 and 140 be considered together. Is there objection?

Mr. FERRIS. Mr. Speaker, for the same reason I objected yesterday afternoon I object to it again. The amendments are entirely unrelated to each other and separate matters, and ought to be voted on separately.

The SPEAKER. The situation is this: The Chairman of the Committee of the Whole House on the state of the Union [Mr. UNDERWOOD], acting for that committee, reported to the House that all of the Senate amendments to this Indian bill be dis-

serves all points of order on the bill.

mittee recommendation.

Mr. MANN. If the Speaker will permit me to call his attention to the note just above what the Speaker has read:

In the House of Representatives and the Senate the order of precedence of motions is as given in the parliamentary law, and the motions take precedence in that order without regard to the order in which they are moved. But a motion to amend an amendment of the other House has precedence of the motion to agree or disagree. But it has been held that when the previous question has been demanded or ordered on a motion to concur, a motion to amend is not in order.

So the previous question having been ordered, a motion to amend is not in order, but a motion to concur takes precedence.

The SPEAKER. Why, a motion to concur will be absolutely superfluous.

Mr. HARRISON. Mr. Speaker, I would just like to make a motion to concur in these two amendments.

The SPEAKER. The Chair knows, but the Manual says, and evidently the Manual is right, that is Jefferson's dictum.

Mr. GARNER. A vote either way on this proposition is equivalent to a concurrence.

The SPEAKER. How is that?

Mr. GARNER. If you vote to agree to the committee report, then you would not concur; but if you refuse to concur, it would be equal to an agreement to the committee report.

Mr. MURRAY of Oklahoma. Mr. Speaker, the motion was to concur in the recommendations of the Committee of the Whole House on the state of the Union.

The SPEAKER. Yes; it was practically a motion.

Mr. MURRAY of Oklahoma. Now, then, you can apply no additional motions to a separate question in a recommendation than you could to the whole of the recommendation. The Chair put the question or submitted the question upon the whole recommendation and asked if there was a demand for a vote on a separate amendment. Now, if you can apply any other motion to a separate provision you can apply it to all the recommendations of the Committee of the Whole House. I take it the Chair would hold against that. Then the only question before the House would be the motion to agree in the recommendation of the committee; that is, to disagree to the Senate amendments. Then, if that is agreed to, it ends the question. On the other hand, if it is not agreed to further motions may be made. The same is true if we voted on the committee amendments en bloc. In other words, it is a distinction you can not apply to one separate from all en bloc. I think the gentleman from New York is correct about it.

The SPEAKER. The only difficulty about the thing is this: If you go back to the time when the gentleman from Texas had charge of the bill, before it got into the Committee of the Whole House, why there would be no sort of trouble, because the practice is thoroughly established that when these amendments are in a certain stage that a motion to concur with an amendment takes precedence over a motion simply to concur, and in another stage that a motion to concur takes precedence, but this is not either one of those situations. This is a report from the Committee of the Whole House, and about nine-tenths, or maybe more of it, has already been agreed to, and all that is outstanding are these two amendments. If you vote down this recommendation of the Committee of the Whole to disagree, why, that is equivalent to agreeing.

Mr. FITZGERALD. Mr. Speaker, I think the Chair should recall that the practice differentiates this case from what would happen if a bill were considered by the House. Suppose a bill is reported from the Committee of the Whole with a favorable recommendation or an unfavorable recommendation and the House disagrees to the report. That bill takes its place on the calendar.

The SPEAKER. Of course it does.

Mr. FITZGERALD. Now, the Committee of the Whole House makes a certain report to the House. The question that has to be determined by the House, the previous question having been ordered, is whether it will acquiesce in that report or reject the report. It seems to me that is the question to be determined first. After that is determined the question of what is to be done afterwards must be determined later. That is, whether the bill is still before the House for further action, upon proper motion, or whether it goes back into Committee of the Whole House on the state of the Union for further recommendation.

Mr. GARDNER. Mr. Speaker, will the Chair bear me for a minute?

The SPEAKER. Yes.

Mr. GARDNER. When the House sent this bill to the committee, it sent certain amendments with it, to get the committee's idea about each of those amendments. When they came back to the House we proceeded to act upon the recommendations of the Committee of the Whole House.

Now, we are in no different position as to those amendments from what we were in before they were sent to the Committee of the Whole. There are no disagreements as yet with the Senate as regards these two amendments.

The general principle is this: After there is a disagreement, motions to concur, which will bring the Houses nearer together, are in order over motions to amend or motions to nonconcur. Before the stage of disagreement is reached the motion to agree takes precedence, of course, over the motion to disagree, but does not take precedence over a motion to amend a Senate amendment. That is the difference between the situation before and after the stage of disagreement is reached, and the reason is clear. Until you get to a disagreement you must leave every opportunity open to each House to perfect the bill. After disagreement is reached the most important legislative step is to reconcile that disagreement. Consequently, after disagreement, that motion which brings the Houses together most rapidly takes precedence over other motions.

Now, here is a situation where a motion to disagree has constructively been made by the report of the Chairman of the Committee of the Whole, and upon that is moved the previous question. The gentleman from Mississippi [Mr. HARRISON] seeks to interpose a motion of higher precedence—if I am correct in saying that it is of higher precedence. The question is this: Is the gentleman from Mississippi entitled to interpose a motion of higher precedence as against a motion of lower precedence upon which the previous question has been ordered? I maintain that it has always been decided in the House that such is the case.

For instance, I remember when a resolution was offered to lay a part of one of President Roosevelt's messages on the table on account of certain statements at which the House took umbrage. I desired to head off the moving of the previous question on that resolution. I was opposed to the resolution and sought to obtain its postponement. I offered a motion to postpone the resolution, and on that I moved the previous question. The Chair held that I had made a motion of lower precedence, to wit, a motion to postpone, and then, by the simple device of moving the previous question on that motion of lower precedence, had endeavored to transform it into a motion of higher precedence. The Chair held that my device did not take away the right of the gentleman from Minnesota, Mr. TAWNEY, to make a motion of higher precedence. Now, it seems to me that that indicates the solution of this question.

The SPEAKER. The Chair would like to ask the gentleman a question.

Mr. GARDNER. Yes.

The SPEAKER. The previous question has not only been demanded on this, but it has actually been ordered.

Mr. GARDNER. But the House may not, without action of the Committee on Rules, destroy one of its own rules, which is that at certain stages certain motions have precedence over other motions. The Chair will readily see that if the House could change its rules in that way, it might, by adopting the previous question on a motion to postpone, cut out the motion to lay on the table. Yet the Chair has often seen the motion to lay on the table given the highest precedence in the House.

The SPEAKER. Does the gentleman contend that the gentleman from Mississippi [Mr. HARRISON] or any other gentleman has the right to make a motion to concur or to concur with an amendment?

Mr. MANN. Not with an amendment.

Mr. GARDNER. Not with an amendment after the previous question is ordered, and not with an amendment at all after the stage of disagreement is reached, if the question on recession and concurrence is demanded.

The SPEAKER. What good does the previous question do?

Mr. GARDNER. The previous question cuts off the opportunity of the gentleman from Mississippi to amend the bill at this particular stage, but does not prevent him from interposing the motion to agree ahead of the pending question of disagreement.

Now, may I say a word about the argument of the gentleman from New York [Mr. FITZGERALD], to wit, as to what happens when a bill comes out of the Committee of the Whole House on the state of the Union with an unfavorable recommendation, in case the House negatives that unfavorable recommendation? The gentleman invited the attention of the Chair to the fact that the bill in that case stands recommitted to the Committee of the Whole. This rule is an inheritance from the old Kansas-Nebraska fight. The enacting clause of that bill was stricken out in Committee of the Whole long before the consideration of the bill was completed. Thereupon the committee rose and the House promptly disagreed with the report and passed the bill

under the operation of the previous question. All this was done for the purpose of circumventing the antislavery filibuster against the Kansas-Nebraska bill. After a time this device grew into an abuse and resulted in many bills getting out of Committee of the Whole before they had been considered for amendment.

Later on this present rule was adopted, so that bills which got out of Committee of the Whole without being read for amendment would have to go back to the committee before the House could pass them. The rule does not govern a case like the present.

Mr. MURRAY of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MURRAY of Oklahoma. I think if the gentleman will consider the situation in this way he will discover that this is an exception to the general rule. For instance, under the general rule it is always in order to move to adjourn, but there are times when that motion is not in order. This is a Senate amendment, it is true, but is not this a controversy between the House and the Committee of the Whole rather than a controversy between the House and the Senate?

Mr. GARDNER. No, indeed; the House has referred each one of these Senate amendments seriatim to the Committee of the Whole, and the committee has reported seriatim.

Mr. MURRAY of Oklahoma. And then it comes back as to whether we will agree with the Committee of the Whole and not the Senate.

Mr. GARDNER. On each separate amendment of the Senate the House must act. Each of these Senate amendments was separately submitted to the committee for recommendation, and each of those amendments must be separately acted upon when it comes back, unless unanimous consent be given to act on them otherwise.

Mr. MURRAY of Oklahoma. Suppose a bill, when referred to the House in Committee of the Whole, is amended when it comes back. What is your situation then? The same principle applies in this case.

Mr. GARDNER. Bills are not amended before they come back. Amendments are recommended by the committee, and the House acts on them.

Mr. MURRAY of Oklahoma. The gentleman understands that this is a question of the Committee of the Whole now and not a question with the Senate.

Mr. MANN. Mr. Speaker, just a moment.

The SPEAKER. The gentleman from Illinois is recognized.

Mr. MANN. The gentleman from Mississippi [Mr. HARRISON] has had no opportunity at any time up to the present time to move to concur in the Senate amendment.

Here is a motion of the first order, which has priority over every other motion except the motion to concur. He has had no opportunity to make that motion. When the previous question was ordered it was ordered on all of the Senate amendments. I do not think that by any scheme you can cut out the right of a Member to move to concur. He has not had that right heretofore. There has been no chance for him to make the motion to concur, because he could not make that motion until that amendment came before the House. That amendment has only now come before the House. He could not yesterday move to concur in the Senate amendment, because he could not make that motion until amendment 139 was reached. The previous question was demanded and ordered before amendment No. 139 was taken up. Whether that was in order or not I do not know; but I think, in the interest of expedition of business, it is desirable to hold that the previous question may be ordered on all the Senate amendments to final passage, rather than to require that that motion shall be made separately on each amendment as it is taken up. I do not think the House by a scheme of machinery can cut out the right to offer the preferential motion. But I call the attention of the Speaker to clause 7 of Rule XXIII as to what would be the effect of disagreeing to the recommendation of the committee. The committee has reported Senate amendments 139 and 140, with the recommendation that they be disagreed to. That is an adverse report on those amendments; and the rule is that whenever a bill is reported from a Committee of the Whole with an adverse recommendation, and such recommendation is disagreed to by the House, the bill shall stand recommitted to the committee without further action of the House; so that if we should now disagree to the recommendation of the Committee of the Whole to disagree to the Senate amendment this bill would have to go back to the committee. You accomplish everything that you wish to accomplish by holding in order the motion to concur, because if that is agreed to the amendment is concurred in, and if it is disagreed to the amendment is disagreed to.

The SPEAKER. What does the gentleman say about the previous question being ordered on the whole thing?

Mr. MANN. I say this: The previous question was ordered yesterday, on the motion of the gentleman from Texas [Mr. STEPHENS] to order the previous question on all of these amendments.

The SPEAKER. Yes.

Mr. MANN. The question of order was not raised on that motion. When that motion was made it was evident that the gentleman from Mississippi [Mr. HARRISON] could not make the preferential motion at that time, because his amendment had not been reached; and if that motion had been made and somebody had made a point of order on it, and the Chair had said that you would have to order the previous question on each amendment as it came up, the Chair would have afforded the finest chance for a filibuster that any ruling has ever furnished, because if we had to order the previous question on each of these amendments as they came up, there being 168 amendments—and there having been 200 amendments on the sundry civil bill—a minority of one-fifth in the House could keep the House here until beyond next Christmas to pass an appropriation bill; and I think the Speaker would be justified in holding that the motion for the previous question could be made on all the Senate amendments at once, but not in saying that it could cut out the right to make a preferential motion, as these amendments were taken up seriatim. We could have had a separate vote on every one of the Senate amendments.

The SPEAKER. I know; and you might stay here until Christmas, too.

Mr. MANN. Well, that separate vote was not asked for; but if you had to move the previous question on each one at the same time, then you could have two roll calls on each amendment, and that is where you would land with that ruling, unless——

Mr. FITZGERALD. The rule expressly authorizes the previous question to be ordered on an amendment or amendments.

Mr. MANN. I understand; and I did not say it was out of order; but if the motion for the previous question was in order, it was not then in order to move to concur in this Senate amendment, and you would be cutting out the right to offer a preferential motion; and the rule is fixed so that the House itself can not take away the right to offer a preferential motion, which is the motion to concur.

Mr. CAMPBELL. Mr. Speaker, while it is true as a fundamental proposition that the motion to concur takes precedence of the motion to disagree, there is a time when that motion should be made. If the gentleman from Texas [Mr. STEPHENS] had asked to take from the Speaker's table the bill making appropriations for the Indian Service, and disagree to all the Senate amendments and send the bill to conference, as he might have done, a motion to concur in certain Senate amendments would have taken precedence over a motion to disagree. But the House, in order to expedite its business, sent this bill to the Committee of the Whole with all the Senate amendments, and the Committee of the Whole took the time of the House for two days, evidently carrying out the desire of the House to expedite the business. Finally the Committee of the Whole sent the bill back to the House with recommendation that certain amendments be disagreed to.

Now, if we begin with preferential motions, where we would have been four days ago, and move to concur in every one of the Senate amendments that the Committee of the Whole House has recommended that we disagree to, we have made no progress by sending the bill to the Committee of the Whole for the consideration of Senate amendments. The intention of the rule must be that the preferential motion shall be made before a bill from another House goes to the Committee of the Whole, and that the motion now is to concur in the recommendation made by the Committee of the Whole, and that that motion has precedence.

Mr. MANN. Will the gentleman from Kansas yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. When could there be an opportunity to make a motion to concur before this bill was referred to the Committee of the Whole House on the state of the Union?

Mr. CAMPBELL. Oh, the opportunity was had in the Committee of the Whole.

Mr. MANN. Oh, no; not in the Committee of the Whole.

Mr. CAMPBELL. The gentleman from Mississippi [Mr. HARRISON] made the preferential motion in the Committee of the Whole, and its consideration occupied several hours.

Fletcher, of Lancaster; the Grafton Sunday School Convention at Ashland; and 198 members of the E. E. Sturtevant Relief Corps, of Concord, all in the State of New Hampshire, in favor of nation-wide prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petition of sundry citizens of Stratford, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Petition of 300 citizens and the Lawrence County Sabbath School Association; sundry citizens of Roscoe; the Woman's Christian Temperance Union of Harrisburg; 455 members of the Jefferson Avenue Methodist Episcopal Church of Washington; and sundry citizens of Antridge and New Castle, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of E. F. Ocheson, Alice E. Jones, and others, of Washington, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of Miss Bertie Turk and other officers of the Union Christian Endeavor Society of Medusa; the Young People's Christian Endeavor Society of the Ninth Presbyterian Church of Troy; Mr. M. S. Reed and other citizens of Westerlo; the Quarterly Conference of the Trinity Methodist Episcopal Church, of Albany; the Christian Endeavor Society of the First Presbyterian Church of Watervliet; Mr. Charles Livingston, of Voorheesville; Mr. B. H. Hook and other citizens of Medusa; the St. James Methodist Episcopal Church, of Cohoes; the Christian Endeavor Society of the New Scotland Presbyterian Church, of Slingerlands; and Mr. C. P. Brate, of Albany, all in the State of New York, favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of Hornell, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petitions signed by A. F. Dawson and 87 others, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petition of Cigarmakers' International Union No. 120, of Muscatine, Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WILSON of New York: Petition of the Brunswick Avenue Central Methodist Episcopal Church, of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 10, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Speak to us, Father, that we may move forward, keeping step to the rhythm of faith, confidence, in the overruling of Thy providence. We realize we are not bound to succeed, but we are bound to do the best we can, leaving the results to Thee, who doeth all things well. Thou art ever the inspiration of those who seek to do Thy commands.

Comfort the sorrowing, deal gently with the erring, strengthen the weak, encourage the faint-hearted, and bring us all into harmony with the great eternal plan. Be very near to the Members of this House who have been under the surgeon's knife; touch them with Thy healing hand, and restore them to health and usefulness, and all praise shall be Thine, in the name of Him who taught us faith, hope, love. Amen.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD, by direction of the Committee on Appropriations, reported the bill (H. R. 17824) making appropriations to supply deficiencies in appropriations for the fiscal year 1914 and for prior years, and for other purposes, which was read the first and second times and, with the accompanying report (No. 941), ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Massachusetts reserves all points of order on the bill.

MISSISSIPPI RIVER.

Mr. DUPRÉ. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD an article appearing in the current number of the North American Review, by CHAMP CLARK, entitled "A Perennial National Problem," which refers to the Mississippi River. In these days of ignorance and indifference in and out of Congress about this proposition I submit that this very timely article should be put into the hands of Members of Congress.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to print in the RECORD the article referred to on the subject of Mississippi River improvements. Is there objection?

Mr. MANN. Mr. Speaker, regretting that we can not hear the Speaker deliver his remarks in person, I shall not object.

Mr. DUPRÉ. Mr. Speaker, I would like to say that previous to making this request I secured the permission of the editor of the North American Review to use this article in this way. I will also state that I had not previously consulted the author of the article.

Mr. MANN. Who is the editor of the North American Review?

Mr. DUPRÉ. Mr. George Harvey.

Mr. MANN. Does the gentleman want to insert an article that Mr. George Harvey wrote recently about the administration? [Laughter.]

Mr. DUPRÉ. No; I am quite content to insert what I want to insert now.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

INDIAN APPROPRIATION BILL.

The SPEAKER. The unfinished business is the consideration of the report of the Committee of the Whole House on the state of the Union on amendments of the Senate to the Indian appropriation bill, on which the previous question has been ordered. All amendments have been disposed of except amendments 139 and 140.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. Mr. Speaker, as I understand it, the vote is whether or not the recommendation of the Committee of the Whole House on the state of the Union shall stand as to its disagreement to Senate amendments. The question I desire to ask the Speaker is whether or not a negative vote will be equivalent to concurrence in those two Senate amendments?

Mr. CARTER. Mr. Speaker, the vote comes on the motion of the gentleman from Texas to disagree to the Senate amendments, does it not?

The SPEAKER. It comes on the report of the Chairman of the Committee of the Whole House on the state of the Union, Mr. UNDERWOOD.

Mr. CARTER. Oh, yes; and the gentleman from Texas had moved the previous question.

The SPEAKER. That is correct.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Notwithstanding the fact that the previous question has been ordered, is it now in order for the gentleman from Mississippi [Mr. HARRISON] to move to concur in the Senate amendments as a motion which takes precedence and is privileged?

The SPEAKER. It seems to the Chair that under the peculiar situation in which we find ourselves a motion to concur would be in order. The recommendation of the Committee of the Whole House on the state of the Union is equivalent to a motion to disagree to the Senate amendments. If that is true, then a motion to concur would be in order.

Mr. FITZGERALD. Does not the question first come upon the recommendation of the committee and after that has been disposed of then the House can do whatever else it desires?

The SPEAKER. The Chair does not know whether the gentleman from New York was in the Hall late yesterday afternoon, but here is what happened. The gentleman from Alabama, Mr. UNDERWOOD, as Chairman of the Committee of the Whole House on the state of the Union, reported the bill back and stated that he was directed by the committee to concur in Senate amendments Nos. 6 and 13 and to disagree to all of the rest of the Senate amendments. All of that report was agreed to except that the gentleman from Mississippi demanded a separate vote on amendments 139 and 140.

Mr. FITZGERALD. What is before the House is the report of the committee, and the question is on agreeing to the committee recommendation.

The SPEAKER. The matter that is before the House is that part of the report of the committee as to Senate amendments 139 and 140, and the recommendation of the committee is that those two be disagreed to.

Mr. FITZGERALD. Mr. Speaker, if the House disagree to them, that settles it. If it refuses to disagree, then the entire question is opened up again for any other motion that may be in order. For instance, I call the Chair's attention to the fact that the previous question having been ordered on the report, a motion to concur would cut out what would be properly in order if the recommendation to disagree were voted down, and that would be a motion to concur in the Senate amendment with an amendment.

Mr. MANN. Mr. Speaker, if the previous question operates to prevent the motion to concur, it would still be in operation if the House should vote down the recommendation of the committee, and that would be to say that the House would not have the power to do anything except to agree to the recommendation of the committee.

Mr. FITZGERALD. I think not. I believe, Mr. Speaker, that if the previous question is ordered on the recommendation of the committee, after the recommendation is disposed of, and if the committee recommendation be not agreed to, then the Senate amendment is before the House for such other action as may properly be taken.

Mr. MANN. Mr. Speaker, if the gentleman is through, I will say that I do not think that the recommendation of the Committee of the Whole House on the state of the Union is any different from the recommendation of the Committee on Indian Affairs. The recommendation of the Committee on Indian Affairs was that the House disagree to all of the Senate amendments, but no one pretends that that motion has to be put first on disagreeing. The motion to concur takes priority and can not be shut off.

Mr. FITZGERALD. That action has been passed upon by the Committee of the Whole House on the state of the Union.

Mr. MANN. That is true, but——

Mr. FITZGERALD. Now, as a matter of fact, the preferential motion is not to concur at this stage of the proceedings. It is to amend.

Mr. MANN. Suppose that this were not a Union Calendar bill but that it was a House Calendar bill, and the committee had recommended a disagreement in the Senate amendment, that would not take priority of a motion to concur, nor could you cut out the right to move to concur by the gentleman who makes the motion to disagree demanding the previous question in the House.

Mr. FITZGERALD. That situation could not arise, because it is only Senate amendments that require consideration. If originating in the House in the Committee of the Whole House on the state of the Union, that can come before the House with a recommendation of the Committee of the Whole House on the state of the Union. If this were an amendment that did not require consideration in the Committee of the Whole House on the state of the Union, it would not have been referred to the Committee on Indian Affairs at all. It would have been taken up in the House without any recommendation from the Committee on Indian Affairs. The existing situation can not arise as to such amendments.

Mr. MANN. You can not cut out the right with a motion to concur.

Mr. FITZGERALD. It is not necessary. The House can agree to the report of the committee. The report of the committee is to disagree to this Senate amendment. If the House concurs in that recommendation, that settles the matter for the present. If the House does not concur in the Senate amendment, it will still be before the House to concur with an amendment, which would be a preferential motion, the stage of disagreement not having been reached, or to concur without amendment. It occurs to me that if the Committee of the Whole House on the state of the Union has made a report, the House must first act upon the recommendation.

Mr. MANN. Well, Mr. Speaker, the fact that the Committee of the Whole House on the state of the Union has made a recommendation can not cut out the right to make a preferential motion. Suppose the gentleman from Texas [Mr. STEPHENS] had moved, as he had a right to move, the previous question on all of the Senate amendments to final vote, and then the House should vote down the motion to disagree, under the contention of the gentleman from New York [Mr. FITZGERALD] the House could not entertain a motion to concur or concur with an amendment. The right to make the motion to concur is preferential over every other motion which can be made, or to concur with an amendment, at this stage of the proceedings. I do not think, with the previous question operating, we can move to concur with an amendment.

Mr. FITZGERALD. The motion to concur is not a preferential motion at this time.

Mr. MANN. Oh, it is a preferential motion over the motion to disagree.

Mr. FITZGERALD. I beg to differ with the gentleman. The stage of disagreement not having been reached, the recommendation of the committee is that the House disagree, and the House should dispose of that report. If it agree to the report, that ends the matter. If it does not agree to it, then the Senate amendment is before the House, and a motion to amend or to concur with an amendment is a preferential motion at that time over the motion to concur.

Mr. MANN. If the gentleman from New York is correct in assuming that the motion to disagree at this stage of the proceeding takes precedence over a motion to concur, the balance of his argument is correct. But he is wrong about that. The motion to concur takes precedence over the motion to disagree at all stages of the proceedings.

Mr. FITZGERALD. The gentleman is mistaken. At this stage of the proceedings the preferential motion is to perfect the Senate amendment by amendment. The previous question has been ordered on the amendment. Therefore the question before the House is whether the House shall agree to the recommendation of the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair will ask the gentleman from New York [Mr. FITZGERALD], suppose this recommendation of the Committee of the Whole House on the state of the Union is voted down, then what situation does the gentleman from New York think the amendments 139 and 140 will be in?

Mr. FITZGERALD. They are before the House then for action, and if the House refuses to disagree to the Senate amendment on the recommendation of the Committee of the Whole House on the state of the Union, it has a right to perfect the amendment by amendment; it has a right to concur in it as amended or to concur in it without amendment. The alternative of disagreeing is not concurring, because the House might desire to perfect the amendment by amendment.

The SPEAKER. There is no question about that proposition.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman will allow me one moment, I agree that his argument is correct at this stage of the proceedings. The bill not being in disagreement as yet between the two Houses, a motion to concur does not take precedence over a motion to recede.

Mr. MANN. But we have not reached the question of receding. It is a question of whether the motion to concur takes precedence of a motion to disagree.

Mr. UNDERWOOD. I mean a motion to disagree.

Mr. MANN. Will the gentleman allow me to read something for information before he makes his argument? In Jefferson's Manual, on page 204, it says:

> The question respecting amendments from another House are, first, to agree.

Mr. UNDERWOOD. That is in committee.

Mr. MANN. No; that is in the House. There has been no action in the House.

Mr. UNDERWOOD. But where the gentleman is mistaken in that is that the committee has acted on the question of concurring or disagreeing to this particular amendment, and it has reported back to the House a disagreement. Now, the previous question has been ordered. It is not subject to amendment. If the House refuses to disagree, that is equivalent to an agreement to the amendment, or it would be in order to move to agree, and I think the report of the committee unquestionably has precedence over the motion made by an individual Member.

The SPEAKER. Has the gentleman finished?

Mr. UNDERWOOD. Yes.

The SPEAKER. What was the parliamentary inquiry of the gentleman from Mississippi?

Mr. HARRISON. The parliamentary inquiry was to this effect, in the event of a negative vote, whether that in itself was equivalent to a concurrence in these particular amendments?

The SPEAKER. The Chair will read what Jefferson said about it on page 204 of the revised Manual:

> First, to agree; second, to disagree. Either of these concludes the other necessarily, for the positive of either is exactly the equivalent to the negative of the other, and no other alternative remains. On either motion amendments to the amendment may be proposed, e. g., if it be moved to disagree, those who are for the amendment have a right to propose amendments and to make it as perfect as they can before the question of disagreeing is put.

Mr. HARRISON. Mr. Speaker, I desire to make a motion.

same without amendment, accompanied by a report (No. 940), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BRITTEN, from the Committee on Naval Affairs, to which was referred the bill (H. R. 2642) authorizing the President to reinstate Joseph Eliot Austin as an ensign in the United States Navy, reported the same with an amendment, accompanied by a report (No. 938), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4362) granting a pension to Thomas Glynn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6904) granting an increase of pension to John G. Whitman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10774) granting a pension to Frank Doering; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10777) granting a pension to Mrs. A. M. Hughes; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13126) granting an increase of pension to John T. Burriss; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14715) granting a pension to Peter McLaughlin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15196) granting a pension to Sarah Forsyth; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15276) granting a pension to Henry Mink; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15940) granting a pension to Michael McInery; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16455) granting an increase of pension to Charles P. Harris; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17200) granting an increase of pension to Henry Pearson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17218) granting a pension to Bernard Mullan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17430) granting a pension to Daniel Shaw; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17488) for the relief of William Ham; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 17491) granting a pension to Joseph M. Reckley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 17643) for the relief of John R. Johnston; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 17799) authorizing the Secretary of War, in his discretion, to deliver to the village of Newtown, Hamilton County, Ohio, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. DEITRICK: A bill (H. R. 17800) to regulate the method of directing the work of Government employees; to the Committee on Labor.

By Mr. BOWDLE: A bill (H. R. 17801) to provide revenue for the Government, to promote the general welfare, by levying a special tax on the incomes of citizens of the United States who contract marriages with titled aliens; to the Committee on Ways and Means.

By Mr. EDMONDS: A bill (H. R. 17802) appropriating $198,500 for additional buildings at Frankford Arsenal, Philadelphia, Pa.; to the Committee on Appropriations.

Also, a bill (H. R. 17803) appropriating $24,000 for improvements at Frankford Arsenal, Philadelphia, Pa.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 17804) granting an increase of pension to John C. Anderson; to the Committee on Pensions.

Also, a bill (H. R. 17805) granting an increase of pension to James H. E. Guest; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 17806) granting a pension to Bessie I. Griffith; to the Committee on Pensions.

By Mr. FITZGERALD: A bill (H. R. 17807) for the relief of Henry Metz; to the Committee on Military Affairs.

By Mr. FITZHENRY: A bill (H. R. 17808) granting a pension to Milo M. Miller; to the Committee on Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17809) granting a pension to Clyde C. Dickinson; to the Committee on Invalid Pensions.

By Mr. GOEKE: A bill (H. R. 17810) granting an increase of pension to Jacob Stocker; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 17811) granting a pension to Mary J. Harston; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 17812) granting a pension to George L. Hollis; to the Committee on Pensions.

By Mr. KEATING: A bill (H. R. 17813) granting a pension to Henry Blake; to the Committee on Pensions.

Also, a bill (H. R. 17814) granting a pension to Benjamin Thomas; to the Committee on Pensions.

Also, a bill (H. R. 17815) granting an increase of pension to Esther M. Eggleston; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17816) granting an increase of pension to Sarah E. Roberts; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 17817) granting a pension to Margaret Krug; to the Committee on Pensions.

By Mr. MURRAY of Oklahoma: A bill (H. R. 17818) granting a pension to Mrs. L. M. Farmer; to the Committee on Pensions.

By Mr. PETERS of Maine: A bill (H. R. 17819) granting an increase of pension to John F. Clark; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17820) granting an increase of pension to Matilda D. Clark; to the Committee on Pensions.

By Mr. SHERWOOD (by request): A bill (H. R. 17821) granting an increase of pension to Jean H. G. Kitchel; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17822) granting a pension to Elizabeth Schwing; to the Committee on Invalid Pensions.

By Mr. STAFFORD: A bill (H. R. 17823) granting a pension to Agnes Raymond; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition signed by Lee Moore, of St. Louis, Mo., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the Christian Endeavor Society of the Calvary Baptist Church, of Washington, D. C., urging the passage of a Sunday-observance law for the District of Columbia; to the Committee on the District of Columbia.

Also (by request), resolutions signed by pastors of certain churches at Gainesville, Mo., Utica, Ohio, and Greencastle, Ind., against polygamy in the United States; to the Committee on the Judiciary.

By Mr. AVIS: Petitions of Harry Gordon and others, of Montgomery; Andrew Heck, of Buckhannon; and W. J. Bullman and others, of Charleston, all in the State of West Virginia, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Joe Wehrle and others, of Charleston; Ida Johnson and others, of St. Albans; J. L. King and others, of Alderson; Samuel M. Peters and others, of Raleigh County; W. S. Booth and others, of Upshur County; H. C. Gay and others, of Pocahontas County; and E. A. Edgell and others, of Smithfield, all in the State of West Virginia, favoring national prohibition; to the Committee on Rules.

By Mr. BELL of Georgia: Papers to accompany House bill 17768, to carry into effect the findings of the Court of Claims in claim of O. H. P. Wayne; to the Committee on Claims.

By Mr. BRUCKNER: Petition of the United States Civil Service Retirement Association, favoring passage of retirement bill for aged employees of the Government; to the Committee on Reform in the Civil Service.

Also, petition of the Merchants and Manufacturers' Association, of Philadelphia, Pa., protesting against passage at this session of bills regulating business; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Aberdeen, S. Dak., protesting against the passage of the Sunday observance bill; to the Committee on the District of Columbia.

By Mr. BUTLER: Petitions of Alice H. Bedford, A. E. Wirz, and others, of Delaware County; Elizabeth B. Mendenhall, Ella Mildred H. Mendenhall, and others, of Chester County; Ella Gladman, Ella Miller, and others, of Westchester; Theresa W. Hilman, Catherine E. Harkness, and others, of Oxford, Chester County; John M. Shrigley, Carl Lewis Altmaur, and others, of Lansdowne, all in the State of Pennsylvania, urging woman suffrage legislation; to the Committee on the Judiciary.

Also, petitions of the No License Campaign Committee, the W. P. Laird Bible Class, the Brotherhood and Christian Endeavor Society, all of the First Presbyterian Church of West Chester, Pa., and sundry citizens of Nottingham, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petition of sundry citizens of New York City, favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of E. Meredith and other citizens of Florida, protesting against the passage of the prohibition amendment; to the Committee on Rules.

Also, petitions of Mrs. Emma M. Brown and others, of Green Cove Springs; R. S. Clark and others, of West Palm Beach; Cigar Makers' Union, Local No. 248, of Jacksonville, all in the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of various business men of White Lake, Pukwana, Kimball, and Chamberlain, all in the State of South Dakota, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. EAGAN: Petitions signed by 978 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of a meeting held at Lake Arthur, by H. C. Rimner, chairman, and Atha V. Flowers, secretary; the Woman's Christian Temperance Union of Raton, by Mrs. A. I. Heitsman, presiding officer, and Mrs. G. M. Howe, secretary; J. W. Parker, of Albuquerque; the Christian Endeavor Society of the First Presbyterian Church of Amistad, by Mrs. G. Williams, president, J. J. Mitchell, vice president, and Miss Ethel Naylor, secretary; union meeting of the churches of Portales, by J. S. Long; Ray V. Warner, Seth L. Warner, Mrs. Adelia Warner, J. M. Callahan, and G. M. Daniel, of East Vaughn; the Woman's Christian Temperance Union of Columbus, by Mrs. L. L. Lewis, president; G. E. Outlaw and 7 other citizens of Vaughn; meeting held at Raton, by Bernard Gibbs; Rev. A. C. Bell and 20 other citizens of Portales; Mrs. Enoch Boucher and 20 other ladies of Portales; the Woman's Christian Temperance Union of Portales, by Miss Dora B. Humphrey, secretary; Mrs. S. F. Culberson, of Portales; the Woman's Christian Temperance Union of Mineral Hill, by Mrs. T. J. Breen, president; and the Las Vegas Spanish Church, by Rev. Carlos C. Cordova, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of 22 prisoners of the New Mexico State penitentiary at Santa Fe, N. Mex., transmitted by Arthur E. F. Robinson, superintendent of the Society for the Friendless, of Santa Fe, N. Mex., favoring national prohibition; to the Committee on Rules.

Also, memorials of J. F. Criswell, of Central City; Cesario Garcia and 55 other citizens of Mosquero; J. J. Abeytia and Pedro Marquez, of Rosa; 13 citizens of San Marcial; L. Trujillo and 50 other citizens of San Jose; and 8 citizens of Torreon, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

By Mr. GALLIVAN: Petition of sundry citizens of Boston, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., protesting against passage of bills affecting business; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of 41 citizens of Mankato, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens and churches of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. LEVER: Petition of sundry citizens of South Carolina, relative to giving Dr. Frederick A. Cook the honor of discovering the North Pole; to the Committee on Naval Affairs.

By Mr. LEVY: Petition of Henry Gitterman & Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LINTHICUM: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the State of Maryland, protesting against national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of residents of the first Missouri congressional district, in favor of House joint resolution 168, for national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of George Holloway, of Collinsville, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Otoe County, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. MAPES: Petition of sundry citizens of Lake Odessa, Orange, Coopersville, Eastmanville, South Lowell, South Boston, the Munica Methodist Church of Alto, the Congregational Church of Grandville, and the St. Paul's Methodist Episcopal Church of Grand Rapids, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petitions of the Carpenters' District Council, the Journeyman Barbers' Union, the Cigar Makers' Union, the Printing Pressmen's Union, the Switchmen's Union, the Cabinet Makers' Union, all of Grand Rapids, Mich., and the Cigar Makers' Union of Grand Haven, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT. Petitions of sundry citizens of Chase Mills, Lewis, Keeseville, Madrid, Rev. W. C. Taylor, of Keeseville, N. Y., and 37 other citizens of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of New York against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of four citizens of Madison, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of a mass meeting of citizens at Methuen, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of New Hampshire: Petitions of Joseph P. Trechette, of Berlin; the New Hampshire Federation of Labor; Howard A. Kimball, of Concord; Henry S. Huntress, of Concord; Harrington & McAuliffe, of Bethlehem; H. P. Brown, of Concord; James Devlin, of Penacook; John E. Halloran, of Concord; J. P. Collins, of Concord; James M. Collins, of Concord; sundry Italian-American citizens of Milford; F. P. Beaudoin, of Berlin; G. W. Gaymond, of Lancaster; W. E. Wiggin, of Lancaster; Henry H. Clark, of Lancaster, all in the State of New Hampshire; also the Central Federated Union of New York, protesting against nation-wide prohibition; to the Committee on Rules.

Also, petitions of Rev. J. B. Palmer and 20 citizens of Newport; the Congregational Church of Langdon; 70 members of the First Baptist Church in Laconia; 43 citizens of Concord; the Warner Valley Neighborhood Conference; 10 voters of the town of Dummer; the Woman's Christian Temperance Union of Berlin; the Woman's Christian Temperance Union of Ashland; the Woman's Christian Temperance Union of West Stewartstown; the Woman's Christian Temperance Union of Concord; the Grange of Bow; the Concord Christian Endeavor Union; Rev. D. Fletcher and 10 other citizens of Fitzwilliam, indorsing the Hobson resolution, for the First Baptist Church of that town; Roy N. Atwood, of Keene; John H. Brackett, of Pittsburg; the Methodist Episcopal Church of Winchester; the Congregational Church of Gilsum; the Christian Endeavor Society of Peterboro; N. K. Witham and sundry citizens of West Unity; the Congregational Church of Hillsboro; the Woman's Christian Temperance Union of Lancaster; the Christian Endeavor Society of the Free Baptist Church of Contoocook; 4,000 members of the Friends of New England; the Christian Endeavor Society of the First Baptist Church of Nashua; J. H. Wark and sundry citizens of Lancaster; the juniors and intermediates of the Pemesot Baptist Church; the Baptist Christian Endeavor Society, of Penacook; Rev. T. Ross Hicks; the Methodist Episcopal Church of Keene; K. B.

Statement of tribal assets and liabilities.

Unallotted lands.	Acres.	Value.
Agricultural	10,000	250,000.00
Grazing	41,360	161,402.00
Timber	232,000	2,790,482.00
Unfit for any purpose	50,000	
	323,360	2,943,482.00
Timber (board feet)	2,280,000,000	2,280,000.00
		5,223,882.00
Tribal funds in Treasury June 30, 1913 (Doc. No. 328, 63d Cong., 2d sess.)		2,883.17
		5,226,765.17

All allotments have been made under general allotment act of February 8, 1887 (24 Stat., 388).

No reimbursable appropriations have been made by Congress.

Mr. CARTER. In this instance you propose to conduct the stock business on an individual basis, I assume from the statement?

Mr. MERRITT. We will be able to do it either way. Mr. CARTER. The item is so worded that the Secretary and the commissioner can conduct it as a tribal proposition or as an individual proposition.

Mr. CARTER. I notice you state in your justification here that this is to "develop the several homes with a view of enabling the several Indian families to care for live stock in such numbers as will supply their needs." I assume from that it is going to be an individual proposition?

Mr. MERRITT. I think it was the intention to start it off as a tribal proposition, and then as the Indians are developed up to the point where they can take care of stock they will be gradually apportioned among the Indians.

Mr. CARTER. The stock that you furnish the Indians can not be sold any more than the land, can it? Not without the consent of the department?

Mr. MERRITT. No, sir.

Mr. CARTER. Of course, the quicker you establish the Indian on the basis of owning something individually, and caring for it, the better off he will be.

Mr. SELLS. We are working toward that end all the time.

Mr. MERRITT. This is another one of those reimbursable items where the Indians have a vast estate, and the Government will not take any chance whatever in loaning these Indians this $100,000, because they will be able to reimburse the Government without question. They have timber valued at $2,000,000; and instead of letting the Indians drift along without making any industrial progress, if they can be permitted to have this loan of $100,000 they will soon become self-supporting. There is no question that the Government will be reimbursed for the loan. The statement in the justification for this item shows the assets and liabilities of these Indians.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Texas [Mr. STEPHENS] to disagree to Senate amendment numbered 146.

The motion was agreed to.

The CHAIRMAN. The next amendment is numbered 161.

Mr. STEPHENS of Texas. I move, Mr. Chairman, that we disagree to Senate amendment 161.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendment numbered 161.

Mr. SINNOTT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD on the subject just discussed.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to Senate amendment 161.

Mr. MANN. Mr. Chairman, this is an amendment covering several propositions. One of them is to sell the merchantable timber on unallotted lands on the Bad River Indian Reservation in the State of Wisconsin, and so forth. Then if they can not sell the timber at a price that is fair, they are to be authorized to build and operate a sawmill for the purpose of manufacturing the timber.

I submit to the gentleman that the present time is not a very apt time to sell timber. I have no objection to that portion of it, whether it be agreed to or not; but to say, if you offer timber for sale now, when the market is very much depressed, and then if it be not sold that you shall immediately construct a sawmill for the purpose of manufacturing the timber is, as I think, a very doubtful proposition.

I do not know just how successful a sawmill may be up on the Menominee Indian Reservation, but I do know that the excuse given for building it turned out to be a false excuse. You were told when that sawmill was authorized that there was a large amount of timber down—blown down by storm—timber which lumber mills would not purchase at a price which was profitable. Thereupon we authorized the construction of a sawmill. It has been a good while since that sawmill has been in operation. I went up there while it was being constructed and saw the timber. The timber, for the sawing of which the sawmill was constructed, never paid for the cost of turning it into lumber, much less the making of any profit on it. There was a large amount of timber down. They cut it up into saw logs. Most of it rotted in part before they sawed it into lumber, so that it was not worth very much as lumber, and they never utilized it very satisfactorily, and it never paid the expense of operating the sawmill.

I do not know; it may be that the sawmill has been operated there profitably since then. I do not know. I know we constructed a very fine sawmill there. It may be that we ought to go into the business in several of these places in constructing sawmills. I do not say so. But the fact that you can not sell the timber now at a good price is not a good reason for constructing a sawmill, because at present the timber market is very much depressed.

Mr. STEPHENS of Texas. Does not the gentleman think it also to be very bad legislation to accept such an important amendment on this appropriation bill, where it has no place?

Mr. MANN. I do; but I think there will be other amendments accepted that will be equally bad, so far as that is concerned.

Mr. STEPHENS of Texas. The action of the conferees appointed by the House will not justify the gentleman's statement, I think.

Mr. MANN. I am not making any reflections on the conferees.

Mr. LENROOT. Mr. Chairman, in reference to the suggestion or criticism of the gentleman from Illinois [Mr. MANN] respecting the proviso authorizing the construction of a mill to manufacture this lumber, I have nothing to say. I was informed by members of the Committee on Indian Affairs in the Senate that the only purpose of this proviso was to insure a better bid than otherwise might be secured if it were not for the proviso. I am, however, satisfied that this timber will be sold at a fair price, and whether the proviso goes in or goes out, there will be no mill constructed at the expense of the Indians upon this reservation.

But upon the sale of the timber, upon the other provisions of this amendment with reference to allotments, I do want to say that this should be adopted, and adopted now. The present law permits the completion of the allotments upon this reservation and the selling of this very timber in question to the present contractor, the Stearns Lumber Co.; but because it is the tail end of this reservation and some of the allotments contain practically no timber and other portions of it contain valuable timber, the Commissioner of Indian Affairs and the Secretary of the Interior for a number of years have declined to complete the allotments as provided by law until there could be legislation such as is embodied here, that will provide that, while the lands shall be allotted, the timber upon those remaining allotments shall be sold and the proceeds divided equitably between the unallotted members of the tribe—an absolutely fair and just proposition, and one that ought to remain in the bill. And, so far as these two propositions are concerned, the completion of these allotments and the sale of the timber upon the unallotted lands, I sincerely trust that the conferees will agree. These propositions are recommended by the Secretary, recommended by the Bureau of Indian Affairs, agreed to by the Indians, and agreed to by all parties concerned.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. BURKE of South Dakota. Does not the gentleman think that matters of as great importance as this would seem to be ought to be brought to the attention of the House in such a way that they can have consideration by a committee? In making the inquiry I do not wish to be understood as opposing the amendment, but am only calling attention to the policy of legislating in this way.

Mr. LENROOT. In reply to the gentleman, I will say that this very proposition is now pending before the gentleman's committee in a bill, and was pending during the last Congress and the previous Congress. Now, the difficulty with that, as the gentleman well recognizes, is the fact that only a fraction of the bills reported from any of the committees get consideration in this House. In the very nature of things it is impossible that they can receive consideration, except upon the Unanimous Consent Calendar, where the objection of one man will prevent consideration.

Mr. BURKE of South Dakota. Having on several occasions been on conference committees, I will say that we have in some instances yielded to the Senate on amendments where the subject had been considered by a committee of the House and a favorable report had been made and the bill was upon the calendar. The point I am making is that when we consider these matters in conference for the first time we do not have the opportunity to scrutinize and become informed as we ought on matters as important as this appears to be.

Mr. LENROOT. That is probably true, although this matter has been before the Committee on Indian Affairs for a number of years. It passed the Senate at one time, in a bill introduced by Senator Gamble, but died in the House committee. I think that was in the Sixty-first Congress.

Mr. STEPHENS of Texas. I ask for a vote on the motion to disagree to amendment 161.

The motion was agreed to.

Mr. STEPHENS of Texas. I ask unanimous consent that amendments 162 to 168, inclusive, which are all the remaining amendments, be disagreed to.

Mr. LENROOT. I should like to say a word upon amendment 162.

Mr. STEPHENS of Texas. Then I will except No. 162.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to all the remaining amendments in the bill except No. 162. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Now I move to disagree to Senate amendment No. 162.

Mr. LENROOT. Mr. Chairman, just a word with reference to amendment No. 162, which provides for an investigation of the rights of the so-called St. Croix Chippewa Indians. A few moments ago the gentleman from Illinois [Mr. MANN] made some observations with reference to a tribe of Indians in Oklahoma, and I am in full sympathy with the observations that he made. I wish to say with reference to this amendment that there is no attorney in connection with any rights that these Indians may have. No attorney has been employed and, so far as I know and so far as my influence goes, none will be employed. I have three reservations in my district, and in councils held in all of them I have repeatedly discouraged the employment of attorneys for any purpose so far as legislation is concerned.

But here are three or four hundred Indians, most of them belonging to Minnesota bands, a number of them receiving annuities as such, upon the rolls to-day as belonging to various tribes in Minnesota. But in legislation providing for allotting different Indian reservations in Minnesota in years gone by, in each case the right of allotment was restricted to those Indians then residing in the State of Minnesota, and so these Indians residing in Wisconsin, although belonging to Minnesota bands, never were permitted to receive any benefit from these Minnesota allotments. Investigations have been made by various Indian agents, by a Senate committee, and by various commissioners, and they have all reported that something should be done for these St. Croix Indians, and it has always stopped at that.

I took up the matter with the present commissioner, and he recommended this legislation as a beginning, that we should find out how many there are and to what tribes they belong, as a basis for future action. He also recommended an appropriation of $25,000 to relieve their present distress. So this entire matter, like the previous ones, instead of coming from any attorney, comes with the recommendation of the Bureau of Indian Affairs.

Mr. MILLER. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. MILLER. Can the gentleman inform us as to the approximate number of these Indians?

Mr. LENROOT. Between 300 and 400.

Mr. MILLER. Do they have land of their own or are they trespassers?

Mr. LENROOT. Mere trespassers, scattered along the river.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise and report the bill with the various amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had instructed him to report the same back with the recommendation that Senate amendments numbered 6 and 13 be agreed to, and that the remainder of the amendments be disagreed to.

Mr. MANN rose.

Mr. STEPHENS of Texas. Mr. Speaker, I move the previous question on the bill and amendments.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MANN. I was going to offer a motion to recommit, but the previous question has been demanded, and I will offer it after the previous question has been ordered.

Mr. HARRISON. Mr. Speaker, is not the first thing for the Speaker to ask if a separate vote is demanded on any amendment?

The SPEAKER. The universal practice is for the chairman to make a motion for the previous question, if he gets at it in a reasonable time.

Mr. MANN. I think the motion is in order.

The SPEAKER. If the previous question is ordered, then the Chair puts the query as to whether a separate vote is demanded. If no one moves the previous question, the Speaker makes the inquiry. The question is on the previous question demanded by the gentleman from Texas.

The question was taken, and the previous question was ordered.

Mr. MANN. Now, Mr. Speaker, I move to recommit Senate amendments and the bill to the Committee on Indian Affairs.

Mr. STEPHENS of Texas. And on that I move the previous question.

The SPEAKER. The gentleman from Illinois moves to recommit the Senate amendments and the bill to the Committee on Indian Affairs, and on that the gentleman from Texas demands the previous question.

The previous question was ordered.

The SPEAKER. The question now is on the motion of the gentleman from Illinois to recommit the bill with the Senate amendments to the Committee on Indian Affairs.

The question was taken, and the motion was lost.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. HARRISON. Mr. Speaker, I desire a separate vote on amendments 139 and 140, and I ask unanimous consent that the vote be taken on these two amendments together.

Mr. FERRIS. Mr. Speaker, the matters are entirely foreign to each other, and I object to the two being taken together.

Mr. UNDERWOOD. Inasmuch as there may be a division on this, Mr. Speaker, I suggest that the vote be taken on the other amendments.

The SPEAKER. The committee recommended that Senate amendments 6 and 13 be agreed to, and that all the rest of the amendments be disagreed to. The gentleman from Mississippi has demanded a separate vote on amendments 139 and 140. Without objection, all the other amendments with the exception of Nos. 139 and 140 will be disagreed to.

There was no objection.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The previous question having been ordered, if the House should now adjourn, would this matter come before the House to-morrow morning as unfinished business?

The SPEAKER. It would.

Mr. UNDERWOOD. I suggest to the gentleman from Texas that it is not advisable to have a division to-night, and that he move that the House adjourn.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Friday, July 10, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the joint resolution (H. J. Res. 227) creating a commission to examine the relations between the District of Columbia and the Federal Government, reported the same with amendment, accompanied by a report (No. 987), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 17764) to provide for sale of portion of post-office site in Gastonia, N. C., reported the same with amendment, accompanied by a report (No. 989), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 15578) donating the old iron fence around Vance Park, Charlotte, N. C., to the Mecklenburg Declaration of Independence Chapter, to be placed around Craighead Cemetery near Sugar Creek Church, in Mecklenburg County, reported the

of the Union Senate amendments to one of the great appropriation bills; and even that does not do very much good, because no matter how bad the amendments may be, we can not get to a vote on the proposition, because the committee at once moves to disagree to the amendments. The only amendment which we have agreed to in this committee was in respect to some typographical error, in reference to a date of a former act, and I think we did agree to one a few moments ago, because of certain conditions and influences which I will not mention.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. CULLOP. Does not the gentleman think that as a policy of the Government it would be better for the Government to select an attorney for the Indians and pay him a stipulated salary, than to permit, as the guardian of the Indian, their funds to be depleted by excessive fees, which have in the past been paid to attorneys?

Mr. MANN. Of course, I am opposed to the payment of these excessive fees to attorneys, although I do not think it would do any great good for the Government to select the attorney for the Indians in the first place, for the reason that after he has settled the matter some other attorney would come in and say, "Here was an attorney who was selected by the Government to betray the interest of the Indians, and we still have the claim."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. BURKE of South Dakota. I want to say, for the benefit of the gentleman from Indiana [Mr. CULLOP], that in some of the cases where the very largest fees were paid to outside attorneys the tribe had a firm of attorneys in its employ looking after their affairs in most instances. The fact that they have an attorney does not preclude these outside attorneys from getting in.

Mr. CULLOP. But the Government ought to take supervision of the matter. If the fees which have been mentioned here on the floor of the House in the discussion of these matters from time to time have been paid, then they have been unconscionable, and it is a case of the Government permitting the funds or property of its wards to be diverted into the hands of strangers.

Mr. MANN. Mr. Chairman, may I ask the distinguished gentleman from Texas [Mr. STEPHENS] how much is involved in this claim of the Ponca Tribe of Indians residing in Oklahoma and Nebraska?

Mr. STEPHENS of Texas. It has not been before our committee, and it would be impossible to state what they expect to recover.

Mr. MANN. Then, may I ask my distinguished friend from Oklahoma [Mr. MURRAY] how much is involved in this?

Mr. MURRAY of Oklahoma. The Ponca Indians are a small band of Indians——

Mr. MANN. Oh, how much is involved in this claim?

Mr. MURRAY of Oklahoma. I will state to the gentleman that I never read that amendment.

Mr. MANN. Very well. Does the gentleman from Oklahoma [Mr. FERRIS] know how much is involved?

Mr. FERRIS. I never heard of the amendment before or read it.

Mr. MANN. Or the gentleman from Oklahoma [Mr. CARTER]?

Mr. CARTER. The only information that I have about this matter is some letters that I have received asking that it be stricken out, since it has been placed in the bill.

Mr. MANN. Mr. Chairman, that show how this thing goes. Nobody knows whether this amendment will be agreed to in conference; nobody knows how much is involved; nobody knows how much attorneys' fees may be allowed, although the amendment carefully provides that if any claim is allowed the attorneys' fees shall be paid out of the fund found due to the Indians.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that his time be extended for three minutes.

Mr. MANN. Oh, I do not care for any more time.

Mr. CARTER. Mr. Chairman, I will say to the gentleman from Illinois that I have had no opportunity whatever to learn anything about this amendment, but if I were on a conference committee and this amendment came in, I certainly would know how much was involved; how much attorneys' fees were expected, and what justification there was for the amendment, before I should ever agree to it. And I want to say I would not object at all to having that amendment stricken out here now.

Mr. MANN. Of course the only way is to disagree to it. I will say to the gentleman from Oklahoma, if he will pardon me——

Mr. MURRAY of Oklahoma. If the gentleman will pardon me——

Mr. MANN (continuing). If he gets the information such as is suggested concerning all these amendments, why we will not have passed the Indian appropriation bill within 30 days from now. It certainly will take, I will not say an ordinary person, but I will say a very intelligent person, 30 days to ascertain in regard to all the various amendments which have been inserted in this bill, and he will have to be very diligent at that.

Mr. CARTER. I want to say I am more or less familiar with a great many of the amendments, and those I do not get satisfactory information about I certainly will not be likely to agree to if I should be on the conference committee.

Mr. MANN. Well, I tried to find some amendment with which some gentleman was familiar, but I have not found one yet.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment 143.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent to disagree to Senate amendments 144 down to 160, inclusive.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments 144 to 160, inclusive. Is there objection?

Mr. HAWLEY. Will the gentleman except 145?

Mr. STEPHENS of Texas. Does the gentleman wish 145 excepted?

Mr. HAWLEY. Yes.

Mr. SINNOTT. And I would like to have 146 excepted.

Mr. STEPHENS of Texas. Then I will except amendments numbered 145 and 146.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments numbered 144 to 160, inclusive, except amendments numbered 145 and 146. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HAWLEY. Will the gentleman yield me five minutes?

Mr. STEPHENS of Texas. And I move to disagree to amendments 145 and 146. I yield to the gentleman from Oregon.

Mr. HAWLEY. Mr. Chairman, amendment numbered 145 proposes to appropriate $15,000 to build an extension to the present assembly hall at the Chemawa Indian School, near Salem, Oreg. This school has over 600 pupils and is doing very excellent work, both in the mental training of the school children and in giving them industrial training. The assembly hall was authorized some years ago, and since that time numbers of students have been added to the total roll and the assembly hall is much too small to accommodate the school population. I visited the school when the hall was in process of construction. It is a very well-built hall and there is as much room provided in it as the appropriation would allow and at the same time provide for the construction of an efficient and well-built building. It served the purpose for awhile, but in the last few years it has been impossible to accommodate the school population within the assembly hall.

The training in the assembly hall is very important to the children. It gives a training that is very valuable to them. This appropriation of $15,000 will build an addition to the building on the east side, as I remember, which will provide proper accommodations for the children within the school and give a little room for those from the outside in the neighborhood of the school who attend the exercises that are offered by the school, and it is a very good thing for the Indian children that the white people from the outside associate with them in these exercises. It gives them confidence, and it gives them a training of association with white people that is very valuable to them, as has been proven in the past.

Mr. STEPHENS of Texas. Will the gentleman permit a question?

Mr. HAWLEY. Certainly.

Mr. STEPHENS of Texas. Of course the gentleman is familiar with the language of this part of the bill?

Mr. HAWLEY. Yes.

Mr. STEPHENS of Texas. It says: "Additions to buildings and improvements, $12,000." Now, that was the estimate made by the department.

Mr. HAWLEY. The department also submitted this estimate for $15,000 for this special addition.

Mr. STEPHENS of Texas. I will state to the gentleman that I have been at this school, and I believe it is one of the best Indian schools we have. The buildings are comparatively new, and especially that hall. It is a brick building, well appointed, although it is rather small. And I see here they have for general repairs and additions to the buildings, $12,000. Now, why do they make a distinction between all the rest of the buildings and the assembly hall? They want $15,000 additional for the assembly hall. It is on the campus.

Mr. HAWLEY. There are a number of buildings on the campus, as the gentleman knows, as he did the school the honor of visiting it recently, but several of them are wooden buildings. They are constantly in need of repairs, and there will be some additions to these buildings, which are now used for school purposes, to accommodate the growing school, and $12,000 will only take care of the needed repairs and the extensions to the buildings outside of the assembly building; and to build an addition to the assembly building sufficiently large to accommodate the school population will require $15,000. It has been very carefully looked into and estimated for, and the estimate was submitted to the gentleman's committee in the regular Treasury estimates.

Mr. STEPHENS of Texas. I assure the gentleman that we will give the matter thorough consideration when it comes before us.

Mr. HAWLEY. I hope the conference committee will see its way clear to make this appropriation for a very much needed improvement for an excellent and efficient school. I have known the school and its work intimately for many years, and the work it has done and is doing is to be highly commended.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 145.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that we disagree to Senate amendment No. 146 and waive the reading of it.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to waive the reading of Senate amendment No. 146. Is there objection?

Mr. SINNOTT. Mr. Chairman, I would like to have some time on Senate amendment No. 146.

Mr. STEPHENS of Texas. I yield to the gentleman from Oregon.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. SINNOTT. I understand, Mr. Chairman, that there are other amendments of similar import to 146, relating to other States, and the committee desires at this time a disagreement on these amendments. However, I would like to address my remarks, for the benefit of the conferees, to this amendment No. 146, pertaining to the Warm Springs Indians. This amendment proposes to make a loan of $100,000 for the benefit of these Indians, to enable them to purchase live stock, farming implements, and so forth. The trust patents of these Indians will expire within six years, and then they will be thrown upon their own resources. They were granted a reservation consisting of about 460,000 acres, but I do not believe that within the entire State of Oregon you can find poorer and rougher land, and land less adapted to agriculture, than is to be found upon this 460,000-acre tract. I believe the tract contains only 70,000 acres of agricultural land. The balance of the reservation consists almost wholly of grazing land. The Indians at the present time have only about 500 or 600 head of cattle, and the object of this amendment is to purchase cattle for them, so that when their trust patent expires in six years they will be self-supporting by virtue of the stock that they can raise and run upon the reservation.

I may add that the Warm Springs Indians have always been friends of the whites. They have never been at war; they have always been tractable Indians. In fact, it was largely on account of the assistance and help which the Warm Springs Indians rendered to the whites during the Modoc War that the war was brought to its successful conclusion. Therefore, I think that these Indians are deserving of the highest consideration at the hands of the Government, and I trust that the conferees will take their history and their condition into consideration when this bill goes to conference.

Mr. BUTLER. Mr. Chairman, will the gentleman answer me a question?

Mr. SINNOTT. I will.

Mr. BUTLER. Did I understand the gentleman to say that these Indians have never been in armed conflict with the white people?

Mr. SINNOTT. I said that.

Mr. BUTLER. That is the reason why they are poor, is it not?

Mr. SINNOTT. It may be that that is the reason, but it also is a reason why justice and reparation should now be given them.

Mr. BURKE of South Dakota. Do I understand the gentleman from Oregon to say that the trust period expires in six years?

Mr. SINNOTT. It will expire in 1921, I believe.

Mr. BURKE of South Dakota. Now, if we loan money to Indians for three or four years after the trust period has expired, and after they are fully citizens and in possession of everything they have in their own right, without any interest, does not the gentleman think it will embarrass him somewhat in his district if he does not provide to loan money to the white farmers and people up there?

Mr. SINNOTT. I am ready to advance that at the proper time.

Mr. BURKE of South Dakota. Oh, the gentleman is willing, after this proposition is adopted, to extend it then to the white people in his district?

Mr. SINNOTT. That is another matter that comes up under the rural credits bill.

Mr. BURKE of South Dakota. I do not think this will be popular.

Mr. SINNOTT. I desire to have read the hearings on this subject before the House committee, which are as follows:

Mr. MERITT. The next item reads:

"There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Warm Springs Reservation, Oreg., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; for the construction of houses for said Indians, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law."

Mr. CARTER. That is a reimbursable item, the same as the others?

Mr. MERITT. Yes, sir. We offer the following justification for this item:

Indian population	740
Acreage of reservation area	462,804
Acreage of agricultural land	71,696
Acreage of grazing land	337,360
Acreage of allotted lands	323,075
Acreage under irrigation	None.
Acreage cultivated by Indian	6,000
Irrigated	None.
Not irrigated	6,000
Live stock:	
Horses	1,500
Mares	1,500
Stallions, pony	150
Cows and heifers	400
Bulls	75
Steers	Not reported.
Sheep	None.

"The Warm Springs Indians were allotted several years ago, the trust patents being dated December 31, 1896, and the 25-year trust period will expire December 31, 1921. This leaves but eight years to prepare them to assume full charge of their individual affairs, and in case of failure the period will need to be extended.

"The timber of this reservation is estimated at over 2,000,000,000 board feet, and at $1 per thousand this would make a timber valuation of over $2,000,000.

"It will be seen by the statistics that there is but a small area of agricultural land, and this is known to be of low grade, in broken and scattered bodies, and mostly where dry farming only can be done.

"This reservation has been examined to determine the irrigation possibilities, and it is found that no large bodies of land exist where reclamation projects are feasible, but that scattered tracts of a few acres each can be irrigated.

"Notwithstanding the immense future tribal resources, there are now no funds to provide the Indians with building and fencing material, with live stock, etc.; hence they are progressing very slowly, and have made but slight industrial advance since they were allotted.

"The only means of developing them industrially with any hope of putting them on a reasonably self-supporting basis within the remainder of the 25-year trust period is to stock the reservation with live stock and then develop the several homes, with a view of enabling the several Indian families to care for live stock in such numbers as will supply their needs, utilizing such scattered agricultural tracts as will contribute in part to their living.

"It is with such purpose in view that this appropriation is requested.

"This would seem to be the only way whereby the vast future resources of the tribe can be made to contribute to their development at the time it is most needed.

the courts, and reserved a judgment against the Government which it had been fighting; so that, in my opinion, in a case against the Government it would be unfair to let the Government select the Indians' attorney. If I had a suit with you, it would be absurd for me to select your attorneys; and, having gone through that experience, I realize the necessity of the Indians having the right to select their own attorneys when they have claims against the Government.

I do not think that Congress ought ever to vote to allow any man a fee. The best way is to leave it to the court, who has heard the evidence and has gone through with the case and finally decided it, to determine, because only the court in the end can decide what that lawyer earned. We can not do it.

Now, so much for the lawyers. I want to speak now of the argument made by the gentleman from South Dakota [Mr. BURKE] about this equalization matter. Whether those attorneys get in or not, it will not shake my fealty to the Creek Indians. I will be glad to cut those attorneys out, and if this provision does not make it strong enough I will be glad that additional language should be added to do so. But I am not going to strike the Creek Indian because some one else is going to get a portion of it, however much I dislike the attorneys, or the most of them, involved. I take it, however, that the amendment is broad enough to shake them loose. As a matter of truth, I believe that Judge Allen, recently appointed an attorney, once a district judge, a very strong lawyer, resigned from the bench to accept this position upon the solicitation of the Secretary of the Interior himself, without making an application, could handle this case.

But the question, after all, resolves itself down to this proposition: Will the Government of the United States be willing to go into its own court, with all of its money and its power, to hear a claim of the red man, the Creek Indian, his ward, and combat with his ward in the United States' own court? It occurs to me that that ought to answer the entire proposition.

It is true that the Creek Council passed a resolution asking that the newborns be enrolled and that they get a portion of the property. But that was done after the passage of the Curtis Act and the treaty that was carried by that act, where it was specifically stipulated that no act of either of the legislatures of each of those Five Civilized Republics involving land should be valid until it was passed in due form by the legislature, approved by the governor, and approved by the President of the United States.

The gentleman from Minnesota [Mr. MILLER] has said to you that the Indians are estopped because their representatives passed the resolution. Admitting that the governor did not sign it—and if he failed to sign it, it vitiates it, so far as its becoming valid—he says that the Indians are estopped.

I admit that the Government of the United States is not estopped, because estoppels and laches do not run against a "sovereign," and that is the only reason. But in morals the Government of the United States ought to be estopped. The Indian is the ward of the Government, and he is compelled to make a treaty to do something that he did not want to do, to wit, to abolish his own government and give up his own republic that had been in existence under a constitution and system of laws for years, and to accept a partial value of valuable town-site property and the selling of it at a reduced valuation, together with the giving up of the public roads, free of charge, to the future State government, and, in addition, compelling the Indian to divide his property with his former slaves. All those things the Creek Indian agreed to, and then to plead he is not entitled to anything in equity!

I believe that the gentleman will agree that in law the adult Creek Indian is bound to win this case, and I say he is entitled to it in equity. But whether he may be entitled to it, whether in law or equity, or both, I say it does not lie in the mouth of the Government to deny its ward the right to go into the Government's court and determine his right.

The gentleman has said that he would put in an amendment compelling these Indians to accept $800 apiece in full settlement. Yes; you may put that into the law, but it will not make it legal, and it will not make it right.

This is not a new claim. Three several committees of Congress have reported in favor of this claim in the other House, and I am not sure but what in this.

This is not a new claim, and it will continue to be a claim until it is settled. It will never be setttled until the Indians have their day in court; and all they are pleading for is the right to go in the white man's court and contest with the white man whatever legal or equitable rights they may have. I submit that the Government of the United States, in view of its past history in dealing with Indian problems, ought not to deny to its wards any right, whether legal or equitable. I am sure that there is not a citizen of this Republic who would fail to demand his rights, and under the common law he has a remedy in court for his legal and his equitable rights. The Government of the United States would claim every right it possessed against these Indians, and I trust the Government will give them the same justice and the same advantages which it would demand for itself, since the Government is the guardian of these Indians.

Mr. STEPHENS of Texas. Does the gentleman believe the Indians who have received land to the value of $1,040 should have anything in addition?

Mr. MURRAY of Oklahoma. No; I think they got all they ought to have.

Mr. STEPHENS of Texas. Then does the gentleman believe that the 2,910 newborn children who were added to the roll should have anything in addition to what they have already received?

Mr. MURRAY of Oklahoma. I do not think so, and I do not think they could recover anything in the courts.

Mr. STEPHENS of Texas. Then the only question in controversy is as to these Indians to whom these certificates have been given to equalize the amount?

Mr. MURRAY of Oklahoma. That is all.

Mr. STEPHENS of Texas. That is your only contention?

Mr. MURRAY of Oklahoma. Let me answer that in my own way. The Government has provided for an allotment, as stated by the gentleman from Minnesota [Mr. MILLER], promising to give them, because of the breaking up of their government, land to the value of $1,040. That land was variously appraised. Some of them received $1,040, some of them received $600, some of them received $800, some of them received $900, and so forth. The Government then gave them certificates showing the amount they had received and the amount yet due up to the amount of $1,040. All I am pleading for and all they ask is the right to go into court and prove that they are entitled to make the Government pay the difference between the land they received and this $1,040, as shown by the duebills of the Government.

Mr. BURKE of South Dakota. The gentleman knows that there is no certificate. These alleged duebills are merely memoranda.

Mr. MURRAY of Oklahoma. That is all. They are not such that anybody would buy them.

Mr. BURKE of South Dakota. But, as a matter of fact, many people did buy them, and they have been assigned.

Mr. MURRAY of Oklahoma. I do not think so.

Mr. BURKE of South Dakota. Now, is not this true, that of the whole nation, a population of 20,000, there were only about 850 who received land of the value of $1,040?

Mr. MURRAY of Oklahoma. I can not tell the exact figures.

Mr. BURKE of South Dakota. That is substantially correct.

Mr. MURRAY of Oklahoma. I can not give the gentleman the figures.

Mr. BURKE of South Dakota. Now, is it not true that of those 850 many got land worth $12,000 or $15,000?

Mr. MURRAY of Oklahoma. The Government valued all that land by "schedule." It placed a valuation of $6.50 an acre on the best. It made no difference what they started at, just so the ratio is the same. The land valued at $6.50 an acre was any land that was black, waxy prairie, level and tillable, or bottom land not subject to overflow. Then they had another schedule which involved overflowed bottom land or best prairie land, at $5.50; then another schedule, rocky or rough prairie land, at $3; mountain land, at 25 cents; and so on. So in selecting the Government made mistakes here and there. The fact is that two quarter sections may look alike, and yet the subsoil may be different, and the subsoil must be considered as well as the soil. But it was as near as it could be arranged. They took the land according to their judgment. The man who understood land got the good land. I will tell you the truth about it. The negro got the best, because he is the best judge of land of any race in the world, and the real full blood got the poorest land. The negro knew where the good land was. He has an intuitive knowledge of land. That is the truth about the matter.

Mr. BURKE of South Dakota. One further question. Is not this true: If these newborn children had not been allotted, some of these Indians would have received $200 or $400 or $500; but by reason of the fact that the children were allotted they had allotments to as many as four or five members of their families, which they would not have had except for this legislation?

Mr. MURRAY of Oklahoma. Yes; but the land belongs to the children.

Mr. BURKE of South Dakota. And if a child dies, it goes to the parents?

Mr. MURRAY of Oklahoma. When a child lives and becomes of age, he has a place to live on. It is also true that many men without additional children or without any children at all lost by reason of these children; but in their generosity they had rather lose and give this younger generation an opportunity. I would agree with the gentleman but for the fact that 5,000 negroes, their ex-slaves, were permitted also to divide with them.

Mr. BURKE of South Dakota. As a matter of act, were they not included by the act of the Creek Nation itself? Did not the members of the Creek Nation ask that their ex-slaves be included?

Mr. MURRAY of Oklahoma. I think not, originally.

Mr. BURKE of South Dakota. I have never heard anything to the contrary.

Mr. MURRAY of Oklahoma. They did at the final allotment.

Mr. BURKE of South Dakota. Yes.

Mr. MURRAY of Oklahoma. Why? Because those negroes were members of the legislature and had the political power.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Oklahoma. I ask that I may proceed for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that he may proceed for two minutes. Is there objection?

There was no objection.

Mr. MURRAY of Oklahoma. It is true that in 1866, after the Civil War, the Creeks did not have the stamina to combat the Government that the Chickasaws had. In 1866 the Government had a dream that they could amalgamate the Indian and the negro. Under the pressure of the Government the Creeks yielded. The Chickasaws never yielded. We are astonished they did not yield like the Creeks. The Government held over them a reward of $300, and said, "When you adopt the negro we will give you this money, and will give the negro 40 acres." They gave the Creek and negro an equal amount. The Chickasaws said no, and continued to say no; they never let him become a citizen, never let him have anything, gave him no power, and at last the United States, in desperation, forced him to divide and compelled the Indian to agree to let him have 40 acres and contest in the court. The Government did not want a contest in the court, and the Chickasaws went into court and beat the Government, and that is the only Indian tribe steadfast enough to stand up and fight the Government.

With regard to the Creeks who yielded to that great pressure—we are not surprised that they did—after forcing them to divide with the ex-slaves, I say it does not lie in the mouth of this Government, or any representative of the American people, to say to the wards of this Government that you shall not have the right to go into the courts of your country and get your legal, equitable rights. [Applause.]

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendments 131 and 137.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair understands that Senate amendments 131 and 137 were taken up together, without disposing of intervening numbers. The Clerk will report the Senate amendment No. 132.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that Senate amendments 133 to 140, inclusive, be disagreed to.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendments 132 to 140, inclusive.

Mr. STEPHENS of Texas. Except amendments 137 and 139, which have been already acted upon.

The CHAIRMAN. The gentleman asks unanimous consent to disagree to Senate amendments 132 to 140, inclusive, with the exception of amendments 137 and 139, which have been acted upon. Is there objection?

There was no objection.

The Clerk read Senate amendment 141, as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, in addition to those now employed, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to Senate amendment No. 141.

Mr. MANN. Mr. Chairman, I wish to be heard for a moment upon that. This amendment is to appropriate $25,000 for oil and gas inspectors, to supervise oil and gas mining operations on lands of the Five Civilized Tribes. We have inserted in the sundry civil bill a provision for oil and gas inspectors under the Bureau of Mines and Mining. The Bureau of Mines and Mining is under the Interior Department. The activity of Dr. Holmes, the head of that bureau, passes all understanding, unless you have been familiar with him. Not desiring to take the chance in one appropriation bill, he secures an item in the sundry civil bill in the House, and then slips over to the Senate and secures another item in the Indian appropriation bill. I call this to the attention of the conferees, because while I suppose Dr. Holmes would not seriously expect to get both items enacted into law, yet I think he would not refuse if it were handed to him on a silver platter. Having secured the item in the House in the sundry civil bill, I think it would be fairly wise and proper for the conferees on the Indian bill to let this go out when it gets to conference and stay out.

Mr. STEPHENS of Texas. I will say that there was no estimate for this item, and we know nothing about it.

Mr. MANN. That makes no difference to the head of the Bureau of Mines and Mining. If there was a third place to get an item in he would put it in there.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 141.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I ask unanimous consent to disagree to Senate amendment No. 142.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to Senate amendment No. 142. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. I ask unanimous consent to disagree to Senate amendment No. 143.

Mr. MANN. Mr. Chairman, we have so many of these items which learned and, I trust, responsible attorneys dig up out of the bowels of the earth and the archives of the past that once in a while it may be proper to call attention to them. I do not know about the merits of this claim of the Ponca Tribe of Indians residing in Oklahoma and Nebraska.

Mr. GARNER. May I interrupt the gentleman to ask a question?

Mr. MANN. Yes.

Mr. GARNER. It has occurred to me and other Members of the House who do not take particular interest in the Indian appropriation bill, not being familiar with the subject, that there is getting to be more legislation on the Indian appropriation bill than on all the other appropriation bills put together. How does the gentleman account for that, and is there any good reason for it? Why should not the legislation in regard to the Indians take the same course that all other legislation has to take?

Mr. MANN. I think there is a sufficient reason for it. I will not say a good reason for it. There are more outside attorneys working on claims in connection with the Indians than anywhere else, I guess. Wherever we have made a contract with the Indians in the past it has been more or less loosely drawn, whether it was a contract or a treaty. If it works against the United States, the Indian always gets the benefit of it, and nobody makes any claim against the Indian. But if some attorney somewhere can find a method of construing language so as to give the Indian a claim against the United States he gets in full operation at once. He is not very successful in getting legislation enacted by Congress by special bills. He usually is not very successful in getting items inserted in the House in the Indian appropriation bill—probably for two reasons.

The first reason is that such items are subject to a point of order and the second is the Committee on Indian Affairs. So he hies himself to the approximate location of some distinguished Member of another body, or his clerk—and it is more apt to be his clerk—and in the course of time, through persuasive means of various sorts, he gets somebody interested in the claim. Then it is introduced as an amendment to the Indian appropriation bill in the Senate, and is agreed to, and he trusts to the liberality or the knowledge of the conferees on the part of the House. Here are 168 amendments. I forced—if that term may be used, and it is not quite correct—the members of the Committee on Indian Affairs to say that they did not know anything about these amendments, or most of them, so that when it goes to conference it becomes a trading proposition. Those attorneys who are the most insistent or whose friends are the most persistent keep their items in the bill, without regard to the merits of the proposition. That is the way it has been in the past. That is one reason why for the first time since the gentleman from Texas [Mr. STEPHENS] has been a Member of this House we are now considering in Committee of the Whole House on the state

and held that she was entitled to be allotted. If the contention that Indians should not be allowed to employ attorneys had obtained and this woman had been compelled to submit to the decision of the Interior Department, she would have been denied not only the right to be allotted 320 acres of land, but to participate in the distribution of tribal funds belonging to the tribe of which she is a member. There is no question about it, in my judgment, and we ought not to go so far as to say that Indians shall not have counsel in certain cases.

Mr. FERRIS. There is a great deal of truth in what the gentleman says; but why could not this specific isolated case the gentleman mentions go to her national attorney, who gets $5,000 a year, paid for out of the Indian funds? Why could not her case have been laid before him and have him prosecute it?

Mr. BURKE of South Dakota. Because, Mr. Chairman, my information is—and if I am mistaken about it, I would like to be corrected—that it is not the duty of tribal attorneys, and this is true also of the attorneys for the different nations of the Five Civilized Tribes, to represent individual Indians in matters affecting them or their property personally.

Mr. FERRIS. What about the probate attorneys? They ought to be of some assistance.

Mr. BURKE of South Dakota. Well, I believe you do have some probate attorneys, but they only look after probate matters. Suppose an Indian has been done an injustice, or thinks he has been wronged, by a probate court in Oklahoma, would he deny the Indian the right to employ counsel to determine his rights?

Mr. FERRIS. I would, if we would know that later they would come along and reach an arm into the crib and get out of the trust funds to pay himself; at some later time from some new Congress, some new Secretary, some new Indian Commissioner, who did not know anything about what had previously happened; but if he could not use the national attorney or probate attorney he could go into his own pocket and pay them. I am tired of so many outside attorneys on contingent fees. Of course I know the gentleman feels the same way.

Mr. BURKE of South Dakota. Senate amendment No. 140 not only makes void contracts made with citizens of the Five Civilized Tribes, but, as I have already stated, it also makes it a criminal offense for an attorney to receive any money as a fee. There are two Senate amendments in this bill proposing to enroll quite a number of persons who have not been enrolled members of the Five Civilized Tribes. Does the gentleman from Oklahoma or any gentleman in this House think that that provision would be in this bill, or that there ever would have been a suggestion to Congress that the names of these persons should be added to the rolls if it had not been that they are represented by attorneys? I have no doubt that most of them are represented by reputable attorneys, and they have rendered valuable service, and why should they not be compensated? I presume most of the persons whose names it is proposed to add to the rolls are without any means, and the attorneys representing them have not only rendered their services so far without receiving anything, but have also borne whatever expense may have been incurred, and they should not only be allowed compensation, but they should be liberally compensated. So I say to the gentleman that while I entertain in a large measure the views that he entertains with relation to unconscionable fees and especially fees where the contingent service depends upon securing legislation, when it comes to the question of saying that no Indian shall have the right to be represented by counsel, I certainly can not go that far, and I am sure the gentleman from Oklahoma will agree with me.

Mr. MURRAY of Oklahoma. Will the gentleman yield there?

Mr. BURKE of South Dakota. Yes.

Mr. MURRAY of Oklahoma. I would like to know the names of the attorneys in this Creek matter, if the gentleman has them.

Mr. BURKE of South Dakota. I will say to the gentleman the hearings with relation to the Creek equalization discloses that there are several attorneys that are interested in contracts with the Indians. Among them are Messrs. Kappler & Merillat, Messrs. Butler & Vail, Messrs. Ballinger & Lee, a man by the name of Maxey, and Mr. Powell had an interest. Mr. Powell, I believe, is now deceased, but there is a letter in the hearings to his widow assuring her that she will be protected and will receive the fee that Mr. Powell would be entitled to.

Mr. MURRAY of Oklahoma. Those were the attorneys you referred to awhile ago before you were interrupted by the gentleman from Oklahoma [Mr. FERRIS]?

Mr. BURKE of South Dakota. I had no intention of bringing in the names of any attorneys, and with relation to some of the attorneys in connection with this Creek equalization claim I want to say that they have apparently been urging this claim upon Congress in a perfectly legitimate manner, having on several occasions presented it to the Indian Committees of both the House and Senate. When I refer to some of the scandalous fees that have been paid to attorneys for lobbying services, I speak generally, and it does not matter whether they live in St. Louis, Washington, or elsewhere. They ought to be put out of business.

Mr. MURRAY of Oklahoma. But whether right or wrong, are they the attorneys in this Creek equalization matter?

Mr. BURKE of South Dakota. I have told the gentleman who the attorneys are, so far as I know and remember them, that are interested in contracts with the Creek Nation or members thereof. While we are on the subject of attorneys' fees, I want to read from the report made by the commission appointed in 1910, of which I was the chairman, and of which the gentleman from Kansas [Mr. CAMPBELL], the gentleman from Minnesota [Mr. MILLER], the gentleman from Texas [Mr. STEPHENS], and the gentleman from Virginia [Mr. SAUNDERS] were members, because it is interesting and, I believe, appropriate at this time.

We found as follows:

> Many Indian claims, antiquated and without meritorious basis, have been trumped up against the Government by industrious attorneys, claim agents, and professional lobbyists until there is now pending, in one form or another, in the departments and before Congress, claims of this character amounting to many millions of dollars.

And I will say in passing that we found, and so reported, one attorney in this city who had contracts for something more than $20,000,000, with his fee amounting to from 10 to 40 per cent, as I remember.

Further, the report says:

> Of course the purpose of those actively engaged in exploiting such claims is to obtain the fee contracted for upon a contingent basis. The effect of such compensation for adventurers who, quoting the language of the Supreme Court of the United States, "make market of themselves in this way," should receive the careful consideration of Congress. The committee is of the opinion that the court could not have expressed itself more pertinently to many contracts which have been the subject of investigation by this committee within the last eight months than it did in the case of Marshall v. Baltimore & Ohio Railroad Co. (57 U. S., 314, 335) when it said:
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> "Bribes, in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are 'proper means'; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or 'careless' Members in favor of his bill."

We also cited another decision of the Supreme Court, from which we quoted as follows:

> In the case of Trist v. Child (24 U. S., 441, 451) the court expressed itself as follows:
>
> "The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt, were illegitimate, and, considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right in such circumstances to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step, and puts the seal of its reprobation upon the undertaking."
>
> In the same case the court continued by making the following observations:
>
> "If any of the great corporations of the country were to hire adventurers who make market of themselves in this way to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption and the employment as infamous.
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> * * * * * * *
>
> "The prohibition of the law rests upon a solid foundation. A private bill is apt to attract little attention. It involves no great public interest and usually fails to excite much discussion. Not infrequently the facts are whispered to those whose duty it is to investigate, vouched for by them, and the passage of the measure is thus secured. If the agent is truthful and conceals nothing, all is well. If he uses nefarious means with success, the springhead and the stream of legislation are polluted. To legalize the traffic of such service would open a door at which fraud and falsehood would not fail to enter and make themselves felt at every accessible point. It would invite their presence and offer them a premium. If the tempted agent be corrupt himself and disposed to corrupt others, the transition requires but a single step. He has the means in his hands, with every facility and a strong incentive to use them. The widespread suspicion which prevails, and charges openly made and hardly denied, lead to the conclusion that such events are not of rare occurrence. Where the avarice of the agent is inflamed by the hope of a reward contingent upon success and to be graduated by a percentage upon the amount appropriated, the danger of tampering in its worst form is greatly increased."

Our commission further found that in securing legislation resulting in reviving certain outlawed Indian claims by having jurisdictional acts passed sending them to the Court of Claims, in some instances attorneys holding contingent contracts that resulted in the payment of unconscionable fees paid in some of the cases retained and employed former Senators and former Members of the House of Representatives, where their compen-

sation was contingent upon legislation being secured and a judgment obtained. In other words, the principal service of former Members of Congress, apparently, was entirely directed toward securing the legislation necessary to make it possible for a suit to be instituted against the Government. In the report of the committee we expressed our disapproval of former Senators and Members of the House of Representatives appearing in matters where legislation is desired to be procured through their activities, as well as in matters requiring executive and departmental approval, and expressed the opinion that such practice should be discouraged. The fact is, Mr. Chairman, that most of the legislation that has resulted in exorbitant and unconscionable fees has been secured by lobbyists and by methods unprofessional, if not reprehensible. These attorneys and lobbyists do not, as a rule, appear before committees of Congress and present their arguments as legislation is usually presented. I have made a careful inquiry to ascertain how many jurisdictional acts that referred Indian claims to the Court of Claims were obtained, and I find that in practically every case it was by an amendment inserted in the Indian appropriation bill after it left the House and agreed to in conference. This ought to teach us that legislation with reference to claims ought not to be tolerated on the Indian or any other appropriation bill, and personally I would like to see a joint rule adopted by the House and Senate making it impossible for a claim amounting to more than a few hundred dollars to be in order on any appropriation bill.

With relation to the Creek claim which it is proposed to refer to the Court of Claims by Senate amendment No. 137, in conclusion I want to say that it has been investigated by the Indian Committee of the House several times since I have been a Member, and I think there have been some hearings before the committee in the present Congress; if not, there were in the last and the preceding Congresses to my knowledge. It has never yet been reported favorably, and if it had been pressed it would have been rejected by practically a unanimous vote.

I hope that amendment No. 131 will be disagreed to, so that in conference it may be perfected in accordance with the suggestions that I have made, and that amendment No. 137 will be disagreed to, and that it will be eliminated from the bill in conference, which I think will be the end of it, for the reason that I am confident the Indians will accept payment in accordance with the substitute that I will propose for amendment No. 131 and which I have explained.

Mr. MURRAY of Oklahoma. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, we are under the five-minute rule, and I understand the gentleman from Oklahoma desires to reply to some of the statements made by the gentleman from South Dakota.

Mr. BURKE of South Dakota. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BROWN of New York. Mr. Chairman, I desire to make a similar request.

The CHAIRMAN. The gentleman from New York also asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to limit the discussion to such time as the gentleman from Oklahoma [Mr. MURRAY] thinks he may need.

Mr. MURRAY of Oklahoma. I want about 20 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the gentleman from Oklahoma may be allowed to proceed for 20 minutes, and after the conclusion of his remarks that debate on Senate amendments Nos. 131 and 137 close.

Mr. MANN. Mr. Chairman, I have no objection to the gentleman from Oklahoma having 20 minutes, but we may want a little more time on this proposition.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to proceed for 20 minutes. Is there objection?

There was no objection.

CREEK EQUALIZATION AMENDMENT.

Mr. MURRAY of Oklahoma. Mr. Chairman, this entire matter is a question largely involving the claim of the Creek Indians. Before I get into the subject, I want to refer to the matter of attorneys' fees, as discussed by the gentleman from South Dakota [Mr. BURKE], who has just preceded me. My views as to attorneys' fees are largely the same as my colleague from Oklahoma [Mr FERRIS] states. It is a very delicate and "touchy" question in my State; nevertheless, I have never failed to state my conviction upon these questions freely and fearlessly. So far as the attorneys shown in the records of the Creek equalization claim are concerned, of Messrs. Kappler and Vail I know nothing but honorable conduct. The other gentleman we are engaged now in fighting in the matter of the Mississippi Choctaw claims. Personally I am not very anxious that they should get a fee out of the Creek equalization payment, whatever may occur. On the other hand, I do not think that I should be serving good, wholesome policies to attempt to deny any man a legitimate claim on personal grounds or because I dislike him. A criminal should have justice.

It is also true, as intimated by the gentleman from South Dakota [Mr. BURKE], that the general tribal attorney has so many different questions to handle that he can not handle such a large question as the citizenship case. It is also true that the probate attorneys can not do it. As a matter of fact, it would not be wise to leave those tribes to the mercy of either the probate attorney or the general attorney in a general citizenship question, because it is a special question. If I had a regular attorney who handled my business affairs, paid by the year, and I had unexpectedly a criminal charge, I certainly would want a criminal lawyer.

This is an age of specialists, and I can count on the fingers of one hand the name of every attorney who could handle rightly a citizenship question in the Chickasaw and Choctaw country. So, as stated by the gentleman, in those cases it is wisest for the tribe to have special attorneys for that work, but I would not vote to give the attorneys referred to in the record, or any other Indian attorney, any kind of a fee, either out of the Indian fund or the Government fund, for the reason that we have no way of telling what they have earned.

I would not pay them especially to lobby or for lobby services. I would, though, vote to permit the payment of fees in cases that require the real services of a lawyer to go into the courts, and in such cases neither I nor anyone else in Congress would really know what he earned, and in that event it would be the part of wisdom to let the court determine what an equitable fee would be. The court only could know the legal services he had performed.

Now, in general, that is my view of the attorneys' fees question.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from South Dakota?

Mr. MURRAY of Oklahoma. In a moment. I will say that I have read the two volumes of the report made by the gentleman from South Dakota and other members of the Indian investigating committee, who went to my State in 1910 and conducted an investigation of some serious bribery charges made by a United States Senator, and charges relating to Indian contracts. I have read the two volumes of that report with care and interest, and I approve the gentleman's report upon that matter, because I was acquainted with much of that evidence, and I have read the remaining evidence in the report.

Mr. BURKE of South Dakota. I want to ask the gentleman from Oklahoma if he is familiar with amendment numbered 140 in this bill?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. BURKE of South Dakota. I want to ask the gentleman if the very distinguished Member of this House—a man who has had long service here—or a very distinguished Member of the body at the other end of the Capitol were to consult any lawyer, no matter how reputable he may be, with relation to his enrollment or the enrollment of some member of his family in the Five Civilized Tribes, would not this amendment make the attorney liable to a punishment of a fine not exceeding $500 or imprisonment for not exceeding six months?

Mr. MURRAY of Oklahoma. It seems it would.

Mr. BURKE of South Dakota. Yet there are gentlemen on the floor here who are in favor of that amendment.

Mr. MURRAY of Oklahoma. I will say, realizing that situation from past experience, that is what has driven me to the same conclusion as that entertained by the gentleman who has just spoken on that question—Mr. BURKE of South Dakota.

I remember, some years ago, when the Chickasaw Nation wanted to contest this Government over a proposition that they should divide with their freedmen, or ex-slaves, that the Interior Department, under Secretary Hitchcock, and all of its forces were against the Indians, and not only the Interior Department but the Attorney General's department was instructed to fight the Indians. Over the protest of the Secretary of the Interior the governor of the Chickasaw Nation—Gov. D. H. Johnston—hired an attorney, who went into the courts, fighting the Government in two of its departments, whipped them in all

dent's approval. If that is true, then there is nothing whatever in the claim that the resolution was not passed in accordance with the law.

If the Indians are not bound by the action of their council in memorializing Congress to enroll their children, then they can not assert any claim against the United States, because, if there is any merit in the claim that has been asserted and which it is proposed to send to the Court of Claims by Senate amendment No. 137, it is because of the fact that the United States is liable to distribute the estate and allot the lands as provided in the acts of 1901 and 1902, which acts were only made effective by the approval of the Creek Council. If the council had power to represent and bind the members of the Creek Nation in said acts of 1901 and 1902, then it must have had the same authority with relation to the subsequent acts, and therefore I again maintain that the Creek Nation is estopped from asserting any claim against the United States because the newborns were allotted.

To show what the result would be in some instances, if the contention of those who are asserting that this claim has merit should prevail, I want to cite how it might affect some Indians. Take an allottee who received land valued at $900. The land may have been worth $3,000, or $6,000, in fact, but he was given a due bill calling for $140. Suppose he had five children born between the time that he was allotted and the act authorizing newborns to be enrolled and allotted; he would have had five children allotted each 160 acres of land, and yet he would ask Congress to appropriate $140 to pay him in cash, claiming that he had been wronged because each of his five children had received an allotment. That is the proposition, so far as the Indian is concerned who may have had five children.

Mr. MANN. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Yes.

Mr. MANN. Did the gentleman fully state the proposition? The gentleman's statement was that the man whose children had been allotted would be asking for an additional amount of money. Is it not a fact that not only the man but all of his children are asking an additional amount of money, that the children who have been given $900 as a gift want us to increase the amount for them out of the general fund?

Mr. BURKE of South Dakota. Yes; as I have already stated, the children were given due bills between the value of the land allotted and $1,040, and it is proposed by sending the matter to the Court of Claims to make it possible for a judgment to be rendered against the United States to pay the children the amount due them. Take the case I have just illustrated, and if the lands allotted to the five children were valued at $600 in each case, each would have a due bill for $440; so, in addition to appropriating $140 to pay the father, we would be required to appropriate $2,200 to pay the children. I think the House will see that there is absolutely no merit in this claim. My contention is that Congress has plenary power to administer the trust estate of its wards; and with reference to the Creek Nation, its council having by resolution requested the United States to enroll and allot newborns, and the result, in effect, being a mere change in the form of the distribution of the tribal property, and being to the material advantage of practically all of the individual members of the Creek Nation, that there is not only no legal claim against the Government on the part of the Creek Nation, but that the claim is without equity, and, as already stated, is without merit.

As to the status of the Five Civilized Tribes and their relation to the United States, the question was very clearly set forth by the Supreme Court in the case of Cherokee Nation v. Hitchcock (187 U. S., 294), and the court, in concluding that case, said:

> The power existing in Congress to administer upon and guard the tribal property, and the power being political and administrative in its nature, the manner of its exercise is a question within the province of the legislative branch to determine, and is not one for the courts.

In the case of Lone Wolf v. Hitchcock (187 U. S., 553) the Supreme Court stated that the power of Congress is plenary. The court uses this language:

> In effect, the action of Congress now complained of was but an exercise of such power, a mere change in the form of investment of Indian tribal property, the property of those who, as we have held, were, in substantial effect, the wards of the Government. We must presume that Congress acted in perfect good faith in the dealings with the Indians of which complaint is made, and that the legislative branch of the Government exercised its best judgment in the premises. In any event, as Congress possessed full power in the matter, the judiciary can not question or inquire into the motives which prompted the enactment of this legislation. If injury was occasioned, which we do not wish to be misdeemed as implying, by the use made by Congress of its power, relief must be sought by an appeal to that body for redress and not to the courts. The legislation in question was constitutional, and the demurrer to the bill was therefore rightly sustained.

I think these authorities settle the question as to the power of Congress in administering the tribal property of Indians, and that where Congress has acted in perfect good faith in its dealings with the Indians and a complaint is made against such action by the Indians, Congress is the tribunal to determine the merits of the complaint and it is not a question for the courts; that in enacting the legislation providing for the enrollment and allotment of the newborn children it was not only requested by the Creek Nation through its duly elected and constituted legislative council, but it was beneficial and wise and materially to the advantage of the Indians, and therefore there is no equity in favor of the claim, and it can not successfully be asserted that there is any legal claim.

With relation to Senate amendment No. 131, which proposes to distribute the Creek fund on an $800 basis, I stated in the outset that I am not opposed to it provided it is changed in form. The purpose of it is to distribute the money belonging to the Creek Nation now in the Treasury and in Oklahoma banks. The money belongs to them, and we ought not to withhold it; and the only reason it has not been paid before was because of the claim which is involved in Senate amendment No. 137, that I have just discussed. In my opinion the reason that the money was not paid several years ago was because of the activities of certain attorneys who were seeking to obtain contracts to receive a percentage of what the Indians might recover from the United States, provided the matter should be referred to the Court of Claims.

In 1909 a provision was incorporated in the Indian appropriation bill, which became a law March 3, 1909, directing the payment to the Indians of the money in the Treasury on the basis of $800, provided the Creek Council would adopt a resolution accepting it in full of all claims or demands, so far as the equalization claim is concerned. The provision referred to is as follows:

> Immediately after July 1, 1909, and prior to December 1, 1909, to pay allottees out of the funds of the Creek Nation the amounts severally due for the equalization of their allotments. In making such payment for the equalization of the Creek allotments $800 shall be taken as the standard value of an allotment: *Provided*, That the payment of such funds for the equalization of allotment shall be a final and conclusive settlement of all claims for the equalization of allotments in the Creek Nation; *And provided further*, That as a condition precedent to any such payment the Creek national council shall pass an act, in form approved by the Secretary of the Interior, discharging the United States from all claim and demand on this account.

There is no question in my mind, Mr. Chairman, but what that proposition would have been accepted by the Indians, and the money would have been distributed and paid to them, under the act, had it not been for the fact that certain attorneys holding contracts, or endeavoring to secure contracts, with the Creek Nation, or members thereof, conducted a campaign throughout the Nation, holding mass meetings and representing to the Indians that if they declined to accept the $800 equalization payment they would see to it that legislation would be enacted providing that they be paid on a $1,040 basis; that the attorneys, as usual, were looking after their own interests is apparent, because in some of the contracts between the Indians and attorneys it is provided that 10 per cent shall be paid to the attorneys, not only for any amount that might be recovered over and above the amount in the Treasury, but also on the amount in the Treasury about which there is no contention. The Government is holding the money for the Indians, and is willing and ready to pay it to them, and would have done so, as stated, were it not for this alleged claim. The fund now on deposit in the Treasury and in Oklahoma banks is nearly $4,000,000, as will appear by the following statement:

Balance in United States Treasury, Mar. 31, 1914, of Creek Nation, Oklahoma.

Fulfilling treaties with Creeks		$551.45
Creek general fund		2,472,946.15
Interest on Creek general fund		160,823.94
Indian moneys, proceeds of labor:		
Creek cattle tax	$1,791.60	
Creek right of way	25,988.24	
Creek royalties, grazing, etc	13,185.75	
Creek stone and timber	660.30	
Creek town lots	20,030.00	
Creek unallotted lands, etc	79,040.12	
		2,775,057.62
Amount due from bonded Oklahoma banks, Mar. 31, 1914, under act Mar. 3, 1911 (36 Stat. L., 1070):		
Unallotted lands	$222,900.00	
Town lots	702,450.00	
Accrued interest Dec. 31, 1913	57,619.50	
		1,082,969.50
Total funds		3,858,027.21

There should be added to the amount, as shown by the above statement, about $60,000 accrued interest to July 1, 1914. Ten per cent of the money belonging to the Indians, as shown by

this statement, would be $400,000, which would be a very nice fee for performing no service.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I think the gentleman is entirely right about that, that outside attorneys have a lot of contracts and had a lot to do with this, but I think it is fair to state that as the provision now stands the suit is to be brought by the regular tribal attorney who is paid out of the tribal funds.

Mr. BURKE of South Dakota. In reply to the gentleman I want to say that there is nothing in this Senate amendment that limits the employment of attorneys except that it provides that the petition shall be verified and the suit be prosecuted by the national attorney for the Creek Nation. There is no doubt in my mind but what attorneys now holding contracts, if this amendment is adopted, will assert their claims, and there is nothing in the amendment that precludes them from doing so.

Mr. FERRIS. I think they ought to be precluded. There is not anything in their favor.

Mr. BURKE of South Dakota. I have a proposition that I expect to propose in conference if Senate amendment No. 131 is not agreed to, as a substitute therefor. My substitute follows substantially the amendment of the Senate, except that it provides that as a condition precedent to the payment of the money the Creek national council shall pass an act discharging the United States from all claim and demand on account of this claim. It also contains a provision that any contract or contracts made by the Creek Nation or any individual member thereof, with any attorney or attorneys, providing for the payment of any amount for services in connection with the Creek equalization, shall be void and have no force or effect unless the same shall have been executed and approved in accordance with the law in existence at the timeof the making of such contract with relation to contracts with Indians, and it further provides that the money paid to allottees shall be exempt from any lien for attorney fees or other debt contracted prior to the passage of the act.

No attorney should receive any commission whatever on account of the payment of the money belonging to the Indians to their credit in the Treasury and in Oklahoma banks; that the Government is ready and willing to pay them, and I want to make it impossible for any contracts to be enforced, so far as this money is concerned, either with the nation or with individuals. There are a large number of individual contracts that provide for a fee of 10 per cent, and possibly much higher, to be paid to attorneys from the money received by the individual allottee.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I am heartily in favor of that provision which the gentleman has suggested being added as an amendment, which cuts the attorneys out. For instance, these Indians take from their own fund $5,000 and pay it for their own attorney, and their own attorney ought to bring the suit, and it is proper that he should, and that no one else should get anything out of it; but let me ask the gentleman about this language on page 68, beginning with line 10:

> Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified and prosecuted by the national attorney for the Creek Nation.

Of course that does not let the attorneys in.

Mr. BURKE of South Dakota. But it does not preclude attorneys from coming in.

Mr. FERRIS. We ought to have the gentleman's amendment, too.

Mr. BURKE of South Dakota. Yes. I want to say, however, that if Congress ever sends this claim to the Court of Claims, as contemplated by Senate amendment No. 137, and it results in a judgment against the United States of three or four or five million dollars, whoever is responsible for securing the legislation ought to receive a very substantial compensation, because without a willful effort on the part of some one Congress would not make it possible for a judgment to be entered upon a claim so wholly without merit as is this claim. I want to make it difficult, if not impossible, to obtain legislation giving life to all kinds of unmeritorious Indian claims such as in the past have resulted in large judgments being entered against the Government by the Court of Claims and in the payment of exorbitant and unconscionable fees that have caused scandal and discredited Congress.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. FERRIS. I know the gentleman always stands right on these attorney's fees, and I know he does not approve any of this grafting and snitching that goes on around this Capitol; but at the same time, as long as these Indians hire attorneys through the Interior Department, and the Interior Department selects them and pays for them out of their own money, why not cut out all outside attorneys?

Mr. BURKE of South Dakota. That would be doubtful.

Mr. FERRIS. If these attorneys are not competent, we ought to get rid of them and get somebody else.

Mr. BURKE of South Dakota. I think if an Indian is being denied his rights or thinks that he is being wronged, and especially where valuable property rights are involved, he ought to be permitted to be represented by counsel of his own selection, rather than by counsel selected by his guardian, and therefore I never have been willing to consent to legislation that would preclude an Indian from employing counsel. All I want to do, so far as Indians having the right to employ attorneys is concerned, is to limit the compensation that may be paid and to see that the compensation is reasonable. The gentleman knows that I was chairman of a committee that was authorized to investigate the subject of Indian contracts with attorneys in 1910. The committee found, and so reported to Congress, that there had been fees amounting to about $4,000,000 paid out of the Treasury of the United States to attorneys, and we denounced most of the fees that had been so paid as exorbitant, unconscionable, and in contravention of public policy. It is this that I want to stop.

Mr. FERRIS. The gentleman's committee did a very valuable service and I approve every bit of it, and I approve of all this business of attorney's fees being knocked out. But the Five Civilized Tribes of Oklahoma have their own attorneys designated, first, by the governors of the respective tribes, and who must be acceptable to the Interior Department, and they are in truth and in fact largely appointed by the Interior Department. They are paid by money out of the Indian funds, and if the attorneys they have are not sufficient, are not capable, they ought to discharge them and get men capable; but while they are capable, as I believe them to be, and while the Indians are paying them from their own funds, I ask who can represent them better than the attorneys of their own selection?

Mr. BURKE of South Dakota. The gentleman is an attorney himself, and certainly I do not think that he would be in favor of such an extreme proposition as is contemplated by Senate amendment No. 140. This proposition seeks to make any and all contracts with members of the Five Civilized Tribes void and of no effect, and the collection or receipt of any moneys shall constitute an offense punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both, regardless of whether the services rendered were valuable or whether the compensation of the attorneys is reasonable or unreasonable. To enact such a provision would not only be extreme, but ridiculous, and I do not believe the gentleman is the author of the amendment or that he favors it.

Mr. FERRIS. No; I am not the sire of amendment numbered 140 and I have not even read it.

Mr. BURKE of South Dakota. I should hope not.

Mr. FERRIS. But I want to say that my State has suffered, our delegation has suffered, our very influence has suffered, our feelings have suffered from too much of this outside attorney business and I am pretty tender on that proposition. I do not want to be characterized as a populist by saying I do not believe men ought to have attorneys when they need them, but it is a tender question in our State. Our Indians have been robbed and our State has been slandered. We do not want any more of it.

Mr. BURKE of South Dakota. For the information of the gentleman and the Members of the House, I want to cite a case in my own State for the purpose of showing what a wrong and injustice would have been done to an Indian woman if she had not been permitted to employ counsel. She was a member of one of the Sioux tribes and was denied the right of allotment. She selected a 320-acre tract and moved upon it and made a formal application to be allotted. The Indian Office refused to allot her, and held that she did not have sufficient Indian blood to entitle her to be allotted. The case was pending in the Interior Department for a number of years, first before the commissioner and then before the Secretary of the Interior, and notwithstanding she was represented by counsel, in every instance the decision was against her. In other words, her guardian, instead of protecting her in her rights, was endeavoring to deny them.

When the matter was finally decided by the Interior Department her attorney went into the United States court, and there she was resisted not only by the Interior Department but by the Department of Justice, and the attorneys of that department represented the Indian Office in endeavoring to prevent her from obtaining her legal rights. After an expensive and protracted trial the court entered judgment in favor of the woman

The list referred to by Mr. GARDNER is as follows:

Cases where relief has been granted by Congress to sufferers by fires, floods, earthquakes, diseases, etc.

	United States Statutes at Large.	Page.	Date of approval.	Amount.
Earthquake in Venezuela	2	730	May 8, 1812	$58,000.00
Earthquake in New Madrid	3	211	Feb. 17, 1815	(1)
Fire in New York City	5	6	Mar. 18, 1836	(2)
Indian depredations in Florida	5	121	Feb. 1, 1836	(1)
Fire, Portsmouth, N. H.	6	69	Feb. 12, 1803	(1)
Fire, Alexandria, Va.	6	356	Jan. 24, 1827	20,000.00
Fire, Norfolk, Va.	7	53	Mar. 19, 1834	(1)
Transportation supplies to sufferers in Ireland	9	207	Mar. 3, 1847	(1)
Indian depredations in Minnesota	12	652	Feb. 16, 1863	200,000.00
Accident at District of Columbia Arsenal	13	416	July 4, 1864	2,000.00
Fire, Portland, Me.	14	366	July 4, 1866	(1)
Do	14	369	July 27, 1866	(1)
Transportation supplies South	14	397	Feb. 22, 1867	(1)
Do	15	24	Mar. 29, 1867	(1)
Sufferers in South	15	28	Mar. 30, 1867	(1)
Seeds for South	15	28	do	50,000.00
Sufferers in South	15	246	Jan. 31, 1868	(1)
Transportation of supplies to France and Germany	16	598	Feb. 10, 1871	(1)
Fire at Chicago	17	41	Apr. 5, 1872	(1)
Postmaster's loss at Chicago fire	17	646	Mar. 12, 1872	(1)
Overflow of Mississippi River	18	34	Apr. 23, 1874	(1)
Do	18	45	May 12, 1874	100,000.00
Seeds for sufferers	18	308	Jan. 25, 1875	30,000.00
Sufferers	18	314	Feb. 10, 1875	150,000.00
Sufferers (grasshoppers)	19	371	Mar. 3, 1877	283.40
Sufferers	20	127	June 14, 1878	653.99
Refrigerating ship, yellow fever	21	1	Apr. 15, 1879	200,000.00
Colored immigrants	21	66	Mar. 5, 1880	(1)
Supplies to Ireland	21	303	Feb. 25, 1880	(1)
Cyclone, Macon, Miss.	21	306	May 4, 1880	(1)
Seeds to sufferers	22	44	Apr. 11, 1882	20,000.00
Mississippi River overflow	22	373	Feb. 25, 1883	100,000.50
Do	22	378	Mar. 10, 1882	(1)
Do	22	378	Mar. 11, 1882	(1)
Do	22	379	Mar. 21, 1882	150,000.00
Do	22	379	Apr. 1, 1882	100,000.00
Ohio River overflow	23	287	Feb. 12, 1884	300,000.00
Do	23	288	Feb. 15, 1884	200,000.00
Mississippi River overflow	23	289	Mar. 27, 1884	135,000.00
Do	23	273	June 7, 1884	(1)
Yellow-fever sufferers	25	630	Sept. 28, 1888	200,000.00
Do	26	681	Oct. 19, 1888	100,000.00
Recognition of kind treatment of Japanese to American crew	25	623	May 24, 1888	5,000.00
Mississippi River overflow	26	671	Apr. 21, 1890	150,000.00
Balance of appropriation to flood sufferers	26	679	Sept. 1, 1890	(1)
Tents for Arkansas, Mississippi, and Louisiana	26	33	Mar. 31, 1890	25,000.00
Removal of ice from Potomac	29	949	Feb. 15, 1895	5,000.00
Loss of tents, St. Louis, Mo.	29	475	May 28, 1896	(1)
Poor of India	29	703	Feb. 19, 1897	(1)
Ford's Theater disaster	29	932	Mar. 2, 1897	125,000.00
Do	29	273	June 8, 1896	131,539.00
Do	29	219	Apr. 7, 1897	34,540.00
Sufferers in India	30	220	June 1, 1897	(1)
Floods, Mississippi River	30	219	Apr. 7, 1897	200,000.00
Citizens of United States in Cuba	30	220	May 24, 1897	50,000.00
Sufferers of Maine	30	346	Mar. 20, 1898	(1)
Arms to Cuba (also supplies)	30	410	May 13, 1898	(1)
Diseases in District of Columbia	30	1300	Feb. 28, 1899	50,000.00
Sufferers of San Francisco	34	827	Apr. 19, 1906	1,000,000.00
Do	34	838	Apr. 24, 1906	1,500,000.00
Cyclone sufferers in Georgia, Alabama, Mississippi, and Louisiana	35	570	Apr. 30, 1908	250,000.00
Famine sufferers in China	36	919	Feb. 16, 1911	50,000.00
Earthquake sufferers in Jamaica	34	1209	June 13, 1907	(1)
Sufferers in Italy	35	584	June 5, 1909	800,000.00
Earthquake sufferers in Costa Rica	36	367	May 13, 1910	(1)

[1] Indefinite. [2] Unexpended balance.

Mr. STEPHENS of Texas. Now, Mr. Chairman, I move to disagree to Senate amendments numbered 76 down to 129, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to amendments 76 to 129, inclusive.

The motion was agreed to.

Mr. LOGUE. Mr. Chairman, I ask unanimous consent to have printed in the RECORD the address delivered by our colleague from Ohio [Mr. FESS] at the Philadelphia Independence Day celebration last Saturday.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report amendment No. 130.

Mr. STEPHENS of Texas. I move to disagree to that amendment without reading it.

The CHAIRMAN. The gentleman from Texas moves to disagree to amendment No. 130.

The motion was agreed to.

The CHAIRMAN. The Clerk will report amendment No. 131.

Mr. STEPHENS of Texas. I move to disagree to that amendment without reading it. It is quite a long amendment.

Mr. BURKE of South Dakota. I ask unanimous consent that amendments numbered 131 and 137 be considered together.

Mr. STEPHENS of Texas. I have no objection to that. I ask that amendment Nos. 131 and 137 be considered together.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that amendments Nos. 131 and 137 be considered together. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard on that before proceeding. It might be advisable to arrange as to the time to be consumed in discussing these two amendments.

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. BURKE of South Dakota. Perhaps it would be better to go ahead for awhile. I should like to proceed for 15 minutes. I ask unanimous consent that I may do so.

The CHAIRMAN. The gentleman from South Dakota asks unanimous consent that he may proceed for 15 minutes. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Chairman, Senate amendment No. 131 provides for the payment to the Creek Indians of the tribal funds now on deposit in the Treasury and in the National and State banks of Oklahoma a sum sufficient to equalize the allotments of all persons enrolled under the original Creek agreement of March 1, 1901, and the supplemental agreement of June 30, 1902, and the act of April 26, 1906, so that each may receive an amount which, added to the appraised value of the land already allotted, will make an amount equal to $800, including the land allotted. I am not opposed to the amendment, provided it is changed in form as I will indicate later on.

Senate amendment No. 137, which proposes to refer a claim of the Creek Indians to the Court of Claims, I am unalterably opposed to, because it is without merit and ought not to be adopted under any circumstances.

The gentleman from Minnesota [Mr. MILLER], in general debate when the Senate amendments were considered by the House in Committee of the Whole, stated a brief but accurate history of the so-called Creek equalization matter. Without going into it fully, I will say that the United States made an agreement with the Creek Nation, as they did with others of the Five Civilized Tribes, to allot their land, dispose of the surplus, and distribute the estates of the Indians equitably; the basis of equalization of the Creek Indians was fixed at $1,040.

The original Creek agreement, approved March 1, 1901, section 3, provided as follows:

CREEK AGREEMENT OF MARCH 1, 1901.

All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen 160 acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at $6.50 per acre, shall constitute the standard value of an allotment and shall be the measure for the equalization of values; and any allottee receiving lands of less than such standard value may at any time select other lands which at their appraised value are sufficient to make his allotment equal in value to the standard so fixed.

If any citizen select lands the appraised value of which, for any reason, is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands the appraised value of which is in excess of such standard value, he may pay the overplus in money, but if he fail to do so the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

It will be noted that this act provided that any allottee receiving lands of less than the value of $1,040 was permitted to take additional lands sufficient to make his allotment equal in value to the standard so fixed; that if any allottee selected lands the appraised value of which was in excess of the standard value, the excess of value should be charged against him in the future distribution of the funds of the tribe, and he was not to receive anything until all other citizens had received lands and money equal in value to his allotment. Subsequently, in

1902, section 2 of the act of 1901 was amended in the following particulars:

All lands belonging to the Creek Tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroad, and town cemeteries, in accordance with the provisions of the act of Congress approved March, 1901 (31 Stat. L., 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation. * * *

Paragraph 2 of section 3:

If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

SEC. 7. All children born of those citizens who are entitled to enrollment, as provided by the act of Congress approved March 1, 1901 (31 Stat. L., 861), subsequent to July 1, 1900, and up to and including May 25, 1901, and living upon the latter date, shall be placed on the rolls made by said commission. And if any such child has died since May 25, 1901, or may hereafter die before receiving his allotment of lands and distributive share of the funds of the tribe, the lands and money to which he would be entitled, if living, shall descend to his heirs as herein provided and be allotted and distributed to them accordingly.

* * * * * * *

SEC. 14. All funds of the Creek Nation not needed for equalization of allotments, including the Creek school fund, shall be paid out, under direction of the Secretary of the Interior, per capita to the citizens of the Creek Nation on the dissolution of the Creek tribal government. (Idem, p. 764.)

By the amendment of 1902 it will be noted that the lands were to be appraised at not to exceed $6.50 per acre, regardless of their actual value, and $1,040 was adopted as the standard value of 160 acres. If the Indian happened to select a tract that was worth $16,000, as some tracts that were allotted were actually worth, he was only charged with $1,040. Lands of less than the standard value were appraised on the same basis, so that lands worth $10, $20, or $30 an acre were appraised or valued as low as $1, $2, or $3 an acre. In other words, a great many were undoubtedly allotted lands of a greater value than $1,040, but were charged with a very much less amount, and they are now demanding, because there are not sufficient tribal funds to pay them the difference between the value of their allotments as charged and $1,040, that the United States make an appropriation sufficient to pay them. When the allotments were made many of the Indians, where the land was of less value that $1,040, were given a statement or "due bill" showing that they had been allotted a particular tract of a stated valuation, and if it was less than the $1,040 the statement showed the amount due them. These statements or due bills were in the following form:

Equalization certificates.

C. 7684.		C. 7812.	
TAYLOR, TIMOTHY (FULL).		ELIZA TALOMASE (FULL).	
W. SE. of 28—16—8—5 B. S. SW. of 28—16—8—7 B 5 B.		SW. of 7—15—7.	
Value	$1,040 560	Value	$1,040 600
Due	480	Due	440
C. 7575.		C. 7806.	
ROBERT SOLOMON (FULL).		YAHOLA MICCO (FULL).	
SW. of 5—16—8—7 B.		SE. of 8—15—7.	
Value	$1,040 320	Value	$1,040 480
Due	720	Due	560

Section 7 of the 1901 act as amended in 1902 provided that all children born subsequent to July 1, 1900, and up to and including May 25, 1901, and living on the latter date, should be enrolled. The Indian appropriation act of March 3, 1905, contained the following provision:

That the Commission to the Five Civilized Tribes is authorized for 60 days after the date of approval of this act to receive and consider application for enrollments of children born subsequent to May 25, 1901, and prior to March 4, 1905, and living on said latter date, to citizens of the Creek Tribe of Indians whose enrollment has been approved by the Secretary of the Interior prior to the date of the approval of this act; and to enroll and make allotments to such children. * * * (33 Stat. L., pt. 1, p. 1071.)

That the provision in the Indian appropriation bill for the fiscal year ending June 30, 1904, authorizing the Secretary of the Interior to sell the residue of the lands of the Creek Nation not taken as allotments is hereby repealed and the provision of the Creek agreement, article 3, approved March 1, 1901, is hereby restored and reenacted. (Idem., 1072.)

The act of April 26, 1906, providing for the final disposition of the affairs of the Five Civilized Tribes, provided by section 2 as follows:

SEC. 2. That for 90 days after approval hereof applications shall be received for enrollment of children who were minors living March 4, 1906, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek Tribes. * * *

It was these last acts, providing for the enrollment and allotment of the new borns, that furnished the basis for the claim now asserted by the Creek Nation and which is proposed to be referred to the Court of Claims by Senate amendment No. 137. Had it not been for legislation adding new borns, and had the allotments been made as contemplated by the original act, there would have been sufficient surplus land that would have been disposed of to have produced ample funds to pay each and every person holding these due bills what was coming to them up to $1,040, and there would have been a surplus remaining to be distributed as contemplated by section 17 of the act of April 26, 1906, which act is as follows:

SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living or to the heirs of deceased members.

The reason why Congress enacted legislation for the enrollment of new borns was because the Indians of their own motion, by a resolution adopted by their council, declared in favor of such legislation and requested legislation authorizing it.

The Creek council consists of two bodies, the same as a State legislature, one being the house of warriors and the other the house of kings. The resolution that was passed by the council as the basis for the legislation enrolling new borns, as provided by the acts of March 3, 1905, and April 26, 1906, is as follows:

OKMULGEE, IND. T., *November 3, 1904.*

Whereas the tribal relations of the Muskogee Nation do not expire until March 4, 1906; and

Whereas all children born to the citizens of said nation, so long as said tribal relations shall exist, are in truth and in fact citizens in the fullest sense of the word and are in conscience and equity entitled to all the rights and benefits by virtue of such birth and citizenship; and

Whereas there will be a vast amount of surplus land when the present plan of allotting will have been finally closed, estimated to be as much as 500,000 acres; and

Whereas it is a part of the unwritten as well as the written history of the country that the Creek Nation regard with sacred solemnity their every obligation, implied as well as declared:

Be it resolved by the national council of the Muskogee Nation, That the delegation or commission elected at this session of the national council be directed to request and vigorously urge the Congress of the United States to make all the necessary provisions for the selecting and allotting of 160 acres of land to each and every Creek citizen born since the 25th day of May, 1901, and living up to and including the 4th day of March, 1906.

Adopted November 3, 1904.

There were 2,918 children added to the rolls by the act of April 26, 1906. They were given allotments, and I believe were also given due bills or statements showing that they had a balance due them, the same as given to those allotted originally when the value of the land allotted was less than $1,040. By allotting these newborn children there was not enough land left to produce sufficient proceeds to provide the money necessary to equalize the allotments on the $1,040 basis; and, therefore, it is proposed by Senate amendment No. 137 to refer the matter to the Court of Claims, which would probably result in a judgment against the United States that would make it necessary to make a large appropriation out of the Treasury to pay the same—probably $3,000,000 or $4,000,000. As I have already stated, the newborns were allotted at the request of the Creek Nation by a resolution adopted by its council. It is claimed that because the resolution was not signed by the governor of the Creek Nation it did not become effective, but under the Creek constitution the failure of the governor to approve it within five days made it a law without his approval.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. BURKE of South Dakota. For a question.

Mr. MURRAY of Oklahoma. I will call the gentleman's attention to the fact that at the time the resolution was passed, there was a treaty, under the Curtis Act, that prohibited any resolution or law affecting lands to be valid until approved by the President, and, therefore, if the governor had done so, it would have been invalid and would have amounted to nothing more than a petition.

Mr. BURKE of South Dakota. The fact is the resolution was found in the desk of Chief Porter after his death and was not forwarded to the President until some two years after its adoption. I do not know whether it was approved by the President when it was received, or whether it has since been approved, but it may have been. If Executive approval was necessary, it could have been approved when it was received or at any subsequent time, which would have made it legal.

Mr. MURRAY of Oklahoma. Not if approved that late.

Mr. BURKE of South Dakota. Regardless of whether it was approved by the President or not, the Indians are estopped and are bound by the action of their council in adopting the resolution asking Congress to enroll the newborns. I am reliably informed that such a resolution as was passed by the council did not require the approval of the President, as it was a mere memorial and was not within the acts that require the Presi-

There was no objection.

Mr. STEPHENS of Texas. Has the gentleman taken into consideration the fact that this has been raised from $50,000 to $75,000 by amendment numbered 74?

Mr. MILLER. I think it was by habit rather than by amendment.

Mr. STEPHENS of Texas. That would make $75,000 for these three?

Mr. MILLER. Yes.

Mr. STEPHENS of Texas. We have adopted an amendment to the effect that these hospitals should cost no more than $12,500 each. Is it not a fact that in that country they have a worse climate than in New Mexico and Arizona? Is not that the reason why you ask $25,000 for each of the new hospitals?

Mr. MANN. If the gentleman from Minnesota will permit, the gentleman from Texas having come over to the side I advocated on Tuesday, the gentleman said we adopted an amendment and put the price of these hospitals at $12,500. Inasmuch as I moved to do that and the gentleman from Texas strenuously, powerfully, and successfully defeated the proposition, why does he say we adopted it?

Mr. STEPHENS of Texas. We were trying to get it in conference, that is all.

Mr. MANN. You defeated it.

Mr. STEPHENS of Texas. I desire, Mr. Chairman, to ask the gentleman from Minnesota with reference to his climate—whether it is necessary to use more money in that climate than elsewhere?

Mr. MILLER. Yes; this is the most rigorous climate, so far as that is concerned, in the State, and the hospital has to be protected from the cold and storm.

Now, that point which I particularly desire to mention I have not yet reached. I do not believe there is any need for three more hospitals. We already have one. Two more are needed, one for the Red Lake Indians, who occupy a region to the north and northwest of White Earth, and one for the scattered bands of Indians who occupy the northeastern part of the State.

Now, it was by reason of my personal knowledge of conditions in the northern part of our State and the condition of the Indians that the phraseology was framed as it was in the House bill, locating one of the two hospitals at Red Lake and locating the other of the two at the Fond du Lac Reservation. I understand the Indian Office requested the change. I know the Indian Office is wrong, all wrong, up and down, in and out. They want the privilege of locating these hospitals at any place they see fit, and I have my own personal reasons for knowing that their information is inadequate to enable them to tell where these hospitals ought to be located. And if the conferees are not able to prevail and to have the original language of this bill retained I beg of you here and now to strike it all out.

I am speaking for the Indians, among whom I travel every year in that State, and whose condition I know, and not for a set of bureaucratic employees who sit 1,500 miles away and have some hypothetical notions of their own. I make that strong and I make it emphatic, and I certainly will be glad to add to the statement if anything may be lacking in what I have already said.

Mr. STEPHENS of Texas. I want to ask the gentleman if this reservation is in the gentleman's district?

Mr. MILLER. Red Lake is not. Red Lake is in the extreme western part of the State. Fond du Lac is in my district.

Mr. STEPHENS of Texas. Is the gentleman familiar with the country?

Mr. MILLER. I am. I have traveled over every foot of it. I know that the Fond du Lac is the place, beautifully located, beautifully situated for a hospital of this kind, and is accessible by reason of railway communication to all of the various scattered bands in the northeastern part of the State. We want to have those bands taken care of. Unless the language remains in the bill as originally drawn there will be no hospital for the Indians in the northeastern part of the State. I know what I am talking about.

Mr. STEPHENS of Texas. Question, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to amendments numbered 74 and 75. The question is on agreeing to that motion.

The motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I also move to disagree to Senate amendments numbered 76 down to 111.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendments numbered 76 to 111.

Mr. MANN. From 76 to 110, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to Senate amendments numbered 76 to 110, inclusive. The question is on agreeing to that motion.

Mr. MILLER. Mr. Chairman, I would like to have just one moment——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman——

Mr. MILLER. In which to call the attention of the conferees to amendment numbered 77, where it is provided that no appropriation exceeding $5,000 in amount can be made from the fund belonging to the Chippewas of Minnesota until such appropriation shall have been appropriated by a majority vote of the Indians cast in a regular election.

There are just two things I want to call attention to. I do not know the origin of this amendment. In the first place, that would prevent Congress from carrying out a treaty stipulation, which is about $167,000 each year of the funds belonging to these Indians shall be appropriated for certain specific purposes. Second, there is no tribe of Indians in Minnesota that could come under the description in this paragraph. There is no machinery by which a vote could be had of the Indians scattered in various bands of the State, even if there were a tribal organization.

Mr. MANN. If the gentleman will allow me a suggestion, third, several of these Senate amendments, making appropriations, make their sums immediately available, which would be in direct conflict with this amendment.

Mr. MILLER. Yes.

Mr. BURKE of South Dakota. And I want to say to the gentleman that it would be requiring an annual referendum of what is now a solemn treaty.

Mr. MILLER. Certainly.

Mr. EVANS rose.

The CHAIRMAN. The gentleman from Montana [Mr. EVANS] is recognized.

Mr. EVANS. Mr. Chairman, referring to amendment 82, on page 38, that amendment has been placed in the bill by the Senate, providing that certain moneys shall not be used for the reclamation of certain lands in Montana until an opinion is rendered by the Attorney General. I sincerely hope the House will reject this amendment and that the conference committee will also reject it. I know of no reason why it should be in the bill.

The item referred to relates to the Flathead Indian Reservation, which is being reclaimed, and for which there has been an annual appropriation by Congress of from $200,000 to $400,000. In the hearings the Assistant Indian Commissioner appeared before the committee in my absence and asked finally for $100,000 for this purpose. I took up this matter with the commissioner, and the commissioner told me, in effect, that it was an error, and that he would recommend $250,000 for this year's appropriation. He told me positively and unequivocally that I should have that recommendation before the Indian Committee, while the bill was before that committee of the House.

Unfortunately I was called to Colorado on an investigation, and I could not get this recommendation from the Commissioner of Indian Affairs. I wired from Colorado, and was advised by his assistant that the commissioner was out of town, and consequently the matter never got before the House. These facts I know of my own knowledge. I was then told by the commissioner himself that he would place the recommendation before the Senate for $250,000. When it was placed before the Senate committee, it was done by a subordinate, or by the assistant commissioner, with this string tied to it, with this proviso requiring an opinion by the Attorney General.

If this proviso is adopted, you might as well abandon the expenditure of that money and the reclamation of that reservation. If you have to go to the Attorney General every time, why do we not go to the Attorney General with reference to the Fort Peck Reservation, the Blackfoot Reservation, the Crow Reservation, and every other reservation in the country before you spend a dollar?

I have my own opinion as to why the assistant commissioner has insisted on this proviso, but I am not quite prepared to give it to this committee at the present time; but I sincerely hope they will not encumber that work, or stop it by consenting to the adoption of this provision.

Mr. STEPHENS of Texas. I understand the gentleman has no objection to disagreeing to this amendment.

Mr. EVANS. No; I want it disagreed to; and I hope the conferees will insist on rejecting it.

Amendment No. 81, which provides for the increase of the appropriation from $100,000 to $250,000, I favor. My objection

is to the proviso attached, which is amendment No. 82, and reads:

Provided, That no part of this appropriation shall be expended unless the Attorney General of the United States shall, after submission to him by the Secretary of the Interior of a request for an opinion thereon, hold affirmatively that, in his opinion, the Indians under existing law are protected and confirmed in their water rights.

Why this proviso should be attached is beyond my comprehension, unless it is simply to stop the work on this project, which it will no doubt very effectually do. If it is the intention of Congress or the Indian Bureau to abandon this work, let us do it in the open and not by subterfuge. If this appropriation is to be made, let it be made without conditions and subject to immediate use, or it will serve no useful purpose.

The work is in progress now, but new contracts must be entered into, and the Reclamation Bureau must know what money is to be available, that they may let their contracts for the ensuing year's work. Nobody knows when an opinion might be handed down by the Attorney General; and in the meantime the work is at a standstill, and in all probability the whole working force has been dissolved and discouraged.

With the permission of this House, I desire to incorporate in my remarks a brief summary of this project and the recommendations of the Reclamation Service for this year's appropriation:

Mr. MERRITT. We offer for the record the following justification:

Irrigation system, Flathead Reservation, Mont. (reimbursable).

Fiscal year ending June 30, 1914, amount appropriated	$325,000.00
Fiscal year ended June 30, 1913:	
Unexpended balance from previous year	85,429.63
Amount appropriated	200,000.00
	285,429.63
Amount expended	167,573.52
Unexpended balance	117,856.11
ANALYSIS OF EXPENDITURES.	
Salaries, wages, etc	78,736.95
Material	18,395.69
Earnings on Nelson Rich contract	69,440.88
	167,573.52

This work is being done by the United States Reclamation Service.

Statistics, Flathead Reservation, United States Reclamation Service.

Census, 1913		2,281
Present irrigable area	acres	38,000
Irrigated area	do	2,364
Area under completed project	do	152,000
Cultivated by Indians	do	1,088
Cultivated by whites	do	2,278
Value of irrigated land per acre		$100
Expended to June 30, 1913 (reported by United States Reclamation Service. Expended, Indian Office, $1,036,650.61)		$1,214,561.78
Estimate for fiscal year 1915		$100,000
Cost of completed project, estimated, United States Reclamation Service		$6,000,000

DEPARTMENT OF THE INTERIOR, UNITED STATES RECLAMATION SERVICE—FLATHEAD PROJECT, MONTANA.

Justification for estimate of needs for irrigation work on the Flathead project, Montana, during the fiscal year ending June 30, 1915:

A minimum appropriation of $500,000 is required.

The work proposed to be done with the appropriation asked for consists of the following items:

1. Current expenses: The item for current expenses is presented to cover operation and maintenance costs and stream gauging. Operation and maintenance will return to the Government all, or a large part, of the expenditure on that account. The total for all expenditures taken this into account in that it exceeds the minimum appropriation of $500,000 asked for by $22,000.

2. Repairs to buildings and property: Repairs to buildings and property will cover repairs on existing camp buildings and maintenance work on the canal systems.

3. New construction: The following appear to be the most needed additions to the existing works for the reasons given below.

Additional storage should be provided. There are considerable areas in Poison, Post, and Pablo divisions not commanded by the present reservoir construction, and none of the Mission division is so covered. With the cultivation of additional areas and the coming of a dry year similar to the year 1910 storage will be absolutely necessary to insure irrigation in the areas named when irrigation is most needed, and the most available site for this purpose is St. Mary Lake, commanding all the area named and being apparently the cheapest site to develop. Water will be taken from branches of the Jocko River to storage in St. Mary Lake. About 5 miles of canal will serve for the first season, bringing water in from Fall Creek, and later 3 miles more of canal will be required for full supply. At the lake an outlet tunnel will be driven to lower lake-level, giving a storage capacity of 12,000 acre-feet below the present level.

The Pablo feeder canal will be extended south to tap Dry Creek, a distance of about 14 miles. Dry Creek is the natural outlet of St. Mary Lake, and this will complete the channel by which Jocko River water may be used where needed in Mission Valley between St. Ignatius and Poison, Mont. The extension of Pablo feeder canal will also form a distributing canal for over 9,000 acres of allotted land in Mission division, to reach all of which will require small laterals only.

The estimate includes the extension of small canals in Pablo division to reach 5,000 acres of new land about equally divided between allotments and homesteads.

In Post division it is proposed to build a canal from Post Creek to reach about 5,000 acres of new land lying from 5 to 10 miles north and west from St. Ignatius. This land is about one-third Indian allotments, the remaining two-thirds being held by homesteaders who are very anxious for water.

West of the Flathead River in Camas division there are about 15,000 acres of sagebrush land which has been divided into farm units practically all of which, where not Indian allotments, have been entered. The settlers have for three years tried dry farming, and at the present time the United States commissioner, resident at Camas, Mont., states that about one-fourth of all the settlers have left their places as they will not yield a living under dry farming. This land is most in need of water of any on the project, and it is proposed to begin work here by constructing the first 12 miles of conduit from the Little Bitter Root River, beginning near the north boundary of the reservation. The construction of a small dam at the Little Bitter Root Lake, in section 21, township 27 north, range 24 west, M. P. M., to store the entire run-off above that point is also included in the estimate.

Your attention is called to the fact that with annual appropriations of $500,000 each year it would require about 10 years to complete the Flathead project.

E. F. TARON,
Project Engineer.

Approved, August 13, 1913.

CHAS. P. WILLIAMS,
Acting Supervising Engineer,
United States Reclamation Service.

You will observe that the engineers on the ground doing this work recommend an annual appropriation of $500,000 and advise that with that amount appropriated each year, it will take 10 years to complete the project. In my judgment, there is no more meritorious project in the whole Reclamation Service; and to appropriate only $100,000 annually it would take 60 years to consummate the work. It is a project where both the Indian and the white man are satisfied and want the work to go on. From the standpoint of economy it must appeal to you that it were better to appropriate a reasonably adequate sum to proceed with this work; every business man knows that every time work of this kind stops and again starts, there is great loss in disposing of the old organization and assembling the new, and much economy would be effected by continuous work with such equipment and force as a successful business man would assemble for carrying on a work of that magnitude. If, as it has been suggested, in appropriating this reimbursable money we are not doing justice to the Indian, then I suggest that if it is wrong to use $250,000, the ethics of the situation does not change when you cut it down and use $100,000.

My personal convictions are that the best possible use is being made of this money for both Indian and white man. The Indians can make no use whatever of their allotments unless they can get water; the lands opened by act of Congress to the white man are valueless to him and the Indian alike unless the work goes on. Three or four thousand homestead entrymen have purchased these Indian lands and made at least part of their payments under a tacit agreement with the Government that this reclamation work would go on. The lands will amply stand the expenditure for the work if it is carried on in an efficient and businesslike manner. A million and a half has already been expended, put largely into main canals, and it would be utter folly not to proceed now to the distribution of the water by lateral ditches and canals.

The resources from which these lands are being reclaimed belong to the Indian, but he is doubling and trebling his resources by the work and making his own land susceptible to cultivation and the production of splendid crops. If the Indian is to be civilized he must be taught by precept and example; he must be shown how to make his allotment yield him something, and in the case under discussion this can only be done by proceeding with reasonable diligence toward the consummation of this project. Our duty is to the Indian of the present generation, as well as those of the future, and the Indians of to-day who actually own the resources of this reservation should enjoy some of the fruits of their ownership and should not be compelled to starve to death on an allotment of unreclaimed land when there is abundance of water running untrammeled to the sea.

Mr. STEPHENS of Texas. I ask for a vote on the motion to disagree to the Senate amendment.

The motion to disagree to the Senate amendment was agreed to.

Mr. GARDNER. Mr. Chairman, in connection with the relief for Salem, which is probably coming up to-morrow, I ask unanimous consent to extend my remarks in the RECORD by inserting a list of the cases in which relief has been granted by Congress to sufferers by fire, flood, earthquake, disease, cyclone, and so forth.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

equipment is not what it should be, and I think all will agree that there is no race in the world to-day, or at least in this country, that is afflicted so generally with tuberculosis as is the Indian race, and I think the members of the committee will also agree that there is nothing that tends to combat the ravages of tuberculosis so much as proper exercise.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. WOODRUFF. Yes.

Mr. STEPHENS of Texas. This is a nonreservation school. It is not on an Indian reservation.

Mr. WOODRUFF. It is not.

Mr. STEPHENS of Texas. I see they have raised the number of Indians from 325 to 350.

Mr. WOODRUFF. Yes.

Mr. STEPHENS of Texas. Is the gentleman aware that for many years the House and also the department has objected to increasing the number of pupils in nonreservation schools, and increasing the buildings, with a view to educating Indians on the reservations—in other words, to take the schools to the Indians and not the Indians to some outstanding nonreservation schools, and does not the gentleman believe himself that would be good policy?

Mr. WOODRUFF. Possibly; but I think the gentleman will find that there are not many reservations in Michigan. We have Indians in Michigan living everywhere throughout the State.

Mr. STEPHENS of Texas. Then, if they are not on reservations, are they not citizens of the State?

Mr. WOODRUFF. Possibly.

Mr. STEPHENS of Texas. And voters of the gentleman's State?

Mr. WOODRUFF. Possibly.

Mr. STEPHENS of Texas. Then, do they not attend the public schools of the State?

Mr. WOODRUFF. I know of no instance where they do.

Mr. STEPHENS of Texas. Do the school laws of the State prohibit Indians from attending the schools with the white children?

Mr. WOODRUFF. I think not; but as long as this is an educational institution and is being provided for by the Government for these Indians in Michigan, I think the facilities offered should be at least on a par with the average high school of the State.

Mr. STEPHENS of Texas. Mr. Chairman, I hope the amendment will be disagreed to.

Mr. WOODRUFF. Mr. Chairman, I do not wish to move to concur, but I trust that the conferees will do what they can to retain this item.

Mr. STEPHENS of Texas. I will assure the gentleman that we will give the matter careful consideration. There are several items in this bill where they have increased the number of pupils in the nonreservation schools and very largely increased the amount of money. The policy has been to give only enough money to keep the schools up to the present standard and not to enlarge the schools and give them new buildings that are not necessary.

Mr. MANN. But hope springs eternal in the human breast.

Mr. WOODRUFF. I do not think this presupposes the enlargement of any facilities they already have. I think it presupposes the building of a gymnasium and the other departments spoken of.

Mr. MANN. Mr. Chairman, I suggest that the motion of the gentleman cover amendments 59 to 69, both inclusive.

Mr. STEPHENS of Texas. Very well, Mr. Chairman, I will make that motion, to disagree to amendments 59 to 69, both inclusive.

The CHAIRMAN (Mr. ABERCROMBIE). The question is on the motion of the gentleman from Texas to disagree to Senate amendments 59 to 69, both inclusive.

Mr. MILLER. Mr. Chairman, I trust the gentleman will exclude from that No. 65 and also No. 67.

Mr. MANN. Then I suggest to the gentleman that he make his motion 59 to 64.

Mr. STEPHENS of Texas. Then I will add 59 to 64.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to amendments numbered 59 to 64.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

Amendment numbered 65: Page 30, line 25, strike out "$215,000" and insert "$173,500."

Amendment numbered 66: Page 31, line 9, strike out "$50,000" and insert "$20,000."

Amendment numbered 67: Page 31, line 11, after the word "Indians," insert "to whom allotments have not heretofore been made."

Mr. MILLER. Mr. Chairman, I ask unanimous consent that amendments numbered 65, 66, and 67 be considered together. They all relate to the same thing.

Mr. STEPHENS of Texas. There is no objection to that; it is all a part of the same subject matter.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. Does the gentleman desire to disagree to all three amendments?

Mr. STEPHENS of Texas. I move to disagree to those three amendments—65, 66, and 67—and I now yield to the gentleman from Minnesota.

Mr. MILLER. Mr. Chairman, I desire to be heard for a moment on this. I would like to call the attention of gentlemen who will certainly be conferees representing this body in the further consideration of this bill to this particular item. At my request in the consideration of this bill originally the item of $50,000 was inserted for the purpose of purchasing lands and homes for certain Indians now living in the Mille Lacs region of Minnesota. The $50,000 was not to come out of the United States Treasury, but to come out of the funds of the Indians themselves. These particular Indians are the ones who cling tenaciously to the spot where their ancestors had lived back through many generations. It is an ideally beautiful spot, where there is a magnificent and beauteous blending of blue sky, fine trees, and magnificent hills. You can not blame them for wanting to remain there. There are 402 of them. Some of them have allotments, but most of them have not. They are trespassers; they are almost outlaws in the sense that they are occupying a region belonging to the whites; but yet they prefer to remain there even under those conditions. It is desired that $50,000, or so much thereof as may be necessary, be used to purchase lands for these Indians on which they can make homes, so they will not be hunted or driven. The Indian Office or the Department of the Interior have exhausted every resource, and I may add that I myself have contributed every suggestion and aid that I could in the past 15 years to get these Indians to move, but it can not be done. Now the Senate has reduced the amount from $50,000 to $20,000.

Mr. STEPHENS of Texas. Will the gentleman permit me at that point?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman think that is a mistake, inasmuch as that is the only instance in this bill where they have reduced the amount? Does not the gentleman think they must have made a mistake?

Mr. MILLER. I think they have made a very great mistake, and I can not understand how it ever quite occurred; but I desire to make this statement in order that the conferees representing this body will see to it that this mistake is corrected and that no such inadvertence as this will pass and eventually be written into law. Twenty thousand dollars really is insufficient to purchase this land for these Indians. I am not sure it will take $50,000; I do not think it will; but that amount should be named in order that the Secretary of the Interior may use such sum up to that amount as circumstances may require.

Mr. STEPHENS of Texas. Can the gentleman inform us how many of these Indians there are?

Mr. MILLER. There are 402.

Mr. STEPHENS of Texas. Why are they called homeless Indians?

Mr. MILLER. Because they have no home of their own. They are trespassers, literally, squatting upon lands not belonging to themselves, except a limited number, who live on land belonging to a hereditary chief.

Mr. STEPHENS of Texas. Can the gentleman inform us why the President, by Executive proclamation, has not set apart some portion of the public land somewhere for these Indians?

Mr. MILLER. I do not think it would do any good, because there are no public lands in the State which can be used for that purpose, and you can not induce these Indians to go to another place. While it is true their property is all merged in property belonging to the Chippewas of Minnesota, yet it is a matter of fact that a suit has been successfully terminated, or practically terminated, against the United States Government for damages growing out of the use of land in this immediate vicinity where those people lived, and probably a million dollars will be recovered.

Now, while they have a per capita share in the general fund belonging to the Chippewas, they themselves have nothing now in their possession, and live a most precarious life, existing from hand to mouth, and at least a reasonable sum of money belonging to the Chippewas of the States should be utilized to give these people a permanent and suitable abiding place.

Mr. MANN. Would my friend yield for a question?

Mr. MILLER. Certainly.

Mr. MANN. What occupation do these Indians follow?

Mr. MILLER. They fish a little, pick some berries, and work by the day as opportunity for work exists among the farmers in that region. It is not in the vicinity of any industrial center, but it is a farming region that has been but recently settled; by recently I mean during the last 10 years.

The CHAIRMAN. The time of the gentleman has expired.

EXTENSION OF REMARKS.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask permission to extend my remarks in the RECORD by including an address delivered by the Hon. J. HAMPTON MOORE on the Fourth of July, at the dedication of the soldiers' monument at Southbridge, Mass.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

INDIAN APPROPRIATION BILL.

Mr. FOWLER. Mr. Chairman, these three reductions are among the few reductions made by the Senate in this bill since it left the House, and if the statements of the gentleman from Minnesota [Mr. MILLER] are true these reductions probably are not warranted. The House gave a great deal of consideration to this bill when it was before us some weeks ago, and I was impressed then with the belief that many items in the bill were too large and could have been materially reduced without injury to the Indian Service. Now, when this bill comes back from the Senate we find it carrying something like two and a half million dollars more than it did when it left the House.

If a certain provision placed in the bill by the Senate be considered as an increase—that is, the $100 allotment—it will carry about four and one-half million dollars more than it carried when it left the House.

Mr. Chairman, just what has occurred to this bill has occurred to all appropriation bills on their return from the Senate to the House. I am not disposed to criticize any Member of either House of Congress, but I have wondered why it is that the other end of the Capitol has never learned to travel the other end of the road. Invariably we find they travel the end of the road which we call "increase" instead of that part which we call "decrease."

Now, if the gentleman from Illinois [Mr. MANN] is correct in his statement that the House spends weeks in the consideration of the appropriation measures where the Senate spends days, that may account for it; but I have not been disposed myself to accredit the increases in these appropriation bills to a want of sufficient consideration. But what I am seriously at a loss to know is the reason why all these appropriation bills when they come back to the House from the Senate carry material and apparently unwarranted increases. This has been the practice for the last three years, to my personal knowledge. Members who have served in the House a long time have a better idea than I, perhaps, as to why these increases are so often and so persistently made by the Senate. I think, Mr. Chairman, that the time has come when the House ought to stand by the appropriation bills that have been passed by it and refuse to agree to the enormous increases which are added by the Senate. I do not believe that the Senate ought to have a right to increase the appropriations, although that is the rule now, but I think it could employ its time a great deal more favorably to the country if it would learn to revise the appropriation bills as they come from the hands of the House downward instead of upward. This would act as a check upon the extravagance of the House, which is much needed. [Applause.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I renew my motion that we disagree to amendments Nos. 65, 66, 67, and 68.

The CHAIRMAN. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] that we disagree to amendments 65, 66, 67, and 68.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

Mr. STEPHENS of Texas. I desire to ask whether we can agree upon several amendments at this point.

Mr. MILLER. I suggest that we disagree to amendments 69 to 73, inclusive.

Mr. STEPHENS of Texas. Then I ask that we disagree to amendments from No. 67 to No. 73, inclusive.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to Senate amendments 69, 70, 71, 72, and 73, inclusive.

The motion was agreed to.

Mr. MILLER. Now, if the gentleman will move to disagree to amendment No. 74, I would like to be heard on it.

Mr. STEPHENS of Texas. I move to disagree to amendment No. 74 without reading it, Mr. Chairman.

Mr. MILLER. Nos. 74 and 75.

Mr. STEPHENS of Texas. No. 75 corrects No. 74.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves that the committee disagree to amendments Nos. 74 and 75.

Mr. MILLER. Mr. Chairman, I desire to be recognized. I am more interested, I believe, in this provision than in almost any other provision in the entire bill, because it is a project that I have personally been advocating and working on for many years.

Mr. STEPHENS of Texas. To which one does the gentleman refer?

Mr. MILLER. To 74 and 75.

We have appropriated a large sum in an earlier part of the bill with which to fight malignant diseases among the Indians of the United States generally. I hope the membership of the House will observe the fact that this appropriation is for a like purpose, but does not come out of the United States Treasury, being paid for by the Indians themselves. The original plan was to build a single hospital in a State for the care of Indians in that State. It was shown that that was an inadvisable method of procedure. There are not many Indians in Minnesota—only 11,000—and they are scattered very widely in the northern part of the State. In one region known as the White Earth region about half of them are collected. The others are scattered into relatively small bands throughout the northeastern and north-central parts of the State. We appropriated two years ago out of the funds belonging to the Chippewa Indians $20,000 with which to build a hospital at White Earth to accommodate those Indians living at that place. That hospital has been successful. It has been an important and valuable adjunct in the treatment of trachoma and tuberculosis. It is desired, therefore, that the same aid and the same facilities accorded the White Earth Indians shall be extended to the other Indians residing in other parts of the State.

Mr. STAFFORD. Will the gentleman inform the committee why it is not feasible to have one central hospital rather than to have three?

Mr. MILLER. Because a central hospital necessitates the transportation of all the Indians such great distances that they are very much opposed to going, and the expense of taking them there is so great it makes it difficult.

Mr. STAFFORD. I suppose when they are conveyed there they are lodged in the hospital for a great length of time?

Mr. MILLER. Not all of them. Trachoma can be cured in a short length of time. For instance, to take an Indian from Grand Portage, which is in the extreme northeastern tip of the State of Minnesota, to White Earth, which is in the center of the Indian population of the State, would involve a journey of three or four days and require transportation by boat and by rail, changing cars twice, and involving an expenditure of, say, $100.

Mr. STAFFORD. So far as State hospitals are concerned, the gentleman is aware of the fact that they have one central institution for the entire citizenship of the State, and they have that because it is more economical.

Mr. MILLER. Yes; and the gentleman can very well add also that one single hospital can be much better constructed, much better equipped, and much better taken care of than can half a dozen. But in this particular work of treating trachoma and tuberculosis, it is desired to keep them scattered as much as possible, not to bunch them together in a great crowd, and to build smaller hospitals at places where they can be accessible to the various Indian tribes.

Mr. STAFFORD. I assume that in the gentleman's State they have tuberculosis hospitals, as we have in Wisconsin?

Mr. MILLER. Yes.

Mr. STAFFORD. And they are not distributed generally throughout the State?

Mr. MILLER. No.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. STEPHENS of Texas. If the words "hereafter employed" should be inserted after the words "any employee," that would not take effect until July 1, 1915, and that would give them 11 months.

Mr. MANN. It would be effective when the bill became a law. "Hereafter" would mean the moment this bill is signed by the President and becomes a law.

Mr. STEPHENS of Texas. It would be an easy matter to amend it, because the provision will be in conference.

Mr. MANN. It will not be an easy matter to amend it after it has become a law.

Mr. STEPHENS of Texas. This bill has never been in conference.

Mr. MANN. No; this bill has never been in conference, and we who are opposed to the provision know perfectly well that if it goes to conference that it will remain in the bill.

Mr. STEPHENS of Texas. How does the gentleman know what six men will do when he does not even know at the present time who those men will be?

Mr. MANN. But I do know who the men will be.

Mr. STEPHENS of Texas. Then, as I said yesterday, the gentleman certainly has supernatural powers.

Mr. MANN. No; but I can tell the gentleman who the House conferees will be. The conferees on the part of the House will be the gentleman from Texas [Mr. STEPHENS], the gentleman from Oklahoma [Mr. CARTER], and the gentleman from South Dakota [Mr. BURKE]. If my friend from Texas does not know that much, I do know it, and I leave it to future events to show whether I guess right or not. It does not require any supernatural power.

The CHAIRMAN. The question is on the motion of the gentleman from Wisconsin [Mr. STAFFORD] to concur to the Senate amendment.

The question was taken; and on a division (demanded by Mr. STEPHENS of Texas) there were—ayes 50, noes 9.

Accordingly the motion of Mr. STAFFORD to concur to the Senate amendment was agreed to.

Mr. STEPHENS of Texas. I ask for the reading of amendment 31.

The CHAIRMAN. The Chair will state to the gentleman from Texas that amendment 31 has been disagreed to.

Mr. STEPHENS of Texas. Then, the next amendment is No. 32, under the head of "Arizona and New Mexico."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment 32: On page 17 of the bill, after line 23, insert the following:

"To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose."

Mr. STEPHENS of Texas. Mr. Chairman, will there be any objection to disagreeing to all of the amendments and items under the various States where the amounts have been increased? I have a list of them here. Most of them are with reference to schools.

Mr. MILLER. That means that most of the items are additions and would come under the head of increases. For instance, No. 32 is really a new item.

Mr. STEPHENS of Texas. I refer to those that are increases.

Mr. MANN. I suggest to the gentleman that he move to disagree to this amendment.

Mr. STEPHENS of Texas. I move to disagree to amendment No. 32.

The motion was agreed to.

Mr. STEPHENS of Texas. I move that we disagree also to amendment No. 33.

Mr. MANN. Let the amendment be reported.

The Clerk read as follows:

Amendment 33: Page 18, lines 17 to 20, inclusive, strike out the following: "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid."

Mr. MANN. Mr. Chairman, I move to concur in the Senate amendment. I do this only for the purpose of getting it before the committee. I will withdraw the motion if the gentleman will make a motion which will get the matter before the committee.

Mr. STEPHENS of Texas. I move to disagree to amendment 33.

Mr. MANN. Mr. Chairman, in Arizona and New Mexico, particularly in Arizona, there seem to be a number of places where they desire to have bridges built across rivers for the benefit of the Indian tribes there. They say that it is necessary for the Indians to have these bridges built. The Indians own vast areas of land, and if the bridges are to be built, it seems to me there is no reason why the cost should finally be paid out of the Treasury of the United States. On the contrary, the cost should be charged, eventually at least, to the Indians themselves, who are quite able to pay the bills when their land is disposed of.

This is for the construction of a bridge across the Moencopi Wash, on the western Navajo Indian Reservation, Ariz. This came before the House after several other propositions of a similar character had been passed, and it was provided that the money so advanced should be reimbursable.

The Senate has stricken that out. I suppose at the instance of one of the distinguished Senators from Arizona. Not only have they stricken out that reimbursable item as to this bridge, but they have inserted as another amendment to this bill a provision repealing an item that we put in the bill last year for a bridge, making it reimbursable from the Indian fund. Not only have they done that, but they have stricken out of this bill a provision for an investigation as to the necessity of a bridge across the Colorado River, which would probably have carried a reimbursable provision, and they have inserted an amendment that that bridge be built and paid for out of the General Treasury and not be reimbursable, and have even provided that the bridge shall be built under the general bridge act, which of course is as foolish a thing as could be done, because there is no navigation there, and the War Department has no control over it and knows nothing about it, and ought to know nothing about it.

Now, if I may learn it, I should like to know the attitude of my distinguished friend from Arizona [Mr. HAYDEN] and of the distinguished gentlemen who will be on the conference committee, as to whether they are willing to stand by the attitude of the House and keep the agreements which were made when this provision went into the bill in the first place, or whether it has become their policy to let the Government build these bridges for the benefit of Indians who are able to pay for them, without requiring the reimbursement of the General Treasury?

Mr. STEPHENS of Texas. If the gentleman desires to know my personal views, I think the House provision was correct, and that the Senate committed an error when they struck it out and made it not reimbursable. Now, it may be that in the future there may be a vast sum of money arising from the sale of land, timber, and so forth, that will go into the Treasury.

Mr. MANN. It is certain that there will be a vast sum of money going to somebody out of these lands, because the lands are worth it, and are becoming more valuable every year as time goes on.

Mr. STEPHENS of Texas. The gentleman is correct, and I assure him for that reason that if I am on the conference committee I shall insist on standing on the House provision.

The CHAIRMAN. The question is on the motion of the gentleman from Texas that the House disagree to Senate amendment No. 33.

The motion was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

Mr. MANN. Mr. Chairman, amendments 35 to 40, inclusive, carry largely the same question that was involved in amendment 33, which the gentleman has spoken of. So far as I am concerned, I am willing to disagree to all these amendments.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to amendments 34 to 39, inclusive.

The CHAIRMAN. The gentleman from Texas moves to disagree to Senate amendments 34 to 39, inclusive.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 22, insert the following:

"There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be

withdrawn or applied except in consequence of a subsequent appropriation made by law."

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to Senate amendment No. 40.

Mr. MANN. Mr. Chairman, there are a number of these amendments, and I do not wish to detain the committee as they come up. The House provided in the bill the sum of $400,000 for the department to use in advancing money to the Indians for agricultural implements, stock, seed, and such things as that, with the provision that it should be repaid, supposedly in annual payments ending in 1925. In the House provision as presented there was what was known as the revolving appropriation, which is carried in this and various other Senate amendments, but which is not included in the House proposition appropriating the $400,000.

Now, the Senate has proposed an amendment reducing the $400,000, which does not have the revolving appropriation, making it $100,000, and then added a lot of other items for various amounts which do carry the revolving appropriation. I do not express any opinion as to the amount of money which ought to be appropriated for the purpose, whether it should be a lump sum or segregated in various items, as is proposed by the Senate. I am perfectly willing to follow the conferees on that matter.

Mr. STEPHENS of Texas. The amendment is No. 28.

Mr. MANN. I know what the amendment is. The department, and every department of the Government, is always seeking to have an opportunity to spend money without congressional control. The House of Representatives is the body that originates appropriating legislation. We pass the appropriation bills first. The committees of the House are the ones which more closely scan proposed appropriations. The committees of the House spend weeks on appropriation bills where the Senate committees do not spend days. The real consideration of most matters of appropriation is had in the House and not in the Senate. Hence I think it is the duty of the House to maintain its prerogatives in this regard.

Now, what the department wants and what the Senate has inserted is a provision that if the department spends $100,000 in this one case, payable back $10,000 a year, or whatever the sum may be, by 1925, they do not want that covered into the Treasury as it comes back in the way that ordinary receipts are covered in. They want the privilege, without a new appropriation, without submitting the matter again to Congress, to spend the money again. If we appropriate $100,000 for a specific item this year, payable in 10 years' time, with a revolving appropriation, and next year we appropriate another $100,000, and the next year another $100,000, with the revolving appropriation, the department soon has an enormous sum of money to expend as it pleases without asking for any congressional authority.

We all know that the permanent appropriation made for the Reclamation Service, however desirable it may have been to make it in that way in the first instance, which is a matter of controversy, has resulted in enormous wastefulness, and if the Interior Department had been required in the past to come to Congress each year and ask for the money that it wanted for reclamation improvement, and to state the projects it proposed to use the money for, we would have saved enormous sums of money, in my opinion, prevented a great deal of waste, and saved thousands of farmers who have gone on irrigation projects from penury and disaster.

Mr. STEPHENS of Texas. I agree with the gentleman from Illinois, and I believe the lump-sum appropriation in amendment No. 28, that has been reduced from $400,000 to $100,000, is entirely misleading, because while they have left $100,000 without the revolving provision they have added in other places an aggregate of about $800,000, so that instead of reducing the item from $400,000 to $100,000 they have added about $600,000. I want to say that as one of the conferees I shall stand by the House bill.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment No. 40.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 23, after line 9, insert:

"That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed."

Mr. MANN. I suggest that the gentleman might ask unanimous consent to consider Senate amendments 41 to 50, inclusive.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to Senate amendments 41 to 50, inclusive.

The CHAIRMAN. The gentleman from Texas moves that the House disagree to amendments of the Senate 41 to 50, inclusive.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. May Stanley, widow of Will H. Stanley, late superintendent of the Soboba Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Seiso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to disagree to all of these claims amendments in this bill.

Mr. MANN. Mr. Chairman, I desire to submit an observation on No. 51.

Mr. STEPHENS of Texas. Then I move to disagree to it and yield to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, amendment 51 is to pay to Mrs. Stanley $5,000. That is covered in a bill which the House passed on Tuesday night last, and it was a Senate bill; so that when our conferees go into conference they can properly insist that this item go out of this bill. The Senate passed a bill in the identical language of this Senate amendment and sent it over here, and the House Committee on Claims reported it, reducing the amount from $5,000 to $2,000 and cutting out the amount for medical and funeral expenses, and so forth. Those amendments were voted upon in the House on Tuesday night last, and were agreed to. The House then passed the Senate bill with those amendments, and it has gone back to the Senate.

Mr. STEPHENS of Texas. Would not that have preference, then, over this amendment?

Mr. MANN. Oh, it would not have any preference; but if it goes in this bill the woman might get paid twice. However, we have acted upon the matter, and there is no excuse for the Senate insisting on this provision remaining in the bill.

Mr. STEPHENS of Texas. Then the proper course is to disagree to the amendment.

Mr. MANN. Oh, certainly; and to disagree to it in conference also. Let the Senate recede. They have the other matter before them.

I will now state that I am perfectly willing to let the gentleman run down to amendment 131, so far as I am concerned.

Mr. STEPHENS of Texas. Then, Mr. Chairman, I will move to disagree to Senate amendments numbered 51 to 131.

Mr. WOODRUFF. Mr. Chairman, I would like to make an exception of 59, 60, and 61.

Mr. MANN. Then let the motion go from 51 to 58, inclusive.

Mr. STEPHENS of Texas. Very well.

The CHAIRMAN. The question is on the motion to disagree to Senate amendments 51 to 58, inclusive.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 59: Pages 28 and 29, strike out section 7, as follows: "For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., including pay of superintendent, $54,275; for general repairs and improvements, $5,000; in all, $61,275." and insert in lieu thereof the following:

"Sec. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $60,450; for general repairs and improvements, $6,000; for gymnasium and manual training buildings and equipment, $25,000; in all, $91,450."

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment numbered 59.

Mr. WOODRUFF. Mr. Chairman, I will ask the gentleman to yield to me.

Mr. STEPHENS of Texas. Certainly; I yield to the gentleman.

Mr. WOODRUFF. Mr. Chairman, this amendment 59 raises the appropriation as submitted by the House in three different items. The one in which I am more particularly interested is the amount of $25,000 incorporated in the bill by the Senate for the purpose of establishing a gymnasium and manual training building and equipment for this institution. There are 325 Indian pupils in this school, and at the present time there is no manual training department. Every member of the committee knows, I think, that practically every high school in the country to-day has a manual training department. The gymnasium

guage now; therefore I am in favor of concurring in the Senate amendment to strike it out. I think the membership of the committee ought to be clear in their minds as to the exact effect of this language. It does eliminate from the service. It would not be here if its object was not to eliminate from the service. Now, let us see exactly how it does it. It says that no money appropriated by this bill shall be paid to any school-teacher or employee in the Indian school service unless such person has a civil-service certificate.

Mr. BURKE of South Dakota. It does not say any "school-teacher."

Mr. MILLER. But the language is such as to include school-teachers. In other words, any person now in the school service who has not a certificate would not be able to draw a bit of salary. That eliminates them. Now, what would they do? The only thing they could do would be to quit the service or submit themselves to a civil-service examination. When? Nobody knows when. There is no examination in the immediate future contemplated by the commission to secure additional teachers or employees in the Indian Service. There might not be such an examination held for years. But if one should be held within a reasonable time in the future and these employees presented themselves possibly they would pass, and pass high. They then, however, would have to wait their regular turn to secure employment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Let me complete this statement and then I will yield. But that does not yet state one-half the case. Most of these employees have been in the Indian Service for a great many years. They have been efficient or they would not have been retained. There is an age limit, and any applicant who is over that age is unable to take acivil-service examination. I venture to say that 90 per cent of the people eliminated by this language are now over the age limit, and if they presented themselves for an examination they would be refused permission to take it. So absolutely this does eliminate, and it eliminates now and perpetually. Now, let us see whom it affects. It does eliminate school-teachers. Every member of the Committee on Indian Affairs in this House knows, or I am sure he will know if he will stop for a few moments to think, that there are good, trained, and efficient school-teachers in the Indian Service who have never passed a civil-service examination. It will also eliminate a great many superintendents and Indian agents in the United States, men who are drawing their salaries from the school fund.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly I will.

Mr. STEPHENS of Texas. The gentleman certainly overlooked the last part of this amendment, which says, "except such employees as are exempt under civil-service rules." Those who are not exempt must take this examination.

Mr. MILLER. But none will be exempt, I assure the gentleman from Texas; and I am sure he will agree with me, on reflection, that none of them are exempt and that all will be required to hold certificates from the Civil Service Commission before they can draw any salary. That eliminates them from the service.

Mr. STEPHENS of Texas. The gentleman heard the gentleman from South Dakota [Mr. BURKE] cite school superintendents as being exempt because they were employees——

Mr. MILLER. Bonded superintendents; that may be.

Mr. STEPHENS of Texas. That exemption will apply.

Mr. MILLER. Oh, but the gentleman from Texas [Mr. STEPHENS], I am sure, must be aware of the fact that a large number of superintendents throughout the United States are drawing at least a part of their annual salary from the school fund, because their work is dual, being both executive and educational. Under the general law they are not exempt from the civil service.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STEPHENS of Texas. I desire just simply to make a statement. Some gentlemen have insinuated that there is some sinister motive behind this, and I can not understand it. These hearings were all in the open, and they are all in print and accessible to every man in the House. This matter was brought about in this way: While in the West last summer we found a great many reservations that had matrons, and they had certain duties to perform. We found also discussion going on in the newspapers throughout the country relative to the health and condition of the Indians; that it was a fast-decaying and dying race on account of tuberculosis, and for that reason it was necessary to have trained nurses, and it was necessary to have these matrons trained nurses instead of as they now are, and under the rules they are not required to stand any examinations. The physicians in charge of these Indians and reservations and schools stated it would be a very great advantage to them in their practice if they had trained nurses. And that is the reason why this language was written into this bill. It was never intended to strike anybody from the school service who were permitted to teach or hold any other position, if they were properly qualified.

I see no reason why anyone should object to this language. It is very plain that no amount shall be paid to any employee in any position in the Indian school service who does not hold a certificate. Such an employer will have passed the necessary examination required by the Civil Service Commission for such position. That is only a declaration of the law that the money shall not be paid to anyone unless authorized to receive it, and the exception is as to employees who are exempt under the civil-service rules. Now, if teachers, or anyone else under the civil service, are required, as they are required, to stand these civil-service examinations, that is all this law does. It is only declaratory of what the law now is.

Mr. FERRIS. Some Members here are of the opinion that it is really more than you want to do or other gentlemen would want to do. Could not this be rewritten so that it would not displace any teacher, and not so much on the ground of a rigid educational qualification as from the standpoint of accomplishment, so that the commissioner could select them, not so much because of a literary test as one of actual accomplishment? I know that at a great many of these schools, from my own personal observation, they have an agricultural school in connection with the main school, and we find that some of the best teachers, those who really accomplish the most, are ones who could not pass a rigid literary examination. Can not that be written so that you weed out those who are not accomplishing anything and sustain those who are accomplishing something?

Mr. STEPHENS of Texas. I think it could, if this could be submitted to a conference.

Mr. ANSBERRY. Who suggested the change here?

Mr. STEPHENS of Texas. The Government department.

Mr. ANSBERRY. The head of the department?

Mr. STEPHENS of Texas. The bill was written in the department.

Mr. ANSBERRY. And that language was in the bill?

Mr. STEPHENS of Texas. As I understand it.

Mr. ANSBERRY. I have asked everybody on the committee, so far as I have been able, and I can not find out.

Mr. STEPHENS of Texas. If you will look back on page 7, beginning with line 3, you will find a similar provision that the gentleman has said nothing about. It is this:

Provided further, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination.

That matter has been disagreed to and is in conference already. Now, why not have this provision go with it to the same extent?

Mr. ANSBERRY. You have said you think that is the case. Do you not know who put that language in?

Mr. STEPHENS of Texas. I will state this, as I said before, that the physician and the head——

Mr. ANSBERRY. Not that. I am referring to the teachers.

Mr. STEPHENS of Texas. There is nothing said about schools, and it was put in here for the purpose of having matrons qualified to give medicine under the instructions and directions of the physicians.

Mr. CARTER. Mr. Chairman, I think I can furnish the gentleman from Ohio the information he desires. I did not have it when he asked me a few moments ago.

Mr. ANSBERRY. What do you say as to whether this applies to school-teachers or not?

Mr. CARTER. I think it applies to school-teachers.

Mr. ANSBERRY. The chairman of the committee has just gotten through saying that it did not.

Mr. CARTER. Let us read back and see.

Mr. ANSBERRY. I want to call the gentleman's attention to the fact that the chairman just got through stating it did not apply to the schools.

Mr. CARTER. I think the gentleman must have misunderstood you.

Mr. STEPHENS of Texas. The language is very plain, if the gentleman will permit me to read it again. It says:

Shall be paid any employee in any position in the Indian School service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under the civil-service rules.

Mr. ANSBERRY. From where are you reading?

Mr. STEPHENS of Texas. I am reading from the language stricken out.

Mr. ANSBERRY. On page 8?

Mr. STEPHENS of Texas. On page 8. It is only declaratory of what the law is to-day. The law requires a civil-service examination, and that is all we require to be done. Now, does the gentleman desire to pay any money out of the United States Treasury to persons who are teaching school or doing anything else, contrary to the laws of the country?

Mr. ANSBERRY. Oh, well now, nobody proposes to violate the law——

Mr. STEPHENS of Texas. That is what this does——

Mr. ANSBERRY. Or anything of the sort.

Mr. FITZGERALD. Under the civil-service law, for instance, the President has the power to except positions from the classified service. A person might be appointed under such an order. This provision would prevent that person from receiving compensation, would it not?

Mr. CARTER. I think, if the gentleman from New York will listen to me a moment, he will find that this last exception perhaps will prevent that—"except such employees as are exempt under civil-service rules."

Mr. ANSBERRY. That would apply to soldiers, as I understand it?

Mr. CARTER. Yes.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Pennsylvania?

Mr. ANSBERRY. Just a moment——

Mr. CARTER. Just as soon as I can answer the imperturbable Irishman from Ohio. [Laughter.]

Mr. ANSBERRY. Let the gentleman go ahead. He is going to explain, is he not?

Mr. CARTER. I was just informed by the clerk to the Committee on Indian Affairs that this language was placed in the bill at the suggestion of the doctor who is in charge of the health service in the Indian Bureau.

Mr. STEPHENS of Texas. Yes; Dr. J. L. Murphy. It is in the hearings.

Mr. BUTLER. The gentleman knows that I lean heavily on him with respect to information concerning Indians. I will ask the gentleman what is behind this provision?

Mr. CARTER. I have told the gentleman all I know about it.

Mr. BUTLER. But the gentleman is on the committee. Why did you write this provision in?

Mr. CARTER. It was placed there at the suggestion of the doctor.

Mr. BUTLER. I mean with relation to the school-teachers. I do not want to lose my confidence in my friend. Let him tell us why it was put in.

Mr. CARTER. I do not remember just what happened in regard to this, but I am informed, as I say, by the clerk to the Committee on Indian Affairs that it was placed in the bill at the suggestion of the doctor who represents——

Mr. BUTLER. What kind of a doctor—a horse doctor, a dentist, a medical doctor, or a doctor of philosophy?

Mr. CARTER. A medical doctor.

Mr. BUTLER. What has he got to do with school-teaching?

Mr. BURKE of South Dakota rose.

Mr. CARTER. Perhaps the gentleman from South Dakota will remember more than I do about it.

Mr. BURKE of South Dakota. I was not here, Mr. Chairman, at the time it was put in; but I want to say that if it had been put in at the suggestion of Dr. Murphy it would be under the paragraph for relief of distress or prevention and treatment of tuberculosis. Now, I think it was in the first draft of the bill, prepared in the Indian Office and sent to the committee, without appearing to change the existing law.

Mr. CARTER. The gentleman may be correct.

Mr. MANN. Mr. Chairman——

Mr. CARTER. I was speaking from what the clerk to the committee told me. I think it is perfectly safe to send it to conference.

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. MANN. I thought the gentleman from Oklahoma had finished his statement.

Mr. CARTER. No; I was not through.

Mr. MANN. The gentleman was still standing up, though not talking, but adding, nevertheless, just as much to the sum of human knowledge. [Laughter.]

Mr. CARTER. I will say this, Mr. Chairman, that I think it is perfectly safe to send this to conference along with the other amendments. I do not see any reason why this amendment should not be singled out and concurred in here. As I often stated before, we must retain all we can muster to trade upon.

Mr. ANSBERRY. I do think you ought to trade upon the parentage of this very doubtful proposition. I think you ought to establish its parentage before you go into conference.

Mr. CARTER. I am perfectly willing that you should do that, but you can not establish it through me, more than from what I have told the gentleman, and I have told him where I got my information.

Mr. MANN. Mr. Chairman, let us have no misunderstanding as to the effect of this amendment. The design and the effect of the amendment is to send out of the Indian school service certain teachers who are now in that service. The amendment is very skillfully drawn by some one—I do not know who—and we have not been able to ascertain who originated this language.

It provides that no money can be paid to any employee in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position. The moment this bill becomes a law these people have to go out of the service, because they can not remain in the service for the reason that there is no money appropriated which can be paid to them.

Mr. ANSBERRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Ohio?

Mr. MANN. No; I do not yield.

The CHAIRMAN. The gentleman refuses to yield.

Mr. MANN. They will be out of the service. Now, the bill purports to provide that they shall have the right to obtain a certificate from a civil-service examination, but they can not obtain such a certificate unless they file a new application for appointment as teacher, and if they are over age they can not file an application. There is no authority to the Civil Service Commission to give a special examination to these people to see whether they can pass the civil-service examination, nor does the Civil Service Commission ever issue a certificate that somebody has passed an examination; and the effect——

Mr. FITZGERALD. If the gentleman will permit, I will say this, that even if they do take the examination they would go on the eligible list and might never be reached.

Mr. MANN. Yes. If they file an application and take the examination this year or next year, they would go on the eligible list, and must be appointed from the three highest on the eligible list, and appointed within one year; so that while the amendment would indicate on its face that these people would be given a chance, "a show for their white alleys," as the boys say, yet it absolutely puts them out of the service without a hearing, without a trial, and without consideration by the department; and the department now has the authority to dismiss any one of them, or all of them, or such of them as the department desires to dismiss.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. But suppose that the department does not live up to these civil-service rules? It is required to do so now.

Mr. MANN. There is no requirement now that these people shall pass a civil-service examination. If there were, this provision would not be in the bill. The purpose of this is to change existing requirements and put in a new requirement, which does not now exist.

Mr. STEPHENS of Texas. Does not the gentleman believe that they ought to be qualified, either under the civil-service laws of the United States or of the States?

Mr. MANN. I believe they ought to be qualified teachers.

Mr. STEPHENS of Texas. Who is to be the judge?

Mr. MANN. The department is the judge now. If there are any of those teachers that are not qualified, the department can dismiss them to-day or to-morrow. The department now has that authority. Everyone who passes a civil-service examination and is appointed does not thereby show qualification, and the department frequently dismisses people from the service, and properly, who have been examined and appointed under the civil-service rules. The department has as great authority now as it would have if this provision were enacted; but the gentleman's proposition is to cut them off without a chance of a hearing and prevent their reappointment. I do not think it ought to be done.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield at that point?

Mr. MANN. Yes.

concerned in the welfare of these Indians, and I wish to ask him whether the head of the Indian Bureau to-day has not authority to remove any incompetent school-teacher who is now in the service?

Mr. FERRIS. Does the gentleman want an answer to that?

Mr. STAFFORD. I do.

Mr. FERRIS. I presume he has, unless they are covered into the civil service. A good many of them, if not all of them, are already in the civil service.

Mr. STAFFORD. Evidently they are not, or else this provision is meaningless.

Mr. FERRIS. Not all of them have been, but I think most of them have been. So this would not affect them.

Mr. STAFFORD. Here we have school-teachers who are efficient and experienced who have not passed a civil-service examination, and you are saying by this provision "get out of the service unless you have a civil-service certificate." I am opposed to that. I do not think it is fair treatment of these teachers who have done so much toward the uplift and the education of our Indian wards. If it merely provided that they should first take a civil-service examination, and if they failed to qualify, then they should be removed; that would be a different question; but that is not this provision, and even then I can not see the occasion for it. I can not see any reason why we should place such a requirement upon these school-teachers who have given so many, many years to the service of the Government and subject them now to a civil-service examination.

Mr. COX. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. COX. Does the law of Wisconsin require teachers in the public schools to attend a normal institute for a certain length of time?

Mr. STAFFORD. We have various kinds of certificates—class A, class B, and class C. Class A is a certificate given only when they have gone through a normal school, but I wish to direct the attention of the gentleman to the fact that this provision does not relate to those who come into the service hereafter. It is to remove trustworthy, tried, and efficient school-teachers.

Mr. COX. I am not so sure but that they ought to be removed.

Mr. STAFFORD. This provision says if they have not civil-service certificates they shall be removed.

Mr. CONRY. What particular teachers are comprehended within this provision?

Mr. STAFFORD. I do not know what is the aim of the gentlemen of the committee in trying to pass this provision. This was under consideration in the House, and I opposed it then as not being fair to those who had given years and years of faithful service to the teaching of the wards of the Government.

Mr. CONRY. Would this eliminate from the service as teachers down there people who, by experience, have demonstrated their ability as teachers?

Mr. STAFFORD. That is the purpose of it. If they do not happen to have civil-service certificates, they are to be removed.

Mr. CONRY. Where is the necessity for this legislation?

Mr. STAFFORD. There is no necessity for it. It is a cloak for something. I can not see the reason for it.

Mr. FERRIS. Mr. Chairman, I am not a member of the committee, and I do not know what the origin of this amendment is. I do not know that it has any hidden purpose which the gentleman from Wisconsin [Mr. STAFFORD] thinks it has. If it has, I would not for one moment be for it. If it would disturb anything or anybody, I would not be for it; but I can not see, for the life of me, why any gentleman would object to letting the employees in the Indian Service subject themselves to an ordinary examination, which would determine whether or not they were, in fact, qualified.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I will ask the gentleman to let me proceed for a moment. For instance, all teachers in all of the white schools everywhere, North, South, East, and West, have to demonstrate their qualifications, and it seems to me it would be only right, inasmuch as the Federal Government is to pay the bill, to let each and every employee undergo such examination as would demonstrate his qualifications. Some one intimated here that it had some hidden purpose. I do not see where it is. I think a school-teacher who teaches Indians does not necessarily have to have a rigid literary examination; but, so far as all branches are concerned, it seems to me that they certainly ought to determine their ability from a common sense standpoint, and from an educational standpoint, to really accomplish something among the Indians. I have no doubt, as has been stated by my good friend from Wisconsin [Mr. STAFFORD], that some of the teachers who have accomplished most could not pass the highest grade in a literary examination. I think that is true in this work as in others; but I submit, the Civil Service Commission makes up the rules and regulations, and they do not have to make them so rigid that they can not be passed. They ought to make them practical and sensible.

Mr. STAFFORD. I stated that the argument is that this provision seeks to remove efficient teachers who have not, perchance, taken the civil-service examination. My position is confirmed by the gentleman from South Dakota [Mr. BURKE].

Mr. FERRIS. What is his position? I have great confidence in him. This amendment is to strike out a provision the House has once passed.

Mr. STAFFORD. That the effect of this provision is to remove them immediately, provided they have not taken the civil-service examination. That is the reading of it. You can not read anything else into it. It does not give those who have proven their worth any way of retaining their position. I call for some explanation of the purpose of this amendment. There is only one reading of it, and that is what I have just stated.

Mr. FERRIS. O Mr. Chairman, I do not want to yield to the gentleman for another speech. He has already spoken 10 minutes and I have not said anything at all.

Mr. STAFFORD. Oh, I give the gentleman credit for saying something in the two minutes that he has already occupied.

Mr. CONRY. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. CONRY. Is it not true that under the language which has been stricken out by this proposed amendment the people who will be dropped under the operation of the law have not had an opportunity to pass this examination, and consequently do not possess certificates, and if this law is to apply to them they will be dropped immediately?

Mr. FERRIS. I do not think so. If I thought so, I would agree with the gentleman. I think most of them are already in the service and this would not apply.

Mr. STAFFORD. That is the purpose of it.

Mr. FERRIS. My idea is that it does this: That the teachers and employees in the school who are not in the civil service will make application to the Civil Service Commission and pass such examination as ought to be passed by them. Surely it will not knock out efficient teachers.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. I have expressed no opinion one way or the other upon this amendment, but unquestionably this amendment would eliminate from the service a person who was in the service who might be efficient, if he did not possess his certificate.

Mr. FERRIS. I do not agree to that. If that is true it may be a mistake.

Mr. BURKE of South Dakota. They could not get back except by taking an examination and taking their chances on the eligible list, and they might never get back.

Mr. FERRIS. That is true. The last statement of the gentleman is undoubtedly true.

Mr. DONOVAN. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Let me reply first to the gentleman from South Dakota. I am not a member of the committee, and I do not know all about this. I may be wrong, but my thought is that such teachers and employees as can not come in and show themselves properly qualified, it seems to me, ought not to be carried on the rolls and the Government ought not to pay for their services. I do not know who this hits or if it hits anybody, but any teacher who can not show himself worthy of his hire, so long as the Federal Government pays the bill, it seems to me ought to quit. I do not know that there are any, I do not know that any will lose out on this, but what harm will it do for them to come in and show that they are competent? I now yield to the gentleman from Connecticut.

Mr. DONOVAN. Mr. Chairman, I think the gentleman will agree to this, that teachers who are hereafter to be employed ought to be required to take a civil-service examination and show that they are efficient. Does not the gentleman so think? The gentleman will agree with me a little further, that where there has been service, meritorious work and meritorious acts, under the Government, surely no one wants to knock them out. For instance, under the Civil Service Commission a certain number of percentages is allowed.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for two minutes more until I can hear the question of the gentleman from Connecticut.

The CHAIRMAN. The gentleman from Oklahoma asks that his time be extended two minutes. Is there objection?

There was no objection.

Mr. DONOVAN. It is true that in the service old soldiers receive exemption on account of meritorious services, and in different branches of the Government there is an allowance for meritorious work. Now, if there has been meritorious work in the opinion of the Indian Commissioner, does not the gentleman think that they ought to have an allowance when you require a new teacher?

Mr. FERRIS. I think the gentleman from Connecticut is entirely right, and I have no doubt that under the regulations that would come in.

Mr. DONOVAN. Would it not be proper for us to recede and concur in the Senate amendment, for that would only affect those who had been in the service?

Mr. FERRIS. No; I would not be in favor of that. I think we had better let it go to conference and let the conferees work it out. They will have more time to adjust it properly.

Mr. DONOVAN. The gentleman will admit that for meritorious work there ought to be consideration and not humiliation?

Mr. FERRIS. Oh, yes. The gentleman and I are in hearty accord on this, as in many other matters.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. CAMPBELL. Mr. Chairman, to concur in this amendment would simply follow out the policy that the Government has pursued with respect to the employees in the civil service ever since the civil-service law has been enacted. A person who rendered meritorious services in any department of the Government, who went in without examination or as a political appointee during a Republican administration or during a Democratic administration, if such person rendered good service was subsequently covered into the civil service, with tenure of office protected by Executive order.

Now, many of these teachers may have been covered into the service by Executive order. No doubt they have been covered in because of meritorious work, because of good services rendered; but if the Senate amendment is not agreed to they would have to take an examination, and even then they could not get in.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think it would be advisable to let this go to conference, so that the language may be perfected and obviate the troubles that have been suggested?

Mr. CAMPBELL. I think the motion of the gentleman from Wisconsin ought to be agreed to.

Mr. STEPHENS of Texas. For instance, it says that no money shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commision for such position.

Mr. CAMPBELL. The fact is that many of these teachers, like teachers in the public schools, have been in the service a long time and are thoroughly efficient, are acquainted with those whom they have to teach, and know what is required in the proper performance of their duties. I would rather have long service well rendered as a recommendation than a certificate from the Civil Service Commission. That sort of a teacher undoubtedly would give better service to the Government, just as such a teacher would give better service to a school in a local community or in a private school. I see no reason why we should make any changes, and I think we should agree with the motion of the gentleman from Wisconsin.

Mr. MURRAY of Oklahoma. Mr. Chairman, if the gentleman will notice the peculiar wording of this amendment. It says:

> Shall not be paid to any employee in any position in the Indian school service.

I do not know in Oklahoma any teacher, whether in the prairie tribes on the west side of the State or the Five Tribes, but what has passed an examination under the civil service, but there are certain employees connected with the schools that have not passed the examination, and this amendment really "gets" them and not the school-teacher. So far as the civil service is concerned with reference to school-teachers, I do not think that the present civil-service law as applied to everything is wise as far as the teachers are concerned, for the reason that the greatest element of a qualified Indian teacher is to know the Indian nature and have a sympathetic helpfulness for him.

Four or five years ago I remember when the head of the school at Chilocco was put on the program at the Indian Rights Association at Lake Mohonk, N. Y. He had been at the head of that school for a number of years, and his entire address was a tirade on the Indian; so much so that every speaker on the program thereafter criticized it. The Civil Service Commission knows no more about the kind of a man that ought to teach the Indians than does a Hottentot in Africa. But the rules as to employees are wise.

While on that question I want to say that I think the civil service as governing the Indians should be a distinct service, and the law ought therefore to be amended. I do not think this amendment affects a single school-teacher, and if so, only a few of them, but it does affect the employees.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. BURKE of South Dakota. I want to call attention to the fact that there are in the service a large number of bonded superintendents in charge of Indian agencies who went into the service without any civil-service examination, and by Executive order were subsequently covered into the service.

Mr. MURRAY of Oklahoma. I think that is true.

Mr. BURKE of South Dakota. Now, under this language, could there be any money paid to them unless they held a certificate that they had passed the necessary examination required by the Civil Service Commission?

Mr. MURRAY of Oklahoma. No. But now let me say that these bonded superintendents to whom the gentleman refers must have more information than an educator.

He has to have some knowledge of agriculture, because he has those things in connection with the school to manage, and he has got to be a good business man. He has got to have a knowledge of education and educational affairs of the institution, but usually they do not do any teaching. He is the executive head of the institution, and, of course, in these particular fields the examinations are covered under the civil-service law; and I have had recent occasion to investigate them covering these particular things. The bonded officer referred to is appointed, for the most part, because of his political pull at the time he is appointed. There are some of them good and some bad; but the man I referred to a while ago as superintendent of the Chilocco School went in without civil-service examination and ought to have been dismissed because of lack of sympathy for the people he was trying to serve. I now yield to the gentleman from New York.

Mr. CONRY. Does the gentleman mean to intimate that the term "employee" in the words "in any position in the Indian school service" does not include school-teachers?

Mr. MURRAY of Oklahoma. It will include school-teachers, but I do not know of any school-teacher who has stood the examination but would have to stand the examination over; and if they could not pass the examination, they could not get through.

Mr. BURKE of South Dakota. Will the gentleman yield there?

Mr. MURRAY of Oklahoma. Certainly.

Mr. BURKE of South Dakota. Suppose they did take the examination, would not they have to take their chances of being appointed from the eligible list?

Mr. MURRAY of Oklahoma. That is true.

Mr. BURKE of South Dakota. And unless they apply within one year after they went on the list they would have to take the examination over again?

Mr. MURRAY of Oklahoma. That is true; but I will state that most of the States of the Union require examinations year after year unless the teacher shows an extraordinary degree of proficiency. For instance, when I was a teacher in Texas, we had a one-year, two-year, three-year, and a four-year certificate and a life certificate. To get a life certificate required about a 95 per cent grade and about 80 per cent on everything, whereas the man who fell as low as 60 might teach one or two years, according to his general grade. I think a great many of these people in the Indian Service ought to be compelled to take the examination just as teachers in the States, so as to keep them up, otherwise they will not be up with the times.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Minnesota, who has raised the objection——

The CHAIRMAN. The Chair has recognized the gentleman from Minnesota, who was seeking recognition.

Mr. MILLER. I will yield to the gentleman from Texas if he has some request to make. Mr. Chairman, I was opposed to this language stricken out by the Senate amendment when it was here before the House, and I am opposed to the lan-

Mr. MANN. I should not have made the motion to concur at all except for the fact that the gentleman from Texas [Mr. STEPHENS] indicated his position to be that he favored the attitude of the department. The department has frequently stated that it wanted authority to send the police to the homes of the Indians and drag them out and take them to a hospital. I do not think they ought to have that authority; but that is their contention. That is the contention the gentleman from Texas has indicated he proposes to support in conference. That is the reason I made the motion.

Mr. CARTER. I think there must be some misunderstanding about this matter, because I know the gentleman from Texas never has assumed that attitude in the past. It has always been his attitude to deal with the Indians, and try to induce the department to deal with them, in the most moderate kind of terms, and I think perhaps the gentleman from Texas misunderstood exactly the thing the gentleman from Illinois was directing his conversation to when he made the remark. I hope the gentleman's motion will not prevail.

Mr. MILLER. Mr. Chairman, I would like to ask the gentleman from Illinois a question. Does he think the power to isolate involves also the power to remove?

Mr. MANN. I do not think it involves the power to remove by force.

Mr. MILLER. Let me ask a further question.

Mr. MANN. I think it would involve the power to remove with consent or by such means as it might be necessary in order to isolate.

Mr. MILLER. Does he think the language which says they may employ such means involves permission to employ force as one of the means?

Mr. MANN. I think it would if it were necessary.

Mr. MILLER. I am very frank to say that personally, while I drew the exact language of this portion of the bill, I like the word "means" better than I do the word "force."

Mr. MANN. I think it is more polite.

Mr. MILLER. And I think the criticism advanced by the gentleman from Illinois is a very good one. I question very much, however, the striking out of the word "remove." It seems to me the power to isolate involves the power to remove.

Mr. MANN. I think that is true.

Mr. MILLER. And the power conferred by the language as amended is practically the same as the power originally conferred by the provision in the bill. But I do think the word "means" substituted for the word "force" is advisable. And yet, it seems to me the whole matter ought to go to conference. It is of the utmost importance that there reside in the Secretary of the Interior the power to remove or to isolate people who are afflicted with contagious and infectious diseases. Otherwise, there can not possibly be successful treatment of those cases.

I think the experience is quite general in dealing with sickness among the Indians that the full-bloods especially are disinclined to follow sanitary measures, disinclined to follow physicians' instructions, and much more apt to listen to their own medicine man, with his magic and incantation, the beating of kettledrums, and coloring the face and parts of the body with various kinds of coloring matter. And I believe that to be effective certain very marked power should reside in the Secretary of the Interior, although, of course, it should not be exercised one whit beyond the absolute necessities of the case, and should not be exercised in any case unless the public welfare, not simply the welfare of that one Indian, is concerned.

Mr. MANN. Mr. Chairman, I noticed, according to the newspaper reports, that some very eminent physician stated—I think it was on yesterday—in addressing an audience more or less scientific, that 90 per cent, if they could be examined, would show that they had tuberculosis. Yet here is a provision which authorizes the Indian Office, if it decides that any Indian has tuberculosis, to drag him by force out of his home and take him to a hospital. Some of the doctors think that ought to be done. He would be worse off at the hospital than he would be at home under any sort of treatment.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I wonder if the gentleman does not think there is a kind of a happy ground between the two, that instead of leaving the Indian in his tepee to eat mescal beans he had better be sent to the hospital by somebody? It is one of the certain things that some of them will stick to their medicine men, who will give them peyote and mescal beans and will not want to use the hospitals and the ordinary medicines. This is not "How do you do, Mr. Indian," and "Good morning," but it is to say what is best not only to the individual Indian but to those who remain.

Mr. MANN. Suppose a proposition was made here to drag a Christian Scientist out of her or his home because some doctor thought it ought to be done, do you think it would pass? Suppose a proposition were made here to drag some believer in homeopathy out of her or his home because some doctor thought it ought to be done, do you think it would pass?

Now, here is a proposition to treat the Indians on quite a different basis from that on which we treat ourselves. I am willing to give the authority desired, but I think it ought at least to be couched in courteous language. You could not put either one of the propositions through this House if they were to relate to white people. You could not get 25 Members to vote for either one of them in that case.

Mr. FERRIS. It is a little bit of difference between dealing with Indians, in some cases not civilized, and white people.

Mr. MANN. In view of the statement of the gentleman from Oklahoma [Mr. CARTER], who will be one of the conferees, I will withdraw my motion to concur, or ask unanimous consent for that purpose.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent to withdraw his motion to concur. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Then I ask that amendments from 9 to 31, inclusive, be disagreed to.

Mr. STAFFORD. We have just acted on No. 9. Why not make it begin with No. 12?

Mr. STEPHENS of Texas. Then I modify my request, and ask that amendments from 11 to 31, inclusive, be disagreed to.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that amendments 11 to 31, inclusive, be disagreed to. Is there objection?

Mr. MURRAY of Oklahoma. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman where that amendment is that refers to the use of certain lands for irrigation purposes?

Mr. STEPHENS of Texas. I think that comes under the head of the States. I think it comes under Montana or Arizona—somewhere out in that western country.

Mr. MURRAY of Oklahoma. If it is not, I would be glad to agree to the gentleman's request, but as to that particular amendment I want to say something.

Mr. STEPHENS of Texas. I am sure it is under the head of the States, either Arizona or Montana.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to have consideration given this morning to amendment No. 13. That is the amendment whereby the House attempted to oust from the service many meritorious school-teachers connected with the Indian Service. The Senate has disagreed to the House amendment. We contested it in the House, and it was adopted only by a very small majority. I think it is an outrageous provision to oust from the public service these most meritorious school-teachers connected with the Indian Service and subject them to a rigid civil-service examination, or something in the guise of a civil-service examination, after they have given years and years to the teaching of these Indian wards. Unless we can have a separate vote on that provision I shall object.

Mr. GORDON. How does the gentleman know these teachers are so well qualified?

Mr. STAFFORD. I know it because they would not have been continued in the public service these many years unless they were qualified.

Mr. GORDON. Is that the only proof the gentleman has?

Mr. STAFFORD. I have such confidence in the administration of the Indian Bureau, whether Republican or Democratic, that I believe the teachers in connection with the instruction of our Indian wards are qualified; otherwise they would not be continued in the service.

Mr. GORDON. Has the gentleman any knowledge of these teachers personally?

Mr. STAFFORD. I have not any personal knowledge of them, but I have faith in the administration of the Indian Bureau.

Mr. GORDON. The gentleman has more faith than I have.

Mr. STAFFORD. I have faith in the present administration—more than the gentleman has. If these teachers are not competent, they should be removed; but they should not be ousted under the cloak of the civil-service examination after years of employment. Will you trust the Indian Commissioner? I will.

Mr. STEPHENS of Texas. Mr. Chairman, in view of the gentleman's statement, I will modify my request and wish to except No. 13 from the agreement.

The CHAIRMAN. The gentleman from Texas requests that the House disagree to amendments 11 to 31, inclusive, except No. 13.

Mr. MANN. How about 9, 10, and 11?

Mr. STEPHENS of Texas. They have been disagreed to.

The CHAIRMAN. I understand the gentleman from Illinois withdrew his motion to concur. That takes care of itself.

Mr. BURKE of South Dakota. The gentleman from Texas [Mr. STEPHENS] then moved to disagree to the amendments, and that motion was adopted.

The CHAIRMAN. The Chair understood that the gentleman excepted from that motion amendments numbered 9 and 10.

Mr. STEPHENS of Texas. Amendments 9, 10, and 11.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Were amendments numbered 9 and 10 included?

Mr. STAFFORD. No.

Mr. MANN. I knew they had not been.

Mr. STEPHENS of Texas. Mr. Chairman, in order to expedite business and put it beyond question, I ask that my request be modified. I ask that amendments from 9 to 31, inclusive, be disagreed to, except No. 13.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. After the gentleman from Illinois [Mr. MANN] withdrew the motion to concur in amendments numbered 9, 10, and 11 the gentleman from Texas [Mr. STEPHENS] repeated his motion to disagree to those amendments, and, as I understood it, the Chair put the motion, and the motion was adopted.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the disagreement be upon amendments 11 to 31, inclusive.

Mr. STEPHENS of Texas. I now amend it so as to make it amendments numbered 9 to 31, inclusive.

The CHAIRMAN. Now the gentleman from Texas asks to disagree to Senate amendments numbered 9 to 31, inclusive, with the exception of No. 13.

Mr. STEPHENS of Texas. Yes. I ask unanimous consent for that purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

Mr. FOSTER. Mr. Chairman, reserving the right to object, I will ask the distinguished Chairman that, if he agrees to the Senate amendment numbered 27, he will see that the conferees from the Senate correct the spelling of some of the words on page 14, line 11.

Mr. STEPHENS of Texas. I will state to the gentleman that that is one of the objects of the conference—to correct all the errors of that character—and it certainly will be done. I move, Mr. Chairman, that amendments 9 to 31, excepting No. 13, be disagreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Texas.

The motion was agreed to.

The CHAIRMAN. The ayes have it, and the amendments named are disagreed to.

Mr. STEPHENS of Texas. I now move, Mr. Chairman, that we disagree to amendment No. 13, after it is reported by the Clerk.

The CHAIRMAN. The gentleman from Texas moves that the committee disagree to Senate amendment No. 13. The question is on agreeing to that motion.

Mr. STAFFORD. I move to concur in Senate amendment numbered 13.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] makes a preferential motion to concur in Senate amendment numbered 13.

Mr. CARTER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. Has the amendment yet been reported to the House?

The CHAIRMAN. It has not been.

Mr. STEPHENS of Texas. I ask that it be reported.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amendment 13: Page 8, lines 5 to 10, strike out the following language: "Shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it."

Mr. STAFFORD. Mr. Chairman, if I can obtain an agreement with the gentleman for a vote upon this amendment separately, I have no desire to press my amendment. Of course, if the conferees agree to the Senate amendment striking the language out of the bill, that will meet with my entire approval; but if we are not going to have an opportunity to vote upon this separately, then I desire to test the sense of the committee here now and have it submitted to a vote.

Mr. CARTER. Would the gentleman be satisfied to have it voted on right now and disposed of, and let this end it?

Mr. STAFFORD. I am willing to let it go to conference, with the understanding that this amendment shall come back for a separate vote, or else to have the discussion now.

Mr. CARTER. I mean, is the gentleman willing to take a vote now and let that end it?

Mr. STAFFORD. As far as I am concerned, I am willing, but I think we ought to have a larger attendance here. This is a very important matter.

Mr. CARTER. Of course I could not make that agreement, because that would be an attempt on my part to bind some one else.

Mr. STAFFORD. It is perfectly within the gentleman's power to have a separate vote on this.

Mr. CARTER. The gentleman means a separate vote after we get into conference?

Mr. STAFFORD. After the bill is sent to conference, and when it comes back, before a final agreement is reached.

Mr. COX. Before the report is finally agreed upon.

Mr. STAFFORD. Before a final report is agreed upon.

Mr. FERRIS. What objection has the gentleman to having every employee of the Government come up and show that he is qualified? The Indian schools and service have to be paid for by the Government. What is there that appeals to the gentleman outside of the one question of keeping the Indian school force at all times efficient?

Mr. STAFFORD. This will compel the Commissioner of Indian Affairs to remove every school-teacher who has not at the present time passed a civil-service examination. This does not say that they will be given an opportunity to pass an examination. They may be meritorious teachers, and yet the phraseology of this amendment is such that it would force the head of the Indian Service to remove them if they have not at some time passed a civil-service examination.

Mr. FERRIS. Let us read it and see if it goes that far.

Mr. STAFFORD. It says:

Provided, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules.

There is more in this than you would think at first glance. This is a studied effort on the part of some person to remove efficient, competent school-teachers who have been identified with the Indian school service for years and years. I am not in favor of that policy. This does not say that they must subject themselves to a civil-service examination and prove their qualifications.

Mr. FERRIS. I confess I am not very familiar with it; but in any event it would seem best to send it to conference with the other 167 amendments.

Mr. STAFFORD. I beg the gentleman's pardon. Mr. Chairman, I wish the serious attention of the committee to this item. We have this condition before us: We have teachers who have been identified with the Indian school service for years and years, who are competent as well as experienced. Now, what does this propose to do?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I should like a little more time. My time was taken up with questions.

Mr. FERRIS. I ask unanimous consent that the gentleman may be allowed to proceed for five minutes. None of us want to be mistaken about this. I was not here when it passed. It has not heretofore been called to my attention.

The CHAIRMAN. Unanimous consent is asked that the gentleman from Wisconsin be allowed to proceed for five minutes. Is there objection?

There was no objection.

Mr. STAFFORD. These school-teachers came into the service when a civil-service examination was not required. They are competent. At least it is to be presumed they are competent. We should give them the benefit of that presumption in considering this question. After they have performed this work for years and years you propose that in case they have not a civil-service certificate they are to be ousted from the service. That is what this phraseology means. It does not say that all school-teachers must take a civil-service examination, and if they fail to qualify they shall be removed. I wish to put this question to the gentleman from Oklahoma. I know he is deeply

Byrns, Tenn.	Fitzgerald	Johnson, Utah	Quin
Campbell	Flood, Va.	Kahn	Ragsdale
Candler, Miss.	Francis	Kennedy, Conn.	Rauch
Cantor	Gard	Kirkpatrick	Rayburn
Caraway	Garner	Korbly	Reed
Carter	Garrett, Tenn.	Lee, Ga.	Ruby
Clark, Fla.	Garrett, Tex.	Lesher	Rucker
Claypool	Gill	Lever	Russell
Cline	Godwin, N. C.	Levy	Sims
Coady	Goodwin, Ark.	Linthicum	Sisson
Collier	Graham, Ill.	Lloyd	Smith, Md.
Conry	Gregg	McCoy	Stedman
Curry	Hamlin	Mann	Stephens, Miss.
Dent	Harris	Mondell	Stout
Dickinson	Harrison	Moon	Talcott, N. Y.
Dixon	Hay	Moore	Taylor, Ark.
Donovan	Helgin	Morrison	Thacher
Doughton	Helm	Murray, Okla.	Townsend
Drukker	Hensley	Neely, W. Va.	Tribble
Dupre	Howard	Oldfield	Tuttle
Eagle	Hughes, Ga.	Padgett	Underwood
Estopinal	Hull	Page, N. C.	Vollmer
Falson	Humphrey, Wash.	Park	Watson
Ferris	Jacoway	Platt	Webb
Fess	Johnson, S. C.	Pou	Witherspoon

ANSWERED "PRESENT"—6.

Butler	Glass	Sloan	Watkins
Elder	Key, Ohio		

NOT VOTING—177.

Ansorge	Fields	L'Engle	Scully
Ainey	Finley	Lewis, Md.	Sells
Anthony	Fitzhenry	Lewis, Pa.	Shackleford
Ashbrook	Floyd, Ark.	Lieb	Sharp
Austin	Fordney	Lobeck	Sherley
Bailey	Gallagher	Loft	Shreve
Barchfeld	George	McAndrews	Slayden
Barnhart	Gerry	McClellan	Slemp
Bartholdt	Gillmore	McDermott	Small
Bartlett	Gittins	McGillicuddy	Smith, J. M. C.
Beall, Tex.	Goldfogle	McGuire, Okla.	Smith, N. Y.
Beecherg	Gordon	McKellar	Smith, Tex.
Borland	Gorman	McLaughlin	Sparkman
Brown, W. Va.	Gouiden	Maher	Stanley
Browne, Wis.	Graham, Pa.	Martin	Steenerson
Browning	Griest	Merritt	Stephens, Nebr.
Bruckner	Griffin	Metz	Stringer
Buchanan, Ill.	Gudger	Morgan, La.	Sumners
Bulkley	Guernsey	Morin	Sutherland
Burke, Pa.	Hamill	Moss, Ind.	Switzer
Calder	Hamilton, N. Y.	Mott	Taggart
Callaway	Hardwick	Murdock	Talbott, Md.
Cantrill	Hart	Neeley, Kans.	Taylor, Ala.
Carew	Hayes	Norton	Ten Eyck
Carlin	Henry	O'Brien	Thomas
Cary	Hinds	Oglesby	Thompson, Okla.
Chandler, N. Y.	Hobson	O'Shaunessy	Underhill
Church	Holland	Paige, Mass.	Vare
Clancy	Houston	Palmer	Vaughan
Cooper	Howarth	Parker	Walker
Copley	Hughes, W. Va.	Patten, N. Y.	Wallin
Covington	Hulings	Patton, Pa.	Walsh
Crisp	Humphreys, Miss.	Peters, Mass.	Walters
Crosser	Johnson, Wash.	Peters, Me.	Weaver
Dale	Jones	Peterson	Whaley
Danforth	Kelley, Mich.	Plumley	White
Davenport	Kennedy, R. I.	Porter	Willis
Davis	Kent	Powers	Wilson, Fla.
Decker	Kiess, Pa.	Prouty	Wilson, N. Y.
Dies	Kinkead, N. J.	Rainey	Winslow
Dooling	Knowland, J. R.	Riordan	Young, N. Dak.
Driscoll	Kreider	Roberts, Mass.	Young, Tex.
Dunn	Lafferty	Rothermel	
Edwards	Langham	Sabath	
Fairchild	Lazaro	Saunders	

So the amendment was agreed to.

The following pairs were announced:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until further notice:

Mr. BAILEY with Mr. CARY.

Mr. BROWN of West Virginia with Mr. BARCHFELD.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. CALLAWAY with Mr. DANFORTH.

Mr. CARLIN with Mr. DAVIS.

Mr. FINLEY with Mr. KIESS of Pennsylvania.

Mr. GALLAGHER with Mr. HULINGS.

Mr. GEORGE with Mr. MCGUIRE of Oklahoma.

Mr. GORMAN with Mr. MCLAUGHLIN.

Mr. GOULDEN with Mr. PATTON of Pennsylvania.

Mr. RAINEY with Mr. PLUMLEY.

Mr. JONES with Mr. PROUTY.

Mr. LOBECK with Mr. POWERS.

Mr. MCCLELLAN with Mr. STEENERSON.

Mr. PALMER with Mr. WILLIS.

Mr. SMALL with Mr. SUTHERLAND.

Mr. SHERLEY with Mr. FORDNEY.

Mr. WHALEY with Mr. WINSLOW.

Mr. MCKELLAR with Mr. GRAHAM of Pennsylvania.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. DEITRICK with Mr. HAYES.

Mr. ELDER with Mr. KREIDER.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. SPARKMAN with Mr. VARE.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. GILMORE with Mr. AUSTIN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. HOUSTON with Mr. PORTER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. LAZARO with Mr. PARKER.

Mr. SABATH with Mr. SWITZER.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. HENRY with Mr. HINDS.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. LIEB with Mr. LAFFERTY.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. RIORDAN with Mr. WALTERS.

Mr. BULKLEY with Mr. CALDER.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. WATKINS with Mr. DUNN.

Mr. FIELDS with Mr. JOHNSON of Washington.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Mr. FITZHENRY. Mr. Speaker, I was not in the Hall when my name was called. I was attending a session of the Judiciary Committee, inquiring into the charges against Judge Dayton. I would like to vote against this amendment.

The SPEAKER. The gentleman is not entitled to vote.

Mr. FLOYD of Arkansas. Mr. Speaker, like the gentleman from Illinois, I was attending a session of the Judiciary Committee.

The SPEAKER. The gentleman can not vote.

The result of the vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. HOWARD) there were 133 ayes and 19 noes.

So the bill was passed.

On motion of Mr. RUCKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the sundry civil appropriation bill, disagree to the Senate amendments, and ask for a conference.

Mr. GARDNER. I reserve the right to object.

The SPEAKER. The Clerk will report the title to the bill.

The Clerk read as follows:

H. R. 17041. An act making appropriations for the sundry civil expenses of the Government for the year ending June 30, 1915, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman from New York if he knows how many Senate amendments there are.

Mr. FITZGERALD. About 200.

Mr. MANN. I take it that if the bill goes over it will be printed showing the Senate amendments, and I therefore object.

Mr. FITZGERALD. I was endeavoring simply to expedite the business of the House.

Mr. MANN. The expedition ought not to come at the expense of Congress; the gentleman has been so neglectful in bringing in the bill that we ought not to expedite it now at the expense of the Government.

Mr. FITZGERALD. I have not been neglectful in bringing in the bill; privileged business was interposed by a vote of the House.

The SPEAKER. Debate on this subject is out of order.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 9: Page 7, line 18, strike out the word "remove."

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask unanimous consent to disagree to all of Senate amendments from No. 9 down to and including Senate amendment numbered 31; that is, to all amendments from No. 9 down to No. 31. No. 31 is the beginning of the States.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the House disagree to Senate amendments numbered 9 to 31, inclusive. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like for just a moment to attract the attention of the gentleman to amendments 9, 10, and 11, where I think the action of the Senate ought to be agreed to. I do not ask that be done now.

Mr. STEPHENS of Texas. Then I will change my request——

Mr. MANN. The gentleman need not change his request. We had some contest over this matter in the House and modified the language of the bill reported to the House, which carried the right to forcibly take an Indian away from his home and take him to a hospital.

Mr. STEPHENS of Texas. I will say to the gentleman I regard that as a very important amendment, and I will say to the committee that the committee which investigated the Indian matters in the West last fall had that matter under investigation with numerous doctors and numerous Indian agents and other persons connected with the Indian Service, and they seem to think it is necessary where an Indian had some contagious disease that the authorities ought to have the right to remove him to some hospital outside the reservation for the purpose of protecting the Indians on the reservation, and, if necessary, to remove them forcibly, and for that reason the House put this language in the bill. The Senate has stricken it out, and I think it ought to go to conference. I would not be willing to agree to the Senate amendment, because I believe in the interest of the Indians and in the interest of their health and in the interest of the country, to protect the country surrounding these Indian reservations, that they should be forced into a hospital, if the gentleman will yield, for they take our children and put them in a hospital, and why should they not take the Indian children who are affected with these contagious diseases?

Mr. MANN. With all due deference to the gentleman, I desire to submit the matter to the committee, and therefore I object until these amendments are disposed of.

Mr. STEPHENS of Texas. Then, will the gentleman agree that the rest of the amendments from 11 to 31——

Mr. MANN. Wait until we dispose of this, and probably there will be no trouble about that.

Mr. STEPHENS of Texas. All right, then, I will yield to the gentleman for the purpose of expressing his views on these amendments.

Mr. MANN. I am willing to consider amendments Nos. 9, 10, and 11 together.

Mr. STEPHENS of Texas. I think they should be considered together, because they relate to the same subject. Mr. Chairman, I ask unanimous consent that they be considered together—amendments Nos. 9, 10, and 11—as they all refer to the same subject matter.

The CHAIRMAN. The gentleman from Texas asks unanimous consent——

Mr. STEPHENS of Texas. And that we disagree to amendments 9, 10, and 11.

Mr. MANN. The gentleman's request is that we consider Senate amendments Nos. 9, 10, and 11 together.

The CHAIRMAN. The Chair has not yet quite understood the gentleman's request.

Mr. MANN. I ask unanimous consent that we consider Senate amendments numbered 9, 10, and 11 all at the same time.

The CHAIRMAN. The gentleman from Illinois asks that Senate amendments 9, 10, and 11 be considered at the same time. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Chairman, I move to concur in the Senate amendments.

Mr. STEPHENS of Texas. I had the first motion and my motion was to disagree, if the Chair pleases.

Mr. MANN. The motion I make takes precedence over the other and the effect is the same.

Mr. STEPHENS of Texas. That is correct.

The CHAIRMAN. The gentleman from Illinois makes a preferential motion to concur in Senate amendments numbered 9, 10, and 11.

Mr. MANN. Mr. Chairman, I would like the attention of the committee for a moment. In dealing with Indians we perhaps have to deal in a little more cautious manner than we would in dealing with our own white people. Now, here is a provision which, as originally offered to the House, authorized without question the forcible taking of the Indian from his home to a hospital. There was some change made in the House when the bill was under consideration. The Senate has made it provide that the department may isolate or quarantine an Indian and use such means as may be necessary for that purpose. The language of the House bill was to use such force as may be necessary. Well, it may mean the same thing, but when we are dealing with the Indians and propose to advertise to them that we will use force to take them against their will from their homes to a hospital, I think we ought to be very cautious. They are naturally suspicious of the white doctors; they are naturally suspicions of the white people who seek to take them from their homes, and to authorize that this be done by force I think will have a very bad effect upon the Indians and fail to accomplish its purpose. The Senate amendment authorizes the quarantining or isolation of any Indian afflicted with contagious diseases, and such means as may be necessary to enforce that without putting into the law the provision that some doctor may employ the police as a matter of force to drag the Indian child out of its home and carry it to a hospital, where the Indian will believe that the purpose is to kill the child, and if it dies, as it may in many cases, the people will believe the whites killed the child.

Mr. STEPHENS of Texas. I desire to ask the gentleman this question: Does not the gentleman think the word "means" means the same as "force." We make it that they can employ such force as may be necessary in the isolation of these Indians. Now, they have stricken out the word "force" and inserted the word "means"——

Mr. MANN. Yes.

Mr. STEPHENS of Texas. What is the meaning of the term "means"?

Mr. MANN. I think the term "means" would authorize the use of force; but it is just like asking a man in a polite manner to do something or to make an apology in a polite manner and hitting him in the face. That is the distinction.

One is an incentive to riot; the other is in a polite manner. Why should we not use politeness in dealing with the Indians? If it were proposed here that you could use force, we would not use the term "force" relating to ourselves, because that instantly excites opposition.

Mr. CARTER. Mr. Chairman, there is undoubtedly much virtue in what the gentleman from Illinois [Mr. MANN] says; especially is there much merit in what he says about the difference in the use of these terms and the effect that they might have upon the Indian. So far as the terms are concerned, I think we will all agree that there is no difference at all as to what might be done under them. And I think, so far as the House Committee on Indian Affairs is concerned, its members might not be inclined to quibble over these changes or words. But the gentleman from Illinois knows we need have some freedom in conference. The gentleman knows that we will have to make some concessions to the Senate anyway, and I would prefer that he not take this opportunity away from us, which might be a good trading point when we get into conference.

Mr. MANN. If the gentleman will yield——

Mr. CARTER. I yield.

On amendment No. 36 the House concurs. It is proposed to reduce the amount allowed the claimant from $30 to $20, which is the amount she would have been allowed had the soldier died as the result of his military service.

On amendment No. 37 the House concurs in the Senate amendment, the claimant having died.

Amendment No. 38 is a typographical correction.

On amendment No. 39 the House concurs. It proposes to reduce the amount from $30 to $24 on account of short service.

Amendment No. 40 is a typographical correction.

On amendment No. 41 the Senate recedes from its amendment and allows the item to pension Caroline Kirman to stand at $12.

Amendments Nos. 42, 43, 44, and 45 are typographical corrections.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 931).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 4, and 18.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the Senate recedes from its contention that the item should be stricken from the bill.

On amendment No. 2 the House concurs. It provides for reduction of the amount to be paid Amy Day, widow of Lerouza Day, from $24 to $20.

On amendment No. 3 the House concurs. This is merely a typographical correction.

On amendment No. 4 the Senate recedes from its contention that the item be stricken from the bill. It proposed to strike out the item pensioning Hannah M. Brodock at $12 per month.

On amendment No. 5 the Senate proposes to increase the amount paid to George Congdon from $30 to $36. This amount is allowed on additional evidence furnished the Senate committee.

Amendments Nos. 6, 7, 8, 9, 10, and 11 are merely typographical corrections.

On amendment No. 12 the Senate increased the amount to be paid Alvah Withee from $24 to $30. This was done on additional evidence furnished the Senate committee.

Amendments Nos. 13 and 14 are merely typographical corrections.

Amendment No. 15 increases the amount paid to Thomas McCafferty from $30 to $36. The Senate committee made this increase on additional evidence furnished them.

Amendments Nos. 16 and 17 are merely typographical corrections.

On amendment No. 18 the Senate recedes, the Senate committee not having read all the evidence when the item was stricken from the bill.

On amendment No. 19 the House concurs. The proposed beneficiary in this case had not exhausted his resources at the Pension Bureau.

Amendments Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 are typographical corrections.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 932).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the Senate agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the House concurs in the Senate recommendation, this remarried widow not having been the wife of the soldier during his service.

Amendments Nos. 2, 3, and 4 are typographical corrections.

On amendment No. 5 the House concurs in the Senate proposition to reduce the pension of Julia W. Stevens from $24 to $20. This is in accord with the rules of both committees.

Amendment No. 6 is a typographical correction.

On amendment No. 7 the House concurs in the Senate recommendation that the amount be reduced from $27 to $24. This is to conform with the regular practice of both committees.

Amendment No. 8 is a typographical correction.

On amendment No. 9 the House concurs in the Senate recommendation to reduce the amount from $27 to $24 in accordance with the practice of both committees.

On amendment No. 10 the House concurs in the Senate amendment, the beneficiary having died.

Amendment No. 11 is merely a typographical correction.

On amendment No. 12 the Senate recedes, it being generally conceded the soldier is dead, and a provision of the bill thoroughly protects the Treasury of the United States in case he should later appeal for a pension.

On amendment No. 13 the House concurs in the recommendation to increase the amount from $27 to $30, additional evidence having been died with the committee.

Amendment No. 14 is a typographical correction.

On amendment No. 15 the House concurs with an amendment to pension Martha Gage at $20 per month, this being the customary amount for widows of private soldiers.

Amendment No. 16 is a typographical correction.

On amendment No. 17 the House concurs to reduce the amount proposed to be paid to Christian Harchelrode from $24 to $20. This is to conform with the rules of both Houses in such cases.

On amendment No. 18 the House concurs to reduce the amount proposed to be paid to Eliza M. Clark from $24 to $20. This is to conform with the rules of both Houses in such cases.

Amendments Nos. 19, 20, 21, and 22 are typographical corrections.

On amendment No. 23 the House concurs, the claimant having died.

On amendment No. 24 the House concurs, the claimant having died.

Amendment No. 25 is a typographical correction.

On amendment No. 26 the House concurs in the Senate recommendation to increase the amount from $20 to $40 on additional evidence filed with them.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the votes by which the several conference reports were agreed to was laid on the table.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. The unfinished business is the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

The question is on agreeing to the amendment reported by the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Suppose the amendment should be voted down. What would be the status of the bill then?

The SPEAKER. The bill would be exactly where it was before the motion to recommit.

Mr. RUCKER. Mr. Speaker, before the vote is taken, as that particular paragraph was not discussed in the presence of the Members here——

Mr. BURKE of South Dakota. Mr. Speaker, I raise the point of order that the previous question has been ordered.

Mr. RUCKER. That is correct. I ask unanimous consent to discuss this section for five minutes.

Mr. BRYAN. Mr. Speaker, reserving the right to object, we will be glad to have the discussion, but we will want an equal time for discussion on the opposite side.

Mr. RUCKER. I ask unanimous consent that I may be allowed five minutes, and that any gentleman on the other side may have an equal amount of time.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that, the rules to the contrary notwithstanding, he be allowed five minutes to discuss this matter from his standpoint, and that some Member who is opposed to his views have five minutes. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, the vote on the motion to recommit having been carried, and the committee having reported to the House, and the House having voted upon the passage of the bill, and 146 having voted in favor of it and 11 against it, and then the point of no quorum having been made, and the House having adjourned, is it possible to go back and reconsider the vote by which the motion to recommit was carried?

The SPEAKER. The whole tale is that the Chair was mistaken about what ought to have been voted on. The unfinished business is this bill in respect to publicity of campaign contributions. It seemed to the Chair at first blush in the uproar prevailing here yesterday that it was an absolutely superfluous thing to vote on that amendment again; that the vote on recommitting was equivalent to adopting the amendment. But the Chair studied it out for himself when he had plenty of time last evening, and also conversed with a skillful parliamentarian, who is a Member of the House, upon the subject, and finally hunted up the authorities. This kind of a case might arise: The gentleman from California, instead of moving to recommit with 1 amendment, might have included 40 amendments in his motion, if he had so desired, and while the motion to recommit carries, the House might really on a separate vote vote some of those amendments in and some of them out. Then, as good luck would have it, the vote failed on account of the absence of a quorum, so that the incorrect ruling of the Chair did not make any difference. We lacked 15 or 20 Members of having a quorum. Fifteen or twenty Members come in this morning and make a quorum, so, as far as that is concerned, it might change the whole aspect of the affair.

Mr. RAKER. Mr. Speaker, while I would not pretend for a moment to argue against the ruling of the Speaker at this time, the suggestion made by the Speaker that there might be three or four propositions in the motion to recommit, it seems to me, is not pertinent, for in this particular case there was but one.

The SPEAKER. That is true; but we can not establish a rule or a ruling for one particular case. We have to make it meet all cases. The Chair has no doubt whatever that the proper thing to vote upon when the time comes to vote in the first instance is the amendment reported by the gentleman from Missouri [Mr. RUCKER]. Then the bill will have to be engrossed and read a third time. That is the process.

Mr. RAKER. The bill does not have to be engrossed unless some one demands it.

The SPEAKER. Oh, yes. That is a matter of routine.

The gentleman from Missouri asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. WINGO. Mr. Speaker, I object.

The SPEAKER. The question is on agreeing to the amendment reported by the gentleman from Missouri, and the Chair thinks under the circumstances of the case that it ought to be again reported.

Mr. RUCKER. Mr. Speaker, may I ask that the Clerk report the section as it will read if the amendment be adopted?

The SPEAKER. Without objection, it will be so done.

The Clerk read as follows:

Amendment, page 7, line 16, strike out in line 16 the words "in two or more States," so that the section as amended will read as follows: "SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same under oath in the office of the Clerk of the House of Representatives, at Washington, D. C., as required by sections 6 and 7 of this act, which statements shall be held by said Clerk in all respects as required by section 6 of this act."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. As I understood the motion to recommit, it provided that the committee should be directed to strike out of the bill the language "in two or more States," without specifying where the language was. Is that correct?

Mr. RAKER. Oh, no; it is on line 16, page 7. That was the motion, definitely stated.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. RUCKER. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Forty-seven have risen. Those opposed will rise and stand until counted. [After counting.] Three have risen. Forty-seven is a sufficient number, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 134, nays 116, answered "present" 6, not voting 177, as follows:

YEAS—134.

Abercrombie	Evans	Keltner	Reilly, Conn.
Allen	Falconer	Kindel	Reilly, Wis.
Anderson	Farr	Kinkaid, Nebr.	Roberts, Nev.
Ansberry	Fergusson	Kitchin	Rogers
Avis	Foster	Konop	Rouse
Baker	Fowler	La Follette	Rupley
Barkley	Frear	Langley	Scott
Burton	French	Lee, Pa.	Seldomridge
Bathrick	Gallivan	Lenroot	Sherwood
Beakes	Gardner	Lindbergh	Sinnott
Bell, Cal.	Gillett	Lindquist	Smith, Idaho
Britten	Gocke	Logue	Smith, Saml. W.
Brockson	Good	Lonergan	Smith, Minn.
Brown, N. Y.	Gray	McKenzie	Stafford
Bryan	Green, Iowa	MacDonald	Stephens, Cal.
Burke, S. Dak.	Greene, Mass.	Madden	Stephens, Tex.
Burke, Wis.	Greene, Vt.	Maguire, Nebr.	Stevens, Minn.
Carr	Hamilton, Mich.	Mahan	Stevens, N. H.
Casey	Hammond	Manahan	Stone
Connelly, Kans.	Hardy	Mapes	Taverner
Connolly, Iowa	Haugen	Miller	Taylor, Colo.
Cox	Hawley	Mitchell	Taylor, N. Y.
Cramton	Hayden	Montague	Temple
Cullop	Helgesen	Morgan, Okla.	Thomson, Ill.
Deitrick	Helvering	Moss, W. Va.	Towner
Dershem	Hill	Murray, Mass.	Treadway
Difenderfer	Hinebaugh	Nelson	Volstead
Dillon	Howell	Nolan, J. I.	Whitacre
Donohoe	Igoe	O'Hair	Williams
Donovan	Johnson, Ky.	O'Leary	Wingo
Doolittle	Keating	Payne	Woodruff
Eagan	Keister	Phelan	Woods
Edmonds	Kelly, Pa.	Post	
Esch	Kennedy, Iowa	Raker	

NAYS—116.

Adamson	Baltz	Bowdle	Buchanan, Tex.
Aiken	Bell, Ga.	Brodbeck	Burgess
Alexander	Blackmon	Brousard	Burnett
Aswell	Booher	Brumbaugh	Byrnes, S. C.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5957. An Act to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about two miles west of Hunter, La.; to the Committee on Interstate and Foreign Commerce.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. Is there a statement to accompany the report?

Mr. RUSSELL. Yes; but the report is shorter than the statement, I think.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 928).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 13, 16, 37, 38, 45.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendments Nos. 1 and 2 are typographical corrections.

On amendment No. 3 the House concurs in Senate amendment to reduce the item from $24 to $20. This is to conform with the rules of both committees.

On amendment No. 4 the House concurs in the Senate amendment, as the claimant did not marry the soldier until August 18, 1895.

On amendment No. 5 the Senate recedes, it having been shown that the claimant is not in a condition that she requires the aid and attendance of another person.

On amendment No. 6 the House concurs, as the rules of the committee of both Houses provide that pension for helpless children shall not exceed $12 per month.

Amendment No. 7 is a typographical correction.

On amendment No. 8 the House concurs in the Senate amendment, as the facts shown by the evidence in the case justify an increase to $30 per month.

On amendment No. 9 the House concurs in the Senate amendment to reduce the amount from $24 to $20. This is to conform with the rules of both committees.

On amendment No. 10 the House concurs, as it is a typographical correction.

On amendment No. 11 the House concurs in the Senate amendment, as the claimant did not serve the required 90 days.

Amendment No. 12 is a typographical correction.

On amendment No. 13 the Senate recedes from its amendment, as it is shown claimant is blind.

Amendments Nos. 14 and 15 are typographical corrections.

On amendment No. 16 the Senate recedes, as it is shown the claimant is blind, and this is the amount she would be allowed under the general law had her husband died from disease of service origin.

On amendment No. 17 the House concurs. In this case it is proposed to increase the pension of the widow of a soldier who served but three months, and who was not a war widow.

Amendment No. 18 is a typographical correction.

On amendment No. 19 the House concurs in the Senate amendment, as the facts shown in additional evidence justify an increase to $30.

On amendment No. 20 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the facts shown seem to so warrant.

On amendment No. 21 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the report of the Senate declares the facts set forth justify that amount.

On amendment No. 22 the House concurs, as it is a typographical correction.

On amendment No. 23 the House concurs in the Senate amendment, as additional proofs filed with the committee show that the soldier now needs constant aid and attendance.

On amendment No. 24 the House concurs, as the claimant is now pensioned at $24 per month by special act.

On amendment No. 25 the House concurs in the Senate amendment to increase the amount from $27 to $30. The facts set out in the report seem to justify the Senate committee in making this increase.

Amendments Nos. 26, 27, 28, 29 are typographical corrections.

On amendment No. 30 the House concurs in the Senate amendment to increase the amount from $28 to $30, which the facts seem to warrant.

Amendment No. 31 is a typographical correction.

On amendment No. 32 the House concurs in the Senate amendment to reduce the amount from $30 to $24, on account of soldier's short service at the close of the war.

On amendment No. 33 the House concurs in the Senate amendment, which proposes to increase the amount from $24 to $30. The facts shown by the evidence convince the Senate committee that $30 was the proper rating.

Amendments Nos. 34, 35, and 36 are typographical corrections.

On amendment No. 37 the Senate recedes, as it is shown that the claimant needs the constant attention of another person at all times.

On amendment No. 38 the Senate recedes, being shown that the widow married the soldier very shortly after his service, and is now helpless and destitute.

On amendment No. 39 the House concurs in the amendment to reduce the amount from $36 to $30, on account of the soldier's short service and his present disability not being of service origin.

On amendment No. 40 the House concurs in the Senate amendment to increase the amount from $24 to $30, as the facts set forth in the report seem to warrant this action.

Amendments Nos. 41 and 42 are typographical corrections.

On amendment No. 43 the House concurs in the Senate amendment, the claimant having died.

Amendment No. 44 is a typographical correction.

On amendment No. 45 the Senate recedes, as it is shown that the claimant is totally blind.

Amendment No. 46 is a typographical correction.

On amendment No. 47 the House concurs in the Senate amendment to increase the amount from $25 to $30, as the soldier's disabilities were incurred in the service.

Amendments Nos. 48 and 49 are typographical corrections.

On amendment No. 50 the House concurs in the Senate amendment to increase the amount allowed Morton A. Read from $36 to $50, as additional evidence filed with the Senate committee shows that the soldier is now paralyzed and requires aid and attendance at all times.

Amendment No. 51 is a typographical correction.

On amendment No. 52 the House concurs in the Senate amendment to increase the amount from $30 to $36, as the claimant is now shown to be in much worse condition than when the bill passed the House.

On amendment No. 53 the House concurs in the Senate amendment to increase the amount allowed George W. Coward from $30 to $50 on additional proofs filed with the Senate committee.

Amendment No. 54 is a typographical correction.

On amendment No. 55 the House concurs in the Senate amendment to increase the amount from $36 to $50, which increase was made on additional evidence filed with the Senate committee.

Amendments Nos. 56, 57, and 58 are typographical corrections.

On amendment No. 59 the House concurs in the Senate amendment to reduce the amount from $36 to $30, on account of the short service.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 929).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 20.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40"; and the Senate agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1 is a typographical correction.

On amendment No. 2 the House concurs, as the service of the soldier was very short.

On amendment No. 3 the Senate recedes from its amendment, as it is shown that the claimant is blind.

On amendment No. 4 the House concurs. It is proposed to reduce the amount from $36 to $30, which seems to be commensurate with the soldier's service.

Amendments Nos. 5 and 6 are typographical corrections.

On amendment No. 7 the House concurs. It is proposed to increase the amount from $30 to $35, which increase is made on additional evidence filed with the Senate committee.

Amendments Nos. 8 and 9 are typographical corrections.

On amendment No. 10 the House concurs, as the beneficiary is dead.

Amendments 11, 12, and 13 are typographical corrections.

On amendment 14 the House concurs, as the rules of both Houses provide that pensions for a helpless child shall not exceed $12 per month.

On amendments 15 and 16 the House concurs, as the beneficiaries are dead.

Amendments Nos. 17 and 18 are typographical corrections.

On amendment No. 19 the House concurs in the proposition to increase the amount from $40 to $50. This increase is made on additional evidence furnished the Senate committee.

On amendment No. 20 the Senate recedes on account of the extreme poverty and terrible condition of the claimant.

Amendments 21 and 22 are typographical corrections.

On amendment No. 23 the House concurs in the Senate amendment to increase the rating from $24 to $30, which increase is made on additional evidence furnished the Senate committee.

On amendment No. 24 the House recedes from its previous disagreement, and concurs in the same with an amendment which pensions him at $40 per month.

Amendments Nos. 25, 26, and 27 are typographical errors.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 930).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 22, 23, 35, 39, 41.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 37, 38, 40, 42, 43, 44, 45, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
JNO. W. LANGLEY,
Managers on the part of the House.

BENJ. F. SHIVELY,
WM. HUGHES,
THOMAS STERLING,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

On amendment No. 1 the House concurs, the claimant having died.

Amendments Nos. 2 and 3 are typographical corrections.

On amendment No. 4 the House concurs, as it is proposed to increase the pension of a helpless and dependent child from $12 to $20, but this is against the rules of both Houses.

On amendment No. 5 the House concurs. On additional evidence submitted to the Senate the rating is changed from $30 to $40.

Amendments Nos. 6 and 7 are typographical corrections.

On amendment No. 8 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules of both Houses.

On amendment No. 9 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules of both Houses.

Amendments Nos. 10, 11, 12, and 13 are typographical corrections.

On amendment No. 14 the House concurs, the claimant having died.

On amendment No. 15 the House concurs in the Senate recommendation to reduce the amount from $24 to $20 to conform with the rules.

Amendments Nos. 16 and 17 are typographical corrections.

On amendment No. 18 the House concurs, the claimant having died.

Amendments Nos. 19, 20, and 21 are typographical corrections.

On amendment No. 22 the Senate recedes. It is proposed to reduce the amount from $50 to $40, but as the claimant is totally blind, the Senate receded.

On amendment No. 23 the Senate recedes, as it was clearly shown that no pension is being drawn on the services of this soldier.

Amendment No. 24 is merely a typographical correction.

On amendment No. 25 the House concurs, as it is shown the claimant is now pensioned at $30 by special act of Congress.

Amendment No. 26 is a typographical correction.

On amendment No. 27 the House concurs, the claimant having died.

Amendments Nos. 28 and 29 are typographical corrections.

On amendment No. 30 the House concurs in the Senate recommendation increasing the amount allowed from $24 to $25, as it has been the custom of both committees to allow $25 in such cases.

On amendment No. 31 the House concurs, as a similar bill passed both Houses during this Congress, and was signed and approved by the President.

On amendment No. 32 the House concurs in the Senate recommendation to increase the rate from $28 to $30, to conform with the rules of both Houses.

Amendments Nos. 33 and 34 are typographical corrections.

On amendment No. 35 the Senate recedes and allows the pension of $24, passed by the House, to stand.

Mr. BRYAN. I ask that the bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 16294) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

Mr. SHEPPARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES L. HILL.

The bill (H. R. 7327) for the relief of Charles L. Hill was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to allow Charles L. Hill to enter, under the homestead laws, and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lot 1 of section 5, township 22 south, range 1 east, and lots 5, 6, 8, and 9 of section 32, township 21 south, range 1 east, Las Cruces, N. Mex., land district; and provides that the entry and patent therefor shall expressly reserve to the United States the right to take or use, without compensation to entryman, patentee, or his assignees, any or all of the lands which may be actually needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONVEYANCE OF LANDS BY PONCA CITY, OKLA.

The bill (S. 4880) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, line 1, after the word "three," to strike out "thousand one hundred and sixty-eight" and insert "and one hundred and sixty-eight thousandths," so as to make the bill read:

Be it enacted, etc., That the city of Ponca City and the board of education of the city of Ponca City, in the State of Oklahoma, be, and they are hereby, authorized to sell and convey, for the benefit of the school district of said city, the west half of block 35, in the town site of Bluffdale; the west half of block 13, in the town site of Hartman; and the west half of block 28, in the town site of Lynchville, according to the approved plats of said town sites, respectively; said tracts lying and being in the corporate limits of the city of Ponca City, Okla., and containing 3.66 acres, and heretofore patented to said city for school purposes under section 22 of the act of May 2, 1890 (26 Stats., p. 81).

The amendment was agreed to.

The bill was reported to the Senate as amended, ordered to be engrossed for a third reading, was read the third time, and passed.

LAND IN BOZEMAN, MONT.

The bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to convey, by quitclaim deed, to the city of Bozeman, Mont., for the purpose of a public alley, and for no other purpose, all the right, title, and interest of the United States of America in and to a strip of land 10 feet in width off of the rear of the Federal building site in said city of Bozeman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT SMYRNA, DEL.

The bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del., was considered as in Committee of the Whole. It proposes to increase the limit of cost for the purchase of a site and the erection of a public building for a United States post office at Smyrna, Del., from $25,000 to $35,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors was announced as next in order.

Mr. BRYAN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

OLALLA SLOUGH DIKE, OREG.

The bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910, was considered as in Committee of the Whole. It proposes to amend section 1 of the act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910, so as to read:

SECTION 1. That the legal officers of the Olalla diking district, organized under the laws of the State of Oregon, be, and hereby are, authorized to construct upon the foundation already laid, or at any point farther upstream that might be desired, and to maintain a dike across the Olalla Slough, in Lincoln County, Oreg., with a gate therein so constructed and maintained as to be readily opened and easily operated, for the purposes of navigation. Said gates may be closed for such time as to prevent the overflowing by the tides of the lands above the dike, under regulations to be prescribed from time to time by the Secretary of War: *Provided, however*, That the work now existing shall not be legalized nor shall any new work be commenced until the plans therefor have been filed with and approved by the Secretary of War and Chief of Engineers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala., was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

INTERNATIONAL DRY-FARMING CONGRESS.

The joint resolution (H. J. Res. 255) authorizing the President to extend invitations to other nations to send representatives to the International Dry Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC-LAND ENTRIES.

Mr. SHAFROTH. Mr. President, there was a report made this morning by my colleague from the Public Lands Committee upon a certain bill, which would be next in order on the calendar if it had been presented the day before, and on that account I ask unanimous consent that it be considered at this time. It is Senate bill 5629.

Mr. WARREN. The bill is not here.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The present occupant of the chair is informed that the bill referred to by the Senator is not in the possession of the Senate, but has gone to the printer.

Mr. SHAFROTH. Very well.

EXECUTIVE SESSION.

Mr. SMITH of Georgia. I move that the Senate proceed to the consideration of executive business. There are two or three nominations that we are anxious to dispose of to-night.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 10 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, July 13, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 9, 1914.

COLLECTOR OF CUSTOMS.

Murphy J. Foster, of Franklin, La., to be collector of customs for the district of New Orleans, in place of Clarence S. Hebert, resigned.

RECEIVER OF PUBLIC MONEYS.

James L. Travers, of Wahkon, Minn., to be receiver of public moneys at Duluth, Minn., vice Gustaf Bergquist, term expired.

POSTMASTERS.

NEW YORK.

John A. Ganey to be postmaster at New Hartford, N. Y., in place of Albert S. Harris. Incumbent's commission expired April 23, 1913.

Glenn F. Pollard to be postmaster at Oriskany Falls, N. Y., in place of Charles W. Clark. Incumbent's commission expired January 29, 1913.

OHIO.

H. J. Blackmore to be postmaster at Pomeroy, Ohio, in place of Ralston Russell. Incumbent's commission expired June 24, 1914.

Harry C. Brown to be postmaster at Manchester, Ohio, in place of R. H. Ellison. Incumbent's commission expired June 7, 1914.

James A. Ryan to be postmaster at Sandusky, Ohio, in place of Charles G. Schippel. Incumbent's commission expired March 15, 1914.

Frank C. Schiffer to be postmaster at Shelby, Ohio, in place of P. S. Lybarger. Incumbent's commission expired February 9, 1914.

James A. Smith to be postmaster at Belle Center, Ohio, in place of William M. Torrence. Incumbent's commission expired June 21, 1914.

OKLAHOMA.

J. M. Casper to be postmaster at Okeene, Okla., in place of Benjamin E. Adams, jr. Incumbent's commission expired January 25, 1914.

J. Lee Smith to be postmaster at Waynoka, Okla., in place of Albert R. Phillips. Incumbent's commission expired June 26, 1913.

L. B. Sneed to be postmaster at Guymon, Okla., in place of Margaret J. Ryan. Incumbent's commission expired April 19, 1914.

PENNSYLVANIA.

H. R. Hummel to be postmaster at Watsontown, Pa., in place of Daniel L. Grier. Incumbent's commission expired March 7, 1914.

SOUTH DAKOTA.

William Lowe to be postmaster at Madison, S. Dak., in place of Charles J. Porter. Incumbent's commission expired June 25, 1914.

TENNESSEE.

B. A. Heard to be postmaster at South Pittsburg, Tenn., in place of Daniel A. Tate. Incumbent's commission expired May 31, 1914.

VIRGINIA.

W. F. Tinsley to be postmaster at Clifton Forge, Va., in place of Charles P. Nair. Incumbent's commission expired May 6, 1914.

WASHINGTON.

G. W. Reed to be postmaster at Pullman, Wash., in place of King P. Allen. Incumbent's commission expired June 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 9, 1914.

AMBASSADOR.

George T. Marye to be ambassador extraordinary and plenipotentiary to Russia.

SUPERINTENDENT OF THE MINT.

Adam M. Joyce to be superintendent of the mint at Philadelphia, Pa.

COLLECTOR OF CUSTOMS.

Murphy J. Foster to be collector of customs for the district of New Orleans, La.

REGISTER OF THE LAND OFFICE.

Charles D. Mackay to be register of the land office at Carson City, Nev.

POSTMASTERS.

FLORIDA.

J. Y. O'Neal, Dade City.

GEORGIA.

Walter B. Cheatnam, Dawson.
Thomas Davis, Meigs.

NEW YORK.

Albert E. Moran, Gardiner.

TEXAS.

T. A. Boothe, Cleveland.
Maude Strain, Lancaster

VIRGINIA.

W. F. Tinsley, Clifton Forge.

WITHDRAWAL.

Executive nomination withdrawn July 9, 1914.

POSTMASTER.

Emmet W. Peoples to be postmaster at Pomeroy, Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 9, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Thy blessing, O God our Father, attend us with wisdom, power, purity, and larger intent of purpose; that right may prevail, wrong diminish; that we may leave in our wake the way a little smoother for those who shall come after us. That brotherly love may have a wider sweep, contention cease. So may we learn the joy of a good deed and receive instant rebuke for an evil thought or act, and thus pass on our way ennobled, purified, wise in our generation. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PORTER, for 30 days, to act as arbitrator in the wage dispute between the Pittsburgh Railways Co. and its employees.

To Mr. THOMAS, indefinitely, on account of important business.

ORDER OF BUSINESS.

Mr. RUSSELL. Mr. Speaker, I desire to call up a conference report——

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is it in order to-day to finish the unfinished business of yesterday, on which the previous question was ordered?

The SPEAKER. Yes; that is the unfinished business; but a conference takes precedence of everything.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 60. An act to provide for agricultural entry of oil lands; and

S. 4714. An act to authorize Louis Eder to enter lands under the homestead laws.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5657. An act to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes.

ENROLLED BILLS AND A JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the following titles:

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana;

S. 388. An act for the relief of Ella O. Richardson;

S. 2603. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

ENROLLED JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, House joint resolution of the following title:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

thereafter found and delivered to the collector of internal revenue at Albany, N. Y.

jected to the bill. I did not it be that if the Senator who objected would read the report he

deceased, late assistant treasurer of the United States at New as next in order.

Mr. HITCHCOCK. I ask that the bill go over, Mr. President.

Mr. POMERENE. I hope the Senator from Nebraska will withdraw that objection. I may say with respect to the bill that Charles R. Grant is a judge of the Circuit Court of Appeals of Ohio. He had a very active experience, as the report in his case will show, during the war as a boy. He was not of the age which would permit of his being mustered into the service at that time. The bill carries no pension at all.

Mr. HITCHCOCK. I was of the impression that the bill before the Senate was the veterinary bill, but I have just been informed that that bill has already gone over. I withdraw my objection.

Mr. POMERENE. I thank the Senator.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles R. Grant shall hereafter be held and considered to have been in the military service of the United States as a member of Company F, Twelfth Regiment Connecticut Volunteer Infantry, and to have been honorably discharged therefrom: *Provided, however*, That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act for the relief of Charles R. Grant."

BILLS PASSED OVER.

The bill (H. R. 14404) for the relief of E. F. Anderson was announced as next in order.

Mr. CHILTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 14405) for the relief of C. F. Jackson was announced as next in order.

Mr. CHILTON. I also ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

LANDS FOR PARK PURPOSES, DENVER, COLO.

The bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes, which had been reported from the Committee on Public Lands with amendments, was considered as in Committee of the Whole.

Mr. WILLIAMS. Mr. President, reserving the right to object, I should like to ask the Colorado Senators a question. I understand this land is near the city of Denver. If so, is it not worth more than a dollar and a quarter an acre?

Mr. THOMAS. No; it is not worth that for any other purposes than the purposes to which this bill proposes to dedicate it.

Mr. WILLIAMS. Is it useless as agricultural land?

Mr. THOMAS. It is absolutely useless as agricultural land.

Mr. WILLIAMS. And it is too far out from Denver to become useful as town lots?

Mr. THOMAS. Oh, yes. It is designed as a municipal park for the city of Denver, but it is not adjacent to the city.

Mr. WARREN. I wish to ask if I heard correctly the reading of the bill to the effect that the city and county of Denver are authorized to sell these lands for any purpose they see fit?

Mr. THOMAS. No; the city can not sell the lands for any purpose. They must be used for park purposes, and they must be improved for park purposes.

Mr. SHAFROTH. And for scenic purposes more than for anything else.

The VICE PRESIDENT. The amendments reported by the committee will be stated.

The first amendment reported by the Committee on Public Lands was, in section 1, page 1, after the enacting clause, to strike out "That there is hereby granted and conveyed" and to insert "That the Secretary of the Interior is hereby authorized to sell and convey," so as to read:

That the Secretary of the Interior is hereby authorized to sell and convey to the city and county of Denver, a municipal corporation in the State of Colorado, for public park purposes, and for the use and benefit of said city and county, the following-described land, or so much thereof as said city and county may desire, to wit, etc.

The amendment was agreed to.

The next amendment was, in section 1, page 3, line 16, before the word "section," to strike out "northeast quarter of northeast quarter"; and in line 17, after the word "quarter," to strike out "southwest quarter of southwest quarter," so as to read:

In township 5 south, range 71 west, sixth principal meridian: Southeast quarter of southwest quarter, section 5; south half of northeast quarter, southeast quarter, north half of southwest quarter, southwest quarter of southwest quarter, section 7; northwest quarter, northeast quarter of southwest quarter, section 8; east half of southwest quarter, section 9; northeast quarter of southeast quarter, section 12; north half of northeast quarter, southeast quarter of southeast quarter, section 14; northeast quarter, southeast quarter, east half of northwest quarter, southwest quarter of northwest quarter, southwest quarter, section 15; northwest quarter of northeast quarter, section 18; west half of northeast quarter, section 24; southeast quarter of southeast quarter, section 25; northwest quarter of northeast quarter, section 26; south half of southeast quarter, section 35.

The amendment was agreed to.

The next amendment was, in section 1, page 5, line 8, after the word "thousand," to strike out "one hundred and sixty" and insert "and forty-seven," so as to read:

Total, 7,047 acres, more or less.

The amendment was agreed to.

The next amendment was, in section 2, page 5, line 16, after the word "that," to strike out "the grant hereby made shall not include any lands which at the date of the issuance of the patent shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States" and insert "there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated," so as to make the section read:

SEC. 2. That the conveyance shall be made of the said lands to said city and county of Denver by the Secretary of the Interior upon payment by the said city and county for the said land, or such portions thereof as it may select, at the rate of $1.25 per acre, and patent issued to said city and county for the said land selected, to have and to hold for public park purposes, and that there shall be excepted from the grant hereby made any lands which at the date of the approval of this act shall be covered by a valid, existing, bona fide right or claim initiated under the laws of the United States: *Provided*, That this exception shall not continue to apply to any particular tract of land unless the claimant continues to comply with the law under which the claim or right was initiated: *Provided*, That there shall be reserved to the United States all oil, coal, and other mineral deposits that may be found in the land so granted and all necessary use of the land for extracting same: *Provided further*, That said city and county shall not have the right to sell or convey the land herein granted, or any part thereof, or to devote the same to any other purpose than as before described, and that if the said lands shall be used for any purpose other than public park purposes, the same, or such parts thereof so used, shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PIKE NATIONAL FOREST.

The bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments. The first amendment was, on page 1, line 3, after the word "lands," to strike out "now belonging to the United States of America" and insert "in the State of Colorado," so as to read:

That all lands in the State of Colorado hereinafter described, to wit—

And so forth.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, southwest quarter of northwest quarter, southwest quarter, section 19; south half of southwest quarter, section 29; west half of southwest quarter, section 29; south half of southeast quarter, north half of northwest quarter, southwest quarter of northwest quarter, northeast quarter of southwest quarter, northwest quarter of southwest quarter, section 30; southwest quarter of northwest quarter, section 31.

And insert:

In township 4 south, range 72 west, sixth principal meridian: Southeast quarter of northeast quarter, southeast quarter, south half of lots 2 and 3, southwest quarter, including lots 4, 5, and 6, section 19; south half of southwest quarter, section 29; west half of southwest quarter, section 29; south half of southeast quarter, north half of lot 1, all of lots 2, 3, and 4, north half of lot 5, south half of lot 6, section 30; south half of lot 2, all of lot 3, section 31.

The amendment was agreed to.

The next amendment was, on page 4, line 25, after the word "thousand," to strike out "four hundred and fifty-seven" and insert "six hundred and eighty," and on page 5, line 2, after the word "reserved," to strike out "withdrawn from entry"

and insert "subject to all prior valid adverse rights," so as to read:

In township 4 south, range 73 west, sixth principal meridian: South half of northeast quarter, northeast quarter of northeast quarter, southeast quarter, east half of northwest quarter, east half of southwest quarter, section 24; total, 9,660 acres, more or less; be, and the same are hereby, reserved subject to all prior valid adverse rights and made a part of and included in the Pike National Forest.

Mr. THOMAS. I suggest the elimination of the word "adverse" in that amendment.

Mr. SMOOT. So that it will read "subject to all prior valid rights."

Mr. THOMAS. That is the suggestion made by the Senator from Utah, and I accept it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 5, line 3, in the amendment reported by the committee, after the word "valid," it is proposed to strike out "adverse," so as to read, "subject to all prior valid rights."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ORGANIZATION OF THE REGULAR ARMY.

The joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Whereas in an act of Congress entitled "An act to increase the efficiency of the permanent military establishment of the United States," approved February 2, 1901, and in an act entitled "An act to reorganize and to increase the efficiency of the Artillery of the United States Army," approved January 25, 1907, there were provided organizations for the Infantry, Cavalry, Field Artillery, and Engineers of the United States Army; and

Whereas there was therein provided for such organizations of Infantry, Cavalry, Field Artillery, and Engineers a minimum and maximum strength; and

Whereas it was therein provided that the President might, in his discretion, increase the aforesaid organizations from the prescribed minimum strength to a number not to exceed the prescribed maximum strength, under the restriction that in making this increase the total number of enlisted men authorized for the entire Army should not be exceeded; and

Whereas it was specifically provided in the act approved February 2, 1901, that "the total enlisted force of the line of the Army, together with such native force (Philippine Scouts), shall not exceed at any one time 100,000"; and

Whereas this restriction as to number prevents the raising of the organizations of Infantry, Cavalry, Field Artillery, and Engineers to the prescribed statutory maximum strength (war strength) necessary to enable them to most efficiently and economically perform the duties required of them during war or other grave national emergency; and

Whereas at the present time there exists a condition which may at any moment require the fullest and most effective use to be made of the Regular Army of the United States: Therefore be it

Resolved, etc., That in time of war or when war is imminent, or on other occasions of grave national emergency requiring the use of the Regular Army of the United States, the President be authorized, in his discretion, to raise the organization of the Regular Army to the prescribed statutory maximum strength for the period of the war or until the imminence of war or other grave national emergency shall have passed, and that for this purpose the restriction of law limiting the total enlisted force of the line of the Army to 100,000 shall be suspended.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMOOT. I suggest that the preamble be stricken out.

The VICE PRESIDENT. Without objection the preamble will be stricken out.

SERAPIO ROMERO.

The bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Serapio Romero, ex-postmaster at Las Vegas, N. Mex., $1,106.98, on account of money paid by him August 1, 1885, to the Post Office Department, this being the amount embezzled by the assistant postmaster, W. E. Miller.

Mr. SMOOT. I should like to ask the Senator from New Mexico at what time was the money referred to in the bill embezzled?

Mr. CATRON. About 10 or 12 years ago.

Mr. SMOOT. Before assistant postmasters were required to give bond?

Mr. CATRON. Yes; I think it was before assistant postmasters were required to give bond. That is the fact.

Mr. SMOOT. I have been looking for the report on this bill.

Mr. CATRON. There does not seem to be a report submitted to accompany the bill, but I can state the facts.

Mr. SMOOT. I was going to suggest to the Senator that if the money was embezzled since assistant postmasters have been required to give bond, then I do not believe the bill ought to be passed.

Mr. CATRON. Well, it was before that time. I do not know how long before, but it was before that.

Mr. SMOOT. Upon the assurance of the Senator, I will not object; but I think there ought to be a report with the bill.

Mr. CATRON. I think it has been 15 years since Mr. Romero was postmaster at Las Vegas.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. R. DRAKE.

The bill (H. R. 14925) for the retirement of H. R. Drake was considered as in Committee of the Whole. It authorizes the President of the United States to promote H. R. Drake, formerly a sergeant in Troop A, Fifth Regiment United States Cavalry, to master signal electrician, and to place him on the retired list of the Army with full pay and allowance of that rank.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 15959) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was announced as next in order.

Mr. SHEPPARD. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

REGISTERS AND RECEIVERS OF LAND OFFICES.

The bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, in line 11, after the word "receiver," to insert the words "while so acting," so as to make the bill read:

Be it enacted, etc., That in case of the death, resignation, or refusal or inability to act of any register or receiver of any district land office the Secretary of the Interior shall be, and he is hereby, authorized to designate some employee of his department to perform the duties of such officer until the disability of such officer is removed or his successor is appointed and qualified: *Provided*, That the person so designated shall receive the same compensation as would be allowed to a regularly appointed register and receiver while so acting.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANDREW RIGANOPOLOUS.

The bill (H. R. 963) for the relief of Mrs. Andrew Riganopolous, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Andrew Riganopolous $2,500, for damages suffered by reason of her husband, Andrew Riganopolous, being killed by regularly enlisted marines while in the discharge of their duty in target practice at the Mare Island Navy Yard, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

R. B. WHITACRE & CO.

The bill (H. R. 9362) for the relief of R. B. Whitacre & Co. was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay, out of the reclamation fund chargeable to the Belle Fourche project, to R. B. Whitacre & Co., of St. Paul, Minn., $942.97, in full payment for 742½ kegs of blasting powder, furnished and delivered by said claimant and used by the United States at and upon the public work at Belle Fourche, S. Dak., between the 1st day of February, 1906, and the 4th day of September, 1907, and for which no payment has ever been made.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4282) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor roll," and for other purposes, was announced as next in order.

introduced by the Senator from New Mexico [Mr. FALL], who is away, and it is a document the committee thought of great historical interest.

Mr. WILLIAMS. It is not of any more historical interest than Dr. Kane's arctic expedition and research. It would be just publishing pure literature.

Mr. CHILTON. If the Senator objects, I can not help it.

The VICE PRESIDENT. The resolution will go over.

FEDERAL TRADE COMMISSION.

The bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. WARREN. Let it go over.

The VICE PRESIDENT. The bill will go over.

G. L. TANEYHILL.

The bill (S. 1124) for the relief of G. L. Taneyhill was considered as in Committee of the Whole. It provides that in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers G. L. Taneyhill, who performed the duties of a medical cadet, United States Army, from October 10, 1864, to May 9, 1865, shall hereafter be held and considered to have been in the military service of the United States as a medical cadet, United States Army, from October 10, 1864, to May 9, 1865, and to have been honorably discharged as such medical cadet on the last-named date, but no pay, pension, bounty, allowance, or emolument of any description shall become due or payable to anyone by reason of anything contained in this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HARRISON H. HOLLOWELL.

The bill (S. 1293) to correct the military record of Harrison H. Hollowell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws Harrison H. Hollowell, who was a private of Company F, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on or about the 1st day of October, 1863.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Harrison H. Hollowell."

RIVER AND HARBOR APPROPRIATIONS.

The bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, was announced as next in order.

Mr. WARREN. Let that go over.

Mr. KENYON. On account of the absence of the Senator from North Carolina [Mr. SIMMONS], I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

JOHN R. NORRIS.

The bill (H. R. 1580) for the relief of John R. Norris was considered as in Committee of the Whole. It provides that John R. Norris shall be permitted to make an additional homestead entry for the NW. ¼ of the NW. ¼ of sec. 29, in township 161 N., of R. 33 W., in the State of Minnesota, upon the payment by him, at the time of entry, to the Government for the timber on the said NW. ¼ of the NW. ¼ at such price as may be fixed therefor by the Secretary of the Interior, in addition to the price of the land and the usual fees and commissions.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

C. M. HAMMOND.

The bill (H. R. 10345) for the relief of C. M. Hammond was considered as in Committee of the Whole. It proposes to pay $150 to C. M. Hammond, of New York City, N. Y., a deputy collector of internal revenue, in compensation for money paid by him into the Treasury of the United States for cigar stamps supposed to have been lost in the United States mails, but thereafter found and delivered to the collector of internal revenue at Albany, N. Y.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. HYATT.

The bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army was announced as next in order.

Mr. CHILTON. Let that go over.

The VICE PRESIDENT. The bill will go over.

JOHN J. MUEHLEISEN.

The bill (S. 4005) for the relief of John J. Muehleisen was announced as next in order.

The VICE PRESIDENT. The bill was reported adversely. The question is on the indefinite postponement of the bill.

The motion was agreed to.

ISAAC J. REESE.

The bill (S. 1160) for the relief of Isaac J. Reese was considered as in Committee of the Whole. It provides that in the administration of the pension laws Isaac J. Reese shall hereafter be held and considered to have been in the military service of the United States as a private of Company K, One hundred and ninety-fourth Regiment Pennsylvania Volunteer Infantry, from the 24th day of July, 1864, to the 6th day of November, 1864, and to have been honorably discharged from said service on the date hereinbefore last named, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALICE H. GILSON.

The bill (S. 5204) for the relief of Alice H. Gilson was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 5 to strike out "$10,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,200 to Alice H. Gilson, widow of the late Thomas J. Gilson, deceased, of Elephant Butte, N. Mex., in full compensation for the death of her husband, which was caused by the negligent operation of an electric sawmill at Elephant Butte, N. Mex.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell was considered as in Committee of the Whole. It proposes to pay $750 to Charles A. Davidson and $750 to Charles M. Campbell, late clerks of United States courts in Indian Territory, in pursuance of the findings of fact reported to the United States Senate by the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell against The United States, No. 14046, congressional.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS UNDER NAVY DEPARTMENT.

The bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 5, after line 21, to insert:

Twentieth. To pay the owners on May 12, 1913, of the steamer *Annie* for damages arising out of the collision between their steamer and the U. S. S. *C-5* in the southern branch of the Elizabeth River, off the navy yard, Norfolk, Va., on May 12, 1912, $5,453.18; and to reimburse the respective owners for their personal effects lost in said collision, $516.17; in all, for damages on account of said collision, $5,969.35.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN W. HYATT.

Mr. SWANSON. I should like to know what disposition was made of the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army.

The VICE PRESIDENT. It went over on objection.

Mr. SWANSON. I was listening and I do not know who objected to the bill. I ask that it be taken up. I am satisfied that if the Senator who objected would read the report he

would not object to the consideration of the bill. I ask that the question be resubmitted and let us see if there was not a mistake about the matter.

The VICE PRESIDENT. The bill went over on objection. If the objection is withdrawn——

Mr. SWANSON. I hope the Senator who objected to the consideration of the bill will allow me to make a short statement in reference to it.

Mr. SMOOT. Regular order, Mr. President.

Mr. OVERMAN. Let us have the regular order.

Mr. SWANSON. I do not see why this bill should go over any more than others. The bill has passed the House of Representatives and has been unanimously reported by the Military Committee of the Senate. I ask unanimous consent that the bill be read. I think it was objected to without being read.

The VICE PRESIDENT. The Chair will state that the bill has been read. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army. It authorizes the President, by and with the advice and consent of the Senate, to appoint John W. Hyatt, late a second lieutenant in the Sixteenth Regiment United States Infantry, to the grade of second lieutenant in the United States Army; but that prior to such appointment he shall pass, in a manner satisfactory to the Secretary of War, the physical examination required of candidates for appointment as second lieutenant.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS COYLE.

The bill (S. 770) for the relief of Thomas Coyle and Bridget Coyle and their legal representatives was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Coyle the sum of $1,200, on account of the death of his child on the 10th day of March, 1887, caused by a large rock being hurled by an excessive blast of powder through the roof of their house at Cascade Locks, Oreg., during the construction of the canal and locks under the direction of the Government of the United States at that point.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Thomas Coyle."

ELLEN B. MONAHAN.

The bill (S. 489) for the relief of Ellen B. Monahan was announced as next in order.

Mr. WARREN. I move that that bill be indefinitely postponed. It is reported adversely.

The motion was agreed to.

STATUE OF GEORGE WASHINGTON GLICK.

The resolution (S. Res. 402) relative to exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick (special order for Saturday, July 18, 1914) was announced as next in order.

The VICE PRESIDENT. That seems to have been heretofore agreed to. The Chair does not know why it is on the calendar. The resolution will go over.

MARY ABEL.

The bill (H. R. 5079) for the relief of Mary Abel was considered as in Committee of the Whole. It proposes to pay $1,000 to Mary Abel, mother of August Abel, who was fatally injured by reason of a defective elevator while engaged in the employment of the United States Government at Rock Island Arsenal, Ill., on the 24th of February, 1905, and died the following day on account of said injury.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF PHILIP FELIX HERWIG.

The bill (H. R. 2540) for the relief of the estate of Philip Felix Herwig, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to cause an account to be stated by the proper accounting officers crediting on the books of the Treasury Department Philip Felix Herwig, deceased, late assistant treasurer of the United States at New Orleans, La., with $20,959.81, now charged against him by miscellaneous settlement No. 5810 of June 14, 1911, under an act of Congress approved March 4, 1911, the amount being the shortage occurring in the public moneys at the New Orleans Subtreasury during his administration on account of the embezzlement of John H. Aufdemorte while employed in the Subtreasury, as stated on page 5 of House Document No. 721, Sixty-first Congress, second session, and the claim is remitted and satisfied.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WATERS OF THE RIO GRANDE IN COLORADO.

The joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, was announced as next in order.

Mr. SHEPPARD. Let that go over, Mr. President.

Mr. THOMAS. I hope the Senator from Texas will permit that joint resolution to be passed. It is a matter of great importance to the people of the State which I in part represent. The only purpose of the joint resolution is to determine conditionally the extent to which we can use waters which, under the constitution of the State, are given to us. It does not affect the rights of other States.

Mr. SHEPPARD. In view of that statement, I will withdraw my objection to the consideration of the joint resolution.

Mr. HITCHCOCK. I shall have to renew the objection. I think the joint resolution does, or may, involve a legislative construction which may result in involving the rights of other States to water.

Mr. SHAFROTH. The bill simply refers the matter to be determined by the United States courts. It can not possibly work any wrong, because the United States courts will retain jurisdiction and determine the question. Surely the United States ought to be willing to submit a controversy to its own courts.

Mr. HITCHCOCK. I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution goes over.

HYACINTHE VILLENEUVE.

The bill (H. R. 6260) for the relief of Hyacinthe Villeneuve was considered as in Committee of the Whole. It provides that upon the filing in the Department of the Interior of a proper reconveyance to the United States, previously recorded in the county wherein the land lies, of the southeast quarter of the northwest quarter of section 15, township 162 north, range 57 west, fifth principal meridian, in the Devils Lake (N. Dak.) land district, accompanied by a duly certified abstract showing title in the United States, free of liens and encumbrances, the party or parties making such reconveyance shall be entitled to select, in lieu of said tract, 40 acres of unreserved, vacant, surveyed, nonmineral, and unoccupied public lands; but the selection made under such exchange shall be made within two years after the approval of this act; and upon the acceptance by the Secretary of the Interior of such reconveyance of the land, the patent issued therefor to the Santa Fe Pacific Railroad Co. shall be canceled and the homestead entry made for said land on December 5, 1908, by Hyacinthe Villeneuve passed to patent.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALES BY SUPPLY DEPARTMENTS OF THE ARMY.

The bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges was considered as in Committee of the Whole. It provides that, under such regulations as the Secretary of War may prescribe, educational institutions to which an officer of the Army is detailed as professor of military science and tactics may purchase from the War Department for cash, for the use of their military students, such stores, supplies, matériel of war, and military publications as are furnished to the Army, such sales to be at the price listed to the Army with the cost of transportation added.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY VETERINARY SERVICE.

The bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency was announced as next in order.

Mr. BRYAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

CHARLES R. GRANT.

The bill (H. R. 6464) to muster in and muster out Charles R. Grant, late of the Volunteer Army, Civil War, was announced as next in order.

same, at and for the sum of $5,500, which said sum is appropriated for such purchase out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL BUILDING AT MANDAN, N. DAK.

The bill (H. R. 11254) to increase the limit of cost for the erection and completion of the United States post-office building at Mandan, N. Dak., was considered as in Committee of the Whole. It proposes that in order to enable the Secretary of the Treasury to erect, complete, and furnish the post-office building at Mandan, State of North Dakota, provided for in existing legislation, the limit of cost heretofore fixed by Congress, be increased in and by the sum of $11,000, and the Secretary of the Treasury is authorized to enter into contract for the erection and completion of the building within the limit of cost herein established.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL BUILDING AT MEMPHIS, TENN.

The bill (H. R. 11747) to increase the limit of cost for the purchase of a site and the construction of a public building in Memphis, Tenn., was considered as in Committee of the Whole. It proposes to amend the provisions of the public building act approved March 4, 1913, authorizing the acquisition of a site of a new subpost-office building in Memphis, State of Tennessee, so as to change the limit of cost heretofore fixed from $40,000 to a limit of cost of $90,000; and that any unexpended balance of this appropriation is hereby made available for the building, and that the sum of $50,000 is appropriated, out of any moneys in the Treasury not otherwise appropriated, under said new limit.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IMPORTATION OF CONVICT-MADE GOODS.

The bill (H. R. 14330) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part, or in any manner manipulated, by convict or prison labor was announced as next in order.

Mr. WILLIAMS. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

WILLIAM VAN DERVEER.

The bill (H. R. 1005) to reimburse William Van Derveer, of Milliboro, Va., for excess revenue taxes assessed against and collected from him was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely, and will be postponed indefinitely.

FORT BERTHOLD INDIAN RESERVATION.

The bill (H. R. 4988) to provide for the disposal of certain lands in the Fort Berthold Indian Reservation, N. Dak., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments. On page 2, line 4, after the word "contain," to insert "to be held in trust for the Indians belonging to and having tribal rights on the Fort Berthold Indian Reservation," and, in line 10, after the word "entry," to insert "and if such land is shown not to be coal land, a patent without reservation shall issue," so as to make the section read:

That the lands in the Fort Berthold Indian Reservation, N. Dak., which on account of their containing coal were reserved from allotment and other disposition under the act of June 1, 1910, entitled "An act to authorize the survey and allotment of lands embraced within the limits of the Fort Berthold Indian Reservation, in the State of North Dakota, and the sale and disposition of a portion of the surplus lands after allotment, and making appropriation and provision to carry the same into effect," shall be subject to disposal under the provisions of said act: *Provided*, That patents issued for such lands shall contain a reservation to the United States of any coal that such lands may contain, to be held in trust for the Indians belonging to and having tribal rights on the Fort Berthold Indian Reservation, but any entryman shall have the right at any time before making final proof of his entry, or at the time of making such final proof, to a hearing for the purpose of disproving the classification as coal land of the land embraced in his entry, and if such land is shown not to be coal land a patent without reservation shall issue.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

HEIRS OF ANN GREGORY, DECEASED.

The bill (S. 1125) for the relief of the heirs of Ann Gregory, deceased, was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely and will be postponed indefinitely.

LEMUEL E. COOK.

The bill (S. 1289) for the relief of Lemuel E. Cook was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely, and will be postponed indefinitely.

RIGHT OF WAY THROUGH INDIAN RESERVATIONS.

The bill (S. 3898) to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs, with an amendment, in section 2, page 2, line 15, after the word "road," to insert: "*Provided*, That the Secretary of the Interior shall not be authorized under the provisions of this section to grant any land which may control any water power or which contains any mineral or oil; *And provided further*, That whenever any right of way granted under the provisions of this act shall pass through any gorge the said right of way shall not exceed 50 feet in width, and shall contain a provision in the grant authorizing and permitting the common use by other railroads of the track on said right of way passing through any such gorge, upon such terms and regulations as the Secretary of the Interior may provide," so as to make the section read:

SEC. 2. That such right of way shall not exceed 50 feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed 100 feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, sidetracks, turnouts, and water stations, not to exceed 200 feet in width by a length of 4,000 feet, and not more than one station to be located within any one continuous length of 6 miles of road: *Provided*, That the Secretary of the Interior shall not be authorized under the provisions of this section to grant any land which may control any water power or which contains any mineral or oil: *And provided further*, That whenever any right of way granted under the provisions of this act shall pass through any gorge the said right of way shall not exceed 50 feet in width and shall contain a provision in the grant authorizing and permitting the common use by other railroads of the track on said right of way passing through any such gorge upon such terms and regulations as the Secretary of the Interior may provide.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

ACQUIRING OF LANDS BY RAILROAD COMPANIES THROUGH INDIAN RESERVATIONS, ETC.

The bill (S. 3899) to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes, was announced as next in order.

Mr. WILLIAMS and Mr. POINDEXTER. Let that bill go over.

Mr. MYERS. Mr. President, I appeal to the Senator who made the objection to withdraw it and ask that the bill may be read. I think a reading of the bill will show that it is perfectly harmless and well safeguarded and that it is necessary.

I ask for the reading of the bill.

Mr. WILLIAMS. I was one of the Senators who asked that it go over. I am perfectly willing to have it read. I reserve the right to object.

The VICE PRESIDENT. Is there any objection?

Mr. POINDEXTER. I object.

The VICE PRESIDENT. There seems to be an objection. The bill will be passed over.

AVIATION SERVICE, UNITED STATES ARMY.

The bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, in section 2, page 2, line 8, before the word "engaged," to strike out "exclusively," so as to read:

That, in addition to such officers and enlisted men as shall be assigned from the Signal Corps at large to executive, administrative, scientific, or other duty in or for the aviation section, there shall be in said section aviation officers not to exceed 60 in number, and 260 aviation enlisted men of all grades; and said aviation officers and aviation enlisted men, all of whom shall be engaged on duties pertaining to said aviation section, shall be additional to the officers and enlisted men now allotted by law to the Signal Corps, the commissioned and enlisted strengths of which are hereby increased accordingly.

The amendment was agreed to.

Mr. CHAMBERLAIN. There is one slight amendment that I desire to offer. On page 6, line 4, after the word "men," I desire to insert the words "at a time." The way the bill reads now is:

Provided, That 12 enlisted men shall, in the discretion—

I desire to amend that so that it shall read "twelve enlisted men at a time shall," and so forth. The way it is now it simply confines the instruction to 12 enlisted men of that age. I want the officers to have the right to give this instruction to 12 enlisted men at a time.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 4, after the word "men," it is proposed to insert the words "at a time."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TOWN SITES IN MONTANA.

The bill (S. 4180) to validate title to certain town sites in the State of Montana was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

PANAMA CANAL TOLLS.

The next business on the calendar was Senate resolution 376, requesting the President to open diplomatic negotiations for the settlement of the Panama Canal tolls question by international arbitration.

Mr. SHEPPARD. Let that go over.

The VICE PRESIDENT. The resolution will go over.

STEPHEN MORRIS BARLOW.

The bill (S. 4954) for the relief of Stephen Morris Barlow was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 6, after the word "rank," to strike out "on the list of first lieutenants of Infantry next after the name of W. F. Harrell" and insert "at the foot of the list of first lieutenants of Infantry," so as to make the bill read:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Stephen Morris Barlow to the grade of first lieutenant of infantry, United States Army, to take rank at the foot of the list of first lieutenants of infantry, and that no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of officers now authorized by law by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PORTRAIT OF GEORGE WASHINGTON.

The bill (S. 5429) for the purchase of two bronze copies of the original marble portrait statue of George Washington was considered as in Committee of the Whole. It proposes to pay $7,500 to the Gorham Manufacturing Co., of Providence, R. I., for the purchase of two bronze copies of the original marble portrait statue of George Washington, which was made from life by Jean Antoine Houdon for the State of Virginia, the said bronze copies to be made under the authority granted the Gorham Manufacturing Co. by the General Assembly of Virginia; one of the said copies to be placed in the United States Military Academy at West Point and the other copy to be placed in the United States Naval Academy at Annapolis.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BIDWELL INDIAN SCHOOL, CAL.

The bill (H. R. 11006) authorizing the disposal of a portion of the Fort Bidwell Indian School, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTRATERRITORIAL JURISDICTION.

The bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860, was considered as in Committee of the Whole. The bill was read, as follows:

Be it enacted, etc., That ministers, consuls, or other functionaries of the United States invested with judicial authority in countries with which the United States now has or hereafter may have extraterritorial jurisdiction, granted by treaty, shall be lawyers of experience and good standing.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHANIEL MONROE.

The bill (S. 728) to correct the military record of Nathaniel Monroe was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the laws conferring rights, privileges, and benefits upon honorably discharged soldiers Nathaniel Monroe, who was a private of Company B, First Regiment East Tennessee Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 1st day of May, 1863: *Provided*, That no back pay, bounty, or pension shall accrue to him prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Nathaniel Monroe."

NELSON T. SAUNDERS.

The bill (S. 5210) to correct the military record of Nelson T. Saunders was announced as next in order.

Mr. BRYAN. Let that go over.

The VICE PRESIDENT. The bill will go over.

ESTATE OF JOHN ROBINSON, DECEASED.

The bill (S. 5674) confirming the title of Hannah Robinson to certain lands and authorizing and directing the issuance of patent therefor was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment.

Mr. SMOOT. I will ask the Senator from Washington if these are Indian lands?

Mr. JONES. Yes; they were allotments. They were sold by the Indian about 13 years ago to this party. The Indian received his title under the act of 1865, under which he would have gotten his fee-simple title in five years, but the department contends it was a mistake to issue a patent under that act. The case is now pending in the courts, which will really determine the question. The land was sold. The department investigated the matter carefully and found the full value of the land which these parties have occupied for 12 or 13 years. The department recommended it, and the committee investigated it very carefully. It is merely to confirm title to the heirs.

Mr. SMOOT. The reason why I asked the question was that if this had been public land, of course——

Mr. JONES. No; it was not public land. It was allotted land.

The VICE PRESIDENT. The amendment of the committee will be stated.

The amendment was, on page 2, line 2, to strike out the name "Hannah Robinson"; and, in the same line, after the word "widow," to insert "and heirs," so as to make the bill read:

Be it enacted, etc., That the conveyance from John Teoul and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. JONES, the title was amended so as to read: "A bill confirming the title to the widow and heirs of John Robinson, deceased, to certain lands, and authorizing and directing the issuance of patent therefor."

DONIPHAN'S EXPEDITION.

The next business on the calendar was Senate resolution 393, to print the pamphlet entitled "Doniphan's Expedition," containing an account of the conquest of New Mexico, with illustrations.

Mr. WILLIAMS. Let that go over.

Mr. CHILTON. I hope the Senator from Mississippi will not ask that the resolution shall go over, for the reason that it was

stamp-canceling hand-stamp patents, or otherwise, was announced as next in order.

Mr. BRISTOW. Mr. President, that bill should have been referred to the Committee on Claims, instead of to the Committee on Post Offices and Post Roads. I object to its consideration to-night. It has been pending before the Committee on Claims for over 20 years, and I do not see why it was referred at this time to the Committee on Post Offices and Post Roads. I object to its consideration for the present.

Mr. SMOOT. The bill has been reported from the Committee on Post Offices and Post Roads.

Mr. NELSON. It was first referred to the Committee on Post Offices and Post Roads and afterwards referred to the Committee on Claims, as all such bills have uniformly been considered by that committee. It was fully considered.

Mr. BRISTOW. It was before the Committee on Claims at one time, I think, and it has been reported adversely a number of times. I object to its present consideration.

Mr. TOWNSEND. I desire to call the Senator's attention to this claim. It has been recommended by the Postmaster General for a good many years, and there is no question about its merits. The committee has allowed a sum that is so exceedingly small that there is no doubt much more than that is really due. The Government has had the use of the device for which the claim is made from the time it was invented. This man was not in the employ of the Government at all at the time the invention was taken, and he was put off in a suit that he brought on the promise that he would be cared for. The matter has been pending for a long time, and I wish the bill might be passed.

Mr. BRISTOW. Let it go over to-night, and I will look into it.

The VICE PRESIDENT. The bill will be passed over.

CLAIMS OF THE UNITED STATES AGAINST TENNESSEE.

The joint resolution (S. J. Res. 65) to amend Senate joint resolution 8, approved May 4, 1898, entitled "Joint resolution providing for the adjustment of certain claims of the United States against the State of Tennessee and certain claims against the United States," was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

LIEUT. JAMES P. BARNEY.

The bill (S. 3404) to restore First Lieut. James P. Barney, retired, to the active list of the Army was announced as next in order.

The VICE PRESIDENT. A House bill of the same title has just been passed. In the absence of objection, the Senate bill, the title of which has just been read by the Secretary, will be indefinitely postponed. The Chair hears no objection.

JOHN D. BALDWIN.

The bill (H. R. 10767) for the relief of John D. Baldwin was considered as in Committee of the Whole. It proposes to appropriate $80 to pay John D. Baldwin, of Junction City, Kans., for a horse killed by a fragment of a shell fired from a gun belonging to Siege Battery O, Seventh Regiment Artillery, while at target practice on the military reservation at Fort Riley, Kans., on December 6, 1900.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JENNIE S. SHERMAN.

The bill (H. R. 12166) for the relief of Jennie S. Sherman or her heirs was considered as in Committee of the Whole. It proposes to appropriate $1,500 to pay Jennie S. Sherman or her heirs, but no sum of money due or to become due to Jennie S. Sherman or heirs under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable processes whatever, but shall inure wholly to the benefit of Jennie S. Sherman or heirs.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. GOODLEY.

The bill (H. R. 8893) for the relief of Mary E. Goodley was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Mary E. Goodley, mother of William Goodley, $1,000, to compensate her for the death of her son, who was killed on October 8, 1908, while in the discharge of his duty as a cranesman on the Panama Canal in the employ of the Isthmian Canal Commission.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATE OF HENRY S. STOYER.

The bill (H. R. 12778) for the relief of W. D. Stoyer, administrator of the estate of Henry S. Stoyer, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to W. D. Stoyer, administrator of the estate of Henry S. Stoyer, $500, repaying the amount of the bond surrendered by the surety for the appearance of Henry S. Stoyer before the United States District Court for the Western District of Pennsylvania.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS AGAINST THE GOVERNMENT OF COLOMBIA.

The resolution (S. Res. 367) for the printing of certain documents relating to claims against the Government of Colombia as a Senate document, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

PAY INSPECTOR F. T. ARMS, UNITED STATES NAVY.

The bill (S. 3525) for the relief of Pay Inspector F. T. Arms, United States Navy, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to F. T. Arms, of the navy yard at Portsmouth, N. H., a pay inspector in the United States Navy, $955.20, to reimburse him for payments made as paymaster in the Navy, as shown by his official accounts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN T. GLYNN.

The bill (H. R. 9421) for the relief of John T. Glynn was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay $125 to John T. Glynn, to reimburse him for damages to his clothing and for hospital charges incurred as the result of assisting an inspector of the Department of Commerce and Labor in serving warrants of arrest on certain aliens.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES B. SMOCK.

The bill (S. 4288) to remove the charge of desertion against James B. Smock was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

COMMISSION TO RECOMMEND APPOINTMENTS.

The bill (S. 2679) providing for a commission to recommend appointments to office, and for other purposes, was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely.

Mr. OVERMAN. I move that the bill be indefinitely postponed.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina to postpone the bill indefinitely.

The motion was agreed to.

LIGHT AND FOG-SIGNAL STATION, MICHIGAN ISLAND, LAKE SUPERIOR.

The bill (S. 5406) to establish a light and fog-signal station on Michigan Island, Lake Superior, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment in line 6, after the word "exceed," to strike out "$125,000" and insert "$100,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish a light and fog-signal station on Michigan Island, Lake Superior, at a cost not to exceed $100,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALFRED S. LEWIS.

The bill (S. 1377) for the relief of Alfred S. Lewis was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Alfred S. Lewis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant of Company H, Eighteenth Regiment Kentucky Volunteer Infantry, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOSEA STONE.

The bill (H. R. 6220) for the relief of Hosea Stone was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Hosea Stone, late of Battery A, Fourth Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of Battery A, Fourth Regiment United States Artillery, on the 21st day of July, 1865, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS L. PELHAM.

The bill (H. R. 5746) for the relief of Marcus L. Pelham was considered as in Committee of the Whole. It provides that in the administration of the pension laws Marcus L. Pelham shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant in Company G, Eighth Regiment Connecticut Volunteer Infantry, on the 29th day of December, 1864, and that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER BRIDGE, MISSOURI.

The bill (S. 5462) to authorize the county of Barry, State of Missouri, to construct a bridge across the White River, in Barry County, Mo., at or near a point known as Goldens Ferry, was considered as in Committee of the Whole. It authorizes the county of Barry, State of Missouri, and its assigns to construct, maintain, and operate a bridge and approaches thereto across the White River at a point suitable to the interests of navigation, at or near Goldens Ferry, more fully described as the crossing on Golden and Cassville public road, in section 6, township 21, range 25 west, fifth principal meridian, in the county of Barry, in the State of Missouri, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and provides that the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GUSTAV HERTFELDER.

The bill (S. 1060) fixing the date of reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to enter the reenlistment of Gustav Hertfelder, first-class fireman, United States Navy, as of October 18, 1909, in accordance with the provisions of section 16 of the act of March 3, 1899.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL BUILDING AT PENDLETON, OREG.

The bill (H. R. 13819) to increase the limit of cost of Federal building at Pendleton, Oreg., was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to erect and complete the post-office building at Pendleton, State of Oregon, provided for in existing legislation, and to provide therein accommodations for the United States courts and court officials and other Government offices, the limit of cost heretofore fixed by Congress to be increased in and by the sum of $60,000; and the Secretary of the Treasury is authorized to enter into contract for the erection and completion of the building within the limit of cost herein established.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain, or the Philippine Insurrection, or in China between April 21, 1898, and July 4, 1902, was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will go over.

IMMIGRATION STATION AT BALTIMORE, MD.

The bill (S. 5570) to increase the appropriation for the erection of an immigration station at Baltimore, Md., was announced as next in order.

Mr. SWANSON. Mr. President, since that bill has been reported a similar bill has passed the House. I am directed by the Committee on Public Buildings and Grounds to report the House bill, and ask that it be substituted for the Senate bill.

The VICE PRESIDENT. The Senator from Virginia makes a report.

The SECRETARY. The Committee on Public Buildings and Grounds reports favorably the bill (H. R. 11625) to increase the appropriation for the erection of an immigration station at Baltimore, Md.

The VICE PRESIDENT. Without objection, the House bill is before the Senate as in Committee of the Whole.

The Secretary read the bill. It proposes to amend section 29 of the public building act approved March 4, 1913, providing for an immigration station at Baltimore, Md., so as to increase the limit of cost from $280,000 to $550,000.

Mr. SMOOT. This bill, I understand, passed the House and was referred to the Committee on Public Buildings and Grounds of the Senate?

Mr. SWANSON. It passed the House of Representatives. They sent a committee to Baltimore to investigate this matter. The department has recommended $600,000 for the erection of an immigrant station and hospital in the city of Baltimore. Thirty-three thousand people came there last year as immigrants. This is a very urgent matter, because they have endeavored for years to get a location for an immigrant station there, and they have been compelled to abandon the location and get another. The House passed this as an emergency measure. It was referred to the Committee on Public Buildings and Grounds of the Senate, and I have been directed by that committee to report this bill as a substitute for the Senate bill.

The bill was reported to the Senate without amendment, read the third time, and passed.

The VICE PRESIDENT. The question is on the indefinite postponement of Senate bill 5570.

The bill was indefinitely postponed.

MINE RESCUE STATION AT M'ALESTER, OKLA.

The bill (H. R. 3988) for the purchase of a building and lot as a mine rescue station at McAlester, Okla., was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. SWANSON. Mr. President, I hope the Senator will let me explain that bill before he makes the objection.

Mr. OVERMAN. I do not think a bill of this kind should be passed. The matter ought to go on an appropriation bill.

Mr. SWANSON. If the Senator will listen a minute he will see the urgency of this bill. There is a rescue station there at this time. The Government pays $40 a month for the mine rescue station. It cost $10,000. The people who own it are willing to let the Government have it free. They owe $5,500 on it. The people who got it up by private subscription are willing to turn over the land, building, and everything to the Government if it will pay the debt of $5,500. The Government, as I say, pays $40 a month rent. It is different from other bills along that line. It has passed the House, and is a very urgent measure, and I hope the Senator will not object to it.

Mr. OVERMAN. I do not like to see the Senate make an appropriation in this way. It ought to go on an appropriation bill.

Mr. SWANSON. It is utterly impossible to do so unless there is an authorization. I do not see any reason why, when these people liberally and generously erect a building for the benefit of the Government——

Mr. OVERMAN. We will have an appropriation bill here in a short time.

Mr. SWANSON. This bill has passed the House.

Mr. OVERMAN. I withdraw the objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes and directs the Secretary of the Interior to purchase, for and on behalf of the United States, the following-described real estate in the city of McAlester, county of Pittsburg, State of Oklahoma, to wit, the north 50 feet of lot No. 2, in block No. 487, in the original town site of South McAlester, the dimensions of said lot being 50 feet by 165 feet, with 50 feet front on South Third Street, in said city of McAlester, together with the two-story brick building and all other improvements thereon, for the use of the Bureau of Mines for a mine rescue station and for such other purposes as the Bureau of Mines may from time to time desire to use the

considered necessary and proper, and fishery laws of the State to the contrary notwithstanding; but the operations of the plant may be suspended by the Secretary of Commerce whenever, in his judgment, fishery laws and regulations are allowed to remain so inadequate as to impair the efficiency of said plant; and $35,000 is appropriated for the establishment of the plant, including the purchase of a site, construction of buildings and ponds, purchase of equipment, and operating expenses for one year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISH RESERVATION AT BAIRD, CAL.

The bill (H. R. 5884) granting to the people of the State of California the right of way upon and across the United States fish reservation at Baird, Shasta County, Cal., was considered as in Committee of the Whole. It grants to the people of the State of California the right to open and perpetually maintain a State highway, to be constructed under and by virtue of the provisions of the State highways act of California, upon and across the United States fishery reservation at Baird, Shasta County, Cal., according to a location to be approved by the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAGON ROADS OVER THE PUBLIC LANDS.

The bill (S. 740) to promote and encourage the construction of wagon roads over the public lands of the United States was announced as next in order.

Mr. WILLIAMS. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

WILLIAM P. HAVENOR.

The bill (H. R. 6052) for the relief of William P. Havenor was considered as in Committee of the Whole. It confirms the patent issued January 6, 1910, to William P. Havenor for the south half of the southeast quarter of section 6 and lot 1 of section 7, township 6 south, range 34 east, Boise meridian, containing one hundred and twenty-one and twenty-seven hundredths acres.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. CARY.

The bill (H. R. 1517) for the relief of George W. Cary was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to investigate the status of the southeast quarter of southwest quarter and west half of southeast quarter section 11 and the northwest quarter of northeast quarter of section 14, township 38 north, range 8 east, Mount Diablo meridian, within the State of California, to determine whether the lands were settled upon by George W. Cary prior to the issuance of an allotment to Annie Roseberry, Indian; and if the Secretary of the Interior so determines, he is empowered to cancel the trust patent issued to Annie Roseberry and to award her another allotment not exceeding 160 acres upon any vacant public lands he may determine, and to allow George W. Cary the right to make a homestead entry upon the lands upon which he has settled within three months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RAILROADS IN THE DISTRICT OF ALASKA.

The bill (S. 5536) to amend an act entitled "An act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

COL. DAVID L. BRAINARD.

The bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, was considered as in Committee of the Whole. It proposes, in view of the conspicuous service in the Arctic of Col. David L. Brainard, Quartermaster Corps, United States Army, he being one of the 7 survivors of the original 25 members of the Greely Expedition, and of the injury to his eyesight resulting from exposure while in the service, which injury will necessitate his early retirement from active service, the President is authorized to place that officer on the retired list of the Army, after 32 years' active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. WARREN. Mr. President, I ask that the report of the committee on that bill, including the letter of the Secretary of War, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, permission is granted. The Chair hears none.

The matter referred to is as follows:

Mr. WARREN, from the Committee on Military Affairs, submitted the following report, to accompany S. 5293:

The Committee on Military Affairs, which has had under consideration the bill (S. 5293) for the promotion and retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reports the same to the Senate favorably and without amendment, and recommends that it be passed.

As the text of the bill recites, it is proposed to authorize the President to place Col. Brainard on the retired list of the Army, after 38 years of active service, as a brigadier general, with the pay and emoluments of a retired officer of that grade, and to grant him a commission in accordance with such advanced rank, as a reward or recognition of the officer's conspicuous service in the Arctic, he being one of the 7 survivors of the original 25 members of the Greely expedition, and, furthermore, because of the necessity of his early retirement from active service on account of injury to his eyesight resulting from exposure while in the service above mentioned.

David L. Brainard enlisted as a private in the Second United States Cavalry in September, 1876, and served in that organization as private, corporal, and sergeant until July 31, 1884. On August 1, 1884, he was transferred to the Signal Corps as sergeant, in which capacity he served until October 21, 1886, when he was commissioned as a second lieutenant of Cavalry in recognition of gallant and meritorious services rendered by him in the Greely Arctic Expedition of 1881–1884. The honorable Secretary of War reports, in a letter dated April 22, 1914, which will be quoted in full hereafter in this report, that "Col. Brainard is the only officer now on the active list of the Army who received his commission for distinguished services."

Upon reaching his captaincy, Col. Brainard became an officer in the Subsistence Department of the Army (lately made a part of the Quartermaster Corps), and his service has since been in connection with the commissary affairs of the Army, including service with the Volunteer Army during the War with Spain and the Philippine insurrection.

A more complete and detailed record of Col. Brainard's service is given in the letter of the honorable Secretary of War, above referred to, and a memorandum prepared by the War Department, followed by comments thereon by the Judge Advocate General of the Army. These communications constitute an appendix to this report.

Your committee is of the opinion that Congress, by enacting the proposed legislation and permitting a promotion of one grade upon retirement for disability and after long active service, would confer upon Col. Brainard a fitting tribute of appreciation and acknowledgment of his service as a pioneer explorer in the Arctic regions. It can not be gainsaid that each expedition made to that unknown country of ice fields held forth its certain proportion of encouragement to the next body of explorers, and hence played its part in the final discovery of the North Pole by an American.

WAR DEPARTMENT,
Washington, April 22, 1914.

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
United States Senate.

SIR: Referring to S. 5293, Sixty-third Congress, second session, a bill authorizing the President to place Col. David L. Brainard, Quartermaster Corps, on the retired list of the Army as a brigadier general, which bill was referred to this department for information and remark, I have the honor to inform you as follows:

Col. Brainard has reached his present high rank as colonel in the Quartermaster Corps through all of the noncommissioned and commissioned grades since his enlistment in the Army as a private in the Second Cavalry in 1876. He received his commission as a second lieutenant in 1886 in recognition of gallant and meritorious services rendered by him in the Greely Arctic Expedition of 1881–1884. In addition to his conspicuous services in the Arctic regions, for which he was partly rewarded by promotion to a second lieutenancy, Col. Brainard took part in Indian wars on the Plains and was wounded in right hand and face in action against Sioux Indians on Little Muddy Creek, Mont., May 7, 1877. Col. Brainard also participated in the taking of Manila August 13, 1898, and in the Filipino insurrection of 1899.

Col. Brainard is the only officer now on the active list of the Army who received his commission for distinguished services. During this service with the Greely Arctic Expedition he made the record for farthest north and which stood so until the Norwegian explorer, Nansen, 14 years later, temporarily set a higher latitude, which finally resulted in Admiral Peary gaining the world-coveted honor of the North Pole for America.

For these reasons, and the further reason that as a result of this Arctic expedition Col. Brainard suffers a permanent injury to his eyesight from exposure in said service, I recommend the passage of this bill.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

AARON S. WINNER.

The bill (S. 725) to correct the military record of Aaron S. Winner was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and to insert:

That in the administration of the pension laws Aaron S. Winner, who was a private in Company B, one hundred and forty-ninth Regiment Indiana Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 28th day of July, 1865.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT CRISFIELD, MD.

The bill (S. 2985) for the purchase of a site and erection of a Federal building at Crisfield, Md., was considered as in Committee of the Whole. It proposes to appropriate $90,000 to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevator, and approaches, for the use and accommodation of the United States post office and other Government offices in the city of Crisfield, county of Somerset, State of Maryland.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DETAIL OF ARMY OR NAVY OFFICERS.

The bill (S. 5241) to amend section 1225, Revised Statutes, as amended by act approved September 26, 1888, etc., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment on page 1, line 11, after the word "thereof," to insert the following proviso:

Provided, That the total number of officers of the United States Army that may be detailed on such duty shall not exceed 125.

So as to make the bill read:

Be it enacted, etc., That the President may, upon the application of any established military institute, seminary or academy, college or university, within the United States, having capacity to educate at the same time not less than 150 male students, detail one or more officers of the Army or Navy, or both, to act as superintendent or professors thereof, subject to the terms and conditions provided for in said section 1225, Revised Statutes, and the acts amendatory thereof: *Provided*, That the total number of officers of the United States Army that may be detailed on such duty shall not exceed 125.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VIRGINIA MILITARY INSTITUTE, LEXINGTON, VA.

The bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out the numerals "$214,723.62" and to insert "$100,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Virginia Military Institute, of Lexington, Va., out of any money in the Treasury not otherwise appropriated, the sum of $100,000, in full of all claims of said institute for the damage and destruction of its library, scientific apparatus, and the quarters of its professors in June, 1864, by the military authority of the United States. And the acceptance of the said sum by the said institute shall be a complete and absolute bar to any and all claims for the damage and destruction of the property of said institute by the armies of the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BRYAN. Mr. President, I ask permission to have inserted in the RECORD the report of the committee in reference to the bill which has just been passed.

The VICE PRESIDENT. Without objection, that will be done.

The report referred to is as follows:

Mr. BRYAN, from the Committee on Claims, submitted the following report, to accompany Senate bill 544:

The Committee on Claims, having had under consideration the bill (S. 544) for the relief of the Virginia Military Institute, of Lexington, Va., report the same back with the recommendation that it do pass, with the following amendment:

In line 6 strike out "$214,723.62" and insert "$100,000."

On June 11, 1864, Gen. Hunter's army arrived at Lexington, Va., on its way to Lynchburg. On its arrival at Lexington it was discovered that some troops were gathered at the cadet barracks of the Virginia Military Institute. They fired upon Gen. Hunter's army. Six shots were fired in return, when an order to cease firing was received because the barracks had been evacuated. Gen. Hunter's army crossed over and took possession of the town and, on the following day, June 12, the library and other college buildings, including the professors' houses, were burned. Gen. Hunter's report (H. Mis. Doc., 1st sess. 38d Cong., vol. 13) contains the following:

"On the 12th I also burned the Virginia Military Institute and all the buildings connected with it."

Samuel M. Fiery, who was chief of artillery of Gen. Hunter's army, appeared before the committee and stated the facts connected with the burning of this institution in detail. We insert at this point affidavit of J. M. Schoonmaker:

STATE OF PENNSYLVANIA, *County of Allegheny, ss:*

On this 10th day of March, A. D. 1914, personally appeared before me, the subscriber, a notary public, J. M. Schoonmaker, of Pittsburgh, Pa., who, being duly sworn according to law, doth depose and say:

I was colonel of the Fourteenth Pennsylvania Cavalry, in command of the First Brigade of Averill's Cavalry Division, and led the advance of Gen. Hunter's army when he moved south from Staunton on June 11, 1864, on what is known as Hunter's raid on Lynchburg. On arriving at the outskirts of Lexington there was some firing from skirmishers, which halted us until Gen. Hunter came to the front and ordered the shelling of the Virginia Military Institute buildings, but with no response following same. I moved into Lexington, picketing the road south of same, and my recollection is that I was the first one to enter the institute building, finding the cadets' school books open on their desks and diagrams partly finished on blackboard, and no trace of the building having been occupied by Confederate forces; placed it and the Washington College buildings under guard. Some time afterwards Gen. Hunter advanced his main army into Lexington and sent for me, taking me severely to task for not having burned the institute, which he did the following day, and it was my understanding at the time that Gen. Hunter also intended burning the Washington College buildings. I have no hesitation in stating that I considered at the time the burning of the institute for military reasons unnecessary and unwarranted.

And further the deponent saith not.

J. M. SCHOONMAKER.

Sworn and subscribed before me the day and year first above written.

WM. F. BRUNNER, *Notary Public.*

My commission expires January 19, 1915.

The cost of replacing the buildings burned was $137,000. The new buildings were constructed upon the foundations of the old and were of like character, value, and material, but inasmuch as they replaced old buildings, the allowance is for $37,000 less than the cost of the buildings replaced.

The Virginia Military Institute was established in 1839. The course of instruction is modeled after that at West Point. During its existence it has drawn its student body from the entire country. At the present time 40 of the 48 States are represented at the institution. In the Mexican War it had 14 officers in the United States service. In the Civil War there were officers in both the Union and Confederate Armies. Its value as a military institution has been attested by President McKinley and Gen. Wood, Chief of Staff, and others. It seems fair to insert, from the testimony, that this institution ranks next to West Point. The bill carries no appropriation for replacing the barracks. It is conceded, for the purposes of this bill, that it was entirely proper to destroy the barracks, but the destruction of other college buildings is not thought to have been justified, either under the rules of civilized warfare or under the specific instructions for the government of the armies of the United States in the Civil War.

Halleck, in his work on international law, says:

"All structures of a civil character, all public edifices devoted to civil purposes only, all temples of religion, monuments of art, and repositories of science are to be exempt from the operations of war."

Paragraphs 31 and 34 of the instructions for the government of the United States Army in the Civil War read as follows:

"31. A victorious army appropriates all public money, seizes all public movable property until further direction by its Government, and requesters for its own benefit or of that of its Government all the revenues of real property belonging to the hostile Government or nation. The title to such real property remains in abeyance during military occupation and until the conquest is made complete.

"34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning, or observatories, museums of fine arts, or of a scientific character—such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it."

Article 56 of The Hague convention provides:

"The property of the communes, that of religious, charitable, and educational institutions, and those of arts and science, even when State property, shall be treated as private property.

"All seizure of, and destruction, or intentional damage done to such institutions, to historical monuments, works of art or science, is prohibited, and should be made the subject of proceedings."

By an act of March 2, 1895, Washington College was reimbursed for property destroyed at the same time by Gen. Hunter's army, and there are many other instances in which Congress has made provision for repairing the damage done under similar circumstances.

FIRST LIEUT. JAMES P. BARNEY.

The bill (H. R. 9147) to restore First Lieut. James P. Barney, retired, to the active list of the Army, was considered as in Committee of the Whole. It authorizes the President to restore First Lieut. James P. Barney, retired, to the active list of the Army of the United States with the rank of first lieutenant of Cavalry, his name to appear on the active list of the Army of the United States next below that of First Lieut. Francis H. Ruggles; but the number of officers shall not be increased by reason of the passage of this act; and prior to his restoration to the active list this officer shall pass a physical examination for promotion to the grade of first lieutenant, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARCUS P. NORTON'S STAMP PATENT.

The bill (S. 1269) for the adjudication and determination of the claims arising under joint resolution of July 14, 1870, authorizing the Postmaster General to continue in use in the postal service Marcus P. Norton's combined postmarking and

The title was amended so as to read: "A bill for the relief of Herman von Werthern."

FISH-CULTURAL STATION IN TEXAS.

The bill (S. 4046) to establish an additional fish-cultural station in the State of Texas was considered as in Committee of the Whole. It proposes to appropriate $50,000 for the establishment of an additional fish-cultural station in the State of Texas, including the purchase of site, construction of building, and equipment, at some suitable point to be selected by the Secretary of Commerce.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN STATE OF WASHINGTON.

The bill (S. 319) providing for the homestead entry of certain lands in the State of Washington, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with amendments, in section 2, page 2, line 18, to strike out the words "1st day of December, 1909," and insert "31st day of January, 1910," and in line 21, after the word "home," to insert "and who has since maintained his claim thereto," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior shall cause the lands in abandoned military reservations Nos. 22 and 24, described as follows: Lots 1 and 2 in section 5 and lot 3 in section 6 of township 20 north; and the southwest quarter, the southwest quarter of the southeast quarter, and lots 3 and 4 of section 21; and the northwest quarter, the west half of the northeast quarter, lots 1, 2, and 3, and the northeast quarter of the southwest quarter of section 28; and the south half of lot 3 and all of lots 4 and 5, and the northeast quarter of the southeast quarter of section 31; the south half of the south half of the northwest quarter, the south half of the south half of the northeast quarter, and lots 1 and 2 and the west half of the northwest quarter of the southeast quarter and the southwest quarter of section 32; and the south half of lot 2 and all of lot 3 of section 33, in township 21 north, all in range 2 east of the Willamette meridian, in the State of Washington, or any part thereof, to be regularly surveyed or subdivided late tracts or lots of 20 acres each, more or less.

SEC. 2. That after said survey and the approval thereof by the Commissioner of the General Land Office the plat thereof shall be filed in the office of the register and receiver in the manner provided by law, and thereafter any settler who was in actual occupation of any portion of the lands described in section 1 hereof on the 31st day of January, 1910, who made actual settlement thereon in good faith for the purpose of securing a home, and who has since maintained his claim thereto, shall, if qualified to make a homestead entry, be entitled to make a homestead entry of the lands so occupied, not exceeding 20 acres in a body, according to the Government surveys and subdivisions thereof, upon payment to the Government at the time of such entry of the sum of $2.50 per acre for each acre entered by him, and within five years from the date of such entry he shall be required to submit proof showing residence and cultivation of such lands in the manner and for the length of time required by the homestead laws of the United States, and failure to make such showing shall be deemed sufficient cause for forfeiture of all rights to the land and to the money paid, and in case of any such default the land shall be offered at public sale.

SEC. 3. That the following-described land, being a part of abandoned military reservation No. 24, is hereby granted to school district No. 71, of Pierce County, State of Washington, to wit: The east half of the northwest quarter of the southeast quarter of section 32 in township 21 of range 2 east of the Willamette meridian, in the State of Washington, upon payment therefor to the United States of $2.50 per acre.

SEC. 4. That if any of the lands described in section 1 hereof be not duly entered as a homestead by some settler, as provided in section 1 of this act, within 90 days after the same becomes subject to entry under the provisions of this act, then, in that event, the Secretary of the Interior is hereby authorized to dispose of such remaining lands under the provisions of the act of Congress of July 5, 1884, entitled "An act to provide for the disposal of abandoned and useless military reservations."

The amendments were agreed to.

Mr. JONES. In line 12, page 2, at the end of section 1, after the word "less." I move to strike out the period and to insert "and to conform as nearly as practicable with the existing local survey." The amendment simply provides that the survey provided in the bill shall conform as nearly as practicable with the survey which has already been made and under which the land has been divided.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WARREN E. DAY.

The bill (S. 1758) for the relief of Warren E. Day was considered as in Committee of the Whole. It proposes to pay to Warren E. Day $1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884, but the acceptance of this sum shall be considered as final settlement of all claims of every kind whatsoever against the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JOHN G. CAMPBELL.

The bill (S. 2661) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims, was announced as next in order.

Mr. CHILTON. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

Mr. ASHURST. I do not know what Senator made the objection, but I wish to appeal to him, whoever he may be, to withdraw his objection, for this reason: Mr. Campbell was a Delegate to Congress from the Territory of Arizona. Long after he was a Delegate he discovered that he was not a citizen. The bill simply restores him to the status, if he were alive, of a citizen, and thereby authorizing him to institute a suit for claims which his estate alleges to have. In other words, it simply gives him a citizenship status before the Court of Claims.

Mr. CHILTON. I withdraw the objection, Mr. President.

Mr. ASHURST. I thank the Senator.

The bill was considered as in Committee of the Whole. It relieves the estate of John C. Campbell, deceased, who was a Delegate to the House of Representatives from Arizona in the Forty-sixth Congress, and who became a resident of the United States at a very early age and supposed himself to have become a citizen by the naturalization of his father, from any disability under the laws of the United States and from any defect of naturalization, and the administrator of said estate is hereby authorized to prosecute Indian depredation claim No. 2925, now pending in the United States Court of Claims, and to receive judgment therein the same as if the said John G. Campbell had been naturalized under the laws of the United States at the date of the loss alleged; and for this purpose the said Court of Claims is vested with full jurisdiction.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY LA ROQUE.

The bill (H. R. 14229) for the relief of Henry La Roque was considered as in Committee of the Whole. It permits Henry La Roque, an Indian of the White Earth Indian Reservation, in the State of Minnesota, to appeal within 90 days after the passage of this act from the decree entered in the United States Circuit Court of Appeals for the Eighth Circuit on the 8th day of July, 1912, in a suit wherein the United States is the appellant and Henry La Roque the appellee, to the Supreme Court of the United States, giving such notice or notices and taking such proceedings as are required by law and practice in such cases to effect such appeal. To enable such appeal to be taken and perfected the time therefor and for all notices and proceedings provided in the law or practice to be given or taken is hereby extended until the expiration of the period of 90 days from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARENCE HAZELBAKER.

The bill (S. 2630) for the relief of Clarence Hazelbaker was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, on page 2, line 6, after "1910," to insert the following proviso: "*Provided*, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Me-yone-yah, a Nez Perce Indian, or the legal representative of said Indian, the sum of $2,400, upon the execution by said Indian, or his legal representative, of a proper quitclaim deed in relinquishment of all right and title of said Indian in and to the west half of the northeast quarter of section 15, township 31 north, range 3 east, Boise meridian, under allotment No. 1287, so that there shall be no conflict by reason of such allotment with the claim of one Clarence Hazelbaker to such land by virtue of homestead patent No. 152479, issued to the said Hazelbaker by the General Land Office of the United States September 15, 1910: *Provided*, That the sum herein appropriated shall only be paid out in sums from time to time upon the direction of the Commissioner of Indian Affairs.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TREATISE ON ECONOMIC VALUE OF MAN.

The next business on the calendar was Senate resolution 351, to print the manuscript entitled "A Treatise on the Economic

Value of Man," by Dr. Chauncey Rea Burr, of Portland, Me., as a Senate document.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The resolution will go over.

ROCKEFELLER FOUNDATION.

The next business on the calendar was Senate resolution 352, to print the communication from the Secretary of Agriculture relating to the general education board of the Rockefeller Foundation as a Senate document.

The resolution was agreed to, as follows:

Resolved, That the communication from the Secretary of Agriculture, in response to the resolution submitted by Mr. KENYON and adopted by the Senate on April 1, 1914, calling for information in regard to the relation of the general education board of the Rockefeller Foundation to the work of the Department of Agriculture, be printed as a Senate document.

EFFECT OF PANAMA CANAL ON SEA TRAFFIC.

The next business on the calendar was Senate resolution 353, to print the manuscript entitled "Effect of Panama Canal on Sea Traffic," by Mr. Russell L. Dunn, of San Francisco, as a Senate document.

Mr. WILLIAMS. I ask that the resolution may go over.

Mr. WORKS. I should like to appeal to the Senator from Mississippi. It may be supposed that this has something to do with the tolls question, but it has not. It contains a great deal of data about distances to foreign and domestic ports that I think valuable. I do not see any reason why the Senator should object to it in that view.

Mr. WILLIAMS. I did not object at all. I just asked that the resolution might go over, because I knew nothing about it and what it pertains to. I did rather suspect that it had something to do with the recent controversy about Panama Canal tolls. If not, I have no objection. I had no objection to it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the manuscript submitted by Mr. WORKS on April 1, 1914, entitled "Effect of the Panama Canal on Sea Traffic," by Mr. Russell L. Dunn, of San Francisco, Cal., be printed as a Senate document.

THE AMERICAN CONSULAR SERVICE.

The next business on the calendar was Senate resolution 356 to print as a Senate document the manuscript entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Siechta, of New York.

The resolution was agreed to, as follows:

Resolved, That the manuscript submitted by Mr. STERLING on March 5, 1914, entitled "The American Consular Service and Commercial Attachés," by Mr. J. J. Siechta, of New York, be printed as a Senate document.

GOVERNMENT BY JUDGES.

The next business on the calendar was Senate resolution 357 to print the address of Chief Justice Walter Clark, of the North Carolina Supreme Court, upon Government by Judges, as a Senate document.

Mr. WILLIAMS. Let the resolution go over.

The VICE PRESIDENT. It will go over.

TREATY-MAKING POWER UNDER THE CONSTITUTION.

The next business on the calendar was Senate resolution 350 to print as a Senate document an article entitled "The Treaty-Making Power under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va.

The resolution was agreed to, as follows:

Resolved, That the article submitted by Mr. WORKS on April 22, 1914, entitled "The Treaty-Making Power under the Constitution of the United States," by Henry St. George Tucker, of Lexington, Va., be printed as a Senate document.

WORKMEN'S COMPENSATION REPORT.

The next business on the calendar was Senate resolution 326, to authorize the printing of Senate Document No. 419, workmen's compensation report.

The resolution was agreed to, as follows:

Resolved, That 5,000 additional copies of Senate Document No. 419, entitled "Workmen's Compensation Report upon Operation of State Laws, Investigation by Commission of the American Federation of Labor and the National Civic Federation," together with the appendix accompanying said report, be printed for the use of the Senate document room.

RETIRED OFFICER WITH INCREASED RANK.

The bill (S. 4500) to place certain officers of the Army on the retired list was announced as next in order.

Mr. WILLIAMS. Let that go over.

Mr. THOMAS. I trust the Senator who objected to the bill will withdraw his objection. The bill applies to a single individual.

Mr. WILLIAMS. Then I have no objection to it.

Mr. THOMAS. He was a gallant officer.

Mr. WILLIAMS. I did not know how many it applied to. I thought it might apply to two or three hundred.

Mr. THOMAS. The history of the officer is given in the bill.

Mr. WARREN. I hope the bill may be considered at this time.

The VICE PRESIDENT. The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That any officer now on the retired list of the Army, who served with credit for more than two years as a commissioned officer of Volunteers during the Civil War prior to April 9, 1865, and who subsequently served with credit for more than 40 years as a commissioned officer of the Regular Army, including service in command of troops in five Indian campaigns, the War with Spain, and the Philippine insurrection, and to whom the congressional medal of honor for most distinguished conduct in action has been twice awarded, and who has also been brevetted for conspicuous gallantry in action, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Army with the rank and retired pay of one grade above that actually held by him at the time of his retirement from active service in the Regular Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LUCIEN P. ROGERS.

The bill (H. R. 8688) for the relief of Lucien P. Rogers was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, on page 1, line 8, to strike out "November 1, 1863," and insert "August 1, 1862," so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Lucien P. Rogers shall hereafter be held and considered to have been in the military service of the United States as a member of Company F, Seventy-fourth Regiment Illinois Volunteer Infantry, from August 1, 1862, to June 28, 1864, and to have been honorably discharged from that service on the last-named date.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

CHUGACH NATIONAL FOREST.

The bill (S. 1887) to annul the proclamation creating the Chugach National Forest and to restore certain lands to the public domain was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

PUBLIC BUILDING AT DURANGO, COLO.

The bill (S. 1220) to increase the limit of cost of the public building authorized to be constructed at Durango, Colo., was considered as in Committee of the Whole. It proposes to increase the limit of cost fixed by the act of Congress approved March 4, 1913, for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Durango, Colo., from $100,000 to $150,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS SMITH.

The bill (S. 2656) to correct the military record of Thomas Smith was considered as in Committee of the Whole. It directs the Secretary of War to grant to Thomas Smith, a corporal of Company I, Eighty-seventh Regiment New York Volunteer Infantry, an honorable discharge as of date of June 30, 1862, but no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOBSTER-REARING STATION ON ATLANTIC COAST.

The bill (S. 4725) providing for the establishment of a lobster-rearing station at some suitable point on the Atlantic coast was considered as in Committee of the Whole. It directs the Secretary of Commerce to establish a lobster-rearing plant at some suitable place on the Atlantic coast of the United States to be selected by the Secretary of Commerce; but before any final steps shall have been taken for the construction of such a plant the State in which the plant is to be located, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct such plant and all operations connected therewith, in any manner and at any time that may by them be

INDIAN LANDS IN POTTAWATOMIE COUNTY, OKLA.

The bill (H. R. 13133) for the approving and payment of the drainage assessments on Indian lands in Salt Creek drainage district No. 2, in Pottawatomie County, Okla., was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing right of way and definite location of proposed drainage ditches, made under the laws of the State of Oklahoma upon the allottees in Salt Creek drainage district No. 2, in Pottawatomie County, Okla.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against each of said allotments: *Provided*, That said assessment shall not exceed $15 per acre on any allotment or portion thereof; and there is hereby appropriated for said purpose, out of any money in the Treasury not otherwise appropriated, the sum of $21,183.39, or so much thereof as may be necessary, to be immediately available, the said sum to be reimbursable from the rentals of said allotments, not to exceed 50 per cent of the amount of rents received annually, or from any funds belonging to the said allottees, in the discretion of the Secretary of the Interior.

SEC. 3. That in the event any allottee shall receive a patent in fee to an allotment of land in any lawfully constituted drainage district within the State of Oklahoma before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

SEC. 4. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 146) for the relief of Aaron Kibler, was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9829) authorizing the Secretary of the Interior to sell certain unused remnant lands to the Board of County Commissioners of Caddo County, Okla., for fairground and park purposes, was announced as next in order.

Mr. WILLIAMS. Let the bill go over.

Mr. MYERS. Mr. President, I appeal to the Senator who made the objection to withdraw it and let the bill be considered. It is a very simple bill, and it is badly needed. It was unanimously reported by the Committee on Public Lands. Representative FERRIS, of Oklahoma, the chairman of the House Committee on Public Lands, is very anxious to have it passed. There is no harm in the bill, and I appeal to the Senator who made the objection to withdraw it.

Mr. KERN. Mr. President, I think the bill should be passed. The people in that section of the country, I am informed by Mr. FERRIS, are preparing for a great agricultural fair and alfalfa exhibition this fall. They are hesitating about putting up the necessary buildings until this bill is passed. There is not the slightest objection to it, I understand.

Mr. SMITH of Arizona. What is the number of the bill?

Mr. KERN. House bill 9829; Order of Business 407.

Mr. WILLIAMS. Is it Indian land?

Mr. MEYERS. No; these are United States Government lands, as I understand.

Mr. GALLINGER. I will ask the Senator from Montana if the price named, $1.25 an acre, is not a very low price for lands out of which to make an agricultural park?

Mr. WILLIAMS. That is what I think.

Mr. MYERS. That is all that the Department of the Interior suggested should be paid. The department which is versed in the premises considers that that is all it is worth, and no question has been raised about the price.

Mr. TOWNSEND. I will ask to have the bill go over, Mr. President.

Mr. WILLIAMS. Is this in a settled country that has been populated and filled up with farms?

Mr. MYERS. I can not say from personal knowledge. It is in Caddo County, Okla. Here is the report.

Mr. WILLIAMS. I asked the Senator the question because it would seem that where the country is sufficiently settled to be used as a fairground and for park purposes the land ought to be worth more than $1.25 an acre.

Mr. MYERS. Mr. President, it is a self-evident fact that——

Mr. BRANDEGEE. I ask for the regular order.

Mr. MYERS. I am appealing to the Senator to withdraw the objection, if I may be indulged for a second or so. He may withdraw the objection if I can answer the question.

Mr. BRANDEGEE. I understood the Senator was conducting a colloquy with the Senator from Mississippi.

Mr. MYERS. But he asked a question.

Mr. BRANDEGEE. Another Senator objected, however.

The VICE PRESIDENT. Is the objection withdrawn or not?

Mr. TOWNSEND. No.

The VICE PRESIDENT. The bill will be passed over.

GEORGE GARDELLS.

The bill (H. R. 1291) for the relief of George Gardells was considered as in Committee of the Whole. It proposes that in the administration of pension laws, George Gardells shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company B, Fifth Regiment, New York Volunteer Cavalry, on the 19th day of April, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 717) to correct the military record of Thomas Smart was announced as next in order.

Mr. BRYAN. Mr. President, there does not seem to be any report on this bill.

The VICE PRESIDENT. The report is No. 482.

Mr. SMOOT. I will say that in the report there is no reason——

Mr. BRYAN. There is a report No. 482, but it does not say anything except that it recommends the passage of the bill. It does not say why the record of this man should be corrected. This may be another one of those records that is correct already.

Mr. DU PONT. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls was announced as next in order.

Mr. CHILTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

FISH-CULTURAL STATIONS ON THE COLUMBIA RIVER.

The bill (S. 4854) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon was considered as in Committee of the Whole.

The bill had been reported from the Committee on Fisheries with an amendment, on page 1, line 6, after the word "Oregon," to insert "or in the State of Washington, or both," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or in the State of Washington, or both, for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce, and the number of such stations to be determined by him; and for said purpose the sum of $100,000 is hereby authorized to be appropriated: *Provided*, That before any final steps shall have been taken for the construction of fish-cultural stations in accordance with this bill the States of Oregon and Washington, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper: *And provided further*, That the operations of said hatcheries may be suspended by the Secretary of Commerce whenever in his judgment the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatcheries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon or Washington, or both."

TAKING OF SPONGES IN GULF OF MEXICO.

The bill (S. 5313) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same; and for other purposes, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the approval of this act it shall be unlawful for any citizen of the United States, or person owing duty of obedience to the laws of the United States, or any boat or vessel of the United States, or person belonging to or on any such boat or vessel, to take or catch, by any means or method, in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, any commercial sponges measuring when wet less than 5 inches in their maximum diameter, or to land, deliver, cure, offer for sale, or have in possession at any port or place in the United States, or on any boat or vessel of the United States, any such commercial sponges.

SEC. 2. That the presence of sponges of a diameter of less than 5 inches on any vessel or boat of the United States engaged in sponging in the waters of the Gulf of Mexico or the Straits of Florida outside of State territorial limits, or the possession of any sponges of less than the said diameter sold or delivered by such vessels, shall be prima facie evidence of a violation of this act.

SEC. 3. That every person, vessel, or boat guilty of a violation of this act shall be liable to a fine of 50 cents for each sponge of a less diameter than 5 inches found in the possession of such person, vessel, or boat, and said fine shall be a lien against the vessel or boat on which the offense is committed, and said vessel or boat shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense.

SEC. 4. That any violation of this act shall be prosecuted in the district court of the United States of the district wherein the offender is found or into which he is first brought.

SEC. 5. That it shall be the duty of the Secretary of Commerce to enforce the provisions of this act, and he is authorized to empower such officers and employees of the Department of Commerce as he may designate, or such officers and employees of other departments as may be detailed for the purpose, to make arrests and seize vessels and sponges, and upon his request to the Secretary of the Treasury may employ the vessels of the Revenue-Cutter Service or the employees of the customs service to that end.

SEC. 6. That the act approved June 20, 1906, entitled "An act to regulate the landing, delivery, cure, and sale of sponges" and all other laws in conflict herewith be, and the same hereby are, repealed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FISHERY EXPERIMENT STATION ON THE PACIFIC COAST.

The bill (S. 4977) to establish a fishery experiment station on the Pacific coast of the United States was considered as in Committee of the Whole.

The bill was reported from the Committee on Fisheries with an amendment, on page 1, line 10, after the word "located" to insert "if located within the territorial jurisdiction of a State," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce be, and is hereby, authorized, empowered, and directed to establish a fishery experiment station at some suitable place on the Pacific coast of the United States to be selected by the Secretary of Commerce: *Provided*, That before any final steps shall have been taken for the construction of a fishery experiment station in accordance with this act the State in which such station is to be located, if located within the territorial jurisdiction of a State, through appropriate legislative action shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct such station and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $50,000 for the establishment of such fishery experiment station, including the purchase of a site, construction of building and ponds, and purchase of equipment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LANDS IN COCONINO COUNTY, ARIZ.

The bill (S. 5316) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause each occupied and improved legal subdivision in sections 17, 19, 20, 21, 28, 29, and 30, in township No. 41 north, of range 2 west, Gila and Salt River Meridian, Ariz., to be surveyed and platted into town lots and necessary public reserves, and into agricultural tracts of not exceeding 20 acres, and into dam and reservoir sites where used for such purposes, following the lines of occupation in each case where occupied as near as may be, and delineating on the plat all irrigating ditches and canals.

SEC. 2. That the town lots shall be appraised without considering the value of any improvements thereon, and any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupation of one or more of such lots in good faith for townsite purposes, with substantial and permanent improvements upon each lot and have maintained such occupation and improvements to date of application, upon the filing of an application therefor within six months from the date of the approval of the appraisement herein provided for, shall be entitled to a patent for the same upon paying the appraised price therefor. All such lots not covered by valid applications at the expiration of said six months shall thereafter be offered at public sale to the highest bidder, and the lots not so disposed of shall thereupon be subject to private entry; but no lot shall be sold at public sale or private entry at less than the appraised price.

SEC. 3. That any person, or his successors in interest, who prior to January 1, 1914, were in the actual occupancy of and improving one or more of said tracts for agricultural purposes, not exceeding in all 20 acres, and have maintained the same in good faith for said purposes, upon the filing of an application to enter the same within six months from the filing of the plat of said survey in the local land office, shall be entitled to a patent for such tract or tracts upon paying the sum of $1.25 per acre therefor. All such tracts not covered by valid applications at the expiration of said six months shall thereafter be subject to cash entry upon payment of $1.25 per acre.

SEC. 4. That the dam and reservoir tracts are hereby reserved for the use of said community for the purpose of irrigation and water supply, and patent therefor shall issue to the municipality when organized upon payment of $1.25 per acre therefor. Patents to the public reserves in the town site may be issued to the municipality when organized. Any easements maintained by authority and for use of the United States are hereby reserved, and said survey shall show all such easements and the patents to all lands affected thereby shall contain a reservation of the easement to the United States.

SEC. 5. That the Secretary of the Interior is further authorized to survey, plat, and patent such lots, agricultural tracts, and town-site reservations which may be situated upon the west half of the southwest quarter of section 16, in township No. 41 north, of range 2 west, Gila and Salt River meridian, Arizona, upon the same terms and conditions as prescribed in sections 1, 2, 3, and 4 hereof, should the title to said west half of the southwest quarter be found vested in the United States or revert thereto.

SEC. 6. That the expenses incident to the survey, appraisement, and sale herein required to be made shall be paid out of any fund appropriated for the survey of the public lands, at the time available. The Secretary of the Interior is hereby authorized to issue proper regulations for the administration of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES A. SPOTTS.

The bill (S. 5092) for the relief of Charles A. Spotts was considered as in Committee of the Whole. It provides that the homestead entry of Charles A. Spotts on Farm Unit L, or the northeast quarter of the southwest quarter of section No. 2, in township No. 20, north of range No. 21, west of the Montana principal meridian, made under the act of April 23, 1904 (33 U. S. Stat. L., p. 302), as amended by the act of May 29, 1908 (35 U. S. Stat. L., p. 448), is hereby validated, subject to future compliance with the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF T. J. SEMMES.

The bill (H. R. 11381) for the relief of the estate of T. J. Semmes, deceased, was announced as next in order on the calendar.

Mr. BRYAN. We passed a while ago the bill (S. 1089) for the relief of the estate of T. J. Semmes, deceased, which is identical with the House bill. I move to reconsider the vote by which the Senate bill was passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. Let the Senate bill be indefinitely postponed.

Mr. BRYAN. I move that the Senate bill be indefinitely postponed.

The motion was agreed to.

Mr. BRYAN. I now ask that the House bill be put on its passage.

The bill (H. R. 11381) for the relief of the estate of T. J. Semmes, deceased, was considered as in Committee of the Whole. It proposes to pay to Myra E. Semmes, executrix of T. J. Semmes, late of New Orleans, deceased, $595.55, in full payment for rents collected by the United States during the Civil War from property owned by the said T. J. Semmes and situate at New Orleans, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HERMAN VON WERTHERN.

The bill (S. 2472) to correct the military record of Herman von Werthern was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Herman von Werthern, late captain of Company K, Second Regiment Louisiana Volunteer Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as of the date of September 7, 1864, upon condition that no pay or compensation shall accrue by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JACOB SCOTT.

The bill (S. 2550) to correct the military record of Jacob Scott was announced as next in order.

Mr. SMOOT. I should like to ask the Senator who introduced this bill if there has been any report from the War Department setting forth the record of this man?

Mr. THOMPSON. I think there was a report from the department sent to the Military Committee.

Mr. SMOOT. I notice that in the report submitted by the committee there is nothing said as to any information received from the department.

Mr. THOMPSON. There was a report, which showed, as I recall, the facts as disclosed by the official records. The records show his service to have been about two years; but I think he served even longer than that, and his desertions were occasioned on account of sickness and carelessness in not properly looking after the company records.

Mr. BRYAN. How many times did he desert?

Mr. THOMPSON. The records show that he deserted twice, and each time he was sick and did not report to his company; that is all.

Mr. SMOOT. I will ask that this bill go over to-day. I should like to see what the department's record actually shows.

Mr. THOMPSON. I hope the Senator from Utah will withdraw the objection in this case. Mr. Scott is a worthy man. I wish the Senator would at least read the report.

Mr. SMOOT. I have read the report of the committee. What I desire to know is what the department reports the man's record to be. The report of the committee simply says that the record shows that he was enrolled and mustered out, and after that the record further shows that he was enrolled October 15, 1863. The Senator, as I understand, says this man had a service of about two years; but the records do not show that, and there seems to be a misunderstanding all around regarding the facts of the case.

Mr. THOMPSON. The records show that Scott served 11 months and 23 days during his first enlistment and 11 months in his second enlistment. The evidence is conclusive, so far as that is concerned, from the officers of the company, that both desertions were due to sickness or disease, which was greatly aggravated by exposure and the hardships incident to the service. As I have said, it is a very worthy case, and I hope the Senator from Utah will withdraw any objection.

Mr. SMOOT. Does the Senator personally know the man?

Mr. THOMPSON. I know of him by reputation; I do not know him personally.

Mr. SMOOT. Mr. President, I will say that it is not a very good thing to pass a relief bill of this character for a man without having some information from the department as to what the records of the department disclose as to the cause of his deserting, his excuse for deserting, and so forth.

Mr. THOMPSON. I think the report shows those facts.

Mr. SMOOT. This is the only report I have noticed where that information has not been given to the Senate.

Mr. BRYAN. I want to ask the Senator a question. What is the difference between a bill "to correct a military record of Jacob Scott" and a bill "for the relief of Jacob Scott," as these bills are entitled as they are reported from the Committee on Military Affairs?

Mr. CHAMBERLAIN. I can explain that to the Senator.

Mr. BRYAN. I notice the committee recommends that the title of this bill be amended so as to read "A bill for the relief of Jacob Scott." As the bill was introduced the title was "To correct the military record of Jacob Scott."

Mr. SMOOT. If the soldier was an actual deserter, the record can not be corrected, because it shows the actual facts.

Mr. BRYAN. Then the record is correct.

Mr. SMOOT. A bill for his relief means that, while he was a deserter, we shall not consider him as such, so far as the pension laws are concerned. The bill gives him a pensionable status.

Mr. THOMPSON. I will say that this bill was very thoroughly considered by the subcommittee.

Mr. CHAMBERLAIN. Mr. President, the Senators who introduce bills of this character frame them in different language, and the committee has adopted the uniform rule of making them correspond with each other. I might state further that the War Department says they can not correct their records. So that these bills simply give a pensionable status to the soldier affected and his record remains the same all the time. The act of Congress does not enable the War Department to go back over the record and correct the record, no matter what the defect may be, whether in the case of desertion or otherwise.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws Jacob Scott, who was a private of Company B, Fourth Regiment Missouri State Militia Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that company and regiment on the 8th day of March, 1863, and as a member of Company M, Second Regiment Arkansas Volunteer Cavalry, on the 15th day of December, 1864, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Jacob Scott."

DESECRATION OF THE FLAG.

The bill (S. 1905) to prevent the desecration of the flag of the United States of America, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That any person or persons, corporation, or company who shall use the flag or coat of arms of the United States, or any pattern, imitation, or representation thereof, either by printing thereon or attaching thereto any advertisement or device for the purpose of gain or profit, or as a trade-mark or label, or who shall imitate or represent the flag or coat of arms of the United States for an advertisement, trade-mark, or label shall be guilty of a misdemeanor.

SEC. 2. That no copyright shall subsist in the flag or coat of arms or other insignia of the United States or any simulation thereof.

SEC. 3. That no device or inscription nor the representation or image of any person or thing shall be imprinted upon, painted upon, or attached to the flag or upon or to the coat of arms of the United States.

SEC. 4. That any person or persons, who shall tear down, trample upon, or treat with indignity, or wantonly destroy the flag or coat of arms of the United States shall be guilty of a misdemeanor.

SEC. 5. That any person, corporation, or company violating any provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year.

SEC. 6. That it is hereby made the duty of any United States district attorney to cause forthwith the arrest and prosecution of any person or persons charged with the violation of any of the provisions of this act.

SEC. 7. That this act shall be in force from and after its passage and publication.

SEC. 8. That this act shall not apply to banners or flags carried by military or patriotic organizations authorized by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. TEMPLIN MORRIS POTTS.

The bill (S. 3804) for the relief of Templin Morris Potts, captain on the retired list of the United States Navy, was announced as next in order.

Mr. PAGE. Mr. President, I know nothing against the record of Capt. Potts; but we had a long hearing before the Committee on Naval Affairs on this bill, and, so far as I am personally concerned, I will say that I voted against the bill, because I did not believe, after organizing a board for the purpose of examining into the records of naval officers, with a view to creating the vacancies made necessary by the Navy personnel act, and after the matters brought before the board had been fairly and fully considered—and it was confessed by the friends of Capt. Potts that his case was fairly considered—that the Senate of the United States or the Committee on Naval Affairs should be made a board to rehear and review all such cases.

Mr. OVERMAN. Let that bill go over, Mr. President.

The VICE PRESIDENT. The bill will go over.

Mr. PAGE. If we are to have a board of this kind, and they are to consider and act upon cases as required by law, it seems to me that, the board having acted upon them, we ought not then to disregard their action.

The VICE PRESIDENT. On objection, the bill goes over.

Mr. GALLINGER. Just one word, Mr. President. The Senator from Vermont surely does not mean to say that if it appears that a case was not fairly considered, that the records were not all before the board, and various other things that might happen, we ought not to take cognizance of it?

Mr. PAGE. I do not want to object, Mr. President, to the consideration of this bill. Perhaps it ought to be considered now. I simply say that, in my opinion, there ought not to be any general practice of passing these cases after they have been once considered unless, as suggested by the Senator from New Hampshire, it is shown that the action of the board was unfair. No man can claim the action in this case was unfair, as I understand, unless he impeaches the integrity of the board; and I know I took especial pains to ask one who was discussing the matter, "Do we have any authority to say from you that this board did not design to treat this matter fairly?" They said they thought they tried to do right and justly by this man, but they thought the board had made a mistake. Now, if we are to open all of these cases, we might as well say that the Committee on Naval Affairs may be excused from every other line of business and take up these cases and sit as a plucking board.

The VICE PRESIDENT. The bill will be passed over.

Mr. CHILTON. I did not understand that any objection was made.

Mr. OVERMAN. I objected.

The VICE PRESIDENT. Yes; objection was made, and the bill will be passed over.

LAND IN NOXUBEE COUNTY, MISS.

The bill (H. R. 6831) to quiet title to lot 5, section 33, township 14, range 18 east, Noxubee County, Miss., was considered as in Committee of the Whole. It proposes that all the right, title, and interest of the United States in and to lot 5, section 33, township 14, range 18 east, in the State of Mississippi, for which no confirmation has heretofore been granted and no patent has been issued, be, and the same are hereby, granted, released, and relinquished by the United States to the owners of the equitable title thereto and to their heirs and assigns forever, as fully and completely in every respect whatever as could be done by patents issued therefor according to law: *Provided*, That the confirmation granted hereby shall amount only to a relinquishment of any title that the United States has or is supposed to have in and to said land, and shall not be construed to abridge, impair, injure, prejudice, or divest in any manner any valid right, title, or interest of any person or body corporate whatever, the true intent of this act being to concede and abandon all right, title, and interest of the United States to those persons, estates, firms, or corporations who would be the true and lawful owners of said land under the laws of Mississippi, including the laws of prescription, in the absence of the said interest, title, and estate of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RITTENHOUSE MOORE.

The bill (S. 2350) for the relief of Rittenhouse Moore was announced as next in order.

Mr. CHILTON. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

PENNSYLVANIA ENGINEERING CO.

The bill (H. R. 2407) for the relief of the Pennsylvania Engineering Co., of the city of Philadelphia, was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to the Pennsylvania Engineering Co., of the city of Philadelphia, the sum of $1,079.60, and appropriates said sum of $1,079.60 in full compensation for extra work done in the installation of a portable experimental refrigerating plant for and by direction of the Department of Agriculture, Bureau of Plant Industry, in the year 1908.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DEEGAN.

The bill (S. 3457) authorizing the issuance of a patent to James Deegan for lots 15 and 16, in block 10, in the town site of Fraser, Mont., was considered as in Committee of the Whole. It authorizes the Secretary of the Interior to issue patent to James Deegan for lots 15 and 16, in block 10, of the town site of Fraser, Mont., upon receipt from said James Deegan of the appraised price of said lots at any time within 90 days from the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSIONER OF INTERNAL REVENUE.

The bill (H. R. 14684) for the relief of the Commissioner of Internal Revenue was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to credit the Commissioner of Internal Revenue and his accounts with the sum of $801, being the value of 1,602 quarter-barrel beer stamps charged to him, stolen June 7, 1899.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN WAKEFIELD.

The bill (H. R. 1138) for the relief of Helen Wakefield was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay the sum of $30 to Helen Wakefield, on account of the loss of a registered letter containing $20, mailed by her at Nome, Alaska, February 19, 1902, and addressed to Nellie A. Clayton, San Francisco, Cal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

V. R. SCHERMERHORN, E. C. CALEY, G. W. CAMPBELL, AND PHILIP HUDSPETH.

The bill (S. 4960) for the relief of V. R. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 7, after the word "Schermerhorn," to strike out "$8,250" and insert "$2,767.45," and on page 2, line 4, after the words "sum of," to strike out "$7,392" and insert "$3,109.45," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to V. R. Schermerhorn, E. C. Caley, G. W. Campbell, and Philip Hudspeth, their heirs, executors, administrators, or assigns, the following sums: V. R. Schermerhorn, $2,767.45; E. C. Caley, $192; G. W. Campbell, $16; and Philip Hudspeth, $134, for the destruction on October 18, 1903, of their property by fire which occurred on the Fort Riley (Kans.) Military Reservation while Battery A, Sixth Field Artillery, was engaged in target practice, near the northern boundary, and which spread to and caused serious damage to privately owned farms adjoining the reservation; and the sum of $3,109.45 is hereby appropriated for said purpose out of any money in the Treasury not otherwise appropriated.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN STRECKFUS.

The bill (H. R. 2536) for the relief of John Streckfus was considered as in Committee of the Whole. It authorizes and directs the Mississippi River Commission to pay, from any appropriation made by Congress for works of river and harbor improvement carried on by said commission, to John Streckfus, captain and owner of the *J. S.*, the sum of $209, in payment and full settlement of all damages done to the said vessel *J. S.* by the commission's steamer *Mississippi* on April 17, 1909, when said steamer *Mississippi* collided with said steamer *J. S.* while the latter was lying at her dock at New Orleans, La.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE R. CAMPBELL, MILTON B. GERMOND, AND WALTER D. LONG.

The bill (S. 771) for the relief of George R. Campbell, Milton B. Germond, and Walter D. Long was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to George R. Campbell, Milton B. Germond, and Walter D. Long, their heirs or assigns, the sum of $5,034.75, being the amount due them for services performed as United States deputy surveyors, in accordance with the report of the Secretary of the Treasury contained in House Document No. 683, Sixty-second Congress, second session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STANLEY J. MORROW.

The bill (H. R. 7484) for the relief of Stanley J. Morrow, was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to pay to Stanley J. Morrow, formerly of Dakota Territory, but now of the State of Ohio, the sum of $163.65 in full satisfaction for one building and photograph materials and other property and damages to business resulting from the appropriation of said property by the War Department, at Fort Custer, Mont., in 1876 and 1878.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The bill (S. 5362) to provide for carrying into effect of the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and supplemental agreement of June 30, 1902, and other laws and treaties with said tribe of Indians, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The join. resolution (S. J. Res. 123) proposing an amendment to the Constitution of the United States, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 4986) proposing an amendment as to section 10 of the Federal reserve act relating to reserves, and for other purposes, was announced as next in order.

Mr. WILLIAMS and Mr. BURTON. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger."

FORT WINGATE MILITARY RESERVATION, N. MEX.

The bill (S. 1930) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation, N. Mex., and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GLACIER NATIONAL PARK.

The bill (S. 3897) authorizing the Great Northern Railway Co. to revise its line of railway adjacent to the Glacier National Park, in the State of Montana, and granting to the said railway company the right of way for its revised line in the said national park, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That, with the consent and approval of the Secretary of the Interior, and upon the filing with the Interior Department and the approval thereof by said Secretary of maps of definite location, the Great Northern Railway Co., a corporation of the State of Minnesota, be, and it is hereby, authorized to revise the location of that part of its line of railway along the southern boundary of the Glacier National Park, in the State of Montana, on the terms and conditions and subject to the limitations and restrictions granted by and contained in an act of Congress entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875 (18 Stats., 482), as amended by an act of Congress entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes," approved March 3, 1899 (30 Stats., 1233): *Provided*, That all lands north of the north line of the revised right of way, when said revised line of right of way shall have been approved as aforesaid, shall be excluded from the Lewis and Clark National Forest and become and remain part of the Glacier National Park, and be subject to all the provisions of an act of Congress entitled "An act to establish 'the Glacier National Park' in the Rocky Mountains south of the international boundary line in the State of Montana, and for other purposes," approved May 11, 1910 (36 Stats., 354), and to all the provisions of any act of Congress that may hereafter be passed relative to said park, and the regulations of the Secretary of the Interior heretofore or hereafter prescribed in accordance with law for the government of the park, and that any and all lands south of the north line of such revised line of right of way which may now be within the Glacier National Park shall become and remain a part of the Lewis and Clark National Forest and be subject to and be governed by the laws heretofore or hereafter enacted by Congress, and the regulations heretofore or hereafter prescribed by the Secretary of Agriculture for the control of national forests.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes."

The VICE PRESIDENT. The committee recommends that the preamble be stricken out. Without objection that will be done.

WILLIAM LISKEY.

The bill (S. 638) for the relief of William Liskey was considered as in Committee of the Whole. It provides that the homestead entry of William Liskey, under the act of June 17, 1902, and the act of February 18, 1911, on the north half of the south half of section 9, township 21 north, range 2 west, Montana meridian, is hereby validated, subject to future compliance with the law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONVEYANCES IN NEVADA BY CENTRAL PACIFIC RAILROAD.

The bill (S. 5042) legalizing certain conveyances heretofore made by the Central Pacific Railroad Co. and others within the State of Nevada was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 2, page 3, line 1, after the word "them," to insert "but without consideration," and in line 8, after the word "fee," to insert the words ", and whenever any such occupancy shall have been permitted by the railroad company and the portion of its right of way so occupied shall have been by it abandoned, the occupant thereof shall be, and he hereby is, granted the title thereto, and patent shall upon proper proof be issued to him for the same," so as to make the section read:

SEC. 2. That wherever any or either of said companies has heretofore suffered or permitted permanent structures or improvements to be erected or maintained upon any part of the railroad right of way above mentioned, it shall be lawful for said companies, or any or either of them, but without consideration, to execute and deliver to the owner or owners of such permanent structures or improvements deed or deeds of conveyance for the lands covered thereby, including such additional lands, if any, as may be reasonably necessary for use in connection therewith, with the same effect as if the lands embraced therein had been originally granted to said companies in fee, and whenever any such occupancy shall have been permitted by the railroad company and the portion of its right of way so occupied shall have been by it abandoned, the occupant thereof shall be, and he hereby is, granted the title thereto, and patent shall upon proper proof be issued to him for the same.

The amendment was agreed to.

The next amendment was to strike out sections 3 and 4, in the following words:

SEC. 3. That in all instances, from and after the passage of this act, in which title or ownership of any part of said right of way heretofore mentioned shall hereafter be claimed as against said corporations, or either of them, or the successors or assigns of any of them, by or through adverse possession of the character and duration prescribed by the laws of the State in which the land is situated, such adverse possession shall have the same effect as though the land embraced within the lines of said right of way had been granted by the United States absolutely or in fee instead of being granted as a right of way.

SEC. 4. That any part of the right of way heretofore mentioned, which has been, under the law applicable to that subject, abandoned as a right of way is hereby granted to the owner of the land abutting thereon.

The amendment was agreed to.

The next amendment was to insert a new section, as follows:

SEC. 3. That nothing hereinbefore contained shall have the effect to diminish said right of way to a less width than 50 feet on each side of the center of the main track of the railroad as now established and maintained.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REVISION OF PUBLIC PRINTING LAWS.

The bill (S. 5340) to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was announced as next in order.

Mr. CHILTON. Let that go over.

The VICE PRESIDENT. The bill will go over.

Mr. SMOOT. I will ask the Senator from West Virginia if he will not allow the bill to be read to-night.

Mr. CHILTON. No; let it go over.

Mr. SMOOT. The bill provides a saving to the Government of the United States of over $850,000 a year. It means the prevention of the printing of hundreds of thousands of useless documents that are published by the Government and piled up here in the warehouses and at the end of two years sold as old paper for 65 cents a hundred. The useless printing that is going on is a wicked shame. A bill similar to this has already passed the Senate once, and I think it ought to be considered now.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

Mr. CHILTON. I have heard all that in the committee and in the Senate. I supposed we were proceeding under the five-minute rule without any discussion. Whenever I am as convinced of what the Senator from Utah says as the Senator is I will not have any objection to the consideration of the bill. I simply have not had time to go into the subject and read it, and I have objection to considering it now.

The VICE PRESIDENT. The bill will go over.

CLAIMS OF SHOSHONE INDIANS IN WYOMING.

The bill (S. 5036) authorizing the Shoshone Tribe of Indians residing on the Wind River Reservation, in Wyoming, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment, on page 4, line 1, after the words "excess of," to strike out "the amount stipulated in the approved contract nor amount to more than 10 per cent of the amount and value of the judgment recovered in said cause," and to insert "$15,000," so as to read:

Upon the final determination of said cause the Court of Claims shall decree such fees as the court shall find reasonable to be paid to the attorneys employed by said Shoshone Tribe, and the same shall be paid out of any sum or sums found due to said Shoshone Tribe, or out of any sum or sums which may be placed to the credit of said Shoshone Tribe as a result of said cause: *Provided*, That in no case shall the fees decreed by said court be in excess of $15,000.

Mr. OVERMAN. I should like to inquire of the Senator who reported the bill whether or not the bill provides for the court to proceed to judgment?

Mr. WARREN. I do not so understand from the reading of the bill.

Mr. THOMPSON. I did not hear the inquiry of the Senator from North Carolina.

Mr. OVERMAN. I asked does the bill provide for the Court of Claims proceeding to judgment, or does it merely provide that the court shall ascertain the amount due?

Mr. THOMPSON. It provides that the court shall ascertain the amount due and proceed to judgment.

Mr. OVERMAN. I do not think we should ever do that. I think we ought to let the court ascertain what amount is due, and then let the parties come before Congress. That is the general rule. As I understand, this bill provides that the court shall proceed to judgment.

Mr. THOMPSON. This is a bill which is recommended by the department. It is simply a contest between two Indian tribes.

Mr. OVERMAN. I should like to hear the reading of the part of the bill which covers the point as to which I desire information.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

With the right of appeal to the Supreme Court of the United States by either party, for determination of the rights of said Shoshone Tribe in and to said reservation and the proceeds and profits therefrom, and for determination of the amounts, if any, of the funds of said Shoshone Tribe which have been wrongfully paid by the United States to the Arapahoe Tribe of Indians residing on said reservation.

Mr. OVERMAN. I should like to have the bill go over. I wish to consider it.

Mr. THOMPSON. The bill provides that the court shall proceed to judgment.

Mr. OVERMAN. I so understand; and that is a very dangerous way of proceeding for us here in the Senate to pass bills in that shape. When the judgment is rendered we have to make the appropriation whether the case is just or not.

Mr. THOMPSON. I have no personal interest in the matter, except to see justice done between these two tribes.

Mr. OVERMAN. Let the bill go over at this time.

The VICE PRESIDENT. The bill goes over.

Mr. WARREN. Mr. President, I hope the Senator from North Carolina will give his attention to the matter at an early date, as the bill has been waiting here for a long time. I should like to bring it up very soon.

Mr. OVERMAN. Is this a bill in which the Senator from Wyoming is interested?

Mr. WARREN. It is. The two tribes of Indians referred to in the bill live in the State of Wyoming.

Mr. OVERMAN. The Senator from Wyoming has served with me on the Committee on Claims for some six or eight years, and he knows that the rule was against allowing such matters as this to go into bills.

Mr. WARREN. This may not amount to any money. It is for the purpose of determining the rights as between two tribes of Indians.

Mr. OVERMAN. I do not object to that.

Mr. WARREN. One of the tribes has an undoubted right on its reservation in Wyoming, while the other was brought in and located there for the time being. This second tribe has been allowed to remain there for some 40 years, and has been trading back and forth with the other tribe and the United States. It is high time that there should be a determination and adjustment of accounts and a settlement of the case.

Mr. OVERMAN. I have no objection to the Court of Claims ascertaining what is due and then allow the matter to come regularly before Congress, as all other claims come. I will look into it, I will say to the Senator.

Mr. CLARKE of Arkansas. Mr. President, the bill speaks of reimbursing one of the tribes for money wrongfully paid by the United States to another tribe. If the proposition is to pay money out of the Treasury that will be charged up against another tribe which erroneously received the payment——

Mr. WARREN. Indian claims have been handled a little differently from others. I have not sought to go into that, because it is left entirely with the United States in its control of Indian affairs.

Mr. CLARKE of Arkansas. There is quite a difference between mulcting the United States Government for a payment to be made to one tribe of Indians on the theory that it should have been made to another. If the proposition is——

Mr. THOMPSON. Mr. President, let me explain——

Mr. CLARKE of Arkansas. I have the floor, Mr. President. If the proposition is to make the tribe which erroneously received this sum of money as trustee for the one which should have received it, I do not know but what we might dispose of the matter this evening; but if the proposition is to make the United States Government pay the money twice, then, of course, it ought to be looked into a little further.

Mr. WARREN. It is nothing of that kind; it is a matter of equalization between these two Indian tribes and the United States.

Mr. CLARKE of Arkansas. The Senator from North Carolina [Mr. OVERMAN] will look into it at an early day; but objection is made to the consideration of the bill in the meantime.

The VICE PRESIDENT. The bill goes over.

MISSISSIPPI RIVER BRIDGE.

The bill (H. R. 13985) to authorize the construction of a bridge across the Mississippi River at or near the city of Baton Rouge, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOMESTEAD AND DESERT-LAND ENTRIES.

The bill (S. 586) providing for homestead and desert-land entries for such persons as shall have lost, forfeited, or abandoned their former entries, was considered as in Committee of the Whole. The bill had been reported from the Committee on Public Lands with an amendment, on page 1, line 8, after the word "entered," to strike out the following proviso:

That no person shall be entitled to make entry under this act if a former entry made by him was canceled for fraud, or if he relinquished such entry for a valuable consideration in excess of the filing fees paid on it. Any person applying to make entry under this act shall furnish a description and the date of any entry which he may previously have made.

And in lieu thereof to insert:

That such applicant shall show to the satisfaction of the Secretary of the Interior that the prior entry or entries were made in good faith, were lost, forfeited, or abandoned because of matters beyond his control, and that he has not speculated in his right nor committed a fraud or attempted fraud in connection with such prior entry or entries.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1991) correcting the military record of Abram H. Johnson was announced as next in order.

Mr. BRYAN. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1988) to remove the charge of desertion from the military record of John H. Armstrong was announced as next in order.

Mr. BRYAN. I ask that that go over.

The VICE PRESIDENT. The bill will be passed over.

CHARLES M. CLARK.

The bill (S. 2882) to remove the charge of desertion from the record of Charles M. Clark was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Charles M. Clark, who was a private of Company G, Third Regiment Michigan Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 17th day of October, 1863: *Provided*, That other than as above set forth no pay, bounty, pension, or other emoluments shall accrue by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Charles M. Clark."

CHARLES RICHTER.

The bill (S. 145) for the relief of Charles Richter was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles Richter, alias Herman Wittman, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company K, Thirty-fifth Regiment Wisconsin Volunteer Infantry, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for improving the light station, moving the fog signal, and building a keeper's dwelling at Great Salt Pond Light Station, R. I."

LANDS FOR FISH HATCHERY IN UTAH.

The bill (S. 4806) granting to the State of Utah title to certain lands in said State for use as a fish hatchery was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment, on page 2, after the name "United States," to insert:

And provided further, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby distinctly reserved to the United States.

So as to make the bill read:

Be it enacted, etc. That the Secretary of the Interior is hereby authorized to grant to the State of Utah lot 3 of section 17 and the northeast quarter of the southeast quarter of section 18 in township 26 south, range 2 east of Salt Lake meridian, located within the Fishlake National Forest, containing a total of 68.10 acres, for use as a fish hatchery: *Provided*, That if the said State shall at any time permit the said lands hereby granted to be used for any purpose not contemplated by this act the said lands shall revert to the United States: *And provided further*, That the right of the United States to any coal that may be contained in said tract of land, together with the right to prospect for, mine, and remove said coal, is hereby distinctly reserved to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA RIVER BRIDGE, AT CHIPPEWA FALLS, WIS.

The bill (S. 4976) permitting the Wisconsin Central Railway Co. and the Minneapolis, St. Paul & Sault Ste. Marie Railway Co., its lessee, to construct, maintain, and operate a railroad bridge across the Chippewa River at Chippewa Falls, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COAL AND MINERAL DEPOSITS IN INDIAN LANDS.

The bill (S. 587) relating to the disposal of coal and mineral deposits in Indian lands was announced as next in order.

Mr. SHAFROTH. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

PIPE LINES AND RESERVOIR UPON LINCOLN NATIONAL FOREST.

The bill (S. 2278) granting the El Paso & Rock Island Railway Co. a right of way for its pipe lines and reservoir upon the Lincoln National Forest for the carrying and storage of water for railroad purposes was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, on page 4, after line 13, to insert a new section, as follows:

SEC. 8. That this act shall not be construed as a recognition of any claim of the El Paso & Rock Island Railway Co., and for concerning rights in the Hondo River or its tributaries, or of any claim of right to divert water from the watersheds of said streams, or as a waiver of any stipulation heretofore agreed to by the said company for use in the litigation concerning water rights pending in the United States district court for the district of New Mexico in which the United States and the said company are parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WOMAN SUFFRAGE.

The joint resolution (S. J. Res. 130) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. OVERMAN and Mr. BRYAN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

MALAMBO FIRE CLAIMANTS.

The bill (S. 4254) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, was considered as in Committee of the Whole. It proposes to appropriate the sum of $53,800 to enable the Secretary of War to pay to the Government of Panama for the use and benefit of the so-called "Malambo fire claimants" the reduced allowances which were recommended to be paid to the said claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, as set forth on page 22 of Senate Document No. 148, Sixty-second Congress, second session, by way of compensation for losses suffered by said claimants in and by the fire which was occasioned in the Malambo ward of the city of Panama by the fumigation of houses for sanitary purposes, by order and under the direction of the Isthmian Canal Commission, on or about the 12th day of January, 1906, such payment having been recommended by the President, upon the recommendations of the Secretary of War and the Attorney General, in the special message which was sent by the President to the Senate and House of Representatives of the United States on the 13th day of December, 1911 (printed in the aforesaid S. Doc. No. 148, 62d Cong., 2d sess.), in renewal of the recommendation contained in the President's special message of March 3, 1911, on the same subject.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TERESA GIROLAMI.

The bill (S. 3925) for the relief of Teresa Girolami was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "the sum of," to strike out "$3,000" and insert "$1,200," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,200 to Teresa Girolami, widow of Ettore Girolami, late an engineer in the United States Immigration Service, who lost his life in the discharge of his duty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXPENSES INCURRED UNDER TREATY OF WASHINGTON.

The bill (S. 3002) making appropriation for expenses incurred under the treaty of Washington was announced as next in order.

Mr. SMOOT. Mr. President, I have not read the bill, but from its title it seems to me it ought to go in an appropriation bill. If there is a deficiency, it ought to go into the general deficiency bill that will be reported to the Senate before very long.

Mr. GALLINGER. It would make it all the stronger if we passed it.

Mr. WARREN. Mr. President, let me state to my friend from Utah that I think it all the more necessary to have it passed here. There can scarcely be anything of that character put on a deficiency bill unless that is done.

Mr. SMOOT. I will ask the Senator if he has read the bill, and whether or not he thinks the claim is a just one?

Mr. WARREN. I did not understand the Senator to make any point about that, but to make the point that it ought to go on an appropriation bill.

Mr. SMOOT. That would be the second point.

Mr. WARREN. I know nothing about the bill; but if the bill is a proper one, this is the proper place to handle it.

Mr. SMOOT. The Senator from Ohio [Mr. BURTON] reported the bill. I will ask the Senator if this is a unanimous report?

Mr. BURTON. What is the bill?

Mr. SMOOT. It is a bill making appropriations for expenses incurred under the treaty of Washington.

Mr. BURTON. This is a bill for compensation to one of the secretaries who served during the days of the Alabama Commission, in 1871. The exact amount I have forgotten. The report was made some time ago. Mr. Hackett served as a secretary at that time.

Mr. SMOOT. The language of the bill is:

That the unexpended balance of the appropriation for expenses incurred under the treaty of Washington, being the sum of $881.59, be, and the same is hereby, reappropriated, together with the further sum of $668.41, to enable the Secretary of State to pay to any secretary to the counsel of the United States, as remuneration for services rendered by him in the preparation and trial of the case of the United States at Geneva—

And so forth.

Mr. BURTON. He was secretary for Caleb Cushing, and acted in the preparation of briefs as secretary for Mr. Cushing, and received less compensation than the rest.

Mr. SMOOT. There is a "further sum of $668.41" provided for here. What is that for?

Mr. BURTON. I shall have to look at the bill. I can tell in a minute.

Mr. SMOOT. There are two items. I will ask that the bill be passed over temporarily.

Mr. BURTON. I think it is a deserving claim.

Mr. SMOOT. I will ask that it go over now, and we can look it up later.

The VICE PRESIDENT. The bill will be passed over.

THOMAS G. RUNNING.

The bill (S. 663) for the relief of Thomas G. Running was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas G. Running the sum of $720 for injuries received while employed in the United States Forest Service during the year 1904.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The SECRETARY. The committee recommends that the preamble to the bill be stricken out.

The preamble was stricken out.

CHESTER D. SWIFT.

The bill (S. 1880) for the relief of Chester D. Swift was considered as in Committee of the Whole. It authorizes and directs the Secretary of the Treasury to pay to Chester D. Swift, of Canton, Ohio, or his legal representatives, the sum of $1,100, as full compensation for permanent injuries received by the said Chester D. Swift on or about the 15th day of September, 1910, while in the performance of his duties as a clerk in the Post Office Department, employed and assigned to duty in the Canton (Ohio) post office.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY E. LOVELL.

The bill (S. 805) for the relief of Mary E. Lovell was announced as next in order.

Mr. GALLINGER. This bill was reported adversely. I move that it be indefinitely postponed.

The motion was agreed to.

SAMUEL H. WALKER.

The bill (S. 1127) for the relief of Samuel H. Walker was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "$10,000" and insert "$480," so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Samuel H. Walker, out of any money in the Treasury not otherwise appropriated, the sum of $480, in full compensation for injuries received by the said Samuel H. Walker while performing his duties as a laborer in the fireroom of the General Land Office, Department of the Interior.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN.

The bill (S. 4857) for the relief of the St. Croix Chippewa Indians of Wisconsin was announced as next in order, and the Secretary proceeded to read the bill.

Mr. PAGE. Before the reading is completed I should like to ask the chairman, the Senator from Arizona [Mr. ASHURST], if this bill received a unanimous report from the Committee on Indian Affairs?

Mr. GALLINGER. It came from the Committee on Claims.

Mr. ASHURST. My recollection is not accurate as to whether there was a unanimous report in favor of the bill.

Mr. WARREN. It did not come from the Senator's committee; it came from the Committee on Claims.

Mr. SMOOT. It was reported by the Senator from Minnesota [Mr. CLAPP].

Mr. BRYAN. There is a mistake in the entry on the calendar. It did not come from the Committee on Claims.

Mr. SMOOT. The bill states that it was reported from the Committee on Indian Affairs by the Senator from Minnesota [Mr. CLAPP].

Mr. WARREN. The calendar states that it was reported from the Committee on Claims. I think the bill ought to go over until the Senator who reported it is present.

The VICE PRESIDENT. The bill will go over.

LANDS AT NOGALES, ARIZ.

The bill (S. 105) for the relief of John T. Brickwood, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck, Thomas D. Casanega, Joseph de Lusignan, and Joseph H. Berger was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendment.

Mr. SMITH of Arizona. The bill has been amended and the sums allowed have been reduced to an almost ridiculous amount. The court very incorrectly, not understanding the case when it was submitted to it, found that these people had no title. Their title is as good as that of any other people in the world who have settled on public lands. There has been an amendment in each of these cases reducing the amount to the mere value of the houses that happened to be upon the property that was worth twenty times what was allowed. I ask, in order to expedite the consideration of the bill, that the amendments be agreed to en bloc, for it is a reduction in every case, and the bill can be speedily disposed of.

Mr. SMOOT. May I ask the Senator on what ground was their property destroyed, and by what order?

Mr. SMITH of Arizona. These people in the city of Nogales were close to the border line. They had their houses and their stores on this strip. The Government made an order widening the street 60 feet and took the property of all the people who had been living there for 15 and 20 years, and gave everybody else in town a title to the property. It left these people without a cent, and instead of allowing them anything for the value of the property it allowed them only the value of the little houses that happened to be on the strip of land.

Mr. SMOOT. Does the Senator mean that the Court of Claims made the allowance?

Mr. SMITH of Arizona. It was referred to the Court of Claims and the court found that they had no patent from the Government, and then proceeded to make a finding as to the value of these little stores.

Mr. BRYAN. I wish to say to the Senator from Utah that this case was very fully investigated by the Committee on Claims, and a subcommittee of three lawyers was appointed to go into it thoroughly.

Mr. SMOOT. I will say to the Senator that I have not any objection to the bill.

Mr. BRYAN. The subcommittee reported it back to the full committee after a thorough investigation.

Mr. SMOOT. I have no objection to the bill after the explanation of the Senator from Arizona.

The VICE PRESIDENT. The amendments of the Committee on Claims will be stated.

The SECRETARY. The bill was reported from the Committee on Claims with amendments: In line 3, after the name "Brickwood," to strike out "$14,950" and insert "$3,750"; in line 4, after the name "Gaynor," to strike out "$29,000" and insert "$4,250"; in the same line, after the name "Gebler," to strike out "$10,600" and insert "$1,200"; in line 5, after the name "Mix," to strike out "$5,100" and insert "$1,450"; in line 5, after the name "Peck," to strike out "$5,560" and insert "$2,350"; in line 6, after the name "Casanega," to strike out "$900" and insert "$500"; in line 7, after the name "Lusignan," to strike out "$6,125" and insert "$3,250"; and in the same line, after the name "Berger," to strike out "$4,000" and insert "$1,800," so as to make the bill read:

Be it enacted, etc., That there be paid to John T. Brickwood, $3,750; Edward Gaynor, $4,250; Theodore Gebler, $1,200; Lee W. Mix, $1,450; Arthur L. Peck, $2,350; Thomas D. Casanega, $500; Joseph de Lusignan, $3,250; and Joseph H. Berger, $1,800, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the losses incurred by the destruction, in 1899, of their buildings and other property and their removal by the United States authorities from the premises severally occupied by them on what is commonly called the International Strip, in the town of Nogales, Ariz.

Mr. SMITH of Arizona. Information has come to me that Mr. Brickwood has recently died. I move to amend the amendment by making it read "to the estate of John T. Brickwood."

Mr. BRYAN. I suggest that the Senator make it read "the legal representatives of John T. Brickwood's estate."

Mr. SMITH of Arizona. Very well.

The amendment to the amendments was agreed to.

The amendments as amended were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the legal representatives of John T. Brickwood, deceased, Edward Gaynor, Theodore Gebler, Lee W. Mix, Arthur L. Peck,

term "unfair competition" has a very wide significance. Now, the question is whether that wider significance has not been recognized by the more recent decisions of the courts.

I wish to call attention, briefly, so that the Senator can consider it, to the Standard Oil case and a few other cases where this term "unfair competition" has been used as having a wider significance than that to which the Senator alludes.

In the Standard Oil case, for instance, the court, speaking by Mr. Chief Justice White, says:

> Without attempting to follow the elaborate averments on these subjects spread over 87 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition, such as local price cutting at the points where necessary to suppress competition; espionage of the business of competitors; the operation of bogus independent companies; and payments of rebates on oil, with the like intent.

In State v. Fairmont Creamery Co. (153 Iowa, 702, 709, 710) the court, by Evans, judge, said:

> One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract.

The Senator will thus perceive that the United States Supreme Court regards the words "unfair competition" as having a much wider significance than that alluded to in the decisions to which the Senator has referred.

Now, let me call the attention of the Senator to another case where the Nebraska statute prohibits unfair competition.

Mr. REED. Oh, Mr. President, I do not think we will gain any light on this question by reading the statute of a State.

Mr. NEWLANDS. Then I will not refer to that, as the time is brief.

In order to get very complete and specific information about unfair competition one has only to turn to the decrees in cases under the Sherman Act. There will be found, precisely defined, numerous examples of unfair competition. Nowhere is it more indispensable to use language having precise meaning than in a decree. Yet in the case of United States against General Electric Co., in the decree entered by the Circuit Court for the Northern District of Ohio, eastern division, at the end of the eighth clause, enjoining the use of a specific unfair method of competition, the following language is found:

> *Provided further*, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

Mr. REED. Mr. President, we would get nearer a conclusion if the Senator would produce these authorities at the close of what I have to say and let us debate them. I am in the middle of a sentence when I am interrupted, to have my attention diverted to some expression loosely used in an opinion. No one can with certainty tell the import of the language until he has the books before him; but, judging from the quotation read, it amounts to nothing more than that a court used the expression "unfair" in the colloquial and ordinary sense; whereas, with all the respect in the world for the Senator, I tell him that if he writes this statute as it is now written, it is as certain as anything laying in the future can be that when the courts come to construe it they will take the meaning that has been attached to "unfair competition" by all of the courts of England and of this country, that has been written into the digests, text-books, and dictionaries of the law, and he will find that he has accomplished nothing by his bill except to prohibit the imitation by one dealer of the goods of another. Now, the Senator ought not to want a law to be passed with that certainty staring him in the face. If you desire to reach the varieties of competition that are dishonest and rascally and oppressive, you must find some phrase to describe those practices aside from a phrase that has a crystallized and definite meaning in the law, and that means something entirely different from that which you desire to accomplish.

RECESS.

The VICE PRESIDENT (at 5 o'clock p. m.). The hour of 5 o'clock having arrived, in accordance with the order heretofore adopted by the Senate, the Senate will stand in recess until 7.30 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 7 o'clock and 30 minutes p. m., on the expiration of the recess.

THE CALENDAR.

The VICE PRESIDENT. The Secretary will proceed with the announcement of the business on the calendar.

Mr. GALLINGER. The last time the calendar was up we reached Order of Business 327, Senate resolution 318. I ask unanimous consent that we may commence at that point to-night.

The VICE PRESIDENT. Is there any objection?

Mr. KERN. We did not hear on this side what was the request.

Mr. GALLINGER. Simply to commence at the calendar where we left off the last time.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

Mr. MYERS. Where did we leave off before?

The SECRETARY. Order of Business 327, Senate resolution 318, a resolution authorizing the Committee on Banking and Currency to employ expert assistance in drafting a bill relating to rural credits.

Mr. GALLINGER. Let the resolution go over.

The VICE PRESIDENT. The resolution goes over.

Mr. MYERS. That will cut off several measures in which I am very much interested, but I will not object. I hope we will reach them finally some time or other.

Senate concurrent resolution 21, authorizing the printing of additional copies of Senate Document No. 147 (57th Cong., 2d sess.), "Bills and Debates in Congress on Trusts," was announced as the next business on the calendar.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The concurrent resolution will go over.

Senate resolution 305, to print a pamphlet entitled "The Power of the Federal Judiciary to Declare Legislation Invalid which Conflicts with the Federal Constitution," by David K. Watson, as a Senate document, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

Senate resolution 322, to print as a document an article entitled "Illiteracy among Jewish immigrants and its causes," was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 4843) to amend section 4 of the act entitled "An act to provide for a permanent Census Office," approved March 6, 1902, was announced as next in order.

Mr. SMOOT. There is no report filed with my calendar on this bill.

Mr. OVERMAN. Let it go over.

Mr. SMOOT. The Senator who reported the bill is not here, and so I ask that it may go over.

The VICE PRESIDENT. The bill will go over.

Mr. SWANSON. I should like to know why we did not commence at the beginning of the calendar?

The VICE PRESIDENT. By unanimous consent the Senate began the consideration of the calendar at the point where it was left off.

Mr. SWANSON. When was unanimous consent given?

SEVERAL SENATORS. Regular order!

Mr. SWANSON. This is the regular order, because before unanimous consent can be given the roll must be called and a quorum must be present.

The VICE PRESIDENT. There is no rule of that kind.

Mr. SWANSON. Before unanimous consent is given?

The VICE PRESIDENT. No.

Mr. SWANSON. I wish to say that when the motion was made this afternoon it was to take up the calendar.

Mr. BRYAN. And to consider bills unobjected to.

Mr. SWANSON. Not where it was left off.

Mr. SMOOT. I will state to the Senator that unanimous consent was asked of the Senate to begin the calendar at Order of Business 327, and there was no objection.

Mr. SWANSON. I was present then, and I do not know whether I shall consent to that. The Senator from Utah has objected to several bills that I have reported before that point, and I think the right way is to commence at the beginning of the calendar.

Mr. GALLINGER. The Senator from Utah did not make the request. I made the request, and if there is any objection to it I have no objection to going back and commencing at the beginning of the calendar.

Mr. THOMAS. It seems to me that the course we are pursuing is the more equitable one, because otherwise we will never get to the end of the calendar.

Mr. GALLINGER. We never will.

Mr. THOMAS. There is as important business near the end of the calendar as there is in the first part of the calendar. We have taken up the calendar a number of times but have never been able to get entirely through with it.

Mr. GALLINGER. I will venture to suggest that after we proceed with the calendar for a little while, if any Senator

wishes to call up a bill preceding those to be reached to-night, unanimous consent can be asked for that purpose.

Mr. SWANSON. We will content ourselves with proceeding with the calendar as we are now doing.

Mr. BRYAN. As I understood the motion this afternoon it was that the Senate should take a recess to meet to-night to consider unobjected bills on the calendar. I entered the Chamber just as the call of the calendar began, and I heard Order of Business 327 called. I think with the Senator from Colorado that we will never get to the bills toward the end of the calendar unless we begin at the point where we left off. The truth is that for the last three or four times we have not started at the beginning of the calendar, but we have started somewhere about the middle of it.

Mr. SMOOT. I think that happened only once.

Mr. GALLINGER. Regular order!

The VICE PRESIDENT. The next business on the calendar will be stated.

SOUTHERN COMMERCIAL CONGRESS.

Senate resolution 321, to print as a document proceedings of the Fourth Annual Convention of the Southern Commercial Congress, arranged as a memorial to the late Dr. Seaman A. Knapp, was announced as next in order, and there being no objection the Senate proceeded to consider the resolution, as follows:

> *Resolved*, That the papers presented in the Senate by the Senator from Florida [Mr. FLETCHER] March 12, 1914, "Proceedings of the Fourth Annual Convention of the Southern Commercial Congress, arranged as a memorial to the late Dr. Seaman A. Knapp," be printed as a Senate document.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PREFERENTIAL BALLOT.

The next business on the calendar was Senate resolution 320, to print as a Senate document the address by Lewis Jerome Johnson before the First National Conference on Popular Government upon "The preferential ballot as a possible substitute for the direct primary."

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The resolution will go over.

Mr. HOLLIS. I should like to ask the Senator who objected to withdraw the objection to the resolution. It is an address by Prof. Lewis Jerome Johnson, of Harvard University, on "The preferential ballot as a possible substitute for the direct primary." We have had a chance to see how it would work in the Federal reserve act. I went to the Treasury Department to find how it has worked, and they are very much pleased with it. This is a matter for which there are constant calls. I do not know what Senator objected, but I hope he will withdraw his objection.

Mr. GALLINGER. I asked that the resolution might go over. I wish it to go over.

The VICE PRESIDENT. On objection the resolution goes over.

EDWARD L. KEYES.

The bill (S. 5067) for the relief of Edward L. Keyes was announced as next in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE PRESIDENT. The Senator from Colorado [Mr. THOMAS] has an amendment pending to the bill which will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

> That the President be, and he is hereby, authorized to appoint, in his discretion, by and with the advice and consent of the Senate, Edward L. Keyes, late second lieutenant, Fifth Regiment United States Cavalry, to be a captain of Cavalry in the United States Army and to place him on the retired list of the Army with the rank of captain as of date of the approval of this act: *Provided*, That no pay, compensation, or allowance of any kind for any cause prior to the passage of this act shall accrue or be paid to said Edward L. Keyes by reason of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MINE RESCUE CAR.

The bill (S. 4891) to provide for the purchase and equipment of a mine rescue car, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The bill goes over.

ESTATE OF T. J. SEMMES.

The bill (S. 1089) for the relief of the estate of T. J. Semmes, deceased, was considered as in Committee of the Whole. It proposes to pay to Myra E. Semmes, executrix and sole legatee of T. J. Semmes, deceased, late of New Orleans, $395.55, in full payment for rents collected by the United States during the Civil War from property owned by T. J. Semmes and situate at New Orleans, La.

Mr. SMOOT. Mr. President, in merely glancing at the report, I take it for granted that this is a waiving of proof of loyalty, and as the Senator from Arkansas [Mr. ROBINSON], who reported the bill, is not here——

Mr. BRYAN. No, Mr. President; but——

Mr. SMOOT. Perhaps the Senator from Florida can explain the bill.

Mr. BRYAN. The report is very definite. This occurred after the war. Gen. Butler used this property, collected the rents for it, and failed to turn them over to Mr. Semmes. The money was put into the Treasury, and has lain there ever since. I do not know why the heirs of the estate have never made any claim for it before.

Mr. SMOOT. As it is a Senate bill, I shall not object to its consideration.

Mr. BRYAN. I think there is no objection to it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELIZABETH MUHLEMAN.

The bill (H. R. 12191) for the relief of Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased, was considered as in Committee of the Whole. It proposes to pay to Elizabeth Muhleman, widow of Samuel A. Muhleman, deceased, $1,000, in full compensation for the death of Samuel A. Muhleman on February 14, 1898, caused by injury received on the 9th of June, 1893, while employed as a clerk in the Record and Pension Office, War Department, while located in Ford's Theater at the time of its collapse.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

H. CLAY HOWARD.

The bill (S. 3437) for the relief of H. Clay Howard was announced as next in order.

Mr. GALLINGER. I would suggest that that bill go over, as it is adversely reported.

The VICE PRESIDENT. The bill goes over.

Mr. OVERMAN. I move that the bill be indefinitely postponed, Mr. President.

Mr. JOHNSON. I do not recall what Senator is interested in the bill, but I know that some Senator was interested in it. I should like to have it go over. I am informed the bill was introduced by the late Senator Bradley, of Kentucky. Let it go over, Mr. President.

Mr. OVERMAN. Mr. President, I move that the bill be indefinitely postponed.

The motion was agreed to.

F. W. TYLER.

The bill (S. 802) for the relief of F. W. Tyler was considered as in Committee of the Whole. It proposes to credit the accounts of F. W. Tyler, postmaster at Simpson, Minn., with $479.97, due to the United States on account of money and postage stamps stolen from the safe of the post office at Simpson, Minn., when burglarized on the 21st of January, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GREAT SALT POND LIGHT STATION, R. I.

The bill (S. 5033) to provide for building a lighthouse and keeper's dwelling at Great Salt Pond Light Station, R. I., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, in line 4, after the word "to," to insert "improve the light station, move the block signal, and," in line 5, after the words "build a," to strike out "lighthouse and," and in line 6, before the name "Rhode Island," to insert "Light Station," so as to make the bill read:

> *Be it enacted, etc.*, That the Secretary of Commerce is hereby authorized and directed to improve the light station, move the fog signal, and build a keeper's dwelling at Great Salt Pond Light Station, R. I., at a cost not to exceed $25,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Kenyon	Overman	Sutherland
Bristow	Kern	Page	Swanson
Bryan	Lane	Perkins	Thomas
Burton	Lee, Md.	Pomerene	Thornton
Clapp	Lewis	Ransdell	Townsend
Clarke, Ark.	McCumber	Saulsbury	Vardaman
Colt	McLean	Shafroth	Weeks
Culberson	Martin, Va	Sheppard	White
Cummins	Martine, N. J.	Smith, Md.	Williams
Gallinger	Myers	Smith, Mich.	Works
Hitchcock	Nelson	Smoot	
Hollis	Newlands	Sterling	
Jones	Norris	Stone	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Texas [Mr. SHEPPARD] that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair with the Senator from New York [Mr. ROOT] and withhold my vote.

Mr. TOWNSEND (when his name was called). I announce my pair with the junior Senator from Arkansas [Mr. ROBINSON] and withhold my vote.

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from Idaho [Mr. BORAH] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Kentucky [Mr. CAMDEN] and vote "yea."

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. CLAPP (after having voted in the negative). I inquire whether the senior Senator from North Carolina [Mr. SIMMONS], with whom I am paired, has voted?

The VICE PRESIDENT. He has not voted.

Mr. CLAPP. Then I withdraw my vote.

Mr. LIPPITT. I inquire whether the junior Senator from Montana [Mr. WALSH] has voted?

The VICE PRESIDENT. He has not.

Mr. LIPPITT. I have a pair with that Senator and therefore withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from Indiana [Mr. SHIVELY] and will let my vote stand.

The result was announced—yeas 35, nays 18, as follows:

YEAS—35.

Bryan	Lane	Poindexter	Smith, Md.
Chamberlain	Lee, Md.	Pomerene	Sterling
Chilton	Lewis	Ransdell	Stone
Clarke, Ark.	Martin, Va.	Reed	Thornton
Colt	Nelson	Saulsbury	Vardaman
Hollis	Newlands	Shafroth	White
James	Overman	Sheppard	Williams
Jones	Page	Shields	Works
Kern	Perkins	Smith, Ga.	

NAYS—18.

Brady	Cummins	McCumber	Smoot
Brandegee	Dillingham	McLean	Sutherland
Bristow	Gallinger	Myers	Weeks
Burton	Hitchcock	Norris	
Catron	Kenyon	Smith, Mich.	

NOT VOTING—43.

Ashurst	Fletcher	O'Gorman	Smith, S. C.
Bankhead	Goff	Oliver	Stephenson
Borah	Gore	Owen	Swanson
Burleigh	Gronna	Pearose	Thomas
Camden	Hughes	Pittman	Thompson
Clapp	Johnson	Robinson	Tillman
Clark, Wyo.	La Follette	Root	Townsend
Crawford	Lea, Tenn.	Sherman	Walsh
Culberson	Lippitt	Shively	Warren
du Pont	Lodge	Simmons	West
Fall	Martine, N. J.	Smith, Ariz.	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. REED. Mr. President, a little out of order of discussion, I want to ask the attention of the Senate to one phase of the trade commission bill. I especially desire to challenge the attention of the friends of that bill, if I may be able so to do. I am going to try to make this as brief as possible. I simply intend to discuss a legal question, and not to discuss the general merits of the bill.

If I am right in my conclusion as to the law, then section 5 of the trade commission bill will have to be rewritten by its friends, because it will not accomplish the things which they hope to accomplish.

Section 5 provides as follows:

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Aside from those lines which I have just read, there is no definition of "unfair competition in commerce."

In addressing myself to this subject a few days ago I asserted rather broadly that the term "unfair competition in commerce" had no definite or fixed meaning in law. I find that the statement which I made is broader than I intended to make it. I meant to say, and I now say, that "unfair competition" has no such meaning in the law as will embrace the objects and purposes of the author of this bill. If the term has no definite and fixed meaning, and if no definition is given, then it is void for uncertainty; but that is a phase of the question which I need not now argue. If, on the other hand, the term has a definite, fixed meaning in the law at the present time, that meaning will be incorporated into the statute, as all lawyers know, and if the meaning as it is now determined by the courts is different from the meaning which the author of the bill intended to give the phrase, then, instead of securing the legislation he desires, he would get something entirely different.

I assert now, first, that where a term has a common-law meaning, where it has been frequently construed by the courts, a statute thereafter passed and employing that term is held to employ it in the sense and with the meaning that it has previously been given by the decisions of the courts. I have numerous authorities to that effect. I will cite them by title, and only call attention to the language of one. I read from Lewis's Sutherland Statutory Construction, second edition, volume 2, paragraph 398:

Words having a special sense in the common law: Where a statute uses a word which is well known and has a definite sense at common law or in the written law without defining it, it will be presumed to be used in that sense and will be so construed, unless it clearly appears that it was not so intended.

Under that there are cited something like 100 decisions of all the courts of the land.

Words having a precise and well-settled meaning in the jurisprudence of a country are to be understood in the same sense when used in statutes, unless a different meaning is unmistakably intended.

And under that there are a number of cases cited.

The courts go even further than that, as witness:

Where words have been long used in a technical sense and have been judicially construed to have a certain meaning, and have been adopted by the legislature as having a certain meaning prior to a particular statute in which they are used, the rule of construction requires that the words used in such statutes should be construed according to the sense in which they have been so previously used, although that sense may vary from the strict literal meaning of the words. And if the legislature use words which have received judicial interpretation, they are presumed to be used in that sense, unless the contrary intent can be gathered from the statute.

I will not proceed further in the reading of any authority upon this point. I content myself with calling attention to this standard work, to the large number of cases which it cites, and directing the attention of the Senate, very respectfully, to two cases, namely, what is known as the Abbottsford case, reported in Ninety-eighth United States, at 440, where the language employed is:

A statute adopting a phrase carries with it the previous judicial construction of the phrase, unless the contrary plainly appears.

I also call attention to United States against Trans-Missouri Freight Association, in One hundred and sixty-sixth United States, page 290, and expressly to page 328; also to United States v. Coppersmith (4 Fed. Rep., 200); McCool v. Smith (1 Black), a very early decision in the Supreme Court of the United States, page 459; and to McDonald v. Hovey (110 U. S.), the local citation being page 628, where this language appears:

It is a received canon of construction, acquiesced in by this court—

"That where English statutes, such, for instances, as the statute of frauds and the statute of limitations, have been adopted into our own legislation, the known and settled construction of those statutes by courts of law has been considered as silently incorporated into the acts or has been received with all the weight of authority." (Peacock v.

Dialogue, 2 Pet., 1, 18; Smith's Commentaries on Stat. and Const. Law, sec. 634; Sedgwick on Construction of Stat. and Const. Law, 363.)

Numerous cases are cited from State courts to the same tenor and effect.

I also call attention to the case In re Green (52 Fed. Rep., p. 111), where Judge Jackson used this language:

When Congress, under and in the exercise of powers conferred by the Constitution, adopts or creates common-law offenses, the courts may properly look to that body of jurisprudence for the true meaning and definition of such crimes if they are not clearly defined in the act creating them. (U. S. v. Armstrong, 2 Curt., 446; U. S. v. Coppersmith, 4 Fed., 198.)

Those authorities, together with a multitude of other cases all of like import, to which I find no exception in any well-considered cases, make it perfectly plain that when we enact this bill and use the phrase "unfair competition," if that phrase has a definite and settled meaning in the law, we will adopt the phrase with that meaning, unless by a clear and explicit statement we give to the phrase another and a different meaning.

I challenge your attention now to the fact that in this entire bill there is not a word undertaking to define "unfair competition." Therefore, if the phrase is brought into the statute, it will necessarily come with the fixed meaning it already has, assuming for the moment that it has such a fixed and definite meaning.

Mr. POMERENE. Mr. President, may I interrupt the Senator?

Mr. REED. Certainly.

Mr. POMERENE. The same rule of construction for which the Senator contends was also recognized by the United States Supreme Court in the Standard Oil case.

Mr. REED. Oh, yes; I think there is no exception to it.

That brings us squarely to the question whether the phrase "unfair competition" has a fixed meaning in the law. I read from Black's Law Dictionary:

UNFAIR COMPETITION.

A term which may be applied generally to all dishonest or fraudulent rivalry in trade and commerce, but is particularly applied in the courts of equity (where it may be restrained by injunction) to the practice of endeavoring to substitute one's own goods or products in the markets for those of another, having an established reputation and extensive sale, by means of imitating or counterfeiting the name, title, size, shape, or distinctive peculiarities of the article, or the shape, color, label, wrapper, or general appearance of the package, or other such simulations, the imitation being carried far enough to mislead the general public or deceive an unwary purchaser, and yet not amounting to an absolute counterfeit or to the infringement of a trade-mark or trade name. Called in France and Germany "concurrence deloyale." (See Reddaway v. Banham (1896), App. Cas., 199; Singer Mfg. Co. v. June Mfg. Co., 163 U. S., 169, 16 Sup. Ct., 1062, 41 L. Ed., 118; Dennison Mfg. Co. v. Thomas Mfg. Co. (C. C.), 94 Fed., 651; Simmons Medicine Co. v. Mansfield Drug Co., 91 Tenn., 84, 23 S. W., 165; Cornelius v. Ferguson, 17 S. D., 481, 97 N. W., 360; Sterling Remedy Co. v. Eureka Chemical Co., 80 Fed., 108, 25 C. C. A., 314; T. B. Dunn Co. v. Trix Mfg. Co., 50 App. Div., 75, 63 N. Y. Supp., 233.)

In Words and Phrases, I find this definition of "unfair competition":

With respect to articles placed upon the market for sale, it is only when the one article is dressed so as to represent the other and to deceive a proposing purchaser as being that other, that there can be said to be a case of "unfair trade." (Sterling Remedy Co. v. Eureka Chemical & Mfg. Co. (U. S.), 80 Fed., 105, 108; 25 C. C. A., 314.)

The doctrine of unfair competition in trade rests on the proposition that equity will not permit anyone to palm off his goods on the public as those of another. Unfair competition in trade, as distinguished from infringement of trade-marks, does not involve the violation of any exclusive right to the use of trade-marks or symbols. The word may be purely descriptive, and the mark or symbol indicative only of style, size, shape, or quality, and as such open to the public. Yet there may be unfair competition in trade by an improper use of such mark or symbol. (Dennison Mfg. Co. (U. S.), 94 Fed., 651, 656.)

The term "unfair competition in trade" includes the simulation by defendant of the packages of plaintiff, putting up and selling packages of the same general appearance as those of the plaintiff. The court will only interfere to protect the plaintiff and the public and for the suppression of unfair and dishonest competition when "the resemblance is such that it is calculated to deceive, and does in fact deceive, the ordinary buyer, making his purchases under the ordinary conditions which prevail in the conduct of the particular traffic to which the controversy relates." (T. B. Dunn Co. v. Trix Mfg. Co., 63 N. Y. Supp., 233, 235, 50 App. Div., 75.)

I call attention to the Cyclopedia of Law and Procedure, commonly called "Cyc." If lawyers will examine the text, they will find it is more forceful because of the position in which it is placed than it otherwise would be. To illustrate, the topic "unfair competition" is a separate topic, but it is discussed in connection with trade-marks; and in a wonderfully exhaustive article the hair-fine distinction between infringement of trade-marks and unfair competition is drawn. I content myself for the present, however, with reading very briefly from this work.

UNFAIR COMPETITION.

Unfair competition consists in passing off or attempting to pass off, upon the public, the goods or business of one person as and for the goods or business of another. It consists essentially in the conduct of a trade or business in such a manner that there is either an express or implied representation to that effect. And it may be stated broadly that any conduct, the natural and probable tendency and effect of which is to deceive the public so as to pass off the goods or business of one person as and for that of another constitutes actionable unfair competition. The definition is comprehensive enough to reach every possible means of effecting the result. Unfair competition as thus defined is a legal wrong for which the courts afford a remedy. It is a tort and a fraud.

Now, listen to this language, because it is the key to the entire doctrine:

The basic principle is that no one has a right to dress up his goods or otherwise represent them in such a manner as to deceive an intending purchaser and induce him to believe he is buying the goods of another. No monopoly is created or fostered by protection against unfair competition, but the court should be careful not to interfere with free and fair competition, and should confine itself to preventing fraud and imposition from some real resemblance in name or dress of goods.

This phrase has a common-law meaning. Its meaning is clearly set forth in the English decisions. The courts of this country have for years been in accord with the courts of England. In both countries the meaning of the term is held to only cover the practice of imitating the goods of another. That is, therefore, the meaning which would be carried into this statute. I call attention to some English cases cited in the note:

Care must be taken in these cases not to extend the meaning of the word "unfair" to cover that which may be unethical but is not illegal. It may be unethical for one trader to take advantage of the advertising of his neighbor, but his so doing would in many instances be entirely legal. * * * What conduct on the part of a defendant will be held to constitute unfair competition is the subject matter of discussion in cases too numerous for useful citation, but the principle applied in each case is extremely simple. As Lord Chancellor Halsbury said in the House of Lords, in the case of Reddaway v. Banham (1896) (A. C., 199, 204; 65 L. J. Q. B., 351; 74 L. T. Rep. N. S., 259; 44 Week. Rep., 638; 25 Eng. Rul. Cas., 171): "For myself, I believe the principle of law may be very plainly stated, and that is that nobody has any right to represent his goods as the goods of somebody else." (Iverberg v. Smith, 70 N. J. Eq., 633, 642; 62 Atl., 442.)

That is the English construction, and it has for many years been the common-law construction. It is at the same time the construction in this country of the term "unfair competition."

A word or two more. I read from the note in "Cyc." at page 5596, an excerpt from a case in One hundred and thirtieth Federal Reporter:

The law of unfair competition seeks only to restrain fraudulent practices inducing confusion of goods and deception of the public, and it can not be used to prevent a defendant from adopting a trade-mark or label intended to attract attention and popularize its product, although it results, and is intended to result, in better enabling it to compete with complainant, where no deception or confusion of goods is caused or intended thereby. (G. W. Cole Co. v. American Cement, etc., Co., 130 Fed., 703; 65 C. C. A., 105.) The doctrine of unfair competition is based on the principle of common business integrity, and equity only affords relief when this principle has been violated, and the mischief which equity will guard against is a confusion in trade names or in the identity of parties or in the goods sold, so as to deceive the public and work a fraud on the party having a right to a trade name. (Eastern Outfitting Co. v. Mansheim, 50 Wash., 428; 110 Pac., 23.)

Referring to the text (38 Cyc., p. 760):

Relief against unfair competition is properly afforded upon the ground that one who has built up a good will and reputation for his goods or business is entitled to all the benefits therefrom. Such good will is property, and like other property is protected against invasion. The deception of the public injures the proprietor of the business by diverting his customers and depriving him of profits which he otherwise would have made. This, rather than protection of the public against imposition, is the true and sound basis for the private remedy, although it is often said that the remedy proceeds in part upon the theory of protection to the public against fraud.

Mr. President, I could read at great length from this author and from the cases cited. I call attention, in the moment that is left before recess, to this (38 Cyc., p. 763):

The present tendency is to decide every case upon the ground of unfair competition, by making the decision turn upon whether or not the effect of what was done is to pass off the goods or business of one man as those of another regardless of the existence of any technical trade-mark.

And so the author goes on and distinguishes the trade-mark question.

All through these books you will find that "unfair competition" is used as a descriptive term to cover the substitution by A of his goods for the goods of B, selling his goods to the public or imposing his goods upon the public as and for the goods of another, thus defrauding the public and defrauding the producer of the particular line of goods that has an established reputation.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. I do.

Mr. NEWLANDS. I will ask the Senator to yield for just a moment. Assuming that the law was as the Senator has stated from the books from which he has read at the time the decisions were rendered, let me suggest to the Senator that since those decisions there has been a very large discussion in all those decisions there has been a very large discussion in all these antitrust cases of the terms "fair competition" and "unfair competition." So far as the economists are concerned, the

to deal with public questions in their relation to business matters and business activities.

Yet under this system which has thus been developed Congress is told not to go forth in that broad equation of wisdom and justice which should be reflected in an open and free discussion upon this floor, but to take, cut and dried, a "program" in the framing of which a great portion of this body has little or nothing whatever to do.

I know that last year men grown grey in the service of the public, men intensely loyal and devoted to the spirit of duty, spent the entire summer here upon a great bill affecting legislation, and in the end they had about as much to do with framing that bill as the boys who attend the elevators and wait upon our wants about this Chamber.

At this very time we are going through the same ceremony in these committees. Men of experience, men of integrity, men who would like to see legislation for the best interests of this country, are absolutely powerless to shape or mold that legislation.

Is it any wonder then, Mr. President, that a paralysis has seized this body? Is it any wonder then that it is impossible to keep a quorum to sit here and listen to the discussion of this great question?

Mr. President, we are confronted to-day by a proposition that five years ago would have startled every thoughtful citizen of this Republic, and that is to place in the hands of five men, not the power to interpret law, not the power to make law, perhaps, through the processes of interpretation which our courts have taken to themselves, but with power to make law of their own motion, and without any guide from the constituted legislative authority of the Government.

We may be obliged to do that. I may yet myself vote for this measure. One sometimes stands here like a man with his back to the wall. He has to decide one way or the other. Now we have a proposition before us to clothe five men with authority to say what is the law, what is an offense, or what is not an offense; and yet, far-reaching as is this proposed change, fundamental as it is, related to our form of government, if we debate it at all it is practically under a system where—so far as the debate affects the pending legislation itself—it is reduced to a negligible quantity.

So absolute has become this system, so powerful its prestige, that it is proposed to put such a law through this body without any prospect of debate seriously affecting the result. So self-evident is that that in the discussion of the proposition by men like the eminent Senator from Idaho [Mr. BORAH] upon the one hand and the eminent Senator from Iowa [Mr. CUMMINS] upon the other, a proposition so radical that five years ago it would have shocked every thoughtful citizens of this Republic, those men have to stand here and discuss that great radical change to Senators whose interest in the matter is more of an interest in the intellectuality of the debate than in its possible effect upon the legislation itself.

Mr. President, I do not know whether a change will ever come. Sometimes I feel that this prestige of the Executive, this shadow that came across when we transferred government from monarchy to republic, is so strong that it may even yet in this land of ours amount rather to an increase than to a diminution of the power of the Executive. But it is absolutely foreign to our spirit of government.

Free government, in relation to a self-constituted trustee, strangely enough was never enunciated more clearly nor more strongly than by the President himself in one of his speeches in 1912 when he said, "I do not believe in trusteeship nor in guardianship." Free government is based upon the theory that no purely human being is good enough to be the self-constituted guardian or trustee of another being. This Government is based upon the theory that in the vast diversity of interests from one ocean to the other, from the northern border to the southern border, there shall come from every State a representation, and in that representation there shall be developed an equation of interest, an equation of intelligence, and an equation of purpose.

But the theory that one man, with perhaps two or three at his elbow, can cut out, carve, and give to Congress, cut and dried, a great legislative program is absolutely foreign and hostile to the spirit of free government.

Mr. President, I am not at this time going to discuss the provisions of these measures. I believe, with the Senator from Iowa, that if we could discuss them to an open and impartial tribunal, they ought to be discussed together.

As an example of that, to-day there is pending at the hands of the Senator from South Dakota [Mr. STERLING] an amendment to the trade commission bill, which is also a part of the Clayton bill now before the Committee on the Judiciary. As a further illustration of this truth there are now pending before the Judiciary Committee several amendments of the junior Senator from Tennessee [Mr. SHIELDS] which, if passed, would render this provision in the trade commission bill absolutely of little use or force.

I believe that if we could once throw off this thralldom, if we could once stand here as an independent, free Senate, the representatives of sovereign States, and work out on this floor an equation of interest, an equation of intelligence, and an equation of purpose, it would be well, indeed, to adopt the suggestion of the Senator from Iowa and have all these bills before us at the same time.

More than that, Mr. President, I believe that if it were possible to throw off this thralldom and the Senate stand here as the independent representatives of sovereign States and deal with this great problem, it would be the part of wisdom to postpone the deliberation until next fall. But of what use is it that we consider these bills? The people have no means of knowing all their details.

The Senator from Nevada has said once or twice there has been a referendum on the trade commission bill. I undertake to say that there are not a thousand men in this country to-day who realize that it is proposed to put into this trade commission bill a power conferred upon five men that we never conferred even upon the courts of this country. If we could take these bills and place them before the public, go back to the public during this summer, and come back here next fall free and independent, representing the respective States, I would be in favor of postponing action. But we can not do that.

The mischief, the vice, the evil is deeper and more fundamental than that. Without any reflection upon those who have yielded and will yield to this policy of dictation and one-man power, so long as that stands and so long as the American people stand for it, then, in my humble judgment, the sooner we can take these measures, make our earnest and honest protest and, if possible, here and there secure some modification of them, and relieve the country of the hysteria depending upon the pendency of this legislation in Congress, I believe it is the better for the country that we do it.

But once again I want to say that the vice and the evil is deeper and more fundamental than the terms of these bills, and until the American people wake up and realize that there must be somewhere in this Government an equation worked out, so long as the American people stand for the putting through of legislation in this form and in this manner, we will have haphazard legislation dealing with great and fundamental changes without consideration.

Sufficient unto the day is the evil thereof. The evil of this system is that instead of going forth, as each separate Representative and Senator should go forth, and, as he finds here and there some defect that needs a remedy, submit it for consideration, the wide field, I say again, is ransacked as with a fine-toothed comb, not to find those things which should be remedied but to find a lot of stuff that can be heaped together in this sort of a manner and answer the purpose of a preannounced legislative program.

ORDER FOR RECESS.

Mr. KERN. I move that when the hour of 5 o'clock arrives the Senate take a recess until 7.30 o'clock this evening for the purpose of taking up unobjected bills on the calendar.

Mr. GALLINGER. Under Rule VIII.

Mr. KERN. Under Rule VIII.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Indiana.

The motion was agreed to.

ADJOURNMENT TO MONDAY.

Mr. KERN. I move that at the conclusion of the evening session to-night the Senate adjourn until 11 o'clock on Monday morning next.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SHEPPARD. I move that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The Senator from Texas moves that the Senate proceed to the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NORRIS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The roll will be called.

per cent of the business men of the country, it might possibly have some excuse for its existence. But is it necessary for Congress, even if it could do so, to delegate legislative power to a commission for this purpose? I have felt that the Sherman law is a most perfect and complete remedy for monopoly and improper restraint of trade. I had felt, and I still feel, that no new monopolies have had recent birth. I know of none. I have heard of none. Until and unless our Government abates its zeal in prosecuting offenders against the antitrust laws no new monopoly will be attempted. The Sherman law has been interpreted and established. Every offender knows what it means and will hesitate to incur its penalties. It is possible that such a commission might be useful, and I believe it would be, to assist the courts in carrying out their decrees of dissolution in cases of existing monopolistic combinations. It might be constituted of men with business experience, and their fitness for reorganization would be of value. But is not this a very complicated machine for so simple a purpose? Why, I know of several Senators who insist that they could have provided a better method for dissolving and reorganizing the Standard Oil and Tobacco companies than was employed by the court and attorneys in the suits against those companies. Perhaps a commission composed of men already on the Government pay roll might be created to advise the courts in cases of dissolution and reorganization. It seems to me that the gun provided in the bill is out of all proportion to the real game sought. We would not think of hunting chipmunks with a cannon. The proposed effort to destroy illegal business is like firing grape and canister into a flock of sheep in order to kill a diseased one in their midst. Better get a good marksman with a rifle, and he will hit the sheep marked for slaughter and leave the rest harmless. A fearless, honest, and capable Department of Justice is already sufficiently armed to destroy monopoly and monopolistic practices.

I know that business men, like farmers and laborers, are, in the great majority, honest. I believe that a few of all classes are dishonest and dishonorable. If the laws for controlling the latter are not sufficient, let us direct our attention to the business of reforming these laws, but let us not indict all men as rogues and then allow a commission to investigate them and give clean bills of business health to those who, according to its arbitrary standard, are found honest and law-abiding. One of the fundamental principles of our jurisprudence is the presumption that all men are honest and innocent until proven guilty. Business men as a class are as honest, as much interested in the general good, and as patriotic as Congressmen. They are quite as essential to the welfare of the country. If this Congress were to adjourn and its Members could not assemble for a year, the country would not materially suffer. Millions of our citizens believe it would benefit by the prohibition; but if business were suspended for 12 months our Treasury would be bankrupt and our credit destroyed. Want, misery, and famine would abide in every laborer's home. The products of agriculture would rot in the fields or accumulate in granaries until forcibly seized by hands made desperate by starvation.

Mr. President, the temper of the people is not right for more radical speculative legislation at this time. The Congress is not now in mental or physical condition to frame and enact laws with such possibly disastrous consequences as these now proposed. If the trades commission bill was the only experiment to be tried, industry might survive under the paternal control of a commission endowed with discretion to withhold the rod from at least its favored children, but it is proposed not alone to enter the precincts of private business and to impose millions of expense upon it, but the already too-strained relations between employer and employee are to be intensified. With one hand the Sherman antitrust law is sought to be strengthened, while with the other it is to be weakened.

Able, conscientious Senators have argued long and eloquently upon the pending bill, but they have spoken to empty seats. At no time within the last two months has there been for one continuous hour a quorum of the Senate present in this Chamber. During most of the time fewer than a dozen Senators have been in their seats. Members of this body are to-day in Europe and in other foreign countries seeking rest and pleasure; a number are at their homes trying to induce their constituents to return them to the Sixty-fourth Congress; a number are in hospitals; some have died during the year; Senators are not here. They have little interest in this legislation. Very few know anything about it. A majority, however, will vote for the administration program, even though they may have doubts as to its necessity or wisdom.

Nearly every Senator will admit that he is mentally and physically fagged. For 18 months we have been in continuous session. During the last four years Congress has spent the dog days in this Capital. It would be better for the country if the pending matters were postponed until December. In the meanwhile all Senators could go home and talk with their constituents. The change would be restful, and the information received would result in saner, safer, more truly progressive legislation hereafter.

Business is sick and all the psychological mental healers can not cure it, and especially will it not recover so long as it is made the shuttlecock of political weavers.

The people want Congress to adjourn and go home. Inasmuch as my high prerogative seems to be to assist the majority in maintaining a quorum—a record quorum, but not an actual one—and for the purpose of enacting legislation proposed by the President and with which I have little sympathy, but which I am powerless to prevent, I think I, too, shall take a rest and allow responsibility to rest with power.

Mr. CLAPP. Mr. President, I have sat here this afternoon and listened with a great deal of interest, first to the discussion between the Senator from Iowa [Mr. CUMMINS] and the Senator from Utah [Mr. SUTHERLAND] as to what ought to be the legislative "program" of the Senate and, lastly, to the very interesting, thorough, and philosophical address of the Senator from Michigan [Mr. TOWNSEND].

The trouble is, however, that none of these Senators have dropped the plummet into the current and struck bottom. There is a reason, Mr. President, why it is impossible to maintain a constant quorum here. There is a reason why the Senate is practically paralyzed. That reason is not found in the work that the Senate has done; it is not found in the fact that for 18 long months we have been here in continuous session; but it is found, sir, in a system that can have no other outcome than the paralysis of the Senate, the deadening of the initiative, and the loss of interest by the Members of the Senate.

The vice is a fundamental one. We are not to-day dealing with the defects that experience has developed in the legislation of this country, but we are called here to carry out a vague something called by the administration a "program," and everything is raked with a fine-toothed comb, not to find defects that need repairing, but to find something that can be strung together in the form of legislation, in order that it may be paraded as answering the promise of a "program."

Mr. President, that system is absolutely, radically, and fundamentally wrong. It leads to illogical, ill-considered legislation, much of it undesirable, and at the same time permits defects that should be remedied to go unnoticed and to be passed by, because under this system of a "program" to which everything else must be subordinated the thoughtful, studious man reflects that there is little encouragement for his bringing to the attention of the Senate those defects here and there which should be remedied by legislation.

We witnessed this afternoon the spectacle of two Senators—the senior Senator from Iowa [Mr. CUMMINS], a man who has spent the better part of a long and laborious lifetime in the study of this subject of the regulation of trusts and transportation, a man whose experience and trained mind should be a valuable contribution to any legislative body, and the Senator from Utah [Mr. SUTHERLAND] one of the ablest lawyers in this country, high and conscientious in his ideals—discussing with one another the question of the legislative "program" of this body. The Senator from Iowa very properly suggested to the Senator from Utah that the inquiry of the Senator from Utah as to what the Senate should do should have been directed to the other side of this body. The Senator from Iowa, I feel, fell short in that suggestion. It should be directed to a power outside of this body.

I know, Mr. President, it is very easy for one's critics to say of him that he stands here and attacks an administration. I know that one meets with no responsive echo in the public mind when he criticizes an administration, because I realize that humanity, in crossing that gulf which rolls between the monarchy and the republic, seems to have brought something along—something of the old-time tradition of the divine right of the king to rule—that results in our seeking to place somewhere, even in free government, a function above question. Hence I appreciate the prestige of the Executive, which, among us, seems, in a measure, to take the place of the old idea of the divine right of the king.

But, Mr. President, notwithstanding that, I, for one, shall not remain silent under these circumstances. I undertake to say that the system is unsafe by which one man assumes to dictate the policy of a nation, and he a man with no experience at all; a man whose public declarations show that in the integrity of his purpose he stands confronted to-day by the declarations which he made two and four and six years ago. While it is a splendid tribute to his integrity that he can thus confront his own declarations, it is a touching commentary upon his capacity

Mr. SHEPPARD. Both references were glaringly inaccurate; and if his further discussion of Texas projects is equally inaccurate, they will not suffer at all from his attacks.

Mr. BURTON. I beg to assure the Senator from Texas that my remarks were only of a very general nature; they were but introductory to a probably much more elaborate treatment of those items, which they will receive before this discussion is finished.

Now, Mr. President, I should like to ask the Senator from Nevada and the Senator from North Carolina what is going to be the course of business here in the future? If I may have the attention of the Senator from Nevada, I will say that I understand the Senator from Michigan [Mr. TOWNSEND] would like to go on this afternoon, and I acquiesce with the utmost cordiality in the displacing of the river and harbor bill, so that the Senator from Michigan may proceed. I am ready to proceed with the discussion of the river and harbor bill, if it is so desired; but I should like to inquire what is to be the outcome of this? What is going to happen to-morrow or next day? Will the Senator from Michigan make a brief speech—and the Senator from Michigan always speaks briefly and very much to the point—and then will a motion be made to bring up the river and harbor bill again, and then will a motion be made to lay it aside; or what is coming?

Mr. SIMMONS. Mr. President, the Senator from Michigan [Mr. TOWNSEND] desires to make a speech this evening, as I understand, upon the trade commission bill. The river and harbor bill is before the Senate, and there is no reason in the world, if the Senator from Ohio will yield to him, why the Senator from Michigan can not make his speech in reference to the trade commission bill without displacing the river and harbor bill at all.

Mr. BURTON. But, Mr. President, I do not think we ought to pursue that course. I think the river and harbor bill should have no attacks made upon it because of the unusual length of the discussion devoted to it. If the Senator from Michigan is to speak on the trade commission bill, it should be while that bill is before the Senate; otherwise the claim may be made that we are unduly prolonging the debate on the river and harbor bill. The number of hours of discussion upon it may be magnified.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, he knows that it is a common thing, of everyday occurrence, that a Senator will speak on various and sundry subjects that have no relation to the bill that is actually before the Senate. That is not out of the ordinary at all; but if a Senator makes any objection to it, of course, nobody wants to take him off his feet. If the Senator wants to go on and speak, he has the floor; and nobody can take him off his feet, and nobody wants to take him off his feet.

Mr. BURTON. I will yield to the Senator from North Carolina to make a request that the trade commission bill be taken up.

Mr. SIMMONS. If the Senator from Ohio yields for that purpose, I will make that motion, in pursuance of the arrangement which I have stated has been made. It is a common arrangement in this body when it is desired to facilitate a particular bill, and no Senator is ready to speak upon that bill, to lay it aside temporarily and place some other measure before the Senate for the purpose of enabling Senators to make speeches. I have stated very frankly that it is our desire on this side of the Chamber to facilitate the consideration of the trade commission bill, to the exclusion of other legislation.

The PRESIDENT pro tempore. Does the Senator from North Carolina move to take up the trade commission bill at this time?

Mr. SIMMONS. I make that motion.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate proceed to the consideration of what is known as the trade commission bill. Is there objection? The Chair hears none, and it is so ordered.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	James	Norris	Sterling
Brandegee	Johnson	Overman	Sutherland
Bryan	Jones	Page	Swanson
Burton	Kenyon	Perkins	Thomas
Chamberlain	Kern	Pittman	Thompson
Chilton	Lane	Ransdell	Thornton
Clapp	Lewis	Sheppard	Townsend
Clarke, Ark.	Lippitt	Simmons	Vardaman
Colt	McCumber	Smith, Ga.	White
Gallinger	Martin, Va.	Smith, Md.	Works
Hughes	Newlands	Smoot	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. ASHURST and Mr. CULBERSON responded to their names.

Mr. SHAFROTH, Mr. MARTINE of New Jersey, Mr. BRADY, and Mr. STONE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. TOWNSEND. Mr. President, I would not have put the Senate to the trouble of calling the roll if I could have had my way about it. I realize that Congress is tired under the strain and stress which has been put upon it during the last 18 months or 2 years, and its weariness, in my judgment, is shared by the country.

We have been laboring here, not for legislation which we as representatives of the people felt was demanded by them, or which was required to cure evils, great, growing, and evident, but we have been working under the unhealthful stimulus of political narcotics, and the result is bound to be, aye, it already is, a weak, unstable, and an anemic condition of the body politic.

Much of the legislation already written and now in process of enactment is an impeachment of the intelligence and the independence of the American Congress, for it never would have been enacted if the National Legislature had followed the dictates of its own judgment as to what was for the best interests of the people.

My observations to-day are based upon the legislative situation as it is, and I have in mind the fact that amendments are to be offered and new measures are to be brought forward, and the way in which they are brought forward may have some effect upon my vote.

The patriotic spirit of progress and reform is absolutely essential to the prosperity, the development, and the perpetuity of the Republic. Ultraconservatism, which denies that better and higher things in government are possible, will, if placed and continued in power, destroy the Government.

But reaction and fossilization are not the only enemies of our Republic. The legislative agitator or executive theorist who does something simply for the sake of doing it, who incites a false sentiment from which he hopes to get personal political credit, who thinks by reason of temporary power and influence to unsettle and change overnight the customs, character, and ideals which have been the growth of a people during the stress and storms of the centuries, is quite as great a menace to the march of progress as is his stand-pat contemporary. Both are inimical to moral and material progress.

I will not charge the President with being unpatriotic or insincere. I confess that I have but little reliable information on that subject. I do assert, however, that he is a theorist who, without constructive business experience of his own, nevertheless flies in the face of all experience and insists on driving his docile congressional adherents onto dangerous and untenable grounds.

The present legislative condition of the country is unreal, unstable, unsound, and unjustifiable.

The phenomenal growth and prosperity of our country has been brought to pass by the genius and efforts of man. This is a country of wonderful natural resources, and our national policy thus far has been to encourage inventive genius, masterful courage, and individual ambition to discover, reveal, and develop those resources. There is as surely a special genius for business as there is for painting, for music, for mathematics, or for oratory. I recognize my own limitations, and I thank God for having opened the eyes and unstopped the ears and touched the souls of some men and women, so that they could see and hear and reveal the wonderful possibilities which otherwise would have remained unknown to me. I never see a great painting which rivals nature but what I am impressed with the fact that the same divinity which produced the miracle of spring inspired the production on canvas. The thrilling notes of the singer are but the echoes of that harmony produced by

the morning stars, and without the singer and the song the world would be destitute of much of its inspiration and delight. Before the honest man of business genius and superior courage I stand at attention, the same as I do before the creator of the Madonna or the producer of music sublime. He has seen and improved opportunities over which I have blindly stumbled. He has captured the lightning and harnessed it for the work of industry; he has tunneled rivers and lakes and mountains, so that commerce is sent under as well as over them; he has seen possibilities of usefulness floating in the blue sky and has brought them to earth for man's use and happiness; he has made Edens out of Saharas; he has covered the land with shops and factories which furnish the necessities of life for millions of people. His has been the initiative, the construction, and the maintenance of what we experience but do not appreciate as the material welfare of mankind. The mass of the people are without great native business initiative and genius. The policy of our Government has been, I repeat, to give the freest hand to individual enterprise and endeavor, and as a result the impossible of yesterday has become the reality of to-day; the rich man's house of our fathers is the laborer's cottage of the present; the one-time luxuries are now common necessities; the ox team which, as a boy, I drove to market is now supplanted by the automobile, and everybody rides; the homes of our boyhood, which were bare from necessity, are now decorated with the evidences of opulence; the stranger in town on a holiday would be unable to distinguish the son and daughter of wealth from the boys and girls who labor. All this and untold more has been the result of ambition's desire to have and to do and to be. In some countries industrial and commercial genius are recognized and rewarded by monuments and decorations of honor, but, unfortunately, as it seems to me, our Government has entered upon a time when business success is regarded and treated with suspicion and not infrequently as a thing of dishonor. The most of the people, like myself, have failed to amass a fortune. They have comforts and advantages undreamed of by the wealthy of the past, and yet there are those who have great fortunes, and the so-called less fortunate become the capital with which the political speculator deals in his operations against successful business. He is usually a business failure himself, due to the facts that he does not possess native business ability and that he does have at least a liking for politics and he finds it easier to criticise and destroy than it is to construct and create. I have known men who never gave a day's work to labor, who never added a thing of material value to the world's goods, to speak contemptuously of success and to find sweet satisfaction in throwing wrenches into the wheels of industry. With that class of people I have no sympathy, and their domination of government will spell want and suffering, ruin and disaster.

I realize, of course, that no national legislator will admit that he is actuated by a desire to throttle or impede legitimate industry; and I do not believe that anyone is primarily so actuated; but I do believe that in their desire to curry what they believe to be popular favor some are willing to say and do things which appeal to passion and prejudice rather than to reason. Gentlemen sometimes act as though they thought that all the possibilities of human endeavor and development had been achieved. Why, there are still more things in our world than have been dreamed of in our philosophy. The borderland of accomplishment has scarcely been reached. With human genius and enterprise unfettered by unwisdom the future will unfold blessings for humanity far greater than those now known, and the policy of our Government should be one full of hope and encouragement, rather than of obstruction and discouragement. There was a time when machinery was regarded as the enemy of labor, and yet it is now known that mechanical devices have not only increased and improved the world's necessities, but they have multiplied the demand for labor, enlarged its wages, and made its condition better. Let not this Government brand honest effort with dishonor or encloud it with unjust suspicion.

There may be, and I think there is, a legitimate element of speculation in business, but there ought not to be speculation in legislation. It should be a science exact and certain. Let it not be understood from what I have said that all business should go unbridled and uncontrolled. It should not be hobbled or hamstrung; but inasmuch as it can exist only under government, it should be subject to government; and inasmuch, also, as a republic is one for the just and absolutely equal benefit of all, no business man and no other man should be permitted to employ his money, his labor, or his genius to the detriment of any other man. Caruso must not be permitted to deny ambition to the novitiate; Sargent must not destroy the tyro's brush; Carnegie must not prevent promotion for the molder. It is the business of government to keep forever open and unobstructed the way of opportunity. It should not be closed either to the man of great genius and honest purpose or to the weakest, humblest novice who seeks to travel it.

I shall not review the pitiful surrender of individual opinion and intellectual freedom on the part of this Congress as recorded in its rubber-stamp legislation up to date. Much of it will constitute a page to which the future student of history will not turn with pride. I will at this time confine myself in a general way to the administration program now under so-called consideration. It attempts to deal with the business of the United States, complicated as it is by the dual laws of our two forms of government; developed and established under customs and statutes of more than a century, ramifying every section of the country, and affecting every citizen of the Republic.

This program was conceived by the President. It is a hydra-headed creature, and I am convinced that a Hercules at this time would be a benefactor to the country. The thing apparently has its lair in two committees of the Senate, and for a time it looked as though it might be torn to pieces in the struggle for jurisdiction, but now that its true nature is discovered there seems to be some willingness to let the other fellow have it. The senior Senator from Nevada appears to have some pride of authorship in the so-called trade commission bill, but I think I have seen a most commendable self-denial on his part in his disposition not to correlate or coordinate or consolidate his measure with the Clayton bill, or with any of the other numerous measures pending before the Senate committees.

The bill now under consideration transforms the Bureau of Corporations into a commission of five members, increases the salary of $5,000 for the Commissioner of Corporations to $50,000 for the board of commissioners, and increases the other existing expenses by possibly several hundredfold. The present duties of investigation by the bureau into the affairs of individuals and corporate business are emphasized and made more imperative. Like the rain and the dew, it falls impartially upon the just and the unjust, although the commission which is responsible to no power outside of its own will can determine which corporations shall be investigated and which shall not. It can require annual and special reports costing millions of dollars from all corporations in the United States or from any class of them, and I suppose it also will have the authority to rent such buildings or blocks as may be necessary in which to store these reports when they are received.

It has another rather striking authority, viz, the right to employ and fix the salaries of such attorneys, accountants, experts, examiners, and special agents and other employees as may be appropriated for by Congress, but with the exception—please note the exception—with the exception of "such attorneys, accountants, experts, examiners, and special agents," all employees shall be a part of the classified service. You will observe with what high regard the civil service is held. The janitors and messengers will be under the merit system. The rest may be political spoils, rich, attractive, and potential.

If only the offenders against business ethics were to be investigated, one active, capable man and a few experts could make the investigation and report, but I must admit that with the presumption that all business must be watched and its methods supervised a large army of attorneys, experts, and special political agents will be required, and, besides, the commission must justify its existence. It must, and probably will, be doing something, and the speculation as to just what that will be is a menace to enterprise and will continue to be such.

To the original bill, or rather to the last of its many expurgated editions presented to the committee on this subject by the distinguished Senator from Nevada, has been added two provisions. One authorizes the commission to make an expedition into foreign countries to discover the discriminations and other embarrassments which surround American products in foreign countries. This, of course, will provide a most enjoyable trip for the commissioners, even though it may not be highly profitable to the Government. If our exports continue to decrease as they are decreasing now, and as unwise congressional interference will hasten the decrease, our sales abroad will become a negligible quantity and there will be nothing to conserve, and, besides, it seems to be forgotten that our Government has consular agents in all countries now, and that their duty is to look after our trade and trade conditions.

The other provision is to permit this new commission to define, prohibit, and punish unfair competition, and all this for the purpose of encouraging business by quieting its fears and reviving its confidence.

The theory which through legislative enactment would destroy the unfair competition which leads to monopoly is a good one, and if this commission was needed to discover and punish business offenders who are admittedly less than 5

matter of unfair competition?

will agree with the Senator from Rhode Island that we ought

which, if not clearly defined, is yet present in the minds of all

mittee. But that reference would not disturb the solidarity, if

you please, of the legislation brought forward by the Interstate Commerce Committee.

I will answer the other question of the Senator from Utah. I am not sure that all this legislation should be compounded in a single bill. I am sure, however, that all the legislation that calls into action the Federal trade commission which we, I hope, are about to create, should be in a single bill. I will specify it to the Senator from Utah. He is familiar with sections 2, 3, and 4 of the bill now before the Judiciary Committee. If they are preserved, I believe that all of them should be related to the trade commission. I think that commission could discharge a very important function with regard to them.

I refer again to sections 8 and 9, which involve or cover the subject of interlocking directorates and holding companies and the like. I think that whatever we do upon these subjects should be done in connection with the bill which creates the trade commission and clothes it with power.

Now, whether the provisions in the so-called Rayburn bill, which purport to regulate the issuance of railroad or common carrier securities, should be brought into the same measure I am not sure. My inclination is to say no; that that bill might well be an independent bill, inasmuch as it is an amendment of the interstate-commerce law and deals with the jurisdiction of the Interstate Commerce Commission. But we ought to have them all here, so that we could measure the extent of what is proposed and ascertain with some degree of accuracy what its effect will be upon the business of the country.

Mr. SUTHERLAND. I agree with what the Senator from Iowa thinks ought to be done; but let me make this suggestion about it.

In the first place, I may say that, so far as the Clayton bill is concerned, I regard some of it as bad legislation. I regard a good deal of it as unnecessary legislation, perhaps some of it that we ought to pass, but I recognize that this trade commission bill and the Clayton bill, in some form or another, are to come before the Senate for consideration, and in some form or other will probably go upon the statute books.

Now, the legislation that we pass along the lines of those two bills is going to affect the business of this country for weal or woe to a very great extent and for a long time to come, and for that reason it is legislation which ought to receive at our hands the utmost care, the most intelligent consideration, of which we are capable.

This Congress has been in session almost continuously for nearly 18 months. A portion of the time we were doing very little, it is true, but we were in session. A great many of us were here in Washington. It is no secret that a very large number of us are tired out. We are physically tired, and we are mentally weary. A very large number of the Members of this body are away. It is very difficult from day to day to maintain a quorum to do business, and then we have but a bare quorum.

Does the Senator think that it is fair to the business men of this country for the Senate, under such circumstances, to undertake to pass upon this exceedingly important legislation? Does he not think it would be better if these bills should be reported to the Senate and then, perhaps, those two bills at any rate, referred to the Judiciary Committee and the Interstate Commerce Committee jointly to consider them, to harmonize them, to dovetail them together, and bring in a report at the incoming session of Congress in December? They would have an opportunity of getting a few months' rest and then taking up the subject with freshness and vigor. The country would have an opportunity of studying the bills that will be reported.

For example, this trade commission bill that we have now before us, I venture to say, has received no study whatever at the hands of the business men of the country. A great many of them may have favored a trade commission bill, but I venture to say that many who favored a trade commission bill will not favor this bill, the provisions of which are different, in many respects, from the provisions of the House bill, and they never have received sufficient consideration—thoroughgoing consideration—at the hands of the business men of the country.

If we could carry out some such program as I have suggested, the people of the country who are interested in the subject would have an opportunity of studying it, making their views known to the Senate, to the committees of the Senate. We would come back here in December fresh and vigorous. There would be a larger attendance to take hold of the problem, to deal with it in a more thoroughgoing fashion than we can possibly do to-day. It seems to me that it is unfair to the people of our own country for us to undertake to pass legislation of such wide importance and interest and long-continued effect under these conditions.

Mr. CUMMINS. Mr. President, there is much force in the remarks just made by the Senator from Utah, but he ought to have addressed them to the other side of the Chamber. Unfortunately or fortunately, I have nothing to do with the program, nor has this side of the Chamber very much to do with it. I have assumed for a long time that before we adjourn we are to pass legislation covering the field which I have outlined or which is outlined in these three bills, and my concern has been to be as helpful as possible in the framing of such legislation. I am not kicking against the pricks. I know that the subject must be disposed of at this session—at least I accept the decision of the caucus of our friends upon the other side, and I am not quarreling with it; I am accepting it, and I am only desirous of seeing that what is done shall be done in a wise and temperate way. I shall do everything in my power to enlist the interest of Senators when they are considering these measures, because they do touch, they do affect, more relations in the commercial life of this country than any other proposals ever made at one time. It was with that purpose in view that I rose. I know that we shall not be able to discuss the bill now before the Senate in a way in which it should be debated until the committees report upon other bills, and I hope that those who guide the affairs of the Senate, those who control the time at which we take up particular bills, the time at which we convene, and the time at which we adjourn, will give this subject their prayerful and very careful thought, so that we may be able to proceed as rapidly as possible and, at the same time, with some decent regard for the importance of the measures with which we are dealing.

Mr. SIMMONS. Mr. President, it has been repeatedly intimated in the remarks and observations that have fallen from the Senators on the other side that there was some disposition on this side of the Chamber to abandon or delay the trade commission and antitrust legislation. I want to say that there has not been and is not now the slightest purpose on this side of the Chamber to delay any of these measures. The understanding under which the Senator from Nevada [Mr. NEWLANDS], in charge of the trade commission bill, and myself, in charge of the river and harbor bill, have been operating does not have that for its purpose; Senators on the other side of the Chamber know full well that it does not have that for its purpose; and when they intimate to the contrary they are simply trying to make a little political capital.

We are not pursuing an unusual course in the Senate to-day nor have we been pursuing an unusual course during the last week. When we had up the tariff bill, when we had up the currency bill, when we had up the bill for the repeal of the toll-exemption clause of the Panama Canal act, carrying out the uniform custom of courtesy that has prevailed on both sides of the Chamber, we did not in the early stages of those bills insist that they should be held constantly before the Senate to the inconvenience of Senators who desired to speak on those several measures. It will be remembered that during the consideration of the tolls exemption bill, for a long period of time that bill would be put before the Senate in order to give a Senator who was ready to speak an opportunity to do so, and when he had concluded his speech, if no other Senator was ready to proceed, it was laid aside until some other Senator was ready to proceed. That proceeding went on with reference to that bill and the tariff bill and the currency bill until we had reached the stage in the consideration of those bills that it was the feeling of Senators on both sides of the Chamber that those bills should be placed before the Senate and kept before the Senate, Senators having had ample time to get ready for the discussion.

The trade commission bill, involving, as Senators have said, a vital and important question to the interests of the business of this country, has not been long before the Senate, and it is well known on this side of the Chamber, and I assume it is well known on the other side of the Chamber, that Senators who desire to speak upon it have not yet prepared themselves to speak. For one reason or another they have not been able to get ready to speak. The Senator from Missouri [Mr. REED] has desired to speak for several days, but he came before the Senate a few days ago, when it was proposed to put the measure before the body, and said that he was not at that time ready to make his speech, and asked that the bill be laid aside temporarily that he might get ready to make his remarks. There are other Senators, who are members of the Judiciary Committee, who, I understand, desire to speak upon the bill, but are not yet ready to do so.

While I can not speak for the Senator from Nevada [Mr. NEWLANDS] with reference to this matter, I assume that the Senator from Nevada has not felt justified in placing his bill before the Senate and saying that it should remain before the Senate to the exclusion of everything else until we have reached a vote, because he desired, in accordance with the usual course

and courtesy of the Senate, to accommodate Senators who desired to speak.

Senators will bear me witness that I have not at any time sought to have consideration of the river and harbor bill by the Senate when the Senator from Nevada was ready to go on with the trade commission bill. It has been stated repeatedly by him and by myself upon the floor of the Senate that I was ready at any time to yield to the Senator from Nevada when he desired to go on with his bill. Whenever I have put the river and harbor bill before the Senate and whenever I have asked the Senate to take up the bill it has been because the Senator from Nevada was not here asking that his bill be taken up.

Mr. President, I think it would be, as the Senator from Iowa [Mr. CUMMINS] has said, much better in the interest of the prevention of the consumption of time if one or the other of these measures could be put before the Senate and kept before the Senate until there were action upon the measure. So far as the river and harbor bill is concerned I am ready to go on with it until there is final action, but I do not desire to displace the bill of greater importance and of greater concern to the country whenever the Senator from Nevada is ready to go on with it, and Senators on the other side know that that is the situation and that that is the condition here. I think it is very unfair for them to make an intimation that we are not pursuing our trust legislation with due and proper diligence.

Again, Mr. President, I suppose one other reason why the Senator from Nevada has not been at all times prepared to press his bill here is because it has been understood—I have myself understood it and other Senators on this side of the Chamber have understood it—that the Judiciary Committee were considering amendments to this bill and that they would soon be ready to report those amendments. The Senator from Utah [Mr. SUTHERLAND] does not deny that the committee have had under consideration the amendment offered by the Senator from Tennessee [Mr. SHIELDS], which, if adopted as an amendment to the antitrust bill, would largely make it unnecessary to press further section 5 in the trade commission bill. The Senator from Iowa has advised the Senate that he, too, has introduced certain amendments and that they have been referred to the Judiciary Committee. That committee is considering those amendments. The Senator from Utah does not know definitely whether they have acted upon them or not; if they have acted upon them, I have heard nothing of it, and the Senate has not been advised of their action. I suppose, if they have taken any action at all, it is tentative and that they are still considering the matter, and as soon as they reach a definite conclusion they will report that conclusion to the Senate.

In these conditions, Mr. President, whenever there has been nothing for the Senate to do because Senators are not ready to proceed with their speeches upon the trade commission bill, and because the Committee on the Judiciary have been considering amendments that will affect this bill and are not yet ready to report, the Senator from Nevada not being willing, therefore, to press his bill, I have put this other bill before the Senate. We have not made much time, it is true, but the reason we have not done so is because Senators on the other side of the Chamber are filibustering—no; I will take that back; not that side of the Chamber, for there are more than half, I am persuaded to believe, on that side of the Chamber who are in favor of the river and harbor bill—but there is a coterie there; there is a part of the membership on the other side of the Chamber who are opposed to the river and harbor bill who have been filibustering against it.

This is the first time since I have been here that I have seen on the other side of the Chamber or on this side of the Chamber what might be characterized as a positive, unqualified filibuster against a bill. That is the reason we have not made much progress upon this bill as we should have made.

I trust the Senator from Nevada will be ready to-morrow, and, if not to-morrow, by Monday next. I think he indicated that by Monday he would be ready to put his bill before the Senate and hold it before the Senate until there is action upon it. Whenever he indicates his purpose to do that I shall at once withdraw and desist from any effort to secure further consideration of the river and harbor bill until that matter is disposed of.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. Yes.

Mr. TOWNSEND. I understood the Senator from North Carolina to say that he was ready at any time to lay aside the river and harbor bill when the other bill was desired to be discussed?

Mr. SIMMONS. Yes; pursuant to the policy we have heretofore uniformly pursued in the Senate.

Mr. TOWNSEND. I desire to say to the Senate that I am prepared to go on with a brief discussion of the trade commission bill, if the Senator will consent that that bill be laid before the Senate.

Mr. SIMMONS. Then I ask unanimous consent, Mr. President——

Mr. BURTON. Mr. President, before that unanimous consent is granted I desire to say a few words. The Senator from North Carolina has made a statement which I can not allow to go without answer and, I may say, without rebuke. I think the Senator assumes a great deal for himself when he says that one side of the Senate or half of one side of the Senate is engaged in a filibuster. I am perfectly aware that his statement reflects especially upon myself. I have not been filibustering.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I did not mean that remark to apply to the Senator, because I do not think he has done anything more than pursue what was a proper and legitimate course in discussing the bill. I have not heard him calling for a quorum, nor have I heard him raising captious objections. I did not apply that remark to the Senator from Ohio, because I do not think it would be just to do so.

Mr. BURTON. I accept most cordially the word of the Senator from North Carolina as regards myself, but as regards my associates I ought to say we believe this bill to be a very vicious bill, and it might as well be understood here and now that it will not pass the Senate without very thorough discussion. I think we may challenge those who favor this bill to defend it and to explain its provisions.

Mr. SHEPPARD. Mr. President——

Mr. BURTON. I note that this morning the Senator from North Carolina, when he was asked to name a single instance in which a project recommended by the Board of Engineers had not been included in the river and harbor bill, was unable to name even one.

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. There has already been mention in the debate on this side of one section of improvement, that on the Mississippi River between the mouth of the Ohio and the mouth of the Missouri. I trust some one on the other side or on this side of the Chamber may rise here and justify that item. No degree of pressure, I may say, Mr. President, will abate one jot or one tittle from the disposition to give this bill thorough discussion.

I will leave off, as I commenced, by saying we think the bill vicious; we think its provisions should be exposed; we believe that there should be a campaign of education reaching to this Chamber and outside of this Chamber to the country; and I may assure Senators on the other side that bill is not going to be disposed of just merely by taking it up in the morning hour or displacing another bill. I do not like the procedure. The trade commission bill we had supposed was an administration bill, one of urgent importance to the country, the main reason why Congress must be detained here indefinitely; but it seems to-day that it is displaced by the river and harbor bill, and that makes it necessary to discuss the river and harbor measure in a detached, fragmentary way.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. Certainly.

Mr. SHEPPARD. I want to say to the Senator from Ohio that I propose to defend at some length the Texas items which he has attacked so vigorously, and I do not want my silence when he refers to those items to be interpreted as a concurrence in what he says. I am not going to answer now, in order to save as much time as possible, but I propose to discuss the Texas items and to defend them as best I can.

Mr. BURTON. I have not yet, in any remarks of mine, attacked the Texas items.

Mr. SHEPPARD. Oh, yes; the Senator has.

Mr. BURTON. Except in my minority report and in a general way. I assure the Senator from Texas that further time will be given to those items, and I am glad he is to defend them, and I may say that I have an added idea of his courage, of which I always had a very excellent opinion.

Mr. SHEPPARD. Well, Mr. President, the Senator has specifically referred to-day to the Trinity River and to the Sabine-Neches Canal, and both references——

Mr. BURTON. Those were but introductory, however.

urge this particular measure. I can not say the Senator opposed it. His mind is always open; and I recall that when he was passing the Appalachian bill—a bill for the condemnation of forests with a view to the regulation of navigation, recollect—the Senator expressed himself then as entertaining hospitality toward the views which I was presenting. It has taken five or six years, however, to bring the Senator to a point where he is willing to vote for such a measure. Am I not justified, therefore, in saying that I think it would be difficult to substitute the river regulation bill for the pending bill at this moment?

Mr. GALLINGER. I have never had an opportunity to vote for it. The Senator has either been guilty of laches, or he has met with so much opposition from other quarters that the bill has never been before the Senate.

Mr. NEWLANDS. I have never been able to get it out of committee.

Mr. GALLINGER. No; so I could not have voted for it.

Mr. NEWLANDS. Mr. President, I do not wish to detain the Senate in the discussion of this bill. Some time later on in debate, when the amendment which I have proposed to this bill comes up for consideration—an amendment which has been adopted by the committee—it will give me pleasure to say something upon this subject, and to supplement the labors of the Senator from Ohio, the Senator from New Hampshire, and the Senator from Iowa in creating the foundation, at least, of this rational system of handling the waters which fall from the clouds upon these vast watersheds in such a way as to turn them from a menace into a blessing.

Mr. SUTHERLAND. Mr. President, I was interested to hear the Senator from Nevada say that he had not permanently abandoned the trade commission bill, but that he is simply applying to it the slowing-up process which he thinks might be applied with profit to the waters of the country. The Senator made a suggestion, however, which I did not quite understand. I rose to interrupt him, to ask for an explanation, but the Senator did not yield to me.

Did I understand the Senator to say that the Judiciary Committee was now considering the feature of the trade commission bill relating to unfair competition?

Mr. NEWLANDS. I can not say that I am informed as to whether the Judiciary Committee, as a committee, is considering it or not; but I know it has been the subject of very serious consideration by a number of the members of that committee who have spoken to me regarding it.

Mr. SUTHERLAND. I was a little curious to know why the activities of the Senator had been checked by the investigations of the Judiciary Committee with reference to this matter, when a few days ago the Senator declined to accede to the request of the Senator from Iowa [Mr. CUMMINS] for a postponement of the consideration of the bill, owing to the fact that the Judiciary Committee was then considering some proposed amendments to the trade commission bill, which amendments had been directly referred to that committee. This particular matter of unfair competition certainly has not been referred to the committee. I never have heard of it. I am curious to understand, however, why the Senator should be willing to lay aside his bill to enable the Judiciary Committee to consider this bill when he declined rather peremptorily the other day to permit it to be laid aside to consider these other matters.

Mr. NEWLANDS. Mr. President, I do not recall the details of the matter to which the Senator refers. Of course I have been very urgent in pressing this bill. My recollection is that the amendments to which the Senator refers were amendments to the trade commission bill, which had been referred to the Judiciary Committee, and I understood that the action of that committee was against reporting those amendments. It has been a matter of discussion, and there was some doubt in my mind as to whether those provisions regarding interlocking directorates and holding companies should be put upon the trade commission bill; but I finally came to the conclusion—merely an individual conclusion, which is, however, in harmony with the action of the Interstate Commerce Committee—that as those subjects were dealt with in the Clayton bill, it would be best to leave them there; and thus far in my communication with members of the Judiciary Committee I have addressed myself to the question of improving and perfecting those provisions. I may say that there has been very harmonious conference between the members of that committee and the members of the Interstate Commerce Committee regarding these questions, with a view of obtaining the very best results in both bills.

Mr. SUTHERLAND. May I ask the Senator from Nevada another question? Is it the intention of the Senator to withhold further consideration of the trade commission bill until he has the opinion of the Judiciary Committee with respect to this matter of unfair competition?

Mr. NEWLANDS. No; I can not say that it is. I am, however, willing that the matter should be slowed up a little, with a view to getting their views. I will state that I propose very shortly to move that the trade commission bill be taken up with a view to the presentation of a speech by the Senator from Missouri [Mr. REED] and another by the Senator from Michigan [Mr. TOWNSEND].

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Utah—who is a member, I believe, of the Judiciary Committee—a question for information, because I do not know the facts. Is it not a fact that the Judiciary Committee have been considering an amendment offered by the Senator from Tennessee, who is also a member of the Judiciary Committee, in the nature of a substitute for section 5 of the trade commission bill?

Mr. SUTHERLAND. The Judiciary Committee has been considering an amendment proposed by the Senator from Tennessee, but I do not understand that it is a substitute for section 5 of the trade commission bill.

Mr. SIMMONS. I do not mean, by using the word "substitute," that it is to be incorporated in this bill, but are they not considering it as a proposition which would take the place of section 5 of the trade commission bill?

Mr. SUTHERLAND. No; I think not. I think it is an entirely different proposition. The amendment to which the Senator refers was introduced by the Senator from Tennessee in the Senate and has been printed, but my recollection is that it has not anything to do with the question of unfair competition.

Mr. SIMMONS. I will ask the Senator a further question, because I think it is well for us to know about this matter. Has the Judiciary Committee finally acted upon the amendments of the Senator from Iowa to the trade commission bill?

Mr. SUTHERLAND. I am not prepared to answer that question. There was action taken upon the amendments, but whether it can be regarded as final I do not know.

Mr. SIMMONS. My recollection is that when we had this matter up several days ago, as the Senator from Iowa was about to conclude his remarks, there was some suggestion on the part of the Senator from Nevada that we proceed to a vote, and I think it was then stated—I do not remember whether by the Senator from Iowa or some one else—that he had certain amendments to the bill pending before the Judiciary Committee, and there was a suggestion that we ought to await the action of that committee upon those amendments.

Mr. SUTHERLAND. It is my impression that the amendments have been disposed of.

Mr. SIMMONS. The Senator is not able to state positively whether they have been acted upon or not?

Mr. SUTHERLAND. Not with thorough positiveness, but I think they have. I was not present when the action was taken upon them, but I was informed that they have been disposed of.

Mr. CUMMINS. Mr. President, I do not think that final action has been taken by the Judiciary Committee upon any part of the bill that has been referred to it. Its action up to this time has been tentative. I hope the Senator from Nevada will not leave the Chamber. I have something to say that may interest him.

Mr. NEWLANDS. I was not going to leave the Chamber. I was merely changing my seat.

Mr. CUMMINS. The Judiciary Committee has been, I think, very industrious, and has held its sessions both in season and out of season; but as yet I believe its work has been of a preliminary character.

What has just been said from the floor moves me to make a suggestion to the Senator from Nevada, as well as to the Senator from North Carolina.

It is perfectly obvious that we are wasting a great deal of time, not intentionally but on account of the conditions which surround us. The river and harbor bill meets with determined opposition. I am opposed to it, for, I may say in passing, under the tutelage of my friend from Nevada, enlightened also by the philosophy of my friend from Ohio, I long ago came to the conclusion that I would never vote for a river and harbor bill composed upon the plan or based upon the principle exhibited and embodied in the measure now before us, although I am greatly interested in some of the projects which it seeks to develop and carry on. But, no matter what one's personal view of the bill is, it is perfectly certain that it can not be brought to a conclusion within any reasonable time.

On the other hand, the measure that has been reported by the Interstate Commerce Committee known as the trade commission bill can not, in my opinion, be brought to a conclusion as it should be, for the reason that it is a part of a program which, if not clearly defined, is yet present in the minds of all

Senators, a program which involves a bill pending before the Judiciary Committee and a bill pending before the Interstate Commerce Committee not yet reported.

It seems to me that in order to consider the bill which is now before the Senate relating to the trust problem, we must have the report of the Judiciary Committee upon the bill which has been referred to it. We can neither go on with our work wisely nor can we go on with it expeditiously until that report is before us. Senators, those who speak upon the matter, must take into view the entire proposal.

Mr. LIPPITT rose.

Mr. CUMMINS. It seems to me there is but one course to pursue, and that is by common consent to allow the trade commission bill to remain as it is until the Judiciary Committee reports and until the Interstate Commerce Committee reports, and to consume the intervening time not upon the river and harbor bill, because it is in constant collision with the trust program. One or the other is bound to delay or bother or vex its companion in misfortune. We ought to give these committees, the Judiciary Committee and the Interstate Commerce Committee, an opportunity, untroubled by quorum calls and votes, to conclude their work and report these bills, and then we can take up the subject for consideration. It is a mere conjecture on my part, but I believe that in less than two weeks we could reach a conclusion, a vote, upon all these measures. I believe that the Senate would at once see the high desirability of consolidating these bills in one measure if the whole subject were before the Senate. I yield to the Senator from Rhode Island.

Mr. LIPPITT. The Senator has almost answered the question I rose to ask him. I was going to ask him if he did not think perhaps the wise way to give those committees an opportunity to thoroughly digest this matter would be to leave the whole subject over until the Senate came together in December?

Mr. CUMMINS. Mr. President, I have not been an advocate of postponing consideration upon the trust program until December. I readily concede that no great harm would come to the country if these measures were so postponed, but I have not stood for postponement. I have stood for action, and I am willing to stand for it now to the very end; but I would like to see intelligent action, interested action. I would like to see these bills before the Senate in a form that would command the attention of all the Senators, so that we would not be interrupted by the procedure upon the floor, going forward upon some other bill. At this very moment nearly one-half—I think that is an exaggeration, but a large number—of the Senators are absent attending meetings of committees. They are not here to help deliberate upon either the river and harbor bill or upon the trust measures; and I reiterate what I said the other day, that we are giving to the country great cause for criticism and even greater for discontent in attempting to do the public business in the way in which we are trying to do it. I yield again to the Senator from Rhode Island.

Mr. LIPPITT. I was only going to suggest to the Senator from Iowa, in view of what he has just said, and with which I thoroughly agree, that these subjects ought to have the intelligent and careful and thorough consideration of this body, if it is not going to be almost impossible under the conditions in which this body is going to work for the balance of this session to obtain any such consideration. I have for some time been very strongly of the conviction that the subject is entirely too important to be brought before a body in the condition in which the Senate is to-day and in which in all probability it will remain for the balance of the session. As we all know, we have been here for many, many months. We all know that, for various reasons, nearly every Member of the body is anxious to get away. We know that they are exhausted mentally and physically by the long continuance of the work in which they have been engaged, and that they are now brought face to face with the consideration of perhaps the most important measure that has been brought before them during the time they have been in session. Just along the line of what the Senator was speaking, for an intelligent consideration of this question, it has seemed to me that it would be very wise and do no harm to the country or to anybody if we came to these subjects in the full vigor of our understanding.

Mr. CUMMINS. Mr. President, I am not certain whether Senators are physically and mentally sound and alert enough to enter upon this great business or not. I, however, am willing to try the experiment. I very readily concede that if when we have the program before us, through the reports of these committees, there is the same indifference to the subject that has appeared heretofore, if we can not pull ourselves together and make our minds work upon these mighty problems, then I will agree with the Senator from Rhode Island that we ought to postpone their consideration until a time when our minds will work.

Mr. BRANDEGEE rose.

Mr. CUMMINS. But I am not ready to concede that we can not or will not restore ourselves to or reinvest ourselves with our natural vigor and strength if we have an opportunity to do it.

I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I wanted to state at this point, while the Senator is calling attention to the number of Senators engaged elsewhere and is attempting to get the Senate to agree upon some program in relation to this subject, or this concatenated series of subjects, there are 11 Senators upon the other side of the Chamber and there are 15 Senators upon this side, making 26 Senators out of 96 who have their ears listening to what the Senator from Iowa is saying.

Mr. CUMMINS. Mr. President, that proportion is very large. I think it is a subject of congratulation that we can secure 11 Senators upon the other side upon this subject at any time for any purpose except in answer to the ring of the bell which summons them here to develop a quorum. However, I do not want to arouse any feeling with regard to that.

I am sincerely desirous of seeing the trust program brought to a successful conclusion. I repeat that I hope the Senator from Nevada, who has given years of study to this subject and who is just as solicitous and just as earnest in his desire that wise legislation shall take place upon the matter as am I, will reflect upon it and see that the real obstacle against which he is now beating his strength is the fact that we have a fragment only of the subject before us, and there is a widespread and deep-seated conviction that we can not deal with it until it is all here in such bills as the committees before which they are now pending may see fit to report. Then we could go forward, and I should hope then that we might from time to time or once in a while, at any rate, secure the presence of more than 10 or 15 members of the party responsible for whatever legislation is adopted.

Mr. SUTHERLAND. Mr. President——

Mr. CUMMINS. I only repeat the suggestion I made a few days ago. When the time comes I intend to move to rescind the orders which have been heretofore made by the Senate allowing its committees to sit during the sessions of the Senate in violation of the fundamental parliamentary law of the civilized world and in violation of all the principles of sound legislation. But I do not care to do that so far as the river and harbor bill is concerned, because I hope we may never reach a vote upon that bill, and I do not feel called upon to facilitate its progress.

I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I quite agree with the suggestion of the Senator from Iowa as to the desirability of having all these three bills up for consideration at once. I do not mean that they shall be considered at the same moment, but be before the Senate at the same time, because they have more or less relation to one another. But if I understand the Senator's position it is that we ought to have them, in order that they may be, so to speak, dovetailed together and consolidated in a single act of legislation. I suppose, for example, that the Senator has in mind that if we provide for a trade commission there are certain substantive provisions now in the Clayton bill that might be given over to a trade commission to deal with in some way. That is one phase.

Now, that all involves a good deal of work, and of careful work, before that can be done. Does the Senator from Iowa think that the Senate, consisting of a large number of men, is the proper body to do that work? Does the Senator think it can be done intelligently? Has the Senator taken that into consideration? Does he not think it would be better if the whole matter was submitted to a single committee to do it?

Mr. CUMMINS. Undoubtedly, Mr. President, the whole subject ought to have been submitted to a single committee. These bills should all have been referred to the Interstate Commerce Committee, and it was a great misfortune when one of them was segregated and sent to the Judiciary Committee. I do not mean by that to imply that there are not certain things in all of them that might not be referred profitably to the Judiciary Committee, but the questions of policy involved in these three bills should have been passed upon by the Committee on Interstate Commerce, for they are all alleged regulations of interstate commerce, and that committee has been created for the purpose of considering such subjects. If after the Interstate Commerce Committee had reported upon the policy of the proposed legislation there should arise grave questions of law, if anyone should challenge the constitutionality of any particular provision, that matter could well be referred to the Judiciary Committee. But that reference would not disturb the solidarity, if

Mr. KENYON. I do.

Mr. CLAPP. I should like to ask the Senator from Iowa if, in the natural logical sequence of things, we ought not to have the avenues of trade open in order that we may have trade to regulate before we create a commission to regulate the trade? I think there is some force in the position of the Senator from Nevada. [Laughter.]

Mr. KENYON. Of course, if the trade is to be by water, the river and harbor bill will not help it much. [Laughter.]

When the river and harbor bill was before the Senate in 1913 the Senator from Nevada offered a few observations, to which I wish to refer for just a moment. I do not want to delay matters, of course, but this is very good reading. He said:

Mr. NEWLANDS. I wish to say, Mr. President, that the remark I was making did not involve criticism of the Senator from Ohio. I was about to add that the system of river and harbor improvements pursued under his guidance in the House of Representatives was vastly improved. When he took hold of the leadership of this subject there a system prevailed called the "pork-barrel" system, a system with which we are all familiar, and which it is unnecessary to describe.

We had the pork barrel in projects just as we had it in offices, and the aim of thoughtful men was to substitute the merit system, both in projects and offices.

Again, further down in that speech, which was rather a condemnation of the system of river and harbor appropriations——

Mr. GALLINGER. In what year was that, I ask the Senator?

Mr. KENYON. In 1913. I am reading from the RECORD of February 20, 1913. The Senator from Nevada [Mr. NEWLANDS] further said:

But in the very nature of things the great enterprise of developing a river for navigation can not be successfully pursued unless there is a single power or a combination of the various powers having jurisdiction, and unless the development of the river can be so planned and executed that the various uses of the river, including the works necessary to develop such uses, dovetail into each other.

That is what we are contending for. The Senator from Nevada continued:

So river improvement has broken down. It is to-day ineffectual for the purpose which Congress has in view in the exercise of its interstate-commerce power, namely, the promotion of navigation. It has been just as ineffectual in the development of a complete waterway as the action of a railroad company would be in the construction of a railway in detached portions here and there, a stretch of 10 miles here and a stretch of 10 miles there, without any connection between the various structures.

Again, a little further in the speech, the Senator from Nevada said:

So throughout the years we have been going along with this ineffectual method of taking up individual projects here and there as a part of the spoils system, without comprehensive plans involving the union of all the services in the country that relate to water and involving the union of all the sovereignties that have jurisdiction over the subject.

Mr. President, I listened to this speech then with great interest. I had only been in the Senate a short time, and the able address of the Senator at that time is one reason, I think, why I have given some study to the river and harbor question. I hope the Senator from Nevada is not willing that the great trust measures shall be laid aside in order to consider and pass a bill the principles of which he has condemned time and time again. If we are now presented with the spectacle of the Democratic Party laying aside the trust measure in order to pass this appropriation bill, which carries many meritorious projects, it is true, but also many projects that ought to be stricken out—if that is the idea, I want to invite attention for just a few moments to one or two platforms of the Democratic Party. I do not wish to create any riot by referring to the Democratic platforms. I may have to refer to the Baltimore platform later, but in 1904 the Democratic Party in convention assembled declared:

Large reductions can easily be made in the annual expenditures of the Government without impairing the efficiency of any branch of the public service, and we shall insist upon the strictest economy and frugality.

In 1908 the Democratic Party said in their platform:

The Republican Congress in the session just ended made appropriations amounting to $1,008,000,000, exceeding the total expenditures of the next fiscal year by $90,000,000, and leaving a deficit of more than $80,000,000 for the fiscal year just ended. We denounce the needless waste of the people's money, which has resulted in the appalling increase.

In 1912—and I refer to that platform with some hesitancy—the Democratic Party declared:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil.

Mr. President, some of us have felt that there were things in the river and harbor bill that should be defeated and that we would be justified in resorting to every means possible under the rules of the Senate to defeat that bill; but if there is to be some kind of cooperation, if the river and harbor bill is more important than the trust bills, then I suppose the cohesive power of these differentiated appropriations will make it impossible to defeat the bill. However, with the views of the Senator from Nevada as to river and harbor bills and the iniquities they contain, I simply appeal to him not to assist in narrowing the discussion of the river and harbor bill or precipitating any hasty action thereon.

Mr. NEWLANDS. Mr. President, in the first place, I disclaim any disposition to slow up the progress of the trade commission bill. I have repeatedly urged the fixing of a day for a vote upon that measure. In the progress of the debate some question has arisen as to the legal meaning of the words "unfair competition." Those words have been the subject of serious reflection by members of the Judiciary Committee. Members of the Interstate Commerce Committee are confident that those words not only have a legal significance which will be recognized, but have an elastic significance to enable the term to reach all cases that the law ought to reach. We have, however, no pride of opinion upon the subject, and we are grateful to the members of the Judiciary Committee who are giving serious consideration to this question, and some of the members of that committee have asked me to delay the consideration of this measure until they could come to some conclusion regarding that term.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. I prefer to go along and make my statement.

Mr. SUTHERLAND. I merely wanted to ask the Senator about his reference to the Judiciary Committee; I did not understand it.

Mr. NEWLANDS. I am not, however, willing to delay unduly the consideration of this bill with a view to consultation with the members of the Judiciary Committee. I may say that the members of that committee have been in consultation with some of the members of the Interstate Commerce Committee concerning certain provisions of the Clayton bill, with a view to harmony of action. I am not, however, disposed to delay; and I believe we can come to a vote, and ought to come to a vote, on Monday. I have asked unanimous consent, and a Senator on the other side objects.

Mr. President, I am very appreciative of the support which the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Iowa [Mr. CUMMINS] are giving to the trade commission bill, and I am very glad that they manifest a disposition to put it ahead of the river and harbor bill. I think its importance demands prior consideration; but under the rules of the Senate the appropriation bills have the right of way. I have been obliged to yield and have been ready to yield to the consideration of such a bill as the sundry civil bill, which involves appropriations for the entire Government, with reference to which existing appropriations extend only to the 15th day of July. So, also, with reference to the river and harbor bill; for I have no doubt that bill will be enacted at this session, and I believe it ought to be enacted, and I will give my reasons.

The Senator from Iowa has referred to some utterances of mine in the past, critical of the methods employed in making appropriations for rivers and harbors. I stand by those utterances. They were true then, and they are true to-day; but I never thought it wise to abandon every form of appropriation for rivers and harbors without substituting some other system which could take up the current work and carry it on to completion. I never contemplated such radical or revolutionary action; and I believe it would be radical and revolutionary to defeat the present river and harbor bill without substituting immediately some system that would take its place, so that the current work could go on.

Progress is being made upon the lines of reform which I have been urging and which are represented in a bill which I have been pressing for many years, called the river regulation bill. At the last Congress the Senate put upon the river and harbor bill an amendment providing practically for the skeleton organization of the general bill which I had introduced. That was accepted by the Senate, and was stricken out because of the failure of the House conferees to agree to it. At this session a similar amendment introduced by me was put upon this bill by the committee itself, and it was put there upon my motion, the committee acting after full consideration of this subject by a Cabinet committee consisting of the Secretaries of War, Interior, Agriculture, and Commerce, who were requested by the President to look into this whole question and to give him their advice regarding this important subject; and as a result of their advice this amendment is being pressed. It has been the subject of Cabinet consideration and has the

approval of the President himself, so it may be regarded as a recommendation from the President of the United States.

I believe, therefore, that we are making substantial progress, and I would not feel warranted in defeating appropriations for every harbor in the United States. There is no criticism, as a rule, of the harbor development that has taken place, and there are large appropriations in this bill—probably one-third or possibly one-half—for the harbors of the country. Would we end the work that is now going on in these harbors in order to work out and substitute hereafter what we conceive to be a better system of conducting the work on rivers and harbors? It seems to me that would be great folly.

So also with reference to the rivers of the country. No one can complain of the development that is going on upon the Ohio River. That development is a logical development, the result of the study and experience of years, and is upon the highest lines of scientific achievement. Shall we stop that because we disapprove the general system under which this work is being done?

So, also, with reference to the Mississippi River. This bill carries seven or eight million dollars, I believe, for the protection of the banks and the construction of levees upon the Mississippi River. Shall we stop that work and subject that entire region to the risk of an overflow and the consequent destruction, in order to hurry the way toward a more nearly perfect system in the future? It seems to me that we are unprepared to take that risk. So while there are items in this bill of which perhaps we as individuals would disapprove, we certainly would be taking a great risk in refusing to pass this appropriation bill.

With reference to the general scheme to which I have referred, the Republican Party had an opportunity to carry that plan into accomplishment, and it lost the opportunity. The general principles of that plan were practically maintained by two waterway commissions, and yet no substantial progress was made under either Mr. Roosevelt's administration or Mr. Taft's administration toward the successful accomplishment of this reform. The system is a very simple one. It involves not only work upon the lower reaches of the river in the shape of channel improvements, bank protection, and levee protection, but it also involves work upon the upper reaches of our watersheds, work which will involve the seizing of the water as it falls from the heavens, slowing up its progress to the oceans and to the Gulf, and putting it to some beneficial use on the way, either in the shape of the reclamation of arid lands, or in the shape of development of water power, or in the shape of conservation of forests, or in the shape of the development of intensive cultivation, and also so controlling this water as to enable us to reclaim vast areas of swamp land, composed of an alluvial deposit unsurpassed in richness and fertility. All this is to be accomplished in such a way as to make the river, with its branches, an efficient instrumentality of commerce, perfect in every detail, with transfer facilities, with processes of coordination and cooperation with railways, in such a way as to develop a perfect system of transportation in this country, the railway system and the water system dovetailing with each other, and both in the future dovetailing with a perfected system of ocean transportation—just such a system as Germany, with her great economic foresight, has developed to such perfection.

It is a perfectly sensible thing. If we can simply slow up the waters that fall upon the immense watershed of the Mississippi—a watershed which embraces pretty nearly two-thirds of the entire area of the country—we will lower the crest of the flood at Cairo and at New Orleans, diminish the expenditures both for bank protection and for levee building, and lessen the danger to vast areas of cultivable land and towns and cities of large population and wealth.

No one can go to the city of New Orleans, as I have done, in a period of flood, and see the flood tide of that river reaching within 2 or 3 feet of the top of the levees and view the city itself, 20 or 30 feet below, protected from the deluge simply by this mass of accumulated dirt, and fail to realize the great danger to the people and to the wealth of that city. Reduce the crest of that flood 5 feet by arresting the flow of the waters above, and you will do a great service. Reduce the crest of that flood 10 feet, and you will do a greater service. Reduce it 15 feet, as can easily be accomplished, and you will relieve the entire region of danger—not only those cities but this vast cultivable area, surpassing the Valley of the Nile itself in richness and fertility, bound to be the garden spot of the entire country with a perfected waterway system, with railroads and canals running through it, canals for transportation as well as for drainage, all perfected under a scientific system such as is contemplated in the bill which I have been so long pressing.

That is all the bill involves—the simple problem of seizing hold of the water as it falls from the heavens and slowing up its progress to the ocean and to the Gulf—simply slowing it up, and meanwhile, on the way, putting it to every beneficial use in the way of intensive cultivation, the reclamation of arid lands, and the development of water power, which is a source of electric power, entering more than any other element into the daily lives of our people as a source of comfort and of wealth.

Mr. BURTON. Mr. President, will the Senator from Nevada yield for a question?

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Ohio?

Mr. NEWLANDS. Certainly.

Mr. BURTON. Does the Senator from Nevada believe that any of these results, so salutary, so helpful to the country, will be accomplished by the river and harbor bill which is now pending before the Senate?

Mr. NEWLANDS. Not so fully as under the system that I am urging; but I do claim that it would be a crime not to pass the river and harbor bill, because you would thereby imperil the entire Mississippi Valley.

Mr. BURTON. May I ask the Senator another question? Does the Senator think those objects would be accomplished at all by this bill?

Mr. NEWLANDS. I am not prepared to say that they would be; in fact, I think they will not be; but there are other things to be considered, such as the limited navigation now existing, the protection of large cultivable areas that are now protected by levees, the menace of floods to the cities, and other works of that kind. I am sure I would not willingly subject any of them to a greater strain than they have been subjected to in the past, and certainly as to the harbors we would not desire a discontinuance of work.

Mr. President, I was stating—and I shall be through in a moment—that the problem is an exceedingly simple one. It consists simply of slowing up the waters—that is all—and allowing them to be put to beneficial use, instead of allowing it to be massed for destructive uses, thus, as President Wilson so aptly said, turning these waters from a nuisance into a blessing.

I should be glad to see the river regulation bill which I have been urging substituted for this river and harbor bill, with the total appropriation provided for in this river and harbor bill subjected to the judgment of the commission organized under it; but there is no hope of passing such a measure. I have no doubt the $50,000,000 and more carried in this bill would be more effectively spent under the system of coordination of the scientific services of the National Government provided for by the river regulation bill and under the system of cooperation between the Nation and the States provided for by that bill.

Mr. GALLINGER. Mr. President, will the Senator permit me to interrupt him?

Mr. NEWLANDS. If anyone upon the other side will move for the substitution of that river regulation bill, with the appropriation contained in this bill, I am sure I should be glad to vote for it. Would the Senator from Ohio be ready to vote for it?

Mr. BURTON. I am not sure but that I would as against this river and harbor bill. I should want to examine into that somewhat.

Mr. NEWLANDS. I wish the Senator from Iowa were here. I should like to ask him that question. Would the Senator from New Hampshire vote for the substitution of the river regulation bill for this bill, with the appropriation provided for by this bill?

Mr. GALLINGER. The Senator from Nevada has rather cooled any ardor I might have had in that direction by saying that it can not be done.

Mr. NEWLANDS. It can not be done?

Mr. GALLINGER. That is what the Senator from Nevada said.

Mr. NEWLANDS. I am now looking for votes.

Mr. GALLINGER. If it can not be done, what is the good of trying?

Mr. NEWLANDS. I begin to be hopeful when the Senator from Ohio indicates that he may be prepared to vote for it.

Mr. GALLINGER. I will further answer the Senator by saying that while I have not examined the bill very carefully, as at present advised, I would vote for it in preference to this bill. I say that as at present advised.

Mr. NEWLANDS. Mr. President, that indicates how this revolution is going on in public sentiment. The Senator from New Hampshire will recall that I served with him upon the Commerce Committee, and the Senator probably will recall that as I represented a State that had no navigable rivers and no harbors, my sole purpose in being upon that committee was to

Now, the Senator does not mean to say that the Committee on Rivers and Harbors in the House and the Committee on Commerce in the Senate exercised no judgment with reference to those projects. Surely he does not mean to say that we put in the bill every single item that comes with a favorable report from the engineers.

Mr. BURTON. How many can the Senator from North Carolina name of those that have been before the Committee on Commerce of the Senate with favorable reports that were rejected?

Mr. SIMMONS. I can say to the Senator that just at this minute I can not name any particular one; but I do know, as a matter of fact, that a great many have been approved by the board that were not incorporated in this bill; and the Senator knows that to be the fact.

Mr. BURTON. The number is becoming smaller and smaller year by year.

Mr. SIMMONS. That may be true, but, Mr. President, the point I am making, and I ask the Senator if I am not correct, is that this board is composed, as the Senator from Michigan [Mr. SMITH] has said, of men who are not politicians, men who are beyond and above political influence if any class of people in this Government are above political influence. They hold their offices for life, or during good behavior. You probably could not select therefor a more impartial body of men, and I think the Senator will agree with me you could not select a more intelligent and competent set of men.

If the Senator has any reason to believe that that body has been improperly influenced by the outside testimony that they themselves have invited or that has come voluntarily before them, I think the Senator ought to bring the circumstances showing the situation to the Senate, and without doing that he leaves, by implication at least, quite an imputation upon these Army officers.

I want to say frankly I have had a good deal of experience with this board. I have been there, and I intend to continue to go there. I do not think it is improper for a Senator or a Representative to appear before a board of engineers i behalf of a project in his State that he has confidence in. I do not think the Senator would say that I or any other Senator on this floor would appear before them in behalf of any project for purely political reasons unless it met with the approval of our judgment. I have been there, and I have never up to this time had the slightest reason to believe that they considered a project and the testimony presented in its behalf otherwise than as an impartial tribunal looking to the public welfare.

Mr. BURTON. Mr. President, I do not say that they have been improperly influenced. I have repeatedly spoken of them as the blue ribbon of the Government service, men holding their positions for life, enjoying the traditions of an organization which has been honorable from the very earliest day, including such men as Robert E. Lee and George Gordon Meade and others among the brightest stars in the military history of the United States. What I do say is that duties are imposed upon them under which they hear from boomers and boosters and do not hear from the great body of the American public.

Mr. SMITH of Michigan. Mr. President——

Mr. BURTON. But I should like to continue a little further. What I do say is that they have been overruled by Congress. There was a case down here on the coast of Texas where they reported against what seems to me an utterly foolish proposition, carrying the waters of the Gulf up through a pass and by a canal around a lake and then up a couple of rivers into the interior and seeking to make seaports of two cities. The man who has the slightest comprehension of a seaport knows that you can not create it in a narrow river. A seaport must have room for anchorage. Vessels come in and wait days, even weeks, to be loaded. There must be ample space to turn around. If it is to assume any importance there must be a large area of water around which wharves and docks can be erected. To my mind it was a perfectly absurd proposition. The engineers turned it down. They were attacked on the floor for their report. It was said, "Oh, you may understand engineering, but you do not know anything about commerce," and it was sent back to them with practically a demand that they report in favor of it. Indeed, the provision was drawn in such a shape that if they had reported against it it would not have done them any good, and then Congress accepted that plan.

Mr. KENYON. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Iowa will state it.

Mr. KENYON. I desire to inquire what has become of the unfinished business.

The VICE PRESIDENT. There is no unfinished business.

Mr. KENYON. I had understood, possibly erroneously, that the great trust bills that we are waiting for here this summer——

The VICE PRESIDENT. The Senate displaced the trade commission bill as the unfinished business by the sundry civil bill; and, that having been disposed of, there is no unfinished business.

Mr. KENYON. I was under the impression that the trade commission bill had been laid aside temporarily.

Mr. GALLINGER. Will the Senator from Ohio yield to me to make a motion?

Mr. BURTON. Certainly.

Mr. GALLINGER. I move that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CLARKE of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Goff	Martin, Va.	Smith, Md.
Bryan	Hollis	Nelson	Smith, Mich.
Burton	Hughes	Norris	Smoot
Catron	James	Overman	Swanson
Chamberlain	Johnson	Page	Thomas
Clapp	Kenyon	Perkins	Thompson
Clarke, Ark.	Kern	Poindexter	Townsend
Colt	Lane	Pomerene	Vardaman
Crawford	Lee, Md.	Shafroth	Weeks
du Pont	McCumber	Sheppard	White
Gallinger	McLean	Simmons	

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. NEWLANDS, Mr. RANSDELL, Mr. SMITH of Georgia, Mr. STERLING, Mr. SUTHERLAND, Mr. THORNTON, Mr. WARREN, and Mr. WILLIAMS answered to their names.

Mr. CHILTON, Mr. LIPPITT, Mr. OLIVER, Mr. CAMPBELL, Mr. ASHURST, Mr. STONE, Mr. SHIELDS, Mr. REED, and Mr. MARTINE of New Jersey, having entered the Chamber, answered to their names.

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present. The Senator from New Hampshire [Mr. GALLINGER] has moved that the Senate proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. Mr. President, I have to say with reference to that motion——

Mr. TOWNSEND. The motion is not debatable.

Mr. NEWLANDS. That by an understanding with the chairman of the Committee on Commerce——

Mr. GALLINGER. The motion is not debatable, Mr. President——

The VICE PRESIDENT. The motion is not debatable. The question is on the motion.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GALLINGER (when his name was called). I am paired with the junior Senator from New York [Mr. O'GORMAN]. In his absence, I withhold my vote. If privileged to vote, I should vote "yea."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote. I desire this announcement to stand for the day.

Mr. JOHNSON (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the junior Senator from Montana [Mr. WALSH]. I do not see him in the Chamber, so I withhold my vote.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Alabama [Mr. BANKHEAD] and vote "nay."

Mr. THOMAS (when his name was called). I transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Indiana [Mr. SHIVELY] and vote "nay."

Mr. TOWNSEND (when his name was called). I transfer my pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

The roll call was concluded.

Mr. COLT (after having voted in the affirmative). I have a general pair with the junior Senator from Delaware [Mr. SAULSBURY]. In his absence I withdraw my vote.

Mr. JAMES (after having voted in the negative). I desire to inquire if the junior Senator from Massachusetts [Mr. WEEKS] has voted?

The VICE PRESIDENT. He has not.

Mr. JAMES. I have a pair with that Senator, and I therefore withdraw my vote.

Mr. CLAPP. Mr. President, I understand that certain Senators desire to discuss the trade commission bill this afternoon, and in view of that fact I vote "yea."

Mr. SIMMONS. I make the point that debate is not in order.

The VICE PRESIDENT. Debate is not in order.

Mr. CLAPP. I merely stated why I voted "yea."

Mr. GALLINGER. I transfer my pair with the Senator from New York [Mr. O'GORMAN] to the Senator from California [Mr. WORKS] and vote "yea."

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. DU PONT. I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The VICE PRESIDENT. He has not.

Mr. DU PONT. As I have a general pair with that Senator, I will withhold my vote.

Mr. TOWNSEND (after having voted in the affirmative). I transferred my pair with the junior Senator from Arkansas [Mr. ROBINSON] to the junior Senator from Maine [Mr. BURLEIGH], but I understand now that the junior Senator from Maine is paired with the junior Senator from New Hampshire [Mr. HOLLIS]. Therefore I transfer my pair to the Senator from Washington [Mr. JONES], who is absent on business of the Senate, and will let my vote stand.

Mr. HOLLIS. I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. KENYON. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained on account of illness. I will ask that this announcement may stand for the day.

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. In his absence I withdraw my vote.

Mr. SMITH of Maryland. I desire to announce that the junior Senator from Delaware [Mr. SAULSBURY] is absent on official business.

The result was announced—yeas 17, nays 34, as follows:

YEAS—17.

Borah	Clapp	McCumber	Sutherland
Brady	Cummins	Norris	Townsend
Brandegee	Dillingham	Page	
Burton	Gallinger	Poindexter	
Chilton	Kenyon	Smoot	

NAYS—34.

Ashurst	Johnson	Ransdell	Swanson
Bryan	Kern	Reed	Thomas
Camden	Lane	Sheppard	Thompson
Catron	Lee, Md.	Simmons	Thornton
Chamberlain	Martin, Va.	Smith, Ga.	Vardaman
Clarke, Ark.	Martine, N. J.	Smith, Md.	White
Hollis	Nelson	Smith, Mich.	Williams
Hughes	Newlands	Sterling	
James	Pomerene	Stone	

NOT VOTING—45.

Bankhead	Gronna	Overman	Smith, Ariz.
Bristow	Hitchcock	Owen	Smith, S. C.
Burleigh	Jones	Pearce	Stephenson
Clark, Wyo.	La Follette	Perkins	Tillman
Colt	Lea, Tenn.	Pittman	Walsh
Crawford	Lewis	Robinson	Warren
Culberson	Lippitt	Root	Weeks
du Pont	Lodge	Saulsbury	West
Fall	McLean	Shafroth	Works
Fletcher	Myers	Sherman	
Goff	O'Gorman	Shields	
Gore	Oliver	Shively	

So Mr. GALLINGER's motion was rejected.

Mr. NEWLANDS. Mr. President, I wish to thank the Senator from New Hampshire [Mr. GALLINGER] very much for the zeal which he is showing in pressing the trade commission bill, with reference to which I am charged with responsibility on this floor, and to say that I shall be very glad of his cooperation later on in pressing the bill to a vote.

The river and harbor bill has the floor now by virtue of an understanding between myself and the Senator from North Carolina [Mr. SIMMONS]; but later on in the day, with a view to accommodating certain Senators who desire to speak upon the bill, the trade commission bill will be taken up. I will ask whether the Senator from Missouri [Mr. REED] is present?

The VICE PRESIDENT. The Senator from Missouri does not seem to be in the Chamber at this time.

Mr. NEWLANDS. Meanwhile, Mr. President, in his absence I will ask unanimous consent that a vote be taken on the trade commission bill and all pending amendments on Monday next.

Mr. JAMES. At what hour?

Mr. NEWLANDS. At the hour of 4 o'clock.

Mr. LIPPITT. I object, Mr. President.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. There is objection; so that there is no necessity to call the roll to disclose the presence of a quorum.

Mr. JAMES. I suggest to the Senator from Nevada that perhaps the Senator from Rhode Island would agree on some other day.

Mr. NEWLANDS. I will ask the Senator from Rhode Island if he is willing to name a day for a vote?

Mr. LIPPITT. I will say, in reply to the inquiry of the Senator from Nevada, that my own belief upon the subject is that we should not come to a final decision upon the trade commission bill until all the legislation connected with the subject of trusts which the President and his advisers propose to have brought before Congress is here, so that we can vote upon every part of it in connection with its relation to every other part.

Mr. NEWLANDS. I will state, Mr. President, that conferences are being held between the members of the Judiciary Committee and the members of the Interstate Commerce Committee with reference to the pending trust legislation, and that these conferences are attended, of course, with beneficial results. It is for that reason that I have not urged strenuously the consideration of the trade commission bill by the Senate. I am told that there will be a report from the Judiciary Committee before next Monday, and that was the reason I urged the fixing of a time for voting upon the trade commission bill upon that day.

Mr. GALLINGER. Mr. President, I appreciate the feeling of the Senator from Nevada, and accept his congratulations on the zeal that I have manifested toward getting the so-called trade commission bill before the Senate. I have not brought myself as yet to believe that the trade commission bill is a good bill, but I have brought myself to believe that the river and harbor bill is a very bad bill, so that I am simply deciding as between a manifestly bad measure and a measure that may possibly have enough good in it to command my vote later on. But I have had an impression from what I have heard and what I have read that there was great urgency to take up the trust bills, which, if they did not emanate outside of Congress, have certainly been urged outside of Congress by a very potential force.

It is possible that the Senator from Nevada thinks that Washington is a pleasant summer resort, and that we had better stay here until the beginning of the next session, as we did last year. I can stay as well as others; but, for my part, whatever may be the fate of the trade commission bill and the other bills which are to accompany it, I think we ought to proceed to consider them and dispose of them in some reasonable time.

As to the river and harbor bill, I hope it never will be voted on favorably, because it has so many objectionable items in it that, unless it is practically emasculated and amended to an extent that I apprehend it will be impossible to amend it, I hope it will be defeated, and I shall do what I can properly to bring about that result. I shall vote to take up any bill that has any features in it that commend themselves to me for the purpose of delaying the consideration and the vote upon the river and harbor bill.

Mr. KENYON. Mr. President, I only want to observe that it is a matter of some surprise to me that the Senator from Nevada should assist in any way in the passage of the river and harbor bill. I had supposed that we were here this summer in this delightful climate to consider trust bills; the country has been so advised; and the trade commission bill has been before the Senate for some time. It apparently now is to give place to the river and harbor bill; in other words, the river and harbor bill, which is condemned by very many people in this country, is now to have precedence over the real, the great business for which we are assembled.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Minnesota?

bers of Congress—notices to local people that the board have reason to feel take an interest in the project or have knowledge of the project—to come before them and give testimony. The Senator knows that in nearly all those cases the witnesses do come—sometimes boards of trade, sometimes merchants, or shippers, or farmers, as the case may be. They go before the board and give testimony; they are subject to cross-examination; and in many cases the board brings together with their action upon that project the testimony taken before them with reference to it. Does not the Senator believe that that is a good practice and that it tends to enlighten the board with respect to certain matters with regard to which it ought to have information and in regard to which Congress would like to have information?

Mr. BURTON. That in a large degree depends upon the extent to which the board accepts those statements. I find, on the other hand, that when there is a movement looking to conservatism here in the Senate or elsewhere, there is no board of trade, there is no boosters' club, there is no press bureau, there is no paid association to urge economy and a judicious selection of public works, and the man who stands in the Senate or House for those contentions must expect to be attacked all along the line.

Mr. SIMMONS. Let me ask the Senator——

Mr. BURTON. I submit it is not quite fair to those who criticize these appropriations to be subjected to such overwhelming odds. I suggest that it is hardly fair to that great general public which pays this expense, upon whom the burden of taxation must be imposed, to have all the arguments and all the solicitation and all the pressure on the side of those who favor with none on the part of those who are against such projects.

It is a part of the condition of the times. If you set a few who seek the best government and real economy, or if you set the multitude, who are engaged in earning their living, against those who are coming here to get something from the United States Government, especially an appropriation, the insistence of the latter and their organization make that great general body who are going about their business as powerless in opposition as a scattered mob is against an organized body of policemen or soldiers.

The Senate has the responsibility of scrutinizing these arguments of the boards of trade and similar bodies, and I will try to point out to the Senate whether some of them are correct or not. I will try to show whether their figures are accurate. I think in some cases the Board of Engineers have been misled by arguments of this kind.

Then I want to show another thing. When you send a body of men out into a State or to a city where they are in an atmosphere surcharged with the demand for a public improvement, it is not necessary for me to more than briefly repeat with what they are confronted—associations, booming clubs, boards of trade, a sentiment which favors an improvement, probably banquets, though I do not believe the members would yield to that. They are put in an atmosphere——

Mr. SIMMONS. Does the Senator know that there has ever been any such influence as he has just intimated brought to bear to influence the board in any instance?

Mr. BURTON. I can answer that question very briefly by saying that in numerous cases, I do not say they have been influenced, but, at least, the environment creates an atmosphere of congeniality and friendship to the demands of the locality. I have myself attended banquets when at 9 o'clock the banqueters believed in a channel 10 feet deep; at 10 o'clock they believed in one 20 feet deep; and when it got along toward the hour of midnight they believed that the channel ought to be dredged to 40 feet.

Mr. SIMMONS. Was that banquet given to the Senator from Ohio when he was chairman of the committee in the House or was it given to the Board of Engineers?

Mr. BURTON. Not to the Board of Engineers, but we who have been through something of the same experience can imagine the effect. Really I do not say these entertainments influence anybody, but philosophers and others use the term "atmosphere." Hospitality and attention creates an atmosphere which possibly obscures in some degree the judgment. I can myself recall being in localities where the pressure was almost overwhelming in behalf of an improvement; notes of patriotism were raised, the Panama Canal was going to be useless unless some little channel was improved, "and you ought to be mighty quick about it, too. If you do not finish this before the time when the Panama Canal is finished, the commerce of the country will suffer."

Mr. KENYON. Mr. President——

Mr. BURTON. Pardon me a moment. The Senator from North Carolina knows one can not go through all that sort of experience without a feeling that everybody is in favor of this improvement. If there was a man who was against it in one of those communities while they were visiting, who would raise his voice, they would take him out and duck him under the pump. Nobody would dare to speak anything in opposition to it.

Mr. SIMMONS. The Senator is now speaking, I understand, about business people; he is not speaking about the Board of Engineers. I was speaking about the Board of Engineers. The Board of Engineers hold their meetings here in Washington, and the witnesses come before them at their rooms in Washington. As a rule, I think they seldom ever know of any of these gentlemen except as they offer themselves as witnesses.

Mr. BURTON. Or unless their Representatives or Senators ask that they be heard.

Mr. SIMMONS. Or unless they introduce them.

Mr. BURTON. Or the Representative or Senator asks to be heard himself.

Mr. SIMMONS. I hope the Senator does not think there is anything wrong in a Senator or Representative taking his constituents before this body any more than it would be wrong for him to accompany witnesses to any other hearing that might be going on before any public department of the Government.

But the point I was getting at is this: The Senator knows that these witnesses come there; he knows that their testimony is taken; he knows that it is taken down; and he knows that the Board of Engineers give weight to it just as their judgment may dictate that it is worthy of consideration. The Senator knows, I think, that while they very frequently decide in accordance with the wishes of the delegations and the witnesses that come before them they very frequently decide against them just as any other court or tribunal does. I think if the Senator will take the records and investigate them he will find that more delegations who have come here and appeared before the Board of Engineers in the interest of projects in their States finally are disappointed in the result of the findings of that board than are satisfied with the findings of the board. I am sure that that has been the experience of the delegations that came from my State.

Mr. KENYON. Mr. President——

Mr. BURTON. If I may just answer that, the proportion of projects rejected is much less than it was formerly. I do not think it is at all correct to say that more of those delegations are disappointed than those who are pleased or favored. In the last several years the large majority of the projects that are approved by the Board of Engineers and the Chief of Engineers are adopted. It has become almost a matter of detail just as soon as a project is approved to include it in the bill, or if the bill has already been loaded pretty heavily, it may be, to say "we can not put it on until the next bill."

Now, in regard to the projects favorably reported, although it was thought 10 years ago, or 7 or 8 years ago, that we had swept the whole country with a fine-tooth comb and picked out everything for a survey that was worthy of a survey, these later projects are those of which no one thought in 1909 and 1910 and 1911, and which are presumably much less desirable. Some, it is true, are enlargements of old projects, where better facilities are required. A larger share of them are now approved than was formerly the case. I remember one time when a batch of surveys came in—53 in number—and where there were unfavorable reports on 51 by the Board of Review. They have made no such record as that in recent years.

Mr. SIMMONS. Of course, if the Senator will pardon me——

Mr. BURTON. Certainly.

Mr. SIMMONS. I can not speak authoritatively about the proportion which are approved and the proportion which are disapproved, but I know that, like any other tribunal hearing testimony, they decide one way and the other. I think if you were to measure their reports or count them you would find that probably they decide just about as often against a project as they decide for a project.

But the Senator was criticizing the findings of the board, and I was calling his attention to the method by which they get such additional information to that furnished by the local engineers and district engineers as they may want for the purpose of rendering a satisfactory decision, and that that method is by soliciting people to come before them who could throw light upon the question. Now, having gotten this information, having decided a case unfavorably, we never hear of it again probably until there is another survey ordered. If they have decided it unfavorably, then it comes up to Congress, but along with it comes the testimony taken before the Board of Engineers, together with the statement of the district officer who examined it in the first instance and the division officer who reviewed his action.

where money is illy expended; but I do say, generally speaking, that value has come from these appropriations.

Cheesequake Creek was mentioned here, also. I recall very well many years ago when the Hon. Miles Ross was a Representative in the House, and the question of Cheesequake Creek was brought up, and it was laid on and jested about until it had the effect of defeating Miles Ross; and yet the fact is that that insignificant and somewhat ridiculously named Cheesequake Creek carried a tonnage both startling and immense, and it has grown each year through the facility that has been added through the munificence of the Government of the United States in improving it. We have a myriad of them; and while I am willing to admit that there may be some instances where the appropriations are not justified, I know of no case in New Jersey where the money has been illy or unwisely spent. New Jersey is the very gateway of the Nation's commerce, and many of our creeks and waterways are fairly alive with trade and commerce. Improved waterways will do much to solve the problem of high cost of living.

Mr. BURTON. Mr. President, I do not wish to defend Cheesequake Creek, but I will take up the more opprobrious task of defending Raccoon Creek. Some years ago a Senator from one of the States west of the Mississippi River called attention to the neglect in the improvement of the Arkansas River, and complained very bitterly, and in order to give point and lend effectiveness to his argument he spoke in terms of ridicule of Raccoon Creek. I had the statistics near at hand—or possibly I remembered them then, though I do not have them exactly in mind now—which showed that, while between two and three million dollars had been spent on the Arkansas River, and less than a hundred thousand dollars had been spent upon Raccoon Creek, nevertheless Raccoon Creek had more than twice as much commerce as the whole Arkansas River.

Mr. KENYON. Was that mostly fur?

Mr. BURTON. Oh, no. There are no raccoons there nowadays. I presume it is a very old name; but that shows that in many instances these small streams having names which do not altogether commend them to the public attention, streams which are unknown to fame, may nevertheless have a very respectable amount of commerce.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. If the Senator will allow me, I should like to answer the question of the Senator from Michigan while it is fresh in my mind.

As to the argument of the Senator from Michigan, it seems to me he must grasp one horn or the other of the dilemma. Either he must be willing to leave all these appropriations to the Engineer Corps—and I am not sure but that would be a very great improvement on present methods—or if he insists that the policy must be determined by Congress, and appropriations also determined by Congress, he must relieve the Engineer Corps alike from obloquy and responsibility for this bill.

I think it is no reflection on the Engineer Corps when we criticize this measure. I have repeated over and over again my views about that matter—that the Engineer Corps seek to do what Congress wishes them to do. If there is fault, if there is mistaken policy, it is our fault; it is our mistaken policy, and not that of the engineers, because they regard themselves as our servants.

Mr. SMITH of Michigan. Mr. President, if I am not annoying the Senator from Ohio——

Mr. BURTON. Oh, certainly not.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio what proportion of the bill now before the Senate bears the approval of the Engineer Corps of the Army?

Mr. BURTON. A very considerable majority of it.

Mr. SMITH of Michigan. Is it not nineteen-twentieths of the present bill?

Mr. BURTON. I hardly think as much as that, when you come to amounts; certainly not when you come to amounts appropriated in this bill, and that which is in prospect if this bill should be passed.

Mr. BRANDEGEE and Mr. SIMMONS addressed the Chair.

Mr. SIMMONS. I have been diverted from my line of inquiry——

Mr. BRANDEGEE. Who has been recognized, Mr. President?

The VICE PRESIDENT. No one yet.

Mr. BRANDEGEE. That is what I thought. I do not get up and then proceed until I am recognized. I simply want the Chair to recognize some one, and then I will submit.

Mr. BURTON. I will yield to the Senator from Connecticut.

Mr. BRANDEGEE. It is not in the power of the Senator from Ohio to do that. It is for the Chair to ask the Senator from Ohio whether he yields; and if so, to whom.

Mr. SIMMONS. I addressed the Chair.

Mr. BRANDEGEE. I know; and then the Senator proceeded to take the floor without any further proceeding by the Chair. I am quite modest myself about jumping into a discussion when another Senator holds the floor.

Mr. SIMMONS. I was not excusing myself, but I will say that I had done my part. I had addressed the Chair.

Mr. BRANDEGEE. The Senator was not backward about going forward. He did his part.

Mr. KENYON. Mr. President——

Mr. SIMMONS. I address the Chair again.

Mr. BRANDEGEE. Several Senators have addressed the Chair.

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Connecticut?

Mr. BURTON. The Senator from Ohio will leave it to the Chair as to the Senator who should be recognized, if that is regular.

The VICE PRESIDENT. Well, that is not regular. It is for the Senator to state to whom he yields.

Mr. BURTON. Then I will yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, when the Senator from Ohio engaged in the colloquy with the Senator from Michigan I had not quite finished the line of inquiry that I wished to make, and an inquiry that I am making in the utmost good faith. I had inquired of the Senator whether he meant to attack the Board of Engineers, and I understood him to say he did not. I inquired of the Senator whether he would supplement the Board of Engineers, and the Senator has not told me in what way he would do it, except to say that an amendment was offered by the Senator from Nevada [Mr. NEWLANDS] which, if I remember correctly, is a coordination proposition largely. The Senator does not, therefore, attack the competency or the motives of the Board of Engineers and of the Chief of Engineers, and the Senator does not suggest——

Mr. BURTON. I may criticise their judgment, but once again, and for the twelfth time, allow me to suggest——

Mr. SIMMONS. Has the Senator any additional method of obtaining more accurate and more satisfactory results as a basis for congressional action?

Mr. BURTON. I will say frankly I would rather not answer that question until we find out, upon the discussion of this bill, what the Senate is going to do. If the Senate shows a disposition to reform, that will cure the matter.

Mr. SIMMONS. But the Senator does not now suggest any additional board. Now let me ask the Senator, Does the Senator criticize the board upon the ground that it has yielded to outside pressure and congressional influence and the influence of various and sundry bodies and individuals as might come before it for the purpose of presenting their views and presenting facts with reference to the commerce of the stream proposed to be improved and with reference to the general public benefits to be derived from the improvement of the stream? Do I understand that the Senator is making the contention that it is improper for the Board of Engineers to invite commercial bodies, to invite individuals in the community where the river is located, to come before it for the purpose of giving testimony as to the advisability of the project and as to the commerce, and so on, that was there actually or would be there prospectively?

Mr. BURTON. No; I do not. In this country of ours the greatest liberality is extended to persons who wish to be heard. However, in these cases I should advise the very greatest scrutiny of the arguments advanced. I recall one instance in our reports in which an association sent in statistics of the traffic, and these statistics thus furnished were found to be just ten times greater than what they actually were, and it is my idea that occasionally the members of the board are misled. I do think it would be better for Members of the Senate and of the House to leave that board alone.

I had some part in the organization of the body in 1902. I have never appeared before them except once, and that was recently, and rather with a view to obtaining information or of introducing a delegation than for any other purpose. I rather regretted to do that. I think in the earlier years of their work it was an infrequent thing for Members of the Senate or House to appear before them.

Mr. SIMMONS. The Senator knows that whenever a project is presented to that board and the board are in any doubt about the wisdom of approving it from a commercial standpoint, it is the habit of the board to send out notices to Mem-

ing of the Representative has been more severe just about in proportion as the project was most objectionable.

I am becoming very much afraid of a river and harbor project carrying a large appropriation which requires numerous delegations to come to Washington to argue for its adoption.

I am still more afraid of those proposed improvements for the promotion of which associations are formed, sometimes having salaried officers who make it a point to come here to Washington and to become acquainted with Senators and Representatives, who get the ear of the largest number of public servants possible, and who, contemporaneously with that, maintain a press bureau setting before the people the advantages of their improvements. I am always afraid when in the days in which a rivers and harbors bill is pending a sheaf of telegrams is sent in here on behalf of some particular expenditure or appropriation. It is usually easy to find out that there is an organization behind it.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. Certainly.

Mr. SIMMONS. I have not interrupted the Senator from Ohio since he began his speech a good many days ago, and I do not think I shall interrupt him any more. I am not interrupting him now for the purpose of engaging in any argument with him about his several propositions, but I am doing so simply for the purpose of trying to understand the position of the Senator with reference to a hearing before the Board of Engineers.

I have understood the Senator heretofore and in his present speech as speaking in the highest terms of the Army engineers who are assigned to this work, and of the Board of Engineers, as it is now organized and as it has at all times been organized. I do not understand the Senator is attacking the competency or the purposes and motives of the Board of Engineers.

Mr. BURTON. No; I do not. I think they have made grave mistakes. I think it would be better if no delegations of Representatives appeared before the commission.

Mr. SIMMONS. We will get to that a little bit later. Does the Senator have in mind any better method of investigating and determining these questions and advising Congress with reference to them than the Board of Engineers?

Mr. BURTON. Oh, I think, Mr. President, these bills of recent years have shown that a certain amount of review outside of the Board of Engineers would be desirable. I have repeatedly expressed my opinion, not only in this debate but in prior years, that it was really not the fault of the engineers or the Board of Engineers. Ten years ago they were exceedingly careful and conservative; but in some instances, where they placed the seal of their condemnation on projects urged before Congress, Congress by legislation showed its disapproval of their course, and by the size of the river and harbor bills and by the class of projects which it has adopted has, as it were, sent a mandate to the executive department of its desire to prosecute a certain class of improvements which I do not believe the engineers, if left to their own individual judgment, would approve.

Mr. SIMMONS. Now, Mr. President, the Senator will not deny the absolute necessity of having an engineer first survey a proposed project?

Mr. BURTON. No.

Mr. SIMMONS. The Senator does not deny that probably the engineer is the very best and most competent person to make that preliminary investigation?

Mr. BURTON. No; I do not.

Mr. SIMMONS. The Senator does not overlook the fact that after the district engineer has made that investigation and before the Engineer Board is required to act upon it it has to pass through the hands of the division engineer?

Mr. BURTON. That is, if his rank is under that of lieutenant colonel.

Mr. SIMMONS. Yes. And hence, before it gets to the board, it has had action upon the part of two Government officials—one a district engineer and one a division engineer.

Mr. BURTON. Yes.

Mr. SIMMONS. Now, I want to ask the Senator, would he abolish the Board of Engineers?

Mr. BURTON. Oh, no.

Mr. SIMMONS. What would the Senator do? Would he create another board to review the action of the Board of Engineers?

Mr. BURTON. First of all, I would discuss right here in the Senate the whole subject of river and harbor improvements; I would point out the tendencies, the direction in which we are drifting—and I intend to do that before I get through—I would seek to discuss the matter as a business proposition, as to the expenditure of public funds, and inquire whether we are spending money economically and judiciously in this bill; and, under the high responsibility resting upon us and in view of our general acquaintance with commerce and kindred affairs, we should express our opinions on these subjects and enact measures in accordance with such opinions.

I do not know whether or not the Senate will agree with what I think is a proper policy; but I want to present to the Senator from North Carolina and also to the Senator from Louisiana some appropriations which we have been making and to ask them if they think they are economical and proper expenditures of public money. I think the responsibility of determining that question first rests with us and not with any engineering corps or any subordinate officials of the Government, nor even with the heads of the executive departments.

Mr. SIMMONS. I am not now discussing that phase of the subject with the Senator. Of course I do not object to the Senator—and nobody will object to the Senator from Ohio or any other Senator—discussing in the Senate to the fullest extent the river and harbor bill or any of the items in the river and harbor bill. The Senator since he has been a Member of the Senate has never failed, when a river and harbor bill was up, to give his views upon the question with great forcefulness and with great elaboration; but I understood the Senator to be criticizing the method by which Congress gets the information upon which we build a river and harbor bill, and the Senator was, I thought, rather criticising the Board of Engineers in charge of rivers and harbors. What I desired to elicit from the Senator was his opinion as to whether we should abolish that board or, if we are to retain that board, whether he meant to state to the Senate that we ought to establish some other board to review their action besides the committee of the Senate, the committee of the House of Representatives, and the Senate and House of Representatives themselves?

Mr. BURTON. I would not abolish the board; I would not abolish the custom of first making preliminary examinations, and then detailed surveys; but under a system for which no one individual, no one body is responsible, we have, as I believe, gone to great and inexcusable lengths in the pathway of extravagance and waste. It is not altogether for me to point out what the way should be, but there is a way I can point out, I think, which is to select the improper items and reject them, put them out of the bill.

Mr. SIMMONS. Yes; but that is not the phase of the matter I was discussing with the Senator. The Senator knows perfectly well that after the Board of Engineers has passed upon an item, then it must go to the Chief of Engineers, and before it can be acted upon by Congress, under the present law, it has to receive either his approval or disapproval. So we have the district engineer; we have the division engineer; we have the Board of Engineers; and we have the Chief of Engineers, who have to consider each one of these projects before we can act upon them; and, if they disapprove of a project, under the law we have no right to put it in a river and harbor bill.

Mr. BURTON. They are sometimes put in; there are some in this bill.

Mr. SIMMONS. Now, the Senator says there is no responsibility in connection with the approval of these items. I wanted to ask the Senator if he would not tell the Senate what more responsible investigation and examination of these questions preliminary to the action by the committee could we have than we have now? If the Senator has any definite views about that, I, for one, would be very glad to have them.

Mr. BURTON. I want to say what I have repeatedly said before, that I do not wish to visit censure or blame on the Board of Review, the Chief of Engineers, or any of the subordinates in that corps. They have been doing just what they thought Congress and the country desired that they should do; they are not seeking to set up their judgment against the legislative branch; they consider the legislative branch to be their master, and if the legislative branch justifies appropriations of a certain class it is for them to approve the projects.

I can not quite agree with the Senator from North Carolina in attaching such importance to the fact that these projects must first be considered by a local engineer, then reviewed in turn by a division engineer, if the local engineer is of the rank of major or below, then passed upon by the Board of Engineers, and finally reviewed by the Chief of Engineers. It is perfectly evident that some benefit would be derived from the variety of judgment obtained by having successive boards or persons consider a project, but the Corps of Engineers, like any organization of that kind, have their general standards. They concur as far as possible in the opinions of each other. Sometimes, it

is true, a local engineer favors a project, the division engineer disapproves it, the Board of Engineers may overrule the division engineer and sustain the local engineer, or vice versa, and when the project comes to the Chief of Engineers he may express an opinion different from that of any of those who have preceded him, either the local engineer, the division engineer, or the board of review, though this is most infrequent. But the whole corps naturally, and I think it may be said that it is their duty, seek to maintain general standards and methods, and they endeavor to make those standards and methods conform to the law as enacted by Congress.

I do think that a board to review this whole question would be helpful. As I understand it, the Senator from North Carolina cordially acquiesced in an amendment for a new board, composed of several members of the Cabinet, two Members of the House, and two Members of the Senate, to look over this entire subject. Such an amendment was proposed by the Senator from Nevada [Mr. NEWLANDS]. I have grave doubts whether that board would do any good; but if it should consider this subject of navigation and related subjects, valuable suggestions would be made. I repeat to the Senator from North Carolina, however, that the path to reform is for Congress to exercise some restraint; for Congress to emphatically declare that it does not approve these wasteful items and these injudicious methods.

It is for us to ignore local considerations, to forget that we are Senators from a State and realize that we are Senators of the United States. It is for the Members of the House to ignore, while the river and harbor bill is pending, the fact that they represent a district in which there is Muddy Creek or Podunk Creek or Cheesequake Creek. We represent the whole Nation, and our duty is to frame a river and harbor bill which shall be national in its scope and which shall be drawn for the benefit of the whole people.

When we have done that there will not be any need of overhauling the Board of Review or the Engineering Corps. It is not for us to censure them for what they have done when it is so evident that in these river and harbor bills appropriations threaten to run riot, where Congress includes a class of items that never ought to come into a river and harbor bill, that never ought to receive the recognition of the Federal Government because they are local in their nature and because in many instances they confer very little benefit even on a limited locality.

Mr. SMITH of Michigan. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Michigan?

Mr. BURTON. I do.

Mr. SMITH of Michigan. I should like to ask the Senator from Ohio if he feels that we have reached the stage of Utopian perfection which he has so rigorously described?

Mr. BURTON. It is not Utopian; it is just good common business sense.

Mr. SMITH of Michigan. It is so idealistic, however, that while this Government has been running for upward of 100 years the plans which the Senator from Ohio defines with so much skill and sincerity have failed to find practical application in the affairs of our Government.

Mr. BURTON. I do not agree with the Senator. I think there is no Republic in the world where there is a larger degree of patriotism or in which, when the attention of the people is aroused, there is a mightier spirit speaking for the Nation and against the mere representation of an individual interest or even an individual district or State.

Mr. SMITH of Michigan. Yes, Mr. President; but the Senator from Ohio, to give practical effect to his suggestion, would be obliged to select arbitrarily, without any reference whatsoever to local considerations or conditions, certain plans that were large and supposed to be of national importance, and then seek the approval of Congress for such a scheme. I think that is a very remote possibility.

Mr. BURTON. If it is remote, we ought to abdicate. We ought to say, "We failed on this class of legislation, and we will either abandon the system entirely or w. will turn it over to an executive board."

The Senator from Michigan knows, and every Member of the Senate who has been so kind as to listen to me in past years knows, that I have not looked wit favor on the plan, advocated by many men of ability and influence, of turning over river and harbor improvements to a board for their control and management, and the apportionment of amount- expended by them. I have said that such a task is a legislative function. If, however, we have come to the point where we can not attend to this in a businesslike manner and make appropriations judiciously; if our course is not national but sectional, if it is not for the good of all the people, but rather for the supposed benefit of a few, it is a proof and a confession of failure, and we ought to change our methods.

I am perfectly frank to say that I am much more reconciled to the idea of a commission than I was formerly. Every recent river and harbor bill has been an object lesson in which it has been written, in letters so large that everyone who studies may read, that we are making mistakes.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. BURTON. In just a moment. We are subjecting ourselves to the accusation, now so frequent throughout the country, that this whole bill is a "pork barrel." The Senator from North Carolina knows that in past years at least nobody sought to defend this bill more earnestly than I have; but in this year, 1914, it has come to a pass where I can not defend it; and, more than that, I feel that if I did not condemn it and seek to point out its defects I should be failing in my duty to the Senate and to my State and to that larger constituency, which includes the whole country.

Mr. SMITH of Michigan. Mr. President——

Mr. BURTON. I will yield first to the Senator from North Carolina and then I will yield to the Senator from Michigan.

Mr. SIMMONS. I yield to the Senator from Michigan, if the Senator from Ohio is willing.

Mr. SMITH of Michigan. The disposition to characterize this bill as a "pork barrel," I think, is rather a hasty and inappropriate designation. If it is a pork barrel, that is an impeachment of the Engineer Corps of our Army, whose members hold no political position, who live in no local community, and who serve the Nation as a whole. If it is a pork barrel, then the Engineer Corps of the Army have been assailed, for the absolute, unblemished truth about this bill is that nineteen-twentieths of it comes with a favorable report from the engineers of the Army.

Mr. BURTON. Mr. President, I am not going to dwell on the accusation that this bill is a "pork barrel." Far be it from me to use that term; but if somebody should use that term, and select certain items in this bill and put it up to me to defend the bill and contradict them, I would rather assign the task to somebody else. The argument of the Senator from Michigan, carried to its logical conclusion, means that we ought to leave the whole bill to the Board of Engineers. Would the Senator from Michigan favor that method?

Mr. SMITH of Michigan. No. Mr. President, because that would be an abdication of our legislative function. I think the engineers may be appropriately called in to advise the legislative department of the Government as to the practicability of a river or harbor improvement; but as to the policy of a river and harbor improvement, I think that should be determined by Congress.

I rejoice that men who represent local communities, and who are here, a part of this great legislative branch of the Government, come with a first-hand knowledge of the necessities of those communities, and can make them manifest upon the floor of either House of Congress. When this is not done you have an autocratic system of government which is not representative in its character and which loses all the elements of a true democracy. I would not advocate such a principle of government under any conditions.

I glory in the fact that men come from Peachtree Creek and have Peachtree Creek at heart. When, one day, from the other side of the Chamber there came a sharp criticism of an appropriation for a little, inconsequential creek in New Jersey, I rejoiced that the distinguished Senator from Ohio [Mr. BURTON], with all his experience and with all his knowledge of improved waterways and the necessity therefor, sprang instantly to the relief of that little creek in New Jersey.

Now, we are not all so fortunate as to be so familiar with these creeks as the Senator from Ohio is, and we are not all so fortunate as to have him sustain us in our efforts to attract the attention of the General Government to the wisdom of the local appropriations; but under our system of government the Representative and the Senator may do it, and they have a perfect right to do it.

Mr. BURTON. What was that creek—Raccoon Creek, as against the Arkansas River?

Mr. SMITH of Michigan. I think it was Raccoon Creek. A great deal of fault was found about it.

Mr. MARTINE of New Jersey. Mr. President, the Senator is correct. There was much jesting at the expense of Raccoon Creek and the Kill von Kull. It was my privilege to state here in the Senate that this much-jeered-at Kill von Kull carried a tonnage over three times the amount of that which passed through the Suez Canal. Now, there are perhaps instances

Mr. BORAH. Mr. President, of course, if the Senator from Missouri is otherwise engaged. I could not refuse the request, but I should like to say that it is quite possible that I shall not be here to-morrow or the next day; and if the resolution goes over to-day, I should like it understood that it shall go over until Monday next.

Mr. WILLIAMS. Very well; I am perfectly willing to agree to that.

The VICE PRESIDENT. Without objection, the resolution will go over until Monday next. Morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12543) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14254) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15092) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT] and withhold my vote.

Mr. TOWNSEND (when his name was called). Believing, as I do, that the junior Senator from Arkansas [Mr. ROBINSON] would vote as I would vote on this question, I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER], and I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call concerning my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and his transfer to the junior Senator from South Carolina [Mr. SMITH], and noting, by the way, that this announcement may stand for the day, I vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I will therefore withhold my vote.

Mr. HOLLIS. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. CATRON. I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the junior Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. GOFF. Being paired with the senior Senator from South Carolina [Mr. TILLMAN] I withhold my vote.

Mr. CHILTON. I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the senior Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

The result was announced—yeas 47, nays 12, as follows:

YEAS—47.

Bryan	Kern	Poindexter	Sterling
Camden	Lane	Pomerene	Stone
Catron	Lee, Md.	Ransdell	Swanson
Chamberlain	Lippitt	Reed	Thompson
Chilton	McLean	Saulsbury	Thornton
Clarke, Ark.	Martin, Va.	Shafroth	Townsend
Colt	Martine, N. J.	Sheppard	Vardaman
Dillingham	Nelson	Simmons	Weeks
Hollis	Oliver	Smith, Ariz.	White
Hughes	Overman	Smith, Ga.	Williams
James	Page	Smith, Md.	Works
Jones	Perkins	Smith, Mich.	

NAYS—12.

Borah	Burton	Hitchcock	Norris
Brady	Clapp	Kenyon	Smoot
Brandegee	Cummins	McCumber	Sutherland

NOT VOTING—37.

Ashurst	Gallinger	Newlands	Smith, S. C.
Bankhead	Goff	O'Gorman	Stephenson
Bristow	Gore	Owen	Thomas
Burleigh	Gronna	Penrose	Tillman
Clark, Wyo.	Johnson	Pittman	Walsh
Crawford	La Follette	Robinson	Warren
Culberson	Lea, Tenn.	Root	West
du Pont	Lewis	Sherman	
Fall	Lodge	Shields	
Fletcher	Myers	Shively	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, at the close of my remarks on Monday last I spoke of the tendency to improve branch streams before the main stream to which they are tributaries was thoroughly developed, a custom quite as objectionable as it would be to build branch lines of railway before the main trunk line was finished. This tendency illustrates one of the most vicious features of the whole system, namely, that river and harbor improvements, and especially river improvements, are adopted in pursuance of local pressure, that a district or State insists that it shall have recognition in the bill and a certain amount of money appropriated, whether the project favored be a part of a well-devised plan of public works or merely an isolated improvement.

The pending bill contains many illustrations of this very objectionable, I may say vicious, method. There are instances in which the branch streams are developed to a much higher stage of improvement, in both depth and capacity for navigation, than the rivers into which they empty.

I can not too strongly condemn this method, and I shall call attention to the instances in this bill, with the hope that the Senate may correct this very objectionable manner of prosecuting our public works.

The next objection to the system to which I wish to call attention—which is also exemplified in the pending bill—is the plan of improving in many cases the upper portion or a central portion of a river before improving that section nearest to the mouth. The rational method in which to conduct these public works in the improvement of rivers is to begin at the mouth and work upward. Presumably the mouth is at the sea or at the junction with a larger river. There is ordinarily no method which we can justify except to begin in the largest or widest portion, which is the point at which it empties into the sea or into a larger river, and then work upstream.

There are certain exceptions to that rule. The first exception is when the regimen of the river demands a different treatment. Sometimes a river is navigable for the greater part of its length for a certain number of days of the year, while in the upper portion nearest to the sources, near perhaps to mountains or elevated lands, the descent is so steep and the fall so rapid that it is navigable for only a small portion of the year. In such a case as this, where, say, in the central or lower portion there is navigation for 200 days and in the upper portion for only 100 days, it is justifiable to improve the upper portion to bring it on a parity with the lower portions before the whole river, including the lower sections, is raised to the highest standard of efficiency.

The best illustration in the country of this is the Ohio River. Beginning with the head of the river, at the junction of the Allegheny and the Monongahela Rivers, the river descends at a very much greater rate of declivity than in the lower portions, and thus, before any improvement was made, navigation was limited in that part immediately below Pittsburgh to a comparatively small fraction of the year, less than 100 days, and it was thought desirable to construct locks and dams in the upper portion so that the whole river might have a somewhat equal degree of navigability and might be available during all the days of the year or as near to all the days of the year as possible.

This affords an illustration of one exception to the general rule, which in this case is very much emphasized by the fact that the major part of the trade originating in the river comes from Pittsburgh and the two tributaries, the Monongahela and the Allegheny Rivers, more especially the Monongahela.

That is exception No. 1 to the general rule. Exception No. 2 occurs in a case in which there is a large independent traffic on a single reach of the river, the upper, the middle, or some other portion other than that nearest to the mouth. This exceptional condition is closely related to that which precedes. I may take again the illustration of the Ohio River. There is a large traffic from Pittsburgh originating there, and thus a considerable independent traffic on that upper portion of the river. So to a certain extent this is true of the Tennessee River in that section, 188 miles in length, from Knoxville to Chattanooga. Nevertheless these exceptional cases, of which I have mentioned two—first, the regimen of the river, and, second, the necessities of traffic on the upper portion—do not affect the general rule.

There is still a third exception in cases where very large quantities of material needed for the improvement of the river are found in an upper section. This condition would exist where it was necessary to use large quantities of such material as stone, sand, or gravel, and abundant supplies were available in the upper portion which could not be shipped out from there because of certain obstacles.

I regard the third exception as altogether the least important of the three; I can not raise my voice too strongly in favor of a radical reform in our methods in this regard, first, against the improvement of branch streams on a larger scale and to a higher stage of efficiency than the main stream, and, second, against the independent improvement of upper sections of rivers before their lower sections are properly treated.

There is another objection to this system which also illustrates the pressure brought to bear by Representatives in Congress representing their respective districts and Senators representing the different States, and that involves the disposition, when a system of locks and dams is to be installed, to start simultaneously on different locks and dams in various sections of the river, and thus postpone improvements indefinitely. There are to-day some locks and dams for which the complete appropriation was made prior to 1907 which are even yet incomplete. Indeed, I think it may be said that, excluding the Ohio River, where rapid progress has been made, in a majority of the instances those which are now under way were commenced more than seven years ago. The origin of this is plain. District A desires an improvement, the construction of a lock and dam, so that they may have recognition and so that employment may be given to labor and the contractors. District B desires the same. District C desires the same, and perhaps the districts run considerably further down the letters of the alphabet.

All this is vicious in the extreme. I can give one very good illustration. A lock and dam were constructed in the Trinity River below the town of Dallas. In view of a defective sewerage system in that city, it was desirable that the water of the Trinity River, into which that sewage was discharged, should flow freely without the obstacle afforded by a dam, and hence the lock and dam were not utilized. There was no way to prove whether there was sufficient water in that pool to make the lock and dam of any value. There was no way to utilize that lock and dam, though finished.

Again, if that stream is to be improved, the next lock should be constructed and completed before a single other lock was commenced. But instead of that we have them scattered along in the stream in different counties and different congressional districts, in utter disregard of any rational plan for the improvement of the river.

I may say again in regard to this stream that I think we should not proceed one step further until a survey now being made is finished and the results are furnished to Congress. It is of very doubtful expediency, to say the best. Yet we are going on with the construction of scattered locks and dams along that river with no assurance whatever that there will be a sufficient supply of water in the pools to render them useful, and with absolutely no confidence that when this whole expensive improvement is completed it will be in any degree a factor in solving the transportation problem of the country.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator why we do that? Would any business concern in the world run its business that way? Why do we do it?

Mr. BURTON. The method has been adopted very largely in response to the demands of Congressmen in the different districts where locks and dams are proposed. I dislike to admit it, but that is the one main reason why that is done. Thus, one is commenced and work on it lingers 5 or 10 years, or even more, before the first one is finally completed. Meanwhile others are begun, and the one that would prove whether the improvement was valuable or not is left incomplete.

Mr. President, one needs only to state this proposition to show its absurdity.

Mr. KENYON. I quite agree with the Senator, but suppose the Representative fails of reelection; suppose that he has not secured enough of this appropriation to convince the people that he is the right man to represent them, and there may be some creeks in the district that are not taken care of, and a new Representative is elected, then he may have a different notion as to where the locks and dams should be; and if he has influence enough the process goes on without limit, does it not? It is entirely probable that it may, on the theory that the Senator suggests, as to why this is done.

Mr. BURTON. Yes; except that the locks and dams presumably are located by the Engineering Corps, and their exact location can not be changed by the insistence of any Representative. A new Representative could, however, say, "You ought not to proceed with lock 3; you ought to proceed with lock 7." I give that merely as an illustration.

Mr. KENYON. The reports of the engineers are oftentimes influenced by the appearance of Representatives before them, are they not?

Mr. BURTON. I fear that a very considerable amount of influence is exercised on the Board of Engineers by the appearance of Representatives before them. I do not think that was formerly the case, but I know in many of these reports of the board of review you will find an enumeration of the Senators and Representatives who have appeared before the board, and, I take it, that enumeration is significant. I note other instances in which the board of review have sent in here an adverse report on projects, but on the appearance of Representatives and Senators, reenforced by delegations from chambers of commerce and persons representing commercial interests—possibly contractors—the judgment of the board of review has been changed.

There is one instance, to which I will refer later in the debate, where an organization known as the Boosier Club seems to have presented arguments that led the engineers and the board to change their judgment so that they recommended a project costing four and a half million dollars, which they had previously rejected.

Mr. President, I do not like to dwell upon these features which have so influenced our river and harbor legislation. After all, it is not so much the fault of Senators and Representatives. They are expected to represent their constituents; they can hardly rise above the ideals and opinions of the voters who elect them. I have known of campaigns being waged in which one candidate would say, "I obtained such and such appropriations for river and harbor improvements or for a public building," while the other candidate—the one who was seeking to displace the incumbent—would say, "Your Representative has been negligent in getting appropriations for your rivers and harbors. Just put me in, and I will open up the Treasury so that the money will flow out in full and generous quantity."

Thus we see the fault does not rest with the Senator or the Representative. If Members of this body and Members of the other House were left alone to act free from pressure, I believe these river and harbor bills would be relieved of every blemish, of every scandal which has found its way into them; but, as I have so frequently said, it is demanded by a locality that their Representative in Washington obtain appropriations for the improvement of rivers and creeks and harbors; and I may say, Mr. President, with the utmost confidence, that that pressure has been stronger, that insistence has been greater, that demand

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14284) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object.

Mr. SIMMONS. I move that the Senate proceed to the consideration of the bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I again announce my pair with the senior Senator from New York [Mr. ROOT] and withhold my vote.

Mr. TOWNSEND (when his name was called). Believing, as I do, that the junior Senator from Arkansas [Mr. ROBINSON] would vote as I would vote on this question, I will vote. I vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER], and I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call concerning my pair with the senior Senator from Pennsylvania [Mr. PENROSE] and his transfer to the junior Senator from South Carolina [Mr. SMITH], and asking, by the way, that this announcement may stand for the day, I vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I will therefore withhold my vote.

Mr. HOLLIS. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

NOT VOTING—37.

Ashurst	Gallinger	Newlands	Smith, S. C.
Bankhead	Goff	O'Gorman	Stephenson
Bristow	Gore	Owen	Thomas
Burleigh	Gronna	Penrose	Tillman
Clark, Wyo.	Johnson	Pittman	Walsh
Crawford	La Follette	Robinson	Warren
Culberson	Lea, Tenn.	Root	West
du Pont	Lewis	Sherman	
Fall	Lodge	Shields	
Fletcher	Myers	Shively	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, at the close of my remarks on Monday last I spoke of the tendency to improve branch streams before the main stream to which they are tributaries was thoroughly developed, a custom quite as objectionable as it would be to build branch lines of railway before the main trunk line was finished. This tendency illustrates one of the most vicious features of the whole system, namely, that river and harbor improvements, and especially river improvements, are adopted in pursuance of local pressure, that a district or State insists that it shall have recognition in the bill and a certain amount of money appropriated, whether the project favored be a part of a well-devised plan of public works or merely an isolated improvement.

The pending bill contains many illustrations of this very objectionable, I may say vicious, method. There are instances in which the branch streams are developed to a much higher stage of improvement, in both depth and capacity for navigation, than the rivers into which they empty.

I can not too strongly condemn this method, and I shall call attention to the instances in this bill, with the hope that the Senate may correct this very objectionable manner of prosecuting our public works.

The next objection to the system to which I wish to call attention—which is also exemplified in the pending bill—is the plan of improving in many cases the upper portion or a central portion of a river before improving that section nearest to the mouth. The rational method in which to conduct these public works in the improvement of rivers is to begin at the mouth and work upward. Presumably the mouth is at the sea or at the junction with a larger river. There is ordinarily no method which we can justify except to begin in the largest or widest portion, which is the point at which it empties into the sea or into a larger river, and then work upstream.

There are certain exceptions to that rule. The first exception is when the regimen of the river demands a different treatment. Sometimes a river is navigable for the greater part of its length for a certain number of days of the year, while in the upper portion nearest to the source, near perhaps to mountains or elevated lands, the descent is so steep and the fall so rapid that it is navigable for only a small portion of the year. In such a case as this, where, say, in the central or lower portion there is navigation for 300 days and in the upper portion for only 100 days, it is justifiable to improve the upper portion to bring it on a parity with the lower portions before the whole

will prevent it; what injustice is, its causes and its remedies; the reasons for high cost of living and the way to bring it down; the problems of immigration and how to make country life worth living. They should be taught human interests, the brotherhood of man, the glory of self-sacrifice, the passion of service to mankind. They should be taught those things until they are athirst for the battle against the wrongs and evils and injustices of the world.

"When a man is distinguished in public service of any kind, he should be invited to speak to the student the truth as he sees it, so that they may catch the contagion of his spirit and the stimulus of his force and courage.

"The motto of Harvard is 'Veritas,' a Latin word meaning 'truth.' I have availed myself freely of that mute invitation to speak the truth as I see it, and I thank you for the privilege.

"But Harvard's 'Veritas' does not mean the truth of the past alone, the truth that lies buried in the page of geology, that has stood the test of centuries and has received the approval of scholars long since dead. Harvard's 'Veritas' should be the living truth, not the truth of the last century, the last generation, or the last decade, but truth in the making, the truth of the great throbbing, kindly, cruel world that pulses to-day just outside the college yard, the vital truth that makes a man bell at injustice and burn to make the next year better than the last."

RIVER AND HARBOR APPROPRIATIONS.

Mr. NORRIS. Mr. President, I have here an editorial from the Engineering News of July 2, 1914, giving a review and a criticism of the pending river and harbor bill. I ask that it may be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A SEARCHING CRITICISM OF THE RIVER AND HARBOR APPROPRIATION BILL.

Senator BURTON, of Ohio, is probably the best-informed man in Congress on the Government's work for the improvement of rivers and harbors. He served for many years while in the House as chairman of the Rivers and Harbors Committee. He was also chairman of the National Waterways Commission of 1909–10, which reviewed the whole subject of Government expenditure for the improvement of navigation and laid down the policy which the Government should follow to meet economic conditions of the present day.

Notwithstanding the publicity which was given to the report of that commission and the general discussion which has taken place on the subject, river and harbor bills continue to be framed in the same old way. It is therefore refreshing to find a man of Senator BURTON's ability and experience coming forward with a public criticism of the present pending river and harbor bill, which deserves to attract public attention. (Senator BURTON has submitted a minority report on the river and harbor appropriation bill, printed as S. Doc. No. 522, 63d Cong., 2d sess., Rept. 910, pt. 2.) Certainly it should receive the attention of engineers, for the subjects therein discussed are subjects on which the expert technical knowledge of the engineer is essential to sound reasoning.

And at the outset it may be well to lay down what is the point of view from which river and harbor appropriations should be considered. As a matter of fact, the strong influences at work for river and harbor appropriations are first of all the local interest which judges the efficiency of a Congressman by the extent to which he can draw upon the Federal Treasury for funds to be spent within his district. Second comes the interest of those who wish appropriations made for rivers and harbors, ostensibly to improve navigation, but really for the benefit of lands subject to overflow, erosion, etc. In the third place come the interests which seek large river and harbor appropriation bills because of the opportunities for profitable contracts that may result. Finally comes the comparatively small minority which seeks Federal appropriations for the benefit of water transportation.

There can be no dissent, however, from the proposition that the last consideration is the only one that can in any way justify the use of the Nation's funds, collected from the taxpayers, upon waterways for interstate commerce. Not a few of the Congressmen who join in the scramble to secure their proper share of the distribution from the river and harbor pork barrel frankly deplore the necessity which compels them to join in a riotous waste of the public funds for which no corresponding benefit is received.

The river and harbor appropriation bill as reported by the House carried total appropriations of $43,400,000, which have been increased by the Senate to $53,800,000. Of this amount about $10,350,000 is for beginning work on projects which are to be completed under the "continuing-contract" system. This means that small sums have been appropriated to start works on projects for which much larger amounts must be appropriated in following years or the entire work will be a total loss.

In the present year the amount necessary to be appropriated in the sundry civil appropriation bill on continuing contracts will be between seven and eight million dollars. On this basis, therefore, the entire amount to be spent by the Government on river and harbor improvements during the fiscal year under the pending appropriation bill as reported in the Senate will be, in round numbers, $60,000,000.

Senator BURTON, however, rightly says that it is not the amount of the appropriation, large though it is, but the methods by which the appropriations are made that most deserves public criticism. He declares that many of the appropriations are made for waterways which under present conditions can not be profitably improved. And, further, that the bill contains large appropriations for local benefits which have little to do with navigation.

As our readers know, the idea has been spread abroad by energetic workers for river and harbor appropriations that the United States has neglected its waterways, and that this is the reason why the traffic upon them has declined and in many cases entirely disappeared. On this subject, certainly, Senator BURTON, by reason of his long service on the Rivers and Harbors Committee of Congress, can speak with high authority. We quote from his report, as follows:

"An erroneous impression prevails that the Government of the United States has not been liberal in its appropriations for the improvement of rivers and inland waterways. This is altogether incorrect. More money has been expended for these purposes by this country than by any other of equal population or equal area."

As is well known, commerce on the Mississippi River has dwindled away until its commercial importance is to-day trifling. In 1890 the volume of traffic on the Mississippi River between St. Louis and Cairo was reported as 1,050,000 tons, and with a rolling depth of water of only 3½ to 4 feet. Since that time the Government has expended $15,574,000 to provide an 8-foot depth of water over this section of the river, and such a channel has been available to traffic for years. The traffic on the river, however, has steadily decreased and was only 265,000 tons in 1912.

The money which Congress has appropriated to improve these 206 miles of the Mississippi River in the last 25 years has far exceeded the amount spent by Germany in the improvement of the River Rhine from the frontier of Holland to Strassburg, a distance of 355 miles. Yet this section of the Mississippi had only 265,000 tons of traffic in 1912, while the commerce on the Rhine was nearly 40,000,000 tons, or about one hundred and fifty times as great. In addition to the amounts above noted, there has been spent by the Government on the lower Mississippi between Cairo and the Head of the Passes, since 1879, the sum of $78,400,000, notwithstanding which fact the traffic shows a steady decrease. It fell off one-half in the decade from 1901 to 1910.

It may be remarked in this connection that it is not always safe to take mere tonnage figures as a basis on which to estimate the importance of commerce on an inland stream. An analysis of the commercial traffic shows that in many cases the tonnage of traffic which is reported consists largely of sand, gravel, and stone. In 1910 more than a third of the Mississippi River commerce between Vicksburg and New Orleans consisted of these low-grade materials.

It should not be understood that Senator BURTON in his reports stands opposed to all appropriations for river and harbor improvement. On the contrary, he approves of the expenditure of public money upon those projects which can be shown to justify the expenditure upon the ground of the traffic which they bear. Many so-called rivers included in the river and harbor appropriation bill are really arms of the sea. The money expended upon these to enable ocean vessels, larger or smaller in size, to go into them and use them as harbors shows often very large returns in the way of benefits to commerce.

There is a general popular impression that the United States has been derelict in the improvement of its seaports. Regarding this, Senator BURTON says:

"The United States has first-class harbors not only in much greater number than any other country of the world, but the distance between them is generally not so great as in the very thickly populated countries of Europe. The Republic of France has but four or five first-class harbors, and Germany has but three. The harbors of the United States already improved, or on which improvements are well under way, surpass those of any other country."

It is with respect to the improvement of inland waterways that Senator BURTON's chief criticism is directed. Prior to the advent of the railway as a freight carrier the navigable rivers of the country rendered an important service in carrying long-distance traffic. Analysis of the present water-borne traffic proves that long-distance inland transportation by water has almost wholly disappeared. Where the rivers are still being used for freight it is almost wholly local.

Turning now to the record of actual results from the Government expenditures on inland waterways, Senator BURTON instances the Red River below Fulton, Ark. For a distance of 475 miles on this river there was, in 1912, a total traffic of 44,967 tons, of which 42,540 tons were saw logs. The United States has spent on the improvement of this stream $2,768,000, and the pending river and harbor bill proposes to add $100,000 to this sum. Senator BURTON computes that, figuring interest at 4 per cent, the cost to the Government for every ton of traffic carried on this stream last year would be $4.68. With the saw logs excluded—since they have been floated on the river without any improvement—the cost per ton is increased, and would be $90.56 and the cost per ton-mile $1.53. The Red River, moreover, is not an isolated example of the waste of river and harbor appropriations by any means. The United States has spent on the Arkansas River $3,108,000, and the pending bill proposes to add $104,000 more, yet the river carries a total traffic of only 71,516 tons in a year, of which 56,000 tons were saw logs. Going to the far West, on the Columbia River about Portland, the United States has spent about $9,600,000, and the total traffic on this stretch of the river is now only about 80,000 tons per annum.

There has been great agitation in recent years, as many of our readers will recall, to secure the improvement of the Missouri River. Great things were promised by certain commercial associations as the revival of traffic upon that stream, and the agitators were successful some years ago in inducing Congress to resume appropriations for its improvement.

Before the advent of the railway the Missouri was, indeed, an important avenue of traffic for the pioneers, but steamboat traffic on it disappeared years ago, and in 1902 Congress decided that it was not worth while to expend further money on the stream. At that time the appropriations for it had amounted to $7,237,000. As a result of the agitation above referred to, the Government is now committed to a project to spend $20,000,000 more on the river between Kansas City and its mouth, of which $4,400,000 have already been appropriated. The traffic on the river in 1912 was 185,110 tons, of which sand and gravel hauled 1 mile made up 155,420 tons, leaving 29,690 tons for all other freight. The bulk of even this, however, was local traffic, and the only long-distance traffic to be found in the record is 4,173 tons of miscellaneous freight carried 330 miles and 1,464 tons of manufactured iron and steel products carried 158 miles.

Senator BURTON, however, suggests the real reason behind the agitation for the Missouri River improvement. From an official report filed in 1906 it appears that lands adjacent to the river, amounting to over half a million acres, would be benefited by the proposed improvement. Naturally, the owners of this land desired to have it protected from erosion or overflow at the expense of the Federal Government.

The most signal instance of waste of public funds in river and harbor appropriations, however, is in connection with the improvement of rivers by slack-water navigation. "It may be confidently asserted," says Senator BURTON, "that the only waterways in the United States which can be profitably improved by the construction of locks and dams are the Monongahela, the Kanawha, and the Ohio, which are improved by the Federal Government, and the Barge Canal connecting Lake Erie and the Hudson River, improved by the State of New York. It is possible also that the improvement of the Allegheny and the Black Warrior River in Alabama will prove desirable."

We should say that it is an open question whether the traffic on even these streams will in the end justify the expenditure which has been made upon their improvement. Certainly at the present time, with the sole exception of the Monongahela, there has been no evidence of such a result.

As examples of waste of public funds in slack-water navigation, Senator BURTON cites among others the famous Illinois Canal, which connects the Illinois and Mississippi Rivers. Its advocates 30 years ago maintained that its construction would save the public $20,000,000 per annum in freight. Its construction dragged along over many years with the piecemeal appropriations, which Senator BURTON roundly condemns, and it was finally opened for traffic in 1908. Up to date the Government expenditures upon it have been in round numbers $8,740,000, and it carried last year only 11,962 tons of commercial freight. In the year 1909 the tonnage of material hauled for repairs and improvement of the canal itself was more than 22 times as great as the commercial freight handled over the canal.

Muscle Shoals Canal, on the Tennessee River, has cost the Government $4,500,000, and in 1912 the freight passing through the canal amounted to 5,520 tons.

On the Big Sandy River, located on the boundary between Kentucky and West Virginia, the Government has expended about $2,000,000 in constructing locks and dams, and the total tonnage carried in 1912 was 506 tons. During this same period the railway operating in the Big Sandy Valley handled 2,225,000 tons of freight.

These are extreme, but not isolated, examples of the practically total failure of the Government's expenditures in slack-water navigation projects to produce any benefit to commerce at all proportionate to the cost. Yet in the face of these well-known facts, Government appropriations for this kind of improvement still continue. There might be the shadow of an excuse for them where such structures are built to complete a project already begun; but what possible excuse can there be for the Government to undertake new projects for improving inland rivers by a system of transportation which has been proved obsolete? The present river and harbor bill, however, contains appropriations to begin the construction of a complete system of locks and dams on the Brazos and Trinity Rivers in Texas. Senator BURTON sets the cost of the entire project at $10,000,000 for each of these rivers, and there is reason to believe that much larger sums would be required before the useless work could be carried to final completion.

Much more could be said to prove that of the $60,000,000 a year which the Government spends for navigation improvement, a large part is spent on works which afford no corresponding benefit to commerce; but the facts are already well known to many engineers. That the remedy for this wholesale waste does not lie in change of political parties is seen by the fact that the Democratic majority responsible for the present river and harbor bill has pursued the same methods and gone merely a little further than its Republican predecessors. It is seen also in the fact that some of the Progressive Party leaders have been leaders also in the popular agitation in favor of waterway improvements.

How strongly the beneficiaries of the present river and harbor system are intrenched is proved by the fact that with all the exposures of its iniquities by such men as Senator BURTON and President Taft, and many years ago by President Cleveland, to say nothing of many others of prominence, the system still continues to draw money from the National Treasury in a flood which increases year by year.

Some time perhaps some influential commercial or technical organization may be able to bring about a reform. Until that happens the Nation will continue to calmly pour out millions a year into pools and ditches to perpetuate obsolete systems of transportation and benefit a traffic which has disappeared.

THE LONG AND SHORT HAUL CLAUSE (S. DOC. NO. 542).

Mr. SMOOT. Mr. President, I have had a great many requests that the decision of the Supreme Court of the United States on what is known as the "long and short haul clause" shall be printed as a public document. I ask that 3,000 copies may be printed for the use of the Senate document room.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 9622. An act for the relief of the heirs of Waldo M. Potter, deceased, was read twice by its title and referred to the Committee on Claims.

LOUIS EDER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, which was, on page 1, line 6, after "of," where it first occurs, to insert "surveyed unreserved and."

Mr. WARREN. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

AGRICULTURAL ENTRY OF OIL LANDS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. [illegible]) to provide for agricultural entry of oil lands, which were to strike out all after the enacting clause and insert:

That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: Provided, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the law under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: Provided, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

And to amend the title so as to read: "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

Mr. WARREN. Mr. President, the House, while they have stricken out all but the enacting clause, have inserted the bill as it passed the Senate, except that they have made it general instead of applying only to Wyoming. The chairman of the Committee on Public Lands, who has examined the bill, has asked me to move to concur in the amendments of the House.

Mr. SMOOT. Mr. President, I will ask the Senator if the chairman of the Committee on Public Lands has submitted the question to the committee. I will say, for the information of the Senator, that the subject has been before the committee a number of times, and there have always been objections to making it universal; but personally I have always been in favor of its being made applicable to all the States of the Union. I know that in the past there have been some objections; but if the chairman of the committee feels sure that the committee is in favor of it I shall not object.

Mr. WARREN. I will say that this matter was submitted to the chairman of the committee, who had it under consideration for a day or two, and who asked me to move concurrence in the House amendment.

Mr. SMOOT. I shall not object.

The VICE PRESIDENT. The question is on concurring in the amendment.

The amendment was concurred in.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. WILLIAMS. Mr. President, I will ask the Senator from Idaho to let that resolution go over until to-morrow. The Senator from Missouri [Mr. STONE], who is the chairman of the Committee on Foreign Relations, is very much engaged to-day with other and very important matters. He left the Chamber a little while ago and requested me to make that statement. I suggest that the resolution go over until to-morrow at the same time.

I understand that the land from Bayou Sara to Baton Rouge was surveyed by the engineer while he was surveying down to Bayou Sara from Vicksburg, and that his report refers to it, and that therefore it can come in here, and I have therefore included it in the amendment to the amendment. It takes in the land in the parish of West Feliciana, but I did not include the land that Senator Shields referred to as the lands in Kentucky or elsewhere. There are some lands up at Paducah, I think, not many acres, that might be put in the bill, but I want it fixed so that if anyone makes the point of order to another stretch not surveyed nor recommended it will not affect mine.

Here is also a little language in this House report that I recommend to you. It reads:

"Notwithstanding the fact that Congress made appropriations to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports."

I will not read all of this report, which, however, I recommend to the perusal of the Members of the Senate, and I shall ask the stenographer to have such parts of it as I have lead pencilled on the side put in the hearing as having been referred to by me immediately after what I have read.

The matter desired to be inserted is as follows:

"For the last several years the acts of Congress making appropriations for the improvement of the river each year provided for the construction of levees forming the levee system in accordance with the plans of the river commission which was to construct a connected and continuous levee system, the first act of Congress providing for the construction of levees being that of September 19, 1890. Later acts of Congress, however made appropriations not only for the construction of levees and to improve and give safety and ease to the navigation of the river, but also provided for the improvement of the river in accordance with the plans of the Mississippi River Commission as approved by the Secretary of War, to prevent destructive floods and promote and facilitate trade, commerce, and the Postal Service (see river commission's report, 1906, p. 3). Notwithstanding the fact that the Congress made appropriations to improve the river and to 'prevent destructive floods' the work done in accordance with the plans of the river commission to improve the river caused the east-bank lands in these counties to be subject to 'destructive floods,' and as foretold by the river commission in its annual reports.

"The flood of 1912, the bulk of which came from north of Cairo, Ill., being confined between the levees on both sides of the river composing the levee system, was too large to be contained within this limited space and overtopped the levees in places, causing great damage and suffering to the landowners and their tenants behind and protected by said levees and owning and living on land which the construction of the levee system had made very valuable. The Congress came to the relief of these flood sufferers of 1912 and appropriated $1,500,000 to care for and protect them and their property. Not one foot of land in these counties along this section of the river on the east bank has in any way been benefited by the construction of the levee system, but on the other hand, has been destroyed. The appropriation of $1,500,000 for the relief of the flood sufferers of 1912 was not for the benefit of these east-bank citizens but was for the benefit and relief of citizens owning and living on land behind the levees. Maj. Normoyle, of the United States Army, in his report of the disbursement of this relief fund appropriated by Congress refers to these east-bank lands as 'abandoned lands.' Maj. Normoyle's report is published as House Document No. 1453, Sixty-second Congress, third session, and the map accompanying it shows the overflowed territory in the locality of the east-bank lands in which he operated for the relief of the 1912 flood sufferers to be west of the river and behind the levees on that side of the river, and this notwithstanding the fact that all east-bank lands west of the foothills were overflowed. The reason for this is easily explained. The landowners and the tenants of the east-bank lands had been theretofore driven from their lands and homes and said lands abandoned by them as a result of the construction of the levee system.

"Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,700 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 7,500 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,700 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing, as formerly, over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth as large, the lands lying adjacent to the river, where no levees have been constructed, are flooded much more frequently than before levee construction, for the reason that it requires less water to overflow them, and the construction of levees on both sides of the river, north of their lands, and on the west side of the river, in front of their lands, brings more water down the main channel than flowed there formerly.

"In order to secure relief at the hands of Congress numerous citizens in these counties owning east-bank lands organized the 'Association for relief to riparian owners of eastern bank of Mississippi River,' of which J. D. Frazier, of Rodney, is president, John F. Jenkins, of Natchez, Miss., secretary, and A. B. Learsed, of Natchez, Miss., treasurer. The executive committee of said association consists of two members from each of the five counties, and is as follows: Dr. C. S. Highland and H. C. McCabe for the county of Warren, R. L. Hamilton and J. C. McMurtin for the county of Claiborne, Hon. Jeff Truly, former president of the Supreme Court of the State of Mississippi, and J. D. Frazier for the county of Jefferson, A. B. Learsed and J. S. Chambliss for the county of Adams, and John F. Jenkins and C. Briker for the county of Wilkinson. Said association prepared a 'memorial and petition to the President and Congress of the United States,' which was presented to Congress on the 11th day of January, 1912, and published at page 893 of the CONGRESSIONAL RECORD for that day.

"As far back as 1904 the Mississippi River Commission in its annual report for that year reported to Congress the damage done to the east-bank lands in these counties by the then partial construction of the levee system, and also informed Congress that 'it is not to be doubted that an immediate effect of the confinement of the flood discharge of the Mississippi River by levees is to raise the edge-water plane' and that it 'will have the effect in increasing degree as the system approaches completion'; and in the same report further stated that 'it must be recognized that the result will be to inflict some, and perhaps great, hardships upon the owners of lands in the unprotected areas described'—that is, on the east bank in these counties—and said commission in the same report for 1904, after submitting the facts fully to Congress, made 'request that it may receive the early attention which its importance merits' at the hands of Congress, all of which is set out in the commission's report for that year, pages 2712-2713, and printed on page 9 of said House Document No. 1016, Sixty-second Congress, third session.

"As stated by the Mississippi River Commission in its report for 1910, 'the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice,' and 'the lives of the landowners are passing away and hope deferred is making their hearts sick.'

"The Mississippi River Commission has recommended that the Government take title to said east-bank lands in these counties, and if the relief which these east-bank citizens seek is given to them by Congress as set forth in said bill, the Government, under recent court decisions, becomes the riparian owner of the east-bank lands when the east-bank citizens are compensated for them. These east-bank citizens are not seeking a gratuity at the hands of Congress, but the Government will, when compensating said landowners for their property destroyed, receive in return the title to said lands, and, in fact, has had the use of said lands for several years. The construction of the levee system, as said by Senator WILLIAMS on the floor of the Senate February 21, 1913, 'virtually made their lands a part of the channel of the Mississippi River,' and 'virtually condemned for public purposes, without compensation, some of the fairest plantations which ever existed in that country.'

"The lands of the landowners referred to in these counties are those referred to by Senator GALLINGER on the floor of the Senate January 16, 1914, when he said, 'I am inclined to think those people have a pretty good claim.' (CONGRESSIONAL RECORD for that day, p. 1859.)

"The lands in these counties are the same lands referred to by Senator CHAMBERLAIN on the floor of the Senate, January 22, 1914, when he said:

'Ruined, Mr. President, if you please, because Congress had appropriated money to improve the navigation of the Mississippi River, and these improvements resulted in changing the channel of the river and washing out the lands on the opposite side.

* * * * * * *

"'I happen to know something about it. I was born in Mississippi. * * * I have walked along the levees, if you please, and seen that those levees have changed the channel of the Mississippi River and washed out the lands on the other side.' (CONGRESSIONAL RECORD for that day, p. 2176.)

"The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens, and 'to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government,' and ever since it was created Congress has, from time to time, frequently given it additional jurisdiction in special cases to further relief Congress or an executive department and at the same time give relief to citizens who had grievances against the Government, and who, under the first amendment to the Constitution, are guaranteed the right to petition the Congress for the redress of their grievances.

"Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large, as follows: Eighteenth Statutes at Large, pages 506, 507; Twenty-fifth Statutes at Large, page 1010."

I notice that my colleague, Senator VARDAMAN, said that the "question before the committee is an amendment to this bill introduced by Mr. WILLIAMS, which provides that the Federal Government shall reimburse, take over, pay to the people owning land on the east bank of the Mississippi River from Brunswick, Miss., to Bayou Sara, La." That is not quite an accurate statement of it. It provides only for taking over and paying the value of the land *where the entire tract has been totally destroyed and subjected to annual overflow and where the court shall determine that there has been such a total destruction.* It is only in that case that it is taken over, and then the title is given to the Government by way of partial reimbursement. In cases where there has been partial damage, of course the court will find only partial damage and there will be only partial payment.

I want to call to your attention, to refresh your memories, what Capt. Jenkins told you—that most of these lands were lands that came to these people by inheritance. They were not sold and bought recently with the idea of speculating upon the Government. There is nothing of that sort in this. These lands are inherited lands. When that part of Mississippi was first settled it was settled by people coming up the river from Louisiana, from New Orleans, and by people coming down the river from French settlements near St. Louis, and then some people trekking across the wilderness about the time of the Revolution. Some of these lands that have been thus destroyed, Mr. Chairman, have been in the ownership of families and in constant cultivation 100 years and more, some of them in the ownership of the present families since before the Spanish cloud upon the title of the lands in that Natchez district was dissipated, and before it became indisputably United States territory. These people, their lares and penates, and all that, have been sacrificed for the public good, and the public has received benefits, I have received benefits, you, Mr. RANSDELL, have received the benefits of that sacrifice—not only your and my constituents, but in our case we ourselves personally—and yet we are to be told that merely because those who have been sacrificed have no enforceable legal right in a court, because of the technical point of the being "caused to be damaged" against the Government, exercising its sovereign power of improvement of navigation, that therefore they are to receive no redress at all.

What would a man say about an argument of that sort used in connection with a man who had been damaged in the public service, crippled by machinery belonging to the Government, if it had been used about that woman down here in the Census Office who had her scalp torn off? She had no enforceable legal right. Nobody was insured enough to suppose she had, and yet Congress very properly took the position that, being engaged in work for the benefit of the public and being injured as a consequence of that performance of work, she was entitled to damages in the court of justice and public and fair play held by the National Congress. Now, of course, nobody

is permitted to sue the Government except upon conditions set forth and prescribed by the Government itself upon an express grant by the Government of right to sue. There is no statute of the United States which gives my left-bank people in this condition a right to sue the Government. Myself was astonished all the time that the suits were being instituted, and so far as the people of Mississippi consulted me about it I told them that, in my opinion, there was nothing in a lawsuit except to prejudice the case in the minds of lawyers, who are all too apt, if my fellow members of the bar at the table will pardon me for saying it, to confuse legalities with right and legal obligations with duties. Do not let that bother you. If you will read the decision of Judge White, you will see it goes off merely upon the point that there was no enforceable right in a court of justice. There could not be any except by a statute. That is all that these cases decide, and they ought not to prejudice this case in the slightest degree. The relief ought to go as a provision upon the rivers and harbors bill, as that the same bill which metes out the benefit to the inhabitants of the valley in the shape of improvement and protection of their lands shall be charged with the payments to those who incidentally were damaged by the benefits thus conferred upon all.

That is about all I wanted to say, and if there are any questions that Senators want to ask me, I shall try to answer them if I know how. If there is any difficulty in any of your minds further than those I have mentioned, which I have tried to obviate, I shall be glad to address myself to that.

THE WILSON DOCTRINE.

Mr. CLAPP. Mr. President, while I am loath to ask for the printing of outside matters, I have in my hand a document designated as the "Wilson Doctrine," by Policarpo Bonilla, on how the speech of President Wilson at Mobile, Ala., has been interpreted by the Latin-American countries. I have received requests for this article from libraries in the country, and I find there are only two copies available, one belonging in the Pan-American Union and the other in the Library. I desire that it may be printed as a Senate document, and I ask that it may be referred to the Committee on Printing with a view to its publication.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

ADDRESS BY SENATOR HENRY F. HOLLIS (S. DOC. NO. 336).

Mr. KENYON. Mr. President, I ask unanimous consent that there may be published in the RECORD, and also as a public document, an address delivered by Senator HENRY F. HOLLIS at the Harvard Union at Cambridge, Mass., March 23, 1914. It is only seven pages in length, and is full of matter which will be of interest to the public.

There being no objection, the address was ordered to be printed as a document and also to be printed in the RECORD, as follows:

ADDRESS DELIVERED AT HARVARD UNION, CAMBRIDGE, MASS., MARCH 23, 1914.

[By Senator HENRY F. HOLLIS, of New Hampshire.]

"FROM ONE SENATOR'S VIEWPOINT.

"I was graduated at Harvard in 1892. I believe I am the first Harvard man of radical views to occupy a seat in the Senate.

"I do not fairly represent Harvard College in the Senate of the United States. I am quite sure that Harvard College is not representative of the United States, nor of New England. She is too conservative, too hidebound. She lags behind the times. She does not lead; she follows.

"In the Middle West the bond between some States and their leading universities is very close. The State legislatures submit questions of public policy to the college faculties, and receive opinions which largely control their action. This is particularly the case in Wisconsin. Imagine, if you please, the Legislature of Massachusetts requesting an opinion from the faculty of Harvard College! Imagine the reception it would get on Beacon Hill, if it should find its way there.

"It is a great pity that the political arm of our State and National Governments should not receive support from our colleges. Our leading college professors look on politics as a low pursuit, a nasty business. Our leading legislators regard college opinion as a joke. Both these attitudes are very real; they are equally mistaken.

"There are many brave, patriotic men among the hosts of brainy, upright professors on our college faculties. There are many brave, patriotic men among the Senators of the United States. But the college men regard most politicians as corrupt and insincere, while the politicians regard college professors as impractical theorists. Worse than this, they believe that all college views are tainted by the great sums of money which have been bestowed on our colleges by men of great wealth.

"College professors are notoriously ill paid. They must live respectably; they must associate with people of culture and refinement; they must educate their children at expensive schools and colleges. They can not save enough to become independent; they are dependent for their very living on the governing board of the college; and the governing board must satisfy the rich men who make princely donations to the college. The belief is prevalent among public men in Washington that every eastern college is eating from the hand that has robbed the pockets of the people. Until this belief is dissipated Congress will have little faith in our colleges or in college men.

"There is a firm belief among public men that the President of the United States was forced from the presidency of a leading eastern college because he tried to stem the tide of snobbery and make that college democratic in the social, not the political, sense. In Stover at Yale we read the brave attempt of Owen Johnson to reveal the true weakness of our dearest rival.

"In New England our colleges still have a wide influence. A member of the faculty who makes addresses on public questions is listened to with considerable respect, but when it is learned that a college professor has been talking in favor of certain railroad policies from a supposed interest in public affairs, while he has been secretly receiving pay from the railroad whose policies he advocates, our confidence is sadly shaken.

"A college at best will act the part of an old man, a conservative old man, in politics. Worse than that, it will act the part of an old society man in politics; it is likely to be snobbish, supercilious, and overnice.

"We know that the young man is the progressive spirit, the radical in politics. As he gets older he becomes conservative, his political arteries harden, he slows down. Not until he becomes too old for radical action does he become important enough to enter the faculty. The dominant note, then, in college circles is the note of the old man, the man of influence, the conservative.

"And among the students, where youth is, we find the chill of convention, the rule of the social lion. A few leading spirits attain prominence on their merits, but in a large college the leaders, as a rule, are men of rich and influential families. The man in the baggy suit, with the country hair cut, stays in the background during his college course. He feels that he has nothing in common with the rich young blade who cuts a dash with his automobile or riding horse. He sticks to his books, gets what good he can from his college course, leaves no impress on the college constitution, and does not return for commencement. If he does drift back, he finds the same society men in charge, the same recognition of social caste, and he doesn't come back again.

"The result is that our colleges represent a very thin upper crust of our great American life. They are always respectable, always conservative, always reactionary. That is why rich men, who find things rigged about right for their money-making operations, are glad to contribute to the colleges. The colleges are the greatest dead-weight the capitalists can fasten upon the necks of the American people. The standpatter is conservative, wealth is conservative, the college is conservative. They are all in the same boat.

"My best friends will point out to me to-morrow that there is no help for this; that it has always been so and it always will be so. I admit that it has always been so; I admit that the great colleges in this country have never led in a great reform; that the great colleges in England have never led in a great reform. But I refuse to admit that colleges are incorrigible; I refuse to admit that they are beyond salvation.

"I would begin by declining gifts from men of great wealth. If new buildings are needed, I would call on the alumni for contributions, limiting the amount to be subscribed by a single donor. I would increase the income by increasing the tuition fees. An education achieved at some sacrifice is more valuable than one acquired through charity.

"College life should be made less expensive, more simple; it should be standardized. No more elaborate dormitories should be built. The popularity of the oldest dormitories in the yard shows that college men are not afraid of discomfort. New buildings should be severely plain and uniform. Men of the same college class should be quartered in similar buildings. Rooms and meals should be in fact "commons" and "commons" should be compulsory.

"Every man should be compelled to live simply and to take part in military drill once a week. Automobiles and other forms of show should be prohibited. It is not good for a man to have everything in life before he is fairly grown.

"Class elections should be by Australian ballot, preceded by primaries, and only men of high scholarship should be eligible to office. Every effort should be made to promote a democratic spirit and to crush out snobbishness. I should impose a limit on each man's allowance. If this did not suit the very rich man, he could easily find a college where he would be welcome.

"But, most important of all, college men should be taught what is wrong with the world and the way to set it right; what poverty is and where it exists, what makes it and what

Senator WILLIAMS. Yes; but that Jackson case claimed everything in sight, and not only that, but the Jackson case as first filed, Senator, contemplated not only all the claims for the land but for the mules drowned, personal property and crops washed away, and the crops the man might have made, everything lost during the year when the land was overflowed, and I do not know what all.

Now, let me see about the precedents in the case.

Senator RANSDELL. Senator, before you pass away from that, would it be satisfactory for me to limit the amount of damages that could be claimed under your amendment to $200,000?

Senator WILLIAMS. Yes; but—

Senator RANSDELL. You say it would probably amount to $180,000 or $200,000. Would it be satisfactory if in passing the bill we should limit the damages to that amount, to be apportioned among the different owners?

Senator WILLIAMS. It would be satisfactory to me, Senator, if that is the right amount, except this, that I do not see how you would practically do it, because landowner A comes in and makes his claim, and B, C, D, and E do, and so on down the alphabet, and if it should turn out that the claims amounted to more than the $200,000, A, B, C, and D might get paid and E might be left with nothing. That is the trouble. But certainly the United States Government can well afford to leave to its own courts, where it is represented by the Department of Justice, the determination of what the actual damage has been. I would not object to some limitation if it were practically possible to make it, but I am satisfied that the real damages properly adjudicated would not go above a proper amount; but that is merely my opinion. A limitation might be made of so much per acre—say $30 for improved and $5 for unimproved land. That is about what land was worth there when "permanent inundation" took effect; maybe something else.

The ACTING CHAIRMAN. Mr. Jenkins estimated that the number of acres of cultivatable land destroyed or devastated by flood was some thing over 100,000 acres, while the uncultivated land amounted to 200,000 acres. He estimated in one place that it would produce $50 green of cotton every year.

* * * * * * *

Senator WILLIAMS. The chairman and you are right about that. The acreage would amount to more than I was thinking—more than I stated.

Senator RANSDELL. Many times that, I would think, Senator.

Senator WILLIAMS. I will come to that again later. This matter may not be of importance to the people of the United States at large, but to the people of this district it is a matter of life and death, because they have been simply bankrupted. Many of them have been foreclosed out of all. Their sole hope for restoration in part is here. As to the precedents for this action, Mr. Chairman, the river and harbor act of 1907 (34 Stat. L., p. 1073, and vol. 2, Laws of the U. S., Imp. R. and H., p. 1255), contained legislation similar to that set out in these amendments, and also carried an appropriation of $1,200,000, out of which any judgment rendered thereunder could be paid.

That is not only a precedent for this legislation, but is a precedent for your question. In that case they appropriated a certain amount of money, and then gave authority to the Court of Claims to hear these cases, and provided that the claims should be satisfied out of this amount appropriated beforehand. The further provision then made I will read, as follows:

"Any person or corporation having any estate or interest in the premises, who shall for any reason not have been tendered payment thereof as above provided, or shall decline to accept the amount tendered therefor, may, at any time within one year from the publication of notice by the Attorney General as above provided, file a petition in the Court of Claims of the United States setting forth his right or title and the amount claimed by him as damages for the property taken; and the court shall hear and adjudicate such claims in the same manner as other claims against the United States are now by law directed to be heard and adjudicated therein: *Provided*, That the court shall make such special rules in respect to such cases as shall secure their hearing and adjudication with the least possible delay."

Senator RANSDELL. When was this act that you are reading from passed—that first one?

Senator WILLIAMS. 1907.

Senator RANSDELL. Was that a river and harbor act or a special act?

Senator WILLIAMS. It was a river and harbor act. Then the river and harbor act of 1881 (21 Stat. L., p. 468, and p. 33, vol. 1, U. S. Laws Improvement of Rivers and Harbors), also contains legislation similar to that set out in these amendments. This legislation had reference to the construction of a dam at Lake Washington, on the headwaters of the Mississippi River, and is as follows:

"*And it is provided*, That compensation for any private property taken or appropriated for any of said improvements, and of damages to private property caused by the construction of any of said dams, by flowage or otherwise, shall be ascertained and determined under and in accordance with the laws of the State in which such private property is situated."

That, the chairman and members will notice, went further than the others, and left the damages to be adjudicated by the State courts, the United States pledging themselves to pay their amounts.

By the way, here is the language to which I referred which the river is in connection with the utility of these lands, from Vicksburg to Baton, if you took them over—the language I sought a moment ago and did not find:

"The lands embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose."

They go on to say:

"The lands are capable of growing many kinds of valuable timber. They could be made to produce much material for revetment and other work of improvement in the river. If the fields were abandoned to natural growth, the land would be gradually built up by deposit and then would become highly valuable for cultivation."

All that in the course of time. All this incidentally.

Now, I want to call your attention to another precedent. This was the legislation giving relief to the landowners along the Fox and Wisconsin Rivers which was enacted in March, 1887, and is to be found in the act of March 3, 1887, (24 Stat. L., page 504. This was the subject of a House bill, No. 6572, of the Forty-third Congress, second session, which passed the House by a unanimous vote on February 24, 1875, as shown by the CONGRESSIONAL RECORD for that date. This bill was reported to the Senate the following day, February 25, and referred to the Committee on Commerce. The bill came from the Committee on Commerce with a favorable report and passed the Senate by a unanimous vote on March 3, 1875.

The Fox and Wisconsin Rivers are further up north. They received a unanimous report. When the bill was being considered by the Senate Mr. Howe—Senator Howe at that time—said:

"The precedent for this bill is one under which damages were adjusted for the Des Moines River improvement."

This precedent referred to by Mr. Howe, the Des Moines River precedent, will be found in Fifteenth Statutes at Large, page 124, and became a law on July 20, 1868.

So there are three precedents of 1868, 1875, 1881, and 1887.

The legislation giving relief to the landowners along the Fox and Wisconsin Rivers remained in force from March 3, 1875, to February 1, 1886, when it was repealed (26 Stat. L., p. 4; U. S. Laws, Imp. R. & H., vol. 1, p. 476), and as a result of the enactment of this legislation approximately 400 landowners along the Fox and Wisconsin Rivers were compensated for damages to or destruction of their lands as a result of improving the rivers. The names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1885, 127 of such cases were settled (23 Stat. L., p. 4; U. S. R. & H. Laws, vol. 1, pp. 472–476).

These people, like my people, Mr. Chairman, had no right enforceable in any court of law. That is clearly admitted. Congress gave them one. They had and we have only a permissive right in the forum of justice and fair dealing and ethics and common honesty, and yet this is the way Congress dealt with them, and there is no reason why simply because they were a few degrees latitude further north that a different course should be pursued by equal people. I repeat, the names of these landowners will be found in the various acts of Congress making appropriations to compensate them after judgment was rendered. For instance, by the act of February 1, 1885, 127 of these cases were settled (23 Stat. L., p. 4; U. S. R. & H. Laws, vol. 1, pp. 472–476).

The ACTING CHAIRMAN. Can you say whether in any of those cases where appropriations were made that the Government imposed upon the districts a proportionate part of the damages assessed?

Senator WILLIAMS. None.

The ACTING CHAIRMAN. The Government paid them all?

Senator WILLIAMS. The Government paid them.

In addition to the above precedents it should be noted that the Government has in other cases compensated landowners for damage done to their land by flowage resulting from works constructed by the Government.

Of course that is on a slightly different footing, but by analogy it is applicable in any case. Of course a dam is not quite the same thing as a dike along the banks—a dam for the purpose of bringing slack-water navigation—but in those cases the Government has compensated the landowners. And I for my part can see no difference in principle between a case where the Government in giving slack-water navigation to a river puts in 10 or 12 dams, causing a great deal of property up above the dams to be constantly overflowed, and paying for the destruction because it was really an actual taking, although "consequential," and the Government building a dike along the bank of the river resulting necessarily in annual inundation, as it was anticipated to result, and known beforehand to result, so that the result was a direct act of the Government by which it raised the flood level from 3 to 4 feet.

The ACTING CHAIRMAN. I think you will find a precedent, Senator, in the case of the dam constructed by the Government at the headwaters of the Yellowstone, where they backed the water up and covered 6 acres of land.

Senator WILLIAMS. Yes, sir; I do not know how many precedents there are for that; but it has been contended that erecting a dam for slack-water navigation and permanently overflowing land in that way was somehow a different proposition from permanent overflowing from the erection of a continuous course of levees, which are more parallel dikes or dams, resulting in the same practical damage to the landowner.

Senator SHIELDS. Are they not both in the exercise of the governmental power to improve those rivers for navigation?

Senator WILLIAMS. Both of them. When the Kanawha River was given slack-water navigation by Government constructions it was expressly for the purpose of improving navigation and also increasing facilities for interstate commerce, and precisely the argument that underlies this continuous levee work, and I can see no difference in principle between the two things. One is a perpendicular dike or dam against water and the other is a parallel dike, and both damnings of the water result in flooding, and in this particular case of mine has resulted in permanent and annual inundation. I do not mean that the water is on all the lands all the year; but it is on them every year and goes off too late to make a crop. And so the result has been, by accepting the hills as a levee on the greater bank of the river in high water, we have condemned the lands to public use, consequentially, it is true, and not directly, but none the less really. It was because it was done consequentially that there was no enforceable legal right in a court, but the result to the landowner and the public both is the same as if you had directly condemned the property and had bodily taken it for public use. It was practically a condemning for public use, for a public purpose beneficial to the country as a whole.

In addition to the above precedents it should also be noted that the Government has compensated landowners for damage done to their lands by flowage resulting from other works constructed by the Government. For instance, in building what is known as the Illinois & Mississippi Canal, which connects the Illinois River with the Mississippi River at or above the mouth of Rock River, the Government not only paid the landowner for the land excepted by the canal right of way but compensated him for flowage damage to that part of his land not taken for the canal right of way, and the act of Congress provided, most astonishingly, that such compensation would be assessed and determined as provided by the laws of the State of Illinois. (20 Stat L., 149; Ill. Const. 1870, art. 2, sec. 19; 2 Star and Curtis Annotated Ill. Stat., pp. 1768, 1770, 1790, 1793; 3 Star and Curtis Annotated Ill. Stat., pp. 2965, 3967.)

The act of Congress authorizing the construction of the Illinois & Mississippi Canal authorized the Secretary of War to institute condemnation proceedings in the Circuit or District Court of the United States for the Northern District of Illinois, sitting at Chicago. Condemnation proceedings were instituted and the decree of the court showed that the landowners along the canal right of way were paid for the land actually taken and also for damage by flowage to the land not taken. A copy of said condemnation proceedings is on file in the office of the Judge Advocate General, War Department, Washington, D. C.

Here in the decision of the Supreme Court of the United States in the Jackson and Stephen cases. I think you have already had it published in your RECORD, but I have thought it worth to appear somewhere—not, however, as a part of my testimony.

Senator RANSDELL. Is that the Jackson case?

Senator WILLIAMS. Yes; the Jackson and Stephen cases.

The ACTING CHAIRMAN. I think it is printed in these hearings. I think Mr. Scott put it in the hearings.

Senator RANSDELL. I suggest it be printed as an appendix to Senator WILLIAMS's statement. (See Appendix A.)

Senator WILLIAMS. The House Committee on Claims has reported a bill to give us relief, but it has undertaken to give us the relief by a separate bill, and I have told you why I do not want any separate bill. There is a report here from the House Committee on Claims, a favorable report accompanying the bill H. R. 18831, and if my memory be not at fault, it was a unanimous report of the House committee. Am I correct about that or not?

Representative QUIN. Yes, sir; that is true.

The ACTING CHAIRMAN. Is that on the calendar of the House?

Senator WILLIAMS. Yes; but under the rules of the House bills of this sort go to the Union Calendar, and it is worse than Rule IX in the Senate. Practically one can not get it up except by unanimous consent, and of course in a matter of this sort there would be somebody to object, I suppose.

This House committee uses some language which I desire to read and insert:

"The Committee on Claims, to whom was referred the bill (H. R. 18831) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the Parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

"* * * * * * *

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"* * * * * * * *

"The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 13, 1910 (see Laws of Mississippi, 1910, p. 188, ch. 263), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in this bill under consideration.

"In the first session of the Sixty-first Congress a similar bill (H. R. 64071) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

"'There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation.'

That reminds me that some time last session Senator GALLINGER, of New Hampshire, said that we people coming here for largess from the Government to get appropriations to build levees wanted to come back and get damages after having built them. That is the old logical fallacy, Mr. Chairman, of a double or ambiguous middle. The people getting the benefit from the levee system are one set of people, and the people who are receiving the damage from the levee, for whom I am pleading, are another set of people. The people who are being benefited by the levees are not coming here to solicit compensation for damage, but the people who have been damaged by the construction are the ones who are coming. They are not even on the same part of the river.

Prior to this continuous levee system these lands on these banks between Vicksburg and Baton Rouge have been from 4 to 10 feet higher—in some cases as much as 10 feet higher—than the lands on the opposite bank of the river and were never damaged except in special overflows, like 1828 and 1882, and that of 1862, probably. So that the fact that the benefit of the Government levee work, and the general improvement of the river is regarded by the Mississippi River Commission, differing from Senator GALLINGER, or from what comes to be his opinion, not as a reason why these people should not be paid for the damages, but as a reason why they should be paid, and the Mississippi River Commission is right in that, and not he. I continue to read the report:

"And after further stating the facts as to the damage to the east bank lands in their connection, on the question of the relief provided in said bill for the landowners, said:

"'It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is not a legal right in a court, but the result to the landowner and the public both is the same as if you had directly condemned the property and had bodily taken it for public use. It was practically a condemning for public use, for a public purpose beneficial to the country as a whole.

"The recommendation made by the Mississippi River Commission to the Chief of Engineers, and by the Chief of Engineers to the Secretary of War, as above referred to, is in all respects similar to the recommendations made by the river commission in its annual reports wherever reporting on the subject of the damage done to these lands. Particular attention is called to the commission's report for 1910, pages 2937–2939, and to House Document 1010, Sixty-second Congress, third session, and especially to paragraph 34, page 12, where it is stated that it was desirable that the title to these east-bank lands should be in the Government, and that the early reports of the commission recommended that said lands be purchased by the Government for use in its work for river improvement. Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

"The relief provided for in this bill is, in all respects, similar to the relief granted to the citizens along the Fox and Wisconsin Rivers by the act of March 3, 1875 (18 Stat. L., pt. 2, p. 504, chap. 146, and 25 Stat. L., p. 24)."

Skipping a part of this report, I now read from page 2, as follows:

"From Delta Point, opposite Vicksburg, to West Baton Rouge the face of the high waters is obstructed by that part of the levee system on the west side of the river, and they are now compelled to flow over the space between that part of the levee system west of the river and the foothills east of the river in Mississippi, and which space does not have an average width of over 8 miles. This stretch of territory on the east side of the river from Vicksburg to Baton Rouge is very irregular in its width, for the foothills at several places shut on the river, as at Vicksburg, Grand Gulf, Rodney, Natchez, Ellis Cliff, Fort Adams, Tunica, and Bayou Sara or St. Francisville, making six small V or U shaped basins.

"From Baton Rouge south, instead of flowing over a territory 60 or 70 miles wide by the chart as formerly, the high waters of the river are now compelled to pass over the space between that part of the levee system constructed east and north of the river and that part of the said levee system constructed west and south of the river, which does not have a width of more than 2 or 3 miles at any point, and in this way the free flow of the high waters in their course to the Gulf is obstructed on both sides of the river. The Mississippi River Commission has established a grade and height for levee construction along the river which is from 7 to 8 feet above the highest known water, and the levee system as now constructed is, in the opinion of Col. Townsend, president of the Mississippi River Commission, sufficient to withstand all ordinary high waters. (P. 96, Hearings on H. R. 1748, before House Committee on Rivers and Harbors, Jan. 3 and 4, 1913.)

"In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo, south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Greenville, just north of the mouth of the Yazoo River, these diverted and confined waters are turned home to velocities much greater and with a current more forceful and destructive than before levee construction, on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills

The ACTING CHAIRMAN. As far back as 10 miles from the river sometimes, did you say?

Senator WILLIAMS. Yes; in some places, and generally varies from 2 to 6 miles, but in some places it is as much as 10. They have to connected the levees with the foothills at Memphis and connected them with the foothills at Vicksburg.

I call this to your attention because some gentlemen have said that while this was admitted to be a consequential damage that it was also an unintentional damage. Every man and every government is presumed to intend the natural and necessary consequence of his or its own acts. You gentlemen upon this committee above-point were too well informed not to know—that while it was contended that confining a great river could not increase its average level or its low water level, that it must necessarily always increase its high-water level.

In the Mississippi River Commission's annual report for 1904 the river commission states very fully the injuries done the east-bank lands, and gives as a reason therefor the following:

"The subject has been thus fully presented in order that Congress, with the facts before it, will take such action in respect thereto as shall in its wisdom seem best and with a request that it may receive the early attention which its importance merits."

Then in the report for 1905 the commission renews that recommendation. This is its language. It says:

"Renews the recommendation there made that some provision be made by Congress for the adjustment of the equitable claims in such cases."

Third, in the annual report of 1906 reference is made to the same subject again, and the recommendation again repeated. Then, for the fourth time, in their annual report for 1910 they call attention to it and reenforce the previous representation. The Army engineers's report for 1916 states that the east-bank lands in these counties are "permanently inundated"—mark you, Mr. Chairman, this is the language of the commission—"permanently inundated" as a result of the construction of the levee system.

Here is one thing that is brought out splendidly in this House report, and I want to call it to your attention, because it is such a graphic statement of the actual situation of things. I quote:

"The area of this basin is 1,246,030 square miles, or about 44 per cent of the entire area of the United States, exclusive of Alaska and outlying possessions. That this is also a national question is further shown by the fact that the permanently overflowed region which the Government's levee system brings down the improved channel of the river and means home and diverts upon the lands of the east-bank citizens of these counties comprises from 31 States of the Union, which makes the Mississippi River confined within the Government's levee system the drainage ditch of said 31 States, comprising, as heretofore stated, almost half of the territory of continental United States.

"It is a fact admitted in reports by the officers and agents of the United States charged by acts of Congress with the construction of the Government's levee system that the confinement and diverting of the waters from these 31 States has contributed to the destruction of the east-bank lands in these counties, and has driven the landowners from their homes and caused the abandonment of said lands for cultivation, and said lands before the inauguration and construction of the levee system by the Government were generally used and highly cultivated by the owners thereof for plantations; i. e., ever since the settlement of the State of Mississippi along that section of the river, and the city of Natchez (Fort Rosalie), in Adams County, is one of the oldest settlements in the State.

"The east-bank lands in these counties were, before the construction of the Government's levee system, in their natural location, much higher than the lands along and on the west side of the river in the State of Louisiana and of considerable value, while the lands in the State of Louisiana on the west side of the river were not so valuable as agricultural lands, and since the inauguration and construction of the Government's levee system these lands protected by red-backed the levee system have become much more valuable and are to-day being successfully and profitably cultivated and are valuable sugar and cotton plantations, while the east-bank lands in these counties have been destroyed and abandoned and have no agricultural value.

Gentlemen, this is a right serious thing. I said not tell you, Mr. Chairman, because you spent many early days in that neighborhood that purchase the very flower of the South, culture, and civilization of the State of Mississippi was in and around the town of Natchez, and was illustrated by the planters who lived in that very section. They had the backwater behind them, they had the best cultivated lands, and they had the best houses, and the best gardens of any people in that country, and that the land finally passed into the public hands, and the public which is benefited by the destruction ought to pay for it.

I do not know how I could make that situation appear in language as strong and as distressed as it is in extent that

ILLIAMS. Or my survey proposition?

ANSDELL. The report made in accordance with your request.

ILLIAMS. The report of the engineer is to the effect that against erecting levees; first, because of the number of coming out which will require pumping stations to com- nlnage, and secondly, because the value of land protected less than what the levees would cost, and the river com- tes the recommendation to send to a commission or to f Claims the whole subject matter for the ascertainment ge in forwarding the result of that survey. In the first ngineer called attention to the previous recommendations aission, and the previous recommendations of the commis- ther to let these people go into some court—in one of their suggest that there might be a special tribunal created to —a commission—or else that the people be sent into some it thinks could more adequately ascertain and determine tual damages were than the Mississippi River Commission

time introduced a bill here organizing a special commission, econd thought it seemed to me that the Court of Claims organized with its officials of every description, and that no use putting the country to the expense of organizing tried special machinery to do that which the existing ma- perhaps even better adapted to accomplish. Therefore the as I offer it now sends the matter to the Court of Claims ation and a finding, conferring jurisdiction for the pur-

ANSDELL. Senator, perhaps I am a little confused, and I uld help me out. Do you refer now to the report made by ppi River Commission in 1910, the one which Mr. Jenkins his report, or a subsequent one?

ILLIAMS. No; to the last one, chiefly. That of 1910 was this, but I had to refer to that of 1910 in a certain sense, heir last recommendation the Mississippi River Commission o that, and say that they repeat what they had to say then, ead it by the repetition now. I am referring to the last ch was made subsequent to the report of the engineers upon rvey, for which $30,000 was appropriated in the last river bill. I think from about 1908—I am not sure of the year— ow this commission has been constantly recommending to at something be done for the relief of these people, and re- use their own language, to the "distressful" condition in have been left, and admitting and asserting that the cause tressful condition was the raising of the flood level by the a continuous line of levees, restraining the river within its ood times, and they in their last report and in the previous e engineer, too, in his last report, acquaint you with the these people are "permanently inundated." That is, they erflow every year, and must have it, and that the height of ill continue to increase as the levees are perfected, and that y, so far from expecting any relief from present ills, they to have a worse time.

dwell upon one other thing a moment. It has been alleged he objections to the redress sought that the United States is expected to pay these damages, whereas the cause of the wit, the erection of the levees, was not only the act of the tes but was the act of the State of Louisiana and of the ee districts along the river; and that therefore there ought pportionment of the damages between all the contributing y answer to that, in the first place, is that apportionment is impracticable, and there is no way of making it. There is ing as a suit jointly against a State and a levee board and States Government. And in the second place—and this I press upon you—by the very nature of the case the levee ust pay a part of these damages if the damages are assessed y the United States. Now, fellow me. Already the levee ve gotten the advantage of the nonerection of levees on this se levees, if they had been built from Vicksburg down to ge, would have cost a half a million dollars, in round num- t that at the very lowest. What would have been the re- er that half million dollars would have been subtracted from hich has been done elsewhere, and the levees elsewhere could een carried to their present height, or else, if they had been their present height, the amount appropriated by Congress had to be increased a half a million dollars, and if the propriated by Congress had been increased a half a million n the contributions of the levee districts, which must main- ain proportion to the national appropriation, would have been hare and share alike. If the Government continues to avoid of building the levees down there, the people on other parts r in levee districts will continue to enjoy the benefit of this alf a million dollars, and even when we make an appropria- mages to these people of mine the others will all continue to difference between the sum which ought to be assessed and constituents as damages and the half million dollars needful nstruction on levees, besides the largest amount for annual some revetment work, while paying, as levee districts, in share of the increased levee expenditure. If those levees sburg to Baton Rouge were built to-morrow, and were added ropriation in this bill, or if, without increasing the amount ropriation, the amount of their cost of construction were taken mount appropriated for levees elsewhere, you see at once that e elsewhere—I, in the Yazoo Delta, others in Arkansas, and ver Louisiana—would have to do one of two things—either r proportionate contributions to the common levee construc- or else suffer by not having the work done which we expected . If you pay those damages, which would be less than the ees, then the Yazoo levee district, the Mississippi levee dis- Louisiana levee districts, and the Arkansas levee districts to pay their share of it, because the United States Govern- ursuing the policy of helping those who help themselves and em in proportion as they help themselves, requires their ap- n to increase with its own. And if this amount is increased amount ultimately through the judgments of the Court of y, a quarter of a million dollars—those people must pay of that quarter of a million dollars, practically and conse-

ING CHAIRMAN. This bill does not provide for a proportionate n by the levee districts.

ILLIAMS. I know that; but the Mississippi River Commis- s upon it, and it has been the uniform course and will. I ntinue to be the practice. So far as I know, the Federal t never built a levee for anybody where there was nobody Where the people never would tax themselves, the Govern-

ment has refused uniformly to build for them, and I understand that to be the hitherto fixed policy of the Mississippi River Commission.

The ACTING CHAIRMAN. Do you understand that that has been the policy of the Government in reference to damages for lands destroyed or injured?

Senator WILLIAMS. No; I do not, not in the way of requiring a direct contributing appropriation for damages; but if these appropriations were carried upon an appropriation bill, and through the Court of Claims the Government had to pay it, finally Congress would have to make the appropriation to meet the judgment of the Court of Claims, and that would be done as a part of a river and harbor appropriation, to which all levee districts contribute proportionately with the Government.

The ACTING CHAIRMAN. Would that follow unless the bill you are now arguing for provided for a contribution on the part of the several levee districts toward the payment of any judgment of the Court of Claims?

Senator WILLIAMS. It would follow with practical necessity, and as a necessary practical consequence, as I see it and have tried to demonstrate, because the appropriations to pay the amount for which the Court of Claims found judgment would be made upon the rivers and harbors appropriation bill.

The ACTING CHAIRMAN. Yes; but would we not be confronted then by the suggestion that this bill authorizes a suit for the ascertainment of damages against the United States, and that therefore the Court of Claims having found against the Government, the Government itself ought to appropriate all the money?

Senator WILLIAMS. There is no doubt about that; but when the Government had appropriated the money, it would have appropriated it as a part of the rivers and harbors expenses, and it would thereby have added that much to the bill of that year, and that practically and necessarily would force these levee districts to raise their proportionate share of the addition that had been made. As a matter of law, of course, it does not hold any levee district responsible. I am speaking of the practical and even necessary consequences of the increased appropriations.

So much for that. Another answer to the objection that there is a double construction of the levees is that, while that is true, there is a single ownership, management, and control, and that is in the United States Government now. If the Mississippi levee district, for example, Mr. Chairman, chose to cut the levees on its front—were to come to the absurd conclusion that it was better for the people there not to have a levee—of course the United States Government would not permit it to do so. The United States Government would say, "You may contribute that doing away with those levees from Greenville to Vicksburg is for your benefit as landowners, but we are improving the navigation of the Mississippi River. What we are doing is done with two purposes: First, to improve the navigation, and, secondly, to unhamper, unobstruct, and free the commerce of the valley and the commerce crossing the valley from the destructive interruptions by floods," which, by the way, is a very much greater reason for what they are doing with regard to the levees, and when the Government has been doing, then the more improvement of navigation itself by the deepening of the channel. I say this because when these great destructive overflows come they go over the railroads; they go over the dirt roads; they go over the towns and factories and freight yards and everything else; and they just put a stop to all interstate commerce within and across the Valley of the Mississippi, within the area of the flood, that is.

So much for that. The control, the ownership, and management of the levees is now single and is the control and management of the Federal Government. Something has been said, and a suggestion has been made, that perhaps this committee might report out a separate bill instead of making this a provision upon the rivers and harbors bill.

Mr. Chairman, I want to protest against that course for a very patent reason that any man who ever served in the House of Representatives understands, and I want especially to call your attention, Senator HANSBROUGH, because you have served there, to this: If this is reported as a separate bill, it goes to the House upon the Union Calendar and there is practically no way of ever getting it off except by unanimous consent. The Union Calendar in the House is just like Rule IX in the Senate. When a bill goes on the calendar under Rule IX in the Senate you might just as well bid farewell to it, as a usual thing. This sort of a separate bill will go on the Union Calendar in the House as a mere claim and could not come up there except at certain periods, and then by unanimous consent. So much for my objection to a separate bill.

The ACTING CHAIRMAN. Let me ask you, Senator, if it will not interrupt you: Was this matter submitted at length to the committee of the House?

Senator WILLIAMS. Yes; I know it was. It was submitted at the last session—the last time they had a rivers and harbors bill up.

Representative QUIN. Not at this time. It was at a previous consideration.

Senator WILLIAMS. My colleague in the other House, Mr. QUIN, tells me it was not at this session. I know it was submitted once, because I was there.

My colleague, Senator VARDAMAN, the other day requested my absence upon the occasion when these riparian landowners were here and were addressing you. I had no idea of addressing you on that occasion, because, of course, I am well enough acquainted with the practical course of things legislative to know that the presentation of a case which follows five or six other presentations of it goes with very little force, and I preferred to wait until I had their presentation before me for such aid as it might give me and then to sum the whole matter up separately.

Now, gentlemen, I come to the amendment itself. I shall take the trouble to read it, although it will take a little time. I read it now as amended. Leaving out the title, it reads:

"The claims of the landowners for the destruction of private property located along the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, in the State of Louisiana, and damage thereto by floods or otherwise, as a result of the construction of levees along and other improvements of said river, are hereby referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the landowner files a petition in said court within one year from the date of the approval of this act, and said suits, on motion of either party, may be advanced for hearing in either the Court of Claims or the Supreme Court.

"In adjudicating said claims the Court of Claims is hereby authorized to take into consideration the evidence already taken in behalf of either the landowner or the Government in cases heretofore instituted in said court, where the claimant and the United States have been represented by counsel present at the taking of such evidence, and the said Court of Claims shall ascertain and find to what extent and amount any property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided, however*, That if said Court of Claims finds that such damage or injury amounts to a destruction of such property, said court, before payment of the judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgments, if any, shall be paid as other judgments of said court are now paid under existing law."

The reason for putting that clause in, Mr. Chairman, was the suggestion made at the last session to this committee by Judge Taylor, the president of the Mississippi River Commission, with which the engineers in his recent report agreed, that this land would furnish a good deal of useful material for the improvement of the river. Nearly every little stream that comes down there from the hills is loaded with gravel, and that whole country has a good deal of willow, and a good deal of cottonwood, the willows especially being very highly useful in revetment work. Willow for revetment work is growing scarce and costly. This would check even worse the course of that misfortune. If it is left in the present condition, the land will run still more to willow and gravel, and it was the opinion of Judge Taylor that it would pay the United States Government to own it; certainly it would pay it better than to levee it; and certainly it would pay it better than to give us any other redress which has been suggested, which would be more expensive to the United States Government and without any return to it.

Then follows in my amendment this proviso:

"*Provided further, however*, That in adjudicating said claims the Court of Claims shall permit any party who, at any time since 1866, owned or held title to said lands, or any part thereof, or interest therein, involved in the respective cases, or who, since 1866, has parted with title thereto, or become dispossessed of said lands or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to surrender title thereto, as a result of said injuries, to appear as a party claimant by filing an intervening petition herein, or may be made a party or parties claimant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consider the claims of all of said parties and render judgment for whatever amount said court considers equitably or justly due the respective parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before being so injured or destroyed, and the payment of said judgment or judgments shall thereafter forever release the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements along or adjacent to said river for any purpose whatever."

Senator BRANDEGEE. What will be the probable amount of damages covered by your bill?

Senator WILLIAMS. I should decline to be held responsible for the absolute accuracy of the statement, but I think that $500,000 or $600,000 would cover present values. That is my notion. There have been some estimates of it, and some of them will appear in the evidence of some people who were here before. I do not recall them.

Senator HANSBROUGH. Was not $800,000 claimed in the Indiana case?

the Senator from Louisiana [Mr. RANSDELL] will remember, to appropriate $200,000 for building the levees along there.

Senator RANSDELL. I think you have a bill pending like that now, have you not?

Senator WILLIAMS. Yes, sir; but that I have abandoned.

The ACTING CHAIRMAN. You mean so as to protect those people you now speak of and put them behind the levees?

Senator WILLIAMS. Yes; but pending that bill this committee put on at my request a provision on the rivers and harbors bill for a survey and a report. That report and report settled the question that that method of redress will do those riparian landowners no good, however much benefit it might be to the navigation of the Mississippi River, so that as a remedy for this particular evil I have abandoned that. The engineers reported they convinced me, as they doubtless convinced you, that that was impracticable, not only because it would not protect the lands without pumping stations, but because the expense would be a great deal more than the entire property behind the levees, at its present value, at any rate, comes to.

Now, I have outlined the evil, and I have indicated while I was outlining it the cause of it, and suggested remedies which will not answer. There is no dispute about either of those things.

The next redress that suggested itself was a question on the part of Judge Taylor, followed up by the Mississippi River Commission, and by the engineer adopting it in his recommendation after this last survey, that these lands might be taken by the United States Government—condemned and taken—because of the fact that they would most—condemned and taken—because of the fact that they would be useful in furnishing various materials—gravel, willows—for revetment work, and all that sort of thing. Of course my constituents would be perfectly satisfied with that if the committee chose to do it. I hardly dare ask that at one fell swoop. I thought I had better confine myself to a method of redress which had behind it precedents; hence the amendment now urged.

Now, I want to say this before I go any further: I deplored these lawsuits, and advised every man in Mississippi who consulted me not to become a partner to them, that they were no good, and that, so far from helping the cause in view, they would prejudice it. I saw, as I thought every good lawyer ought to have seen, that there was no enforceable legal right for these people. A man goes to law, which, of course, he has not. Those people have none, either. I want to make that clear, because I believe that the fact that a suit was brought, and that the suit was decided adversely, has, in the minds of the laymen—and there are a good many laymen in the Senate—prejudiced this case.

I suppose that is enough to say upon that point. Of course, each one of you will see how that might be dwelt upon in extenso.

There is one other thing before I go into the remedy and the precedents. There are lands in the same situation as these in Tennessee for which Mr. SHIELDS has introduced an amendment, lands in Louisiana, to which attention was called by the Senator from Louisiana [Mr. RANSDELL], and there may be others. The question was asked, Why should not a provision of law, if made applicable to these people between Vicksburg and Bayou Sara, apply to all people who were similarly situated? Then is no rational negative reply to that, of course, provided only they are similarly situated. If you are going to give relief to one, it ought to be given to all that are identically situated. But I have an objection to putting those amendments in the same paragraph with this amendment, but no objection to taking care of them in a succeeding and independent paragraph; and that objection I will now state. The point of order will not lie to my amendment, because there was a survey made by the engineers and a recommendation made by the commission, and a foundation was thus laid for putting my amendment, in compliance with the survey and recommendation, upon the bill. But if, for example, the lands suggested by the Senator from Tennessee [Mr. BERTHAM] were put in the same paragraph, that would vitiate the entire paragraph and render it all subject to the point of order. If followed by another section, including those lands and including those which the Senator from Louisiana [Mr. RANSDELL] has suggested, then if the point of order should be made to that paragraph containing the portion where no survey had been made and no recommendation had been made, even if it went out it would carry my proposition with it. That will be better for me, but it will be better for the other people whom you mention—I mean better for my people and better for the others, because if my amendment passes, then the precedent for all identically situated is established. Then even, all you will have to do is to put on this bill surveys for your section, Senator RANSDELL, and surveys for yours, Senator SHIELDS, and include them in the next bill.

Senator RANSDELL. Will you not please elucidate what you mean by saying that a survey and recommendation have been made?

Senator WILLIAMS. On the last rivers and harbors bill, I obtained an appropriation—this committee gave it to me—for a survey and a report to determine whether it was feasible to levee, and if not, what was the feasible thing to be done, as well as to ascertain the actual situation.

Senator RANSDELL. You refer to the reports made by the Mississippi River Commission under that provision of the act?

Senator WILLIAMS. Yes; and of the engineer who did the surveying.

Senator RANSDELL. Did that provide any recommendation for damages, or simply a suggestion as to how the levees might be built?

Senator WILLIAMS. Their report, you mean?

Senator RANSDELL. Yes.

Senator WILLIAMS. Or my survey proposition?

Senator RANSDELL. The report made in accordance with your request.

Senator WILLIAMS. The report of the engineer to the effect that he advises against erecting levees; first, because of the number of watercourses coming out which will require pumping stations to complete the drainage, and secondly, because the value of land protected by levees is less than what the levees would cost, and the river commission makes the recommendation, to need to a commission or to the Court of Claims the whole subject matter for the ascertainment of the damage in forwarding the result of that survey. In the first place, the engineer, called upon to put into the report recommendations of the commission, and the previous recommendations of the commission were either to let those people go into some court—in one of their reports they suggest that there might be a special tribunal created to determine it—a court—I mean, I ought to say that the people be sent into some court, which it thinks could more adequately ascertain and determine what the actual damages were, than the Mississippi River Commission itself could.

I at one time introduced a bill here organizing a special commission, but upon second thought it seemed to me that the Court of Claims was already organized with its officials of every description, and that there was no use in populating the country to the expense of organizing new and untried special machinery to do that which the existing machinery was perhaps even better adapted to accomplish. Therefore the amendment as I offer it now sends the matter over to the Court of Claims for investigation and a finding, conferring jurisdiction for the purpose—

Senator RANSDELL. Senator, perhaps I am a little confused, and I wish you would help me out. Do you refer now to the report made by the Mississippi River Commission in 1910, the one which Mr. Jenkins embodied in his report, or a subsequent one?

Senator WILLIAMS. No; to the last one, solely. That of 1910 was made before this, but I had to refer to that of 1910 in a certain sense, because in their last recommendation the Mississippi River Commission refer back to that, and say that they repeat what they had to say then, and reaffirm it in the light of the additional evidence in the last report, which was made subsequent to the report of the engineers upon the last survey, for which $20,000 was appropriated in the last river and harbor bill. I think from about 1885—I am not sure of the year—down to now this commission has been constantly recommending to Congress that something be done for the relief of these people, and referring, to use their own language, to the "distressful" condition in which they have been left, and adverting to the fact that the cause of that distressful condition was the raising of the flood level by the erection of a continuous line of levees, restraining the river within its banks at flood times, and they be their last report and in the previous one, and the engineer, too, in his last report, agreed with the fact that these people are "permanently inundated." That is, they have an overflow every year, and must have it, and that the height of the flood will continue to increase as the levees are perfected, and that consequently, so far from expecting any relief from present ills, they may expect to have a worse time.

I want to dwell upon one other thing a moment. It has been alleged as one of the objections to the redress sought that the United States Government is expected to pay these damages, whereas the cause of the damage, to wit, the erection of the levees, was not only the act of the United States but was the act of the State of Louisiana and of the various levee districts along the river; and that therefore there ought to be an apportionment of the damages between all the contributing parties. My answer to that, in the first place, is that apportionment is absolutely impracticable, and there is no way of making it. There is no such thing as a suit jointly against a State and a levee board and the United States Government. And in the second place—and this I want to impress upon you—by the very nature of the case the levee districts must pay a part of those damages if the damages are assessed and paid by the United States. Now, fellow me. Already the levee districts have gotten the advantage of the nonerection of levees on this front. These levees, if they had been built from Vicksburg down to Baton Rouge, would have cost a half a million dollars, in round numbers; about that at the very lowest. What would have been the result? Either that half million dollars would have been subtracted from the work which has been done elsewhere, and the levees elsewhere could not have been carried to their present height, or else, if they had been carried to their present height, the amount appropriated by Congress would have had to be increased a half a million dollars, and if the amount appropriated by Congress had been increased a half a million dollars, then the contributions of the levee districts, which must maintain a certain proportion to the national appropriation, would have been increased share and share alike. If the Government continues to avoid the expense of building the levees down there, the people on other parts of the river in levee districts will continue to enjoy the benefit of this saving of half a million dollars, and even when we make an appropriation for damages to these people of mine the others will all continue to enjoy the difference between the sum which ought to be assessed and paid to my constituents as damages and the half million dollars needful for first construction on levees, besides the largest amount for annual upkeep and some improvements, while paying, as these districts, in taxes their share of the increased levee expenditure. If those levees from Vicksburg to Baton Rouge were built to-morrow, and were added to the appropriation in this bill, or if, without increasing the amount of the appropriation, the amount of their cost of construction were taken from the amount appropriated for levees elsewhere, you see at once that these people elsewhere—I, in the Yazoo Delta, others in Arkansas, and you in lower Louisiana—would have to do one of two things—either increase our proportionate contributions to the common levee construction fund or else suffer by not having the work done which we expected to be done. If you pay these damages, which would be less than the cost of levees, then the Yazoo levee district, the Mississippi levee districts, the Louisiana levee districts, and the Arkansas levee districts will have to pay their share of it, because the United States Government, in paying the policy of helping these who help themselves and helping them in proportion as they help themselves, requires their appropriations to increase with its own. And if this amount is increased to a given amount ultimately through the judgments of the Court of Claims—say, a quarter of a million dollars—those people must pay their share of that quarter of a million dollars, practically and consequentially.

The ACTING CHAIRMAN. This bill does not provide for a proportionate contribution by the levee districts.

Senator WILLIAMS. I know that; but the Mississippi River Commission insists upon it, and it has been the uniform course and will, I assume, continue to be the practice. So far as I know, the Federal Government never built a levee for anybody where there was nobody helping. Where the people never would tax themselves, the Government has refused uniformly to build for them, and I understand that to be the historic and fixed policy of the Mississippi River Commission.

The ACTING CHAIRMAN. Do you understand that has been the policy of the Government in reference to damages for lands destroyed or injured?

Senator WILLIAMS. No; I do not, and in the way of requiring a direct contributing appropriation for damages; but if these appropriations were carried upon an appropriation bill, and through the Court of Claims the Government had to pay it, Sandy Cottom would have to make the appropriation to meet the judgment of the Court of Claims, and that would be part of a river and harbor appropriation, to which all levee districts contribute proportionately with the Government.

The ACTING CHAIRMAN. Would that follow unless the bill you are now arguing for provided for a contribution on the part of the several levee districts toward the payment of any judgment of the Court of Claims?

Senator WILLIAMS. It would follow with practical necessity, and as a necessary practical consequence, as I see it and have tried to demonstrate, because the appropriations to pay the amount for which the Court of Claims finds judgment would be made upon the rivers and harbors appropriation bill.

The ACTING CHAIRMAN. Yes; but would we not be confronted then by the suggestion that this bill authorizes a suit for the ascertainment of damages against the United States, and that therefore the Court of Claims having found against the Government, the Government itself ought to appropriate all the money?

Senator WILLIAMS. There is no doubt about that; but when the Government would help me out. Do you refer now to the report made by the Mississippi River Commission in 1910, the one which Mr. Jenkins embodied in his report, or a subsequent one?

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of other landowners or the Government by some tribunal instituted in said court, where the claimant and the United States may have representation and consideration of the matter, and the judge of said court and the said Court of Claims shall ascertain and find as to such claimant what, if any, property has been damaged or injured as a result of such river improvement, and to enter judgment therefor: *Provided*, however, That if said Court of Claims finds that such damage or injury consists in a destruction of such property, said court, before payment of the judgment, shall require the proper party to execute a deed of conveyance for the title to said property to the United States, and such judgment, if any, shall be paid on other judgments of said court and now paid under existing law.

The present law provides that claims in Mr. Chairman, now the question comes up that this bill submitted to this committee by Judge Taylor, the president of the Mississippi River Commission, with which the author, in his recent report agrees, that this land could furnish a good deal of useful material for the improvement of the river. Nearly every little stream that comes down there from the hills is loaded with gravel, and that whole country has a good deal of willow, and a good deal of cottonwood, the willow especially being very highly useful in revetment work. Willow for revetment work is priceless and costly. This would furnish the material of that sort for nothing. If it is had in the present condition, the land will run still more to willows and gravel, and it was the opinion of Judge Taylor that it would pay the United States Government to give it; certainly it would pay it better than to lease it; and certainly it would pay it better than to give as any other redress which has been suggested, which would be some expense to the United States Government and no benefit to anybody.

Then follows in my amendment this proviso:

"*Provided further*, however, That in adjudicating said claims the Court of Claims shall not grant any judgment for any land or property so held upon the said lands, or any part thereof, to be found therein, involved in the respective cases, or who, since 1882, has perfected with title thereto, or because dispossessed of said lands or any part thereof, or interest therein, by reason of foreclosure proceedings for the enforcement of mortgages, tax delinquencies, or otherwise compelled to another title thereto, as a result of said injuries, to appear as a party claimant by filing an intervention petition herein, or may be made a party or parties defendant by either the original claimant or the defendant within six months after the approval of this act, setting up their right, title, or interest in and to said land, and said court shall consolidate the claims of all of said parties and render judgment for statutory amount and said court shall give equitably to each and every such party or parties, but in no case shall the total of said judgment or judgments exceed the value of the land involved in the respective cases before taking an inventory or discount, and the payment made pursuant to judgments should thereafter bar any further claim the United States from further liability or responsibility for any damage to said lands as a result of constructing improvements or adjacent to said river for any purpose whatever."

Question arises, What will be the probable amount of damages involved by passed bill?

Senator WILLIAMS. I should dislike to be held responsible for the absolute accuracy of the statement, but I think that Judge Taylor thought it would carry present value. That is pay them. There have been some claims made of it, and some of them will appear to be the claims of some people who were here before. I do not recall them.

Senator RANSDELL. Was not $900,000 claimed in the Jackson case?

Mr. NORRIS. Mr. President, may I inquire—I could not hear all the Senator said—from what magazine the article is taken?

Mr. STONE. The North American Review.

Mr. NORRIS. And who is the author?

Mr. STONE. The Speaker of the House of Representatives.

Mr. NORRIS. I have no objection, Mr. President.

Mr. STONE. I ask unanimous consent to have the article printed in the Record.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. KENYON. I should like to ask the Senator if he will not have the article read, so that we can all hear it?

Mr. STONE. I would have no objection to that, except for the consumption of time. It would answer every useful purpose to have it printed without reading?

Mr. KENYON. I ask to have it read, Mr. President.

Mr. STONE. I have merely asked permission to have the article inserted in the Record.

The VICE PRESIDENT. Is there any objection to the article being read?

Mr. SUTHERLAND. I object.

The VICE PRESIDENT. Objection is made.

Mr. BRANDEGEE. The Senator from Utah does not object to its being inserted in the Record, does he?

Mr. SUTHERLAND. I do not object to its being inserted in the Record.

Mr. BURTON. Mr. President, may I ask what this is—an article on the Mississippi River by the Speaker of the House?

Mr. STONE. Mr. President, I have answered that question already, but I will answer it again, since the Senator did not hear. It is an article on the Mississippi River appearing in the North American Review for July of this year, written by Speaker CLARK, of the House of Representatives, and I have asked that it may be inserted in the Record.

Mr. BURTON. It is an article of some considerable length, I fancy?

Mr. STONE. It is about nine pages.

Mr. BURTON. The request is that it be printed in the Record, and not as a document?

Mr. STONE. I have asked that it be printed in the Record.

Mr. BURTON. Does not the Senator from Missouri think it would be better to have this article printed as a document rather than to encumber the Record with it?

Mr. STONE. I do not think it would encumber the Record. It relates directly to one of the most important questions connected with the rivers and harbors bill. I am surprised that there should be any objection or question about granting my request.

Mr. BURTON. I desire the fullest and freest discussion of this subject, and I am not going to object, except that I deprecate the custom of filling the Record with articles from magazines and other outside sources.

Mr. BORAH. Mr. President, may I make a suggestion? We are now in the midst of the discussion or consideration of the river and harbor bill, and this is an article by the Speaker of the House, who is as familiar with the subject, I presume, as anybody. If it goes into the Record it will scarcely reach very many Senators, as they will not have time to read it, and so I suggest that the article be read to the Senate.

Mr. STONE. Mr. President, that suggestion is almost equivalent to an objection. The Senator ought not to carry his opposition to the river and harbor bill quite to that extent. Of course, if it is necessary to do so, when the bill is taken up I can have the article read into the Record, but that is not the course I intended to take. I think it is valuable because of the general information the article contains, and, as its author is the presiding officer of the House of Representatives, I had supposed that no one would object to the request I made or seek to interfere with it.

Mr. SUTHERLAND. Mr. President, I withdraw my objection to the article being read.

Mr. BORAH. Mr. President, there is no objection to the article whatever. I simply wanted the article read so that we may know what it is.

Mr. STONE. Mr. President, that is simply a method of filibustering, and that is why the Senator wishes it read; he wants it read merely to consume time, not to inform the Senate.

Mr. SMITH of Michigan. Mr. President——

Mr. STONE. I may gratify the Senator by having it read, but I do not think this interference is very nice.

Mr. BORAH. I am rather surprised that the Senator discloses his irritability so early in the day.

Mr. STONE. I do not hear what the Senator said.

Mr. BORAH. I have no doubt of that.

Mr. STONE. I can not hear a word the Senator says. I suppose it is very important; but I did not hear it.

Mr. SMITH of Michigan. Mr. President, I regret very much that the Senator from Missouri does not press his request to print this contribution. We who have had something to do with the policy of the Government toward the Mississippi River are anxious for just such information as is contained in the contribution of the Speaker of the House of Representatives. For one, I have ducked long ago that this Mississippi River shall be no longer a piecemeal proposition with me. We have had no policy; we have had no results of commensurate importance with the amount of money expended. I hope that this article will be read and that the friends of that improvement will not relax their vigilance, but with redoubled energy endeavor to get this contribution printed and to get that river properly improved.

Mr. STONE. Mr. President, the article will be read in due time, but for the present I withdraw my request that it be printed by unanimous consent; I shall not ask unanimous consent to have it printed.

Mr. WILLIAMS and Mr. SMITH of Michigan addressed the Chair.

The VICE PRESIDENT. Just a moment, please. The Senator from Iowa [Mr. KENYON] requested the reading of this paper. There was objection to the reading of the paper. The rule of the Senate is when the reading of a paper is called for and objected to the question shall be determined by a vote of the Senate without debate.

Mr. BRANDEGEE. The objection has been withdrawn, Mr. President.

Mr. SUTHERLAND. I withdrew the objection.

The VICE PRESIDENT. The objection has been withdrawn. Is there any further objection?

Mr. WILLIAMS. Now, Mr. President, I renew the request made by the Senator from Missouri that this article be published in the Record.

Mr. CLARKE of Arkansas. And be printed as a document.

Mr. WILLIAMS. I want to tell why I renew the request. I particularly stress some things that have just been said by the Senator from Michigan [Mr. SMITH]. We have spent $500,000,000, or will have spent that amount, upon the Panama Canal before we get through with it, and at the very highest stage of efficiency that is expected of it by anybody anywhere it will never amount in importance to the American people to one-tenth of the importance that the Mississippi River will amount to. I think the day will soon dawn—I hope so, at any rate—when the Mississippi River and the problem of the great valley, which includes its tributaries as well, shall be set aside, as the Panama Canal was, as a great national project, and no longer be used to drag in its wake little things of one description or another, and when money will be taken out of the Treasury as rapidly as it can be used for the purpose of solving this great problem; and when bonds will be issued and somebody like Gen. Goethals will be put in command of the great project to carry it through, and the Secretary of the Treasury will be authorized to sell the bonds from time to time and pay him the proceeds as rapidly as he says it is necessary in order to do the great work.

It is no great engineering problem, like the Panama Canal was. I could do it myself if you would give me the money. Anybody understands it. The only thing is to go and do it. It is a simple idea of jetty-ing, and of levees, and here and there of dredging, and here and there of canalling; that is all.

I renew the request. While I do not agree with the article in every respect, I have read it, and I think it a very valuable contribution to the literature upon this subject; and a subject soon to be before the Senate in this very identical subject.

I therefore renew the request that the article be printed in the Record.

Mr. BRANDEGEE. Mr. President, I did not understand that the request had been withdrawn. The Senator from Missouri [Mr. BROWN] asked that it be printed in the Record, and the Senator from Idaho [Mr. BORAH] suggested that it be read.

Mr. WILLIAMS. The Senator from Missouri afterwards withdrew his request, because he said they were trying to take up time.

Mr. BRANDEGEE. I will ask the Senator from Missouri if he did withdraw his request.

Mr. STONE. I did withdraw it, and I decline to renew it. I will probably have it read, in the course of the debate. Fortunately I am not obliged to depend upon the courtesy or discourtesy of others. I can manage in some way to take care of myself.

Mr. BRANDEGEE. Mr. President, a parliamentary inquiry. No objection having been raised to the request of the Senator,

he withdraws it, and now the Senator from Mississippi renews it. Did the Senator from Mississippi ask that the article be printed as a public document also?

Mr. WILLIAMS. No; I asked that it be printed in the Record for the information of Senators, so that they can read it before they come to deal with this question.

Mr. BRANDEGEE. Mr. President, several times I have objected to magazine articles being printed in the Record; but the Speaker of the House having thought that this matter was of such great importance as to write a magazine article about it, out of compliment to him and deference to his views I shall not object to this article going in. I want to say, however, that if the Speaker of the House, who has the privileges of the floor of the House and the right to give his views on a pending bill before Congress, thinks they are of sufficient importance to make public, I think he could very well take the floor and say what he has to say to his fellow Members, and then it would be in the Record in the regular way. Inasmuch as he has contributed to an outside journal, and it has to be gotten in the Record in this irregular way, while I think the Speaker himself would not ask this privilege, I have such a high opinion of him and the subject is of such importance that I shall not object to its being either printed or read, or both.

Mr. STONE. Mr. President, I hope the matter will not be pressed any further. Let us drop it and go on with the bill.

Mr. BRANDEGEE. The Senator can not help it.

Mr. NORRIS. I hope the Senator from Missouri will have it read. I believe it ought to be read.

Mr. BRANDEGEE. I should like to hear it myself, not having read it.

Mr. STONE. It will be read, all right.

Mr. BRANDEGEE. The Senator will only get it read by unanimous consent.

Mr. NORRIS. I am not asking unanimous consent.

Mr. STONE. I know the Senator is not; and I decline to ask it and shall decline to give it.

Mr. WILLIAMS. Mr. President, I rise to a point of order. I have made a request for unanimous consent. I ask that the article be printed in the Record.

Mr. STONE. I object.

Mr. BRANDEGEE. That settles that.

Mr. SIMMONS. Regular order!

CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

Mr. WILLIAMS. Mr. President, on May 13, 1914, I made some remarks before the Committee on Commerce on the subject of the claims of the riparian landowners on the east bank of the Mississippi River from Vicksburg down to Baton Rouge. I do not want to take up the time of the Senate by saying it all over again when the proper time comes; but I ask unanimous consent that it be published in the Record, so that those Senators who choose to see what the case is may find it there for reference.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

CLAIMS FOR DESTRUCTION OF PROPERTY, MISSISSIPPI RIVER.

STATEMENT OF HON. JOHN SHARP WILLIAMS, A SENATOR FROM THE STATE OF MISSISSIPPI.

The ACTING CHAIRMAN. Which particular amendment will you address yourself to, Senator?

Senator WILLIAMS. The one introduced by me on March 31. I introduced it first as a separate bill, and then as an amendment, and I urge it now as further amended by the suggestions of Mr. Jenkins and the gentlemen who were here.

The ACTING CHAIRMAN. That is, conferring jurisdiction on the Court of Claims?

Senator WILLIAMS. Yes. You will remember that when Mr. Jenkins and the members of the Riparian Landowners' Association were here they suggested a couple of amendments to my amendment, and they informed you of the fact that I had been consulted about them and was willing to accept them. The first amendment includes all the lands in the parish of West Feliciana in the State of Louisiana. My original amendment included only a part of them. The second amendment is a proviso that in adjudicating the claims the court shall permit any party who in the meanwhile has lost his land by foreclosure to intervene, and that in proportioning the damages the court shall give such proportion as they think right and proper to the present owner and the foreclosed owner, but in no event shall the damages exceed the limit fixed in the bill, which is the value of the lands when they were taken.

Senator RANSDELL. The amendment you are considering is the one that was offered on March 31?

Senator WILLIAMS. March 31; yes.

Mr. Chairman, this matter very naturally divides itself into a logical sequence of discussion: First, the evil complained of; second, the cause of it; third, the several possible means of redress; and, fourth, why this particular means of redress selected by me is preferred. Then a notice of the objections that have been made to it, and then a notice of the legislative precedents for the proposed redress.

It is not necessary for me to dwell at any great length upon the evil. The United States Government has adopted the policy of aiding the local authorities in building a continuous line of levees. Of course, as far as the riparian landowners were concerned, a continuous line of levees was never necessary for the protection of the land. The Mississippi Delta, for example, can be protected just as well without any levees in Louisiana, even on the east bank of the river, and the Louisiana east or west bank could be protected just as well if there were no levees along the banks of the Mississippi Delta. Formerly there were a lot of detached levees. This Federal policy of continuous levees was originally determined upon because the object was to keep the river at high flood within its banks, so that there should not be a gradual filling up of the bed of the river, and while the effect of it would be to increase the height of the flood at high water, the ultimate effect of it would be to increase the capacity of the river itself.

In order to answer this navigation purpose, I thought, and I think still, that, regardless of the riparian owners behind, the levees on the east bank of the Mississippi below Vicksburg and between there and Baton Rouge ought to have been built, in order that there might have been a continuous and uninterrupted line of levees approximately equidistant from levee to levee along the whole course of the river erected. I do not believe now that that continuous line of levees would have been for the benefit of the riparian landowners from Vicksburg to Baton Rouge, because there are so many little streams that run out from the hills there with such a volume of water during freshets that there would have had to have been erected a pumping station in order to get the water off of them after it came down. But as far as the national purpose is concerned, it remains that, without a continuous line, sloughs and mud bars have been caused and will continue to be caused by the fact that just at each place, instead of adopting as the bank of the river for high water a line of levees running down approximately equidistant, they have adopted an irregular line of hills, sometimes jutting into the river and sometimes as far back as 10 miles from the river, causing an eddying in and out of the stream, which at each point where spreading and eddying occur forms a sand bar.

The result to these people has been this: That their land and their homes have been dedicated to the bed of the river. The hills back of them have become the Government levee.

The ACTING CHAIRMAN. That is, they are within the banks of the levee?

Senator WILLIAMS. Yes; the hills being the levee. They are within the high-water and even annual-water banks, the hills constituting the high-water river bank on the east side, they being between the hills and the river. The river commission has adopted the hills as a levee from Vicksburg down to Baton Rouge. The consequence is that whereas even if there had been the old system of levees, they would have suffered from high water some harm at infrequent times, that later, when the levees were completed on both sides of the river, thereby raising the level of the water at times of high flood, they have been subjected to "annual and permanent overflow." And when I use that language, that is not originally my language, that is the language of the Mississippi River Commission, and of the engineers, as well as of these suffering people.

So that, as I said a moment ago, their lands and property have been dedicated by the levee system, taken as a whole, to the bed of the river at every annual high water, dedicated for the public good.

Now, prior to this this country at rare intervals suffered from high water, as every bit of the Mississippi Valley that is alluvial has at times suffered. All the alluvial lands were built up by the river, and could not have been built up by the river except for the fact that the river at some time was higher than the banks, overflowing them and leaving a deposit of sediment. In 1862, in 1882, and in 1828 these lands went under, but they did not go under once in a quarter of a century. When lands in the Yazoo Delta and upon the west bank of the Mississippi River opposite these lands were under water many times these people were raising magnificent crops, from a half a bale to a bale of cotton to the acre, and there was no more prosperous part of Mississippi, as you know, Mr. Chairman, of your own personal knowledge.

The ACTING CHAIRMAN. Do you know how many thousands of acres are involved in this particular bill?

Senator WILLIAMS. That all appears in the hearing here and in the report of the engineers, but I do not have it at my tongue's end just now. You will find it in the hearing, when other gentlemen were before you, and in the report.

The ACTING CHAIRMAN. I read it, but I have forgotten it.

Senator WILLIAMS. You will also find the number of people that have been run out of this country. You will also find this fact: Somebody asked the question if they could not use those lands now for grazing purposes. I need not tell you, who know the configuration of that country between the Walnut Ridge and the Mississippi River, that this is absolutely impossible. It is impossible to get the cattle out when the water comes, owing to the local topography. They are cut off by sluices, sloughs, bayous, and morasses, and the water is deeper back from the river just before you enter upon the rise of the ridge than it is at the river itself, because there, as all along the Mississippi River, the bank nearest the river is the highest because it received the first and heaviest and deepest deposit of sediment. So that the cattle and stock are isolated in case of high water and it is impossible to get them out except with rafts or other floating things. They can not be driven out once the river front bank is overflowed.

So that the evil complained of is that by this great course of public improvement, which has inured so much to the benefit of the valley at large and of the commerce of the whole country, these people have incidentally suffered a total loss of their property. Well, not a total loss, either, because they can make something out of the timber upon it. But most of the timber left is the sort that grows in water, of course, and most valuable hardwood timbers are killed by the annual overflow. It will kill hardwood timber of most descriptions that are really valuable. The evil is undeniable.

The Mississippi River Commission says it is "a most distressing" condition, and it has not once but several times recommended that Congress "take some steps" to give these people relief. Of course, there are several steps that might be taken, and the commission has suggested each in the alternative. In the first place, you might stop the whole levee system, tear down the levees elsewhere to prevent these people from being hurt. That would be absolutely ridiculous and wicked, because the good of the greatest number must prevail, and where it is absolutely necessary that a minority should be sacrificed in carrying out that principle they should be sacrificed.

But the English-speaking race has always compensated those whose interests have been sacrificed for a public purpose, and this has been uniformly done, both in England and here, not because it was an enforceable legal right, but because the magnificent civilization of the race has been built upon the rock of justice.

Building levees for the localities is naturally the next remedy to suggest itself. It was to me. Then I introduced a bill at one time, as

Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Sabetha, Nickerson, Broughton, Clay Center, Liberal, Mound Valley, Eldorado, Garden City, Jewell, and Mulvane, all in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry Congregational Churches of Cheshire County, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a resolution adopted by the congregation of the First Seventh-day Adventist Church of Condersport, Pa., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WARREN. I have a very short resolution, passed at a general meeting of the women of Laramie City, the university city of Wyoming, on the subject of woman suffrage. As the State of Wyoming was the first State to adopt woman suffrage, and as this resolution is very short, I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay, in the most feasible and practical manner, to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 2d day of May, 1914.

MRS. E. H. KNIGHT,
Presiding Officer.

Attest:

EVA J. PATCHELL,
Secretary.

Mr. WARREN presented a memorial of sundry citizens of Wyoming, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of sundry citizens of Pen Argyl and Roseto, in the State of Pennsylvania, praying for the enactment of legislation to provide for regulation by the individual States of the traffic in convict-made goods entering into interstate commerce, which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Pennsylvania, praying for national recognition of the services of Dr. Frederick Cook in his polar explorations, which were referred to the Committee on the Library.

He also presented a petition of the Select Council of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Local Council No. 300, Royal Arcanum, of Attleboro; of the Board of Aldermen of Waltham; and of the Board of Aldermen of Medford, all in the State of Massachusetts, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Taunton, Mass., favoring the enactment of legislation to provide for the registration of designs and trademarks, which were referred to the Committee on Patents.

He also presented petitions of sundry citizens of Fitchburg, Holyoke, Acushnet, Boston, Wellesley, Medford, Malden, Brookline, Brighton, Gloucester, Allston, Roslindale, West Somerville, Cambridge, Nantucket, Wareham, Long Plain, Plainville, Norwood, New Bedford, Watertown, Methuen, Andover, Lawrence, Waltham, Dorchester, Hopkinton, South Boston, Neponset, Lowell, Vineyard Haven, and Monson, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Lowell, Worcester, Fall River, Charlestown, Boston, Chelsea, Jamaica Plain, Roxbury, Springfield, Holyoke, and Dorchester, all in the State of Massachusetts, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 37, Order of Railroad Telegraphers, of New Rochelle, N. Y., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of St. Johnsbury, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented telegrams in the nature of petitions from sundry citizens of Brawley and Ripon, in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry local unions, Order of Railway Conductors, of Richmond and San Luis Obispo, in the State of California, praying for the passage of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented the petition of H. E. Roether, secretary of the Enameled Tank Co., of Kalamazoo, Mich., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Monroe County, Mich., praying for an appropriation to assist in the construction of the Detroit-Toledo highway, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Claymont, Dover, Harrington, and Georgetown, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Old Orchard, Wilton, Berwick, Monmouth, Lincoln, Hinckley, Rumford Center, and Sagadahoc, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the Religious Society of Friends at session of Dublin quarterly meeting held at Nettle

Creek, Ind., May 30, 1914, representing more than 1,200 members, praying for the passage of the so-called prohibition resolutions now pending before Congress, which was referred to the Committee on the Judiciary.

Mr. JONES presented memorials of sundry citizens of the State of Washington, remonstrating against the enactment of legislation to increase the number of chaplains in the Navy, which were referred to the Committee on Naval Affairs.

Mr. WORKS presented petitions of sundry citizens of Ontario, Riverside, Hollister, Fruitvale, and Garden Grove, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

ANTITRUST LEGISLATION.

Mr. WORKS. Mr. President, I have here a petition from John P. Irish, a leading and distinguished Democrat of California, on the subject of antitrust legislation, which he requests me to have read to the Senate. It is brief, and I ask that it may be read.

There being no objection, the petition was read and referred to the Committee on the Judiciary, as follows:

A petition to the United States Senate.

Your petitioner respectfully represents that he is a native American citizen, and availing himself of the right of petition does respectfully protest and petition your honorable body against the following proposed legislation, to wit:

Against impairing the protection of property by depriving the courts of equity jurisdiction and the right to restrain organized violence by injunction.

Against the proposed exemption of members of labor unions from punishment for conspiracy in restraint of trade, a statutory crime for which all others, except farmers' organizations, are penalized.

Against legalizing by Federal statute the picket and boycott as an invasion of the rights of the States by usurpation of their police powers.

The writ of injunction for protection of the rights of property is of equal dignity with the writ of habeas corpus for protection of the rights of person. The limitation of either is a step backward toward the age of unrestrained tyranny.

I am a Democrat and voted for the candidates who were nominated on the Baltimore platform, which denounced all forms of special privilege. Will the Senate inform the country of any more appalling form of special privilege than permission to one class of citizens, unpunished, to commit a crime for which all others are punished?

As a farmer I resent for my class its inclusion in this nefarious immunity. There is no possible form of organization or cooperation amongst the farmers of this country that can restrain trade or limit or impair the rights of others. American farmers are moral and high-minded. It is largely from their ranks that juries will be drawn to try the classes which are penalized for crimes which such jurors can themselves commit with impunity if you pass this legislation. Can any Member of your honorable body suggest a situation more offensive to a sense of justice, more destructive to the moral foundations of government, or personally more degrading than calling a juror to convict another for a crime he can himself commit without punishment?

The boycott and picket are devices to prevent the employment of free labor and to deprive the employer of the right to manage his own business. They are used to destroy the right of men to work, which is denial of their right to live. They are used to enforce the arbitrary will of organizations that have used gun, bludgeon, and dynamite to deny bread to the living and peaceful burial to the dead.

Cardinal Gibbons has well defined civil liberty to be that condition in which no man is subject to the arbitrary will of another, but in which all are equally subject to the law. Unless you can impeach this definition this legislation now before you will therefore destroy civil liberty by legalizing the arbitrary will of some over all others, and by exempting some from punishment for crime for which all others are penalized, establishing inequality before the law.

In all civilized countries the right to do business is held to be a property right. Other features of proposed legislation reverse this wholesome and necessary conclusion of law, and will in effect outlaw business in this country, deprive it of judicial protection, take from it every right under the Constitution, and strip it naked for the despoiler.

The history of man discloses no tyrant who dared do at a blow what this legislation will do if the Senate enact it into law.

Therefore I respectfully petition the Senate to stand on the side of civil liberty, of legal equality, and the right of free men to live.

JOHN P. IRISH,
1064 Adeline Street, Oakland, Cal.

IMMIGRATION OF INSANE ALIENS.

Mr. GALLINGER. Mr. President, I present a resolution of the Medical Society of the State of New Hampshire on a very important matter relating to the public health. It is brief, and I ask that it be read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

Whereas the entry of insane and mentally defective immigrants to this country is a menace to the mental health of the Nation, not only in the present, but in succeeding generations; and

Whereas the present immigration laws, although providing for the exclusion of such immigrants, do not provide means for their examination by trained experts nor for effective measures for the return of insane aliens who become inmates of our institutions; and

Whereas these are primarily matters of public health: Therefore be it

Resolved by the Medical Society of the State of New Hampshire, That Congress be urged to provide for the mental examination of arriving immigrants by physicians in the United States Public Health Service especially trained in the diagnosis of insanity and mental defects; to provide adequate facilities for the detention and careful mental examination of all immigrants at large ports of entry; to provide for the detail of American medical officers on vessels bringing immigrants to this country in order that their welfare may be safeguarded and those with mental diseases or defects discovered; to provide for the assumption by the Federal Government of an equitable share of the burden of caring for dependent aliens which is now borne entirely by the States and to provide for the safe and humane return to their own homes of those immigrants whom it is necessary to exclude and of those aliens in our public institutions who desire to return: And be it further

Resolved, That copies of this resolution, duly attested, be sent to the President and the Vice President of the United States, the Secretary of Labor, the Surgeon General of the United States Public Health Service, the Commissioner General of Immigration, the chairmen of the Senate and of the House Committees on Immigration, and to each Member of the New Hampshire State delegation in Congress.

Mr. GALLINGER. I ask that the resolution be referred to the Committee on Immigration.

The VICE PRESIDENT. It will be referred to the Committee on Immigration.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (S. 5629) for the relief of certain persons who made entry under the provisions of section 6, act of May 29, 1908, reported it with an amendment and submitted a report (No. 652) thereon.

He also, from the same committee, to which was referred the bill (S. 2518) granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply, reported it with amendments and submitted a report (No. 654) thereon.

ST. LOUIS RIVER BRIDGE.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably the bill (S. 5325) authorizing the county of St. Louis to construct a bridge across the St. Louis River between Minnesota and Wisconsin, and I submit a report (No. 653) thereon. The bill was introduced by the Senator from Minnesota [Mr. NELSON]. If he were present he would ask for its immediate consideration, because he is especially interested in it, and for him I ask that it may be considered at this time.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 6066) for the relief of H. G. Godfrey; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 6067) to amend an act to provide for an enlarged homestead, approved June 17, 1910; to the Committee on Public Lands.

By Mr. McCUMBER:

A bill (S. 6068) granting an increase of pension to Anna B. Fay; to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 6069) granting a pension to C. C. Arnold; and

A bill (S. 6070) granting a pension to J. Barry Lynch; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6071) granting an increase of pension to Oscar Avery; to the Committee on Pensions.

JUDICIAL PROCEDURE.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 15078) to codify, revise, and amend the laws relating to the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed.

WITHDRAWAL OF PAPERS—CATHARINE A. RILEY.

On motion of Mr. McCUMBER, it was

Ordered, That the papers accompanying the bill (S. 2452, Sixty-third Congress) granting a pension to Catharine A. Riley be withdrawn from the files of the Senate, no adverse report having been made thereon.

ARTICLE BY SPEAKER CLARK ON THE MISSISSIPPI RIVER.

Mr. STONE. Mr. President, for some days the Senate has had before it the rivers and harbors bill, the consideration of which has not yet been completed, and as bearing upon that bill and especially on that part of it affecting the Mississippi River, I have an article written by the Speaker of the House of Representatives—a very interesting and able article contributed to the North American Review, of some nine pages in length—which I think would be of value to the Senate and the country to have printed in the RECORD.

Mr. WARREN. I have a very short resolution, passed at a general meeting of the women of Laramie City, the university city of Wyoming, on the subject of woman suffrage. As the State of Wyoming was the first State to adopt woman suffrage, and as this resolution is very short, I ask that it may be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay, in the most feasible and practical manner, to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 2d day of May, 1914.

MRS. E. H. KNIGHT,
Presiding Officer.

Attest:

EVA J. PATCHELL,
Secretary.

Mr. WARREN presented a memorial of sundry citizens of Wyoming, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of sundry citizens of Pen Argyl and Roseto, in the State of Pennsylvania, praying for the enactment of legislation to provide for regulation by the individual States of the traffic in convict-made goods entering into interstate commerce, which was referred to the Committee on Manufactures.

He also presented petitions of sundry citizens of Pennsylvania, praying for national recognition of the services of Dr. Frederick Cook in his polar explorations, which were referred to the Committee on the Library.

He also presented a petition of the Select Council of Philadelphia, Pa., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by Local Council No. 306, Royal Arcanum, of Attleboro; of the Board of Aldermen of Waltham; and of the Board of Aldermen of Medford, all in the State of Massachusetts, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented resolutions adopted by the Chamber of Commerce of Taunton, Mass., favoring the enactment of legislation to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Trades Council of New Haven, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 37, Order of Railroad Telegraphers, of New Rochelle, N. Y., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of St. Johnsbury, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented telegrams in the nature of petitions from sundry citizens of Brawley and Ripon, in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry local unions, Order of Railway Conductors, of Richmond and San Luis Obispo, in the State of California, praying for the passage of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented the petition of H. E. Roether, secretary of the Enameled Tank Co., of Kalamazoo, Mich., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Monroe County, Mich., praying for an appropriation to assist in the construction of the Detroit-Toledo highway, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Maryland, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Claymont, Dover, Harrington, and Georgetown, all in the State of Delaware, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Old Orchard, Wilton, Berwick, Monmouth, Lincoln, Hinckley, Rumford Center, and Sagadahoc, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the Religious Society of Friends at session of Dublin quarterly meeting held at Nettie

Mr. TOWNSEND. I desire to announce that the junior Senator from Arkansas [Mr. ROBINSON] is unavoidably absent from the Senate on account of illness. I am paired with him on all votes. I desire to have this statement stand for the day.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will request the attendance of absent Senators.

Mr. SUTHERLAND. How many Senators have answered?

The VICE PRESIDENT. Forty-three.

Mr. SUTHERLAND. I move that the Senate adjourn.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. The Senator from Utah moves that the Senate do now adjourn.

Mr. KERN. On that I ask for the yeas and nays.

Mr. JONES. I make the point of order that the yeas and nays can not be ordered by less than a quorum.

The VICE PRESIDENT. The point of order is overruled. Is the request for the yeas and nays seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], which I transfer to the senior Senator from Alabama [Mr. BANKHEAD], and vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I voted in the absence of my pair, but I will allow my vote to stand, because I am perfectly satisfied that the Senator from Tennessee [Mr. LEA], if present, would vote on the same side of the question.

Mr. JOHNSON. I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. HOLLIS (after having voted in the negative). I voted inadvertently. I am paired with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Nevada [Mr. PITTMAN] and allow my vote to stand.

Mr. CHILTON (after having voted in the negative). I have a pair with the Senator from New Mexico [Mr. FALL], under the terms of which I can vote on questions of this kind. Inasmuch as the Senator who made the motion voted against it, I feel no compunction in allowing my vote to stand under the circumstances.

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Nevada [Mr. PITTMAN]. He is absent on official business. This announcement may stand for the day.

Mr. DILLINGHAM. I inquire whether the Senator from Maryland [Mr. SMITH] has voted?

The VICE PRESIDENT. He has not.

Mr. DILLINGHAM. Being paired with that Senator, I withhold my vote.

Mr. TOWNSEND (after having voted in the negative). I voted notwithstanding my pair with the junior Senator from Arkansas [Mr. ROBINSON], because I believed that, if present, he would vote the same way I have voted.

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from West Virginia [Mr. GORE] and to state that he is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I wish also to announce that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 0, nays 58, as follows:

YEAS—0.

NAYS—58.

Ashurst	Chamberlain	James	Nelson
Borah	Chilton	Johnson	Norris
Brady	Clapp	Jones	Oliver
Brandegee	Clarke, Ark.	Kenyon	Overman
Bristow	Colt	Kern	Page
Bryan	Crawford	Lane	Perkins
Burton	Cummins	Lea, Md.	Pomerene
Camden	Fletcher	McCumber	Pomerene
Catron	Gallinger	McLean	Ransdell
Reed	Smith, Ariz.	Sutherland	Works
Saulsbury	Smith, Ga.	Thomas	White
Shafroth	Smith, Mich.	Thompson	Williams
Sheppard	Smoot	Thornton	Weeks
Shields	Sterling	Townsend	
Simmons	Stone	Warren	

NOT VOTING—38.

Bankhead	Gore	Myers	Smith, Md.
Burleigh	Gronna	Newlands	Smith, S. C.
Clark, Wyo.	Hughes	O'Gorman	Stephenson
Culberson	La Follette	Owen	Swanson
Dillingham	Lea, Tenn.	Pearson	Tillman
du Pont	Lewis	Pittman	Vardaman
Fall	Lippitt	Robinson	Walsh
Hollis	Lodge	Root	West
Gallinger	Martin, Va.	Sherman	
Goff	Martine, N. J.	Shively	

So the Senate refused to adjourn.

The VICE PRESIDENT. The yeas and nays disclosing the presence of a quorum, the Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SIMMONS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LOUISVILLE & NASHVILLE RAILROAD (S. DOC. NO. 532).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Interstate Commerce Commission, transmitting the report of the commission in response to paragraph 13 of Senate resolution 158, Sixty-third Congress, first session, relative to the financial relations, rates, and practices of the Louisville & Nashville Railroad Co.; Nashville, Chattanooga & St. Louis Railway Co.; and other carriers.

Mr. NORRIS. Mr. President, may I inquire of the Chair whether the communication from the Interstate Commerce Commission is accompanied by evidence, or is it a report on a Senate resolution?

The VICE PRESIDENT. The communication has to do with paragraph 13 of Senate resolution 158, Sixty-third Congress, first session, itemizing the passes that have been issued by certain railroads.

Mr. NORRIS. Very well.

The VICE PRESIDENT. The communication and accompanying paper will lie on the table and be printed.

OREGON & CALIFORNIA RAILROAD GRANTS (S. DOC. NO. 533).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation in the sum of $25,000 for the protection of forfeited lands within the grants to the Oregon & California Railroad, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

RICHARD B. DAVIS AGAINST UNITED STATES (S. DOC. NO. 534).

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Richard B. Davis, administrator de bonis non cum testamento annexo of William G. Birchett, deceased, against United States, which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

The message also announced that the House had passed a bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, deceased, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 288. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 30 east, Montana; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

PETITIONS AND MEMORIALS.

Mr. RANSDELL presented a telegram in the nature of a petition from the mayor and the Citizens' Civic League of Vivian, La., praying for the adoption of an amendment to the

Smith, and Charles Kries, all of Long Branch, N. J., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Eatontown, Elizabeth, and Bayonne, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of the Philadelphia (Pa.) Board of Trade, protesting against the clause in the sundry civil bill exempting labor, etc.; to the Committee on Appropriations.

By Mr. SMITH of Minnesota: Petitions of 708 residents, 87 members of Christian Endeavor Societies, and 575 citizens of Minneapolis; 130 citizens of Crystal Bay; and the Minnesota Total Abstinence Association, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of sundry citizens of Mosherville, 112 citizens of Bedford, 2 citizens of Battle Creek, and the Delton Congregation, the Methodist Episcopal and Baptist Churches of Bronson, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of Ruskin, Fla., and of Pinellas County, Fla., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Sarasota, Fla., favoring the passage of the Smith-Hughes picture-censorship bill; to the Committee on Education.

By Mr. STEPHENS of California: Telegrams and letters from John S. Stubblefield, secretary of a mass meeting at Vermont Square, Los Angeles; J. H. Bathrick, secretary of a mass meeting at Gardena; Dr. A. J. Priester, secretary of the Hollywood Dry Association, and 11 others; the Christian Endeavor Society of the First Christian Church; A. F. N. Hambleton, chairman of the Annual Session Friends Church, of Pasadena; H. E. Sawyer, chairman of a meeting at East Santa Monica Methodist Episcopal Church, of Santa Monica; James W. Kramer, pastor, and 500 members of the Central Baptist Church; Leroy W. Van Velzer, Mrs. Ora Dodds, and 19 others, all of Los Angeles; Virgil H. Tucker, secretary, and 250 others of the First Methodist Episcopal Church of Alhambra; A. B. Embree, chairman of a mass meeting at Glendora, all in the State of California, all favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Riverside County Medical Society, of Riverside, Cal., indorsing House bill 5139, providing for retirement of superannuated civil-service employees; to the Committee on Reform in the Civil Service.

Also, resolution of the Grand Army of the Republic, of San Diego, Cal., protesting against changing stars of American flag; to the Committee on the Judiciary.

Also, letter from W. P. Stephens, of Los Angeles, Cal., favoring House bill 13305, to prevent "cut rates"; to the Committee on Interstate and Foreign Commerce.

Also, letters from Herbert M. Trowbridge, of Los Angeles, Cal., and Mrs. Amy R. Torrence, of Hermosa Beach, Cal., protesting against "State medicine"; to the Committee on Education.

Also, letters from John Bultmann, John Holms, and W. E. Chase, all of Los Angeles, Cal., protesting against passage of Hobson-Sheppard prohibition amendment; to the Committee on Rules.

Also, letters from M. A. Newmark & Co., R. L. Craig & Co., of Los Angeles, Cal.; and Dodge, Sweeney & Co., J. H. Newbauer & Co., and the Chamber of Commerce, all of San Francisco, Cal., indorsing House bill 15086, to prohibit mailing of false financial statements; to the Committee on the Post Office and Post Roads.

By Mr. STEVENS of Minnesota: Resolution adopted by Mary Stafford Circle No. 77, of North Branch, Minn., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. TUTTLE: Petitions of the Methodist Episcopal, Presbyterian, and Reformed Episcopal Churches, of New Providence Borough; the Christian Endeavor Society of the First Baptist Church of Plainfield; the Congregational Church of Christ of Westfield; and the Presbyterian Church of Westfield, all in the State of New Jersey, in favor of national prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of Mrs. M. D. Tinsley and many other citizens of Alex; B. A. Thompson and many other citizens of Ninnekah; M. T. Allen and many other citizens of Rush Springs; G. P. Rice and many other citizens of Terral; and C. B. Hawpe and many other citizens of Waurika, all in the State of Oklahoma, in favor of national prohibition; to the Committee on Rules.

Also, petitions of John S. Bradley and 28 others, members of the Booster Christian Endeavor Society of the First Christian Church; L. L. Butts and 40 others, members of the Christian Endeavor Society of the First Christian Church; and of Alice Miller and many other citizens, all of Oklahoma City, Okla., for passage of House joint resolution 168, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the beverage traffic in intoxicating liquors; to the Committee on Rules.

SENATE.

THURSDAY, *July 9, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

O Lord, we lift up our eyes unto the hills from whence cometh our help. Our help cometh from the Lord which made heaven and earth. We would not presume therefore upon our own strength. We realize our need and are conscious of our limitations. We realize our helplessness and are conscious of Thy power. May we enjoy the assurance of Thy favor to-day as we enter upon our duties. May we grasp Thy mighty hand and feel that all is well while Thou art leading. We ask it for Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, there are only two Senators present on the other side of the Chamber, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Page	Thomas
Brady	Johnson	Perkins	Thompson
Burton	Jones	Sheppard	Thornton
Camden	Kenyon	Shields	Townsend
Catron	Kern	Simmons	Warren
Chamberlain	Lane	Smith, Ariz.	White
Chilton	McCumber	Smith, Ga.	Williams
Clapp	Martine, N. J.	Smith, Mich.	Works
Colt	Norris	Smoot	
Culberson	Oliver	Stone	
Cummins	Overman	Sutherland	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on official business, and also the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], both of whom are paired.

Mr. SMITH of Georgia. Yesterday my colleague [Mr. WEST] was detained at his home by sickness. He is not here to-day, and I am sure he is still detained by sickness. I desire to make this announcement for the day.

I wish also to announce my pair with the senior Senator from Massachusetts [Mr. LODGE], which I transfer to my colleague the junior Senator from Georgia [Mr. WEST]. I will vote without further announcement of the transfer to-day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Wisconsin [Mr. STEPHENSON], and also the unavoidable absence of the senior Senator from New York [Mr. ROOT].

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present.

Mr. GALLINGER. I was requested to announce that the Senator from Illinois [Mr. SHERMAN] is detained from the Senate on account of illness in his family.

The VICE PRESIDENT. The Secretary will call the roll of absent Senators.

The Secretary called the names of the absentees, and Mr. BORAH answered to his name when called.

Mr. SHAFROTH entered the Chamber and answered to his name.

Mr. SHAFROTH. I desire to announce that the Committee on Banking and Currency are, with the leave of the Senate, in session at the present time. There are therefore absent on business of the Senate the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Missouri [Mr. REED], the Senator from Ohio [Mr. POMERENE], the Senator from New Hampshire [Mr. HOLLIS], the Senator from Kansas [Mr. BRISTOW], the Senator from Massachusetts [Mr. WEEKS], the Senator from Minnesota [Mr. NELSON], and the Senator from South Dakota [Mr. CRAWFORD].

Mr. CLAPP. I desire to state that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is unavoidably detained from the Chamber on account of illness. I will let this statement stand for all roll calls to-day.

By Mr. FERRIS: A bill (H. R. 17784) to reimburse George H. Morrow; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 17785) granting an increase of pension to James McMahan; to the Committee on Pensions.

By Mr. GILL: A bill (H. R. 17786) granting a pension to John McElroy; to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 17787) granting a pension to Hannah Josephson; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17788) for the relief of Revilow N. Spahn; to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 17789) for the relief of James Clark Smith; to the Committee on Claims.

Also, a bill (H. R. 17790) for the relief of the legal representatives of John Boyle, deceased; to the Committee on Claims.

By Mr. MANN: A bill (H. R. 17791) granting a pension to Christena Knepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17792) granting an increase of pension to Margaret Lloyd; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 17793) granting a pension to Cicero Dutot; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 17794) granting a pension to Frank H. Best; to the Committee on Pensions.

Also, a bill (H. R. 17795) granting an increase of pension to Henry Barber; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17796) granting an increase of pension to Catharine F. Bews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17797) granting an increase of pension to Catherine Keown; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Alabama: A bill (H. R. 17798) granting an increase of pension to William T. Hamilton; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the First Seventh-day Adventist Church of Coudersport, Pa., protesting against the passage of certain bills for the enforcement of Sunday observance; to the Committee on the Post Office and Post Roads.

By Mr. ADAMSON: Petition of sundry citizens of Harris County, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. ALLEN: Petition of 200 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of the Christian Endeavorers of Burghill and Clinton, Ohio, and sundry citizens of the nineteenth Ohio congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petitions of sundry citizens of Aberdeen, Albee, Andover, Athol, Ashton, Blunt, Bonilla, Bowdle, Bradley, Bristol, Bigstone City, Carlyle, Chelsea, Columbia, Conde, Clark, Crandall, Cresbard, Crocker, Doland, Eureka, Faulkton, Frankfort, Frederick, Gettysburg, Glenham, Groton, Harrold, Hecla, Highmore, Hitchcock, Hosmer, Hoven, Ipswich, Java, Kidder, Langford, Leola, Lowry, Lebanon, Mellette, Miller, Marvin, Milbank, Mobridge, Newark, Northville, Onaka, Onida, Peever, Pierpont, Raymond, Redfield, Reville, Roscoe, Selby, Seneca, Sisseton, South Shore, Stockholm, Summit, Tolstoy, Twin Brooks, Vayland, Verdon, Waubay, Wecota, Webster, and Wilmot, all in the second congressional district of South Dakota, favoring the enactment of House bill 5398; to the Committee on Ways and Means.

Also, letters from Rev. Harry Lee, of Seneca; George K. Clark, of Bigstone City; Leon Bitzman, of Canova; E. O. Machamer, of Artesian; telegrams from L. Todnesna, of Broadland; R. L. Wedmt, of Canton; C. N. Peterson, of Colton, all in the State of South Dakota, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, protests of sundry citizens of Revillo and Webster, S. Dak., against national prohibition legislation; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petitions of 23 citizens of Sheboygan, Wis., protesting against the passage of House joint resolution 168, and against all similar prohibition measures; to the Committee on Rules.

By Mr. CANTOR: Petition of sundry citizens of New York, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petitions of Adam Elinowski, Herman Thomas, John Flemmer, Casper Hoffmann, Joseph J. Hoffmann, J. Frank, Paul Kusik, Daniel Dains, Anton Vote, Fred Warner, William Mourna, Henry Weiss, Frank Treul, M. J. Sinnott, August W. Papke, Walter Sybeck, William Krueger, Henry Marx, M. A. Radler, Charles Heindl, L. Ruckegger, J. Engstrom, O. W. Schocht, B. Lange, Walter Luther, P. Wrayofeka, all of Milwaukee, Wis., protesting against House joint resolution 168 or any other prohibition measures as an interference with the rights of American citizens to labor in their respective industries; to the Committee on Rules.

By Mr. DALE: Petition of C. A. Barrows, of Lancaster, Pa., favoring the old-age pension bill; to the Committee on Pensions.

Also, petition of 1,500 members of the Brotherhood of Carpenters, of New York, and the Bishop-Babcock-Becker Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of 13 citizens of Bridgeport, Conn., against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Danbury and Bridgeport, the Black Rock Congregational Church, the First Presbyterian Church, and the Christian Endeavor Society of the People's Presbyterian Church, all of Bridgeport, and a mass meeting of men in the Methodist Episcopal Church of Darius, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. DOREMUS: Petitions of sundry citizens of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. DUNN: Petitions of various citizens of Monroe County, N. Y., favoring Hobson-Sheppard bill; also favoring Smith-Hughes bill; to the Committee on Rules.

Also, petition of various members of the Penfield (N. Y.) Grange, favoring Government postalization of telephones; to the Committee on the Post Office and Post Roads.

Also, petitions of Emma B. Sweet, Josephine Stetts, and others of the first assembly district of Monroe County, East Rochester; Mrs. H. G. Pierce, Anger Protest, and others of the fourth assembly district of Monroe County; and Adelyn Ford Bullis, Emma B. Sweet, and others of Rochester, all in the State of New York, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of various citizens of Monroe County, against Sheppard-Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 169 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of the Presbyterian Church of Bangor, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. FERRIS: Petition of F. M. English and 90 other citizens of Lawton, Okla., in favor of national prohibition; to the Committee on Rules.

By Mr. FRANCIS: Petitions of the First Presbyterian Church, of Wellsville; the United Presbyterian Sunday School and Church, of Germano; the Bethel Christian Endeavor Society, of Key; the Westminster Christian Endeavor Society, of Steubenville; the Cross Creek Christian Endeavor Society; the Second Presbyterian Christian Endeavor Society, of Bellaire, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of the Christian Endeavor Society of the Celina (Ohio) Presbyterian Church, representing a membership of 25, in favor of national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marion, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY (by request): Petition of 297 citizens of Indiana and other States, relating to Senate joint resolution 144 and House joint resolution 282; to the Committee on Naval Affairs.

Also, petitions of Rev. E. A. Bunner and 14 other citizens of Spiceland and Dunreith; C. R. Oldham and 10 other citizens of Dunreith and Knightstown; L. H. Johnson and 24 other citizens of Henry County; G. H. Kirkham and 29 other citizens of Rush and Henry Counties; and John B. Cook and Warren F. Holt, all in the State of Indiana, favoring a constitutional amendment for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Cambridge City, Ind., protesting against a constitutional amendment for national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petitions of the Foxcroft Presbyterian Church, the Methodist Episcopal Church, the First Baptist Church, the Free Baptist Church and congregation, the First Presbyterian Church, and the Congregational Church and congregation, of Houlton; of 200 citizens of Ludlow; and of congregations of Free Baptist churches, all in the State of Maine, in favor of national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of Thomas Stump and others, of Coos County, Oreg., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Benton and Clackamas Counties, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. HELGESEN: Petitions of 48 citizens of Bathgate, 36 citizens of Edmore, 46 citizens of Hamilton, 21 citizens of Houston, 22 citizens of Neche, and 73 citizens of Northwood, and also telegrams representing the views of 300 citizens of Forest River, 300 citizens of Grafton, 400 citizens of Lisbon, and the Sunday schools of Tyner and Backoo, all in the State of North Dakota, urging the passage of the Hobson resolution; to the Committee on Rules.

By Mr. HULINGS: Petitions of P. N. Faller and C. W. Gearing, of Franklin, Pa., protesting against the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Greenville, expressing the sentiment of 200 persons; the Presbyterian Church, Sugar Grove; the congregation of Grace Methodist Episcopal Church, of Warren, representing a membership of 550 and a constituency of 1,500, and presented by Charles Morse, chairman; the Trinity and the Grace Methodist Episcopal Churches, of Oil City; the Nicklesville Christian Endeavor Society; the Methodist Episcopal Church of Clarington; and the Warren Science Club, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of various members of the First Baptist Church of Winsted, Conn., favoring the enactment of prohibition legislation; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Petitions from E. H. Mathern and others of Galeton, Pa., protesting against the passage of House joint resolution 168; to the Committee on Rules.

Also, petitions from sundry citizens of the fifteenth Pennsylvania district, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Petition of 222 residents of Oakland, Alameda, Berkeley, and San Francisco; 7 residents of Oakland, and the Central Labor Council of Oakland, all in the State of California, protesting against the passage of the prohibition constitutional amendment; to the Committee on Rules.

Also, 90 postals from residents of Pasadena, Oakland, Los Angeles, Greenfield, Winters, Fallbrook, Corona, Pinole, Porterville, El Cajon, Vallejo, and Long Beach, and 4 residents of Oakland, Berkeley, and San Leandro, all in the State of California, favoring national constitutional prohibition; to the Committee on Rules.

By Mr. KONOP: Petition of 41 citizens of Crandon, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of the Christian Endeavor Society of Salem Reformed Church of Frostburg and the Young People's Christian Endeavor Society of St. Paul's Church of Clearspring, all in the State of Maryland, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. McCLELLAN: Petition of D. J. Verney and 60 others of Wallkill; 38 members of the Presbyterian Church of Cochecton; Rev. W. Leggett; Catherine Steenwald, of Chatham; Joseph B. Taylor, David D. Taylor, and 9 others, of Hurleyville; John L. Warner, of Middleburg; J. A. Johnston and 9 others, of Marlboro; the Second Reformed Church of Howe Cave; the Methodist Episcopal Sunday School of Hurleyville; the Woman's Christian Temperance Union of Kingston; the Christian Endeavorers of Claverack; the Methodist Episcopal Church of Kingston; the Reformed Church of Flatbush; W. S. Empleton, of Grahamsville; Harry E. Bailey, of Central Bridge; 71 citizens of Canaan; the Ulster County Christian Endeavor Union; 50 young people's societies; 4 citizens of Ulster County; 38 citizens of Napanoch; D. S. Bowdish, of Sloansville; B. T. Evans and 3 others, of Hurley; Florence Taylor, of Hurleyville; and 47 citizens of Schoharie, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Samuel Casser, of Woodbourne, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of various voters of Stone Ridge, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Memorial of the First Baptist Christian Endeavor Society of Livermore Falls, Me., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of Frank M. Labor, of Minerva; the Centenary Methodist Episcopal Church of Malone; the Christian Endeavor Society of Perin; sundry citizens of Chases Mills, Norwalk, Clintonville, North and West Bangor, Keeseville, and Saranac Lake, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Thomas J. Doyle and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the Wissahickon (Pa.) Presbyterian Church, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Pittsburgh (Pa.) Chamber of Commerce, the Manufacturers' Association of Philadelphia, and the H. L. Dixon Co., of Pittsburgh, all in the State of Pennsylvania, protesting against Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of the Select and Common Councils of Philadelphia, Pa., favoring House bill 5120, for retirement of civil-service employees; to the Committee on Reform in the Civil Service.

Also, memorial of the Western Society of Engineers, protesting against passage of House bill 13457, relative to surveys, etc., by United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. J. I. NOLAN: Telegram from the Friends Church of California, favoring the passage of prohibition constitutional amendment; to the Committee on Rules.

By Mr. O'LEARY: Petitions of the Christian Endeavor Society of Steinway Church, of Long Island City; F. G. McCann, of Richmond Hill; 79 citizens of Jamaica and Richmond Hill; the Richmond Hill Baptist Church; and Rev. Sidney H. Barrett, of Springfield Gardens, all of the State of New York, in favor of national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Army Field Clerks' Association, relative to increase in pay for Army field clerks; to the Committee on Military Affairs.

Also, memorial of the Yearly Meeting of Friends for New England, at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PALMER: Memorial of the Jewelers' Guild of Philadelphia, Pa., favoring passage of Owen-Goeke bill, to eliminate time guarantee on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Monroe, Pa., favoring national prohibition; to the Committee on Rules.

Also, memorial of sundry citizens of Philadelphia, Pa., favoring passage of Bristow-Mondell suffrage resolution; to the Committee on the Judiciary.

By Mr. PATTEN of New York: Petitions of 23 citizens of New York City, against national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of sundry citizens of Bellows Falls, Vt., for the submission to Congress of the national prohibition amendment to the Constitution; to the Committee on Rules.

Also, petitions of 67 citizens of St. Johnsbury, Vt., for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. PORTER: Petitions of sundry citizens of the twenty-ninth congressional district of Pennsylvania, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on Rules.

Also, petition of the post-office clerks of Pittsburgh, Pa., protesting against section 6 of House bill 12923; to the Committee on the Post Office and Post Roads.

Also, petitions of various organizations and societies and sundry citizens of the twenty-ninth congressional district of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Wisconsin: Petitions of various churches of the city of Oshkosh, Wis., asking the passage of the Smith-Hughes bill proposing a new division in the United States Bureau of Education to be called the Federal motion-picture commission; to the Committee on Education.

By Mr. ROBERTS of Nevada: Petitions of P. B. Koterman, of Rochester; S. A. White, C. S. Reid, and 3 other citizens of Fallon; P. J. Holoban, Lawrence Cooke, and 3 other citizens of Tonopah; B. F. Miller, jr., J. C. Conway, John Howe, and 23 other citizens of Searchlight; A. H. Howe, Guy L. Millard, J. H. Dalton, and 10 other citizens of Goldfield; and Frank L. Johnston, L. L. Chapman, E. A. Whitmore, and 28 other citizens of Lovelock, all in the State of Nevada, protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on Rules.

By Mr. SCULLY: Petitions of W. C. Budlong, William C. Nefe, Stephen Schurg, sr., William Cawry, Robert Pettit, Robert J. Dalton, John Frey, James Flynn, Joseph Mamm, John S.

Mr. KENT. Mr. Speaker, in the case of recapitulation, can a Member change his vote?

The SPEAKER. He can not.

Mr. LESHER. Mr. Speaker, I did not hear the Clerk call my name on the recapitulation.

The SPEAKER. The gentleman is not marked as voting.

Mr. LESHER. I voted.

The SPEAKER. Which way did the gentleman vote?

Mr. LESHER. I voted "no."

The SPEAKER. The Clerk will record the name of the gentleman from Pennsylvania.

The Clerk called the name of Mr. LESHER, and he answered "No."

The SPEAKER. The Clerk will note the presence of Mr. COVINGTON, of Maryland, and Mr. FERGUSSON, of New Mexico.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. To submit a parliamentary inquiry. The gentleman from Montana, Mr. EVANS, is in the Hall and did not vote.

The SPEAKER. The Clerk informs the Chair that the gentleman from Montana is already recorded. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "No."

The SPEAKER. The Chair will state that it has been decided in case of a tie vote that the Speaker could come in tomorrow and vote on this same roll call.

Mr. BURKE of South Dakota. Mr. Speaker, do I understand the vote to be a tie?

The SPEAKER. No; the vote is not a tie. The Chair was simply explaining that it has been decided that the Speaker on a tie vote can come in the next day and vote. The Chair thinks that it is a poor ruling. In any event, the Chair has a right to vote on this, whether it be a tie or not.

Mr. GARRETT of Tennessee. Mr. Speaker, has the Speaker any higher right to vote where it is not a tie vote—of course, where it is a tie vote, the Speaker is correct; he has a right to vote—but has the Speaker a higher right to vote than any other Member?

The SPEAKER. No; but the Speaker can count himself present to make a quorum. The Chair saw the gentleman from Tennessee himself do that the other day.

Mr. GARRETT of Tennessee. The Speaker can count himself present.

The SPEAKER. The Chair will direct the Clerk to strike out his vote if there is any question about it, and count him as "present." The Speaker's name had not been called——

Mr. RUCKER. I hope that will not be done. The Speaker voted right, and I hope his vote will stay there.

Mr. GARRETT of Tennessee. I think the Speaker could vote under the rule that the Speaker was present, listening, and did not hear his name called, and therefore has a right to vote. [Laughter.]

The SPEAKER. The status of the case is that the Speaker has as much right to vote as any Member of the House, whether it is a tie vote or not. As a matter of fact, the Speaker hardly ever votes except upon a tie vote or upon a political measure. The present Speaker always votes on a political measure, and if there ever happened to be a tie vote, of course he would vote. The effort here this evening is to get a quorum, and, temporarily, the Chair will waive the right to vote, except to be counted as "present."

Mr. RAGSDALE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAGSDALE. The gentleman from Missouri [Mr. RUCKER] made a motion to adjourn. What became of that?

The SPEAKER. It is pending the result of this roll call.

Mr. GARDNER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GARDNER. I think the Speaker has announced the result of the roll call. I think all that remained to be done was the recapitulation to see whether that result was correctly stated.

The SPEAKER. That is absolutely true, but the Speaker has the absolute right to count any Member who comes in pending this roll call, and note their presence to make a quorum.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. Wait a minute. One Speaker counted men out in the cloakrooms as present, and all these rules are made to expedite business, and none of them are made for the purpose of delaying business. [Applause.]

Mr. RUCKER. Does the roll call show a quorum to be present?

The SPEAKER. It will in half a minute. [Laughter and applause.] The clerks will note as present Mr. GRIGGS of Massachusetts and Mr. KEY of Ohio. On this vote the yeas are 104, the nays are 102. 6 have voted "present," and 9 have been counted by the Speaker as present, making altogether 221, and the motion to recommit carries.

Mr. RAKER. Mr. Speaker, I move to reconsider the vote and to lay that motion on the table.

Mr. RUCKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. RUCKER. I want to know if I may be permitted now to make a report in obedience to the dictates of Mr. Judson King, as voiced by the action of the House a few minutes ago? Mr. Speaker, I can simplify the request. As I understand the announcement, the House has directed that the bill be recommitted with instructions to the committee to report it back forthwith with certain amendments.

The SPEAKER. There is no question about that, if the gentleman will suspend for a moment.

Mr. RUCKER. I injected Mr. King's name into it, although he is not a Member, but he seems to have friends here to-day.

The SPEAKER. The gentleman from California [Mr. RAKER]——

Mr. RUCKER. I will wait until that is done with.

The SPEAKER (continuing). Moves to reconsider the vote, and to lay that motion on the table.

Mr. RAKER. Now, I move the adoption of that motion.

The SPEAKER. The gentleman from California moves to reconsider the vote, and to lay that motion on the table.

Mr. GARNER. Mr. Speaker, I want to make a point of order.

The SPEAKER. The gentleman from Texas [Mr. GARNER] is recognized.

Mr. GARNER. I make the point of order that that motion is not now in order. The basis of that motion is this, that the House has instructed the Committee on Election of President, Vice President, and Representatives in Congress forthwith to report this bill back to the House for passage with a certain amendment.

Now, to entertain a motion to reconsider that vote and lay that on the table is not to facilitate the business in the House, but to delay business in the House, as it would require two roll calls. And after the House has instructed the committee to forthwith report the bill, if the gentleman from Missouri [Mr. RUCKER] would refuse to do it, then the Speaker must, in my judgment, under the rule be compelled to lay the bill before the House with the amendment. Moreover, the previous question has been ordered on this bill and all amendments thereto.

Mr. RAKER. Will the gentleman yield just for a suggestion?

Mr. GARNER. Just a moment. The House has just instructed the committee to report the bill back forthwith with a certain amendment. Now, it does seem to me that the previous question would go to that amendment also. In going to that amendment it is entirely unnecessary to move to reconsider and lay that motion on the table.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If the motion to recommit and lay that on the table is withdrawn, does the motion that has now carried authorize, and is it the duty of, the committee to report forthwith to the House without any intervening motion?

The SPEAKER. It is.

Mr. RAKER. I withdraw the motion to recommit and lay on the table.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, the gentleman will report it independent of any direction from California.

Mr. RAKER. Suppose the House directs it?

Mr. RUCKER. I yield to that, but not to the individual.

The SPEAKER. Does the gentleman from Missouri desire to make a motion?

Mr. RUCKER. Mr. Speaker, in behalf of the Committee on Election of President, Vice President, and Representatives in Congress, and in pursuance of a mandate issued by one Judson King, which intimidated some gentlemen here to-day, your committee takes great pleasure in reporting back to the House the bill H. R. 8428, with an amendment striking out the words "two or more States," in line 20, on page 1, and prays that this House will immediately adopt the bill as amended. [Laughter and applause.]

The SPEAKER. The question is on the passage of the bill with the amendment reported by the gentleman from Missouri [Mr. RUCKER].

Mr. THOMSON of Illinois. Mr. Speaker, let us have the amendment reported.

The SPEAKER. Without objection, it will be again reported.

Mr. UNDERWOOD and Mr. GARRETT of Texas objected.

The SPEAKER. Objection is heard. The question is on the passage of the bill as amended by the amendment reported by the gentleman from Missouri [Mr. RUCKER].

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. HOWARD. Division, Mr. Speaker.

The SPEAKER. The gentleman from Georgia demands a division. The Chair will count. [During the count.] The ayes are 146.

Mr. MADDEN. Mr. Speaker, is it in order now to make a parliamentary inquiry?

Mr. GARNER. The House is dividing.

The SPEAKER. You can not do it when the House is dividing.

Those opposed will now rise and stand until counted. [After counting.] Eleven gentlemen have arisen in the negative.

Mr. MADDEN. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. Wait until the result is announced. On this vote the yeas are 146 and the nays are 11.

Mr. HOWARD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point of order that that is dilatory.

The SPEAKER. If the gentleman will withhold a moment, the gentleman from Illinois [Mr. MADDEN] wants to make a parliamentary inquiry.

Mr. MADDEN. My parliamentary inquiry, Mr. Speaker, was this: The House voted to instruct the Committee on the Election of President, Vice President, and Representatives in Congress to report the bill back with an amendment striking out certain language. The question I wanted to ascertain is whether or not the only thing before the House, instead of the passage of the bill, is the adoption of the amendment, and whether or not we voted for the amendment?

The SPEAKER. You voted for the amendment when you voted to recommit. The gentleman from Georgia [Mr. HOWARD] makes the point of order that there is no quorum present.

Mr. BURKE of South Dakota. I make the point of order that that is dilatory, there having been no business transacted since the roll call disclosed a quorum.

Mr. SAUNDERS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. SAUNDERS. For the purpose of suggesting that that point is not well taken, because the vote itself shows that a quorum is not present, and the requirement of a quorum being a constitutional provision, the gentleman can not arrnign a specific ascertainment by calling it dilatory.

The SPEAKER. Will the gentleman from Virginia please state that again?

Mr. SAUNDERS. The vote having been taken, and the vote itself having shown that there is not a quorum present, he can not make the point against it that it is dilatory.

The SPEAKER. The Chair does not think the motion is dilatory, although the point is made by the gentleman from Virginia that this vote—a stand-up vote—is decisive as to whether a quorum is present or not.

Mr. SAUNDERS. I say that the vote shows that a quorum is not present, and that repels the suggestion that the motion is dilatory.

The SPEAKER. Frequently gentlemen do not take the trouble to stand up. The point of no quorum is a constitutional right, and the Chair will count, and overrule the point that it is dilatory. [After counting.] One hundred and seventy-four gentlemen are present.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Thursday, July 9, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of the Interior submitting estimates of two items for incorporation in the general deficiency bill to authorize the accounting officers of the Treasury to credit in the accounts of the chief disbursing clerk, Department of the Interior, the sums of $130 and $5.14, respectively (H. Doc. No. 1115); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of Commerce submitting a draft of a provision for inclusion in the general deficiency bill to pay the salaries of certain employees transferred from the Bureau of Chemistry of the Department of Agriculture to the Bureau of Standards, Department of Commerce (H. Doc. No. 1116); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimates of appropriations relative to the public building service, and recommending that the same be included in the general deficiency appropriation bill now pending (H. Doc. No. 1117); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 933), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 934), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors o. the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 935), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 936), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17780) providing for the use of certain portions or spaces of ground within the national forests for recreation purposes; to the Committee on Agriculture.

By Mr. CANTOR: Joint resolution (H. J. Res. 297) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. ROGERS: Joint resolution (H. J. Res. 298) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. DONOHOE: Concurrent resolution (H. Con. Res. 43) providing for participation by the Federal Government in the annual celebration of the birth of the Nation, on July 4 of each year, at Philadelphia, Pa.; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17781) granting an increase of pension to John Ward; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17782) granting an increase of pension to Henry Hoover; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17783) for the relief of Joseph W. Skill; to the Committee on Claims.

Mr. RUCKER. Mr. Speaker, a question of order.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. I understand this is not a matter open to debate.

The SPEAKER. The gentleman from California is not debating it. The gentleman from Illinois [Mr. THOMSON] asked that the amendment be again reported.

Mr. RUCKER. I would like to have it reported from the desk.

The SPEAKER. It has gone down to the Reporter's room, and the gentleman from California [Mr. RAKER] was trying to help the House along by reading it himself. The gentleman will send it up to the Clerk's desk.

Mr. RAKER. I want the Clerk not to read what I scratch out. [Laughter.]

The SPEAKER. In the meantime the motion has been returned from the Reporter's room, and the Clerk will report it.

The Clerk read as follows:

Mr. RAKER moves to recommit the bill, with instructions to the committee to amend the bill on page 7, in line 16, by striking out the words "in two or more States" and to report the same back to the House forthwith.

The SPEAKER. The Clerk will call the roll. Those in favor of the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay."

The question was taken; and there were—yeas 104, nays 102, answered "present" 6, noted present by the Clerk 8, not voting 214, as follows:

YEAS—104.

Abercrombie	Evans	Kahn	Reilly, Wis.
Allen	Falconer	Keating	Roberts, Nev.
Avis	Farr	Kelly, Pa.	Rogers
Barton	Ferguson	Kennedy, Iowa	Rupley
Bathrick	Fitzhenry	Kettner	Scott
Beakes	Foster	Kiess, Pa.	Seldomridge
Bell, Cal.	Fowler	Kindel	Sherwood
Britten	French	Kinkaid, Nebr.	Sinnott
Brown, N. Y.	Gallivan	Konop	Smith, Idaho
Bryan	Gardner	La Follette	Smith, Saml. W.
Burke, S. Dak.	Gecho	Lee, Pa.	Smith, Minn.
Burke, Wis.	Good	Lenroot	Stephens, Cal.
Carlin	Gray	Lindbergh	Stevens, Minn.
Carr	Green, Iowa	Logue	Stone
Connelly, Kans.	Greene, Vt.	Lonergan	Taggart
Cox	Hamilton, Mich.	Madden	Tavenner
Cramton	Hardy	Manahan	Taylor, Colo.
Davis	Hawley	Mapes	Taylor, N. Y.
Dershem	Hayden	Miller	Temple
Difenderfer	Helvering	Mitchell	Thomson, Ill.
Dillon	Hinebaugh	Morgan, Okla.	Towner
Donohoe	Howard	Murray, Mass.	Volstead
Donovan	Howell	Nolan, J. I.	Watson
Doolittle	Igoe	Phelan	Williams
Dupont	Johnson, Ky.	Porter	Winslow
Dyer	Johnson, Utah	Raker	Woodruff

NAYS—102.

Adamson	Bent	Harris	Park
Aiken	Dickinson	Harrison	Platt
Alexander	Dixon	Helm	Quin
Ansberry	Doremus	Henley	Ragsdale
Aswell	Doughton	Holland	Reed
Baker	Drukker	Houston	Rouse
Baltz	Dupré	Hughes, Ga.	Ruby
Burchfield	Eagle	Humphrey, Wash.	Rucker
Barkley	Faison	Jacoway	Russell
Bell, Ga.	Ferris	Johnson, S. C.	Saunders
Booher	Fess	Kennedy, Conn.	Sims
Bowdle	Flood, Va.	Kent	Slayden
Brockson	Floyd, Ark.	Kirkpatrick	Stedman
Brodbeck	Francis	Korbly	Stephens, Miss.
Brumbaugh	Garner	Lesher	Talcott, N. Y.
Buchanan, Tex.	Garrett, Tenn.	Linthicum	Taylor, Ark.
Burgess	Garrett, Tex.	Lloyd	Ten Eyck
Byrnes, S. C.	Gill	Maguire, Nebr.	Thacher
Byrns, Tenn.	Godwin, N. C.	Mondell	Townsend
Candler, Miss.	Goodwin, Ark.	Moon	Tribble
Cantor	Gordon	Moore	Tuttle
Claypool	Graham, Ill.	Morrison	Webb
Cline	Greene, Mass.	Neely, W. Va.	Wilson, N. Y.
Coady	Gregg	O'Hair	Witherspoon
Collier	Hamlin	Padgett	
Curry	Hammond	Page, N. C.	

ANSWERED "PRESENT"—6.

Glass	Taylor, Ala.	Watkins	The Speaker
Sloan	Underwood		

NOTED "PRESENT" BY THE CLERK—8.

Butler	Gillmore	Helgesen	Lewis, Md.
Covington	Haugen	Key, Ohio	Murray, Okla.

NOT VOTING—214.

Adair	Broussard	Carow	Crosser
Ainey	Brown, W. Va.	Carter	Dale
Anderson	Browne, Wis.	Cary	Danforth
Anthony	Browning	Casey	Davenport
Ashbrook	Bruckner	Chandler, N. Y.	Decker
Austin	Buchanan, Ill.	Church	Deitrick
Bailey	Bulkley	Clancy	Dies
Barnhart	Burke, Pa.	Clark, Fla.	Dooling
Bertholdt	Burnett	Collier	Driscoll
Bartlett	Calder	Connolly, Iowa	Dunn
Beall, Tex.	Callaway	Conry	Edmonds
Blackmon	Campbell	Cooper	Edwards
Borchers	Cantrill	Copley	Elder
Borland	Caraway	Crisp	Estopinal

Fairchild	Kennedy, R. I.	Murdock	Smith, J. M. C.
Fields	Kinkead, N. J.	Neeley, Kans.	Smith, Md.
Finley	Kitchin	Nelson	Smith, N. Y.
Fitzgerald	Knowland, J. R.	Norton	Smith, Tex.
Fordney	Kreider	O'Brien	Sparkman
Frear	Lafferty	Ogle	Stafford
Gallagher	Langham	Olmsted	Stanley
Gard	Langley	O'Leary	Steenerson
George	Lazaro	O'Shaunessy	Stephens, Nebr.
Gerry	Lee, Ga.	Paige, Mass.	Stephens, Tex.
Gillett	L'Engle	Palmer	Stevens, N. H.
Glatting	Lever	Parker	Stout
Goldfogle	Levy	Patten, N. Y.	Stringer
Gorman	Lewis, Pa.	Patton, Pa.	Sumners
Goulden	Lieb	Payne	Sutherland
Graham, Pa.	Lindquist	Peters, Mass.	Switzer
Griest	Lobeck	Peters, Me.	Talbott, Md.
Griffin	Loft	Peterson	Thomas
Gudger	McAndrews	Plumley	Thompson, Okla.
Guernsey	McClellan	Post	Treadway
Hamill	McCoy	Pou	Underhill
Hamilton, N. Y.	McDermott	Powers	Vare
Hardwick	McGillicuddy	Prouty	Vaughan
Hart	McGuire, Okla.	Rainey	Vollmer
Hay	McKellar	Rauch	Walker
Hayes	McKenzie	Rayburn	Wallin
Heflin	McLaughlin	Reilly, Conn.	Walsh
Henry	MacDonald	Riordan	Walters
Hill	Mahan	Roberts, Mass.	Weaver
Hinds	Maher	Rothermel	Whaley
Hobson	Mann	Sabath	Whitacre
Howworth	Martin	Scully	White
Hughes, W. Va.	Merritt	Sells	Willis
Hulings	Metz	Shackleford	Wilson, Fla.
Hull	Montague	Sharp	Winslow
Humphreys, Miss.	Morgan, La.	Sherley	Woods
Johnson, Wash.	Morin	Shreve	Young, N. Dak.
Jones	Moss, Ind.	Slayden	Young, Tex.
Keister	Moss, W. Va.	Slemp	
Kelley, Mich.	Mott	Small	

The Clerk announced the following additional pairs:

Until further notice:

Mr. FITZGERALD with Mr. FREAR.

Mr. WALKER with Mr. MACDONALD.

Mr. JONES with Mr. CARY.

Mr. POU with Mr. CAMPBELL.

Mr. HELGESEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall, listening, at the time when his name was called?

Mr. HELGESEN. I was not.

The SPEAKER. The gentleman does not qualify. The Clerk will note the gentleman, Mr. HELGESEN, "present."

Mr. BUTLER. I desire to be noted as "present."

Mr. HELGESEN. The bells for the yea-and-nay vote rang only once.

The SPEAKER. But the gentleman is here now, and because he is here the Chair has a right to note him as "present."

Mr. HELGESEN. I should like to vote.

The SPEAKER. Strange to say, under the rule, the Chair has no right to permit the gentleman to vote, but he has a perfect right to count the gentleman.

Mr. HELGESEN. Do you count me present and not allow me to vote?

The SPEAKER. Yes; the Chair has a perfect right to count the gentleman——

Mr. HELGESEN. Without giving me the right to vote?

The SPEAKER. Yes. The rule prescribes when the gentleman may vote; that is, if he was in the Hall, listening, when his name should have been called, and did not hear it, he is allowed to vote afterwards; otherwise he may not vote; but, strange to say, under the rule, although the Speaker refuses to allow a Member to vote, he may count him "present." That was done last week.

Mr. HELGESEN. But I understood that under the rule there are two bell calls for a yea-and-nay vote; that the bell rings for each call.

The SPEAKER. That is the practice, but there is no rule about it.

Mr. BURKE of South Dakota. In justice to the employee who has charge of the ringing of the bells, I will say that I happened to be in my office, and the bell rang twice, and I looked at the signal card, which showed that it was for the yeas and nays, and I came over. I think the gentleman probably did not hear the bell.

Mr. HELGESEN. I heard the same thing, but only once.

Mr. BUTLER. I heard the bells ring, but I did not come over, because I am paired with the gentleman from Georgia [Mr. BARTLETT]. I can not vote, because I am paired with the gentleman from Georgia, who is in the hospital, but I desire to be recorded "present."

The SPEAKER. A Member who is paired has a perfect right to vote "present."

Mr. BUTLER. I agree with the Chair on nearly everything, but voting "present" is nothing.

The SPEAKER. Voting "present" helps to make a quorum.

Mr. BUTLER. That is what I desire to do.

The SPEAKER. That is exactly what the gentleman is going to do, because the Chair is going to count the gentleman.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. After a roll call, the RECORD shows the yeas so many, nays so many, and answering "present" so many. Now, the other day the Chair noted me as "present." Now, I understand that the gentleman from North Dakota [Mr. HELGESEN] will be recorded as answering "present."

The SPEAKER. No; that is not the way the gentleman should be recorded; and while the Speaker was not here on the occasion referred to by the gentleman from Washington [Mr. BRYAN], he is informed that the gentleman from Illinois [Mr. MANN] rose the next morning to correct the Journal and had it corrected, so that it showed that the gentleman from Washington [Mr. BRYAN] and the gentleman from New York [Mr. BROWN], whom the Speaker pro tempore counted, were noted by the Clerk as "present," and that is precisely what will happen in the case of these gentlemen now.

Mr. LEWIS of Maryland. Mr. Speaker, I desire to vote "present."

The SPEAKER. Was the gentleman in the Hall and listening when his name was called?

Mr. LEWIS of Maryland. No; but I desire to be recorded as "present."

The SPEAKER. The gentleman can not vote "present," but the Chair will have him noted as "present." The Clerk will note as present the gentleman from Maryland, Mr. LEWIS, and the gentleman from Oklahoma, Mr. MURRAY; also the gentleman from Iowa, Mr. HAUGEN.

Mr. MADDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. Is it not a violation of the rule for Members to gather about the Clerk's desk before the announcement of the vote is made?

The SPEAKER. The gentleman is absolutely correct.

Mr. MADDEN. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. What is before the House?

The SPEAKER. Trying to get three more Members. [Laughter.]

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Missouri moves that the House do now adjourn.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will suspend a minute. The Clerk will note as "present" the gentleman from North Dakota, Mr. HELGESEN, the gentleman from Pennsylvania, Mr. BUTLER, the gentleman from Maryland, Mr. LEWIS, the gentleman from Oklahoma, Mr. MURRAY, and the gentleman from Iowa, Mr. HAUGEN.

Now, the Chair will hear the gentleman from Washington.

Mr. BRYAN. If the motion of the gentleman from Missouri to adjourn carries, what becomes of this roll call? Must we have it all taken over again?

The SPEAKER. It will begin de novo in the morning.

Mr. BRYAN. If we defeat the motion to adjourn and get a few more Members, the roll call will stand?

The SPEAKER. The previous question has been ordered on this bill and all amendments thereto, and that makes it in order in the morning after the reading of the Journal, and this roll call will have to be gone over again.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Pending a roll call, is it in order to make any other motion until the roll call is finished?

The SPEAKER. The Chair will announce the vote and then put the motion of the gentleman from Missouri.

Mr. RAKER. But we only lack two or three Members.

The SPEAKER. We lack three.

Mr. GARNER. The regular order.

Mr. BRYAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. It does not take a quorum to adjourn.

Mr. BURKE of South Dakota. Mr. Speaker, I ask for a verification of the roll call. The vote is pretty close, I understand.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

Mr. GARNER. The regular order.

The SPEAKER. The regular order is to announce the vote. The request of the gentleman from South Dakota is in order after the Chair has announced the vote, if it is a close vote or anywhere in the neighborhood of close.

Mr. RAKER. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman from California.

Mr. RAKER. I want to ask if Members who have just come in can be counted "present"?

The SPEAKER. They not only can be, but they will be.

Mr. RAKER. The gentleman from Maryland, Mr. LINTHICUM, has just come in.

Mr. LINTHICUM. I have been present here and voted on the roll call.

The SPEAKER. On this vote the yeas are 104, the nays are 102, present 5, and noted as present 5, making 216—not a quorum—and the motion of the gentleman from Missouri to adjourn is in order.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair is wrong. The gentleman from South Dakota demanded a recapitulation of the vote.

Mr. GARNER. A point of order, Mr. Speaker. How can he demand a recapitulation of the vote when there is no quorum present and nothing is decided?

The SPEAKER. The gentleman makes that request to ascertain how they have voted and whether there is a quorum.

Mr. GARNER. The record shows that there is no quorum present.

Mr. BURKE of South Dakota. A verification of the vote might show that there was a quorum present.

The SPEAKER. The roll now shows that there are three lacking of a quorum.

Mr. BURKE of South Dakota. Suppose it does not lack any?

The SPEAKER. On the face of it it lacks three of being a quorum. Suppose the recapitulation develops that three Members are present in the House who have not been recorded; the Speaker can count them and in that way we will get a quorum.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. Was it permissible at that time, after the statement made by the Speaker, to ask a recapitulation of the vote?

The SPEAKER. The gentleman asked a recapitulation before the Speaker announced the vote.

Mr. RAKER. I kept a record of the vote——

The SPEAKER. The gentleman can not set up a private record as against the official record. The Chair thinks the gentleman from South Dakota is entirely within his rights.

Mr. GARDNER. Mr. Speaker, it is optional with the Speaker.

The SPEAKER. The present occupant of the chair contended when he was on the floor that if the vote were close or a tie—and he was contending that we ought to have a recapitulation when there was a majority of five one way or the other and there was a row about it—and the Chair contends now, or if a vote is reasonably close, within two or three or four or five or six, any gentleman has the right to demand a recapitulation.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is it not always in order to move to adjourn?

The SPEAKER. Not always.

Mr. RUCKER. When a roll call is not being had?

The SPEAKER. But a roll call was being had.

Mr. RUCKER. But it had been concluded and the result was announced.

The SPEAKER. Oh, no; the result had not been announced.

Mr. RUCKER. The Speaker did announce the result.

The SPEAKER. Yes; but that was after the gentleman from Missouri had made his motion to adjourn.

Mr. RUCKER. I made it both before and after, if the Chair will pardon me.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. The gentleman from South Dakota [Mr. BURKE] has requested a recapitulation of this vote. Is it not now in order to move to adjourn?

The SPEAKER. The gentleman can not move to adjourn while a roll call is in process, and the demand for a recapitulation is a part of the roll call.

Mr. BURKE of South Dakota. Mr. Speaker, I want to say, in justice to my position, that I see Members in the House whom I do not think are recorded.

The SPEAKER. The gentleman does not have to give any explanation whatever. The Chair orders a recapitulation. The Clerk will recapitulate the vote.

The Clerk recapitulated the vote.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. At what stage of the proceedings is a motion to recommit permissible?

The SPEAKER. After the engrossment and third reading; that is the practice. Of course it can be done before if you want to do so, but the practice is to do it that way.

The bill was ordered to be engrossed and read a third time, was read the third time.

Mr. RAKER. Mr. Speaker, I move to recommit the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, with instructions to the committee to strike out, in line 16, page 7, the words "in two or more States," and report it back forthwith to the House.

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Mr. Speaker, is it competent for any Member who is not opposed to the bill to move to recommit?

The SPEAKER. Yes; it goes this way: The minority—of course it does not mean a political minority, but the minority of the opposition—has the first right to recognition. If nobody qualifies absolutely, then the Chair tries to find the man who comes nearest to qualifying. Is the gentleman from California opposed to this bill or not?

Mr. RAKER. I am in favor of the bill, but I am opposed to those words, and I would like to get them stricken out if I can.

Mr. RUCKER. That is a question I suggest on which the gentleman could have had a separate vote. It was voted on in the committee.

The SPEAKER. The Chair is not speaking about the merits of the matter. Unless some gentleman is absolutely opposed to this bill and wants to make the motion to recommit, the gentleman from California comes as near qualifying as anybody would now——

Mr. RUCKER. Mr. Speaker, I move the previous question on the gentleman's motion.

The SPEAKER. Well, now, the gentleman has not finished and the Clerk has not reported it yet, and then the Chair will recognize the gentleman to move the previous question. The Clerk will report the motion to recommit. Will the gentleman from California send the motion to recommit to the Clerk?

Mr. RAKER. I do not have it in writing.

Mr. MADDEN. Regular order, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. RAKER move to recommit the bill with instruction to the committee to amend the bill, on page 7, in line 16, by striking out the words "in two or more States" and to report the same back to the House forthwith.

Mr. RAKER. Mr. Speaker——

Mr. WINGO. Mr. Speaker——

Mr. RUCKER. Mr. Speaker, I move the previous question on the motion to recommit. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RUCKER. Is there any way to keep gentlemen from speaking to me just at the time when I ought to move the previous question?

The SPEAKER. No; there is no way of preventing that. The gentleman from Missouri moves the previous question.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. While the gentleman from California has the floor is not the gentleman in a position to be recognized?

The SPEAKER. Recognized for what?

Mr. RAKER. After the motion is made, can not the gentleman——

The SPEAKER. Oh, the gentleman in charge of the bill is entitled to prior recognition if he gets up. [Laughter.] The Chair is not a mind reader, and can not tell what gentlemen want to do.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The gentleman from Arkansas having been on his feet demanding recognition while the gentleman from Missouri was in his seat, is not the gentleman from Arkansas entitled to recognition?

The SPEAKER. Why, no; the gentleman from California was entitled to prior recognition over the gentleman from Arkansas.

Mr. WINGO. Yes; but the gentleman from California and the gentleman from Missouri were both in their seats engaged in earnest conversation with their colleagues.

The SPEAKER. Why, the gentleman from California was up claiming the floor. The universal practice is that if the Chair gets a chance he recognizes the gentleman in charge of the bill to expedite the business of the House, and the gentleman from Missouri has made a motion for the previous question.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry. The basis of the rule being to expedite the business of the House, if the chairman of the committee is negligent and defeats the object of the rule, would he not lose the floor?

Mr. RUCKER. Mr. Speaker, I object to being reprimanded, and will not submit to being reprimanded by the gentleman from Arkansas. I want that understood. [Laughter.]

The SPEAKER. The question is on ordering the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. WINGO. Division, Mr. Speaker.

The House divided; and there were—ayes 96, noes 2.

Mr. WINGO. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Arkansas makes the point that no quorum is present, and evidently there is not. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. On the roll call the vote will be on the motion for the previous question, and those in favor of ordering the previous question will vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 202, nays 12, answered "present" 7, not voting 212, as follows:

YEAS—202.

Abercrombie	Donovan	Hinebaugh	Porter
Adamson	Doolittle	Holland	Quin
Aiken	Doremus	Howell	Ragsdale
Alexander	Doughton	Hughes, Ga.	Raker
Allen	Drukker	Humphrey, Wash.	Rayburn
Ansberry	Dupré	Igoe	Reed
Aswell	Eagan	Jacoway	Reilly, Wis.
Avis	Eagle	Johnson, Ky.	Roberts, Nev.
Baker	Esch	Johnson, S. C.	Rogers
Baltz	Evans	Johnson, Utah	Rose
Barchfeld	Faison	Jones	Rubey
Barkley	Falconer	Kahn	Rucker
Barton	Farr	Kelly, Pa.	Rupley
Bathrick	Ferguson	Kennedy, Conn.	Russell
Beakes	Fess	Kennedy, Iowa	Saunders
Bell, Cal.	Finley	Kent	Scott
Bell, Ga.	Fitzgerald	Kettner	Seldomridge
Booher	Floyd, Ark.	Kiess, Pa.	Sherwood
Bowdle	Foster	Kindel	Sims
Britten	Fowler	Kinkaid, Nebr.	Sinnott
Brockson	Francis	Kirkpatrick	Smith, Idaho
Brodbeck	Frear	Konop	Smith, Saml. W.
Broussard	Gallivan	Korbly	Smith, Minn.
Brown, N. Y.	Gard	La Follette	Stedman
Brumbaugh	Gardner	Lee, Pa.	Stephens, Cal.
Buchanan, Tex.	Garner	Lenroot	Stephens, Miss.
Burgess	Garrett, Tenn.	Lesher	Stephens, Tex.
Burke, S. Dak.	Gill	Lewis, Md.	Stevens, Minn.
Burke, Wis.	Godwin, N. C.	Lindbergh	Stone
Byrnes, S. C.	Goeke	Linthicum	Stout
Byrns, Tenn.	Good	Lloyd	Taggart
Campbell	Gordon	Logue	Talcott, N. Y.
Candler, Miss.	Graham, Ill.	Lonergan	Taylor, Ark.
Cantor	Gray	Madden	Taylor, Colo.
Carlin	Green, Iowa	Maguire, Nebr.	Taylor, N. Y.
Carr	Greene, Mass.	Manahan	Temple
Claypool	Greene, Vt.	Mapes	Ten Eyck
Cline	Gregg	Miller	Thacher
Coady	Hamilton, Mich.	Mitchell	Towner
Connelly, Kans.	Hamlin	Mondell	Townsend
Connolly, Iowa	Hammond	Moon	Tribble
Cox	Hardy	Moore	Tuttle
Cullop	Harris	Morgan, Okla.	Volstead
Curry	Harrison	Morrison	Watson
Davis	Haugen	Murray, Mass.	Webb
Dent	Hawley	Neely, W. Va.	Williams
Dershem	Hayden	Padgett	Wilson, N. Y.
Dickinson	Helgesen	Page, N. C.	Witherspoon
Difenderfer	Helm	Park	Woodruff
Dixon	Helvering	Phelan	
Donohoe	Hensley	Platt	

NAYS—12.

Bryan	French	Keating	Tavenner
Cramton	Garrett, Tex.	Nolan, J. I.	Thomson, Ill.
Dillon	Howard	Sisson	Wingo

ANSWERED "PRESENT"—7.

Butler	Glass	Taylor, Ala.	Watkins
Flood, Va.	Sloan	Underwood	

NOT VOTING—212.

Adair	Anthony	Bailey	Bartlett
Ainey	Ashbrook	Barnhart	Beall, Tex.
Anderson	Austin	Borchers	Blackmon

Borland	Gillett	Loft	Reilly, Conn.
Brown, W. Va.	Gittins	McAndrews	Riordan
Browne, Wis.	Goldfogle	McClellan	Roberts, Mass.
Browning	Goodwin, Ark.	McCoy	Rotherme1
Bruckner	Gorman	McDermott	Sabath
Buchanan, Ill.	Goulden	McGillicuddy	Scully
Bulkley	Graham, Pa.	McGuire, Okla.	Sells
Burke, Pa.	Griest	McKellar	Shackleford
Burnett	Griffin	McKenzie	Sharp
Calder	Gudger	McLaughlin	Sherley
Callaway	Guernsey	Macdonald	Shreve
Cantrill	Hamill	Mahan	Slayden
Caraway	Hamilton, N. Y.	Maher	Slemp
Carew	Hardwick	Mann	Small
Carter	Hart	Martin	Smith, J. M. C.
Cary	Hay	Merritt	Smith, Md.
Casey	Hayes	Metz	Smith, N. Y.
Chandler, N. Y.	Heflin	Montague	Smith, Tex.
Church	Henry	Morgan, La.	Sparkman
Clancy	Hill	Moss, Ind.	Stafford
Clark, Fla.	Hinds	Moss, W. Va.	Stanley
Collier	Hobson	Mott	Steenerson
Conry	Houston	Murdock	Stephens, Nebr.
Cooper	Hoxworth	Murray, Okla.	Sterling
Copley	Hughes, W. Va.	Neeley, Kans.	Sumners
Covington	Hulings	Nelson	Sutherland
Crisp	Hull	Norton	Switzer
Crosser	Humphreys, Miss.	O'Brien	Talbott, Md.
Dale	Johnson, Wash.	Oglesby	Thomas
Danforth	Kelster	O'Hair	Thompson, Okla.
Davenport	Kelley, Mich.	Oldfield	Treadway
Decker	Kennedy, R. I.	O'Leary	Underhill
Deitrick	Key, Ohio	O'Shaunessy	Vare
Dies	Kinkead, N. J.	Paige, Mass.	Vaughan
Dooling	Kitchin	Palmer	Volkmer
Driscoll	Knowland, J. R.	Parker	Walker
Dunn	Kreider	Patten, N. Y.	Wallin
Edmonds	Lafferty	Patton, Pa.	Walsh
Edwards	Langham	Payne	Walters
Elder	Langley	Peters, Mass.	Weaver
Estopinal	Lazaro	Peters, Me.	Whaley
Fairchild	Lee, Ga.	Peterson	Whitacre
Ferris	L'Engle	Pou	White
Fields	Lever	Pratt	Willis
Fitzgerald	Levy	Ten	Wilson, Fla.
Fordney	Lewis, Pa.	Powers	Winslow
Gallagher	Lieb	Prouty	Woods
George	Lindquist	Rainey	Young, N. Dak.
Gerry	Lobeck	Rauch	Young, Tex.

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. FIELDS with Mr. LANGLEY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. STILES.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. ELDER with Mr. KREIDER.

Mr. DEITRICK with Mr. HAYES.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. PATTEN of New York with Mr. NORTON.

Mr. VAUGHAN with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. SABATH with Mr. SWITZER.

Mr. BARNHART with Mr. ANDERSON.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. McDERMOTT with Mr. GRIEST.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. McGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. WILSON of Florida with Mr. McKENZIE.

Mr. LEE with Mr. LAFFERTY.

Mr. LEVER with Mr. MOTT.

Mr. CAREY with Mr. GRAHAM of Pennsylvania.

Mr. THOMAS with Mr. FAIRCHILD.

Mr. WATKINS with Mr. DUNN.

Mr. WHALEY with Mr. MOSS of West Virginia.

Mr. TALBOTT of Maryland with Mr. MISSETT.

Mr. RIORDAN with Mr. WALTHER.

Mr. REILLY of Connecticut with Mr. WILLIS.

Mr. RAINEY with Mr. TREADWAY.

Mr. PALMER with Mr. PAYNE.

Mr. HEFLIN with Mr. McGUIRE of Oklahoma.

Mr. FINLEY with Mr. KEISTER.

Mr. BULKLEY with Mr. CALDER.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. MORGAN of Louisiana with Mr. PETERS of Maine.

Mr. HAY with Mr. WINSLOW.

Mr. ADAIR with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. DANFORTH.

Mr. CARTER with Mr. ANTHONY.

Mr. CLARK of Florida with Mr. GILLETT.

Mr. COLLIER with Mr. JOHNSON of Washington.

Mr. CONRY with Mr. HULINGS.

Mr. FERRIS with Mr. CARY.

Mr. GOODWIN of Arkansas with Mr. MACDONALD.

Mr. HULL with Mr. McLAUGHLIN.

Mr. KITCHIN with Mr. NELSON.

Mr. LEE of Georgia with Mr. PATTON of Pennsylvania.

Mr. LEVY with Mr. POWERS.

Mr. LOBECK with Mr. PROUTY.

Mr. OLDFIELD with Mr. SUTHERLAND.

Mr. SMALL with Mr. MOSER.

Mr. SPARKMAN with Mr. VARE.

Mr. STEPHENS of Texas with Mr. WOODS.

Mr. McKELLAR with Mr. STEENERSON.

Mr. UNDERWOOD. Mr. Speaker, I am paired with the gentleman from Illinois, Mr. MANN. I understand that he did not vote. I voted "aye," but I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. UNDERWOOD, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The previous question on the motion to recommit is ordered. The question is on the motion to recommit.

Mr. WINGO. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WINGO. The previous question having been ordered on the motion to recommit offered by the gentleman from California [Mr. RAKER], that shuts out the amendment that I had to his amendment, so that I have no right to offer it?

The SPEAKER. It shuts out all amendments and all substitutes. The question is on the motion to recommit.

Mr. RAKER. Mr. Speaker, a division.

The SPEAKER. The gentleman from California [Mr. RAKER] asks for a division. Those in favor of the motion to recommit will rise and stand until they are counted. [After counting.] Sixty-three gentlemen have arisen in the affirmative. The ayes will be seated, and those opposed will rise and stand until they are counted. [After counting.] Eighty gentlemen have arisen in the negative.

Mr. RAKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from California [Mr. RAKER] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. [After counting.] Thirty-three gentlemen have arisen—a sufficient number—and the Clerk will call the roll.

Mr. RUCKER. Mr. Speaker, I demand the other side.

The SPEAKER. The other side is demanded. Those opposed to taking this vote by yeas and nays will rise and stand until they are counted. [After counting.] Ninety-eight gentlemen have arisen in the negative. Thirty-three is a sufficient number, and the Clerk will call the roll.

Mr. THOMSON of Illinois. Mr. Speaker, may we have the motion reported again?

The SPEAKER. Without objection, the motion to recommit will again be reported.

Mr. QUIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. QUIN. Does it not take 219?

The SPEAKER. No; it takes a fifth of those present, and so far as the Chair knows——

Mr. QUIN. The Record shows 219.

The SPEAKER. The Chair knows; but the gentleman from Missouri [Mr. RUCKER] demanded the other side, and the Chair made a count. It is absolutely conclusive.

Mr. RAKER. Mr. Speaker, the motion is to recommit the bill H. R. 8428, with instructions to report the same back——

Mr. COX. Suppose I write an editorial assailing my opponent, and the editor prints it as an editorial. The ordinary average reader of that paper understands that the editor of the paper has done it. Does not the gentleman think that my name ought to be attached?

Mr. GOOD. We should be able to reach such conditions, but I doubt if such a provision would be germane to this bill.

Mr. COX. I hope it will be. I know of just such instances as that.

Mr. FESS. Mr. Chairman, I move to strike out the last word. I want to be courteous to the chairman of this committee, and I am not going to say anything that will embarrass him or any Member of the House. I want to call attention to the statement of my friend from Pennsylvania [Mr. KELLY], in which he said——

Mr. DONOVAN. Mr. Chairman——

Mr. FESS. I refuse to yield to the gentleman.

Mr. DONOVAN. I wish to make the point of order that the gentleman from Ohio is not talking to the matter before the committee, which is the amendment of the gentleman from Iowa [Mr. Good].

Mr. KELLY of Pennsylvania. I hope the gentleman will withdraw that point of order.

Mr. DONOVAN. We have had enough of that.

Mr. FESS. The gentleman from Pennsylvania said he did not use a name that he did use. It is in the Record.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that the gentleman from Ohio is not discussing the pending amendment. The gentleman from Ohio will proceed in order.

Mr. RAKER. I move that the gentleman from Ohio be permitted to proceed.

Mr. BUTLER. I ask unanimous consent that the gentleman from Ohio [Mr. FESS] may have five minutes——

Mr. FESS. Two minutes.

Mr. BUTLER. That the gentleman from Ohio may have two minutes, in which he may say what he pleases.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BUTLER] asks unanimous consent that the gentleman from Ohio [Mr. FESS] may have two minutes to proceed as he desires in this discussion. Is there objection?

There was no objection.

Mr. FESS. Mr. Chairman, I understand that my friend from Pennsylvania [Mr. KELLY] says that he did not use any name. He certainly did, and it is in the RECORD, and that is why I rise. I should not have risen for any other reason, except that he mentioned the name of a distinguished man.

Mr. KELLY of Pennsylvania. Mr. Chairman, I want to say that I did not use the name of J. B. Foraker at first, but I did at last. To resolve all doubts, I say it now. The man I meant was ex-Senator J. B. Foraker, of Ohio.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FESS. I can not yield. I will allow the membership of this House to look upon that statement according to its own sense of honor and judgment. I am not standing here supporting any man in Ohio for Senator. One of the candidates for Senator was a student of mine in the university for four years, and he was not the man named. I am not standing here defending a man for Senatorship, but I believe the fairness of this House on both sides will refuse to allow the name of a distinguished man to be brought in in the connection that it has been brought by my friend from Pennsylvania. The facts will come before the people at the proper time. The people probably will decide. The difference between myself and my friend is that he is living upon the evils that he can find in men and the imaginary ones that he can find in candidates. You never heard me speak against the personality of any candidate. I do not have to. I can build my political theory on the virtues of men and not upon the weaknesses of men. If you feel that your political career must depend upon your looking for the spots on the sun and not the good that is in the people, you can go that way, but I will not go with you. I propose to stand for the honor of men, and I certainly will refuse to stand here and listen to a friend maligned without a hearing. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Ohio asked me the question as to whom I referred in a general statement as one of those scrunged out of public office, and I answered him. That was the reason the name was brought into the controversy. Now he takes opportunity to make criticisms on my political theories and my attitude on public questions and on officeholders. He says that he looks for the honor and the bright spots, and that I seem to be looking for dishonor and sun spots. I say to you that the gentleman from Ohio, from his statements and vote to-day on the proposition of political committees, is attempting to cover up dishonor instead of looking for honor. [Applause.]

The gentleman is attempting to skin over the ulcers in the body politic; he is attempting to put sticking plaster over evils that are eating out the heart of the Nation in corruption, and criticises anyone who dares to probe down and see the evils as they actually are. [Applause.]

I want to say, Mr. Chairman and gentlemen, that I, too, am willing to leave to the House to judge as to my attitude on this matter which is under consideration. The gentleman voted against having national committees put contributions and contributors out in the view of the people, and he did it logically and consistently, because he stands against publicity of the conduct of this Government. He does not believe in the people knowing what their representatives are doing, because they might otherwise lose something of the sacredness which he would have halo public men of any kind. I do not believe in that kind of government. I believe that every public official should stand on his merits as a public servant. When he betrays the people and proves a traitor to their interests, when he puts his hand out for bribes, or when his hands are covered with the stain and grime of political corruption, I believe in making that fact known and letting a little sunlight have a chance to prove its wholesome influence. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. DONOVAN. I call for the regular order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. Good].

The question was taken, and the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLINE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 5428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. How long am I entitled to recognition?

The SPEAKER. On what?

Mr. BURKE of South Dakota. I want to discuss this bill.

Mr. RUCKER. Mr. Speaker——

Mr. BURKE of South Dakota. Mr. Speaker, I have the floor. I addressed the Chair and was recognized.

The SPEAKER. The gentleman was recognized for a parliamentary inquiry.

Mr. BURKE of South Dakota. I rose and asked for recognition, was recognized, and then asked the Chair how long I was entitled to the floor.

The SPEAKER. The gentleman simply rose for a parliamentary inquiry.

Mr. BURKE of South Dakota. I think the Chair is mistaken.

The SPEAKER. That is the way the Chair recognized the gentleman.

Mr. RUCKER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. BURKE of South Dakota. Mr. Speaker, there are a number of gentlemen around me who will sustain me in my statement.

The SPEAKER. In what?

Mr. BURKE of South Dakota. That I rose and was recognized.

The SPEAKER. The gentleman rose and was recognized to make a parliamentary inquiry.

Mr. BURKE of South Dakota. But the Chair is mistaken.

The SPEAKER. The Chair is not mistaken.

Mr. BURKE of South Dakota. Very well. The Chair, of course, is supreme.

The SPEAKER. There can not be any two opinions about it. The gentleman rose and stated that he wanted to make a parliamentary inquiry.

Mr. BURKE of South Dakota. The Chair did not hear the gentleman from South Dakota, because the gentleman rose and was recognized by the Chair.

The SPEAKER. For what purpose?

Mr. BURKE of South Dakota. He stated he desired to address the Chair upon this bill.

The SPEAKER. He stated he desired to make a parliamentary inquiry.

Mr. GARNER. Mr. Speaker, the Speaker has the right to inquire for what purpose a gentleman addresses the Chair, and if the Chair did not even ask that question, he still has that prerogative.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to submit a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. Would I not be entitled to the floor in getting recognition from the Chair when no other gentleman was claiming the floor? The gentleman from Missouri [Mr. RUCKER] remained in his seat.

The SPEAKER. The Chair does not know anything about what the gentleman from Missouri was doing.

Mr. RUCKER. The gentleman from South Dakota does not know that either.

The SPEAKER. When a gentleman rises to make a parliamentary inquiry he is not recognized for debate.

Mr. BURKE of South Dakota. I did not rise to make a parliamentary inquiry.

The SPEAKER. That is what the gentleman said he rose for.

Mr. BURKE of South Dakota. No; the Chair is mistaken.

The SPEAKER. Then what did the gentleman get up for?

Mr. BURKE of South Dakota. I got up to demand recognition, and was given recognition.

The SPEAKER. Did not the gentleman from South Dakota make a parliamentary inquiry?

Mr. BURKE of South Dakota. After he got recognition he did, and asked the Chair for how long he was entitled to the floor.

The SPEAKER. If the gentleman is entitled to the floor at all, he is entitled to it for one hour.

Mr. BURKE of South Dakota. That is the point exactly.

Mr. GARNER. Mr. Speaker, the general procedure here—and it has been so ever since I have been a Member of the House—is for the Chair to recognize the gentleman in charge of the bill. Certainly the Speaker would not have recognized the gentleman from South Dakota [Mr. BURKE] to have taken the place of the gentleman from Missouri [Mr. RUCKER], he being in charge of the bill, and even if the Speaker did recognize the gentleman without stating for what purpose, in the order of procedure ever since I have been a Member of the House the proper person to recognize is the gentleman in charge of the bill. I do not think the gentleman from South Dakota [Mr. BURKE] ought to complain if the Chair insists that he has the right to recognize the gentleman in charge of the bill.

Mr. BURKE of South Dakota. The gentleman from Missouri was not seeking recognition.

Mr. RUCKER. Mr. Speaker, he was seeking recognition, and the gentleman from Ohio [Mr. GORDON] came here and spoke to him while the Speaker was stating the report of the Chairman of the Committee of the Whole.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

Mr. GARDNER. Mr. Speaker, I would like to be heard upon the point of order.

The SPEAKER. The Chair will hear the gentleman for a minute.

Mr. GARDNER. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] was entitled to recognition for debate for one hour, inasmuch as the previous question was not moved. The moment the Chair says "The gentleman from South Dakota," he is entitled to that one hour in debate. It is a question of the minutes, and the minutes as taken down by the reporter will decide whether the Chair did recognize the gentleman from South Dakota. The fact that after that he asked for how long he was entitled to the floor has nothing to do with the fact that he was entitled to the floor after he had been recognized in default of the gentleman from Missouri [Mr. RUCKER], that gentleman having forgotten to move the previous question.

Mr. RUCKER. Mr. Speaker, the gentleman from Massachusetts is entirely gratuitous in his remarks.

The SPEAKER. The Chair would like to ask the gentleman from Massachusetts a question. Suppose the gentleman from Massachusetts should rise and say, "Mr. Speaker, a parliamentary inquiry," and the Speaker should say, "The gentleman from Massachusetts—the gentleman will state it." Does the gentleman claim that he is recognized for any other purpose except the parliamentary inquiry?

Mr. GARDNER. Certainly not, Mr. Speaker.

The SPEAKER. The Chair will ask the Reporter to produce the report of what did occur.

Mr. BURKE of South Dakota. Mr. Speaker, I do not wish to embarrass the Chair. I know the Chair desires and intends to be absolutely fair. I am quite willing to yield the floor and let the gentleman from Missouri move the previous question.

The SPEAKER. Does the gentleman propose, then, to claim the right to debate?

Mr. BURKE of South Dakota. Certainly not; but the gentleman sat in his seat, and the Speaker said, "Is a separate vote demanded on any amendment?"

The SPEAKER. The Chair desires to decide this question according to what is right. Here is a report of what occurred:

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry——

Mr. BURKE of South Dakota. But it occurred before that, Mr. Speaker.

The SPEAKER. This is all that has been handed to the Chair.

Mr. BURKE of South Dakota. Then the Reporter has not furnished the Chair with all of it. I do not wish to delay the House. I am perfectly willing to let the gentleman make his motion.

Mr. RUCKER. Mr. Speaker, I want to announce that the gentleman from Missouri is now upon his feet, and I hope the gentleman from South Dakota will take cognizance of that fact. I move the previous question on the bill and amendments to final passage.

Mr. BURKE of South Dakota. I am willing to yield the floor.

The SPEAKER. The Chair will ask the gentleman to withhold his motion for a moment, as he desires to decide this question according to the right of it.

Mr. RUCKER. At any rate, I understand the gentleman from South Dakota to yield the floor.

The SPEAKER. The Reporter says this is all there is to it:

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.
The SPEAKER. The gentleman will state it.
Mr. BURKE of South Dakota. How long am I entitled to recognition?
The SPEAKER. On what?
Mr. BURKE of South Dakota. I want to discuss the bill.

And then the gentleman from Missouri [Mr. RUCKER] chipped in.

Mr. BURKE of South Dakota. Would I have asked the question, "How long am I entitled to recognition?" as a parliamentary inquiry if I had not already been recognized?

The SPEAKER. The Chair knows, but the Reporter says this is the beginning and end of it.

Mr. BURKE of South Dakota. The Reporter is wrong about it.

The SPEAKER. That may possibly be. The Chair was dead sure that they were wrong here the other day about a statement, and the Chair thinks so yet as far as that is concerned.

Mr. BURKE of South Dakota. I certainly would not rise to make a parliamentary inquiry to ascertain how long I was entitled to the floor before I got the floor. Now, the fact was that the Chair said, "Is a separate vote demanded upon any amendment?" The gentleman from Missouri [Mr. RUCKER] sat in his seat. No gentleman was seeking recognition. I rose, the Chair recognized me, and when I was recognized I submitted a parliamentary inquiry to know how long I was entitled to recognition in order to determine it beyond any question, and that is for one hour. The previous question had not been ordered.

The SPEAKER. The Chair will give the gentleman the benefit of the doubt, and he will recognize the gentleman for an hour.

Mr. BURKE of South Dakota. I thank the Speaker, and now I yield the floor to the gentleman from Missouri. [Applause.]

Mr. RUCKER. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. The gentleman from Missouri moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

Sec. 17. That every person who shall willfully violate any of the provisions of this act shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

Mr. RAKER. Mr. Chairman, I move to strike out the word "willfully" in line 3, page 16.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 16, in line 3, by striking out the word "willfully."

Mr. RUCKER. Mr. Chairman, I hope that the word will not be stricken out. So far as I am concerned, I am not going to yield to that slanderous circular that came here this morning. There is not a lawyer in this House but knows that, after all, no crime can be committed that is not willfully committed, and "willfully" means, from the time the first law book was written down to this time, "intentionally."

Mr. RAKER. I think the word "willfully" ought to go out. The word "knowingly" ought not to be in there.

Mr. RUCKER. Does not the word "willfully" in this case mean "intentionally"?

Mr. RAKER. Yes.

Mr. RUCKER. Can a man violate the law without doing it intentionally

Mr. RAKER. No; and therefore the words "to know" belong in there, because in the commission of these crimes there must be some intent.

Mr. RUCKER. I would like to ask the gentleman if he ever read a criminal statute in his life that did not qualify it in this way?

Mr. RAKER. Most of them. And it avoids a whole lot of complication in a trial before a jury. If it is out of the statute, it makes it much plainer. If a man violates this law, make him suffer.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RAKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 38.

So the amendment was rejected.

Mr. FESS and Mr. BRITTEN rose.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] is recognized.

Mr. BRITTEN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. BRITTEN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, section 17, page 16, by placing a comma after the word "both," in line 6, and add the following:

"That no person being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall after his election or appointment, and either before or after he has qualified and during the continuance in office, deliver any lecture or address for pay other than his actual traveling and hotel expenses during the time that Congress is in session."

Mr. RUCKER. Mr. Chairman, I make a point of order on that. It is not germane to the legislation at all.

Mr. BRITTEN. I hope the distinguished chairman of the committee will not make the point of order on this. I am willing to leave the amendment to the House to decide. I realize it is subject to a point of order, but there is no question about the advisability of incorporating in this act something of this kind.

Mr. RUCKER. I make the point of order.

The CHAIRMAN. The gentleman from Missouri makes the point of order, and the point of order is sustained.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

Members of the committee, a remark was made by my friend from Pennsylvania [Mr. KELLY] awhile ago that I do not think ought to go unchallenged. I deplore more than I can tell you the cycle of thinking that this Nation is in to-day that leads men to speak as if men who had been defeated in contests heretofore have been defeated largely because of crooked practices or bad character.

I hold not the brief of any man mentioned from the State of Ohio, but when anyone will hint that the distinguished gentleman whose name was mentioned is a man subject to bribe or subject to the sordid influence that would prevent his voting upon matters pertaining to the welfare of the Nation as against his own selfish interests I do not think such a statement ought to go without challenge. I know this man that my good friend from Pennsylvania mentions. I know him intimately; and I want here and now, with all the vigor of my protest, to speak against the habit of Members on this floor and elsewhere taking the name of public men in vain and charging them, either specifically or by innuendo, with being men without character. [Applause.]

I do not believe that my friend here, knowing him as I do, and knowing his high standing and character, would for a moment, if he knew the facts, draw his conclusions from the cheap newspapers and also from the magazine that runs the penny-a-liner, and take from these his judgment and here on this floor declare that one of the ablest men now in the State of Ohio that this Nation has known is subject to bribe and controlled by sordid influences.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FESS. It seems to me that the remark ought to be withdrawn.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. FESS. At least unless some definite information is given to support it.

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Colorado?

Mr. FESS. I know what the gentleman from Pennsylvania refers to, and I believe I can give him information that will satisfy him, because, in my opinion, he is a fair-minded man. The source of information that the gentleman from Pennsylvania has drawn his conclusion from is not a correct source, and the gentleman's conclusion is not warranted by the information. I can tell you what had occurred in regard to the thing that the gentleman was mentioning, and I can not stand here as a citizen of the State of Ohio and listen in silence to a man being slandered on this floor without a chance to reply to the slander. [Applause.]

Mr. KELLY of Pennsylvania. Mr. Chairman, the gentleman from Ohio [Mr. FESS], with all the fervor of a Crusader, takes up the cause of one whose name I did not mention on the floor, but who was so well known to common report that when I indicated, as I did, that he had been accused out of public life because of his relations with sinister powers in this Government, the gentleman from Ohio knew exactly whom I meant and rose to his defense.

I am willing to admit the gentleman's statement that there is a school of thought in this country that does not hold public men above criticism, a school of thought which he seems to be very much afraid of in this country. You hear a great outcry coming from reactionaries about the injustice of attacks upon public servants who insist upon the divine right of rulers and the doctrine of lese majesty.

Mr. FESS. Will the gentleman yield right there?

Mr. KELLY of Pennsylvania. I would like to have a little attention paid to the other side of the question. While tories denounce demagogues and others who criticize those holding office when they prostitute their offices to improper purposes. I would like to have a little notice given those who use their respectability and their morality and their high standing among their fellow men for the purpose of defending everything that is false and everything that is evil in our public life. [Applause.]

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Ohio [Mr. FESS] knows better than to do what he is doing. He must address the Chair if he wants to interrupt the gentleman from Pennsylvania.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLY of Pennsylvania. I can not yield. The gentleman from Ohio had five minutes in which to defend his friend from Ohio.

I want to say, Mr. Chairman, there is another school of thought in this country, a school far more dangerous than that which holds up to censure those who conduct themselves dishonorably in public office. I believe that every public official is a public servant, and when he refuses or neglects to serve the interests of the public he should be driven from the place he has discredited. I am in favor of having critics, not only on the floor of this House to denounce the sinister influences of invisible government, but an army of critics all over the Nation, who will watch public officials who are elected to represent them, and if these fail to represent them honorably will denounce them and scourge them from office.

The gentleman from Ohio defends his friend who is a primary candidate for United States Senator on the Republican ticket in the State of Ohio. The gentleman says he can clear the good name of that candidate. Why did he not clear his name when he withdrew under fire, with the absolute certainty of being proven guilty?

Mr. RUCKER. Mr. Chairman——

Mr. KELLY of Pennsylvania. He was then assailed, and it was then the proper time for the gentleman from Ohio to clear his name.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Missouri?

Mr. KELLY of Pennsylvania. I can not at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. RUCKER. Then I make the point of order, Mr. Chairman, that the gentleman is proceeding out of order.

Mr. DONOVAN. Mr. Chairman, I will make the point of order that there is no quorum present. What is fair for one is fair for the other. The chairman of the committee violates every rule of procedure.

Mr. BRYAN. Mr. Chairman, the gentleman from Pennsylvania is absolutely in order.

Mr. RUCKER. I make a point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. RUCKER. What did the gentleman say about the chairman of the committee?

Mr. DONOVAN. I say that the chairman of the committee violates every rule and is regardless of the proprieties.

Mr. RUCKER. What rule?

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent that the gentleman from Pennsylvania be allowed to continue for 10 minutes more. He is giving us a great deal of interesting history.

Mr. FESS. Mr. Chairman, reserving the right to object——

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KELLY] has the floor.

Mr. TOWNSEND. I ask that my request for unanimous consent be put, Mr. Chairman. I do not think we ought to withhold from the RECORD these valuable truths that are being distributed. [Laughter.]

Mr. HAMILTON of Michigan. Mr. Chairman, has the time of the gentleman from Pennsylvania [Mr. KELLY] expired, or is he entitled to proceed?

Mr. TOWNSEND. I ask unanimous consent, Mr. Chairman, that his time be extended.

Mr. GOOD. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman if he will not extend that request to 15 minutes, giving me 5 minutes to make some remarks on the subject of——

Mr. TOWNSEND. Certainly.

The CHAIRMAN. Does the gentleman from Missouri [Mr. RUCKER] insist upon his point of order?

Mr. RUCKER. I made the point of order, Mr. Chairman, merely to induce the gentleman to stop a moment, so that I could ask him a question, but he refused to stop.

Mr. GOOD. Reserving the right to object, Mr. Chairman——

The CHAIRMAN. The gentleman from Pennsylvania has the floor.

Mr. KELLY of Pennsylvania. Mr. Chairman, I yield to the gentleman from Missouri, since he makes a point of my refusal.

Mr. RUCKER. I do not care now to ask the gentleman any question.

Mr. KELLY of Pennsylvania. Mr. Chairman, I refuse to stand here as a Member of this House and listen to strictures upon those who have criticized men in public life. The gentleman from Ohio [Mr. FESS] defended one whose name was not mentioned. He says he knew the facts that would clear that gentleman's name of any aspersions that had been made upon him. I said, "Why did you not bring them out at the time?" These are not unsupported magazine assertions and statements from newspapers to which I and the gentleman are referring. These are court records. They are to be found in the hearings of the Senate committee. They are to be found in the actions of the ex-Senator himself out in Ohio, who withdrew under a storm of fire because he knew he was guilty and for no other reason whatever. [Applause.]

The matter is directly in line with my amendment, which caused the outbreak from the gentleman from Ohio [Mr. FESS]—the right of the people to know about the conduct of their Government, the right of the people to have a flashlight turned upon the facts of the conduct of their representatives.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FESS. Mr. Chairman——

Mr. TOWNSEND. Mr. Chairman, now I renew my request.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] has already addressed the committee on this motion, has he not?

Mr. FESS. I move to strike out the last two words.

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. FESS] may address the committee for 10 minutes and that the gentleman from Iowa [Mr. GOOD] also have 10 minutes.

Mr. DONOVAN. Mr. Chairman, I am going to object.

Mr. BUTLER. I have waited here three days to vote on this bill, and I object.

Mr. DONOVAN. I ask for the regular order.

Mr. MONDELL. Regular order, Mr. Chairman.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Sec. 18. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the sections be renumbered to correspond to the amendments to the bill. Now, I call attention to the fact that when we read section 3 of the bill it was passed over to be recurred to.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the sections of the bill be renumbered to correspond to the amendments that have been made. Is there objection?

There was no objection.

Mr. RUCKER. Now, Mr. Chairman, I ask that we recur to section 3 for the purpose of offering an amendment.

The CHAIRMAN. Section 3 was passed over, and the gentleman from Missouri offers an amendment to it, which the Clerk will report.

The Clerk read as follows:

Page 3, line 19, after the word "committee," insert "the actual expenses of maintenance of committee headquarters."

The amendment was agreed to.

Mr. GOOD. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

Mr. FOSTER. Mr. Chairman, a parliamentary inquiry. Where does this amendment come in?

Mr. GOOD. At the end of line 21, page 3.

Mr. FOSTER. How does it come that we return to this section?

Mr. RUCKER. When we reached section 3 there was some discussion with reference to one provision of it, and we passed it over with unanimous consent to return to it.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. GOOD:

"At the end of line 21, page 3, insert as a new section the following:

"'Any political advertisement contained in any newspaper shall, when published, contain the name of the committee, person, firm, or corporation who has caused the same to be published, and who has paid or agreed to pay for the publication thereof.'"

Mr. GOOD. Mr. Chairman, this amendment is along the line of many of the provisions of the publicity law and of this bill that we are considering. The amendment which I have offered simply provides that when any newspaper publishes a political advertisement, that advertisement shall contain the name of the person or committee that has paid for it or agreed to pay for it. For example, if any corporation desires to defeat a Member of Congress or a Senator, and inserts an advertisement in a newspaper without putting any name to the advertisement, but simply the words "Democratic committee" or "Republican committee" or "Progressive committee," nobody knows who has inserted that advertisement. The public mind is poisoned, but nobody is liable for the publication. The amendment which I have offered simply provides that the person or political party that inserts it and pays for it or agrees to pay for it shall have the name thereof printed at the bottom of the advertisement.

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. Certainly.

Mr. COX. Without a provision such as the gentleman proposes, it is perfectly possible, is it not, for newspapers to print editorials attacking candidates right and left, but if the gentleman's amendment is agreed to, then the name of the writer must be disclosed.

Mr. GOOD. I do not believe my amendment would apply to an editorial.

Mr. COX. It ought to.

Mr. GOOD. The editor of the newspaper is supposed to be the author of an editorial, but under the law now, when a political advertisement is printed in a newspaper, the law compels the newspaper to print at the head of that advertisement the words "Political advertisement." Now it is only to those advertisements that this amendment would refer.

Federal judicial district in which such opponent resides. And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman of the committee the reason for the last line on page 13, which reads:

That the statements required by section 9 of this act to be made before nomination and before election shall include the full name and post-office address, if known, of each opponent for nomination or election, as the case may be, together with the name or number of the Federal judicial district in which such opponent resides.

Mr. RUCKER. I will answer the gentleman by saying that further on in the bill, in the next section, it imposes a certain duty on the Clerk of the House and the Clerk of the Senate to notify the district attorney in whose district the candidate resides, and this is in order to give the clerk that information.

Mr. BRYAN. I want to say that that puts upon the candidate who does not know the law a great many restrictions and requirements and a whole lot of trouble, which will cause, probably, many violations of law, just in order to give information to the Clerk of the House and the Clerk of the Senate. It seems to me that it would be better to let the clerks get the information in some other way.

Mr. RUCKER. What does the gentleman mean by saying that it causes a violation of law?

Mr. BRYAN. It makes a violation of the law more likely.

Mr. RUCKER. There is no probability of this bill becoming a law before the next election this fall. When it does become a law—if it ever does, and I think it will—I think plans have already been devised by which every candidate of every political party will be thoroughly advised of all the provisions of law and furnished with the proper blank.

Mr. BRYAN. Well, the blanks will help some.

Mr. RUCKER. And the law itself will be furnished with them.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Would it be permissible to offer an amendment in the way of a new section following section 11?

The CHAIRMAN. The Chair thinks it would.

Mr. RAKER. Then, Mr. Chairman, I offer the following as a new section to follow section 11.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

To follow section 11 as a new section:

"That no political committee, under the provisions of this act, shall give, contribute, expend, use, or promise or cause to be given, contributed, expended, used, or promised in procuring the nomination and election any sum in the aggregate in excess of the amount which it may lawfully give, contribute, expend, or promise, under the laws of the State in which the election is held, for such Representative in Congress or United States Senator: *Provided*, That no political committee, for a candidate or candidates for Representative in Congress, shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 for each such candidate for Representative in Congress, in any campaign for his or their nomination and election; and no political committee, for a candidate or candidates for Senator of the United States, shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for each such candidate for Senator of the United States in any campaign for his or their nomination and election."

Mr. RAKER. Mr. Chairman, this amendment is intended to correspond to a like provision for the campaign alone. It fixes the limit for each Representative at $5,000 and for a Senator at $10,000, and the committee can not expend more than that now provided in each State where there is a limit placed on it, and when there is no limit, then the amount is expressed in the bill.

Mr. MADDEN. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. MADDEN. I understood that the committee had adopted an amendment making the expenditure $2,500 and $5,000. Was the gentleman here when it was adopted?

Mr. RAKER. Yes; I voted for it.

Mr. MADDEN. Now the gentleman wants to increase that.

Mr. RAKER. I offered this because there were a good many votes in favor of this when the amendment was adopted. This is a limitation upon the committee. The way it stands now the committee may spend $100,000 for one candidate and a half a million for a candidate for Senator.

This puts a limit on the committee for each candidate in Congress of $5,000 and each United States Senator of $10,000. There is no law on the subject at all, and noticing the temper of the House I thought they would be more apt to take a $10,000 and $5,000 limit than a $5,000 and $2,500 limit.

Mr. SELDOMRIDGE. Is it not a fact that political committees conducting campaigns are spending money for all candidates upon the State ticket as well as the candidate for Congress? How are you going to differentiate and limit the committee in the expenditure of their money? They have a certain amount of money to spend, and that money is expended for all the candidates on the ticket.

Mr. RAKER. Where they can not differentiate, I would not care so much about it—let it go as a general limit. I would not care for that, but where there is no limit at all on a committee, the man may go to a particular committee and contribute $100,000 for his campaign expenses, and that ought to be prohibited. Five thousand dollars is enough for any committee per each candidate for the House and $10,000 per candidate for the Senate. The candidate himself has $2,500 and the Senator $5,000, and under this limitation for a committee. $10,000 and $5,000 is enough for any man to present his claims legitimately before the constituencies of this country.

Mr. SELDOMRIDGE. Does the gentleman understand from the law as we now have it that the candidate for Congress can contribute to a committee in addition to the $2,500 that he can spend for himself, or does the $2,500 conclude the sum total of his expenses?

Mr. RAKER. That is not the question that was asked before, and it is not what I assume to answer. A man may expend $2,500, if the bill should become a law, under this bill. Under the law as it now stands it is $5,000. There is no limitation to a man's friends or anybody else contributing to a campaign committee any sum from $10,000 to $100,000 for his campaign, and that money will be used and no account made of it.

Mr. RUCKER. Mr. Chairman, I think the gentleman is mistaken about that.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes. I yield to my distinguished friend.

Mr. GRAHAM of Illinois. When the limitation is on the candidate himself, it is easy to require a detailed account of it, but when you put a limitation on a campaign committee, the gentleman must not forget that the committee not only represents the candidates for Congress, but a great many other candidates. How will that committee differentiate as to whether the money is expended for the candidate for Congress or for the candidate for a State or local office on the same ticket with him?

Mr. RAKER. Mr. Chairman, ought it not to be sufficient, ought it not to be enough expenditure for a man's friends to contribute $5,000 to a campaign committee to expend in behalf of his nomination and election, when they give their best attention and assistance to electing him? Ought his friends or enemies or anyone for any particular interest be able to put $50,000 or $100,000 in the committee's hands for the purpose of electing a particular United States Senator or a Member of the House of Representatives?

Mr. GRAHAM of Illinois. Mr. Chairman, I do not care to answer that question, but the gentleman does not reach my question.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RUCKER. Mr. Chairman, I hope the amendment offered by the gentleman from California will be voted down. It is attempting to do what the House has refused to do, namely, to go into the States and seek to control the minor committees of the State.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 12. That the Clerk of the House and the Secretary of the Senate shall, on or before the 15th day of January next after any general or special election for Representatives in Congress or Senator of the United States, report to the House and Senate, respectively, the name of each candidate for nomination or election to such office who has filed statements as required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, and the total amount of campaign expenses paid or promised by him or by anyone for him, as shown by such statements; also the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, as shown by said files or otherwise ascertained. The report required by this section shall be printed as a public document.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. As I understand section 12, it makes it the duty of the Clerk of the House to ascertain every man who has violated the law; that is, who has not filed a statement. What does this mean:

Also the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act.

Suppose a man does not file a statement at all. Is it the duty of the Clerk of the House to find out who was a candidate in the State of Missouri or in the State of Illinois, whether he was nominated or elected?

Mr. RUCKER. Mr. Chairman, I will answer that in this way: If the gentleman will read the entire section and the one preceding it he will find that the bill would amend existing law in this way: When we file our statements before nomination, and then before election we are required to state in those statements the name or names of our opponents, and this section requires the Clerk of the House to take notice of the names of those opponents, and then if anybody whose name is thus mentioned fails to comply with the law, he certifies that fact.

Mr. FOSTER. It is done in that way?

Mr. RUCKER. Yes. There is no question about it; it is very clear.

Mr. FOSTER. I notice the report required by this section shall be printed as a public document. Do all of these statements have to be printed as a public document?

Mr. RUCKER. Oh, no. This section requires the Clerk, on or before the 15th of January, I believe it is, to make a report to the House. That date was fixed in this way: The law as it now stands gives 30 days after the election within which the last statement may be filed, which would run it up to about the 1st or the 5th of December. At that time the organization of the House is going on, and there is confusion, and then comes very shortly the recess for the Christmas holidays. Therefore, this date was arbitrarily fixed as on or before the 15th day of January when the Clerk must file a statement in the House showing the names of gentlemen who have filed statements and the aggregate amount expended as shown by the statements, and then another page showing those who are candidates who have not filed statements, and I should think three or four pages would be the length of it.

Mr. FOSTER. I should think not in the case of two or three thousand names.

Mr. RUCKER. I might possibly be wrong about that.

Mr. FOSTER. There are 435 Members.

Mr. KELLY of Pennsylvania. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 3, after the word "ascertained," strike out the period and insert a semicolon and the following: "Also the complete report of political committees as defined by this act."

Mr. KELLY of Pennsylvania. Mr. Chairman, this measure has to do with certain political committees which have jurisdiction over two or more States. To my mind, that very seriously cripples a measure for honest elections; but, more than that, there is no requirement for the publication of these committee reports. It is a vital omission and should be corrected. The Senate in 1912 held a hearing at which something like 4,000 pages of testimony were taken on the elections of 1904 and 1908 which would have been entirely unnecessary and the expense avoided had such a provision as that contemplated in my amendment been in force at that time. When publishing the total expenditures of candidates, why should not the national committees' statements be included and published in this particular document? If any Member of this House undertakes to go to the national committee reports of 1912 he will find it is a Herculean task to locate and systematize them, and that it is impossible to find vital facts, facts of contributions to campaign funds, unless hours are spent in the labor. I feel that my amendment added to this bill would be of great importance, because it would give the publicity that the people want. The movement back of this bill is a demand for the truth, a movement to disclose the influences and forces back of parties and back of candidates, and that movement is wider than many Members here realize. It has come from public enlightenment; it has come from the multiplication of books and papers; it is a great moral wave of repudiation of corruption in politics. It is the mighty power of the trend toward people's rule, and the only way to secure genuine democracy is to have the people know exactly the influences back of candidates and back of political committees. No halfway measure is justified, for there can be no compromise here without a surrender to corrupt influences in government. I believe great good will come in having the national committees' reports published in public documents, and I hope that this amendment will prevail.

Mr. MADDEN. The supposition is that the people are behind the candidates.

Mr KELLY of Pennsylvania. There is a supposition to that effect, but it is a fact that other interests than the people are back of certain candidates.

Mr. MADDEN. Will the gentleman name some of them?

Mr. KELLY of Pennsylvania. The great interests of crooked big business, the railroad interests, the liquor interests, and others have and are attempting to dictate the election of officials who are "supposed" to serve the whole people.

A number of men, who depended for their support upon those interests have been driven from public life, and there are more to follow. There were exposures, for instance in Ohio, and in other States where men high in office were scourged out of public life because of publicity turned upon their alliance with those interests.

Mr. FESS. Will the gentleman yield?

Mr. KELLY of Pennsylvania. Yes.

Mr. FESS. Who are the Ohio people?

Mr. KELLY of Pennsylvania. I was referring to the formerly distinguished Senator from Ohio, who is also a candidate at the present time for reelection, and whose retirement to private life was due to the exposure of certain influences back of him when he was a public official and was supposed to be representing the people.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KELLY of Pennsylvania. I yield to the gentleman from Washington.

Mr. HUMPHREY of Washington. I wondered what interest the Harvester combine is back of—what candidate it is behind.

Mr. KELLY of Pennsylvania. The gentleman always tries to distort facts by bringing in matters——

Mr. HUMPHREY of Washington. Oh, no.

Mr. KELLY of Pennsylvania. Which are entirely extraneous.

Mr. HUMPHREY of Washington. Two representatives of the Harvester combine were prominent in politics.

Mr. KELLY of Pennsylvania. I will say to the gentleman that I think that the Harvester interests in support of any candidate should be shown. I am in favor of showing every influence back of parties and back of national committees; and this Harvester influence to which the gentleman referred is not in any way opposing publicity. That is a mighty good test. Let all others meet it as faithfully, and the people will do the rest.

Mr. HUMPHREY of Washington. Which one does the gentleman favor—Pinchot or Perkins?

Mr. KELLY of Pennsylvania. Oh, the gentleman, as usual, distorts the question and brings in an issue which is entirely apart from the proposition. I am arguing for the publishing of the accounts of political committees, to let the people know exactly who and what are back of candidates; and neither Perkins nor Pinchot are candidates for office.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. KELLY of Pennsylvania) there were—ayes 32, noes 30.

Mr. RUCKER. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. RUCKER and Mr. KELLY of Pennsylvania) reported that there were—ayes 38, noes 32. [Applause.]

So the amendment was agreed to.

The Clerk read as follows:

SEC. 16. That this act shall not be construed to annul or vitiate the laws of any State, not directly in conflict herewith, relating to the nomination or election of candidates for the offices herein named, or to exempt any such candidate from complying with such State laws.

Mr. RUCKER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, on page 16, after the end of line 2, by inserting as a new section the following:

"That the words 'Representatives,' and 'Representatives in the Congress,' whenever they occur in this act, shall be held and construed to include and embrace Delegates to the Congress of the United States, and all the provisions of this act shall apply to candidates for Delegates to the Congress of the United States."

Mr. RUCKER. Mr. Chairman, I know the House is restless to get through with this bill, and unless some gentleman desires, I will not discuss it at all.

Mr. COX. Does that apply to Resident Commissioners also?

Mr. RUCKER. No; it only applies to Delegates.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

ing young Republican who wants a little publicity, and I will give it to him.

Mr. MANN. Of course where a man does not have any campaign to carry on it is easy to keep an expense account.

Mr. RUCKER. The House has also fixed the maximum campaign account at $2,500 for Representative and $5,000 for Senator. If we pass this they would have to take care of all the expenses.

Mr. WINGO. I do not believe the Senate should dictate the provisions of this bill. I am not afraid of the United States Senate, as some gentlemen seem to be. I think this House has enough power to write in a bill what it really thinks should be in a bill.

Mr. RUCKER. Does the gentleman believe it is possible to pass the bill if his amendment carries in that form?

Mr. WINGO. I think it is—through the House.

Mr. RUCKER. You think it is possible to make it the law?

Mr. WINGO. I do not know how the Senate or the President feels about it. I have not consulted with either one of them, and shall not.

Mr. MANN. How does the gentleman know how to vote, then?

Mr. WINGO. I generally vote as I please. But, Mr. Chairman, I think if you really want publicity, if you are in earnest, here is a good chance for you to get it.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Arkansas [Mr. WINGO].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. RUCKER. Division, Mr. Chairman.

The committee divided; and there were—ayes 18, noes 31.

Mr. WINGO. I ask for tellers, Mr. Chairman.

Tellers were refused.

So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Arkansas [Mr. WINGO] offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 12, line 25, after the word "subsistence," strike out the remainder of the paragraph.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 35.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. CLINE). The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I would like to ask the gentleman from Missouri what is the object of exempting from the limitation the assessment fee or charge levied by the laws of the State? That is a matter easily ascertained. Why should that be exempted from the report?

Mr. RUCKER. I will state to the gentleman why it was done. I suppose I am not violating any rule of propriety when I state the exact facts. In the State of Maryland Senators are required to be nominated by a primary election, and the law requires the candidates to pay the expenses of holding the primary election. Now, I am reliably informed, and was informed at the time this language was put in this bill, that the late Senator Rayner, the last time he was nominated, had no opposition; but under the law of his State he had to be nominated at a primary election, and, as he was the only candidate, he had to pay the entire expense of the primary, and it cost him about $17,000.

Mr. MANN. Would not that be a very good reason for striking this out and making the State of Maryland have a civilized law on the subject?

Mr. RUCKER. I do not know that we can do that.

Mr. MANN. Of course, we can do it.

Mr. RUCKER. If the State of Maryland repeals that law and enacts a reasonable law in its stead, as many States do, and requires an entrance or announcement fee of $100 or $200 fixed by law, it can not corrupt anybody. Therefore we left it exempted.

Mr. MANN. Why was not that included in the limitation? In the case where there was a contest recently in the House, a controversy concerning the seating of the gentleman from South Carolina [Mr. WHALEY], he stated, without knowing that it was a violation of the law that was committed, that he had expended so much money—I think between $4,500 and $5,000—and in addition had paid an assessment to the campaign committee, which the campaign committee had required him to pay, but which was not required under State law, and which raised the amount that he had expended over the $5,000 limit. I did not call the attention of the House to it. I do not know whether anybody on the Committee on Elections had noticed it or not. It was evidently done in good faith; and yet he had violated the law because he had read this provision and assumed that the action of a voluntary political committee requiring him to make an assessment was the action of the committee under the authority of the State, which, of course, it was not.

Mr. RUCKER. I will say to the gentleman that, of course, it is within the power of each State to fix an entrance or nomination fee within its own discretion. One State may fix it at $50, or another at $100 or at $500. All candidates must comply with that requirement.

Mr. MANN. The $2,500 limit is a fair limit, and most of the States requiring that give something in return, which candidates do not receive where the requirement——

Mr. RUCKER. The public knows that every candidate must pay that fee when he declares himself a candidate. Therefore there is publicity.

Mr. MANN. It is not a question of publicity, but of limitation.

Mr. RUCKER. That money goes to the State and can not possibly be used for any purpose that anybody will complain of.

Mr. MANN. That does not make any difference. People do not complain of what we use our funds for now.

Mr. RUCKER. I do not think it should be charged.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. I do.

Mr. GARNER. Is it the gentleman's construction of the present law that such expenditures as those for postage stamps, stationery, posters, telegraph and telephone charges, and such charges as are required under the State statute to be accounted for, are not required to be reported under this law?

Mr. MANN. The law provides that an assessment fee or charge made or levied upon candidates by the State law is not required to be reported, and the stationery account is not required to be reported.

Mr. GARNER. To illustrate, I myself have to make a report within the next 10 days of my campaign expenditures. In our State the law requires a district candidate to pay $1 to each county to get his name on the ticket, provided the executive committee assesses him the $1. Now, various committees have each assessed me $1 to get my name on the ticket. That is done by virtue of a law passed by my State. As I understand it, under the Federal statute that is not necessary to be reported.

Mr. MANN. No; it is not necessary to be reported, although if I am making a report I would report it, as I usually report all expenses, regardless of what the law requires.

Mr. GARNER. The Clerk of the House tells me that some Members follow one policy and some another. I wanted to get the gentleman's construction.

Mr. MANN. A good many Members, I think, report expenses that they are not required to report.

Mr. RUCKER. Let me say that in my report of campaign expenses I necessarily include my stationery account and stamps, and all expenses of that sort, because the report I file here must be a duplicate of the one I file with the secretary of state in my State.

Mr. GARNER. But it is not necessary?

Mr. RUCKER. No.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SEC. 10. That every statement required by this act shall be verified by oath or affirmation, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, or to opposing candidates at their home address, if known, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing or delivery of any such statement or duplicate thereof under the provisions of this act.

Mr. RUCKER. Mr. Chairman, I move to amend, in line 17, by striking out, after the word "Senate," the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 13, lines 17 and 18, strike out the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Chairman, I move to amend, on line 20, by striking out the words "or delivery."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 20, strike out the words "or delivery."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RUCKER. Mr. Chairman, at the end of line 20, and line 21, I move to strike out the words "or duplicate thereof."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Amend, page 13, lines 20 and 21, by striking out, after the word "statement," in line 20, the words "or duplicate thereof."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. I move to strike out the word "regular," in line 15, page 13.

The CHAIRMAN (Mr. CLINE). The Clerk will report the amendment offered by the gentleman.

The Clerk read as follows:

Page 13, line 15, strike out the word "regular."

Mr. GRAHAM of Illinois. Mr. Chairman, it seems to me that the word "regular" ought not to go out. There are branch post offices and other places for mailing which would not come under this definition, and I think the word "regular" should remain in the bill.

Mr. RAKER. Will the gentleman yield?

Mr. GRAHAM of Illinois. Certainly.

Mr. RAKER. What can there be in the "regular"? Is there any distinction in post offices where they receive and register mail, so that a man ought not to be permitted to register his letter containing this statement at any post office where letters are registered? I can not understand what difference there is.

Mr. GRAHAM of Illinois. On that question of regular or irregular I am not quite sure of the meaning of the word "regular" as used in the bill.

Mr. RAKER. Are there any irregular post offices?

Mr. MANN. There is one at the House post office. That is not a regular post office.

Mr. GRAHAM of Illinois. There are a great many post offices that do not come under the title "regular" as used here. There are branch post offices and doubtless others that do not handle registered mail.

Mr. RAKER. Let me ask the gentleman this question: This statement must be registered. Can there be any distinction between post offices where letters may be registered?

Mr. GRAHAM of Illinois. I am not sure that the gentleman's description would fit. If the word "regular" included every post office where registered mail was handled, there could be no objection to that; but the chairman of the committee having this bill in charge informs me that he is willing that the gentleman's motion shall prevail, and I do not care to oppose his view of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it——

Mr. RAKER. Mr. Chairman——

Mr. BROWN of New York. Mr. Chairman——

Mr. BUTLER. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania demands a division.

Mr. GARRETT of Texas. Mr. Chairman, a point of order. The demand for a division came after the Chair had announced the result, and the Chair has recognized the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Chair will state that the gentleman from California has not been recognized at all. The Chair was attempting to recognize the gentleman from New York, but at that moment there was a division called for.

Mr. RUCKER. Mr. Chairman, is this on the amendment to strike out the word "regular"?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Will the Chair have the amendment stated from the desk?

Mr. BUTLER. It is on the gentleman's amendment to strike out the word "regular."

The CHAIRMAN. The vote is on the amendment offered by the gentleman from California [Mr. RAKER] to strike out the word "regular," in line 15, page 13.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry. That motion carried——

Mr. MANN. Oh, no; the motion did not carry. I ask for the regular order. We do not want to strike out the word "regular" here.

Mr. BROWN of New York. Mr. Chairman, I move to strike out the last word. The vote has not been taken——

Mr. BUTLER. Mr. Chairman, the committee is dividing. The Chair announced that the ayes had it, and a division has been asked for. We do not want to strike out the word "regular."

The CHAIRMAN. The question is on the amendment of the gentleman from California [Mr. RAKER], and on that a division is demanded.

The committee divided; and there were—ayes 2, noes 22.

Accordingly the amendment was rejected.

Mr. BROWN of New York. Mr. Chairman, I move to strike out the last word. While this corrupt-practices act is under discussion I should like to present to the House my opinion regarding some recent elections in the Republic of Mexico, and I ask unanimous consent to extend and revise my remarks in the RECORD.

Mr. MANN. What does the gentleman mean by "revising" his remarks?

Mr. BROWN of New York. Under the five-minute rule it is impossible to make an extended address, and I desire to discuss the Mexican elections.

Mr. MANN. The gentleman referred to "revising" his remarks.

Mr. BROWN of New York. I shall be very glad to adopt any suggestion of the gentleman from Illinois.

Mr. BRYAN. Regular order!

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am in favor of a definite limitation of campaign expenditures. The greater the limitation the better. I am in favor of the widest publicity of such expenditures as are made, and the law should be clear, definite, explicit, and strictly enforced. We all realize, however, that the best protection against improper influences in elections is to be found in a virtuous and intelligent electorate. Therefore I have for many years been in favor of inviting into participation in the affairs of government all intelligent and honest people, without regard to sex. The State which I have the honor to represent upon the floor of this House has for many years granted the right of suffrage to all of its citizens, without regard to sex. We have so prospered politically under that policy that our people are universally favorable to its extension throughout the Nation. I desire to extend my remarks by placing in the RECORD some resolutions adopted by the citizens of Laramie, Wyo., in favor of the adoption of an amendment to the Federal Constitution for woman suffrage.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by publishing a petition in favor of woman suffrage. Is there objection?

There was no objection.

The petition is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the Democratic banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a disenfranchised in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 3d day of May, 1914.

MRS. E. H. KNIGHT, *Presiding Officer.*

Attest:

MRS. S. PATTERSON, *Secretary.*

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 11. That the statements required by section 9 of this act or the sworn duplicate statements and notary affidavits shall include the full name and post-office address, if known, of each contributor for contributions of $100 or more, in the aggregate, in any calendar year, together with the name or number of the

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. WINGO. Division, Mr. Chairman.

The committee divided; and there were—ayes 13, noes 35.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN (Mr. CLINE). The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. I would like to ask the gentleman from Missouri what is the object of exempting from the limitation the assessment fee or charge levied by the laws of the State? That is a matter easily ascertained. Why should that be exempted from the report?

Mr. RUCKER. I will state to the gentleman why it was done. I suppose I am not violating any rule of propriety when I state the exact facts. In the State of Maryland Senators are required to be nominated by a primary election, and the law requires the candidates to pay the expenses of holding the primary election. Now, I am reliably informed, and was informed at the time this language was put in this bill, that the late Senator Rayner, the last time he was nominated, had no opposition; but under the law of his State he had to be nominated at a primary election, and, as he was the only candidate, he had to pay the entire expense of the primary, and it cost him about $17,000.

Mr. MANN. Would not that be a very good reason for striking this out and making the State of Maryland have a civilized law on the subject?

Mr. RUCKER. I do not know that we can do that.

Mr. MANN. Of course, we can do it.

Mr. RUCKER. If the State of Maryland repeals that law and enacts a reasonable law in its stead, as many States do, and requires an entrance or announcement fee of $100 or $200 fixed by law, it can not corrupt anybody. Therefore we left it exempted.

Mr. MANN. Why was not that included in the limitation? In the case where there was a contest recently in the House, a controversy concerning the seating of the gentleman from South Carolina [Mr. WHALEY], he stated, without knowing that it was a violation of the law that was committed, that he had expended so much money—I think between $4,500 and $5,000—

Mr. GARNER. To illustrate, I myself have to make a report within the next 10 days of my campaign expenditures. In our State the law requires a district candidate to pay $1 to each county to get his name on the ticket, provided the executive committee assesses him the $1. Now, various committees have each assessed me $1 to get my name on the ticket. That is done by virtue of a law passed by my State. As I understand it, under the Federal statute that is not necessary to be reported.

Mr. MANN. No; it is not necessary to be reported, although if I am making a report I would report it, as I usually report all expenses, regardless of what the law requires.

Mr. GARNER. The Clerk of the House tells me that some Members follow one policy and some another. I wanted to get the gentleman's construction.

Mr. MANN. A good many Members, I think, report expenses that they are not required to report.

Mr. RUCKER. Let me say that in my report of campaign expenses I necessarily include my stationery account and stamps, and all expenses of that sort, because the report I file here must be a duplicate of the one I file with the secretary of state in my State.

Mr. GARNER. But it is not necessary?

Mr. RUCKER. No.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

SEC. 10. That every statement required by this act shall be verified by oath or affirmation, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, or to opposing candidates at their home address, if known, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing or delivery of any such statement or duplicate thereof under the provisions of this act.

Mr. RUCKER. Mr. Chairman, I move to amend, in line 17, by striking out, after the word "Senate," the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri.

The Clerk read as follows:

Page 12, lines 17 and 18, strike out the words "or to opposing candidates at their home address, if known."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Are there any irregular post offices?

Mr. MANN. There is one at the House post office. That is not a regular post office.

Mr. GRAHAM of Illinois. There are a great many post offices that do not come under the title "regular" as used here. There are branch post offices and doubtless others that do not handle registered mail.

Mr. RAKER. Let me ask the gentleman this question: This statement must be registered. Can there be any distinction between post offices where letters may be registered?

Mr. GRAHAM of Illinois. I am not sure that the gentleman's discription would fit. If the word "regular" included every post office where registered mail was handled, there could be no objection to that; but the chairman of the committee having this bill in charge informs me that he is willing that the gentleman's motion shall prevail, and I do not care to oppose his view of it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it——

Mr. RAKER. Mr. Chairman——

Mr. BROWN of New York. Mr. Chairman——

Mr. BUTLER. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania demands a division.

Mr. GARRETT of Texas. Mr. Chairman, a point of order. The demand for a division came after the Chair had announced the result, and the Chair has recognized the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Chair will state that the gentleman from California has not been recognized at all. The Chair was attempting to recognize the gentleman from New York, but at that moment there was a division called for.

Mr. RUCKER. Mr. Chairman, is this on the amendment to strike out the word "regular"?

The CHAIRMAN. Yes.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Will the Chair have the amendment stated from the desk?

Mr. BUTLER. It is on the gentleman's amendment to strike out the word "regular."

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The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. RAKER].

The question was taken.

The CHAIRMAN. The ayes appear to have it; the ayes have it——

Mr. RAKER. Mr. Chairman——

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Mr. BUTLER. Division, Mr. Chairman.

The CHAIRMAN. The gentleman from Pennsylvania demands a division.

Mr. GARRETT of Texas. Mr. Chairman, a point of order. The demand for a division came after the Chair had announced the result, and the Chair has recognized the gentleman from California [Mr. RAKER].

The CHAIRMAN. The Chair will state that the gentleman from California has not been recognized at all. The Chair was attempting to recognize the gentleman from New York, but at that moment there was a division called for.

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Mr. RAKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. Will the Chair have the amendment stated from the desk?

Mr. BUTLER. It is on the gentleman's amendment to strike out the word "regular."

expenditures. The greater the limitation the better. I am in favor of the widest publicity of such expenditures as are made, and the law should be clear, definite, explicit, and strictly enforced. We all realize, however, that the best protection against improper influences in elections is to be found in a virtuous and intelligent electorate. Therefore I have for many years been in favor of inviting into participation in the affairs of government all intelligent and honest people, without regard to sex. The State which I have the honor to represent upon the floor of this House has for many years granted the right of suffrage to all of its citizens, without regard to sex. We have so prospered politically under that policy that our people are universally favorable to its extension throughout the Nation. I desire to extend my remarks by placing in the RECORD some resolutions adopted by the citizens of Laramie, Wyo., in favor of the adoption of an amendment to the Federal Constitution for woman suffrage.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD by publishing a petition in favor of woman suffrage. Is there objection?

There was no objection.

The petition is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Laramie, Wyo., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the Democratic banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Laramie, Wyo., this 23 day of May, 1914.

MRS. E. H. ENTERT, *Presiding Officer.*

Attest:

MRS. S. PAXSMILL, *Secretary.*

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 11. That the statements required by section 9 of this act to be made before nomination and before election shall include the full name and post-office address, if known, of each applicant for nomination or election, as the case may be, together with the name or number of the

from Arkansas [Mr. WINGO], and I sincerely hope that it will not be adopted.

Mr. RAKER. Mr. Chairman, I am in favor of the amendment of the gentleman from Arkansas [Mr. WINGO], and I ask unanimous consent that I may read sections 29 and 30 of the direct-primary law of the State of California.

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield for a question?

Mr. RAKER. Certainly.

Mr. GARRETT of Tennessee. I want to put a concrete proposition to the gentleman. This excepts from the limit, and will provide for a report, if the amendment of the gentleman from Arkansas be adopted, of expenses of a candidate while engaged in his campaign, his ordinary traveling expenses. It will be possible, perhaps, but it will be a great deal of trouble for a man to keep up with his actual railroad fares. Let me ask the gentleman this question. Let us say that the gentleman is off on a campaign away from home for perhaps a month, and he takes his meals at a hotel. Those meals are more costly than they would be if taken at home. How is he going to get in any truthful, accurate way the difference between what his actual food expenses would be and his food expenses while he is out traveling? That is a practical question. How is he going to charge his account?

Mr. RAKER. Mr. Chairman, in answer to that I will state that it has always been customary and it is the law for a public official, a man who is away from his business, to be allowed his traveling expenses or subsistence, and he pays whatever it is. It would be the same thing in this. When a man is away from his home, if he goes 10 or 15 miles and gets his meals, and pays perhaps 50 cents each for them, that is an expense for that campaign, and he does not draw any distinction between what it would be at home and what he has to pay outside.

I want to read now the law of California, sections 29 and 30 of the direct-primary law, approved June 16, 1913:

CAMPAIGN EXPENSES.

SEC. 29. No candidate for nomination to any elective office, including that of United States Senator in Congress, shall directly or indirectly pay, expend, or contribute any money or other valuable thing, or promise so to do, except for lawful expenses. Lawful expenses as used in this section are limited to expenses for the following purposes only:

1. For the candidate's official filing fee.
2. For the preparing, printing, circulating, and verifying of nomination papers.
3. For the candidate's personal traveling expenses.
4. For rent and necessary furnishing of halls or rooms, during such candidacy, for public meetings, or for committee headquarters.
5. For payment of speakers and musicians at public meetings and their necessary traveling expenses.
6. For printing and distribution of pamphlets, circulars, newspapers, cards, handbills, posters, and announcements relative to candidates or political issues or principles.
7. For his share of the reasonable compensation of challengers at the polls.
8. For making canvasses of voters.
9. For clerk hire.
10. For conveying infirm or disabled voters to and from the polls.
11. For postage, expressage, telegraphing, and telephoning relative to candidacy.

Can gentlemen conceive of any other expense than those named in that law, if the law be complied with, to provide for publicity? Ought anyone to go any further? Certainly not.

Section 30 provides, as follows:

STATEMENT OF EXPENSES.

SEC. 30. Every person who shall be a candidate for nomination to any elective office, including that of United States Senator in Congress, shall make in duplicate, within 15 days after the primary election, a verified statement, setting forth each and every sum of money contributed, disbursed, expended, or promised by him, and, to the best of his knowledge and belief, by any and every other person or association of persons in his behalf wholly or partly in endeavoring to secure his nomination. This statement must show in detail all moneys paid, loaned, contributed, or otherwise furnished to him directly or indirectly in aid of his election, together with the name of the person or persons from whom such moneys were received; and must also show in detail, under each of the subdivisions of section 29 of this act, all moneys contributed, loaned, or expended by him directly or indirectly, by himself or through any other person, in aid of his election, together with the name of the person or persons to whom such moneys were paid or delivered. Such statement must set forth that the affiant has used all reasonable diligence in its preparation, and that the same is true and is as full and explicit as he is able to make it. Within the time allowed the candidate shall file one copy of said statement with the officer with whom his nomination papers were filed, and the other with the recorder of the county or city and county in which he resides, who shall record the same in a book to be kept for that purpose, and to be open to public inspection. No officer shall issue any certificate of nomination to any person until such statement as herein provided has been filed, and no other statement of expenses shall be required except that provided herein, and no fee or charge whatsoever shall be made or collected by any officer herein specified for the filing of such statements or a copy thereof.

The laws of the State of California have proven very wholesome and they have brought about good results.

The CHAIRMAN. The time of the gentleman from California has expired. The question is on the amendment offered by the gentleman from Arkansas.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 11, noes 24. So the amendment was rejected.

Mr. WINGO. Mr. Chairman, I wish to offer another amendment of the same character, on page 12, line 16, to strike out "$5,000" and substitute "$2,500," and in line 19 to strike out "$10,000" and substitute "$5,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 16, strike out the figures "$5,000" and insert in lieu thereof the figures "$2,500," and in line 19 strike out the figures "$10,000" and insert in lieu thereof the figures "$5,000."

Mr. WINGO. Mr. Chairman, this amendment is not as drastic as one would think at first blush. It would be all right to limit it to $5,000 and $10,000 if it were not for the proviso, and with the proviso it simply means that the limit of $5,000 and $10,000 is on newspaper advertising and such things as that. A candidate does not have to include in the $5,000 any money that he expends in the way of an assessment fee. He does not have to include his personal expenses. He does not have to include stationery and postage and hired workers under guise of circular distributors.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. GARNER. In making his report to Congress under the present law, which is about the same as this provision in the bill, is it necessary to report his expenses in the way of stamps, stationery, posters, telephone and telegraph expenses?

Mr. WINGO. I included all of that. I do not think that the present law requires you to do anything of the kind.

Mr. GARNER. Let me get the gentleman's construction of it. I know a great many Members of Congress are not reporting expenses for stamps, stationery, telegraph, and telephone—the exceptions made there. Some contend that they ought to be included in the report under the present law, while others say not. The blanks sent out by the Clerk's office would indicate that one should not include anything except what the law requires you to report, such as newspaper advertisements, clerk hire, and so forth.

Mr. WINGO. Mr. Chairman, I do not think the present law requires you to report all of those things mentioned. But here is a proposition: Under the present law and under this provision most or the greater part of your expenses are absolutely exempted, and you do not have to account for them. I know one man who expended $12,000, and under the law as it is written—and he is a good lawyer and he did not think he had to account but for $5,000; and I examined it pretty closely and I did not think he transgressed the law—he did not account for the additional $14,000 expended for the things he did not have to account for. He sent a man around the country representing him, distributing circulars, and that man was nothing but a worker for him, but he was all of the time distributing circulars. He had other men to represent him at the polls, and those men were distributing circulars at the polls. If you are going to exclude from the limit the greater part of the expenses, and those things which really are the things that you ought to stop, then why have such a large limit of $10,000 and $5,000? In other words, I think $2,500 is enough for a Member of Congress to expend in advertising that he has to account for.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. RUCKER. Some gentlemen in some districts incur more or less expenditures in renting halls for public meetings.

Mr. WINGO. Yes; you do not exempt that.

Mr. RUCKER. That would be part of the $5,000.

Mr. WINGO. Yes.

Mr. RUCKER. If they take a party of friends from one town to another and pay their hotel and railroad bills they would have to account for that.

Mr. WINGO. That is the reason why I can not understand why the gentleman does not include the renting of halls in his exemption here, for the rent of halls, public meeting places where everything would be public, is a proper exemption. Why should not that be excluded in preference to circulars and such as that?

Mr. RUCKER. If the gentleman will permit me, this language was framed in the Senate and not in the House.

Mr. WINGO. Framed in the Senate?

Mr. RUCKER. Yes; the bulk of it; and some of us were so uneasy for fear there might be a change of heart in some other

legislative hall that we were content to leave this as the Senate has written it.

Mr. WINGO. I am not interested in that; I am interested in what we do, and I will let them do what they wish to do.

Mr. RUCKER. But the gentleman will bear in mind—I do not want to consume his time, but I want to suggest—there are Members on the floor of this House, probably here to-day, who insist earnestly that $5,000 is too small a sum to conduct campaigns in their districts in that way for perfectly legitimate expenses.

Mr. WINGO. Under this bill as it is written any man in this House can expend $100,000——

Mr. RUCKER. He might for some purposes.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the adoption of the amendment offered by the gentleman from Arkansas.

The question was taken, and the Chairman announced the ayes seemed to have it.

Mr. RUCKER. Mr. Chairman, I do not believe the House wants to defeat this bill, and I ask for a division.

The committee divided; and there were—ayes 23, noes 22.

Mr. RUCKER. Mr. Chairman, I ask for tellers on this.

The CHAIRMAN. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Fifteen gentlemen have risen, not a sufficient number, and tellers are refused.

So the amendment was agreed to.

Mr. RAKER. Mr. Chairman, in line 15 it says, "regular post offices." What does the gentleman mean by that? I move to strike out the word "regular."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 15, strike out the word "regular."

Mr. RAKER. Would the gentleman from Missouri, the chairman of the committee, give me his attention for a moment? What is the purpose of putting in the word "regular"? What distinction does that have?

Mr. RUCKER. I do not know any more than the ordinary meaning of the word "regular." I believe the gentleman could take it out. It would not hurt the bill now. You can take it out. It will not hurt the bill any.

Mr. WINGO. We have not reached that paragraph.

Mr. RAKER. It is the same paragraph.

Mr. RUCKER. No; it is not the same paragraph.

Mr. RAKER. I beg the gentleman's pardon. I withdraw the amendment.

Mr. WINGO. Mr. Chairman, I offer an amendment to the pending paragraph, to strike out the entire proviso, beginning with line 20, page 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 12, line 20, strike out the entire proviso, beginning with line 20, down to and including line 5, page 13.

Mr. RUCKER. Mr. Chairman, I want to just say one more word to the committee and then I am not going to annoy the membership any longer. I hope that nobody who is friendly to this legislation will vote for the amendment of the gentleman from Arkansas, although I do not mean to assail his attitude at all. If this amendment should prevail, there is just one of two alternatives, either we have got to let the Senate write the bill for us, or the friends of publicity murder this bill, one of the two. There is no possibility on earth, we might as well know it, of passing the bill through this Congress which requires candidates for the United States Senate in going over the great areas like the great States of Pennsylvania, New York, Missouri, Arkansas, and all the other States, to keep an itemized account of every expenditure which he makes. The public would lose faith when we proclaim ourselves to be friends of publicity, and men would then have some warrant in denouncing this as fake legislation.

Mr. WINGO. Will the gentleman yield for a question?

Mr. RUCKER. Yes, sir.

Mr. WINGO. Is it not true one or more of the States the gentleman has named now have State laws requiring candidates for the governor of the State to do that thing which the gentleman has said is impossible, and do not they do it, and is not California one of them?

Mr. RUCKER. I do not believe that any State requires them to keep account of their personal expenditures, and, if there is, I am not responsible for State legislation.

Mr. KELLY of Pennsylvania. Pennsylvania is such a State that requires an itemized expenditure.

Mr. RUCKER. I do not care how many States have it.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. I will yield.

Mr. MANN. I would like to have any gentleman from any State where they have that law say whether it requires them to keep track of the 2-cent stamps they use and the amount of stationery they use.

Mr. DIFENDERFER. For the benefit of the gentleman from Illinois, I will say that I for one keep an account of 2-cent stamps.

Mr. MANN. And stationery?

Mr. DIFENDERFER. And the stationery, mileage, and money expended in every way.

Mr. MANN. And made a return? It seems——

Mr. RUCKER. Let me say I do not care how rigid this law may be. I believe I have already imposed upon the indulgence of the House to say heretofore that it does not affect me in any way. In the State of Missouri if I expend for nomination and election exceeding $625, I am unworthy of a seat here, because I would be a criminal under that law. But our statute does not require me, when I go from town to town and stop at a lunch counter and hotels, to note down and keep an account of each lunch and each cup of coffee. I believe we are going to a dangerous extent when we ask that it be done.

I do not mean to question the wisdom of the gentleman who offered the amendment, but I tell you we can not possibly pass this bill, and I warn the gentleman now.

Mr. RAKER. Will the gentleman yield right there?

Mr. RUCKER. We will be responsible for deliberately killing it by leading it down.

Now I will yield to the gentleman from California.

Mr. RAKER. I just wanted to call the gentleman's attention to the fact that the statute of California I have just read requires all these things as to United States Senators, governors, and everybody.

Mr. MANN. Will the gentleman from Missouri permit me to ask a question of the gentleman from California [Mr. RAKER]?

Mr. RUCKER. I will.

Mr. MANN. Do the returns of the gentleman from California include all the space used in the CONGRESSIONAL RECORD in publishing his stuff for campaign purposes?

Mr. RAKER. I do not quite understand what the gentleman means.

Mr. MANN. Everybody else does.

Mr. RAKER. I thank the gentleman for the courteous answer.

Mr. WINGO. Mr. Chairman, just a moment before we vote. The object of the amendment that I have offered is to provide for publicity in fact and not simply in name. The cry is for publicity, and when you offer them publicity they say it is impossible. The gentleman from Illinois [Mr. MANN] says it is impossible for a man to keep a correct expense account. He says that the State laws have not been complied with. It is easy to keep an itemized account of what has been done. I usually buy stamps in $10 blocks. That is the way I did in my personal campaign, and if I wish to carry the stamps with me, I buy them in $1 blocks. I have a book in my pocket like the traveling men carry, and when I buy a ticket I charge it up, and I can take two little books that I have in my desk and tell you to a dime everything I spent when I was a candidate for Congress.

Mr. MANN. Will the gentleman yield for a question?

Mr. WINGO. With pleasure.

Mr. MANN. The gentleman is now a candidate for Congress, is he not?

Mr. WINGO. I will surely be a candidate.

Mr. MANN. Does the gentleman have his clerk keep an account of his stamps now and the stationery which he uses in writing to his constituents in reference to his candidacy apart from public business?

Mr. WINGO. Certainly. That is a very simple thing to do.

Mr. MANN. I wish the gentleman would bring us in a statement of how much he has used in the way of stationery and postage during the last month for political purposes and how much for congressional purposes.

Mr. WINGO. I have not used any for political purposes.

Mr. MANN. The gentleman can not be a candidate for a month without using it.

Mr. WINGO. I shall be a candidate in the fall. I have not written a letter this month in the interest of my candidacy.

Mr. MANN. The gentleman has written many. That is what the gentleman carries on a correspondence for.

Mr. WINGO. No; it is not for what I carry on my correspondence. I do not have to run two years at a stretch to get elected in my district. When I got the Democratic nomination last March I was elected, and the only expense I shall have this fall will be in stamping the district with some pamph-

United States; to the coroner, if you like, and to the sheriff, if you like, and to the justice of the peace, if you like. But Congress can not make the secretary of state receive it or put it on file or keep it or show it to anybody.

Mr. RAKER. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN (Mr. HOUSTON). Does the gentleman yield?

Mr. MILLER. I will not yield further.

The CHAIRMAN. The gentleman declines to yield.

Mr. MILLER. It is not a fact that Congress lacks the power to require the candidate to mail the statement, but that when mailed what good purpose will be served?

The second contention that I desire to call to the attention of the House is this very one that the secretary of state may or may not receive it. Very likely he will not keep it on file for any extended period of time; may not keep it where it will be public; can not be compelled to have a repository in his office for it. No person could compel him to show it to him if he went there to see it.

While we have power, therefore, to compel the candidate to mail the statement, we have no authority, and we should not have any, to compel any useful purpose to be subserved by it after it gets into the office of the secretary of state. So that it seems to me, Mr. Chairman, that this amendment is wholly inadvisable.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BRYAN. Mr. Chairman, we are all after publicity of campaign contributions. That is the aim of this legislation, of course—publicity. Whether or not these lines in this provision which require the giving of a duplicate to your opponents for the nomination will produce the kind of publicity that we want is certainly a material question. I suppose that this refers, of course, to the candidates within one's own party who are against one for the nomination.

Now, I suggest that in a Democratic district, we will say, how much publicity will be produced in a campaign for the nomination for a Democratic position in this House by a candidate giving to his associate Democrats a copy of his expense account? How much publicity will be produced in a Republican district among delegates, for instance, to the last Chicago national convention, giving to each of those opponents a copy of the expense account? After the primary is over the fight is over, and the opponent that does not get up and support his opponent's nomination is at once blackballed out of the party. He is at once an outcast, a traitor, and it is not the place where the publicity or where the expense account ought to be deposited in order to promote publicity.

I would like to see it filed in some place publicly. I do not care whether it is filed with the secretary of state or with the clerk of the Federal court; but this provision, in my opinion, is not effective.

Now, under our laws, for instance, a man becomes your opponent. If some voter scratches the name of a printed candidate off of the ballot and writes the name of John Jones there as a candidate, if he gets only one vote or two votes in the district, every one who gets such a vote in that way is your opponent. Now, on whom have you to serve it? I say it is ineffective, and not the kind of a provision that we want.

So far as the constitutional provisions here are concerned, I do not think there is any more use in going wild here about constitutional provisions as to State laws than there is about going wild over this letter that has been received from the secretary of the National Popular Government League. I have absolute faith in the sincerity of the chairman of this committee, and I do not approve of the word "fake" used in this letter, so far as it may tend to question his sincerity. I believe in the chairman's sincerity. But I want to say on the floor of this House that I have absolute faith in the sincerity and in the honesty and integrity of the gentleman whose name was signed to that letter, Mr. Judson King. He is a personal friend of mine and one whom I honor.

Mr. RUCKER. Does the gentleman think he ever read this bill?

Mr. BRYAN. I think he did.

Mr. RUCKER. If he did, he is either an ignoramus or a fool, because he expressly says primaries are exempted.

Mr. BRYAN. He is right. Primaries are excluded for this reason, that the law says that the party which conducts the one-State primary does not make a report. Take the contest in the Dyer district, for instance, in Missouri, and let a primary campaign of that kind be conducted by a Missouri campaign committee, and they make no report whatever. The committee is especially exempted from report, and then this bill does not apply.

Mr. RUCKER. They do make a report under the State law.

Mr. BRYAN. I am talking about this law, and so was Mr. King.

Mr. RUCKER. This law never was designed to require any committees in a State to make a report.

Mr. BRYAN. With all due credit to the gentleman for his sincerity, I repeat that is one of the vital criticisms of this bill, that the State committee managing a Congressman's campaign in a State does not have to make any report whatever, and that lets out all these primaries. I am not going to have a national campaign committee manage my campaign. My campaign committee is out in Seattle, and therefore your bill lets primaries out; it only concerns national committees and individual candidates.

Mr. RUCKER. The gentleman would be in favor of having all congressional committees and county and township committees make a report?

Mr. BRYAN. I am in favor of having all congressional and senatorial committees handling the campaign of a candidate for Congress or of a candidate for the Senate report, the same as the Congressman or the Senator himself, whether a one-State committee or a two or more States committee.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask to have my amendment reported and considered as pending.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MURRAY] asks unanimous consent to have his amendment reported and considered as pending. Is it pending?

Mr. MURRAY of Oklahoma. Yes; I think the House will agree to it.

The CHAIRMAN. Is this an amendment offered by the gentleman from Oklahoma?

Mr. MURRAY of Oklahoma. It is one that I have offered.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment.

Mr. MURRAY of Oklahoma. I think the House will agree to it.

Mr. RUCKER. Mr. Chairman, this is an amendment to what?

Mr. MURRAY of Oklahoma. Let the Clerk read it. Then the gentleman will see what it is.

Mr. RUCKER. There is already an amendment, a substitute, and an amendment to the substitute pending.

Mr. MURRAY of Oklahoma. I obtained unanimous consent to have the Clerk read it.

The CHAIRMAN. There is no amendment pending to the substitute.

Mr. RUCKER. I thought there was.

The CHAIRMAN. That was withdrawn.

Mr. FOSTER. As I understand it, this is simply read for information.

Mr. MURRAY of Oklahoma. That is all.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma.

The Clerk read as follows:

Amendment offered by Mr. MURRAY of Oklahoma:

"Page 8, line 23, at the end of the line add 'and he shall list and itemize all the falsehoods, prevarications, and lies he has invented, started, uttered, told, or spread against, about, or concerning his opponents, or either of them.'"

[Laughter.]

Mr. RUCKER. Mr. Chairman, I make a point of order against that amendment, because it would require too much of detail, and the gentleman knows that.

Mr. MANN. On this side of the House we have no objection to it. Let the other side of the House vote on it. [Laughter.]

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from California [Mr. RAKER] in the nature of a substitute.

The question being taken, on a division (demanded by Mr. RAKER) there were—ayes 30, noes 42.

Accordingly the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 50, noes 20.

Accordingly the amendment was agreed to.

Mr. RUCKER. Mr. Chairman, in view of the action of the committee in adopting the amendment offered by the gentleman from Tennessee [Mr. GARRETT], I move to amend, on page 9, line 21, by striking out all of line 21 after the word "part" down to the end of line 22.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RUCKER:

"Page 9, lines 21 and 22, after the word 'part,' in line 21, strike out the words 'and deliver a duplicate of such statement to each of his opponents for such nomination or election if known.'"

The amendment was agreed to.

Mr. RAKER. Mr. Chairman, I present the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:

"Page 12, line 26, after the word 'newspapers,' strike out the words 'and distributing letters, circulars, and posters.'"

Mr. RAKER. Mr. Chairman, I want to say just a few words on this amendment. As the law now stands, any amount of money may be expended for distributing letters, circulars, or posters without any accounting for it. The former part of the bill, in lines 24 and 25, permits the candidate to expend all that may be necessary to make himself known over the district, and to every voter in the district, for stationery and postage, writing and printing; but I believe this provision ought to be eliminated from the bill. Under these words there is no limit to the amount that a man can expend in a campaign. A candidate may have a hundred cards printed. He may employ a hundred men to circulate them, giving a man one card and paying his traveling expenses and a four-in-hand to take that card to some one in the adjoining town, and under this bill that is a legitimate expense and does not have to be accounted for. He may have a thousand posters, and he may employ a hundred men to travel over that district at $5 a day and found, with an automobile or four-in-hand, to deliver those posters or circulars, and no accounting is necessary. Now, if you are going to have a campaign-publicity bill, if you are going to put men on an equal footing, and say that a man shall not buy his election, why should you put into the bill provisions that legalize those things that have been done in the past in the most vicious manner for the purpose of corrupting the electorate?

Mr. COX. Will the gentleman yield?

Mr. RAKER. I yield to the gentleman from Indiana.

Mr. COX. If your amendment is agreed to, will that prevent a candidate for Congress sending letters through the mail?

Mr. RAKER. Oh, no. The provisions in lines 22 to 24 permit him to send through the mails all the letters, circulars, and printed matter that he desires; but this provision that I move to strike out says that he may distribute letters, circulars, and posters. Now, that distribution may be made in any way. You may put a man on a railroad train and send him all over the district, and pay him five or ten dollars a day, and no limitation on it. As I stated a moment ago, it legalizes a method that has been deplored and frowned upon for years—that of hiring men to go over a district to hand out cards, circulars, and posters to individuals, and, as a matter of fact, practically to buy the vote of the man you employ to deliver these things. Now, I am in favor of a bill with some teeth in it. If you compel a candidate to publish in his statement the number of men employed and the amount of money paid to them for distributing his letters, cards, and posters, that will be all right. Then he has to come within the limit of the bill, $5,000, or the amount provided by the statute of the State.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman that I believe the language sought to be stricken out by his amendment might allow a candidate to do what this bill seeks to prevent. Therefore, I have no objection at all to the amendment.

Mr. RAKER. All right. Vote on it.

The CHAIRMAN. The time of the gentleman has expired. The question is upon the adoption of the amendment.

The amendment was agreed to.

Mr. WINGO. Mr. Chairman, on page 13, line 4, I move to strike out all of the paragraph after the word "expense."

The CHAIRMAN. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, line 4, after the word "expense," strike out the words "and need not be shown in the statement herein required to be filed."

Mr. WINGO. Mr. Chairman, if my amendment is adopted, it will strike out the words that have been read. The paragraph of which the words are a part provides that in making up his statement it is not necessary for the candidate to include certain things, and it goes further and says that they may not be shown and entered in his expense account. Now, let us see. If you let the present language of the bill stand it would mean that he could spend several thousand dollars for postage, several thousand dollars for telegraph and telephone, if he wanted to, several thousand dollars for printing, thousands of dollars for workers, and yet he would not have to make any statement showing that he had made the expenditure of that sum. I take it that the language used is for the purpose of fixing the limitation and not for suppressing anything.

Mr. RUCKER. Will the gentleman yield?

Mr. WINGO. I will.

Mr. RUCKER. I think I catch the thought of the gentleman, and I want to make this suggestion: Would not the idea of the gentleman be better presented if instead of striking this language out you make it read that it must be shown in the statement filed here?

Mr. WINGO. I think that is better.

Mr. RUCKER. I would have no objection to that.

Mr. WINGO. Mr. Chairman, I will ask to modify my amendment by striking out the words "and need not," in line 4, and inserting the words "but shall."

The CHAIRMAN. Without objection, the gentleman from Arkansas modifies his amendment to read as the Clerk will report.

The Clerk read as follows:

Page 13, line 4, strike out the words "and need not" and insert the words "but shall."

Mr. BOOHER and Mr. MANN rose.

Mr. BOOHER. I will yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from Arkansas has the floor.

Mr. MANN. But the gentleman from Arkansas has had five minutes and is not entitled to the floor.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. Mr. Chairman, I would be perfectly willing, except for the inconvenience, to strike out the entire provision, and would much rather strike it out than to insert the amendment offered by the gentleman from Arkansas. The only purpose of the proviso is to except certain expenses from the limitation fixed—first, the question as to the constitutional authority possibly, which I do not pay much attention to, in reference to the payment of assessments required by the State; and the other is the matter of convenience.

No man living can keep a truthful account of the postage paid for campaign expenses. No man living can keep a truthful account of the stationery that he buys and uses for campaign expenses. No man living can keep a truthful account of his personal expenses during a campaign that are chargeable to campaign expenses. It was necessary either to exempt those things from the amount required or to legally require a man to lie about it. Now, you can take your choice. It is not possible to keep an account of each 2-cent stamp used for campaign purposes. It is not possible to distinguish in the purchase of stationery between each sheet that is used by us, for instance, for official purposes or private purposes and that for campaign purposes. It is not possible to distinguish between the personal expenses of a candidate which are caused by his being a candidate as apart from his ordinary living expenses. That is the reason for making these exemptions in the first place.

Now, having stricken out all the provision in regard to the distribution of letters and circulars and posters which were not required to be accounted for and which were not required to be in the limit, they are now included in the limit of cost and hence are required to be accounted for and they are easy to keep track of. There is nothing left to the proviso except that. We may pass a law requiring every candidate for Congress to lie about his expenses, but he can not comply with the provisions truthfully; it is not within the capacity of the human mind.

Mr. BOOHER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Arkansas. I can not understand why, if the proviso is to stand in this bill, the amendment should be adopted. We exempt the travel expense, subsistence, stationery, postage, writing or printing, other than in newspapers, the assessment levied upon candidates by the laws of the State in which he resides, telegraph and telephone service, and say that they shall not be regarded as an expenditure within the meaning of this section.

If they are not to be regarded as expenditures, and we are not to be charged with them, then why insert in the law a provision that you must make a statement of them? It seems to me the gentleman from Illinois [Mr. MANN] is right when he says that amendment will simply provide for something with which it is utterly impossible to comply. The section is well enough as it stands, without the amendment of the gentleman

sworn in as a Member of this House or as a Member of the other body who has failed to comply with the provisions of this law; and in my judgment we will never get publicity, we will never get candidates for the House of Representatives and candidates for the Senate to live up to the law, until a provision of that kind is written into a bill. When a candidate for the House of Representatives knows that there is hanging over his head a doubt, even if he is elected, as to whether or not he is finally going to be sworn in and receive his seat, he will then adhere and adhere religiously to the law. But I believe that the proposed bill is a vast improvement over the old publicity law. I am not criticising the old law. I recognize that when this principle started it was new and untried, dealing with a dual system of Government, the Federal Government on the one hand and the various State governments on the other. For one I am in favor of publicity. What possible harm can come to us because of giving to our opponents an itemized statement of our expenses? I have listened and listened intently to every argument that has been advanced, and no man has yet advanced to my mind a logical argument against it. I believed in the first instance that it would have been better if the committee had required the candidate at home to have published these expenses in a local paper, but on reflection I doubt that. In my judgment what the people want is publicity and when we are required to give to our opponents an itemized sworn statement of our expenses 15 days before the election, I take it that our opponents will discuss those expenses from every stump on which they speak. Articles appearing in newspapers are read with not very much interest and are rather quickly forgotten, but when the candidate for the House or the Senate of the United States is being challenged before his constituents every day and every night and their attention is called to the fact that this or that candidate has exceeded the law or failed to comply with its provisions you will then get publicity, and you will never get it until you get it in that way.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. COX. For a question.

Mr. TAGGART. Would it not be better if it was made the duty of the clerk of the United States court to receive these statements?

Mr. RUCKER. Which court?

Mr. TAGGART. The clerk of the court of the district in which the candidate is running, and then have him file the statement?

Mr. COX. I do not. After giving this subject as much thought as I can, I am firmly in favor of the doctrine of publicity. And you will never get it in any other way, that has been yet proposed, equal to the provision contained in this bill. We have been trying for, lo, these many years to throw the limelight on these matters, and have we been sincere and conscientious about it? For one, I am not a brave man at all, but I am not at all afraid to give to my opponent 15 days before the election an itemized sworn account of every penny I have put into the campaign. I am perfectly willing that he should go on the stump day and night and challenge me upon that proposition; and in return, I will be challenging his expense account.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. WATKINS. Mr. Chairman, having been unalterably opposed to the enactment of any national law regulating the primaries which are governed by the State laws, I wish now to make a hasty résumé of the statutes as we find them and of these amendments, and endeavor in a few minutes to explain the effect of these amendments on the general law, on the primary-election law. The bill now being presented is a codification of the various laws relating to publicity of campaign contributions. When this proposition was first submitted to the House of Representatives it did not contemplate the regulation of the primary elections in the various States of the Union, because there is no national primary-election law. The various States in the Union have State laws regulating primary elections. When the proposition was first submitted and before the law was enacted regulating the publicity of campaign contributions, when the amendment was offered to include primaries, the gentleman who now has charge of the bill, the gentleman from Missouri [Mr. RUCKER], opposed it to the extent of defeating it by a majority of the votes of the Democratic Members of the House, coincided in by some of the Republicans, and the primary-election feature was eliminated at that time. It went to the Senate, and the Senate then sought to incorporate primary elections——

Mr. RUCKER. Will the gentleman yield?

Mr. WATKINS. I do.

Mr. RUCKER. The gentleman will recall even at the time that I was seeking to prevent that on the floor of the House I declared myself then heartily in favor of it at all times.

Mr. WATKINS. Well, let us see.

Mr. RUCKER. I had other reasons for opposing the amendment at that particular time.

Mr. WATKINS. I am not criticising or finding fault with the gentleman.

Mr. RUCKER. I understand that.

Mr. WATKINS. Because the views he expressed at the time exactly coincide with my idea in reference to the matter, and I was quoting the gentleman as authority for the position which I have taken——

Mr. RUCKER. The gentleman correctly quotes what I did; I make no point on that, but I had reasons for it at the time.

The CHAIRMAN. Does the gentleman from Louisiana further yield?

Mr. WATKINS. I simply want to quote the language to show why I made the statement which I did; and if I was in error as his being opposed to it, I want to show his language as the reason why I made the statement, because I believed I was making a correct statement. The gentleman from Missouri said:

> We on this side—
>
> Meaning the Democratic side—
>
> will not dodge the issue. We earnestly favor the publicity of campaign contributions, but we are unalterably opposed to force bills and Federal supervision of elections.

And that is the amendment which he was antagonizing at the time. Hon. JOHN SHARP WILLIAMS, the Senator from Mississippi, made a similar statement opposing this measure in the Senate. We fought over the question for almost an entire session of Congress, being opposed all the time by the leading Democratic Members, and the opposition was based upon amendment numbered 10 to the Constitution of the United States:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Now, Mr. Chairman, this bill proposes in the codification of the law on the subject matter to require that the candidates serve notice upon their opponents, with duplicate statements, showing the amount, the items, and dates of contributions and their expenditures. I am opposed to that, because I believe it is interfering, as it applies both to primary and general elections, with the rights of the States, and interfering by giving authority to the United States courts to interpret the State laws regulating primary elections.

The amendment which the gentleman from Tennessee offers has for its object the striking out of that language and I am, for the same reasons stated, in favor of the amendment offered by the gentleman from Tennessee. However, the gentleman from California has moved as a substitute that the notice in lieu of being given to the opponent shall be given through the instrumentality of the secretary's office—through the secretary of state—and for him to make the publication. Now, Mr. Chairman, if that is done it is in compliance with many of the State laws on this same subject matter, the State of Louisiana being one of them, and if we can not get the amendment of the gentleman from Tennessee in striking out this language requiring notice to be served upon the opponents, then I would be in favor of the amendment offered as a substitute by the gentleman from California.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAMTON. Mr. Chairman, the amendment which I desire to offer to the Raker substitute is simply to insert, after the word "mail," the words "or registered mail."

Mr. RAKER. Will the gentleman yield?

Mr. CRAMTON. I do.

Mr. RAKER. The next section provides that mail or delivery means registered mail.

Mr. CRAMTON. Then I withdraw the amendment, Mr. Chairman.

Mr. RUCKER. That proposition is fully covered.

The CHAIRMAN. Does the gentleman withdraw the amendment?

Mr. CRAMTON. I withdraw the amendment. To my mind, the question of desirability and the certainty of securing of reforms by means of publicity is a matter upon which we must all agree. The only question in the mind of any of us is whether a so-called publicity statute will actually secure the publicity. If it secures publicity, it is bound to secure the reforms we desire and which are needed. The only question, to my mind, in reference to the Raker substitute was not as to what any secretary of state would do with the statement after he shall have received it, but whether or not the candi-

date would file the statement. If it should be simply sent by mail, there might be a question as to proof whether he sent it or not; but if he sends it by registered mail, as I am now informed the statute later provides, then there is mighty little question but what the secretary of state will secure it, and if the secretary of state receives it I do not believe there is any real question in the mind of any of us as to what the secretary of state will do with it. If the secretary of state receives it, files it, and holds it open to the public, then we are going to secure a greater amount of publicity, we must all agree, than would be the case if it were simply placed on file in some office in Washington, 1,000 miles away from the scene of the contest. Inasmuch as it is securing a greater amount of publicity and is not subject to the criticism which must arise from the provision proposed in the bill which makes each candidate a sort of spy and watchdog over his opponent, but leaves it open to the public, who want this wider publicity, I am in favor of the Raker amendment.

Mr. KEATING. Mr. Chairman, I did not hear all of the remarks of the gentleman from Missouri about the Popular Government League. I understand, however, that he takes exception to the tone of a communication from the secretary of that organization.

Mr. RUCKER. Mr. Chairman, I take no exception. I think the secretary did an unauthorized act. I think the league should repudiate his action.

Mr. KEATING. I am a member of the Popular Government League. I have not had an opportunity to read this communication, and I do not desire to read it until after I have made this statement. I take it for granted that the secretary of the league when he addressed Congress addressed it in a proper fashion. If he has not done so he should be criticised, and I am sure I will not object to any such criticism which may be offered by the gentleman from Missouri or anyone else.

But so long as the secretary proceeds in a proper manner he is carrying out the objects of the league. The league was formed for the purpose of advancing the cause of direct legislation, the initiative and referendum, publicity in the matter of campaign contributions, and kindred objects. We held a convention here something like a year ago, and Mr. King was elected executive secretary. Now, it stands to reason that it is impossible for an executive secretary to consult with every member of the league. We are compelled from the very nature of things to place a great deal of power in Mr. King's hands, and we placed that power in his hands because we had confidence in him. Mr. King had been interested in this kind of work for a number of years. He had gained some reputation as the result of that work, and we felt that in intrusting him with the duty of watching measures of this kind which might be pending in Congress and before the various State legislatures we were selecting the right kind of a man for a most important job.

Now, his duty was to look for "jokers" in legislation of this kind. That is the reason we placed him where he is, and he was well within his rights as secretary, to my mind, when he undertook to state to this Congress on behalf of the organization that he felt that certain amendments should be offered to this bill.

Mr. GARNER. Will the gentleman yield now?

Mr. KEATING. If you will pardon me just a moment until I finish my statement. If I have time I will yield.

But, as I have said before, those suggestions should be offered in a proper fashion. Of course when Senator OWEN, who I believe is the president of the organization, is in Washington Mr. King, as I understand it, is constantly in touch with him. There are other gentlemen here whose names escape me at the moment who constitute an executive committee. I believe a majority of that committee are residents of the city of Washington. It is to be taken for granted that Mr. King will keep in touch with these gentlemen and ascertain their views.

Mr. RUCKER. Does the gentleman express the belief that he did do it?

Mr. KEATING. I can not do that in the absence of definite information.

Mr. RUCKER. In the absence of any information?

Mr. KEATING. I will not say that I have no information. The only thing I know is that Mr. King told me he was going to offer certain suggestions looking to amendments, and he specifically mentioned the striking out of the words "in two or more States." And I told Mr. King that so far as that amendment was concerned I heartily approved it, and I hoped it would be adopted by this House.

Mr. RUCKER. Does not the gentleman believe that if Mr. King was acting in good faith he might, even if Senator OWEN is across the water, have consulted with Senator NORRIS, of the executive committee? Does he not think he might have been courteous enough to have suggested it to some member of the committee that has this bill in charge? Does he not think it better to have told the truth than to have lied about it?

Mr. KEATING. I am not taking it for granted that Mr. King lied about it.

Mr. RUCKER. I am taking it for granted that he did.

Mr. KEATING. That is a question between the gentleman and Mr. King.

Mr. RUCKER. I have not the honor of the gentleman's acquaintance, but I would be glad to have him call on me.

Mr. KEATING. This thing of calling a man a liar on the floor of this House and then suggesting that he call on you does not impress me.

Mr. RUCKER. I do not care whether the gentleman is impressed or not. No man can impugn my motives.

Mr. KEATING. I did not impugn your motives.

Mr. RUCKER. But you are indorsing Mr. King.

Mr. KEATING. I do not indorse Mr. King. I am not "indorsing" or "defending" anyone. The RECORD will show whom I indorse. I have tried to make a clear statement.

Mr. RUCKER. I hope I have not said anything offensive to the gentleman.

Mr. KEATING. You have not. I trust I have not said anything offensive to the gentleman from Missouri, for nothing was further from my thoughts. I want this House simply to understand that Mr. King had well-defined duties in connection with this bill. It was his duty as executive secretary of the Popular Government League to scrutinize this bill, and if he felt amendments should be offered he was authorized to present such amendments as to him seemed proper to Congress.

Mr. GARNER. Will the gentleman yield for an interruption now?

Mr. KEATING. My time has expired.

Mr. MILLER. Mr. Chairman, I am very strongly opposed to the substitute as offered by the gentleman from California [Mr. RAKER]. The object of this bill is to secure publicity where publicity will be of value to insure purity in elections. It certainly is not to entangle elections and candidacies with a lot of unnecessary and valueless requirements. If it be required of the candidate that he file or mail a copy of his campaign expenditures to the secretary of state, that requirement will result in one of two things. In a State where there is a State law requiring such statements to be filed with the secretary of state—and I assume that a majority of the States now have such a law, and that all will soon have such a law—it will result simply in repetition and confusion, and absolutely no useful purpose can be served.

Mr. WINGO. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. WINGO. I wish to call the gentleman's attention to the fact that this kind of a situation has arisen in a State. The attorney general of that State has ruled that Members of Congress and Senators are not subject to the State act; that the Federal Government alone can say when and where they shall file their statements. Upon that ruling I understand one secretary of state declined to file an expense account of a Member of Congress.

Mr. MILLER. I would not care to enter into a legal controversy with the legal adviser cited by the gentleman from Arkansas, but unless there is something unusual and extraordinary in the statute it certainly does apply, and any State can require a candidate for Congress to file with the secretary of state an expense account.

Mr. WINGO. I did not express any opinion concerning the secretary of state's opinion. I simply called attention to the confusion that would arise if his contention is well founded.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Minnesota yield to the gentleman from California?

Mr. MILLER. Yes; if it is short.

Mr. RAKER. Is there any doubt in the gentleman's mind that Congress has the power to direct a candidate to deliver a duplicate to his opponent, either before or after the election?

Mr. MILLER. Not at all.

Mr. RAKER. If that is true, can there be any doubt of the right of Congress to compel a Member to mail a copy to the secretary of state?

Mr. MILLER. Without question Congress can compel a candidate to mail a copy to every Tom, Dick, and Harry in the

Mr. RUCKER. I will.

Mr. RAKER. If the purpose is accomplished, namely, that the candidate send a copy or a duplicate of his statement to the secretary of state, can it be conceivable that any secretary of state in this Union that is in favor of publicity of campaign expenses and purity of elections would throw into the wastebasket and prohibit the newspapers and the opponents of a candidate from receiving a copy of that statement in order that the public might know the true situation of what has been done in the primary election, both before and after?

Mr. RUCKER. Now, the gentleman can answer that quite as well as I can. It is a mere matter of speculation either way. I have answered it according to my conviction. I have suggested to the gentleman from California and to this House, or, at least, the committee has, a better means of giving publicity where the people are most concerned to have publicity than the thought suggested in the substitute offered by him.

I want to say one word in reference to the motion of the gentleman from Tennessee [Mr. GARRETT] to strike out certain language in the bill. I repeat that I believe the bill as written is better with that language in it than it will be if it is taken out. But I also believe I know when I am whipped, and, strange to say, I believe the majority of the Members here do not like the language in the bill. Some criticize it because they say it gives the opponent an unfair advantage, which I think is not well taken, because the opponent must comply with the same law. Others say it humiliates a candidate for Congress or for the United States Senate to require the exchange of statements of expenditures in a campaign between candidates, and would be irksome and offensive to them. That I do not conceive to be good reasoning; but after all I believe, from expressions we had here last Wednesday, that a majority of this House is opposed to the language which your committee reported, and in favor of the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

I want now to say again that I believe the thought expressed in the bill as reported is a correct one. I believe the time will come when this House will write that or similar language into this or a similar bill. But to-day you are not prepared to do it. I do not intend to contend against the judgment of my neighbors and friends here, who are as zealous, no doubt, as I am, and therefore I shall offer no further objection to the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. SAMUEL W. SMITH and Mr. PROUTY rose.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask that the gentleman from Missouri be given 10 minutes more.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that the gentleman from Missouri proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Missouri is recognized for five minutes.

Mr. SAMUEL W. SMITH. I desire to call the gentleman's attention to a letter which doubtless he and every other Member of the House received this morning from the National Popular Government League, in which it is said there are four jokers in this bill. If the gentleman has a few moments to spare, I wish he would call attention to those four.

Mr. RUCKER. I thank the gentleman for calling my attention to this matter.

Mr. SAMUEL W. SMITH. I would be glad if the gentleman would read them and answer them in his own way, if it is not too much trouble.

Mr. RUCKER. I will do so.

Mr. SAMUEL W. SMITH. Thank you.

Mr. RUCKER. The query propounded by the gentleman at least offers a justification for my noticing an article which at this time I had thought it wise not to notice. The circular referred to did not reach me through the mails, but after coming upon the floor of the House a Member of the House, the gentleman from Wyoming [Mr. MONDELL] kindly gave me a copy which he had. For the first time I saw the circular on the letter head of "The National Popular Government League" after I entered this Chamber. I notice as officers, executive committees, committees on legislative reform, advisory council, finance committee, and so forth, the names of a great many distinguished citizens of the United States, many of them Senators of the United States and several Members of the House, and other gentlemen prominent for the part they have played in American politics and in national affairs. I happen to know that very many of these gentlemen were consulted, indeed that they helped to frame the law as it now stands on the statute book, of which this is an amendment and codification, and I believe that those gentlemen are still heartily in favor of the pending legislation.

The executive secretary, one Mr. Judson King, I believe, sent this circular out broadcast without, as I believe, discussing it with the distinguished gentlemen who constitute that National Popular Government League. I believe that elsewhere than in this House this very document will be referred to, possibly to-day. In deference to the distinguished gentlemen whose names are mentioned here, I feel that I ought at least to suspend until they have had an opportunity to exonerate themselves from connection with this infamous paper.

One gentleman, who is a member of this league, told me to-day that he would resign from the league. He is a Member of the House. He said he would resign from membership in the league because of the unauthorized use of his name by the secretary. The secretary has betrayed his ignorance as well as his venom in this communication.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Wyoming?

Mr. RUCKER. I yield to the gentleman.

Mr. MONDELL. I received one of the circulars that the gentleman refers to, and I was very much surprised at the contents. I notice that the president of this National Popular Government League is a Member of the Senate of the United States. I can not believe that any Senator expected to have that sort of a statement sent out in regard to the legislation pending before the House of Representatives. The gentleman from Missouri, I suppose, has no information on the subject?

Mr. RUCKER. I have no information whatever, but I have just remarked that I believe gentlemen will elsewhere than in this Chamber answer this circular to-day. I shall have something further to say about it, but I believe for the present I shall wait until I can see what is said in another body.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STEPHENS of Texas. Is it not a fact that the Senator named there is now in Europe, and not in this country at all?

Mr. RUCKER. I understand so. I believe that Senators and Members are heartily in favor of this legislation. I know that they have voted for the legislation as it passed, and have advocated it everywhere. With the indulgence of the House, I shall perhaps take occasion to say something with reference to this matter in the near future.

Mr. SAMUEL W. SMITH. To interrupt the gentleman a moment, do I understand that the gentleman will make some answer to these four statements that are called jokers before the bill passes the House?

The CHAIRMAN. The time of the gentleman from Missouri has again expired.

Mr. SAMUEL W. SMITH. Mr. Chairman, I ask unanimous consent that the gentleman be given two minutes more. I just want to get this information.

The CHAIRMAN. The gentleman from Michigan [Mr. SAMUEL W. SMITH] asks unanimous consent that the gentleman from Missouri [Mr. RUCKER] be given two minutes more. Is there objection?

There was no objection.

Mr. RUCKER. I did not want to discuss it now, but it first criticizes that phrase "in two or more States." It is well known why that phrase is used, and some of the very gentlemen whose names appear on this circular, I am sure, favor that language in this bill. The second proposition is that primary elections are exempt. This warrants me in repeating that the gentleman who wrote the circular betrays his ignorance and stupidity, because the fact that the bill does involve primary elections has been the fruitful source of most of the controversy that has arisen on the floor of the House. Third, it says a candidate is limited in the amount he can expend, but "interests" may back up his campaign by expending a large amount of money. I have not read it all. That is not true. Every candidate is required under oath to state every contribution made to him and from whom it is received.

Mr. FESS. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Ohio?

Mr. RUCKER. Yes.

Mr. FESS. I would like to have the opinion of the author of the bill as to how much influence a Member of Congress ought to allow a propaganda that circularizes Members of Congress to have upon his vote. I know the gentleman who wrote the letter very well, and he is a nice fellow; but that does not mean anything to me.

Mr. RUCKER. I am glad the gentleman from Ohio says that he is a nice fellow, because I have had my serious doubts about it.

Mr. PROUTY. Mr. Chairman, I desire to say a word on the amendment offered by the gentleman from California, now pending. I have been amused at the discussion that has arisen on this amendment as to the grave constitutional questions involved in the power of Congress to prescribe duties and its responsibilities for State officers. If the gentlemen that have raised that question had taken the pains to read the amendment, they would have seen how far they are from the question involved. The amendment provides, "and mail a copy thereof to the secretary of state in which said election is to be or has been held."

This is a duty that is fixed upon the man that is a candidate. Is there any Member of Congress who doubts the power of Congress to prescribe what the candidate shall do? Now, the purpose of this amendment and the thing to be reached by it is very wholesome. All of you that have had experience in these matters know that the report filed with the Clerk of the House and the Secretary of the Senate is not available to a man who wants to use it. If a controversy arises in my district as to whether I have made improper expenditures or unreasonable expenditures, before the party can really go and investigate that question he must send to Washington and get a copy of the report here, and he is not really entitled to a copy of it unless he pays for it. It may be a long time before he can get a copy back, and then the circumstances and facts that he wishes to investigate have been covered up. Now, all that this amendment prescribes is that the candidate himself shall put into the hands of a public official, which is the secretary of state, the report, which may then be seen by everybody in the State interested in it.

Mr. RUCKER. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. RUCKER. Is it not entirely within the power of every State, by legislation, to require the candidate to file a statement with the secretary of state or with the county official or with anyone else?

Mr. PROUTY. Yes; I concede that the States have power to pass laws as stringent and more stringent than the one passed by Congress. But the Congress of the United States is undertaking to legislate on this subject, and why should it shirk a part of the duties and responsibilities by saying that we will leave that for the State to take care of?

Mr. MILLER. Will the gentleman yield?

Mr. PROUTY. I will yield to the gentleman.

Mr. MILLER. Does not the law of the gentleman's State require the candidate to file a statement similar to this?

Mr. PROUTY. It requires the filing of a statement after election but not before.

Mr. MILLER. I thought that the State of Iowa was one of the vanguard States in matters of this kind.

Mr. PROUTY. Oh, I have no time to yield to that kind of an insinuation. That is not what I am discussing. I am discussing the constitutional question involved here that has been raised so seriously by some gentlemen, for what purpose I do not know. There is no constitutional question here involved. It requires a man who is a candidate to send a copy of his report to the secretary of state of the State in which the election is held.

Mr. TAGGART. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. TAGGART. Suppose a condemnation or partisan secretary of state should lock up the reports in his safe and not give them out.

Mr. PROUTY. Suppose he did, you would be no worse off than if you did not have the law provided in this amendment. You are not doing any harm if you send it to him.

Mr. RUCKER. Might you not do harm in this way: That the States would be slow to pass a law to compel the very thing which I think they ought and will do if we enact this law.

Mr. PROUTY. I can not conceive of the idea that a State legislature would be slow in passing a law simply because Congress had undertaken to pass some act on the same subject.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. GARRETT of Tennessee. The gentleman from Kansas put a supposititious question, and I will follow. Suppose the secretary of state should lock up some of the reports and give others out?

Mr. PROUTY. That has nothing to do with this amendment at all.

Mr. GARRETT of Tennessee. Could not the gentleman use where an officer having no responsibility by law might do that thing?

Mr. PROUTY. Suppose he locked up all of them. It would be no worse than if you had never sent them at all.

Mr. DONOVAN. Mr. Chairman, I would like to ask who has the floor?

The CHAIRMAN (Mr. FLOOD of Virginia). The gentleman from Iowa has the floor, and he has yielded to the gentleman from Tennessee for a question.

Mr. DONOVAN. The gentleman from Iowa has the floor and the gentleman from Tennessee has no parliamentary right to ask a question, because he did not address the Chair. They all do that way, and it is not parliamentary procedure. The gentleman from Iowa is treating the subject intelligently, and we want to hear him, and this is a violation of the rule.

The CHAIRMAN. The gentleman from Connecticut is out of order.

Mr. PROUTY. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has two minutes.

Mr. PROUTY. All that I rose to say in substance was that the gentlemen who raised the constitutional question certainly have not read the amendment, and if they say that they have read it and insist on it as a great constitutional question, they are interposing that objection not because they feel that it is unconstitutional but because they have some other reason for opposing it. Now, I confess that I can see no possible harm that can result from requiring the candidate to put into some public repository within his own State his campaign expenses and the things that he has done instead of sending them to Washington, where they are not accessible to men who want to ascertain the facts about them.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. PROUTY. Yes.

Mr. GREEN of Iowa. Would not the refusal of the secretary of state, if he did refuse, simply because the document being made public by its being sent down here in Washington?

Mr. PROUTY. I am not attempting to discuss that question. We can not know what everybody would do in every State. My guess on that would be of no assistance, but I do know that Congress has the power to require a candidate for the House of Representatives and a candidate for the Senate of the United States to mail a copy of his report to the secretary of state, and I believe it would be a wholesome thing.

Mr. COX rose.

Mr. RUCKER. Mr. Chairman, before the gentleman from Indiana begins I would like to see if I can not come to some agreement on the time for debate on this amendment.

Mr. MILLER. Mr. Chairman, I would like to have five minutes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the substitute for the amendment close in 25 minutes.

Mr. MANN. I do not think that would be enough.

Mr. CRAMTON. Mr. Chairman, pending that, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAMTON. Mr. Chairman, I would like to ask if an amendment is in order to the Raker amendment?

The CHAIRMAN. There is no amendment pending and a substitute to that.

Mr. CRAMTON. Then I desire to offer an amendment to the substitute.

Mr. MANN. An amendment to the substitute is in order, Mr. Chairman, under the rules. The rules specifically state that there may be one amendment to a substitute.

The CHAIRMAN. That is correct.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that all debate on this amendment and the substitute thereto and the amendment to the substitute close in 30 minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that all debate on the amendment and the substitute and any amendment to the substitute close in 30 minutes. Is there objection?

There was no objection.

Mr. COX. Mr. Chairman, I am in favor of the amendment offered by the gentleman from California [Mr. RAKER]. If it fails, I am opposed to the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. I am in favor of publicity. I would have enjoyed seeing this great committee bring a bill to this House that had teeth in it, that had some real genuine vitality in it. I would like to have seen it contain a section or a provision which would have prevented a Member from being

The Clerk read as follows:

Joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

Resolved, etc., That the President of the United States is hereby authorized and requested to invite foreign Governments to appoint delegates and otherwise participate in the Fourth International Congress on Home Education, to be held at Philadelphia, Pa., September 22 to 29, 1914, under the auspices of the International Commission on Congresses on Home Education and Parent-Teacher Unions: *Provided*, That no appropriation shall be granted at any time hereafter in connection with said congress.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. GARNER. Reserving the right to object, Mr. Speaker, I would like to ask whether or not the Committee on Foreign Affairs has considered this joint resolution.

Mr. LOGUE. The Committee on Foreign Affairs has considered a House joint resolution of similar tenor that I introduced, and has reported it favorably.

Mr. GARNER. It is the same resolution that came up the other day on the Unanimous Consent Calendar and was objected to?

Mr. LOGUE. Yes; it was objected to by the gentleman from Illinois until he learned what provisions had been made for the entertainment of delegates. I was not then present.

Mr. GARNER. The gentleman from Pennsylvania has assured the gentleman from Illinois that the city of Philadelphia was able and had sufficient funds to take charge of the entertainment?

Mr. LOGUE. I have assured the gentleman that the appropriation that has already been made is sufficient to take care of that matter.

Mr. ALLEN. Mr. Speaker, if the gentleman will permit, I can assure the House, from a recent personal experience, that Philadelphia knows how to, and does most delightfully, entertain her guests.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The similar House resolution was laid on the table.

Mr. LOGUE. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD an address delivered in Philadelphia on last Saturday by the gentleman from Ohio [Mr. FESS].

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print in the RECORD an address delivered by Dr. FESS in Philadelphia on last Saturday. Is there objection?

Mr. RAKER. Reserving the right to object, Mr. Speaker, I ask unanimous consent that the gentleman's speech be inserted in the RECORD, and that I be permitted to extend my remarks on House bill 11745.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD on House bill 11745.

Mr. PAYNE. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Is the question of unanimous consent divisible? If so, I ask that the first request be put first.

The SPEAKER. The situation is this: The gentleman from California objects unless he gets in, too. Is there objection?

Mr. MANN. Mr. Speaker, "Millions for defense, but not one cent for tribute," and I object.

ENROLLED JOINT RESOLUTION AND BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title:

H. J. Res. 270. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries to lands in the Flathead irrigation project, Montana.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. This being Calendar Wednesday, the House automatically resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8428, with the gentleman from Tennessee [Mr. HOUSTON] in the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

The CHAIRMAN. The matter pending before the committee is the amendment offered by the gentleman from Tennessee [Mr GARRETT].

Mr. RAKER. Mr. Chairman, I offer the following as a substitute for the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

And mail a copy thereof to the secretary of state of the State in which said election is to be or has been held.

Mr. RAKER. Mr. Chairman, just one word. The amendment of the gentleman from Tennessee is to strike out of line 23, page 8, the following words:

And deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known.

As stated yesterday, this might require even hundreds of duplicates to be sent. The purpose of the amendment is to continue the publicity, but to direct a copy to be sent to the secretary of state of each State in which the election is to be or has been held, where each candidate can readily obtain it without any trouble, whereas the other is so burdensome that it would be almost impossible to comply with it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes.

Mr. MANN. Suppose the secretary of state should refuse to receive this copy, then what would happen? This is a penal offense, so far as the candidate is concerned. If he does not do such a thing. We have no authority to require the secretary of state to receive the copy. Suppose he does not receive it?

Mr. RAKER. I am not so sure; I have not gone into the legal features of it; but I am not so sure but that the secretary of state would, under the law, be required to receive this paper.

Mr. MANN. That official may agree to receive it, but I do not see where we have any authority in Congress to require a State official to do or not to do anything of the sort. We might prohibit them from doing things, but we can not require them to do it.

Mr. RAKER. But there are many instances where Congress passes a law and the various State officials do and must comply with, because Congress has the power to pass the law. As an instance, in a criminal proceeding we direct that a justice of the peace may hold preliminary examination of a man who is arrested and charged with an offense made punishable by Federal statute.

Mr. MANN. May, but we can not require him to do it.

Mr. RAKER. It is done and done repeatedly. Men are bound over from the justice of the peace, and frequently a justice of the peace holds a preliminary examination, and if sufficient evidence appears, he certifies it and sends it up to the Federal district attorney or grand jury.

Mr. MANN. I do not know of any law that a justice of the peace shall hold a preliminary examination for a Federal offense. There may be such authority. We may confer authority on an officer of the State, but how can we require an officer of the State to do something when we do not even offer to pay him for it?

Mr. RAKER. The gentleman from Illinois knows that the act of Congress confers upon a justice of the peace or a committing magistrate the power to hold a preliminary examination for offenses against the Federal statute.

Mr. MANN. If there be such a case—and I do not say there is not—I do not know it. We confer authority on commissioners to hold preliminary examination, because they are Government officials.

Mr. RAKER. I want to say it is the practice, and as district attorney I have participated and had men bound over to the Federal grand jury, and I have not the slightest doubt that if a magistrate refuses the superior court would compel him to hold the examination. This is a provision where the Congress has the power to make the regulations.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. GARRETT of Texas. I do not understand that the gentleman's amendment proposes to confer any additional powers on the various secretaries of state, but that his amendment relates to the conduct of the candidate for Congress, requiring that he shall file his report at some other place in his State.

Mr. RAKER. Yes; and while I am in favor of the statement being made public, and I think it ought to be, yet I believe the burden is so great under the provisions of the bill, where it may run from 1 to 500, that if the candidate files the statement with the secretary of state, as the law provides, he will be doing everything that ought to be done. We ought not to put too much of the burden upon him, but still have publicity of his expenditures.

Mr. GARRETT of Tennessee. Mr. Chairman, of course the Congress ought not to do a useless thing.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of Tennessee. For a question; certainly.

Mr. TOWNER. I think that the committee would like to hear the gentleman's amendment read. There are many here who were not here on Wednesday last.

Mr. GARRETT of Tennessee. Does the gentleman mean my amendment?

Mr. TOWNER. Yes. I request that it be read.

The CHAIRMAN. Without objection, the Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 8, line 23, after the word "part," strike out the language down to and including the word "known" in line 25, as follows: "and deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known."

Mr. GARRETT of Tennessee. Mr. Chairman, I did not rise to discuss my amendment. I rose to discuss the amendment offered by the gentleman from California [Mr. RAKER] as a substitute for my amendment. As I was saying, the Congress ought not to do a useless thing. In my judgment, the adoption of the amendment proposed by the gentleman from California would be a very useless thing. If it is not an impotent thing, Mr. Chairman, then it is a mixing of governmental powers. I do not know whether every State in the Union has an official designated as the secretary of state. I presume each State has, but I have no doubt that the duties of those officials in the various States differ very widely. The duties of the secretary of state in my State may be entirely different from the duties of that official in the State of California; but whatever his duties may be, he is a State official. This is a Federal act. The Federal Government can not add anything to the duties of the State officials. It ought not to be able to add anything to the duties of the State officials; and unless the secretary of state be compelled to receive this, then it is useless to have it filed with that official. This Congress can not compel him to receive it. The amendment makes no provision for paying him any fees for receiving it. It makes no provision for adding to the compensation of the secretary of state of the various States. It does not even make a provision for the furnishing to him of a docket upon which to keep the record of the statements he receives.

If the amendment has potency, it is dangerous, because it brings about a mixing of the powers of the States and of the Federal Government. If it is useless, it ought not to be adopted.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Tennessee is probably correct when he says that Congress can not add to the duties of a State official, but Congress can add to the powers of a State official, and often has done so. It confers powers on the clerks of court for the purposes of naturalization. It confers authority on justices of the peace for the purpose of preliminary examination. So far as I know, none of these officials has ever refused to act in the capacity so conferred upon him, and I doubt whether he ever will. It is hardly necessary to discuss for the purposes of the amendment of the gentleman from California whether or not the secretary of state could be compelled to receive this document. I am inclined to think that he could not be so compelled. But whether or not that be a fact, I think there is no question but that he would receive the document and would file it upon file. As I understood the amendment of the gentleman from California [Mr. RAKER], it does not say that the candidate may not file the document, but must mail it to the secretary of state. Am I correct?

Mr. RAKER. Yes. He must simply mail it to the secretary of state. I have no doubt the secretary of state in each instance would place it upon file.

Mr. GARRETT of Tennessee. Will the gentleman permit a question?

Mr. GREEN of Iowa. With pleasure.

Mr. GARRETT of Tennessee. Let us suppose that in this loose way the statement should be sent to the secretary of state. This provides not only in cases of nomination but in cases of election. The secretary of state has no responsibility in connection with it at all; that is, no official responsibility. It merely goes into his office in a loose way, just like it might be sent to me or to the gentleman from Iowa. There is no requirement that he shall make it public. He might make public that which he chose to make public; he might throw away that which he did not want to preserve. I am sure the gentleman from Iowa [Mr. GREEN] sees the danger that might lurk in a proposition of this sort.

Mr. GREEN of Iowa. There is a duplicate that will be on file here with the Clerk of this House.

Mr. GARRETT of Tennessee. Then there is no necessity for it.

Mr. GREEN of Iowa. Nobody would take chances in changing it, I think, so far as that is concerned.

Mr. GARRETT of Tennessee. But there is no penalty attached to any action of the secretary of state in that regard.

Mr. GREEN of Iowa. I do not think there is any penalty attached to the acts of the Clerk of this House.

Mr. GARRETT of Tennessee. That is one of his duties as Clerk of the House, of course. If he failed in the discharge of that, he would fail in the discharge of his official duty, because that is a part of his official duty. But it is not the part of the official duty, and would not be made so by the amendment of the gentleman from California, of any secretary of state to pay attention to any statement of the expenditures sought to be reached by the amendment. I can see that in times of great partisan struggle and bitterness, such as very frequently have swept this country and which occur in every State almost every time there is an election, it would be a dangerous thing to put such matters in the hands of a person charged with no responsibility and having no legal liability in connection with their use and treatment.

Mr. GREEN of Iowa. I can see no possible danger arising as is supposed by the gentleman from Tennessee. As I have stated before, there will be a copy on file in another place, and nobody will venture to change or alter or mutilate the document to which reference has been made. On the contrary, I am sure the secretary of state would place it on file and offer to anyone access to it or an opportunity to copy it. Now, when these statements are so filed with the secretary of state, in my own State at least, the reporters naturally look to see what is contained in them. They are published and made public in a way that they would not be if they were merely on file here in Washington. The great object to be obtained by this bill is a knowledge by the general public of what the expenses of a candidate are, and I think this knowledge can reach the public much better by the amendment proposed by the gentleman from California [Mr. RAKER], which, while it does confer some additional powers upon the various secretaries of state, does not undertake to prescribe any of their duties.

Mr. RUCKER. Mr. Chairman, I have repeatedly said that I would, as one member of the committee reporting this bill, gladly accept suggestions of any gentleman which would improve the bill. I still adhere to that statement. I believe the language as written in the bill when reported carries the best thought, the best means of giving actual publicity, that has been suggested. I am opposed to the substitute offered by the gentleman from California [Mr. RAKER] to the amendment offered by the gentleman from Tennessee [Mr. GARRETT]. I am not in favor of writing into this law any provision which can not be enforced. I believe the measure would merit, to some extent, the criticism which has been recently made against it by an unauthorized man, as I believe, if we should put this language into the bill. Obviously, we have no power to compel secretaries of state to receive and file these papers. And while it may be true, and possibly is true, that a secretary of state here and there, or possibly in most States, would receive them, others might not receive them, and hence we would have a law to force in one State which was not in force in another State. We would be absolutely helpless to enforce compliance with the provision we write into it, and for that reason, and for other reasons so well stated by the gentleman from Tennessee [Mr. GARRETT], I am opposed to the substitute.

And now while I am on the floor, Mr. Chairman, I want to say a word or two——

Mr. RAKER. Will the gentleman yield right there for a question?

expended on this project $2,690,999.95, and the engineer in his report says:

The effect of this project on freight rates is unknown and is indeterminate because of a railroad rate differential in favor of Houston, authorized by the railroad commission of the State of Texas.

Therefore, if this is a proposition to regulate railroad rates, we have spent over $2,000,000 there, and it has amounted to nothing, according to the report of the engineer, in the regulation of rates.

Providence River and Harbor I should like to refer to if time permitted. I will do so in the discussion of the river and harbor bill as the hour is now late. Those Democrats who have talked a good deal about a subsidy in relation to the Panama Canal—and I joined them on that proposition—ought to look into this question of Providence Harbor and other harbors, where the water frontage is owned practically entirely by the railroads; and we are voting money for the improvement of harbors where, in many instances, there are no public docks at all. The next in the list item to which I shall refer:

Improving channel between St. Johns River and Cumberland Sound, Georgia and Florida: For completing improvement, $51,000.

We have spent on this project $950,000, and here is the result—I am reading from the report of the Chief of Engineers, United States Army, 1913:

No formal project for this improvement has ever before been adopted, but between 1878 and 1890 the sum of $97,585.55 was expended by the United States in dredging Kingsleys and Gunnisons Cuts and in dredging various shoals between Nassau Sound and the St. Johns River. As a result of this work a narrow tortuous channel, 4 feet deep at mean low water, was secured. Shoaling has occurred in points along the waterway, so that at the present time there is only 2½ feet of water available at mean low water. The navigation of the waterway is, furthermore, seriously hindered by the numerous sharp bends.

So that is what we have secured there—a narrow, tortuous channel by the expenditure of $97,000.

Mr. President, I am going to keep faith and will not occupy further time. I am not to blame for taking this much time, for I have been interrupted. I have gone on in a very unsatisfactory way, but I did want to call attention to some of the river and harbor appropriations in this bill, and I shall refer to them later in the river and harbor bill, if I reach the discussion of that measure, which is contingent upon the Senator from Ohio [Mr. BURTON] completing his remarks on that bill during the present session. My amendment can then be introduced, so I will withdraw it for the present.

Mr. SHEPPARD. Mr. President, I desire to withdraw anything I may have said this afternoon that seemed to be a criticism of the chairman of the Appropriations Committee or of any member of that committee. I have the highest regard for every member of the committee, and I do not believe that the chairman or any member of the committee would intentionally discriminate against any Senator. The misconception under which I was laboring was due to a misunderstanding on my part. I cheerfully make this statement.

Mr. MARTIN of Virginia. Mr. President, I am certainly glad to hear the disclaimer of the Senator, and I assure him that I have no feeling whatsoever about the matter. I feel sure that anything he may have said was entirely due to momentary irritation.

Mr. POINDEXTER. Mr. President, on page 125, line 18, after the name "Oregon," I move to amend by inserting the name "Washington." I will state that the State of Washington is in the same category as are the States of Oregon and Montana in that regard.

Mr. MARTIN of Virginia. I accept the amendment. It is a reduction of expenses.

Mr. WARREN. I will ask the Senator to which district in Washington he refers? There are two districts there.

Mr. POINDEXTER. That would include both districts—the eastern and the western.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Washington.

The amendment was agreed to.

Mr. WALSH. In connection with the amendment offered by me, in line 22, on page 25, I think the conjunction should be "and" instead of "or." I ask that that change be made.

The VICE PRESIDENT. In the absence of objection, the amendment will be modified in accordance with the suggestion of the Senator from Montana.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Thursday, July 9, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 8, 1914.

SECRETARIES OF EMBASSIES.

George L. Lorillard, of Rhode Island, now secretary of the legation at Buenos Aires, to be secretary of the embassy of the United States of America at Buenos Aires, Argentina, to fill an original vacancy.

Sheldon L. Crosby, of New York, lately secretary of the legation and consul general at Bangkok, to be second secretary of the embassy of the United States of America at Madrid, Spain, to fill an original vacancy.

Hugh R. Wilson, of Illinois, lately secretary of the legation at Guatemala, to be second secretary of the embassy of the United States of America at Buenos Aires, Argentina, to fill an original vacancy.

SECRETARIES OF LEGATIONS.

Robert B. Davis, of Petersburg, Va., to be secretary of the legation of the United States of America at Port au Prince, Haiti, to fill an original vacancy.

William P. Cresson, of Nevada, now secretary of the legation at Quito, to be secretary of the legation of the United States of America at Panama, Panama, vice Cyrus F. Wicker, appointed secretary of the legation at Managua.

Oscar L. Milmore, of the District of Columbia, to be secretary of the legation of the United States of America at Asuncion, Paraguay, to fill an original vacancy.

H. F. Arthur Schoenfeld, of the District of Columbia, now secretary of the legation to Paraguay and Uruguay, to be secretary of the legation of the United States of America at Montevideo, Uruguay, to fill an original vacancy.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. William L. Keller, Medical Corps, to be major from July 4, 1914, vice Maj. Roderic P. O'Connor, resigned July 3, 1914.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from July 6, 1914.

John Henry Reckert, of Arizona.
Harry Cockerille Blair, of West Virginia.
Rex George Boland, of Oklahoma.
Claude Wiggins Cummings, of Louisiana.
Clinton Willoughby D'Alemberte, of Florida.
James Francis Donnelly, of New York.
Andrew Clinton Hansen, of Illinois.
William Pryor Harrison, of Texas.
Frank Tomlinson Hogeland, of Pennsylvania.
William Williamson Jarrell, of Georgia.
Joseph McConnell, of Arkansas.
Weston Wallace Nipper, of Texas.
Wilbur Moorhead Phelps, of Virginia.
Henry Forrest Quackenboss, of New York.
Summerfield Moon Taylor, of Texas.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 8, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Commander Carlo B. Britten to be a captain.
Commander Lloyd H. Chandler to be a captain.
Lieut. Commander Walter R. Gherardi to be a commander.
Lieut. George F. Neal to be a lieutenant commander.
Lieut. (Junior Grade) John W. Lewis to be a lieutenant.

The following-named paymasters with rank of lieutenant to be paymasters in the Navy with rank of lieutenant commander:
James A. Bull,
Frank T. Watrous,
Edwards S. Stalnaker,
Chester G. Mayo,
James F. Kutz,
Alvin Hovey-King,
John R. Hornberger,
Noel W. Grant,
David G. McIntichie,
Philip J. Willett,
Ben D. McGee,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
William L. F. Simonpietri,
Fred W. Holt,
Walter D. Sharp, and
Raymond B. Westlake.

The following-named naval constructors with rank of lieutenant to be naval constructors in the Navy with rank of lieutenant commander:
John W. Woodruff, and
Clayton M. Simmers.

The following-named civil engineers with rank of lieutenant to be civil engineers in the Navy with rank of lieutenant commander:
De Witt C. Webb,
Walter H. Allen,
James V. Rockwell,
Carl A. Carlson,
Frederick H. Cooke, and
Clinton D. Thurber.

Lieut. Frank McCommon to be a lieutenant commander.

The following-named ensigns to be lieutenants (junior grade):
Penn L. Carroll,
Comfort B. Platt,
Frank A. Braisted,
Edgar A. Logan,
Zachary Lansdowne,
David H. Stuart,
Lucius C. Dunn, and
Rush S. Fay.

Assistant Naval Constructor James Reed, jr., to be a naval constructor.

First Lieut. William T. Hoadley to be a captain in the Marine Corps.

Second Lieut. Samuel P. Budd to be a first lieutenant in the Marine Corps.

The following-named ensigns to be lieutenants (junior grade):
Frank T. Leighton,
Alva D. Bernhard,
Arthur S. Dysart,
Tracy L. McCauley,
John H. S. Dessez, and
Augustine W. Rieger.

James G. Field to be a medical director in the Navy from the 22d day of January, 1913.

George Pickrell to be a medical director in the Navy from the 22d day of January, 1913.

Albert M. D. McCormick to be a medical director in the Navy from the 29th day of September, 1913.

George B. Wilson to be a medical director in the Navy from the 20th day of October, 1913.

Charles F. Stokes to be a medical director in the Navy from the 14th day of November, 1913.

Walter C. Miller to be an assistant dental surgeon in the Dental Reserve Corps.

Edwin N. Cochran to be an assistant dental surgeon in the Dental Reserve Corps.

Gordon H. Claude to be an assistant dental surgeon in the Dental Reserve Corps.

POSTMASTERS.

ALABAMA.

Daniel W. Houston, Bessemer.
L. C. Kelley, Carbon Hill.

CALIFORNIA.

Charles H. Guy, Concord.
W. P. Thorne, San Luis Obispo.

DELAWARE.

Ellie M. Truitt, Rehoboth Beach.

ILLINOIS.

Daniel C. Eylar, Pontiac.

INDIANA.

Francis M. Fultz, Akron.

LOUISIANA.

Andy W. Bryan, Merryville.
Joseph Voegtle, New Orleans.

MINNESOTA.

Daniel J. Harrington, Chisholm.
Charles Reinboldson, Sandstone.

MISSOURI.

John W. Davis, Platte City.
Earl J. Wright, Tarkio.

NEW JERSEY.

M. Warner Hargrove, Brown Mills.

NORTH CAROLINA.

J. T. Bynum, Hope Mills.
W. W. Jones, Franklin.
Benjamin A. Summerlin, Mount Olive.

NORTH DAKOTA.

Patrick H. Long, Page.

VERMONT.

Moses E. Leary, Richmond.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 8, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, God and Father of us all, in whom we live and move and have our being, we rejoice that Thy will is supreme and our destiny is bound up in it.

"Our wills are ours, we know not how;
Our wills are ours, to make them Thine."

Teach us Thy ways and help us to bend our wills to Thine. Be with us, we beseech Thee, and bring us safely through this day and all subsequent days in harmony with Thee. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WATKINS, for 10 days, on account of death in family.

To Mr. MCKELLAR, for 10 days, on account of illness in his family.

WALDO M. POTTER.

Mr. POU. Mr. Speaker, in the title to the bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, passed last night, the title as printed on the back does not conform to the title in the body of the bill. I ask unanimous consent that the word "providing," in the title on the back of the bill, be stricken out so as to make it conform to the title in the body.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that in the bill H. R. 9622, passed last night, the word "providing," in the title on the back, be stricken out. Is there objection?

There was no objection.

INTERNATIONAL CONGRESS ON HOME EDUCATION.

Mr. LOGUE. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the consideration of Senate joint resolution 157, requesting the President of the United States to invite foreign Governments to participate in the International Congress on Home Education, and that the same be considered in the House.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of Senate joint resolution 157, and that the same be considered in the House, there being a similar resolution reported and on the calendar. The Clerk will report the resolution.

The Clerk read as follows:

34 per cent between 1905 and 1911. It was 13,000,000 tons in 1905, 11,000,000 tons in 1906, 8,000,000 tons in 1912, and only 10 per cent of that 8,000,000 went through the canal at Louisville, and only about 1 per cent of high-grade freight goes through the canal in any event.

Now, we are embarking on a proposition as to the Ohio River, or we have embarked on it and ought to stop, that will entail a cost upon this country, according to the report of an examination of the Ohio River made by a board of engineers, of some $63,000,000, and that for a constantly decreasing traffic.

I think I will not read that part of the report at this time, but will read it in the discussion of the river and harbor bill. The locks and dams are to be constructed at an estimated cost of $63,731,488, with a maintenance of $810,000 per annum for the 9-foot project.

Mr. President, I know that everybody who objects to appropriations is placed in the category of cranks and reformers, but I can not understand how we can go ahead appropriating these large sums of money, as in the case of the Ohio River, under the theory that it may be a competitor of the railroads in fixing rates. It is too expensive to employ a competitor of this kind.

Mr. GALLINGER. Mr. President——

Mr. KENYON. I yield to the Senator.

Mr. GALLINGER. Do I understand the Senator to say that we are now obligated to pay $63,000,000 in addition to what has been appropriated?

Mr. KENYON. I am not clear that we are obligated. That is for the canalization of the Ohio River, which the engineers have recommended and that we are proceeding to put into effect, and this bill carries many millions for that purpose. Many millions more have been spent on this project in years gone by, and we are now committed to the enterprise of canalizing the Ohio River at an expense of $63,000,000. I think it very wrong.

Mr. GALLINGER. It is agreed that the projects recommended will cost $63,000,000?

Mr. KENYON. That is, in construction. My amendment I have introduced—and I am embarrassed with this discussion, and I am going to get through very quickly with what I have to say—did not relate to the Ohio River, but it related to the Passaic River in New Jersey. I discussed the Ohio project in passing. This bill carries $92,000 for that river, while the river and harbor bill carries $150,000. That improvement, whether intended or not, will possibly help to reclaim or improve for a land scheme near Newark, N. J., some 33,000 acres of land. The matter is now somewhat in litigation, and I have here some of the court records and comments of papers as to the plan and scheme of freezing out certain bondholders. For the improvement of the Passaic River this large sum that we are spending and have spent may be in the interests of navigation, but at the same time it increases the value of these 33,000 acres some 40 per cent. That improvement benefits that land, and the burden of it ought to be borne partly by the land that is improved. There ought to be some cooperation in these river and harbor appropriations, especially where land is reclaimed.

The amendment I rose to present was to strike out the sum of $92,000, inserting one-half of that conditioned on a contribution of $46,000 from the local interests, which amount should be paid to the Secretary of War by the local interests before any part of this sum is used. That is on the theory and the principle that there should be cooperation in any plan and scheme of river improvement where land is benefited as well as navigation.

Mr. THOMAS. I should like to inquire of the Senator if he does not think there is a great deal of cooperation in this bill?

Mr. KENYON. I do not think it would ever pass if there was not.

I must call attention also to the item in passing on page 79, Puget Sound and Lake Washington waterway. We have spent on this project nearly $3,000,000. The total project, as I understand the figures of the engineers, will cost $3,554,000. I do not know just what the project is, except lowering a lake to the level of the ocean, but the report in volume 3 of the Chief of Engineers of the Army shows a commerce of short tons of 112,810, and of that approximately 106,000 were logs, piling, and poles—lumber for which navigation is not required. But the Chief Engineer in the engineer's report says that seven steamers of various tonnage, respectively, travel to and from the different points on the lake during the year, carrying 687,501 passengers.

I may be wrong, but it seems to me that this is merely a passenger-boat affair coupled with some kind of a sawmill project.

Mr. JONES rose.

Mr. KENYON. I see the Senator from Washington rising and I yield to him.

Mr. JONES. Mr. President, I have simply risen to state to the Senator the facts with reference to that situation.

The Lake Washington Canal is a canal connecting Lake Washington with Puget Sound, and in order to do that there must be a lock and canal constructed. It is not for the purpose of passenger boats but for the purpose of commercial traffic. There has been no traffic over this line of this canal except logs.

Mr. KENYON. No passenger traffic?

Mr. JONES. No passenger traffic except on the lake itself. It was connected with the ocean or Puget Sound simply by a runway, and the line where the canal and lock are constructed is simply along this outlet from the lake into Puget Sound, and there has been no traffic between Puget Sound and the lake for the same reason there has been no ship traffic across Panama. The locks and the canal have not yet been constructed, and until they are completed there could be no traffic except that logs might be floated down.

Mr. KENYON. Does the Senator think there ever will be any?

Mr. JONES. There is no question about it. Lake Washington is simply back of the city of Seattle, practically a part of the city. The canal and locks will connect that lake with Seattle and with all the Puget Sound commerce, foreign and domestic. A great part of that commerce it is expected will go through this canal into the fresh water lake.

Mr. KENYON. Will tolls be charged?

Mr. JONES. There will be no tolls on that canal, under the law of 1884, and that we thought applied to all our canals. It seems it does not.

The cost of these locks and the canal, as the Senator pointed out, will be about $3,000,000. All the money has been appropriated for the completion of the work, and the lock is now almost completed. It is the largest lock in the country outside of those in the Panama Canal.

I want to call the Senator's attention to what our people have done out there with reference to this proposition. We have been cooperating on the principle suggested by the Senator a moment ago, and I will say that nearly all along the Pacific coast, at least in the State of Washington, there has been cooperation in a great many of these river and harbor projects. Under a law that our legislature has passed, port commissions have been created in different localities, and they have been levying taxes that they may use in conjunction with the appropriations made by the Federal Government in the carrying on of these local improvements.

Mr. KENYON. What about the local contributions to this project?

Mr. JONES. That is just what I am coming to right now. In the first place, the county of King, in which is located Seattle, purchased a right of way for the canal at a cost of $250,000 and donated it to the Government under a provision of law requiring them to do it or making this a condition of the original appropriation. Then, when provision was made for the construction of locks, the county of King, or at least the local authorities there, contracted with the Government to do all the excavation, and they have done it.

My recollection may not be exactly right about it, but it is my recollection that the county of King or the city of Seattle voted $1,000,000 in bonds, and that money has been used by the locality for the excavation necessary to connect the lock with the lake. So the local authorities have put up possibly a million and a half dollars already in connection with this improvement, showing their interest in it, and their faith in it, and their willingness to do their part toward the work.

When the work is done there will be a fresh-water harbor, and domestic and foreign commerce will go through the locks and canal; and in addition to this traffic that is on the lake, that is referred to there, and which is even greater than I expected, there will be this large Puget Sound and Seattle commerce going into this fresh-water lake, so that this is one project that I think is not only a great benefit to the commerce of the country, but also one in which the locality has certainly contributed its part. This is a meritorious project, and the locality has shown its faith in it by its cooperation, and the future results will fully justify the large expenditure, both on the part of the locality and the National Government.

Mr. KENYON. That is one of the best defenses I have heard of any of these projects.

Mr. BURTON. I think, for the sake of greater clearness, it would be well to add to what the Senator from Washington has said. Lakes Union and Washington are two separate lakes. Lake Union covers less than a thousand acres. Lake Washington is of considerable size—at least 8 or 10 miles in length.

Mr. JONES. It is about 29 miles in length.

Mr. BURTON. That is, if you go around the outer fringe of it. The approach to it from the deep water of Puget Sound leads to Shilshole Bay and Salmon Bay. The exact estimate for this improvement was $3,554,000. It involves the building of a lock 825 feet long at the mouth of the waterway leading into Puget Sound. It has been agreed that the Government should construct that lock at a cost of about $2,500,000, and that the county of King or the city of Seattle should dredge the channel and make the excavation from that point to Lake Union and then to Lake Washington. Lake Washington is on a higher level than Lake Union. In carrying out the project it will be necessary to lower the level of Lake Washington.

Mr. KENYON. That is being done?

Mr. BURTON. Yes; by the county of King. Of course the object of this improvement is to provide additional harbor facilities for Seattle. There is a considerable water front along the front of the city on the Sound. The tide, however, is very considerable. It is some 14 feet, as I recall it, but differing at different times, and that is a disadvantage in handling boats. These two lakes will afford a fresh water inland harbor, where wharves may be constructed, and especially where there will be no rise or fall of the tide. It is estimated that the lock will cost about $2,500,000, the digging of the canal or channels to Lake Washington about a million.

While the claims of the city of Seattle were recognized in 1907 and prior years, there had been no appropriation for that part of the harbor which fronts on Puget Sound. In fact, no appropriation was needed for there was ample depth, yet the appropriation of $3,554,000 seemed very large to the House committee in those years. The project was nevertheless adopted in 1910. It is not without merit. The obstacle to its earlier adoption was the large amount required.

I will say while on my feet in regard to the Passaic River that I think there is no ground for striking out this provision here. This improvement was adopted in the year 1907. There was a project involving an expenditure, according to the estimate, of $1,216,775 to provide a channel from deep water in Newark Bay 9.7 miles up the Passaic River to and into the city of Newark and an additional channel of 1½ miles beyond that. The 9.7 miles were to have a depth of 16 feet and a width of 300 feet, and the 1½ miles above that a somewhat lesser depth and width. That was regarded in 1907 as a very desirable improvement. There is a tonnage of between two and three millions in the Passaic River up to the very prosperous city of Newark.

On examination, it was found that the work could be done for less than $1,216,775, because of finding a place near at hand where the spoil could be deposited. The revised estimate was $850,000.

Mr. GALLINGER. Spoils?

Mr. BURTON. That is used in the sense of something taken out of the channel—the dredged material.

Mr. KENYON. The Senator had better not use that term.

Mr. BURTON. I think the words "dredged material" would be less open to criticism at this time.

Mr. KENYON. I suggest to the Senator that the river and harbor bill carries an appropriation for that river. We will discuss the question on that bill.

Mr. BURTON. I think, when we reach the river and harbor bill, it had better be examined into. All of the $850,000 appropriated and authorized must be carried in the river and harbor bill or the sundry civil bill except the $92,000. That is the last of the amount appropriated or authorized, and if any more money is to be expended, it will be a new item.

Mr. HUGHES. I understood the Senator from Ohio to inform the Senator from Iowa that this appropriation of $92,000 was authorized in the act of 1907.

Mr. BURTON. In the act of 1907.

Mr. KENYON. We will discuss that when we discuss the river and harbor bill.

Mr. HUGHES. The particular appropriation of $92,000 to which the Senator called attention and which compelled me to make a comment upon the Senator's statement was, as the Senator from Ohio says, authorized by the river and harbor act of 1907, which has been adverted to in this discussion as being a model bill. I want to say for myself that I think it was a good river and harbor bill, and I am sorry that the policies initiated in that bill have not been adhered to.

Mr. KENYON. I am not prepared to dispute the Senator's statement.

Mr. BURTON. The appropriation for $150,000 carried in the pending river and harbor bill now before the Senate is evidently on a new project, but the $92,000 here is on a project which was thoroughly examined at the time, and I think it a very meritorious project.

Mr. KENYON. Mr. President, this simply illustrates how unfair it is, both to the Senate and to the person who is trying to discuss this bill, to be forced into a discussion at this time of the night.

Mr. GALLINGER. Mr. President——

Mr. KENYON. I was going to proceed for a few moments, but I will yield to the Senator.

Mr. GALLINGER. If the Senator will yield, I want to ask the Senator from Washington a question about the Puget Sound-Lake Washington project. I was in Seattle probably 15 years ago or thereabouts, and I was taken out by a committee of distinguished gentlemen who pointed out to me, pretty much as the promised land was pointed out to Moses, the great desirability of making this connecting waterway; but, as I understood, it was then designed for the purpose of having ships go into fresh water for the purpose of getting rid of the barnacles on them. That was their argument. Am I correct?

Mr. JONES. That is one of the arguments. That was one of the purposes.

Mr. GALLINGER. That was the argument then made. I want to ask the Senator if that project has been enlarged to the extent of contemplating the building of docks along the borders of the lake and developing commerce?

Mr. JONES. There is no question but that a great part of the lake frontage will be used for docking and commercial purposes.

Mr. GALLINGER. I was just wondering whether the project had been enlarged, because I know the argument, as presented to me at that time, was that it was extremely desirable to get our ships into fresh water to rid them of barnacles which they had gathered at sea, and that it would be an almost incalculable advantage to the shipping interests of the Puget Sound region if that improvement were made.

Mr. JONES. That would be a very great improvement; but the city of Seattle has grown so rapidly in that time that the necessity for docking facilities is also very great. This will be used for that purpose.

I did not intend to go into the details in connection with the matter quite so much, but will make just one further suggestion in addition to what the Senator from Ohio [Mr. BURTON] has said, so as to make the matter entirely clear.

This lock, as the Senator has said, is placed below Lake Union. There are two lakes—Lake Union, first, on Puget Sound, and then Lake Washington. My recollection is that the lock raises Lake Union some 7 or 8 feet and that Lake Washington is lowered about 7 feet, bringing the two on a level.

At first it was contemplated that we should have a lock between Puget Sound and Lake Union, and then another between Lake Union and Lake Washington, but that project has been changed, until finally the existing project which the Senator has described has been adopted, and I think it will probably commend itself to the Senator when I state that the project as now carried out has the approval of the able Senator from Ohio.

Mr. BURTON. The approval; but not while I was connected with the River and Harbor Committee to the extent of this $3,554,000; no.

Mr. JONES. My recollection is that the Senator, while he was chairman of the committee—and I was a member of the committee at the time—accepted this project.

Mr. BURTON. It was later than that.

Mr. JONES. I know the final appropriation was not made, but the contract and the agreement between the Government and the county of King and the city of Seattle for cooperation was adopted

Mr. BURTON. I only thought that something should be done.

Mr. JONES. I know the Senator thinks it is a pretty good project.

Mr. KENYON. Mr. President, if we may pass over that for later discussion, I will read another provision in the pending bill, as follows:

> Improving Sabine-Neches Canal, Texas: For continuing improvement of sections "a" and "c" from Port Arthur Canal to mouth of Neches River and from mouth of Neches River to Beaumont, in completion of contract authorization, $93,000.
>
> For continuing improvement of section "b" from the mouth of Neches River to the mouth of Sabine River and up Sabine River to the town of Orange, in completion of contract authorization, $43,500.

Mr. President, we have spent in and around Sabine Lake on these various projects over $6,000,000. I merely call attention to that in passing.

For Houston ship channel, Texas, this bill carries $300,000. The river and harbor bill likewise carries $300,000. We have

Mr. MARTIN of Virginia. I have been so occupied, Mr. President, in attending to matters before the Senate that when Senators come and talk to me I frequently do not take in what they are saying. My recollection is I told the Senator he must see me when I could listen to what he was saying. I am without information regarding the matter. I have no objection to its being adopted. I do not know anything about it. I do not know now, from the hasty reading of it at the desk; I have a very imperfect comprehension as to what the Senator is driving at.

Mr. SHEPPARD. Mr. President, the matter is a very simple one.

Mr. MARTIN of Virginia. I understood, from a hasty reading, that it did involve an appropriation.

The VICE PRESIDENT. The Chair sustains the point of order made against the amendment.

Mr. SHEPPARD. Mr. President, will the Chair please state on what ground?

The VICE PRESIDENT. Yes; on the ground that upon an examination it is for the payment of money out of money appropriated; and, also, that it has not been estimated for.

Mr. SHEPPARD. I will state that I do not seem to get the same treatment from the Appropriations Committee that other Senators do. Senators have been offering these amendments all day. It is not due to any fault of the head of the department that he did not communicate with the chairman of the committee. It is my fault, if there is any fault in it at all.

Mr. MARTIN of Virginia. Mr. President, I am very sorry the Senator takes that view, but it is entirely agreeable to me if he desires to do it. I have offered him no discourtesy of any sort. I have been anxious to aid him as far as I could, but I was entirely without information. When he talked to me, I was attending to a matter before the Senate and I could not take it in, and I simply made the point now. That is all I have said to the Senator on the subject.

Mr. SHEPPARD. Mr. President, I did not understand the Senator to say that I should have presented the matter to him again, else I should have gladly done so.

Mr. NEWLANDS. Mr. President, I move to strike out "$5,000," on line 11, page 77, and to insert in lieu thereof "$7,500." This appropriation is for the expenses of the Commission of Fine Arts.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 77, line 11, it is proposed to strike out "$5,000" and to insert "$7,500."

Mr. NEWLANDS. Mr. President, I will state that this commission is entirely——

Mr. MARTIN of Virginia. I will say to the Senator, if it is agreeable to him, that I have no objection to the amendment. It has been estimated for, and it is simply for the difference between $5,000 and $7,500. I am very willing to have it adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20, after line 9, it is proposed to insert a new paragraph, as follows:

Washington, D. C., National Archives Building: For employment of technical and engineering services in the Office of the Supervising Architect, for the preparation of designs and estimates for the National Archives Building, as authorized in the public-buildings act approved March 4, 1913, without regard to civil-service laws, rules, or regulations, $5,000.

Mr. MARTIN of Virginia. I am perfectly willing to have that amendment adopted. It is in pursuance of existing law and has been estimated for.

Mr. POINDEXTER. I ask leave to print in this connection a statement prepared by W. G. Leland with regard to the need of this building.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

PRESENT CONDITION OF THE GOVERNMENT ARCHIVES.

(Statement by Mr. W. G. Leland, of the Carnegie Institution, joint author of his "Guide to the Archives of the Government of the United States in Washington.")

Long-continued neglect to provide for the proper care of the records of the Government has been attended with the most unfortunate consequences, which might have been clearly foreseen.

Repeated warnings as to these consequences have not been lacking from the earliest days of the Government. In 1800 the archives of the War Department were destroyed by fire; in 1833 the most important part of the archives of the Treasury Department were similarly destroyed, and in 1877 the same fate befell the material in the Patent Office. It is a matter of common report that during the Civil War great quantities of documents stored in the Capitol were actually thrown away in order to provide soldiers' quarters, and that at a later date the archives of the House of Representatives were systematically looted for papers having a market value, such papers being sold to dealers in autographs.

The fact that the governmental records are scattered among over a hundred depositories gives rise to the greatest confusion. It frequently happens that one part of a series of documents is held by one office or bureau, and another part of the same series is in the possession of another bureau, which in perhaps not even in the same department. Such is the case of the Territorial archives, among the more valuable historically of the groups of papers. A portion of these papers is in the State Department, another portion in the Department of the Interior, and there is a tradition that another portion has been somewhere between the two departments. In the State Department most of the papers relating to claims are in a certain bureau, but the balance, without any logical reason therefor, are in another. It is generally believed that the archives of the Indian Office suffered greatly at the time of their transfer from the War Department to the Department of the Interior. Often only the vagest ideas are possessed by officials as to the location of records that have once been or should now be under their care. In the development of the governmental machinery the records of bureaus have been divided, transferred, consolidated, and too often lost. Papers that have been temporarily transferred for special purposes have sometimes not been returned to the office from which they came, as in the case of a considerable body of material sent to the Capitol from the War Department about 1880, and thereafter lost sight of.

Another result of the scattering of the archives is great diversity in methods of administration. To have a hundred depositories of archives means to have a hundred archivists, each with his own ideas respecting the care of such material. In one office a certain method of filing is employed; in another a totally different method. In some places the material is as well cared for as circumstances permit, while in others it is as completely neglected as possible. In one bureau will be found satisfactory knowledge respecting the records, in another the most distressing ignorance. In short, it can never be assured that any queries, whether arising from within the Government or from without, can be answered or even that the material in which the answer should be found can be located.

Not only are the archives of the Government thus scattered and disorganized, but they are in some cases in serious danger from fire; in others they are slowly or rapidly deteriorating and going to pieces from the effect of damp or heat; in others they are being injured by crowding, by dirt, or by careless handling; in still others they are in danger of being condemned as useless papers, because not being used in current business they encumber offices already overcrowded, and the easiest way of taking care of them is to destroy them.

That valuable records have already been destroyed by fire at various times is a matter of history. That other records are exposed to constant risk will hardly be questioned by anyone who examines the so-called Cox and Winder Buildings, and as it is a notorious fact that the buildings of storage companies are frequently burned the great mass of records of the Treasury Department on E Street can hardly be said to be exposed to no risk at all. In case of a serious fire breaking out in any one of half a dozen localities in Washington the Government would lose vast quantities of records. This, it is obvious, might entail the loss to the Government of millions of dollars. Nor are records preserved in the main departmental buildings themselves wholly free from danger. They are kept for the most part in wooden cases in rooms filled with combustible materials. Smoking is not infrequently allowed in close proximity to or even among the records; in the wintertime open fires of wood are kept burning.

When, as in the Treasury, State, War, and Navy, and Interior Department Buildings, there are papers stored in the attic, they become, under the influence of the summer heat, as dry as tinder, and it would take but little to start a fire that would consume entirely the records of certain bureaus before it could be controlled. On the other hand, there are various bodies of archives that are kept in close proximity to furnaces and boilers, and are thus exposed to constant risk.

But the danger from fire is not all. Thousands of volumes of papers have been found stored in places so damp that the water, oozing from walls and ceilings, dropped upon them, and these books were so covered with mold that the titles could not be read. The pages of such volumes were damp and stuck together. Great masses of important materials in the Land Office have had to be stored where they received the drippings from steam pipes, or where they collected thick coatings of dirt. Papers stored in attics often become so dry and scorched that the paper crumbles at the touch, while those in the cellars frequently mold and rot into pulp. In most of the departmental buildings a great deal of material has to be stored in the corridors—or anywhere where there is a cubic foot of space. Papers have to be stacked up in bundles like cord wood, or even—as has been known to be the case—thrown down into huge piles.

Under such conditions it is no wonder that there is a temptation to condemn as useless large bodies of material that may still have historical value. Some 10 tons of Confederate archives, as well as the original census schedules, were once thus condemned, but were fortunately saved. The Government is now printing some of the census schedules that so narrowly escaped going to the paper mill.

Worst of all, perhaps, from the point of view of the public business, is the tremendous waste of energy, time, efficiency, and money resulting from such conditions. When, for example, certain papers are desired from among the files of the Secretary of the Treasury, search has to be made in the subbasement and in the attic of the Treasury Building, as well as in a commercial storage building half a mile away. In many cases finding a paper involves hunting with a candle or with an electric drop light through stack after stack, climbing ladders, unlying bundles, searching in out-of-the-way corners, taking down huge piles of papers, until the document is finally run down. In case it is not found, there is no assurance that it is nonexistent. When conditions are as have been described, ability to find anything is possessed solely by one or two employees. Search by the uninitiated is well-nigh useless, and in the absence of the one or two who hold the key to the situation, only the most obvious things could be found.

Such a state of affairs is the direct result of lack of room and of nothing else. In general the chiefs of bureaus and the clerks in charge of files have done as well as could by expected, but it is not to be expected that much can be done in cellars and attics and storage buildings and corridors.

It is perfectly possible, a suitable building being provided, to arrange all the records and files of the governmental offices in an orderly and systematic way, to insure their absolute safety from fire, damp, dirt, and neglect, to devise a system of finding lists and indexes that will enable any document called for to be found in a few minutes, and to insure for the future uniformity and consistency in the matter of making and filing records.

Such provision would do much to relieve the congestion in the departmental buildings; it would enable the public business to be transacted with greater efficiency and with saving of time and energy; and what is not wholly to be overlooked, it would make available for historical purposes a great body of archives.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I should like to ask the chairman of the committee for some explanation of section 11, on page 197. I will state, while he is turning to the paragraph, the object of my inquiry. I shall have to read two or three lines to make my point. It provides:

That no part of any money appropriated by this act shall be used during the fiscal year 1915 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914.

I understand that the same provision was in the legislative bill, which I have before me; and I assume, from its repetition in this bill, that it is the policy of the committee to incorporate it in every appropriation bill where any money is appropriated for the purchase of typewriting machines by the Government.

What I want to suggest to the chairman is this: I have heard that a certain make of machine, or certain makes—I am not sure which—have changed the model o their machine a very little, but it is substantially the same machine. They have made just a slight change in the model. Under this provision, if it stands as it is, every make of typewriting machine which remains the same would have to be sold at the lowest price for which it has ever been sold to the Government, even if that price was a special price; whereas the one maker who has made a slight change in his model would not be subject to this restriction and limitation and would practically have a monopoly on all of the Government purchases of machines.

I will say to the Senator that I have no interest whatever in the matter, and I may not be correct in the facts; but I have simply heard that. I was going to ask, therefore, if the chairman would be willing to insert enough of an amendment here to carry the matter to conference, so that he can make inquiry about it.

I suggest, in line 5, after the fourth word from the end of the line, the word "and," the insertion of the words "substantially the same," so that it will read "substantially the same model."

Mr. MARTIN of Virginia. I am satisfied to accept that amendment.

Mr. BRANDEGEE. Then I know the chairman will have a chance to look it up in conference.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 197, line 5, before the word "model," it is proposed to insert "substantially the same."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON obtained the floor.

Mr. CLAPP. Mr. President, before the Senator proceeds I wish to suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smith, Ariz.
Brady	Hughes	Newlands	Smith, Ga.
Brandegee	James	Overman	Smith, Md.
Bryan	Johnson	Page	Smoot
Burton	Jones	Perkins	Swanson
Catron	Kenyon	Pomerene	Thomas
Chamberlain	Kern	Ransdell	Thompson
Chilton	Lane	Sanitsbury	Walsh
Clapp	Lea, Md.	Shafroth	Warren
Colt	Martin, Va.	Sherman	White
Gallinger	Martine, N. J.	Shively	Williams

The VICE PRESIDENT. Forty-four Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators; and Mr. DILLINGHAM, Mr. HOLLIS, Mr. POMERENE, Mr. REED, and Mr. SHIELDS answered to their names when called.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. WALSH. Mr. President, I understand the Senator from Iowa desires to make some remarks on the bill. I have an amendment which I wish to present, with his permission.

Mr. KENYON. I yield to the Senator from Montana.

Mr. WALSH. I occupy the unique position of offering an amendment the purpose of which is to reduce the expenditures of the Government and not to increase them.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 125, after the word "Oregon," in line 18, it is proposed to insert "or Montana."

Mr. WALSH. I will explain the amendment. An amendment was introduced the other day the effect of which is to reduce the salary of the clerk of the district court for the State of Oregon from $7,000 to $3,500. In the year 1908 a clause was put in an appropriation bill fixing the salary of the clerk of the United States district court for the State of Montana at the same figure as that of the State of Oregon. Now that Oregon has come down, it is quite appropriate that Montana should come down as well.

In this connection, however, I desire to say that there are eight other Western States that are in the same situation, and I trust that some time soon a general act will be passed covering them all.

I do not desire to let the opportunity pass, however, without saying that the present occupant of the office in the State of Montana has filled the place for a period of 20 years and has been uniformly courteous in the discharge of his duty and exceedingly efficient therein; but it is eminently meet that he should receive a salary of $7,000 a year while the judge of the court gets only $6,000. Three thousand five hundred dollars is a very fair and reasonable sum.

Mr. MARTIN of Virginia. I agree to the amendment offered by the Senator from Montana.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also, on the same page, line 22, after the word "Oregon," it is proposed to insert the words "or Montana."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. KENYON. Mr. President, I feel that it would be a crime to detain the Senate here at this time of night. I very much hoped the bill could go over until to-morrow; but as the chairman of the committee is of the opinion that it ought to be acted on to-night, I will only take the time that it seems to me a sense of public duty requires to call attention to the river and harbor appropriations in this bill. I do that in place of calling attention to this when the river and harbor bill is reached only because I feel that a discussion of it at that time would not be as appropriate. I shall take, however, only a very few moments. Of course, I know that anything said here will have no effect; but I am anxious that the country shall understand the river and harbor bill and its connection with this bill.

This bill carries $6,900,000 for rivers and harbors. The House river and harbor bill carried $43,289,000.00 of cash, and of obligations $32,597,871. This bill carries $6,900,000, as I have suggested, and the increases of the Senate in the river and harbor bill amount to approximately $10,312,000, running the total river and harbor appropriations up to something like $93,000,000.

Mr. NELSON. Mr. President, I wish to correct the Senator from Iowa.

Mr. KENYON. I shall be glad to be corrected.

Mr. NELSON. The Senator is under a misapprehension. This comes from the fact that in the various river and harbor bills for years there has been a provision for continuing contracts; and there were no more of those continuing contracts in any bill than in the bills that were gotten up by the Senator from Ohio [Mr. BURTON] when he was chairman of the Committee on Rivers and Harbors of the House.

If the Senator will look up the matter he will find that some of these appropriations come from continuing contracts away back in that act in 1907, and he will find it perhaps in some older acts than that. That is how these appropriations come to be in the sundry civil bill. It is because the river and harbor bill from year to year has provided for continuing contracts and contracts have been made, and this year an appropriation to pay for what has been contracted for has been in the sundry civil bill. That is a thing we have inherited from the continuing contract system.

Mr. KENYON. It is a very bad inheritance. I think the relation is not generally understood in the country as to the appropriations in this bill and the river and harbor bill and as to why this bill should carry certain appropriations that might come in the river and harbor bill. The Senator from Minnesota may have made that clear to some. It is not to me.

I am at a loss, too, to understand, Mr. President, for instance, the items for the Ohio River. This bill carries for the Ohio River below Pittsburgh $1,976,000, and for continuing improvement in the Ohio River by the construction of locks and dams, $2,200,000. The river and harbor bill proper carries some $3,000,000 for the Ohio River in contracts and $2,000,000 in cash. So we are appropriating for the Ohio River approximately $9,176,000. The commerce on the Ohio River decreased

It seems to me this simply throws into the equation a very troublesome situation. That is the way it occurs to me.

Mr. HUGHES. I want to call the Senator's attention to the fact that some investigation has been made. I am quoting from a letter from the Secretary of Labor, who calls attention to this particular situation. The lump-sum appropriation provision was a good thing. It has resulted in saving a good deal of money to the Government and was the means of rendering a great service to the people, but it worked hardship in many instances. I had occasion not long ago to go to one of the departments to attempt to get for an employee what was regarded as a deserved promotion. I went to the head of the department and asked to see the record of that employee. It was shown to me. They had recorded in the department the fact that this employee was entitled to a certain salary—say, $900 a year—though he was then receiving but $840. They said, however, because of the general language of that lump-sum appropriation provision the increased salary could not be paid, and that the only way it could be paid was for the head of that department, when he went before the committee and submitted his estimates, to have this particular employee in mind, to ask for this increase, and to have it recommended by the committee and granted by Congress. Although the efficiency record of this employee was there, and although they themselves said the employee should receive this amount of money, he did not receive it.

Mr. GALLINGER. I will ask the Senator about how many of these employees are there?

Mr. HUGHES. I will read it again.

Mr. GALLINGER. Well, approximately, how many?

Mr. HUGHES. The expenditure amounts to $28,000 in all. The money has already been provided. I can not find the exact number of the employees provided for in the bill, but they are comparatively few.

Mr. SMOOT. Mr. President, I want to say to the Senator that it was a long time before we were able to pass section 7 in the law referred to in the Senator's amendment, to do away with the increase of salaries in the different departments of this Government under lump-sum appropriations, which had been abused for years and years. The grossest favoritism had been shown under that practice. I believe the law was a very wise one, indeed; and while all that the Senator from New Jersey [Mr. HUGHES] says may be absolutely true, that every man to whom he has referred should receive an increase of salary, I say to the Senator that this is not the way to grant such increase. It would be opening the door, Mr. President, to the reinauguration of the old practice of increasing salaries by the head of a department to those he might feel inclined to favor.

Mr. HUGHES. I hope the Senator from Utah will not put me in that position, because I have as much regard for the provision of the law to which he refers as he can possibly have; and I would not be urging an amendment to give the Secretary of Labor or any other Cabinet officer of this Government the right to increase any salary he saw fit; but this I regard as a direction from us to him to increase the salaries of certain men who, I submit, are notoriously underpaid.

Mr. SMOOT. I want to say to the Senator that the Secretary of Labor, as well as Mr. McDonald and those who are assisting him, appeared before the committee and made requests for everything they thought their department needed. I say to the Senator now that this question was not brought before the committee; it was not considered; and, again, to be perfectly frank, Mr. President, I will say that if it had been, as a member of the committee, I would have opposed it; but when the next bill is brought before the Senate committee for consideration, if the Secretary of Labor can point out to the committee men holding certain positions, and can show that their qualifications are such that they should receive an advance in salary, I feel positive the committee will sanction it, but not in this way. I do not believe that the Senate will ever again undertake to make lump-sum appropriations, giving authority to the head of any department of this Government to increase the salary of anyone whom he may think proper. It is wrong; and I certainly can not approve of it.

Mr. GALLINGER. Mr. President, In view of the appeal made to me by the Senator from New Jersey [Mr. HUGHES], I will refrain from making a point of order and let the Senator pass upon the amendment. I feel very sure that the Senate will not go back to this bad system, for it is a bad system; it is an invitation to favoritism of the rankest kind. We have legislated on it and we once got rid of it; yet, if the Senate wishes to return to it, the Senate can do it over my vote.

Mr. THOMAS. I should like to ask the Senator from New Hampshire, who has had long experience here, whether he does not think that if we begin this practice it will extend to the other departments?

Mr. GALLINGER. It would extend to every department.

Mr. THOMAS. And that this amendment will be considered as a precedent for the introduction of a similar practice throughout the system?

Mr. GALLINGER. The Senator from Colorado is absolutely right; there is no doubt about it.

Mr. BRYAN. Mr. President, I should like to read into the RECORD section 4 of the last legislative appropriation act. It is as follows:

SEC. 4. That section 7 of the general deficiency appropriation act approved August 26, 1912, is amended to read as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the preceding fiscal year; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced: *Provided*, That this section shall not apply to mechanics, artisans, their helpers and assistants, laborers, or any other employees whose duties are of similar character and required in carrying on the various manufacturing or constructing operations of the Government."

Mr. President, if we give that right to the Secretary of Labor, we certainly ought to give it to the head of every other department.

Mr. GALLINGER. Or we ought to repeal that section.

Mr. BRYAN. We ought to repeal that section or we ought to turn the matter loose to the heads of departments to do as they please with the public money.

Mr. HUGHES. Will the Senator from Florida permit an interruption there?

Mr. BRYAN. Certainly.

Mr. HUGHES. The Senator from Florida has read a provision which I neglected to read, and he has thrown light on this subject by the mere reading of it. That provision really attempts to do what I am attempting to do, and what the Secretary also wants to do under this amendment. It differentiates and takes out of that limitation the mechanics and artisans, and the point the Secretary makes is that these employees are practically mechanics and artisans.

Mr. BRYAN. If they are mechanics and artisans, then the Senator's amendment is not necessary.

Mr. HUGHES. They are not, but they are paid as those men are paid; they come from the same walk of life as that from which those men come, and they should be dealt with in about the same way.

Mr. BRYAN. Mr. President, the Committee on Appropriations always hears the heads of departments very patiently and gives them such increases and such changes of salaries as the committee believes they are entitled to have; and the bill then comes into the Senate for its action. I think it is as little as could be asked of the heads of departments to get up a statement of how much the men under them ought to receive, for they certainly ought to know.

Inasmuch as the Senator from New Hampshire [Mr. GALLINGER] has withdrawn his point of order, I renew the point that the amendment proposes general legislation on an appropriation bill in that it proposes to repeal general legislation upon this subject.

The VICE PRESIDENT. The point of order is sustained.

Mr. WORKS. I move to amend by inserting after line 11, page 166, the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 166, after line 11, following the amendment already inserted at that place, it is proposed to insert:

To install and maintain an outdoor exhibit at the Panama-California Exposition, to be held at San Diego, Cal., during the year of 1915, to illustrate the function and administrative faculty of the Government of the United States pertaining to irrigation and reclamation and their adaptation to the needs of the people, $75,000.

Mr. MARTIN of Virginia. Mr. President, I make the point of order against that amendment. I think we have dealt very liberally with the California Exposition, and I am surprised that the Senator should come in here at this late hour, without having presented the proposed amendment to the committee—I do not know that it was presented to the committee, at any rate, it was not when I was present.

Mr. WORKS. Will the Senator withhold the point of order for a moment so that I can explain the situation?

Mr. MARTIN of Virginia. My object in making the point of order is to cut off debate. I want to finish the bill to-night, and there are half a dozen amendments yet to be offered.

Mr. WORKS. The Senator is mistaken as to the facts, and I certainly think he does not want to be unjust about it.

Mr. MARTIN of Virginia. I will forego the point of order for a few moments; but I may say it will not do the Senator

any good, because I am going to insist upon the point of order when he concludes.

Mr. WORKS. Very well; that may be.

Mr. President, I proposed this amendment some time ago. I did present it to the Committee on Appropriations, notwithstanding the statement made by the Senator from Virginia, who was present at the time.

Mr. WARREN. Mr. President, I want to say that the Senator from California is correct in stating that he presented the proposed amendment to the committee, but I think the attention of the chairman of the committee was diverted in another direction at the time it was presented to the committee.

Mr. MARTIN of Virginia. I have no doubt the Senator from California is right, but I happened not to be present; I did not know anything of the amendment, and this is the first time I have ever heard of it. I will say that I was away one night, being obliged to go to Virginia.

Mr. WORKS. It was suggested by the committee that an estimate should be obtained from the Secretary of the Interior, and I undertook to communicate with the Secretary upon the suggestion of the committee. I did so, and the Secretary desired to know what kind of an exhibit would be expected. Mr. KETTNER, the Representative in the other House from the San Diego district, had introduced a bill providing for this exhibit. I asked him to confer with the Secretary of the Interior on the subject. He did so, and the following communication was received by him from the confidential clerk of the Secretary of the Interior:

THE SECRETARY OF THE INTERIOR,
Washington, July 7, 1914.

Hon. WILLIAM KETTNER,
House of Representatives.

DEAR MR. KETTNER: I am sending to you herewith an estimate prepared by Director Newell of the cost of preparing a model of the Salt River Valley reclamation project.

By direction of Secretary Lane.

Cordially yours,
JOS. J. CUTLER,
Confidential Clerk.

The letter of the Director of the Reclamation Service to the Secretary of the Interior is as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES RECLAMATION SERVICE,
Washington, D. C., July 6, 1914.

The SECRETARY OF THE INTERIOR.

MY DEAR MR. LANE: With reference to the San Diego exposition, I have had several talks with Hon. WILLIAM KETTNER, who is greatly interested in the matter of having a working model of one of the reclamation projects, presumably the Salt River Valley project, Arizona, as being the most instructive.

The cost of preparing such a model on the scale desired and one which will show the relative position of the storage reservoir, the diversion dam, and irrigated lands, would be from $60,000 to $75,000. It is not practicable to accomplish anything worthy of the effort for much less than this, as shown by the various models which we have had built for other expositions.

For this sum it will be possible to construct on the ground a working model in which water can be run and plants grown by the direct application of the water.

Cordially yours,
F. H. NEWELL, *Director.*

Mr. President, the San Diego exposition is being held largely for the purpose of exhibiting the plans that have been carried out in part by the Government for the irrigation and reclamation of arid lands, and will be most instructive. Through the Secretary of State invitations were sent to the South American States, which are very much interested in the question of irrigation and reclamation of arid lands; and a number of those States have signified their intention of exhibiting at the exposition.

The people of San Diego have contributed $2,000,000 toward the carrying out of this project. It is well under way; buildings have been constructed, and the exposition is going to be one that will be a credit to the State and to the country at large.

I should be glad if the chairman of the committee would allow this amendment to be adopted, and take it to the committee of conference, where the Secretary of the Interior can be conferred with on the subject, and it can be determined whether it is a proper appropriation to be made. For that reason, I hope the Senator will not insist upon the point of order. I think the Senator was mistaken as to the efforts I had made.

Mr. MARTIN of Virginia. I will say to the Senator from California that he does not seem to realize the burden he is putting on the conferees in carrying the half-million-dollar appropriation for the Panama-Pacific Exposition. It is very doubtful whether we will be able to sustain it. The Senate, I think, has been very liberal to California, and I am very much afraid, while I am earnestly in favor of the provision respecting the Panama-Pacific Exposition and will do all I can to retain it, that we can not sustain it if we continue on that line further. I can reciprocate the Senator's request to me by making the request that he withdraw his amendment; I can not withdraw the point of order.

Mr. WORKS. Well, Mr. President, it is hardly necessary for me to withdraw the amendment if the Senator makes the point of order.

The VICE PRESIDENT. The point of order is sustained.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The SECRETARY. On page 57, it is proposed to strike out lines 24 and 25 and insert:

For additional facilities for storing artillery ammunition, either by an extension of the present storehouse or by the construction of a new building, $17,500.

Mr. OLIVER. That amendment adds nothing in the way of an appropriation.

Mr. MARTIN of Virginia. Mr. President, I do not object to that amendment; it does not increase the appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHEPPARD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 158, after line 6, it is proposed to insert:

To enable the Secretary of Labor to carry out the provisions of Senate resolution 68, agreed to June 30, 1914, directing him to "investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are occupied," the Secretary of Labor is hereby authorized to employ, through the Commissioner of Labor Statistics, such temporary assistance as may be necessary to tabulate the material secured in compliance with Senate resolution 68, to be paid from the appropriation for miscellaneous expenses, Bureau of Labor Statistics, 1915.

Mr. WARREN. Mr. President, I think there is no estimate for that. I will ask the Senator whether it has been estimated for?

Mr. SHEPPARD. The Commissioner of Labor Statistics did not discover that he would need this special authority until two or three days ago. He then wrote me a letter explaining the situation, and I showed the letter to the chairman of the committee. The amendment does not involve any appropriation, but specific authority is required to make the miscellaneous fund available for this particular purpose.

Mr. WARREN. I think the matter ought to be withheld and taken up when the committee can consider it. There is still another appropriation bill to follow.

Mr. SHEPPARD. It does not involve any additional appropriation. I will say to the Senator.

Mr. WARREN. It is a matter of legislation, and I feel that I should make the point of order against it. It may be brought up as an amendment to a following appropriation bill, at which time we will have an opportunity to examine it, but it has not yet had any examination by the committee. I make the point of order that it is not estimated for and that it is general legislation.

Mr. SHEPPARD. I do not think it is subject to a point of order.

The VICE PRESIDENT. There does not seem to be any appropriation involved.

Mr. MARTIN of Virginia. It is legislation, though.

The VICE PRESIDENT. It does not involve an appropriation.

Mr. SHEPPARD. It does not involve an appropriation, and it is in accordance with a resolution passed by the Senate at this session.

Mr. MARTIN of Virginia. Mr. President, it seems to me that the heads of departments ought to communicate with the committee in charge of these bills and not with individual Senators.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Just one moment. The Chair assumes that a Senate resolution instructing or authorizing a certain investigation to be made is as binding on the Senate as a law or anything else, and it seems to the Chair that the proposed amendment is simply to carry out the provisions of a Senate resolution.

Mr. MARTIN of Virginia. I call attention to the fact that a Senate resolution is not the law. It has not the semblance of law. It takes the action of both Houses of Congress and the approval of the President of the United States to make a law.

Mr. SHEPPARD. If I had known the chairman would have objected, I would not have presented it. I understand he would have no objection to it. I understand that I had explained it to him satisfactorily.

Mr. THOMAS (when his name was called). I again announce my pair, with the statement that if at liberty to vote I should vote "yea."

Mr. WALSH (when his name was called). I again announce my pair, and accordingly refrain from voting. If at liberty to vote, I should vote "nay."

Mr. WARREN (when his name was called). I again make the announcement of my pair with the senior Senator from Florida [Mr. FLETCHER]. If at liberty to vote, I should vote "yea."

Mr. WILLIAMS (when his name was called). Making the same announcement that I made upon a previous vote as to my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair as before announced and vote "nay."

Mr. SMITH of Michigan. I make the same announcement as on the last roll call with reference to my colleague [Mr. TOWNSEND]. If he were present and at liberty to vote, he would vote "yea."

Mr. WALSH. I transfer my pair, heretofore announced, to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. SMOOT. I desire to announce a pair existing between the junior Senator from Wisconsin [Mr. STEPHENSON] and the junior Senator from Oklahoma [Mr. GORE]. The Senator from Wisconsin is unavoidably detained from the Senate.

The result was announced—yeas 22, nays 38, as follows:

YEAS—22.

Brandegee	Dillingham	Page	Sterling
Bristow	Gallinger	Perkins	Sutherland
Burton	Kenyon	Poindexter	Weeks
Catron	Nelson	Pomerene	Works
Colt	Norris	Smith, Mich.	
Cummins	Oliver	Smoot	

NAYS—38.

Ashurst	James	Ransdell	Smith, Md.
Brady	Johnson	Reed	Stone
Bryan	Jones	Salisbury	Swanson
Camden	Kern	Shafroth	Thompson
Chamberlain	Lane	Sheppard	Vardaman
Chilton	Lewis	Shields	Walsh
Clapp	Martin, Va.	Shively	White
Clarke, Ark.	Martine, N. J.	Simmons	Williams
Hitchcock	Myers	Smith, Ariz.	
Hughes	Overman	Smith, Ga.	

NOT VOTING—36.

Bankhead	Goff	McCumber	Sherman
Borah	Gore	McLean	Smith, S. C.
Borleigh	Gronna	Newlands	Stephenson
Clark, Wyo.	Heyburn	O'Gorman	Thomas
Crawford	La Follette	Owen	Thornton
Culberson	Lea, Tenn.	Penrose	Tillman
du Pont	Lea, Md.	Pittman	Townsend
Fall	Lippitt	Robinson	Warren
Fletcher	Lodge	Root	West

So Mr. SUTHERLAND's amendment was rejected.

Mr. POMERENE. I send the following amendment to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 65, after line 19, insert:

For care, protection, and maintenance of Confederate Stockade Cemetery, Johnsons Island, in Sandusky Bay, $250.

The amendment was agreed to.

Mr. JONES. After the numerals "$5,600," after line 7, on page 21, I move to insert as a separate paragraph what I send to the desk.

The VICE PRESIDENT. The Secretary will read the amendment.

The Secretary read as follows:

For the purchase of that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, at a price not in excess of $10,000.

Mr. JONES. I desire to say that this has been favorably reported by the House committee as an emergency measure. I understand the chairman of the committee will not oppose its acceptance.

Mr. MARTIN of Virginia. I am without information with respect to the matter, but on the statement of the Senator from Washington I interpose no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WALSH. I send the following amendment to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 111, strike out all of lines 23, 24, and 25 and insert in lieu thereof the following:

For the administration and improvement of Glacier National Park, Mont., the construction of roads, walks, bridges, and telephone lines, and the repair thereof, including the construction of a road, together with the necessary bridges and culverts, from the old town of St. Mary, across St. Mary River, between upper and lower St. Mary Lake; thence in a general northerly and westerly direction through that part of the Blackfeet Indian Reservation west of lower St. Mary Lake to a point in or near section 35, township 34 north, range 16 west, on the boundary line between the Glacier National Park and the Blackfeet Indian Reservation, $100,000. The Secretary of the Interior is hereby authorized to accept patented lands or rights of way over patented lands in the Glacier National Park that may be donated for park purposes. (Acts of May 11, 1910, vol. 36, p. 354, sect. 1, 2; June 23, 1913, vol. 38, p. 49, sec. 11.)

Mr. MARTIN of Virginia. That is an increase of $25,000, but it is within the estimate, and it seems to be necessary. I have no objection to the amendment.

Mr. WARREN. I wish to ask one question. Is it confined to Government land, to the park?

Mr. WALSH. It is within the Blackfeet Indian Reservation.

Mr. WARREN. It is all on Government land?

Mr. WALSH. It is all on Government land.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMOOT. I offer the following amendment to come in on page 94, after line 3.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 94, after line 3, insert:

To authorize the Secretary of the Senate to pay those officers and employees of the Senate borne on the roll known as the soldiers' roll, in accordance with the provisions of Senate resolution of July 14, 1911, and continue such persons on said roll who are now designated as "mail carriers," "folders," "skilled laborers," "policemen," or by other designation, but who are now serving as messengers in and about the doors of the Senate and performing service exactly similar to those performed by messengers whose compensation is $1,440 each per annum, a sum sufficient to make their compensation at the rate of $1,440 per annum each, for the fiscal year ending June 30, 1914, $5,229.50, which amount shall be immediately available.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HUGHES. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 159, after line 16, insert the following paragraph:

Nothing in section 7 of the act of March 4, 1913, shall be construed to limit the power of the Secretary of Labor to fix, raise, or decrease the compensation of the subclerical, mechanical, and marine employees in the Immigration Service.

Mr. GALLINGER. I will ask that the amendment be read again. It sounds strangely to my ears.

The VICE PRESIDENT. The amendment will be again read.

The Secretary again read the amendment.

Mr. SMOOT. Will the Senator from New Jersey kindly explain what the amendment means?

Mr. HUGHES. It has been recommended by the Secretary of Labor. The amendment deals with the subclerical force, watchmen, and men who are drawing extremely small salaries. Under the provisions of the law of 1913 it is impossible for the Secretary of Labor to regrade these men or to in any way advance their wages.

This provision does not call for any additional appropriation. According to the statement made to me by the chairman of the Committee on Appropriations of the Senate, the Secretary of Labor has been given sufficient money to regrade and advance the wages of these men.

We all know that the wages in the upper regions of the Government service are to a certain extent liberal, but we all must have observed that the ordinary employees are very often neglected. Here is a class of men who are receiving about $70 a month. I have a most interesting letter here from the Secretary of Labor, in which he says he has made an investigation of the conditions of life among these men and that it is impossible for them to live as they ought to live on the salaries they are now receiving.

Mr. GALLINGER. Do I understand the Senator to say that this is giving to the head of a department the authority to reduce certain salaries and increase other salaries at his pleasure?

Mr. HUGHES. No; it is to increase them. It gives him no authority to reduce salaries but it gives him authority to increase salaries. A certain amount of money has been given to him by Congress. He asks for no additional or further appropriation, but he asks that he may be relieved from the inhibition of the act of 1913, which prevents him from increasing a salary paid out of a lump-sum appropriation. That is a wise and salutary provision, and it came into being because of the abuse that had grown up in transferring men from one service to another or increasing their salaries in such a way out of a lump-sum appropriation, but it has worked very much to the disadvantage of a class of employees who are not powerful or influential enough to make their demands known and to command the attention of Senators and Representatives. The Secretary of Labor, as we all know, is a man who has toiled with his hands. He himself is an old miner and he has sympathy with these underpaid public servants.

Mr. GALLINGER. If we have any class of officials who are underpaid we ought to be brave enough to increase their salaries in the right way. I make a point of order against the amendment.

Mr. HUGHES. I wish the Senator would withhold the point of order and give me a chance to make a statement.

Mr. GALLINGER. I will certainly do that.

Mr. HUGHES. I want the Senator to give me a chance to make a statement on the subject.

Mr. GALLINGER. I said to the Senator that I will withhold the point of order.

Mr. HUGHES. I will read the letter of the Secretary of Labor. He says:

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, July 1, 1914.

Hon. WILLIAM HUGHES,
United States Senator, Washington, D. C.

MY DEAR SIR: I desire to respectfully direct your attention to the urgent necessity existing in the Immigration Service for funds sufficient to provide for a general regrading in subclerical positions, such as watchmen, gatemen, messengers, etc.

I call the Senator's attention to the fact that there is no attempt on the part of anybody to increase or reduce the salaries of the clerks, the chiefs of divisions, and the men holding lucrative places in that service. It simply applies to watchmen, gatemen, messengers, and so forth.

For a long time it has been apparent that the numerous petitions of these employees that their salaries be raised are worthy of recognition, but the insufficiency of the appropriation for the support of the said service has rendered the department powerless to meet the situation, more especially since the relief of an isolated case would serve no good purpose, it being essential to apply the increases throughout the service in justice to all.

Referring, of course, to this particular branch of the service.

Mr. GALLINGER rose.

Mr. HUGHES. I have not finished yet, I will say to the Senator. The Secretary proceeds:

The duties of these employees are very exacting and at times dangerous. They are required to handle insane aliens and criminals; their responsibilities are heavy, their hours long. They must provide their own uniforms, not a small item considering the fact that the majority are married and have dependent families and children to educate. An additional argument is found in this fact, that many served their country in time of trouble, and because of this are entitled to additional consideration. Yet salaries have remained stationary for many years, during which period of time the cost of living has risen steadily, rendering it difficult, sometimes impossible, for these men to make ends meet.

One employee cites his own case as an example, duplicated in other instances, in making his appeal for a living wage. He has a wife and six children, the oldest 14 years, the youngest 3. He receives $840 per annum—$70 per month. His lowest minimum expenses per month comprehend: Life insurance, $7.50; fuel, water, light, $7; street car fares to work, $3; county taxes, $2; total, $19.50; leaving $50.50 to be divided into eight equal parts, each member of the family thus being allotted $6.30 per month for food, shoes, and clothing, with no margin for illness and its attendant expenses. In vouching for the truth of the foregoing a gentleman writes that if the actual conditions were known as to how the husband and wife were denying themselves to educate their children there would be no doubt of a quick remedy being provided.

It has been contemplated to place these employees on the same basis as customs guards in the Treasury Department, to make the entrance salary $840 per annum instead of $720, the maximum $1,080 in lieu of $840, also to change the designation from "watchmen" to "guards." These positions are covered by third-grade subclerical examinations, and there are approximately 51 receiving $720 per annum, 26 $780, and 93 $840.

The money has been appropriated; the money has been given to the Secretary of Labor. This legislation calls for no additional appropriation. I want to assure the Senator from New Hampshire that if he insists upon his point of order and it is held to be good he will be preventing the Secretary of Labor from performing a duty which, it seems to me, some one long ago should have performed as a matter of justice to these underpaid workingmen in the Government service.

Mr. GALLINGER. We have made a great many lump-sum appropriations for all the departments. What would the Senator from New Jersey say if we made the provision general and permitted the head of every department to take those lump-sum appropriations and increase salaries?

Mr. HUGHES. I would not be averse to permitting him to increase the salary of watchmen and men performing laborious service for the Government, because it has been in my experience both in the other body and in this that no one pays very much attention to men who are doing actual labor for the Government in these departments.

Mr. GALLINGER. My observation in the Committee on Appropriations is that the committee pays particular attention to that class of men. I have been instrumental in getting a good many of those small salaries increased. Has the Senator, I will ask him, made a comparison between the salaries paid those people and similar employees in other departments and in the municipal government of the District of Columbia?

Mr. HUGHES. Yes.

Mr. GALLINGER. I think they are all underpaid.

Mr. HUGHES. I agree with the Senator; but it seems that men in this particular employment, on account of certain regulations, were classified and given the status of customs guards at one time, and an attempt was made to increase certain salaries; but what Congress attempted to do was not done. The net result of it is that these men are underpaid, and because of the provision with reference to lump-sum appropriations they will continue to be underpaid.

Mr. GALLINGER. I will ask the Senator if he presented this matter to the committee?

Mr. HUGHES. I did not get it in time to present it to the committee, but I have presented it to the chairman of the committee, and I presented it so persuasively that he has not yet shown any desire to make a point of order on it or to oppose the amendment. I think he will leave it to the Senate. I sincerely hope the Senator from New Hampshire will not make the point of order. I will say to him I have not the slightest interest of any kind in this amendment. No one will be affected by the provision whom I know personally or so far as my knowledge is concerned who lives in my State, but I have known for a long time that there is a certain class of Government employees who have been underpaid. They are not, perhaps, underpaid as compared with people working for private firms and individuals and corporations, but they are underpaid, it seems to me, from the standpoint of a man who thinks the Government of the United States should be a generous employer and should set an example to other employers.

I am in favor of economy, and I have not joined in any attempt to increase the amounts carried in these appropriation bills. I have not attempted to get anyone's salary raised, and I do not expect to do so unless there are good reasons presented to me. But I have always felt that there is a certain class of Government employees who, because of the character of their employment, are not regarded as particularly important and who do not get the attention that they deserve. These men are of that class.

The Secretary of Labor can be trusted to do this thing. It comes peculiarly within his province. I would scrutinize as cautiously as the Senator from New Hampshire any attempt on his part to raise salaries generally throughout that service, because I know how difficult it is to resist the importunities of men to have their salaries raised. I have helped to get men appointed at a given salary and before the next year they wanted to get twice as much as they were receiving. I have not any particular sympathy with that class, but I want to say to the Senator that I think these men are deserving, and nobody voices their complaint, and they get little or no consideration.

Mr. GALLINGER. I have always found the Senator from New Jersey to be frank and to desire to do the right thing, but I will ask the Senator from New Jersey if he does not realize the fact that if in this indirect way we increase the salaries of certain low-grade and underpaid officials there will be a demand all along the line for a similar increase?

Mr. HUGHES. I will say to the Senator that I would oppose any proposition to give power generally to the head of any department to increase salaries paid out of lump-sum appropriations or to increase salaries in any other way, and I would not be in favor of this proposition if it was not confined to a well-defined class of men, the number of which is known and the amount of money which it will cost to grant the increase is already determined, and it is quite moderate in amount.

Mr. GALLINGER. My observation, which has been largely confined to the District of Columbia appropriation bill, is that when, upon the importunity of some individual Senator or of some influential party outside, we in the goodness of our heart increase the salary of a watchman or messenger, immediately we are bombarded by every individual holding a somewhat similar position for an equal increase, and we can not very well resist it. It will run all through our departments if we increase salaries out of lump-sum appropriations without investigating the matter very carefully as to where it will lead us.

I sympathize with every man in the service who is getting an inadequate salary. I have sought to increase the salary of the men who are getting $40 or $50 or in many cases $60 a month, because I do not see how they could support their families on it; but there are a great many left of that class, and I think we ought to equalize them if we possibly can do it.

unions, and if they can not obtain what they regard as fair wages or fair hours of work or proper conditions, they have a right to quit work, and they have a right to strike. All of that they have a right to do under the law as it is now. If this provision means nothing more than that, then I say it is absolutely needless; but if it means that labor organizations having come into existence are given the right to combine with one another for the purpose and with the effect of restraining interstate commerce, then it is vicious.

Mr. President, we do not undertake to prosecute organizations of capital simply because they are organizations of capital; we do not undertake to prosecute organizations of merchants simply because they are organizations of merchants. Capital has a right to organize; it has the right to carry on legitimate business; capitalists have the right to do that; and they can not be prosecuted unless they enter into such combinations or perform such acts as are intended to restrain or do restrain trade among the several States. That is declared by the antitrust act to be an evil thing; and if it is an evil thing, if it is a wrong to restrain trade among the States of this Union, what difference does it make who commits the wrong? Is it not as great a wrong for a number of workingmen to combine to violate the antitrust law as it is for a number of capitalists or a number of manufacturers to do the same thing?

We must look at the quality of the acts that are performed, not at the quality or the calling of the persons who perform them. We make no such distinction about other offenses. Murder is murder, by whomsoever committed; larceny is larceny, by whomsoever committed; and restraint of interstate commerce is restraint of interstate commerce, whoever commits it.

I think that this provision goes further than being merely a useless thing. The provision is:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor.

Let me pause at that point, because up to that point we have a complete proposition. We are not to prosecute, so far as this appropriation is concerned, "any organization or individual for enterning into *any* combination or agreement," provided that combination or agreement shall contain one element, namely, that it shall have "in view the increasing of wages, shortening of hours," and so on. It makes no difference what the character of the agreement or the combination may be—however offensive in every other respect it may be, however violative of the antitrust law it may be—if it have in view the increasing of wages or the shortening of hours, it can not be prosecuted. Does the Senate of the United States want to write into the statute books a proposition of that kind? Then the provision continues:

Or for any act done in furtherance thereof not in itself unlawful.

The phrase "not in itself unlawful" referred to its immediate antecedent means that for any act done in furtherance of this combination or agreement, provided the act itself is not unlawful, shall not be prosecuted; but the combination or the agreement itself, no matter what it may be in other respects, no matter how violative it may be of the law in other respects, can not be prosecuted under this appropriation if it has *in view* the increase of wages, shortening of hours, or bettering of conditions of labor.

Now I come to the next proviso, which reads:

Provided further, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Again, it does not make any difference what the effect may be upon interstate commerce. If they have cooperated and organized *for the purpose of obtaining* what they regard as a fair, reasonable price, then they can not be prosecuted. Suppose we were to substitute for the provision as it reads the words:

That no part of this appropriation shall be expended for the prosecution of lumber producers or manufacturers of steel who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I think nobody in the Senate would accept an amendment of that character. Is it any more legitimate for an organization of farmers to cooperate than it is for an organization of lumber dealers to do the same thing? Both of these classes of people have the right to organize and combine, provided their organization and combination does not constitute a violation of the antitrust act. If it does, they should be prosecuted; and if a body of farmers or of horticulturists do the same thing, I should like somebody to tell me why it is that they should not be prosecuted for violating the same law?

Mr. President, I hope that I never will be able to get my own consent to vote for so utterly indefensible a piece of class legislation as this proviso would write into the law of the land.

Mr. WALSH. Mr. President, this matter, as has been stated, was very elaborately argued a year ago when the constitution of this body was practically what it is now, and I apprehend that every Member of the Senate has quite definitely made up his mind concerning the wisdom of this provision in the bill. The discussion that has thus far been indulged in, it seems to me, is quite irrelevant to the matter now before the Senate.

The Judiciary Committee has under consideration now, and will soon report, the Clayton bill, when there will be presented the question as to whether or not these organizations should fall under the condemnation of the Sherman antitrust law. At that time, it occurs to me, it will be appropriate to address ourselves to the considerations to which we have now listened.

For the present, Mr. President, permit me to state, as I stated a year ago, that that is not the question at all. There are provisions made in other portions of this bill for the prosecution of any man who commits any offense against the laws of the United States. If labor organizations fall under the condemnation of the Sherman Antitrust Act, or if farmers' organizations are amenable to its provisions, there is ample provision made in the bill for their prosecution, just as there is ample provision made for the prosecution of any crime against the Government of the United States.

There is no exemption given by the bill to anybody who violates the antitrust law, no matter who he is; but, Mr. President, it is found that in the enforcement of the Sherman Antitrust Act the officers of the Government encounter great, powerful combinations of capital able to bring to their help as a defense in the actions brought against them unlimited resources, and we want to so equip the officers of the law that they will be able to meet them upon somewhat even terms. It is believed, and everybody recognizes that it is the fact, that the Department of Justice is otherwise amply provided with funds if, perchance, it should find that a labor organization has violated the antitrust act. That is all. It is simply a question as to whether we shall devote this money to the purpose of prosecuting those cases in which the powerful defense to which I have referred may be interposed, or whether we shall permit a considerable portion of it to be diverted, perchance to some purpose that is not at all within the contemplation of the act.

Mr. MARTIN of Virginia. Mr. President, I move that the amendment be laid on the table.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The question is on the motion made by the Senator from Virginia to lay on the table the amendment proposed by the Senator from South Dakota.

Mr. BORAH. Mr. President——

Mr. MARTIN of Virginia. Mr. President, I make the motion because the subject has been debated by the Senate many times, and I am anxious to finish this bill now. The matter has been debated and debated and debated, and I hope Senators will understand that it is because of the necessity of completing this bill that I must ask that the question be put on the motion that the amendment be laid on the table.

Mr. VARDAMAN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Norris	Smith, Ga.
Borah	Hollis	Oliver	Smith, Md.
Brady	Hughes	Overman	Smoot
Brandegee	James	Page	Sterling
Burton	Johnson	Perkins	Sutherland
Camden	Jones	Pomerene	Swanson
Catron	Kenyon	Ransdell	Thomas
Chamberlain	Kern	Reed	Vardaman
Chilton	Lane	Saulsbury	Walsh
Clapp	Lewis	Shafroth	Warren
Clarke, Ark.	Martin, Va.	Sheppard	Weeks
Colt	Martine, N. J.	Shields	White
Cummins	Myers	Simmons	Works
Gallinger	Nelson	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Nevada [Mr. PITTMAN], who is detained from the Senate on public business.

I also again announce the absence of the Senators from South Carolina.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

The Senator from South Dakota [Mr. STERLING] moves to amend the bill by striking out from the word "*Provided*," on line 11, page 121, to the word "products," on line 21 of the same page. The Senator from Virginia [Mr. MARTIN] moves to lay the amendment on the table.

Mr. STERLING. On that I ask for the yeas and nays.

Mr. MARTIN of Virginia. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL] and its transfer to the senior Senator from Alabama [Mr. BANKHEAD]. I vote "yea."

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], and therefore withhold my vote.

Mr. HOLLIS (when his name was called). I announce my pair with the junior Senator from Maine [Mr. BURLEIGH], and withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. In his absence I refrain from voting. If I were at liberty to vote, I should vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Florida [Mr. FLETCHER]. I do not know how that Senator would vote if present. If I were at liberty to vote, I would vote "nay," as I have informed the committee with which I am serving I would do.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

Mr. WEEKS. I should like to inquire if the senior Senator from Georgia [Mr. SMITH] has voted on this question?

The VICE PRESIDENT. He has.

Mr. WEEKS. I should like to say that my colleague [Mr. LODGE] has a general pair with him.

Mr. SMITH of Georgia. I announced that this morning, and announced for the day a transfer of the pair between myself and the senior Senator from Massachusetts to the junior Senator from Georgia [Mr. WEST]. I stated that I would let the transfer remain for the day, and that I would vote without announcing it again.

Mr. WEEKS. I should like to announce that if my colleague were present he would vote "nay" on this question.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is temporarily absent from the Chamber. He has a pair with the junior Senator from Arkansas [Mr. ROBINSON]. If my colleague were present and permitted to vote, he would vote "nay."

Mr. LEWIS. I desire to announce the absence of my colleague [Mr. SHERMAN] on important business, and to say that I am informed by his secretary that if he were here he would vote "yea."

Mr. SAULSBURY. I am requested to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN]. If he were present, he would vote "yea." He is paired with the junior Senator from West Virginia [Mr. GOFF].

Mr. GALLINGER. I am requested to announce a pair between the senior Senator from North Dakota [Mr. MCCUMBER] and the junior Senator from Nevada [Mr. PITTMAN].

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent, and therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Ashurst	James	Overman	Smith, Ga.
Brady	Jones	Pomerene	Smith, Md.
Bryan	Kenyon	Ransdell	Stone
Camden	Kern	Reed	Swanson
Chamberlain	Lane	Saulsbury	Thompson
Chilton	Lewis	Shafroth	Vardaman
Clapp	Martin, Va.	Sheppard	Walsh
Clarke, Ark.	Martine, N. J.	Shields	Williams
Cummins	Myers	Shively	
Hitchcock	Newlands	Simmons	
Hughes	Norris	Smith, Ariz.	

NAYS—17.

Borah	Colt	Perkins	Weeks
Brandegee	Dillingham	Penrose	Works
Bristow	Nelson	Smith, Mich.	
Burton	Oliver	Sterling	
Catron	Page	Sutherland	

NOT VOTING—38.

Bankhead	Gore	McLean	Stephenson
Barleigh	Gronna	O'Gorman	Thomas
Clark, Wyo.	Hollis	Owen	Thornton
Crawford	Johnson	Pearson	Tillman
Culberson	La Follette	Pittman	Townsend
du Pont	Lea, Tenn.	Robinson	Walsh
Fall	Lee, Md.	Root	Warren
Fletcher	Lippitt	Sherman	West
Gallinger	Lodge	Smith, S. C.	
Goff	McCumber	Smoot	

So Mr. STERLING's amendment was laid on the table.

Mr. NEWLANDS obtained the floor.

Mr. SUTHERLAND. Mr. President, will the Senator from Nevada yield to me? I wish to move an amendment to the same paragraph we have just had under consideration.

Mr. NEWLANDS. I yield.

Mr. SUTHERLAND. In line 14, on page 121, after the word "view," I move to insert the words "by lawful means," so that the provision will read:

That no part of this money will be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view by lawful means the increasing of wages, shortening of hours, or bettering the conditions of labor.

The VICE PRESIDENT. The question is on agreeing to the amendment. All those in favor of the amendment will say "aye." [A pause.] Those opposed will say "no." [A pause.]

Mr. MARTIN of Virginia. Mr. President, I was going to move to lay the amendment on the table, but perhaps it is too late now. I understand the amendment was defeated. I should not make the motion, anyhow, in view of that.

The VICE PRESIDENT. The Chair has not announced the result.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. I ask to have the amendment stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 121, line 14, after the word "view," it is proposed to insert the words "by lawful means," so that it will read:

Having in view by lawful means the increasing of wages, etc.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "yea."

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA], who is absent. If I were at liberty to vote, I should vote "yea."

Mr. GALLINGER (when his name was called). Announcing my pair with the junior Senator from New York [Mr. O'GORMAN], I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and will vote. I vote "yea."

Mr. HOLLIS (when his name was called). I again announce my pair with the junior Senator from Maine [Mr. BURLEIGH]. If I were at liberty to vote, I should vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair with the junior Senator from North Dakota [Mr. GRONNA] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

Mr. MYERS (when his name was called). I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "nay."

Mr. STONE (when his name was called). Announcing the same transfer of my pair as on the last vote, I vote "nay."

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 24, 1914.

The CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,
United States Senate.

SIR: In response to the request noted upon a copy of an amendment intended to be proposed by Mr. JONES to the bill making appropriations for sundry civil expenses for the fiscal year ending June 30, 1915, in relation to an appropriation for an Alaskan exhibit at the Panama-Pacific International Exposition, I would say:

There is no adequate provision for an exhibit of Alaska at this exposition. The whole amount appropriated for the Government exhibit board is $500,000, and this amount must provide for the executive departments, the Territories, and various commissions named for consultation. The amount which may be used from this fund for Alaska could not exceed a few thousand dollars at most.

It seems to be peculiarly desirable that Alaska be well represented at the exposition, because of the relation of that territory to the cities of the Pacific coast, and because of the interest in Alaska which has developed on account of the recent provision for railroads.

Congressional appropriations were made for exhibits of Alaska at previous expositions as follows:

Louisiana Purchase Exposition, St. Louis, Mo., 1904 (32 Stats., 1108), $50,000.

Lewis and Clark Centennial Exposition, Portland, Oreg., 1905 ((33 Stats., 177), $25,000.

(The building for this exhibit was provided from the appropriation of $250,000 for Government buildings at said exposition.)

Alaska-Yukon-Pacific Exposition, Seattle, Wash., 1909 (public act, No. 141, approved May 27, 1908), $100,000.

(The building for this exhibit was provided from the appropriation of $250,000 for Government buildings at said exposition.)

Respectfully,

FRANKLIN K. LANE.

Mr. BRADY. I desire to offer the amendment I send to the desk.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 100, after line 20, insert:

To enable the Secretary of Agriculture to make field experimental demonstrations for the purpose of utilizing the by-products of the several species of trees grown in the United States and of the stumps and roots on logged-off land, and to ascertain and investigate methods of processing and treating the several species of wood and of such stumps and roots, and determining the merchantable value thereof, $15,000.

Mr. BRADY. Mr. President, this amendment was offered to the Agricultural appropriation bill. It was estimated by the Department of Agriculture and approved by that department and approved by the Committee on Agriculture and Forestry. It was voted favorably upon by the Senate, but was disagreed on in conference.

At the time the conference report was made I am quite sure the Senate would have been willing to have returned the report to the conference again on account of this amendment, but I did not desire to delay the bill. I said at the time I would depend upon the fair treatment of the Senate when the matter came up for consideration again.

This is a matter of much importance to the people of the West, and great good will result by the adoption of this amendment. Dean Shattuck, of the University of Idaho, and his assistants are now actually engaged in demonstrating what can be done with the by-products of our forests. They are securing results that are very satisfactory indeed, and if this amendment is adopted and the funds made available by the passage of this bill they will be able to make a showing that will be pleasing to every Member of this body.

I sincerely hope that the Senator having the bill in charge will not raise a point of order, and I ask that the amendment be adopted.

Mr. OVERMAN. I am not going to make a point of order; but this proposition was settled by the Senate on the Agricultural appropriation bill, and it is not right to bring up the same question on this bill. The item went out in conference, and if put on this bill it will very likely be stricken out again in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Idaho.

The amendment was agreed to.

Mr. WEEKS. I offer the following amendment.

The VICE PRESIDENT. It will be read.

The SECRETARY. It is proposed to insert as an additional paragraph, after line 10, on page 135:

For changing existing lights and moving additional lights for the aid of navigation at the eastern and western entrances to the Cape Cod Canal, $50,000.

Mr. WEEKS. Mr. President, the Cape Cod Canal, which has been under construction for three or four years, is nearing completion. About $7,000,000 have been spent in the construction of the canal by private capital. About $1,000,000 has been expended in deepening the entrance to the canal on the Buzzards Bay or western end of it. The section which is covered by this development is already lighted, but not suitably lighted for the purpose of supplying the lights for the entrance to the canal, either at the western or Buzzards Bay entrance or on the eastern or Barnstable Bay entrance.

This matter was taken up in March, and a bill passed the Senate, introduced by the Senator from New York [Mr. ROOT], directing the Secretary of Commerce to provide suitable lights for this canal service. The amount estimated by the department is $50,000.

Mr. MARTIN of Virginia. Mr. President, this amendment, as far as I recollect, was not before the committee. I do not know why it was not presented to the committee, but, at any rate, I have looked into it very carefully. The Cape Cod Canal has been built by private parties at an expenditure of many millions of dollars. The lights as heretofore existing do not serve the purpose of the canal and the entrance to the canal. It is necessary to change the location and character of the lights; and I think it is eminently proper that the Government should provide the lights. The lights are to be on the open navigable waters of the United States; they are not to be on the private canal, but on the open navigable waters of the United States. I think the amendment should be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. Mr. President, I have an amendment to offer which, if adopted, will bring money into the Treasury.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 39, after line 11, insert the following proviso:

Provided, That the Secretary of the Treasury is hereby authorized and directed to pay, as a reward, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise to the person or persons who shall first furnish evidence to the Government of the violation of the antitrust or interstate-commerce laws, or of the commission of any frauds against the Government, resulting in the recovery of such penalties, fines, forfeitures, or recoveries.

Mr. MARTIN of Virginia. I make a point of order against the amendment. It is legislation, and I am opposed to the policy of penalties and espionage.

Mr. LANE. I call attention to the fact that there are items already in the bill of the same character.

Mr. MARTIN of Virginia. We are dealing with this item now, and I make a point of order against it.

Mr. LANE. It calls for no expenditure of money; it will bring in hundreds of thousands of dollars. It will bring in millions of dollars. It will stop frauds that are being perpetrated upon the Government. It is a useful provision. It is not against the law. It is in line with items already incorporated in the bill and it is in conformity with other measures which have been passed by Congress. It will help furnish money to pay for the celebration already appropriated for in the bill and some other items of expenditure.

Mr. MARTIN of Virginia. It is regular legislation.

Mr. LANE. I am surprised that the distinguished Senator from Virginia should offer an objection to it. It is a good provision. It is a proper amendment.

The VICE PRESIDENT. Is the point of order insisted on?

Mr. MARTIN of Virginia. The point of order is insisted on.

The VICE PRESIDENT. The point of order will have to be sustained.

Mr. LANE. On what ground?

The VICE PRESIDENT. On the ground that it is general legislation.

Mr. SMOOT. I offer an amendment on page 103, following line 2.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 103, after line 2, insert the following proviso:

Provided further, That not to exceed $25,000 of the above amount may be used to bring up the arrears of office work in Surveyor General's office upon returns of surveys filed therein prior to the passage of this act.

Mr. SMOOT. This does not increase the appropriation, I will say to the Senator from Virginia. It simply allows $25,000 of the appropriation to be used for this specific purpose, as recommended by the Commissioner of the General Land Office.

The amendment was agreed to.

Mr. STERLING. I move the following amendment: On page 121, beginning after the figures "$300,000," in line 11, I move to strike out the remainder of the paragraph.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 121, line 11, after the numerals "$300,000," it is proposed to strike out the provisos down to and including line 21, in the following words:

Provided, however, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. STERLING. Mr. President, the language of the provisos which this amendment proposes to strike out is identical with the language of the provisos contained in the sundry civil bill of last year. President Taft vetoed that bill on the ground that it was vicious class legislation, and that if standing alone and without being connected with any appropriation no one would doubt the unconstitutionality of these provisos exempting, as they do, labor and farmer organizations from prosecution. In other words, the provisos are a limitation upon the expenditures of the $300,000 appropriated so that none of it may be used for the prosecution of these organizations under the antitrust law.

I do not propose, Mr. President, to enter into any discussion at length of this proposed amendment or of these provisos. The question was very thoroughly discussed last year, but at the time of the discussion here, and at the time of the vote here, it had not been discussed by the then President of the United States. I simply wish to call attention to and to read the communication of the President at the time of his approval finally of the sundry civil bill. He said:

I have signed this bill because I can do so without, in fact, limiting the opportunity or the power of the Department of Justice to prosecute violations of the law by whomsoever committed.

If I could have separated from the rest of the bill the item which authorized the expenditure by the Department of Justice of a special sum of $300,000 for the prosecution of violations of the antitrust law, I would have vetoed that item, because it places upon the expenditure a limitation which is, in my opinion, unjustifiable in character and principle. But I could not separate it. I do not understand that the limitation was intended as either an amendment or an interpretation of the antitrust law, but merely as an expression of the opinion of the Congress—a very emphatic opinion, backed by an overwhelming majority of the House of Representatives and a large majority of the Senate, but not intended to touch anything but the expenditure of a single small additional fund.

I can assure the country—

Says the President—

that this item will neither limit nor in any way embarrass the actions of the Department of Justice. Other appropriations supply the department with abundant funds to enforce the law. The law will be interpreted in the determination of what the department should do, by independent and I hope impartial judgments as to the true and just meaning of substantive statutes of the United States.

This is about all I care to say, Mr. President. I was opposed to these provisos last year, and I am still opposed to them. I think, as the President says, they are unjustifiable in character and in principle. He declares, further, that this limitation upon the expenditure of this $300,000 will not in any way deter the Department of Justice from enforcing the law. If that be true, then why have it in this bill as an exemption or as a limitation upon the expenditure? The limitation serves no other purpose than to mislead. It seems to me, Mr. President, that it ought to be beneath the dignity of the Senate or the Congress of the United States to put into a bill a provision that is unjustifiable in character and in principle and which will serve only to mislead, and that manifestly if not confessedly so.

Mr. MARTIN of Virginia. I ask for the yeas and nays, Mr. President, on agreeing to the amendment.

Mr. HUGHES. Mr. President, I had no desire to open up this discussion. I had not intended to say anything on the subject, and I do not know that it is worth while to say very much now. There is no Senator in this Chamber who is not familiar with the subject. The history of this amendment shows it was a product of peculiar conditions. It was first the effort of the lower House to legislate upon the proposition which it was impossible to get from the committee. There were those who believed that in another body there was an overwhelming sentiment in favor of the proposition that organizations of labor and laboring people in general were not and should not and never were intended to be within the provisions of the Sherman antitrust law. We know that the debate occurring upon that famous measure clearly showed to any student who has interest enough to read them that it was not in the mind of the authors of that law that men of this character should come within its provisions. Yet a quarter of a century afterwards the friends of the laboring people of this country and their friends were confronted with the proposition that practically the only people who had ever been effectually reached, effectually hindered and hampered and punished, were the laboring people as laboring people.

The provision rejected in the other House came to this body. The next time it came it was carried into the law and it is now a part of the law. I hope and believe that before this Congress adjourns the principle embodied in that limitation will be enacted into substantive law. I will say that if I did not believe that I would do what I could to limit not only this appropriation but every appropriation carried in this bill. If I could not do it by substantive law, I would limit every single appropriation to be expended by the prosecuting officers of this Government so that they could not put the machinery of this law in motion against the laboring people of the country.

I want to be absolutely candid and frank. If that is class legislation, make the most of it. I have no difficulty in distinguishing between the Standard Oil Co. and the toiling people of this country. The great statesmen—though I do not put myself in that category—not only in this but other countries have seen no difficulty in differentiating between the toilers and great combinations of capital.

Practically every civilized nation in the world has made this distinction. The courts of this country are more sensitive to public opinion and to right and justice than the elected and selected representatives of the people, and they have accepted the principle embodied in that limitation. In two recent decisions the courts of the United States have practically granted to the laboring people what they claim in this language. They have recognized the principle it stands for, and the Congress of the United States, if it enacts it now, comes halting, blindly, and lamely behind the courts, against which these people have been asking the legislative department of the Government for protection.

Mr. President, there is no occasion for discussing this amendment any further. I hope and believe the language proposed to be stricken out will be permitted to remain a part of this bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. STERLING].

Mr. SUTHERLAND. Mr. President, this subject was very fully discussed by the Senate last year when a similar provision was written into the sundry civil appropriation bill. I myself discussed it at some length at that time, and I do not intend to repeat what was then said, but I do not want to vote upon the proposition to strike out the language without very briefly expressing my reasons for casting the vote which I shall cast.

I intend to vote for the amendment proposed by the Senator from South Dakota [Mr. STERLING]. This provision is either an unnecessary and useless thing or it is a vicious thing—one or the other. If this provision means only that a labor organization shall not be prosecuted under the antitrust law for any legitimate attempt by combination or contract or otherwise to increase the wages of its members or to shorten the hours or better the conditions of labor, then it is a needless thing, because labor organizations have that right now. The labor organizations of the country have the right, and have always had the right, to combine for the purpose of increasing their wages. The members of a labor organization have a right to agree and to combine and to strike for the purpose of increasing the price which the thing they have for sale, namely, their work, will bring. No manufacturer has any such right as that.

Mr. HUGHES rose.

Mr. SUTHERLAND. Just a moment. Manufacturers are forbidden to combine for the purpose of raising the prices of their commodities. The right of the workmen to combine together for the purpose of enhancing the price of what they sell—to restrain full competition in the field of labor—already puts them in a favored class before the law; and rightfully and justly so. The antitrust law does not reach such a combination, because labor is not an article of commerce.

Mr. HUGHES. Will the Senator from Utah permit a question?

Mr. SUTHERLAND. Yes.

Mr. HUGHES. I will say that I agree fully with what the Senator has said up to this time, but the proposition that the Senator makes was not always admitted, and has not been admitted upon the floor of the Senate until very recently; in fact, according to my information, it has not been admitted by the Senator or by any man who voted against this amendment until the Senator just admitted it. It was because it was not admitted that that amendment was offered. I am glad the Senator does admit it.

Mr. SUTHERLAND. Mr. President, the Senator from New Jersey is in error about that. I have personally always conceded it, and always believed in it, and expressly so stated in my remarks a year ago. I have never heard it seriously doubted. I do not recall any decision of a court which has held the contrary. But, however that may be, the rule is recognized now beyond any question whatever, that labor organizations have a right to exist; they have a right to combine for the purpose of increasing their wages or bettering their condition or shortening their hours of labor. It is a right which they ought to have, and a right which nobody concedes to them more freely than I do. Men have a perfect right to organize labor

maintenance, equipment, etc., which should, if the appropriation permitted, have been provided. Telephone service, adding machines, and other necessities can not be allowed to these offices because of insufficient appropriation.

I observe from the proceedings in Congress, as shown in the CONGRESSIONAL RECORD, that the estimate of $350,000 has been reduced by the House of Representatives to $330,000 for the incoming fiscal year in the sundry civil bill, now pending in the Senate, which appropriation, if enacted into law, will be inadequate in the words of the service. On July 1 there will be 294 clerks employed in district land offices whose salaries will aggregate $370,862, being an average of approximately $1,194 per clerk. This will leave but $29,138 for the payment of office rent, $24,729.84; replacement of letters, $11,500; drayage, freight on supplies, telegraphing, and advertising, $2,000; and equipment, $10,000, aggregating $82,329.84. This will not only prevent the promotion of clerks, but will also require a reduction of the clerical force to the extent of $11,691.84, unless the appropriation is increased to the amount estimated—$350,000. This latter amount would permit of the payment of the above-estimated expenditures, the promotion of deserving clerks in amounts not exceeding $6 per month, and leave a small margin for emergencies.

In view of the facts above stated, the consideration of your committee is invited to the advisability of increasing the appropriation to the amount estimated—$350,000.

Very respectfully,

Acting Secretary.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. On page 90, in line 16, it is proposed to strike out "$475,000" and to insert in lieu thereof "$500,000."

Mr. MYERS. Mr. President, this was estimated for. I have spoken to the chairman and practically all the members of the Committee on Appropriations, and there is no opposition to it, and I hope it will be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOLLIS. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 198, after line 18, it is proposed to insert:

That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this joint resolution shall be made under the direction of the Secretary of War.

Mr. GALLINGER. Mr. President, the words "joint resolution," I think, ought to be stricken out.

Mr. HOLLIS. This is an amendment to the bill.

Mr. GALLINGER. Yes; but I noticed the words "joint resolution" as the amendment was read. That, I think, ought to be stricken out.

Mr. HOLLIS. That is correct; it ought to be "under this provision" instead of "under this joint resolution."

Mr. President, the necessity for this appropriation for the relief of the destitute and suffering at Salem was brought to my attention during the temporary absence of the Senators from Massachusetts, and in order to have it in order I offered the amendment yesterday to be printed and lie on the table.

The matter was called to the attention of the Senate first by the President of the United States in the following communication:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram: "The Salem relief fund is increasing slowly. The expense of rehabilitation will be prohibitive, as 3,000 families are homeless and without work. If the National Government could appropriate $200,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem I very earnestly urge the immediate appropriation by the Congress of $200,000, to be expended by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, *July 3, 1914.*

This amendment was offered at the request of the Massachusetts delegation in the House of Representatives. I am very glad, indeed, to offer the amendment, and to state that I believe it will be accepted by the chairman of the Committee on Appropriations.

Mr. MARTIN of Virginia. Mr. President, in the absence of the two Senators from Massachusetts, and after a conference with the Massachusetts delegation in the other House, and in view of the message from the President of the United States in respect to this matter, this amendment is presented to the Senate.

I realize that there may be objections, there may be arguments made, as to why an appropriation of this sort ought not to be made; but in the meantime about 17,000 people are in a state of actual suffering. I think in the presence of such an appalling disaster as this fire, which has destroyed a large part of the city of Salem, and in the presence of the actual suffering of 3,000 homeless and homeless families, about 17,000 souls in all, we can afford to ride over and jump over any impediments that in theory may exist, and afford some relief to this mass of suffering humanity in one of the States of this Union.

I think the humanitarian spirit which prevails in the Senate surely can reach out to the actual suffering of 17,000 people. We had manifestations of that broad humanitarian spirit on yesterday, when an appropriation of perhaps questionable character was made; but if it was questionable it was an error, if an error at all, in the interest of humanity, and for the amelioration of the human race. I think this is a case more pointed, more acute, and more necessary than that; and I sincerely hope the Congress of the United States will not deny the small sum of $200,000 for the relief of these sufferers.

I have been asked, "Why does not the State of Massachusetts come to the rescue?" The answer made to me has been that there is a provision in the constitution of Massachusetts that forbids it. I have not had time to inquire into that, and for my part I do not desire to inquire into it. If anybody else is at fault, it is no excuse for me. I want to see these people relieved. I want to see this suffering stopped. I want to see the Congress of the United States show a generosity toward these 17,000 suffering people; and I hope the amendment will be adopted.

Mr. HOLLIS obtained the floor.

Mr. GALLINGER. Mr. President, will my colleague yield to me for a moment?

Mr. HOLLIS. I yield to my colleague.

Mr. GALLINGER. Mr. President, the statistics of this great disaster are worthy of being put into the RECORD.

Mr. HOLLIS. I was about to comment on those. I think I have all of them here, and if my colleague will pardon me I will state them briefly.

Mr. GALLINGER. Then I will not undertake to do it. I will only say that I sat on the porch of a friend's house 40 miles from the city of Salem and saw evidences of that great fire, lasting several hours, and it was a great disaster. I feel sure Congress will be glad to appropriate this small amount; and I hope my colleague will put in the RECORD precisely the data relating to it.

Mr. HOLLIS. I shall be very glad to do so, Mr. President.

The population of Salem at present is about 45,000.

The families who were rendered homeless by this fire number 3,000.

The persons rendered destitute or homeless on account of the fire are 17,000. That is more than a third, and nearly one-half, of the entire population.

The large industries destroyed are the following:

The Naumkeag Cotton Mills, with a capacity of 2,500 hands; 8 shoe factories; 8 leather factories; 9 shoe stock and finding factories; 6 machine shops; and 3 foundries.

The amount needed by the relief committee is stated to be $1,700,000.

The subscriptions to date are about $380,000.

The special State appropriation for poor relief in Salem is $160,000.

The militia appropriation for Salem is $25,000.

The State tax assumed by the Commonwealth is $25,000.

The assignment of State property from other institutions is $35,000.

The special loan authorized for Salem is $750,000.

The State appropriation probably will be increased.

The total loss of the fire, which is stated to be probably underestimated, is $10,000,000.

The men will be out of work until the industries are rebuilt. The Naumkeag Mills expect to reopen in January.

Congress gave to San Francisco, in a similar plight, $2,500,000. This was practically turned over to the Red Cross Society for expenditure. Rations were furnished at San Francisco to persons out of work for several months.

I feel, speaking for a neighboring State, and one that is closely in touch with Massachusetts in every way, that this comparatively small appropriation of $200,000 ought to be granted without raising any technical points which might be raised, and without debate.

Mr. WEEKS. Mr. President, I want to say just a word, having been absent from the Senate when this matter came up, to thank the Senator from New Hampshire and the Senator from Virginia for their good offices in bringing this matter before the Senate. The facts which they have stated relating to the number of people who are homeless and who have lost practically their all are quite true. I have personally investigated them. The need is for immediate assistance in the way of clothing and food for these people.

The citizens of Massachusetts have contributed a considerable amount, about $400,000, and the State has made a small appropriation, which, with this $200,000, will be sufficient, I think, to provide for those people who are out of employment until they have an opportunity to readjust their welfare lines and get employment in other places.

I think there are ample precedents for this action, not only in the case of San Francisco, which has been cited, but in cases of distress due to floods and other calamities.

I hope the Senate will see fit to act unanimously in favor of this amendment.

Mr. VARDAMAN. Mr. President, I am very much in favor of the Government of the United States conducting its affairs economically. I am opposed to a waste of money in any manner or form, such as, I think, has been made in the appropriation for the exposition at San Francisco and the one that was made a moment ago to the negro celebration at Richmond, Va.; but I do not think a dollar can be invested more profitably than the dollar invested in alleviating the sufferings of humanity. The greatness of this country does not consist of its banks and railroads and enterprises of that character, but rather in the moral qualities and intellectual acquirements of the men and women who compose its citizenship. Men and women are the Nation's greatest assets.

The people of Salem, Mass., are in distress. This is a rich government, and while a few years ago I dare say I should have opposed this appropriation upon constitutional grounds, yet we have a precedent for it. We have drifted away from the moorings of the fathers in matters of constitutional construction, and I am willing to resolve the doubt in favor of the needy people of that stricken city. I shall be willing to vote not only for $200,000 but for $400,000, if it may be necessary, to meet their immediate wants. I do not believe you can use the money in the Treasury for a better purpose, and I believe the people who pay the taxes and bear the burdens of government will approve this appropriation.

Mr. President, service to man is the most acceptable service to God, and he who paints the pallid cheek of care with the rose of health, who causes to blossom in the garden of the heart made desolate by adversity the flower of hope, who fills the soul with cheer, stimulates courage, and helps the weak and faltering to try again—that man has lived and done the highest purposes of life. I hope this measure may receive the votes of every Senator in this Chamber.

Mr. POMERENE. Mr. President, I should be doing violence to my own feelings if I did not express the hope that this appropriation will be voted without any hesitancy whatever.

A little more than 15 months ago my own great State, as well as the neighboring State of Indiana, suffered a very great disaster. I was through those flooded districts. I know what the people suffered there, and I can conceive the state of affairs in the city of Salem to-day. It was with extreme regret that I learned the other day that there was any hesitancy whatsoever at the other end of the Capitol in granting this appropriation.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] The ayes have it, and the amendment is unanimously agreed to.

Mr. CUMMINS. Mr. President, I move to strike from the bill the portion beginning at line 21, on page 54, and ending with line 17, page 55, and to insert in lieu thereof the matter which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, commencing with line 21, it is proposed to strike out down to and including line 17, on page 55, and in lieu thereof to insert:

It shall be the duty of every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also to move from point to point and store at such points as may be reasonably required the cars of the United States which are being used to house and maintain said employees; and also to carry the supplies necessary to maintain said employees and the other property of the United States actually used on said railroad in said work of valuation. The service above required shall be regarded as a special service and shall be rendered under such forms and regulations and for such reasonable compensation as may be prescribed by the Interstate Commerce Commission, and as will insure an accurate record and account of the service rendered by the railroad; and such evidence of transportation, bills of lading, etc., shall be furnished to the commission as may from time to time be required by the commission.

Mr. CUMMINS obtained the floor.

Mr. MARTIN of Virginia. Mr. President, if the Senator will permit me to interrupt him——

Mr. CUMMINS. I yield to the Senator.

Mr. MARTIN of Virginia. I desire to say that I am perfectly satisfied to accept the Senator's amendment just as he has offered it.

Mr. CUMMINS. Very well, then, Mr. President.

Mr. BRANDEGEE. Mr. President, of course I have no objection to the chairman of the committee accepting the amendment, but I had hoped to hear from the Senator from Iowa as to the necessity for this provision. Without the provision that the Interstate Commerce Commission shall decide what will be a reasonable compensation for the service rendered, would not that be the situation if no additional legislation were enacted?

Mr. CUMMINS. No. The House bill provided that it should be lawful for the carriers to furnish this service without compensation; that is, free service; that is, to give all these employees of the Government free transportation, to transport all the supplies of the Government without charge, and to house and maintain without charge the employees of the Government while they were in the performance of their duty.

Mr. BRANDEGEE. I understand that, and I am opposed to that as much as the Senator is.

Mr. CUMMINS. I regarded that as a very vicious proposal. I think it strikes a blow at the fundamental principle which precedes fair and reasonable and effective railroad regulation.

The amendment that I have offered—and I am stating this not simply because the Senator from Connecticut has asked it—follows the general language of the bill, but instead of providing for free service it provides for reasonable compensation, to be fixed by the commission. The reason for that is that this is a special service, as is there recited. A corps of engineers go upon a railroad for the purpose of making an inventory of its physical property and valuing it. They must be carried from point to point at unusual times and under unusual circumstances. They must be permitted to store their cars upon the side tracks at stations in a way not at all usual in the ordinary business of a common carrier. The railroad companies can not cover this service by filing tariffs. It is so exceptional in its character that there must be an especial regulation with regard to it. My amendment provides so it does simply in order to render it unnecessary that the railroads shall file tariffs, as the law requires for other service, covering this particular work which they are to do in cooperation with the employees of the United States.

I know of no other way in which the compensation can be fixed save through the action of the Interstate Commerce Commission. I have been informed by the secretary of the Interstate Commerce Commission that the railroad companies offered to render this service without compensation. I have no doubt that the Interstate Commerce Commission will fix a reasonable compensation for it that will do entire justice to the railroads, nor will it subject the work itself to those criticisms which might otherwise be made upon it.

Mr. BRANDEGEE. I agree with the Senator entirely. I think it would be exceedingly bad policy for the Government, which is conducting a proceeding somewhat of an adverse nature possibly to the railroads, to compel the railroads to pay the expenses of it or to do anything in the nature of a favor to the Government. My sole inquiry was, or intended to be—at least, my thought was this: Suppose the House provision were simply stricken out and nothing offered in lieu of it, would not the railroads perform the service without filing the tariff the Senator has alluded to?

Mr. CUMMINS. I think not.

Mr. BRANDEGEE. Then, of course, the Senator has given a good reason.

Mr. CUMMINS. I think the railroad companies could not charge anything whatsoever for the service without covering it by a tariff regularly filed with the Interstate Commerce Commission.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. On page 190, just before the Macdonough memorial amendment, I move to insert what I send to the desk.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. Following the amendment heretofore agreed to, in line 11, page 116, insert the following:

For collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, $50,000, to be expended for said purpose by and under the direction of the Federal exhibit board having charge of the Government exhibit at said exposition under the provisions of the law heretofore enacted.

The amendment was agreed to.

Mr. JONES. In this connection I wish to have printed in the RECORD a letter from the Secretary of the Interior.

miles below this city, for the purpose indicated. We have received the encouragement of the white people throughout the city, including the governor and others high in authority. We wrote asking if you would give us an appropriation of $35,000 from the Government, to be expended by the governor of Virginia upon such objects as may be agreed upon by him and our said association. The righteousness of our cause had stimulated us to feel the assurance that we would receive the appropriation through your good office by presenting our petition, as we did on the 6th day of April last, and had hoped that you would see your way clear to insert the item in the sundry civil bill reported to the Senate yesterday, or some other bill most appropriate for such an appropriation, or through such other mode as to you may have seemed best. Now, as the Congress seems to be nearing the end of its present session and our anxiety being so great to secure aid from the Government, if we would not appear too persistent we would respectfully ask whether it is possible to grant our petition at this sitting of Congress. If we appear too persistent, we beg that you charge it to the head and not to the heart; and if we appear annoying, we ask that you will pardon us, as there is no one else for us to appeal to. Then, again, we are anxious for the appropriation and anxious for you to become interested in our cause, as we have no representative other than yourself, and hope you will grant our prayer, as it is seldom that the colored man asks for anything at the hands of the Government. We do not ask for political office, neither do we expect to receive any. We content ourselves by simply asking for an appropriation to help us make an exhibition to show to the world our capacity as producers and evidence of our thrift and progress, that the world may better understand the true worth of the southern negro and that our race is not predominated by the shiftless element. Such an exhibition as we propose to have will show to our white friends the solution of the negro problem and will stimulate and encourage the shiftless negro to imitate those of the race who are making progress. After the exhibition we propose to maintain an experimental farm to teach the young negroes how to become good farmers, as the land we own is eminently suited for such purpose, and to maintain a permanent exhibit of the negro's industrial achievements and to maintain an industrial school, something similar to the one conducted by Booker T. Washington at Tuskegee, Ala.

Another reason why we ask that you look after our interest is because to date we have not replied to you for the appropriation a bill was introduced, on the 10th day of April, in the House of Representatives by Mr. Mahoney, of Illinois, bearing No. 15723, a copy of which is here included, asking for the appropriation of $150,000 to aid the colored people of Illinois in holding an exposition at the city of Chicago for the same purpose that our association is endeavoring to carry out. While we have nothing to say against the colored people of Illinois, we must call attention to the fact, which is admitted by them in their circular here inclosed, that nearly all the progress that has been made by the negro since the war has been made in the South. Then why should we be put to the expense of hauling our products to Chicago, when we can exhibit the same in the South, at Richmond, Va.? In other words, why should "the mountain be carried to the potato hill instead of the potato hill being brought to the mountain"? The fact that the colored men played such a conspicuous part in politics in Illinois, perhaps their representatives will press their claim, and should they get their appropriation, I am afraid it will defeat us entirely. Therefore you will see why we are so persistent and urgent upon you to help us secure our appropriation. It is evident that these people never thought of asking for a Government appropriation until after we had made such application. Although we asked for nearly two-thirds less than what they asked for, we feel that we can make a creditable exhibit with that amount, as shown by our plans here inclosed.

We beg that you pardon us for such a lengthy letter, and hope it will serve the purpose for which it is written.

Hoping a favorable reply, I am,

Very respectfully, GILES B. JACKSON.

Mr. VARDAMAN. Mr. President, I should like to ask the Senator from Virginia if the State of Virginia is contributing anything to this celebration?

Mr. MARTIN of Virginia. I think not. I think no doubt there will be private contributions, but the State of Virginia has not taken the matter up.

Mr. VARDAMAN. When is the celebration to take place?

Mr. MARTIN of Virginia. It is to take place in 1915, but the exact date is not mentioned in the papers I have received.

Mr. VARDAMAN. I understand it is proposed to make it a national affair rather than a southern affair.

Mr. MARTIN of Virginia. It is proposed to make it an affair for the colored race.

Mr. VARDAMAN. I am not going to fight the amendment, because I do not think it will do any good; but I wish to say, Mr. President, that I think the conclusion which logically will be drawn from what the Senator from Virginia has said with reference to the negro's progress in the South and his fight against the odds against him there, to my mind, is not altogether correct. Really the white man has done more for the negro than the negro has done for himself. As a matter of fact, there is no race of people on earth who have received as much help from others as the negroes of the South have received from the white people of the South. They have always been helped; the white people have assisted them in every possible way, except to make citizens or voters of them, and, of course, that ought not to be done and, indeed, will never be done. I am perfectly willing to help develop the negro along certain lines. I wish him well; but I do not think any good will result from this appropriation.

Mr. MARTIN of Virginia. Mr. President, I speak for the Virginia negro only. He has made wonderful strides in morality, in education, and in industry, and I feel like holding out a helping hand to him. I ask the Senate to make this appropriation.

Mr. WHITE. Mr. President, I wish to concur in what the Senator from Virginia [Mr. MARTIN] has said; but I want to speak for the negroes of the South; not of Virginia alone. I do not know much about the negroes in other sections of the country. I suppose they have done well. If they sprang from southern negroes, they ought to have done well anywhere.

These people have accomplished more than we had any right to expect they would have accomplished. The Senator from Mississippi [Mr. VARDAMAN] is right when he says they have not been badly treated in the South. They have been treated well; and they have treated the southern people well. It has not been their treatment, Mr. President, that has hardened them; but it was a condition, and that condition was slavery. They have emerged from that condition and have made wonderful strides in progress. If they had not been interfered with after they were emancipated in 1865, if Mr. Lincoln could but have lived, there never would have been any strife between the southern white man and the southern negro; they would have continued to live together in peace, as they had done for generations past. We had shown our friendship for each other for more than a century. They were not brought there by us; they were laid at our door by others; they were brought to us as savages. We lifted them through slavery from savagery to civilization and manhood.

He has been our burden in the past; he was our burden when he was a slave; and yet, Mr. President, he contributed wonderfully to our race. We can point to as fine a race of white men as ever lived from the South, and those men received from the toil and sacrifice of the negroes the means with which they educated and accomplished. We are grateful to him for what he has done, and we are willing to show our gratitude by way of urging this appropriation for their benefit and to show the world what they have accomplished since acquiring freedom.

But, Mr. President, we are more truly grateful to them for what they did for us during the struggle, in which their freedom was the issue than for what they did for us in other times. When all the colored men had to do to obtain his freedom was to cross the line and take up arms against our section, he stood by our side and fought our battles with us. He camped with us at night; he marched with us by day; he held our horses and guarded our tents while we stood in battle line and met death by thousands. He supplied our every want; he guarded our homes and protected our women and children; he was indeed our friend. He showed his friendship and his loyalty as no other race on earth had ever done by standing by us in the hours of our trouble.

The black men of the South carried their dead masters back to their wives; the sons who had fallen in battle back to their mothers' arms. They bore our sick and the wounded to them; and when they came bearing in their hands these precious burdens, they so endeared themselves to us that it has never been forgotten.

I want to say, Mr. President, in this presence, that nothing I have done, no appropriation for which I have voted, gives me more pleasure than does this one. To enable the black man of the South to show what he has achieved under the tutelage of the southern white man while he was a slave, and with his cooperation since his freedom, and by his own untiring efforts since he has had placed upon him the responsibilities of manhood, affords me genuine pleasure. Unfortunately for him and for the country he had political responsibilities thrust upon him which he was unable to carry. In this way he was made to compete in an unequal struggle with the white man, and this caused the only estrangement between the races in the South. It was a mistake; it should not have been made. Mr. President, I will with much pleasure vote for the amendment offered by the Senator from Virginia.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. CLARKE of Arkansas. Mr. President, I move to amend the bill at page 113 by striking out lines 12 to 17, inclusive. The matter proposed to be stricken out is as follows:

Hot Springs Reservation, Ark.: Authority is granted the Secretary of the Interior to expend the sum of $20,000, or so much thereof as may be necessary, from the revenues, Hot Springs Reservation, for labor and material required in the remodeling of the Government free bathhouse on the Hot Springs Reservation and its expenses incident thereto.

If the drainage system that we have provided for to-day is installed there, it will be a waste of public money to improve the old bathhouse. It will necessitate the construction of a new one, which may be the subject of consideration at a later date. It is unwise to expend this money at this time. I move to strike out that item.

Mr. MARTIN of Virginia. I have no objection to that matter being stricken out.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OLIVER. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 57, after line 25, it is proposed to insert:

For the purchase of additional ground at the Frankford Arsenal, $135,000.

Mr. OLIVER. I will say that this appropriation has been requested by the Secretary of War. I believe the clerk of the Appropriations Committee has a letter from the Secretary, received since the bill was reported. It is for the purpose of acquiring a tract of land, the only land available, for the extension of Frankford Arsenal.

In this arsenal there is an immense amount of work done. The output of the arsenal amounts to about $3,000,000 a year. It has 2,000 employees. With the exception of a small space for light and air in the center of a 63-acre tract, it is all occupied by buildings; and if there is any extension of the arsenal at all it must be by the acquisition of this land.

The land belongs to an estate of which the University of Pennsylvania is the residuary legatee, and while it is valued at a higher price than the appropriation calls for, I have no doubt, as it is yielding no income now, that the Government will be able to acquire it at that price.

I understand that the chairman of the committee is willing to accept this amendment, and I hope the acting chairman will do so.

Mr. OVERMAN. Mr. President, I think the Senator is mistaken about agreeing to accept it. The committee looked into it, and it was not estimated for, and therefore the committee concluded—

Mr. OLIVER. I beg pardon; it was estimated for.

Mr. OVERMAN. Not this year.

Mr. OLIVER. It is estimated for in a letter which is in the possession of the clerk of the committee.

Mr. OVERMAN. Since our meeting?

Mr. OLIVER. Since the meeting; yes.

Mr. OVERMAN. I did not know that. It has been estimated for heretofore, and we do not propose to make any captious objection to it, but leave it to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MYERS. Mr. President, I send to the desk an amendment, and with it I send up two letters from the Interior Department in support thereof, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done. The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 27, 1914.

Hon. H. L. MYERS,
Chairman Committee on Public Lands,
United States Senate.

MY DEAR SENATOR: For your information in connection with the sundry civil bill, now pending before the Senate, I beg to inclose herewith two letters this date sent by the First Assistant Secretary of the Interior to the Hon. THOMAS S. MARTIN, chairman of the Committee on Appropriations, relative to two items in the sundry civil bill affecting the land service, namely, the appropriation for the support of the field service of the General Land Office and the appropriation for contingent expenses of local land offices.

These letters are self-explanatory, and I think fully explain the needs of the service with respect to these particular branches of the work of this bureau.

Very respectfully,

CLAY TALLMAN.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: Permit me to call the attention of your committee to the item "Depredations on public timber, protecting public lands," etc., in the sundry civil bill for the fiscal year ending June 30, 1915, under which the field service force of the General Land Office is maintained.

In the estimates submitted request was made for the sum of $500,000, the same as for the present fiscal year, but as passed by the House of Representatives this item is reduced to $475,000 (H. R. 17641, p. 64).

I desire to urge upon you the importance and necessity of the retention of the appropriation of $500,000 for this work. In support of such request I beg leave to submit for your consideration some statistics indicating the value and importance of this work.

WORK ACCOMPLISHED.

During the year, June 1, 1913, to May 31, 1914, through cooperation with the Department of Justice, 162 civil suits were won, restoring 70,540 acres to the public domain and recovering $223,060. These suits include suits to cancel patent, timber-trespass suits, suits to abate unlawful inclosures, and suits to declare forfeiture of rights of way; 28 convictions were secured in criminal cases, resulting in 4 prison sentences and fines amounting to $2,400; 80 indictments were returned for violations of the public-land laws.

All of these cases, both civil and criminal, were brought as a result of investigations by the field force of the General Land Office.

Through direct action of the General Land Office 1,882 unpatented entries were canceled, restoring approximately 301,120 acres to the public domain; 136,417 acres were restored to the public domain from unlawful inclosures without suit; $43,712.05 was received through timber-trespass settlements and collected on sales of timber under permits; 22,264 cases were investigated in the field; 536 hearings to determine the validity of entries were held; 105 suits were recommended to the Department of Justice for the recovery of 33,531 acres of land and $118,340.

WORK PENDING.

In the Department of Justice on June 1, 1914, there were pending 183 trespass suits to recover $1,072,225; 810 suits to vacate patents to 146,400 acres; 30 unlawful-inclosure suits to restore 404,848 acres to the public domain; 30 suits to declare judicial forfeiture of rights of way; 6 miscellaneous suits; and 290 criminal cases.

In the General Land Office 10,166 cases pending for investigation in the field; 847 cases pending for hearing; about 1,200,000 cases involved in Carey Act lists to be examined in the field; 250,000 acres included in Indian allotments which will require field investigations; about 75,000 acres of State selections to be examined in the field.

These statistics differ in some instances from those presented to the chairman of the Appropriations Committee of the House of Representatives, for the reason that the statistics presented to him cover the period from December 1, 1912, to November 30, 1913, while this statement covers the year June 1, 1913, to May 31, 1914.

The foregoing indicates the value of the Field Service work and the necessity for the appropriation asked.

In this connection I desire to refer to several important matters which deserve special consideration:

1. The investigation in the oil fields of California.

This is one of the large problems confronting the Field Service. The need for a speedy determination of the field work within the withdrawn area, about 1,800,000 acres, is imperative to protect the interests of the Government and to adjust promptly the rights of claimants. The office has been hampered in the investigation by a lack of employees to put in the withdrawn area to make investigations to determine the rights of the applicants or locators and to clear away those that are invalid. The Navy Department is urging completion of the investigations in the naval petroleum reserves.

2. The investigation of irrigation companies which supply desert-land entries with water is increasing, and as the adjudication of the desert-land cases is dependent upon the finding of the office as to the success and reliability of the company and the feasibility of its proposed irrigation system, it is essential that these investigations should be thorough and prompt.

3. The act of March 3, 1913, providing for the sale of fire-killed or damaged timber, has placed a large amount of additional work on the Field Service.

4. The work of cooperating with the Department of Justice in the trial of the civil and criminal cases which are prosecuted by that department on the recommendation of the Interior Department as a result of investigations made by the Field Service. Some of these cases are far-reaching in importance and will require a considerable portion of the time of a number of the special agents.

5. The work in Alaska.

The legislation recently enacted providing for the construction of a railway and the opening of the resources of Alaska will undoubtedly result in an influx of settlers and others seeking to acquire title to public lands in that Territory.

During the past fiscal year, working under an appropriation of $500,000, the commissioner has found it necessary to exercise rigid economy in order that the force may be maintained intact during the entire year. If the present 1914 appropriation is not maintained, a corresponding reduction in the field force and work accomplished will necessarily result.

Considering the volume of this work and its importance, both to the Government and the settlers and other public-land claimants, I most respectfully solicit the serious consideration of your committee as to the advisability of the reduction proposed by the House bill.

Very respectfully,

——, *Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, June 27, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: The estimate of appropriation submitted for the General Land Office service for the fiscal year 1915 included $350,000 for contingent expenses of land offices. The sundry civil act of June 28, 1913, provided $230,000 for that service for the fiscal year 1914, which was supplemented by an additional appropriation of $50,000 in the urgent deficiency act, making $340,000 for the fiscal year then to close.

For your information I submit a statement of the expenditures authorized during the fiscal year in land offices, as follows:

Contingent expenses of land offices, 1914.

Appropriation	$340,000.00
Allotments:	
For registration of letters	11,500.00
For drayage	500.00
For freight, advertising, and telegrams	1,195.24
For direct settlements (authorized to date), incidentals	8,209.62
For rent of offices	40,307.09
For incidentals (authorized to date)	2,929.22
For clerical services	278,000.00
For expenses of detailed clerks	214.83
Balance available for authorization	97.98
	340,000.00

It will be seen that there remains a balance of $96.98 available for further authorization before July 1, but in order to confine expenditures within the appropriation this office has been compelled to deny numerous requisitions for essential needs of the service in the matter of clerical

thing in his point. The District of Columbia is in some internal-revenue district, is it not?

Mr. OVERMAN. Of course, Mr. President, they have the income tax here, and it is in some district. I do not think you will find a man here appointed from the District of Columbia, though there are 300 officials in the internal-revenue office here in this revenue district.

Mr. HUGHES. I am not talking about them. The District of Columbia is in some internal-revenue taxation district, and undoubtedly would have one or two of these agents appointed from its internal-revenue taxing district. The District man would be domiciled here, but he may have a legal residence, as the Senator says, in the State of Alabama, in the State of Georgia, in the State of Iowa, in the State of New Jersey, or elsewhere, and the question might arise as to whether or not you intended to pay a man while away from his legal residence.

Mr. OVERMAN. Nine-tenths of them, every one of them, I may say, are appointed from some legal residence—New Jersey, Alabama, North Carolina, or wherever it may be. This is to correct a wrong arising from the use of the term "official residence."

Mr. MARTIN, of Virginia (to Mr. OVERMAN). Strike out the word "legal."

Mr. OVERMAN. No; I could not do that. What residence would it mean then? How would the Senator fix it?

Mr. HUGHES. The Senator from Alabama [Mr. WHITE] suggested the striking out of the word "legal."

Mr. OVERMAN. If you just say "residence," what do you mean—"legal residence" or "official residence"?

Mr. WHITE. That means his actual residence.

Mr. OVERMAN. That is the very thing the department asked me to correct in this proposed law, because whenever a man was designated to go to Chicago for a month they said under the law he could not get his subsistence there, although he was a thousand miles from home. That is what the comptroller ruled, and we are trying to correct that defect in the law.

Mr. HUGHES. Take the case of a man who is appointed to one of these places who is now actually residing in the District of Columbia. He has his legal residence in the State of Georgia, but he is working here in the District of Columbia.

Mr. OVERMAN. That is not a supposable case.

Mr. HUGHES. This is where his home is. Is that possible under the law? I do not know.

Mr. SMOOT. The trouble with the Senator is that the man will not be working in the District of Columbia. I want to say to the Senator that these internal-revenue inspectors and also the agents under the provisions of this amendment are on the road nearly all the time. It may be that during the holidays, under a leave of absence, they may come home for a week or so; but that is all.

Mr. HUGHES. It must be true, however, that under the law, as it appears to me, there must be a time when these gentlemen are at home and not entitled to this compensation. Otherwise you might as well pay it to them all the time.

Mr. SMOOT. They are generally home during their leaves of absence.

Mr. HUGHES. In that case would it not give a man who is in the peculiar position of actually residing in the District of Columbia and working in the internal-revenue district of which the District is a part an advantage over another man because of the fact that he has a legal residence which he never visits under any circumstances, so that he is always away from his legal residence and always entitled to receive this additional compensation or per diem?

Mr. SMOOT. I can not see how that could be so, Mr. President.

Mr. OVERMAN. I can not imagine it.

Mr. SMOOT. I can not imagine a case of that kind.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa has the floor. Does he yield to the Senator from New Hampshire?

Mr. CUMMINS. Does the Senator from New Hampshire desire to address the Senate?

Mr. GALLINGER. I merely desire to make an observation.

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. I was about to remark, Mr. President, that Senators need not worry about these men being residents of the District of Columbia. The District of Columbia has no Senators and no Representatives in the other body, and these are political offices for Senators and Representatives from the States to take care of; and they have taken care of them outside of the civil-service law, a fact which I regret.

Mr. WHITE. Mr. President, I should like to suggest to the Senator from New Hampshire that the people who are living here make just about as many calls on Senators as any other persons can do upon the idea that they have a legal residence in some State. So that it really does not affect the situation.

Mr. GALLINGER. Some of them do, undoubtedly; they make demands; but they do not exhibit much reciprocity so far as the interests of their States are concerned at election time.

Mr. WHITE. I do not know about that.

Mr. CUMMINS. Mr. President, I am addressing myself to another point.

The PRESIDING OFFICER. The Senator from Iowa has the floor and declines to yield further.

Mr. CUMMINS. Mr. President, I hope that the objection just suggested by the Senator from Alabama will be considered, for I think there is very much weight in his suggestion respecting the construction of the committee amendment. However, I do not attack the amendment upon that ground. I was very much opposed to the provision in the income-tax law of 1913. I thought then and I think now that it represented an effort to overcrowd the Treasury Department with the political friends of the administration, and I regretted very much to see the invasion then made upon the civil service. I feel that it is my duty to do what little I can to render the places filled in that manner as unattractive as possible.

The income-tax provision of the tariff act of 1913 was rather a remarkable performance in this respect. Among other things, it said:

The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to appoint and pay from this appropriation all necessary officers, agents, inspectors, deputy collectors, clerks, messengers, and janitors and to rent such quarters—

And so forth.

Without any limitation whatsoever; and I assume there is no limitation in the law at this time. The Commissioner of Internal Revenue can appoint not only whomsoever he pleases but as many as he pleases; and Congress has not attempted, save by a bulk appropriation, to restrict his liberty or power in that regard.

Then the act further provided:

That for a period of two years from and after the passage of this act the force of agents, deputy collectors, inspectors, and other employees, not including the clerical force below the grade of chief of division employed in the Bureau of Internal Revenue in the city of Washington, D. C., authorized by this section of this act, shall be appointed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, under such rules and regulations as may be fixed by the Secretary of the Treasury to insure faithful and competent service

I do not believe that employees so appointed should receive the compensation that is here provided, and this amendment of the committee relates only to the employees appointed under the act of 1913, part of which I have just read. For these reasons I move to strike out, in line 9, the numeral "7" and insert "5."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the amendment of the committee on page 198, in line 9, it is proposed to strike out "$7" and insert "$5."

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

Mr. CUMMINS. I move to strike out, in line 14, page 198, the numeral "5" and insert "4."

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment on page 198, line 14, it is proposed to strike out "$5" and insert "$4."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Iowa to the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on agreeing to the committee amendment on page 198.

The amendment was agreed to.

Mr. CUMMINS. Mr. President, I inquire if the committee amendments have now been disposed of?

The PRESIDING OFFICER. The committee amendments have been disposed of, so far as they are printed in the bill.

Mr. MARTIN of Virginia. Mr. President, if the Senator from Iowa will excuse me a moment, I desire to offer two amendments, neither one of which perhaps can be called a committee amendment, but I feel that the amendment which I now send to the desk ought to be presented practically as a committee amendment. I ask the Secretary to read the amendment, and then I will briefly explain it.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 100, after line 2, it is proposed to insert:

For the protection of lands involved in Oregon & California Railroad forfeiture suit: To enable the Secretary of the Interior, with the cooperation of the Secretary of Agriculture or otherwise, as in his judgment may be most advisable, to establish and maintain a patrol to prevent trespass and to guard against and check fires upon the lands involved in the case of the United States against Oregon & California Railroad Co. et al., suit No. 3340, in the district court for the district of Oregon, now pending on appeal in the circuit court of appeals for the ninth circuit, $35,000.

Mr. MARTIN of Virginia. Mr. President, the communication from the department to the Committee on Appropriations in regard to this matter was only received to-day, so that the committee has had no opportunity to consider the amendment.

It seems that the Government brought suit to forfeit some land in the State of Oregon which had been granted to a railroad corporation, and the district court decided the suit in favor of the Government. It not only decided that the lands belonged to the Government, having been forfeited to the Government by the railroad company, but that the railroad company had no longer any right to enter upon those lands or interfere with them in any way whatever. So that now there are over 2,000,000 acres of land—decided by the district court to be the land of the United States—which are entirely without protection. The department therefore recommends that $35,000 be appropriated to enable them to protect those lands from depredation and fire. It seems to me to be a matter of urgent importance. It was so represented by the department, and I ask the Senate to adopt the amendment.

Mr. WARREN. In the meantime I understand the suit has been carried to the higher court.

Mr. MARTIN of Virginia. It is now pending on appeal, but the railroad company have abandoned the lands, which are without protection. More than half of the acreage is fine timberland, which is subject to destruction by fire and is at present without any protection whatever. I think the Government can well afford to appropriate the small sum of $35,000 for the protection of this land pending this litigation.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

The amendment was agreed to.

Mr. MARTIN of Virginia. There is one other small amendment which I will present. It is in no sense a committee amendment. I send it to the Secretary's desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 166, after line 11, it is proposed to insert:

Exposition to celebrate the fiftieth anniversary of the emancipation of the negro and his achievements since emancipation: For expenses of an exposition to be held at or near Richmond, Va., in the year 1915, to celebrate the fiftieth anniversary of the emancipation of the negro and to show the progress, advancement, and achievements of the negro race in education and in the industrial work of the country, $55,000: *Provided*, That the expenses thereunder shall be paid by the Negro Historical and Industrial Association of Richmond, Va., under the direction and supervision of the governor of the State of Virginia.

Mr. MARTIN of Virginia. Mr. President, I simply want to submit this matter to the sense of justice and the generosity of the Senate. It comes in a somewhat irregular way, but it has appealed to me very strongly. I live in the South, and have lived among the negro population all my days. I know them and I know their weaknesses and their strong points. They have many strong points, and they have accomplished a great deal. They have been struggling against the most difficult circumstances; and I think that they have made a progress that is almost astounding, considering the opportunities which they have had. They wish to celebrate their achievements during the 50 years of their freedom.

The Negro Historical and Industrial Association appeal to the Senate to give them this appropriation. The governor of Virginia writes me a most urgent letter appealing to me to ask the Senate to give this $55,000 to the negro population for the purpose of holding an exposition to celebrate their emancipation, their achievements, and the progress they have made in education, in industrial enterprise, and in the work of the world in all respects. I think it is a matter that ought to appeal to the more fortunate and stronger race. It appeals to me as a Virginian to hold out a helping hand to those people who have been struggling against disadvantages, and who have made immense forward strides which commend them to the kindliness of the white race. I sincerely hope that the Senate will, in its generosity toward these people, donate the small sum of $55,000 to aid them in the plans they have made for holding this exposition.

Mr. GALLINGER. Mr. President, I ask the Senator from Virginia if he would not be willing to strike out the words "in the South," where the amendment refers to "the progress, advancement, and achievements of the negro race in the South."

Mr. MARTIN of Virginia. I am willing to do that if it is desired; but, as I understand, the exposition is really to be in celebration of the achievements of the negroes of the South. I inserted those words with a purpose. The South is the place where the struggle has been made, where the large negro population is found, and where it is supposed they have had fewer advantages than in the North, with its much more scattered population of negroes. I want the celebration to show to the world what the negro has done in the Southern States, in Virginia particularly, for it will not be patronized very largely, I am afraid, outside of Virginia.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. Certainly.

Mr. WHITE. It is intended really, as I understand, for the benefit of the ex-slaves?

Mr. MARTIN of Virginia. Fifty years have elapsed since the close of the war, and of course there are not many ex-slaves.

Mr. WHITE. Well, the descendants of the slaves—to show what they have done?

Mr. MARTIN of Virginia. Yes. As I understand, the exposition is designed to show the advance made in the southern States, where the negro has made his struggle. I do not hesitate to say that he has accomplished wonderful results, of which his race may be proud and of which the white people ought to be proud. The white people of the South are as anxious to see the negro advance in all legitimate lines as are the people of the North or the people of any country anywhere.

Mr. GALLINGER. Mr. President, I will not offer an amendment to the amendment, and yet it occurs to me that there are a great many of these people who have gone from the South to the North, where they have also achieved great results, and for that reason I thought it might not be well to confine it to any particular section of the country.

Mr. MARTIN of Virginia. In view of the Senator's suggestion, while I do not think it is material, for, as I understand, the proposed exposition is to exemplify the progress of the negro in the South rather than any general progress, I will ask that the words "in the South" be eliminated from the amendment.

Mr. GALLINGER. I thank the Senator; I think it is desirable that that should be done.

Mr. MARTIN of Virginia. Mr. President——

Mr. LEWIS. Mr. President, if I may interrupt the Senator, I should like to express my appreciation of his acceding to the suggestion of the Senator from New Hampshire. I beg to inform the Senator that I am in receipt of a communication from Gov. Dunne, of the State of Illinois, asking that I likewise submit to this honorable body the advisability of granting this appropriation. I myself wish to speak for those particular negroes of the State of Illinois who are anxious to have a celebration of the events referred to by the Senator from Virginia, and an exposition to show what advantages they have accrued to themselves as the result of their industrious efforts. They would like to celebrate at Springfield, the home of Abraham Lincoln; and if there is anything in the amendment that would limit the appropriation so that they can not celebrate at Springfield, Ill., I should like to have it eliminated, in order that they may have an opportunity to celebrate as they desire.

Mr. MARTIN of Virginia. It has been eliminated, so that it will be open for all.

Mr. LEWIS. I appreciate the action of the Senator.

Mr. MARTIN of Virginia. Mr. President, I will say that I have a letter from a colored lawyer in the city of Richmond, a man of character and intellectual force, which I should like to have printed in the RECORD, but which I will not ask to have read. It is an excellent letter, and he presents the case in a most respectful and in a most intelligent way.

The PRESIDING OFFICER. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

THE NEGRO HISTORICAL AND INDUSTRIAL ASSOCIATION,
Richmond, Va., July 1, 1914.

Hon. THOMAS S. MARTIN,
Senate Chamber, Washington, D. C.

DEAR SIR: Again referring to the communication of the Negro Historical and Industrial Association, bearing date on the 9th day of April last, in which they submitted that the said association was formed under the laws of Virginia for the purpose of holding an exposition and celebration of the fiftieth anniversary of the achievements of the negro since his emancipation, said exposition to be held near the city of Richmond.

Since our last communication the association has purchased 100 acres of land at Fort Lee, on the Chesapeake & Ohio Railroad, 8

dations in a less convenient location, involving loss of time in getting into touch with the parties to the case and in carrying on negotiations, but also to hire a room for conferences, which in itself would cost more than the entire expenses for subsistence at present.

Cases come to this board only after the railroads and their employees have exhausted every other means of composing their differences, and when the controversy has reached a critical point, threatening to terminate in a strike and consequent stoppage of operation and inconvenience to the public. It is imperative that the mediator act quickly and get promptly into touch with the railroad officials on the one hand and the committee of the employees on the other. It is believed that the limitation in expense of subsistence would prove a serious handicap to this work, and that in the end the cost of mediation would thereby actually be increased.

The writer goes on to state that these mediation sessions are always held in large cities, and he also states that the smaller hotels have not the large rooms or the large room that is necessary for their council, and that it is a custom of the first-class hotels to furnish that room free of charge. So he anticipates that if they are compelled to pay for their subsistence at an inferior hotel no room of the requisite size exists and they will be compelled to pay for the large room they now secure for nothing, and the worth of the room in some cases is, according to his statement, $50 a day.

Mr. WARREN. Will the Senator allow me? The amendment which is offered provides for the particular board which the Senator is speaking of $10 a day. I do not think we have provided sufficiently for the representatives of the Interstate Commerce Commission, the attorneys of that body, who are sent over the country for examinations and hearings. I presume that the Senator, like myself, is somewhat in the dark as to what they may draw. Of course I do not wish to discuss it now, but I think at some time we will have to go over the whole per diem in lieu of subsistence situation. We are now allowing or paying to some $3, to some $4, to some $5, to some $6, and to others $10. I think there ought to be some fixed scale in the matter of which the Senator is directly speaking. If this amendment carries, I think it should be so that it will cover the board of mediation and conciliation and representatives of the Interstate Commerce Commission at $10 a day.

Mr. NEWLANDS. That would cover it very satisfactorily, but I understand the Senator from Utah has consented to a reduction to $8 a day.

Mr. SMOOT. Yes. After reading the letters that I have received from a number of general appraisers and other parties I figure from what they say that they could in most cases get along with $6 per day, but nothing less. I want to say frankly that it ought to be $10 a day, but rather than have any dispute in the Senate and to have the matter finally decided without any special opposition I think it would be best to make it $8 a day, and let it remain at that rate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah.

Mr. SHAFROTH. I desire to amend the amendment offered by the Senator from Utah by making it read, instead of "in lieu of subsistence," "actual hotel expenses not exceeding $8 per day."

I think that nothing ought to be "in lieu of subsistence," because if you allow that and they stop with a friend they would be entitled to $8 a day. It ought to be actual money paid out.

Mr. SMOOT. I will say to the Senator that in a number of our laws we say "in lieu of subsistence," and I do not believe we ought to make any particular change in this one instance. We are following the exact language of almost all such provisions in all our laws.

Mr. HUGHES. Is it not also true that the departments object to the law as it would be if amended by the Senator from Colorado, on account of the expense of the accounting and the inconvenience?

Mr. SMOOT. Yes; I remember that that question was raised. I hope the Senator from Colorado will not press his amendment.

Mr. SHAFROTH. Still there is not any question about it that if a person goes and stays with a friend he still would be drawing from the Government $8, although not paying out a cent.

Mr. SMOOT. If he was a dishonorable man perhaps——

Mr. SHAFROTH. No; it allows him here in lieu of subsistence.

Mr. OLIVER. Sometimes it is more expensive to stay with a friend than it is to stay at a hotel.

Mr. GALLINGER. Let the amendment be again read.

Mr. SHAFROTH. I withdraw the amendment.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The Secretary will read the amendment offered by the Senator from Utah.

The SECRETARY. At the top of page 198, after the word "law," in line 1, insert the following proviso:

Provided, That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $8 in lieu of subsistence to members of the United States Board of Mediation and Conciliation and United States General Appraisers.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. OLIVER. The committee amendment has not yet been adopted.

The PRESIDING OFFICER. Not yet. The question is on agreeing to the amendment of the committee on page 197, line 23, to strike out "$4" and insert "$6."

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment was passed over at the instance of the Senator from New Hampshire [Mr. GALLINGER]. It is on page 198, to insert the following proviso, beginning at line 4:

Provided, That internal-revenue agents appointed under the act of October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day, and that internal-revenue inspectors appointed under said act of October 3, 1913, shall receive compensation of not to exceed $5 per day, and for per diem in lieu of subsistence not exceeding $3 when absent on duty from their legal residence, compensation and per diem in lieu of subsistence to be fixed by the Secretary of the Treasury.

Mr. GALLINGER. Mr. President, I have no desire to discuss the amendment.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I simply rose to say that I am quite ready to have the amendment acted upon by the Senate without discussion on my part.

Mr. CUMMINS. I desire a little more information in regard to this particular amendment than I now have. It provides that internal-revenue agents appointed under the act of October 3, 1913, which is the general tariff law of last year, "shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day."

I think the compensation here provided for these agents is altogether too high, and unless the chairman of the committee or some member of the committee can disabuse my mind of that impression, I shall have to present an amendment to the committee amendment.

Mr. OVERMAN. I will say to the Senator from Iowa that this is exactly the provision, in words and terms, which was passed in the tariff law, except that it changes the words "legal residence" to the words "in lieu of subsistence when absent on duty." The way it read there was "official residence." Income-tax collectors are frequently assigned to New York and Chicago, and their official residence is there temporarily. They are there, say, for 30 days, whereas their legal residence might be in Iowa. While their residence is in Iowa, they do not get the compensation at all; but when they are designated to go to Chicago and remain there for 30 days, the department thinks they ought to have compensation, although they are not traveling all the time; that if they are designated to go to Chicago and stay, they ought to have $5. Making it read "absent on duty" instead of "legal residence" is about the only change in the law.

Mr. CUMMINS. I understand that; I am not objecting to subsistence; but the Senator from North Carolina will remember that the authority of the Secretary of the Treasury was very much enlarged in so far as the employment of these agents is concerned, and a great many men, I assume, have been taken into the service who were formerly not necessary. Does the Senator from North Carolina think that the work which these agents now perform is worth $7 a day and that the work of the traveling inspectors is worth but $5 a day?

Mr. OVERMAN. The $7 a day men are men who travel about examining corporations and persons where evidence has come to the department that they are dodging the law. These $7 a day men are very expert men. There are only 48 of them, I think, in all. The $5 a day men are locally situated in the cities at the collection offices, and they get exactly the same compensation that deputy collectors get; but the $7 a day men

must be thoroughly acquainted with business; they must be qualified to examine the books of the companies and all the matters relating to the income tax, and they must be very efficient men.

Mr. GALLINGER. Who determines, I will ask the Senator, their expertness or their capacity for this work?

Mr. OVERMAN. That is left to the appointing power. We have to rely on that.

Mr. GALLINGER. Is the Senator sure that the men appointed belong in that class?

Mr. OVERMAN. In my State they are of that class. I do not know how they are in the Senator's State.

Mr. GALLINGER. I think it would be well to look into it a little.

Mr. OVERMAN. That might be. That is a question for the appointing power.

Mr. CUMMINS. How many of them have been appointed since the tariff law went into effect?

Mr. OVERMAN. I understand of the $7 a day men there are about 40.

Mr. CUMMINS. They are the men who have been appointed without an examination, and we have no knowledge that they are men of skill or training. Why are they paid $7 a day?

Mr. OVERMAN. They are paid exactly the same as the other revenue agents are paid.

Mr. CUMMINS. But formerly I assume they had very few of them, because there were but few prior to the tariff act of last year.

Mr. OVERMAN. Yes; there are a great many of what are known as internal-revenue agents. They get $7 a day. Their compensation is exactly what the internal-revenue agents get.

The revenue agents gets $7 a day and $3 a day in lieu of subsistence. The income-tax inspectors get exactly the same; that is, their salary is fixed by the tariff act. The deputy collectors, doing the same work heretofore, have been getting $5 a day and $3 a day in lieu of subsistence, and the income-tax collectors locally situated are getting exactly the same salary.

Mr. CUMMINS. What is the difference between the work of one of these traveling agents and the work of a traveling inspector?

Mr. OVERMAN. A traveling inspector is an inspector in a State who goes around from point to point and acquaints people with what they have to do in making their returns, who assists them in making their returns; and some of them in the office are receiving such returns and doing the bookkeeping. They act as do the deputy collectors.

Mr. CUMMINS. Are they called deputy internal-revenue collectors?

Mr. OVERMAN. No; they are not; but they are put on the same salaries as are the deputy collectors of internal revenue, and do practically the same work in the internal-revenue business as do the collectors of internal revenue.

Mr. CUMMINS. Why are they not called "deputy revenue collectors," then?

Mr. OVERMAN. I can not answer that. The tariff law was framed in that way; but I do not know why; it has not been changed, and they were called deputy collectors; others are called inspectors. They get $5 a day, and are confined to the States. For example, the Senator might have two of them in Iowa—one of whom takes the western part of the State and the other the eastern part of the State, and looks after the income tax there. The general inspector, for instance, goes to Chicago, but to-morrow he may be called to San Francisco or to Boston to examine the books of a corporation or of a company or of an individual, if necessary.

Mr. CUMMINS. What is he called?

Mr. OVERMAN. He is called the general agent, and he gets $7 a day, the same salary as the internal-revenue agent gets. They are both called agents.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Alabama?

Mr. CUMMINS. I yield.

Mr. WHITE. I should like to inquire of the Senator from North Carolina what is the necessity for inserting the word "legal" in describing the kind of residence?

Mr. OVERMAN. If the Senator was appointed from Birmingham, that would be his legal residence, and he is not entitled to subsistence when he is in Birmingham, which is his home.

Mr. WHITE. Is that not simply his residence?

Mr. OVERMAN. That is his residence.

Mr. WHITE. Why, then, insert the word "legal"?

Mr. OVERMAN. That was done by the department. I suppose they thought that was a better word than "official." The language formerly was "official residence." The consequence was that the agents could not get any allowance when they were sent to Chicago, for instance.

Mr. WHITE. I will inquire of the Senator from North Carolina, if one of these agents should be appointed from the District of Columbia and lived here, his legal residence being in one of the States, would not he be entitled to pay all the time, he being absent from his legal residence all the time?

Mr. OVERMAN. He would be entitled to pay whenever, for example, he was called away from the District of Columbia to examine books. He is then entitled to his extra compensation, and he ought to have it.

Mr. WHITE. But his legal residence is not in the District of Columbia?

Mr. OVERMAN. He would not draw subsistence if he lived here.

Mr. WHITE. But if his legal residence is not in the District of Columbia, but in one of the States, he could get the subsistence.

Mr. OVERMAN. He would not live here. That would be supposing a case that would be impossible. If he votes in Alabama and has a legal residence there, he could not get any per diem; but if he is designated to come from his home State here for a month—they never stay at home; at least, not very long—or if he is to go and stay a month in San Francisco, he would be entitled to subsistence. That is the distinction.

Mr. WHITE. The Senator from North Carolina does not get my idea.

Mr. OVERMAN. I am sorry.

Mr. WHITE. I am sorry I have not been able to make it more intelligible; but, as I understand it, people who live in the District of Columbia have their legal residence in the States.

Mr. OVERMAN. Some do and some do not.

Mr. WHITE. I know that generally when they ask for an appointment to office they have to state that their legal residence is in the State from which they originally came, and must obtain a certificate to that effect.

Mr. OVERMAN. A great many people under the civil-service law claim that they have a legal residence in my State who never saw the State.

Mr. WHITE. What I intended to suggest was this: If I am correct, the agent would have a legal residence in the State of North Carolina, but his actual residence would, in fact, be in the District of Columbia.

Mr. OVERMAN. That would be impossible. These agents do not and can not live here.

Mr. WHITE. But they do in fact live here and are here when appointed.

Mr. OVERMAN. No; they are appointed from the States. If they are appointed from here this would be their legal residence.

Mr. WHITE. The point I am making is that while they actually live here their legal residence is in the State from which they came when they came here.

Mr. OVERMAN. That is the way the department construes it.

Mr. WHITE. Their legal residence is in the State from which they came.

Mr. OVERMAN. If they are appointed from the District of Columbia the department recognizes the fact that that is the place from which they are appointed, and it is their legal residence.

Mr. WHITE. I think the word "residence" covers everything that is necessary.

Mr. OVERMAN. Or "official residence."

Mr. WHITE. But would not the word "residence" be sufficient?

Mr. OVERMAN. "Residence" would not; and that is the very point we are talking about. His official residence would be in Chicago for a month. There is where he is officially designated to go; but we are drawing a distinction between "residence" legally and "residence" officially. That is all there is in it.

Mr. WHITE. My view is that the agent appointed from the District of Columbia would be away from his legal residence, which is in some State, all the time when he is in office, and would therefore draw this subsistence all the time, because he is not at his legal residence, the District of Columbia not being his legal but his actual residence.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. CUMMINS. I yield.

Mr. HUGHES. The Senator from Alabama is assuming now that certain of these agents are appointed from the District of Columbia. I confess that it seems to me there might be some-

The PRESIDING OFFICER. The Chair is impressed that the point of order raised by the Senator from Utah [Mr. SMOOT] is not well taken. The question is upon agreeing to the amendment of the committee.

Mr. SMOOT. Upon that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Overman	Sterling
Brady	Hitchcock	Page	Stone
Bristow	Hollis	Perkins	Sutherland
Bryan	Johnson	Poindexter	Swanson
Burton	Jones	Ransdell	Thomas
Catron	Kenyon	Saulsbury	Thompson
Chamberlain	Kern	Shafroth	Thornton
Clapp	Lane	Sheppard	Townsend
Clarke, Ark.	Martin, Va.	Shively	White
Colt	Martine, N. J.	Smith, Ariz.	Williams
Crawford	Nelson	Smith, Ga.	
Cummins	Norris	Smith, Md.	
Dillingham	Oliver	Smoot	

The PRESIDING OFFICER. Forty-nine Senators have responded to their names. A quorum is present. The question is upon agreeing to the committee amendment on page 185, upon which the yeas and nays have been ordered.

Mr. GALLINGER. Mr. President, before the vote is taken I want to express my surprise that at the hour of 20 minutes past 2 o'clock we should have to waste some time here in getting a quorum. I speak only for myself. I am here under conditions that are not overpleasant; but I feel sure that there ought to be an admonition, particularly from the other side of the Chamber, to Senators as to their duty. The quorum will soon be absolutely broken unless greater effort is put forth to have Senators attend the sessions.

I say this in entire good nature. If I consulted my own convenience or my own comfort, I would not be in the Senate; but I am sitting here hour after hour and day after day, and I wish that we might not be put to the inconvenience and discomfort of extending the hours because of the fact that Senators are absenting themselves when they ought to be here.

The PRESIDING OFFICER. The Chair thinks the words of the Senator are very fit and apropos.

Mr. SMOOT. Mr. President, will the Chair state the question again?

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 186, beginning in line 3, on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I transfer my pair with the senior Senator from Oklahoma [Mr. OWEN] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CHILTON (when his name was called). Making the same announcement as on a former ballot, as to my pair and its transfer to the senior Senator from Alabama [Mr. BANKHEAD], I vote "yea."

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I therefore withhold my vote for the present.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN] and withhold my vote.

Mr. HOLLIS (when his name was called). I transfer my pair with the junior Senator from Maine [Mr. BURLEIGH] to the junior Senator from Mississippi [Mr. VARDAMAN] and will vote. I vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE (when his name was called). I am advised that if the senior Senator from Wyoming [Mr. CLARK], with whom I have a pair, were present, he would vote "yea," and therefore I feel at liberty to vote. I vote "yea."

Mr. THOMAS (when his name was called). I again announce my pair and withhold my vote.

Mr. TOWNSEND (when his name was called). Again announcing my pair with the junior Senator from Arkansas [Mr. BRADLEY], I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my general pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "yea."

The roll call was concluded.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. MYERS. I have a pair with the junior Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "yea."

The result was announced—yeas 35, nays 24, as follows:

YEAS—35.

Bryan	Johnson	Pomerene	Smith, Md.
Camden	Kern	Ransdell	Stone
Chamberlain	Martin, Va.	Saulsbury	Swanson
Chilton	Martine, N. J.	Shafroth	Thornton
Clarke, Ark.	Myers	Sheppard	Walsh
Hitchcock	Newlands	Shively	Warren
Hollis	Oliver	Simmons	White
Hughes	Overman	Smith, Ariz.	Williams
James	Perkins	Smith, Ga.	

NAYS—24.

Borah	Clapp	Kenyon	Poindexter
Brady	Colt	Lane	Smith, Mich.
Brandegee	Crawford	Lippitt	Smoot
Bristow	Cummins	Nelson	Sterling
Burton	Dillingham	Norris	Sutherland
Catron	Jones	Page	Townsend

NOT VOTING—37.

Ashurst	Gore	Owen	Thomas
Bankhead	Gronna	Penrose	Thompson
Burleigh	La Follette	Pittman	Tillman
Clark, Wyo.	Lea, Tenn.	Reed	Vardaman
Culberson	Lea, Md.	Robinson	Weeks
du Pont	Lewis	Root	West
Fall	Lodge	Sherman	Works
Fletcher	McCumber	Shields	
Gallinger	McLean	Smith, S. C.	
Goff	O'Gorman	Stephenson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over is at the foot of page 197, where the committee proposed to strike out "$4" and in lieu insert "$6," so that if amended it will read:

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

Mr. SMOOT. I wish to ask the Senator having the bill in charge if I may present an amendment to this section, to which I called his attention, with a view to perfecting it.

Mr. MARTIN of Virginia. I would be glad to have it sent to the desk and read. It is satisfactory to me.

Mr. SMOOT. Then I send the amendment to the desk, and ask that it be inserted on page 198, line 1, after the word "law."

The PRESIDING OFFICER (Mr. HOLLIS in the chair). The Secretary will read the amendment offered by the Senator from Utah.

The SECRETARY. On page 198, after the word "law," insert:

Provided, That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $10 in lieu of subsistence to members of the United States Board of Mediation and Conciliation and United States General Appraisers.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Utah to the text.

Mr. NEWLANDS. Where does the amendment come in?

The PRESIDING OFFICER. At the top of page 198, after the words "by law," the first two words in the line.

Mr. SMOOT. I will say to the Senator from Nevada that this allows the members of the United States Board of Mediation and Conciliation and also the United States General Appraisers, of whom there are nine, a per diem of $10 in lieu of subsistence; that is, it is not to exceed that amount.

Mr. NEWLANDS. Will this amendment, in the judgment of the Senator, take the Board of Mediation and Conciliation out of the operation of a similar provision in the urgent deficiency act?

Mr. SMOOT. It will, in my opinion.

Mr. NEWLANDS. I am very anxious to accomplish that object, because I think it would impair very much the work of this board if they were limited to so small a sum. It is well known that the only salaries connected with the Board of Mediation and Conciliation are those of the commissioner and the assistant commissioner. The Board of Mediation and Conciliation consists, in addition to the commissioner and assistant commissioner, of two United States officials, who act without

further compensation than they now receive. One of those is Mr. Justice Knapp, of the circuit court. We all know that the judges of the circuit court on circuit duty away from home are allowed $10 per day.

It is important that the subsistence of the members of this board should not be limited as provided for in this section. The proceedings of the board require the presence of the board at a hotel. It is the custom for the hotel to give the board, without charge, some large room in which they can hold their councils with the employees and the corporation officials affected, and such a hotel, of sufficient size to furnish such a room, is always a first-class hotel, and it would be impossible to obtain room accommodations for less than four or five dollars a day.

I hope that this amendment will be accepted by the chairman of the committee.

Mr. SHAFROTH. Mr. President, I do not believe that we have ever allowed as high a rate as $10 per day, and I do not favor the amendment proposed by the Senator from Utah. It seems to me that $5 per day is a good per diem allowance. If we make the amount too high there will be a tendency on the part of the persons to take the money which is provided here in lieu of subsistence, and they may not spend the money. There ought not to be that temptation presented to anyone.

We ought either to pay the expenses, whatever they are, or limit it so that they shall not exceed a certain amount, but I do not believe that $10 a day ought to be allowed. All they ask, I understand, is their actual expenses. If they are put to an actual expense of $10 a day, let it be paid, but I do not believe in putting on the statute books something that will plague us in pretty nearly everything we do in the future in the way of allowance of hotel bills.

Mr. SMOOT. I wish to say to the Senator that the provision is not exceeding $10 per day in lieu of subsistence, and I also call attention to the fact that this affects only 12 men. There are 9 general appraisers. They are called as far West as San Francisco in deciding questions of dispute which arise as to the classification of goods entering into this country. They are called to large cities only, and they are virtually judges. They can not go to a cheap hotel. Not only that, but they generally have to go to a hotel and have rooms sufficient so that they can have people call on them for consultation.

It does seem to me that this amendment is in order and is a proper one. It does not amount to very much, as I said, because only 12 people will be affected by it.

I think it is not a precedent, because the United States judges are allowed not exceeding $10 per day, and the work of the general appraisers is of a similar character as that of a judge. They act in a judicial capacity, and when away from home they go to the same class of hotels, and they have just as much expense attached to their travel as the United States judges.

Mr. CUMMINS. Mr. President, I called this matter to the attention of the Senate yesterday while we were discussing the allowance for the commissioners to the Panama-Pacific Exposition. I believe that $10 a day is more than is required, but I could not understand the inconsistency of giving the commissioners to the Panama-Pacific Exposition, two of whom are already, or will be, in the service of the Government, and the other we provided yesterday shall be outside the service, $10 a day and reduce the allowance for the expenses of officers like the General Board of Appraisers or the members of the Board of Mediation and Conciliation. I recall to the attention of the Senator from Colorado—and he is a member of the Appropriations Committee—this provision on page 164 of the bill:

Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence.

I do not desire to raise the amount beyond a reasonable sum. I think $10 a day is more than any man needs to expend in his living expenses. But what is the justification for giving $10 a day to the Panama-Pacific Exposition commissioners and limiting these other high officers to a lower sum? I think equality is one of the great virtues of any law. I see no reason for the discrimination here, although I would be very much opposed to raising the limit of all the officers who may travel to $10 a day. I am in favor of cutting down the allowance to the Panama-Pacific commissioners.

Mr. PAGE. I should like to interrupt the Senator from Iowa.

Mr. CUMMINS. I am glad to yield to the Senator from Vermont.

Mr. PAGE. I should like to ask the Senator if we are not establishing a precedent which will vex us later on by making an allowance of $10 for subsistence?

Mr. CUMMINS. Personally I think we are. I do not believe there ought to be any specific sum allowed. I think these people who are working for the Government should be paid a reasonable compensation and whatever reasonable expenses they incur in the prosecution of their work. That is the logical, equitable way in which to adjust these matters. We all know that a maximum fixed in the statute becomes the minimum amount paid for the object, whatever it may be.

Mr. PAGE. It seems to me, Mr. President, that rather than establish a practice of this kind I would prefer, out of my own pocket, to pay a part of it myself. We ought to be a nation of fairly decent economists, and to establish this kind of a precedent, it seems to me, would go out to the country in such a way that they will properly criticise it. I wish that the amount might be reduced or, as the Senator suggests, that it be left to actual expenses and leave it in that way.

Mr. CUMMINS. All the Government employees are not as altruistic and generous as the Senator from Vermont, nor possibly are they so able to be contributors to the public expenses as is the Senator.

Mr. SMOOT. Will the Senator yield?

Mr. CUMMINS. Yes, sir.

Mr. SMOOT. May I ask the Senator if he thinks $8 a day would be a more satisfactory amount? If so, I am perfectly willing to modify my amendment and make it $8.

Mr. CUMMINS. I think it ought not to be more than $6 per day.

Mr. SMOOT. Then, Mr. President, I will modify my amendment and make it $8 instead of $10.

The PRESIDING OFFICER. The Senator from Utah modifies his amendment by substituting "$8" for "$10."

Mr. COLT. Mr. President, for many years the Government has allowed the judges not to exceed $10 a day when they go outside of their own districts or circuits. It would depend a good deal upon where these men travel. My public duties called me to Boston almost entirely, and $10 a day living in Boston at a first-class hotel is not an excessive allowance; it is a reasonable allowance. Of course $8 would be something perhaps that one would have to think about several times before exceeding the expenditure. Of course in other parts of the country it might be different, if you went to smaller places but these men are called to the larger cities, and they are obliged to spend the night there.

From my long experience, I should say that not exceeding $10 a day would mean $10, and it is not excessive, although the rule will be perhaps $5 or $6 a day in other places. If these men are to be relieved entirely from pinching matters, $10 would not be excessive, but it would depend entirely upon the localities where they went. Perhaps under all the circumstances, taking the country over, $8 a day would be fair.

Mr. THOMAS. Mr. President, I can not forbear the temptation to express my gratification upon the announcement of the Senator from Vermont [Mr. PAGE] that he is in favor of economy now. A few moments ago I labored under the impression that he believed in only necessary expenditures, among which were $250,000 for a monument somewhere up on the shores of Lake Champlain. Of course, the Senator's conversion to economy comes after he obtained his own appropriation, and perhaps that may have something to do with it. But I recognize in the present amendment that form of economy which most Members of this and the coordinate body of Congress are indulging in. We must cut down the necessary expenses of the average servants of the Government, and by that means we can pair off here and there and yonder which those who are affected by such a measure must make up out of their meager salaries. By that means we can get enough to build a monument to commemorate a great historical occasion and contribute to the patriotic feeling of this and succeeding generations. I imagine that that is the extent to which the economy is to go during the present Congress.

Mr. NEWLANDS. Mr. President, I had inserted in the RECORD yesterday a letter to the chairman of the Committee on Appropriations from the commissioner of the Board of Mediation and Conciliation, but it was not read, and, with the indulgence of the Senate, I will read a few extracts from the letter. After stating that the two other members of the board are United States officials, without other salaries than those which they receive by reason of their office, the commissioner goes on to say:

In connection with the work of mediation, it is necessary always to have a suitable room for the conferences with the parties to the controversy; and so far such accommodations have been furnished gratis by the hotels of which the mediators have stopped. In order to come within the $5 limitation of expenses for subsistence, it would be necessary in most cases for the mediator not only to secure hotel accommo-

Senator from Colorado at that time the Treasurer could issue them, but I did not believe that he ever would.

Mr. THOMAS. That was one year ago.

Mr. SMOOT. The Senator from Colorado corrects me, and says that was one year ago.

Mr. President, it has been my thought and my belief that no more of these bonds would be issued. I want to say to the Senate now that when the provision to which I have referred was put in the tariff act of 1909 it was thought then that there would be very few of the bonds ever issued; but the provision was inserted so that in case it happened in any particular year that there was not revenue enough to meet the general expenses of the Government the construction of the Panama Canal would not be interfered with. At that time, Mr. President, we did not know what the canal was going to cost; we had a general idea, but nobody knew even approximately what it would cost; and the provision was enacted at that time out of abundant caution.

Mr. BRISTOW. Mr. President, I should like the attention of the Senator from Florida. I regret that the provision was in last year's bill. I do not think it ought to have been there. I think it is altogether proper to provide for a bond issue to meet the expenditure of $20,718,000 provided in this bill, in the event the general revenues of the Government should prove inadequate, but to authorize the Secretary of the Treasury to go back and issue bonds to reimburse the Treasury for expenses that have been incurred, it seems to me, is unwise legislation and calculated to invite extravagance.

Mr. SMOOT. I will say to the Senator from Kansas that under the act of August 5, 1909, the Secretary of the Treasury has the right now to issue bonds to the amount of $20,718,000 appropriated in this bill, and there is no necessity for a provision of that kind in this bill, because, as I have said, the Secretary of the Treasury has already that authority, provided the money is used for the construction of the Panama Canal.

Mr. President, if no one else desires to speak upon this subject, I desire to state my point of order.

Mr. BRYAN. I want to say a word before the Senator does that.

Mr. SMOOT. Then, I withhold the point of order.

Mr. BRYAN. I do not intend to argue the merits of this proposition, but it seemed to me that it was not fair to say that this proviso was placed in this bill in order to enable the Treasury Department to issue bonds, because it was in last year's bill in the same language, and I think it has been in sundry civil bills for a number of years past. It seems to me that it does not make much difference whether it remains in the bill or not, because the word "hereafter" will make the provision applicable beyond the year for which the appropriation is made. That language is broad enough to continue that power, it seems to me; and if the Senator is fearful of bonds being issued, why does he not introduce a bill to repeal that provision as contained in the law for the fiscal year 1914?

Mr. SMOOT. I have been thinking of doing that very thing, and I believe it ought to be done just as soon as the canal is completed; but I have not felt up to this time that I would be justified in making an effort to repeal section 39 of the tariff act of August 5, 1909, at least not until we knew what the canal was going to actually cost and was virtually completed.

Mr. BRYAN. I merely want to read the language before the Senator raises his point of order, so as to show that it is not dependent upon the expiration of the year for which the appropriation is made, because it says:

Provided—

I am now reading from the act of last year—

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used—

And so forth.

It is not limited to any year; the power to issue bonds has been there under the act of last year all the time.

Mr. SMOOT. I do not think so. That applies only to the appropriation bill of that year.

Mr. BRYAN. Then why is the Senator going to introduce a bill to repeal it?

Mr. SMOOT. I did not mean the repealing of that provision; I meant, as I stated, that section 39 of the act of August 5, 1909, ought to be repealed. Now, Mr. President——

Mr. BRYAN. Mr. President, if the Senator will permit me further, I am informed by the clerk of the committee that a similar provision has occurred in every appropriation bill since 1907; so that the fact that it remains in this bill ought not to be taken as warrant for the statement that there is some intention of issuing bonds.

Mr. SMOOT. The act of 1909 in which we provided for bonds was the tariff act. I have just read that provision of the act of 1909, Mr. President.

Mr. BRYAN. I will read to the Senator from the act of 1907:

Provided, That all expenditures from the appropriations herein made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. SMOOT. That refers to the Panama Canal act of 1902.

Mr. BRYAN. And a similar provision has been in all the appropriation bills covering appropriations for the Panama Canal since 1907.

Mr. TOWNSEND. That provision is not like the one in this bill.

Mr. SMOOT. That is not like this provision at all.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. In a moment. I merely want to call the attention of the Senator from Kansas, if he is going to speak upon the question, to the fact that that provision is not the same as the provision in this bill. Right here I desire to say that I have just received the information that the amount that has been paid from the general funds of the Treasury in the construction of the Panama Canal has been $217,785,130.08 instead of $200,000,000, as I stated from recollection.

Mr. BRISTOW. Mr. President——

Mr. SMOOT. I yield to the Senator.

Mr. BRISTOW. As I understood the provision read by the Senator from Florida, it provided for the sale of bonds to meet the appropriation therein made. I think that is altogether proper.

Mr. SMOOT. Certainly.

Mr. BRISTOW. I do not take issue with him that in the last appropriation bill the same provision was made; but I think it was wrong. I believe, as I said before, that we ought to give authority to sell bonds to secure money to complete the canal, and not have that project depend upon the current revenues; but I do not think it would be right for us to go back, in order to get funds to maintain the Government, to sell bonds and to reimburse the Treasury for those expenditures any more than for any other expenditures.

I desire to withdraw my criticism that this provision has never before appeared, as I now understand it has appeared heretofore, and I will direct the criticism against the method of appropriating not only in this bill but in any previous bill that may have contained the same language.

Mr. BRYAN. Mr. President, I do not think I will quarrel with the Senator on his proposition.

Mr. SMOOT. Then, if that is the case, why not have the Senate disagree to this amendment entirely?

Mr. BRYAN. Mr. President, I do not feel authorized to agree to that. The Senator can make his point of order.

Mr. SMOOT. Well, I make the point of order that the amendment changes existing law. The law to which it refers——

Mr. BRYAN. It does not change existing law, and if the Senator makes the point of order upon that ground——

Mr. SMOOT. If the Senator will wait until I get through stating the point of order, he will be better able to understand the point I make.

Mr. President, the provision changes existing law in this respect, that the act authorizing the Secretary of the Treasury to issue bonds for defraying the expenses of the construction of the Panama Canal specifically states that they may be issued to cover the entire cost of the canal from its inception to its completion. This amendment here goes further than the cost of the canal. It states that bonds may be issued—

For the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances.

It is also general legislation upon an appropriation bill.

Mr. CLARKE of Arkansas. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arkansas?

Mr. CLARKE of Arkansas. I thought the Senator had yielded the floor.

Mr. SMOOT. I am through.

Mr. CLARKE of Arkansas. Mr. President, the point of order is not well taken at this time, even if it were of substance as originally presented. The rule that governs the presentation of objections in the form of points of order is well defined in the action of the Senate had on January 12, 1881. It is recorded in

the Book of Precedents prepared by Mr. Gilfry, at page 47, as follows:

The Senate having under consideration the Army appropriation bill,

On motion of Mr. Saunders to amend by inserting:

"For the erection of a building suitable for offices for headquarters of the Department of the Platte in Omaha, State of Nebraska, $30,000," etc.,

After debate,

Just as debate has taken place here now—

Mr. Beck raised a question of order, viz, that the amendment not having been moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments, was not in order under Rule XXVII of the Senate.

The Presiding Officer (Mr. Hoar in the chair) overruled the question of order, and decided that a question that an amendment was not in order could not be made after debate had proceeded upon the merits of the amendment. (See CONGRESSIONAL RECORD, Forty-sixth Congress, third session, p. 604.)

On the following day, January 14 (Journal, p. 119), when the bill was up for consideration, and the question recurring on the amendment proposed by Mr. Saunders,

Before proceeding to the consideration of the proposed amendment Mr. Withers asked, and by unanimous consent, obtained leave to have the question submitted whether the motion of Mr. Saunders to amend the bill was in order, the amendment not having been proposed in pursuance of an estimate of the head of some one of the departments, and the Presiding Officer (Mr. Rollins in the chair) submitted the question to the Senate, Is the amendment in order?

It was determined in the negative. (See CONGRESSIONAL RECORD, same as above, pp. 624–628.)

It is not in order to debate a question and then propose a point of order that is decisive of it if decided affirmatively. For that reason the Senator has waived his right to raise the point of order.

We have gone along here in disregard of that wholesome rule until it has almost become obsolete; but the more I see of its abuse the more I am satisfied that it is one of the best rules we have, and that it ought to be enforced, and I know of no better case in which to enforce it than the present.

In the first place, the proposed amendment carries out existing law. I say that because section 39 of the act of 1909, which has been read by the Senator from Utah, authorized the issue of $200,000,000 of bonds for the purpose of paying for the Panama Canal. It never was intended that the cost of constructing the Panama Canal should rest upon the general revenues of the country. It was treated as a special project, and special provision was made for the payment of the necessary expenditures. There grew up a habit of making appropriations payable out of the general-revenue fund, always with the implied condition that whenever the revenue necessities of the Government required the sum thus paid would be reimbursed to that fund by a sale of these bonds.

The Senator from Utah informs us that there have been paid out of the general fund of the Treasury $217,000,000 of the $340,000,000 that have been expended. That leaves about $125,000,000 or $130,000,000 of the canal bonds that have been sold. It is entirely competent for the Secretary of the Treasury at this time, if in his judgment it should be necessary to do so, to sell a thousand bonds and to reimburse the general fund for the outlays that have been made from time to time. He could do that with perfect propriety, not in view of any failure of revenue but simply because it was so nominated in the bond and was part of the scheme under which that great canal was constructed.

The immaterial amendments made here, including colliers and coaling stations and a few things of that kind which the Senator read, and which I do not now accurately recall, are not so completely of the substance as to justify us in assuming that it is a wholly different provision. The language in former acts spoke in the terms of a permanent statute. In fact, it was implied in the act of 1909, section 39, that all the funds necessary to construct the canal must be raised by the sale of bonds. Simply as a matter of financial convenience to the Treasury Department or to utilize surplus revenues, without putting the Government to the expense of issuing bonds and thereby paying interest while there was idle money lying in the Treasury, the habit grew up of paying out of current revenues as far as the funds would go the expense of constructing the canal.

I therefore maintain that the point of order is bad, first, because the amendment was debated on its merits before it was presented and next because it simply carries out the provisions of existing law and is justified under our rules.

Mr. SMOOT. Mr. President, the case cited by the Senator is not this case at all. I have not offered an amendment to the committee amendment.

Mr. CLARKE of Arkansas. The Senator debated the amendment on its merits before he presented the point of order against its consideration.

Mr. SMOOT. That is true; but I stated in starting that I intended to make the point of order against the amendment.

Mr. CLARKE of Arkansas. That is just exactly what our rules do not permit a Senator to do.

Mr. SMOOT. I do not know of any rule to that effect.

Mr. CLARKE of Arkansas. This is the rule.

Mr. SMOOT. Mr. President, the case cited by the Senator from Arkansas is a case in which a Senator offered an amendment to the amendment of the committee; and, of course, if there was a point of order made against it, it would be wholly out of order to discuss it. There is no question in my mind about that. The case that the Senator cites is perfectly right and proper under our rules, but there is no amendment offered to this amendment by any Senator. It is the whole committee amendment itself, and to that committee amendment I make the point of order.

Mr. CLARKE of Arkansas. Mr. President, in order that there may be no dispute as to just exactly what the precedent cited by me establishes, I will read it, or at least the operative part of it. The ruling was made by an honored Senator from Massachusetts, Senator Hoar, who was here when I came, and who was recognized as an authority upon parliamentary procedure. The ruling made by the Chair was as follows:

The Presiding Officer (Mr. Hoar in the chair) overruled the question of order, and decided that a question that an amendment was not in order could not be made after debate had proceeded upon the merits of the amendment.

That is what I invoke here and now.

Mr. SMOOT. But I have not offered an amendment.

Mr. CLARKE of Arkansas. I am not talking about what the Senator offered, but he raised a point of order against an amendment, and he can not do that after he has debated the amendment.

Mr. SMOOT. I am perfectly aware that if I had offered an amendment that could not be done; but in the case cited Senator Hoar was perfectly right in his ruling, and so would the Senator from Arkansas, in his contention to-day, if I had offered an amendment to this amendment; but I did not do that.

Mr. CLARKE of Arkansas. I can only say that I can not make the contention I am insisting upon any clearer than I have made it by reading the rule. All the cases differ somewhat in their facts, but the general rule by which they are governed is the same, notwithstanding there may be distinctions of fact arising from time to time. In fact, it rarely ever happens that two cases exactly alike are presented, because in that case there is an instant and complete obedience to the former ruling. What the Presiding Officer decided and what the Senate on a vote affirmed was that after an amendment of any kind, offered by anybody, committee or Senator, at any time had been debated upon its merits, it was too late to raise the point of order that it could not be considered, and that is the question I submit.

Mr. BRISTOW. Mr. President, I want to take issue with the Senator from Arkansas in regard to the matter of issuing bonds upon past expenditures to meet the obligations for which this $20,000,000 is appropriated. While the Senator from Arkansas has been here much longer than I have, and I would not want to take issue with him, so far as memory goes, my impression has been that the object of providing for this bond issue was to be sure to have funds available for the construction of the canal regardless of the condition the Treasury might be in; and it has been carried on from year to year. Now, when the Treasury has an abundance of funds to meet all of its obligations, this expenditure, as well as any other, I certainly think it would be foolish to resort to issuing bonds; and since the Treasury has been able to meet the demands with a limited issue of bonds, it seems to me that when we make here an appropriation of $20,000,000 it is all right to continue to carry the provision for issuing bonds to obtain this money; but to carry a provision that will authorize the Secretary of the Treasury to sell the bonds to meet an expenditure that has already been made and settled is unwise, and I do not think it ought to be carried in the law.

Mr. CLARKE of Arkansas. Mr. President, as a matter of fact, there has not been a bond sold for the specific purpose of raising money to construct the canal. In every instance where a sale has taken place it has been to reimburse the Treasury, to supply an approaching deficiency.

Mr. BRISTOW. Is not the Senator mistaken as to that? Are not these Panama Canal bonds a distinct and specific issue that can not be used by the banks as the basis for the issuance of currency? They draw 3 per cent interest, and they are registered and known as Panama bonds, and sold as such.

Mr. CLARKE of Arkansas. That is conceded; but I say that the actual sale of the bonds was not for the specific purpose of raising funds to prosecute the work of construction of the canal, but for the purpose of supplying funds when it was indicated that a deficit was about to take place.

Member of this body that the State of New York is at present unrepresented here. I do not know that the fact of their presence would result in any change of procedure, because, much as I want to see a change in the administration of our fiscal affairs through appropriations, I am not going to take upon myself the sole responsibility of making a motion or raising a point of order upon this measure. I know, Mr. President, that it would seem invidious. I know that misconstruction might be placed upon my purpose in the absence of these gentlemen. I know, too, that this appropriation is neither better nor worse than a great many of the other appropriations or items in this and kindred measures

I am aware that a year ago we appropriated a similar amount to commemorate the victory on Lake Erie, and it occurred to me then that we were establishing a precedent that would bear rich fruit in the early future. I make the prediction now that this is but another precedent which will bear early fruit, encouraging similar appropriations hereafter in a similar way.

I shall not, Mr. President, vote for this measure, but, because of the appeals which these gentlemen have made, I shall content myself with making a motion to strike this proposed amendment from the bill.

Mr. BRYAN rose.

Mr. THOMAS. But, Mr. President, I want again, although I am conscious that it may be futile, to register my protest against the constant disregard of what I consider to be one of the fundamental planks of the Democratic platform and to say that, in my judgment, the country expects it to be recognized, and that if we continue our present course and come to disaster the consequences will be as much due to our disregard of that plank as of any other portion of our pledge to the people who put us in power.

I yield to the Senator from Florida.

Mr BRYAN. I rose to suggest to the Senator from Colorado that the usual method of procedure is to vote on the committee amendment. Therefore it will not be necessary for him to move to strike it out.

Mr. THOMAS. Well, whatever the usual procedure is I shall, of course, follow. I shall content myself by voting upon it.

The VICE PRESIDENT. The same purpose will be accomplished by the rejection of the committee amendment. The question is on the adoption of the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. SHAFROTH. I call for a division.

Mr. GALLINGER. We had better have the yeas and nays. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TOWNSEND. I suggest the absence of a quorum.

SEVERAL SENATORS. Oh, no.

Mr. TOWNSEND. Otherwise Senators can not get here in time for the vote by yeas and nays.

The VICE PRESIDENT. The absence of a quorum is suggested, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	du Pont	Norris	Smith, Md.
Brandegee	Gallinger	Oliver	Smoot
Bristow	Hughes	Page	Stone
Bryan	Johnson	Perkins	Sutherland
Burton	Jones	Poindexter	Thomas
Camden	Kenyon	Pomerene	Thompson
Catron	Kern	Ransdell	Thornton
Chamberlain	Lane	Saulsbury	Townsend
Chilton	Lippitt	Shafroth	Walsh
Clapp	Martin, Va.	Sheppard	Warren
Clarke, Ark.	Martine, N. J.	Shively	White
Colt	Myers	Simmons	
Dillingham	Newlands	Smith, Ariz.	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], who are absent from the city on important business. This announcement will stand for the day.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. CLARKE of Arkansas. I wish to announce that my colleague [Mr. ROBINSON] is absent from the city on necessary business, and will be absent for several days.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The question is on agreeing to the amendment of the committee, on page 186, entitled "Macdonough memorial." The yeas and nays have been ordered and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. CHILTON (when his name was called). I transfer my pair, as formerly announced, to the Senator from Alabama [Mr. BANKHEAD] and vote "yea."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND], who is not present. I therefore withhold my vote. I will let this announcement stand for the day.

Mr. GALLINGER (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN], but on this vote I am released by that Senator, and I vote "yea."

Mr. HOLLIS (when his name was called). I have a pair with the junior Senator from Maine [Mr. BURLEIGH]. I transfer that pair to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "yea."

Mr. JAMES (when his name was called). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from New York [Mr. O'GORMAN] and vote "nay."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the Senator from Illinois [Mr. LEWIS], and vote "yea."

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. THOMAS (when his name was called). I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. TOWNSEND (when his name was called). As I have before stated, I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "yea."

The roll call was concluded.

Mr. DU PONT. I have a general pair with the senior Senator from Texas [Mr. CULBERSON]; but I transfer that pair to the Senator from Minnesota [Mr. NELSON] and vote "yea."

Mr. MYERS. I have a pair with the Senator from Connecticut [Mr. MCLEAN]. In his absence I withhold my vote, unless it becomes necessary to make a quorum.

The result was announced—yeas 43, nays 8, as follows:

YEAS—43.

Brady	Cummins	Martine, N. J.	Smith, Md.
Brandegee	Dillingham	Newlands	Smith, Mich.
Bristow	du Pont	Oliver	Smoot
Bryan	Gallinger	Page	Sterling
Burton	Hollis	Perkins	Sutherland
Camden	Hughes	Poindexter	Thornton
Catron	Johnson	Pomerene	Townsend
Chamberlain	Jones	Ransdell	Walsh
Chilton	Kern	Saulsbury	Warren
Clapp	Lippitt	Sheppard	White
Colt	Martin, Va.	Simmons	

NAYS—8.

James	Lane	Shively	Thomas
Kenyon	Shafroth	Smith, Ariz.	Thompson

NOT VOTING—45.

Ashurst	Gronna	O'Gorman	Stephenson
Bankhead	Hitchcock	Overman	Stone
Borah	La Follette	Owen	Swanson
Burleigh	Lea, Tenn.	Penrose	Tillman
Clark, Wyo.	Lee, Md.	Pittman	Vardaman
Clarke, Ark.	Lewis	Reed	Weeks
Crawford	Lodge	Robinson	West
Culberson	McCumber	Root	Williams
Fall	McLean	Sherman	Works
Fletcher	Myers	Shields	
Goff	Nelson	Smith, Ga.	
Gore	Norris	Smith, S. C.	

So the amendment was agreed to.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The next amendment of the Committee on Appropriations passed over was, on page 184, line 2, after the word "Isthmus," to strike out "and for expenses of the official representation of Congress attending the formal opening of the canal" and to insert "*Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal."

Mr. BRISTOW. Mr. President, that is a remarkable amendment.

Mr. MARTIN of Virginia. If the Senator from Kansas will permit me to interrupt him, I ask that the committee amendment may be disagreed to, so as to leave the text of the bill just as it was when it came from the House of Representatives.

Mr. BRISTOW. I shall be very glad to see that done.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was rejected.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The next amendment of the Committee on Appropriations passed over was, on page 186, in line 4, after the word "expended," to insert the following proviso:

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. SMOOT. Mr. President, I intend to make a point of order against this amendment, but I do not desire to do so until the Senator from Iowa [Mr. CUMMINS] has had an opportunity to speak upon it.

Mr. KENYON. Was this amendment passed over at the request of the senior Senator from Iowa?

Mr. SMOOT. It was passed over at the request of the senior Senator from Iowa.

Mr. KENYON. I have sent for him.

Mr. SMOOT. Mr. President, I want to call attention to the object of this amendment. The tariff act of 1909, in section 39, provides as follows:

SEC. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of $290,569,000 (which sum, together with the $84,631,900 already borrowed upon issues of 2 per cent bonds under section 8 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the canal from its inception to its completion).

I wish the Senate to take particular notice of the authorization the Secretary of the Treasury had for issuing these bonds. It was "to cover the entire cost of the canal from its inception to its completion." The bonds authorized have not all been issued. There have been paid out of the general funds of the United States something more than $200,000,000 toward the construction and completion of the Panama Canal. The amendment reported provides:

That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances.

Mr. President, that means that for every dollar that has been paid out in the past toward the construction of the Panama Canal from the general funds of the Government the Secretary of the Treasury can now issue bonds for that amount, and not only for that amount, Mr. President, but for the amount that will be required for the completion of the canal proper, and also "for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances."

Mr. THOMAS. Does the Senator from Utah mean that the Secretary of the Treasury may issue and sell bonds exclusive of the amount of bonds provided for in the tariff act to which the Senator refers?

Mr. SMOOT. No; the Secretary of the Treasury is not authorized to do that under this amendment, but he is authorized under this amendment to issue the bonds provided for in the tariff act of August 5, 1909, to pay the amount of money that has already been paid from the general fund of the Government toward the completion and construction of the Panama Canal.

Mr. THOMAS. That is, the unsold bonds of that issue?

Mr. SMOOT. The unsold bonds of that issue.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. I do.

Mr. BRISTOW. As I understand, there has been up to this time approximately $340,000,000 expended in the construction of the canal.

Mr. SMOOT. Approximately $354,000,000.

Mr. BRISTOW. A part of that has been obtained by the sale of bonds and a part of it has been taken from the general fund of the Treasury. All bills up to date have been paid?

Mr. SMOOT. That is true.

Mr. BRISTOW. This bill proposes to appropriate $30,000,000 additional. It not only authorizes the Secretary of the Treasury to sell bonds to obtain the $30,000,000, but it authorizes him to sell bonds representing expenditures that have already been made out of the Public Treasury so as to obtain money to construct additional facilities that are not provided for here?

Mr. SMOOT. Certainly; and not only that, Mr. President, but it authorizes the Secretary of the Treasury to sell these bonds and return the proceeds to the general fund of the Treasury the amount that has been paid out of that general fund, or, in other words, the Secretary of the Treasury under this amendment can sell over $200,000,000 worth of those bonds. I have sent to my office to ascertain the precise amount of construction cost paid from the general fund, and if I have not given it correctly I will correct my statement; but the law authorizes the Secretary of the Treasury to sell the amount of bonds provided for in the act of August 5, 1909, to reimburse the general fund of the Government for the amount expended on the construction of the canal.

Mr. BRISTOW. If the Senator will allow me, would it not be better to put it in this way: It is proposed to authorize the Secretary of the Treasury to sell $200,000,000 of bonds to obtain money with which to pay the current running expenses of the Government?

Mr. SMOOT. Mr. President, I do not want to go that far, because the amendment does not specifically so state, but that is its ultimate object.

Mr. BRISTOW. That is the object of it. Evidently anticipating a deficit in the revenues, instead of asking for permission to issue bonds to meet it, they want to issue bonds on account of expenditures which have been made, paid for, and settled, in order to get the money to meet current expenses, the ostensible purpose being to meet expenditures incurred in building the canal, although the canal has been constructed and paid for with the exception of an expenditure of about $20,000,000.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I yield.

Mr. BRYAN. I think that would hardly be a fair construction to place upon the purpose of this provision. It was in the sundry civil law of last year practically the same as it is in the bill of this year, the only difference being that the words "and colliers" "and maintaining" are added to this provision.

Mr. SMOOT. That may be true, Mr. President——

Mr. BRYAN. I do not know for how many years a similar provision has been in the sundry civil appropriation bill, but certainly it was in the bill last year.

Mr. SMOOT. I think that was the first year it was placed into an appropriation bill.

Mr. BRYAN. It seems to me it does not made a great deal of difference whether it remains in this year or not, because the same words contained in this bill are in the law now.

Mr. SMOOT. That law did not say that "hereafter"——

Mr. BRYAN. It did say "hereafter." I will read it to the Senator.

Mr. SMOOT. Very well; the Senator may read it.

Mr. BRYAN. It reads:

Provided, That all expenditures from the appropriations heretofore, herein, and hereafter made——

And so forth.

Mr. SMOOT. I do not mean "hereafter" in that sense. I mean that the provision which was put in last year's law only applied to the end of that fiscal year, and unless a similar provision is now put in this bill the provision in the law of last year ceased on June 30 last.

Mr. BRYAN. So the provision in this bill will cease on June 30 of next year.

Mr. SMOOT. Yes, Mr. President, I know that; but I want to say to the Senator that when a similar provision was put in the bill last year there was criticism made of it in the committee, but it was stated that it would make no difference; that it was not expected to use any money that might be derived from the sale of said bonds; and that therefore it would do no harm. I remember, Mr. President——

Mr. BRISTOW. Mr. President——

Mr. SMOOT. Just a moment. I remember that two years ago, I think it was, the Senator from Colorado [Mr. THOMAS], in discussing the very question of the authorization of issue of bonds for this purpose, and the fact that none had been issued under it for some time before, asked whether or not the Government of the United States could issue them, and I told the

I realize the anxiety of the Senate to conclude its deliberations on this bill, and I do not want to longer take its time. As my colleague has well said, you have given to other localities their memorials. I hope the Senate will give us this one; and I hope the Senator from Colorado will withdraw his point of order, and let us act on the merits of this amendment.

The VICE PRESIDENT. The Chair does not understand that any point of order has been made.

Mr. SHAFROTH obtained the floor.

Mr. THOMAS. Mr. President, I do not care to interrupt any Senator who desires to speak upon this subject. I understand that the point of order, if made, is not debatable.

The VICE PRESIDENT. It is not debatable.

Mr. THOMAS. Therefore I hesitate to make it as long as any Senator desires to express himself.

The VICE PRESIDENT. The Chair has no recollection that any point of order was made.

Mr. PAGE. The point of order, as I understand, was made by the Senator from Colorado [Mr. THOMAS], and then, at the request of the Senator from New Hampshire [Mr. GALLINGER], was withdrawn.

Mr. THOMAS. That is correct. I withdrew it, reserving the right to renew it this morning. If my colleague desires to speak upon the subject, I will not make it at present.

Mr. SHAFROTH. I voted against the appropriation in the Appropriations Committee, and if there is going to be discussion before the Senate, I should like to state the reasons why I did; but if a point of order is going to be made, I do not care to discuss the point of order.

As a member of the Committee on Appropriations, when this matter came before the committee I voted against the appropriation. The reason I did so was because the state of the finances is not such, in my judgment, that we should indulge in luxuries. Of course, memorials appeal to the esthetic taste, look very beautiful, and all that, but we have some serious governmental problems to solve, and they require money, and it seems to me that this is not a good time to appropriate large sums of money for that purpose.

It is true that we have appropriated, and we do every once in a while appropriate, money for the erection of a monument here in the District of Columbia. The reason for that, more particularly, is in order to beautify this city. It is territory that is within the exclusive jurisdiction of the United States, and it is more appropriate that we should erect monuments here than that we should scatter them all over the United States. If we enter upon the policy of erecting monuments all over the United States, it is going to take hundreds of millions of dollars.

There is not any question but that this was a battle of considerable moment. I suppose the forces involved in the affair were very small, but nevertheless it was of great consequence.

Mr. PAGE. It was one of the decisive battles.

Mr. SHAFROTH. That may be; it was one of the important battles of that period, and yet, of course, from the number of men that were engaged, no doubt it was very small compared to the armies that were engaged in our Civil War. Nevertheless, if that battle is to be commemorated by a monument erected within a State probably four of five hundred miles from the seat of Government of the United States, I do not see why each one of the battles that were fought during the Civil War should not have a large memorial; and if that is going to be done, where is this policy of erecting monuments to end? I do not know.

I think very few monuments have been erected by the United States in commemoration of battles. I saw one up in Gettysburg on Memorial Day. It was very appropriate that it should be there. It was not such an extraordinary one. I doubt very much whether it cost over $100,000. During the last few months I have had occasion to look at an advertisement which has appeared in the Washington Post, giving pictures of the monuments that have been erected in the city of Washington, together with the amount of the appropriations which have been made by Congress. In the case of nearly every one of those the amount which was appropriated was small. I was surprised to find that the cost of these equestrian statues, with their bases and all, scarcely ever exceeded $75,000 in any case, and yet they are beautiful memorials. They are magnificent, and they are very appropriate in the Capital of the United States.

If we are going to enter upon the policy of commemorating not only the Battle of Lake Erie, but also the Battle of Lake Champlain, where is Valley Forge going to come in? Where are all the other battles to come in—Yorktown and others—that occurred in the Revolutionary War? Are not the people of those localities as much entitled to memorials as these others?

Cornwallis's surrender at Yorktown was a very important surrender, if I remember correctly, and the same is true of a great many of the battles that occurred in the Revolutionary War. Then, if you turn to the War of 1812, you will have a score more, and when you come to the Civil War there will be hundreds and almost thousands; and if each one is appropriated for, the last must have a little more beautiful memorial than that which was appropriated for the year before.

It seems to me that inasmuch as we have not committed ourselves to the erection of memorials outside of the city of Washington, we ought to draw the line here, unless we enter upon a policy which will be well understood, and determine how much ought to be expended on this line. If, however, we are going to let the erection of a monument depend upon whether or not one Senator wants it, we out in Colorado might say: "There ought to be a great monument at Pikes Peak, and we would like to have one there, because it marked an era in the change of the flow of the population of the United States and the discovery of a great country out there."

Mr. GALLINGER. But, Mr. President, the peak itself is a pretty good monument, is it not?

Mr. SHAFROTH. It is a pretty good monument; but Zebulon Pike was a pretty good man, too, and he made the discovery and published to the world the riches that were there. One of the significant things that existed there was that everybody thought that gold was around in the vicinity of Pikes Peak, and it was not discovered until some 30 or 40 years afterwards; and yet that intuition seems to have been true, because the richest gold camp in the United States was found at the base of Pike's Peak.

But, Mr. President, where is this going to lead us? If we are going to appropriate $250,000 for a memorial at Lake Champlain to commemorate the Battle of Lake Champlain, there are any number of battles that are entitled to monuments. We ought to have some kind of a program or else we shall have to pick out the very great battles in the entire United States and appropriate for them. It seems to me, however, that to put as a rider upon an appropriation bill something that will shape itself into a policy of the United States Government with regard to the appropriation of money for luxuries is something that we ought not to do, for the reason that hundreds and perhaps thousands of these memorials will be asked for, and whether or not Congress will give them will depend to a large extent upon the popularity of the Senator making the request. That being the case, we know not where we are so far as finances are concerned if we are going to enter upon a policy of that kind.

Mr. REED. Mr. President, the Senator from Colorado asked the very pertinent question, "Are we likely to lose the results of the victory of Lake Champlain by not erecting this monument?" To that I answer unequivocally, "We are likely to lose one of the best results of that victory if we fail to keep alive its glorious story." We do not erect monuments in solace of the dead. We build them for the inspiration of the living. That nation which neglects the dust of its heroic dead and turns a deaf ear to the voice of patriotism will not long remain great.

In these piping times of peace and expurgated diplomacy we have constantly thrust upon us the philosophy that war is a thing to be abominated and that soldiers and sailors who die in defense of home and country are in need of apologists. I, in common with all others, would like to behold the sunrise of the millenium, when the lion and the lamb may lie down together and the white dove of peace hover over every land. But, sir, he is blind, indeed, who does not recognize the fact that as the world is now constituted, the life of the Republic, the liberties of its citizens, their right to walk this earth without clanking the chains of a master, depend in the last analysis upon the valor of the people.

If there be a present menace, it is found in the disposition to commercialize everything. The tenderest sentiments of life are now weighed in the traders' balances. The noblest aspirations and accomplishments of patriotism are valued as they bring in revenue. Nothing is any longer of account unless we can reduce it to dollars and pence.

I utterly abominate that doctrine. I would rather have a people living upon the very verge of poverty, yet recognizing that manhood is the standard of greatness, than to live in a temple of gold, where serfs and sycophants cringe and bow before either the masters of wealth or the masters of power. The greatness of every nation depends upon the individual citizen; and the greatness of every nation in the last analysis depends to a great extent upon the valor of the individual man.

When it is publicly declared that those who have bared their bosoms to the storms of war, who have offered their lives upon the altars of human liberty, shall sleep in unremembered graves; or when we are told that in commemorating their sac-

rifices, their greatness and their valor, we should make careful estimate in cold dollars of the value of their services and count the cost with stingy hand, we have reached the point where valor, patriotism, and sacrifice will be no longer regarded as the noblest duty of the citizen.

Mr. President, the Senator from Vermont uttered a great truth when he said this monument should be built for the boys and girls of Vermont. Aye, sir, it should be built for the boys and girls of the United States. No nation has ever kept alive the fires of patriotism unless it has been willing to honor those who have died in its defense. The peoples who have maintained their liberties and become great have erected noble monuments to their heroes, and covered them with laurels of respect and the flowers of love.

The Temple of Fame was not built as a financial investment. It was erected that the youth of the land might gaze upon it and in the story of the heroic dead gain an inspiration from their example.

I would hang upon the walls of every public building the pictures of our country's patriots and martyrs. I would hold before the youth of the land the story of Lexington and Yorktown, of New Orleans, of Chapultepec, of Lookout Mountain, the Wilderness, and all the great battles in which the sons of America have marched forth to death with cheers upon their lips. I would embalm in song and story the courage of Perry and Farragut, of Jones and Macdonough, of Dewey and Schley, and all the others, officers and men, who did their duty valorously and well.

These heroes have gone, or are fast going, into the land of dreams. Moving across the sunlit fields of life are the children of to-day. The shadowy hosts of the future are pushing forward to take their places in the endless procession that marches across this bank of time. They soon will be the citizens of the Republic. As they approach, I would their eyes might gaze upon statues of marble and of bronze, preserving the heroic figure of George Washington, the intellectual features of Thomas Jefferson, the grizzled visage of Andrew Jackson, the determined countenance of Ulysses S. Grant. I would have them look upon the sorrowful face of Abraham Lincoln and the noble features of Robert E. Lee and Stonewall Jackson. I would also point them to monuments commemorating the deathless courage of Macdonough, and tell them how this man, in a few days of time, hewed from the bosom of the forest his boats of war, and with less men and less guns than were possessed by the proud mistress of the waters wrested from her a glorious victory for our arms and preserved the integrity of the young Republic.

Sir, I count money so used as spent in the interests of humanity, patriotism, and the perpetuation of the liberties of the people of the United States of America.

Mr. THOMAS. Mr. President, I have not been a Member of this body very long, but long enough to realize that the surest road to unpopularity and opposition lies in the effort to economize in public expenditures, and that he who seeks to stay the steady march of appropriations is not only subject to reprisals, but must run counter not only to many interests but to many appeals, which, coming from personal friends and from the insistence of those whom one holds in high regard are extremely difficult to withstand.

I have also discovered, Mr. President, that the average large appropriation in its last analysis is generally defended by an appeal to patriotism. It is therefore no pleasure to me, Mr. President, to occupy an attitude of opposition either to this or to any other of the many appropriations which are swelling the total expenditures of this Government to an appalling aggregate, for I know full well that this, together with other amendments made by the Senate committee to the bill, will be enacted into law unless they can be subjected to points of order.

I regret very much that the character of this appropriation is such as to make personal appeals not to oppose it almost irresistible. I have been struck during this discussion with the fact that appropriations, local in character, in a general appropriation bill, like the removal of tariff duties upon articles of local importance, constitute the chief obstacles to all change. As in the case of a man living on the Pacific coast and there representing a community interest in a particular industry, he seeks to preserve that industry in the exercise and enjoyment of the privilege which is obtained by law, while anxious to remove those privileges in other sections of the country, so each appropriation making up the aggregate of a general appropriation bill appeals, exclusively sometimes, but always appeals more largely in its importance when it is attached than all the rest of the bill combined. Therefore it is perfectly natural, Mr. President, that this appropriation should find its advocates almost entirely from the locality where the money is to be expended.

Mr. President, I believe I am as conscious of the importance of the Battle of Lake Champlain as any other citizen familiar with its history. I believe I am as conscious of the importance of commemorating great events of the Nation's history as can be the Senator from Missouri [Mr. REED]. But I believe, too, that there is a time for all things, and that when a great political party coming into power after an exile of many years at the outset of its campaign focused attention upon national extravagance and pledged itself to the people of the country that it would among other things effect a great reform in that direction if entrusted with power, it is as much the duty of the majority to obey that pledge as it is to conform to any other of its platform obligations.

Yet I am sorry to say that I have seen no evidences of a movement in that direction except as to matters of comparatively insignificant importance, while as to large appropriations liberality marks the occasion of all our actions, with the result that we shall probably appropriate more money in our general appropriation bills than ever before in the history of the country. We are economizing in some directions. For instance, in the senatorial barber shop and bathroom. I could not but think when the eloquent Senator from Vermont was discoursing and discoursing truly upon the virtues and the capacity and the patriotism of the sons of the Green Mountain State, who have occupied places in this Chamber, we should have thought or reflected upon the fact that they in their days of supremacy patronized the bathrooms and barber shops of the Senate, and, consequently, imparted an atmosphere of sanctity to the precincts of that place to which we all resort, and, as a consequence, should have withdrawn the hands of economy when stretched out in that direction.

Mr. President, some time ago, I think it was in one of the bills that has been considered by this Congress, an effort was made to increase the salaries of worthy occupants of official positions in some of the departments here, and particularly in the Department of the Treasury. I recall that of the chief clerk of the Customs Division, who by dint of hard work and attention to duty saved this Government last year $120,000. It was proposed to increase his somewhat meager salary some $500 a year, but that brand of economy which occasionally overtakes the Congress of the United States then came to the front and the allowance was denied.

I mention this not by way of invidious distinction, Mr. President, but merely to illustrate a number of similar instances in which we are prone to economize; and I have been unable to observe that, except in these smaller matters, which, of course, are relatively important, there is any spirit upon either side of this Chamber to administer the revenues of the country in the manner in which they should be administered and to the end of true economy.

Mr. President, I have seldom listened to a more eloquent tribute to valor and patriotism than that which has just fallen from the lips of the junior Senator from Missouri. There is much to be commended in the attitude which he has taken, but to my mind the most tremendous effect of war is the enormous burden of permanent expenditures and debt which it places upon the best shoulders of future generations.

The Senator spoke of the generations which are to come and take our places as they successively appear upon the stage of action. They should have their minds stimulated and their hearts fortified with enduring patriotism by erecting monuments everywhere over the country to commemorate the valor and achievements of other days, and thus appeal to those sentiments and keep them alive forever more.

Mr. President, there is another side to the picture, for upon the shoulders of that shadowy multitude rest thousands of millions of debt, the heritage of war and of conflict, which these generations must forever bear, together with the constant accumulations which each successive period of strife adds to the mighty burden.

I would that war, with all its horrors and all its destruction and all its agonies, might be swept forever from the pathway of human history. To my mind the great value of monuments erected to the commemoration of those struggles is the lesson which they teach of sacrifice, of expenditure, of suffering, and of bloodshed, and that lesson, rightly learned and correctly interpreted, should warn the generations which witness these memorials of past triumphs against the repetition of conflicts when by honorable means they can be avoided.

Mr. President, I am sensible of the absence of the two Senators from the State of New York, and I would that this matter might come up at some time when one or the other of them were present; but, of course, it is not my fault nor the fault of any

have the control of Lake Champlain, 100 miles in length, through which supplies from her base at Montreal could be carried to the invading army.

The year previous to that there had been a disaster on Lake Champlain; two vessels of the Government had been destroyed; and the situation was considered so acute by the Government that the Secretary of the Navy wrote a letter under date of June 17, 1813, to Commodore Macdonough, in which he says:

> It now only remains to regain by every possible exertion the ascendency which we have lost, for which purpose you are authorized to purchase, arm, and equip in an effective manner two of the best sloops or other vessels to be procured on the lake.

Later in the letter he uses this language:

> You are to understand that upon no account are you to suffer the enemy to gain the ascendency on Lake Champlain; and as you have now unlimited authority to procure the necessary resources of men, materials, and munitions for that purpose, I rely upon your efficient and prudent use of the authority vested in you.

It was the clear-sighted view of the Secretary of the Navy that the control of Lake Champlain was absolutely necessary to the defense of America against the invasion of Prevost. But the story is not half told without remembering how Macdonough, going into Otter Creek at the foot of the falls near Vergennes, on the Vermont side, built the fleet with which the battle was fought, and the *Saratoga*, from which he commanded the battle, was completed and launched within 40 days from the time that the trees were cut in the forest.

What was the result of that battle? I do not propose to take the time of the Senate in describing it. It is mentioned by Col. Roosevelt in his history, by Capt. Mahan, by McMaster, and by every historian who has written on the subject as being the decisive battle of the War of 1812 between the United States and Great Britain and the one which brought about an honorable peace. Prevost had invaded our country with those veterans of Wellington; he reached Plattsburg and there met the militia of New York and of Vermont, who made a stubborn and successful defense. When Macdonough came into Cumberland Bay and won a signal victory—and it was one of the most signal victories of the war—and destroyed the British fleet, Prevost was compelled to retreat to Moutreal with his army, his source of supplies being cut off, and the news of the disaster reaching England within a month after that time, it changed the whole course of events. Conditions in the United States were considered so critical that Wellington was asked to come to take command of the English troops in this country. In the letter written in reply to that request, he said:

> Neither I nor anyone else can achieve success in the way of conquests unless you have naval superiority on the Lakes. That was what was needed—not a general nor general officers and troops. Till that superiority is acquired it is impossible, according to my notion, to maintain an army in such a situation as to keep the enemy out of the whole frontier, much less to make any conquest from the enemy, which, with those superior means, might, with reasonable hopes of success, be undertaken. * * * The question is whether we can obtain this naval superiority on the Lakes. If we can not, I shall do you but little good in America; and I shall go there only to prove the truth of Prevost's defense and to sign a peace which might as well be signed now.

Thus, Mr. President, in very brief form I have presented the importance of this victory. It vastly outranks the victory of Perry—I do not mean in valor, but in its effect in shaping the history of our country—and yet last year we made an appropriation of $250,000, through which the Perry memorial has been erected on Lake Erie. New York cooperated in that scheme, and New York has now come forward with an appropriation already made of $125,000 to commemorate Macdonough's victory. Vermont has made an appropriation for the same purpose, small, to be sure, but according to her means. These States have come to Congress asking that this great and signal victory of Macdonough on Lake Champlain which destroyed the British fleet, prevented the invasion of New England and of New York, and which ended the war shall be suitably commemorated, and that Congress shall make this appropriation in order that the victory may be assigned that place in history to which its importance entitles it.

Not only that, Mr. President, but the points designated for these great memorials are points where memorials should be established. Lake Champlain is the great highway between Canada and New York and New England. Tourists in large numbers are passing up and down that lake; commerce is traversing its course during the entire summer of every year; and a great memorial placed upon Cumberland Head will be one that will be gazed upon by countless thousands during the ages to come.

I trust that my friend from Colorado will let us act upon this amendment. I have made this statement merely as an appeal to him, because I recognize the danger that lies in the suggestion he has made.

Mr. THOMAS. Before the Senator takes his seat I should like to inquire whether he thinks that the results of that battle are going to be at all imperiled by the defeat of this appropriation?

Mr. DILLINGHAM. Not at all. It resulted in a treaty of peace with Great Britain in which, as has been suggested by the Senator from New Hampshire [Mr. GALLINGER], we achieved our second independence. But Macdonough's great victory was the one incident in that war which more than any other brought us an honorable peace and gave us a higher place among the nations.

Mr. GALLINGER. Mr. President, I simply want to add that the British fleet was superior to our fleet in both ships and men, and that the victory was therefore all the more to the credit of Macdonough and the men who cooperated with him.

I want to read just a line or two from what Capt. Mahan, who is recognised the world over as perhaps as good an authority on naval matters as any man living, has said regarding the Battle of Lake Champlain:

> The Battle of Lake Champlain, more nearly than any other incident of the War of 1812, merits the word "decisive"—decisive not merely in relation to immediate military results, but in relation to political questions involved in the pending negotiations for peace.

As the Senator from Vermont [Mr. DILLINGHAM] has suggested, every other writer on the history of those times has paid a similar tribute to Macdonough and to the men who cooperated with him on the water and to our forces on the land which drove Prevost back to Canada with his shattered army. The truth is, the Battle of Lake Champlain practically ended the war, the treaty of Ghent being signed on Christmas Eve, 1814.

Mr. THOMAS. Mr. President, I should like to ask the Senator before he takes his seat if he does not think that it is becoming more expensive to commemorate great victories than it is to win one?

Mr. GALLINGER. Well, Mr. President, if we had not won this victory we would not be planning to commemorate it.

Mr. SAULSBURY. Mr. President, I want to add my voice to the requests of the senior Senator from New Hampshire [Mr. GALLINGER] and the Senator from Vermont [Mr. DILLINGHAM]. I regret very much that the Senators from the State of New York, who have proposed a resolution commemorating this victory, are not here, but I feel a peculiar interest in the matter and that I should do what I can toward securing a proper memorial to one of the greatest men who ever was born in my State—Commodore Macdonough. The great bravery and the great skill shown by him as a naval officer at the Battle of Lake Champlain may have enabled us to preserve our present boundaries for this country.

I want to call the attention of the Senator from Colorado to the fact that after the victory of Lake Erie the war had gone on for upward of a year, and the victory of Lake Champlain occurred on the 11th day of September, when our envoys were negotiating and preparing the treaty of peace which was signed on Christmas Eve, 1814.

The Battle of New Orleans really had nothing, of course, to do with the termination of the War of 1812, but when the victory on Lake Champlain occurred, which was due entirely, as the Senator will find if he will examine the records, to the skill of one naval officer, and against great odds, both in men and metal, Great Britain found that she could not continue that war. The commendation given to Commodore Macdonough by the Secretary of the Navy, I think, is worth reading to the Senate. I have a copy of the letter written by the Secretary, dated the 19th of September, as follows:

> NAVY DEPARTMENT, *September 19, 1814.*
>
> THOMAS MACDONOUGH, Esq.,
> *Commanding the United States Naval Force on Lake Champlain, Plattsburg.*
>
> SIR: With the highest gratification which noble deeds can inspire, I acknowledge the receipt of your letter of the 11th instant announcing the glorious victory which your skill and valor, aided by the intrepidity and discipline of your gallant associates, had achieved over a confident, vigorous, and powerful foe. Our laws, hitherto the objects only of natural curiosity, shall fill the page of future history with the bright annals of our country's fame and the imperishable renown of our naval heroes.
>
> "Tis not alone the brilliancy of your victory in a naval view, but its importance and beneficial results that will fix the attention and command the gratitude of your admiring country.
>
> Accept, sir, the assurance of the high respect and warm approbation of the President of the United States, which I am commanded to present, and my sincere congratulations.
>
> Very respectfully, your obedient servant,
>
> W. JONES.

On the 3d of October, 1814, the victory of Lake Champlain was under consideration in the Senate, and the thanks of Congress were extended to Commodore Thomas Macdonough and his officers, petty officers, seamen, and marines, and medals were ordered distributed to them.

I want to remind the Senator from Colorado that on that day in the House of Representatives, due to the invasion of this portion of the country by the British forces, there was a tie vote as to the removal of the seat of Government from where it now is and where it has been since it was first established. The conditions in this country were such that a man such as Macdonough was needed to establish the fame and prowess of America.

Memorials to heroism, I think, we can everywhere afford to erect for the commemoration of great events, and there is no dispute, Mr. President, in regard to the greatness of this victory. McMaster in his History of the American People says:

> The fight in Plattsburg Bay was undoubtedly the greatest naval battle of the war, and the victory stamped Macdonough as the ablest sea captain our country produced down to the rebellion.

Capt. Mahan said regarding the effect of this battle:

> The Battle of Lake Champlain, more nearly than any other incident of the War of 1812, merits the word "decisive"—decisive not merely in relation to immediate military results, but in relation to political questions involved in the pending negotiations for peace. (Capt. A. T. Mahan, U. S. N., in his "Sea Power in its Relations to the War of 1812.")

Those political negotiations, Mr. President, I have briefly alluded to. There is little doubt that the victory of Commodore Macdonough on Lake Champlain contributed very largely to the favorable terms of peace, more favorable, I think, than this Government had expected, when they were completed on Christmas Eve in 1814.

The conclusive character of that victory has been recognized by every writer on the subject. President Roosevelt, in his "Naval War of 1812," said:

> Macdonough in this battle won a higher fame than any other commander of the war, British or American. He had a decidedly superior force to contend against, the officers and men of the two sides being about on a par in every respect; and it was solely owing to his foresight and resource that he won the victory.

I sincerely hope that the Senator from Colorado will not press his point of order in such a matter as this. It is due to the memory of this great naval officer, and it is due to the States which are taking so much interest in this matter, I think, that the Congress of the United States should act.

Mr. PAGE. Mr. President, I want to make another appeal to the Senator from Colorado. He and I have usually been able to work pretty well together in matters of appropriation. I know he feels that the annual appropriation bills are aggregating too much, and that we ought to slice off something somewhere; and he thinks perhaps there is no better place than this to begin.

Mr. THOMAS. Mr. President, does not the Senator think so, as well as the Senator from Colorado?

Mr. PAGE. I do; but I want to suggest to the Senator from Colorado that we have been appropriating large sums of money to take care of the arid and semiarid regions of his State and of the West generally; we have been appropriating large sums of money to take care of cotton in the South in the eradication of the boll weevil; and we have gone out into the Middle West, at the suggestion of the junior Senator from Iowa [Mr. KENYON], and have appropriated hundreds of thousands of dollars for the hog.

Now, I want to suggest to the Senator from Colorado that this appropriation is for the benefit of the American boy and the American girl, and while we are conserving everything else let us not entirely neglect the next generation.

A good friend of mine, a brother Senator, took me last night down to the Mall, and as we passed along he said: "There is the site of the new Lincoln memorial. They are going to raise the elevation there 40 feet over a large area, and then we are going to spend millions of dollars to erect the memorial." I do not regard that money as lost. The people of this country are coming here to Washington, and they are going to see that memorial. It is going to teach them lessons of patriotism, and we are going to have better citizens because of such memorials.

I confess that a memorial built upon Lake Champlain will not be seen by as many people as would one here in Washington; although I want to suggest, in passing, to the Senator from Colorado that the State of New York has already opened up the waterway from Albany, on the Hudson River, to Lake Champlain, and we have already made appropriations to begin the work of opening up the lower end of Lake Champlain, so that vessels drawing 10, 11, and perhaps 12 feet of water can pass through; and I have personally conversed with people from Canada who are very enthusiastic in regard to the opening up of the Richelieu River, so that when we can meet them at the border line a waterway will be open from New York City down to the St. Lawrence River. I verily believe that in the next 10 years you are going to see a traffic through Lake Champlain that will be truly surprising. If we place a memorial there, we are going to place it where a great many thousand people will see it every year. Do not for a moment believe that it will be buried in Lake Champlain.

We talk diminutively of Lake Champlain, but I want my brother Senators to remember that it is the greatest body of fresh water entirely within the United States. We have our Lake Superior and Lake Michigan, our Lake Huron and Lake Erie and Lake Ontario, but they are all on the border and in part in another country. I mention this because I do not like to have Senators speak diminutively of this lake or of the number of people who will see this memorial.

But I come to the Senator from Colorado in a more personal way. I want to speak for the Vermont boy and the Vermont girl. I know he himself appreciates them, because we have furnished to his great State a United States Senator, a governor, and only a short time ago the Senator told me of the recent death of one of Vermont's sons who had been speaker of the house of the State of Colorado, and all of them were residents of his own city—Denver.

I do not believe the Senator realizes the position that Vermont occupies with reference to her sister States. No other State in the Union begins to furnish as large a percentage of her native sons to go out and help build sister States as Vermont. Now, I appeal to the Senator from Colorado to let us have a memorial there. You have given them to other States. My colleague has explained, better than I can, what we gave to Lake Erie. Since Vermont and New York have joined together to pay a good part of the expense, let us have a small donation from the Federal Government to give us an educational memorial on Lake Champlain, on the borders of these States.

I was called to Chicago in 1892 to speak to the sons of Vermont there, and one of the things I talked about when I reached Chicago was the preponderance of Vermont strength in this honorable body in the year 1892. Upon an examination I found that we had 13 times as many Senators as we would be entitled to here were the representation based upon our population. The chair of the Vice President was occupied by Morton, born in Shoreham, Vt. On this side sat the great constitutional lawyer, Edmunds. I speak of these men because I believe that not only in numbers but in real mental strength we were perhaps very much larger than our size numerically. On the Democratic side of the Senate sat one of the ablest Senators of the West, former Postmaster General Vilas, of Wisconsin. I remember that either Matt Carpenter or Philetus Sawyer, I do not now recall which, then represented the State of Wisconsin in this body, both of them sons of Vermont. On this side was that great statesman, who longer than any other served his country in Congress—the distinguished author of the agricultural college bill—Justin S. Morrill.

Mr. WHITE. Mr. President, will the Senator from Vermont yield to me?

Mr. PAGE. With pleasure.

Mr. WHITE. I just wanted to ask the Senator if he did not think possibly the Senators from Vermont had confined themselves too closely to that side of the Chamber; that some of them ought to have come over on this side and helped us?

Mr. PAGE. Well, we did not send a great many Democrats, but those we did send were of the very highest order. We made up in quality what we lacked in quantity. As an example, I call the attention of the Senator from Alabama to Cleveland's Postmaster General, Senator Vilas.

Senator Morrill sat in the Senate not quite as long as Senator Allison, but as a Member of Congress he was in both Houses longer than any other man that ever lived, and probably longer than any other man that ever will live. For almost 44 consecutive years he occupied a seat in Congress.

I might go on and mention the many distinguished Vermonters who have sat in this Senate, but time will not permit; but I do wish to impress upon my friend from Colorado the peculiarity of these Vermont Senators. Not a single one of them came from a town having as many as 1,250 population. They were boys who had to break their own roads through the snowdrifts to the little red schoolhouse. Mr. President, our Vermont farmers and their wives are notably thrifty, and they have been compelled to lead prudent lives in order that they might rear their sons and daughters and give them an education suitable to fit them for life. The moment the Vermont boys reach manhood and are able to take a broad view of life, they start for wider fields, and the result is that Vermont supplies the rest of the country with the best of her sons and daughters.

because the impurities which are now flowing into the creek under the arch will be cared for by the sanitary sewer system.

To carry into effect the recommendations embodied in the report will require appropriations by Congress as follows:

For labor and material for perfecting a sanitary sewer system in the city of Hot Springs, the installation and operation of an experimental purification plant, and providing purification tanks in connection with such system, $96,595.

For labor and material required in the installation of a drainage system in the city of Hot Springs, to care for storm waters from the mountains on the Hot Springs Reservation, $237,840.

That is the amount carried in this amendment, while on the preceding page the estimate is fixed at $327,540, including $89,700 for extending the Hot Springs Creek Arch. It is said, however, that the installation of the sanitary sewer system will obviate this portion of the expense, and thus the amount of $237,840 is arrived at for a drainage system in the city of Hot Springs.

The report of the Secretary concludes:

The sewerage system in the city of Hot Springs appears to be such as to require early measures looking to the betterment thereof, and I therefore commend your favorable consideration to the report herewith transmitted, to the end that the appropriations necessary for the completion of the work be provided by Congress.

My first impression was that this was a report made by the Engineer Corps, but it seems that such is not the case. The report is transmitted by Sledge Tatum, geographer, to Mr. George Otis Smith, Director of the Geological Survey, who transmits the report to the Secretary of the Interior. There is a lengthy report of 15 pages with numerous diagrams, transmitted by Mr. George W. Barnett, consulting engineer, of Athens, Ga.

I will not detain the Senate in order to read further quotations from this report. The question is a very clear one. It is whether the United States shall appropriate for a drainage system in a city which already has a permanent population of 15,000 inhabitants because of the ownership of a certain amount of land in the neighborhood.

Another argument may be raised in support of this appropriation, and that is that this water, which must be drained from the city, flows from lands of the United States; but what obligation does that impose upon the United States to complete a drainage system in the city? The city is evidently built in a locality over which, by reason of the topography, water drains. It is presumed that with their eyes open the founders of the city located it there.

There is still another point that I presume will be alleged in behalf of this appropriation, and that is that the United States owns a considerable quantity of land, perhaps a thousand acres, in this neighborhood on which it pays no taxes. But, Mr. President, are we to adopt the precedent that wherever the United States owns land it should pay for drainage and other improvements in the locality? As I understand the situation, the location of this Government reservation, with the expense incurred in its improvement and development by the United States, is the main cause of the prosperity of that city. So instead of considering this reservation, whatever the number of acres may be, as a reason for making the appropriation, it is rather a reason why a prosperous city, the growth of which has been promoted by the activities of the United States on the land owned by it, should itself bear the expense.

There is just one further point, Mr. President. For some reason which I can not understand the appropriation for the installation of a sewerage system, which, according to the report, seems to be the most pressing, is not included here. The amount estimated for that is $96,595. In this case the committee seem to have selected the larger appropriation and the one which is least pressing.

Mr. CLARKE of Arkansas. Mr. President, an intimate knowledge of the locality involved here would have enabled the Senator from Ohio to come nearer redeeming his reputation for accurate and definite statement than he has been able to do by reason of the fact that he is not thus acquainted with the situation.

This Hot Springs Reservation is one of the national reservations of the National Government. The city of Hot Springs is partly within the reservation and partly without.

This drainage problem is an old controversy. It is difficult of equitable adjustment by reason of the fact that the property of the National Government is not subject to taxation. If all the property in the locality was in private ownership, this difficulty would be very readily disposed of under the taxing power, under the power to create an improvement district for the purpose of remedying an obvious evil. Because the local authorities can not reach the Government's property by the process of taxation, it becomes necessary to work out an equitable adjustment through some plan of this kind.

As the city of Hot Springs grows in importance and the curative properties of the water there become known throughout the world—people resort to it for a number of ailments which can not be successfully treated elsewhere—it becomes necessary to settle this vital question of drainage. Parts of the city have become uninhabitable at times by reason of the overflows therein from storm waters flowing down from the mountain sides, the property of the General Government. This property of the United States is, of course, exempt from all forms of taxation. It has therefore become necessary to agitate this question for a number of years, with a view to the settlement by some form of joint action with the General Government; to determine just exactly how much of the cost of remedying this difficulty is to be attributed to inability to tax the national property. It was also deemed important to find out how the cost of a drainage system should be distributed—what part should be done by the Government and how much should be taken care of by the local authorities through the taxation of local property. Accordingly, a thorough survey and estimate was directed by Congress, which was paid for in part by the city of Hot Springs and in part by the National Government.

The board of engineers went down there and made a thorough examination on the ground of the entire surroundings, not only the physical surrounding, but the political condition with reference to ownership and the right of taxation, and as a result a report was made. It was found that it was proper for the National Government to spend $237,000 for building a drainage system, which will be, when completed, partly upon Government property. The demand for an improvement in the drainage is made necessary largely by the use of the Government property, for it is a fact that about 20 bathhouses are in constant operation in that city, the discharge from which constitutes no small part of the flow that must be taken care of and carried to a point of safety. The indicated adjustment was an equitable one in the judgment of the Secretary of the Interior, and he recommended this appropriation.

There will be lots of things for the city of Hot Springs to do after the United States shall do what they are required to do by the pending amendment, as there have been lots of things done by that city heretofore. It is one of the most highly taxed communities in the world. It has a multitude of obligations resting on it by reason of the presence and character of the hot springs, which attract people there as to no other city in the world. The local community has expended hundreds of thousands of dollars in their attempt to control this overflow, and as the city grows its limits encroach upon territory that was formerly the basin for this water. It has now become a matter of urgent necessity to do something toward its intelligent reclamation.

The matter was adjusted by the report made under the direction of the Secretary of the Interior, and the amount named in the pending amendment was the part of the expense that was set aside for payment by the National Government. It is a mere fraction of the entire expenditure involved in all the related improvements that are required.

The city of Hot Springs has constructed an extensive sewer system, and it spent hundreds of thousands of dollars on it, but this proposed drainage system is necessary to take care of the storm and flood waters, and the sewer system will then be enlarged in order to be made available in connection with the larger improvement made by the Government.

It is a case where, if it existed between private individuals and the local authorities, a proper adjustment could take place by direct negotiation without the necessity of doing so in the fragmentary way that inevitably happens when we discuss situations of this kind here.

The questions, which are technical in character, have heretofore been submitted to a board that had authority and capacity to investigate thoroughly and dispose of all questions involved fairly and justly. The executive officers who passed upon all the questions have said that this is the proper expenditure of money for the National Government to make in view of its attitude as coproprietor there. That board fixed the part that should be paid by the Government in dollars and cents, and made a report as detailed as it was possible to make on the subject, fixing the amount named in the amendment.

If is entirely proper that the Government, owning one part of the city, shall in some proper way voluntarily contribute to the expense of maintaining the city up to the standard of modern municipal management. Nothing is more injurious to the public health in a crowded community than an inadequate drainage system.

This is not an appeal to Congress to make a new precedent on anything. It is a case where the National Government owns

a reservation, and it is necessary that certain things shall be done on that reservation and in the vicinity of it, and in doing this involves cooperation and joint outlay of money.

The city of Hot Springs will have its burdens to look after when the drainage system is perfected, and the National Government ought now to do what was recommended by those who made a detailed and intelligent investigation of the situation.

Mr. KENYON. May I ask the Senator from Arkansas a question?

Mr. CLARKE of Arkansas. Certainly.

Mr. KENYON. I wish the Senator would explain to the Senate what is the situation there. This Government reservation is on a great mountain.

Mr. CLARKE of Arkansas. There are two mountains and they form a valley in which the principal part of the city of Hot Springs is built.

Mr. KENYON. The city of Hot Springs is built along one side and winds up through the mountain?

Mr. CLARKE of Arkansas. Yes.

Mr. KENYON. And this water pours down from the Government reservation on the streets?

Mr. CLARKE of Arkansas. That is true.

Mr. KENYON. I have been there when the town was simply flooded and the sewers could not take care of the flood waters. There are a number of leased bathhouses on the Government reservation, and there is also, as the Senator knows, a large free bathhouse there where suffering humanity can go and be treated.

Mr. CLARKE of Arkansas. And they go there by thousands.

Mr. KENYON. So the situation at Hot Springs involves something of a national aspect.

Mr. CLARKE of Arkansas. I thank the Senator for his suggestions. These occur to anyone who has ever been on the ground. On one side of the street that forms the valley the Government owns a line of bathhouse sites probably a mile in length. The United States owns several million dollars' worth of property in Hot Springs. There is not any reason why the local authorities should pay all the expenses of protecting the Government property from damage from storm waters.

Mr. GALLINGER. Mr. President, I have never investigated this matter, and hence I ask for information. How did it happen that the Government got a proprietary interest in that community?

Mr. CLARKE of Arkansas. It was reserved by act of Congress when the celebrated Hot Springs were discovered in Territorial days.

Mr. GALLINGER. A long time ago?

Mr. CLARKE of Arkansas. Oh, yes.

Mr. BURTON. May I ask the Senator just the number of acres in the Government reservation?

Mr. CLARKE of Arkansas. Something over 900 and less than a thousand. If that property were subject to taxation, there would not be any trouble about providing an adequate drainage system.

Mr. THOMAS. May I inquire of the Senator from Arkansas whether this appropriation represents the entire cost of the drainage system?

Mr. CLARKE of Arkansas. Yes; but a sewer system in addition to that must be built, and probably will be built largely at city expense, to be connected with the drainage system after its installation.

Mr. BURTON. I had anticipated that a further request would be made for that sewerage system. Why is it omitted? Why is the drainage system selected?

Mr. CLARKE of Arkansas. I do not know of any particular reason for omitting it except that it is useless to have a sewer system until we get a drainage system into which the sewer system can empty. It may turn out after the drainage system has been installed that a further appropriation will be necessary, and if it shall then appear that it is proper and equitable that the General Government should contribute, the demand will then be considered on its merits as may then appear. My impression is that the local authorities will then take care of their part, as they have attempted to take care of it for the past 50 years, until it has almost bankrupted the city in its efforts to do it.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next amendment passed over at the instance of the Senator from Colorado [Mr. THOMAS] is on page 166. The committee report to insert, beginning in line 12:

MACDONOUGH MEMORIAL.

For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, $15,000 of the sum herein appropriated to be paid to a commission appointed by the State of Vermont, and the remainder to a commission appointed by the State of New York, the whole to be applied only with the approval of a commission of three to be appointed by the President of the United States, of whom one shall be chosen from the Army and one from the Navy to represent the National Government in the erection of the proposed memorial: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for the said memorial and celebration, $250,000.

Mr. THOMAS rose.

Mr. GALLINGER. If the Senator will permit me, I wish to say a word. It is a matter of regret to those of us who feel some interest in this amendment that the two Senators from New York are absent, and hence the friends of the measure are laboring under quite a disadvantage.

The Senator from Colorado suggested that he might make a point of order against the amendment. I have an impression that the point of order will not lie if it is made, but I hope it will not be made.

A little time ago Congress appropriated a very liberal amount of money to erect in the city of Washington a beautiful monument to the memory of Admiral Barry, one of our naval heroes. Other monuments have been erected to commemorate the valor of our military and naval heroes. This battle, which occurred in the early days of the Republic—in the year 1814—was one of great consequence. Macdonough sent a message to the Secretary of the Navy under date of September 11, 1814, at which time he was in command of the U. S. S. *Saratoga*, and he said:

The Almighty has been pleased to grant us a signal victory on Lake Champlain in the capture of one frigate, one brig, and two sloops of war of the enemy.

I have the honor to be,
Very respectfully, sir,
Your obedient servant, T. Macdonough,
Commander.

Of that great victory on Lake Champlain I have not read the details very particularly, and I have only an indistinct recollection of it, but it had much to do with securing a victory over the British troops and the British Navy, and permitted us to secure what sometimes has been called our second independence.

In the broad sense this is not a local affair, but a national affair. The State of New York is ready to appropriate $125,000 toward commemorating this event, and I particularly appeal to my friend the Senator from Colorado, who I know takes a broad view of public questions, not to make opposition to the amendment. It does seem to me that Congress can well afford to cooperate with the States of New York and Vermont in commemorating this great event. We contribute out of the Treasury of the United States without any help from any quarter large amounts of money to erect monuments to men who were distinguished in the naval or the military service, and sometimes when they were not in either the naval or the military service. So I make an appeal to the Senator from Colorado that this matter be considered on its merits; and if the Senate sees fit to vote it down, let the Senate do so; but if the Senate feels that this is an event that, in view of the great victory that Macdonough achieved, we can afford to make this appropriation, I hope the Senate will have an opportunity to do so.

Mr. DILLINGHAM. Mr. President, I want to add just a word to what the Senator from New Hampshire [Mr. GALLINGER] has said before the Senator from Colorado [Mr. THOMAS] proceeds.

I doubt very much whether the Battle of Plattsburg and the victory of Macdonough over the British fleet in the harbor of Plattsburg, or its effect in producing the peace which followed that event within 60 days, is fully understood. Those who have recently read the history of those times will remember that the war between Great Britain and France had then recently closed and that Great Britain had turned all of her attention to the war in America, sending 15,000 of Wellington's veterans to Montreal. The plan of campaign was to employ the Champlain Valley, that great avenue between Canada, New York, and New England, as the route through which those troops should march in their attack upon Albany and upon New York, the seat of the American supplies for all our armies in the field at that time, thus separating New England from the rest of the States, and enabling Great Britain to follow out her purpose to secure the Great Lakes of the Central West under her control. In order that her armies should successfully make that advance upon New York, it was necessary that she should

NAYS—51.

Ashurst	Johnson	Page	Smoot
Brady	Jones	Perkins	Sterling
Brandegee	Lane	Pittman	Stone
Bristow	Lea, Md.	Poindexter	Sutherland
Bryan	McLean	Pomerene	Swanson
Burton	Martin, Va.	Ransdell	Thompson
Camden	Martine, N. J.	Saulsbury	Townsend
Catron	Myers	Shafroth	Walsh
Chamberlain	Nelson	Shively	Warren
Cummins	Newlands	Simmons	White
Dillingham	Norris	Smith, Ariz.	Williams
Gallinger	Oliver	Smith, Ga.	Works
Hughes	Overman	Smith, Mich.	

NOT VOTING—38.

Bankhead	Fall	Lippitt	Smith, Md.
Borah	Fletcher	Lodge	Smith, S. C.
Burleigh	Goff	McCumber	Stephenson
Clapp	Gore	O'Gorman	Thomas
Clark, Wyo.	Gronna	Owen	Thornton
Clarke, Ark.	Hollis	Penrose	Tillman
Colt	Kern	Robinson	Weeks
Crawford	La Follette	Root	West
Culberson	Lea, Tenn.	Sherman	
du Pont	Lewis	Shields	

So the motion to reconsider was rejected.

Mr. PERKINS. Mr. President, I send to the desk a letter from the Secretary of War, which I ask to have published in the RECORD without reading.

The VICE PRESIDENT. Without objection, that action will be taken.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, June 29, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations, United States Senate.

MY DEAR SENATOR: I have your reference of June 16 to the amendment intended to be proposed by Senator PERKINS to the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915. You ask that you be furnished with any information relative to this measure in the possession of this department and an opinion as to its merits.

I favor the passage of this bill.

At the present time we are sheltering troops which it is necessary for us to keep at the Presidio in old frame buildings, many of which were built for the soldiers returning from the Philippines many years ago. The existing buildings just mentioned are of plain boards, hastily constructed, and never intended for other than temporary use. There is urgent need for barrack capacity, and if this bill is passed it will serve a doubly useful purpose—it will furnish a dignified and proper shelter for the exhibits to be made by the United States Government at the exposition and be permanently useful for the Army thereafter.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

(Incl.: Proposed amendment.)

Statement of appropriations made for expositions.

Atlanta:		
Act Aug. 18, 1894	$150,000.00	
Do	50,000.00	
		$200,000.00
Barcelona:		
Joint resolution Apr. 11, 1888	25,000.00	
Act Mar. 2, 1895	3,380.96	
		28,380.96
Bergen, joint resolution Feb. 17, 1898 (similar resolution of Jan. 25, 1896, repealed by deficiency act of July 7, 1898)		20,000.00
Berlin, joint resolution Feb. 14, 1880		20,000.00
Bordeaux, France, act Mar. 4, 1907 (deficiency), International Maritime Exposition		15,000.00
Brussels:		
Joint resolution May 11, 1888	$30,000.00	
Act June 11, 1896	5,000.00	
		35,000.00
Buffalo:		
Act Mar. 3, 1899	500,000.00	
Act Mar. 11, 1902	15,000.00	
Act July 1, 1902	500,000.00	
		1,015,000.00
Buenos Aires and Santiago, Chile, act Feb. 25, 1910 (deficiency), International Exhibition at Buenos Aires and Santiago, Chile		75,000.00
Chemnitz:		
Joint resolution Jan 21, 1912	$90,000.00	
Act July 1, 1902	160,000.00	
		250,000.00
Chicago:		
Act Apr. 25, 1890—		
Admission of foreign goods	20,000.00	
Government building	100,000.00	
General expenses	200,000.00	
Act Mar. 3, 1891—		
Board of lady managers	36,000.00	
Government building	300,000.00	
Government exhibit	350,000.00	
World's Columbian Commission	59,500.00	
World's Congress	2,500.00	
Admission of foreign goods	20,000.00	
Act July 13, 1892, branch post offices, extra service	63,000.00	
Act July 19, 1892, naval rendezvous and construction of caravels	50,000.00	
Act Aug. 5, 1892 (sundry civil)—		
Government exhibit	408,250.00	
World's Columbian Commission	125,000.00	
Board of lady managers	110,000.00	
Chicago—Continued.		
Act Aug. 5, 1892 (public act)—		
Transport of steamer "Blake" to Chicago	$4,000.00	
Columbian half dollars	2,500,000.00	
Loss on recoinage of same	50,000.00	
Bronze medals	60,000.00	
Diplomas	43,000.00	
Act Mar. 3, 1893 (sundry civil)—		
Government exhibit	150,750.00	
Naval battleship "Illinois"	10,000.00	
World's Columbian Commission	118,185.00	
Board of lady managers	93,156.00	
Awards, etc	470,880.00	
Awards, board of lady managers	100,000.00	
Act Mar. 3, 1893, naval review, New York Harbor	300,000.00	
Act Mar. 3, 1893 (Indian act), Indian exhibit	25,000.00	
Act Aug. 18, 1894—		
Appreciation of foreign exhibits	2,500.00	
Synopsis of departmental reports	3,500.00	
Act. Feb. 26, 1895—		
Medals and diplomas	20,000.00	
Rental of building for awards	860.00	
Compensation of Director General George R. Davis	18,006.10	
Reimbursement of president of Columbian Commission, T. W. Palmer	1,998.35	
Joint resolution Mar. 13, 1896, distribution of medals and diplomas	15,000.00	
Act June 8, 1896—		
Expenses board of control	247.00	
Claims against World's Columbian Commission	6,517.67	
Indian exhibit	27.07	
Act June 3, 1896, awards division, printers' leaves of absence	3,500.00	
Act July 19, 1897—		
Rental for division of awards	720.00	
Synopsis of departmental reports	98.45	
N. E. Dawson, services to World's Columbian Commission	500.00	
		$5,840,329.64
Chicago and New York, joint resolution Apr. 29, 1914, Forest Products Expositions		10,000.00
Cincinnati:		
1885, act July 7, 1884	$10,000.00	
1888, act May 28, 1888	147,750.00	
		157,750.00
Jamestown, Va.:		
Act Mar. 3, 1905 (Public), Tercentennial Exposition	250,000.00	
Act June 30, 1906 (sundry civil)—		
Government exhibit	200,000.00	
Buildings	350,000.00	
Aid to Jamestown Exposition	250,000.00	
Policing comfort stations, etc	10,000.00	
Aid to Negro Development & Exposition Co	100,000.00	
Piers, Hampton Roads	400,000.00	
Permanent landing pier, Jamestown Island	15,000.00	
Act Feb. 9, 1907—		
Aid to Jamestown Exposition, reimbursable	1,000,000.00	
Piers, Hampton Roads	65,000.00	
Act Mar. 4, 1907 (deficiency)—		
Expenses of United States and foreign troops, Jamestown Exposition	10,000.00	
Expenses of Senate and House committees, opening of Jamestown Exposition	7,000.00	
		2,657,000.00
Liege, Belgium, act Apr. 28, 1904		5,000.00
London:		
1862—		
Act Mar. 3, 1855	$26,000.00	
Act July 27, 1861	2,000.00	
		28,000.00
1883—		
Joint resolution July 18, 1882	50,000.00	
Act Mar. 3, 1883	10,000.00	
Act July 7, 1884	10,000.00	
		70,000.00
Louisville, act July 7, 1884		10,000.00
Madrid:		
Act May 13, 1892	$15,000.00	
Act Aug. 5, 1892	10,000.00	
		25,000.00
Melbourne, act Feb. 1, 1888		50,000.00
Nashville, act Dec. 22, 1896		130,000.00
New Orleans:		
Act May 21, 1884	$1,000,000.00	
Act July 7, 1884	300,000.00	
Act Mar. 3, 1885	350,000.00	
		1,650,000.00
Omaha:		
Act June 4, 1897	200,000.00	
Act July 1, 1898	40,000.00	
		240,000.00
Paris:		
1867—		
Joint resolution July 5, 1866	126,403.00	
Joint resolution Mar. 12, 1867	80,000.00	
		206,403.00
1878—		
Joint resolution Dec. 15, 1877	120,000.00	
Act June 20, 1878	40,000.00	
		160,000.00

Paris—Continued.		
1889—		
Joint resolution May 10, 1888	$250,000.00	
Act Aug. 23, 1894	4.06	
		$250,004.06
1900—		
Act July 19, 1897	25,000.00	
Act July 1, 1898	300,000.00	
Act Mar. 3, 1899	1,000,000.00	
Act Feb. 9, 1900	169,500.00	
Act July 6, 1900	18,000.00	
Act Feb. 18, 1904	13,875.21	
		1,486,375.21
Philadelphia:		
1876—		
Act Mar. 3, 1875	535,750.00	
Act May 1, 1876	73,500.00	
Act Feb. 16, 1876	1,500,000.00	
Act Apr. 17, 1876	40,000.00	
Act Mar. 3, 1877	25,000.00	
Joint resolution June 27, 1879	8,000.00	
Act June 16, 1880	300.00	
Act Mar. 3, 1881	1.19	
Act Mar. 3, 1885	33.40	
		2,182,184.59
1899, act Dec. 21, 1898		350,000.00
Portland, Oreg.:		
Act Apr. 18, 1904—		
Buildings	$250,000.00	
Government exhibit	200,000.00	
Alaska exhibit	25,000.00	
Act Mar. 3, 1905 (deficiency)—		
Expenses Senate committee	4,000.00	
Expenses House committee	6,000.00	
Act June 25, 1910 (deficiency), Alaska exhibit	5.14	
		485,005.14
Quito, Ecuador, act May 27, 1908 (sundry civil), exposition at Quito		50,000.00
Rome and Turin, Italy, act May 6, 1910 (diplomatic), international expositions at Rome and Turin		130,000.00
St. Louis:		
Act June 6, 1900 (sundry civil), expenses of Louisiana Purchase Exposition Commission	$10,000.00	
Act Mar. 3, 1901 (public act)—		
Aid to exposition	5,000,000.00	
Government building	250,000.00	
Act June 28, 1902 (sundry civil)—		
Government building	200,000.00	
Government exhibit	800,000.00	
Life-saving exhibit	8,000.00	
Indian exhibit	40,000.00	
Act Mar. 3, 1903 (sundry civil)—		
Agricultural exhibit	100,000.00	
Alaska exhibit	50,000.00	
Indian Territory exhibit	25,000.00	
Amount contributed by Indian Territory and deposited in Treasury for disbursement	25,000.00	
Act Mar. 3, 1903 (deficiency), expenses of congressional committees at dedication and opening	11,000.00	
Act Feb. 18, 1904—		
Loan, reimbursable	4,000,000.00	
Testing coals and lignites	30,000.00	
Act Apr. 21, 1904, Indian exhibit	25,000.00	
Act Apr. 27, 1904 (deficiency)—		
Model of Capitol	3,500.00	
Testing coals, lignites, and timbers	40,000.00	
Act June 30, 1907 (deficiency), reimbursement to Claude Hough for service	357.50	
		11,217,857.50
San Francisco, act June 23, 1913 (sundry civil), Panama-Pacific International Exposition, Government exhibit	500,000.00	
Now pending in sundry civil bill for fiscal year 1915:		
Government building	500,000.00	
Expenses and salaries of customs service	200,000.00	
Copyright and patent branch office	20,000.00	
		1,220,000.00
Seattle, Wash., Alaska-Yukon-Pacific Exposition:		
Act May 27, 1908 (sundry civil)—		
Government exhibit	200,000.00	
Buildings	250,000.00	
Philippine exhibit	25,000.00	
Alaskan exhibit	100,000.00	
Hawaiian exhibit	25,000.00	
Act Mar. 4, 1909 (sundry civil)—		
Bureau of American Republics exhibit	3,000.00	
Life-saving exhibit	10,500.00	
Act Aug. 5, 1909 (deficiency), buildings	24,000.00	
Act Mar. 4, 1913 (deficiency), Alaskan exhibit	4.34	
		637,504.34
Sydney and Melbourne:		
Joint resolution June 10, 1879	20,000.00	
Act June 16, 1880	8,000.00	
		28,000.00
Tokyo, Japan, act May 22, 1906 (public), international exposition at Tokyo in 1912		50,000.00
Toledo, act Mar. 3, 1909 (repealed)	$500,000.00	
Vienna, joint resolution Feb. 14, 1873		200,000.00

TREASURY DEPARTMENT, *July 7, 1914.*

The VICE PRESIDENT. The Secretary will state the first amendment passed over.

The SECRETARY. The first amendment in the bill passed over is on page 111, beginning in line 10.

Mr. MARTIN of Virginia. Mr. President, before that is taken up, I ask to go back to page 29. There is a little amendment there which I should like to have made. It is in line 1 of the committee amendment.

The VICE PRESIDENT. Without objection, the vote whereby the committee amendment was agreed to will be reconsidered. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "the," where it occurs on page 29, line 1, it is proposed to insert the words "compensation and," so that it will read "for the compensation and expenses of site agents."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. Mr. President, I desire to call the Senator's attention to the wording of that amendment in lines 22 and 23, page 28. I wondered whether that wording would be proper or not, in view of the amendment just offered. The proviso reads:

That the unexpended balance of the appropriation for expenses of site agents contained in the deficiency appropriation act approved October 22—

And so forth.

Does the Senator now desire that the original act shall be changed so that it shall be payable in compensation and expenses?

Mr. MARTIN of Virginia. I do. I have a communication from the department saying that it would be inoperative without it; that they are obliged to pay compensation, or else nobody will go out to incur the expenses.

Mr. SMOOT. I thought the original provision provided only for expenses of site agents.

Mr. MARTIN of Virginia. I have this morning received a communication calling attention to the fact that the original provision will be inoperative without this amendment.

Mr. SMOOT. Of course I have no objection to the amendment, only I thought it seemed a little inconsistent.

The SECRETARY. The first amendment passed over is on page 111, beginning in line 10, relative to the Hot Springs Reservation, Hot Springs, Ark.

Mr. BURTON. Mr. President, I think, at least, this amendment ought to be very thoroughly explained. The Senator from Arkansas [Mr. CLARKE] is a most excellent lawyer, and very well posted on precedents; but I do not know where a precedent can be found under which the mere fact of the ownership of a certain amount of land by the United States Government in the neighborhood justifies furnishing a drainage system for a city—a city which, according to this report, has now a permanent population of 15,000, and a prospective population in 20 years of 60,000. I quote from the report itself, on page 6.

I desire to call attention to the provision which led to this report. I read from document No. 1296, Sixty-second Congress, third session, from a report transmitted by the Department of the Interior, Mr. Walter L. Fisher, Secretary. It is as follows:

In the sundry civil act approved August 24, 1912, provision was made for preliminary survey of the sewer system of the city of Hot Springs, Ark., in the following terms:

"The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000."

I call especial attention to this provision, which follows:

One half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark.

It seems to have been contemplated at that time that the city of Hot Springs should pay at least one-half the expense.

By arrangement between the department and the United States Geological Survey this work was undertaken by Mr. Rodney Tatum, geographer in charge of the Rocky Mountain division of that bureau, and he has submitted his report, which, with accompanying report of J. W. Barnett, consulting engineer, and exhibits, is herewith transmitted for your consideration.

It will be seen therefrom that an estimate is submitted in the sum of $36,595 for labor and material in perfecting a sanitary sewer system in Hot Springs and for conducting an experimental sewer purification plant, together with alternative propositions for providing purification plants in the sum of $70,000 and $32,000, respectively, dependent upon the system adopted as a result of the experience obtained in experimental plant. Estimate is also submitted in the sum of $267,540 for drainage system to cure for storm waters from the mountains on the Hot Springs Reservation, which amount includes $60,700 for extending the Hot Springs Creek Arch from its present terminus on Church Street, in the city of Hot Springs, to South Water Street, approximately the city limits. The installation of the sanitary sewer system, however, it is stated, will obviate the necessity for continuing the Hot Springs Creek Arch, with its present terminus at Church Street,

H. R. 16205. An act for the relief of Davis Smith;

would not be called upon to make any contribution to it. The

tions Committee itself?

invitation.

The President of the United States has seen the necessity of this appropriation. He certainly is the great and leading spirit of the Democratic Party; he has been one of the leaders in this acclaim for economy and of accusation of extravagance which perhaps was properly made against the Republicans. He has asked for this appropriation, and the Secretary of War, who will have charge of its expenditure, has asked for it; and so has the honorable Secretary of State earnestly requested it. The proposition came in here in the natural way; it came to the committee in the proper way; and the committee brought it in here and submitted the amendment. It was laid over a day for everyone to study and for everyone to criticize.

I trust that the amendment will not be reconsidered and that it may be adopted as a part of this bill.

Mr. LANE. Mr. President, I wish to say for the information of the Senator from Mississippi [Mr. VARDAMAN] that the Government really needs this building, and if it will construct a building capable of housing the troops it will be no loss. It is supposed to be erected at a point that is of importance; it is an important fort, where the Government will have to keep troops as long as the Government exists. The troops there are not now properly housed. I have been through the Presidio, and if the money is expended economically and a suitable building is erected for the housing of the troops it will be in no way a loss.

Mr. VARDAMAN. Will the Senator from Oregon yield to me?

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. LANE. I yield.

Mr. VARDAMAN. Does the Senator from Oregon have the idea that the construction of this building is going to be with a view of making it a home for the troops?

Mr. LANE. I do.

Mr. VARDAMAN. Does not the Senator know that the building is going to be constructed in a very different form and after a very different architectural design from that in which it would be if originally constructed for the home of troops?

Mr. LANE. Mr. President, I will answer that question by saying that I think the Government will thereby improve on the present type of building in which we house our troops, and I hope that we shall have sense enough to do so. This building is needed. It can be made artistic and at the same time useful without any extravagant expenditure of money. I trust in its construction the Government will make a change from the old type of building, which is an eyesore. Such buildings can be improved, made to blend into the surroundings, and add beauty to that beautiful spot in San Francisco Bay near the Golden Gate. I hope the Government will do that, so long as the money is not wasted.

Mr. WORKS. Mr. President, I am sorry that the Senator from Mississippi is endeavoring to reopen this question. I think this appropriation is one that it is eminently proper the Government should make. The State of California and the city of San Francisco are not asking any appropriation to aid them to carry on this enterprise. They are living up strictly to the condition that is supposed to have been imposed when the act was passed which enabled San Francisco to hold this great exposition. The Government of the United States has invited foreign nations to participate in the exposition. Their representatives are coming here as our guests, and it would be a singular thing if we should invite foreign nations to exhibit at the exposition and then not do so ourselves as a nation.

The State of California has contributed millions of dollars as a State organization toward the carrying on of this exposition; the different counties in the State have contributed and will make separate exhibits there; various foreign nations have signified their intention to make exhibits at the exposition. We passed an act here that came through the Committee on Industrial Expositions providing for a commission to take care of these guests of ours when they come to this country. I remember that when that bill was under consideration before the Committee on Industrial Expositions the senior Senator from New York [Mr. ROOT], who had had experience in dealing with such questions, insisted that we should have somebody on the ground representing the Government of the United States to take care of the foreign guests; and he instanced certain cases where they had not been properly taken care of—one instance in particular, where, as the Senator stated, the manner in which the exposition was carried on respecting the care that should have been taken and the attention which should have been given to foreign representatives had amounted to almost a national scandal. It was largely through his influence and representations that this commission was provided for. Certainly, if the commission is to act in that respect, the Government should provide the necessary funds to enable it to do so in a proper way. That is one of the items covered by this proposed appropriation.

With respect to the building that is to be constructed, I do not think it is very important whether the building is to be used subsequently by the Government or not. Under the circumstances the Government ought to provide the building; but, as a matter of fact, the building is to be constructed upon Government land. The Presidio at San Francisco, the Government military reservation, is practically in the city of San Francisco, and a part of the grounds owned by the Government are devoted to the exposition.

I do not know whether or not Senators are aware of the fact, but the Government is paying for rent of buildings in San Francisco something like $30,000 a year. I introduced a bill here nearly two years ago providing for the construction of a building for the use of the Army officers and providing for their offices in San Francisco. In one single building in San Francisco the Government is paying $20,000 a year for the offices of Army officers. The appropriation contemplated by the bill introduced by me, for some reason—I do not know why—was not made, although it was recommended by the War Department. There is an opportunity here to comply with what, I think, is an obligation on the part of the Government to provide this building for exposition purposes and at the same time provide the building that I had in contemplation. The building may be used not only for the Army, as has been suggested by the Senator from Wyoming [Mr. WARREN], but offices for the Army officers can be provided in that building, and should be provided, and thereby we will save an immense amount of money in the way of rent.

I think, Mr. President, there is no just ground for the objection to this appropriation made by the Senator from Mississippi, and I hope that the vote by which the amendment was agreed to will not be reconsidered.

Mr. BRANDEGEE. Mr. President, I should like to ask the Senator from California if he can state approximately how much has been raised or pledged by the different governmental subdivisions of California and the State itself and its citizens in aid of this exposition?

Mr. WORKS. Well, I think it will run somewhere near $30,000,000.

Mr. BRANDEGEE. That the people of the State, in one way or another, have raised?

Mr. WORKS. That the people of the State of California have contributed.

Mr. BRANDEGEE. Have they had any help from outside the State?

Mr. WORKS. None, except in the simple way of making exhibits, but nothing to the exposition itself.

Mr. BRANDEGEE. And nothing whatever from the United States Government?

Mr. WORKS. Nothing whatever.

Mr. BURTON. Mr. President, there is one further question which I should like to ask the Senator from California. Is this proposed building so located that it can be utilized by the United States Government for the headquarters of the Army in that section, and for the other purposes for which the United States desires a building?

Mr. WORKS. Certainly it is, Mr. President; it is on the Government military reservation, and just where the headquarters and offices of Army officers ought to be.

Mr. TOWNSEND. Mr. President, I sincerely hope that this provision as it has been adopted will not be changed. I am in hearty accord with many things which the Senator from Mississippi [Mr. VARDAMAN] has said, and with many things which he believes; but I have seen the situation in California, and I think I can say very truthfully that the Panama-Pacific Exposition is to be the most wonderful undertaking of its kind ever known in this country. I have never seen such enterprise as is being manifested in this project at San Francisco.

The Government has entered upon this business. At the beginning was the time to discuss the question as to whether or not we should make an exhibit there; but having authorized the exposition, having invited foreign nations there, and having invited each of the States to take part, it seems to me that it would be far beneath the dignity of our country if it failed to provide for an exhibit, and if it failed to furnish such entertainment as becomes the United States. I am positive that if Senators had investigated the whole situation, if they knew the magnitude and importance of this exposition, they would not hesitate now in making a success of what has been undertaken. Our national dignity and honor are involved, and the Senate should not hesitate to maintain them. So I sincerely trust that this amendment will not be reconsidered.

Mr. MARTINE of New Jersey. Mr. President, I shall have to differ from my friend from Mississippi on his question, though I am in accord with him generally. Heaven knows, his promptings of the desire of economy can not surpass my desire for economy. I have been brought up in a most frugal way all my life and believe in the wisdom of reasonable frugality.

The Senator says that we refused to appropriate sufficient money for the hog cholera and sundry other objects. Well, that is no reason why we should not appropriate money for other good things that may come along. Two wrongs do not make a right. I think we should have appropriated probably more money to exterminate hog cholera, the cotton-boll weevil, and to straighten the Mississippi, and a lot of other things; but I do not believe the people of the United States, these hundred millions of enterprising freemen, will hold us up to ridicule and jest or will censure us for making a reasonable and proper appropriation to entertain those who may come to see the wonders of this glorious land of ours.

We have taken steps recognizing this exposition, and, as has been stated by the Senator from Michigan [Mr. TOWNSEND], it bids fair to rival anything of the kind the world has ever seen. We have invited foreign people here. Now, I say, do not let us be shabby about it; let us treat them nicely and decently, and not niggardly. I would not want a better gauge of liberal hospitality than the gauge of the Senator from Mississippi. I know if he should invite the people of the States of this Union down to his Mississippi home they would be treated roundly, liberally, and most hospitably. I believe the people of the United States sympathize with that thought and with that idea.

Ah, Mr. President, our friends say they want to get back to the days of Jeffersonian simplicity. Why, it seems to me, if I can remember the things I have read, and the glories of Monticello that I have seen around there, that Jefferson was the most liberal entertainer of that time. Somebody has said that he bankrupted himself by entertaining; but whether that be so or not I do not know. He was, however, a liberal entertainer.

Mr. VARDAMAN. He was a liberal entertainer in the disposition of his own money, but he was a servant of the people and he bodied forth in his official life that sublime idea. That is what I should like to see the American people imitate to-day and return to that long discarded honorable custom.

Mr. MARTINE of New Jersey. I realize the fact that we are some days beyond the day in which he entertained in the simplicity to which the Senator makes reference. I think the Father of his Country, as we choose to call him, George Washington, in his Mount Vernon home, was a very liberal entertainer.

Whether they were or not, however, the fact is that we have invited the world here. The State of California has expended, so it is said, something like $30,000,000 for the purpose of making this fair the grandest and greatest the world has seen. I am a believer in expositions. I am a believer in fairs, from the county fair on to the state fair, and so on up to the fair of the Nation. I believe that it will bring direct profit to us, that it will open the eyes of myriads of people, that many people will come in contact with each other and give each other better thoughts and better ideas, and the result will be a great step in advance in the glory and welfare and well-being of this Nation of ours.

The VICE PRESIDENT. The question is on the motion to reconsider the vote by which the amendment was agreed to.

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. Mr. President, I think some of the Senators who have just come in do not understand the way the question comes up. I should be glad if the Chair would announce it.

The VICE PRESIDENT. The question is on the motion to reconsider the vote whereby the amendment, commencing in line 20 of page 161 and ending at line 20 of page 162, was adopted on yesterday.

The Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND]. As he is not present, I withhold my vote.

Mr. CRAWFORD (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA]. As he is not present, I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is absent. If privileged to vote, I should vote "nay."

Mr. HOLLIS (when his name was called). I have a general pair with the junior Senator from Maine [Mr. BURLEIGH], who is unavoidably absent from the Senate, and I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the senior Senator from Louisiana [Mr. THORNTON] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Alabama [Mr. BANKHEAD] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair for the day to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a standing pair with the senior Senator from Wyoming [Mr. CLARK]. I am informed by his colleague that, if present, he would vote "nay."

Mr. WARREN. The Senator would do so, as he has expressed himself directly to the effect that he wished to vote for this amendment.

Mr. STONE. That being the case, I feel at liberty to vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON], but I have been informed that if he were present he would vote the same as I will. Therefore I vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the senior Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

The roll call was concluded.

Mr. GALLINGER. I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the senior Senator from North Dakota [Mr. MCCUMBER] and will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I notice that the senior Senator from Maryland [Mr. SMITH] is not present. I have a general pair with him, but I am informed that if present he would vote "nay," so I will allow my vote to stand.

Mr. BRYAN. I desire to announce that my colleague [Mr. FLETCHER] is detained from the Senate on public business, and is paired with the junior Senator from Wyoming [Mr. WARREN].

Mr. SAULSBURY. I am requested to announce that the senior Senator from West Virginia [Mr. CHILTON] is absent from the Senate on official business, and is paired with the senior Senator from New Mexico [Mr. FALL].

Mr. OLIVER. My colleague [Mr. PENROSE] is necessarily absent. If he were present he would vote "nay" on this matter.

Mr. CATRON. My colleague [Mr. FALL] is also necessarily absent. If he were present he would vote "nay."

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness. This announcement may stand for the day.

Mr. GALLINGER. I have been requested to announce the following pairs:

The junior Senator from West Virginia [Mr. GOFF] with the senior Senator from South Carolina [Mr. TILLMAN].

The junior Senator from Wisconsin [Mr. STEPHENSON] with the junior Senator from Oklahoma [Mr. GORE].

The senior Senator from Delaware [Mr. DU PONT] with the senior Senator from Texas [Mr. CULBERSON].

This announcement may stand for the day.

Mr. TOWNSEND. The junior Senator from Arkansas [Mr. ROBINSON] is detained from the Senate on account of illness. This announcement may stand for the day.

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

The result was announced—yeas 7, nays 31, as follows:

YEAS—7.

Clapp	James	Reed	Vardaman
Hitchcock	Kenyon	Sheppard	

A bill (S. 6052) for the relief of Antoinette Du Devoire; to the Committee on Claims.

A bill (S. 6053) granting an increase of pension to John C. McNaight:

A bill (S. 6054) granting an increase of pension to Henry F. Clement;

A bill (S. 6055) granting an increase of pension to Gustav Schoneck; and

A bill (S. 6056) granting an increase of pension to James L. Ackley; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 6057) granting an increase of pension to Edwin Bates; and

A bill (S. 6058) granting . pension to J. H. Short (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 6059) to provide for the erection, furnishing, and equipping of a building in the city of Washington, D. C., for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 6060) granting a pension to David B. Spence; to the Committee on Pensions.

By Mr. POINDEXTER:

A bill (S. 6061) for the relief of Robert W. Thompson; to the Committee on Military Affairs.

By Mr. JOHNSON:

A bill (S. 6062) granting an increase of pension to Johnson G. Trask (with accompanying papers);

A bill (S. 6063) granting an increase of pension to David L. Cross (with accompanying papers); and

A bill (S. 6064) granting a pension to Elander R. Grant; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6065) granting a pension to John G. Berry; to the Committee on Pensions.

AMENDMENTS TO ANTITRUST LAW.

Mr. NEWLANDS submitted two amendments intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which were referred to the Committee on the Judiciary and ordered to be printed.

SOILS OF THE UNITED STATES.

Mr. POINDEXTER submitted the following concurrent resolution (S. Con. Res. 26), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 5,000 additional copies of Bulletin No. 94, Bureau of Soils, on the "Soils of the United States," of which 2,000 copies shall be for the use of the Senate document room and 3,000 copies for the use of the House document room.

WITHDRAWAL OF PAPERS—ABBIE AVERY.

On motion of Mr. HOLLIS, it was

Ordered, That the papers accompanying the bill S. 5601, Sixty-third Congress, granting a pension to Abbie Avery, be withdrawn from the files of the Senate, no adverse report having been made thereon.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 13470. An act for the relief of James Grady;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 13123. An act for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky;

H. R. 15414. An act for the relief of David Mowen; and

H. R. 16713. An act for the relief of Samson Davis.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1062. An act granting a patent to Joseph Robicheau;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead" and acts amendatory thereof and supplemental thereto;

H. R. 2703. An act for the relief of Dreany A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 4266. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 16205. An act for the relief of Davis Smith;

H. R. 16431. An act to validate the homestead entry of William H. Miller; and

H. R. 17045. An act for the relief of William L. Wallis.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 2978. An act for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4628. An act for the relief of N. Ferro;

H. R. 7078. An act for the relief of Mary Macon Howard;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10460. An act for the relief of Mary Cornick;

H. R. 12484. An act to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio;

H. R. 13108. An act for the relief of George H. Hammond;

H. R. 13167. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.90, the same having been erroneously paid by them to the Government of the United States;

H. R. 14670. An act for the relief of Clarence L. George;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16163. An act for the relief of Theodore Bagge; and

H. R. 16795. An act to reimburse the owners of the schooner *Thomas W. H. White*.

H. R. 4952. An act to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903, was read twice by its title and referred to the Committee on Finance.

TREATIES WITH NICARAGUA AND COLOMBIA.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 421, submitted on the 6th instant by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, it is the desire of the chairman of the Committee on Foreign Relations that the resolution shall go over for a day without prejudice, and I therefore make that request.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution will go over without prejudice.

Mr. WILLIAMS. The request is simply that the resolution shall go over without prejudice.

The VICE PRESIDENT. It is.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. VARDAMAN. Mr. President, I wish to call up the motion made by me last evening to reconsider the vote by which the appropriation was made for the Panama-Pacific International Exposition.

It seems to me that the Senate of the United States has well nigh lost its head on the question of appropriations. Every idea of economy has been thrown to the winds and the source of the Government's revenue has been forgotten. The Democratic Party came into power pledged to economy and retrenchment in public expenditures. Notwithstanding that pledge to the people I am advised that the prospects are that this is going to be the most expensive Congress in the history of the Nation. The American people are long-suffering and patient, slow to anger, and full of love and the spirit of forgiveness, but forbearance ceases to be a virtue after a while and they will not always tolerate such perfidious betrayal of promises.

When the exposition was carried to San Francisco it was distinctly understood that the Government of the United States would not be called upon to make any contribution to it. The

advocates of this measure, however, maintain that this is not an appropriation to the Panama Exposition at San Francisco, but simply an appropriation to construct a building to house the exhibits of the National Government, and the house is to be used after the exposition for military purposes. We all know that that is a mere subterfuge. A building suited to the purposes to which it will be devoted during the exposition will not be useful as barracks or as an arsenal. If the United States Government is to have an exhibit there, under the original agreement by which the exposition was carried to San Francisco it becomes the duty of the city of San Francisco to provide that building.

Mr. President, I wish it distinctly understood that I have no sort of feeling in this matter because the exposition did not go to New Orleans. That was a matter in which I had very little interest then or have now.

Not only do I object to appropriating $500,000 to build a house, but I object more strenuously to the $50,000 of the $500,000 which is to be used for entertaining purposes. Commissioners are to be appointed, clerks hired, and this vast sum of money is to be expended to entertain the representatives of other Governments who may come there by the invitation of the President of the United States. A fat job without work; a good time and plenty of fun while the dollars coined of the sweat and blood of the long-suffering, silent, toiling masses go to pay the bills.

Some people may think that necessary, and, it may be, to make the exposition a success in the sense that some people think it is necessary to make it a success, but there are more material things, there are things of more moment, of more importance, which are needed in this country. Here, on yesterday, the question was raised and opposition was made to a meritorious measure designed to ameliorate the condition and relieve the sufferings of the toiling millions of this country; to bring about a better understanding between capital and labor; to save the children of the poor from the crushing, cruel consequences of indigence and want. The Government was too poor to spend the $250,000 for that purpose. The Government was too poor to spend $500,000 or $1,000,000 in order to exterminate diseases among live stock, as cholera among the hogs of Iowa, which take heavily from the product of these upon whose tired backs the whole burden of commerce and Government rests. The Government was too poor to spend money to eradicate the boll weevil and other pests that destroy the farmers' crops, and yet it is amply able to spend $50,000 for entertaining and $450,000 for a house at the San Francisco Exposition.

Mr. President, I think the world has gone mad on this question of society. The social moth burns its gilded wings in the flame which is fed by the substance of the poor man's toil, while the children of the wealth producer are denied the necessaries of life. I wish we could go back to that dignified, glorious simplicity which characterized the official life of Thomas Jefferson. I wish we could get away "from the degrading social wants that sin against the strength of youth and the social lies that warp us from the living truth" and come back to the old democratic way of doing things.

I regret to oppose this appropriation because of the interest which my good friend the distinguished and amiable Senator from California [Mr. PERKINS] has in it, but, Mr. President, I can not be true to the people whom I represent here and permit this needless expenditure, this prodigality of public funds, to be made without making an earnest protest against it.

The Chair on yesterday ruled against my point of order. I am going to ask the Chair to review its ruling. I am going to ask the Chair to consider what this amendment is. The rules of the Senate provide that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

That is what this is. It is a senatorial item—

unless it be made to carry out the provisions of some existing law—

There is no provision of law authorizing the formation of this social court which is to be maintained at San Francisco during the exposition at public expense—

or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

2. All amendments to general appropriation bills moved by direction of a standing or select committee of the Senate, proposing to increase an appropriation already contained in the bill, or to add new items of appropriation, shall, at least one day before they are considered, be referred to the Committee on Appropriations.

This has not been done.

The VICE PRESIDENT. Does the Senator from Mississippi dispute the fact that this amendment comes from the Appropriations Committee itself?

Mr. VARDAMAN. That is true, Mr. President, but it had not been introduced and referred to that committee, as the rules prescribe, at least one day in advance; but if the Chair should differ from me as to that, I will suggest that this is an appropriation made for the maintenance of an office which this bill creates, and not an office that has been created by law heretofore.

The VICE PRESIDENT. What office is that?

Mr. VARDAMAN. I will read the provision to the Chair. It is as follows:

Provided further, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign Governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

Is not that creating an office?

The VICE PRESIDENT. What office does it create?

Mr. VARDAMAN. The office of general entertainer. [Laughter.]

The VICE PRESIDENT. It is not "so nominated in the bond."

Mr. VARDAMAN. That is the meaning of it; that is the language of the law; that is the wording of the bond, Mr. President.

The VICE PRESIDENT. The Chair looks upon it as a limitation upon the expenditure of the appropriation——

Mr. VARDAMAN. It is not a limitation; it is a direction. It is also the creation of a new office or function.

The VICE PRESIDENT. And the authority has already been granted by Congress to the President of the United States to extend invitations. The Chair expresses no view upon the advisability or propriety of making the appropriation, but the plain reading of the paragraph is that at some time in the past the President was authorized to invite as the guests of the Government of the United States certain representatives of foreign powers; and the Chair believes that this is only a limitation on the expenditure of the money, and that it is not creating an office.

Mr. VARDAMAN. Well, Mr. President, I shall submit to the ruling of the Chair, but I sincerely hope that the Senate may refuse to adopt this amendment. At the proper time I shall call for the yeas and nays on it.

Mr. WARREN. Mr. President, just a word regarding the matter. Of course there is no doubt of the accuracy of the decision of the Chair. The amendment can not be attacked on a point of order.

This expenditure, fortunately, is one that can be made without loss or any appreciable loss to the Government, because the brigade post at the Presidio in San Francisco, Cal., only has suitable buildings for little more than one regiment of men where there are over three regiments to be quartered. We are also greatly in need of room for Army officers and Army headquarters, for which we are now paying large rentals. Plans for building proper quarters for troops, similar, perhaps, to plans that are being executed in Honolulu, are of such a nature that the building will require but little alteration—simply the construction of some partitions, and so forth, to adapt it entirely to convenient and economical military use after it has served its purpose to house the Government exhibits during the exposition.

I take no stock in the averment that the agreement was that the Government should not expend any money or take any part in the Panama exhibition. The Government is not contributing money to the exhibition, as it has done to many a fair or exhibition heretofore. It does not intend to do so. It has already provided by suitable appropriations to exhibit its own property and its products from different territories and sections of the country. They must be housed. The United States is doing as the States are doing and as other countries are doing—it is providing for the housing of its own exhibits.

As to the matter of entertainment, I hardly think the Senator from Mississippi [Mr. VARDAMAN] seriously objects to that. I did not hear him objecting when in the naval appropriation bill there was over $104,000 appropriated directly for the use of the Secretary of the Navy to entertain visitors. The Secretary of War has a great deal wider scope, in my opinion, for expending money for entertainment, because he has the Panama Canal, the Philippines, and all of our other foreign possessions to look after. We have provided only $50,000, or so much thereof as may be necessary, and have restricted the appropriation so that it can only be expended for the entertainment of those who are invited by the President or in pursuance of his invitation.

H. R. 10765. An act granting a patent to George M. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota;

H. R. 12229. An act for the relief of William A. Wallace;

H. R. 12484. An act to pay the Cleveland Press, of Cleveland, Ohio, $300 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio;

H. R. 13108. An act for the relief of George H. Hammond;

H. R. 13123. An act for the relief of Charles H. Bayfield, alias Charles H. Czarnowsky;

H. R. 13167. An act for the relief of the legal representatives of the estate of Robert B. Pearce;

H. R. 13470. An act for the relief of James Grady;

H. R. 13965. An act to refund to the Sparrow Gravely Tobacco Co. the sum of $176.90, the same having been erroneously paid by them to the Government of the United States;

H. R. 14679. An act for the relief of Clarence L. George;

H. R. 14931. An act for the relief of Arthur Brose;

H. R. 15414. An act for the relief of David Mowen;

H. R. 15557. An act for the relief of Anna Miller;

H. R. 16163. An act for the relief of Theodore Bagge;

H. R. 16205. An act for the relief of Davis Smith;

H. R. 16431. An act to validate the homestead entry of William H. Miller;

H. R. 16713. An act for the relief of Samson Davis;

H. R. 16795. An act to reimburse the owners of the schooner *Thomas W. H. White;* and

H. R. 17045. An act for the relief of William L. Wallis.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana; and

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase in pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of Daniel Webster Grange, Patrons of Husbandry, of Webster, N. H., praying for Government ownership and operation of telegraph and telephone lines in connection with the Postal Service, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Washington, D. C.; of Creston, Nebr., and of Los Angeles, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Germania Lodge, No. 507, of Chattanooga, Tenn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Rothville, Mo.; Oklahoma City, Okla.; White, S. Dak.; Winfield, Iowa; and Birmingham, Ala., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the congregation of First Seventh-day Adventist Church of Condersport, Pa., remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. SHEPPARD presented a petition of the congregation of the Presbyterian Church of Palacios, Tex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Woman's Missionary Society of the North Alabama Conference of the Methodist Episcopal Church South, in conference at Talladega, Ala., favoring the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. THORNTON. I present a telegram from L. D. Posey, chairman of the Vivian Citizens' Civic League, and James Galloway, mayor of the city of Vivian; a telegram from sundry citizens of Slidell; a petition of sundry citizens of Crowley; and a petition of the congregation of the Methodist Episcopal Church of Bell City in the parish of St. Landry, all in the State of Louisiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors. I ask that the telegrams and petitions be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The telegrams and petitions will be received and referred to the Committee on the Judiciary.

Mr. MYERS presented resolutions adopted by the Democratic Club of Ronan, Mont., favoring the enactment of legislation providing for the opening of the unappraised, unallotted Indian lieu and power reserve lands, which were referred to the Committee on Public Lands.

He also presented petitions of sundry churches and citizens in the State of Montana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HUGHES presented petitions of sundry citizens of Paterson, Ridgefield Park, Woodstown, New Brunswick, Camden, Guttenberg, Union, Jersey City, Crawford, Montclair, and Riverton, all in the State of New Jersey, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of the congregations of the Methodist Episcopal Church of Milford; the Methodist Episcopal Church of Easton; the Methodist Episcopal Church of Higganum; the Methodist Episcopal Church, the Second Congregational Church, the First Baptist Church, the Second Advent Church, and the Woman's Christian Temperance Union of Waterbury; and of sundry citizens of Long Hill, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Westfield, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of South Omaha, Nebr., praying for national recognition of the services of Dr. Frederick Cook in his polar explorations, which was referred to the Committee on the Library.

Mr. POINDEXTER presented a petition of sundry citizens of New York City, N. Y., praying for the enactment of legislation looking to the recognition of Dr. Frederick A. Cook as the discoverer of the North Pole, which was referred to the Committee on the Library.

Mr. SMITH of Arizona presented petitions of San Xavier Division, No. 313, Order of Railway Conductors of America, of Tucson; of the Brotherhood of Locomotive Engineers, of Prescott; and of the Gila Valley Lodge, Brotherhood of Locomotive Firemen and Enginemen, of Globe, all in the State of Arizona, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from sundry citizens of Tucson, Ariz., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a memorial from the mayor and members of the common council, the chief of police, and the chief of the fire department, of Bisbee, Ariz., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Commerce.

He also presented a petition of the Warren District Trades Assembly, of Bisbee, Ariz., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Warren District Trades Assembly, of Bisbee, Ariz., praying for the enactment of legislation to prohibit the use of armed force in the settlement of labor disputes, which was referred to the Committee on Education and Labor.

Mr. BURLEIGH presented a petition of Mount Katahdin Lodge, No. 489, Brotherhood of Locomotive Firemen and Enginemen, of Brownville Junction, Me., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Mount Katahdin Lodge, No. 489, Brotherhood of Locomotive Firemen and Enginemen, of Brownville Junction, Me., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Bangor, Me., praying for the enactment of legislation to provide for publicity of prices to dealers and to the public, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Franklin County Board of Fire Underwriters, of Farmington, Me., praying for the enactment of legislation to prevent insurance companies from transacting business in districts in which they are not licensed, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Livermore, Winthrop, East Readfield, Ripley, Lewiston, Rumford Center, and New Harbor, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT presented petitions of the National American Woman Suffrage Associations of Woonsocket, Warren, and Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of 40 voters of Providence, 29 voters of Rockville, and of 9 voters of Cranston; of the Roger Williams Association of the Baptist Churches of the State of Rhode Island; of the Woman's Christian Temperance Union of Apponaug; of the Quarterly Conference of the Thames Methodist Episcopal Church, of Newport; of the congregations of the State Street Methodist Episcopal Church of Bristol; of the Trinity Union Methodist Episcopal Church of Providence; and of the Middletown Methodist Episcopal Church, of Newport, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JOHNSON presented a petition of sundry citizens of Portland, Me., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Aroostook County, Penobscot County, Knox County, and Kennebec County; of the congregations of the Methodist Church of Norman; of the Methodist Episcopal Church of Eddington; of the Congregational Church of Brownfield; and of the Methodist Church of Livermore Falls; of the Young People's Society of the First Baptist Church of Rockland; of the Circuit Epworth League of Bangor; and of the Friends Society of Vassalboro, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Central Labor Union of Millinocket, Me., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., representing 350,000 members of the train-service organizations of the country, praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (S. 5555) to amend an act entitled "An act to authorize the construction and maintenance of a dike on Olalla Slough, Lincoln County, Oreg.," approved June 25, 1910 (Rept. No. 649); and

A bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Guntersville, Ala. (Rept. No. 650).

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 651) thereon.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the joint resolution (H. J. Res. 255) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, reported it without amendment.

SABINE RIVER BRIDGE, LOUISIANA.

Mr. SHEPPARD. From the Committee on Commerce, I report back favorably without amendment the bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La., and I submit a report (No. 647) thereon. I direct the attention of the Senator from Louisiana [Mr. RANSDELL] to the report.

Mr. RANSDELL. I ask unanimous consent for the immediate consideration of the bill.

Mr. SMOOT. What bill is it?

Mr. RANSDELL. It is a bill to authorize the construction of a bridge across the Sabine River, the bill about which I spoke to the Senator from Utah.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

INCOME TAX ON RAILROADS IN ALASKA.

Mr. SIMMONS. From the Committee on Finance I report back favorably without amendment the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes, and I submit a report (No. 648) thereon.

Mr. JONES. Mr. President, this bill is one of very great importance to the people of Alaska. It embodies practically provisions that were put in the tariff bill and that went out in conference, except that a tax of 1 per cent is placed upon the gross earnings instead of on the net earnings as was provided in the provision referred to. All the railroads there are absolutely idle and can not run, largely because of the $100 a mile tax and the penalties imposed for failure to pay. If this bill should pass, some 200 miles will, without a doubt, start running. The passage of this bill means much for the development and progress of Alaska, and I ask unanimous consent on behalf of Alaska and its people for the present consideration of the bill. It is a short bill—not a long one.

Mr. MARTIN of Virginia. Is it likely to provoke a debate?

Mr. JONES. If it does, I will withdraw it.

Mr. MARTIN of Virginia. If it provokes no debate, I will not object.

Mr. JONES. It has passed the House.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes that in addition to the normal income tax of 1 per cent on net income there shall be levied and collected 1 per cent on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress, approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said District," or acts amendatory thereof as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HUGHES:

A bill (S. 6048) for the relief of the Stevens Institute of Technology, of Hoboken, N. J.; to the Committee on Claims.

By Mr. KENYON:

A bill (S. 6049) granting an increase of pension to Calvin Barker; and

A bill (S. 6050) granting an increase of pension to Daniel A. Day; to the Committee on Pensions.

By Mr. KENYON (for Mr. LA FOLLETTE):

A bill (S. 6051) to establish ports of entry at Superior, Wis., and Duluth, Minn., in the customs-collection district of Duluth and Superior; to the Committee on Commerce.

Also, petition of 337 citizens of Waynesboro, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 1,500 Christian Endeavorers and 500 intermediate Christian Endeavorers of Northeast Branch of Philadelphia Christian Endeavor Union, favoring national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of members and friends of Trinity Methodist Church, Passaic, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of 161 citizens of Hudson County, eleventh congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of congregation of First Presbyterian Church, La Crosse, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Resolution from the Young People's Society of Christian Endeavor, of Wenham, Mass., favoring the passage of the prohibition amendment now before Congress; to the Committee on Rules.

By Mr. GILL: Petition of Joseph H. Wilsmann and others, of St. Louis, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. GILLETT: Resolutions adopted by the Presbyterian Church of Boswell, Ind.; Chicago Church Foundation, of Chicago, Ill.; United Presbyterian Church of Jamestown, Ohio; Linwood Presbyterian Church, of Kansas City, Mo.; Memorial Presbyterian Church, of Philadelphia, Pa.; First Presbyterian Church of Rutherford, N. J.; and the Sixth Presbyterian Church of Washington, D. C., favoring the adoption of the pending resolution proposing an amendment to the Constitution of the United States to prohibit polygamy; to the Committee on the Judiciary.

Also, petition of Elisa R. Whiting, Mabel F. Merry, and others, of Springfield; Mrs. Buchanan, M. L. Brooke, and others, of Holyoke; Anne Austin, Thomas Haggerty, and others, of Westfield, Mass., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of Olivet Congregational Church, of Hampden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOEKE: Petition of the Christian Endeavor Society of the First Christian Church of Lima, Ohio, in favor of national prohibition; to the Committee on Rules.

By Mr. GOOD: Petitions of 150 and more citizens of Cedar Rapids, 47 citizens of Mount Vernon, 35 citizens of Kenwood Park, and the Woman's Christian Temperance Union of West Branch, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petitions of business men of Lowden, Ely, Solon, and Mechanicsville, Iowa, favoring the passage of House bill 5308, relative to taxing mail-order business; to the Committee on Ways and Means.

By Mr. GREGG: Petitions of sundry citizens of Chambers and Galveston Counties, Tex., protesting against national prohibition; to the Committee on Rules.

Also, petition of Minnie Fisher Cunningham, Edith L. Warriner, and others, of Galveston, Tex., favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Galveston County and Texas City, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petitions of members of the Church of God, Landisville, Pa.; the United Evangelical Church of Terre Hill, Pa.; the Lambert Y. C. T. U. of Lancaster County, Pa.; the Lambert Y. C. T. U. of Peach Bottom, Lancaster County, Pa.; Rev. C. B. Johnston, pastor, and E. W. Garber, secretary, for the Methodist Episcopal Church of Mount Joy, Pa.; Rev. James E. Keene, pastor, and others, for the Senior Society of the Young People's Society of Christian Endeavor, of Lititz, Pa.; D. O. Armstrong, for citizens of Rawlinsville, Pa.; Samuel Alexander, for the Mount Joy Methodist Episcopal Sunday School, of Mount Joy, Pa.; Rev. H. B. Yoder, of Lancaster, Pa.; and Anna M. Boyer, R. D. No. 3, of New Holland, Pa., favoring a national prohibition constitutional amendment; and from A. S. Weachter, of Rothsville, Pa.; Wayne E. Hackman, R. D. No. 5, of Lititz, Pa.; and William Hellinger and C. C. Kafroth, of Rothsville, Pa., against the adoption of prohibition measures such as House joint resolution 168; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of Katharine A. Herriman, Estelle Downing, and others of South Haven, Mich.; Mrs. Kate M. Redner, Jennie R. Lyle, and others of Cass County, Mich.; May E. Rix, Nellie M. Walton, and others of St. Joseph County, Mich., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of 100 citizens of Bravo, 170 citizens of Dowagiac, 39 citizens of Fennville, 80 citizens of Hopkins, 45 citizens of Plainville, and 125 citizens of Pullman, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

Also, petition of citizens of White Pigeon, Mich., in favor of national prohibition; to the Committee on Rules.

Also, petition of Charles M. Sterling and 12 other citizens of Van Buren County, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 308 citizens, principally of Michigan, favoring Senate joint resolution 144 and House joint resolution 282, asking for an investigation of the North Pole controversy; to the Committee on Naval Affairs.

Also, petition of Arthur E. Lay and 25 other citizens of Parma, Mich., in favor of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of George Thompson and 26 other citizens, of Parma, Mich., favoring Hobson prohibition amendment; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of the Bartenders' Union of Derby, Conn., against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Goshen, Conn., and Christian Endeavor Society of Riverton, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of 13 citizens of Denver, Colo., against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Blackhawk, Gilpin County, Allison, and Grand Junction; 6 congregations of the Methodist Episcopal Church of Keota; and of the Sloate Memorial Methodist Episcopal Church, of Denver, all in the State of Colorado, in favor of national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of board of directors of the Western Society of Engineers, protesting against the passage of House bill 13457; to the Committee on Expenditures in the Interior Department.

Also, memorial of Chamber of Commerce of Pittsburgh, Pa., favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. LEWIS of Maryland: Petition of members of the Methodist Protestant Church of Buckeystown, Md., praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of Zion Lutheran Church, of Middletown, Md., representing 60 people, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of Singgold Christian Endeavor Society, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, resolutions by Rev. Frank A. Kilmon, representing a mass meeting of 1,500 members and attendants of Grace Methodist Episcopal Church, of Cumberland, Md., praying the passage of the Hobson prohibitory amendment; to the Committee on Rules.

Also, petition of members of the Buckeystown (Md.) Methodist Protestant Church, praying the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of Bushy Hill Christian Endeavor Society, of Simsbury, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Mr. M. L. Baldwin, in behalf of the Young People's Society of Christian Endeavor of Griswoldville, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

Also, petition of Rev. Winfield S. Manship, of the Methodist Episcopal Church of West Suffield, Conn., favoring the adoption of the Hobson bill; to the Committee on Rules.

By Mr. MacDONALD: Petition of citizens of Waucedah, Mich., in support of House bill 11879; to the Committee on Banking and Currency.

Also, resolution of Wetmore Grange, No. 1408, of Wetmore, Mich., in support of Government ownership of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Iron County, Mich., in opposition to legislation providing that mail clerks shall not work on Sunday; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the Pomona Grange, No. 66, of Sault Ste. Marie, Mich., in support of Government ownership

and operation of telephone and telegraph systems; to the Committee on the Post Office and Post Roads.

Also, resolution adopted by the City Council of Grand Rapids, Mich., in support of legislation to pension aged and disabled civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MAGUIRE of Nebraska: Petitions of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of citizens of Saranac Lake, Burke, North and West Bangor, N. Y., and sundry citizens of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of John M. Reed and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of North Clayton, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petition of citizens of second congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Claflin, Thayer & Co., of New York City, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of General Post Office Letter Carriers' Mutual Benefit Association, of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. PAIGE of Massachusetts: Papers to accompany H. R. 17755, granting a pension to William P. La Croix; to the Committee on Pensions.

Also, papers to accompany H. R. 17756, granting a pension to George P. Clark; to the Committee on Invalid Pensions.

By Mr. PATTEN of New York: Petition of citizens of New York City, favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of Thomas Halls, of California, protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the Brandford (Conn.) Baptist Church, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Massachusetts: Papers to accompany H. R. 17604, granting a pension to Francis Prendergast; to the Committee on Pensions.

Also, papers to accompany H. R. 17605, granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

Also, petition of 55 citizens of Somerville, and Robinson Methodist Episcopal Church, of Malden, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. SCULLY: Telegrams in favor of Hobson amendment: Manasquan Methodist Protestant Sunday School; 80 members of the Epworth League, Point Pleasant; 200 members Point Pleasant Methodist Church; the Grace Methodist Church, Red Bank; the Central Baptist Church, Atlantic Highlands; the Woman's Christian Temperance Union, Manasquan; 150 members of New Monmouth Baptist Church; the Bay Head Methodist Episcopal Church, 60 members; First Methodist Church, Red Bank; the Twilight Members, Ocean Grove Camp Meeting; 1,000 members of St. Luke's Methodist Episcopal Church, Long Branch; St. Luke's Sunday School, Mrs. M. Newman in charge, Long Branch; 195 members New Monmouth Baptist Church; 100 members First Reformed Church, Red Bank; the Christian Endeavor Society, Perth Amboy; W. G. Eisle Bible Class, Long Branch; 140 members First Presbyterian Church, Point Pleasant; 35 members Christian Endeavor Society, First Presbyterian Church of Point Pleasant; 125 members Sunday School First Presbyterian Church of Point Pleasant, 400 members First Methodist Episcopal Church, Bradley Beach; 1,100 members St. Luke's Methodist Episcopal Church, Asbury Park; the First Methodist Episcopal Church of Manasquan; First Methodist Episcopal Church, Atlantic Highlands; Grace Methodist Episcopal Church, Red Bank, all in the State of New Jersey; to the Committee on Rules.

Also, petition of United States Civil Service Retirement Association, relative to retirement of superannuated Government employees; to the Committee on Reform in the Civil Service.

Also, petition of Flax Dressers, Local No. 604, affiliated with American Federation of Labor, Paterson, N. J., relative to taking 3-cent duty off the dressed line of hackled flax; to the Committee on Ways and Means.

Also, petition of New Brunswick (N. J.) Political Study Club, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: Petition of L. S. Golden and 5 other citizens of Caldwell, Idaho, protesting against enactment of resolution to amend the Constitution so as to prohibit the sale, manufacture, or importation of intoxicating liquors; to the Committee on Rules.

By Mr. STEDMAN: Petition of sundry citizens and congregation of the North Main Street Methodist Protestant Church, High Point, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of congregation of the Swedish Methodist Episcopal Church, Stillwater, Minn., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, *July 8, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth. Thy glory is set above the heavens and Thy kingdom ruleth over all. We humble ourselves, therefore, unto Thy mighty hand. We bow in Thy presence and fall at Thy feet. We acknowledge our dependence upon Thee and look to Thee for Thy guiding hand. Leave us not to ourselves. Inspire us with lofty aims and worthy ambitions. Give us a clear conception of Thy will and supply us with grace for the accomplishment of Thy purposes and for meeting all demands upon us this day. We ask in Christ's name. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 388. An act for the relief of Ella O. Richardson;

S. 2903. An act for the relief of Judd McKelvey;

S. 3488. An act for the relief of Ernest C. Stahl;

S. 3817. An act authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana; and

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The message also announced that the House had passed the bill (S. 1044) for the relief of May Stanley, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 1002. An act granting a patent to Joseph Robicheau;

H. R. 1516. An act for the relief of Thomas F. Howell;

H. R. 1528. An act for the relief of T. A. Roseberry;

H. R. 1698. An act to amend an act entitled "An act to provide for an enlarged homestead," and acts amendatory thereof and supplemental thereto;

H. R. 2703. An act for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary;

H. R. 2978. An act for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on Route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861;

H. R. 3430. An act for the relief of Lottie Rapp;

H. R. 3586. An act for the relief of Francis Tomlinson;

H. R. 4001. An act for the relief of Daniel J. Ryan;

H. R. 4206. An act granting patent to certain lands to the legal heirs of W. F. Nichols;

H. R. 4628. An act for the relief of N. Ferro;

H. R. 4952. An act to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903;

H. R. 7073. An act for the relief of Mary Macon Howard;

H. R. 9701. An act for the relief of F. W. Theodore Schroeter;

H. R. 10460. An act for the relief of Mary Cornick;

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patent to James Gaming for lot 2, section 32, township 30 north, range 30 east, Montana: *Provided*, That no adverse right had accrued to said tract prior to February 1, 1914.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

F. W. SCHULTZ.

The next business in order on the Private Calendar was the bill (H. R. 13513) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of $244.90, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice there are a number of bills on this calendar constituting claims for loss by robbery of post offices where the postmasters negligently failed to comply with the regulations. In this case, the man had a safe, put the money in the safe, turned the combination for "day lock," so that he would not have to go through the manipulations of really working the combination again, and the burglar understood that as well as anybody else, and got in. I used to be a postmaster myself, and while——

Mr. FOSTER. First class or fourth class? [Laughter.]

Mr. MANN. Deputy fourth. [Laughter.] While I did not approve of all the regulations, I did assume that if I carried money around loosely, or left it around loosely, the Government would not be responsible for it.

Now, there are between 50,000 and 100,000 of these postmasters, and they know what the regulations are; and here is a regulation which expressly stated that the common practice of turning on safes by what is called a "day lock" or "day combination" affords no protection from experienced burglars, and in case of loss resulting therefrom no credit would be allowed. That is what this postmaster did.

Mr. DILLON. Mr. Speaker, I want to say to the gentleman that is the statement that the inspector made, but that is contradicted by two affidavits of the assistant postmaster.

Mr. MANN. I will read from the affidavit of the postmaster, as I recall, Mr. Caldwell. He is the assistant postmaster, and he is the one who did the business. He says:

I locked the iron safe in which the postage-stamp stock was kept; that I turned the combination once, causing the safe to be locked by one combination, the said safe having four combinations.

Now, that is turning it for what they call a "day lock."

Mr. DILLON. That comes from the report of the inspector.

Mr. MANN. This is an affidavit made by the assistant postmaster. At least, that is what this report says in this case.

Mr. DILLON. That is an error.

Mr. MANN. I am not responsible for errors in the report.

Mr. DILLON. If the gentleman will read the affidavits made by Mr. Caldwell, two of them, he will find that he directly disputes that proposition.

Mr. MANN. I was reading the affidavit that he did make.

Mr. DILLON. That is not the affidavit.

Mr. MANN. That is what the report says.

Mr. DILLON. Where are you reading from? You are reading from a letter. Now read the affidavit.

Mr. MANN. I am reading from a letter from the Postmaster General, in which he says:

In an affidavit dated October 22, 1909 (five days after the burglary), Mr. Caldwell made the following statement.

Mr. DILLON. That is a statement he made to the inspector. Now, if you will read the affidavit of Mr. Caldwell, on page 3 of the report, you will find that he directly disputes that proposition and says he never made that statement to the inspector. It is the inspector's mistake, and not his. Mr. Burleson does not quote him correctly.

Mr. MANN. Of course I am not responsible for that. It was on that ground that the Postmaster General did not allow the claim. If this safe was locked, the Post Office Department are authorized and warranted to pay the claim; and if it was not locked, they would not be authorized to pay the claim.

Mr. DILLON. I know Mr. Caldwell, and I know him to be a gentleman who is accurate in all his statements, and he makes two affidavits that that statement is not true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. What time is it, Mr. Speaker?

The SPEAKER pro tempore. Eleven o'clock, by the clock in front of the Chair. Is there objection——

Mr. MANN. I think under the order of the House——

Mr. POU. Mr. Speaker, under the regular order there should be a motion to adjourn, and therefore I move that the House adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p. m.) the House adjourned until Wednesday, July 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Empire Harbor, Mich. (H. Doc. No. 1111); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line, with a view to open river navigation (H. Doc. No. 1112); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of communication of the acting president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the payment of a judgment in favor of George H. Lillibridge (H. Doc. No. 1113); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12905) to increase the limit of cost of public building at La Junta, Colo., reported the same without amendment, accompanied by a report (No. 927), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13677) authorizing and directing the Secretary of the Navy, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., one discarded anchor of a United States cruiser or battleship, reported the same without amendment, accompanied by a report (No. 925), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, reported the same with an amendment, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. HENSLEY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16424) for the relief of Lloyd C. Stark, reported the same with an amendment, accompanied by a report (No. 926), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 17734) for the relief of John A. Kress, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 17761) to quiet title to northeast quarter of northwest quarter, section 20, township 8 north, range 2 west, in Washington County, Ala.; to the Committee on the Public Lands.

By Mr. LENROOT: A bill (H. R. 17762) to amend an act approved February 20, 1905, entitled "An act to authorize the Interstate Transfer Railway Co. to construct a bridge across the St. Louis River, between the States of Wisconsin and Minnesota"; to the Committee on Interstate and Foreign Commerce.

By Mr. CARR: A bill (H. R. 17763) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia, including the right of way owned in fee simple by the railroad crossing this land, etc.; to the Committee on Appropriations.

By Mr. WEBB: A bill (H. R. 17764) to provide for sale of portion of post-office site in Gastonia, N. C.; to the Committee on Public Buildings and Grounds.

By Mr. SHERLEY: A bill (H. R. 17765) to regulate details of majors in the Ordnance Department; to the Committee on Military Affairs.

By Mr. STOUT: A bill (H. R. 17779) for the purchase of a site and the erection thereon of a public building at Glasgow, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. BLACKMON: Joint resolution (H. J. Res. 298) appropriating $15,445 for the relief of the sufferers from the hail and wind storm in Cleburne County, Ala., July 20, 1913; to the Committee on Appropriations.

By Mr. DALE: Memorial of the House of Delegates of the State of Virginia, requesting Congress to use all legitimate means to acquire Monticello, the home of Thomas Jefferson, to be held in trust for all the people of the Nation; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17766) granting an increase of pension to Victoria Goepfert; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 17767) granting a pension to Rose Morgan; to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 17768) to carry into effect the findings of the Court of Claims in the claim of O. H. P. Wayne; to the Committee on War Claims.

By Mr. BROUSSARD: A bill (H. R. 17769) granting a pension to Alice Thompson; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 17770) granting a pension to Mary E. Kures; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17771) granting an increase of pension to Burr Parsons; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 17772) granting a pension to William J. Boyce; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 17773) granting a pension to James R. Phillips; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17774) granting an increase of pension to Ruben L. Crosno; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17775) granting an increase of pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17776) granting an increase of pension to Christian H. Rice; to the Committee on Invalid Pensions.

By Mr. REED: A bill (H. R. 17777) granting an increase of pension to George Hamlet; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17778) granting an increase of pension to Roderick O'Conner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of mass meeting held at Salem, Ohio, urging that the Mondell resolution granting woman suffrage be submitted to a vote; to the Committee on the Judiciary.

Also (by request), petition signed by Rev. Berton L. Wiley, chairman, of Berwick, Iowa, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by E. G. Phillips and J. H. Fox, of East Bloomfield, N. Y., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petition signed by V. R. Turnbaugh, chairman, and T. A. Richardson, secretary, of mass meeting at Granville Avenue Methodist Episcopal Church, Chicago, urging Congress to submit the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ALNEY: Petitions of citizens of Rummerfield, Susquehanna, Gravity, Factoryville, Carley Brook, Springfield Township, West Lemon Baptist Church, Woman's Christian Temperance Union of West Lenox, and Woman's Christian Temperance Union of Warren Center, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Petition of the Newark (Ohio) Local No. 412 of the Bartenders International League, protesting against the enactment of national prohibition; to the Committee on Rules.

Also, petition of the Morrow County (Ohio) Woman's Christian Temperance Union; Farley Wesleyan Sunday School, Marengo, Ohio; Roscoe J. Beard and other citizens of Orrville, Ohio; Alum Creek Friends' Sabbath School, Cardington, Ohio; John W. Jordan and other citizens of Howard, Ohio; H. A. Ruesin and 12 other citizens of Coshocton, Ohio; Rev. Harvey E. Orwick and 24 other citizens of Chuckeyville, Ohio; the Christian Endeavor Society of the Presbyterian Churches at Jersey, Ashland, and Mansfield, Ohio, favoring the enactment of the Hobson national prohibition amendment; to the Committee on Rules.

By Mr. BAKER: Petition of citizens of Atlantic City, N. J., protesting against national prohibition; to the Committee on Rules.

Also, petition of citizens of Dunnes and Medford, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of Mary W. Lippincott, Helen Lippincott, and others of Riverton, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. BEAKES: Resolutions of mass meeting of citizens of Parma; members of First Church of Christ, Adrian; members of South Side Methodist Protestant Mission Sunday School, Adrian; members of Young People's Society of Christian Endeavor of First Methodist Protestant Church, Adrian; West Adrian Congregational Christian Endeavor Society; Marston Avenue Presbyterian Church, Detroit; H. W. Potter, Weston; First Methodist-Episcopal Church, Adrian; Epworth League of the Methodist-Episcopal Church, Adrian; members of First Methodist Protestant Church, Adrian, all in the State of Michigan, in favor of national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of Epworth League of Erie, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petitions of 1 citizen of Lockport, 5 citizens of Forest Park, 2 citizens of Oak Park, 2 citizens of LaGrange, 14 citizens of Mount Morris, and 102 citizens of Chicago, all in the State of Illinois, favoring passage of House joint resolution 282; to the Committee on Naval Affairs.

Also, petitions of 106 citizens of Chicago, Ill., protesting against the passage of the Hobson resolution; to the Committee on Rules.

Also, petitions of 56 citizens of Chicago, Ill., against national prohibition; to the Committee on Rules.

Also, petitions of 41 citizens of Chicago, Ill., in favor of national prohibition; to the Committee on Rules.

By Mr. BYRNES of South Carolina: Petition of Catherine Tully Kenny, Mary Penn Thompson, and others, of Nashville, Tenn., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. CARY: Petition of the board of directors of the Western Society of Engineers, protesting against passage of House bill 13457, relative to surveys, etc., of United States Geological Survey; to the Committee on Expenditures in the Interior Department.

By Mr. CLARK of Florida: Petition of Council No. 27, Junior Order United American Mechanics, of Kissimmee, Fla., opposing increase of naval chaplains under certain conditions; to the Committee on Naval Affairs.

By Mr. COOPER: Petition of members of the Congregational Church, Women's Christian Temperance Union, and Christian Endeavor Society, respectively, of Williams Bay, Wis., favoring nation-wide prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 122 citizens of Franklin, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of 18 citizens of Millintown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Union Christian Endeavor Society of Troxelville, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Church Council of the Evangelical Lutheran Church of Waynesboro, Pa., representing 1,250 members, in favor of national prohibition; to the Committee on Rules.

bill (H. R. 13513) for the relief of F. W. Schultz.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to cause the account of F. W. Schultz, postmaster at Junius, State of South Dakota, to be credited with the sum of $244.90, and that he cause said credit to be certified to the Auditor of the Treasury for the Post Office Department, being on account of loss by robbery of said post office on the 17th of October, 1909, it appearing that said loss was without fault or negligence on the part of said F. W. Schultz, postmaster.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I notice there are a number of bills on this calendar constituting claims for loss by robbery of post offices where the postmasters negligently failed to comply with the regulations. In this case, the man had a safe, put the money in the safe, turned the combination for "day lock," so that he would not have to go through the manipulations of really working the combination again, and the burglar understood that as well as anybody else, and got in. I used to be a postmaster myself, and while——

Mr. FOSTER. First class or fourth class? [Laughter.]

Mr. MANN. Deputy fourth. [Laughter.] While I did not approve of all the regulations, I did assume that if I carried money around loosely, or left it around loosely, the Government would not be responsible for it.

Now, there are between 50,000 and 100,000 of these postmasters, and they know what the regulations are; and here is a regulation which expressly stated that the common practice of turning on safes by what is called a "day lock" or "day combination" affords no protection from experienced burglars, and in case of loss resulting therefrom no credit would be allowed. That is what this postmaster did.

Mr. DILLON. Mr. Speaker, I want to say to the gentleman that is the statement that the inspector made, but that is contradicted by two affidavits of the assistant postmaster.

Mr. MANN. I will read from the affidavit of the postmaster, as I recall, Mr. Caldwell. He is the assistant postmaster, and he is the one who did the business. He says:

I locked the iron safe in which the postage-stamp stock was kept; that I turned the combination once, causing the safe to be locked by one combination, the said safe having four combinations.

Now, that is turning it for what they call a "day lock."

Mr. DILLON. That comes from the report of the inspector.

Mr. MANN. This is an affidavit made by the assistant postmaster. At least, that is what this report says in this case.

Mr. DILLON. That is an error.

Mr. MANN. I am not responsible for errors in the report.

Mr. DILLON. If the gentleman will read the affidavits made by Mr. Caldwell, two of them, he will find that he directly disputes that proposition.

Mr. MANN. I was reading the affidavit that he did make.

Mr. DILLON. That is not the affidavit.

Mr. MANN. That is what the report says.

Mr. DILLON. Where are you reading from? You are reading from a letter. Now read the affidavit.

Mr. MANN. I am reading from a letter from the Postmaster General, in which he says:

In an affidavit dated October 22, 1909 (five days after the burglary), Mr. Caldwell made the following statement.

Mr. DILLON. That is a statement he made to the inspector. Now, if you will read the affidavit of Mr. Caldwell, on page 3 of the report, you will find that he directly disputes that proposition and says he never made that statement to the inspector. It is the inspector's mistake, and not his. Mr. Burleson does not quote him correctly.

Mr. MANN. Of course I am not responsible for that. It was on that ground that the Postmaster General did not allow the claim. If this safe was locked, the Post Office Department are authorized and warranted to pay the claim; and if it was not locked, they would not be authorized to pay the claim.

Mr. DILLON. I know Mr. Caldwell, and I know him to be a gentleman who is accurate in all his statements, and he makes two affidavits that that statement is not true.

take from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Empire Harbor, Mich. (H. Doc. No. 1111); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Columbia River, Wash., from and through Rickey and Grand Rapids to the international boundary line, with a view to open river navigation (H. Doc. No. 1112); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of the Treasury, transmitting copy of communication of the acting president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation for the payment of a judgment in favor of George H. Lillibridge (H. Doc. No. 1113); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. CLARK of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 12005) to increase the limit of cost of public building at La Junta, Colo., reported the same without amendment, accompanied by a report (No. 927), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 13677) authorizing and directing the Secretary of the Navy, in his discretion, to deliver to the Northwestern Military and Naval Academy, situated on Lake Geneva, Wis., one discarded anchor of a United States cruiser or battleship, reported the same without amendment, accompanied by a report (No. 925), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill (H. R. 7194) for the relief of Acting Asst. Surg. Elwin Carlton Taylor, United States Navy, reported the same with an amendment, accompanied by a report (No. 924), which said bill and report were referred to the Private Calendar.

Mr. HENSLEY, from the Committee on Naval Affairs, to which was referred the bill (H. R. 16424) for the relief of Lloyd C. Stark, reported the same with an amendment, accompanied by a report (No. 926), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 17734) for the relief of John A. Kress, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TAYLOR of Alabama: A bill (H. R. 17761) to quiet title to northeast quarter of northwest quarter, section 20, township 8 north, range 2 west, in Washington County, Ala.; to the Committee on the Public Lands.

ERNEST C. STAHL.

The next business in order on the Private Calendar was the bill (S. 3498) for the relief of Ernest C. Stahl.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the laws relating to pensions and to the National Home for Disabled Volunteer Soldiers, or any branch thereof, Ernest C. Stahl shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant serving in the Colored Infantry of the United States at Alexandria, Va., on the 12th day of January, 1866: *Provided*, That no back pay, bounty, or pension shall become due or available by virtue of the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

REFERRING CERTAIN CLAIMS TO COURT OF CLAIMS.

The next business in order on the Private Calendar was House resolution 532, referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this would probably take some little time. The Committee on War Claims, I think, will soon get a day in the House. It has another resolution of the same sort.

Mr. UNDERWOOD. Mr. Speaker, I will say in reference to this resolution that it is merely to refer these matters to the Court of Claims. It is a very harmless resolution.

Mr. MANN. I will say to the gentleman that there are some of these claims for destruction of property by military forces which we have not referred. One of them is for a claim something over 100 years old, I believe, which I think it is not necessary to refer to the Court of Claims. The Committee on War Claims has another resolution that covers a larger number of cases than this does, which is on the calendar, and they get the next Friday that is set apart for consideration of bills on the Private Calendar. Undoubtedly we will reach that before long, and we can then take up the war-claims resolution, and I think nobody has any objection to the passage of the resolution with a few amendments. There is no rush about this at the present time, and I object.

GEORGE W. CRAFT.

The next business in order on the Private Calendar was the bill (H. R. 17103) for the relief of the heirs of George W. Craft.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the report in this case seems to give no information. Does anybody know anything about it?

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Mr. Speaker, I object.

GRAND LODGE OF MASONS, ARKANSAS.

The next business in order on the Private Calendar was the bill (S. 2668) granting lands to the Grand Lodge, Ancient Free and Accepted Masons, grand jurisdiction of Arkansas.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

F. W. THEODORE SCHROETER.

The next business in order on the Private Calendar was the bill (H. R. 9701) for the relief of F. W. Theodore Schroeter.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of $1,250.00, to compensate him for injuries received while in the employ of the Government of the United States on the Panama Canal September 28, 1907.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

GASTON R. POITEVIN.

The next business in order on the Private Calendar was the bill (H. R. 4629) to reimburse Gaston R. Poitevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

JOHN A. GAULEY.

The next business in order on the Private Calendar was the bill (H. R. 11157) for the relief of John A. Gauley.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

N. FERRO.

The next business in order on the Private Calendar was the bill (H. R. 4628) for the relief of N. Ferro.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to N. Ferro, Italian consular agent, of Gulfport, Miss., the sum of $872.90, to reimburse the Italian bark *Venice* for expense incurred in repairing damages caused by collision with the United States barge *No. 35*.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REFUNDING MONEYS ILLEGALLY COLLECTED IN UTAH.

The next business in order on the Private Calendar was the bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

JOHN W. CUPP.

The next business in order on the Private Calendar was the bill (S. 201) an act for the relief of John W. Cupp.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

HEIRS OF WALDO M. POTTER.

The next business in order on the Private Calendar was the bill (H. R. 9622) for the relief of the heirs of Waldo M. Potter, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money not otherwise appropriated, to Franklin Potter, Carrie Potter Yerra, Kittie Potter Borland, and Grace Potter Burdick, heirs of Waldo M. Potter, deceased, of Casselton, N. Dak., $412, as a reimbursement for expenses incurred and paid by said Waldo M. Potter while register of the United States land office at Fargo, N. Dak., for the rent of the rooms used exclusively for land-office purposes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY VAN DEVENTER.

The next business in order on the Private Calendar was the bill (H. R. 6653) for the relief of Mary Van Deventer.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

Mr. FRENCH. Mr. Speaker, will the gentleman withhold his objection?

Mr. MANN. I will reserve the right to object.

Mr. FRENCH. Mr. Speaker, this bill seeks merely to give status in the Court of Claims to this particular claim, which if certain evidence could have been filed at a certain time, it would have been proper for the court to consider it under the laws, and apparently through no fault of the claimant and through a misapprehension of the time within which evidence could be submitted, the matter was allowed to go beyond the period within which evidence could have been submitted according to the statements that have been furnished to the committee.

Mr. MANN. Mr. Speaker, the Court of Claims has had before it many so-called Indian depredation cases. They have hung along for years. Some time ago the court entered an order that evidence should be made within a certain time, and this last summer I think it was they dismissed a great number of those cases because they were not prosecuted.

All litigation must come to an end sometime. Now they are trying to get this bill through as a precedent. If this goes through, the claim agents will properly say, "You have waived this in one case, you must do so in all the other cases," and we will have every one of these claimants before Congress wanting to go again before the Court of Claims. They had their opportunity before the Court of Claims. They did not avail themselves of the opportunity, and I do not think the claimants have a right, after they had full opportunity before the court and

will not be diligent in the prosecution of their cases, to annoy Congress by asking for the right to go before the Court of Claims again. If there was only one case, I would not say a word, but there are a great many of them.

Mr. FRENCH. Mr. Speaker, I do not think there is any question but that there ought to be a time fixed beyond which there could not be any further presentation of a case before the court; but here is a case that was dismissed by the court for want of prosecution in 1913, with the understanding that the case could be revived when evidence was submitted. Now, for several years the case was pending, you might say, in that situation, and finally, about three years after that, the court announced that evidence in this case and several others needed to be submitted within a certain time. Now, the attorney attempted to obtain the evidence, and tried diligently to obtain the evidence, but he was unable to reach Grangeville, Idaho, where the witnesses in this particular case were living, within the time required, and failed to obtain the evidence within the time fixed by the court, and as a result the case was dismissed.

Mr. MANN. The gentleman means he did not obtain the evidence, and he should have obtained the evidence before. There were 3,000 of these cases dismissed by the Court of Claims. I am not willing Congress should be annoyed by having 3,000, or anything like it, propositions coming before it to go back to the Court of Claims. They were willfully negligent, all of those people were. The order was not entered until long after they ought to have gotten all the proof, but they pottered along, and the Court of Claims finally entered an order dismissing them and giving the right to have the cases reinstated if they would apply within a certain time.

They go ahead and pay no attention to it, and then they come before Congress and want a third chance. There never was much justice in any of these claims, to begin with.

Mr. FRENCH. In this particular case there is so much justice in it that the Commissioner of Indian Affairs originally reported favorably in the case, and, more than that, there was so much justice in it that after the court issued its final order dismissing the case the Attorney General's department permitted the taking of depositions under the rules of the court, with the understanding that the evidence should not be submitted to the Court of Claims, and that that evidence had since been taken, just as though the case were pending before the court, although the evidence has never been submitted to the court itself. It is now on file with the Attorney General's department. I hope in this particular case the gentleman will not feel that he must object.

Mr. MANN. I have no doubt the attorney selected one of the best cases on which to get the precedent made.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

SCHWARZCHILD & SULZBERGER CO.

The next business in order on the Private Calendar was the bill (H. R. 16425) for the relief of Schwarzchild & Sulzberger Co.

The bill was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. I object. Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects, and the Clerk will report the next bill.

AMY M. SORBY.

The next business in order on the Private Calendar was the bill (H. R. 6815) for the relief of Amy M. Sorby.

Mr. FOSTER. Mr. Speaker, I object.

ELIA O. RICHARDSON.

The next business in order on the Private Calendar was the bill (S. 358) for the relief of Elia O. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent to Elia O. Richardson for the east half of the southwest quarter of section 36, township 19 north, range 10 east of the Louisiana meridian, in the State of Louisiana, containing 80.00 acres, upon payment to the United States of the sum of $1.25 per acre: *Provided*, That purchase be made within one year from the date of the approval of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, was read the third time, and passed.

HEIRS OF W. F. NICHOLS.

The next business in order on the Private Calendar was the bill (H. R. 4266) granting patent to certain lands to the legal heirs of W. F. Nichols.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent conveying title to the east half northwest quarter section 11, township 10 south, range 29 west, Arkansas, to the legal heirs of W. F. Nichols, upon the payment of $1.25 an acre therefor.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, as this bill is apparently to make good a tax title, may I ask the gentleman from Arkansas [Mr. WINGO] who is in possession of the property, and if he knows what has become of the heirs of James Wilson, who at one time was in possession and claimed to be the owner before the tax title was issued?

Mr. WINGO. The heirs of W. F. Nichols are in possession of the property. The heirs of Wilson do not claim the land, as a matter of fact. They abandoned the land, and it was sold for the taxes under the overdue-tax laws of the State, back in 1882. Now, ever since that date those people who bought it in at that time——

Mr. MANN. The State bought it in at that time.

Mr. WINGO. I say the State, then, under its donation laws, granted it to a man named Dellenger.

Mr. MANN. That was in 1893.

Mr. WINGO. In other words, the heirs of Nichols and those under whom they have claimed have been in possession of this land for 21 years.

Mr. MANN. Of course, ordinarily we do not consider a tax title——

Mr. WINGO. Under the laws of our State the title is absolutely good if the title has ever passed from the Government. We have a statute in our State whereby if you pay taxes on land of this character for seven years uninterruptedly under the claim of title, that is a statute bar, and that is the actual possession. This is part of a tract——

Mr. MANN. I did not understand that these people are in actual possession.

Mr. WINGO. They are. But, as I say, originally it was wild land, but even under that they were in possession under the law. Constructive possession of that kind for that length of time is equal to actual possession.

Mr. MANN. I do not think that paying taxes under a tax title for seven years is worth very much under any of those statutes, and there is a statute of that sort in nearly every State. I have set aside many tax titles of that kind. If these people are in actual possession of the property, very well.

Mr. WINGO. There is no question about it. This is a part of the place that belonged to W. F. Nichols, who is not now living. It is mainly pasture land, and it is not very valuable, but it is in actual possession, being a part of the tract of which no one ever thought there was any question about the title until a few years ago.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JUDD MCKELVEY.

The next business in order on the Private Calendar was the bill (S. 2008) for the relief of Judd McKelvey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to Judd McKelvey for lots 5, 6, 7, and 8, and the southwest quarter of the southwest quarter, the northeast quarter of the southwest quarter, the southeast quarter of the southwest quarter, and the southwest quarter of the southeast quarter of section 18, in township 4 south, range 64 east, Montana meridian, as shown by the plat of survey of said township approved December 16, 1896, after the said McKelvey has, by deed properly executed and recorded, reconveyed to the United States lot 4 and the northwest quarter of the northeast quarter, the east half of the northwest quarter, the east half of the southwest quarter, and the southeast quarter of the southeast quarter of said section as shown by the plat of the survey of said township approved July 23, 1897.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

JAMES GUNNING.

The next business in order on the Private Calendar was the bill (S. 3617) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 19 east, Montana.

Mr. METZ. There is a case of that kind at Fort Hamilton. The city of New York has assessment claims against the Government and can not collect them. Who shall pay these assessments? Are the neighbors around there expected to pay for the improvements? They have paid their own assessments. Why should not the Government pay its share? It gets the benefit.

Mr. CULLOP. That is not a parallel case.

Mr. METZ. Absolutely. The people paid for that road.

Mr. CULLOP. I differ with the gentleman on that proposition. Here was a road dedicated to the public use. The Government had a right to use it. It was the duty of the people there to take into consideration the fact that perhaps the armed forces of the Government might travel over it. It was in existence. Now, because the Government moved its troops up there into that locality, that brought a great deal of trade there. There is no doubt about that. They bought supplies.

Mr. METZ. Does not the Government make contracts for its supplies outside?

Mr. CULLOP. Yes. But I beg the gentleman's pardon; I mean to say that the men in the Army spend money.

Mr. METZ. In the saloons, possibly, in the neighborhood.

Mr. CULLOP. Oh, no; they spend it otherwise.

Mr. METZ. Not that I am aware.

Mr. CULLOP. Well, they do, and usually it is a very desirable thing to have an Army post near a town. I notice that every city that has an Army post makes a great fight in Congress to have it retained because of the profits which come from the presence of the soldiers.

Mr. FOSTER. Mr. Speaker, I shall have to object to the consideration of the bill.

Mr. KREIDER. Will the gentleman reserve his objection for a moment?

Mr. FOSTER. I think we ought to go ahead.

Mr. KREIDER. Just a moment.

Mr. FOSTER. Certainly.

Mr. KREIDER. Mr. Speaker, I want to say to the gentleman that I believe he fails to understand the situation. This is a farming community, and our roads in the State of Pennsylvania are built and maintained by local communities, or townships. This local community had no voice in the Government bringing the troops to that particular point, and yet when they came there they did this manifest damage. I believe there can be no question in the mind of anyone that the damage was done. It is certified to by half a dozen reputable men, and the quartermaster admits the damage and recommends an adjustment and payment. It would certainly be unjust to ask this local community to bear this expense that has come upon them. They were absolutely helpless and had no voice in the matter at all. I hope the gentleman from Illinois will withdraw his objection. If I did not believe it was a just claim I certainly would not have introduced the bill.

Mr. FOSTER. I think the Government ought to have some rights in the matter of travel over the road. I do not doubt that the roads were damaged to some extent, but this is not an individual who suffers all the damage alone. Every community ought to bear its just burden in such matters. I think in this case where the township has suffered some damage they ought not to come to the Federal Government with a small claim of this kind, and I object.

T. A. ROSEBERRY.

The next business in order on the Private Calendar was the bill (H. R. 1528) for the relief of T. A. Roseberry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, upon payment to the Government of the United States the full sum of $1.25 per acre having first been made, to issue patent to T. A. Roseberry and his heirs for the land embraced in his timber-claim entry No. 147, being the west half of the northeast quarter, and the northeast quarter of the northwest quarter, section 20, township 39 north, range 9 east, Mount Diablo base and meridian, in the Susanville land district, in Modoc County, Cal.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DAVID L. BRAINARD.

The next business in order on the Private Calendar was the bill (H. R. 15705) providing for the retirement of Col. David L. Brainard, Quartermaster Corps, United States Army.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

GEORGE N. VAN LEUVEN.

The next business in order on the Private Calendar was the bill (H. R. 10765) granting a patent to George N. Van Leuven for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be authorized and directed to issue to George N. Van Leuven patent for the northeast quarter of section 18, township 17 north, range 19 east, Black Hills meridian, South Dakota, notwithstanding that his homestead entry therefor was invalid upon the ground that he had exhausted his homestead right through purchase of 160 acres of land under the provisions of section 2 of the act of June 15, 1880 (21st vol. Stat. L., p. 237): *Provided*, That he shall first have shown compliance with the provisions of the homestead law and shall have made the required payments.

The following committee amendments were read:

First. Amend by inserting in the caption and in line 4, page 1, the initial "M" instead of "N."

Second. Add the proviso: "*Provided further*, That there exists no valid adverse claim for said tract."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

WILLIAM L. WALLIS.

The next business in order on the Private Calendar was the bill (H. R. 17045) for the relief of William L. Wallis.

The Clerk read the bill, as follows:

Be it enacted etc., That the Secretary of the Interior is hereby authorized to issue a patent to William L. Wallis, of Ardmore, Fall River County, S. Dak., for the west one-half of the southeast quarter and the east one-half of the southwest quarter of section numbered 25, in township 11 south, of range 2 east, of the Black Hills meridian, South Dakota, regardless of the fact that said William L. Wallis had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stat., p. 237): *Provided*, That said William L. Wallis make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAY STANLEY.

The next business in order on the Private Calendar was the bill (S. 1644) for the relief of May Stanley, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to May Stanley, widow of Will H. Stanley, late superintendent of the Sobobe Indian School, in California, who lost his life in the discharge of his duty; also to pay for medical and other necessary expenses, including funeral and administration expenses, incurred in connection with the death of said Will H. Stanley and the shooting of Seine Serrano, Indian policeman, $500, or so much thereof as may be necessary.

The following committee amendments were read:

First. Amend the title by striking out "and for other purposes."

Second. In line 5 strike out the figures "$5,000" and insert in lieu thereof the figures "$2,000."

Third. In line 8, after the word "duty," strike out the semicolon and place a period; after the period strike out all of said bill down to and including line 13.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

The question was taken; and on a division (demanded by Mr. MANN) there were 30 ayes and 1 no.

So the committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

DAVID MOWEN.

The next business in order on the Private Calendar was the bill (H. R. 15414) for the relief of David Mowen.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers David Mowen, who was a private in Company C, One hundred and second Regiment Pennsylvania Volunteer Infantry, shall hereafter be held and considered to have been mustered into the military service of the United States as a private of said company and regiment on the 18th day of March, 1865.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

position of being honorably discharged, I take it that he then became entitled to receive from the Government his back travel pay and subsistence which the Government would have had to pay if his resignation had been accepted at the time he resigned. But the subsequent order of July 20, 1898, ratified, or was an acceptance of, the resignation nunc pro tunc—now as of then. So that left him in the position of one whose resignation had been accepted before he left the Army, and he would be under such circumstances, under the law in such cases, entitled to travel pay and travel subsistence.

Now, I myself was struck by the peculiar language of the Court of Claims, wherein it says:

The claim herein is neither a legal nor an equitable one against the United States.

I can easily understand it is not a legal claim, simply because the statute of limitations has run against it, but I can not myself explain why the word "equitable" is used there. By virtue of the modified order he was placed in the position of one who was honorably discharged, and as such was entitled to his travel pay and travel subsistence. I notice that this language is quite similar to that in many similar bills that have heretofore, if I am not greatly mistaken, been allowed by this House.

Mr. MANN. I think the gentleman is greatly mistaken.

Mr. BURKE of Wisconsin. I may be. I do not venture to say otherwise.

Mr. MANN. A great number of these claims have recently been reported upon by the Court of Claims with this finding in cases affecting travel pay. In this case the court finds that this man's discharge was for his own convenience, and the Government was not liable for the travel pay. There are hundreds of these cases. I look over great numbers of them every few days coming from the Court of Claims in which this same finding is made in cases similar to this. You can not allow one without allowing all the others. Now, when we refer a case to the Court of Claims and they find that there is neither a legal nor an equitable claim it seems to me that that ought to be enough.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

DAMAGE TO ROADS, CAMP MEADE, PA.

The next business in order on the Private Calendar was the bill (H. R. 13338) authorizing payments for damage to township roads by the United States troops while camped at Camp Meade during the War with Spain.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the supervisors of Lower Swatara Township, Dauphin County, Pa., the sum of $1,100 for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to know whether this community asked for this camp in the Spanish-American War. Did this community ask for the location of these headquarters there during the Spanish-American War?

Mr. KREIDER. Did the community ask for it?

Mr. FOSTER. Did the community ask for the location of the camp at that place?

Mr. KREIDER. No. The Government rented the farm of Mr. Young and went there without invitation from anybody.

Mr. FOSTER. They rented a farm?

Mr. KREIDER. Yes; they rented the farm.

Mr. FOSTER. What kind of roads are they?

Mr. KREIDER. They are ordinary dirt roads. Those that were damaged largely were dirt roads, extending about 7 miles.

Mr. CULLOP. How were they damaged?

Mr. KREIDER. They were torn up by the heavy hauling by the Government teams, and so forth; heavy artillery moving over the roads.

Mr. CULLOP. Now, they had rented a farm, were occupying it, and had all the privileges and rights of the road, the same as any other citizen that was living there, in order to get to the farm and get away from it. Now, upon what hypothesis can the gentleman claim any liability for injury to the roads under those circumstances?

Mr. KREIDER. It was simply because these roads were not made or prepared by the townships in the county for such use as the Government put them to.

Mr. CULLOP. They were public roads, were they not?

Mr. KREIDER. Yes, sir.

Mr. CULLOP. The public road was meant for any public use. Any person anywhere had the right to use the road, and if there was much hauling or use of it, that was one of the burdens that the public had to bear. One man may use a road a great deal more than another man and yet pay no more tax than the man who used the road but little. Yet that does not create any liability against the man who uses the road much.

Mr. KREIDER. That is probably true; but this was such an extraordinary circumstance, that the entire Second Army Corps of the United States Army should be located at that particular place; and if you will read the report of the Chief Quartermaster, Guy Howard, you will notice that he says in the closing paragraph:

This claim is considered just and reasonable, and I recommend its speedy adjustment.

Now, the only reason why the War Department or the Quartermaster's Department did not pay the claim is because they have no money especially appropriated for this purpose.

Mr. CULLOP. But I will say to the gentleman from Pennsylvania that every year Congress makes an appropriation for the support of the Army, to pay its obligations, to pay any liabilities that may be incurred by it, and yet in 16 years no such item as this was carried in any Army appropriation bill. Now, why should it come in here?

Mr. MANN. If the gentleman from Indiana will yield, or permit, I will say that the Army can not pay for damages anywhere. I think we have appropriated for every encampment that has been held for special damages.

Mr. CULLOP. For encampments?

Mr. MANN. Yes; and in this case the quartermaster of the Second Corps himself recommended at once to the Quartermaster General that this claim ought to be paid. It was their own suggestion, because through the heavy teaming they had ruined the road.

Mr. CULLOP. Yes; but the gentleman from Illinois well knows that there was a road dedicated to the public——

Mr. MANN. Oh, there is no question about any legal liability. There is no legal liability.

Mr. CULLOP. If anybody violated the statute governing the use of the roads, it was the duty of the Commonwealth of Pennsylvania to invoke that statute. Now, the Government is a part of the public. The Army had a right to go over the road.

Mr. MANN. There was no violation of the statute. Of course, the Army had a right to use the road; there is no doubt about that.

Mr. CULLOP. Now, because the teaming was made more laborious, or there was a greater service than usual or than was expected, damages are claimed. But the road was created for every reasonable and necessary service that the public might use it for.

Mr. BURNETT. May I suggest to the gentleman, was not that an extraordinary use of this road, in a manner never contemplated by those who constructed the road, and would not an equitable claim arise from that?

Mr. CULLOP. I will say to the gentleman from Alabama that I do not think so. I think when the road was dedicated to the public use it was dedicated for such purposes as the public or the Government might see fit to use it for.

Mr. BURNETT. Ordinarily, but not extraordinarily.

Mr. CULLOP. They had to take into consideration the fact that armies might move, that heavy service might be required.

Mr. MANN. If the gentleman from Indiana will permit, I think the gentleman is entirely right about the legal use of the road; but here was a case where the Army used the road and ruined it, and themselves proposed that they appropriate the amount carried here—$1,100—which would not put the road back in entire repair. Now, of course, there is no question about the right to use the road, and there is no legal liability.

Mr. CULLOP. I can not see, Mr. Speaker, how you could ruin a common dirt road. That seems to me to be out of the question.

Mr. MANN. I have seen many of them ruined, and where people paid for them, too.

Mr. CULLOP. Yes; but these roads were fixed for that purpose. They expected heavy hauling on them, or had a right to expect it, and this road was dedicated to the public.

Mr. MANN. They expected farmers' wagons would use the road.

Mr. METZ. What stand does the gentleman take as to assessable improvements alongside of Government property, where the Government gets the benefit of the improvement and will not pay the assessment?

Mr. CULLOP. In what respect?

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution reported by the committee referring this matter to the Court of Claims be considered instead of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, no such bill has been reported to the House and the bill could not be considered. Although the bill shows on its face that it has been reported to the House, it never has been reported to the House, and the report so shows.

Now, I do not object to considering the resolution if the gentleman desires to do that, but not in lieu of the bill as though the bill had any standing, because it has none.

Mr. POU. It is for that reason I asked unanimous consent to have the resolution take the place of the bill, which is erroneously on the calendar.

Mr. MANN. If the gentleman wants to have the resolution considered, very well; but not in place of the bill, because the bill has no standing whatever.

Mr. POU. The Committee on Claims has never reported the bill favorably. It is simply by error on the calendar. I do not know how it got there.

Mr. MANN. I can explain to the gentleman how it happened. The error came from the supposition of the clerk of the committee that the printing clerk up here reads the reports and extracts from the reports the recommendations that the committee has made. That is not the duty of the printing clerk at all. It is the duty of the clerk of the committee, or whoever presents these reports, to present the resolution in connection with them in addition to the report, so that the printing clerk reports the resolution as having been introduced and favorably reported to the House. That is the only way it can be done. Merely filing a report with this bill and recommending the passage of the resolution is not a sufficient report, and it is unfair to endeavor to put upon the employees of the House the labor of going through the reports and extracting information from the reports.

Mr. POU. I think it is only just to the clerk of the Committee on Claims to say that he did the exact thing the gentleman has stated; he took this resolution and himself went to the Printing Office, as I understand it.

Mr. MANN. Well, he does not make a proper report. I hold the report in my hand.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent for the consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 563.

Resolved, That the bill (H. R. 7639) for the relief of Myron A. Brownlee, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. The question is on the passage of the resolution.

The question was taken, and the resolution was agreed to.

WILLIAM E. HORTON.

The next business in order on the Private Calendar was the bill (H. R. 3954) for the relief of William E. Horton.

Mr. POU. Mr. Speaker, before the next bill in order, Calendar No. 291, be taken up, I ask unanimous consent that the resolution reported by the committee be considered in place of the bill, which is erroneously on the calendar.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be considered in connection with Calendar No. 201 in place of H. R. 3954, which is erroneously on the calendar.

Mr. MANN. Mr. Speaker, will the gentleman ask unanimous consent for the reading of the resolution with the right to object——

Mr. POU. I will do that.

The SPEAKER pro tempore. Does the gentleman from North Carolina amend his request?

Mr. POU. I do.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution be read for consideration. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved, That the bill (H. R. 3954) for the relief of William E. Horton, with the accompanying papers, be, and the same is hereby, referred to the Court of Claims for the finding of facts and conclusions of law.

The SPEAKER pro tempore. Is there objection to the consideration of the resolution?

Mr. MANN. Reserving the right to object, here is a bill to pay a man $100 for a horse which was lost in the Army during the War with Spain. Now, it really does not occur to me that he will make anything if he gets the resolution through. It will cost him more than $100 to prosecute his claim in the Court of Claims and get his proof. What is the object in referring a bill of that kind to the Court of Claims? It seems to me that the War Department or somebody ought to be able to furnish the information without sending a man to court on a hundred-dollar claim against the Government.

Mr. STEPHENS of Mississippi. I will say, if the gentleman will permit an interruption, that this was sent to the Court of Claims at the request of the gentleman from Kentucky [Mr. SHERLEY], who is a good lawyer and a Member of experience here. He made that request. I think the gentleman from Illinois is right in saying that the expense will be heavy, but we are following the request of the gentleman from Kentucky.

Mr. MANN. I do not think it ought to be done. I have no doubt that in a case of that sort it is not a difficult matter to make proof which would satisfy the committee without requiring a man to go and hire a lawyer and submit his proof and then take his testimony to the Court of Claims on a hundred-dollar claim. I can not say that the right would be an asset; I think the right to go to the Court of Claims on a claim like this would be a liability instead of an asset.

Mr. STEPHENS of Mississippi. I think the gentleman is correct.

Mr. MANN. I am going to object, because I think the committee can take care of it at some other time in some other way.

GUY C. PIERCE.

The next business in order on the Private Calendar was the bill (H. R. 14690) to carry out the findings of the Court of Claims in the case of Guy C. Pierce.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Guy C. Pierce, of Kilbourn, in the State of Wisconsin, the sum of $511.55, in accordance with the findings of the Court of Claims reported in Senate Document No. 269, Sixty-third Congress, second session, said sum to be accepted and receipted for in full of said claim against the Government.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, here is a bill that says it is to pay money out of the Treasury "in accordance with the findings of the Court of Claims, reported in Senate Document No. 269, Sixty-third Congress, second session." That document refers to this claim, and winds up with this "conclusion":

Upon the foregoing findings of fact the court concludes, on the authority of the case of Sweet v. United States, that the claim herein is neither a legal nor an equitable one against the United States, they having received no benefit therefrom, and any payment thereof rests in the bounty of Congress.

I think there have been recently hundreds of findings just like this upon cases similar to it which relate to travel pay. I believe, where the court has found that there is no claim against the Government; that the Government has received no benefit; and then the bill is reported favorably in here.

Mr. COX. Have any of them been enacted into law?

Mr. MANN. Not yet; but if this goes through it will form a precedent for all the others.

Mr. COX. I think the gentleman ought to object to it, then.

Mr. CULLOP. The finding of the Court of Claims, as I understand it from the reading, is that the Government does not owe anything.

Mr. MANN. That is right. It says it does not owe anything, either legally or equitably.

Mr. CULLOP. Then there is no reason why it should be passed here and made a gratuity, I should think.

Mr. MANN. I agree with the gentleman. Still, I thought the gentleman from Wisconsin [Mr. BURKE] would throw some light on it.

Mr. BURKE of Wisconsin. Will the gentleman from Illinois permit me a minute?

Mr. MANN. Certainly.

Mr. BURKE of Wisconsin. It appears from the findings of fact that Maj. Pierce resigned from the Army about the 9th of October, 1865, after having requested through military channels that he be discharged. He went home before his resignation was accepted, and thereafter, on the 17th of March, 1866, he was by the order of the commanding officer dropped from the service for desertion; but on the 30th of July of that year that order was modified so as to give him an honorable discharge. It appears that he went home from where his regiment was stationed, down on the Rio Grande, in Texas, to Kilbourn, Wis.—the number of miles being given—and he received no travel pay or travel subsistence at that time nor at any other time. When the order was modified and he was placed in the

about the 13th day of July, 1908, for the erection and completion of an ordnance barracks at the Sandy Hook Proving Grounds, N. J.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the said Daniel J. Ryan the sum of $1,504.78, the full amount due him under said contract without deduction of any penalty, forfeiture, or claim for liquidated damages or otherwise.

The Clerk read the following committee amendments:

On page 1, line 13, strike out the figures "$1,504.78" and insert in lieu thereof the figures "$770."

On page 2, lines 1 and 2, strike out the words "without deduction of any penalty, forfeiture, or claim."

In line 3, page 2, strike out the words "or otherwise."

On page 2, in line 1, after the word "contract," strike out the comma and insert a period.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the committee amendments.

Mr. MANN. Mr. Speaker, I would like to have the last committee amendment submitted separately.

The SPEAKER pro tempore. The question is on the first two committee amendments.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I wish now to be heard on the last committee amendment. I will direct the attention of the gentleman from North Carolina to the form of the bill as proposed to be amended. It reads:

The sum of $770, the full amount due him under said contract for liquidated damages.

The concluding words of the bill as originally introduced, "or otherwise," are stricken out. I think that ought to be changed so that the bill as amended will read:

Seven hundred and seventy dollars in full for the amount due him under such contract for liquidated damages or otherwise.

He has been paid everything except this amount, and we want it in full.

Mr. POU. Mr. Speaker, I have no objection to the amendment, and I think it ought to be agreed to.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Illinois, which the Clerk will report.

Mr. MANN. Mr. Speaker, I suggest that we first vote down the committee amendment.

The SPEAKER pro tempore. The question is on the last committee amendment.

The question was taken, and the committee amendment was rejected.

Mr. MANN. Mr. Speaker, I move to strike out the word "full," in line 2, page 2, and insert, after the figures "$770," the words "in full for," so that it will read "in full for the amount due him," and so forth.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 2, after the figures "$770," insert the words "in full for."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I now move to strike out the word "full" before the word "amount."

The Clerk read as follows:

Page 2, line 2, strike out the word "full" before the word "amount."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I desire now to have stricken out the word "an," in line 7, page 1; and in making the motion, I will ask some of the military gentlemen who are present if it is proper to say "an ordnance barracks." Would it not be just "ordnance barracks"?

Mr. KAHN. "An" would refer to one set of barracks.

Mr. MANN. Mr. Speaker, I move to strike out the word "an."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "an" at the end of the line.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LOTTIE RAPP.

The next business in order on the Private Calendar was the bill (H. R. 3430) for the relief of Lottie Rapp.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $5,000 be, and the same is hereby, appropriated for the relief of Lottie Rapp, because of the death of her husband, August R. Rapp, on the 1st day of October, A. D. 1910, caused by injuries received by him on September 30, 1910, while employed by the United States Government at Battle Mountain Sanitarium, South Dakota, while operating an electric bread mixer, in which he was caught and crushed.

With the following committee amendments:

Page 1, line 3, strike out the figures "$5,000" and insert in lieu thereof the figures "$720."

Page 1, line 11, after the word "*crushed*," insert:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HEIRS OF BENJAMIN S. ROBERTS.

The next business in order on the Private Calendar was the bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts.

Mr. POU. Mr. Speaker, I ask unanimous consent that the resolution which the committee agreed upon, referring this matter to the Court of Claims, be considered in lieu of the bill.

The SPEAKER pro tempore. The gentleman from North Carolina asks unanimous consent that the resolution referred to be considered in lieu of the bill. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the gentleman from North Carolina is watchful, as usual, and catches one of a number of errors which have been made in bills on this calendar. Here is a bill appropriating $100,000. It never has been reported to the House favorably, and yet we have copies of a bill in our hands on the floor, and the Clerk has a copy printed June 9, 1914, "Committed to the Committee of the Whole House and ordered to be printed," as though it had been reported favorably. It never was reported favorably, and if the gentleman from North Carolina had not been watching, or if some one else had not been watching, the bill might have been passed through here appropriating $100,000. There are a half dozen such bills on the calendar. I shall object to the consideration of the bill.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

JOE T. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 11199) for the relief of Joe T. White.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

R. U. DELAPENHA & CO.

The next business in order on the Private Calendar was the bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

D. DALE CONDIT.

The next business in order on the Private Calendar was the bill (H. R. 11719) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MYRON A. BROWNLEE.

The next business in order on the Private Calendar was the bill (H. R. 7639) for the relief of Myron A. Brownlee.

ANNA MILLER.

The next business in order on the Private Calendar was the bill (H. R. 15557) for the relief of Anna Miller.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Miller, of Glencoe, Wyo., the sum of $130, as full reimbursement for sums paid by her for carrying the United States mail between the railroad station and the post office at Glencoe, Wyo., from December 20, 1907, to January 6, 1908.

With the following committee amendments:

In line 6 strike out the figures "$130" and insert in lieu thereof the figures "$116."

In line 10 strike out the word "seven" and insert in lieu thereof the word "six."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

FRANK P. SAMMONS.

The next business in order on the Private Calendar was the bill (H. R. 16578) for the relief of Frank P. Sammons.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

WILLIAM E. CAMPBELL.

The next business in order on the Private Calendar was the bill (H. R. 11062) for the relief of William E. Campbell.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

GEORGE W. SOULE.

The next business in order on the Private Calendar was the bill (H. R. 10688) for the relief of the legal representatives of George W. Soule.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MARY CORNICK.

The next business in order on the Private Calendar was the bill (H. R. 10460) for the relief of Mary Cornick.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Mary Cornick, widow of Peter Cornick, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, said Peter Cornick having been killed on the 2d day of December, A. D. 1901, while employed in the steam-engineering department at the navy yard at Norfolk, Va., through no negligence on his part, in the line of his duty.

The following committee amendments were read:

In line 6, strike out the figures "$5,000" and insert in lieu thereof the figures "$842.40."

In line 11, after the word "duty," strike out the period and insert a semicolon, and add the following:

"*Provided*, That no agent, attorney, firm of attorneys, or any persons engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim, any fee or compensation whatsoever."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLARENCE L. GEORGE.

The next business in order on the Private Calendar was the bill (H. R. 14679) for the relief of Clarence L. George.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Clarence L. George, late a first-class private, Company H, of the Signal Corps of the Army, the sum of $379.20.

The following committee amendments were read:

In line 3, after the word "hereby," add the words "authorized and."

In line 4, after the word "pay," add the words "out of any money in the Treasury not otherwise appropriated."

In line 6, strike out the figures "$379.20" and insert in lieu thereof the figures "$296.05."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE W. TRAHEY.

The next business in order on the Private Calendar was the bill (H. R. 8554) for the relief of George W. Trahey.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to George W. Trahey, of Bremerton, Wash., out of any money in the Treasury not otherwise appropriated, the sum of $10,000 for damages suffered by him on account of an injury received by him while performing his duties as master shipwright at the navy yard, Puget Sound, on May 8, 1912, said injury resulting from gunshot wounds inflicted upon him by one John N. Haley, an employee of said yard, who at the time of such shooting was insane.

The following committee amendment was read:

In line 5 strike out the figures "$10,000," and insert in lieu thereof the figures "$762."

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Reserving the right to object, Mr. Speaker, I would like to have a little explanation of the bill. Is the gentleman from Washington [Mr. HUMPHREY] here?

Mr. MANN. He is not here, and I suppose that is all the gentleman wants to know?

Mr. FOSTER. I noticed that it was his bill, and I wondered if he could not explain the bill to us.

Mr. POU. I will say to my friend from Illinois that this man was shot by a man who afterwards turned out to be insane. The fact that the insane man was acting in a peculiar way had been called to the attention of the superior officers of this man Trahey, and the committee thought that a crazy man ought to have been shut up. He shot not only this man, but, I think, one or two others. I think he killed one man.

Mr. FOSTER. This man Haley was regularly employed by the Government at the time?

Mr. POU. He was.

Mr. FOSTER. Were the other men that he shot employees of the Government?

Mr. POU. I think there were two that were injured, and I think that both were employed by the Government.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. I object.

Mr. BRYAN. Mr. Speaker, I can state the facts about this case if the gentleman from Pennsylvania would like to know them.

Mr. DIFENDERFER. Mr. Speaker, I will withhold my objection.

Mr. BRYAN. I have been asked by the gentleman from Pennsylvania [Mr. DIFENDERFER] if I know about the facts of the case, and I do not want an objection made on account of my failing to state the facts. The report sets forth the truth about the matter. I was on my way to my office in the town of Bremerton at the hour this accident occurred on the morning of May 8, 1912. This man Haley, who later turned out to be an insane man, walked into the yard just after the 8-o'clock whistle blew, and approaching from behind this man, George W. Trahey, who was one of the yard bosses, fired two shots into his shoulder and neck, and when Trahey fell he got over him and fired another shot. It was an awful, cruel, and heartless crime. Great sympathy was accorded to Trahey and his family. He was taken to the hospital. One of the bullets is still in him. After a very hard struggle for life he recovered and went back to work. There is no doubt that he suffered very much and went through a terrible ordeal, and if he is to be compensated, this is a very small compensation. He is not a man of means, and no doubt the sum would be a great help to him and his family.

Mr. POU. The amount recommended by the committee represents exactly the amount of his pay for lost time.

Mr. BRYAN. This is a case that for many special reasons belongs to my colleague, Mr. HUMPHREY, to take care of. He is not here to-night. It is now nearly 10 o'clock. I am not responsible for it, but I have no objection to the bill. I know all the facts at first hand, and will gladly answer any questions.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. DIFENDERFER. Mr. Speaker, I object.

DANIEL J. RYAN.

The next business in order on the Private Calendar was the bill (H. R. 4001) for the relief of Daniel J. Ryan.

The Clerk read the bill, as follows:

Be it enacted, etc., That Daniel J. Ryan be, and he hereby is, relieved from any penalty, forfeiture, or claim for liquidated damages under his certain contract with the United States of America, dated on or

Mr. POU. Mr. Speaker, I think there is a misunderstanding as to the position of the Postmaster General. My own view is that the Postmaster General merely wished to emphasize his own opinion that there ought to be a general law covering cases which should occur in the future. I do not understand the Postmaster General to oppose compensating these people who have been injured in the past.

Mr. MANN. What does the gentleman understand by this language:

> It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in line of duty.

That was under date of January 13, 1913. Then, under date of April 30, 1914, the Postmaster General says:

> The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

That is the case now before the House. If that is not plain English, I have never read it.

Mr. POU. I may be wrong about it, and the gentleman may be right in his view; but in my judgment the Postmaster General intends to express the opinion in a general way that favorable consideration should not be given to private bills for the relief of letter carriers, having in mind the general policy. As I understand it, the view of the Postmaster General is that these cases should be taken care of by general law that would refer to all future cases.

I may be wrong in my construction of the Postmaster General's letter, but, as I understand it, the Postmaster General has expressed himself as being opposed to the policy of dealing with injury cases by special bills. But I do not believe that the Postmaster General intends to oppose the compensating of any of these people who were injured in the past, although a strict construction of his letter might lead to that conclusion.

Mr. MANN. The Postmaster General expressed this opinion after the general provision had been enacted into law. Of course the general law did not refer to all cases, and I do not know of any way of safely passing a general law which covers all cases in the past.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks for a division.

The House divided; and there were—ayes 32, noes 0.

So the bill was passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM S. EAMES AND THOMAS C. YOUNG.

The next business in order on the Private Calendar was the bill (H. R. 6654) for the relief of William S. Eames and Thomas C. Young.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William S. Eames and Thomas C. Young, composing the firm of Eames & Young, architects, of St. Louis, Mo., who were architects of the United States, appointed by the Secretary of the Treasury under act of Congress approved February 20, 1893, to draw the plans and specifications for the United States customhouse at San Francisco, Cal., and to supervise the construction of said building, and who rendered the services incident to that employment, the sum of $21,244.86, which sum is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the reimbursement of said William S. Eames and Thomas C. Young for preparing extra plans and specifications for a power plant, and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake.

With the following committee amendments:

> Amend, page 2, line 1, by striking out the figures "$21,244.86" and inserting in lieu thereof the figures "$2,544.86."
>
> Amend, page 2, line 4, by inserting after the word "for" the words "actual expenses incurred by them in."
>
> Amend, page 2, lines 6 to 16, inclusive, by striking out the words "and for money paid by them in salaries and office expenses and for personal services during the construction of said building, the same being an extraordinary expense occasioned by the earthquake and fire in San Francisco, Cal., in April, 1906, in that the earthquake and the additional work made necessary by it made necessary a much more protracted employment of said superintendents and office force and greater personal effort than would have been necessary if the work had proceeded to completion under normal conditions and without the intervention of the earthquake," and inserting in lieu thereof the words "for said building."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. I will reserve the right to object. I would like to ask the chairman of the committee to explain how this bill was incurred against the Government. What right have these claimants to claim a payment here?

Mr. POU. I have no information about the matter except that contained in the letter of Assistant Secretary Newton.

Mr. MANN. Will the gentleman from Indiana allow me to ask the gentleman from North Carolina one question?

Mr. CULLOP. Certainly.

Mr. MANN. The committee having recommended an amendment lowering the amount from $21,244.86 to $2,544.86, would the committee now be willing further to amend that and make it $1,005?

Mr. POU. I would like to confer with the gentleman who introduced the bill.

Mr. MANN. I shall object unless that amendment is made.

Mr. CULLOP. I want to call attention to this one paragraph——

Mr. HOWARD. I want to state to the gentleman that, knowing something about the charging proclivities of the firm of Eames & Young, especially as applicable to the Atlanta penitentiary, I expect to object to this bill, and that will put an end to the discussion.

Mr. CULLOP. I reserved that right, and I am going to let them charge on. I object now, so that this can not go any further here.

The SPEAKER pro tempore. The gentleman from Indiana objects. The Clerk will report the next bill.

DAVIS SMITH.

The next business in order on the Private Calendar was the bill (H. R. 16205) for the relief of Davis Smith.

The bill was read, as follows:

> *Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized to issue a patent to Davis Smith, of Wewela, Tripp County, S. Dak., for the northeast quarter of section No. 10 in township 95 north of range 76 west of the fifth principal meridian, South Dakota, regardless of the fact that said Davis Smith had commuted a former entry under the provisions of an act entitled "An act relating to the public lands of the United States," approved June 15, 1880 (21 Stats., 237): *Provided*, That said Davis Smith make satisfactory proof of his compliance with the homestead law and pay the price per acre provided in the law under which he made homestead entry for the land described herein.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

WILLIAM A. WALLACE.

The next business in order on the Private Calendar was the bill (H. R. 12229) for the relief of William A. Wallace.

The bill was read, as follows:

> *Be it enacted, etc.*, That in the administration of the pension laws William A. Wallace shall be hereafter held and considered to have been mustered into the service of the United States as a private in Company E, Thirteenth Regiment New York Volunteer Militia, on April 23, 1861: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

> Strike out the above language and insert the following:
>
> "That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William A. Wallace, who was a private in Company E, Thirteenth Regiment New York Volunteer Militia, shall hereafter be held and considered to have been mustered into service of the United States as a private of said company and regiment on the 23d day of April, 1861."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and it was accordingly read the third time and passed.

The SPEAKER pro tempore. If there be no objection, the title will be amended as recommended by the committee.

Mr. MANN. Mr. Speaker, I object. The committee have proposed to amend the title so as to read "A bill for the relief of the widow of William A. Wallace." The widow is not pensioned anywhere in the bill; and while possibly Mr. Wallace may have gone beyond and there may be a widow, the title of the bill should remain as it is.

The SPEAKER pro tempore. The gentleman from Illinois objects. The title will remain as it is.

Mr. KAHN. The purpose of the bill is to give the widow a pensionable status.

The SPEAKER pro tempore. The Clerk will report the next bill.

Yet the Government should not for that reason be relieved from compensation in order to reimburse them for loss sustained, as they were extra work.

tained its position that it would not favor any of these claims for personal injuries occurring before the general law was passed, whether it proposed to maintain its position that there ought to be a general law passed covering cases already in existence. Assistant Postmaster General Roper, whom we all know and hold in high esteem, informed me that that was the policy of the department; that the department thought there ought to be no special legislation, and I quit.

Mr. POU. Mr. Speaker, I will say to the gentleman that if the case he refers to is a case where a man was injured and would probably receive a year's pay or two years' pay under existing law, if he sees fit to reintroduce his bill——

Mr. MANN. Oh, I have had a bill pending before the committee for a year. I am not making any complaint about that. What I wanted to do was to get the Post Office Department to make a report upon the case. They will not make any investigation of the case, because they say they are not in favor of bills of that kind.

Mr. POU. As near as I can define any line of policy that the committee has adopted, it might be expressed in this way: We have not allowed the statute of limitations to stand in the way of compensating certain people who were injured before this law went into effect.

If under any given state of facts a man would be entitled to one year's pay or two years' pay under the law as it exists, the committee usually has reported a bill allowing about that amount. In the multiplicity of bills that confront us we have not been able to work out a policy, and I do not think a consistent policy could be easily worked out under the circumstances.

Mr. HOWARD. Mr. Speaker, if the gentleman from Illinois will permit me, I will say this: That before I introduced this bill I went down to the Post Office Department and saw Mr. Roper myself, and at that time I told Mr. Roper of the violent injury that this old man had received. I asked him what effect the introduction of this bill would have upon his status as an employee, whether it was against the policy of the department to allow post-office employees to seek congressional aid for personal injuries, and after I had explained the circumstances of the injury and the extent of it and told him of the long service of this gentleman he not only told me that it would not affect his status so far as he was an employee, but he added that he would be glad to see the bill introduced.

Mr. MANN. Very likely; but I notice there is not a report from the department.

Mr. HOWARD. I do not think the Post Office Department is responsible for that. I think the distinguished chairman of the Committee on Claims would probably state that the committee did not ask the Post Office Department for any report upon this bill.

Mr. MANN. If the committee did not, the reason was because they had a lot of reports from the Post Office Department upon similar bills, saying that it was opposed to their passage, and I have such a letter from Mr. Roper myself, and there are on this calendar here to-night bills with similar reports from the Post Office Department.

Mr. POU. Mr. Speaker, I will say to the gentleman from Georgia that a letter was addressed to the Post Office Department asking what that department had to say about this bill; but before the answer was received, in the haste to get these bills on the calendar, the report was made out, and the letter was not incorporated in the report.

Mr. MANN. Has the gentleman the letter there?

Mr. POU. The Post Office Department reported, as I understand, that they had no information on this subject.

Mr. MANN. Did not the Post Office Department make a report that they thought there ought not to be any special bills passed? I would like to know whether they make flesh of one and fowl of another.

Mr. POU. I would not undertake to quote what was in the letter unless I had the letter before me; but in all of these cases an inquiry was addressed to the department, and it was in this case. Exactly what the reply was I would not undertake to say.

Mr. MANN. I will read the reply later on.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I shall not object to the consideration of the bill, but I shall ask for a division to see whether the Post Office Department has any friends on the floor in the position which they take.

The question was taken, and the committee amendment was agreed to.

The bill as amended was ordered to be read a third time; was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken——

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided, and there were—ayes 51, noes 0.

So the bill was passed.

COLONIAL REALTY CO.

The next business in order on the Private Calendar was the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Colonial Realty Co., of the city of Philadelphia, State of Pennsylvania, the sum of $469.93, being the amount of excess corporation tax paid by said company.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice that the Secretary of the Treasury reports on this bill—

Many claims of this character have been and are being rejected in this office under the provisions of this statute.

That being the case—and I accept, of course, as we all do the statement of the Secretary of the Treasury—why should we single out this particular case for a special bill when the Secretary states that large numbers are rejected just like it?

Mr. POU. Well, I will say to the gentleman from Illinois that the matter was discussed in the committee and a majority of the committee thought it was not good policy for the Government to keep money that did not belong to it simply because of a technicality.

Mr. MANN. Well, if that be the case, then that committee or some other committee ought to report a general law on the subject.

Mr. POU. Well, perhaps that might be true.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

EXTENSION OF REMARKS.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, on what subject?

Mr. CARTER. On the subject of the Mississippi Choctaws, something that has never been discussed in the House.

Mr. MANN. There is some question whether it is proper for the House to do that under the order. I would not make any objection except for that.

Mr. CARTER. I did not know anything about the order.

Mr. MANN. It is a special order only for the consideration of bills on the Private Calendar.

Mr. CARTER. Well, I suppose that would not exclude unanimous consent, if a fellow could get it. [Laughter.]

Mr. MANN. Well, I expect that is true.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

ESTATE OF THOMAS F. SWAFFORD.

The next business in order on the Private Calendar was the bill (H. R. 2978) for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 6263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to the estate or succession of Thomas F. Swafford, deceased, late of the State of Louisiana, the sum of $1,021.63, shown to be due him for services rendered in carrying United States mail on route No. 6263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861, as certified by the Treasury Department to be due in a report published as Senate Document No. 62, Sixty-seventh Congress, second session.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANCIS TOMLINSON.

The next business in order on the Private Calendar was the bill (H. R. 3088) granting an honorable discharge to Francis Tomlinson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to remove from the rolls and records in the office of The Adjutant General of the United States Army the charge of desertion now standing against Francis Tomlinson, late of Troop L,

First Regiment United States Cavalry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and in lieu thereof insert the following:

"That in the administration of the pension laws Francis Tomlinson, late of Troop L, First Regiment United States Cavalry, shall hereafter be held and considered to have been in the military service of the United States from the 12th day of October, 1861, until December 29, 1865, and honorably discharged from such service on December 29, 1865: *Provided*, That he shall not receive any back pay, pension, or allowances by reason of the passage of this act."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Francis Tomlinson."

CHARLES B. GASKILL.

The next business in order on the Private Calendar was the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army.

The bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. MANN. Mr. Speaker, I object.

JAMES GRADY.

The next business in order on the Private Calendar was the bill (H. R. 13470) to remove the charge of desertion from the record of James Grady.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against James Grady, late of Company G, Third Regiment United States Infantry, and grant him an honorable discharge.

The committee amendment was read, as follows:

Strike out all of the bill except the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, James Grady, who served as a private in Company G, Third Regiment United States Infantry, shall be held and considered as having been mustered in as a member of said company on October 8, 1860, and honorably discharged therefrom on October 28, 1864: *Provided*, That no back pay, pension, or other emoluments shall accrue prior to or by reason of the passage of this act."

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of James Grady."

LIEUT. COL. JOHN P. FINLEY.

The next business in order on the Private Calendar was the bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

GEORGE H. GRACE.

The next business in order on the Private Calendar was the bill (H. R. 1352) for the relief of George H. Grace.

The bill, with committee amendments, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

CATHERINE GRACE.

The next business in order on the Private Calendar was the bill (H. R. 13761) for the relief of Catherine Grace.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

MARY MACON HOWARD.

The next business in order on the Private Calendar was the bill (H. R. 7078) for the relief of Mary Macon Howard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary Macon Howard, out of funds in the Treasury not otherwise appropriated, the sum of $25,000, as compensation to her for the loss of her husband, John Simpson Howard Howard, who, on the 10th day of February, 1913, while in the discharge of his official duties as a mounted inspector of the United States custom service in Presidio County, Tex., was assassinated by Mexican bandits.

Also, the following committee amendment was read:

In line 6, strike out the figures "$25,000" and insert in lieu thereof the figures "$1,000."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

NELS A. NELSON.

The next business in order on the Private Calendar was the bill (H. R. 3088) for the relief of Nels A. Nelson.

The bill, with a committee amendment, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

ARTHUR BROSE.

The next business in order on the Private Calendar was the bill (H. R. 14931) for the relief of Arthur Brose.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Arthur Brose, of Bemidji, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $1,291.13 on account of injuries received while in the discharge of his duties as mail carrier in the post office at Bemidji, Minn., on the 9th day of July, 1912.

Also the following committee amendment was read:

Line 6, strike out the figures "$1,291.13" and insert the figures "$866.58."

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, this bill is another one of the bills for injuries to employees in the Post Office Department, on all fours with the bill of the gentleman from Georgia [Mr. HOWARD]. Evidently the Postmaster General and his First Assistant do not entirely agree, according to the recent interpretation. Under date of April 30, of this year, which is not so very long ago, the Postmaster General states in reference to this bill:

The opinion of the department, as expressed in its letter of January 13, 1913, regarding the consideration of bills such as H. R. 14931, is unchanged, and I do not feel warranted in recommending favorably in the case of Mr. Brose.

The letter of January 13, 1913, to which that reference is made, says:

It is the opinion of the department that favorable consideration should not be given to private bills for the relief of letter carriers injured in the line of duty, but that relief should be afforded to such persons under a fixed provision of law, and to this end it was recommended in the department's annual report for 1911, page 28, that the following be enacted into law:

And they recommend a provision which we have enacted into law, and then, after it is enacted into law, they still state we ought not to give favorable consideration to cases which existed before the general law was passed and to which the general law does not apply.

Mr. HOWARD. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. HOWARD. Does not the gentleman think that cost of position of the department is illogical, because we can not pass retroactive law here to cover these cases that occurred prior to the passage of the general law, and this is the only way these people can get relief?

Mr. MANN. Far be it from me to say that an opinion of so distinguished a gentleman as the Postmaster General is nonsensical.

Mr. HOWARD. Will the gentleman allow me to assume the responsibility?

Mr. MANN. The gentleman would be wiser if he did not do it, possibly. However, not having any postmasters at stake, it does not make any difference to me whether I make the statement or not.

Mr. HOWARD. Neither have I.

Mr. MANN. Or maybe the gentleman is not successful; I do not know. I think the position is illogical. I can see no more reason why the Post Office Department employees should not receive consideration than why other employees should not. But the House having expressed its opinion upon this subject a few moments ago, I expect to have it express it on this, so as to cinch the proposition.

The amendment to the amendment was agreed to.

was read the third time, and passed.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $149.50 to pay the legal representatives of Robert B. Pearce, late of Sevier County, Ark., for amount due for carrying the mail from Fulton, Ark., to Rocky Comfort, in said State, in the year 1861.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

SPARROW GRAVELY TOBACCO CO.

The next business in order on the Private Calendar was the bill (H. R. 12965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States.

The Clerk read the bill, as follows:

Whereas heretofore, to wit, in the month of June, 1908, a tax of $173.52 was assessed against the Sparrow Gravely Tobacco Co. by the Commissioner of Internal Revenue in the western district of Virginia, the same being for a deficiency in the account of the said company for the year 1907; and

Whereas this assessment was by reason of the fact that the said company had erroneously omitted to include in their inventory for January 1, 1908, one tub of plug tobacco in process; and

Whereas this omission was an honest error on the part of the said company, which the Internal Revenue Department did not allow them to correct by means of an amended inventory; and

Whereas as the result of this error on the part of the said company, and the refusal of the department to allow the same to be corrected, the said company has been compelled to pay to the Government the above assessment, with penalty and interest, which said amount was in excess of what was actually due from the said company to the Government: Now, therefore

Be it enacted, etc., That the said sum of $176.99 is hereby directed to be refunded to the said Sparrow Gravely Tobacco Co. from the Treasury of the United States.

With a committee amendment.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out the four preambles in said bill, and strike out all of said bill except the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the Sparrow Gravely Tobacco Co. the sum of $176.99, which said amount was paid by said company to the Government in excess of what was actually due."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to refund to the Sparrow Gravely Tobacco Co. the sum of $176.99, the same having been erroneously paid by them to the Government of the United States."

Mr. MANN. What was done with the "whereases"?

The SPEAKER pro tempore. They were taken out by the committee amendment.

Mr. POU. They were all stricken out.

DRENEY A. JONES AND JOHN G. HOPPER.

The next business in order on the Private Calendar was the bill (H. R. 2703) for the relief of Dreney A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Dreney A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $4,840.80, for the survey and resurvey of the Yosemite Park boundary under contract 184, California, the boundaries of the park having been changed, rendering the survey unnecessary.

With a committee amendment, as follows:

In line 5 strike out the figures "$4,840.80" and insert in lieu thereof the figures "$2,640.48," and add the following words: "which is in full of all claims and demands against the United States."

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Speaker, I would like to ask the chairman of the committee some questions in regard to this bill and get some explanation of it. I find in the report a letter addressed to the distinguished chairman of the committee, from which I read the following extract:

Yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves prior to bidding the nature of the land to be surveyed.

Now, as I understand this bill, it is a bill for additional services, is it not?

Mr. POU. No, sir; it is not.

Mr. KAHN. Mr. Speaker, will the gentleman yield to me?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. This is not for additional services. The amounts asked for additional services were stricken out entirely. This is for the survey that was made of the Yosemite National Park.

If the gentleman is familiar with that area, he will know that it is an exceedingly difficult one to survey. It is a rough, mountainous country, steep and precipitous in many places, and requires rather careful attention and work.

Mr. CULLOP. Did not the Government pay them the price it agreed to?

Mr. KAHN. No; they have never been paid the contract price except nine hundred and seventy-one dollars on account.

Mr. POU. Nine hundred and twenty-one dollars.

Mr. KAHN. Yes; $921 on account. After they made the survey some errors were found by the Government inspector; they subsequently went into the park to correct those errors, but the United States troops, having had no notice of the fact that they were going into the park for the purpose of making the correction, arrested them.

Now, the gentleman must understand that you can only work in the Yosemite National Park during a few months in the year, and upon the arrest of these men they were delayed for another year in performing the work of correcting the errors. In the meantime the boundaries of the park had been changed, and the department held that there was really no need to correct the errors because of the change.

Mr. HOWARD. The boundaries went beyond?

Mr. KAHN. Yes. The boundaries went beyond the part that was surveyed. But these men were never paid for this work.

Mr. CULLOP. Yes; but the gentleman will observe from the letter of the Assistant Secretary, Mr. A. A. Jones, that those gentlemen made a bid for this work.

Mr. KAHN. Yes.

Mr. CULLOP. Now, have they not been paid the amount of their bid?

Mr. KAHN. No, indeed. Their amount was something like $4,000 or $5,000 for the work. Then, when they went forward again and did additional work they put in additional claims. But those additional claims were disallowed. This is for the original work which was done and for which they have never been paid.

Mr. CULLOP. The additional work was made necessary because of a mistake these men made?

Mr. KAHN. Yes; but the department never allowed that claim, and that has been stricken out entirely. They are not getting anything for that.

Mr. CULLOP. The gentleman will not, I assume, contend for a moment that they ought to be allowed anything because of their mistake.

Mr. KAHN. They are not being allowed anything. This bill does not allow them for those mistakes.

Mr. CULLOP. I want to call the gentleman's attention to this language, and I assume the first assistant secretary of the department understood what he was saying when he said this:

However, the Commissioner of the General Land Office informs me that while it is probably true that the contractors were not aware when they made their bid for these surveys of the exceptionally difficult character of the work, yet the Government should not for that reason increase their compensation in order to reimburse them for loss sustained, as they were expected to ascertain for themselves, prior to bidding, the nature of the land to be surveyed.

Mr. KAHN. Very true; but if the gentleman will allow me——

Mr. DUPRÉ. Is not that probably one of the reasons why the committee have brought in an amendment reducing the amount of the original bill from $4,000 to $2,000?

Mr. POU. That is exactly the reason.

Mr. CULLOP. That is just what I want to know, what this $2,000 is for.

Mr. POU. If the gentleman will pardon me just one minute, the amount originally submitted was $3,570.48. Now they have received on that $921. When these men, Jones and Hopper, came before the committee they asked for nearly $5,000. To be exact, they asked for $4,840.80. The committee took the amount for which they had originally agreed to do the work, $3,570.48, and deducted therefrom $921, which left the amount of $2,649. The committee refused to pay them one single penny for any extra work.

Mr. CULLOP. Why did they not get their money from the department for the work they did? The department made the contract with them and had the money appropriated. Why did they not go there and get paid for their services according to their contract?

Mr. POU. If the work had been done promptly under the contract, they would have gotten their pay; but the Government stopped them. These men were arrested.

Mr. CULLOP. Then this is not the proper way for them to get paid. They can go to the Committee on Appropriations, and through the deficiency bill they can get their pay.

Mr. KAHN. Oh, no.

Mr. CULLOP. If the department has not the money to pay for this work, if the appropriation has reverted, they can get it through that channel and not through this, which seems to me the better way.

Mr. KAHN. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. KAHN. That is exactly what the Committee on Appropriations will not do. They insist that this is a claim against the Government and not a deficiency, and they have repeatedly refused to put items of this character on a deficiency bill. Several years ago the deficiency bill almost failed of passage because the House conferees refused to concur in claims of various character that had been inserted by the Senate, the House having held that claims ought not to be put into a deficiency bill. These sums which are appropriated for surveys lapse back into the Treasury after two or three years, and then if a survey has not been completed to the satisfaction of the surveyor general of the State in which the survey has been made the money lapses back into the Treasury.

Mr. CULLOP. Then, I understand from the gentleman that these men took a contract to complete a piece of work within a specified time and failed to keep their contract.

Mr. KAHN. They performed their contract as far as the Government would let them.

Mr. POU. The Government would not allow them to complete it. Soldiers arrested them. They were there trying to finish the job, but there appears to have been some misunderstanding about it, and they were put under arrest and not permitted to finish the job.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, as there is a controversy about the amount, and the committee have reduced the amount, will an amendment be satisfactory to add after the amount in the bill, the words "which sum shall be accepted by said persons as full settlement for all claims against the United States growing out of said contract for surveys, or on account of the arrest of said persons, or either of them, by any officials of the United States"?

Mr. KAHN. I have no objection to that amendment.

Mr. MANN. We do not want a bill coming in later for any other claim.

Mr. POU. The committee has no objection.

Mr. CULLOP. I would like to ask another question. Did the Government make use of this work or simply refuse to accept it?

Mr. KAHN. It used a part of it until the boundaries of the park were changed.

Mr. POU. After the Government decided to change the boundaries of the park, the survey was of little value.

Mr. MANN. Here is a part of the report on this proposition.

Mr. CULLOP. On what page?

Mr. MANN. On page 2, about the middle of the page. It says:

In the meantime Congress established other boundaries of the park, of which surveys were made by the Geological Survey, rendering the surveys by Jones and Hopper unnecessary and useless except so far as beneficial in the reestablishment of the lines of the public-land surveys.

As I understand the report, the department has stated that it was worth this amount of money for that reason.

Mr. CULLOP. I see another provision in the report, where it says:

During the eight years that have elapsed since that time the deputies have made repeated attempts to correct errors found by examiners at very great expense, and while the errors have not all been corrected, it is evidently almost impossible to make these corrections after the lapse of eight years without making an almost new survey; and as the survey is of practically no benefit to the Government by reason of the act of Congress changing the boundary lines, it is considered equitable and fair that these deputies should be paid balance due them upon the survey made if the same did not contain errors. Such sum is almost equaled by the expenses the deputies have been put to in endeavoring to meet the objections of the examiners.

It seems this work was imperfect all along the line.

Mr. MANN. The trouble with the work was that they changed the lines.

Mr. CULLOP. Who changed the lines?

Mr. KAHN. Congress.

Mr. POU. These men were there at all times trying to get an opportunity to finish the job.

Mr. CULLOP. I see that the committee recommends the payment of $2,640.

Mr. POU. Yes; that is the amount the Government contracted to pay for the work, less the amount they have already paid. It allows nothing for any extra work.

Mr. CULLOP. And this bill is to pay them the balance?

Mr. POU. Yes.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

After the word "unnecessary," in line 9 add the following: "Which sum shall be accepted by said persons as full settlement of all claims against the United States growing out of said contract or service, or on account of the arrest of said persons, or either of them, by any officials of the United States."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THEODORE BAGGE.

The next business in order on the Private Calendar was the bill (H. R. 16163) for the relief of Theodore Bagge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Theodore Bagge the sum of $1,000, out of money in the Treasury not otherwise appropriated, for injury sustained on the 24th day of April, in the year 1907, while employed by the United States Government on the U. S. dredge *Ajax*.

The following committee amendment was read:

In line 5 strike out the figures "$1,000" and insert in lieu thereof the figures "$221.91."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

GEORGE H. HAMMOND.

The next business in order on the Private Calendar was the bill (H. R. 13108) for the relief of George H. Hammond.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George H. Hammond, of Dekalb County, Ga., for injuries received in the performance of his duties under the postmaster and in the post-office building in the city of Atlanta, Ga., the sum of $5,000.

The following committee amendment was read:

In line 9 strike out the figures "$5,000" and insert "$1,200."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the chairman of the Committee on Claims a question in reference to this bill. I notice that there is no report from the Postmaster General on the bill, but on several other bills there are reports from the Postmaster General, in which he reports against the payment of any of these claims for injuries in the Post Office Department on the ground that they are opposed to special legislation, and that it ought to be covered by a general law.

I do not know that I agree with the Postmaster General about that. We passed a general law recently. I do not quite see how we could pass a general law which would relate to cases existing before the law was passed. But what is the policy of the committee in reference to these matters? Has the matter ever been taken up by the Post Office Department outside of the reports they make?

Mr. POU. Not so far as I know. The Committee on Claims has not established any definite policy, but has been hoping that there will be some legislation which will relieve the committee of consideration of these numerous claims.

Mr. MANN. I take it that there is not likely to be legislation by general law in reference to claims already existing. Now, I ask, what will be the policy of Congress?

I had one of these cases, and introduced a bill last summer and asked to have it referred to the Post Office Department. The department reported unfavorably upon it upon the ground that there should be a general law. Since that time we have passed a general law as to cases which would arise after the law was passed, but the law did not apply to cases already existing. I thereupon wrote to the Postmaster General calling his attention to that fact, asking if the department still main-

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Samson Davis shall hereafter be held and considered to have been in the military service of the United States as a private of Company A, Ninth Regiment United States Infantry, from the 21st day of June, 1899, to the 29th day of August, 1902, and to have been discharged honorably as such on the latter date.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LOUIS EDER.

The next business in order on the Private Calendar was the bill (S. 4714) to authorise Louis Eder to enter lands under the homestead laws.

The Clerk read the bill, as follows:

Be it enacted, etc., That Louis Eder, of Laramie County, Wyo., be, and he is hereby, authorized to enter, and secure title to the same under the homestead laws of the United States, 160 acres of unappropriated public lands in lieu of the north half of section 28, township 14 north, range 70 west, of sixth principal meridian, relinquished by him to the Government for inclusion in the withdrawal of lands for the protection of the water supply of a military post, and no charge shall be made for making the entry of record to cover the tract selected: *Provided*, That the requirements of the laws respecting settlement, residence, improvements, etc., are complied with on the new claim, credit being allowed for the time spent on the relinquished claim.

With the following committee amendment:

Page 1, line 6, after the word "of," insert the words "surveyed unreserved and"

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

JOSEPH ROBICHEAU.

The next business in order on the Private Calendar was the bill (H. R. 1062) granting a patent to Joseph Robicheau.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue a patent to Joseph Robicheau to the following land: Northwest quarter of the southeast quarter and south half of the southeast quarter section 27, and the northwest quarter of the northeast quarter section 34, township 47 north, range 5 east, Boise meridian, Coeur d'Alene (Idaho) land district.

With the following committee amendment:

After the word "district," in line 9, insert the following:

"*Provided*, That nothing herein contained shall be held to interfere with or defeat any sale heretofore made by the Forest Service or timber upon the land herein granted and the purchaser or purchasers of such timber shall have the right to cut and remove from the land all timber or lumber purchased, within two years from the approval of this act."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask the gentleman in charge of the bill if it would be perfectly satisfactory to add to the committee amendment the following:

And the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof.

Mr. FRENCH. I have no objection to that. That is the intention, and if it would make it clear I would be very glad to have the gentleman offer that amendment.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I move to amend the amendment by striking out the word "or," after the word "service," and inserting the word "of."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, after the word "service," strike out the word "or" and insert the word "of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. I offer the following amendment, which I send to the desk.

The Clerk read as follows:

At the end of the committee amendment, after the word "act," strike out the period and insert a comma and the following words: "and the said Joseph Robicheau shall have no claim to the timber so sold or the proceeds thereof."

The SPEAKER pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The SPEAKER pro tempore. The question now is on agreeing to the committee amendment as amended.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS F. HOWELL.

The next business in order on the Private Calendar was the bill (H. R. 1516) for the relief of Thomas F. Howell.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to reinstate the homestead entry numbered 3944 of Thomas F. Howell, and thereupon to issue a patent to said Thomas F. Howell for the land embraced in his homestead entry numbered 3944, Redding, Cal., for the southeast quarter of northeast quarter of section 6, south half of northwest quarter and southwest quarter of northeast quarter of section 5, township 28 north, range 5 east, Mount Diablo meridian, upon submission of proof of residence upon and improvement and cultivation of said land as required by the homestead laws: *Provided*, That such final proof be submitted at any time within four years after the approval of this act.

The committee amendment was read, as follows:

On page 1; line 6, strike out the word "thereupon."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think there is some doubt about this—considerable, in my mind. The bill says—

That the Secretary of the Interior is hereby authorized and directed to reinstate.

Would it not be perfectly satisfactory to leave it to the Secretary of the Interior and authorize him to reinstate?

Mr. RAKER. Absolutely; yes, sir; I am perfectly willing to strike out the words "and directed."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I move to amend the bill by striking out, in lines 3 and 4, page 1, the words "and directed."

The SPEAKER pro tempore. The question first is on the committee amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question recurs on the amendment offered by the gentleman from California, which the Clerk will report.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the words "and directed."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRANK PAYNE SELBY.

The next business in order on the Private Calendar was the bill (H. R. 6879) for the relief of Frank Payne Selby.

The Clerk read the title of the bill.

Mr. MANN. Mr. Speaker, I object.

CLEVELAND PRESS, OF CLEVELAND, OHIO.

The next business in order on the Private Calendar was the bill (H. R. 12484) to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Cleveland Press, of Cleveland, Ohio, the sum of $200, which amount is hereby appropriated in full payment for a horse that was shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN B. KEATING.

The next business in order on the Private Calendar was the bill (H. R. 4962) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and pay, out of any money in the Treasury not otherwise appropriated, the sum of $318.80 for import taxes erroneously and illegally collected from him, and paid by him under protest, on a cargo of coal and patent fuel entered at the port of Portland, Me., on or about March 11, 1903.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS W. H. WHITE.

The next business in order on the Private Calendar was the bill (H. R. 16795) to reimburse the owners of the schooner *Thomas W. H. White*.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the owners of the schooner *Thomas W. H. White*, out of any money in the Treasury not otherwise appropriated, the sum of $260.02 for reimbursement for losses incurred when the lighthouse tender *Lilac* swung against the schooner *Thomas W. H. White*.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

CHARLES H. RAYFIELD, ALIAS CHARLES H. CZARNOWSKY.

The next business in order on the Private Calendar was the bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws Charles H. Rayfield, alias Charles H. Czarnowsky, shall hereafter be held and considered to have been in the military service of the United States as drummer of Company B, Fifth Regiment New York Volunteer Heavy Artillery, from the 12th day of August, 1863, to the 20th day of April, 1864, and to have been discharged honorably as such on the latter date: *Provided, however*, That this act shall not confer upon him any right to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I do not know whether the gentleman from New York is here, but this bill apparently is a bill to give a right to a pension. It says that in the administration of the pension laws this man shall be held and considered to have been in the military service, but the proviso says—

that this act shall not confer upon him any rights to pay, annuities, pensions, or other emoluments which might otherwise accrue to him from such service.

I doubt very much whether he could get a pension under that language.

Mr. KAHN. Mr. Speaker, as I recall the case the gentleman does not desire a pension. The first part of the bill which gives a pensionable status is the form that has been adopted by the Committee on Military Affairs.

Mr. MANN. I understand that.

Mr. KAHN. And it is the usual form. This man was less than 10 years of age when he was mustered into the Army as a drummer boy, and after having served some months his father took him away, with the consent of the officers, to a military school in Pennsylvania where the boy did service.

He was, of course, altogether too young to know anything about desertion; he has grown to man's estate and wants his record changed so that it will not appear that he deserted. He desires no pension whatever.

Mr. MANN. It seems queer to say, though, that he shall be considered to have been discharged but shall not draw a pension.

Mr. KAHN. It is simply following the form to correct the charge of desertion standing against him on the records of the War Department.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

WILLIAM H. MILLER.

The next business in order on the Private Calendar was the bill (H. R. 16431) to validate the homestead entry of William H. Miller.

The bill was read, as follows:

Be it enacted, etc., That the homestead entry of William H. Miller, No. 010224, made October 28, 1909, for the northwest quarter of section 29, township 20 north, range 49 west of the sixth principal meridian, in the State of Nebraska, be, and the same is hereby, validated.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

The question was on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

LITTENHOUSE MOORE.

The next business in order on the Private Calendar was the bill (H. R. 6198) for the relief of Littenhouse Moore.

The bill, with committee amendments thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

Mr. MANN. I object.

UNITED STATES DRAINAGE AND IRRIGATION CO.

The next business in order on the Private Calendar was the bill (H. R. 16083) for the relief of the United States Drainage and Irrigation Co.

The bill, with a committee amendment thereto, was read in full.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to have from the author of this bill, or the chairman of the committee, some explanation.

Mr. POU. I will say to the gentleman from Indiana that in the absence of the gentleman from Pennsylvania [Mr. EDMONDS], who reported the bill, I will quote from the letter of Secretary Garrison. He says:

Since, however, the work was necessary, since it would have cost much more had actual conditions been known, and since, had the contractor defaulted, such portion as he would have left undone would have completed at increased cost, and since the contractor persisted to the completion, with no hope of obtaining relief from the large loss except as an equitable claim, the claim in the amount designated in the bill is regarded as meritorious, and favorable action is recommended.

Mr. CULLOP. I would like to ask the gentleman if this company had taken a contract to do that work, or is this an allowance outside of the contract price?

Mr. POU. I will say to the gentleman that I think the claim of this company is that this was for work which was not contemplated by their contract.

Mr. CULLOP. Well, was there not a contract let to this company for the doing of this work in the first instance? They entered upon the discharge of their duties, and after they had prosecuted the work for some time they found that it would not be a profitable undertaking, and then this sum has been asked as an additional amount under that contract?

Mr. POU. I would not answer that in the affirmative. There is quite a lengthy report here, and all the matters are fully explained in the report of the committee. My understanding is that these people insist that this was of a nature extra work which was not covered by their contract. We referred the matter to the Secretary of War, and when he said he thought that the claim was meritorious and ought to be paid, we felt justified in following such recommendation.

Mr. CULLOP. Well, Mr. Speaker, is not this the fact about this bill, namely, that this company took this contract to do the work specified, and when they found it was a greater undertaking than they had calculated they came back with this claim for the overplus?

Mr. POU. Since the gentleman has been propounding these inquiries my memory has become somewhat refreshed. In the letter from the War Department I find this:

The claim, as appears from the papers, is for reimbursement of cost of removing large quantities of stone from the line of piles which the contract required to be driven. It was not known to either party to the contract that stone in quantity to seriously interfere with the driving of piles would be encountered.

Now, I will say to my friend, if he will pardon me just a minute, that the contract was predicated upon the idea that these piles would be driven down into a mud bottom. It was not believed by either the War Department or by the contractor that there was any stone to interfere with the driving of them.

Mr. CULLOP. It was their misfortune in making the contract.

Now, I desire to call the attention of the gentleman to paragraph 3 in the letter of the Secretary. It says:

The work was in no proper sense extra work ordered by the contracting officer, as the contract required the contractor to furnish all plant, appliances, material, and labor, and reinforce the jetty at the rate of $9.87 per lineal foot, and furnish and place filling stone at the rate of $4 per ton. The contracting officer could not have relieved the contractor of his undertaking when it was found to be more difficult than expected, nor was there any way by which the contractor could be paid except as stipulated in the contract.

Therefore, Mr. Speaker, I object. Let him stand by his contract.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CULLOP] objects. The Clerk will report the next bill.

ESTATE OF ROBERT B. PEARCE.

The next business in order on the Private Calendar was the bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce.

Mr. MANN. The gentleman does not want to agree to that. That ought not to go in there unless the previous amendment is agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

The CHAIRMAN. The gentleman from Texas moves to disagree to the Senate amendment.

The motion was agreed to.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Page 6, line 17, strike out the word "thirteen" and insert the word "eleven."

Mr. STEPHENS of Texas. I move, Mr. Chairman, that we agree to that amendment.

The CHAIRMAN. The gentleman from Texas moves to concur in the Senate amendment numbered 6.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 7: Page 7, after the word "designate," strike out the remainder of line 1 down to and including the word "equipment" and the colon in line 6.

Mr. STEPHENS of Texas. Mr. Chairman, that is part of the first amendment that we have been considering. I move that we disagree to that also.

The CHAIRMAN. The gentleman from Texas moves that we disagree to Senate amendment numbered 7.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 7, line 9, strike out all after the word "herein" down to and including the word "examination" and the colon.

Mr. MANN. Mr. Chairman, I ask to have reported the language that was stricken out.

The CHAIRMAN. The Clerk will report the language that is stricken out.

The Clerk read as follows:

Provided further, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the amendment of the Senate.

The CHAIRMAN. The gentleman from Texas moves that the House disagree to Senate amendment numbered 8.

Mr. MILLER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, I sincerely trust that this will be disagreed to—the amendment striking out the paragraph read—and that the conferees will insist upon its retention in the bill when it finally becomes a law.

Unless this feature is retained, to my mind the $310,000 appropriated in the paragraph might just about as well be taken down and thrown into the Potomac River. On one or two other occasions I made the same observation, and I desire to renew it here with emphasis.

The purpose of this exceptional expenditure of $310,000 is to fight malignant infectious diseases now ravaging among and destroying the Indians of the United States. It is not to build up a corps of governmental employees. It is not to create new jobs for additional employees who may want positions, but it is to bring the best-trained science of American genius to combat the terrible ravages of these named diseases.

Now, as the Secretary of the Interior is compelled, as he will be unless this paragraph becomes a part of the law, to spend this $310,000 by hiring civil-service employees, he is restricted to the class of employees who pass the examination and enter the service. You will never get a trained scientific physician or a recognized leading physician respecting these diseases to pass a civil-service examination. You will never get one to devote any of his time to this work. The Secretary of the Interior would be obliged to select from the men who pass the examination. Who are they? We are not a bit in doubt. We have had years of experience. Men interested in Indian affairs have traveled over the United States and brought in reports most voluminous. The men who are created physicians to enter the Indian Service by passing a civil-service examination, nearly all of them, belong to one or two classes—either the young man without experience, who has never even treated a sore eye or a sore nose or a sore thumb, fresh from college, who has the ability to pass the examination, or else some more elderly physician who has made a failure of his practice and is anxious to get a $1,000 job.

Now, we are never going to produce the results we hope for in making this extraordinary appropriation if we are to employ men of those two classes. I understand the only source that any objection comes from to this paragraph is the Civil Service Commission. Now, I have no objection to their entering a protest. I suppose very likely it is their province and their duty to try to preserve to themselves all the powers they can and to keep the service of the United States pretty largely within their own hands. But we must not lose sight of the fact that this is an extraordinary appropriation, and the hands of the Secretary of the Interior ought not to be tied by any of the rules or restrictions that will tie his hands unless this paragraph is adopted. I want to see him go out and secure the best talent that has been developed among the splendid physicians of the United States to do this humanitarian work among the Indians.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. I have no desire to occupy more than a minute. My opinion about this provision of the bill is not only that it ought not to be agreed to, and that they should not be under the civil service, but there ought to be a provision that these men should be under the Public Health Service, and that these men should be assigned from that service to the Indian Service, so that they might be properly selected by a trained physician from a department of the Government that is now under thorough organization, and they then would have the proper supervision of a trained branch of the public service. But you can not build it up in the Indian Office, and you can never get a successful service in this way. The Indian Office does not give its time to this and ought not to be expected to do so. It ought to be turned over to the Health Service to be carried on in that way.

Mr. MANN. Will my colleague yield to a question?

Mr. FOSTER. Yes.

Mr. MANN. Is it not a fact that in making examinations through the Civil Service Commission for places of this sort the Civil Service Commission calls on the Public Health Service for aid?

Mr. FOSTER. I think they do; but still there is, outside of the civil-service examination, a knowledge that is not gained by that examination as to the qualifications of a physician to do that particular kind of work.

Mr. MANN. The examination may not mean merely a written mental examination. Here, for instance, we have just had a provision in reference to the valuation of railroads, and the President issued an order covering those places under the civil-service law. Of course many people thought that ought not to be done. I think it was the opinion of the Interstate Commerce Commission that it ought not to be done.

I suppose the President and everybody would concede that it is possible to select better men than you get through the Civil Service Commission; yet I have no doubt that, as a matter of fact, they will get better men in that way than they would have gotten in the other way, and that is more expert than this is.

Mr. FOSTER. If you are going to select physicians to take charge of these small hospitals over the country, I think there ought to be the greatest latitude given to the Public Health Service to select the proper class for that particular work, and you can not possibly get it under a civil-service examination.

Mr. MILLER. Will the gentleman yield for a suggestion?

Mr. FOSTER. Yes.

Mr. MILLER. Is the gentleman aware of the maximum sum that can be paid by the Interior Department for service of this kind?

Mr. FOSTER. I am not aware of the amount, but I know it is small.

Mr. MILLER. It is extremely small; infinitely less than can be paid under the Public Health Service. For that reason you can not get good men.

Mr. FOSTER. But, in my judgment, you can get better men through the Public Health Service for this work than the Commissioner of Indian Affairs can get, regardless of who he is; it is not against him that such is the case. The present gentleman who holds that place is a very competent official, but is not versed in medicine.

Mr. MILLER. I think the whole sum should be expended by the Public Health Service. There is no question about that in my mind.

Mr. WOODRUFF. I think the suggestion of the gentleman is very good, indeed, and I would like to ask him if he thinks it would be possible to get competent men for this service for the money that is paid?

Mr. FOSTER. You can not get men specially trained for this work, and yet there are a good many young physicians who have graduated from medical colleges and served as internes in hospitals who are willing to go out and take these positions.

They are bright, good young men who get the experience they want in that sort of work, and they are willing to do it though the pay is small. They are good physicians and conscientious men.

Mr. WOODRUFF. And they go for the purpose of experience only, and get the experience at the expense of the Indians.

Mr. FOSTER. Oh, no; that is not the fact. There are many young men who graduate in medicine who are poor, and it enables them to get some practice, and get money to start on possibly, for a year or two, but you can not hold those men for a great length of time as they could not afford to stay permanently for the salary. It is impossible to do it.

Mr. WOODRUFF. You can not hold the competent man.

Mr. FOSTER. Because the good men are not going to stay there a great length of time for the pay they get. A superintendent would probably be paid more.

Mr. WOODRUFF. You can not hold the competent men.

Mr. FOSTER. You can hold competent men for a while, but you can not expect to hold them for any length of time. I do not desire to be understood that these young men are not competent. Physicians do not usually make a great deal of money in practice, but it would be difficult to keep men on small salaries all their lives.

The CHAIRMAN. The Chair will call attention of gentlemen to the fact that, under the order of the House, at 5 o'clock the House will stand in recess until 8 o'clock.

Mr. STEPHENS of Texas. I would like to have a vote on this question, Mr. Chairman.

The CHAIRMAN. The question is on the motion of the gentleman from Texas to disagree to Senate amendment numbered 8.

The question was taken, and the motion was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

SPEAKER PRO TEMPORE FOR TO-NIGHT.

The SPEAKER. The Chair will designate the gentleman from North Carolina [Mr. PAGE] to preside as Speaker pro tempore this evening.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The Clerk reported the joint resolution, as follows:

Senate joint resolution 105.

Resolved, etc., That the President be, and is hereby, authorized to accept an invitation extended by the Government of Great Britain to that of the United States to be represented by delegates in the Sixth International Dental Congress, to be held at London, August 3 to 8, 1914, and is authorized to appoint 15 delegates to such congress: *Provided*, That no appropriation shall be granted at any time for expenses of delegates or for other expenses incurred in connection with said congress.

The SPEAKER. Is there objection?

Mr. DONOVAN. I object.

CHARGE OF REFERENCE.

The SPEAKER. By mistake, House resolution 539, authorizing the Interstate Commerce Commission to examine the affairs of the Wabash, Pittsburgh & Terminal Railway Co. with a view to ascertaining the facts, was referred to the Committee on Rules, when as a matter of fact it should go to the Committee on Interstate and Foreign Commerce. Without objection, the reference will be changed.

There was no objection.

SIXTH INTERNATIONAL DENTAL CONGRESS.

Mr. BRUMBAUGH. Mr. Speaker, I renew my request for the consideration of Senate joint resolution 105, authorizing the President to accept an invitation to participate in the Sixth International Dental Congress.

The SPEAKER. Does the gentleman from Connecticut withdraw his objection?

Mr. BRUMBAUGH. He has withdrawn from the Hall in order that I might offer it again.

Mr. MANN. The gentleman from Ohio renews his request.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. The hour of 5 o'clock having arrived, under the previous order the House will stand in recess until 8 o'clock this evening.

RECESS.

Accordingly, at 5 o'clock p. m., the House was in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore [Mr. PAGE of North Carolina.]

The SPEAKER pro tempore. Under a special order, the session of the House this evening is for the consideration of bills on the Private Calendar, beginning with Calendar No. 242.

Mr. POU. Mr. Speaker, I desire to make the same suggestion to-night that I did on the last evening when we were in session for the consideration of bills on this calendar, and that is if any gentleman has it in mind to object to a bill whether or no, it would save a good deal of time if he would interpose his objection immediately after the reading of the title of the bill, for that would save the reading of the entire bill.

The SPEAKER pro tempore. The Clerk will report the first bill.

ROBERT T. LEGGE.

The first business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $250 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is hereby directed to pay Robert T. Legge, a citizen of Redlands, Bernardino County, in the State of California, compensation for professional operation performed on John Moran, who was injured while an employee of the United States Forest Service.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I do not like to take up the time of the House, but I will ask the gentleman to withhold his objection for a moment.

Mr. MANN. I will be very glad to reserve the objection, if I may.

Mr. RAKER. Mr. Speaker, I desire to call the attention of the House to this bill. It is to pay $250 for services performed by Dr. Legge for a laborer, John Moran, who was in the Forest Service. Dr. Legge took him under his care and provided him with a home, provided him with all of the necessary hospital treatment, and also gave him medical care and attention. He was put on his feet. He was cured, whereas otherwise he would probably have been a cripple for life. The department recommends the passage of the bill. The charge is a very modest one. The man was in the actual service of the Government. Many claims of this kind have been paid. The affidavits show the conditions surrounding the accident and the time that Mr. Moran suffered from his injury. It seems to me that the claim ought to be allowed. Knowing the conditions of that country so well and the splendid work that Dr. Legge is doing, I think it ought to be paid. Just as an example, the doctor asked the Government here a few months ago to be relieved of all other duties in order that he might take care of patients at this hospital. This man's affidavit says that he might have been crippled for life, and possibly not have come out of it at all, if it had not been for the doctor's prompt assistance. He cut out his automobile and brought in the man at his own expense and actually saved his life.

While the matter is of small amount, it is of some concern to the gentleman from California to see that his constituents receive proper care and consideration. I wonder if the gentleman from Illinois [Mr. MANN] could not see his way clear to let the bill pass to-night? I have not urged many of these matters. I trust the gentleman will permit the passage of the bill.

Mr. POU. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. The regular order is the objection of the gentleman from Illinois.

P. J. CARLIN CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (H. R. 11772) for the relief of the P. J. Carlin Construction Co.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

SAMSON DAVIS.

The next business in order on the Private Calendar was the bill (H. R. 10725) for the relief of Samson Davis.

of the total appropriation toward the building of the hospitals for tuberculosis and the treatment of tuberculosis and trachoma.

Mr. STEPHENS of Texas. I agree with the gentleman, that the term "in the open market" is not a definite term, and for that reason I asked to disagree to the Senate amendment No. 4.

Mr. BURKE of South Dakota. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Illinois. The amendment offered by the gentleman from Illinois demonstrates, it seems to me and to the House, that these amendments ought all to be disagreed to and considered in conference, because before making the motion to concur the gentleman wishes to perfect this amendment; and if he is going to perfect it by striking out the words "in the open market," it ought to be perfected in other particulars. I call attention to the language "Commissioner of Indian Affairs." It is a very unusual way to provide for the expenditure of money appropriated to be expended for the benefit of the Indians. It is always provided that the Secretary of the Interior shall expend the money and I think everyone will admit that if we are to expend money for the erection of hospitals for tuberculosis and other diseases, it ought to be expended under the direction of the Secretary of the Interior, the same as other appropriations are expended.

Then there is in this language the words "such sum to be immediately available." This is unnecessary for any purpose, because when this bill becomes a law the appropriations will become immediately available. That language was put in there because it was supposed the bill would become a law before the end of the fiscal year, and it was for the purpose of making the money available so that it might be used immediately.

As to the question of $12,500 as a limitation that may be expended for the construction of one hospital, I will say to the House that I was a member of a commission that was appointed in this Congress to visit the different Indian reservations for the purpose of making some investigation of conditions with reference to trachoma and tuberculosis, and when this bill was considered in the Indian Committee of the House we considered very carefully the question of limitations, and it was the opinion that there are reservations where $12,500 would not provide such a hospital as there ought to be and that $15,000 was the smallest amount that should be named in the limitation. I think, with the gentleman from Illinois, Dr. FOSTER, that many hospitals can be built for $12,500, some for $7,000, and perhaps some for less, because they will be merely camps; but in the Northwest there are places where it will be necessary to expend more than $12,500 to get anything like such a hospital as we ought to have to meet the requirements upon some of the reservations.

There is that question to be considered, and then there is the question of increasing the appropriation, and this bill is filled with increases, and it would seem to me that the proper procedure for the House is to disagree to this amendment and let the conferees deal with it in conference, where they can perfect it better than we can perfect it here in the Committee of the Whole.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I now move to concur in the Senate amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to concur in the Senate amendment.

Mr. MANN. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE], who will be one of the conferees, naturally and properly does that which all gentlemen do in the House in reference to matters of this sort where they will be conferees. They want the whole matter to go to conference. I would not have any very great respect for one of the conferees on these appropriation bills who did not wish to have the whole thing go to conference. But, after all, the assumption that these conferees named on the part of the House to consider these numerous Senate amendments know more about the amendments than the entire body of the House is a pure assumption. The experience of many years in the House has taught me that they do not. If they knew anything at all about the amendments, they might give that information to the House now; and the assumption that when the conferees go over these 168 amendments they sit down with the distinguished Senators who are conferees and spend two or three hours discussing each amendment and perfecting it is also a pure matter of assumption. The average time spent on these amendments by the conferees will not be 10 minutes to an amendment. They will not know about it; they are not in as good a shape to perfect an amendment as we are. The gentleman from South Dakota suggests several needed amendments to this amendment. Let us make them. The committee has just refused to make one which ought to be made. If this committee and this House wants to go on record that it is opposed to building hospitals for the Indians having tuberculosis, let them go on record to that effect. They will have the opportunity if they want to embrace it. They have the opportunity now. I am in favor of giving these hospitals and making this appropriation, an increase of $50,000, for the purpose of building hospitals for the benefit of the Indians who have tuberculosis and trachoma, both of which diseases are spreading rapidly among the Indians, with a great number of fatalities.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. FERRIS. During the last administration President Taft sent what, to my mind, was a very strong and forceful special message to Congress urging it to do something about this very matter.

Mr. MANN. We have had it urged for years; but when our distinguished conferees go over to the Senate they will trade something off for this. What do they care about this?

Mr. STEPHENS of Texas. Mr. Chairman, I desire to state that we have already adopted in the bill that passed the House I think a sufficient amount of money to provide for all of these hospitals for trachoma, tuberculosis, and smallpox, and other infectious diseases, and also to correct any sanitary defects in the Indian homes, and so forth. The Senate has only changed the language, and in that change of language they have not certainly read or understood the entire provision of the amendment. They provide, in lines 14 and 15, that these hospitals shall be constructed under the supervision of the Commissioner of Indian Affairs; and on the same page, in lines 24 and 25, they provide for hospitals for the use of such Indians as the Secretary of the Interior may designate. Therefore, they have changed the law, and have in the same section one provision putting it under the Secretary of the Interior and another putting it under the Commissioner of Indian Affairs.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Is the gentleman in favor of hospitals for the Indians?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Will the gentleman endeavor in conference to agree to some provision that will give hospitals to the Indians?

Mr. STEPHENS of Texas. We will; and we will endeavor to harmonize the amendments.

Mr. CARTER. If the gentleman from Texas will permit, I will say to the gentleman from Pennsylvania that the bill as passed by the House carries $50,000 for hospitals, the cost of none of which is to exceed $15,000.

Mr. BUTLER. I hope that the conferees will agree to the amendment for $330,000.

Mr. CARTER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas has the floor.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PAGE of North Carolina having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, we found in our trip last fall that the building of a big hospital will be utterly impractical and impossible for the accommodation of Indians. You can not get the Indian to go very far away from his home to a hospital. Consequently you have to build on his reservation, and a great many of the reservations are small and sparsely settled. In some instances it is impossible to get the Indian to move from one reservation to an adjoining reservation. You always have trouble in getting a full-blood Indian in any kind of a hospital at all. Consequently it is very necessary we have small hospitals and have more of them; hence the limitation placed in this item.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GREEN of Iowa. Is there any need of large hospitals for treating these particular diseases?

Mr. CARTER. As I said, we found that it would not be best to construct large central hospitals.

Mr. GREEN of Iowa. I misunderstood the gentleman; he stated it correctly.

Mr. CARTER. In our investigation last fall we found the doctor on the reservation, the superintendent, the Indians, and everyone else unanimous in their opinion that the Indian would not leave the reservation and go to a distant hospital, and you would probably have some difficulty in getting him into a hospital even on the reservation. It does not come about from the objection of the fellow who is sick alone, but it comes about from the objection of his relatives, his parents, or his children.

The Indian is very fond of his relatives, and when he is sick his relatives seek to keep him with them. You will find a great deal of difficulty if you attempt to take the Indians off into distant hospitals. The best idea is to build small hospitals on Indian reservations, and these ought not to cost very much money. They ought to be constructed very cheaply; especially those for tuberculosis ought to be open-air hospitals. The gentleman from Illinois [Mr. MANN] and I had some discussion about this matter when this item passed the House. The gentleman put some remarks in the RECORD which I thought were very pertinent to the subject, and, as usual, the gentleman knew just what he was talking about. I believe it was my friend from Oklahoma [Mr. FERRIS] who said if he wanted to know how large a crop of Kafir corn he raised on his farm last year, just how high it grew and the exact yield, he would not send back to Oklahoma to get the report, but he would only go to the gentleman from Illinois and, if it was obtainable, he would have it.

Mr. FERRIS. Will the gentleman yield?

Mr. CARTER. Certainly.

Mr. FERRIS. I want to ask my friend: In lines 11 and 12, which is a limitation on the bill, would that be workable in all cases?

Mr. CARTER. The gentleman means page 6?

Mr. FERRIS. On page 6, lines 11 and 12, and the question is this: Some of the agencies only have a small band of Indians, while another agency might have a large band, and I wondered if $12,500 was sufficient to construct a hospital large enough for the largest band of Indians?

Mr. CARTER. I think that might be placed at $15,000, and there might not be objection to going as high as $20,000.

Mr. FERRIS. Why does not the gentleman from Illinois—the sentiment seems almost unanimous—let it go to conference, and let the conference committee see if this is workable?

Mr. MANN. Does the gentleman think they know any more about it? The House passed it at $15,000 and the Senate puts it at $12,500.

Mr. FERRIS. I will try to answer the gentleman. The gentleman knows a lump-sum appropriation like this finally gets down to the Indian Office, where they work out the details, and I have no doubt the conferees might bring in the Commissioner of Indian Affairs and counsel with him as regards the workability in reference to placing these hospitals on the reservations.

Mr. MANN. The gentleman knows the people who will work out the details will be those who have to do with the construction of the hospital. We build eight hospitals the next fiscal year which this would authorize, and there are plenty of places we could put those.

In a few years we will have a great many more than eight. We can tell after we build the first one really what ought to be done and what it will cost. And all they tell us in advance will be, in the main, hot air.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. CARTER. Yes; I yield.

Mr. BURKE of South Dakota. We did have under construction a number of hospitals, one on the Kiowa and Comanche Reservation in Oklahoma.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. BURKE of South Dakota. Mr. Chairman, I ask to be recognized. We have one or more hospitals under erection, or already constructed, on the White Earth Reservation in Minnesota. One has been constructed for the Kiowas and Comanches in Oklahoma. We are constructing now several on the Sioux reservations in South Dakota, out of Indian funds. We also have one at Lapwai, in Idaho, and one at Phoenix, Ariz. I think there is a provision in this bill that provides for repealing the act that authorized the sale of the agency property of the Fort Spokane Reservation in Washington for the purpose of making that a hospital, and I think also there are items in the bill that contemplate hospitals in connection with some of the nonreservation Indian schools. We are making great progress with reference to preparing to deal with trachoma and tuberculosis, and when the gentleman says that we are opposed to appropriations for this purpose he certainly is unfair, because it is not in accord with the record that the committee has made in dealing with this subject.

Mr. FERRIS. Will the gentleman yield?

Mr. BURKE of South Dakota. I will.

Mr. FERRIS. I want to ask the gentleman from South Dakota if he thought it worth while to incorporate an amendment in this provision which would provide that when Indians have plenty of money they pay for their own hospitals? The gentleman knows some places where that would not apply and some where it would.

Mr. BURKE of South Dakota. I do not think it is the intention to build these hospitals on reservations where there are tribal moneys available that may be used for the construction of hospitals.

Mr. FERRIS. There is nothing in the act to preclude that.

Mr. BURKE of South Dakota. The money of the Sioux of South Dakota, under the agreement of 1889, received as proceeds from the sale of their surplus lands, goes into the Treasury and is expended for their support and civilization, and we are building at the present time some hospitals upon some of the Sioux reservations. And for the benefit of the gentleman from Illinois [Mr. FOSTER] I will state that on the Cheyenne Reservation, in my State, I think they are planning to build a hospital that is going to cost nearly $25,000, and that is because a hospital costing less than that would not be sufficient for the needs of that reservation, and it would be poor economy to establish more than one hospital upon that reservation, because the expense of upkeep and equipment and the physicians that would be necessary would cause the expense of maintenance and operation to be greater.

Mr. FOSTER. Usually in treating this class of cases it is better to have fewer in number associated together than a large number. And hospitals can be built in such a way as that they can be added to at any time it becomes necessary without changing any of the plans.

Mr. BURKE of South Dakota. I will say to the gentleman I think the best equipped hospital we saw while on our trip West was at Phoenix, Ariz. The hospital proper was comparatively a small building, constructed in a way that it was open on all sides. As I recall, there was no hall. It was built so that there were porches on the side, and screened, so that practically the patients were in the open air. And then in connection with this hospital they have built little cottages which cost only $100, I think, where the patients with tuberculosis are kept; as a rule, only one patient in a cottage.

As to trachoma, that is not so important and does not require so much of a hospital as does tuberculosis. Patients only need to be isolated for a period of a few days, so they say, although they ought to be kept from coming in contact with those not afflicted for a reasonable time. The important thing about trachoma, after the first few days, is to have the patients where they can receive proper attention daily until such time as they have recovered; and therefore, unless they are put into hospitals, they do not get anywhere with suppressing the disease. If the Indians are left to treat themselves, they will not do what they must do to be cured.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I move to disagree to the Senate amendment.

Mr. CARTER. The gentleman from Illinois [Mr. MANN] has a preferential motion.

The CHAIRMAN. The parliamentary situation is, that the gentleman from Texas [Mr. STEPHENS] moved to disagree, but the gentleman from Illinois moved to concur in the Senate amendment.

Mr. BURKE of South Dakota. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. BURKE of South Dakota. If the motion of the gentleman from Illinois fails, is that equivalent to a motion to disagree?

The CHAIRMAN. It is. The question is on concurring in the Senate amendment numbered 4.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. MANN. I ask for a division, Mr. Chairman.

The committee divided; and there were—ayes 19, noes 19.

So the motion was rejected.

The Clerk read as follows:

On page 6, line 18, insert the word "further."

Mr. STEPHENS of Texas. Mr. Chairman, I move to agree to that. There is one provision here above that we have just read, and this is verbal. I think we should agree to that.

ing it under the Commissioner of Indian Affairs.

Mr. BUTLER. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Is the gentleman in favor of hospitals for the Indians?

Mr. STEPHENS of Texas. Yes.

Mr. BUTLER. Will the gentleman endeavor in conference to agree to some provision that will give hospitals to the Indians?

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The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, we found in our trip last fall that the building of a big hospital will be utterly impractical and impossible for the accommodation of Indians. You can not get the Indian to go very far away from his home to a hospital. Consequently you have to build on his reservation, and a great many of the reservations are small and sparsely settled. In some instances it is impossible to get the Indian to move from one reservation to an adjoining reservation. You always have trouble in getting a full-blood Indian in any kind of a hospital at all. Consequently it is very necessary we have small hospitals and have more of them; hence the limitation placed in this item.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. GREEN of Iowa. Is there any need of large hospitals for treating these particular diseases?

Mr. CARTER. As I said, we found that it would not be best to construct large central hospitals.

tions with reference to trachoma and tuberculosis, and when this bill was considered in the Indian Committee of the House we considered very carefully the question of limitations, and it was the opinion that there are reservations where $12,500 would not provide such a hospital as there ought to be and that $15,000 was the smallest amount that should be named in the limitation. I think, with the gentleman from Illinois, Dr. FOSTER, that many hospitals can be built for $12,500, some for $7,000, and perhaps some for less, because they will be merely camps; but in the Northwest there are places where it will be necessary to expend more than $12,500 to get anything like such a hospital as we ought to have to meet the requirements upon some of the reservations.

There is that question to be considered, and then there is the question of increasing the appropriation, and this bill is filled with increases, and it would seem to me that the proper procedure for the House is to disagree to this amendment and let the conferees deal with it in conference, where they can perfect it better than we can perfect it here in the Committee of the Whole.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I now move to concur in the Senate amendment.

The CHAIRMAN. The question is on the motion of the gentleman from Illinois to concur in the Senate amendment.

Mr. MANN. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE], who will be one of the conferees, naturally and properly does that which all gentlemen do in the House in reference to matters of this sort where they will be conferees. They want the whole matter to go to conference. I would not have any very great respect for one of the conferees on these appropriation bills who did not wish to have the whole thing go to conference. But, after all, the assumption that three conferees named on the part of the House to consider these numerous Senate amendments know more about the amendments than the entire body of the House is a pure assumption. The experience of many years in the House has taught me that they do not. If they knew anything at all about the amendments, they might give that information to the House now; and the assumption that when the conferees go over these 168 amendments they sit down with the distinguished Senators who are conferees and spend two or three hours discussing each amendment and perfecting it is also a pure matter of assumption. The average time spent on these amendments by the conferees will not be 10 minutes to an amendment. They will not know about it; they are not in as good a shape to perfect an amendment as we are. The gentleman from South Dakota suggests several needed amendments to this amendment. Let us make them. The committee has just refused to make one which

Mr. MANN. What is the matter with amendment numbered 1?

The CHAIRMAN. The gentleman from Illinois is correct. This amendment was considered out of its place. The Clerk will report amendment numbered 1.

The Clerk read as follows:

Senate amendment numbered 1, on page 2: Strike out all of lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

The CHAIRMAN. The first amendment is to strike out a portion of the Senate bill, and the second amendment is to insert a substitute therefor.

Mr. STEPHENS of Texas. Mr. Chairman, I move that we nonconcur in this amendment.

The CHAIRMAN. Does the gentleman desire that the committee vote on both amendments at the same time?

Mr. STEPHENS of Texas. I desire that the committee vote on them both at the same time.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the House nonconcur in amendments numbered 1 and 2 at the same time, as the one is to strike out and the other is to insert. Is there objection?

There was no objection.

Mr. MANN. Amendment numbered 2 has not been reported. So far as I am concerned, I am perfectly willing to disagree to them.

Mr. STEPHENS of Texas. I ask unanimous consent that we disagree to the amendments 1 and 2.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to disagree to amendments numbered 1 and 2. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report Senate amendment numbered 3.

The Clerk read as follows:

Senate amendment numbered 3: Page 5, line 10, after the word "prescribe," insert:

"And annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation"——

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that this amendment be disagreed to, without further reading.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this amendment be disagreed to without further reading. Is there objection?

Mr. MANN. I object to that.

The CHAIRMAN. The Clerk will conclude the reading.

The Clerk read as follows:

where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. MANN. Is the language of this amendment substantially the same as the language in the bill when it was reported to the House?

Mr. STEPHENS of Texas. I understand it is. We want to nonconcur for the purpose of making that examination.

Mr. MANN. For the purpose of making what examination?

Mr. STEPHENS of Texas. To see whether or not it corresponds with the law at the present time.

Mr. MANN. Why should we not concur in this amendment? Is not this proper?

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Chairman, I will say to the gentleman from Illinois [Mr. MANN] that I am in accord with the amendment. There is something in the existing law now—I think it was carried in the appropriation act of 1910 or 1911—that requires most of this information to be furnished; and I think it would be much better to disagree to the amendment in order that the conference may have an opportunity of examining it and possibly perfecting it.

Mr. MANN. This bill came over to the House some time ago with Senate amendments. It was sent to the Committee on Indian Affairs. I think it is the duty of the Committee on Indian Affairs to be prepared to give the House information about amendments of this sort.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that further information has gone to the Senate committee than was possessed by our committee?

Mr. MANN. I am aware of this, that the gentleman from Texas and his committee have had plenty of time, since the amendment was agreed to in the Senate, to know about it, and a great deal more time than they will have while this bill is in conference. Now, why should not our friends on the committee, when this bill was referred to the committee, come in here and give the House some information about the Senate amendment instead of having everything legislated secretly—in secret conference?

Mr. STEPHENS of Texas. Is the gentleman aware of the fact that this bill passed the House in February, and that it has been in the Senate for several months? They investigated it very thoroughly, and they added this amendment, which to some extent changed existing law. We did not have the opportunity to compare the two laws as we desired. On the face of it, this amendment appears to be a good one; but still I would not be satisfied to pass it without a chance to investigate it.

Mr. MANN. I am aware that this bill passed the Senate two weeks ago and has been before the House for two weeks, during which time the gentleman from Texas has had opportunity to examine this and other amendments. I am also aware of the fact that when the bill goes to conference he will not use two weeks' time to examine the amendments, but the conferees will dispose of this amendment in conference in three seconds. That is what they will do. Now, instead of adopting the old method, where the Senate has added as many amendments as it has to this Indian bill, why should not the gentleman take the House into his confidence?

Mr. STEPHENS of Texas. I will state to the gentleman that this does not carry any increased appropriation. It is only declaratory of what the law is now, as I understand it.

Mr. MANN. Then why should we not agree to it?

Mr. STEPHENS of Texas. They have some reasons, unknown to us, why they wanted it in here, and we want to consult with them.

Mr. MANN. Oh, well——

Mr. STEPHENS of Texas. We want to get the benefit of the information which has been furnished to them by the department since the bill passed the House.

Mr. MANN. If the Committee on Indian Affairs, to which this bill has been referred, come before the House on these Senate amendments, 168 in number, and plead ignorance on each one of them, as I apprehend the committee are going to do, I think it is a shame to the House and to the committee itself. They have had more time to investigate these amendments than they will have in conference, and there are more of them to investigate the amendments. The Committee on Indian Affairs took this bill, and without ever reading the amendments, without any consideration of the amendments at all, said, "We will disagree to all of them," when that is not the intention of the committee in the end. What they want to do is to send the bill to conference, where in secret conference they will determine what they will put in the bill and what they will leave out, and not take the House into their confidence.

Now, here is a simple proposition. The gentleman from Texas knows as well now as he will two weeks from now whether he is going to agree to it. Why not tell the House now whether he is in favor of it?

Mr. BURKE of South Dakota. Will the gentleman yield to me?

Mr. MANN. Yes; I will yield to the gentleman.

Mr. BURKE of South Dakota. The thing which the gentleman from Illinois [Mr. MANN] is condemning is the practice of the House upon every appropriation bill after it comes back from the Senate. If it is now going to be the policy of the House on this bill to concur in every amendment that may appear to the House to be desirable legislation, it seems to me it is going to leave the conferees in a position where they can not hope to get as good a compromise as they can get otherwise, if some of the amendments that we can yield on are left to us, in order that we may have something to offer to the other body when we get into conference. If you are going to concur in every amendment which appears to be meritorious, and then leave in conference only the amendments that the Senate has put in that the House does not seem inclined to agree to, we certainly shall be handicapped; and I will say to the House that we will not bring back as good a conference report and as good a compromise as we will if we are left to go to the Senate with all of these amendments of the Senate disagreed to.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MANN. Mr. Chairman, just a word. The gentleman from South Dakota [Mr. BURKE] is mistaken, in my opinion. This bill is not in the same position that ordinary appropriation bills have been in in the past. It is customary to disagree

to all Senate amendments and ask for a conference. That action was not taken in this case. This bill was not taken from the Speaker's table and all the Senate amendments disagreed to and the bill sent to conference. On the contrary, it was sent to the committee. The committee reported it back. It is now being considered in Committee of the Whole House on the state of the Union, a very unusual thing with Senate amendments to appropriation bills. Why has that course been pursued? Because for years every old claim agent in Washington and everywhere else who could manage in some way to get hold of an Indian claim put in his time trying to get an amendment put on the Indian bill in the Senate; and sometimes, for lack of full information on the part of Senators, the claim agent succeeded. This year there are more Senate amendments of doubtful character upon the Indian bill than there have ever been before, I think, in my experience in the House. Now, the gentlemen who will be on the conference committee will tell the gentlemen here that they know nothing about these amendments. When are they going to learn about them? They have had two weeks since the bill came over from the Senate. Undoubtedly they followed the Senate amendments as they were considered in the Senate. When the bill gets to conference it will not be before the conferees two weeks. They will probably dispose of these amendments in 24 hours, or less than that, if you consider the time actually involved while the conferees are sitting. I do not ask the House to agree to some of these amendments, although the House might be favorable to them. I think we are entitled to know whether the committee knows anything about them before we send them to conference.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Not being a mind reader, I can not tell what influenced the Senate or the Senate conferees.

Mr. MANN. No; but I, being a mind reader, do know.

Mr. STEPHENS of Texas. The gentleman has supernatural powers then.

Mr. MANN. It does not require any supernatural powers. All it requires is an ordinary knowledge of ordinary men's minds.

Mr. STEPHENS of Texas. Then what does the gentleman, with his supernatural powers, say about this?

Mr. MANN. I think something very similar to this amendment was in the bill when it was presented to the House. It went out. The gentleman then was strongly in favor of it. Now he is opposed to it, and in neither case has he been willing to give his reasons.

Mr. STEPHENS of Texas. Then the gentleman is not willing to submit this to a conference between the two Houses?

Mr. MANN. As far as this particular amendment is concerned, I do not care one way or the other whether it goes to conference or not. There are a lot of amendments in here, and unless the gentleman will give us some information in reference to some of them and let us know something about what he thinks of the amendments, I will tell the gentleman that this bill will not go to conference to-day.

Mr. STEPHENS of Texas. I will state to the gentleman that I do not think we ought to concur in this without further investigation with the Senate.

Mr. MANN. I suppose that is what the gentleman is prepared to state about every amendment. That is all he has stated about this. He says, "I do not know about this amendment. I do not think we ought to agree to it. I think we ought to send it to conference, where, when it gets into conference, and I get in a back room with a Senator, I will say whether it goes in the bill or not."

Mr. STEPHENS of Texas. Does the gentleman say——

Mr. MANN. I am not accusing the gentleman of anything improper at all.

Mr. STEPHENS of Texas. Does the gentleman believe conferences ought to be held in the open?

Mr. MANN. I think it would be a wise thing if they could be. I do not think it will be done right away.

Mr. STEPHENS of Texas. Mr. Chairman, I ask for a vote on this amendment.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] moves to disagree to Senate amendment numbered 3.

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 6, line 6, strike out the figures "$260,000" and insert the figures "$310,000," and the following language:

"*Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs."

Mr. STEPHENS of Texas. Mr. Chairman, I move that the House disagree to the Senate amendment.

Mr. MILLER. Mr. Chairman, I desire to make one or two observations on this amendment, as I understand this is the only opportunity Members of the House will have to present their views. To my mind the appropriation for this paragraph is one of the most important contained in the bill. The purpose is to relieve the physical distress of many of the Indians of the United States. The Indians throughout the country are suffering from two distinct diseases—tuberculosis and trachoma—both infectious, communicable diseases. It is the purpose of the department and the purpose of Congress that an adequate sum shall be provided in this bill with which to carry on the warfare against these two malignant diseases in order that the health of the Indians may be enormously improved.

I do not know just what plans the Interior Department may have for carrying on this warfare against the diseases, but it appears, however, that it is desired to erect certain hospitals. There can be no criticism of that purpose. Unquestionably some hospitals will need to be erected. At most, Mr. Chairman, these hospitals are for a transient purpose. It is expected that the occasion for them will, as the work progresses, disappear. I think we all unite in the hope that that event will occur soon.

The bill as it passed the House provided that not to exceed $15,000 shall be appropriated for the erection of any one hospital. At the time it was before the committee I was of the opinion that $15,000 was a very small sum, and it seems to me wholly inadvisable for the department to erect a lot of lean-tos all through the United States to carry on this work.

Mr. FOSTER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. FOSTER. Does the gentleman think that for the treatment of the Indians we ought to have one big hospital?

Mr. MILLER. I do not.

Mr. FOSTER. I thought the gentleman was finding fault with the appropriation of $15,000—that it was not sufficient for the erection of a hospital.

Mr. MILLER. I do; but I do not take the position indicated by the gentleman's question.

Mr. FOSTER. I simply did not understand the gentleman.

Mr. MILLER. I do not believe any kind of a hospital can be erected for $12,500 that will be of any value. I think it ought to be restored to the old sum of $15,000.

Mr. FOSTER. I think in that the gentleman is mistaken. This character of a hospital for the treatment of tuberculosis and trachoma is not like the ordinary hospitals.

Mr. MILLER. The gentleman will understand that there is no duty on the Secretary of the Interior to expend $15,000 or $5,000 if the hospital does not need it. But this says that no hospital can be erected on an expenditure of over $12,500.

Mr. FOSTER. The Secretary of the Interior would erect a number of these hospitals convenient for the Indians. Unless you are going to erect a large hospital, which would cost a large sum and be expensive for maintenance, you would naturally want these small hospitals, which would be inexpensive.

Mr. MILLER. I agree with the gentleman that we want a number of small hospitals for this work, but I think the limitation that no hospital shall be contracted for to cost more than $12,500 is too small a sum, and that $15,000 should be restored.

Mr. MANN. Mr. Chairman, I move to amend the Senate amendment by striking out in next to the last line of the amendment the words "in the open market."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, in line 14, by striking out the words "in the open market."

Mr. MANN. Mr. Chairman, I shall move to concur in the Senate amendment. This amendment increases the amount appropriated to relieve distress among the Indians and for the treatment of the diseases from $260,000 to $310,000, and provides that $100,000 of it may be used in the construction of hospitals for the use of Indians afflicted with tuberculosis and trachoma. It limits the amount that may be expended on any one hospital to $12,500, and provides that the hospital shall be constructed in the open market, under the supervision of the Commissioner of Indian Affairs. I take it the words "in the open market" mean without making contracts or receiving bids. I do not think we ought to provide that the hospitals shall be constructed without receiving bids. Therefore I have moved the amendment, and whether that prevails or not, I shall move to concur in the Senate amendment giving the Indians the hospitals and increasing the total appropriation $50,000 and diverting $100,000

He told you a great deal about what Senator OWEN said. Let us see what Senator OWEN did say in this brief of which the gentleman speaks:

I was the attorney of the Mississippi Choctaws who were enrolled by the Choctaw-Chickasaw agreement of 1902. I represented them from 1896 to 1906, and devoted my time to their interests for 10 years.

Senator OWEN says he was attorney for the Mississippi Choctaws from 1896 to 1906. He took his seat in the Senate in January, 1908. There was certainly nothing unethical in his representing the Mississippi Choctaws at that time under any kind of proper contract. But the Senator further says:

No Choctaw in Mississippi or elsewhere, not on the approved rolls of March 4, 1907, has any legal or equitable right to enrollment or to any further hearing.

Why did not the gentleman from Mississippi read that for the information of the committee, if he wanted to be fair and only ask for justice?

You have already been informed of the legal and equitable adjudication of the status of the Mississippi Choctaws as determined in the case of Jack Amos; that the case was sent to the Dawes Commission for adjudication under the treaty of 1830; that the case was decided adversely to the Mississippi Choctaws by the Dawes Commission, and that a like decision was rendered by the Federal courts.

In my limited time I am only going to ask you gentlemen to listen to the rending of the closing paragraph in the opinion of Federal Judge Clayton on this Mississippi Choctaw case, entitled Jack Amos and others against the Choctaw Nation:

To permit men with perchance but a strain of Choctaw blood in their veins, who, 65 years ago, broke away from their kindred and their nation, and during that time, or the most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation, and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and unequitable.

The gentleman from Mississippi told you that Judge Townsend had also rendered a decision in the Mississippi Choctaw case. Judge Townsend did render many decisions in citizenship cases, but, as I remember, he dealt exclusively with what were called "court citizenship cases," and not Mississippi Choctaw cases. At any rate the gentleman from Mississippi was unable to cite his decision. Judge Townsend did not preside over the Choctaw Nation district. The limits of his district were confined to the Chickasaw Nation, and no part of the Choctaw Nation was included therein.

Judge Townsend lived in my home town, which was his principal court town. He was my neighbor during all the time that he presided over the Federal court there, and I was naturally more or less familiar with his decisions, but if he ever attempted any adjudication of a Mississippi Choctaw case it is beyond my memory.

What are the fundamental equities in this contention between the Indians in Oklahoma and the Indians in Mississippi? Some of the Mississippi Choctaws received lands in Mississippi, while others were given scrip for one-half the value of their lands and money for the other half, but the Western Choctaws received neither scrip, money, nor lands in Mississippi, but did get in lieu of these emoluments a reservation in the West. I hold in my hand a House document, No. 898, Sixty-first Congress, second session, containing an official letter from the Secretary of the Interior which gives the names of Mississippi Choctaws who were entitled to and did receive this scrip, and the gentleman must certainly have been familiar with these records. Why did he not call your attention to them if he only desires justice? After being forced to surrender the western half of this reservation to white settlers and other Indians, at the urgent demand of the white man's Government the Choctaws in the Indian Territory agreed to surrender to you their tribal government, the supervision of their funds, the supervision of their schools, the making of their tribal rolls, and take an allotment of part of their land in severality. But they did not do this, mind you, until the white man's Government had made a solemn promise under two treaties that the residue of the lands would be sold and the proceeds thereof and all other funds divided per capita among them.

Now, what does the gentleman from Mississippi [Mr. HARRISON] propose to do? He says there are some indigent, helpless Indians in Mississippi; and even granting that to be true, are the Oklahoma Indians responsible for their destitute circumstances? Not in the least. The white people of Mississippi, who deprived them of their lands, are responsible for this deplorable condition. But our friend from Mississippi [Mr. HARRISON] has found some other Indians in Oklahoma who have left a small share of their former estate, so he brings forth his socialist plan to take away from those who have in Oklahoma and give to those who have not in Mississippi, the law in the case and decisions of his own courts to the contrary notwithstanding.

Our friend from Mississippi [Mr. HARRISON] told you he brought about this investigation. If he did, he should have some proof of that fact, but he did not present any. I have worked pretty hard getting this investigation brought about. I have gone over all papers thoroughly and made many calls upon bureau and department heads, but have never heard of the gentleman from Mississippi having anything to do with it before.

Let us see what story the inspector's report tells of the gentleman's activity in connection with bringing about this investigation.

Mr. ASWELL. Will the gentleman yield for a short statement?

Mr. CARTER. No; I have not the time. I have only 12 minutes.

Mr. HARRISON. I will yield a minute of my time for the gentleman to answer the question.

Mr. CARTER. I did not know the gentleman had any time.

The CHAIRMAN. The gentleman has one minute remaining.

Mr. CARTER. Then I ask that the gentleman use his minute before I proceed.

Mr. HARRISON. I was not going to use it, but I will yield it to the gentleman from Louisiana [Mr. ASWELL].

Mr. ASWELL. I want to ask the gentleman if he knows that the gentleman from Mississippi [Mr. HARRISON], the gentleman from Louisiana [Mr. LAZARO], and I started this investigation and publicity over a year ago?

Mr. CARTER. No.

Mr. ASWELL. And this crooked work of the attorney you mention was presented to the Post Office Department, to the Department of Justice, and to the Commissioner of Indian Affairs by myself, and not only that, but it was denounced in the public press, first, by the gentleman from Mississippi [Mr. HARRISON] and then by myself, and then by another Member from Louisiana [Mr. LAZARO]. And that case was presented all over the southern country over a year ago by myself, the gentleman from Mississippi, and another gentleman from Louisiana.

Mr. CARTER. Mr. Chairman, the gentleman from Louisiana knows just about as much about this investigation as he does about the Mississippi Choctaw question. If he had read this report he would know that this investigation started in the latter part of 1910, and that Inspector W. W. McConihe made a report on the matter under date of May 2, 1911. I presented this matter to the department, in 1910, and I have been urging the department ever since that time to get busy on it. About last August the files in my office had become so congested with reports of this fraud, one of them coming from no less a personage than the governor of one of the largest States in the Middle West, another from a former Representative from Louisiana, one of the ablest men that ever represented that State in this House, and from other important and reputable personages. I again took the matter up with the Indian Bureau, and at the request of Oklahoma's two Senators and myself other inspectors were put on the job. You will observe, my friend, that this investigation has been going on for about four years, at least for two years before you came to Congress. But let's see what the report discloses:

Our friend from Mississippi says he brought about this investigation. On page 25 of these hearings, which is a part of the inspector's report, is found the following statement:

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past.

Further on, also, that—

It was he [Conerly] who first interested Congressman HARRISON of Mississippi in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls.

Who was Luke W. Conerly? According to his own statement, he is one of the men who has been associated with such negro grafters as Powell in looking up these claimants and taking contracts for this proposition.

Now, when our friend from Mississippi [Mr. HARRISON] addressed this House on February 20 last he attempted to give us some information concerning some old contracts that had been disposed of 10 or 12 years ago and about which he seemed to know very little. It seems to me the gentleman might have much more appropriately given us at that time some information concerning these real live contracts.

Let us see what else this little record shows: The gentlemen behind these contracts seem to have had a very active press bureau, as is evidenced by some of their dope, collected by Inspector McLaughlin. I find the following on page 39 of this document, and I notice it has printed at the top "Associated Press" in parentheses.

While I realize that the Associated Press is not in any wise responsible for this, we all know the advantage of having the public believe such a substantial organization is responsible for news items. What does this press bureau say?

WOULD REOPEN CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 12.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill, Mr. HARRISON said in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated"—

And so forth.

Again, we find on page 37 one of the notices sent out by this man Powell over his own signature, part of which reads as follows:

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PETTON, ROOM 408 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard, and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1790.

Those with negro blood need not apply.

I will be at ——— Miss., on the ——— day of ———, 1912.

ALEXANDER P. POWELL,
No. 101 Fourth Avenue, Laurel, Miss.
Office: Room 408, Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

Here is still another:

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 331 Pine Street, Laurel, Miss.]

SHREVEPORT, LA., *October 25, 1912.*

Mr. COLUMBUS OVERMAN, *Dexter, Kans.*

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already written up a number of your relatives under their great-great-grandmother Delilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a Pat Harrison bill and other literature, and you can see for yourself how the case stands.

Yours, truly,

ALEXANDER P. POWELL.

And so on all through this document.

Who is Alexander P. Powell? He is a negro—one of the most active agents in procuring these contracts. He is one of the men described by the gentleman from Oklahoma [Mr. FERRIS], as I remember, as a burr-headed negro, a scheming, grafting, shyster attorney.

In conclusion, Mr. Chairman, permit me to say I agree that the Mississippi Choctaw has been mistreated. This Government made a serious mistake when it sent this arrogant, drunken agent, Ward, down to Mississippi, and his actions were a disgrace to the Government he represented; but it can not be denied such action was an advantage to the settlers living in Mississippi, because it enabled them to get the land to which the Choctaws were entitled. And in that the Mississippi Choctaw was woefully mistreated by the people of Mississippi, for had it not been for the collusion of these early settlers of Mississippi with this agent, Ward, the Choctaws would still own valuable land in that State. But whatever may have been the sad fate of the Mississippi Choctaw, his mistreatment can not honestly and justly be brought to the door of his fellow tribesmen in Oklahoma, for they have ever stood with open arms, ready and willing to welcome him into full citizenship of their tribe and all its emoluments whenever he would come among them and agree to be one of them.

Once the Choctaw Nation owned a vast area of valuable land in the State of Mississippi, but he has been deprived of it by his shrewder white neighbors, worthy ancestors, perhaps, of these gentlemen who are now attempting to complete their debauchery upon those who left the State and went to Oklahoma. And now a Choctaw in many instances has come to be a penniless vagabond, a homeless wanderer, a stranger, as it were, around his own fireside.

But why theorize? Why temporize? Why even sympathize? This is just another example of the white man's "benevolent assimilation" steam roller.

The proposition of the gentleman from Mississippi presents the same old story of broken faith, repudiated promises, robbery, and debauchery of the aborigines, the same old story that caused a great woman of your own race to write a book denominating the first 100 years of this great Government as a "century of dishonor," and now these gentlemen would have you perpetuate this dishonor.

The once powerful Choctaw Tribe erstwhile monarch of all it surveyed, was the white man's friend. The white man's history tells us that the Choctaw was the friend and ally of the paleface during all the early wars on this continent, even joining issue with the white man against other tribes of his own race, and that "the Choctaw never raised the tomahawk against the Great White Father at Washington, nor his children," though oftentimes urged so to do by other tribes of his red brethren, and as often scorned by them for his refusal.

That part of the great Choctaw Tribe—this ally of the white man against his own kith and kin—which remained in Mississippi has in the name of your Christian civilization been deprived of every vestige of his former home and property, and why? In order that the white man in Mississippi might have a home and the progress of the great State of Mississippi be not retarded.

Those comprising that more aggressive and virile band of Choctaws who moved west and set up their own government under your solemn pledge that they should be free from further intrusion by the white man "so long as grass grows and water runs" have been forced and browbeaten into accepting a reservation of only a small part of their former holdings and coerced into ceding the residue of their lands for homes for others.

And now, for no further reason than that they have absorbed from your race sufficient thrift and frugality to retain a small modicum of their former vast estate, you ask them to discharge your obligations. You call upon them to make amends for the rotten acts of an arrogant, drunken agent of your own race, of your own choice, of your own selection, and because, forsooth, they have acquired from you sufficient temerity to refuse and assume to assert their rights under your own laws, under your own court decisions, they are now to be branded as selfish, stingy misers, sordid and avaricious, because they will not surrender their last small pittance in atonement for your miserable misdeeds. And worst of all, Mr. Chairman, is the lamentable fact that such a selfish and ungenerous sentiment as this finds lodgment in the usually clear and liberal minds of those who have risen to the high rank of this the greatest legislative body in the world. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I thank you.

The CHAIRMAN. The question is on agreeing to the motion of the gentleman from Mississippi [Mr. HARRISON] to recede and concur in the Senate amendment numbered 139.

Mr. HARRISON. The Chair says "recede and concur."

The CHAIRMAN. The Chair understood the gentleman's motion was to recede and concur.

Mr. HARRISON. No, Mr. Chairman; it is simply to concur.

The CHAIRMAN. The gentleman is correct. The bill has not yet gone to conference. It is the motion to concur. The question before the House is the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in Senate amendment 139.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARRISON. I ask for a division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 46, noes 66.

Mr. HARRISON. I ask for tellers, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] asks for tellers.

Tellers were ordered; and the Chairman appointed Mr. STEPHENS of Texas and Mr. HARRISON to act as tellers.

The committee again divided; and the tellers reported—ayes 56, noes 71.

So the motion was rejected.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Texas [Mr. STEPHENS] to disagree to the Senate amendment numbered 139.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. HARRISON. Mr. Chairman, what was the motion? I understood that it was to disagree and send the bill to conference.

The CHAIRMAN. It is not in order for the committee to send the bill to conference. The question is on agreeing to the motion of the gentleman from Texas [Mr. STEPHENS].

The motion was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

we say to you, pay out this money, but do not pay it out until these people shall have the privilege of appearing before Congress and presenting their cause?

And now the gentlemen who are opposing this motion attempt to becloud the issue, and I did not think my good friend the gentleman from Oklahoma [Mr. FERRIS] would try to run away from the real issue by talking about attorneys' fees. Ah, sirs, there is one fact that looms high in this discussion, and that is that if there is any set of men on God's green earth that ought to know how miserably the Indians have been treated, it is the Oklahoma citizen and the Oklahoma Representatives, because your State has robbed them every time the opportunity presented itself. The blackest pages in the history of your State is the way you have treated the Indian. None of you rejoice in walking the streets of Washington or being seen on the corners in the cities of your State with McMurray, who helped to paint your record black, and who said and boasted that he wrote the act of 1902 that you erroneously say did something for the Mississippi Choctaws. Men high up in your State have received large attorneys' fees. If you say they have been robbed, I say that you have to bring the accusation not alone against those in Mississippi, but you must also include those high up in Oklahoma.

Mr. CARTER. The gentleman does not want to accuse anyone unjustly or make imputations that are unjust against anyone. Will he give us the names?

Mr. HARRISON. I do not; but I say to you that Senator OWEN for one once represented Indians in Oklahoma.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HARRISON. No; I can not yield.

Mr. STEPHENS of Texas. It has been stated on the floor that he was not a Member of the Senate at that time.

Mr. HARRISON. If the gentleman will wait his time in patience I will show what Senator OWEN said a few months ago about the Mississippi Choctaws. I will quote his words, and if that will not convince you, you will not be convinced. If I did not know the high character of the gentleman from Oklahoma, Mr. CARTER, and other gentlemen from Oklahoma, I might say that they might be influenced in fighting to keep the Mississippi Choctaws from the rolls, because they themselves perchance are on the rolls of some of the Indian tribes. But I hold the gentleman in too high esteem for that. I do not believe he could be deterred from doing his duty. I do not believe the reason that he is fighting these unfortunate people is because he himself is on the rolls as one of the men who will share in a per capita payment. I will not go that far.

Now let me get to the vital points at issue. These Indians in Mississippi originally did not desire to go into Oklahoma; they would not consent to the treaty of 1830 until provision was written into the treaty known as the fourteenth article, that said in effect, "You Indians who prefer to stay by the burial places of your tribe, who had rather roam the hills that you are accustomed to roam, can do so, and by doing so you will not lose any rights as Choctaw citizens." A provision was placed in there that these people should not be compelled to move to Oklahoma, but now that is what you would force them to do.

The gentleman from Kansas may smile at me, but I want to say to him that he is on the subcommittee that is now considering the bill before his committee that I have introduced for the relief of these poor people. Ofttimes I have wished for him to be present, but he did not come. I want to say in this connection that in the Sixty-second Congress the subcommittee that considered my bill reported it out unanimously, and while I am expressing myself I desire to say that I do not believe it is just and fair to the Mississippi Choctaws that in appointing a subcommittee to consider this matter the chairman of that subcommittee should be no other than the man who has led the fight against the proposition, the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. The gentleman agreed to it, did he not?

Mr. HARRISON. No; I did not. I tried my best to keep the gentleman off the committee, because I did not want him on it.

Mr. CARTER. The gentleman made up the committee himself.

Mr. HARRISON. If I had, I never would have taken the gentleman from Oklahoma.

Mr. CARTER. The gentleman placed me on one side, and on the other side the gentleman from Minnesota [Mr. MILLER], and he knows he did.

Mr. HARRISON. No; I did not; I am not that big a dunce. Now, the gentleman has said that the Jack Amos case in 1897 settled the rights of the Mississippi Choctaws, and they rely on that case, and the gentleman from Oklahoma [Mr. FERRIS] said that the Supreme Court had affirmed the case.

Mr. FERRIS. No; the gentleman is wrong. I do not want the gentleman to misquote me.

Mr. HARRISON. Well, I will yield, if the gentleman wants to correct himself.

Mr. FERRIS. No; I want to correct the gentleman from Mississippi.

Mr. HARRISON. I decline to yield for that purpose.

Now, gentlemen, here are the facts about it. In 1896 the Dawes Commission was appointed by an act of Congress to go to Oklahoma and make a roll in Oklahoma of the tribes in that State.

There was a fellow named Jack Amos, together with others, who applied to this commission to be placed on the rolls. This commission said "You have to remove to Oklahoma if you want enrollment;" "You can not stay in Mississippi and be enrolled." From that decision an appeal was taken to all three branches of the Territorial courts of Oklahoma—one presided over by Judge Stringer, one by Judge Clayton, and the other by Judge Townsend. Clayton and Stringer held that this commission was right, that under the law they had no authority to enroll anyone outside of the State.

Mr. CARTER. What case is the gentleman talking about?

Mr. HARRISON. The Jack Amos case. I can not see why gentlemen should try to misrepresent the facts, for I have the cases here.

Mr. CARTER. Will the gentleman give me a citation of that case. I never heard of that before.

Mr. HARRISON. It is the Jack Amos case, which went up to Judge Clayton. I have all the citations here and I will insert them in my speech.

Mr. CARTER. Mr. Chairman, I would like to know the citation. Surely the gentleman can give that.

Mr. HARRISON. I will give the citation. It was decided in the spring of 1897. It is found on page 475 of the Decisions of United States Courts in Indian Territory on Citizenship Cases, and so forth. It went to the Supreme Court on an appeal from Judge Clayton's decision. Judge Townsend held differently from Judge Clayton, holding that the Mississippi Choctaw did not have to move to Oklahoma, and also that he was entitled to share in the estate of the Choctaw Nation. These cases went to the Supreme Court and was known as the Stevens case against the Cherokee Nation (174 U. S., 415), which embraced all these Mississippi Choctaw enrolled cases, and the Supreme Court expressly said that they did not go into the merits of the controversy, but only settled the constitutional question of the right of the appeal from the Dower Commission decision to the Territorial courts.

Mr. CARTER. What I want the gentleman to give me is the citation of the case that Judge Townsend tried.

Mr. HARRISON. This Jack Amos case?

Mr. CARTER. Oh, no; Judge Clayton tried that.

Mr. HARRISON. But here is the case right here. It is known as the Choctaw and Chickasaw Nation case, and is found in the decisions of the United States Supreme Court in volume 174, at page 415.

Mr. CARTER. That is not the Jack Amos case?

Mr. HARRISON. Oh, the gentlemen are not yet satisfied as to the correctness of it, when it is there. Not only that, but Judge Clayton in the Jack Amos case based his ruling on the case known as the Eastern Cherokee v. The Cherokee Nation (117 U. S., 288). Three years ago, at the instance of an able attorney from the gentleman's own State, Senator OWEN, in the case which conformed in Two hundred and second United States, page 101, styled Eastern Cherokees against Cherokee Nation, held that these Eastern Cherokees in North Carolina had the right to recover over $1,600,000 for injuries done to them under the treaties by the United States Government. Oh, the gentleman can smile, but if he would read and study more, he would know more about the question. I recommend these decisions to the gentlemen and hope they will read them. That is what they held three years ago. There is now pending for attorneys' fees claimed to be due to Senator OWEN, of the gentleman's State, for services rendered to the Mississippi Choctaws, a case known as Winton et al. against Jack Amos et al., in the Court of Claims. I desire to read to you from a brief which was filed by Mr. OWEN in that case. I now quote to you what Mr. OWEN, who probably knows more about this question than any man in the United States, says about it, and this is a brief that he filed one year ago for a fee he claimed was owing to him and his associates.

Mr. BURKE of South Dakota. Owing to whom?

Mr. HARRISON. Senator OWEN. Understand, though, gentlemen, I am not now discounting the services or criticising him in this matter. I hold him in high esteem, and the services he rendered were the services of an attorney. Here is what he

says about the McLemore roll of March 10, 1830. First, I want to say to you that if Judge Clayton, in 1897, was right in holding that the Mississippi Choctaws did not have any rights, why did Congress in 1898 pass the Curtis Act, authorizing the Dawes Commission to go into Mississippi and make a roll of the Mississippi Choctaws? They went there, and 1,923 Mississippi Choctaws were identified and placed upon that roll. It is known as the roll of March 10, 1830, and I want to read to you what Senator OWEN says about it.

He says:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed and submitted by the Dawes Commission, was disapproved years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or without warrant. Against this treatment of the Mississippi Choctaws the petitioner, OWEN, from time to time vigorously protested, but in vain. It was obvious that although this report showed that at least twenty-five hundred full-blood Mississippi Choctaws, fourteenth-article claimants, were entitled to identification, they were poor, ignorant, and helpless, and the fact is also demonstrated that the Dawes Commission, which was expressly charged by law to identify these helpless, ignorant people, never did discharge their full duty in the premises.

He goes on further to say that this report was pigeonholed and disapproved eight years afterwards, thereby striking from the roll hundreds of acknowledged full-blood Mississippi Choctaws.

Ah, there is a roll with eleven hundred Mississippi Choctaws on it, and they have proven their rights, and it still remains in the Secretary of the Interior's office unapproved; and yet you would keep those poor people who have been identified from the rolls, and you would disburse and distribute this money among the people who live in Oklahoma, without allowing these unfortunates to share in the distribution. I will tell you what explains the secret about this proposition. They know that if they can distribute this money now in piecemeal there will not be anything left after a while in the event the Mississippi Choctaws ever get on the rolls. Here is a letter written by the gentleman from Oklahoma [Mr. CARTER] to one of his constituents about this per capita payment. It says:

WASHINGTON, January 28, 1914.

B. M. McDANIEL, Durant, Okla.

MY DEAR SIR: On January 3, 1914, I proposed to the Indian appropriation bill an amendment for a per capita payment of $100 to the Choctaws and Chickasaws, which was adopted by the subcommittee and which we may be able to increase to $200 if handled properly.

You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year, so that all the funds may be distributed just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

You can assist materially by writing a letter to several members of the Indian Committee, whose names appear at the head of this letter, stating the long delay that has taken place in the settlement of our affairs, the necessity for bringing same to a close at the earliest possible date, and the dire need of these per capita payments.

I gave up my Christmas trip to Oklahoma because I wanted to be on hand at the proper time to get this matter started off right. Now, won't you take time to persuade your Indian friends to express their sentiments to different members of the committee? You are interested; get busy and help us.

Very truly, yours, C. D. CARTER.

There is the secret of this whole thing. They want to distribute the money, and if a poor Mississippi Choctaw ever can be permitted to come before Congress and prove his claim there will not be anything left for him to get. I tell you not to let the question of attorneys' fees get you from the real issue in this case.

If we admit that we can not write into the law the fact that no attorney shall gobble up these funds that these poor Indians are entitled to, then, indeed, we confess that we can not perform the duties that our people expect us to do. For one, I am in favor of making the limitation strong on these Indian attorneys. I went through my district last year, and I condemned the practice of this man, named in the McLaughlin report, publicly from the stump. I reported it to the Indian Office. My friend [Mr. CARTER] did also, and the gentleman from Louisiana [Mr. ANSWELL] also did that, and so did others. Sirs, do not take away from the Indians in Mississippi the rights that they are entitled to, because some shysstering attorneys are trying to make money out of them. Let us fix the law so that the attorneys can not get the money. If you vote for a concurrence in this Senate amendment, the attorneys will not get a cent. It only says that the money will not be distributed at all until the Mississippi Choctaw shall have the right to come here and present his case. Are we asking too much of you? Let me recall to your minds that in 1883 this nation in the West filed a suit and recovered $3,000,000 net, for injuries done to the Mississippi Choctaws. Those $3,000,000 went absolutely and wholly into the funds of the Oklahoma Choctaws. It goes to them now. I ask you as honest men, I ask you as patriots, is it right that these moneys that these Oklahomans recovered for injuries done to the Mississippi Choctaws should be so distributed that the Mississippi Choctaws shall not be permitted to share in them?

Simple justice and right is all we ask in this matter. If you will take this brief of Senator OWEN and read it from top to bottom, you will see how he says the Mississippi Choctaws have been treated, and in every instance he says they have been treated very, very badly. Let me cite you an instance. In 1901, after the 1,923 Indians in Mississippi had been identified upon this roll, and which has never formed a part of the tribal roll, Mr. OWEN says that he advised his constituents through his controlling not to go to the Dawes Commission again. He advised them to stay away. Let me read you what he says about it:

I do not recall writing any letter to an individual Mississippi Choctaw and do not think I did so, but I did write to Charles F. Winton and advised him that in my opinion the roll made by the Dawes Commission, dated March 10, 1830, had been made by an unauthorized tribunal, not subject to review by the Secretary of the Interior; that the decision in favor of the individuals on that roll by a tribunal duly authorized by Congress was a finality, and constituted a favorable judgment in behalf of the individual Mississippi Choctaws who had been so enrolled; that they would put themselves in jeopardy if they voluntarily reappeared before the Dawes Commission for a reconsideration of their claim.

The roll to which I have referred—of March 10, 1830—which I regarded then, and which I regard now, as a finality in favor of the persons in whose behalf it was rendered.

There is what Senator OWEN says, and in speaking about this act of July 1, 1902, the act that McMurray, of Oklahoma, boasted that he wrote, the same man that got $1,000,000 attorney's fees for taking off the roll many Mississippi Choctaws, and who helped to create the citizenship court for the purpose of taking 4,000 Choctaw Indians from the rolls, and he succeeded.

The CHAIRMAN. The Chair desires to notify the gentleman that he has consumed 25 minutes.

Mr. HARRISON. Let me read now what Mr. OWEN said about the act of July 1, 1902, the last act on this proposition. He says, speaking of the conditions of the Mississippi Choctaws:

These four conditions operated to bar and defeat probably a thousand Mississippi Choctaws, which I thought was grossly unjust and which I thereby deprived them of a vested legal right. I therefore objected to these conditions and prayed for a liberal provision. The Choctaw authorities acting through their attorneys and supported by the Interior Department, were sufficiently strong to force these provisions through the committees and through Congress over my earnest protest heretofore set up by the printed memorials I have submitted in Exhibit 1 of my deposition (p. 2669).

That is the way Senator OWEN says the Mississippi Choctaws have been treated, and he said that, not before he was elected to the Senate, either, but only one or two years ago, when he wrote this brief in the secrets of his counsel chamber and gave his deposition in the court. Do not deceive, sirs, you gentlemen from Oklahoma, as to the sentiment of your people in regard to these people in Mississippi who have been kept from the rolls. Mr. OWEN, who stands high in the estimation of your people and all the people, fought for their rights for a long time. His course was approved, and when you take a different course, then I say to you, watch out, do not take this money from the Mississippi Choctaws. In conclusion, simple justice is all we have asked for them. If we concur in this amendment, that settles the proposition. If we disagree and send it to conference, there my wily friend from Oklahoma [Mr. CARTER] is one of the conferees and there my good friend from Texas [Mr. STEPHENS] is one of the others, both fighting our contention. Will you send it to conference or will you ratify what the Senate said by a majority of 13? Will you ratify what this House said not three months ago by a vote of 118 to 49? Gentlemen, I submit it to you. Be not deceived by this attorney business. There is in this act, following this amendment, a provision that bars these attorneys from robbing these Indians. If this fails, we can write into the law, when we get that far, a provision that will deprive these oily attorneys of getting these fees. If we can not do that, we ought not to be here as representatives of the American people. [Loud applause.] Mr. Chairman, I withhold the balance of my time.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. CARTER].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 12 minutes.

Mr. CARTER. Mr. Chairman, in newspaper parlance the statement of the gentleman from Mississippi [Mr. HARRISON] might very appropriately be placed under the heading of news items as "important if true."

amendment was offered in the Senate that ties it up until some time indefinitely. That amendment gives the Mississippi Choctaws nothing. It only ties up the payment of that money with the hope that the lobbyists and grafters may yet convince Congress in some way to make a division of a property to which they are not entitled.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to ask the gentleman from Mississippi [Mr. HARRISON] to use some of his time.

Mr. HARRISON. There will be but one argument on this side.

Mr. STEPHENS of Texas. Our time will be used in one argument.

Mr. HARRISON. I understand the gentleman has the closing argument. I prefer to wait until there is just one argument to follow.

Mr. BURKE of South Dakota. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, I think I do not agree with the gentleman from Oklahoma [Mr. MURRAY], who just addressed the House, that this money should be paid out at once, because if paid out at once all claims would cease. I do not feel at all certain but that the Mississippi Choctaws may have some claim for a share in the property of the Oklahoma Choctaws. But however that may be, for myself I am very much opposed to the proposition offered by the gentleman from Mississippi that the House concur in the Senate amendment. If this provision becomes a law in the shape that it is in this bill, there will be no Member of this House or of this Congress who will escape the obloquy of scandal. You can not provide in this way for the payment of a claim involving millions of dollars, where the attorneys' fees amount to many millions of dollars, and allow those attorneys' fees without scandal. There was a great hurrah in Congress some years ago because an attorney in one of these numerous Indian matters received a fee of $700,000 or $750,000. If it had been known at the time that such a fee was to be received, the legislation would not have been enacted by Congress. I heard the payment of that fee denounced on the floor of this House by many gentlemen, and I think I never heard anyone defend it, unless it was the gentleman from Oklahoma [Mr. MURRAY] since he came into the House. But that fee would be a mere bagatelle compared with the attorneys' and agents' fees hidden behind or under this amendment, and if this proposition becomes a law, if the Mississippi Choctaw Indians are entitled to a portion of this money, they are entitled to that portion of it without paying 30 per cent of it to some attorneys or agents who have gone around and obtained the contingent contracts.

The gentleman from Kansas [Mr. CAMPBELL] a moment ago read a part of a letter of a syndicate organized for the purpose of financing this enterprise in part, wherein it was stated that the possible and probable return for the expenditure or investment of $500 would be over $2,300.

Now, I am not in favor of any legislation which would permit the attorneys or the agents to rob either the Indians or the Government. If these people have a claim, I see no reason why in some way we should not legislate to ascertain the fact. But if this amendment be concurred in, that is beyond us. The claim has gone past our control. Or if we pay the money out that is now in the Treasury and distribute the property, that, then, will be beyond us. I think the Government ought to retain the money until we work out in some way a settlement of the question as to whether in the opinion of Congress the Mississippi Choctaws are entitled to any share in this; and if it is said they are, we ought to have it paid to them under terms where they will not be robbed by the attorneys who now hold contracts for contingent fees amounting, in all, all the way from $10,000,000 to $20,000,000.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HARRISON. I yield four minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Chairman, as I understand, this is a controversy with regard to the distribution of a fund in the hands of the Government as a trustee for the Choctaw Indians. That fund arises under section 2 of the treaty of 1830, called the Dancing Rabbit treaty. By that section the Government conveys to the Choctaw Indians a large body of lands, which are described, and that, in connection with conveyance of other lands, constitutes this fund.

Now, I want to call your attention to the fact that that was not a gift on the part of the Federal Government, but these Indians paid the Government for that fund. And you will find in the next section, which is section 3 of this treaty, that the Choctaw Indians—who all then lived in Mississippi—conveyed to the Federal Government all the lands they owned and possessed in that State. That conveyance was the price that the Indians paid for this fund, and every Indian——

Mr. POST. Will the gentleman yield?

Mr. WITHERSPOON. No; I am too busy to yield. I am not going to yield to anybody, inasmuch as I have but a few minutes.

Every Indian living in Mississippi was an owner of that land in Mississippi, and consequently when they conveyed it to the Federal Government every Indian in that State contributed to pay the price. And having paid for this fund, in equity and good conscience, every one of them and of their descendants is entitled to share in it. If you take a deed to a piece of land in your own name and you pay for that deed with my money, if the consideration of the deed comes from me, you may have a legal title, but I am the equitable and honest owner of the land; and if you go into any court of conscience and equity and submit the question to such a court, it will decide that your legal title amounts to nothing; that the man who pays the price is the real honest owner of it. I say that these Indians in Mississippi are part owners of this fund, because they paid the price for it, and it is nothing less than an outrage to take it from them.

But the question here is, Have they forfeited those rights because they did not move to Oklahoma? That is what the Federal Government wanted them to do, and they did not want to do it. The Government officials could not get the Indians to sign the treaty conveying all these Indian lands in Mississippi to the Federal Government; the Government officials could not get the Indians to pay the price for this fund until the Government put into the treaty a section that expressly provides that no Indian should forfeit any of his privileges or rights because he did not remove to Oklahoma. Read the last sentence of the fourteenth article, and you will find that it expressly declares that no Indian who decides to remain in Mississippi shall lose his rights as an Indian, as a member of the tribe, except one right, and that was the right of sharing in the annuities which were enumerated in the treaty and which have nothing to do with this question.

Now, we do not ask you to vote——

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. WITHERSPOON. Will my colleague give me two minutes more?

Mr. HARRISON. Mr. Chairman, I yield two minutes to the gentleman.

The CHAIRMAN. The gentleman from Mississippi [Mr. WITHERSPOON] is recognized for two minutes.

Mr. WITHERSPOON. We do not ask you to vote that the Mississippi Choctaws are entitled to share in this fund at all. You can not do it intelligently, because the facts can not be presented to you. Every speaker who has gotten up here has said that he has not the time to present this matter to the Congress. But there is a bill pending before the committee, which for some mysterious reason has been held back an unreasonable length of time, the object of which is to determine the question whether these Mississippi Choctaws have lost their rights by not removing to Oklahoma. That bill is still pending before the committee. The matter is under investigation, and all that we ask is that you shall not distribute the fund until that bill is reported to the House, when the facts can be fully discussed, where you can understand the whole thing, and where you can decide it according to justice and right.

The claim of the other side that this fund shall be distributed before the proper bill is presented to this House, with all the facts that will enable you to determine the thing justly and rightly, is a contention that the fund shall be distributed before the parties in interest have a chance to be heard, and that is the thing that we consider unjust. Why not wait until the bill can be reported to the House? This amendment that we are fighting over does not ask you to decide that the Mississippi Choctaws have the right to share in this fund, but only that no part of the fund shall be distributed until the rights of the Mississippi Choctaws are determined.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman from South Dakota use some time?

Mr. BURKE of South Dakota. Mr. Chairman, in the brief time that I have I shall not attempt to go into the merits of the claim of the Choctaw Indians in Mississippi. I am against the motion of the gentleman from Mississippi [Mr. HARRISON] to concur in the Senate amendment for the reasons assigned by the

gentleman from Illinois [Mr. MANN], among others, and, furthermore, because I am opposed to every part of the amendment.

I think our friends from Oklahoma who are opposing this amendment are only concerned in the provision which begins with line 23, on page 70, and ends with "the Choctaw Nation," in line 5, on page 71. That is the provision that provides that this fund shall not be distributed in Oklahoma to the Choctaw Indians "until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation." If this provision was eliminated those from Oklahoma would, I am sure, favor the Senate amendment.

When this bill was considered in the House before amendment No. 139, down to the word "*Provided*," in line 23, was in the bill reported by the Committee on Indian Affairs; and in the House in Committee of the Whole, after a debate of one or two days, in which the merits of the proposition were fully discussed, the House by a vote of 118 to 49 struck it out, and it went out of the bill. It was put back in the bill by the Indian Committee of the Senate, and upon the floor of the Senate there was offered an amendment relating to the Mississippi Choctaws.

I take it that our friends who, as I said before, are opposed to this amendment, are not opposed to that portion of the amendment that was stricken out by this vote in the House when the Indian appropriation bill was under consideration. I hope that the amendment will be disagreed to, and then I hope that the conferees on the part of the House will voice the sentiment of the House in conference and endeavor to defeat the entire amendment, thereby carrying out the will of the House as expressed when the Indian appropriation bill was under consideration, when this part of the amendment, from line 6 to line 23, was stricken out by a decisive vote.

Mr. Chairman, it is admitted—and no man who is familiar with the affairs of the Five Civilized Tribes of Oklahoma will deny it—that there are a few people who have been wrongfully left off the rolls and that are clearly entitled to participate in the distribution of the estate. Many of them—and possibly all of them—are in Oklahoma. It may be that there is some merit in the claim of the Mississippi Choctaws, and I am inclined to think there is. I am not going to attempt in the brief time I have to say definitely whether there is merit in their claim or not. But it is true that there are a number that have been left off the rolls—not a very great many—that ought to be enrolled, and my position has been that until these persons are placed on the rolls that are admittedly entitled thereto this fund, or no part of it, ought to be distributed; first, because it is not fair and right to the Indians who have been left off the rolls, and, secondly, we ought to protect the Treasury of the United States against claims that will be filed the moment that this fund is distributed by the persons omitted from the rolls, and attorneys who are now engaged in the nefarious work of securing contracts from negroes and others who have perhaps no Indian blood whatever in their veins will concentrate their activities upon presenting claims to the Congress of the United States, involving, perhaps, millions of dollars that will have to be paid out of the Treasury. I hope the motion of the gentleman from Mississippi will not prevail.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to take a moment for the purpose of stating that I agree with the gentleman from South Dakota [Mr. BURKE], and hope that the amendment offered by the gentleman from Mississippi [Mr. HARRISON] will not prevail.

This amendment was put on in the Senate of the United States in this language:

Provided, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. Chairman, I do not think it is good legislation to permit the Senate to engraft an amendment of this vast importance upon this bill without consideration by their own committee and with scarcely any consideration on the floor of the Senate. I do not think it proper that we should approve it here without having it passed upon by the Indian Affairs Committee of the House, and passed upon on the floor of the House when it is in full session.

Mr. MANN. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Yes; I will yield to the gentleman.

Mr. MANN. The gentleman has stated his opposition to the last proviso of amendment 139. I desire to ask the gentleman whether he also opposes the balance of the amendment?

Mr. STEPHENS of Texas. That is the first part. That was rejected by the House, and I presume it will be brought back to the House again before any final action is taken by the conferees. I hope therefore that the amendment will not prevail.

Mr. ASWELL. Does not the gentleman think this provision is so simple, so plain, so self-evident, that it does not need any further discussion by the committee?

Mr. STEPHENS of Texas. I do not think so.

Mr. HARRISON. Has the gentleman from Texas only one speech left?

Mr. STEPHENS of Texas. That is all.

Mr. HARRISON. Will the Chairman state how much time remains?

The CHAIRMAN (Mr. UNDERWOOD). The gentleman from Mississippi [Mr. HARRISON] has 28 minutes.

Mr. MILLER. I yield my remaining time to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Texas has 12 minutes and the gentleman from Minnesota [Mr. MILLER] has 1 minute.

Mr. MILLER. I yield that 1 minute to the gentleman from Mississippi.

The CHAIRMAN. The gentleman from Mississippi [Mr. HARRISON] is recognized for 29 minutes.

Mr. HARRISON. Mr. Chairman, I trust that in the discussion of this matter I shall confine myself to the record and not to a misrepresentation of the facts, and that I shall not accuse men from Oklahoma, both attorneys and representatives of the people, of grafting either on the Mississippi Choctaw or on the Oklahoma Choctaw.

This is a simple proposition. There is nothing involved in it except one single question.

I have a bill before Congress the purpose of which is to reopen the rolls of the Choctaw Nation, which have been closed since March 4, 1907. In that bill there is a provision that in the event the rolls are reopened the attorneys who represent the claimants shall receive no fee except that fee which the Secretary of the Interior says is a reasonable one. I would not put my name to a bill which did not have that provision in it. Consequently all this talk about the attorneys' fees in this matter is merely for the purpose of beclouding the issue and trying to divert your minds from the real facts involved in the discussion. These gentlemen do it adroitly, because they know that the facts have stared them in the face all along, and that Congress is now beginning to open its eyes to the justice of the cause and to the injuries that have been committed against these poor unfortunate Indians in Mississippi. The eyes of Congress were not opened until in February, when the Indian Affairs Committee of the House brought in the Indian appropriation bill containing a provision to distribute $100 per capita among these Choctaw Indians who were on the rolls. You recall that for two days we discussed that proposition here in the House.

Gentlemen say that in the Senate there was little discussion of it. Three days they discussed this proposition in the Senate. And I desire to recall to your minds that after a discussion of this question before this House in February, a full discussion, when I offered an amendment similar to the Williams amendment that was adopted in the Senate, my amendment was ruled out on a point of order; and then, in order to secure a fair presentation of the case of the Mississippi Choctaws to this House I moved to strike that provision from the bill carrying this $100 per capita payment to those Indians who were on the rolls. You heard the discussion; and after the discussion this House by a vote first of 43 ayes and 17 noes voted to strike out that per capita payment. Then the point of no quorum was made. Not satisfied with that vote you brought the Members here, and then by a vote of 118 ayes to 49 noes the proposition was defeated. It went to the Senate. The Senate Indian appropriation bill contained this provision of a per capita payment of $100 each. Senator WILLIAMS offered the amendment which is now in the bill. It does not take any money out of the funds of the tribe. It does not take any money out of the Treasury of the United States, but it is a clear, simple, plain provision that reads:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Sirs, is it asking too much at your hands when we say that the Mississippi Indian has rights, when we ask you to investigate the matter and say whether or not he has rights, and when

profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscription for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

That sounds good for the poor Indians.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

I have been a member of this committee for a number of years, and I know this graft has not been reported favorably.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

Mr. FERRIS. Will the gentleman yield right there?

Mr. CAMPBELL. Yes.

Mr. FERRIS. Is it not a fact that on these representations they sold $25,000 of contracts and got the money?

Mr. CAMPBELL. Yes; I was going to say that. I will omit the next clause in the letter, but it states that one attorney made a fee of $6,000,000.

Mr. GARDNER. Why does the gentleman omit the next paragraph?

Mr. CAMPBELL. Then I will not omit it. I will read:

Senator OWEN has but 1,300 of these contracts with another batch of Choctaw Indians, yet he secured a fee of $6,000,000; he had a contract for one-half of what he secured, while ours is but 30 per cent. Other similar contracts have been made, and all of them have been passed by Congress; and as the Government is holding the lands and money belonging to this tribe and have no interest in it either way, we see no just reason why they should not act upon these claims favorably at the next session.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. Is it not a fact that that was shown not to be so?

Mr. CAMPBELL. Of course, as to amount it is not so, but that is on a par with a lot of other stuff in that prospectus that is not so.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. GARDNER. The gentleman says it is not so. There is a great deal of truth in it, is there not?

Mr. CAMPBELL. Oh, yes; there is some truth in it. He did not get $6,000,000, however.

Mr. COX. How much did he get?

Mr. CAMPBELL. I do not know. He received a good fee.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I can not yield further. The fact is, that upon the assumption that there was to be a distribution of a fabulous attorney's fee a corporation was organized under the laws of the State of Arizona, with a capital stock of $100,000, and stock was sold upon that prospectus to the amount of $25,000; and Crews & Cantrill, the attorneys, who have been prosecuting this claim for the enrollment of these alleged Mississippi Choctaws, have secured the $25,000. If they win, their fees will amount of $6,300,000.

The CHAIRMAN (Mr. PHELAN). The time of the gentleman from Kansas has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield the gentleman four minutes more. In that time will he permit me to make the statement that Senator OWEN was the attorney for the Mississippi Choctaws, or for some band of them, before he ever came to Congress.

Mr. CAMPBELL. Oh, yes; it is only fair to Senator OWEN to say that his connection with this matter was as an attorney, before he became a Member of Congress.

Mr. FERRIS. And before Congress closed the rolls.

Mr. CAMPBELL. Yes; and before the rolls were closed.

Mr. ASWELL. Mr. Chairman, I notice the gentleman uses this crooked dealing on the part of attorneys as an argument against this bill. Is it not a fact that the same kind of work was done on the other side?

Mr. CAMPBELL. Oh, but the attorneys' fees on the other side were like 20 cents as compared with these fees.

Mr. ASWELL. Is it not a fact that there are attorneys here lobbying against this bill?

Mr. CAMPBELL. I do not know of any. I have not seen any. I have seen the attorney for the Choctaws. He is working against it, as he ought to. So with the attorney for the Chickasaws.

Mr. ASWELL. Is it not a fact that the attorneys for the tribes are here?

Mr. CAMPBELL. Oh, yes.

Mr. CARTER. On a stipulated salary?

Mr. CAMPBELL. On a stipulated salary of $5,000.

Mr. ASWELL. And they are lobbying?

Mr. CAMPBELL. No; I have not found them lobbying; but they are getting a salary of $5,000 for representing the tribes, as against this colossal fee of $6,250,000 to one firm of attorneys for taking away from the Choctaws a part of their property. About $7,000,000 or more will go to another firm of attorneys, if they win, as they say they will in writing to their friends, in trying to raise money to further prosecute these claims before the committees of Congress and in lobbying the bill through Congress.

Let me close by saying again that if there is sympathy to be extended for the Indian in this case, it should be extended to the Indian who took his life in his hands and went into the Indian country in the early thirties, as he agreed to do in a solemn treaty with the United States, who fought for the rights of the Indians on the frontier, fighting against the elements, against unfriendly Indians and unfriendly whites, preserving the integrity of his tribe, and made a great estate there which these Mississippi Choctaws, who remained in the State of Mississippi rather than go to Oklahoma, now want to divide.

Mr. FESS. Mr. Chairman, how long has this contention been before Congress?

Mr. CAMPBELL. Oh, it has been before Congress for years. In 1889 Congress passed a law giving these Indians the right to move to Oklahoma and enrolling with the tribe. The Mississippi Choctaw has slept upon his rights. He has had his day in court. He has had his right to go to Oklahoma. He has had his right to join his tribe. He has had his right to participate in the distribution of that estate. He has forfeited all these rights by refusing to go to the country where the Choctaw resided and where the estate was, although he now wants to participate in its distribution.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. MILLER. Mr. Chairman, how many minutes have I remaining?

The CHAIRMAN. Eight minutes.

Mr. MILLER. Mr. Chairman, I yield seven minutes of that to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, I will ask the Chair to advise me when I have used five minutes, as I desire to yield two minutes of my time to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. I thank the gentleman very much, but I will use that in my own time.

Mr. MADDEN. Very well. Mr. Chairman, I am not concerned so much about what disposition is made of the estate of the Choctaw Indians in Oklahoma, but there was a time when an award was made in favor of the Mississippi Indians, amounting to $2,000,000 net, which accumulated to about $8,000,000, not one dollar of which has ever been paid to the Mississippi Indians. There is no reason on earth why these Indians living in Mississippi should not receive the money which has been awarded to them as their right. Whether they ought to be permitted to participate in all of the rights of the Choctaw Indians in Oklahoma I am not prepared to say.

I wish I could enter upon the discussion of this question with a feeling that there was no graft in the settlement of the Indian questions. The attorney proposition as involved in the settlement of Indian questions stinks; it is rotten. I know no man, either Indian or white man, who is interested in this proposition; but I do know that the Indians in Mississippi have been wronged. They are entitled to be paid the award that was made in their favor.

Mr. POST. Mr. Chairman, will the gentleman yield?

Mr. MADDEN. I have only five minutes. My interest in this question relates only to my desire to see that justice is done to them. The gentleman from Oklahoma [Mr. FERRIS] said that Judge Clayton had rendered an opinion in the Jack Amos case which forever settled the rights of the Mississippi Choctaws. But there have been other decisions rendered besides that. Judge Townsend rendered a decision in the same case directly contrary to the opinion rendered by Judge Clayton.

Mr. FERRIS. But Judge Townsend was a judge of the Chickasaw Indians and had nothing whatever to do with this.

Mr. MADDEN. He passed on the question, and I will read his opinion into the RECORD. I am going to ask unanimous consent, at the conclusion of my remarks, to insert in the RECORD exactly what Judge Townsend said.

Mr. FERRIS. Does the gentleman deny what I stated?

Mr. MADDEN. I do.

Mr. FERRIS. The gentleman is mistaken. He is touching on a matter that was not before him at all, because he never sat in a Choctaw case.

Mr. MADDEN. Well, Samuel Adams, Assistant Secretary of the Interior, whose name is signed to the paper which I hold in my hands, says to the contrary. He quotes what Judge Townsend says, and Judge Townsend said that the Mississippi Choctaws never lost any rights whether they lived in Mississippi or moved to Oklahoma. There was only $20,000 appropriated and placed at the disposal of the men who sought to remove the Mississippi Indians to Oklahoma, and $20,000 was inadequate for the purpose of removing all those Indians who wished to go from Mississippi to Oklahoma. There are nearly 1,100 full-blooded Indians in Mississippi now against whose nationality nobody raises a question of doubt. They would have moved to Oklahoma if facilities had been afforded them to enable them to move, but they were not given the facilities and they have not been afforded the opportunity except the invitation, and whether or not they have the right to participate in the division of all the money now to the credit of the Oklahoma Choctaws, they certainly have a right, an undoubted right, to the payment of $8,000,000, a verdict for which was rendered in their favor, and this question can not be settled justly until everybody agrees that this $8,000,000 be paid and until it is in fact paid. Now, I do not believe any Member of this House wishes to do an injustice to any man in the world, and I am sure that no man in the House wishes to do an injustice to these men of Indian blood living in the State of Mississippi.

The CHAIRMAN. The Chair will state to the gentleman that he has used five minutes.

Mr. MADDEN. I wish I could enter upon a discussion of this question with a feeling that there is no rottenness in the question of contracts by which the attorneys are accepting fabulous fees for exploiting the Indians. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the opinion of Judge Townsend.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. The views of Judge Townsend are set forth in part as follows:

In all these various treaties, solemnly entered into, there is not one line or one word to indicate that the Choctaws and Chickasaws who did not remove to the western country were not Choctaw or Chickasaw citizens and members of their respective tribes. On the other hand, in the treaty of 1830 between the Choctaws and the United States it is expressly provided that those who remained should "not lose the privilege of a Choctaw citizen," but if they ever remove "are not to be entitled to any portion of the Choctaw annuity."

It has been said that they could not be put upon the roll as citizens and members of those tribes unless they lived upon the land within the Choctaw or Chickasaw Nations themselves when making the treaty of 1866 does not bear out the view; and if they were Choctaws and Chickasaws in 1866, what has occurred to change their relations to those tribes? I have heard of nothing whatever.

It is said the land was held in common, and certainly some of the tenants in common in possession could hold the possession for all their cotenants in common. The bulk of the nation living in the territory ceded and maintaining the tribal government or nation certainly met every requirement of residence and was a compliance in all respects with the treaty stipulations of living on the land.

I shall hold that nonresident Choctaws and Chickasaws who have properly filed their application and established their membership of the tribes shall be admitted to the roll as citizens.

Mr. FERRIS. Mr. Chairman, I make a similar request to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield seven minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman, it is impossible in seven minutes to deal with the legal phase of this question. The gentleman who has just preceded me referred to an $8,000,000 transaction. The facts are that the Government of the United States received 10,000,000 acres of land to equalize the property of the Mississippi Choctaws, and the Government sold the land and kept $6,000,000 of that $8,000,000 of which the gentleman spoke. They sold some of the land for 2½ cents an acre, and charged the Indians 10 cents for selling it. Let the Government pay these Mississippi Choctaw Indians that $6,000,000 it kept. I submit to this House that if the Government of the United States is the guardian of the Mississippi Choctaws, and if the Choctaw Nation should receive certain funds and the Government should not distribute those funds, as provided by the treaty and the law, is there any equity by which the Choctaw Indians in the West who furnished it should be made to suffer for the wrong of its guardians? There is neither law nor equity nor even sympathy against the Choctaw Indians in Oklahoma.

Now, this treaty was made first in 1830, one year before brave Stephen F. Austin took his brave Missourians to Texas and settled it. In 1830, several years prior to the Texas revolution, the removal of these Indians was provided. At that time Arkansas and the entire West was a wilderness. The prairie tribes of the West swooped down upon the white settlements and upon the settlements of the Five Civilized Tribes and murdered them alike. They dreaded that trip, and then while realizing that it was wise to go west, if they could live there, a stipulation was made that those who remained should get certain lands which exceeded the allotments which the Indians of Oklahoma have. The trouble was that the Government did not throw restrictions around them and long ago the grafters in Mississippi got their land. The Indians got, in the West, 22,000,000 acres.

As a result of the Civil War the Federal Government took from those Indians nearly 11,000,000 acres, leaving only 11,000,000 for the Choctaws and Chickasaws in the West, while they left in Mississippi 10,000,000 acres for those who were left there. So they provided for them. The trouble was the Government did not take care of their property. Now, so far as sympathy goes, I say that neither law nor equity exists against the Indians of the West, because the Jack Amos case was decided by Judge Clayton and affirmed, and no decision of Judge Townsend or any other judge on this point was ever affirmed by the Supreme Court of the United States.

Mr. HARRISON. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Now, as to sympathy. When these Indians in Mississippi undertook to go West and cross the uninhabited swamps of Arkansas into the wilderness, they marched. Four thousand of their dead were buried on the road. An account of that march is best told by Gen. Dale, the United States Army officer who undertook the first removal. Gen. Dale said that when they were about to leave their homes their better judgment had taught them they ought to go, but their nature revolted, and as ten to fifteen thousands of men, women, and children marched slowly each day toward the West the old Indians would steal out of camp every night to return to their former homes, to look once more upon those old cabins, to bid them good-bye. Gen. Dale said that that continued every night until they were more than 40 miles away from their former homes; that every night they would return to look once more upon those old cabins they called homes and the graves of their ancestors, once more to say good-bye. They were going into a wilderness surrounded by hostile prairie Indians whom they had to fight. Because at the invitation of the Government and out of their intuitive knowledge they have built a republic, established schools, and become strong, and because they have grown with their strength and ammassed a fortune, the Mississippi Choctaws, hampered by the Government, becoming poverty stricken, now come in and claim a part of their property.

Is it fair, is it right, since they, by their own efforts, have achieved such results? They opened their hands in 1896 to the Mississippi Choctaws and bade them come. Why did they not go? They did not have a thing in the world but a dog. They could have put out the fire and called the dog and have gone but for one thing, and that was that the peonage laws in Mississippi made them criminal if they went away and left a debt or a contract. They could not go. The result was they did not go. Why give them money now? Because even the land they had, and other moneys, long since have been taken. Why give them money now? They would not have it 12 months. It would be taken away from them. Our Indians wanted them to come west, and 1,634 went as a result of that offer, and they have land with restrictions on it, and neither a grafter in Oklahoma nor a grafter in Mississippi can take it away from them. The only aid possible is to buy them each a small home in Mississippi and put restrictions upon it. I say, gentlemen, it is unfair, because these Indians by their own efforts have a civilization to be admired, a civilization that has made them capable of self-government, and they have become an integral part of the State government of Oklahoma. Eleven of them sat in the constitutional convention of that State, and 10 in the first legislature, so great had been their advancement. But because they had amassed property, is that any reason, does judgment dictate, that they should give up what they have acquired after hardship, any more than the western homesteader who went West and settled his homestead should divide it now with the men of the East who refused to go?

Gentlemen, here is the only proposition: Will you pay out this money that the Indians ought to have and stop this Mississippi Choctaw cry, or will you tie it up and let it continue? The quicker you pay out this money the quicker this will stop. Your attorney fees will be over, because there will be nothing else to be enrolled for. We want to pay out the money. An

or a syllable in that constitution that violates one single provision either of the fourteenth amendment or the fifteenth amendment to the Federal Constitution.

All that talk about the treatment of an Indian is not a fact, except that his condition is the condition that Congress leaves him in; and if he can not vote it is because he has been neglected, when he ought not to have been neglected.

Now, the gentleman from Oklahoma speaks of this man Powell. I know nothing about Powell except that I have seen him once or twice. He looks very much like a negro to me. I have never talked to him a moment in my life. If what my friend from Oklahoma [Mr. FERRIS] says is true, these attorneys ought not to be permitted to receive anything from these Indians; and that contract that they have can be rendered void by a proviso or a law that this money shall be paid to the Indian direct, or the Commissioner of Indian Affairs can fix and determine the fees, as we have generally done in reference to all matters when men have asked for attorney's fees and the money comes out of the Treasury by act of Congress.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman pardon me right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. GOODWIN of Arkansas. I believe that the firm of Mansfield, McMurray & Cornish attempted to charge $1,200,000 for services rendered to the Indians in the State of Oklahoma. Is it not a fact that Secretary Hitchcock, Secretary of the Interior, reduced that amount to $750,000?

Mr. SISSON. I do not know about that; but if I had the time I would like to give a statement concerning the fees that certain Indians have received in Oklahoma who have since been honored with public office by the people of Oklahoma; and it would be interesting to set out the number of attorneys who have got to be enormously rich and live in Oklahoma and who now claim to be so patriotic.

The chief of these 1,072 Indians who want to be enrolled came to my office. I wish I had time to go into the details as to the whole history of the Choctaw question and then show fully the opportunities they have had to go to Oklahoma, so as to convince the House that they really had no opportunity. Heretofore the House stood, by an overwhelming vote, by the Mississippi Choctaws when this matter had been discussed here on portions of two days, with the Representatives from Oklahoma doing all on earth they could to prevent it. By an overwhelming majority this very Congress a few months ago stood with the Mississippi Choctaws and determined that they had rights and ought to have a hearing; and in the Senate this amendment was put on on the floor of the Senate because the Committee on Indians Affairs there, I presume, is largely dominated by the influence of the Oklahoma people.

I am not censuring my good friends from Oklahoma for doing what they can. I am not censuring them, because I presume it is not only to their political advantage, but also to their financial advantage, and to the advantage of people in Oklahoma. But inasmuch as my time is very brief, let me read to you from the record. They say these Indians ought to have gone to Oklahoma. That may be true; but under the Dancing Rabbit treaty they had the right to remain in Mississippi, and they lost no right under that treaty by remaining in Mississippi, except the right to that small annuity. That is the only right they lost by remaining in Mississippi under the solemn treaty made in 1832, known as the Dancing Rabbit treaty. They lost no rights under it, and I assert it is the sworn duty of every Congressman here, since we have taken over the Indians and made them our wards, as it is the duty of every guardian, to see to it that these wards of ours are not chiseled out of anything, not only by the people of Mississippi, not only by the Mississippi attorneys, not only by people who may be attorneys outside of the State, but also by the Oklahoma attorneys and the Oklahoma Congressmen who represent the Indians living there. We ought to stand by the terms of that solemn treaty which we made with the Choctaws when the old chief of the Choctaws came up here and declined under that treaty to compel the Indians to live beyond the limits of Mississippi, and the provision of that treaty which induced him to agree to it was that those of them who desired to remain in Mississippi should signify their willingness and desire to remain; and over 5,000 heads of families, according to my recollection, in a few weeks decided to remain in Mississippi.

Now, they speak of that land being sold down there cheap for the Indian wards. All that strengthens the case.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, will the gentleman from Minnesota [Mr. MILLER] yield me two minutes more?

Mr. MILLER. I yield to the gentleman two minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi is recognized for two minutes.

Mr. SISSON. Ward and all that bunch of rascals have been visited on the Indians, but is there any reason why we should continue to visit injustice upon them? I have no interest, directly or indirectly, in the matter, because I do not believe half a dozen of these Indians live in my district. Some of them live in Alabama; some of them live in Louisiana; but most of them live in Mississippi, in the districts represented by friends and colleagues, Mr. HARRISON, Mr. WITHERSPOON, and Mr. QUIN.

Mr. FESS. How many are there, all told?

Mr. SISSON. There are 1,072, according to my recollection, full-blooded Indians, whose veins contain not one drop of anything except Indian blood. They are adjudged to have the right to property in Oklahoma. The agents appointed by the Government went down and allowed only six months to those poor Indians to get away. You might as well tell them that there were bags of gold waiting for them in the moon as to say that there was rich land waiting for them in Oklahoma. They could get there, and when there would not know what to do. The statement was made by the Indians, and was made here before this bill was up in the House before by the old chief of the Mississippi Choctaws, and some of the Indian boys have told me in my office that they were waiting and expecting the Government agents to come back for them when the time elapsed in which they could go to Oklahoma; and the $20,000 which, I believe, was appropriated for the purpose of identification and removal gave out and the Indians were waiting in vain for Uncle Sam, their guardian, to send them to Indian Territory. I refer to the 1,072 Indians who are full bloods.

I would like to show you what the Commissioner of Indian Affairs had to say about it. I put it into the RECORD at the time of the last debate.

The CHAIRMAN (Mr. UNDERWOOD). The time of the gentleman has expired.

Mr. HARRISON. I yield to the gentleman one minute more.

Mr. SISSON. In one minute I can not read what the Commissioner of Indian Affairs said; but the Commissioner of Indian Affairs, who made this investigation, reports that the Mississippi Choctaws were not given time to remove, and he says that it was utterly impossible for the Mississippi Choctaws to comply with that act within that time. He says it is perfectly true that they have not had a square deal in this matter. I take it that every Member of Congress will feel that the obligation rests on him, as one of the guardians of the Indian, to see that he gets a square deal.

I do not care what the acts of Congress may have been in the past. The thing rises above a mere act of Congress. If we have done a wrong, we can right the wrong by repealing the law. It is the duty of every Representative here to see to it, as one of the guardians of these unfortunate people, that they be given a fair and an honest opportunity, and it is our duty to see that they get what is their own. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from South Dakota yield some more of his time?

Mr. BURKE of South Dakota. I would rather the gentleman from Texas would use a little of his time; but if he is not ready to do so, I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. Mr. Chairman, my sympathies have always been with the Indians. In every matter that has arisen in the House since I have been a Member, touching the welfare of the Indian, I have always found myself naturally inclining toward him and his rights. I find myself in the same situation here to-day. But I must select between Indians to-day—between the rights of the Mississippi Choctaws and the rights of the Choctaws in Oklahoma. I am led to that conclusion because of the action taken by the Indians themselves.

Under the treaty of 1830 the Indians in Mississippi were to go west, to take up lands, to maintain their tribal organizations, and to become there an important part of the great West. They invited all the Choctaws in Mississippi to join them.

Article 14 of that treaty provided that Indians might remain in Mississippi, and that the head of every family remaining there could choose 640 acres of land, every child over 10 years of age 320 acres of land, and every child under 10 years of age 160 acres of land, making a very attractive proposition to the

Mississippi Choctaws who saw fit to remain in Mississippi. The others were to go west to the new Indian country. That same article provided that those who remained in Mississippi as Choctaws should lose no rights as Choctaws if they removed west, except the annuities. The gentleman from Mississippi [Mr. SISSON] is incorrect when he says they lose no rights at all. They must move west into the Indian Territory to have the rights of Mississippi Choctaws. It was held in the Jack Amos case and has been sustained by every commission, every committee of Congress, every court that has considered the matter—every decision of every commission, of every court, of every committee of Congress has always insisted that article 14 of the treaty of 1830 required that the Choctaws should, in order to have the rights of Choctaws in Oklahoma, go to Oklahoma and live there; that a Choctaw could not remain in Mississippi and have the rights of a Choctaw in the Indian country; a very natural and a very wise conclusion to be reached by the courts and by the committees of Congress and by the commissions that have investigated and decided upon the question.

Now, with whom shall we allow our sympathies to run? With the Mississippi Choctaws, who remained to accept the very attractive proposition made by the United States, and to have the large amount of land already referred to, or go with the Indians who went out across the swamps and rivers and through the forests on to the frontier? The trail by which the Choctaws who left Mississippi went into the Indian country is marked by the graves of 4,000 Choctaws. And yet the gentleman from Mississippi and other friends of the Mississippi Choctaws pour out their sympathies for those who remained in Mississippi with 640 acres of land for every adult, 320 acres of land for every child over 10 years of age, and 160 acres of land for every child under 10 years of age.

Mr. BOOHER. Mr. Chairman, I want to ask the gentleman a question.

Mr. CAMPBELL. Yes; if the gentleman will be brief.

Mr. BOOHER. Did those Indians who remained in Mississippi receive these allotments of 640 acres, 320 acres, and 160 acres?

Mr. CAMPBELL. The allotments were yielded to them. They had a right to receive them.

Mr. BOOHER. Was the land given to them?

Mr. CAMPBELL. Many of them received the land.

Mr. FERRIS. The first half of them did. Here is a list of all the names of those who did.

Mr. BOOHER. If they did not get it, the Government still owes it to them, does it not?

Mr. CAMPBELL. At least the Choctaws in Oklahoma do not owe them anything. That is what I am urging.

Mr. FERRIS. Here is a list of the names of those who did get land.

Mr. CAMPBELL. Therefore my sympathies in this case are with the Choctaw and his descendants who went into the Oklahoma country in the early thirties and remained there with his family and made that country the Indian country. Eighty years afterwards there can not be much sympathy or much equity for the Indian who remained in Mississippi, whose descendants now insist upon a division of the estate made by the Indians who went out upon the frontier years and years ago. It would be just as fair for a man to-day who was an original joint heir of an estate out on the frontier, in Kansas, if you please, next to Oklahoma, beside the Indian country, to have remained in Massachusetts until the prairies had been subdued and tamed, and the desert converted into productive fields, where great wealth is produced to-day, and then for the Massachusetts man to come along and say, "I want half of this, I want share and share alike with you, and I have a right to it, because I am of the same blood." There would be just as much right in that sort of claim as there is to-day in the claim of the Mississippi Choctaw to a share of the Choctaw estate in Oklahoma.

But what is the milk in the coconut? Why are we constantly hounded in Congress in behalf of the Mississippi Choctaws? Ever since I came to Congress I have been followed by attorneys for the Mississippi Choctaws urging their cause. The door was then open to them. From year to year they were given a little more time. They were finally given until the 4th day of March, 1907, in which to go west to comply with the conditions of article 14 of the treaty of 1830. The years passed on from 1830 until the 4th day of March, 1907, and still the Mississippi Choctaw remained in Mississippi and did not go into the Indian country to become a part of his old tribe, to participate with that tribe in the rights and benefits of a Choctaw in the Indian country, as Congress had given him the right to do, and as the Choctaws in Oklahoma had invited him to do out of the generosity of their hearts.

The trouble is that there are fabulous attorney's fees in this matter. I do not connect any gentleman who favors the Mississippi Choctaws upon this floor or upon the floor of any other body as being in any way concerned about the fees in this matter. All I insist upon is that the fees are so large that they make it a very attractive thing for attorneys, and these attorneys never cease their campaign for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the funds of the Choctaw Nation.

Mr. MILLER. Will the gentleman yield?

The CHAIRMAN (Mr. TOWNSEND). Does the gentleman from Kansas yield to the gentleman from Minnesota?

Mr. CAMPBELL. I will.

Mr. MILLER. Does the gentleman know of any Mississippi Choctaw who has been enrolled as a Choctaw who has not had to pay an attorney's fee?

Mr. CAMPBELL. I do not know.

Mr. MILLER. Will the gentleman advise the committee whether or not there is not now pending a case in court to determine the attorney's fees in the largest case they have ever had, and what the percentage claimed is?

Mr. CAMPBELL. I think a 50 per cent fee is claimed. But these Mississippi Choctaws are represented by attorneys whose fees run from 30 to 40 per cent. Now let me read you something about that. I have here, I think, the document.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. CAMPBELL. Yes.

Mr. STEPHENS of Texas. One firm of these attorneys has collected $21,000 at one time.

Mr. CAMPBELL. Now, here is the milk in the coconut. Let me read:

HOUSTON, TEX., June 8, 1911.

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government bought 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for moving as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $6,000,000. In this treaty it was agreed that the remaining Indians were to be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.

The Government still holds approximately 2,450,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

Now listen, you who are sympathetically inclined. Now we get down to the milk:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received.

Four thousand two hundred Indians. Where are the 1,070 Indians that the gentleman talked about?

Mr. HARRISON. Does the gentleman want to know where those 1,070 Indians are?

Mr. CAMPBELL. I am talking about the 4,200 Indians.

Mr. CLINE. Will the gentleman yield?

Mr. CAMPBELL. For a very brief question.

Mr. CLINE. Does the contract made for the collection of this money go to the real merits of the controversy as to whether they are entitled to anything?

Mr. CAMPBELL. If it were not for the attorneys' fees, you would not hear of these Mississippi Choctaws who have remained in Mississippi since 1830. The only way in which these claims are kept alive is by these large prospective attorneys' fees.

Mr. CLINE. Then there is no merit in the claim?

Mr. CAMPBELL. Absolutely no merit in thousands of them.

These 4,200 contracts are one signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

Do you see how this fellow's heart bleeds for the Mississippi Choctaws; how he is pleading for the enrollment of the Mississippi Choctaws so that they may participate in the distribution of the estate of the Choctaws of Oklahoma, who went west in the early days and made it possible that there should be an estate to divide?

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one half of the

the Indian direct, or the Commissioner of Indian Affairs can fix and determine the fees, as we have generally done in reference to all matters when men have asked for attorney's fees and the money comes out of the Treasury by act of Congress.

Mr. GOODWIN of Arkansas. Mr. Chairman, will the gentleman pardon me right there?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Arkansas?

Mr. SISSON. I do.

Mr. GOODWIN of Arkansas. I believe that the firm of Mansfield, McMurray & Cornish attempted to charge $1,200,000 for services rendered to the Indians in the State of Oklahoma. Is it not a fact that Secretary Hitchcock, Secretary of the Interior, reduced that amount to $750,000?

Mr. SISSON. I do not know about that; but if I had the time I would like to give a statement concerning the fees that certain Indians have received in Oklahoma who have since been honored with public office by the people of Oklahoma; and it would be interesting to set out the number of attorneys who have got to be enormously rich and live in Oklahoma and who now claim to be so patriotic.

The chief of these 1,072 Indians who want to be enrolled came to my office. I wish I had time to go into the details as to the whole history of the Choctaw question and then show fully the opportunities they have had to go to Oklahoma, so as to convince the House that they really had no opportunity. Heretofore the House stood, by an overwhelming vote, by the Mississippi Choctaws when this matter had been discussed here on portions of two days, with the Representatives from Oklahoma doing all on earth they could to prevent it. By an overwhelming majority this very Congress a few months ago stood with the Mississippi Choctaws and determined that they had rights and ought to have a hearing; and in the Senate this amendment was put on on the floor of the Senate because the Committee on Indians Affairs there, I presume, is largely dominated by the influence of the Oklahoma people.

I am not censuring my good friends from Oklahoma for doing what they can. I am not censuring them, because I presume it is not only to their political advantage, but also to their financial advantage, and to the advantage of people in Oklahoma. But inasmuch as my time is very brief, let me read to you from the record. They say these Indians ought to have gone to Oklahoma. That may be true; but under the Dancing Rabbit treaty they had the right to remain in Mississippi, and they lost no right under that treaty by remaining in Mississippi, except the right to that small annuity. That is the only right they lost by remaining in Mississippi under the solemn treaty made in 1832, known as the Dancing Rabbit treaty. They lost no rights under it, and I assert it is the sworn duty of every Congressman here, since we have taken over the Indians and made them our wards, as it is the duty of every guardian, to see to it that these wards of ours are not chiseled out of anything, not only by the people of Mississippi, not only by the Mississippi attorneys, not only by people who may be attorneys outside of the State, but also by the Oklahoma attorneys and the Oklahoma Congressmen who represent the Indians living there. We ought to stand by the terms of that solemn treaty which we made with the Choctaws when the old chief of the Choctaws came up here and declined under that treaty to compel the Indians to live beyond the limits of Mississippi, and the provision of that treaty which induced him to agree to it was that those of them who desired to remain in Mississippi should signify their willingness and desire to remain; and over 5,000 heads of families, according to my recollection, in a few weeks decided to remain in Mississippi.

Now, they speak of that land being sold down there cheap for the Indian wards. All that strengthens the case.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. There are 1,072, according to my recollection, full-blooded Indians, whose veins contain not one drop of anything except Indian blood. They are adjudged to have the right to property in Oklahoma. The agents appointed by the Government went down and allowed only six months to those poor Indians to get away. You might as well tell them that there were bags of gold waiting for them in the moon as to say that there was rich land waiting for them in Oklahoma. They could get there, and when there would not know what to do. The statement was made by the Indians, and was made here before this bill was up in the House before by the old chief of the Mississippi Choctaws, and some of the Indian boys have told me in my office that they were waiting and expecting the Government agents to come back for them when the time elapsed in which they could go to Oklahoma; and the $20,000 which, I believe, was appropriated for the purpose of identification and removal gave out and the Indians were waiting in vain for Uncle Sam, their guardian, to send them to Indian Territory. I refer to the 1,072 Indians who are full bloods.

I would like to show you what the Commissioner of Indian Affairs had to say about it. I put it into the RECORD at the time of the last debate.

The CHAIRMAN (Mr. UNDERWOOD). The time of the gentleman has expired.

Mr. HARRISON. I yield to the gentleman one minute more.

Mr. SISSON. In one minute I can not read what the Commissioner of Indian Affairs said; but the Commissioner of Indian Affairs, who made this investigation, reports that the Mississippi Choctaws were not given time to remove, and he says that it was utterly impossible for the Mississippi Choctaws to comply with that act within that time. He says it is perfectly true that they have not had a square deal in this matter. I take it that every Member of Congress will feel that the obligation rests on him, as one of the guardians of the Indian, to see that he gets a square deal.

I do not care what the acts of Congress may have been in the past. The thing rises above a mere act of Congress. If we have done a wrong, we can right the wrong by repealing the law. It is the duty of every Representative here to see to it, as one of the guardians of these unfortunate people, that they be given a fair and an honest opportunity, and it is our duty to see that they get what is their own. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from South Dakota yield some more of his time?

Mr. BURKE of South Dakota. I would rather the gentleman from Texas would use a little of his time; but if he is not ready to do so, I will yield 20 minutes to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas [Mr. CAMPBELL] is recognized for 20 minutes.

Mr. CAMPBELL. Mr. Chairman, my sympathies have always been with the Indians. In every matter that has arisen in the House since I have been a Member, touching the welfare of the Indian, I have always found myself naturally inclining toward him and his rights. I find myself in the same situation here to-day. But I must select between Indians to-day—between the rights of the Mississippi Choctaws and the rights of the Choctaws in Oklahoma. I am led to that conclusion because of the action taken by the Indians themselves.

Under the treaty of 1830 the Indians in Mississippi were to go west, to take up lands, to maintain their tribal organizations, and to become there an important part of the great West. They invited all the Choctaws in Mississippi to join them.

Article 14 of that treaty provided that Indians might remain in Mississippi, and that the head of every family remaining there could choose 640 acres of land, every child over 10 years of age 320 acres of land, and every child under 10 years of age 160 acres of land, making a very attractive proposition to the

this House knows what this contract is. Let me read a little further. I want to show you a little more about this.

Down in Mississippi there is one of these negroes by the name of A. P. Powell——

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. MILLER. I will yield to the gentleman three minutes more.

Mr. FERRIS. I thank the gentleman very much. I am under great obligations to him. Down in Mississippi one of these negro agents that is going around gathering up contracts is one A. P. Powell, and I want to show you what he says when he gets his contract. He came to see me several years ago when he himself was trying to be enrolled, and he said, "I'se a Portuguese and Indian." I rubbed my hand over his hair, and he was as much of a burr-headed negro as any that work in these cloakrooms. Here again is McLaughlin's report:

He said that he failed to meet this man Powell, and therefore could not speak of his personal knowledge of him, but he said he had a decided strain of negro blood. I think the ex-chairman of the Indian Affairs Committee, Mr. BURKE, knows A. P. Powell, and knows whether he is an Indian or Portuguese or negro. The McLaughlin report also says he was large of stature and prepossessing in appearance—with which I do not agree. He also says in his report that he was shrewd and plausible, and that while in the communities he visited in soliciting contracts he posed as a very important person—you know these negro persons are very important persons if intrusted with a little power—and succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and had thus procured contracts with little or no difficulty from all persons who believed they possessed, or were led by Powell to believe they possessed, any Choctaw or Chickasaw Indian blood.

Maj. McLaughlin, one of the oldest inspectors in the Indian Service, further says:

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants.

Listen to that. He picked up every dirty-faced mixed breed in the country that had even heard of an Indian, secured a contract from him, got fees out of him, and then began to try to get money out of our Oklahoma Indians for him. Here is our friend HARRISON, one of the most distinguished Members of this House, who finds himself mixed up with this band of juggling attorneys, who are trying to get $6,000,000 of fees out of an Indian tribe. This is but another case of old dog Tray.

The McLaughlin report says further:

It would appear that said Powell was interested chiefly in securing a large number of contracts, regardless of the ancestry of applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that to his personal knowledge Powell obtained contracts from several families, the ancestry of whom, as supplied by Powell, was absurdly erroneous.

Listen to that. Maj. McLaughlin says that Powell knows that these people that Powell contracted with were people whose ancestry was absurdly erroneous. Further quoting from the report:

It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830, and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La.——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman give me sufficient time to finish this extract from the report?

Mr. CARTER. I yield to the gentleman one minute more.

Mr. FERRIS. The report says:

They both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone"—

This negro, A. P. Powell, undoubtedly got a lot of Portuguese negroes, half-breeds, and dirty-faced whelps and hitched them together and told them that they belonged to the "Red Bone" Tribe and that he could get them so many thousand dollars out of Oklahoma if they would sign up, and so forth. The report further says:

The name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," thus classing them as of Indian blood; but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed, and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he thus obtained contracts from all of them.

In the best of good humor, I do not know whether my good friend HARRISON has joined the "Red Bones" or not.

No, gentlemen, this whole matter is wrong in law, wrong in equity, wrong in good morals, wrong in fact. A lot of unprofessional attorneys, in their mad quest for riches which do not belong to them, have employed negro agents, negro runners, and people who are without responsibility, who act without regard for truth and justice, to go among the ignorant, defenseless people who have long ago squandered their patrimony and who, from long separation from the Indians, have developed into half-breeds—and in fact and truth many of them are not Indians at all—and get them to sign contracts they could not fathom or understand. It will be observed from the preceding report read into the RECORD that these designing attorneys were even able to capitalize their contracts and to raise large sums of money upon them. One firm was able to secure at least $25,000 and another $16,000 through the sale of stock based on these contracts, and the whole proceeding is founded on irregular transactions in an effort to secure rights for a people who are barred by treaties, acts of Congress, laches, court decisions, and so forth.

Before closing my remarks I want to again recur to this man Powell, who gathered up 4,200 of these contracts, and who, as an agent of these attorneys, is the cause of bringing about most of this abnormal activity. I want you to observe the following notices, which I shall read and which were printed in the different newspapers of the communities wherein these ignorant, dependable, mixed breeds lived, so that the House may know just what is going on. They are as follows:

NOTICE TO INDIANS.

This is your last chance in connection with William B. Matthews, attorney at law, Evans Building, Washington, D. C. I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remained in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries, we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PEYTON, ROOM 430 BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard, and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at ———, Miss., on the —— day of ———, 1912.

ALEXANDER P. POWELL,
No. 106 Fourth Avenue, Laurel, Miss.
Office: Room 430 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of September 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 406, and Hon. Oliver A. Phelps, room 619 Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notion to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 602 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thos. L. Crews, and William B. Matthews, attorneys of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seebrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county court house next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIMS.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods; also all others who can prove descent from one who either received or should have received patent under fourteenth article treaty of 1830. Meetings are excessive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal adviser.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

I think I do not say too much when I say this Alexander P. Powell ought to be apprehended by the Department of Justice for fraud upon these defenseless people. I am not at all sure but what the attorneys who employed J. Milton Turner, Robert Fortune, and A. P. Powell, all negroes, to go out and make these false and fraudulent representations ought to be investigated, looking to their disbarment from the practice of the profession in which they are engaged. I can not believe the bar should be reduced to any such level, but I think any casual reader who will read the McLaughlin report and will study it and understand what is being done, and who will read of what practices are being carried on by these negro agents and these promoters, will feel the necessity that something should be done and that without much longer delay.

I want to at this point insert extracts from a letter dated at Houston, Tex., June 12, 1911, addressed to W. L. Deckant, Middletown, Ohio, and signed by C. B. Moling, a promoter, of Houston, Tex., who is trying to help these negro agents to dispose of these contracts, or rather to raise money upon them to further carry on and promote this gigantic scheme. After dealing with the matter historically, the letter read as follows:

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are one signed by the Indians, two witnesses to the signature, and acknowledged before a notary public.

Is not this a nice transaction to ask Congress to promote:

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is estimated that each Indian's share of the estate is worth $6,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at $20 per contract. We will not accept subscription for less than 20 contracts, at $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians has all been secured and has been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

What a flattering proposal this is! Is not this a scandal disease in all the term implies?

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and we consider it a business for defined are no greater than in the ordinary channels, or automatically so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank with authority to make the collection and distribute the receipts to the subscribers in the amounts to which each subscriber would be entitled at same; it will be safer for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your intentions promptly. Should you happen to lose, I think you will agree with me that it was at least a good bet, as the prospective returns justify taking the chance.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. B. MOLING.

Mr. Chairman and gentlemen of this House, what is the equation here? We are asked to agree to an amendment and instruct the conferees to agree to an amendment which will turn the pages of Indian progress in Oklahoma back a hundred years. It would overrule the solemn judgment of the Indian Committees of both the House and Senate, both of which have steadfastly refused to open these rolls or to agree to any such unjust amendment. The adoption of this amendment would break two solemn treaties between the United States and the Oklahoma Indians, wherein the Government promised to give them their lands and to administer their affairs. It will overthrow and in effect repeal the act of April, 1906, which took effect on March 4, 1907, by which Congress closed the rolls; it will overthrow the judgment of the Dawes Commission, which was a commission of high-class lawyers who went West to investigate into and adjudicate these affairs; it will overthrow the decision of Judge Clayton, of the Federal court, who passed upon this matter in the Jack Amos et al. case. It would be an act of broken promises and blasted faith to the Oklahoma Choctaws; it would mean the rewarding of unfaithful, unscrupulous attorneys, who have sought to graft the Indians out of millions of dollars in attorney fees which they did not earn; it would bring reproach upon Congress and the Government; and, in short, it would work a greater wrong and greater mischief upon the Oklahoma Indians than any just man or body of men would hope to accomplish.

I ask that this item be refused and be sent to the conference, so that the committees having proper jurisdiction over it may properly deal with it.

I thank the gentlemen of the House for the attention and consideration I have received at their hands in this important matter.

Mr. HARRISON. Mr. Chairman, I yield seven minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. I thank the gentleman for seven minutes.

The treatment which the Choctaw Indian has received in Mississippi is no worse than the treatment which the Indian has generally received at the hands of the white man. But it is not the fault of the Indian that there has been an injustice forced upon him. It is the fault of the Congress of the United States, the guardian of the Indian. The diatribe that we have just listened to, by the gentleman from Oklahoma [Mr. FERRIS], is no more a reflection on the history of Congress than it would be now if Congress should pass this bill without safeguarding the funds.

Now, gentlemen, this denunciation does not answer the proposition that we assert here, that there are now 1,072 full-blood Indians in Mississippi in poverty and in ignorance.

Not only that, but the gentleman from Oklahoma says they are not permitted to vote in Mississippi. That may be true, but every Indian who applies to the registration board and can qualify under the terms of the law can vote. He must, under our constitution, either be able to read or write or to understand a clause of the constitution when it is read to him, and it is no insult to the Indian that he is in that condition and can not help himself. If Congress has left him there, and the Indian agents have imposed upon him, it is no answer to denounce this condition in my State. No Indian is denied, under the laws of the State of Mississippi, the right to vote, nor is any other man, by reason of race, color, or previous condition of servitude, denied the right to vote in my State. We did not even have, as some State constitutions do, the grandfather clause in our constitution, and the Supreme Court of the United States has twice declared that there is not a line

All Mississippi Choctaw cases are now pending before Committee on Indian Affairs, Sixty-third Congress, first session, waiting for report and decision. I will be glad to write up all beneficiaries.

Those with negro blood need not apply.

I will be at W. J. Nelson's, 802 Second Street, Lake Charles, La., on September 5.

ALEXANDER P. POWELL.

NOTICE TO MISSISSIPPI CHOCTAWS.

In connection with Harry J. Cantwell, Thomas L. Crews, and William B. Matthews, attorneys, of Washington, D. C., I am still engaged in writing up claims for the Choctaw-Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government. I am a member of the Choctaw Tribe of Indians, and my grandfather was a signer of the great treaty made September 27, 1830. I will be glad to communicate with any beneficiary at my office in Bay St. Louis, Miss.

A. P. POWELL,
Seabrook Hotel, Bay St. Louis, Miss.

"INDIANS" LIVING IN OLD MISSISSIPPI.

"All Mississippi Choctaw Indians and their descendants are asked to meet at the county courthouse next Sunday afternoon at 2 o'clock. The object of the meeting is to further the rights contained in the treaty of 1830 between the United States and Choctaws. (Biloxi Herald.)"

To which is answered: Such a meeting as is scheduled as per the above would be "nuts" for some moving-picture company, provided such meeting is attended by all the people who have filed claims as descendants of the tribe of red men known as Choctaws. They are of all shades and color, running from the real Indian to the coal-black, thick-lipped, flat-nosed, kinky-headed negro, with a good sprinkling of whites, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. But anything goes in this day and generation when the thought of "easy money" presents itself. Uncle Sam's coffers will scarcely be opened for the motley crew, however just may be the claims of some of the pure-bred Choctaws. (Gulf Coast Progress.)

HOUSTON INVESTORS MAY GET MILLIONS FROM INDIAN CLAIM.

A Houston organization, in which more than $2,500,000 is at stake and the hereditary rights of the Choctaw Tribe of Mississippi is the merchandise, has received quite a boost in a telegram received by Judge Harris Masterson. Many Houstonians are interested in the enterprise. The telegram reads as follows:

"Subcommittee report of Friday last was unanimous and recommends admission of all full bloods, also all others who can prove descent from one who either received or should have received patent under fourteenth article, treaty of 1830. Hearings are executive and no arguments being heard."

To those who are not interested in the venture the telegram needs interpretation. It comes from Washington and has to do with a bill introduced by Mr. HARRISON, of Mississippi, in behalf of the admission to enrollment of the Mississippi Choctaw Indians and their descendants to participation in the money and lands belonging to the Choctaw Tribe.

Some time ago Judge Masterson was instrumental in forming an organization to urge the claim of the Choctaw Tribe in a participation of certain lands in the Territories and moneys in the United States Treasury. Many of these Indians were his clients. Going rather deeply into the matter, he banded over 4,000 of these claimants together and became their representative and legal advisor.

Money was needed to carry the enterprise through, and a company was formed. Between 50 and 60 men came into the company, and many of these are prominent Houstonians.

Judge Masterson says that the venture is one which promises tremendous returns for the amount invested by the stockholders, and that he is confident Congress will give assent to the recommendation of the subcommittee.

WOULD RESTORE CHOCTAW INDIAN PENSION BILLS.

[Associated Press.]

WASHINGTON, *December 22.*

The bill introduced in the House last session by Representative HARRISON, providing reopening of rolls of the Chickasaw-Choctaw Indian Tribes, came up for consideration in the House yesterday. A vote was not reached. In his speech in favor of the bill Mr. HARRISON said, in part:

"The Mississippi Choctaws have been woefully neglected and unmercifully treated. They acquired rights under the fourteenth article of the treaty of 1830 that the United States Government has never fairly and justly recognized. Every act of Congress passed with respect to the Mississippi Choctaws has violated the spirit and the letter of that article of the treaty.

"The Oklahoma Choctaws were permitted by act of Congress in 1883 to sue the United States Government, in which suit they recovered from the Government $8,000,000 for damages due to the Mississippi Choctaws in Mississippi. Scheming attorneys, representing the tribe, dictate agreements, compact, lobby for, and have passed laws that not only make it impossible for the Mississippi Choctaws to be enrolled upon tribal rolls, but through their influence they have actually created courts to prevent or exclude the Mississippi Choctaws from being enrolled. One of the blackest spots in the history of the administration of the Choctaw Nation is the escapades practiced in the citizenship court.

"The Mississippi Choctaw is a part of that great Indian nation which never raised a tomahawk against an American citizen. Thousands of her warriors displayed their heroism under Jackson at New Orleans."

[Alexander P. Powell, representative Mississippi Choctaw Indians; office, room 408, Bond Building, Washington, D. C.; 802 Pine Street, Lake[illegible], Miss.]

SHREVEPORT, LA., *October 28, 1913.*

Mr. CHARLES OWEN[illegible],
Durbin, Iowa.

DEAR SIR: Yours of recent date to hand. Beg to advise that I have already writing up a number of your relatives under their great-great-grandmother Dutilah, who was an Indian woman, and if you wish to be written up, on receipt of $2.50, which I require for recording fee, etc., I will send you blanks to be filled out. I do not charge you any fee, but when I collect for you I get 20 per cent of collections.

I am also inclosing you a PAT HARRISON bill and other literature, and you can see for yourself how the case stands.

Yours, truly, ALEXANDER P. POWELL.

——— ———, 1913.

Hon. ALEXANDER P. POWELL,
———

DEAR SIR: Being a Choctaw descendant and desiring to make application for compensation for the violation of my rights under the treaty of 1830 between the Choctaw Nation and the United States Government, and being unable to go to your office for that purpose, I do hereby request that you come at your earliest convenience to ———, my place of residence, for that purpose, and I agree to reimburse you the necessary expense of your trip to and from said place, provided the same shall not exceed the sum of $2.50.

———

Witness:
———.

MEMORANDUM OF EVIDENCE.

In the matter of ———, Mississippi Choctaws.
Full name, ———.
Post-office address, ———.
When and where were you born? ———.
Is there any official record of your birth or baptism? If so, state where. ———.
Father's name, ———.
If living, state post-office address, ———.
If dead, state date and place of his death, ———.
Mother's maiden name, ———.
If living, state post-office address, ———.
If dead, state date and place of her death, ———.
When and where were your parents married? ———.
Is there any record of the marriage? If so, state where. ———.
What was the name of your father's father? ———.
When did he die, and where? ———.
What was the name of your father's mother? ———.
When and where did she die? ———.
What was the name of your mother's father? ———.
When and where did he die? ———.
What was the name of your mother's mother? ———.
When and where did she die? ———.
What is the name of ancestors who received land or script under the treaty of 1830? ———.
How can you prove your descent from him or her? ———.
Give name and address of all witnesses as to your descent from such ancestor, and refer to all church records which can give any information.
Did you ever go to Oklahoma to make application for enrollment on Choctaw rolls? ———.
Have you ever made settlement on any lands in Oklahoma? If so, describe same. ———.
Where were you denied enrollment? ———.
Have you any documents proving your pedigree? Where are they? If so, attach or submit them. ———.
Are any of your relatives now on the rolls of the Choctaw? ———.
Give names of friends and neighbors who can testify to any matter of interest regarding your pedigree.

NAME.	ADDRESS.

Are any of your relatives now on the rolls of the Choctaw-Chickasaw Tribe as a Mississippi Choctaw? If so, give names and address and number on roll. ———.
If you can, give a description of the land your ancestors received in Mississippi under the treaty of 1830. ———.

STATE OF MISSISSIPPI, ———, *County of* ———.

———, being duly sworn upon h— oath, deposes and says that the matters and things set forth in the foregoing statement are true, to the best of h— knowledge and belief.

Subscribed and sworn to before me, this — day of ———, 191—.
———, *Notary Public.*

I hold in my hand, Mr. Chairman, a document which shows that a firm of attorneys in St. Louis, known as Cantwell & Crews, employed three negroes, if you please, one named Robert Fortune, one by the name of Turner, a negro as black as your hat, out in St. Louis, and another negro down somewhere in Mississippi by the name of A. P. Powell, to go around with an alleged fictitious roll and make people believe that they were Indians, so that they could get on the rolls. These people explained to them in a casual and plausible way, "If you will sign up this contract, we will enroll you and we will go to Congress and you will get $8,000, less 40 per cent of attorney fees provided for." I can not read carefully in the few minutes allotted me the report of Maj. McLaughlin, one of the oldest Indian inspectors in the United States, but I have it here in my hand, and I state that in the history of this country no such graft was ever sought to be perpetrated on Congress. I know my good friend from Mississippi [Mr. HARRISON], who is referred to frequently all through this brief as being the man who introduced their bills, the man who helped them, does not sanction this irregular business; but whatever he may assert for himself, whatever I may assert in his behalf, the fact remains——

Mr. HARRISON. Will the gentleman yield for a question?

Mr. FERRIS. I hope the gentleman will not take up much time.

Mr. HARRISON. I will not. I was just going to say that that investigation was made at the instance of the Louisiana and Mississippi Congressmen, asking the department to make that investigation.

Mr. FERRIS. Yes; I understand who brought it about, but what it brought forth you did not ask for.

Mr. HARRISON. It is a state of fact; the statement is true.

Mr. FERRIS. Mr. Chairman, it will raise every hair on every head in this House if you will listen to this report. I often heard before I came to Congress that there lurked around these galleries and these halls crooked, scheming, shyster attorneys who were trying to rob not only the Indians but Congress as well. I hold in my hand positive proof of that. Listen to this letter from one of the attorneys who expects to profit by this amendment. This letter shows what is going on:

OCTOBER 17, 1912.

Mr. HARRIS MASTERSON,
Houston, Tex.

DEAR SIR: Mr. Webster Ballinger and I represent some 12,000 persons who claim a right to the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us there are some 3,788 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. An individual share is estimated at $3,000 cash——

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Will the gentleman from South Dakota yield me five minutes more? I do not want to leave part of this letter unread and uncommented upon.

Mr. BURKE of South Dakota. I yield the gentleman five minutes additional.

Mr. FERRIS. Can I get a little more time from the gentleman from Minnesota? I feel this matter ought to be brought to the attention of the House.

Mr. MILLER. I yield the gentleman two minutes.

The CHAIRMAN. The gentleman is recognized for seven minutes additional.

Mr. FERRIS. I want the House to listen to this. Here is what you read about in story papers here in fact. Such a revelation can scarcely be fathomed or understood. Further quoting from Attorney Lee's letter:

We represent these people under contract providing for a contingent fee of from 12½ to 40 per cent.

Think of that—ranging from 12½ to 40 per cent. But just observe what else these thrifty, patriotic attorneys say in their letters of prospectus. Their hearts fairly bleed for the Choctaw. I continue to read:

From 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for. You will observe that my individual share of said fees will amount to $850,911, based upon the cases I consider certain, and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,055,911.

Is this House going to sit here and put an amendment into this bill to override the Committee on Indian Affairs, an amendment that was put in on the floor of the Senate?

Mr. HARRISON. Will the gentleman there pause for an interruption?

Mr. FERRIS. I can not do so; the gentleman has 40 minutes of his own. This prospectus, which is a part of the Maj. McLaughlin report, says:

I am in urgent need of funds——

And this is only one of the group of attorneys representing them. I expect he is in need of funds, but if this Congress does its full duty he probably will still be in need of funds. How patriotically he is interested in the down-trodden Choctaw. I read:

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims and with which I may be enabled to continue the fight for our clients.

My friends, these attorneys are going around buttonholing people and talking to them in the committee rooms with sobs in their voices for the Choctaws, all the time asserting that they are going to save and conserve the rights, and so forth, of these few Choctaws in Mississippi. What a eulogy my distinguished friend Mr. QUIN passed upon the Mississippi Choctaws, and yet they do not even allow the Choctaws in Mississippi to vote. This letter of these philanthropist attorneys who need money goes on to say:

And I want to raise $16,000.

Yes; money is nice to have. I presume he does need money. He also proceeds to get it by means fair or foul. I read further:

I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee.

You gentlemen of the House have heard before you came here that there had been a lot of graft going on around this Capitol, but you did not believe it, and I did not believe it, and I can now scarcely believe my eyes; but this report from Maj. McLaughlin, of the Indian Service, only a few days old, is based on months of careful study. It is true. It portrays the facts. No one dares deny them. What will you do with them? It goes on:

Estimated upon the cases considered, certain this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through be addition to those that I consider certain, the estimated returns would be about $120 for every dollar advanced.

Is not that a nice propaganda to flaunt in the face of Congress? And if there were nothing else to convince us, that would be sufficient. Let me read the statement of the basis of estimated fees this one firm would get. This, of course, is only one set of them. Crews & Cantwell will get much more. I again read:

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$183,023
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$183,023
	$600,000
Total of Ballinger & Lee's fee	$3,244,223
Less estimated expense of collection	150,000
	$3,094,223
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,223
Less cost of assistance	$1,392,400
Net fee of Ballinger & Lee	$1,701,823
Net fee to Lee (one-half)	$850,912
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

Now, I very much dislike to call attention to these things; I dislike to say anything that will reflect upon any practicing attorney or anybody else. I would prefer to deal in eulogy with honest and good men who are engaged in the practice of law; but when Maj. McLaughlin, a man who has had many long years of efficient service in the Indian Department, brings to me a report such as this, I must read it, and when read I feel it my duty to present it. I wish these facts were not true. I am sorry to reveal them. I know the House dislikes to hear them or to know of them. However, can we sit and allow the funds of the Indian wards prostituted and devoured by a lot of scheming attorneys? It is time all this business is stopped. It has gone too far already. It is the duty of all of us to frown on this.

Mr. MILLER. Will the gentleman yield for a question?

Mr. FERRIS. Yes.

Mr. MILLER. Is the gentleman not aware that he or I, either one of us, in a moment's time can write an amendment to any measure that will give relief to the Mississippi Choctaws and that will make all these big millions vanish?

Mr. FERRIS. I know they can not. That has been tried too often, with usual failure. You can not knock out or affect the right of a preexisting contract.

Mr. MILLER. I know they can; and I would be willing to take the contract.

Mr. FERRIS. The gentleman can do it in his own time. A contract entered into and acknowledged by two witnesses that is not of itself illegal can not be changed in this Congress or in any Congress that will follow. Rights under a preexisting contract can not be changed. And the gentleman may roll that around until he is tired. Now, listen. Let me present a little more of this report:

The total fee of Ballinger & Lee is $3,244,223, from which they deduct $150,000 as an estimate for expenses of collection.

Now, down below he figures out how much net fee Lee & Ballinger will get, which is $1,701,823. I want to know what Congress is doing, and I can not believe that any Member of

Mr. Matthews consented to represent them in the event that Powell would secure the contracts, and quite a number of contracts were taken by Powell in the name of W. R. Matthews (under this arrangement, the claimants paying a fee for writing the contracts. The firm of Crews & Cantwell had absolutely no connection with this whatever, and during all this period Powell was not in our employ and not in anywise connected with us. During all this time, however—that is, while Powell was taking contracts for Mr. Matthews—no contracts were taken for us or in our name, although we were doing all the work of preparing the law governing the case of the Mississippi Choctaws and to Powell had up to this time still retained a contingent interest in the fee which might be eventually recovered by us, and desiring to eliminate him from all connection with our contracts, he was paid the sum of $2,600 in cash and he then relinquished all interest, continuous or otherwise, in the contracts which he had secured for us. This payment was in addition to the sum of $150 per month and his expenses, which had been fully paid him during the time he was taking contracts for us. Later—that is, within the last two months—Mr. Matthews, having then investigated the matter, became convinced that we were in a better position to present the case of the Mississippi Choctaws and to handle their interests than anyone else, transferred all the contracts which had been secured in his name to us and substituted our firm as attorneys in accordance with the power given him by each individual contract.

From the beginning of this work we have been entirely willing to give Powell all the credit to which he may be entitled by reason of the fact, without knowing upon what legal ground the rights of the Mississippi Choctaws depended, he remained in Washington, almost friendless and alone (up to the time that he met Mr. Cantwell), insisting that he, as a Mississippi Choctaw, had some rights which had been disregarded. We have always regarded Powell as the instrument of Providence in keeping alive the claim of at least one Mississippi Choctaw, who after the closing of the rolls in 1907 up to the time when the work was commenced at our expense in Mississippi. For his energy after his return to Mississippi in keeping up the interest of the people there in their rights (although he was paid therefor a much higher salary than he had ever earned before in his life), we have always been willing to accorde him full credit and honor. Unfortunately, however, Powell now seems to have the impression that he is a lawyer, that he should direct this campaign, and he has been particularly restless and sensitive about the few mild criticisms which we have indulged in regarding certain misrepresentations which he had ignorantly made to the people in Mississippi.

Some two weeks ago we engaged Powell upon a salary to go back to Mississippi to assist Mr. Luke W. Conerly, of Gulfport, Miss., in taking such contracts as might still be obtainable from claimants, with the express provision that Powell and Conerly should be paid a salary and that no fee should be made the claimants. While we do not regard it as anything happening for the claimants to pay the expenses necessarily incident to making contracts for the protection of their rights, yet, having defrayed all the expenses of taking contracts for us before and desiring to prevent any reflection upon the agitation for these rights as being a means by which a petty profit might be made, we have steadily opposed the idea of taking any contracts except at our own expense.

A telegram has just been received from Powell in Mississippi saying that "Our deal is off." Owing to his peculiar imperfective disposition, we are led to fear that he may be indulging in some misrepresentation as to what is now being done in Washington, and that he contemplates some arrangement by which he may continue to charge claimants for taking their contracts as he had heretofore done with the Matthews contracts.

We desire to say to the claimants that a bill for their full and adequate relief has been introduced in the lower House by Mr. HARRISON, of Mississippi; that all the members of the Mississippi delegation and Mr. WHEELER, of Louisiana, are enthusiastically supporting the bill; and that Congressman HARRISON and Mr. Cantwell are now engaged in making arguments before the Subcommittee on Indian Affairs in Congress, making a full presentation of the case, and that everything is being done if it can be done for the relief of these claimants.

Mr. Luke W. Conerly, of Gulfport, Miss., who is himself a Mississippi Choctaw claimant, will return to Mississippi from Washington in a few days, and any of your friends or relatives who are not now represented by us who desire attorneys to represent them may procure blank contracts and blank memoranda of evidence from Mr. Conerly. All those who apply to him at Gulfport, Miss., will have the memorandum of their evidence filled and the contracts prepared and acknowledged without charge, and upon giving him the preliminary information by mail, the papers will be prepared by him and returned to you at your home in the event that you can not get to Gulfport. In case the papers are acknowledged at your own home, however, the claimant would be expected to pay the notary fee, which, in any event, would not be more than 50 cents.

We repeat we have never had any desire to take away from Powell the credit for whatever work he has done. He is in the habit of looking upon himself as the "father" of the Mississippi Choctaws. We have been reliably informed that Powell has heretofore represented throughout Mississippi that he was the attorney who presented this matter before Congress. In order to gratify his vanity we had inserted in the first contracts a recognition of Powell's services, but the copy of the statement and the only statement which Powell has ever made before any committee of Congress is herewith inclosed, from which each claimant can easily determine for himself that if the rights of the Mississippi Choctaws had depended upon Powell's efforts alone, they would not have gotten very far toward being recognized. The statement itself shows that Powell did nothing except call attention to his own claim, and a comparison of his statement with the voluminous brief of Mr. Cantwell shows how imperfectly even his own rights were stated. Whatever Mr. Powell may do can not affect the rights of the claimants. Their rights will be fully protected in any event, and this letter is sent you only for the purpose of thoroughly acquainting you with the situation in order to prevent the possibility of any wrong impression being created in regard to your claim.

CREWS & CANTWELL.

STATE OF MISSOURI, *City of St. Louis:*

A. P. Powell, upon his oath, deposes and says that in the month of May, 1909, at the city of Washington, D. C., he was employed by the firm of Crews & Cantwell to secure contracts for them for their employment as attorneys by persons claiming rights as Mississippi Choctaws under the treaty of 1830; that his instructions from Mr. Cantwell were to write the contract of no person who was not a bona fide claimant under said treaty, and to write contracts with no person except those who had record or evidence by tradition of their pedigree as a descendant of a person entitled to lands under the treaty of 1830; that he was paid a salary of $150 per month and all of his expenses, and had a contract for a contingent interest in the fees that might be recovered by Crews & Cantwell; that all of the expenses of securing about 2,000 contracts, including the salary of affiant, were paid by the firm of Crews & Cantwell, and that no charges were made by him against any of the claimants for any of his services in writing contracts for Crews & Cantwell; that after Crews & Cantwell stopped taking contracts the affiant was business by other persons who had had no opportunity up to that time to have their contracts written, and that affiant, upon his own responsibility, took contracts with about 300 persons, in the name of Crews & Cantwell, charging the applicants a fee of $1.50 for each contract; that after communicating to the firm of Crews & Cantwell the fact that these had 300 had been taken, for which this charge had been made, Mr. Cantwell died declared that, as they had made no charges for the other contracts, they did not want these contracts at all, but realizing that this would put the claimants in a bad position and that their rights might be neglected, the contracts were finally accepted by Crews & Cantwell; that Mr. Cantwell instructed this affiant to return the $1.50 charge made by this affiant, and that Crews & Cantwell then paid this affiant his expenses while taking these last-mentioned contracts; that over 2,000 contracts had been taken prior to that time, for which no charges had been made; that under no circumstances and at no time did Crews & Cantwell, or any one of them, authorize or request that any contracts be taken for which a charge should be made, and that the only contracts taken in their name for which charges were made were such as above detailed and under the above circumstances, which was after Crews & Cantwell had notified this affiant that they did not wish to go further on taking contracts.

That at no time or on any occasion did Crews & Cantwell, or any one of them, ever instruct this affiant to take the contract of any person who did not claim to be a lineal descendant of an Indian entitled to lands under the treaty of 1830.

Affiant further states that he has taken no contracts with full-blood negroes; that until within the last six weeks neither Crews nor Cantwell had any knowledge of the large number of persons with negro blood in Mississippi claiming such rights, although Mr. Cantwell had stated to this affiant that he did not regard the presence of negro blood as a sufficient bar to destroy the legal right of one who had undoubted Indian blood and is an undoubted descendant of an Indian claiming rights under the treaty of 1830, although Mr. Cantwell had stated to this affiant on several occasions that the fact that one had negro blood would make it very difficult to establish the relationship. This affiant states that out of over 4,000 contracts taken there are not more than 20 per cent who have any negro blood whatever.

Affiant further states that in consideration of the sum of $2,400 paid him in cash, he has relinquished and conveyed to Crews & Cantwell all his contingent right in the fees in the contracts above referred to, and hereby cancels said contract; and that this affiant has no further financial interest in the fees or the contracts made in the name of Crews & Cantwell.

Affiant further states that he has not heretofore assigned his right to a contingent interest in the fees aforesaid to anyone.

A. P. POWELL.

Subscribed and sworn to before me this 6th day of November, 1911. (My term expires June 3, 1912.)

[SEAL.] SARAH M. HAWLEY, *Notary Public.*

EXHIBIT D.

JACKSON, MISS., *April 27, 1911.*

Alex. P. Powell, being first duly sworn by Special United States Indian Agent W. W. McConihe, deposes and says as follows:

I reside at Homer, Okla. My present occupation is getting up claims among the Choctaw and Chickasaw Indians and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty of 1830. I was first employed by Crews & Cantwell, of St. Louis, Mo. I went before the Committee of Indian Affairs in Congress at Washington, April 2, 1910, and they gave me a hearing on the claims of these Indians. Mr. Harry J. Cantwell was present at the hearing, and after I got through my talk with the committee Cantwell came to me and asked me how much money I wanted to take the claims in Mississippi. I said it would take at least $5,000. Cantwell wired S. L. Hulbert, of El Campo, Tex., to come to Washington. Hulbert came to Washington and arranged with Cantwell, and Hulbert guaranteed to put up $5,000 for getting the work of the applications.

I first opened an office at 918 Farnam Street, Jackson, Miss., and began to take applications. I got an advertisement in the paper at Jackson inviting all persons who were descendants of the Choctaw Indians under the treaty of 1830 to appear before me and make proof of their rights and descent. I took about 700 applications at Jackson and made no charges to the applicants therefor. I next went to Bay St. Louis and opened an office there near the railroad depot and got an advertisement in the Sea Coast Echo of that city, being the same as I put in the papers at other places. I took about 4,000 applications and made no charge for them. After the 4,000 were registered more applications came in and I charged them $1.25 each. I made this charge because the money I had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews & Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell and tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and he was willing to put up the $7,000 for that purpose. He has not put it up yet.

We went to Columbus, Miss., and took about 100 applications there. The contracts that we wrote there were made in the name of William D. Matthews, of Washington, D. C. I have associated myself with Matthews for the reason that Crews & Cantwell said that they had enough claims and that Hulbert would not put up any more money for claims. My agreement was made with Matthews that he was to appear before the committee of Congress with me; and our contract with the 30 per cent, as was printed in the contract, which is an error and which has been corrected in the original contracts. I went to Monticello and took applications for Crews & Cantwell, and charged $2.50 each and charged $1.25 for each applicant there. These claims were for fees there for Crews & Cantwell, but for which no charge was made. I have taken no applications for Crews & Cantwell since my association with Matthews.

I am working at Philadelphia, Miss., now and have taken about 100 applications for Matthews, and am charging $2.50, and the applicants are very willing to pay the amount. I am making this charge because Matthews has put up no money for me and my expenses, and I have to use the money to pay for my clerk hire, office rent, and other expenses in connection with the work of taking applications.

Mr. Luke Conerly is employed by me at McComb City, Miss., to get applications. He charges each applicant $2.50. I get a dollar out of this $2.50 for my expenses and the printing of blanks which I furnish him. I have paid expenses of Conerly out of this money when he was traveling, board bill, telegraphing, and other incidental expenses he has incurred.

No one is working for me in Oklahoma or Arkansas. I do not know J. Eubanks, and he is not associated with me in any way in the work I am doing.

I have never at any time, or to any person, said that I was a Government official in any respect. I have only represented that I am acting and representing my people before Congress, and I am getting up these claims for that purpose.

When at Jackson in June, 1910, I had a circular sent out, and meant to say that I was a representative of my tribe and obtaining applicants for their rights as Choctaws and Chickasaws, but by an error my clerk said that I was a practicing attorney before the committees of Congress. That was not my intention to have it so stated, and I am not responsible for the error.

The contract forms used by me were worded and made up by Crews & Cantwell, and I am not responsible for anything in such wording.

I, Alec P. Powell, do solemnly swear that the foregoing statement was made voluntarily by me, and that it is true in every respect, to the best of my knowledge and belief.

ALEXANDER P. POWELL.

Sworn to and subscribed before me, this 27th day of April, 1911, at Jackson, Miss.

W. W. MCCONIHE,
Special United States Indian Agent.

FRANK B. LEMLY, *Jackson, Miss.*

EXHIBIT E.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment in said rolls on a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel:

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his birth, status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of such right as claimed, and in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services rendered by the parties of them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted any powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

_____,
_____,

State of _____, county of _____, ss.

Before me, _____, a _____, _____, in and for said county and State, on this _____ day of _____, 191—, personally appeared _____ and _____, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that _____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

_____,
_____,

EXHIBIT J.

To whom it may concern:

This is to certify that I, Alexander P. Powell, a representative of the Choctaw Tribe of Indians now engaged in soliciting contracts with Mississippi Choctaws for services to be rendered in presenting their claim before the different branches of the Government, in order to secure for them a reopening of the rolls of those entitled to share in the tribal property belonging to the Choctaw Tribe in the State of Oklahoma, am acting in my individual capacity and for the benefit of myself and those associated with me in this effort to secure the right of said Indians in said property.

I further certify that I am in no manner employed or engaged by the United States Government to solicit any contract with said Indians or perform any duty in connection therein.

Respectfully,

ALEXANDER P. POWELL.

NOTICE TO INDIANS.

This is your last chance in connection with William B. Mathews, attorney at law, Evans Building, Washington, D. C., I am engaged in writing up claims of all Mississippi Choctaws and their descendants who remain in Mississippi after Dancing Rabbit Creek treaty with the United States Government in 1830.

I will remain here for a few days only; I will be glad to write up all beneficiaries; we intend to submit all claims to the Sixty-second Congress, which convenes in Washington, D. C., April 4, 1911. I am Indian and Spaniard, and my grandfather was a signer of the great treaty concluded September 27, 1830.

ALEXANDER P. POWELL.

PHILADELPHIA, MISS.

NOTICE TO INDIANS AND THEIR DESCENDANTS—IN CONNECTION WITH HON. HARRY PETTON, ROOM 608, BOND BUILDING, WASHINGTON, D. C.

This is your last chance to secure benefits under the bill introduced by Hon. PAT HARRISON, of the sixth district of Mississippi, now pending before the Sixty-second Congress, for the relief of Mississippi Choctaws and their descendants who remained in Mississippi after the treaty of 1830.

I am an Indian and a Spaniard and my grandfather was a signer of the treaty of 1830.

I will be glad to write up all beneficiaries, and I have in my possession a record that will enable you to trace your ancestors back to 1780.

Those with negro blood need not apply.

I will be at _____ Miss., on the _____ day of _____, 1912.

ALEXANDER P. POWELL,
No. 188 Fourth Avenue, Laurel, Miss.
Office: Room 190 Bond Building, Washington, D. C.

(This paper was sent to Indian Office by Mrs. Viola Strickland, of Meridian, Miss., No. 1400 Tenth Avenue, under date of Sept. 16, 1912.)

THIS IS YOUR LAST CHANCE—NOTICE TO THE ONCE MIGHTY TRIBE OF RED MEN WHO ONCE OWNED THIS COUNTRY AND TO THEIR DESCENDANTS.

In connection with Hon. Harry Peyton, room 608, and Hon. Oliver A. Pipes, room 619, Bond Building, Washington, D. C., I am still engaged in writing up all Mississippi Choctaws and their descendants who remained in Mississippi after the Dancing Rabbit Creek treaty with the United States Government, concluded September 27, 1830.

The treaty of 1830, known as the treaty of "Perpetual friendship," provides that the Indian Territory shall go to the red man and his descendants "as long as water runs and grass grows"; the treaty furthermore provided that our descendants that did not see fit to go to the Territory then, at any time that they may take a notice to come on and join the tribe in the Territory, they shall share in this distribution as long "as water runs and grass grows." If your ancestors were born east of the Mississippi River, call on me; it is possible that some of them may have been at the treaty mentioned above.

I am an Indian and a Spaniard, and my grandfather, Nita, was a signer of the treaty of 1830.

I have in my possession a record of the old aboriginal that will permit you to trace your Indian ancestry back as far as 1780.

In conclusion I desire to state that from a careful perusal of the numerous letters of claimants from whom A. P. Powell had obtained contracts seeking information with reference thereto, as contained in the file of papers furnished me by the Indian Office for reference in this investigation, together with my having interrogated numerous persons as to the representations made to claimants by Powell and other solicitors, it appears that Powell did not represent himself as an official of the Government nor of the Choctaw Nation, and thus therefore avoided violating the statutes in that respect, notwithstanding which, as stated by many persons, the impression undoubtedly prevailed, especially among the more ignorant, that he was a lawyer and represented the Government in some manner in soliciting contracts from Choctaw claimants.

Many persons whom I interrogated regarding the matter asserted that Powell had invariably denied being in any way connected with the Government and was only endeavoring to get the rolls reopened, that the unenrolled Choctaws might receive their rightful shares, which, as stated by him, would be 320 acres of land and about $2,500 in cash to each claimant, less 30 per cent contingent fee to the attorneys.

I return herewith the file of papers furnished me by the Indian Office for reference in this investigation.

Very respectfully, your obedient servant.

JAMES MCLAUGHLIN, *Inspector.*

EXHIBIT A.

[S. L. Hurlbut, president; L. H. Beal, secretary. Alfalfa, corn, oats, cotton, rice, cane, and truck lands.]

GULF COAST LAND & INVESTMENT CO.,
STATE BANK BUILDING,
El Campo, Tex., March 8, 1911.

A. P. POWELL,
Bay St. Louis, Miss.

DEAR SIR: Your letter addressed to Mr. Hurlbut, under date of March 6, has just reached us, and as Mr. Hurlbut is away from the office at this time and as you seem to have a wrong idea of the amount that has been spent for contracts, or rather for the actual expense of taking contracts up to the present time, we think it advisable to supply you with the figures, as shown on our books, for the money already paid out for field work, for the actual expense of taking the contracts, not to say anything of that used by Crews & Cantwell, in getting ready for proving up.

Powell has received, to cover expenses, to date	$2,006.02
Powell has received salary for taking contracts	900.00
Nickols has received for helping in taking Oklahoma contracts	125.00
Turner has received for helping in taking Oklahoma contracts	165.00
Hurlbut has been to an expense in going to Oklahoma and taking contracts there	327.00
Or there has been a total spent on taking contracts of	3,523.02

So you will see that, instead of as you say, when you make the statement that you have used only $1,800 yourself you have really used $2,906.02, and this does not include the $65 given you by Cantwell while you were in Washington the last time. And you will see by this that Mr. Hurlbut was exactly right when he stated that about $7,000 has already been spent.

Mr. Hurlbut will no doubt answer the part of your letter where you refer to his paying you $122 when he returns to the office, and I think this matter will be fixed up between you and him in a satisfactory manner, as he wishes to do exactly what is right by you.

Yours, very truly,

L. S. HURLBUT.
Per L. H. BEAL.

EXHIBIT B.

STATEMENT OF MR. LUKE WARD CONERLY.

Mr. Luke Ward Conerly, of Gulfport, Miss., station "A," made the following statement to Special Agent McConihe at Jackson, Miss., April 26, 1911, under oath:

"I know A. P. Powell. He is engaged in writing up Choctaw claims in Mississippi. I am working with Mr. Powell now. Have been with him at Tylertown, Pike County, Bay St. Louis, and I am now engaged at McComb City, Pike County. I was not with him all the time at Bay St. Louis. I have been present when large numbers of persons appeared before Mr. Powell, and I never heard him say he was a Government official or agent, or make any statement that could lead others to think so.

"I met Powell about July and asked him what he was doing, and he said he was getting up claims for Mississippi Choctaws under the treaty of 1830. I understood that he had been before Congress with the claims. He said that Crews & Cantwell were getting up the claims to present to Congress, the courts, or the department. Powell said he was getting the claims for that firm. I do not know what he gets out of it. I have never heard Powell say that he was representing the Government, nor have I ever heard anyone say that they heard or was told by Powell that he was a United States official, or was representing the Government. At Bay St. Louis he was making no charges at first for his work. Powell required every applicant to show up his ancestry.

"At Bay St. Louis he ran out of blanks and had some more printed, and afterwards charged them $1.25, including notary fee. Powell sent me to Tylertown to work there getting up claims, and I made a charge of $2.50 for each application written up, and paid him $1 for blanks. I wrote up about 150 applications. The charge was to cover expenses. I represented to the people that they were entitled to put in claims against the Government under the provisions of the treaty of 1830, subject to such legislation by Congress as might be determined, and that they would have to enter into a contract if they wanted to put in a claim on a 30 per cent contingent fee, as shown by the contract with Crews & Cantwell, who were the lawyers having charge of the matter, who would present the claims to Congress. I have been at McComb City working up claims since March 21, and making a charge of $2.50 for each application. I pay Powell $1 for a set of blanks of two, and keep $1.25 and pay the notary 25 cents. I am taking all these applications in the name of William B. Matthews, of Washington, D. C. Last December 19 I closed at Tylertown and went to Bay St. Louis and brought him all the applications I had left. These were the last I wrote up for Crews & Cantwell. I wrote no more after that until about March 13, when I met him at Columbia, where he was writing up claims for W. B. Matthews. He gave me to understand that he no longer represented Crews & Cantwell, but gave me no reason for the change. He gave me 100 sets of blanks to take to McComb and open an office there. Our agreement was that I should write 25 claims and send them to him with the $25. I have sent him 50 contracts and $50. I was not at Jackson with Mr. Powell. I made $1.25 on each application at McComb. I tell the people this is for my expenses."

I certify that the above statement was made to me under oath.

W. W. MCCONIHE,
Special Indian Agent.

EXHIBIT C.

GULFPORT, MISS., *June 17, 1911.*

Maj. JAMES MCLAUGHLIN,
Inspector, Indian Office, Washington, D. C.

DEAR SIR: While you were in Gulfport I promised you I would send you a circular sent out by Crews & Cantwell from Washington in reference to A. P. Powell and also my employment by them in February, 1912. You will note that during the engagement of myself by Crews & Cantwell, in which Mr. Masterson was concerned, I was forbidden to charge even a notary fee against those who appeared before me.

Mr. Masterson refusing after the 1st of February, 1912, to furnish any more money to cover my expenses, I took contracts during that month for that firm at my own expense. After February, 1912, say, 1st of March, 1912, I entered into an agreement with Thomas B. Crews to take contracts in his name, he to cover my expenses, except I reserved the right under the Mississippi laws to charge my notary fee of 50 cents each against those able to pay, and I have made it a rule not to charge a widow or a woman dependent on her own resources for a support, nor a cripple, nor anyone else not able to pay the 50 cents notary fee.

Not being allowed any traveling money in 1912 by Crews & Cantwell and Mr Masterson, in some instances, in order to save the expense of coming to Gulfport, where there were groups of claimants, they volunteered to cover my expenses to their neighborhoods and return. In no instance whatever have I made a charge against persons putting in claims through me; neither have I appointed any subagent, nor allowed anyone, if I could help it, to charge for making out proof and contracts for others where I furnished the blanks, but I can not say this was not done in some instances without my knowledge.

I have always been careful to explain the situation of our case before the Committee on Indian Affairs, as I was present at the opening of the case before the subcommittee, February, 1912, and understood the situation, and have tried to impress upon the minds of all that the rolls could not be opened; nor could the Secretary of the Interior do anything without the enactment of a law to authorize it; and especially have I urged people not to annoy the Interior Department, nor our lawyers and Congressmen, with letters—to be patient and wait.

So anxious have our people been to get their claims in and to secure their rights that they would willingly have paid me a cash fee for the work of getting up their ancestral records and proof and preparing their papers for their attorneys, and I could have reaped thousands of dollars in the last two years; but, instead, I have expended a thousand dollars of my own earnings going to them to do the work for them free of charge, besides money furnished me by my associates and employers, Crews & Cantwell. Knowing the hard contest before us in Congress on account of powerful opposition, I was opposed to the charge of a petty fee against the claimants when their attorneys were doing their work for a contingent fee subject to modification and approval of the Secretary. By a special arrangement with Mr. Cantwell and also with Thomas B. Crews I own a number of contracts in my own right, taken in the name of Crews & Cantwell, and I am trying, and have been all the time, to conform to my instructions from them as outlined in the circular inclosed sent out by them in February, 1912.

Yours, sincerely and truly, LUKE W. CONERLY.

OFFICE OF CREWS & CANTWELL, 420 MUNSEY BUILDING,
Washington, D. C., February 8, 1912.

To the Mississippi Choctaws:

We inclose herewith a copy of an affidavit made by A. P. Powell, which explains itself. The occasion for sending this affidavit to you and for the statement which follows arises by reason of the fact that all relations between A. P. Powell and the firm of Crews & Cantwell are now severed.

A short history of our relations with him may not be improper. In the month of May, 1910, Mr. Cantwell had some business before the Committee on Indian Affairs with relation to citizenship claims in the Choctaw-Chickasaw Tribe, and made an argument before the committee on that day. At the conclusion of his argument, Powell made to the committee a statement of his claim as a Mississippi Choctaw. (A copy of the statement of Mr. Powell made at that time is herewith inclosed for your information.) Mr. Cantwell had had no occasion to investigate the claims of the Mississippi Choctaws prior to that time, but upon a casual examination of the matter he became impressed with the idea that there was much more foundation for the claim of rights of the Mississippi Choctaws than had been stated by Mr. Powell before the committee, and upon a full investigation he became convinced that the claim of rights of the Mississippi Choctaws was well founded, and thereupon our firm employed Powell upon a salary to go to Mississippi and secure contracts for us and in our name as attorneys to represent the claimants. Powell gave us to understand at that time that the number of claimants would be about 2,000, and the money was provided for all the expense of taking that number of contracts. There were many more claimants than we were led to believe existed, and after nearly 3,000 contracts had been taken the money provided for that purpose became exhausted. Mr. Cantwell requested Powell, who was then in Washington, to return to Mississippi and stop the work of taking contracts until arrangements could be provided for funds to pay the expenses of taking more contracts, and Powell was paid his expenses to return to Mississippi. Powell at that time suggested to Mr. Cantwell that the claimants would pay the expenses themselves, but as no bill had been introduced for the relief of the Mississippi Choctaws, and as it was uncertain at that time whether any legislation would be enacted, Mr. Cantwell felt that to charge claimants for making out the papers, or to permit them to pay the cost of doing so, might cause the enemies of the Mississippi Choctaws to designate the efforts to get them together as a scheme of graft for these fees, and our firm was not willing to have the cause injured by permitting any occasion for such charges. Powell then went to Mr. W. B. Matthews, a lawyer of Washington, D. C., and represented to Mr. Matthews that there were a large number of claimants in Mississippi who were willing to pay for writing up their contracts, provided they could get a lawyer to represent them.

is 48 years of age, and was for 16 years, terminating in 1906, a deputy United States marshal for the eastern district of Indian Territory, now a part of Oklahoma, and that about three years ago he was employed by a negro lawyer, named J. Milton Turner, to canvass certain localities in eastern Oklahoma and procure contracts from Choctaw freedmen for Crews & Cantwell, of St. Louis, Mo.; that said Turner employed two other colored men as subagents in this work, whose names were J. E. Eubanks and H. A. Guess, respectively, and that Turner, in directing the work, maintained an office first at McAlester, Okla., and subsequently at Fort Smith, Ark.; that he (Fortune) procured about 700 contracts for Crews & Cantwell from Choctaw freedmen, including minors, but took no contracts from minors except when executed by legal guardians; that he delivered all of the contracts thus procured by him to J. Milton Turner, who paid him $1.25 for each duly executed contract delivered, and that the contract provided for a 35 per cent contingent fee to Crews & Cantwell.

Said Robert L. Fortune stated that in no instance while engaged in this work did he represent himself as a Government official, but invariably as a subagent of J Milton Turner, in procuring contracts for Crews & Cantwell, of St. Louis, Mo.; that H. A. Guess, another of Turner's subagents, who was a negro attorney, then residing at McAlester, Okla., was given a much larger and better territory to operate in than that assigned to him by Turner, in consequence of which, as stated by Fortune, Subagent Guess procured about double the number of contracts that he (Fortune) obtained, and which, with the contracts procured by J. E. Eubanks, another of Turner's subagents, a colored man, and said to be a lawyer, whose field of operation was in the southeastern part of Oklahoma and adjoining territory in Arkansas, and Fortune stated, as an estimate, that about 2,300 contracts were obtained for Crews & Cantwell from Choctaw freedmen by himself and the two other subagents operating under the direction of said J. Milton Turner.

On the 23d ultimo I called upon Mr. Harris Masterson, attorney at law, at his office in the Chronicle Building, Houston, Tex., and had a very pleasant interview with him relative to his connection with certain attorneys engaged in prosecuting Mississippi Choctaw Indian claims, and he was exceedingly courteous throughout our conference.

Mr. Masterson is a very affable gentleman, and stated quite freely his interest in the claims handled by Crews & Cantwell, in which he said he became interested by having the case presented and explained to him by Mr. S. L. Hurlbut, of El Campo, Tex., and that after investigating the matter he concluded to go in on it as a speculative investment, and that he took an active part in promoting the organization of the Texas-Oklahoma Investment Co. to finance the project.

The organization of said company and financing of the project is set forth on pages 12 and 13 of this report, based upon the statements of Mr. Masterson to me with reference thereto.

Mr. Masterson further stated that he also promoted the raising of a fund for Attorney Albert J. Lee, of Ardmore, Okla., to enable him to continue the prosecution of certain Choctaw-Chickasaw Indian claims that are being handled by Ballinger & Lee, which do not conflict with those handled by Crews & Cantwell.

Luke W. Conerly, of Gulfport, Miss., being frequently referred to in the communications contained in the file of papers furnished me by the Indian Office for use in my investigation, and his name appearing in the correspondence as an active solicitor in obtaining contracts from Mississippi Choctaws, therefore I proceeded to Gulfport, Miss., to meet him.

I reached Gulfport the afternoon of the 27th ultimo, and learning that Mr. Conerly lived out in the country about 3 miles from Gulfport, I got into telephone communication with him and he immediately came in to meet me at the Great Southern Hotel, where we were over three hours in conference, and he returned about 9 o'clock the following morning, accompanied by Henry Wilson and Carl Wilson, two prominent members of the Mississippi Choctaws, and remained until near noon discussing Choctaw matters generally and A. P. Powell particularly.

The said Luke W. Conerly is 73 years of age and a lawyer by profession, but has not practiced in the courts for several years past. He is quite intelligent, bears a good name in the community, and is well spoken of by those who know him. He claims to be a lineal descendant of one of the leading Choctaw families who participated in the Dancing Rabbit Creek treaty of 1830, and stated that he is now regarded by all the Choctaws living outside of Oklahoma as their captain and recognized leader; also that it was he who first interested Congressman HARRISON, of Mississippi, in Choctaw matters and got him to introduce the bill for reopening the Choctaw rolls; that he had interested United States Senators WILLIAMS and VARDAMAN, of Mississippi, in the Choctaw claim; also Congressman MORGAN of Louisiana, in whose district many Choctaws reside.

I had a very pleasant interview with Harry Wilson, president chief council, Society of Mississippi Choctaws, together with his son, Pearl L. Wilson, secretary of said council, both of whom reside in Gulfport, Miss., and they corroborated substantially the statements of Luke W. Conerly regarding Mississippi Choctaw matters.

Mr. Conerly stated that he assisted A. P. Powell in writing up contracts with Mississippi Choctaws in 1910, when Powell was working on a salary for Crews & Cantwell, and that again in March, 1911, he commenced assisting Powell in writing up contracts for W. B. Matthews, an attorney of Washington, D. C., and for whom Powell procured 2,258 contracts and had charged the claimants $2.50 each for executing. He further stated that he was in Washington, D. C., in February, 1912, and suggested to Mr. Cantwell, who was also in Washington, the advisability of Crews & Cantwell purchasing the Matthews contracts, as Mr. Matthews had never done anything toward furthering the Choctaw case before the committees of Congress or elsewhere, and that Mr. Cantwell was so favorably impressed with the proposition that he authorized him (Conerly) to call upon Attorney Matthews and endeavor to bring about a transfer of his contracts to Crews & Cantwell, which he (Conerly) proceeded to carry out, resulting in Mr. Matthews transferring the 2,258 contracts that were procured in his name to Crews & Cantwell for a cash consideration of $1,800, together with Mr. Matthews retaining a certain per cent interest in the contingent fee provided in the contracts, and that he (Conerly) supervised the legal transfer of said contracts from Matthews to Crews & Cantwell and carried them from Mr. Matthews's office in the Bond Building to Crews & Cantwell's office, then in the Munsey Building.

Mr. Conerly further stated that A. P. Powell in his deal with W. B. Matthews was to receive a certain per cent of the contingent fee provided in the contracts, and in order to eliminate Powell, and that he would have no further interest in these 2,258 contracts, Mr. Cantwell paid Powell $900 in cash; this payment to Powell, as stated by Mr. Conerly, was that he might thus be gotten rid of in a friendly way and with the understanding that he (Powell) was not to return to Mississippi to engage in soliciting contracts with Choctaw or Chickasaw claimants.

Mr. Conerly stated that he was then engaged by Crews & Cantwell to procure contracts for them, and that arrangements were subsequently made by which Powell assisted him for a time, and that during 1912 and early part of 1913 he (assisted by Powell) procured about 1,300 contracts for Crews & Cantwell and turned the same in to them; that Powell then commenced taking contracts in his own name, and his present whereabouts are unknown to Conerly.

Mr. Conerly still further stated that since March, 1913, he has been in the employ of Mr. T. B. Crews, of the firm of Crews & Cantwell, in procuring Choctaw contracts, and had on the 28th ultimo about 1,800 executed contracts all indexed and ready to turn in, thus approximating about 9,558 of this class of contracts controlled by Crews & Cantwell, apart from any they may have obtained through parties whom he (Conerly) has no knowledge. To the above-stated total may be added the 2,300 Freedmen contracts as estimated by Robert L. Fortune, of Wilburton, Okla., who was one of the solicitors obtaining contracts from freedmen for Crews & Cantwell.

Mr. Conerly stated to me that he had obtained contracts from Mississippi Choctaws residing in 15 different States and that there are now so many influential persons interested in this claim that he has great hope of the early enactment of legislation directing the reopening of the Choctaw and Chickasaw rolls.

With reference to the representations made and methods adopted by A. P. Powell in obtaining contracts from Mississippi Choctaw applicants, Mr. Conerly stated that he had been associated with Powell at intervals, from 1910 to the early part of 1913, in writing up contracts for Choctaw claimants, and that during all that period he had never heard Powell represent himself as a Government official; on the contrary, had often heard him tell applicants that he was in no way connected with the Government, but that the impression prevailed among the people in general that Powell represented some high authority in canvassing for and executing the contracts he was obtaining; that he never heard Powell state that he was a lawyer, but knows that the impression prevailed in general that he was an attorney.

Mr. Conerly stated that he has not met Powell during the past year and did not know where he is at the present time, but had heard that he is still engaged in soliciting contracts from Choctaw claimants, taking the contracts in his own name on a 20 per cent contingent fee and charging each applicant $2.50 for executing their papers, and he (Conerly) expressed the belief that Powell has realized several thousand dollars through the $2.50 fee invariably received by him from each of the many claimants from whom he obtained contracts since severing his connection with Crews & Cantwell in 1911.

Mr. Conerly remarked with reference to A. P. Powell that he regarded him as a shrewd individual who made a good impression upon persons meeting him casually, but that from having acquired a very thorough knowledge of Powell's characteristics, he (Conerly) would not wish to be associated with him in any business transaction.

As pertinent in the premises, I transmit herewith as "Exhibit B" copy of statement of said Luke W. Conerly, made under oath to Special Indian Agent W. W. McConihe at Jackson, Miss., on April 26, 1911; the original of which I submitted to Mr. Conerly at Gulfport, Miss., on the 28th ultimo and which he verified as true and a correct statement of matters therein referred to up to the time the said statement was made and sworn to by him.

There is also transmitted herewith as "Exhibit C" letter of Luke W. Conerly, of Gulfport, Miss., addressed to me under date of 17th instant, to which is attached a printed circular of Crews & Cantwell, dated February 16, 1912, accompanied by printed copy of an affidavit of A. P. Powell, dated November 6, 1911, which has reference to the discontinuance of A. P. Powell by Crews & Cantwell and the employment by them of said Mr. Conerly to continue the work of procuring contracts from Choctaw claimants who desired to be represented by Crews & Cantwell.

I also transmit, as "Exhibit D," copy of affidavit of said A. P. Powell, asknowledged at Jackson, Miss., by W. W. McConihe, special United States Indian agent, on April 27, 1911, wherein Powell states that he took about 4,000 applications and made no charge for them, after which he charged applicants $1.25 each; that he made this charge because the money that had been advanced by Crews, Cantwell & Hurlbut was exhausted; that he sent all these claims he was making a charge for to Crews & Cantwell; that he took about 100 applications at Monticello, Miss., for Crews & Cantwell and charged $2.50 each there; that he took a few names at Biloxi, Miss., and charged $1.25 for each applicant there, and that these claims were for Crews & Cantwell; that he also visited Meridian, Miss., and took about 88 applications there for Crews & Cantwell, but for which no charge was made; and that he had taken no applications for Crews & Cantwell after his association with Matthews (meaning Attorney W. B. Matthews, of Washington, D. C.).

From the foregoing statements of Powell in his said affidavit he doubtless took contracts for Crews & Cantwell from approximately 4,200 claimants, as stated on page 13 of this report, and also as shown on page 14 hereof, by copy of Mr. C. B. Moling's letter of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which, with the 2,258 contracts taken by Powell for W. B. Matthews and subsequently transferred to Crews & Cantwell, and as stated by Luke W. Conerly (assisted by Powell), 1,300 turned into Crews & Cantwell during 1912 and early part of 1913 (see p. 37 of this report), together with about 1,800 additional contracts which Mr. Conerly has recently procured and ready to turn in to Mr. Crews (see also p. 37 of this report), approximates 9,558 of this class of contracts on a 30 per cent contingent fee, controlled by Crews & Cantwell and their associates of the Texas-Oklahoma Investment Co., and which, with about 2,300 contracts obtained for Crews & Cantwell from freedmen on a 35 per cent contingent fee, as stated by Robert L. Fortune (see pp. 30-32 of this report), brings the number of claimants represented by them up to 11,858, approximately.

I transmit herewith five forms of blanks used in executing these contracts. "Exhibit E" being the form used by A. P. Powell in procuring contracts for Crews & Cantwell while working on a salary for them. "Exhibit F" was the form used by said Powell while procuring contracts for W. B. Matthews. "Exhibit G" is the form now being used by A. P. Powell in taking contracts in his own name. "Exhibit H" is the form used by Luke W. Conerly in writing up contracts for T. B. Crews. "Exhibit I" was the form used by the three subagents of J. Milton Turner in procuring contracts from Choctaw and Chickasaw freedmen for Crews & Cantwell, and "Exhibit J" contains copies of five notices circulated by A. P. Powell in soliciting contracts; also specially prepared press dispatches for distribution, with the evident object of thus arousing enthusiasm in the Mississippi Choctaw matter.

Who is the firm of attorneys representing you and located at St. Louis and Washington, and what is the name of the member of the firm looking specially after the matter?

Can you refer me to the reports wherein the Government has recognized the contracts referred to providing for a contingent fee, etc., in these specific cases; also, can you further refer me to the congressional reports, where the Congress recognized such contracts and made them a valid first lien on the Indians' property?

What Congress passed this resolution, legalizing these contracts as liens, and is it the present Committee of Congress on Indian Affairs to whom the proofs of the 4,200 claims you refer to were presented and reported favorably?

What is the name of the attorney who represented the matter to the Indian Affairs Committee of Congress and secured the passage of the favorable resolution?

On receipt of a letter from you in reply to the above I will take the matter up more fully and advise you at once what I will do. Thanking you for bringing this matter to my attention.

I am, as ever, yours,

W. L. DECHANT.

To the inquiries contained in the foregoing letter of Judge Dechant Mr. Moling replied as follows:

HOUSTON, TEX., *July 28, 1911.*

HON. W. L. DECHANT,
Middletown, Ohio.

MY DEAR JUDGE: I have your letter of the 24th in regard to further information regarding the Choctaw Indian contracts, etc.

I sent for Mr. S. L. Hurlbut, who owns the contracts, and gave him your letter and asked him to give me the information desired, and I herewith hand you his dictated letter, as also the brief he refers to with the clippings attached.

In regard to the brief and the clippings, he requests that you take care of them, as they are all he has here in Houston.

It might be a good idea for you to write to Mr. Cantwell in Washington, as he is thoroughly familiar with all the details, and then the information would come to you first handed.

I am not personally acquainted with Mr. Cantwell or his partner, Mr. Crews, in St. Louis, but from what I learned they are very capable men in their line of business and have worked other similar contracts through Congress; but I knew Mr. Hurlbut for several years; he is all right, and I consider him straight and reliable; my dealings with him have all been in the real estate line and all very satisfactory; he stands well in this community.

It might also be a good idea to get in touch with the chairman of the present Committee on Indian Affairs; he ought to know all about it.

As stated in my letter of June 12, I think it's a good bet, for the reason I believe the Government will carry out the terms of its treaty made with them in 1820 and 1830; if they do, then these contracts will be good.

Awaiting your further advices, I am,

Very truly, yours,

C. B. MOLING.

The presentation of the matter as above set forth by Mr. Moling to Judge Dechant for financing the project was so flattering as to justify the average speculator in taking a chance, and it would appear, from the sale of one-fourth of the stock of the Texas-Oklahoma Investment Co. at its par value, that no great difficulty was experienced in promoting and consummating this financing of the project.

About a year subsequent to the organization of the Texas-Oklahoma Investment Co. for financing the project of handling Mississippi-Choctaw Indian contracts taken in the name of Crews & Cantwell, Mr. Albert J. Lee, of Ardmore, Okla., a member of the law firm of Ballinger & Lee, claiming to represent a large number of persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma, on a contingent fee of from 12½ to 40 per cent, and which do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in a line with them, desired, as shown by certain correspondence relative thereto, to raise a fund of $16,000 to meet indebtedness incurred in the prosecution of their Indian claims and with which to continue the fight for their clients, and to show that persons engaged in handling the claims of nonenrolled Choctaw and Chickasaw Indians have succeeded in interesting many prominent persons in such claims, I submit a copy of tabulated statement of said Albert J. Lee, dated October 17, 1912, setting forth the prospective profits that he calculates upon deriving from his handling of said claims, together with an indorsement of same by Mr. Harris Masterson, an attorney of Houston, Tex., who is a prominent financier and promoter of projects of this character, which statement of Attorney Lee and indorsement of Mr. Masterson read as follows:

OCTOBER 17, 1912.

MR. HARRIS MASTERSON, *Houston, Tex.*

DEAR SIR: Mr. Webster Ballinger and I represent some 13,000 persons who claim a right in the tribal property of the Choctaw and Chickasaw Indians in Oklahoma. Of the above number of persons represented by us, there are some 3,738 who are conclusively, as shown by the Government records, entitled to share in the distribution of the tribal property. As individual share is estimated at $3,000 cash. We represent these people under contracts providing for a contingent fee of from 12½ to 40 per cent of the value of each share. I am attaching a statement showing the value of our fees. The statement also shows the amount of said fees we have already contracted for.

You will observe that my individual share of said fee will amount to $856,911, based upon the cases I consider certain; and that if we succeed in one-third of the cases that are uncertain, or rather if we succeed in enrolling 3,000 out of the 10,000 doubtful cases, my individual share of the fee would be $2,065,911.

I am in urgent need of funds with which to meet indebtedness incurred in the prosecution of these claims, and with which I may be enabled to continue the fight for our clients, and I want to raise $16,000, which I will agree to return with interest, and will assign the people furnishing the money 40 per cent of my individual share of the fee. Estimated upon the cases considered certain, this would return about $22 for every dollar subscribed, and upon the basis of one-third of the uncertain cases going through in addition to those that I consider certain, the estimated return would be about $120 for every dollar advanced.

The following pages will give you some idea of the nature and basis of the claims.

CHOCTAW AND CHICKASAW LANDS, AND OTHER PROPERTY.

In southeastern Oklahoma, in what was formerly the Choctaw and Chickasaw Nations, are nearly 3,000,000 acres of land, which the Federal Government will offer for sale from day to day from November 12 to December 23, this year. These lands are classed as follows: 900,000 acres agricultural, 448,000 acres agricultural surface, with deposits of coal and asphalt, 1,500,000 acres pine and hardwood timber.

In addition to the above lands the coal and asphalt deposits are shortly to be sold. The United States mine inspector has estimated that the coal in worth in royalties to the Choctaw and Chickasaw people at least $70,000,000. There is now on deposit to the credit of these two tribes something like $1,000,000, derived from the sale of town sites.

VALUE OF PROPERTY.

It is reasonable to assume that the Federal Government will be able to get for the coal deposits at least one-half of the amount that said deposits are estimated to be worth in royalties, which would be, in round numbers, $35,000,000.

Should the 3,000,000 acres of land bring an average price of $10 per acre, which is a very reasonable estimate considering the fact that there is standing timber on 1,500,000 acres thereof, $30,000,000 will be derived from this source.

There is no accurate estimate of the value of the asphalt deposits, but they are worth several hundred thousand dollars. Eliminating the value of the asphalt deposits, we have the following values:

On deposit	$10,000,000
Value of the coal	35,000,000
Value of the surface and timber	30,000,000
Total value of the property	66,000,000

OWNERS OF THE PROPERTY.

The above property belongs to the citizens of the Choctaw and Chickasaw Nations of Indians under a grant made by the Federal Government under the terms of treaties made in 1820 and 1830. The grant conveyed to said Indians all the lands lying between the Canadian and Red Rivers, the Arkansas line, and the one hundredth parallel west. All of said land, however, with the exception of the 3,000,000 acres above referred to, has been parceled out to the individual Indians in allotments of 320 acres of average value land.

As the property belonged to the citizens of the tribes of whom the Federal Government was the guardian, it became the duty of the Federal Government, upon the dissolution of the tribal governments, to ascertain who were the citizens entitled to share in the distribution of the property. This the Federal Government undertook to do. The tribal governments agreed to such action upon condition that each citizen be allotted 320 acres of average value land and should then share in the proceeds derived from the sale of any lands remaining undisposed of after all allotments had been made. It was contended that certain town sites, coal deposits, asphalt deposits, and timberlands should be withheld from the allotment scheme.

Congress passed seven different acts, under which the citizenship of the two tribes should be determined and the distribution made. The acts were act of June 10, 1896; act of June 7, 1897; act of June 28, 1898; act of May 31, 1900; act of July 1, 1902; act of March 3, 1905; and the act of April 26, 1906. The latter act provided that the question of citizenship should be finally closed upon March 4, 1907, and since that date no person has been added to the rolls of those Indians entitled to share in the property. Assistant Attorney General J. W. Howell stated to the House Committee on Indian Affairs that the above-mentioned acts were "inherently defective" and "administered so as to prevent a full realization of their purpose." (Hearing on H. R. 19279, 61st Cong., 2d sess., p. 265.)

WHY THE CLAIMANTS WHOM WE REPRESENT WERE OMITTED FROM THE ROLLS.

1. Sufficient time was not given to do the work. The Department of the Interior was forced to act pro forma upon the claims of more than 2,000 persons during the week preceding March 4, 1907.

2. The commission created by act of Congress was incompetent and composed of laymen who conceived the idea that it was their duty to oppose the applicants and restrict the number of persons entitled to share to the fewest possible. This commission suppressed records and failed to transmit the full case of applicants to the Secretary of the Interior, who had a supervisory authority and right of review. Upon charges filed against officers of this commission, two of them were forced to resign. (S. Doc. No. 257, 59th Cong., 2d sess.)

3. The tribal officials who had control of tribal funds sought at all times to restrict the number of persons enrolled, in order that the share of each would be greater.

4. The attorneys, Mansfield, McMurray & Cornish, employed under Government sanction to represent the tribes, for an extra consideration of $750,000 paid out of tribal funds, and which latter employment was unknown to the Government officials, succeeded in defeating the claims of nearly 4,000 persons who had been enrolled by judgments of the United States courts rendered in cases appealed from the action of the commission to the Five Civilized Tribes under the provisions of the act of June 10, 1896. This action was investigated by the committee of Congress, and, with respect to the persons enrolled by judgments of the United States courts, this committee said: "There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate."

These tribal attorneys succeeded, however, in eliminating from the citizenship rolls the persons placed thereon by judgment of the United States courts by lobbying through a provision of law which became part of the agreement entered into by the Government and the tribes contained in the act of July 1, 1902, with reference to the distribution of the property, by having created a special court to review the judgments of the United States courts, and a committee of Congress has reported upon the manner in which this court was created, as follows:

"After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory, under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case and should not have extended to a trial de novo of the question of citizenship. These sections authorized the two nations jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment

by the United States courts, with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit, and provided that in the event said citizenship judgments or decisions were annulled or vacated, any party thereto, within 90 days thereafter, by a written application, might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of the citizenship court should be final.

This act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, but which became effective upon the passage and approval of the act.

Immediately following the passage of the act ratifying the agreement of 1902, the judges authorized to be appointed to constitute the citizenship court were appointed, as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Wanzer, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams, on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of persons who had been adjudged by the United States courts to be the tribal members of the Choctaw and Chickasaw Nations, and claimed a fee of 9 per cent on a basis of $1,800 per person, as provided in the contingent-fee contract made in 1897, before referred to, which had not been approved in accordance with law. (H. Rept. No. 2272, 61st Cong., 2d sess.)

It was reported, and commonly accepted as a fact, that Judges Foote and Adams received a part of the fee paid Mansfield, McMurray & Cornish, and in the case of Adams *v.* Butler, in which case Adams sued ex-United States Senator Butler, of North Carolina, for libel, it was shown that Adams received $50,000 of the fee. While the committee was considering the contract made in 1897, before referred to, which had not been approved in accordance with law, (H. Rept. No. 2272, 61st Cong., 2d sess.) Foote was a confirmed drunkard.

6. There are many other reasons impossible of explanation in this short statement.

CONGRESS NOW CONSIDERING CLAIMS.

Since the closing of the rolls those whose names appear thereon and the Representatives in Congress from Oklahoma have constantly pressed for legislation directing the Secretary of the Interior to finally wind up the affairs of the tribes and to distribute the funds to those enrolled. This Congress has refused to do, and at each session has considered the enactment of legislation that would place upon the rolls all meritorious cases. The hearings upon such proposed legislation has progressed to the point where it now seems certain that action will be taken at the coming session of Congress. The Secretary of the Interior, on February 12, 1910, recommended that Congress give him authority to add to the rolls two classes of persons who had been omitted. (App. hearing on H. R. 19279, 61st Cong., 2d sess.) And during the last session of Congress the Secretary advised Congress that there were several different classes of cases which should be reheard before the estates were finally wound up, and suggested that Congress give him authority to hear the cases and to add the names to the rolls of those persons found entitled to be placed thereon.

It is our purpose to continue the fight for our clients until definite action is taken by Congress. We have been strong enough at all times to prevent a final settlement and distribution of the property. The opposition now realizes that, in order to get the use or shares of the property, they must consent to legislation giving our clients their rights. I have spent a great deal of money and have given all of my time since March 4, 1907, in the work of securing justice for our clients, and I shall continue to do so until some final action is taken by Congress.

ESTIMATED VALUE OF EACH CLAIMANT'S SHARE OF PROPERTY.

As the lands have all either been allotted or ordered to be sold, the persons added to the rolls will have to take their share of the estate in cash, and it has been tentatively agreed that each person so enrolled is to receive $3,000 in cash.

Yours, very truly,

ALBERT J. LEE.

CLAIMS IN CHOCTAW AND CHICKASAW ESTATE.

Below is the list of the number of persons claiming a share of the Choctaw and Chickasaw tribal estates, represented by Ballinger & Lee, attorneys, and the basis of their employment.

The value of an individual share in the estate is estimated at $3,000 in cash.

Number of individual claimants: 3,738, more or less.

Of the above number 2,051 persons, more or less, are represented under written contracts and powers of attorney, for a contingent fee of 40 per cent of claims recovered; 487 are represented by agreement with other attorneys who hold contracts for 28 per cent of recovery, the share of Ballinger & Lee being 12½ per cent of the amount recovered. One thousand two hundred persons, more or less, are represented by Ballinger & Lee under 50 per cent contract, of which Ballinger & Lee's share will estimate $500 per person.

Lee's proposed sale of 40 per cent of his individual shares, or fee, is figured as follows:

Persons	2,051
Value of individual share	$3,000
Total value of shares of 2,051 persons	$6,153,000
Per cent basis of fee	40
Estimated fee	$2,461,200
Persons	487
Value of share	$3,000
Total value of shares of 487 persons	$1,461,000
Per cent basis of fee of Ballinger & Lee	12½
Total estimated fee of Ballinger & Lee for 487 persons	$182,625
Persons	1,200
Ballinger & Lee's fee per person	$500
Total estimated fee for 1,200 persons	$600,000
	$2,461,200
	$182,625
	$600,000
Total of Ballinger & Lee's fee	$3,244,225
Less estimated expense of collection	$150,000
	$3,094,225
Per cent with which assistance was contracted	45
Estimated cost of assistance	$1,392,400
Net fee	$3,094,225
Less cost of assistance	$1,392,400
Net fee to Ballinger & Lee	$1,701,825
Net fee to Lee (one-half)	$850,911
Per cent proposed assignment	40
Fee which will go to owners of the 40 per cent to be sold	$340,364

In addition to the above cases, we represent about 10,000 people whose records do not conclusively show that they are entitled to share in the distribution of the property, but if Congress permits proof to be made in these cases, I estimate that at least 3,000 of them will be good. Our fee in these cases is 40 per cent, and in the event of success in the 3,000 cases indicated, my individual fee would approximate $2,065,911. My proposed assignment includes all of these cases.

ALBERT J. LEE.

MASTERSON & MASTERSON, ATTORNEYS AT LAW,
Houston, Tex., October 17, 1912. (Received Apr. 26, 1914.)

To whom it may concern:

I have carefully read the statement of Albert J. Lee, of the law firm of Ballinger & Lee, in his letters of the 17th instant, relating to the claims of the Choctaw and Chickasaw Indians represented by his firm, and from my own knowledge of the facts, the manner in which the estate of these Indians was administered by officers of the Federal Government, and the steps that are now being taken to protect the interests of the claimants, I know that Mr. Lee's statement is substantially correct. The claims represented by Mr. Lee are meritorious; however, he does not by half set forth the merits of the claims, nor does his statement fully cover the injustice that has been perpetrated upon the class of Indians whom he represents. It would be impossible for him to fully deal with the merits of these claims in a brief letter.

The records in these cases are on plain and so clearly disclose fraud and incompetent administration that I am firmly convinced that Congress will restore the claimants to their rights. I therefore believe that money advanced to Mr. Lee in aid of his cause will return a big profit within the next two years, and that such profits will not be less than a return of $20 for every dollar advanced him.

On the 7th day of this month I furnished $2,000 to Mr. Lee in order to afford him temporary relief in connection with the Indian claims represented by him, and in addition thereon I am submitting $2,000 to the fund of $16,000 which he is now endeavoring to raise, notwithstanding the fact that I am largely interested in similar claims of the Choctaw Indian descendants.

Of my own knowledge—for I have investigated many of the claims of the clients of Mr. Lee before deciding to invest $4,000 in the enterprise—I know that the claims of the Indians so investigated, whom Messrs. Ballinger & Lee represent, are full of merit. I therefore consider the $2,000 already invested and subscription of $2,000 to be in the nature of a fine speculative investment. It is hoped, and I think reasonably certain, that the Choctaw claimants will be given relief during the coming session of Congress.

These claims do not conflict with the claims handled and represented by the Texas-Oklahoma Investment Co., but are in line with them.

Yours, very truly,

H. MASTERSON.

I visited Muskogee, Okla., where I conferred with Commissioner Wright and Supt. Kelsey with reference to persons soliciting contracts from the Indians of Oklahoma, and then proceeded to Poteau, Okla., where I met T. V. Sportsell, an attorney. While in town, I learned had been obtaining contracts from certain Indians, and upon interrogating him relative thereto, he stated with apparent frankness that he had been engaged at intervals the past three years in procuring contracts from Choctaw Indians who are interested in what is known as the Gleason-Tucker claim, and that he has not solicited contracts in any other Indian claim; that there are about 700 Choctaw families interested in said claim; that he has procured contracts for 75 of the leading families interested, and only from those of them with whom he has been acquainted for many years past.

He stated that to meet the expenses incurred by him in executing the contracts and preparing the case he charges each family $10 who employ him, this being the total charge he makes to each family regardless of the number in the family, and that his contracts provide for payment to him of a 25 per cent contingent fee of whatever he may recover for them. He further stated that he has been engaged in this work since 1911, during which time he has made two trips to Washington, D. C., in the interests of his clients, and that up to the present time the total received by him from the 75 families with whom he has contracts amounts to only $229.

He also stated that Webster Ballinger, Walter S. Field, and W. W. Wright, attorneys of Washington, D. C., have a large number of similar contracts with Choctaw Indians.

While at Poteau I learned that a colored man named Robert L. Fortune, of Wilburton, Okla., had been soliciting contracts for Crews & Cantwell from Choctaw freedmen residing in the vicinity of Poteau, and I obtained from Mr. Felix Bird, a notary public of Poteau, one of the contracts, which said Fortune had left with the notary for acknowledgment when the freedman represented therein appeared to execute it, and after conferring my business at Poteau I proceeded to Wilburton, where I met said Robert L. Fortune and interrogated him with reference to the matter.

Said Robert L. Fortune resides in the town of Wilburton, Okla., and bears a good reputation in the community. He stated to me that he

come and take up residence in Oklahoma, and appropriated money out of their own funds as an inducement to get the Mississippi Choctaws to come to Oklahoma before Congress finally closed the rolls.

10. The Oklahoma Choctaws never refused to adopt any Choctaw who came to take up residence with them during the time they had control of their matters for a period of 71 years. This is good faith on their part. Will Congress now override their own acts in closing the rolls, overthrow the solemn treaties they made with the Choctaws?

11. The Mississippi Choctaws should not be enrolled and permitted to participate in the property of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break two solemn treaties made with the Oklahoma Choctaws, thereby dissipating the funds that belong to the Oklahoma Indians. For corroboration of this see Atoka agreement and supplemental agreement between the United States and the Choctaw Nation.

12. It would be an injustice to enroll the Mississippi Choctaws who have never lived upon the land at all when the very patents issued by the United States to the Oklahoma Indians prescribed that the land must be resided upon and that removal from it would constitute a forfeiture of their rights.

13. The injustice of having the Federal Government deed to the Choctaw Nation certain lands and to administer their affairs for almost a hundred years and then take their property from them and give it to another people, who from years of absenting themselves are as alien to the tribe as another independent race. Such a procedure would amount to a wrong so great the like of which Congress never has in the past resorted to, and which it is hoped Congress will not now or at any time in the future resort to.

14. The Mississippi Choctaws should not now be enrolled with the Oklahoma Indians or be permitted to share in the funds of the Oklahoma Choctaws, for the reason that the Federal Government can not afford to break their own treaty with the Oklahoma Choctaws, to wit, first give the land to them and then take it away.

15. The Mississippi Choctaws should not be enrolled from the very facts, that must be patent to all of us, that the Indians who participated in the treaty of 1820 and the treaty of 1830, both of which were agreed to almost a hundred years ago, are all dead, and their descendants have intermingled with other tribes of Indians and other races to such an extent that there are few, if any, now remaining who have any considerable portion of Choctaw Indian blood coursing through their veins. In addition to this, the Choctaws who remained in Mississippi, by refusing to obey the treaty stipulations, have forfeited every vestige of any right or claim to share in the property of the Oklahoma Choctaws. To permit the Mississippi Choctaws to go to Oklahoma at this late day, there to share in the property or funds of the Oklahoma Choctaws, would be a procedure identical with the case of the two brothers, one of whom remained in the East on the farm and acquired nothing in the way of possessions, and the other who pushed his way into the West, endured the hardships of the frontier, and finally accumulated a fortune, after which the brother who had remained in the East sought to share in the fortune acquired by his brother in the West, who had pressed out and braved the hardships of the frontier.

MISSISSIPPI CHOCTAW AGITATION CAUSED BY UNPROFESSIONAL SOLICITING ATTORNEYS.

It must of necessity be the desire of every Member of this House to know what has caused this continual agitation for the enrollment of an alien, foreign people upon the Oklahoma Choctaw Indian rolls.

Mr. Chairman and gentlemen of the House, there is a reason for this agitation, and the House is entitled to know it. The Commissioner of Indian Affairs has likewise had a desire to know what caused this commotion. In order to get at the real truth, in order to get at the real cause, and in order to know what brought about this constant agitation, the Indian Office took occasion to detail one of its oldest and most competent inspectors, Maj. James McLaughlin, out into the field to make a thorough and complete investigation.

Maj. McLaughlin submitted his report of the investigation on June 29, 1914, approximately only a week ago. It is the result of a long, patient, and painstaking investigation. In this most interesting report he gives the reason in such a manner that no one will longer be in doubt about it. I shall present this report to this House in toto and then take occasion to comment upon it. It is worthy of reading, and every Member of this House ought to read it, so as to ascertain for himself what is actually going on among those delusions people, and then judge for himself what ought to be done in the premises. The report is as follows:

WASHINGTON, D. C., *June 29, 1914.*

THE SECRETARY OF THE INTERIOR.

SIR: Under departmental instructions of the 13th ultimo, I have the honor to report my investigation concerning the representations made and methods adopted by certain solicitors in securing contracts from individual Indians who claim the right to enrollment as members of the Choctaw-Chickasaw Tribe of Indians, and respectfully submit the following conclusions relative to same:

In my tour of investigation I visited Columbus, Ohio; St. Louis, Mo.; Muskogee, Poteau, Wilburton, and McAlester, Okla.; San Antonio and Houston, Tex.; Lake Charles, Baton Rouge, and New Orleans, La.; and Gulfport, Miss., inquiring into the matter and interrogated numerous persons who had knowledge of the representations made and methods adopted by the soliciting agents in obtaining contracts from the class of claimants referred to.

From my investigation I ascertained that during the past four years several persons have been engaged in soliciting contracts from Choctaw and Chickasaw Indians and freedmen of those tribes, and that one Alexander P. Powell, who claimed to be a Choctaw Indian and a lineal descendant of one of the parties to the Dancing Rabbit Creek treaty of September 27, 1830, has been actively engaged in canvassing a large extent of country, chiefly in the States of Alabama, Mississippi, Louisiana, and Texas, in procuring the signatures of unenrolled persons who claim to possess Choctaw or Chickasaw Indian blood, and obtaining contracts from them to prosecute, on a contingent fee, their right to share in the distribution of the funds and property of the Choctaw Nation of Oklahoma; and while, as above stated, there were several persons engaged in procuring contracts of similar character from unenrolled Indians of these tribes, it appears from the record that said A. P. Powell obtained more contracts from the class of claimants referred to than all of the other solicitors combined, notwithstanding the fact that he did not solicit contracts from any of the freedmen.

I failed to meet this man Powell during my tour of the localities in which he has been operating, and is actively the past four years, and therefore can not speak of him from personal knowledge, but have been told by many who know him that he shows a decided strain of Negro blood, in large of color, appearance, and speech, and that one plausible, which, with his gift of gab, enables him in soliciting contracts as a very important person, has succeeded in arousing great enthusiasm among the people of the localities canvassed by him, and has thereby procured contracts with little or no difficulty from all persons who believed they possessed or were led by Powell to believe they possessed any Choctaw or Chickasaw Indian blood.

From what I was told by reputable persons at Lake Charles and Baton Rouge, La., and Gulfport, Miss., it would appear that said Powell was interested chiefly in procuring a large number of contracts, regardless of the ancestry of the applicants, as Mr. Luke W. Conerly, of Gulfport, Miss., told me that by his personal knowledge Powell obtained contracts from several families, the ancestry of whom as supplied by Powell was absurdly erroneous. It is also alleged that Powell took contracts from any persons claiming to have Indian blood, and from many who had never claimed to possess Indian blood until told by Powell that they were descendants of Indians who were parties to the Dancing Rabbit Creek treaty of 1830 and therefore entitled to certain benefits under that treaty.

Mr. C. R. Cline, an attorney of Lake Charles, La., and Hon. Isaac C. Boyd, of Leesville, La., also an attorney, a member of the present Louisiana Assembly, and who claims to possess Choctaw Indian blood, both informed me that there are about 300 persons living in the neighborhood of Kinder, Allen Parish, La., who are of mixed descent, being of French, Spanish, Portuguese, and Negro blood, with a very few of them possibly possessing some Indian blood, and the name "Red Bone" was given those of them who were supposed to have any Indian blood; that prior to Powell's visit to Kinder soliciting contracts with Indians it was regarded a great insult to be called a "Red Bone," these classing them as of Indian blood, but a number of them were advised by Powell that they were of Choctaw descent, as shown by a book which he possessed and by which he traced their ancestry, as eligible to enrollment, and it is alleged that he then obtained contracts from all of them, and since Powell thus recognized those people, the name "Red Bone" is no longer objectionable, but, on the contrary, all are desirous of being thus classed, and to be now called a "Red Bone" is exceedingly pleasing to each and all of them, as they believe that the comments fixes their status as of Indian blood, and entitles them to share in the property of the Choctaw Nation of Oklahoma.

Hon. Isaac C. Boyd, of Leesville, Vernon Parish, La., above referred to, stated to me that in 1911 he was induced by one Mrs. Rila Taylor, of Leesville, La., to enter into contract for Mississippi Choctaw rights, said Mrs. Taylor representing herself an authorized agent of A. P. Powell and Luke W. Conerly, whose headquarters were then at Gulfport, Miss., engaged in obtaining contracts from Choctaw claimants, for the prosecution of their rights to participate in the funds and property of the Choctaw Nation of Oklahoma; said Mrs. Taylor stating to him that each beneficiary would be entitled to receive 320 acres of land or double the value of it in money, she represented from $5,000 to $10,000 in cash from the Choctaw funds, but that in order to participate in this distribution claimants must enter into contracts without delay, as the time limit would soon expire, therefore promptness in executing contracts for same was absolutely necessary.

Mr. Boyd, who is of Choctaw blood, a lawyer by profession with quite a lucrative practice, and who is also a member of the State Assembly of Louisiana, feels chagrined in having fallen to the fastening presentation of a smiling, big Mrs. Taylor, resulting in his entering into a contract for himself and his sister and for which he paid Mrs. Taylor $7.50 for executing each of said contracts.

Mr. Boyd stated then Mrs. Taylor proceeded to a great many similar contracts at Leesville, La., and surrounding country, and that he has little doubt but that she thus realized in the neighborhood of $3,000 from her charge of $7.50 to applicants for each contract obtained. Mr. Boyd further stated that after realizing he had been victimized in the sum of $15, through the enthusiasm assumed by a plausible talk, he, in order to have the solicitors prosecuted, if possible, made diligent inquiry of persons who had entered into similar contracts to ascertain if any of them had represented themselves as Government officials, and was unable to find any person to whom they represented themselves as being in any way connected with the Government or an official of the Choctaw Nation, but that the impression prevailed among the claimants that A. P. Powell and his confederates were fully empowered to procure the contracts they were engaged in soliciting from Choctaw claimants.

Mr. Boyd still further stated that having talked a great deal against these solicitors, denouncing them as frauds and fakirs, that Powell never visited Leesville, La., to solicit contracts, but established himself for a short time at De Ridder, 21 miles distant, and sent notices to Leesville applicants to proceed to De Ridder for that purpose.

I made particular inquiry as to whether or not Powell or any of the other solicitors had been ever heard to represent themselves as Government officials or officials of the Choctaw Nation, but did not meet any person who stated that they had ever heard any of these solicitors make such a statement. On the contrary, many of the persons whom I interrogated with reference thereto stated that they had frequently heard Powell say that he was fighting the Government to have the rightful claims of the Choctaw and Chickasaw Indians allowed; but notwithstanding the fact that Powell when questioned regarding the matter invariably denied that he had any connection with the Government in the work he was engaged in, the impression prevailed, as expressed by Attorneys Cline and Boyd and Mr. Luke W. Conerly, especially among the more ignorant persons, that Powell represented some high authority in the premises, he being engaged in executing contracts with claimants, using printed contract forms therefor, and this impression prevailed as to the several other solicitors engaged in obtaining similar contracts.

When assigned to this investigation, the Indian Office furnished me, for my information, a voluminous file of correspondence with reference to this matter, which file embraced report of Special United States Indian Agent W. W. McConihe, dated May 2, 1911, with accompanying exhibits, from which record, together with what I ascertained in my investigation, the facts appear to be as follows:

1. The "citizenship rolls of the Choctaw Nation, embracing those Indians entitled to share in the property of the tribe, was closed March 4, 1907 (act of Apr. 26, 1906, 34 Stat., 137, sec. 21).

2. That there were possibly some persons omitted from the citizenship rolls who, because of the limitations imposed by the act of time, were unable to produce the proof of their right to participate in the funds of the Choctaw Nation under article 14 of the treaty of September 27, 1830.

3. The possibility that there were some Mississippi Choctaw Indians whose right to enrollment had not been established, induced a few attorneys—Messrs. Crews & Cantwell, of St. Louis, Mo.—to undertake the securing of legislation that would permit the reopening of the rolls for the purpose of establishing the rights of those who had previously failed to establish their right or had failed to take advantage of the opportunity to do so.

4. Messrs. Crews & Cantwell employed Alexander P. Powell, who asserts that he is a Choctaw Indian, to secure the names of unenrolled Mississippi Choctaw Indians and produce evidence by tracing the ancestry to establish their right to enrollment and to obtain contracts from them for the prosecution of their claims.

5. Associated with Messrs. Crews & Cantwell was one S. L. Hurlbut, a banker, residing at El Campo, Tex., who financed the project in the beginning by paying Powell $150 per month salary and his expenses.

While employed by Crews & Cantwell, Powell secured the names of about 4,200 persons, who claimed or were led to believe by Powell that they were entitled to participate in the funds of the Choctaw Nation of Oklahoma, and from each of whom he obtained a contract authorizing Crews & Cantwell to act as their attorneys in all legal proceedings in presenting to the Interior Department or any court such evidence as he or she might be able to produce in establishing a right to participate in the distribution of the fund and property of the Choctaw-Chickasaw Indians of Oklahoma, which contracts provided that Crews & Cantwell were to receive 30 per cent of all sums of money, lands, and property that might be received by reason of the right claimed. Powell did not make any charge to the claimants while operating under the above stated salary, until a short time previous to severing his connection with Crews & Cantwell, when he commenced charging the fee estimate $1.25 for each contract executed, and while engaged in this work in the employ of Crews & Cantwell it appears from the record that Powell received $2,871.02 from them, $900 of which was for salary and remainder for expenses incurred by him as shown by letter from Mr. S. L. Hurlbut's office, dated March 8, 1911, copy herewith Exhibit A.

7. Powell's connection with Crews & Cantwell appears to have terminated in March, 1911, and he then commenced soliciting contracts for William B. Matthews, at attorney of Washington, D. C., with office in the Evans Building, and the contracts procured by Powell in the name of Mr. Matthews are similar in every respect to those he obtained for Crews & Cantwell, except as to name of the attorney.

The Crews & Cantwell contracts contain the stipulation that their appointment as attorneys is joint, and that in the event of the death of either, the survivor shall succeed to all rights and benefits, and perform all the duties imposed by the contract upon the attorneys. This same stipulation is contained in the printed form of contract taken in the name of William B. Matthews (copy herewith), and the fact that it does so appear would indicate that Mr. Matthews had nothing to do with the drafting of the form, but that the wording of the Crews & Cantwell contract was probably adopted by A. P. Powell, simply substituting the name of William B. Matthews, as attorney, for that of Crews & Cantwell, and Powell thus continued procuring contracts from same and all persons whom he met, who believed, or were led to believe, that they possessed Choctaw or Chickasaw Indian blood, and from each of whom he collected $2.50 for his services in executing the contract.

8. After Powell discontinued securing contracts for Crews & Cantwell and started soliciting for Attorney William B. Matthews and charging applicants $2.50 for each set of papers executed, it is alleged he procured contracts from a number of persons residing in and around Kinder, Allen Parish, La., who did not claim to be of Choctaw descent, but were advised by Powell that he possessed a book which enabled him to trace the ancestry of every living person who possessed any Choctaw blood, and that for had traced these people entitled to enrollment as descendants of certain persons appearing as beneficiaries under the Choctaw treaty of 1830. As to the book referred to as possessed by Powell, which is said to have been produced in evidence by him very frequently, I was informed by Mr. Luke W. Conerly, of Gulfport, Miss., who was for some month associated with Powell, that he carried with him for reference in tracing the ancestry of applicants for enrollment a copy of volume 7, American State Papers, which contains the names of 19,554 Choctaw Indians who were parties to the Dancing Rabbit Creek treaty of 1830, as per roll made by F. W. Armstrong, special agent, under date of September, 1831, which volume was published in 1834.

10. Crews & Cantwell, as attorneys for a number of their claimants, with evidence as to some of the contended Mississippi Choctaws to an equitable right to share in the funds of the Choctaw Nation of Oklahoma, have sought legislation to reopen the rolls to permit them to prosecute the claims of these persons with whom they have contract.

11. The financing of the project to secure reimbursement of Crews & Cantwell and S. L. Hurlbut for previous expenditures was effected by incorporating the "Texas-Oklahoma Investment Co.," chartered under the laws of the Territory of Arizona, November 14, 1911. The articles of incorporation provide for a capital stock of $100,000, or 1,000 shares of the par value of $100 each, the directors of the company as incorporated being S. L. Hurlbut, of El Campo, Tex.; H. Masterson and W. A. Smith, of Houston, Tex.; and T. S. Crews and H. J. Cantwell, of St. Louis, Mo.; and the principal stockholders are T. S. Crews and H. J. Cantwell, of St. Louis, Mo.; Clifford Greve and S. L. Hurlbut, of El Campo, Tex.; H. Masterson, L. Bryan & Co., J. J. Dowdey, and W. H. Gill, of Houston, Tex.; and J. H. Kemper, of Galveston, Tex.

Two hundred and fifty shares of the 1,000 shares of the stock of this company were sold at par value of $100 per share, thus realizing $25,000 in cash, with which Crews & Cantwell and S. L. Hurlbut were reimbursed for previous expenditures and a contingent fund created to meet future expenses as incurred.

12. Crews & Cantwell turned over to the Texas-Oklahoma Investment Co. the contracts procured for them by Alexander P. Powell, numbering about 4,200, and received in cash from the fund realized from the 250 shares of the stock sold reimbursement for their previous expenditures in connection with their Mississippi Choctaw contracts, and leaving the 750 unsold shares in the treasury as common property of the company.

In promoting the organization of the Texas-Oklahoma Investment Co. flattering figures of prospective returns to investors therein appear to have been sent out to prominent persons throughout the country, as evidenced by letter of Mr. C. D. Molling, of Houston, Tex., under date of June 12, 1911, to Hon. W. L. Dechant, of Middletown, Ohio, which reads as follows:

HOUSTON, TEX., *June 12, 1911.*

Hon. W. L. DECHANT,
Middletown, Ohio.

DEAR SIR: In 1820 the United States Government made a treaty with the Choctaw Indians, then living in Mississippi, whereby the Government set apart 5,000,000 acres of the Indians, and in return gave to the Indians all the lands lying in the Indian Territory north of Red River up to the Canadian and east of the ninety-eighth meridian, and paid for removal as many of the Indians out to this land as desired to go.

The Choctaws still had 10,000,000 acres left back in Mississippi, and in 1830 the Government made another treaty with them whereby the Government purchased the remaining lands for $8,000,000. In this treaty *it was agreed that the remaining Indian country be protected in the community property or the original lands in Indian Territory granted them by the treaty of 1820.*

The Government still holds approximately 3,000,000 acres of these original Territory lands, as well as several millions in cash, in trust for the Choctaws who have not as yet been allotted their share.

A reputable and responsible firm of attorneys, with offices in St. Louis and Washington, D. C., have secured contracts with 4,200 Choctaw Indians to secure them their allotment of lands and money upon a percentage basis. The contracts provide that the attorneys are to receive 30 per cent of all lands and money received. These 4,200 contracts are each signed by the Indian, two witnesses to his signature, and acknowledged before a notary public.

These contracts, providing for this contingent fee, have been recognized by the Government, and Congress passed a resolution making all such contracts a first lien upon the property of the Indian. This insures direct payment to us of our fee.

For financing the project, such as hunting up the Indians and securing the proof of each individual Indian to his right of participation and the attorneys for working the bill through Congress, one-half of the profits to go to the attorneys and the other half to those who financed it.

It is expected that each Indian's share of the estate is worth $5,000. The attorneys' contract calls for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200.

We are organizing a syndicate to take over 1,000 of these contracts at 62½ per contract. We will also secure subscription for than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $22,500 upon each $500 investment.

The proofs of these claims for these 4,200 Indians have all been secured and have been presented to the congressional Committee on Indian Affairs and reported favorably. This committee consists of 19 Members of Congress.

At this next session of Congress the bill will be introduced and voted upon, and as there are several precedents identical to this proposition, wherein the other Choctaws secured their rights, we have every reason to believe that the bill will pass.

* * * * * * *

We are unable to go into all the details of this proposition in this letter to you, but I have spent several days investigating it, and conclude that the chances for defeat are no greater than in the ordinary course of business. I believe the estimated results herein will be obtained, or substantially so.

I expect to give the matter my attention and to look after the interest of those who come into the deal at my request, and to take a proper assignment of the contracts and place them in the hands of some local trust company or bank, with authority to make the collection and distribute the proceeds to the subscribers in the amount to which each subscriber would be entitled at same; it will be order for the subscribers.

My charges will be about 20 per cent of whatever profits you may make on the deal; if none are made, you owe me nothing. I would like to have you take a flier in this, say, for $500 or $1,000, and to notify me of your instructions promptly. Should you happen to lose, I think you will agree with me that it was, at least, a good bet, as the prospective returns justify taking the chances.

Awaiting your prompt reply, either by letter or wire, I am,

Yours, very truly,

C. D. MOLLING.

To the foregoing communication of Mr. Molling, Mr. Dechant replied as follows:

MIDDLETOWN, OHIO, *July 8, 1911.*

C. D. MOLLING,
418 Heard Building, Houston, Tex.

MY DEAR MR. MOLLING: Your letter of June 12 was received in my absence, hence delay in answering.

I have gone over your proposition carefully and note what you say, and it would seem to me if Texas has taken the same consideration of you the proposition is a good one, and on further investigation I might be inclined to come in, everything appearing in good shape.

privileges of citizenship could be conferred or enjoyed outside of the territorial jurisdiction of their newly acquired nation. Understanding these conditions, the latter clause of article 14 was framed:

"Persons who claim under this article shall not have the privilege of a Choctaw citizen, but if they ever remove—that is, if they ever place themselves on the land and within the jurisdiction of the nation whereby those privileges may become operative—are not to be entitled to any portion of the Choctaw annuity."

In other words, if they ever remove, they are to enjoy all of the privileges of a Choctaw citizen except that of participating in their annuities. If this be not the meaning to be attached to the word "remove" as used in the clause of the treaty under consideration, it must be meaningless. But in the interpretation of statutes it is the duty of the court to so interpret them as to give every word a meaning, and in doing so it must take into consideration the whole statute, its objects and purposes, the rights which are intended to be enforced and the evils intended to be remedied; it may go to the history of the transaction about which the legislation is had and call to its aid all legitimate facts proven or of which the courts will take judicial notice in order to find the true meaning of the word as used in the statute. Of course, the same rule of interpretation applies to treaties. Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only place on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"*Resolved by the General Council of the Choctaw Nation assembled*, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

I would also suggest that you look at the report of the Five Civilized Tribes Commission, at page 89, wherein the matter is set forth fully, carefully, and to the point. It will here be observed that the Federal commission and the Federal court both construed this article to mean that the Indians who did not remove west from Mississippi to the Indian Territory, there to take up their residence, were forever and unalterably barred.

Due notice was given to the Mississippi Choctaws, who have all these years steadfastly refused to go to Oklahoma to take up their residence there, that unless they did so their rights would be forfeited. Still the Choctaw Nation of Oklahoma, in a spirit of fairness and in strict compliance with the treaty of 1866, gave them due notice, not alone in Oklahoma, but all through Mississippi, Texas, Louisiana, Arkansas, Alabama, and wherever there was a possibility that they could have strayed or wandered.

Notice of the rights of the citizens was to be given wide publicity, and by article 13 of said treaty it is provided:

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

It will be remembered that in 1830 all the Choctaws resided in Mississippi, and it will be remembered they traded 4,000,000 acres of their land in Mississippi for a strip of country then in Indian Territory, and on March 3, 1842, the President of the United States executed a deed or patent to the Choctaw Nation, and particularly did he make sure to incorporate in the deed the same limitation that was found in the treaty of 1830, which provided that in the event the Indians did not live upon the land and remain upon it the title should forfeit to the Government of the United States. This provision in the patent is as follows:

That the United States of America, in consideration of the premises, and in execution of the agreement and stipulation in the aforesaid treaty, have given and granted, and by these presents do give and grant unto the said Choctaw Nation the aforesaid "tract of country west of the Mississippi"; to have and to hold the same, with all the rights, privileges, immunities, and appurtenances of whatsoever nature thereunto belonging, as intended "to be conveyed" by the aforesaid article, "to the people so there and their descendants, to inure them, while they shall exist as a nation and live on it," liable to no transfer or alienations except to the United States or with their consent.

This constitutes a base or determinable fee, and it is inconsistent with the manner in which the title to this land was held that the Indians who renounced their Choctaw citizenship and refused to continue their identification with the nation and share the responsibilities and burdens of citizenship should be entitled to share in its benefits. No one prior to the closing of the rolls has ever objected to the absentee Choctaws reidentifying themselves with the nation and being readmitted to the benefits of citizenship; and, on the other hand, they have been requested and urged to return to the fold on every occasion.

If the Dawes Commission, created by Congress, had not held adversely to these nonresident Choctaws; if the Federal court, Judge Clayton presiding, had not held adversely to the enrollment of nonresident Mississippi Choctaws; if it were not historically true that citizenship in any tribe or in any nation, whether savage or civilized, always depends upon bona fide residence, the provision incorporated by the President of the United States in the patent which transferred the Indian Territory land to the Indians would make it no longer a question of doubt, but one of certainty that no Indian, whether he moved west in 1820 or in 1830 or any other time to take up land, he must of necessity reside upon it and continue to reside upon it; otherwise it was a defeasible estate that would revert to the Government.

To adopt the contention of the attorneys for the Mississippi Choctaws would be to hold that the Choctaw Indians who removed west and took up residence on the land and bore all the hardships incident to the frontier at that time and then moved away, would give up every vestige they had and allow the Mississippi Choctaws to have rights to the land, even though they never lived upon the land at all. Such a contention is so preposterous that no one will ever live to see the day when it will not be criticized.

The Dawes Commission held that residence on the land was essential before the Indians could be allotted, and surely no one will ever criticize the Federal court, which by the Congress of the United States was given power to pass upon the matter for holding as they did that no Mississippi Choctaw residing in Mississippi, who refused to move west and take up his residence with his brethren in the Indian Territory, could share in the estate. Any other conclusion would work a greater wrong and inflict a greater injustice upon the Oklahoma Choctaws than any just Congress, court, or citizen would care to sustain.

Again, let me present the eloquent words of Judge Clayton, who passed upon this identical fourteenth article of the treaty of 1830. In the case of Jack Amos et al. versus the Choctaw Nation, supra, the court further says:

I am disposed to the opinion, however, and will so hold that the descendants of the Mississippi Choctaws, by virtue of the fourteenth article of the treaty of 1830, are entitled to all of the rights of Choctaw citizenship, with all of the privileges and property rights incident thereto, provided they have renounced their allegiance to the sovereignty of Mississippi by moving into the Choctaw Nation in good faith to live upon their lands, renewing their allegiance to that nation, and putting themselves in an attitude whereby they will be able to share in the burdens of their government. The reason for this conclusion is, to my mind, made morally certain when it is remembered that ever since the treaty of 1830, now for the period of nearly 67 years, with the exception of the past two or three years, the Choctaw Nation, by its legislative enactments, and by its acts so long continued that by custom they have become crystallized into law, have universally admitted all who should remove to this country and rehabilitate them in all of the rights and privileges of citizenship enjoyed by themselves.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I have a very short time, but I will yield for a question.

Mr. GARRETT of Texas. I simply want to ask a question. Could the Mississippi Choctaws now move to Oklahoma and participate in these funds?

Mr. FERRIS. No; because Congress passed an act formally closing the rolls after they had been open for nearly 100 years. But we do not have to stop with the Dawes Commission, which is a Federal commission, or with the Federal court, upon which you must rely, and you can not say that there is Oklahoma influence there, but a solemn act of Congress was passed in 1906, which took effect March 4, 1907, which forever closed these rolls.

It said in substance and effect the Oklahoma Choctaws have undergone all of the annoyance, have undergone all of the outrages and grafts that can be heaped upon them in connection with their tribal rolls, and the rolls are closed. So if this amendment be adopted, which went on in the Senate without consideration in any committee, you would, first, overturn the Dawes Commission; you would, second, overturn the Federal court; and you would, third, overturn the Congress of the United States, which said on March 4, 1907, seven years ago, that these rolls were affirmatively and forever closed.

Can any statement of facts be more clear than the language of the Federal court in the Jack Amos case, above mentioned? Can anyone say that this Federal judge, who by the Congress of the United States was given final jurisdiction to act, would misconstrue, misstate, or misinterpret the law as it stands? Can anyone respectfully and properly go behind the decision of the Federal court and overturn Indian treaties, Indian history, Indian laws, and Indian customs for almost a hundred years? To adopt such a contention as is sought by the amendment to open the rolls in Oklahoma would work a greater injustice than for one citizen to leap upon his weaker brother and take away from him the property that rightfully, lawfully, and honestly belongs to the weaker brother.

I can not believe the Congress of the United States will put in on the floor of the House an amendment of such far-reaching character that has never even been considered by any committee of either the House or the Senate, and thus ruthlessly override, upset, and destroy all that has been done in almost a hundred years for a proud, honorable, peaceful people, who in the first instance were the owners of that once grand estate. To even think of doing such a thing is so preposterous that I can not believe it will be countenanced or done.

But if it were necessary to determine what the rights of the Mississippi Choctaws were under the fourteenth article of the treaty prior to April, 1906, certainly that is not true now, for by the act of April, 1906, Congress stepped in and solemnly closed the rolls, which took effect on March 4, 1907. So to adopt the position of the gentleman from Mississippi [Mr. HARRISON] and his colleagues, it would be necessary to disregard, repeal, and overthrow this act of Congress; it would be necessary to overturn two treaties between the United States and the Oklahoma Choctaws, which specifically provide that the Government will distribute the land and property belonging to the Choctaws among the members of the Choctaw Nation in Oklahoma and those found to be entitled to enrollment by the Federal commission and the Federal court charged with that duty. For verification of this statement, see the Atoka agreement and supplemental agreement between the United States and the Oklahoma Choctaws, which is clear, forceful, and direct to the point.

It has not been kept by this Government. It deserves to be kept. Surely what has been done should not now be overturned.

Feeling that I have shown conclusively that, first, the Dawes Commission; second, the Federal court; third, Congress itself; and, fourth, two solemn treaties, have all held that the nonresident Mississippi Choctaws who have for almost a hundred years refused to come and take up residence in Oklahoma are not entitled to participate in the funds or property of the Oklahoma Choctaws, I shall not stop at that, but I shall call your attention to the CONGRESSIONAL RECORD of June 19, 1914, at page 11651, wherein a Senator of the United States, to wit, Senator JOHN SHARP WILLIAMS, who is leading this fight in the Senate in behalf of the adoption of this amendment, admits openly, clearly, and emphatically that legally the Choctaws in Mississippi have no rights to enrollment. I will quote his language verbatim directly. You will then observe that a Senator who was contending that the Mississippi Choctaws ought to be enrolled in Oklahoma himself agrees they have no legal right. His exact language is as follows:

I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

Continuing, Senator JOHN SHARP WILLIAMS says:

So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion. * * * I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. * * *

I say, can any Member of Congress, can any man out of Congress, can any tribunal anywhere under any conditions afford to ignore all law adjudicating the rights as between two bands of Indians, both of which are wards of the United States and both of which are dependent people? Can Congress to-day afford by an undigested amendment to do so much mischief, repeal so many treaties, so many decisions of courts and tribunals, which have spent years of painstaking efforts in arriving at conclusions about them? No; I can not believe Congress will reach any such preposterous conclusion as that, and I can not believe that this amendment will, in keeping with law, justice, and good morals, ever be agreed to by the Congress of the United States.

EQUITY OF THE CASE.

Having, as I believe, shown conclusively that the Mississippi Choctaws have no rights to enrollment or participation in the funds or property of the Oklahoma Choctaws under the law, I think I can show they have no right in equity to participate in the same for the following reasons:

1. For 94 years the remnant bands of Mississippi Choctaws residing in Mississippi have refused to obey the solemn treaties made between the Choctaws and the Federal Government by moving west and taking up their residence with their people.

2. There were 10,000,000 acres of land reserved in Mississippi for the purpose of allotting and proving for such of the Mississippi Choctaws as remained there. Only 143 families accepted allotments from this area, although the right of all who remained was open continuously and uninterruptedly from 1830 to 1842, a period of 12 years.

3. Of those who refused to take allotments in Mississippi and who refused to move west under the provisions of the treaties land scrip was given them under the act of August 23, 1842, which could be attached and cause their rights to be exercised in any one of four States, to wit, Mississippi, Louisiana, Alabama, or Tennessee. One-half of this scrip was delivered to them by the Indian agent acting for the Federal Government in Mississippi, the balance was to be given them when they removed to Oklahoma or what was then the Indian Territory. There has been some intimation that this scrip never actually reached them or came into the possession of the Mississippi Choctaws; but this intimation is wholly untrue, without foundation, and the files of the Indian Office will prove to anyone who will take the trouble to go there and look it up that the scrip did reach them. See also House Document No. 898, Sixty-second Congress, third session, wherein appears a complete list of the names of those to whom this scrip was actually delivered. The last half of the scrip was finally capitalized and delivered to the Mississippi Choctaws in money, amounting to the sum of $872,000. For justification of this statement see act of March 3, 1845, Fifth Statutes at Large, page 777, also the files in the Indian Office, which show conclusively that the pro rata share of the money was actually delivered to them, so that in justice, good morals, and in good conscience they were given rights superior to the Oklahoma Indians.

4. They should not participate in the funds or the property of the Oklahoma Choctaws after the long lapse of time, even though they have squandered, first, their allotments, and second, their scrip, and third, their money which was actually delivered to them by the Government of the United States. The Oklahoma Indians certainly are not responsible for the squandering of the funds of the Mississippi Choctaws, if they were squandered, and it is assumed they were.

5. The Mississippi Choctaws who for almost a hundred years have refused to come and take up residence with their brethren in Oklahoma have become an alien people to the Oklahoma Choctaws, and there is nothing in common between them.

6. The personnel of the Indians who participated in the treaty of 1820, 94 years ago, is extinct, all of them, of course, having died since that time.

7. The succeeding generation has ceased to have anything in common whatever with the Oklahoma Choctaws; the Mississippi Choctaws of to-day know nothing of the traits of the Oklahoma Choctaws, follow none of their customs, and but for the constant intermeddling of outside attorneys and runners, who go among the Mississippi Choctaws creating excitement among them, their happiness in Mississippi would be complete.

8. The Choctaws residing in Mississippi should not now be enrolled in Oklahoma, because the Oklahoma Choctaws did not make the rolls, construe the rolls, or close the rolls, and do not have any unallotted land remaining. In view of these things, the Oklahoma Choctaws are entitled to their peace after the above acts have transpired and these things done for them by the Federal Government.

9. The Choctaws in Oklahoma every day did their full duty while the matter was in their hands; every day they urged their Mississippi brethren to come and live among them; they even passed resolutions beseeching, for years and years prior to the closing of the rolls by Congress, the Mississippi Choctaws to

these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible while in Mississippi to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen, except to participate in the annuities.

As an evidence that the Choctaw people themselves took this view of the question, attention is called to the fact that their council has passed many acts and resolutions inviting these absent Choctaws to move into their country, and on one occasion appropriated a considerable sum of money to assist them on their journey; and until the past two or three years have always promptly placed those who did return on the rolls of citizenship, but never enrolled an absent Choctaw as a citizen.

On December 24, 1889, the General Council of the Choctaw Nation passed the following resolution:

"Whereas there are large numbers of Choctaws yet in the States of Mississippi and Louisiana who are entitled to the rights and privileges of citizenship in the Choctaw Nation; and

"Whereas they are denied all rights of citizenship in said States; and

"Whereas they are too poor to immigrate themselves into the Choctaw Nation: Therefore be it

"*Resolved by the General Council of the Choctaw Nation assembled*, That the United States Government is hereby requested to make provisions for the emigration of said Choctaws from said States to the Choctaw Nation," etc.

The language is not that they are entitled to the rights and privileges of Choctaw citizenship in the States named, but "who are entitled to all the rights and privileges of citizenship in the Choctaw Nation," and the prayer is that because of the fact that they are denied the rights of citizenship in the States that the United States will remove them to a place—their own country—where the rights of Choctaw citizenship may be enjoyed by them.

I would also suggest that you look at the report of the Five Civilized Tribes Commission, at page 89, wherein the matter is set forth fully, carefully, and to the point. It will here be observed that the Federal commission and the Federal court both construed this article to mean that the Indians who did not remove west from Mississippi to the Indian Territory, there to take up their residence, were forever and unalterably barred.

Due notice was given to the Mississippi Choctaws, who have all these years steadfastly refused to go to Oklahoma to take up their residence there, that unless they did so their rights would be forfeited. Still the Choctaw Nation of Oklahoma, in a spirit of fairness and in strict compliance with the treaty of 1866, gave them due notice, not alone in Oklahoma, but all through Mississippi, Texas, Louisiana, Arkansas, Alabama, and wherever there was a possibility that they could have strayed or wandered.

Notice of the rights of the citizens was to be given wide publicity, and by article 13 of said treaty it is provided:

The notice required in the above article shall be given, not only in the Choctaw and Chickasaw Nations, but by publication in newspapers printed in the States of Mississippi and Tennessee, Louisiana, Texas, Arkansas, and Alabama, to the end that such Choctaws and Chickasaws as yet remain outside of the Choctaw and Chickasaw Nations may be informed and have opportunity to exercise the rights hereby given to resident Choctaws and Chickasaws: *Provided*, That before any such absent Choctaw or Chickasaw shall be permitted to select for himself or herself or others, as hereinafter provided, he or she shall satisfy the register of the land office of his or her intention, or the intention of the party for whom selection is to be made, to become bona fide resident in the said nation within five years from the time of selection; and should the said absentee fail to remove into said nation and occupy and commence an improvement on the land selected within the time aforesaid the said selection shall be canceled, and the land shall thereafter be discharged from all claim on account thereof.

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If the Dawes Commission, created by Congress, had not held adversely to these nonresident Choctaws; if the Federal court, Judge Clayton presiding, had not held adversely to the enrollment of nonresident Mississippi Choctaws; if it were not historically true that citizenship in any tribe or in any nation, whether savage or civilized, always depends upon bona fide residence, the provision incorporated by the President of the United States in the patent which transferred the Indian Territory land to the Indians would make it no longer a question of doubt, but one of certainty that no Indian, whether he moved west in 1820 or in 1830 or any other time to take up land, he must of necessity reside upon it and continue to reside upon it; otherwise it was a defeasible estate that would revert to the Government.

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Again, let me present the eloquent words of Judge Clayton, who passed upon this identical fourteenth article of the treaty of 1830. In the case of Jack Amos et al. versus the Choctaw Nation, supra, the court further says:

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Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. I have a very short time, but I will yield for a question.

Mr. GARRETT of Texas. I simply want to ask a question. Could the Mississippi Choctaws now move to Oklahoma and participate in these funds?

Mr. FERRIS. No; because Congress passed an act formally closing the rolls after they had been open for nearly 100 years. But we do not have to stop with the Dawes Commission, which is a Federal commission, or with the Federal court, upon which you must rely, and you can not say that there is Oklahoma influence there, but a solemn act of Congress was passed in 1906, which took effect March 4, 1907, which forever closed these rolls.

which stopped the proceedings, and nothing further was ever appropriated.

After the war was over the matter was renewed, and away in the eighties we find it again up and active. It would not down. This time it was sent to the Court of Claims to be rehashed from one end to the other.

The conclusion of the Court of Claims was that the Choctaws, by reason of the attitude of agents of our Government, had been defrauded in Mississippi; that wrongs had been committed; but after the great lapse of time that had then occurred it was impossible to arrive at anything like a just measurement of the extent of the fraud and the amount of damage in dollars and cents; and the court said that probably the most reasonable method of settling it was to adopt the award made by the Senate of $2,980,000, and that they did.

Now, to whom was that paid? That was paid to the Mississippi Choctaws west, although it was for the injury done to the Choctaws east.

I was occupied for many weeks trying to find from the records of this Government whether any Choctaws living in Mississippi ever received a penny of this award of $2,980,000. I found that not a dollar was ever paid to a Mississippi Choctaw in Mississippi.

It all went to the Choctaws west, living in the State of Oklahoma. I think it is entirely proper to advise the House what the Choctaw Nation west did with that money. They first said, "We will give 20 per cent to a committee of our own men," and their names are mentioned, whom they thought had been instrumental in getting through legislation or getting through the measure in some way. Twenty per cent of a little more than $3,000,000—because there was interest added to the sum—amounted to $650,000. They said, "We will give 30 per cent to our attorneys." That made up 50 per cent. There remained 50 per cent, or about a million and a half, which was turned over to the fiscal agent of the Choctaws west, who was ROBERT L. OWEN. He was given $900,000 in one sum, $200,000 in another sum, and $338,000, I think is the exact sum, in another sum, as agent for the Choctaws. The Choctaw Nation west appointed a little court of their own, consisting of three men, to try and determine to whom should be paid these sums. I would not take the time of the committee on this occasion to describe the proceedings of that committee, nor the names of those to whom they paid the sums; but I will say, generally, that the method of payment and the way in which the beneficiaries were ascertained does not reflect great credit on the honesty and public spirit and character of the persons handling the fund. I do not say that to reflect on any one individual, because no person whose name I have mentioned was a member of that commission, but I am speaking of the method in handling the fund that was then turned over.

Unquestionably the United States Government at that time recognized its duty to make compensation, to make reparation, by this lump sum, and yet the sum did not go to the individuals who had been most injured. Now, those are the salient facts that you can not get around.

Mr. MURRAY of Oklahoma. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. The gentleman says "Choctaw Nation west." There was no nation in Mississippi.

Mr. MILLER. That is entirely proper in one sense.

Mr. MURRAY of Oklahoma. The Indians who lived in Mississippi after the treaty became citizens of Mississippi under the treaties of 1820 and 1830.

Mr. MILLER. It is correct to say that more and more of the Choctaws moved west until the only organized government among the Choctaws was in the nation west.

Mr. MURRAY of Oklahoma. And there has been none since the removal west in 1830.

Mr. MILLER. The gentleman is correct, but there never was any official removal of the government.

Mr. MURRAY of Oklahoma. Under the treaty of 1830, the Dancing Rabbit Creek treaty, article 14 provided that even if they ever did move west they should not share in the annuities.

Mr. MILLER. Yes.

Mr. MURRAY of Oklahoma. And the money the gentleman refers to was paid out by the Choctaw Nation, which was the government west, and would not go to the Mississippi Indians under the terms of the treaty.

Mr. MILLER. The gentleman does not call that an annuity, does he?

Mr. MURRAY of Oklahoma. Certainly it was. Does the gentleman refer to the lands sold in Mississippi?

Mr. MILLER. The gentleman would not argue that a lump sum to pay for injury done was an annuity. There was an annuity of a very small amount, but it was an entirely different sum.

Mr. MURRAY of Oklahoma. If that was the fund got from the land sold in Mississippi; why, the gentleman is right.

Mr. MILLER. The gentleman is right.

Mr. MURRAY of Oklahoma. The land in Mississippi was sold by the Government, and part of it at 2½ cents an acre; and later the Government gave more than 4,000 Indians land scrip, by which they could take up land in Mississippi or elsewhere.

Mr. MILLER. That is so; but they could not go any place where they could take up the land.

The next salient fact is that in all the later acts of Congress and the Choctaw west intended to relieve the Choctaws in Mississippi, conditions were prescribed impossible for the Mississippi Choctaws to perform.

Now, gentleman, I am fighting no one's battles, because I have no personal interest in it. All the years I have been considering Indian affairs nothing has impressed me so strongly as that there are a large number of Indians in Mississippi, Louisiana, and Texas who have not received their just deserts, and I think it should be the attitude of Congress and the attitude of the representatives of the Indian tribes in Oklahoma to meet squarely, honestly, and fairly the situation, try to arrive at a just accounting with these people, and to take care of their interests. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman and gentlemen of the House, there are men in the House who know much more about the Choctaw Indians both in Oklahoma and Mississippi than I do, but I have known something of them all my life and have known intimately of them for the last dozen years.

To intelligently bring this matter to the attention of the House it necessitates going into the matter historically for almost a hundred years. At the outset I want to assert that neither in law, equity, or good morals do the Choctaw Indians residing in Mississippi have any claim against the Choctaw Indians residing in Oklahoma. My assertion standing alone would not be of great value to this House; neither would it be of great value to those who sought to look it up, for assertions standing alone are often idle, empty, and without foundation in fact. But in the time allotted me I shall deal with the matter, first, historically; second, I shall debate the legal phase of the question; third, I shall debate the equities, morals, and justice of this proposition; and fourth, I shall show that much, if not all, of this commotion is brought about by unprofessional, unworthy, scheming, degenerate attorneys, who, by means of disreputable agents, three of whom are negroes, went into the fence corners, byways, and secluded places and by fraud, deception, and fiction secured thousands of contracts providing for exorbitant attorney fees from parties who are not Indians by blood at all, from those who have no right to enrollment, the ultimate purpose of these attorneys being the enrichment of their own pocketbooks through graft, fraud, deceit, and misrepresentation.

HISTORICAL DATA.

Ninety-four years ago, in 1820, the Choctaw Tribe of Indians in toto resided in the State of Mississippi. They owned 15,000,000 acres of land in Mississippi. By the treaty of 1820 they traded 4,000,000 acres of that land for what now comprises the Choctaw and Chickasaw Nation, in the State of Oklahoma, an area in the treaty described by metes and bounds, then Indian Territory, now a part of Oklahoma.

The treaty contained a provision which provided for the removal of the Choctaws from the State of Mississippi west, leaving 10,000,000 acres of their land behind in Mississippi.

Ten years later, in 1830, the treaty of 1830 was entered into between the Choctaw Indians and the United States Government, which was a treaty intended to more effectually carry out the provisions of the treaty of 1820, and which contains the fourteenth article, which is the sole and only basis for the pretended claim of those Indians, who have for almost 100 years refused to remove from Mississippi west to the then Indian Territory. They still refuse to remove there and are still residents of Mississippi.

The total number of Choctaws in 1830 was 18,200. Of these, 15,000 removed as per the terms of the treaty; approximately 4,000 of them remained behind in Mississippi. The 4,000 Indians that remained in Mississippi from 1830 to 1842 had the right to take up residence and be allotted land on the 10,000,000 acres in Mississippi as fast as they could be identified, allotted, and so forth. Only 143 families were induced to take lands from the 10,000,000 acres in Mississippi, while 3,385 for some cause refused to take allotments during this 12-year period. These Indians were, by the Federal Government, later given land scrip, 640 acres for each and every head of a family, 320

acres for every child over 10 years of age, and 160 acres for every child under 10 years of age, one-half to be delivered to them in Mississippi by the Federal Government and the other half after they removed from Mississippi to the then Indian Territory.

The muster rolls show that land for one-half of this scrip, as provided for, was in truth and in fact delivered to the Indians, and a list of their names can be found in the files of the Indian Office, and also by consulting House Document No. 808, Sixty-second Congress, second session. The other half, or the remainder of the scrip, was capitalized at $1.25 per acre and paid to these Choctaw Indians in person by the Indian agent for the Federal Government. See muster rolls of the Indian Office and vouchers, which show precisely that the Indians first received the land, and, second, the money.

The total amount of the money paid to the Indians was $872,000 for the last half of the scrip.

So it will be observed that the Indians who remained in Mississippi really received more land, more money, and had a larger patrimony than the Indians who moved on to the frontier at the instance of the Government into what then was a wild, savage country, where they suffered the hardships of the outrages committed by the wilder tribes of Indians who then lived upon the prairie, preyed upon their peaceful neighbors, and committed all manner and sorts of offenses against them. It will be remembered that the Choctaws were always a peaceful, civilized people, and never warlike, as were other tribes.

Of those who remained in Mississippi the muster rolls show that from 1838 to 1855 of the 4,100 Choctaws who remained in Mississippi 3,400 emigrated and took up residence in the then Indian Territory, thus leaving only 700 behind at that time. See House Document No. 808, Sixty-second Congress, second session.

These 3,400, who during that time emigrated to the then Indian Territory, now the State of Oklahoma, were enrolled and became full-fledged members of the Oklahoma Choctaw Tribe of Indians. See muster rolls of Douglas Cooper in the Indian Office.

From 1830 to 1889 any Mississippi Choctaw who would come to Oklahoma was not only welcome but was urged both by the Mississippi people and by the Choctaws of the then Indian Territory and by the Federal Government to go west and join the Indian Territory Indians to be enrolled, adopted as members of the tribe, and in fact to become full-fledged members in every respect.

During this period no Choctaw who ever in good faith moved to Indian Territory and took up bona fide residence there was refused admission to the tribe or driven away, but in each and every instance was accepted in full fellowship as a part of the Indian Territory Choctaw Tribe of Indians.

On March 4, 1889, Congress sent the Dawes Commission to Oklahoma to negotiate agreements for the winding up of the affairs of the Five Civilized Tribes of Indians. By so doing Congress stepped in and by act of Congress said: "We will make your rolls; we will allot your land; we will distribute your money per capita; we will sell your town sites, surplus lands, build up cities among you, increase the values of your land, and thereby help you prosper and improve your conditions."

This Dawes Commission was composed of a board of three lawyers eminently qualified from the standpoint of intelligence, legal ability, honor, and integrity to go to Oklahoma and perform the work of determining who was entitled to enrollment on the Choctaw rolls and who should be refused enrollment, and to decide how the affairs of these Indians should be wound up, how their lands should be allotted, and, in short, Congress empowered them to do any and all things necessary, looking to the final closing up and winding up of the affairs of the Five Civilized Tribes.

From this time on it will be distinctly understood that the Choctaw Indians themselves were shorn of power to manage their rolls and the Federal Government stepped in, and whatever occurred from this time on was by act of the Federal Government, rather than by act of the Choctaw Indians, in the then Indian Territory.

The attorneys for the Mississippi Choctaws and those contending for them base their entire claim on the fourteenth article of the treaty of 1830. This treaty is now 84 years old and has been construed by Federal commissions sent there with full power to construe it, by Federal courts vested with full power and final jurisdiction to pass upon it. Numerous acts of Congress have been passed specifically construing it, always holding that no rights of citizenship should accrue unless they removed west to Indian Territory. The fourteenth section of the treaty itself provides for a section of land of 640 acres for each head of a family, a half section of 320 acres for each child over 10 years of age, and a quarter section of 160 acres for each child under 10 years of age in Mississippi, and the record shows they got the land and the money and that it was actually delivered to them.

I shall incorporate in my remarks the section 14, upon which the Mississippi Choctaws base all their claims. It is as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of the treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half of that quantity for each unmarried child which is living with him over 10 years of age, and a quarter of a section to each child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

In July, 1896, 66 years after the treaty of 1830 was entered into, Jack Amos and 97 other Mississippi Choctaws appealed to the Dawes Commission for enrollment as Choctaw citizens of the full blood, residing in Mississippi. On December 1, 1893, the Dawes Commission rejected the claim of Jack Amos and other Mississippi Choctaws by blood on the ground that they were not residents of the Choctaw country west. This decision was appealed to the United States District Court for the Central District of Indian Territory, and the court sustained the Dawes Commission in an elaborate opinion entitled "Jack Amos v. The Choctaw Nation" (report of Commission to Five Civilized Tribes, 1896, p. 92), in which Judge Clayton held as follows:

Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrived at the conclusion that the "privilege of a Choctaw citizen" was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the land conveyed to him and to his people, and there, the only spot upon earth where he could do so, renew his relations with his people and enjoy all the privileges of a Choctaw citizen, except to participate in the annuities.

He held, in effect, that those who had not so removed were barred by failure to remove.

This decision of Judge Clayton was virtually affirmed by the Supreme Court of the United States, which held that the act of Congress gave final jurisdiction to the district court, and that the act itself was constitutional. See Stephens v. Cherokee Nation (174 U. S. Rept., p. 445). In the Supreme Court of the United States the matter was expressly argued in the case of Emma Nabors and others, appellants, against the Choctaw Nation, appellee, at the same time with the Stephens case, October term, 1898.

It will be remembered that the Dawes Commission was a Federal commission, provided for by Congress, and the members of which were appointed by the President. It will be remembered that none of the members were local men, and could therefore not be subjected to any sort of local influence. It will be remembered that they were men of great responsibility and appointed with that in view, so that their decision with reference to this enrollment matter is entitled to the greatest weight. However, it is not necessary to stop here to show that this fourteenth article of the Dancing Rabbit Creek treaty has been finally passed upon, but the Federal court in Oklahoma, by the act of June 10, 1906, was given final jurisdiction on appeal from the Dawes Commission to finally pass upon all these enrollment cases.

The decision of the Federal court, Judge Clayton as Federal judge, is clear, unequivocal, straight to the point, and deals with the precise question now at issue. The construction of this particular section is so well set forth in the year 1896 in the Jack Amos et al. case that I am going to insert the exact language at this point for the consideration of the House. It is as follows:

In the third article of the treaty the Choctaws agreed to move all of their people within three years, and the United States intended that they should go. But, by the fourteenth article of the treaty, provisions were made whereby those who should decide to remain and become citizens of the State of Mississippi, in the event that, because of the intolerance and persecutions of the whites, which they themselves had so bitterly experienced, or for any other cause, they might become dissatisfied with their altered conditions and their new citizenship and desire to follow them to their new homes and thereafter exercise with them in their own country the privileges of citizenship they could do so, except that they were not to participate with them in their annuities, the lands which they were to receive in Mississippi being deemed a compensation for that.

When the fourteenth article of the treaty was framed the negotiating parties understood that the policy of the United States was that the Choctaws were to be removed. The Choctaws, in article 2, had just agreed that they should all go. The ink was not yet dry in article 3, whereby the condition was placed in this grant to the lands that they should live upon them or they should be forfeited, and that no

bombarding the Halls of Congress, seeking to open the rolls of the Choctaw Nation, closed March 4, 1907. They are evidently proceeding upon the theory that anything goes in this day and generation when the thought of easy money presents itself. They have proceeded so far upon their easy-money proposition as to incorporate their enterprise under the laws of the State of Texas. To give this enterprise the appearance of respectability, they fixed the capital stock at $100,000, and gave it the euphonious name of the Texas-Oklahoma Investment Co. The company was to furnish $25,000 cash for the purpose of providing a fund to carry on the business of the corporation, the firm of Crews & Cantwell to retain 40 per cent of the stock, the other stockholders paying $25,000 for the 60 per cent. Crews & Cantwell transferred to the corporation some twelve or thirteen thousand alleged contracts with Choctaw claimants which they had procured from every niche and corner of the country. These contracts are a revelation in themselves. One of the provisions of the contracts taken by the attorneys representing the so-called Mississippi Choctaws provides:

> That in consideration of the premises, the party of the first part contract and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received of the right claimed.

This is certainly illuminating. The Indians assign, transfer, and convey to the attorneys 30 per cent not only of money that might be recovered, but convey 30 per cent of the lands that may be involved in a final distribution. One of the attorneys interested in the project estimated the value of a share of an individual Indian reduced to a cash basis to be about $3,000. Ten thousand such claims would amount to $30,000,000; a contingent fee upon this per cent would be $9,000,000, an insignificant attorney fee. The fee of $750,000 received by Mansfield, Murray & Cornish sinks into utter insignificance. What tremendous benefits are to be received by the stockholders of the Texas-Oklahoma Investment Co. for the amount invested! For Congress to lend assistance to this gigantic, nefarious scheme would be to stultify itself. [Applause.]

Mr. BUTLER. Mr. Chairman, may I have one minute in which to ask the gentleman from Ohio [Mr. POST] a question?

Mr. STEPHENS of Texas. I yield one minute to the gentleman.

Mr. BUTLER. I understand that the dispute is between the enrolled Choctaw Indians of Oklahoma and the Choctaw Indians of Mississippi?

Mr. POST. Yes, sir.

Mr. BUTLER. And is it your opinion that the Indians of Mississippi ought not to participate in this fund, because they did not remove there?

Mr. POST. I think they are undoubtedly limited to the terms of the agreement made by the Government.

Mr. BUTLER. I thank the gentleman for his answer.

Mr. HARRISON. Mr. Chairman, I have 40 minutes, and I think it will be consumed in one speech, and therefore I would like to put it off until later.

Mr. STEPHENS of Texas. Will the gentleman from Minnesota [Mr. MILLER] use some of his time now?

Mr. MILLER. Mr. Chairman, I assumed that the side over there would use some time first.

Mr. STEPHENS of Texas. We have used 10 minutes in favor of my motion.

Mr. MILLER. Is the gentleman from South Dakota [Mr. BURKE] here?

Mr. MANN. The gentleman from South Dakota does not desire to use time right now.

Mr. STEPHENS of Texas. Then I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. I stated to the gentleman that probably the time allotted to me would be taken up by one speech, and I would like to put it off to the last. I made the motion, and I think I should have that right.

Mr. MANN. The gentleman from Mississippi [Mr. HARRISON] has a preferential motion pending, and certainly some one on that side ought to use time. I suppose it is not intended that one gentleman will use an hour and twenty minutes.

Mr. STEPHENS of Texas. Mr. Chairman, we have used 11 minutes on my side.

The CHAIRMAN (Mr. HOWARD). The time is running.

Mr. MANN. The time is not running, Mr. Chairman.

Mr. EARRISON. Mr. Chairman, I yield five minutes to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, the gentleman from Ohio [Mr. POST] puts his reason for this amendment to be voted out of this bill on the proposition that the Choctaws of Mississippi remained in that State and did not go to the territory or to the reservation set aside for them. Every man who is familiar with the Dancing Rabbit treaty and with the whole transaction, and with the conduct of Mr. Ward, the Government's agent, who imposed upon the credulity of the Mississippi Choctaw Indians, knows in his heart that they have never received a square deal from the Federal Government. The Mississippi Choctaws were the Indians who stood by the white man. They marched with old Andrew Jackson down to New Orleans. They stood up in blood and fought for the American flag, and when the gentlemen from Oklahoma want to take all of this money and give it to the Indians in that territory they propose to do an inequitable and dishonorable act to the Choctaws of the State of Mississippi.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Oklahoma?

Mr. QUIN. No; I can not yield to you, sir. You know the RECORD bears me out.

Mr. FERRIS. I want to correct the gentleman.

Mr. QUIN. You know that those Indians in the State of Mississippi have been cheated out of their rights. You know that those $3,000,000 that you Oklahomans are endeavoring to distribute now among the Indians of that territory should be held intact until the Choctaws and their descendants of the State of Mississippi have been enrolled. They are entitled to receive their part of it.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. QUIN. I have not time to yield.

Mr. FERRIS. The gentleman ought not to make misstatements.

The CHAIRMAN. The gentleman refuses to yield.

Mr. QUIN. I want to say that the fight of these Mississippi Choctaws has just now started. You can never have that money distributed among the Oklahoma Indians until you give to the Mississippi Choctaws and the Louisiana Choctaws their rights under the law. They have never yet had one penny. Regardless of that, you stand upon technicalities and require certain writings and acknowledgments from the Mississippi Choctaws yonder, who could neither read nor write. Do you expect them to read and write just like all the readers and writers of that time? You understand the conditions that existed there. The facts have been fully set out, and still you want to hold those Choctaws off the roll.

They are all over that country. They know what is going on, and I believe that those people who live in other States ought to come to the rescue of these poor Choctaws of Mississippi and Louisiana who have not, thus far, been awarded justice by this Government. It is up to the membership of this House to stand by them in good conscience. We do not want any wrong done to the Oklahoma Indians. We simply want right and justice done to the Indians of Mississippi and Louisiana. They are, as I say, all over that country. Representatives of that country receive letters every day pleading and begging to have justice done to the Choctaws of that section, and still you find the fight carried on against us.

You understand from the records here that some attorneys from Oklahoma have been hunting around here like a regular lobby in Washington City endeavoring to fool Congress and fool the people of the United States. I ask you, gentlemen, on this proposition to give justice and right to the helpless, to those who have been held back and deprived of their rights ever since the signing of the Dancing Rabbit treaty down to this good hour.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. QUIN. I have not the time to yield. The gentleman knows I have not any time to spare. What little time I have, sir, I propose to put in for my good friends the Choctaws of Mississippi and their descendants. [Applause.] I do not believe you would try to stand up and get all this money for your own country, but I say that these poor people back yonder in Mississippi who have been deprived of their rights should receive justice at your hands, even though you, coming from the State of Oklahoma, can not give justice to those Indians in my State.

Mr. CARTER. Who got the land?

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. QUIN. I want to say that your Indians got the land that belonged to my Indians, and you are trying to cheat these Mississippi and Louisiana Indians out of the money that they are entitled to. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. STEPHENS of Texas. Mr. Chairman, does the gentleman from Oklahoma desire to use some time?

Mr. CARTER. Not now.

Mr. STEPHENS of Texas. Does the gentleman from South Dakota desire to use some?

Mr. BURKE of South Dakota. I would prefer to have expressed the views of those who represent the Mississippi end of the controversy.

Mr. STEPHENS of Texas. We have used 11 minutes, Mr. Chairman, and if no gentleman wants to speak I think I shall ask that we proceed with the reading of the bill.

Mr. MILLER. Mr. Chairman, please notify me when I have proceeded for 10 minutes.

The CHAIRMAN. Very well.

Mr. MILLER. Mr. Chairman and gentlemen of the committee, it is not my purpose at this time to enter into any very exhaustive discussion of the Mississippi Choctaw matter. For a great many reasons I have very pronounced convictions on the subject, having given some years, I might properly say, of study and investigation to it; but personally I do not think this occasion is one where my own views should be expected or where they would be of any particular value in the consideration of this matter. However, inasmuch as the general question of the rights of the Mississippi Choctaws in and to some property belonging to the Choctaws of the recognized nation in Oklahoma is involved, it may be well to make one or two general statements that to my mind are quite convincing and conclusive.

There is a great deal of dust raised whenever the Mississippi Choctaw matter is mentioned. A great many immaterial, collateral, and, to my mind, unimportant facts are presented, which should have no weight or bearing on the matter at all. Starting at the beginning, we find that the Mississippi Choctaws, and all the Choctaws, in fact, lived in the State of Mississippi. By two treaties, that of 1820 and that of 1830, they yielded to the constant pressure of the whites in the effort to get them out and away from the land they held and owned. For many, many months they completely resisted every importunity, every urging known to the skilled agents of the United States Government, to get them to consent to remove west of the Mississippi, until it was agreed that article 14 of the treaty should be written.

That article 14 has been the subject of all the controversy since, and it is one that we should well look to at the beginning when we start a consideration of the question. That article contemplates, plainly and squarely, that not all of the Mississippi Choctaws shall move west. Yes, more; it contemplates that the major part of them shall not remove west, but shall remain in the State of Mississippi on their reservation. Furthermore, it contemplates, whether they move west or not, that they shall still be citizens of the Choctaw Nation. It says so specifically, in pointed terms.

It was only after that paragraph was written that the Indians signed and consented to the treaty. Then the next step is without question. Those who desired to remain in Mississippi could do so by indicating their desire. To whom was that desire to be indicated? To the agent of the Government. All the world knows that the man who represented the United States Government for that work at that place was the most consummate, heartless, merciless, conscienceless scoundrel that ever acted under the Stars and Stripes. [Applause.]

Now, all the country is not to blame for what he did; but, nevertheless, he did it. This is not hearsay. It is not conjecture. His acts were investigated by the Department of War, of which he was a member. Later on they were investigated by committees of Congress, and the reports were always the same.

Whenever an Indian tried to indicate his desire to remain in Mississippi he was practically prevented and prohibited from doing it. And to tell the story in a word, mighty few of the Mississippi Choctaws within the State, who desired in every way they could to express their preference to remain, were permitted to do so. As a consequence they were thwarted from realizing the benefits of the fourteenth article of the treaty, and that was the part of the treaty the writing of which induced them to sign the whole.

A good many did move west of the Mississippi. All would have been better off if they had removed. They did not know it then. Subsequent treaties were had between the Choctaws and the United States looking to redress for the unquestioned wrongs that were perpetrated upon these Indians. For 80 years nobody has ever stood up and said anything but that mistreatment was given to the Indians at that time.

In 1855 in particular a treaty was made, the object of which was to settle these controversies and to have a proper payment made, as far as it could be made, for the wrongs that had been done.

To my mind that which should concern Congress is whether or not these various steps looking to reparation have been adequate, whether or not they have reached the purpose for which they were taken. The question is not whether a wrong was committed, but whether the reparation has been adequate and complete.

I listened with some degree of interest to the statement made by the gentleman from Ohio [Mr. POST]. I would have been vastly more interested if he could have had the time to speak fully upon the subject, because I know he has carefully thought out and pondered the subject. That feature which struck me particularly was his conclusion that the Choctaws resident in Oklahoma had at various times invited their brethren in Mississippi to come there, and that is true. There is no criticism whatever upon them in that respect. Their attitude was always all right.

Further, it had been agreed that in order to enjoy citizenship in the Choctaw Nation west, and to have a right to participate in their property, it was necessary that the Indians all remove to and live in Oklahoma. But did the gentleman from Ohio or anybody else ever stop to think who made that agreement? Not a man representing the Choctaws in Mississippi made the agreement or had one word to say about it. That was an agreement entered into between the Choctaws of the West and the United States Government, by which it was agreed that the Choctaws living in Mississippi should move west in order that they might be enrolled and become citizens.

Mr. CAMPBELL. Will the gentleman yield for a question?

Mr. MURRAY of Oklahoma. Will the gentleman yield for a question?

Mr. MILLER. I will in a moment. Let me finish this.

Mr. MURRAY of Oklahoma. Will the gentleman yield now?

Mr. MILLER. I will in a moment, but not at this point. That would have been all right, too, if we had provided them with the means of removing. Now, we recognized that fact, because an appropriation of $30,000 was made by the Choctaws for the purpose, and they did remove a few hundred of them. But, of course, that sum was totally inadequate. You might just as well tell a newborn babe that he has a gold mine in Alaska if he will go there and take physical possession of it as to have told a Mississippi Choctaw during those times to go to Oklahoma, take a piece of land, and he would become a member of the tribe. They were physically and financially incapable of performing the act.

I understand that that is not true as to all individuals. I am speaking as to the general class, who are now asking for some relief. It is true that some did go. There were various associations organized for the purpose of getting them there. Such Indians have no complaint, because they were properly enrolled.

Mr. POST. I understood the gentleman to state awhile ago that the treaty of 1830 was made between the United States Government and the Choctaws of the West.

Mr. MILLER. I beg the gentleman's pardon. I did not so state.

Mr. POST. I so understood.

Mr. MILLER. I referred to the treaties subsequent to 1830—in 1855 and 1866.

The CHAIRMAN. The gentleman desired the Chair to notify him when he had occupied 10 minutes.

Mr. MILLER. I thank the Chairman. I desire to proceed for five minutes more.

There is one other thing to which I want to direct the attention of the committee, and I hope the committee will not for a moment imagine that I am trying to make a full presentation of all the intricate facts involved in this situation.

I would like to direct the thought of the membership of the House to those salient features which I think when determined will conclude this entire and eternal controversy.

The treaty of 1855 was designed to settle and end all these difficulties. The Senate had elaborate hearings. Under that treaty they were to sit as a court of arbitration. And after taking into consideration all the wrongs perpetrated upon the Mississippi Choctaws, or the Choctaws as a whole—of course, the only wrongs were upon the Mississippi Choctaws—they thought that about $5,000,000 would be a proper compensation for those wrongs, and they made an order that something over $3,000,000 should be paid to the Choctaws for those wrongs which had been perpetrated, beginning with this Indian agent back in 1830. From the sum of $5,000,000, however, there should be deducted the cost of removing the Choctaws who had gone west, and that sum amounted to about $3,000,000, leaving a net balance of $2,000,000. They actually appropriated $250,000 for this purpose in 1860, and expected to appropriate $250,000 each year thereafter; but the war then broke out,

then always invited their brethren from the East to become citizens of the nation, and from the Civil War there was a continuous emigration of small parties from Mississippi and Louisiana to the Indian Territory. A great many of the emigrants were admitted to full rights and privileges of citizenship by the Choctaw Nation during these years. The Choctaw Nation was always liberal in this respect, and in many instances sent emissaries east to induce the Mississippi Choctaws to remove west and become citizens of the nation, in several instances appropriating money for their removal. By the early efforts of the United States and the subsequent efforts of the Choctaw Nation the great bulk of the Choctaw Indians were induced to and did remove to their lands in Oklahoma and were finally enrolled as citizens of the Choctaw Nation. However, some fifteen hundred or two thousand yet remain east of the Mississippi, in the States of Mississippi, Alabama, and Louisiana. Some of them are well educated and highly civilized and rank among the best and most worthy citizens of those States. The great majority, however, have failed to adopt civilization, live a sort of nomadic life, have never yet learned to speak the English language, and refuse to become affiliated with those among whom they live, so that their condition is described to be poverty stricken and most deplorable. Most of those who received their reservations have been subject to the wily intrigues of the white man and deprived of their patrimony. Most of those who were paid in scrip were imposed upon by their more civilized brethren and were defrauded or cheated out of the value of their certificates. That those remaining in this deplorable situation in the States of Mississippi, Alabama, and Louisiana are in need of and deserve the protection of the United States Government, their trustee, is without question; but this does not prove that they are entitled to citizenship in the Choctaw Nation. Their rights in this respect depend entirely upon their standing before the law. That they are poor and needy proves nothing; that their rights have been infringed upon by those among whom they have chosen to live concludes nothing. We have the poor with us always; we have the inferior everywhere governed by the superior. What, then, is the standing of these Mississippi Choctaws in the eye of the law? Under the treaty of 1830 it was open to individuals of the Choctaw Nation to do one of two things—either to move west to the Choctaw lands, domicile, remain, and become a citizen of the Choctaw Nation, or remain in the State of Mississippi and become a citizen of that sovereign State.

Since 1830 what has been the status of the Indian remaining in the State of Mississippi? To what jurisdiction has he been a subject? By the very terms of the treaty of 1830, if he remained he was to become a citizen of the State of Mississippi; by his remaining in that State, designating his intention to receive his reservation, his receipt of script, and subsequently of money, certainly fixed his right as to citizenship. The mere fact of his remaining in Mississippi and the Government exercising no control over him would make him amenable to the laws of the State of Mississippi; he would be subject to the civil and criminal courts of the State; if he acquired property, that property would be the subject of taxation. In that situation he has remained to this day. Under the treaty of 1830, notwithstanding the fact that he might elect by its terms to become a citizen of the State of Mississippi, yet by the very terms of that treaty he had a right to renounce his allegiance to the State of Mississippi, remove to Oklahoma, fix his abode upon the lands of the Choctaw Nation, and become one of its members. The fact of his renunciation to no longer remain a citizen of the State of Mississippi was not sufficient to transfer his allegiance from that State to the Choctaw Nation. It required the fact of removal to lands of the nation and his intention to remain and dwell there. In no other way could he acquire the rights of a citizen and enjoy its benefits and privileges.

I call attention to the fact that no time limitation was placed upon a Choctaw Indian by the treaty limiting his right of removal to the Choctaw Nation west. His right to elect to remove west and enjoy the privileges and immunities of a Choctaw citizen in the government and property of that nation was not limited to 10, 20, or any number of years. But is such a right perpetual? Rather did not the Indian fix his own status? Could he live out of the territory of the Choctaw Nation, evade the obligations and burdens of citizenship while that nation was growing and progressing beyond the dreams of the most avaricious, and at the same time enjoy the benefits of the funds and common property of the nation by merely removing and declaring his intention to become a citizen? In 1830 the country west of the Mississippi was wholly undeveloped, and no one dreamed of the fertility and resources of that vast territory ceded by the United States to the Choctaw Nation. At the time there can be little doubt that the lands occupied by the Mississippi Choctaws in the State of Mississippi were much more desirable and valuable than those acquired by the nation in the far West. In that early day the methods of transportation were most meager, and to remove from Mississippi was most difficult and dangerous and an extremely arduous task.

Is it not reasonable to suppose that the Government intended that those Indians desiring to remove to the far West should do so within a reasonable time, and that those that did not do so within a reasonable time should be considered to have elected to renounce their allegiance to the Choctaw Nation and become citizens of the State of Mississippi?

In the third article of the treaty the Choctaws agreed to remove all their people within three years; and by article 14 those who should decide to remain and become citizens of the State of Mississippi, and in the event, because of the intolerance and persecution of the whites, which they themselves had so bitterly experienced, or for any other reason, they might become dissatisfied with their altered condition and their new citizenship, and desire to follow them to their new home, and thereafter exercise with them in their own country the privileges of citizenship, they could do so; but this right was certainly not to exist for all time. The amount and tenure of the estate conveyed by the United States to the Choctaw Nation in pursuance of the treaty of 1830 has some bearing upon this question. The tract of country west of the Mississippi was conveyed by the President March 23, 1842, and by this conveyance there was granted to the Choctaw Nation all the rights, privileges, immunities, appurtenances of whatsoever nature thereunto belonging, as intended to be conveyed to them and their descendants, to inure to them, as long as they exist as a nation and live upon it, liable to no transfer of alienations, except to the United States or with their consent. The instrument conveying in fee simple contained two conditions for its enjoyment; that is, a nation must exist as a nation, and must live upon the land as a nation. Any Choctaw Indian removing from Mississippi in 1831, 1832, or 1833, and who might live upon this land for 50 years, if he would remove from it would forfeit his rights to the immunities and privileges of the national estate. The right of alienation was limited. The nation could not transfer the land except to the United States or with the consent of the United States; notwithstanding the fact that the grant purported to be in fee simple, yet the land could not be alienated without the consent of the Government. In other words, the United States held a trusteeship over the property and estate of the Choctaw Nation which they had conveyed to it. The power then rested in the United States to determine the existence of the Choctaw Nation as a tribal government. No one would contend that after tribal relations in the tract of country west of the Mississippi had been dissolved the right of removal still exists.

In the very nature of things it was evident that in the evolution of things the Choctaw Nation would cease to exist as such. This fact no doubt led to the provision prohibiting alienation of the Choctaw land except to the United States or with their consent. It is apparent from these considerations that the right of removal, conferred by the fourteenth article of the treaty of 1830, was limited. By remaining in the State of Mississippi the Indian thereby renounced his citizenship in the Choctaw Nation and became a citizen of the State of Mississippi. If afterwards he desired to enjoy the benefits of the common property of the Choctaw Nation it was incumbent upon him to renounce his citizenship of the State of Mississippi and remove to the Choctaw country west of the Mississippi. In no other way would he be entitled to the rights and immunities of the Choctaw Nation.

By the pending measure it is intended to open up the rolls of the Choctaw Nation and permit the Indians still remaining in Mississippi and adjoining States, after the lapse of 84 years, to receive the benefits of the vast estate in lands yet unallotted and held in trust by the United States for the Choctaw Nation after the tribal relations have ceased to exist. There is no equity or justice or moral or legal right in such a contention. Congress has several times attempted to determine the rule which should be applied to the Mississippi Choctaws, claiming under the provisions of article 14 of the treaty of 1830.

By the act of June 10, 1896, a commission was authorized to hear and determine the application of all persons who might apply to them for citizenship in any of the said nations. An appeal was provided from the finding of this commission to the United States court of the Indian Territory. Growing out of the findings of this commission we have the decision of Jack Amos et al. against Choctaw Nation, in which the United States court of the Indian Territory held that the Mississippi Choctaw Indians were not entitled to citizenship in the Choctaw

Nation or to participate in the distribution of tribal property unless they moved and took up their residence in the boundaries of said nation.

By the act of June 7, 1897, a commission was appointed to negotiate with the Five Civilized Tribes and report to Congress whether the Mississippi Choctaws under their treaties are entitled to all the rights of the Choctaw citizenship. This commission submitted a report to Congress in which it is said:

> It follows, therefore, from this reasoning, as well as from the historical review already recited, that the nature of the title itself, as well as all stipulations concerning it in the treaties between the United States and the Choctaw Nation, that to avail himself of the "privileges of a Choctaw citizen" any person claiming to be a descendant of these Choctaws who were provided for in the fourteenth article of the treaty of 1830 must first show the fact that he is such descendant and has in good faith joined his brethren in the Territory with the intent to become one of the citizens of the nation. Having done so, such person has a right to be enrolled as a Choctaw citizen and to claim all the privileges of such a citizen, except to a share in the annuities. And that otherwise he can not claim as a right the "privileges of a Choctaw citizen."

Under the act of June 28, 1898, commonly known as the Curtis Act, the commission was directed to determine the identity of the Mississippi Choctaws who claim rights under the treaty of 1830. This act provides also that no person should be enrolled as entitled to an allotment in any of the five tribes unless he had in good faith removed to and settled with the nation in which he claims citizenship on or before the date of the approval of the act. Under this law a list was made up of Indians residing in Mississippi, Alabama, and Louisiana of 1,922 claiming rights under the treaty of 1830. This was not a roll of citizenship, but merely a roster to show who of those remained in Mississippi claimed under the treaty of 1830.

Notwithstanding the fact that the Congress had at various times from 1830 up to the close of the century appropriated money for the purpose of removing the Mississippi Choctaws to the lands of the Choctaw Nation west of the Mississippi, and that the Choctaw Nation in the Indian Territory had from time to time provided for the transportation of these Indians to its reservation, Congress again, by act of May 31, 1900, provided that any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Chickasaws and Choctaws by the Secretary of the Interior to make settlement within the Choctaw-Chickasaw country, and upon proof of the fact of bona fide settlement may be enrolled by the United States commission and entitled to allotment. Afterwards it was found that many of these Choctaw Indians residing in Mississippi were full blood, and through ignorance and lack of information as to their family history were unable to prove that they were descendants of the persons who had complied or attempted to comply with article 14 of the treaty of 1830. A rule of evidence was then established that all full-blood Choctaw Indians should be deemed to be Mississippi Choctaws and entitled to the benefits of the article. A commission found that 2,534 under this provision were entitled to enroll, providing such persons would remove to the Indian Territory within six months after the notice of their identification. On March 3, 1903, Congress appropriated $20,000 to assist these identified full bloods in their removal who did not have the means or inclination to remove themselves.

The Choctaw government in the Indian Territory made repeated efforts to secure the removal of the Mississippi Choctaws to the Choctaw country, the last effort in this direction occurring in 1891, when it appropriated money for the purpose of paying the expenses of certain Choctaw families and removing a number of families to the Indian Territory. The work of enrolling these Indians commenced in 1896, and was to close March 25, 1902, but Congress extended the time of closing the rolls to March 4, 1907, thus giving to the Mississippi Choctaws a period of 11 years after the enrollment work commenced within which to prove their claims and make settlement within the Choctaw country. Eleven years of actual agitation and enrollment was certainly ample time in which the Mississippi Choctaw, if he desired, should have proved his claim and made his removal. Every agreement made with these Indians, every act of Congress relating to them, and every act of the Choctaw Nation made residence in the tribe a prerequisite to citizenship. The time during which the rolls were in preparation extended over a period of 11 years, and it was provided that no person whose name does not appear upon the roll as herein provided shall be entitled in any manner to participate in the common property of the Choctaw Tribe. Sentimentalists may deplore the condition of these Indians, but their condition is no more deplorable than that of many Indians in various States. These Indians have not seen proper to take advantage of the provisions that were made for them relative to the right of citizenship in the Choctaw Nation. They remained in an isolated state, huddled together in small bands, and by reason of long separation from the Indians of the West became a clan by themselves. They neglected and refused, after repeated efforts on the part of the United States, exerted through many years, and on the part of the Oklahoma Choctaw Tribe, to join their brethren who bequeathed a wilderness and suffered untold hardships in conquering that wilderness to make rich and populous the State of Oklahoma. To compel the Choctaw Nation to share the comparatively small reward of their labor and suffering with the Mississippi Indians, who took no interest in the struggle and hardships of their brethren in conquering the wilderness and overcoming untold hardships, and who were not even willing to remove after the wilderness was subdued, and who were unwilling to share in the burdens of the tribal government, is neither morally nor legally right. These should be an end to all things.

Seventy-seven years since the time for removal and residence before the close of the rolls was certainly ample. To confer upon a Mississippi Indian the right of citizenship five years after the rolls have been closed and permit him to participate in the distribution of the lands and funds belonging to the Choctaw Nation in common and held by the Government of the United States in trust would certainly be a monstrous proposition. In view of the fact that many opportunities were afforded him for removal and his right to gain his citizenship in the Choctaw Nation, it is now proposed to confer upon him these rights without the fact of removal and residence. Such a proposition is preposterous. If there were any wrongs done the Choctaw Indians under the treaty of 1830, such wrongs were not committed by those who meekly submitted to the demands of the United States Government and braved the hardships of frontier life and carved out a national domain from the wilderness in the far West; if wrongs were committed against these eastern Choctaws, they were not done by one Indian against another, but were done by the Government of the United States through its officers, and if these Indians are entitled to relief, such relief should come from the United States.

There is another view to be taken of the fourteenth article of the treaty of 1830. The right of removal and the right of citizenship after removal was a personal right. The treaty dealt exclusively with Indians then in being, the heads of families and their children. Not one word is said in the treaty of their descendants. The identical Choctaws then in being, who desired to remain in the States and become citizens of such States, were given an allotment—to the head of each family, 640 acres; to all children over 10 years of age, 320 acres; and to all children under 10 years of age, 160 acres. This would include all Indians in being at the time of the execution of the agreement, and contemplated all that should be received by such Indians who desired to remain in the States except their right of removing and becoming citizens of the Choctaw Nation in their country in the West. It is doubtful if any of the beneficiaries of the fourteenth article of this treaty are still living, but it is proposed to confer upon their remote descendants the full rights of citizenship in the Choctaw Nation, carrying with it the right to participate in its lands and moneys. Such a proposition is unwarranted.

As a member of the subcommittee investigating this fractional question and hearing only one side of the question presented—that of the proponents—I have looked in vain to find any reason or justification for what is here asked for. These Indians have refused to affiliate with those among whom they have lived; many of them can not understand the English language. Living in isolation, huddled together in the direst poverty, they have been wholly neglected in education and religion, and their pitiable condition readily appeals to our sympathy. But there are conditions for the philanthropist, and wrongs are never righted by the perpetration of other wrongs.

In view of this history, these undisputed facts and the inevitable conclusion to be drawn from them, I was for a long time at a loss to understand the urgency with which these claims are presented, but am now no longer in the dark. A very enterprising firm of attorneys located in St. Louis, Mo., has solved the mystery. This firm of attorneys, through its agents and various ramifications, has searched the country with a fine-tooth comb in every State where there are persons of Indian blood, and in many States wholly devoid of Indians, and have by some means or other discovered that there are more than 12,000 persons in the United States tainted with Choctaw blood who have not been enrolled as members of the Choctaw Nation. This energetic firm of attorneys have been very persistent in pressing the claims of the Choctaw Indians, their affiliated whites and blacks and others, too numerous to mention, in whose veins no one but themselves ever suspected that a drop of Indian blood flowed. They have persistently been

and under the special order amendment 139 is now in order, but has not been read.

The CHAIRMAN. The Chair will call to the attention of the gentleman from South Dakota that he is mistaken as to the fact. The Clerk stands for the statement made by the Chair that it was amendment 139 which was read.

Mr. STEPHENS of Texas. The Chair is correct; it was read.

Mr. HARRISON. Mr. Chairman——

The CHAIRMAN. The question now before the committee is the motion of the gentleman from Texas.

Mr. HARRISON. Mr. Chairman, I desire to offer a preferential motion, to move to concur in Senate amendment numbered 139.

The CHAIRMAN. The gentleman from Mississippi makes a preferential motion to concur in the Senate amendment.

Mr. CARTER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CARTER. When the time is fixed for debate, which can be done by unanimous consent upon this amendment, I assume that the gentleman in charge of the bill will open and close debate, will he not?

The CHAIRMAN. That is the custom in the committee.

Mr. MANN. This is under the five-minute rule; nobody has time.

Mr. CARTER. I said if there was an agreement as to time.

Mr. MANN. That would depend upon what the agreement was.

Mr. STEPHENS of Texas. I desire to make an agreement with the gentleman from Mississippi as to what time should be consumed. I would like to know what time he will desire?

Mr. HARRISON. I will say we are willing to make any agreement. I should judge an hour on a side ought to be sufficient—half an hour on a side.

Mr. MANN. I suggest we want more time over here; we want more than half an hour on this side.

Mr. MILLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER. The gentleman from Mississippi has moved to disagree to the Senate amendments.

Mr. STEPHENS of Texas. Including this one.

Mr. MANN. That motion is not in order.

Mr. HARRISON. My inquiry was, if that motion is in order.

The CHAIRMAN. The Chair understood the gentleman from Texas to make the motion to disagree to the Senate amendment. The gentleman from Mississippi made a preferential motion to concur. That is the parliamentary status before the committee at this time. Has the gentleman from Texas a request to make in regard to the disposition of time?

Mr. STEPHENS of Texas. We would want on this side, I understand, two hours.

Mr. HARRISON. The gentleman means for his motion to disagree to the Senate amendments?

Mr. STEPHENS of Texas. One hour to be used by the majority and one hour by the minority.

Mr. HARRISON. That is agreeable to me if it is agreeable to the gentleman over there.

Mr. MANN. We want about an hour on this side.

Mr. HARRISON. I want to say out of whatever time I get I will yield to gentlemen over there.

Mr. MANN. We might not want it from the gentleman from Mississippi.

Mr. STEPHENS of Texas. Then I will change my request and make it one hour to be controlled by myself, one hour by the gentleman from Mississippi, and one hour by the gentleman from South Dakota [Mr. BURKE].

Mr. HARRISON. Mr. Chairman, this is——

The CHAIRMAN. Let the Chair state the question. The gentleman from Texas asks unanimous consent that debate on this amendment be closed at the end of three hours, one hour to be controlled by himself, one hour to be controlled by the gentleman from Mississippi [Mr. HARRISON], and one hour by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, this is a simple proposition; it is whether or not we want to disagree to the Senate amendment or concur in the amendment. There are no three sides to the proposition, and I think the time ought to be distributed equally as to the proponents of this particular proposition and the opponents of it, and I shall have to object to the request.

The CHAIRMAN. Objection is made.

Mr. MANN. I ask for the regular order.

Mr. STEPHENS of Texas. That restores the five-minute rule.

Mr. HARRISON. May I ask unanimous consent to make a request?

The CHAIRMAN. Does the gentleman from Texas yield?

Mr. STEPHENS of Texas. I yield for that purpose only.

Mr. HARRISON. I ask unanimous consent that debate on this question be limited to two hours and a half—one hour and a quarter to be controlled by the gentleman from Texas and an hour and a quarter by myself.

Mr. CARTER. Where does the request of the gentleman from Illinois and the gentleman from South Dakota come in?

Mr. MANN. I suppose the gentleman from Mississippi thinks there is no minority side. I object.

The CHAIRMAN. Let the Chair state the request. The gentleman from Mississippi asks unanimous consent that all debate on this pending amendment be closed in two and a half hours—one half the time to be controlled by the chairman of the committee and one half by himself. Is there objection?

Mr. MANN. I will have to object to that.

The CHAIRMAN. Objection is made. The gentleman from Texas is recognized.

Mr. CARTER. Mr. Chairman——

Mr. STEPHENS of Texas. Mr. Chairman, I yield to the gentleman from Oklahoma to make a unanimous-consent request.

Mr. CARTER. Mr. Chairman, I ask unanimous consent that time for debate on this amendment be limited to 2 hours—40 minutes to be controlled by the gentleman from Mississippi, 40 minutes by the gentleman from Texas [Mr. STEPHENS], and 40 minutes by the gentleman from South Dakota [Mr. BURKE].

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this pending amendment be closed in 2 hours—40 minutes to be controlled by the gentleman from Texas, the chairman of the committee, 40 minutes by the gentleman from Mississippi, and 40 minutes by the gentleman from South Dakota [Mr. BURKE]. Is there objection?

Mr. HARRISON. Mr. Chairman, reserving the right to object, I want to say I do not know what side the gentleman from South Dakota [Mr. BURKE] is on. It may be——

Mr. BURKE of South Dakota. I think, in fairness to the gentleman from Mississippi, that I ought to state that I do not favor the motion to recede and concur, but I do favor the motion made by the gentleman from Texas to disagree to the amendments of the Senate. I think it is only fair to make that statement.

Mr. HARRISON. That is giving them a double amount of time, and there are some gentlemen on this side who want to argue for my motion, and therefore may I ask the gentleman if he will not amend his motion to give 40 minutes to be controlled by the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. That will be an equal amount of time all around.

Mr. CARTER. If it will satisfy the gentlemen of the minority, I will change my request to this, Mr. Chairman: That there be 2 hours debate—40 minutes to be controlled by the gentleman from Texas [Mr. STEPHENS], 40 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from South Dakota [Mr. BURKE], and 10 minutes by the gentleman from Minnesota [Mr. MILLER].

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

Mr. CARTER. I will make it 20 minutes each.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry. Under the five-minute rule applying to this amendment there would be five minutes' debate on each side. The gentlemen ought to come to some conclusion pretty soon, or else the rule will be invoked.

Mr. MANN. The gentleman from Texas may have been at the ball game the other day when we had a gentlemen's agreement on this bill.

Mr. GARNER. I may have been, but I was in the company of the gentleman from Illinois.

Mr. MANN. We made it before we went.

Mr. STEPHENS of Texas. Mr. Chairman, I make the motion that I control 30 minutes, the gentleman from Mississippi [Mr. HARRISON] control 30 minutes, and that the gentleman from South Dakota [Mr. BURKE] control 20 minutes.

Mr. HARRISON. And the gentleman from Minnesota [Mr. MILLER] also to control 20 minutes.

Mr. STEPHENS of Texas. Then I will add that the gentleman from Minnesota [Mr. MILLER] have 30 minutes.

The CHAIRMAN. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent, in lieu of the other request, that debate on this amendment be limited to 2 hours—20 minutes to be controlled by himself, 20 minutes by the gentleman from Mississippi [Mr. HARRISON], 30 minutes by the gentleman from

South Dakota [Mr. BURKE], and 30 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection?

Mr. MANN. Reserving the right to object, I make the suggestion to the gentleman from Texas that he make it 40 minutes in place of 30 minutes in each case.

Mr. STEPHENS of Texas. That will extend the time 40 minutes.

Mr. FERRIS. Mr. Chairman, reserving the right to object, this is a wild amendment that went on in the Senate without the consideration of either branch of Congress, but I am not sure that we ought to have such time as is being apportioned to it. If we are going into it extensively, it will require some time; but I do not know that this amendment should be singled out and run over every other amendment that is of more importance, and unless the chairman feels keenly about it, I will object myself.

Mr. STEPHENS of Texas. I think that it will be better to agree to 40 minutes on a side, as has been suggested, rather than to run under the five-minute rule. My experience in this House has been that when we run under the five-minute rule we run over the time that should be allowed.

The CHAIRMAN. Does the gentleman from Texas modify his request?

Mr. STEPHENS of Texas. Yes.

The CHAIRMAN. The gentleman from Texas modifies his request by asking unanimous consent that debate on this amendment be limited to 2 hours and 40 minutes—40 minutes to be controlled by himself, 40 minutes to be controlled by the gentleman from Mississippi [Mr. HARRISON], 40 minutes to be controlled by the gentleman from South Dakota [Mr. BURKE], and 40 minutes by the gentleman from Minnesota [Mr. MILLER]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The gentleman from Texas [Mr. STEPHENS] is recognized.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield to the gentleman from Ohio [Mr. POST].

Mr. POST. Mr. Chairman, the Senate amendment, known as the "Williams amendment," provides that the provisions of this act shall not be applicable to members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws, whose names do not appear on the approved rolls of the Choctaws of Oklahoma, and until such Mississippi Choctaws as are found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

This proviso, if adopted, will render nugatory the provisions to pay to the Choctaws $100 per capita until another settlement of the right of the Mississippi Choctaws to be enrolled as citizens of the Choctaw Nation. This provision should be stricken from the pending measure. The question of the right of the Mississippi Choctaws to be enrolled as a member of the Choctaw Nation has been settled time and time again, not only by the Choctaw Nation itself but by repeated acts of Congress and decisions of the Supreme Court of the United States. The question involves, however, the right of what is known as Mississippi Choctaws to the privileges of a citizen of the Choctaw Nation. This right is ultimately founded upon the treaties between the United States and the Choctaw Nation, of October 18, 1820, and September 27, 1830.

In 1820 the United States entered into an agreement with the Choctaw Nation, then domiciled principally in the State of Mississippi, by which it acquired lands of that nation, some 4,000,000 acres, and ceded to the Choctaw Nation a large body of land bounded by the Arkansas and Red Rivers and the one hundredth meridian, constituting the present domain of that nation in the State of Oklahoma.

The undoubted purposes of this treaty are stated in the preamble. It was to induce that class of Choctaws who made their living by hunting, and who were not willing to work, to collect and settle together in the far West upon hunting grounds; it was also desired by the United States that the State of Mississippi should obtain a part of the lands then belonging to the Choctaw Nation. In the next decade very few of these Indians removed to their new home in the West, but elected to remain upon their old hunting grounds. Instinctively they were unwilling to give up the land they occupied for many years and abandon the graves of their ancestors, to remove to the lands west of the Mississippi, as provided by the terms of the treaty of 1820.

This reluctance on the part of the Indians resulted in further efforts on the part of the Government officials to induce the Indians to move west and culminated in the treaty of September 27, 1830. By this treaty the Indians gained nothing, but ceded to the United States about 10,000,000 acres of land in the State of Mississippi. The Indians were induced to make this concession to the Government by a provision in the treaty which allowed them to elect whether they would remain in Mississippi or remove west. Following the making of the agreement of September 27, 1830, a large number of Choctaws were transferred to the country west of the Mississippi and thereafter constituted the Choctaw Nation.

The fourteenth article of the treaty of 1830 provides:

> Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon such lands, intending to become citizens of the States, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

It will be noticed that to the head of each family desiring to remain and become a citizen of the States were to be allotted a section of land, a half section for each child over 10 years of age, and a quarter section to each child under 10 years of age; and that such person shall not lose the privilege of a Choctaw citizen, but if they ever remove to the Choctaw Nation west should not be entitled to any of the Choctaw annuity.

This Choctaw annuity amounted to about $20,000 a year and was insignificant. Under this section of the treaty a large number gave notice of their intention to remain and become citizens of the State of Mississippi, although a very limited number—143—ever received patents for their land.

In the case of Choctaw Nation v. The United States (119 U. S., 1) it is stated that 1,346 Choctaw heads of families complied with or attempted to comply with provisions of the treaty, and that as late as 1838, 5,000 Choctaws resided in the State of Mississippi. Shortly after the ratification the Office of Indian Affairs intrusted the enrollment of the Indians who might desire to take advantage of the provisions of article 14 to the local Indian agent, one Col. William Ward. His conduct was wholly unsatisfactory, both to the Government and to the Indians.

The official reports show he was oftentimes intoxicated when the Indians applied to him for reservations; that he was harsh and abusive in his treatment of them; and that after making some few registrations he bluntly refused to receive any more applications and drove the Indians from his presence. To the conduct of this officer of the Government is attributed the small number of names that appear upon the register of those who desired to take up reservations, and has been the cause of contention lasting over the period of about 84 years.

On March 3, 1837, Congress passed an act appointing a commission to determine those Mississippi Choctaws who had been omitted from the registration and had been deprived of their reservations under article 14.

By the act of August 23, 1842, scrip was issued to those persons found entitled by these commissions in lieu of the land which should have been allotted to them under article 14 of the treaty of 1830. Only one-half of this scrip was delivered at that time, but was delivered to those residing east of the Mississippi River; the other one-half was held until such time as the scripees should remove to the lands west of the Mississippi. This scrip gave the applicants the right to enter public lands in the States of Arkansas, Mississippi, Alabama, and Louisiana in equal quantity to the amount of land the holder would have been entitled to under the fourteenth article.

The idea of retaining one-half of this land until the holder should remove west of the Mississippi River must have been with a view to carrying out the intention of the Government to require these Choctaws to eventually remove west of the Mississippi to the Choctaw Nation. However, by act of Congress of March 3, 1845, it was provided that this remaining one-half should be capitalized at $1.25 per acre, and the accrued interest thereon, at the rate of 5 per cent per annum, should be paid to the Indians or their representatives. Nothing was done, however, until the act of July 21, 1852, when it was provided that the amount yet due these Indians in scrip under the original act should be paid to them in money, and the sum of $872,000 was appropriated for that purpose. The greater portion of this money was paid out through the Office of Indian Affairs to the persons entitled to it as found by the awards made by the commission appointed under the act of 1842.

During the strenuous times immediately preceding the Civil War, and until near the close of the century, the affairs of these Indians seemed to have invoked very little attention from the National Government. In the meantime, the Choctaw Na-

The SPEAKER. The gentleman from Nebraska will send it to the desk. The Clerk will report it.

The Clerk read as follows:

House resolution 295.

Resolution directing the Secretary of the Treasury to send to the House of Representatives certain information.

Resolved, That the Secretary of the Treasury be directed to send to the House of Representatives the following information so far as this information is now contained in the files of the Treasury Department:

First. What corporation now holds title to the 100 miles of railroad extending from Atchison to Waterville, Kans., formerly owned by the Central Branch of the Union Pacific.

Second. Did the United States issue subsidy bonds to this railroad company to the amount of $1,600,000.

Third. If so, has the principal and interest been paid. If not, state the amount still due.

Fourth. Has the United States made demands upon the present owners of the said railroad for reports of its business.

Mr. UNDERWOOD. Mr. Speaker, reserving a point of order, the resolution does not seem to be in the usual form. I do not know how the resolution came to go to the Committee on Ways and Means, if it has gone there, as it is not one of those matters over which the Committee on Ways and Means has jurisdiction.

The SPEAKER. It was referred to that committee because it has to do with information concerning bonds.

Mr. UNDERWOOD. I see no objection, though, to the gentleman getting the information if he will make the resolution accord with the usual form and say, "If not incompatible with the public interest."

Mr. BARTON. I shall be pleased to make the amendment.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MANN. We had some controversy about that form of a resolution some time ago. I took the trouble to look up the precedents, which are almost unanimously in favor of the proposition that a resolution addressed to the President or the Secretary of State in regard to foreign affairs must use the language "if not incompatible with the public interest." But other resolutions omit that phrase.

Mr. UNDERWOOD. Well, as the gentleman states, there are a great many resolutions that have been passed that have omitted it, but many have not; and I think it proper to have the clause in the resolution. I am sure the gentleman would not desire to pass the resolution without it.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. GARNER. As a matter of privilege of this House I think all resolutions that go to any of the heads of departments other than the President or the Secretary of State ought to direct the giving of such information as this House may desire.

It seems to me it is going too far to say "if not incompatible with the public interest," because it is presumed at least that this House will not call for information that is incompatible with the public interest; and if it does call for information that is incompatible with the public interest it is easy enough for the head of the department, through the President, to advise the House that it is incompatible with the public interest.

Mr. UNDERWOOD. Mr. Speaker, I do not concur at all in the views of my friend from Texas. I notice in a captious press it is very often being stated now that the legislative department of the Government is being absorbed by the executive part of the Government. I believe in that old school of philosophy that the three departments of the Government—the legislative, the executive, and the judicial—should be separate and apart; but I do not think this House has any more right to direct the executive department of the Government what to do except by law——

Mr. GARNER. This makes it law——

Mr. UNDERWOOD. A law requires the concurrence of the Senate and the President. I do not think this House has any more right to direct the Executive than the Executive has to direct the legislative department what to do.

Mr. PAYNE. But he is doing it.

Mr. LANGLEY. Compelling us to stay here, for instance. [Laughter.]

Mr. UNDERWOOD. I hope the gentleman from New York will concur in my view.

Mr. FITZGERALD. There may be a very good reason why this particular resolution should contain the expression referred to by the gentleman from Alabama, because it calls on the Secretary of the Treasury to state whether any litigation has been commenced against a corporation, and if so, what action has been taken by the Treasury Department. If litigation be pending, perhaps it might be unwise or incompatible with the public interest to have that disclosed; but outside of such a situation I think there should be no misunderstanding, not only as to the right but the duty of this House to compel executive departments to furnish information when it seems necessary for the transaction of the public business; and, moreover, the Treasury Department is one of the executive departments which by the law creating it is required to submit its reports not to the President, but to the Congress direct.

It may be sound public policy not to insist upon certain information in this particular resolution, if there be litigation pending, regardless of the effect it might have upon the public interest; but I think my friend from Alabama [Mr. UNDERWOOD] will agree that we ought to maintain and insist upon the prerogatives of the House. I recall an occasion when one of the bodies of Congress called upon the Commissioner of Corporations in a recent administration to furnish certain information, and because the law provided that certain records should be transmitted by the Commissioner of Corporations to the President, who could withhold them, as soon as the resolution was adopted that information was sent to the White House and the President declined to furnish it to the branch of the legislature requesting it—not, in my opinion, because any good public purpose was served by that action, but in order to prevent certain disclosures being made that might have been detrimental to the political welfare of the party then in power.

Mr. MANN. Mr. Speaker, if the gentleman from Alabama will yield for a moment.

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. MANN. On several occasions when this matter has arisen, both in the House and in the Senate, each body has stricken out of resolutions the words "if not incompatible with the public interest," because both Houses maintained the authority to direct the head of the department to send the information. That is an old, old matter.

So far as this resolution is concerned I have no objection to the amendment, but I would not want it to be taken——

Mr. GARNER. As a precedent.

Mr. MANN. I would not want it to be understood that all the Members of the House agree that those words should be inserted in all resolutions of inquiry.

Mr. UNDERWOOD. I have no objection to that. The resolution was referred to the committee of which I am chairman, and I have not had opportunity to talk with the Secretary of the Treasury about it. I think it is subject to a point of order, which I have reserved, but I am perfectly willing that the gentleman may get the information if he is willing to amend his resolution so that if the Secretary determines it is not compatible with the public interest he will not have to send it down.

Mr. BARTON. Mr. Speaker, I ask unanimous consent that the resolution be amended by incorporating the words "if not incompatible with the public interest."

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the resolution be amended by inserting the words "if not incompatible with the public interest."

Mr. GARRETT of Tennessee. Mr. Speaker, reserving the right to object, I should like to suggest to the gentleman from Nebraska that, in line 9 in the phrase "subsidy bonds," the word "subsidy" being used as an adjective, I presume it necessarily calls for an opinion on the part of the Secretary of the Treasury, and would therefore destroy the privileged character of the resolution. Now, I have no objection to the information which the gentleman seeks being furnished, but it seems to me that he ought to strike out the word "subsidy."

Mr. BARTON. The gentleman knows, and I know, that they were subsidy bonds. They were issued to railroads at that time, and generally written and conceded in that way. I have no objection to striking out the qualifying word. It was meant merely as a descriptive word. What I want is information as to the issue of bonds by the United States Government, and how many. I have no objection at all to making that change, and I ask unanimous consent to strike out the word "subsidy."

The SPEAKER. Is there objection to the request of the gentleman from Nebraska [Mr. BARTON] to insert after the word "directed," in line 1, the words "if not incompatible with the public interest"?

There was no objection.

Mr. GARRETT of Tennessee. Now the gentleman can make the other request.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to strike out the word "subsidy" in line 9.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to strike out the word "subsidy" in line 9. Is there objection?

There was no objection.

The SPEAKER. The gentleman moves to discharge the Committee on Ways and Means from further consideration of House resolution 295 and pass the same.

Mr. GILLETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GILLETT. I rise to address the House. I think the previous question has not been ordered.

Mr. UNDERWOOD. Mr. Speaker, I——

Mr. GILLETT. I just wish a moment.

Mr. UNDERWOOD. All right. I have the floor, and I will yield to the gentleman. How much time does the gentleman desire?

Mr. GILLETT. About two minutes.

Mr. UNDERWOOD. I yield to the gentleman from Massachusetts two minutes.

Mr. GILLETT. My attention was caught by what the gentleman from Alabama said, that he believed in the independence of the executive and legislative branches of the Government. I quite agree with him, and I think our independence has suffered under this administration; and it brought to my mind two instances in this Congress in which the gentleman from Alabama brought the influence of the President to bear upon this House. One was when the resolution was up which contemplated intervention in Mexico. I remember the gentleman from Alabama used as his argument for adopting that resolution that the President desired it.

I remember another instance last fall, when the gentleman from Alabama [Mr. UNDERWOOD], who disclaims the purpose of having the Executive influence legislative action as his reason for the House not adjourning, but continuing in session constantly, made the argument that the President of the United States desired it—purely a legislative action, an action which we ought to be able, it seems to me, to decide for ourselves. But the gentleman from Alabama, who now disclaims any desire or opinion that the Executive ought to influence the legislative branch of the Government in these two instances, gave the wish of the Executive as his reason for urging upon the House certain action. I cite these instances not with any purpose of reflecting upon the gentleman from Alabama, the very able and successful leader of the House, but as illustrating the encroaching influence of the Executive on the legislation in this administration.

Mr. UNDERWOOD. Mr. Speaker, I do not recall the second instance to which the gentleman refers. I do not know whether he is indulging in a real recollection of the fact or whether he is confusing me with somebody else.

Mr. GILLETT. I think the RECORD will confirm me.

Mr. UNDERWOOD. I have no recollection as to that; but as to the other instance, when the resolution was before the House authorizing the President of the United States to move troops into a foreign country, I did state that this House should uphold the hands of the Executive, and I am willing to stand by that at any time. [Applause on the Democratic side.]

Mr. GILLETT. But the gentleman went much further than that. He stated that his reason was that the President wished it.

Mr. UNDERWOOD. Oh, no.

Mr. GILLETT. I think the RECORD will bear me out in that.

Mr. UNDERWOOD. The gentleman does me an injustice.

Mr. GILLETT. I do not wish to do that.

Mr. UNDERWOOD. I did not think that after serving for 20 years in the House with the gentleman from Massachusetts he would accuse me at this late date of having to think through somebody else's intellect. I did say, however, as one of the reasons why the resolution should be adopted that the House was not informed as to the facts in Mexico; that it was impossible for the House to be informed as to the facts in Mexico; that we were in a foreign complication, where our men were being shot down in a foreign country, and there was no reason in the world, and there is not now, why we should not uphold the hands of the Executive under such circumstances.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Not now.

Mr. MADDEN. I would like to ask the gentleman a question.

Mr. UNDERWOOD. I can not yield. There is no reason why we should not uphold the hands of the Executive. It is one of those cases where we can not have parties, where each branch of the Government must stand up behind the Executive; but I do say that, when it comes down to merely legislative matters, I believe in respecting the authority of the Executive within the sphere fixed for it by the Constitution [applause] as much as I desire the Executive to respect the authority of the legislative branch of the Government within the scope and line fixed for it by the Constitution. [Applause.] Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House bill 11745. I was under the impression that I had obtained that consent on yesterday, but I find on looking at the RECORD that I did not get in the RECORD.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will ask the gentleman from California upon what subject he desires to extend his remarks in the RECORD?

Mr. RAKER. On House bill 11745, the bill to provide for a certificate of title of homestead entry by a female American citizen who has intermarried with an alien, which passed the House yesterday.

Mr. MANN. That bill has passed the House. What does the gentleman want to insert in the RECORD now?

Mr. RAKER. I thought I had obtained consent yesterday, but on reading the RECORD I find that it does not appear.

Mr. MANN. The gentleman did not obtain the consent.

Mr. RAKER. I evidently did not get it as I intended.

Mr. MANN. No; the gentleman did not make the request. What does the gentleman want to insert in the RECORD on a bill that has already passed by unanimous consent—a long speech?

Mr. RAKER. No; I want to put in about 400 words on the subject.

Mr. MANN. I would like to know what the gentleman wants to put in the RECORD.

Mr. FITZGERALD. Mr. Speaker, I suggest that the gentleman submit his remarks to the gentleman from Illinois for examination in advance.

Mr. MANN. If the gentleman wants to insert some of his own remarks, he should be able to tell us what they are.

Mr. RAKER. Mr. Speaker, the report on the bill prepared by myself at the direction of the committee simply permitted those who have married foreigners to obtain title to land where they had already filed before the enactment of this bill. I have been, and am now, unalterably opposed to making it a general law that American women should marry those who are not citizens of the United States and have the right thereafter to obtain a homestead.

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection?

Mr. MANN. Mr. Speaker, I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JOHNSON of Washington, for five days, on account of ill health.

To Mr. L'ENGLE, indefinitely, on account of illness.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579, the Indian appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Indian appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The first amendment was reported before the committee rose when the bill was last under consideration.

Mr. STEPHENS of Texas. Mr. Chairman, unanimous consent was obtained on the last day when this bill was under consideration that amendment 139, known as the Mississippi-Choctaw amendment, should be considered before the other amendments were considered.

The CHAIRMAN. That amendment was reported to the committee before the committee rose at the last meeting, and is now before the House.

Mr. STEPHENS of Texas. Mr. Chairman, I have moved to disagree to all of the Senate amendments and ask for a conference.

Mr. BURKE of South Dakota. Mr. Chairman, that motion is not now in order.

The CHAIRMAN. The Chair will state that it is not now time to move for a conference. The gentleman now moves to disagree to the Senate amendment.

Mr. STEPHENS of Texas. This amendment.

Mr. BURKE of South Dakota. Mr. Chairman, the Chair stated that this amendment 139 was read before the committee rose on the last day when the bill was under consideration. I think the Chair is in error. The first amendment was the amendment that was read when the committee rose, as I recall,

These experts will investigate trade conditions abroad and in the United States, including the insular possessions, with a view to determining the cost of production at home and abroad.

Mr. OVERMAN. How can that be, Mr. President? That act has not become a law. The legislative bill has not passed yet.

Mr. GALLINGER. I understand, but it is going to pass. It seems that the President, if this clipping is correct, anticipated the actual passage of the law and exempted these high-priced officials, 14 in number. In other words, 14 good Democratic workers will get these positions without any reference to the civil-service law just as these men have received their appointments and, as I believe, largely because of their political activity to these high places—$7 a day and $3 for subsistence—to look into matters connected with the internal revenue, I believe in reference to the income tax.

I call attention to this, Mr. President, for the reason that I wrote at my desk this morning, and it is in my desk now, for I did not have an opportunity to offer it, a resolution asking for a statement as to how many officials of this kind have been appointed outside of the civil-service law during the Sixty-third Congress. It is a very large number, and if we are going to ignore the civil-service law every time we come to a point where we are to select 14 or 20 or 40 or 50 men, more or less, to do work that could be done by men who are on the rolls of the Civil Service Commission, who have taken an examination and who ought to have consideration, it looks to me as though it is a bad condition of things.

Mr. OVERMAN. Will the Senator yield to me?

Mr. GALLINGER. With pleasure.

Mr. OVERMAN. The Senator knows that the statement in that clipping can not possibly be true, because there are no such officers created as special agents, and the President could not have issued that order. No such office is in existence and will not be until the bill shall have passed both Houses and been signed by both presiding officers and signed by the President. So the clipping can not be true.

Mr. GALLINGER. It is a bare possibility that it is anticipatory. That it will happen precisely as the clipping suggests I apprehend is correct; but whether that be so or not, the scores of places that have been exempted from the operation of the civil-service law during the past month or two are rather alarming to me. I am not a great stickler for the civil-service law either, but I do really think that if we are going to emasculate the law by Executive order or by exempting such employees from the terms of that law it is about time for us to have a careful inquiry made into the matter. I hope that the Senator from Iowa [Mr. CUMMINS], who has taken a great deal of interest in civil-service matters and who was the chairman of the committee when we were in the majority, will look into it and see whether we are going along correct lines or not.

Mr. CUMMINS. If that is a question, I respond that we are going, as I said the other day, as rapidly away from the civil-service system as we can go.

I rise to ask whether the amendment on page 197, line 23, was overlooked. I did not hear it referred to in the reading of the bill.

The VICE PRESIDENT. It was read and agreed to.

Mr. CUMMINS. I was sitting here and I did not hear it read. I should like to have it reconsidered. I think it covers the point I suggested a moment ago.

Mr. MARTIN of Virginia. If the Senator wishes to be heard on that amendment, I have no objection to its reconsideration, and let it go over until morning.

Mr. CUMMINS. It has come to my attention that men I had in mind who fill the office of a general board of appraisers are called to Chicago, San Francisco, and other places in which a large amount of business is done, and if I understand it aright they would be limited in this bill to $6 a day for subsistence.

Mr. MARTIN of Virginia. That is correct. The committee fixed it at $6 a day.

Mr. CUMMINS. I do not think that is sufficient. It is a maximum, at any rate, and the head of the department has authority over it. I wanted to suggest an amendment raising it to at least $8 per day.

Mr. GALLINGER. Does not this refer to the subordinates who are detailed for work in the field?

Mr. CUMMINS. No; it says:

That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

Mr. MARTIN of Virginia. I ask unanimous consent that the vote may be reconsidered by which the amendment was adopted.

The VICE PRESIDENT. Without objection, it is reconsidered.

Mr. MARTIN of Virginia. Now, I ask——

Mr. CUMMINS. I move to insert "$8" in lieu of "$6," and it goes over until to-morrow.

Mr. MARTIN of Virginia. It goes over until to-morrow, and also the last amendment.

Mr. GALLINGER. I ask that the last amendment may go over until to-morrow.

Mr. MARTIN of Virginia. I have just requested that it go over until to-morrow. I desire to give notice that to-morrow morning, after the completion of the routine business, I will ask the Senate to resume the consideration of this bill.

Mr. NEWLANDS. I should like to offer an amendment to come in after line 18, on page 198. It is to insert:

The commissioner, assistant commissioner, and members of the United States Board of Mediation and Conciliation while traveling on duty or engaged in the work of mediation and conciliation outside of the District of Columbia shall be allowed actual and necessary expenses for subsistence without regard to the limitations as to amount found in the second paragraph of that portion of the urgent deficiency act approved April 6, 1914, which relates to the Commission on Industrial Relations.

Mr. CUMMINS. We have not finished the committee amendments.

Mr. MARTIN of Virginia. The Senator can offer it and let it go over to be considered after we complete the committee amendments.

Mr. NEWLANDS. I should like in connection with the amendment to have a letter to the chairman of the Committee on Appropriations from Mr. Chambers, the chairman of the Board of Mediation and Conciliation, regarding this item of subsistence printed in the RECORD.

Mr. MARTIN of Virginia. The Senator wishes to have it go in the RECORD?

Mr. NEWLANDS. I should like to have it go in the RECORD. I send it to the desk so that it may be incorporated in the RECORD.

The VICE PRESIDENT. Without objection, it will be so ordered.

The letter referred to is as follows:

UNITED STATES BOARD OF MEDIATION AND CONCILIATION,
Washington, July 6, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I beg to request that the item in the sundry civil appropriation bill, now before your committee, making appropriation for the expenses of the United States Board of Mediation and Conciliation, be amended to exempt the Commissioner of Mediation and Conciliation, and the assistant commissioner and members of the United States Board of Mediation and Conciliation from the provisions of the urgent deficiency act of April 6, 1914, which limits the allowance for subsistence to $5, and to provide instead that the officials above named be allowed or paid their actual and necessary expenses for subsistence while traveling on duty outside of the District of Columbia.

In explanation of the above request, I beg to state that to limit the above officials to $5 per day for subsistence would prove of serious detriment to this service. Most of the cases brought to this board require the services of either the commissioner, the assistant commissioner, or a member of this board in one of the large cities, where suitable hotel accommodations in a central location convenient to the railroad officials and to the organization officials can not be secured within the limitation.

In connection with the work of mediation, it is necessary always to have a suitable room for the conferences with the parties to the controversy; and so far such accommodations have been furnished gratis by the hotels at which the mediators have stopped. In order to come within the $5 limitation of expenses for subsistence, it would be necessary in most cases for the mediator not only to secure hotel accommodations in a less convenient location, involving loss of time in getting into touch with the parties to the case and in carrying on negotiations, but also to hire a room for conferences, which in itself would cost more than the entire expenses for subsistence at present.

Cases come to this board only after the railroads and their employees have exhausted every other means of composing their differences, and when the controversy has reached a critical point, threatening to terminate in a strike and consequent stoppage of operation and inconvenience to the public. It is imperative that the mediator act quickly and get promptly into touch with the railroad officials on the one hand and the committee of the employees on the other. It is believed that the limitation in expense of subsistence would prove a serious handicap to this work, and that in the end the cost of mediation would thereby actually be increased.

Mediation sessions are held in large cities, more frequently in New York and Chicago than elsewhere, but not infrequently in Cleveland, Ohio; St. Louis, Mo.; Denver, Colo.; Portland, Oreg.; San Francisco, Cal.; Houston, Tex.; and Atlanta, Ga. Practically all of the southeastern cases are heard in the offices at Washington. It is almost always inconvenient to get the use of a court room in the Federal buildings of these cities, as controversies are appealed to this board unexpectedly, leaving no opportunity for the appointment of dates and the arrangement for rooms in Federal buildings, which arrangements must be made through the Office of the Supervising Architect of the Treasury, and take several days to complete, and sometimes it would be impossible under any conditions to secure a court room. Mediation hearings always necessitate a room of much larger dimensions than the rooms of an ordinary hotel, and it is only at the large, first-class hotels that such audience rooms can be had, and such hotels furnish us ample rooms without charge. In most cases we have required rooms with

a seating capacity for 50 or more men, and it is a rare case that there are less than 20, as both sides to the controversy are represented by large committees. Such audience rooms as these hotels furnish us for hearings would probably cost not less than $20 per day on an average. In the case of one hotel furnishing this board a room free of charge, we learn that for other purposes it is rented at $50 per day. I do not recall an instance where it would have been practicable to secure proper sleeping accommodations and meals at any of these first-class hotels within $5 per day. The character of service rendered in these mediation sessions is, perhaps, of not less importance than that rendered by a circuit judge when absent from his home, and who is allowed $10 per day, besides travel expenses, for subsistence. Permit me to illustrate the situation: Judge Knapp, who is a member of this board, is also a circuit judge of the United States. When absent from home holding court he is allowed $10 per day for subsistence, besides travel expenses, while in holding mediation sessions, absent from home and rendering services of as equally important a character, he is limited by the urgent deficiency act of May 6, 1914, to $5 per day for subsistence. I do not suggest a per diem of $10 for subsistence, but that the commissioner, the assistant commissioner, and members of this board should be allowed their actual and necessary expenses when absent from Washington on mediation work.

I would be glad to be heard in support of this request at any time it may suit the convenience of the committee.

Very respectfully,

W. L. CHAMBERS, *Commissioner.*

Mr. NEWLANDS. I wish to say in this connection, Mr. President, that it would be exceedingly embarrassing to the Board of Mediation and Conciliation to be limited to the small amount proposed for subsistence. The board also desires to be relieved from that provision in the urgent deficiency bill immediately following the section in the bill regarding the Commission on Industrial Relations, in which the allowance for subsistence is limited to $5 per day. Does the Senator from Virginia desire to discontinue the consideration of the bill now?

Mr. MARTIN of Virginia. Yes; I agreed to yield to the Senator from Indiana [Mr. KERN] to make a motion for an executive session.

Mr. NEWLANDS. Then I will not go on further.

Mr. KERN. I move that when the Senate adjourns to-day it be until to-morrow at 11 o'clock a. m.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 8, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 7, 1914.

UNITED STATES DISTRICT JUDGE.

W. H. Seward Thomson, of Pittsburgh, Pa., to be United States district judge for the western district of Pennsylvania, vice James S. Young, deceased.

APPOINTMENTS IN THE NAVY.

Charles C. Galloway, a citizen of the District of Columbia, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from the 30th day of June, 1914.

Lyle H. Miller, a citizen of Michigan, to be a second lieutenant in the Marine Corps from the 1st day of July, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 7, 1914.

POSTMASTERS.

ARKANSAS.

James M. Crider, Winslow.
John W. Puckett, Rogers.
J. Lewis Ragsdale, Russellville.
Hugh F. Reagan, Fayetteville.
Ella H. Smith, Wynne.
S. J. Smith, Beebe.

COLORADO.

William F. Ordway, Dolores.

MAINE.

John P. Coughlin, Saco.
F. A. Pitts, Damariscotta.

MARYLAND.

John H. Blades, Pocomoke City.

MISSISSIPPI.

George C. Jackson, Belzoni.

NORTH DAKOTA.

John H. Fallon, Alexander.
J. P. Shahane, Souris.
R. B. Stewart, Bottineau.
Ben H. Wilkins, Plaza.
Frank E. Winnill, Stanton.
R. R. Zirkle, Westhope.

PENNSYLVANIA.

E. E. Fricker, Glenside.
Michael J. O'Connor, Treverton.
Thomas Rorer, North Wales.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July 7, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, our Father in heaven, for the beautiful world in which Thou hast placed us, with its splendid opportunities to develop all that is purest, noblest, best in us; for our homes, with their sweet and tender affections; for our Republic, with its sacred institutions, which tend to the development of good citizenship; for our religion, which inspires to nobler life, binds us indissolubly to Thee, and makes the whole world kin. May we appreciate and strive earnestly to fulfill every obligation devolving upon us willingly and cheerfully. In the spirit of the Christ. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. GARDNER. Mr. Speaker, I should like to ask the Chair as to his recollection of the accuracy of the Journal in a certain respect. Yesterday the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules and pass a certain resolution. The Chair said, after a second was demanded:

The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

Now, the context a little further on shows that I, at least, thought that the Chair declared that there was no objection. The recollection of the gentleman from Illinois [Mr. MANN] is the same as mine, to the effect that the Chair declared there was no objection. If that is correct, then a second has been ordered on Mr. PHELAN's motion, and the resolution will have a different status two weeks from now than it will have if the Journal is allowed to stand as it is at present. I should like to have the Speaker's own recollection of the matter, as to whether or not the Chair declared that there was no objection to considering a second as ordered on Mr. PHELAN's resolution.

The SPEAKER. The Chair's recollection about it is that the gentleman from Massachusetts [Mr. PHELAN] moved to suspend the rules, and so forth, and before the Chair could ask if a second was demanded a second was demanded. Then the gentleman from Massachusetts [Mr. PHELAN] asked that a second be considered as ordered, and before the Chair could open his mouth or the gentleman from Massachusetts could shut his the gentleman from North Carolina [Mr. PAGE], standing right down here at the right, raised the point of no quorum.

Mr. GARDNER. Of course, the Chair's recollection settles it. My own impression was a little different. I should have said that the Chair hesitated a little while before the gentleman from North Carolina spoke.

The SPEAKER. The Chair did not get a chance to continue.

Mr. FITZGERALD. My recollection is that the Chair had not made the statement that there was no objection. If the Chair will indulge me, I think I appreciate what the gentleman from Massachusetts has in mind; but——

Mr. GARDNER. I am satisfied——

Mr. FITZGERALD. But as it is a matter wholly in the discretion of the Chair, I think that should be conclusive.

Mr. GARDNER. I have no objection to the approval of the Journal.

Mr. BARTON rose.

The SPEAKER. Does the gentleman from Nebraska want to correct the Journal?

Mr. BARTON. No.

The SPEAKER. Without objection, then, the Journal as read and corrected will stand approved.

The Journal was approved.

OWNERSHIP OF RAILROAD FROM ATCHISON TO WATERVILLE, KANS.

Mr. BARTON. Mr. Speaker, I rose to make a motion to discharge the Committee on Ways and Means from the further consideration of House resolution 205. This is a privileged resolution.

Mr. UNDERWOOD. Mr. Speaker, let the resolution be read.

biguous. One has already been mentioned. Beginning on line 19, page 163, the paragraph reads as follows:

The President of the United States is authorized to detail two civilian officers or employees from the executive departments and one from civil life as members of the commission—

And so forth.

The appointing power does not detail men from civil life; he appoints. The two first mentioned are detailed. They are already in the Government service.

Mr. MARTIN of Virginia. I accept the amendment. I agree to the insertion there of the words "and shall appoint."

Mr. BURTON. I would suggest this phraseology: Substitute for the word "and" in line 21 a comma and the word "also," and after the word "one" insert the words "to be appointed."

Mr. MARTIN of Virginia. I agree to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BURTON. The next is in line 24:

One of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the civilian commissioner to receive a salary of $5,000.

Reference has been made above to "two civilian officers or employees." I take it that this term "civilian commissioner" is intended to describe the status of the one appointed from civil life, is it not?

Mr. OVERMAN. Yes.

Mr. BURTON. You have spoken just above of "two civilian commissioners."

Mr. OVERMAN. "Officers or employees."

Mr. BURTON. Well, "two civilian officers or employees," who would be the civilian commissioners. I suggest there the use of the words "the commissioner appointed from civil life," instead of the words "the civilian commissioner."

Mr. MARTIN of Virginia. That is agreeable to me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. BURTON. I believe attention has been called to the other point—"to receive a salary of $5,000." It is indefinite as to whether it is per annum or for the entire service.

Mr. MARTIN of Virginia. I move to insert the words "per annum." That will make it clear.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GALLINGER. Mr. President, it is manifest that the consideration of this bill can not be concluded this evening.

Mr. MARTIN of Virginia. Mr. President, I hope the Senator will give us a few more minutes. I think there is very little left in the bill now. I do not see any reason why we should not complete the bill to-night.

Mr. CUMMINS. I should like to suggest that there is something in the bill that will meet with opposition. I refer especially to the proposed amendment of the committee on page 184. I know that that amendment will lead to considerable debate. That is the proposition to take $500,000 of the funds of the Panama Railroad Co. and devote it to the payment of the expenses of Members of Congress when they visit the Panama Exposition.

Mr. GALLINGER. I was about to suggest, as the bill can not be concluded this evening—I have assurances from various Senators that it will not be—that we have been here almost seven hours, but if the Senator wishes to continue until 6 o'clock I have no objection.

Mr. MARTIN of Virginia. I should be glad if we could have a few minutes more and go along as far as we can.

Mr. GALLINGER. That is all right.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 165, after line 14, to insert:

The Government Exhibit Board, for which provision was made in the sundry civil act approved June 23, 1913, shall, after consultation by correspondence or otherwise with the heads of the executive departments and the Regents of the Smithsonian Institution, the Isthmian Canal Commission, the Interstate Commerce Commission, the Civil Service Commission, the Commissioners of the District of Columbia, the American National Red Cross, the Commission of Fine Arts, the Librarian of Congress, the Public Printer, the Governor of Porto Rico, the Governor of Alaska, the Governor of Hawaii, and the United States Geographic Board, determine the nature, character, and extent of the exhibits of the United States Government to be made at the Panama-Pacific International Exposition, to be held at San Francisco, Cal., in 1915, and shall be charged with the selection, purchase, preparation, safe-keeping, exhibition, and return of such articles and materials as said board may decide shall be exhibited; and the said board is empowered to select, purchase, and exhibit articles or materials representing the activities of any department, office, commission, or organization named in this paragraph.

The amendment was agreed to.

The next amendment was, on page 166, after line 11, to insert:

MACDONOUGH MEMORIAL.

For the erection of memorials at or near Plattsburg, N. Y., in commemoration of the victory of Commodore Thomas Macdonough on Lake Champlain, in September, 1814, $18,000 of the sum herein appropriated to be paid to a commission appointed by the State of Vermont, and the remainder to a commission appointed by the State of New York, the whole to be applied only with the approval of a commission of three to be appointed by the President of the United States, of whom one shall be chosen from the Army and one from the Navy to represent the National Government in the erection of the proposed memorial: *Provided*, That no part of the said appropriation shall be paid out of the Treasury until after the State of New York shall have appropriated a sum not less than $125,000 for the said memorial and celebration, $250,000.

Mr. THOMAS. Mr. President, I desire to make a point of order against that amendment, on the ground that it adds a new item of appropriation to the bill, that it is general legislation, and that no estimate has been made for it.

Mr. GALLINGER. Mr. President, will the Senator withhold his point of order, as this matter will probably go over, until to-morrow, and let us look into it a little more carefully?

Mr. THOMAS. Certainly.

Mr. GALLINGER. Personally I feel very anxious to have this appropriation made, and I hope a point of order will not be made against it; but let it go over.

Mr. MARTIN of Virginia. I ask that it may be passed over for the present.

Mr. THOMAS. I am willing to do that, with the understanding that I can renew the point of order.

Mr. GALLINGER. Oh, certainly.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 167, after line 3, to insert:

UNDER DEPARTMENT OF STATE.

PERMANENT INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

For the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interest of the commercial fisheries, $5,956.

The amendment was agreed to.

The next amendment was, under the head of "Under legislative," on page 167, line 26, after the word "stables," to insert "including purchase of power lawn mower," so as to make the clause read:

Botanic Garden: For general repairs to buildings, heating apparatus, painting, glazing, repairs to footwalks and roadways, general repairs to packing sheds, storerooms, and stables, including purchase of power lawn mower, under the direction of the Joint Committee on the Library, $6,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 2, to insert:

The unexpended balance of the appropriation of $2,500 made in the sundry civil act for the fiscal year 1912 and subsequently made available for the fiscal years 1913 and 1914, for removing fence and wall around the Botanic Gardens and such grading, soiling, seeding, and sodding as may be incident thereto, is hereby reappropriated and made available for the same purposes for the fiscal year 1915: *Provided*, That the work herein authorized shall be completed on or before January 1, 1915.

The amendment was agreed to.

The next amendment was, on page 168, after line 13, to insert:

Senate Office Building: For maintenance, miscellaneous items and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, $55,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 18, to insert:

For furniture for Senate Office Building and labor and material incident thereto, including carpets, window shades, awnings, etc., $5,000.

The amendment was agreed to.

The next amendment was, on page 168, after line 21, to insert:

For the Capitol: For repairs, improvements, and equipment for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended by the Superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, $17,500.

The amendment was agreed to.

The next amendment was, on page 169, after line 2, to insert:

The unexpended balance of the appropriation made in the sundry civil act for the fiscal year 1912, to provide suitable transportation for freight and other purposes in the subway leading from the Capitol to the Senate and House Office Buildings, and in the sub-basement corridors of the Senate and House Office Buildings, and for each and every purpose connected therewith, including temporary operation, is hereby reappropriated and made available for the fiscal years 1914 and 1915 for the maintenance and repair of motor-propelled vehicles used in said subway.

The amendment was agreed to.

The next amendment was, under the head of "The Panama Canal," on page 184, line 2, after the word "Isthmus," to strike out "and for expenses of the official representation of Congress attending the formal opening of the canal" and insert "*Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal," so as to make the clause read:

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus: *Provided*, That the Secretary of War may make use of the equipment and funds of the Panama Railroad Co. for the purpose of transportation and other necessary expenses incident to the official representation of Congress attending the formal opening of the canal, $500,000.

Mr. CUMMINS. Mr. President, I ask that that amendment may be passed over.

Mr. MARTIN of Virginia. It can go over.

The VICE PRESIDENT. The amendment will be passed over.

The next amendment of the Committee on Appropriations was, on page 186, line 4, after the word "expended," to insert ": *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909," so as to make the clause read:

In all, $20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and colliers, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. CUMMINS. Mr. President, I do not know that I am at all opposed to this amendment, but I should like a little information with regard to it. It is this:

Is it proposed that we shall expend our money in and about the Panama Canal, so as to be able to supply foreign ships, just as we supply our own ships, with anything they may desire to buy and that may be necessary or useful in commerce? In other words, does the Committee on Appropriations put upon the Hay-Pauncefote treaty the construction, that has been sometimes contended for, that if we supply coal or food to our own ships at the canal, we must also provide the facilities that will be necessary to supply all other ships with the same things? Is that one of the conditions which must be equal and similar as respects our commerce and foreign commerce?

I think we ought to know now how we construe the Hay-Pauncefote treaty in that respect. If it is our duty to create there an immense depot in order to supply all the ships that may pass through the Panama Canal as we supply our own, then a certain appropriation is required, and a very large one, probably; but if we do not recognize that obligation, we need not appropriate nearly so much money for that purpose nor enter upon a policy of appropriating money for that purpose, as though our obligation were wider.

I should like to know what the view of the chairman of the committee is in respect to our duty in and about the Panama Canal with reference to supplying the world with whatever it may desire to buy there.

Mr. MARTIN of Virginia. Mr. President, I had not adverted to that question; but on the spur of the moment I can not conceive that there is anything in the Hay-Pauncefote treaty that would impose upon us any such obligation as furnishing coal or anything else to foreign ships if we did not choose to do it. I will say in addition to that, however, that this is a provision—and that is one reason why I have not scanned it carefully—that was in the law passed in 1914, and it was reinserted in this bill by the House committee, but it went out on a point of order. Of course it is an open question for Congress to do as it sees fit about it.

Mr. CUMMINS. I knew that it was formerly in the bill, but I think the time has come now when we must determine what this treaty means with regard to our obligations to foreign commerce.

Mr. MARTIN of Virginia. I think it would be well to pass this amendment until to-morrow morning, as it is perfectly evident that we shall not finish it to-night anyhow.

Mr. CUMMINS. I should be glad to have it passed over.

Mr. SMOOT. I should like to have the Senator pass it over, because there is another question involved in the amendment that I should like to discuss to-morrow also.

Mr. MARTIN of Virginia. It can go over until to-morrow morning.

The VICE PRESIDENT. The amendment will be passed over.

Mr. VARDAMAN. Mr. President, I wish to enter a motion to reconsider the vote by which the appropriation was made for the Panama Exposition. I shall not ask to have it settled this afternoon, but I want to enter the motion now.

Mr. MARTIN of Virginia. There are but few committee amendments left. We are near the end of the bill, and we might go through with those so as to finish the committee amendments, except those which have been passed over.

The next amendment was, in section 9, page 195, line 24, after the word "the," to insert "Attorney General and the," so as to make the section read:

SEC. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying document, unless the head of each executive department or other branch of the public service or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Attorney General and the Smithsonian Institution.

The amendment was agreed to.

The next amendment was, in section 13, page 197, line 22, after the word "exceeding," to strike out "$4" and insert "$6," so as to read:

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding $6 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law.

The amendment was agreed to.

The next amendment was, on page 198, line 4, after the word "allowances," to insert the following proviso: "*Provided*, That internal-revenue agents appointed under the act of October 3, 1913, entitled 'An act to reduce tariff duties and to provide revenue for the Government, and for other purposes,' shall receive compensation of not to exceed $7 per day, and for per diem in lieu of subsistence when absent on duty from their legal residence said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding $3 per day, and that internal-revenue inspectors appointed under said act of October 3, 1913, shall receive compensation of not to exceed $5 per day, and for per diem in lieu of subsistence not exceeding $3 when absent on duty from their legal residence, compensation and per diem in lieu of subsistence to be fixed by the Secretary of the Treasury," so as to read:

For the fiscal year 1916 and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances: *Provided*, That internal-revenue agents appointed under the act of October 3, 1913, entitled, etc.

Mr. GALLINGER. Mr. President, I think I am correct in assuming that these internal-revenue agents were appointed without reference to the provisions of the civil-service laws. Am I correct?

Mr. MARTIN of Virginia. I think the Senator is correct.

Mr. GALLINGER. The provision has been used, to my knowledge, to appoint at least one man who ought never to have been appointed to any position, and who would not have been appointed through the civil service.

Mr. President, I am considerably disturbed about this question of the civil service. I think it is about time that we either stood by the law or repealed the law. I clipped from a morning paper the following:

TO PROBE TRADE CONDITIONS.

President Wilson, by Executive order published to-day, amended the civil-service rules so as to permit the appointment, without examination, of the 34 commercial experts provided for in the legislative appropriation act which became a law last week.

Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

Mr. PERKINS. I should also like to have the letter from Mr. Bryan, following the message of the President, read.

The VICE PRESIDENT. In the absence of objection, that will be done.

The Secretary read as follows:

THE PRESIDENT:

The sundry civil appropriation act approved June 23, 1913, appropriates $500,000 for the purpose of inaugurating, installing, maintaining, and returning a Government exhibit at the Panama-Pacific International Exposition, to open at San Francisco next year, of such articles and materials as illustrate the functions and administrative faculty of the Government of the United States tending to demonstrate the nature and growth of our institutions, their adaptation to the wants of the people, and the progress of the Nation in the arts of peace and war; and authorized the President to provide for the collection and exhibition of such articles and materials, under the direction of a board which is created by the act, to which is imposed the duty of determining the nature and character and extent of the exhibits to be made and which is charged with the collection, purchase, preparation, safe-keeping, and exhibition and return of such articles and materials as the board may decide shall be exhibited. But no provision is made by that act or by any previous or subsequent act for the erection of a suitable building within which these exhibits may be installed, displayed, and safeguarded.

The policy of the Federal Government to support the exposition was fixed by the joint resolution of February 15, 1911, which requested the President of the United States to invite all the nations of the earth to participate therein, and the invitation extended in pursuance thereof by the President to all the nations of the earth to take part in the exposition gives to the exposition in the minds of the foreign Governments an official character.

Twenty-seven of these Governments have responded favorably to the invitation, most of which have buildings in course of construction in which to house their exhibits, while many of our States have signified their intention to take a worthy part in the exposition and have made provision for the erection of State buildings. Of the Governments which have not yet accepted the invitation few have actually declined, while others are awaiting the assembling of their legislative bodies for appropriate action.

I deem it important that the Government of the United States should make at the exposition such a display as will be commensurate with the international scope and importance of the exposition and as will comport with the dignity and standing of the United States. This can not be done, and the exhibit would be of little value if scattered through the exposition buildings, space in which I understand is already insufficient for individual exhibitors. To be imposing it should be collected together under one roof. The site set apart for the building is on the Government reservation in the Presidio. A building there erected by the Government could no doubt be utilized after the exposition for Army uses, and it should be constructed with that end in view.

The sum of $250,000 is not too large for this purpose, and I recommend that Congress be requested to appropriate that amount for the erection of the building.

Respectfully submitted.

W. J. BRYAN.

DEPARTMENT OF STATE,
Washington, March 30, 1914.

Mr. THOMAS. Well, Mr. President, I will not make the point of order against the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. VARDAMAN. Mr. President, I object to the amendment. I thought the Senator from Colorado was going to make the point of order.

Mr. MARTIN of Virginia. I do not think it is subject to a point of order; it is estimated for by the President of the United States, and there is no higher department of the Government than the Chief Executive.

Mr. THOMAS. I will not make a point of order against an appropriation that is asked for by the President and Secretary of State. It does not change my opinion, however, Mr. President, concerning the character of it; and I do not think under the circumstances that any such appropriation should be made.

Mr. VARDAMAN. I make the point of order, Mr. President.

Mr. PERKINS. Mr. President, before that is passed upon——

The VICE PRESIDENT. What is the point of order suggested by the Senator from Mississippi?

Mr. VARDAMAN. Mr. President, I do not know that the point will hold, but the amendment is general legislation upon an appropriation bill.

Mr. MARTIN of Virginia. It is simply a direction how the money shall be used; it is not general legislation; and, furthermore, it is estimated for by the State Department and by the President of the United States.

Mr. SMOOT. And reported by the Appropriations Committee.

The VICE PRESIDENT. The amendment is certainly not general legislation; it is simply special legislation for a special building at a special place.

Mr. MARTIN of Virginia. It is certainly not general legislation.

The VICE PRESIDENT. The amendment seems to have been moved by the direction of a standing committee of the Senate, so that there appears to be no parliamentary objection to it.

Mr. VARDAMAN. I should like to ask the chairman of the committee, the Senator from Virginia, to what use will this building be devoted after the exposition?

Mr. MARTIN of Virginia. It will be used, as I understand, for a barracks for soldiers. It is very much needed, and it will be erected on Government property at the very place where the Government requires a building for the use of its troops.

Mr. VARDAMAN. Is it the character of building that would be constructed if the exposition were not held?

Mr. MARTIN of Virginia. It is to be constructed with a view to the needs of the War Department, and under the direction of the Secretary of War.

Mr. PERKINS. Mr. President, I will ask the chairman of the committee if he will allow to be read a letter from the Secretary of War in relation to the matter?

Mr. VARDAMAN. I agree with the Senator from Colorado [Mr. THOMAS] that when this exposition was located in the city of San Francisco it was with the distinct understanding that this Government was not to be asked for an appropriation; and while I am not going to consume the time of the Senate, I simply want to register my protest against it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 102, after line 20, to insert:

The provisions contained in the act entitled "An act making an appropriation for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914," which provides for the participation of the United States in the Panama-Pacific International Exposition be amended as follows: Under the head of "To provide for the participation of the United States in the Panama-Pacific International Exposition," the paragraph on page 91, which reads as follows: "The President of the United States is authorized to detail three civilian officers or employees from the executive departments as members of a commission which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner shall receive in addition to his original compensation his actual necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, may be expended for clerical, office, and other necessary and actual expenses of said commission," and insert in lieu thereof the following: "The President of the United States is authorized to detail two civilian officers or employees from the executive departments and one from civil life as members of the commission, which is hereby constituted as the National Exposition Commission; one of said commissioners, who shall be the chairman of said commission, shall be detailed from the Department of State, the civilian commissioner to receive a salary of $5,000. Vacancies in said commission shall be filled in the same manner as original appointments. Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence. Said commissioners may appoint a secretary at $2,500 per annum, and the sum of $15,000, or so much thereof as may be necessary, for clerk hire and actual expenses of said commission."

Mr. MARTIN of Virginia. There is a little error in punctuation on line 8, page 103. In that line, after the word "commission," a comma should be inserted; at the end of line 8, after the word "commissioner," a comma should be inserted; and at the end of line 8, after the word "commissioners," the semicolon should be stricken out and a comma inserted.

The VICE PRESIDENT. In the absence of objection, the amendment will be so modified.

Mr. CUMMINS. Mr. President, I desire to ask the chairman of the committee whether I am right in construing the effect of this amendment to be that the change it makes in the law is that one of the commissioners may be appointed from outside of the Government service and is to receive a salary of $5,000 a year, whereas under the law as it now is three of the commissioners were to be detailed from the executive departments at Washington and were to receive nothing, except a subsistence allowance of $10 a day?

Mr. MARTIN of Virginia. That is correct.

Mr. CUMMINS. Mr. President, I make the point of order that this amendment——

Mr. OVERMAN. I trust the Senator will not do that.

Mr. MARTIN of Virginia. The Senator from North Carolina, who is more familiar with it than I am, will state the reasons for the change.

Mr. OVERMAN. Mr. President, there is no additional appropriation in this amendment at all. As the Senator from Iowa has said, the only change is that one of the commission

is to be appointed from civil life instead of three being detailed from the departments. That is all there is to it. The one appointed from civil life is to receive $5,000 a year.

Mr. CUMMINS. May I ask, then, where will the person who is to be appointed from civil life get his $5,000?

Mr. OVERMAN. That comes out of the appropriation. If the Senator has read it, he will see that this is an amendment to the bill appropriating $500,000.

Mr. CUMMINS. Precisely; but it adds just that much to the expense. If it were proper 18 months ago to create this commission from the executive departments of the Government, why is it not proper still?

Mr. OVERMAN. I will say, Mr. President, that the reason——

Mr. CUMMINS. I will be very glad to hear the reason.

Mr. OVERMAN. The reason is that if three men were detailed from the departments, probably one from the State Department, one from the Department of Commerce, and one from some other department, they would not be able to give all their time to the duties of the office of commissioner, but would have to go back and forth. It is necessary that there should be some one on the ground in San Francisco all the time to meet objections and pass upon questions that may arise in connection with exhibits.

I will say, further, that there was a gentleman appointed to this place as commissioner. The law, as it reads, requiring details to be made from the several departments cut him out. He now has his commission and is acting as commissioner, and has been so acting for a year.

Mr. CUMMINS. Where did he get the authority?

Mr. OVERMAN. Really there was no authority for it; but he was appointed commissioner, and he had been acting under a commission given to him—without due authority it is true—but I think it would be humiliating to him if he were not continued in this office where he has been working for a year. As I have said, this amendment does not add a dollar to the appropriation.

Mr. CUMMINS. But it adds to the expense.

Mr. OVERMAN. It takes that much money, amounting to $5,000, from the appropriation, but that amount is only given to one commissioner, who will be present in San Francisco all the time, whereas the officials of the departments who are detailed probably can not leave their work in Washington and can only go back and forth between San Francisco and Washington from time to time. That is the purpose of the provision. I think the Senator will agree with me that it is a wise thing to do, because questions are constantly arising in connection with space to be allotted at the exposition, and so forth, and there ought to be some one there all the time.

Mr. CUMMINS. Mr. President, does the Senator from North Carolina say that one of the three can not be there all the time?

Mr. OVERMAN. Whoever are detailed from the departments, Mr. President, will have to be some prominent officials. If only two are officials of the Government and the third is appointed from the outside, the two can go to San Francisco occasionally and in the meantime attend to their duties here in Washington, while the third, appointed from civil life, can remain in San Francisco. If one is there all the time, he can send, if it is necessary, for the others to come from Washington to pass upon the questions that may come before the board of commissioners for their decision. I hope the Senator will not make the point of order.

Mr. CUMMINS. In view of the explanation of the Senator from North Carolina, I will not make the point of order; but it is evident to me that it is intended to give another man a job, and that is all.

Mr. OVERMAN. I am perfectly candid about it.

Mr. CUMMINS. I wanted to be sure whether I was right that this amendment is simply to give a man not now in office a position under the Government.

Mr. OVERMAN. The Senator is perfectly right, except that it is not to give anybody an office who is out of office, but it is to take care of a man who has already been appointed to this position.

Mr. CUMMINS. Who made the mistake of appointing him?

Mr. OVERMAN. I do not know how the mistake was made, but a commission was issued to him. It was a mistake.

Mr. CUMMINS. I will not make the point of order.

Mr. KENYON. Mr. President, I should like to inquire if the salary of the commissioner appointed from the outside is to be $5,000 a year or $5,000 for the exposition?

Mr. OVERMAN. I do not know whether it says $5,000 per year or not; I think it does.

Mr. CUMMINS. It says he is "to receive a salary of $5,000."

Mr. OVERMAN. Five thousand dollars a year?

Mr. CUMMINS. It does not say whether it is to be for a year or for a month.

Mr. KENYON. Or for the exposition.

Mr. OVERMAN. We might say $5,000 per annum. I suggest that we add the words "per annum, until the close of the exposition."

Mr. GALLINGER. I suggest the insertion of the words "at the rate of."

Mr. OVERMAN. Very well; "at the rate of $5,000 per annum until the exposition closes."

Mr. SHAFROTH. I should like to ask the Senator who has just taken his seat whether the provision for $10 a day in lieu of subsistence means every day, whether he is employed on the work or not? There is no limitation as to that.

Mr. OVERMAN. I suppose he would be on the job every day, and his subsistence, like that of all officers of the Government when away from home, would be paid.

Mr. SHAFROTH. That may be so, but it reads:

Each commissioner detailed as aforesaid shall receive, in addition to his original compensation, necessary traveling expenses and an allowance of $10 per day in lieu of subsistence.

Mr. OVERMAN. That was the same as the law passed in the last Congress; that is the law now; there is no change at all.

Mr. SHAFROTH. Does that mean that the commissioner, in order to draw his "in lieu of subsistence," has got to be on the job there, or can he be on the job here in Washington, where his ordinary duties are?

Mr. OVERMAN. I do not suppose he will be at Washington; that is, instead of making it $5 and $7 a day, as the law is in the case of all other employees, inasmuch as they are going to San Francisco it is made $10 a day when they go there.

Mr. SHAFROTH. It seems to me that the words "while on duty" might be put in there to make it clear.

Mr. OVERMAN. I have no objection to that.

Mr. SHAFROTH. I move an amendment, Mr. President, after the word "subsistence," to insert "while on duty."

Mr. JONES. I suggest that it read "while on duty in San Francisco."

Mr. SHAFROTH. Yes; "while on duty in San Francisco."

Mr. OVERMAN. I accept that amendment.

Mr. CUMMINS. Mr. President, this bill allows these commissioners, their clerks, I suppose, and so on, $10 a day for subsistence. When you come to treat of such men as compose the General Board of Appraisers at New York, who have to be away from New York part of the time, you cut down their subsistence to $5 or $6 or $7 a day. Why is that? Here is a board in New York consisting of the most capable and competent men, men of very high skill. They have to hold their court at Chicago sometimes, and——

Mr. OVERMAN. Not only that, but the heads of our departments who travel do not get more than $5 a day. I am not responsible for this, however. It was put in the last sundry civil bill.

Mr. CUMMINS. It could be changed here.

Mr. OVERMAN. Surely. I do not object to an amendment.

Mr. CUMMINS. I simply want to say that I do not believe $10 a day is too much. I do not believe a man can live in San Francisco and support himself properly and reputably and do honor to his country upon much less than $10 a day; but I do think that cutting down the subsistence of these high officers under the customs service is a great mistake. I know they can not live upon the allowance that is made here, and the result is that there is a constant inroad upon their salaries. When it comes to that, I think the committee ought to be consistent and raise them or cut these, one of the two; and I leave it to the committee to do whatever it thinks best in that regard.

Mr. THOMAS. Mr. President, I would suggest to the committee that after the word "necessary," on line 8, page 104, it insert the words "to be expended." That would follow the phraseology of the subsequent section, and at the same time would make it intelligible.

Mr. MARTIN of Virginia. I agree to that amendment.

The VICE PRESIDENT. The question is on the three proposed amendments.

Mr. BURTON. What is the question?

The VICE PRESIDENT. The question is on the three proposed amendments to the amendment of the committee.

The amendments were agreed to.

The VICE PRESIDENT. The question now is on the amendment as amended.

Mr. BURTON. Mr. President, I wish to call attention to three points in the substituted paragraph which are indefinite or im-

"in all," to strike out "$96,680" and insert "$99,180," so as to make the clause read:

Commissioner's office: Commissioner, $6,000; deputy commissioner, $3,500; assistants in charge of divisions—fish culture, $2,700; inquiry respecting food fishes, $2,700; statistics and methods of fisheries, $2,500; assistants—1 in charge of office, $2,500; 1, $2,500; 1, $1,800 (transferred from Alaska service); fish pathologist, to be appointed by the Secretary of Commerce, $2,500; 1, $1,600; 2 at $1,200 each; 2 at $900 each; architect and engineer, $2,200; assistant architect, $1,600; draftsman, $1,200; accountant, $2,100; librarian, $1,500; superintendent of car and messenger service, $1,600; clerks—3 of class 4; 4 of class 3; 1 to commissioner, $1,600; 4 of class 2 (1 transferred from Alaska service); 6 of class 1 (1 transferred from Alaska service); 3 at $1,000 each; 15 at $900 each (1 transferred from Alaska service); statistical agents—1, $1,400; 2 at $1,000 each; local agents—1 at Boston, $300; 1 at Gloucester, $600; 1 at Seattle, $600; engineer, $1,050; 3 firemen at $720 each; 2 watchmen at $720 each; 5 janitors and messengers at $720 each; janitress, $480; messenger boy, $360; 4 charwomen at $240 each; in all, $99,180.

The amendment was agreed to.

The next amendment was, at the top of page 152, to insert:

No part of the foregoing amount shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes; nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents.

The amendment was agreed to.

The next amendment was, on page 153, line 25, after the word "therewith," to strike out "$60,000" and insert "$110,000," so as to make the clause read:

Alaska general service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, clothing, and other necessities of life to the natives of the Pribilof Islands of Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees and subsistence while on said islands, hire and maintenance of vessels, and for all expenses necessary to carry out the provisions of the act approved April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes," and for the protection of the fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith, $110,000.

The amendment was agreed to.

The next amendment was, at the top of page 154, to insert:

Alaska fishery service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including one sealing vessel, one light-draft tug, and six rapid motor boats, to be available until expended, $100,000.

The amendment was agreed to.

The next amendment was, on page 154, after line 13, to strike out:

The unexpended balance of the appropriations made for the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, is reappropriated and continued available during the fiscal year 1915.

And to insert:

For the continuation of the appropriation for the establishment of a fish-cultural station in the State of Utah, including the purchase of land, construction of buildings and ponds, and for equipment, $25,000, to be available until expended; and the initial appropriation of $25,000 for the above-named purpose, included in the sundry civil appropriation act for the fiscal year ending June 30, 1914, is hereby continued and made available until expended.

The amendment was agreed to.

The next amendment was, on page 155, after line 22, to insert:

Marine biological station, Florida: The provision of the act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, approved March 1, 1911, requiring the State of Florida to donate and transfer free of cost the necessary land and water rights for such station, is hereby amended and modified to read as follows: *Provided*, That the State of Florida, a corporation, a firm, or an individual donates and transfers free of cost to the Government of the United States the necessary land and water rights.

The amendment was agreed to.

The next amendment was, on page 156, after line 6, to insert:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, the Secretary of Commerce is authorized and directed to sell at public sale to the highest responsible bidder, after due advertising, the old fish-hatchery site belonging to the United States on the Clackamas River, near Clackamas, Oreg., consisting of 15.87 acres, the proceeds of said sale (after the payment of the expenses incidental thereto) to be covered into the Treasury as "Miscellaneous receipts, proceeds of Government property," $15,000.

Mr. BURTON. Mr. President——

Mr. THOMAS. I was going to suggest that the clause as drawn does not seem to be intelligent.

Mr. MARTIN of Virginia. I think on a careful reading of it the Senator will find it is intelligent. It is a little awkward, but——

Mr. THOMAS. I can not make head or tail of it. It may be because I am obtuse.

Mr. MARTIN of Virginia. It appropriates $15,000 for construction and authorizes the sale of the old buildings.

Mr. THOMAS. If that is what is intended to be done, it is not what it says.

Mr. MARTIN of Virginia. I admit that it is awkwardly expressed.

Mr. OVERMAN. It is what the department sent us.

Mr. MARTIN of Virginia. This language was prepared by the department, and the committee let it stand. They have to construe it.

Mr. BURTON. What does it mean, in any event, may I ask? Does it mean that the old fish-hatchery site is to be sold, and the proceeds covered into the Treasury, and independently of that an appropriation of $15,000 is to be made?

Mr. MARTIN of Virginia. That is correct. It is hardly expected that a new construction could be perfected with the sale of the old construction. We put in $15,000 in addition.

Mr. BURTON. The fish hatchery is not to be abandoned?

Mr. OVERMAN. No.

Mr. SMOOT. It is to be moved to a new place.

Mr. BURTON. How far from the present locality?

Mr. SMOOT. I do not know, but the testimony shows not very far.

Mr. OVERMAN. It had to be removed on account of the water receding. There is no water there, and they had to get to water. At the present location it is no good at all, I understand.

Mr. BURTON. The ground is to be sold and they get a new site.

Mr. OVERMAN. The location is changed.

Mr. BURTON. And this appropriation of $15,000 is for improvements to the site. Is the fish hatchery provided for in some other bill?

Mr. OVERMAN. Not at all.

Mr. SMOOT. It is for construction of the building.

Mr. BURTON. So this is regarded as sufficient to construct new buildings and provide a water supply in place of the present structure?

Mr. MARTIN of Virginia. That is my understanding.

Mr. OLIVER. I think it is very awkwardly expressed. I move to amend the amendment of the committee by striking out "$15,000" at the end of the amendment, and inserting it after the word "used," in line 9, and following it by the word "and."

Mr. MARTIN of Virginia. I do not object to that, but the amendment was prepared by the department, and it was satisfactory to the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. OLIVER. If the department sends bad English to us, I do not think we ought to stand for it.

Mr. MARTIN of Virginia. Very well, the Senator can fix the English to suit himself. It suited the Senator from Oregon, and I had no objection to it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 9, after the word "used," insert the words "$15,000, and," and strike out "$15,000" in line 17, so as to read:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, $15,000, and the Secretary of Commerce is authorized and directed to sell, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 156, after line 17, to insert:

Beaufort, N. C., biological station: For repairs and additions to buildings and improvements to grounds, to be available until expended, $5,000.

The amendment was agreed to.

The next amendment was, on page 156, after line 20, to insert:

Edenton, N. C., station: For construction and repair of buildings, to be available until expended, $8,500.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 158.

Mr. SHEPPARD. I wish to offer an amendment at this point.

The VICE PRESIDENT. The bill is being read for action on the amendments of the committee.

Mr. MARTIN of Virginia. The committee amendments have not been completed.

Mr. SHEPPARD. Very well.

The next amendment was, under the subhead "Immigration Service," on page 159, line 7, after the words "Secretary of Labor," to strike out "$2,649,500" and insert "$2,700,000," so as to read:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February

20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expense of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,700,000: *Provided, however*, That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States shall be appointed in the same manner and for the same term as the said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision.

The amendment was agreed to.

The next amendment was, on page 159, in line 16, after the words "shall be," to strike out "reduced to the sum of $2,000" and insert "$3,000," so as to read:

Provided further, however, That the salary of the said commissioner of immigration at New Orleans, La., shall be $3,000 per annum.

Mr. MARTIN of Virginia. I move to strike out the additional proviso in lines 17, 18, and 19.

The amendment was agreed to.

The next amendment was, on page 161, after line 19, to insert:

Building to install the Government exhibit at the Panama-Pacific International Exposition: For the construction of a suitable building in that part of the reservation of the United States known as the Presidio of San Francisco, State of California, in which the Government Exhibit Board, created by the sundry civil appropriation act approved June 23, 1913, shall install, display, and safeguard the exhibit of the Government of the United States at the Panama-Pacific International Exposition, $500,000: *Provided*, That the said building shall be so located and planned and shall be of such a permanent character as will make it available and useful for military purposes of the United States after the close of the said exposition, and shall be on such general plan and design and in such location as shall be approved by the Secretary of War: *Provided further*, That the said building shall be erected under the authority of the Secretary of War, by contract or otherwise, as he may direct: *Provided further*, That not exceeding $50,000, or so much thereof as may be necessary, may be expended from the appropriation made herein, on the approval and authority of the Secretary of War, for entertaining the officers and representatives of foreign governments who may attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority of Congress.

Mr. THOMAS. Mr. President, this amendment seeks to appropriate $500,000 for the purpose of constructing a building at the Panama International Exposition to house the exhibits of the Government at that exposition, and as the building is to be made available for military purposes thereafter it must be of a permanent character. When the city of San Francisco secured the location of the exposition on the Pacific coast and within its boundaries it was with the express and reiterated understanding that the Government should not be called upon for any expenditures or appropriations whatever. The exposition company was to receive its financial support from other sources, and of course those sources were the State of California and the city of San Francisco.

The city of New Orleans was at that time a competitor for the scene of the location of this exposition. Those two places played against each other, and San Francisco's representations and insistence were finally successful.

My interpretation of that situation is that whatever buildings were to be constructed, whether for governmental use or for private exhibition, were to be constructed by the company and out of funds which it was to obtain elsewhere. The exposition company up to this time has done that. I was in San Francisco within the past few months and went through the grounds and the buildings, which are very commodious, very substantial, and almost complete.

Mr. MARTIN of Virginia. If the Senator will excuse me, I am sure he understands that I do not desire to interrupt him, except to save time——

Mr. THOMAS. Certainly.

Mr. MARTIN of Virginia. I merely wish to call attention to the fact that there was a special message sent here by the President of the United States asking this appropriation. The building will be worth its cost for military purposes as a permanent acquisition for the War Department. It is to be built under the direction of the War Department.

Mr. CLARKE of Arkansas. And it is to be built upon Government land.

Mr. MARTIN of Virginia. Yes; it is to be built upon Government land, at the very place where a Government building is needed.

Mr. THOMAS. If we need a building of that kind, we should have an appropriation made for it, and there should be a special bill for that purpose. I am very loath to oppose the wishes of the President of the United States upon anything, but I do not believe, Mr. President, that we should contract with a great municipality——

Mr. MARTIN of Virginia. Would the Senator from Colorado object to my reading the letter, so that he will understand what it is?

Mr. THOMAS. Certainly not. I yield to the Senator for that purpose.

Mr. MARTIN of Virginia. I wish to say that it occurred to me that it would be well to read the President's communication.

Mr. THOMAS. I yield for that purpose.

Mr. MARTIN of Virginia. The President's communication is as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erecting of a building within which to install, display, and safeguard at the Panama-Pacific International Exposition at San Francisco the Government exhibit authorized by the sundry civil appropriation act of June 23, 1913.

As pointed out by the Secretary of State, many of the Governments officially invited guests by the United States to participate in the exposition are erecting buildings within which to house their exhibits at the exposition. The Government of the United States should not be behind these in appropriately providing for its national exhibit.

I commend the recommendation to the favorable consideration of Congress.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, March 31, 1914.

Mr. THOMAS. I was about to say, Mr. President, when interrupted by the chairman of the committee, that a contract and agreement such as was solemnly entered into between the Government of the United States and those who promoted this exhibition ought to be just as binding and just as religiously observed by the Government as though it did not have an enormous Treasury and was not the sovereignty of the country. To my mind, if it had occurred to Congress when the original selection of an exposition site was made that it would be called upon to appropriate $500,000, as is sought to be appropriated here, it might have resulted in locating the exposition somewhere else.

Mr. WARREN. Mr. President——

Mr. THOMAS. I yield to the Senator from Wyoming.

Mr. WARREN. The Senator from Colorado misapprehends the contract which he quotes. The United States is in the same position as a State. If a State makes an exhibit at the Panama Exposition, it is under an obligation to make the appropriation for that purpose.

Mr. THOMAS. There is no contract between the exposition company and any of the States; it is with the Government of the United States, which has the dispensing power, the power to determine where this exposition should be held.

Mr. WARREN. But there is nothing in that contract, as I read it, which provides that the United States may not make its own exhibit in its own building.

Mr. THOMAS. The United States may make its own exhibit.

Mr. WARREN. It may make its own exhibit of its own property in its own building on its own property, and for which there is immediate use along military lines.

Mr. THOMAS. There is nothing to prevent the United States, Mr. President, from spending all the money in its Treasury in any direction in which it sees fit; but the proposition for which I contend is that the city of San Francisco, having agreed to take all these matters off the hands of the Government of the United States, should provide this building if the Government exhibit is to go there.

Besides, Mr. President, it seems to me it comes at a very late time for the construction of this building in view of the fact that the exposition is to open next year, and practically all of the buildings of the exposition proper are nearly completed. I very much question whether this building can be put in condition in time for the exposition if this appropriation should be made; but I want to make a point of order against it.

Mr. PERKINS. Will the Senator permit me to have read a message from the President of the United States, transmitting a report from the Secretary of State, Mr. Bryan, in regard to the construction of a building by the United States at the Panama-Pacific Exposition?

Mr. THOMAS. Certainly.

The VICE PRESIDENT. Is there objection to the request of the Senator from California? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State recommending an appropriation of $500,000 for the erecting of a building within which to install, display, and safeguard at the Panama-Pacific International

The next amendment was, at the top of page 154, to insert:

Alaska fishery service, vessels and boats: For construction or purchase of vessels and boats in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including one seagoing vessel, one light-draft tug, and six rapid motor boats, to be available until expended, $100,000.

The amendment was agreed to.

The next amendment was, on page 154, after line 13, to strike out:

The unexpended balance of the appropriations made for the establishment of a fish-cultural station in the State of Utah, including purchase of site, construction of buildings and ponds, and equipment, is reappropriated and continued available during the fiscal year 1915.

And to insert:

For the continuation of the appropriation for the establishment of a fish-cultural station in the State of Utah, including the purchase of land, construction of buildings and ponds, and for equipment, $25,000, to be available until expended; and the initial appropriation of $25,000 for the above-named purpose, included in the sundry civil appropriation act for the fiscal year ending June 30, 1914, is hereby continued and made available until expended.

The amendment was agreed to.

The next amendment was, on page 155, after line 22, to insert:

Marine biological station, Florida: The provision of the act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, approved March 1, 1911, requiring the State of Florida to donate and transfer free of cost the necessary land and water rights for such station, is hereby amended and modified to read as follows: *Provided*, That the State of Florida, a corporation, a firm, or an individual donates and transfers free of cost to the Government of the United States the necessary land and water rights.

The amendment was agreed to.

The next amendment was, on page 156, after line 6, to insert:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, the Secretary of Commerce is authorized and directed to sell at public sale to the highest responsible bidder, after due advertising, the old fish-hatchery site belonging to the United States on the Clackamas River, near Clackamas, Oreg., consisting of 15.87 acres, the proceeds of said sale (after the payment of the expenses incidental thereto) to be covered into the Treasury as "Miscellaneous receipts, proceeds of Government property," $15,000.

Mr. BURTON. Mr. President——

Mr. THOMAS. I was going to suggest that the clause as drawn does not seem to be intelligent.

Mr. MARTIN of Virginia. I think on a careful reading of it the Senator will find it is intelligent. It is a little awkward, but——

Mr. THOMAS. I can not make head or tail of it. It may be because I am obtuse.

Mr. MARTIN of Virginia. It appropriates $15,000 for construction and authorizes the sale of the old buildings.

move to amend the amendment of the committee by striking out "$15,000" at the end of the amendment, and inserting it after the word "used," in line 9, and following it by the word "and."

Mr. MARTIN of Virginia. I do not object to that, but the amendment was prepared by the department, and it was satisfactory to the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. OLIVER. If the department sends bad English to us, I do not think we ought to stand for it.

Mr. MARTIN of Virginia. Very well, the Senator can fix the English to suit himself. It suited the Senator from Oregon, and I had no objection to it.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In line 9, after the word "used," insert the words "$15,000, and," and strike out "$15,000" in line 17, so as to read:

Clackamas, Oreg., station: For construction of buildings and improvements to water supply, to be available until used, $15,000, and the Secretary of Commerce is authorized and directed to sell, etc.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 156, after line 17, to insert:

Beaufort, N. C., biological station: For repairs and additions to buildings and improvements to grounds, to be available until expended, $5,000.

The amendment was agreed to.

The next amendment was, on page 156, after line 20, to insert:

Edenton, N. C., station: For construction and repair of buildings, to be available until expended, $8,500.

The amendment was agreed to.

The reading of the bill was continued to line 8 on page 158.

Mr. SHEPPARD. I wish to offer an amendment at this point.

The VICE PRESIDENT. The bill is being read for action on the amendments of the committee.

Mr. MARTIN of Virginia. The committee amendments have not been completed.

Mr. SHEPPARD. Very well.

The next amendment was, under the subhead "Immigration Service," on page 159, line 7, after the words "Secretary of Labor," to strike out "$2,649,500" and insert "$2,700,000," so as to read:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February

The next amendment was, on page 116, line 26, after the words "in all," to strike out "$99,000" and insert "$101,000," so as to make the clause read:

In all, $101,000.

The amendment was agreed to.

The next amendment was, under the subhead "Freedmen's Hospital," on page 117, line 10, after the word "furniture," to insert "motor-propelled ambulance," so as to make the clause read:

For subsistence, fuel and light, clothing, bedding, forage, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, motor-propelled ambulance, and other absolutely necessary expenses, $28,000.

The amendment was agreed to.

The next amendment was, on page 117, line 24, after the words "the sum of," to strike out "$41,209.73" and insert "$37,996.70," so as to make the clause read:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in Freedmen's Hospital from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1906 to 1913, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $37,996.70, which amount so transferred shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Department of Justice," on page 119, line 4, after the date "1909," to strike out "$35,000" and insert "$40,000," and in line 10, after the words "in all," to strike out "$77,500" and insert "$82,500," so as to make the clause read:

Conduct of customs cases: Assistant Attorney General, $8,000; assistant attorneys—1, $4,500; 1, $3,000; special attorneys and counselors at law in the conduct of customs cases, to be employed and their compensation fixed by the Attorney General, as authorized by section 30 of the act of August 5, 1909, $40,000; necessary clerical assistance and other employees at the seat of government and elsewhere, to be employed and their compensation fixed by the Attorney General; supplies, printing, traveling, and other miscellaneous and incidental expenses, to be expended under the direction of the Attorney General, $27,000; in all, $82,500.

The amendment was agreed to.

The next amendment was, on page 119, line 23, after the words "Attorney General," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and such other expenditures as may be necessary in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, not exceeding $500 of which may be expended for law books, to be expended under the direction of the Attorney General, $20,000.

The amendment was agreed to.

The next amendment was, on page 120, line 12, after the words "Attorney General," to strike out "$480,000" and insert "$500,000," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, including not to exceed $18,500 for necessary employees at the seat of government, to be expended under the direction of the Attorney General, $500,000.

The amendment was agreed to.

The next amendment was, on page 121, line 9, after the word "exceeding," to strike out "$10,000" and insert "$15,000," so as to read:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $15,000 for salaries of necessary employees at the seat of government, $300,000.

The amendment was agreed to.

The next amendment was, on page 123, line 1, after the word "volume," to strike out "fifty-seven" and insert "fifty-eight," so as to make the clause read:

For 15 copies of volume 58 of the Lawyers' Cooperative Edition of the United States Reports, to continue sets now in the hands of certain officers, at $6 per volume, $90.

The amendment was agreed to.

The next amendment was, under the head of "Judicial," subhead "United States courts," on page 124, line 9, after the words "United States courts," to insert "except the judges of the Supreme Court of the United States, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided," so as to make the clause read:

From and after October 1, 1914, it shall be the duty of the United States marshals to pay, under regulations prescribed by the Attorney General, the salaries of all judges of the United States courts, except the judges of the Supreme Court of the United States, whose salaries shall be paid through the disbursing officer of the Department of Justice as hitherto provided, United States district attorneys, their regular assistants, clerks, and messengers, and United States marshals and their deputies: *Provided*, That every United States marshal operating under a bond executed prior to the passage of this act shall give bond effective thereafter for the faithful performance of the duties of his office, including the payment of the salaries above mentioned.

The amendment was agreed to.

The next amendment was, on page 124, line 23, after the word "Alaska," to strike out "$600,000" and insert "$615,000," so as to make the clause read:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, including the office expenses of United States district attorneys in Alaska, $615,000.

The amendment was agreed to.

The next amendment was, on page 125, line 7, after the word "compensation," to strike out "$325,000" and insert "$375,000," so as to make the clause read:

For payment of regular assistants to United States district attorneys who are appointed by the Attorney General at a fixed annual compensation, $375,000.

The amendment was agreed to.

The next amendment was, on page 125, line 16, after "$250,000," to insert "*Provided*, That all acts and parts of acts authorizing the clerk of the district court in Oregon to charge, receive, or collect double fees or any fees except as provided by section 828 of the Revised Statutes of the United States, are hereby repealed: *Provided further*, That the clerk of the district court in Oregon shall be allowed by the Attorney General to retain of the fees received by him for his personal compensation, over and above the necessary expenses of his office, including the salaries of deputy clerks and necessary clerk hire, to be audited by the proper accounting officers of the Treasury, the sum of $3,500 per annum, and no more, payable in the same way and manner as is now provided by law; and all acts and parts of acts fixing a salary for such clerk in excess of such sum are hereby repealed," so as to make the clause read:

For fees of clerks, $250,000: *Provided*, That all acts and parts of acts authorizing the clerk of the district court in Oregon to charge, receive, or collect double fees or any fees except as provided by section 828 of the Revised Statutes of the United States, are hereby repealed: *Provided further*, That the clerk of the district court in Oregon shall be allowed by the Attorney General to retain of the fees received by him for his personal compensation, over and above the necessary expenses of his office, including the salaries of deputy clerks and necessary clerk hire, to be audited by the proper accounting officers of the Treasury, the sum of $3,500 per annum, and no more, payable in the same way and manner as is now provided by law; and all acts and parts of acts fixing a salary for such clerk in excess of such sum are hereby repealed.

Mr. MARTIN of Virginia. Mr. President, I send to the desk some amendments to that amendment.

The VICE PRESIDENT. The amendments to the amendment will be stated.

The SECRETARY. In the committee amendment on page 125 it is proposed to amend by inserting, after the word "authorizing," in line 17, the words "the United States marshal and"; also by inserting, in line 20, on the same page, after the word "eight," the first word in the line, the words "and section 829, respectively"; also, on line 5, page 126, by striking out the period and inserting a colon and the following:

And provided further, That the portion of this act regulating the fees of the clerk and the marshal of Oregon shall be in force and effect from and after January 1, 1916.

The VICE PRESIDENT. The question is on agreeing to the amendments to the amendment.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Arizona. Mr. President, I will ask the chairman of the committee whether or not that applies to any State besides Oregon?

Mr. MARTIN of Virginia. Only to Oregon.

The next amendment was, on page 127, line 14, after the word "officers," to strike out "$500,000" and insert "$530,000," so as to make the clause read:

For payment of such miscellaneous expenses as may be authorized by the Attorney General, for the United States courts and their officers, $550,000: *Provided*, That in so far as it may be deemed necessary by the Attorney General, this appropriation shall be available for such expenses in the District of Alaska.

The amendment was agreed to.

The next amendment was, in the items for the United States Penitentiary at Leavenworth, Kans., on page 132, line 2, after the word "transportation," to strike out "$900" and insert "$1,200"; and, in line 5, after the words "in all," to strike out "$74,280" and insert "$74,580," so as to make the clause read:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—1 $1,500, 1 $1,200; chief clerk, $1,800; physician, $1,600; bookkeeper and record clerk, $1,200; stenographer, $900; 6 clerks, at $900 each; telephone operator, $480; engineer and electrician, $1,500; 2 assistants, at $1,200 each; steward and storekeeper, $1,200; superintendent of farm and transportation, $1,200; two teamsters, at $600 each; head cook, $1,000; 3 captains of watch, at $1,000 each; guards, at $70 per month each, $43,008; in all, $74,580.

The amendment was agreed to.

The next amendment was, on page 132, line 8, after the word "Georgia," to strike out "$175,350" and insert "$175,680," so as to make the clause read:

In all, for penitentiary at Atlanta, Ga., $175,680.

The amendment was agreed to.

The next amendment was, on page 133, line 15, after the word "tailor," to strike out "$600" and insert "$720"; and, in line 20, after the words "in all," to strike out "$34,276" and insert "$34,396," so as to make the clause read:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, $600; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; 6 matrons of families, at $240 each; foreman of and skilled helpers in industries, $3,600; farmer, $600; assistant farmer, $420; teamster, $360; florist and engineer, at $540 each; shoemaker, $540; baker, $600; tailor, $720; cook, $480; assistant engineer, $420; laundry, $360; dining-room attendant, boys', $300; dining-room attendant, officers', $240; housemaid, $216; seamstress, $240; assistant cook, $300; nurse, $360; watchmen, not to exceed 8 in number, $3,960; secretary and treasurer, $600; in all, $34,396.

The amendment was agreed to.

The next amendment was, on page 134, line 12, after the words "National Training School for Boys," to strike out "$50,826" and insert "$50,946," so as to make the clause read:

In all, for National Training School for Boys, $50,946.

The amendment was agreed to.

The next amendment was, at the top of page 135, to insert:

Point Vincente, Cal., Light Station: For establishing a light and fog-signal station at Point Vincente, Cal., $80,000.

The amendment was agreed to.

The next amendment was, under the subhead "Lighthouse Service," on page 137, line 11, after the word "necessary," to strike out "$997,000" and insert "$1,038,000," so as to make the clause read:

Lighthouse vessels: For salaries and wages of officers and crews of light vessels and lighthouse tenders, including temporary employment when necessary, $1,038,000.

The amendment was agreed to.

The next amendment was, on page 137, after line 17, to insert:

Hereafter employees of the Lighthouse Service who are not now entitled to leave of absence with pay and who have served 12 consecutive months shall be given 15 days' leave of absence with pay each year: *Provided*, That pro rata leave shall be allowed those serving fractional parts of a year: *Provided further*, That heads of divisions shall have discretion as to the time when the leave shall be granted.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 139, line 2, after the words "United States," to strike out "$165,000" and insert "$225,000," so as to make the clause read:

For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, $225,000.

The amendment was agreed to.

Mr. JONES. In connection with this amendment increasing the amount from $165,000 to $225,000 I wish to call the attention of the chairman, although it may be that it has been called to his attention, but so that there will appear in the RECORD the special importance of a part, at least, of this increase, to the fact that I have had inserted in the RECORD, at page 6516, a letter which the Secretary of Commerce sent to me some time ago. I will read what the Secretary says as to the necessity of a part of this increase.

Mr. MARTIN of Virginia. I suggest to the Senator that if he just wants to get it in the RECORD as explanatory of the item, it can be printed without reading.

Mr. JONES. Unless it has been called to the attention of the Senator, I want to call his attention to it, because he will recognize the importance of it.

Mr. MARTIN of Virginia. I am perfectly familiar with it.

Mr. JONES. The part of the letter to which I refer is brief, and it will take but a moment to read it. The Secretary of Commerce says:

This is a portion of the item in our estimates, "Field expenses, Pacific coast." The amount appropriated for this for the fiscal year ending June 30, 1914, was $165,000. We are asking for $225,000.

This is the part to which I especially call attention:

Included in this is $30,000 for an additional wire-drag party to be employed on the coast of Alaska during the summer and along the Pacific coast during the winter. This item appears on page 3 of House Document No. 977.

A peculiarity of the Alaskan coast is the pinnacle rocks which rise abruptly in points from the bottom. Ordinary sounding apparatus, which is all we now have, will not find these. A case in point is the *State of California*, wrecked in Gamble Bay with a loss of 32 lives. She struck a pinnacle rock. The bay had been sounded and she had been in and out many times. The only means available for sounding, however, would not discover such a pinnacle. A wire-drag apparatus is a sure means of finding such rocks. One was requested several years ago for use in the Northwest, but was not granted. If it had been granted and if it had been put in use in Gamble Bay, the *State of California* would have been saved. It ought to be supplied and the money for it and for the force necessary to use it should be made available immediately. With such an apparatus the coast can be made safe. Without it, it would only be by accident that one of these pinnacles would be discovered.

The next amendment was, on page 140, line 8, after the word "vessels," to insert "reimbursement of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed $600," so as to make the clause read:

For objects not hereinbefore named that may be deemed urgent, including the preparation or purchase of preliminary plans and specifications of vessels; reimbursement of officers of the Coast and Geodetic Survey for food, clothing, medicines, and other supplies furnished for the temporary relief of distressed persons in remote localities and to shipwrecked persons temporarily provided for by them, not to exceed $600; actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the superintendent, $8,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. The total in line 16 is not correct. It should read: "In all, for field expenses, $360,400," in lieu of "$320,400." I move that amendment.

The amendment was agreed to.

The next amendment was, in the items for the Lighthouse Service, on page 140, after line 20, to insert:

For two new vessels, including their equipment, $175,000.

The amendment was agreed to.

The next amendment was, on page 141, line 10, after the words "Office force," to strike out "Disbursing agent" and insert "Chief accountant," and in line 11, after the word "clerks," to strike out "two" and insert "three," so as to make the clause read:

Office force: Chief accountant, $2,000; chief of division of library and archives, $1,800; clerks—three at $1,800 each, three at $1,600 each, four at $1,400 each, eight at $1,200 each, five at $1,000 each, ten at $900 each, six at $720 each;

The amendment was agreed to.

The next amendment was, on page 141, line 18, after the word "each," to strike out "two" and insert "three," so as to make the clause read:

Topographic and hydrographic draftsmen: Two at $2,400 each, three at $2,200 each, three at $2,000 each, three at $1,800 each, three at $1,600 each, three at $1,400 each, three at $1,200 each, three at $1,000 each;

The amendment was agreed to.

The next amendment was, on page 142, line 19, after the words "office force," to strike out "$302,030" and insert "$305,420," so as to make the clause read:

In all, pay of office force, $305,420.

The amendment was agreed to.

The next amendment was, on page 142, after line 14, to insert:

For lithographic presses, $16,000.

The amendment was agreed to.

The next amendment was, on page 143, after line 15, to strike out:

For a one-story brick building in extension of the present lithographic and aluminum plate printing room, $2,400.

And to insert:

Rebuilding lithographic and aluminum printing rooms, Coast and Geodetic Survey: For rebuilding and extending the present lithographic building, $7,500.

The amendment was agreed to.

The next amendment was, on page 143, after line 20, to strike out:

For a new one-story brick building of 3,200 square feet floor space with suitable partitions, for the accommodation of material now stored in temporary wooden structures on the south lot of the Coast and Geodetic Survey grounds, $4,000.

And to insert:

One-story building, Coast and Geodetic Survey: For the erection of a one-story building between the Butler and Richards Buildings, $8,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Fisheries," on page 144, line 17, after the word "service," to insert "fish pathologist, to be appointed by the Secretary of Commerce, $2,000," and, on page 146, line 7, after the words

water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nebraska to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MARTIN of Virginia. I ask unanimous consent that the Secretary may alter the totals. These changes necessitate changes in the totals.

The SECRETARY. In this case the total, on page 105, line 7, will be "$1,355,820."

Mr. MARTIN of Virginia. And there will be other places of the kind. I want the Secretary to be authorized to correct the totals in accordance with the items of the bill.

The VICE PRESIDENT. Without objection, the Secretary will be instructed accordingly.

Mr. BURTON. Mr. President, I should like to ask a question in regard to an amendment just preceding the last one, in line 9, on page 104. The words "of the public lands" are stricken out. Would not the insertion of those words prohibit the making of surveys in cooperation with States?

Mr. MARTIN of Virginia. The understanding of the committee was that it would prohibit the surveys being made in any except the public-land States, either independently or in cooperation with the States.

Mr. BURTON. And it would mark the abandonment of a line of work which has been pursued heretofore by the Geological Survey?

Mr. MARTIN of Virginia. For many years.

Mr. SMOOT. The Senator is perfectly correct. I will say to the Senator that some of the most important work of the Geological Survey has been done on private lands; and if these words remain in the bill it will be impossible to continue that work.

Mr. BURTON. Is not this the first time those words have been inserted?

Mr. SMOOT. It is the first time those words have been inserted.

Mr. WARREN. They were inserted on the floor of the House.

Mr. WALSH. I should like to say to the Senator from Ohio that even in the public-land States it is found utterly impracticable to carry on the work of the Geological Survey if they are not permitted to include within the scope of their activities lands held in private ownership as well.

The reading of the bill was resumed.

The next amendment was, under the subhead "Bureau of Mines," on page 105, line 23, after "$347,000," to insert "of which sum not exceeding 5 per cent may be used for personal services in the District of Columbia," so as to make the clause read:

For investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners; the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000, of which sum not exceeding 5 per cent may be used for personal services in the District of Columbia.

Mr. MARTIN of Virginia. Mr. President, I desire to have this amendment rejected. It is a mistake, and makes an inconsistency in the bill. I ask, therefore, that it be rejected.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, under the subhead "Alaska, expenses in," at the top of page 110, to insert:

Medical relief in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, with the advice and cooperation of the Public Health Service, to provide for the medical and sanitary relief of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, purchase, repair, rental, and equipment of hospital buildings; for books and surgical apparatus; for pay and necessary traveling expenses of physicians, nurses, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, to be immediately available, $50,000.

Mr. GALLINGER. Mr. President, I notice that the phraseology of the amendment is "Eskimos, Aleuts, Indians." I was wondering whether Eskimos and Aleuts were not Indians. How is that?

Mr. OVERMAN. They are Indians, but they are different tribes.

Mr. GALLINGER. Are they different tribes?

Mr. JONES. I think they are separate branches; yes. They are always referred to in that way.

Mr. WARREN. We wanted to cover them all.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. Mr. President, in connection with the amendment that has just been agreed to, I have here a letter from the commissioner of education with a memorandum showing the importance and necessity of this appropriation. His suggestion was made in connection with the proposition to increase the preceding amount, $200,000, to $250,000. I ask to put the letter and memorandum in the RECORD so that the reason for this amendment will appear in the RECORD, showing its very great necessity.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF EDUCATION,
Washington, June 30, 1914.

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

MY DEAR SENATOR JONES: I earnestly desire to enlist your interest in securing an amendment by the Senate to the sundry civil bill increasing the appropriation for education in Alaska from $200,000 to $250,000 (H. R. 17041, p. 104).

From this appropriation the Bureau of Education must provide schools, medical relief, and relief of destitution for the native inhabitants of Alaska. The increase desired is of vital importance to the natives of Alaska.

The inclosures submitted herewith, to which I invite your attention, are (1) a 1-page memorandum regarding the increase desired, (2) a concise statement showing what the Board of Education has accomplished in Alaska, (3) a statement of the work of the Bureau of Education in Alaska and of my future policy regarding that work, which I prepared for the House Committee on Appropriations.

Assuring you that your cooperation in this matter will be appreciated, I am,

Sincerely, yours,

P. P. CLAXTON, *Commissioner.*

MEMORANDUM REGARDING THE NEED FOR INCREASING THE APPROPRIATION FOR EDUCATION IN ALASKA FROM $200,000 TO $250,000.

This appropriation is set forth on page 104 of the sundry civil bill, 1915, now under consideration by the House of Representatives.

The present appropriation of $200,000 for education in Alaska is inadequate to meet the urgent demands upon it. The amount of the appropriation has remained the same for seven years in succession; in the meantime the Bureau of Education has been forced to undertake many new and important enterprises, and it is still unable to provide schools for more than three-fourths of the children of natives in Alaska.

Realizing the absolute necessity of endeavoring to check the diseases which prevail to an alarming extent in the native villages, the Bureau of Education has been compelled to use more than $36,000 of the educational appropriation for the current year in furnishing medical relief in the Alaskan villages. To secure these funds it has been necessary to close several of the smaller schools.

From the present appropriation no reserve fund can be withheld with which to check unforeseen epidemics of measles, diphtheria, and smallpox among the natives, or with which to furnish relief to native communities suffering from flood, storm, or volcanic eruption.

WHAT THE BUREAU OF EDUCATION HAS ACCOMPLISHED IN ALASKA.

THE SCHOOL SERVICE.

Alaska has an area approximately equal to one-fifth of the United States. In this continental region there are about 25,000 natives in villages ranging from 30 or 40 up to 800 or 400 persons, scattered at intervals along its thousands of miles of coast line and on its great rivers.

During eight months of the year all of the villages in Alaska, with the exception of those on the southern coast, are reached only by trails over the snow-covered land or frozen rivers. Many of the native villages are remote from the main lines of travel, with no established means of access. In spite of the inherent difficulties of the problem the Bureau of Education has established a United States Public School in each of 70 villages, with 97 teachers, each of whom is a "settlement" worker, striving to elevate the natives (adults as well as children) intellectually, morally, and physically.

In many of the villages the public school is the only agency striving for the uplift of the natives. Each schoolhouse is a social center for the accomplishment of practical ends. Many of the buildings contain, in addition to the recitation room, an industrial room, kitchen, quarters of the teacher, and a laundry and baths for the use of the native community. The schoolroom is available for public meetings for discussion of affairs of the village, or occasionally for social purposes.

In the native villages the teachers and nurses endeavor to establish proper sanitary conditions by inspecting the houses, by insisting upon proper disposal of garbage, and by giving instruction in sanitary methods of living. Natives are encouraged to replace their filthy huts by neat, well-ventilated houses. In some sections the natives have been taught to raise vegetables, which are a healthful addition to their usual diet of fish and meat.

There are extensive regions in which the services of a physician are not obtainable. Accordingly, it often becomes the duty of a teacher to treat minor ailments, to render first aid to the injured, or to care for a patient through the course of a serious illness.

The Bureau of Education fosters the establishment of cooperative stores and other cooperative enterprises owned and managed by the natives themselves. By thus relieving themselves of the burden of the profit exacted by the middleman the natives are able to secure the necessities of life at the lowest prices and can at their own local stores obtain equitable values for their furs, ivory, woven baskets, and other native products.

The Bureau of Education has 73 school buildings in Alaska, the total value of which is $347,411. The value of the school equipment and furniture is approximately $65,000.

The appropriation, "education of natives of Alaska, 1913–14," is $200,000, of which $36,000 is used for medical relief of the natives.

The school enrollment is approximately 4,600. About 1,800 native children in remote villages are still to be provided with school facilities.

United States public schools for natives of Alaska. Established in 1884.

	1909	1910	1909	1910	1910	1914
Schools	10	14	15	41	77	[1] 70
Teachers	10	15	15	46	98	97
Enrollment	685	877	1,236	2,694	3,884	.....

[1] The number of the schools has been reduced in order that additional funds may be available for medical work.

A document distributed by the officials of the Alaska-Yukon-Pacific Exposition, Seattle, 1909, written by an unprejudiced observer not connected with the Government service, contains the following statement regarding the Bureau of Education's schools in Alaska:

"In brief, the Government is doing a splendid work. The teachers are well fitted for their vocation. The management of the Alaska native schools is excellent. What the Government teachers have done for the natives of Alaska can not be measured. It is the kind of work that does not show immediate results, but the author of this publication knows that it is sincere, painstaking, zealous work, and he knows that it is intelligently and wisely conducted."

MEDICAL WORK.

There is no specific appropriation for the support of medical work among the natives of Alaska. For several years the Bureau of Education has been striving, without success, to secure funds for use in making proper and adequate provision for the checking and prevention of the diseases which beyond question prevail to an alarming extent among the native races of Alaska. It has succeeded in securing a modification of the terms of the appropriation for the education of natives of Alaska which enables it to employ physicians and nurses. It can not erect the hospitals which are so greatly needed.

Realizing the absolute necessity for action, the Bureau of Education is using $36,000 of the $200,000 appropriated for the education of natives of Alaska during the fiscal year 1913–14 in employing 9 physicians, 9 nurses, in supplying the others of the United States public schools for natives with medical chests for use in treating minor ailments, also in maintaining three improvised hospitals in school buildings in centers of native population where hospitals are most urgently needed, and in making contracts with four hospitals for the treatment of diseased natives.

Nearly 1,800 cases were treated in the hospitals at Juneau, Nushagak, Nulato, and Ketchikan during 1912–13. The most prevalent diseases were tuberculosis, trachoma, rheumatism, and venereal diseases; the surgical operations included excisions for tubercular diseases of the bones, the removal of tubercular glands, laparotomies, curetting of ulcers, setting broken bones, suturing up recent wounds, and excisions of hemorrhoids, cataracts, abscesses, tonsils, and adenoids. During the year epidemics of infantile paralysis at St. Michael and of diphtheria at Nulato were checked by physicians employed by the Bureau of Education.

Referring to the medical work of the Bureau of Education in Alaska, Dr. Emil Krulish, passed assistant surgeon, United States Public Health Service, detailed to investigate health conditions among the natives of Alaska, makes the following statement in his official report:

"This improvement in the Sitka village, which is an example of the improvement in other sections of Alaska, I attribute chiefly to the influence and efforts of physicians, nurses, teachers, and hospitals now under the Bureau of Education. It demonstrates the fact that the outlook for the general improvement of the native is encouraging and the task feasible."

The next amendment of the Committee on Appropriations was, on page 111, after line 9, to insert:

Hot Springs Reservation, Hot Springs, Ark.: For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840, to be expended under the direction of the Secretary of the Interior and in accordance with plans described in House Document No. 1298, Sixty-second Congress, third session.

Mr. BURTON. Mr. President, I do not think we ought to adopt that amendment without some explanation of it. As it reads here it is:

For labor and material required in the installation of a drainage system in the city of Hot Springs to care for storm waters from the mountains of the Hot Springs Reservation, $237,840—

And so forth. Why should the Federal Government pay for that?

Mr. CLARKE of Arkansas. Mr. President, that improvement is one which is shown to be necessary by an engineering examination that was made under the authority of an act of Congress. It is well known that about 1,000 acres of the area of Hot Springs is Government property. Two mountains that make a valley on which a considerable part of the town is built are the property of the United States. The Government owns a vast amount of property there. All the bathhouse sites in the town are the property of the United States. This has been evolved as an expert determination of what the right of ownership in that place devolves upon the National Government. It is all worked out in a very elaborate document by a board of engineers appointed for that purpose. The item passed the Senate at the last session, but by reason of the size of the bill or something else it was left out in conference. It is a well-recognized necessity in that locality, and it has been duly estimated for. It has run the gantlet of all the inspections to which items of this kind are usually subjected.

Mr. BURTON. I should like to have the item passed over until I can examine this document.

Mr. CLARKE of Arkansas. It depends altogether on whether or not we are likely to get through with the bill to-night.

Mr. MARTIN of Virginia. We hope to finish the bill to-night. I do not think the Senator will make any mistake in allowing the amendment to be agreed to.

Mr. CLARKE of Arkansas. It is not a new item. It is one that has passed the Senate heretofore.

Mr. BURTON. It seems to me a very singular contention that the ownership of property adjacent to a city should impose upon the Government the obligation of providing a drainage system for the city.

Mr. CLARKE of Arkansas. It is more than the mere ownership of property adjacent to it. It is the ownership of the city itself, nearly a thousand acres—800 acres and a fraction.

Mr. GALLINGER. I will ask the Senator from Arkansas whether there is any report which would show whether or not this experiment in Government ownership is profitable?

Mr. CLARKE of Arkansas. This one has not been profitable up to the present time, but it ought to be in the near future. It is one of the great institutions of this country, and I feel confident that its operations will show a net profit in favor of the Government at an early date. Heretofore it has not yielded a net profit, but it is making progress in that direction.

Mr. GALLINGER. As I understand, the hotel rights and bath rights and everything of that kind are sold to private parties; are they?

Mr. CLARKE of Arkansas. That was true 20 years ago. At that time the hotel leases were made for rather nominal prices; but the importance of the resort has become so well known now that these sites are exceedingly valuable and they bring very high rents. I think from this time forward it will be a self-sustaining proposition.

Mr. GALLINGER. I did not make the inquiry with any feeling of hostility at all.

Mr. CLARKE of Arkansas. I am sure that is true. I am sure my friend from Ohio would have no objection to it if he had heretofore availed himself of the opportunities that were presented on a former occasion to advise himself about its details. I have not any fear about what an examination of the item will disclose; and I would not want to delay the bill and put ourselves to unusual trouble about a thing that is so patent.

Mr. BURTON. Mr. President, I do not wish to take the responsibility, just for the sake of making an examination myself, of postponing the disposition of this bill beyond to-day; but I really do not believe the consideration of the bill will be concluded before adjournment. If it should be reached at a later time, I probably should have had the opportunity to examine it in the meantime. I should like to have it passed over, so that there will be an opportunity to examine it.

Mr. CLARKE of Arkansas. I have not any objection to passing the item upon the request of the Senator, provided we do not thereby delay the ultimate passage of the bill.

Mr. MARTIN of Virginia. If we should get to the end of the bill, I hope the Senator will then take it up and dispose of it this evening.

Mr. BURTON. I will send for the document right away.

Mr. MARTIN of Virginia. Very well.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "National parks," on page 112, after line 20, to insert:

For survey for a road from the national forest line near Fairfax up the Carbon River Valley to Carbon Glacier, thence to Spray Park and Moraine Park in Mount Rainier National Park, $12,500.

The amendment was agreed to.

The next amendment was, on page 113, line 4, after the word "roads," to strike out "$7,540" and insert "$3,040," so as to make the clause read:

Crater Lake National Park, Oreg.: For protection and improvement, and repairing and extension of roads, $3,040.

The amendment was agreed to.

The next amendment was, on page 113, after line 9, to insert:

Sullys Hill Park, N. Dak.: For protection and improvement, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 116, line 16, after the word "available," to strike out "$6,000" and insert "$10,000," so as to make the clause read:

For improvement of grounds and repairs of buildings, to be immediately available, $10,000.

The amendment was agreed to.

and insert "$5,200"; and in line 2, after the name "United States," to strike out "$2,153.34" and insert "$3,533.34," so as to make the clause read:

For waste, oil, boiler repairs, sewer pipe, cement, brick and supplies, $1,900; 2 engineers, at $1,200 each; 2 laborers, at $500 each; in all, $5,300; for two-thirds of said sum, to be supplied by the United States, $3,533.34.

The amendment was agreed to.

The next amendment was, on page 61, after line 21, to insert:

Swamp lands, Fort Washington, Md.: The appropriation of $360 for the purchase of 6.6 acres of swamp land adjoining the military reservation at Fort Washington, Md., made in the sundry civil act for the fiscal year 1914 is hereby made available for said purpose for the fiscal year 1915: *Provided*, That authority is hereby given the present owners of said land to reserve a right of way over and through the tract along the existing roadway thereon.

The amendment was agreed to.

The next amendment was, on page 64, after line 5, to insert:

For purchase of the Bunkard Church property on the Antietam battle field, Maryland, $1,500.

The amendment was agreed to.

The next amendment was, on page 66, after line 16, to insert:

Road from Highway Bridge to the Arlington National Cemetery: For completing the construction of a public road from the southern end of the new Highway Bridge, across the Potomac River, to the Arlington National Cemetery, and for completing the resurfacing of the roadway between the United States Government experimental farm and the Arlington National Cemetery, $11,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Engineer Department," on page 68, line 21, after the word "improvements," to strike out "$125,000" and insert "$150,000," so as to read:

Yellowstone National Park: For maintenance and repair of improvements, $150,000, including not to exceed $7,500 for maintenance of the road in the forest reserve leading out of the park from the east boundary, and not to exceed $2,500 for maintenance of the road in the forest reserves leading out of the park from the south boundary, to be expended by and under the direction of the Secretary of War: *Provided*, That no portion of this appropriation shall be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the time when they will be cleared by seasonal changes.

The amendment was agreed to.

The next amendment was, on page 69, line 12, after the word "vehicles," to strike out "$75,000" and insert "$100,000," so as to make the clause read:

For widening to not exceeding 18 feet and improving surface of roads and for building bridges and culverts from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $100,000.

The amendment was agreed to.

The next amendment was, on page 69, line 17, after the word "vehicles," to strike out "$20,000" and insert "$30,000," so as to make the clause read:

For widening to not exceeding 18 feet and improving the surface of roads and for building bridges and culverts in the forest reserve leading out of the park from the east boundary, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $30,000.

The amendment was agreed to.

The next amendment was, on page 69, line 20, after the words "Secretary of War," to strike out "$75,000" and insert "$100,000," so as to make the clause read:

Crater Lake National Park, Oreg.: For continuation of the construction of a wagon road and the necessary bridges through Crater Lake National Park, Oreg., together with a system of tanks and water-supply pipes to provide for sprinkling, in accordance with the recommendations contained in the report of the War Department published as House Document No. 328, Sixty-second Congress, second session, to be expended under the direction of the Secretary of War, $100,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 23, to insert:

Toward the construction of necessary retaining walls in Meridian Hill Park, $25,000.

The amendment was agreed to.

The next amendment was, on page 81, line 20, after the words "northwestern lakes," to insert "Lake of the Woods and other boundary and connecting waters between said lake and Lake Superior," so as to make the clause read:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, Lake of the Woods, and other boundary and connecting waters between said lake and Lake Superior, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation, $125,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 88, after line 15, to insert:

For sea wall on Johns Creek, $22,000.

The amendment was agreed to.

The next amendment was, on page 88, line 17, after the words "In all," to strike out "$3,528,000" and insert "$3,537,000," so as to make the clause read:

In all, $3,537,000.

The amendment was agreed to.

The next amendment was, on page 89, after line 24, to insert:

For repairs to seven barracks, $17,000.

The amendment was agreed to.

The next amendment was, on page 89, line 20, after the words "In all," to strike out "$449,000" and insert "$466,000," so as to make the clause read:

In all, $466,000.

The amendment was agreed to.

The next amendment was, on page 93, line 6, after the words "National Home for Disabled Volunteer Soldiers," to strike out "$3,521,600" and insert "$3,800,600," so as to make the clause read:

In all, National Home for Disabled Volunteer Soldiers, $3,800,600.

The amendment was agreed to.

The next amendment was, on page 94, after line 20, to insert:

UNDER THE NAVY DEPARTMENT.

OFFICE OF THE SECRETARY.

Collecting naval records of Revolutionary War: To continue, under the direction of the Secretary of the Navy, as provided in the act approved March 2, 1913 (Public, No. 402), the work of collecting or copying and classifying, with a view to publication, the scattered naval records of the Revolutionary War, to remain available until expended, $7,000.

The amendment was agreed to.

The next amendment was, under the head of "Under the Department of the Interior," subhead "Public buildings," on page 96, line 5, after the words "driving of," to insert "motor-propelled, passenger-carrying," so as to make the clause read:

Capitol Building: For work at Capitol and for general repairs thereof, including flags for the east and west fronts of the center of the Capitol and for Senate and House Office Buildings; flagpoles, halyards, and tackle; wages of mechanics and laborers; purchase, maintenance, and driving of motor-propelled, passenger-carrying office vehicle; and not exceeding $100 for the purchase of technical and necessary reference books and city directory, $30,000.

The amendment was agreed to.

The next amendment was, on page 97, after line 19, to insert:

GENERAL LAND OFFICE.

Protection of national monuments: For the preservation, development, administration, and protection of the national monuments, in accordance with estimate submitted to Congress at its present session in House Document No. 506, to be expended under the direction of the Secretary of the Interior: *Provided*, That the salaries paid the custodians hereunder shall not exceed $900 each per annum, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Lands Service," on page 98, line 11, after the word "typewriters," to strike out "$330,000" and insert "$350,000," so as to read:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $380,000.

The amendment was agreed to.

The next amendment was, under the subhead "United States Geological Survey," on page 102, line 22, after the words "Geological Survey, including," to insert "the purchase for field use only of not exceeding 4 motor-propelled vehicles at a total cost not exceeding $2,800, and not exceeding 16 horse-drawn vehicles at a total cost not exceeding $2,400, and," so as to make the clause read:

General expenses: For every expenditure requisite for and incident to the authorized work of the Geological Survey, including the purchase for field use only of not exceeding 4 motor-propelled vehicles at a total cost not exceeding $2,800, and not exceeding 16 horse-drawn vehicles at a total cost not exceeding $2,400, and personal services in the District of Columbia and in the field, to be expended under the regulations from time to time prescribed by the Secretary of the Interior, and under the following heads:

The amendment was agreed to.

The next amendment was, on page 104, line 9, after the words "geologic surveys," to strike out "of the public lands," so as to make the clause read:

For geologic surveys in the various portions of the United States, $400,000.

The amendment was agreed to.

The next amendment was, on page 104, line 21, after the words "artesian wells," to insert "boring artesian wells for investigation"; and, in line 23, after the words "water resources," to strike out "$150,000," and insert "$200,000," so as to make the clause read:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, boring artesian wells for investigation, and the preparation of reports upon the best methods of utilizing the water resources, $300,000.

Mr. NORRIS. Mr. President, I move to amend the committee amendment in line 23, page 104, by striking out "$200,000" and inserting the amendment which I send to the desk.

Mr. MARTIN of Virginia. I understand that is an amendment to the committee amendment.

Mr. NORRIS. Yes. I want to strike out "$200,000," as proposed by the committee, and to insert the words I have sent to the Secretary's desk to be read.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 104, line 23, it is proposed to strike out "$200,000," and to insert "$250,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

Mr. WARREN. Mr. President, I will suggest to the Senator that that amendment would cut down the amount for gauging streams. I think the Senator should either raise the amount carried by his amendment or lessen the amount for the special purpose he has in view.

Mr. NORRIS. I would be glad to make the amount still larger if it would not be objectionable to the committee. I have increased the amount which the committee has suggested by $50,000; so that there would be $150,000 left for the ordinary purposes, and $100,000 devoted for the specific purpose named in the amendment.

Mr. WARREN. But the estimate for that work was $200,000, and the department felt that it would be impossible to cover the requirements of the situation in connection with the gauging of streams with a less amount than that.

Mr. NORRIS. With that statement I will modify the amendment, and instead of "$250,000" insert "$300,000."

Mr. BRISTOW. Mr. President, I should like to have the amendment again stated, and the page and line given, so that I may follow it.

The SECRETARY. On page 104, line 23, it is proposed to amend the amendment of the committee by striking out "$200,000," and inserting "$300,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of Agriculture to investigate the existence of artesian wells and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells."

Mr. BRISTOW. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. BRISTOW. May I ask the Senator if he could not further modify the amendment by including also the measurement of the run-off of the streams in the same region?

Mr. NORRIS. I think that is already included in the bill. There is an appropriation for that purpose, I think.

Mr. BRISTOW. I inquire if the Senator——

Mr. JONES. I will suggest that that is covered by the provision for gauging streams in the first part of that paragraph.

Mr. NORRIS. That is what the term "gauging streams" means.

Mr. BRISTOW. That will cover, then, the measurement of the water that runs off the ground, as well as the investigation as to artesian water?

Mr. NORRIS. Yes. My amendment increases the amount from $200,000 to $300,000, and it provides that $100,000 of that money must be used for the purpose of boring artesian wells.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Kansas that the provision with respect to the measurement of the streams is very valuable for the purpose of ascertaining the amount of water that can be impounded in reservoirs.

Mr. BRISTOW. That is exactly the point I had in mind. I think the appropriation is inadequate; I want it increased. Three hundred thousand dollars is not enough; it ought to be a million dollars.

Mr. SHAFROTH. Of course there is no limit to the amount that can be expended along that and other lines; but we have got to take into consideration the state of the Treasury and many other things in order to determine what appropriation should be made for a particular item. Many of us would like to have larger appropriations than we vote for, but we do not insist upon them, because of the fact that we know that we can not have the appropriations we desire and at the same time do justice to other necessary requirements of the Government.

Mr. BRISTOW. I understand that; but there are a hundred items in this bill that could be cut out and one-tenth of the amount saved and used for this purpose would benefit the people of the United States tenfold more than if the money were expended as proposed.

Mr. SHAFROTH. I will ask the Senator to name those items? That is a broad assertion he has made. I will suggest to the Senator that when he comes to name the items he will find there are friends here of each one of those items.

Mr. BRISTOW. I do not doubt there are friends of each item.

Mr. SHAFROTH. And not only that, but they can give good reasons why those appropriations should remain in the bill.

Mr. BRISTOW. There are doubtless friends of every item of appropriation made; that goes without saying. I would not argue with the Senator on that proposition; but you can cut out all the items that relate to the harbors and rivers in this bill and take all of that money and use it for the impounding of water, and it will benefit the people of the United States a thousandfold more than they will be benefited by the money that is being poured into these streams.

Mr. SHAFROTH. I do not live in a country where there are many rivers and harbors.

Mr. BRISTOW. I should like to have the Senator from Nebraska make the amount three or four times as much as he has suggested. Two hundred thousand dollars is absolutely inadequate; it is of little consequence. When it comes to confining an appropriation of this importance to that meager sum, I think it is pitiable legislation, although it is better than nothing, of course.

Mr. MARTIN of Virginia. Mr. President——

Mr. NORRIS. Mr. President——

Mr. MARTIN of Virginia. I thought the Senator from Nebraska was through.

Mr. NORRIS. I yield to the Senator.

Mr. MARTIN of Virginia. I just want to call attention to the fact that the House gave $150,000 and the Senate increased it to $200,000, which was the maximum amount estimated for. I am so distinctly in sympathy with the amendment the Senator from Nebraska has offered that I am not making any point of order; but I want to say to him that although we will do the very best we possibly can he must realize the difficulty there is in holding an amendment like that when we get into conference.

I am in entire accord with the amendment, and make no point of order, and do not oppose it, and will do the best I can to keep it in the bill; but there are difficulties ahead, as he will readily understand. We will do the best we can to overcome them.

I will say in passing—not that it is at all necessary—that there are different points of view. The Senator from Kansas goes out of his way to make an attack on river and harbor appropriations. He has none in his State; but there are Senators who are just as much interested in those appropriations as he is interested in this. I am interested in both, however, when they are right. I think this is right, and I will do the best I can to maintain it.

Mr. NORRIS. Mr. President, I have modified the amendment by striking out "the Secretary of Agriculture" and making it read "the Secretary of the Interior," because this is his department.

Mr. MARTIN of Virginia. That is a very good change.

Mr. NORRIS. I am very glad to hear the Senator from Virginia say what he has just said; but in order to assist him I want to call his attention to the fact that this amendment, exactly as I have offered it, with the exception that it was "the Secretary of Agriculture," was put into the agricultural appropriation bill and passed the Senate and went to conference. I am informed by the Senate conferees that the House conferees on that bill objected to it most strenuously because, they said, it was not in the proper bill; that it ought to have been appropriated so as to give the Geological Survey the control of the money, instead of the Secretary of Agriculture.

I think that will probably assist the Senator somewhat when he goes to conference.

Mr. MARTIN of Virginia. I will say to the Senator that I will take care of it as far as I can.

The VICE PRESIDENT. The question is on the amendment of the Senator from Nebraska to the amendment of the committee.

Mr. WALSH. Mr. President, I should like to have the amendment stated again, with the substitution suggested by the Senator. It seemed to me to be quite inappropriate to put the work in the hands of the Secretary of Agriculture.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out of the committee amendment "$300,000," and in lieu thereof to insert "$300,000: *Provided*, That $100,000 of this sum shall be used to enable the Secretary of the Interior to investigate the existence of artesian

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Iowa?

Mr. MARTIN of Virginia. I do.

Mr. CUMMINS. The Senator from Virginia has suggested that in his testimony before the House committee the chairman of the commission proposed to enter a very broad field and to inquire into a great many things. My question is, Does the chairman of the commission propose to enter any field that the commission is not authorized to enter under the terms of the act creating it?

Mr. MARTIN of Virginia. I do not think he does. It is a most comprehensive act.

Mr. CUMMINS. Therefore if Congress has directed the commission to go into a broad field of inquiry, ought we now to restrict the labor of the commission unless we desire to repeal the act?

Mr. MARTIN of Virginia. I think we might give him a reasonable amount of money and see what sort of work he is doing. I do not think he can do all those things in one year, or two years, or five years. I do not think the commission in five years can exhaust the comprehensive field that its chairman has laid out.

Mr. CUMMINS. Does not the Senator from Virginia believe we either ought to abolish the commission entirely or give it a larger appropriation than $50,000?

Mr. MARTIN of Virginia. I will say to the Senator that I am not at all sure the commission ought not to have more than $50,000, and my idea was to take the matter to conference and let us hear what the House conferees had to say. I will confess that if I had not been trying to economize time I would have sent for Mr. Walsh myself and would have given him some further examination on this matter; but I thought it might go to conference, and we could then determine whether or not we would enlarge the $50,000.

The Senator from New Hampshire [Mr. GALLINGER] suggested compromising it at $100,000. I had no desire to compromise it. I know he did not mean that in any disagreeable sense, but it is just as agreeable to me for the Senate to vote $200,000 as to vote $100,000 or $50,000.

Mr. CUMMINS. Is it not true that the work of the commission is of a character that admits of almost indefinite enlargement?

Mr. MARTIN of Virginia. It is, and therefore I would restrict it.

Mr. CUMMINS. Therefore, after all, it is a mere question of good judgment on the part of Senators with reference to the amount of work we want the commission to do. If that be true, why are we not just as well qualified to determine the matter now as at any other time, without any more information than we have at the present time?

Mr. MARTIN of Virginia. Because I should like to see us have some report. I should like to find out what the commission is doing. I do not feel like giving it carte blanche. I do not want to give it indefinite authority to expend money, especially in the duplication of work.

Mr. CUMMINS. There is no suggestion, is there, that the commission has been doing anything that we have not authorized it to do?

Mr. MARTIN of Virginia. No.

Mr. CUMMINS. I understand that is admitted.

Mr. MARTIN of Virginia. That is true, because they have been authorized to do everything.

Mr. CUMMINS. It is admitted, further, that the field is so broad that they can expend $300,000, or a great deal more than that, in covering it. Therefore it seems to me that we have all the material we need for a judgment upon the subject at this time.

Mr. SMITH of Georgia. Mr. President, I can state something they have done which they were not authorized to do. I do not think the bill creating the commission ever contemplated that they should take charge of the subject of vocational education, and I have found them starting out on that field of endeavor. I think they have broadened their investigation.

Mr. MARTIN of Virginia. I believe it is a great mistake in the commission to venture on the field of the adjustment of the differences between labor and capital.

Mr. CUMMINS. I do not intend to prolong the debate unduly, but I have not heard the fourth section of the act creating the commission read, and I desire to read it now:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Mr. MARTIN of Virginia. Mr. President——

Mr. CUMMINS. If the Senator from Virginia will pardon me, we could have given a commission no wider authority than is here stated. Vocational education is directly connected with a half dozen of the inquiries which are authorized. We can spend $200,000 or $300,000 or $400,000 or $500,000 profitably in the examination that is here required.

The examination, I think, is not for the purpose only of collecting facts. The senior Senator from Mississippi [Mr. WILLIAMS], as it seemed to me, touched the heart of this whole subject when he said that this is an educational process. The commission is valuable not for the mere collection of information and printing it in a book. The commission is valuable because it is made up of eminent men and women, whose opinions are valuable, whose suggestions will tend to educate the people, and will tend to create a public thought that will move in the right direction and will ultimately result in the proper legislation upon these various subjects.

Now, that work can not be done by a mere department of the Government. It can not be done by the Department of Commerce or the Department of Labor, as well organized as those departments are. It can not be done by the Children's Bureau. It can not be done by any department that we may have for sanitation and hygiene. If it is done effectively, it must be done by a commission that commands the confidence of the people of the country not as a mere part of the administration of the law but as a great postgraduate school for all citizens, in order to bring about a state of mind that will demand legislation fit and appropriate for the subject.

I know how faithful the Senator from Virginia is to the duties imposed upon him; I do not criticise him or the committee in the least degree; but it seems to me—and I believe he will concur with me—that we do not need any more information to enable us to make up our minds how much money a commission of this character can effectively or wisely expend. The truth is there is no practical limit to the money which may be expended for this purpose, and spent well.

Mr. SMITH of Georgia. I wish to ask the Senator from Iowa if he does not think it is a little extreme to give to any commission such a scope of work, and does the Senator believe that any body of nine men could be found who are well enough educated on these subjects to take charge of it? Would it not be far better if you are going to have any special work of this kind to have a commission on about one-fifth of it?

Mr. CUMMINS. It might have been well when we passed the act if we had limited the scope of the work of the commission. I will not review our judgment recorded in 1912. I will assume that it was wise to do what we did. If it was not wise, let us reach it directly and take away from the commission that part of its jurisdiction which we think it ought not to continue; but to attempt to cripple the commission by limiting so narrowly the expenditures which it may make is an indirect and, I think, a very indefensible way of repealing the law under which the commission was created.

I personally believe—it is not a question of belief—I know the commission can spend $200,000 and yet be far short of the work which Congress authorized it to do—which Congress more than authorized, which it required it to do. Therefore I hope that the appropriation provided for in the bill as passed by the House may prevail.

Mr. MARTIN of Virginia. The Senator from Iowa admits that the scope of the original law is so broad that it is practically without limit; that if carried out in all its ramifications and to the full extent of its possibilities the amount of money and the amount of time would be almost undefinable. The only way to limit it under the circumstances is to limit the appropriation.

I do not want to have the work of the commission unduly crippled, but I do want to have it restrained within reasonable limits, and I do want a duplication of work prevented.

My idea and the idea of the committee was that we would give them what they had last year and take it into conference and see what further ought to be done, if anything. I will say very frankly that I think it likely something further ought to be done. I do not think they can make any headway with the broad field laid out on $50,000. I think if they carried out the plans they have laid out it would cost $5,000,000 and last almost forever, for they exhaust all the activities of mankind in their program.

I think it would be wise to limit them in the way of money at their disposal, but I repeat that neither I nor any member of the committee, so far as I know and believe, has any pride of opinion in the matter except to have the Senate dispose of it according to its judgment and its opinion. It is just as agreeable to me to see $250,000 as to see $50,000 appropriated. It is for the Senate to determine. We thought $50,000 and further consideration in conference would best protect the interests of the people, but if the Senate thinks differently they simply have to reject the committee amendment and let the matter be finally settled at $200,000.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Smith, Ga.
Brady	Johnson	Overman	Smith, Md.
Brandegee	Jones	Page	Smoot
Bryan	Kenyon	Perkins	Sterling
Burton	Kern	Pittman	Stone
Catron	Lane	Poindexter	Sutherland
Chamberlain	Lea, Md.	Pomerene	Swanson
Chilton	Lewis	Ransdell	Thomas
Clapp	Lippitt	Reed	Thornton
Cummins	McLean	Shafroth	Townsend
Dillingham	Martin, Va.	Sheppard	Vardaman
Fletcher	Martine, N. J.	Shields	Walsh
Gallinger	Myers	Shively	Warren
Hollis	Nelson	Simmons	White
Hughes	Newlands	Smith, Ariz.	Williams

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business and is paired with the junior Senator from Missouri [Mr. REED].

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness.

The VICE PRESIDENT. Sixty Senators have answered to their names. There is a quorum present. The question is on the amendment proposed by the committee, on page 56, line 24, to strike out "$200,000" and insert "$50,000."

Mr. VARDAMAN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. If he were present, I would vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. In his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I have a pair with the junior Senator from Arkansas [Mr. ROBINSON]. My colleague [Mr. SMITH of Michigan] has a pair with the junior Senator from Missouri [Mr. REED]. I will transfer the pair of my colleague [Mr. SMITH of Michigan] to the Senator from Arkansas [Mr. ROBINSON] so that the Senator from Missouri [Mr. REED] and myself can vote. I vote "nay."

Mr. REED (after having voted in the affirmative). I voted through inadvertence. My attention was called to the fact that the Senator from Michigan [Mr. SMITH] is out of town, and I rose to make the correction, but sat down to wait until after the close of the roll call. Under the circumstances, if agreeable to the Senator from Michigan [Mr. TOWNSEND], I will allow my vote to stand.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and I vote "nay."

The roll call was concluded.

Mr. JAMES (after having voted in the negative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Alabama [Mr. BANKHEAD] and allow my vote to remain.

Mr. COLT. Has the junior Senator from Delaware [Mr. SAULSBURY] voted?

The VICE PRESIDENT. He has not.

Mr. COLT. In his absence I withhold my vote.

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. CHILTON. I transfer my pair just announced to the Senator from Kentucky [Mr. CAMDEN] and vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and allow my vote to stand.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH], both Senators being absent on important business. This announcement will stand for the day.

Mr. GALLINGER. I have been requested to announce a pair between the Senator from West Virginia [Mr. GOFF] and the Senator from South Carolina [Mr. TILLMAN].

I wish also to announce a pair between the junior Senator from Wisconsin [Mr. STEPHENSON] and the Senator from Oklahoma [Mr. GORE].

Mr. RANSDELL. I desire to announce the unavoidable absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. STONE (after having voted in the negative). I have voted, but I did so inadvertently. I have a standing pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and allow my vote to stand.

The result was announced—yeas 18, nays 46, as follows:

YEAS—18.

Bryan	Martin, Va.	Reed	Swanson
Chamberlain	Oliver	Shafroth	Thornton
Clarke, Ark.	Overman	Shields	Warren
Dillingham	Perkins	Simmons	
Fletcher	Ransdell	Smith, Ga.	

NAYS—46.

Ashurst	Hughes	Myers	Sterling
Borah	James	Nelson	Stone
Brady	Jones	Newlands	Sutherland
Brandegee	Kenyon	Norris	Thompson
Bristow	Kern	Page	Townsend
Burton	Lane	Pittman	Vardaman
Catron	Lea, Md.	Poindexter	Walsh
Chilton	Lewis	Pomerene	White
Clapp	Lippitt	Sheppard	Williams
Crawford	McCumber	Shively	Works
Cummins	McLean	Smith, Ariz.	
Hollis	Martine, N. J.	Smoot	

NOT VOTING—32.

Bankhead	Gallinger	Lodge	Smith, Md.
Burleigh	Goff	O'Gorman	Smith, Mich.
Camden	Gore	Owen	Smith, S. C.
Clark, Wyo.	Gronna	Penrose	Stephenson
Colt	Hitchcock	Robinson	Thomas
Culberson	Johnson	Root	Tillman
du Pont	La Follette	Saulsbury	Weeks
Fall	Lea, Tenn.	Sherman	West

So the amendment of the committee was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Under the War Department," on page 57, after line 1, to insert:

OFFICE OF THE SECRETARY.

Collecting military records of Revolutionary War: To continue under the direction of the Secretary of War, as provided in the act approved March 2, 1913 (Public, No. 402), the work of collecting or copying and classifying, with a view to publication, the scattered military records of the Revolutionary War, to remain available until expended, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Armories and arsenals," on page 58, line 1, after the words "in all," to strike out "$57,000" and insert "$88,000," so as to make the clause read:

In all, $88,000.

The amendment was agreed to.

The next amendment was, under the subhead "Under Quartermaster Corps," on page 59, after line 22, to insert:

Hereafter, at all military posts where post offices have been established, the Secretary of War shall assign proper and suitable room or rooms for post-office purposes.

The amendment was agreed to.

The next amendment was, on page 60, line 26, before the word "each," to strike out "$900" and insert "$1,200"; on page 61, line 1, after the words "in all," to strike out "$4,700"

three little children, smothered to death in one of these holes of refuge.

Mr. President, we can sit calmly in our seats, or we can ride in automobiles or launches and live in fine homes, and say that everything is progressing beautifully, but conditions like that in this country will have to stop. Now, the old bishop may be right. He says, "Loosening the moorings of Christianity had something to do with it, but the fundamental is human greed."

I think the Senator from Mississippi is right in one of his observations, and it is a broad one—that it is through a spiritual growth and development of the human being that this question will finally be worked out; but at the same time the facts brought before us will enable us, possibly in a philosophy of legislation, to devise some means to help settle this great question that is staring us in the face in this country; that is, of keeping the few from becoming excessively rich while the many are becoming excessively poor.

So I do hope we will not curtail the work of this commission. I do not know the men on this commission save one, Mr. Garretson, a man of high character and great ability. They were appointed by the President, who, I am sure, must be in sympathy with their work. We ought not to economize on this particular proposition, when this bill and the river and harbor bill carry $10,000,000, practically, for a canal scheme in the Ohio River, with a constantly decreasing traffic. We might take the money off of that; and of the fifty-three millions or so in the river and harbor bill and the one hundred millions in this bill, if we want to economize, there are certainly plenty of places where we may do so.

I was only led to make these suggestions by reason of the reference of the Senator from New Hampshire [Mr. GALLINGER] to the work of the investigating committee in West Virginia.

Mr. MARTIN of Virginia. Mr. President, I regret to occupy even a few minutes of the time of the Senate on this matter, which has been before us now almost all day. I can not refrain, however, from reminding some of the Senators who have addressed the Senate that the committee is not composed of the enemies of mankind. Anybody might think from this debate that this committee owned this money; that it was theirs; that they were withholding it from humanitarian uses; and that there are a few Senators who have a monopoly of humanitarian sentiments who are here in defense of humanity, and in defense of the people against the aggressions of the committee. Indeed, some of them have gotten so enthusiastic, like my friend the Senator from Alabama [Mr. WHITE], that they want to give more than the commission asked for. They did not ask for more than $200,000; but he says we must give them $50,000 more. They asked for only $200,000.

Mr. WHITE. Mr. President, I understood the commission asked for $250,000.

Mr. MARTIN of Virginia. The Senator is mistaken. I will read what the chairman of the commission said.

Mr. WHITE. I advocated that simply because I understood that was what the commission asked for.

Mr. MARTIN of Virginia. I supposed the Senator had misunderstood it; but still that is what he said.

Mr. WHITE. I understood that they asked for $250,000 and that the House had cut it down to $200,000. That was my information.

Mr. MARTIN of Virginia. No; the chairman said he had gotten $50,000 in the deficiency bill, and he wanted $200,000 more, and the House gave him $200,000.

Mr. WHITE. Of course, I do not want to give him any more than he wants.

Mr. MARTIN of Virginia. I think somebody ought to have told us what these people are doing. If anybody on the floor of the Senate knows what this commission is doing, he has not vouchsafed that information to the Senate.

Mr. HUGHES and Mr. WHITE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New Jersey?

Mr. MARTIN of Virginia. I do.

Mr. WHITE. It seems to me that it devolves upon the committee to let the Senate know what they are not doing.

Mr. MARTIN of Virginia. I have tried to do that; and I will do it a little more right now.

The VICE PRESIDENT. The Chair inquired if the Senator from Virginia would yield to the Senator from New Jersey.

Mr. MARTIN of Virginia. I will.

Mr. HUGHES. The Senator says nobody has stated what this commission is doing. I stated some of the things they were doing. I stated that they held public hearings in the city of New York and invited employers and employees engaged in various industrial controversies there to appear before them, examined them, and had their testimony reported. Then they went to the city of Paterson and did the same thing, and went to various other sections of the country and held hearings.

Mr. MARTIN of Virginia. We did understand that they had held hearings; but if there is any good in them or what they heard or what they did, I have not any information about it.

Mr. HUGHES. The Senator knows that under the provisions of the bill the commission is not called upon to make a report of any kind inside of a year. It is quite apparent to anybody who is familiar with the amount of money that has been appropriated and the activity of the commission that they could not possibly have made a report up to this time with the amount of money which was appropriated.

Mr. MARTIN of Virginia. I think it was incumbent upon the commission, when it asked for $200,000 more money, to give some account of what it had done.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I do.

Mr. SUTHERLAND. I call the attention of the chairman of the committee to the fact that the chairman of this commission appeared before the House committee and made a very full statement of what they were doing, part of which I read to the Senate some little time ago.

Mr. MARTIN of Virginia. He made a very full statement as to the possibilities of what he might do—glittering generalities, embracing all the activities of mankind.

Mr. SUTHERLAND. Perhaps that may be a matter of personal opinion. It seemed to me that the chairman did not indulge in glittering generalities, but that he made a very succinct statement of the facts. I thought it was a very intelligent statement.

Mr. MARTIN of Virginia. I can discover nothing of that sort in the hearing. I read every word of it, and I did not discover anything of the sort. I did discover that he talks, for example, about sanitation. We have a department devoted to that with liberal appropriations. He talks about hygiene. We have a department devoted to that, with very, very liberal appropriations in this bill and in other bills. The health of the country, instead of being neglected, is being liberally provided for. The Senator from Oregon seems to think we are doing a great deal for the cattle tick and for the boll weevil and nothing for mankind. It has never occurred to me that the appropriations we are making to exterminate the boll weevil were being made in the interest of the boll weevil. We thought we were doing it in the interest of mankind. The same thing applies to the appropriations for the extermination of the cattle tick. All these appropriations are made for the amelioration of the condition of mankind, and not for the cattle tick or for the boll weevil or for the swine. When we spend money to suppress hog cholera the object of it is to furnish pure food for mankind. Our appropriations are made exclusively for the benefit of mankind. They are not made for the cattle tick or the boll weevil.

The head of this bureau also spoke of the adjustment of difficulties between labor and capital. The very item before this appropriation, $50,000, is for a board of conciliation to adjust difficulties between labor and capital. I want it distinctly understood that this committee is not inimical to a liberal appropriation for that purpose, but I did feel that we ought to get some further information about it.

I read what the chairman of this commission said, and it did not satisfy me. He has had $150,000—$100,000 first and then again $50,000—and I, for one, do not know what he has accomplished with it.

Mr. HUGHES. Mr. President, will the Senator submit to an interruption now with reference to the amount of money that is asked for by the chairman of the commission?

Mr. MARTIN of Virginia. Certainly. I will yield for an interruption at any time the Senator desires to interrupt me.

Mr. HUGHES. The chairman of the Industrial Relations Commission wanted $250,000 appropriated in this bill. The statement was made by a member of the House committee that if $250,000 was appropriated that sum added to the amount that had been already appropriated would exceed the limitation placed by law upon the amount to be expended under the bill creating the commission. Now, there was no limitation imposed by law as to the amount to be expended under that bill, but the member of the House committee thought there was, and he says so in the testimony. He says it was his idea that there was a limit of $350,000 placed upon the amount to be expended under that law. Consequently he called the attention of Mr. Walsh to the fact that $250,000 added to what had been already appropriated would exceed that limitation. Mr. Walsh made no comment on it, I think, but it is quite apparent, I submit to the Senator, that the commission asked for $250,000.

Mr. MARTIN of Virginia. I will read what he said, and the Senator will see the mistake. I will read the language of Mr. Walsh himself. He said:

I will say this, however, that with the $50,000 in the deficiency appropriation, as I look upon the thing, I think we could cover it with $200,000.

Mr. HUGHES. I will read what he says, also, if the Senator will permit me.

Mr. MARTIN of Virginia. I shall be glad to have the Senator do so, but it is impossible to change that. I will say to the Senator that it is useless for us to quibble over that.

Mr. HUGHES. I was really interested chiefly in the fact that I thought perhaps I was responsible for the error, or supposed error, of the Senator from Alabama. I wanted to show that even if it was an error it was a justifiable one; and if the Senator will permit me I will read a line or two of this testimony.

Mr. MARTIN of Virginia. I am perfectly willing to have the Senator read it.

Mr. HUGHES. This is the chairman of the House Committee on Appropriations. Mr. Walsh, the chairman of the industrial commission, was before him. The chairman of the committee says to Mr. Walsh:

You are asking for $250,000 here for next year. That will be in excess of the amount that is authorized to be expended by that commission.

Mr. WALSH. Under these circumstances, then, you would not allow it—is that it? I am not familiar with this.

The CHAIRMAN. Was there a limit placed upon the expenditures to be made by your commission?

Mr. WALSH. Nothing, except by the application of the President——

The CHAIRMAN (interposing). Does not the act itself provide that the work shall be done for not less than $250,000?

Mr. WALSH. No, sir; it does not. The report that the committee made to Congress, recommending the creation of the commission, said that it would cost $500,000.

The CHAIRMAN. I recollect the discussion of the matter, and my impression is that the amount was limited to $350,000.

That came about in this way, if I may be permitted to trespass upon the time of the Senator: When that bill was first introduced in the House it carried an appropriation of $500,000, to be appropriated all at once, so that the commission could plan its work and carry it out, as I said a while ago. I just wanted to call the attention of the Senate, however, to the fact that it is evident here that the chairman of the commission at first, at least, wanted $250,000.

Mr. MARTIN of Virginia. If the Senator will note the language, he says "for next year." He did not say he wanted it in this appropriation bill; but he explained it later on by saying that he had gotten $50,000 in the deficiency bill, and he needed only $200,000 in this bill. He used the language "next year." He says he has gotten $50,000, and he only wants $200,000 more.

Mr. HUGHES. Well, it is very probable that that is the way the confusion arose.

Mr. MARTIN of Virginia. That is exactly what he said, in the plainest possible terms.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Alabama?

Mr. MARTIN of Virginia. Certainly.

Mr. WHITE. It was on the statement made by the Senator from New Jersey that I made my statement as to the amount wanted by the commission.

Mr. MARTIN of Virginia. No doubt it was a perfectly natural and harmless error that the Senator fell into, and I simply wanted to correct it. I was not complaining at all that he had made that mistake, nor was I complaining of the Senator from New Jersey for the statement he made.

Mr. HUGHES. I wanted to take the responsibility for the statement; that was all. I did not want the Senator from Alabama to be responsible for my inaccuracy.

Mr. MARTIN of Virginia. What I want to impress upon the Senate, however, is that unless some new light can be thrown on it, there is certainly a great duplication of work. I am willing to have $200,000 appropriated, or the $250,000 which my friend from Alabama inadvertently mentioned, or half a million dollars or a million dollars. I want whatever is necessary appropriated, but I do not want a single dollar unwisely appropriated; and I wanted some further light on this matter. As they got along last year with $50,000, when criticism was made of the work of this commission, and when we were without full information about the work of the commission, we cut it down to $30,000 in order that the item might go into conference and we could see what the House based its $200,000 on, and that we might do just exactly what was just and right and would best promote the welfare of the people of this country.

We are not inimical to the appropriation. We want every dollar appropriated that is necessary. It is not our money. It is the people's money, and it ought to be appropriated for their service and for the promotion of their welfare; but it ought not to be appropriated uselessly. Work ought not to be duplicated. We are getting in this country to the point where almost every kind of work is being duplicated. Every department is reaching out, like the courts reach out for jurisdiction, for new fields of activity.

Here is the subject of child labor. That is another thing that the chairman of this commission said he was going to investigate. We have just appropriated $100,000 for a special bureau organized for the purpose of investigating child labor. Do you want to give $100,000 to that special bureau, organized for that purpose, and also appropriate money to enable this Industrial Relations Commission to investigate child labor?

Mr. WHITE. Mr. President, I should like to ask the chairman of the committee, with his permission, if he does not think the better plan, then, would be to abolish this commission?

Mr. MARTIN of Virginia. I am not prepared to go that far. I want to investigate and see exactly what the commission needs, and give it to it, as it has been started. I am not sure it was wisely started, as there is so much duplication. I do not see why we should duplicate work. The cry of humanity and philanthropy and human kindliness appeals to us all, and we are apt to be led too far in appropriating, rather than not to go far enough.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Mississippi?

Mr. MARTIN of Virginia. I yield.

Mr. VARDAMAN. Let me suggest to the Senator from Virginia that if this provision in the bill should go over until probably day after to-morrow, I think we can get the information he desires.

Mr. MARTIN of Virginia. I should prefer to have it disposed of now, Mr. President. I hope this bill will be out of the Senate before day after to-morrow.

Mr. VARDAMAN. I will ask the Senator to pass it over now.

Mr. MARTIN of Virginia. I have no pride of opinion; I have no sort of concern about this, except to do my duty by the Senate, and present this matter clearly to it. It will be perfectly agreeable to me for the Senate to vote the $200,000. I have no desire in this matter that is not in common with the desires of other Senators.

Mr. VARDAMAN. Mr. President, I wish to assure the Senator that there is not a Senator upon this floor who thinks he is moved by an improper motive.

Mr. MARTIN of Virginia. Oh, I am sure of that. I did not mean to intimate that.

Mr. VARDAMAN. I have not heard any suggestion of that kind; but if the amendment goes over, I think we can get information that will be of value to the Senate.

Mr. MARTIN of Virginia. I think we have all the information we are going to get. The chairman of this commission has been before the House committee, and he has given pages of information of a sort. He deals in generalities. He embraces all the activities of humanity. There is nothing that can be conceived by the wit of man that will benefit humanity that he does not contemplate investigating. He has laid out for himself the broadest sort of field. I do not know how far he has proceeded in a practical way with any of these things; but he has laid out a field of work here that would cost perhaps millions, and occupy years; and I expect it will be just about as much read as the 19 volumes of the industrial commission. It may do some good; but I think it is duplicating work so much that I am very apprehensive that it will not do much good.

I do not see, for the life of me, why we want anybody else to investigate the health of this country. That subject has received large appropriations. It is one of my weaknesses to spend money for the public health.

Mr. SMOOT. Three million dollars.

Mr. MARTIN of Virginia. As the Senator from Utah says, about $3,000,000. I have always advocated the most liberal appropriations for the benefit of the public health and for the amelioration of the condition of mankind in every possible way; but I do not want to see money unwisely appropriated and wasted.

Whatever the Senate may do is perfectly agreeable to me. I want every Senator to understand fully that I have no pride of opinion about this matter, nor has the committee any pride of opinion. It only wants to do what is right. If the Senate thinks the appropriation should be $200,000, it is perfectly agreeable to me to see it voted, and voted this evening. I do not want it put off. I want this matter disposed of. I want this bill passed, and I simply voiced the judgment of the Senate in respect to this proposed appropriation of $200,000.

Mr. KENYON. I say that investigation had a great deal to do with breaking up the labor trouble in West Virginia.

Mr. GALLINGER. I am very glad to have that assurance. I voted for that investigation, because it was thought desirable that we should send a committee to West Virginia; and the House of Representatives sent one to Denver. I presume that some good came out of them, but those committees did very little to get at the fundamentals of this question, to solve the problem, so that it would remain solved for any considerable length of time.

Mr. OVERMAN. I will ask the Senator from New Hampshire if he does not agree with me that many of these commissions have made false reports, and that probably a Senate committee would be better to investigate some of these great questions than would be such commissions?

Mr. GALLINGER. I think so, if they would take the time to do it, but committees of Congress do not as a rule take the necessary time.

Mr. OVERMAN. I call the Senator's attention to the fact that one of the greatest investigations was that by the Merchant Marine Commission, of which the Senator was chairman. The Senator will also remember that there was an appropriation of $300,000 for another commission to make an investigation, whose report was filled with false statements, so that it was of no earthly use to the country, and we paid $44,000 to print the report, which nobody has ever read.

Mr. GALLINGER. The clamor for large appropriations does not always appeal to me. I was chairman of a commission, as the Senator from North Carolina suggests, consisting of five Senators and five Representatives in Congress, which made an investigation covering the entire country from Boston to Los Angeles, and also on the Gulf coast, holding hearings at every important point. An appropriation of $40,000 was voted to that commission, and there was paid back into the Treasury, as I recall, about $19,000 of that $40,000. Of course, there were no salaries, except those of the secretary and one or two experts employed, and the expenditure for the payment of witnesses. So, sometimes I think we get the notion that these commissions need more money than they really do.

I did not, however, mean to raise that question just now. What I meant to say, Mr. President, and what I will say in conclusion, is that, turning to this bill, I read on the same page a headline "United States Board of Mediation and Conciliation." That headline appealed to me as I read it a moment ago, and I went for the law creating that Board of Mediation and Conciliation. I find that it is for the purpose of adjusting differences between railroads and their employees; and it occurs to me that after this commission, concerning which we are now talking, ends its life, we ought to have a board fashioned somewhat after the board provided for by that law, and an appropriation made that would create a permanent board for the purpose of hearing the controversies between the laboring men and their employers.

Section 2 of the act providing for a Board of Mediation, Conciliation, and Arbitration in controversies between certain employers and employees, to which I have alluded, provides:

> That whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act—
>
> Relating to railroad employees—
>
> Interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable adjustment of the controversy; and upon the request of either party the said board shall, with all practical expedition, put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

That board, Mr. President, consists of Judge Martin A. Knapp, Judge William L. Chambers, and Mr. G. W. W. Hanger. It is composed of three very eminent men, and I apprehend it is doing most excellent work, and my suggestion is—I give it for what it is worth—that after the Industrial Relations Commission has performed its function and has expired that it would be well for the Congress seriously to consider the question whether a board fashioned after the Board of Mediation and Conciliation could not well be organized for the purpose of hearing controversies between employers and employees and endeavoring to adjust them. I think they would accomplish much more than any commission can do and much more than any committee of either House of Congress can do.

Mr. President, concerning the amount of this appropriation, I will say that I am a member of the Committee on Appropriations but was not present when this item was considered and do not know exactly how I would have felt about it at that time. As I have heard the discussion, it has occurred to me that the committee perhaps might well compromise this matter, and in place of $50,000 insert $100,000, and let it go to conference in that shape. However, Senators should remember that no matter which amount we put in the bill it will of necessity go to conference between the two Houses, and doubtless an adequate appropriation will be agreed to.

Mr. OVERMAN. Mr. President, probably the Senator did not hear what the chairman of the committee said in relation to the matter.

Mr. GALLINGER. I did not.

Mr. OVERMAN. He said that, in considering this matter, the committee concluded we would make it the same as the appropriation provided last year, and then the matter would go to conference; we would investigate it and see what testimony or what information the House had and finally give the commission a sufficient amount to carry out the purposes for which it was created. I think the chairman of the committee made that statement, but the Senator probably was not here at the time.

Mr. GALLINGER. I was not present.

Mr. OVERMAN. We concluded we would let it go to conference and determine it in that way.

Mr. LANE. Mr. President, I wish to say just a word. My attention was attracted by the fact that the Industrial Relations Commission is perhaps about the only agency in existence which is of real value in making a study of industrial conditions as they affect human beings. The investigations undertaken by that commission have in view the protection and benefit of all the people, but the appropriation has been cut down to the pitiable sum of $30,000. It may be that the commission will not do a great deal of good, and yet there is a field open wherein it might do inestimable good for the people of this country and to all classes without distinction.

In this connection I remember the appropriations we have made for the benefit of the cattle industry and for hogs and for the destruction of pests that infest cotton and other agricultural products. In the Agricultural appropriation bill recently passed there was, for instance, an appropriation of $625,000 for the detection, prevention, treatment, and care of diseases of domestic animals; the sum of $400,000 for the eradication of ticks which infest cattle and infect them with disease; and further along in the same bill there was appropriated $678,000 for the eradication of cotton pests, such as the boll weevil. Hundreds of thousands of dollars are appropriated and expended for such purposes as those I have indicated. Of course, we ought to make reasonable appropriation for such purposes, but here is a subject that comes near to the heart of the people; a subject which intimately concerns the health of the community and the welfare of all the people, and, perhaps, the health and future fate of the race in this country.

Perhaps the investigations will disclose facts and bring forth suggestions in regard to existing conditions which, if carefully considered and acted upon by Congress, may afford a remedy and save a revolution in this country and the confiscation of property, if you please. There is a state of unrest now which even the philosophy of my distinguished friend from Mississippi [Mr. WILLIAMS] will not allay. In comparison with $400,000 appropriated for the purpose of experimenting with sprays to kill ticks the small sum of $30,000 is refused for the great work of the Industrial Relations Commission. It seems to me that we are not paying sufficient attention to the needs of humanity as contrasted with the needs of the brute creation.

The Senator from New Hampshire [Mr. GALLINGER] said that the complaint which I have made is an old story, and I have an idea that it is an old story; it has been rung into the ears of this Congress for years and years; but it will not be told to you many times more, for you are going to sit up and pay attention to that complaint, or it is going to come to you with the drumming of guns, and then it will not be called an old story; it will be a new story, and you will be glad to pay heed to it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from New Hampshire?

Mr. LANE. I am done.

Mr. GALLINGER. The Senator must not lose sight of the fact that we are making very large appropriations for the public health through the Public Health and Marine-Hospital Service, and in other directions. The Senator should not lose sight of the further fact that the appropriations which are made to preserve the purity of our food, whether it be meat or vegetables, are directly for the benefit of the human family; and unless we made such appropriations we would have a condition of things

existing in this country that would be unspeakable. Therefore it ought not to be sent out to the country that we are making large appropriations for the brute creation and neglecting our duty to the men, women, and children of the country.

Mr. WHITE. Mr. President, I have not the advantages that many of my brother Senators have in experience in such matters as this, and I am not so familiar as they are with matters connected with the particular amendment under consideration; but, as I gather from the discussion, the Industrial Relations Commission was created for the purpose of acquiring information. I do not think it was intended primarily to provide remedies; it was rather to diagnose the situation—to take the symptoms. If I am not mistaken, that was the great purpose of the institution of the commission. It was created and given life for a certain limited period of time. That time, as I understand, has not more than half expired. It is a child of our creation; it is an agency that we ourselves have employed; and is it wise now to strike down that agency before it has had time to accomplish the purpose for which it was created? It seems to me that it is not. It occurs to me that if that is to be done, we had better strike at the root of the tree than to undertake to destroy its life by lopping off its branches one at a time.

If this commission is a useless and unnecessary body, then why not repeal the law that created it and destroy its existence? That would be the sensible way; yes, that would be the manly way in which to treat this subject; but to let it live, to give it a precarious existence, and yet take from it everything that could make it useful or enable it to discharge the duties that were devolved upon it, seems to me to be unwise. Mr. President, it appears to me that if the result intended by this amendment is allowed to be accomplished, we will reflect upon our previous action in creating the commission, as we are anticipating its failure before it has had time to demonstrate its usefulness.

When this commission was created we knew we were moving in the dark; we knew that we were in the field of exploration, and we estimated then that it would take a certain length of time to make the voyage necessary to accomplish the purposes intended, and yet before that time has expired, yes, before it is well on its way, we undertake to recall the voyageurs whom we sent abroad; we are signaling them to return to the home port before they have ever reached the port of their destination. That does not seem to me to be wise; it is not treating the subject with that seriousness and giving it that consideration to which it is entitled.

Mr. President, the work intended for this commission was not for the benefit of any one class. It was not raised, as I understand, primarily to advance the interests of labor or to advance the interests of capital but was created for the purpose of acquiring information for this body and for the country as a basis upon which intelligent action could be predicated in the future, action looking to the benefit of both, action that would tend to adjust the unsettled conditions that are now presented by our industrial situation.

That situation, sir, is very different from what it has been in the past. There never was a country since man was created in which the great industrial march has been so rapid as it has been in this country. It moves on, and has moved on for half a century like a mighty torrent, sweeping the conditions of the past out of the way. Labor and capital were never before engaged in such a great, such a stupendous struggle—I do not mean a struggle between themselves, but a struggle to develop the wonderful resources of this great country of ours. They are marching forward; they have been marching, and they will continue to march forward; and it ought to be our pleasure as well as our purpose to give them all the help we can in order that they may continue in that great march hand in hand and heart with heart, carrying peace and prosperity with them instead of destruction and ruin.

I favor, Mr. President, an adequate appropriation for this work, and I hope the Senate will not only restore the $200,000 that was voted by the House, but I hope, sir, that it will appropriate the amount which the head of the commission has asked to have appropriated. I have sat here and listened with interest to the remarks of able Senators, and I have heard them often say that a certain amount was the amount estimated for by the head of a department or bureau. I have frequently heard the questions propounded, "Where did you get your figures?" "What is the department estimate?" "What has the bureau said about it?" The response would come almost invariably from the chairman of the committee who had charge of the bill in hand that the figures were in accordance with the estimate made by the department; that the amount sought to be appropriated was the amount estimated by the head of the bureau. Why not treat this commission in the same way? Why not give it the same consideration and treat it in the same way that we treat other governmental agencies? I think it is fair and right that that should be so treated.

I come, Mr. President, from a great industrial State—a State which God has blessed with more natural resources, probably, than any other State in the Union; God has blessed it, too, with a great population. He has placed there a great industrial army. I want, as far as I can, to bring industrial conditions in my State, as well as all over the Union, into the very best possible situation.

I believe the task imposed on this commission, if performed, will tend to reach this end. Therefore I shall gladly vote against the committee amendment, with the view of restoring the amount in the bill as passed by the House.

Mr. KENYON. Mr. President, I join with those who desire to see the amendment of the committee defeated. I think the commission should be thoroughly equipped for the work it ought to do and the work it was created to do; and if it does that it will subserve a great public purpose.

I rose, however, to take just a moment of time, because I do not want to delay matters, and to say a word as to the suggestion of the Senator from New Hampshire [Mr. GALLINGER] with reference to commissions in general, and the West Virginia investigating committee in particular.

I believe if the Senator from New Hampshire would read the testimony taken in that investigation he would derive very great profit, and I believe he would feel that the committee endeavored to get down to the fundamentals of that unfortunate controversy.

I call the attention of the Senator from New Hampshire to the report that was made by the committee. The committee found a most unfortunate situation in West Virginia. Armed bodies of men, mine guards, employed by the owners of the mines, and armed employees had been engaging in actual warfare. The governor of that State had appointed a commission upon which was Bishop Beaubien, a Catholic bishop of very great eminence; when he was on the stand we asked him the question as to what was the fundamental trouble, as to why it was that employers were arming mine guards in their employ to go out and shoot their men, and men were arming themselves to go out and shoot their employers. I asked this question of the bishop:

> What is the fundamental trouble, Bishop?
>
> That good old man, who had given this question a great deal of thought, said:
>
> The causes are deep rooted and very obscure to a man unless he thinks and thinks and thinks and traces the roots down into their primary causes. I should say, if I were asked to put it very briefly, that it is human greed on both sides.

Though in the report we suggested that it was a little difficult to realize how there could be much human greed on the side of a man who was supporting a family and working day by day in the mines at ordinary living wages; but there is greed on the part of the owners of the property, and there always will be such greed.

Mr. President, the Senator from California [Mr. WORKS] has sounded a note here that is uncomfortable, but it is true. I wish I could join in the rosy view and picture that has been painted by the Senator from Mississippi [Mr. WILLIAMS] that labor conditions are getting better and that we are all getting better. I hope that is true. Let me call attention to a few matters. Out in West Virginia there was a little village of tents where the wives and children of the strikers lived, at Holy Creek, and about 11 o'clock one night there came an armored train with a machine gun in a baggage car, and as it approached this little village of women and children somebody—the evidence did not disclose exactly whom—operated that machine gun as the train moved along very slowly, and raked that village of tents with this machine gun. We had women before us with bullets in their feet and others who had been made widows by the progress of that train.

When the Senator from California says that we must devise some means to settle this matter peacefully, and says it with the solemnity and judgment that characterize him, he is stating an eternal truth, because things like the West Virginia performance can not go on. The value of any commission, such as this Industrial Relations Commission, that may shed a little light, however small it may be, upon some plan to stop these troubles can not be measured by money in any way.

The same thing has happened in Colorado. There were three women down here a few weeks ago, and some Senators heard their story—I happened to be one of them—and they told a story there of Ludlow, the village of tents, of the tents set afire, and the village raked by machine guns. One woman before us lost

ing than all that this Congress could have done if it had been doing nothing else for the last 10 years.

The old everlasting condition of "armed neutrality between capital and labor," as the Senator from Idaho called it, has been going on since one man first worked for another. It is no recent thing. From the very first time that one man wanted another to work for him, from the very first time when there began to be a division of labor, so that a man did not do all his own work and make or catch all he needed and had, it has been a hard fact. I may say from the first time men began to do work at all, because that change in the relation of man to man took place the minute men quit fishing and hunting and settled down to steady labor.

It is not growing worse; it is growing better; and, Mr. President, there will be evils about it as long as Parson Dale's sermon in Bulwer's novel, My Novel—I believe it is taken to heart by human beings everywhere—that greatest of all sermons, I think, though written by a novelist, which begins by enjoining the poor to have charity for the rich and enjoining the rich to have respect for the dignity of the poor. It is going to go on until the human heart and not the human head alone has worked it out of existence. In the meanwhile it does no harm to "investigate" and to continue to investigate.

Duplication of work in investigation and research ought to be avoided as far as possible, of course, but even duplication of work is preferable to not doing something. Even if you get nothing as a result of the investigation it is something if you leave the true impression upon the mind of those who consider themselves hard-ridden that you are trying to help them. Unfortunately the easiest thing in the world to persuade men of is that they are having an awfully hard time. You can go out and preach hard times in times of prosperity and men believe you because there are in the audience men who have not quite gotten all they wanted to get, though they tried, and think that then they have had an awfully hard time, and others who have not tried. Of the two the latter are bitterer than the former. Tennyson says that "knowledge comes, but wisdom lingers." That is true, and yet you must have knowledge as a beginning of wisdom, and you have to get that knowledge as best you may. You must educate the head first, somebody's head, before you can educate the heart—the popular heart; the all heart; everybody's heart. That is what makes up civilization.

You are never going to have any end to the old state of armed neutrality between capital and labor as long as private property exists until you come to the condition where each man is willing to earn all that he can by honest labor and is willing to keep only what he needs, and no man is willing to keep aught of another until he has tried his best to earn it for himself and has not. It will not be communism impressed by law. It will not be a superposition of Government upon men's lives. It will not be what is put upon men by premature law, but it will be what comes out of men's hearts as just and right and is only recognized by law. That feeling is growing every day, and it never was as strong at any time in the world as it is right now. The very fact that you are carrying on this discussion to-day proves it.

This discussion would hardly have been possible in 1830 or 1840. In the meanwhile, the great danger is that Government may attempt to usurp the place of evolution—evolution of thought, evolution of feeling, evolution of ethics—may destroy that treading upon our dead selves which thereby raises ourselves to higher things, all of which constitute true civilization and true progress.

The main business of government, after all, is to keep men from hurting other men, and thereby give free room for society by development in peace and order and mutual understanding to make spiritual growth.

I have said nothing relevant to this particular provision, but after the speech made by the Senator from California [Mr. WORKS], whom I so much respect, and who is generally so optimistic and of such spiritual insight, I did not want the day to close with a pessimistic cloud spreading out from this hall over the American people so that they could not see the sun behind it.

As for myself, I think if the Government just goes a little bit behind evolution and clinches—just to use a carpenter's phrase—clinches the accomplished fact of progress just as the better thought and sentiment of mankind have created it, and tacks it into the board, is about all that can be expected of government.

In the meanwhile, this little amendment does not make so much difference whether passed or defeated, because whether this work be done by these men, whether it be done by the Department of Commerce, whether it be done by the Department of Labor, whether it be done by the Children's Bureau, or whether it be done by some one else, is of minor importance in comparison with the necessity of men seeing and knowing that somebody competent and earnest is seeking to do it, and that they are not being harder and harder driven by neglect every day; that, upon the contrary, there is more and more light every day and more and more opportunity for honest labor every day. Of course, the conditions are hard yet, and they ought to be made better and better day by day, and the organizations of labor which are effected for the purpose of making them better, for the purpose of getting shorter hours, for the purpose of getting higher pay and better sanitary and educational conditions, and for the purpose of getting for labor nearer labor's just part of the value of production, ought to be encouraged all the time and in no manner discouraged, even negatively. But the world is growing better. Men's mutual relationships are growing better, not worse; not more intimate, but more just. I wish I could add also more intimate, but it is too early as yet for that.

Mr. CHAMBERLAIN. Mr. President, just a word on behalf of the action of the Senate committee. I do not think there was a single member of the committee, in fact I know there was not a single member of the committee, who was opposed to the character of the work which is being done by this commission, but it did seem to the committee, and it seems to them now, and it seems to me after having heard most of this discussion, that the work which is being done by that commission is simply a duplication of work that is being done by other departments of the Government, and work that if it is not being done by them could be easily directed to be done by the Senate of the United States through a resolution of inquiry.

As a matter of fact, so far as the laboring people of the country are concerned, in whom the Senator from New Jersey [Mr. HUGHES] seems to be deeply interested, the Department of Labor has been created for that very purpose. It has bureaus and it has arms which can be extended out to the same field of investigation that the commission now covers, and I have not any doubt that not only the interests of labor will be protected through that bureau but the interests of the employers as well.

It was with a view to economy that the committee thought it best to grant to the industrial commission the same amount which was appropriated for their use last year. We think that the amount recommended by the committee is sufficient in addition to the money which will be expended by the other bureaus of the Government for these purposes.

Mr. GALLINGER. Mr. President, the optimistic note sounded by the learned Senator from Mississippi [Mr. WILLIAMS] will not be lost in this discussion. The world is growing better beyond a peradventure, and the relations between capital and labor are constantly improving, notwithstanding an occasional outburst, which would seem to prove the contrary.

I have taken occasion once or twice to say that the controversy between capital and labor is a serious matter, and I have felt and expressed the opinion that we ought to do all we can to make it less acute and exert ourselves to ameliorate the condition of the laboring men.

We are very apt to be misunderstood in the discussion of a question of this kind. When the bill for the creation of the Children's Bureau was under consideration I called attention to the fact that at that very moment the Department of Commerce and Labor was investigating that matter, and I ventured to suggest that it might be well for us to await the conclusion of that investigation before creating another instrumentality.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from New Jersey?

Mr. GALLINGER. I yield to the Senator.

Mr. HUGHES. I do not know that I caught what the Senator said correctly, but I want to call his attention to the fact that at the time the new Cabinet office was provided for at the same session of Congress and by the same committee on the other side it was thought that there would not necessarily be any clash of jurisdiction between the two, and that even with the existence of the new department there was a field for this commission.

Mr. GALLINGER. I took occasion to look into that matter and I found there was an investigation going on by the department, and I merely ventured to suggest that it might be well to await the conclusion of that investigation. Immediately it was heralded over a portion of the country that I was an enemy to the establishment of a Children's Bureau and that I opposed all legislation for the amelioration of the children of the country. It was not correct, but perhaps it served a purpose.

Mr. President, I believe in the Children's Bureau absolutely. I believe in it more strongly to-day than I did when it was organized; but it will be recalled that that bureau was given, and ought to have, exclusive charge over this special matter of child labor.

The act provides that—

> The said bureau shall investigate and report to said department upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several States and Territories.

And so forth.

Mr. President, I do not see any need of this industrial relations commission going into that question, because the Children's Bureau has jurisdiction over it, and we have voted a very liberal appropriation to enable that bureau to conduct its work.

Mr. LANE. I should like to ask the Senator how much there was appropriated for that purpose?

Mr. GALLINGER. One hundred and sixty-nine thousand dollars has been appropriated for the work this year.

Mr. LANE. That attracted my attention; and I notice in reading the bill which we have recently passed, providing for the Department of Agriculture, that we appropriated therein $400,000 for the necessary expenses for the eradication of cattle ticks.

Mr. GALLINGER. Mr. President, that is an old story, and it has not any bearing on this question.

Mr. LANE. It is not an old story. It happened this year.

Mr. GALLINGER. The Senator from Oregon did not move any amendment, so far as I remember, proposing to increase the appropriation for the Children's Bureau; and I apprehend that if anyone had moved to reduce the appropriation to eradicate cattle ticks, he would have risen in his might and opposed it. If $100,000 was not enough for the Children's Bureau, some of the Senators who are so distressed over the fact that we bear it every time the question is up that we are appropriating more for the brute creation than we are for the human creation, ought to have moved an amendment.

Mr. President, only a word more, for I do not want to prolong this debate at all. I called attention to the Industrial Commission which we created a few years ago, and expressed the fear that, unless the present Commission on Industrial Relations was somewhat restricted in its operations, we would have another library of 19 volumes, each one of them about as thick as, or thicker than, that book [exhibiting], which would be dumped in on us. I could not give my quota of them away; I had 50 or 60 copies, and nobody wanted them. So far as I know, there never was an allusion in the debate in this body to anything in that voluminous and unnecessary report, except to one item which was contained in volume 17.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Ohio?

Mr. GALLINGER. I yield.

Mr. POMERENE. I only learned a little while ago that hearings had been had in the Industrial Relations Commission from time to time, but none of them have been printed. I think they ought to be printed as they are taken.

Mr. GALLINGER. I think so, too.

Mr. POMERENE. It may be that the same rule prevailed at the time the other testimony was taken to which the Senator refers. I, for one, should like at this present moment to have the benefit of the hearings which have been thus far had by this commission, and I think other Senators, also, would like to have them.

Mr. VARDAMAN. Will the Senator from New Hampshire yield to me for a moment?

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Mississippi?

Mr. GALLINGER. I yield to the Senator from Mississippi.

Mr. VARDAMAN. The law provides that these hearings shall be printed within one year, or as soon as they are taken, and that the entire work shall be finished in three years. This commission will die by the terms of the law which created it in August, 1915, I think, which will be three years; and they really have not had time to print these volumes. That is why I have tried, industriously but unsuccessfully, to-day to get them. The commission have not had time to print them. I understand that the chairman of the commission will probably be able to furnish us with some of the hearings at an early date.

Mr. POMERENE. In all of our committee hearings the testimony is printed from day to day, and I see no reason why that course could not be followed by the commission. If they have not been furnished with sufficient funds, I should like to see them so furnished, so that we might be able to keep in touch with the commission. Had that been done, I dare say Senators would have been more familiar with the work of the commission than they now are.

Mr. GALLINGER. Mr. President, I quite agree with the Senator from Ohio.

Mr. HUGHES. Will the Senator from New Hampshire permit an interruption at this point?

Mr. GALLINGER. In just a moment. I regret that there was not a provision in the original act that the printing should be done at frequent intervals, so that we might have had the advantage of it. I have followed the hearings before the commission, so far as newspaper reports are concerned, in several instances, notably in New York City and Philadelphia, and I think they are doing a very excellent work. I would be glad, indeed, as I have no doubt all Senators would be, to have the full text of those hearings, if it were possible; but it is not possible for us to have them now, as the Senator from Mississippi [Mr. VARDAMAN] has suggested. I now yield to the Senator from New Jersey.

Mr. HUGHES. Mr. President, I have not any information on the subject, but I am inclined to be of the opinion that one of the reasons why these hearings have not been published is on account of the lack of funds. The little examination which I have been able to give the testimony before the commission leads me to the conclusion that such money as they have had has been expended in salaries and in carrying on these investigations. That is the reason why originally it was proposed that the amount of money to be spent by the commission and the time in which it should be expended was to be limited by law. It was found impossible to do that.

I think that, as I said a while ago, this piecemeal way of dealing with this whole proposition will have a bad effect. Senators are complaining because they do not get copies of the hearings, and it is quite within the point of possibility that the reason they have not received them is the lack of funds. Instead of appropriating more money we are proposing to appropriate only $50,000.

Mr. POMERENE. Mr. President, I have received a little more specific information in respect to this matter. These hearings have been taking place for six months, perhaps, or more, and the typewritten copy is in the office of the commission—stacks of it. Gentlemen who have been interested in ascertaining what was in these hearings have gone and asked for copies, and have been told that the only way they could get them would be to pay the stenographer for a copy or to sit down and write them out in longhand. Under such conditions it is impossible for Senators to inform themselves as to what is going on.

Mr. GALLINGER. There is an easy way out of that dilemma. If some Senator would offer a resolution that the testimony, so far as it has been taken, should be printed as a Senate document, it would supply us with the needed information; but that can be attended to later on.

Mr. POMERENE. It seems to me that whatever fund is appropriated here, whether it be $50,000 or $200,000, there should be some amendment to this bill requiring the commission to have these hearings printed.

Mr. GALLINGER. Mr. President, I do not believe there is a Senator within the sound of my voice who does not profoundly desire that these great questions as between labor on the one hand and capital on the other should be equitably and fairly and honorably adjusted. I can not believe that the criticisms that have been made upon some public men—and I have suffered somewhat in that direction myself—are justified by the facts. I think, however, that a commission of this kind is somewhat like a committee of the Senate. Just here I wish to say, Mr. President, that I have never believed that a committee of the Senate, going to West Virginia for a week or two or going to Denver for a week or two, would furnish us any very desirable or valuable information; but no man felt like going against the appointment of a committee, for it was demanded in the interest of labor.

Mr. KENYON. Mr. President, may I ask the Senator from New Hampshire a question?

Mr. GALLINGER. Certainly.

Mr. KENYON. I should like to ask the Senator if he has read the report of the West Virginia investigation?

Mr. GALLINGER. I have read both sides of it; and there is no agreement on any real issue that was raised.

Mr. KENYON. Does not the Senator feel that there is some very valuable information there, and that in fact the Senate investigation ended the strike in West Virginia?

Mr. GALLINGER. I did not know that before; and I am glad to know it, if the Senator vouches for it.

been in existence for a sufficient length of time for us to know whether or not it is going to do good work, practical work. I should like to see it continued at least for a sufficient length of time to give it the opportunity that is required to investigate conditions and help us to improve them. I think Congress ought to be liberal in the banking of appropriations with that object in view; and for that reason I hope this appropriation that has passed the House will not be reduced in this body.

Mr. HOLLIS. Mr. President, the Commission on Industrial Relations was established by a solemn act of Congress in August, 1912. I have no doubt that at that time the same arguments that are used to-day were used against the passage of the bill. Nevertheless, it was then believed by Congress that other departments of the Government and other commissions were not covering the field that was sought to be covered by that legislation.

One matter in particular with which I am familiar, and which has not been discussed to-day, is that which authorizes the commission to investigate the conditions and provisions for protecting the life, the limb, and health of employees. Thousands of men are killed every year in industrial pursuits for lack of the most ordinary safeguards. Hundreds of thousands are crippled for lack of those safeguards. I have heard it stated that for every story of a skyscraper erected in the city of New York one man is killed. I believe that is an exaggeration; but it does show what a tremendous loss of life and limb there is for lack of safeguarding workmen.

When a man is killed, his wife and children have to be supported by somebody, and usually they are supported at public charge. They become paupers in many cases. Every man who is crippled so that he can not support himself must be supported by some one else, either as a result of a suit against the company or as a pauper. So that that one field presents an opportunity for a tremendous saving to the Government.

This commission has only one year further in which to act, and it should be given ample funds. I know some of the members of the commission; I know by reputation other members. I have great confidence in the commission and in the work it ought to do if it has the funds with which to do it. I have no doubt the chairman of the commission made a careful estimate of the expense for the next year. His figures were cut from $250,000 to $200,000 in the House. I think it reflects little credit upon the United States Senate that we have passed over here to-day, without question, hundreds of thousands of dollars for this project and for that; we have appropriated millions of dollars without discussion, and then, when we get to this one item, where labor and its relations to capital are to be considered, we rise and shake our heads, we discuss, we wonder, we even make it a subject for joke and humor and ridicule.

It is no joke to the wife and the children of the man who has been killed through the carelessness of his employer. It is no joke to the man who has lost his arm or his leg on account of the lack of proper safeguards. I do not think the Senators here, in the wit they have indulged in, have intended to treat this subject lightly. I have a better opinion of them than that. It is a most important subject.

The fact that one witness before this commission was mistaken militates nothing against the condition we are seeking to secure. Before the Banking and Currency Committee there were many witnesses who made foolish remarks, but that was what the committee was for—to sift out the wheat from the chaff; to take the good and to reject the bad. There is no doubt that this commission will do just that; and while I have no doubt that the Committee on Appropriations and the chairman of the committee acted according to their best judgment and with entire honesty and fairness in the matter, I do hope the Senate will restore the $200,000 that was appropriated in the lower House.

Mr. HUGHES. Mr. President, I regret very much that the Committee on Appropriations saw fit to reduce this appropriation. The act creating this commission was passed by a Democratic House and a Republican Senate and signed by a Republican President. In view of the relation of the Democratic Party to the laboring people of this country I say again that I regret the Committee on Appropriations has seen fit to make this reduction.

When the act was first introduced in the House of Representatives and passed unanimously, as I recollect, by that body, it was proposed then that the whole sum of $500,000 should be made immediately available in order that the commission might properly map out and plan its work and employ its experts, so that it should be put in a position to carry out and perform the duties imposed upon it by Congress.

The Senator from Idaho [Mr. BORAH] referred to the opposition that measures of this kind have met with in his experience in the Senate, and I can supplement everything he has said and so much further than he went from my own experience with legislation of this kind in the House.

There was considerable opposition to this proposition and the influence of some of the gentlemen who oppose all legislation of this kind is manifested by the language that is found in the last section of the act. These final touches, in my judgment, were given to the act by the National Association of Manufacturers. In the closing days of that session of Congress I rescued the bill from the hands of a gentleman who afterwards, in the lobby investigation, turned out to have been in very close touch with these people.

You will notice that limitations are thrown about the ability of the commission to spend money; that they shall not be permitted to pay more than a certain amount of money for experts; and that the salaries are limited and expenditures curtailed in various other ways. Those provisions were obnoxious to me and objectionable to the supporters of the measure, but the friends of this legislation were then, as they are now and always have been, willing to take half a loaf rather than no bread. So the bill was passed in its present form.

Then the struggle was taken up before the Committee on Appropriations and it has gone on from time to time ever since. Instead of the amount of money being appropriated which it was estimated the work would cost, to be turned over to the commission in order that it might properly map out and plan its work and put into execution the purposes and perform the duties they were called upon to carry out, $100,000 was appropriated with the understanding that whatever money was necessary for the proper expenses of the commission would be freely granted to them; now the chairman of the commission is asking for $200,000, which the House granted, and the Committee on Appropriations of the Senate of the United States proposes to cut it down to $50,000.

So far as any charge of extravagance made against the commission is concerned I simply desire to say that before the commission was appointed it was believed by the men who were favorable to this legislation, and I will say that I introduced the bill in the House of Representatives myself, that it would take at least half a million dollars to properly conduct the investigations. There has been no attempt on the part of anyone up to this time to get more than that amount of money. There has not been any attempt on the part of anyone to get that much money. That amount was wanted at once. They wanted it to be made available immediately. They thought they could do better work with the money if they had it in one sum than if it were parceled out from time to time by piecemeal. I agree with that view. I think better work could have been done if the money had been appropriated at once.

The present situation is an illustration of it. The chairman of the commission undoubtedly expected to encounter opposition in the House and in the Senate. Opposition had been encountered before. It was encountered when the original appropriation was made. A wise and conservative man, as I believe him to be, he was not likely to enter upon a program calling for an expenditure of a sum of money which he might not be able to get and which it seems now he was not able to get from at least one of the committees of Congress.

This industrial commission, in my judgment, serves an extremely useful purpose. It is differentiated from any department of the Government in that it can conduct its investigations and has conducted its investigations in such a manner as to escape any charge of partisanship.

I remember when the silk strike was on in the city of Paterson, when thousands of people were out of employment and marching on the streets daily, when they were being arrested by wholesale and the jails and police stations were crowded beyond their capacity, when there were so many cases the courts could not deal with them, the cry went up from that municipality, as it always goes up from every municipality stricken in that way, for a congressional investigation. Most people seem to have a blind faith in Congress and immediately they want a congressional investigation under such circumstances. I resisted that demand. I could not see what good it would do the city of Paterson to have a committee of Representatives and Senators go over there and call those men on the stand and allow them to make charges and counter-charges against each other and stir up strife and make the situation incomparably worse than it was at that time. I said to them that there had been passed by Congress an act creating a commission of nine members and the appointments were then pending before the President of the United States. I asked them to desist in their demands for a congressional investigation and to await the appointment of this commission, which I was urging the President every day to appoint; and then the commission, having no interest in either side of the

controversy, and having no political position to sustain and no policy to espouse, could make an investigation, and if an investigation were of any service they then would receive the benefits of one that would command the respect of everybody.

Unfortunately for me and unfortunately for the people the commission was not appointed in time to be of any service in that particular instance, but months after the strike had been settled and the employees had returned to work the members of the industrial commission went to the city and conducted an investigation. They had public hearings. They called the manufacturers before them, and they stated the circumstances out of which the strike arose. They called the representatives of the organizations of labor and they called the representatives of unorganized labor and they got the side of every party to that controversy. The public had a chance to compare the extreme statements of the employers with the extreme statements of the employees, and occasionally a fair-minded statement from a public-spirited man who had no interest—except a general interest—in either party to the controversy. They have not yet made their report, but it is apparent to anyone who has kept watch upon the columns of the newspapers that they gained information that had never been made public before, because we all know that in a time of an industrial strife no statements find their way into the columns of the press except extreme statements on one side or the other.

I can refer you to the time when another strike was in progress in that city. For more than six months I represented the strikers in various suits, ranging from cases before the police court justice to the Supreme Court of the United States. Probably at one time or another 150 or 200 people were defendants in those suits. The newspapers from one end of the country to the other carried the alleged details of what went on in that city. Injunctions were issued; contempt proceedings were instituted. Men and women were sentenced to pay fines and to suffer imprisonment in default thereof, and in some cases in addition thereto.

Although to the outside world it seemed that there must be a state of absolute anarchy in that city, in all that period of six months there was not a dollar's worth of property destroyed and there was only one charge of assault made. Yet those interested in that dispute had influence enough to make it appear to the world at large that a deplorable situation existed.

I think the efforts of the industrial commission and the hearings they held in the city of Paterson have been productive of great good. The manufacturers, without any industrial strife, without any trouble or disturbed conditions, had a chance to go to those public hearings and hear the men whom they employed state their wrongs and grievances.

This commission held hearings in the city of New York, and any student of these affairs is bound to admit that they brought out facts at the hearings in New York that had never been brought out before, and they brought them out in a way in which they had never been brought out before. They have so conducted themselves that they are regarded as a fair, nonpartisan commission, that have no party to sustain and who care not where the chips fall, whose only duty is to hew to the line.

I regret very much that the Senate, a Democratic Senate, should see fit to reduce this appropriation. I fondly hoped, and I do hope and I believe, that the Democratic Party is sincerely interested in the welfare of the laboring people of this country. I believe that the welfare of the laboring people of this country is indissolubly connected with the welfare of the Democratic Party and that one needs the other.

I sincerely hope that the chairman of the committee will permit this appropriation to remain as it was left by the House. If I had had my way in the beginning, I would have appropriated $500,000 for the expenses of the commission; and if it developed then that they could not finish the work with that amount of money, on a proper showing they could have been granted more money. As the Senator from Idaho said, we can afford to waste a little money on a proposition of this sort. I do not, however, think any of it has been wasted.

I am unfamiliar with the detailed work of the commission. All I know about it is what I have seen in the public prints. The chairman of the commission I have never met, to my recollection. One or two members of the commission I do know slightly; but I know the scope and character of the work they have been carrying on. I believe they are trying to do it conscientiously, and I believe their work when finished will be productive of great good to the laboring people of this country.

For the life of me I can not see why, when we are spending money so generously in every direction, spending money recklessly, I might well say, in every direction, we are called upon to economize on a proposition of this sort in which the welfare and the well-being of practically every man, woman, and child in the United States is involved.

Mr. WILLIAMS. Mr. President, I do not think that the very particular point at issue is of such vast importance, but the discussion has taken a wide range and opens up a vista which is vast, and I do not feel willing to let what I may call a groan of pessimism go from the Senate to-day unmodified as a cloud to be spread with no sunlight to aureole it.

This world, and especially the relationship between capital and labor, as well as most other things pertaining to humanity, are growing better every year, and not worse, as Senators seem to think. A man can throw his eye backward 5, 6, 10, or 20 years and come to the conclusion that the relation between capital and labor is worse than it was once; but if he throws his eye back farther—decades and demicenturies—over this same field of history, he will not be discouraged. He will remember that in the beginning one man could not get another to work for him at all except by just capturing him, making him a slave, and forcing him from day to day to work, while the workman received nothing except enough to keep him alive so that he could work. Thus slavery was the first expression of the relationship of labor to capital.

One might come away down below that period, down to the beginning of the new enlightenment in Europe, and his imagination might be set afire reading the history of the peasants' war, culminating most acutely in 1492, when the villeins upon the great feudal estates were fighting for the right to work as free men.

We come down later after the great plague in Great Britain when labor riots were constant things for years, so graphically celebrated by William Shakespeare when he brings Jack Cade and others upon the stage.

We can come down to the very opening of our own time, Mr. President, and remember the Chartists in Great Britain, when houses, ricks, barns, machinery—everything—were being destroyed every day; a time which enlisted the giant intellect of Thomas Carlyle in some of his Latter Day Essays to explain how the situation came about and how it could be bettered.

In our own time, remember the Molly Maguires. Nothing as bad and apparently hopelessly defiant of law and order has succeeded it. These things come and go on the surface of the turbulent stream of liberty and progress. When they have gone the sky is clearer, and man can see more clearly and farther than before they came. There is something learned from each, which, taken at its value, ameliorates conditions and makes for peace in the future—for mutual understanding presaging peace.

Things are better now, Mr. President, and they are growing better, and they are growing better by the spiritual growth of men, and for the most part this spiritual growth has not come about as the act of government anywhere in this world. Where government has done any good at all, it has generally done it after the public conscience had been awakened to the fact; so that the act of Congress or of legislature was nothing but the fiat of the Government set upon the will of the people and set upon the results wrought out by an awakened conscience—set upon and catching and fixing the accomplished fact of one more stride forward.

This spiritual growth for the most part has been the work of great geniuses who felt and expressed humanity's woes and some of whom were willing to sacrifice themselves for humanity. I need not run over them. There was Jack Howard, nobleman of "the first house of England" as he was, going to all the prisons of England and Europe, subjecting himself to all the contagious diseases of the jails until finally he died a victim to his research, giving the world the benefit of what he had learned, and doing it in such a way that the world's heart as well as the world's head took it, and thereafter occurred the improvements in the conditions of the prisoners, who up to that time had been regarded as having no sort of human rights at all.

I need not dwell before the Senate upon the fact that Charles Dickens's portrayal of the conditions in England led to the abolition of imprisonment for debt and the improvement of schools and educational methods, lashing out of existence many a "Do-the-boys Hall." I need not dwell upon the facts to those who have read it of the great beneficial effect of Charles Reade's Hard Cash.

I was just reading the other day, Mr. President, a new book, "An Ancient Evil and a New Conscience," by Jane Addams, of Chicago. I will wager my head that that book alone will do more good in accelerating a spiritual growth—it will bring the men who possess things and the men who do not possess things more nearly together upon a common plane of thought and feel-

Mr. BORAH. I am not criticising the chairman of the Appropriations Committee.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, my criticism upon the Senator's remarks is that I do not think he is presenting the case fairly. I believe I have said more against the work of the Commission on Industrial Relations than any other Senator, and I called attention to its work with reference to child labor. There is no reasonable appropriation that I would not vote for to help the Children's Bureau. I believe there is the place to make investigation on the subject of child labor, and there is the place where the work should be performed. I do not believe that nine men put on a commission, with its work spread out so broadly and so thinly, can do the work comparable with a bureau organized expressly for that purpose and thoroughly equipped to do it. I do not think the Senator is justified in suggesting that the resistance to work of this kind being undertaken by a commission and the insistence that it be performed by a bureau established for that purpose, the creation of which I supported with great pleasure and about which I had the privilege of first speaking in the Senate, and to which I am thoroughly attached—I do not think the Senator is justified in the character of argument that he is making, certainly so far as the Children's Bureau is concerned. The question is, Where can we have the work done best? I believe that it will be done best by the established permanent agencies in the departments.

Mr. BORAH. Well, Mr. President, I am not criticizing the integrity of view of the Senator, but that does not modify the statement which I made. I made no reference to the Senator individually nor to the Senator's views. I simply said that I did not desire to be personal about this, whether the person was inside the Chamber or outside the Chamber; but no one doubts the influence which is constantly exerted upon these matters. No one who has been connected with the Committee on Education and Labor and this legislation for the last 10 years need to doubt it. It is exerted in manifold ways, and generally up to within the last few years has been successful in killing all legislation on that subject.

Mr. President, there are conditions in this country which ought to be investigated, studied, and considered, and about which we can not have too much information. We will leave the subject to which we have drifted in this morning's debate as to whether or not there is duplication with reference to child labor investigations and such matters. There are other matters which the commission are specifically authorized to investigate, concerning which no one seems to be doing anything effective in this country, and yet matters which every one must, upon reflection for a moment, concede to be a distinct menace to our institutions.

We have had in this country in the last eight or nine months more exhibitions of force, more exhibitions of civil war, of riot, and of disregard for authority than we have ever had, to my knowledge, in the same length of time. I am not saying that I think it has arisen by reason of this administration or these policies, but by reason of conditions which have been accumulating and growing up in this country for a number of years and by reason of the fact that we have given no consideration and no study to those industrial questions. We have confined ourselves almost entirely to the study of and to legislation upon those old political subjects, which have almost been displaced by the social and industrial questions which have arisen.

Take, for instance, the situation in which we find one of the States of the Union now—a state of armed neutrality, of civil war, in which the State authority is defied, in which the governor of the State says that the parties are simply resting in quiet, in sullenness, until such time as they can get to one another's throats. When this commission was created its author had in mind particularly just such conditions of affairs.

I read from an article in the North American Review, which says:

> For four years an industrial struggle, which only recently reached its most acute development, has been going on. The economic problem, serious enough in its beginning, has reached a tragic climax of nation-wide importance. During these four years much bitterness has been engendered, and the dispute, which originally involved an economic question between capital and labor, has finally become political—between the State on the one hand and those who deny its authority on the other. Blood has assumed the proportion of rebellion, focusing the attention of the whole American people upon the State—

Giving the name of the State.

No worse condition than that exists in Mexico—men shot down, women and children incinerated, burned alive, or smothered. If this commission, with its able corps of men and women, can find or bring to the Senate facts and suggestions which will enable us to take a single step in the solution of so tremendous a subject, we will have justified ourselves in spending not only $200,000 but a million dollars, if necessary, in the investigation of altogether the most important subject before the people to-day.

This would not be so bad if it were confined to one locality or to one situation, but at the time that condition prevailed in that State the same condition of affairs was going forward in three or four other States in the Union. A land of unbounded natural resources, of unlimited wealth; a land which ought to be blessed with indescribable prosperity, is cursed by a condition of civil war by reason of the strained relations which have grown up between capital and labor in this country.

Has anybody here a solution? Has anybody a remedy? Is there any bill pending, is there any information at hand, or are we to sit idly by and quietly permit the matter to grow until it shall pass beyond the control of law or authority?

This article further says:

> The troops of the State were able to enforce peace. But it was a sullen and unwilling peace. The mine guards were disarmed and sent away. The strikers promised to surrender their arms, but they did not do so. Similarly, a recent promise of the leaders to surrender these arms to the United States troops was unfulfilled. In the meantime, and after the military occupation had begun, I continued unceasingly my efforts to adjust or settle the strike.

Mr. WILLIAMS. Who is the author of that article?

Mr. BORAH. The governor of the State of Colorado.

Upon the next page he quotes from a statement signed by the leaders of the strike, and I want to invite the Senator's particular attention to it. It says:

> Organize the men in your community in companies of volunteers to protect the people of Colorado against the murder and cremation of men, women, and children by armed assassins employed by the coal corporations, serving under the guise of State militiamen.
>
> Gather together for defensive purposes all arms and ammunition legally available. Send name of leader of your company and actual number of men enlisted at once, by wire, phone, or mail, to W. T. Hickey, secretary of State Federation of Labor.
>
> Hold all companies subject to order.
>
> People having arms to spare for these defensive measures are requested to give them to local companies, and where no company exists send them to the State Federation of Labor.
>
> The State is furnishing us no protection, and we must protect ourselves, our wives, and children from these murderous assassins. We seek no quarrel with the State, and we expect to break no law. We intend to exercise our lawful right as citizens to defend our homes and our constitutional rights.

Mr. President, those laboring men, in their rage, in their just or unjust cause—I do not know, and do not undertake at this time to pass upon it—came conscientiously, undoubtedly, to the belief that they had no protection under this great Government of ours except that protection which they derived by organized force, by arbitrary power. Practically, sir, a great and wonderful State of this Union broke down in its power to enforce law and order; and even the great Government of the United States had no remedy to offer to those men except the remedy of force—the presence of an army—which did no more, says the governor of the State, than to enforce sullen peace. Is the use of the Army, the soldier, the only solution a proud, intelligent people offer to a condition which involves the happiness and welfare of—ultimately, sir, the happiness and welfare of all our people and permanence of our institutions? I do not state the question too broadly; it means all of that.

If this commission, sir, shall be able to throw any light upon such situations; if it shall be able to investigate these matters and bring here the real truth and the real facts, or if it shall give them over to the authorities who are there in immediate command, and, anyway, to make a single step toward the final solution, amelioration, or adjustment of this question, it will be worth all the money we put into it.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. I should like to ask the Senator if he knows whether or not this commission is investigating the conditions in the locality to which he has referred?

Mr. BORAH. I do not know whether it is or not; I can not say. I will say to the Senator from Mississippi, however, that I do know, by reason of my connection with the passage of the law, the men who planned it in the first instance, that it was just that condition of affairs they had in mind—the adjusting and study of these situations as they might arise, to find out the real cause and why it was that the disturbance came on, and that possibly a remedy might be suggested.

Mr. WILLIAMS. I asked the question because it just occurred to me that about the very best place in the world for them, to be sitting right now and for some months back would be right out there and see what they could get at first hand.

Mr. BORAH. I agree with the Senator perfectly. There is no place which could better engage the attention of this commission than just such places as that. In other words, they should follow the rule of Napoleon, and that is, where the fighting is thickest there they should be.

Just a closing paragraph, Mr. President, and you will see the situation:

> The State has taken no side whatever in this industrial conflict. I have used every means at my disposal to bring about a settlement and to avert civil war. A time came when I found the leaders of one side of this conflict heading an armed rebellion against the State. I can not escape the belief that Colorado's experience is but a local expression of general conditions and, in that aspect, of vast importance to the people at large. The remedy for such conditions lies with the legislative and not with the executive branch of the Government. It is a governor's duty to enforce the constitution and laws of his State. The hundreds or thousands of men lately to arms against the military forces of the State are still in Colorado, and so are their arms, hidden away, perhaps to await a future use. What the future holds, who can say?

That is the only suggestion the governor of that great State has to make.

Now, Mr. President, the people of the State of Colorado are no different from the people of any other State in the Union.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I should like to inquire what document the Senator has just read from.

Mr. BORAH. I was reading from an article written by the governor of Colorado upon this subject, printed in the last issue of the North American Review.

Mr. THOMAS. I thank the Senator.

Mr. BORAH. The people of the State of Colorado, as I say, are no different from the people of the other States of the Union. They are a most intelligent and industrious people, and they have a great State. The conditions which exist there may exist in any industrial center of the United States for the same reasons and upon the same grounds that they exist in that State. I apprehend that in all probability the public officers of the State of Colorado are no different and would act no differently from the public officers of other States of the Union; and I do not wish the inference to be left here that the Colorado situation is a peculiar one, or that there is anything connected with the State itself or the people of that State which superinduces or should superinduce that condition of affairs, separate and distinct from what might come in any other State. It only vivifies and brings to our mind the fact, as the governor indicates, that this condition is practically universal. It is because labor and capital in this country are in armed neutrality; and if the Congress of the United States has made any investigation or has taken any step to investigate those conditions, other than is provided for in the act creating this commission, I do not know of it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. BORAH. I yield.

Mr. GALLINGER. Am I mistaken in the thought that this very body has appointed committees that have gone to these places and made investigations? The House has done so, I think, in the case of Colorado, and this body did in the case of West Virginia.

Mr. BORAH. I think that is true so far as the mere fact of investigation is concerned. I have not seen the report. I do not know whether a report has come in from the committee that went to Colorado or not. It may have. But, Mr. President, the Senator from New Hampshire knows what the functions of those committees are and what they do and all they do. To go to make an investigation and study the situation and try to resolve upon some means of ameliorating the situation and preventing it in the future belongs to experienced and trained men and experts who have nothing else to do while they are doing that other than to do that. For Members of Congress to drop out of the session for a week or two and go into those matters and investigate them is to come back with a very small smattering of information in regard to the facts. The work here makes it impossible to give the time or the investigation that is contemplated by this commission.

It was to call into the field of activity trained minds and enable them to devote their time to this subject that this commission was created. Why, Mr. President, this commission has been in active operation now for eight or nine months. When we look over the activities and the long life of the commissions which have been created in England and in Germany we find that they run through years and years. Some of these reports are so well grounded and so thoroughly gotten up that they have become authority the world over. We can afford to be liberal; we can even afford to take the chance of some of this money being wasted if we have faith in this commission, as I have. I believe the President selected its members conscientiously and effectively and with judgment, and I believe it is our duty to give enough money to it to justify its work and to continue it without the thought that to-morrow or next day or next month its existence may be terminated. Here, with the commission in existence only eight or nine months, we are discussing the question of repealing the law and ending its existence, as if its members could study these questions and pass upon them in eight or nine months and furnish us any information which would be of value to anyone.

Mr. WORKS. Mr. President, the existing conditions in this country growing out of the relations between capital and labor present one of the gravest problems that Congress and the country have to deal with to-day. Unless we can control these conditions by some peaceful means they are going to shake this Republic to its foundations before very long. The conditions do not seem to improve. On the contrary, so far as we can judge from what has happened in the last few months, they have grown worse and more dangerous to the institutions of the country.

We pass laws intended to correct these evils. We are compelled to enforce these laws, often by resorting to force; but that does not settle the question. It arouses the antagonisty and the rage of the men we are attempting to help and control. They resist it, and resist it by force, resulting in bloodshed. We can not reach it in that way. It must be done in some other and more effective way than that if we are going to correct these conditions at all.

If this commission that has been provided by Congress is able to help us, even in a small degree, to solve this great question, we ought not to hesitate to appropriate money sufficient to enable it to make the investigations that will enable it to do it.

Personally, I do not think much of investigations made by commissions or by committees. We do not seem to get anywhere by these investigations. I think the great trouble in this country is that the people themselves are not taking the interest in it that they should if we are going to solve these questions. It can not be done by Congress. It can not be done by a commission or any number of commissions. It is a matter of education, and the reservation of the people to right thinking about conditions of that kind.

Possibly the investigations and reports that are made by commissions and committees may help to educate the people to realize how dangerous these conditions are to the country and to the people. Unless we can do that, unless we can reach the problem by reaching the public mind, then the condition looks to me to be hopeless. I do not believe the people of this country begin to realize how serious the question is.

We have this commission now. It was brought about, as the Senator from Idaho [Mr. BORAH] has said, largely through the influence of men who have studied these questions and the difficulties growing out of them—charitable, generous men, who do realize the situation and who are anxious to do anything that can possibly be done to better conditions. I know personally one of the members of the commission. He is a man of high character, who has studied these questions faithfully and earnestly. He has traveled abroad at his own expense for the sole purpose of informing his own mind, independently of his appointment to the commission, and before the commission had been appointed or even thought of.

The trouble about it is that we are piling up volumes upon volumes of information that is obtained through these commissions and committees, and nobody reads them, or at least very few people read them. The knowledge that is obtained in that way is confined to a very few people. There is not sufficient interest taken in it to induce the people generally to look into it and to determine for themselves what the conditions really are or what may be done to improve them.

In my judgment no more important commission has been created by Congress for a long time than this one on industrial relations. The field that is laid out for them for the making of investigations is so broad that it is going to be impossible for them to cover the whole of it; but just this one condition of things that has resulted, what has happened in one of the States of this Union, should give them an opportunity to investigate at least one branch of the subject intelligently and with benefit to the people of this country. The commission has not

Mr. SMITH of Georgia. Mr. President, will the Senator from Connecticut yield to me?

Mr. BRANDEGEE. Yes.

Mr. SMITH of Georgia. Why would it not be better to merely give $50,000 to run the commission for the next 6 months? We shall then get their report; we shall see what they have been doing, and we can then determine whether we want to curtail their powers or to stop them. The commission will end by law in 12 months.

Mr. BRANDEGEE. In three years from the date of its creation.

Mr. SMITH of Georgia. Yes. The date of the approval of the act was August 23, 1912.

Mr. BRANDEGEE. I know the Senator's question is asked sincerely, and I receive it in that spirit. I would be perfectly willing, as I say, to cut this appropriation down to $50,000, or to $10,000, if that is all that the commission needs for this work; but I say I feel confused as to what my duty is when Congress has created a commission and charged it with certain work, and the House of Representatives has said, after hearing the testimony, which the Senate does not appear to have heard, that $200,000 ought to be appropriated. I do not want to hamper this commission in its work.

Mr. SMITH of Georgia. The chairman of the commission, Mr. Walsh, wanted $250,000.

Mr. BRANDEGEE. Yes.

Mr. SMITH of Georgia. And I have no doubt he could spend $2,500,000.

Mr. BRANDEGEE. I have no doubt if he should put force enough at work to answer all these questions he could spend that amount.

Mr. SMITH of Georgia. I mean with a long investigation that much could be possibly spent on the study of these various questions, except that I think we ought to do that by the department.

Mr. BRANDEGEE. Without expressing any opinion about whether Congress was wise or was not in creating this commission, for I do not know as to that, the situation is that it is in existence and is halfway through its official life. The Senator from Utah says its official life must be extended to perform its duties. Before we go on appropriating any more money for it we ought to know what we are going to make it in the future. Of course, if we are simply to give it a dose to taper off on, $50,000 will probably wind up the work of the commission in good shape and enable it to make its report.

Mr. SMITH of Georgia. Really, that is what I desire.

Mr. BRANDEGEE. I assumed so. I do not want to give it knock-out drops if it is worthy of existence. The Senator from Utah wants to refresh it, to continue it, and to give it a future life.

Mr. SUTHERLAND. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from Utah.

Mr. SUTHERLAND. I call the Senator's attention to a statement made by Mr. Walsh. He calls attention, first of all, to the work which the commission has been doing. Then he says:

> I think we will perform the work in one year and eight months.

That is, the remainder of the work.

> We are just approaching the work of holding our public hearings, and naturally we are sending out investigators in advance, and that is where the largest expense is going to be.

Of course it is necessary to have their investigators go out and ascertain from whom information of value can be obtained, to ascertain what particular sections of the country, what particular industries, ought to be specially investigated; and so on. That will in the end save money. Then, further on, I call the Senator's attention to this statement:

> The CHAIRMAN. As I understand, the commission has done the work considered essential preliminary to the public hearings?
>
> Mr. WALSH. Yes, sir; we have.
>
> The CHAIRMAN. And now you are arranging to have public hearings, so as to give persons who may have special information, or who may imagine they have, an opportunity to present their views?
>
> Mr. WALSH. Yes, sir; that is it.
>
> The CHAIRMAN. And after that you will commence to formulate your conclusions and recommendations?
>
> Mr. WALSH. Yes.
>
> The CHAIRMAN. This preliminary work that has been done, as you have already pointed out, resulted in the accumulation of a large amount of very valuable data?
>
> Mr. WALSH. We think so.
>
> The CHAIRMAN. Will that result in eliminating a large amount of material from your public hearings?
>
> Mr. WALSH. No, sir; except it will enable us to perform the work intelligently and mass facts that otherwise it would take us years to do.
>
> The CHAIRMAN. What I had in mind was whether by securing this data you have not eliminated the necessity for a great deal of investigation that otherwise would have been necessary?
>
> Mr. WALSH. We have, of course, eliminated the necessity for a great deal of scattered investigation. We could have jumped right into the middle of this work with a splash, and what we would have left afterwards would have been discreditable to us and of no service to the Government.

There is more to the same effect, but I call the Senator's attention to this statement further down, on page 500:

> However, we have tried to pick out the things that we think are significant as affecting the relations between employers and employees. We will try to suggest the remedies in the way of machinery that would make for better relations, and I have laid out, or attempted to lay out, the views of the commission upon that. An intensive study of any one of these subjects would take this entire appropriation.

Of course, they do not intend to make such a suggestion. Now, I ask the Senator to mark this statement:

> There is an organization in New York studying the question of unemployment with an appropriation of $200,000 per year for a period of five years. Of course we are going to scrutinize their data.

There is an organization in New York—I do not know what it is; I have only Mr. Walsh's statement for it—whose investigations of that single question of unemployment will cost a million dollars, and yet probably it will be money wisely expended.

You can not make such investigations without spending money.

Mr. BRANDEGEE. I entirely agree with what the Senator says. Of course I assume that when the chairman of the commission says that there is an organization in New York which has spent $200,000 on a particular investigation, the commission will have the advantage of the results of that investigation, which will save this Government just so much money in the investigation of the general subject for the purpose of their results.

Mr. SUTHERLAND. Certainly. They also have the advantage of the work of the British Royal Commission, and Mr. Walsh says the commission went all over that work and that it assisted them very greatly in forming the proper outlines for their own work. Of course they also have access to the work of the other commission in New York, to which I have referred.

Mr. BRANDEGEE. I understand that, and the Senator does not differ from me at all. I have no doubt these intelligent gentlemen—as I assume them to be, and who are perhaps noted in this line of work—have sense enough to know where to find the information which they want to get for the purpose of organizing their inquiry upon the proper scale. As the Senator has just read, they have up to this time been compelled to spend nearly one-third of their entire official existence in preparing themselves to reach the point of getting ready to hold public hearings, but my recollection is that they have had some such hearings. I think I have seen statements to that effect. If these men are expert and intelligent on the mass of subjects imposed upon them to be investigated, they will examine the sources of information and the results of other investigations all over the world—those in our insular possessions as to Asiatic immigration; those in foreign countries as to the relations of labor and capital; those in this country as to sanitary conditions in places of production; protection to life and health in our mills and factories; child labor and such questions, any one of which would take any body of men a considerable time to investigate both as to the facts and the existing conditions; and then as to the causes, and then as to the best remedies to be applied, and of course it is a monumental work. It is a work such that the Senator from Utah, being familiar with the work of the British Royal Commission, predicts that this commission will have to ask for an extension of time to complete, or very likely its previous efforts and the money the Government has spent upon it will be brought to no valuable or informing conclusion, and hence will be wasted.

I am not a business man, but if I were in business and had any kind of work like this to perform, and had to pay for it myself, or was acting for people, or employed by people, to expend their money for them where it would produce the best results, it seems to me I would want to know before I appropriated either $50,000 or $200,000 whether it was my intention to extend the life of this agency that I had constituted, or whether I was going to cut them off in their prime, and whether I had also some other agency that was now doing a part of the same work that I was paying this agency for doing. I would feel more or less guilty of negligence to the people who were paying me a salary to look after their affairs and adjust them economically, if I should, in deciding a question between $50,000 and $200,000 to be expended during the next year, have no better information than I now have when I am compelled to vote on this matter. I would also have a more fixed opinion as to whether or not I wanted this work done at all. If the commission recommends that the time shall be extended within which it can complete its work in the way that it ought to be completed, and in view of the experience which it has already had—and it must be more experienced than we are—we shall be compelled probably to take its judgment about the matter. If we are going to continue its existence, then it would be a pity for Congress, having created this commission and instructed it to do this work, in which it has spent $100,000, to strangle it and to prevent its own creature from performing the duty that we have imposed upon it when it has been working largely practically without salary.

Mr. SMITH of Georgia. If the strangling stops $500,000 of waste it might be desirable, might it not?

Mr. BRANDEGEE. I will say to the Senator, if this commission could really evolve a remedy for almost any of the tremendously important subjects which they are investigating it would be worth $50,000,000.

Mr. SMITH of Georgia. Has the Senator the slightest idea that they will do so?

Mr. BRANDEGEE. The Senator must not press me too hard about that, because I am more or less of a practical turn of mind, and I am the difference sometimes between a general benevolent and sympathetic feeling for a grievance and the possibility of applying a permanent remedy, one that I am sure will remedy it.

I think I have already said that while I do not have, perhaps, an optimistic faith in the practical beneficial results that may come from these inquiries, still I think it is my duty, if I do not consider that their labors will be worth the money, to abolish the commission and to confine my effort in some other channel to get the information, if it is possible to get it; but I do not want to leave the commission instructed by Congress, when its members are acting more or less in a charitable kind of way—for the amount provided for the members of the commission of $10 a day, if they are at all qualified to investigate these subjects, is not intended to be compensatory for their services; they are giving their services to the Government, and they are simply getting their expenses out of it practically—I say, so long as Congress imposes these duties upon that commission and keeps it in existence we ought not to strangle it; we ought not to impose a task upon it and then deprive it of the tools wherewith to execute the task that we have ordered it to perform, especially when the members of the commission are giving their services. Therefore, before we can know whether to appropriate $50,000 on the winding-up theory, or $200,000 on the continuing theory, when the chairman of the commission has asked for $250,000, we ought to decide the question of policy; and we can decide now just as well as we can next December whether we are going to continue the commission or cut it down. As I have said, if I were running my own affairs or were hired to run those of a company or of a corporation, I would not allow this thing to be decided on the present information which the Senate has before it. I do not mean that the information is, perhaps, not in the House hearings or not within the reach of the Senate, but no business corporation would determine the question as between an appropriation of $50,000 and one of $200,000 in the way we are going to determine it to-day.

That is what makes this Government so expensive. I think it was Senator Aldrich, several years ago, who said that two or three hundred million dollars were wasted by this Government which would not be wasted if it were run by John D. Rockefeller and philanthropic gentlemen of the stripe. They would know how that two or three hundred million dollars could be saved. They might get "caused out" for saving it; somebody might say they were the "criminal rich"; but they would not be spendthrifting it around. I think this is the kind of a thing that shows almost the hopelessness of administering Government funds economically and efficiently.

Mr. BORAH. Mr. President, this commission had its origin among a class of public-minded men who have devoted their entire lives to the study and consideration of such questions as this commission is supposed to investigate and consider. It did not have its origin among the Members of the Senate or among those who might be interested in filling the places with men who simply desired an office. The work of the men who gave origin to this idea speaks for itself, and whether the commission shall do what it was designed to do or not, those who designed it had a high purpose and a high motive in view. None of the men who originally conceived the idea of the commission and its work either desired or would have accepted a position on the commission, but they thought there was a certain line of investigation which had to be made and which ought to be made at the public expense; that it covered too wide a field and was too expensive to be made and would not be made with continuity or with system by individuals outside of Government employ. So they came to Congress with this idea, it was formulated into a bill, and the bill passed the Senate and the House after discussion and consideration in both bodies. The criticism which now seems to be lodged against the bill was not lodged against it at the time when we created the commission and authorized them to proceed. If all such criticisms were not made, there was an opportunity to make them.

The commission having been created and gone forth with this authority, and having been at work some eight or nine months, we are met here this morning with the criticism that they have spread out all over the earth; that they are going into fields where they ought not to go; that they are too ambitious to find out facts and to make investigations. They have gone nowhere they were not authorized to go; they have initiated no investigation that they were not commanded to make; and they are seeking to do nothing other than that which the creating body authorized them to do. In my opinion the criticisms which have been lodged against this commission are rather in disparagement of the Senate than of the commission.

If the Senate ever has a spasm of economy, it is in relation to just the kind of a proposition now before the Senate. Whenever there is a movement to investigate certain lines of industry and certain conditions in the industrial world and the relationship of capital and labor, if there is going to be a spasm of economy it will come upon us right at that time. We are rushing through here with a great deal of effort and energy a river and harbor bill, which carries at least $35,000,000 which can neither be justified in law nor in conscience, and we are getting altogether unduly excited over the fact that we are about to appropriate $200,000 to investigate the great question of the relations of labor and capital.

It may be that some uninformed and inexperienced employee who has obtained his position by virtue of the influence of some Member of Congress has made some unfortunate report which does not do any particular credit to the situation; but I call attention to the fact that this commission was not made up after it had been created until the present administration came into power. I happen to know that the President of the United States spent a great deal of time and consideration in the filling of this commission, and he filled it with men and women who he believed had the capacity, the public mind, and the public spirit to do the work imposed upon them; and, in my humble opinion, there is not justly to be lodged a single word of criticism against this commission at this time.

I know how sensitive some of us are as to the investigations of the conditions of child labor and of the sweatshops and death traps and hell holes in which the lives of the young people of our country are being ground out of existence; I know how throughly it stirs the blood of economy when we begin to "lift the lid" off of that hole into which we are pouring the young lives of this country year after year.

Mr. SMITH of Georgia. Mr. President, I desire to ask the Senator if he really thinks that has anything to do with the objection which has been urged against the Commission on Industrial Relations?

Mr. BORAH. I really think it has.

Mr. SMITH of Georgia. On whose part does the Senator think it is having an effect?

Mr. BORAH. I do not care to be personal.

Mr. SMITH of Georgia. Mr. President, if the Senator will yield to me, I only desire to say that he will remember that he Senator upon this floor supported more cordially than I did the bill to create the Children's Bureau, and I certainly can not think that he believes that I would object to any proper investigation in behalf of children or any investigation to protect children from improper treatment anywhere.

Mr. BORAH. Mr. President, I have made no reference to the Senator personally; I do not care to do so; and I would not do so if I were justified in doing so; but I do not hesitate to say that for years there has been a powerful influence asserting itself one way and another against the right treatment of the child-labor question in this country, and no one ought to know it better than the Senator from Georgia.

Mr. MARTIN of Virginia and Mr. SMITH of Georgia addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield, and to whom?

Mr. BORAH. I yield to either one of the Senators.

Mr. MARTIN of Virginia. I merely wanted, Mr. President, to call the Senator's attention to the fact, with which, I presume, he is already familiar, that his criticisms about the failure to provide for investigations into the question of child labor are not altogether justified, for we have already provided nearly $200,000 at this session of Congress for the Children's Bureau. That was done in the legislative appropriation bill, and while I do not happen to have the exact figures in my mind, I think the appropriation was $100,000.

are sending out investigators in advance, and that is where the largest expense is going to be.

Mr. SUTHERLAND. Mr. Walsh's statement will, I think, very clearly demonstrate the wisdom of adhering to the House appropriation of $200,000.

Mr. WARREN. Will the Senator allow me to ask for the insertion of a few lines which he does not insert, and which I wish to have follow that?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SUTHERLAND. I do.

Mr. WARREN. I should like to insert the following language on page 510 of the House hearings:

Mr. WALSH. We have at the present time 54 people working for us in one capacity or another. That number may be a little less or a little more.

Mr. MONDELL. How many of them are in the field?

Mr. WALSH. Fourteen, which includes those I have mentioned as advisors to our commission.

Mr. SUTHERLAND. Mr. President, I do not know the purpose the Senator has in view in reading that, unless it be to show that the commission is employing a very large number of assistants.

Mr. WARREN. The question was raised as to how many were employed, and I wished to have that statement appear.

Mr. SUTHERLAND. I have no doubt they are all well employed. I think this commission is in good hands, and that the work is being properly conducted. It is required under the law to complete its labors within three years. That is not sufficient time, because a year elapsed before it began the work at all. I think ultimately we will have to extend it another year so as to give it a full three years' period. That was the time which the royal commission of England took for similar work, a work not as extensive in character as this, but along similar lines covering the area of Great Britain, small as compared with the great area of the United States. Yet they took three years, and, as I said a moment ago, spent over $350,000.

The work of this commission is of the most important character. They are obliged to complete it within a very short time, and in that time they ought not to be crippled for want of funds.

I hope that the House appropriation of $200,000 will remain in the bill.

Mr. BRANDEGEE. Mr. President, I am glad the Senator from Utah sent for the House hearings and has given us some information about the necessity for this appropriation, even though it is not as exact as I would like to have it. Some partial excerpts from the act creating this commission have been read here on the floor, but they do not give a complete idea of the duties which are imposed on the commission. Therefore I will ask that public act No. 300, being the act approved August 23, 1912, establishing this commission, be inserted in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The act referred to is as follows:

[Public—No. 300.]

An act (H. R. 21004) to create a Commission on Industrial Relations.

Be it enacted, etc., That a commission is hereby created to be called the Commission on Industrial Relations. Said commission shall be composed of nine persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, not less than three of whom shall be employers of labor and not less than three of whom shall be representatives of organized labor. The Department of Commerce and Labor is authorized to cooperate with said commission in any manner and to whatever extent the Secretary of Commerce and Labor may approve.

SEC. 2. That the members of this commission shall be paid actual traveling and other necessary expenses and in addition a compensation of $10 per diem while actually engaged on the work of the commission and while going to or returning from such work. The commission is authorized as a whole, or by subcommittees of the commission, duly appointed, to hold sittings and public hearings anywhere in the United States, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses and to compel testimony, and to employ such secretaries, experts, stenographers, and other assistants as shall be necessary to carry out the purposes for which such commission is created, and to rent such offices, to purchase such books, stationery, and other supplies, and to have such printing and binding done, as may be necessary to carry out the purposes for which such commission is created, and to authorize its members or its employees to travel in or outside the United States on the business of the commission.

SEC. 3. That said commission may report to the Congress its findings and recommendations and submit the testimony taken from time to time, and shall make a final report accompanied by the testimony not previously submitted not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall previously have made final report, and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within the first year of its appointment and a second report within the second year of its appointment.

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

SEC. 5. That the sum of $100,000 is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913: *Provided*, That no portion of this money shall be paid except upon the order of said commission, signed by the chairman thereof: *Provided*, That the commission may expend not to exceed $3,000 per annum for the employment of experts at such rate of compensation as may be fixed by the commission; but no other person employed hereunder by the commission except stenographers temporarily employed for the purpose of taking testimony shall be paid compensation at a rate in excess of $3,000 per annum.

Approved, August 23, 1912.

Mr. BRANDEGEE. The personnel of the commission I find on page 289 of the Congressional Directory. It appears that the chairman of the commission is Mr. Frank P. Walsh, of Missouri; and Mr. John R. Commons, of Wisconsin; Mrs. J. Borden Harriman, of New York; Frederic A. Delano, of Illinois; Harris Weinstock, of California; S. Thruston Ballard, of Kentucky; John B. Lennon, of Illinois; James O'Connell, of the District of Columbia; and Austin B. Garretson, of Iowa, are the other members of the commission. The managing expert is W. Jett Lauck, of Virginia. The executive secretary is R. P. Ritter, of Missouri. The office of the commission is in the Southern Building in the city of Washington.

Mr. President, I agree with the Senator from Utah that the duties imposed upon the commission by Congress will not be performed within three years, and whether they can ever be satisfactorily performed or not is a question about which I am skeptical. I do not know much about this commission, though I have seen from time to time references in the press to hearings that have been held, some in the city of New York, and the statements of parties who appeared before it.

The problems which the commission is asked to investigate and to report upon are problems which will be with the human race as long as the human race exists, and whatever may be the ability or the capacity of the individuals who compose the commission, three of whom represent the employers, three the employees, and three the public at large, if that is the proper expression and if that public at large can be differentiated from the other two kinds of people who compose the commission. They are supposed to come to a finding upon a series of questions contained in the act which I have put in the RECORD, and which will be of some service to Congress and to the country in the solution of these problems.

Mr. GALLINGER. Provided they agree.

Mr. BRANDEGEE. Yes; I say they are supposed to come to a finding. Of course, to come to a finding, I assume they must have at least a majority of the commission; and if the commission consists of nine members, it would take five out of the nine to agree upon a finding and report to Congress. If the other four should be opposed to the finding upon this class of most intricate and complicated subjects, I do not believe myself that it would have a very preponderating weight with the Congress of the United States, if that is the body which the labors of this commission is supposed to illuminate and inform upon these subjects.

I think I will just read section 4, in spite of the fact that I have put it in the RECORD, for my own information as well as that of other people. It provides:

That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

If these words happened together, without any guiding intelligence to arrange them in sentences, I can understand their being in the act. Some of these things are perfectly idle inquiries. You might just as well have imposed upon this commission the duty of defining exactly the twilight zone of the antitrust law for the members of the trade commission who are to solve what the courts and the rest of mankind have found themselves more or less unable to solve, or to demonstrate exactly where the different hues of the spectrum cease to glide imperceptibly into each other, and to accurately define where one color begins and another ends.

It is perfectly preposterous to expect any conclusion that is worth the paper it is written on as to that last and crowning function imposed upon the commission, and I say that without in the slightest degree desiring to minimize any good work the commission may be engaged in. I mean to say that nothing can be expected of them or of any other nine men who could be appointed to have hearings on this subject for three years. If Congress expects this commission to continue to inform itself and hear the statements of such parties throughout the country from whom it thinks it can get information and eventually to report to Congress, it will have to continue the commission for years.

The situation here is as to whether Congress shall appropriate $200,000 or $50,000 for the paying of the expenses of this commission for the fiscal year; $100,000 was appropriated in the act which created the commission. I have not had the opportunity to examine the House hearings as to what has become of that $100,000. I do not know whether it has been spent or not. I assume, however, that the presumption is that that $100,000 was expended.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. I do.

Mr. GALLINGER. I will ask the Senator whether this money appropriated is partly used to pay the salaries of the commissioners, or is it simply for expenses?

Mr. BRANDEGEE. The commissioners themselves are limited to $10 a day and their actual expenses.

Mr. GALLINGER. So a portion of this appropriation goes probably for the payment of per diem expenses of the commission.

Mr. BRANDEGEE. Yes; section 5 of the act provides—

That the sum of $100,000 is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated, for the use of the commission for the fiscal year ending June 30, 1913.

That is all it says, "for the use of the commission."

But the commissioners themselves in another part are limited to $10 a day and their actual expenses, which, of course, is a very small and merely nominal compensation.

I assume that the gentlemen who are on this commission are as qualified to perform the duties imposed upon them as could be selected, and what I say is not in criticism of the commission, because, if anything, they have my sympathy instead of any criticism. I hope with the Senator from Utah [Mr. SUTHERLAND] that their services will be valuable, as he says the services of the royal commission in Great Britain were valuable.

But I do say that I regret that this sort of a question comes up to us to determine without the necessary information. There is no possible way, so far as anything has been said on this floor, by which any Member of the Senate can determine whether he ought to vote $200,000 or $50,000 for the use of this commission for the next fiscal year.

What is proposed to be done with the $200,000 that the presiding officer of the commission has asked for may be revealed in the House hearings, but it has not been read on the floor.

My inclination is, of course, to be economical. I do not want to appropriate anything wastefully from the Treasury, no matter which party is in power. Neither do I want to be niggardly. But in this matter, with no particular information by the Senate committee other than a general vague guess, I should call it, that $200,000 is too much. I should be inclined to take the view of the House committee which estimated for $200,000.

I assume there must have been some testimony before them which would justify them in recommending that sum, but I will say candidly that I think if the duties imposed upon the commission in the act which I have put into the RECORD duplicate in any way the duties which are imposed upon regular continuous administrative officers of the Government, we ought not to appropriate any money for the commission without cutting out or preparing some amendment which will delineate the duties of one governmental agency from those of another.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. I wish to call the Senator's attention to the fact that they have taken up the subject of child labor and are undertaking to investigate those conditions all over the country and have had hearings on this subject, when the Children's Bureau is charged with that duty, and has experts there engaged in the same work, and, I think, much more intelligently.

I simply call attention to it as an illustration, for I have been furnished with some of the testimony taken by them which is really ludicrous. I will just read an extract from one of their witness's statements, if the Senator will allow me.

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. Referring to certain mills and the children at work there, this witness says:

The whistles blow at 3 o'clock in the morning for the operators.

The witness stated that the whistles blew for the force at 3 o'clock in the morning and they were not required to go to work until 6.

The proprietors of the factories, all the parties interested on the other side, say this is so utterly absurd that it is hardly worth while contradicting.

Mr. KENYON. Where are those men employed?

Mr. SMITH of Georgia. At Rome, Ga. It is utterly untrue. I do not mean that the witness meant to state what was not true. It is just a ludicrous statement, without foundation.

Mr. BRANDEGEE. I will say to the Senator——

Mr. SMITH of Georgia. I will read the explanation of the witness for the reason they blow the whistles three hours before the work was to begin:

Q. Why does the whistle blow so early?—A. So as to get them up. Southerners are not very active, and they give them plenty of time.

This was brought to my attention, and I call attention to it. Of course, the proprietors of these mills were not very much pleased at that kind of statement, when it was entirely without foundation.

Mr. KENYON. I should like to inquire the name of the witness.

Mr. SMITH of Georgia. The name of the witness is Miss Watson.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. BRANDEGEE. Yes.

Mr. GALLINGER. The extract the Senator has read reminds me somewhat of a suggestion the witty John Allen, of Tupelo, Miss., once made, that they fired cannon very early in the morning to notify the colored men that there was to be an election that day. [Laughter.]

Mr. BRANDEGEE. Mr. President, of course I assume the instance cited by the Senator from Georgia is not an ordinary one, but it is a ridiculous one. Under the act as I read it hastily this commission has got to embalm all that testimony, and when they make their final report to Congress all this testimony has to go along with their report. It does seem to me that this act, before the Government makes some appropriation for the continuance of its work, ought to be amended so as to prevent such unfortunate occurrences.

After a three years' inquiry by a commission of this kind there must be thousands of pages of worse than useless testimony that they have taken that ought not to be printed at Government expense and bound in the Government Printing Office, with the usual number of copies for the disposition of men who try to get people to furnish shelf room to put such junk as that in their houses or offices. I think wherever this commission is duplicating any work or doing any work that any other agency of the Government under any existing law is doing this act ought to have all those duties cut out of it.

I hope that attention enough has been attracted by this little debate which we have had upon this provision to call the attention of the proper committee to the fact that before more money is appropriated they should have a bringing of the duties imposed upon this commission into line with those of other agencies of the Government; and if this work is being substantially done by the regular channels of the Government, then this temporary commission should not be allowed to exist.

poses for which the commission were originally organized I can readily see that they will have need for a great deal of money.

Mr. SMITH of Georgia. Mr. President, there could be a million dollars easily spent and five years taken. There could be $2,000,000 spent. There could be almost a limitless sum spent within what is covered by the bill creating the commission. It has almost no limit.

Mr. BORAH. Mr. President, the commission have not assumed to do anything that the law did not authorize them to do, have they?

Mr. SMITH of Georgia. I have not said that they did, although I will confess that I think they almost stretched their responsibility when they took up the subject of vocational education. That was going a little further than they were required to go, although I will not say that this language is not broad enough to authorize them to take up any problem connected with agriculture, agricultural schools, farm demonstration work, and so forth. Anything in the line of fitting agricultural labor to do its work better might possibly fall within the scope of the bill creating the commission, although I can not concede that it extends to education.

What I mean is this: I think the bill is bad, to be frank about it. I think the bill tendered to this commission a breadth of work which could not be properly done by a commission. It requires the continuous work of a department, and it really belongs to existing departments; and in order to be done successfully it must be done by men who are selected for permanent employment.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption there?

Mr. SMITH of Georgia. Yes, sir.

Mr. GALLINGER. I have no disposition whatever to cripple the work of this commission if it does confine its activities within proper channels. I recall the fact, and we all recall it, that a few years ago we had a so-called industrial commission. That commission spent a great deal of money, and the results of its inquiries were printed in 19 large volumes. I recall the fact that in our debates here we sometimes referred to some material that was found in volume 17, as I remember; but I think it would be a wild fancy for any Member of this body even to suppose that those volumes had all been perused by any living man or woman.

Mr. SMITH of Georgia. They would scarcely be accepted in anybody's library.

Mr. GALLINGER. No.

Mr. SMITH of Georgia. The shelf space would not be conceded to them as a gift.

Mr. GALLINGER. I know that I could not give mine away. In view of that fact—and I have frequently thought of it—I think we are a little careless in creating these commissions, in giving them so much leeway that they can enter almost any and every field of human activity, and necessarily trench upon the work of the established departments, which, as the Senator properly says, have experts in all these matters.

So, while I am loath to take any action that would seem to be hostile to the work of this commission, I feel sure that it will be wise for Congress in some way to curtail their operations if they are reaching out into all the fields that the Senator from Georgia suggests they are disposed to enter. We are spending so much money in the duplication of work even in the departments that I have often wondered that some wise man, here or elsewhere, did not take up that subject with a view of correcting it. If the Department of Commerce and the Department of Labor are charged with work similar to that of this industrial commission, it is very evident that the activities of the commission ought to be limited to a proper field.

Mr. SMITH of Georgia. What I have had in view was that we could give them an appropriation of $50,000, which might be a suggestion to them to pick out some special lines, and to seek carefully to avoid duplicating what is being done in the departments. Then, when we meet next December, if we find that the special lines toward which they are turning their attention are not being duplicated in the departments, and they need still further money to complete those lines of work, we might add a further appropriation.

Mr. SUTHERLAND. Mr. President, I have obtained a copy of the hearings of the House Committee on Appropriations on this bill, and it contains the statement of the chairman of the Commission on Industrial Relations with reference to this matter. I have not had time to read it over thoroughly, but I have had an opportunity of glancing through it, and I think a reading of it by Members of the Senate would be quite illuminating.

Mr. BORAH. Mr. President, I think the Senator ought to read it to the Senate; otherwise it will not be read.

Mr. SUTHERLAND. I intend, Mr. President, to read some parts of it.

In the first place, it appears that over $100,000 has been already appropriated for the use of this commission. It does not appear that it has been unwisely or injudiciously expended. Mr. Walsh, the chairman of the commission, in outlining the work of the commission, at page 493 of the hearings, says:

At the first meeting the lines of the investigations were attempted to be laid out, and they included four—a division of public agencies, a division of private agencies, a division of industrial conditions, and a division of legal agencies. There were four heads of those divisions appointed to make a report to the next meeting of the commission and to outline the course that the work ought to take. You gentlemen may understand, in the formation of this commission, the difficulty that there would be in the commission getting together, as it were. It was formed with three members representing labor unions and selected by the labor organizations, three members representing employers, and three members representing the general public.

I may stop there to say that I know some of the members of this commission personally, and I know them to be men admirably fitted for the discharge of these duties. The commission is made up of three representatives of the employing class, and they are all men of broad information and broad attainments; of three members of labor organizations, who are among the best-informed men in the labor organizations of the country; and of three members, also capable and efficient, who were appointed as representing the general public.

Mr. Walsh continues:

Each member of the commission made suggestions to these heads of division, and they came back for another meeting. Now, as you may well understand, that program involved a good deal of work. The public agencies involve those which are required under the law to inquire into the subjects of safety, sanitation, and hygiene, and the work involved a study of what had been already done and what is being done in that respect by public agencies and by private agencies, such as the National Council of Safety and others, that cooperate with public agencies.

Then he goes on and discusses at some length that phase of their study. Further on, at page 494, he says:

It involved a study of the methods of wage payments; that is, in the organized and the unorganized industries all questions of profit sharing, etc. It also involved a study of all questions of efficiency other than that involved in efficiency systems.

I call the attention of the Senators who may be interested in the subject to the character of the work which this commission has been doing:

It involved a study of the regularity or irregularity of employment; a study of seasonal, floating, and casual labor; a study of employment agencies, public and private, and the laws governing them in the various States. It involved a study of the public agencies and the laws governing them; and of the private agencies, and of the operation of those agencies. It required a study of the question of fluctuating employment, which involved the regularizing of employment, and of the efforts being made in the various industries throughout the United States to regularize it. It involved the question of the feasibility of the passage of minimum-wage laws, which included a study of those laws that might already be in effect, as well as those that were in process of passage, or that were in charge of committees throughout the country. It involved also a study of woman and child labor generally.

It will be seen that these men are studying questions of grave and immediate importance; questions that are engaging the attention not only of Congress but of the legislatures all through the country; questions that must be settled in some satisfactory way in the reasonably near future, or our whole industrial system will be in danger of breaking down.

It included what might be called a diversion of industrial conflict, and a study of those conditions to ascertain the methods of industrial warfare; that is, as to how those disturbances are policed, and the operation of the militia and the operation of the police toward them.

I will not stop to read all Mr. Walsh says, but I will ask to insert in the RECORD without reading some other portions of his testimony.

The VICE PRESIDENT. Without objection, that may be done.

Mr. SUTHERLAND. Among other things, they made a study of the problem of unemployment, which is one of the most serious questions confronting this country, and particularly at the present time, under this administration, where it is taking a most acute form. They have endeavored to arrive at the causes of that condition. That, of course, in a great city like New York alone would involve a vast amount of labor and time.

The Senator from Georgia [Mr. SMITH] said that he did not see how it was possible for this commission to carry out the work outlined by this law within any reasonable time. Mr. Walsh, in answer to a question of that same character put by Mr. SHERLEY, said:

That is the way it would strike any person of ordinary judgment engaged in trying to carry out large projects. In the first place, you will notice that we are studying relations and not conditions. We have taken, or I have taken, the report on the formation of the Royal Industrial Commission of Great Britain in 1894, and that is the very best commission on a broad subject of this kind that there is extant in the world, and we had others translated and presented to us—

The Royal Commission of Great Britain, which was appointed in 1894, is a good example of the immense good that can be accomplished by a commission of this character. It was owing to their work that the trades-dispute act was passed and various other legislation in Great Britain. That commission completed its labors in three years. It cost Great Britain $350,000, and yet people who are familiar with its work say that no money was ever better spent. Their work was over a comparatively small area as compared with the work of our own industrial commission—

If we should undertake to make an extensive investigation of any of those subjects that I have read to you there, I could expend that entire appropriation on any one of them, and it would extend beyond the life of this commission, undoubtedly.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. Mr. President, I would ask that the interstate trade commission bill be substituted for that bill as the unfinished business. The understanding between the Senator from North Carolina [Mr. SIMMONS], of the Committee on Commerce, and myself was that the trade commission bill should be only temporarily displaced, and that at the close of the consideration of the river and harbor bill last evening he would ask that that bill be temporarily laid aside. Through an inadvertence that was not done. I ask unanimous consent that the trade commission bill be restored as the unfinished business.

Mr. SIMMONS. Mr. President, I wish to say to the Senator that there has been no purpose on my part to supplant the trade commission bill, but that was the effect of the ruling of the Chair on my motion to proceed to the consideration of the river and harbor bill. However, the trade commission bill had been temporarily laid aside. I suggest to the Senator from Nevada that he consent that the Senator from Virginia may proceed with the sundry civil appropriation bill and that this matter be held in abeyance until the consideration of that bill is finished. I shall not, I assure the Senator, try to supplant his bill.

Mr. NEWLANDS. Mr. President, I was about to state that upon the trade commission bill being restored as the unfinished business it is my purpose to ask that it be temporarily laid aside in order to accommodate the Senator from Virginia who has charge of the sundry civil appropriation bill, which is now under consideration. What is it that the Senator from North Carolina suggests?

Mr. SIMMONS. I suggest that we temporarily lay the unfinished business aside and let the Senator from Virginia proceed with the sundry civil appropriation bill, and when that has been concluded the Senator from Nevada can make his motion, and I will not resist it.

Mr. REED. Mr. President, yesterday the trade commission bill after considerable difficulty was laid over until to-day. It was temporarily laid aside in order that I might have the opportunity to prepare some observations to which I intended to give expression. In view of that, although it was at some sacrifice to my personal comfort, I am prepared to discuss one phase of that bill, and I would very much prefer to do it now. It is a legal question, pure and simple. I think I can get through in a reasonable length of time. I came here expecting to go ahead. While I do not want to discommode the rest of the Senate, at the same time if I am to say anything on this phase of the bill I would prefer doing it at this time.

Mr. MARTIN of Virginia. I hope very much the Senator from Missouri will postpone his remarks and let this appropriation bill be completed. Every Senator understands that the sundry civil appropriation bill carries $111,000,000 that will be urgently needed the 15th of the month. The Government can not proceed with its business without those appropriations. If the Senator will forego the presentation of his views until we get through with the sundry civil bill I am sure it will be promotive of the general good.

Mr. REED. I would not allow my personal convenience to interfere with a matter of that kind.

Mr. MARTIN of Virginia. I appreciate that. I was sure the Senator would realize the necessity of giving the right of way to this appropriation bill.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of House bill 15613, the trade commission bill, so that it will be the unfinished business; and after that is done I shall ask that it be laid temporarily aside for the consideration of the sundry civil appropriation bill.

The VICE PRESIDENT. The Senator from Nevada moves that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes. [Putting the question.] The ayes have it.

Mr. BRANDEGEE. I ask for the yeas and nays on the motion.

The yeas and nays were not ordered.

The VICE PRESIDENT. The ayes have it, and the Chair lays before the Senate House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask that the bill be temporarily laid aside.

Mr. SUTHERLAND. Mr. President, I object.

The VICE PRESIDENT. There is objection.

Mr. NEWLANDS. I move, then, that the bill be temporarily laid aside.

Mr. BRANDEGEE. I make the point of order that there is no such motion.

Mr. MARTIN of Virginia. I think the matter can be easily solved. I move that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

SUNDRY CIVIL APPROPRIATIONS.

The VICE PRESIDENT. The Senator from Virginia moves that the Senate proceed with the consideration of House bill 17041.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The Senator from Utah will proceed.

Mr. SUTHERLAND. Mr. President, I had substantially completed what I wanted to say upon this proposed amendment, but I will ask the permission of the Senate to insert in the RECORD two or three additional extracts from the testimony of Mr. Walsh before the House committee on the subject which I have been discussing.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

We have to study the question of what is the relation of safety, sanitation, and hygiene to the industrial relations between employer and employee. A shirt factory burned down in New York and many people were burned to death. Following that there was a strike. The incidents of the strike were lost sight of altogether in the publicity given to the suggestions of the leaders of the shirt workers. A strike might be based upon the proposition, for instance, that the toilet arrangements were such in places that they were deleterious to health and anything else of that kind. It is a constant source of industrial unrest. We are supposed to find out the cause of the industrial unrest and to suggest remedies.

* * * * * * *

We are required to look into the matter of collective bargaining. I will try to illustrate it by one phase that involves whether or not men are left in a position to do collective bargaining. If it be true, for instance, that an automobile factory may put in such improvements as will throw 1,000 machinists out of work. The question of unemployment is a very significant one for us to understand when we come to study collective bargaining. Where did the unemployed come from? How did they happen to be unemployed? Is collective bargaining a good thing? If so, why are not others dealing under it? Now, that you mention, criticism, of course, was unfortunate. I want to say that you would be surprised how many minds are on this commission—the labor people, the unemployed, and the business people—and the constant question is being asked in Congress and elsewhere, "What is the commission doing?" Now, the investigators of the commission were being sent to New York prior to the time of this publication for the purpose of finding out, if possible, about that matter. We did not make that statement. It had been published, however, over and over that there were 350,000 unemployed in the city of New York, as given by the charities association. Our investigators were going down there to study the question as to where these people came from, regardless of their number, because every one on the commission agreed that the best time to make that study was in the winter, when the unemployed mass in large cities.

* * * * * * *

We have been in constant conference, Mr. FITZGERALD, since the day I met with you before. We have had Prof. McCarthy and Prof. Commons, who are on the commission, specially detailed on that work, and they have figured out that if this appropriation were made as it is asked and we did the work we have already outlined—and we have it quite definitely outlined—we could get up a good a report as could be made, constituted as we are, at the end of one year and eight months. It would not be that the work was covered, but that we would be able to say: "This is what we will have to have; this is the machinery we think the Government ought to have permanently to do this work." It might lead up to something like the conciliatory board which you already have; and unless we go into intensive investigations, which Congress did not intend and which might overlap other work, I think we will perform the work in one year and eight months. We are just approaching the work of holding our public hearings, and naturally we

any doubt that the work of that commission was very valuable, but it was not followed up by Congress. Their completed work is now to be found in the Library, consisting of some 19 volumes. If the work of the existing Commission on Industrial Relations shall result in no more than that of the original commission did, it will not be of any great value, but if the commission does the work that we hope and expect it to do and practical use shall be made of it it will be of incalculable value to the country. They are to investigate the relations of capital to labor. They are to investigate the subject of child labor. They are to investigate many things which concern industrial relations in this country.

Now, if it will follow that up with concrete recommendations to Congress which Congress shall act upon, if it will solve or measurably solve any one of the half dozen great industrial questions that are before this country to-day, it will have justified its existence if it costs the Government of the United States a million dollars to carry on the work. If it shall help us measurably to solve the difficulties that exist between capital and labor, that alone will justify its existence.

One of two things ought to be done with reference to this commission. Either it ought to be abolished upon the theory that it is going to accomplish no good or it ought to be continued and given an adequate appropriation so that it may do its work well.

I would not like to vote for cutting this appropriation from $200,000 to $50,000 after the House has fixed it at $200,000 apparently upon a full investigation, and the Senate committee has cut it to $50,000 upon suspicion without any investigation whatever. I think it ought to be left either at the original amount of $200,000 or we should eliminate it altogether.

Mr. MARTIN of Virginia. The Senator puts that a little too strong. There was a hearing before the House committee, and it made a very unsatisfactory showing to me. We did not add to the hearing by summoning these parties before us, but the work seemed to be most latitudinarian. It is a very vague and indefinite service that they are contemplating, and it is duplicating the work that is being done by other departments. We could find nothing in the hearing that seemed to justify this appropriation.

I will say very frankly, while we made the same appropriation we did last year my individual opinion is that it would be a good thing to abolish it. But we are preparing the way for a further consideration of the commission, either to abolish it or to give it a better supply. I see no good in the work they are doing; it is a duplication of the work that other departments are now doing.

Mr. STONE. Mr. President, I do not know what the appropriation for the support of the industrial commission should be. No one has communicated with me with respect to this appropriation, and hence I am without information of a reliable nature. If $50,000 is adequate to meet the necessities of the industrial commission in the prosecution of its work, then no more should be appropriated. That goes with the saying. If more is needed, then more should be appropriated, and that goes for the mere saying.

So far as the work done up to this date by the commission itself is concerned, I am not sufficiently advised to speak with confidence. This, however, I do know, that the commission was created only about a year ago.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. I do.

Mr. BORAH. The commission was created some two years ago, but it was not organized, as the Senator says, until about a year ago. It has only had about a year or less than a year of active operation.

Mr. STONE. The Senator from Indiana said a moment ago that it was organized and began work about 10 months ago.

Mr. VARDAMAN. Mr. President, if the Senator will permit me, I will state that the act creating the commission was approved August 23, 1912.

Mr. STONE. That is when the act was passed. The commissioners were——

Mr. SUTHERLAND. Mr. President——

Mr. STONE. Just one second. The commissioners were appointed and confirmed some time in the spring or summer of 1913.

Mr. SUTHERLAND. I was going to say to the Senator that this commission was appointed by President Wilson——

Mr. STONE. They were appointed by President Wilson, and he did not come into office until March 4, 1913.

Mr. SUTHERLAND. And, of course, these commissioners could not have been confirmed until after March 4, 1913. My recollection is that they were confirmed very little over a year ago.

Mr. STONE. And I recall very well, Mr. President, that after the nominations were sent to the Senate by President Wilson and referred to the Committee on Education and Labor, of which my distinguished friend from Georgia [Mr. SMITH] is the honored chairman, they were held in his committee for a number of weeks. I had almost said for as long as two months. It was quite a long while before that committee deemed it advisable in their judgment to report the nominations to the Senate. So, as I have stated, this commission was not actually created until sometime during the summer of last year.

Mr. KERN. Will the Senator from Missouri permit me to make a suggestion?

Mr. STONE. Yes.

Mr. KERN. I am informed that the appointments of the commissioners were confirmed on September 19, 1913.

Mr. STONE. That is less than a year ago.

Mr. KERN. And it was a considerable time after that before they were organized.

Mr. STONE. It is much less than a year since the appointments were sent in and approved by the Senate; and after the Senate confirmed the appointments the commission had to meet and organize.

Mr. MARTIN of Virginia. The commission organized on the 24th of October, 1913.

Mr. STONE. The Senator from Virginia states that the commission formally organized on the 24th of October last. Here we are now in the early days of July. So the Senator from Indiana [Mr. KERN] was correct when he stated that the commission had not been organized exceeding 10 months. It has been organized, in fact, less than 10 months.

Mr. KERN. Mr. President, I desire also, with the Senator's permission, to remind him that the real work of the commission was not commenced until long after that time, because, after that, they had to organize the working force. My recollection is that they were not ready to commence work until about the first of the year. I think it was some time in February, if I recollect aright.

Mr. STONE. That must have been true. When the Senator from Virginia [Mr. MARTIN] says that the commission was organized at the end of October, that means that the formal organization of the commission itself was had at that time; but the force to be employed, the work to be laid out and undertaken, of necessity came at later dates.

Mr. President, it is hardly fair, I submit, to arraign this commission, directly or by implication, with having accomplished but little, with not having made a showing that would attract attention within a period of six or eight months after it was formally organized and prepared for work. That is both unreasonable and unfair.

Mr. President, I confess I know little of the work so far done by this commission. I have had no consultations with anybody connected with the commission with reference to its work. I am, however, informed that it is the general purpose of this body to prosecute certain inquiries along important lines, which, if wisely prosecuted, will develop facts and furnish information of great value, which may perhaps be made the basis of useful legislation. Even though no legislation comes of it, the information gathered and the report may suggest and open the way for accomplishing good results through administrative action. For example, this commission might appoint a man thoroughly qualified to take up and prosecute a given industry, an industry typical of the class in which controversies most frequently arise between employers and employees, such as the ready-made clothing industry, in which we know that a great many conflicts come—intense, desperate conflicts—between employers and employees. Such a man could thoroughly examine into all that. We have here on the floor of the Senate time and again discussed industrial conflicts connected with that very industry—that of ready-made clothing—and we have heard Senators inquire as to the cause of them; who was to blame for them, and no intelligent answer was ever given. There was lack of information respecting the causes lying at the base of these disturbances. If we could be intelligently informed as to the causes that ordinarily lead to such disturbances, if we could have a hearing from both sides in a time of industrial peace, hear candid statements from intelligent employers and intelligent employees, and the hearing conducted by a man thoroughly qualified to go into that kind of work and to make that kind of inquiry, we should get some important facts and some valuable suggestions that would be of great use to the public authorities in settling or preventing such unfortunate and costly controversies, and thus great good might be accomplished. If was with that idea that the law creating this commission was enacted.

Mr. President, I do not know that these beneficial results can be accomplished, but they are worth striving for. I do know that if we could, through the work of this commission or in any other way, secure information upon which we might base a general policy of composing these controversies when they arise, and more especially to prevent them when they are threatened—if we could do that, I say, it would be of inestimable value to the whole country. I do not know whether we can or not, but a few thousand dollars expended in an intelligent and earnest effort to ascertain the great basic facts underlying these periodical conflicts would be well expended, and the facts gathered might be of inestimable value to the legislative and administrative departments of the Government.

I do not know whether $50,000 is enough for this work. Nobody has told me that it was or was not. We are told here this morning that members of the Commission on Industrial Relations went before the House Committee on Appropriations and made statements there as to the needs of the commission, and that that committee, which is not overliberal in appropriations, thought it advisable to fix this appropriation at $200,000. I do not want to appropriate more than is needed. Possibly what my friend from Virginia has said is all right. He says he does not know much about it; I have not heard anyone here to-day who does. The Senator from Virginia said that he should like to have the item go to the committee of conference that that committee might discuss the subject and thrash it out. That may be all right; I do not know. Personally, I would be glad if this item could be taken up at a later date—it can, of course, be taken up again when the bill reaches the Senate—and in the meantime I shall undertake to make some inquiries with regard to the work which has been done by the commission and what it proposes to do, so that some information worth while may possibly be laid before us. I am sure $50,000 is not enough.

Mr. VARDAMAN. Mr. President, I think the Senate should know whether or not there is a conflict between the work of this commission and any other department of the Government, for I do not think the work ought to be duplicated.

I am not acquainted with the personnel of this commission; I do not know anything about the character or capacity of the men and women who are engaged in this great undertaking. I am sure they are all they should be, but I do know that if the plans shall be carried out and the work done which was designed to be done by the law creating the commission, great good will result. It is intended to make better men and better women which, after all, is the greatest asset of any country. The greatness of the Republic does not consist in its great banks, railroads, manufacturing enterprises, and other sources of material wealth, but rather in the moral qualities and intellectual acquirements of its men and women.

This commission was created less than a year ago. The law requires that it shall make a report once a year and that its labors shall be completed within three years from the enactment of the law. Let us see what it was created to do:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employers and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendations as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

Mr. President, the work to be done by this commission, as has been so well said, will be of incalculable benefit to the whole country. That it should be hampered or its good work hindered or prevented by a failure to provide sufficient funds for the investigations which are to be made I think would be a great mistake. The Senate should do one of two things—it should give them the material with which to work or it should abolish the commission outright.

I do not know of any subject that can engage the attention of man more commendable or one which addresses itself more to my heart and judgment than that which tends to ameliorate the condition of the laboring people of this country—the toilers upon whose tired backs the whole superstructure of commerce and of industry rests. I submit, Mr. President, that in the face of the confessed ignorance on the part of the Senate as to what this commission are doing it is not wise, it is not prudent, to hamper them with an insufficient appropriation.

Mr. SMITH of Georgia. Mr. President, we have not yet received a report from this commission. Officially we have not been notified as to what they are doing. If we read the bill creating the commission, and read, also, the bill subsequently providing for the Department of Labor, I think we will find that the large majority of the duties assigned to this commission in 1912 now belong to the Department of Labor.

Mr. VARDAMAN. Then does not the Senator think it is better to abolish this commission than to continue it?

Mr. SMITH of Georgia. Mr. President, I do not. The commission has done eight months of work, and I think it should be permitted to close up the work it is doing; but I do not think it should be encouraged to spread out its work into fields better covered by the departments. A considerable portion of the work that it contemplates doing falls under the work of the Department of Commerce. A large part of it belongs to the Department of Labor. My attention was attracted to the work of the commission when we were engaged in preparing the bill and having hearings upon the subject of vocational education. I found that the commission had so spread out the scope of its contemplated investigations that there was practically nothing in industrial lines, reaching even into vocational education, that it had not contemplated investigating. I think that a mistake.

The Senator from Utah mentioned child labor as a problem for the commission to investigate. I think that would be a mistake. We have our Children's Bureau. It is well organized. Is it there are experts who have been engaged since its organization in doing the work, and who will continue to do it. I do not believe it is possible for a temporary commission, organized as this one is organized, to obtain the experts or to do anything like the efficient work that will be done on the same lines by a department where men are trained for the work. I am sure there are to-day in the Department of Labor men who have been there for years, first with the Commissioner of Labor and now in the Department of Labor, who have information, who have experience, who know how to investigate many of the problems that the bill creating this commission might permit it to investigate, and who would do it very much better than anybody who can be found by the commission to help it.

My view of the matter is this: We could give them $50,000 and encourage them to curtail the scope of their investigations, to specialize in something that is not already being done better in the Department of Commerce or the Agricultural Department or the Department of Labor. Their field extends over both agriculture and labor. I do not think they have undertaken to interfere with agriculture. I am sure they can make no researches in agriculture that will be comparable to the work done by the Agricultural Department; and my own observation of their hearings, and of some who have been before them, has led me to believe, after conference with experts in the Department of Labor, that they are scarcely as well provided with assistance in making examinations as they would be if they had the benefit of the trained experts in the Department of Labor.

If we feel from an examination of their first report, which must come to us by the 1st of October, that their appropriation should be increased, it can be done. We can add to it.

Mr. GALLINGER. Mr. President, does the law creating the commission require them to report by October next?

Mr. SMITH of Georgia. It requires them to report every year; and as they were confirmed in September and organized the 1st of October, they will have to make a first report by the 1st of October.

Mr. GALLINGER. So that we certainly will have the report at the beginning of the next session of Congress?

Mr. SMITH of Georgia. At the beginning of the next session. I think they ought to wind up their work without spending $200,000. I think the commission ought to cut out of their work a good deal of the breadth of investigation that the bill creating the commission would authorize.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Ohio?

Mr. SMITH of Georgia. I do.

Mr. POMERENE. The Senator seems to find fault with the breadth of the work which has been undertaken by the commission. As I read this act, it seems to me that they were given a very wide field to cover; and if they are to carry out the pur-

changes the present law to the extent of providing that no triangle shall be acquired that is not surrounded by streets. I think it is entirely a just thing.

Mr. BRISTOW. I see the purpose of it, and I am in thorough accord with it. I do not think the property holders who have property adjacent to these little triangles ought to have the Government buy and maintain these parks for their private benefit.

Mr. GALLINGER. That is precisely what will happen unless this amendment is agreed to, and I hope it will be. It does not involve any expenditure at all on the part of anybody.

Mr. BRISTOW. What I wanted to bring to the attention of the Senate was the desirability of making parks out of these triangles, such as you will see along New Jersey Avenue, that are now a disgrace to the city because of the condition in which they are kept. I want to see them cleaned off and laid out into parks for the benefit of the children in those congested parts of the city, and I think it ought to be done.

Mr. GALLINGER. It ought to be done; and that great triangle where the Kenesaw apartment house now stands ought to have been preserved for the purposes of a park. It was a beautiful triangle, overlooking the park, and we never ought to have allowed an apartment house to be constructed on it. I did the very best I could to prevent it, but did not succeed in getting the proposed legislation enacted.

Mr. SUTHERLAND. This amendment will simply prevent making one of these little parks an annex to some private property?

Mr. GALLINGER. Largely so, although it will be open to the public; and the amendment provides that hereafter those triangles or other small pieces of property that are acquired for parks shall be surrounded by streets.

Mr. NORRIS. Mr. President, I should like to ask the Senator from New Hampshire a question. Is it the purpose of this amendment to purchase part of that triangle?

Mr. GALLINGER. Oh, not at all; just the contrary. The owner wants to retain his right in that property. He does not want to be dispossessed.

Mr. NORRIS. My attention was attracted to some other matter, and I did not follow the statement of the Senator.

Mr. GALLINGER. I will say to my friend from Nebraska that this amendment prevents the commissioners from condemning that property and causing the Government to pay one-half of the expense.

Mr. NORRIS. Was there any law under which they could have condemned it?

Mr. GALLINGER. Oh, I think so.

Mr. NORRIS. And was there an appropriation made for that purpose?

Mr. GALLINGER. I think the provision for small parks gives them the right to select such places as they may see fit to condemn for that purpose, up to the amount of $25,000.

Mr. NORRIS. In the case of the particular triangle about which the Senator is talking, is a part of it now owned by the public?

Mr. GALLINGER. It is owned by a private party or parties.

Mr. NORRIS. The private owner comes clear out to the end of the triangle?

Mr. GALLINGER. Yes; the private owner does. There is an apartment house on the other end of it.

Mr. NORRIS. I was under the impression that a part of it is already in private ownership.

Mr. GALLINGER. I wish I had the map here. I should like to show it to the Senator. But it is explainable in just this way. The apartment house owns a tract here and they have a little land that they have not occupied. Then the triangle runs out to a sharp point. The proposition is for the Government to condemn this land which is held by private parties, the Government paying one-half the cost, and making a reservation that will be largely a playground or something else for this great apartment house. It is true that children can occupy it also.

Mr. NORRIS. That is not the proposition in this particular item? This is to prevent that?

Mr. GALLINGER. Yes; it is to prevent it. I have here a map that I will show to the Senator. That in blue [indicating] is the part they want to have condemned.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, under the head of "Interstate Commerce Commission," on page 54, line 21, before the word "every," to strike out "lawful for" and insert "the duty of," so as to read:

It shall be the duty of every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport free of charge the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act, from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also, without charge, to move from point to point and store at such points as may be reasonably required the cars of the United States which are being used to house and maintain said employees; and also to carry free of charge the supplies necessary to maintain said employees and the other property of the United States actually used on said railroad in said work of valuation.

Mr. SUTHERLAND. Mr. President, that seems to me to be a somewhat remarkable amendment. The original provision as passed by the House was that—

It shall be lawful for every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport free of charge the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act, from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also—

The provision continues——

Mr. MARTIN of Virginia. I will say to the Senator that the Interstate Commerce Commissioners appeared before us in person and asked for that change. The railroad companies were perfectly willing to carry the employees and to do this hauling without charge to the Interstate Commerce Commission, but the Interstate Commerce Commissioners apparently preferred not to receive it in that way. The railroads were willing to do it, and the Interstate Commerce Commission asked that it be made obligatory. It is perfectly satisfactory to the transportation companies and it was asked for by the Interstate Commerce Commission.

Mr. SUTHERLAND. I have no doubt of that, but I object to that character of legislation. It seems to me that beyond any question Congress has not the power to compel a railroad company to carry the employees of the Government free of charge, and that is what, in terms, this proposed amendment does. It makes it the duty of every common carrier to carry these particular employees of the Government free of charge. We can exempt the carriers from the inhibition of the law so as to permit them to do it, as the House provision does, but we certainly have not any power to compel them to do it. We have no more power to compel a railroad company to carry employees of the Government free of charge than we have the right to compel them to pay money to the Government out of their treasury except as a tax to enable the Government to pay other expenses.

I think it is legislation which ought not to be passed, even though the Interstate Commerce Commission may ask for it and even though the railroad companies may assent to it. I do not like to see this sort of legislation written into the statutes.

Mr. MARTIN of Virginia. I do not think any harm will be done by it. I know a good deal might be said about the validity of a law imposing this obligation on them in connection with the public service which inures to their benefit as well as the benefit of the public; but I do not think it is necessary to go into a discussion of that question now. I think the best interests of the parties concerned will be promoted by the amendment which the committee proposes. It is agreeable to the transportation companies, and it is asked for by the Interstate Commerce Commission.

Mr. SUTHERLAND. I can not agree with the chairman of the committee. Even though the Interstate Commerce Commission may want it and the railroads be entirely willing that they should have it, that we should write into the statute books of the United States a provision that compels these common carriers to render this service to the Government free of charge, is upon its face a naked act of confiscation. It can not be anything else, and after the circumstances have passed away it will be a precedent for something else. We have not any power to do it, and we ought not to write such a provision into the statutes of the country. I do not know whether a point of order will lie against the amendment, but I will submit the question to the Chair. I make the point of order that it is general legislation.

The VICE PRESIDENT. The Chair will be compelled to sustain the point of order.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Is the point of order raised simply against the amendment proposed by the committee?

The VICE PRESIDENT. To the amendment.

Mr. CUMMINS. I do not intend to discuss it now. I am as much opposed to the House provision as to the amendment proposed by the committee. I think it is wrong even to permit the common carriers of the country to transport the officers of the Government engaged in this very important work free. I am opposed to it because it has an effect upon these officers that can not be avoided by any care upon their part. The Government of the United States ought to pay for the transportation of its servants when they are engaged in this work.

I mention this now because at the proper time I intend to move to strike out the entire paragraph.

Mr. OVERMAN. I wish to say that I agree with the Senator from Iowa, except that this is a House provision, and rather than put the employees who travel under obligation to the railroads, making it lawful, we adopted the recommendation of the commission to make it their duty to carry them, so that they would not be under obligation to the railroads.

Mr. CUMMINS. The House provision is that it shall be lawful for the railroads to do it.

Mr. OVERMAN. So we put them under obligation to do it. Our idea was to make it their duty to do it, if it is done at all. I agree with the Senator from Iowa.

Mr. CUMMINS. I would be more opposed to the House provision than to the Senate committee amendment, but I am opposed to both. I think the United States can afford to pay the reasonable fare for its employees engaged in the public service. The very spirit of our laws forbidding free transportation condemns this effort on the part of the Government to make an exception in this case. I shall move to strike out the entire paragraph when the amendments of the committee are disposed of.

Mr. BRANDEGEE. The bill is now being considered for action on the amendments of the committee?

The VICE PRESIDENT. Only for committee amendments.

The reading of the bill was continued.

The next amendment was, under the head of "Commission on Industrial Relations," on page 56, line 23, after the word "act," to strike out "$200,000" and insert "$50,000," so as to make the clause read:

For continuing the inquiries and investigations authorized by the act of August 23, 1912, entitled "An act to create a Commission on Industrial Relations," and to provide the expenses of such inquiries and investigations as are enumerated in section 2 of said act, $50,000.

Mr. SUTHERLAND. I should like to ask the chairman of the committee whether anybody appeared before the committee to show reason why this amendment should be made cutting down the appropriation to $50,000.

Mr. MARTIN of Virginia. A Senator appeared before the committee and objected to the appropriation. No member of the commission appeared before the committee, but the appropriation last year, as I recollect it, was $50,000, and we knew of no reason why it should be increased to $200,000. Objection was made to it, and the committee reduced it to the same amount which was appropriated last year.

Mr. SUTHERLAND. Does the Senator know why the provision was originally put at $200,000?

Mr. MARTIN of Virginia. That was done in the House, and I do not know why. My idea was that when the bill gets into conference, if they could give a good reason for it, the amount could be increased. We had no information and we did not take time to summon people to have a hearing about it, because, as every Senator knows, there is a great emergency now for getting these appropriations through. We hurried the bill through the committee and did not make the investigation which probably would have been wise if we had had the time to do it. We knew of no reason why an appropriation which was $50,000 last year should be increased to $200,000 this year, and we reduced it to the amount appropriated last year.

Mr. SUTHERLAND. Did the House have hearings upon this item? I presume they did.

Mr. SMITH of Georgia rose.

Mr. MARTIN of Virginia. The Senator from Georgia is more familiar with the item and can answer.

Mr. SMITH of Georgia. The chairman of the commission appeared before the House committee and asked for that sum to complete the work. I believe he asked for $250,000. I am very much opposed myself to the large appropriation of $200,000. I think the commission is really doing work that ought to be done by the departments. The commission was created before the Labor Department was established. We had then the Labor Bureau. Now we have changed the Labor Bureau into a Labor Department, where there are experts engaged in doing a good deal of this same kind of work, and I think they are doing it a great deal better than the commission can do it. There is a good deal of duplication going on. I came in contact with duplication on their part in connection with the work done by the commission directed to investigate the question of vocational education. An appropriation of $15,000 was given to that commission to study the problem of vocational education and report a bill to Congress.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SUTHERLAND. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Has the commission made a report?

Mr. SMITH of Georgia. Which commission?

Mr. VARDAMAN. The Industrial Commission.

Mr. SMITH of Georgia. I do not know. I have just been inquiring for it.

Mr. VARDAMAN. I have been trying to ascertain from other sources, and I can not learn of any reports from them. I thought probably the Senator from Georgia knew.

Mr. KERN. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. I yield to the Senator. I should like to get some information.

Mr. KERN. I think Senators forget that this commission has just been organized.

Mr. SMITH of Georgia. No; not at all.

Mr. KERN. The commission completed its organization within the last 10 months. It has been at work systematically perhaps during the past 6 months. It has no means, I understand, for the publication of its hearings. I have procured a typewritten copy of the hearings which they had at Philadelphia.

Mr. President, this commission has just commenced work. Fifty thousand dollars was originally appropriated for its organization. It has just now fairly commenced work. As I said a while ago, it is doing good work. Now, the proposition is to cut down the appropriation, so that the work may be discontinued.

Mr. OVERMAN. What is the character of the work they are doing?

Mr. KERN. If Senators will read the hearings that have recently been held——

Mr. OVERMAN. That is what I want to know.

Mr. KERN. They are doing statistical work.

Mr. OVERMAN. I want to know the character of work they are doing.

Mr. SMITH of Georgia. And what good work they have done about anything.

Mr. KERN. They have not had time to develop an investigation of anything.

Mr. OVERMAN. What kind of work would they do? On what subject?

Mr. KERN. On all such subjects as the standards of living, the cost of living, and all subjects in which the working people of the country are vitally interested.

Mr. OVERMAN. That is being done by two or three other departments.

Mr. KERN. By whom?

Mr. OVERMAN. By both the Census Office and by the Labor Department.

Mr. SMITH of Georgia. And by the Agricultural Department.

Mr. OVERMAN. And by the Agricultural Department.

Mr. SMOOT. And the Department of Commerce.

Mr. OVERMAN. And the Department of Commerce. There are four departments doing the same work they do.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I yield to the Senator.

Mr. BORAH. If the members of the Senate Committee on Appropriations that reported this bill feel as they seem to feel toward this commission, there is only one thing to do, and that is to repeal the act creating it. I myself think the commission is initiating splendid work, but it is apparent to my mind that with $50,000 all it can do is to hold men there upon salaries without any means by which to earn their salaries. This appropriation of $50,000 will just about pay the overhead charges.

Mr. SMITH of Georgia. Does the Senator think there ought to be $50,000 overhead charges there? The commissioners are allowed to receive only $10 a day when they are actually at work. There ought not to be any overhead charges.

Mr. BORAH. The $10 a day is an overhead charge.

Mr. KENYON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. KENYON. I should like to ask the Senator from Idaho if he knows whether the commission is preparing an investigation into child labor in this country?

Mr. BORAH. I do not know just exactly what kind of work in that respect it has undertaken to do, but I can imagine that it could create a good deal of opposition if it did that.

Mr. OVERMAN. We gave the Children's Bureau $100,000, and then we increased the appropriation to $362,000 to do the very same work they are doing.

Mr. SUTHERLAND. Mr. President, this Commission on Industrial Relations is doing the same class of work that was done by a similar commission many years ago. There is not

cover and deal with? Is it not multiplying the agencies to perform a work that is very important—we all agree as to that?

Mr. KERN. I think not. I think their work is entirely separate. In the first place——

Mr. OVERMAN. Mr. President, will the Senator yield to me right there?

Mr. KERN. Not just now. The Department of Labor ever since its organization has been constantly hampered by a lack of appropriations. There has been a disposition to cut the appropriations for that department and to build up other departments at the expense of that department; in fact, it has not been treated as a department at all, so far as the appropriations are concerned, but is still regarded as a bureau. It has been hampered at every step it has undertaken to make in its work in behalf of the laboring interests of the country. The proposed trade commission will occupy a separate field entirely. The Commission on Industrial Relations has been organized as a sort of adjunct to the Department of Labor, with a view of showing and developing the industrial conditions. It is engaged in making investigations that are of the highest value, and I can only repeat what I said a moment ago, that if the Members of the Senate will take the report, which has not yet been published, of the testimony taken at Philadelphia—take the testimony of Dr. Nehring, of the University of Pennsylvania, alone—I think they will agree that this appropriation ought to be continued.

It seems to me, at any rate, that the committee and the Senate should inform themselves as to the character and scope of the work already done, and that the members of this commission should at least have been given a hearing with a view of determining the adequacy of this appropriation. I have no personal acquaintance with any man who is a member of the commission, but my attention has been called recently to the great work that commission is doing, and I think that a few of the appropriations for post-office buildings at crossroads, which are provided for in this bill, might be cut out in order to keep this appropriation at the amount provided by the House, to the end that this work should not be crippled or stopped.

Mr. BRISTOW. Mr. President, I do not want to be understood as objecting to the work that is being done, but it seems to me that the work ought to be done through the regular agencies of the Government, which are created, as I suppose, for that purpose. If the Department of Labor has been handicapped for lack of funds, we ought to give it the funds, so that it can do the work that comes within its scope of operations.

Mr. MARTIN of Virginia. I hope Senators will let the reading of the bill proceed. We will reach this amendment in a very few moments, and it can then be discussed; but it will lead inevitably to confusion if we take up the amendments out of order. If we may proceed with the bill, as we reach the amendments, Senators can make known their wishes.

Mr. WARREN. Mr. President, if my colleague on the committee will permit me, I should like to reply to one suggestion made by the Senator from Indiana [Mr. KERN], which, I think, he himself will want to amend. I wish to say that the Department of Labor has not been scrimped nor neglected by the Committee on Appropriations. We have increased one item from $25,000 to over $160,000 in one year. The committee has provided various liberal appropriations to cover the separation of the Department of Labor from the Department of Commerce.

In this particular instance we have provided liberally for the Commission on Industrial Relations. They had $50,000 last year. In the pending bill the House appropriated the sum of $200,000 for this year, but the Committee on Appropriations in the Senate thought they wanted further information. They bring the matter before the Senate, and the Senate can acquiesce or not, and then the item can go to conference for such corrections as further information may suggest. I repeat, however, that, so far as I know, there is no disposition on the part of the committee or of any member of the committee in any way to cripple the Department of Labor or any division or bureau under it.

Mr. OVERMAN. Mr. President, I want to say that the committee have dealt as liberally with the Department of Labor as with any other department of the Government. If the Senator from Indiana will look at the appropriations made in the legislative bill and in this bill, I think he will agree that that is true.

Mr. SMITH of Georgia. Mr. President, is the amendment of the committee relative to the Commission on Industrial Relations now before the Senate?

The VICE PRESIDENT. It is not.

Mr. SMITH of Georgia. I sympathize so fully with the view of the committee in cutting this appropriation that I merely wanted to say a word in support of it.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Miscellaneous objects, Treasury Department," on page 39, line 7, after the word "violations," to strike out "$150,000" and insert "$250,000," so as to make the clause read:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for informations and detection of such violations, $250,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year go to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue.

The amendment was agreed to.

The next amendment was, on page 41, line 25, after the word "Custodians," to strike out "1, $2,000, 1, $1,800" and insert "2, at $2,000 each"; on page 42, in line 2, after "$1,600," to strike out "1, $1,400, 1, $1,200" and insert "2, at $1,400 each"; and in line 3, after the words "in all," to strike out "$8,000" and insert "$8,400," so as to make the clause read:

Custody of dies, rolls, and plates: For custody of dies, rolls, and plates used at the Bureau of Engraving and Printing for printing Government securities: Custodians, 3, at $2,000 each; distributors of stock—1, $1,600, 2, at $1,400 each; in all, $8,400.

The amendment was agreed to.

The next amendment was, under the subhead "Customs service," on page 44, after line 18, to insert:

Kansas City customs-collection district: A customs-collection district is hereby created, to be known as the district of Kansas City, with district headquarters at Kansas City, Mo., in which Kansas City and St. Joseph, Mo., shall be ports of entry, said district to comprise such territory as in the judgment of the Secretary of the Treasury should be embraced therein.

The amendment was agreed to.

The next amendment was, on page 44, after line 20, to insert:

Tampa customs-collection district: A customs-collection district is hereby created, to be known as the district of Tampa, to include all of the counties of Hillsborough, Polk, Lee, De Soto, Manatee, Pinellas, Osceola, Lake, Pasco, Hernando, Citrus, and Sumter, with district headquarters at Tampa, in which Tampa (including Port Tampa), Punta Gorda, and Boca Grande shall be ports of entry.

Mr. BURTON. I should like to ask about that item. Does that mean that a collector of customs is to be stationed at Tampa?

Mr. BRYAN. It creates an additional district.

Mr. BURTON. It means the creation of an additional district?

Mr. BRYAN. Yes.

Mr. BURTON. It is carved out of the district which now has its headquarters at Jacksonville?

Mr. BRYAN. Yes.

Mr. BURTON. What is included in the district having headquarters at Jacksonville—the whole of the State of Florida?

Mr. BRYAN. The whole of the State.

Mr. BURTON. And no part of any other State?

Mr. BRYAN. No; except a small part of Georgia. I will say to the Senator that the whole of the State is included. Tampa is the twelfth port in the United States. It collects nearly $2,000,000 of customs revenue.

Mr. BURTON. There are two ways in which this could be managed; one by transferring the general or main office from Jacksonville to Tampa, and the other by creating a new district at Tampa. I do not feel disposed to antagonize this item, but it seems to me that it is creating a district much smaller than the average districts over the United States. Is not that the case?

Mr. BRYAN. That is true, Mr. President; yet after that is done this district will be the twelfth district in the United States.

Mr. BURTON. What will be the rank of Jacksonville with Tampa detached?

Mr. BRYAN. Jacksonville does not collect much customs. It is the headquarters of the State.

Mr. BURTON. Then why should not the headquarters be transferred from Jacksonville to Tampa?

Mr. BRYAN. Because Jacksonville is the distributing point, and it is more accessible.

Mr. BURTON. There are many distributing points.

Mr. BRYAN. I will say to the Senator that Key West collects $600,000 of customs revenue. It is more accessible to Jacksonville, notwithstanding the distance is greater than it is to Tampa. The situation there is almost intolerable.

Mr. BURTON. Where?

Mr. BRYAN. In the whole State. Under this order of President Taft it was claimed that a saving of $119,000 would be effected, and yet the decrease in the collections at Key West alone has been more than that amount. Men will not do business by mail in the cigar industry. That is the whole of it. They want a collector there to whom they can go. I feel and

believe that there ought to be a collection district at Key West also; but the committee was willing to go this far, and it corrected an evil to some extent.

I will say to the Senator from Ohio that there was a committee from the Tampa Board of Trade before a subcommittee of the Committee on Finance a few days ago. The members of the subcommittee are here, and they can point out to the Senator with more impartiality than I can the injustice and the injury that is being done to that portion, and that is being done in the collection of revenue for the Government.

Mr. BURTON. But under this reorganization order—and I am slow to believe that it causes a decrease of revenue anywhere—important districts were consolidated. For instance, my own State, with its approximately 5,000,000 of population, is not the whole of a customs district. The city of Erie, in Pennsylvania, is joined. I think neither the Secretary of the Treasury nor President Taft can be accused of any partiality or discrimination, because his own city of Cincinnati was made subordinate to Cleveland, so that all their correspondence with the head office must be with Cleveland. The positions of surveyor of customs at Cincinnati and Dayton and Columbus were abolished. Now it is proposed to have two customs districts in Florida, with an agitation for a third at Key West; and I must submit that it seems to me altogether out of proportion.

Mr. BRYAN. Mr. President, I said nothing about the order of President Taft being intended to work an injury upon any port, or that it was not made with the best of intentions. However that may be, I can point out to the Senator a number of districts that are barely self-sustaining. Some of them are not self-sustaining.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Public Health Service," on page 45, line 5, after the word "pharmacists," to strike out "$629,858" and insert "$729,858," so as to make the clause read:

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, $729,858.

The amendment was agreed to.

The next amendment was, on page 45, line 9, after the words "(attendants, etc.,)," to strike out "$477,606" and insert "$527,606," so as to make the clause read:

For pay of all other employees (attendants, etc.,), $527,606.

The amendment was agreed to.

The next amendment was, on page 45, line 22, after the words "special heads," to strike out "$245,000" and insert "$256,000," so as to make the clause read:

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $256,000: *Provided*, That there may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed 10 cases in any one hospital at one time.

The amendment was agreed to.

The next amendment was, on page 46, line 8, after the words "In all," to strike out "$1,856,964" and insert "$2,017,964," so as to make the clause read:

In all, $2,017,964, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act approved February 20, 1907.

The amendment was agreed to.

The next amendment was, under the head of "District of Columbia," on page 48, after line 19, to insert:

That portion of the act of Congress approved March 4, 1913, making appropriation to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, relating to small parks, is hereby amended to read as follows:

"SMALL PARKS.

"For the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, to be acquired from such areas shown on the map on file showing areas surrounded by streets in the office of the engineer commissioner, in the discretion of the Commissioners of the District of Columbia, $25,000: *Provided*, That such condemnation shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided further*, That of the amount found to be due and awarded by the jury in any such proceeding as damages for and in respect of the land to be condemned for said parks plus the costs and expenses of the proceeding thereunder, not less than one-half thereof shall be assessed by the jury as benefits, which, when collected, shall be covered into the Treasury of the United States, one-half to the credit of the United States and one-half to the credit of the District of Columbia. The public parks so acquired shall become a part of the park system of the District of Columbia and be under the control of the Chief of Engineers of the United States Army."

Mr. SUTHERLAND. Mr. President, I should like to ask the chairman of the committee what change that makes in the existing law?

Mr. MARTIN of Virginia. The only change, as I understand, is that it requires the little triangles to be surrounded by streets. The law as now on the statute books does not contain that language, in line 6, "showing areas surrounded by streets."

Mr. SUTHERLAND. Those words are inserted?

Mr. MARTIN of Virginia. They are inserted, and they constitute the only change made.

Mr. SUTHERLAND. No change is made in the manner of assessing?

Mr. MARTIN of Virginia. None at all. That is the only change.

Mr. BRISTOW. Mr. President, why is that limitation made? Why should these small parks be surrounded by streets? Then, another question: Why should we say "outside the limits of the original city of Washington"? It seems to me that the appropriations for parks could not be better made than to take these little triangles within the old city of Washington, where the congested population is and where there are no parks.

If you go outside of the city, there are large parks and large recreation grounds; but in the congested part of the city, in through here, the children have no place to play in the hot weather. These triangles are now occupied by junk piles in many instances. It seems to me they ought to be cleaned off and made into parks, instead of spending so much money on Rock Creek Park and other places outside of the original city limits.

Mr. MARTIN of Virginia. Mr. President, the Senator from New Hampshire [Mr. GALLINGER], I think, offered this amendment, and I have sent for him. He understands it better than I do.

I will say that, so far as I am concerned, if it had been an original question I think I should have been opposed to it altogether. I do not think it will be very beneficial. There is only $25,000 appropriated, and that is in existing law. This amendment that is put in the bill is in the nature of a restriction. I think those little triangles will be chiefly beneficial to the immediately adjacent property owners, and I think it is more in the interest of individuals than of the public. It did not commend itself to me at all, because I did not believe any material benefit was going to accrue to the public. Therefore anything that restricted it commended itself to me, and I was very willing to have it go in, because it was in restriction of what I considered a law not advantageous to the public.

The Senator from New Hampshire is now present, and he can give a better explanation of this amendment than I can.

Mr. BRISTOW. Do I understand the Senator to contend that these triangular parks are of no use to the public?

Mr. MARTIN of Virginia. Oh, some of them are very useful, but I suspected that behind this little $25,000 appropriation there was a tendency to get benefits for individual landowners. The one immediately in question here, I think, is right at the Kenesaw apartment house.

Mr. BRISTOW. If this $25,000 is to purchase some little tract of land somewhere to benefit an apartment house, I should like to make a point of order against it.

Mr. MARTIN of Virginia. I will not say that; but I say I entertained a suspicion of that kind because certain persons were very anxious to have it incorporated. I am without any information, except that personally I was unfavorable to the whole matter, and this amendment was restrictive, and therefore I was very glad to see it go in the bill. The Senator from New Hampshire, however, may be able to give an explanation that will put a very different light upon it.

Mr. GALLINGER. Mr. President, this amendment does not change the existing law; the $25,000 is already appropriated in another act; but it changes the procedure to this extent:

When the triangle upon which the Kenesaw apartment house now stands, being immediately in the vicinity of Rock Creek Park, was vacant I presented a bill providing that that triangle should be acquired by the Government, with a view to keeping open the entrance to the park at that point. That bill, as I remember it, passed the Senate and failed in the other body, and shortly after the Kenesaw apartment house was constructed on the triangle. There is now a little point running out south of that apartment house which it is proposed to acquire by condemnation, making the Government pay one-half the expense of acquiring it.

It is safe to say that up to this time there is not a reservation, small or large, in the city, including triangles, that is not surrounded by streets. In this case, if that triangle should be acquired, it would not be surrounded by streets. It would simply enable the Kenesaw apartment house to build out on ground they now own, some 30 or 40 feet, running south, and then have this tract of land that we would have acquired, the Government paying one-half of the expense, largely for the advantage of the apartment house. The triangle as it now stands is not surrounded by streets, and this amendment simply

the best interests of the United States; for care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings.

The amendment was agreed to.

The next amendment was, in the item of appropriation for repairs and preservation of public buildings, on page 24, line 18, after the word "exceeding," to strike out "$14,000" and insert "$18,000," so as to make the proviso read:

Provided, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire partitions and fly screens for same, and not exceeding $18,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing.

The amendment was agreed to.

The next amendment was, in the item of appropriation for repairs and preservation of public buildings, on page 25, line 1, after the word "building," to strike out "$725,000" and insert "$749,000," so as to make the additional proviso read:

Provided further, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $749,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for installation and repair of mechanical equipment in all completed and occupied public buildings under the control of the Treasury Department, etc., on page 25, line 21, after the word "exceeding," to strike out "$10,000" and insert "$14,500," so as to make the proviso read:

Provided further, That of the sum herein appropriated for mechanical equipment of public buildings, not exceeding $40,000 may be used for marine hospitals and quarantine stations, and not exceeding $14,500 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing excepting the generating plant and its maintenance, and not exceeding $10,000 for the maintenance, changes in, and repairs of peumatic-tube system between the appraisers' warehouse at Greenwich, Christopher, Washington, and Barrow Streets and the new customhouse in Bowling Green, Borough of Manhattan, in the city of New York, including repairs to the street pavement and subsurface necessarily incident to or resulting from such maintenance, changes, or repairs.

The amendment was agreed to.

The next amendment was, on page 26, line 10, after the word "building," to strike out "$440,000" and insert "$453,500," so as to make the proviso read:

Provided further, That this sum shall not be available for the payment of personal services except for work done by contract, or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $453,500.

The amendment was agreed to.

The next amendment was, in the item of appropriation for general expenses, public buildings, repairs, equipment, etc., on page 28, line 24, after "$563,560," to insert the following proviso:

Provided, That the unexpended balance of the appropriation for expenses of site agents contained in the deficiency appropriation act approved October 22, 1913, is hereby reappropriated and made available for the fiscal year 1915 for the expenses of site agents detailed for such service, in addition to the foregoing.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, operating expenses," on page 30, line 12, after the word "employed," to strike out "$2,600,000" and insert "$2,700,000," so as to read:

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including assistant custodians, janitors, watchmen, laborers, and charwomen; nurses, teamsters, lamplists, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,700,000.

The amendment was agreed to.

The next amendment was, on page 31, line 3, after the word "building," to strike out "$825,000" and insert "$900,000," so as to make the clause read:

Furniture and repairs of furniture: For furniture, carpets, and gas and electric lighting fixtures and repairs of same, for all public buildings under the control of the Treasury Department, whether completed and occupied or in course of construction, exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, exclusive of personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $900,000. And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not.

The amendment was agreed to.

The next amendment was, on page 32, line 6, after the word "building," to strike out "$1,625,000" and insert "$1,650,000," so as to read:

Operating supplies: For fuel, steam, light, water, ice, lighting supplies, electric current for lighting and power purposes, telephone service, for custodian forces; removal of ashes and rubbish, snow, and ice; cutting grass and weeds, washing towels, and for miscellaneous items for the use of the custodian forces in the care and maintenance of completed and occupied public buildings and the grounds thereof under the control of the Treasury Department; and in the care and maintenance of the equipment and furnishing in such buildings; and for miscellaneous supplies, tools, and appliances required in the operation (not embracing repairs) of the mechanical equipment, including heating, plumbing, hoisting, gas piping, ventilating, vacuum cleaning and refrigerating apparatus, electric-light plants, meters, interior pneumatic-tube and intercommunicating telephone systems, conduit wiring, call-bell and signal systems in such buildings (including the customhouse at Washington, D. C., but excluding any other public building under the control of the Treasury Department within the District of Columbia, and excluding also marine hospitals and quarantine stations, mints, branch mints, and assay offices, and personal services, except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building), $1,650,000.

The amendment was agreed to.

The next amendment was, on page 35, line 2, after the name "United States," to strike out "$2,025,000" and insert "$2,226,050," so as to make the clause read:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the rate of $70 per month each for the No. 1 surfman in each station, and at the rate of $65 per month for each of the other surfmen during the period of actual employment, and $3 per day for each occasion of service at other times; rations or commutation thereof for keepers and surfmen; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; compensation of 12 clerks to district superintendents, one to each of the district superintendents, except that of the eighth district, at such rate as the Secretary of the Treasury may determine, not to exceed $900 each; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same, including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters and allowance for heat and light for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, $2,226,050.

The amendment was agreed to.

The next amendment was, under the subhead "Revenue-Cutter Service," on page 36, after line 20, to insert:

Toward the construction of two revenue cutters authorized by the act approved June 24, 1914, entitled "An act to provide for the construction of two revenue cutters," $165,000.

The amendment was agreed to.

The next amendment was, under the subhead "Engraving and printing," on page 37, line 3, after the word "assistants," to strike out "$1,300,000" and insert "$1,371,520," so as to make the clause read:

For salaries of all necessary employees, other than plate printers and plate printers' assistants, $1,371,520, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900.

The amendment was agreed to.

The next amendment was, on page 37, line 17, after the word "employed," to strike out "$1,625,000" and insert "$1,737,565," so as to make the clause read:

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, $1,737,565, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 38, line 7, after the words "Secretary of the Treasury," to strike out "$470,000" and insert "$535,820," so as to make the clause read:

For engravers' and printers' materials and other materials except distinctive paper, and for miscellaneous expenses, including purchase, maintenance, and driving of necessary horses and vehicles, and of horse and vehicle for official use of the director when, in writing, ordered by the Secretary of the Treasury, $535,820, to be expended under the direction of the Secretary of the Treasury.

The amendment was agreed to.

Mr. BURTON. Mr. President, I notice in numerous instances in the bill—it may almost be said in a majority—that the amount appropriated by the other House is increased, and that, too, without the creation of additional officers or any enlarge-

ment of the public service. I should like to ask what is the explanation of that? Were the House appropriations less than the estimates? Is there danger that the public service would be crippled if the amounts specified by the other House were allowed to remain without increase, or what is the explanation?

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator from Ohio that the House reduced the appropriations in this bill about $17,000,000 under the estimates made by the executive departments. After those reductions had been made in the House bill the heads of departments, seeing what had been done, appeared before the Senate Committee on Appropriations and pointed out the difficulties which would ensue if they were not treated more liberally in some respects; and the Senate committee have reported to increase the appropriations somewhat; but still I think the appropriations are about $14,000,000 under the estimates.

Mr. BURTON. So that there is an increase of about $3,000,000 in the bill as reported by the Senate committee?

Mr. MARTIN of Virginia. An increase by the Senate committee over what was allowed by the other House; but it must be borne in mind that the House had cut the estimates $17,000,000, and the increases made by the Senate committee seemed to be absolutely necessary, as pointed out by the heads of the departments. We feel that if we have erred at all, we have cut the estimates too short now. We have been as economical as possible, and have rejected many requests which have been urged upon the committee by the different departments.

Mr. BURTON. Could the Senator from Virginia state in what branches of the public service or of public expenditure these cuts of $17,000,000 were made? Is that true of all branches, or of what branches?

Mr. MARTIN of Virginia. It is true as to pretty much every branch. The cuts have been made throughout the different departments.

Mr. BURTON. Were the appropriations for the public buildings diminished below the estimates?

Mr. MARTIN of Virginia. I do not know that they were cut. Appropriations for public buildings are made under authorizations of law and for amounts which the Supervising Architect's Office or the Secretary of the Treasury reported would be absolutely necessary for present use. I am not prepared to say that any of those appropriations were cut.

Mr. BURTON. Were any of the appropriations for river and harbor improvements diminished below the estimates?

Mr. MARTIN of Virginia. I do not think they were; I do not recall an instance in which one such appropriation was diminished. This bill as to the river and harbor appropriations contains only those covering continuing contracts for that work, and I think we appropriated exactly what was estimated for.

Mr. BURTON. Are there any appropriations the amount of which is such as would decrease salaries?

Mr. MARTIN of Virginia. There are very few decreases of salaries. The clamor is for the increase of salaries, as the Senator well knows. The Secretary of the Interior, for instance, was before the Committee on Appropriations, and stated that he did not believe there was a man in the Department of the Interior who was not asking for an increase of salary. We have made very few increases, but we have not made reductions.

Mr. BURTON. Are there any cases in which no appropriations are made for existing offices?

Mr. MARTIN of Virginia. Well, I do not recall one, though there may be one or two; but there has been very little denial of appropriations that were given under existing law.

Mr. BURTON. As a general fact, as I understand it, the House of Representatives diminished the appropriations $17,000,000 below the estimates from the executive department?

Mr. MARTIN of Virginia. That is correct.

Mr. BURTON. And the Senate committee has increased the appropriations in the bill three million or three and a half million dollars?

Mr. MARTIN of Virginia. A little over $3,000,000 increase has been made. That is correct.

Mr. BORAH. I ask on what page the bill is now being read?

The VICE PRESIDENT. On page 38.

Mr. BORAH. Mr. President, I should like to ask the Senator in charge of the bill, a little in advance of reaching it in the reading, with regard to an item which is found on page 56. What was the argument which led to the reduction of the appropriation of $200,000 for the Industrial Relations Commission to $50,000?

Mr. MARTIN of Virginia. Mr. President, there was a very general feeling in committee that no good was being derived corresponding to that appropriation. I can not go into the details to justify what we did, but it was done simply to get the matter into conference, and to try to get at some better reasons than were before us for the appropriation. We were not satisfied that the public was getting a benefit equivalent to the amount appropriated. The law which created the commission is rather vague and uncertain, and the work done by the commission does not seem to have been commensurately advantageous to the public.

Mr. BORAH. Well, Mr. President, I think if the commission is a failure the law creating it ought to be repealed. It is as certain as the noonday sun that $50,000 will not be a sufficient amount to accomplish anything, and, if appropriated, it will be just that much absolutely lost.

Mr. MARTIN of Virginia. Mr. President, for myself I will say that unless I could get information that I do not now possess I should be glad to see the commission eliminated altogether. At the same time, I do not feel like going that far. I preferred, and the committee preferred, simply to make an amendment that would put the matter into conference, where it could have further consideration. I am without any information justifying the existence of the commission, so far as I am personally concerned. Fifty thousand dollars was the amount appropriated last year, and we were indisposed to increase it without more knowledge than we had.

Mr. BORAH. May I ask if the commission itself had a hearing as to the necessity of the larger appropriation?

Mr. MARTIN of Virginia. No; we had no communication from the commission.

Mr. KERN. Mr. President, I think it somewhat remarkable that the only decrease that is proposed in this bill is as to the appropriation for the Commission on Industrial Relations, which is dealing, and dealing in a very effective way, with the labor problem, in which so very many people in this country are interested. The hearings recently had at Philadelphia—my attention has been particularly called to them—have brought to light a vast fund of information that ought to be in the possession of the people of this country.

From what I have observed of the operations of this commission its work has been of the highest value to the people of this country, especially the people who work with their hands for a living, and I should regret very much to see any effort made now to cripple that commission in the work which it has so auspiciously commenced. I think this reduction is a great mistake, and I, for one, shall protest against it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kansas?

Mr. KERN. Certainly.

Mr. BRISTOW. Let me inquire——

Mr. MARTIN of Virginia. Mr. President, I hope Senators will let us proceed with the amendments in regular order. We have not yet reached the amendment that is being discussed, but are very near it. It will have to be gone over when it is reached, and if Senators will wait until the item comes up it can then be discussed.

Mr. BRISTOW. Mr. President, while I am on my feet—I will not occupy very much time—I want to ask the Senator from Indiana a question, which is in line with his remarks. Why could not the work that is performed by this independent commission be assigned to the trade commission which we are proposing to establish by a bill that is pending as the unfinished business? Will not that commission have to deal with the very questions that the Commission on Industrial Relations are now considering?

Mr. KERN. I should think not.

Mr. BRISTOW. Why could they not be merged? It seems to me that we are getting commissions galore. We will have more commissioners of various types and kinds by and by than we will have Members of the House and Senate.

Mr. KERN. Mr. President, I should think it would be quite impossible for the proposed trade commission to engage in the extensive work that is being done by the Commission on Industrial Relations. If Senators will take the trouble to read the testimony elicited in the Philadelphia hearings alone, I think they will agree that this appropriation should rather be increased than decreased, to the end that the sort of information they are getting should be obtained and diffused throughout the country.

Mr. BRISTOW. Are they not covering the same ground that ought to be covered by the Department of Labor and the trade commission which is to take the place of a bureau in the Department of Commerce? Are they not covering the same ground that these two departmental or governmental agencies should

Bangor, Me., favoring the enactment of legislation to prohibit the use of the mails to insurance companies transacting business in States where they are not authorized to do so, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacure, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SAULSBURY, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del., reported it without amendment.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 16345) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 646) thereon.

JOHN K. LOWRY.

Mr. SHIVELY. From the Committee on Pensions I report back favorably without amendment the joint resolution (H. J. Res. 279) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, and I submit a report (No. 645) thereon. I ask for the immediate consideration of the joint resolution.

The VICE PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to correct and amend the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914 (Private, No. 22, 63d Cong.), granting an increase of pension to John K. Lowry, so as to read: "The name of John K. Lowry, late of Company F, Forty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving."

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6041) granting a pension to Henry Dussault (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 6042) to authorize the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Commerce.

By Mr. THOMAS:

A bill (S. 6043) providing for the exercise of the right of eminent domain and the condemnation for any public purpose of lands owned or held by the United States; to the Committee on Public Lands.

By Mr. CHAMBERLAIN:

A bill (S. 6044) granting an increase of pension to Peter M. Fritts (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6045) granting an increase of pension to Adam F. Wilson (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 6046) for the relief of William H. Schriver; to the Committee on Military Affairs.

By Mr. CHAMBERLAIN (by request):

A bill (S. 6047) for the relief of the heirs of John J. and Mary S. Englebright (with accompanying papers); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. JONES submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. BURTON. For the Senator from Massachusetts [Mr. WEEKS], who is detained from the Chamber to-day, I desire to submit an amendment to the river and harbor bill.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

Mr. HOLLIS submitted an amendment proposing to appropriate $200,000 for the relief of the sufferers from the recent conflagration in Salem, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to lie on the table and be printed.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted three amendments intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which were ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 17432) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, to certain soldiers and sailors of wars other than the Civil War, and to the widows of such soldiers and sailors, which was referred to the Committee on Pensions and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations"; and

H. R. 11745. An act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 8479. An act to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892; and

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

The following bill and joint resolution were severally read twice by their titles and referred to the Committee on Patents:

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents; and

H. J. Res. 257. Joint resolution authorizing the Commissioner of Patents to exchange printed copies of the United States patents with the Dominion of Canada.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 16346. An act to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses; and

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 13180. An act to amend the act of March 4, 1913 (37 U. S. Stats., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13815. An act to increase the limit of cost for the construction of a public building at Marlin, Tex.; and

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.

H. R. 2167. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

NEILSON FALLS.

Mr. SIMMONS submitted the following resolution (S. Res. 412), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Neilson Falls, father of Lucy F. Green, late a messenger to the Committee on Finance, a sum equal to six months' salary at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

TREATIES WITH NICARAGUA AND COLOMBIA.

Mr. MARTIN of Virginia. Is the morning business finished?

The VICE PRESIDENT. Not yet. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read Senate resolution 411, submitted yesterday by Mr. BORAH, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are corrected by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, if it is agreeable to the Senate I will ask unanimous consent that this resolution may go over for a day without prejudice.

The VICE PRESIDENT. Is there objection? The Chair hears none. The resolution goes over without prejudice. The morning business is closed.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 17041, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. I ask unanimous consent that the formal reading of the bill may be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be read, the committee amendments to be considered as they are reached in the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Under the Treasury Department," subhead "Public buildings, construction and sites," on page 8, after line 11, to insert:

Fort Stanton, N. Mex., sanatorium: For wire fencing materials for the construction of a wire fence about 8 miles in length along the southeastern boundary line of the reservation, $800.

The amendment was agreed to.

The next amendment was, on page 11, after line 2, to insert:

Jellico, Tenn., post office: For commencement of building under present limit, $40,000.

Mr. BURTON. I should like to ask a question about this amendment. Is it authorized in a public building bill reported by the Committee on Public Buildings and Grounds?

Mr. MARTIN of Virginia. It is authorized, and it is within the limit of cost. It is recommended regularly; it is estimated for by the department.

The amendment was agreed to.

The next amendment was, on page 14, after line 2, to insert:

New Haven, Conn., post office: The appropriations heretofore or that may hereafter be made for construction shall be available for installation of mail-handling devices in said building within the limit of cost thereof.

The amendment was agreed to.

The next amendment was, on page 14, after line 22, to insert:

Norton, Va., post office: For acquisition of site and commencement of building under present limit, $50,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 19, to insert:

Philadelphia, Pa., United States mint: For placing iron grilles at windows, $10,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 10, to insert:

Prescott, Ariz., post office: For acquisition of site under present limit, $7,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 16, to insert:

Sylacauga, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 9, to insert:

Washington, D. C., Treasury Building, changes and alterations: For changes and alterations in the Treasury Building, incident to the reassignment of rooms in said building to provide office accommodations for the Reserve Board, $8,000.

The amendment was agreed to.

The next amendment was, on page 20, after line 14, to insert:

Washington, D. C., Winder Building: For new roof for the Winder Building, $3,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 7, to insert:

For public buildings, in pursuance to estimate submitted to Congress at its present session in House Document No. 1165, as follows:

The amendment was agreed to.

The next amendment was, on page 21, after line 10, to insert:

Albertville, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 12, to insert:

Attalla, Ala., post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to insert:

Beaufort, S. C., post office and customhouse: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 16, to insert:

Decatur, Ala., post office: For acquisition of site under present limit, $6,500.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to insert:

Glenwood, Iowa, post office: For acquisition of site under present limit, $5,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 20, to insert:

Lancaster, Pa., post office: For acquisition of site under present limit, $138,278.78.

The amendment was agreed to.

The next amendment was, on page 21, after line 22, to insert:

Lenoir, N. C., post office: For acquisition of site under present limit, $7,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 24, to insert:

Rossville, Ga., post office: For acquisition of site under present limit, $6,000.

The amendment was agreed to.

The next amendment was under the subhead "Marine hospital," on page 22, after line 3, to insert:

San Francisco, Cal., marine hospital: For extending the Fourteenth Avenue Boulevard through the grounds of the United States marine hospital at San Francisco, Cal., passing directly to the edge of Mountain Lake and making connection with the present driveway on the Presidio, $5,000.

The amendment was agreed to.

The next amendment was, under the subhead "Quarantine stations," page 22, after line 20, to insert:

For the removal of the wharf of the quarantine station at Honolulu, Hawaii, and its reconstruction, including all necessary new materials, at a new location within the new harbor lines established by the War Department, $22,000.

The amendment was agreed to.

The next amendment was, at the top of page 23, to insert:

San Juan, P. R., quarantine station: The provisions of the sundry civil acts approved April 28, 1904; March 4, 1909; and June 25, 1910, are hereby amended so as to authorize the construction of a laboratory, executive building, attendants' quarters, laundry, and disinfecting building, within the total limit of cost heretofore appropriated of not to exceed $49,700.

The amendment was agreed to.

The next amendment was, on page 23, after line 8, to insert:

New Orleans, La., quarantine station: For constructing a new wharf at the New Orleans, La., quarantine station, $12,000.

The amendment was agreed to.

The next amendment was, on page 23, after line 11, to insert:

Cape Fear, N. C., quarantine station: For construction of new wharf, $28,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 24, line 3, after the word "thereto" to insert "and the Secretary of the Treasury is hereby authorized, in his discretion, to dispose of said wharf and warehouse upon such terms and conditions as may be for the best interests of the United States," so as to read:

Repairs and preservation: For repairs and preservation of all occupied and occupied public buildings and the grounds thereof, under the control of the Treasury Department, and for wire grilles and by process thereby, Government stores and place under the control of the Treasury Department, together with an necessary furniture adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereon, and the Secretary of the Treasury is hereby authorized, in his discretion, to dispose of said wharf and warehouse upon such terms and conditions as may be for

H. R. 2167. An act to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 8479. An act to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892;

H. R. 11745. An act to provide for certificate of title to homestead entry by a female American citizen who has intermarried with an alien;

H. R. 13189. An act to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices;

H. R. 13815. An act to increase the limit of cost for the construction of a public building at Marlin, Tex.;

H. R. 15000. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Huntingdon, Tenn.;

H. R. 15220. An act to amend sections 4888 and 4889 of the Revised Statutes, relating to patents;

H. R. 16055. An act to amend section 4474 of the Revised Statutes of the United States;

H. R. 16346. An act to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses;

H. R. 16392. An act to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea;

H. J. Res. 257. Joint resolution authorizing the Commissioner of Patents to exchange printed copies of the United States patents with the Dominion of Canada; and

H. J. Res. 295. Joint resolution authorizing the Secretary of War to return to the State of Louisiana the orginal ordinance of secession adopted by said State.

AMENDMENT OF ANTITRUST LAW.

Mr. JONES. Mr. President, I have received a great many telegrams from labor organizations with reference to the Clayton bill, and I have here a sample of the telegrams, which I ask may be read.

I also have a telegram from the Employers' Association of the State of Washington with reference to the same matter. It expresses the sentiment of a great many letters and telegrams that I am receiving on the same subject. I hope it will not be considered that either side of the question is in a conspiracy with reference to this proposed legislation. I ask that these two telegrams may be read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the telegrams.

The Secretary read the telegrams, as follows:

[Telegram.]

SEATTLE, WASH., *July 6, 1914.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The Clayton bill, with its important features of class legislation, is now in the hands of the Senate Judiciary Committee. It is reasonable to assume that our years of experience in industrial relations fit us to express ourselves on the above measure. We have carefully considered its sections Nos. 7 and 18. Section 7, guaranteeing to labor unions immunity from the antitrust law, will, in our judgment, aggravate industrial strife instead of allaying it. As representatives in the Senate of the interests of our State we urge upon you to exert your efforts toward striking out the above sections.

THE EMPLOYERS' ASSOCIATION OF WASHINGTON,
G. N. SKINNER,
J. V. PATERSON,
W. J. GRAMES.

[Telegram.]

SPOKANE, WASH., *July 6, 1914.*

Hon WESLEY JONES, *Washington, D. C.:*

Central Labor Council urges you to vote for the passage of the labor sections of the Clayton bill, H. R. 15657, as it passed the House of Representatives, and that the law be passed at this session.

J. R. MORROW, *Secretary.*

PETITIONS AND MEMORIALS.

Mr. GALLINGER. I present a very brief telegram, which I ask to have read.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

LANCASTER, N. H., *July 5, 1914.*

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.:

Mass meeting of citizens at Lancaster, N. H., petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

J. H. WARE, *Chairman.*

Mr. GALLINGER presented the petition of William H. Mix, of Santa Ana, Cal., praying for the passage of the so-called volunteer officers' retirement bill, which was referred to the Committee on Military Affairs.

Mr. SHEPPARD presented petitions and telegrams in the nature of petitions from sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented petitions of the Woman's Political Union of New Jersey and of the New Jersey Woman Suffrage Association, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WARREN presented a petition of sundry citizens of Lost Springs, Wyo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of the congregations of the Methodist Episcopal Church of Burnside; of the North Methodist Episcopal Church, of Hartford; of the First Congregational Church of Norwich; of the Congregational Church of Preston; of the Egbert Club, of Norwalk; and of sundry citizens of East Glastonbury, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented telegrams in the nature of petitions from sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry labor organizations in the State of Nebraska, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry labor organizations in the State of Nebraska, praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Tailors' Industrial Union of San Francisco, Cal., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Stone Planermen's Union, No. 12808, of Bedford, Ind., praying for the early passage of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Ministerial Convention of Elkhart District, Indiana Conference of the Evangelical Association, at Peru, Ind., and resolutions adopted at a mass meeting of sundry citizens of Starke County, Ind., favoring national prohibition, which were referred to the Committee on the Judiciary.

Mr. LIPPITT presented petitions of the Woman's Christian Temperance Unions of Bradford and Apponaug, R. I., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Colchester, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented resolutions adopted by the Penobscot County Board of Fire Underwriters, at a meeting held at

By Mr. O'LEARY: Petitions of Grace B. Murray, of Corona; mass meeting of citizens at the Knickerbocker Avenue Methodist Episcopal Church, of Brooklyn; the Young People's Society of the First Reformed Church of College Point; the Springfield Presbyterian Church, of Springfield Garden; and Andrew Morrison, of Flushing, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Whitestone, N. Y., favoring passage of the Smith-Hughes bill for national motion-picture commission; to the Committee on Education.

Also, petition of the Brunswick-Balke-Collender Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the official members of Trinity Union Methodist Episcopal Church, of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 34 citizens of Fitchburg, Mass., and the First Methodist Episcopal Church of Orange, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petition of sundry citizens of Hartkina, Me., and 300 citizens of Fairfield, Me., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of the Methodist Episcopal Church of Craftsbury, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. REED: Petitions and letters of Ernest L. Converse, of Meredith; R. H. Barker, M. D., of Derry; the New Durham Free Baptist Churches, representing 20 churches and 100 members; resolution passed by the Free Baptist Church of Rochester, with a membership of over 200, representing a constituency of 1,000; George D. Petrie, of Center County; Edward J. Canfield, of East Rochester; Wilber B. Mudgett, of Laconia; Albert W. Bickford, of Rochester; Lucius H. Thayer, of Portsmouth; John Manter, of Lakeport; Granville F. Grant, of Gonic; Irving H. Gray, of Rochester; George B. Thomas, of Manchester; Walter S. Meader, for the Yearly Meeting of Friends for New England, of Vassalboro, Me., representing over 4,000 members; Rev. M. F. Hardy, for the Nelson Congregational Church, of Nelson; Miss Pearl M. Bishop, for the Court Street Congregational Church, of Keene; Julia A. Webster, president, for the Christian Endeavor Society of the Free Baptist Church, of Manchester, all in the State of New Hampshire, praying for an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petitions of the Christian Endeavor Society of the Orange (Conn.) Congregational Church, the Christian Endeavor Society of the First Congregational Church of Meriden, sundry citizens of Westville, the Christian Endeavor Society of Branford Baptist Church, and the New Haven County Woman's Christian Temperance Union, 600 women, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Wisconsin: Petitions of sundry citizens of the sixth congressional district of Wisconsin, protesting against the passage of the Hobson prohibition resolution or any other like measures; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petitions of P. Cullo and J. J. Rogers, of Speare; Alm Berhond, of Fairview; H. J. Gallagher, F. F. Henderson, C. J. Berry, and 26 others, of Virginia City; J. W. Raymond, of Round Mountain; Le Roy Pike, R. A. Gott, C. O. Davis, C. S. Wheeler, and others, of Reno; A. J. Marsteth, Col. H. G. Richards, and 20 others, of Austin, all in the State of Nevada, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Epworth League of the Methodist Episcopal Church of Fallon, Nev., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of sundry citizens of Manzanola, the Walk's Camp School of Lincoln County, various voters of Washington County, and the Weldona Sunday School, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petition of R. W. Henderson, of Local Union No. 3511, of Colorado, favoring passage of Kern-Foster bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SINNOTT: Petitions of 40 citizens of Athena, the Young People's Campaign Club of La Grande, 74 citizens of Weston, and 41 citizens of Cove, all in the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition of 37 citizens of Boise, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petitions of Mrs. Laura Iles, Mrs. Cora Barber, and others, of Allen; the Woman's Christian Temperance Union of Hillsdale County; Nellie Sawyer Clark and others, of Kalamazoo; and Mrs. W. L. Brownell and others, of Kalamazoo, all in the State of Michigan, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of sundry citizens of Oshtemo, Mich., and 222 citizens of Battle Creek, Mich., favoring national prohibition; to the Committee on Rules.

Also, petition of the City Council of Grand Rapids, Mich., favoring passage of House bill 5139, the Hamill bill; to the Committee on Reform in the Civil Service.

By Mr. SPARKMAN: Petition of sundry citizens of Hillsboro County, Fla., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Pinellas County, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TREADWAY: Petition of various residents of Holyoke, Mass., favoring national prohibition; to the Committee on Rules.

Also, resolution of the Board of Aldermen of the city of Medford, Mass., favoring the enactment of House bill 5139, for the relief of certain civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of the Vart Val Lodge, International Order of Good Templars, of Holyoke, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petition of Mrs. Katherine Middleton, of Trenton, N. J., in favor of national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Jasper, Wellsburg, Veteran, Hornell, Murphey, Elmira, Cohocton, Erin, Millport, and Elmira Heights, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petitions of various residents of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petition of 75 members of the Young People's Society for Christian Endeavor of the Central Church of Christ, of Decatur; the Woman's Christian Temperance Union and 26 citizens of Detroit; and the United Brethren Sunday School, of Astoria, all in the State of Illinois, favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *July 7, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., offered the following prayer:

Our heavenly Father, we thank Thee for Thy grace, for the multitude of Thy tender mercies, and for Thy wonderful works to the children of men. May we express our gratitude in faithful service. Grant us the spirit of loyalty to the right and of unselfish devotion to the interests of men. Give us wisdom and grace that we may act well our part, and may the commandments of the Lord enlighten our eyes. We ask it for Jesus' sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRADY and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

The message also announced that the House had passed the bill (S. 60) to provide for agricultural entry of oil lands, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 1694. An act to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations";

Also, petitions of the Bedding and Cushion Workers, the United Garment Workers, the Electrical Workers, the Syracuse Saengerbund, the Syracuse Turnverein, the Knights of Trinity, the St. Peter's Society, and the Brewery Workers' Union, all of Syracuse, N. Y., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Allen Grove, Rev. W. J. C. Ralph and 150 members of the Congregational Church of Mackinaw, the Methodist Episcopal Church of Waukesha, and the Park Avenue Methodist Episcopal Church, of Kenosha, all in the State of Wisconsin, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Racine and Waukesha, Wis., and United Brewery Workers, Local 103, of Waukesha, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. COPLEY: Petition of Sarah Tobian, Anna M. Beard, and others, of Protorius, Ill., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. DALE: Petitions of F. C. Linde; the Hamilton Co., of New York City; and the Merchants and Manufacturers' Association, of Philadelphia, Pa., protesting against Clayton antitrust bill; to the Committee on the Judiciary.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring passage of the seamen's bill (S. 136); to the Committee on the Merchant Marine and Fisheries.

By Mr. DILLON: Petition of sundry citizens of Artesian and Seneca, S. Dak., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Methodist Brotherhood of the First Methodist Episcopal Church, of Sioux Falls, S. Dak., in favor of national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Puritan Presbyterian Church, of Philadelphia, Pa., favoring the adoption of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Bustleton, Philadelphia, Pa., favoring the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petition of the Trinity Presbyterian Church, of Philadelphia, Pa., favoring the adoption of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of John M. Larkin and sundry citizens of Easton, the Men's Assembly of Bridgeport, the Woman's Christian Temperance Union of Georgetown, 58 citizens of Rowayton, and various members of Washington Lodge, No. 151, International Order of Good Templars, of Norwalk, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

Also, petition of Rudolf Brunner and others, of Bridgeport, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of E. A. Mallory & Sons, of Danbury, Conn., favoring House bill 16613, the Federal trade commission act; to the Committee on the Judiciary.

Also, petition of sundry citizens of Bridgeport, Conn.; the First Congregational Sunday School of Norwalk, Conn.; and William S. Taylor, of Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DUNN: Petition of sundry citizens of Rochester, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Rochester, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Monroe County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petitions signed by 139 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Chicago, St. Louis & Western Railroad, protesting against cut in railway-mail pay; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., protesting against antitrust bills at this session of Congress; to the Committee on the Judiciary.

By Mr. FAIRCHILD: Petition of sundry citizens of Bainbridge, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Memorials of C. E. Apodaca and 7 other citizens, Adolfo Salas and 33 other citizens, and Local Union No. 230, International Union of United Brewery Workers, John Motsenbocker, secretary, of Albuquerque; C. R. Hamilton, of Arabela; J. C. Garcia and 7 other citizens of Clayton; D. W. Colligan, of Cleris; Juan C. Candelaria and 9 other citizens of Ross; Thomas Duran and 5 other citizens of Santa Fe; Julian Tellez and 5 other citizens of Socorro; Joseph Price, Jesus Ma. Torres, and 34 other citizens of Socorro; and Albino Carillo and 10 other citizens of White Oaks, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of E. C. Sims, Garlington Bros., W. E. Jefferies, George Magill, W. C. Simmons, Dr. J. O. Michael, M. L. Norris, E. B. Benker, S. L. Warner, and G. W. R. Smith, of East Vaughn; mass meeting of Sunday-school and church people of Springer, S. E. Turner, chairman, and Louis Garcia, secretary; Rev. D. Norman Skinner, William G. Haydon, J. H. Stearns, and Jefferson Reynolds, as officers of the First Presbyterian Church of East Las Vegas; Sunday-school and church people of Colmor, J. C. Graham, chairman, and A. L. Garl, secretary; the Ministerial Alliance of Roswell, Frank Talmage, secretary; St. John's Epworth League, of Santa Fe; J. A. Wood, Ella O. Wood, Laura W. Wood, and Gwen L. Wood, of Santa Fe; the Woman's Christian Temperance Union of Albuquerque; Mr. and Mrs. G. W. Gee, Mrs. E. Cline and family, and R. M. Cline, of Raton; A. B. Calvin, George W. Lockwood, and 11 other citizens of Dedmara, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of 13 citizens of Colfax and Union Counties, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of Gertie Patterson and 31 other citizens of Patterson, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of 40 members of the Christian Endeavor Society of the United Brethren in Christ Church of Amistad, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petition of Lizzie B. Arrison and Mrs. E. D. Sisk, of Albuquerque, N. Mex., in favor of national prohibition; to the Committee on Rules.

Also, petitions of citizens of Albuquerque, by Mrs. Abbie S. Brewer, presiding officer, and Mrs. L. B. B. Bloom, secretary, and citizens of Portales, by Mrs. W. E. Lindsey, presiding officer, and Mrs. G. W. Carr, secretary, praying for the enactment of Federal legislation insuring to women political equal rights with men; to the Committee on the Judiciary.

Also, petition of the Wholesale Grocers' Club of New Mexico, by M. W. Browne, secretary, favoring the repeal of the national bankruptcy law; to the Committee on Banking and Currency.

By Mr. FESS: Petition of the Sunday School of the Central Methodist Episcopal Church of Springfield, Ohio, and sundry citizens of Mount Sterling, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Merchants and Manufacturers' Association of Philadelphia, Pa., favoring a suspension of legislation affecting business this session; to the Committee on the Judiciary.

By Mr. GALLIVAN: Petitions of 29 citizens of the twelfth district of Massachusetts, against national prohibition; to the Committee on Rules.

By Mr. GERRY: Petitions of the Apponaug Woman's Christian Temperance Union; 36 members of the Bradford Woman's Christian Temperance Union; the Westerly Woman's Christian Temperance Union; 9 residents of Cranston; the Anna Gordon Woman's Christian Temperance Union, of Providence; the Quarterly Conference Methodist Episcopal Church of Phenix; the Rhode Island Baptist Sunday School Convention, of Providence; the Christian Endeavor Society of Academy Avenue Congregational Church, of Providence; the Washington Park Methodist Episcopal Church, of Providence; the Tabernacle Methodist Episcopal Church, of Providence; the United Baptist Church, of Providence; the Trinity Union Methodist Episcopal Church, of Providence; and telegrams of James Babcock and L. G. Horton, of Westerley, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petitions of the Christian Endeavor Society of the North Baptist Church of Brockton, Mass., and yearly meeting of Friends for New England, at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Taunton Chamber of Commerce, favoring passage of House bill 11382, for the registration of designs; to the Committee on Patents.

Also, petition of the Massachusetts Forestry Association, favoring the Newlands bill; to the Committee on Rivers and Harbors.

By Mr. GOOD: Petition of various business men of West Branch, Iowa, favoring passage of House bill 5968; to the Committee on Ways and Means.

By Mr. GOODWIN of Arkansas: Papers to accompany House bill 17617, granting an increase of pension to Thomas W. Oastler; to the Committee on Pensions.

By Mr. GRAHAM of Pennsylvania: Memorial of the board of directors of the Western Society of Engineers, protesting against the passage of House bill 13457; to the Committee on Expenditures in the Interior Department.

Also, petition of the Select and Common Council of Philadelphia, Pa., favoring passage of bill for retirement of aged civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. GUERNSEY: Petition of sundry citizens of Howland and 500 citizens of Kenduskeag, Me., favoring national prohibition; to the Committee on Rules.

Also, memorials of the Methodist Episcopal Churches of Eddington and East Holden, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petitions of sundry citizens of the fifteenth congressional district of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Tacoma, Spanaway, Centralia, and Wilkerson, all in the State of Washington, opposing national prohibition; to the Committee on Rules.

Also, petitions of various citizens of Vancouver, Wash., favoring the national prohibition amendment; to the Committee on Rules.

Also, petitions of various citizens of Eden, Wash., favoring the national prohibition amendment; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Rev. L. V. Nash, representing the people of Middletown, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of W. A. Hancock, chairman of a mass meeting of citizens of Montrose, Iowa, favoring joint resolution 168; to the Committee on Rules.

Also, resolutions adopted by the Iowa Christian Endeavor Union in convention at Ottumwa, Iowa, in favor of national prohibition; to the Committee on Rules.

Also, resolutions adopted by the conference of Seventh-Day Adventists of Iowa, in favor of national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of a mass meeting of citizens at the First Methodist Episcopal Church of Woonsocket, R. I., and the Yearly Meeting of Friends for New England at Vassalboro, Me., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Globe Congregational Church, of Woonsocket, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. KONOP: Petition of the Moravian Sunday School of Door County, the First Presbyterian Church of Green Bay, and the Woman's Christian Temperance Union of Gillett, all in the State of Wisconsin, favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Pennsylvania: Petition of Local Unions Nos. 22, 144, and 67, International Union of United Brewery Workmen of America, of Pittsburgh, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Grace Reformed Church, of Allentown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LLOYD: Petition of various residents of Shelby County, Mo., in favor of House joint resolution 168; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Manchester Christian Endeavor Union, of Manchester, Conn., favoring the passage of the Hobson bill; to the Committee on Rules.

Also, petition of sundry citizens of Wethersfield, Conn., in favor of national prohibition; to the Committee on Rules.

Also, petitions of William H. Koch and Henry Koch, of Collinsville, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petitions of the First Baptist Christian Endeavor Society of New Britain; the Young People's Society of Christian Endeavor of the First Presbyterian Church of Hartford; Charles Tarbox Sanford, of Hartford; the North Methodist Episcopal Church, of Hartford; A. Stubenrauch, of Burnside; the South Glastonbury Congregational Church, of South Glastonbury; and Frank Dixon, of South Glastonbury, all in the State of Connecticut, favoring the passage of the Hobson bill; to the Committee on Rules.

Also, petition of Mr. Frank W. Johnson and 20 other citizens of Forestville, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Petition of George J. Felts and three other citizens of Columbia County, N. Y., against national prohibition; to the Committee on Rules.

Also, petitions of the Christian Endeavor Societies of Barnerville, Cairo, and Durham; the Methodist Episcopal Churches of Cairo, Cobleskill, Barryville, Philmont, Clinton Avenue, Kingston, and Eldred; the Reformed Churches of Fort Ewen and Stuyvesant Falls; the Protestant churches of Cobleskill; the Bates and Broome Center Christian Churches; the Sunday School Conference of Sullivan County; the Presbyterian Church of Durham, all in the twenty-seventh district of New York, in favor of national prohibition; to the Committee on Rules.

Also, petition of Rev. Robert Knapp and 22 residents of Marlboro, Ulster County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. A. K. Lindsley and 21 residents of Big Hollow, J. J. Miller and 15 residents of Shady, W. D. Pettinger, E. Satterlee, and Eva May Fuller, of Kingston, all in the twenty-seventh congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of F. A. Klein and 5 others of Sullivan County, twenty-seventh congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of John W. Clapp, Edward H. Carpenter, and James J. Fox, of Hudson, N. Y., against national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Memorial of the Court Street Baptist Church Christian Endeavor Society, of Auburn, Me., favoring national prohibition; to the Committee on Rules.

By Mr. MAPES: Petitions of 20 citizens of Conklin, D. R. Birtchard and 39 others of Coopersville, and L. E. Ives and 15 others of Coopersville, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of the Methodist Episcopal Church of Fort Covington; the Second Presbyterian Church of Waddington; the Lake George Baptist Association; Rev. J. C. Long, of Saranac; Mrs. B. Smith and others, of Brooklyn, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of Ed. McGinnis and others, protesting against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of 1,000 people of Waltham, Mass., in favor of national prohibition; to the Committee on Rules.

Also, resolution adopted by the First Presbyterian Church of Waltham, Mass., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also, petition of various members of the Methodist Episcopal Church of Plainville, Mass., in favor of national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of the Christian Endeavor Society of Oklahoma City, Okla., in favor of national prohibition; to the Committee on Rules.

Also, petition of the representatives of four Young People's Societies of Vanoss and the Oklahoma Antisaloon League, all of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of H. T. Lawson and 13 others, of Weston, W. Va., for passage of House joint resolution 163; to the Committee on Rules.

Also, petition of the North Street Methodist Episcopal Church, of Wheeling, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of Sun Prairie, Wis., favoring national prohibition; to the Committee on Rules.

Also, petition of 56 citizens of Albion, Wis., praying for national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, favoring the passage of the resolution to provide for a prohibition constitutional amendment; to the Committee on Rules.

Also, memorial of the Boise (Idaho) Commercial Club and the Seattle (Wash.) Commercial Club, favoring passage of pending legislation relative to water power; to the Committee on the Public Lands.

By Mr. BRUCKNER: Memorial of the House of Delegates of the State of Virginia, memorializing Congress to acquire Monticello, the home of Thomas Jefferson; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17640) granting an increase of pension to Abraham Barnhart; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17641) granting an increase of pension to Fred D. Morehouse; to the Committee on Pensions.

By Mr. CLANCY: A bill (H. R. 17642) providing for the refund to the Haberle-Crystal Spring Brewing Co. of a certain special excise tax paid in excess; to the Committee on Claims.

By Mr. DIFENDERFER: A bill (H. R. 17643) for the relief of John R. Johnston; to the Committee on Military Affairs.

By Mr. GILL: A bill (H. R. 17644) granting a pension to Paul Heineman; to the Committee on Pensions.

Also, a bill (H. R. 17645) granting a pension to Daniel J. Begley; to the Committee on Pensions.

Also, a bill (H. R. 17646) granting a pension to Thomas Payne; to the Committee on Pensions.

Also, a bill (H. R. 17647) granting a pension to Melissa A. Hawley; to the Committee on Pensions.

Also, a bill (H. R. 17648) granting a pension to Benjamin L. Tubman; to the Committee on Pensions.

Also, a bill (H. R. 17649) granting a pension to George C. Emmert; to the Committee on Pensions.

Also, a bill (H. R. 17650) granting a pension to Rudolph B. Scheitlin; to the Committee on Pensions.

Also, a bill (H. R. 17651) granting a pension to Joseph E. Mitchell; to the Committee on Pensions.

Also, a bill (H. R. 17652) granting a pension to Theodore A. Melter; to the Committee on Pensions.

Also, a bill (H. R. 17653) granting a pension to Jesse H. Wade; to the Committee on Pensions.

Also, a bill (H. R. 17654) granting a pension to Joseph Glass; to the Committee on Pensions.

Also, a bill (H. R. 17655) granting a pension to Dorothea Christmann; to the Committee on Pensions.

Also, a bill (H. R. 17656) granting a pension to Parnie H. Dean; to the Committee on Pensions.

Also, a bill (H. R. 17657) granting a pension to Horace Clive Gray; to the Committee on Pensions.

Also, a bill (H. R. 17658) granting a pension to Emilie S. Buder; to the Committee on Pensions.

Also, a bill (H. R. 17659) granting a pension to Joseph Donnelly; to the Committee on Pensions.

Also, a bill (H. R. 17660) granting a pension to Mary Barlow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17661) granting a pension to Leila F. Devine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17662) granting a pension to Tony Judd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17663) granting a pension to John Kalber, alias John Koerber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17664) granting a pension to Emma Potts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17665) granting a pension to Elijah Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17666) granting a pension to Frederick A. Churchill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17667) granting a pension to Charles F. Lang; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17668) granting a pension to Edward Dodsworth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17669) granting a pension to John G. Hunt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17670) granting a pension to Joseph Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17671) granting a pension to Thomas F. Hassett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17672) granting a pension to Lincoln Mothersbaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17673) granting a pension to Laura Hilgeman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17674) granting a pension to Helen Mathews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17675) granting a pension to Caroline Watson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17676) granting a pension to Clarinda Pike; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17677) granting a pension to William Tepe, jr.; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17678) granting a pension to Margaret Cassidy; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17679) granting a pension to John J. Ledford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17680) granting a pension to Freda Burow; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17681) granting a pension to Palmyra Sherman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17682) granting a pension to Josephine C. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17683) granting a pension to Celsus G. Gross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17684) granting a pension to Mary A. Laurient; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17685) granting a pension to Cordelia Sullivan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17686) granting a pension to Mary Gonter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17687) granting a pension to Wilbur K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17688) granting a pension to Anna Buhrman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17689) granting a pension to Oscar Grear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17690) granting a pension to Henry Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17691) granting an increase of pension to Florida Kennerly; to the Committee on Pensions.

Also, a bill (H. R. 17692) granting an increase of pension to John H. Edge; to the Committee on Pensions.

Also, a bill (H. R. 17693) granting an increase of pension to Charles H. Frank; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17694) granting an increase of pension to Ellen Stark; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17695) granting an increase of pension to Henry Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17696) granting an increase of pension to Andrew Houlihan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17697) granting an increase of pension to Margaret M. Stone; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17698) granting an increase of pension to John Fritz; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17699) granting an increase of pension to John H. Heiser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17700) granting an increase of pension to John F. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17701) granting an increase of pension to James M. Thomas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17702) granting an increase of pension to Louisa Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17703) granting an increase of pension to Alice W. T. Groesbeck; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17704) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17705) granting an increase of pension to Julius Bonger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17706) granting an increase of pension to Adam Zimmerman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17707) granting an increase of pension to George W. Bransford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17708) granting an increase of pension to Peter R. Matthew; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17709) granting an increase of pension to Augusta A. Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17710) granting an increase of pension to Thomas Carten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17711) granting an increase of pension to Gideon W. Carmichael; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17712) granting an increase of pension to Julia F. Waguer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17713) granting an increase of pension to John A. Wanless; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17714) granting an increase of pension to Robert S. Copeland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17715) granting an increase of pension to William Martin Miller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17716) granting an increase of pension to Thomas J. Connor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17717) granting an increase of pension to John A. Spann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17718) granting an increase of pension to Martin Schubert; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17719) granting an increase of pension to Lawrence Ring; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17720) granting an increase of pension to Charles Bieger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17721) granting an increase of pension to Mary Westerfield; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17722) granting an increase of pension to Edward P. Rice; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17723) granting an increase of pension to Mary A. McDonough; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17724) granting an increase of pension to James M. Patterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17725) granting an increase of pension to C. L. Stevenson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17726) granting an increase of pension to Oscar Messick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17727) granting an increase of pension to Harvey S. Page; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17728) granting an increase of pension to Bertha Herder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17729) granting an increase of pension to Pleasant F. Clutts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17730) granting an increase of pension to Wilhelmine L. Mahkorn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17731) for the relief of James Clarkson; to the Committee on Claims.

Also, a bill (H. R. 17732) for the relief of C. M. Perkins; to the Committee on Claims.

Also, a bill (H. R. 17733) for the relief of John H. Rheinlander; to the Committee on Claims.

Also, a bill (H. R. 17734) for the relief of John A. Kress; to the Committee on War Claims.

Also, a bill (H R. 17735) for the relief of John Dieter; to the Committee on War Claims.

Also, a bill (H. R. 17736) for the relief of John A. Wanless; to the Committee on Military Affairs.

Also, a bill (H. R. 17737) for the relief of Bartholomew Buckley; to the Committee on Military Affairs.

Also, a bill (H. R. 17738) for the relief of Camille Noel Dry; to the Committee on Military Affairs.

Also, a bill (H. R. 17739) for the relief of Thomas S. McKee; to the Committee on Military Affairs.

Also, a bill (H. R. 17740) for the relief of Isaac W. Harding; to the Committee on Military Affairs.

Also, a bill (H. R. 17741) for the relief of Robert O. Hilligoss; to the Committee on Military Affairs.

Also, a bill (H. R. 17742) for the relief of John H. Droesmeier; to the Committee on Military Affairs.

Also, a bill (H. R. 17743) for the relief of Charles W. Howard; to the Committee on Military Affairs.

Also, a bill (H. R. 17744) for the relief of Joseph Sirenick; to the Committee on Military Affairs.

Also, a bill (H. R. 17745) for the relief of Aaron B. Van Pelt, alias Benjamin Van Pelt; to the Committee on Military Affairs.

Also, a bill (H. R. 17746) to correct the military record of Allen Barnes; to the Committee on Military Affairs.

Also, a bill (H. R. 17747) to correct the military record of Patrick J. Carmody; to the Committee on Military Affairs.

Also, a bill (H. R. 17748) correcting the hospital record of Edward J. Wehrle; to the Committee on Military Affairs.

Also, a bill (H. R. 17749) to appropriate $15,000 out of the funds in the United States Treasury to the credit of the Cherokee Indians, to pay to Charles M. Rice, of St. Louis, and his associates for legal services; to the Committee on Indian Affairs.

Also, a bill (H. R. 17750) authorizing the Secretary of the Interior to enroll Isabell Richter, née Bell Cook, and her son, Charles H. Richter, as Cherokee Indians; to the Committee on Indian Affairs.

By Mr. GRAHAM of Pennsylvania: A bill (H. R. 17751) granting an increase of pension to Hugh McDonald; to the Committee on Pensions.

By Mr. HILL: A bill (H. R. 17752) for the relief of Caleb T. Holland; to the Committee on Military Affairs.

By Mr. O'LEARY: A bill (H. R. 17753) for the relief of the estate of Samuel C. Reid, jr.; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 17754) granting an increase of pension to Sarah Ann Smith; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 17755) granting a pension to William P. La Croix; to the Committee on Pensions.

Also, a bill (H. R. 17756) granting a pension to George P. Clark; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17757) granting an increase of pension to Catharine F. Bews; to the Committee on Invalid Pensions.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17758) granting a pension to Alpheus C. Richardson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17759) granting an increase of pension to George H. Porter; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17760) granting a pension to Mary E. Bassett; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of certain citizens of St. Louis, Mo., protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), petitions of the State Christian Endeavor Union of Oklahoma and the Christian churches at Miltonvale, Kans., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution signed by the pastor of the German Methodist Episcopal Church of White, S. Dak., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Southwestern Missouri Millers' Club, of Joplin, Mo., and the Electrical Contractors' Association of Kansas City, Mo., urging 1-cent postage for first-class mail; to the Committee on the Post Office and Post Roads.

Also, petition signed by Ed. R. Ruffenbeide and others, of Owensville, Mo., urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Woman's Christian Temperance Union of Putnam County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Memorial of the Social and Mutual Advancement Association of the Blind, of Chicago, Ill., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of F. Colt Johnson and G. A. Barnard, of New York City, against the enactment of sections 7 and 18 of the Clayton bill; to the Committee on Appropriations.

Also, petition of Peter McIvor, of New York City, in favor of a retirement bill for superannuated employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. CALDER: Petition of various voters of the sixth congressional district of New York, sundry citizens of Brooklyn and New York City, the Men's Club of New York Avenue Methodist Episcopal Church, the congregation of Second Church of Christ, the Bethany Presbyterian Church, various members of the Bedford Presbyterian Church, and the Brooklyn Christian Endeavor Union, all of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CARR: Petition of 60 citizens of Uniontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Presbyterian Church of Masontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Methodist Protestant Sunday School of Connellsville, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Sunday School of the First Presbyterian Church of Masontown, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Young People's Christian Endeavor Society of the Presbyterian Church of Khedive, Pa., in favor of national prohibition; to the Committee on Rules.

Also, petition of 200 members of the adult department of the Third Presbyterian Sunday School of Uniontown, Pa., in favor of national prohibition; to the Committee on Rules.

By Mr. CLANCY: Petitions of E. C. Robertson, May D. Jansris, Charles C. Trump, and others, of Syracuse, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the First Methodist Church of Syracuse, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petitions of 384 citizens of the thirty-fifth New York district, against national prohibition; to the Committee on Rules.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. There are on the Unanimous Consent Calendar, which we are right up against now, three or four uncontested bills——

The SPEAKER. But it has been ascertained there is no quorum.

Mr. ADAMSON. Has that announcement been made authoritatively?

The SPEAKER. The announcement was made authoritatively. The gentleman from Alabama moves that the House do now adjourn.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 32, noes 35.

Mr. UNDERWOOD. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Alabama demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Thirty-seven gentlemen have risen, not a sufficient number.

So the motion to adjourn was rejected.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered, the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Edmonds	Knowland, J. R.	Platt
Anderson	Edwards	Konop	Plumley
Anthony	Elder	Korbly	Porter
Ashbrook	Estopinal	Kreider	Pou
Austin	Fairchild	Lafferty	Powers
Avis	Farr	Langham	Prouty
Barchfeld	Fess	Lazaro	Rainey
Barnhart	Fields	Lee, Ga.	Reilly, Conn.
Bartholdt	Finley	Lee, Pa.	Riordan
Bartlett	Floyd, Ark.	L'Engle	Roberts, Mass.
Beall	Fordney	Lesher	Rupley
Booher	Francis	Lever	Sabath
Borchers	Frear	Levy	Saunders
Borland	French	Lewis, Md.	Scully
Breckson	Gallagher	Lewis, Pa.	Sells
Broussard	Gard	Lieb	Shackleford
Brown, W. Va.	Garner	Lindquist	Sharp
Browne, Wis.	George	Linthicum	Sherley
Browning	Gerry	Lobeck	Shreve
Bruckner	Gill	Loft	Slayden
Buchanan, Ill.	Gittins	McAndrews	Smith, J. M. C.
Bulkley	Glass	McClellan	Smith, Md.
Burgess	Goldfogle	McCoy	Smith, N. Y.
Burke, Pa.	Goodwin, Ark.	McDermott	Smith, Tex.
Burnett	Gorman	McGillicuddy	Sparkman
Butler	Goulden	McGuire, Okla.	Stafford
Byrnes, S. C.	Graham, Ill.	McKenzie	Stanley
Calder	Graham, Pa.	McLaughlin	Stephens, Nebr.
Callaway	Griest	Mahan	Stevens, N. H.
Cantor	Griffin	Maher	Stout
Cantrill	Gudger	Manahan	Stringer
Carew	Guernsey	Martin, Va.	Somers
Carlin	Hamill	Merritt	Sutherland
Carr	Hamilton, N. Y.	Metz	Switzer
Cary	Hammond	Mondell	Talbott, Md.
Casey	Hardwick	Montague	Talcott, N. Y.
Chandler	Harris	Moore	Taylor, Colo.
Clancy	Harrison	Morgan, La.	Taylor, N. Y.
Claypool	Hart	Morin	Ten Eyck
Collier	Hay	Moss, Ind.	Thacher
Connolly, Iowa	Hayes	Moss, W. Va.	Thomas
Conry	Helgesen	Mott	Thompson, Okla.
Cooper	Henry	Murdock	Treadway
Copley	Hinds	Neeley, Kans.	Tribble
Covington	Hobson	Nelson	Underhill
Cramton	Howard	Norton	Vaughan
Crisp	Hughes, W. Va.	O'Brien	Vollmer
Crumpacker	Hulings	Ogleby	Wallin
Dale	Hull	O'Hair	Walsh
Danforth	Humphreys, Miss.	Oldfield	Walters
Davenport	Johnson, S. C.	O'Leary	Weaver
Decker	Keister	O'Shaunessy	Whaley
Deitrick	Kelley, Mich.	Paige, Mass.	Whitacre
Dies	Kelly, Pa.	Palmer	White
Difenderfer	Kennedy, Conn.	Parker	Willis
Dwight	Kennedy, R. I.	Patten, N. Y.	Wilson, Fla.
Dooling	Kettner	Patton, Pa.	Wilson, N. Y.
Driscoll	Key, Ohio	Payne	Wingo
Dunn	Kless, Pa.	Peters, Me.	Winslow
Dupré	Kinkead, N. J.	Peters, Mass.	Young, N. Dak.
Eagan	Kitchin	Peterson	Young, Tex.

The SPEAKER. One hundred and eighty-nine Members have answered to their names, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I understand it requires 216——

The SPEAKER. It requires 218.

Mr. UNDERWOOD. Mr. Speaker, I think it evident there is not a quorum in town to-day. I do not desire to have the House adjourn if we could get a quorum, but I think it is clear we can not get one, and I therefore move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted. Forty-one gentlemen have risen, a sufficient number, and the yeas and nays are ordered. The Clerk will call the roll.

Mr. DONOVAN. Mr. Speaker, how is it that 41 is a sufficient number, when the Chair has just ruled that 218 was a quorum. Forty-one is not one-fifth——

The SPEAKER. The Speaker tried to explain that thing to the gentleman the other day.

Mr. FITZGERALD. Try it again.

The SPEAKER. It takes one-fifth of a quorum to order tellers. That is 44. But it does not take one-fifth of a quorum to order the yeas and nays. It takes one-fifth of those present. The roll was called a minute ago, and there are only 188 Members answering to their names. Forty-one is more than one-fifth of 188, and the Clerk will call the roll.

The roll was called; and there were—yeas 114, nays 71, answered "present" 1, not voting 247, as follows:

YEAS—114.

Abercrombie	Connolly, Iowa	Gregg	Ragsdale
Adair	Cox	Hamlin	Rayburn
Adamson	Cullop	Hammond	Reilly, Wis.
Aiken	Dent	Hardy	Rouse
Alexander	Dershem	Helm	Ruby
Allen	Dickinson	Hensley	Rucker
Ansberry	Dixon	Hill	Russell
Aswell	Donohoe	Holland	Seldomridge
Bailey	Donovan	Houston	Sherwood
Baker	Doolittle	Howard	Sims
Baltz	Doremus	Hughes, Ga.	Sisson
Barkley	Doughton	Hull	Small
Bathrick	Eagle	Igoe	Stedman
Beakes	Falson	Jacoway	Stephens, Miss.
Bell, Ga.	Falconer	Johnson, Ky.	Stephens, Tex.
Blackmon	Ferguson	Jones	Stone
Bowdle	Ferris	Keating	Tavenner
Brumbaugh	Fitzgerald	Kindel	Taylor, Ark.
Bryan	FitzHenry	Kirkpatrick	Tuttle
Buchanan, Tex.	Flood, Va.	Lloyd	Underwood
Burke, Wis.	Foster	McKellar	Vaughan
Byrns, Tenn.	Fowler	Moon	Walker
Candler, Miss.	Garner	Morrison	Watkins
Caraway	Garrett, Tenn.	Murray, Okla.	Watson
Carter	Garrett, Tex.	Padgett	Williams
Clark, Fla.	Glass	Page, N. C.	Wingo
Claypool	Goeke	Park	Witherspoon
Cline	Gordon	Post	
Coady	Gray	Quin	

NAYS—71.

Barton	Greene, Vt.	Lenroot	Sinnott
Bell, Cal.	Hamilton, Mich.	Lindbergh	Smith, Idaho
Britten	Haugen	Logue	Smith, Saml. W.
Brown, N. Y.	Hawley	Lobeigan	Steenerson
Burke, S. Dak.	Hayden	MacDonald	Stephens, Cal.
Campbell	Heisgesen	Madden	Stevens, Minn.
Church	Helvering	Mann	Stout
Curry	Hinebaugh	Mapes	Taggart
Dillon	Howell	Miller	Taylor, Colo.
Drukker	Humphrey, Wash.	Mitchell	Temple
Esch	Johnson, Utah	Morgan, Okla.	Thompson, Ill.
Gallivan	Johnson, Wash.	Murray, Mass.	Towner
Gardner	Kahn	Nolan, J. I.	Townsend
Gillett	Kelly, Pa.	Phelan	Vare
Gilmore	Kennedy, Iowa	Raker	Volstead
Good	Kinkaid, Nebr.	Reed	Woodruff
Green, Iowa	La Follette	Roberts, Nev.	Woods
Greene, Mass.	Langley	Scott	

ANSWERED "PRESENT"—1.

Sloan

NOT VOTING—247.

Ainey	Burgess	Crisp	Fields
Anderson	Burke, Pa.	Crosser	Finley
Anthony	Burnett	Dale	Floyd, Ark.
Ashbrook	Butler	Danforth	Fordney
Austin	Byrnes, S. C.	Davenport	Francis
Avis	Calder	Davis	Frear
Barchfeld	Callaway	Decker	French
Barnhart	Cantor	Deitrick	Gallagher
Bartholdt	Cantrill	Dies	Gard
Bartlett	Carew	Difenderfer	George
Beall, Tex.	Carlin	Dooling	Gerry
Booher	Carr	Driscoll	Gill
Borchers	Cary	Dunn	Gittins
Borland	Casey	Dupré	Godwin, N. C.
Brockson	Chandler, N. Y.	Eagan	Goldfogle
Brodbeck	Clancy	Edmonds	Goodwin, Ark.
Broussard	Collier	Edwards	Gorman
Brown, W. Va.	Connolly, Kans.	Elder	Goulden
Browne Wis.	Conry	Estopinal	Graham, Ill.
Browning	Cooper	Evans	Graham, Pa.
Bruckner	Copley	Fairchild	Griest
Buchanan, Ill.	Covington	Farr	Griffin
Bulkley	Cramton	Fess	Gudger

Guernsey	Lever	O'Hair	Smith, Minn.
Hamill	Levy	Oldfield	Smith, N. Y.
Hamilton, N. Y.	Lewis, Md.	O'Leary	Smith, Tex.
Hardwick	Lewis, Pa.	O'Shaunessy	Sparkman
Harris	Lieb	Paige, Mass.	Stafford
Harrison	Lindquist	Palmer	Stanley
Hart	Linthicum	Parker	Stephens, Nebr.
Hay	Lobeck	Patten, N. Y.	Stevens, N. H.
Hayes	Loft	Patton, Pa.	Stringer
Helgesen	McAndrews	Payne	Somers
Henry	McClellan	Peters, Mass.	Sutherland
Hinds	McCoy	Peters, Me.	Switzer
Hobson	McDermott	Peterson	Talbott, Md.
Howarth	McGillicuddy	Platt	Talcott, N. Y.
Hughes, W. Va.	McGuire, Okla.	Plumley	Taylor, Ala.
Hulings	McKenzie	Porter	Taylor, N. Y.
Humphreys, Miss.	McLaughlin	Post	Ten Eyck
Johnson, S. C.	Maguire, Nebr.	Powers	Thacher
Keister	Mahan	Prouty	Thomas
Kelley, Mich.	Maher	Rainey	Thompson, Okla.
Kennedy, Conn.	Manahan	Ranch	Treadway
Kennedy, R. I.	Martin	Reilly, Conn.	Tribble
Kent	Merritt	Riordan	Underhill
Kettner	Metz	Roberts, Mass.	Vollmer
Key, Ohio	Mondell	Rogers	Wallin
Kless, Pa.	Montague	Rothermel	Walsh
Kinkead, N. J.	Moore	Rupley	Walters
Kitchin	Morgan, La.	Sabath	Weaver
Knowland, J. R.	Morin	Saunders	Webb
Konop	Moss, Ind.	Scully	Whaley
Korbly	Moss, W. Va.	Sells	Whitacre
Kreider	Mott	Shackleford	White
Lafferty	Murdock	Sharp	Willis
Langham	Neeley, Kans.	Shirley	Wilson, Fla.
Lazaro	Neely, W. Va.	Shreve	Wilson, N. Y.
Lee, Ga.	Nelson	Slayden	Winslow
Lee, Pa.	Norton	Sloan	Young, N. Dak.
L'Engle	O'Brien	Smith, J. M. C.	Young, Tex.
Lesher	Ogleby	Smith, Md.	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. ROTHERMEL with Mr. AUSTIN.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. BARNHART with Mr. ANDERSON.

Mr. SABATH with Mr. SWITZER.

Mr. LAZARO with Mr. PARKER.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. VAUGHAN with Mr. SHREVE.

Mr. PATTEN of New York with Mr. NORTON.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SAUNDERS with Mr. POSTER.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. CAREY with Mr. GRAHAM of Pennsylvania.

Mr. DEITRICK with Mr. HAYES.

Mr. ELDER with Mr. KREIDER.

Mr. GODWIN of North Carolina with Mr. MCKENZIE.

Mr. LEVER with Mr. MOTT.

Mr. LEE with Mr. LAFFERTY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CANTRILL with Mr. COPLEY.

Mr. BOOHER with Mr. ANTHONY.

Mr. BRODBECK with Mr. BARCHFELD.

Mr. BRUCKNER with Mr. BROWNE of Wisconsin.

Mr. BUCHANAN of Illinois with Mr. COOPER.

Mr. BULKLEY with Mr. CALDER.

Mr. BURGESS with Mr. DANFORTH.

Mr. BURNETT with Mr. CARY.

Mr. BYRNES of South Carolina with Mr. CHANDLER of New York.

Mr. CARLIN with Mr. DAVIS.

Mr. CARR with Mr. DUNN.

Mr. COLLIER with Mr. FAIRCHILD.

Mr. KITCHIN with Mr. FORDNEY.

Mr. CONRY with Mr. FARR.

Mr. DIES with Mr. FESS.

Mr. DUPRÉ with Mr. FREAR.

Mr. ESTOPINAL with Mr. FRENCH.

Mr. FIELDS with Mr. HULINGS.

Mr. FINLEY with Mr. KEISTER.

Mr. GRAHAM of Illinois with Mr. KELLEY of Michigan.

Mr. HARRISON with Mr. MCLAUGHLIN.

Mr. HAY with Mr. MANAHAN.

Mr. HEFLIN with Mr. MCGUIRE of Oklahoma.

Mr. JOHNSON of South Carolina with Mr. MONDELL.

Mr. KENNEDY of Connecticut with Mr. POWERS.

Mr. KONOP with Mr. PROUTY.

Mr. LEE of Georgia with Mr. ROGERS.

Mr. LEE of Pennsylvania with Mr. SLEMP.

Mr. MORGAN of Louisiana with Mr. SMITH of Minnesota.

Mr. OLDFIELD with Mr. SUTHERLAND.

Mr. PALMER with Mr. PAYNE.

Mr. RAINEY with Mr. TREADWAY.

Mr. REILLY of Connecticut with Mr. WILLIS.

Mr. RIORDAN with Mr. WALTERS.

Mr. SPARKMAN with Mr. WINSLOW.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. THOMAS with Mr. PLATT.

Mr. WEBB with Mr. PATTON of Pennsylvania.

Mr. WHALEY with Mr. MOSS of West Virginia.

Mr. SHERLEY with Mr. MOORE.

Mr. WILSON of Florida with Mr. MORIN.

Mr. DIFENDERFER with Mr. NELSON.

The result of the vote was announced as above recorded.

ADJOURNMENT.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until Tuesday, July 7, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 2312) for the relief of Rathbun, Beachy & Co., reported the same with amendment, accompanied by a report (No. 923), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CLANCY: A bill (H. R. 17633) authorizing the Secretary of the Treasury to obtain designs, plans, working drawings, and specifications for public buildings to be erected under the supervision of the Treasury Department; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Maryland: A bill (H. R. 17634) providing for the purchase of a site and the erection of a public building in the town of Laurel, Prince George's County, State of Maryland; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17635) providing for the purchase of a site and the erection of a public building in the town of Ellicott City, Howard County, State of Maryland; to the Committee on Public Buildings and Grounds.

By Mr. PARK: A bill (H. R. 17636) prohibiting the direction of verdicts; to what cases applicable; to the Committee on the Judiciary.

By Mr. JACOWAY: A bill (H. R. 17637) to grant the consent of Congress for the county of Pulaski, State of Arkansas, to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.; to the Committee on Interstate and Foreign Commerce.

By Mr. GILL: A bill (H. R. 17638) to provide for the monthly payment of pensions, and for other purposes; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 17639) to authorize the governor of the Panama Canal Zone to dispose of equipment no longer needed; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Nevada: Resolution (H. Res. 562) amending the rules of the House of Representatives of the Sixty-third Congress; to the Committee on Rules.

UNITED STATES FISH HATCHERY, JEFFERSON COUNTY, KY.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14950) to authorize the city of Louisville, Ky., to open a parkway to the United States fish station and hatchery in Jefferson County, Ky.

The Clerk read the title of the bill.

Mr. BRYAN. Mr. Speaker, as several Members know, this bill has already been enacted into law.

Mr. MANN. No; not yet. It has gone into the sundry civil bill.

Mr. BRYAN. It has been enacted, so far as the sundry civil bill has gone. I do not suppose anyone wants to take up time with it now.

Mr. MANN. All the gentleman needs to do is to object to it.

Mr. BRYAN. I object, because it has already been included in the sundry civil bill.

Mr. GARRETT of Tennessee took the chair as Speaker pro tempore.

Mr. ALEXANDER. I was about to call the attention of the House to the fact that it had been inserted in the sundry civil appropriation bill.

The SPEAKER pro tempore. The bill will be stricken from the calendar, and the Clerk will report the next bill.

TRANSPORTATION OF CRUDE PETROLEUM.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10055) to amend section 4474 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted, etc., That section 4474 of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

"*Provided further*, That when crude petroleum of a flash point not less than 150° F., is carried in the double-bottom fuel tanks of steamers using the same for fuel, the crude petroleum carried in such tanks in excess of the necessities of the voyage may be discharged at terminal ports when no passengers are on board the ship. Crude petroleum carried and discharged under these conditions will not be considered stores or cargo within the contemplation of section 4472, Revised Statutes of the United States."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MADDEN. Reserving the right to object, I should like to ask the author of the bill, or some one for him, to tell us what effect this will have on the revenues.

Mr. KAHN. I will explain to the gentleman. It will have no effect at all on the revenues. The purpose of the legislation is this: At the present time oil is being used very largely as fuel for seagoing vessels on the Pacific coast. Under section 4474 and also 4472 of the Revised Statutes oil can only be carried under certain circumstances. Vessels sailing out of the Pacific coast ports carry a large quantity of oil for ballast in excess of the amount actually required for fuel when they go to the Hawaiian Islands or when they go to Alaska, and they generally bring back a considerably heavier cargo than when they go out. That enables them to carry less ballast on the return trip. In order to get rid of some of the oil that is used for ballast they want the privilege of being allowed to store it at the terminal points. The Department of Commerce has had the matter under consideration and is thoroughly in favor of it. At the present time the shipowners do that very thing, but it is in violation of law. They have been fined for doing it, and the department has invariably remitted the fine. The revenue is not at all affected.

Mr. MADDEN. Do they carry this oil for fuel purposes?

Mr. KAHN. Oh, yes.

Mr. MADDEN. In addition to the amount required for fuel they carry some for ballast?

Mr. KAHN. Yes; but on a return voyage they never can tell what amount they may require. So that if they have an excess they want to be permitted to take it off the vessel at the terminal points.

Mr. MADDEN. If they have more than they need for fuel purposes and they are going to reload the ship on its return voyage with oil sufficient to propel the ship, what is the necessity for taking it off the ship?

Mr. KAHN. It is only when they have an excess of oil that they take it off. If they only have enough to carry the ship for the round trip, they do not want to take it off; it is only when they have an excess of fuel.

Mr. BRYAN. They may not have enough ballast. It is only when they have an excess of fuel. The real purpose of the oil they carry back and forth is freight.

Mr. KAHN. No; not as freight. It is required as fuel. It is not considered as freight. Section 4472 provides how oil shall be carried as freight, and this is carried as fuel.

Mr. MADDEN. These ships are equipped to carry oil without danger?

Mr. KAHN. Absolutely.

Mr. MADDEN. In order to dispose of the oil they have in excess of the needs of the ship, they want permission to store it in tanks at American terminals?

Mr. KAHN. Yes. As I say, they have been doing it, and in some cases they have been fined, but the fines have invariably been remitted.

Mr. MADDEN. And the gentleman can say that the carriage of this oil on the ships from which it is proposed to take it and store it on shore is not a menace to the life or limb of those who take passage on such steamers?

Mr. KAHN. The Supervising Inspector General of the Steamboat Inspection Service appeared before the committee and stated positively that there was no danger of any kind.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RECLAMATION HOMESTEAD ENTRIES—FLATHEAD PROJECT, MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12249) to extend the provisions of the act of June 25, 1910, authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912, authorizing the issuance of patents on reclamation of homestead entries to lands in Flathead project, Montana.

The Clerk read the bill, as follows:

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing, under certain conditions, the issuance of patents on reclamation entries, and for other purposes, be, and the same hereby are, extended and made applicable to lands within the Flathead Indian project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat. L., p. 446): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such lands.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will confess that I have read the bill and the report, and I do not get a very clear idea of what the bill proposes to do.

Mr. RAKER. Mr. Speaker, this same bill passed the Senate June 30 and is now on the Speaker's table. May we not have unanimous consent to substitute the Senate bill for this?

Mr. MANN. You have not run the first gauntlet yet. What does the bill do? I have read the bill and report, and it is a little involved.

Mr. EVANS. Mr. Speaker, Congress has provided for the assignment of homestead entries of all reclamation projects except that of the Flathends in Montana. That was opened under a special act, and the law does not apply to that project. The department asks that the general law be extended to the Flathead project.

Mr. MANN. Well, I knew all that.

Mr. RAKER. The act of June 23, 1910, permits the assignment of entries when they are required to conform to the amount fixed by the Secretary of the Interior that will be sufficient to support a family. Second, the act of August 9, 1912, Twenty-seventh Statutes at Large, page 265, amended the act on other reclamation projects, permitting the party to make final proof upon certain conditions, reserving the right in the patent that the Government had the first lien, and they must pay all the expenses to the Government, and reserving it in that condition. That applies to all general reclamation projects, 32 in number. But the Flathead Reservation was a special bill for that particular district. Now, the only thing asked here is that the act of June 23, 1910, permitting assignments on all other reclamation projects be extended to that, and that the act of August 9, 1912, relative to the final proof, be extended to that project, so that they will be practically on the same footing.

Mr. MANN. Mr. Speaker, my friend from California [Mr. RAKER] is always very clear and lucid in his statements, and I do not question that he is now; but I still do not know what is to be accomplished by this bill, and I do not believe that anybody in the House who heard the statement does. What is the situation now on the Flathead Indian reclamation project, and what will it be if this bill becomes a law?

Mr. EVANS. The situation is this: A lot of men have made homestead entries out there. The land is being reclaimed under the reclamation project. At the end of five years they will not be able to assign their homesteads, when they have perfected all of their titles, and will not be able to do so until they get full title from the Government, and they can not get full title from the Government until 10 or 20 years, as payments fall due, and as in all other projects they allow homesteaders to assign and in this project they do not, we ask that this be put upon the same footing as the other.

Mr. MANN. How did a provision of that sort happen to get into the law?

Mr. EVANS. It was passed by the gentleman himself and by others.

Mr. MANN. Is there such a provision in the law?

Mr. HAYDEN. That is the present law.

Mr. MANN. On the Flathead Indian reclamation project?

Mr. HAYDEN. No; on all other projects.

Mr. MANN. The gentleman has stated what was the case on the Flathead Indian Reservation, which is not true as to any other, and the gentleman from Arizona now says that that is true of all.

Mr. EVANS. The report from the Secretary of the Interior says that such conditions do exist.

Mr. MANN. Does the gentleman say that no title can be made on the Flathead reclamation for 10 years after a man enters the land?

Mr. EVANS. Exactly.

Mr. MANN. Was that provided for by law?

Mr. EVANS. That is provided under the reclamation law.

Mr. MANN. The reclamation law does not apply to the Flathead Indian project?

Mr. EVANS. It does; and the special act provided that the lands should be reclaimed as other reclamation lands; and we are reclaiming them, and have spent one million and a half dollars on it.

Mr. MANN. If the general irrigation law applies to the Flathead Indian reclamation project, what does the gentleman want to do by this bill?

Mr. EVANS. That the Secretary of the Interior holds the right to assign does not apply here, and he asks that it be made the same as other projects.

Mr. RAKER. The Flathead Indian Reservation was adopted by special act, and was opened up by a special act in relation to irrigation, cultivation, and so forth.

Mr. MANN. Was that an Indian Committee bill?

Mr. RAKER. Indian lands; and other individuals, white men, went there and filed upon it.

Mr. MANN. Was it by special act, or was it an item in an Indian appropriation act?

Mr. EVANS. It was by special act.

Mr. RAKER. I think it was special act. This bill intends to extend to this particular special tract of land the provisions of the act of June 23, 1910, relative to the assignment of homesteads. Second, it extends the provisions of the act of August 9, 1912, permitting them to make final proof within three years, to obtain a patent within three years, whereas under the law as it exists now on that particular project it is the same as generally existed before this act of 1912, which, in effect, does not permit men to obtain patents until all the payments have been completed on the lands.

Mr. MANN. Where did the money come from for this Flathead project—out of the Indian funds or out of the General Treasury, advanced for the Indians?

Mr. RAKER. Out of the General Treasury, advanced as in other cases, and it is being repaid out of the land.

Mr. MANN. After this bill passes and the reclamation project bill passes which is now pending, will that leave us, in this case, in a situation where we have advanced money for 20 years and get it back without any interest whatever?

Mr. RAKER. I want to answer that question and to answer another. First, if this bill passes, it leaves the Flathead Indian reclamation on the same footing as irrigation projects now are elsewhere in the United States. Then if the general reclamation bill passes it would apply to only the general reclamation project, unless it is made special to this project.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. EVANS. Mr Speaker, as I understand the matter, there is on the Speaker's table this identical bill from the Senate. I therefore move that the Senate bill be taken up and substituted for the House bill.

The SPEAKER. The gentleman from Montana asks unanimous consent that the Senate bill, identical in language with this, be substituted for the House bill.

Mr. MANN. Is the Senate bill there?

The SPEAKER. It is.

Mr. ADAMSON. I do not think the gentleman means to substitute it, but to ask unanimous consent that it be considered in lieu of the House bill.

Mr. MANN. Yes. Let the Senate bill be read.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read the Senate bill, as follows:

An act (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana.

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat. L., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and of the act of August 9, 1912 (37 Stat. L., p. 265), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat. L., p. 446): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such land.

The SPEAKER. Is there objection to considering the Senate bill just read in lieu of the House bill of similar tenor? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill of similar tenor, the one just under consideration, will be laid on the table.

There was no objection, and it was so ordered.

On motion of Mr. EVANS, a motion to reconsider the vote by which the Senate bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4928. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Roast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

RELIEF OF FIRE SUFFERERS IN SALEM, MASS.

Mr. PHELAN. Mr. Speaker, I move to suspend the rules, discharge the Committee on Appropriations from further consideration of House joint resolution 263, and pass the same.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That for the relief of the sufferers from the recent conflagration in Salem, Mass., there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $200,000, or so much thereof as may be necessary: *Provided*, That all expenditures under this joint resolution shall be made under the direction of the Secretary of War.

The SPEAKER. Is a second demanded?

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York demands a second.

Mr. PHELAN. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that a second be considered as ordered. Is there objection?

Mr. PAGE of North Carolina. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from North Carolina makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I think it is evident there is not a quorum in the city to-day, and therefore I move that the House do now adjourn.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry before the motion is put.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. If the House adjourns now after a second has been ordered, is this the continuing business on suspension day?

Mr. GARRETT of Tennessee. Mr. Speaker, I demand the regular order.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. There is plenty of time to figure that out.

The increase has been so tremendous, the volume of commerce is now so large, and the future promises such a magnificent total as to warrant an intelligence office of this kind.

Mr. MANN. I will make a proposition to the gentleman. I represent a harbor that has entered and cleared each year more than 8,000,000 tons. It has no hydrographic office and gets along very well without one. If the gentleman could show me that his harbor enters and clears combined $5,000,000 a year, I will not make objection to his bill.

Mr. STEPHENS of California. Mr. Speaker, Los Angeles does not pretend to approach Chicago in population or business, but it has hopes.

Mr. MANN. I am not speaking of the harbor at Chicago. I am speaking of the harbor of South Chicago.

Mr. STEPHENS of California. It is all one thing.

Mr. MANN. I beg the gentleman's pardon. It is not all one thing.

Mr. STEPHENS of California. It is a part of the city of Chicago. But whether we approach that city in size or not, I believe our harbor is of sufficient size now and holds out for the future enough of promise to make the establishing of such an information bureau as this bill proposes a very proper and necessary act.

Mr. STEPHENS of Texas. Is it not a fact that the business of the harbor will be largely increased because of the Panama Canal, and that more commerce will be carried to and from that port than ever before?

Mr. STEPHENS of California. Unquestionably, if the canal amounts to anything, and we all think it will.

Mr. STEPHENS of Texas. And is it not necessary to spend a great deal of money on it on that account?

Mr. STEPHENS of California. The Government has expended about $6,000,000 on the harbor at Los Angeles, and the city of Los Angeles has expended about $6,000,000 more. The people of Los Angeles spent their own money because they believed they could build a great commercial harbor there, and they are succeeding. The opening of the Panama Canal will bring a tremendous increase of vessels and trade. I do not know that the ratio of increase will be as great as it was in the last few years, but the total tonnage entered and cleared at Los Angeles Harbor in 1920 will surprise the most optimistic. Our city keeps growing, our commerce keeps growing, and this hydrographic office is one of the aids to navigation which a great harbor and a great city really demand, if such is required anywhere in the United States. It is recommended by the Secretary of the Navy and is asked for by the people of Los Angeles. My recollection is that it was brought to the attention of Senator WORKS, of California, who introduced this bill, by the maritime and mercantile interests of Los Angeles.

Mr. MANN. How far is the city of Los Angeles from the port?

Mr. STEPHENS of California. The city reaches the port. The harbor is within the city.

Mr. MANN. How far is Los Angeles from the port?

Mr. STEPHENS of California. The center of the city is about 22 miles from the harbor. But Los Angeles, believing in the development of the harbor, reached out an arm, and with the consent of two smaller towns on the harbor, took them and the harbor into the city. It had the money, and was ready to spend it on the harbor of refuge and of commerce. It promised to spend $10,000,000 in improving the harbor. It has expended $6,000,000; the balance will be ready when called for, and millions more when needed. Los Angeles has proven its courage, and the results are greater than it claimed.

Mr. MANN. I have every regard for the city of Los Angeles. I believe it is a great city, and that this will be a great port. I helped locate the harbor up there since coming here. I do not believe they need the hydrographic office, and while the babies out there may be crying for it, they do not know what it is. The gentleman speaks of what it is going to be. I have no doubt it is very large now, but the Congress sits long enough to provide for a thing after "it is" instead of for "what it is going to be."

Mr. STEPHENS of California. If the gentleman will permit, I think that 2,900 vessels coming into a port annually, if no larger number ever came, will warrant this office.

Mr. MANN. The Government furnishes hydrographic charts to anyone who wishes to buy them. They do not furnish any of them free. There is a Hydrographic Office here in Washington. If I want a chart, do I go up there and get it? Certainly not. I send the money and get it by mail. They have a list of these charts, and there is no difficulty in any vessel getting all the charts it wants without trouble. But, of course, these offices furnish a nice place for some naval officer on shore. And he does good service, too.

Mr. STEPHENS of California. It will not take many men to fill all the places there are in an office of this kind. I think one officer and two clerks, or possibly one clerk, is all that will be required.

A hydrographic office not only provides the charts which are printed here in Washington, but it also provides a weekly publication and a daily publication, and posts on the blackboard every day certain information that comes from Washington, and comes from mariners that drop into the office from hour to hour as they arrive in port. It does seem to me that this is of sufficient importance to be permitted to pass at this time by unanimous consent. I hope the gentleman from Illinois will not object.

Mr. MANN. The gentleman knows perfectly well that I shall object, because he knows that the bill really ought not to pass, although he has had a very good chance to make a strong plea for it. I object.

Mr. STEPHENS of California. Does the gentleman object to this bill going over without prejudice?

Mr. MANN. I object.

The SPEAKER. That is another question. The gentleman from Illinois [Mr. MANN] objects, and the bill is stricken from the calendar.

Mr. MANN. This bill can be put on again.

The SPEAKER. The gentleman objects to its being passed over without prejudice. The bill is stricken from the calendar, and the Clerk will report the next one.

FRAUDULENT ENLISTMENT IN THE MILITARY SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8479) to repeal section 3 of article 110 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 3 of article 110 of section 1342 of the Revised Statutes of the United States be, and the same hereby is, repealed.

SEC. 2. That this act shall take effect and be in force from and after its passage, and shall apply to all pending prosecutions and existing causes of prosecutions.

With a committee amendment, as follows:

Amend, page 1, line 3, by striking out the words "of article 110."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to repeal section 3 of section 1342 of the Revised Statutes of the United States, enacted July 27, 1892."

The SPEAKER. The Clerk will report the next one.

RELIEF OF HOMESTEADERS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14099) to amend the act of June 23, 1910, entitled "An act providing that entrymen for homesteads within the reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of June 23, 1910 (Public, 243, 36 Stats., p. 592), entitled "An act providing that entrymen for homesteads within reclamation projects may assign their entries upon satisfactory proof of residence, improvement, and cultivation for five years, the same as though said entry had been made under the original homestead act," is hereby amended by adding the following proviso:

"*Provided*, That any assignments made between June 23, 1910, and December 1, 1913, of all or portions of homestead entries upon which the assignors have submitted satisfactory final proof and the assignees purchased with the belief that the assignments were valid, are hereby confirmed, notwithstanding the original entries were conformed to farm units and the portions assigned canceled or eliminated from the entries prior to the dates of assignment: *Provided further*, That all entries so assigned shall be subject to the limitations, terms, and conditions of the reclamation act and acts amendatory thereof or supplemental thereto, and all of said assignees whose entries are hereby confirmed shall, as a condition to receiving patent, make the proof heretofore required of assignees: *And provided further*, That this act shall not apply to any lands canceled and eliminated from any such entry and which have been embraced in any valid settlement or homestead entry of another."

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California [Mr. RAKER] a question or two.

Mr. RAKER. Yes, sir.

Mr. LENROOT. This bill is identical, with the exception of the change of a date, with the bill that was heretofore reported to the House and placed upon the Unanimous Consent Calendar twice and objected to on each occasion?

Mr. RAKER. It is not.

Mr. LENROOT. Will the gentleman state what the difference is?

Mr. RAKER. The particular difference is that we changed the date, and the language to which objection was made by the gentleman from Wyoming [Mr. MONDELL] was stricken out of the bill. Mr. MONDELL was seen, and a letter was written to him, and I think it is now satisfactory to him.

Mr. LENROOT. What other change is there?

Mr. RAKER. The other change is as to the sale before final proof. This is in the identical form of the act of June 23, 1910, allowing assignments. There were a few in the various reclamation projects where the department required conformation to the farm unit, where the parties did not understand the situation and went on to make and did make final proof and then sold their claims. The assignee in the one that is now being jeopardized by not having the right to obtain his patent. The gentleman from Wisconsin [Mr. LENROOT] will notice that we strike out of the bill that part of it relating to the assignment before final proof.

Mr. LENROOT. Will the gentleman point that out?

Mr. MANN. I can give the gentleman the exact information, which ought to have been conveyed in the report, but which was not. In line 11 of page 2, after the word "assignment," the other bill carried this language, "require confirmation of final proof."

Mr. RAKER. That was stricken out. We thought it would make no difference, and it would prevent any possibility of complication.

Mr. MANN. I do not think it cuts any figure at all. The bill is open to the same objection as the other bill.

Mr. RAKER. The original homesteader has his land remaining, but it is the assignee who has paid his money and gone on the place who is now in jeopardy, because the order was made for conforming, and no conforming was had. The innocent purchaser ought to be protected. The report shows that only a few of this kind are involved, and the report favorably recommends the enactment of this bill to protect the homestead assignee.

Mr. LENROOT. I would like to ask the gentleman what the purpose was in changing the date?

Mr. RAKER. To conform to the law on that subject.

Mr. LENROOT. One date was January 1, 1914, and the other is December 1, 1913.

Mr. RAKER. Well, we thought there might be a few involved in there, and we went back to the 1st of December.

Mr. LENROOT. That was just a difference of 30 days?

Mr. RAKER. Yes.

Mr. LENROOT. What difference would that make?

Mr. RAKER. There might be some in there that were not provided for.

Mr. LENROOT. The original bill was January 1, 1914, was it not? Why did the committee make it 30 days' difference instead of the whole year?

Mr. RAKER. It begins on the 1st of December so that there will be no question as to the time.

Mr. LENROOT. Does the gentleman think that explains it?

Mr. RAKER. It is the only explanation that seems to be necessary.

Mr. MADDEN. How many people would the difference of date let in?

Mr. RAKER. It might not let in any.

Mr. LENROOT. Was not the real purpose to get the bill as different as possible from the bill that had been objected to and yet accomplish the same thing?

Mr. RAKER. No. I will answer the gentleman clearly. The gentleman from Wyoming [Mr. MONDELL] went over the matter carefully, and the only objection he made, or the reason he gave for his objection, was that it permitted an assignment before final proof.

And to avoid any possibility of an assignment before final proof the bill was reintroduced, was submitted to the department for their report and an investigation as to the number of entries affected, letters received from these projects, and the committee then reported the bill favorably.

Mr. LENROOT. Now, one or two questions upon the merits. In the last report made by the gentleman this language is used:

The act is for the relief of purchasers and not of entrymen.

And immediately following is a letter to the gentleman from Wyoming [Mr. MONDELL], which is printed in the report, in which the position is taken that the act is for the relief not of the purchasers but of the entrymen.

Mr. RAKER. A man would be an entryman under the assignment. He has to conform with the law, and that is undoubtedly the view they took of it.

Mr. LENROOT. No; let me read the language:

These are only a few of the cases here—

After naming some of the cases—

These are only a few of the cases here that I could mention, and in not one of the cases in the vicinity of Fairview is the land held by speculators, and the benefit would go to the man who filed on 160 acres—

That is not the assignee.

Mr. RAKER. Yes.

Mr. LENROOT. It says:

And is entitled to the land that he filed on in good faith.

Mr. RAKER. That is true, and I will answer that in this way: He has filed on 160 acres. After having filed, I say you ought to protect both, namely, the man who made the filing, that he might legitimately sell 80 acres of the 160, and that then the assignee might obtain a good title by complying with the law of June 23, 1910, which gives them opportunity to transfer up to that time.

Mr. LENROOT. Then the gentleman did not mean what he said earlier in the report—that it was for the relief of purchasers and not for the relief of entrymen.

Mr. RAKER. Yes; I do. Primarily and principally the bill is for the benefit of the assignee, but one could readily see that if a man did have his 160 acres there would be no question that the relief would be given to his assignee. It would give him a better opportunity to have sold or to sell a part of his claim.

Mr. LENROOT. This relates only to the past and not to the future, so this could not give him a better opportunity to sell, could it?

Mr. RAKER. No; nothing in the future, because the time is specified.

Mr. LENROOT. Then what was the force of the gentleman's remark that this would give him a better opportunity?

Mr. RAKER. A better opportunity to do what?

Mr. LENROOT. To sell.

Mr. RAKER. No; not to permit him in the future——

Mr. LENROOT. But would this bill affect the sale at all?

Mr. RAKER. Absolutely it does not affect the sale, because the sale must have been made between June 23, 1910, and December 1, 1913.

Mr. LENROOT. That is what I understood.

Mr. RAKER. That is clear from the bill.

Mr. LENROOT. That is what I understood.

Mr. RAKER. And the provisions ought to be complied with.

Mr. LENROOT. I understood the gentleman to say these conditions would give him a better opportunity to sell.

Mr. RAKER. No; I do not think so—not the original homesteaders. It would give the assignee a better chance to sell or dispose of his rights.

Mr. LENROOT. Yes; it certainly would.

Mr. MANN. May I ask the gentleman one question?

Mr. RAKER. I yield.

Mr. MANN. The gentleman from Wisconsin [Mr. LENROOT] referred to a letter addressed to the gentleman from Wyoming [Mr. MONDELL].

Mr. RAKER. Yes.

Mr. MANN. Did the gentleman from Wyoming [Mr. MONDELL] furnish a copy of this letter to be inserted in this report?

Mr. RAKER. He did not.

Mr. MANN. Where did the copy come from?

Mr. RAKER. It came from these people who are directly interested and the author of the letter.

Mr. MANN. I should think it was a discourtesy to a Member of Congress to insert a copy of a letter written to him if he did not give the authority to insert it.

Mr. RAKER. This letter here, so far as I know and am concerned, came to the members of the committee and was before the committee in the regular and usual course, and directed to a gentleman of the committee, and, as a part of that record, was inserted in this report.

Mr. MANN. This letter that appears here is not directed to the committee at all. It is directed to "Hon. Mr. MONDELL, Washington, D. C." I have not talked with him about it.

The SPEAKER pro tempore (Mr. ALEXANDER). Is there objection?

Mr. MANN. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The bill will be stricken from the calendar, and the Clerk will report the next bill.

getting a title so that they can put in railroads. It takes quite a plant to handle limestone, as the gentleman is quite well aware, and they will not expend this money until they are assured they will get a good title.

Mr. FOWLER. From the statement of the gentleman from South Dakota there seems to be some question whether a title can be secured.

Mr. STEPHENS of Texas. Yes; because of some old treaty between the United States Government and the Indians years ago that if these Indians should have been removed to some other part of the United States they would forfeit their rights, but they had an absolute right given to them under the treaty, this old title.

Mr. FOWLER. I do not object, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to get some information——

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. Who pays for the advertising fees if this goes through?

Mr. STEPHENS of Texas. The Indians insist that they should not pay for it, and therefore the last lines in the bill, lines 18 and 19, say, "without fee, expense, or charge against the nation or any of its people."

I will say to the gentleman I think there is a lump-sum appropriation in all of these Indian appropriation bills that can be used for such purposes as would be set forth here—that is, the sale of land and lease of land and distribution of tribal funds, and this would be a tribal fund.

Mr. MANN. I doubt whether there is such an appropriation; but why should the Government of the United States pay for advertising the Indian lands for sale up here in New York?

Mr. STEPHENS of Texas. I presume they have already the machinery with which to do that.

Mr. MANN. They have not the machinery ready to pay advertising bills. Why should we pay for the advertising?

Mr. STEPHENS of Texas. That is a very pertinent question; but the department suggested it, and we wanted to get the matter settled.

Mr. MANN. I beg the gentleman's pardon; the department has not suggested anything of this sort that I have been able to find.

Mr. STEPHENS of Texas. It was the Indians, possibly.

Mr. MANN. That would not make any difference if they had.

Mr. STEPHENS of Texas. I do not remember whether it was at the suggestion of the Indian chiefs who were before the committee or when we had the heads of the department before us.

Mr. MANN. Under the terms of this bill the whole sum realized is to be divided, I suppose, per capita—although the bill does not say that—among these 360 Indians?

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. How many are minors and how many are adults?

Mr. STEPHENS of Texas. This does not state——

Mr. MANN. I see it does not.

Mr. STEPHENS of Texas. But I presume about one-third would be minors, or possibly one-half.

Mr. MANN. Well, what becomes of the money that belongs to the minors?

Mr. STEPHENS of Texas. It would be withheld. It would be under the control of the department, the same as other Indian funds. It would be subject to the same rules and regulations that control the distribution of all Indian funds. This fund would certainly be under the same rules and regulations.

Mr. MANN. For instance, here is a baby, say a year old, which is entitled to his or her share of this fund. Under the terms of the bill the Government is to hold that money without interest for such length of time as to enable that infant to grow up and become an adult?

Mr. STEPHENS of Texas. It will be held in trust.

Mr. MANN. Without interest?

Mr. STEPHENS of Texas. I presume so.

Mr. MANN. That would be grossly unfair to the minor children.

Mr. STEPHENS of Texas. This does not provide for interest——

Mr. MANN. I do not see any reason why the Government should hold the money. I do not see any reason why the Government should pay interest on the money, and I do not see any reason why, if we do not pay interest, we should hold the money from 1 to 20 years.

Mr. STEPHENS of Texas. Does not the gentleman think that the courts of New York, these people being citizens, would at once appoint guardians for these children?

Mr. MANN. Very likely that would not do any good, because under the terms of this bill it is not to be paid the minors until they attain their majority. I am speaking now of the language of the bill.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I do not know that my suggestion would have any weight, but my thought is that in the procedure in our State with the Indian funds the Government usually pledges itself to pay 4 or 5 per cent interest and then redeposits the money, and in that case the Government does not lose anything and the Indians do get the interest.

Mr. MANN. It is perfectly patent that the Government ought not to take the money of minor children after the sale of property and keep it for 20 years and the child receive no interest on it. Such a bill ought to be considered by the proper committee and this bill is not in proper shape at all, and I shall have to object.

The SPEAKER. Is there objection?

Mr. MANN. I objected, Mr. Speaker, a moment ago.

The SPEAKER. The gentleman from Illinois objects.

SALE OF LANDS, KLAMATH RIVER INDIAN RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10848) to amend an act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892 (27 Stat. L., pp. 52, 53).

The Clerk read as follows:

Be it enacted, etc., That the last proviso of the act entitled "An act to provide for the disposition and sale of lands known as the Klamath River Indian Reservation," approved June 17, 1892, reading: "*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians now residing on said lands and their children," be, and the same is hereby, amended to read:

"*Provided further*, That the proceeds arising from the sale of said lands shall constitute a fund to be used under the direction of the Secretary of the Interior for the maintenance and education of the Indians and their children now residing on said lands, and for the construction of roads, trails, and other improvements, and for other purposes, for their benefit."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I think I objected to this bill once before.

Mr. STEPHENS of Texas. This is the second time the bill has been placed on the calendar. Under the rule we are permitted to place a bill on the calendar a second time.

Mr. MANN. If the department wants to spend this money which it has in building roads and trails, why should not the department give some information to the Congress?

Mr. STEPHENS of Texas. The information we have is this, that this river is a short river and runs into the sea, possibly 25 or 30 miles from where this reservation is. Twenty-five miles of that river is in a canyon, and it is impossible for the Indians to get from the sea where the shipping point is to their homes on the river, unless they climb over very rough mountain trails, and this is designed so that they can get wagons in there and take produce out, and get the supplies in that are given them by the Government and that they purchase on the seacoast.

Mr. MANN. I discussed this matter with the gentleman once before, and stated then that the bill did not contemplate wagon roads, and it does not.

Mr. STEPHENS of Texas. Wagon roads or trails. I have a letter here.

Mr. MANN. If it is the letter that is printed, I have that myself. I do not see why the department, which has a very wide latitude of authority, anyway, should not occasionally take Congress into its confidence, instead of asking for a blanket authority to do certain things.

Mr. STEPHENS of Texas. This seems to be a very necessary thing for the use of these Indians, and the most essential thing in a mountainous country like this is means of ingress and egress, so that they can get in their supplies and take out what they have to sell.

Mr. MANN. In rough, mountainous country a department of this Government can waste or use $25,000 more quickly than in any other way it can be disposed of, and with less results. I have no doubt they would like to do it.

Mr. STEPHENS of Texas. But the Indians are asking for this. They have to get to the sea now by boats through the canyon.

Mr. MANN. Oh, the Indians would prefer to have their money.

Mr. STEPHENS of Texas. By going down the river they can get out to the sea, but they have to climb over the mountains to get back. They can not get back because of the swift-

ness of the stream. They can get to the sea from the reservation.

Mr. MANN. Has the gentleman any more information than that contained in the report?

Mr. STEPHENS of Texas. I have not.

Mr. MANN. I object.

Mr. RAKER. Mr. Speaker, will the gentleman withhold his objection for a moment?

Mr. MANN. I reserve the objection.

Mr. RAKER. Would the gentleman consent to passing it over without prejudice, and then if we do not get a sufficient report upon the matter he can then object?

Mr. MANN. I have no objection to passing it over without prejudice.

Mr. RAKER. Mr. Speaker, I make that request.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

SALE OF TIMBER ON UNALLOTTED LANDS ON INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10834) to amend an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910 (36 Stat. L., 855).

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a bill that we discussed at some length, I think, before.

Mr. STEPHENS of Texas. Mr. Speaker, this is the bill that my friend from Minnesota, Mr. STEENERSON, is interested in.

Mr. MANN. This is the bill that the gentleman from Minnesota desired to amend, and the committee declined to accept his amendment, for a minimum price.

Mr. STEPHENS of Texas. There has been no further action taken by the committee since the matter was before the House before. What amendment is it the gentleman proposes?

Mr. MANN. I do not propose any amendment. The amendment was proposed by the gentleman from Minnesota [Mr. STEENERSON], and the committee said it did not wish to accept that amendment.

Mr. STEPHENS of Texas. Possibly the gentleman would be willing to change his amendment to some extent.

Mr. STEENERSON. Mr. Speaker, I understand the committee has not had any meeting to consider the bill since that time.

Mr. STEPHENS of Texas. We have not.

Mr. STEENERSON. The amendment I suggested at that time was embodied in a bill which I introduced, but as far as I am concerned I am not suggesting any amendment whatever and am perfectly satisfied now.

Mr. STEPHENS of Texas. The gentleman is satisfied with the state that the bill is in now?

Mr. STEENERSON. Yes; so far as it concerns my State. I understand the department regulations governing the cutting of timber provide for advertising and appraisement, which are pretty nearly the same safeguards, though not quite so strict, as those contained in the bill which I introduced.

Mr. STEPHENS of Texas. Then the gentleman is satisfied with them.

Mr. MANN. Do the department regulations fix the minimum price at which the timber in the Red Lake district can be sold?

Mr. STEENERSON. No; but it is appraised under the regulation and can not be sold for less than the appraised value. I should be very glad to have my suggestions adopted, but I understand the committee has not acted upon them.

Mr. MANN. Mr. Speaker, I wish there was some way I could think of by which I could defeat this bill entirely; but as the same proposition is in one of the numerous amendments added to the Indian appropriation bill, and as I suppose the conferees in some way will disregard my wishes, if not the wishes of the House, and get it into the law, for the present I shall object.

Mr. STEENERSON. Mr. Speaker, if the gentleman will yield for a moment, I would like to explain.

Mr. MANN. I withhold the objection for a moment.

Mr. STEENERSON. The gentleman is in error about the amendment being a part of the Indian appropriation bill. I will say that the Committee on Indian Affairs of the Senate granted a hearing on the proposition, and after hearing the case decided to insert it in the Indian appropriation bill because of the waste that is going on up there, the timber being burned up and wasted; but after the matter got onto the Senate floor some gentleman did not care to let it go through by unanimous consent, and the point of order was made, without anyone objecting to it, and so, by unanimous consent, practically, it was left out of the Indian appropriation bill. It is hoped that the department representing the Indians will be able to work out a plan that will meet the views of all Senators and Representatives taking an interest in this matter, so that it can receive consideration at the next session of Congress and be acted upon then. There is no desire on my part to press the matter now, for unless a measure satisfactory to the other House of Congress can be framed we would not be making progress by sending over the present bill; and it is not now a part of the Indian appropriation bill.

Mr. MANN. I thank the gentleman for the information. I was thinking for the moment that it was an amendment to the Indian appropriation bill.

Mr. STEPHENS of Texas. It was cut off.

Mr. MANN. I do not think this is a very good time to sell timber.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

ALLOTMENTS TO INDIANS ON MORONGO RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10505) authorizing the Secretary of the Interior to cause allotments to be made to Indians belonging and having tribal rights on the Morongo Indian Reservation.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the bill will be stricken from the calendar.

BRANCH HYDROGRAPHIC OFFICE, LOS ANGELES, CAL.

The next business on the Calendar for Unanimous Consent was the bill (S. 494) to establish a branch hydrographic office at Los Angeles, Cal.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to establish a branch hydrographic office at Los Angeles, in the State of California, the same to be conducted under the provisions of the law applicable to the Hydrographic Office in the Navy Department.

Sec. 2. That the Secretary of the Navy is hereby authorized to secure sufficient accommodations in said city of Los Angeles for said hydrographic office, and to provide the same with the necessary furniture, apparatus, supplies, and services allowed existing branch hydrographic offices, at a cost not exceeding $9,000, which sum, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for these purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would be very glad to hear any reason why this is necessary.

Mr. STEPHENS of California. Mr. Speaker, this bill is to establish at Los Angeles, Cal., a branch hydrographic office. If there is a necessity for a branch hydrographic office anywhere, I think that necessity exists at Los Angeles to-day. Every large city on the Atlantic coast—Boston, New York, Philadelphia, Baltimore, Norfolk, and Savannah—has a branch hydrographic office. On the Pacific coast, Seattle, Portland, and San Francisco are the only cities that are favored. South of San Francisco there is no hydrographic office, although it is 600 miles to the Mexican line and 3,200 miles to Panama.

Now, the port of Los Angeles is a fast growing one in a maritime way. The increase in imports and exports and in general harbor business has been several hundredfold in the last few years. In the year 1913 alone there arrived at Los Angeles Harbor something over 2,800 vessels, and the indications are that 1914 will show a total of 3,500. All these vessels have masters who want information, and who have information to give, and if there was a branch hydrographic office there the masters could give information concerning the hindrances and obstructions to navigation which they have encountered or observed on their way to that harbor and obtain the charts and other information from the Government office that other mariners and the Government have secured from various sources.

Mr. Speaker, this is a bill altogether meritorious, because it provides Los Angeles, a city of over 500,000 people, with such aids to navigation as will assist in building up a great maritime business through its great harbor.

Mr. MANN. Is the gentleman able to say what the tonnage was last year which entered and departed from the Los Angeles port?

Mr. STEPHENS of California. Mr. Speaker, if I had a few moments I could, for I have it all tabulated and here at hand. Los Angeles Harbor is said to be the largest lumber-receiving harbor in the world. It is also a very large oil-shipping harbor, and, exclusive of both lumber and oil, the business of Los Angeles Harbor has increased 2,250 per cent in the last 10 years.

and there is already authority given, to remove the fence around it. That would have been done before this, except that they are keeping the fence there until the monument is unveiled; because if it should be removed before that time there would not be anything left of the Botanic Garden after the unveiling. There will not be much left anyhow.

There have been three propositions made in reference to the Botanic Garden. One is to buy ground for a new garden. I do not think the Government wants at this time to buy several hundred acres for the Botanic Garden.

Another propositiou has been to turn the Botanic Garden over to the superintendent of public buildings and grounds of Washington. That official is now Maj. Hart, a very competent official, and it has been proposed to select a place for the garden in Potomac Park. I think that has not met with favor by very many people.

The third proposition has been to turn the Botanic Garden over to the Department of Agriculture, which has all the facilities for carrying on the garden work, and to use land at present unused, which would be beautified and made use of without much expense.

Mr. HOWARD. What is it proposed to do with this space down here after this garden is removed?

Mr. MANN. It is a part of the Mall. It will be covered with grass, just like the rest of the Mall between the Capitol and the Washington Monument. I assume that is what will be done with it. It is certain that it will not be a Botanic Garden.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WINGO. Reserving the right to object——

Mr. FITZGERALD. Mr. Speaker, I have just come into the Hall. Is this the Botanic Garden bill?

The SPEAKER pro tempore. It is.

Mr. FITZGERALD. I object.

Mr. MANN. I ask the gentleman to withhold his objection while I ask unanimous consent that the bill be passed over without prejudice. The gentleman from Texas [Mr. SLAYDEN], chairman of the committee which has this bill in charge, is absent——

Mr. FITZGERALD. I have no objection to it being passed over.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. FOWLER. I object.

The SPEAKER pro tempore. The gentleman from Illinois objects to passing the bill over without prejudice. Is there objection to the present consideration of the bill?

Mr. FOWLER. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects. The Clerk will report the next bill.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. DONOVAN. That objection removes the bill from the calendar, does it not?

The SPEAKER pro tempore. It does.

AGRICULTURAL ENTRY OF OIL LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 60) to provide for agricultural entry of oil lands.

The bill was read as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States in the State of Wyoming which have been withdrawn or classified as oil lands or are valuable for oil shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection by the State of Wyoming under grants made by Congress and under section 4 of the act approved August 18, 1894, known as the Cary Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That those who have initiated nonmineral entries, selections, or locations in good faith prior to the passage of this act on lands withdrawn or classified as oil lands may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, and the State of Wyoming desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, or under grants made by Congress, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as oil lands or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry, selection, or location is made and of this act the applicant shall be entitled to a patent or certification to the lands entered or selected, with a reservation to the United States of all the oil or gas in the lands so patented or certified, together with the right in the United States or persons authorized by it to prospect for, mine, and remove the same; but before any person shall be entitled to enter upon the lands patented or certified for the purpose of prospecting, mining, or removing oil or gas therefrom he shall furnish, subject to approval by the Secretary of the Interior, a bond or undertaking as security for the payment of all damages to the crops and improvements on said lands by reason of such prospecting for and removal of oil or gas. The reserved oil and gas deposits in lands patented or certified under this act shall not be subject to exploration or entry other than by the United States, except as hereafter authorized by Congress.

With the following committee amendment:

Strike out all the above and insert the following in lieu thereof:

"That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

"SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserved deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserved deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disproving such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

"SEC. 3. That any person who has, in good faith, located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals, may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands are withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

Mr. FRENCH. I ask unanimous consent that this bill be considered in the House as in Committee of the Whole. It is on the Union Calendar.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the adoption of the Committee amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title was amended to read: "An act to provide for agricultural entry of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals."

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill passed was laid on the table.

LEASING PRIVILEGES FOR HOTELS, YOSEMITE NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1694) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservation."

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and empowered to grant leases for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company, he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number, to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than said lessees, such payments to be made by such new lessees, respectively.

That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

Any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchaser under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

All provisions of existing law in relation to said park not in conflict herewith are hereby confirmed in full force and effect.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEASE OR SALE OF LIMESTONE DEPOSITS—TUSCARORA NATION OF NEW YORK INDIANS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 14196) authorizing the Tuscarora Nation of New York Indians to lease or sell the limestone deposits upon their reservation.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Tuscarora Nation of New York Indians, by their chiefs in council assembled, are hereby authorized and empowered to lease or sell for the benefit of the nation all or a part of the limestone deposits upon their reservation in one or more suitable tracts: *Provided*, That before such lease or sale shall be made notice of intention to lease or sale, giving a general description of the lands upon which said limestone deposits are located, shall be published in two papers, one issued in the county of Niagara, State of New York, and one issued in the city of Buffalo, county of Erie, State of New York, once a week for three consecutive weeks; said notice shall state the time and place when sealed bids shall be received for the mentioned tracts, and such lease or sale shall be to the highest responsible bidder: *Provided further*, That before any lease or sale shall be made the terms of the proposed contract shall be fully explained to the native nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease or sale shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him, the chiefs are hereby authorized and empowered to enter into such lease or sale. All moneys paid upon any lease or sale made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people.

The SPEAKER. Is there objection?

Mr. FOWLER. Reserving the right to object, I will be glad to know the wish of the Indians owning the tract of land upon which this deposit is located.

Mr. STEPHENS of Texas. There are 300 Indians and about 250 acres of land. The limestone is about 6 feet thick and of excellent quality. It is near a railroad, and also within a few miles there is a demand for it in the various smelting industries. There was a delegation of these Indian chiefs came before our committee last winter and earnestly urged the passage of this bill. It was recommended by Mr. Adams during the last administration and by Mr. Jones during the present administration. We have used the exact language in the bill that was drawn by Mr. Adams, except that we have provided that the sale shall be published in two papers in the State of New York, one in the county of Niagara and one in the city of Buffalo; and we have further provided that before any sale shall be made the terms of the same shall be approved by a majority of the Indians, and further provided that the money shall be paid to the Secretary of the Interior, and that he shall see that it is distributed among the members of the tribe. Those are the safeguards of the bill, and, with that exception, we followed all the language of the Secretary of the Interior in both administrations.

Mr. FOWLER. Has the committee considered the question of the demand for the limestone sufficient to know whether there will be any competition? Will there be any competitive bids for it?

Mr. STEPHENS of Texas. We have not. That is left to the discretion of the Secretary of the Interior and the Indian chiefs. These Indians are voters in that State. They are intelligent men. They are not men that could be misled into making a bad bargain.

Mr. FOWLER. Has authority heretofore been given them to dispose of their real estate?

Mr. STEPHENS of Texas. By this act, and as I have stated.

Mr. FOWLER. I mean other than by this act. Have they been permitted to dispose of their real estate as white men or other citizens?

Mr. STEPHENS of Texas. They have treaty rights that they have heretofore exercised. This is the last property owned in common, and was reserved because of its supposed great value.

Mr. FOWLER. I have no doubt it is very valuable, because limestone will always be valuable. It is one of the best fertilizers known to the farmer.

Mr. STEPHENS of Texas. Does not the gentleman think that the country is entitled to use the material, and are not the Indians entitled to whatever it will bring?

Mr. FOWLER. I am not ready to cross that bridge yet, because I have not reached it. Yet I am trying to get to it so that I may know whether it is the proper thing to do. I am aware of the fact that limestone is a valuable deposit, and if this is the only piece of land they own in common and they have been permitted to dispose of all the rest of their lands, like other citizens of the United States, there may be some good reason for permitting them to dispose of this limestone deposit. But I would like to know whether their rights are fully protected and if they have sufficient information concerning the value of it and that it will not be sold until adequate consideration is paid.

Mr. STEPHENS of Texas. Does not the gentleman think that this reservation will amply protect the Indians:

Provided further, That before any lease or sale shall be made the terms of the proposed contract shall be fully explained to the entire nation and shall be approved by a majority of the votes of the whole people of voting age, but before any lease or sale shall become effective it shall be submitted to the Secretary of the Interior for his approval as to the sufficiency of the amount of the consideration and terms of payment, and if approved by him, the chiefs are hereby authorized and empowered to enter into such lease or sale. All moneys paid upon any lease or sale made as herein provided shall be paid to the Secretary of the Interior, who shall distribute the same among the adult persons, and thereafter to the minor persons as they attain their majority, entitled to participate in the distribution of the consideration, without any fee, expense, or charge against the nation or any of its people.

Mr. FOWLER. As I understand the gentleman, these Indians exercise the rights of citizenship.

Mr. STEPHENS of Texas. Yes. The gentleman from South Dakota [Mr. BURKE] knows about this situation.

Mr. BURKE of South Dakota. As I understand it, the only purpose of the bill is to legalize what it seems can not be done by the Indians. Not that the Indians are not competent to act for themselves, and there is some question whether legislation is necessary at all, but I notice that the Secretary of the Interior cites a number of authorities, and is of the opinion that it is necessary to have an act of Congress authorizing it. These Indians are perfectly competent; they are men of intelligence, speak English and own property, transact their own business, and have not been wards of the Government for many years.

Mr. FOWLER. Does the gentleman recollect how long?

Mr. BURKE of South Dakota. No; but a great many years. I think there is some old cloud or claim on this land that, if the Indians abandon it for tribal purposes, may be asserted, and it is owing to that fact that the land has not been divided among the Indians in severalty, as it might have been done and probably ought to have been done. It is one of the New York tribes that still maintains the land ownership in common.

Mr. FOWLER. Do they hold all their farm lands in common?

Mr. BURKE of South Dakota. I understand that they do, but I may be mistaken about that.

Mr. STEPHENS of Texas. I think they have an agreement among themselves that each one has a certain tract of land——

Mr. BURKE of South Dakota. I was not here when this bill was reported——

Mr. STEPHENS of Texas. And I will further state to the gentleman from Illinois that before this sale can be made the parties leasing the limestone quarry must be secured of

Mr. OLDFIELD. I think we have most of the copies of patents of other countries.

Mr. MANN. How do we get them?

Mr. OLDFIELD. I think there is an arrangement by which we get them.

Mr. MANN. If we have the authority to make such an arrangement, why do not we make it with Canada?

Mr. OLDFIELD. They were made in some sort of a patent conference; not exactly a treaty, but on that order.

Mr. MANN. It looks, to me as if the main purpose of the commissioner was to advertise the fact that he wanted a new Patent Office, although I do not see that that has any close relationship with this proposition.

Mr. OLDFIELD. I am perfectly frank to say that I think they do need a new Patent Office. I agree with the commissioner in that.

Mr. MANN. I do not think much of the joint resolution.

The SPEAKER. Is there objection to the consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

LOCATORS OF OIL AND GAS ON PUBLIC DOMAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15469) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice and that it retain its place on the calendar.

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Oklahoma [Mr. FERRIS] asks that the bill be passed over without prejudice.

Mr. MANN. Reserving the right to object, Mr. Speaker, I do not see any object in leaving this bill on the calendar. The gentleman has a Senate bill on the calendar covering the same purpose. It cumbers the calendar.

Mr. FERRIS. Precisely. But the gentleman knows the bill is identical, but I would like to have this bill retain its place so that we can substitute the Senate bill.

Mr. MANN. You can not do so.

Mr. FERRIS. Why not?

Mr. MANN. Because you have the Senate bill on the calendar and you can not substitute the Senate bill for this.

Mr. FERRIS. We can call up the Senate bill instead and ask that this be substituted, then?

Mr. MANN. The gentleman does not want to substitute this by the Senate bill. Now, the Senate bill will be reached. We have everything on the calendar until the calendar is so long that it takes a lot of time whenever it is considered here.

Mr. FERRIS. The gentleman is right about this. The gentleman knows what is detaining this bill. There are some negotiations between the Secretary of the Interior and the Department of Justice, and I rather hope the gentleman will not disturb the present status at all until they get through negotiating.

Mr. MANN. I think it ought to come up under the Senate bill and not leave this bill on the calendar. The same matter is covered in the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma [Mr. FERRIS]?

Mr. FERRIS. I withdraw the objection if the gentleman from Illinois [Mr. MANN] is right about it.

Mr. MANN. It had better go off the calendar.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects, and the bill will go off the calendar.

ADDITIONAL JUDGE, SOUTHERN DISTRICT OF CALIFORNIA.

The next business on the Calendar for Unanimous Consent was the bill (S. 485) to amend section 1 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Let the bill be read.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and is hereby, amended to read as follows:

"SECTION 1. In each of the districts described in chapter 5 there shall be a court called a district court, for which there shall be appointed one judge, to be called a district judge, except that in the northern district of California, the southern district of California, the northern district of Illinois, the district of Maryland, the district of Minnesota, the district of Nebraska, the district of New Jersey, the eastern district of New York, the northern and southern districts of Ohio, the district of Oregon, the eastern and western districts of Pennsylvania, and the western district of Washington, there shall be an additional district judge in each, and in the southern district of New York three additional district judges: *Provided*, That whenever a vacancy shall occur in the office of the district judge for the district of Maryland, senior in commission, such vacancy shall not be filled, and thereafter there shall be but one district judge in said district: *Provided further*, That there shall be one judge for the eastern and western districts of South Carolina, one judge for the eastern and middle districts of Tennessee, and one judge for the northern and southern districts of Mississippi: *Provided further*, That the district judge for the middle district of Alabama shall continue as heretofore to be a district judge for the northern district thereof. Every district judge shall reside in the district or one of the districts for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. FOSTER. Reserving the right to object, this is a bill, as I understand, to create a new judge for the southern district of California?

Mr. MANN. I would like to ask some gentleman a question in regard to this bill if I may. I see the bill, which is for the reenactment of section 1 of the judiciary title, fixes the number of district judges in each of the districts, and provides, among other things, for an additional judge in the eastern and western districts of Pennsylvania. This is a Senate bill. It was referred to the Committee on the Judiciary of the House on June 17, 1913. That was before we had enacted a law providing for an additional district judge in the eastern district of Pennsylvania. Although the Committee on the Judiciary certainly knew enough about that bill for the Philadelphia judge, they did not remember it when they reported this bill out from the committee. And the enactment of this bill would cut out, if we had the power to cut him out, the new judge that we have just provided for in Philadelphia.

Mr. LOGUE. Will the gentleman yield?

Mr. MANN. Certainly, if I have the floor.

Mr. LOGUE. The necessity which called for the appointment of the additional judge in the eastern district has passed, inasmuch as the judge there died.

Mr. MANN. The judge has since died?

Mr. LOGUE. Yes, sir.

Mr. MANN. Then that would obviate this question.

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California to let this bill go over until the next meeting.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice until the next meeting.

The SPEAKER pro tempore. The gentleman from California asks unanimous consent that the bill may be passed without prejudice. Is there objection?

There was no objection.

REMOVAL OF THE BOTANIC GARDEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12796) to provide for the removal of the Botanic Garden to Rock Creek Park and for its transfer to the control of the Department of Agriculture.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of establishing and maintaining a national arboretum and botanical garden in Rock Creek Park the Botanic Garden is hereby transferred from the direction and control of the Joint Committee on the Library to the direction and control of the Secretary of Agriculture, and he is authorized to remove to Rock Creek Park or otherwise dispose of the plants, structures, and all that pertains to the Botanic Garden in its present location as he may deem proper.

SEC. 2. That so much of Rock Creek Park, not in excess of 400 acres, as may be needed for the purposes of an arboretum and botanic garden, not including the National Zoological Park, is hereby transferred from the Joint direction and control of the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army to the direction and control of the Secretary of Agriculture.

SEC. 3. That the chairman of the Senate Committee on the Library and the chairman of the House Committee on the Library and the Engineer Commissioner of the District of Columbia shall select and cause to be surveyed that portion of Rock Creek Park, not in excess of 400 acres, herein set apart for a botanic garden and arboretum.

SEC. 4. That all unexpended appropriations in relation to the Botanic Garden, which shall be available at the time this act takes effect shall be available for expenditure for the transfer of the Botanic Garden to the new site and for other purposes incident to its removal and maintenance.

SEC. 5. That all laws or parts of laws not consistent with or that are repugnant to this act are hereby repealed.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. HOWARD. Mr. Speaker, I object.

Mr. GARNER. I ask that the gentleman withhold his objection for a moment.

Mr. HOWARD. I will withhold my objection.

Mr. MANN. Why does the gentleman object?

Mr. HOWARD. For the simple reason, Mr. Speaker, that this involves the expenditure of a large sum of money, and the person who is in charge of this bill is not present. I think he should be present before I can consent to vote upon this question as to the removal of this Botanic Garden, which is one of the old landmarks of Washington. I would want a good and sufficient reason why this garden should be removed out here to Rock Creek Park. When our constituents come here to see the city of Washington and view its beauties, unless they can hire an automobile and ride out here to this Lon ton Rock Creek Park they can never see the Botanic Garden and its beauties, and until a good and sufficient reason can be given to me for the removal of this park and a full explanation of the purpose for which they want to spend this money I shall object to it. However, I will withhold my objection for a moment, so that the gentleman can make a statement.

Mr. MANN. The gentleman from Texas [Mr. SLAYDEN] is chairman of the Committee on the Library, and the Joint Committee on the Library of the House and Senate has control of this subject. If there is objection to the consideration of the bill now, it may be passed over, but will the gentleman permit me to make a very brief statement?

Mr. HOWARD. Certainly.

Mr. MANN. It has been thought for a good many years that the Botanic Garden would have to be moved, but no one desired to move it while old Mr. Smith, the superintendent of the garden was alive. He died not very long ago. Since his death a new superintendent was appointed, and he has died recently. He also desired that the garden should not be moved.

The dedication of the Grant monument at this end of the Botanic Garden, at the foot of the Capitol, will practically and absolutely require the removal of the garden. At least it will destroy the garden as it is there now; there will not be anything left of the garden to speak of.

A lot of gentlemen interested in such matters—and I have been interested in it myself personally for several years—discussed the matter some time ago and formed the opinion that the wisest and most sensible thing to do would be to turn the Botanic Garden over to the Department of Agriculture, which could make use of the garden without extra expense, so that it would be some benefit to the people of the country by way of experimentation through the Department of Agriculture.

We have out at the north end of Rock Creek Park quite a piece of land which is not developed at all. More or less of it is open, and more or less of it is covered with timber. If it is opened it will be readily accessible to street car lines. The thought of the Department of Agriculture, including Dr. Galloway and those connected with him, was that if they could have the use of this ground out there for the Botanic Garden without interfering with the place that is there, they could use the vacant spaces in the way of planting and experimenting without any extra expense to the Government, and not only have a Botanic Garden worth many times the one that is down here for exhibition purposes, but also one that would be of great value to the Government in the way of planting trees which take many years to mature.

Now, the Botanic Garden here is practically gone, and this Grant Monument will be dedicated. I think, this fall or next summer. It seems to me it is this fall.

Mr. HOWARD. Next October.

Mr. MANN. Yes; this fall; and Mr. SLAYDEN has been very anxious, indeed, to get this bill through, in the hope that the Department of Agriculture might have an opportunity this fall to remove from the present Botanic Garden down here those trees and shrubs and plants which are of value to be kept, because otherwise they will be destroyed down here.

Mr. GARNER. Mr. Speaker, may I interrupt the gentleman sufficiently to say to my friend from Georgia [Mr. HOWARD] that it is the general concensus of opinion of those who have investigated it—I have not done so myself—that unless this bill is passed and some arrangement is made for the Botanic Garden, we will have none at all next year, comparatively speaking. I am myself very fond of the Botanic Garden and as much interested, I believe, as anybody. My good wife, who goes down there and selects plants to send down home once a year, thought it would not be well to go out to Rock Creek Park and select them. But it will be either to select them there or not at all.

Mr. MANN. I believe it is safe to say that I have been at the Botanic Garden more frequently than anybody else in Congress. Gardening is the one recreation and fad that I have. I think I know every plant in the Botanic Garden. They speak "Good morning" to me when I go down there. They know me. But this Botanic Garden, as it stands, is almost a farce, compared with what it should be and compared with botanic gardens maintained by other nations. We can make a botanic garden out here in Rock Creek Park without any greater expense than it now costs under the Department of Agriculture, and have one that is not only magnificent in many respects, but one of great value from the experimental point of view.

We have abroad a number of men—Mr. Myers is one—who are constantly engaged in obtaining new plants and new shrubs and new trees—new trees at various times, including fruit trees—which they bring over here for use in this country, but we have now no place where we can properly, under governmental control, plant trees which we officially know about, which require years to mature.

Mr. HOWARD. Do they not use a certain portion of Potomac Park for that purpose now?

Mr. MANN. No; they have an agricultural experiment station at Arlington.

Mr. HOWARD. No; on this side of the river. I see there are nurseries there, of different trees, ornamental and shade trees.

Mr. MANN. That is under the charge of the officer in control of public buildings and grounds in the District of Columbia, and that is where the trees and shrubs come from that go into the parks here. That place is of no particular value otherwise. The trees are taken up from time to time.

Mr. HOWARD. I do not desire of my own motion to oppose the passage of a good measure, but I know there is a great difference of opinion among certain Members of the House with whom I have talked about the removal of the Botanic Garden. I agree with the gentleman from Illinois [Mr. MANN] that something ought to be done relative to the unveiling of the monument to Gen. Grant. In the first place—I am saying this on my own responsibility only—I think it was poor judgment to put the monument to this great general down here in this secluded place, to start with.

Mr. MANN. If the gentleman will pardon me, I did what I could to prevent it, and at one time got a majority vote in the House against it.

Mr. HOWARD. If there was a general in the Union Army who ought to have the most prominent place vacant in the city of Washington for the placing of his monument, it was Gen. Grant; but they have picked out the most secluded spot in Washington on which to erect this magnificent monument to his memory and achievements. But that is all cut out of the garden, as I understand it. Now, this thing has been shrouded in mystery, so far as I am concerned. I can not get any information, and I am like the gentleman from Illinois [Mr. MANN] in my liking for and interest in the Botanic Garden. I go down there at every opportunity I have, and some of those plants and flowers are getting to say "Good morning" to me. I like to go down there. Mr. Speaker, I do not want to object to the consideration of this bill, but I ask that it go over.

Mr. MANN. I hope the gentleman will let it pass.

Mr. DONOVAN. Mr. Speaker, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. DONOVAN. Is it not true that all the parks and public grounds of this town are made more inaccessible to the ordinary citizen than in almost any other city of this country? That is to say, the common, ordinary citizen has to go to greater expense in order to visit them.

Mr. HOWARD. I do not know. Washington is abundantly provided with parks of a certain sort.

Mr. DONOVAN. What chance has the public to take advantage of Potomac Park without the use of automobiles?

Mr. HOWARD. Very little, unless a man owns an automobile.

Mr. DONOVAN. To put the Botanic Garden several miles away will mean a considerable expense to the ordinary citizen who wants to visit it.

Mr. HOWARD. That is the very reason, while I do not want to object to the bill and have it stricken from the calendar, I do want to have it go over.

Mr. MANN. If the gentleman will pardon me——

Mr. DONOVAN. I would like to ask the gentleman from Georgia one question more. Does the gentleman from Georgia think that he ought to vote to remove this garden from the ordinary citizen?

Mr. HOWARD. I do not, and that is exactly why I am inclined to interpose this objection.

Mr. MANN. Mr. Speaker, the gentleman from Georgia [Mr. HOWARD] and the gentleman from Connecticut [Mr. DONOVAN] both know, I am sure, that the Botanic Garden can not remain down here and perform its functions. It is already proposed,

have been determined by the Secretary of the Interior whether said land is actually of that character; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined that such land is of the character contemplated by the said acts, then such application shall be allowed; otherwise it shall be rejected, subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed 320 acres."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Idaho what is intended to be accomplished by this bill?

Mr. SMITH of Idaho. Under the enlarged-homestead act it is necessary that the land be first examined to determine whether or not it comes within the provisions of the law. The prospective entryman goes out, looks over the land, and if he is of the opinion that it comes within the provisions of the law he makes application to the Secretary of the Interior to have the same opened to entry. In the meantime he has no protection whatever in the event that it should come within the provisions of the law and is opened to entry. In other words, he frequently expends a good deal of time and money in going out upon the lands and examining them. An examination must be made in the meantime, and by the time the land is determined to be available for entry some other person may discover that it is open for entry and precede him to the land office and file upon it. In that way he is deprived of an opportunity of getting the land which he had previously located.

Mr. MANN. How could anyone precede him in the land office if he made application to the land office first?

Mr. SMITH of Idaho. Under the existing law the entryman or prospective entryman does not make application to the local land office; he simply sends it to the Secretary of the Interior and if, after examination, it is found to meet the requirements of the law, public notice is given that the land is to be open for entry, and the first one at the local land office will have the right to enter. It is simply intended to carry out the provisions of existing law with reference to protecting entrymen, by having a record made in the land office of the application; it simply provides that the application shall go through the local land office to the Interior Department, as do other applications for entry upon the public domain, and note shall be made on the plat books and records that this application is pending.

Mr. MANN. This amendatory bill does not purport to change the law about making the application?

Mr. SMITH of Idaho. No; excepting——

Mr. MANN. The gentleman says it does change the law?

Mr. SMITH of Idaho. Excepting it sends the application through the land office instead of direct to the Secretary of the Interior. It simply brings it to the notice of the local officers that a prospective entryman desires this land.

Mr. LENROOT. Is not the purpose of this bill to temporarily withdraw the land from other entry?

Mr. SMITH of Idaho. Yes; the land described in the particular entry is to be withdrawn in order that the prospective entrymen may get protection in the event the land is declared open to entry by the Secretary of the Interior.

Mr. LENROOT. That is the purpose of the bill—to give the applicant the preferential right to file?

Mr. SMITH of Idaho. Yes.

Mr. MANN. What expense does he go to before he files his application?

Mr. SMITH of Idaho. Very frequently, perhaps, he has to pay out thirty or forty or fifty dollars to hire a team to drive out anywhere from 10 to 30 or 40 or 50 miles from where he resides.

Mr. MANN. If a second man does that, he will be out the same expense?

Mr. SMITH of Idaho. What second man?

Mr. MANN. Let us suppose there is one man who makes an application under this bill. He is protected. There is nothing on the land to show that anybody has made that application.

Mr. SMITH of Idaho. No.

Mr. MANN. Another man comes along looking for one of these maps. If they are maps, or liabilities, if they are liabilities, and he sends in his application, having gone to considerable expense. He can not tell that anybody else is ahead of him until he has gone to the land office, so that one of the two is bound to be out some money that he spends.

Mr. SMITH of Idaho. Of course when a man goes out to select a piece of land, he takes the trouble, as far as possible, to ascertain by inquiry at the local land office whether the land is open to entry.

Mr. MANN. He can not ascertain that.

Mr. SMITH of Idaho. He can ascertain it by looking at the plat.

Mr. MANN. Yes; if the land is near the land office, which it never is, he can go then and examine it, but that is not the way they do.

Mr. SMITH of Idaho. He can write and find out.

Mr. MANN. Oh, I beg the gentleman's pardon. I have written to any number of these people, and you do not get any information from them.

Mr. SMITH of Idaho. It is their duty to give information.

Mr. MANN. Yes; but they can not give it. They can tell whether a particular piece of land has been entered on, but they can not tell you in advance and they can not know what land has been entered on and what has not. The man does not know which piece he is going to select until he goes out and spends his money, according to the gentleman's statement.

Mr. SMITH of Idaho. Of course he can not determine that unless he has information from the local land office, but a plat is filed in the local land office showing every entry that is made, and a man can go there and look at the plat or he can write a letter and find out whether a particular piece of land is taken.

Mr. MANN. Yes; but he can not do that before he goes out and looks for land.

Mr. SMITH of Idaho. Why not? They are not foolish enough to go out into a section of the country without making some inquiry as to whether or not the land is available.

Mr. MANN. Then none of these people are badly off. The gentleman said they go to great expense.

Mr. SMITH of Idaho. Some of them do.

Mr. MANN. Going out and searching for a piece of land?

Mr. SMITH of Idaho. They do.

Mr. MANN. And he finds a particular piece which he thinks he would like, and he makes his application for that. He could not ascertain from the land office in advance in reference to that piece of land, because he does not know where it is.

Mr. SMITH of Idaho. He can probably tell the township and possibly the section.

Mr. MANN. Is not the real purpose of this bill to give those people who now have homesteads the right to make prior applications for the purpose of enlarging their homesteads close to their homesteads?

Mr. SMITH of Idaho. Not at all. There are comparatively few of those, because in the localities where homesteads are already taken up there is not much of this land available. This is intended to apply to new entries away back in the hills, probably 30 to 50 miles from any habitation. It is simply intended to allow prospective entrymen to avail themselves of this law, which gives the right to go out there and get title to land that is absolutely worthless except for cultivation under the dry-farming methods.

Mr. MANN. As I understand this matter, it provides that when such a person—

shall make application to enter under the provisions of said acts, any unappropriated public land in any State affected thereby—

And so forth.

The gentleman says that is designed to permit him to make an application, to be filed with the land office. If that be the case, does it not also specifically authorize him to make application for any unappropriated public land, whether it be surveyed or unsurveyed?

Mr. SMITH of Idaho. No; it must be surveyed land under this law.

Mr. MANN. I know the present law applies only to surveyed land.

Mr. SMITH of Idaho. He can not enter unsurveyed land in the land office, for there is no way of describing it.

Mr. MANN. He can describe it by metes and bounds.

Mr. SMITH of Idaho. Oh, there is no law under which he can enter unsurveyed land in the land office.

Mr. MANN. Not unless this law would permit him to do it.

Mr. SMITH of Idaho. This is certainly not intended to do that; there is no such idea as that. No one can be injured by protecting the prospective entryman when they incur these expenses with the hope of getting the piece of land that they desire.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SMITH of Idaho. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Idaho asks unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Idaho, a motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read "A bill to amend an act entitled 'An act to provide for an enlarged homestead and acts amendatory thereof and supplemental thereto.'"

PUBLIC BUILDING SITE AT HUNTINGDON, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15000) authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Huntingdon, Tenn.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section 33 of the public buildings act approved March 4, 1913, which requires that the Federal building site selected at Huntingdon, Tenn., shall be bounded on at least two sides by streets.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have an explanation of the bill.

Mr. SIMS. Mr. Speaker, Huntingdon, as compared with some towns, is a small town; as with others, large; but it was extremely desirable that this public building be erected in Huntingdon on the public square—that is, so as to face the public square. Only $2,500 was appropriated for the site, and it was found impossible to get the site for that small amount of money on the corner which would comply with the act of 1913—by having the building bounded upon two streets—and the site agent recommended that this site be selected, not on a corner, but facing on the public square, 120 feet wide, with a 20-foot alley. Everything is satisfactory, and this has the unanimous report of the committee.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTIONS 4888 AND 4880, REVISED STATUTES, RELATING TO PATENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15220) to amend sections 4888 and 4880 of the Revised Statutes, relating to patents.

The Clerk read as follows:

Be it enacted, etc., That section 4888 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out from the last clause thereof the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor."

SEC. 2. That section 4880 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out the words "and attested by two witnesses," so that the section so amended will read as follows:

"SEC. 4880. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, which shall be filed in the Patent Office; and a copy of the drawing to be furnished by the Patent Office, shall be attached to the patent as a part of the specification."

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, reserving the right to object, I would like to have an explanation of the bill. The bill has come up suddenly, and I desire some explanation of it.

Mr. ALEXANDER. I think the gentleman's objection comes too late, but I will be glad to explain the bill to the gentleman.

Mr. JOHNSON of Kentucky. I had reserved the right to object, and I would like to have an explanation of it.

Mr. ALEXANDER. The only amendment to the law is that it strikes out the provision which requires the application to be attested by two witnesses. The Committee on Patents considered the bill and advised with the Commissioner of Patents, and he said that it was an unnecessary burden on the applicant for the patent. Mr. OLDFIELD is present, who is chairman of the Committee on Patents, and may wish to make a statement.

Mr. JOHNSON of Kentucky. I do not make any objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

EXCHANGE OF PRINTED COPIES OF PATENTS OF THE UNITED STATES AND CANADA.

The next business on the Calendar for Unanimous Consent was House joint resolution 257, authorizing the Commission of Patents to exchange printed copies of United States patents with the Dominion of Canada.

The Clerk read as follows:

Resolved, etc., That the Commissioner of Patents of the United States be, and he is hereby, authorized to exchange with the Dominion of Canada under such terms of contract as may by him be deemed practicable, printed copies of patents now in the United States Patent Office and hereafter issued by the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, as far as I can gather from the report, the main reason given for this proposed exchange is that the danger of destruction to our Patent Office at this time by fire is "eminent." The reason I say "eminent" instead of "imminent" is because I am quoting from the report.

Mr. OLDFIELD. That is a misprint.

Mr. MANN. I have no doubt that is an error in proof reading in the Government Printing Office, which probably followed copy by mistake, or maybe that was the stenographer. However, the main reason given is that there is danger of destruction by fire of our records here.

Mr. OLDFIELD. Yes.

Mr. MANN. Does the gentleman think that is a very good reason for sending our Patent Office copies of the records abroad?

Mr. OLDFIELD. Well, we think that a very good reason.

Mr. MANN. That we have no safe place to store them?

Mr. OLDFIELD. The Patent Office is not safe and has not been for a great many years.

Mr. MANN. The Capitol Building is not safe; no place is safe——

Mr. OLDFIELD. I see no reason why we should not have copies go to Canada, and then if there should be any destruction by fire we can get those copies; but I will state to the gentleman that this policy was pursued for a good many years until about 10 or 12 years ago, when for some reason or other it was discontinued.

Mr. MANN. Well, do I understand that this will cost the Government about $50,000 or not?

Mr. OLDFIELD. It will not cost the Government anything out of the current appropriation. We have 50 copies of each patent in the Patent Office, and all it would cost would be to have boys pull these copies out and send them to Canada.

Mr. MANN. I notice that the report says that while the request was made for copies covering 12 or 13 years—

While it involves no expense of money, it involves taking out our group of patents, about $50,000 worth of patents.

Mr. OLDFIELD. Yes, sir.

Mr. MANN. The department says $50,000 worth of patents; that means they are worth $50,000.

Mr. OLDFIELD. That means they cost that.

Mr. MANN. What do we get out of this in return?

Mr. OLDFIELD. We get the copies of the Canadian patents. That enables our Patent Office to make more complete searches than they can make now and at the same time preserve copies of our patents. It is very important for the Patent Office to be able to make the thorough searches, and we have copies of the Canadian patents.

Mr. MANN. That is, of the Canadian patents?

Mr. OLDFIELD. Yes.

Mr. MANN. Now, how about the English, the German patents, the French patents, and the Japanese patents? Do we get copies of patents of all these other nations?

Mr. OLDFIELD. We have not so far.

Mr. MANN. Then it would not appreciably advance us in making searches simply because we had these few that are in Canada.

Mr. MANN. There is no way of verifying the statement by going on board.

Mr. ALEXANDER. If there is any defect, it must be verified.

Mr. MANN. Oh, no; not at all. It says, "All accidents or occurrences producing serious injury to the vessel," and so forth. That may have occurred two or three months ago, and may have been completely cured.

Mr. ALEXANDER. In that event it would be unimportant entirely.

Mr. MANN. It might or might not be unimportant.

Mr. ALEXANDER. When the vessel comes into port and she has received some serious injury that affects her seaworthiness, the officer is now reluctant to inform the inspector of the fact. It is not some past defect but some present defect of which the inspector should have knowledge, and they should be protected in disclosing that information.

Mr. MANN. I shall not object to the consideration of the bill, although I do not think much of encouraging sneaks or practically anonymous communications reflecting on somebody else where you do not dare say who gave it to you.

Mr. J. I. NOLAN. I think that can be taken care of by providing that the superiors in the inspection service shall have a right to demand the information and by providing for the taking away of a man's license for making a report that could not be proved.

Mr. MANN. It is condemning a man without a hearing. It is refusing to bring the witness before the accused, a thing which has been popular in many governments of the world, but never in a government of the people. It is making an accusation against a man and not telling him who made it. It is contrary to every sentiment of enlightened humanity.

Mr. ALEXANDER. I do not think the gentleman is leveling a fair criticism here. If there is a defect in the machinery of the vessel, and the officer discloses it to the inspector, the inspector must go aboard and ascertain if the defect exists. It does not do any harm. If the officer says there are not enough lifeboats on board, the inspector must verify that statement. No prejudice can come to the shipowners. Suppose the vessel had received some serious injury in a collision. He can say that at a certain time, under certain circumstances, the vessel received a certain injury. The inspector must go aboard and verify that information. The captain can not be prejudiced. It simply makes the officer more diligent to disclose these matters, so that the inspector may go aboard and verify whether or not the statements made are true, in the interest of safety.

Mr. MANN. I shall not object; but the more the gentleman talks about it the more I am inclined to object.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, I believe I did not ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. It is a House Calendar bill, and it does not need to be. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 1, line 9, after the word "which," by inserting the word "such."

Mr. HARDY. That is simply to give it proper grammatical construction.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HARDY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

PUBLIC BUILDING, ROSEBURG, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18180) to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office, land office, forest service, weather bureau, and Indian agent.

The bill was read, as follows:

Be it enacted, etc., That in the construction of the public building at Roseburg, Oreg., authorized by the act approved March 4, 1913 (37 U. S. Stat., p. 872), accommodations shall be provided therein for the United States post office, land office, forest service, weather bureau, and Indian agent.

With the following committee amendment:

Page 2, lines 1 and 2, strike out "office, land office, forest service, weather bureau, and Indian agent," and insert in lieu thereof "and other governmental offices."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. This bill is on the Union Calendar.

Mr. HAWLEY. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oregon asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk says there is an error in the amendment.

Mr. MANN. Mr. Speaker, I ask that in the committee amendment to strike out certain language from the bill the word "office," where it first occurs in line 1, page 2, be stricken from the amendment, so that it will remain in the bill.

The SPEAKER. The Clerk will report the amendment to the committee amendment.

The Clerk read as follows:

Page 2, line 1, strike the word "office" from the amendment, so that the word will remain in the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended so as to read: "A bill to amend the act of March 4, 1913 (37 U. S. Stat., p. 872), so as to provide that in the construction of the public building at Roseburg, Oreg., provision shall be made for the accommodation therein of the United States post office and other governmental offices."

RENEWAL OF LICENSES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16346) to amend section 4131 of the Revised Statutes of the United States of America as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses.

The bill was read, as follows:

Be it enacted, etc., That section 2 of section 4131 of the Revised Statutes of the United States as amended by the act of Congress approved May 28, 1896, relating to the renewal of licenses, be, and is hereby, amended so as to read as follows:

"SEC. 2. That all licenses issued to such officers shall be for a term of five years, but the holder of a license may have the same renewed for another five years in the manner prescribed in the rules and regulations of the Board of Supervising Inspectors: *Provided, however*, That any officer holding a license, and who is engaged in a service which necessitates his continuous absence from the United States, may make application in writing for renewal and transmit the same to the board of local inspectors, with his certificate of citizenship, if naturalized, and a statement of the applicant, verified before a consul or other officer of the United States authorized to administer an oath, setting forth the reasons for not appearing in person; and upon receiving the same the board of local inspectors that originally issued such license shall renew the same and shall notify the applicant of such renewal: *Provided further*, That no license as master, mate, or pilot of any class of vessel shall be renewed without furnishing a satisfactory certificate of examination as to color blindness. And in all cases where the issue is the suspension or revocation of such licenses, whether before the local boards of inspectors (of steam vessels), as provided for in section 4450 of the Revised Statutes, or before the supervising inspector, as provided for in section 4452 of the Revised Statutes, the accused shall be allowed to appear by counsel and to testify in his own behalf. No master, mate, pilot, or engineer of steam vessels licensed under title 52 of the Revised Statutes, pages 4399-4500, shall be liable to draft in time of war, except for the performance of duties such as required by his license; and while performing such duties in the service of the United States every such master, mate, pilot, or engineer shall be entitled to the highest rate of wages paid in the merchant marine of the United States for similar services; and if killed or wounded while performing such duties under the United States, they, or their heirs, or their legal representatives, shall be entitled to all the privileges accorded to soldiers and sailors serving in the Army or Navy, under the pension laws of the United States."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I should like to ask the gentleman from Missouri [Mr. ALEXANDER], with reference to the language on page 2, lines 6 and 7, where it requires that an officer who has been licensed and who is absent from the United States and makes application for a renewal of his license, shall transmit with his application his certificate of naturalization if naturalized. Is that necessary? In transmitting a certificate of naturalization by mail it may be lost. Mail matter is sometimes lost. Is it not to be presumed that a man will have a certificate of naturalization if he has been already licensed once?

Mr. ALEXANDER. Capt. Wescott, who is president of the Masters, Mates, and Pilots Association of the Pacific, explained to the committee that that would be a reasonable requirement, in view of the fact that in the past so many men who were not citizens had obtained licenses fraudulently. I

think he was in the employ of the Government several years ago to investigate these cases where licenses had been issued, and discovered many cases where they had been obtained fraudulently. It was at his suggestion that that provision was put in the bill to prevent fraud.

Mr. MANN. Yes; but here is a man who has obtained a license. They can make him produce his certificate of naturalization when he obtains his license. Then he goes over on the other side of the world, and while there he makes application for a renewal. By this bill you require him to transmit by mail a certificate, which, if lost, can not be replaced, and which is very easily lost in that way. The presumption certainly is that he has his naturalization papers if he has run the gantlet once.

Mr. ALEXANDER. I do not know how it has happened, but there are many cases where licenses have been issued fraudulently.

Mr. MANN. There may be a few such cases.

Mr. ALEXANDER. He said there were a great many.

Mr. MANN. There can not be a great number, and they will soon run out, but here is something that would be a permanent nuisance. I take it that a large share of these officers are naturalized citizens.

Mr. ALEXANDER. They must be before they can legally receive licenses.

Mr. MANN. I mean that they are actually naturalized citizens. Now, you propose to require them to transmit papers which are valuable to them, which are liable to get lost when they get in the department here, by the way, when they have already gone through once. It is like making a man produce his naturalization papers every time he votes. They may do that once in a while, but it is certainly a nuisance, and is not countenanced in many places, although some people who were not citizens have voted.

Mr. ALEXANDER. Of course it is quite a concession to officers abroad to permit them to have their licenses renewed without coming back to the board by which the licenses were originally issued, and is intended to avoid inconvenience to them.

Mr. MANN. It looks like a reasonable concession; and if we are going to make a reasonable concession, why not make a sensible one. It looks to me as though it was a horrible requirement to make a man send in his naturalization certificate when he gets a renewal of his license. To require him to produce it the first time is all right.

Mr. ALEXANDER. If he should lose the original, he could get a certified copy of it.

Mr. MANN. I believe it is not an easy thing to get.

Mr. ALEXANDER. Inasmuch as the masters and pilots suggested the provision, and in view of the fact that so many fraudulent licenses have been issued, the committee did not feel like striking it out.

Mr. MANN. You are going to put a great burden on innocent men because some men have committed a fraud—to require a man when he goes abroad to carry his naturalization certificate with him, whereas what he ought to do with it is to put it in a safety-deposit vault.

Mr. BRYAN. Mr. Speaker, gentlemen will notice that an oath of citizenship is required to accompany the original naturalization papers. When this came before the committee I asked the man who appeared before the committee some questions, and he suggested that this was the original law which had been followed in the past and no particular complaints had been made about it. At that time it seemed to me that it was an unreasonable requirement to make a man send his naturalization papers along with his certificate. I think the idea or suggestion of the gentleman from Illinois that there is no necessity for it is correct, and that we ought to cut the requirement out and let him send in a sworn affidavit of when he was naturalized, and that ought to be sufficient. A man who says that he is a natural-born citizen does not have to send any proof along.

Mr. ALEXANDER. As I have said, this was the suggestion by the masters, mates, and pilots themselves; and in view of the fact that there are many licenses outstanding now that they have reason to believe are fraudulently issued, and as under the law no one is entitled to a license unless he is either a natural-born citizen of the United States, or a naturalized citizen, the committee did not feel like striking it out.

Mr. MANN. Why not require him to produce the certificate of his birth? The license officers can not tell whether he is a naturalized citizen or citizen by natural birth. There is just as much reason for producing a certificate of birth as there is for producing a naturalization certificate.

Mr. HARDY. There would be a difference in the two cases, would there not, for 90 per cent of the people do not have a certificate of birth?

Mr. MANN. Most everybody can get a certificate of birth.

Mr. HARDY. I could not.

Mr. MANN. I will certify that the gentleman has been born. Mr. Speaker, I move to strike out, in lines 6 and 7, the language "with his certificate of citizenship if naturalized."

The SPEAKER. The Chair will suggest that this bill is on the Union Calendar.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, I move to strike out, on page 2, in lines 6 and 7, the language "with his certificate of citizenship if naturalized."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, lines 6 and 7, strike out the words "with his certificate of citizenship if naturalized."

The SPEAKER. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were 18 ayes and 25 noes.

So the amendment was lost.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FIRE-ALARM SYSTEM, GOVERNMENT HOSPITAL FOR THE INSANE.

The next business on the Calendar for Unanimous Consent was House joint resolution 205, to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane, and to determine such other questions, as are provided for in the resolution.

The Clerk read the joint resolution.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. The gentleman from Florida asks unanimous consent to pass this resolution over without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1698) to amend an act entitled "An act to provide for an enlarged homestead."

The Clerk read the bill, as follows:

Be it enacted, etc., That where any person qualified to make entry under the provisions of the act of June 17, 1910, shall make application to enter under the provisions of sections 1 to 6 of said act, any unappropriated public land in the State of Idaho, which has not been designated as subject to entry under said act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant, showing prima facie that the land applied for is of the character contemplated by the act of June 17, 1910), such application, together with the regular fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until examination of said land shall have been made by the United States Geological Survey; that during such suspension the land described in said application shall be segregated by the said register and receiver and not subject to entry until the case is disposed of; and if it shall be determined upon such examination that such land is of the character contemplated by the act of June 17, 1910, then such application shall be allowed; otherwise it shall be rejected subject to appeal: *Provided*, That the provisions of this act shall apply to the application of a qualified entryman to make additional entry of unappropriated land adjoining his unperfected homestead entry, the area of which, together with his original entry, shall not exceed 320 acres: *Provided further*, That immediately after filing such application with the register and receiver the applicant, or his attorney or agent, shall notify the United States Geological Survey of the filing of such application and inclose therewith a true copy of the corroborated affidavit filed in support of such application, which notice and affidavit shall form the basis for examination of the land by the Geological Survey.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following:

"That where any person qualified to make entry under the provisions of the act of February 19, 1909, and acts amendatory thereof and supplemental thereto, shall make application to enter under the provisions of said acts any unappropriated public land in any State affected thereby which has not been designated as subject to entry under the act (provided said application is accompanied and supported by properly corroborated affidavit of the applicant in duplicate, showing prima facie that the land applied for is of the character contemplated by said acts), such application, together with the register fees and commissions, shall be received by the register and receiver of the land district in which said land is located, and suspended until it shall

CONFEREE ON PENSION BILLS.

The SPEAKER. The Chair announces the appointment of Mr. LANGLEY as conferee on the five bills reported from the Committee on Invalid Pensions in lieu of Mr. LANGHAM.

MARRIAGE OF HOMESTEAD ENTRYWOMAN WITH AN ALIEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11745) to provide for certificate of title of homestead entry by a female American citizen who has intermarried with an alien.

The Clerk read the bill, as follows:

Be it enacted, etc., That any female citizen of the United States who has filed, or shall hereafter file, a homestead entry upon public lands, and who thereafter has complied with all the conditions as to the acquisition of title to such entry prescribed by the public-land laws of the United States, shall, notwithstanding her intermarriage with an alien, be entitled to a certificate or patent to such entry equally as though she had remained unmarried or had married an American citizen.

The committee amendments were read, as follows:

First. On page 1, lines 3 and 4, strike out the following words: "filed, or shall hereafter file, a homestead entry upon public lands" and substitute in lieu thereof "initiated a claim to a tract of public land under any of the laws applicable thereto."

Second. On page 1, line 6, strike out the word "entry" and substitute therefor the word "land."

The SPEAKER. Is there objection?

Mr. KINKAID of Nebraska. Mr. Speaker——

Mr. FOSTER. Mr. Speaker, reserving the right to object——

Mr. KINKAID of Nebraska. The bill is on the Union Calendar, and I ask unanimous consent——

The SPEAKER. We have not got to that yet. The question is whether the House wants to consider this bill at the present time. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from Nebraska what this bill proposes.

Mr. KINKAID of Nebraska. Mr. Speaker, I am pleased to explain to the gentleman from Illinois [Mr. FOSTER] that the purpose of the bill is to relieve homesteaders from the drastic, disastrous effects of section 3 of the act of 1907, known as the expatriation act, which reads:

That any American woman who marries a foreigner shall take the nationality of her husband.

Now, I apprehend the purpose of this act and of this particular section should apply to American heiresses who would marry foreigners with titles; in other words, who would swap their wealth for the foreigner's title and move with the foreigner to his country, to his European home, and thus the wealth would be removed from the United States. It was not intended to apply to females possessed of moderate means, or no means, yet with independence, ambition, and courage enough to go through the ordeal of living up to the requirements of the homestead laws for five years, the minimum time required when the expatriation act was passed in 1907. Now, the effect of this section which I have just read, as applied by the Department of the Interior, is to make a female, an American citizen born in this country, who has taken a homestead and married a foreigner before she makes her final proof, forfeit her homestead because she has married a foreigner, notwithstanding the foreigner joins her and lives with her upon the claim and becomes a permanent citizen of the United States.

Mr. FOSTER. This bill is for the purpose of permitting those women who have taken up a homestead to marry some foreigner before the final proof is made on the homestead; is that true?

Mr. KINKAID of Nebraska. If the gentleman chooses to put it in that form; but I would express it in a form more just to the courageous female homesteaders.

Mr. FOSTER. In other words, she does not wait long enough before getting married to prove up on this homestead?

Mr. KINKAID of Nebraska. They ought not be required to wait.

Mr. MANN. This bill shortens the engagements.

Mr. FOSTER. I knew the gentleman from Nebraska may have some good reasons for it——

Mr. KAINKAID of Nebraska. There are many excellent reasons for it.

Mr. FOSTER. But can the gentleman tell about how many cases have occurrred in the past?

Mr. KINKAID of Nebraska. The Secretary of the Interior here says:

Hardships have occurred in many cases, due to this state of the law, while there is no apparent reason why the entrywomen should not be allowed to perfect their claims and receive patents, notwithstanding their marriage with the alien, especially as they generally continue to reside in the United States.

We know all of them continue to reside in the United States except the heiresses, and they go abroad and take their husbands with them; and this latter is the evil the expatriation act was intended to remedy.

Mr. MANN. They do not get homestead entries.

Mr. FOSTER. That does not indicate how many cases there are.

Mr. KINKAID of Nebraska. We asked for that. The gentleman from California [Mr. RAKER], as a member of the Public Lands Committee who was painstaking in the consideration of the bill as chairman of the subcommittee, wrote the Secretary, who had previously indorsed it, to know how many cases there were, and the Secretary replied—I have a copy of his letter here, but I will not take time to read it—in effect that they had not attempted to ascertain the number of cases, but there were a goodly number of cases.

Mr. MANN. If the gentleman will pardon me, I think that the Secretary did not say that he did not have time but that he did not have the data. That is what his letter says.

Mr. KINKAID of Nebraska. That is the substance and effect.

Mr. FOSTER. That is the substance of the report.

Mr. KINKAID of Nebraska. At any rate, the committee used diligence to ascertain the number. He says that there are a great many cases and a great many hardships occasioned by the law.

Mr. MANN. I would like to suggest to my colleague from Illinois [Mr. FOSTER] if there are not very many cases it is not very important. If there are very many, it is evidence of the need of such legislation.

Mr. FOSTER. Well, it might be just as important to a few.

Mr. MANN. I take it that if some enterprising girl makes an entry on the public domain with a view of getting a home, and then meets some man who has newly come over from abroad and falls in love with him, and wants to marry him and settle down on a homestead, we really ought to encourage that. That is the best way of making the incomer a good citizen.

Mr. FOSTER. Well, I expect the gentleman from Illinois is right. I had about come to that conclusion myself. I want to say to the gentleman from Nebraska that I will offer no objection to the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments one at a time.

The Clerk read as follows:

Page 1, lines 3 and 4, strike out the following words, "filed, or shall hereafter file, a homestead entry upon public lands," and substitute in lieu thereof "initiated a claim to a tract of public land under any of the laws applicable thereto."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

Page 1, line 7, strike out the word "entry" and substitute therefor the word "land."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LICENSED OFFICERS IN MERCHANT MARINE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16892) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea:

The bill was read as follows:

Be it enacted, etc., That sections 4448 and 4449 of the Revised Statutes of the United States be, and are hereby, amended to read as follows:

"SEC. 4448. That all officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

"No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Steamboat-Inspection Service. Any inspector or supervising inspector violating this provision shall be subject to dismissal from the service.

"SEC. 4449. That if any licensed officer shall, to the hindrance of commerce, wrongfully or unreasonably refuse to perform his official duties after having signed articles or while employed on any vessel as authorized by the terms of his certificate of license, or if any pilot or engineer shall refuse to admit into the pilot house or engine room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the production, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license."

SEC. 2. That all laws or parts of laws in conflict with this act are hereby repealed.

Also the following committee amendment was read:

Page 1, line 9, after the word "which," insert the word "such."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, I notice that the report in this case gives no information. I see that the distinguished gentleman from Texas [Mr. HARDY], who made the report, is here and doubtless he has the information in his head which he did not incorporate in the report.

Mr. HARDY. The report is subject to that criticism.

Mr. MANN. I think so, or I would not have made it.

Mr. HARDY. And I will explain the purpose of the legislation if it is desired. The first section of the bill is the present law down to the end of the sixth line on page 2.

Mr. MANN. Down to the middle of the fourth line on page 2.

Mr. HARDY. Down to the seventh line on page 2.

Mr. MANN. There are some changes in the first paragraph.

Mr. HARDY. The first paragraph provides that the license may be suspended or revoked. The present law provides only that it may be revoked.

Mr. MANN. And also has the word "equipments" inserted before the word "boilers." But that is neither here nor there. What is the purpose of the legislation?

Mr. HARDY. Briefly, the purpose of the legislation is this: The law now requires certain officers licensed under the provision of this title to assist inspectors in examination of the vessels to which such licensed officers belong and to make report of any defect to the inspector, and so forth.

Mr. MANN. That is, the licensed officer belonging to the vessel is required to give this assistance and make this report under the existing law?

Mr. HARDY. Under the existing law.

Mr. MANN. Or under the existing regulation?

Mr. HARDY. It is under the existing statute. He is required to make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and defects, and so forth, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked. That is the present law. We were requested, and there seems to be very little, if any, objection to adding to that the provision that when the officer obeys his obligation and makes this report the report he makes shall not be imparted by the inspector to anybody except to his superior officer. In other words, an officer making a report of an accident or defect did not want to be discharged, possibly, for having made that report by the owner of the vessel.

Mr. MANN. That may be true; but suppose an officer reports a defect and there is a controversy as to whether the defect exists? What is the reason why the inspector may not ask the captain about it and tell him who says that there is a defect? This forbids any information given to anyone else in reference to a claimed defect.

Mr. HARDY. I take it that this provision would not at all forbid the disclosure of the complainant or party who gave the information in judicial proceedings or anything of that kind.

Mr. MANN. Well, I do not know. I am not speaking of judicial procedure. The inspector claims there is a defect, and the captain claims there is not——

Mr. HARDY. The fact is that when a complaint is made to the inspector the inspector goes and inspects the vessel.

Mr. MANN. I understand——

Mr. HARDY. But it sometimes happens that if the party gives the information and it is reported to the owner of the vessel, that the man giving information as to the defect is discharged.

Mr. MANN. I can see that that might happen; but, on the other hand, I can see it may be very onerous the other way. There is a mate on a vessel who goes around with a Government inspector inspecting the vessel, and comes back, and there is a question of whether a defect exists or not. There may be a controversy as to that between the inspector and the captain—without quarreling, but getting at the facts. The inspector can not even say that he discussed the matter with the mate. If the mate has given him any information——

Mr. HARDY. I do not think that was the intention of the measure. It was intended that when the obligation rested upon the ship's officer, he went to the inspector to report defects in the vessel, carrying out his duty in that regard under the law, in order to protect the safety of that vessel, and that that should not be carried then to the owner of the vessel and reported to him as the report from this officer, possibly to the detriment of that officer.

To be plain about it, that was the very question that arose in some particular cause brought to our attention. The owner was anxious to find out who had reported certain defects to the inspection officers. There was no question about the report of the defects being true, but he wanted to know who had reported them. The motive of the owner was, or at least that seemed probable, that he might cause the party making the report to be dismissed. So that we consulted the Bureau of Navigation on this matter as to what they thought of the advisability of the passage of this bill, and the bill has the approval of the department. In addition to that, we consulted shipowners, and they practically conceded that it was right and in the interest of safety.

Mr. MANN. I suppose the mate might send word to the inspector that an accident has happened in some place. The captain says it has not happened. You can not tell the captain that the mate has reported that the accident has happened. What then?

Mr. HARDY. I do not know exactly, except that the inspector would inspect the vessel to determine its condition.

Mr. MANN. It is a good deal like boys in school. Sneaks are never popular, although sometimes they are serviceable. But, as a rule, if one boy were accused of doing something by another one, the other one could not hide under cover and make those charges without coming out into the open.

Mr. HARDY. In this case it is different. These officers are required by law to make their report or forfeit their licenses.

Mr. MANN. I understand.

Mr. HARDY. If you had a boy in school who was required——

Mr. MANN. All boys in school are required by the teacher to report anything wrong that the other boys do.

Mr. HARDY. I was not so required, I will say to the gentleman.

Mr. MANN. I have no doubt the gentleman did not do it, and I have no doubt the teacher often told him he should.

Mr. HARDY. At any rate, the department thinks it is very desirable that these persons required by law to make certain reports should be relieved as far as possible from any evil consequences to themselves.

Mr. J. I. NOLAN. Is it not a fact that licensed officers often have been discriminated against for making reports according to regulations, and not only lost their positions with their employers but were discriminated against by other steamship companies?

Mr. HARDY. I think that is true, and I have no doubt the purpose is to relieve them from that situation, to make it as safe as possible to the officer who does his duty.

Mr. MANN. There is discrimination practiced throughout the world. I do not see how you can follow up the report of the accident or anything of that kind unless you can show who made the report or the statement, if it is controverted.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. ALEXANDER. I think the answer to that statement is this: It is the duty of the inspector to inspect the vessel when she comes into port. The duty also is laid upon the officers of the vessel under section 4448, to—

assist the inspectors in their examination of any vessels to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.

Now, the testimony before the committee was to the effect that officers were reluctant to impart this information, for the reason that if they did it would lead to their dismissal; and, hence, in the interest of better inspection, of safety to the vessels and their equipment, this protection is thrown around the officer; that if he discloses to the inspector the fact that the lifeboats are defective or that any other part of the equipment is defective, or that the vessel or her machinery has received some injury by collision, he shall be protected. The inspector can then go aboard and verify the statement. Now, when he does that, the whole question is open. There is no need for further protection to the officer.

purpose of the bill is to relieve homesteaders from the drastic, disastrous effects of section 3 of the act of 1907, known as the expatriation act, which reads:

> That any American woman who marries a foreigner shall take the nationality of her husband.

Now, I apprehend the purpose of this act and of this particular section should apply to American heiresses who would marry foreigners with titles; in other words, who would swap their wealth for the foreigner's title and move with the foreigner to his country, to his European home, and thus the wealth would be removed from the United States. It was not intended to apply to females possessed of moderate means, or no means, yet with independence, ambition, and courage enough to go through the ordeal of living up to the requirements of the homestead laws for five years, the minimum time required when the expatriation act was passed in 1907. Now, the effect of this section which I have just read, as applied by the Department of the Interior, is to make a female, an American citizen born in this country, who has taken a homestead and married a foreigner before she makes her final proof, forfeit her homestead because she has married a foreigner, notwithstanding the foreigner joins her and lives with her upon the claim and becomes a permanent citizen of the United States.

Mr. FOSTER. This bill is for the purpose of permitting those women who have taken up a homestead to marry some foreigner before the final proof is made on the homestead; is that true?

Mr. KINKAID of Nebraska. If the gentleman chooses to put it in that form; but I would express it in a form more just to the courageous female homesteaders.

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Mr. KINKAID of Nebraska. They ought not be required to wait.

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Mr. KAINKAID of Nebraska. There are many excellent reasons for it.

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> Hardships have occurred in many cases, due to this state of the law, while there is no apparent reason why the entrywomen should not be allowed to perfect their claims and receive patents, notwithstanding their marriage with the alien, especially as they generally continue to reside in the United States.

We know all of them continue to reside in the United States except the heiresses, and they go abroad and take their hus-

say to the gentleman from Nebraska that I will offer no objection to the bill.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments one at a time.

The Clerk read as follows:

> Page 1, lines 3 and 4, strike out the following words, "filed, or shall hereafter file, a homestead entry upon public lands," and substitute in lieu thereof "initiated a claim to a tract of public land under any of the laws applicable thereto."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk reported the next amendment, as follows:

> Page 1, line 7, strike out the word "entry" and substitute therefor the word "land."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

LICENSED OFFICERS IN MERCHANT MARINE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16392) to better regulate the serving of licensed officers in the merchant marine of the United States and to promote safety at sea:

The bill was read as follows:

> *Be it enacted, etc.*, That sections 4448 and 4449 of the Revised Statutes of the United States be, and are hereby, amended to read as follows:
>
> "SEC. 4448. That all officers licensed under the provisions of this title shall assist the inspectors in their examination of any vessels to which such licensed officers belong and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and shall also make known to the inspectors at the earliest opportunity all accidents or occurrences producing serious injury to the vessel, her equipments, boilers, or machinery, and in default thereof the license of any such officer so neglecting or refusing shall be suspended or revoked.
>
> "No inspector or supervising inspector receiving information from a licensed officer who is employed on any vessel as to defects in such vessel, or her equipments, boilers, or machinery, or that any provision of this title is being violated, shall impart the name of such licensed officer, or the source of his information, to any person other than his superiors in the Steamboat-Inspection Service. Any inspector or super-

SPAIN.

The Cruz Laureada de San Fernando, similar to the Victoria Cross of England and the Iron Cross of Germany, is granted to officers and privates of the Spanish Army and Navy for exceptional bravery in action. When granted to a private it carries 75 pesetas—peseta equals 18 cents—per month for life. Thus the special pension with this decoration for a private is $13.50 per month. If granted to an officer, the pension carried varies with the rank of the officer. The Cross of St. Ferdinand is given to reward heroic acts in the campaign and on the field of battle. There exist five classes for rewarding distinguished heroic acts in the campaign and on the field of battle for soldiers, officers from ensign up, chief officers, and generals, and to all is assigned a life pension in addition. They also give the right to special honors and promotions. The Cross of Maria Christiana is given to reward distinguished acts in a campaign, and he who receives it receives the full pay of the position immediately above that in which he serves; that is to say, if he is a lieutenant, that of captain; if captain, that of major, and so forth. See letter of Spanish ambassador, dated at Washington, D. C., December 4, 1913.

AUSTRIA.

The military medal of honor, also called medal of valor or merit, was founded by Emperor Joseph II as a reward for subofficers and privates, and is divided into gold and silver medals, according to the respective degrees of merit and distinction. To the first is attached an increase of pay of 50 per cent. The medals may be worn even after the owners have quitted the military service, in which case the holders of the golden medal enjoy the additional amount of one-half pay connected with it.

ITALY.

A decoration, a gold and silver medal, was instituted March 20, 1833. A special pension is attached of 100 lire for the gold and 50 lire for the silver. Medals for 1,000 men who landed at Marsala with Garibaldi were given, in 1865, by the law of January 22, a life pension of £1,000 to wearers of this decoration, and this pension by law of January 26, 1870, was extended to others.

PRUSSIA.

Russia has several military orders and decorations with pensions. In the Order of St. George the silver cross for subofficers and men is accompanied by an additional pay of one-third. In the Imperial Order of St. George of Russia the senior knights of the four classes enjoy considerable pensions—those of the first class, 700; those of the second, 400; of the third, 200; and of the fourth, 100 rubles yearly. A ruble is valued at 77 cents. (Page 230, vol. 2, Historical Account of Orders of Knighthood—Sir Scott Hanson.)

DENMARK.

The medal is divided into two classes, each of which enjoys a pension for life of 30 and 15 thalers (90s. and 45s., English currency). (Page 80, Burke.)

GRAND DUCHY OF OLDENBURG.

There are two Knights of the Grand Cross, with annual pensions of 500 gold thalers (£75); two grand commanders, with annual pensions of 400 gold thalers (£60); four commanders, with annual pensions of 300 gold thalers (£45); eight Knights of the Small Cross, with annual pensions of 200 thalers (£40). (Page 168, Burke.)

I am not going into the Orient to find more examples to fortify my contention. We did not borrow our civilization or our laws or our religion from the Orient. Upton says China is the only country in either Europe or Asia in which the profession of arms is not honored. In China special acts of bravery are rewarded by permission to wear the yellow jacket.

THE COST.

A careful examination of the official lists of medals of honor, issued by W. H. Taft, then Secretary of War, shows that from the time the medal of honor was instituted up to September 1, 1904, there had been issued, all told, to Regulars and Volunteers of the Army—

Medals of honor totaling	2,570
Add all Army medals of honor in supplemental list Sept. 1, 1904, to Dec. 31, 1906	21
Add all Army medals of honor in supplemental list of Jan. 1, 1907, to Dec 31, 1909, last possible list	10
Total of all Army medals of honor issued to date of last report	2,601
Add all Navy medals of honor for service in battle (p. 86, Report of Navy Department, record of medals of honor, 1862 to May, 1910)	487
Grand total of all medals of honor, Army and Navy, to date of last report	3,088

On page 64 of the Report of the Board of Officers it is shown that 864 medals of honor were awarded to officers and men of the Twenty-seventh Maine Infantry under circumstances which will clearly exclude them from being entered upon the honor roll. Also, 29 medals of honor were bestowed as a reward for escorting the remains of Abraham Lincoln from Washington to Springfield, Ill.

The total number of surviving soldiers who would be available for medals of honor and pensions under this bill is only 95. Hence, if every medal winner should live to the end of the first year, the total cost of the bill would be $11,400.

CARNEGIE HERO FUND.

March 12, 1904, Andrew Carnegie, living in peace and prosperity, and having accumulated vast wealth, set aside $5,000,000 of first collateral 5 per cent bonds of the United States Steel Corporation to establish a fund to reward those who in civil life should perform deeds more or less akin to those who proudly wear the United States medal of honor. To Mark Casto, for rescuing some passengers who were stranded during a fierce gale, a gold medal and $6,500 in cash was given by the Carnegie Commission. To Edgar Littlefield (p. 35), for the rescue of eight passengers, was awarded a gold medal and $6,000 in cash. To the widow of Albert C. Zeiner, on account of his heroism, was given a silver medal and $800 in cash to pay debts with and $45 a month during her life, or until she remarries. To Rodney A. Perry, aged 13, a schoolboy, for saving another boy from drowning, was awarded a bronze medal and $2,000 in cash. To Nathaniel Duncan, colored, aged 41, for rescuing a well digger from a cave-in in a well, was given a gold medal and $2,000 in cash toward the purchase of a farm. To Miss Lena B. Hunsaker, aged 17, a schoolgirl, for attempting to save two other schoolgirls from drowning, although unsuccessful, was given a bronze medal and $2,000 in cash. These awards are a few taken at random from a record of similar acts. The Carnegie Hero Fund Commission report shows that up to January 31, 1913, the commission had awarded to heroes and their dependents—

Including pension payments	$671,041.90
To fund for relief of sufferers from disasters	174,462.06
For special purposes	200,000.00
Total	1,045,503.96

Mr. Carnegie's admiration of heroes and their heroic deeds has been so great that since the creation of the Carnegie Hero Fund of America he has established similar funds from his personal resources in Great Britain and Ireland, France, Germany, Belgium, Netherlands, Sweden, Switzerland, Italy, Norway, and Denmark.

Please compare these special pensions and awards which Mr. Carnegie has given to the doers of heroic deeds with the special pensions that the United States has not given to her heroes who wear her medals of honor for the most illustrious deeds in all history.

The SPEAKER. The time of the gentleman from Ohio has expired.

Mr. LANGLEY. Mr. Speaker, I ask unanimous consent that the time of the gentleman be extended 5 minutes. I am much interested in this bill and the gentleman's able presentation of it.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHERWOOD. Patriotism is the noblest emotion of the human heart. It is that deep devotion to country that is willing to sacrifice everything, even the only life on earth, for the vindication of national honor or the safety of humane government. Heroism is the best beloved child of patriotism. And it is vital to the perpetuity of a Government by the people to maintain the highest standard of patriotic sentiment among the people. If the hereditary monarchs of the Old World, whose rule is upheld by professional soldiers trained to kill for hire, maintain an extravagant medal-of-honor class, how much more vital is it to this Republic, where all power and control is lodged in the people?

Let us place on the statute books of the Nation a permanent recognition of the heroic soldiers of the Republic, not only as an act of justice to the men of valorous deeds in the past, but as an inspiring incentive to the stalwart young men of future wars. Let us teach our young men, both by example and law, to be patriotic and unafraid. Never shall it be said of us as Thackeray said of Louis XIV of France:

To fight and to run was our fate;
Our fortune and fame had departed;
And we perished Louis the Great:
Old, lonely, and half broken hearted.
His coffin they pelted with mud,
His body they tried to lay hands on;
And so having buried King Louis,
They loyally served his grandson.

[Applause.]

I present herewith also a table which has been prepared showing the conditions of the presentation of medals of honor in every civilized country on the globe. The table is self-

explanatory. It will be seen that it represents the pensions paid first by France, being the largest of any country in the world, next by England, next by Germany, next by Russia, next by Spain, and then in China, where they get only the yellow shirt, and next Mexico, and down to the United States, which is represented by a cipher. Then there are the requirements for the medal of honor, commencing with the most strict ones in this country and running down to China, which is the least. This bill will cost only about $10,000 in order to accomplish its purpose.

Requirements for medals of honor of leading nations of Europe.

To gain the Congressional Medal of Honor the Congress of the United States requires that her hero must have—

"In action, in actual conflict with an enemy, distinguished himself, conspicuously, by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty." (See Acts of Congress and rulings thereunder by Secretary of War and board of officers.)

The Confederate States placed on her roll of honor "such officers as shall be conspicuous for courage and good conduct on the field of battle, and one private or noncommissioned officer of each company after every signal victory it shall have assisted to achieve." (Act of Confederate Congress, October 13, 1862.)

FRANCE.

The Legion of Honor: "In times of war distinguished acts shall furnish a title for all the grades." (Title, section 5, Constitution and Document of France.)

ENGLAND.

The Victoria Cross: "To be awarded to those officers or men who have served us in the presence of the enemy and shall have then performed some signal act of valor or devotion to their country." (Section 5, Royal Warrant of Queen Victoria, January 29, 1856.)

GERMANY.

The Iron Cross: "To distinguish the merit which shall in the war be displayed either in actual fight with the enemy or also in the field or at home." (Decree of Frederick William, March 16, 1813.)

RUSSIA.

Awards the St. George medal for acts of heroism. (Naval Attaché, United States Embassy, February 18, 1914.)

SPAIN.

The Cruz Laureada de San Fernando "is granted officers and privates for exceptional bravery in action." (Letter of American Consul in Spain, December 8, 1913.)

CHINA.

China is the only country (in Europe and Asia) in which the profession of arms is not honored. (Upton, p. 21.)

MEXICO.

Mexico has no military decoration corresponding with the Congressional Medal of Honor of the United States. (Mulholland.)

The Congress of the United States requires a far higher degree of valor to gain the Congressional Medal of Honor than is required of any other nation.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I had thought that probably this bill was one that ought to be considered at a time when it would be open to discussion and amendment, and after the very learned discussion by the gentleman from Ohio, I would like to have the opportunity to read what he has said. I suggest to him that he ask unanimous consent that the bill be passed over without prejudice.

Mr. SHERWOOD. Of course the gentleman has the power to compel me to do that.

Mr. MANN. Well, I was not able to get near all the gentleman said.

Mr. SHERWOOD. Well, if there are any questions the gentleman desires to ask me I will be very glad to answer them.

Mr. MANN. I am perfectly willing to take the chances on reading what the gentleman said.

Mr. SHERWOOD. Well, the gentleman has the power; if he is going to object, he will have to do that.

Mr. MANN. Well, when the gentleman forces me to the point of saying whether I will or whether I will not, that is the question. The gentleman can do as he pleases about having the bill passed over.

Gen. Logan at the Battle of Atlanta, on the 22d of July, 1864, after the left of our army was demoralized, after McPherson was killed, when he rallied the staggering battalions and saved the left of Sherman's army, would have been entitled to a medal of honor under this bill. So would Gen. Pat Cleburn in the terrible struggle at Franklin, Tenn., November 30, 1864, when with drawn sword he led that charging line of gleaming bayonets. I thank the House for the consideration it has given me, and I hope the bill will pass. [Applause.]

Rewards offered by leading nations of Europe.

FRANCE.

National lands providing 200,000 francs of income shall be appropriated for each cohort. (Title 1, section 3, Constitution and Documents of France.) Among other pecuniary provisions for the Legion of Honor the lands and property of King Louis Philippe were set over as an endowment for the order. "There shall be appropriated for each grand officer 5,000 francs; for each commander, 2,500 francs; for every officer a thousand francs; for each legionary, 250 francs. (Title 1, section 7, Hospitals and Dwellings established in each cohort; title 1, section 9, Constitution and Documents.) Schools and colleges were established for their children. No ignoble punishment can be inflicted on a member of the order (Burke, p. 95). November 3, 1848, the pensions then paid were 5,975,000 francs. (Burke, p. 94.)

ENGLAND.

Each person who has received the Victoria Cross shall, from the date of the act by which the decoration was gained, be entitled to a special pension of £10 a year, and each bar additional shall carry with it an additional pension of £5 per annum. (Royal Warrant of Queen Victoria, section 14, January 29, 1856.) The annuity increased to £50 a year if the holder of the cross is aged or infirm. (Royal Decree, February 2, 1859.)

GERMANY.

Recipients of Militar Ehrenzeichen and Militar Verdienst-Kreuz receive under different conditions (values in United States money), 71 cents, $1.43, and $2.14 monthly, in addition to other pensions. (Letter of Consul General, December 16, 1893.)

RUSSIA.

In the Imperial Order of St. George, the fourth knights enjoy considerable pensions; those of the first class, 700; those of the second, 400; of the third, 200; and of the fourth, 100 rubles yearly. (Volume 2, Sir Scott Hanson.)

SPAIN.

The special pension for Cruz Laureada de San Fernando is (values in United States money) $13.50 per month to a private. To an officer the pension varies with the rank. (Letter of Spanish Ambassador, Washington, D. C., December 4, 1913.)

CHINA.

In China special acts of bravery are rewarded by permission to wear yellow jacket. (Upton, p. 21.)

MEXICO.

MEXICO CITY, January 1, 1911.

A dog named Tego, a pet of one of the federal regiments, captured a burro laden with 3,000 cartridges, in a fight at Las Bocas. The dog was promoted to the rank of sergeant major. (Special telegram to Washington (D. C.) Post.)

United States Congress gives its heroes nothing.

Mr. SHERWOOD. All right.

The SPEAKER. The gentleman from Ohio [Mr. SHERWOOD] asks unanimous consent that the bill be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERWOOD. Mr. Speaker, I desire to ask permission to print the map in connection with my speech. It is full of very valuable statistics.

The SPEAKER. The gentleman from Ohio asks unanimous consent to print the map which he used a while ago.

Mr. MANN. Mr. Speaker, reserving the right to object, let me suggest to the gentleman from Ohio that he make application to the Joint Committee on Printing. The House and the Senate refuse to do that; that is a matter within the control of the Joint Committee on Printing.

Mr. SHERWOOD. All right.

Mr. MANN. I believe the gentleman got permission to extend his remarks in the RECORD.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I object to the bill.

The SPEAKER. The gentleman from Oklahoma objects to the bill.

Mr. HAMILTON of Michigan. Will not the gentleman reserve his objection for a moment?

Mr. MURRAY of Oklahoma. I regret very much to have to object; but if there is any sense in making the limitation for six weeks, there is for six months. Sometimes the stock grower is obliged to ship stock when it is in good condition and when they could not comply with these regulations. As a man experienced in the stock business, I object.

Mr. HAMILTON of Michigan. I ask the gentleman to hear me a moment. The very objection that the gentleman refers to was made by a committee representing the stockmen of the Southwest, who appeared before the Committee on Interstate and Foreign Commerce, and an amendment——

Mr. MURRAY of Oklahoma. I am not talking for the stockmen. I am talking about the farmer.

Mr. HAMILTON of Michigan. The farmers of the Southwest——

Mr. MURRAY of Oklahoma. Mr. Speaker, I will withdraw the objection, and vote against the bill.

The SPEAKER. Is there objection?

Mr. GARNER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Michigan [Mr. HAMILTON] to let this bill go over until I can look into it. I did not know that this bill was on the calendar.

Mr. HAMILTON of Michigan. Certainly, if my friend from Texas feels that the bill ought to go over until he can have an opportunity for further consideration, I would feel in duty bound to ask that.

Mr. GARNER. I will say to the gentleman that two years ago the representative of the Cattle Raisers' Association of Texas and the National Cattle Raisers' Association did appear before his committee to oppose a bill of this nature. I am informed that that same gentleman, Mr. Cowan, has not had an opportunity or, at least, has not taken the opportunity to be heard on this bill.

Mr. HAMILTON of Michigan. He has withdrawn his objection.

Mr. GARNER. I do not know just exactly what the position of the cattlemen on this bill is.

Mr. HAMILTON of Michigan. He has withdrawn his objection. After he appeared before the committee, I personally conferred with the Bureau of Animal Industry and asked the Committee on Interstate and Foreign Commerce to insert an amendment in the bill which provided for the very matter in relation to which Mr. Cowan appeared before the committee, so that his objection is completely met in the bill as it is now presented, and he makes no objection to it in its present form.

Mr. GARNER. Has the gentleman any statement to that effect from him—that he does not object to it in its present form?

Mr. HAMILTON of Michigan. I have no statement in writing; but on the occasion when he appeared before the committee—and the chairman of the Committee on Interstate and Foreign Commerce is here, though I do not know whether he recalls the circumstances or not—he stated that at times there were peculiar conditions existing in the Southwest; that at certain times of drought it was necessary, perhaps, to slaughter cows before their calves were six weeks old, so we inserted in the bill a provision that calves might be shipped in interstate commerce under certain conditions under rules and regulations provided by the Agricultural Department in cases of emergency.

Mr. GARNER. We can refer back to this a little later on.

Mr. HAMILTON of Michigan. The only difficulty about that is that I have tried for some time to get this bill up. It is designed to reach not conditions in the Southwest, but abuses which exist in other parts of the country; and if the gentleman only appreciated the cruelties that are being perpetrated by shipping calves as young as two days old in interstate commerce, and the barbarisms that are being practiced upon humanity in offering for food the flesh of these calves shipped under those conditions, I am sure he would withdraw any objection that he has to the bill. These calves which have suffered agony for hours in transportation are slaughtered and the meat is sold for food. They are kept in shipment for three and sometimes for six days, and the testimony shows that in every carload many starve to death. The gentleman knows from his experience and observation that a calf taken from its mother at the age of 2 or 3 days has not yet learned to take any other sustenance than the milk of its mother. These calves are taken from the mothers out of warm stables and are put on cars, 50 or a hundred of them at a time, and many of them are dead when they arrive at their destination, and in many instances those calves are slaughtered when they are on the verge of death by starvation, and their carcasses are sold for food to the poor people. It is an outrage, not only from the standpoint of the kind of food that is being offered to humanity, but it is a cruelty in the extreme.

Mr. GARNER. Mr. Speaker, I ask unanimous consent that the bill be temporarily passed over.

The SPEAKER. The gentleman from Texas asks unanimous consent that the bill be passed over temporarily without prejudice. Is there objection?

There was no objection.

ARMY AND NAVY MEDAL-OF-HONOR HONOR ROLL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12179) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor honor roll," and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., There is hereby established in the War Department and Navy Department, respectively, a roll designated as "the Army and Navy medal-of-honor honor roll." Upon written application made to the Secretary of the proper department, and subject to the conditions and requirements hereinafter contained, the name of each surviving person who has served in the military or naval service of the United States in any war, who has attained or shall attain the age of 65 years, and who has been awarded a medal of honor for having in action involving actual conflict with an enemy distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty, and who was honorably discharged from service by muster out, resignation, or otherwise, shall be, by the Secretary of the proper department, entered and recorded on said roll. Applications for entry on said roll shall be made in such form and under such regulations as shall be prescribed by the War Department and Navy Department, respectively, and proper blanks and instructions shall be, by the proper Secretary, furnished, without charge, upon request made by any person claiming the benefits of this act.

SEC. 2. That it shall be the duty of the Secretary of War and of the Secretary of the Navy to carry this act into effect and to decide whether each applicant, under this act, in his department is entitled to the benefit of this act. This act and the evidence in favor of each claimant's claim shall be liberally and favorably construed in favor of the applicant, and in cases of doubt the applicant shall be given the benefit of the doubt. If the official award of the medal of honor to the applicant, or the official notice to him thereof, shall appear to show that the medal of honor was awarded to the applicant for such an act as is required by the provisions of this act, it shall be deemed sufficient to entitle the applicant to such special pension without further investigation. Otherwise all official correspondence, orders, reports, recommendations, requests, and other evidence now on file in any public office or department shall be considered, and it shall be liberally construed and considered in favor of the applicant as aforesaid and without regard to technical requirements; but no evidence not now on file, as aforesaid, shall be admitted or considered. A certificate of service and of the act of heroism, gallantry, bravery, or intrepidity for which the medal of honor was awarded, and of enrollment under this act and of the right of the special pensioner to be entitled to and to receive the special pension herein granted, shall be furnished each person whose name shall be so entered on said roll. The Secretary of War and the Secretary of the Navy shall deliver to the Commissioner of Pensions a certified copy of each of such of said certificates as he may issue, as aforesaid, and the same shall be full and sufficient authority to the Commissioner of Pensions for the payment by him herein provided for.

SEC. 3. That each such surviving person whose name shall have been entered on said roll in accordance with this act shall be entitled to and shall receive and be paid by the Commissioner of Pensions in the Department of the Interior, out of any moneys in the Treasury of the United States not otherwise appropriated, a special pension of $10 per month for life, payable quarterly yearly. The Commissioner of Pensions shall make all necessary rules and regulations for making payment of such special pensions to the beneficiaries thereof.

Such special pension shall begin on the day that such person shall file his application for enrollment on said roll in the office of the Secretary of War or of the Secretary of the Navy after the passage and approval of this act, and shall continue during the life of the beneficiary.

Such special pension shall not deprive any such special pensioner of any other pension or of any branch, right, or privilege to which he is or may hereafter be entitled under any existing or subsequent law, but shall be in addition thereto.

The special pension allowed under this act shall not be subject to any attachment, execution, levy, tax, lien, or detention under any process whatever.

SEC. 4. That in case any person has been awarded two or more medals of honor, he shall not be entitled to and shall not receive more than one such special pension.

Rank in the service shall not be considered in applications filed hereunder.

SEC. 5. That all acts and parts of acts in conflict with any of the provisions of this act are hereby modified so that they shall conform hereto.

SEC. 6. That this act shall take effect immediately.

With the following committee amendment:

Page 2, line 21, after the word "liberally," strike out the words "and favorably."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, does not the gentleman from Ohio [Mr. SHERWOOD] think that this bill ought to be considered in the Committee of the Whole?

Mr. SHERWOOD. Mr. Speaker, if the gentleman will reserve his objection, I will ask to be heard for 12 minutes upon this bill.

Mr. MANN. I reserve the right to object.

Mr. SHERWOOD. Mr. Speaker, I ask unanimous consent that I be granted 12 minutes, so that I may be heard upon this bill.

The SPEAKER. The gentleman from Ohio asks unanimous consent to proceed for 12 minutes. Is there objection?

There was no objection.

Mr. SHERWOOD. Mr. Speaker, it seems like a remarkable statement that the United States is the only civilized country around the world that does not give a substantial recognition to its scanty array of medal of honor heroes. And this statement is still more remarkable when we consider that in our seven years' War for Independence, in our War of 1812, in our War with Mexico, and in the great Civil War it was the volunteer soldier who led the battle lines. There is still another deplorable condition in our scanty recognition of the men of blood and brawn who have done valorous deeds in war's horrid front. In all our wars from the birth of the Republic to this hour the Government of the United States has issued, all told, only 3,088 medals of honor, and given to no single medal winner any financial recognition or aid. This bill, if enacted into law, will be the most exacting in its requirements of any nation or empire around the world. This bill relates exclusively to those who have been awarded medals of honor and who have served in any war, whether in the Civil War, the Samoan disturbance, the Chinese insurrection, the Cuban insurrection, the Indian wars, the Philippine war, or the Spanish-American War.

All medals of honor heretofore awarded have been granted under a joint resolution of Congress approved July 12, 1862, and act of Congress March 3, 1863. A correct understanding of the present situation in relation to the existing medals of honor is necessary in order that the provisions of this bill may be entirely clear. It will be noticed that this bill makes no reference to those who may be hereafter awarded medals of honor. These will be adequately cared for in a bill now pending, prepared and introduced by Mr. HAY, of Virginia, the experienced and able chairman of the Military Committee—H. R. 5338. The provisions of the bill now under consideration are all medals granted and all benefits conferred must be in strict accord with basic laws, with the President's orders, with the rulings and regulations of the Secretaries of War and Navy. All heroic soldiers whose names shall be entered on the roll hereby established shall have performed deeds of valor at least equal to, if not greater than, those performed by wearers of the Iron Cross of Germany, the Cross of the Legion of Honor of France, or the Victoria Cross of England. To this end this bill requires that each person whose name shall be placed on the honor roll must have received a medal of honor for having in action involving actual conflict in battle distinguished himself conspicuously by gallantry or intrepidity, at the risk of his life, above and beyond the call of duty.

The words "in action" were requirements in both the basic laws which instituted the medal of honor. Gen. Schofield, commanding general of the Army, defined that medals of honor should be awarded for distinguished bravery "in action."

The Army Regulations of 1901 provided that medals of honor shall be awarded for most distinguished gallantry "in action." Subdivision 1 says "the service must have been performed 'in action.'" General Orders, No. 125, Headquarters of the Army, Adjutant General's Office, December 11, 1902, say "the regulations of the President are based on the act of Congress approved March 3, 1863, which authorizes the President to present medals of honor to such as most distinguished themselves 'in action.'"

To the limited number of soldiers who have been awarded medals of honor under existing laws and who are not excluded by the rigid rules of this bill and who have attained the age of 65 years, it is proposed that they shall be given a special pension of $10 per month. All heroic history is crowded with instances where soldiers and sailors, for exceptionally heroic deeds, have received high promotions, and in some instances their blood has been ennobled and they have been given dukedoms and kingdoms. The very foundation of the title to all real estate in England was the feudal system, under which the lands of the nation were given to knightly soldiers for valorous deeds.

Take, for illustration, the law for the Legion of Honor in France, instituted by the great Napoleon May 19, 1802. National lands providing 200,000 francs of income were at first set apart for each of 15 cohorts of the order. Afterwards the revenues and property of King Louis Philippe, which had been restored to the State, were added to the reserves to pay the pensions of the wearers of this decoration. Each grand officer was given a pension of 5,000 francs, each commandant 2,000 francs, each officer 1,000 francs, each legionary 250 francs. The highest decorated officer was given a pension of $915 per year and the common soldier $50 per year. Please compare the vast number whom France has decorated in this and other orders and the vast amount she has paid them as pensions with the small number of medals of honor the United States has granted for all her wars up to date, with no special pensions whatever.

In 1810 the first class already exceeded by 19,000 the limits fixed by law. In 1843 the Legion of Honor counted 80 Knights of the Grand Cross, 106 grand officers, 803 commanders, 4,454 officers, and 43,884 knights. (Page 91, Burke.) On November 30, 1845, about 50,227 persons were in possession of the medal. The amount of pension then paid out was 5,975,000 francs.

CONFEDERATE STATES OF AMERICA.

The Confederate Congress authorized the bestowal of medals and badges of distinction "for courage and good conduct on the field of battle." The following is a copy of the act:

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized to bestow medals with proper devices upon such officers of the armies of the Confederate States as shall be conspicuous for courage and good conduct on the field of battle; and also to confer a badge of distinction upon one private or noncommissioned officer of each company after every signal victory it shall have assisted to achieve. (Approved, Oct. 13, 1862.)

This act of the Confederate Congress was published in an order from the adjutant and inspector general's office at Richmond, November 22, 1862.

Under these rules by General Order No. 31 of October 3, 1863, 12 pages of the official reports, pages 829 to 840, both inclusive, are occupied by the names of 699 Confederate soldiers who were placed on the Confederate roll of honor for gallant services in the Battle of Chickamauga. For like heroic services and gallant deeds the soldiers of the Union Army in that battle received, all told, nine medals of honor as shown by the official lists.

ENGLAND.

Among many military orders, decorations, pensions, and vast pecuniary rewards given by England to her soldier heroes the one most generally known is the Victoria Cross, which was instituted by Queen Victoria by royal warrant given at Buckingham Palace, January 29, 1856, wherein she provided that those who particularly signalized themselves should receive the decoration which should be highly prized and greatly sought after by the officers and men of her navy and military services, to be designated as the "Victoria Cross," and by the fourteenth section of her royal warrant provided that a special pension of £10 ($50) a year should be granted to the wearer of the cross from the date of the act by which the decoration was gained, and it was further ordered that an additional special pension of £5 ($25) should be granted for each extra clasp or bar which might be awarded for additional acts of bravery. It was also ordered that the special pension may be increased to £50 ($250) a year when the recipient is incapacitated by old age or ill health. The rules provide that if a man died in winning the Victoria Cross the decoration should be given to his relatives. See book of the Victoria Cross, A. L. Hayden, London, 1906. Also see Burke's Peerage, page 2589.

I will not burden the RECORD by allusion to the decorations given in England to the officers of the Royal Naval Reserve; the decorations for the Royal Naval Volunteer Reserve; for the decorations of the Order of the Bath; to other medals, annuities, and gratuities for conspicuous gallantry in action.

HOW ABOUT GERMANY?

The award of the Iron Cross carries with it an allowance of 3 to 6 marks monthly. Wearers of the Iron Cross receive a small gratuity or pension if they have not arisen above noncommissioned rank. Two other military orders in Germany are awarded pensions for conspicuous service. Their recipients, if noncommissioned, receive under different conditions 71 cents, $1.43, and $2.14 monthly, in addition to any pensions for invalidity or other causes, which they also draw.

The Franco-Prussian War lasted seven months. See "The Franco-German War, Von Moltke," page 420. The German losses in battle throughout the war, killed or died soon after, were 17,547; died of wounds eventually, 10,707. Harper's Book of Facts, article "Franco-Prussian War," in note near close of article. The total German troops in the war were 1,124,000. About 40,000 were decorated in 1870-71. The German Empire was very appreciative of her soldiers.

Compare the short duration of the war, the small number of losses even after counting in all who "died soon after" the war, the comparatively small number of troops in the army, and the large number of decorations and rewards given by Germany with the long years of war, not only the Civil War, but all the wars of the United States, the many millions of her men engaged, the terrible losses by death, not counting those who died "soon after."

Even Spain, that current writers of history regard as a decadent nation, is more generous with her soldiers than the United States.

HOUSE OF REPRESENTATIVES.

MONDAY, *July 6, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Behold, O God our Father, we seek Thee with all our heart, for we realize that without Thee our work is vain; for Thy ways are fixed, Thy laws inexorable. Open Thou our eyes that we may see the way; strengthen our hearts that we may walk therein, and be profitable servants to those for whom we labor, and feel Thine approval welling up in our souls. Thus may our work live, and Thy will be done; in the spirit of the Master. Amen.

The Journal of the proceedings of Friday, July 3, was read and approved.

THE PRESIDENT'S FOURTH OF JULY SPEECH.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to have inserted in the RECORD the speech of the President of the United States made at Philadelphia on Saturday, July 4.

The SPEAKER. The gentleman from Indiana asks unanimous consent to print in the RECORD the President's Philadelphia speech of July 4. Is there objection?

There was no objection.

COMMITTEE CHANGES.

Mr. UNDERWOOD. Mr. Speaker, I desire to move the election of certain gentlemen to fill vacancies on committees.

The SPEAKER. The gentleman will send up the list.

Mr. UNDERWOOD. First I will ask the Clerk to read the letter which is at the Speaker's desk.

The Clerk read as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., July 6, 1914.

Hon. CHAMP CLARK, *Speaker.*

DEAR SIR: I beg to herewith tender my resignation as a member of the Committee on Election of President, Vice President, and Representatives in Congress, and of the Committee on the Revision of the Laws.

Yours, respectfully,

FRANK PLUMLEY.

The SPEAKER. If there be no objection, the resignation will be accepted.

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I move the election of Hon. FRANK PLUMLEY, of Vermont, as a member of the Judiciary Committee, to fill the Republican vacancy caused by the unseating of Mr. Dyer. I make this motion at the request of the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Alabama moves the election of the gentleman from Vermont [Mr. PLUMLEY] to the Judiciary Committee in the place of Mr. Dyer. Are there any other nominations? If not, the nominations are closed. The question is on the motion of the gentleman from Alabama.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, also at the request of the gentleman from Illinois [Mr. MANN] I move the election of Hon. DOW H. DRUKKER, of New Jersey, to the Committees on the Census, Election of President, Vice President, and Representatives in Congress, and Expenditures in the War Department.

The SPEAKER. Are there any other nominations? The Chair hears none, and the nominations are closed. The question is on the motion of the gentleman from Alabama.

The motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WILSON of Florida, indefinitely, on account of the death of his brother.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. This is unanimous-consent day. The Clerk will report the first bill on the Calendar for Unanimous Consent.

CERTAIN LAND OWNERS IN MISSISSIPPI AND LOUISIANA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River, in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and the parish of West Feliciana, State of Louisiana.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. QUIN. Mr. Speaker, the Committee on Rivers and Harbors of the Senate have reported an amended bill, and I would like to have the bill hold its place until some time when it can be taken up under a motion to suspend the rules. If the gentleman from Illinois [Mr. MANN] wishes to object to it, I shall have it put on the calendar to come up under a suspension of the rules.

Mr. MANN. If the gentleman asks unanimous consent to pass the bill over, I will not object.

The SPEAKER. Does the gentleman from Mississippi ask to pass this bill over?

Mr. QUIN. I ask unanimous consent that it be passed without prejudice.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to pass this bill without prejudice. Is there objection?

There was no objection.

POST OFFICE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The bill was read.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not see the gentleman from Georgia [Mr. PARK].

Mr. ADAMSON. I do not know the reason for his absence. He is usually very punctual.

Mr. MANN. He is, indeed.

Mr. ADAMSON. I ask unanimous consent in his behalf that the bill be passed without prejudice, if it is agreeable.

The SPEAKER. The gentleman asks unanimous consent to pass the bill without prejudice. Is there objection?

There was no objection.

CERTAIN LANDS IN OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national forest land.

The bill was read.

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent to have this bill passed without prejudice.

The SPEAKER. The gentleman from Oregon asks unanimous consent to pass this bill without prejudice. Is there objection?

There was no objection.

PUBLIC BUILDING AT MARLIN, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13815) to increase the limit of cost for the construction of a public building at Marlin, Tex.

The bill was read, as follows:

Be it enacted, etc., That the limit of cost fixed by the act of Congress approved June 25, 1910, for the erection and completion of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office and other governmental offices at Marlin, Tex., be, and the same is hereby, increased from $45,000 to $65,000.

With the following committee amendment:

Page 1, line 10, strike out the figures "$65,000" and insert in lieu thereof the figures "$57,000."

The SPEAKER. Who has charge of this bill?

Mr. MANN. It is the bill of the gentleman from Texas [Mr. HENRY].

Mr. STEPHENS of Texas. My colleague, Mr. HENRY, is not present, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. First, is there objection to the present consideration of the bill?

Mr. HUMPHREY of Washington. Reserving the right to object, I want to ask where the gentleman from Texas [Mr. HENRY] is?

Mr. STEPHENS of Texas. He is not in the House at this time.

Mr. HUMPHREY of Washington. Is he one of the band of heroes so commended in the President's Fourth of July speech for staying here and performing his patriotic duty? Is he not here?

Mr. STEPHENS of Texas. I can not answer the gentleman's question.

Mr. HUMPHREY of Washington. Then is he present?

Mr. STEPHENS of Texas. I do not see him. I have not seen him this morning.

The SPEAKER. The gentleman does not appear to be in the Hall.

Mr. STEPHENS of Texas. I ask unanimous consent, then——

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

AIDS TO NAVIGATION—LIGHTHOUSE SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (S. 2876) to amend an act entitled "An act to authorize aids to navigation and for other works in the Lighthouse Service, and for other purposes," approved March 4, 1913.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

ORDINANCE OF SECESSION—LOUISIANA.

The next business on the Calendar for Unanimous Consent was House concurrent resolution 34, authorizing the Secretary of War to return to the State of Louisiana the original ordinance of secession adopted by said State.

The Clerk read the concurrent resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the Secretary of War be, and is hereby, authorized to return to the State of Louisiana the original ordinance of secession that was adopted by the people of said State in convention assembled and that is now in the possession of the War Department.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, this is a concurrent resolution. I do not know who has charge of it.

The SPEAKER. The gentleman from Louisiana [Mr. WATKINS] introduced it.

Mr. MANN. I do not see where Congress has any authority to restore property in the hands of the War Department by a concurrent resolution.

Mr. GARRETT of Tennessee. It ought to be a joint resolution.

The SPEAKER. There is no question about that.

Mr. GARRETT of Tennessee. Mr. Speaker, would it be in order to amend it so as to make it a joint resolution?

The SPEAKER. The Chair sees no objection to it.

Mr. GARRETT of Tennessee. Then, Mr. Speaker, I ask unanimous consent that the resolution may be amended so as to make it a joint resolution.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that this concurrent resolution be so amended as to make it a joint resolution.

Mr. GARRETT of Tennessee. And that it may be properly numbered as a joint resolution.

The SPEAKER. And that it may be properly numbered as a House joint resolution. Is there objection?

There was no objection.

Mr. GARRETT of Tennessee. Does the title need changing?

Mr. MANN. It has no title. I move that it be given a title when it passes.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The resolution (H. J. Res. 296) was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, it will be given a title.

There was no objection.

TERMS OF COURT AT JONESBORO, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2167) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 71 of chapter 5 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended to read as follows:

"SEC. 71. The State of Arkansas is divided into two districts, to be known as the eastern and western district of Arkansas. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Sevier, Howard, Little River, Pike, Hempstead, Miller, Lafayette, Columbia, Nevada, Ouachita, Union, and Calhoun, which shall constitute the Texarkana division of said district; also the territory embraced on the date last mentioned in the counties of Polk, Scott, Yell, Logan, Sebastian, Franklin, Crawford, Washington, Benton, and Johnson, which shall constitute the Fort Smith division of said district; also the territory embraced on the last date mentioned in the counties of Baxter, Boone, Carroll, Madison, Marion, Newton, and Searcy, which shall constitute the Harrison division of said district. Terms of said district court for the Texarkana division shall be held at Texarkana on the second Mondays in May and November; for the Fort Smith division, at Fort Smith, on the second Mondays in January and June; and for the Harrison division, at Harrison, on the second Mondays in April and October. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Lee, Philips, St. Francis, Cross, Monroe, and Woodruff, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Independence, Cleburne, Stone, Izard, Sharp, and Jackson, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Crittenden, Clay, Craighead, Greene, Mississippi, Poinsett, Fulton, Randolph, and Lawrence, which shall constitute the Jonesboro division of said district; and also the territory embraced on the date last mentioned in the counties of Arkansas, Ashley, Bradley, Chicot, Clark, Cleveland, Conway, Dallas, Desha, Drew, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lincoln, Lonoke, Montgomery, Perry, Pope, Prairie, Pulaski, Saline, Van Buren, and White, which shall constitute the western division of said district. Terms of the district court for the eastern division shall be held at Helena on the second Monday in March and the first Monday in October; for the northern division, at Batesville, on the fourth Monday in May and the second Monday in December; for the Jonesboro division, at Jonesboro, on the second Monday in May and the fourth Monday in November; and for the western division, at Little Rock, on the first Monday in April and the third Monday in October. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Little Rock, at Helena, at Jonesboro, and at Batesville, which shall be kept open at all times for the transaction of the business of the court. And the clerk of the court for the western district shall maintain an office in charge of himself or a deputy at Fort Smith, at Harrison, and at Texarkana, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will make two suggestions in regard to this Unanimous Consent Calendar: If a Member knows in advance that he is going to ask that a bill be passed over without prejudice, it seems that it would expedite business very much if he would make the request as soon as the title is read. That saves the reading of the bill. If any Member has made up his mind resolutely that he is going to object and that he is not going to be persuaded, after debate, to yield his opinion, it seems that it would be better for him to make his objection as soon as the title is read. These are suggestions merely to expedite business.

GRANTING COAL LANDS TO CITY OF GRAND JUNCTION, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1633) granting certain coal lands to the city of Grand Junction, Colo.

The Clerk read the bill.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill maintain its place on the calendar.

Mr. MANN. What is the use? This is not a bill that can pass except by discussion and consideration. No one ought to think of it.

Mr. RAKER. It has the unanimous report of the committee.

Mr. MANN. That is not in its favor; it is a little against it. [Laughter.]

The SPEAKER. The gentleman from Illinois objects.

INTERSTATE TRANSPORTATION OF IMMATURE CALVES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1818) to regulate the interstate transportation of immature calves.

The Clerk read the bill, as follows:

Be it enacted, etc., That no person, firm, or corporation shall ship or deliver for shipment, nor shall any common carrier nor the receiver, trustee, or lessee thereof, receive for transportation or transport from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia any live calf not accompanied by its mother unless the same is 6 weeks old or over: *Provided*, That the Secretary of Agriculture may make rules and regulations permitting, in cases of emergency only, the shipment in interstate commerce of live calves less than 6 weeks old; and the Secretary of Agriculture may also permit, under such restrictions as he may deem proper, one shipment in interstate commerce of live calves less than 6 weeks old and over 3 weeks old when the entire time consumed in such interstate shipment to final destination, including time of loading and unloading, does not exceed 12 hours.

SEC. 2. That any person, firm, or corporation, or any common carrier or the receiver, trustee, or lessee thereof, who shall violate any of the provisions of this act shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than $20 nor more than $50 for each calf offered for shipment, shipped, or received for transportation or transported in violation of any of the provisions of this act.

First Lieut. Charles R. W. Morison, Sixteenth Infantry, to be captain from April 19, 1914, vice Capt. Dwight W. Rytber, Sixth Infantry, detached from his proper command on that date.

First Lieut. Walter L. Reed, Tenth Infantry, to be captain from April 19, 1914, vice Capt. Charles M. Gordon, jr., Sixth Infantry, detached from his proper command on that date.

First Lieut. Ira F. Fravel, Nineteenth Infantry, to be captain from April 28, 1914, vice Capt. Ferdinand W. Kobbé, Twenty-second Infantry, promoted.

First Lieut. Ned M. Green, Fifteenth Infantry, to be captain from June 5, 1914, vice Capt. John McA. Palmer, Fifteenth Infantry, promoted.

First Lieut. J. Alfred Moss, Twenty-third Infantry, to be captain from June 6, 1914, vice Capt. Dana W. Kilburn, Twenty-sixth Infantry, dismissed June 5, 1914.

First Lieut. Charles F. Leonard, Twenty-eighth Infantry, to be captain from July 2, 1914, vice Capt. Frank M. Savage, Fifteenth Infantry, dismissed July 1, 1914.

Second Lieut. John W. Simons, jr., Sixth Infantry, to be first lieutenant from March 3, 1914, vice First Lieut. Bruno T. Scher, Twenty-eighth Infantry, promoted.

Second Lieut. Jubal A. Early, Twentieth Infantry, to be first lieutenant from March 13, 1914, vice First Lieut. Gustave A. Wieser, Fifteenth Infantry, promoted.

Second Lieut. Edward G. Taylor, Fourth Infantry, to be first lieutenant from April 10, 1914, vice First Lieut. Herndon Sharp, Second Infantry, resigned April 9, 1914.

Second Lieut. Alfred H. Erck, Fifth Infantry, to be first lieutenant from April 28, 1914, vice First Lieut. Ira F. Fravel, Nineteenth Infantry, promoted.

Second Lieut. Fred P. Jacobs, Twenty-ninth Infantry, to be first lieutenant from April 30, 1914, vice First Lieut. Clarence H. Farnham, Fourth Infantry, dropped for desertion April 29, 1914.

Second Lieut. Walter S. Greacen, Twelfth Infantry, to be first lieutenant from May 5, 1914, vice First Lieut. Horatio K. Bradford, Twenty-sixth Infantry, who died May 4, 1914.

Second Lieut. Cary I. Crockett, Second Infantry, to be first lieutenant from May 9, 1914, vice First Lieut. Robert B. Parker, Thirtieth Infantry, dismissed May 8, 1914.

Second Lieut. Oliver A. Dickinson, Fifth Infantry, to be first lieutenant from June 5, 1914, vice First Lieut. Ned M. Green, Fifteenth Infantry, promoted.

Second Lieut. Homer H. Slaughter, Fourteenth Infantry, to be first lieutenant from June 5, 1914, vice First Lieut. Evan E. Lewis, Second Infantry, detached from his proper command on that date.

Second Lieut. Henry C. K. Muhlenberg, Infantry (detailed first lieutenant in the Ordnance Department), to be first lieutenant of Infantry from June 6, 1914, vice First Lieut. J. Alfred Moss, Twenty-third Infantry, promoted.

Second Lieut. John F. Curry, Fifth Infantry, to be first lieutenant from June 6, 1914, vice First Lieut. Henry C. K. Muhlenberg, whose detail in the Ordnance Department was continued from that date.

Second Lieut. James B. Chaney, Ninth Infantry, to be first lieutenant from June 20, 1914, vice First Lieut. Charles S. Donavin, Twenty-third Infantry, detailed in the Ordnance Department on that date.

Second Lieut. William J. Fitzmaurice, Tenth Infantry, to be first lieutenant from June 20, 1914, vice First Lieut. Arthur D. Minick, Eleventh Infantry, detailed in the Ordnance Department on that date.

Second Lieut. Carl C. Oakes, Fourth Infantry, to be first lieutenant from July 2, 1914, vice First Lieut. Charles F. Leonard, Twenty-eighth Infantry, promoted.

APPOINTMENTS IN THE ARMY.

INFANTRY ARM.

Additional Second Lieut. Frederick Herr, Infantry, to be second lieutenant of Infantry, with rank from June 12, 1914.

Additional Second Lieut. Clifford James Mathews, Infantry, to be second lieutenant of Infantry, with rank from June 12, 1914.

NOTE.—The above-named officers were recently graduated from the United States Military Academy, nominated to the Senate on June 22, 1914, and confirmed by that body on June 29, 1914, for appointment as additional second lieutenants of Infantry. This message is submitted for the purpose of correcting the title of the office to which each of the nominees has been appointed.

PROMOTIONS IN THE NAVY.

Commander Carlo B. Brittain to be a captain in the Navy from the 1st day of July, 1914.

Commander Lloyd H. Chandler to be a captain in the Navy from the 1st day of July, 1914.

Lieut. Commander Walter R. Gherardi to be a commander in the Navy from the 1st day of July, 1914.

Lieut. George F. Neal to be a lieutenant commander in the Navy from the 28th day of April, 1914.

Lieut. (Junior Grade) John W. Lewis to be a lieutenant in the Navy from the 17th day of May, 1914.

The following-named paymasters with rank of lieutenant to be paymasters in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

James A. Bull,
Frank T. Watrous,
Edwards S. Stalnaker,
Chester G. Mayo,
James F. Kutz,
Alvin Hovey-King,
John R. Hornberger,
Noel W. Grant,
David G. McRitchie,
Philip J. Willett,
Ben D. McGee,
Neal B. Farwell,
Reginald Spear,
Elijah H. Cope,
Brainerd M. Dobson,
William W. Lamar,
William L. F. Simonpietri,
Fred W. Holt,
Walter D. Sharp, and
Raymond B. Westlake.

The following-named naval constructors with rank of lieutenant to be naval constructors in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

John W. Woodruff.
Clayton M. Simmers.

The following-named civil engineers with rank of lieutenant to be civil engineers in the Navy with rank of lieutenant commander from the 1st day of July, 1914:

De Witt C. Webb.
Walter H. Allen.
James V. Rockwell.
Carl A. Carlson.
Frederick H. Cooke.
Clinton D. Thurber.

Lieut. Frank McCommon to be a lieutenant commander in the Navy from the 5th day of May, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 5th day of June, 1914:

Penn L. Carroll.
Comfort B. Platt.
Frank A. Braisted.
Edgar A. Logan.
Zachary Lansdowne.
David H. Stuart.
Lucius C. Dunn.
Rush S. Fay.

Asst. Naval Constructor James Reed, jr., to be a naval constructor in the Navy from the 1st day of January, 1913.

First Lieut. William T. Hoadley to be a captain in the Marine Corps from the 9th day of June, 1914.

Second Lieut. Samuel P. Budd to be a first lieutenant in the Marine Corps from the 1st day of May, 1914.

REGISTER OF THE LAND OFFICE.

Charles D. Mackay, of Winnemucca, Nev., to be register of the land office at Carson City, Nev., vice Louis J. Cohn, term expired.

POSTMASTERS.

ALABAMA.

Daniel W. Houston to be postmaster at Bessemer, Ala., in place of H. W. Crook, deceased.

L. C. Kelley to be postmaster at Carbon Hill, Ala., in place of James M. Stovall. Incumbent's commission expired February 2, 1914.

ARKANSAS.

James M. Crider to be postmaster at Winslow, Ark. Office became presidential April 1, 1914.

John W. Puckett to be postmaster at Rogers, Ark., in place of William C. Roberts. Incumbent's commission expired April 19, 1914.

J. Lewis Ragsdale to be postmaster at Russellville, Ark., in place of George W. Burris. Incumbent's commission expired May 31, 1914.

Hugh F. Reagan to be postmaster at Fayetteville, Ark., in place of Benjamin F. Campbell. Incumbent's commission expired February 22, 1914.

Ella H. Smith to be postmaster at Wynne, Ark., in place of George E. Davis. Incumbent's commission expired February 4, 1914.

S. J. Smith to be postmaster at Beebe, Ark., in place of Earl Harrison, removed.

CALIFORNIA.

Charles H. Guy to be postmaster at Concord, Cal., in place of Emily Gavin, resigned.

W. P. Thorne to be postmaster at San Luis Obispo, Cal., in place of Warren M. John. Incumbent's commission expired January 24, 1914.

DELAWARE.

Effie M. Truitt to be postmaster at Rehoboth Beach, Del. Office became presidential July 1, 1914.

FLORIDA.

J. Y. O'Neal to be postmaster at Dade City, Fla., in place of Hettie B. Spencer. Incumbent's commission expired January 17, 1914.

GEORGIA.

Walter B. Cheatham to be postmaster at Dawson, Ga., in place of William J. Lewis. Incumbent's commission expired June 24, 1914.

Thomas Davis to be postmaster at Meigs, Ga., in place of John L. Johnson, resigned.

ILLINOIS.

Daniel C. Eylar to be postmaster at Pontiac, Ill., in place of Ralph F. Bradford. Incumbent's commission expired February 4, 1914.

INDIANA.

Francis M. Fultz to be postmaster at Akron, Ind., in place of Charles A. Daniels, resigned.

IOWA.

J. H. Raugbey to be postmaster at Nora Springs, Iowa, in place of Charles A. Merrill. Incumbent's commission expired January 26, 1914.

John T. Lanigan to be postmaster at Monticello, Iowa, in place of William D. Magee. Incumbent's commission expired June 24, 1914.

William H. McClain to be postmaster at Conrad, Iowa, in place of Charles W. Wood, resigned.

H. A. Nash to be postmaster at Perry, Iowa, in place of Frank M. Hoeye. Incumbent's commission expired May 31, 1914.

J. Brady Pyatt to be postmaster at Tipton, Iowa, in place of Harry R. McNamara. Incumbent's commission expired June 24, 1914.

C. A. Sample to be postmaster at Oakland, Iowa, in place of Newton W. Wentz. Incumbent's commission expired March 15, 1914.

William C. Tambell to be postmaster at Sigourney, Iowa, in place of L. H. Hinkley, resigned.

LOUISIANA.

Andy W. Bryan to be postmaster at Murryville, La., in place of A. P. Windham, resigned.

Joseph Voegtle to be postmaster at New Orleans, La., in place of Alexander F. Leonhardt, resigned.

MASSACHUSETTS.

Edward M. Bent to be postmaster at Medfield, Mass., in place of Robert W. Baker. Incumbent's commission expired April 23, 1914.

Thomas F. Dean to be postmaster at South Attleboro, Mass. Office became presidential April 1, 1914.

James J. Gorman, to be postmaster at Bridgewater Mass., in place of Charles A. Wilbar. Incumbent's commission expired June 10, 1914.

MICHIGAN.

Charles J. Tarte to be postmaster at Marine City, Mich., in place of Charles L. Doyle, removed.

MINNESOTA.

J. D. Whaley to be postmaster at Fosston, Minn., in place of John Lohn, resigned.

MISSOURI.

Earl J. Wright to be postmaster at Tarkio, Mo., in place of Frank McKim. Incumbent's commission expired June 22, 1914.

NEBRASKA.

A. G. Corey to be postmaster at Fairfield, Nebr., in place of George M. Prentice. Incumbent's commission expired April 13, 1914.

Ralph L. Duckworth to be postmaster at Indianola, Nebr., in place of William A. McCool. Incumbent's commission expired February 2, 1914.

John Kienslin to be postmaster at Hemingford, Nebr., in place of William F. Walker. Incumbent's commission expired March 8, 1914.

Robert F. Pate to be postmaster at Minden, Nebr., in place of Levi M. Copeland. Incumbent's commission expired February 2, 1914.

Nixon H. Reed to be postmaster at Butte, Nebr., in place of Charles A. South. Incumbent's commission expired April 12, 1914.

R. F. Rowe to be postmaster at Arcadia, Nebr., in place of David C. Thompson. Incumbent's commission expired January 31, 1914.

NEW JERSEY.

M. Warner Hargrove to be postmaster at Brown Mills, N. J. Office became presidential April 1, 1914.

NEW YORK.

Albert E. Moran to be postmaster at Gardiner, N. Y., in place of John Lyons, declined.

NORTH CAROLINA.

J. T. Bynum to be postmaster at Hope Mills, N. C. Office became presidential July 1, 1914.

W. W. Jones to be postmaster at Franklin, N. C., in place of Frank B. Benbow, resigned.

Benjamin A. Summerlin to be postmaster at Mount Olive, N. C., in place of William J. Flowers, resigned.

NORTH DAKOTA.

Patrick H. Long to be postmaster at Page, N. Dak., in place of John Long, resigned.

OKLAHOMA.

J. S. Latta to be postmaster at Fargo, Okla., in place of Grant W. Bailey, removed.

PENNSYLVANIA.

Joseph Rodgers, jr., to be postmaster at Lansdale, Pa., in place of William H. D. Godshall, resigned.

James P. Van Etten to be postmaster at Milford, Pa., in place of Harry S. Angle, resigned.

TEXAS.

T. A. Boothe to be postmaster at Cleveland, Tex. Office became presidential January 1, 1914.

Maude Strain to be postmaster at Lancaster, Tex., in place of William S. Strain, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 6, 1914.

MEMBERS OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin for a term of 2 years.
W. P. G. Harding for a term of 8 years.
A. C. Miller for a term of 10 years.

PROMOTION IN THE PUBLIC HEALTH SERVICE.

Asst. Surg. David C. Turnipseed to be passed assistant surgeon.

COLLECTOR OF CUSTOMS.

Rivers McNeill to be collector of customs for the district of Chicago, Ill.

POSTMASTERS.

CONNECTICUT.

John F. Penders, Meriden.

FLORIDA.

Peter A. Dignan, Jacksonville.

MICHIGAN.

Leo C. Campeau, River Rouge.

NEBRASKA.

Fred W. Mathews, Rising City.
Mark W. Murray, Pender.
J. S. Myers, Grant.
John H. O'Kane, Gothenburg.
George D. Thomas, Seward.

NEW YORK.

James O. Murphy, Orchard Park.

VERMONT.

Edward Dunn, Castleton.
Rodger Dwyer, West Rutland.
John H. Wood, Wallingford.

Mr. RANSDELL. The cost of levee construction depends entirely upon the yardage. I should have to give it to the Senator by yardage rather than otherwise.

Mr. BURTON. Running from levee district to levee district, what has been about the average cost per mile or per thousand feet—we can get the result by computation in either case—of those two, the levees and the revetments?

Mr. RANSDELL. Our revetment work 20 to 25 years ago, when I first became closely connected with it, and they were doing some work in the vicinity of my home, cost between $140,000 and $150,000 a mile; but the latest reports of the commission show that it costs in the neighborhood of $200,000 per mile. The cost of labor has increased considerably. Willows have diminished in quantity. They are more expensive to get than they used to be. Everything that is used in connection with the revetment seems to be more expensive. They say this revetment will cost in the neighborhood of $200,000 per mile.

I can not give you the exact figures of the cost of levees. I know that the price per yard ranges from about 18 to 35 cents. Just after a levee is breached during the overflow, when much of the materials have to be hauled a long distance and you have all the bad material that has to be moved before they can get the good, the prices sometimes run considerably over 35 cents per cubic yard. Some of the levees, at least, are small—that is, only 12 or 15 feet high. Others range 25 feet high. A levee has a crown of 8 feet, with a slope of 3 to 1 on each side. On the land side the best levees are always built with a banquette, which banquette should be in width twice the height of the levee. If the levee is 20 feet high, the crown of the banquette should be 40 feet. The crown of that banquette is practically level. It reaches within 8 feet ordinarily of the top of the levee, and slopes back very gradually. There is just enough slope to let it drain off nicely. Then the remainder of it is built at a slope of 3 to 1.

So, you see, the conditions as to the dimensions of levees are so variable that I could not state just what it would be per mile, but the engineers have all this calculation. They have figured out very carefully throughout the entire length of the levee line just how many cubic yards are needed to put these levees up to what they conceive to be the necessary grade, and, having multiplied that by 35, they arrive at the $60,000,000.

Mr. BURTON. Where are those figures published?

Mr. RANSDELL. It is the statement made by the witnesses, and I would be very glad to point it out to the Senator in the testimony given before us.

Mr. KENYON. I should like to ask the Senator the status of the bill at this time.

Mr. RANSDELL. It is pending before a subcommittee of the Commerce Committee. We have had a number of hearings on it. We actually had hearings relating to the terrible flood on the Hwai River in China. Our Government has sent Col. Sibert, formerly a member of the Panama Canal Commission, to China. I expect that he has gotten there about to-day. We saw in yesterday's paper where there have been great loss and suffering on the rivers in China. I suppose Col. Sibert is over there now and will help them to solve that problem. We had testimony in regard to that.

Mr. KENYON. The bill would provide for levees that would protect the adjacent country?

Mr. RANSDELL. Yes, sir; it will protect the entire alluvial delta along the river.

Mr. KENYON. I hope the Senator will get that bill into the Senate. For my part, I should like to vote for some protection to the people of the South. I do not think it is fair or just to dump all this water from the North down upon the people of the South. I hope the Senator will get that bill out of committee. I think it would be better to do something in that way by means of a defensive bill. It seems to me that the pending bill is composed of patchwork and some things that in the end will practically amount to nothing. The other is a substantial proposition. It is more important than the Panama Canal, and we ought to undertake it. I think the Senator will find great support for his plan in the cooperation of the States and the landowners and the Government.

Mr. RANSDELL. I appreciate very highly your encouraging words, and assure you it is my intention to press that bill. There is a valid reason why it was not done heretofore, but it is my intention to press it hereafter as rapidly as I can.

Mr. GALLINGER. In addition to the Government loaning China one of our best engineers, is it not a fact that the Red Cross has taken up that matter and is going to make a large donation of money toward the consummation of that scheme?

Mr. RANSDELL. I understand that is true—that it has already made a donation of a very large sum and that it is helping considerably. It is not going to furnish money, if I am correctly informed, for building levees on the Hwai River, but it is going to lend its moral support. It is going to encourage an engineering and constructive firm in this country to undertake the work of building those levees and is going to help in every way possible.

Mr. GALLINGER. My attention was called to that recently, and it seemed to me a philanthropic movement that was very commendable. At that time I thought, and it rather impresses me now, that if that great organization had taken up the Mississippi River first and gone to China afterwards it might have been a better scheme.

Mr. RANSDELL. I want to say to the Senator that the president of the Red Cross, Miss Mabel Boardman, testified before our committee, the particular committee which has in charge the bill of which I have been speaking, and said that their association during the last three years—that is, during the flood season of 1912 and 1913—had expended something over $3,000,000 on the floods in the Mississippi River and the Ohio. She did not differentiate between the two, but I know they have been doing a great deal of magnificent work, for which I am delighted to give them credit, during the floods there in 1912.

Mr. GALLINGER. That was for the relief of the sufferers?

Mr. RANSDELL. Yes, sir; for the relief of the sufferers.

Mr. GALLINGER. Not for construction?

Mr. RANSDELL. Not for construction. Unfortunately we have not had as much construction as we should have had.

Mr. THOMAS. Mr. President, there is no question that the duty devolves upon the Government of the United States to prevent the recurrence of these floods, or, rather, the consequences of the floods, in the Mississippi River; but I fear that one of the obstacles, and possibly it is an insuperable one, for the consummation of the project which the Senator has outlined in a bill yet to be reported is due to the fact that so much money is being and has been appropriated in so-called river and harbor bills for enterprises that are not meritorious and which smack very strongly of enterprises that are designed for personal and local benefit instead of those benefits for which river and harbor bills are supposed to be designed.

I wish the Senator could in some way substitute as an amendment to this bill his project for the improvement o the Mississippi River, that we could cut out some twelve or fifteen million dollars in appropriations, which we are going to be asked to pass, which are not necessary and some of which are indefensible; take the amount of those appropriations and give it for the great enterprise which is designed to be accomplished by the bill to which he has referred.

I am very much afraid that if these huge river and harbor bills continue to be presented to the Congress for passage every year, subject as they are to criticism, not only in but outside of Congress, the feeling against the making of appropriations will continue to grow to such an extent that the improvement of the great Mississippi River for the prevention of these floods will be so confused and confounded with the popular notion of what river and harbor bills in these modern days are designed for that we shall not be able to enact that measure into a law even if it should be reported from a committee.

Mr. RANSDELL. I would not like at this time, as I am trenching on the time of the Senator from Ohio, to go into a general defense of this bill. At the proper time I shall do so, but I am going to ask the Senator to please make me out a list of what he terms the indefensible items in this bill and I will endeavor to explain them hereafter. There are a great many items in the bill, something like 350, and I am quite sure those items are good. If there be any bad ones, I do not know it. I took part in preparing the bill, and I studied it just as well as I knew how. All humanity is liable to err. I do not pretend to claim that we have not been guilty of errors in the preparation of this bill.

There may be bad items; we may have some items in it which should not be there; but we have tried our best to get a good bill. Some of the very small items that several Senators would like to cut out are just as important relatively as the large items. I should like to have the items pointed out to which the Senator refers, and then I will try to explain them.

Mr. THOMAS. I am depending very largely upon the Senator from Ohio in the statements which he has made and those which I think he will make concerning this bill for my assertion that much of the bill is indefensible. My own personal knowledge of the various items is too indefinite to enable me to comply with the Senator's request, but I think the Senator from Ohio is doing that identical thing now. So I think that by the time he will have finished his remarks all the information, and very much more than I could possibly give the Senator, will have been furnished.

Mr. RANSDELL. From my experience on this floor I think the Senator from Colorado is one of the best lawyers I have ever come in contact with, and his experience must teach him that when one knows but one side of a case he knows very little about it. When we get through defending this bill you will know something of the other side, and we will be very glad to answer any criticism made upon the bill. All we ask is that Senators sit patiently by and listen to our defense as they have listened to the criticism of the bill by the Senator from Ohio.

Mr. THOMAS. That is what I have done and what I propose to do. I will also remind the Senator that I also sat by and listened to a great deal of the discussions of the bill which was passed a year ago.

Mr. RANSDELL. I thank the Senator from Ohio very much for yielding to me so long. I did not intend to trespass on his time.

Mr BURTON. Mr. President, I am much obliged to the Senators from New Hampshire and Louisiana, as well as to the Senator from Colorado, for their suggestions and for bringing to the attention of the Senate important subjects relating to this bill.

There are three subjects which have been treated by them which must require very careful discussion before we are through. The first one to which at a later time I intend to give considerable attention is the question of discriminatory railroad rates between cities on and off waterways, and whether the United States should improve waterways with a view to regulating freight rates. Is that a correct policy or not? Another question arises is this: Are those differences in rates between towns on and off from rivers exclusively traceable to the fact that there is potential water competition? Are the towns which have lower rates located on rivers or near to them? Must they ascribe their lower rates exclusively to water competition?

The second topic is the general subject of the improvement of the lower Mississippi from Cape Girardeau and Cairo to the Gulf. The third, which has just been suggested by the Senator from Colorado [Mr. THOMAS], is a list of objectionable items in this bill. I shall try before I am through and before the end of the general discussion to point out some of those objectionable items. It is possible that there will also be other items to which remarks can be more profitably directed when the bill is taken up in detail.

I wish to say now that I am going to submit two amendments relating to prior bills. One is for the repeal of the item of $100,000 for the Youghiogheny River, the project which contemplates the building of three locks, each to cost $350,000. As an illustration of the piecemeal policy that was pursued in the bill of 1910, $100,000 was appropriated—not enough to finish one lock or one dam; not enough to even begin a lock or a dam profitably.

The other item is an appropriation in the same bill of $1,000,000 for the 14-foot waterway from the Lakes to the Gulf. It is an extended provision, and it is a question how far, if at all, this million dollars commits Congress to proceeding with its construction. In any event I wish to introduce an amendment to repeal that provision so that there may be no doubt about it.

I wish to say just a word more in regard to the remarks of the Senator from Louisiana on the improvement of the Ohio River and its tributaries. He raises, and very naturally, the argument that the prosecution of the improvement of the Ohio was somewhat slow during the time when I was a member of the River and Harbor Committee of the House. In view of the appropriations made at that time, Mr. President, I do not think so. The fact of the matter is when I first became connected with the River and Harbor Committee or had an active part in its proceedings, about 1898, it was exceedingly difficult to reconcile the sentiment of the country to the passage of bills carrying any considerable amount.

In 1882 President Arthur vetoed the river and harbor bill. It was passed over his veto, but a veto in favor of such passage over his veto was a fatal obstacle to the reelection of many Members of the House of Representatives in the autumn of that year. In the year 1896 President Cleveland vetoed a river and harbor bill. That was passed over his veto, but I do not think it exercised any very great influence on the fortunes of those who voted for it, because in the following campaign of 1896 there was an all-absorbing issue, the so-called silver question of 16 to 1. I was one of those who voted to pass that bill over his veto, nevertheless there was a very strong feeling against river and harbor legislation.

It was the first effort of the committee during my incumbency, or, at least, during the time in which I was chairman, to relieve these river and harbor bills of excrescences, to bring forward no appropriations unless the projects for which they were to be made had had expert examination and would stand the acid test. Even so, items were included in the bills of 1909 and 1912 which I do not think commend themselves to our judgment to-day.

So a new plan was devised of a river and harbor board, which should review all projects and make recommendations. That board was expected to contain some of the ablest officers in the Engineer Corps. It had been found that in the years preceding 1902 reports came to Congress made oftentimes by a single engineer. If a man had the rank of lieutenant colonel or higher his estimates virtually came directly to Congress. It was in the power of the Chief of Engineers to review his findings, but virtually his report came directly here. If the rank was under that of lieutenant colonel, the report went to the division engineer, who expressed his opinion upon the judgment of the local engineer, and then the two were transmitted. It developed that we had as many different judgments as there were men in the corps. One man would examine a project that would cost $100,000, and being of a conservative disposition he would report against it. Another man would examine a project costing $200,000 that did not promise nearly the same benefit, and he would report enthusiastically in favor of it, and so we were including many ill-considered projects in our bills.

This board of engineers did most excellent service, and in doing it to this day; but I do not think that of recent years they have shown by any means the care—I will not say "the care"—but they certainly have not maintained the conservatism which they maintained in the first five or six years of their existence. So, I say that it is hardly just to say that the Ohio River was not improved with rapidity while I was chairman because the first effort of the committee during my membership of it was to relieve these bills from the obloquy which was so general throughout the country.

The people of the United States and the Congress would not then submit to a bill carrying the great figures which have been carried in bills in later years. Beyond that, I am perfectly free to say that I did not at that time feel sure that this improvement, costing sixty or seventy million dollars, although it borders on my own State, was justified. It would have been out of keeping with improvements that we were making at that time, and it is hardly fair to say that the Ohio River should have been improved to a high grade and hence the tributary streams. If it were not desirable to improve the Ohio River on this enormous scale, then the tributary streams should have waited as well. In any event, we should adopt a broad and comprehensive policy, the rational policy of first improving the main stream, and not, as has been done in many instances, as is being done in this bill, and in bills preceding it, provide a channel in a branch stream deeper, more ample, more thoroughly improved than in the main trunk line or stream itself.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow, at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, July 7, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 6, 1914.

MINISTER.

Ira Nelson Morris, of Chicago, Ill., to be envoy extraordinary and minister plenipotentiary of the United States of America to Sweden, vice Charles H. Graves, resigned.

SUPERINTENDENT OF THE MINT.

Adam M. Joyce, of Philadelphia, Pa., to be superintendent of the mint of the United States at Philadelphia, Pa., in place of John H. Landis, resigned.

COMMISSIONER OF IMMIGRATION.

Henry J. Skeffington, of Massachusetts, to be commissioner of immigration at the port of Boston.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Bruno T. Scher, Twenty-eighth Infantry, to be captain from March 3, 1914, vice Capt. John F. Madden, Twenty-ninth Infantry, promoted.

First Lieut. Gustave A. Wiener, Fifteenth Infantry, to be captain from March 13, 1914, vice Capt. William Wallace, Seventh Infantry, promoted.

A few weeks ago this gentleman was summoned to testify before a subcommittee of the Commerce Committee in regard to the Mississippi River, and he again repeated what he had said often before, that the one, sole, and only solution of the floods of the river was to build the levees big and strong under the plans of his commission and to prevent other levees from caving into the river by the construction of bank revetments.

Mr. GALLINGER. And to build them on both sides of the river?

Mr. RANSDELL. Yes, sir; he thought they should be built on both sides of the river. The other man to whom I wish to refer and who testified before us recently was Maj. J. A. Ockerson, also a member of the Mississippi River Commission. As a young engineer he was employed by the great James B. Eads when working out that wonderful problem which resulted in the jetties at the mouth of the Mississippi River. For years and years, after being with Eads, who himself was an early member of this commission, Maj. Ockerson occupied a high position under the Mississippi River Commission. For 16 or 18 years he has been one of its members; he has attended a great many international engineering conferences in the Old World; he has visited and studied the levee systems of the Po, the Danube, the Nile, and of other rivers of the world. He is a remarkably high-grade engineer.

Recently, when the great break in the levees of the Colorado River occurred, and the Salton Sea, in southern California, with which we are all more or less familiar, was being filled with flood waters pouring out of the Colorado, Maj. Ockerson was employed and sent there, along with other great engineers, to close the break during the time of the flood, and his efforts and those of the others were successful. He testified very fully before the Senate committee recently. He repeated the same things stated by Judge Taylor, that if we will build the levees as they should be built, build them as the Mississippi River Commission advocates they be built, and at the same time protect the banks from caving so that the new levees when built will not cave into the river, we will get the desired protection; and I am firmly convinced, as the result of my own study, that the levees, and the levees alone, will give us that protection.

Mr. THOMAS. Mr. President, will the Senator yield for a question?

Mr. RANSDELL. I will be delighted to yield to the Senator.

Mr. THOMAS. I am greatly impressed, Mr. President, by what the Senator has just said. His conclusion is based upon his own and the experience of other very able men who have studied the subject. I quite agree that if the United States Government can put a stop to these enormous overflows and the consequent destruction of life and property which they entail, it ought to be done; and, for my part, I am willing to give my vote to any appropriation within reason that would bring about that result. Now, does not the Senator think that it would be very much better to enter upon the accomplishment of that plan than to continue these river and harbor bills, with their numerous enterprises, so many of which are of a questionable character?

Mr. RANSDELL. I thank the Senator sincerely for his expression of interest in the Mississippi Valley; and, in response to his question, I will say that for years I have personally been very anxious to see a solution of the Mississippi River flood problem adopted as a great, broad, general project, similar to the Panama Canal. Beyond question, Senators, it is as big a problem from an engineering viewpoint as the Panama Canal.

Mr. THOMAS. A larger one, perhaps.

Mr. RANSDELL. Perhaps larger. It is not going to cost anything like as much money, but it is a more difficult engineering problem than even the Panama Canal. I have been exceedingly anxious to have it adopted as a specific single project, put under the continuing contract system, and the money provided just as we provided it in the case of the Panama Canal. There is no question about that being the wise thing to do. I have advocated it, but there seemed to be no chance to get it adopted.

There is now pending in the Senate a bill which I introduced, proposing to appropriate $12,000,000 a year for five years to build levees on the river, requiring the local people to contribute $3,000,000 a year for five years, making a total of $15,000,000. Now, how do I arrive at that sum? The Mississippi River Commission says it will cost $60,000,000 to complete the levees. They tell us that in order to carry on properly the work of bank revetment an appropriation of $3,000,000 per annum is advisable. So, if the commission had $15,000,000, $12,000,000 to be furnished by the National Government and $3,000,000 by the local people—and that is all they can pay to save their lives—it would give them during the next five years $75,000,000, of which $12,000,000 per annum, or a total of $60,000,000, would go into levees, while $3,000,000 per annum, or a total of $15,000,000, would go into the work of bank revetment; and at the end of that time the work would have been completed, so far as the levees were concerned.

In all candor, Senators, I must say that the work of bank revetment must go on for a number of years. Some of the engineers estimate that it will probably cost $90,000,000 to finish the work of bank revetment, but it will run on through a long period of years. If you had the whole amount now, you could not possibly spend it. Why? You would not have the plant with which to operate. Three million dollars a year is a large sum, and they would have to increase their present plant considerably to spend more than $3,000,000 a year. Moreover, there is a very large amount of willows needed in revetment work. They use the very small willows, and you would exhaust the supply of willows if you tried to expend over three or four million dollars a year.

Another thing: In order to do the work properly you must slightly precede the caving of bends. You revet one bend; the Mississippi winds around, as you know, like a great snake down through the country; caving occurs on a certain bend. You revet that bend to prevent any further caving from going on there, and you do not know where the next caving will break out. You must wait a few months, or perhaps a year or two, to see where the indications of caving are; and then, before the next high water, you put in revetments at that point, 1 or 2 or 3 miles, as the case may be. So you could not spend more than about $3,000,000 a year if you had it.

Let me say again that I believe it would be wise for us to take this great project away from the annual river and harbor bill, and no man would sanction it more than myself. My bill is pending for that purpose. I am not opposed to the Senator from Ohio in his general idea of continuing contracts. When my time comes to speak—and I thank the Senator for letting me talk so long now—I shall show that this bill is framed along the lines of continuing contracts, and along the lines of his great bill of 1907; but I should like to see some exceptions made, and this is one of them. We ought to be statesmen enough to take the Mississippi River out of the ordinary river and harbor bill and provide for it once and for all, and I hope the Senator is going to help me when my bill comes before us.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from New Hampshire?

Mr. RANSDELL. I do.

Mr. GALLINGER. I will ask the Senator from Louisiana if he is at all certain, from the investigations he has made—and doubtless they have been very thorough—that the amount included in his bill will accomplish this great result?

Mr. RANSDELL. Mr. President, in response to that I will say this, I believe it will more than do the work, and I will tell you what I base that on.

The engineers, in making their estimate of $60,000,000, thought, and so estimated, that it would cost about 30 to 35 cents per cubic yard to move the dirt. Most of the levee building is done with scrapers and mules. It is about like making the fills in railroads. The estimate was 35 cents per cubic yard to move that dirt. Very recently a great dirt-moving machine has been invented. I have some pictures of it here. It is very recent. It is not on the market, but they are building a levee with it now in the vicinity of Memphis, Tenn. It is thought that this wonderful machine will probably move that dirt at about 10 cents a yard; so that instead of our having to pay 30 to 35 cents, the estimate made by these engineers—and they have made it very carefully; they have erred, if at all, on the conservative side—we may be able to move it for 10 cents. I am sure that if we have $60,000,000, and have it systematically, at the rate of at least $12,000,000 a year, which is enough, as we could not very well spend more than that economically, and could make our contracts and our calculations in advance, we could build the levees for less than $60,000,000.

Mr. GALLINGER. Mr. President, I am interested in the statement the Senator has made that this great project includes the building of levees on both sides. It has seemed to me that we have been prodigate in our expenditures in levee building, for the reason that we have constructed levees only on one side of the river at critical points. There are lodged now in the proper department of the Government perhaps thousands of claims, and certainly hundreds of claims, of citizens on the side of the river opposite where the Government has built levees, the contention being that their property has been destroyed and the Government ought to reimburse them.

I know that as far back as 1898 there were claims of nearly a million dollars filed. I at one time thought they were ridiculous; but more recently, after giving the matter more mature

consideration, it looks to me as though they have a pretty valid claim. The property holders on the one side where the levees were built have had their property increased from 50 to 200 per cent in value, while the property holders on the opposite side have had their property swept away. It does seem to me that if this great project is to be entered into—and it commends itself pretty warmly to my untutored mind—the levees ought to be built the entire stretch on both sides of the river.

Mr. THOMAS. At the same time.

Mr. GALLINGER. At the same time. I presume, however, that if we solve the problem of floods on the lower Mississippi, we shall have to back up and come to Pittsburgh and some other points farther north and engage in another great enterprise to prevent floods there. There is, or was recently, a great clamor in Pittsburgh to the effect that they were suffering from floods that might be controlled and that the Government ought to make liberal appropriations for that purpose.

I simply want to say this to the Senator from Louisiana: I may not be wise in saying it, because I do not know exactly how it will strike the people I represent, and yet I am in the habit of doing things without much regard to the popular view. I suppose the bill to which he alludes is before the Committee on Commerce?

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. And the Senator is a member of that committee?

Mr. RANSDELL. Yes, sir.

Mr. GALLINGER. If the Senator's pleasing personality can induce that committee to report the bill and it ever comes before the Senate for action, unless I change my mind I will vote for it. That would be only one vote, of course; but I think we ought in some way to take up this great question on a large scale and see if it can not be solved, because I do think our piecemeal work is not very wise.

Mr. RANSDELL. I again wish to thank the Senator for his very kind and statesmanlike remarks.

Mr. THOMAS. Mr. President——

Mr. RANSDELL. Let me answer the Senator from New Hampshire for just a few moments, and then I will yield to the Senator from Colorado.

I wish to say that the Senator is only partially correct in regard to the building of levees on both banks of the river. From the Gulf of Mexico to the city of Baton Rouge, La., there is a continuous line of levees on both banks of the river. Then, from the city of Baton Rouge, La., to a short distance above the city of Vicksburg, Miss., there is no levee on the east bank of the river. Then, from a point just above Vicksburg, for several hundred miles, to the city of Memphis there is a levee along the east bank. On the west bank of the river there is a practically continuous levee line from the Gulf to a point slightly north of the city of Cairo, except at the mouth of the Red River, the mouth of the Arkansas, the mouth of the White, and the mouth of the St. Francis. There is practically a continuous levee line on the west bank.

So, repeating what I said, on the east bank from the Gulf to Baton Rouge and from a point just above Vicksburg to Memphis there is a levee line. There are narrow strips of land in the sections between Baton Rouge and Vicksburg and between Memphis and the Ohio River, with the exception of a few miles at Reel Foot, which never have been leveed in the past because they were comparatively small and the money was so scarce, and the commission and others thought they would have to spend the money where it would do the most good.

I am delighted to hear the Senator say that this matter should be taken up in a big, broad, general, far-reaching way. Let me call your attention to section 13 of this bill, which provides:

> That the President of the United States is hereby authorized to appoint a commission of three persons, two of whom shall be from civil life, and the third an engineer of the United States Army, one of whom shall be designated as chairman, to investigate the question of claims to lands on the Mississippi River below Cape Girardeau, Mo., resulting from the construction of levees and the improvement of said river in the interest of navigation since 1890. Said commission shall examine and report upon all such damages caused by floods resulting from levees and shall report the facts to Congress with suggestions of a basis of equitable adjustment of the liability, if any, for such damages, and what part the National Government, the State and local authorities shall, respectively, contribute in the settlement of such liability. Said commissioners shall have power to subpoena witnesses and to administer oaths: *Provided*, That no fee shall be paid to any witness except those subpoenaed on the part of the Government. The commission so appointed from civil life shall receive a salary of $6,000 a year each, payable monthly, on the warrant of their chairman, and the commission shall be entitled to necessary clerical and expert assistance, stationery, etc., together with traveling expenses. The term of office of this commission shall expire when its final report is made to Congress, which shall not be later than July 1, 1916. In order to carry out the purposes of this section, the sum of $20,000 is hereby appropriated. All expenditures herein authorized shall be paid out of this appropriation upon the warrant of the chairman.

This section provides for a commission to study that question and report to Congress, so that we will have intelligently before us all matters connected with damages by floods and levees on the river, and an estimate of the cost of probable damages if the Government is to pay them. The friends of the river wanted light on the subject, and we are trying to get it under the provisions of this bill.

Mr. SMOOT. Mr. President, do I understand the Senator to say that in his opinion $60,000,000 would do all the necessary improvement on the Mississippi, including the necessary revetment work?

Mr. RANSDELL. No; I stated that $60,000,000 would finish the levees, and that the revetment work would probably cost about $90,000,000. That estimate of $90,000,000 is made by Maj. Ockerson. I have his report here, if the Senator would like to see it.

Mr. SMOOT. I am not an engineer, but——

Mr. RANSDELL. Let me say that that $90,000,000 would be expended during a period of about 30 years. They can not expend the money much more expeditiously than at the rate of $3,000,000 a year, for the reasons I have stated, owing to the scarcity of willows and many things of that kind.

Mr. SMOOT. The last trip I took down the Mississippi River from St. Louis to New Orleans I came to the conclusion that if $500,000,000 would do the necessary levee work on the Mississippi River and also provide the necessary revetments, it would be a closer estimate than the one just cited by the Senator. I do not believe $150,000,000 will begin to cover the expense. I watched the banks on both sides of the river caving in, caused by the high water at that particular time, and I noticed the immense amount of work that would have to be done for hundreds of miles on both sides of the river, which would be exceedingly costly work, particularly the revetment; and yet I thought to myself that if that river could be made navigable and secure against future floods and the great Mississippi Valley could become all that people thought it would be in case floods were prevented, even that amount of money could be justified. I would not, however, want to start in with any idea of $150,000,000 doing the work, because, in my opinion, it is absolutely impossible to accomplish that work for that amount of money.

Mr. RANSDELL. Mr. President, responding to the Senator, I thank him for his kind words, as I have the other Senators. Of course I am not an engineer, and I would not like to put up my untutored opinion against that of the doctors in a case of this kind. When I get a serious disease I go to the best doctor I can find and take his medicine, and I usually get well. We have had, I believe, the best doctor on earth on this question, the Mississippi River Commission, composed of six very able engineers and that great man, Judge Taylor, of whom I have spoken. All of the members of the commission, so far as I know—and I think I know them well—are a unit in saying that the levees can be built for $60,000,000; and I have given the reasons which make me believe and make some mighty well-posted people believe that the levees will not cost $60,000,000, because that estimate was based on 35 cents a cubic yard for moving dirt, and we believe—I stated it while the Senator was out—that a recently invented dirt-moving machine, of which I will show the Senator a picture——

Mr. SMOOT. I heard the Senator's statement. I was here.

Mr. RANSDELL. A machine has been evolved which will cheapen it very much. There was one estimate made that the revetment work would cost $158,000,000, but I do not consider that a reliable estimate.

Mr. BURTON. May I ask, first, who made that estimate of $158,000,000?

Mr. RANSDELL. It was made, as I understand, by the Mississippi River Commission, under a resolution of Congress asking them to go into some details and give an estimate of the entire cost; but Maj. Ockerson, who was a member of the commission when the estimate was made, stated before our committee the other day that he was convinced that $90,000,000 would do the work.

Mr. BURTON. What was the estimate of Col. Townsend on the revetment and on the levees?

Mr. RANSDELL. As I recall, Col. Townsend thought something like ninety to a hundred million dollars would probably do it.

Mr. BURTON. That is for the revetment?

Mr. RANSDELL. For the revetment, and $60,000,000, he said, for the levees.

Mr. BURTON. What is the average cost per mile, under present conditions, of levee construction and of revetment construction? It has changed so from year to year that I could not rely on the estimates I had in mind some years ago.

[Mr. BURTON] has alluded to-day, is quite a difficult stretch. There has been a project under way for many years to improve that portion of the river, but it has not been carried on in a businesslike way until within very recent years. It is now being pushed to what I believe will bring about its completion within the same 12-year period that we have applied to the Ohio and to the upper Mississippi.

As to the lower Mississippi there is a big problem of floods and caving banks there. It is very hard to state just what percentage of that work is carried in the pending bill.

Mr. GALLINGER. Mr. President, we have spent on the Mississippi River about $140,000,000, not taking into account the improvements within the limits of two or more States, which are very large. Does the Senator think that that enormous expenditure of money has brought us an adequate return in giving us water transportation and reducing the cost? Is it not a fact, I will ask the Senator in all seriousness, that a very large proportion of the money that we have spent upon the Mississippi River, especially for dikes, has been utterly thrown away, except that it has protected property along it adjacent to those levees? In other words, has it actually to any appreciable extent improved navigation?

Mr. RANSDELL. In reply to the question I will say to the Senator that in September, 1882, where I live at present, Lake Providence, La., there were a great many shallow bars in the Mississippi River. I have seen as many as three large steamboats within 3 or 4 miles of the town of Lake Providence stuck hard and fast on sand bars. Across these bars there were not more than 4 or 5 feet depth of water at that time, and the channel was greatly impeded.

Congress passed in 1879 an act creating the Mississippi River Commission, which began the systematic improvement of the river, and a part of its plan was to revet the banks and to build levees. For many years now we have had practically 9 feet of water over the shallowest bars on the river from Cairo to the Gulf. In the early eighties there were a great many places, not only at Lake Providence, but at other places, especially in the vicinity of Memphis, Hopeville Bend, and elsewhere, where there were 5 feet and less over the bars.

As I said, for years we have had 9 feet from Cairo to the Gulf. I can not say that any of the appropriations made for the river have been thrown away. Some of them perhaps have not brought just the results we expected and hoped for. Some of them may have been failures, just as all of us make failures, just as some of our appropriations for the Navy have been failures, but in the main I can say that a wonderful country in the Mississippi Valley has been developed by the building of levees. I can say that in the main we have a region there which is as rich as there is in the Union anywhere, a region which is devastated whenever we have floods, by the concentrated rainfall of 31 States, and the people there can not build levees sufficient to protect themselves. They have had considerable help, but let me say to the Senator that they have been a brave people. They have spent, according to official reports, since 1865 something like $66,000,000 on their levees, during which time the National Government has spent about $31,000,000. They have spent for every dollar expended by the Government more than $2 of their own money wrung from their hard toil, from a tax on everything in the world they possess. Every kind of crop, every acre of land, indeed, everything on earth down in that country has been taxed, and the people have struggled valiantly to save themselves from the Nation's floods. They were not the normal floods of their own valleys, but the rains of nearly two-thirds of the Union, including a part of Canada.

Mr. GALLINGER. Mr. President, I am quite familiar with those facts, and they are to the credit of the people living along the banks of the Mississippi River, but I have been unable in my investigation thus far to discover that the expenditures of the Government have very materially improved the navigation of the stream, but they have enormously increased the value of the land, in some instances 300 per cent. I think if the Senator would strike a balance and ascertain the amount of profit that has come to the people owning those alluvial lands, enormous in quantity, he would find it greatly exceeded any expenditures that have been made by those people to help protect their own homes. That is my judgment. I do not say that the Government ought not to do this, but I think we might just as well now as at any time look it squarely in the face and ascertain whether these appropriations are being made for the benefit of commerce or for the benefit of private parties.

Mr. RANSDELL. There has been——

Mr. GALLINGER. I will add that the argument the Senator has suggested finds a lodgment in my mind. I am not at all indifferent to it, and I do not want to be indifferent to it. The floods come from several States remote from the towns along the lower Mississippi, and to that extent it may well be argued that the Nation owes a debt to those people and is under obligation as far as it can to protect them from those disastrous floods that come from distant points. I think there is very great argument in that, and I am not at all indifferent to it.

Mr. RANSDELL. I thank the Senator for his kindly expression toward my people. They certainly have been very sorely tried.

In this connection, let me remind him that the awful floods which did so much damage in Ohio last year—millions and millions of dollars' worth—one scarcely knows how many million dollars of damage was done in Ohio and Indiana last year, not only to the property, but to human life. Many lives were destroyed and the floods swept on down the Ohio, thence into the Mississippi River, where they continued their work of destruction, and onward for nearly 2,000 miles before they finished their damage and rested in the Gulf.

In the district I formerly represented in Congress, in Tensas Parish, La., 70 miles below the city of Vicksburg, a magnificent levee was broken by the waters which fell in Ohio and Indiana. We had little rain there last spring, practically none anywhere in the Mississippi Valley proper; but every drop of water, Senators, that falls between the Alleghenies on the east and the Rockies on the west, even much that falls in the Dominion of Canada, has to find an outlet to the Gulf through the Mississippi River. It has been well called the Nation's sewage ditch. These waters can not get to the Gulf in any other way. Now, think of those awful flood waters, which, after drowning many good people in Ohio and Indiana, and destroying much valuable property, rushed on down through the small rivers in those States to the big Ohio and the Mississippi, and thence on down to bear terrible destruction to Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana.

Near the home of my friend from Mississippi, Senator VARDAMAN, there was a terrible break in the Mississippi River levees which did enormous damage. Does anyone say that the people of Mississippi should be required alone and unaided to hold back flood waters that fell more than 1,500 miles away from them? Surely not. I am glad to hear such noble sentiments as those just expressed by the Senator from New Hampshire [Mr. GALLINGER]. I am glad to find in the Senate a growing sentiment that it is the duty of Congress to protect the Mississippi Valley from floods which it can not control by itself. I am glad to know that all three of the great political parties of this country in their recent platforms have committed themselves to the control of that valley from floods. The local people have done their best and they intend to continue to help themselves to the very utmost. But, Senators, in the name of common sense, how can people do much when they are overflowed as they were in 1912 and again in 1913 and all their crops ruined? With no crops out of which to get any money with which to pay taxes, how can they help themselves? It is impossible. The Nation must come to their relief.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. Just one word more on the subject of navigation. I always believe in being fair about everything, and it is a fact that a considerable portion of the expenditures made on the Mississippi River have been to protect those lands from floods. I have never thought otherwise; I have never contended otherwise during the 16 years that I have been in Congress; but there has been a very large increment of navigation as well. Let me say to Senators, that when a big flood is in progress, unless you have levees there is no landing place. You can not have commerce, no matter how deep the water, unless there is a place for the boats to land, unless there is dry land on the inside of the levees for the people to haul freight out. How much commerce can there be on a river when the entire valley is overflowed? When the railroads are flooded, as well as the dirt roads, how much transportation can there be?

Is it not the duty of Congress to provide for safe carriage of the mails to all of the citizens of the country? How much mail can there be carried when there are floods 50 miles wide, as I have seen them in that valley?

The levees, let me repeat, are necessary to form landing places for the boats in time of flood, and they are also necessary to cause the river to scour out the shallow places. As I said a moment ago, before the building of those levees in 1882 there were many shallow bars, from 4 to 5 feet, and when the levees were built, when the gaps were closed, when the waters were confined to the river, those bars were scoured out and became deep, and we now have 9 feet of water in the shallowest places. That navigable depth is very largely due to the levees.

Mr. GALLINGER. Mr. President, I will ask the Senator from Louisiana if there is not a great diversity of opinion among those who have given study to this subject as to the value of the scouring process when the flood is confined?

Mr. RANSDELL. I have never heard any difference of opinion expressed among really able engineers on that subject. I have been studying it very carefully, and I will state that in connection with the preparation of this bill we had several of the ablest engineers in the country before us. I shall be glad to furnish the Senator one of the bulletins containing their report. All of them testified to the very valuable aid which the levees are to the navigation, to the scouring qualities, of the stream, as well as to the protection of the lands from overflow.

Mr. GALLINGER. Was there in the section that the Senator mentions—I do not know the facts—any dredging done?

Mr. RANSDELL. There was some dredging done there; yes, sir. The Mississippi River Commission has several dredges, and they use them as an adjunct. The building of the levees alone did not complete the scouring; but I will say to the Senator that the engineers contend that if the levees had been perfect and continuous all the way down, the scouring would have been sufficient; but, unfortunately, during every flood there would be more or less breaks in the levees, and it invariably followed that when a break occurred in the levee the water would sweep out with a tremendous rush in the gap, and the volume of water in the river would be very much diminished, a large percentage of it sometimes, probably half, escaping through the gap. That would cause a very great diminution in the rapidity of the flow, the impetus of the flood; and the sand and sediment carried in solution, naturally being affected by the decreased flow, would be deposited in large quantities, and a great sand bar would be formed below a crevasse.

Mr. GALLINGER. I wish to ask the Senator one further question in that connection. While a bar is being laid out—and we will say that it is done because of controlling the water in a comparatively narrow channel—is not that silt carried to some other point and deposited, and thereby another bar formed?

Mr. RANSDELL. Well, it is scattered throughout the river to some extent, and a great deal of it is carried to the Gulf of Mexico. As the Senator knows, Louisiana is the youngest State in the Union, geologically speaking. That great jurist and wonderfully good man, Judge Robert S. Taylor, of Fort Wayne, Ind., said a few years ago in a public address which I heard him make, that Louisiana was composed of the geological cream of the American Continent; that it was formed of the washings of soil from the hillsides and valleys of the 41 States which contribute their waters to the floods of the Mississippi River; and in very recent times the peninsula has extended quite a long way into the Gulf of Mexico. Land is being made there all the while. Our area is growing annually.

Mr. GALLINGER. Mr. President, in that respect Louisiana is different from the little State which I in part represent. Some distinguished southerner once said that after the other States had been made the débris was gathered up and deposited in New England, and that was the reason we had so many rocks.

Mr. RANSDELL. They must have deposited some very good débris in New England from the character of the people who come from there.

Mr. GALLINGER. However that may be, I want to ask the Senator a really honest, practical question. We all recognize the Senator—and I do not think I will exclude the Senator from Ohio [Mr. BURTON] from that suggestion—as having perhaps given more profound study to this question of waterways than has any other Senator. I, too, have given some study to it. I came to the conclusion long ago that levees were of small account in the matter of benefiting navigation; they did something, but that their chief value was—and I am not at war with that thought—that they protected the adjacent territory from inundation and destruction. I gave some thought and investigation to the matter of the reservoirs, and I about came to the conclusion that you might as well stick a knitting needle into the Potomac River and undertake to stop the flow to the ocean as to undertake to control the Mississippi River by the construction of reservoirs.

I gave a good deal of consideration to the subject, and in my innocence was profoundly impressed with the thought that we might at least greatly mitigate the evils of floods by the outlet system; but in that respect scientists differed from my immature views, and I abandoned them.

Now, I ask the Senator if he has given—and I have no doubt he has given—consideration to the question as to whether or not this great country, with all its wealth, will ever be able probably to devise a means within the limits of human expenditure that will remedy the evil of which the Senator complains and which I very fully recognize.

Mr. RANSDELL. Does the Senator from New Hampshire refer to the floods on the lower Mississippi River?

Mr. GALLINGER. I refer to the floods on the lower Mississippi River.

Mr. RANSDELL. In answer to the Senator's question, I will state very frankly that I have studied it. I have studied it as the representative of my people, who have suffered terribly from those floods; of my entire State, which is damaged by them more than any other State in the Union, for out of about 28,000 square miles of flood area in the valley of the Mississippi River 14,000 are in the State of Louisiana. I have studied the question as one whose every dollar is invested back of the levees, for I have lived during all my business life in the little town of Lake Providence, on the banks of the Mississippi River. In front of that little town there are levees about 17 or 18 feet high.

During the 32 years I have lived there I have seen a number of overflows in the river. My plantation and property—for I am a cotton planter—have been overflowed a number of times, and my individual losses have been very heavy; so that I have had every incentive that could make a man study a subject make me study this one. As the result of practically a third of a century of earnest study and investigation I am firmly convinced that if we will build the levees along the banks of the Mississippi River from Cape Girardeau, Mo., to the Gulf on both sides of the river, where they are needed, according to the plans of the Mississippi River Commission, the valley will be fully protected from overflow. In some places the hills come down and levees are not needed. If we will build the levees strong and high, as this commission suggests, with the crown, the height, and the base they suggest, with the banquettes as adjuncts to the levees, and prevent the caving of the banks of the river by proper revetments along the plans advocated by the Mississippi River Commission, worked out by them in detail, and which to some extent they have actually carried into practice, I believe the people of the lower valley will have adequate relief.

The most recent testimony in regard to that subject was given by Judge Robert Taylor, of Indiana. Let me say that he is one of the greatest men in the United States. I compare him favorably with any man I have ever known. He was appointed——

Mr. GALLINGER. Mr. President, if the Senator will permit me, I want to indorse what he has said concerning Judge Taylor.

Mr. RANSDELL. I thank the Senator. Judge Taylor is a great man, and the people of that valley honor and love him. I wish he belonged to my political party, but unfortunately he does not.

Mr. GALLINGER. Which party is that?

Mr. RANSDELL. The Democratic Party.

Mr. GALLINGER. I supposed it was the "Louisiana" party, of which we have heard lately.

Mr. RANSDELL. No, sir; I do not belong to that branch of a political party.

When the Mississippi River Commission was created, in 1879, there were seven members, six of whom were engineers and one was a civilian. The first civilian was Benjamin Harrison, afterwards President of the United States. I presume that it will not be necessary to prove that he was an able man.

When he resigned from the commission to become United States Senator, in March, 1881, he was succeeded by Robert S. Taylor, and Judge Taylor held the position until March, 1914—33 years. If ever a great man studied a great subject carefully and understood it well, Judge Taylor studied and understood that subject. He was not an engineer, but in many respects he was better qualified to understand those problems than an engineer. He did not have the limitations which every profession, be it law, medicine, engineering, or any other, throws upon its members. He was a great lawyer, and he gave to the study of that question a wonderfully clear mind. Twice every year the Mississippi River Commission, during the 33 years when he was a member, went from St. Louis to New Orleans in their boat, called the *Mississippi*, studying those levees, studying every problem connected with the river, and time and again has Judge Taylor been summoned to Congress to testify in regard to the river. He studied, I believe, every question connected with the subject everywhere in the world. He has written a number of most instructive and entertaining articles concerning the river, and to any Senator who wishes to know about it, who wishes something really interesting, let me advise that he read these articles by Judge Taylor.

before I became a member of the committee, and for nearly 25 years before I became its chairman, dams were selected here and there. Every one was complete in itself; every one improved a certain stretch of the river; every one made the navigable period of the whole river somewhat longer, so that there was some advance in the improvement of the river; but I did not see my way clear, during the time I was chairman of the Rivers and Harbors Committee, to advocate this enormous expense.

I have said, since the bill of 1910—and it is now under way—that the Ohio River and the Large Canal are the two places in this country to determine the feasibility of inland navigation on rivers or canals; that is, on shallow streams. Of those two the Barge Canal is the more promising, because it connects the Great Lakes with the Hudson River and the Atlantic Ocean.

Mr. RANSDELL. Mr. President, will the Senator yield to me for a moment?

Mr. BURTON. Certainly.

Mr. RANSDELL. I assure the Senator that I have no disposition whatsoever to criticize him or to hold him up to anything like trouble with his Ohio constituents. No man admires him more than I do; I am sure of that, and he knows it. I am just trying to give the Senator a chance to explain what seems to me an inconsistency on his part in criticizing Congress for improving branch streams and not improving the main streams.

During the 10 years the Senator was chairman of this committee a great deal of this improvement of the branch streams was made. The Ohio River project had been started long before he was chairman; a ' be carried on the improvement of these branch streams and finished some of them. I believe, but did not give money enough to finish the Ohio. It seems to me that is inconsistent, and I simply want to give him a chance to explain it.

While I am on my feet, I should like to say that he has complained a good deal about the dribbling policy in the present bill. Surely the term "dribbling" could be applied with justice to the great Ohio River, which has an enormous commerce and which for years got very, very small appropriations in the bill.

Mr. BURTON. I am not afraid of that issue. These branch streams were improved to an extent, but there was none of the policy of putting locks and dams into streams here, there, and elsewhere, and going ahead with such an enormous expense. On some of them locks were completed; on others there were a few locks commenced, but there was not the mad rush, as in this bill and in the bill of 1910, for providing locks and dams everywhere, like one of our humorists, who desired to put a lightning rod first on one wing of the house, then on the other, then on the barn, and finally to wind up with putting one on the mule and all the other animals around. That sort of thing is the worst waste of public money that can be found in this bill.

I say again that I favored improving the Ohio River so far as conditions promised results. While I favor the policy of completing what you have commenced, yet in the case of an indeterminate improvement, like the lower Mississippi, where estimates are made mounting up to $200,000,000 or thereabouts, it certainly would be the height of inconsistency for anyone to say that you must appropriate the whole of that $200,000,000 before you could improve any other main stream or branch stream in the country.

There is a certain amount of navigability in the Ohio, and there always was. The improvement of branch streams, I think, was pressed more rapidly. Certainly in the case of these canalized rivers it was pressed more rapidly than in the main stream. That is what I am finding fault with.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It is true, is it not, that very many of these canals that have been constructed under the provisions of the river and harbor acts have been abandoned?

Mr. BURTON. Not a considerable number of those constructed under the provisions of the river and harbor acts. A great many State canals have been abandoned.

Mr. KENYON. I notice in the report of the Commissioner of Corporations on Transportation by Water in the United States, part 1, a letter of submittal, in which he states:

> About 4,500 miles of canals have been constructed. More than one-half—2,444 miles, costing over $50,000,000—has been abandoned. State canals, however, still operate in New York, Ohio, Illinois, and Louisiana, with a total mileage of nearly 1,200 miles, and there are also 16 private canals of some importance in operation, with a total mileage of 632.

It seems to me, however, that that refers to canals constructed by the Government—over 2,000 miles.

Mr. BURTON. I do not recall at this time any of any importance.

Mr. KENYON. I judge that from the language here. He continues with the statement that about $80,000,000 has been spent on canals that have been abandoned. He goes on then to speak of the State canals.

Mr. BURTON. It is true, however, that the Federal Government made subscriptions to some canals constructed by private corporations. For instance, it made a subscription to the Chesapeake & Ohio Canal, which extends up the Potomac from Georgetown and the Chesapeake and Delaware, which will come up in this bill; but I do not at this minute recall any canal constructed by the Federal Government which has been abandoned. I think this statement must refer, although the language is perhaps a little ambiguous, to canals constructed by private corporations or individuals, and by States. I will say here, in regard to the canals in Ohio, that now they hardly operate at all, although over large stretches there is a depth of 6 and 8 feet in those canals and to the passer-by they look like model waterways.

Mr. KENYON. Does the Senator mean State canals?

Mr. BURTON. Yes; State canals.

Mr. KENYON. Not the canalization of the Ohio River?

Mr. BURTON. Oh, no. The Federal Government, by giving land grants, and so forth, assisted in the building of those canals. While I am on that point I may say that those canals, commenced in the year 1825 by the State of Ohio, determined the location of cities and the course of business. They were of the utmost importance in the development of the State. They reached their maximum traffic in the forties. Then the traffic began to decline, and now it is practically nothing, although they connect the leading cities in the State. The Miami & Erie connects Cincinnati with Toledo. The Ohio Canal connects Zanesville with Cleveland.

Mr. RANSDELL. Mr. President, the time to which the Senator alludes was before the days of railroads, I believe, was it not?

Mr. BURTON. Yes.

Mr. RANSDELL. Canals were practically the only really good means of transportation in those days?

Mr. BURTON. Yes.

Mr. KENYON. It is true, too, is it not, that the transportation tonnage on the Ohio River has very much decreased in the last 10 years?

Mr. BURTON. It is somewhat irregular. The traffic last year was, I believe, 8,000,000 tons; between eight and nine million tons. It has run as high as 14,000,000 tons; but I should be slow to believe that that meant a permanent decline in the total traffic.

Mr. KENYON. I have seen figures which I thought were authentic, and which I have somewhere, to the effect that the commerce had decreased 25 per cent in the last 10 years; there was a constantly decreasing traffic; and this Ohio River project, as I understand, involves the Government in an expenditure of some $63,000,000 before it is completed.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Ohio, in addition to the information the Senator from Iowa has asked for, if he has any statistics which show the relative cost of transportation between the river and the railroads, including the loading and unloading of the products and getting them to the consumer?

Mr. BURTON. I have worked on that problem a great deal. It is almost impossible to come to any definite result, as the conditions are so different in different places. Of course, the argument is made by the opponents of river transportation that if you capitalize the cost of the improvement, compute interest on it, say, at 4 per cent—that is the figure that the students of the subject in France adopt—add to that the annual cost of maintenance, and then add the cost of carriage by boat, by that time the cost of water transportation is as great as or greater than that by rail. In some places that is true, and in some places it is not.

Then, there are two further additions to be made to the cost of river transportation. The first is insurance. Sometimes, of course, river traffic is sent without insurance; but in carrying on the business on a large scale, as a shipper by railroad would do, he would wish to insure. The next item is the greater cost of loading and unloading.

I shall hope during this discussion to enumerate quite a number of cases in which I shall make comparisons between the cost of transportation by water and the cost of transportation by rail. I desire to suggest to the Senator from New Hampshire and to the other Senators who are so kind as to listen to me that there is another comparison that may be profitably made in view of the development of the automobile business; and

that is a comparison between the cost of traffic by water and the cost by autotruck. That comparison assumes especial importance when we take into account the fact that the average haul on most of these streams is so short—30 or 40 miles, or something like that.

Mr. GALLINGER. Yes, Mr. President; that is a very interesting suggestion. The fact is that the autotruck is now very largely taking the place of horses. I happen to know an instance where a truck service was inaugurated in the city of Boston, and the saving to the manufacturer in delivering his goods has been enormous. In fact, his goods are delivered as far away as 90 miles from Boston at a very small cost. I hope that may be worked out.

I should like to ask the Senator another question. It will take only a moment. However it may be as to the decline in river traffic on the Ohio River, I take it that it is an undisputed and indisputable fact that the decline on the Missouri River and the Mississippi River has been very large.

Mr. BURTON. I think the traffic on the Ohio is easily 30 times what it is on the Missouri.

Mr. GALLINGER. Yet I believe we have two and a half million dollars in this bill for the Missouri River.

Mr. BURTON. Something like $2,000,000.

Mr. GALLINGER. And eleven or twelve million dollars for the Mississippi.

Mr. BURTON. I will dwell at length on the traffic upon the Mississippi River.

Mr. RANSDELL. With the consent of the Senator from Ohio, I should like to furnish a few figures I have in response to the question of the Senator from New Hampshire if I may get his attention.

Mr. GALLINGER. Certainly.

Mr. RANSDELL. I made a careful examination of this question some time ago, and I have a few figures here. I read from a speech which I made on the Panama Canal tolls question:

> A study of the rates on railroads leading out of St. Louis affords striking evidence of the effect of waterways. Havana, Ill., is 159 miles from St. Louis, and Poplar Bluff, Mo., 159 miles distant, but Havana is on the Illinois River and has a first-class rate of 34.1 cents per 100 pounds, while Poplar Bluff is an inland town and has to pay 52 cents. The distance to Poplar Bluff is only 10 miles greater; the rate is more than 44 per cent higher.
>
> Springfield, Mo., is 239 miles from St. Louis, while the distance to St. Paul is 593 miles. Springfield, Mo., being inland, pays 62 cents, while St. Paul, being on the Mississippi River, pays only 1 cent more—63 cents—for the greater distance. If the rate to Springfield, Mo., were the same per mile as the rate to St. Paul, Springfield, would pay only 25 cents per 100 pounds instead of 62 cents. Vice versa, if the rate per mile to St. Paul were the same as to Springfield, Mo., the rate would be $1.54 instead of 63 cents.
>
> Mexico, Mo., is 116 miles from St. Louis; Cincinnati, Ohio, is 339 miles. Cincinnati is on the Ohio River and boats can ply between St. Louis and that city, so the railroad rate on commodities of the first class to Cincinnati is 41 cents, while that to Mexico, Mo., is 43 cents. Cincinnati is almost three times as far away and has a rate of 2 cents per 100 pounds less than the town to which the steamboats can not run.
>
> These rates were compiled by the Interstate Commerce Commission from the railway tariffs on file, and the distances were taken from the official railway guide.

Mr. GALLINGER. Has the Senator ascertained what proportion of freight was carried on those streams and the amount carried by the railroad?

Mr. RANSDELL. I did not examine that to see just how much freight was carried; but even if the freight is not carried on the river, there is a very large volume of freight, I take it, between St. Louis and St. Paul and between St. Paul and Cincinnati, and that freight, whether carried by water or carried by rail, is actually carried, according to the report of the Interstate Commerce Commission, at rates which are very much smaller in every instance than the rates of freight to the inland points which do not have the benefit of water transportation.

Mr. GALLINGER. If that be so, why is it that these great waterways of commerce are not utilized and why does not capital engage in the building of steamboats to go into that business?

Mr. RANSDELL. The only way I can account for it is that the railroads have so reduced the freight at competitive water points that the boats have been driven out of the business. The Senator will recall that when the Panama Canal act was passed in 1912 it was found necessary to include section 11, which provides that hereafter no railroads shall own boats that compete with them, and you also remember that we have made provision for the long and the short haul, requiring railroads to charge relatively the same for a long haul as for the short haul. We have done everything we possibly can to overcome the unfair competition to which the railroads have subjected the waterways, and it is my firm belief that when the waterways can get on the basis that they were many years ago the Congress of the United States will protect them from the unfair and cutthroat competition to which they were subjected by those railroads until practically all the boats and commerce were driven from the rivers.

Mr. GALLINGER. Is it the Senator's opinion that the waterways will ever get on the same footing that they occupied some years ago?

Mr. RANSDELL. I do not think there is the smallest doubt about it. Let me cite you one case where there is an enormous carriage of freight by water. On the Great Lakes alluded to to-day by the Senator from Ohio, there were, if I recollect correctly, over 72,000,000 tons of commerce carried last year through the canal which we improved, the St. Marys River, because it is a canal, a canalized river, and just on that river alone the commerce between the Huron and Superior amounted to over 72,000,000 tons. It was carried an average distance of about 326 miles at a rate less than seven-tenths of 1 mill per ton per mile, whereas the average railroad rate in this country last year was something like 7.7 mills per ton per mile, more than eleven times the average rate actually paid on this colossal commerce through the Soo.

Mr. President, I see no reason why if this great commerce is carried through the Great Lakes from one end to the other and to various points along either shore at a rate ridiculously low compared with the railroad rate there should not be relatively the same amount of commerce on the Ohio River and the other great rivers when they are improved.

Why does not a large commerce move on the Ohio now? Because at certain times of the year there are not more than 2 feet of water in that river.

I was at Cincinnati in the summer of 1905 and was told that you could wade across the river without getting wet to your waist. There were only about 2 feet of water over one of the bars in the river. Everyone knows that a chain is no stronger than its weakest link, and that the shipper is not going to depend on the watercourse when just at the time he needs his freight the river may be out of business.

Mr. GALLINGER. Why——

Mr. RANSDELL. If the Senator will pardon me one moment, we are trying to give the Ohio a dependable depth of 9 feet at all stages from Pittsburgh to Cairo, and I am firmly convinced that when we do give it that depth, a depth at all stages except when stopped by ice, there will be a very considerable commerce on it; and what is true of the Ohio applies largely to many of these other rivers.

Mr. GALLINGER. No doubt that is possibly so. I know that commerce is carried on the Great Lakes at very low rates per ton. There is no question about that. The reasons are obvious. Has the Senator taken into account the cost of improving the Ohio and Mississippi so that they will be open waterways like the Great Lakes and give us an opportunity to test this question there? How far do the appropriations of this bill go toward solving that problem?

Mr. RANSDELL. On the Ohio River we are giving a little over $5,000,000 in this bill. We started in 1910 on what I conceive to be a businesslike method of improving the Ohio. We said we were going to finish it in 12 years and we gave $5,000,000 for it. This is the fourth appropriation since that time. We have appropriated in round numbers $25,000,000, including the Ohio item in the pending bill, on a project which the engineers said would cost $63,000,000. I have no reason to assume that the engineers are wrong in their estimate. So if they be correct this bill carries in round numbers one-twelfth of what is necessary to complete the Ohio.

We are carrying it on about as fast as good business and ordinary prudence dictate that it should be carried on. I do not believe you could spend wisely more than $5,000,000 a year on that river. I doubt if you could find contractors who could do the work more rapidly than at the rate of about $5,000,000 a year.

The Mississippi River is such a large affair that I will take it somewhat in sections. In 1910 we adopted a project to improve the Mississippi River between St. Paul, or perhaps I should say Minneapolis, and the mouth of the Missouri. As I recall the project, it was to cost about $18,000,000, and in that instance we said we were going to finish it in 12 years. Since that time we have been consistently appropriating, as I recall, about $1,500,000 a year. That is what the present bill carries for that stretch of the Mississippi River. It is a good river; it now has a considerable commerce; there is a magnificent country on both sides of it; and I believe there is going to be a very large commerce on the river when it is completed.

The stretch between the mouth of the Missouri and the mouth of the Ohio, the one to which my friend the Senator from Ohio

wick, Ga., which has been one of the most successful improvements made by the United States; an appropriation for Sabine Pass, for Aransas Pass, and for divers other projects, rivers, and harbors as well. Appropriations were made to complete Ludington Harbor, Mich., a harbor which has now the largest traffic of any harbor in the southern peninsula of Michigan; Milwaukee Harbor, Manitowoc Harbor, Chicago Harbor, Osage River; the San Luis Obispo Harbor in California, the traffic on which now has grown to very large proportions, mostly in oil; Oakland Harbor, the cost of the improvements in all these places aggregating between $200,000 and $1,000,000.

Now I come to the third class of new projects, to complete which an appropriation was made in every case. My friend, the Senator from Louisiana [Mr. RANSDELL], mentioned a few days ago some six or eight projects which it was alleged found their way into the bill of 1907, where appropriations were not made in some sufficient to complete them. I think it is hardly worth while to take much of the time of the Senate on this, but practically everyone was in accordance with the rule to undertake no project unless it was completed. The first one cited is New Bedford and Fairhaven, for which there was appropriated $300,000, and which, it is alleged, would cost to complete $527,000. On that subject the Government engineer, Col. Willard, in a report of May 18, 1906, page 7, Document 271, Fifty-ninth Congress, second session, says:

To get the most favorable terms funds should be available for payment as earned, which should be accomplished by three successive appropriations, say, $300,000, $350,000, and $250,000, respectively.

There was there a plain recommendation that the appropriation be made in three divisions.

The Oswego Harbor project was one which caused a great deal of perplexity between two methods, the former engineer favoring one and the latter another, and it was not thought desirable to appropriate more than $200,000 at the time.

As regards the Newark Bay and Passaic River improvement, for which an appropriation of $850,000 was made as against an estimate of $1,216,775—the fact is that the committee is entitled to credit for having cut down that amount, because, as I said here a few days ago, the estimate for the project seemed to be exceedingly large per unit or yard. The engineers were called in, and they thought that by depositing the soil or dredged material nearer to the place where the dredging was done the work could be performed much more cheaply, and an estimate was made on that basis. I think that estimate also has proven sufficient, though a still further and more extended improvement is now in contemplation.

The Mispillion River is in a way an exception to the rule. This is a stream in Delaware, which has been under improvement for many, many years, and the $40,000 appropriation in the bill of 1907 was regarded as altogether out of keeping with prior appropriations. It is technically an exception to the rule that was followed of appropriating the whole amount for a new project, although the improvement of the river itself is an old project and by no means a new one.

The item in regard to Club and Plantation Creeks is readily explained, because it was a Senate amendment, under which $20,000 was appropriated. According to the understanding which prevailed in the committees at that time, when an amendment had been made by the Senate the amount thus fixed could not be increased above that figure. In the bill of 1910, I think it was, the Senate made an exception to that rule. I still question the desirability or the correctness of fixing a figure beyond that in either bill as a matter of parliamentary law, but in the appropriation for the harbor of Bridgeport, I think in the bill of 1910, a certain amount was fixed by the House, say $30,000, and the Senate increased it to $60,000. A decision was reached to the effect that the conference committee might raise the amount above $60,000; for illustration, I will say to $90,000. It was the impression of the committee of conference in 1907 that, as a matter of parliamentary procedure, we could not raise the amount above the maximum inserted by one of the two Houses.

In the case of the Tennessee River the project was the result of a reexamination, and the amount appropriated, $205,000, was in exact accordance with the recommendation of Col. Klingman, then having charge of the Tennessee River, now brigadier general and head of the Corps of Engineers. He stated that, with separate plants in the different sections of the river, the work could be prosecuted somewhat more rapidly, but that the expense would be greatly increased, and so he thought it desirable to proceed with one plant alone, and the amount of $205,000 appropriated was in accordance with his recommendation.

As regards the falls of the Ohio at Louisville, that is made up of two appropriations. I can see no basis whatever for the statement made that the appropriation is a violation of the rule that when a project is entered upon it should be completed. The appropriation of $314,000 is made up of two items:

Improving the Ohio River at Louisville, Ky.: By the removal of rocks in the channel of said river near to the falls, $43,000.

That was an item complete in itself. The other is:

Improving the Ohio River at Louisville, Ky.: By raising the dam so as to give a minimum depth of 9 feet upstream to Madison, Ind., and a minimum depth of 6 feet on the lower miter sill at lock No. 1, Kentucky River, $271,000.

The appropriation in the bill was the aggregate of these two, and each is complete in itself. How the estimate of $1,760,000 is obtained I am unable to state; at any rate it does not apply to these two improvements.

Again, the improvement at Hilo, in the Hawaiian Islands, was very carefully considered by Gen. Mackenzie and myself. It was found that a separate portion of the improvement could be finished at a cost of $400,000, and it was thought that was all that was desirable to be done at that time.

Among the smaller projects are the Cape Porpoise Harbor, in Maine, which was provided for in one cash appropriation of $46,000; the Penobscot River in Maine, $130,000; the Kennebec River in Maine, $75,000 cash and $200,000 continuing contract.

In Massachusetts, the harbor at Beverly, for which a cash appropriation of $33,500 was made; Dorchester Bay and the Neponset River, for which a cash appropriation of $125,223 was made.

In Connecticut, the harbors of Norwalk and East and South Norwalk, for which an appropriation of $68,500 was made.

In New York, Coney Island Channel, for which an appropriation of $188,300 was made; in New Jersey, Cold Spring Inlet, Cape May, at a total cost of $1,211,000; Perriwig Harbor, Delaware River, between Trenton and Bordentown; Salem River, Cohansey River, for which a cash appropriation of $55,800 was provided.

In Delaware the Broadkill River—I will not read all the amounts, as they will be printed with the report—the Meherrin River, N. C., from the mouth thereof to the town of Murfreesboro; Fernandina, Fla., Withlacoochee River; Alabama, Conecuh River; Mississippi, Wolf and Jordan Rivers and the Big Sunflower; inland waterway in Louisiana; inland waterways in Texas; Caney Fork River in Tennessee; Two Rivers Harbor, Wis.; St. Michael Canal, in Alaska; Hilo Harbor, Hawaiian Islands; and San Juan, P. R.

Mr. President, beginning with the great harbors, New York, Boston, Philadelphia, Baltimore, and Norfolk on to Savannah, New Orleans, and Galveston, the mouth of the Columbia River, the bill in 1907 was representative of all portions of the country. It took up the great projects then pending and provided either for their completion or for the prosecution of the work for four years.

The bill might have been improved. As I look over that bill, my eye rests on one item that I do not feel should ever have been included there, though time may justify its insertion; but it was a bill passed upon a businesslike method; it was a measure which was framed with a view to keeping pace with the commercial progress of the country and increasing facilities for transportation. Perhaps the most urgent requirements were for the great harbors of the Atlantic coast and the connecting waterways of the Great Lakes, the waterway between Superior and Huron and the Detroit River between Lake St. Clair and Lake Erie; but appropriations were not made in large amounts unless they meant assured results. It was thought that these places where there was a dwindling traffic, though they were not to be put off the map, though they were not to be entirely abandoned, should be postponed in favor of others where the traffic was increasing, and where all the while greater facilities were required to meet the growing demands.

With the adoption of the one-year bill, however, this policy of continuing contracts has gone glimmering. The result is that Congress appropriates enough to finish a part; the engineers make a partial contract for the work at a greatly increased proportion of cost; no assurances are given as to the time when the work will be completed, and, worst of all—far worst of all, Senators—a project may be adopted which may be very objectionable and extravagant, when the bill only shows a comparatively small amount of appropriation.

In one instance in this bill the appropriation is only one-twenty-ninth of the total amount that will be required to finish. An item very innocent in its appearance, but requiring before completion a very large expenditure, and at best a measure of very doubtful desirability.

I now pass to another branch of this inquiry relating to the policies and methods of this bill, and that is the custom of improving branch streams before the main stream is finished.

That, more than anything else in our river and harbor legislation, gives to this measure the characteristic which some have termed the "pork barrel."

It is perfectly easy to see how this arises. The Nation starts out to improve a great main stream like the Ohio, or, say, the Columbia or the Mississippi. Before that improvement is completed along come the communities located on the branches, and say, "Why, you are improving the Ohio. All our branches here must be improved as well. You must not make an appropriation merely for this main stream. We must all have some participation in this plan."

What has been the result? There is not a stream emptying into the Ohio River that is improved with locks and dams but which for seasons of the year, sometimes continuing for months, has higher water in the pools of the tributary than there is in portions of the Ohio River itself. I want to read, briefly, some figures on that point.

The Kentucky River, the Big Sandy River, and others are canalized to a depth of 6 feet. That 6 feet extends upward from the lowest lock and dam in the tributary stream. The report of the chief of engineers for 1913, part 2, page 2327, shows the navigability of the Ohio River for 10 years from Pittsburgh to Cairo. This is close to a thousand miles. With the improvement and partial canalization of the river the depth has very greatly improved in recent years; but after the Kentucky River project was well under way, after the Big Sandy, the Green, the Cumberland, and the Tennessee had been improved so that a depth of 5 or 6 feet had been obtained in the canalized portion, let us see what we had in the Ohio.

In 1903 the number of days when the river, say at Cincinnati or Paducah, was under 3 feet in depth—Paducah is at the mouth of the Tennessee—was 29. The number of days when it was 3 feet and under 6 feet was 596.

Now, let us proceed. It is not worth while to read all these figures, but let us pass on to the latest year. In the year 1912 it was 3 feet deep at all the towns on the river the year around, although that is the first year when that has occurred. For 366 days it was 3 feet and over in practically every place. The number of days when it was 6 feet, or equal to the depth in these canalized tributary streams, was at Davis Island Dam, 255 days, or 111 days in which it was less than the depth in the canalized portions of the tributary streams; at Wheeling, 314 days, or 52 less; at Parkersburg, which is at the mouth of the Little Kanawha, a canalized river, 296 days. That is, there were 70 days of the year when the Ohio River at Parkersburg had not the depth of this branch stream which had been improved. At Catlettsburg, Ky., 309 days out of the 366. At Louisville, a very important point on the river, there was 6 feet and over all but 3 days; but at Evansville, Ind., there were 36 days when it was not 6 feet deep, and at Paducah, Ky., there were 46 days.

Mr. RANSDELL. Mr. President, will the Senator yield for a question?

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I have listened with much interest to the remarks of the Senator indicating a criticism of the method of improving branch streams before the parent streams are improved. I will ask the Senator if the project for giving the Ohio River a minimum depth of 6 feet was not adopted in 1875?

Mr. BURTON. I think it was.

Mr. RANSDELL. I will ask the Senator when the project for giving these branch streams a depth of 6 feet or more was adopted?

Mr. BURTON. At a later time, mostly.

Mr. RANSDELL. Considerably later, was it not?

Mr. BURTON. Yes; most of them, I think. The Kentucky was improved a considerable time ago by the State of Kentucky.

Mr. RANSDELL. I will ask the Senator what headway was made in adopting a practical, businesslike method for the improvement of the Ohio during the 10 years when the Senator was chairman of the Rivers and Harbors Committee?

Mr. BURTON. There were certain dams finished or prosecuted, some below Pittsburgh, where the nonnavigable period is longest; also below Wheeling and Marietta; one below East Liverpool, below Parkersburg, below Gallipolis and the Big Kanawha, and especially one below Cincinnati. I have forgotten whether there was one below Steubenville or not. I think perhaps that was adopted at that time.

Mr. RANSDELL. I will ask the Senator if he considers that the work of improving the Ohio so as to get a minimum depth of 6 feet at all stages was carried on in what he conceives to be a systematic, businesslike manner during the time the Senator was chairman of the Rivers and Harbors Committee?

Mr. BURTON. I shall get to that matter in a minute.

The question of the Senator from Louisiana does not at all affect the point I have made. If you project an improvement and do not prosecute it on the main stream, that is no reason why you should both project and prosecute it on the branch stream.

As regards the improvement of the Ohio, I am perfectly aware that there was an attempt to make the slow progress on that river a political issue against me for years in the State. It was but an illustration of what I said a few days ago. One reason why such slow progress has been made on many projects has been that we have been so doubtful about whether any good result could be obtained. My idea about the Ohio River was to try out the problem by the construction of dams which would at the same time serve as harbors at the more important towns upon the river and extend the period of navigation in the shallower portions. Below Pittsburgh the descent is steep, and here in its unimproved condition the navigation was suspended for the longest time.

Mr. RANSDELL. But did the Senator give it a chance to be tried out by securing a depth of 6 feet?

Mr. BURTON. Oh, yes; decidedly. The depth of 9 feet was established.

Mr. RANSDELL. You did not give enough locks to make it 6 feet.

Mr. BURTON. Oh, yes; it was 9 feet.

Mr. RANSDELL. I beg pardon. We adopted the 9-foot project about 1907, I think, or 1910; I am not sure which.

Mr. BURTON. The House adopted it as early as 1905; but in the year 1900 the Senate voted it down. I myself inserted in the river and harbor bill in 1900 the provision that it should be 9 feet.

Mr. RANSDELL. I recall very well a great trip down the Ohio in the summer of 1905, which was conducted by a party of which the Senator from Ohio was the head and which was strongly advocating giving a depth of 9 feet from Pittsburgh to Cairo; and my recollection is that we practically adopted that project in the act of 1907.

Mr. BURTON. Beginning in 1909, as rapidly as the House could, the improvement was made with a view to 9 feet. I myself drew the provision that thereafter the improvements should be made—that was the substance of it—with a view to a depth of 9 feet. For some reason, which I never have been able to understand to this day, the Senate struck out the 9 feet and put in 6 feet, though the conference committee agreed on 9 feet. The Senator from Minnesota [Mr. NELSON] was one of the conferees, and brought the report here to the Senate, but the Senate refused to accept the 9 feet, and the provision for 9 feet went out of the bill and was not adopted until a later river and harbor bill. I have forgotten which one it was, but I think it was in 1905.

Mr. RANSDELL. I wish to ask the Senator, further, if it is not a fact that it was not until the act of 1910 that the Ohio River project was taken up in what may be called a really systematic and businesslike manner, with a statement in the bill that we proposed to finish it in 12 years, and an appropriation of about $3,000,000 looking to the completion within 12 years of that great project which had been under way since 1875?

Mr. BURTON. Oh, I say that it was taken up in a systematic manner. It was never taken up with a view to completing it; but I will take the full responsibility for the policy that prevailed before 1910. The seventy or eighty million dollars to be expended there staggered me, and I thought it was best for us to ascertain results by dams below Pittsburgh and below the other principal towns on the river, so that we could determine whether or not it would succeed.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. BURTON. I do.

Mr. SHEPPARD. What is the length of the longest nonnavigable period on the Ohio River each year?

Mr. BURTON. It depends on the place. In 1903, at Davis Island Dam, there were only 185 days when it was 6 feet and over in depth. That would be just about half of the year. In 1912, however, there were 255 days when it was navigable for 6 feet and over.

I feel that if I can not commend myself to my constituents in the State of Ohio by something better than getting appropriations for their rivers and harbors I can not commend myself to them at all. Probably it was considered that I held back this river for some time, but the policy was a good one. We were going through a tentative period of river development. It was a question whether these streams would prove of sufficient importance, when improved, to pay the cost; and so, pursuing the custom that had been in vogue for more than 50 years

of that river. The improvement is one of the most difficult in the world.

Mr. CHAMBERLAIN. May I interrupt the Senator from Ohio for a moment?

Mr. BURTON. Certainly.

Mr. CHAMBERLAIN. The appropriation bill for 1907, the Senator recognizes, was for the south jetty, and that has been completed.

Mr. BURTON. Yes.

Mr. CHAMBERLAIN. It has been eventually completed; but the appropriation in the present bill has reference entirely to the north jetty. I do not know that the Senator from Ohio knows that.

Mr. BURTON. I do not know but that fact had escaped my attention.

Mr. CHAMBERLAIN. It is a fact.

Mr. BURTON. This improvement of the south jetty was completed for the amount provided in the bill of 1907, was it not?

Mr. CHAMBERLAIN. It drifted along a good many years until it was put on a continuing-contract basis and then it was finally completed.

Mr. BURTON. It was in 1907 that it was put on that basis.

Mr. CHAMBERLAIN. One reason why it cost more than was contemplated was because the rule which the Senator advocates had not been adopted; that is, appropriations were then made piecemeal. When the appropriation was exhausted, the jetty works would be washed out, and until it was put on a continuing-contract basis it was almost impossible to get the work completed within any reasonable appropriation.

Mr. BURTON. But, Mr. President, not to return at any length to the subject of the policy of making partial appropriations as a business method, I wish to say there can be no justification for such an appropriation as that was. The part of a jetty or a breakwater which is made by an appropriation of a small part of the amount necessary to complete is likely to be absolutely destroyed, and then you must begin again and build it over entirely. A still further fact is that it is necessary for such a work to assemble a plant and equipment on a very large scale, and unless you have this large plant and equipment it is impossible to do work economically.

There is a second class of appropriations contained in the bill of 1907 for improvements already under way aggregating $200,000 or more, but less than a million dollars. I do not care to read these through, but as there are those who may be interested in this report I would like to have it printed in the RECORD again, and I ask leave to have it inserted in my remarks. I ascribe such value to it as a guide in river and harbor appropriations that I think it would be useful.

The VICE PRESIDENT. The Chair hears no objection, and it is so ordered.

The report referred to is as follows:

RIVER AND HARBOR APPROPRIATION BILL.

Mr. BURTON, of Ohio, from the Committee on Rivers and Harbors, submitted the following report, to accompany H. R. 24981:

The Committee on Rivers and Harbors, having had under consideration House bill 24981, files the same and respectfully reports thereon, recommending that the bill do pass.

The measure carries in cash appropriations $35,181,612 and in authorizations for expenditures under continuing contract appropriations which may hereafter be made a further sum of $48,634,526.

The following statement gives the amounts of appropriations and authorizations in recent river and harbor bills:

Year.	Cash.	Authorized.	Total.
1906	$22,020,180.60	$20,618,424.26	$22,275,964.91
1907	15,481,841.94	23,985,226.13	39,968,068.07
1908	20,771,452.00	26,336,180.70	45,107,632.70
1909	18,168,875.41	17,194,057.63	35,366,536.04
1910 (as reported by Committee on Rivers and Harbors)	35,181,612.60	48,634,526.60	83,816,138.60

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1896 contained a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if completion can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily indeterminate, much as in the three divisions of the Mississippi River, provision is made for an equal time.

3. New projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former methods has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception. It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the complete use of the improvement. More substantial benefit will be conferred by exhausting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith, where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind in which a division is made into two classes: First, those aggregating $1,000,000 or more; second, those aggregating $200,000 or more, but less than $1,000,000:

First class—$1,000,000 or more.

	Cash.	Authorization continuing contract.
Harbor at Boston, 35-foot channel (to complete)	$500,000	$3,994,000
Harbor of New York, Ambrose Channel (to complete)		1,148,810
Black Rock Harbor and Channel	1,000,000	1,000,000
Delaware River below Philadelphia (to complete)	395,000	500,000
Patapsco River and channel to Baltimore (to complete)	600,000	1,715,000
Channel from deep water in Hampton Roads to Norfolk	382,000	850,000
Savannah Harbor	300,000	700,000
Black Warrior, Warrior, and Tombigbee Rivers	380,000	1,642,000
Southwest Pass, Mississippi River, below New Orleans (to complete)	1,000,000	1,800,000
Galveston Harbor	300,000	700,000
Cleveland Harbor	221,000	800,000
Lock and Dam No. 26, Ohio River (to complete)	365,000	800,000
Ohio River, general improvement and completing authorized work in locks and dams	3,450,000	1,800,000
St. Marys River at the Falls, additional lock and duplicate canal (to complete)	1,200,000	5,000,000
Detroit River, alternative channel (to complete)	2,000,000	4,670,850
Mississippi, from Head of Passes to mouth of Ohio River	5,000,000	6,000,000
Mississippi River, between Ohio and Missouri Rivers	250,000	750,000
Mississippi River, between the Missouri River and Minneapolis	800,000	1,800,000
Mouth of Columbia River, Wash. and Oreg. (to complete)	750,244	1,700,000
Total	14,774,210	36,670,460

Total of appropriations and authorizations, $51,444,670.

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000.

	Cash.	Authorization continuing contract.
Massachusetts:		
New Bedford	$600,000	$200,000
Sandy Bay, harbor of refuge	100,000	100,000
Rhode Island: Newport (to complete)	65,000	165,000
Connecticut:		
New Haven breakwater	140,000	150,000
Bridgeport Harbor (to complete)	115,000	350,000
New York:		
Oswego Harbor	100,000	100,000
East River and Hell Gate	850,000	
Hudson River	850,000	
Buffalo Harbor	583,435	
New Jersey: Newark Bay and Passaic River to Newark	200,000	650,000
Pennsylvania:		
Monongahela River, Dam No. 5 (to complete)	354,048	460,000
Allegheny River, dam at Springdale, repairs (to complete)	200,000	
Washington, D. C.: Potomac River at Washington	280,000	
North Carolina: Cape Fear River at and below Wilmington	165,000	250,000
Georgia: Brunswick Harbor (to complete)	146,850	350,000
Florida:		
Biscayne Bay (conditional—to complete)	380,000	340,000
Key West	200,000	
Alabama:		
Mobile	200,000	300,000
Alabama River	200,000	
Mississippi: Pascagoula River	200,000	
Louisiana: Red River, Louisiana, Arkansas, Texas, and Oklahoma	350,000	
Texas:		
Sabine Pass	100,000	200,000
Aransas Pass and Bay	200,000	200,000
Galveston ship channel and Buffalo Bayou	200,000	300,000
Brazos River, from Old Washington to West	25,000	150,000
Trinity River	75,000	300,000
Arkansas: Ouachita and Black Rivers, Arkansas and Louisiana	140,780	280,000
Tennessee:		
Cumberland River, Tennessee and Kentucky above Nashville (to complete part improvement)	180,000	400,000
Tennessee River, Chattanooga, Tenn., to Riverton, Ala.	467,970	275,000
Kentucky: Kentucky River	160,000	420,000

Second class—Appropriations and authorizations aggregating $200,000 or more, but less than $1,000,000—Continued.

	Cash.	Authorization continuing contract.
Michigan:		
Ludington Harbor (to complete)	$100,000	$739,067
Detroit River (old project)	150,000	150,000
Wisconsin:		
Milwaukee Harbor (to complete)	200,000	392,000
Manitowoc Harbor (to complete)	100,000	276,000
Minnesota: Duluth, Minn., and Superior, Wis.	326,000	
Illinois: Chicago Harbor (to complete)	250,000	
Missouri:		
Osage River (to complete)	78,000	100,000
Missouri River (general improvement)	300,000	
California:		
San Luis Obispo Harbor (to complete)	63,000	200,000
Oakland Harbor (to complete)	68,203	300,000
Oregon:		
Columbia River, between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash.	100,000	500,000
Columbia and Lower Willamette Rivers below Portland, Oreg.	300,000	
Washington: Grays Harbor and Bar entrance	300,000	400,000
Hawaiian Islands: Honolulu Harbor	200,000	200,000
Total	8,269,741	9,011,867

Total of appropriations and authorizations, $17,272,728.

Total of appropriations and authorizations, pending improvements, $200,000 to $1,000,000, inclusive	$17,272,728
Add total of appropriations or authorizations for pending improvements in amounts of $1,000,000 or more	51,444,670
Total	68,717,398

The following is a list of appropriations made for improvements which may be designated as new projects, although some of them are closely connected with or extensions of projects already adopted. For all of these an amount sufficient for completion has been appropriated or authorized:

Project.	Appropriations, cash.	Expenditures, authorized, continuing contracts.
Maine:		
Cape Porpoise Harbor	$46,000	
Penobscot River	128,000	
Kennebec River	75,000	$200,000
Massachusetts:		
Beverly	38,500	
Dorchester Bay and Neponset River	125,333	
Connecticut: Norwalk and East and South Norwalk	69,300	
New York: Coney Island Channel	188,300	
New Jersey:		
Cold Spring Inlet, Cape May	311,000	900,000
Ferriwic Bar, Delaware River, between Trenton and Bordentown	50,000	
Salem River	29,000	
Cohansey River	55,800	
Delaware:		
Broadkill River	23,330	
Maryland: Crisfield Harbor	37,767	
North Carolina: Meherrin River from the mouth thereof to the town of Murfreesboro	6,000	
Florida:		
Fernandina	115,000	
Withlacoochee River	68,400	120,000
Alabama: Cowaula River	31,000	
Mississippi:		
Wolf and Jordan Rivers	20,000	
Big Sunflower	160,000	
Louisiana: Inland waterway	89,202	200,000
Texas:		
Intercoastal waterway	133,820	300,000
Sulphur River	36,000	
Tennessee: Caney Fork River	3,000	
Wisconsin: Two Rivers Harbor	90,000	
Alaska: St. Michael Canal	98,000	150,000
Hawaiian Islands: Hilo Harbor	200,000	200,000
Porto Rico: San Juan	157,800	600,000
Total	2,238,301	2,700,000

Total new projects, $5,038,301.

SUMMARY.

Total appropriations and authorizations for existing projects in amounts of $200,000 or more	$68,717,398
Total appropriations and authorizations for new projects	5,038,391
Total	73,755,789

The balance of $10,060,349 is made up of a variety of items, including $300,000, the usual appropriation for examinations and surveys; an emergency fund of $500,000; an appropriation of $190,000, part of which is conditional, for the survey of a deep waterway from St. Louis to the Gulf. This balance also includes appropriations for the maintenance and extension of various rivers and harbors, the amounts for which are not included in the above lists, including approximately 300 projects already under improvement, and upon which appropriations have heretofore been made.

In the discussion of the river and harbor bill of 1902 attention was called to a popular misapprehension to the effect that a very large amount of money was appropriated for rivers and creeks of trivial importance, and it was shown that the total amount appropriated in the act of that year for streams having a tonnage of less than 100,000 tons, or a traffic of a value less than $1,000,000, was $417,000.

It is impossible to make an accurate comparison of such appropriations in the act of 1902 with those recommended in this bill. Some streams on which no considerable traffic has yet developed are appropriated for, with the expectation that traffic may follow the improvement of those channels. The actual appropriations for the smaller streams already under improvement in which no considerable additions are contemplated are, however, approximately the same as in the bill of 1902, or somewhat less than half a million dollars.

In many instances a comparison shows that the traffic upon this class of streams has greatly increased since 1902, while in other cases the amount has remained stationary or even diminished.

While doubts have been expressed of the propriety of improving waterways of mere local importance at national expense, it must be conceded that if there is a comparison between appropriations and benefits the provision made for many of them is as beneficial as any appropriations in the bill. In this list may be included, with the amount or value of traffic and the amount herein appropriated, the following:

Project.	Appropriation.	Annual tonnage carried.
Thames River, Conn.	$30,000	446,604
Bronx River and East Chester, consolidated	20,000	257,388
Mantua Creek, N. J.	34,480	136,105
Raccoon Creek, N. J.	15,000	268,317
Smyrna River (Duck Creek), Del.	3,000	204,731
Nanticoke River, Del. and Md.	2,000	121,709
Neuse and Trent Rivers, N. C.	50,000	731,234
Waccamaw River, N. C. and S. C.	20,000	207,670
St. Johns River, Fla., above Jacksonville	35,000	269,610
White River, Ark.	50,000	160,083
French Broad and Little Pigeon Rivers, Tenn.	2,000	186,709
Petaluma Creek and Napa River, Cal.	25,229	604,063
Okanogan and Pend Oreille Rivers, Wash.	20,000	44,917

Liberal provision is made for the prosecution or completion of improvements in a considerable number of rivers or harbors of secondary importance, and in cases where satisfactory results are anticipated substantial additions have been made to the average of prior appropriations. Among improvements of this class are:

Project.	Appropriations, cash.	Expenditures authorized, continuing contracts.
Rhode Island: Pawtucket River (conditional)	$128,584	
Connecticut: Thames River	80,000	
New York:		
Bronx River and East Chester Creek	29,000	
Ogdensburg Harbor	76,000	
Delaware: Mispillion River	40,000	
Virginia: Rappahannock River	77,729	200,000
South Carolina: Santee, Wateree, and Congaree Rivers and Estherville-Mulin Creek Canal	130,000	
Georgia:		
Oconee, Altamaha, and Ocmulgee Rivers	60,000	
Chattahoochee River, Ga. and Ala., below Columbus	150,000	
Florida:		
East Pass and Carabelle	60,000	
Apalachicola Bay	55,000	
Manatee River	70,710	
Louisiana: Bayou Teche	120,000	
Texas: Brazos River, from Velasco to Old Washington	75,000	
Tennessee: Tennessee River, above Chattanooga, and Little Tennessee River	105,000	
Michigan:		
Holland Harbor	128,440	
Grand River	80,000	
Wisconsin: Two Rivers Harbor	60,000	
Minnesota: Red River of the North, Minn. and N. Dak.	15,000	
California: Sacramento and Feather Rivers	50,000	
Washington: Columbia River and tributaries above the mouth of Snake River	120,000	

Mr. KENYON. I ask the Senator from Ohio where the matter which he is reading appears in the RECORD?

Mr. BURTON. It is in the RECORD of February 20, 1913, beginning on page 3581. The full report is there inserted. The request was then made that it be printed because the original copies had almost all disappeared, and it was thought desirable to preserve it.

These appropriations and authorizations for projects aggregating $200,000, but less than a million dollars to complete, include a great variety. There were two in Massachusetts, namely, New Bedford and Sandy Bay, harbor of refuge; one in Rhode Island, the harbor at Newport, which has been completed at an expense of about $250,000; Bridgeport Harbor, to complete which an appropriation was made amounting to $112,000 cash and $350,000 continuing contract. Generous appropriation was made for Newark Bay and the Passaic River of about $900,000. Then there was an appropriation for the Potomac River at Washington, for the Cape Fear River at and below Wilmington; an appropriation to complete the harbor at Bruns-

Mr. KENYON. Mr. President——

Mr. BURTON. Excuse me just a moment. We have been ordering surveys by the hundred. It used to seem necessary to the House committee in the days when I belonged to it to shear out a good many of these surveys. When the proposition came in we looked to see if the proposed channel or harbor had been surveyed within six or eight years. If it had and if there had been an adverse report, we decided that it had better wait. If upon examining the map it seemed to be an unpromising project, we said, "No." But of late it has been the custom just to say, "Come on, Members of the House; come on, Members of the Senate, anybody who wants a survey may have it included in this bill." This multiplication of surveys is a fruitful source of evil.

To begin with, it is impossible to examine all this multitude of projects and do it as thoroughly as was the case when there was a smaller number of them. I think I am not mistaken when I say that when the bill was passed every two or three years instead of annually we did not have as many surveys, such as Big Muddy Creek and Little Muddy Creek, and all that sort of thing, as we have now. Then, with all those to report upon, the engineers are entangled; they are confused. How do they know just what Congress wants? Of course, when an executive officer is directed to do anything he proceeds on the theory that every force which has been at work, every statute under which he is to act, is rational. He does not stop to inquire how all this great list of surveys was inserted in the bill. It has been stated here occasionally in the four years past that in the next bill all these surveys will have been exhausted; that there will not be any more rivers or creeks to survey; but with every new bill there is a new crop that comes along with other directions for resurveys.

Mr. KENYON. Generally, is the fault the lack of water or is it lack of navigability. Is it the aim of some to carry a channel on the side of a mountain or some other place where the scheme is absurd?

Mr. BORAH. Does the Senator say there has been about sixteen or seventeen million dollars spent upon this particular part of the river?

Mr. BURTON. That amount has not been quite spent yet.

Mr. BORAH. If appropriated it will be spent.

Mr. BURTON. From the 30th of last June they have had a chance to spend it.

Mr. BORAH. The Senator is so familiar with the subject I should like to know what, in the opinion of the Senator, has been the benefit to the country or the benefit generally to commerce or to business of the expenditure of the sixteen or seventeen million dollars. How much worse off would we be if we were now making the first appropriation?

Mr. BURTON. Well, I do not know. Of course that question does not altogether square itself with the facts. That channel was at one time very much used. St. Louis was a great haven for boats. I may say, if the Senator from Idaho or anyone else is interested in reading upon the subject, he will find the very best treatment of the decadence of the Mississippi River traffic in a place where he would little expect to find it, and that is in Mark Twain's Life on the Mississippi River. Mark Twain had been a pilot on the Mississippi River, and he gives a quasi-humorous account of the declining commerce there, concluding by saying, "alas, for the woodyard man," who did not longer have a chance to sell his wood to boats. He points out how formerly the whole levee was lined with boats, but then they had almost disappeared. I sought to give some reasons for this a few days ago. The cause of it is the development of traffic routes by rail east and west and the general growth of other agencies of transportation.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. May I ask the Senator a question in connection with what he said about the surveys? I have before me a report showing the number of surveys in these bills. I should like to read it at this time. In the act of 1902 there were 170 surveys ordered; in the act of 1905, 176; in the act of 1906, which was not a regular river and harbor bill, there seems to have been but 1 survey ordered; in the act of 1907, which the Senator praises so highly, and I believe justly—and it was a magnificent bill—there were 200 surveys ordered; in the act of 1909—the last one, I think, prepared under the Senator's chairmanship——

Mr. BURTON. It was prepared under my chairmanship, but I did not have very much to do with it.

Mr. RANSDELL. There were 274 surveys ordered.

Mr. BURTON. But I did not have much to do with framing it. The aim certainly was to include everything and make an end of surveys.

Mr. RANSDELL. The Senator was generally pretty active when he was chairman.

Mr. BURTON. I will stand for it. That is all right.

Mr. RANSDELL. I was sure the Senator would.

In the act of 1910 there were 187 surveys; in the act of 1911, 90 surveys; in the act of 1912, 226 surveys; in the act of 1913, 122 surveys; and this bill carries 186 surveys. So you see it is not so very much worse than others. It does not carry as many as the act of 1907, which carried 200, and nothing like as many as the act of 1909, which carried 274.

Mr. BURTON. I rather think it is because those bills of 1905 and 1907 carried the accumulations, respectively, of three and two years. I am free to admit that the bill of 1909 was prepared with the same removal of the brakes and that more were put in at that time. I did not exercise that supervision that I had in bills preceding that time. I really would like to have that list.

Mr. RANSDELL. I will be very glad to give it to the Senator. I wish to ask the Senator if it is not a fact that the surveys in the period of 1907 and 1909 were really as a rule a great deal more pretentious and important than the surveys made now, and if a good many of the surveys carried in the pending bill are not for the purpose of producing some slight modification of an already existing project?

Mr. BURTON. To an extent that is true, because naturally the surveys would exhaust the larger projects—the harbors, bays, and larger rivers. But that is being made up in these bills by putting on additional appropriations for the old ones. So there is not very much gain.

It will appear that the act of 1902, which was after an interval of three years, and the act of 1905, again after an interval of three years, did not have as many surveys as the act of 1910. The act of 1902 had 170. The act of 1905, three years later, had 176. The act of 1910 had 187 and the act of 1912 had 226. I do not know how many there are in this bill. There are a good many, but I have not counted them.

Mr. BRADY. What is the book and page from which the Senator quotes?

Mr. BURTON. That is the engineer's reports for 1913, volume 1, page 1419. It will perhaps be better to take the page if the Senator desires to look at it. It is on page 1419. It may in another binding be found in the second volume. I am obliged to the Senator from Louisiana.

Mr. GALLINGER. Mr. President, if the Senator will permit me, it is safe to assume that the number of the items in this bill relating to surveys will be greatly increased after the Senators have had an opportunity to offer amendments from the floor. I think the Senator will admit that. It always happens so.

Mr. BURTON. Yes; but in the framing of a bill deliberately and carefully there ought to be no amendments adding surveys on the floor. It was found necessary by the Rivers and Harbors Committee years ago to make another rule that seemed severe, but which, however, I think might have been followed with good results. It was to consider no engineer's report that came in after, say, the 1st of January, so that if any reports came in after that we would not consider them.

Here we consider reports for new projects when the document is still almost wet off the press, when there is no map with it, when it is impossible to give to the project thorough consideration. Representatives and Senators rush up to the board of review the very week, almost the very day, before a bill is to be reported and say in red-hot haste, "Get out that report for us." Then it comes up here and it can not be carefully considered.

I do maintain that the old way, though it had some degree of severity, fixing a time beyond which reports could not be considered, say two or three months before the bill was brought into the House, was much better.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I ask the Senator if that was not an arbitrary rule, which was probably founded upon the fact that we were having bills then every three years and there was a greater length of time in which the engineers could prepare and make their reports on surveys ordered three years prior to the passage of the succeeding act?

Mr. BURTON. The Members whose plans were kept back said it was an arbitrary rule, but I really think it was a pretty good one.

Mr. RANSDELL. Did not the engineers have three years in which to prepare their reports in that instance, and do they not have much less time now? For instance, the last bill was just before the 4th of March, 1913, and they had but a few months in which to get their reports ready.

Let me call your attention to one of the most meritorious projects in the present bill—that for the improvement of Boston Harbor, which I know the Senator sanctioned heartily. We got the report just a day or two, if I recall it, before we prepared that bill, but it was so meritorious there was no dissenting voice.

Mr. BURTON. It was long before that.

Mr. RANSDELL. It was a very few days before. I do not remember exactly the time. If we had adopted an arbitrary rule we could not have gotten that appropriation in.

Mr. BURTON. Nevertheless, it is well not to make exceptions. If you had a general rule there, the probability is the report would have been sooner, and, on the other hand, the insertion of that which is, I have no doubt, a desirable improvement might lead to the introduction of half a dozen others that were only insufficiently considered and were undesirable.

The next item here is the Mississippi River between the Missouri River and Minneapolis, $500,000 cash and $1,500,000 continuing contract.

Mr. President, I have been regarded as friendly to that improvement. When a Representative or Senator has responsibilities in regard to these appropriations, he ought not to be a friend to any project. His duty is to help in framing a good bill and to look out for the interests of the whole country; but I will say I have thought there were possibilities in that upper portion of the Mississippi River. There was at one time very considerable traffic there, but in the year 1907 we thought it was sufficient to appropriate $500,000 cash per year.

I think I have the figures of that traffic near at hand. The last year it was 1,830,000 tons, not more than one-third of what it was back in the eighties. The average haul on that stretch of 658 miles was 31.6 miles, and I must submit that a million and a half dollars a year for that stretch of river is too high. That has been the amount appropriated for some years, and yet the traffic has been very gradually diminishing, due in some considerable degree to the fact that formerly logs constituted the larger part of the traffic and that the supply of standing timber has diminished.

But there is another feature here to which I will later call attention in detail. The average haul is not a twentieth part of the navigable length of the river. That is a most surprising feature. Indeed, as the reports used to come to us, there would be, say, 1,830,000 tons on the Mississippi River above the mouth of the Missouri, and I suppose everyone in reading that would think that the freight, or a good share of it, was hauled from St. Paul to St. Louis, or at least from Davenport to St. Louis, or from Burlington to Winona or some other point; but, really, when they come to give ton mileage, it appears that the total ton mileage on the whole river is about 55,000,000, or 31.6 times the number of tons. What does that show? That they haul their freight on short routes, as from Keokuk to Burlington, or perhaps from some place which has no railroad facilities. They haul the freight to the first point where there is a railroad crossing the river. So far as through traffic is concerned, traffic which is distinctly national in its scope, or at least interstate, the quantity has diminished, and it is practically vanishing.

Here is the Arkansas River, with something over 400 miles of length. The average haul on that river is only 34 miles. In the old days freight used to be carried down from St. Louis to New Orleans in great quantities. Until about 10 years ago grain used to be shipped in barges from St. Louis to New Orleans. I think it is a considerable time since any grain has been shipped between those places.

Here is the city of Memphis. That is another illustration of the extent to which traffic on the Mississippi River is local. Formerly cotton used to be carried down to New Orleans by boat, but now I do not believe there is a single bale carried from Memphis to New Orleans by boat. The river is divided into two sections between the two cities, Memphis to Vicksburg and Vicksburg to New Orleans. A great deal of cotton is picked up at local landings in those two stretches and carried to some market, but there is none carried through from Memphis to New Orleans. Indeed a prominent official of the Government who has contributed as valuable statistics as anyone to the solution of this problem and who is himself friendly to the improvement of waterways to a reasonable degree, stated before the Inland Waterways Commission that in 1906 he was at Memphis and there was then a surplus cotton crop which filled all the warehouses. The bales were even crowding the streets, and it was almost impossible to take them all away; but not a bale went down by river.

In the following year, 1907, President Roosevelt visited Memphis and with a great deal of enthusiasm he with his strong arms bound a bale of cotton. Traffic was to be restored. That was the first one to be taken down the Mississippi River to New Orleans. The statistics do not show that even that bale was ever taken from Memphis to New Orleans, because in a list of commodities from Memphis carried past Vicksburg there is not a single bale, and if that did go down probably it was the only one. I suppose, of course, as an object lesson that found its way along the river by Vicksburg and Baton Rouge down to New Orleans, but no figures are furnished to show that it ever did.

Now, the next one on this list of projects of more than a million is the mouth of the Columbia River, Wash. and Oreg., to complete, $750,000 cash, $1,700,000 continuing contract.

I regret to say that this estimate, which was before us, furnished by the engineers at that time, has proven insufficient for the completion of that very important work at the mouth of the Columbia. The amount appropriated and authorized was for the south jetty. The Columbia is the second river in the volume of its waters in the United States; it drains a very fertile region, especially rich in wheat and in timber; but the treatment of the mouth, providing access from the sea to the river and vice versa, has been exceedingly difficult, so that it is now estimated, after a lapse of years and the expenditure of a great deal of money, that $5,100,000 will be required to complete. It was not, however, the fault of the committee, because we appropriated and authorized at that time all that was thought to be necessary.

Mr. KENYON. Mr. President, will the Senator from Ohio yield a moment?

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It seems to me that during the discussion of this item the Senators from Oregon and Washington would desire to be present. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Nelson	Smith, Md.
Borah	James	Norris	Smoot
Brady	Jones	Overman	Swanson
Bryan	Kenyon	Page	Thomas
Burton	Kern	Perkins	Thornton
Chamberlain	Lane	Pomerene	Vardaman
Chilton	Lee, Md.	Ransdell	Wolcott
Crawford	Lewis	Reed	White
Cummins	McCumber	Shafroth	Williams
Fletcher	Martin, Va.	Sheppard	Works
Gallinger	Martine, N. J.	Simmons	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. A quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. CAMDEN and Mr. SMITH of Georgia answered to their names.

Mr. STONE, Mr. HITCHCOCK, and Mr. NEWLANDS entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-eight Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

Mr. JOHNSON entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The order directing the Sergeant at Arms will, by unanimous consent, be vacated. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I was dwelling upon the last item of much importance in the bill of 1907—the appropriation for the mouth of the Columbia River, Wash. and Oreg. The appropriation of $750,000 made in that bill and the appropriation of $1,700,000 it was thought would complete the improvement, for that was the engineer's estimate at that time. But later estimates have shown that the improvement could not be accomplished with those amounts. So, as I said a moment ago, though not in the hearing of the Senators from that locality, it is now estimated that $5,100,000 will be required to complete the work. It goes without saying that that is one of the most difficult channels in the United States. Our friend, whom we all so highly respect, the Senator from California [Mr. PERKINS], in his practical experience in the sailing of boats has, I believe, been twice shipwrecked or stranded at the mouth

ment in river boats of shallow draft, I read some specimen freight rates from the Railway Gazette.

On June 18, 1909, the Pennsylvania Railroad hauled 94 gondola cars from Altoona to Harrisburg, 124 miles, with a load of 5,042 tons, an average load of 56.3 tons per car. The total weight of the train, including locomotive and cars, was 6,992 tons. In August, 1908, the Lake Shore & Michigan Southern Railway hauled 100 steel cars, loaded with 7,433 tons of iron ore, from Ashtabula, Ohio, to Youngstown, in the same State, a distance of 65 miles. This is an average load per car of 74.3 tons.

To revert to the question of these waterways, the improvement of the Warrior and Tombigbee Rivers, as I have stated, presents hopeful features—the possible development of coal traffic, and possibly also the transportation of iron and marble from the headwaters to the sea. There is one very encouraging feature in connection with this waterway, and that is that boats of comparatively shallow draft can pass from the mouth of Mobile Bay, by way of Mississippi Sound and the Passes in that neighborhood, to a canal which leads to the Mississippi, and thereby can carry coal and other freight to New Orleans. The great problem with most of these waterways is a return cargo. Oftentimes charges have to be fixed in accordance with the rate for carriage for only one way, while the traffic the other way is so trivial that it is hardly a factor in maintaining a transportation agency of this kind. It is hoped that some traffic may develop from New Orleans to Mobile on the return trip.

We regarded this at that time as a desirable improvement. And I sincerely hope that it may justify the expenditure made upon it. Nevertheless, I regard these canalized rivers as problematical rather than otherwise. The railways in that neighborhood are now carrying coal at a very low rate to New Orleans and points on the Gulf. There will be sharp competition between them. I think it may be said that some degree of benefit, at least, has been conferred by this potential competition, which has had a tendency to lower these railroad rates. The question remains open, however, as to which organ of transportation will in the future carry that coal, that iron, and other articles of commerce. Will it be the railway or railways, or will it be these canalized rivers? If we may judge by instances in other localities, the chances are very largely that the railways will carry it.

The next item in this bill was the Southwest Pass of the Mississippi River below New Orleans. One million dollars in cash and $1,500,000 for continuing contracts were appropriated to complete the work. I think this amount, when expended, proved inadequate; but that was not the fault of the committee, nor of the estimates made by the engineers at that time. The sum reported as necessary to complete, two millions and a half, was according to the best judgment both of the engineers and of the committee in 1907.

That, again, is one of the most important channels in the United States. Formerly, under a plan devised and worked out by Mr. Eads, the means of communication between the deep water of the Mississippi River back from the Gulf and the Gulf itself, between which there is low land, was by the South Pass; but by an examination made, I believe, about the year 1900, it was concluded that the Southwest Pass would ultimately furnish the better route. Hence that was adopted in one of the river and harbor bills, perhaps in 1902, and it has been now practically completed, giving a channel 35 feet in depth from New Orleans to the sea.

The next is Galveston Harbor, for which an appropriation of $300,000 in cash was made and a continuing contract or contracts for $700,000 were authorized. This harbor, one of the most expensive in the United States to improve, ranking in cost with Philadelphia and the improvement of the Southwest and South Passes between New Orleans and the sea, has shown remarkable results in that it affords a gateway for the traffic north of the Gulf on the westerly side of the Mississippi River up as far as Nebraska, and to an extent even beyond that. I believe that at the present time the exports from this port are second only to those of New York in value; and the committee felt justified in making a generous appropriation for this harbor and pressing the improvements there rapidly, so that the facilities might be sufficient to meet the increasing demands of traffic.

The next is Cleveland Harbor, with $223,000 cash and $900,000 in continuing contracts. The aim of this was to improve this harbor to provide for the enormous traffic there, which now amounts to some 14,000,000 tons per annum, made up largely of coarse material, iron ore and coal, but also showing a very considerable traffic in timber and general merchandise. This improvement had been adopted in the year 1902, but the appropriation was not sufficient for its completion. The thought was that this would at least prosecute this improvement for four years, and perhaps complete it.

The next is Lock and Dam No. 26, Ohio River, $265,000 cash and $800,000 continuing contract. That lock and dam had been commenced and was under way. It has an important location, below the mouth of the Kanawha River, and there was this singular situation, to which I shall revert again later: While the Kanawha River had been canalized and improved with locks and dams to a depth of 6 feet, yet for long seasons of the year the depth of water in the Ohio below the mouth of that improvement was less than that in the canalized Kanawha; so that if coal barges were brought out from the coal mines, while they could readily find their way to the lower dam in the Kanawha River, they would find an insufficient depth in the Ohio River. There they were stopped. It was thought desirable to complete this dam, which is also in an important locality, below the city of Parkersburg.

The next is the St. Marys River at the Falls, "additional lock and duplicate canal, to complete." There were two locks there, but they had already become insufficient to handle the enormous traffic passing through the Soo, which, in the year 1913, reached, I believe, some 72,000,000 tons. It was foreseen that with the constant increase of traffic it would be at best but a few years before the two locks already there on the American side, joined with one on the Canadian side, would be entirely inadequate to meet the demands. Hence, the committee, noticing this great increase, and believing that this improvement ought to be finished as promptly as possible, instead of appropriating $200,000 or $500,000, as had been the custom, and as appears in some appropriations in this bill of 1914 for improvements of similar magnitude, provided for the whole sum at one time—$1,200,000 in cash, and $5,000,000 for continuing contracts.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. What is the particular project to which the Senator is now referring?

Mr. BURTON. A second canal and a third lock in St. Marys River, the connecting waterway between Lake Superior and Lake Huron. That is the locality through which the great bulk of the iron ore comes from the mines of Minnesota—those furnish the principal quantity—and from the mines of northern Wisconsin, destined for the furnaces in Ohio and in Pennsylvania, and also for the furnaces around the southerly end of Lake Michigan. While there are furnaces scattered around in other places, that constitutes the great consuming field—western Pennsylvania, west of the Alleghenies; northeastern Ohio; and around Gary, Calumet, and the southerly part of Lake Michigan.

The next appropriation is for the Detroit River, an alternative channel, "to complete." Here passes the greatest traffic in the world, marvelous in its quantity, boats passing sometimes on an average of one for every minute. The figures of the total traffic in each year are so large that I hardly dare give them. For the last year the estimate is 72,871,432 tons.

There was but one channel that was adequate, and the boats in going up and down were in constant danger of collision. It was thought desirable to have an alternative channel, so this appropriation was made, not of a partial amount, but of the whole amount required—an appropriation of $2,000,000 and an authorization of $4,670,950.

The next appropriation was for the Mississippi River, from the Head of Passes to the mouth of the Ohio River, $3,000,000 cash and $6,000,000 continuing contracts. The cost of this work is indeterminate. The policy was adopted of providing for four years, $3,000,000 for the first year and $2,000,000 for each of the succeeding years. This was commensurate with the appropriations which had been made up to that time, though in later years, and especially after the great flood of a few years ago, these appropriations have been increased.

Next, the Mississippi River between the Ohio and the Missouri, $250,000 cash and $750,000 continuing contracts.

Mr. President, I have addressed the Senate again and again on that stretch of river, but before this debate is finished, at the risk of reiteration, I feel that I must talk about it again. I regard that as one of the very worst blemishes on our river and harbor appropriations.

Mr. BORAH. Mr. President, what particular portion of the work on the Mississippi River does the Senator now refer to?

Mr. BURTON. That part of the Mississippi between the mouth of the Ohio and the mouth of the Missouri, about 206 miles in length.

Mr. KENYON. Mr. President, is the Senator going to give the amount that has been spent on that portion of the river?

Mr. BURTON. I have not done so, but I think I can give it in a moment.

Mr. KENYON. It runs over $16,000,000, does it not?

Mr. BURTON. Yes.

Mr. BORAH. How much?

Mr. KENYON. Over $16,000,000.

Mr. BURTON. The appropriations to date are $16,894,969.

Mr. BORAH. How long have the appropriations been going on?

Mr. BURTON. Oh, I think since before the Senator from Idaho was born; and the worst of it is that the estimate for obtaining a suitable channel was less in 1881 than it is now. I have those figures here, and since we have paused here I will advert to them.

Mr. NORRIS. The cost of living has gone up since then.

Mr. BURTON. Yes; but the cost of this channel went up before the cost of living went up.

Mr. NORRIS. That was probably one reason why the cost of living went up.

Mr. BURTON. If all the appropriations made by the Government and by States and municipalities were on this basis, the cost of living would go up still more.

Mr. KENYON. The commerce of this river has gone down about 80 per cent, has it not?

Mr. BURTON. Yes; I gave some figures on that point a few days ago, and I will repeat them. I will say that prior to the great exposition at St. Louis it was thought desirable to increase this appropriation somewhat, and there was a boom in traffic in the years 1903 and 1904, which, however, proved to be only a temporary spurt. When we came to consider this stretch of river in 1907 we thought $200,000 a year was ample, full measure, running over; but for each of the last four years, and in this bill, too, $1,000,000 has been carried for this stretch.

Now, let us see what are some of the results accruing from what we have done. Sixteen million eight hundred and ninety-four thousand nine hundred and ninety-nine dollars is the amount appropriated to date. In 1881 the amount estimated to make an 8-foot channel was a little over $16,000,000. After this $16,894,000 had been appropriated and most all of it spent, the estimate to obtain 8 feet and complete the work is $17,250,000; and the worst of it—and that gives it a spice of humor, which no one who has been favoring this large appropriation seems to recognize—is that they are seeking 8 feet, but, barring just a few days in each year, they have had 8 feet for 6 or 10 years.

Mr. President, if I were to fail to criticize this improvement I should be lacking in my duty to the Senate. What justification is there for it? I repeat some figures given in my minority report on the pending bill. The traffic from St. Louis in 1889 was 1,038,080 tons, in 1900 but 245,800 tons, in 1911 but 191,965 tons. In the year 1871, 44 per cent of the shipments from the city of St. Louis were by river. In 1909 the proportion was one-half of 1 per cent. Thus, 43 years ago the proportion of shipments by the river was 88 times as large as it was in 1909. Yet we are going on solemnly appropriating a million dollars a year for that stretch of the river after the 8 feet has been obtained that we have been seeking for all those years.

I see they have a balance left on hand there, or did have when this memorandum was made out. June 30, 1913, they had a balance available of $1,225,574. I do not wonder that they had that balance of $1,325,080 left. Indeed, I do not see how they can spend a million a year on that stretch. Here at the end of that fiscal year, 1913, this very large amount was left as a balance in the Treasury.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. I have had the impression, which the statement the Senator now makes seems to prove, that this appropriation was largely designed for the construction of levees.

Mr. BURTON. There is another appropriation for levees. Formerly the jurisdiction of the Mississippi River Commission extended only up to Cairo, but by an act passed in 1906 it was extended up to Cape Girardeau, because on the west side of the Missouri River the alluvial lands extend up to Cape Girardeau and there is every reason why the jurisdiction of the Mississippi River Commission should reach to that point.

I do not know what this is for. I fancy that to some extent it is for putting in revetment along on the banks of the river there, but it seems to me we are forcing money on them against their will at the rate of a million dollars a year before we are sure that they will need it or can even use it.

I wish to give some further statistics prepared by the Merchants' Exchange. They prepare the most careful statistics gathered in the country, showing how utterly trivial is the traffic carried.

Mr. BORAH. Mr. President——

Mr. BURTON. Excuse me for just one minute. There is just one item in which there has been something of a revival within the last two years. I do not know exactly how long ago it began, but perhaps three or four years ago. There is a kind of coal around Pittsburgh especially suitable for making gas. I do not know whether the gas works are private or whether they belong to the city of St. Louis, but the managers of it regard that coal as the best available, and so each year they have been shipping between perhaps one and two hundred thousand tons. If it were not for that coal there would be practically nothing of substantial importance left of the traffic. I yield to the Senator from Idaho.

Mr. BORAH. I wish to ask the Senator what showing was made before the committee to get that kind of an appropriation?

Mr. BURTON. I do not know. That was put in the river and harbor bill in the House. I think the engineers recommend $1,000,000.

Mr. BORAH. Who are the engineers?

Mr. BURTON. I do not know the engineer at that particular place, but I refer to the Corps of Engineers.

They can spend money protecting the banks along there, putting in revetments, and putting in hurdles, and all that sort of thing; but it seems to me they have gained all that is deserved when they have 8 feet, and that, too, with such a trivial traffic there.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I think I might help the Senator by a suggestion. If I understand correctly, this project was adopted in 1910 on the recommendation of the Engineer Corps. We have been trying to carry it on the river and harbor bill since, and in accordance with the advice of the Engineer Corps of the Army.

Mr. BURTON. Mr. President, I am exceedingly loath to criticize the engineers. They have been among the best friends I have ever had. I have associated with them; I have been with them on their trips. In the old days they were ready to accept suggestions from me in regard to these improvements; but I must say I think it is time, in the most friendly spirit, to look over these river and harbor bills and see whether all their recommendations are such as the United States ought to appropriate money for carrying out.

As I said, they are not so much to blame. They have an idea that these wild schemes are approved by the country. They have sometimes reported against a project and then Congress has sent an intimation in a resolution or statute in effect saying, "We are in favor of the project; we overrule you." You can imagine what men who were the executive officers of the Government would think as to what they ought to do after a few prods of that kind.

But, with a feeling of the utmost friendliness, before I get through I must take up some of the projects they have recommended and ask the Senate to consider whether there was any rational basis for them.

Mr. BORAH. The Senator says that when the engineers have recommended that a project be discontinued, they have been corrected by Congress?

Mr. BURTON. When they have reported against a project.

Mr. BORAH. Has Congress any information on which it recommended the appropriation?

Mr. BURTON. In the old days we used to turn down a good share of those which were favorably reported. I do not know whether they do now or not, but I think that at least they do not to the same extent.

I want to say a few words on another matter, now that we are on that subject, and I do not know but what this custom of varying somewhat from the thread of my argument is not, after all, the best. Whenever there is a freak in the men we have as officials in city and State, the fault is usually with the people themselves, because their ideals are not high or they asleep. So the fault in this matter here is with Congress, and then with the force that is behind Congress demanding these river improvements. You have men who want to have lands drained, and they come here and tell us what a great benefit it would be to navigation if some canal or channel was dug through the broad acres that they possess.

Mr. WALSH (when his name was called). In the absence of the Senator from Rhode Island [Mr. LIPPITT], with whom I have a pair, I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "yea."

The roll call was concluded.

Mr. TOWNSEND (after having voted in the affirmative). I voted inadvertently. I am paired with the junior Senator from Arkansas [Mr. ROBINSON], but I will transfer that pair to the senior Senator from Washington [Mr. JONES], who is necessarily absent, and will allow my vote to stand.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Illinois [Mr. LEWIS] and will let my vote stand.

Mr. CRAWFORD. I have a pair with the senior Senator from Tennessee [Mr. LEA], who is absent. I therefore withhold my vote.

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. If my vote is necessary to make a quorum, I am at liberty to vote; but I also think, in view of our understanding, that on a measure such as this I could vote to take up a bill; but if my vote is not necessary to make a quorum I shall not now vote.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. JAMES. I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. In his absence I withhold my vote.

The result was announced—yeas 38, nays 15, as follows:

YEAS—38.

Bankhead	Lane	Poindexter	Swanson
Bryan	Lea, Md.	Randell	Thompson
Camden	McCumber	Shafroth	Thornton
Chamberlain	Martin, Va.	Sheppard	Townsend
Clarke, Ark.	Martine, N. J.	Shields	Vardaman
Dillingham	Nelson	Shively	West
Fletcher	Newlands	Simmons	White
Hoke	Oliver	Smith, Ariz.	Williams
Hughes	Overman	Smith, Md.	
Kern	Perkins	Stone	

NAYS—15.

Ashurst	Bristow	Hitchcock	Smoot
Borah	Catron	Kenyon	Sutherland
Brady	Cummins	Norris	Warren
Brandegee	Gallinger	Page	

NOT VOTING—43.

Burleigh	Gore	Myers	Smith, Ga.
Burton	Gronna	O'Gorman	Smith, Mich.
Chilton	James	Owen	Smith, S. C.
Clapp	Johnson	Penrose	Stephenson
Clark, Wyo.	Jones	Pittman	Sterling
Colt	La Follette	Pomerene	Thomas
Crawford	Lea, Tenn.	Reed	Tillman
Culberson	Lewis	Robinson	Walsh
du Pont	Lippitt	Root	Weeks
Fall	Lodge	Saulsbury	Works
Goff	McLean	Sherman	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13511) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, I have already made reference to the act of 1907. I will state briefly its distinctive features and then some of the items included in that measure. After stating the amount that I have already given, it is said:

The aggregate of appropriations and authorizations is larger than in any preceding river and harbor bill, although the act of June, 1899, combined a larger amount of authorizations. There are several distinctive features in this bill:

1. Provision is made for completion in a much larger proportion of the projects than in any preceding measure.

2. The total amount necessary to complete the unfinished improvements, which the committee regards as most important, is provided by appropriation or authorization if commission can reasonably be expected within four years from July 1, 1907. Also upon large projects, where the amount required to finish the work is necessarily inadvertently, such as in the three divisions of the Mississippi River, provision is made for an equal time.

That is for four years.

3. New projects are not adopted unless provision is made for completion.

4. In the case of rivers and harbors of secondary importance a somewhat larger amount than in former acts is appropriated for a considerable number of the most promising improvements.

In providing for the completion of new projects a radical departure from former tariff acts has been adopted by the committee. It has been thought best to undertake no new improvement unless the whole amount required for its completion, whether the project involves large or small expense, is appropriated or authorized. This policy has been followed with barely an exception.

At a later time I shall take up the references made by my friend the Senator from Louisiana [Mr. RANSDELL] and show that, with one or two exceptions, the eight provisions which he named were not exceptions to this rule.

It is believed that the advantages of such a method are sufficiently obvious. Assured results will be obtained at an early date by the completion of the improvement. More substantial benefit will be conferred by selecting the most deserving projects and avoiding the scattering of appropriations. The expense for each improvement will be very much diminished, because work can be more advantageously and economically prosecuted if the whole amount necessary to complete is made available. It is also true as a practical fact that when the total expense is to be provided at one time more careful consideration will be given to a proposed improvement and the question of its adoption more intelligently considered. The rule has been followed that between two projects equally deserving it is better to complete one than to make partial appropriations for both.

Sixty-eight million seven hundred and seventeen thousand three hundred and ninety-eight dollars of the amounts included in the bill are for improvements of considerable magnitude already undertaken by the Government or for further improvements in connection therewith where increased traffic requires additional facilities.

The following is a list of appropriations and authorizations of this kind, in which a division is made into two classes—first, those aggregating $1,000,000 or more; second, those aggregating $300,000 or more, but less than $1,000,000:

Before taking up these items, I should say, Mr. President, that in some instances, upon further examination, it was found that the estimates of the engineers had not been sufficient, though that fact did not usually develop for two or three years after the bill of 1907. It has been a source of honest pride to the Engineer Corps that, in making their estimates, sufficient amounts have been included, and that in very few instances, until within recent years, was it found necessary to expend more than was named in their computations. In the last five to seven years a considerable number of instances have developed in which the estimates have been found insufficient. I take it that is but a manifestation of increased prices; it is coincident with a notable increase in the cost of living; and these inadequate estimates are rather due to facts beyond the control of the engineers than to any error in their computations.

I wish now, Mr. President, to take up a list of some of these projects and ask where in any river and harbor bill a selection can be made that can compare in merit with the 1907 bill in the provision made for the whole country and every section of it?

First, harbor at Boston, 35-foot channel, to complete, cash appropriation of $500,000; authorization under continuing contract $3,894,000. This project had been adopted by the bill of 1902, and a very considerable amount of work was done upon it. It was thought necessary that the channel should have a depth of 35 feet, notwithstanding there is at that point a considerable tide, a greater tide than at New York. The tide at Boston is about 9 feet, but in view of the importance of the port—for it was then the second in the United States in its exports and imports—it was thought best to provide a channel of 35 feet depth and to press that to completion. Indeed, the wisdom of the committee has been confirmed in that respect, because there is a provision in this very bill for deepening the outer portion of the channel nearest the sea to 40 feet.

Second, harbor of New York, Ambrose Channel, to complete, $1,143,510. That was a provision for the completion of a channel, the work upon which was undertaken under the bill of 1899. Slow progress was made at first, because there was no dredging equipment in the country adequate to dredge in channels of such considerable depth; but the Government of the United States built dredges to meet this situation. By reason of this fact there was a considerable amount of delay; but in the act of 1907 provision was made for the completion of the work. That channel is now finished and probably affords the finest entrance channel to a great port in the world. It is 40 feet deep, with a tide of 5¼ feet, and 2,000 feet wide. It replaces the old channel by which boats went down to Sandy Hook and then turned almost at right angles.

Third, Black Rock Harbor and channel, $1,000,000 cash; $1,000,000 continuing contract. That channel is an extension of the harbor facilities around Buffalo and affords facilities for a lake terminus for the proposed barge canal. It has been the policy of the Government to cooperate with the State of New York in the building of the barge canal. By a vote of the people of the State of New York in 1903 it was decided that this waterway should be undertaken and paid for by the issuance of bonds, I believe, under an obligation of the State of New York. The estimated cost was $102,000,000. In view of this very large undertaking of the State, and that, too, in a type of project which in many States is appropriated for by the Federal Government, it seemed to the committee best to recommend a liberal policy. As an illustration of the same policy we have in the bill now before us a provision for improving the narrows of Lake Champlain, and in earlier bills we have made provisions

for improving the Hudson River at Waterford and below, the easterly terminus of the barge canal, and also this provision for Black Rock Harbor, which served the double purpose of additional harbor facilities and providing more conveniently for the western terminus of the proposed barge canal.

Delaware River, below Philadelphia, to complete, cash $696,000; continuing contract, $500,000. This was for a channel 30 feet in depth extending to the sea, which is reinforced by a tide of about 5½ feet. It is true that since the completion of this 30-foot channel the Government has undertaken to dig a 35-foot channel from Philadelphia to the sea, and we are making appropriations for that in the pending river and harbor bill; but the policy of the committee at that time was to provide deeper channels for harbors immediately abutting or fronting on bays or portions of the sea, than for harbors which must be reached by sailing through a river for a considerable distance, as is the case at Philadelphia. So a distinction of 5 feet was made between Philadelphia and Boston.

With the growth of the traffic of the port, however, it seems desirable, though at enormous expense, to deepen the Philadelphia channel in the Delaware River to 35 feet. It will probably, when completed, be the most expensive improvement of any on our list connected with a harbor of the United States.

Next in the Patapsco River and channel to Baltimore, to complete, $500,000 cash; $1,715,000 continuing contract.

So, out of the first five items of this bill it will be observed that we have made provision—and ample provision at that—for the whole expense of improving the four harbors of Boston, New York, Philadelphia, and Baltimore; and I may say that the plans recognized in this bill raised those harbors to a standard unsurpassed anywhere in the world.

The next is a very important item: Channel from deep water in Hampton Roads to Norfolk, $282,000 cash, $860,000 continuing contract. Here is another harbor, altogether the greatest in its tonnage in the South, though not equal in the value of its shipments to Galveston or, perhaps, New Orleans. Provision was made for the completion of the improvement under way there.

The next is Savannah Harbor, $300,000 cash, $700,000 continuing contract. That is a very important harbor. In years past next to New Orleans it was the great cotton-receiving port in the United States. I think at one time the amount of cotton received there was greater than at any other port. It ranks now behind Galveston. I am uncertain whether it is behind New Orleans or not; but it is, nevertheless, a port of great importance.

Next, the Black Warrior, Warrior, and Tombigbee Rivers, $350,000 cash, $1,842,000 continuing contract. This was to complete this project for locks and dams up to and beyond the city of Tuscaloosa, and now includes 17 locks and dams—the number was somewhat less than that when this bill was passed.

I have always regarded this improvement as a somewhat doubtful one. It was well under way before I became a member of the Rivers and Harbors Committee. The committee took the ground that if there were any stream or series of streams of comparative shallow depth which could be profitably improved by canalization, the Black Warrior, the Warrior, and the Tombigbee, affording access to the Gulf from the coal fields in the neighborhood of Birmingham, constituted such streams.

I am frank to say that when this appropriation was made I do not think the committee anticipated the total cost would amount to some $10,000,000, though we did recognize that it would be very expensive. It was, as I have said, well under way when I became a member of that committee, and a very excellent showing was made on its behalf. The advantages of this route are that there is abundant coal in the headwaters of the Black Warrior and that at Mobile and all along the Gulf there is a great demand for coal, but no supply in near-by mines.

To illustrate the cost of coal on the Gulf I may say that a business acquaintance of mine having the management of a steamship line shipping products abroad some 10 years ago made a computation as to whether it was more profitable to buy coal at Galveston or to load at that point with only sufficient coal to furnish steam to Norfolk and there take on a sufficient quantity of coal to propel the ships to their destination in Europe, which, I believe, was Rotterdam. He made this computation with a great deal of care, and concluded that the expense of coal was so much more considerable at Galveston than at Norfolk that it was profitable to load only sufficient coal to propel the boat to Norfolk, and then buy coal there for the remainder of the journey.

It will be readily seen that if any coal supply can be made available to the Gulf it is very desirable to have access to it; and while I am not now oversanguine as to the success of this improvement, while I do not believe it will pay the interest on the investment, I trust that its success may yet be attained. The official statistics up to date have been extremely discouraging, but I am informed that within the last year there has been a very large increase in shipments from the Black Warrior River.

In this connection I may say that it is not correct to base our calculations on the desirability of an improvement upon transportation facilities as they were 20 or even 10 years ago. In our country, especially, and in some degree in Europe, the advantages of the railroad and other means of overland transportation have been emphasized, while the method of transportation by water has not shown the same improvement and development. There has been little improvement in the models of the boats which carry traffic on the inland rivers, while, on the other hand, the railway car has increased in its average haul, and by the improvement of tracks and construction of larger locomotives, they can haul very much larger trainloads, as well as carloads, than formerly.

There is another factor in this situation which no one can overlook and which finds its best illustration in the United States. When a railway is constructed there is a certain fixed expense whether the traffic be large or small. To begin with, a right of way must be obtained. Then a track or tracks must be laid, and also switches to warehouses and to wharves. Next, there must be a certain force of officers and men. Those expenses are practically uniform, whether the traffic be a million tons or ten million tons; and in the development of railway traffic in the last 15 years there has been no factor more marked than the carriage of a larger share of coarse freight which it was formerly thought railroads could not haul profitably. They have their right of way; they have their tracks; they have their office force; they have their locomotives; they have their cars; and all that is necessary in order to multiply their traffic by adding coarse freight is an additional number of locomotives and an added number of cars and a somewhat increased number of employees; that is, men to man the cars and locomotives. For watching the track, and so forth, nothing additional is necessary.

This has led to the hauling of coal by railroads at very much lower rates than formerly and also to their undertaking the carriage of coarse freight, where formerly it was not regarded as at all desirable.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. This is a very important measure, and I think it ought to be discussed with more Members present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Clarke, Ark.	Page	Stone
Borah	Crawford	Perkins	Sutherland
Brady	Fletcher	Sheppard	Thomas
Brandegee	Gallinger	Shields	Warren
Bryan	Hughes	Shively	West
Burton	Kenyon	Simmons	White
Camden	Lane	Smith, Ariz.	Williams
Catron	McCumber	Smith, Ga.	
Chamberlain	Martine, N. J.	Smoot	
Chilton	Oliver	Sterling	

Mr. CHILTON. I wish to announce, for the day, that the senior Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate.

The PRESIDING OFFICER. Thirty-seven Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. CUMMINS, Mr. LEWIS, Mr. NEWLANDS, Mr. RANSDELL, Mr. SHAFROTH, Mr. SMITH of Maryland, Mr. SWANSON, Mr. THOMPSON, Mr. THORNTON, and Mr. VARDAMAN answered to their names when called.

Mr. SHAFROTH. I wish to announce that the members of the Banking and Currency Committee are in session upon business of the Senate. The Senators there consist of Senator HITCHCOCK, Senator POMERENE, Senator LEE of Maryland, Senator HOLLIS, Senator NELSON, and Senator CRAWFORD.

Mr. MARTIN of Virginia, Mr. OVERMAN, Mr. JAMES, and Mr. KERN entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators having answered to the roll call, there is a quorum present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, as showing the great increase in the capacity of railways for carrying freight which has developed contemporaneously with a lack of corresponding improve-

over a large area that certain improvements shall be made. Those newspapers usually say in effect: "We are against improving the little creeks; we are against wasting money in river and harbor bills, but we are in favor of our project": and the chances are at least even that their project is the worst in the whole list.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. I ask that the bill be temporarily laid aside in order to permit the Senator from Ohio [Mr. BURTON] to conclude his remarks.

Mr. KENYON. I object. I think we should proceed with the consideration of this important measure.

Mr. NEWLANDS. Then I move that the bill be laid aside until 1 o'clock to-morrow afternoon.

Mr. GALLINGER. It is proper to suggest to the Senator from Nevada that the bill would lose its place as the unfinished business. Perhaps that is not important.

Mr. NEWLANDS. I do not wish it to lose its place. I will go on with the bill, Mr. President.

The VICE PRESIDENT. The question is on the amendment proposed by the committee.

Mr. CUMMINS. I did not hear the motion of the Senator from Nevada.

The VICE PRESIDENT. He has withdrawn the motion.

Mr. NEWLANDS. I made none. The bill is now before the Senate.

Mr. CUMMINS. Then a parliamentary inquiry. I think the pending question is upon an amendment that I offered to section 5.

The VICE PRESIDENT. The Chair has not been here all the while.

Mr. CUMMINS. The Senator from Utah [Mr. SMOOT] was in the chair at the time.

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. The Senator from Iowa [Mr. CUMMINS] moves to amend section 5 by adding thereto the following proviso:

Provided, That no order, or finding, of the court or commission, in the enforcement of this section, shall have any force or effect, nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts; nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust acts, or any part or parts thereof.

Mr. SMOOT. If we are going to consider the bill, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Newlands	Smith, Ariz.
Bankhead	Fletcher	Norris	Smith, Ga.
Brady	Gallinger	Overman	Smith, Md.
Brandegee	Goff	Page	Smoot
Bristow	Hollis	Perkins	Sutherland
Bryan	Hughes	Pittman	Swanson
Burton	James	Pomerene	Thomas
Camden	Kenyon	Ransdell	Thornton
Catron	Kern	Reed	Vardaman
Chamberlain	Lane	Shafroth	Walsh
Chilton	Lee, Md.	Sheppard	Warren
Clarke, Ark.	Lewis	Shields	West
Colt	Martin, Va.	Shively	White
Crawford	Nelson	Simmons	Williams

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum of the Senate is present. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. Mr. President, a single word with regard to the amendment now pending.

Mr. REED. Will the Senator from Iowa yield to me for a moment?

Mr. CUMMINS. Certainly.

Mr. REED. I understand that a request for unanimous consent to temporarily lay aside the pending measure was made, and that some Senator or Senators objected. I have been endeavoring to examine the law applicable to one or two sections of this bill, and I have pursued that inquiry with as much diligence as I was able. It has been interfered with by service upon committees, and this afternoon I am compelled to be upon attendance at the Banking and Currency Committee, where we have an important matter pending.

My investigation thus far has led me to the conclusion that unless the phraseology is changed in one section of the bill it will not at all effect the purpose its authors have in mind. I desire to speak upon this bill, but I can not under the circumstances do so to-day. It has been generally the custom in the Senate under those circumstances to allow a measure to lie over, and I ask unanimous consent that the pending measure may be temporarily laid aside.

Mr. CUMMINS. Mr. President, I am not the Senator who made the objection. I think my colleague [Mr. KENYON] made it, and he is not in the Chamber just at this moment. I think he possibly may be in the corridor. I suggest that one of the pages notify him.

The PRESIDENT pro tempore. The Senator from Missouri can not make any such request as that unless the Senator from Iowa yields the floor. He can not get the floor for the purpose of asking a question and then make a motion.

Mr. CUMMINS. I do not intend to occupy the floor more than a moment at the most, and then the Senator from Missouri can make his request.

Mr. REED. I did not understand the Senator from Iowa.

Mr. CUMMINS. I do not intend to occupy the floor more than a very few moments at most. The amendment which is now pending is an amendment that I have offered to section 5, providing that nothing in this section or the bill shall be held to interfere with or restrict in any way the operation of the antitrust law. I think the Senator from Missouri probably thought it was my amendment relating to interlocking directorates or holding companies.

Mr. REED. No. I understand the rule, and I understand, of course, that I could not rise in the Senator's time and make the request unless I did it with his full acquiescence and consent. I thought the Senator was not especially anxious to go on this afternoon. If he is, of course I would not proffer the request.

Mr. CUMMINS. As I said a moment ago, I did not make the objection, and I am not especially anxious to go on this afternoon. My colleague made the objection. He is now in his seat. I yield to the Senator from Missouri for the purpose of preferring the request.

The PRESIDENT pro tempore. The Senator from Iowa yields the floor and the Senator from Missouri is recognized.

Mr. REED. I wish to state to the Senator from Iowa who has just come in what I have already said in his absence. I have been examining the law with reference to certain phases of this bill. I have not been able to conclude that examination because I have been constantly occupied upon service on committees. I was engaged all this forenoon and will be engaged this afternoon upon the Banking and Currency Committee, where we have a matter pending demanding immediate attention. I wish to speak upon this bill. It is impossible for me to do so this afternoon. I have therefore asked that I be accorded the courtesy that is ordinarily accorded, of allowing the bill to go over, and I have requested unanimous consent that the bill might be temporarily laid aside. I hope that will be granted.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the unfinished business may be temporarily laid aside. Is there objection?

Mr. GALLINGER. Mr. President, I will offer the suggestion that perhaps some other Senator is ready to go on.

Mr. REED. I have understood not.

Mr. GALLINGER. We have had very little information from the other side of the Chamber as to why we should pass this bill. I presume the chairman of the committee knows the Senators who are to speak upon it. I apprehend that we are going to have some affirmative discussion from the other side of the Chamber. All we have heard up to the present time has been from the Senator from Iowa on this side of the Chamber.

Mr. NEWLANDS. I was under the impression that the chairman of the committee had discussed the bill somewhat at length.

Mr. GALLINGER. Is not this an opportune time? Is the chairman going to discuss it further?

Mr. NEWLANDS. Not except in running debate.

Mr. GALLINGER. I presume the chairman did discuss it in my absence, but this is said to be a bill of great importance, of mighty magnitude. It is revolutionary in one sense in its character for good or for bad, and we certainly ought to have a good deal of information given to us from the other side of the Chamber as to why we should pass it. Perhaps that information is held in reserve, but the summer is passing, the fences are out of repair, and the vegetable garden is getting ready to tempt us, and it seems to me that we ought to make a good deal of progress in considering this very important bill.

Mr. POMERENE. The Senator certainly does not mean that suggestion to apply to New Hampshire fences.

Mr. GALLINGER. Oh, yes; the vegetable gardens are coming along in New Hampshire even to the extent of having green peas. Well, Mr. President, I will not object.

Mr. NEWLANDS. I will say as to this side of the Chamber that there is thus far no indication that anyone wishes to speak at length upon the bill. I presume there will be more or less current discussion as we proceed with the amendments, but not at any length, I am informed. So far as the Senator from Missouri [Mr. REED] is concerned, I am aware that he has made a very serious study of this question of late, particularly with reference to section 5. He is desirous of presenting his views to the Senate, and I have no doubt the Senate will profit by it.

Mr. GALLINGER. Let me ask this question: We all want to accommodate the Senator from Missouri. How would it do to lay this bill aside and take up the calendar of unobjected cases this afternoon? There are a couple of hundred bills on the calendar that Senators and our friends in the other House are interested in. That would be a good way to dispose of the afternoon. I will ask the Senator from North Carolina [Mr. SIMMONS] if that course would be agreeable to him?

Mr. REED. Mr. President, just one word, with the permission of the Senator who has the floor. Of course I had no idea of the Senate stopping business. I understand there is pending a very important river and harbor bill, and there is also a calendar. I assume the Senate will go on with its regular work. Therefore, whatever the Senate does, it would seem to me that this bill might well be laid aside temporarily. However, I have said all I care to submit.

Mr. GALLINGER. I do not object to the request, of course. I would not do that under any circumstances.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri?

Mr. KENYON. Mr. President——

Mr. BURTON. I may state that I should be entirely willing to go on with the discussion of the river and harbor bill for an hour or two hours, if it would in any way facilitate the business of the Senate. I had, of course, counted on occupying perhaps nearly all the morning hour. I desire to prepare my material carefully, and I am not sure that I have my facts and figures for more than two hours, possibly for not more than one hour. If it will facilitate the business of the Senate, however, I can proceed for a time.

Mr. GALLINGER. Has the bill been laid aside?

The PRESIDENT pro tempore. It has not. The question is on the request of the Senator from Missouri that the pending measure be temporarily laid aside. Is there objection?

Mr. KENYON. Mr. President, I had not thought to object to any request that the Senator from Missouri might make in this case. If it can be arranged and understood that the Senator from Ohio will go on, say, for an hour and then we will take up the calendar, it would seem to me a very fair proposition, and I would not object to something of that kind. Of course, the Senator from Ohio is not prepared to consume the entire day and to finish his argument, and he does not desire to do so. That would seem to be about as unfair as to object to accommodating the Senator from Missouri. I will ask the Senator from North Carolina if he will have any objection to the Senator from Ohio proceeding?

Mr. SIMMONS. I, of course, have no objections to the Senator from Ohio proceeding. I hope that he will proceed and be able to conclude this evening, and upon his conclusion I think the Senator from Mississippi desires to take the floor and also discuss the river and harbor bill.

Mr. KENYON. I am certain that it will be impossible for the Senator from Ohio to conclude this evening. He has not all his material here, but he is perfectly willing to go on for an hour or an hour and a half. If that can be done, I will make no objection. I think it is a fair proposition.

Mr. SIMMONS. I think the Senator from Ohio can probably go on for a longer time. The Senator from Ohio does not require very much data in making a speech.

Mr. SUTHERLAND. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Utah will state it.

Mr. SIMMONS. I think the Senator from Ohio is well prepared——

The PRESIDENT pro tempore. The Senator from Utah is recognized to submit a parliamentary inquiry. The Senator will state it.

Mr. SUTHERLAND. The inquiry I desire to submit is this: If the pending bill, which is the unfinished business, should be temporarily laid aside, could not a Senator at any time during the afternoon call for the regular order, and would not that bring the unfinished business again before the Senate?

The PRESIDENT pro tempore. If the request of the Senator from Missouri is granted, the calendar under Rule VIII is in order. It may be followed by the motion of the Senator from North Carolina that the Senate proceed to the consideration of the river and harbor bill. If that motion is adopted, of course, a single objection would not displace its further consideration.

Mr. SUTHERLAND. No; but my inquiry was this: The unfinished business, which is the regular order——

The PRESIDENT pro tempore. Being out of the way, the calendar under Rule VIII is in order.

Mr. SUTHERLAND. But if it is temporarily laid aside, is it not in order at any time to demand the regular order, and when the regular order is demanded does not that bring up the unfinished business?

The PRESIDENT pro tempore. Under our precedents it would not. It would not come up again until 1 o'clock to-morrow. A mere demand for the regular order would be a demand for the consideration of the bills on the calendar under Rule VIII.

Mr. SIMMONS. That would be the case unless the river and harbor bill was called up.

The PRESIDENT pro tempore. There is nothing in the rule on this subject. The practice has been the other way.

Mr. BRANDEGEE. Mr. President, if the unfinished business is laid aside temporarily by unanimous consent, can a Senator demand the regular order the next minute and reinstate it?

The PRESIDENT pro tempore. The Chair rules he can not. Is there objection to the request of the Senator from Missouri [Mr. REED]? The Chair hears none, and it is so ordered. The calendar under Rule VIII is in order.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, I move that the Senate proceed to the consideration of House bill 18611, the river and harbor bill.

Mr. GALLINGER. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Oliver	Smith, Ga.
Bankhead	Goff	Overman	Smith, Md.
Brady	Hollis	Page	Smoot
Brandegee	Hughes	Perkins	Sterling
Bristow	James	Pomerene	Sutherland
Burton	Kenyon	Ransdell	Thomas
Camden	Kern	Reed	Thornton
Catron	Lane	Shafroth	Vardaman
Chamberlain	Lee, Md.	Sheppard	Walsh
Chilton	Lewis	Shields	Warren
Clarke, Ark.	McCumber	Shively	West
Cummins	Martine, N. J.	Simmons	White
Fletcher	Newlands	Smith, Ariz.	Williams

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate now proceed to the consideration of the river and harbor bill. [Putting the question.] The ayes seem to have it. The ayes have it, and the motion is agreed to.

Mr. KENYON. On that question I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair presumes that the Senator from Iowa was on his feet for the purpose of making that request before the announcement of the Chair. The Chair, therefore, will grant the request. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who is absent on account of sickness in his family, and I vote "nay."

Mr. GALLINGER (when his name was called). I transfer my pair with the junior Senator from New York [Mr. O'GORMAN] to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and therefore withhold my vote. I desire to let this announcement stand for the day.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], who is absent. I therefore withhold my vote.

ever passed by Congress. We were not afraid of appropriating money liberally for the harbors and rivers of the country, but we did desire to make every appropriation count for national benefit and exclude everything which was undesirable. I am credibly informed—in fact, I know—that that bill with the report upon it was before President Taft when he filed his memorandum on the bill of 1910.

In addition to the committee, I wish to give credit to the Engineer Corps of the Army. The bill was not the mere adoption of reports which had been filed, but members of the Engineer Corps from New England to Texas and California were summoned before the committee. They explained the items; there was a pruning where unnecessary amounts had been recommended, and with equal care and equal courage additional amounts were placed in the bill where their estimates were not sufficient. I wish especially to give credit to Gen. MacKenzie, who was at that time Chief of the Engineer Corps of the Army. He spent with me, along with other members of the corps, evening after evening, not only for weeks but for more than a month. He suggested the phraseology of many of the provisions of that bill. He had held, during his membership in the corps, divers assignments on the Mississippi River and elsewhere, and had a familiarity with all the projects in the country that I have never known to be surpassed. The committee and its chairman had the benefit of his judgment in regard to every item in the bill, and it was brought before the House and passed there with little opposition. Then it came to the Senate, where additions were made, but we were able to agree without any very serious difficulty, and passed a bill that carried appropriations and authorizations of about $87,000,000. Just as they call Lord Coke's reports "the reports," so I assert with confidence that it is proper to call that measure of 1907 "the river and harbor bill"; and I would that the policies exemplified in it and the same care had been continued since.

I do not wish to visit censure upon anyone. I am very sure that the present chairman of the Committee on Rivers and Harbors of the House has given days and nights of the most careful and conscientious study to this measure. Members of the Senate also have granted hearings by days and have given very careful attention to it. Members of both committees have labored upon it, but in the face of the pressure brought to bear they have fallen far behind the ideas and policies which were exemplified in the bill of 1907. If these tendencies continue, wastefulness and extravagance will find such a foothold in the bill that very general popular condemnation will be awakened.

I read briefly from this report, found on page 3581 of the CONGRESSIONAL RECORD for Thursday, February 20, 1913. The original copies of the report have now become very scarce.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. I do.

Mr. GALLINGER. I will ask the Senator if at that time we were reporting annual or biennial river and harbor bills? Had we gotten to the annual stage at that time?

Mr. BURTON. We then had biennial river and harbor bills. In 1900 there was a bill passed which was a sort of administrative measure, which included for the first time what is called a provision for emergencies, under which, on the approval of the local engineer and the Chief of Engineers and the Secretary of War, an amount could be given for what was called emergency work for the maintenance of a project already under way. Certain surveys were provided for. In 1901 a bill was reported, which failed at the last moment of the session. In 1902 a river and harbor bill was passed which, with one exception, was the largest in its appropriations that had ever passed up to that time. The continuing-contact system was adopted in that bill on a very large scale. In 1904 another administrative bill was passed, with divers appropriations for projects where appropriations were urgently needed and with another emergency provision. In 1905 a regular river and harbor bill was passed. Then, after two years, this bill of 1907, which, as I have twice stated already, was the largest ever passed, was enacted.

Mr. GALLINGER. I will ask the Senator if it is generally understoood that hereafter we are to have annual river and harbor bills?

Mr. BURTON. Annual river and harbor bills.

Mr. GALLINGER. That is an established principle, is it?

Mr. BURTON. I think so. At some time in the course of this discussion I may state the advantages and disadvantages of the annual bill. I think there are both advantages and disadvantages.

Mr. RANSDELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. I do.

Mr. RANSDELL. I will ask the Senator if we had reached either annual or biennial bills when the bill of 1907 was passed? Was not the next river and harbor bill passed in 1910?

Mr. BURTON. There was a bill passed in 1909 which made general appropriations for maintenance, and which also provided for certain projects.

Mr. RANSDELL. It was a very small bill, was it not, carrying about $9,000,000?

Mr. BURTON. No; it carried $10,071,625.

Mr. RANSDELL. May it not be fairly said that we did not reach the annual principle of river and harbor bills until the bill of 1910?

Mr. BURTON. I think that statement may be correctly made, because that was the first bill after 1907 that may be called a general river and harbor bill in which there was provision not only for the maintenance of existing projects, but also for the further improvement of projects under way and for new projects.

Mr. RANSDELL. So that practically the bill of 1907 provided for three years?

Mr. BURTON. Yes. Indeed, as to many projects, it provided, as I shall point out, for four years.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator, in addition to that, what has been the custom as to carrying appropriations for rivers and harbors, especially for maintenance, in the sundry civil appropriation bill?

Mr. BURTON. It is not the custom to carry appropriations for maintenance in the sundry civil bill.

Mr. KENYON. There are appropriations which relate to rivers and harbors carried in the sundry civil appropriation bill.

Mr. BURTON. Yes; amounting to $6,990,000 in the bill which has just come over from the House.

Mr. KENYON. Yes; it is here now. I want to ask the Senator whether the custom of carrying those appropriations in that bill is one that has existed for some time?

Mr. BURTON. The first projects of that nature were initiated in 1890. There were then a comparatively small number of them. It may be said that the custom of providing for continuing contracts commenced in 1890 and reached its maximum in 1907. I have not examined these specific items in the sundry civil bill, but I should fancy there were some of them for the completion of projects begun as long ago as 1907, and possibly even earlier than that.

Mr. KENYON. Mr. President, the point I am getting at is that the river and harbor bill does not show the real facts as to the money that is being appropriated for rivers and harbors and creeks throughout the country. We must take into consideration the sundry civil bill, also, to get at the amount.

Mr. BURTON. To get at the total amount expended. I think, however, there is rather a worse objection than that to the present bill, and that is that the bill leaves us in such doubt as to what the project is going to cost, while under the continuing contract system the total expense would be clearly set forth. There are numerous items of that nature in this bill, and I shall call attention to some of them later. I have already called attention to some.

Mr. HUGHES. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. Yes.

Mr. HUGHES. Are there any items in this bill which were put in over the protest or without the recommendation of the Board of Engineers?

Mr. BURTON. I think there is no new project in this bill—possibly there is one, however, and that added in the Senate—which was placed in the bill contrary to the recommendation of the engineers; but there are very large appropriations here for projects that the engineers never recommended that have been carried from year to year. I shall wish to take up all of those in their order.

Mr. HUGHES. That means, then, that while there are no new projects in the bill which have not been recommended by the engineers, yet the bill carries appropriations which the engineers would not now recommend?

Mr. BURTON. Yes. There is another feature. That question can not be answered without making this explanation: There are projects in this bill that at first the engineers condemned, and I may say condemned in decided language; but then a request was made for another survey, or a resolution was passed by the Committee on Rivers and Harbors asking for a reexamination, and the second or third time a report came in mildly commending the project.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. In just a minute. There is another class of appropriations in this bill, and those, I think, are the most extravagant, where the engineers reported the facts, and, instead of recommending or condemning, wound up their report by saying: "It is a matter for Congress to determine whether this appropriation shall be made or not." I think some of the worst items have come in under that kind of a report, where it is correct to say that the engineers never recommended it.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. I do.

Mr. THOMAS. I should like to inquire of the Senator how many of those projects, reported upon in that way, were adversely considered by Congress?

Mr. BURTON. There are very few items that have found their way into this bill in which, at the time of the insertion of the item or the adoption of the project, there was a distinctly adverse report.

Mr. THOMAS. Perhaps I did not express the idea I had in mind. The Senator stated that in many instances these engineers would report upon projects without any recommendation of their own, leaving it to Congress to determine whether to go on with it or not.

Mr. BURTON. If I may interrupt the Senator from Colorado a minute, there are not many of those, but they are very important and large ones.

Mr. THOMAS. In how many instances did Congress refuse to act upon them favorably, and in how many did Congress act favorably by making appropriations for them?

Mr. BURTON. I think in the last four years they have acted favorably on every one.

Mr. NORRIS. I want to ask the Senator about the recommendations of the boards that have been changed. Does the Senator mean that the same board, after reporting adversely on various projects, has subsequently made favorable reports?

Mr. BURTON. The same board has done that in some instances. In some instances a special board was constituted to report on a project, and it made an unfavorable report, and then another board with different membership made a favorable report.

Mr. NORRIS. How are these special boards constituted? Who constitutes them?

Mr. BURTON. The members are chosen by the Chief of Engineers. There are sometimes three and sometimes five members.

Mr. NORRIS. What would be the occasion for a special board?

Mr. BURTON. A project of unusual difficulty or complication, or one of exceptional magnitude.

Mr. NORRIS. Would this special board report on a project that had already been examined by the regular board?

Mr. BURTON. There have been, I think, instances of that kind. I ought to add, in explaining about those special boards, that in some instances they have been appointed in pursuance of an express resolution by Congress or a provision in a river and harbor bill. Let me mention a very good illustration, the "Lakes to the Gulf deep waterway," which was examined under a provision in the act of 1907. It was directed that a special board be appointed to examine that project. They did examine it, and made a very elaborate report.

Mr. NORRIS. Had it been reported upon before by the regular board?

Mr. BURTON. No; it had not been. There is this about it: There were different sections of the route on which reports had been made. The proposed waterway to the Mississippi River had been reported by a board of which Gen. Ernst was the chairman, and then engineers had reported on other portions, including part of the Mississippi River, but there had been no general report on the whole project.

Mr. NORRIS. How many special reports had been made on the deep-waterway proposition? The first report was adverse, as I understand, was it not?

Mr. BURTON. I have the report right here before me. Yes; it was practically adverse, at any rate.

Mr. NORRIS. Was it afterwards reversed and made into a favorable report?

Mr. BURTON. No; never. The Engineer Corps have never gone back upon that report.

Mr. NORRIS. They are still standing by their adverse report?

Mr. BURTON. Yes.

Mr. NORRIS. Then that was an instance where Congress provided for something in the face of an adverse report?

Mr. BURTON. Yes; partially.

Mr. NORRIS. Has that occurred very often as to river and harbor bills?

Mr. BURTON. Not in a large number of cases; but, as I have said, they have always been of very considerable magnitude. Here is what the board reported on that proposed 14-foot waterway; this is in the final report of the Chief of Engineers:

It is not desirable to construct a navigable channel 14 feet in depth from St. Louis to the mouth of the Mississippi River, or from Chicago to the mouth of the Mississippi River.

The present demands of commerce between St. Louis and the mouth of the Mississippi River are adequately met by the existing projects, having for their object to obtain and maintain an 8-foot channel from St. Louis to the mouth of the Ohio and a channel of not less than 9 feet in depth below the mouth of the Ohio.

The board believes that an 8-foot channel from Chicago to St. Louis, corresponding to the present 8-foot project from St. Louis to Cairo, is the least that would adequately meet the demands of commerce, and believes such a waterway would be desirable, provided its cost is reasonable.

That is, they reported against a 14-foot waterway.

Mr. NORRIS. And in favor of an 8-foot waterway?

Mr. BURTON. And they favored an 8-foot waterway.

Present and prospective demands of commerce between Chicago and the Gulf will be adequately served by a through channel 9 feet in depth, which may be obtained without violent changes of existing methods of development.

Notwithstanding that recommendation, the river and harbor act of 1910, I think, provided an appropriation of $1,000,000 for an investigation with a view to beginning the work, and that was regarded as a sort of committal to the project. I give notice that before we are through with the consideration of this bill I shall move to repeal that provision, and shall offer an amendment to that effect.

Mr. NORRIS. Has not that $1,000,000 been expended?

Mr. BURTON. I do not think so.

Mr. NORRIS. Now, I should like to ask the Senator another question about these projects, where he said reports were made to the effect that "it was for Congress to decide." Does the Senator recollect any project that, in his judgment, was a desirable one where that kind of a report was made?

Mr. BURTON. I have not all of them in mind at this minute. I should be inclined to think there had been no case in which that kind of a recommendation was made where it would seem desirable to go ahead with the improvement; in other words, that we ought to make it our settled policy to depend upon a positive, affirmative recommendation before undertaking any work of this kind.

Mr. NORRIS. Now, I will ask the Senator whether, in his judgment, from his long experience with this work and his years of study, he would regard with suspicion a project recommended in that way in the first place?

Mr. BURTON. I should think so.

Mr. NORRIS. Will the Senator tell us just why? How does he account for the board making that kind of a report? I presume the Senator, in his experience, has talked over those matters with members of the board. Why do they make reports of that kind?

Mr. BURTON. The Senator from Nebraska knows that a great many men have asserted on this floor and in the House, and the argument has been made in the country, that the engineers may have very good judgment in regard to dredging channels, river and harbor work, and, comprehensively speaking, engineering problems; but that they do not have any better judgment than the average business man on commercial propositions, and hence pressure has been brought to bear in many instances to adopt a project, notwithstanding there was an adverse report from the engineers.

Mr. NORRIS. What does the Senator mean by "pressure"? What kind of pressure?

Mr. BURTON. I could spend considerable time in telling what that is.

Mr. NORRIS. I think the Senator could well afford to do so, because there are a lot of projects in this bill which are in that category.

Mr. BURTON. Boards of trade, business associations in the localities interested, associations to promote a specific project, with salaried officials sometimes running up as high as $5,000 or $6,000 a year, which associations are formed for no purpose except to induce Congress to accept some river and harbor improvement. That is reinforced by the demand of the press

Mr. STONE. Oh, the Senator can have the full power of the committee and of the Senate to bring before the committee anyone he wishes, leaving it wholly to him to say whom he wishes to be summoned and whose testimony he thinks would throw the flood of light he says it would throw on the whole situation. There would be no trouble about that.

Mr. President, the Senator from Arkansas [Mr. CLARKE] suggests to me that the motion to refer can not be acted upon this morning under the rule.

The VICE PRESIDENT. There was a request for present consideration, and the Chair understands if there is objection it must go over until to-morrow.

Mr. STONE. I ask unanimous consent that the resolution be referred to the Committee on Foreign Relations.

Mr. BORAH. Mr. President, I do not care to have the resolution referred to the committee at this time. If it can not be voted upon here, I will ask the leave of the Chair to withdraw it.

Mr. CLARKE of Arkansas. Mr. President, I hope the Senator from Idaho will not take that course. A single objection will carry it over until to-morrow, and it will then come up as a resolution coming over from a former day and have a status on the calendar as a part of the morning business. It relates to an important matter. Possibly this is not an opportune time to discuss it in all its details, but it is a proper time to have it understood that the subject matter of it shall be inquired of very thoroughly here before an attitude adverse to the request contained in it is reached and announced by the Senate.

For myself, I believe that the proposed Nicaragua treaty and the Colombia treaty ought to be considered in open executive session, just as the treaty with Panama and the treaty with Colombia were in former Congresses considered on this floor. The proposed treaties are no ordinary conventions entered into by Governments of something like an equal dignity, power, and standing in relation to grave and important matters of differences which occasionally require adjustment by some form of convention. They are somewhat governmental in character, and the treatment of them here will present legislative questions rather than the determination of the mere terms of a contract which will be the end of a given dispute. They pertain to the present and the future relationship of this country to the lesser Governments to the south of us. The relationship that we establish by the ratification of either of these treaties will be fundamental and permanent in character, and will inevitably establish a closer relationship between this Government and those with whom we deal now in this preliminary and indirect way. What this relationship will be when its ultimate extent is defined by the logic of actualities is a matter concerning which I do not find it necessary to express an opinion on this occasion. The first step in a great scheme like that is the vital one, and before we enter upon it we ought to have an opportunity in open session to take the public into our confidence and to discuss it in the light of what the rational public opinion of this country will permit to be done.

Whilst I would not have presented the resolution just at this time, I think now that it has been presented it might create an erroneous idea of what is the real sentiment of the Senate if it should be summarily withdrawn or should be disposed of in some technical way.

Mr. BORAH. I withdraw the request for the withdrawal in order that the resolution may go over.

Mr. CLARKE of Arkansas. It will be printed by that time, and we will have an opportunity of knowing just exactly what there is in it, even if we shall not be fully prepared at that time to finally dispose of it.

The VICE PRESIDENT. The resolution will go over under the rule.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. WILLIAMS. I ask for the reading and for the present consideration of the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The SECRETARY. The senior Senator from Mississippi [Mr. WILLIAMS] reports favorably from the Committee to Audit and Control the Contingent Expenses of the Senate Senate resolution 407, which is as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out; and to prosecute said investigations said committee is hereby authorized and empowered to send for persons and papers, to issue subpoenas, to administer oaths, and to employ stenographers to take testimony at not exceeding $1 per printed page; the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

Mr. WILLIAMS. It ought to read at the end, "the chairman of said Committee on Foreign Relations."

Mr. GALLINGER. Does the Senator suggest that the report be referred to the Committee on Foreign Relations?

Mr. WILLIAMS. No; this is for an investigation to be conducted by the Committee on Foreign Relations. It was referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and we have reported it favorably, and I ask for its present consideration.

Mr. GALLINGER. Mr. President, I am going to venture to ask the learned Senator from Mississippi if he has the expectation that anything valuable will result from another investigation trying to ascertain how the secrets of executive sessions reach the public through the newspapers.

Mr. WILLIAMS. Mr. President, that would be one of the hardest nuts to crack that has been passed up to me in a long time. I do not believe that I can answer it either yes or no. I have a glimmering hope that we may be able to find out something, but I do not know.

Mr. GALLINGER. I was looking over my desk a few days ago and I came across a bit of parchment—possibly it is some high quality of paper—upon which was recorded the fact that five Senators had been appointed to make an investigation of this kind, at the head of which was the Senator from Texas who recently left the Senate, Mr. Bailey. I chanced to be, I think, possibly second on that distinguished list. I do not at this moment recall what gave rise to the demand for an investigation, but it was a situation similar to this. I believe that committee never was called together, at least I have no recollection of it, and it died, I apprehend, for the reason that the chairman of the committee, perhaps, or the members of the committee looking back over the history of the Senate and ascertaining that we had spent a good deal of money and a great many printed pages in investigations of this kind, with no results, concluded that there was not any use of having another investigation.

I apprehend that this will share the same fate. It will amuse the country a little; the newspapers will have some new text to exploit the futility of the Senate in discovering leaks that happen somewhere and in some way and that must come from this Chamber; they can not come from any other source; and after spending a little money in these days of economy no result will be reached.

Now, I do not object to it, of course. I hope the committee will have a pleasant time in making the investigation; but the newspapers of this country will never be caught when they exploit—getting information from some source not very far from this Chamber—the doings of the Senate in executive session. That is my judgment.

Mr. WILLIAMS. Mr. President, there is this much, that all must acknowledge the truthfulness of what the Senator from New Hampshire has just said. It is a sad commentary upon the membership of this body, and it is a sad commentary also upon the membership of committees now and then, that gentlemen whose honor is at stake should not regard their honor and that, then, afterwards we can not find out which particular gentlemen had not regarded their honor; but, none the less, it is our duty to try to make our rules respected, and if we can do something as a result of the investigation, so much gain. I hope the resolution will pass.

Mr. GALLINGER. Mr. President, I remember sitting here and witnessing a trusted employee of the Senate driven from the position he held, going away from the Senate with a blemish on his character. The Senate believed that that particular individual, who occupied a high position in the country, who afterwards was elected to the other House, was guilty of giving away the secrets of the executive sessions. I did not believe at that time that that man was guilty. I knew him well, and was sure that he was a man of high integrity.

Now, I am not going to say that any Members of the Senate give away these secrets. I will not say that any employee of the Senate gives them away. Sometimes they are so accurate it would seem as though a first-class stenographer had taken down what was said in the Senate—better reports than I could have given, I know, as a matter of recollection; but how they have received them I confess I do not know. It has been a matter of absolute wonder to me how the newspapers do sometimes get such accurate reports. I do not know. It may be that a Senator inadvertently gives out a suggestion and some other Senator inadvertently another suggestion, and these bright men who sit in that gallery looking down on us, sometimes outrageously abusing and misrepresenting us, put those pieces together and make a story. I sometimes thought it came about in that way. It may be that I am wrong. I can not conceive any more than the Senator can that any Member of this body would deliberately and intentionally disclose the secrets of executive sessions. I can not believe that can be true.

Mr. WILLIAMS. Mr. President, I of course do not want to go into a discussion. Very frequently these bright young men, who sometimes know as much about public business as any of us, and, by the way, are just as competent to discuss it, do arrive at their results by putting two and two together and putting four, when it may be that they have neglected another two and there ought to have been six; but I recall one case where a speech of a Senator in executive session appeared verbatim et litteratim. However these things come about, there is no use going into it now. I should like to have the resolution passed. We thought it better to recommend its passage.

The VICE PRESIDENT. The question is on the adoption of the resolution.

The resolution was agreed to.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SMOOT. Regular order, Mr. President.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SMOOT. As I understand, the morning business has been concluded?

The VICE PRESIDENT. The morning business was concluded about an hour ago.

Mr. SIMMONS. Then, I move that the Senate proceed to the consideration of the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. [Putting the question.] The ayes seem to have it.

Mr. KENYON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. TOWNSEND (when his name was called). I desire to announce that the senior Senator from Michigan [Mr. SMITH] is absent from the city on important business and that he is paired with the junior Senator from Missouri [Mr. REED]. I ask if the junior Senator from Missouri has voted?

The VICE PRESIDENT. He has voted.

Mr. TOWNSEND. I am paired with the junior Senator from Arkansas [Mr. ROBINSON], but I transfer that pair to my colleague [Mr. SMITH of Michigan] and vote "yea."

Mr. WILLIAMS (when his name was called). I wish to announce the transfer of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH]. I vote "yea."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Florida [Mr. BRYAN] and will let my vote stand.

Mr. McLEAN. Has the senior Senator from Montana [Mr. MYERS] voted. Mr. President?

The VICE PRESIDENT. He has not voted.

Mr. McLEAN. I have a pair with that Senator, and therefore withhold my vote.

Mr. CRAWFORD. Has the senior Senator from Tennessee [Mr. LEA] voted?

The VICE PRESIDENT. The Senator from Tennessee has not voted.

Mr. CRAWFORD. Then I withhold my vote, as I have a pair with that Senator.

Mr. CATRON (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN], who, I understand, is absent on account of illness in his family, and will let my vote stand.

Mr. GOFF. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN]. He being absent, I withhold my vote.

In justice to the Senator from South Carolina, I desire to say that I was paired with that Senator on Friday last. We had made arrangements for an announcement to that effect, but, inadvertently, the announcement was not made.

Mr. WALSH. I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. He being absent, I refrain from voting.

Mr. JAMES (after having voted in the affirmative). I transfer my general pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arizona [Mr. ASHURST] and will allow my vote to stand.

Mr. KENYON. I desire to announce the absence of the senior Senator from Washington [Mr. JONES] on important business, and also the absence of the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. I desire to announce that the Senator from North Dakota [Mr. GRONNA] is paired with the Senator from Maine [Mr. JOHNSON]; the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Florida [Mr. FLETCHER]; and the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 39, nays 16, as follows:

YEAS—39.

Bankhead	Martin, Va.	Reed	Swanson
Camden	Martine, N. J.	Shafroth	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Clarke, Ark.	Newlands	Shively	Townsend
Fletcher	Oliver	Simmons	Vardaman
Hollis	Overman	Smith, Ariz.	West
James	Pomerene	Smith, Ga.	White
Kern	Pittman	Smith, Md.	Williams
Lane	Ransdell	Smith, S. C.	Works
Lea, Tenn.	Robinson	Stone	
Lea, Md.			

NAYS—16.

Borah	Burton	Gallinger	Martin
Brady	Catron	Hitchcock	Page
Brandegee	Cummins	Kenyon	Smoot
Briggs	Dillingham	McCumber	Sutherland

NOT VOTING—41.

Ashurst	Goff	McLean	Smith, S. C.
Bryan	Gore	Myers	Stephenson
Burleigh	Gronna	O'Gorman	Sterling
Chilton	Hughes	Owen	Tillman
Clapp	Johnson	Penrose	Tiffany
Clark, Wyo.	Jones	Poindexter	Walsh
Colt	La Follette	Robinson	Warren
Crawford	Lea, Tenn.	Root	Weeks
Culberson	Lewis	Saulsbury	
du Pont	Lippitt	Sherman	
Fall	Lodge	Smith, Mich.	

So the motion of Mr. SIMMONS was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13511) making appropriation for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON. Mr. President, this river and harbor bill ought not to pass the Senate without very thorough consideration. I am convinced that the Members of the Senate do not understand the nature of many of the items included in this measure. I am compelled to admit that within the last week or 10 days I have discovered some items with which I myself was not familiar. I regret to notice that projects which were maturely considered 10 or 12 years ago, and excluded after careful deliberation, have at the present time, when conditions are less favorable for their development, found their way back into the bill. I do not believe that there is any way by which the extravagant and wasteful appropriations which appear in this measure year after year can be defeated, except by the defeat of a river and harbor bill, or, at least, by its very material modification.

I repeat what I said in the beginning of this discussion, that it is a time for the sincere friends of river and harbor appropriations to pause and consider. If they do, they will, I think, realize that so much that is objectionable is finding its way into this measure that before long there will be such an outcry against it, such an uprising, I may say, that the passage of river and harbor bills will be impossible. I can not think that the people will not, when this measure is thoroughly considered, visit such criticism upon it that it will not be approved, and its passage at this time will be but imposing another load on a system which is becoming very objectionable as it is now prosecuted.

When I was speaking on Wednesday last I mentioned briefly the bill of 1907, and I wish to take up that measure at this time. I do so because that bill was the result of long study and the very courageous elimination of objectionable items. It was the final development in a progress toward more salutary policies, and toward the elimination of waste in river and harbor bills. I do not say it was a perfect bill; in looking it over now after the lapse of seven years I find some items which my present judgment would not approve. I do not say that we made no mistakes; but I think it is due to the committee, which considered that bill so carefully, that it should be explained and its advantages pointed out. It was not a small bill. As I stated on Wednesday, it was the largest river and harbor bill

ferent views are being expressed by different parties, and every Senator from Nebraska [Mr. NORRIS] I withheld the report

I should like a few moments in which to express some views respecting that resolution. If I can have the favor of the floor.

Mr. BORAH. Mr. President, I desire to perfect the resolution which I offered, in view of the suggestion of the Senator from Mississippi, by adding, after the word "printed," in line 2, the words "except such testimony as may have been received under a pledge of confidence." Now, Mr. President, I yield the floor to the Senator from Missouri.

Mr. STONE. Mr. President, I will speak first, briefly, to the inquiry made by the Senator from Nebraska [Mr. NORRIS]. The Senator from Nebraska desired to know what action the Committee on Foreign Relations has taken or is likely to take on the resolution he submitted some days ago calling upon that committee to supply all Members of the Senate with printed copies of the hearings being had with respect to the so-called Nicaraguan treaty. The committee has taken no action on the resolution. What action it may take when we shall have the good fortune to secure a quorum of the committee I am not prepared to say. Personally I do not think there is any good reason for having these hearings supplied at this time to all Senators both on and off the committee.

In fact, there is no treaty with Nicaragua pending before the Committee on Foreign Relations. The Secretary of State, on behalf of the President, is carrying on some negotiations with the Government of Nicaragua with a view to making a treaty between the two countries, but no such treaty has yet been consummated. The Secretary of State has outlined to the Committee on Foreign Relations the general plan of a treaty tentatively agreed upon between the representatives of the two Governments and has asked a conference with the Committee on Foreign Relations. In advance of concluding any treaty he desires the judgment of the membership of the Senate as to the wisdom or propriety of incorporating certain tentative provisions in the proposed convention. So what is being done by the Committee on Foreign Relations with respect to the so-called Nicaraguan treaty is merely to hold a conference with the Secretary of State. In connection with that, some members of the committee have asked that certain gentlemen, more or less familiar with Nicaraguan affairs, should be heard by the committee before it shall express in confidence its opinion to the Secretary of State.

Mr. President, even if the treaty were completed and were pending before the Committee on Foreign Relations, and hearings were being had on a completed treaty pending before the committee, I can see no more reason for having those hearings printed for general distribution among the Members of the Senate than there would be for a member of that committee to come out of an executive session and detail to his fellow Senators, not members of the committee, what was said before the committee orally, and not taken down. To do that would be such a radical departure from the uniform course of procedure in executive sessions of committees as to amount to a complete revolution. It may be that it would be a wise and timely revolution to make it the rule to bring matters that are heard before committees in executive sessions out into the open Senate; but if you do that you will put an end to executive sessions. If we do that the doors of the committee rooms should be opened wide to whomsoever might desire to enter and hear what is said and see what is done. I should oppose a course of that kind with respect to committees generally. I think it would be the height of unwisdom. I think it is of the highest importance that there should be executive sessions of committees, and that the proceedings had in executive sessions should be kept and guarded by the membership with scrupulous fidelity. I think any Senator who goes out of an executive session and details or exploits what occurred in secret session scarcely deserves the honor of membership on any committee. Especially is that true when we deal with foreign affairs. Our foreign relations involve the most delicate things with which the Nation has to deal, and I think it would be destructive if we abolished the policy of private and confidential communications between Governments. Why, Mr. President, I do not believe diplomatic negotiations could be successfully conducted if they were conducted in the open. There is just as much reason for observing secrecy and confidence on the part of the Foreign Relations Committee as there is on the part of the Secretary of State or the President himself. It ought to occur to any Senator after a moment's reflection that without such confidence the nations of the world, through their representatives, would be slow to communicate with our Department of State, and certainly slow to communicate with the freedom of consultation that must obtain when negotiations of the character we are discussing are being considered. If it did not end all diplomatic negotiations, it would at least desperately embarrass them.

These hearings referred to by the Senator from Nebraska, and which are printed from day to day, are printed for the information of the members of the committee. Of course, they need not be printed. The proceedings could be heard orally without printing; but some of the members of the committee are often unable to attend some of the hearings, and naturally they desire to know what was said at the hearings when they were absent. They are printed for the use and convenience of the committee. As the Senator from Mississippi said, after the treaty has been reported favorably or unfavorably to the Senate, all information in the possession of the Committee on Foreign Relations will, of course, be laid before the Senate in executive session in order that Senators may be advised as fully as members of the committee when they come to discuss and vote upon the ratification of the treaty.

My friend from Idaho [Mr. BORAH] says that in the case of this Nicaraguan treaty and this Colombian treaty an exception ought to be made. The Senator says he was not aware that certain things had been said before the Committee on Foreign Relations at some of the hearings. I know that is true. I think the Senator's information as to what occurred before the committee is for the most part gathered from the newspapers. The Senator is a member of the committee, but I think I am safe in saying that he has not attended a single session of the committee since the hearings began, and therefore, of course, he does not know what was said or done; but he reads the newspapers, and, yielding to the pressure from the outside, he becomes the champion of the policy of putting aside the old rule and the old custom approved by the wisdom of years and of decades, and of dragging these international negotiations into the open for public exploitation. I do not agree with the honorable Senator. I think his premise and his whole argument are utterly and fatally defective.

Mr. President, there are few important treaties ever brought into the Senate, few ever even considered by the Foreign Relations Committee, with respect to which the newspapers have not, by one means or another, gotten hold of some information, no matter how firmly set the seal of secrecy may be; and this information, or alleged information, which is sometimes approximately correct, sometimes incorrect, and sometimes little more than guesswork, is printed. But I hope we shall not in future be led, as we have not been in the past, by publications of this character into a course of procedure that would seriously embarrass the Government in carrying on and consummating negotiations respecting great international agreements.

Mr. President, I move that the resolution offered by the Senator from Idaho be referred to the Committee on Foreign Relations.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. STONE. I will.

Mr. TOWNSEND. As I understood the Senator's statement, it presents a different situation from the one I supposed existed in the Senate and before the Foreign Relations Committee. If I understood him correctly, he stated that these hearings had been instigated by the Secretary of State; that he had asked the Foreign Relations Committee to collaborate or consult with him in reference to a treaty. My understanding has been that this matter originated in a resolution of inquiry which was presented to the Senate, asking the Committee on Foreign Relations to investigate for the Senate certain things that were reported to exist in reference to our relations involved in a treaty with Nicaragua, and that the Committee on Foreign Relations was about that business; that it was acting under the instructions of the Senate through a resolution to investigate and report to the Senate such conditions as it might find.

Mr. STONE. What is the question the Senator wishes to propound?

Mr. TOWNSEND. My question is whether or not I am correct in my understanding.

Mr. STONE. The Senator is not correct. I have stated the case as it is. If the Senator heard what I said——

Mr. TOWNSEND. I did.

Mr. STONE. Then it is not necessary for me to repeat it at any length. I will say, in a word, however, that there is no treaty with Nicaragua before the committee. The Secretary of State has laid before the committee a tentative treaty which he has been negotiating with the representatives of the Government of Nicaragua.

Mr. TOWNSEND. Yes; I understood that.

Mr. STONE. But before concluding the treaty or going further with it he has come to the Committee on Foreign Relations and with perfect frankness laid the whole business be-

fore that committee, to ask the judgment and opinion of the committee in advance as to what should be done with respect to the proposed treaty, and whether the committee itself had objections to any particular features of it or to it as a whole.

Mr. TOWNSEND. Then, as I understand, the Senate Committee on Foreign Relations is not acting and has not been acting under a resolution adopted by the Senate to investigate those conditions?

Mr. STONE. No resolution has been adopted by the Senate. The Senator's colleague [Mr. SMITH of Michigan] introduced a resolution authorizing or seeking to authorize the Committee on Foreign Relations to send for persons and papers, to administer oaths, and so forth, in the usual form, which was referred in due course to the Committee to Audit and Control the Contingent Expenses of the Senate. Subsequently, in the course of the conference with the Secretary, certain gentlemen volunteered to appear before the committee and detail what they knew of conditions in Nicaragua. The minister from Nicaragua and the financial agent of Nicaragua, who, before he began to act in that capacity, was the minister of finance of Nicaragua, appeared before the committee and made a statement. They appeared on invitation. The Senator from Mississippi [Mr. WILLIAMS] has very accurately stated all that is necessary to be stated about the hearing of those Nicaraguan officials.

The newspapers printed some matter respecting those hearings that most of the committee, at least, if not all of them, thought was improper to come from any member of the committee; and, on the authority of the committee, I offered a resolution authorizing the committee to take such action as it saw fit to take to discover the source of these committee leaks. That resolution was likewise referred to the Committee to Audit and Control the Contingent Expenses of the Senate; but neither of the resolutions to which I have referred has up to this time been reported to the Senate or acted upon.

Mr. BORAH. Mr. President, a parliamentary inquiry. I understand that the Senator from Missouri has moved that the resolution be referred to the Committee on Foreign Relations. Is that motion not debatable?

Mr. GALLINGER and Mr. STONE. It is debatable.

The VICE PRESIDENT. The Chair thinks it is debatable.

Mr. BORAH. Very well. Then I want to say just a word in answer to the Senator from Missouri.

Mr. President, it is true that ordinarily all negotiations and all hearings and all debate on all pending treaties should be considered in executive session, and I would not be in favor, ordinarily, of opening to the public the discussion of these matters until such time as the committee had determined what it should do. In other words, I agree with what the Senator has said in reference to the virtues of confidential communications and executive sessions, ordinarily. But all the virtues of confidential communication of an executive session have already been forfeited. These matters are in the possession of the public. Both treaties have been published. The matters are being discussed in detail. Documents—I would not say from the Secretary of State, but documents from the State Department—have been printed and are being printed, and every feature and form of the transaction is now before the public.

The only question is whether or not this committee should go on and proceed with the executive sessions, leaving the inference that something is in the possession of the committee which the public has not. Furthermore, these treaties, as I have said, are essentially matters of legislation, necessitating at some time time an appropriation of $23,000,000.

Mr. President, it is true, as the Senator has said—and I presume he thought he had good reason for saying so—that I have not been in attendance upon the Committee on Foreign Relations since the Nicaragua treaty has been up the last time. I might say (truthfully, if I desired to, that business elsewhere has engaged me; but I do not desire to place it upon that ground at all. Two years ago this same treaty, in substance, was before the Committee on Foreign Relations, as everyone knows. It was thoroughly discussed and considered, and since the Senator has gone into the matter as to who was in attendance upon the committee, I will state that every Democrat upon the committee voted against the treaty at that time, and my vote, voting with them, killed the treaty.

I made up my mind as to the unfortunate terms of that treaty, and since that treaty was before the committee two years ago I have spent a great deal of time upon my own initiative in ascertaining the exact facts with reference to conditions in Nicaragua and the facts which have brought forward that treaty.

I was not willing to submit the investigation which I have made and the facts which I have in my possession to the champ of a confidential or executive session. I regard this treaty as so fundamental, so important to the people of this country, that if I can not get the consent of the Senate to place before the Senate the facts which I have in my possession I shall feel constrained myself to disregard some of the rules of the Senate. I desire to proceed in an orderly way and to get the consent of my colleagues upon this proposition, but I have remained away from the Foreign Relations Committee because I felt that I was in possession of facts which I was not willing to have stated that I secured at the hands of the Foreign Relations Committee and was therefore violating the rules of the committee. I felt that I should likely at some time feel compelled to discuss this question in the open.

Mr. President, I should like to see these matters discussed in the open and by consent of the entire Senate. I prefer very much to proceed in that way. I have no desire to unnecessarily disregard a rule of the Senate, but there are conditions which would compel me to do so.

Mr. STONE. Mr. President, just a word. I regret that my distinguished friend assigns the reasons he gave for not attending the sessions of the committee, especially when we are so often harassed by the lack of a quorum, and that he has not attended the sessions of the committee for the reason that he has in his possession certain information gathered through his own industry respecting this treaty, and that he did not care to be tied up by the rules of executive confidence.

Of course I am surprised to hear the Senator from Idaho declare what course he will pursue if he can not get the consent of the Senate to discuss what is going on in our negotiations with foreign countries. I am surprised to hear him say that if he can not lay before the public with the consent of the Senate what is contained in a treaty even before it is finally acted upon, and give publicly the reasons for his opposition to a treaty, he will do it anyhow; that he will violate the rules of decorum and what have hitherto been recognized as rules of propriety, and, taking the bit in his own mouth, will ride over all rules and customs and expose whatever he thinks he would like to expose.

Mr. SMITH of Arizona. Without even taking the members of the committee into his confidence.

Mr. STONE. My colleague on the committee has suggested that the Senator threatens to do this without even taking the members of the committee into his confidence. I do not know what information the Senator from Idaho has concealed in his breast. He does not honor the committee, of which he is a member, with his confidence.

Mr. BORAH. If the Senate will adopt this resolution, I will take the committee into my confidence. Otherwise I feel constrained to pursue my own course.

Mr. STONE. But unless the Senate does adopt it, then the Senator has something up his sleeve, some secret information that he is husbanding to exploit before the newspaper gallery, that it may go forth to the country as an act of his, destructive of the procedure of this body, a procedure that has had the approval of the Senate from time immemorial.

Mr. BORAH. Mr. President, I believe firmly if this matter is discussed in public the Nicaragua treaty will die as it should die. I believe it is based upon deception, misrepresentation, fraud, and corruption, and I believe I can show it.

Mr. STONE. Does the Senator believe if that is true that his colleagues in executive session would ratify a treaty which for the reasons the Senator has given should be rejected, whether heard in the open or in executive session?

Mr. BORAH. No; I do not believe my colleagues would do so for a moment, but so long as there are called before that committee the mere puppets whom we have set up in that Government, who ask for the concealment of their statements and the secrecy of their testimony, you will not get the true facts; and that is what is happening. If you will take the lid off and invite all interested parties to come before the committee, there will be a different story told from what is being told now.

Mr. STONE. The Senator from Idaho is a distinguished member of the committee, and if he has any confidence in the membership of the committee it seems to me he could come and bring to us what he says are the true facts and lay them before the committee, and if they see any such condition of affairs as he has indicated I venture to say there is not a Senator on the committee who would vote to report the treaty favorably.

Mr. WILLIAMS. Mr. President, before the Senator from Missouri takes his seat, if he will permit the interruption, I would ask him the question whether as chairman of that committee he would not immediately summon before the committee anybody whose name might be given to him by the Senator from Idaho, so that we might judge of the reliability of the witness as well as have in our possession the facts or the alleged facts stated by him?

bination to restrain or monopolize commerce contrary to the provisions of the antitrust acts, and made or carried on with that intent, are hereby declared unlawful and are prohibited."

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 6, 1914, approved and signed the following act:

S. 751. An act to repeal section 3490 of the Revised Statutes of the United States.

CALLING OF THE ROLL.

The VICE PRESIDENT. Morning business is closed.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Goff	Pace	Sutherland
Brady	Hughes	Perkins	Swanson
Burton	Jones	Pittman	Thomas
Camden	Kenyon	Sheppard	Thornton
Catron	Kern	Shields	Townsend
Chilton	Lane	Shively	Vardaman
Culberson	Lewis	Smith, Ariz.	Walsh
Cummins	McCumber	Smith, Ga.	White
Dillingham	Martine, N. J.	Smoot	Williams
Fletcher	Norris	Sterling	Works
Gallinger	Overman	Stone	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Oregon [Mr. CHAMBERLAIN] on official business. He is paired with the Senator from Pennsylvania [Mr. OLIVER].

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. BRANDEGEE, Mr. JAMES, Mr. RANSDELL, and Mr. WEST answered to their names when called.

Mr. McLEAN, Mr. POMERENE, Mr. HOLLIS, Mr. MARTIN of Virginia, Mr. REED, Mr. HITCHCOCK, Mr. SHAFROTH, and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from South Carolina [Mr. TILLMAN] and the junior Senator from South Carolina [Mr. SMITH]. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

NICARAGUAN AND COLOMBIAN TREATIES.

Mr. BORAH. Mr. President, out of order I wish to introduce a resolution.

The VICE PRESIDENT. The Secretary will read the resolution.

The resolution (S. Res. 411) was read, as follows:

Resolved, That the seal of secrecy is hereby removed from all of the hearings heretofore had which have been printed, except such testimony as may have been received under a pledge of confidence, and that hereafter all hearings be given to the public as soon as the same are reported by the parties and printed, touching the proposed treaties with Nicaragua and Colombia, and that the consideration of both the treaties with Nicaragua and Colombia be in the open session of the Senate.

Mr. BORAH. Mr. President, I wish to say just a word in explanation of the resolution. So far as the Colombian treaty is concerned, it has been public for several weeks. It was first printed in the European papers and was recopied from European papers into American papers, and the matter has been in the possession of the public, even as to the details of the treaty, for some time.

Not only that, Mr. President, but it is being discussed by the public press, and all the details of the transaction which gave rise to the treaty are being brought forward. I can see no reason why that matter should not be considered in public upon the part of the Senate. Indeed, it is in the possession of the public, except such matters as may be deemed to be private by reason of the fact that the transactions are being had in the Committee on Foreign Relations. The nature of the discussion which is going on before the public necessarily demands, it seems to me, that the entire proceedings be in the open. The questions which are related to this treaty are such as the public are interested in. They are quite different in a large measure from questions which ordinarily accompany treaties, and the situation and the relationship of the matter are different from those which usually appertain to treaties.

The idea of having treaties considered in executive session is for the purpose of enabling you to transact that business with a foreign Government without exposing the details of the treaty upon the part of the foreign Government until the final arrangement is made; but all the details are now at hand, and the different views are being expressed by different parties, and every conceivable phase of the controversy is before the public. Why should the evidence be kept from our colleagues not members of the committee and the public?

So far as the Nicaraguan treaty is concerned, Mr. President, I feel that that is essentially a matter of public concern. It is essentially a matter of legislation and may determine a national policy.

Mr. NORRIS. Mr. President——

Mr. BORAH. I yield.

Mr. NORRIS. That is the treaty which the Committee on Foreign Relations have been holding hearings on?

Mr. BORAH. Yes.

Mr. NORRIS. I understand they are printed privately for the use of the committee?

Mr. BORAH. That is correct.

Mr. NORRIS. And Members of the Senate generally are not allowed to receive copies?

Mr. BORAH. That is correct.

Mr. NORRIS. I should like to ask the Senator what action, if any, the committee has taken upon the resolution that I introduced a few days ago to the effect that copies of the evidence which has been taken and which shall be taken on that treaty shall be sent to all Members of the Senate as well as to the members of the Foreign Relations Committee?

Mr. BORAH. I do not think that any action has been taken. I am in sympathy with the suggestion of the Senator, only I would go further; I would make the matter completely open to the public.

Mr. NORRIS. I would be very glad to go further and to express myself in that way. I can see no reason why at least Members of the Senate should not have the evidence that is being taken for the purpose of enlightening Members who will have eventually to vote one way or the other on the treaty.

Mr. BORAH. Mr. President, I do not desire to discuss in public, until this matter is passed upon, anything which it is not proper to discuss here; but I think, in view of the discussion which is going on in the public press and the facts which are now in possession of the public, I can properly say that the Nicaraguan treaty is essentially a subject for public discussion. It is fundamental in its effects; it establishes a precedent which ought not to be established until the public is fully informed with reference to all the details which led up to the transaction. Those who are in favor of the Colombian treaty ought, of all people, to be in favor of a public discussion of the Nicaraguan treaty, because, as I view it, we are doing that in Nicaragua which will lay the basis for the precise kind of a claim which Colombia is now making against this Government for what it is urged and claimed by some that we did in Panama.

I do not believe, Mr. President, that we are dealing with Nicaragua at all; we are not dealing with the Nicaraguan people, nor with the public officers whom the Nicaraguan people have set up or elected; we are dealing with ourselves; we are dealing with the puppets which we put in power; we are making a treaty with those who do not represent the Nicaraguan people at all. Therefore, Mr. President, before we venture upon any such transaction we ought to discuss it, and to discuss it before those who will be finally affected by the transactions—that is, the American people as a whole.

Mr. President, I do not say anything about this investigation—I do not care to stand in the way of that—as to how things have crept out before we have authorized them to be given out, but I sincerely hope that this resolution will be either passed to-day or immediately considered by the committee and reported for passage. In view of the situation in which the public is now placed the Committee on Foreign Relations should not have anything in a confidential way concerning this transaction.

Mr. WILLIAMS. Mr. President, as I understand, this resolution is to print all the hearings which have been had before the Committee on Foreign Relations in connection with the Nicaraguan treaty. That committee invited, and there appeared before it, the minister of that country and the financial agent of that country. Each of them was assured that he could speak with utter frankness, because he was speaking to us in executive session. I can not imagine a worse piece of bad faith than after that to publish what those gentlemen in thorough frankness and freedom, being thereto invited, said before that committee.

But, Mr. President, I rose for a different purpose. Upon the last meeting of the Senate I reported from the Committee to Audit and Control the Contingent Expenses of the Senate by its direction a resolution which had been introduced by the Senator from Missouri [Mr. STONE]. Upon request of the Senator from Nebraska [Mr. NORRIS] I withheld the report

then, and also the request for its immediate consideration until to-day, because the Senator from Nebraska thought that the Senator from Idaho [Mr. BORAH] desired to be present when the report was made. I now make the report and ask unanimous consent for the consideration of the resolution.

The VICE PRESIDENT. What will become of the pending resolution?

Mr. BORAH. Mr. President, just a moment before the other matter is presented by the Senator from Mississippi.

Of course, if anyone has appeared before the Foreign Relations Committee who has received the pledge of the committee that whatever he said there would be kept secret, that might necessitate a change of this resolution of mine. I was not aware of any personal pledge having been made to anyone who appeared before the committee. I would not, of course, be in favor of breaking that pledge made upon the part of the committee, without more consideration, at least, than I have given to it. Therefore it might be as to some of these things which have been said that we ought not to divulge them because of that promise, but I invite the Senator's attention to the fact that some one else is interested in this transaction besides the finance minister from Nicaragua. If they have said anything that they would not want in print, I would be willing for that to be kept secret; but I am not willing for them to again come before the committee, or for anybody else to come before that committee, upon these two particular treaties, which are being discussed in public and by the public from every conceivable standpoint, without their understanding that the public is going to have all that comes before the committee.

Mr. WILLIAMS. Mr. President, in reply to the Senator from Idaho I will say that during the entire history of this Republic it has been considered of the very highest importance to get at the very truth of matters when treaties are up for consideration, and that it has been thought always that we were very much more apt to get at the very truth if men could speak with entire freedom and with entire secrecy until such time as, in the interest of the public generally and of both countries, that seal might be removed.

We have had before us not only a minister of one of these countries and the other officer of whom I have spoken, but one of them began by saying that, understanding that he was speaking in absolute freedom and secrecy, he wanted to be interrogated, and he would answer with absolute frankness every question put to him. There was not anybody really that appeared before the committee who did not appear with the understanding that he could speak as in executive session.

Nothing, I think, emphasizes the truth of what I have just said more than the difference between the character of debate carried on in this body in open session and the character of debate carried on in the same body in executive session of the Senate. Men speak much more frankly, very much more fully, and go very much more to the real heart of things in executive session. Of course, where business is of a purely public character, concerning the United States alone, the people of the United States have the right to hear what it is; but where it concerns other parties who have their rights as well as we ours, and where it might possibly interfere with the further conduct of negotiations by the State Department with those other parties, it seems to me it is wiser to adhere to the practice of the forefathers and to consider business of that sort in secrecy until the result has been arrived at which is proposed to be sent to the Senate and the Senate has acted upon that result so reported.

I do not care to discuss the matter, and I did not rise for that purpose; but the Senator having made his remarks and this resolution having been withheld until he could return, I thought I would take advantage of the moment while he was in the Chamber to present it.

Mr. STONE and Mr. NORRIS addressed the Chair.

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator from Missouri.

Mr. STONE. I did not know that the Senator from Idaho had the floor.

Mr. BORAH. Yes; I have the floor.

Mr. STONE. I will wait until the Senator has concluded, though I have been endeavoring to obtain the floor for some time.

Mr. NORRIS. Will the Senator from Idaho yield to me?

Mr. BORAH. I yield.

Mr. NORRIS. I should like, with the permission of the Senator from Idaho, to ask the Senator from Mississippi a question. Is it the intention of the committee to permit this testimony to be read by Members of the Senate?

Mr. WILLIAMS. I should say, in answer to the Senator—I can not speak, of course, of the intention of the committee, for I have no way of arriving at that—but if the Senator wants to know what my opinion of practical results will be, I should say that, if there were a favorable report from the committee upon the treaty and the treaty in that way came before the Senate, Senators in executive session would be, of course, furnished with the information which the committee had.

Mr. NORRIS. I suppose the taking of the testimony is for the purpose of enlightening the Members of the Senate as well as the members of the Foreign Relations Committee?

Mr. WILLIAMS. Of course——

Mr. NORRIS. Suppose the committee should report adversely; and that the Senate desired to approve the treaty, how would Senators not members of the committee be able to get information unless they were permitted to read the evidence that was taken before the committee?

Mr. WILLIAMS. I am giving the Senator merely my idea. When the matter comes before the Senate, then each individual Senator will be entitled to all the information there is; but until it is reported it is not before the Senate. It is always, I suppose, in order to move that a committee be discharged from the further consideration of a certain subject matter, and that it be reported to the Senate. If it be a treaty, then it is reported to the Senate in executive session. I have no reason to believe that the usual motion to discharge a committee from the consideration of a matter and report it to the Senate at a certain time or on a day certain does not apply to treaties as well as to other business before standing committees of the Senate. So that the answer to the second part of the Senator's query would be that, if we reported the treaty to the Senate adversely and the Senate wanted it reported favorably, a motion might be made discharging us and instructing us to bring the matter into the Senate.

Mr. BORAH. Mr. President, the Senator from Mississippi would not have any objection to the Colombian treaty being considered in open session, would he?

Mr. WILLIAMS. I have objections to all treaties being considered in open session. I do not think it is the right way to consider treaties, just as I do not think it is the right way to consider appointments. The Senator and I both know that in considering appointments, for example, we state what we absolutely believe, and we state things that we have heard, but which we do not know. We can meet together and go to the very heart of the matter. Discussions occur in executive session concerning the private character of appointees, and all that sort of thing, that no man would want to give to the public, if he could help it. So it is with regard to treaties. There frequently is in connection with a treaty reasons that are diplomatic in their character that ought to be confided to the State Department, to the President, and to the Senate of the United States in executive session alone. I may be old-fashioned, and that may be somewhat out of date, but that is, at any rate, my notion. I am not arguing it; I am merely stating my idea.

Mr. BORAH. Mr. President, I agree with the Senator from Mississippi that ordinarily that is true; but both of these treaties and the discussion of the facts in regard to them have been lifted out of the confidence of the committee; they are now in the possession of the public, and they are being discussed in the public press. All kinds of charges with reference to misconduct upon the part of public officers, Presidents and ex-Presidents, Secretaries of State, and everybody else are being made. There is only one way to answer charges of that kind, and that is by pitiless publicity of the facts and by discussion in the open upon the part of all parties concerned. It is better for the people of Colombia, better for the people of Nicaragua, and infinitely better for our people that these treaties be discussed in the open, in view of the charges which have been made.

Mr. WILLIAMS. Mr. President, it is always competent for any Senator to ask that the State Department forward to the Senate certain papers or all the papers concerning a certain transaction; and it is competent always in executive session to move that the seal of secrecy be removed from certain papers; but the question would be determined in executive session of the Senate as to whether the seal of secrecy should or should not be removed. Senators in talking to one another in executive session can talk much more freely as to the pros and contras of the motion. I ask the Senator now, however, to let us have unanimous consent to read the resolution reported by me and consider it now. I refer to the resolution which I withheld on Friday last because of the Senator's temporary absence at that time.

Mr. STONE. Mr. President, as I understand, there is a resolution pending that will have to be disposed of in some way, and

the Methodist Episcopal Church of Lisbon, representing 527 members; of the First Methodist Congregation of Warren, representing 600 members; of the New Jasper, White Chapel, and the Mount Tabor Methodist Episcopal Churches, representing 475 members; of the Fairview Friends Church and the Vienna Friends Church, representing 48 and 36 members; respectively; of the Lordstown Local, Woman's Christian Temperance Union, representing 80 members; of the First Presbyterian Church of Lisbon, representing 510 members; of the First Congregational Church of Toledo; of the Summit County Christian Endeavor, with headquarters in Akron, representing 1,200 members; of 21 citizens of Ada; of the Woman's Christian Temperance Union, Pataskala; of 17 citizens of Amherst; of the Methodist Church of Amherst, representing 175 members; of 22 citizens of East Palestine; of the Methodist Church of Lytle, representing 50 members; of the West Park Avenue Methodist Church, of Columbus, representing 1,400 members; of 25 citizens of Aberdeen; of 25 citizens of Cincinnati; of 28 citizens of Tedrow and Wauseon; of 20 citizens of Warren; of 40 citizens of New Concord; of the Woman's Christian Temperance Union of Columbus Grove, representing 500 women; of the Young People's Branch and the Loyal Temperance Legion, representing 100 members, of Columbus Grove; of the Methodist Episcopal Church of Junction City, representing 388 members and a constituency of 1,500; of 14 citizens of Lagrange; of 13 citizens of Cartsville; of the United Brethren Circuit of Junction City, representing 450 members; of the Christian Endeavor Society of Mount Gilead, representing 32 members; of the United Brethren Young People's Society of Christian Endeavor of Old Fort, representing 70 members; of 65 citizens of Westerville; of the Christian Endeavor Society of the Westminster Church of Steubenville, representing 36 members; of the Young People's Alliance of the Wayne Avenue Evangelical Church, of Dayton, representing 40 voters; of the Presbyterian Christian Endeavor Society of Ada, representing 50 members; of the Christian Endeavor Society of Ashland, representing 54 members; of the Presbyterian Christian Endeavor Society of Sandusky, representing 45 members; of the Christian Endeavor Society of St. Bernard, representing 38 members; of 11 citizens of Sylvania; of a mass meeting of the churches of Lagrange; of 19 citizens of Dayton; of the Bible School and congregation of the Christian Church of Hicksville; of the Central Christian Church, of Toledo; of the Clark Street Methodist Episcopal Church, of Toledo; of the Reformed Christian Endeavor Society of Akron, representing 35 members; of the United Presbyterian Christian Union of Wellsville, representing 51 members; of the United Brethren Christian Endeavor Society of Bucyrus, representing 75 members; of the Sunday School of the Reformed Church of Germano, representing 110 members; of the Christian Endeavor Society of Germano, representing 44 members; of the Reformed Church of Germano, representing 129 members; of a mass meeting of citizens at Chilo; of the Cooperative Temperance Association of Germano, representing the combined membership of its four churches; of the Methodist Episcopal Church of Arcanum; of the Congregational Christian Endeavor Society of Sandusky, representing 25 members; of the Christian Endeavor Society of New Waterford, representing 25 members; of a mass meeting of citizens of East Cleveland, held in the Windemere Methodist Episcopal Church; of the Methodist Episcopal Church of Cleves, representing 220 members; of a mass meeting held in the Methodist Episcopal Church of Cambridge (600 present); of 14 citizens of Uhrichsville; of the Christian Endeavor Society of Powhatan Point, representing 50 members; of the United Brethren Christian Endeavor Society of Middlebranch, representing 23 members; of the Christian Endeavor Society of Sulphur Springs, representing 28 members; of a mass meeting of citizens held in the St. Paul Methodist Episcopal Church, of Springfield; and of the official board of the Methodist Episcopal Church of Berea, all in the State of Ohio, praying for national prohibition; which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of McPherson, White City, Lawrence, Independence, Le Roy, Wichita, Canton, McLouth, Blue Mound, Coffeyville, Navarre, Neal, Hoyt, Salina, Belleville, Whitman Community of Sumner County, Mound Valley, Luray, Topeka, Hutchinson, Minneapolis, Pleasant Hill, Harris, Nickerson, Atlanta, St. John, Douglass, Morrowville, Colony, Axtell, Mankato, Clare, West Mineral, Garden City, Udall, Oakley, Abilene, Narka, and Winfield, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of Alhambra, Riverside, El Centro, and Stockton, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented petitions of sundry citizens of Spencer, Seneca, Howard, Cresbard, Woonsocket, Lake Preston, Canton, Garden City, Onida, Artesian, and Yankton, all in the State of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Watertown and Lemmon, in the State of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a petition from the State chairman of the Order of Railway Conductors of South Dakota and a petition from the recording secretary of Prairie Pioneer Lodge, No. 408, International Association of Machinists, of Huron, S. Dak., praying for the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Pennsylvania, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented resolutions adopted by the North Carolina Cotton Seed Crushers' Association, in convention at Ocean View, Va., favoring the enactment of legislation providing for the proper regulation of the tax on oleomargarine, which were referred to the Committee on Finance.

Mr. McLEAN presented memorials of sundry citizens of Meriden, Bridgeport, Hartford, West Hartford, Collinsville, New Haven, and Winsted; of Local Union No. 40, International Union of the United Brewery Workmen, of Bridgeport; and of the Central Labor Union of Bridgeport, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 101, International Hod Carriers, of Stamford, Conn., praying for the enactment of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Trinity Methodist Episcopal Church, of Bridgeport; of the First Congregational Church of South Norwalk; Trinity Methodist Episcopal Church, of Meriden; of the Methodist Church of Bethel; of the Methodist Church of Ansonia; of the Methodist Churches of Tolland and Crystal Lake; of the Methodist Church of Milford; and of the North Methodist Episcopal Church, of Hartford; of sundry citizens of Bridgeport, Seymour, Farmington, and Mansfield; of the Woman's Christian Temperance Union of Georgetown and Branchville; and of the Egbert Club, of Norwalk, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Thompsonville, Conn., praying for the enactment of legislation to regulate the construction of dams across navigable waters, which was referred to the Committee on Commerce.

He also presented a petition of Charles L. Burdett Camp, No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of Spanish War veterans, which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Danbury, Conn., praying for the Government operation of the mines in Colorado, which was referred to the Committee on Education and Labor.

He also presented a memorial of Local Branch No. 36, National Association of Letter Carriers, of Hartford, Conn., remonstrating against the repeal of the law granting compensatory time to postal employees on one of the six days following the Sunday on which they perform service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of 5,000 members of the Federation of Women's Clubs of Norwalk, Conn., praying for the enactment of the so-called Foster radium bill, which was referred to the Committee on Mines and Mining.

Mr. WORKS presented telegrams in the nature of petitions from sundry citizens of Moorpark, Riverside, and Pasadena, all in the State of California, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Gillette, Wyo., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of 111 citizens of the State of Wyoming, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of Local Union No. 122, Ice Wagon Drivers and Helpers, of Fort Wayne, and of Henry Meyer, David West, August Cline, and 24 other citizens of Allen, Vanderburg, Floyd, and Madison Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the congregations of the Baptist, Presbyterian, Grace Methodist Episcopal, and Christian Churches of Franklin; of the Blaine Avenue Methodist Episcopal Church, of Indianapolis; of the First Presbyterian Church of Mishawaka; of the Epworth League of the Wall Street Methodist Episcopal Church, of Jeffersonville; of the Methodist Episcopal Church of Middlebury; of sundry citizens of Anoka, Winamac, West Indianapolis, Prairie Grove, Crawfordsville, and Winchester; of sundry Woman's Christian Temperance Unions of Fort Wayne; of S. John Harris, Clarence Harris, Sherman Morris, and 47 other citizens of Summitville; of Henry Vogel, Lewis Wright, W. F. Vogel, and 28 other citizens of Terre Haute; and of Mrs. William Yard, Mrs. B. E. Wright, Mrs. Ira D. Bolt, and 6 other citizens of Peru, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Lodge No. 16, Brotherhood of Locomotive Firemen and Enginemen, of Vigo; of Huntington Division, No. 221, Brotherhood of Locomotive Engineers, of Huntington; of Barker Division, No. 213, Order of Railway Conductors, of Michigan City; of Seymour Division, No. 301, Order of Railway Conductors, of Seymour; of Local Branch No. 8, Indiana Bottle Blowers' Association, of Dunkirk; of Local Division No. 121, Brotherhood of Locomotive Engineers, of Indianapolis; and of Harbor City Lodge, No. 200, Brotherhood of Locomotive Firemen and Enginemen, of Michigan City, all in the State of Indiana, praying for the enactment of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Tailors' Industrial Union of Ann Arbor, Mich., praying for the passage of the so-called Clayton antitrust bill, which was referred to the Committee on the Judiciary.

Mr. WILLIAMS presented a petition of sundry citizens of Vicksburg, Miss., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and exportation for sale of intoxicating liquors, which was referred to the Committee on the Judiciary.

SUNDRY CIVIL APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and I submit a report (No. 644) thereon.

I will say, Mr. President, that on the 15th of this month, unless this bill is passed before that time, the Government will be embarrassed for the want of the money carried in it. The current appropriations have been extended until the 15th instant only. In view of that situation, I give notice that tomorrow morning, immediately after the conclusion of the routine morning business, I shall ask the Senate to take up and consider the bill.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 6032) for the relief of the heir or heirs of John Howard Payne; to the Committee on Claims.

A bill (S. 6033) granting an increase of pension to Samuel Morris (with accompanying papers);

A bill (S. 6034) granting an increase of pension to Sarah H. Pidge (with accompanying papers); and

A bill (S. 6035) granting an increase of pension to Mary L. De Mars (with accompanying papers); to the Committee on Pensions.

By Mr. CATRON:

A bill (S. 6036) granting an increase of pension to Juan B. Gutierrez; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 6037) granting an increase of pension to Osco L. Robinson (with accompanying papers); and

A bill (S. 6038) granting an increase of pension to Martha J. Bretney (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 6039) for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific International Exposition, and for other purposes; to the Committee on Industrial Expositions.

By Mr. NEWLANDS:

A bill (S. 6040) granting a pension to Lelia F. Devine (with accompanying papers); to the Committee on Pensions.

FEDERAL TRADE COMMISSION.

Mr. SHIELDS. I submit an amendment intended to be proposed by me to the pending interstate trade commission bill, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. SHIELDS to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, viz: On page 20 strike out all of section 5 and insert in lieu thereof the following:

"SEC. 5. That whenever complaint shall be made to the commission, by petition duly verified, that any corporation has violated or is violating any of the provisions of the antitrust acts, it shall issue to such corporation a notice, accompanied with a copy of the petition, fixing therein the time for the hearing of the complaint, which shall be served upon the defendant 30 days before such hearing, within which time it may make its defense by answer. If upon the hearing the commission shall find that the corporation has violated or is violating the antitrust acts as alleged in the petition, it shall make an order prohibiting the continuance of such unlawful acts, agreements, or practices, which orders may be enforced at the suit of the United States, to be brought by the district attorney of the district by direction of the Attorney General, or by any person or persons prejudiced and parties to the complaint.

"The district court of the United States where the said corporation has its domicile, chief office, or may be found, or where the unlawful act was committed, is vested with jurisdiction to enforce all such orders made by the commission where the corporation fails, neglects, or refuses to comply with the same, provided the court, after a hearing upon the merits, shall be of the opinion that the order was properly made. The petition for this purpose shall concisely state the contract, agreement, acts, or practices constituting the alleged violation of the antitrust acts, the order of the commission made in the premises, and the failure or refusal of the corporation to comply with or perform the same, and contain a prayer for process and appropriate relief. The proceedings shall conform to those in equity cases, and the court may enforce its decrees in the premises by injunction, as provided in such cases.

"The evidence introduced before the commission, subject to exceptions for competency, may be used as if originally taken and filed in the district court, a transcript of the same being sufficient for this purpose; and a duly certified copy of the order of the commission, filed with the petition, shall be prima facie evidence of the alleged violation of the antitrust acts.

"When any person files a petition he shall give security for costs of the proceeding, and if successful will recover all costs of the defendant, including a reasonable attorney's fee, for services in the proceeding in the district court."

AMENDMENT TO ANTITRUST LAW.

Mr. SHIELDS. I submit an amendment intended to be proposed by me to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the amendment was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

On page 2, line 22, insert as section 2, changing the numbers of the other sections so as to conform, the following:

"That all contracts, agreements, arrangements, acts, and practices which tend separately or with one or more other transactions for the purposes, to lessen competition in commerce, or restrain or monopolize commerce, or which may form a material part of a conspiracy or com-

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CANTRILL: A bill (H. R. 17626) granting an increase of pension to Susan Lanckart; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 17627) granting an increase of pension to Malona J. Jones; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17628) granting an increase of pension to Ellen Gray; to the Committee on Invalid Pensions.

By Mr. QUIN: A bill (H. R. 17629) granting an increase of pension to Elizabeth N. Hubert; to the Committee on Pensions.

By Mr. TAGGART: A bill (H. R. 17630) granting a pension to Mary A. Haines; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17631) granting a pension to William Eldmond; to the Committee on Pensions.

Also, a bill (H. R. 17632) granting a pension to Sallie F. Oates; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition signed by J. E. France and others, of the District of Columbia, urging the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the board of direction of the Western Society of Engineers, of Chicago, Ill., protesting against the passage of House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

Also (by request), resolution of the Select and Common Councils of Philadelphia, Pa., urging the provision of the retirement of employees in the classified civil service; to the Committee on Reform in the Civil Service.

By Mr. AIKEN: Petition of A. R. P. Church, of Newberry, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petitions of M. G. Popovich, of Johnstown, Pa., and M. J. Holland, of Altoona, Pa., protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of the Christian Endeavor Society of the Lutheran Church of Johnstown, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of Mrs. Martha B. Roberts and Political Equality Club, of Farmdale, Ohio, favoring woman-suffrage resolution; to the Committee on the Judiciary.

Also, petition of sundry citizens of the nineteenth Ohio district, against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens and churches of Conneaut, Akron, East Homer, and of the nineteenth district, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petitions of 36 citizens of the fourth Missouri district, favoring national prohibition; to the Committee on Rules.

Also, petition of 50 citizens of the fourth Missouri district, against national prohibition; to the Committee on Rules.

Also, petition of R. C. Annan and 20 others, of St. Joseph, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Roessler & Hasslacher Chemical Co., New York, against national prohibition; to the Committee on Rules.

Also, petition of the board of directors of the Western Society of Engineers against House bill 13457, relative to distributing topographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. EAGAN: Petitions signed by 117 citizens of Hudson County, eleventh district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of the board of directors of the Western Society of Engineers against House bill 13457, relative to distribution of topographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. GILMORE: Petition of the Hatherly Methodist Episcopal Church, of Rockland, and the St. John's Methodist Episcopal Church, Dedham, Mass.; favoring national prohibition; to the Committee on Rules.

Also, petition of the board of aldermen of Medford, Mass., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the board of directors of the Western Society of Engineers, of Chicago, Ill., against House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

By Mr. KENNEDY of Rhode Island: Petition of two citizens of Pawtucket, R. I., against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of the board of direction of the Western Society of Engineers, of Chicago, Ill., favoring House bill 13457, to provide for a more equitable means of distribution of topographic and hydrographic surveys, etc.; to the Committee on Expenditures in the Interior Department.

Also, petition of Edward Ermold & Co., of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of Mary B. Newton, Anna Peterson and others, Grace C. Richardson, Katherine Sumner, Mrs. E. M. Fairfield, and others, of Omaha, Nebr.; the Omaha Central Committee and Mrs. Oella Kirkpatrick, Mrs. Sophia Fleshman and others, of Nehawka, Nebr., favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petitions of 52 citizens of Omaha, Nebr., protesting against the adoption of the prohibition amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. LONERGAN: Petition of Mr. John Redding, of Hartford, Conn., opposing adoption of prohibition measures; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of New Haven County, New Haven, Conn., opposing the importation, manufacture, and sale of intoxicating liquors; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petition of Rev. F. M. Gardner and 13 others, of Bridgeport, W. Va., for passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of West Virginia, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Henry Frasier, of Pawtucket, and James B. Osborne, of Cumberland, R. I., against national prohibition; to the Committee on Rules.

Also, petition of the Trinity Union Methodist Episcopal Church, of Providence; the First Methodist Episcopal Church of Newport; and 19 citizens of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of Agnes B. Lewis, W. I. Rourke, and others, of Geneva, N. Y., and Mabel Howland, Zobedia Allerman, and others, of Auburn, N. Y., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. PLUMLEY: Petition of 440 citizens of Norwich, 45 citizens of Westfield, 228 citizens of Hartland, 100 citizens of Braintree, and 28 citizens of Windham County, all in the State of Vermont, favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition signed by Philip Paroni, Dave Morris, and 24 other citizens of Eureka, Eureka County, Nev., protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany H. R. 17008, granting relief to Charles H. Stansbury; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: Protest of the Trades and Labor Council, Kalamazoo, Mich., against national constitutional prohibition (Hobson-Sheppard bill); to the Committee on Rules.

By Mr. THOMAS: Petitions of sundry citizens of Pleasureville; of George W. McPherson, of Bowling Green; and of James Frogge and others, of Edmonton, all in the State of Kentucky, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Oakland, Ky., favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. N. D. Terry, Miss Selma McComas, and others, of Glasgow, Ky., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. TUTTLE: Petition of sundry citizens of Port Morris, Westfield, Elizabeth, and Chatham, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Baptist Church of the borough of Rochelle; sundry citizens of Denville; the Summit Methodist Episcopal Church, of Rahway;

and the Christian Endeavor Society of the First Baptist Church of Roselle Park, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition from various residents of the thirtieth New York district, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Schenectady, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Loverna Kenyon, of Delaware, Ohio, representing 35 members of the Christian Endeavor Society, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

Also, petition of Anna Ream and Helen Crafts, representing the Christian Endeavor Society of the Presbyterian Church of Ada, Ohio, in favor of the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *July 6, 1914.*

The Senate met at 11 o'clock a. m.

Rev. J. L. Kibler, D. D., of the city of Washington, offered the following prayer:

Our heavenly Father, we look up to Thee for Thy blessing in meeting the tasks of this day. May we think Thy thoughts, acknowledge Thy ways, and be controlled by those lofty principles that emanate from Thy throne. Give us the consciousness of Thy favor in the consideration of Thy laws. Give us the inspiration of Thy grace in the call of every duty. May Thy kind providence mark out the way and give direction to all our plans, and may we enjoy the blessing of Thy continued favor. We ask it in Jesus' name. Amen.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. KERN presented petitions of sundry citizens and organizations of Winchester, Shipshewana, Mishawaka, Anoka, Delphi, Indianapolis, West Indianapolis, Anderson, Windfall, Jeffersonville, Red Key, Fort Wayne, Urbana, and Spiceland, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Woman's Christian Temperance Union of Lancaster; of J. B. Hall and Roy N. Atwood, of Keene; of sundry citizens of Lancaster; of the congregations of the Methodist Church of Marlboro and of the Methodist Episcopal Church of Peterboro, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Manchester, N. H., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Fire Underwriters of Nashua, N. H., favoring the prevention of fire insurance companies soliciting business by mail in territories where not legally admitted, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Epping, N. H., praying for the enactment of legislation providing for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of Local Branch, National Letter Carriers' Association, of Concord, N. H., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of White Mountain Lodge, No. 301, Brotherhood of Railroad Trainmen, of Woodsville; of Local Branch, Granite Cutters' International Association of America, of Concord; and of Mount Monadnock Lodge, No. 513, Brotherhood of Locomotive Firemen and Enginemen, of Nashua, all in the State of New Hampshire, praying for the passage of the so-called Clayton antitrust bill, which were referred to the Committee on the Judiciary.

Mr. KENYON. I have a petition forwarded to me by the National Good Citizenship Movement, numerously signed by citizens of the State of Iowa, praying for the adoption of an amendment to the Federal Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages. I ask that the petition may be received and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petition will be received and referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Hawarden and Rinard, in the State of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Sioux City, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MARTINE of New Jersey presented telegrams in the nature of petitions from sundry citizens of Milford, Port Monmouth, and of the congregations of the Methodist Episcopal Church of Clinton and the Grace Methodist Church of Red Bank, all in the State of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STERLING presented a petition of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PITTMAN presented memorials of sundry citizens of Washoe County, Nev., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. OVERMAN presented petitions of sundry citizens of North Carolina, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. STONE presented petitions of sundry citizens of Mexico, Columbia, Carthage, Joplin, St. Joseph, Fulton, Bowling Green, and Clayton, all in the State of Missouri, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of the Tailors' Industrial Local Union, No. 98, of Stamford, Conn., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Unions of New Haven, Georgetown, and Branchville; of the Goshen Young People's Society of Christian Endeavor, of Lebanon; and of sundry citizens of Black Hall, Bozrayteu, Waterbury, New London, and Bridgeport, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POMERENE presented petitions of the Epworth League of Aberdeen, representing 50 members; of Federated Church Brotherhoods of Piqua, representing 1,000 members; of 113 citizens of East Liverpool; of Business Men's Bible Class of Third Avenue Methodist Episcopal Church, of Columbus, representing 250 members; of 58 citizens of Logan; of the Sunday school of North Liberty, representing 150 members; of 50 citizens of Degraff; of 25 citizens of Shelby; of a mass meeting at Youngstown, representing 12,000 dry voters of Mahoning County; of 6 citizens of Barnesville; of the Epworth Methodist Episcopal Church, of Toledo, representing 630 members; of the Sunday School of the Hildreth Baptist Church, of Columbus, representing 250 members; of 28 citizens of Bucyrus; of the Methodist Episcopal Sunday School of Lewisburg, representing 200 members; of the Baptist Sunday School of Mount Vernon, representing 200 members; of 20 citizens of Kenmore; of the Sunday School of the First Presbyterian Church of Bryan, representing 200 members; of the Christian Sunday School of Versailles and the Christian Church of Versailles, representing 200 and 201 members, respectively; of the Ministerial Association of Akron; of

Mr. MANN. Mr. Speaker, I have followed very closely, as my friend from Missouri has followed the last bill, all of the codification bills, from the codification of the Alaskan Code down to date, and I think I am fairly familiar with the work that these people have to do.

Mr. LLOYD. With the Alaskan Code I have some familiarity myself, because I used to work upon it night and day. The chairman of that committee and myself performed the work that this reviser is expected to do, and you can hardly expect any chairman or the members of the committee to do the detail work.

Mr. MANN. Then what on earth are they on a committee for?

Mr. LLOYD. There is plenty of work to do after that work is submitted by the reviser.

Mr. MANN. I supposed that was one of the purposes of gentlemen going on committees. I supposed it was to do the work of the committee. Is it intended to have the Members who are on the committee not posted about the codification, but to have an outside employee do all of the work of codification? It is the duty of the committee to do a large share of this work, although I am not complaining about the employment of the expert. I hope the gentleman will understand that. I assume that this expert, if that is what he is properly called, is the gentleman who has been the clerk of the committee, and I think he has done very efficient work. I have no criticism, but I have much praise for the work that he has done. I am talking about the pay. If we start to raise the pay of these committee employees, I do not think that you can stop with the Committee on the Revision of the Laws. The Committee on Rivers and Harbors has a clerk who has more work to perform than this gentleman will ever have to do in the same length of time. Perhaps we ought to increase the pay of all of them, but I doubt whether it should be increased to $4,000.

Mr. WATKINS. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WATKINS. Does the gentleman make a distinction between a clerk who has only clerical work to do and a man who has to go into the decisions of the Supreme Court, the statutes enacted by Congress, and blend them and modify them and select out those that are repealed and those that are decided by the Supreme Court to be inoperative? Does the gentleman make a distinction between that class of work and the work of merely a clerk?

Mr. MANN. Yes; but the gentleman is not informed as to the work done by the clerk of the committee. The clerk of a committee does not perform merely clerical work, by any means. The clerk of the Committee on the Public Lands ought to be, and I doubt not he is, posted on the public-land laws, and when bills are introduced he must investigate not only the bills that are pending, but the laws that have been enacted and the decisions of the courts in reference to them.

Mr. WATKINS. The gentleman has referred to the public-land laws, and only last week this Congress passed an appropriation for $25,000 to codify the land laws. That work could readily have been done if we had this expert help that we are now asking. It takes a lawyer of experience, a lawyer who understands what he is doing, to do this kind of work.

Mr. MANN. The gentleman again confuses the matter. Not one of the large committees gets along with a committee clerk who does merely clerical work. The committee clerk is an adviser to the committee, an adviser to the chairman of the committee. He keeps posted on the work of the committee. I was chairman of a committee here, and my clerk went through every bill that was introduced and referred to the committee and wrote many of the reports, and the clerks now write most of the reports that are presented to the House on the bills that are reported to the House. It is not merely clerical work. It requires more skill and more knowledge than it does to take up one of these old codification revisions which have already been reported by the original commission and revise it down to date, although I think the allowance for an expert, if it amounts to anything, if we get a good codification at all, will be a good thing.

But I do not believe you can pay a salary of $4,000 to this employee and properly stop there. The other clerks are just as important and must be just as good-posted individuals.

Mr. BRYAN. Mr. Speaker, will the gentleman yield for a question.

Mr. LLOYD. I will.

Mr. BRYAN. Do we have a compiler of the laws for the House and another compiler for the Senate? Will the Senate have another compiler at $4,000?

Mr. LLOYD. We have nothing to do with the Senate in this resolution.

Mr. BRYAN. This $4,000 is to be paid exclusively by the House?

Mr. LLOYD. Yes, sir.

Mr. BRYAN. In other words, the House has a compiler to compile the laws of Congress, and then if the Senate wants to compile the laws of Congress they will have their arrangement?

Mr. LLOYD. Yes.

Mr. BRYAN. If the Judiciary Department wants to compile the laws of Congress they will have their arrangement?

Mr. LLOYD. They are not charged with the duty of compiling the laws.

Mr. BRYAN. Does not the gentleman think it would be a better arrangement to have the compiler of laws of Congress a clerk or some one under the Attorney General rather than to have a compiler in each branch of the Congress to do the same work over and over again?

Mr. LLOYD. That system might be a good system, but it has never been adopted. The Committee on Revision of the Laws is charged with that duty.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The SPEAKER. The gentleman from Illinois asks for a division.

The question was taken; and there were—ayes 43, noes 39.

So the resolution was agreed to.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1058. An act for the relief of Dennisk Taheny and John W. Mortimer; to the Committee on Claims.

S. 1149. An act for the relief of Seth Watson; to the Committee on Military Affairs.

S. 3752. An act to improve the aids to navigation at the entrance to Willapa Bay, Wash.; to the Committee on Interstate and Foreign Commerce.

S. 4045. An act for the relief of John Chick; to the Committee on Military Affairs.

S. 4875. An act to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 129. Joint resolution relating to the awards and payments thereon in what are commonly known as the Plaza cases; to the Committee on the District of Columbia.

EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. AUSTIN], who is detained on account of illness, be permitted to extend his remarks in the RECORD on the subject of the tariff.

The SPEAKER. The gentleman from Illinois asks unanimous consent that Mr. AUSTIN, of Tennessee, who is detained on account of sickness, and whom we all hope will soon return to the House, be permitted to extend his remarks on the subject of the tariff. Is there objection? [After a pause.] The Chair hears none.

SALEM RELIEF FUND (S. DOC. NO. 330).

The SPEAKER. The Chair lays before the House a message from the President of the United States.

The Clerk read the message as follows:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram:

"The Salem relief fund is increasing slowly. The expense of rehabilitation will be enormous, as 2,000 families are homeless and without work. If the National Government could appropriate $200,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem I very earnestly urge the immediate appropriation by the Congress of $200,000, as requested by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, July 3, 1914.

The SPEAKER: Ordered printed and referred to the Committee on Appropriations.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 12579.

The SPEAKER. The Chair promised to recognize the gentleman from New York [Mr. LEVY] for a privileged resolution.

DATE OF FINAL ADJOURNMENT.

Mr. LEVY. Mr. Speaker, I present the following privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Concurrent resolution to adjourn the present session.

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be authorized to close the present session by adjourning their respective Houses on the 15th day of July, 1914.

[Applause.]

Mr. LEVY. Mr. Speaker, I have no doubt by July 15 the appropriation bills will be passed. I have ascertained it will be about impossible for the so-called trust bills to be reported and passed by the Senate for some months. It is perfectly useless to hold us here in session any longer. The country is anxious for us to adjourn at the present time and the Members of both Houses desire to return to their homes. We have been here for more than a year, and it is really in the interest of the people of the United States for us to adjourn on July 15. This country is in a situation like this: We are very prosperous, and have a great crop of wheat, with prospects of over a billion bushels, the largest in the history of the United States. We have passed the reserve-bank bill, which will be of great benefit to the country and help prosperity. The question is whether we shall return to our homes at the present time and give the people time to think over the trust bills, to consider how serious and important they are, and give the Senate time to consider them. They prefer to abide by the Sherman law than to have any further trust legislation.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARNER. Is a resolution of this kind debatable, a resolution to adjourn?

The SPEAKER. The Chair thinks it is. A simple resolution to adjourn is not debatable.

Mr. GARNER. But a resolution of this character is not debatable.

Mr. FITZGERALD. Oh, yes.

The SPEAKER. The Chair will find out.

Mr. DONOVAN. Mr. Speaker, would a motion for unanimous consent allow the gentleman from New York to proceed?

The SPEAKER. Why, of course, you can do anything by unanimous consent.

Mr. DONOVAN. I so move, Mr. Speaker.

Mr. CAMPBELL. This is not a resolution for simple adjournment, but a resolution to adjourn at a fixed time.

The SPEAKER. The Chair knows that; and the Chair was hunting it up. The Chair thinks it is debatable; but he would not want to establish any new ruling about it.

Mr. CAMPBELL. This is a resolution to fix a time for final adjournment of the Congress and——

The SPEAKER. Anyway the gentleman from Connecticut cuts a Gordian knot by asking unanimous consent that the gentleman from New York may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVY. Mr. Speaker, I do not want to take up the time of the House, as I think the question is so plain. I objected to the trust bills because they were, in my opinion, illegal and unconstitutional, and so far they have in a great part been so decided by the Senate committee. It will take some time for the Senate to consider them. I want my colleagues here to understand my position. I have always been opposed to what were called trust combinations. The impression is prevalent here that I represent Wall Street interests. I desire to say that I represent no interest; I represent no one but my constituents and the people of the United States. I want prosperity for all our country. [Applause.] That is my sole hope and desire. I have no interest whatsoever beyond that. Every prediction I have made in this House has turned out to be a correct interpretation in the end.

Mr. ADAIR. Mr. Speaker, will the gentleman yield for a question?

Mr. LEVY. Yes.

Mr. ADAIR. I believe I understood the gentleman to say that the country now is prosperous?

Mr. LEVY. What does the gentleman say?

Mr. ADAIR. I understood the gentleman to say that the country is prosperous at the present time, and you want this prosperity to continue?

Mr. LEVY. Yes. The country is on the verge of great prosperity.

Mr. ADAIR. The gentleman does not want merely prosperity in New York City?

Mr. LEVY. I say we are on the verge of great prosperity in New York City and the whole country.

Mr. PAYNE. "Verge" is good. [Laughter on the Republican side.]

Mr. LEVY. And we should continue so. We have enormous crops, and the reserve banks, if put into practice, will give us great prosperity. The only trouble with us at the present time is that the people are uncertain about the consideration of these trust bills. They want no drastic propositions to interfere with business. We have the Sherman law now, and it has taken 20 years to interpret the same. It will take 10 years to decide the proposition as to what these trust bills provide, if they are carried through. Of course, it will take time. The Senate will have to take time to consider them. Give the people time to consider them. The whole trouble is that the people are uncertain about the legislation that we are passing here so hastily. That is the fact of it. I hope the House will agree with me. [Applause.]

The SPEAKER. The gentleman from Texas [Mr. GARNER] is right. The motion is not debatable.

Mr. UNDERWOOD. Mr. Speaker, I desire to move to lay this resolution on the table; but I ask unanimous consent that, as the gentleman has had five minutes, I may have five minutes.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MANN. How about this side of the House?

The SPEAKER. The Chair will recognize some one on that side.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER. The gentleman from Alabama moves to lay the resolution on the table. The question is on agreeing to that motion.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 42 minutes p. m.) the House adjourned, under the order previously made, until Monday, July 6, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SHERWOOD, from the Committee on Invalid Pensions, to which was referred the bill (S. 4865) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 919), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 4261) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 920), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBERTS of Nevada: A bill (H. R. 17824) to authorize the Secretary of the Treasury to establish a summer White House at Reno, Nev.; to the Committee on Appropriations.

By Mr. CANTRILL: A bill (H. R. 17825) to amend the act establishing the eastern district of Kentucky; to the Committee on the Judiciary.

There was no objection.

W. Mortimer;

Mr. MANN. Mr. Speaker, the salary of this assistant is $4,000.

Mr. LLOYD. Yes. The view of the committee is that the only trouble about this salary is that it is not high enough for the service actually rendered.

Mr. MANN. Well, I suppose that is the view the chairman of every committee may have concerning one of its employees.

Mr. LLOYD. The chairman of the Committee on Revision of the Laws never made any suggestion at all with reference to the salary.

Mr. MANN. I think we pay but one clerk of any committee as high as $4,000 in salary. While this employee is called an expert in some ways, and probably the services may be worth $4,000, I do not see how you are going to differentiate between the Committee on the Revision of the Laws and the employees of the Committee on the Judiciary, with the employee of the Committee on Revision of the Laws getting $4,000 and the employees of the Judiciary Committee getting $2,500.

Mr. LLOYD. The commissioners that have been employed heretofore have received $5,000 each for similar services.

Mr. MANN. I understand, but this is really a clerk to the committee.

Mr. LLOYD. I beg the gentleman's pardon; this is not expected to be a clerk of the committee.

Mr. MANN. The committee has nothing to do except this work. The present clerk is a very efficient young man I know, and he will probably get the place.

Mr. LLOYD. He will be assisted by the clerk of the committee.

Mr. GARNER. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. GARNER. Did I understand the gentleman to say that the contemplated employee is the present clerk of the committee?

Mr. LLOYD. Yes.

Mr. GARNER. And you propose to give him $4,000, and, in addition to that, under the general law, pay a clerk whatever salary he is now receiving. So you will then have a commissioner at $4,000 a year and the clerk of the committee at $2,000 a year.

Mr. LLOYD. Mr. Chairman, I yield five minutes to the gentleman from Louisiana [Mr. WATKINS].

Mr. WATKINS. Mr. Speaker, the Committee on Revision of the Laws have deferred for three years making this request. Finally we ascertained that it was impossible to keep up with the revision work unless we did ask for additional help, an expert compiler and reviser, for the purpose of codifying and revising the laws.

In the Sixty-second Congress the compilers were dispensed with. Previous to that time there had been two compilers with a salary of $5,000 each, making $10,000. Then there was the salary of the clerk of the committee and the pay of the extra help, which amounted in all to about $15,000. All told, the annual expense approximated $20,000 a year up to that time. When these two compilers were dispensed with and the joint committee was abolished, the work fell upon the individual members of the Committee on Revision of the Laws. It was found impossible for the members of the committee to spare the time to give their personal attention to the work to such an extent as to enable them to keep up with the compilation work. It had not been expected up to that time, nor has it ever been expected, that the clerk of the committee, whose duties are of a clerical nature, would do anything toward codifying or compiling or revising. He was only expected to check up the work in a clerical way. It is true the clerk of the committee was a stenographer and a typewriter, and he studied law, and it so happened that he was able after two years' diligent effort to begin compiling and codifying.

But I wish to state to the membership of this House that not only did the clerk of the committee spend two years studying in trying to equip himself for the work which he undertook on his own initiative, not at the request of the committee, because they did not expect him to do that class of work, but I also had in my employ a secretary, a licensed lawyer with several years' practice, and I permitted him to cooperate and assist the clerk of the committee in compiling the work. These two young men at times sat up night after night all night and did all in their power to get the work in such shape that it would be presentable to the House of Representatives. Finally they succeeded in getting up the compilation which, after several meritorious amendments, went through the House after 10 weeks, every Wednesday.

But while the work was being done, and while this $20,000 expense was saved by the joint committee being dispensed with, the work was lagging and getting further and further behind all the time.

The Commission on Revision of the Laws expired, or the employment expired, in 1906, and from that time until 1914, for eight years, there has been none of this compilation done except through the joint committee. Since that time there has only been one entire title and a half of another title compiled and presented to the House and enacted into law. One was a criminal code and the other was not quite half the judicial code. You can well see that if during the eight years only the criminal code and half of the judicial code has been revised, as far as the House is concerned, making only two chapters, or two subject matters, you can readily see that this work can never be completed within a reasonable time, but that it is getting further and further behind as to codification all the time.

Neither the chairman of the committee nor the committee would ask of the House of Representatives this help if they did not think it was absolutely necessary for the purpose of properly prosecuting the work. This is not a clerk of the committee. It is expected that the clerk of the committee will devote his entire time to checking up the work, transcribing it, putting it in type, and sending it to the printer, arranging the index, which it is necessary for a clerical man to do. It is a reviser which this resolution calls for.

Mr. BURNETT. Will the gentleman yield?

Mr. WATKINS. Yes.

Mr. BURNETT. How much work remains to be performed?

Mr. WATKINS. There are only two subject matters that have been disposed of, and all the other parts of the Revised Statutes ought to be codified and compiled.

Mr. BURNETT. How many subjects remain?

Mr. WATKINS. I have not estimated them.

Mr. Speaker, I wish to make a succinct statement, that the RECORD may show the nature of the work.

The Committee on Revision of the Laws is charged by Congress with the revision and codification of the statutes of the United States. The committee was created July 25, 1868, and took the place of the old standing committee of the House on Revisal and Unfinished Business.

The work of revision and codification accumulated to such an extent that on June 4, 1897, Congress enacted legislation creating a commission to codify and revise the laws. The commission, as provided by statute (U. S. Stat. L., vol. 30, p. 58), consisted of three commissioners at an annual salary of $5,000 and expenses. The commission was also provided with all necessary clerical assistance, and it is estimated that the Government of the United States expended annually an amount aggregating and often exceeding $20,000 for the purpose of procuring a general codification and revision of the laws.

By the act approved June 30, 1906, entitled "An act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes" (U. S. Stat. L., vol. 34, p. 754), the commission to codify and revise the laws was ordered discontinued and required to make its final report to the Congress. Upon this report, submitted to Congress in December, 1906, the general revision and codification of the laws are based.

By joint resolution approved March 2, 1907, entitled "Joint resolution to create a joint committee to consider the revision and codification of the laws of the United States," the Committee on Revision of the Laws of the House of Representatives and a like committee on the part of the Senate were enabled to proceed with the duties imposed by Congress. The joint resolution (H. J. Res. 240) creating the Joint Committee on Revision of the Laws authorized "the said joint committee to sit during the recess of Congress and to employ necessary assistants and to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary." As assistants to serve on this joint committee there were at first appointed two most able and efficient men, one on the part of the Senate and one on the part of the House of Representatives. They acted in the capacity of advisers to the Joint Committee on Revision of the Laws as well as revisers for the committee. They each received a salary of $5,000 per annum, and were provided with necessary clerical assistants at salaries ranging from $6 per diem up. It is estimated that the Joint Committee on Revision of the Laws cost the Government nearly $20,000 per annum. It has not been definitely ascertained just what coterie of assistants were borne on the rolls of the Senate and House in connection with the revision and codification work, but it has been stated by a member of the clerical force that the salaries of the assistants to the joint committee never fell below $35,000 per annum from

the time of the creation of the joint committee in March, 1907, to the time of its abolition, March 4, 1911.

It will appear, from the best information at hand, that the amount paid in salaries alone for the services of these men who composed the commission and joint committee in the capacity of commissioners, assistants, revisers, advisers, and so forth, during the 13 years of existence of both combined aggregated, on a minimum estimate at $15,000 per annum, $195,000. This does not include any of the vast amount expended by this Government for the printing which the commission and joint committee incurred. A rough estimate of the entire expense incurred for bringing the work up to where it was left off in 1911 would certainly appear to exceed $250,000.

During the existence of the commission, from 1897 to 1906, the Alaskan Code was adopted by Congress. During the existence of the Joint Committee on Revision of the Laws the Criminal Code and the Judicial Code were passed by Congress. The enactment into law of the Alaskan Code in 1901 was accomplished mainly by the efforts of such able men serving on the committee at that time as the gentleman from Missouri, Hon. JAMES T. LLOYD.

Taking into consideration the contents of the Revised Statutes, second edition of 1878, upon which the commission based its entire report, there was only one and part of one title disposed of by the joint committee during its entire existence, and with the able coterie it had at its command. This was the title "Crimes" and part of the judiciary title which is embraced within the Judicial Code of 1911.

Since March, 1911, the Committee on Revision of the Laws of the House of Representatives has been provided with a clerk and a messenger. Its duties, as charged by Congress, remain the same. The clerk of the committee has duties as clerk to perform. It has never been the duty of the clerk of this committee to execute the duties of revising and codifying the laws under the direction and supervision of the membership of the committee, as for one to properly and accurately execute such duties must devote his entire time to that work alone. The Committee on Revision of the Laws has had no one to aid them since 1911, and the valuable work done by the commission and the joint committee, for which thousands of dollars had been expended, seemed almost lost; but during this session of Congress the committee, as best it could under the most unfavorable conditions, labored to have prepared and presented the remainder of the judiciary title and another title brought within the judiciary—extradition—making one and one-half titles, the same, when considered by titles, as the joint committee had accomplished.

To accomplish this in the bill H. R. 15578, which passed the House of Representatives on Wednesday, June 17, without a dissenting vote, the chairman of the committee was forced to get in arrears, and badly so, with his correspondence and other official work in his individual capacity in order to allow his private secretary to aid the clerk of the committee in his work. In revising and codifying the laws there is a voluminous manuscript of typewriting and printing which must be prepared and reprepared from time to time, and it is the hardest kind of work, day and night, throughout the entire preparation of the codification. The Supreme Court decisions, which we find on nearly every section of the law being codified, must be noted and included in the report of the committee to the House. Legislation must be digested daily and inserted in its proper place, and to do this each act must be procured the day it becomes a law and be studied and, if necessary, separated properly and put in its place. The reasons assigned by the commission on the various new sections of law submitted by them to Congress in their final report must be studied and thoroughly understood, and where laws have been enacted to cover certain recommendations of the commission, as we often find is the case, this recommendation must be dropped entirely and the new law brought in to take its place. All these things, simply as an enumerated few, go to show what the work of revision and codification is and what it requires. There are few persons who have the patience and accuracy to properly accomplish it. It is readily seen that the individual Members of Congress serving on a committee of this kind can not personally consult every law passed, copy that law, and put it in its proper place. They do not have the time, even if Congress expected them to execute this work. It requires more time than a Member of the House of Representatives really has at his disposal to view and review that which one man has done and to pass upon it and determine whether or not it is such as he thinks correctly done.

The work of revising and codifying the laws is of vast importance not only to the Congress to have its laws up to date in codified form, but to the country. As the laws are now on the statute books it is a most difficult proposition in many instances to find the law on various subjects and determine whether or not it is the only law or even the last law on those subjects or that subject, whichever the case may be.

The House resolution introduced by Hon. W. B. FRANCUS, from the Committee on Revision of the Laws, makes provision for a reviser to serve the committee, devoting his entire time to the work of codification and revision. It authorizes a compensation, annually, of $4,000 per annum, which is a most reasonable amount for the duties to be performed, other men acting in the same capacity having heretofore received $5,000 for the same work, with the exception that they had clerical assistance at their beck and call. They really had not the work, clerical and otherwise, to perform which the reviser provided for by this resolution will have.

The Committee on Revision of the Laws will be enabled by the passage of this resolution to immediately begin the preparation of another title of the Revised Statutes for presentation at the next session of Congress, and with the services of the reviser provided for by this resolution and the services of the clerk of the Committee on Revision of the Laws the committee will soon be able to rapidly overcome the vast accumulation of work which is to its credit, and present to the Congress from time to time separate codes of law embracing the various titles of the Revised Statutes, which work is sadly needed and has been for a number of years. This can be accomplished by an additional expenditure of $4,000 per annum.

Mr. LLOYD. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, there was a commission established for the purpose of codifying the laws a good many years ago, as stated by the distinguished gentleman from Louisiana, which commission we finally got out of existence.

Then we had another joint committee of the House and the Senate, which did considerable work, and we passed two codification laws. I think the gentleman from Louisiana [Mr. WATKINS], chairman of the Committee on Revision of the Laws, has done very good service in the House as chairman of the committee and in connection with the codification bill which the House passed only a few days ago; but most of the work has been done. The codification expert, the gentleman says, is not to be the clerk of the committee; that the clerk of the committee does clerical work. I think the distinguished gentleman has not been chairman of any other committee in the House except the Committee on Revision of the Laws, and I am very sure that the clerk of that committee does not have very much clerical work to perform. The clerk of any committee that is a live committee has a great deal of work to do outside of clerical work.

Mr. LLOYD. The clerk is expected to assist this reviser. There is a vast amount of work that he must do. He does stenographic and other work.

Mr. MANN. Oh, well, there is practically no stenographic work in connection with it.

Mr. LLOYD. Oh, yes, there is.

Mr. MANN. The clerk of the Committee on the Judiciary ought to, and I have no doubt does, do a great deal of work in connection with the bills which are referred to that committee. We pay the clerk of the Committee on the Judiciary, I think, $2,500 a year. We pay Mr. Courtz, the clerk of the Committee on Appropriations, a regular salary of $4,000 a year, and $1,000 additional while he holds the place; but that is the only place where we pay over $2,500 for any employee in connection with a committee. I have a clerk who, I believe, does twice as much work as this expert will ever do, and I think more valuable work, who gets $2,000 a year. Most of the clerks of committees get $2,000 a year.

Mr. LLOYD. I certainly will concede the fact that the gentleman has a clerk who does more work than any person I know of about this Capitol.

Mr. MANN. If I had had the nerve at different times I should have asked for an increase to $2,500 a year, because my clerk formerly was paid $2,500 a year and was reduced to $2,000 a year; but if we start to provide committees with employees at $4,000, I do not see how you are going to make any distinction between the clerk of the Committee on the Judiciary, the clerk of the Committee on Interstate and Foreign Commerce, the clerk of the Committee on the Public Lands, and somebody employed by the Committee on Revisions of the Laws. They have more difficult work to perform, and more of it to perform than this person will have.

Mr. LLOYD. Oh, I beg the gentleman's pardon. The gentleman is entirely mistaken about that, because the gentleman evidently is not very well posted on what the person in charge of that work has to do.

jurisdiction so far as we could logically. Now, the Senator from Native commission, as I understand the rule, no power which we

Mr. SUTHERLAND. I was speaking of the class engaged in interstate commerce. I have heard it stated that there were from fifty to a hundred thousand corporations engaged to one degree or another in interstate commerce. All of those corporations are brought under the jurisdiction of this commission. It is within the power of the commission to investigate all of them or any number of them that it may see fit. If it concludes to investigate only a few, then there is danger of an arbitrary execution of the law; there is danger of unfairness and injustice to those few who may be selected; while if all are investigated, or at least a very considerable proportion of all are investigated, I would undertake to say that we would have an army of employees that would be astounding to the Senate when it comes to making an appropriation for paying them.

Mr. NEWLANDS. Well, Mr. President, I wish to say regarding that that the committee was exceedingly desirous of making this law bear with as little harshness as possible upon the vast mass of corporations engaged in business in conformity with the law, and, with a view to preventing thousands of corporations against which no complaint could possibly be made from being investigated, we gave to the commission full discretion as to the designation of the corporations from which it would require reports or as to which its powers of investigation would be applied.

Mr. SUTHERLAND. But the bill is not so limited. The commission is not given the authority to require these reports from and to make these investigations only of corporations which it may be suspected are guilty of unlawful practices, but all corporations engaged in interstate commerce are brought within its jurisdiction, and the commission may select any number of those, whether they are suspected of unlawful practices or not, and bring them under the burdensome provisions of this law.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Nelson	Sheppard
Brady	Kenyon	Newlands	Sutherland
Burton	Kern	Norris	Thomas
Chilton	Lane	Page	Thornton
Clapp	Lea, Md.	Pittman	Vardaman
Clarke, Ark.	Martine, N. J.	Pomerene	White

The VICE PRESIDENT. Twenty-four Senators have answered to the roll call. There is not a quorum present.

Mr. HUGHES. I move that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 55 minutes p. m.) the Senate adjourned, the adjournment being, in pursuance of the previous order of the Senate, until Monday, July 6, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *July 3, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, the heart of the true patriot turns with gratitude at this season of the year to the splendid sacrifices and deeds of valor wrought by our fathers, who, under Thy guidance, gave to us a government "of the people, by the people, for the people," whose history and achievements have justified its existence. May it be ours to keep sacred the trust reposed in us that it may continue to live and grow in all that makes for peace and prosperity, that liberty may have its perfect work, to the good of mankind; and glory and honor and praise shall be Thine forever. In the Christ spirit. Amen.

The Journal of the proceedings of yesterday was read and approved.

STATUE OF GEORGE WASHINGTON GLICK.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 558.

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, at 3 o'clock p. m.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The SPEAKER. Is there not a Senate resolution like this?

Mr. TAGGART. The Senate resolution relates to the acceptance by the Senate.

The SPEAKER. And this is the corresponding House resolution?

Mr. TAGGART. Yes.

The resolution was agreed to.

EVENING SESSION ON TUESDAY, JULY 7, 1914.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the order of business which I ask the Clerk to report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Ordered, That on Tuesday, July 7, the House stand in recess from 5 p. m. until 8 p. m.; that a session be held from 8 p. m. to 11 p. m. for the consideration in the House as in Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 232 on said calendar.

The SPEAKER. Is there objection?

There was no objection.

The order was agreed to.

Subsequently—

Mr. POU. Mr. Speaker, I ask unanimous consent to change the calendar number in the order just agreed to from 232 to 242. We got down to the number 242 the last time.

The SPEAKER. The gentleman from North Carolina asks unanimous consent to make the change stated by him. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bills of the following titles, had agreed to the conference asked by the House of Representatives, and had appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT as the conferees on the part of the Senate:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had insisted upon its amendments to bills of the following titles, had agreed to the conference asked by the House of Representatives, and had appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING as the conferees on the part of the Senate:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1058. An act for the relief of Dommick Taheny and John W. Mortimer;

S. 1149. An act to correct the military record of Seth Watson;

S. 4045. An act to correct the military record of John Chick;

S. 3752. An act to authorize the construction of a lighthouse at Willapa Harbor, Wash.;

S. 4875. An act to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service; and

S. J. Res. 129. Joint resolution relating to the awards and payment thereon in what is commonly known as the Plaza cases.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and resolutions of the following titles:

On May 26, 1914:

H. R. 12806. An act authorizing the Secretary of War to grant the use of the Fort McHenry Military Reservation, in the State of Maryland, to the mayor and City Council of Baltimore, a municipal corporation of the State of Maryland, making certain provisions in connection therewith, providing access to and from the site of the new immigration station heretofore set aside.

On May 28, 1914:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

On June 6, 1914:

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

On June 10, 1914:

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

On June 15, 1914:

H. R. 14383. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone," approved August 24, 1912; and

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

On June 17, 1914:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City.

On June 18, 1914:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis.

On June 20, 1914:

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

On June 24, 1914:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy.

On June 27, 1914:

H. R. 12285. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

On June 30, 1914:

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915;

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

On July 1, 1914:

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

HATTIE MILLER.

Mr. LLOYD. I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 523 (H. Rept. 921).

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to Hattie Miller, widow of John Miller, late a laborer of the House, an amount equal to six months of his compensation as such laborer, and a sum not exceeding $250 to Joseph Gawler Sons, to defray the funeral expenses of said John Miller.

Mr. LLOYD. Mr. Speaker, I move to amend the resolution by striking out, in line 6, the words "to Joseph Gawler Sons." With that amendment adopted, the resolution will be in the usual form.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 6, strike out the words "to Joseph Gawler Sons."

The SPEAKER. If this amendment is agreed to, who will get the money?

Mr. LLOYD. The widow.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. MILLER. Mr. Speaker, will the gentleman from Missouri yield for a question?

Mr. LLOYD. Yes.

Mr. MILLER. An employee of the House by the name of Capt. De Costa died some time ago. He had been in the employ of the House, as I understand, 16 or 17 years. I wish to inquire whether the committee have under consideration the question of a payment of this kind in this case.

Mr. LLOYD. Yes; we have.

Mr. MILLER. You have not yet considered it.

Mr. LLOYD. I think it will be reported at the next meeting of the committee.

The resolution as amended was agreed to.

ASSISTANT TO COMMITTEE ON REVISION OF THE LAWS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 555 (H. Rept. 922).

Resolved, That the Committee on Revision of the Laws of the House of Representatives is hereby authorized to employ a competent person to assist the committee in codifying, revising, and compiling the statutes of the United States under the direction and supervision of the committee.

SEC. 2. That the person so employed shall be known as the Revisor of the United States Statutes for the Committee on Revision of the Laws, and shall receive as full compensation for his services the sum of $4,000 per annum, to be paid monthly by the Clerk of the House of Representatives in 12 equal installments out of the contingent fund of the House of Representatives until otherwise provided.

Mr. LLOYD. Mr. Speaker, this resolution provides for an assistant to the Committee on the Revision of the Laws. Heretofore we have had commissions at different times to perform this work. At the present time the committee charged with the responsible duty of preparing these revised statutes has one clerk, and the work is more than one clerk can do. It requires an expert. We have the expert, and the Committee on Accounts and the Committee on Revision of the Laws think it proper that there should be a person employed to take charge of this important work.

Mr. STAFFORD. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. STAFFORD. The gentleman has stated that the committee has the expert in mind. Is he the same one who performed this character of service when the revision of the laws was undertaken under a former committee, when Judge Moon, of Pennsylvania, was chairman.

Mr. LLOYD. No; he is the man who has had charge of the work for the last two years—one of the most competent young men I ever met.

Mr. STAFFORD. Is the gentleman aware that the former assistant was Mr. Lott, who was connected with the Department of Justice, which assigned him to this work?

Mr. LLOYD. Yes.

Mr. STAFFORD. I believe he received some salary additional to that which was allowed him by the Department of Justice. Is this person in anywise connected with the department?

Mr. LLOYD. Not at all.

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. But the antitrust act further provides:

Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine—

And so forth. I shall not stop to read the entire provisions of the Sherman antitrust law; but the law applies to and reaches not only individual persons but partnerships and corporations who engage in any of these forbidden practices, while under the pending bill it would seem that nobody can be reached who is guilty of unfair competition except a corporation.

INTERSTATE TRADE CORPORATIONS ONLY AFFECTED.

Mr. NEWLANDS. Mr. President, this bill, of course, is regulatory of corporations that are engaged in interstate commerce. We considered very carefully in the committee whether we should extend it to persons, firms, and individuals, and we concluded to confine its operations to corporations engaged in interstate commerce. Now, it is true that the first part of section 5 is a general enactment of law, "that unfair competition in commerce is hereby declared unlawful," and that applies both to corporations and to individuals; but this particular method of enforcing that law through the operation of a commission is applied only to corporations.

Mr. SUTHERLAND. What is the method——

Mr. NEWLANDS. I imagine the method of enforcing that law against individuals or firms would be by an action for damages or perhaps by a suit in equity for an injunction, but there the individual having a complaint against an individual or a firm would have to institute the action himself and pay the costs of the proceeding. The purpose here was to give all who are wronged by a corporation engaged in interstate commerce through unfair competition this method of having that wrong ended through the intervention of the Government itself.

Mr. SUTHERLAND. Mr. President, the civil remedy exists now. A statute of the United States is not needed in order to enable the person who is damaged by the unfair competition of another person to maintain an action.

Mr. NEWLANDS. That civil remedy exists to-day, provided unfair competition is unlawful without the enactment of this provision.

Mr. SUTHERLAND. It is true that an individual or a partnership may be quite as guilty of unfair competition as a corporation.

Mr. NEWLANDS. Yes; that is true.

Mr. SUTHERLAND. Now, the Senator says that the committee concluded to confine it to corporations?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. Why was that done? What particular reason was there for it?

Mr. NEWLANDS. We wished to confine the operations of this act to corporations, with the knowledge that hereafter it might be extended; but we thought in the initial organization of this commission its operations should be confined entirely to corporations. We considered various methods of limiting its jurisdiction, because we realized that the argument would be made against it that its power would cover so broad an area as to result in the breaking down of the commission itself. We considered, among others, a limitation as to capital also, so that corporations below a certain capitalization would not come within the operation of the act, and that simply with a view to lightening the duties of the commission itself; but we realized that there might be small corporations that would exercise very large powers of oppression, or that small corporations in which other large corporations were interested would be made the agency of wrong and of oppression.

So we concluded that no limitation as to capitalization should be imposed, but that we should provide that this act should apply only to those corporations that the commission might designate, and thus not compel the 350,000 corporations in the country that might be engaged in interstate trade to make the reports that are required by this act. It was simply with a view to limiting the area of the powers of this commission that we thought it wise to keep out individuals and partnerships.

Mr. SUTHERLAND. Mr. President, in spite of the answer which the Senator from Nevada makes, I am unable to see any reason for excluding from the operation of the law individuals or partnerships who may be guilty of unfair competition and confining it to corporations. Certainly, to include all classes would not very greatly broaden the field. Extending it to corporations alone covers a pretty broad field.

Mr. NEWLANDS. Mr. President, we realized that there might be an amendment presented on that line, but our judgment was that we should at present confine the area of the jurisdiction so far as we could logically. Now, the Senator from Utah thinks that even this limitation of area is illogical, because individuals and partnerships can be guilty of the same unfair competition that is practiced by corporations; but we know, as a matter of fact, that these practices are, as a rule, indulged in by powerful organizations with a view to destroying competitors, and that unfair competition is a means of creating monopoly. So we aimed this particular method of procedure against the corporations, but made the general declaration of the law apply to all.

Mr. SUTHERLAND. Mr. President, may I ask the Senator from Nevada another question about the bill?

Mr. NEWLANDS. Certainly.

Mr. SUTHERLAND. On page 17, in the beginning of section 3, the provision is:

The commission shall have power, among others—

Then follows an enumeration of certain powers. Does the Senator from Nevada understand that this commission will have powers that are not conferred upon it by this bill?

Mr. NEWLANDS. Oh, no. It will have no powers except those conferred by this bill.

Mr. SUTHERLAND. But the introductory clause is——

Mr. NEWLANDS. But there are powers which are specified in other sections.

Mr. SUTHERLAND. Then, why does not the Senator say "that the commission shall have power in addition to others conferred by the bill"? The plain implication is that——

Mr. NEWLANDS. I imagine there would be no objection by the committee to such an amendment.

Mr. SUTHERLAND. I was simply wondering whether or not the Senator understood the commission had powers entirely outside of the bill.

Mr. NEWLANDS. No.

Mr. SUTHERLAND. I wish to ask another question. Subdivision (a) gives the commission power:

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices—

I emphasize those two words, "conduct" and "practices"—

and management of any corporation engaged in commerce, and its relation to other corporations and to individuals, associations, and partnerships.

First, it would seem under that provision that the commission would only have power to deal with a corporation that was engaged in commerce—that, of course, means interstate commerce?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. But it is given power to investigate the conduct and practices of any such corporation, apparently, whether that conduct relates or those practices relate to interstate commerce or not. Does the Senator from Nevada understand that such power is conferred upon this commission, or does he understand that the conduct and practices which the commission is empowered to investigate must be such as relate to or affect interstate commerce?

Mr. NEWLANDS. My interpretation of that is that the corporation must be engaged in interstate commerce. While engaged in interstate commerce, its entire conduct and practices may be investigated; there is no limitation as to the inquiry.

Mr. SUTHERLAND. The commission may investigate any conduct or any practices?

Mr. NEWLANDS. Yes.

Mr. SUTHERLAND. Even though such conduct might relate wholly to intrastate business or wholly to some local business?

Mr. NEWLANDS. Yes; and I think the Supreme Court has so decided in a case of that kind which has been instituted.

Mr. SUTHERLAND. With relation to what?

Mr. NEWLANDS. My impression is that the Supreme Court has so decided in some case of a similar nature, which I can not at this moment recall, that if you are engaged in an investigation of a corporation that is engaged in interstate commerce, you have a right to inquire both into the interstate and the intrastate business, because they are so related to each other that they are almost inseparable, and that you can not make a complete inquiry with reference to interstate commerce without embracing the action of the corporation with reference to intrastate commerce.

Mr. SUTHERLAND. Of course, if we authorize a commission or anybody else to inquire into the dealings of a person or a corporation relating to interstate commerce, the investigation itself may disclose things which are not related to interstate commerce, but that would result incidentally in the exercise of the power; that is a very different thing, however, from conferring the power by an act of legislation to investigate conduct wholly unrelated to interstate commerce.

This is a legislative commission. We can confer upon a legislative commission, as I understand the rule, no power which we

ourselves do not possess. We confer certain powers upon the Interstate Commerce Commission, but they are powers which Congress could exercise directly. Congress, however, does not exercise them directly, because they involve such a multiplicity of details that it would be impossible for Congress to exercise them; but they are all powers which Congress possesses potentially. Here is an attempt to confer a power, apparently, which Congress itself has no authority to exercise.

Let me ask the Senator from Nevada does he think that Congress could ascertain that a corporation engaged in interstate commerce was guilty of certain practices or of certain conduct which did not in any manner affect interstate commerce but the effect of which was confined entirely to the borders of the State or to some city, that Congress could then pass a law making such conduct and such practices illegal and could impose a penalty against the corporation guilty of them?

Mr. NEWLANDS. I imagine not, except it could restrain such a corporation from engaging in interstate commerce for any reason satisfactory to Congress.

Mr. SUTHERLAND. I am not sure about that.

Mr. NEWLANDS. Any misconduct on purely State affairs could be made a reason for the exclusion of that corporation from interstate commerce; but as to the ability to condemn by law a transaction or a practice that purely affected State commerce and not interstate commerce I imagine the Senator is correct, that Congress would not have that power. We are, however, now testing the powers of investigation possessed by Congress. Those powers must necessarily be broader than the powers of legislation, because investigation may necessarily involve the inquiry into State conduct and State practices with a view to getting the information that is essential to the exercise of the national power. So I should say that there was a distinction between authorizing an investigation of a corporation engaged in interstate commerce as to matters relating to purely State commerce and legislating upon the subject matter of things that relate to purely State commerce.

Mr. SUTHERLAND. Mr. President, I doubt very much the power of Congress itself to investigate the conduct or practices of a corporation, although it may be engaged in interstate commerce, if that conduct and those practices have nothing whatever to do with interstate commerce, because Congress only has the power to make an investigation with a view to exercising its constitutional authority to legislate; and after making such an investigation it could not legislate on that subject; it could not forbid the practice; and while Congress very often does investigate something that it has not any business to investigate, that does not determine that it has the rightful authority to do so.

If I may further trespass on the attention of the Senator from Nevada, I want to ask him about the next subdivision—subdivision (b)—which is:

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements—

And so on.

Is there any provision in the bill, either in this section or elsewhere, which would furnish any rule or standard according to which this commission must act in designating a particular corporation or corporations which must make these reports?

Mr. NEWLANDS. I do not understand that under this provision it is necessary for the commission to make any general rule. It can specify any corporation, designate it, and call upon it to furnish statements and reports.

Mr. SUTHERLAND. That is, arbitrarily. There may be a hundred corporations which have exactly the same kind of business, all in a situation where if it is necessary to investigate one it is necessary to investigate all; but the commission may arbitrarily pick out corporation No. 1 and corporation No. 30 and corporation No. 60, compel those 3 corporations to make these returns, and permit the remaining 97 to make no returns whatever.

Mr. NEWLANDS. In such a case, where if it is necessary to investigate one it is necessary to investigate all of the hundred or more, I should, of course, expect the commission to exercise that power.

Mr. SUTHERLAND. But the proposed law does not require it.

Mr. NEWLANDS. But I should also expect it to exercise the power of determining whether, if it was necessary to examine one, it was necessary to examine all. It seems to me that is a matter that is properly left within their discretion.

As to the arbitrary exercise of power, of course, all power is arbitrary in the finality. There may be methods of hearing, and so forth, that precede the determination, but in the end all power must, I imagine, be exercised arbitrarily. So I do not see that that is an objection.

I can imagine that there would be certain corporations that would be so condemned for unfair practices, and I can understand how the commission would want to keep that corporation under supervision for some time after it had ordered it to cease and desist and why it should require it to make certain statements and reports. I can understand, with reference to a combination against which a decree of disorganization has been made, that it might be necessary for this body, which has the power vested in it to make investigations as to whether corporations against which such decrees have been made are following or are violating the law—I can understand in such instances how the commission might require statements from one and not from another, or perhaps require statements from both or discontinue the requirement as to one, being satisfied as to it, and continue it as to the other, being dissatisfied as to it. It seems to me that is a wise discretion that ought to be given to the commission.

Mr. KENYON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator.

Mr. KENYON. It seems to me this is about the most interest that has been manifested in the debate, and there seem to be a number more Senators present than usual, but I had intended to call for a quorum, unless the Senator from Utah objects.

Mr. SUTHERLAND. Let me finish one statement I desire to make, and then I will have no objection.

Mr. KENYON. Very well.

Mr. SUTHERLAND. I was about to say—I may change my mind about it after reflection—but it seems to me that in the various provisions of section 3 we are conferring a good deal of arbitrary power upon this commission.

Mr. NEWLANDS. There are large visitorial powers conferred, undoubtedly; but I imagine they will be exercised in very few cases.

Mr. SUTHERLAND. I do not like to confer power of this character upon any commission, depending upon my imagination for a guaranty that it will not be abused. I think we ought to define the power that they are to exercise. This section certainly gives the commission the authority to discriminate arbitrarily among corporations occupying exactly the same status and doing precisely the same things. It is the conferring of such power that I am objecting to. Of course I think that, ordinarily, men intrusted with high official responsibility will endeavor to discharge their duty with fairness, but that does not warrant us in conferring upon any commission arbitrary power.

We did not do that with reference to the Interstate Commerce Commission. All the railroad carriers of the country are treated exactly alike; they must all file their schedules of rates; the commission must pass upon the rates of all of them. It has not been given the power to select a railroad here and regulate it, and let a dozen other railroads go without regulation; but the attempt seems to be made in this bill to give the commission the power to select here and there a corporation to be brought under the provisions of the act and to let all the others go without any sort of supervision or regulation.

The same criticism will apply to subdivision (c), which is:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations—

I repeat, "from such corporations"—

or classes of corporations subject to the provisions of this act, as the commission may designate.

The requiring of the filing of annual reports may be a very burdensome thing. The commission is not even required to classify the corporations and require all corporations falling within the class to make the reports, but it may select some particular corporation and subject it to this burden, while letting all the other corporations go free. It is the conferring of such power upon the commission that is objectionable.

So it is all the way through the bill. It seems to me that if this bill shall be passed in its present form, one of two things will inevitably result: Either the act will be administered arbitrarily and with vast ineffectiveness, because it will be confined to a few corporations, or it will involve untold labor and untold expense. I do not know how many corporations there are in this country engaged in interstate commerce. I have heard the number variously estimated at from 50,000 to 100,000.

Mr. NEWLANDS. Three hundred and fifty thousand in all.

Mr. SUTHERLAND. Then, there are more than I suspected—350,000 corporations. There are not that many engaged in interstate commerce, are there?

Mr. NEWLANDS. No.

course I do not mean to say that it is a panacea—nothing can be said to be a complete corrective—but if we would only exercise our reasoning powers, go back to the cause of these huge aggregations, and then remove the cause we would have taken the longest possible step forward toward the emancipation of the industries of this country and the restoration of individual opportunity everywhere. Hence I am becoming every day more and more, as I consider the subject, an advocate of absolute Government control; and, if that does not work, then of Government ownership, to the end that the transportation agencies of the Nation may through such ownership be completely divorced from the great business interests of the country.

Mr. BORAH. Mr. President, I have listened since my first impression to considerable argument in regard to the powers of this commission in defining "unfair competition" and enforcing fair competition. I have not been convinced that I was in error, but the more I have investigated the subject the more authority I have found for the support of my position. We passed the Sherman antitrust law in 1890, and in that we prohibited all restraint of interstate trade, and all monopoly, and all steps looking to monopoly of interstate trade. The first decisions of the Supreme Court seemed to sustain the law as it was popularly understood, that it prohibited all restraints. In the trans-Missouri freight case the point was made by the attorneys for the defense that the defendants were railroads and that it could not be that the Congress intended to prohibit restraint entirely; that a reasonable amount of restraint between public carriers was necessary and was beneficial, but the court said:

This law prohibits all contracts in restraint of trade.

The matter remained in that condition for some time; but finally, in the Standard Oil case and the American Tobacco case, a construction was given to the law which was almost universally criticized. Why? Because it was said that the court had rendered the statute unenforceable by rendering it uncertain; that instead of saying "All contracts in restraint of trade," it had practically said "all contracts in unreasonable restraint of trade"; and therefore the question arose as to whether or not this statute, which before was apparently certain, was rendered uncertain and unfavorable. The contention was made here by able Senators, and by the press very generally, that the statute had been emasculated to such an extent that it was practically worthless.

This very able committee—and I speak in all sincerity of that fact, because there are men on that committee who have devoted their lives to this subject of interstate commerce, among whom are the Senator from Nevada [Mr. NEWLANDS], the Senator from Minnesota [Mr. CLAPP], one of the pioneers in this fight, and the Senator from Iowa [Mr. CUMMINS]—after giving this matter very much attention, delivered into this body a report upon this very subject, a portion of which I want to read, because it is a late report, filed on the 26th day of February, 1913.

This report says, on page 9:

On the 15th day of May, 1911, the case of the Standard Oil Co. v. The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted so that business might be guided by it. It was stated in the most emphatic way imaginable that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade.

There is not very much difference between "unfair" and "undue" and "unreasonable" when you come to execute the term, to put it into practical effect in the business world.

The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint (pp. 59, 60)."

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section seeks, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section (p. 61)."

That the Chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited." * * *

After citing further from the court, the committee goes on to discuss this rule, which has been laid down:

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of the court may happen to approve.

Is there anything more plain than the fact that we are giving this commission the power to test each restraint of trade or exhibition of unfair competition by the economic standard which individual members of the commission may happen to approve at the particular time that it is presented? Is there anything more conclusive than the fact that never until a body reaches that commission will it know the precise attitude of mind of the commission toward that particular transaction, and never after they leave will they know how long that attitude of mind in the commission will remain?

This is not a government of law; this is a government of men; because there is no wider discretion, no greater amplitude of power than to say to a commission: "You shall determine what is unfair competition, and there is no restraint upon your judgment." No one can know until they get to that commission what they may do; and, as I said—and I can not repeat it too often—no one can know after they leave the commission how long they can do it.

If we do not speedily prescribe, in so far as we can, a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

I had not read that paragraph when I made the comment which I did, which only discloses how inevitable and irresistible and remorseless is the logic as it presents itself to every mind that we are creating here a condition not for a government by law, but a government by men, and, as they may here in this report, a government by men not selected by the people of the United States, but twice and thrice removed from the people of the United States.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

I am not in favor of the courts legislating or conceding their power to legislate; but if there are going to be two legislative bodies in the country I prefer that the new body be one constituted as the Supreme Court is constituted rather than a body constituted as the ordinary commission is constituted. There are precedents; there are rules of evidence and rules of law with which we are familiar, which courts do not disregard, or at least seek not to disregard; but with a commission, having no circumscribed limits other than the proposition of determining whether a particular transaction is fair or unfair, it reaches out into every realm of fancy into which the mind may possibly go.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason"? What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

What guide would this commission have in determining whether boards of directors thus constituted were in fair or unfair competition? What rule would apply to this board and thereby extend its influence and its application to every other board? What universality would there be to any such order?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

Mr. President, the other day I received a letter from a gentleman who is in favor of a trade commission which should have power to fix prices, and in criticism of my criticism of this trade commission, and he gave me as an illustration this situation:

Here I am engaged in a particular industry. My large competitor has lowered prices all over the country in order to get rid of us small men.

Doubtless it appeared to him as a proposition that was unfair. If the prices had been lowered in that particular locality and kept up elsewhere, nobody would dispute the proposition; but, as I drew from his letter, there had been, so far as his industry was concerned, a lowering of price beyond the point where the small man could do business, and therefore he wanted a regulation of prices which would enable him to live.

That undoubtedly would be a satisfactory proposition to the small competitor if his business was in a failing condition; but how about the consumers throughout the country? Would a commission say that that was unfair competition—that because a large business could afford, by reason of the saving in overhead charges, and so forth, to sell at a lower price it was unfair for them to sell at the lower price simply because smaller concerns could not afford to sell for that price?

I fear that my friend would not be reached at all by this commission. The people are looking for a commission, it seems, which will establish prices and fix charges, and therefore a commission which will say that "you shall charge this price, and it must be such a price as will enable you to do business successfully." That would mean, of course, the elimination of all competition and the regulation and control of prices entirely by the Government. This commission does not assume to fix prices, and, in my judgment, this commission could never reach the case referred to by my correspondent.

The Senator from Colorado [Mr. THOMAS] referred to the situation with reference to the regulation and control of rates of railroads. That is a simple proposition compared to this proposition. Tremendous as it is, it is a simple proposition compared with the one which we are now about to indorse. There are only a few railroad units, and the question of fixing their charges is an easy matter compared with the question of determining competition, fair and unfair.

Let me recall to you, however, the situation with reference to the railroad question in this country. We are now nearer public ownership by far than we have ever been in this country before, and we are nearer to it by reason of the fact that the capitalists of the country say that they do not propose to invest their money in an enterprise which somebody else manages. The result of it is that some of the leading economists and some of the leading railroad men of the country are for the first time advocating public ownership, and stand ready and willing to turn over their properties at a reasonable value to the Government. That is one of the reasons, they say, why they can not get capital into railroad enterprises at this time; it is because somebody else passes upon the affairs and controls and manages the capital which they put in. So it brings us up to the proposition of public ownership, and the next important and controlling question in this country along that line will be the question whether the Government had not better take over the railroads of this country and run them instead of trying to manage them. The railroads say: "If you do not give us a raise of 5 per cent, we can not go ahead and do business." The shippers and the people of the country generally say: "We can not afford that raise of 5 per cent." If the raise is given, the Interstate Commerce Commission must suffer criticism, and it must be disparaged to some extent in the public mind. If the raise is denied, the railroads claim that all investment, extension, building, and so forth, must cease.

I do not know that any of those things must necessarily follow from whatever the commission may do; but it is presenting the question which soon must be met, and which will be the real test of whether or not the regulation of railroads is a success. In my judgment, it is going to bring us within the next decade up against the proposition of Government ownership, which will be presented because of the breakdown of regulation, and in saying that I do not pass any criticism upon the Interstate Commerce Commission. I think it has been the best, possibly, or one of the best, commissions that ever has been created, and has met emergencies and conditions in an exceptional way; but there seems to be approaching a condition which no commission can meet. It is too early, sir, to say that regulation is a success and is the finality on the subject. The fact that public ownership grows stronger in public opinion by no means supports those who would now enter the unbounded sea of regulation of private industries.

Mr. SAULSBURY. Mr. President, if the Senator will permit me, as confirming the statement he is making regarding the near approach to public ownership of the railroads of the country, I should like to call his attention to something that occurred in the Senate Committee on Interstate Commerce when it had under consideration the railroad securities bill, when the attorney for the railroads of this country, practically—Mr. Thom, who represents particularly the Southern Railway—was under cross-examination.

In the bill, an amendment to which we were considering at that time, the word "financial" had been put before the word "guarantee," where it was stated that there was to be no guarantee on the part of the Government implied from the oversight of the bonds which were to be issued; and I should like to call the Senator's attention to the incident, because it struck me as quite peculiar at the time, or as very indicative of what we were coming to. I should like to call his attention to the reply that Mr. Thom made, if I will not interrupt him too much.

Mr. BORAH. I shall be glad to have the Senator call attention to it.

Mr. SAULSBURY. The clause was made to read as follows:

Nothing herein shall be construed to imply any financial guaranty or obligation as to such issues on the part of the United States.

I said:

Now, the question I desire to ask you, Mr. Thom, is, if you require that the Interstate Commerce Commission shall find that the proposed issue will not impair the ability of the common carrier to perform its duties as a common carrier, will it not necessarily imply that such rates will be allowed by the Interstate Commerce Commission as will enable the company to pay the interest on those issues which it approves of?

Mr. Thom said:

I do not know who introduced that word. So far as I am concerned, I do not care for it.

Then I said:

Undoubtedly the claim will be made that the Government has assumed some responsibility.

Mr. Thom replied:

I do not think the Government should try to regulate without assuming the responsibility.

Necessarily implying that the minds of railroad people at this time—as it is very natural that they should be—are drifting toward the point where they wish, just as Mr. Gary, of the Steel Trust, desired, to have the public generally assume the ownership of the enterprise in which they are concerned and guarantee the interest on their obligations and dividends on their stock.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Idaho, who has given this subject a great deal of attention, or the Senator from Nevada, the chairman of the committee, a question about this bill.

The provision of section 5 is:

That unfair competition in commerce is hereby declared unlawful.

I quite agree with what the Senator from Idaho has said. The bill employs a term there that does not furnish, as it seems to me, any definite standard for the enforcement of the statute; but the particular matter I want to direct his attention to is that that part of section 5 is comprehensive. It includes and makes unlawful unfair competition on the part of persons, partnerships, and corporations. In that respect it is the same as the Sherman antitrust law, which included all persons within its inhibitions; but the next paragraph is:

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Does the Senator understand from that that natural persons are prohibited from exercising unfair methods of competition; that partnerships are likewise prohibited from doing unfair things in competition, but that only corporations can be held amenable to the action of the commission?

Mr. BORAH. I observed that in reading the bill. I was at a loss myself to know precisely the idea of the committee in reference to it. I am unable to make any statement which would throw any light upon the matter, although the construction which the Senator puts upon it seems to be the reasonable construction, and that is that section 5 relates to all parties but that the following provision relates only to corporations.

Mr. NEWLANDS. I think that is the correct construction.

Mr. SUTHERLAND. I call the attention of the Senator from Nevada to the fact that in the Sherman antitrust law the provision is:

Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal.

The first paragraph of section 5 of the pending bill is quite as comprehensive as that section of the antitrust act.

Mr. BORAH. I know we have. I am going to discuss that in a few moments; but that is quite a different proposition.

Mr. President, if we have arrived at that time, perhaps we will have to go forward and take care of responsibility; but when you bring your lawsuit in this case, it does not hurt the monopolists or the monopolistic combines anything like what it does when the individual brings his suit under the Sherman anti-trust law. While you are taking care of a small man in this fight, you are also taking care of the monopolist. He escapes without any treble damages, without any trouble of moment, and with no punishment and without any costs, or without anything commensurate with the wrong. All he gets is a reprimand from the Government; and he will go out to find other victims, and you have got to have another lawsuit.

Mr. NEWLANDS. They can be punished for contempt for refusing to obey the order of the court.

Mr. BORAH. Yes; for contempt in that particular matter; but as to the wrongs done and other wrongs the contempt does not affect them, nor the injunction, either.

Mr. NEWLANDS. I beg pardon; the action of the tribunal is that the organization discontinue that particular practice.

Mr. BORAH. Exactly.

Mr. NEWLANDS. It must discontinue it as to all.

Mr. THOMAS. Mr. President, I did not yield the floor for an extended controversy.

Mr. BORAH. I thought I had the floor.

Mr. THOMAS. No; the Senator from Idaho has not the floor; but I am willing to yield; I do not want to cut him off in the midst of his statement, but, as I say, I have the floor.

Mr. BORAH. I will speak later.

Mr. THOMAS. I am perfectly willing that the Senator from Idaho shall proceed and finish his statement.

Mr. BORAH. No, Mr. President, I will wait.

Mr. THOMAS. Mr. President, I shall occupy the attention of the Senate for just a moment. My purpose in asking recognition was that I might express my emphatic dissent concerning the suggestion of the Senator from Nebraska [Mr. NORRIS] relative to the publication of the decisions of this commission. The Senator from Nebraska is one of our most industrious and capable Members, and his views upon questions both of principle and detail generally address themselves to my own judgment, but in this suggestion I can not agree. For my part, I wish we could enact an amendment to the Constitution of the United States making it a capital offense to publish another book of reports either of the courts or of commissions.

The Senator from Nebraska has referred to the effect upon the public of law decisions as constituting a rule of action. That may have been the happy legal condition of this country at one time, but the multitude of decisions ground out by over 50 appellate courts and dumped upon an unfortunate public has resulted in bewildering and bedevilling the law to such an extent that the best attorney in the country is unable to do more than to tell his clients what the law is, but not what the courts are going to decide it to be.

A great many years ago old De Quincey wrote a treatise which he called "The Lawless Science of the Law." That treatise was devoted to the practice of issuing decision after decision, each of which, in its turn differing from its predecessors, only served to confound and to confuse. If De Quincey were living now he would not only witness a verification of his criticisms, but if he attempted to thread through the masses of decisions in legal principles the probabilities are he would end in a lunatic asylum. I will engage to find decisions, if you will give me time enough, that will justify the proposition that cold feet are a sufficient basis for an action of divorce; I will also agree to find decisions to the contrary; and that is true of every conceivable question that can present itself. So instead of clarifying, the constant publication of authorities only muddles and confuses jurisprudence. If this commission is also going to be turned loose upon the community with its vast number of decisions, its multitude of determinations, the result will only be to further befog and bewilder.

Mr. NORRIS. Mr. President——

Mr. THOMAS. I yield to the Senator from Nebraska.

Mr. NORRIS. I want to suggest to the Senator that, while I agree to a great extent with what he has said about the multiplicity of decisions and the fact that you can get a decision on both sides of almost every disputed question, that does not apply to this particular commission, for the reason that the principal thing, as I understand, that they will be called upon to determine, so far as section 5 is concerned, is what is "unfair competition" in business. That is a very indefinite term, as everybody will have to admit. There will be various circumstances arise in various cases, and the question will then be asked of this commission, "Does this constitute unfair competition?" The business world, the men who are engaged in business that draws them into competition with their fellow men, will be particularly interested in what this commission decides under various circumstances to constitute "unfair competition." There ought to be a place where they can inform themselves in regard to it. There will not be a multiplicity of decisions on that question, because there will be only one tribunal whose decisions will interest the public.

Mr. THOMAS. Mr. President, unfair competition, like fraud, is a creature of protean shapes. It assumes one attitude to-day and another to-morrow. As with fraud, so it will be with unfair competition. In fraud there is a constant race between the rogue and the chancellor. In unfair competition there is going to be a constant race between the corporation and the commission, and, of course, opinions will have to be ground out accordingly.

Mr. BORAH. Which one does the Senator think will win the race?

Mr. THOMAS. Thus far, for centuries, it has been neck and neck between the rogue and the chancellor. My impression is that the race between the commission and the corporation will be equally inconclusive and equally interesting.

The Senator, if I understood him correctly, a few moments ago drew an analogy between the proposed reports of the commission and those of the courts as contradistinguished from the reports of the published decisions of the Commissioner of the General Land Office. I think the analogy is good, but I must confess that I can not bring my mind to the expediency of publishing them.

Mr. President, a word more upon another subject, and then I shall yield the floor. I agree that the Interstate Commerce Commission has been a great agency of good; there is no question but that as at present equipped and organized it is an effective arm for the control of the great transportation interests of the country; but that it has proven to be even a satisfactory means of solving the problems of transportation and of monopoly in this country, I deny. I think in many respects it has been a success, but in many other respects it has demonstrated the impossibility of regulation whenever the thing attempted to be regulated is so organized as that it can impede or prevent the enforcement of the regulation.

The Interstate Commerce Commission came into power in 1887, if I remember correctly, or rather it came into existence. It had but little power until long afterwards, but of course it always had the power to examine into and to decide upon a given proposition coming before it and within its jurisdiction.

The Senator from Iowa [Mr. CUMMINS] a day or two ago said all of the great combinations of the country had their origin subsequent to the organization of the commission. I do not think that that is strictly correct, my recollection being that a number of them existed prior to that time and that their existence and practices promoted very powerfully the enactment of the law creating the commission; but it is a fact that every one of the great railway combinations of the day is younger than is the Interstate Commerce Commission; it is a fact that every one of these combinations which has come to grief through mismanagement, overcapitalization, and exploitation has had its inception and its end subsequent to the creation of the commission. You can not name one of them but that that statement will apply to it, so far as I am able now to discover.

Mr. NEWLANDS. Mr. President——

Mr. THOMAS. The principal thing which the Interstate Commerce Commission has accomplished, in my mind, is that it has demonstrated that control—absolute control—or ownership by the Government of the great transportation lines of the country is necessary. Of course that means the doing away with the Interstate Commerce Commission except as an agency for the mechanical operation of the system; and there never will be—I am neither a prophet nor the son of a prophet, but it is my conviction that there never will be a satisfactory regulation of the great transportation companies of America so long as the companies themselves are in control of their respective systems, and therefore are so equipped as that they can bring to naught and to nothingness the laws of the United States and the regulations of the Interstate Commerce Commission. I yield now to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I wish to call the Senator's attention to the fact that whilst these great abuses in the way of enormous consolidations, accompanied by overcapitalization, have grown up since the organization of the Interstate Commerce Commission, yet the Interstate Commerce Commission has had no power, and has not to-day, over the subject of capitalization, and I think it is fair to assume that if they had been given that power those abuses would not have grown up. We are about to remedy that matter now.

Mr. BORAH. May I ask the Senator from Nevada a question?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. I yield to the Senator from Idaho for that purpose.

Mr. BORAH. What advantage does the Senator from Nevada see in applying the antitrust law to the railroads, in view of the fact that the Interstate Commerce Commission fixes the rates? What objection is there to the unification of ownership if corporations are subject to efficient regulation and control by a commission?

Mr. NEWLANDS. Well, Mr. President, I do not think there is any objection to the proper unification of the ownership. I think that ought to be advanced. As to the overcapitalization which has accompanied that unification of ownership, I admit that it is not essential that the Interstate Commerce Commission should consider that in fixing its rates; but we do know that, as a matter of fact, the large issues of stocks and bonds finally get into the hands of innocent purchasers, and as a result of the monaction of society in properly controlling its creations—these great corporations—that those equities do have a powerful influence upon the regulating bodies—so much so——

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the Senator will permit me one word further—so much so that the Supreme Court itself, in laying down the rule for fixing rates, has declared that capitalization is a factor among others to be considered in rate fixing.

Mr. BORAH. Mr. President, I am aware of that view; but the question which I asked was concerning a different phase of it. I agree with the Senator perfectly that the capitalization of railroads should be controlled and regulated, and undoubtedly that is one of the things which we ought to do; but the question which I asked was, assuming that the regulation of the capitalization has been satisfactory, What objection would there be to all the railroads being owned by one company or three or four companies or half a dozen companies, in view of the fact that the charges which they may make are to be fixed by a commission?

Mr. NEWLANDS. I think there is some advantage in having some degree of competition between great business. I do believe that the railroads should be organized into great systems running east and west and north and south and having connecting ocean steamships, and so forth. I have no objection to the organization of such systems on a very gigantic scale; but I do think it is important that we should keep at least 10 or 15 or, perhaps, 20 systems, so that we can have 8 or 10 systems competitive with each other, in a measure, as to service, efficiency, comfort of their passengers, and so forth, running east and west and the same number running north and south. But I think the tendency toward consolidation is a good one, provided they are not allowed to commit a fraud upon the public by overcapitalizing; and I think it is the duty of the State to see to it that they are not overcapitalized.

Mr. BORAH. Mr. President, the question which I asked might indicate that I believed in the unification of the ownership of the railroads. I do not. I am a firm believer in competition, and I believe in only such unification as is necessary to make through connecting lines of transportation across the country; but the purpose of the question which I asked was to elucidate the proposition that will become the argument in favor of tremendous units, combinations, and monopolies in the industrial world. It will be said, if you can regulate prices or regulate competition, there is no reason why one firm should not own all the oil interests of the United States; there is no reason why some distinguished friend of reform should not control all the farm-implement industry in the United States; and there is no reason why all of this and that should not be in one hand.

That is the proposition to which I am opposed. I do not care what form of regulation you have, whenever you establish that condition in this Republic you establish two classes—the class that own the property and the children who are born inside of the charmed circle of property and influence, and the class which do not own property and the children who are born outside of the charmed circle of influence and property—and you tear down the only ladder by which the child born upon the outside can ever raise himself to power upon the inside. The law of mortmain, in another form, from of old will work its hideous and hellish results, and the price of such regulation will be independent citizenship.

Mr. THOMAS. I now yield to the Senator from Nebraska, who, I understand, desires to ask a question.

Mr. NORRIS. I do not think, Mr. President, I have any question to ask. What has been said by the Senator from Nevada and the Senator from Idaho has answered the question I had in mind. I would like to say, however, if the Senator will yield to me, that I do not believe there will be anybody—at least no one who thinks as I do—who will dispute the desirability of preventing the bringing about of the condition described by the Senator from Idaho. We may disagree, and probably do, as to whether this particular bill will have a tendency in that direction or whether it will have a tendency in the other direction; but the desirability of preventing one man from owning all the oil, another man from owning all the railroads, and another man from owning all the product of some other activity in life is very great. It seems to me that we have already gone too far in that direction. My own idea is that, regardless of the legislation that is now pending, we ought to legislate along lines that would prevent the piling up of the immense fortunes and the ownership of immense quantities of land and of the natural products of the earth. I thought I was reaching that state of affairs when I offered, during the consideration of the tariff bill, an amendment imposing an inheritance tax graduated so high that when inheritances were above $50,000,000, 75 per cent would be taken for the State. I believe that such a provision of law would go a great way toward remedying that evil, which I believe all thoughtful men realize exists and against which we must legislate at some time.

We must take some steps to prevent the acquisition of different lines of activity in the hands of one man or set of men, or bring about just what the Senator from Idaho has described—one class of people who will practically own not only the earth but the people who are on it, so that the latter will become slaves rather than free, intelligent, and competitive citizens.

Mr. THOMAS. Mr. President, I think we are all agreed as to the dangers which have been so eloquently outlined by the Senator from Idaho, and also as to the necessity of such legislation as we can enact that may do away with, or, at least, minimize the existence of those threatened evils. I also realize that our differences are very largely those of procedure, and out of our deliberations I trust that much good will come.

I shall not enter into a discussion at the present time either of the evils themselves or of this proposed remedy. I wanted to emphasize what seemed to me to be the chief thing that has been accomplished by the Interstate Commerce Commission, being, of course, its failure to cope successfully with those interests which are confided to its keeping but which, at the same time, are so far independent of it as that they can minimize or bring to naught, in whole or in part, the provisions and regulations which are prescribed for their proper government and operation.

It is a remarkable fact that the president of what I believe to be the first railroad commission ever created in the United States outlined precisely this result as necessarily following from a control which is opposed, and must be opposed, to the interest, as well as to the authority, of those against whom it is directed. Charles Francis Adams was the chairman of the first Massachusetts railway commission, which, I believe, was the first organized in the country. He made the statement, I think, in the first report of that commission to the Massachusetts Legislature or to the governor, among other things, that:

> Should the legislature delegate a power in this regard (specific rate regulation) to the present or any other board of commissioners, it would simply destroy it in so doing. A responsibility would be imposed unsustained by any executive power. An authority to regulate fares and freights over roads owned, controlled, and operated by others would place those in whom such authority was reposed in an entirely false and impossible position. Those managing the roads could produce what results they saw fit; they could easily demonstrate, by apparent practical workings, the absurdity of anything which was distasteful to them; they could reduce to real failures the most correctly reasoned theories. It is useless for the legislature to look for satisfactory results from the labors of any board which can work only through reluctant agents, and the position of one who can direct but can not execute is in the last degree unfortunate. It resembles nothing so much as that of a military commander all of whose subordinates feel a direct and lively interest in his failure.

Mr. CLAPP. When was that report made, if the Senator please?

Mr. THOMAS. I can not give the Senator the exact date; I think it was in 1869; at any rate, it was some time ago.

I think, Mr. President, it can be demonstrated that the great monopolies in the country owe their power or have their genesis in an illegitimate identification with the transportation interests of the country. The tariff has had its effect, and other causes have perhaps been operative, but the fundamental proposition is that he who controls the transportation of a country controls the destinies of that country. An old poet many years ago said "I care not who writes the laws of my country so long as I can write its songs." Any man having a business requiring transportation can easily say, "I care not who else is in this line of business, so long as I have an understanding with the great lines of transportation."

I think the whole question of monopoly can be largely solved by absolute Government control of the lines of transportation of the United States, so that there can be no such thing as an affiliation between private interests needing their agencies and services and the transportation companies themselves. Of

Mr. THOMAS. That being the case, I want to ask the Senator if he has come to the conclusion that it is humanly possible for a commission of five members to begin to transact the overwhelming amount of business that is going to be launched upon it immediately after its organization?

WORK OF COMMISSION.

Mr. NEWLANDS. I think it is. I do not admit that the work will be overwhelming. I assume that we will have appointed upon this commission very high-class men, very able men—lawyers, economists, and men of prominence—who are familiar with the industries of the country. I assume that as they proceed they will gain knowledge, information, and experience. I assume that they will make such rules for the consideration of complaints that come before them as will not permit the tribunal itself to be overwhelmed. I assume that they will have so many skilled employees and experts and examiners that the matters will be presented to the commission only after the most thorough and exhaustive inquiry and after the points of difference have been focused. I assume that they will take heed of the maxim of the law, "*de minimis lex non curat*," and that they will not allow this tribunal to be diverted into an organization for the consideration of petty squabbles, but that they will realize that the important thing for them to do is to lay down great principles of business and standards of conduct that will be accepted by the business world; and I believe that the decision of a few important cases will adjust those matters.

Mr. THOMAS. Mr. President, it makes no difference how capable a man may be, how earnest, intelligent, or conscientious he may be, there is a physical limit to his possibilities. He can do only so much. The Supreme Court of the United States is composed of a class of men conceded to be as this commission, I trust, will be, and as the Senator says it will be. It became swamped with business some time ago, in consequence of which other tribunals had to be created in order that the business of the country might go on.

The Senator says this commission will have so many skilled experts and assistants that it can transact its business through their agency. That raises the question as to the extent to which this multitude of assistants will go. Are we going to have thousands upon thousands of employees to whom will be delegated the powers of this commission, and who will consider at second hand these enormously important matters and determine whether a given instance brought to their attention is or is not unfair competition?

The Senator calls my attention to the old maxim that the law takes no notice of small things; but, of course, his experience as a lawyer tells him that nothing is small to the man or concern interested in the thing. The term is a relative one; and I am not aware that any controversy can be so small as to justify this commission, if it is created, in setting it aside because of that reason. It may be, and generally is, of tremendous importance to the interests which call the attention of the commission to it.

I am unable to bring my mind at present to the point of voting for a commission consisting of five men which is going to have jurisdiction of the vast multitude of controversies that will arise under this bill, and practically exercise that jurisdiction over the commercial transactions of 100,000,000 people, expressed very largely through the corporate entities that come within the jurisdiction of the commission. In other words, I think it will be swamped at the start. It will be a good deal like trying to crowd 10,000 men upon a ship having a capacity of less than 100. You not only make no progress, but the ship itself is imperiled, and will be wrecked before it begins its voyage.

UNFOUNDED FEARS REGARDING THE WORK.

Mr. NEWLANDS. Mr. President, I feel assured that the Senator's forebodings will not be realized. He will find that every move upon the line of reform requiring investigation to ascertain the facts and make the decisions has been met by the same argument. When the Interstate Commerce Commission was organized the same forebodings were indulged. That commission is undoubtedly a hard-worked commission, and yet its members do not speak as if they were overloaded, and they are perfectly confident not only of their ability to deal with the matters under their present jurisdiction but also of their capacity to take hold of the difficult question of railway securities in the future. They have already taken hold of additional work in the shape of railway valuation and have organized a division of valuation for that purpose.

The same forebodings were indulged with reference to the pure-food law. It was claimed that we were about to organize a body of examiners and experts that would intrude themselves into business throughout the country.

Mr. THOMAS. Mr. President, has not that identical thing been one of the consequences of the passage of the pure-food act?

Mr. NEWLANDS. I do not think so. I think it has met with complaint from the parties whom the law was intended to reform, but I have heard no complaint from the masses of the people. There is no subject we can undertake with reference to which gloomy forebodings can not be indulged.

Complaint is made here that we give large powers. Those who make them seem to be unconscious of the fact that those large powers, capable of being applied to all, will as a matter of fact be applied only to a few. You might as well say that when we are passing laws regarding murder and robbery and larceny, which involve every man, woman, and child in the country, we are undertaking the passage of laws that will break down because of the area of their operations.

There is not a thing in human society that requires regulation and control that may not by some possibility require vast exertion upon the part of society; but that is no reason why society should not proceed with energy and courage in its work. Thus far we have found that these great reforms which have been initiated, which have involved the employment under prominent officials of numerous subemployees, have worked well and efficiently and to the advantage of the people at large. I assume that the large force given to this body will greatly aid them in their operations. It must be recollected that the Supreme Court has no such force.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. I do.

Mr. NORRIS. I wanted to ask the Senator in regard to an amendment that has suggested itself to me that may possibly improve one of the provisions of the bill, and I want to get his idea in regard to it.

As I understand, it is believed that this commission, after it has worked a while and investigated and passed on a good many cases, will be able to establish or will establish by its decisions certain rules, regulations, and so forth, which, if known to the trade generally, will enable business men to shape their conduct as far as competition is concerned so as to avoid unfair competition; but there is no provision in the bill for the publication of the judgments or opinions of the commission.

PUBLICATION OF DECISIONS.

Mr. NEWLANDS. I think such a provision ought to be inserted, if it is not already covered by the provision regarding publicity.

Mr. NORRIS. That was what I wanted to ask the Senator. There is another reason, it seems to me, why that should be done. If no publicity were given and their opinions were not published, if at some time in the future a commission should be in power that wanted to favor some particular corporation or line of corporations they would be enabled to do it without being exposed; whereas if their judgments and opinions were always published and were accessible to the business world, such a thing would be almost impossible, because they would be like the opinions of the courts—they would become precedents and would be followed in future investigations.

Mr. NEWLANDS. I think, however, we should not be too insistent upon formal opinions. I think there should be a brief statement of the facts of the case and the decision.

Mr. NORRIS. Well, similar to the opinions of courts. As a rule they set forth the facts that are established.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. It seems to me that if the commission should get started off wrong in the first place it would be very unfortunate to publish those opinions.

Mr. NORRIS. It would be. There is no doubt about that. It would be a good deal like the commerce court, probably; it would be legislated out of existence.

Mr. BORAH. But another point is this: It would be something like the decisions of our Commissioners of the General Land Office. They are a precedent for no one, because they reverse them next day if they desire to do so. They are not bound by them at all.

The homesteader or the entryman upon the public land gets no comfort out of a decision of the General Land Office, because he may follow it and find himself with another decision upon his particular case. This commission might render a judgment or an opinion as to what was unfair competition upon a particular state of facts coming up from one contestant or two, but it would be no guide for the next man. If he should comply with it, they nevertheless might establish another rule. In other words, they could not rely upon it as a precedent.

Mr. NORRIS. Mr. President——

Mr. NEWLANDS. If the Senator will permit me one moment, I did not suppose the Senator from Nebraska wished a formal opinion in every case. I think it would be a mistake to exact that, because the preparation of such opinions must exhaust a good deal of time, and probably would prevent the commission from doing a great deal of practical work. I assumed he simply wished publicity with reference to the cases that were brought before them and their decisions.

Mr. NORRIS. Mr. President, with reference to the suggestion made by the Senator from Idaho, comparing this commission with the Commissioner of the General Land Office, I should like to say that it seems to me this commission can not be fairly compared with the Commissioner of the General Land Office, but could be more fairly compared with a court, where everybody acknowledges respect is paid to the precedents that are established, and the opinions rendered on findings are used as a guide in subsequent cases, and litigants, knowing what those judgments are and what those opinions are, govern their conduct accordingly.

The Commissioner of the General Land Office does, I think, just what the Senator from Idaho says. I know that men engaged as attorneys in the land business never pay any attention to what a former decision is when they commence their case, but go on the theory that by the time it winds its weary way through the different departments and gets up to the Commissioner of the General Land Office or the Secretary of the Interior the decision may be reversed. That is true; but the Commissioner of the General Land Office and the Secretary of the Interior, who is the supreme court in that department, hold political offices. The personnel of the office changes every few years, with every administration, and sometimes several times during one administration.

I take it, however, that this commission is going to be somewhat similar to a court, or to the Interstate Commerce Commission. Of course, if we should have a commission appointed which, as the Senator suggests, would start off wrong, it would be very unfortunate, and might result in such a condition of affairs that it would be necessary for Congress to repeal the law; but I do not believe it is fair to assume that. I think we ought to assume that the President will be careful in his selection of these men. He ought to be more careful in the selection of the first men than perhaps at any other time, in order to get them started right, and in order that we may have the best men that can be obtained to fill the places. Assuming that, I think it would be fair to say that they would not start off wrong.

Mr. BORAH. Mr. President——

Mr. NORRIS. If the Senator will pardon me for a moment, I wish to say to the Senator from Nevada that I do not know whether I get his idea exactly or not; but my idea was that this commission ought to render opinions and publish their opinions, in which, I take it, in every case they would set forth the facts. They would make findings. They ought to be published; and there ought to be, I think, a provision in the bill for their publication, just as we have provided for the publication of the opinions of the Interstate Commerce Commission. Every business man would follow those decisions and would know what the decisions had been, and therefore what they were likely to be in the future.

Mr. NEWLANDS. I think we could parallel the action of the Interstate Commerce Commission; but I do not understand that the action of the Interstate Commerce Commission involves findings and an opinion in every case.

Mr. THOMAS. Mr. President——

Mr. BORAH. Mr. President, I should like to ask the Senator from Nebraska a question. The Senator speaks about publishing the decisions as to what constitutes an unfair practice or unfair competition. I observed the other day that a student of this subject, in undertaking to determine what might constitute unfair competition, was unable to designate or conjure up anything which would constitute unfair competition other than that which had already been denounced by the courts of this country as unfair competition. The courts have already laid down many rules with reference to it, and they are found in the decisions and under statutes for the violation of which parties may be sent to jail or to the penitentiary. Now, those are well known to the business world, and have been for some time; and yet, notwithstanding that fact, they are constantly violated and constantly disregarded by the few who have been disregarding them from the beginning.

Can we assume that the mere publication of the decisions of a commission, without any power to punish and without any power to do anything except to have an injunction issued—and, by the way, this is the most remarkable exhibition of government by injunction we have had yet—will cause the business world to pay any more regard to it than they would to the findings or decisions of courts?

Mr. NORRIS. Probably not; but the Senator must assume, it seems to me, because opinions of courts have been published to enforce the construction of statutes, thus defining what the law is, and because people continue to violate them after such publication, that their publication has not accomplished a great deal of good. It seems to me that if the Senator's argument were carried out logically we would not publish any of the opinions of any of the courts. They will be violated, and this law will be violated, I have no doubt.

Mr. BORAH. My argument was not addressed to the proposition of the mere question of publication or nonpublication. I think it is all right to publish these decisions. It will perhaps add some information to the question that is involved. My argument was addressed to the proposition, How can we hope to stop unfair competition under the activities of a commission which has no power to do anything but go into court and ask and secure an injunction when we already have the same rules and principles announced in bodies where they have power to send men to jail or to the penitentiary? Under the Sherman Act these practices have passed in review, nor will it add anything to have another tribunal, possibly not quite of so much dignity as the Supreme Court, announcing these rules again.

Mr. NORRIS. The Senator's question involves, of course, the entire proposition contained in the bill, and whether or not it is wise to pass it. He can not expect me to answer that question, of course, without taking a great deal of time, and I should probably not be able——

Mr. BORAH. I think the Senator is fully equipped to answer it if it is answerable.

Mr. NORRIS. It seems to me the question is not absolved from all doubt. While I am one of those who favor this bill, and I am one who expects to vote for it, I am not one of those who believe that it would clear the atmosphere entirely. I may be disappointed in it. At least, I am not satisfied with the present condition. If I had my way about it, if it were left to me, I think I could devise a plan that would be better, or at least that would suit me better; but I am willing to take anything that offers a fair chance of being successful; and I think this bill will improve the situation. As I understand, this commission will assist in every way possible; and if we have the right kind of a commission, and it works diligently, it will be able to assist in enforcing the laws that exist now.

Mr. THOMAS and Mr. NEWLANDS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Nebraska yield, and to whom?

Mr. NORRIS. I was not aware that I had the floor. If I have, I will cheerfully yield.

Mr. THOMAS. Then I ask recognition.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. THOMAS. Mr. President——

Mr. NEWLANDS. Mr. President, will the Senator from Colorado allow me to make a brief reply to the suggestion of the Senator from Idaho?

Mr. THOMAS. If the Senator from Idaho will be equally brief in his reply to the reply of the Senator from Nevada, I will yield.

Mr. NORRIS. My judgment is that the Senator from Nevada [Mr. NEWLANDS] has the floor. I asked him to yield to me.

Mr. NEWLANDS. I will only take a few moments.

UNFAIR TRADE PRACTICES.

The Senator from Idaho [Mr. BORAH] says we have never been able to point out any cases of unfair competition that have not already been covered by the decisions of the courts. Assuming that that is a fact, simply for the purpose of the argument, the Senator must realize that under existing law it is necessary for every individual who is injured to institute a suit, and that suit must be instituted, as a rule, against very powerful competitors—these large corporations which resort to these unfair practices for the purpose of destroying their pigmy competitors. That means the employment of counsel and a suit either at law or in equity. One of the very purposes of this bill is to make the wrong of that individual the wrong of society, and to create an organization that will take up his wrong and compel the corporation perpetrating it to desist from that practice, and that, too, practically without expense to the party injured.

Mr. BORAH. That is a sword that cuts both ways. It may be that we have arrived at a time in this country when we want to extend our paternalistic tendency to the proposition of trying people's lawsuits.

Mr. NEWLANDS. We have done that in the Interstate Commerce Commission act, the Senator will observe.

when the subject matter of the complaint shall be thereafter brought before a court upon a petition of the commission or of any person who may be interested in the commission's findings, and that in such event the case shall proceed before the court in accordance with the ordinary practice in all causes and actions of the character to which it may relate.

This morning I noticed that the distinguished Senator from South Dakota [Mr. STERLING] introduced a somewhat similar amendment, and it will be very interesting and very useful, I think, for the lawyers of the Senate to endeavor to perfect the bill so that there may be no reasonable complaint against section 5 regarding unfair practices. I think the business people of this country, if they may be led to fear anything because of the bill, can certainly be protected by some such amendment as that which I have suggested, or that which has been suggested by the distinguished Senator from South Dakota.

CARRYING OUT PARTY PLEDGES.

It seems Mr. President, that the time has been reached in American politics when the declarations made by the great parties in their platforms have come to mean something; that they are not merely high-sounding and empty phrases, used to arouse the hopes of the voters of the country that something will be done if the party declaring in favor of measures should be successful at the next election. The electorate has come to regard the declarations of our platforms as pledges of a party policy, and now that the habit seems to have been indulged in of gratifying the expectations of the voters, of confirming these declarations as pledges and carrying them out in subsequent legislation, no step backward will soon be taken, and, for many years at least, those who are elected, after party pledges are made, will strive to carry out such pledges, and thus retain the confidence of the people.

We all remember very well when the campaign orator, after the election, used to successfully carry off charges of broken promises made to the people by saying that everyone knew that a platform was only intended for use in getting aboard the train; but we have lived to see the day when this jocular way of disappointing the just hopes and expectations of the voters has come to be rather a disreputable piece of business, and for that reason, when a party is now successful, the strongest argument which can be used in support of measures which are proposed is that pledges were made to the people before the party came to power that the legislation suggested would be enacted.

In the minds of the people of the country three pledges of the Democrats made in their platform adopted at the Baltimore convention stand out preeminent.

PROMISES ALREADY FULFILLED.

First, the promise that the tariff should be reformed, and reformed substantially, by reduction of the rates of duty, thus producing actual competition, chiefly in the necessaries of life. This pledge has been redeemed, and, as I believe, to the satisfaction of everyone. Dire predictions of disaster have proved groundless. Rosy predictions of benefits may not yet have been realized, but tendencies are good. Business has not been even sensibly disturbed, and all persons engaged in actual business in this country are looking hopefully and confidently to the future.

Closely allied to tariff reduction and reform was the promise that the control of the currency and credits would be taken out of the hands of those who had used it for private and personal ends, to the detriment of all the people, and you have seen how, by counsel and earnest effort, legislation was enacted concerning our banking interests, which now receives almost universal approbation.

TRADES COMMISSION BILL BLAZES THE WAY FOR BUSINESS FREEDOM.

Having provided for fair competition from without, having placed the ultimate control of our credits and currency in the possession of the representatives of the people, the greatest promise contained in the Baltimore platform remaining unredeemed is the declaration against the monopolization of business within the country itself and the pledge that those engaging in business here should not be strangled in their efforts by monopolies and trusts. The broad declaration of the Baltimore platform on this subject is this:

> A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

That, Mr. President, is a rather large order to be included in so few words, but it blazes the way toward the end to which we are working. It points out the path which we are to tread. It shows us the direction in which we shall move, and in obedience to this declaration of policy, in the effort in part to carry out this pledge, this trades commission bill is proposed.

NO OPEN HOSTILITY SHOWN TO BILL.

So far as I have been able to observe no trusted organ of public opinion, no leader of any party of known ability, no publicist of high repute in the whole country ventures to oppose the objects toward which we progress. Probably, as in the case of the tariff bill, probably, as in the case of the currency bill, both honest and dishonest criticisms will be made of the provisions now in this bill and those which will finally be written into law, but there will be no active, open hostility shown to the projects in the bill we now propose, nor will there be a defense openly made of the practices which have been condemned by settled opinion throughout the country and to stop which the laws proposed will be enacted.

The great success which has finally attended the efforts of the Interstate Commerce Commission to regulate and, in a large measure, control interstate carriers, the good faith and preeminent ability shown by the members of that commission in exercising the powers given them, has proved the wisdom of the institution of that commission and of the methods adopted by it in carrying out the purposes of its creation. No one would now go back to those conditions which prevailed in this country prior to the institution of the Interstate Commerce Commission and prior to the enactment of the antitrust laws.

EFFECTS OF PROPOSED TRADE COMMISSION ALTOGETHER GOOD.

The country has been educated. It has come to understand that business, and I am not speaking of it disrespectfully, must be controlled; that business men of large affairs may become grave dangers to the common weal; that ambitious, able, and unscrupulous men may use the ordinary instruments and methods of commerce, if they are unhindered by statute and criminal laws, in such a way as to deprive great numbers of their fellow men of fair opportunities of livelihood.

Like all great reforms the antitrust laws—the laws against discrimination—required many years for successful demonstration of their usefulness. It is a curious thing that in the early stages of the construction of the Sherman law its provisions were invoked successfully, I think four times out of five, against the trade-unions of the country. Human rights were less powerful and could be more successfully attacked before the courts under the Sherman Act than rights of property. Gradually, however, the provisions of that law, coming to be understood, were declared by courts, and finally by the Supreme Court, to be effective in the cases of great combinations of corporate wealth, and are now so highly esteemed that one may safely predict that act will never be repealed, and will only be most carefully amended to extend its beneficial provisions.

An instrumentality which has proved to be so useful as the Interstate Commerce Commission in relation to interstate transportation is now to be created in its proper sphere and proper limitations by means of a trade commission, which will have the power of independent investigation and report and of assisting the law officers of the Government and the courts in the determination of facts which may be material for proper conclusions when interstate trade questions are up for decision or when complete investigation of interstate trade conditions is necessary to enable intelligent action to be taken by the Government.

This bill creates that instrumentality, and in its effects I believe will be altogether good.

Mr. THOMAS. Mr. President, during the discussion of this very important subject by the Senator from Iowa [Mr. CUMMINS] attention was directed to the paucity of the senatorial attendance. I think, therefore, it is but fair to direct attention to the fact that during the discussion of this subject this morning by the junior Senator from Delaware [Mr. SAULSBURY], also a member of the Committee on Interstate Commerce, the average attendance on the other side of the Chamber was six, and frequently much less than that, and at one time consisted solely of the senior Senator from California [Mr. PERKINS].

Mr. NEWLANDS obtained the floor.

Mr. JONES. Mr. President——

The PRESIDING OFFICER (Mr. PITTMAN in the chair). Does the Senator from Nevada yield to the Senator from Washington?

Mr. JONES. I rise to a point of order. I suggest the absence of a quorum.

Mr. NEWLANDS. Mr. President, I do not understand that the Senator can take me off the floor for the purpose of suggesting anything.

Mr. JONES. I did not expect to take the Senator off the floor, but simply wanted to do business when the Senate was present.

The PRESIDING OFFICER. The Senator from Nevada refuses to yield.

Mr. JONES. I rise to a point of order.

Mr. NEWLANDS. I wish to make a few remarks.

Mr. JONES. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Washington will state his point of order.

Mr. NEWLANDS. I appeal to the Senator from Washington to let me address myself for just a few moments with reference to some remarks of the Senator from Delaware.

Mr. JONES. I merely wanted to have the Senate here, so that the Senator could address them; but in view of the appeal of the Senator I will not raise the point of order.

Mr. NEWLANDS. I think it would be rather a risky proceeding just now.

Mr. JONES. I will not insist on the Senate being here until the Senator gets through.

BILL THOROUGHLY CONSIDERED.

Mr. NEWLANDS. Mr. President, the Senator from Delaware [Mr. SAULSBURY] has called attention to the similarity between the House bill known as the Covington bill and the Senate bill. I wish to say with reference to that, and with a view to showing how thoroughly this whole matter has been gone over and digested, that the House and the Senate committees started with the same bill, the bill being introduced in the House by Mr. Clayton, then chairman of the Judiciary Committee of that body, and the bill in the Senate being introduced by myself.

With reference to that bill, Mr. Clayton made a statement in the House, to which he appended a press dispatch explaining its general character, as follows:

> The bill will be introduced at the same time by Representative Clayton and Senator NEWLANDS. The bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator NEWLANDS, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce other than common carriers.

The question comes up that we are now considering the Covington bill and not the Clayton bill. With reference to that, I have to say that the Clayton bill, instead of being referred to the Judiciary Committee of the House, was referred to the Committee on Interstate and Foreign Commerce of the House. There it was amended in certain particulars, and was then reintroduced with the amendments by Mr. COVINGTON, a member of the Committee on Interstate and Foreign Commerce of the House, and became known as the Covington bill. That bill therefore was considered in a tentative way by the majority members of the Judiciary Committee of the House, and was afterwards fully considered by the Interstate and Foreign Commerce Committee of the House for some months before final action, which resulted in its passage in the House without even a roll call. The bill similar in character introduced by myself was also during that period considered by the Senate committee, and the differences between the House bill and the Senate bill simply represent slight differences in the contraction or expansion of the original measure.

With reference to the original measure, I wish to say—and I comment upon that simply with a view to showing what mature deliberation this bill has received—that the so-called Newlands bill was introduced by me early in 1911, over three years ago, and that its principles had been prior to that time the subject of discussion by me repeatedly upon the floor of the Senate in the consideration of the trust question. That bill was referred to the Interstate Commerce Committee of the Senate.

Shortly afterwards, in 1911, at the instance of the Senator from Minnesota [Mr. CLAPP], who was at that time the chairman of the Interstate Commerce Committee, that committee entered upon a laborious investigation of the entire trust question with reference to the necessity of further and additional legislation. The committee took 3,000 pages of testimony and, at the conclusion of an exhaustive consideration of the subject, in which publicists, economists, lawyers, and others of the country took part, almost unanimously declared in a report, whilst they recommended no particular bill, in favor of the organization of a trade commission. That report was prepared by the Senator from Iowa [Mr. CUMMINS] and was made early in 1913.

The surprising thing in this lengthy deliberation upon this measure—deliberation in both Houses—is that the measure as presented to-day differs very little from the measure as originally presented, which, it seems to me, is conclusive proof that the various provisions of these bills represent the judgment, after long deliberation, of the most experienced men in both the Senate and the House.

The original bill, which was introduced by me in January, 1911, was before the Interstate Commerce Committee under the so-called Clapp investigation. The first hearing had was with reference to that bill, and whilst the general investigation was proceeding the members of the committee busied themselves in perfecting that bill. It was the only bill which they took up for serious consideration at all. The original bill was Senate bill 2941 of the Sixty-second Congress, first session, introduced in January, 1911. As the result of their deliberations that bill was amended and perfected, and it was subsequently introduced by me as amended and became Senate bill 5585 of the Sixty-second Congress, first session. It appears on page 20 of the report of the Interstate Commerce Committee of the Senate on the pending bill.

Compare those two bills and you will find that they do not differ in essentials, but I observe two or three things in the bill as first presented that have been revived by the recommendations of the Senate at this session. The bill, as I originally introduced it, provided, in section 10:

> That said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, * * * revoke and cancel the registration of any corporation * * * for * * * the use of materially unfair or oppressive methods of competition.

So that in 1911 the bill which was originally introduced contained this provision with reference to unfair competition.

It is true that the Senate committee at that time, in the tentative evolution of this bill, left out that provision; but it has been revived to-day in the Senate, and is presented in this body by the almost unanimous vote, I believe, of the Interstate Commerce Committee of the Senate.

I present these considerations as reasons why we should have an early vote upon this bill. There is nothing new in it. There is nothing startling in it.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. BORAH. Are we not ready to vote this afternoon?

Mr. NEWLANDS. I am afraid we would find difficulty in getting a quorum, but that will be tested. I know the Senator from Idaho is ready to proceed to a vote at any time, but I think some of the Members have absented themselves for the holiday, and it would be impossible to get a quorum this afternoon. I present this matter at this time simply with a view to urging an early vote upon this bill, and it seems to me the logical thing to do, for the bill will be the basis of further legislation. It is quite probable that the Judiciary Committee, when it makes its report, will call for the enforcement through the Interstate trade commission of certain provisions of that bill, particularly with reference to interlocking directors and holding companies, and it is well to have the commission in existence.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. Certainly.

Mr. THOMAS. It may be true that this bill is theoretically perfect and that it has been given ample consideration by those who are familiar with its terms and charged with the duty of investigating it; but many things which are theoretically desirable are practically difficult of operation.

This commission, if I correctly understand the scope of the bill, is one which can and probably will assume jurisdiction of the commercial affairs and operation of every corporation engaged in interstate traffic. It is within our experience that every man or company engaged in competitive business unsuccessfully is very apt to attribute his failure or his partial success not to any failings or defects of his own, but to the unfair competition of his adversaries; and I assume that such will be the practical operation of this bill. That means that this commission of five members will be charged with the duty of investigating or, in fact, of trying all of the complaints that are brought to its attention or filed before it and all of the public complaints which are directed to the operations of this, that, or the other concern.

I wish to inquire of the Senator whether the committee has taken into consideration the fact that this commission in all probability will be swamped almost from its inception with controversies about which it is expected to act, and that its limitations will be such that, instead of expediting, it may prove a very serious obstacle to the removal of those practices which are here condemned, because of the multitude of controversies brought to its attention and its inability to proceed except with one case at a time.

It seems to me that is one of the most formidable practical considerations for us to determine before we ultimately commit ourselves to this bill.

Mr. NEWLANDS. I will say to the Senator that all these matters were seriously considered by the committee. They were considered by the committee two years ago in making its report and by the committee in making its recent report.

is a distinct and somewhat far-reaching step in advance along the road to commission government.

The present Bureau of Corporations in the Department of Commerce was established by section 6 of "An act to establish the Department of Commerce and Labor," approved February 14, 1903. Therein it was provided that the Bureau of Corporations, with a commissioner of corporations as its head, should have power to make—

diligent investigation into the organization, conduct, and management of the business of any corporation, joint-stock company, or corporate combination engaged in commerce among the several States and with foreign nations, excepting common carriers * * * and to gather such information and data as will enable the President of the United States to make recommendations to Congress for legislation for the regulation of such commerce and to report such data to the President from time to time as he shall require.

The information obtained might be made public, should the President so direct, and the Commissioner of Corporations was given the same power to obtain evidence as was possessed by the Interstate Commerce Commission. The bureau was also directed to gather, compile, publish, and supply useful information concerning corporations doing interstate or foreign business, including insurance companies, under direction of the Secretary of Commerce and Labor.

A comparison of the powers provided to be exercised in the bill under consideration by the trade commission shows that all these powers, with the exception possibly of those relating to insurance companies, are included in the Newlands, or Senate, bill, in addition to others I shall hereafter refer to, and by section 3 of the Covington bill as it came from the House, are expressly vested in the trade commission bill therein provided for.

ADDITIONAL POWERS PROVIDED.

In addition to the authority given the Bureau of Corporations and the Commissioner of Corporations, both the Covington bill and the Newlands bill, following the trend of public sentiment, which has doubtless been greatly influenced by the eminently satisfactory way in which the Interstate Commerce Commission has performed its duties, propose to give additional powers to this new trade commission. The Newlands bill gives to the commission powers respecting all the corporations which were under the supervision of the Bureau of Corporations, while the Covington bill circumscribes the scope of the commission's activity by limiting its authority to obtain reports, under section 9, to those corporations which have capital of not less than $5,000,000, or, having less capital, belong to a class of corporations which the commission may designate, and by capital is meant the combined amount of stocks, bonds, and surplus of the corporation.

The Committee on Interstate Commerce of the Senate and the Interstate and Foreign Commerce Committee of the House were considering the subjects embraced in the Newlands and the Covington bills in their respective bodies at the same time, and, though not having joint meetings, kept reasonably in touch with the thought and conclusions of each other in the preparation of the two bills; and this, in some measure, accounts for the striking similarity of the Newlands bill, which the Senate committee proposes to substitute as an amendment to the Covington or House bill. The Senate committee, however, was able, after the House bill was perfected, to have full advantage of the work of the House, and in that way seems to have presented a bill in some degree an advance upon that of the House; slightly better in the phraseology and arrangement of some of its sections and somewhat broader in its scope. It is, indeed, surprising, however, that the thought and work of the two committees should without actual joint meetings have so closely followed the same lines.

I shall attempt to sketch in broad and general terms the similarities and the differences between the two bills. There are only two provisions in the Senate bill which are not in some way referred to and provided for in the House measure.

FOREIGN INQUIRIES AND INVESTIGATION.

In subhead G of section 3 of the Senate bill the commission is directed to report its findings and evidence to the Attorney General when, from its inquiries and investigations, it believes that any corporation, individual, or association has violated any law of the United States, and in subhead H of section 3 the commission is directed to expeditiously investigate trade conditions in foreign countries where the export trade of the United States may be injuriously affected. It is hardly conceivable that anyone will object to the inclusion in the bill of these two provisions, and they may be left with only this brief statement of their scope and object.

PREVENTION OF UNFAIR COMPETITION.

The prevention of unfair competition, for which extended provision is made in the Newlands bill—section 5—is barely mentioned in the Covington bill, in section 11, where the commission, if it shall obtain any information in any of its investigations of "unfair competition or practice in commerce," is directed to report the same to the President to aid him in making recommendations to Congress for legislation. The Newlands bill makes different provision concerning unfair competition, and section 5, which includes this provision, seems to have centered the attention of those Senators who have already spoken upon the bill and to have encountered the only opposition yet manifested in the Senate. I shall recur very briefly to this section hereafter.

Returning to a comparison of the House and Senate bills and pointing out their differences, the Federal trade commission bill of the Senate practically differs in no respect from the interstate trade commission of the House, except that the Senate bill provides for five members with terms of seven years each—sections 1 and 2—while the House bill provides for only three members with six-year terms—section 1. The machinery for working the commissions in both cases is practically the same, and the power of general investigation given the commissions are so similar, except as to limitation on the powers of the House commission to corporations having a capital of not less than $5,000,000, as not to require particular statement at this time.

PUBLICITY PROVISIONS.

The publicity provisions in the two bills are much alike. Both bills provide that the commission may, in its discretion, publish the information obtained by it, so far as it may be of public importance, and that the commission shall make a report to Congress, in which it may submit recommendations for additional legislation.

Both bills prohibit making public information obtained by the commission as to trade processes or secrets and the names of customers, and both bills provide for the severe punishment of any employee of the commission who divulges any fact or information received during his employment by the commission, unless the commission has authorized the same to be made public.

These provisions are intended to preserve to the business men of the country the proper possession of whatever is necessary to the privacy of their business and prevent advantage being unfairly taken of them because of information secured by the commission in the exercise of its official powers.

Both bills turn over to the new commission all property, business, appropriations, and employees of the old Bureau of Corporations, fix the office of the new commission in Washington, place the employees, with very limited exception, in the classified service, and define the terms used in the act in a similar way. All Government departments and bureaus, when directed by the President, must furnish the commission records, papers, and information in their possession—section 10.

SYSTEM OF ANNUAL REPORTS.

Subhead C, section 3, of the Newlands bill provides that the commission may prescribe a uniform system of annual reports from corporations and such classes of corporations as it may designate, which provision was made that the commission might classify the corporations under its supervision as might be found convenient, and by such reports, when called for, possibly determine what corporation, if any, required investigation under the broader powers conferred in subheads A and B of the same section. Practically the same provision is found in section 8 of the Covington bill, authorizing the commission to make rules, regulations, and classifications of corporations, although the terms seem to be rather clouded and vague, and in section 9, where power is given the commission to prescribe as near as may be a uniform system of annual reports.

The provisions of neither bill require that all corporations shall make reports, but, in effect, only such as are classified by the commission, and when directed by special order or when by its rules they shall be required to do so. Both bills provide the same penalties for failure to make such reports, the Newlands bill, however, not imposing a penalty until 30 days after notice to the corporation that it is in default, thus relieving any business concern not willfully in default from penalty to perform an act where its neglect may have been merely an oversight and not a willful default.

General powers of investigation are vested in the commission under the terms of both the acts, and by both acts a provision is made that any court acting under the antitrust acts may obtain the benefit of knowledge in possession of the commission by referring matters in the commission and requesting its report.

POWERS OF INVESTIGATION.

The Interstate Commerce Committee of the Senate believed that its provision—subhead E of section 3—is much preferable in form to that of section 12 of the Covington bill and may

avoid a claim that this provision is unconstitutional as encroaching upon the proper powers of a court. It is not intended by either bill to do this, however, as the authority to refer rests purely in the discretion of the court; and in the Senate bill a hearing as to the form of the decree to be entered is provided for whereat both parties will be heard.

Subhead F, section 3, of the Newlands bill, and section 18 of the Covington bill, provide for investigations by the proposed trade commission, after a decree has been entered in a court against anyone adjudged to have violated the antitrust acts, to ascertain if the court's decree has been or is being carried out in good faith, and the two provisions last referred to in aid of the courts are believed to be valuable as assisting the courts in such case.

Provision is made in both bills for the punishment of anyone willfully making false statements or entries, which may deceive the commission, the provision of the Senate bill being manifestly the best considered of the two, and by both bills employees of the commission improperly divulging information may be severely punished.

Under the provisions of both bills the commission is given the powers possessed by the Interstate Commerce Commission to compel the attendance and testimony of witnesses, and by both bills the commission is required to report to Congress instead of to the President, to whom the present Bureau of Corporations is required to report.

SENTIMENT PREPONDERANT FOR CREATION OF COMMISSION.

From what I have said, Mr. President, it will be seen how nearly along parallel lines the thoughts of the members of the House and Senate committees have traveled. While this course has been furthered by frequent conferences of individual members of the committees, the conclusions of the committees have undoubtedly been so similar because of the well-defined sentiment of the business men of the country in favor of the creation of a commission of the character proposed, and in a general way favoring the grant of the powers given in both bills to such commission. That such a sentiment exists can not be doubted. All over the country, boards of trade and chambers of commerce have been requested by a committee representing them to express their views, and the expression in favor of such a commission has been overwhelming. The report of a referendum by the Chamber of Commerce of the United States shows that 646 boards of trade and chambers of commerce, which were members of the Chamber of Commerce of the United States of America, voted upon the question as to whether an interstate trade commission of five members, appointed by the President, of a bipartisan character, should be created by Congress.

The vote in favor of such a commission was overwhelming, 622 votes being cast in favor of creating such a commission and 124 votes only being cast against it.

Mr. THOMAS. When was that vote taken?

Mr. SAULSBURY. That vote, Mr. President, was taken somewhere about the 8th of April. I think, while these bills were under consideration, and it was reported to the Interstate Commerce Committee of the Senate by the gentlemen who represented the United States Chamber of Commerce.

I may also say, in that connection, that a number of the powers proposed by this bill to be vested in the trade commission were voted upon favorably in pretty much the same ratio by the chambers of commerce of the United States. I can designate them, if the Senator from Colorado desires me to do so, and I may do so when the particular provisions of the bill shall come up.

PUBLIC MIND TURNS TO COMMISSION GOVERNMENT FOR RELIEF.

It is true, Mr. President, that opposition to any legislation of this character is vigorously voiced by those who have opposed during this Congress any changes in our tariff or our banking laws. Such opposition bears all the earmarks of a similar origin, but for many years there has been growing up in this country a great public sentiment favoring the adoption of methods of administering justice and preventing wrong which were easily accessible to those threatened or oppressed by the unfair methods and practices of those seeking to establish monopoly on the ruins of competition. The delays and expense incident to obtaining redress for such wrongs in the courts have made adequate relief to litigants almost unattainable in these cases and, in the public mind there has been growing up a belief, which to some extent may be justified, that the courts were not efficient, because of the usual delay and expense in providing early, adequate, and inexpensive relief from oppressions of which such litigants complain.

This condition has turned men's minds favorably to the creation of commissions. I do not know, Mr. President, that I can follow as far as others may lead along the road to commission government, but it is doubtless true that expense, annoyance, and delay have been encountered in the courts, which improved methods of procedure might in a large measure avoid, and to a great extent this has caused men to turn to forms of commission government for relief. Dangerous as it is or may become, if it should become too dangerous, relief will doubtless be found for such evil. Just as now we are seeking relief from the harassing and unfair practices, the oppressive expenses, delays, and annoyances which have to be met when resort is had to the courts for relief from monopoly and oppression.

CONSTITUTIONALITY OF PROPOSED PROVISIONS.

This feeling that more efficient relief should be had than the courts can afford has led to the inclusion in this bill of the provision made in section 5 that unfair competition shall be unlawful, with the direction that the commission shall prevent corporations from using unfair methods of competition in commerce. When I first considered that provision, it did not seem to me—or, rather, I was in great doubt—that the specification or definition of what the unlawful act was, was sufficiently accurate to be enforced by either a commission or by the courts. Examination of the authorities, which have been several times cited to this Senate, caused me first to become doubtful as to my opinion and afterwards to conclude that probably such a provision as now included in the bill will be upheld by the Supreme Court. It is unnecessary for me to go over those decisions, they having been frequently cited in this debate.

It first appeared to me that the provision sought to enact recognized ethical standards into statute law. I doubted whether we could do this in such general terms, but there is nothing wrong or remarkable about it if we may constitutionally do so.

Courts have always recognized the customs of merchants, and it is my impression that under this act the commission and the courts will be called upon to consider and recognize the fair and unfair customs of merchants, manufacturers, and traders, and probably prohibit many practices and methods which have not heretofore been clearly recognized as unlawful.

THE STRAIGHTFORWARD BUSINESS MAN NEED HAVE NO FEAR.

Every man in his own business knows when a competitor is pursuing unfair methods. Every professional man knows when a competitor is guilty of unfair, unprofessional, and unethical conduct. It may be that heretofore we have been satisfied to allow only the usual punishment to come upon such persons as the violation of the ethics of a profession or a business in time naturally brings; but it is undoubtedly true that sentiment in this country has come to the point where it will, if it can, by law prohibit, prevent, make unlawful, and punish unfair practices in competitive business.

This bill, Mr. President, lends itself undoubtedly to the conjuring up of bobgoblins, to the predictions of evil, to dire prophecies of business uncertainty; but if, as I incline to think it will, the Supreme Court shall determine the words "unfair competition" to be sufficiently definite, I have no fear that men engaged in business will be unable to settle for themselves what they can and what they can not do. Every business man knows what is unfair in his own branch of the business. All of us, whether in business or professional life, know what is unfair competition. The lawyers who have so eloquently addressed the Senate on this section of the bill know, as every other lawyer knows, when the lawyer on the other side is resorting to unfair practices in competition with him or violating professional ethics.

It is a fair question, then, I think, to ask, if this portion of the bill is upheld by the Supreme Court, who will desire that men engaged in business in this country shall be able to use unfair practices in trade?

I have no fear of such bobgoblins as have been conjured up. The States of the Union have been endeavoring to prevent these practices by statute, and in some cases have done so. The courts of the country have found many practices and methods in business unfair and have prohibited them. If we may use, as I think we can, the generic term for such evils, then the honest and straightforward business man will have no fear about what he may do, but will feel relieved as to what competition may do to him, and I do not believe that his fears will be aroused because of the passage of this bill.

PROPOSED AMENDMENT TO BILL.

I think the provisions of section 5 can be and will be made more clear by an amendment to be offered thereto which will settle the exact status of a finding and order of the commission under section 5. I have offered such an amendment, and shall ask a vote thereon before this bill is reported from the committee.

The amendment I shall offer follows the words, as near as may be, of the interstate-commerce act. It provides that the findings of the commission shall only be prima facie evidence

On the 30th of May, 1906:

Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. ALDRICH raised a question of order, viz, that a roll call of the Senate having disclosed the presence of a quorum, and no business having intervened, the suggestion of the absence of a quorum is not in order.

The Vice President submitted the question to the Senate, Is the point of order well taken?

It was determined in the affirmative—yeas 35, nays 8, present and not voting—

That was not a quorum of the Senate actually recorded and the Vice President counted as present Mr. Clay, Mr. Culberson, Mr. Frazier, Mr. Milton, and Mr. Overman.

Then adding the Senators present to those who actually voted, they constituted a quorum; and the affirmative vote being the larger, the motion was declared carried.

The VICE PRESIDENT. The morning hour having expired the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. If the Senator from Delaware will just suspend——

Mr. CLARKE of Arkansas. I ask the Senator from Delaware to consent that we temporarily lay aside the unfinished business until we can dispose of this matter. We are about ready to vote on it.

Mr. SAULSBURY. That is quite agreeable to me.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. I object.

Mr. BRISTOW. I object, Mr. President.

Mr. CLARKE of Arkansas. I am not sure but that this is a privileged question, anyway. I will look in the book here to find out.

[At this point the Vice President laid before the Senate a message from the President of the United States, which was read, and which appears elsewhere under its appropriate heading.]

Mr. CLARKE of Arkansas. Mr. President, I rise to a point of order or a parliamentary inquiry, I am not exactly clear in my mind as to which.

If the ruling of the Chair, which has been temporarily suspended by the appeal, is not sustained, there is no quorum of the Senate present; and we can not take up the unfinished business or anything else. This matter is in an attitude now that a decision is necessary to determine whether the Senate is in session for the purpose of doing business, and under the conditions I raise the point of order that it is a privileged question.

The VICE PRESIDENT. The Chair thinks the point of order of the Senator from Arkansas is well taken.

Mr. BRISTOW. May I suggest that there is but one way of ascertaining whether or not there is a quorum present, and that is by a call of the roll. I suggest the absence of a quorum.

Mr. CLARKE of Arkansas. Mr. President, I think pending the appeal that would not be in order. Certainly it would not be in order to take a Senator off the floor, while a Senator was occupying it for some other purpose, to call for a quorum, or take me off the floor for the purpose of making that suggestion, because in the rulings that I have just read it appears that several of them were upon the distinct point that the Senator having the floor could not be taken off the floor for the purpose of making the point of no quorum.

Mr. BRISTOW. I acknowledge that; but the Senator's contention is that there is a quorum present.

Mr. CLARKE of Arkansas. I contend there is a quorum present.

Mr. BRISTOW. There is but one way to ascertain that fact, and that is by calling the roll.

Mr. CLARKE of Arkansas. I maintain that it is the purpose of a roll call to disclose the presence of a quorum, and that is the very point in issue. If the ruling of the Chair is sustained, there is a quorum present. There was a quorum present when the last vote was taken.

Mr. BRISTOW. That was half an hour ago.

Mr. CLARKE of Arkansas. Nothing has intervened since; we have simply been discussing the same point. I am not real clear about the proposition whether or not the point of no quorum could be made at this time, but the result is that a vote has to be had to determine the appeal at some time, because the question involved is whether the Senate can proceed to the consideration of the river and harbor bill.

Mr. NORRIS. Will the Senator yield to me?

Mr. CLARKE of Arkansas. With pleasure.

Mr. NORRIS. I wish to ask this question of the Senator. I think he has propounded a very interesting parliamentary proposition. I submit to him that unless the Chair's ruling is overruled it must stand. The Chair has ruled that there was a quorum present. While an appeal is pending, that appeal might be postponed to some later day; it might last for several days; but it seems to me until that decision is overruled the decision of the Chair must stand, and therefore in parliamentary law there is a quorum present.

Mr. CLARKE of Arkansas. But the question pending challenges the sufficiency and legality of the Chair's ruling. If the Senator had said that, the hour of 2 o'clock having arrived, the unfinished business came up in regular order, it would be a mere moot question at this time, and I think there would be something in it; I would not be able to successfully resist it. If that point is made, I think I would have to abandon the discussion for the day.

Mr. GALLINGER. Mr. President, I raise a point of order which involves precisely what the Senator has stated, and I had it in my mind to make that very point. It is that the hour of 1 o'clock having arrived, the unfinished business under our rules has necessarily been laid before the Senate, and a request was made to lay it aside and objection was made. Can anything else be before the Senate but the unfinished business?

Mr. CLARKE of Arkansas. That is the point I concede. The decision of the question at this time would be a moot decision for the reason that if the river and harbor bill was taken up it would be immediately displaced by the regular order, which would be the unfinished business. So we shall have to wait for another occasion to take the matter up. In the meantime the decision of the Chair will stand as the rule of the Senate until reversed by some affirmative action hereafter to be taken. I concede the point of order made by the Senator from New Hampshire on that statement.

Mr. WHITE. Mr. President, it occurs to me the situation in which we are left necessitates the decision by the Senate of the appeal from the decision of the Chair, and that we can not be acting as a Senate until the question has been disposed of. That question can never be presented again because that question itself will become a moot question. Unless it is presented now, it never can be submitted until another occasion presents itself where the ruling of the Chair on the same point is brought in question. So I insist that we must decide first whether the ruling of the Chair shall be sustained. The only question that can be presented is the question presented by the appeal.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Alabama yield to the Senator from Utah?

Mr. WHITE. I do.

Mr. SUTHERLAND. I suggest to the Senator from Alabama that in the very discussion which is now taking place and the discussion which took place upon the appeal from the ruling of the Chair, we were proceeding upon the theory that we had a quorum. Otherwise we could not have proceeded at all.

Mr. WHITE. Then, if that is true, if there can be no appeal because we have a quorum, that settles the question. But, as a matter of fact, the answer to the Senator's question is that the appeal suspended for the time being the question as to whether we had a quorum.

Mr. SWANSON. Will the Senator from Alabama allow me a moment?

Mr. WHITE. Certainly.

Mr. SWANSON. It seems to me that we could not lay the unfinished business before the Senate if there was no quorum present; that we could not do anything but get a quorum. Consequently the decision of the Chair that there is a quorum present seems to be a live question now, because unless a quorum was present the unfinished business could not be laid before the Senate and we could not do anything but get a quorum. It appears to me that what we have to do before we can lay the unfinished business or anything else before the Senate is to determine whether there is a quorum present, and if not to secure one.

Mr. SUTHERLAND. Mr. President——

Mr. WHITE. I believe I have the floor.

The VICE PRESIDENT. The Senator from Alabama has the floor.

Mr. WHITE. That is exactly the question I was presenting; and we can not get away from it unless we leave the ruling of the Chair in force, and when we do that that settles the question. Without an appeal the ruling of the Chair becomes final. If it becomes final, it binds the Senate; and the only hope to relieve ourselves of that situation is for the Chair to put the question to the Senate as to whether the ruling of the Chair was correct. I insist that no step can be taken by the Senate until that question has been decided, unless those taking the appeal

concede that the ruling of the Chair is correct and there is no appeal by reason of not insisting upon the appeal.

Mr. VARDAMAN. I wish to make to the Senator from Alabama just one suggestion. When the appeal from the Chair is taken, does it not suspend the decision of the Chair?

Mr. WHITE. I think so.

Mr. VARDAMAN. So if the rule under which the Senate has been acting prior to this occasion has been when the record on the vote reveals no quorum, unless the Chair's ruling is sustained there is no quorum and the appeal from the ruling of the Chair suspends the ruling.

Mr. WHITE. As long as the appeal is pending, but when the appeal is——

Mr. VARDAMAN. It has not been disposed of. Therefore it is pending.

Mr. WHITE. Whenever we take up some other business the appeal is abandoned and that leaves the ruling of the Chair in force.

Mr. SUTHERLAND. Mr. President, the ruling of the Chair that a quorum was present is binding upon the Senate until the Senate has reversed it. It is analogous to an appeal from the decision of a court to a higher court. The judgment of the lower court is not superseded by the appeal. The judgment of the court is not affected until the higher court has held it to be erroneous.

We have proceeded upon the theory, and must proceed upon the theory, that the ruling of the Vice President, whether in fact it be right or not, is binding, and it will be binding and remain binding until the Senate has reversed it. Otherwise we could not be proceeding here at all.

The VICE PRESIDENT. That must be the condition of affairs. The Chair found that a quorum was present. That stands until the Senate reverses the ruling of the Chair. Pending the appeal from the Chair and before the Senate had taken any action, without objection upon the part of the Senate the Chair laid before the Senate the unfinished business. The ruling of the Chair must therefore stand until some subsequent day by some unknown method to the Chair now the Senate reverses this ruling of the Chair.

Mr. WHITE. Then, if that is correct, and I am sure it is correct, I agree with the Chair. I insist that this appeal can never be decided. The same question may be presented when the Chair makes a similar ruling, but this appeal is gone by reason of its abandonment.

The VICE PRESIDENT. It has been the observation of the Chair here that the Chair can find trouble enough in settling questions as they arise without anticipating them.

Mr. KENYON. Mr. President, in order to relieve the situation, if it be in order, for I think this question will arise at some other time, I shall ask to withdraw the appeal, and I do so.

Mr. NORRIS. I object.

Mr. GALLINGER. I ask for the regular order.

The VICE PRESIDENT. The Record will show what has occurred.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The Senator from Delaware [Mr. SAULSBURY] is entitled to the floor.

Mr. CLARKE of Arkansas. Mr. President, I make the suggestion of the absence of a quorum.

The VICE PRESIDENT. The Senator from Arkansas suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Norris	Smith, Mich.
Bankhead	Dillingham	Overman	Smoot
Borah	Fletcher	Page	Sutherland
Brady	Gallinger	Perkins	Swanson
Bristow	Hollis	Pittman	Thomas
Bryan	Hughes	Poindexter	Thompson
Burton	Jones	Pomerene	Thornton
Camden	Kenyon	Ransdell	Townsend
Catron	Kern	Reed	Vardaman
Chamberlain	Lane	Saulsbury	Warren
Chilton	Lee, Md.	Sharpe	White
Clapp	Martin, Va.	Sheppard	
Clarke, Ark.	Martine, N. J.	Shields	
Crawford	Newlands	Simmons	

Mr. KERN. I wish to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is necessarily absent on business of the Senate.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Senator from Delaware [Mr. SAULSBURY] will proceed.

Mr. SAULSBURY. Mr. President, I shall first endeavor to give a brief summary of the bill now before the Senate. It provides for a Federal trade commission composed of five members, provides machinery for its organization, and the taking over of all the records, work, and business of the Bureau of Corporations, which is abolished. Its employees, with the exception of two secretaries, one clerk for each commissioner, and attorneys and experts, are placed in the classified service. Other necessary machinery for the operation of the commission is provided.

The commission is empowered to investigate the organization, business, financial condition, conduct, practices, and management of corporations engaged in interstate commerce, other than common carriers and banks, and to require them to furnish information regarding said matters to the commission, which may prescribe a uniform system of annual reports regarding such corporations or classes of corporations as it may designate.

The information obtained is only made public so far as the commission deems it of public importance, and the business of the companies investigated is protected so far as the information obtained relates to trades processes, names of customers, and other distinctly private matters.

Where suits have been brought by the Attorney General and the court finds for the complainant, it may utilize the commission as a master in chancery to have such hearings as may be necessary to settle the forms of decrees to be entered.

The commission is to report directly to Congress, and may submit recommendations for additional legislation.

If the Attorney General desires, it may investigate the manner in which any order or decree is being carried out or violated, and if it obtains any information as to violation of the law regulating commerce, it reports its findings and the evidence to the Attorney General, with its recommendations, for such purpose having access to documents and writings of any corporation investigated.

The commission is directed to investigate expeditiously trade conditions in foreign countries where the export trade of the United States may be injuriously affected, and, like the Bureau of Corporations, its jurisdiction extends over all trade associations.

I am inclined to believe that this power to investigate foreign trade conditions affecting our export trade may prove very beneficial, both to our business men and in enabling us to efficiently regulate domestic trade through a complete understanding of foreign trade conditions.

The unfair-competition clause of the act is having such full discussion in the Senate that in the summarized statement I am now making it needs only to be mentioned.

Penalties are provided in the act for failure to file reports after 30 days' notice that a company is in default, and the willful destruction, alteration, or removal of documentary evidence, so that it is not available for proper use, is made unlawful, with appropriate penalties; and willful false entries in any book of accounts or record of any trade association, corporate combination, or corporation is made unlawful.

Heavy penalties are provided for any employee of the commission who divulges information without authority, and the commission is given all the powers possessed by the Interstate Commerce Commission to compel attendance and testimony of witnesses and production of evidence.

Power is conferred on the district courts to compel the compliance by any corporation, its officers and employees, with any order of the commission requiring the production of evidence, and other departments and bureaus of the Government are required to furnish the commission with evidence when so directed by the President.

A COMPARISON WITH THE HOUSE BILL.

Mr. President, having briefly summarized the whole bill, I think it will not be unprofitable to compare its provisions with the existing law regarding the Bureau of Corporations and with the provisions of the House bill—the Covington bill—as it came to the Senate. Speaking generally, the only authority at present possessed by any Federal governmental agency to exercise any of the powers conferred by this bill on the Federal trade commission is lodged in the Bureau of Corporations of the Department of Commerce, with respect to industrial corporations engaged in interstate trade and in the Interstate Commerce Commission with respect to interstate carriers.

This bill has to do only with corporations engaged in interstate trade, which are not carriers or banks, and expressly so states. With respect to the corporations with which it deals it

Mr. BORAH. Not necessarily when the body is differently constituted, but when the situation is different.

Mr. PITTMAN. I mean differently constituted as to the personnel at some hour of the day or some day in the week; but it certainly emphasizes the fact that we would escape a great deal of just criticism if we would attempt to establish a few rules for the government of this body.

Mr. THOMAS. Mr. President, I want to emphasize as strongly as I can my commendation of the ruling of the Chair. I believe it ought to go further if necessary. I think the Chair should have the power to count as present every Senator upon this floor at a roll call, whether he announces his presence or not, whether he announces a pair or not, whether he speaks or not. If he is bodily present in the Chamber he can not be spiritually absent from the Chamber. Our constituencies did not send us here for the purpose of sitting around and refusing to answer, or insisting that we should be regarded as absent when we do not vocally announce our presence.

I recall very vividly the tremendous upheaval, in Democratic ranks, particularly, which followed the practice of Speaker Reed years ago when he insisted upon his right to count a quorum; but the common sense of the people was behind him, and as a consequence that which was then declared to be revolutionary, unprecedented, and destructive of American institutions has become the commonly accepted practice, and it ought to be here. So far as our rules are concerned, if I have gained anything from the discussions of them, it is that we have decisions pro and con upon all of them, in consequence of which the most of them are in bewildering confusion.

I think that in this ruling the Chair should be sustained, because even now it is difficult to obtain a quorum, which is, to say the least, not very commendable, particularly on the part of the majority on the Democratic side of the Chamber.

I earnestly hope the ruling of the Chair will be unanimously or with practical unanimity sustained, to the end that we may do business when there are more than 48 Senators in the Chamber, whether they announce their presence or not.

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Is this motion debatable?

Mr. GALLINGER. It is. There is no question about it.

The VICE PRESIDENT. The Chair is of opinion that it is debatable.

Mr. BRISTOW. Mr. President, I desire to state that I shall vote against sustaining the ruling of the Chair. I do not agree with my colleagues here. I think this ruling will enable the Senate to pass bills without a majority of a quorum voting. It is altogether probable that there might be several Senators here paired and not voting, and if the vote was close, less than a majority of a quorum would pass a bill under the rule that has been announced; and I think it would be exceedingly dangerous.

To illustrate, suppose there were 23 votes cast for a measure and 22 against it, and there were half a dozen Senators here who were paired; the result would be, under this ruling, that the bill would be passed by less than a majority of a quorum; and I will never vote to sustain any rule that will result in such a situation.

The VICE PRESIDENT. The Chair desires to state to the Senator from Kansas that that was not the ruling of the Chair. The ruling of the Chair was that it was entirely immaterial as to how the three Senators who were paired voted, and the present occupant of the chair would never make such a ruling as this if the pairs present would in any wise affect the result of the vote.

Mr. BRISTOW. I think that very materially modifies the situation.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator from Kansas, if he will permit me, in regard to the illustration he has given, where 23 votes would pass the bill, that he must realise that the Senators who are present and not voting, if they are opposed to the bill, have it within their power to defeat it.

Mr. BRISTOW. Yes; but they do not perform the functions which it is their duty to perform, and the country is not responsible for that. They are responsible to answer to their constituents. You might as well say, if they were not here, that you could count them here because they are Members of the body.

As to the frequent absence of a quorum, the responsibility is on the Members of this body if they will not attend, the result being that business can not be transacted. That does not justify us, however, in adopting rules that will enable less than a majority to transact business. That would be revolutionary. The modification of the ruling, as I understood it, as announced by the Chair of course takes from the objection that I make a good deal of its force; but I still think the old rule is the better. If we want to transact business, let us be here, and let us require other Senators to be here. We have the power to require them to attend. Let us not excuse them from attending by passing bills when there is not a quorum voting on them.

Mr. SHAFROTH. Mr. President——

Mr. NORRIS. If the Senator will permit me——

Mr. BRISTOW. I yield first to the Senator from Colorado. Then I will yield further to the Senator from Nebraska.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Kansas that the very illustration he has given, namely, that there might be a measure passed here without a majority of a quorum voting, is carried out every day in this body by Senators not voting. You will hear one vote in favor of a measure, and the Chair says it is carried. It seems to me that those Senators are not exercising their functions, as the Senator from Kansas has said in the other case, but no objection is made to it; and it seems to me that the Senators who are not voting but who are here and announce their presence can easily say that they want to be counted.

I believe the ruling of the Vice President is right. I believe that if we do not do that we are going to get at some time such close majorities that a quorum will not transact business, and we will not have a quorum. We can break a quorum at any time. I feel that when a Senator is here and announces that he is paired it is ridiculous to say that he is not present, so that the Vice President can count him to make a quorum; and there is no rule, as I understand, that it takes a majority of a quorum to carry a measure. If you take the declaration as to a quorum being present, it is a majority of those who vote when a quorum is present. That is what I understand is the rule.

To say that a Senator can get up here and announce that he is paired with another Senator, and it goes upon the RECORD that he is here, and then to say that there is no quorum present after the vote is taken, seems to me to be absurd, and sooner or later we must abandon this very practice that it has been claimed has been followed here. The House of Representatives did it, and it was universally commended. Now, no Speaker of the House of Representatives fails to count a quorum if the roll call does not disclose a quorum present and the Members are actually there; and I have heard of no violation of any sound discretion in the matter of counting a quorum. I have heard of no intimations of fraud being attempted.

That being the case, when we have a quorum here, to say that we have to call the roll, and then have another call, and then if that develops a quorum, take a vote, and by reason of two or three persons being paired we can not pass any legislation, seems to me to be absurd.

Mr. BRISTOW. Mr. President, that is all very well if you want to make it easy for Senators to absent themselves from the Chamber and not attend the sessions of the Senate; but I am opposed to any rule that will make it easier for Senators not to attend the sessions of the Senate. I think the Senate is not attended by Senators as much as it should be, anyway, and any letting up on the rules or changing of the rules that encourages Senators to go off and not attend to their duties here, I think is a mistake.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I yield to the Senator.

Mr. POMERENE. In view of what the Senator has just said, what is gained in the way of legislation if a Senator is physically present in the Chamber and yet refuses to take any part in legislative action?

Mr. BRISTOW. He must assume the responsibility of that, the same as he does when he is away and not attending to his duties at all.

Mr. GALLINGER. But when a Senator is paired he is not refusing to take part. He is simply keeping a compact that he has made with another Senator.

Mr. POMERENE. If that be true, then there ought to be some rule changing this compact.

Mr. GALLINGER. That may be so.

Mr. POMERENE. I do not care to take the Senator's time further. I was going to make some other observations.

Mr. BRISTOW. I will ask the Senator from Ohio if he does not think this proposition is for the purpose of excusing Senators who are away and out of town attending to their political business or something else?

Mr. POMERENE. If that question is addressed to me, I answer "no."

Mr. BRISTOW. Some of them are in Europe now, as I understand.

Mr. POMERENE. I am not to be held responsible for the absence of any Senator. I am very much interested in this ruling of the Chair. I think he is to be congratulated. The Senator from New Hampshire has said that for more than 100 years this body has failed to count a Member present when he refused to answer. If it has taken 100 years for the United States Senate to be able to say that a man is here when he is in fact here, if the Chair has within that time not learned to count a Member present when he is in fact present, it reflects but little credit either upon the Chair or upon the Senate. If this body accomplishes nothing during this summer session other than to be able to count a quorum when a quorum is present, our session will not have been in valu, and I for one will be willing to stay here all of next summer if the Senate will adopt some reasonable cloture rule.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. BRISTOW. I do.

Mr. GALLINGER. The Senator from Ohio is too frank a man to put me in a false position. He did not intend to do so.

Mr. POMERENE. I surely did not.

Mr. GALLINGER. I did not say that a Senator refused to vote or that for 100 years a Senator could refrain from voting. There is a rule compelling a Senator to vote if he undertakes to refrain from voting. What I said was that pairs had been recognized, and that that excused a Senator from voting, because he had made an agreement, ordinarily with a Senator upon the other side of the Chamber, that during his absence he would not vote.

The Senator from New York [Mr. O'GORMAN] came to me on yesterday and said that he had to be absent. I said to him: "You recognized the pair while I was absent, and, of course, I will observe the pair while you are absent"; and that I will do; but I do not do it for the purpose of obstructing legislation at all.

Mr. POMERENE. I would not so charge the Senator from New Hampshire.

Mr. GALLINGER. No; the Senator did not do so.

Mr. POMERENE. As I understood the Senator, he was referring to the fact, that for 100 years we had had a rule whereby a man might be present within the knowledge of the Chair——

Mr. GALLINGER. Precisely.

Mr. POMERENE. And at the same time not be counted when it came to the matter of making a quorum.

Mr. GALLINGER. Provided he was paired.

Mr. President, I shall vote against the ruling of the Chair, although I have no doubt it is going to be sustained. I recall with a great deal of interest, if the Senator from Kansas will permit me a moment, the protest that came with such earnestness and power from the late Senator from Georgia, Mr. Bacon, whenever this proposition was broached in the Senate; but I think probably we have passed beyond that stage, and I do not know that there is any other Senator who could take the place the Senator from Georgia occupied. It was a potential appeal that be made to the Senate, as a rule, and I think it was upon his appeal that Vice President Sherman reversed his ruling.

Perhaps, however, we have reached that stage in our procedure, and it may be a wise one. I am not arguing very much against it. I do not think, however, that the ruling of the Vice President that he can invoke the rule under one condition and not under another is sound. I think the ruling ought to be general, if it is going to be made at all; that if it operates in this case it ought to be made to operate in all cases, and not be determined according to what the result would be if Senators voted on the one side or the other of the question.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I yield to the Senator.

Mr. JONES. I merely wish to say I think the ruling of the Chair is correct, and yet I desire to call the attention of the Senator from Kansas to the rule referred to by the Senator from New Hampshire. It seems to me that if it had been applied it would have avoided all of this question and would avoid it entirely in the future, so far as that is concerned.

Part 2 of Rule XII says:

When a Senator declines to vote on call of his name he shall be required to assign his reasons therefor, and having assigned them, the Presiding Officer shall submit the question to the Senate, "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate; and these proceedings shall be had after the roll call and before the result is announced; and any further proceedings in reference thereto shall be after such announcement.

Of course, every pair must be taken with the understanding that if the Senate does not excuse the Senator from voting his vote shall be recorded. Therefore, in this case, if the Senate should refuse to excuse the Senators from voting they could be required to vote, and a quorum would be present; and that rule, if applied, would avoid any difficulty of this character.

Mr. BRISTOW. I think that would be very much better.

Mr. CLARKE of Arkansas. Mr. President, may I impose upon my friend from Kansas to the extent of calling the attention of the Senate at this time to some of the precedents on this very question?

Mr. BRISTOW. Certainly.

Mr. CLARKE of Arkansas. I made the assertion that the action taken by the Chair to-day was not exceptional nor without reason; that it had been what might be fairly called the uniform practice of the Senate for the last 75 years. I have such respect for the memory and judgment of the Senator from New Hampshire that when he said that was not true I thought possibly my memory was at fault, as I did not at that time have before me the recorded evidence of these rulings, and I busied myself to find them. I now have the rulings.

Mr. GALLINGER. I must have said "not correct" instead of "not true." I could not have used the other expression.

Mr. CLARKE of Arkansas. Very well; I make that modification myself.

This question arose on March 15, 1858. I now read from Gilfry's Precedents regarding the rules of the Senate, as recorded on pages 402, 403, and 404 of the volume of Precedents published by that gentleman.

On March 15, 1858, this action is recorded:

During the consideration of S. 161, for the admission of Kansas into the Union, on a motion to adjourn no quorum voted.

The Vice President (Mr. Breckinridge) stated to the Senate that the number of Senators voting did not constitute a quorum of the Senate, but that, in the opinion of the Chair, a quorum was present in the Chamber.

The question came up again on May 15, 1874. The chair was being occupied at that time by Senator Matt H. Carpenter, of Wisconsin, one of the ablest men who ever occupied a place on this floor.

The President pro tempore (Matt H. Carpenter) directed the Secretary to count the Senate to ascertain if a quorum was present.

It was found that no quorum was present.

The question came up again on June 19, 1879, when the chair was occupied by Senator Thurman, an equally distinguished Senator from the State of Ohio.

On question of laying an appeal from the decision of the Chair on the table, yeas were 32, nays 3—no quorum voting. The President pro tempore—Mr. Thurman—counted the Senate and announced a quorum present in the following language:

The Chair has usually taken the fact of there being no quorum voting as evidence that there was no quorum present, but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance; but a quorum has not voted.

The question came up again on March 3, 1881, when the Chair was occupied by Senator Cockrell, of Missouri, one of the most eminent men who ever occupied a seat on this floor, a Democrat who always enjoyed the confidence and respect of his party and was always in sympathy with its purposes and its principles.

This occurred:

While a motion to postpone further consideration of one bill for the purpose of considering another was pending, a motion to proceed to the consideration of executive business was made, on which no quorum voted.

The Presiding Officer [Mr. Cockrell] proceeded to count the Senate, and announced the presence of a quorum.

The matter came up again the 29th of May, 1908:

Mr. LA FOLLETTE raised a question as to the presence of a quorum.

Mr. Aldrich raised a question of order, viz, that a Senator must be in possession of the floor, and that he can not take the floor by asking a parliamentary inquiry and then make any motion.

The Vice President [Mr. Fairbanks] sustained the question of order.

An appeal having been taken from the decision of the Chair,

On motion by Mr. Aldrich to lay the appeal on the table—yeas 32, nays 14—no quorum voting.

The Vice President [Mr. Fairbanks] counted the Senate, and announced that a quorum was present; and no the motion prevailed.

After debate, the Vice President again counted, and found there was no quorum present on another motion.

Jefferson's Manual is the common law of the Senate, and I think it is the common law of all our parliamentary bodies unless changed by specific provision. In section 11 of Jefferson's Manual, as found in the Rules and Manual of the United States Senate, I discover this paragraph—the section relates to committees:

So soon as the House sits and a committee is notified of it, the chairman is in duty bound to rise instantly and the members to attend the service of the House.

I take it that that is binding upon the Senate of the United States, and prescribes the duties of Senators in so far as the sitting of committees during a session is concerned.

I am now having an investigation or examination made, or have asked that one be made, to ascertain what orders the Senate has entered in the way of permitting committees to meet during the session. I have not yet been furnished with the result of that examination; in fact, I suggested it only a few moments ago. I rise now to explain why I do not offer the resolution to which I referred yesterday, and to state that, having given this notice, I hope in the early part of next week to call the matter again to the attention of the Senate with a view to the enforcement of the rule that I have just read.

The VICE PRESIDENT. The Secretary states that the matter concerning which the Senator inquires can be furnished now.

Mr. CUMMINS. I would be very glad if the information could be read from the desk.

The VICE PRESIDENT. The Secretary will read it.

The ACTING SECRETARY. Practically all of the important standing committees of the Senate have been authorized in formal resolutions to sit by committee or subcommittee during the sessions of the Sixty-third Congress. The Journal discloses that the Committee on Appropriations is so authorized by a resolution agreed to on April 28, 1913; Banking and Currency by resolution of April 24, 1913; Commerce, May 29, 1913; District of Columbia, April 15, 1913; Post Offices and Post Roads, May 16, 1913; Indian Affairs, May 20, 1913; Judiciary, April 28, 1913; Public Lands, April 21, 1913; Military Affairs, April 21, 1913; Naval Affairs, May 26, 1913; Privileges and Elections, August 26, 1913; Woman Suffrage, May 19, 1913; Claims, February 10, 1914; Immigration, February 7, 1914; Interstate Commerce, January 26, 1914; and the Committee on the Library, by resolution of March 27, 1914.

Mr. CUMMINS. The mere reading of this list indicates very clearly why Senators are not at liberty to attend the sessions of the Senate. It is, as it seems to me, imperative that we take measures to rescind these orders of the Senate, and I hope to move in that direction very soon.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Is there any matter pending before the Senate?

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. NORRIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Page	Sterling
Bankhead	Gallinger	Perkins	Sutherland
Brady	Hollis	Pittman	Swanson
Bryan	Jones	Pomerene	Thomas
Burton	Kern	Ransdell	Thornton
Camden	Lane	Saulsbury	Townsend
Catron	Lee, Md.	Shafroth	Vardaman
Chamberlain	Martin, Va.	Sheppard	Warren
Chilton	Martine, N. J.	Simmons	White
Clarke, Ark.	Nelson	Smith, Ga.	Works
Cummins	Norris	Smith, Md.	
Dillingham	Overman	Smoot	

The VICE PRESIDENT. Forty-six Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of the absentees, and Mr. KENYON answered to his name when called.

Mr. HOLLIS. I desire to announce that the senior Senator from Maine [Mr. JOHNSON] is unavoidably absent and that he is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The question is on the motion of the Senator from North Carolina.

Mr. NORRIS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ASHURST. May the question be stated again?

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] to take up what is known as the river and harbor bill.

The Secretary proceeded to call the roll.

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him in his seat; therefore I withhold my vote.

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

Mr. TOWNSEND (when his name was called). I desire to announce the unavoidable absence of the senior Senator from Michigan [Mr. SMITH], who is paired with the junior Senator from Missouri [Mr. REED].

I also wish to announce that I am paired with the junior Senator from Arkansas [Mr. ROBINSON], who is necessarily absent from the Senate. If, however, it becomes necessary for me to vote in order to make a quorum, I think the Senator from Arkansas would permit me to vote.

The roll call was concluded.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], who, I understand, is absent from the city. Owing to that fact I withhold my vote.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the Senator from Arizona [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE], and will allow this announcement to stand for the day.

Mr. THOMAS. I understand that my vote is necessary in order to make a quorum. I therefore transfer my pair with the Senator from New York [Mr. ROOT] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

The result was announced—yeas 34, nays 14, as follows:

YEAS—34.

Bankhead	Jones	Poindexter	Smith, Ga.
Bryan	Kern	Pomerene	Smith, Md.
Camden	Lee, Md.	Ransdell	Swanson
Chamberlain	Martin, Va.	Reed	Thompson
Chilton	Martine, N. J.	Saulsbury	Thornton
Clarke, Ark.	Nelson	Shafroth	Vardaman
Fletcher	Overman	Sheppard	White
Hollis	Perkins	Shields	
Hughes	Pittman	Simmons	

NAYS—14.

Ashurst	Clapp	Page	Thomas
Borah	Dillingham	Smoot	Warren
Brady	Kenyon	Sterling	
Bristow	Norris	Sutherland	

NOT VOTING—48.

Brandegee	Goff	McCumber	Smith, Ariz.
Burleigh	Gore	McLean	Smith, Mich.
Burton	Gronna	Myers	Smith, S. C.
Catron	Hitchcock	Newlands	Stephenson
Clark, Wyo.	James	O'Gorman	Stone
Colt	Johnson	Oliver	Tillman
Crawford	La Follette	Owen	Townsend
Culberson	Lane	Penrose	Walsh
Cummins	Lea, Tenn.	Robinson	Weeks
du Pont	Lewis	Root	West
Fall	Lippitt	Sherman	Williams
Gallinger	Lodge	Shively	Works

Mr. GALLINGER. A quorum has not voted, Mr. President.

The VICE PRESIDENT. We might as well settle this question now as at any other time. There are three Senators in the Chamber, Senators GALLINGER, TOWNSEND, and CATRON, who have announced their pairs. Counting them would more than make a quorum. If they voted in the negative, still the motion would prevail.

Mr. GALLINGER. I announced a pair with the junior Senator from New York [Mr. O'GORMAN]. Do I understand that the Chair rules that I should be counted?

The VICE PRESIDENT. The Chair is about to make a ruling, and will let the Senate settle it definitely. On the roll call there are 34 yeas and 14 nays. There are three Senators in the Senate Chamber who have announced their pairs. With the vote and the announced pairs there is a quorum present. If those who announced their pairs should vote in the negative, the motion would still prevail. In order that the question may be definitely settled, the Chair rules that the motion does prevail, and will be glad to have an appeal from the decision of the Chair.

Mr. GALLINGER. But, Mr. President, the Chair suggests that if the Senators paired should vote in the negative it would not change the result. The fact is, however, that under our rules the Senators paired have no right to vote on either side. That has been recognized as a principle, I think, that has never before been challenged.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. There is a precedent for it, the Chair will state.

Mr. GALLINGER. I presume that may be so. There is a precedent for nearly everything.

Mr. BORAH. Mr. President, I do not understand that it is necessary in order to present the question to the Senate to make any calculation about how Senators who are present and not voting would vote. The only question is whether the Chair is entitled to count those announcing their pairs as present. There does not seem to be any appeal from the decision of the Chair.

Mr. KENYON. Mr. President, while I am inclined to think that the Chair is probably right, yet, as the Chair himself says he would like to have an appeal taken, I appeal from the ruling of the Chair.

Mr. CLARKE of Arkansas. Mr. President, I think we should understand what it is we are appealing from before the appeal is taken. I understand that the vote stands 14 nays and 34 yeas, which shows one short of a quorum, and that there are other Senators present who refrained from voting because they have been paired. The Chair enumerated those Senators who are now personally present and were present upon that roll call, and adding those to the number who actually voted found a quorum present. That is in accordance with the uniform practice of the Senate under former administrations; I see no objection to it; and I am sure my friend from New Hampshire would be the very last one to take exception to that condition of affairs.

Mr. GALLINGER. Mr. President, I do not agree with the distinguished Senator from Arkansas that it is in accordance with the uniform practice of the Senate. It is simply establishing the principle of counting a quorum. If the Senate is going to commit itself to that principle, I do not know that I have any objection. While Vice President Sherman did——

Mr. CLARKE of Arkansas. And Vice President Fairbanks, as well.

Mr. GALLINGER. While Vice President Sherman did exercise that right on two or three occasions, he reversed himself during the latter part of his incumbency of the office of Vice President and refrained from acting under the previous ruling which he had made.

Mr. CLARKE of Arkansas. We may indulge the hope that the present Vice President will not reverse himself upon the very wholesome ruling he has just announced.

Mr. GALLINGER. That may be so. I am not going to discuss it at length; I have come to the conclusion that I am not going to discuss anything at great length in the Senate hereafter; but I simply want to call the attention of the Senate to the fact that we are establishing the rule of counting a quorum that was established in another body a few years ago. It may be a wholesome or an unwholesome rule, but it is contrary to the custom of the Senate during the last century I might say, except in one or two instances. The only instance that I recall during my service in the Senate was that Vice President Sherman did count a quorum on two or three occasions; but when his attention was called to it, and he gave serious consideration to the matter, he reversed himself. As an appeal has been taken, however, I shall say nothing further, and content myself with voting.

The VICE PRESIDENT. The question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. BORAH. Mr. President, I agree with the ruling of the Chair. I think it is not only founded upon precedent, but I think it is a wise ruling. I do not like, however, to see an appeal taken from the decision of the Chair, and the rule established on this particular measure, which might not be an indication of what we wanted to establish as a rule of the Senate, but rather as an indication of what we want to do with reference to a particular bill. I shall vote to sustain the Chair, because I think it is a wise ruling.

Mr. TOWNSEND. Mr. President, if I understood the ruling of the Chair and the statement of the Chair, it was to the effect that he had noticed that there were three Senators who had announced that they were paired. I do not understand that the Vice President announced the names of the Senators. It seems to me that it would be a most dangerous rule to establish in the Senate, if, without a record of the names which have been counted as present or announcement made at the time, a ruling should be made and established as the rule of the Senate.

I am inclined to agree with the opinion of the Chair that when Senators are present and in their seats they should be counted if it is necessary to make a quorum; but I think there should be a record so clear that there should be no chance or opportunity to abuse that right so that Senators might be counted as present who were not in fact here.

The VICE PRESIDENT. The Chair did announce the names of the Senators.

Mr. TOWNSEND. I do not think the Chair gave the names of the Senators.

The VICE PRESIDENT. The Chair announced that Senators GALLINGER, TOWNSEND, and CATRON were present.

Mr. NORRIS. There may be considerable in what the Senator from Idaho [Mr. BORAH] has said; but I think that Senators will vote on this question according to their belief in the justice or the injustice, as they may think, of the Chair's ruling. I am opposed to this bill, and it would be natural to vote against sustaining the Chair; and yet I believe the establishment of this rule would be so valuable that, even though I should like to defeat the bill which this motion seeks to bring before the Senate, I doubt whether the defeat of that bill would be more valuable than the establishment of the precedent which we will now establish if a roll call is had; and I am going to ask for a roll call, so that the Chair shall have a right to do just what the Chair has done and let it be firmly established.

Mr. BORAH. Mr. President, there is no more satisfactory way to establish a rule than to have a ruling of the Chair and have it go unchallenged.

Mr. NORRIS. I doubt that.

Mr. BORAH. We vote here, as we all know, in emergencies upon rulings with reference to a particular bill when it is up, and our views upon the bill often control the question instead of our views upon the ruling.

Mr. NORRIS. That is often true, but it is not going to control my vote; and I know of several other Senators—for instance, the Senator from Idaho, for one—who are going to sustain the Chair and yet are opposed to this bill.

Mr. BORAH. That is true; but we know, as we run back through the precedents, that we find them all shot to pieces by reason of the fact that some precedent has been established with reference to a fight upon a particular bill. The best precedent of this body is the unchallenged ruling of the Chair.

Mr. NORRIS. I do not agree with the Senator, for it seems to me that we add emphasis to the ruling of the Chair when an appeal is taken, a roll call is had, and the Chair is sustained. That shows and the debate shows that the proposition was discussed and that it was fully understood. So it seems to me that the vote of the Senate will go a good way toward establishing the authority of the Chair to count a quorum if there is a quorum actually here. That is a very important thing, as I look at it. I ask, Mr. President, for the yeas and nays.

Mr. PITTMAN. Mr. President, I am going to vote to sustain the ruling of the Chair, because I know of no other way by which we can temporarily establish the rule. I must say that I consider the word "rule" a very improper definition of what we are doing. I should like to see a rule that would govern the Chair just as well as this body. We certainly can not have a rule to govern the Chair when the Chair makes the rule on every ruling that he announces. It convinces me more than ever that the charges that have been made against us that we operate without any system or any rule, except according to the vagaries of certain Members who are present, is largely true.

I understand further that a former occupant of the chair has been sustained on a different ruling. That was considered for the time as a rule. The present occupant of the chair does not consider that a rule and makes a different ruling, and now asks this body to sustain a different ruling. This rule, I imagine, will stand until this body will be differently constituted, in which event there will be another rule, so that, I take it, there is no rule governing this body.

The VICE PRESIDENT. If the regular order is called for, the notice does not amount to anything.

Mr. SIMMONS. Mr. President, I hope——

Mr. SMOOT. I am perfectly aware that the notice does not amount to anything, and I am perfectly aware that the Senator from Florida can call for the regular order, and he may do so if he sees fit.

Mr. SIMMONS. I hope the Senator from Florida will permit the Senator from Utah to make the corrections he desires to make. Up to this time the Senator has been discussing a speech that I did not refer to yesterday; but I understand he is now about to begin to discuss the speech and the statements to which I referred on yesterday, with a view to making some corrections.

Mr. SMOOT. That is my only intention.

Mr. FLETCHER. Mr. President, I have no objection whatever to the Senator making corrections, and I do not want to insist upon the regular order if this matter is going to take any reasonable length of time. I do not know how long the Senator means to discuss it, but it seems to me it ought not to take half an hour to make a correction in the RECORD.

Mr. SMOOT. I will say to the Senator that it is not going to take me very long.

Mr. FLETCHER. I will withhold the point of order for the present.

Mr. SMOOT. Mr. President, in his speech of yesterday the Senator from North Carolina referred to an error that was made in my speech of June 20 under the heading of "Lace and lace articles," found on page 889 of the Monthly Summary of Commerce and Finance of the United States. According to that report, the imports of lace and lace articles for the month of April, 1913, were $1,027,188, as quoted by me. For April, 1914, the imports were $1,178,322, or an increase of $151,134; but in preparing the summary the person writing it upon the typewriter copied the wrong line, and took the total of $2,096,038, which made a difference of $917,417 as used in my speech. There was no intention whatever of using the wrong figures. It was simply an error through copying the total, including veils and veilings.

Mr. SIMMONS. The Senator will bear me out in the statement that that is all I said on yesterday.

Mr. SMOOT. The next item was "Silk and manufactures of silk," found on page 896 of the same report. This is what happended in that case: There were imported for April, 1913, manufactures of silk amounting to $2,008,567, and there were importations of artificial silk of $204,374, or a total of $2,212,941, as given in the statement made by me, while, on the other hand, in April, 1914, there were importations of silk manufactures of $2,425,989, and of artificial silk of $414,010, or a total of $2,839,999. The person summarizing the statement added the two together in 1913, and in 1914 he added the two particular items together, but he also included the item just above the total manufacture of unmanufactured silk, which was $8,254,794.

I want to say that in the case of unmanufactured silks for April, 1914, the importations were $8,254,794, and for April, 1913, they were $6,193,634, or an increase of unmanufactured silks of $2,056,164.

Taking into consideration those two errors to which the Senator called attention on yesterday, the total increase would be reduced from 129 per cent to 77 per cent on the whole of the items named. I want also to say to the Senator that in that case I particularly called attention to the imports and the exports. That was what I was discussing, and that was what I desired to call the attention of the country. If the Senator will refer to that speech, he will find that I stated as follows:

> Mr. President, a month ago to-day I called the attention of the Senate to the imports and exports for the month of April, 1914. I desire now to occupy about five minutes of the time of the Senate in calling attention to the imports and exports for the month of May, 1914.
>
> The total imports for May, 1914, were $163,637,386. For May, 1913, they were $133,723,713, or an increase of importations for the month of May, 1914, over the month of May, 1913, of $29,913,673.
>
> The total domestic exports in May, 1914, were $187,406,572, a decrease of $33,649,228 compared with the month of May, 1913.
>
> Taking the imports and exports together, they show a loss to our commerce for the month of May of this year as compared with May, 1913, of $63,562,901.

Mr. President, I call the Senator's attention——

Mr. SIMMONS. If the Senator will permit me, I do not desire to go into a general discussion of imports. I thought the Senator was confining himself to a correction.

Mr. SMOOT. I am confining it to that right now.

Mr. SIMMONS. I should like to ask the Senator a question. In his statement he gives the imports for April, 1914, of silks and manufactures of silks as $11,094,000, in round numbers. For April, 1913, he gives them as $2,212,000. I want to ask him if it is not a fact that he made a mistake in the figures for 1913 of $6,193,000?

Mr. SMOOT. Absolutely; and I stated that the error was made by including the total of the unmanufactured silk in the statement that was made by me.

Mr. SIMMONS. So that the Senator's statement here gives the imports for April, 1914, as $11,094,000——

Mr. SMOOT. Which was an error.

Mr. SIMMONS. Yes; and $2,212,000 for April, 1913, instead of $8,411,000 for April, 1913.

Mr. SMOOT. Two million two hundred and twelve thousand dollars is correct for April, 1913, and I so stated.

Mr. SIMMONS. Yes.

Mr. SMOOT. I want to say that in the case of the exports and imports for both months, which were what I was calling the attention of the Senate to, the Senator from North Carolina dare not dispute a single figure quoted; and the importations he speaks of here of silk or manufactures of silk do not make one cent's difference in the exports and imports quoted by me. They were not included in them, and the whole statement as I made it as to the imports and exports was absolutely correct, if the Monthly Summary of Commerce and Finance of the Department of Commerce is correct.

Mr. SIMMONS. I am not disputing the imports for April or May, and of course I do not dispute the official figures. In my remarks yesterday I stated that the Senator from Utah selected a number of separate items in several schedules for the purpose of showing the increase in importations in April of this year over April of last year and estimated the increase at 120 per cent, I believe, or something like that; and I showed that in three or four items that I picked out of those he selected that his calculations were incorrect because of errors in the aggregate importations quoted, and I pointed out those errors.

Mr. SMOOT. No; there were only two.

Mr. SIMMONS. Well, yes; two in which there were errors in the figures.

Mr. SMOOT. And I will refer to the other two here.

Mr. SIMMONS. Two with reference to that particular error?

Mr. SMOOT. That is all there were.

Mr. SIMMONS. In taking those items the Senator has made in one case, in a $2,000,000 item, a mistake of nearly a million dollars, and in another item of $8,000,000, a mistake of $6,000,000.

Mr. SMOOT. I will say now that I checked over carefully the figures for March, and I did not check over the figures for the following month; hence the error.

I want to say, in relation to the "parts of automobiles," one of the other items to which the Senator has referred, that the figures I quoted were exactly correct. The Senator complains because I did not quote the figures for automobiles themselves, and speaks of the great business in this country of manufacturing automobiles. I want to say to the Senator from North Carolina that in the month of April, 1914, of which he complains, there were just 15 automobiles imported into the United States. The Ford Automobile Co. was reported to be making one automobile a minute. That would be one institution in this country running 15 minutes. I do not think they are making that many right now; but all the importations amounted to was $24,609, and for the month of April, 1913, $106,068, with 44 automobiles imported.

Mr. President, the rate of duty on automobiles above $2,000 was not changed in the last tariff act; it is still 45 per cent. Why should I call attention to it? I could have continued with the summary and found other items with great increases, but I did not want to lumber up the RECORD with too many. I could have put the whole report in the RECORD, but I did not think that necessary. All that I did was to select manufactured and partly manufactured articles in about 25 lines and show the amount of increase that there had been in that class of industry in this country.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. The Senator is entirely evading the point I made.

Mr. SMOOT. No; I am not evading the point.

Mr. SIMMONS. Yes; the Senator is, as I think.

Mr. SMOOT. I do not intend to evade it.

Mr. SIMMONS. I did not mean to say the Senator was purposely evading it, but he is in effect evading it. The Senator selected a number of articles from the whole list of importations in this country for the purpose of showing that there had been an increase in importations by showing that the increase with respect to those particular articles had been very heavy. One of the articles he selected for that purpose was parts for automobiles; and taking the parts, he showed an increase of nearly 300 per cent.

Mr. SMOOT. Which was absolutely true.

Mr. SIMMONS. Yes. Now, I call the attention of the Senator to the fact that if he had taken the item of automobiles, which was in the next line, he would have shown that there was a decrease of 400 per cent. The purpose of my criticism was to show how utterly worthless, for the purpose of argument, it was to pick out a few items here and there and show that there had been an increase in importations in those items; that the Senator could just as well have picked out a few items here and there and have shown there had been a decrease, just as these two items show. The item that the Senator selected, parts of automobiles, showed a big increase in imports; but the item above it, automobiles, showed a larger decrease. So you could go through this document and select items showing a big increase, and likewise you could select items showing a big decrease; so the argument amounts to nothing.

Mr. SMOOT. The argument amounts to this: Everybody knows that there is an increase during those months of importations——

Mr. SIMMONS. That is not denied.

Mr. SMOOT. Taking all the importations, and the Senator dare not dispute the figures that I quoted upon the floor of the Senate as to the importations or the exportations. Not only that, but the Senator also knows that the estimate that was made by the Ways and Means Committee of the House, and also reported by him in this body, was that the revenue from customs under the present tariff law for this fiscal year would be between forty-nine and fifty-two million dollars less than the revenues for the preceding fiscal year, and the Senator knows that on account of the great increase of importations that amount has been reduced to about $25,000,000. That speaks louder than any words, and that is what I called attention to; and all that I put these figures in the RECORD for was to show that a part of the manufactured goods that had been greatly increased. Why, Mr. President, I did not regret one-tenth of them. I could go on and report a good many more.

Mr. SIMMONS. I want to confine the Senator, if I can, to the point at issue.

Mr. SMOOT. I decline to yield any further.

Mr. SIMMONS. I want to ask the Senator this question: Whereas taking parts of automobiles he showed a large increase in importations during the month of May, if he had taken automobiles would he not have shown a larger decrease? That is the only point we were discussing. I do not want to go into the discussion of the tariff question generally this morning, and I did not understand the Senator rose for that purpose.

Mr. SMOOT. I would have been through long ago if the Senator had not interrupted me.

Mr. President, I want to say that I have already stated those figures and given them to the Senate. The Senator knows there was no change in the rate on automobiles above $2,000, which are generally those that are imported into this country.

Mr. SIMMONS. The Senator does not dispute that there was a change in automobiles below that, and a very radical change?

Mr. SMOOT. The Senator has no right to even intimate such a thing, because I have said, every time I made the statement, "automobiles at $2,000 and above." The automobile industry was taken pretty good care of; there is no question about that; and I so stated. Not only that, but the Senator will remember that the Senator from Iowa and myself on this floor called attention to the rate placed upon parts of automobiles, and stated they would be imported and assembled in this country; and what has been the result? The importation of automobiles themselves has decreased, but the importation of parts of automobiles has increased—just what was stated would happen.

Now, as to the other questions with reference to linen thread. I say, Mr. President, the report shows just exactly what I said upon linen thread; and there is no one who dares question it, not even the Senator from North Carolina.

Therefore, Mr. President, as far as all this talk is concerned, it came about, as I said, by the person making the errors in taking the wrong line in two instances, and they were the two items the Senator called attention to. I want to say to the Senate now that, granting all the Senator said, still there is an increase of 77 per cent in the importations of the lines of goods that I called attention to.

I think, Mr. President, that is all I care to say this morning.

Mr. SIMMONS. Mr. President, I shall not take five minutes. I am not going to enter into any discussion with the Senator from Utah on the question of the tariff. I had hoped the Senator would this morning make his corrections and graciously admit his errors as pointed out by me on yesterday. He does not seem to have done that, although he admits that in two particulars to which I called attention his figures were in error—in one case an error of seven hundred and odd thousand dollars in a $2,000,000 item, and in another case an error of $6,000,000 in an $8,000,000 item, which I think very material errors.

In referring to the two other items, to automobiles and yarns, I was not attacking the figures as given by the Senator, as he knows. It was with a view of showing how unfair, if I may use that term without offense, the Senator was in picking out one item in a bracket and not referring to other items which were related to it, and commercially a part of it, and embraced in the same bracket in the table, which showed a reverse condition.

Now, with reference to yarns and linen, the Senator picked out yarns for the purpose of showing that there had been quite an increase in the importation of yarns during the month of April. But the Senator omitted to call the attention of the Senate to the decrease in the importation of linens manufactured from yarns. The table shows that in the case of linen made from yarn, instead of an increase in imports in April, 1914, there was a decrease; the figures show linens imported in April, 1913, $2,000,000, and in April, 1914, $1,120,000.

My purpose and my only purpose in calling attention to those things was to show how a calculation, based upon selecting and segregating an article here and an article there, is worthless and unreliable, because you can take other articles in the same bracket and show the exact reverse of that condition.

Mr. SMOOT. That would be absolutely true, Mr. President, if they stood by themselves alone; but the Senator must admit that the figures I gave showed the whole month's importations and the whole month's exportations.

Mr. SIMMONS. The fault I found with the Senator was this: He took parts of automobiles, and did not take automobiles made out of the parts. He took the yarns, and did not take the linens made out of the yarns.

Mr. SMOOT. I am very sorry that I did not do just exactly as the Senator from North Carolina wanted me to do.

Mr. SIMMONS. Therefore the Senator, although he did not do it intentionally, did not deal fairly with the Senate. It was inadvertence, of course.

Mr. President, I am not going into a discussion of exports and imports, but I will be glad, when I have the time, to take up especially our trade with Europe. I will be able to show the Senate that taking the whole of Europe, the country which the Republican Senators predicted would overwhelm our industries with its cheap pauper-made products, our imports for the first 10 months of the fiscal year 1914 were less than for the like period of the fiscal year 1913; and I will show him that our exports to Europe for the first 10 months in 1914 were greater than they were for the like period in 1913. That will answer the stock Republican argument of European invasion and the argument that recent gold exports to that country were for the purpose of meeting the balance of trade. I have not time to make that argument this morning.

Mr. SMOOT. Do I understand the Senator to say that the imports have been more for the months of May and June?

Mr. SIMMONS. No. I said for the first 10 months of the year.

Mr. SMOOT. Or the months of April and May?

Mr. SIMMONS. I said the imports from Europe during the first 10 months of the past fiscal year have been less than for the like period of the year before, and that the exports from this country to Europe during the same period have been greater.

Mr. SMOOT. The imports have been more and the exports have been less.

Mr. SIMMONS. We will discuss that when we get to it.

MEETING OF COMMITTEES DURING RECESSES OF THE SENATE.

Mr. CUMMINS. Mr. President, I gave notice yesterday that I would this morning present a resolution or a rule that would forbid committees to sit during the sessions of the Senate. Upon examination I find that in all probability a rule of that kind will not be necessary to accomplish the end I have in view.

We feel, further, that it is the duty of this chamber of commerce and of all other similar bodies in the United States to use all legitimate effort to impress the Representatives and Senators in Congress with the fact that legislation such as is now proposed, particularly the Clayton bill, must ultimately result in great commercial and personal loss.

Respectfully submitted.

S. P. BUSH.
T. P. LINN.
SIMON LAZARUS.

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 5847. A bill to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes (Rept. No. 643); and

H. R. 7327. A bill for the relief of Charles L. Hill (Rept. No. 641).

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4830) authorizing Ponca City, Okla., and the board of education of said city to convey certain lands, reported it with an amendment and submitted a report (No. 642) thereon.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. WILLIAMS. By direction of the Committee to Audit and Control the Contingent Expenses of the Senate, I report favorably without amendment Senate resolution 407, and I ask for its present consideration.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 407) reported by Mr. STONE from the Committee on Foreign Relations June 27, 1914, is as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out; and to prosecute said investigation said committee is hereby authorized and empowered to send for persons and papers, to issue subpoenas, to administer oaths, and to employ stenographers to take testimony at not exceeding $1 per printed page; the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

The VICE PRESIDENT. The Senator from Mississippi asks unanimous consent for the present consideration of the resolution.

Mr. NORRIS. I should like to inquire of the Senator from Mississippi—my attention was diverted, and I did not hear just what the resolution was—is that the resolution relating to an investigation by the Foreign Relations Committee?

Mr. WILLIAMS. Yes.

Mr. NORRIS. I notice the Senator from Idaho [Mr. BORAH] is not present. The other day when he was compelled to be absent he requested that, if the resolution was reported, I should ask that it go over one day, so that he could be present when it was considered. Would the Senator from Mississippi have any objection to letting the resolution go over?

Mr. WILLIAMS. No; I shall consent to that.

Mr. NORRIS. I do not wish to object to the consideration of the resolution, and I do not think the Senator from Idaho desires to do so; but he desires to be here when the resolution is taken up. He has, I think, an amendment which he desires to suggest to the resolution.

Mr. WILLIAMS. As I understand, the Senator from Idaho requested the Senator from Nebraska to ask that the resolution go over one day if it were reported?

Mr. NORRIS. The Senator from Idaho did not do so to-day, but the day before yesterday, when the Senator from Idaho was sick and expected the resolution to be reported, he asked me to make that request.

Mr. WILLIAMS. Under the circumstances I think the Senator from Idaho would desire that the Senator from Nebraska again make the same request. I will therefore withdraw the request for the immediate consideration of the resolution and let it go to the calendar.

Mr. NORRIS. I am not asking that the resolution go to the calendar. That might delay it indefinitely.

Mr. WILLIAMS. I ask unanimous consent that the resolution be considered to-morrow morning, so that we may have no trouble about getting it up—that it go over for one day and be considered to-morrow morning.

Mr. SMOOT. That would require a call of the Senate, and I think——

Mr. NORRIS. It would not require a call of the Senate to have the resolution go over for one day.

Mr. SMITH of Georgia. Let it go over without prejudice.

Mr. NORRIS. Just a minute and I will be through. I suggest to the Senator that he withhold reporting the resolution to-day and report it to-morrow. The only thing that can be done now is to consider the resolution or let it go to the calendar.

Mr. WILLIAMS. Then I withdraw the report.

AFFAIRS IN NICARAGUA.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably with an amendment in the nature of a substitute Senate resolution 396, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The amendment to the resolution reported by the Senator from Mississippi will be stated.

The SECRETARY. The amendment reported by the committee is to strike out the preamble and the resolution and in lieu thereof to insert:

Resolved, That the Committee on Foreign Relations, or any subcommittee thereof, is hereby authorized and directed to inquire into any or all transactions affecting the proposed treaty between the Governments of the United States and the Republic of Nicaragua; and it is hereby authorized to take testimony wherever necessary, send for persons and papers, issue subpoenas, and administer oaths, and the expenses incurred thereby shall be paid out of the contingent fund of the Senate, upon the approval of the chairman of said Committee on Foreign Relations.

Mr. NORRIS. Mr. President, I think that is the resolution to which the Senator from Idaho [Mr. BORAH] had reference.

Mr. WILLIAMS. I think not. I think the one to which the Senator had reference was not the resolution directing the Committee on Foreign Relations to make an investigation in connection with the Nicaraguan treaty, but in connection with the divulging of what had happened in its executive sessions. I think that is the case, unless the Senator from Nebraska knows better.

Mr. NORRIS. I am not exactly certain. There were two resolutions, and, as I stated, I did not hear the first resolution read.

Mr. WILLIAMS. The first resolution was a resolution offered by the Senator from Missouri [Mr. STONE] for an investigation to endeavor to ascertain how the secrets of the committee got out. That is the resolution, the report on which I withdrew a moment ago.

Mr. NORRIS. I think that is the resolution.

Mr. WILLIAMS. The other resolution is the resolution offered by the Senator from Michigan [Mr. SMITH] in connection with our investigation of the conditions of the Nicaraguan Republic.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the Committee to Audit and Control the Contingent Expenses of the Senate.

The amendment was agreed to.

The resolution as amended was agreed to.

BILL AND JOINT RESOLUTION INTRODUCED.

A bill and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 6031) authorizing the Board of Trade of Texarkana, Ark.-Tex., to construct a bridge across Sulphur River at or near Paces Ferry, between the counties of Bowie and Cass, in the State of Texas; to the Committee on Commerce.

A joint resolution (S. J. Res. 168) directing the Commissioner of Labor to employ temporary assistance to carry out a Senate resolution; to the Committee on Appropriations.

FEDERAL TRADE COMMISSION.

Mr. STERLING. I submit an amendment intended to be proposed to the pending trade commission bill, which I ask may be read.

There being no objection, the amendment was read, ordered to lie on the table and to be printed, as follows:

After line 22, on page 21, insert the following:

"And jurisdiction for the enforcement of any order so issued by said commission restraining and prohibiting the use of any such unfair method of competition is hereby conferred upon the district courts of the United States. Such district courts shall also have jurisdiction of suits to enjoin, set aside, stand, or suspend any order of said commission restraining or prohibiting the use of any method of competition as unfair: *Provided*, That the pendency of such suit shall not of itself stay or suspend the operation of such order of the commission, but said court, in its discretion, may restrain or suspend in whole or in part the operation of such order pending the final hearing and determination of the suit: *Provided further*, That the procedure in said district courts shall be the same, as near as may be, as the procedure heretofore prevailing in cases in the commerce court and arising out of the orders made by the Interstate Commerce Commission, and that the venue of any suit hereafter brought to enforce, suspend, or set aside in whole or in part any order of said commission restraining or prohibiting the use of any particular method of competition as unfair shall be in the judicial district wherein is the residence of the party or any of the parties upon whose application or petition the order was made or in the district wherein the method or methods complained of as constituting unfair competition are used or employed."

MODERN SOCIAL INDUSTRIAL DISORDERS (S. DOC. NO. 531).

Mr. SMITH of Georgia. I have a copy of an address delivered at the University of Georgia a few days ago by the Senator from Colorado [Mr. THOMAS] on "Modern social industrial disorders." It is a very interesting and valuable address, and I ask that it may be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REVISION OF LAWS IN JUDICIAL PROCEDURE.

Mr. SUTHERLAND. Mr. President, on June 18 there came from the House the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which had passed the House on the previous day. The RECORD shows that the bill was referred to the Joint Committee on the Revision of the Laws of the United States. I understand, as a matter fact, that there is no longer such a committee. There was a committee of that kind created some years ago, and it revised the laws relating to crimes and the substantive laws relating to the judiciary. They have taken form in the criminal code and the judicial code.

The bill which has passed the House relates to the procedure. It is a very important bill. It is a bill which ought to be dealt with and disposed of during this Congress, although it is a work that ought not to be hurried. It either ought to be referred to the Judiciary Committee or there ought to be created a Committee on the Revision of the Laws. We did have such a committee years ago—that is, a Senate Committee on the Revision of the Laws—but that committee is no longer in existence. The Senate provided for its part of the Joint Committee on the Revision of the Laws, but the House never appointed their members; so that, as I understand, the joint committee is not in existence. I do not see the chairman of the Judiciary Committee present. I should have liked to have had his attention to the matter.

Mr. WARREN. The Senator from Utah is right in stating that we formerly had a Senate Committee on the Revision of the Laws, with regular employees. We also had a joint committee. We provided for quite a large amount of money to be expended from the contingent fund by the House and Senate, and that committee performed the duties to which the Senator has referred; but on the assembling, I think, of the last Congress the House refused to provide for their part of the committee, and so the matter was dropped. I am not certain whether the majority party in naming their committees made any provision for such a committee. If they did so, I have heard nothing of it.

The VICE PRESIDENT. There is a Senate committee of that kind—the Committee on the Revision of the Laws—composed of the Senator from Arkansas [Mr. ROBINSON], the Senator from Utah [Mr. SUTHERLAND], and the Senator from Rhode Island [Mr. COLT].

Mr. WARREN. That is probably a revival of the old Senate committee of which the Senator from Utah is himself a member.

Mr. SUTHERLAND. But there are no House members of the committee; so that the joint committee has not been revived.

Mr. President, I move that House bill 15578 be recalled from the Joint Committee on the Revision of the Laws and referred to the Committee on the Judiciary.

The VICE PRESIDENT. The Senator from Utah moves that the Committee on the Revision of the Laws be discharged from the further consideration of the bill to which he has referred, and that it be referred to the Committee on the Judiciary. Without objection, that will be done.

THE SALEM RELIEF FUND (S. DOC. NO. 530).

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Appropriations:

To the Senate and House of Representatives:

The governor of Massachusetts has sent me the following telegram:

"The Salem relief fund is increasing slowly. The expense of rehabilitation will be enormous, as 3,000 families are homeless and without work. If the National Government could appropriate $300,000, it would assist greatly. I am informed that the action of the National Government at the time of the San Francisco disaster furnished a precedent. Can anything in the way of substantial contribution from the National Government be obtained?"

In view of the great number of homeless and destitute in Salem, I very earnestly urge the immediate appropriation by the Congress of $200,000, as requested by the governor, to be expended under the direction of the Secretary of War.

WOODROW WILSON.

THE WHITE HOUSE, *July 3, 1914.*

IMPORTS AND EXPORTS.

The VICE PRESIDENT. Morning business is closed.

Mr. SMOOT obtained the floor.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I yield to the Senator.

Mr. SIMMONS. The Senator has obtained recognition. I desire to take the floor in my own right.

Mr. SMOOT. Mr. President, yesterday afternoon after I had given notice that I would send for the Monthly Summary of Commerce and Finance, issued by the Department of Commerce, for the months of March and April, 1914, I did so, and I have made an examination of the figures referred to by the Senator from North Carolina.

Mr. SIMMONS. If the Senator will pardon me, to what item is he referring?

Mr. SMOOT. I have not yet referred to any particular item, but I will refer to all of them in a moment.

Mr. President, the first time that I called the importations and exportations to the attention of the Senate was in a speech delivered by me on May 20, 1914, referring particularly to importations and exportations and comparing the month of April, 1914, with the corresponding month of the year 1913. Incidentally I referred also to a line of manufactured and partly manufactured articles, showing the amount of importations for March, 1913, and their value, and also the amount and value of the importations for March, 1914. I have carefully checked those figures over, Mr. President, and I find every single one of them, of the many that were quoted, exactly as reported in the Monthly Summary of Commerce and Finance for the month of March. In my statement I said:

The returns of the Department of Commerce show that the merchandise exports for April of this year amounted to $162,368,852, as compared with $199,813,438 for the corresponding month of last year under a protective tariff. This is, as I stated, a loss in exports of $37,434,586 in a single month.

The imports in April of this year were $172,640,724, as compared with $146,194,461 in April of last year, or a gain in imports for the month of $26,446,263. Taking the imports and exports together they show a total loss in money to the commerce of the United States of $63,880,849 in one month, or at the rate of $766,570,148 annually.

I take it for granted that the Senator from North Carolina does not dispute those figures. Again, I have here the Summary of Commerce and Finance, showing that every figure I quoted on May 20 is exactly in accordance with the figures reported from the Department of Commerce by its Bureau of Foreign and Domestic Commerce.

Mr. CLARKE of Arkansas. Mr. President, from what document does the Senator read? I refer to the one he has in his hand.

Mr. SMOOT. That is a copy of the remarks I made on May 20. I could read exactly the same figures from the RECORD of that date, but I thought I could hold this copy much easier than the RECORD.

I now come to the speech that was made just one month afterwards, on June 20.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. I do.

Mr. FLETCHER. Under a proposition to make a correction in the RECORD the Senator from Utah is proceeding to elaborate the subject of importations and exportations and the tariff question generally; and we are going to lose two hours again this morning, just as we did yesterday, with the business of the Senate making no progress whatever. I think I shall feel obliged to call for the regular order.

Mr. SMOOT. Yesterday I gave notice that I would answer the figures referred to by the Senator from North Carolina, and I will say——

SENATE.

FRIDAY, *July 3, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the Father of our Lord Jesus Christ, God of our fathers, we worship Thee. Thy name is supreme in our thought and we trust Thy name is supreme in our affection. Thou hast given to us a great Nation. Thou hast breathed into it the spirit of love for our country. That which we enjoy, that which we hold sacred in our national life, is the product of Thy hand. By Thy grace Thy servants have been enabled to erect a temple to freedom and by Thy power it has been maintained through the years.

Now we pray that Thy guidance may be with those who still direct the affairs of this great land, that Thy name may be written in every law, that Thy will may be executed by all the people. Hear us in our prayer. Bless us according to the measure of Thy grace, in Christ Jesus. We ask in His sacred name. Amen.

The Journal of yesterday's proceedings was read and approved.

PETROLEUM DIVISION, BUREAU OF MINES.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation in the sum of $50,000 for inquiries and investigations of petroleum and natural gas under the Bureau of Mines for the service of the fiscal year 1915, etc., which, with the accompanying paper, was referred to the Committee on Appropriations.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Perkins	Sterling
Brady	Hollis	Poindexter	Sutherland
Bristow	Jones	Pomerene	Thomas
Bryan	Kern	Ransdell	Thornton
Burton	Lane	Reed	Warren
Camden	Martin, Va.	Shafroth	White
Catron	Martine, N. J.	Sheppard	Williams
Chamberlain	Myers	Simmons	Works
Culberson	Nelson	Smith, Ga.	
Dillingham	Norris	Smith, Md.	
Fletcher	Page	Smoot	

Mr. SMITH of Georgia. I desire to state that the junior Senator from Georgia [Mr. WEST] is still detained at his room on account of sickness. During the day I will transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia and will vote.

Mr. CAMDEN. The junior Senator from Kentucky [Mr. JAMES] is unavoidably absent. He is paired with the junior Senator from Massachusetts [Mr. WEEKS]. This announcement may stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from South Carolina [Mr. SMITH], the senior Senator from Missouri [Mr. STONE], the senior Senator from Indiana [Mr. SHIVELY], and the junior Senator from Arizona [Mr. SMITH], all of whom are out of the city on important business.

I also desire to announce the absence of the junior Senator from New Jersey [Mr. HUGHES], the junior Senator from North Carolina [Mr. OVERMAN], the senior Senator from West Virginia [Mr. CHILTON], the junior Senator from Minnesota [Mr. CLAPP], the junior Senator from Iowa [Mr. KENYON], the junior Senator from Kansas [Mr. THOMPSON], and the senior Senator from Tennessee [Mr. LEA], who are absent unavoidably on business of the Senate, being in attendance upon a committee. This announcement may stand for the day.

The VICE PRESIDENT. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of the absentees.

The Secretary called the names of the absent Senators, and Mr. MCCUMBER answered to his name when called.

Mr. OVERMAN, Mr. CLAPP, Mr. THOMPSON, Mr. KENYON, and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-seven Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be instructed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the order of the Senate.

Mr. SWANSON, Mr. CHILTON, and Mr. SAULSBURY entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the International Sunday School Convention, held at Chicago, Ill., praying for national prohibition and also for Federal censorship of motion pictures, which was referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry citizens of Lone Wolf, Okla.; Daytona, Fla.; and Gravity, Pa., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CATRON presented a petition of sundry citizens of Amistad, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Manzano, N. Mex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH. I present a petition signed by citizens of Denver, Colo., which I ask may be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of State of Colorado, have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay, in the most feasible and practical manner, to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Capitol Building, Denver, Colo., this 2d day of May, 1914.

HARRIET G. R. WRIGHT,
Presiding Officer, C. E. S. Association.
DORA PHELPS BUKLI,
National Executive Committee, A. W. S. A.

Attest:

BESSIE THOMPSON,
Secretary.
MARY C. C. BRADFORD,
State Superintendent of Public Institutions.
MARY PATE, *Director.*
Per PISANA.

Mr. ASHURST presented a telegram in the nature of a petition from the Temperance Federation of Pima County, Ariz., and a petition of sundry citizens of Prescott, Ariz., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRADY presented memorials of sundry citizens of Idaho, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of sundry citizens of Houston, Rosedale, and Redkey; of the Christian Endeavor Society of Memorial United Brethren Church, of South Bend; of the Epworth Leagues of Fort Wayne; of the Men's Bible Class of the Wall Street Methodist Episcopal Church, of Jeffersonville; of Foster Cardwell, Clarence Morge, Christian Hansing, and 13 other citizens of Terre Haute, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 84, International Union of United Brewery Workmen of America, of Evansville, Ind., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of South Bend, Ind., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BURTON presented memorials of sundry citizens of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

Mr. BURTON. I present resolutions adopted by the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio; of the Commercial Club of Springfield, Ohio; and of the Chamber of Commerce of Columbus, Ohio, favoring the creation of a trade commission and the postponement of further trust legislation until the next session of Congress. I ask that the resolutions may be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

CINCINNATI CHAMBER OF COMMERCE AND MERCHANTS' EXCHANGE,
Cincinnati, June 26, 1914.

Whereas, in the opinion of the board of directors of the Cincinnati Chamber of Commerce, the Clayton and Newlands bills, known as the antitrust measures, now pending in Congress, will seriously affect many established legitimate business customs and necessitate radical changes in methods that have been in vogue for many years; and

Whereas such changes should be made only after the most careful investigation and research in order that improper practices may be eliminated without working hardship upon those who have conducted their business along proper lines; and

Whereas, although recognizing the good intent of the administration and Congress, we believe that sufficient time has not been given to these matters to make the exhaustive survey necessary for the enactment of legislation which will eliminate said abuses without seriously affecting and disorganizing the general business interests of the country: Therefore be it

Resolved by the board of directors of the Cincinnati Chamber of Commerce, That we urge upon the President and the Members of Congress that all further action on pending antitrust legislation be deferred until the next session of Congress; and be it further

Resolved, That we recommend that these questions be referred to the trade commission about to be established or some other competent body empowered to gather data that will be instructive to the next session of Congress in preparing constructive legislation in aid to the Sherman law; and be it further

Resolved, That a copy of these resolutions be sent to the President of the United States, the Senators from Ohio, and the representatives from Hamilton County; and be it further

Resolved, That the provisions of the Clayton bill eliminating from its provisions agricultural, labor, and other organizations is an unwise feature of class legislation which will affect injuriously the interest of both capital and labor and of producers, distributors, and consumers by arraying these interests against each other, thereby emphasizing the differences which already exist.

Resolution adopted by the officers and directors of the Springfield Commercial Club, Springfield, Ohio, June 8, 1914.

In spite of the fact that, while crop conditions are unprecedentedly promising and money plentiful throughout the country, the general business depression of the past several months continues to exist, with no sign of abatement, in addition to there being upward of 1,000,000 workmen out of employment throughout the country; and Furthermore, believing that the unsatisfactory conditions of industry are largely due to the resultant uncertainty and alarm caused by the prospective additional legislation by Congress, directly affecting business: Therefore be it

Resolved, That we favor the prompt creation by Congress of an interstate trade commission, to be appointed by the President, but are irrevocably opposed to any legislation that at all discriminates against any of the various elements comprising industry.

Resolved, That aside from the creation and appointment of the interstate trade commission we believe that any additional legislation affecting business should be deferred until the business men of the country have had sufficient time to make the necessary readjustments incidental to the new tariff law and the new currency measure, besides becoming fully acquainted with the character of some of the proposed business legislation, regarding which they are now ignorant.

Resolved, That we believe there should be an assurance from Congress and the administration that additional legislation affecting business should await the creation and appointment of such interstate trade commission, which commission should be empowered to make the necessary investigation, so as to submit to the President later on a definite recommendation regarding any further corrective legislation supplemental to the Sherman Act that may be necessary.

Resolved, That we believe such an assurance from Congress and the administration would at this time tend to materially stimulate business, restore prosperity, and provide employment for labor generally throughout the country.

To the Board of Directors of the Columbus Chamber of Commerce.

GENTLEMEN: Your committee, to which was referred referendum No. 8 of Chamber of Commerce of the United States of America, containing the report of the special committee of that body on trust legislation pending in Congress, and relative to proposals for regulating business practices, respectfully report:

We have gone over with care and in detail the report of the special committee on trust legislation of the Chamber of Commerce of the United States, set out in full in referendum No. 8. We report and recommend—

First. That this chamber of commerce vote "yes" upon the first recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should be no attempt by statute to forbid discrimination in prices of commodities."

Second. We recommend that this chamber of commerce vote "yes" upon the second recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that a proposal to compel persons controlling the product of mines to sell to all applicants 'who may be responsible' is wrong in principal and unworkable in practice."

Third. We recommend that this chamber of commerce vote "yes" upon the third recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should not be statutory prohibition of conditions accompanying sales and leases to the effect that buyers or lessees can not handle or use the products of competitors."

Fourth. We recommend that this chamber of commerce vote "yes" upon the fourth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that the final decree in an equity suit brought by the Government, which establishes the existence or the nonexistence of a restraint of trade or of a monopoly, should be conclusive evidence as to the same general fact in private actions brought against the same defendants under the antitrust laws."

Fifth. We recommend that this chamber of commerce vote "yes" upon the fifth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that interlocking of directors among competitive business corporations, including railroad corporations, should be prohibited regardless of the size of the corporation, if elimination of competition among the corporations in question would constitute a violation of the Sherman Act."

Sixth. We recommend that this chamber of commerce vote "yes" upon the sixth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that interlocking of officers and directors between railroads and industrial businesses with which they transact a substantial volume of business—for example, in the relation of buyer and seller—should be prohibited except in such instances as the Interstate Commerce Commission may determine are not detrimental to the public interests."

Seventh. We recommend that this chamber of commerce vote "yes" upon the alternative proposal (C), recommended by the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"(C) Should there be legislation in a form which would not pronounce illegal existing situations, but would authorize the Interstate Commerce Commission upon finding a detriment to the public interest in any interlocking in order, that it be terminated?"

Eighth. We recommend that this chamber of commerce vote "yes" upon the alternative proposal (A), recommended by the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"(A) Should the problem involved in preventing concentration of credit be referred for investigation and recommendation to the Federal Reserve Board or some other competent body?"

Ninth. We recommend that this chamber of commerce vote "yes" upon the ninth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that corporate ownership of stock directly or indirectly of competitor corporations should be prohibited if elimination of competition among the corporations in question would constitute a violation of the Sherman Act, except in such instances as the interstate trade commission—or the interstate trade commission in the case of railroads—may determine are not detrimental to the public interest."

Tenth. We recommend that this chamber of commerce vote "yes" upon the tenth recommendation of the special committee of the United States Chamber of Commerce, which recommendation is as follows:

"The committee recommends that there should not be an attempt to regulate the shares of stock issued by corporations engaged in interstate commerce."

We feel that the special committee of the United States Chamber of Commerce, which has investigated the various trust measures now pending in Congress, has given to their consideration the best thought possible, and that their conclusions have been arrived at after a most exhaustive examination of the subject, and that their conclusions are based upon an honest desire to assist Congress in enacting such legislation, and such only, as will benefit the business interests of the country and at the same time protect and safeguard the interests of the people as a whole. The special committee in charge of the investigation, which has made the report, is composed of some of the best business men of the United States aided by able counsel.

In the recommendations of this committee so far there has appeared no effort to obstruct any legislation which is fair and which will inure to the best interests of all.

We think it not inappropriate to urge upon your board the duty of getting a full expression from the members of the chamber of commerce upon these measures, and of urging upon the members the necessity of carefully considering not only the recommendations themselves but the legislation now proposed. That legislation, if enacted in its present form will, in our judgment, injure all legitimate business enterprises, will complicate unnecessarily all methods of doing business, will result in endless litigation in order to determine what is and what is not legal under the proposed legislation, and will injure and not benefit the whole people.

By Mr. SHREVE: A bill (H. R. 17620) granting a pension to Margaret E. Hoppock; to the Committee on Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17621) to authorize the sale and issuance of patent for certain land to William G. Kerckhoff; to the Committee on the Public Lands.

By Mr. TALCOTT of New York: A bill (H. R. 17622) granting a pension to James Sullivan; to the Committee on Pensions.

By Mr. VARE: A bill (H. R. 17623) for the relief of Richard Sheehan; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Berkeley (Cal.) Chamber of Commerce, favoring passage of a bill providing for the payment of railroads for handling mails; to the Committee on the Post Office and Post Roads.

Also (by request), resolution signed by the pastor of the Adams County Christian Endeavor Union, at Arendtsville, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of Cigar Makers' Union, No. 144, of New York City, protesting against national prohibition; to the Committee on Rules.

Also (by request), petition of 50 voting citizens of Gilroy, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petition of sundry citizens of Rantoul, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of Helen A. Taylor, of Ellis Island, N. Y., favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the directors of the Washington Board of Trade, the Chamber of Commerce, and the Retail Merchants Association favoring half-and-half plan of taxation for the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the board of governors of the Board of Trade, of Tampa, Fla., favoring national drainage by Federal Government; to the Committee on Rivers and Harbors.

By Mr. BURKE of South Dakota: Letters from E. G. Strong, Athol; Perry Clifford, Cresbard; Ed. M. Newcomb, Woonsocket; and Olin V. Dunn, Sisseton, all in the State of South Dakota, urging passage of amendment to the Constitution providing national prohibition legislation; to the Committee on Rules.

Also, protests of sundry citizens of Aberdeen, Hoven, Revillo, Sinai, Sioux Falls, Vermillion, Warner, and Watertown, all in the State of South Dakota, against national prohibition legislation; to the Committee on Rules.

Also, petition of sundry citizens of Fall River County, S. Dak., favoring passage of enlarged homestead bill; to the Committee on the Public Lands.

By Mr. CARY: Petition of John Harth, Peter Hanel, John P. Murphy, L. Kanutz, Jacob Hammetschdoz, A. H. Sibilsky, C. S. Howard, C. Berhard, J. Loewy, A. L. Vachon, O. E. Krause, G. Bayer, William Wollingin, Henry Crasp, Nic Weiss, Albert Hunter, Robert Possett, Louis Stuller, Emil Hoeerst, Stephen Bethke, F. M. Derrister, Oscar Rehm, Louis Sischer, Julius Rehm, Walter August, Emil E. Tiegs, Arthur Schroeder, Otto A. Kassinike, All. J. Behnki, Thomas H. Warner, Emil Hochschid, Anton Krueger, Peter Wielipski, Charles Kassulke, Val. J. Pekas, William Bannemer, Andrew Zuntek, L. Roth, Augustus Boesse, Otta Latke, R. J. E. Skinkle, and several others, all of Milwaukee, Wis., protesting against the passage of the Hobson resolution or any other resolution which will tend to prohibit the manufacture, distribution, sale, or shipment of any kind of alcoholic beverage in or throughout the United States and its possessions as an unwarranted interference with the rights of all American citizens and a usurpation by the Federal Government of a domestic question belonging to the several States; to the Committee on Rules.

Also, a telegram, by Weis Bros. Co., of Milwaukee, Wis., in the nature of a petition protesting against the passage of the Hobson resolution which is now pending in Congress; to the Committee on Rules.

By Mr. CLARK of Florida: Petitions of various citizens of Florida, against national prohibition; to the Committee on Rules.

Also, petition of the Florida State Pharmaceutical Association, favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Rev. H. H. Bowen and others, of Daytona Beach, Fla., and Edwin Nelson, of Miami, Fla., favoring national prohibition; to the Committee on Rules.

Also, petition of Judge J. L. Billingsley, Mrs. Anna Lake Audens, and others, of Miami, Fla., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. CRAMTON: Petition of Melville J. Welt, of Detroit, Mich., protesting against the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petitions signed by Mr. T. J. Finkle and 62 other citizens of Clifford; A. C. M. Johnson and 73 other citizens of Memphis; E. G. Fitz, of Lamb; Joseph Potter, of Memphis; and resolutions adopted at mass meetings of citizens of Croswell, Carsonville, Memphis, Elkton, and Vassar, all in the State of Michigan, in support of the Hobson resolution proposing to submit to the legislatures of the various States the question of national prohibition; to the Committee on Rules.

By Mr. CURRY: Petition of six residents of the third California district protesting against prohibition; to the Committee on Rules.

Also, petition representing 32 people, by the Lathrop (Cal.) Woman's Christian Temperance Union, in favor of prohibition; to the Committee on Rules.

By Mr. DALE: Petition of F. C. & W. Johnson, and T. W. Lane & Co., of New York City, protesting against antitrust bills; to the Committee on the Judiciary.

Also, petition of sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Frankford Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the Holmesburg Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of Danbury, Conn., relative to strike of miners in Colorado; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Kansas, against national prohibition; to the Committee on Rules.

By Mr. DRUKKER: Petition of Mary Gamble Cummins, Elizabeth Sutton, and others, of Paterson, N. J., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. EAGAN: Petitions signed by 132 citizens of Hudson County, N. J., protesting against national prohibition; to the Committee on Rules.

By Mr. FARR: Petition of Dr. Anna C. Clark and others, of Scranton, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. FRANCIS: Petition of the Reformed Church, of Germano, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petition of the Christian Temperance Association, Reformed Church Sunday School and Christian Endeavor Society, of Germano, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition from Joe W. Bean, of Haverhill, Mass., favoring the passage of the proposed amendment to the Constitution of the United States extending equal suffrage to all its adult population, regardless of sex; to the Committee on the Judiciary.

Also, petitions of a mass meeting at East Gloucester, the Washington Street Methodist Episcopal Church, and sundry citizens of Newburyport, Bay View, and Gloucester, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of sundry citizens of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of Helen H. Byerly, May H. Gerhart, and others, of Lancaster, Pa., favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. HAMILTON of New York: Petition of sundry citizens of Mayville, N. Y., favoring the passage of the Hobson national prohibition amendment; to the Committee on Rules.

Also, petition of Emma Harwood, Elizabeth M. Jordan, and others, of Richburg, N. Y.; Mrs. R. B. Burrows, Mrs. Mary Wanfield, and others, of Andover, N. Y., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. HAWLEY: Petitions of sundry citizens of Oregon, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Port Angeles and Raymond, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petitions of sundry citizens of Butler, Pa., protesting against House joint resolution 168 for national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Valencia and Monessen, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petitions of 380 citizens of Plymouth, sundry citizens of Bantam and Seymour, and various members of the Methodist Episcopal Church of Ansonia, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Gilberton, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petition of 4 citizens of New York City, against national prohibition; to the Committee on Rules.

Also, petition of 4 citizens of Sauquerties, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the New York State Retail Jewelers' Association, favoring Owen-Gecke bill relative to elimination of time guaranties on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, against section 6 of House bill 12928 to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petition of the South Manchester Methodist Episcopal Church, of South Manchester, Conn., in favor of submitting the prohibition amendment; to the Committee on Rules.

Also, petition of O. H. Green and other citizens of Glastonbury, Conn., favoring the prohibition amendment; to the Committee on Rules.

Also, petitions of the Young People's Society for Christian Endeavor of Collinsville, Conn., favoring national prohibition; to the Committee on Rules.

Also, petitions of citizens of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

Also, petition of August Haertl, of Hartford, Conn., opposing national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Petition of sundry citizens of Union, Me., favoring national prohibition; to the Committee on Rules.

Also petitions of the Second Congregational Church, of Newcastle; the Methodist Church, of Norway; the Methodist Church, of Rumford Center; the Methodist Episcopal Church and Sunday School, of Hartford; sundry citizens of Bowdoinham; the Methodist Episcopal Church, of Rumford Center; and sundry citizens of Rumford Center, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of seven citizens of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Bloomingdale, N. Y., and Robert McDowell, of Clarke Mills, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petitions of P. H. Sheridan and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry voters of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens and churches of Hanna, Wankomis, Victor, Sklatook, and Chandler, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of Beer Drivers' Union, Local 277, of San Francisco, Cal., and the North American Skat League, protesting against national prohibition; to the Committee on Rules.

Also, petition of Capt. William S. O'Donnell and 36 other citizens of San Francisco, Cal., protesting against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, resolutions of the Grand Army of the Republic, Departments of California and Nevada, protesting against the passage of the resolution introduced in Congress providing for the rearrangement of the stars and bars on the American flag; to the Committee on Military Affairs.

By Mr. O'LEARY: Petitions of sundry citizens of Elmhurst, Long Island, New York City; Springfield Gardens, Long Island, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of Emily F. Child, Lillie R. Sanders, and others, of Warren; Elizabeth U. Yates, Sarah Filts, and others, of Providence; and Maude Howe Elliott, Salda S. Wright, and others, of Newport, all in the State of Rhode Island, favoring woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. PAIGE of Massachusetts: Petitions of 39 citizens of Fitchburg, Mass., and 140 citizens representing the First Methodist Episcopal Church of Clinton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of sundry citizens and various members of the Christian Endeavor Society of the First Presbyterian Church of Matteawan, N. Y., and various members of Sylvan Lodge, No. 576, International Order of Good Templars, of Poughquag, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. REED: Petitions of H. A. Lee, John F. Schricker, Jesse Markee, J. D. Hayes, Joseph Just, F. J. Kearns, J. N. Judkins, E. H. Rotman, J. Healy, George Boucher, Walter Emerson, Carl Harrington, Sam Wright, P. H. Webster, Emil Oettekling, T. J. Dalton, Ernest Harrington, J. J. Redden, Thomas Costello, T. Sullivan, and C. A. Shaughnay, all of Manchester; also telegrams of W. E. Wiggin, of Lancaster; A. D. Grant, of Keene; G. W. Gaymond, of Lancaster, all of the State of New Hampshire, protesting against national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition from Bert Williams and 15 other residents of Yerington, Lyon County; John Erickson, Thomas L. Bennett, and 19 other residents of Tonopah, Nye County; H. E. Myrick and 4 other residents of Goldfield, Esmeralda County; J. A. Lawson, of Silver City; and H. C. Blums, of Rochester, all in the State of Nevada, protesting against the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. ROGERS: Petition of Betsey Ross Circle, No. 24, Ladies of the Grand Army of the Republic, Lowell, Mass., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of sundry citizens of Lowell, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of 10 citizens of Ione, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of 40 citizens of the second Oregon district, against national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 175 citizens of Pontiac, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of Palma Sola, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Memorial of Bricklayers, Stonelayers, and Plasterers' Union No. 30, of Rome, N. Y., and O. W. Kennedy & Co., of Clinton, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Utica and New Hartford; R. Van Vieet Putnam, of Dolgeville; W. I. Ford and the First Baptist Church of Little Falls; the Christian Endeavor Society of the Waterbury Memorial Presbyterian Church, of Oriskany; the Liberty Street Methodist Church Quarterly Conference, of Rome; the Florence Methodist Episcopal Church, of Oneida County; the Centenary Methodist Episcopal Church, of Utica; R. E. Gifford and L. G. Smith & Son, of Westdale; Rev. W. E. Webster and the Baptist congregation of West Winfield; Rev. G. F. Shepherd and the Brotherhood Bible Class of the First Methodist Episcopal Church of Rome; the Methodist Episcopal Church of New York Mills; Grace M. Stock and the Methodist Episcopal Church of Verona; A. W. Laird, of Little Falls; the Woman's Christian Temperance Union, the Kirkland and Stone Presbyterian Churches, of Clinton; sundry citizens of Holland Patent, and Middleville; the Methodist Episcopal Church of Clarke Mills; and 244 members of the Methodist Episcopal Church of Ilion, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Petition of sundry citizens and churches of East Liverpool and Wellsville, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of Mena, Ark., protesting against national prohibition; to the Committee on Rules.

We did not need the profound wisdom of the President to tell us, as he did lately, that fundamentally the country is in a sound condition and that business should at this time be active and the country prosperous. That fact we all know—it is indisputable.

What then is responsible for present conditions? The verdict of our business interests is unanimous. It is the amateurish and theoretical efforts to regulate business and capital along radical lines, and to do it with a rush by those who, from a lack of experience, do not understand the first principles of business, and are therefore puzzled to find that their efforts are causing profound disturbance and depression. The President dismisses our business depression as being "imaginary" and "psychological," and his minister of commerce says it is only a case of "mental mourning." Well might one paraphrase Madam Roland's exclamation and say: "O psychology, what crimes are committed in thy name."

The country is awakening to the seriousness of the industrial situation. Idle men are demanding work and wages; business men are dazed, bewildered, and discouraged as they see their business crumbling before them through influences they are powerless to control except at the ballot box. As the Atlanta Constitution aptly says in a recent editorial:

It is unfair to business to expose it at this time to further radical operations. The patient has lost blood. Let him recuperate.

I desire to add here one letter out of the large number I have received expressing the attitude of business men on the present situation. This letter speaks for itself and is as follows:

CINCINNATI, OHIO, *June 18, 1914.*

Hon. FRANK B. WILLIS,
House of Representatives, Washington, D. C.

DEAR SIR: We ask you, as one of our Representatives in Congress from the State of Ohio, to use your utmost efforts to bring about a speedy adjournment.

All the elements of prosperity are with the country except the administration. We should now be on the high wave of prosperity as to have the glad promise of abundant crops and plenty of money to use in business enterprises.

Having a prospect of a let-up in this senseless campaign of destruction, good judgment would prompt the great wheels of commerce and constructive business to go ahead at full speed instead of having factories running short time, closing down or failing entirely, as at present, but unless speedy action is taken to adjourn Congress, which has now been in session for over a year and a half, the Nation will be in the throes of the greatest crisis in its history.

The Nation does not need further legislation, but time to recover from the awful setback given the general industries.

We hope you will realize the importance of this appeal and cooperate to obtain the necessary action.

Yours, very truly,

THE ACME MACHINE TOOL CO.
A. J. JONES.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p. m.) the House adjourned until to-morrow, Friday, July 3, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Beaufort Harbor, N. C., with a view to providing a suitable turning basin and anchorage area in front of the town of Beaufort (H. Doc. No. 1108); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Broadkill River, Del. (H. Doc. No. 1109); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

3. A letter from the Secretary of War, transmitting 64 illustrations to accompany Index to Annual Reports of the Chief of Engineers, printed in House Document No. 740, Sixty-third Congress, second session; illustrations ordered printed as part of House Document No. 740 and referred to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CROSSER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 15191) to provide for the acquisition, ownership, and operation by the Commissioners of the District of Columbia of all the street railroads located in the District of Columbia, reported the same without amendment, accompanied by a report (No. 917), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. COADY, from the Committee on the District of Columbia, to which was referred the bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, reported the same with amendment, accompanied by a report (No. 918), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GARDNER: A bill (H. R. 17610) to prohibit interstate and foreign commerce in lobster meat and in undersized or egg-bearing lobsters; to the Committee on the Merchant Marine and Fisheries.

By Mr. CARY: A bill (H. R. 17611) to regulate the interstate transportation of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17612) to prohibit the slaughter, sale, purchase, shipment, and transportation through interstate commerce of calves and cows under certain conditions; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: A bill (H. R. 17613) authorizing the Commissioner of Navigation to cause the bark *Simla* to be registered as a vessel of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Colorado: A bill (H. R. 17614) to establish the Rocky Mountain National Park in the State of Colorado, and for other purposes; to the Committee on the Public Lands.

By Mr. FLOOD of Virginia: Joint resolution (H. J. Res. 292) authorizing the President to accept an invitation to participate in an exposition to be held in the city of Panama, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GARDNER: Joint resolution (H. J. Res. 293) for the relief of destitute sufferers from the conflagration at Salem, Mass.; to the Committee on Appropriations.

By Mr. KEY of Ohio: Joint resolution (H. J. Res. 294) providing for payment of surgeons making examination at claimant's home in connection with claim pending in the Bureau of Pensions; to the Committee on Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17615) granting an increase of pension to Philomina Heintz; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 17616) granting an increase of pension to Charles W. Perkins; to the Committee on Invalid Pensions.

By Mr. GOODWIN of Arkansas: A bill (H. R. 17617) granting an increase of pension to Thomas W. Ousler; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17618) granting an increase of pension to Rose B. Butler; to the Committee on Invalid Pensions.

By Mr. POST: A bill (H. R. 17619) granting an increase of pension to Henry C. Plummer; to the Committee on Invalid Pensions.

The Clerk read as follows:

GALLIPOLIS, OHIO, *July 2, 1914.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.:

I am down with typhoid fever, and respectfully request an indefinite leave of absence.

ROBERT M. SWITZER.

—

WASHINGTON, D. C., *July 2, 1914.*

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

MY DEAR SIR: I desire to be excused until August 4, 1914, that I may return to Oklahoma and prosecute my campaign for the Democratic nomination for Congress from the fifth Oklahoma district.

Very respectfully,

J. B. THOMPSON.

The SPEAKER. Is there objection to these requests?

There was no objection.

MINORITY REPORT—STREET RAILWAYS, DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, to-day the report on the bill H. R. 15191 was filed. Those who entertain minority views have asked 30 days in which to file their views. I ask that their request be granted.

The SPEAKER. The minority of the Committee on the District of Columbia ask 30 days in which to present minority views on the bill H. R. 15191. Is there objection?

Mr. RAKER. What is the nature of the bill?

Mr. JOHNSON of Kentucky. It is the municipal ownership of street railways in the District of Columbia.

Mr. RAKER. Is not a delay of 30 days an unusual way of defeating a bill?

Mr. JOHNSON of Kentucky. The friends of the bill are willing to give more time.

Mr. RAKER. Then I am through.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF REMARKS.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the general subject of trade and industry in the country.

The SPEAKER. The gentleman from Ohio [Mr. WILLIS] asks unanimous consent to extend his remarks in the RECORD on the general subject of trade and industry in the country. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, the discussion of the bill which has just been under consideration in the committee has taken wide range and drifted far afield. In my remarks thus far this afternoon I have confined myself closely to the merits of the bill under discussion; but since others have thought it proper to submit some general observations on the present industrial situation in the country, I avail myself of this opportunity to present some views of a political nature. It is idle to suggest that business in the United States is flourishing and that our difficulties are merely "psychological." The following statement of our foreign trade from the Steel and Metal Digest shows the hard facts. This condition is not the result of psychology; it is the disastrous effect of a mistaken economic policy which furnishes employment abroad and turns our own workmen into the street.

Foreign trade figures for April show some marked contrasts, exports declining in just about the proportion that imports increased, as compared with April a year ago, or about 18 per cent in each case. The result of ebb and flow was an excess of imports of $10,271,872 in April, the first excess of imports reported since the summer of 1910, in July and August of which imports slightly exceeded exports.

The April returns are compared in the following table with the returns of the same month last year.

	April, 1914.	April, 1913.
Exports	$162,368,852	$199,813,428
Imports	172,640,724	146,194,451
Excess imports	10,271,872	.....
Excess exports	.....	53,618,977

This growing menace of an unfavorable balance of trade with its resultant exportation of gold to settle these unfavorable balances caused by our present policy of buying abroad what ought to be produced at home is attracting editorial comment all over the country. For illustration, the Cincinnati Inquirer, one of the leading Democratic journals of the Nation, recently said in its editorial columns:

[From the Cincinnati Inquirer.]

EXPORTING GOLD AND IMPORTING FOODSTUFFS.

Gold continues to depart from this country. While as yet there is no financial stringency occasioned by its leaving our shores, yet it would make affairs brighter if it remained with us.

Bankers with foreign connections say that selling of securities here by foreign investors who need cash is the principal reason for the gold going out, and they predict that this action will continue to draw from the United States.

Since January 1 the shipments of gold from this country amounted to upward of $37,000,000, and everything points to the shipment of several additional millions before the export ceases.

The large increase in value of our imports in April, accompanied as it was by large decrease in value of our exports as compared with April, 1913, marks a change in financial operations that calls for attention by the Government, as well as by the business men of the country.

One month or two or three of these results will not injure or disturb business, but a series of such increases and failings off would result, surely, in still greater demands from Europe upon our gold supply.

It is essential to good times in this country that our trade balance abroad be heavily in our favor.

It is not pleasant reading with our productive country, embracing such a range of latitude and climatic conditions favorable for growing foodstuffs to find our exports of such products decreasing and our importations of them rising rapidly in amounts and value.

The first six months of the new tariff, as reported by the Department of Commerce, show these results, and these heavy importations of foodstuffs will undoubtedly call for the cash, the gold of the United States, to pay for them.

The largest increases reported in importations of articles that are used in the food supplies of our people were in beef, corn, wheat, macaroni, fruits, molasses, and edible oils, and it will be recognized by every business man that it would be far better for the United States if the entire supply required for our people's use would be produced on the farms of our own country.

There is no better barometer of business conditions than the activities of the railroads of the country.

The fortnightly bulletin of the American Railway Association shows that on May 15 there was a net surplus of freight cars on the lines of the United States and Canada of 238,642, compared with 228,879 on May 1, an increase of 9,763

The fortnightly figures are given below, with the returns for other periods figures representing net surplus of idle cars, except where otherwise indicated:

1914:	
May 15 (maximum surplus for year)	238,642
May 1	228,879
Apr. 15	212,360
Apr. 1	139,518
Mar. 15 (minimum surplus for year)	124,805
Mar. 1	153,907
Feb. 15	197,052
Feb. 1	209,678
Jan. 15	214,889
Jan. 1	188,850
1913:	
Dec. 15 (maximum surplus for year)	101,545
Dec. 1	57,234
Nov. 15	22,652
Nov. 1 (net shortage)	1,842
Oct. 15 (net shortage)	6,048
Oct. 1	10,374
Sept. 15	40,159
Sept. 1	58,306
Aug. 15	54,425
Aug. 1	58,445
July 15	69,405
June 30	63,704
June 14	63,927
May 31	50,908
May 15	50,294
May 1	70,799
Apr. 15	57,498
Apr. 1	57,988
Mar. 15	37,775
Mar. 1	31,381
Feb. 15	22,183
Feb. 1	37,269
Jan. 15	28,439
Jan. 1	17,063

This table tells its own story. Idle cars mean idle men, reduced wages, lessening purchasing power, decreasing sales by merchants, and impending business disasters. We should have in this country such a policy as will fill these cars with commerce, set idle men to work, increase wages, and bring about financial prosperity. In the tariff and other fiscal legislation of the Government the country is demanding less psychology and more common sense. On this interesting subject the Steel and Metal Digest for June, 1914, makes the following lucid statement:

[From the Steel and Metal Digest.]

THE TRADE OUTLOOK.

The depression in business instead of passing away has during the past month become more acute. Closed factories, and in other cases running only half to three-quarter time, with the consequent unemployment to those dependent on their daily earnings to cope with the unchanged high cost of living, and the consequent distress, makes it difficult to-day to recognize the busy and prosperous country of a year ago. Sentiment has become less hopeful each day, enterprise dormant, business sick and despondent.

The business community seems to have lost confidence in our legislators, and in any change for the better until our promised crop brings an improvement in trade, and the adjournment of Congress brings a rest from the daily pressure and disturbance to the heart of the country, which is its business interests. These are the bright spots in the business situation. Congress can not make the rains fall from heaven, nor can it stop the sunshine, thanks to the blessings and overrulings of a merciful Providence. And we also know that Washington, while it may temporarily demoralize the energies and destroy the courage and confidence of the country, it can not do so permanently.

Mr. RUCKER. If the language in the bill remains it would put the candidate in Minnesota or Missouri on all fours with the candidate in Maryland and Virginia, who can come here in the morning and go back at night. But if they have to come way from a country like Minnesota they can not get them and do not know what is in them.

Mr. MILLER. Let me say that the statement filed by a Member from Minnesota is hardly filed here 24 hours before it is reported back in every daily paper in the State, and there is no objection to that whatever.

Mr. TAGGART. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. TAGGART. Would not it be a lowering of the dignity of a candidate for this House or of the Senate, regardless of party, regardless of men, if they were obliged to go personally and place in each other's hands statements of the business that they had conducted in securing a nomination or election, and would it not be wiser to have a provision that the Clerk of the House should furnish upon request of any candidate a certified copy of another candidate's statement?

Mr. MILLER. Now, let me give one or two additional reasons which compels me to make this statement. We are obliged to file two statements in the primary contest, one 10 to 15 days prior and one 15 days after. Where is the average candidate 10 or 15 days prior to election? He is probably out in the field; it may be in a district that covers half the State. He may be remote from a post office; and while it is a simple thing, perhaps, to require him to make out one statement and send it to the Clerk of the House, yet if he has to go to the trouble of duplicating that five, six, or seven times, not having in his possession the addresses of his opponents, perhaps not knowing the names of all of them, you put on him an embarrassing duty that serves no public good.

Mr. RUCKER. I never dreamed of that before.

Mr. REED. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. REED. In New Hampshire we have to file a statement with the secretary of state before and after the election, and then another with the National Government with relation to expenditures. If we are compelled to file one with each candidate—and we have on an average five candidates to work against in the campaign—for the election or the primary, it would be necessary to provide some means of taking care of the clerk hire to perform these necessary duties.

Mr. MILLER. Mr. Chairman, I was just about to advert to that. I think the laws of nearly every State require the filing of statements such as that mentioned by the gentleman from New Hampshire [Mr. REED]. In my own State we have to file one every 15 days.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Mr. Chairman, most of my time was taken up by other gentlemen, and I ask unanimous consent to proceed for three minutes more.

Mr. RUCKER. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLER. Mr. Chairman, under the laws of the State of Minnesota, somewhat similar, no doubt, to the laws of other States, it is now necessary to file a campaign statement every 15 days. At the same time we have to file statements in conformity with the laws of the United States. I want to say that it takes a great deal of bookkeeping, because the two laws do not require the same list of expenditures and receipts. It is not possible to keep two separate books, and although I think there is no particular harm in it, it is very unfortunate, and we have to file statements covering every conceivable thing in order that we may be assured of complying with both laws. If we have to go to the additional labor of serving one of these statements on each of our opponents, that is going to add to the trouble. Opponents whose addresses are not known will surely make a great howl, and it will be a poor excuse in an exciting campaign for one to reply that he did not know his opponent's address. I am going to say to you that I have never yet gone through a general election when I have been certain of the names of all of my opponents. In elections we have candidates representing Socialists, public ownership, Prohibitionists, and other minor parties, as well as candidates of the great parties. It often happens that one never heard of the names of all his opponents until he sees them on the ballot. Give your opponents and the world an opportunity to know what you spent, how you spent it, and where you got it, but do not force a candidate to go around hunting up all his opponents, furnishing them with a list of particulars, with the humble request: Please look over and O. K.

Mr. RUCKER. But the bill expressly provides for conditions like that.

Mr. MILLER. I know, but that simply presents a weakness in the system. What possible good is it going to be to the world or the people of your district for you to hunt your opponents and give each of them an account of the work you have done and what you plan to do during the balance of the campaign? Remember in these statements you have to include every expenditure you have contracted for.

Mr. RUCKER. I will tell you the good it would do. If a law like this had been in force two years ago and had been complied with—that is, the statement had been made—I could have made a gentleman, in the language of the street urchin, look like 30 cents, because I have the habit of speaking pretty plainly. I could have shown that the statement was absolutely and unconditionally false, as I found it out afterwards to be, but the election was over, and, of course, I had no interest in giving it publicity then. But I say now that one reason I wanted him was because I know at some time, in some place, men do seek congressional office who are unworthy of it and who will falsify to facts, even though the community knows they are false.

Mr. MILLER. Even if that were true, a false statement like that very properly should be and could be reviewed by this House or by a court of justice.

Mr. RUCKER. But you will not ever get any such false statement of a man filed from Missouri, because Missourians never send such a man here.

Mr. MILLER. I am very glad to know that.

Mr. McKELLAR. Will the gentleman yield for a question?

Mr. MILLER. I yield.

Mr. McKELLAR. Does not the gentleman think, if we want to have absolute honesty in elections, it would be better to confine expenditures solely to those stated in the proviso; that is, the expense of campaign speakers, the expense of printing and distributing literature, and the cost of newspaper advertisements, and limit it to those things alone, and not spend any money in campaigns for Congress or for the Senate? In that case there would be no necessity of making any such return.

Mr. MILLER. Of course, there are very likely to be a few additional items that it might be necessary to spend if one really got elected. But there is a reason why these accounts should be filed with the Clerk of the House that makes it particularly necessary that they be filed. The House is the sole judge of the election and qualifications of its Members.

Mr. RUCKER. Mr. Chairman, I merely want to answer a question suggested a moment ago, if the gentleman will yield. I want to say in answer to the gentleman from Tennessee that I have a campaign in progress now, and that seven dollars out of every eight of my expense will be for having a letter written and putting postage stamps upon it.

Mr. MILLER. That is excepted.

Mr. RUCKER. It is excepted here, but not excepted under the laws of Missouri. I have to account for every stamp I use, and I do not expect to use one dollar of other expenses.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield to me in order that I may reply?

Mr. MILLER. I should be pleased.

Mr. McKELLAR. I will say that will have no effect upon the national law.

Mr. RUCKER. But it does.

Mr. McKELLAR. If you want to have purity in elections, why limit the purity to $5,000 or $10,000, as the case may be? Is it not just as dishonest to spend $5,000 or $10,000 improperly to secure election as it is to spend a larger amount?

Mr. RUCKER. The trouble is that gentlemen sometimes discuss this bill who are not familiar fully with it. This law expressly provides that the limit fixed by the State shall be the limit. The limit in Missouri, in my district, is $600 or $625—it will vary a little, according to different years—not one cent more.

Mr. McKELLAR. This would not affect what I am talking about.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. The gentleman from Wisconsin asks that his colleague's time be extended for three minutes. Is there objection?

Mr. FOSTER. Mr. Chairman, reserving the right to object, I am not going to object to this, but I shall object to any further extension of time on the bill.

Mr. MILLER. Mr. Chairman, as I was stating a moment ago, there is a very exact reason why statements should be filed

with the Clerk of the House. The House is the sole judge of elections and qualifications of its Members. The proper officer of the House, therefore, should have in his possession a verified and complete statement of all the receipts and expenditures of men who have been elected or tried to be elected to membership in the House. When that statement is there open to public inspection it seems to me that every practical public service has been performed. If there is any legitimate inquiry to be made respecting the statement, it is there open for public inspection. There are telegraph lines from here to every section of the United States, and there can be an immediate transmission of the information as anybody could possibly want, but if we have to serve those statements on our opponents 10 days before the election, 15 days after the primary, and then when the general election comes, then 10 to 15 days before that, and then 30 days after that, serve them on Tom, Dick, and Harry, we will find annoyance beyond measure. There will be men filing and running in some sort of a way just to get a copy of your campaign contributions and campaign expenditures for the purpose of making you trouble. I say that kind of people ought not to have an instrumentality to use for a purpose which to me is nefarious.

Mr. TAGGART. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. TAGGART. Would not that cause the utmost embarrassment, for instance, in a case like that now presented in the State of Kansas, where there are 12 candidates for Senator? Each report has the same virtue, and it would cause such a multiplicity of reports that it would simply annoy the public, would it not?

Mr. MILLER. I think so.

Mr. TAGGART. If that is true, I will ask the gentleman if it is proper to file in Washington; would it be a great burden to file out in Kansas——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I move to strike out the last three words. I have an amendment I am going to offer as a substitute. I am heartily in favor of any possible means that will give publicity to campaign expenditures and to show what is actually being done, but I simply want to call attention to the fact that while I am in favor of the general features of the bill I can readily see that there is a great burden imposed by this part of the bill, which is, no doubt, not thus intended. For instance, in the State of California, I have before me a statement where there are 73 who would be considered practically opponents. What do you consider an opponent? Men at the primary election—those who are nominated? No; it does not mean that. Every man who is voted for at the primary election would be an opponent. There might be 63 or 100 different men who would be opponents at the primary election, and you would have to furnish him not a copy but a duplicate of the statement. In other words, you would have to make and swear to 73 affidavits. Now, I know the chairman does not want that by this amendment if it can be avoided and legitimate publicity can be given. I think that can be done by providing for the filing of this statement with the secretary of state for each of the States in which the election is held. Now, that gives an opportunity for a man to go there and get a copy if he wants.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Yes; I yield.

Mr. RUCKER. That does not give publicity in some places at all, because some places are very far remote from the State capital and difficult of access.

Now, one other question. The question that would arise naturally would be this: What would be the use in filing a statement with the secretary of state, if we have no inherent power in ourselves to compel the secretary of state to receive and keep the document? And I may say we have none.

Mr. RAKER. The State of California is the longest State, north and south, of any in the Union. The papers there publish immediately such statements as these. I make that merely as a suggestion. When we write into this law the provisions of this kind that are to be a part thereof, and begin to recognize that at the primary elections there may be seven or eight or more candidates for the office who have the nominations and three or four independent candidates for the same office, and the further provision that any men or set of men can try to nominate somebody else in the primary election, and every man that gets a vote is a candidate and is therefore an opponent, you will see that your opponents, after the primary election is over, may run from 1 to 500 in number, and then you have simply got to stop your campaigning and hire a corps of assistants and spend a lot of money in sending out 500 or more copies of the statement of your expenses.

Mr. RUCKER. It may be that the suggestion of the gentleman from Kansas [Mr. TAGGART] would help the gentleman from California and have the effect of diminishing the number of his opponents. Perhaps there would not then be so many candidates against the gentleman from California or any other gentleman.

Mr. RAKER. The point I am getting at is this: The candidate is not to blame. I am talking about what happens after the primary election. Leave the first part of it out. Any number of citizens at the primary election in my State may say, "Here we are in favor of John Jones for United States Senator," and in one county 1 or possibly 100 men will write his name on the ballot, and in another county another set of men may want John Smith for United States Senator, and they will write his name on the ballot. It must be left so that they can do that. In every county there are from one to five candidates, and each one of those men who receives votes at the primary election is your opponent after the election is over, in the sense that he was voted for at the primary, and duplicate of the statement must be sent each, and you have got to furnish him with a statement. Otherwise you violate this act. You must do that. You would vastly simplify it if you were to simply send a copy to the secretary of state. Then every one of your opponents at the primary election will get it without question, if he or anyone else desires the statement. That is but fair, and at the same time gives full and ample publicity.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I want to offer an amendment and have it reported.

Mr. RUCKER. I was going to move that the committee do now rise.

The CHAIRMAN. The question before the House is the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. MURRAY of Oklahoma. The chairman of the committee will not object to having this amendment reported and considered pending. I do not care to discuss it.

The CHAIRMAN. Is the regular order demanded?

Mr. FOSTER. Yes, sir. I demand the regular order.

The CHAIRMAN. The Chair will recognize the gentleman from Tennessee [Mr. GARRETT].

Mr. STAFFORD. What is the gentleman's intention—to sit until 6 o'clock?

Mr. RUCKER. I want to move that the committee rise now.

Mr. STAFFORD. There is another amendment pending, of similar purport.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

Mr. MURRAY of Oklahoma. Mr. Chairman, I have the right to have my amendment reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. GARRETT].

The Clerk read as follows:

Amend, page 8, by striking out of line 23 all after the word "part" down to and including the word "known," at the end of line 25.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SELLS, for two weeks, on account of public business.

To Mr. BORCHERS, for 10 days, on account of sickness and important business.

To Mr. BYRNES of South Carolina, for five days, on account of important business.

To Mr. AVIS (on request of Mr. SUTHERLAND), for one week, on account of illness in his family.

To Mr. FRANCIS, for two weeks, on account of important business.

The SPEAKER. The Chair lays before the House the following telegram and letter, which the Clerk will read.

opponent might require of us something that we are wholly unable to do, because sometimes it happens that we do not know who is our opponent, nor do we know his address." They explained that—under the election laws of some of the States, at least—places on the ticket may be filled so recently before election that even a gentleman of the social habits of my friend from Mississippi [Mr. SISSON] might not be able to become acquainted with some distinguished citizen, whom he did not happen to know, who might be chosen by a political party as his opponent. For that reason we wrote those words into the bill.

Mr. COX. I think that is one of the most important provisions in the bill. This question has occurred to me: What would the gentleman think later on or now of requiring these expense accounts to be published by each Member of Congress?

Mr. RUCKER. I will answer that in a minute, if the gentleman will bear with me. But I may say to you, gentlemen—and I crave your indulgence if I weary you—this is one of the essentially important features of this bill. What is the thought? Publicity. Oh, the gentleman from Tennessee [Mr. GARRETT] asks, "What reason is there for it?" I will tell you the reason. We do not seek to require the idle performance of merely giving to my opponent, as a compliment to him or to gratify any curiosity on his part, a copy of the sworn statement that I am required to make and file, but it is for the purpose of doing well the very purpose sought to be obtained by the bill.

Mr. McKELLAR and Mr. TAGGART rose.

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. One at a time. I will yield to the gentleman from Tennessee [Mr. McKELLAR] first.

Mr. McKELLAR. I want to ask the gentleman a question. I notice that the bill provides——

Mr. RUCKER. I hope the gentleman will not divert me from the particular point now being discussed.

Mr. McKELLAR. No. I notice that the bill provides simply that the statement shall be given to the opponent of the candidate. Would it not be very much better and very much more to the point and very much more in favor of publicity to have it published in the local paper rather than give it to your opponent? If you have to give it to your opponent, and your opponent is a pretty smooth citizen, he may avoid service of process on him, and that would raise a number of questions.

Mr. RUCKER. The gentleman from Indiana asked me substantially that question a minute ago, and I hope I may answer both gentlemen together. I thought that out very carefully, and I realize how much easier it would be and how much better it would sound if we should say "published in a newspaper." But what paper? In the town of his residence? Suppose there is no paper in that town? Then in the one nearest to his residence? That injects the question of a mathematical calculation—how far is it to that town, or which is the nearest town? And, again, if you say it must be published in a paper we have no power in the world over newspapers to compel them to publish it. But should we compel the candidate to put it in a paper, then at once he is at the mercy of every newspaper man who wants to prey on a candidate for Congress. These things were all considered. And I will say to the gentleman that if it could be done without inflicting a burden on the candidate, I would gladly substitute publication in the paper for delivery of a copy to the opposing candidate.

Mr. McKELLAR. If that be the case, why not provide that it be mailed to him rather than given to him?

Mr. RUCKER. Further on the bill does provide that. I knew I would have the gentleman's support of every feature of this bill in a minute. Further on we do provide that he may mail a copy, just as the gentleman from California and the gentleman from Maine mail their statements to the Clerk of this House, by registering it, addressed to the candidate at his residence, if his residence is known. So that is all covered. I will say to the gentleman from Tennessee I have tried, and the committee has tried diligently, all of us, to work out a solution of this question which would be in harmony with public sentiment and which would give real effect to the law.

Now, let me say, in answer to the question, Why deliver a copy to the opposing candidate? Obviously it is for the reason that we want to give real publicity. Mark you, a statement delivered to your opponent in the primary would be to your Democratic opponent for the nomination or your Republican opponent for the nomination, as the case might be. At the general election your candidate would be the candidate of the opposite political party or parties.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER. I shall have to ask the indulgence of the committee for two or three minutes longer.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Missouri asks unanimous consent to proceed for three minutes. Is there objection?

There was no objection.

Mr. RUCKER. This law would require that both in the primary for the nomination and in the general election a duplicate of the statement required by existing law to be filed with the Clerk of this House shall be served on your opponent, served in the same way that it is now filed—that is, by sending it through the mail. Now, the obvious purpose is to give publicity in the congressional district, and, hence, to the people who are directly concerned. The people of the congressional district are the only people who are concerned, except very remotely, in what occurs in that district. I know I will give no offense when I say that the people of the United States have very little concern as to the character of campaign carried on in the ninth district of the State of Missouri, so ably represented by the Speaker of this House. The people there in his district, are the people who are most vitally concerned.

It is only in the remotest degree that frauds or wrongs perpetrated in some separate district affect the entire body politic, but they may seriously affect the well-being, the order, the morality, the integrity, the citizenship of the district in which the acts are done. Hence as a way to give publicity to every man who is directly concerned, we wrote into this bill the provision that you shall file your statement with the Clerk of the House and make a duplicate of it and mail it to your adversary, because if in that statement there appears something which is wrong, or if the statement hides and fails to reveal things which one's opponent may have knowledge of, then he can go on the stump armed and equipped with the sworn statement and show the voters how the candidate has ignored the law, violated his duty, and attempted to deceive them with reference to his expenditures; or if the statement shows the commission of wrong it can be published and shown to the people. If he wants to go into the columns of the newspapers and cause publicity in every county in the district he can do so.

Mr. Chairman, I believe that every gentleman here is in favor of publicity, in favor of honest dealings in elections, in favor of purity and honesty in the campaign, and therefore I hope that no gentleman will oppose this provision or vote to strike it out. I am convinced, after careful and thoughtful consideration, that it adds very much to the value of his measure, which is a great piece of legislation, which is ultimately designed to open up the way and blaze the pathway which will lead to corresponding legislation in the States, and will hasten the time when the ballot box of our country will be pure, when the ballots cast will represent the untrammeled will of the voter and will be counted as cast, and when men sitting on this floor will occupy seats free from stain or tarnish. [Applause.]

Mr. MILLER. Mr. Chairman, I move to strike out the last two words. I think the provision, however it got into the bill, is pernicious and can be made the vehicle of more petty annoyance, more backbiting, more misrepresentation, more miserable, contemptible conduct, than can be overcome by all the good contained in other provisions of the bill. It creates the opportunity for an evil-minded person to do positive harm.

Mr. RUCKER. Will the gentleman yield?

Mr. MILLER. Yes.

Mr. RUCKER. The statement that this calls for would require an exact duplicate of the one that is to be filed with the Clerk of the House. Can this become a more vicious vehicle for wrong and corruption than the statement filed with the Clerk?

Mr. MILLER. I am going to tell the gentleman why I think it will be. It is not the statement, but the way in which it is required that the statement shall be made and furnished to the opposing candidate, and the time when it is to be thus furnished. Let me proceed and develop what I have in mind. I think we should have in a corrupt-practice act everything that is essential for the purity of elections, both primary and general. We should safeguard the ballot, keep it clean and pure, and provide every essential to that end. But when we depart from that and impose requirements upon the candidate that are likely if not certain to be simply annoying without serving any public good, we are putting a handicap on decent conduct of elections. As a matter of fact, this provision will promote disreputable conduct on the part of some persons, because it gives them the opportunity. Often among one's opponents is some irresponsible character who would seize this statement, pervert and misrepresent its contents in street harangues just before election, and there would be no way of counteracting it.

Mr. RUCKER. Will the gentleman yield right there?

Mr. MILLER. Yes.

Mr. SISSON. I think there is no question if you extend the power thus far you can carry it on ad infinitum. I yield now to the gentleman from California.

Mr. McKELLAR. My proposition is that that question was not considered in this lawsuit.

Mr. RUCKER. Mr. Chairman, just a minute, and I will only take one minute. If either the amendment offered by the gentleman from Mississippi or the substitute offered by the gentleman from Tennessee is adopted, it practically destroys the existing law. It destroys the life of this bill. The provisions against which the amendment and substitute are directed are the law now, and I hope that the committee will vote down both the substitute and amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee in lieu of that offered by the gentleman from Mississippi.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question recurs upon the amendment offered by the gentleman from Mississippi.

The question was taken, and the Chairman announced the noes seemed to have it.

On a division (demanded by Mr. SISSON) there were—ayes 9, noes 24.

Mr. SISSON. Mr. Chairman, in order to have the matter perfectly clear, I stated to the chairman of the committee that I would offer this amendment wherever it occurred, but I satisfy myself with the sense of the committee on the amendment and shall not offer the amendment to the other paragraph.

Mr. RUCKER. I appreciate that.

Mr. KELLEY of Michigan. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 12, after the words "United States," insert "and every person, firm, association, or committee that shall expend or promise any sum of money or other thing of value amounting to more than $50 for the purpose of promoting the candidacy of such candidate."

Mr. KELLEY of Michigan. Now, Mr. Chairman, on page 7 of the bill, in section 8, there is a provision requiring every person, firm, association, or committee that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing the election to make a report. Now, if it is advisable to have such a provision as that in the case of an election, it seems to me that it is all the more important that the same provision should apply to the primary, because at an election nearly all expenses are paid through official political organizations of some sort, through county committees or State committees or congressional committees, while in the primary it is a very common thing in many sections for a voluntary committee to handle the funds used to promote the candidacy of some individual. And it does seem to me that the expenditures of such a committee should be reported to the House. And that, Mr. Chairman, is the basis of the amendment which I have sent to the Clerk's desk—to require political committees of this sort, as well as persons, firms, or associations, if they spend more than $50 in the primary election, to make returns of such expenditures to the House.

Mr. RUCKER. Mr. Chairman, just to answer very briefly the gentleman, who is a friend of the measure, I know, let me say I think the existing provisions of the bill would require the committee to do all that he wants it to do, and my notion is that this would tend more to confusion than to elucidate and clarify.

Mr. KELLEY of Michigan. If I were sure of that——

Mr. RUCKER. I think so.

Mr. KELLEY of Michigan (continuing). Of course I would withdraw the amendment, but I can not find in this section anything which requires persons, firms or corporations, or nonofficial committees to make any report of expenditures on behalf of a candidate in the primaries.

Mr. RUCKER. No; but you will find where a candidate is required to account for all of these things expended in his behalf.

Mr. KELLEY of Michigan. But the gentleman will understand if a candidate were disposed——

Mr. RUCKER. But the gentleman must bear in mind, as a friend of this measure, that such a thing is possible as killing it, destroying it. If there should be 100 men or 500 men or 1,000 men or 1,500 men in a district who were zealous in their support of a gentleman, they might ruin this whole bill by these publicity statements. My opinion is, the essential thing to do is to make these reports of such a character that the individuals and the public would take cognizance of them.

Mr. KELLEY of Michigan. Does not the gentleman think the abuse aimed at will be much more likely to arise in the primary than at the election?

Mr. RUCKER. In many cases that may be.

Mr. KELLEY of Michigan. Then why exclude the remedy from the primary and apply it to the election?

Mr. RUCKER. I do not think it is excluded at all.

Mr. KELLEY of Michigan. You think what I have intended to cover is already covered?

Mr. RUCKER. I think so, but I may be in error about that.

Mr. GARDNER. Mr. Chairman, I would like to ask the gentleman from Michigan [Mr. KELLEY] a question.

The CHAIRMAN. Does the gentleman yield?

Mr. KELLEY of Michigan. Yes.

Mr. GARDNER. Under your proposed amendment would not the National Woman's Suffrage Association and the Woman's Christian Temperance Union and the Antisaloon League and every other organization that is spending money to beat particular candidates for Congress in particular places be obliged to make a return?

Mr. KELLEY of Michigan. Every person, association, corporation, firm, or committee of every character would be obliged to report under the provisions of my amendment if the amount exceeded $50.

Mr. GARDNER. And they would have to report as to the primary as well as to the election?

Mr. KELLEY of Michigan. Yes.

Mr. WATKINS. Mr. Chairman, is the amendment withdrawn?

Mr. STAFFORD. No. It is going to be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. KELLEY].

The question was taken, and the Chairman announced that the "noes" seemed to have it.

Mr. KELLEY of Michigan. Mr. Chairman, division.

The committee divided; and there were—ayes 10, noes 17.

So the amendment was rejected.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. GARRETT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 8, by striking out of line 23 all after the word "part" down to and including the word "known," at the end of line 25.

Mr. GARRETT of Tennessee. Mr. Chairman, the bill provides, after making provision for the filing of the expenses, which is the present law, an addition to the present law by saying that the candidate shall "deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known." [Laughter.]

Now, Mr. Chairman, there may be some good reason for that, but I confess I do not see what good public purpose can be served by requiring a candidate for Congress or for the Senate to go chasing around the country hunting up his opponent to file a duplicate of his election expenses with him. If he files it here under oath, files an official statement, his opponent can get it here. I do not know that it is particularly objectionable, but I do not see what good public purpose can possibly be served by it.

Mr. RUCKER. Mr. Chairman, judging from the gentleman's glance at me, he wants me to reply to him if I can. I always make an effort to reply to questions asked by the gentleman with more or less forebodings and misgivings. I think when the gentleman read the language of the bill to which his amendment relates a sort of merriment passed over the House—merriment which I know the gentleman did not intend to provoke. At least some gentlemen looked as if the language was not only unwise, but ridiculous.

Mr. SISSON. Mr. Chairman, I will say that I was probably the one who laughed; but the emphasis was placed by my friend from Tennessee on the words "opponents, if known." I have always tried to know my opponents. [Laughter.]

Mr. RUCKER. Mr. Chairman, let me say to the members of the committee present that this language was not inserted in the bill inadvertently. In my judgment there is a good reason for its insertion and its retention. The language, of which the first criticism produced a laugh, is "if his opponent is known." That language was inserted in the second publication or printing of the bill because of the fact that gentlemen from the great cities, and particularly from New York, numbers of them, said: "To require us to deliver a duplicate of our expense accounts to our

subject in hand, and the gentleman from Tennessee understands that.

Mr. STAFFORD. Mr. Chairman, I was about to say that for the purpose of expedition I shall not ask for any further time.

Mr. RUCKER. Mr. Chairman, I believe nobody else desires to be heard.

Mr. GREEN of Iowa. I wish to be heard.

Mr. RUCKER. I want to close the debate.

Mr. DONOVAN. Mr. Chairman, I want to have an opportunity to say something at some period in the consideration of this bill.

The CHAIRMAN. The gentleman will be recognized.

Mr. DONOVAN. Now?

The CHAIRMAN. No; the gentleman from Iowa [Mr. GREEN] has the floor.

Mr. RUCKER. Mr. Chairman, I renew the request made a while ago for unanimous consent to close debate.

Mr. KELLEY of Michigan. On this entire section?

Mr. RUCKER. Yes; this entire section.

Mr. STAFFORD. Oh, there are many amendments to be offered to other paragraphs of this section.

Mr. RUCKER. Then, Mr. Chairman, I ask unanimous consent that debate on this particular amendment close.

Mr. STAFFORD. The gentleman from Tennessee [Mr. GARRETT] has expressed a desire to be heard on this amendment.

Mr. RUCKER. I have time and time again appealed to the gentleman that if he has a desire to take time he can have the opportunity.

Mr. STAFFORD. Three minutes' time is desired on this side by the gentleman from Iowa [Mr. GREEN] and some time by the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT of Tennessee. I do not care to take time.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, I am unable to agree with the distinguished gentleman from Mississippi [Mr. SISSON], and I am unable to follow the analogy of his argument. In the first place, Mr. Chairman, I think there is nothing that ought to be clearer to our minds than the fact that the primary is a part of the election. Unless there is an election there is no occasion for a primary. The primary is merely a preliminary part of the machinery of the election.

Mr. McKELLAR. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. The gentleman says it is a part of the election?

Mr. GREEN of Iowa. Yes.

Mr. McKELLAR. Does the gentleman think that if the old-fashioned conventions were still in vogue as a method of determining party candidates it would be proper for this House or this Congress to pass a law regulating how those conventions should be held and all about them?

Mr. GREEN of Iowa. Without any doubt. There can not be any question about it, as I think. The candidates that are to be voted for at the elections are determined either at the convention or at the primary. If you will consult the statute books of the various States having laws on the subject, you will find the provisions touching primaries included under the election laws and that they are a part of the election laws.

But, Mr. Chairman, we might go further than this. Every legislative body has the inherent right to protect itself against fraud and corruption in obtaining seats in that body.

As I was saying, every legislative body has the inherent right to protect itself against fraud and corruption in obtaining a seat upon its floor; and whatever steps any candidate may take in the course of the procedure anywhere along the line, I insist it is the inherent right of the legislative body to protect itself against action which would in the end destroy the usefulness of that body, if not threaten its very existence.

The gentleman from Mississippi [Mr. SISSON] has argued here that because the Constitution simply provides for the regulation of elections, therefore there is no right to go beyond that to a primary or a convention. I have already stated that I believe a primary or a convention to be a part of the machinery of the election. Even if that were not so, there would be no proper argument against it. In the one case the States have been given the power to regulate the elections. Anything further in the way of regulating the action of the States must necessarily be conferred by the Constitution. But by this provision which is under discussion we propose simply to regulate the action of the individual in obtaining a seat in this body. The proceeding which he has taken, whether for good or for evil, is something to be passed upon by this body, something which, as I have already stated, Congress has the inherent right to control.

Mr. GARRETT of Tennessee. Mr. Chairman, I offer a substitute for the amendment.

The CHAIRMAN. The gentleman from Tennessee offers a substitute, which the Clerk will report.

The Clerk read as follows:

Page 8, as a substitute for the amendment offered by Mr. SISSON, strike out the first paragraph of section 9 and insert the following paragraph:

"That the word 'candidate' as used in this section shall include every person whose name is presented with his knowledge and consent for election as a Representative or Senator in the Congress of the United States at any general or special election held for the purpose of electing such officials."

Mr. GARRETT of Tennessee. Mr. Speaker, the amendment which I have proposed is no change in what is desired by the gentleman from Mississippi, but it seems to me the language is better, to bring it in as a whole, so that the committee can understand how it would read if amended. The whole purpose of it is to strike out that part of this paragraph which refers to primary elections or methods of nomination, whether by primary election or convention.

It has been my view all along, and is now, that the Congress has nothing to do with the question of nominations. I do not concur with the gentleman from Wisconsin in the idea that this Congress would have the right, under the constitutional power which is given to each House, to judge of the election and qualifications of its own Members—I do not understand that it would have the constitutional right to investigate the method of nomination, though it might arbitrarily do so. Nominations are not binding upon either the candidate or the voter.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. GARRETT of Tennessee. I yield to the gentleman from Michigan.

Mr. KELLEY of Michigan. In the case that came from South Carolina a while ago, was it not the manner of obtaining the nomination that was in dispute?

Mr. GARRETT of Tennessee. I believe it was, and my recollection is that the sitting Member was retained in his seat.

Mr. STAFFORD. Take this hypothetical case: Through manifest fraud in the nomination of both the successful candidates they are nominated, and they stand for election, and one of them is elected.

Does the gentleman think Congress has no right to refuse the one having the certificate because he has been nominated by fraud?

Mr. GARRETT of Tennessee. I think the election must be tinctured with fraud or else Congress has no right to go into the question. Let me suggest a hypothetical case: Suppose, as sometimes happens, and I think I heard something of this kind in a case in one of the Southern States, where there are three candidates for the nomination for Congress, two from the same county. These two candidates have agreed among themselves upon the primary election in that county to see which one of them shall run for nomination. Would the gentleman from Wisconsin say that you could go back to that primary, and if not, why not? Can we go back and require them to file expense accounts?

Mr. STAFFORD. I am only citing instances where fraud vitiates the election.

Mr. GARRETT of Tennessee. We are talking about compelling people to file expense accounts for nomination. I take the position that Congress has nothing to do with the nomination; that Congress is concerned only in the purity of the election, and the fact that some peculiar condition may exist in some particular district with reference to nomination being equivalent to election does not destroy the constitutional legal aspect which exists as a matter of fact.

Mr. TAGGART. Will the gentleman yield?

Mr. GARRETT of Tennessee. Certainly.

Mr. TAGGART. Is it not a fact that we have more drastic laws than those in nearly every State in the Union, probably in the gentleman's State, with reference to primary nomination for candidates?

Mr. GARRETT of Tennessee. I think so. The distinction between the power of the States over nomination and the power of Congress is well defined.

Mr. TAGGART. Will the gentleman yield for one more question?

Mr. GARRETT of Tennessee. To be sure.

Mr. TAGGART. In the regulation of interstate commerce I imagine that the bar of the country has been even astonished at the extent to which the Supreme Court has gone in construing the word "regulate," carrying it down even into the manufacture of articles afterwards to be put into interstate commerce, in sustaining the celebrated Danbury Hat case, where men were sued for damages and the law sustained because they had interfered in the manufacture of hats that were going into interstate commerce. I cite this only to call attention to the fact that the word "regulate" has been given a broader

significance and a more far-reaching construction than perhaps any other word that the Supreme Court has dealt with.

Mr. GARRETT of Tennessee. The word "regulate" is not involved in this. I do not care to press the argument. I know that this is existing law. I recognize that fact. I voted against it before on the same ground that I am opposed to it now. I move to strike it out because I think it is a matter over which Congress has no control.

Mr. BUTLER. Will the gentleman yield?

Mr. GARRETT of Tennessee. Yes.

Mr. BUTLER. If you take this feature out of the bill, do you not ruin the bill?

Mr. GARRETT of Tennessee. Oh, not at all.

Mr. BUTLER. Take my district. There has never been a Democratic Representative in that district; and if they can not get a better man than I am there never will be until you gentlemen abandon your ideas of free trade. If you take this feature out of it, the bill will not apply to me at all.

Mr. GARRETT of Tennessee. It is the question of the power of Congress that I am dealing with. I have a district exactly contrary to that of the gentleman from Pennsylvania. Mine is an overwhelmingly Democratic district, and no particular contest at the election, although there is always an opposition-party candidate. But this is a matter which can very well be left to my State to regulate as to whether we shall report campaign contributions for primaries.

Mr. BRYAN. The State can regulate the general election.

Mr. GARRETT of Tennessee. The State can, and the State does.

Mr. DONOVAN. Mr. Chairman, if I can have the attention of the gentleman from Washington [Mr. HUMPHREY]——

A MEMBER. He is not here.

Mr. DONOVAN. Or if I can have the attention of the gentleman from Ohio [Mr. FESS]——

A MEMBER. He is out.

Mr. DONOVAN. Well, can I have the attention of the leader of the minority?

Mr. STAFFORD. He is temporarily absent.

Mr. DONOVAN. I should like to have the attention of the gentleman from Washington [Mr. HUMPHREY], for I do not want to say in his absence that which I wish to say, or in the absence of the gentleman from Ohio [Mr. FESS], the intellectual Member.

Mr. STAFFORD. He has left the city to deliver a patriotic oration on the Fourth of July.

Mr. DONOVAN. The gentleman from Wisconsin should address the Speaker and not proceed in that disorderly way. [Laughter.] All these great commercial interests, Mr. Chairman, should be represented here on the floor in the Congress of the Nation, and yet that great lawyer whom we are told is the greatest legal gentleman in the whole United States, the gentleman from Pennsylvania, I would like to have his attention for a few moments.

Mr. TAGGART. Will the gentleman yield?

Mr. KELLEY of Michigan. Surely the gentleman does not refer to the distinguished gentleman from Pennsylvania, Mr. PALMER?

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Does the gentleman refer to the distinguished gentleman from Pennsylvania, Mr. PALMER?

Mr. DONOVAN. Mr. Chairman, I refer to the distinguished gentleman from Pennsylvania, Mr. GRAHAM, the great lawyer. Can it be possible that he is only present when some special interest has something on hand? Well, Mr. Chairman, inasmuch as these gentlemen are not present, I will yield back the balance of my time. [Laughter.]

Mr. UNDERWOOD. Mr. Chairman, I move to strike out the last word. I desire to call to the attention of the House and have printed in the RECORD the official statement made by Secretary McAdoo as to the finances of the country at the close of the last fiscal year, and I will ask the Clerk to read it in my time, if there is no objection.

The Clerk read as follows:

JULY 1, 1914.

Subject to revision upon analysis of complete returns, the following is a statement of the ordinary receipts and the ordinary disbursements for the fiscal year ended June 30, 1914:

Customs		$292,128,527.43
Internal revenue, ordinary		308,617,843.73
Corporation, excise, and income	$443,079,819.44	
Individual income	26,308,330.60	
		71,386,156.13
Miscellaneous, including $3,800,000 surplus of postal revenues for the fiscal year 1913		62,215,172.71
Total ordinary receipts		734,343,700.20
Total ordinary disbursements		700,559,248.13
Surplus of ordinary receipts		33,784,452.07

The Panama Canal payments during the year amounted to $34,936,941.78. These have been paid out of current revenues, so that the surplus for the year of $33,784,452.07 has been absorbed, leaving the sum of $1,010,058.81 as a charge against the general fund of the Treasury.

The following is a comparative statement of the ordinary receipts and disbursements, including expenditures on the Panama Canal, for the last three fiscal years:

	Receipts.	Disbursements.	Surplus.	Panama Canal.	Surplus or deficit.
1912	$691,778,468	$664,360,953	$27,224,501	$35,239,199	[1] $8,022,691
1913	724,111,229	692,775,795	41,246,534	41,741,256	[1] 494,722
1914	734,343,700	700,559,248	33,784,452	34,936,941	[2] 1,010,058

[1] Surplus. [2] Deficit.

Owing to the provision in the income-tax law which gives 10 days after the close of the fiscal year before penalties attach, there was a failure to pay approximately $6,500,000 of taxes which had been assessed against corporations and individuals and which should have been paid before the close of the fiscal year 1914. Had this $6,500,000 been paid on or before June 30, 1914, there would have been a surplus for the fiscal year of approximately $2,500,000 against a surplus for 1913 of $1,897,000 and a deficit for 1912 of $4,600,000.

The department is exceedingly gratified with the results for the first fiscal year of the new tariff and income-tax law. Unquestionably very much better results will be obtained during the present fiscal year.

The net balance in the general fund of the Treasury is now $145,835,502.

Mr. SISSON. Mr. Chairman, I simply want to call the attention of the committee to the case which was read by the gentleman from Wisconsin [Mr. STAFFORD]. This case, which he cites, is a case where one Yarboro and several others from the State of Georgia were indicted for assaulting a colored elector who was on his way to the polling place, and the indictment alleged that he was going there for the purpose of casting his ballot, and that the assault was for the purpose of preventing his voting. The whole opinion is directed to the right of the Federal Government to make a law that would enable people to vote at that election. I thought I was familiar with the case, and after looking at it, every member of the committee, if he will read it, will find that the court was endeavoring to establish the principle that a man going to the election for the purpose of voting could not be assaulted without violating the election law, and there is not the slightest evidence in this opinion that the court ever intended to hold anything else, and there is nothing indicated to justify the conclusions of my friend in reference to it.

Mr. McKELLAR. And that was away back in 1883, was it not?

Mr. SISSON. Yes.

Mr. McKELLAR. And that was long before there was any such thing as a primary election law in this country?

Mr. SISSON. Yes.

Mr. McKELLAR. If there was no such thing as a primary election law up to that time, manifestly the court could not have had any such thing as a primary election in view.

Mr. SISSON. That is true.

Mr. McKELLAR. How could the case have any possible application to the matter that we are now considering?

Mr. SISSON. I do not think it could.

Mr. Chairman, I want to say that if this becomes a law you will find that you then can have nominating conventions to nominate candidates who will become candidates at the primary election, and if you reach back and get that then you can have another primary or another nominating convention to select candidates for that. In many States in the Union where they have provided primary-election laws they actually have nominating conventions, and they have held such conventions in one county in my State where certain citizens got together and said, "We propose to eliminate our differences in a factional fight, so that we will have one candidate only at the primary election," which is the nominating body in my State. Will you say you will go back then and cover that? In other words, when you get beyond the election provided for by the Constitution you can make it absurd to say that Congress can pass laws to chase around after all of the organizations which men as citizens in their sovereign capacity might determine upon in order to ascertain whom they would support at the primary election, and this primary election law is nothing more nor less than the machinery that has been instituted in the State by the parties for the purpose of selecting a candidate for the general election; and I can not conceive how any man who is a lawyer can hold that Congress has the right to control the primary election law of a State.

Mr. McKELLAR. And if Congress can, under this section of the Constitution, regulate the primary elections, why would it not have an equal right and authority under this same provision to regulate how party committees are to be selected in every State in the Union?

we make any agreement. I do not know that I will want any time at all.

Mr. BUCKER. Mr. Chairman, for the present I withhold my request.

Mr. STAFFORD. Mr. Chairman, although the distinguished leader of the minority took occasion this morning to express doubt about the constitutional authority of Congress so far as the provisions of this bill are concerned, I think that a reading of the decisions of the United States Supreme Court removes all question as to its constitutionality, not only of those provisions that relate only to the election, but also those which extend to the primary election, and in confirmation of that I am going to cite the leading case, as I regard it, in this respect. It is referred to in the Manual, being the case of Ex parte Yarboro (110 U. S., 651).

The syllabus that refers to this section is as follows:

Section 4 of Article I of the Constitution, which declares "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time make or alter such regulations, except as to the place of choosing Senators," adopts the State qualification as the Federal qualification for the voter; but his right to vote is based upon the Constitution and not upon the State law, and Congress has the constitutional power to pass laws for the free, pure, and safe exercise of this right.

Justice Miller delivered the decision in this case, and all of us know Justice Miller at that time was regarded as the most eminent jurist on constitutional law then occupying the bench. He uses some language to which I wish to call the attention of the committee as a warrant for the language which I have just read from the syllabus.

That a Government whose essential character is republican, whose executive head and legislative body are both elective, whose most numerous and powerful branch of the legislature is elected by the people directly, has no power by appropriate laws to secure this election from the influence of violence, of corruption, and of fraud is a proposition so startling as to arrest attention and demand the gravest consideration. If this Government is anything more than a mere aggregation of delegated agents of other States and Governments, each of which is superior to the General Government, it must have the power to protect elections, on which its existence depends, from violence and corruption. If it has not this power, it is left helpless before the two great natural and historical enemies of all the public, open violence and insidious corruption.

Further on I read:

Will it be denied that it is in the power of that body to provide laws for the proper conduct for those elections; to provide, if necessary, the officers who shall conduct them and make return of the result; and especially to provide, in an election held under its own authority, for security of life and limb to the voter while in the exercise of this function? Can it be doubted that Congress can by law protect the act of voting, the place where it is done, and the man who votes from personal violence or intimidation and the election itself from corruption and fraud?

There is the essence——

Mr. SISSON. Will the gentleman yield?

Mr. STAFFORD. Not at present, until I finish commenting on this decision.

There is the essence of the decision which is the basis for this legislation for Congress extending its supervision over primary elections——

Mr. SISSON. Now will the gentleman yield?

Mr. STAFFORD. If corruption exists at the primaries, then that fraud reaches to the election, and if Congress has no supervision over primary nominations, this body would be without authority to protect itself as the framers of the Constitution intended it to be protected when they vested authority in Congress by section 4 of Article I. But more, section 5 gives——

Mr. SISSON. Will the gentleman yield there?

Mr. STAFFORD. I will.

Mr. SISSON. I am thoroughly familiar with the case the gentleman read, but that deals solely with the general election, the machinery for that election, the books for that election, and everything necessary to hold that election. The point in that case was as to all the machinery necessary to test the will of the voter at that election; that is all there is to it.

Mr. STAFFORD. Mr. Chairman, I quite agree with the gentleman that the instant case only referred to an election, but there is language there by Justice Miller, eminent constitutionalist jurist that he was, construing that constitutional authority to remove all doubt, that there is any question that Congress had the right to protect the elections at the fountainhead and through the various proceedings of an election. It is something new, something that has grown up recently, in the last 15 years, to have elections by primaries. It had its origin in the State of Wisconsin and it has spread over all this country.

When this decision was rendered back in 1886 there was no State in the country that had any primary election; it was unknown; it was unheard of; but the language expressed in that decision is strong enough to show that the Supreme Court through Justice Miller intended that Congress had ample authority over everything that concerned the election of its Members. Furthermore, consider for a moment section 5, which says that each House shall be the judge of the elections, returns, and qualifications of its own Members. Now, every line of the Constitution is consonant with the idea that Congress must be supreme in the protection of its own membership, in the requirement, if need be, as to the qualification of the electors, and the conditions attendant on nominations and elections also. Now I will yield to the gentleman from Tennessee.

Mr. GARRETT of Tennessee. Under the section which the gentleman just read as to each House being the judge of the elections and qualifications of its own Members, would the gentleman think that now the House would have the right to inquire into the nomination of a Member?

Mr. STAFFORD. The House would have the right to inquire, in considering whether or not a Member is entitled to a seat in this House, as to the method and means of his nomination; most assuredly. If there had been corruption and fraud in his nomination, and he was elected, then that corruption would reach to the election itself.

Mr. SISSON. Mr. Chairman, will the gentleman yield for one moment?

Mr. STAFFORD. Yes.

Mr. SISSON. I have great respect for the gentleman, not only as a man but as a lawyer; but let me ask him this: Suppose that a man had been absolutely discharged from this House in a former election for fraud and corruption. If he goes back home and his constituents vote for him, they remove it all and he is admitted.

Mr. STAFFORD. Congress has the right to refuse to admit him even then if Congress decides he is not a fit person to hold a seat in this House.

Mr. DONOVAN. Mr. Chairman, has the timepiece of the House been lost? [Laughter.]

Mr. STAFFORD. I think the Chairman of the committee is wide-awake in the performance of every duty.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. STAFFORD] has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended three minutes. He has been interrupted frequently.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent that the time of the gentleman from Wisconsin [Mr. STAFFORD] be extended three minutes. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I think the gentleman from Wisconsin [Mr. STAFFORD] ought to be considerate of some of us who are obliged to stay here. [Laughter.]

Mr. GARRETT of Tennessee. We have had time for debate on the amendment on this side, and it is only fair to let the other side have an equal amount of time.

Mr. DONOVAN. I understand the gentleman from Tennessee seems to be of the same stripe, only he is on this side. [Laughter.] Now, it is almost painful to us, at least to some of us, to hear repetitions of this sort hour after hour. [Laughter.]

Mr. STAFFORD. I wish to say to the gentleman from Connecticut that he is under no compulsion to remain.

Mr. DONOVAN. Would he not be thoughtful enough of some of us here to ask unanimous consent to extend his remarks and have what he wants to say inserted in the RECORD?

Mr. STAFFORD. Replying to the gentleman's last remark, I wish to say to the gentleman——

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi [Mr. SISSON]?

Mr. GARRETT of Tennessee. Mr. Chairman, I merely wish to say to the gentleman from Connecticut that those who were in favor of the amendment had 15 minutes, and the gentleman from Wisconsin was opposing the amendment. The gentleman from Connecticut, of course, was not here at the time and did not know what was going on. I merely suggested that, as a matter of courtesy and to be entirely fair, those who opposed the amendment should have an equal amount of time with those who were in favor of it. I thought so, but I do not suppose the gentleman from Connecticut understands the meaning of the word "courtesy."

Mr. DONOVAN. Mr. Chairman, reserving the right to object, I want to say that that ungracious insult from the gentleman from Tennessee was uncalled for. I do not know anyone who remains silent so little and takes part in irregular proceedings more than the gentleman from Tennessee, both in the Committee of the Whole and in the body of the House. Day after day we are sitting here listening to discussions that are foreign to the

Mr. KELLEY of Michigan. In that respect the gentleman differs from the Chief Executive.

Mr. SISSON. That may be true, but I have never permitted the Chief Executive, however great respect I may have for him, to do my thinking. I should look with a good deal of pity on the Member of the House who represented his district who permitted any man to do his thinking for him, even though he held the great office of President of the United States and was one of the purest men on earth.

Now, I am not going into that subject, and I hope the gentleman will not ask me why, for if he did I would have to go into the constitutional provision that provides that electors shall be elected by the States in proportion to the population. I am willing to debate that, whenever it comes up, to the best of my skill and ability.

In this connection, I am not dealing with the question whether or not it may have been wise when they established the Government for them not to give full power over those matters. I am not debating the question whether it might not have been wiser for the fathers to abolish the State lines except for geographical purposes. I am here contending that they did not do so, and that every power which we have the right to exercise here to-day comes from that delegation of power to the Federal Government by the States in solemn convention assembled, ratified thereafter by State legislation.

I am afraid of the man, and for the future of the Republic, when this body shall be filled with men who are willing to scoff at that instrument and the oath that they take to support that Constitution. Therefore, whatever may be the difference between that man and me, you will find that when you ask him the question, he will always pretend to find some constitutional reason, because he is unwilling to commit the crime of perjury. Therefore you must find constitutional ground for the power exercised in Congress, and if you do not do so you have taken an oath that you ought not to have taken, and you have violated the oath when you vote for a law that does not come within the Constitution.

Therefore I hope that every man will seek to justify himself on some constitutional ground. I shall not fall out with a man if he honestly, in his own mind, exercising the best judgment, finds a right to exercise this power and casts a vote in favor of this measure. But, as I view it, I can not support this provision in this bill, which does that which I believe the Federal Government has no right to do. It would be infinitely better, if the measure is so popular in the States, if the measure is one so much demanded in the States, that you should pursue the constitutional method of obtaining a law, and that is under article 5 of this sacred instrument, which provides the means and methods of amending the Constitution, go back to the States and therefrom get the necessary power to pass the desired legislation.

We have done that in reference to many matters. I am unwilling that Congress shall assume the power that does not belong to it. The balance of the bill, as it regulates elections, as it carries regulations in reference to candidates for Congress, you have the unquestioned right, you have the unquestioned power, to pass any law you see fit, providing that it merely regulates the election. When you go beyond that I contend that you have violated the provisions of the Constitution. [Applause.]

Mr. WILLIS. Mr. Chairman, I rise in opposition to the amendment. It seems to me that the amendment which has been so eloquently defended by the gentleman from Mississippi [Mr. SISSON] ought to be entitled "An amendment to provide that candidates for Congress in districts where there are actual party contests shall be required to make reports, but that candidates from districts in which there is no contest save at the primaries shall not be required to make reports." My good friend from Mississippi is afraid of the ghost of the force bill. There is no disposition at all to raise any such question as he has suggested here. There is no disposition to interfere with the right of the people to do anything they actually have a right to do, but there is a disposition to put upon the statute books of the United States a law that will guarantee the purity not only of the merely formal election, but the purity of the primary and the nominating convention. I have not had opportunity to examine the Congressional Directory recently, but I have examined it in past years, and there are many gentlemen here, patriotic and able gentlemen, who have been elected to Congress without opposition save in their own party, and so state in their biographical notices, which they have themselves written.

I am not referring now only to gentlemen who are here from districts in the South where they have no opposition from the party to which I belong; there are some districts farther north where a nomination on the Republican ticket would be regarded as equivalent to an election, so this is not a party matter. But I say to you that where a nomination is equivalent to an election, if you adopt this amendment you have made an utterly unfair discrimination. If the gentleman lives in a district where there is no party opposition—and I am not suggesting that my friend from Mississippi would do an improper thing, and I know he would not; I am simply referring to my friend as an illustration—where there is no opposition to him he might go to the very depths of political corruption. He might openly buy votes at the primaries, he might corrupt delegates to the conventions, and he might use any of the devious methods of the crooked politician to secure the nomination; and yet there would be absolutely no relief under the law if it should pass with the amendment proposed by the gentleman from Mississippi.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. SISSON. Mr. Chairman, I agree thoroughly with the gentleman that this is not a partisan question; but does the gentleman not concede that if the nomination should be so corrupt as to excite public scorn there would be opposition at the general election, because the people would control it?

Mr. WILLIS. There certainly ought to be, but I am not so sure there always would be. At all events, I am unwilling to vote for an amendment when I can see right on the face of it that it will so emasculate this proposed legislation as to make it utterly inapplicable in almost half the congressional districts of the country.

Mr. SISSON. Mr. Chairman, the gentleman is a good lawyer——

Mr. WILLIS. I thank the gentleman for the admission.

Mr. SISSON. Can the gentleman find constitutional grounds sufficient to justify his position upon this matter?

Mr. WILLIS. Mr. Chairman, I will say this to my friend: I have not had opportunity to look up the authorities, as the question has come up suddenly. I am quite familiar with the constitutional provision which he read, but I notice in the Manual a citation to which I called attention earlier in the day, on page 15, to the effect that Congress has, in fact, fixed by law the time of an election and has controlled the manner to the extent of prescribing a ballot or voting machine.

Mr. SISSON. Mr. Chairman, will the gentleman yield further?

Mr. WILLIS. Certainly.

Mr. SISSON. That, of course, is at a general election?

Mr. WILLIS. Absolutely.

Mr. SISSON. And the election provided for in the Constitution. I have no sort of criticism of this bill in so far as it applies to an election.

Mr. WILLIS. I understand that; but what I was about to say is this: If the Federal Government has authority to prescribe the form of ballot to be used at a general election, has authority to prescribe even a voting machine—if it can go that much into detail, I believe that under this clause of the Constitution there is ample authority to say that when the fathers used the word "election" they meant all those processes by which persons are selected to occupy seats in Congress. In other words, I think that the election includes the nomination, so far as the power of Congress is concerned.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STAFFORD rose.

Mr. RUCKER. Mr. Chairman, can we not agree on some time for closing debate on this section?

Mr. GARRETT of Tennessee. Mr. Chairman, I suggest that the gentleman from Wisconsin be permitted to get through before we attempt any such arrangement.

Mr. STAFFORD. On this side we can readily agree on time.

Mr. SISSON. If the gentleman will permit me just one suggestion, I desire to state that so far as I am concerned, if the debate is exhausted upon this amendment, unless somebody else desires to offer the amendment, I will just generally ask that we consider one amendment, that wherever the language I ask to be stricken out in this section occurs it be stricken out. That will save the offering of amendments and having those amendments read, and that will save a good deal more time than it would to try to force an agreement at this time.

Mr. RUCKER. Would it be satisfactory if we have 10 minutes more debate upon this side in favor of the amendment?

Mr. SISSON. As far as I am individually concerned that would be entirely adequate. I do not know what will be said, but if I can have three minutes I would be satisfied.

Mr. GARRETT of Tennessee. I hope the gentleman will be willing to let the gentleman from Wisconsin conclude before

ceived by him or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same, in whole or in part, and deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known. Such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for, and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, for Senator of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election to fill such office, file with the Secretary of the Senate, at Washington, D. C., a full, correct and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part, and deliver a duplicate of such statement to each of his opponents for such nomination or election, if known. Such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate for nomination at any primary election or nominating convention, or election at any general or special election, shall, within 15 days after such primary election or nominating convention, and within 30 days after any such general or special election, file with the Clerk of the House of Representatives or with the Secretary of the Senate, as the case may be, a full, correct, and itemized statement of all moneys and things of value received by him, or by anyone for him with his knowledge and consent, from any source, in aid or support of his candidacy, together with the names of all those who have furnished the same in whole or in part; and such statement shall contain a true and itemized account of all moneys and things of value given, contributed, expended, used, or promised by such candidate, or by his agent, representative, or other person for and in his behalf with his knowledge and consent, up to, on, and after the day of such primary election, nominating convention, or general or special election, together with the names of all those to whom any and all such gifts, contributions, payments, or promises were made for the purpose of procuring his nomination or election.

Every such candidate shall include therein a statement of every promise or pledge made by him, or by anyone for him with his knowledge and consent or to whom he has given authority to make any such promise or pledge, before the completion of any such primary election or nominating convention or general or special election relative to the appointment or recommendation for appointment of any person to any position of trust, honor, or profit, either in the county, State, or Nation, or in any political subdivision thereof, or in any private or corporate employment, for the purpose of procuring the support of such person or of any person in his candidacy; and if any such promise or pledge shall have been made the name or names, the address or addresses, and the occupation or occupations of the person or persons to whom such promise or pledge shall have been made shall be stated, together with a description of the position relating to which such promise or pledge has been made. In the event that no such promise or pledge has been made by such candidate that fact shall be distinctly stated.

No candidate for Representative in Congress or for Senator of the United States shall promise any office or position to any person, or to use his influence or to give his support to any person for any office or position for the purpose of procuring the support of such person or of any person in his candidacy; but such candidate may, within the limitations and restrictions and subject to the requirements of this act, contribute to political committees having charge of the disbursement of campaign funds.

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides: *Provided*, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his nomination and election; and no candidate for Senator of the United States shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $10,000 in any campaign for his nomination and election: *Provided further*, That money expended by any such candidate to meet and discharge any assessment, fee, or charge made or levied upon candidates by the laws of the State in which he resides, or for his necessary personal expenses, incurred for himself alone, for travel and subsistence, stationery, and postage, writing or printing (other than in newspapers), and distributing letters, circulars, and posters, and for telegraph and telephone service, shall not be regarded as an expenditure within the meaning of this section, and shall not be considered any part of the sum herein fixed as the limit of expense and need not be shown in the statements herein required to be filed.

No statement herein required to be made need contain the items of which publicity is given in a previous statement, but the statement required to be made and filed after a general or special election, in addition to an itemized statement of all expenses not theretofore given publicity, shall contain a summary of all preceding statements.

Mr. SISSON and Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. SISSON. Mr. Chairman. I desire to offer an amendment to the first paragraph. I want to state also that the same amendment. If it prevails, will be offered to all of the other paragraphs and sections of the bill wherein the same language occurs.

Mr. Chairman, I offer to amend the first paragraph in section 9 by striking out, after the word "States," in line 4, page 8, the words "at any primary election or nominating convention or for election," and striking out, after the word "special," in line 6, the words "election held in connection with the nomination or," so that the section will read "or Senator in the Congress of the United States at any general or special election."

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 8, line 4, after the word "States," strike out the words "at any primary election or nominating convention or for election," and, after the word "election," in line 6, strike out the words "election held in connection with the nomination or."

Mr. SISSON. Mr. Chairman, I intended also to include in line 3 the words "for nomination."

Mr. RUCKER. Mr. Chairman, can we have the amendment reported again?

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On line 3 strike out the words "for nomination."

Mr. SISSON. That does not read exactly as it should. I ask unanimous consent, Mr. Chairman, to modify my amendment so that the word "nomination" may read "election." I think it makes it clearer.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

Mr RUCKER. Mr. Chairman, let the amendment be read as modified.

Mr. STAFFORD. Mr. Chairman. I would like to have the amendment reported. It has not been fully reported as yet.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

In line 3, strike out the word "nomination" and insert "election."

Mr. STAFFORD. Mr. Chairman, the amendment of the gentleman has not been reported at any time.

The CHAIRMAN. The Clerk will report the entire amendment.

The Clerk read as follows:

Strike out in line 3 "nomination" and insert "election"; in line 4, after the word "States," strike out the words "at any primary election or nominating convention or for election"; and after "election," in line 6, strike out "held in connection with the nomination or election of a person to fill such office, whether or not such persons are nominated or elected."

Mr. SISSON. We ought to strike out the word "election" after the word "special," so that the word "election" will not occur twice. Now, Mr. Chairman, if the amendment is understood, I would like to have recognition.

Mr. GARRETT of Tennessee. Mr. Chairman. I have an amendment which I will offer after the gentleman has discussed his amendment.

Mr. RUCKER. Mr. Chairman, there are several gentlemen who want to be heard on this. I believe the gentleman from Mississippi [Mr. SISSON] has some amendments to offer to other parts of the bill.

Mr. SISSON. Yes; there are some. I will state to the gentleman, so far as I am concerned, that I am perfectly willing that the debate on these may be completed at one time, instead of debating them at different times.

Mr. RUCKER. I wonder if we could not agree as to how much time gentlemen will want to debate this?

Mr. SISSON. In view of the fact that there are so many of the amendments, while I do not want to trespass on the time of the committee, I should like to be permitted to proceed for at least 10 minutes myself.

Mr. RUCKER. I should like to inquire how many other gentlemen want to speak.

Mr. STAFFORD. There will be 15 minutes wanted on this side, and I suggest to the gentleman that we go ahead.

Mr. RUCKER. I thought we might agree on it.

Mr. SISSON. There is absolutely no desire to delay consideration of the bill.

Mr. RUCKER. I know that.

Mr. SISSON. Mr. Chairman, I want to say to gentlemen that I am in favor of publicity of campaign contributions for all elections, and I am in favor of the rigid enforcement of the law, but I do not want to write into a bill something that I do not believe to be in accordance with the Federal Constitution or within the power of Congress.

I presume it is conceded by everyone that under the Constitution the right to regulate the election of a Congressman is fixed; and since the amendment to the Federal Constitution in reference to the election of Senators, the right to regulate that

election is fixed within such limitations as the Constitution makes.

But there is no line, no syllable, and no letter in the Constitution that directly or indirectly recognizes a primary election. The only election to which the Constitution refers is the general election in November and the election of United States Senators. Every other provision of this bill except that which relates to that matter is not constitutional; and I believe that when this proposition is submitted to the Supreme Court, if it is ever so submitted, upon the proposition as to whether or not a man has violated this statute in some primary election, the court will be compelled to declare this act unconstitutional.

How do you get jurisdiction of a man under the Constitution? You get jurisdiction of him by virtue of the fact that he is brought within the provisions of that Constitution when he is elected to the office of Congressman, and, at most, when he is a candidate at the November election. Anything beyond that is beyond the power of the Federal Government. You can not reach out and control the primary election, because the primary election is not held for Congress in the sense that any man there is a candidate for Congress, but he comes before a portion of his constituents who have organized themselves into a political party, and he is asking for the party nomination, asking their permission to become a candidate for Congress. He submits his name, agreeing to abide by the result of that primary election; and when he does so submit his name to that primary, he in no sense of the word puts himself within the jurisdiction of the Federal Government under that clause of the Constitution which gives him the right to an election in November. This is one of the incidents of election, they say; but it is not such an incident as will enable Congress to reach out and get hold of the machinery of the primary election which is held in a State in accordance with the demands of the people for a primary, in order that the parties in that State may select persons to become candidates who may then submit to the constitutional election laws passed by Congress. I agreed with the gentleman from Illinois [Mr. MANN] when he made the statement this afternoon that he did not believe that that much of this bill was constitutional. Nor do I believe you will find a lawyer who will give this matter serious consideration who will say that that part of it is constitutional. I do not believe any man can say so, if he believes in the written Constitution which we have made, and if he believes that Congress is limited in what it does by the plain language of that Constitution. I do not believe you can find any rhyme or reason for the contention that we can reach out and control a State primary election.

How does a man come within the reach of the Federal Constitution? It is when he submits his name to that machinery which the Federal Constitution has a right to control. And what is that machinery which the Federal Constitution has the right to regulate? The only right that Congress has under the Federal Constitution is to give to certain men the right to hold elections under election laws which Congress may pass. There has never been a Federal election law written upon the statute books of this Union in its history unless you shall call this a Federal election law. Some time ago the Lodge bill, commonly known as the force bill, sought to take control of State elections and the appointment of election officers, the appointment of the men who should hold the elections and make the returns, and the appointment of the persons who should make the registration of the voters.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. SISSON. Now, the Lodge bill passed the House of Representatives, but failed in the Senate. That bill was constitutional; that is the feature of the bill which would take control of the regulation of elections, but that was the limit to which it could go. The Federal Government can go no further in that. I know that in these modern times there are men who laugh at the Constitution. I know that in these modern times men make light of that instrument which is the palladium of the liberties of all the people of these States; that instrument which has blazed the way for great Governments of the world; that instrument which was said by Mr. Gladstone to be the greatest instrument ever struck off at one time by the hand of man at any one convention. I know that when political pressure comes upon men at home they are willing to hide behind the fact that the Supreme Court may declare a law unconstitutional if we have violated the Constitution. But that is not the oath which we take. That is not the oath to which we subscribe when we are admitted to this body as Members. We take a solemn oath, without any mental reservation or purpose of evasion, that we will support the Constitution of the United States. Therefore, if there is any question about the constitutionality of a law in any Member's mind, under that oath he should give his decision against the constitutionality of it and against the power of the United States.

Mr. GARRETT of Texas. Will the gentleman yield for a question?

Mr. SISSON. I will.

Mr. GARRETT of Texas. Perhaps I am laboring under a misapprehension as to the provisions of this bill, but I do not understand that this bill proposes to interfere in any way with any election laws or that it controls elections in any way. Does the gentleman understand that this bill attempts to control elections in any way?

Mr. SISSON. Oh, yes; it does.

Mr. GARRETT of Texas. If the gentleman will pardon me——

Mr. SISSON. I do not want to get off into a discussion of the extent to which this bill goes. But under this bill you may reach a party organization in a State, a party organization with which the Federal Government has nothing to do, a primary election law with which the Federal Government has nothing to do, and which has no lodgment in the Constitution. A primary election applies only to the political party, which is a voluntary association formed by agreement amongst a number of people in a State, regulated by the State law, to enable the people of that party to select a man who will become the candidate of that party and then subject himself to the rules and regulations that may be made by Congress under the constitutional provision which provides for the election of Congressmen. Until that stage arises, until the citizen shall offer himself as a candidate for Congress in the November election—the only election that can be recognized under the Constitution, because that is the election fixed, that is the election determined, that is the election and the only one that Congress has anything to do with under the Constitution—until that machinery of the people necessary to reach that stage, that machinery necessary to reach that conclusion as to who shall submit his name for this election, I contend that the Federal Government has no right to control the primary election under the Constitution.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. GARRETT of Texas. In a great many States, both North and South, the only contest we have is in the primary election. After that is over the nomination is equivalent to an election in both the Republican and Democratic States. How would we have publicity then?

Mr. SISSON. I am not bothering myself about that proposition. It is the right of the citizen in a rock-ribbed Republican district of Pennsylvania to bring out a nomination against any candidate in that State; but if no man offers his name for that election, Congress could not reach him. It is not a question of districts; it is a question of what is legal under the Constitution.

Mr. RAKER. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. RAKER. This law was in force at the last congressional election. Has the gentleman heard of any complaints; did not it work well?

Mr. SISSON. That is no answer to the proposition. I am not talking about the wisdom or the unwisdom of it; I am not talking about determining whether it is a good law or a bad law; I am not asking you to determine whether you will or will not support a law that is unconstitutional.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask for five minutes more, and then I will trespass no further.

The CHAIRMAN (Mr. DUPRÉ). The gentleman from Mississippi asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. KELLEY of Michigan. Mr. Chairman, will the gentleman yield?

Mr. SISSON. I will yield to the gentleman.

Mr. KELLEY of Michigan. The gentleman's argument goes to the matter of the presidential candidate, and I assume that the gentleman holds that Congress has no power to regulate a national convention also.

Mr. SISSON. I do not think that Congress has the right to regulate national conventions.

because ore can not be sold. The general business depression throughout the United States is reflected in the stagnation over the iron-mining industry, and the opinion expressed to me by every man familiar with the business is that they have never seen such stagnation and such hopelessness for the future in the iron-producing industry.

What is true of that is also true, though in a less degree, of the lumber business. One of the lumber producers of my own State, who, by the way, is a Democrat, one who never voted anything in his life but the Democratic ticket, who has been a lumber producer in that State for 30 years, tells me that he never in his life saw such conditions, not even from 1893 to 1897; that he sold lumber months and months ago, but the people to whom he sold it will not put in enough more money to move it, preferring to leave it there rotting in the yard. He further stated if things continue as they now are and look as though they were going to, he is going to close his mill, with no prospect of opening it. I have my own opinion as to the kind of ticket that he will vote next fall, together with many more who are in that same degree of business prosperity described as psychological so often in the city of Washington. Mr. Chairman, if I have any more time, I would like to yield it to my friend from Washington [Mr. HUMPHREY].

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. MILLER. Certainly.

Mr. TAGGART. What would the gentleman do for the particular relief of that lumberman—put the tariff back on lumber?

Mr. MILLER. Oh, the tariff on lumber has absolutely nothing to do with his business. I voted for free lumber every time it has come up since I have been a Member of this House. The trouble is that he can not sell his lumber for any price, because there is no market for it in the United States. The general business stagnation resulting from the Democratic tariff bill as a whole has stopped all building, and lumber can not be sold at any price.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. HUMPHREY of Washington rose.

Mr. RUCKER. Mr. Chairman, would the gentleman just as soon wait until I answer some questions that were asked me some time ago?

Mr. HUMPHREY of Washington. Yes.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman from Washington that I am disposed to be very courteous to him, but questions were asked me upon this side so long ago that unless I answer them now I fear I shall forget them. I want to answer them now. The gentleman from California [Mr. RAKER], who I know is in hearty accord with every wise provision of this pending legislation, suggests that in section 8, instead of the amount being $50, it ought to be $10, and that every individual or firm or every committee which uses $10 or more ought to give publicity of that fact. Let me see if he is correct. If every gentleman in a congressional district who gives $10 toward a campaign fund of a candidate for Congress files a statement in Washington in the Clerk's office, how many people in the United States would ever see a single one of them? If a great many contributions were made, then a compliance with the law itself would work a destruction of the law. The law would become top heavy and fall of its own weight. If only one contribution was made, no harm could result if it never was known.

I submit, Mr. Chairman, and I do this with the very best of good humor, as the gentleman knows, because I know he is as earnestly in favor of this measure as I am, that I would go hand in hand with him just as far as the integrity of his political nature would lead him to go, and do all that he would seek to do to purify elections, if I did not believe, if I do not now believe, that the anxiety of gentlemen to accomplish a great good sometimes destroys the opportunity we have at hand of doing some good. I believe the measure is a great measure as it is, and while gentlemen of the House on both sides justly criticise its provisions here and there, I again throw down the challenge broadgauge to all gentlemen, and ask them to suggest something that will improve it, and we will accept it. The committee which reported this bill earnestly tried to discharge its duty. The gentlemen who rendered valuable assistance in framing this bill are now present to support it, but are ready to accept any improvement that may be offered. I believe the thought we have given this measure and the precautions we have used justifies us in standing for its provisions. I hope, therefore, that my good friend from California [Mr. RAKER], who simply desires to make it a better bill, will not insist upon this proposition, and if he does insist upon it, I hope all other friends of the measure will vote down his amendment.

Mr. RAKER. Oh, I did not offer an amendment.

Mr. RUCKER. Very well.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I did not have the pleasure of being present when the clipping-bureau expert from Illinois, Mr. RAINEY, commenced his remarks. It is rather a peculiar incident, however, that the reason I was not upon the floor was because I was stopped in the corridor by a gentleman, who informed me that he had just been out through Pennsylvania, that he was investigating as to the condition of the steel industry in that State, and that he had just returned, and said that it was in worse condition than it was even in 1896.

Mr. RAINEY. Has the gentleman any objection to giving the name of his witness?

Mr. HUMPHREY of Washington. The gentleman is a Grand Army man; he wears a Grand Army button. I see him here about the building sometimes, but I do not know his name. If I did, I would be very glad to give it to the gentleman from Illinois. But I can say this also, for the gentleman's information, that while he talks about the steel industry, the United States Steel Corporation had less than one-half as many orders upon its books the 1st day of May of this year as it did on the 1st day of May a year ago. Another remarkable statement is, as he says from this information which he receives from his clipping bureau, that all of these mills are starting up; that business is reviving, is going to revive.

Mr. Chairman, we have been told all of these months that the mills were all running at full capacity. How can they be starting up when they never have been closed? I am losing some of my faith in some of the prosperity items that are presented on that side of the House. It will doubtless be recalled that on last Friday, I think it was, my distinguished friend from Indiana [Mr. CULLOP] was enlightening us about the wonderful prosperity in Indiana, and in his particular district, and yet the very day that the gentleman from Indiana stood up here and made his prosperity speech the largest factory in his entire district closed, the Sowers Furniture Manufacturing Co., at Bloomington, Ind., employing 800 men, a factory that has been running for many years. Merely psychological, I suppose.

And on last Saturday, while some of those gentlemen were making their prosperity speeches about the textile industry, in Martinsburg, W. Va., almost in the shadow of the Capitol, one of the great factories that has been running for 30 years closed its doors. I wondered why my clipping-bureau friend did not get that clipping. It was in all the press here.

Mr. GOOD. Will the gentleman yield?

Mr. HUMPHREY of Washington. I will.

Mr. GOOD. The gentleman certainly knows it is not necessary to go to Pennsylvania or to Indiana or to any other State to secure evidence that business is paralyzed. Coming down F Street in the city of Washington to-day I counted 10 empty store buildings between Fourteenth Street and Thirteenth Street, and the gentleman knows that that portion of F Street is the best retail section of the city of Washington.

Mr. HUMPHREY of Washington. Oh, yes; but that is all psychological.

Mr. GARRETT of Tennessee. Are they not rebuilding them?

Mr. HUMPHREY of Washington. They were all running a year ago. There are five empty stores on the block on F Street, the first one this side of the New Willard Hotel, that were all occupied a year ago, but of course that is psychological also; but still they are closed, and in a few days my distinguished friend from Illinois will be reading a clipping saying they are going to open.

Mr. RAINEY. Will the gentleman yield?

Mr. HUMPHREY of Washington. I do.

Mr. RAINEY. Does the gentleman know these store buildings which he has just mentioned as being closed are closed because they are preparing to build other buildings on that ground?

Mr. GOOD. Oh, no.

Mr. HUMPHREY of Washington. Oh, no.

Mr. RAINEY. That is true.

Mr. HUMPHREY of Washington. No; the ones I refer to are not closed on account of building operations; they are closed on account of a Democratic administration. Look all over the entire country. You can go into any village or any city in the United States and all you have to do is to walk along the streets and look at the signs "For rent" and know we are enjoying a Democratic administration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent to address the committee for one minute.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for one minute. Is there objection?

Mr. RUCKER. Mr. Chairman, reserving the right to object, I just this minute stated——

Mr. TAGGART. I beg pardon, the Chair had made a ruling, and I will withdraw the request.

Mr. RUCKER. Mr. Chairman, I make no objection to the gentleman's request; but I hope that will not be taken——

Mr. TAGGART. Mr. Chairman, out of deference to the Chairman's ruling, I withdraw the request which he has denied the other side.

Mr. WILLIS. Mr. Chairman, I desire to offer an amendment to section 8.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 7, line 15, after the word "to," strike out "$50" and insert "$10."

Mr. WILLIS. Mr. Chairman, I was not able to hear all the colloquy between the chairman of the committee and the gentleman from California; if I had, perhaps it might have convinced me that this amendment should not be offered; but not hearing it, I am of the opinion that the bill ought to be amended in the way I have indicated in the amendment which I send to the Clerk's desk. This is the section that provides:

SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same.

And so forth.

Now, this amendment, in my judgment, if adopted, will not work hardship or bring about the confusion in the office of the Clerk of the House which the gentleman from Missouri fears it would, because I apprehend that persons making these contributions would ordinarily make them to committees; and if the contributions are made to committees, why, then, there is no requirement to make report here to the Clerk; and it seems to me that if we leave the amount as high as $50 we open the way to a great deal of possibility of fraud. I do not think there will be any hardship or any confusion or any inconvenience if we have that amount lower, and I do believe the amendment I have offered is in the interest of purity in our elections.

Mr. RUCKER. Will the gentleman yield?

Mr. WILLIS. I do.

Mr. RUCKER. I am not guided in my conclusions by the thought of any hardship to anybody who is required to keep an account, but I would like to suggest this to the gentleman: The amount written in the law is $50. The gentleman's amendment would reduce it to $10, so that everybody who made a contribution, which was not given to a committee, of $10 or more to be used in two or more States would be required to file a statement with the Clerk of the House. Now, the point I make is this: If a great many contributions of that kind are made, obviously nobody will pay attention to them, because they become so multitudinous. If only a few are made, it is wholly immaterial whether we know about them or not, because they do no harm, and, it seems to me, if the gentleman will reflect a moment about it, in requiring publicity where the amount is $10 or more, if you would file all the papers here, it would pile up the papers here so high and become so confusing the public could derive no benefit from the requirement.

Mr. WILLIS. I do not think this amendment, if enacted into law, would effect such confusion, and I do not think there would be any delay of reports; but I think our people all over the country, who as a class are law-abiding citizens, would appreciate the spirit of this act, which undoubtedly is to turn on the light of publicity and punish everybody who ought to be punished. Men who wish to contribute to the expense account of any candidate, instead of sending that money to him, so that the matter can be kept in the dark, with all the attendant possibility of improper influence, will make a contribution directly to some committee which, under this admirable bill which the gentleman has drawn, will be required to make a report. It seems to me that the very effect of it will be to secure larger publicity. Now I yield to the gentleman.

Mr. RUCKER. Mr. Chairman, I believe that possibly the gentleman from Ohio misapprehends the bill. If, for instance, some gentleman living in a different State would send to a candidate for Congress in Missouri a $25 contribution, the amendment he proposes would not require, even if the amendment should carry, publicity by the donor, because the language is "who seeks to influence the election in two or more States."

Mr. WILLIS. Yes; I understand so.

Mr. RUCKER. If the effort is to control the result of an election in only one district, it would not be in two or more States. And then, again, the gentleman will see that very little will ever result from this section as a matter of fact, except when gentlemen make princely donations, because where the amount is $50 it must be distributed between at least two States before the donor is amenable to the law.

Now, a person who is a candidate in another State who may receive the donation is obligated to account for that, but the giver would not be required to give publicity unless the election is held in more than one State.

Mr. WILLIS. The result of this amendment reducing the amount would tend to bring about a larger degree of publicity, would it not?

Mr. RUCKER. No. In all frankness I will say that I think the contrary would be the effect.

Mr. WILLIS. If the gentleman believes that, why not raise the $50 to $1,000, or at least to $100?

Mr. RUCKER. Oh, that is not reasonable. The gentleman will recollect that $50 measures the amount of the campaign contributions of many men who make contributions for patriotic motives. I hope the gentleman's amendment will not be adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Ohio [Mr. WILLIS].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. SISSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SISSON. I want to inquire whether, under the special order, amendments were to be offered to the end of the paragraph? Does the regular order apply to amendments offered at the end of a paragraph and not the end of a section?

The CHAIRMAN. There was no request made to consider the bill by paragraphs, and the regular rule of considering it by sections is adhered to.

Mr. SISSON. That is not the regular rule, as I understand it. It is not to consider it by sections, but by paragraphs.

The CHAIRMAN. We are considering this by sections.

Mr. SISSON. I want to offer some amendments to this bill.

Mr. RUCKER. Mr. Chairman, I suppose the gentleman would be content to offer them after the reading of the section.

Mr. SISSON. The same amendment would occur in several of these paragraphs.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] will be recognized to offer amendments to any paragraph in the section.

Mr. SISSON. I would like to know by what order or what authority we are changing the regular rule of the House, which says that the bill shall be read by paragraphs for amendment, and not by sections? I have no objection, Mr. Chairman, if it is understood that I do not lose any rights thereby.

Mr. RUCKER. That is all right.

Mr. GARRETT of Tennessee. Mr. Chairman, that would be true if there was a gentleman's agreement that no one would make a point of order that it was too late to offer an amendment.

Mr. RUCKER. I ask unanimous consent, Mr. Chairman, that in the consideration of this bill amendments may be offered, after the entire section has been read, to any part of it.

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that amendments may be offered, after the entire section has been read, to any part thereof. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the word "candidate" as used in this section shall include every person whose name is presented with his knowledge and consent for nomination for Representative or Senator in the Congress of the United States at any primary election or nominating convention or for election at any general or special election held in connection with the nomination or election of a person to fill such office, whether or not such persons are nominated or elected.

Every person who shall be a candidate for nomination at any primary election or nominating convention, or for election at any general or special election, as Representative in the Congress of the United States, shall, not less than 10 nor more than 15 days before the day for holding such primary election or nominating convention, and not less than 10 nor more than 15 days before the day of the general or special election at which candidates for Representatives are to be elected, file with the Clerk of the House of Representatives, at Washington, D. C., a full, correct, and itemized statement of all moneys and things of value re-

called for a strict accounting of the disbursements by the candidates themselves, there was much money spent in their behalf by others for which there was no accounting whatever, and the candidates themselves were supposedly ignorant of the conditions.

Mr. RUCKER. Of course I do not know. The newspapers may condone the offenses of citizens here and there and elsewhere; but my notion is that the condition suggested by the gentleman from Kansas can not exist in any jurisdiction in this whole broad land without the guilty participation of the candidate. It is bound to be so.

Mr. RAKER. Now, I want to call the attention of the chairman to this section. While it has been passed and discussed before, it seems to me that there is a way in which this could be reached.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. I ask for five minutes more. I yielded most of my time to questions.

The CHAIRMAN. The gentleman from California asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. RAKER. While section 8 relates to one subject, and requires every firm, association, or committee except this national committee to file statements as to expenditures within two or more States, I can readily see the propriety of leaving the words in line 22, "in two or more States"; but can there be any possible legitimate reason for a person who goes out and expends money above $50 or above $10—and I will say it ought to be $10—in behalf of any candidate for the House or the Senate, when there is no constitutional inhibition against it? Why should not the public know what money has been expended? The argument might be made that the candidate must know; but that can be passed by and slipped aside, and money may be expended, and the election is over, and the candidate legitimately might not know anything about it. We are here trying to get publicity of campaign expenses. I believe that the law now in force has done more for the purification of elections than any one thing that has been done in many years. It has made it possible that the public may know what corporations are interested in the election of a particular man, what individuals are interested in the election of a particular man, and what corporations, individuals, or set of men are in favor of defeating a particular man for office, for membership in the Senate or House. And if a man expends a certain amount of money over $50, as provided in the bill—or it might be $10—why should he not file a statement with the Clerk within the specified time before election, and another statement so many days thereafter, and then another statement after election, so that the public may know who is behind a man and what interest he represents, and also the interest that is trying to defeat any candidate? I believe it would have a wholesome effect upon the purity of elections.

I want to say that no man ought to be permitted, no man ought to request or require any more money in a campaign than enough to pay legitimate expenses in going over the country as well as sufficient newspaper expenses that the public may know him and know the things for which he stands. There is not a dollar expended for buying men outright and getting them to do certain things that have been done in the past for the purpose of corrupting elections. Money ought not to be sent in from one district to another, and if a man expends it in his behalf or in behalf of anyone he might not know of, or defeating another, it ought to be published and let the public know what that money was expended for.

Mr. CLINE. Will the gentleman yield?

Mr. RAKER. I will.

Mr. CLINE. I think the gentleman is supposing a condition and making the requirements of a candidate that it is not possible to comply with. It was disclosed in the Mulhall investigation that the Federation of Labor and the Association of Manufacturers voluntarily got behind candidates for Congress. I think I may fairly say that it was without any knowledge on the part of the candidates. They expended money, in many instances thousands of dollars, for the benefit of a candidate or to defeat him, along lines of their own selection without any knowledge on the part of the candidate. How are you going to require the candidate under those circumstances to account for the use of all the funds that were effective in electing him or defeating him?

Mr. RAKER. I want to thank my friend for that statement. This bill and the law in most of the States requires a candidate to make a full and complete statement of all money expended and contributed to him and what he expended it for. This section 8 eliminates the private individual in a State who goes in for the purpose of corrupting voters for the purpose of electing a United States Senator, lets him go in each congressional district and expend money without filing a statement as to the expenditure of the money. The same way the committee and the same way the company, and the purpose of the section is in a company that spends any money in one State or one district should be required to file a statement with the Clerk of the House of Representatives the same as when his activities are in two or more States, and the various iniquities that were brought about by the Mulhall activities, if they had complied with the law, would have demonstrated and exposed those that they were in favor of or those that they were against.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MILLER. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that I may proceed for five minutes. I do that because I do not wish to speak upon the provisions of the bill, but make some observations in answer to the remarks of the gentleman from Illinois [Mr. RAINEY].

Mr. MONDELL. Mr. Chairman, I do not want to object, but I hope that we can finish the discussion of this bill soon, so that we can reach another measure; and I trust that this political discussion will soon end.

Mr. RUCKER. Mr. Chairman, reserving the right to object, I did not object to gentlemen on this side a few minutes ago who asked the privilege, and I can not object now to gentlemen on that side of the House; but let that be an offset to the remarks of the gentleman from Illinois.

Mr. STAFFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. The gentleman from Washington [Mr. HUMPHREY] would like three minutes.

Mr. RUCKER. After the gentleman from Minnesota has addressed the House I shall seek to confine the discussion to the bill. I feel compelled to do that.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. STAFFORD. Reserving the right to object, I hope the gentleman from Missouri will see his way clear to allow the gentleman from Washington three minutes, as the gentleman from Illinois [Mr. RAINEY] addressed some remarks to him.

Mr. RUCKER. I suggest if we make some progress in the bill that later on we may be in better humor.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota.

There was no objection.

Mr. MILLER. Mr. Chairman, the gentleman from Illinois [Mr. RAINEY] has submitted what to his mind is a return of vanished prosperity in business. His main witness, as I gathered from what he said, is the United States Steel Corporation. He quoted a newspaper report that the United States Steel Corporation has received orders for the manufacture of certain iron and steel goods. I have no doubt that is true. It would be amazing if that corporation of great magnitude did not receive some orders even in these distressing times.

But there is a feature of it which the statement of the gentleman from Illinois did not include. The mining offices of the United States Steel Corporation are in the city in which I live. One-half of all the iron ore mined in the United States is mined in the county in which I live. The great mines of the Steel Corporation are located in that county. Practically all of the independent iron producers have great mines in my district. I have just returned from a complete tour of every section of the mining district. I have visited every town and pretty nearly every mine, and I found the same conditions existing everywhere. Never since iron ore was first discovered at the head of the Lakes has there been such a region-wide depression as now. Within the last few weeks the United States Steel Corporation, the witness offered by the gentleman from Illinois, has discharged some 3,000 or 4,000 miners in the county in which I live. It has not only discharged them because there is no market at the present time for ore, but has absolutely closed up a large number of the mines.

What is true of the Steel Corporation is also true of independent concerns who are producing about the same quantity annually as the Steel Corporation. A great majority of their mines are closed to-day and were never closed before since they were opened. All of them are on reduced time.

Every train from the mining country is filled with men leaving that region because there is no work. Mining operators told me there is no use mining ore, because there is no market for ore. Mines are therefore closed or their output reduced,

The New York Times of June 22 records the big rail order for the Pennsylvania Railroad, a total of 137,000 tons to be bought, some of them 120-pound rails.

The New York Times of June 25 also calls attention to the fact that the tube industry is reviving and that the National plant at McKeesport is to be put on full time at once.

The New York Times of June 26 contains a dispatch from Detroit to the effect that the Ford Motor Co. is preparing to double its plant before fall, making it the largest manufacturing company in this country, and perhaps in the world. Five millions of dollars additional expenditure is to be made in the erection of buildings and 40,000 men are to be employed.

The Chicago Herald of June 26 announces that the American Car & Foundry Co. shows tremendous increase in earnings this year over a corresponding period for last year. This firm earned nearly $6,000,000 in the year ending April 30. The splendid showing made by this company is referred to on that date in the newspaper items throughout the country. The New York Commercial of June 26, 1914, contains in its editorial columns a long review of steel-trade conditions, showing revival in the steel trade in Pittsburgh and throughout the country, and reviewing the rolling-stock shortages on various important railroads. The New York Times of recent date also calls attention to the fact that the Cramp & Sons Ship & Engine Building Co. are earning more and more money all the time, showing a gain in the year ending April 30 of this year of over a million dollars as against a gain of half that much in the previous year.

A recent issue of the Iron Age calls attention to the fact that the steel trade, entering the second half of this year, is looking for an increase in demand. Mr. Earling, president of the Chicago, Milwaukee & St. Paul, is giving out interviews announcing a substantial improvement in railway business throughout the country.

I have only attempted in submitting this evidence—and I have submitted only a small part of the evidence in my possession—to call attention to the business revival experienced throughout the country in the steel industry, on the railroads, and in other lines closely connected with steel and with railroad operations. In a few days I expect to take up other lines of industry. It is impossible for calamity howlers here in the House of Representatives, resorting to undignified language, unbecoming the high position they occupy, to affect the reviving business condition felt throughout the country. Managers of great corporations, anxious for the return to power of a party which protects their profits at the expense of the great masses of the country, may give out statements to the effect that there is a period of great depression here. High officials of the Steel Trust may endeavor to suppress the evidence of prosperity in their own lines, but, after all, they can not seriously interfere with the laws of trade. There is no depression throughout the country. Business is improving. I have called to the attention of the House the evidence. I have produced here the witnesses.

If you want to find the evidence of a real trade depression—a Republican trade depression—read the headings in the newspapers published throughout the country in 1907-08. I called attention in a speech I made on the floor a few days ago to some of the things that were happening in those years, and I called then the same witnesses I call now—the newspapers of the country. In my speech at that time I reviewed some of the events showing the awful depression of those years, the depression from which we are just now emerging. The national administration needs no defense at my hands from the little calamity howlers throughout the country—from the little men, prompted by little motives, who attempt to detract from the splendid, the marvelous, record we are making under the leadership of the greatest President since Lincoln. Speeches made on this floor, occasional declarations heard throughout the country, attempting to suppress the evidence—to make people throughout the land doubt the evidence of their own senses—only serve to call attention to reviving trade conditions. The proof is abundant, on the other hand, to show the complete and absolute falsity of the declarations to which I have been calling attention.

It is to be regretted that there are men in this House and throughout the country whose blind devotion to discredited principles, to a discredited party, and to discredited party leaders is so intense that they can see nothing good in the legislation we have placed upon the statute books. They are so prejudiced and partisan that they can not see throughout the land the evidence of a business revival, which comes to the surface in spite of them and in spite of the great influences of law-defying corporations. We are on a new business basis, protected and regulated by new laws enacted by the party now in power, which is the conservative party of progress throughout the Nation. [Applause on the Democratic side.]

The Clerk read as follows:

SEC. 8. That every person, firm, association, or committee, except political committees as hereinbefore defined, that shall expend or promise any sum of money or other thing of value amounting to $50 or more for the purpose of influencing or controlling, in two or more States, the result of an election at which Representatives or Senators to the Congress of the United States are elected, unless he or it shall contribute the same to a political committee as hereinbefore defined, shall file statements of the same under oath in the office of the Clerk of the House of Representatives, at Washington, D. C., as required by sections 6 and 7 of this act, which statements shall be held by said Clerk in all respects as required by section 6 of this act.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. I should like to ask the chairman of the committee a question in regard to this matter.

Mr. RUCKER. I yield to the gentleman.

Mr. RAKER. This is practically the same as the old law. The only change is that it adds the Senators. Now, if a man expends money in a State for that individual State, I want to ask the gentleman, would that come under the provisions of this section?

Mr. RUCKER. I think not.

Mr. RAKER. In other words, then, all the money expended by a person or a firm or association would not be reported to the general committee at all? Or, in other words, they would not have to file their statement.

Mr. RUCKER. If it was expended wholly within the State, they would not.

Mr. RAKER. May I ask the gentleman why this ought not to be mandatory upon an individual or a person who expends money in a State for the election of either the Member of the House or the Senate? Why should he not be required to file his statement with the clerk, the same as if it was expended by the committee in two or more States?

Mr. RUCKER. The reason is the same as that which I assigned before. Whether it is a good or bad reason the gentleman will have to determine. It is this: We desire to avoid an invasion of the rights of States. The firm, association, or person here referred to, of course, is a citizen of the State solely, and we seek no jurisdiction over that citizen, unless he undertakes to expand his activities into other than the State in which he lives.

Mr. RAKER. What constitutional objection is there, if any?

Mr. RUCKER. To me?

Mr. RAKER. Yes.

Mr. RUCKER. None in the world; but I want to say to the gentleman that there are others besides myself, whose wisdom is no doubt superior to mine.

Mr. TAGGART. May I interrupt?

Mr. RUCKER. Yes.

Mr. TAGGART. There are other provisions in the bill further on and even in the law——

Mr. RUCKER. We are talking about the law now.

Mr. RAKER. In the law now.

Mr. TAGGART. There are provisions in the law now requiring the candidate to give the name of any person who has expended money in his behalf.

Mr. RAKER. That is right.

Mr. TAGGART. And the amount, and to whom he gave it; but it does not require anyone, either the candidate, the committee, or any other person, to state for what purpose any money was expended.

Mr. RUCKER. That is not the question the gentleman is now dealing with.

Mr. RAKER. No. In other words, this is more extensive than that.

Mr. TAGGART. If a man of great wealth should take a notion to elect a certain man to Congress, he could go to work, without the knowledge of the candidate, and spend all the money that he pleased for any purpose that he pleased and give no account of it whatsoever.

Mr. STAFFORD. This bill does not reach that condition at all.

Mr. RUCKER. I will answer the gentleman, if I have understood him correctly.

Mr. RAKER. I am glad to yield for that purpose.

Mr. RUCKER. The gentleman assumes a preposterous and impossible condition. A rich man can not go into a gentleman's district and debauch the people without the candidate having guilty knowledge of it, and the law requires the candidate to account for the money that is used in that way in his behalf.

Mr. STAFFORD. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. I am not acquainted with conditions in Pennsylvania; but recently I read an extract from a highly reputable newspaper, the Philadelphia Public Ledger, in which that very condition was pointed out, that while their State law

The Springfield Republican of June 18, 1914, in an editorial, said:

STEEL TRADE AND PROSPERITY.

That the orders of the United Steel Co. are steadily increasing this month is admitted in trade circles. They would increase faster if the corporation would accept long-term contracts at the present prices. * * * Assuming that the trust's unfilled orders reached the low point of the downward movement in May, it is worth while to make some comparisons for the benefit of Mr. Calamity Howler. The unfilled orders were 3,096,100 tons on May 31. There was a period of more than a year not so long ago when the trust's unfilled orders ran steadily under that figure. * * * It is wicked and unpatriotic, perhaps, to mention the fact, but the Chicago correspondent of the Philadelphia Public Ledger, who is a specialist in finance, says, under date of the 16th: "This week, for the first time, there has been a splendid outburst of business confidence in the country tributary to Chicago, though the two or three weeks past there has been liberal buying of goods by country merchants in anticipation of a better tone among the people."

Now, I have other extracts here, which I am not going to read in full. I will read only sections of them, but I have them here if the fairness of the sections read are at any time questioned.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. RAINEY. Not now. Later on I shall be glad, if I have time, to yield, but not at this time.

Under the heading of "Greater steel activity," the New York Times quotes the Iron Age as saying that the midyear buying shows marked improvement. I read:

The St. Paul has released 15,000 to 20,000 tons of rails to a Chicago district mill, and it is believed to have distributed new orders amounting to 20,000 tons. * * * The steel corporation has taken a contract for 5,000 tons of girder rails for New South Wales. * * * The Wabash has practically closed for 60 locomotives. * * * The Pittsburg, Shamut & Northern has bought 750 coal cars, and the Atlantic Coast Line 100 logging cars. The Toledo & Ohio Central is asking bids on 1,000 box and 1,000 hopper cars.

The Iron Trade Review says the moderate betterment in steel trade which appeared early in June, as contrasted with other recent months, has been maintained. The volume of new business in a number of finished steel lines has undergone some expansion, specifications are better, and there is considerable negotiating by consumers on contracts for forward deliveries. Some makers report their bookings fully 50 per cent better than in May. The Steel Corporation's tonnage is considerably ahead of last month. * * * Car builders have been placing some sound tonnages of steel.

From the Philadelphia Record of June 19, 1914, under the heading of "Glass and steel pick up," I read:

SIGNS OF BETTER BUSINESS IN THE PITTSBURGH REGION.

The declaration of President Woodrow Wilson that the present business depression is purely "psychological" appears to be in a measure borne out in this territory, if signs of increasing activity in all industrial lines can be taken as a criterion.

One of the most striking examples of return of prosperity was the announcement made by the American Bottle Co., of Newark, Ohio, that its working force would be increased from 900 to 1,200 men, and that working hours, which now vary 10 to 12 on two shifts, would be reduced to 8 hours. The factories will be run in three shifts of 8 hours each.

At Greenville, Pa., the 7-inch mills of the Carnegie Steel Co., which have been closed down for some time, resumed operations yesterday, giving employment to several hundred men.

Prosperity has also struck Sharon, where mills and furnaces are now running on better time than for several months. At the Driggs-Seabury ordnance corporation's office the company's books showed orders to be 900 per cent ahead of this time last year. The pay roll has increased 20 per cent, and a large number of extra hands are being employed.

At the plant of the United States Steel Corporation in this vicinity and the big independent concerns a steady resumption of business is reported.

As evidence of reviving conditions the country over, I desire to read extracts now from a number of papers published in a great many different cities, these extracts being selected at random and all appearing within the last week or 10 days of time. I have here the New York Commercial for June 22, and I read the following headings from its columns:

Improvement is shown in the steel situation—Structural business doubled the preceding week—On car orders June should show up well in excess of May or April—Sheet mills running on better time—Tin plates close to capacity.

The column of matter which follows the above headings I have carefully read. The matter printed is fully indicated in the headings I have just read.

From the Meriden (Conn.) Record I read the following heading:

Usual summer vacation planned for employees in most factories—Some concerns so busy that factories will close only for Fourth of July.

This paper is published in the very heart of the greatest manufacturing section of this country. I read from the article which appears under the above heading:

A number of concerns are so busy with orders that the employees will have a vacation of only one day—the Fourth of July. The Meriden Britannia Co., the M. B. Babcock Co., the Curtis-Way Co., and the Connecticut Telephone & Electric Co. all report business to be exceptionally good. These concerns will not have any shutdown summer period. * * * The rosy side of business conditions is found at the Connecticut Telephone & Electric Co., where 225 operatives are employed at overtime work. The concern has never had as much work and is employing more help than ever before. * * * The Curtis-Way Co. will close only for the Fourth of July.

From the Cincinnati Enquirer of June 19 I read the following heading:

Business—Rush of steel orders.

From the New York Sun of June 22 I read the following heading from one of its columns:

Pittsburgh mills resuming—One plant on full schedule for first time since November.

And under this heading the dispatch from Pittsburgh recites that—

One of the strongest indications of a resumption of business in the steel industry occurred to-day when department No. 1 of the Allegheny Steel Co., at Brackenridge, went on full schedule. This will be the first full week the department has operated since last November.

The lower mills of the American Sheet & Tin Plate Co. at New Kensington, also resumed. Officials of the New Kensington plant said that they expect the upper mills to be operating on full time within the next two weeks.

From the Courier Journal of June 18 I read the following headings:

Baltimore & Ohio Railroad shops to run on full time—Force at Washington, Ind., will be increased from 500 to 1,000 men.

The article under the above heading goes on to state that at present the shops employ 800 men and that 200 more men are wanted at once. From the Cincinnati Enquirer I read the following heading:

Illinois Central plans extensive improvements costing almost 10 millions—Many grade crossings will be done away with—Route to New Orleans shortened—Better terminals for Memphis.

And the article under these headings goes on to recite improvements to this railroad at Memphis amounting to over $3,000,000; at Chicago nearly $6,000,000; at Kensington of $2,500,000; and at other places in varying amounts, the total improvements being $10,000,000.

I read from the New York Times of about the same date the following heading:

Railroad business better says Hill—Great Northern earnings now picking up is the news he brings—Earling also optimistic.

And the data under this heading is a particularly interesting statement of the business revival given out by these great financiers.

From the New York Commercial of June 26, 1914, I read the following heading:

Western railroads facing big jump in traffic—Officials optimistic as business all along the line continues to increase and general freight movement swells—Provision tonnage gains heavily.

Under this heading I read:

A better feeling among railroad men, combined with improved prospects for a larger business and increased earnings, is the situation which exists in the West.

Farther down in the same column I read:

Although the tonnage in provisions moved over western railroads last week was only 120,000 pounds larger than the previous week, it was 4,415,000 pounds or 24 per cent in excess of last year.

And this article goes on to state that the big gain was in cured meats, and also in fresh-meat shipments.

I read from a recent issue of the New York Times the following heading:

No hard times in the West says Garford—Ohio Progressive is interested in six lines of manufacturing.

Under this heading there is printed an interview with the gentleman who is running for United States Senate in Ohio on the Progressive ticket. Referring to the Wilson administration, he says:

The administration has got to have a square deal. It has accomplished some things that somebody or something had to bring about. * * * I was talking the other day on the train to a salesman for a big New York concern who had been making a five months' tour of the West. He told me he had done the biggest business he had ever done.

Printed in the very heart of the manufacturing section of this country is the Paterson Guardian. From its issue of June 18, 1914, I read the following heading:

THROUGHOUT THE COUNTRY ARE SEEN INDICATIONS OF BETTER BUSINESS.

And under that sort of a heading I read:

There are many indications of better business. Bank clearings are over $3,000,000,000 a week. * * * Dun's Review notes that the New York banking position is unusually strong. This means that one essential stimulus to business expansion is not lacking, and there are now several signs of reviving activity in commercial and industrial channels.

I have here the Chicago Daily Farmers and Drovers' Journal for June 9, 1914, and from which I read the following heading:

Exports of hog products show increase—More beef products on foreign account.

And under this heading is given the statistics showing the remarkable increase of exports of beef products and hog products over the corresponding months of last year, and the remarkable increase for the 11 months ending in May, 1914, as compared with the 11 months ending in May, 1913.

The Indianapolis News of June 9, 1914, says:

You just can't keep unparalleled prosperity down in this season of big crops. The Oliver Plow Works at South Bend will resume full operation July 6.

From the New York Times of June 18 I read the following dispatch from Kansas City, Mo., containing an interview with a bank examiner, who had just finished his inspection of certain Kansas banks:

Do not forget to build some more money drawers to take care of the wheat money that will come in a few weeks from now. * * * The impetus to trade comes next. It is already being felt through buying for harvest needs.

From the New York Evening Post I read a dispatch from Chicago, dated June 22, printed under the following heading:

TRAFFIC PROSPECTS BRIGHT—TONNAGE MOVEMENT ENLARGED OVER LAST YEAR—MAJORITY OF WESTERN ROADS HANDLE MORE MISCELLANEOUS FREIGHT AND MERCHANDISE, DERIVING BETTER REVENUE—ACTIVE PREPARATIONS FOR MOVING LARGE NEW GRAIN CROPS.

A better feeling among railroad men, combined with improved prospects for a larger business and increased earnings, is the situation which exists in the West.

From the Baltimore Evening Sun of June 22 I read the following heading:

RAILROADS KEPT BUSY—REPORT PICKING UP OF TRAFFIC FROM THE WEST.

Railroads handling traffic from the West report a decided picking up in business in that section, with increased loadings of all commodities.

From the Cincinnati Enquirer of June 22 I read the following heading:

BUSINESS SEEMS TO BE MENDING, ACCORDING TO NEWS FROM ALL PARTS OF THE COUNTRY—STAPLE GOODS FIND THE BEST DEMAND AT THIS TIME.

Confidence is growing rapidly in all lines of trade and industry. This was the report from all over the country last week. * * * Coupled with a drop of 1 cent in sterling exchange and the apparent end of gold exports, come announcements of heavy export sales of wheat. Stocks show a tendency to regain lost ground. Bank clearings increased 3.9 per cent over the previous week, the gain being made outside of New York.

The Milwaukee Journal of June 20 contains the following Pittsburgh dispatch, which is printed under this heading:

GROWING BUSINESS GIVES THE LIE TO HARD-TIMES TALK.

One of the most striking examples of the return of prosperity was the announcement made by the American Bottle Co., Newark, Ohio, that its working force would be increased from 900 to 1,200 men, and that working hours, which now vary from 10 to 12 on two shifts, would be reduced to 8 hours. The factories will be run in three shifts of 8 hours each.

The same article also calls attention to the fact that the 7-inch mills of the Carnegie Steel Co., which have been closed down for some time, are now reopened, giving employment to several hundred men, and the article also calls attention to furnaces at Sharon, which are now running on full time after running on short time for several months. It also calls attention to the fact that the Driggs-Seabury Ordnance Co.'s books show that orders are 400 per cent ahead of last year, and that a larger number of extra hands are being employed and the pay rolls increased 20 per cent.

Newark, N. J., is one of our greatest manufacturing centers. My recollection is that in Newark there are factories manufacturing almost everything that is manufactured anywhere in the United States. In this great manufacturing city there are over 1,800 factories. We can group several States which combined do not have as many factories as the city of Newark. Great trusts, however, do not operate there. Prosperity in Newark, with its varied industries, means manufacturing prosperity throughout the United States.

I read from the Newark News of June 22 the following heading:

Steady growth of savings deposits—Six local institutions report gains over 1913.

And then the article goes on to name the savings institutions which show gains of deposits.

I read from the article:

Practically without exception these banks * * * all report larger or fully normal total increases of savings deposits during the first half of 1914, with records which will compare more than favorably in some instances with like totals for 1913. * * *

At the Fidelity Trust Co. it was explained that the savings bank department showed deposits larger than a year ago, mainly because of the natural growth of business.

I read from a great journal printed in Milwaukee—the Milwaukee Sentinel—the following heading. It gives in one of its columns on the 21st day of June:

PROSPERITY PERIOD HITS COPPER FIELD—EXPERIENCED MEN ARE IN DEMAND, WHILE LABORERS GET READY EMPLOYMENT—OUTPUT IS INCREASING.

The big copper companies are rushing their outputs, increasing their product. * * * The copper country of northern Michigan is enjoying the greatest prosperity, the greatest boom, it has ever known, now that the strike is almost forgotten. * * * The Copper Range mines are almost daily increasing their shipments. Champion sending 94 cars per day, etc.

The New York Herald in a recent issue announces that at New Britain, Conn., the factories are working overtime and are running short of stock and are increasing the hours of their employees. On the 23d day of June the great Sharpless Separator Co., of West Chester, Pa., made public its letter of May 20, which is as follows:

Our factory is now running until 10 o'clock each night in order to make quick delivery of milkers and separators.

Business with us is very good, as is true of a large number of dealers that handle our lines.

This is the company which, it was claimed on this floor during the tariff debate, would be injured on account of the fact that we put their products on the free list, and on the floor of the Senate on August 4 last Senator Penrose declared that the tariff law would compel the Sharpless Separator people to "move out next month." From the Brooklyn Citizen of June 23 I read under the heading "Revival of the steel industry" an editorial reference to the press announcement from Pittsburgh that the steel business is improving:

With a bumper crop and a good steel trade business generally should pick up. The country has been in the doldrums long enough.

From the Baltimore Evening Sun of June 23 I read the following heading:

Fear of car shortage rouses railroads—All possible equipment going to shops to meet expected demands—Baltimore & Ohio is hustling.

From the June 24 issue of the same paper I read the following heading:

Freight traffic picking up—Number of idle cars on Pennsylvania shows marked decrease.

From a recent issue of the San Francisco Daily News I note that the county treasurer of that county does not know what to do with $5,000,000 in cash. The banks will not borrow it, although he only charges them 2 per cent. The banking institutions, he says, have all the money they want, and this city and county treasurer concludes his interview by saying:

When your banker tells you that times are hard and money tight, you can tell him where he can make a nice profit by lending it to you at 6 or 8 per cent.

I content myself with reading the following heading from the Indianapolis News of June 22:

Confidence is growing in all lines of trade—Better wholesale and retail distribution—Basic industries improved.

The New York World of June 20 contains an interesting interview with Sir G. Paish, editor of the London Statist, and an economist of European reputation. I read a portion of it:

What is happening is not peculiar to the United States, but is incidental to the business situation generally. We calculated upon this reaction for 1913, but it has come earlier, and I believe an improvement is near. As to the United States, the shortage of the corn crop last year is one of the contributing causes. Such a shortage is inevitably followed by a shrinkage of trade. * * * There is no fundamental reason for depression. The American people are enjoying a great income, which no one doubts will show enormous expansion as time goes on. * * * These reactions are good things. They result in the survival of the fittest, and in renewed and enlarged expansion along safe lines

From the Milwaukee Journal of June 28, 1914, I read these headings:

Factories run day and night—Mills in Pennsylvania run at capacity—Treasurer of American Federation of Labor says employment conditions have improved much in a few months.

The Elizabeth Evening Times is published in the heart of a great manufacturing center. I read from its issue of June 26:

For the first time in many years the great Singer Sewing Machine plant at this city will give its employees only one week of summer vacation. The rule has been two or more weeks, and the majority bowlers had led the weary ones to expect a double-time lay off this summer. The Singer plant is not a local institution. It is not merely an American monopoly. It is a world organization, with plants dotted here and there in all countries where labor and raw material conditions enable it to produce any particular part of a sewing machine at a less cost than at some other point. The cutting of the summer vacation in half is the best proof that the tariff has not in any way affected the sewing-machine industry of this giant corporation. It is also proof that machines are produced by American labor sufficiently cheap as compared with other countries to make this the real home plant and mother plant of all the others.

From the New York Evening Post I read the following heading:

June earnings larger—Most roads will show gains for month.

And under that heading I read this extract from the column which follows:

Increased loadings and earnings are expected to be shown in the returns for the month of June by western and southwestern railroads. Gains have been made the past few weeks, and the returns show better than last year on a majority of the roads.

The Baltimore Evening Sun of June 30, 1914, contains the following heading and a long prosperity column:

B. & O. takes on 1,000—Getting equipment ready to move big wheat crop—Near full force at Mount Clare—Calamity howl groundless—South Carport Co. has big business—"Talk of hard times or lack of business is all poppycock," said a member of the Baltimore firm.

tain political entity of this body for the publication of the expense statements of the candidates in the election of 1912. Personally I was in sympathy with that demand, for while the law did not require it, nevertheless I believe that the intent of that law recognized the need of publicity and paved the way for the fullest measure of publicity, and nothing was to be gained by raising technical objections to prevent the turning on of the strongest searchlight.

However, we have in this bill remedied that defect, and now, in section 12, we provide for a report from the Clerk of the House and for its publication as a public document.

This leads up to what I consider to be the strongest safeguard provided in this legislation for the purity of elections. I refer to the provision which requires every candidate to furnish each of his opponents, preceding the date of the primary and general election, a copy of the statement of receipts and disbursements as filed by him with the Clerk here.

The importance of that provision can not be overestimated. Statements published here after an election is over will do but little good. But when each candidate knows prior to election day the exact receipts and disbursements of his opponents, it is human nature to presume that he will give to each statement the most careful scrutiny. He will do so for the reason that he has a personal motive in finding something to criticize, and therefore, by this provision, we not only secure enforcers of the law without expense to State or Nation, but we also arrange that the evidence shall be placed in their hands.

Mr. Chairman, the need of all such legislation is obvious. It is often said that in this body we have a standard of individuality far above the average, and rarely is there a suspicion on this floor that any Member is acting from venal or unworthy motives. But because we have this confidence in each other it does not necessarily follow that suspicion is not to be found abroad in the land, and I believe that all legislation along the lines of the present bill is to be welcomed for the reason that the people of the country have the right to know what influences are behind every public servant, and we are but protecting ourselves and raising the reputation of this body when we court the fullest publicity.

We are legislating not in response to any demand from a new conscience, but rather to the demand of the awakened conscience, which sees the train of evils which have followed the "deeds done in the darkness" and now demands that men shall work in the full light of public knowledge and that merit rather than money shall dominate in our American public life.

Mr. RUCKER. By way of apology let me say that I did not see the gentleman at the time I asked for a vote, or I should not have made the request.

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported again; it has been some time since the amendment was first reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken, and the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. RUCKER), there were—ayes 11, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 7. That the statements required by the preceding section of this act shall state:

First. The name and address of each person, firm, association, or committee who or which has contributed, promised, loaned, given, or advanced to such political committee, or any officer, member, or agent thereof, either in one or more items, money or its equivalent of the aggregate amount or value of $100 or more, and the amount or sum contributed, promised, loaned, given, or advanced by each.

Second. The aggregate sum contributed, promised, loaned, given, or advanced to such political committee, or to any officer, member, or agent thereof, in amounts of less than $100.

Third. The aggregate amount contributed, promised, loaned, given, or advanced by citizens of each State, respectively, together with the total sum of all contributions, promises, loans, gifts, and advances received by such political committee or any officer, member, or agent thereof.

Fourth. The name and address of each person, firm, association, or committee to whom such political committee, or any officer, member, or agent thereof, has distributed, disbursed, contributed, loaned, advanced, given, or promised any sum of money or its equivalent of the amount or value of $10 or more, stating the amount or sum distributed, disbursed, contributed, loaned, advanced, given, or promised to each, and the purpose thereof, together with a true and accurate statement of the items or sums distributed, disbursed, contributed, loaned, advanced, given, or promised to persons, firms, associations, or committees in each State separate from other States.

Fifth. The aggregate sum distributed, disbursed, contributed, loaned, advanced, given, or promised by such political committee, or any officer, member, or agent thereof, where the amount or value of such distribution, disbursement, loan, advance, gift, or promise to any one person, firm, association, or committee, in one or more items, is less than $10.

Sixth. The total sum disbursed, distributed, contributed, loaned, advanced, given, or promised by such political committee, or any officer, member, or agent thereof.

Mr. RAINEY. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent to proceed for 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for 15 minutes. Is there objection?

Mr. RAINEY. I may not need that much time, I will say to the gentleman.

Mr. STAFFORD. The gentleman certainly will not need any more than that?

Mr. RAINEY. I think not.

Mr. STAFFORD. Mr. Chairman, the chairman of the committee has just expressed a desire to finish the consideration of this bill this afternoon, and I assume, from the form of the request, that the gentleman wishes to speak on something outside of the bill.

Mr. RAINEY. Yes. I will endeavor to finish as soon as I can.

Mr. STAFFORD. Will the gentleman be willing to inform us on what subject he desires to speak?

Mr. RAINEY. I desire to answer a speech made awhile ago by the gentleman from Washington [Mr. HUMPHREY].

The CHAIRMAN. Is there objection?

Mr. STAFFORD. If it will not take any longer than 15 minutes, I will not raise any objection.

Mr. RUCKER. Mr. Chairman, reserving the right to object, I would like to state to the committee that I will have to object to any extension beyond the 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Illinois is recognized for 15 minutes.

Mr. RAINEY. Mr. Chairman, a short time ago, during my absence from the Chamber, the gentleman from Washington [Mr. HUMPHREY] made a characteristic speech which has now been written up by the stenographers and which I have just read.

My friend from Alabama [Mr. HOBLIN], who has been attacked by the gentleman from Washington, will be able to take care of himself when the time comes. If I were he, however, I would consider that the best sort of a reply to make to an undignified attack of that kind would be to treat it with silent contempt. At the present time the gentleman from Washington is perfectly safe. He selected an opportune time for his assault on my friend from Alabama. The gentleman from Alabama is a thousand miles from here and can not reply to-day or perhaps in the immediate future.

The gentleman from Washington continued his remarks by attacking the administration—referring to it as a discouraged, discredited, already condemned Democratic administration. By referring to the membership of this House as a panic-stricken, cowardly, Democratic majority who do what they are told to do; by saying that the present administration has thrown more men into idleness, destroyed more business, and made more beggars than any other administration in the same length of time.

Now, I could reply in kind to an attack of this kind on the Democratic majority and on this administration if I cared to descend to the level of argument used always by the gentleman from Washington on this floor in his attacks upon a successful administration, which has placed upon the statute books more remedial legislation in half a presidential term than his party ever placed upon the statute books in 50 years of time. [Applause on the Democratic side.] But the best sort of an answer to make to such an argument as the gentleman from Washington made to-day is to call attention to the evidence throughout the country—the evidence of reviving prosperity—that there is no such thing as a business depression throughout the country at the present time. We are emerging just now from the Republican panic of 1907, and this afternoon I want to call attention to conditions in the steel industry and in those other large industries throughout the country closely allied with it. In the near future I propose to take up the question of the textile trades and the revival there and in the other big business enterprises of this country that can be classified under other heads.

Now, the best evidence of conditions is not the unsupported partisan statements made by the gentleman from Washington here upon this floor. He does not prove, or attempt to prove, by evidence of value, anything. The best evidence does not consist of the statements that come from the private offices of the heads of great law-defying corporations in the United States. The best evidence should always be produced, and it is easily found in the indications throughout the entire country of reviving business conditions. It is indicated by the journals throughout the country which feel the public pulse and record the business temperature every day.

choice in the matter of their representation in Congress. I wish, before the vote on this amendment is taken, somebody either in favor of it or opposed to it would give us some information as to what the real effect of the amendment will be. As I understand, the real amendment pending, leaving out of consideration the pro forma amendments, is that offered by the gentleman from Wisconsin, to strike out, in line 22, page 4, the words "in two or more States." I submit the adoption of that amendment at that place will not accomplish anything one way or the other. If the gentleman desired to accomplish what the gentleman from Missouri says ought not to be done, the place to offer the amendment would be in lines 13 and 14, page 2, in section 1.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. WILLIS. Yes.

Mr. STAFFORD. I stated in my remarks that I was inadvertently absent when section 1 was considered, and I am moving this to test the sense of the committee, to see whether it is in favor of extending this law to all committees that have any connection with an election of Members of Congress.

Mr. WILLIS. Then the gentleman would contemplate, if his amendment is adopted, asking unanimous consent to go back to section 1?

Mr. STAFFORD. There are several other clauses where the phrase occurs.

Mr. WILLIS. But the important phrase is in section 1?

Mr. STAFFORD. Yes.

Mr. WILLIS. Because that defines a political committee; and then the bill in several places refers to "such political committees," referring back to the committee defined in section 1, and therefore the place to vote on this amendment is in that section, because adopting it here, it seems to me, will not have any material effect one way or the other.

Mr. TOWNER. Mr. Chairman, I rise to oppose the pro forma amendment just offered. The gentleman from Illinois [Mr. MANN] raises the constitutional question as to how far Congress has the power to legislate regarding the election of Senators and Representatives. The very reading of the clause which he cites is a sufficient answer as to whether or not we have that power. Section 4 reads that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, and then follows the important and governing clause that Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators. So that there is no question but that Congress can legislate as to the times and the places and the manner of holding elections for Senators and Representatives, and it is under that authority that this bill is drawn. I congratulate the chairman of the committee for his splendid work in preparing and bringing this bill here. I know that he is entirely sincere when he tells us that this bill goes as far as it is safe to go. I am quite sure he would desire, if he thought he could do so, and secure the passage of the bill, to go further and require the same publicity given to State or district congressional committees that is now given by this bill to the national committees. I desire to suggest to him and to other Members of Congress, and especially to those who are primarily responsible for this legislation, that if this bill shall pass in this incomplete form it will go out to the country not with the approval that the gentleman hopes and which it should have, but with the reservation and criticism that this bill does very little in extending the present law. In my judgment, it is our duty now while this bill is before us to make it what it ought to be. Men do not need to be told the danger that comes from thus leaving the congressional committees absolutely free from reporting the contributions that they receive and the expenditures that they make. This bill leaves it open for all these corrupting influences we deplore if we do not put into it the requisites of publicity as to district and local committees that we have with regard to national committees.

Mr. HELVERING. Will the gentleman yield?

Mr. TOWNER. Yes.

Mr. HELVERING. Does the gentleman think the very proposition that the Clerk of the House shall publish these campaign contributions and expenses is a very material improvement over the old law?

Mr. TOWNER. Why, very slight, I think. I believe, gentlemen, that we will be held responsible for negligence in the performance of our duties if we pass this bill in such incomplete form. I believe that it will leave us open to the charge of having ourselves left a loophole by which elections of Members of Congress may be corrupted. I now yield to the chairman.

Mr. RUCKER. Has the gentleman in mind any amendment which he thinks will help the bill?

Mr. TOWNER. Oh, I am supporting the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

Mr. RUCKER. The gentleman thinks that would improve it?

Mr. TOWNER. I think we ought to add the requirement suggested. I do not believe, gentlemen, that there is any question whatever about a conflict of jurisdiction. Why, the proposition involved in this bill or the requirement in this bill required of committees of any kind is merely publicity, merely a declaration and a statement of the amount they have received and the expenditures that they make. Such provisions can in nowise raise a conflict of jurisdiction between the States and the Nation. It only requires the local committees in each congressional district to do what is required with regard to the national committee.

Mr. RUCKER. The gentleman's idea is that the bill ought to apply to State committees and to congressional committees in the various congressional districts?

Mr. TOWNER. To congressional committees, not to State committees.

Mr. BUTLER. Will the gentleman yield?

Mr. TOWNER. To congressional committees in congressional districts.

Mr. BUTLER. To local committees and whatever organizations——

Mr. TOWNER. Oh, it is not necessary to do that.

Mr. RUCKER. Does the gentleman believe if the House would assert the power to write into this bill a requirement that congressional committees in every congressional district in the United States should make publicity of its transactions that hereafter the congressional committee would be absolutely like Othello, with its occupation gone?

Mr. TOWNER. The national committee?

Mr. RUCKER. No; the congressional committee. Does not the gentleman think it would go out of business absolutely?

Mr. TOWNER. No.

Mr. RUCKER. And the money be expended through some other medium?

Mr. TOWNER. Oh, no; not to my mind; I think the exact opposite is true, and I would like to have the people of our respective districts know what has been done.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNER. Mr. Chairman, I ask for two minutes more.

Mr. RUCKER. Mr. Chairman, reserving the right to object, let me say to the gentleman—I am not going to object, I have no intention of objecting—but I do want to say this to all gentlemen, and I take advantage of this opportunity to say to both sides, that there are a great many other important measures which committees are very anxious to get up and I hope gentlemen will regulate themselves accordingly, and not consume any more time than can possibly be avoided.

Mr. TOWNER. I appreciate, Mr. Chairman, the position of the committee. I believe that the committee and its chairman both sympathize with this proposition, this amendment, and I am sure every man who has given the question careful study must hold, if we expect to have an adequate corrupt-practices act, we should have it include the amendment that is suggested by the gentleman from Wisconsin. I can see no harm that will come to it. I do not think any other body would dare take the responsibility of defeating this legislation upon a proposition so self-evidently just as this is.

Mr. HELVERING. Mr. Chairman, the bill now under consideration is fully in line with Democratic pledges and is an amplification of the legislation passed by the Democrats of this House in the Sixty-second Congress. The publicity bill passed at that time was in answer to a public demand for purer elections and for publicity which would show the influences behind the candidacy of every man who aspired to a seat in this House or in the one at the other end of the Capitol, and as such it was hailed as a needed and a progressive piece of legislation.

Since the time of the enactment of that legislation experience and practice have shown to us wherein it was faulty and wherein it could be amended to advantage, and it is to remedy these defects that the present legislation is proposed.

What will the enactment of this bill mean?

It will prevent any committee from sending into any State more money than has been contributed by the people of that State. The enforcement of this provision will prevent the pouring in of money for the purpose of influencing debatable States and the importance of this can not be magnified in so far as it affects States where the population is largely urban and where there is a purchasable vote—a vote which holds allegiance to no party principles, but which is on the market and at the disposal of the highest bidder.

That is a most important provision in the proposed law, but in my judgment it is not the most important one. In the first session of this Congress we heard a demand from a cer-

what money it has raised or expended, and how. I do not see where we get any such constitutional authority.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. Would not the word "regulate" be construed as fully as the word "regulate" in the clause of the Constitution giving Congress power to regulate commerce between the States, which seems to be very ample?

Mr. MANN. I think that is not a parallel case at all. In the commerce between the States we regulate the commerce, and the Supreme Court held, in the Sugar case, that you could not regulate the manufacture within the State. While I do not know whether they will adhere to that opinion when it comes up again and is shown that the article manufactured is for the purpose of being transported to another State, yet that is the law as it stands. We undoubtedly have the right to regulate elections of Members of Congress.

Mr. WILLIS. Will the gentleman yield?

Mr. MANN. Yes.

Mr. WILLIS. Does the gentleman from Illinois have any doubt about the power of Congress to regulate primaries?

Mr. MANN. I have very grave doubt about it. I do not think, on the face of it, that we have any jurisdiction over primaries, but we have assumed that jurisdiction, and it is not at all unlikely that the court may hold that primaries are a part of the election of a Member of the House. It would not require the most difficult reasoning to apply it to the primary election of Members and to the nomination, although some of the Members of this House—one gentleman in particular, who is now lying on his back in the hospital recovering from the effects of an operation, the gentleman from Georgia, Mr. BARTLETT, who is a rather strict constitutionalist, and, after all, one of the ablest constitutionalist lawyers in this House and, I think, in the country—are very strongly of the opinion, frequently expressed, that we have no constitutional authority over primaries. However, I doubt very much whether we have the constitutional authority over a member of the committees in the States which have been referred to.

You can not differentiate the support of a Member of Congress from a common treasury and the candidate for State treasurer, county, or precinct officer. I doubt whether we have the jurisdiction to require everybody who has anything to do with the election of any official elected at the same time a Member of Congress is elected, to report to Congress all their contributions and expenses. They do not differentiate—they can not—the expenses that go to elect the Members of Congress and the expenses that go to elect State or county officials. It seems to me that we had better proceed along as sure lines as we can until we get some decisions from the courts.

The main purpose, of course, of this law is its moral effect on candidates for these offices, and its moral effect on the political committees. No national committee dares to openly refuse to comply with the law. They must endeavor to comply with the law because the moral sentiment of the country requires it. The candidate for Congress must endeavor to comply with the law because the moral sentiment of his district requires it.

Mr. TAGGART. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TAGGART. It seems from a reading of the law, which is copied in the bill, that the candidate or committee simply makes the statement that certain sums of money were given to certain individuals, but there is no requirement of any statement as to what the money was given to the individuals for. A candidate simply says that he paid $100 to this man, $50 to another man, and so many dollars to the committee, and swears to it, and that is the sum of the information Congress gets.

Mr. MANN. I think not; they are required to file vouchers for their expenses.

Mr. TAGGART. But he does not say what he has spent it for, whether he bought votes with it or not. It all looks well on paper, as though it was a contribution to a charitable enterprise.

Mr. MANN. If you put in such a requirement, no one would say that they spent the money for buying votes.

Mr. WILLIS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, the section of the Constitution governing this subject has just been read by the gentleman from Illinois, and it provides that—

> The times, places, and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It seems to me a very interesting and very important question as to whether or not the Congress under that clause of that section of the Constitution has the authority to regulate or control the primaries and nominating conventions. My own opinion is that it does have such right. I notice a decision cited here in the Manual, in which it is stated that—

> Congress has in fact fixed by law the time of elections and has controlled the manner to the extent of prescribing a ballot or voting machine.

Now, surely, Mr. Chairman, if the Congress has the power, as it undoubtedly has, to prescribe the time for elections, if it has the authority to prescribe the form of the ballot, if it has the authority to say whether or not a voting machine shall be used, it has power to regulate the nomination of the candidate.

Mr. MANN. Will the gentleman yield?

Mr. WILLIS. Yes.

Mr. MANN. Where have we ever provided anything in a national law for a voting machine?

Mr. WILLIS. I do not know. I took this citation from the Manual. It cites here Hinds' Precedents, volume 2, 961. I take it from the Manual, from the very same section from which the gentleman himself read.

Mr. MANN. I think I have been here ever since the voting machine has been in existence, and I do not think there is any law on the subject.

Mr. WILLIS. I do not know anything about it except what I get in the Manual, and the gentleman is responsible for the citation.

Mr. MANN. I think it is a State law and not a Federal law.

Mr. WILLIS. No. It says here that Congress has done it; that Congress has control. Hinds' Precedents, volume 2, is cited.

At any rate, Mr. Chairman, if it does not have the power—and I am confident that it does have—it ought to have. It surely would be an amazing proposition to take the view taken a little bit ago by the gentleman from Mississippi [Mr. SIMSON], when he said, as I understood him—and I regret that he is not in the Chamber at this moment—that he was in favor of a law regulating the purity of elections, but that the matter of primaries or conventions was something that belonged exclusively to the States and ought not to be subject to the Federal regulations. Think what that would mean.

Mr. RUCKER. Mr. Chairman, I want to say to the gentleman, without undertaking to cite any authority, that I believe it has been held—and if it has not, I am quite sure that it will some time be held—that political nominations, primary elections, are so conclusive in their effect as to be the real election, and therefore, under powers we have to regulate elections, we will have power to control the nomination, because it is an essential part of an election. If the gentleman will bear me out, I am sure that in my own district, not only in the South, but in the gentleman's State and mine, the nomination by a political party is equivalent to an election in many instances.

Mr. WILLIS. Certainly.

Mr. RUCKER. And I want to say to the gentleman that if I am fortunate enough to be nominated in my district——

Mr. WILLIS. And I hope the gentleman will be.

Mr. RUCKER. Though I might even after that vote with my Republican friend on some political questions, I would still be elected.

Mr. WILLIS. Mr. Chairman, I thank the gentleman for the suggestion. Without doubt the primary or the convention is an essential part of an election, and if we have the authority to regulate an election, then, because the whole includes the part—because the greater includes the less—we have authority to regulate the primary, and if we did not have it, it would be an amazing state of affairs, as the gentleman from Missouri has just pointed out. There are districts in various States where the nomination is equivalent to an election, and it would put the gentlemen in those districts in the position of being able to spend any amount of money that they pleased, if we can conceive of such a thing, even corrupting the voters, so far as the Federal law is concerned, and yet that being done at the primaries, where the real vote occurred, and not at an election, there would be no recourse whatsoever under Federal law.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Mr. Chairman, I am in favor of a law which will guarantee not only the purity of the election but the purity of the primary, so that the voters of the several congressional districts may have opportunity to express their untrammeled

Mr. TAGGART. Mr. Chairman, will the gentleman yield to a question?

Mr. RUCKER. Yes.

Mr. TAGGART. Would the chairman of the committee, the gentleman from Missouri, hold that Congress would not have jurisdiction and power to fine and punish a corrupt use of money at an election in which Members of the House and Senate are elected?

Mr. RUCKER. I do not think there is any question about it. I think it has been determined that Congress has that power. But this bill does not seek to do that.

Mr. TAGGART. Would it not be competent and germane in this bill to insert a section defining and punishing the corrupt use of money at any primary election or at any general election?

Mr. RUCKER. If the gentleman will pardon me, I will say we are entering upon dangerous seas when we begin that. Whenever we undertake to pass Federal laws to punish men who violate State election laws, then we invade the rights of the States to punish their own criminals. The States all have or will enact such laws as are desired by their citizens.

Mr. TAGGART. I do not mean that Congress should take sole control of elections, but inasmuch as we expel Members from the House and declare that they are not elected when an excessive amount of money is used at an election, we should have some law whereby parties who do that can be reached. At present we have no such law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the gentleman may have three minutes' more time.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. RAKER. A question was asked the chairman a moment ago, to which he responded to the effect that no national committee is selected out in the congressional districts for the purpose of spending money in those districts with a view to influencing the electors of those districts. Does the gentleman mean to state that?

Mr. RUCKER. I do not think I stated that.

Mr. RAKER. Then I misunderstood the gentleman.

Mr. RUCKER. Because I am quite sure those things are done, and if I stated that they are not done, I stated something which I did not intend to say. But I will refresh the gentleman's memory. I think I stated that these great committees primarily do not seek to control the nomination of the party candidates; but after their nomination they do seek to elect their party candidates.

Mr. RAKER. Where does the gentleman get the idea that these committees do not seek to nominate men as well as elect them?

Mr. RUCKER. I would spurn as an impertinence the action of a congressional committee which came into my district and sought to secure either my nomination or the nomination of my opponent.

Mr. RAKER. The gentleman might spurn it, but nevertheless the fact is supposed to exist.

Mr. RUCKER. If it is true, I will say to the gentleman it is something I never heard of before.

Mr. RAKER. I hold in my hand a newspaper clipping—I do not think it is necessary to read any names—in which it is stated that the Republican congressional campaign committee are offering $5,000 to secure a man for a candidate in a certain district.

Mr. WILLIS. I think, if the gentleman is making charges of that kind, he ought to read names. That is a serious charge.

Mr. RAKER. No; not at this time.

Mr. WILLIS. I think it is a serious charge. I think the gentleman owes it to himself and to the Members of the House to be specific.

Mr. RAKER. I have not read anything.

Mr. WILLIS. The gentleman said he had a clipping.

Mr. RUCKER. I want to pour oil on the troubled waters by saying that if it is necessary to offer $5,000 to secure a Republican candidate in any district, Republicans must be awfully scarce in that community.

Mr. MANN. Nobody would seriously make such a statement, and nobody but an erupting volcano would think of it.

Mr. RUCKER. In my district there are always plenty of men who are anxious to run for Congress without paying them anything at all.

Mr. GARNER. May I suggest to the gentleman from Missouri that he can pour oil on the troubled waters by declining to yield further when he gets through with his statement. That will keep these gentlemen from further disturbing these volcanoes.

Mr. RUCKER. If the gentleman will make that suggestion to his colleagues on the floor, I will be obliged to him. I would like to have the bill read.

Mr. RAKER. I move to strike out the last three words. I am in hearty accord with the purposes of this bill in every provision. The only question as to a number of these provisions is whether they are drastic enough and whether they carry out what ought to be done. There are matters that ought to be discussed and called to the attention of the committee. I was calling the attention of the chairman of the committee to the fact that this ought to apply—and I do not believe it does—to a national campaign committee in spending money for the nomination as well as for elections. I believe this covers that feature of it. I may be mistaken.

Mr. RUCKER. I think it would, if they spent any money for that, but I did not think they spent it for that purpose.

Mr. RAKER. Then any money expended by the committee for that purpose would be required to be included in the statement of the committee.

Mr. RUCKER. If it was with the knowledge and consent of the candidate. I do not think it ought to be within the power of any committee or any individual to place a blot on your title or mine by sending money into our districts against our will.

Mr. RAKER. No; I agree with the gentleman fully on that; but when money is given to a committee to be used for campaign purposes, and when the committee expends it in any State or in any district, as I understand under this bill they are required to account for it. That is correct, is it not?

Mr. RUCKER. The committee would be required in its account to show that it did use the money thus and so, and the candidate would be required in his account to show that he received money from the committee.

Mr. RAKER. Let me ask the gentleman this question: Suppose a national campaign committee sent $10,000 to a State.

Mr. BUTLER. For the whole State?

Mr. RAKER. Just a moment. And suppose that money was used in one particular congressional district. Is there anything in this bill that would require the national committee to show that this money was used for the purpose of influencing the election, for instance, in one particular district in that particular State, or could they say, generally, "to the State of Alaska," for instance?

Mr. RUCKER. I do not know that I quite understand the gentleman's question.

Mr. RAKER. I will make it plainer. In other words, there are 15 candidates to be elected to Congress from a State. The national campaign committee sends out $20,000, and all of that money is expended in one district to defeat one particular candidate. Does the law require the committee to state that this $20,000 was used in the one particular district, or can they state generally that it was used in that State?

Mr. RUCKER. The law requires the committee to state for what purpose it was used and to whom it was distributed; but the law does not in express terms say it shall show into what district it goes, although the other provision would accomplish the purpose the gentleman has in mind. It would cover that point, it seems to me.

Mr. MANN. Mr. Chairman, in considering these matters that gentlemen have talked about, I think it might be well to read the Constitution of the United States, although I am aware that some people think it ought never to be referred to. The Constitution says:

> The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the place of choosing Senators.

Now, it is under that provision and under that provision only that we claim to exercise any authority over elections or over campaign contributions or anything of the sort that is referred to in this bill. I myself have never been satisfied that the publicity act was constitutional, or that it could run the gauntlet of a prosecution in court. I thought possibly, when it originally passed, Congress itself would refuse to admit either as a Senator or a Member of the House a man who had violated the law, because we have that power over such matters in the House, and the Senate has a corresponding power over its own Members; but we have already decided that that was not cause for refusing a Member a seat, and I do not say that that was an improper decision. I think we ought to be a little careful of this legislation about our constitutional prerogatives. I doubt very much whether Congress has the power to go into a State or a community or a city or a precinct and require a political committee, or any other committee, to report to Congress just

extends that constitutional authority which has always been in the Constitution of the power of Congress to pass election laws.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. SISSON. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SISSON. Mr. Chairman, the right to control is unquestionably in Congress, so far as Congressmen are concerned, and has always been so, but the wisdom of exercising that control has been such that in the past, at least, Congress has declined to take control of the election. In this primary election law I do not believe the Federal Government ought to have any sort of jurisdiction over primary elections which are institutions organized in the various States.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. RUCKER and Mr. MILLER rose.

Mr. RUCKER. Does the gentleman desire the floor in his own right?

Mr. MILLER. I wanted to ask a question of the gentleman from Mississippi [Mr. SISSON], who has just taken his seat, but I will defer. I would like to have five minutes in my own right later on.

Mr. RUCKER. Mr. Chairman, I am already confused, because the gentleman from Wisconsin [Mr. STAFFORD] has asked me so many questions in a 15-minute discussion that I probably can not answer them all, though I would very gladly do so if they had been put one at a time. I will say, I hope very much that the motion he made will find no support among the friends of this measure. My notion is that the most effective thing that could be done in this House to kill this legislation would be to adopt the motion made by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes; if the gentleman will make his question short.

Mr. STAFFORD. Even if we did that, the law as it now stands would be on the statute books. The law as it exists on the statute books is largely the bill as stated here, as this is largely a codification of that law.

Mr. RUCKER. Oh, it is very much more.

Mr. STAFFORD. And if you adopt what I suggest, we would give life to the bill.

Mr. RUCKER. It is very much more than a codification. I regret very much the gentleman felt called upon to use some language he has used. I disclaim for myself and my colleagues on the committee, both sides of it, absolutely, unconditionally, any purpose to destroy publicity. We are trying to make publicity effective. I say to the gentleman that this bill is not existing law. There are many features in it that are an improvement over existing law. The pending motion is to strike out the words "in two or more States." That motion, if carried, defeats the bill, because I tell you it can not pass the two legislative bodies with that language out of it. It might pass here, but it can not pass elsewhere; and, besides, this applies to great committees, to committees which obviously from their very nature operate and only operate in more than one State, or never operate otherwise than in more than one State. Hence, it applies to them, and we must use the language used in this bill.

But let me call the gentleman's attention to the fact that experience, after the current law was passed, suggested to Members of this House that the law needed amendment, because it sometimes happens that a vacancy occurs in a congressional district, necessitating a special election to fill the vacancy.

It may be in only one district in the United States, and the two congressional campaign committees, or, as we have now, three, each anxious to gain a victory in that district, each contesting every inch of ground, with nothing to divide its attention, may concentrate its entire energies in that one district, or, in the case of a Senator, in one State; and under existing law it would have to make no accounting, because existing law only requires the committee to account where it participates in elections in two or more States, but this bill proposes to amend existing law so as to require the committee to make an accounting of its transactions in connection with any election for Senator in a single State or for Representative in a single district, provided the committee participates in the election. I think it is a vital improvement, a very decided benefit to the legislation, and ought to pass, and I think it will pass.

I conclude, Mr. Chairman, by expressing the hope that no friend of publicity will vote to strike out that phrase where it occurs in this bill, because I say to you it is the life of the measure and absolutely essential.

Mr. MILLER. Mr. Chairman, I move to strike out the last two words. I am certainly very friendly to the purposes of this pending measure, and do not wish to be classed in any other category, notwithstanding the fact that I do not quite agree with the distinguished gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Chairman, I will say that I will not classify the gentleman as an enemy of the bill.

Mr. MILLER. Mr. Chairman, there has been an evolution in the laws governing campaign contributions and expenses, and properly so. As I recall, the first act passed by Congress simply provided that committees engaged in influencing the elections in two or more States should keep an accurate account of their receipts and expenditures and file that with the Clerk of this House. That was subsequently amended so that candidates themselves had to make such a statement, and I was most heartily in favor of that change. The proposed measure embodies the good provisions of the past laws and contains some additional ones that I think are good; but it seems to me that the measure, if it is going to be perfected, ought to go a step further than this bill now goes and require that campaign committees in the respective districts file a statement just the same as the candidates themselves are required to file, and I can not see the conflict which the gentleman from Mississippi [Mr. SISSON] suggested might exist between the National and the State laws. There could be in that case no greater conflict than now exists in respect to the requirement that candidates shall keep an account of their receipts and expenditures and file them with the Clerk of the House or the Secretary of the Senate, as the case may be. No one will question but that we have full authority, and properly should exercise it, to require candidates to file these accounts. It seems to me that if there is merit in that, there is equal merit in requiring that local campaign committees in the respective districts shall keep such a statement and file that, the same as the candidates are required to do. I do not believe the measure when finally enacted should contain any loophole along that line. It should be air-tight and water-tight, and I do not believe that can be secured unless we do require that the campaign committees in the respective districts make and file these statements.

If the law finally is to be such that the candidates shall make and file the statement, and that the great national campaign committees shall do the same, but that the campaign committees of the respective districts do not need to do so, it seems to me that we leave an opening that certainly ought to be closed, in order that full and complete publicity can be had, to cover all the features incident to elections.

Mr. BUTLER. Mr. Chairman, I am opposed to the amendment offered by the gentleman from Minnesota to strike out the last two words, and therefore I think I am entitled to the floor. I want to take the floor for the purpose of asking my friend from Missouri [Mr. RUCKER] some questions. I am most heartily in favor of this bill, and I only wish the committee had reported one wider in its scope. I wish the committee had reported a bill that would have included every bag holder, the men who gather from saloon keepers, agriculturists, manufacturers, and others money to expend in behalf of candidates for office. As I understand, this bill includes nothing except expenditures made by committees.

Mr. RUCKER. This section, the gentleman means.

Mr. BUTLER. The bill itself. Is the bill broad enough to catch all of these bag holders?

Mr. RUCKER. The section we are now considering is with reference to the actions of committees, not of individuals.

Mr. BUTLER. Is it not so with the whole bill?

Mr. RUCKER. I think not.

Mr. BUTLER. Is it broad enough to catch the individual?

Mr. RUCKER. The candidate?

Mr. BUTLER. It will catch the candidate, but——

Mr. RUCKER. I will say to the gentleman, I realize the necessity that has suggested itself to his mind of a great deal of legislation up in that great State he comes from, but I doubt the propriety of Congress trying to regulate all wrongs that may exist in Pennsylvania or Mississippi——

Mr. SISSON. There are none in Mississippi.

Mr. BUTLER. Or Missouri——

Mr. SISSON. None in the world in Mississippi.

Mr. RUCKER. We are attempting to leave something for the States themselves to do, and I am sure——

Mr. BUTLER. I have observed that offenders are afraid of national laws, they are afraid of United States courts——

Mr. RUCKER. The gentleman will bear in mind——

Mr. BUTLER (continuing). I would very much like to commend the gentleman and his committee, for their work is in the right direction, and a good law will come out of it, and the

work will bear fruit, and he and his colleagues will be commended for the work that they have done; but I wish that they had gone further and reported a measure so broad as to impose a penalty, and a heavy one, upon any man and upon any organization or set of men who would use money in behalf of a political candidate or a candidate for office and who did not account for the money collected and the money expended.

Mr. RUCKER. Will the gentleman yield?

Mr. BUTLER. Yes; I do.

Mr. RUCKER. Mr. Chairman, when we see a gentleman from the grand old State of Pennsylvania and a gentleman from the grand old State of Michigan so anxious to pass a publicity law, something that has teeth in it to make every wrongdoer fly to cover, I have great hopes for the future of this country and that elections will be purified.

Mr. BUTLER. I am glad the gentleman has hopes for the future but I care more for the present and for a statute that will fix a penalty upon these men. I think the future will largely take care of itself. I am very sensitive at this time and I would like to have an opportunity to vote for a law that would catch these corrupt bag holders.

Mr. RUCKER. I will say to the gentleman that the purpose is a very commendable one and I share with him the desire that certain limitations surround it, but we can not do all the things we would like to do. We want to pass a law here which we hope will impress itself upon the minds of State legislators and that State legislatures will enact such a law or laws along this general line in cooperation with this, and I believe that will be done in the near future, and such laws will do much to purify and clarify elections.

Mr. BUTLER. Let me continue the colloquy with the gentleman for a moment. We have a good statute in Pennsylvania; the corrupt-practices act of that State defines specifically (no doubt the gentleman has had the pleasure of examining that law before his bill was reported) the expenditures that may be made, makes them lawful and other expenditures it makes unlawful, and provides a penalty to be imposed upon the offender.

Mr. COX. Does it limit the amount the candidate can expend?

Mr. BUTLER. No; it does not. In answer to the gentleman from Indiana, it seems impossible to enforce a limit of the amount of money which a candidate may expend. Thousands upon thousands of dollars may be expended for him and not be accounted for, as required by law. It is the fellow who does such spending that I am after, not the candidate—the law covers him. I am after those who spend it for him, but I appreciate that the gentleman and his colleagues could not include any form of corruption in this bill. But is it as broad as it ought to be——

Mr. RUCKER. I will say to the gentleman the committee is conscious of the fact that many improprieties may be committed which we do not believe Congress can or should attempt to regulate or control, but which we would be glad to reach if we could properly do so.

Mr. MONTAGUE. May I ask the chairman of the committee a question?

Mr. RUCKER. Certainly.

Mr. MONTAGUE. Does this bill fix any limit upon the amount the committee is to expend on behalf of any candidate for Congress?

Mr. RUCKER. These committees?

Mr. MONTAGUE. Yes.

Mr. RUCKER. That may be expended for any candidate for Congress?

Mr. MONTAGUE. Of course that means Members of the House of Representatives as well as the Senate.

Mr. RUCKER. No; it does not fix any amount.

The theory upon which this bill is drawn is that the committee never spends money in behalf of the nomination of any candidate nor for the election of any particular candidate, but for all candidates in the State, and that it must account for the money it uses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAGGART. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent for two minutes more to answer the question propounded by the gentleman from Virginia [Mr. MONTAGUE].

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MONTAGUE. I understand there is no limitation on the amount of money that the national committee may expend in the political campaigns contemplated in this bill?

Mr. RUCKER. There is no limit placed on the amount that the committee may expend, but a limit is placed upon the amount a candidate may expend and on the amount that is spent for him. He has to charge himself with it and show the amount of money received from the committee.

Mr. MONTAGUE. Suppose the candidate receives no sum of money from the committee?

Mr. RUCKER. If it is expended for him, with his knowledge and consent, he must account for it.

Mr. MONTAGUE. I am deeply interested in the purpose of this bill.

Mr. RUCKER. I will say to the gentleman, if he will pardon me, that the section we are now dealing with is not the one that his question refers to.

Mr. MONTAGUE. I appreciate that, but the underlying purpose of this whole bill is to have clean elections in the United States?

Mr. RUCKER. That is the purpose of it.

Mr. MONTAGUE. The great trouble that confronts us is this, that the dishonest man will subscribe to any oath for the purpose of tying the hands of his honest competitor. I do not say that we should not legislate for this reason. On the contrary, I say we should.

Mr. RUCKER. I will say this to the gentleman—and I have said it in private conversation and publicly everywhere—that if any gentleman on either side of the House can suggest a single thought that will make this bill more effective within the scope of the power that I think we have, we shall be glad to accept it.

Mr. MONTAGUE. I appreciate the gentleman's purpose. I do not intend to impugn his purpose.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. TAGGART. Is it not the theory of this bill, and is it not a fact, that the object and purpose of the bill is simply to secure publicity? Is it not a fact that it does not matter what the committee has done, and it does not matter what a candidate has done, and it does not matter how much either has spent, under the limitations on a candidate for Representative of $5,000 and $10,000 for Senator, if a correct account of it is made out and filed with the Clerk of the House of Representatives? Is not that the purpose?

Mr. RUCKER. That is the purpose of the bill.

Mr. TAGGART. The bill has no penalty for anything else except filing an incorrect return of the campaign expenditures?

Mr. RUCKER. That is so; yes; and for the reason that every candidate for Congress is a citizen of some State, and every State has an election law; and if any candidate violates the election laws of his State, he is amenable to those laws; and the Federal authority ought not to invade the States and undertake the control and punishment of either the misdemeanors or felonies. Let the State take care of that.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RUCKER. Yes.

Mr. STAFFORD. So far as the national committees are concerned, the intention is publicity. What objection can there be to extending it to any State committee that is instrumental in promoting the election of Members of Congress?

Mr. RUCKER. I will answer the gentleman in this way: We have no control over State committees. The gentleman should remember, too, that no State committee would come to and say they expended money to elect you or me or to defeat you or me. They spend money to elect their State ticket.

Mr. STAFFORD. I know of instances where committees have been organized to defeat Members of Congress—not the regular party committees, but voluntary committees—and yet they would not be obliged under the terms of this bill to make any returns whatsoever, and the Member of Congress might be defeated by unlawful means. Yet we are not doing anything to protect Members of Congress who pursue the righteous course.

Mr. RUCKER. The gentleman is mistaken. I think we are doing all that is lawful for us to do to protect Members against the improper and corrupt use of money. What we do here can easily be supplemented by State laws if the States will only pass them.

Mr. STAFFORD. Congress is trying to protect its Members. I am speaking of the necessity of requiring any committee instrumental in election to make returns, so that we may have real publicity.

Mr. RUCKER. Those are purely State matters. I say that not because I am as rigid about State rights as some others are, but because I am not in favor of going so far as to jeopardize wise Federal legislation.

lavish expenditure of money, you are making this bill—instead of curtailing those things—a bill to legalize and to license the corrupting of voters in the various districts.

Mr. RUCKER. I believe I have answered the gentleman's questions.

Mr. SMITH of Minnesota. A word more, Mr. Chairman, in reply to the gentleman from California [Mr. RAKER]. If the mere renting of a hall is corrupting the electorate, then, following out the same line of reasoning, all we have got to do is to go into a community and hire all the people and call them "speakers" and pay them as "speakers."

Mr. RUCKER. That is what this bill prohibits. Mr. Chairman, I would like to have my request submitted—to pass that section and return to it later.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 5. That whoever, acting under the authority or in behalf of such political committee, whether as a member thereof or otherwise, receives any contribution, payment, loan, gift, advance, deposit, or promise of money or its equivalent shall, on demand, and in any event within five days after the receipt of such contribution, payment, loan, gift, advance, deposit, or promise, render to the treasurer of such political committee a detailed account of the same, together with the name and address from whom received, and said treasurer shall forthwith enter the same in a ledger or record to be kept by him for that purpose, which ledger or record shall plainly show the items or sums contributed, paid, loaned, given, advanced, deposited, or promised by citizens of each State separate from other States.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out the last word.

Mr. RAKER. I would like to call the attention of the Chairman to line 8 of page 4, to those words "on demand, and in any event." Ought it not to be mandatory, within five days after the man receives the money, to pay it over?

Mr. RUCKER. It says "on demand, and in any event within five days after the receipt of such contribution."

Mr. RAKER. Mr. Chairman, I withdraw my pro forma amendment.

Mr. WILLIS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. WILLIS] moves to strike out the last word.

Mr. WILLIS. I notice in this section 5, as compared with section 4, there is a discrepancy. I wondered what the reason was. In section 4 it is provided:

That every payment or disbursement made by a political committee exceeding $10 in amount shall be evidenced by a receipted bill stating the particulars of expense, and every such record, voucher, receipt, or account shall be preserved for 15 months after the election to which it relates.

In other words, it is not necessary that the amounts disbursed be accounted for unless they exceed $10, but in the receipt they are to be accounted for as paid to the treasurer, and so forth, without regard to the amount. What is the reason for that?

Mr. RUCKER. The gentleman will find on reading further along that in the rendering of accounts required by this act the committee is not required to go into detailed account of any item under $10; indeed, under $100.

Mr. WILLIS. What section is that?

Mr. RUCKER. I do not remember the number. When he goes to make his affidavits of receipts and expenditures he groups those amounts under $100 into one total unless the contributions from one individual in any item reaches $100. In that event, he has to give that individual's name. I believe the gentleman's question is fully answered in the next section of this bill. If not, then in the next section after that.

Mr. MANN. This is a new provision, I believe, this section. How much of this is new?

Mr. RUCKER. Beginning with the word "which," in line 14, of page 4, and continuing down to the end of line 17.

Mr. MANN. I did not catch what the gentleman said—where it commenced to be new.

Mr. RUCKER. I will repeat: Beginning with the word "which," at the end of line 14, and continuing to the end of line 17 is new language. I would say to the gentleman that the purpose of this new language is to make the bill articulate—this part of it—with section 3 that we have just been discussing.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 6. That the treasurer of every such political committee shall, not more than 15 days and not less than 10 days next before an election at which Representatives in Congress or Senators of the United States are to be elected in two or more States, and not more than 15 days and not less than 10 days next before any general or special election for Representative in Congress or Senator of the United States, in any one State, if such committee shall attempt to influence the result of such election or in any manner participate therein, file in the office of the Clerk of the House of Representatives, at Washington, D. C., with said Clerk, an itemized detailed statement; and on each sixth day thereafter until such election said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within 30 days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

Mr. STAFFORD. Mr. Chairman, I move to strike out of line 22, page 4, the words "in two or more States."

The CHAIRMAN. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 4, line 22, strike out the words "in two or more States."

Mr. STAFFORD. Mr. Chairman, I think there is an inherent weakness in this bill, in that it limits its effect to the national and congressional—the national party committees. If we are going to scrutinize the expenditures of campaign committees connected with the election of Congressmen, whether Representatives or Senators, I can see no reason why we should not extend the scope of this bill to committees operating within a single State. Otherwise there can be all kinds of fraud practiced by committees which are engaged exclusively in the election of Congressmen in one State. There is no denying that we have ample authority over the subject; and yet running all through this bill there is this limitation, that it shall not apply to the returns of committees unless they are concerned in the election of Congressmen in more than one State. How few there are. Why, there are none. It is merely a guise to prevent these State committees from making any returns and conforming to this law. It is used as an excuse to enable State committees and organizations not to make any returns. It will be of no practical value. If the National Government is going to take jurisdiction, then I believe it should extend to all. Congress has the right to supervise the elections of its representatives. The country is demanding some proper supervision of these committees, no matter where they may be located. It is no hardship. Individually we are obliged to make a return. How easy it is for the interests which might be concerned in the election of Representatives and Senators to contribute any amount of money to elect some Representative or Senator. This bill will not prevent it. No State law may prevent it. You are throwing the whole burden upon the States. If you are going to throw the whole burden upon the States, then acknowledge that this law will only apply to national committees.

Mr. BUTLER. Will the gentleman answer this question: What provision is there in this bill to require an individual to file a report? That is where the mischief is done—through individuals. An individual gathers up money and spends it for a political candidate. Is there any provision in this bill by which he can be reached?

Mr. STAFFORD. He can be reached if he is associated in any way with the national committee.

Mr. BUTLER. But if he is not?

Mr. STAFFORD. But if he is not there is nothing by which you can reach him. Furthermore, this bill is severely lacking in its punitory provisions.

SEVERAL MEMBERS. Punitive.

Mr. STAFFORD. I will stand on the word "punitory."

Mr. BUTLER. It is a good word. It is big enough so we can all stand on it.

Mr. STAFFORD. This bill provides that where any person fails to comply with the provisions of this law the returns shall be sent to the United States district attorneys in the various States throughout the country. We have had in the State of Wisconsin a similar provision, but it was absolutely without any force and effect. We have put on the statute books of Wisconsin recently a live law that compels the observance of its provisions by every candidate, and disqualifies him from being a candidate or holding office unless he conforms to the corrupt-practices act.

Mr. RAKER. Will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman from California.

Mr. RAKER. Section 1 already contains a provision the same as the one which the gentleman is trying to strike out—that is,

the words "in two or more States"—and to strike out these words here would not strike them out there.

Mr. STAFFORD. I was temporarily absent when section 1 was read. There were several similar provisions in the bill; and I presume if the words are stricken out here it will be the desire of the committee to make the bill harmonious, and to strike out the words wherever they occur. I am testing the sense of the committee whether they want to make this a live law or merely a law to cumber up the statute book.

Mr. RAKER. The question I should like to ask the gentleman is whether there are any national committees that conduct campaigns in one State, or have there been within the last 20 years?

Mr. STAFFORD. National committees?

Mr. RAKER. Yes.

Mr. STAFFORD. In case of a vacancy the national congressional committee would interest itself in the election.

Mr. RAKER. We have national committees of the various parties at the present time that relate to the various States. Does the gentleman know of any national organization that has been formed within the last 20 years that conducts a campaign in any one particular State?

Mr. STAFFORD. In the hearings conducted by the House lobby investigation committee it was brought out that there are business associations that take an interest in the election of Members in more than one State. But here is the point I am making: That this law can easily be evaded by the organization of committees for work exclusively within one State, thereby not requiring any account whatever under this law, though they may be directly instrumental in the election or defeat of Members of Congress by the use of large sums of money to which the candidates make no contribution whatever.

Mr. RAKER. Each State has a State committee.

Mr. STAFFORD. Yes.

Mr. RAKER. So this law can not affect them.

Mr. STAFFORD. If the National Government is taking jurisdiction over this matter, I want to reach these voluntary associations that may be formed for the secret purpose of defeating or electing men by fraudulent means, and the language of the bill does not cover that case at all.

Mr. RAKER. Is it the gentleman's idea that there should be a law to wipe out all the organizations in the several States?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Unanimous consent is asked that the time be extended five minutes. Is there objection?

Mr. RAKER. Reserving the right to object, I want to say that just as soon as the gentleman gets to a place where he will let me answer one or two of his numerous questions, I shall be glad to do so.

Mr. STAFFORD. In reply to the last inquiry of the gentleman from California, my purpose is not to wipe out these State committees. It is to bring these various State committees within the purview of this bill so far as they do anything toward the election of Members of Congress. Now, Representatives in Congress and Senators are obliged to make returns. Why should not the committees engaged in their election be under the same supervision as national committees?

Mr. RAKER. In the State of California we have parity of election laws, containing drastic provisions relating to the committees and to the publication of contributions. You would not want to wipe out those laws?

Mr. STAFFORD. No. This law as proposed to be amended would only supplement the State laws. By merely eliminating the words "in two or more States" you will make it applicable to every committee that affects in any way the election of Members of Congress.

Mr. RAKER. Can the gentleman name any State where a national committee has been organized to conduct a campaign for Congressmen in any one particular State?

Mr. STAFFORD. I am not trying to reach national committees. The bill covers them. I am trying to bring the committees in the States in anywise concerned in the election of a Member of Congress under the provisions of this bill.

Mr. SISSON. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. SISSON. I want to make this suggestion: If the gentleman would not find by embodying in the national law the provision he has in his mind, he might get into endless confusion on account of the conflict that might exist between the national statute and the various State statutes?

Mr. STAFFORD. No; there is a provision in the bill which says it shall not in anywise conflict with the State laws. You will find there is no conflict whatever. This is merely supplementary to State legislation. Take the case existing in my district. The Socialistic Party, that has a close corporation, contributed thousands upon thousands of dollars for the election of my predecessor. When he made his return, not one cent was returned as having been expended by him, and yet Congress knows nothing, nor am I in a position to ascertain how much was expended by that organization. There was an organization concerned in the election of a Representative to Congress, and why should not Congress have some scrutiny over that transaction?

Mr. SISSON. That does not answer the question, because if you undertake to regulate the State committees, which are now under the control of the State laws, and extend this law over them, then you would come in conflict with that jurisdiction, and under this bill that would not occur, because the only effort here is to control those committees which are under the control of the functions of the various committees concerned in a national election.

Mr. STAFFORD. The bill also provides that every candidate for Congress shall make his return. Why should we not extend it so as to make it apply to committees connected with their elections? There are many States that have passed strict laws, and the National Government, if it is to take jurisdiction, should extend it as I have indicated.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SISSON. Mr. Chairman, I have asked for recognition for the purpose of pursuing the inquiry of the gentleman from Wisconsin a little further, so that I may get what is in my own mind before the House. If this law was broad enough to make regulations in reference to the State committees, some regulation made by Congress might be in direct conflict with the regulations made by the State. Therefore you would get into endless confusion. Now, this law, as I understand it, is not to interfere with the State election laws, and it is not for the purpose of adding to or taking from the election laws of a State, but for the purpose of reaching those evils, reaching the wrongs which might be perpetrated at an election and which could not be reached so well by State laws. It is true that in the election of Representative or Senator it does require of him certain duties which are regulated also by the State, but that individual merely complies with the regulations here and has the additional duty of complying with the regulations of the State. Therefore the two may harmonize without being in conflict. But if you extend it as the gentleman desires, I can not help but think that there would be endless confusion and trouble.

Mr. STAFFORD. Without extending it we would have no control over the election of Members of Congress, except when those transactions are participated in by a national committee.

Mr. SISSON. I will state frankly that I may be too much alarmed over Federal control of elections, because I lived as a child in a State where we had Federal control of elections, and during that time we had the most dishonest, the most corrupt, and most vicious government that ever existed in a civilized community.

Mr. STAFFORD. If the gentleman will permit me——

Mr. SISSON. Just a moment. Everybody had a chance to vote except those people who owned property and were bona fide residents and ought to have had the right to vote. The people who were disfranchised were the intelligent property owners, the patriotic people of the section; and those that were permitted to vote were people imported there, ignorant, vicious, purchasable, and corrupt. But I do not care to go into that now. I want to explain that, living where I do, where there was so much abuse of Federal control of elections, that I may be somewhat prejudiced about it. I know I am afraid of Federal control.

Mr. STAFFORD. The gentleman has no objection to the Government taking jurisdiction and supervision over national committees and making them conform to the provisions of this law, and he should have the State itself conform to the same rules as the national committee.

Mr. SISSON. I do not think that is a function or ought to be the function of the Federal Government to invade the States and regulate elections.

Mr. STAFFORD. The gentleman will admit that Congress has the authority to determine the means and method by which Members of Congress are elected. Otherwise there is no security for a popular government.

Mr. SISSON. It may be true, but I think it is unwise to exercise it. You have authority under this law, and the reason you can exercise the authority is that you are taking jurisdiction of the man who becomes a Member of this body. This law

the precinct, and he must be a resident of the State. It does not say that he must physically reside there.

Mr. MANN. No; but that covers the case. In some places it says that he must have been a resident in either case, and he must have resided there, but that language is well construed as to its meaning. To be a resident or reside as used in election laws has been well construed. If that is the purpose, why not use language which has a well-defined meaning instead of using language which no one will know just what it does mean? A man who walks into a State without the intention of making it a permanent residence, does not acquire a residence in the State. A college student who goes to college in a State, unless he intends to make it a permanent residence, does not acquire the right of being a resident.

Mr. RAKER. The man that goes into a State and resides there, although he does not intend to make it his home, is a resident of that State, and it has been so held by the courts many times in civil as well as in criminal cases.

Mr. MANN. I do not think that is possible. Of course there is always a controversy as to where a man intends to reside. It is a question of intent, as the courts have always held, but if a man fraudulently comes into a State for the purpose of making a contribution, he does not acquire residence there.

Mr. GRAHAM of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRAHAM of Illinois. What is the purpose of the word "actual" there?

Mr. MANN. That is what I am trying to find out—the distinction between a residence, an actual residence, and an actual and bona fide residence.

Mr. GRAHAM of Illinois. Does not an actual residence mean the place where the person is actually staying at the time?

Mr. MANN. I do not think so.

Mr. GRAHAM of Illinois. And does not the residence mean the place where his permanent residence is?

Mr. MANN. I will ask my colleague a question. He is actually in the city of Washington, and he is likely to be here all summer.

Mr. GRAHAM of Illinois. I am very sorry to hear that.

Mr. MANN. Does the gentleman think that he is a resident of Washington or a resident of the State of Illinois?

Mr. GRAHAM of Illinois. I think that I am a resident of the State of Illinois, and, according to the gentleman's statement, an actual resident of the District of Columbia.

Mr. MANN. Oh, no; the gentleman is not a resident of the District of Columbia. He is sojourning in Washington on official business. He is a resident of the State of Illinois.

Mr. GRAHAM of Illinois. The word "actual" has no force or meaning, then, at all?

Mr. MANN. I do not think it has.

Mr. RAKER. Mr. Chairman, while, to my mind, I think it is proper, there are some technical features about it; and to avoid discussion, if I may obtain unanimous consent, I will withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman this question: Supposing the political committee has its headquarters in Chicago, where most of them go. Here is a proviso that no political committee, as defined in this act, shall distribute, disburse, contribute, loan, advance, give, or promise in any one State any sum, and so forth, greater than is contributed by the residents of that States, with certain exceptions, which are enumerated in another place in the section. Do I understand from this bill, as the language states, that a political committee with headquarters in Chicago would have to pay all or its officials, all of its employees not engaged in speaking or distributing literature or making newspaper advertisements, out of moneys received in the State of Illinois and keep an account showing that fact?

Mr. FALCONER. A national committee?

Mr. MANN. A national or a congressional committee—either one. That is what this says.

Mr. RUCKER. Mr. Chairman, I confess that is a meritorious criticism. I do not believe the language used clearly expresses the intention of the committee.

Mr. MANN. Oh, undoubtedly I think it was not intended. It had not occurred to me before.

Mr. RUCKER. I think it would be better if we would exempt the actual current expenses of the committee in carrying on its work.

Mr. MANN. Has the gentleman an idea of what the expenses of campaign speakers would consist? Suppose the Democratic national committee in the next campaign should send the Speaker of the House out in a special train. There would, of course, be various people accompanying him. Would the expenses of those people be a part of the expenses of the campaign speaker?

Mr. RUCKER. The party that accompanies a speaker?

Mr. MANN. Yes.

Mr. RUCKER. I take it so. I will say to the gentleman that this section is drawn to incorporate in the law the principle embodied in a bill introduced and passed through the Senate, and now pending before the committee of the House of which I am the chairman; and leaving out some words which I deemed unnecessary, I have gotten, as I think, the exact principle involved in the Senate bill in this provision.

Mr. MANN. I agree with the gentleman.

Mr. RUCKER. The purpose is to limit the amount of money which may be donated or allotted by great committees to the State committees, but not in anywise to cripple those committees in anything that is a campaign along educational lines, either through the press or by campaign speakers, and I say that in my opinion the language referred to would include the expense of all who might constitute the party of the gentleman engaged in the campaign.

Mr. MANN. Take the expense of printing and of distributing literature. Of course that would cover speeches which were being sent out. Would it cover the expense of the editorial writers, which I believe various committees at times employ, or always employ, to send out items for newspapers, and so forth?

Mr. RUCKER. Mr. Chairman, I will say frankly to the gentleman, speaking for myself—and I believe I am justified in speaking for the entire committee—our purpose was to put no limitation on any effort to reach the judgment of men through whatever channel it may be made.

Mr. MANN. I am asking these questions so that the gentleman will be on record upon the subject.

Mr. RUCKER. That is my construction of it.

Mr. MANN. Because the gentleman can readily see, I think, that with language of this sort, when it is to be first construed, it might be construed by one man in one way and by another man in another way, and the gentleman's own construction would have great weight.

Mr. RUCKER. I confess the suggestions the gentleman is making are meritorious, and I think the language "the expense of printing and distributing literature" means everything connected with that literature—the preparation of it, the printing of it, and the distribution of it.

Mr. MANN. The gentleman knows there is a great deal of what is called plate matter sent out for the country press.

Mr. RUCKER. Yes; I think that would be included in this.

Mr. MANN. And often the plates themselves.

Mr. RUCKER. Mr. Chairman, I want to suggest to the gentleman from Illinois that he has made one suggestion here that appeals to me so strongly that I think the section ought to be amended in that respect, and I will ask unanimous consent that we pass this section over until later, so that I may endeavor to frame an amendment which will meet the difficulty to which the gentleman has called attention.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to pass this section over, to be returned to later on. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, I desire to call the attention of the chairman to another feature of the section, commencing with the proviso on line 15, page 3:

Provided, That nothing in this section shall be construed to limit the amount which such political committee may expend, in good faith, in employing campaign speakers, in defraying actual expenses of campaign speakers sent out by such committee, the expense of printing and distributing literature, and the cost of newspaper advertisements, plainly marked as such, ordered by such political committee.

Now, what is to be marked as such?

Mr. RUCKER. The newspaper advertisements.

Mr. RAKER. Does not the gentleman believe there ought to be something in there to say that this printed literature, newspaper advertisements, should be marked so as to avoid any question?

Mr. RUCKER. It says plainly "marked as such," and that has reference to newspaper advertisements.

Mr. RAKER. That runs back to the speakers as well.

Mr. RUCKER. I do not think it is necessary to label the other, because I think everybody who receives it would know it is political literature.

Mr. RAKER. I simply suggest that to the gentleman, as he is going to allow this to go over. Suppose you add after "advertising," "all of such printed matter and newspaper advertisements shall be"? I call that to the gentleman's attention.

Mr. RUCKER. I will suggest to the gentleman there will be some difficulty along that line. For instance, in sending out your speech or mine, or any gentleman's speech, would you want to mark it "political advertisement"? Suppose we send out——

Mr. BRYAN. Or a copy of the platform.

Mr. RUCKER (continuing). Public documents of Congress, would they have to be taken by some one and marked "political advertisement"?

Mr. RAKER. What I mean to get at is this: There ought to be some definite designation of this matter. If a fellow is trying to come in in the dark, undertaking to send out his literature and his stuff, or somebody else for him, without any designation, without any name or without any address, there ought to be some designation of that material as to the name and address of the sender.

Mr. RUCKER. Mr. Chairman, I know the gentleman from California [Mr. RAKER] knows there is nothing I am trying to do that will permit any man to work in the dark; it is absolutely the other way. I want to turn the light on every transaction regarding the election of any gentleman of this House or to the other House, and I will say to the gentleman I will consider that matter and if I conclude the suggestion made would be an improvement of the bill, why we may incorporate it.

Mr. WILLIS. Mr. Chairman, reserving the right to object, I understand the gentleman purposes to pass this matter temporarily for the purpose of considering amendments. I wonder if he will not consider the feasibility and advisability of placing some limitation on the amount that can be expended by way of newspaper advertisements. I notice this proviso here which says:

That nothing in this section shall be construed to limit the amount which such political committee may expend.

Does not the gentleman think there ought to be some limitation upon the amount which can be expended, even though it be marked as political advertisement? Otherwise it will put a man who does not have very extensive resources at a tremendous disadvantage, and it seems to me in the interest of the public service and fairness to men of this country of all means, whether they be rich or poor, there ought to be some reasonable limitation, and I would ask the gentleman to consider an amendment of that character.

Mr. RUCKER. I will state to the gentleman in reply that the section we are now considering has no reference to the individual candidates at all.

Mr. WILLIS. I understand that.

Mr. RUCKER. It refers simply to political committees.

Mr. WILLIS. It seems to me that a proper limitation ought to be possible——

Mr. RUCKER. I will say to the gentleman further that whether right or wrong, I am never quite sure—at least, I am not quite sure as to this—but my thought has been all the time that Congress ought not to place any limitation on the expenditure by the committees or by individuals in their effort to reach the judgment of men; that any appeal that goes to men's judgment ought to be permitted. The gentleman suggests that it gives a man who is rich an advantage over a man of poverty. Well, that is an advantage we can not equalize.

Mr. WILLIS. But we can prevent abuses growing out of it, can we not?

Mr. RUCKER. The fact that a man has money should not bar him from reaching the judgment of men if he desires to do so, and can do so in a proper way by publication of letters, circulars, or in any proper way he wants to do it. That in itself is not blamable.

Mr. WILLIS. Take the case of where a candidate or committee might buy up a whole page of a paper or the whole paper; does not the gentleman think there ought to be some reasonable limitation? It seems to me there ought to be some limitation.

Mr. RUCKER. I will say the thought involved in this section is this, that when newspaper articles are marked as advertisements, regardless of the cost, every reader who reads it will know it is a political advertisement put in by some political party or representatives of some political party, and it is not in the interest usually of one man, but generally is in the interest of some political party, and my judgment is a great deal of money is not used that way. The bulk of the money that contaminates and demoralizes is not used that way.

Mr. WILLIS. I hope the gentleman will consider such an amendment.

Mr. RUCKER. I will be glad to consider it.

Mr. FESS. Will the gentleman yield?

Mr. RUCKER. I will.

Mr. FESS. I understood a moment ago the gentleman said this pertained to the committees and not to the individual.

Mr. RUCKER. I think so.

Mr. FESS. Well, now, is there anything in the bill that would forbid an individual who is undertaking to finance a great campaign from operating through his own forces? That is not a political committee at all. Does it touch that?

Mr. RUCKER. Does the gentleman mean candidate or individual?

Mr. FESS. Individual.

Mr. RUCKER. We touch that where we require an individual who contributes more than $50 to make an accounting of it.

Mr. FESS. Suppose he does not contribute to the committee, but simply apportions it out himself?

Mr. RUCKER. If he used as much as $50 outside of his State, he would, under this act, if it becomes a law, or under existing law, be required to file a statement showing where the expense was incurred and for what purpose the money was expended.

Mr. FESS. Whether he expends it through a committee or by paying it to a committee?

Mr. RUCKER. Unless he spends it through a committee, and in that case the committee must charge itself with its receipt.

Mr. FESS. If he does not spend it through the committee, but makes the application himself, then what?

Mr. RUCKER. Then he must report under oath.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Missouri [Mr. RUCKER] asks unanimous consent that this section be passed over, with the privilege of returning to it later. Is there objection?

Mr. SMITH of Minnesota. Reserving the right to object, Mr. Chairman, I will ask the gentleman if he has made any provision in this bill for the renting of halls? I notice under your limitation it provides for speakers and other things that the committee may do, but you do not provide for hall rent. I suggest that in redrafting the section you take that into consideration.

Mr. RUCKER. I think the actual expenses of campaign speakers would include the payment of hall rent for actual campaign speakers, and the reason we use that language is that no political party under pretense of employing speakers could give a sort of subsidy to individuals. They must be actual campaign speakers. I take it that that language is broad enough to cover hall rent.

I wish I could make it clear to everybody here that, so far as I am concerned, I have no purpose or desire to place any limitations on any efforts made by any political party or any individual to reach the judgment of men. The only thing I have tried to do in this bill is to curb men in those things which are in themselves censurable and which might tend to demoralization.

Mr. SMITH of Minnesota. I catch the thought of the chairman, and I think it is a worthy one; but I believe you ought to add to the language here the privilege of paying hall rent, because men may construe this differently.

Mr. RUCKER. I will say to the gentleman that if this section is passed over I will consider it.

Mr. RAKER. When you pay hall rent, what are you going to do with the band? What are you going to do with 15 or 20 men in a precinct to control the precinct, to hire this hall? Are you going to have 10 or 15 men to escort the speakers to the hall? Are you going to allow every man in the community under this bill to come in and try to corrupt the voters, instead of permitting as now, under State laws, the employment of bands and the payment of rent? Are you going to allow the employment of rounders and hundreds of men to follow the speakers to and from the hall and to absolutely thwart the wishes and interests of that community?

If you are going to give men an unlimited amount of money to hire bands and halls, and men to attend the speakers, and rigs for getting the speakers there, a man can come along with $10,000 and practically buy up the town under pretense of trying to affect the judgment of the people. That is what the people of this country are against—the men who have means enough to go out and buy every man in a community. Let the people use their judgment from what they read and from what they hear from the speakers, and make up their judgment on that. Then you will get honest elections. But if you permit a

ceived by or promised to such committee or any member thereof, or by or to any person acting under its authority or in its behalf, and the name of every person, firm, association, or committee from whom received, and of all expenditures, disbursements, payments, or promises of payment or disbursement made by the committee or any member thereof, or by any person acting under its authority or in its behalf, and to whom paid, distributed, disbursed, or promised. No officer or member of such committee, or other person acting under its authority or in its behalf, shall receive any money or its equivalent, or expend or promise to expend any money on behalf of such committee, until after a chairman and treasurer of such committee shall have been chosen.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word. I would like the attention of the gentleman from Missouri in charge of this bill, and call his attention to this provision and also to section 6, which provides that only the treasurer of the political committee shall make an affidavit showing the amounts collected and expended. I would like to ask the gentleman whether or not he took into consideration, or whether his committee considered, requiring a statement of the chairman of the committee or that the statement required to be made by the treasurer be verified or corroborated by the chairman and also the secretary of the committee? I want to say to the gentleman that if he wants to have the law disclose all moneys that may be received and disbursed by a political committee, he ought to require somebody besides the treasurer to make the affidavit. It is usually the custom of political committees to designate some person to act as treasurer who does not have an active connection with the committee. It may be same official of a bank or clerk of a bank, who receives the money turned over to him by the secretary or the chairman of the committee, and at the close of the campaign he makes an affidavit accounting for all moneys that he receives. There is not anything in this bill, as I understand it, that requires anybody to make a statement of moneys that may have been received and expended by the chairman or the secretary of the committee—which might be expended and the treasurer have no knowledge whatever of the receipt or expenditure of such moneys. So I again ask the gentleman from Missouri whether or not the committee considered this question and considered whether it ought to require a statement that shows the moneys received and the expenditure by requiring a sworn statement from the chairman and secretary of the committee as well as the treasurer? Now I yield to the gentleman.

Mr. RUCKER. Mr. Chairman, I will say to the gentleman I would have attempted to answer the question as first propounded, without having it repeated to me, if I could have had the opportunity. Replying to the gentleman's question, I will say the committee did consider that. The treasurer of the committee, like the treasurer of all bodies, is supposed to take care of the finances. The law provides the committee shall not through anyone collect any money until a treasurer has been appointed, and then requires the treasurer to keep an accurate account of all moneys received by himself or by others, and I assume, and the committee assumed, that a political committee which delegates the authority to a cashier of a bank or other person to collect moneys must under this law ascertain from that official, whoever he may be, at the time that his statement must be made and filed what money and from whom it has been collected and account for it in such statement.

Mr. BURKE of South Dakota. Yes; but is there really anything in this bill that requires that official to make any statement under oath, and may not the treasurer be limited in what he may know about what has been collected and expended by what the chairman or the secretary may tell him?

Mr. RUCKER. The treasurer is the custodian of the fund.

Mr. BURKE of South Dakota. Now, let me illustrate——

Mr. RUCKER. I will say to the gentleman, Mr. Chairman, I believe this is the existing law, as the gentleman well understands——

Mr. BURKE of South Dakota. I understand it is.

Mr. RUCKER. And I believe the law is as broad as we can safely make it; but I will say to the gentleman now, and to all gentlemen on the floor, if anyone can suggest concrete language which will make this law more effective than it now is, or as proposed in this bill, so far as I am concerned, I will accept it.

Mr. BURKE of South Dakota. Let me ask this question: Suppose a chairman of a political committee receives $1,000 as a campaign contribution and he takes to the treasurer $500 and hands it to him, and states that it is a contribution he has received, and the other $500 he says nothing about, but he spends that in the conduct of the campaign; what is there in this bill to prevent that being done or that requires a statement to be made showing such contribution and expenditure?

Mr. Chairman, I ask for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. BURKE of South Dakota. Yes.

Mr. MAPES. Section 5 requires everyone who receives money, whether a member of the committee or not, to make account of it to the treasurer?

Mr. BURKE of South Dakota. Yes. But suppose he does not; suppose he does not account for it?

Mr. MAPES. Then he violates the law, does he not?

Mr. BURKE of South Dakota. What is the penalty?

Mr. RUCKER. There is a penalty attached to it. There is no question about that.

Mr. BURKE of South Dakota. But why do you not require the treasurer to make the sworn statement and also have it corroborated by the chairman and secretary?

Mr. RUCKER. I thought this would be absolutely effective. If the other plan would improve it, as the gentleman thinks, I am willing that he should offer an amendment to that effect. I am ready to do anything that will carry out the idea.

Mr. BURKE of South Dakota. Mr. Chairman, I withdraw my pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 3. That no political committee as defined in this act shall distribute, disburse, contribute, loan, advance, give, or promise in any one State any sum whatever in notes, checks, drafts, or money in excess of or greater than the aggregate amount contributed, promised, loaned, given, or advanced to such committee by actual residents of such State: *Provided*, That nothing in this section shall be construed to limit the amount which such political committee may expend in good faith in employing campaign speakers, in defraying actual expenses of campaign speakers sent out by such committee, the expense of printing and distributing literature, and the cost of newspaper advertisements, plainly marked as such, ordered by such political committee.

Mr. RAKER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from California [Mr. RAKER] moves to strike out the last word.

Mr. RAKER. I would like to inquire of the chairman just what his interpretation is of the "actual residents"? How far will that go? Can not a man go into a State and be there only for a day or two and be an actual resident, and thereby indirectly violate the law that you are trying to make? Why not make it "actual bona fide residents" of that State?

Mr. RUCKER. I hardly think so.

Mr. RAKER. Suppose a man went into an adjoining State and said he was going to live there and stayed only three days; he could contribute all the money he wanted to, and thereby defeat the very purpose of this section.

Mr. RUCKER. Well, I suggest to the gentleman if he knows any way by which that would be made more effective, I have no objection to his offering an amendment to that effect.

Mr. RAKER. Mr. Chairman, I offer an amendment, on page 3, line 14, after the word "actual," insert the words "and bona fide."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 3, line 14, after the word "actual," by inserting the words "and bona fide."

Mr. RUCKER. Mr. Chairman, I want to suggest to the gentleman that I have no objection to the insertion of this new language at all, but I can not believe it will add to the bill. This is a political committee. How could a committee determine, when the contribution is received by it, whether the party from whom it was received was a bona fide resident or not?

Mr. RAKER. So that there will be a law on the statute books that a man must be an actual bona fide resident of that State; that is, as soon as the campaign comes on a man can not go to some other State and remain there only a few days and contribute all the money he wants to. It would thwart the very purpose of the bill.

Mr. RUCKER. I have no objection to the amendment, but I do not believe it helps it a particle.

Mr. GARRETT of Tennessee. Mr. Chairman, I do not care to discuss the amendment. I do not think it is a matter of any consequence; but I do want to get the interpretation of the gentleman from Missouri [Mr. RUCKER] of this section. If I understand the section correctly, construing the proviso in connection with the other part of it, a committee may spend any amount which it chooses for the payment of speakers and for defraying expenses of speakers and for defraying the expenses of printing and distributing literature and the cost of newspaper advertisements. It can expend that amount, no matter from what source or from what State it is received.

Mr. RUCKER. That is my construction of it; yes, sir.

Mr. GARRETT of Tennessee. But under the other part of it, that part before the proviso, it can not make an expenditure exceeding the amount which may be contributed by the actual and bona fide residents if the amendment of the gentleman from California [Mr. RAKER] prevails—the actual and bona fide residents of the State. Now, what are they supposed to be able to contribute for that would be legitimate beyond that which is contained in the proviso?

Mr. RUCKER. I will say to the gentleman that common experience teaches us all, at least teaches me, that these great campaign committees, political committees, have from time to time sent money in bulk to the committees in the States—for instance, to the State committee or the congressional committee—to use as they see fit to use it; and the purpose of this section is to prevent the sending of large sums of money on the eve of election into doubtful States or close States, to be used by local authorities in a way that might be injurious to public morals.

Mr. GARRETT of Tennessee. I hope the gentleman will understand the question that rises in my mind, and that is, What is there that there can be a legitimate expenditure for, besides that which is contained in the proviso?

Mr. RUCKER. I think it is perfectly legitimate for a national committee of any party to make a donation to a State committee of any party to be used for political purposes. I think it is universally done.

Mr. RAKER. It is done quite frequently.

Mr. GARRETT of Tennessee. I am talking about the final expenditure of the money.

Mr. RUCKER. After the national committee has put the money into the control of the State committee the national committee has no further control over its use or expenditure; that is, the national committee has not.

Mr. GARRETT of Tennessee. Then, under those conditions almost every phase of this law can be avoided?

Mr. RUCKER. That is true, I take it, of practically every penal statute. Sometimes they are violated.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. BURNETT. Is there no provision, then, for a report by the committee using this money after the expenditure of it?

Mr. RUCKER. I will say to the gentleman that this is intended to be national legislation, and not intended to be applied to individual States. The hope is by the friends of legislation of this sort that the States will cooperate with the National Government, as many States have already done, and require political committees acting within the States to make reports, and in that way the whole matter would dovetail together.

Mr. BURNETT. Would it not be competent for this bill to require a report by the receiving committee when the expenditure was in aid of any Federal election?

Mr. RUCKER. I think it would be. But, as the gentleman will notice, the trouble is that the committee in the State to which the money is likely to be allotted and would be allotted has no particular function so far as the election of Federal officers are concerned. Members of Congress or the Senate. They are selected for the purpose of carrying on a State campaign. The other election is incident to it because our election happens to come at the same time theirs do.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from California, in reference to his amendment, what is the difference between an actual resident of a State and an actual bona fide resident of a State?

Mr. RAKER. I think with a little time, possibly more than the House would desire to give me, for a presentation of the authorities describing what is a bona fide resident and what is an actual resident, I might make it sufficiently plain that there is a distinction and that it ought to be included in this language. A man might be an actual resident by simply going into a State, and if he is there two days and says, "I am going to live in California and I am living here; I have changed my residence from some other State," he is an actual resident.

Mr. MANN. And he is a bona fide resident.

Mr. RAKER. He may and he may not be.

Mr. MANN. Suppose I move from Chicago to California, do I not become a resident the moment I land there?

Mr. RAKER. The gentleman might move out there with that purpose and that intent, with the intent to become a bona fide resident of California, and the moment he landed there he is a resident of that State and he loses his residence in the State of Illinois.

Mr. MANN. Unless I do that I do not become a resident at all. I may be there, but not a resident.

Mr. RAKER. But if a man goes there with the mere purpose of evading this law, for the purpose of carrying a large amount of money that he may put into the State and then have it turned over to the national committee, for the purpose of avoiding this law, he is not a bona fide resident, and it seems to me the clearer the language can be made the better.

Mr. MANN. I must confess that I do not see any distinction between an "actual resident" of a State and an "actual bona fide" resident of a State. A man may be a resident of a State and not be in it for 10 years. He may be a bona fide resident and not be in it 10 minutes.

Mr. RAKER. A man may have his residence in a State and not be there at all; he may be in Europe on official business, but he has a residence in that State. He is not an actual resident unless he is actually and personally there. There is the distinction in that matter.

Mr. MANN. Take the case of an ambassador—and they have been known to make campaign contributions, either before or after appointment—would actual residence shut out a rich ambassador from making a contribution or not?

Mr. RAKER. If he is at the port of Siam, I imagine it would.

Mr. MANN. What is the difference between being at Siam or London?

Mr. RAKER. I do not know that there is any except that he may not have so much to do.

Mr. MANN. Or across the border in Canada. How long has the gentleman been away from home?

Mr. RAKER. Except for a few days, about three years and a half.

Mr. MANN. The gentleman considers himself an actual and bona fide resident of California, I suppose?

Mr. RAKER. I am a bona fide resident of California and am actually residing now in Washington, as I am here on official business.

Mr. MANN. Then, as I understand, under the gentleman's theory he could not contribute to a campaign fund in California which could be expended anywhere else.

Mr. RAKER. Oh, I will be there in time to make some contribution.

Mr. MANN. Not the way it looks now.

Mr. RAKER. I think so.

Mr. MANN. We are going to keep the gentleman here. The gentleman from California is endeavoring to make a distinction which does not exist. The gentleman is living in Washington, but he is not a resident, either an actual resident or bona fide resident of the District of Columbia.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARRETT of Tennessee. After all, would it not be better to use the word "citizen"? The word "citizen" has an entirely different meaning than that of "resident." A citizen means one thing and resident another.

Mr. MANN. That would prevent a man who had not applied for citizenship from making any contribution to a campaign fund. I do not say whether that is right or wrong.

Mr. GARRETT of Tennessee. There is a well-known distinction between citizen and resident.

Mr. MANN. Yes.

Mr. GARRETT of Tennessee. I believe "citizen" would come nearer to reaching what it is sought to reach in this bill than the word "resident." I think the contention of the gentleman from California is technically correct.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. MANN. I think that all election laws in every State in the Union provide for a length of time during which a person must reside in the State, in the county, or in the voting precinct. Now, a man may reside there and not be there during that time at all. If he is in the Government service, he is still a resident of his district, and the election laws do not usually say "actual and bona fide residence." That term "reside" or "residence," meaning the same thing, has its meaning pretty well established through the election laws of the country, and if that is the purpose, why not use the ordinary well-known language?

Mr. RAKER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. RAKER. I am not positive as to the exact language, but my impression is that the law of California requires a residence of 1 year in the State, 90 days in the county, and 30 days in

capitalizing her association with King Manuel of Portugal and not her ability to act.

Evelyn Thaw, whose theatrical ability has faded beyond recognition, is kept constantly before the public at a high salary because of the capitalization of her association with the famous Thaw case.

I merely cite these instances to show that Members of Congress and Cabinet officers are not the only imitation performers, and the sooner it is stopped the better for the dignity of the office.

Capt. Jack Crawford, "the poet scout," writes:

* * * Indeed, I believe there are hundreds of men and women possessing real talent who are to-day crowded out by these men whose services have already been paid for by Uncle Sam.

Lawson V. Moore, who signs himself ex-United States Consul under the great Grover Cleveland, writes:

As a plain American citizen, I want to congratulate you on the introducing of a bill to prevent Federal officials from going on lecture campaigns for pay.

G. Britten Lyttle, professor of Spanish, Young Men's Christian Association, at New Orleans, and a brother of Judge C. B. Lyttle, Manchester, Ky., a delegate to the last Democratic national convention, writes:

* * * I am writing just a line to express my very hearty approval, as a citizen of this great country, of your proposal to make it a penal offense for employees of the Government holding high and important positions for the proper conduct of business in which all the people are interested and upon which the thousands of lives and the millions of money sacrificed in every war may depend, to engage in any other gainful occupation that may call their attention away from their official duties during their term of office for which they are paid already at remunerative rates.

John H. Davis, banker, 10 Wall Street, New York City, writes:

* * * I have read what you said with deepest interest, and I find that practically every statement and point which you made coincide with the views which I have repeatedly expressed. I was in Europe last year when Mr. Bryan was delivering his lectures and, as I cabled home at the time, his performances not only destroyed the dignity of the American Government in the eyes of Europe, but made our Nation a laughingstock there.

The Constitution, of Atlanta, Ga., July 16, said:

* * * Members of the House and Senate, and of the Cabinet, are altogether too prone to take money from the Government and money from lecture promoters while Congress is in session or important departmental business is pending. None of them go into office unless they are familiar with its compensations, and whether or not they can afford the luxury of being a public servant. If it is beyond their means, no one is begging them to display patriotism at a sacrifice. But when the people pay a salary they are entitled to as full services as the corporation that does so. As a business principle, it is difficult to evade that fact.

The Tacoma (Wash.) News of July 9 said:

* * * The bill, of course, is directed at Bill, who, in spite of the delicate difficulties in connection with Mexico, is proposing to leave the Secretary of State's office in the hands of subordinates while he Chautauquas awhile for the edification of his growing purse. However, there is a large and growing population which feels a greater sense of security when William is away than when he is there.

The Tucson (Ariz.) Citizen of June 11 said:

It is true that tens of thousands of American citizens feel indignant and mortified when they see or read about the Secretary of State "doing his turn" at the Chautauqua gatherings and vying with yodlers and vaudeville performers in efforts to win popular applause. In the end the Secretary of State will find that he has lost more of popular favor than he has gained by those Chautauqua "stunts," and that the applause that greets them does not represent the sober judgment of the American people in reference to his conduct. All that he needs is plenty of rope—and the result is not in doubt.

The Gazette, of Reno, Nev., said in its issue of June 11:

THE BILL SHOULD PASS.

There has been many a speech delivered in Congress and printed in the CONGRESSIONAL RECORD that was prompted by the needs of the lecture syndicate and vaudeville managers much more than by the needs of the public.

If it is true that Mr. Bryan can not thrive on the $1,000-per-month salary of his office, he should either ask Congress for an increase or vacate his office for the public good. The people have come to believe that there are a good many men in the United States whose services are available, who are better equipped by temperament and training for Mr. Bryan's office than Mr. Bryan. When he insists on taking the lecture platform during times like this, he strengthens this belief.

The Tacoma (Wash.) Ledger of June 10 said:

The people elect public officials, and thus give them the prominence which they capitalize on the lecture platform.

The Virginian, of Richmond, Va., of June 10 said:

The place for Cabinet officers and Members of Congress when Congress is in session is in Washington.

The Truth Seeker, of New York City, in its issue of June 20 said:

The measure is directed at William J. Bryan, Secretary of State, whose neglect of public duty, in order to scoop in a little more money to add to his already large fortune, has become a public scandal.

The Philadelphia Evening Bulletin of June 9 said:

No one thinks it necessary or desirable to enact a law prohibiting any Government official or Member of Congress from seeking other sources of income while drawing salary from the Treasury, but when Mr. BRITTEN generalizes and says that public officials ought to stick to their jobs and leave the Chautauqua field to yodlers, tumblers, and other performers, and specifically declares that the public interests have suffered through the repeated absences of the Secretary of State, the public opinion of the Nation is in full agreement with him.

There was a distinct disappointment that Mr. Bryan last year showed so little regard for the traditions of his office—not to speak of its actual requirements—as to enter upon his lecture engagements, and that he was so heedless of public opinion as to continue that practice, apparently self-satisfied with the lame excuses which he offered for his course. But the renewal of the contract for the coming season is to be condemned even more severely. Not only is the affront to a definite and clearly indicated public opinion so deliberate as to be without excuse, but the situation in the affairs of his department ought to command not only all Mr. Bryan's time but all his ability and energy. Mr. Bryan should stick to his job or leave it. The "gentle" hint which Congressman BRITTEN drops can be taken either way, with full approval of the public.

The Galesburg (Ill.) Republican of June 11 says:

The Britten bill is good as far as it goes, but it does not go quite far enough. It ought also to provide a penalty for those Members of Congress who are in the habit of leaving the sessions for the purpose of making Chautauqua addresses, while at the same time accepting pay for being in Washington to attend to their duties there. Nor is it seemly that the President himself, while the President not of a mere party but of the whole people, should run about over the country engaged in a political warfare.

Washington is a good place for all these people while Congress is in session and while great issues are before that body.

So an air brake may do some good. The Congressmen and the administration can all get their views before the country without appearing on the lecture platform to the neglect of congressional and official duties.

The Detroit Free Press of June 12 said:

Why forcibly assist Mr. Bryan to reform and maintain an appearance of dignity when every lecture he delivers along with bell ringers and sleight-of-hand artists is but emphasizing the completeness of his misfit as Secretary of State.

The Terre Haute (Ind.) Tribune of June 13 said:

Most people would consider it an exhibition of poor taste for the head of the State Department to go off on a lecture tour while this Government was engaged in critical diplomacy with a foreign nation. Similarly the place of a Senator or Representative while Congress is in session is at Washington. The constituents of a Member who should desert his post at such a time to lecture ought to resent his action; doubtless they would.

The Zanesville (Ohio) Courier of June 10 said:

The following paragraph, taken from a Chautauqua press agent's story, shows the close relation existing between the lecture platform and modern statesmanship:

"Many reform movements which have swept the country have had their real beginning on the Chautauqua platform. At one time there were no less than 40 Members of the two Houses of Congress who were giving part or all of their time to the Chautauqua."

Forty Members of Congress giving part or all of their time to the Chautauqua. Where would the Chautauqua be without these 40 eloquent orators and where would they be without the Chautauqua?

The Savannah (Ga.) News of June 10 said:

It must be admitted that it is rather undignified for the Secretary of State to travel around the country as a part of an entertainment combination, and there is a pretty general feeling, without regard to party affiliations, that the good name of the American people suffers somewhat in the estimation of other peoples because of the exhibition, but there is no doubt that the lectures of Mr. Bryan are very much appreciated by those who hear them and that he himself gets a good deal of enjoyment as well as money out of them. * * * But it is a question whether it wouldn't be a good thing to prohibit Cabinet officers, and Members of Congress while Congress is in session, from lecturing for pay. The Government pays them a good salary for their services, and it is therefore entitled to all of their time. Instead of writing and delivering lectures they should be studying questions with which Congress has to deal.

The Springfield (Mass.) Union of June 11 said:

Representative BRITTEN, of Illinois, surely must be a man of hard heart and wholly lacking in the qualities of human sympathy and compassion. On no other ground can we explain the introduction by him of a bill to curb the Chautauqua activities of Secretary of State William Jennings Bryan. * * * According to Mr. Bryan's own statements, he has averaged to save only about $10,000 a year for the last 18 years, and the income from this, together with his messer salary of $12,000 a year as head of the State Department and his little pickings on the Chautauqua circuit, are his only means of support.

The Post-Express, Rochester, N. Y., June 11:

A somewhat curious situation leaves him free to act as he sees fit in this respect. A word of public criticism from the President would constrain him either to give up his office or his tank-show stunts; but no such criticism has been given out or allowed to leak out at the White House. It does not take a mind reader to fathom the President's motives. He can not afford to break with Mr. Bryan at this juncture. The break may come later, and probably will, when the Secretary begins to lay emphasis in his political speeches on the Baltimore convention platform plank against second terms.

The Philadelphia Inquirer, June 14:

For certain it is that Mr. Bryan drops the mantle of dignity of office when he steps out of the dignified Department of State, which deals with our relations with countries all over the world, and appears on the lecture platform, frequently under a tent, with all sorts of other performers. He then drops diplomacy for mere money-making.

The Age-Herald, Birmingham, Ala.:

The Secretary of State is lowering the dignity of this Government when he engages actively in platform work along with "Tyrolean" yodlers, contortionists, and sleight-of-hand artists. * * * But the most serious thing in regard to the head of the State Department engaging in the lecture business is the breach of propriety.

The Journal, Kansas City, Mo., June 9:

* * * Members of the Cabinet receive salaries sufficient to maintain themselves according to the standard befitting the office. In a majority of instances they receive more pay than they could command in their private capacities. The importance of their views is very largely increased by the official position they occupy, and for that reason it is palpably little short of downright graft for them to receive double remuneration for their "services."

The Times, Bath, Me., June 10:

* * * The shining mark at which this Republican measure is aimed is no less a person than Secretary of State Bryan, whose neglect of official duties and systematic campaign of lectures for pay have been a public scandal since the very beginning of the present administration.

The Standard, Bridgeport, Conn., June 9:

* * * Certain Government officials, as a matter of fact, are paying too little attention to their work and too much to remunerative side-lines. * * * The President can and should restrain his official family from their undignified and improper course.

The Herald Transcript, Peoria, Ill., June 9:

As for Mr. Bryan, the silver-tongued one has already explained that he is a lecturer by profession and that he can not live in Washington on $1,000 a month. If he could he wouldn't have done his own marketing at the Capital, and carried his lunch to the State Department. Against necessity there is no law.

As for Senator LA FOLLETTE, he recently read a speech of 900,000 words into the CONGRESSIONAL RECORD, at an expense to the Government of about $9,000. * * * The Chautauqua is performing both a distinguished and a timely public service in removing from Washington men who know nothing about government. However distressing it may be to the yodlers and contortionists, the public always is a gainer when its Democratic statesmen "hit the trail," and leave Washington in the hands of subordinates who remember how the Government was managed when it was prosperous.

The Trenton (N. J.) Times, June 10:

The country would be benefited, by reason of their giving their entire time to the business for which they were elected or appointed and for which they are all liberally paid.

The Times Herald, Waco, Tex., June 17, 1914, said:

* * * Doubtless Congressman BRITTEN is a humorist, and his bill is only designed to poke fun at these unhappy souls." That's it; BRITTEN is having his little joke. At the same time he sees in this lecturing business on the part of public officials a lowering in the tone of American life. There is a cheapness about it which is bound to have a demoralizing effect.

Times, Chattanooga, Tenn., June 10, 1914, said:

* * * Mr. BRITTEN's measure will hardly pass in its drastic form, but it would seem that if public men will not voluntarily recognize their public responsibilities, something should be done to discredit their activities directed toward private gain while in the service of the people.

The Morning Telegraph, New York, June 10, 1914, said:

* * * He has an old-fashioned idea that when a man is elected to office and accepts it, or when a man is appointed to fill an office, he should do a day's work for a day's pay. It is Mr. BRITTEN's idea, for example, that if a man is appointed Secretary of State he should be on the job and not be doing monologues at county fairs and yodels at Chautauquas.

The Oregonian, Portland, Oreg., June 20, 1914, said:

Representative BRITTEN's making it a penal offense for any Cabinet officer, head or clerk of a department to lecture for pay is not likely to pass, but it will drag Secretary Bryan's Chautauqua perquisites into the public eye, and will teach others to preserve the dignity of high office. He has given color of truth to the foreign jibe that the dollar is king in America, and he should be so pilloried that none will dare to imitate him.

[Applause.]

Mr. MAPES. Mr. Chairman, I now yield 10 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, the other day the gentleman from Alabama [Mr. HEFLIN], when I was not upon the floor—and I am not condemning him for that—submitted some remarks that could at least be said to be slightly tinged with personalities. The gentleman seemed to be considerably "peeved" because I had made some remarks about the psychological prosperity that was blessing the land. The sedate gentleman, noted for voice, vocabulary, and voluptuous verbosity, proceeded to make one of his characteristic speeches. It was riotous in adjectives, rich in redundancy, magnificent in its inflated pomposity, and unmarred by a single thought. [Laughter.]

Mr. Chairman, it is especially fitting that the textbook statesmen who now misdirect the destiny of the Nation should have come to their defense the brave and gallant Alabama warrior who has won world-wide fame for bravery fighting women. I can conceive how it is possible for a mentality that thinks that the great tide of woman suffrage can be stayed by stilted oratory to find something good in this Democratic administration. I can conceive how it is possible for one who believes that "the hand that rocks the cradle" will pollute the ballot box to find something to praise in the universal business depression that now curses this country.

Mr. Chairman, it is an inspiring sight to see this full-rigged windjammer from the suffrage seas sailing to the defense of this discredited, discouraged, and already doomed Democratic administration. [Laughter on the Republican side.] Why, we would suppose that with such a brave man at his back the President would find courage to tell the people of this Nation where he stands on the question of woman suffrage. But perhaps Great Britain and the transcontinental railroads prefer that he wait until it is written into a Democratic national platform, until it is voted for by a Democratic Congress, until it is praised by a Democratic candidate for President, and then show again the power of patronage and fear of defeat by compelling a panic-stricken Democratic majority cowardly to repudiate it.

But I do not blame the gentleman from Alabama or any other of the White House favorites for defending the administration. They do what they are told; they think as they are told; they vote as they are told; and they talk as they are told. This administration that has sent out of the country more gold in the last six months than any other administration in the same length of time, that has turned the balance of trade against us, that has increased our imports, that has decreased our exports, that has closed more mills and factories, thrown more men into idleness, destroyed more business, and made more beggars than any other administration in the same length of time, will find it takes something more than the "sound and fury" of the fierce fighter of females from Alabama to save it from the wrath of a betrayed people.

Mr. RAGSDALE. Will the gentleman permit an interruption?

Mr. HUMPHREY of Washington. No. Now, Mr. Chairman, referring to the peculiar oratorical style of the distinguished gentleman from Alabama, one of the ardent admirers of the quiet and placid gentleman has given him some advice, and I will ask the Clerk to read it. I trust that the gentleman will receive it in the kindly spirit in which it is offered.

The CHAIRMAN. The Clerk will read in the gentleman's time.

The Clerk read as follows:

"We would suggest for the consideration of the gentleman that in promulgating his esoteric cogitations or articulating superficial sentimentalities he well might beware of platitudinous preponderosity.

"That he might better let his conversation possess a classified conciseness, compact comprehensibleness, and coalescent consistency.

"He should eschew all conglomerations of flatulent garrulity.

"In all his extemporaneous discantings and unpremeditated expectations he ought to elucidate intelligibility with veracious vivacity, but without rodomontory or thrasonodical vociferation.

"He sedulously should avoid polysyllabic profundity and pompous prolixity as well as voluble vacuity, ventriloquial verbosity, and venial vapidity.

"He should remember that the enunciation of a concatenation of evolutionary, evanescent, metaphysical aphorisms does not conceal the transiticent exiguity of the precipitant panjandrum.

"If he will do that, the people of the United States may really think he knows, and may be able to understand him."

Mr. MURRAY of Oklahoma. Mr. Chairman, I want to ask if it killed him?

The CHAIRMAN. If there is no more general debate, the Clerk will read the bill under the five-minute rule.

Mr. MAPES. Mr. Chairman, there is no one else who desires time on this side.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, and all acts amendatory thereof, be, and they are hereby, codified, revised, and amended so as to read as follows:

"SECTION 1. That the term 'political committee' under the provisions of this act shall include the national committees of all political parties and the national congressional campaign committees of all political parties and all committees, associations, or organizations which shall in two or more States influence the result or attempt to influence the result of an election at which Representatives or Senators in Congress are to be elected."

Mr. MANN. Mr. Chairman, I move to strike out the last word. As I understand, the only change made in this section from the existing law is to put the words "or Senators" after "Representatives." Is that correct?

Mr. RUCKER. I think that is correct.

The Clerk read as follows:

SEC. 2. That every political committee as defined in this act shall have a chairman and a treasurer. It shall be the duty of the treasurer to keep a detailed and exact account of all money or its equivalent re-

crease of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14284) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14284) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. HUGHES, and Mr. STERLING conferees on the part of the Senate.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], on which the yeas and nays have been ordered.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

Mr. KERN. I move that the Senate adjourn until to-morrow at 11 o'clock a. m.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Friday, July 3, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 2, 1914.

POSTMASTERS.

ILLINOIS.

John Coveny, Elizabeth.

PENNSYLVANIA.

Henry George Schleiter, Freedom.

VERMONT.

John U. Baxter, Derby Line.

HOUSE OF REPRESENTATIVES.

THURSDAY, *July 2, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Infinite Spirit, for every sacrifice which has come down to us out of the past, leaving in its wake the world a little better, faith a little stronger, hope a little brighter, love a little warmer. May we work and faint not, strive and despair not, trust and doubt not, for though the way may be long, our path rough, each well-directed step brings us nearer the goal. Every victory brings its joy, every defeat its lesson; for Thou hast planned, and planned well. Thou art infinite and Thy love is behind all. Thus lead us on and at last give us the victory. In Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bills H. R. 12914, 13542, 14284, 14738, 15692, granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent that he may be permitted to call up omnibus pension bills of the numbers specified, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bills.

The Clerk reported the titles to the bills.

The SPEAKER appointed the following conferees: Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM.

CALENDAR WEDNESDAY.

The SPEAKER. Under the order previously made, although this is Thursday, the business in order to-day is business in order on Calendar Wednesday.

Mr. RUCKER. Mr. Speaker, before the House resolves itself into the Committee of the Whole House for the consideration of the unfinished business I would suggest that when the campaign-contribution bill, the unfinished business, was last under consideration unanimous consent was granted that there be two hours of general debate. I will ask the Chair how much of that time has been used?

The SPEAKER. All except 19 minutes, which belonged to the gentleman from Michigan [Mr. MAPES].

Mr. RUCKER. Mr. Speaker, during the debate I inadvertently used more time than I ought to have used, agreeing with the gentleman from Michigan [Mr. MAPES] that I would ask for an extension of time and grant that extension of time to him. I therefore ask unanimous consent that the time for general debate be extended for 15 minutes, so that I may return to the gentleman the time which he gave me last Wednesday.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend the time for general debate 15 minutes. Is there objection?

There was no objection.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The SPEAKER. The business in order to-day is the bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes, and the House will automatically resolve itself into the Committee of the Whole House for the further consideration of said bill.

Accordingly the House resolved itself into the Committee of the Whole House for the further consideration of the bill H. R. 8428, with Mr. HOUSTON in the chair.

The CHAIRMAN. The gentleman from Michigan [Mr. MAPES] is recognized for 43 minutes.

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Nevada [Mr. ROBERTS].

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOOHER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 157. Joint resolution requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The committee resumed its session.

Mr. ROBERTS of Nevada. Mr. Chairman, with apologies to all prosaic Members of the House and the tender feelings of the renowned author of that beautiful poem entitled "When the Cows Come Home," I respectfully submit the following:

WHEN THE OLD GUARD COMES HOME.

With klingle, klangle, klingle,
Not far down the dusty dingle
The "old guard's" coming home;
Now sweet and clear, now faint and low,
The airy tinklings come and go,
Like chimings from a near-by tower,
Or sprinklings of an election shower
That makes the voters grow;
Ko-ling, ko-lang, kolingelingle,
Not far down the dusty dingle,
The "old guard's" coming home.

And old-time friends, and "quiet" plays,
And good old nights and good old days,
Come trooping up the misty ways
When the "old guard" comes home.
With jingle, jangle, jingle,
Love songs that sweetly mingle,
The "old guard's" coming home.

McKinley, Hartman, and Barchfeld,
Humphrey, and Greene, and Frank Mondell,
Our Dick and Dyer, and "Uncle Joe,"
Across the fields I hear him "lo-co"
And clang his old cowbell;
Ge-ling, ge-lang, gelingelingle,
With good sweet sounds that mingle,
The "old guard's" coming home.

Binns and Focht, and can-in-ner "Nick,"
And Kahn and Focht will do the trick;
Austin, Lafean, and Fordney, too,
Across the woods I hear him "boo,"
And clang his wether bell.
Ge-ling, ge-lang, gelingelingle,
With good sweet sounds that mingle,
The "old guard's" coming home.

And campaign songs of bygone years,
And youthful joys and boyish fears,
And business hopes without the tears,
When the "old boys" come home.
With ringle, rangle, ringle,
By twos and threes and single,
The "old guard's" coming home.

Through old-time specs we see the town,
And the Democrats a-sliding down,
And the "old guard" loafing in the shade,
All "dolled" up in clothes "home made,"
And the bills are growing brown.
To-ring, to-rang, toringelingle,
By threes and fours and single,
The "old guard's" coming home.

The same old times of prayers and psalm,
The same sweet days of rest and calm,
The same sweet smell of "punk" and balm,
When the "old boys" come home.
With tinkle, tankle, tinkle,
Through fern and periwinkle,
The "old guard's" coming home.

Knee deep in the Progressive stream,
Where the sun rays glance and gleam,
Redenberg, Payne, and J. C. Needham,
And scores of others when we need 'em,
In a happy dream.
To-link, to-lank, tolinkelinkle,
The "old guard's" coming home.

And up through memory's deep ravine
Comes the old "war whoop" in its old-time cheer
And the sad, sweet words "It might have been,"
When the "old boys" come home.
With kingle, kangle, kingle,
With loo-oo and mee-oo and jingle,
The "old guard's" coming home.

And ever here on Capitol Hill
Sounds the plaintive cry of the whip-poor-will,
And Democrats lie in the tangled vines,
And over their corpses Venus shines,
And over many a silent mill.
Ko-ling, ko-lang, kolingelingle,
With a ting-a-ling and jingle,
The "old guard's" coming home.

Let down the bars; let in the train;
Let "the boys" walk up to the crib again,
Fe; good old times come back again
When the "old guard" comes home.

[Applause.]

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Chairman, it is my intention to offer an amendment to the Rucker campaign publicity bill, designed to prohibit lecturing for pay by Members of Congress when Congress is in session. The amendment follows along the lines of a bill recently introduced by me which is intended to prohibit lecturing for pay, other than actual traveling expenses, of any Member of this House or of the Senate; also Cabinet officers and department heads.

Since the introduction of my bill I am in receipt of hundreds of letters from prominent business men in all parts of the United States, complimenting its intent and suggesting that they are ready and willing to do everything in their power to assist in its passage on the general ground that Members of Congress are paid a liberal salary to perform certain duties, and that their neglect of this work for the lecture platform while Congress is in session is a rank injustice to the country and a deception to the district or State which has honored them.

I also am in receipt of a great many newspaper editorials which, I feel, express the sentiment of the principal journals of the country, which evidence should be in the hands of every Congressman who will, sooner or later, be expected to vote upon a bill prohibiting this abuse of public office.

There can be no argument against the statement that the title "Member of Congress," "United States Senator," or "Secretary of State" conferred by the will of the people or by the President of the United States adds materially to the drawing qualities of a lecturer to whom people will flock and pay their quarters and halves because of the advertising he has received at public expense through the CONGRESSIONAL RECORD and the franking privilege.

Members of Congress and Cabinet officers, however, are not the only performers who have capitalized a gift of the people or a stroke of good fortune in lieu of real ability.

Gaby Deslys, the vaudeville actress, is quoted as receiving $2,000 a week, but anyone who has seen her $5,000 worth of clothes and $50 worth of talent will readily agree that she is

indefinite postponement of this measure. Besides that, we realize that the members of the Judiciary Committee are desirous of being present during this debate. They have been compelled upon several occasions to give up their deliberations in order to listen to this debate, and yet they have not been able to listen to as much of it as they would wish. Doubtless the debate would be instructive to them in the consideration of their bill. If this bill shall run along in discussion and debate until their report comes in, it will not give them the opportunity for consideration and deliberation regarding that bill unless they entirely absent themselves from the debates upon this bill.

So it is with the Interstate Commerce Committee. I am unable to bring that committee together until we dispose of this bill. As soon as it is disposed of we can then take up the securities bill and settle it quickly, I think.

Mr. SMITH of Georgia. Mr. President, I should like to suggest to the Senator from Nevada that he might let the river and harbor bill go on this afternoon and to-morrow, and he might have to-morrow for his committee to take up the other bill. I do not believe we are saving any time by trying to get a vote on this bill to-morrow. There are a number of amendments to it, and as they are reached there will be short but pointed discussion on those amendments. There are several amendments, I am sure, that some of us want made before we vote upon the measure, although we are in perfect sympathy with the measure. If the Senator will arrange to devote to-morrow with his committee and take up the other bill to which he has referred and perfect it, and let the river and harbor bill be considered by the Senate this afternoon and to-morrow, I really believe that we would be advancing this bill as well as legislation generally.

Mr. KENYON. Mr. President, I wish to express the hope that the Senator will not give way to the river and harbor bill. The trust bills are surely as important as the river and harbor bill. A good many of the streams provided for in the river and harbor bill can not become any drier by reason of this weather than they are now, and so it does seem to me that we ought to proceed with the trust bills. I do not care to see them give way to something else, and I enter my protest against them giving way to the river and harbor bill.

Mr. WORKS. Mr. President, I have been giving a good deal of attention to this trust legislation. I think it is very important. I have been considering it, however, rather as a whole, covering these three bills and treating the matter as if it were really one, because I think it is intended to be one general scheme of trust legislation, if I may use that term without offense.

I expect to address the Senate in general upon the subject, covering these different bills, their objects and purposes, and their probable effect; but I should not want to take up the time of the Senate in making any extended remarks about this particular bill. I should be glad to see all these bills before the Senate in their completed form as they come from the Senate committees, so that we might consider them all together, and the effect that will likely come out of the passage of all of them, and not simply a single one of them. Indeed, I think it would have been much better if all of these bills had been included in one, as they are all intended to reach the same object. For that reason I should be sorry to see the bill pressed to a vote to-morrow.

Mr. NEWLANDS. I should be glad to hear a suggestion as to a time when we can agree upon a vote upon this bill.

Mr. CUMMINS. Mr. President, I make this suggestion: I shall make no objection to taking up the bill on Monday or Tuesday to the exclusion of everything else, and continuing its consideration until a vote is reached; but I do not believe it is wise to fix an hour for the vote, and I shall feel compelled to object to any proposed agreement fixing an hour at which the vote is to be taken. I shall not object, however, so far as I am concerned, to taking up the bill on any day of next week and continuing its consideration until we do reach a final vote. I except to-morrow from that suggestion because I understand it is the desire to adjourn over Saturday, and we might not be able to conclude to-morrow. But if the Senator from Nevada will ask that it be taken up Monday morning or Tuesday morning and continued as we did on one other bill—I think the tolls bill—we will get a vote just as soon as it can possibly be had by asking for a definite hour.

Mr. SIMMONS. Mr. President, I should like to suggest to the Senator that if he will give notice now that on Monday or Tuesday or Wednesday, just as he sees fit, he will call up the bill at 2 o'clock each day and insist upon its continuous consideration until there is a vote, that will give Senators who desire to speak upon the subject time to get ready, and give them notice that they must be ready to speak at that time or not at all. I think that is the course we pursued, as the Senator from Iowa says, with reference to the tolls-repeal bill. It certainly was the course we pursued with reference to the tariff and currency bills, and I think it is a very good method of procedure.

Mr. NEWLANDS. Would the Senator be willing to yield the exclusive right of way to this bill next week, or would he insist upon going on with the river and harbor bill?

Mr. SIMMONS. At 2 o'clock; yes. This is the unfinished business. It is in order at 2 o'clock, and after 2 o'clock each day after Tuesday, say, of course it would be entitled to the right of way.

Mr. GALLINGER. It can not lose its place if a single objection is made. It has the right of way absolutely.

Mr. SIMMONS. It can not; no.

Mr. NEWLANDS. Mr. President, it seems to be impossible, therefore, to make any arrangement with reference to the river and harbor bill.

Mr. OVERMAN. Mr. President, I desire to say that a very important bill will be in here on Monday—the sundry civil bill. It is very important that that bill should pass promptly; and I know it will be the desire of the chairman, who is not here at this moment, to take up that bill next week for consideration. I believe it ought to have the right of way.

Mr. SMITH of Georgia. We can take it up in the morning hour.

Mr. OVERMAN. We can not finish it in the morning hour, however. We will have the report in here by to-morrow or the next day; certainly by Monday, and probably by to-morrow.

Mr. NEWLANDS. Mr. President, I see no other course to pursue than to proceed with the bill to-morrow, giving notice that on Monday I shall press the bill for consideration, and with the hope that the Senate will have night sessions until the bill is disposed of. I should like to ask whether there are any Senators present who would like to address the Senate on this subject to-morrow. I believe the Senator from Missouri [Mr. REED] is desirous of addressing the Senate. I should like to ask whether or not he will be ready to-morrow.

Mr. REED. I can not be ready to-morrow. I have been engaged all day on the Banking and Currency Committee, and that has made it impossible for me to get any data together. I could not be ready until a later time.

Mr. NEWLANDS. Then I will ask the Senate to proceed with the consideration of the bill to-morrow.

Mr. SAULSBURY. Mr. President, I rise simply to say that I anticipate addressing the Senate briefly on the trade commission bill when it comes before the Senate to-morrow.

Mr. SIMMONS. Mr. President, I suppose the Senator from Nevada will now temporarily lay the bill aside?

Mr. NEWLANDS. Yes; I will ask that the bill be temporarily laid aside.

The VICE PRESIDENT. Is there any objection?

Mr. KENYON. I should like to inquire, if this bill is laid aside, whether it is intended to take up the river and harbor bill? If it is, I will object.

Mr. NEWLANDS. I ask to have the bill laid aside with a view to the Senate taking such order as it pleases regarding legislation.

Mr. KENYON. I think under those circumstances I would not be warranted in objecting.

Mr. SIMMONS. Mr. President——

Mr. REED. Before the Senator makes his motion, I just want to make an inquiry of the Senator from Nevada. I did not understand the remark of the Senator from Nevada about pressing the bill to-morrow. Did the Senator mean that anyone desiring to say anything upon it must be ready to-morrow?

Mr. NEWLANDS. I shall ask that the bill be taken up and considered to-morrow.

Mr. REED. The Senator has no desire to force it to a vote to-morrow?

Mr. NEWLANDS. I am desirous of pressing it to a vote at the earliest moment.

Mr. REED. The Senator would not be willing to let it go over even one day to give another Senator an opportunity to get his data together?

Mr. SMOOT. Mr. President, I asked the Senator from Nevada, when I was recognized by the Chair, if he would not lay aside the bill temporarily for the consideration of the calendar under Rule VIII, beginning with Order of Business No. 326.

Mr. SIMMONS. Mr. President, I had recognition from the Chair.

The VICE PRESIDENT. This is the question, and it ought to be thoroughly understood: Is the Senator from Nevada asking unanimous consent to lay the bill aside?

Mr. SIMMONS. The Senator had asked unanimous consent, and it had been granted.

The VICE PRESIDENT. The Senator asked it, but there was an objection if the request was for that purpose.

Mr. SIMMONS. I understood the Senator to withdraw his objection.

Mr. KENYON. I withdrew the objection.

The VICE PRESIDENT. The Senator did withdraw it? Then the bill is temporarily laid aside, and the Senator from North Carolina has the floor.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

Mr. KENYON. Mr. President, I think there should be a quorum here to consider that motion. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Gallinger	Norris	Shively
Bristow	Hollis	Overman	Simmons
Bryan	Hughes	Page	Smith, Ga.
Burleigh	Jones	Perkins	Smith, Md.
Burton	Kenyon	Pittman	Smith, Mich.
Camden	Kern	Poindexter	Smoot
Catron	Lane	Pomerene	Sterling
Chamberlain	Lee, Md.	Ransdell	Swanson
Chilton	Martin, Va.	Reed	Thomas
Clapp	Martine, N. J.	Saulsbury	Vardaman
Clarke, Ark.	Myers	Shafroth	Works
Cummins	Nelson	Sheppard	
Fletcher	Newlands	Shields	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Senator from North Carolina [Mr. SIMMONS] moves to take up the bill commonly known as the river and harbor bill.

Mr. NORRIS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I have a pair with the senior Senator from Maryland [Mr. SMITH]. Because of his absence, I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CATRON (after having voted in the negative). I have a general pair with the senior Senator from Oklahoma [Mr. OWEN]. In his absence I withdraw my vote.

Mr. TOWNSEND. I have a pair with the junior Senator from Arkansas [Mr. ROBINSON]. Therefore I withhold my vote.

Mr. CRAWFORD. I inquire whether the senior Senator from Tennessee [Mr. LEA] has voted?

The VICE PRESIDENT. He has not.

Mr. CRAWFORD. I withhold my vote.

Mr. CHAMBERLAIN (after having voted in the affirmative). In the absence of the Senator from Pennsylvania [Mr. OLIVER], with whom I have a general pair, I transfer my pair to the junior Senator from South Carolina [Mr. SMITH] and let my vote stand.

Mr. CLARKE of Arkansas (after having voted in the affirmative). I observe that the junior Senator from Utah [Mr. SUTHERLAND] is not present and has not voted. I transfer my pair with that Senator to the Senator from Alabama [Mr. WHITE] and let my vote stand.

Mr. SMOOT. I desire to announce the absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

I wish also to state that the junior Senator from North Dakota [Mr. GRONNA] is paired with the senior Senator from Maine [Mr. JOHNSON], the senior Senator from Pennsylvania [Mr. PENROSE] with the senior Senator from Mississippi [Mr. WILLIAMS], and the junior Senator from Wisconsin [Mr. STEPHENSON] with the junior Senator from Oklahoma [Mr. GORE].

Mr. BANKHEAD (after having voted in the affirmative). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Louisiana [Mr. THORNTON] and permit my vote to stand.

Mr. CHILTON (after having voted in the affirmative). I have a general pair with the senior Senator from New Mexico [Mr. FALL], but under the terms of it I have a right to vote, and I will allow my vote to stand.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and vote "yea."

The result was announced—yeas 34, nays 12, as follows:

YEAS—34.

Bankhead	Kern	Pittman	Shively
Bryan	Lane	Poindexter	Simmons
Camden	Lee, Md.	Pomerene	Smith, Ga.
Chamberlain	Martin, Va.	Ransdell	Stone
Chilton	Martine, N. J.	Reed	Swanson
Clarke, Ark.	Nelson	Saulsbury	Thompson
Fletcher	O'Gorman	Shafroth	Vardaman
Hughes	Overman	Sheppard	
Jones	Perkins	Shields	

NAYS—12.

Brady	Burton	Gallinger	Norris
Bristow	Clapp	Kenyon	Page
Burleigh	Cummins	Myers	Smoot

NOT VOTING—50.

Ashurst	Gronna	Oliver	Thomas
Borah	Hitchcock	Owen	Thornton
Brandegee	Hollis	Penrose	Tillman
Catron	James	Robinson	Townsend
Clark, Wyo.	Johnson	Root	Walsh
Colt	La Follette	Sherman	Warren
Crawford	Lea, Tenn.	Smith, Ariz.	Weeks
Culberson	Lewis	Smith, Md.	West
Dillingham	Lippitt	Smith, Mich.	White
du Pont	Lodge	Smith, S. C.	Williams
Fall	McCumber	Stephenson	Works
Goff	McLean	Sterling	
Gore	Newlands	Sutherland	

The VICE PRESIDENT. No quorum has voted.

Mr. GALLINGER. Let the roll be called.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Dillingham	Newlands	Simmons
Brady	Fletcher	O'Gorman	Smith, Ga.
Bryan	Gallinger	Overman	Smoot
Burton	Hitchcock	Page	Stone
Camden	Hughes	Perkins	Swanson
Catron	Jones	Poindexter	Thomas
Chamberlain	Lane	Ransdell	Thompson
Chilton	Lee, Md.	Reed	Townsend
Clapp	Martin, Va.	Shafroth	Vardaman
Clarke, Ark.	Martine, N. J.	Sheppard	
Crawford	Myers	Shields	
Cummins	Nelson	Shively	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. KERN, Mr. SAULSBURY, and Mr. WILLIAMS answered to their names when called.

Mr. POMERENE and Mr. HOLLIS entered the Chamber and answered to their names.

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. BRYAN, and Mr. SMOOT conferees on the part of the Senate.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14540) granting pensions and in-

The VICE PRESIDENT. Just so there is an understanding that it was not personal; that is all the Chair cares for now.

Mr. LANE. Mr. President, I wish to state that I am much troubled about this section No. 5. I do not understand how it can be carried out. It looks to me as though it would not be practicable, and that it would be an impossibility for any commission or anyone else to decide between fair and unfair competition. It seems to me that it weakens the measure and puts a problem before the officials who are detailed to ascertain those facts that it will be impossible for them to solve.

On looking in Webster's Dictionary, and confirming it by a reference to the Century Dictionary, I find competition to be defined as "the act of seeking to gain the object which another is endeavoring to gain at the same time"; "common strife for a single object." There is every inducement in such a struggle to be unfair; there is no inducement for anyone to be fair in competition with another who is attempting to gain the same object. Both being intent upon acquiring the same object, the advantage lies with the person who is unfair. The man who plays fair and uses no foul means, takes no advantage, and plays an open game of simple-minded honesty in his method of doing business, is inevitably bound to lose.

I think it is going to be very difficult to define or to arbitrate between the two. I consider the provision as one that will baffle the wisest of commissions or the most scrupulously honest; to a careful individual who attempts to ascertain what the facts are, the dividing line is so slight.

In a struggle for the same object, if the fight is to a finish, the hardiest or the most cunning will win; and in such a struggle there is every inducement to use every means available to win, and fairness is not the best resource to fall back upon. To plot, to employ stratagem, to use every device that will outwit or overcome one's antagonist, becomes the keynote to success. The bill is intended to keep alive a system of competition in carrying on the business affairs of this country.

Of course, it is my personal opinion that it will not do it and that it can not do it. Competition in carrying on business affairs of great importance is practically dead in this country and all over the world, and efforts to revive competition by such galvanizing efforts are futile, and in a highly civilized community would not be undertaken. The very fact that a measure is introduced into this body, in apparent good faith, which attempts to provide means by which competition may be carried on in fairness proves that competition as an economic feature in business affairs has been a failure.

If competitive methods were followed to a logical conclusion in any line of business, they would inevitably result in the weeding out of all of the weaker competitors and everything in that line would go into the hands of the winner in the final struggle.

"Many are called, but few are chosen." There can be but one victor in a contest where all seek one object. None of the men of large means in this country will any more voluntarily invest their capital in an enterprise where they will have to engage in a life-and-death struggle to retain possession of it, and all the commissions that could be named to stand by and umpire the game would be no inducement. In fact, they know that any business which requires a commission to stand guard over and umpire it in order that it may be played fair is a hazardous one, for mayhap the commission might go to sleep at a critical time in their affairs. Men of large business affairs do not any more compete with one another. They combine and cooperate and fat upon their less fortunate brothers, who, by force of circumstances, are compelled to compete with one another. Competition, which is "common strife for the possession of a single object," develops cunning and cruelty and hardens human nature. It smothers down all kindly and generous impulses; it turns brother against brother and nation against nation. We have an example of what men will do and get others to do in order to "gain their object" in Mexico at this time and in Colorado, in the coal mines, where men killed one another in the "common strife—the competition—for a single object," which single object was an opportunity to work in a coal mine, which ever so often is liable to blow up from the ignition of its foul gases and land the miners in eternity.

In order for one man to succeed under the competitive system, another man, perhaps many men and better men, must fail. In fact, under it about 90 per cent of all business enterprises do fail in less than 20 years. Success under the fairest methods of competition is gained through the misfortune of some less alert or less heartless person.

If children are to be educated in a manner to fit them to succeed under the competitive system, they must be taught to be avaricious, to be selfish, to be without pity, to smother every generous and kindly impulse, to demand and take every advantage and benefit for themselves. No parent would be doing his duty by his offspring if he did not teach them to do these things. It is the creed and the guiding principle of the devil.

If all persons were governed by the standards that are necessary to make a success under a system of close competition, the world would not be fit to live in. All of the good and the unselfish and the kindly folk who make life worth living would perish off the earth. To buy where and when one can buy cheapest, to sell at the highest price that can be extorted, to take quick advantage of the necessities of others, to be remorseless and fatten on the miseries of the helpless are all necessary in order to be successful.

Did any of you ever see a band of coyotes competing for a jack rabbit? You never did, and you never will. The coyote has too much sense to do it. If ten coyotes got after one jack rabbit on the plains in competition for a breakfast or dinner or supper, as the case might be, there would not be one coyote that would get anything to eat that day. The jack rabbit can outrun all of them. But take two or more coyotes, and they are plenty smart enough to do this, and they do it all the time: They will get between that jack rabbit and the burrow in which he lives. One of them will start out to chase him. He will throw on the high gear and will run him around in a circle. The jack rabbit always circles around his burrow. That coyote will chase him around as fast as he can drive him, and the other coyote will cross a segment of the circle and there will lie in wait to take up the chase when it reaches him. The other coyote will lie down and rest until the jack rabbit comes back to that point again. The jack rabbit can run faster than the coyote; but when he goes up against two of them cooperating against him it is merely a matter of time until those coyotes have their dinner, and it does not take long. But there is no band of coyotes that can do it if they compete with one another.

Now, the business men of this country are as wise as coyotes, and successful business men, the men who control the affairs of this country, do not compete with one another. They have grown too wise to adopt that plan.

Mr. HUGHES. Does the Senator think the jack rabbit is entirely satisfied?

Mr. LANE. No, I do not think he is any better satisfied than are the people of this country with the present business methods. They have to compete with people who are combined and they hold to these the same relation that the jack rabbit does to the coyote. That is why I am entering my protest against this particular section.

Then, again, it creates another commission. We have enough of them now. There is too much divided responsibility in the management of the affairs of this country. If Congress would create and appoint a commission to squeeze the water out of the bogus stocks that are floating around through the country and turn some hundreds of millions of stolen money back to the people that would be a good thing to do; or if we were to create another one to furnish a reasonable supply of backbone to the officials who are already in existence, whose duty it is to stop such work and who have the power to do it without the creation of this commission, that would be another good thing to do. But to create a commission of this sort, to place espionage upon all the business affairs of this country, in an effort to revive competition, is futile. In my opinion, it is too late for us to undertake any such task. It is everlastingly too late to do any good. It would be kept busy, I have no doubt, nosing into the affairs of small business men, irritating every little business man in the country, while big business and the crooks—they who bear their heavy hands down upon the country, and say whether or not it shall be prosperous or whether or not an administration shall succeed—will escape, as they do now, by some subterfuge or other. We have laws against restraint of trade and larceny, petit and grand; yet no man can hope to compete with the large trusts, and the very Government itself is forced to pay heed to their wishes, under penalty of having a panic precipitated upon the country. This condition could not exist if they were dealt with as are smaller and lesser malefactors, and it is only through the usurpation of special privileges and a failure to enforce the law against them that they can or do occupy so anomalous a position.

The Senator from Iowa [Mr. CUMMINS], I noticed in his speech yesterday, paid a tribute to the Steel Trust and said he found a sort of rough fairness in its methods of dealing with its competitors in that having the power to do so it had not entirely squeezed them out of business. Some time ago, you may remember, I harrowed up the feelings of some worthy Members of this body by my insistent demands for an investigation of the charge that the aforesaid Steel Trust had been unfairly competing with its rivals by demanding and receiving rebates from the railways, and finally, with the aid of my

good friend the Senator from Nebraska [Mr. NORRIS], I succeeded in getting an investigation of the matter by the Interstate Commerce Commission. It may interest some of the Members of this body who took an interest in the matter at that time for me to read to them an excerpt from an article which was published in the New York American on April 27 of this year, wherein reference is made to this same investigation. I have not seen it published anywhere else. I do not know whether it is true; yet it makes a statement regarding the commission hearings. It is under a heading of a general political item aimed in an unfriendly spirit at the present administration. I think, I have not read it all, but my attention was attracted to this particular matter. It says:

> The commission hearings are under the Lane resolution, which directed an investigation to determine whether facts or evidence exist justifying the Government in proceeding against the Steel Trust for the crime of rebates.
>
> In its opinion in the Industrial Railways case the commission said the amount paid by the railroads east of the Mississippi River to industrial plants was estimated at $15,000,000 a year. It had been discovered that the Steel Trust was doing two-thirds of the business, and therefore gets $10,000,000 a year.
>
> Commissioner Harlan ruled that the Lane resolution would be interpreted as directing the commission to ascertain the amounts and dates of all payments amounting to rebates received by the Steel Trust in the last six years.
>
> EVIDENCE OF HUGE REBATES.
>
> A rough estimate of the total of such rebates is $60,000,000. The interstate-commerce act provides that a corporation found guilty of receiving rebates shall pay a fine amounting to three times the amount received. This would be $180,000,000 in the case of the Steel Trust.
>
> Evidence was also offered that the Steel Trust had received an additional $75,000,000 in unlawful rebates during the last six years. This would make the Steel Trust liable to an additional fine of $225,000,000, or a total of $405,000,000.

It goes on further to say:

> The evidence tended to show that the Steel Trust had received the $75,000,000 unlawfully through its operation of the Duluth, Messaba & Northern Railway, the Duluth & Iron Range, the Union Railroad, the Elgin, Joliet & Eastern, and the Pittsburgh, Bessemer & Lake Erie.

It seems to me that the Senator from Iowa is a bit unfortunate in his reference to the magnanimous manner in which these large interests do business when they have the opportunity to squeeze down on a competitor. It is my opinion that they will go along and do likewise so long as they are allowed to do so.

I do not believe too strongly in penal sentences; I have not that idea in my mind; but I do believe in dealing out justice to all citizens alike, be the citizen the most powerful millionaire or be he the humblest tramp, and that only when we do that, and not until we do that, will this country be in a condition in which there will be universal prosperity or fairness of dealing among either the large business or smaller business classes of the country.

There are too many laws now, in my opinion. One citizen of Oregon suggested to me the other day that this Government would be some hundreds of millions of dollars ahead each year if Congress were to pass a law by which it would hold a session but once in 10 years, and that its powers be confined to the repealing of laws. I think he was pessimistic; but we have plenty of laws now and plenty of authority under the laws already in existence to put a stop to dishonest methods of carrying on business.

As to the Steel Trust, for instance, which was accepting rebates, that fact has been known for years; it has been complained of for years, and the complaints have been filed; yet they continued and they bore down with heavy hand on every honest competitor and unnaturally increased the cost of all buildings throughout the United States in which structural steel was used.

I was interested this morning in the discussion on the tariff and the statements from one side of the Chamber about idle mills and from the other side of the Chamber the statements that the mills were working overtime. I thought then, as I do now, that it might not be an unmixed evil if the people are receiving their supplies of clothing cheaper than they did before—people who need the clothing and who have none too much money to expend on the purchase of it, even though that clothing came to them by importation. It would not be an unmixed evil if some of the large cotton mills which I saw as I came here, which work little children by the hundreds, were deprived of that kind of competitive labor. Little children who were peeking out through barred windows at us and the train to see it go by, with their little faces pressed against the bars to see the choo-choo cars; little children who ought to be out in the fresh air or at school and in the sunlight gaining health and strength instead of being cooped up in stuffy cotton mills on a hot day attending to that kind of work. I would prefer that those children should be set free rather than to see "business" thrive at their expense. Let other nations sacrifice their childhood if they wish to do so, but it is worth more to this country to keep its children healthy, to grow up into healthy men and women, than it is that some men should, by exploiting their labor, grow rich by such methods of competition, or that their mills should run at full blast, manned by the labor of such tiny hands.

It is my opinion in regard to this particular provision that it is illogical; that it is unworkable. I do not think that fair competition does exist or can exist outside of heaven, and the man who believes it can is too good for this world and heaven is his home, for he will be grievously disappointed as long as he stays here.

The provision in the bill which allows the President, when there is a failure upon the part of the commission to execute the law, himself to take action is a wise one and a good one. It is the surest provision in the bill. In the President lies individual responsibility and direct action. Commissions walk slowly. Commissions are composed of a body of men; they are not all of a single mind; they can not be brought to decide upon speedy action; they are cumbersome. The President is unfettered by the views of others. He represents more nearly what the people want; they look to him as the head of the Government, and they have confidence in him. They have confidence in commissions dependent upon their worth, and not so much in Congress nor a great deal in the Senate. Give the power, then, in the last resort, at a time when it is necessary, into the hands of the President, to say to the commission, "Get busy upon this line; here is a wrong being done." That is a good provision, and if you will eliminate the ill-advised attempt to establish "fair competition," I think the bill will be improved. The provision in regard to fair competition is, in my opinion, against all the laws of nature and common sense.

Mr. SMOOT. I should like to ask the Senator from Nevada if he will not consent to have the unfinished business laid aside temporarily and allow us to go on with the calendar under Rule VIII, beginning at the point where we stopped this morning? It is now half past 4.

Mr. SIMMONS. Mr. President, I have been hoping all day that speeches might be concluded on the unfinished business, so that we might take up the river and harbor bill. The Senator from Ohio [Mr. BURTON] is in the midst of his speech. He has been making that speech for three days, and he has not yet had an opportunity to finish it. I hope the Senator from Nevada will allow the unfinished business to be laid aside, so that we may take up the river and harbor bill for the remainder of the afternoon.

Mr. NEWLANDS. Mr. President, I am exceedingly anxious to press the pending bill to a vote. I wish to know whether there is any Senator who would like to proceed with the debate? I wish to say, Mr. President, that I have been hoping that this bill would be disposed of by to-morrow night, and that we would, if necessary, hold a night session for that purpose. There are, however, two or three members of the committee who have expressed a desire to speak on this bill. I have canvassed both sides of the Senate and have not found others who seem desirous of speaking, so I should like to get a vote at as early an hour as possible.

Mr. SMOOT. Mr. President, I am not going to insist upon the request to consider the calendar under the circumstances.

Mr. NEWLANDS. I will again ask unanimous consent that we proceed to vote upon the pending bill and all amendments thereto at 4 o'clock to-morrow afternoon. I think it very desirable that we should dispose of this matter before the holiday, which will be more or less demoralizing, and then proceed to the presentation of the other trust bills. I have no doubt that if we could dispose of this bill the Interstate Commerce Committee would be able to present the securities bill by next Tuesday, and I am told that the Judiciary Committee will be likely to present its report within the next week. It does seem to me that we should dispose of this bill first and clear the way for the other bills.

Mr. CUMMINS. Mr. President, I had hoped that there would be no vote upon the pending bill until the Judiciary Committee had made its report upon the bill now before it. I believe that that course would promote intelligent consideration of the entire subject. We are sure to pass the bill or vote upon it before Congress adjourns, and there is abundant material, as I understand, for discussion in the river and harbor bill. Why would it not be well to defer a vote upon the pending bill until the Judiciary Committee has made its report? I submit that as the course that ought to be followed.

Mr. NEWLANDS. Mr. President, I certainly can not consent to that, because that is an event over which the committee that I represent has no control whatever, and it might mean the

Mr. LIPPITT. I understood the Senator from Nevada to say——

Mr. NEWLANDS. It, however, had the support of Mr. Rublee and Mr. Brandeis.

Mr. LIPPITT. I understood the Senator to say that Mr. Brandeis had something to do with drawing up this proposition——

Mr. NEWLANDS. It certainly had his support.

Mr. LIPPITT. And that it was submitted to the President——

Mr. NEWLANDS. Yes.

Mr. LIPPITT. That the President then approved of it, and that it was then added to the trade commission bill. Is that the way in which the Senator meant to state the matter or is that a correct statement of the matter?

Mr. NEWLANDS. It was also presented, both before and after the President was interviewed regarding it, to members of the Interstate Commerce Committee—members of both parties—by Mr. Rublee and by Mr. STEVENS, and was in its general course also submitted to the President, and I understood that the President favored such a provision.

Mr. LIPPITT. This amendment or addition to the bill was presented to the committee and passed and accepted by the committee within a few hours of its receipt, was it not? Was more than one meeting held in regard to it?

Mr. NEWLANDS. My recollection is that it was under consideration for some time by individual members of the committee of both parties.

Mr. LIPPITT. I say this, as long as the matter has been brought up on the floor of the Senate, only because I was considerably interested to discover how that addition happened to be made to the bill. I had intended to inquire into it, and neglected to do so. We had been discussing in the committee for some time the trade-commission bill, and it had been very elaborately considered at several different meetings. There had been a subcommittee appointed to consider it, and many meetings of the subcommittee. It was then reported to the full committee, and the whole language of the bill was gone over in great detail. Many suggestions were made in regard to changing the form and the details of the bill, and it was then, as I understood, accepted by the committee and reported; but at that time it had not this provision in regard to unfair competition.

I happened to be away on important matters in Rhode Island for a week or a little over—10 days perhaps—and when I came back I found this provision in regard to unfair competition attached to the bill. It is a very vital provision. It changes the whole effect and meaning and importance of the trade commission bill. Such subjects as unfair competition and interlocking directorates, and a great variety of other subjects had been discussed with great detail and most carefully in the committee for two or three years; and while there has been a majority of the committee in favor of some things, and another majority in favor of some other things, and so on, there has been such disagreement among members of the committee, and, if I may put it so, such hesitation with regard to the real necessity of legislation of this kind, or of the kind of legislation if any is had, that it has prevented any positive action by the committee.

Mr. GALLINGER. Mr. President——

Mr. LIPPITT. I was very much surprised——

Mr. CUMMINS. Mr. President, it must be remembered that I have the floor.

Mr. LIPPITT. I beg the Senator's pardon. I will not be more than a minute.

Mr. CUMMINS. I am not taking the Senator off the floor, but I simply want other Senators to remember that and to limit their speeches within reasonable bounds.

The VICE PRESIDENT. This is just as good a time as any to announce that no Senator can take the floor and keep it and pass it around.

Mr. CUMMINS. That has been said to me once before. I am not attempting to pass it around. I yielded to the Senator from Nevada [Mr. NEWLANDS], and I had a right to yield to him, I assume, for a proper purpose.

The VICE PRESIDENT. Undoubtedly.

Mr. CUMMINS. If he abused that purpose, I am not to be criticized.

The VICE PRESIDENT. The Chair is not criticizing the Senator from Iowa; but the habit has grown up in the Senate of farming out the floor. The Senator from Iowa did take his seat. There is not any dispute about that.

Mr. CUMMINS. I supposed I had a right to rest myself for a moment.

The VICE PRESIDENT. Undoubtedly.

Mr. CUMMINS. However, if the Chair desires——

The VICE PRESIDENT. How is the Chair to know when a Senator is keeping the floor if he takes his seat?

Mr. CUMMINS. Very well; I submit myself to whatever ruling the Chair desires to make.

The VICE PRESIDENT. The Chair does not desire to make any ruling, except that the business of the Senate is not being transacted in accordance with the rules of the Senate.

Mr. LIPPITT. Mr. President, from time immemorial—if such length of time as four years may be considered as time immemorial—it has been the custom of the Senate to carry on a running debate on subjects of this kind when it was the desire to do so and when it was agreeable to the Senator who had the floor. I was not aware that I was in any way transgressing any of the rules or customs of the Senate. The Senator from Iowa, as I understand, has a perfect right to yield to me for a few minutes, or for several minutes, or for an hour, if he chooses, to enable me to discuss some subject that he is talking about.

On this particular matter, however, I had almost completed what I had to say. Perhaps I had completed it. What I rose to say was merely that, considering the great differences of opinion that had existed in the committee and the long time they had devoted to the discussion of such subjects as unfair competition and similar subjects without arriving at a definite conclusion that they were willing to report, I was rather surprised to find this particular amendment engrafted on the bill in such a very short time, and I was very much interested in the statement of the Senator from Nevada that in order to bring the minds of the committee to a focus it was apparently necessary for Mr. Brandeis, of Boston, to give his authority and permission to the particular kind of amendment that was to be drawn, and then that the President of the United States advised the committee that it should be passed; whereupon, without any further or very elaborate consideration, it becomes a part of an important bill of this kind.

Mr. CUMMINS. Mr. President, in order that I may not be again brought under the implied censure of the Chair, I will say now that I decline to yield for any interruption until I shall finish what I have to say.

I had presented and explained as best I could the proposed amendment relating to incorporate stock holdings of ordinary corporations. I propose, as section 7, an amendment relating to the same subject, but applying to common carriers. Its substantive part is as follows:

> It shall be unlawful for any common-carrier corporation engaged in commerce to acquire, own, hold, or control, directly or indirectly, the whole or any part of the capital stock or other share capital, or any other means of control or participation in the control of any other common-carrier corporation, if the business of such corporations is naturally and by reason of character and location competitive.

I shall not read further from this amendment. It is not necessary to do so in order to understand it. It gives to the Interstate Commerce Commission the same authority with regard to the administration and the enforcement of the law as is given to the trade commission in respect to ordinary corporations.

The difference between this and the former amendment lies, first, in the submission of the authority to the Interstate Commerce Commission, and, second, in this proviso:

> *Provided*, That the provisions of this section shall not apply to those cases in which one of such common-carrier corporations could acquire and hold the property of the other without a violation of the antitrust acts.

This provision is necessary for the reason that there are some States which forbid any railroad property within their borders to be owned by corporations organized under the laws of other Commonwealths. These laws make it impossible, in some instances, to consolidate the ownership of the property itself in a single corporation, although it is entirely possible, and indeed it ought to be required, that the ownership should be consolidated in ordinary industrial corporations one of which holds the stock of the other, so that with regard to common carriers wherever there could be a consolidation of the properties themselves without a violation of the antitrust law one may hold the stock of another.

The third amendment which I propose to offer as section 8 deals with the holding company. The amendment as to intercorporate holding proper covers those corporations which are themselves engaged in commerce and prohibits them from holding the stock of other corporations engaged in commerce; but there are instances—and the authorities are, I think, quite definite in regard to some of them—in which corporations which are not themselves engaged in commerce acquire and hold the stock of two or more corporations which are so engaged, and in that way prevent or stifle competition as between them. The third amendment relates to those cases. I need not read

it. The commission performs the same function in regard to them that I have attached to it respecting the other two.

The fourth amendment forbids community of directors or officers as between corporations engaged in commerce and carrying on a competitive business. The same reasons which seem to me sufficient to restrain one corporation from holding the stock of another will operate to forbid a community of directors as between competing corporations. What we are trying to do is to preserve each one as an independent unit in business, so that they will act in their affairs without any regard to the interest of the others; and in this amendment the commission is given the authority to determine just one question, namely, whether the business of the two or more corporations in which there is a community of directors or officers is competitive. If found to be competitive, the commission is given power to prevent such an unlawful condition; and if the corporations or persons involved do not obey the order of the commission, then appeal to the courts is provided for.

The fifth and last of these amendments—and they constitute parts of a whole—relates to interlocking directors among common carriers. The substantive part of the prohibition is this:

> It shall be unlawful for any person to be at the same time a member of the board of directors, or other managing board, or an officer of two or more common carrier corporations, either of which is engaged in commerce, the business of which corporations is naturally and by reason of location competitive.

It is a counterpart of the provision relating to ordinary corporations, save that it has in it the provision to which I have already referred, namely:

> That the provisions of this section shall not apply to those cases in which one of such corporations could acquire and hold the property of the other without a violation of the antitrust acts.

These, Mr. President, are amendments which, in my judgment, ought to be made to this bill. It is more essential that the commission be given power to deal with such subjects than that they be given power to deal with unfair competition. It may be that as each of them is voted upon I shall have occasion to explain it at greater length and to defend it against any assaults that may be made upon it.

I may, before we reach a final conclusion upon the bill, express my views with regard to the several theories of regulation now engaging the attention of the American people. There is one large body of philosophers and statesmen who believe that our regulations of commerce should be made effective through the criminal or civil processes of the courts alone, and that a commission or any other function of the Government can not be helpful in the enforcement of such regulations. There is another widespread view entertained by many men of eminence and distinction that we ought to administer our regulations of commerce solely through commissions; that we ought to permit combination and monopoly, and protect the people from their avarice and power through a commission authorized to fix the prices which the people shall pay for the commodities in which these combinations and monopolies deal.

I do not stand for either of these proposals. I believe the wise course is to maintain both the courts and the trade tribunals in the administration of our regulations of commerce. I believe that the antitrust law and its enforcement, however imperfect, have conferred infinite advantages and benefits upon the business of the United States. I think they have trained the thought of the people so that they now understand better than they understood before their true relations to each other. I think they understand now, as never before in the history of this country or of any other, what business may lawfully do and what it ought not to do and must not do. So far as I am concerned, I would not by any act of mine limit, restrict, or modify the antitrust law in any possible way so far as it relates to commerce in commodities. I want it to stand, as I believe it is, a monument to the wisdom and patriotism of the men who framed it and the men who have interpreted and enforced it.

There are, however, certain forms of activity, certain forms of combination, certain relations that do exist and have existed in business, which tend toward the suppression of competition, which, if allowed to grow and develop, become a menace to the welfare and freedom of trade, which are not *malum in se* but *malum prohibitum*, or ought to be *malum prohibitum*; and the law relating to the regulation of these things, in my judgment, should be submitted to a commission or other tribunal for administration and enforcement.

I close, as I began, with the assertion of a confident belief that the business men of this country are honest, faithful men. I believe that they intend to obey the law; I believe that they do not desire to encroach upon the rights and privileges of their fellow men, and, as for me, I am willing to stand for the proposal that we should erect or constitute a tribunal to which such men could repair—men who have a real desire to uphold the law, men who have a real purpose to carry on their affairs in a lawful and honest way—to which such men could come and be advised by a Government tribunal before they are branded as criminals.

I would not give immunity to any man. I shrink from any sort of immunity. When one has violated the law—consciously violated the law—he should pay the penalty for his wrongdoing. But when it becomes necessary in order to preserve competition that we shall prohibit acts which have heretofore been regarded as moral, which have heretofore prevailed in every industrial society in the world, I am unwilling that the failure to obey these regulations, which must necessarily be somewhat uncertain and vague, shall make the men who conduct our business affairs criminals, without consciousness of moral turpitude or moral dereliction.

I stand, therefore, for the commission in the sense in which I have attempted to describe. I do not stand for it as a substitute for the antitrust law, illuminated as that law is with 24 years of interpretation and learning, but I stand for it in the application of these new rules which we find it necessary to impose upon a great and growing industrial life.

The VICE PRESIDENT. The Chair hopes that the Senator from Iowa will not imagine that there was any implied rebuke in what the Chair said. The Chair simply desired to call attention to the rule of the Senate. The Chair does not believe that any Senator can suffer and permit other Senators to occupy the floor without unanimous consent. The interruption is not an interruption to take the floor and hold it; it must be an interruption for the purpose of some sort of an inquiry. It is the rule of the Senate also that no Senator shall speak more than twice in debate on the same question on the same day without unanimous leave. The Senator from Iowa had taken his seat when the Chair made his statement, and it was not intended to be personal. Beyond any doubt the rules of the Senate do not permit one Senator——

Mr. CUMMINS. Mr. President, it is true I had for the moment taken my seat, but, of course, the Vice President knew that I had not concluded my address, for it was interrupted in a way which must have necessarily left that impression. I was doing precisely what occurs here at every day's session of the Senate, and I did feel that the Chair had rather selected me as the object of the remark, for I have never heard the remark made with regard to any other Senator, and it was made twice in its application to me. I do not hold——

The VICE PRESIDENT. The Chair states that it was not personal to the Senator from Iowa, nor intended to be so.

Mr. CUMMINS. I am quite willing and shall hereafter attempt to obey the rules of the Senate so that there shall be no interruption of what I have to say that might lead to the conclusion that I had abandoned the floor.

Mr. LIPPITT. Mr. President, in the rule which the Vice President has read, interruptions are allowed unless they are objected to; in other words, they are allowed by unanimous consent. If there is no objection from the floor and there is unanimous consent, I do not think the Vice President would undertake to say that in every such instance it was necessary to ask if there was unanimous consent to the interruption being permitted. There have been times when Senators have objected to interruptions and refused unanimous consent where a single Senator has objected.

The VICE PRESIDENT. If the Senator from Rhode Island will just pardon the Chair, it is not that the thing will occur or that it has occurred, but it is the possibility of its occurrence in a time of some stress of discussion. Under the construction of the rule the Senator from Rhode Island insists upon, the Senator from Rhode Island can take the floor, and yield to whomsoever he pleases and keep the floor as long as he pleases.

Mr. LIPPITT. Only by unanimous consent. Any Senator could object at any moment. I am quite sure that not long ago, within the present year, the Senator from Connecticut [Mr. BRANDEGEE], on a certain occasion, if my memory is correct, did object to the interruption of the Senator on the floor, and thereupon the Senator who wanted to interrupt was obliged to take his seat. I think it is a matter which is clearly within the power of the Senate when any individual Senator at any time may choose to exercise it.

Mr. GALLINGER. Mr. President, I think I was unconsciously the cause of the suggestion from the Chair. I turned around and saw that the Senator from Iowa had taken his seat, and I supposed that for the time being, at least, he had completed his remarks. The Senator from Rhode Island was addressing the Senate, and I rose and asked permission to interrupt the Senator, thinking that he had the floor. I quite agree with the Chair that it is necessary to exercise care in those matters, or else we will get into interminable debates, which, of course, are not to be desired.

Mr. NEWLANDS. Well, what I mean to say is, that the Senator proposes to put upon this bill a subject matter that is included in the Clayton bill, which is now before the Judiciary Committee. I myself was for a long time in doubt as to the practice of the Interstate Commerce Committee when this matter was first presented to us, as to whether it might not be advisable to consider those subjects in connection with this bill; but the Interstate Commerce Committee by a vote determined it was not advisable. So I feel it my duty to press this bill, notwithstanding the Judiciary Committee has that matter under consideration.

Let me say one word to the Senator from Iowa. I regret very much that he has misapprehended anything that I have said. If the Senator will look over the RECORD I think he will find that there was no reason for misapprehension. The Senator could not have heard me distinctly. I do not feel disposed at all to limit the argument of the Senator or to attempt to limit in any way his argument or the consideration of the amendments which he proposes. I am speaking simply of action after the Senator closes, with a view to fixing a time for a vote within a short period, the bill having already been under consideration for a week.

Mr. CUMMINS. So far as I am concerned, we can have a vote this afternoon——

Mr. NEWLANDS. The Senator from Idaho [Mr. BORAH] said that he would at any time lay aside his discussion provided we could have a vote.

Mr. CUMMINS. Provided I finish what I have to say.

Mr. NEWLANDS. That was the disposition of the Senator from Idaho, and I assume the Senator from Iowa himself, interested as he is in this bill and a warm advocate of it as he is, would like an early disposition of it.

So far as the bill is concerned, the Senator says that it differs from the one that was introduced some years ago by myself. Well, it does differ from that bill, but the Senator will recollect that that bill was very materially changed in the then Committee on Interstate Commerce and that we had valuable suggestions and the aid of the Senator from Iowa. No one was more active in the shaping of that tentative measure than was he; and I am speaking of the tentative measure, the measure that was tentatively approved in the Interstate Commerce Committee, and the Senator will find it almost identical with this bill, with the exception that this bill has an additional section regarding unfair competition.

Mr. CUMMINS. That is the whole subject of debate.

Mr. SUTHERLAND. Mr. President, will the Senator from Iowa permit me to ask the Senator from Nevada a question?

Mr. CUMMINS. I yield.

Mr. SUTHERLAND. I should like to ask the Senator from Nevada whether he is opposed to the amendments which have been suggested by the Senator from Iowa?

Mr. NEWLANDS. I am not opposed to legislation on that question; on the contrary, I am in favor of it, but I think that legislation should go upon the bill that is now before the Judiciary Committee and not upon this bill.

Mr. SUTHERLAND. The bill which is pending before the Judiciary Committee proposes to treat this matter in an altogether different way. That bill simply proposes to prohibit these particular things—intercorporate stockholding, and so on—by substantive legislation, leaving it to the courts to enforce the prohibition. The amendment proposed by the Senator from Iowa to this bill proposes that the interstate trade commission shall deal with the subject. I asked the question in entire good faith, because, I will say to the Senator from Nevada, that, as between the two propositions, if we are to have a trade commission—and I am not in favor of the trade commission proposed by the bill of the Senator from Nevada—but if we are to have such a body, I think the method proposed by the Senator from Iowa is the preferable method of dealing with these questions. The Senator from Nevada is chairman of the Interstate Commerce Committee and has given this matter very great attention. I should be very glad to learn whether the Senator is in favor of these amendments as they are proposed to this bill or opposed to them; and if opposed to them, very briefly why the Senator opposes them?

Mr. NEWLANDS. I will state to the Senator that I have amendments now pending before the Judiciary Committee that cover the ground of interlocking directorates and holding companies and which cover my views of the legislation that should be enacted upon this subject. I hope that this bill will be passed and that the Judiciary Committee will, in legislating upon that subject, submit the enforcement of the law to the interstate trade commission. That is one reason why I should like this bill to go through as early as possible, so that we could have an interstate trade commission in existence, which could be charged with certain duties under the legislation on this subject in the Clayton bill.

Mr. LIPPITT. Mr. President, will the Senator from Iowa yield to me just for a moment?

Mr. CUMMINS. I yield.

Mr. LIPPITT. Mr. President, I have felt very strongly that this bill ought not to be disposed of until there has been a report from the Judiciary Committee upon questions that have been submitted to that committee and which are closely related to the subjects that are being discussed under the bill that is now pending before the Senate. What the Senator from Nevada has just said, I think, is a very good illustration of the desirability of at least having a report before this body that will give the views of the Judiciary Committee as to what legislation the Senate ought to pass in regard to the whole subject of trade legislation before we undertake to deal with a part of it. The Senator from Nevada says he hopes that when the Judiciary Committee reports the trade commission may be in existence, so that there can then be referred to them certain duties in regard to certain questions that are not now included in the bill before the Senate; in other words, he has in his mind, almost before this bill is dry from the printer, to suggest further amendments to be made to it and to suggest further duties that shall be given to the commission. It seems to me that on a question which is one of the most fundamental questions that has ever come before this body, a question which is going to rearrange the entire relations which the Government of this country bears to the people of this country, which deals with the largest and the most important matter in which the people of this country are interested, namely, the question of how they are going to earn their living from day to day; that it should not be taken up in any partial and haphazard method, but that we should have laid before us the whole field of operations which it is proposed to cover before we attempt decisively to commit ourselves to any particular part of such a measure.

The Senator from Nevada has referred to the securities bill as being a very simple bill. I do not regard that bill as being a simple bill in any way. We have had before our committee for the last month or more some of the ablest men in the United States, discussing that bill for hours and disagreeing with each other as to its most important features. We have had representatives of the Interstate Commerce Commission; we have had representatives of the people; we have had representatives of the railroads; and they have substantially been discussing simply one section, one idea contained in that bill.

In addition to that, there is another feature of it which has been discussed to much less extent, which proposes to give the most extraordinary powers to the Interstate Commerce Commission, powers which they do not now have, powers which would enable them to go into the papers and into the houses of private individuals under certain circumstances—a most far-reaching measure.

It does not seem to me that there is any necessity for haste about these matters. The Senate sat here for two months and discussed a question in connection with the Panama Canal, in which at the outside not over $2,000,000 was involved. Here is a question in which billions of dollars are involved, and the Senator suggests that he thinks we ought not to take much time in discussing it. I really think the Senator is not looking upon this question from the right standpoint, and I think it is very important and necessary really to a proper understanding and proper disposition of these measures that we should await the report of the Judiciary Committee on the correlated subjects that have been committed to them.

Mr. SAULSBURY. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. SAULSBURY. Mr. President, the pathetic interest of Senators on the other side that the amendments offered by the senior Senator from Iowa [Mr. CUMMINS] to the trade commission bill shall be considered by another committee than the one which has had the trade commission bill under consideration, and that something else shall be done before anything is done, has very greatly appealed to me. I have tried to obtain the amendments to which the Senators on the other side have referred, which have been offered by the Senator from Iowa, because I wanted to convince myself if such a great exigency existed. To one of these amendments—I have only been able to obtain three—I want to call the attention of the Senator from Iowa. I refer to the one prohibiting interlocking directorates in connection with common carriers. There is not a word——

Mr. CUMMINS. If the Senator will allow me, I have not yet reached that amendment, and I prefer that there should not be a speech made against it until I have proposed it.

Mr. SAULSBURY. I do not propose to make a speech. I simply want the Senators on the other side to indicate whether they wish this amendment, which is proposed to the interstate trade commission bill, to be considered, when it has absolutely no connection with that bill, before we do anything with the trade commission bill. We are trying to get something done in the Senate on the trade commission bill, and why an amendment regarding the Interstate Commerce Commission, which is now in the hands of the Judiciary Committee, although offered in form as an amendment to the trade commission bill, should be considered or should be so pathetically alluded to I do not understand.

Mr. CUMMINS. Possibly I will be able to tell the Senator, if he will allow me to present the amendment.

Mr. SAULSBURY. I shall be delighted to hear the Senator.

Mr. CUMMINS. But the Senator's zeal ought not to outrun the orderly procedure here. I am now presenting the amendment relating to intercorporate stockholding, and I will give the Senator from Delaware abundant opportunity to interrupt me when I reach the amendment to which he has just referred.

The VICE PRESIDENT. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. Mr. President, it is always difficult to determine just how far one should comment upon his general observation of matters which do not constitute a part of the record of the Senate. I have been somewhat disappointed in the course of the preparation of this bill, and, in view of what the Senator from Nevada has said, I intend to state what I recollect with regard to it.

A subcommittee, consisting of seven Senators, took up this subject on behalf of the Interstate Commerce Committee. I happened to be one of the subcommittee. By a unanimous vote of all the Senators present—and the Senator from Nevada [Mr. NEWLANDS] was one of those Senators—it was resolved that all legislation that was to be presented to the Senate for consideration at this session should be included in a single bill; that is to say, the subject matter of the commission bill presented in the House, the subject matter of the Clayton bill presented in the House, and the subject matter of the Rayburn bill presented in the House should be included within a single measure. Thereupon we deliberated, not only as to the formation of a commission, but as to the powers of that commission with regard to interlocking directorates, trade practices, holding companies, and other things of that kind; and the subcommittee reported to the full committee a bill which contained in substance the very sections that I am now offering. The procedure before the commission provided in that bill was not just the same, but it was substantially the same, and in so far as there has been a change, that change was made to meet the views of the Senator from Nevada.

At that time the section with regard to unfair competition was not a part of the bill. When we reached that point the Senator from Nevada, and very properly—I did not object to it at all—thought that we ought to report the commission bill pure and simple, a bill simply creating a trade commission and giving it the power of investigation, and hold in the committee the other sections for future report as amendments to the commission bill, if the committee thought it proper to do so.

Just about that time there appeared what is now known as the "unfair competition" section in a bill introduced by Mr. STEVENS, a Representative from New Hampshire, in the House. There was no more reason for attaching that section to this bill than for attaching to it the sections relating to interlocking directorates and holding companies, for the relation of the commission to unfair competition is exactly the same as its relation to the other conditions which we desire to prevent. But there came an influence, as I believe, from the President of the United States, that was sufficient to insert the unfair competition section. I was glad to see it inserted; I am thoroughly in favor of it; but that same influence prevented the inclusion of the sections with regard to interlocking directorates and intercorporate stockholding, because, as I assume, the power that determined both the form and substance here concluded that the prohibition contained in the Clayton bill before the Judiciary Committee was better and more efficient upon those things than a reference to the commission, as had been provided in our original bill.

I am not proposing any new subject; I am proposing sections that have been formulated in the Interstate Commerce Committee and have received the approval from time to time of a majority of the members of that committee. I do not mean that the precise phraseology in which these amendments are now found has been approved by the members of the Interstate Commerce Committee, but the principle that these subjects should be dealt with by the commission has the approval of the Interstate Commerce Committee, and it is keeping the promise to the ear and breaking it to the hope to now refer it to the Judiciary Committee and to suggest that they may become parts of the bill which that committee has under consideration. They will come from that committee without any reference to the trade commission, for I believe—I am not disclosing any confidences—that a majority of the Judiciary Committee are opposed to a commission in any form, to the establishment of a commission, to the conferring of any power upon a commission especially the power to deal with conditions like unfair competition, interlocking directorates and the like. Now, that is the history, Mr. President, of these things.

Mr. NEWLANDS. Mr. President, will the Senator yield to me for a moment?

Mr. CUMMINS. I yield.

Mr. NEWLANDS. The Senator's statement is in the main correct, and I will not say it is incorrect in any particular so far as I know. I have nothing to say about the influences to which he alludes. I will simply say that as an original matter, unsuggested by anybody, when I saw the state of legislation in the House regarding the three matters to which the President's message was directed—namely, a trade commission, supplemental legislation on the trust question, and railway securities—I thought there might be a time when it would be advisable to join them all in one bill in the Senate with a view to expeditious action. With that view I acquiesced, so far as I was concerned, in the consideration of all these questions by the committee, taking the view that if we did not include all this legislation in one measure at all events we would be receiving education upon most important matters that were coming before the Senate for its consideration.

While I acquiesced in the consideration of all these three questions by the subcommittee to which the Senator alludes, I stated again and again—and the Senator will bear me out in that assertion—that I reserved to myself the right at any time, according to my judgment, to move their segregation, and the confinement of our legislation, so far as our committee was concerned, to subjects strictly relating to a straight commission bill.

Subsequently the legislation took such shape in the House and here that I became satisfied that it would be better to present to this body a purely trade-commission bill, for I feared that if we connected with the bill other matters concerning which the supporters of a trade-commission bill differed, we would diminish the support given to it, and so I adhered to a trade-commission bill.

It is true, as the Senator says, that a suggestion was made with reference to including unfair competition by Mr. Stevens of the House, Mr. Rublee, and Mr. Brandeis. That matter was presented to me, as it was to other members of the committee of both parties. I thought it was eminently a matter that should be covered within the jurisdiction of the interstate trade commission. It was presented to the President, and that was his view, and the matter was presented to the committee later on and was accepted.

Mr. LIPPITT and Mr. GALLINGER addressed the Chair.

Mr. NEWLANDS. I wish to say that one reason why I was entirely satisfied that we could do without any legislation whatever with reference to interlocking directors and intercorporate stock holdings was that I believed that those conditions could be reached through this provision regarding unfair competition.

Mr. GALLINGER. Mr. President, I should like to ask the Senator just one question.

Mr. NEWLANDS. I believe those practices constitute a part of the numerous practices that relate to unfair competition.

Mr. GALLINGER. I will ask the Senator right there——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. Did I understand the Senator to say that Mr. Brandeis was the author of the suggestion concerning unfair competition?

Mr. NEWLANDS. Not the author of it. Mr. STEVENS, in the House, was the one who originally presented it.

Mr. LIPPITT. Mr. President, if the Senator from Iowa will yield to me for just one moment, I was much interested in the statement which the Senator from Nevada has just made. As I understood his statement, it was that the proviso that is now in the bill in regard to unfair competition was drawn up under the direction of Mr. Brandeis.

Mr. NEWLANDS. No; it was drawn up by Mr. STEVENS and presented in his bill in the House.

it was at the close of the bill we originally considered in the Interstate Commerce Committee; that includes all these regulations, namely, that any violation of this act shall be punished by a fine or imprisonment, and so forth. I do not think I would object to that kind of a provision. I hope the Senator from Nebraska will reflect upon it and offer it if he believes it ought to be here; although, I repeat, the efficacy, the real efficiency of this legislation, in my opinion, will lie in the prevention of these unlawful conditions rather than in punishment, either by fine or imprisonment, for their violation.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield to the Senator from Ohio.

Mr. BURTON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Ohio suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Overman	Smith, Md.
Bankhead	Gallinger	Page	Smoot
Brady	Goff	Perkins	Sutherland
Brandegee	Hughes	Pittman	Swanson
Burton	Kern	Ransdell	Thomas
Camden	Lee, Md.	Saulsbury	Thornton
Chamberlain	Martin, Va.	Sheppard	White
Chilton	Newlands	Shields	
Clapp	Norris	Simmons	
Clarke, Ark.	O'Gorman	Smith, Ariz.	

The PRESIDENT pro tempore. Less than a quorum of the Senate is present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. SHAFROTH, Mr. STONE, and Mr. WEEKS answered to their names when called.

Mr. NELSON, Mr. REED, Mr. SHIVELY, Mr. HOLLIS, Mr. HITCHCOCK, Mr. JONES, and Mr. POMERENE entered the Chamber and answered to their names.

Mr. CLAPP. I think it should be stated for the RECORD that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Senate on account of illness.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. SUTHERLAND. Pending that, I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate adjourn.

Mr. KERN. I hope that the Senator from Utah will not insist on that motion at this time. We lack but two of a quorum, and if the Senator will allow——

Mr. SUTHERLAND. The motion is not debatable. I ask that the question be put.

The Senate refused to adjourn, there being, on a division—ayes 11, noes 18.

Mr. WILLIAMS, Mr. WALSH, Mr. LANE, Mr. BRISTOW, and Mr. BRYAN entered the Chamber and answered to their names.

The PRESIDING OFFICER (Mr. CHILTON in the chair). Fifty-two Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I realize the embarrassment under which Senators are laboring. I think three-fourths of the Members of the Senate are now engaged in the sessions of committees. I give notice now that I intend to-morrow morning to offer a resolution that no committee of the Senate shall sit during the sessions of the Senate without a special order. It is entirely unfair to command Senators to be in two places at the same time.

Mr. BRANDEGEE. Will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. I agree entirely with what the Senator from Iowa says. I think it is a disgrace and a farce for the Senate of the United States to have its Judiciary Committee in session considering one far-reaching bill and its Interstate Commerce Committee in session considering another, and a third bill which the Interstate Commerce Committee has been considering for months, all three of the bills involving the most intricate, far-reaching, technical, obscure questions, and a corporal's guard of Senators here when the Senator who has made as exhaustive a study as anyone in this body or in the country, of all these bills, is attempting to explain one of them, to have his remarks punctured every five minutes by a declaration of one of his colleagues that he observes only four or six Senators on the floor, and therefore he suggests the absence of a quorum.

I call attention to this situation because it is a disgrace and a farce for the Senate and the Congress to attempt to foist upon the country legislation on these fundamental and grave subjects when Senators themselves will not pay any attention to them, and when Senators themselves know, with the serious differences of opinion which exist among themselves, with this method of procedure of committee hearings and Senate sessions going on at the same time, finally, under the whip and spur of party domination and White House influence, they are going to be forced uninformed to vote yea or no upon a lot of half-baked legislation, containing definitions which themselves will require years of court decisions to define, under the fake plea that the twilight zone under which business has been suffering and halting for years is going to be illuminated, when it does not take more than an alderman or a councilman who will read the bills to know that, instead of illuminating anything, they are going to hopelessly obscure every subject with which they deal, if they are passed in anything like their present form.

I am glad to hear the Senator say he will protest against committee meetings preparing more ill-considered legislation to be dumped upon this body in the heat of summer and on the eve of a country-wide political campaign until Senators can get here and consider what has been already prepared and vote upon it intelligently. It is not doing justice to the business interests of the country. If the business interests of the country realized in what a foolish, not to say contemptuous, manner their gravest affairs were being tampered with and flippantly trifled with by the highest legislative body in the country, there would be a good deal more dissatisfaction and a great deal more drooping in the business world than there is to-day.

The Senator gives notice that he will not consent that this debate shall go on when different committees shall be preparing more nuts to be cracked and more legislative problems to be solved at the same time when Senators are attempting to inform the Senate upon those already here. My suggestion to him is that these committees are already sitting under a special order of the Senate authorizing them to so sit, and those resolutions will have to be reconsidered.

Mr. CUMMINS. I do not so understand it, Mr. President. It may be that they are, but——

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. In just a moment. I do not agree with the Senator from Connecticut with regard to the character of this legislation. I am for much of it, and I know that he is against some of it. But that does not change our concurrence with regard to the manner in which the Senate of the United States is now conducting itself. It is a disgrace to the law of the country and to the civilization of which we are a part. I have known within the last few days of the Judiciary Committee sitting to consider one of the bills concerning this subject; at the same time the Interstate Commerce Committee sitting to consider another of the bills which constitute a part of the general program, and another still of the bills being before the Senate for its consideration. I believe in this legislation, but it is an insult to the intelligence of the people of this country that we shall debate and pass these bills without the most mature thought upon the part of those who are responsible for passing them.

I am not criticizing the Senators a particle. I know the embarrassment, as I said a moment ago, which they suffer. I know how imperious the demand is that Senators sit in the Judiciary Committee and that they sit in the Interstate Commerce Committee, and that they sit in the appropriation committees and that they sit in conference at the same time. I wonder that there are any Senators who feel free to deliberate upon the legislation and so prepare themselves for the performance of their final duty.

But, Mr. President, I did not——

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. I hope Senators will not think that I am objecting because I happen to be at this time discussing the bill. I am interested in the bill. I want the best legislation that can possibly come out of all this agitation, and I think it is unfair to the Senators themselves that they should be required to sit in the discharge of their duties in committees while they, at least, ought to be given an opportunity to study the bill that is about to pass.

I yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I regret as the Senator does, that there is not a larger attendance in the Senate upon this debate, but I suggest that a solution can be reached that will facilitate the orderly disposition of these three bills so that the Senate may not be in session engaged in the consideration of one whilst the Judiciary Committee is in session considering another; that is, that we should fix a time for a vote on this bill. If we can fix that time within this week, Friday, or on next Monday, then the Judiciary Committee will

have an opportunity, without being diverted by the consideration of a pending trust bill, to sit for two or three days upon the measure which they are now considering, and to bring it to a conclusion.

With reference to the bill that is now pending before the Interstate Commerce Committee, the securities bill, I will say that that is a very simple bill with reference to the control of stock and bond issues. The committee has had it under consideration for some time.

Mr. CUMMINS. It seems to be quite "simple" in view of the hearings we have had concerning it.

Mr. NEWLANDS. I mean it is focused now where we can easily decide the question, and it is focused by reason of the careful consideration given to it in addition to that given by the committee itself, by the Interstate Commerce Commission, and by a committee consisting of Mr. Brandeis and Mr. Rublee and by a committee of the leading railroad men of the country. The whole transaction is now being focused in such a way as to enable a very easy solution by the committee if we could only have two or three hour sessions. It seems to me the way to get such sessions is to dispose of the pending bill.

Let me say that I think that the sparse attendance here during this debate is accounted for by the fact that the Senate has made up its mind regarding the bill, that it wants to vote upon it about as unanimously as did the other House and about as unanimously as the assembled boards of trade of the country have voted upon it in the recent referendum that was made and about as unanimously as public opinion seems to be made up on the subject.

Mr. CLAPP. Mr. President, will the Senator pardon an inquiry?

Mr. NEWLANDS. If the Senator will just permit me to be consecutive and not to be diverted, I prefer not to be interrupted.

Mr. President, this is no new subject——

Mr. CUMMINS. I did not yield for a debate on this bill. I am debating the bill. If the Senator from Nevada has anything to say——

Mr. NEWLANDS. Of course I am under the control of the Senator.

Mr. CUMMINS. If the Senator from Nevada has anything to suggest with regard to the explosion which has just occurred, I will gladly yield to him for that purpose, but to an argument on the merits of the bill I do not yield.

Mr. NEWLANDS. I rose to suggest a solution as to the orderly disposition of this question, but if the Senator from Iowa proposes to take me off the floor, of course I will yield.

Mr. CLAPP. I simply wanted to remind the Senator from Nevada that the referendum to which he refers was taken before the bill was amended so as to give the commission the power to deal with competition.

Mr. NEWLANDS. I am only going to take a moment longer. I will say to the Senator from Iowa, that I have refused to indulge interruptions simply out of consideration of the fact that I was taking the Senator's time and am subject to his indulgence regarding it.

I repeat, this is no new measure. It was considered in the latter part of the Taft administration by the then Interstate Commerce Committee and amended there. If Senators will look over the bill that was introduced by me in 1911 and was tentatively amended by the Interstate Commerce Committee under the leadership of the Senator from Minnesota [Mr. CLAPP], they will find it almost identical with the bill which is now presented. So for over three years we have had this matter under consideration so far as the Senate Interstate Commerce Committee is concerned, and the House has had it under consideration for six months. The mind of the House and the mind of the Senate is made up on the subject. Why not have a time fixed for a vote, so that we can then hold the sessions of the Interstate Commerce Committee and dispose of the securities bill and so that the Judiciary Committee can report their bill to the Senate?

Mr. CUMMINS. I assume, Mr. President, that the Senator from Nevada is not at all serious in the remarks that he has made.

Mr. NEWLANDS. I will suggest that I am absolutely serious.

Mr. CUMMINS. If I thought the Senator was serious, I might be offended; but, knowing his humorous disposition, I do not take offense.

Mr. NEWLANDS. Mr. President, I hope that the Senator will have no cause for offense, for I am quite sure it would be imaginary.

Mr. CUMMINS. Certainly; I take no offense.

Mr. NEWLANDS. I wish the Senator from Iowa to understand that I have the highest appreciation of the very thorough manner in which he has been going through this bill, and I am sure that the committee is very much indebted to him for it. I have no disposition to cut short his time; but I have inquired on both sides of the Chamber as to whether there are other Senators who wish to speak. I have been able to find but a few, and they desire to speak only briefly. I think that this bill can be disposed of——

Mr. CUMMINS. If the Senator from Nevada is serious, then I am offended. I did not suppose he was serious. If he rose to say that I ought not to continue this discussion, I resent it.

Mr. NEWLANDS. I did not.

Mr. CUMMINS. But I do not yet believe that he meant what he said.

Mr. NEWLANDS. On the contrary, I rose to disclaim any such suggestion.

Mr. CUMMINS. No matter, Mr. President, what was the object in the Senator's mind. I intend to continue the discussion until I have concluded it.

Mr. NEWLANDS. I hope the Senator will.

Mr. CUMMINS. And I am just entering upon a discussion of——

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I will do so in just a moment. I am just entering upon a discussion of certain amendments concerning which nothing has yet been said. It is sought to show that this is the bill which the Senator from Nevada introduced a few years ago. No one, I suppose, would debate very long the propriety of allowing investigation and inquisition; but, we have added to this bill provisions which make it an effectual instrument in accomplishing some things, and those things are new, absolutely new, and were never before proposed in any bill introduced in Congress or anywhere else.

Mr. NEWLANDS. Will the Senator permit me to interrupt him?

Mr. CUMMINS. I am for those things, and I am doing my best to maintain them; and I am very sorry to see that the Senator from Nevada is so unmindful of the little service I am trying to render him and his committee. Now, I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I desire to ask the Senator from Iowa if he has not offered several amendments to this bill which have been referred to the Committee on the Judiciary with the consent of the Committee on Interstate Commerce?

Mr. CUMMINS. I proposed those amendments, five in number, and they were referred to the Judiciary Committee, but in this miserable tangle in which we find ourselves, the bill to which they are offered as amendments comes on for a vote before there is any report or even consideration by the Judiciary Committee. So I am compelled to offer them now, and I am offering them now, and I want to have a vote upon them as soon as I have concluded my observations upon them.

Mr. SIMMONS. The amendments the Senator now offers have been heretofore offered and have been referred to the Judiciary Committee?

Mr. CUMMINS. They were referred to the Judiciary Committee.

Mr. SIMMONS. They were so referred by order of the Senate. I want to ask the Senator from Nevada if it is his purpose to insist upon a vote on this bill before the Judiciary Committee has time to act upon those amendments? I have been advised that the Judiciary Committee have been considering those amendments, and that it is their purpose to report those amendments one way or the other back to the Senate. Does the Senator from Nevada want to take a vote upon his bill before the committee has made its report upon those amendments?

Mr. NEWLANDS. Mr. President, I understand that the Judiciary Committee has taken action upon those amendments. Perhaps the Senator from Iowa can inform me.

Mr. CUMMINS. I do not know; unfortunately being compelled to be here during the time that the Judiciary Committee was acting upon those amendments, I could not be there even to vote in favor of my own propositions.

Mr. NEWLANDS. I will state, Mr. President, that the amendments offered by the Senator from Iowa cover matters that are in the bill that came from the other House called the Clayton bill, now pending in the Judiciary Committee. The Senator from Iowa proposes to transfer those matters from that bill to this bill.

Mr. CUMMINS. I did not propose to do any such thing. I proposed these amendments to this bill before there was any bill in the House of Representatives. I think the Senator from Nevada will remember that.

commerce, and that the business of the two or more corporations is naturally and by reason of character and location competitive, it shall issue and serve upon such corporation a written order at least 30 days in advance of the time stated therein for hearing, directing it to appear before the commission and show why an order should not be issued by the commission restraining and prohibiting it from such unlawful acquisition, holding, or controlling, and commanding it to bring itself into conformity with the law; and if upon such hearing the commission shall find that such corporation has acquired, or is holding, owning, or controlling the capital stock, or other share capital or other means of control, or participation in the control, of any other corporation contrary to the provisions of this section, it shall thereupon issue an order in such terms as the circumstances may warrant requiring that the said corporation shall bring itself into conformity with the law by ceasing to acquire, own, hold, or control the whole or any part of the capital stock, or other share capital or any other means of control or participation in the control, of such other corporation or corporations.

The commission may at any time modify or set aside in whole or in part any order issued by it under this section.

If, after the issuance of such an order the commission shall find that such corporation has not complied therewith, it may file a petition in the district court of the United States in any district wherein such corporation is located or carrying on business, praying the court to issue an injunction to enforce its order, and the court is hereby authorized to issue such injunction and to enforce obedience according to the law and the rules applicable in suits in equity: *Provided*, That this section shall not apply to banks, banking institutions, or common carriers.

I pause a moment to explain my view of the exception I have just read. I have no doubt the principle we are attempting to employ here can be used with great profit in many instances, as among banks and banking institutions; but I do not believe it is wise to draw their regulation into this measure or into any measure that we are proposing to pass at this session. Having created a Federal Reserve Board, the general purpose of which is to supervise the banking interests of the United States, I believe whatever law we pass with regard to the intercorporate stockholding or the interlocking directorates of banking institutions should be a law committed to the Federal Reserve Board for its enforcement and administration, and therefore I have excepted banks and banking institutions from the operation of this section. I have also excepted common carriers.

I will read in a moment a section applicable to common carriers. They are excepted from this section for two reasons: First, that the administration of any law regulating common carriers ought to be intrusted to the Interstate Commerce Commission instead of to the trade commission that we are now establishing. Second, the laws of some States require the ownership of railroads within their borders to be vested in corporations organized under their sovereignty; and in any regulation that we are proposing upon this subject we must remember the entire inability of complete consolidation in a single ownership as to common carriers.

The section has another exception or proviso:

Provided further, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect, nor be admissible as evidence in any suit, civil or criminal, brought under the antitrust acts.

As I have already explained with regard to an amendment which I have offered to section 5, this proviso is intended to leave the antitrust law in all its strength and vigor. It is intended to leave all its provisions untouched. It is intended to leave its administration in the hands to which it is now committed; and the section simply adds a prohibition of an act which, under some circumstances, is forbidden by the antitrust law, but under other circumstances can not be reached by the antitrust law. In other words, the intercorporate stockholding, in order to come within the provisions of the antitrust law, must have proceeded to the extent and must have the effect of an actual restraint of trade or commerce before it can be prevented; and under the interpretation given by the Supreme Court of the United States it must not only have gone to the extent of a restraint of trade or commerce, but that restraint must be undue or unreasonable. I think the American people now demand, and this Congress is ready to give to the people, this further relief against the incipient stages of the war to preserve competition, so that we may prevent in the very beginning those relations which will finally lead these corporations into conflict with the antitrust law.

The second amendment which I offer——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. I desire to ask the Senator a question or two about the amendment he has already read; but if he prefers to go on with the other amendment first I will gladly wait.

Mr. CUMMINS. I am quite willing to yield now.

Mr. NORRIS. I wanted to ask the Senator what would be the objection to a simple prohibition against the holding by one corporation of the stock of another corporation engaged in interstate commerce? I do not know, of course, but that there may be, and perhaps are, reasons for exceptions to the rule; but why could we not simplify it by simply prohibiting corporations engaged in interstate commerce from holding the stock of any other corporations?

Mr. CUMMINS. Mr. President, I am not prepared to say that we could not do it. It is, however, a doubtful exercise of power.

Mr. NORRIS. The Senator thinks it is of doubtful constitutionality. Is that the idea?

Mr. CUMMINS. I do. I am of the opinion that we have the power to do it; but inasmuch as all we are trying to do is to keep the competitive force in operation, I have hesitated to go to the length that is suggested by the Senator from Nebraska, fearing that the attempt might be overthrown.

Mr. NORRIS. The Senator does, in this amendment, prohibit the ownership of stock in some corporations.

Mr. CUMMINS. Precisely. It must be remembered that we are acting all the while under the constitutional power to regulate commerce among the States and with foreign nations. Everything that we do, in order to be valid, must be a regulation of interstate commerce or foreign commerce. To prohibit a corporation from owning the stock of any other corporation, even though it had no effect and could have no effect upon commerce among the States, enters a doubtful field.

Mr. NORRIS. I will say to the Senator that my question does not go to that. I have confined it to corporations engaged in interstate commerce. If we should by a simple amendment provide that no corporation engaged in interstate or foreign commerce should be permitted to hold the stock of any other corporation, is there any doubt about that being constitutional?

Mr. CUMMINS. I think the court would inquire why we prohibited it. Why do we prohibit it?

Mr. NORRIS. That question could be very easily answered. It is not difficult to answer it.

Mr. CUMMINS. We are not the sovereign creating the corporation. It is not for us to say what is wise or what is unwise for the corporation to do, except as it involves its conduct in commerce among the States.

Mr. NORRIS. Of course, and we have confined it to those corporations.

Mr. CUMMINS. If we were to prohibit a corporation which was carrying on a dry-goods business from owning any stock in a corporation engaged, we will say, in buying and selling coal, we would have to point out in what injurious way the intercorporate stockholding would affect commerce. Now, when we prohibit two corporations which are doing a competitive business from owning one the stock of the other, we are able to point out at once the evident fact that the ownership of the stock by one corporation has a tendency to destroy independence of action, and therefore to impair competition. I believe Congress has the power to exclude any corporation from entering interstate commerce.

Mr. NORRIS. Yes.

Mr. CUMMINS. But there are very few who are willing to go to that extent.

Mr. NORRIS. Take the illustration the Senator has given, that of prohibiting a dry goods company from owning stock in a coal company. Of course, the theory of my suggestion is to simplify the law.

Mr. CUMMINS. Yes.

Mr. NORRIS. It would be quite easy to draft the amendment. Now, what hardship could or would ever come to a dry goods company if it could not own the stock of a coal company?

Mr. CUMMINS. Personally I do not believe in laying the hand of the law upon commerce and interrupting the freedom of individual action unless it is necessary to accomplish some purpose.

Mr. NORRIS. Of course the Senator understands the purpose. The evil that he is trying to strike at is apparent to him, of course, or he never would have offered the amendment he has offered. He recognizes by his amendment that there is a great evil where one corporation holds the stock of another.

Mr. CUMMINS. When they are competitive corporations.

Mr. NORRIS. Yes.

Mr. CUMMINS. When they are doing a competitive business there is a very great evil, and one that is recognized, I believe, by every thinking man.

Mr. NORRIS. Yes. I think everybody will concede that, and while I am not saying that there are not legitimate objections, I can not see them, and I was asking mainly for information. If we should make it the simplest amendment we could possibly get it would be to exclude such ownership entirely.

Mr. CUMMINS. There are just two objections, as they appear in my mind. The first is the inadvisability of restricting the freedom of action in cases in which it is not necessary and

in which interstate commerce can not be injuriously affected. The second—and it is the one which has been most potential with me—is the doubt that many people feel and express as to our constitutional power thus to deal with corporations created by the several States.

Mr. NORRIS. We could exclude them entirely from interstate commerce.

Mr. CUMMINS. It is so asserted.

Mr. NORRIS. And we can let them enter interstate commerce on whatever conditions we please.

Mr. CUMMINS. I am inclined to think we could attach any condition which we deemed best to their entrance upon interstate commerce; but I wanted to accomplish something; I wanted to get near the evil; and I did not want to present a statute which we must fight for over a course of years before we know whether or not it can be enforced.

Mr. NORRIS. Of course, I want to accomplish something, too. I thought perhaps we might be able to do it by a simple and very short amendment instead of all this machinery.

Now let me ask another question. Suppose we provide by amendment that it shall be unlawful for any corporation engaged in interstate commerce to own any of the capital stock of any other corporation engaged in a competitive business, and then provide a penalty for such ownership?

Mr. CUMMINS. The difficulty then is that the section would never be enforced.

Mr. NORRIS. That would not be so difficult to enforce——

Mr. CUMMINS. It would be impossible to enforce in many instances.

Mr. NORRIS. It strikes me it would be quite simple.

Mr. CUMMINS. I will tell the Senator why. When you come to ascertain what are competitive businesses you have entered a very difficult field. You might think the business of furnishing gas was competitive with that of furnishing electric light, or the business of furnishing coal was competitive with that of furnishing the same power by electricity; but it is not fair to ask the business people of this country to determine such matters for themselves and be held criminals if they determine the issue incorrectly.

I could give the Senator from Nebraska instances by the half hour, I believe, in which there would be inevitably great differences of opinion as to whether a corporation doing this business is competitive with a corporation doing that business, or whether a corporation doing business in New York is competitive with one doing the same business in Chicago.

Mr. NORRIS. The Senator has not avoided that difficulty by his amendment. The first suggestion I made, if applied, would, of course, have avoided it entirely.

Mr. CUMMINS. Yes; I have avoided the difficulty because the trade commission takes possession of the matter at that point, and it calls the corporation involved before it and it enters upon a hearing, the inquiry being, Has the corporation violated the law? If the commission finds that the corporation has violated the law, it commands the corporation to cease; and if it does not cease, the commission then applies the most effective remedy known to modern times—the injunction of a court.

Mr. NORRIS. Let me suggest right there what, it seems to me, is one difficulty, and has been all the time, with the Sherman antitrust law. The Senator says injunction is the most effective remedy; but from the time the illegality begins until it is finally determined by the Supreme Court of the United States enough time elapses for the offending corporation to make a profit out of the business while the prosecution is going on.

Mr. CUMMINS. Unfortunately, there is no way of preventing that.

Mr. NORRIS. It seems to me the weakness of this amendment is that there is no provision here by which a corporation doing an illegal business or holding illegally stock in another corporation is in any way penalized. It runs no risk whatever, and in the meantime years and years elapse while the case is going on and getting up to the Supreme Court; and the corporation may lose in the end, and yet make millions of dollars by the transaction.

Mr. CUMMINS. Mr President, I appreciate the position taken by the Senator from Nebraska. There are two schools of thought in this country. One school believes that we can regulate commerce by heading the whole business world toward the penitentiary. The other school believes that we can best regulate it by the interposition of the courts, or a tribunal created for that purpose, that will prevent by reaching out its arm in the way of an injunction. I do not believe there is a jury on earth that would ever convict a corporation for a violation of this statute or any similar one if there was fair reason to believe among honest men that the two kinds of business were not competitive. The result would be that the wrong would go unchecked; and, further, they ought not to be penalized if there is a fair chance for difference of opinion.

Mr. NORRIS. I would not penalize them. Let the jury permit those corporations to escape if anybody prosecutes them; but there is another line of people where that does not enter. The Senator, it seems to me, has taken an unfair illustration for his case.

Mr. CUMMINS. The Senator must not forget that he still has the antitrust law with all its penalties, with all its criminal provisions, under which men who do restrain trade and commerce can be convicted, can be fined, and the fines may accumulate in a very large amount. I am not trying to impair that law; I am trying to add something that will take a lesser violation of the law of competition, a condition that if permitted to exist will finally eventuate in a restraint of trade or commerce. I can not be convinced that in order to reach those instances we ought to attach a severe criminal penalty, because it always has failed, and it always will fail.

Mr. NORRIS. I understand the antitrust law still exists, and the Senator by this amendment is adding to the antitrust law. He is making something illegal that was not necessarily illegal before.

Mr. CUMMINS. That is true.

Mr. NORRIS. But he has no penalty attached. If the thing complained of is wrong and it is not right to penalize the officers of a corporation by a fine for doing it, then there should be a penalty by way of a fine against the corporation so that it would not be profitable for them to violate the law.

Mr. CUMMINS. I do not say that I would resist an amendment that would attach a criminal penalty to a violation of this section. After a great deal of thought I do not believe that that is the way in which the law can be best enforced. I believe that in nine cases out of ten a fine imposed upon a corporation is simply passed on to that great company that is sometimes designated as the ultimate consumers. My idea is to stop the wrong. I do not want it to go on and accumulate fines for the corporation to pay.

Here is a summary proceeding that can be put into execution just as rapidly as the trade commission can act, and I hoped that this additional protection, additional to the antitrust law, would furnish an instrumentality that would work well for the American people.

Mr. NORRIS. Mr. President, I hope the Senator did not get the idea that I am asking these questions in any critical sense whatever.

Mr. CUMMINS. I know the Senator is not.

Mr. NORRIS. I am in sympathy with the purpose of the Senator from Iowa.

Mr. CUMMINS. I know the Senator from Nebraska is just as much interested and as heartily in favor of anything that will open up and keep open the channels of trade in this country as I am. I do not take his interruption as hostile at all.

Mr. NORRIS. But it seems to me whatever we decide by statute is wrong we ought to make it unprofitable for any corporation to engage in. My criticism of the Senator's amendment is that so much time can elapse by a corporation paying no heed except as it has to defend in court against the order of this commission that it could continue the illegal act clear to the end, which means several years of litigation, and it may profit out of it. There ought to be a provision somewhere in the bill, it seems to me, that would make it unprofitable.

I am not one of those who believe that this kind of legislation can be extended very much. I should like to extend it if it were practicable. I agree with the Senator that it is very often impossible to get the real criminal, and that we try some stool pigeon who is put forward, who occupies some clerical position and send him to jail. Sometimes we may get the real criminal, perhaps, but not often. However, if we made by law this business unprofitable as a financial proposition corporations would not engage in it. Therefore it seemed to me that the first suggestion, to simply prohibit by law with a proper penalty, either by imprisonment or by fine, or both, the ownership by a corporation engaged in interstate commerce of the stock of another corporation, would meet it completely, unless it can be shown that it would be some hardship for a corporation engaged in legitimate business.

Mr. CUMMINS. I would not at all object; but I would not want it to take the place of the provisions that I have made here for administering the law partially through the commission. The whole end suggested by the Senator from Nebraska can be reached if he will prepare a section to be added to the bill, and, until recently, I thought it was in this bill; I know

Commerce Commission is, should be an independent tribunal attached to no department of the Government, owing allegiance to no officer of the Government. I think it should be clothed with adequate power of investigation. I think that it should be free to prosecute an investigation whenever it believes that it would serve the public welfare to do so, and if in the course of the investigation a violation of the antitrust law or any other law of the United States relating to this subject is developed, I think it ought to report the result of its investigation to the Attorney General, whose duty it is to prosecute offenders; but I have never thought that we should put into the law a provision that would enable either the President or the Attorney General to command its activities.

The objection to it—and I am now repeating the objection to it that I made before the committee—the objection to it is that, as the Senator from Idaho [Mr. BORAH] said the other day, there have been times when the antitrust law has been made the instrument, as is alleged, of promoting political fortunes. The President is a political officer; the Attorney General is a political officer connected with the policy of the administration and of the country. The trade commission should not be affected by those influences; and it is my judgment—and I submit it, of course, with great deference to that of the Senator from Delaware—that it will accomplish more—it will establish itself more firmly in the confidence of the people if it acts upon its own motion or acts upon a petition properly brought before it under certain provisions of the bill.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I yield.

Mr. SAULSBURY. I only desire to suggest that if we should adopt the course suggested by the Senator from Iowa probably all of the investigations that we have been conducting through resolutions of the Senate requesting the Interstate Commerce Commission to act in matters of railroad investigation would have been entirely impossible if the situation had applied to trade or to industrial organizations. While it is not my provision—and I do not profess to uphold it—yet it seems to me it might be very desirable at some time to use the powers given here in an implied fashion to the President or to the Attorney General or to either House of Congress to investigate, through this trade commission, certain violations of what Congress, for example, or the Attorney General or the President might suppose would be the laws of this country; and it might aid very greatly in the administration of justice.

If there is an objection to this commission acting on the suggestion of the President, the Attorney General, or either House of Congress, an amendment to that provision could be very readily made by striking out only two lines and leaving it as suggested by the Senator from Iowa. I have no particular objection to that, except that I think we may be called upon to insert this very provision later on if we now strike it out.

Mr. CUMMINS. Mr. President, I have not moved to strike it out. I think it ought to be stricken out, but I have not looked upon it as a sufficient objection to this bill to lead me to that course. However, when my colleague asked me what it meant and why it was there I was compelled to answer him candidly and to express my own opinion about it.

Mr. LANE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I yield.

Mr. LANE. Mr. President, I should like to say a word. It seems to me that is about the best provision in the bill, for the reason that it leaves in the hands of the President the power to enforce this law. The people have confidence in the President. There are many times when the Attorney General, the House and Senate, and the commission may be so occupied with other business that they may not be able to act in a sudden emergency which may arise, so that, having an alert and honest President with the interest of the country at heart, he should be given the power to act. People never suspect him of an ill motive unless he is really guilty of one, and if you give him the power to initiate proceedings in cases where the other bodies were slow it would be of inestimable value to give that power directly into his hands. If it should do no other good, it would notify the commission that if they fail to do their duty and fail to be alert the man whom the people look to, their Chief Executive Officer, has power to enforce this law. You can get great good out of that. If the President is not honest or sincere, great harm may be done, and yet we must assume that the President is going to do his duty. It is a valuable provision in my opinion and is about the only provision in it in which I have much confidence.

Mr. CUMMINS. Mr. President, I know that all the reasons suggested by the Senator from Oregon [Mr. LANE] naturally occur to the mind and have great weight; but I think the objection that I have attempted to state overcomes any advantage that might arise from putting the commission under the charge of the President of the United States. There will be no difficulty, Mr. President, in calling into exercise the powers of the commission when any respectable suggestion is made to it with regard to a violation of the law. I take it for granted that if any citizen brings to the commission reasonable ground to believe that a violation of the law exists the commission, in the performance of its duty, will pursue the inquiry. So it would be with the President of the United States, and so with the Attorney General; and there never would be a failure to investigate simply because these officers were not mentioned in the statute.

The objection to the phraseology found in this subsection is that it appears to put the trade commission into a subordinate position; it appears to subject the tribunal to the order of the President or that of the Attorney General. I do not believe that it ought to be thus subordinate; nor do I think, as I have said before, that the advantages that might be gained by expressly declaring that the commission must act at the suggestion of the President or of the Attorney General are great enough to overcome the disadvantages which I have attempted to state.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield.

Mr. NORRIS. I want to call the Senator's attention to one word in the very clause which he has been discussing, which bears on another subject, and that is the word "individual," in line 21. What is the use of that word? As I understand, this act does not give to the commission authority to investigate an individual, yet in this particular clause there would seem to be an indication that it had that authority.

Mr. CUMMINS. Mr. President, I regret to say that the Senator from Nebraska is right with regard to it. The phraseology of the subsection ought to be amended. It is not the purpose, as I understand, to give this commission the authority substantively to investigate the conduct of an individual, but an individual may violate the antitrust law and, inasmuch as it is the purpose of this subsection to make it the duty of the commission to ascertain whether there had been violations of that statute and report them to the Attorney General, if it found that there had been, it was natural to include the word "individual" and the word "partnership," inasmuch as either an individual or a partnership may be a violator of the antitrust law.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further?

Mr. NORRIS. I should like to pursue that just a little further, if the Senator has no objection.

Mr. CUMMINS. I yield, of course.

Mr. NORRIS. I am not arguing that the commission ought to have authority to investigate an individual, or that it ought not to have such authority; but I am only calling attention to what appears to me to be an inconsistency in the measure. I understand that the Senator from Iowa has said that it is the intention of this bill not to give authority to investigate an individual.

Mr. CUMMINS. It does not give it.

Mr. NORRIS. I understand that; yet in this very particular, to which I am calling the Senator's attention, there is rather an implication that the commission has such authority. Either this word ought to be stricken out, or in the other part of the bill where authority is conferred upon the commission, its authority ought to be extended so as to include the investigation of an individual as well as of a corporation or partnership.

Mr. CUMMINS. That might well be.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. Allow me to answer the suggestion of the Senator from Nebraska [Mr. NORRIS], and then I will yield to the Senator from Nevada.

I hardly think there is the implication which the Senator from Nebraska believes to exist. There is some confusion, but if the Senator from Nebraska will note the first two lines he will observe that they read:

> If the commission believes from its inquiries and investigations—
>
> Whether those inquiries and investigations are initiated by or upon its own motion or whether they are initiated by the suggestion of the President, the Attorney General, or either

House of Congress, they must still be the inquiries, and the investigations which the act authorizes the commission to carry on, and the mere use of the phrase "That any corporation, individual, association, or partnership has violated any law of the United States regulating commerce," does not, in my opinion, enlarge the real power of the commission in conducting inquiries or in making investigations. The Senator from Nebraska can strike it out in a moment; and I think it ought to be stricken out.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER (Mr. CHILTON in the chair). Does the Senator from Iowa yield to his colleague?

Mr. CUMMINS. Yes.

Mr. KENYON. Mr. President, it seems to me that this is one of the most important questions in the bill, and one about which there is a great difference of opinion. I observe that, even after the caucus of last night, there are only four Senators on the other side of the Chamber. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The junior Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Overman	Smith
Bankhead	Hollis	Page	Sterling
Brady	Jones	Perkins	Sutherland
Brandegee	Kenyon	Pittman	Swanson
Burton	Kern	Ransdell	Thompson
Camden	Lane	Reed	Thornton
Chamberlain	Lee, Md.	Saulsbury	Walsh
Chilton	Lippitt	Shafroth	Warren
Clapp	McCumber	Sheppard	Weeks
Cummins	Martin, Va.	Shields	White
du Pont	Martine, N. J.	Simmons	Williams
Fletcher	Newlands	Smith, Ariz.	Works
Gallinger	Norris	Smith, Ga.	
Goff	O'Gorman	Smith, Md.	

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. NEWLANDS. Mr. President——

Mr. CUMMINS. I desire to say, in response to the suggestion of the Senator from Nebraska [Mr. NORRIS] that I realize that this subsection ought to be amended, and I very earnestly hope that the Senator from Nebraska will propose an amendment to it that will render its meaning absolutely clear. I now yield to the Senator from Nevada.

Mr. NEWLANDS. Mr. President, if the Senator from Iowa will permit me, I should like to say a word with reference to the objection urged by the Senator from Nebraska. He calls attention to the fact that in subdivision (g) of section 3 the commission is authorized, if it believes "from its inquiries and investigations, * * * that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce," to "report its findings and the evidence in relation thereto to the Attorney General with its recommendations." He called attention to the fact that the bill does not apply to individuals in other provisions of section 3, but simply to corporations. I wish to call the attention of the Senator to subdivision (a), which gives the commission the power "to investigate * * * the organization," and so forth, "of any corporation engaged in commerce," and also the Senator will observe, "its relation to other corporations and to individuals, associations, and partnerships."

In the course of such investigation of a corporation and its relation to individuals or to partnerships the attention of the commission may be brought to a violation of the Sherman antitrust law, and so it is given the authority, under subdivision (g), to report that to the Attorney General with its recommendations.

Mr. GALLINGER. The Senator will observe that subdivision (b) employs the same language.

Mr. NEWLANDS. Yes; the same language is used there.

Mr. CUMMINS. Mr. President, that point was very carefully gone over yesterday, and I then expressed my opinion about it quite fully.

Once more, Mr. President, I attempt to advance to the amendments which I intend to propose to this bill. The first is a prohibition against the ownership by one corporation of the stock or other means of control of another corporation, the two carrying on a business which is in its nature competitive.

Again I say, Mr. President, that this additional prohibition in nowise affects the antitrust law. Intercorporate stock holding of competitive corporations is one of the things which, taken together with circumstances which we have often seen, constitutes a violation of the antitrust law. I do not propose to in anywise limit or restrict the operation of the antitrust law; but it has been discovered that there are a great many instances in which one corporation holding the stock of another, or a part of the stock of another, will prevent that independence of action, that freedom of trade and business, which we are endeavoring to preserve. Again, it is an effort to maintain competition.

There is another reason why one corporation should not hold the stock of another, the two being competitive. I go further; I believe, as a matter of law and policy, that one corporation ought not to be permitted to own the stock of another under any circumstances. That was the common law; but that probably concerns a field which is beyond, or partially beyond, at any rate, the power of Congress to enter. When two corporations, however, are doing the same kind of business, when the public have a right to believe that they stand as competitors and rivals of each other, it is wrong from every standpoint of wise policy that one of those corporations shall be permitted to control the affairs of the other or influence the affairs of the other by holding a part or all of its capital stock.

I think there is a well-developed public sentiment upon this particular subject. There is no man of any considerable observation or experience but who himself must have seen the unwisdom of permitting two corporations engaged in the same kind of business, holding themselves out to the world as independent organizations, yet commonly managed and controlled because of the ownership of the stock of one by the other. Therefore I propose this amendment as section 6 of the bill:

> It shall be unlawful for any corporation engaged in commerce to acquire, own, hold, or control, either directly or indirectly, the whole or any part of the capital stock, or other share of capital, or any other means of control or participation in the control of any other corporation also engaged in commerce if the business of such corporations is naturally and by reason of character and location competitive.

This is the substantive law proposed in the section. It prohibits entirely, without any exception, the holding by one corporation of the stock of another if the business of the two is competitive in character.

I may pause here to suggest the other plan that is now before one of the committees of the Senate. In what is known as the Clayton bill there is a somewhat similar prohibition; that is to say, it is intended to cover the same subject; but the prohibition of that bill is that one corporation shall not hold the stock of another if thereby competition is substantially lessened or impaired as between the two corporations.

In my opinion, the bill as it passed the House, while it might be a terror to honest men, would be a shield and a protection for dishonest men. It might create much apprehension on the part of men who do not want to be brought under the condemnation of the law, and who therefore stand far away from the line of danger; but it would be no protection to the public against the scheming men, the men of guile and artifice, because when we are called upon actually to prove that the holding on the part of one corporation of the stock of another has actually lessened the competition as between them, we are called upon to perform a most difficult task.

I believe we ought to take the high, defensible ground that two corporations engaged in the same kind of business must be independent, and that the one must not hold the stock of another. We all know that whether the stockholding is large or small proportionately, it must influence the motives of the managers of the corporations. The stock is not acquired usually for any other purpose than to control or influence or direct the affairs of the corporation whose stock is thus acquired. Moreover, the bill now before the Judiciary Committee as it comes from the House refers only to future transactions. It is made unlawful to acquire in the future stock in this manner, but it practically legalizes and gives immunity to all the unwise, and, I was about to say, immoral relations which exist now between the thousands of corporations which are carrying on business in this country in which there is an intercorporate holding of stock or other means of control. Such is one of the differences between the amendment I have proposed and the bill now pending before the Judiciary Committee.

I have offered the amendment here, however, not so much because there is the difference I have pointed out, but because I believe that again the power and the jurisdiction of the commission can be employed wisely and beneficially to prevent this suppression of competition, this act the tendency of which must necessarily be to destroy or impair freedom of trade. Therefore in my amendment I have conferred upon the trade commission a certain power which I will now read:

> The commission is hereby empowered and directed to forbid and prevent such unlawful conditions in commerce in the manner following, to wit:
>
> Whenever the commission shall have reason to believe that any corporation so engaged in commerce has acquired or is owning, holding, or controlling, either directly or indirectly, the whole or any part of the capital stock, or other share capital, or any other means of control or participation in the control of any other corporation also engaged in

The bill had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Seth Watson, who was a first lieutenant of Company B, Twenty-eighth Regiment United States Colored Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of June, 1864: *Provided*, That no pay or bounty shall accrue or become payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Seth Watson."

JOHN CHICK.

The bill (S. 4045) to correct the military record of John Chick was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 5, after the word "of," to strike out "Battery" and insert "Company"; in line 8, after the word "said," to strike out "battery" and insert "company"; and on page 2, line 1, after the word "act," to insert "and no pay or bounty shall become due or payable by virtue thereof," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws conferring rights and privileges upon honorably discharged soldiers, John Chick, late of Company K, Third Regiment United States Artillery, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 2d day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act, and no pay or bounty shall become due or payable by virtue thereof.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of John Chick."

LIGHTHOUSE AT WILLAPA HARBOR, WASH.

The bill (S. 3752) to authorize the construction of a lighthouse at Willapa Harbor, Wash., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the words "directed to," to strike out "construct a lighthouse" and insert "improve the aids to navigation"; in line 5, after the word "entrance," to strike out "of" and insert "to"; in the same line, after the word "Willapa," to strike out "Harbor" and insert "Bay"; in line 6, after the word "exceed," to strike out "$75,000, which amount is hereby appropriated, out of any money in the Treasury not otherwise appropriated," and insert "$50,000," so as to make the bill read:

Be it enacted, etc., That the Secretary of Commerce is hereby authorized and directed to improve the aids to navigation at the entrance to Willapa Bay, Wash., at a cost not to exceed $50,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to improve the aids to navigation at the entrance to Willapa Bay, Wash."

THE PLAZA CASES.

The joint resolution (S. J. Res. 129) relating to the awards and payments thereon in what is commonly known as the Plaza cases was considered as in Committee of the Whole.

The Secretary read the joint resolution, as follows:

Whereas awards for the payment of property taken in the condemnation proceedings for what is commonly known as the Plaza cases were made some time ago and have been subject to examination by the Department of Justice to be approved by it and other authority; and

Whereas the President has found it impracticable to separate the payments which are not in controversy from those which are, leaving those property owners whose claims are not attacked so that payments can not be made to them, involving great consequent hardship: Now therefore be it

Resolved, etc., That the awards and payments thereon to be made in such proceedings be, and are hereby, declared to be severable, so that the Department of Justice and the President may order such awards as are not in question to be paid out of any appropriation made therefor, reserving the remainder for further consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "Joint resolution relating to the awards and payments thereon in what are commonly known as the Plaza cases."

LANDS OF LIGHTHOUSE SERVICE.

The bill (S. 4875) to authorize the Secretary of Commerce to exchange rights of way in connection with lands pertaining to the Lighthouse Service was considered as in Committee of the Whole. It authorizes the Secretary of Commerce, whenever he shall deem it advisable, to exchange any right of way of the United States in connection with lands pertaining to the Lighthouse Service for such other right of way as may be advantageous to the service, under such terms and conditions as he may deem to be for the best interests of the Government; and in case any expenses are incurred by the United States in making such exchange, the same shall be payable from the appropriation "General expenses, Lighthouse Service," for the fiscal year during which such exchange shall be effected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS rose.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Martine, N. J.	Smith, Ariz.
Bristow	Gallinger	Nelson	Smith, Ga.
Bryan	Goff	Newlands	Smoot
Burleigh	Hollis	Page	Sterling
Burton	Hughes	Perkins	Stone
Camden	Jones	Pittman	Sutherland
Catron	Kenyon	Poindexter	Swanson
Chamberlain	Kern	Ransdell	Thomas
Chilton	Lane	Robinson	Thompson
Clapp	Lee, Md.	Saulsbury	Thornton
Clarke, Ark.	Lippitt	Sharroth	Townsend
Crawford	McCumber	Sheppard	White
Cummins	Martin, Va.	Simmons	

Mr. CAMDEN. I wish to announce that my colleague [Mr. JAMES] is necessarily absent and that he is paired with the Senator from Massachusetts [Mr. WEEKS]. I wish this announcement to stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Mississippi [Mr. WILLIAMS] is unavoidably detained on official business, and that he is paired with the Senator from Pennsylvania [Mr. PENROSE]. This announcement will stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, during the course of the debate fears have been expressed that the prohibition contained in this bill against unfair competition and the interposition of the commission with its jurisdiction in working out and making effective that prohibition would in some way impair the strength of the antitrust law, and would permit offenders against the antitrust law to appeal to the commission for some kind of immunity for offenses committed against that statute.

This view, Mr. President, arises from a total misapprehension of the bill. The antitrust law is not touched by the bill under consideration. It is not amended in any way. The offenses under it remain the same. All the remedies for a violation of the antitrust law continue without any modification whatsoever.

In order to make this perfectly clear, although I think it is unnecessary, yet in order to quiet any possible apprehension with regard to this subject, I intend to offer an amendment to section 5. It is an amendment which I think was approved by the committee, attached, however, to another part of the bill when it was believed that the jurisdiction of the commission would be extended to other acts which tend to suppress competition. I hope the chairman of the committee will accept this amendment. I believe that he will, and I now offer it.

The PRESIDING OFFICER (Mr. CHILTON in the chair). The Senator from Iowa offers an amendment to the amendment of the committee, which will be read.

The SECRETARY. Amend section 5 by adding thereto the following proviso:

Provided, That no order or finding of the court or commission in the enforcement of this section shall have any force or effect or be admissible as evidence in any suit, civil or criminal, brought under the antitrust act, nor shall anything contained in this act be construed to alter, modify, or repeal the said antitrust act, or any part or parts thereof.

Mr. CUMMINS. In order that the debate may proceed, as I hope, upon the hypothesis that the section means precisely what I have said, I ask for a vote upon the amendment to the amendment.

Mr. SAULSBURY. May I interrupt the Senator for a moment?

Mr. CUMMINS. I yield to the Senator from Delaware.

Mr. SAULSBURY. The chairman of the committee has left the Chamber for only a few minutes, and will return quite soon, having asked me to stay during his absence. It seems to me that the amendment offered by the Senator is quite in accord with what I understand to be the general view of the committee, of which we are both members, but I would much prefer that, out of courtesy to the chairman of the committee, the Senator would withhold offering the amendment, as it was not anticipated at this time, until the chairman of the committee returns.

Mr. CUMMINS. I think the suggestion of the Senator from Delaware is entirely proper. When I sent the amendment to the desk I had not noticed that the chairman of the committee is absent from the Chamber. There is so large a crowd here, the Senate Chamber is so completely filled, that I did not notice his absence among the many who are present.

Mr. SAULSBURY. May I ask, then, Mr. President, that the amendment lie on the table, with others that have been offered, until we can take up the amendments in the committee and consider them by the committee or members of the committee?

Mr. CUMMINS. I intend to offer it on the floor of the Senate; but I am quite willing that its consideration shall be postponed until the return of the chairman of the committee.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. CUMMINS. Mr. President, I repeat that the entire argument based upon the hypothesis that we have attempted in any wise to interfere with the antitrust law is without basis. That statute, one distinguished Senator has said, needs but courage to enforce it. I agree with him. I want to see it enforced, every line and letter of it. It would be most unfortunate if the country were to lose the impetus which in 20 years we have gained through the interpretations of the statute by the Supreme Court of the United States, and courage may well be invoked. I care not how often it is invoked. The spirit of the Department of Justice can not rise too high to meet the demands of the law-abiding people of the United States.

The argument, however, falls to the ground that we ought not to go further, simply because there may have been a want of courage or of persistence in the enforcement of the antitrust law. I am not prepared to say that it has not been enforced with that diligence and zeal that might fairly be expected. The truth is, Mr. President, that the affairs of this country are so tremendous, its business interests are so vast, the complicated commerce of the mightiest country upon the face of the earth is in the hands of a department that is crowded with a vast burden of work, and it is not surprising that now and then an offender under the antitrust law escapes the attention of the Attorney General of the United States and of his assistants.

What we propose to do here is not to arrest the enforcement of the antitrust law, not to weaken its remedies, not to allow any criminal under its provisions to escape, but to add to the Department of Justice an investigating tribunal of high character, of great experience, well equipped to bring to the attention of the Attorney General those instances which may have escaped the inquiries carried on in that department, and thus secure through the Department of Justice a more efficient enforcement of that law.

But we propose to do one thing more. We propose to make it an offense. We propose to make it unlawful for any corporation, or any person, indeed, to practice unfair competition, and wherever the practice of unfair competition has not reached a point that constitutes a violation of the antitrust law, then we intend to do what we can to maintain fair, full, free competition through the intervention of the trade commission.

Mr. President, I have now concluded my review of the bill as it is reported by the Committee on Interstate Commerce.

I said in the beginning, and I repeat, that I have sometimes doubted whether a tribunal of the character described in the bill is warranted unless we add to it other powers having for their general object the maintenance of competition, other powers that will make the commission still more helpful in carrying into effect the principle of the antitrust law.

I offered in the committee certain amendments, and at one time the committee added those features to this bill. I may not be at liberty to speak with much freedom of what happened in the committee, but I can at least express my belief that had it not been for a fear that these amendments embraced subjects that might create discussion, possibly give rise to difference of opinion, and thus delay the passage of the bill, they would now be a part of the measure as reported by the committee.

I reserved when I voted to report the bill which we are now considering the right to offer these amendments on the floor of the Senate. I have proposed them; they have been printed, five of them, and are now at the disposal of the Members of the Senate. I have very serious doubt whether a half dozen of the Members of the Senate have read them. I had doubt yesterday whether that number of Senators had ever read this bill. I deplore the utter lack of interest in this great subject. We are going to pass a bill which with its companions will affect the business of the United States to a degree possibly greater than that of any other statute which has been adopted in recent years, and yet I know that there is no disposition upon the part of Senators to become familiar with the bills or to study the subject which they embrace.

I am not now speaking of the indifference or the disinclination of Senators to listen to addresses. I am an offender in that respect myself. I hold no resentment because Senators are not inclined to hear these bills debated. My regret is founded upon an entirely different reason. I am constrained to believe that we are passing these bills without the individual consideration on the part of Senators which their importance involves. We are all familiar with the general subject. We all know what we desire to accomplish, but these bills are so intricate in their composition, necessarily so, in order to meet an industrial necessity the complication of which no man can exaggerate, that every Senator should study not only the subject but he should ascertain how the evil which is generally admitted can best be overcome.

I take up, Mr. President, the first of these amendments——

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to his colleague?

Mr. CUMMINS. I do.

Mr. KENYON. Before the Senator passes to those amendments I wish to ask him a question purely for information, as I know he has given this problem greater study than any other Member of this body has and I think knows more about it. In subdivision (g) of section 5 there is a provision that I can not find in harmonious relationship to the bill:

(g) If the commission believes from its inquiries and investigations instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

There is no provision, as I understand the bill, for the President to initiate any investigation or suggest any investigation. How does the phase "or at the suggestion of the President" get into the bill, what does it have to do with the bill, what does it relate to, and how does it correlate with anything in the bill?

Mr. CUMMINS. Mr. President, as I said yesterday, I do not think the commission should act upon the suggestion of the President, and I did what little I could to eliminate that provision from the bill while it was under consideration by the committee. I think the whole subsection might well be stricken out. It does not add to the strength of the bill and probably serves no useful purpose. The truth is, and I am not betraying any confidence because I am not saying anything that anyone ever told me, I am simply giving expression to my own belief, the administration desires that part of the bill. It undoubtedly thinks that this commission should be called into activity upon the suggestion of the President or the Attorney General. I do not think so, but I have not believed that the presence of that provision was sufficiently important to change my general view of the proposed legislation.

Mr. SAULSBURY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Delaware?

Mr. CUMMINS. I do.

Mr. SAULSBURY. May I ask the Senator if he does not think it might add to the value of the bill if the commission could be called upon to assist the office of the Attorney General in a special inquiry at some time respecting the doings of some of the corporations which he may be desirous of prosecuting and possibly this power be used? It, of course, implies the power to investigate at the suggestion of the Attorney General, and could not this power be used with benefit to the administration of justice?

Mr. CUMMINS. Mr. President, I have not believed so. I have always thought that a trade commission, as the Interstate

Mr. KERN. I will withdraw my request for the present, to permit one more hosanna of triumph.

Mr. SMOOT. I shall be glad to have the Senator from North Carolina call my attention to the matters to which he refers.

Mr. SIMMONS. Before I proceed, Mr. President, let me say that I do not question that there has been an increase of imports into this country, and that the increase during the last two months has been larger than it before was. If you are going to reduce the tariff so as to give the people relief from the burdens of excessive tariff taxation, you necessarily have got to reduce the duties to a point where there can be importations. The Senator from Utah seems to be enamored of the old Payne-Aldrich tariff act, which, in a great many particulars, was so high that it made importations absolutely impossible. If we were to give the people any relief from the effects of those excessive duties, we had to reduce them; and, if we did not reduce them to a point that would permit and, under certain conditions, invite importations, the reduction would have been a farce.

Mr. President, when the Democratic Party came into power there was a great outcry of protest all over the country against high prices, the high cost of living, and the high cost of nearly everything. There was a demand that these prices be brought down to a reasonable level. In response to this the tariff was revised and duties were lowered.

For months after this act went into operation we were twitted by Senators on the other side of the Chamber with the suggestion that we had not carried out our promise to reduce the cost of living, to reduce the level of prices in this country through the tariff. Now, when importations begin to come in a little bit more freely, when we are approaching a condition when the reduction of the tariff will force down these prices, these same Senators rise in their seats and charge that this tariff law we have passed is flooding the country with cheap foreign products; that the industries of the country are about to be submerged under the weight of these cheap foreign importations.

In other words, these gentlemen denounce the tariff, first, because it did not reduce prices, and then, when it begins to operate so as to force reductions, they denounce it because it is about to become an effective instrument in reducing the high cost of living.

Mr. SMOOT. Will the Senator yield a moment? I want to ask the Senator a question in that connection.

Mr. SIMMONS. I fear I shall not be able to conclude before 2 o'clock; but the Senator from Utah may ask the question.

Mr. SMOOT. I simply want to ask the Senator from North California, is it not a fact that the importations under the present tariff act are a great many million dollars more than it was estimated they would be?

Mr. SIMMONS. No; not for the first nine months of the year, but, as I said, they had been larger for the last two or three months.

Mr. SMOOT. The very statement of the Secretary of the Treasury has shown that there was an estimated shortage in the customs from importations of $52,000,000, and the actual results for the year show they were only about $25,000,000.

Mr. SIMMONS. I stated in the beginning of my remarks that the importations for the last two or three months were larger, but for the balance of the year they have not been very materially larger.

Mr. GALLINGER. How can we have more revenue under a reduced tariff unless the importations are larger?

Mr. SMOOT. Yes; $29,000,000 more revenue.

Mr. SIMMONS. There has been a considerable increase during the last two or three months over the estimates; before that the importations were below the estimates, I think.

Mr. LIPPITT. I should like to ask the Senator from North Carolina if the last two months are not really the best indication of what is going to happen under this tariff law?

Mr. SIMMONS. I do not think so. Importations are coming into this country and importations are going to come into this country in increasing quantity until the men who have raised the price of products in this country beyond a reasonable level have made up their minds that they have got to reduce those prices to a reasonable level. If importations are increasing, it is because the manufacturers, producers, and distributers of the products of this country have not yet realized the fact that they have got to give up these high trust and combination prices, and that, if they do not, they will be confronted with larger importations from abroad. For one, I hope that these importations will grow, and that they will continue to grow until the combinations controlling the prices of food products, controlling the prices of manufactured products, and stubbornly refusing to yield to the just demand for fairer prices and lower cost of living, make up their minds to reduce the prices to the bases of fair and reasonable profits. If this tariff does not succeed in forcing them to make that reduction, it will not accomplish its purpose. When they have made that reduction, when they have reduced prices to a reasonable level, then, if there is any excessive importations, they will cease.

The discussion of this phase of the tariff question, however, Mr. President, was not the purpose for which I rose. Several Senators have called the attention of the Senate to the fact that there has been an increase this year in importations into this country, especially during the last month or two, and in a speech delivered to the Senate a few days ago the Senator from Utah referred to the fact that there had been an increase in importations in April, I believe, of $29,000,000; and he said that was a wrong to the laboring people of this country; that that was taking so many jobs from the American laboring man and giving them to those of other countries.

Mr. President, I want to call the Senator's attention to the fact, taking the first 11 months of the fiscal years 1908–9, and 1909–10, and 1911–12, and 1912–13, the per cent increase of importations under the old tariff was greater than for the present fiscal year. For the first 11 months of 1908–9 the importations were $1,187,255,035.

Mr. SMOOT. Does the Senator deny——

Mr. SIMMONS. Let me finish this. The Senator does not want to interrupt me right in the middle of a statement?

Mr. SMOOT. I want to know, does the Senator deny that there was an increase of importations for the month of April this year over the importations for the month of April in 1913?

Mr. SIMMONS. Oh, no; I do not deny that.

Mr. SMOOT. Well, that is what I said.

Mr. SIMMONS. The Senator from Utah knows that I do not deny that he said that. The importations for the first 11 months of the year 1908–9 under the old law were, as I have said, $1,187,255,035.

For 11 months in the year 1909–10 the importations were $1,437,070,943, an increase of 20 per cent in one year in the importations to this country under the Payne-Aldrich law, or, in dollars, an increase in importations of something over $200,000,000. The Senator does not think there is anything wrong in that increase; he does not regard that increase as taking that many jobs out of the hands of American laborers.

For 11 months in 1910–11 the importations were $1,404,413,921, and for the first 11 months of 1911–12, $1,522,234,137, an increase of 8 per cent.

For 11 months in 1912–13 the importations were $1,681,762,357, or an increase, Mr. President, over the importations for 11 months in the year 1911–12 of 10 per cent under the Payne-Aldrich bill, depriving American labor of that many jobs.

For the first 11 months of 1912–13, as I have said, the importations were $1,681,762,357, and for the first 11 months of the year 1913–14 they were $1,735,885,740; that is, the importations for the first 11 months of the present fiscal year, compared with those of the first 11 months of the last fiscal year, show an increase of 3 per cent, taking the whole year.

Mr. President, the Senator from Utah has very frequently upon the floor of the Senate given expression to his great preference to the Payne-Aldrich law. I have no doubt that the Senator thinks that we will not have any prosperity in this country until we repeal the present act and reenact the Payne-Aldrich law in its essential features; but I think there are very few people in this country who will agree with the distinguished and able and industrious Senator from Utah with regard to that bill. I think the Senator will not live long enough, though he is a young man, to see the day when the American people will again tolerate any such system of tariff taxation as that imposed by the Payne-Aldrich law.

The Senator has boasted of his accuracy and of his disposition to be entirely fair. He says that he is always willing, if his inaccuracies are shown, to correct those inaccuracies. Mr. President, the Senator, in his statement made to the Senate on the 20th day of June, gave a table of imports ready for consumption, and from certain items that he selected in that table he showed that the increase of importations had been in that month 129 per cent. The first one of the items that I wish to call the attention of the Senator to is the item of laces given in his table. His table states that in April, 1914, the importations of laces and lace articles amounted, in round numbers, to $2,096,000.

Mr. SMOOT. I will say, Mr. President——

Mr. SIMMONS. I will ask the Senator not to interrupt me now. The importation of those articles, according to the statement of the Senator, for April, 1914, amounted to $2,096,036, while for the month of April, 1913, the value is given at $1,027,188, making an increase of 104 per cent. If the Senator will refer to page 889 of the Monthly Summary of Commerce

and Finance for April, 1914, he will find this state of facts: In the bracket, including these manufactures, embracing laces he will find that the aggregate of the importation of these various articles for April, 1914, was $2,096,036, just as the Senator gives it. That includes them all. The Senator gives that correctly, but when he goes back to the importations for April, 1913, he picks out of the seven articles—there are seven articles in that bracket—"lace and lace articles, including edgings," $1,027,000; and that amount he gives as the importations for the month of April, 1913, against a total importation of those seven articles for the month of April, 1914. If the Senator, after having given the table of importations for 1914 of those seven articles, had given the total for the same seven articles for 1913 he would have found that it amounted to $2,229,000 instead of $1,027,000, and that instead of an increase of importations, as he contends, of 104 per cent for that month, there was an actual decrease of 6 per cent.

I will ask the Senator to let me have my copy of the Monthly Summary of Commerce and Finance so that I can go on, for that is not all.

Mr. SMOOT. I have not a copy of the Monthly Summary of Commerce and Finance, to which the Senator is referring, but I will endeavor to secure one.

Mr. SIMMONS. I wish the Senator would; I am calling his attention to it in order that he may answer, for I want him to do so.

The Senator refers in his speech to silk and the manufactures of silk, and states that the importations for April, 1914, were $11,094,000 and for April, 1913, $2,212,000, and he finds that there was an excess of imports in the month of April, 1914, as compared with April, 1913, of $8,880,000.

Mr. President, if the Senator will turn to page 896 of the Monthly Summary of Commerce and Finance for April, 1914, to the bracket containing the manufactures of these cloths, he will find that in estimating the imports for April, 1914, he included "total unmanufactured silk" with "total manufactured," the total unmanufactured importations in that month being $8,254,000, making his statement that $11,094,000 of manufactured and unmanufactured silks were imported in that month correct; but when the Senator gave the importations for the month of April, 1913, he left out the total unmanufactured importations in that month, which amounted to $6,189,000, thus in that item making a mistake in favor of his contention, that the importations of April, 1914, were so much greater than those of 1913, of more than $6,000,000. I assume the Senator did that by inadvertence, and that he will correct it.

The Senator showed an increase of $8,881,000 by that improper calculation. The importations of silk for April, 1913, counted on the same basis that the Senator counted them for 1914, were $8,411,000, instead of $2,212,000, as given in the Senator's table. The increased importations were 24 per cent, therefore, instead of 401 per cent, as the Senator declared in this table, put in his speech, and circulated to the country.

Now, let us turn to page 889. The Senator selects a single item in the schedule of manufactures of cotton, "all other knit goods," of which the imports for 1913 were $41,090, in round numbers, and he concludes that the percentage of increase in that item was the enormous amount of 716 per cent. The old duty on this class of goods was from 50 to 63 per cent, and it was in large measure prohibitive, the consumption and production in this country being enormous, and only $41,000 being imported in April, 1913. The duty on these goods has been reduced to 35 per cent, so as to admit of reasonable competition, and so there have been reasonable importations. The total manufactures of cotton goods imported in April, 1913, were $4,796,000, in round numbers, while in April, 1914, they were $5,522,000, being about 15 per cent increase, while for the 10 months ending April, 1914, the imports were $61,773,000, and for the 10 months ending April, 1913, they were $58,262,000, being an increase of only 6 per cent.

In that case the Senator will find that he selected only a single item for comparison during the months of April, 1913 and 1914, while had he used the aggregate of all the items in that article during the months of April, 1913 and 1914, the per cent increase in importations would be only about 15, instead of 716, as stated by him.

The Senator takes up in addition to that, also, the subject of the "parts of automobiles." I wish to call attention to what seems to me to be a very remarkable oversight upon the part of the Senator when he was dealing with the subject of automobiles. The Senator makes a statement there from which it would appear—and that impression has gone out in the country from his speech—that there was an enormous increase in the importations in the automobile business that amounted to as much as 279 per cent. In order to reach that conclusion the Senator selected only "parts of automobiles," and he showed correctly that imports of these parts of automobiles in April, 1914, amounted to $94,000, and in April, 1913, only to $24,000. I presume his mathematics is correct; but right in the line, immediately above the line in the report from which the Senator gets the figures he gives to the country, on page 887, there appear the imports of automobiles for the month of April, 1913, and the month of April, 1914; and from those figures it appears that in April, 1913, there were imported into this country $106,000 worth of automobiles, while in April, 1914, the importations amounted to only $24,000.

In other words, the Senator gives the figures for parts of automobiles, which show over 200 per cent increase in April, 1914, and fails to give to the country the benefit of the facts that appear in the record from which he got his figures, in the very line above, that embrace the whole automobile business and that would have shown that the imports in April, 1913, were about 400 per cent greater than they were in April, 1914.

Of course that may have been an oversight on the part of the Senator; but as he was dealing with this subject, and as he expected his speech to go forth to the American people as indicating the great increase in imports with reference to the products of this great industry, I think ordinary fairness to the Senate and ordinary fairness to the country-wide audience to which he was making this appeal required that he should have given the facts in the column immediately above that, which would have shown the exact reverse of the condition which the Senator found in the importation of parts of automobiles.

There is much I should like to say this morning on this line and on other lines connected with this subject; but I do not feel that I can afford to do it, in justice to the Senate, in view of the present parliamentary situation.

Mr. SMOOT. Mr. President, I have not the monthly report from the Treasury Department with me, but I will look at the report and at the speech of the Senator when it is printed, and I will answer it hereafter.

The VICE PRESIDENT. Morning business is closed.

THE CALENDAR.

Mr. SIMMONS. Mr. President, I had supposed the Senator from Iowa [Mr. CUMMINS] would go on with his speech. He is not present, and I ask unanimous consent that the river and harbor bill may be taken up.

Mr. BURTON. The Senator from Iowa said that he would be out of the Chamber until 1 o'clock, and I think it is his intention to be here at that time.

Mr. SIMMONS. If there is any other matter to engage the attention of the Senate, I will not call up the river and harbor bill for only 10 minutes.

The VICE PRESIDENT. The calendar under Rule VIII is in order.

Mr. SIMMONS. I would suggest, then, that we might take up the calendar for 10 minutes.

The VICE PRESIDENT. Without objection, the calendar will be taken up at the point where its consideration was suspended the last time it was before the Senate.

Mr. GALLINGER. I ask unanimous consent that we may commence at the point where we left off.

The VICE PRESIDENT. The Chair has announced that, without objection, that would be done.

DOMMICK TAHENY AND JOHN W. MORTIMER.

The next business on the calendar was the bill (S. 1058) for the relief of Dommick Taheny and John W. Mortimer, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Dommick Taheny and John W. Mortimer the sum of $4,801.42, in full payment and satisfaction of their claim against the United States for loss sustained on account of the cancellation of contract for the erection and lease of quarters for the Frankford station of the post office in Philadelphia, Pa.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER.

The bill (S. 4601) to authorize the Director of the Census to enumerate the population of the city of Tulsa, State of Oklahoma, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

SETH WATSON.

The bill (S. 1149) to correct the military record of Seth Watson was considered as in Committee of the Whole.

I wrote to Mr. Queeny and asked him if he had any objection to my calling this to the attention of the Senate, and he wrote back to me on June 27, 1914, and said:

MONSANTO CHEMICAL WORKS,
OFFICE 1800 SOUTH SECOND STREET,
St. Louis, June 27, 1914.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR MR. SMOOT: I have your esteemed favor of the 25th instant acknowledging receipt of my letter of the 22d instant.

I have no objection whatever to your calling the attention of the Senate to the dismantling of our chloral hydrate plant. As a matter of fact, I should like to see you do it, because it confirms the statement that I made to the members of the subcommittee of the Senate Finance Committee, who had Schedule A in charge.

I stated to them that if they would not change the rate proposed, we would have to go out of business in the article, and this would give the two European manufacturers of the product a free hand to supply the world.

Senator HUGHES replied that it was a hothouse industry. If it was, they put it out of business all right; and the American buyer can now send his money over to the European manufacturer, who gets the 50 per cent advance in price, and the United States Government receives less than one-tenth of the duty previously obtained on importations of this product.

This subcommittee was, as you know, guided by the recommendations of Dr. Herstein. I went to Washington and told the truth, but I was met with the statement that Dr. Herstein was a Government expert, and his statement was taken against mine, although he had had no practical experience whatever in chemical manufacture, other than, as I understand, a few years in the manufacture of cream of tartar and tartaric acid.

I am not trying to pose as a prophet. I knew from actual experience what would happen if the rate stood. It has happened. We were put out of business on the article, and, as I have already said, the two European manufacturers now supply not only the requirements of American consumption but the requirements of the world.

Very sincerely,

JNO. F. QUEENY.

Mr. President, I could stand here for an hour and tell the Senate of just such cases as this.

I call attention to the manufacture of oxalic acid and the efforts undertaken to produce it in this country. What was the result? Almost the same as this. So instance could be added upon instance.

Mr. President, I was going to say more this morning in relation to this matter, but I will conclude by simply referring to the Singer Sewing Machine Co. The only reason I wanted a duty upon sewing machines was not for the protection of the manufacturers of sewing machines in this country, but to compel them to make the goods in this country and not make them in Scotland and France. They do not need a protection on sewing machines. The Singer Sewing Machine Co. did not claim that they did. What they wanted was free sewing machines so that if ever a time came when they had trouble with their workingmen in this country they could say to them: "We will make our goods in Scotland, in France, or in Russia, as we can ship them into this country free of duty."

Mr. MARTINE of New Jersey. They do not seem to be making them in Russia. They are making them in this country. I want to say to the Senator right here I have a statement from the Singer Sewing Machine Co. that they are supplying the market. There is a small amount of imports. There were less than 20,000 sewing machines imported into this country last year.

Mr. SMOOT. Certainly. That is just what I said.

Mr. MARTINE of New Jersey. They are made here.

Mr. SMOOT. The Singer Sewing Machine Co. is perfectly satisfied with free sewing machines.

Mr. MARTINE of New Jersey. The Senator did not think so when we were passing the tariff bill. We were told by the defenders of the tariff that if we passed the measure the mills in the city of Elizabeth and in Connecticut would rust to stagnation.

Mr. SMOOT. The Senator is wrong.

Mr. MARTINE of New Jersey. I do not think I am.

Mr. SMOOT. I want to say that I stood on the floor of the Senate and stated the only reason why I desired a duty on sewing machines was so as to compel the making of them in this country.

I called attention to the fact that it would be a splendid thing for the Singer Sewing Machine Co. to have free sewing machines. With their mammoth plants in Scotland, France, and Russia, if they ever came in conflict with their employees, they could say to them, "We will shut down and make all our machines in a foreign country."

Mr. MARTINE of New Jersey. It seems to have been a splendid thing for the 10,000 workmen who are working in this plant in Elizabeth. They have made a great addition to the plant, and the workmen have been notified that they will begin work again on Monday, with the prospect of continuous prosperity. So if that policy has been good for the sewing machine, it has been good for the workmen. God speed a policy that is good for the workmen and for capital. That is what we are defending.

Mr. SMOOT. Certainly it is good for them, and I am very pleased that it is.

Mr. MARTINE of New Jersey. What about this——

Mr. SMOOT. I want to say now that if the Singer Manufacturing Co. are prosperous they ought to be, because they have the whole world as their market. The machine is sold in every part of the world, and they are extending their plants. I am told now that they are going to start a great plant in Germany, besides the other plants they have in foreign countries. So there is nothing, as far as the tariff is concerned, that affects the Singer sewing machine, and that is all I desired to say.

Mr. MARTINE of New Jersey. We did put it on the free list.

Mr. SMOOT. Machines are on the free list.

Mr. MARTINE of New Jersey. I know; we placed them on the free list.

Mr. SMOOT. I want to say to the Senator now that if there had been a duty upon the machines there would not be a single solitary machine less exported, and the importation of all that have been received would have enriched the Treasury.

Mr. MARTINE of New Jersey. What has the Senator to say regarding the case I cited about the great tube plant at McKeesport, Pa.?

Mr. SMOOT. I have the figures in my office of the unemployed in the iron industry of the United States. If there is one plant that has been long idle and has secured orders enough to start up the plant, I am awfully pleased to hear it. I hope the men will be employed right along.

Mr. MARTINE of New Jersey. I do not know whether the Senator——

Mr. SMOOT. It would give me great pleasure to see the country boom.

Mr. MARTINE of New Jersey. I believe that.

Mr. SMOOT. It would give me great pleasure to see every workman in the land working at the highest possible wages. But I want to say to the Senate, with the rates of duties that we have upon many lines of manufactured goods, and with the wages that are paid in this country as compared with those paid in foreign lands, it will be impossible to keep people employed or to have the increase and extension and expansion of different lines of business as has been the case in the past.

Mr. STONE. I should like to ask the Senator from Utah what is the occasion, what is the motive that moves him to make these daily or almost daily lamentations?

Mr. SMOOT. I am not making a lamentation, and I do not think the Senator from Missouri has any right to so intimate.

Mr. STONE. Then why not——

Mr. SMOOT. I wish to say to the Senator from Missouri that I have made no statement here as to the importations or figures that I have not taken from the records of the Treasury Department.

Mr. STONE. I think the Senator has.

Mr. SMOOT. I do not propose at any time when I speak on this floor to try to misrepresent anything. Four or five Senators have been talking about the subject matter on which I have been speaking, and I simply have said what I have in answer to their statements.

Mr. STONE. The Senator should remember that he who excuseth himself before he is accused accuses himself. Nobody, as far as I have heard, has accused the Senator of deliberately making misrepresentations.

Mr. SMOOT. Well, the Senator has done it in the past, I am sorry to say.

Mr. STONE. No; not that the Senator deliberately made a misrepresentation.

Mr. SMOOT. It may not have been done deliberately.

Mr. STONE. The Senator made misrepresentations, but I think he did it without knowing it.

Mr. SMOOT. If the Senator can find one misrepresentation I have made, I will arise on the floor of the Senate and acknowledge it to the Senate.

Mr. STONE. The Senator will be very slow to make an acknowledgement of that character. He would prefer to undertake to defend what he said. Convince a man against his will and he remains usually of the same opinion still. The Senator gets impatient because I ask him why he surcharges the atmosphere of this Chamber with his lamentations from day to day. Everyone knows that the Senator is a veritable Jeremiah. I suppose to-morrow morning the Washington Post will have an article, editorial or otherwise, on the same line. If you could only yoke the Washington Post and the Senator from Utah together you would have a pair of Jeremiahs that would take the blue ribbon in any circus on the globe.

Mr. SMOOT. Mr. President, my name does not appear in the Washington Post very often, or other newspapers of the country, and I am not in the public service for that purpose. I have never sought at any time the headlines of the newspapers, and I never shall.

Mr. MARTINE of New Jersey. Mr. President, I want to say that I am a partisan, for I love my party. I have spent my life for it, and I am willing to spend it over again in the same direction.

Mr. GALLINGER. How could the Senator do that?

Mr. MARTINE of New Jersey. I could not, and that is a misfortune in the economy of nature. I may have failed in my efforts sometimes, but it has been a great pleasure to preach the gospel I believe in, and by the eternal I will preach it on every occasion, night, noonday, and Sunday. I respect a man who has convictions and has the courage to defend them. I believe the Senator from Utah is one of that class. I would not give a rush for a man who had not convictions, and I would give less for a man who having them did not have the courage to defend them.

I made some little desultory reference to the great tube plant and I sent over to my office and got a clipping from the Trenton Times, of New Jersey, June 26, 1914, a Republican paper. It as follows:

GREAT TUBE PLANT STARTS FULL TIME.

McKEESPORT, PA., *June 26.*

It was announced here yesterday that the National Tube Co., of this place, one of the largest plants, will resume operations in full next Saturday, and that two additional welding furnaces will resume work at once. It is stated that the entire plant, which employs many thousands of men, will be in operation by July 4.

For several weeks the mills have been working at about 75 per cent of their capacity, and but few of them were operated Saturdays. The order just issued will place the mills on day and night turns, with a full force of employees working.

I shall ask leave to print these two slips.

I want to say, Mr. President, this is not of Democratic authority. Nobody will accuse Judge Gary, of the steel plant, of that. Here is an editorial in the Journal of Commerce, and God knows nobody will accuse the Journal of Commerce as leaning very kindly toward the party of the Senator from New York [Mr. O'GORMAN] and myself. It is quite an extended article. It goes on to say:

We have been exporting iron and steel of late to the value of some $250,000,000 to $300,000,000 a year.

This editorial, which I trust the Senator will listen to, finally winds up in this way:

The trouble—

Now, mind you, this is from the gospel of the Republican press, and they do not agree with all your tariff notions—

The trouble which we are going through now, so far as it is due to tariff changes, results from the vast complication of the protective system and the necessity of adjustments in passing to a simpler one, which can not be effected in a day or without more or less of squeeze and strain.

I think no one will contradict the thought I mentioned a minute or two ago. We have been living at breakneck speed. The high tariff has overstimulated industries. It has crushed out minor ones and overstimulated others, and in railroads as well. We have been living, as I said, the life of a debauchee, and we are reaping the results of it.

Mr. GALLINGER. Mr. President——

Mr. MARTINE of New Jersey. I beg pardon. I should like that column in the Republican Journal of Commerce and Bulletin, of the city of New York, on "Iron and steel and the tariff," by Judge Gary, to be published. It is about a column long.

The VICE PRESIDENT. Is there objection?

Mr. BRANDEGEE. Mr. President, I must object to these newspaper clippings being put into the CONGRESSIONAL RECORD. We can all engage in that, and I think it is of no earthly consequence. If anybody is interested in the opinion of that journal, he can go out and buy a copy. I decline to have the Government advertise that paper or any other. If the Senator wants to read it, he can do so.

Mr. MARTINE of New Jersey. I do not want to inflict my poor elocution on the Senate.

Mr. BRANDEGEE. I enjoy the sound of the Senator's voice. I think it is always musical, and sometimes informing.

Mr. MARTINE of New Jersey. Cut that out.

Mr. BRANDEGEE. I think if Senators were compelled to undergo the physical labor of reading all the voluminous and continuous literature which pervades the press of the country, they would not perhaps inflict it upon the Government Printing Office in such a limitless quantity.

Mr. MARTINE of New Jersey. With the permission of the Senate I withdraw the request, so far as the Journal of Commerce is concerned. I would like to have the two minor clippings printed. I trust the Senator from Connecticut will not object. God knows I would not object to printing all the advertisements of wooden nutmegs in Connecticut that you might want. If the minor ones may be allowed to slip through, I will not ask that the larger one be printed.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Elizabeth Journal, Republican, June 25, 1914.]

SHORT VACATION AT SINGER SHOP—TAKEN AS SIGN OF BUSY FALL SEASON—LAY OFFS CLAIMED DUE TO NEW MACHINES.

For the first time in several years, the Singer plant's midsummer vacation will last only one week, including Independence Day. Notice has been given that the factory will close Saturday at noon; will reopen Monday morning, July 6, and that Saturday and June 6 will be pay days.

The midsummer lay offs have run from two to three weeks in recent years; the three weeks' limit having been reached in 1907.

That conditions at the Singer plant have been showing a gradual improvement during the last few weeks, and that the short mid-summer vacation proves that things are on the mend, is the remote view taken by many. Recent developments, it is, indeed, hoped everywhere, mean that a boom is in prospect.

There has been no actual closing down of the plant, but there has been an undoubted depression. This statement is proved by the number of employees put on part time, as well as the fact that a considerable number were laid off. The laying off has been due in a certain degree, it is admitted, to the installation of greater efficiency methods.

For instance, more machines in the polishing room are said to be one of the principal reasons why there are 50 employed there now, as against about 300 in 1908. In the needle department there was a greater number not so many years ago. Machines caused many of them to be laid off, and now 6 or 9 men are said to be getting out the work formerly done by 100 or more

The importation of machines since the new tariff went into effect, according to a reliable authority, has only resulted in about 20,000 machines coming into this country from abroad.

[From the Elizabeth Times, June 25, 1914.]

SINGER LOAF TO LAST ONLY ONE WEEK—SHORTEST LAY OFF IN FIVE YEARS IN JOLT TO CALAMITY HOWLERS—TUTTLE IS SUBSTANTIATED.

Announcement was made at the Singer factory yesterday afternoon that the annual "loaf" this year will last only one week. The factory will close down next Saturday afternoon and reopen Monday morning, July 6.

In view of the efforts of the calamity howlers to spread news of "hard times" in the plant because of the tariff revision, the news was received with much surprise. The short vacation shows that there is a large amount of work to be done in the factory now that the overproduction of 350,000 machines has been wiped out under the new system inaugurated by Superintendent Dosch.

This will be the shortest "loaf" in more than five years. During the past few years, and while the tariff was in its "upward" schedule, there have been two and three week vacations in the factory. The rumors spread by the alarmists caused anticipation of a four-week "loaf," or nothing less than three weeks.

The short vacation lends more credence to the statement published a few months ago by Congressman WILLIAM E. TUTTLE, who showed that any inactivity that might prevail at the plant was not due to the tariff revision. Those who know the conditions at the plant have declared that the lay offs during the past few months were caused by a new policy of Superintendent Dosch. When Mr. Dosch assumed the superintendency, he found an overproduction of 350,000 machines on his hands. He decided to eliminate the overproduction, and consequently work at the factory became slack for a time. The storage bins have been cleared of machines, and the factory is now in practically normal condition, as is indicated by the curtailed "loaf."

Mr. GALLINGER. Mr. President, I had no thought that the observations I made would result in so tumultuous a debate. The Senator from North Carolina informs us that he proposes to enlighten the Senate on the workings of the new tariff law in due time. I do not know when that will be, if we are to pass the three great bills that are now pressing upon us; but I will patiently await that day, and will, if I have an opportunity to do so, submit some observations in reply.

I simply want now to say, Mr. President, that I am fully satisfied in my own mind that there is a great deal of industrial disturbance in this country, including the State of New Hampshire. The Senator from New Jersey [Mr. MARTINE] says it is a "headache" that afflicts the industrial interests of the country; and I of my own knowledge know that a great many men are having headaches because of the fact that they are out of employment, and they are having heartaches likewise. It may be entirely "psychological," Mr. President, as has been suggested in a certain high quarter, but the people of New England, who are suffering and praying for relief, are of the opinion that it is something more serious. That is all I now care to say.

Mr. KERN. Mr. President, after these alternating wails of despair on the one side and hosannas of triumph on the other, I call for the regular order.

Mr. SIMMONS. I wish to ask the Senator from Indiana if he will not withdraw his request for a short while. The Senator from Utah [Mr. SMOOT] has promised that whenever he was shown to be in error in any of his figures he would be glad to correct them, and I thought this might be a very good time to call attention to some of his errors. I will not press it now, but at some other time I shall be very glad to call the Senator's attention to them.

Singer Sewing Machine Co., during every year that I have had any knowledge of it—and they have been there 20 years or more—to close down for one month, as they said, for repairs and for other purposes. Within the past two or three days—I do not know whether I can put my finger on the clipping—but I learn from two papers published in the city of Elizabeth, one the Elizabeth Journal, the property and voice in days past of the distinguished and honorable John Kean, my predecessor, a protectionist and a Republican, that the situation has entirely changed, and instead of closing down the plant for four weeks this year they notified their workmen on Monday last that no such shutdown would take place; that a week would be as long as they could afford to have the plant idle this year; that they had sold out their stock of sewing machines, and that their orders were such as to keep the Singer Sewing Machine plant busy and humming for the rest of the year.

Further than that, take the Claflin disaster. Our friends have tried to make much of that. Everybody understands that the Claflin firm were a responsible and honorable firm, but that in common with the rest of our country they became inoculated with the microbe of avarice, and they have been living the life of a debauchee; they have been capitalizing and running not only their own plant in a wholesale way, but retail plants all over the country, and there must be a very favorable condition when a great firm, with ramifications spreading far and near in this country, can fail for the sum of $34,000,000, and yet have no more effect on the commercial and mercantile market than the dropping of a feather.

The fact is, Mr. President, we have been living the life of a debauchee, and we are reaping the headaches of the hereafter very largely, but a better day is in store. Take your own journals; take the conditions in Pennsylvania; in New Hampshire, as the junior Senator from New Hampshire [Mr. HOLLIS] has cited them; in Connecticut; in my own State of New Jersey, and you will find there is a picking up, a kindling up of mercantile interests. The shafts and spindles that have been silent and idle for a time past are to-day again busy, and men of business, including John Claflin himself, have said that the conditions generally are sound.

So I feel that it is falling far short of our duty when gentlemen, occupying the honorable, distinguished, and potent position of Senator, stand on the housetops crying alarm, rather than endeavoring to stay it and to promote a better feeling. That, to my mind, is the truer and better part of statesmanship.

Mr. THOMAS. Mr. President, the Senator from New Hampshire has been absent from the Chamber for some little time, on unavoidable business, of course; and during that period of time, I presume, he has been at home fixing his fences.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New Hampshire?

Mr. THOMAS. I do.

Mr. GALLINGER. The Senator from New Hampshire was on a somewhat different mission from that. The Senator from New Hampshire has read both the CONGRESSIONAL RECORD and the newspapers during the time he was absent.

Mr. THOMAS. Mr. President, if the Senator from New Hampshire read the CONGRESSIONAL RECORD during his absence, he is entitled to, and I hereby offer him, my profound sympathy. I confess I have not read it much during that period. I presume that before long a number of others, including myself, will be absent and engaged in the same essential pursuit. Hence my reference to the absence of the Senator was not intended as a personal reflection, or as implying that he was engaged in anything that was not perfectly proper but very desirable.

In view of the lugubrious prophecies of disaster uttered last summer by the Senator and his confrères as to the inevitable results of tariff reduction, I have no doubt that the Senator is extremely delighted—mournfully so, perhaps; sadly so, perhaps; but nevertheless delighted—to ascertain that in individual instances there are conditions which seem to support his claim to the rôle of a prophet. Mr. President, I have no doubt that business is depressed in some sections in New Hampshire, just as it is depressed everywhere in the country, just as it is depressed all over the world; but that this depression is universal, that it is the consequence of revenue legislation, I utterly deny. It occurred to me while the Senator was speaking about the sorry condition of the woolen mills in New Hampshire that it might be due to the fact that wool, the raw material of those mills, is now selling for a great deal more per pound than it ever sold for during the prevalence of the high-tariff duties applying to this commodity, which always have been declared to constitute the citadel of the great American system.

I have no doubt that some reason for the depression in New England may be traced to the railway conditions there. I recall that a few years ago New York, New Haven & Hartford Railroad stock was selling for over 200 and paying a dividend of 10 per cent. You can not give it away now. The story of New Haven, Mr. President, is the most shameful episode in the shameful history of railway finance in America. The Senator knows that the Boston & Maine Railroad was dragged to its ruin through the machinations of the scoundrels who manipulated New Haven and who are to-day responsible for much of the poverty, and perhaps the suffering and the misery, resulting to the unfortunate shareholders of those unfortunate corporations, who in some instances invested all of their savings in their shares because of the faith they had in the integrity of those who controlled and directed their operations.

We have been told that the capacity of the consumer to purchase has much to do with prosperity in business. When you consider that the revenues derived from the dividends of these great railway corporations of New England have disappeared and that bankruptcy confronts them, we can easily understand, perhaps, why it is that some unfortunate manufacturers in New England are not so prosperous as they have been heretofore.

I am not going to occupy the attention of the Senate any longer upon this subject, however, beyond reading an extremely short editorial from the New York World of the day before yesterday. I think it has some bearing upon the subject matter of the discussion. It is entitled:

NAILING ANOTHER LIE.

The Journal of Commerce prints an infamous cablegram from London stating that—

"The cotton-cloth business at Manchester is the smallest for years, and the market is very irregular."

This, of course, is a deliberate and unqualified lie, circulated by English cunning to deceive credulous Americans as to the real operations of the Underwood-Simmons tariff. Our old friend Wilbur F. Wakeman, of the American Protective Tariff League, must get after it at once.

The Manchester cotton trade was never so prosperous. Every trans-Atlantic liner staggers into New York with the burden of Manchester cotton cloth, while billions of New England operatives are slowly starving to death, and some of the less prosperous New England mills are barely earning 40 per cent dividends.

But if it should really happen that the Manchester cotton-cloth trade is the worst in years, that is because President Wilson refuses to give business a rest and because Congress persists in debating the antitrust bills.

Mr. President, the Democratic Party has a program two-thirds of which it has accomplished. It is at the threshold of the remaining third, whose enactment will be effected before this Congress adjourns. For my part, I thank God that we have at the head of this administration a man who knows his duty and, knowing it, is willing to take the responsibility of performing it; and I for one am glad to follow his lead hereafter, as I have followed it heretofore, whenever I can do so with a clear conscience. He has the wisdom to perceive and the courage to pursue the pathway of public duty and has behind him the confidence of the public and the support of his party.

Mr. SIMMONS. Mr. President, I have intended for some days to present to the Senate at an opportune time some views upon the question which the Senator from New Hampshire [Mr. GALLINGER] has raised this morning; but on account of the fact that both sides of the Chamber have been so anxious that the river and harbor bill and the trade commission bill should go forward, I have not felt like trespassing upon the time of the Senate, and I shall not do so this morning; but at an opportune time I shall. However, I wish to read now—I shall consume only a minute or two—a letter I received on the 22d of June from the Secretary of Commerce, Mr. Redfield:

DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, June 22, 1914.

MY DEAR SENATOR: Some days ago gentlemen representing Leigh & Butler, importers of textile machinery and agents for Mather & Platt (Ltd.), one of the largest English manufacturers of textile machinery, called upon me. They said that although American makers of textile machinery were complaining of foreign competition, the fact was that in most cases, and in some lines in all cases, the American makers quoted prices which they (Leigh & Butler), as importers of English machinery, were quite unable to meet.

Mr. Coffin, who writes the inclosed letter of the 18th, which, I am sure, will interest you, is an experienced and intelligent man, having been in the employ of the American textile-machinery makers before he was employed by Leigh & Butler.

Now, I want to read just a few lines from the letter of this agent of this English importing house, referred to in the letter of the Secretary of Commerce:

Hon. WILLIAM C. REDFIELD,
Secretary of Commerce.

DEAR SIR: Referring to our conversation while at your office last Monday in regard to mill costs, I thought you would be interested in a report that I got from one of our largest bleacheries and finishing concerns yesterday.

That is a New England bleachery and finishing concern.

The agent told me that for a number of years they have been under contract with an English exporting house for 10,000 cases of finished white goods that were shipped direct from here to South America, China, and the Philippine Islands. He reported to me that the reason these goods were bought here by the Englishmen was because they could be bought in this country for much less money than in England, and that the goods were of better quality. My object in coming to this place was in answer to an inquiry for some finishing machinery. I found that it was impossible for me to compete with the American machine builders in price.

I called on another very large mill in New Hampshire, where a large order for card clothing is pending. I found also that after we had figured our price just as low as was possible it was impossible for us to compete with American card clothing.

Mr. President, a few days ago I had a conversation with the largest manager of cotton mills in my State. He is the manager, I think, of 13 of the largest cotton mills in my State. Right here, in passing, I want to say that we have something over 300 cotton mills in North Carolina, and if a single one of those cotton mills is under suspension, if a single one of them is not running at full time, it has not been brought to my attention. This cotton-mill manager stated to me that last year and up to this time this year he had had one of the best business years since he had been connected with the cotton-mill business, and he has been for many years connected with that business.

Mr. President, we can read letters, as the Senator from New Hampshire has, from people who take a pessimistic view of this question; and we can read letters, as has been done by many Senators here, from those who take an optimistic view of the question. The Senator from Missouri [Mr. REED] a few days ago in a very elaborate speech to the Senate upon present conditions, filled column after column and page after page of the CONGRESSIONAL RECORD with letters written from various and sundry sections of this country by men engaged in various kinds and classes of industry, taking an optimistic view of the present conditions and outlook.

I do not deny that there has been during the past year some slight halt at certain times in the business of this country. We could not expect it to be otherwise; but it is a fact, admitted by economic writers and students who have investigated the question, that if we have had a slight halt in the business of this country, growing largely out of the fact that we were reorganizing our system of tariff and our system of finance and the fact that such reorganizations are always accompanied with more or less disturbance, that as a matter of fact there has been less disturbance, less depression in business in this country during the last 12 months than in almost any other great industrial country in the world. Compared with the conditions which have existed in our neighbor just to the north, Canada, the conditions in this country during the last year could be described as boom conditions.

I shall have occasion a little later to go rather fully into this matter; but I shall not this morning trespass further on the time of the Senate. I should not have indulged in these remarks but for the fact that the discussion of the Senator from New Hampshire seemed to call for some answer.

Mr. SMOOT. Mr. President, I do not intend to take more than a very few minutes this morning; but I feel that it is only justice to the business conditions of the country to say just a few words upon the situation as it exists to-day as I see it.

The Senator from North Carolina [Mr. SIMMONS] may say there has been only a slight halt in business in this country of late. I want to call his attention to the fact that there has not been any halt whatever in the importation of goods into this country, notwithstanding there has been a halt in the consumption of goods.

Mr. THOMAS. Mr. President, will the Senator permit just one interruption?

Mr. SMOOT. Why, yes.

Mr. THOMAS. Is it not a fact that the house of Claflin was one of the greatest importing houses in the country?

Mr. SMOOT. I can not see that that makes any difference at all from what I said or to what I intend to say.

Mr. THOMAS. Perhaps not; but is it not a fact?

Mr. SMOOT. There is no question but that the Claflin house imported a great many goods; but I can not see the connection between that and what I intend to call the Senator's attention to.

Mr. THOMAS. It is merely this: I think the Senator is one who prophesied great prosperity to the importers of the country, at the expense of the manufacturers, in the event of a change in our revenue legislation.

Mr. SMOOT. Yes; but when I made the statement to which the Senator refers I had particular reference to the men who sit in offices, with not a dollar invested, who import goods as importers and sell them to the trade in this country, with not a single dollar of investment and little responsibility.

Mr. THOMAS. I do not recall that the Senator at the time limited his remarks to that class of importers.

Mr. SMOOT. I do not want to take the time this morning to go into that question.

I have here the importations of manufactured goods in 26 lines of manufacture for the month of May. In 1914 they were $35,952,822. The same identical lines of goods imported for the year 1913 amounted to $15,183,938, or an increase of $20,768,884, or an average increase of 136 per cent. On these same lines of goods I want to call attention to how steadily the importations have increased since December:

In December the increase was 54 per cent.
In January the increase was 58 per cent.
In February it was 64 per cent.
In March it was 71 per cent.
In April it was 129 per cent.
In May it was 136 per cent.

All of that great increase of importations simply means that they are not made in this country by American manufacturers.

Mr. President, that tells the story. I want to say to the Senator from North Carolina also that if I had the time now I could go into the RECORD and show him, as presented by a Congressman in the House, letters from many of the cotton mills of North Carolina that were running only three days a week. I do not know how many there were, because I did not take the time to count them at the time I was reading about them in the RECORD. But the importations of cotton cloths would show that this class of trade is interfered with. I notice that the importations of cotton cloths increased in the one month over 100 per cent. Even in the month of May cotton cloths imported into this country increased a little over 40 per cent.

It can not, Mr. President, have any other effect than to take that amount of business away from cotton manufacturers in this country; and we all must admit that the consumption is not as great as it was a year ago, and that decrease also falls upon the manufacturer.

Mr. President, I received a letter the other day from a mutual friend of the Senator from Missouri [Mr. STONE] and myself, which reads as follows:

MONSANTO CHEMICAL WORKS,
OFFICE 1800 SOUTH SECOND STREET,
St. Louis, June 22, 1914.

Hon. REED SMOOT,
United States Senate, Washington, D. C.

DEAR MR. SMOOT: I have read with much interest the newspaper report of your speech on the Treasury's statement of foreign trade showing the immense gain in imports and decrease in exports during the month of May.

Our Democratic friends who framed up the last tariff measure certainly must now realize how great were their mistakes, as now demonstrated by the Treasury's statement and the thousands now out of employment.

As an illustration of the mistaken policy of stopping American manufacture to help the American consumer, I desire to recall to your mind how hard I fought for a rate on chloral hydrate to enable my company to stay in the manufacture of that article.

We were denied the rate, and as a result we had to dismantle that department and most of the apparatus went to the junk pile, for the reason that the apparatus used for the manufacture of chloral hydrate can not be used for anything else.

The plant had not been dismantled 30 days before the German manufacturers put up their price on the article 11 cents per pound—over 50 per cent advance on the price previously ruling.

You knew what would happen just as well as I did, that as soon as the European manufacturer has no competition in this country he puts up his price to the highest limit possible, and who can blame him?

As matters now stand, the European manufacturers will supply all the chloral hydrate consumed in this country, while before that we stood between the American buyers and the foreign manufacturer. With kind regards,

Very sincerely, yours, JNO. F. QUEENY.

Mr. KERN. Mr. President——

The VICE PRESIDENT. Will the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. KERN. I simply rose to inquire whether that gentleman is still a friend of the Senator from Missouri after the efforts of the latter to ruin and destroy his business?

Mr. SMOOT. I think so, because I do not believe if the Senator from Missouri had had his way in that matter the rate would have been reduced to such an extent. I will say to the Senator I stood upon this floor and told the Senate that if the proposed rate was put into the tariff bill there would be no chloral hydrate manufactured in the United States, and it happens so. There was no question in my mind about it.

are familiar to us all. The logic of regulation seems to me to be irrefutable. Where properly carried on it is certainly preferable to the former condition, and until something more substantial than mere fears of results that can not be shown as yet to have materialized is urged against the propriety of regulating securities, such regulation certainly should not be rejected and a reversion to former admittedly bad conditions invited.

Mr. WORKS subsequently said: Referring to the article which I requested a moment ago to have printed in the RECORD, as it is of such importance, I think it might well be published as a public document. For that purpose I ask that it may be referred to the Committee on Printing.

The VICE PRESIDENT. Without objection, that action will be taken.

CONDITION OF THE TREASURY.

Mr. SIMMONS. I send to the desk a telegram received this morning from the Secretary of the Treasury, which I ask may be read.

The Secretary read as follows:

[Telegram.]

WASHINGTON, D. C., *July 1, 1914.*

Hon. F. M. SIMMONS,
Chairman Finance Committee,
United States Senate, Washington, D. C.:

Heartily congratulate you on the result of the operations of the new tariff and income-tax law for the fiscal year just ended. After paying all ordinary disbursements of the Government there was a surplus of $33,784,452.07, and after paying all Panama Canal expenditures for the year there was a deficit of only $1,010,058.81. These figures are subject to revision upon analysis of complete returns.

W. G. MCADOO.

Mr. GALLINGER. Mr. President, my attention was attracted in hearing read the communication from the Secretary of the Treasury, submitted by the Senator from North Carolina [Mr. SIMMONS]. I am pleased to know that the finances of the country are apparently in a satisfactory condition. Whether that be so or not, it is a fact that the industrial conditions of the country are in a very unsatisfactory condition, and I want to submit very briefly one or two items on that point.

A shoe-manufacturing concern in Nashua, N. H., had a customer in Baltimore, who formerly purchased $200,000 worth of shoes annually, who recently wrote the manager of that shoe factory that he had just made a bargain with an English house at a lower price than he was able to make with the Nashua concern, and that he would hereafter purchase his shoes from England. So that one concern has lost a customer who purchased shoes at the rate of $200,000 a year; and I may add that the shoe industry in New England is far from being in a prosperous condition.

On yesterday I received a letter from one of the leading citizens of Lebanon, N. H., an enterprising, industrial town. My correspondent says:

The two American woolen mills here in Lebanon in the past six months have run, on an average, only 48 looms out of 142, which is only one-third the capacity of the mills. At the present writing they are completely shut down, and the outlook is anything but hopeful, as no orders whatever are in sight.

The overall shops are rapidly receiving cancellations of orders for mackinaws, which they have been working on almost entirely of late, and the knitting mill has nothing in sight after the 1st of August. So that one can easily see that business in Lebanon is extremely dull.

I received through the mail two or three days ago a communication, which I doubt not other Senators have received, from the committee of Flax Dressers' Local 694, United Textile Workers of America, affiliated with the American Federation of Labor, of Paterson, N. J., in which they say:

We, the flax dressers of Paterson, N. J., beg to call your attention to the condition of our trade in this country since the duty of 3 cents per pound was taken off the dressed line, or hackled flax, at the last revision of the tariff, and appeal to you to aid us in having the flax dressed in this country. Our representative, in his evidence before the Ways and Means Committee at Washington, explained to them how any reduction in the dressed line would mean the extermination of our industry in this country. We also appealed to the Finance Committee to have the duty retained on the dressed line. Still it was placed on the free list in face of all the statements we made as to what would be the result, as the following facts will prove:

There are only 18 men working here now, whereas if our industry was protected the same as other American industries it would take 200 men instead of 18. All the other mills throughout the country are in just the same situation. But we can not expect to get the work here when they can get the flax hackled in their own mills in Europe at less than half the price than we can hackle it here, and ship it in free. It is evident that while our men are unemployed the big business men of this country and the cheap labor of Europe are enjoying the fruits of the 3-cent reduction in the dressed line. We court the fullest investigation of our statements made to the Ways and Means Committee and refer you particularly to our communications to the Finance Committee on this matter. Hoping you will give our appeal your very earnest consideration and use your influence in having the duty replaced on the dressed line. * * *

COMMITTEE OF FLAX DRESSERS' LOCAL 694,
UNITED TEXTILE WORKERS OF AMERICA,
Affiliated with the American Federation of Labor.

Mr. President, in my committee room I have numerous similar letters and appeals. I present these simply to show that, while the financial condition of the country may be satisfactory at this moment, doubtless in large part due to greatly increased importations of foreign goods, the industrial condition is almost as bad as it can be. I received a letter two or three days ago from a friend, formerly engaged in business in New Hampshire, but who has been engaged in business in San Francisco for the last five years, in which he said to me that the industrial situation on the Pacific coast is just as bad as it was during the last Cleveland administration. However that may be, I know that throughout New England there is very serious industrial disturbance, and that a great many honest and industrious men who want employment are out of work, and, hence, as a corollary to the communication submitted by the Senator from North Carolina, I wanted to put in the RECORD the facts which I have stated.

Mr. HOLLIS and Mr. MARTINE of New Jersey addressed the Chair.

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. Mr. President, I desire to state that I have been in New Hampshire recently, and though I made very diligent inquiries I could not learn of a single cotton mill or woolen mill or textile mill of any kind nor a pulp mill nor a paper mill that has closed. A few Republican managers of mills say they are going to close down, but they have not done so as yet. If they do, it will be merely for the ordinary repairs in the summer.

The McElwain Shoe Co. was cited to me as a plant that had closed. I have a letter from the manager of that company saying that they shall begin again immediately after the 4th of July. In my own part of New Hampshire, in the vicinity of Concord, you can not hire men at any sort of reasonable wages. Contractors are trying to get men to take care of their work; you can not get a carpenter to patch your roof, and you can not get a painter to paint a house. Labor has never been so well employed in New Hampshire as it is to-day. All these wails come from places that are farther away, based generally on what some one says, some one writes, some one guesses, or some one predicts. I state on my authority, from actual investigation, that labor has never been better employed in New Hampshire than it is to-day.

Mr. MARTINE of New Jersey and Mr. THOMAS addressed the Chair.

Mr. HOLLIS. I yield to the Senator from Colorado.

Mr. GALLINGER. Perhaps my colleague had better go to Lebanon and look at the situation there.

The VICE PRESIDENT. The Senator from New Jersey.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. It is wholly impossible to have a chorus here.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Senator from New Jersey was recognized by the Chair.

Mr. THOMAS. I understood the Senator from New Hampshire had the floor and yielded to me.

The VICE PRESIDENT. The Chair thought the Senator from New Hampshire had taken his seat, and the Chair is quite sure that he did.

Mr. HOLLIS. That is true.

Mr. MARTINE of New Jersey. Mr. President, I will detain the Senate only a moment. It seems to me that the part of a statesman in times of distress and alarm is to allay apprehension, not to spread the flame and try to bring calamity to every household in the land.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] makes reference to the unsatisfactory conditions in this country. It is a notorious fact, and the Senator will not contradict it, I think, that affairs in business in a mercantile and manufacturing way are quite unsatisfactory the world over. Germany, if you please, and England as well, have been suffering more or less from this general condition of stagnation.

From the adjoining State of Connecticut I read most glowing accounts of the splendid prosperity that is there under way, and I want to bring to the notice of the Senate the fact that in the State of Pennsylvania a great tube plant, employing from eight to ten thousand workers, has started up with prospects that are most alluring and inviting.

In my own State, which is a great manufacturing community, i. the city of Elizabeth, the county seat of my own county, is a great plant, known as the Singer Sewing Machine plant, employing 10,000 hands. We put their product on the free list. We were told on all sides in Elizabeth that we were inviting calamity and were inviting our own defeat to advocate putting sewing machines on the free list; but what has been the result? It has been the annual custom at this time of the year of the

through overcapitalization must be supplied from some source. Rarely will it be possible by human ingenuity to prevent its being supplied, partly, at least, from the rates; and what does not come from that source comes from the purchaser of securities. Prevention, on the contrary, through regulation, if effectively applied before it is too late, brings about readily the desired result, and the imposition of reasonable rates and the requirement for efficient service are secured without injustice to any innocent party and without the long period of bad service always occurring when a utility loses its financial ability to do that which it is legally obligated to do.

Therefore we conclude that the first objection, that regulation of rates and service does not require regulation of securities, is not well founded. It remains to consider the second objection, which is that—

GOVERNMENTAL CONTROL OF STOCKS AND BONDS MORALLY, AT LEAST, COMMITS GOVERNMENTAL AUTHORITY TO RECOGNIZE STOCKS AND BONDS WHEN FINDING VALUE FOR RATE-FIXING PURPOSES.

Every argument I have yet met in support of this contention indulges, indirectly at least, the presumption that the governmental authority acting is not equal to the job. Now, I quite readily admit, in the language of Dr. Milo R. Maltbie, of New York, that "I would prefer to have no regulation to that which is not effective, for a form of regulation without substance is worse than no regulation." What I have to say has reference solely to competent and effective regulation.

Those empowered to regulate should, of course, be advised as to the legal effect of their acts. They should know, as Mr. Roemer, of Wisconsin points out, that the contract between stockholders is protected against impairment by the Federal Constitution and that "each share of any class is entitled to all the privileges of every other share of the same class." Likewise bonds issued under the same trust deed stand on the same footing, regardless of when issued. And knowing these legal principles, they should avoid taking any step with reference to present issues of either stocks or bonds out of issues authorized and partly out without knowing the value behind those already issued. If, in the case of a corporation a part of whose securities have been issued before regulation was applied, it is found that overcapitalization exists, no new issue should be permitted which will be on a parity with what is already out, thereby becoming diluted by the water already in the enterprise. Under a proper stock and bond law the burden is upon the utility to satisfy the commission that the application is justified, and unless those in control of the corporation will take such corporate steps as are necessary to overcome the difficulty presented by equal participation, then no securities should be permitted. The financing by preferred stock, which is now being done in various States, is an answer made by utility corporations themselves to the argument here considered, and an answer that will always be made if utilities commissions are firm and have an understanding of their work. The California commission, for example, has laid down the rule, and adheres to it strictly, that any utility in a financial condition which the commission would not approve if presented originally to it, but, nevertheless, not actually insolvent or in such a bad way that its condition is doubtful, may take any financial step which leaves it in a better financial state. It is allowed to progress toward a satisfactory financial condition, but it must not go backward. Its option is to advance or issue no new securities of any sort. If an agency is actually, although not legally, insolvent by having debts in excess of its assets, it must reorganize before it can issue more securities. By this rule the burden is placed, as it should be, upon the utility to present a satisfactory plan of finance; and if any of the legal difficulties suggested by Mr. Roemer are still present, the application is not approved. No utilities commission need, nor ever should, permit the issuance of stocks or bonds in any case where such permission will serve, by reason of participation, to imply a legal sanction of outstanding issues where such outstanding issues have not the proper property values behind them. In the case of doubt as to the property values behind the securities, the commission can quite properly withhold its approval until the applicant utility shall have presented satisfactory evidence upon which the commission can act. With all due respect to the opinion of the eminent Senator from Wisconsin, as voiced in his present opposition to the railroad securities bill pending before Congress, I am plainly of the opinion that he has overlooked the distinction between a rate case, where the burden is upon the public, and a securities case, where the burden is upon the utility. In the former some one wants something against the utility. In the latter the utility wants something, and to get it it must disclose and not suppress evidence. Overlooking this distinction, the Senator advises us, as regards railroads, to wait until the Interstate Commerce Commission shall have finished its labors in valuing railroad properties, and then, by rates having proper relation to such value, to get rid of the water then found to exist in the railroads by rendering them unable to pay their obligations which shall have been incurred in the meantime in excess of what should have been incurred. And it is also evident that it is thought that water now exists and that more water will go in in the future, while the valuation is being made, for plainly if it were expected that nothing but the proper financing would take place there could be no objection to, although, of course, no need for, governmental action on the ground that such action would serve to recognize improper financing. In short, the very argument that no governmental restraint should be imposed, on the ground that improper securities might thereby be validated, presupposes, of course, the fact of the issuance of such improper securities in the case. We are justified in assuming that the lack of restraint hereafter pending the final completion of the stupendous work of valuation of railroads, as required by Congress, will leave the roads open to do more of this very thing and further to impair the financial standing of these properties.

And this is the advice of those who urge that we must not regulate securities, because by so doing we incur a moral obligation with reference to such securities. Too many securities have been issued in the past under no regulation. Too many will be issued in the future we know. Yet in the face of this condition we should do nothing, because our hands may be soiled also with guilt. Having the power to prevent and not preventing a crime, it occurs to me, imposes some kind of moral obligation, which possibly may be greater than that which attaches after an unsuccessful attempt to prevent such crime. Knowing that securities are being and have been issued and sold that should not be issued and sold, nevertheless let us permit it until in our good time we get ready to contract the earning power of the utilities through rates so they may no longer pay their obligations with consequent loss to investors and impairment of financial ability of the corporations properly to serve the public, all because of our fear of incurring a moral obligation by attempting to do something. Admitting we incur no legal obligation by regulation, as I think I have shown is the case when we ought to escape such legal obligation, there is not one cogent reason advanced which leads me to believe that we are not morally more bound by failure to regulate than by regulation. The corporation is the creature of the State. Every step which may be taken in issuing stock or authorizing bonded indebtedness must be taken in compliance with some statute. The State now regulates utility corporations in this regard as it does all corporations, and by so doing empowers such corporations to take advantage of the public and empowers the officers of such corporations to take advantage of the corporations themselves to the hurt of such corporations and the public. Add to this the fact that Government knows not only that these things may be done, but also that they have been and are being and will be done, and to my mind we have a pretty large moral obligation in itself and one that is minimized rather than accentuated by taking additional steps to prevent abuses possible under the authority already conferred. To relieve ourselves of any moral obligation at all we must dispense with the corporation itself. But having created the corporation with power of oppression under present economic conditions, can we excuse ourselves, if it oppresses, by the plea that by an attempt to prevent such oppression we become particeps criminis? Being entirely responsible for every power of this fictitious person wherein it issues securities, we can not avoid responsibility for what it accomplishes by means of such powers.

As palpably erroneous is the contention that by approving securities we will mislead investors. The very able chairman of the Wisconsin commission in a letter to the National Civic Federation states that by authorizing the issuance of securities and directing their investment the governmental authority involved "is likely to cause certain investors who purchase such securities as an investment without knowing anything of the management of the corporation or the possibilities of the enterprise to rely upon the State's sanction of the issues. These are the investors who need protection and who, I am apprehensive, will often be the victims of investments in ill-advised and mismanaged public-service corporations whose securities have been authorized by State commissions. The business man who deals in such securities needs no protection."

These views of Mr. Roemer deserve respect because of his great ability and long experience; but at the risk of appearing presumptuous, I respectfully suggest that a little analysis will show them to be fallacious. Who buys the bad securities to-day? Not the business man who deals in securities, for he, with or without regulation, makes his own independent investigation. So as to him regulation effects no change. Who, then, buys securities to-day under no regulation, without making an investigation for himself? The unwary, of course. Who will buy them under regulation, according to this argument, without independent investigation? Here, again, the unwary. The whole argument, then, is "unwary investors are now misled into buying bad securities. Make your securities better by effective regulation and issue fewer of them for the same amount of property, and thereby victimize the man by protecting him and giving him more for his money."

I have attempted to deal with the more important controverted questions involved in regulation of securities. I am strongly of the opinion that not one of the arguments advanced against regulation will bear analysis. I am convinced that these arguments are adduced in contemplation of ineffective regulation and are directed more against what has been and is being done in some quarters by way of regulation than against what the State can do under proper statute carefully and intelligently administered.

In summarizing the argument on the first objection it is well to have in mind what the railroad securities commission had to say with reference thereto. In this connection I call attention to the following comment:

"They (the railroads) have therefore been less able to give the shippers or the travelers the facilities that are requisite no less for the convenience and safety of the public than for the profitable utilization of the railroad itself. To the extent that we lessen the debt we shall increase the power of the railroads to raise money when the public needs added facilities and shall at the same time reduce the chance of default and lessen the severity of commercial crises."

And to what Dr. Maltbie, of the New York Public Service Commission, first district, one of the clearest thinking men engaged in regulation work in the country, also says:

"The State owes a duty toward investors as well as it does toward shippers and passengers. Further, proper regulation of securities will ultimately affect rates and service. It may not immediately, but in the long run better service and lower rates will be given by corporations that are upon a sound financial basis than by those having a great overcapitalization and unsound finances."

In short, as pointed out at length herein, whatever ought to be the result of overcapitalization and however much men may theorize, the fact remains that it has and does now affect rates and service, and a proper regulation of rates and service can not be had without regulation of securities.

In answer to the second objection, it appears that the State, by methods easily available, can regulate and is regulating securities without directly or indirectly validating or approving existing outstanding securities that should not be approved. Besides, the State incurs an obligation from an ethical standpoint in putting a corporation, by permission, in the way of doing a thing which results in a fraud, and particularly is the State morally derelict if after having conferred power on a corporation, and having seen such power used in a way to work injustice, at having the power to step in and prevent such injustice, fails to do so. And any restraint applied which tends to prevent such improper procedure on the part of corporations, instead of morally involving the State to an extent beyond which it is now obligated, tends, on the contrary, to lessen the moral responsibility.

As regards securities that are approved by the State under the proper precautions pointed out herein, I can give myself no great concern as to the effect of such approval. If the public utility commission does its duty, the approved securities should be good; and if it sees to it that the proceeds are honestly invested in the property and takes care that securities approved are not diluted through participation with other securities not approved, then why should not these securities be recognized in the rates? But regardless of any difficulties that confront those empowered to regulate securities, the condition under regulation is so immeasurably better for utility, patron, and investor, as far as can now be determined, that I am at a loss to understand the Jeremiahlike attitude of those who some years ago indulged the same childlike faith in the efficacy of regulation that some of the rest of us now display. But I could the better understand and perhaps agree with those formerly urging regulation and now so fearful of its results if they would point out wherein it has failed where effectively applied, instead of contending that it may produce results that have not yet come upon us. The evils of overcapitalization

in my mind, is advocated a merely passive policy with reference to railroad securities and not at all a definite positive program looking to the correction of evils found by this commission to exist or the prevention of the recurrence of such evils in the future. This demands that cogent reasons be given by one who advocates active regulation of securities of utilities. In the face of these eminent authorities and with what I believe to be a careful consideration of every argument adduced by them, I state definitely my belief, first, that regulation of the securities of utilities is necessary, and, second, that such regulation must take the form of control by the public authority and is not satisfied by publicity alone. In the limit of this paper it will be impossible, however, for me to discuss in detail the merits of regulation by control as opposed to regulation by publicity. My views on that question are fully set forth in the report above referred to.

The opponents of regulation of the securities of utilities by control present two important objections to such regulation: First, they urge that the regulation of rates and service of utilities does not require the regulation of the securities of such utilities; and, second, the regulation of the securities of utilities brings about a guaranty by the Government, if not in law at least in morals: (a) Directly of the securities approved, and (b) indirectly of the securities already outstanding and issued prior to control by governmental authority.

Some of those presenting these objections urge that they are insurmountable, and that no regulation whatsoever should be attempted. Others contend that they merely present difficulties inherent in the present scheme of regulation which is applied in Wisconsin, New York, California, and other States. Those who urge that some method other than the method of control applying in the States named should be applied generally favor a system of publicity, and some there are who suggest that we should adopt a method similar to that imposed by the English companies act.

I join issue on each one of the objections raised. I am of the opinion that not one of them is valid against the system of regulation which is growing up in the various States following the lead of Wisconsin, wherein the affirmative approval of the governmental authority is required before stocks and bonds may be issued, and I shall discuss these objections in the order named to the extent that is possible in a paper such as this.

FIRST, CAN ADEQUATE REGULATION OF RATES AND SERVICE OF UTILITIES BE BROUGHT ABOUT WITHOUT REGULATION OF STOCKS AND BONDS?

On this question Chairman Roemer, of the Wisconsin commission, in a letter to the National Civic Federation, says:

"As I view the matter, the regulation of the issues of corporate securities is and must be for the benefit of the investors. It has no bearing independent of statutory provision upon the question of rates."

Mr. B. H. Meyer, formerly of the Wisconsin commission, now of the Interstate Commerce Commission, in discussing this matter before the National Association of Railway Commissioners in October last, said:

"With power to establish the value of the public utilities on the one hand and adequate power to regulate rates and service on the other, I take it that the question of stocks and bonds is largely a question of public morals."

The Railroad Securities Commission has this to say on this point in its fifth recommendation:

"If we were compelled to assume that rates are to be materially influenced, either in their making by the railroads or in their regulation by the Government, by the amount and face value of the stocks and bonds outstanding, it seems to your commission impossible to escape the conclusion that these securities should be issued only under governmental regulation. Your commission, however, believes that the amount and face value of outstanding securities have only an indirect effect upon the actual making of rates, and that they should have little, if any, weight in their regulation."

Senator LA FOLLETTE, of Wisconsin, in the issue of La Follette's Weekly of January 31, 1914, editorially urges that regulation of the securities of railroads is not necessary to the regulation of rates. In this connection he says:

"The fair value of the property is the true basis. The public need not concern itself with all the villainies of overcapitalization which abound in the history of every railroad in the country."

It may be well at this point to state that it is generally conceded that there is no difference in principle between the regulation of securities of railroads and those of other utilities, and herein I shall make no distinction between the several classes of utilities in this regard.

Eliminating any consideration of the investor, who, according to some of these eminent gentlemen, deserves no protection, it appears that two fundamental fallacies exist in their reasoning: First, that they have forgotten apparently that the amount of the rate is not all that must be considered, but the character of the service as well. While the rate may remain the same, if the service deteriorates or the character of the commodity furnished by the utility is impaired, plainly the patron of such utility is paying a higher rate, when we have regard to what he is getting for his outlay. Second, they have neglected to inform themselves that, although legally they are correct and legally the financial condition of a utility need not be taken into consideration in fixing rates and requiring service, yet actually such financial condition can not be overlooked because it has always had and does now have a material effect on the rates and service of utilities.

That this is true in concrete cases is easily demonstrated. That it always will and must be the rule I believe is equally clear. Utilities, as other enterprises, are initiated, managed, and owned by men. Men, in the main at least, prefer their own advantage. Thus the natural inclination of those controlling the destiny of any public utility leads them, when a choice must be made between public service and private advantage, to choose private advantage. Gain has been, is now, and always will be the prime motive of those engaged in public utility as well as any other business, and the service of the public is only secondary thereto. Therefore we may naturally expect to find that procedure followed, in the absence of restraint, which is most likely to result in profits to those in control. In practice, those who initiate a public-utility enterprise attempt to get as much out of it as is possible and put as little as possible in, with the result that the enterprise starts with the maximum burden that can be imposed and not kill it in the beginning. Every dollar that is taken out, or rather withheld, by construction contracts, watered stock, or discount on bonds represents what is in effect a liability, and a liability which, if it take the form of a debt as a bond or a note, must be paid, and a liability which, if it represent water in stock, will be paid if those in charge of the property can possibly bring about such result. The design of every public-utility manager is, of course, to pay his bond interest and then to bring his stock to par or better. These results are sought regardless of the amounts which have been received by the utility for such bonds and stock. If obligations which netted the utility less than par are carried and paid off in the end, and if stock which has been sold for less than par ever goes to par, the extra funds to bring this about must come from the rates. When we view the history of utilities and see that in numerous cases the results here referred to have come about, we must conclude that, in such cases at least, capitalization has affected the rates; for such rates have been unquestionably higher by that amount than is necessary to pay the expense of doing the business and a reasonable return on the value of the property devoted to the public use. These men who have long studied this question, however, say that capitalization need not affect rates. We answer that historically it has done so, and we have no reason to believe that in the future it will not have a like effect. If we should put a certain amount of meal into a bag and go away and subsequently, on inspecting the bag, find more meal in it, we would probably be pardoned if we should conclude that the additional meal came from somewhere; and if only one person had had an opportunity to make the addition, we probably would not be far wrong in concluding that this individual was responsible. And when in the case of a utility certain funds, ascertainable in amount, go in from proceeds of stocks and bonds, and thereafter we find there are funds much in excess of these amounts in the utility and the only source from which money has been acquired in the interim has been the rates, we must here again be pardoned for believing the extra funds came from these rates. Of course, this reasoning overlooks appreciation in lands and kindred property, but the valuation theory, urged as a solution of our rate troubles by the very men who say capitalization does not affect rates, presents this same complication. As a matter of fact, however, practically the only public utility presenting the unearned-increment problem as a substantial factor is the railroad. And can anyone urge that the tremendous fortunes made from railroads by the Harrimans, the Goulds, the Hills, and others, not one of which resulted from dividends, but from sale or retention of securities with small, if any, return to the railroad corporation itself, can be accounted for on the theory that the lands owned by these railroads increased in value to such an extent? It is well known that much of the property now in use by public utilities has been purchased and is being purchased from funds realized from rates. Consequently such rates have been higher than necessary, and however able public authority is to make rates independent of and unaffected by capitalization, it has not yet done so.

Because, then, of a perfectly natural inclination of mankind, the tendency is to put the minimum into the utility at the beginning and take the maximum out in the form of stocks and bonds. The same natural inclination leads men in control to take the maximum out thereafter in rates in order to restore the margin between the minimum contributed in funds and the maximum retained in securities. It is idle to say that these inclinations working on the one hand to get the maximum out of the utility and on the other to get the maximum out of the public have no effect. Every one knows they have had an effect in the past and that, in the absence of restraint, they will have a like effect in the future.

It is very evident that corporations have but three sources from which to secure funds: Stock, borrowed money, and earnings. With stock all, or mostly all, out at the beginning, with bonds issued to an approximation of the value of the property and with consequent inability to sell more, there is left but the rates from which to secure funds. When we meet a situation such as this it always is necessary to secure more from the rates in order to get extensions or betterments, or else not have such extensions and betterments. We have to-day an exhibition of the result of impaired credit consequent upon the inability of the roads to sell more bonds under their present earning capacity, when we see the eastern roads applying to increase all of their rates in order that, with the higher earning power, additional money may be secured. When, as I have said, there is no possibility of getting money from the sale of stocks or bonds—the two main sources of revenue for the utility corporation—such corporation can not go forward unless it is enabled to do so from funds realized from its only remaining source of revenue, its rates. Thus by permitting those controlling the corporation without restraint to indulge their natural inclination and exhaust the two main sources from which revenue may be secured, as is always their tendency, we inevitably bring about a condition wherein through financial inability the utility can not accord to its patrons those rates and that service to which they are entitled.

Thus, if no regulation is afforded, we will inevitably have utilities tending toward overcapitalization. This tendency will result either in higher rates, as it has in the past, or in poorer service, for you will have utility managers by natural inclination and often of necessity, when proper rates are imposed, curtailing expenses, restricting service, and in every way possible tending toward the minimum service that can be rendered. Free to work their own will in their financial affairs and always tending, if not prevented, to overcapitalize and then held down to the minimum basis for earning through regulation of rates, utilities inevitably get into bad financial condition. This condition could be, at least, measurably prevented by putting restraint upon these natural inclinations by proper regulation of securities. I am prepared to cite examples from my own experience in regulation where needed extensions have not been made, added service denied, and exorbitant rates maintained, because of the necessity of the managers of such utilities to pay interest upon debts which too nearly approximated or were in excess of the value of the property devoted to the public use. It would seem to be clear that it is better, both in the interest of efficiency of utility operation and of economy in governmental machinery, to prevent such a condition being brought about, rather than wait until it is produced and then seek to force a utility to give the service at the rates that are justified but beyond its financial ability to give, with the result that a long contest ensues during which service is impaired, investors defrauded, and confidence shaken with no better condition after such contest than could have been brought about initially by proper regulation by the commission.

It appears, then, that failure to regulate securities permits bad financial conditions to grow up which impair the financial ability of the utility, and hence its service, until such bad financial conditions are remedied; and the remedy then unsettles conditions and defrauds investors, while less effort by way of prevention would maintain the financial ability and bring about conditions naturally that now must be forced through receivers, courts, and reorganization. In short, those who urge that the financial affairs of utilities should be let alone and that only rates should be regulated fail to see that they merely attempt to cure a condition which they admit is bad rather than try to prevent it. They further overlook the fact that, if it is right to cure it, prevention is certainly justified. If, as we contend, overcapitalization naturally occurs in the absence of restraint and that overcapitalization is the usual condition which we meet, it readily appears that its cure must always be made at the expense of some one, as the money diverted

Roman Empire died of excess of urbanism. The Roman Empire, so strong and well cultured in art and literature, erred in neglecting agriculture. To satisfy the plebeian in the cities they built magnificent theaters, temples, and monuments that we admire to-day but neglected agriculture, and it was ruined. The people have pressed to the populous centers until the cities are overrun with beggars, loafers, and tramps. The newly rich families only seek to spend their money so as to show their wealth and compete with older families in luxuries, causing the poorer class to envy them and curse the situation. The cities in competing with one another advertise the schools and the pleasures they have in the cities and attract the attention of the rural population. The high cost of living is unnecessary. The present condition of the United States is very similar to the condition of the Roman Empire in the second and third centuries. Our theoretic system of agriculture will be our ruin. This impractical system is ruining farm and forest. We have to change our system of agriculture to increase the rural population, improve farms and farming, and we soon will reduce the high cost of living. Impractical education is reducing the rural population and increasing the consumers.

The rural population can keep up prosperity of the land. The farmer has to provide for all. Ruin the farm and the country is ruined. Urbanism will be our ruin. The industries of the large cities will increase luxuries and wants. The increase of production does not keep pace with the increase of population. Our theoretical professors, without practical knowledge and experience, can not remedy this lamentable situation. The impractical education in our agricultural colleges is driving the children from the farm to the cities, thereby helping to ruin farm and forest. If we would model our system of agriculture after the English, German, and Danish systems, we could double our farm products and reforest each State in the Union with less expense than we have now

The foresters at the James Reserve planted 6 acres with 10,000 seedlings. Mr. Mahoon planted at the Zuni Reserve 1,750 seedlings on 1¾ acres. Messrs. Peck, Hayes, Philips, and Myers hired Indians to plant 5,000 seedlings on 2½ acres The supervisor in Colorado says, in his report, we planted in three years 54 acres and in one of the years 27,000 pine seedlings and 3,200 Douglas fir seedlings on 15 acres. Colorado has more than 6,000,000 acres to go over.

With such reforesting it will take 10,000 years to get over the ground and will cost twenty times as much as a practical forester would spend.

The Bureau of Forestry published how much seed was sown, how many seedlings were planted, but did not publish how many seeds or seedlings grew.

The Bureau of Forestry published how many seedlings grew in the nurseries, but did not publish how much it cost to raise these tree seedlings. It can easily be demonstrated that they can be raised for one-tenth of the present cost.

The present system is responsible for reducing many poor people almost to the point of starvation by depriving them of the privilege of collecting dead wood and seeds, the collection of which is a benefit to the individual and the forest and if not collected is a determent to the forest.

This forest system was partly responsible for the forest fires.

This forest system has directly and indirectly wasted money and forest.

This forest system had impractical college boys to start nurseries, who did not know how to start nurseries on different elevations and kinds of soil. Most of this money has been wasted if not all. This forest system sent inexperienced college boys to estimate the standing timber who had no practical knowledge whatever, so that the boys had a picnic at Government expense and made no valuable report. Publications of last year stated that 530 pounds of pine seed were sown on 45 acres. So much seed, properly planted, would plant 6,000 acres. Publications say that the foresters will sow 5,500 pounds of seed on 700 acres. Properly planted, this would plant 25,000 acres. All such seeding is now feeding rats, mice, and squirrels. The present system is not teaching forestry, but is fostering a lot of useless employees who are ignorant of the business. Three thousand foresters and rangers are worse than idle, doing very little useful work, but harassing and tyrranizing farmers, miners, small sheep and cattle owners, making false reports, depriving poor citizens from collecting dry wood, cutting grass, collecting seeds, a benefit to the citizen and grave danger for fire if left in the forest. Foresters and rangers under this present system are a detriment rather than a benefit to the forest. The few acres seeded and planted are in such a condition that a real forester would be ashamed to mention it. Many men are driven to desperation to set fire to the forest. No practical work is done for future benefit. Nine-tenths of the forestry bulletins are useless. They are of no practical use to the farmer and the average citizen can not comprehend them. The publications of the forester say we have planted 20 acres with seedlings with 15 men in 20 days, and they expect half of those seedlings to grow; one practical forester can plant more than 20 acres in 20 days and all should grow. Forest Bulletin 98 says, on page 36, the foresters sow on 1 acre 700,000 seeds of the Engleman spruce and a practical forester needs only 2,000 seeds; they sow also 360,000 seeds of the lodgepole pine and 260,000 seeds of the Douglas spruce and only 2,000 seeds are needed to the acre. This is all the work of the impractical forester. At the present rate of wasting and selling available timber and no reforesting done in 10 years we will have no available timber to sell in the West.

Foresters and rangers make reports to suit themselves. No investigations of forest are made and no man is there who can make investigation and make a correct report. If a farmer or miner complains, he will never get a just hearing and no citizen can appeal, so he has to suffer. There were reported 3,138 forest fires in 1912; 2,164 were extinguished by the rangers. Like all reports of foresters and rangers it is impossible to believe that half of that number of fires started, except the rangers themselves set fire to the forest to make a good report to headquarters. If proper care was taken of the eastern and southern forestry, it would add thousands of millions of dollars to the national wealth. Every county in the United States should have a supervisor to see that all the waste and worn-out land should be reforested. The agricultural colleges in the States should teach forestry and agriculture. Too much theory and too little practical teaching is taught.

Every farm of 160 acres has from 5 to 100 acres of land idle that should be used for reforesting The State authorities should require that all this land should be reforested. It would add to the comfort of the farmer and his cattle and be a beneficial ornament. The present forest system is inefficient; the Agricultural Department needs practical men to direct the work. A forester should live in the forest, not 50 miles to 200 miles from the base of operations. A district forester should, every morning, direct his foresters, apprentices, and rangers to do certain useful work, especially to make fire guards and reforest, and not trouble miners and farmers. The district forester should be present while planting seedlings and not leave it to inexperienced boys and laborers.

Our president said, in his address in Kansas City, September 25, 1912, Mr. Holmes of the Agriculture Department says we can raise a bushel of wheat at the expense of 3½ cents and a bushel of corn at 10½ cents. The December crop report says it cost at the average 66 cents to raise a bushel of wheat, and in Iowa 31 cents; in Maine 72 cents to raise a bushel of corn; both are agricultural reports. The president said that in England and Germany they raise twice as much grain to the acre on land cultivated for 100 years as we do on new land. If we would model our agricultural system after the English, German, and Danish agricultural systems, we would soon raise twice as much to the acre. We have to combine the best methods of the three countries in our agricultural system to improve our farm and farmers. The publications say to use commercial fertilizers is a detriment to most farmers, without knowing how to use it for the different kinds of soil or how to use it for the different kinds of crops. The different kinds of soils and crops need different fertilizers, and if the soil is not enriched with stable or green manure the soil is impoverished with commercial fertilizers. Our theoretic college professors can not teach the plain farmers practical farming he himself does not know. Only an intelligent farmer can teach the plain farmers, and each county should have a few farmers taught how to analyze the soil and how to use the different fertilizers on different crops—farmers learn from the farmers. Our president said we have spent $100,000,000 on commercial fertilizer. More than half was wasted by ignorance, not knowing how to use it. I learn a league is formed to ask $500,000 of Congress to experiment improving and fertilizing the soil. It can be demonstrated in two hours how to improve and fertilize the soil most practically. The speakers in our conservation congress are lamenting the impoverishing of the soil of the farms. That we raise every year less grain is a calamity for the Nation, but nobody gives any practical remedy. A practical agricultural system would remedy it. The forest association is lamenting the depleting of the forest. Theoretic addresses never give a remedy; only a practical forest system will be a remedy.

The agricultural college can not teach practical farming on 10 or 100 acres in one part of the State; neither forestry on 100 or 1,000 acres. It takes a forest to teach practical forestry by a practical forester. If the money uselessly spent at agricultural colleges and experiment stations was used to help assist poor families in the cities to start on a farm, great benefit and improvements would be the result, as many a farmer boy and girl, by the wrong, theoretic education, has left the farm for the city and to-day thousands would go to the farm if they had the means to start again. This top-heavy education of the college is a detriment and ruin to our children.

M. J. NAGEL.

STATE REGULATION OF PUBLIC UTILITIES.

Mr. WORKS. Mr. President, I have here an article published in the May number of the Annals of the American Academy of Political and Social Science, by Hon. John M. Eshleman, president of the Railroad Commission of the State of California, entitled "Should the public utilities commission have power to control the issuance of securities?" It is one of the strongest arguments that I have yet seen or heard in favor of the control of the issuance of securities of corporations by railroad commissions; and as that is a live issue before the Senate at the present time, I ask that the article may be printed in the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The article referred to is as follows:

SHOULD THE PUBLIC UTILITIES COMMISSION HAVE POWER TO CONTROL THE ISSUANCE OF SECURITIES?

[By John M. Eshleman, president Railroad Commission of the State of California.]

Inasmuch as this volume is devoted to a discussion of State regulation of public utilities, and as I am not informed whether the issue to be discussed is the propriety of regulation of utilities at all, or, admitting the propriety of such regulation, whether to State or to municipal authorities should be accorded the right of regulation, I am somewhat at a loss how to attack the subject upon which I have been requested to contribute a paper. I shall assume, however, that it is desired that I discuss the issue whether the control of the issuance of securities should be assumed at all by whatever regulatory authority to which the work of regulation is intrusted.

The propriety of the regulation of securities of utilities, with particular reference to railroads, was the subject of a report to the National Association of Railway Commissioners at its annual session in Washington, October 28 to 31, 1913, by the committee on railway capitalization. The report of this committee advocating regulation of securities of railroads by the Interstate Commerce Commission was adopted, but not without considerable opposition. It was not there urged, however, by anyone that there should not be some form of regulation, the principal question at issue being whether regulation should be by a method of control or a method of publicity. The report of the committee, which was adopted, recommended regulation by control as opposed to regulation by publicity. This report, with the discussion thereon, is found in the Proceedings of the Twenty-ninth Annual Convention of the National Association of Railway Commissioners, pages 114 to 223 and 238 to 257.

One of the first States which has attempted comprehensive regulation of the securities of utilities is Wisconsin. The fiscal affairs of utilities of that State, including railroads, have been under the jurisdiction of the Wisconsin Railroad Commission for several years. Regardless of that fact, the present chairman of the railroad commission of that State, a former chairman of that commission, now a member of the Interstate Commerce Commission, and the United States Senator who has heretofore most strongly urged the necessity of the regulation of securities of utilities, are now apparently inclined to the belief that the regulation there prevailing is improper. Furthermore, the Railroad Securities Commission appointed by President Taft in 1910, and consisting of Arthur T. Hadley, president of Yale University, chairman, Frederick N. Judson, Frederick Straus, Walter L. Fisher, and B. H. Meyer, transmitted a report to the President wherein, regardless of protestations on the part of members of this committee to the contrary,

He also presented a memorial of sundry citizens of Delaware, remonstrating against the enactment of the so-called Clayton antitrust bill and alleging that certain provisions thereof are discriminatory in character, which was referred to the Committee on the Judiciary.

Mr. CUMMINS. I have received many petitions in the form of telegrams, letters, and resolutions, favoring the adoption of the joint resolution proposing an amendment to the Constitution of the United States prohibiting the manufacture, sale, and transportation of intoxicating liquors. I present the petitions and ask that they be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The petitions will be received and referred to the Committee on the Judiciary.

Mr. BRANDEGEE. I have received a great many petitions, telegrams, and memorials in relation to the same subject, both for and against it. I have had great numbers of remonstrances signed by individuals and sent to me in packages, not exactly in the form of petitions, but I present them, together with several other petitions, and ask that they may be appropriately referred.

The VICE PRESIDENT. The petitions and memorials will be received and referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Medical Society of Riverside County, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of San Francisco and Mountain View, in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DILLINGHAM presented petitions of sundry citizens of the State of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Department of Maine, Grand Army of the Republic, assembled at Lewiston, Me., June 17, 1914, favoring the appointment of a soldier to the position of surveyor of the port at Portland, Me., which was referred to the Committee on Commerce.

Mr. WORKS presented telegrams in the nature of memorials from sundry citizens of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented telegrams in the nature of petitions from sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WARREN presented a petition of sundry citizens of Cheyenne, Wyo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CATRON presented a memorial of Local Union No. 330, International Union of the United Brewery Workers, of Albuquerque, N. Mex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a memorial of Local Branch, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against the recent dismissal of certain employees of the Washington City post office, which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a telegram in the nature of a memorial from A. D. Grant, of Keene, N. H., remonstrating against the enactment of legislation providing for national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Pastors' Union of Lockport, N. Y., praying for the enactment of legislation to prevent the sale of opium and cocaine except for medicinal uses, which was ordered to lie on the table.

He also presented a resolution of the Board of Aldermen of New York City, N. Y., remonstrating against the proposed appropriation for renovating and repairing the present post-office building in New York City and favoring an appropriation for a new Federal building on some other and a more suitable location, which was referred to the Committee on Public Buildings and Grounds.

He also presented a memorial of the Merchants' Association of New York City, N. Y., remonstrating against the provisions in the sundry civil appropriation bill and the pending antitrust bills exempting labor and farmers' organizations, etc., from prosecution under the antitrust laws, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Saranac Lake, Waterport, Odessa, Rochester, Buffalo, New York City, and Babylon, all in the State of New York, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. MARTIN of Virginia presented petitions of sundry citizens of Fairfax County, Newport News, and Staunton, all in the State of Virginia, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13920) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 4638. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16162. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west, of the sixth principal meridian.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (S. 2823) relating to the temporary filling of vacancies occurring in the offices of register and receiver of district land offices, reported it with an amendment and submitted a report (No. 636) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 963) for the relief of Mrs. Andrew Riganopolous (Rept. No. 637); and

A bill (H. R. 9362) for the relief of R. B. Whitacre & Co. (Rept. No. 638).

Mr. SHIVELY, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 4282) to establish in the War Department and in the Navy Department, respectively, a roll designated as "the Army and Navy medal of honor honor roll," and for other purposes (Rept. No. 639); and

A bill (H. R. 16294) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war (Rept. No. 640).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 6025) for the relief of the heirs of Lewis D. Brown; to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 6026) granting an increase of pension to Mary A. Seileck (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 6027) granting a pension to Ella M. Decker (with accompanying papers); to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 6028) to authorize the Commissioner of Navigation to cause the rebuilt bark *Simla* to be registered as a vessel of the United States (with accompanying papers); to the Committee on Commerce.

By Mr. OVERMAN:

A bill (S. 6029) granting a pension to William M. Miller; and

A bill (S. 6030) granting a pension to Daniel W. Setzer; to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. O'GORMAN submitted an amendment proposing to appropriate $1,000 to pay the clerk of the Committee on Interoceanic Canals for extra services, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

INDIAN LAWS AND TREATIES.

Mr. CLAPP submitted the following concurrent resolution (S. Con. Res. 25), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of Senate Document No. 719, Sixty-second Congress, second session, entitled "Indian Affairs, Laws and Treaties," volume 3, 500 of which shall be for the use of the Senate, 1,500 for the use of the House of Representatives, 200 for the Commissioner of Indian Affairs, 50 for the House Committee on Indian Affairs, 50 for the Senate Committee on Indian Affairs, 100 for the Department of the Interior, 50 for the compiler, and the remaining 550 shall be sold by the superintendent of documents.

THE FORESTRY SERVICE.

Mr. CATRON. I have here an article written by Mr. M. J. Nagel on the Forestry Service, which contains about two closely written pages. It pertains to a matter which, I think, would be of interest to the committee investigating this subject, and I ask that it may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the article was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Our system of agriculture is the most theoretic and impractical system in existence. It is the ruin of foresters and forest. It is the ruin of farmers and farms, wasting labor and money, creating floods and destruction, misleading the Government and public with theoretic statistics. The most important branch of our Government, the Forestry Service, is managed by theoretic professors and college boys. They are not acquainted with practical work.

The report of the special forestry committee of the conservation congress is misleading to the Government and public. The theoretic addresses are most impractical, and not a word is mentioned about how to correct the ignorance of practical forestry. If this system of forestry was advised by a man in France or Germany, he would be considered incompetent. This report says, on page 359, "It is estimated that seven and a half million acres of denuded forest land in the national forest require reforestation. Under the present plans 30,000 acres are reforested annually." I am sure not half of it has a stand. I can advise and teach the present force of men to reforest 500,000 acres annually at a much less expense than at the present time. The report says, "It will cost $12 per acre to reforest." I can teach and will take the contract to reforest every acre of denuded land, abandoned farms and fields in the United States for less than $5 per acre, and all will grow. By this method more than $50,000,000 can be saved in reforesting seven and a half million acres.

The report says nothing of how to prevent floods, regulate the flow of waters in the rivers; nothing of the useless and misleading publications by impractical professors and employees in agricultural colleges that are ruining the farm and forest. An investigation should be made by men who are experienced and competent in practical agriculture. I can prove what I say and can advise how to change our system of agriculture so as to better conditions.

If the Government, States, counties, townships, and farmers will work in harmony, we can reforest 2,000,000 acres each year, as can be demonstrated.

Statements about German forest and forester are false, erroneous, and misleading; such publications are to draw more money from the Public Treasury.

All abandoned farms and fields should be reforested, and dams should be built in all ravines and creeks to store the water and prevent the silt from washing into the rivers. This will regulate rivers and floods. No estimation can be made at the present time as to how much water could be stored for the benefit of farm and forest.

If the money appropriated by the Smith-Lever bill would be spent judiciously by practical experienced men of agriculture, men who know the conditions of farms and farmers and do know how to teach farmers, that bill would be a blessing and would help to double the crop of agriculture; but, as proposed, to send inexperienced college boys to instruct farmers, it will do very little good and will work harm.

The most important and vital question at the present time is how to improve our farms and keep the rural population on the farm. The

Also, petition of sundry citizens of Chenango County, Mecklenburg, Freeville, and Rathbone, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Petition of 25 citizens of New Waterford, 60 citizens of Canton, and a mass meeting at Lakeville, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petitions of sundry citizens of Astoria, Ill., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Kewanee, Ill., and the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of George T. Seibert, of Urbana, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WOODRUFF: Petition of Rose T. Farrier, Edith M. Schmuler, and others, of Montgomery County; Olive N. Ewing, N. Kate Backus, and others, of Harbor Springs; and Harriet Jane Comstock, Mary L. Uierfilent, and others, of Alpena, all in the State of Michigan, favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Hope and Onaway, Mich., favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *July 2, 1914.*

The Senate met at 11 o'clock a. m.

Rev. A. J. Dickinson, D. D., of Birmingham, Ala., offered the following prayer:

Most gracious God, we thank Thee for our country and for the civilization that we hold in trust for coming ages. We pray Thee that Thy blessing may attend this great land. Guide Thou this House in its deliberations and promote peace and happiness among men. Guide, we pray Thee, the Senators in their taking of counsel one with another. Lead us to right ends. May we live to Thy glory, and may prosperity attend the land. And unto Thee Thou King Eternal, invisible, Thou only wise God, be the glory forever and ever. Amen.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Mrs. Vitha B. McClendon, administratrix of Joel McClendon, v. United States, and Jean Michael Vendenheim v. United States (S. Doc. No. 529).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

CALLING OF THE ROLL.

Mr. JONES. Mr. President, I see just two Senators on the other side of the Chamber. I raise the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Norris	Sterling
Brady	Fletcher	Page	Sutherland
Brandegee	Gallinger	Perkins	Thomas
Bryan	Hughes	Ransdell	Thornton
Burleigh	Jones	Sheppard	Townsend
Burton	Kern	Shively	Walsh
Catron	Lane	Simmons	Warren
Chamberlain	Martin, Va.	Smith, Ga.	White
Culberson	Martine, N. J.	Smith, Mich.	Works
Cummins	Newlands	Smoot	

Mr. SMITH of Georgia. I desire to state that my colleague, the junior Senator from Georgia [Mr. WEST], is still detained in his room on account of the injury he received a few days ago. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I wish to transfer that pair for the day to the junior Senator from Georgia. So I will vote during the day, in view of the transfer of my pair, and I will not announce it again.

Mr. KERN. I desire to announce the absence of the junior Senator from South Carolina [Mr. SMITH], who is unavoidably detained, and also the absence of the Senator from North Carolina [Mr. OVERMAN], the Senator from Kansas [Mr. THOMPSON], the Senator from West Virginia [Mr. CHILTON], the Senator from Iowa [Mr. KENYON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Tennessee [Mr. LEA], who are absent on business of the Senate, being in attendance upon a committee. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the absentees.

The Secretary called the names of the absent Senators, and Mr. STONE and Mr. VARDAMAN answered to their names when called.

Mr. DU PONT entered the Chamber and answered to his name.

The VICE PRESIDENT. Forty-two Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms is instructed to request the attendance of absent Senators. He will execute the order of the Senate.

Mr. O'GORMAN, Mr. POINDEXTER, Mr. CLARKE of Arkansas, Mr. CLAPP, Mr. KENYON, Mr. THOMPSON, Mr. CHILTON, and Mr. OVERMAN entered the Chamber and answered to their names.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Illinois [Mr. SHERMAN] on account of illness in his family. He has a general pair with the Senator from South Carolina [Mr. TILLMAN].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. KERN. I move that the order directing the Sergeant at Arms to request the attendance of absent Senators be vacated.

The motion was agreed to.

ADJOURNMENT OVER THE FOURTH OF JULY.

Mr. KERN. I move that when the Senate adjourns on Friday evening, which is to-morrow evening, it be until Monday following, at 11 o'clock a. m.

The motion was agreed to.

MONUMENT TO PRESIDENT JOHN TYLER.

The VICE PRESIDENT. Some time since the Senate of the United States and the House passed a concurrent resolution calling upon the Chair to appoint five Senators to attend the unveiling ceremonies of the monument to be erected over the grave of the late President of the United States, John Tyler. In compliance with the provisions of the concurrent resolution (S. Con. Res. 22) the Chair appoints Mr. MARTIN of Virginia, Mr. SWANSON, Mr. CHILTON, Mr. GORE, and Mr. GALLINGER members of the joint committee on the part of the Senate to represent the Congress of the United States.

PETITIONS AND MEMORIALS.

Mr. DU PONT. I present a resolution adopted at a meeting of the Delaware Bankers' Association held at Lewes, Del., on June 18, remonstrating against the enactment of legislation so far as it relates to interlocking directorates of banks. I ask that the resolution may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

DELAWARE BANKERS' ASSOCIATION,
Wilmington, Del., June 18, 1914.

Hon. H. A. DU PONT,
United States Senate, Washington, D. C.

DEAR SENATOR DU PONT: At a meeting of the Delaware State Bankers' Association, held at Lewes on June 18 the bill (H. R. 13657) relating to interlocking directorates was fully discussed, and the following resolution unanimously adopted:

"*Resolved*, That we are strongly opposed to this bill for the reason that we believe it will deplete the numbers and impair the efficiency of our bank boards by robbing them of many of our strongest members at the very time their services are most needed—particularly is this true of smaller cities and towns—and impair confidence by fearing down and lowering the tone of bank managements, and in many ways interfere with the successful launching and operation of the Federal reserve act, which fact is of such importance as to overshadow any legislation which under other circumstances might seem advisable. We believe that the bankers and business men are more anxious even than our legislators to eliminate from the new system the abuses that have crept into the old, and that legislation is unnecessary to accomplish this end. At least, give them a chance. We believe that the welding together of a great mass of strong banks and strong men is essential to the success of the plan, and that it is unwise to legislate against the whole country for the purpose of correcting abuses existing in one locality."

Respectfully submitted.

WILLIAM WINDER LAIRD,
Wilmington Trust Co.,
JOHN RICHARDSON, Jr.,
National Bank of Delaware,
ERNEST COOPER,
Farmers' Bank of Wilmington.
Committee.

Mr. DU PONT presented a petition of Capital Grange, Patrons of Husbandry, of Dover, Del., favoring Government ownership of telegraph and telephone lines, which was referred to the Committee on Post Offices and Post Roads.

Also, 15 petitions from residents of Pacific Grove, San Francisco, Vallejo, Greenfield, Long Beach, Pasadena, Los Angeles, all in the State of California, favoring the prohibition constitutional amendment; to the Committee on Rules.

By Mr. LANGLEY: Petition of Elizabeth Scoville, Cynthia E. Flanery, and others of Posey, Ky., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Petition of sundry citizens of Pottsville, Pa., favoring woman suffrage; to the Committee on the Judiciary.

By Mr. LESHER: Petition of Alice M. Robins and others, of Bloomsburg, Pa., urging legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LEVY: Petition of 14 business men and other citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of Jacob Levit and D. E. Lynch, of New York City, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. LEWIS of Maryland: Petition of various members of the Locust Valley Church of God, Christian Endeavor, and missionary societies, for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of various members of the Young People's Society for Christian Endeavor of St. Paul's Lutheran Church, of Cumberland, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of G. A. Sauer, of Hartford, Conn., protesting against the adoption of Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petitions of Anna Korendu and Amy E. Marble, of Tablerock; Mrs. P. M. Hall and 500 others, of Lancaster County; C. P. McGeri, of Falls City; Mrs. George Schwaser and others, of David City, all in the State of Nebraska, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MITCHELL: Petition of A. Gertrude Dudley, Margaret C. Colgate, and others, of Rockland, Mass., urging woman-suffrage legislation; to the Committee on the Judiciary.

By Mr. MOORE: Telegrams from the Enterprise Laundry Co., E. W. Fischer & Sons, the Fred Feil Brewing Co., the Oxford Silk Co., and sundry citizens, all of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the First Church of the Covenanters of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. MORIN (by request): Petitions of sundry citizens of Pittsburgh, Philadelphia, and Allegheny County, all in the State of Pennsylvania, against national prohibition; to the Committee on Rules.

Also (by request), petition of the Waverly Oil Works Co., of Pittsburgh, Pa., favoring Senate bill 5550, to remove from monopoly control the transportation and storage of petroleum oil; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh and Philadelphia, Pa., favoring House bill 13305, to tax mail-order houses; to the Committee on Ways and Means.

Also (by request), petition of the city council of Bradford, Pa., favoring House bill 5139, for civil-service retirement; to the Committee on Reform in the Civil Service.

Also (by request), petition of the American National Retail Jewelers' Association, favoring House bill 2972, relative to time guaranties on gold-filled watches; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., relative to antitrust legislation; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Philippine Islands relative to present tariff law; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring bill relative to liability for loss of live stock in shipment; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring House bill 14328; to the Committee on the Post Office and Post Roads.

Also (by request), petition of the Building Trades Department, American Federation of Labor, favoring House bill 8593; to protect workmen in the District of Columbia; to the Committee on the District of Columbia.

Also (by request), petitions of sundry citizens of McCrea, Pittsburgh, Allegheny County, and Allentown, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, favoring the passage of the prohibition constitutional amendment now pending before Congress; to the Committee on Rules.

Also, petition of the San Francisco Chamber of Commerce, favoring House bill 15986, to prevent transmission of false statements through the mails; to the Committee on the Post Office and Post Roads.

By Mr. O'LEARY: Petitions of Jarvis, Lake & Grandville, of Far Rockaway, and William H. Hahn, the Manufacturers and Dealers' League, and the Pressler & Hassbacher Chemical Co., of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the East Buffalo Live Stock Association, favoring passage of Senate bill 4522; to the Committee on Interstate and Foreign Commerce.

Also, petition of G. F. Murray, of New York; G. H. Miller, Catherine G. Whitford, H. B. Belcher, and sundry citizens of Elmhurst, all of the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of 567 citizens of Providence, and delegates to conference held in Providence, the Christian Endeavor Society of the People's Church of Auburn, and the quarterly conference of the Thames Street Methodist Episcopal Church of Newport, the Christian Endeavor Societies of Elmwood Avenue of Providence, the Pearl Street Baptist Christian Endeavor Society of Providence, and of the First Baptist Church of East Providence, and Christian Endeavor Society of the Church of Christ of Providence, all in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass.; the First Baptist Church and Central Congregational Church of Orange, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petitions of sundry citizens of the thirty-sixth congressional district of the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the thirty-sixth congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. REED: Letters from Arthur R. Layman, of Dover; Rev. Irving J. Enslin, of Derry; D. M. Rowe, Rev. F. L. Wiley, and Arthur M. Shattuck, of Laconia; Fred H. Smith, of Meredith; Willis F. Otis, of Strafford; Rev. William G. Berkeley, of Newington; Tilton C. H. Bouton, of Hudson; Mrs. H. C. Remick, of Concord; Charles F. Ruee, of Danville; Howard L. Winslow, of Salem; Oscar Fask, of East Candia; and Natt. F. Platts, of Manchester, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of sundry citizens of Milford and New Haven, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Resolution of the Baptist Church of Wymore, Nebr., and a public meeting at Wymore, Nebr., in favor of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 85 citizens of Detroit, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of New York: Petition of 204 voters of the twenty-fifth congressional district of New York, against passage of Hobson-Sheppard-Works resolutions for national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of John T. Birge and 110 members of the Second Presbyterian Church, of Troy, N. Y., in favor of the passage of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. THOMSON of Illinois: Petition of 24 citizens of Chicago, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of Cameron, Ithaca, Addison, and Corning, the First Presbyterian Church of Caulsten, the Methodist Episcopal Church of Canton, the Methodist Episcopal Church of Apalachin, the First Baptist Church of Canton, and sundry citizens of Chemung County, all in the State of New York, favoring national prohibition; to the Committee on Rules.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 751. An act to repeal section 3480 of the Revised Statutes of the United States.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries to lands in the Flathead irrigation project, Montana; to the Committee on Irrigation of Arid Lands.

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 2806. An act relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service; to the Committee on Interstate and Foreign Commerce.

S. 5731. An act for the relief of William Cronley; to the Committee on Military Affairs.

S. 5978. An act to refund to the American Surety Co. of New York an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 2651. An act providing for the purchase and disposal of certain lands containing the minerals kaolin, knolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on the Public Lands.

S. 1653. An act providing against the abandonment of destitute, infirm, or aged parents; to the Committee on the District of Columbia.

S. 3768. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 2466. An act for the relief of Elsie McDowell Bunting; to the Committee on Invalid Pensions.

S. 1802. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Interstate and Foreign Commerce.

S. 655. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement; to the Committee on Military Affairs.

S. 543. An act to correct the military record of John T. Haines; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p. m.) the House adjourned until to-morrow, Thursday, July 2, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of communication of the Assistant Secretary of the Interior submitting estimate of appropriation for the relief of Jacob Wirth for loss of two horses while hired by Geological Survey (H. Doc. No. 1106); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of communication of the Secretary of the Navy submitting estimate of appropriation required by the Navy Department for cleaning, repair, and upkeep of grounds and roads at Naval Observatory, Washington, D. C., for fiscal year ending June 30, 1915 (H. Doc. No. 1107); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17511) to authorize the Great Western Land Co. of Missouri to construct a bridge across the Black River, reported the same with amendment, accompanied by a report (No. 916), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KEATING: A bill (H. R. 17579) authorizing the Secretary of War to deliver to Kilpatrick Post, No. 41, of La Junta, Colo., two condemned cannon and a suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 17595) to provide for a site and public building at Farmington, Me.; to the Committee on Public Buildings and Grounds.

By Mr. BUCHANAN of Texas: A bill (H. R. 17596) to provide for the purchase of a site for a public building in the city of Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS of Massachusetts (by request): A bill (H. R. 17597) providing for the purchase of the suit of clothes worn by President Lincoln at the time of his assassination; to the Committee on the Library.

By Mr. KAHN: Resolution (H. Res. 561) directing the Secretary of State to transmit to the House such letters, documents, or instructions given to Hon. John Lind, special representative of the President of the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. PADGETT: Joint Resolution (H. J. Res. 290) authorizing officers and enlisted men of the Army and Navy of the United States to wear badges adopted by military societies of men who served in the Nicaraguan Expedition during the year 1912; to the Committee on Naval Affairs.

By Mr. MOORE: Joint resolution (H. J. Res. 291) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LESHER: A bill (H. R. 17598) granting an increase of pension to Uriah Golder; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 17599) granting a pension to Marvel J. Nash; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 17600) for the relief of the legal representatives of Mary A. Youree, deceased; to the Committee on War Claims.

By Mr. GARD: A bill (H. R. 17601) granting an increase of pension to Nelson Thompson; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 17602) granting an increase of pension to John S. Stout; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 17603) for the relief of John T. Walsh; to the Committee on Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17604) granting a pension to Francis Prendergast; to the Committee on Pensions.

Also, a bill (H. R. 17605) granting an increase of pension to Henry D. Moulton; to the Committee on Invalid Pensions.

By Mr. SLOAN: A bill (H. R. 17606) granting an increase of pension to David Kelley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17607) granting an increase of pension to William McKenney; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17608) granting an increase of pension to Charles H. Stansbury; to the Committee on Invalid Pensions.

Mr. SAMUEL W. SMITH: A bill (H. R. 17609) granting an increase of pension to William W. Cook; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution signed by the pastor of the Methodist Episcopal Church of Winfield, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of sundry citizens of New Albany, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ANSBERRY: Petition of the Sunday School of St. Paul's Methodist Episcopal Church, of Napoleon, Ohio, and sundry citizens of Scott, Ohio, favoring national prohibition; to the Committee on Rules.

Also, petitions of H. A. Dertrick and others, of Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of 200 citizens of Altoona, Pa., and a mass meeting of citizens at Hollidays Methodist Episcopal Church, at Hollidaysburg, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Roaring Spring, Pa., favoring passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of the Blair County (Pa.) Liquor Dealers' Association, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Forty-seventh Annual Encampment of the California and Nevada Grand Army of the Republic, protesting against change in the American flag; to the Committee on the Judiciary.

Also, petition of W. S. Parker and 38 others, of Monrovia, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BOOHER: Petition of 400 citizens of Buchanan County, Mo., protesting against national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the Buffalo (N. Y.) Live Stock Association, favoring Senate bill 4522; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Army Field Clerks' Association, favoring House bill 9687, relative to increase in pay for Army field clerks; to the Committee on Military Affairs.

Also, petition of Eleonora Youtcheff, of New York, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of the North Side Board of Trade of New York, favoring Senate bill 8590, to improve the port of New York; to the Committee on Rivers and Harbors.

By Mr. DALE: Petition of the New York State Federation of Labor, favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Claflin, Thayer & Co., of New York, protesting against the Clayton antitrust bill; to the Committee on the Judiciary.

Also, memorial of the General Post Office Letter Carriers' Mutual Benefit Association of New York City, protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. DILLON: Petition of sundry citizens of Yankton, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of the Summerfield Methodist Episcopal Church, of Philadelphia, Pa., and the Seventh United Presbyterian Church, of Philadelphia, Pa.; mass meeting of citizens of Simpson Memorial Methodist Episcopal Church and the Fox Chase Methodist Episcopal Church, of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petitions of 90 citizens of Olsburg, 15 citizens of Burlington, 90 citizens of Emporia, and mass meetings of citizens of Carbondale and Auine, all in the State of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. FLOOD of Virginia: Petitions of sundry citizens of Waynesboro, Staunton, Buena Vista, Amherst, and Appomattox, all in the State of Virginia, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of Mrs. W. W. King, Mrs. J. N. Sublett, and others, of Staunton, Va., favoring woman-suffrage legislation; to the Committee on the Judiciary.

Also, petition of the Southern Conference of Virginia Synod, representing 3,000 people, favoring national prohibition; to the Committee on Rules.

By Mr. FLOYD of Arkansas: Petition of Rev. N. M. Ragland, Dr. J. T. Hight, and others, of Fayetteville, Ark., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of 400 citizens of Siloam Springs, Ark., favoring national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petition of Gertrude Franchot Tone, H. H. Amberg, and others, of Niagara Falls, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. GOEKE: Petition of the Christian Endeavor Society and Sunday School of the Church of Christ, of Lewis, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of sundry citizens of Marion, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of various business men of Tipton, Iowa, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of sundry citizens of Pipestone, Minn., favoring national prohibition; to the Committee on Rules.

Also, petition of 25 citizens of Jackson, Minn., and 19 citizens of Mountain Lake, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. HELM: Petition of 51 citizens of Kentucky, favoring national prohibition; to the Committee on Rules.

By Mr. HENSLEY: Petitions of sundry citizens of the thirteenth Missouri district, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the thirteenth Missouri district, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of various citizens of Petersburg, Alaska, supporting prohibition in Alaska; to the Committee on the Territories.

Also, petitions of sundry citizens of Vancouver and Elma, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petitions of 100 citizens of Shelton, 21 citizens of Port Angeles, 665 citizens of Hoquiam, and sundry citizens of Raymond and of Clarke County, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Rocky Mountain Association, United Mine Workers of America, favoring passage of House bill 16968; to the Committee on Patents.

By Mr. KEISTER: Petition of sundry citizens of Jeannette, Pa., in the twenty-second congressional district of Pennsylvania, favoring the passage of House joint resolution 168, providing for a prohibition amendment; to the Committee on Rules.

Also, memorial of the Christian Endeavor Society of the Presbyterian Church of Zelienople, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of Ralph Veachie, of Priceddale, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petitions of sundry citizens of Winfield, Mediapolis, Albia, Washington, and Yarmouth, all in the State of Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of sundry citizens of Rhode Island, favoring national prohibition; to the Committee on Rules.

Also, petitions of Joseph J. Flynn, Joseph H. Clear, and James Flynn, all of Pawtucket, R. I., protesting against nation-wide prohibition; to the Committee on Rules.

Also, petition of the Trinity Union Methodist Episcopal Church, of Providence, R. I., favoring nation-wide prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Six protests against adoption of prohibition constitutional amendment from residents of Oakland, Cal.; to the Committee on Rules.

mittee on Military Affairs.

S. 5978. An act to refund to the American Surety Co. of New York an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims

S. 5278. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 2651. An art providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry; to the Committee on the Public Lands.

S. 1653. An act providing against the abandonment of destitute, infirm, or aged parents; to the Committee on the District of Columbia.

S. 3768. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army; to the Committee on Military Affairs.

S. 2466. An act for the relief of Elsie McDowell Bunting; to the Committee on Invalid Pensions.

S. 1802. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Interstate and Foreign Commerce.

S. 655. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement; to the Committee on Military Affairs.

S. 543. An act to correct the military record of John T. Haines; to the Committee on Military Affairs.

ADJOURNMENT.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House do now adjourn.

By Mr. BUCHANAN of Texas: A bill (H. R. 17596) to provide for the purchase of a site for a public building in the city of Lockhart, Tex.; to the Committee on Public Buildings and Grounds.

By Mr. ROBERTS of Massachusetts (by request): A bill (H. R. 17597) providing for the purchase of the suit of clothes worn by President Lincoln at the time of his assassination; to the Committee on the Library.

By Mr. KAHN: Resolution (H. Res. 561) directing the Secretary of State to transmit to the House such letters, documents, or instructions given to Hon. John Lind, special representative of the President of the United States in Mexico; to the Committee on Foreign Affairs.

By Mr. PADGETT: Joint Resolution (H. J. Res. 290) authorizing officers and enlisted men of the Army and Navy of the United States to wear badges adopted by military societies of men who served in the Nicaraguan Expedition during the year 1912; to the Committee on Naval Affairs.

By Mr. MOORE: Joint resolution (H. J. Res. 291) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. LESHER: A bill (H. R. 17598) granting an increase of pension to Uriah Golder; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 17599) granting a pension to Marvel J. Nash; to the Committee on Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 17600) for the relief of the legal representatives of Mary A. Youree, deceased; to the Committee on War Claims.

By Mr. GARD: A bill (H. R. 17601) granting an increase of pension to Nelson Thompson; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 17602) granting an increase of pension to John S. Stout; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 17603) for the relief of John T. Walsh; to the Committee on Claims.

selves of it, whilst the man who makes a large crop and has a large assortment of cotton will find himself a favored person as compared with the small cotton producer. I stand for the small cotton producer; I stand for the farmer in my State who can not avail himself of the provisions of this bill because he does not make a lot of cotton which he could sell to advantage. The effect of this bill will be to allow the man only who has a large amount of cotton to sell it under the bill.

"Mr. President, the figures are so clear to my mind that I have searched them in vain for an answer. I think they are an absolute demonstration of the truth of the proposition which I hold, and until the figures are answered discussion of the theory of the situation is without avail. I say, with these figures staring me in the face, I dare not vote for this bill. The cotton crop from the southern country is now coming in. I saw in the Financial Chronicle the other day a statement that there are nearly a million bales on the continent. There are fifteen hundred thousand bales of cotton in Liverpool, and considerable spot cotton in this country, much probably held under future contracts and thus stretched over to the next year. The same day my attention was called by a newspaper to the fact of the arrival of the first bale of the new crop in New Orleans.

"I do not desire to prophesy evil as to the future. I know that no act of any legislative body can break up a great commercial system and render it nugatory. The laws of the world, the laws of commerce, are higher and stronger than any legislative system, and they adapt themselves with marvelous rapidity to any wrong restrictions which may be put upon them. Yet the process of adaptation is one of pain and one of travail and one of labor. Pass this bill, strike down this system in the presence of a large amount of spot cotton now in stock, and, with a new crop coming, my judgment is that this bill will cause confusion. By the disarrangement and the turmoil which it will probably make in the commercial methods of the whole world, the loss to the people of the cotton States will likely not be less than fifty or sixty million dollars for the ensuing year.

"Suppose we do pass the bill and strike the present business methods down, what good is it going to do? Is there not a cotton exchange where futures are dealt in at Liverpool? Are they not on the Continent of Europe? Did not just a few days ago a gentleman send me the charter of the organization of a great exchange in the city of Hamburg for the purpose of conducting this business of futures in cotton? Did he not send me a letter from a German merchant saying that they had noticed the intention to strike down the business here, and they hoped it would come to them?

"Is there not a cotton exchange at Alexandria, in Egypt? Does not both the Egyptian and the Indian crop move under the operation of laws of future delivery? Without that system I have shown that the disparity between the American price and English prices is large. With the system I have demonstrated that the disparity diminished until there has been an average gain to the producers of this country of over a cent a pound. I am unwilling by my vote here to transfer this vast sum of money out of the pockets of the people of the cotton States into the pockets of the people of Great Britain."

Mr. STEPHENS of Texas. Mr. Chairman, I ask for the reading of amendment No. 139, the amendment relative to the Mississippi Choctaws.

The Clerk read as follows:

Amendment 139: Page 70, line 6, insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided, however*, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation."

Mr. KETTNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. UNDERWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12579, the Indian appropriation bill, and had come to no resolution thereon.

PENSION BILLS.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the following pension bills, disagree to all the Senate amendments, and ask for a conference:

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The gentleman from Ohio asks unanimous consent to take from the Speaker's table the pension bills just mentioned, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. KEY of Ohio, Mr. MURRAY of Oklahoma, and Mr. SELLS.

CORRECTION OF THE RECORD.

Mr. COOPER. Mr. Speaker, on page 11416 of the RECORD, first column, halfway from the top, appears this:

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] is recognized, and the gentleman from Georgia yields to the gentleman from New Jersey.

The words "Speaker pro tempore" should be stricken out and the word "Chairman" should be inserted. The Chair at that time was occupied by the gentleman from Texas [Mr. GARNER].

The SPEAKER. Without objection, the correction will be made.

There was no objection.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry. Is there not a practice in this House, well recognized, that any small mistake in the text can be corrected by submitting it to the gentlemen at the desk?

The SPEAKER. The Chair never heard of it.

Mr. STAFFORD. I know frequently that has been done by calling it to the attention of the clerks at the desk.

The SPEAKER. The Chair never heard of it being done, and thinks it would be an unfortunate practice if it were done. If that were done, who would fix the limit on what was material and what was immaterial in a change of the RECORD?

LEAVE OF ABSENCE.

The SPEAKER laid before the House the following communication:

To the Speaker of the House of Representatives:

I respectfully request leave of absence until July 15, because of important matters, both public and private, requiring my attention.

FRANK PLUMLEY.

JULY 1, 1914.

By unanimous consent, the request was granted.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 4938. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

"Table showing the shipping margin between New York and Liverpool for middling cotton for each season, 1854–55 to 1860–61 (which is as far back as we have reliable data) and 1884–85 (we begin the period of comparison at 1884–85 in order to avoid the fluctuations of gold) and 1890–91.

Season of—	Liverpool average price for season.	Equivalent in United States money.	New York average price for season.	Shipping margin.
	Pence.	*Cents.*	*Cents.*	*Cents.*
1884–1885	[illegible]	11.62	10.62	1.60
1885–1886	[illegible]	10.37	9.50	.87
1886–1887	[illegible]	11.12	10.31	.81
1887–1888	[illegible]	10.87	10.37	.50
1888–1889	[illegible]	11.87	10.62	1.25
1889–1890	[illegible]	12.37	11.50	.87
1890–1891	[illegible]	10.37	9.44	.93

Season of—	Liverpool average price for season.	Equivalent in United States money.	New York average price for season.	Shipping margin.
	Pence.	*Cents.*	*Cents.*	*Cents.*
1854–1855	5¾	11.75	10.39	1.36
1855–1856	6	12.00	10.30	1.70
1856–1857	7½	15.00	13.50	1.50
1857–1858	7 11/16	15.37	12.23	3.14
1858–1859	7	14.00	12.08	1.92
1859–1860	6 11/16	13.37	11.00	2.37
1860–1861	7⅛	13.75	12.00	1.75

"Average shipping margin of the seven years 1884 to 1891 is 0.89 of a cent, and of the seven years 1854 to 1861, 1.96 cents per pound.

"What do these margins represent? This enormous average difference of over a cent a pound on the shipping margin during the years compared was caused by the fact that the cotton was held during the future period from pressing on the market by the effect of the future-delivery system, and therefore the glut produced nothing like the damaging effect that it did before that period. Here was a difference in shipping margin of over a cent. Whom was it made by? Of course it was made by the American producer. I resume the showing. If the average price depends upon the volume of crop without reference to futures, if the range of fluctuations during the period before futures was greater than in the periods of futures, if the fluctuations month by month before the future period were much greater than they are in the future period, if before the future period there was a large shipping margin between Liverpool and this country and that margin has diminished considerably—if these facts be true, I ask, Do not they absolutely confirm every proposition I have advanced, and do they not justify the universal consensus of the commercial world that dealings in futures helps to maintain the price, and therefore helps the producer?

"I come now to the question which my friend the distinguished Senator from Mississippi [Mr. George] put to me, and that involves the discussion of another portion of the bill. I say this bill is a delusion. I say under this bill contracts for future delivery can not be practically made until commercial men devise expedients and mechanism to frustrate the law and to overcome it, and why? The provision of the bill is that the planter may sell for future delivery either the crop he has made or the crop he proposes to make.

"Mr. GEORGE. Not proposed, but having in process.

"Mr. WHITE. Well, that does not change the logical proposition. I did not intend to state it with inaccuracy. I do not think that affects the situation. Let us see how the future business is conducted. In the first place, the question which the Senator from South Carolina [Mr. Butler] asked me is perfectly true. A large part of the cotton which came early to market had probably been already sold before it got there. Sold how? Sold under the future system. The result of the future system has been to break up great buyers, and now all over the southern country everywhere, in every county, wherever cotton can be sold there is found a cotton buyer. A buyer for whom? A buyer for himself. The telegraph goes everywhere. The buyer is communicating with spinners. The spinners do not buy average lots of cotton. They buy particular kinds of cotton.

"There is no farmer who can sell a particular kind of cotton A crop of cotton is diversified and composed of divers grades. The spinner wants a certain kind of cotton. The buyer telegraphs him, 'I will deliver you such a grade of cotton,' say a thousand bales or 500 bales. He has not got it. There is not one planter who could give it to him. He sells it on the faith of his credit and faith in his ability to obtain the grades required. The spinner believes in him; he knows him. That man, in order to protect himself from loss, the moment the spinner says he accepts, telegraphs to a market and buys futures as a hedge against his sale to the spinner. Cotton as sold for futures does not cover a particular grade, but an average lot of cotton.

"All that is below a certain grade is not admitted, and no lot of cotton is of a uniform grade. The moment he buys actual cotton he picks out of that lot of cotton the bales which correspond to what he has sold the spinner and disposes of futures to that extent. If compelled to buy another lot in order to complete his sale to the spinner, he sells more of his futures, and so he goes on and goes on until he has made up his lot to deliver to the spinner's order, and also disposes of his futures. I ask the Senator from Mississippi [Mr. George] where is the farmer who can do that? Where is the crop of the farmer that is going to supply that want and carry out such a transaction, which is a typical representation of the contract by which the producer's cotton passes to the consumer?

"Mr. GEORGE. Do you want an answer now?

"Mr. WHITE. Certainly; I should be very glad to have an answer.

"Mr. GEORGE. My answer is that the farmer can not do it and it can not be done under the form of the future contract adopted by the Cotton Exchange of New Orleans and the Cotton Exchange of New York, in both of which, whilst a man purchased the contracts for middling cotton, the seller may deliver him any kind of 7 full grades, 14 grades of cotton, and no manufacturer can ever supply himself under the future system as regulated in New Orleans and New York.

"Mr. WHITE. Let me answer the Senator. He evidently has not understood my position. Let me state an elementary commercial transaction: A is a spinner. B is a buyer. A, the spinner, says to B, the buyer, 'I want a thousand bales of long-staple cotton.' That is not a transaction made under the rules of any exchange. B, the buyer, says, 'Very well; I will deliver to you a thousand bales of long-staple cotton.' Here a contract has been engendered between A, the buyer, and B, the seller, to deliver a thousand bales of long-staple cotton. The seller has not got the cotton. He has got to get it. What does the spinner do in order to protect himself against loss? He has sold his goods. He knows the price he is going to have to pay for his cotton. He immediately proceeds to sell his goods for future delivery predicated upon the price at which he has agreed to pay for this cotton.

"What does the seller do? It is an ordinary contract under the rules of no exchange. Then that seller buys a lot of cotton for future delivery—deliverable to him two months ahead. He knows the price at which he has bought it and at which he has sold. His whole object in doing this is to get a lot of cotton so as to make up this lot which he has agreed to deliver. Covered by his two contracts, one of sale and the other of purchase, he looks about in the country, picks up the grade he has sold to the spinner, and as fast as he does this he sells out his futures. He may make 20 or 30 future transactions before completing this entire business. He could not do this without futures. How could he do it without suffering the risk of a decline? He insures himself against a decline. The spinner insures himself against an advance. Everybody in the transaction is insured.

"Mr. GEORGE. Except the planter.

"Mr. WHITE. The planter sells and gets his money.

"Mr. GEORGE. He sells on futures.

"Mr. WHITE. And I have shown he gets a more regular and a better and less fluctuating price than he got before the future system came in. That is the answer to it.

"Mr. President, it is one of my great objections to this bill that whilst it holds out a delusive hope that the planter can personally dispose of his cotton by futures, he practically can not by the restrictions created by this bill. The whole cotton country is changing its form. Cotton used to be made in large fields, with one owner and class labor. Now it is getting subdivided, and small holdings are coming in.

"I have here a statement taken from the preceding census—I could not get it from the last—showing that two-fifths of the farms in the southern country are now small holdings, and the system is increasing. Take my own State. We have an alluvial country with large planters and we have a hill country with small planters making a small number of bales each. Anybody who is familiar with cotton coming to the New Orleans market knows that in one invoice there will be 20, 30, 40, and 50 marks of cotton, all shipped by one, but belonging to different people. Small planters ship 1 and 2 bales at a time.

"The provisions of this bill allowing the sale of futures by the planter strikes a blow at the small farmer in the hills of my State, because whilst it gives them the privilege to sell futures under the laws of trade, they will not be able to avail them-

I said when I produced this table. I never thought, and I made no such statement, that the price depended upon the volume of futures; but I said that the average price of the years since the existence of futures was largest in the proportion the quantity of futures bore to the crop. Of course that statement is a mathematical statement of the proposition that the law of supply and demand governed as the volume of futures depended upon the volume of crop. The Senator looks at the statement and says the statement demonstrates that the price depended upon supply and demand, and yet he asked me whether futures affected it. That is the answer I got.

"Mr. RANSOM. I did not understand the Senator, then.

"Mr. WHITE. In order to prevent any possible implication that this calculation of average embraced any very low period or very high period I have taken the price of middling cotton in New York from 1880–81 to 1890–91, month by month, and also during the period where no futures existed, month by month, from 1850–51 to 1860–61, and it shows, beyond a peradventure of a doubt, large and abnormal fluctuations, month by month, before futures. That is the very condition of things which is complained of here existed then, and it also shows the absence of such a condition of things during the future period.

"In other words, taking the prices month by month since the future period you find a small decline, a decline when the cotton begins to come in, but the rate of decline from that declining point throughout the year is less than was the rate of the fall in the period where no futures obtained. Taking the fluctuations, following them month by month since futures, you find the amount a fraction of a cent. Taking the fluctuations during the other period, it is not infrequent that they run up into large figures. I will take some of them as examples. Take 1884–85, December was 1.39 above September; 1854–55, December was 1 cent below September. In other words, despite the incoming of the crop in 1884–85, December prices had been driven up to 1.39 above what cotton opened at the commencement of the season, whilst in 1854–55 it had lowered in price 1 cent from the beginning of the season. Of course all these statements refer to the prices of actual cotton.

"Go to another year. Take 1885–86; October prices were 0.21 below September. In 1855–56 they were 1 cent below September. Take 1887–88; December was above November 0.35. In 1857–58 December was below November 2 cents. In other words, the very process which is complained of here occurred before the future period and not since the future period. Why was this? Because futures held the market with a steady hand; and although there was as a rule a decline, that decline has been small compared with the persistency of decline and the abnormal fluctuations which took place before futures came into existence. Now, if this is not a complete answer to the complaints, I do not know what could be. I submit this table to be printed as a part of my remarks:

Average price of middling cotton in New York for each month and for each season 1850–1851 to 1860–1861 and 1880–1881 to 1890–1891.

Months.	1850-1851	1851-1852	1852-1853	1853-1854	1854-1855	1855-1856	1856-1857	1857-1858	1858-1859	1859-1860	1860-1861	1880-1881	1881-1882	1882-1883	1883-1884	1884-1885	1885-1886	1886-1887	1887-1888	1888-1889	1889-1890	1890-1891	1891-1892
September	13 11/16	9 3/4	10 11/16	11 1/16	10	10 1/8	11 11/16	15 11/16	13 1/16	11 13/16	10 11/16	11.80	12.22	12.40	10.37	10.56	10.06	9.33	9.81	10.45	11.28	10.54	8.61
October	14 3/4	9 1/16	10 5/8	10 3/4	10 1/4	9 1/8	12 1/8	(1)	12 11/16	11 7/16	11 1/16	11.25	11.61	11.12	10.61	9.95	9.86	9.33	9.51	9.86	10.61	10.28	8.51
November	14 1/4	8 11/16	10 1/2	11 1/8	9 3/4	9 7/16	12 3/8	12 1/2	11 1/8	11 1/8	11 1/16	11.27	11.81	10.48	10.51	10.19	9.41	9.17	10.20	9.93	10.26	9.00	8.16
December	13 1/4	8 1/2	9 3/4	11 1/8	9	9 1/8	11 7/16	10 3/8	11 11/16	11 1/16	10 1/16	11.92	11.97	10.33	10.45	10.95	9.28	9.47	10.55	9.81	10.27	9.39	7.94
January	13 11/16	8 1/16	10 1/16	10 3/8	9 1/8	9 7/16	13	9 3/4	12 1/8	11 1/16	12 1/16	11.91	11.94	10.17	10.66	11.12	9.25	9.50	10.53	9.87	10.50	9.37	7.55
February	12 1/8	8 1/2	10 1/16	10 1/16	9 1/2	10	13 1/4	11 1/16	11 11/16	11 1/4	11 3/4	11.59	11.77	10.22	10.75	11.19	9.08	9.50	10.61	10.05	11.19	9.17	7.25
March	11 1/16	8 3/16	10 3/8	10 3/8	9 3/8	10	13 1/8	11 1/8	12 1/8	11 1/8	12 1/8	11.00	11.99	10.16	11.04	11.31	9.11	10.00	10.15	10.18	11.41	8.99	6.87
April	11 7/16	8 1/2	11 1/16	10 1/2	10 1/8	10 11/16	14 1/8	12 1/4	12 1/4	11 1/8	13 1/2	10.80	12.18	10.17	11.80	11.02	9.25	10.58	9.87	10.63	11.70	8.94	7.11
May	10 11/16	9 1/2	11 1/4	10 3/8	11 1/16	10 1/2	14	12 1/4	11 7/16	11 1/4	.....	10.64	12.20	10.85	11.64	10.89	9.24	11.00	10.00	11.10	12.20	8.90	7.32
June	9 1/2	10	11 1/8	10 1/8	12 1/8	11	14 1/8	12 1/16	11 1/16	11	.....	11.05	12.28	10.53	11.36	10.78	9.21	11.16	10.10	11.08	12.14	8.51	7.58
July	9	10 1/4	11 1/16	10 1/8	11 1/8	11 1/16	14 1/8	12 1/8	12 1/16	10 1/8	.....	11.45	12.78	10.09	11.63	10.33	9.50	10.58	10.55	11.23	12.11	8.25	.....
August	8 7/8	10 1/8	11 1/8	10 1/8	11 1/8	11 1/8	15 1/8	12 1/8	12	10 1/8	.....	12.25	12.97	10.14	10.88	10.41	9.40	9.85	11.02	11.39	11.81	8.10	.....
Average for season	12.14	9.50	11.02	10.97	10.39	10.30	13.51	12.23	12.05	11.30	12.00	11.75	12.25	11.50	11.00	10.62 1/2	9.50	10.31 1/4	10.37 1/4	10.62 1/2	11.50	9.43 1/2	7.69

(1) Nominal.

1884–1885, December 1.39 cents above September; 1854–1855, December 1 cent below September; 1885–1886, October 0.20 cent below September; 1855–1856, October 1 cent below September; 1887–1888, December above November 0.35 cent; 1857–1858, December below November 2 cents.

"But there is other overwhelming evidence of the advantage which has resulted from future-delivery transactions. I affirm that the certain effect of futures has been to relieve the American producer from the grasp of the British spinner; has been to decrease the shipping margin between the New York and Liverpool markets, thus to that extent assisting the producer. I hold in my hand a comparative statement as to the values of middling and upland cotton in Liverpool and New York at the times of the lowest prices in New York in 1844, 1845, 1848, and the lowest price in 1892—making allowance for the difference in freight charges and the equivalent for the delay in time. I submit the table to be published in connection with my remarks:

"Comparative values of middling upland cotton in Liverpool and New York, at the times of lowest prices in New York in the years 1844, 1845, 1848, and 1892, making allowance for difference in freight charges and an average mail date equivalent of 35 days later than Liverpool date for the New York date. Exchange, 4.85.

Date	Liverpool price.	Freight.	Liverpool price, freight paid.	Equal American money.	New York price.	Difference or shipping margin.
	Pence.	*Pence.*	*Pence.*	*Cents.*	*Cents.*	*Cents.*
Nov. 25, 1844	3 1/2	3/8	3 1/8	7 1/16	5 1/16	1 1/8
Feb. 7, 1845	3 1/2	3/8	3 1/8	7 1/16	5 3/8	1 3/4
Apr. 7, 1848	4 1/8	1/16	3 11/16	8	5 7/8	2 1/8
Mar. 3, 1892	3 3/4	1/16	3 13/16	7 15/16	7 1/16	3/8

"This statement is remarkable in two respects:

"1. The enormous margin required in the past by the cotton merchant to protect himself against a decline, as compared with the present, when he can protect himself by selling for future delivery.

"2. The wide fluctuation in that margin, ranging from 1 1/8 cents to 2 1/8 cents, showing the lack of stability in values.

"It is also a well-known fact in the cotton trade that during the years of low prices cited cotton in the southern ports sold for less than 4 cents per pound, while now, with the same or lower range of prices current in Europe, it is bringing 6 cents per pound in the South.

"These figures show that on November 25, 1844, cotton in Liverpool was 3 1/2 pence. The freight was three-eighths pence. The Liverpool price, freight paid, was 3 1/8 pence, the equal in American money of 7 1/16 cents. The New York price was 5 3/16 cents, leaving a shipping margin of 1 3/4 cents. Now, go to February, 1848; the shipping margin is 1 1/8 cents; in April, 1848, it is 2 1/8 cents. These facts show that there existed between the Liverpool price of cotton at that time and the price of cotton here this large margin.

"What did that come from? It came from the fact that the American producer was at the mercy of the British spinner. His cotton came into the market. Our mills could not consume it. Here was this large surplus, representing at least 70 per cent of the crop, and the margin between America and Liverpool was an average of nearly 2 cents during those years.

"It may be said, 'But you have picked out years; you have selected 1844 and 1845 and 1848.' In order to meet that criticism I have had a table prepared, showing the shipping margin between Liverpool and New York in 1884–85, 1885–86, 1886–87, as the period of futures, down to 1890–91, with a comparison from 1854 to 1861—the nonfuture period.

"What does this comparison show? Let us see. The shipping margin in 1854–55 was 1.36 cents; in 1884–85 it was 1 cent; in 1855–56 it was 1.70 cents, while in 1885–86 it was 0.87 of a cent; in 1856–57 it was 1 1/2 cents against 0.81 of a cent in 1886–87; in 1857–58 it was 3.14 cents against one-half of a cent in 1887–88; in 1858–59 it was 1.92 cents against 1 1/4 cents in 1888–89; in 1859–60 it was 2.37 cents against 0.87 of a cent in 1889–90; in 1860–61 it was 1 3/4 cents against 0.93 of a cent in 1890–91. The average shipping margin of the seven years 1854 to 1861 was 1.96 cents per pound against an average of 0.89 of a cent for the seven years 1884 to 1891 of the futures period. I submit the table as a part of my remarks.

raising the price. That, it seems to me, would be the time to sell.

"If this is a system by which the cotton factors and all those representing the cotton planter put the crop down, when it is coming in buy it, and then raises the price and sell it high for themselves, it seems to me that is a kind of business that would just suit the miller. But the Senator from Minnesota says that that does not exist, although Mr. McCune says it does.

"To show that this view is not true I have made a comparison of prices of middling upland cotton in New York from 1880 to 1891 with the period from 1850 to 1861, the same standard of comparison being applied to both. I have taken the prices during both periods. Here they are during the time when the future system did not exist, from 1850 to 1861. Here they are when the future system did exist, from 1880 to 1891. I have taken those two sets of prices and made the calculation, and any man can make it.

"I will print the table as a part of my remarks. It shows the range of fluctuation in the two periods. What was it? Why, sir, the greater range of fluctuation was in the period from 1850 to 1861, before futures. In 1850-51 the fluctuation was 3 7/16 cents more than the range of fluctuation in the first year of the other period, 1880-81. In 1851-52 it was fifteen-sixteenths more than it was in 1881-82. In 1854-55 it was 2½ cents more than in 1884-85. In 1856-57 it was 2 5/16 cents more than it was in 1886-87. In 1857-58 it was 4 13/16 cents more than in 1887-88. There are but three years in the whole time in which the range of fluctuation in the period where futures obtained was greater than the range of fluctuation existing before the future period, and those three years are explained by the occurrence of disturbances which operated on the market entirely extraneous from the future question. I will annex explanations of these years by way of notes to the table.

"Comparison of prices of middling upland cotton in New York since 1880 with the period from 1850 to 1860.

Season of—	Highest price.	Lowest price.	Range of fluctuations.
1880-1881	13	10 7/16	2 9/16
1881-1882	13 1/16	11½	1 9/16
1882-1883	12 11/16	10	2 11/16
1883-1884	11 11/16	10⅛	1 11/16
1884-1885	11⅛	9⅞	1⅜
1885-1886	10⅞	8 13/16	1 7/16
1886-1887	11 7/16	9⅛	2 5/16
1887-1888	11⅜	9 7/16	1 11/16
1888-1889	11⅛	9⅞	1¼
1889-1890	12⅞	10⅞	2¼
1890-1891	11	7 13/16	3 3/16

Season of—	Highest price.	Lowest price.	Range of fluctuations.	Greater range of prices in period before "futures."	Less range of prices in period before "futures."
1850-1851	14½	8⅛	6	3 7/16	.....
1851-1852	11	8⅛	2⅞	15/16	.....
1852-1853	11⅛	9⅞	1¼	.....	[1] 1 5/16
1853-1854	11⅞	10⅞	1⅛	.....	[2] 15/16
1854-1855	13	8⅞	4⅛	2½	.....
1855-1856	11⅝	9	2⅝	1 3/16	.....
1856-1857	15⅞	11⅛	4⅞	2 5/16	.....
1857-1858	15⅞	8⅞	6⅞	4 13/16	.....
1858-1859	13⅛	10⅞	2⅞	1	.....
1859-1860	11⅞	10⅛	1⅞	.....	[3] 1⅛
1860-1861 [4]	14	10	4	11/16	.....

[1] The crop of 1882-83 was the largest grown up to that time and exceeded the previous crop 1,100,000 bales. Prices yielded under the pressure of excessive receipts and stocks, thus causing wider fluctuation in prices.

[2] The season of 1883-84 opened under the depressing influence of the large stocks remaining in the United States and Liverpool from the crop of the previous season (an increase of about 300,000 bales), and the lowest prices were current from Sept. 1 to Jan. 1. The condition of the new crop planted in the spring of 1884 was unfavorable and this caused a sharp advance, thus widening the range of fluctuations. The crop proved to be 1,237,000 less than the previous one.

[3] In the first four months of the season of 1889-90 the receipts at the ports were the largest previously recorded reaching 4,270,000 bales, and exceeding the receipts of the corresponding period of the previous season by 556,000 bales. Under this pressure prices receded from 11⅞ cents on Sept. 1 to 10⅛ cents on Nov. 4, this latter price being the lowest of the season.

[4] Prices for 1860-61 are to the end of April. The Civil War was a disturbing factor after that date and prices advanced before close of the season (Aug. 31) to 20 cents, making a range for the entire season of 10 cents.

"Reference to the seasons from 1866-67 to 1879-80 has been omitted because they covered what is known as the reconstruction period, as well as the time of suspension of specie payments. The fluctuations in cotton during these years were very great, and the fluctuations for the four years immediately preceding the establishment of the future-delivery business in New York were the largest of which there is any record. The fluctuations for middling cotton in New York in 1866-67 were 17 cents; in 1867-68, 17½ cents; in 1868-69, 10⅞ cents; in 1869-70, 15⅞ cents.

"But it may be said you have calculated in the range of fluctuation, and in order to arrive at the range of fluctuation you have taken the highest and lowest price during the whole year. There is no other way to do it.

"Mr. RANSOM. Will my friend allow me to interrupt him?

"Mr. WHITE. Certainly.

"Mr. RANSOM. Will the Senator give us the list of prices representing the period?

"Mr. WHITE. I have not the list of prices under my hand. The prices were higher before the future period.

"Mr. RANSOM. They were higher in the first period, were they not, the period when they had no futures, than in the period when they had the actual prices?

"Mr. WHITE. Of course, cotton was generally higher years ago than now, and so with everything else. There is no contention about that. There is no contention in this testimony here anywhere that the effect of the future system was to lower the price of cotton. I have read the statement of Mr. McCune in which he says that the effect of this system is not to affect the general price but to make cotton low when the farmer is selling and high when he is not selling.

"If the Senator will turn to the statistical abstract and make a comparison with of all our agricultural products which are not sold by future delivery he will find that shrinkage in value affects not only cotton but all other things in this country equally. To attribute general shrinkage in value (which has affected the whole country, affected things which are not covered by futures as well as things which are covered by futures), to the future system, when the record does not contain any such pretension, when the gentlemen whom they are combating for say it is simply to prevent them from being skinned by having the price put down and then put up, is asking me a question which, in my judgment, is entirely out of the record.

"Mr. RANSOM. My friend will pardon me. He invited the question, or I should not have asked it, by a remark which he just made to me in a low voice. He was speaking of the fluctuations, and I simply desired the information for myself and the Senate to show what the comparative prices were in the two representative periods he designated. I asked the Senator this simple question for information, and I hope he will not hold me responsible for what any other person has said are complaints of farmers and what are not.

"Mr. WHITE. I thought I had fully answered that question by what preceded, when I exhibited a table showing the volume of futures and the volume of crop, and the price, and showed that price depended absolutely upon the law of supply and demand and not upon the quantity of futures. I thought that question had been answered. I think now to my mind it is perfectly and absolutely and satisfactorily answered.

"Mr. RANSOM. I did not mean to be involved in this little colloquy between us, but I took the liberty of reading a part of the memorandum which the Senator had offered to show that the price of cotton was highest when the volume of futures was largest. He read the memorandum to the Senate to show that the price of cotton was highest when the volume of futures was largest. I read hastily the memorandum, and I have it now before my eye. I learned from the memorandum that the price of cotton was highest when the supply was smallest, and that the volume of futures had nothing to do with the price one way or the other, or at least it did not have the effect the Senator attributed to it. For instance——

"Mr. WHITE. I think the Senator ought not to interrupt me by making a speech at this time.

"Mr. RANSOM. All right; I will not.

"Mr. WHITE. I am engaged in a regular argument.

"Mr. RANSOM. I am very sorry——

"Mr. WHITE. I appreciate the Senator's regret at interrupting me, and I know how keenly he feels its force.

"Mr. RANSOM. While the Senator was in his seat and the Clerk was engaged in reading I asked him a little question and he said he wished I would ask him then so he could satisfy my mind. But my mind is not satisfied. I am an axious inquirer.

"Mr. WHITE. Evidently the Senator is very anxious.

"Mr. RANSOM. I am very sorry I disturbed my friend—extremely sorry. I did not mean to do so. It is a thing I am very rarely guilty of in the Senate.

"Mr. WHITE. The solicitude of the Senator from North Carolina I think would be fully answered if he had listened to what

"Mr. GEORGE. Let us understand this. What prevents under this bill every single bale of cotton that reaches New Orleans or any other port in these crowded months, these months of surfeit, being sold for future delivery?

"Mr. WHITE. I beg the Senator's pardon. He is now making an argument, and not asking a question.

"Mr. GEORGE. I am asking a question.

"Mr. WHITE. No; that is making an argument. I was not discussing whether it could be done under this bill. I am simply now demonstrating the fact that the system of 'futures' had prevented the consequences of overreceipts, and in the course of my argument, if the Senator will allow me, I intend to discuss the matter he is speaking of.

"Mr. GEORGE. I am very much obliged to the Senator for his courtesy; but this is a matter in which my constituents feel a great interest, and I do not want to make a mistake about it. I thought that the Senator had asserted a proposition and a theory which could not be made to fit the facts of the case. If, now, the Senator, who has been so very courteous to me as to allow me to interrupt him so far, thinks I am trespassing and that he will answer this matter further on, then I have only to say that I thank him for his courtesy so far, and that if my life and health are spared I shall try some time during this debate to answer any position which he may take which goes to show that the price of this large amount of cotton in New Orleans or in the other market places of this country is not affected by the future sales, except deleteriously.

"Mr. WHITE. Mr. President, in illustration of what I was saying, I hold in my hand a table. I will comment upon the table before asking to have it printed with my remarks. I have tabulated the receipts of cotton at the ports of this country from 1870–71 down to 1891–92. The figures are startling. From September 1 to December 31 there were received in 1870–71, 1,642,000 bales of cotton. There were received in 1871–72, 1,392,000 bales.

"Mr. GEORGE. At all the ports?

"Mr. WHITE. At all the ports. Now, I want to call attention to these figures. I shall not read the whole list, but the table will speak for itself in the RECORD as part of my remarks.

"In 1889–90 there was received before the 31st day of Decembers 4,270,000 bales. In 1870–71 the amount was 1,642,000 bales, and it is but little over 2,000,000 bales, as a rule, running down the list, until we get to 1878–79. Then it was 2,651,000 bales.

"Mr. GEORGE. Let me ask the Senator right there if he has the total for each year, so as to show the proportion?

"Mr. WHITE. I have already offered as part of my remarks such a statement.

"Mr. GEORGE. The Senator does not understand me. The subject will be more understandable if the table is inserted.

"Mr. WHITE. If the Senator will allow me, I am dealing with statistics, and if he does not let me proceed with an orderly statement he will confuse me.

"Mr. GEORGE. I do not wish to interfere with the Senator.

"Mr. WHITE. In making a statistical statement, without intending to be discourteous, I should prefer not to be interrupted.

"Mr. GEORGE. I beg pardon of the Senator. I will not interrupt him again.

"Mr. WHITE. We had not reached a higher figure than 2,000,000 in 1876–77; in 1891–92 the total receipts up to the 31st day of December were 4,783,000 bales—nearly 5,000,000 bales.

"Now, just make the comparison. In 1870–71 there were 1,642,000 bales; in 1891–92, 4,783,000—nearly 5,000,000 bales.

"The table referred to is as follows:

"Table showing the increase in the quantity of cotton marketed during the first four months of the season since 1870.

Season of—	Cotton received at the ports Sept. 1 to Dec. 31.	Receipts at the ports for entire season.	Date of arrival at the ports of one-half of the season's receipts.
	Bales.	*Bales.*	
1870–1871	1,642,000	3,988,000	Jan. 17
1871–1872	1,392,000	2,732,000	Dec. 29
1872–1873	1,684,000	3,596,000	Jan. 8
1873–1874	1,858,000	3,764,000	Jan. 1
1874–1875	2,106,000	3,509,000	Dec. 16
1875–1876	2,340,000	4,195,000	Dec. 23
1876–1877	2,601,000	4,035,000	Dec. 8
1877–1878	2,398,000	4,334,000	Dec. 22
1878–1879	2,651,000	4,451,000	Dec. 16
1879–1880	3,138,000	5,027,000	Dec. 10
1880–1881	3,447,000	5,878,000	Dec. 16
1881–1882	3,247,000	4,686,000	Dec. 3
1882–1883	3,530,000	6,010,000	Dec. 18

"Table showing the increase in the quantity of cotton marketed during the first four months of the season since 1870—Continued.

Season of—	Cotton received at the ports Sept. 1 to Dec. 31.	Receipts at the ports for entire season.	Date of arrival at the ports of one-half of the season's receipts.
	Bales.	*Bales.*	
1883–1884	3,494,000	4,800,000	Nov. 30
1884–1885	3,642,000	4,774,000	Nov. 26
1885–1886	3,572,000	5,338,000	Dec. 4
1886–1887	3,737,000	5,301,000	Dec. 2
1887–1888	4,011,000	5,612,000	Nov. 21
1888–1889	3,714,000	5,547,000	Dec. 5
1889–1890	4,270,000	5,856,000	Nov. 26
1890–1891	4,430,000	6,979,000	Dec. 8
1891–1892	4,783,000	[1] 7,150,000	Dec. 1

[1] Estimated on basis of receipts to July 15, 1892.

"A comparison with 20 years ago shows that the receipts at the ports for the four months ending December 31, 1891, were nearly three and a half times larger than for the corresponding period of 1871, and exceeded the receipts of 1871 by 3,391,000 bales. The cotton marketed during the first four months of the season of 1891–92 exceeded the entire crop produced in any season previous to that of 1878–79. It will also be observed that while the date of arrival at the ports of one-half of the season's receipts was in 1871 on January 17, the date of such arrival of recent years has been from November 23 to December 3, or about six or seven weeks earlier.

"Mr. WHITE. This table also shows the date of the receipt of one-half the crop. On it I find this instructive statement: One-half of the total crop in 1870–71 had arrived by January 17; in 1872–73, January 8; in 1873–74, January 1, and now and then one-half the crop arrived at various days in December. In 1888–89, by December 5 one-half of the total crop had arrived in the city of New Orleans and other ports. In the following year, 1890–91, one-half of the total crop had arrived by December 8. In 1891–92 the crop is estimated, because we can not make it complete, and it is estimated on the basis of receipts up to July 15.

"This shows the great pressure of receipts on the market; this shows how the cotton pours in now at an early day. Who is to buy this cotton? If all this cotton is precipitated upon the market and if it had required actual buyers to be then and there ready to take it up for immediate delivery, why would not the producers have been at the mercy of the consumers? How can I show that this system of futures produced the result of obviating the consequences of the glut by selling not only to those wanting for the present but also to those requiring it for the future or more remote periods? I think I can do so not only by reasoning but also by facts——

"Mr. BUTLER. May I interrupt the Senator a moment, because I want to get at the real facts, and I know he does?

"Mr. WHITE. Certainly.

"Mr. BUTLER. Is it not a fact that a great deal of the cotton which the Senator says goes into all the ports of the United States at certain dates has been already bought from the producers?

"Mr. WHITE. Yes, sir; of course.

"Mr. BUTLER. The farmer has sold it?

"Mr. WHITE. There is no doubt about that.

"Mr. BUTLER. So that when the argument is made that that has any effect upon the producer, I submit to the Senator if it were true, and if the statement which I have just made be true, his argument falls to the ground.

"Mr. WHITE. On the contrary, it confirms my argument. If the Senator understands—and I was coming to that as an entire answer to the Senator from Mississippi [Mr. GEORGE]—it is just a confirmation of my argument 'strong as proofs of Holy Writ.' I will demonstrate it if the Senator will have a little patience.

"Mr. BUTLER. I am patient.

"Mr. WHITE. I say the effect of the arrival of all this cotton was necessarily to reduce the price. What else could it do? It always has done it, and does it with every product. I have shown the vast increase of the receipts for a given time in the modern period over the old period, resulting from modern facilities. Now I propose to make a comparison showing how much cotton fell before the 'future' period, at the time of large receipts of the crop, and how much it fell after the 'future' period. If I find that after the 'future' period the decline in cotton from the pressure of receipts was less than it was before the 'future' period, although the receipts have been largely increased, do I not make a demonstration that can not be answered? The fact that there was a decline in both periods

is not gainsaid, the question is, in which period has there been the least decline?

"I hold in my hand an exhibit of the dates of the lowest prices for cotton in New York during each season from 1850–51 to 1860–61—that is, a period before futures. I do not take in the period from 1861–62 to 1870–71, because of the war and the fluctuations in gold. I stop at 1861, because the war intervened, and if I went into the subsequent period, before 1880, questions of gold value, of the rate of exchange, and the disturbance of currency resulting from the war would be factors in the problem. I desired to make an accurate compilation. The statement, as I have said, shows the lowest point to which cotton fell from 1850–51 to 1860–61, and from 1880–81 to 1890–91.

"I take these two periods, one before the system of 'futures' and one after. I want to show the fact that the incoming crop caused a glut in the market and thus produced a depression in price which was common to both periods. It does that, as I said just now, in every product, and that glut occurred at about the same time relatively. Here it is. In 1883–84 the lowest price was September 1, 1883; take 1853–54, and the lowest price was October 21, 1853; take 1884–85, and the lowest price was October 24, 1884; and the lowest price in 1854–55 was December 15, 1854; take 1885–86, and the lowest price was February 26, 1886; and the lowest price in 1855–56 was November 9, 1855.

"The depression, therefore, of both periods was as a rule coincident with largest receipts.

"Dates of lowest prices of middling Upland cotton in New York during each season from 1850–51 to 1860–61, and from 1880–81 to 1890–91.

Season of—	Date of lowest price.	Season of—	Date of lowest price.
1850–1851 [1]	Aug. 5, 1851	1880–1881 [6]	May 10, 1881
1851–1852	Dec. 26, 1851	1881–1882	Oct. 17, 1881
1852–1853	Dec. 16, 1852	1882–1883 [4]	Apr. 4, 1883
1853–1854	Oct. 21, 1853	1883–1884	Sept. 1, 1883
1854–1855	Dec. 15, 1854	1884–1885	Oct. 24, 1884
1855–1856	Nov. 9, 1855	1885–1886	Feb. 26, 1886
1856–1857	Sept. 2, 1856	1886–1887	Nov. 4, 1886
1857–1858	Jan. 5, 1858	1887–1888	Oct. 3, 1887
1858–1859 [2]	June 2, 1859	1888–1889	Oct. 7, 1888
1859–1860 [3]	July 20, 1860	1889–1890	Nov. 4, 1889
1860–1861	Dec. 5, 1860	1890–1891 [5]	Aug. 17, 1891

[1] Crop of 1851–52 proved to be the largest up to that date, and when it became apparent in August, 1851, that the new crop would be greatly in excess of any previous season, prices could not be maintained.

[2] Warlike apprehensions in Europe caused serious declines in prices in June, 1859, and July, 1860.

[3] Crop of 1860–61 was largest grown up to that time. It exceeded previous crop 845,000 bales. Its vast size was not fully realized by the trade until May, 1861, when prices declined under the large stocks.

[4] Crop of 1882–83 exceeded all previous crops, and was about 1,500,000 bales greater than the preceding crop. This was not plainly seen until April, 1883, when prices declined to lowest of the season.

[5] Crop of 1890–91 exceeded the estimates made in November, 1890, by over 1,000,000 bales, and when it was seen that the crop of 1891–92 would also be large the prices gave way.

"Now, I want to call attention to another fact. I hold in my hand a statement of the total sales of futures in New York and New Orleans. Every future sale is registered in the New Orleans and New York Cotton Exchanges. The statement contains the future sales in the cities named of the cotton crop from 1880–81 to 1890–91, inclusive—the whole volume of those sales, the volume of the crop, and the average price of spot cotton for each season.

"The table referred to is as follows:

"Total sales of futures in New York and New Orleans, and cotton crops 1880–81 to 1890–91, inclusive.

Season of—	New York.	New Orleans.	Total.	Crops.	Average price middling in New York.
1880–1881	26,721,800	5,239,600	31,961,400	6,605,760	11¾
1881–1882	32,766,000	2,124,900	34,892,900	5,456,048	12¼
1882–1883	23,405,100	11,712,500	37,619,600	6,949,756	11¾
1883–1884	24,828,600	8,939,429	33,768,000	5,713,500	11
1884–1885	21,462,900	8,263,000	29,725,900	5,706,155	10⅝
1885–1886	25,282,500	7,018,700	32,401,200	6,572,681	9⅛
1886–1887	28,579,800	11,642,500	40,222,300	6,505,087	10⅛
1887–1888	26,924,600	8,799,800	37,634,200	7,045,833	10¼
1888–1889	20,184,400	6,747,900	26,932,300	6,938,200	10¼
1889–1890	21,084,100	6,617,900	28,602,000	7,311,322	11¼
1890–1891	26,389,500	9,141,400	35,530,900	8,652,597	9⅛
Total	281,733,100	86,437,900	368,191,000	73,429,479	

"Those figures absolutely demonstrate that the greater the volume of 'future' sales to the volume of the crop, the higher the average price was for spot cotton. Here they are compiled from Cotton Facts, a book of unquestioned authority in the cotton trade, its author, Mr. Shepperson, being in no way a dealer in cotton, but devoting his time and talents to the literature of the subject. I wish to print the table in the RECORD as part of my remarks, and I call every Senator's attention to it, particularly those from cotton-growing States. This table shows that taking the volume of future sales and the volume of crops, that the average price of actual spot cotton was higher when the volume of 'futures' bore the largest proportion to the volume of the crop.

"What does this illustrate? It illustrates a very simple elementary proposition of political economy, as clear as two and two make four; that is, that prices are always higher in an active market; that the more trading there is, the more you get for the thing traded in. But when I showed this table to a distinguished Senator the other day, he said to me, 'That table does not prove anything; you have taken the average price of the year.' Now, the complaint is, and I want to call your attention to the fact, that the effect of this future dealing is not that it does not give as high an average price, but that it is a snare and a delusion to the farmer, and that it is a system of 'now you see it, and now you don't'; that when the glut comes the farmer's cotton is taken at a low price and sold at a high one after the farmer has already marketed.

"In other words, the claim is that the future dealer takes the hand of the farmer and leads him down into the depths of the Slough of Despond, and when he is led down and all his products taken away from him, then up goes the price and the speculators take the advantage. That, Mr. President, is absolutely and entirely false in every particular, as shown by my figures. Although it is untrue, it seems to be an opinion entertained by some, doubtless from error of fact.

"I now send to the desk to be read the testimony of Mr. D. W. McCune, who represents the National Farmers' Alliance.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"Now, then, if the claim be just, which is made by the other side here, that this future selling regulates and controls and keeps up the market, and if it also be true that it can be made to have a temporary effect upon the market, then it follows if the pressure brought to bear at the beginning of the season temporarily reduces prices, then by means of this system they keep it down, and, as was ably shown by the gentleman from Minnesota who testified on our side, it had the effect of frightening away would-be investors, that it frightens away legitimate capital that would otherwise be induced to hold this crop when there was a superabundance, and if they could estimate on the volume of the crop and the volume of the demand and have some reason to believe it was an investment they would go into it, but owing to the manipulation of these futures it was so unsettled an operation that it horned off and kept the legitimate investors frightened away, and they would not take hold of it at all. Now, the same is true, and the point that I am gradually intending to show is this, that by this system they keep the mills horned off. They squeeze the cotton out of the producer and they keep the consumer horned off, so that he will not buy a pound of cotton until he is compelled to have it, and they keep legitimate capital frightened away so that they will not invest in it.

"Now, this system does not result from a little buyer who buys a few hundred bales and sells against it while his cotton is going to market; it is not from legitimate business men at all, but it is done by these combinations that manipulate, that squeeze the crop out of the hands of the producer and hold it through the season, and deal it out in driblets as they need it at a high price.

* * * * * * *

"Of course that is impossible; but I do believe that there is a certain part of it—that is, the part of it that is carried on a large scale at exactly the right time, when the crop commences to move, when the money is scarce, when the big buyers who have agents all over the country want to buy, that they can turn and fairly flood the leading future market—New York—with sales and offers to sell and depress the price very materially. I do not see how anyone can deny that. Now, I am taking, Mr. Chairman, a more conservative position perhaps than I believe, but I am taking it so as to be sure and just.

"Mr. WHITE. Before I meet that argument I desire to call attention to the difference between the Senator from Minnesota and this gentleman. The idea of the Senator from Minnesota seems to be that this future system prevents the enhancement of price, drives it down always and continuously. The idea of the gentleman whose statement has just been read is not that futures affect the price continuously, but that futures make the price low while the farmer is selling and then make it high when the speculator has gotten it. The two pretensions can not be both true. The Senator from Minnesota said yesterday that the effect of futures was such that when a man bought he could never sell with profit; he could not carry it; he could not get along. If a man be a buyer, then it seems to me he would buy at the season when these speculative buyers would be in the market—that is, buy when, if McCune be right, they were closing the farmer out cheap, and sell when the speculators were

est competency among them, and many are large cotton planters.

"I have received, beside these, a telegram, which I desire read, from the dealers in rice and sugar and produce in the city of New Orleans.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"NEW ORLEANS, LA., *July 19, 1892.*

"Hon. E. D. WHITE, *Washington:*

"We, the undersigned dealers in rice, sugar, and produce, consider the antioption bill as detrimental to business, and feel that its passage would work injury to our interests.

"Bloom & Son, Lefeirere & Marionneau, Miltenberger & Flower, O. Doyle & Co., John W. Coyle, R. W. Seago, J. A. Harral, Elmer & Zeebrook, G. Schwartz.

"Mr. WHITE. I will not encumber the RECORD by more telegrams. I take it for granted that if a man wanted an opinion as to the operation of this bill upon cotton he could not go to a more enlightened source for the information than to these gentlemen—information coming, as I said just now, from sellers of cotton; information coming from men who are solely interested that it should bring as high a price as possible; information coming from men who have watched these movements through all these years with a solicitude born of the keenest interest, because they are always involved in it. When that is the case, when the universal opinion of the commercial world sustains them, am I to be told that we are to take the opinion on the subject of men who have had no experience whatever?

"But let me now come to figures. I send to the reporter and desire to have incorporated in my remarks—I will not have it read—a table showing the annual crop, the exports, and United States consumption of cotton since 1841, which is brought down to 1891.

"The table referred to is as follows:

"[From Cotton Facts, by A. B. Shepperson.]

"*Statement of annual crops, exports, and United States consumption of cotton since 1841.*

Season.	Total crop.	Exports.			Home consumption.	
		To Great Britain.	To Continent.	Total exports.	Takings of northern mills.	Takings of southern mills and burned.
1841-1842	1,684,000	936,000	529,000	1,465,000	268,000	(1)
1842-1843	2,379,000	1,470,000	540,000	2,010,000	329,000	(1)
1843-1844	2,030,000	1,202,000	427,000	1,629,000	347,000	(1)
1844-1845	2,394,000	1,439,000	645,000	2,084,000	389,000	(1)
1845-1846	2,100,000	1,102,000	565,000	1,667,000	423,000	(1)
1846-1847	1,779,000	831,000	410,000	1,241,000	458,000	(1)
1847-1848	2,423,000	1,324,000	534,000	1,858,000	532,000	75,000
1848-1849	2,840,000	1,538,000	690,000	2,228,000	518,000	112,000
1849-1850	2,204,000	1,107,000	483,000	1,590,000	488,000	107,000
1850-1851	2,415,000	1,418,000	571,000	1,989,000	404,000	60,000
1851-1852	3,126,000	1,660,000	775,000	2,441,000	568,000	111,000
1852-1853	3,416,000	1,737,000	791,000	2,528,000	650,000	153,000
1853-1854	3,075,000	1,604,000	715,000	2,319,000	592,000	145,000
1854-1855	2,983,000	1,550,000	694,000	2,244,000	571,000	135,000
1855-1856	3,665,000	1,921,000	1,031,000	2,955,000	653,000	138,000
1856-1857	3,094,000	1,429,000	824,000	2,253,000	666,000	154,000
1857-1858	3,257,000	1,810,000	780,000	2,590,000	452,000	143,000
1858-1859	4,019,000	2,019,000	1,002,000	3,021,000	760,000	167,000
1859-1860	4,861,000	2,660,000	1,105,000	3,774,000	793,000	185,000
1860-1861	3,849,000	2,175,000	952,000	3,127,000	620,000	193,000
1861-1865 [1]						
1865-1866	2,275,000	1,262,000	293,000	1,555,000	541,000	127,000
1866-1867	2,233,000	1,216,000	341,000	1,557,000	573,000	130,000
1867-1868	2,599,000	1,225,000	428,000	1,656,000	800,000	168,000
1868-1869	2,434,000	989,000	458,000	1,447,000	822,000	173,000
1869-1870	3,114,000	1,437,000	704,000	2,170,000	777,000	80,000
1870-1871	4,347,000	2,388,000	800,000	3,168,000	1,072,000	91,000
1871-1872	2,974,000	1,471,000	483,000	1,957,000	977,000	120,000
1872-1873	3,874,000	1,920,000	756,000	2,676,000	1,063,000	138,000
1873-1874	4,130,000	1,872,000	959,000	2,811,000	1,192,000	128,000
1874-1875	3,831,000	1,833,000	841,000	2,674,000	1,071,000	130,000
1875-1876	4,632,000	2,007,000	1,227,000	3,232,000	1,220,000	131,000
1876-1877	4,474,000	1,994,000	1,034,000	3,028,000	1,302,000	127,000
1877-1878	4,774,000	2,047,000	1,300,000	3,346,000	1,345,000	121,000
1878-1879	5,074,000	2,053,000	1,413,000	3,466,000	1,375,000	198,000
1879-1880	5,761,000	2,554,000	1,310,000	3,864,000	1,774,000	121,000
1880-1881	6,606,000	2,832,000	1,733,000	4,565,000	1,713,000	230,000
1881-1882	5,456,000	2,295,000	1,256,000	3,551,000	1,677,000	287,000
1882-1883	6,989,000	2,885,000	1,838,000	4,724,000	1,719,000	313,000
1883-1884	5,713,000	2,485,000	1,432,000	3,917,000	1,537,000	346,000
1884-1885	5,706,000	2,425,000	[2] 1,495,000	3,920,000	1,437,000	318,000
1885-1886	6,575,000	2,565,000	[3] 1,771,000	4,336,000	1,781,000	285,000
1886-1887	6,499,000	2,704,000	[4] 1,741,000	4,445,000	1,687,000	422,000
1887-1888	7,047,000	2,814,000	[5] 1,813,000	4,627,000	1,905,000	459,000
1888-1889	6,939,000	2,810,000	[6] 1,926,000	4,736,000	1,790,000	485,000
1889-1890	7,297,000	2,834,000	[7] 2,072,000	4,906,000	1,791,000	550,000
1890-1891	8,674,000	3,345,000	[8] 2,446,000	5,791,000	2,027,000	620,000

[1] No estimate.
[1] Civil War—no record of cotton movement.
[2] Including 26,023 to Mexico.
[4] Including 34,125 to Mexico.
[5] Including 40,774 to Mexico.
[6] Including 33,268 to Mexico.
[7] Including 41,259 to Mexico.
[8] Including 28,414 to Mexico.
[9] Including 31,443 to Mexico.

"Mr. WHITE. Now, what is the claim which those who defend future sales advance? The claim is this: That as in a few months the whole cotton crop was precipitated upon the market, this created a glut in the market and put the producer largely at the mercy of the buyer. The crop either had to be sold or to be stored. If the buyer was not there to take that crop, then there was this vast mass of receipts, and of course there was a serious decline in the market.

"Our total spinning capacity in this country represents a little under a third of our crop—somewhere between a third and a fourth. I will not be accurate in this statement. The balance of the crop was for exportation, and the agents of the great English buyers and consumers were there; and if they did not buy, the price went down.

"Under the system of 'futures' has this evil increased or has it diminished? It should have increased largely, because before the future period the crops came in more slowly than they do now. Why? In the first place, the greater part of the cotton crops in the South in the olden times was made by slave labor, and if the price was not satisfactory the large planters were able to hold their crops for an advance. In the second place, a great part of the cotton was grown on the alluvial lands along the streams, and the only exit to the markets of the world was the rising of the water in those streams. All these things and others of less importance tended at that time to retard somewhat the incoming of the crop of cotton. Despite that fact, in the first months of the season, before future dealing came in vogue, when the cotton came in there was always, unless there was some abnormal condition, which can easily be explained, a serious depression in the market, which put the producer absolutely at the mercy of the consumer. Who was to take it but the consumer? He availed of his advantages and fixed the price.

"As this evil grew, the system of futures was devised, and devised for what purpose? Devised for the purpose of bridging over this glut, of preventing this cotton which came from being pushed upon the market, thus allowing it to be bought by a man who could not pay for it at once but who could do so two or three or four months off, thus necessarily spreading the large receipts over a longer period instead of throwing them all upon the market and causing them to be sold for the prices the consumer was then willing to give.

"Mr. GEORGE. Will the Senator allow me to ask him a question for information?

"Mr. WHITE. Certainly.

"Mr. GEORGE. I understand the position of the Senator from Louisiana with reference to the cotton trade to be, that now, owing to the increased facilities for marketing the cotton crop, railroads and all that sort of thing, contrary to the fact as it existed many years ago, when a very large amount of cotton was precipitated into the New Orleans market, much more than was needed then by the consumers—am I right that far?

"Mr. WHITE. I say the receipts are larger now than they were then. I did not enter into that question. I spoke of the price of cotton.

"Mr. GEORGE. Then I understand the Senator to say—and I want to understand him and I want him to understand me, because I know there are many difficulties about this thing—I understand the Senator to say that but for the 'future' system of dealings this cotton would be thrown upon the market then and there in its glutted state, and there would be a great fall in the price. Is that right?

"Mr. WHITE. I was not saying that when the Senator was kind enough to interrupt me. I had advanced that as a theory in my argument before, and I was proceeding to demonstrate as a fact that it was so. I am not engaged now in the statement of theoretical problems. I was endeavoring to put my theories to the touchstone of fact by showing that such was and is the case.

"Mr. GEORGE. Very well. Then I understand the Senator to change his position a little from the way I understood him, for now he states the proposition a little differently, that the records of the commercial exchanges and the cotton exchanges demonstrate the fact that when this cotton gets into New Orleans or other markets in the fall in this glutted state, the result is that there is a fall in the price?

"Mr. WHITE. Always.

"Mr. GEORGE. Let me go on. Now, I understand the Senator to say that the 'future' sales or the 'future' system will counteract that, but it does not now operate in that way owing to the 'future' system. Is that so?

"Mr. WHITE. Oh, no; I did not say that. I said not to the same extent.

"Mr. GEORGE. Very well. It lessens it, then?

"Mr. WHITE. It lessens it seriously.

ing for the farmer, I am legislating for the miller; the farmer will take care of himself.'

"Senator WASHBURN. That man must have been from New York.

"Mr. ROGERS. That was ex-Gov. Stanard, of St. Louis, Mo. He is a reputable miller.

"They want to be the buyers and without competition—the buyers at their own price.

"Mr. President, I think the testimony here makes it perfectly clear, absolutely clear—and I want to call attention to it very deliberately and have it weighed—that whilst there may be divergence among millers, as there undoubtedly is, from the earnest and zealous and disinterested attitude taken by the Senator from Minnesota on this floor, yet there are other millers who consider that the necessary effect of this bill will be to reduce the price of the product made by the farmer and put him in the hands of and at the mercy of the miller. Mr. Pillsbury, the gentleman to whom I have already referred, and whose testimony is in this record, is a part owner of a vast milling establishment. He testifies that they have, I think, 150 elevators. I may be mistaken in stating the number. Now let me read his testimony, and I invite attention to it. This testimony was taken before the Committee on Agriculture of the House of Represenatives:

"Question: Mr. LONG. Well, formerly when millers were able to carry this wheat and flour and their money invested in it they then charged a profit sufficient to cover the interest on their money and that went out to the markets of the world and paid the expenses, etc., and profits back to the mill man.

"That is the question.

"Answer: Mr. PILLSBURY. The universal rule used to be that the miller generally accumulated wheat, say, when the farmers were putting in their surplus, rapidly. The universal rule, almost, used to be that you could buy the wheat cheaper at that time than at any other time, and you could make a fairer profit on the actual holding of the wheat than you could at such times when these movements of the farmers were less.

"Let me repeat it.

"You could buy the wheat cheaper at that time than at any other time.

"Mr. President, the system of futures was introduced in order to prevent purchasers from taking advantage of the time when the farmer was shipping rapidly, buying low, and then selling it afterwards for a large profit. After the system of futures came in, when this vast surplus was accumulating, this was prevented. Not only the rich man, but the poor man, could buy for future delivery without any risk whatever. Every contract so made necessarily relieves the pressure on the market and gives the producer a better price. Mr. Pillsbury, in what I have just quoted, admits this.

"But he goes further—

"Question: Mr. LONG. Well, now, then; as it stands now the miller can not carry the wheat and flour, because there is a large risk attached to it in consequence of wind selling. Then, if this wind selling has the strength that you say it has, it is manifest that it has a prejudicial influence against the raiser of wheat.

"Mark you, the question is inconsequential. The answer to the previous question had been that it was prejudicial to the miller of wheat, and the question says 'prejudicial to the raiser.' Now, mark the answer:

"Mr. PILLSBURY. Yes, sir; against the raiser of wheat—

"Here comes the gist of the answer—

"and the miller before—

"That is, before the system of 'futures'—

"could generally use his good judgment and make money by the rise of wheat. I would state a fact, which perhaps would be a surprise to most of your committee, that I have no doubt the milling interests in this country, taken as a whole, in the last 10 years have paid the farmer more money for wheat than they have gotten out of him. That is the fact through the Northwest.

"Mr. President, this bill proceeds upon the theory that the farmer has not got his full money; that he has not been paid the value of his product. Here is a statement that under this system during the past 10 years the millers have been paying the farmer more for wheat than they, the millers, have obtained for it.

"Let me continue the citation:

"I think I can count—

"Says Mr. Pillsbury—

"on the fingers of my two hands the 150 milling firms, say 10 years ago, in our part of the world; and I think that is true all over the country, that there are only a few millers who, by using the highest triumphs of milling and the best executive ability and producing the best brand of flour, have been able to make anything. The immense competition and capacity of the mills of this country has doubled three times the amount of flour they can make, and it is got right down the last few years to the question of the survival of the fittest; but there was a time when they could always run on a profit, years ago, by buying wheat in the fall, say on an average of $1 a bushel, and we were almost sure to make a good profit by carrying it until the time when the state of the roads, etc., prevented the deliveries being so large. I look on short selling as being the greatest impediment to the profit of milling business in that way.

"That is just it, Mr. President. Here, if human language can state it, is an express admission that before the system of futures the way the millers did their business was when the surplus was coming in from the crop in large quantities, to buy it cheap, and when the roads got bad and the farmer's wheat could not come in, to sell it high. If the language does not say that, what does it say?

"Does not that exactly tally with my statement of the 'future' system? The 'future' system has destroyed that. Why? Because a man looking forward to the coming of those muddy roads and knowing that the muddy roads are to come, has said to the farmer, 'Do not sell your wheat now at a low price; I will agree to pay you a month hence, when the roads are muddy, a higher price; just let me take it.' So competition has come in; and instead of buying wheat cheap when wheat was abundant and selling it high later on, the prices have been equalized.

"I do not know whether that is a fact in wheat or not, for I have no experience and I do not propose to discuss it; but I say when, on the face of this testimony, I find the statement to be that that is the case, I have the right to assume that Mr. Pillsbury knows a great deal more about wheat than I do, and to accept his declaration of what were the consequences before the 'future' system, and to see very plainly what is the consequence now and thus to keenly appreciate the great solicitude of Mr. Pillsbury for the producers of the country and his desire that their grain should sell high.

"Now, Mr. President, let me review the facts as to cotton. But before I do that I desire to send up and have read a list of telegrams. I have compiled the telegrams all into one. The phraseology of this one telegram is not literally the phraseology of the many which I have received, but they were all substantially the same, and I have put the signatures under one in order to avoid duplication.

"The PRESIDING OFFICER (Mr. Turpie in the chair). The paper referred to will be read.

"The Secretary read as follows:

"COTTON FACTORS OF NEW ORLEANS.

"NEW ORLEANS, LA., *July 18, 1892.*

"To Hon. E. D. WHITE,

"*United States Senate, Washington, D. C.:*

"We ask your efforts to defeat Hatch antioption bill. Its passage will lower prices, injure planting interests, and badly affect cotton business generally.

"Stewart Bros. & Co.; Geo. W. Sentell & Co.; Hyman, Hiller & Co.; Simon E. Marx; J. Freijhan & Co., Bayou Sara, La.; Lehman, Stern & Co.; John M. Parker & Co.; R. M. Wamsley & Co.; Pugh & Co.; Phelps & Co.; Thos. L. Airey; Levy Bros.; Robert Day & Co. (Ltd.); H. Abraham & Son; J. Weis & Co.; Baldwin & Putnam; Bickham & Moore; W. B. Thompson; Chas. Chaffe.

"Mr. WHITE. Mr. President, most of the names found in that telegram are the names not of cotton buyers, but of cotton sellers. They are the names of the great body of the cotton factors of New Orleans who carry almost the entire crop of the Mississippi Valley.

"Mr. GEORGE. There is an important name missing from that list.

"Mr. WHITE. Whose name?

"Mr. GEORGE. Richardson & May.

"Mr. WHITE. I send up a telegram from Mr. May, of Richardson & May.

"Mr. GEORGE. I noticed the absence of the name.

"The PRESIDING OFFICER. The paper referred to will be read.

"The Secretary read as follows:

"[Telegram.]

"NEW ORLEANS, LA., *July 18, 1892.*

"E. D. WHITE, *United States Senate:*

"I believe the passage of the antioption Hatch bill will do incalculable damage to the cotton trade and cotton planting in the United States, and I invoke your earnest efforts to defeat it.

"A. H. MAY.

"Mr. WHITE. Mr. President, some Senators here know personally Mr. John T. Hardie, of the city of New Orleans, and his great business experience. I had a telegram to the same effect from him.

"I repeat, that these telegrams are not from cotton buyers, but they are from cotton sellers; and there does not live a body of more enlightened and honorable merchants than those whose names are found upon that list. Many of them have been in the cotton industry from its infancy, and in all its trials and tribulations. They have followed it through it all, and they are doing it to-day, as they have always done, honestly and wisely.

"I desire to say another thing. Among that body of high-minded and enlightened gentlemen and progressive merchants, who have been in this business for all these years, there are found none of these great aggregations of wealth to which the distinguished Senator from Minnesota referred. There is hon-

"Yet, at this late day in this great body, representing the greatest commercial people in the world, the most active, the most enlightened, the most fertile in resources, the most advanced, are we to be called upon to listen to the contention that all the bankers of the world, not only in this country but everywhere, the great business men of the world, all the exchanges of the world, without reference to nationality, are a mere body of degraded and prostituted gamblers? That is the inevitable outcome from the arguments which have been adduced on this floor; arguments, in my judgment, in the domain of reason, as flimsy and as wanting in logical foundation as it is possible for argumentation to be.

"No, Mr. President, when we come to commercial questions and find the universal consensus of commercial mankind agreeing to one thing, all tending to one thing, all supporting an evolution which has come, which is here, and which must remain, I say against all this the opinion of any one man here or there or somewhere else should weigh as nothing. If we were dealing with a theory, if there were here a question of natural philosophy or of chemistry, perhaps one mind with one ray of light could shed over the whole universe a splendor which all the world had not discovered. But when we come to the practical things of life, things that were not born but were evolved from commerce, because commerce is not a birth but an evolution, the only safe rule is to listen to commercial opinions. Commerce is a creation of the aggregate practical common sense of mankind, and nothing ever obtains universally in commerce that has not been founded upon the rock of things practical.

"It is a mistake to say, as has been intimated here, that these bodies whose petitions I have presented are bodies not of producers. Why, the only body I am familiar with, Mr. President, is the Cotton Exchange of New Orleans. That exchange has a great many producers, agents, or factors of planters as members. It has the buyer and the seller, the planter, and the factor who represents a vast volume of planters. If you were to-day to put an exhaust pump on the cotton fields of the southern country and draw out of these fields the money which has gone from these commercial bodies and whose only hope of return is in the fruition and wise marketing of those crops, you would cause no greater destruction to sweep over those fertile and laughing fields than will, I am afraid, result from the passage of this bill.

"Now, Mr. President, having laid down these general principles, I propose to look at the origin of this system of future delivery and see whence it came.

"Where did it take its birth? If we look back 40 years and picture the conditions of things at that time, and then look at the condition of things to-day, sum up the whole mass of human acquisition existing now and compare it with the human acquisitions of those days, we shall have a résumé of the growth of this future system.

"There is not a spark of electricity encircling the world to-day like a flash of lightning which does not carry in its womb the germ of an undeveloped future contract. There is not a railroad train dashing over the land that has not written upon its locomotive headlight the necessity of future contracts. There is not a steamship plowing the vast deep with all the rapidity of ocean transit which now obtains that does not at every puff of her mighty engine repeat and repeat again to the commerce of the whole civilized world the necessity of future contracts.

"I found, Mr. President, this morning, in a paper recently published in New York on the death of an illustrious man, an estimate of the consequences which had come from the electric cable joining Europe and America. The writer of that article, with much lucidity, called attention to the fact that it was the intermingling and intercommunication between man and man which had generated this closeness of union in commercial transactions out of which had developed this system which dominates the commercial world to-day and which lies at the foundation of every human business. There is not a civilized human being who does not bear living evidence not only of the necessity but the universality of this practice.

"The very material from which the coat I wear was woven was probably bought on future delivery. The spinner who spun it, in order to save himself from loss, had sold it for future delivery in order to be guaranteed a price which would be remunerative. There is not a thing to-day which enters into the use or consumption of mankind which, under this modern and universal system of future delivery, is not covered by contract in one way or the other to save loss which would otherwise result.

"The inevitable tendency of modern business is to draw people together, to make intercommunication of man with man greater. The inevitable result is equality. The future business is the necessary result of the struggle between men for equality. Before the future business came into being the large capitalists, the mighty millionaires, of whom the Senator from Minnesota speaks, had to furnish the money with which to carry on commerce. This future system, as I have said, is the result of the struggle for equality. Before it came large fortunes were required to carry and hold the product and submit to the great expense and risk which resulted from the holding them until taken by consumers, whereas now the ingenuity and quickness of the minds of men, responding to the wants of modern trade, have engendered this system of future delivery, which has put every man upon a footing of equality with every other man, enabling one without large capital to be the equal relatively of the man with great capital.

"I can recall that in my boyhood, in the city of New Orleans, the great commercial houses, the great English houses with large sums of money, the agents of the Brown Bros. and the agents of other great bankers, the Baring Bros., did business there. When exchange was to be drawn to pay for cotton, the Baring Bros. or Brown Bros. bought it. If cotton exchange was taken to a bank, there was danger of its being refused for fear the price of cotton might go down. The banker would say, 'If I take this bill except upon the credit of the drawer, a decline in the price of cotton in the future will make a loss.' So it resulted that the business was transacted largely upon the personal credit of these great houses, or on the credit of the cotton buyer, who was required to be a man of fortune.

"But now a man with an office and without much capital is as good as the Brown Bros. He gets his cable order from the spinners he represents on the other side to buy cotton. He buys spot cotton and sells it for future delivery. He sells the very exchange which he is to draw for future delivery. He must know the rate of exchange before he can make his price, and asks the bank to agree to take his exchange at a date in the future. Every transaction connected with it is a future transaction. His possibility of dealing without capital is caused by the fact that an insurance resulting from future delivery is put upon every article that is dealt with in the course of the transactions as they go along.

"See what a revolution it has worked in the Southern States. Formerly great masses of cotton would come to the city of New Orleans and be stored. The buyer was gone. Decline was rapid. It required the actual presence of a man of means to buy this property in order to hold it, because the buyer must submit himself to the risk of loss if cotton declined.

"What is the situation now? Why, the receipts as they come in are distributed over the year under this system of future contracts. Cotton is bought for future delivery and is thus taken from the spot market. The small consumer is enabled to buy because he is not obliged to pay cash, but can take advantage of a transaction for future delivery. That is the situation. It has curtailed the profits of the millionaires. It has reduced the charge to the producer.

"Mr. President, I telegraphed the secretary of the cotton exchange of the city of New Orleans to ascertain what were the charges of the middleman now as compared with such charges formerly. I have a telegram in reply, in which the secretary says:

"NEW ORLEANS, LA., *July 22, 1892.*

"While no regular statement can be made, owing to irregularity of charges, you can safely state that under old system, including cost of advancing commission on sales of cotton, commission on purchases of supplies, insurance rebates, etc., cost on a bale of cotton averaged fully $5 per bale. To-day millions of bales are sold direct from interior, avoiding many extra charges under the free-on-board-delivery system at 25 and 50 cents a bale under the free-on-board and future-delivery systems, which have built many flourishing interior centers. Many of the old items of charge have been abolished; these will be largely restored if present trade methods are interfered with.

"HENRY G. HESTER, *Secretary.*

"Hon. E. D. WHITE,
"United States Senate.

"Now, Mr. President, I desire to have read a statement of the results of this business found in the same book which I have read from this morning, commencing on page 103 and going down to the marked paragraph on page 104. That states with such lucidity the evolution of these economic problems that I incline to agree with the distinguished Senator from Nevada [Mr. Stewart] when he said this morning that he considered the author one of the most lucid of political economical writers.

"The Secretary read as follows:

'Three independent economies exist in the practice of buying and selling for future delivery, say one, two, or three months ahead, which could not be effected by buying grain on hand and taking present delivery.

'First. Buyers for consumption—millers, exporters, and foreign purchasers—can, through them, convert a future unknown price into a known price, so far as is necessary to enable them to base future contracts for production thereon. Suppose a manufacturer of cotton goods or iron, feeding his own mill, as indirectly he does, and obliged to estimate the rate at which he can afford to take orders according to the rate at which he can buy bread and provisions, it is plain that he could 'figure' the rate at which he could take orders more closely if he could make certain his own future rate of expenditure on his supplies of food and provisions. This he could do by buying in August, deliverable in October.

'Second. Precisely as buying in a wide market equalizes prices over a wide area of country and enables millions of persons to produce the same product in close competition with each other, so buying for a considerable period of time, or 'going long' spreads and equalizes over a long period of time the changes in price which are made inevitable by natural causes, such as war, drought, flood, great or small harvests, and the like. Equalization of prices over time is as essential to steady production as equalization of prices over wide areas and numerous groups of producers and consumers. If a raise of 20 cents per bushel in wheat is made necessary by an impending war between two grain-growing countries, and if one buyer knows it three months ahead, and buys his supply at an advance of 2 cents per bushel, he not only saves his own supply but he brings the market 2 points nearer where it ought to be, and thus serves millions of producers and consumers who are interested in the raise being both early and gradual, not late and spasmodic.

'Thirdly. Such 'futures' originate with buyers, since if no one wished to buy ahead no one could sell futures. Each buyer pays a margin on his contract sufficient to secure the seller against loss in event of a fall in price and no delivery. The futures run in links from the consumer back to the producer. In such cases they cause a current of advance payments to set in from the dealers in the futures or purchasers.

'This is in effect a movement of money in advance from the consumers, or their representatives on the board of trade, to and among the producers. Farmers are thus enabled to get advances on their grain and planters on their cotton, whereby the harvesting is virtually done by the capital advanced by the consumer. This converts articles like cotton and wheat, for which prices are established by 'futures,' into 'cash' articles, or articles on which long advances are had, whereas cotton goods, furniture, and manufactured articles are sold so invariably on long credits that even 'cash' means 30 days after delivery.

"Mr. President, I also send to the desk, with a request that it be read, an excerpt from Contractual Limitations, which is a modern book, published in 1892, by an ex-chief justice of the Supreme Court of Indiana. It contains a statement of the problems involved in these modern methods of business which I think so clear that I desire to insert it in my remarks.

"The Secretary read as follows:

"Trading in cotton futures was established in New York in 1870 and in New Orleans a few years later. As I am more familiar with the cotton trade than with the other trades in which transactions in futures are made, I will confine my remarks more especially to cotton futures. Contracts in cotton futures are made for the delivery in lots of 100 bales during the month contracted for, such delivery to be at the seller's option upon five days' notice to the buyer. An order on the warehouse for the cotton is tendered for every notice of delivery by the seller to the party to whom he has sold. If the buyer has also sold the cotton for delivery during the month for which he has received notice, it is customary for him to transfer the notice of delivery and warehouse order to the party to whom he has sold, and such transfers are made until 3 p. m. of the day of issuing the notice or until its receipt before that hour by a party who has bought but has not sold, or who desires to receive the cotton, and this party receives the cotton from the one who issued the notice and warehouse order and pays for it.

"As those who have bought and sold have no interest beyond the difference in the price at which they bought and the price at which they sold, it would be a useless expense to have the cost of delivery and receipt incurred for each change of ownership, when the passing of the warehouse order accomplishes every purpose and saves unnecessary charges. All immediate parties between the party who issues the notice and warehouse order and the party who receives the cotton settle with each other the difference between the price of their respective contracts and the price at which the cotton is received and paid for. In the course of business it happens that many contracts are settled before the month of their maturity and without actual delivery of cotton. For instance, a merchant may sell for a planter a contract for October delivery, and the next day he may buy for a southern cotton buyer a contract for delivery the same month, and if these transactions are made with the same party on the exchange, a direct settlement would be made as between the two members of the exchange.

"A merchant might sell to a party, who might sell to another, and this other might have previously sold to the first party, all the transactions being for the same month's delivery. This would make a settlement of contracts between the three and is called a 'ring settlement.' These 'ring settlements' are purely matters of chance. They may be effected very soon after the transaction, or they may not occur for months, and they may not occur at all. They do not in the slightest degree enter into the matter of the original transaction, which is based upon the probability and intention of actual delivery of the cotton contracted for. In much of the legitimate business at present the transactions in futures are of great benefit to producers, manufacturers, merchants, bankers, and the general public.

"About three-fourths of the cotton crop is usually marketed during the first four months of the season. If such a large proportion of the crop was forced upon the market for immediate sale, the effect would certainly be to unduly and greatly depress prices. By the sale of futures against consignments of actual cotton relief is often given to an overstocked market and better prices are secured for the planter than would otherwise be possible. If prices are satisfactory, the planter can direct his merchant to sell futures against his crop before it is actually ready to be marketed and thus secure the benefit of a remunerative price which might not be obtained if the sale could not be made until his crop had actually reached a market.

"Mr. President, having referred to the general laws of trade from which the future system was evolved, I now propose to summarily restate some of the benefits which it confers on the cotton planter.

"It gives him a wider, safer, relatively higher, and less fluctuating market.

"It cheapens the rate at which the producer obtains the money to make his crop by enabling the factor and all who deal with the producer to sell by futures the product with which the producer is to pay them, thus diminishing their risk and enabling them to reduce their charges to the producer.

"It has diminished the charge of the middlemen by drawing the producer and consumer together, by enabling the buyer to sell for future delivery and buy the producer's crop to fill his future sale already made.

"It has multiplied buyers and brought them to the door of the consumer.

"It has multiplied investors by enabling them to buy actual cotton and sell futures against it at a small advance to cover interest and charges, thus making the investment safe. The investor, having sold for future delivery against his purchase of actual cotton, is absolutely safe, is submitted to no risk of fluctuation in the market, and therefore can afford to pay a better price to the producer.

"It has enabled the spinner to pay a better price to the consumer. He buys his cotton for consumption by means of a future contract, thus obviating the risk of a decline in the market. He sells the goods which he is to make from the cotton by a future contract, thus insuring a profit and thus enabling the spinner to do his business on a narrower because a safer margin of profit. It has brought the cotton fields of the South nearer to the great centers of American and European consumption by diminishing the risk, thus reducing the difference in price which formerly existed between cotton in the field of the producer and that cotton at the door of the consumer.

"It has relieved banking capital, thus leaving more money to assist the planter in making his crop.

"All these things, Mr. President, are the necessary resultants of the first proposition, which is that the system of selling cotton for future delivery gives the producer a wider, safer, relatively higher, and less fluctuating market. If this proposition be true all the others necessarily follow.

"Now let me show the existence of these benefits by an examination of the state of the cotton trade before and after the future period, so that by a comparison between the two periods the mind may be able to determine, not by abstract reasoning, but by the touchstone of absolute and indefeasible fact, whether the benefits which I have stated have or have not resulted.

"In the domain of theory minds may differ. The moment we advance an abstraction, one mind takes one view and the other takes another, and the union of the two minds becomes impossible because of the divergent premises or the contradictory deductions which the minds make.

"But when we enter the domain of absolute and unchallengeable fact, then the only question which remains is first to ascertain the truth and then follow it. By that touchstone I hope to demonstrate that this system has been a merciful blessing to the cotton planter of the southern country and to the cotton trade, and that its destruction will entail upon that people in loss of price and incidental sacrifices a sum equal to, it may be, $100,000,000.

"I shall say nothing of the grain trade. There are Senators who are more familiar than I am with the movements and operations of grain. I may say, however, that the theory and opinions of all the grain brokers, all the elevator men, all the bankers who advance on its exchange and bills of lading, and all of the people who deal in grain. I think almost without serious exception, adhere to the promises stated in the book which has just been read.

"In Minneapolis, the very center of the grain trade, as will be seen, all the organized commercial bodies have filed their memorials here against this bill. While the distinguished Senator from Minnesota was good enough to say to me that he thought they had modified their opinion in consequence of a modification in the bill, I think when it is known what an illusory hope that modification holds out, that their protests will apply. But we are not wanting in this record indubitable evidence that the principles which I assert, and which the theoretical writers and all the practical men assert, apply to grain.

"I find in the testimony of Mr. Romer, taken before the Senate Committee on the Judiciary, the following:

"Mr. ROMER. I will say, if I am allowed, that another important miller in the country, in an interview with myself on the Produce Exchange of New York, said he was heartily in favor of this bill. 'Why,' said I, in my simplicity of heart, 'this bill will be an injury to the farmer; this bill will narrow the markets and give him no opportunity to sell to the best advantage.' He said, 'I am not legislat-

revenue officer? Yet the declaration is made that there is no intention in this bill to interfere with the freedom of trade. The earnestness of purpose and the zeal of the distinguished Senator, the evil which he sees and wishes to cure for a great public purpose, have so dominated his mind and clouded his vision that there lies a fog between his mind and the great and elementary principles of American Government; he sees freedom where I see slavery and oppression.

"Mr. President, let me pass away from these things. I wish to discuss the essential features of the bill now. I have discussed it hitherto on the theory that it was unconstitutional. I have taken up its contrarieties, and its confusions, and its contradictions, and its stipulations against human liberty and elementary rights. I propose now to turn my back upon all that. I propose to urge the defeat of this bill, supposing that this was a body with no restriction on it whatever, that this Senate was the most untrammeled and absolute legislative body in the world, that the Constitution was a myth, and all the restraints of English-speaking government a mere chimera which we had forgotten and which we were never to recall. I say, looking at this bill from this point, it is pernicious and vicious; that it will strike a blow at the commerce of this country the length and breadth and width and depth of which no human mind can compass until its results of disaster have worked out. Let me see if that is true.

"There is an elementary principle of legislation that in matters of commerce the wisest, safest, best, the most enlightened process is to accept the judgment of the men who by long commercial training and long commercial experience have a knowledge of the commercial subject matter in hand. That is an elementary rule. There is not a court, I think, in this land sitting to-day with a jury impaneled between man and man—I do not know how it is in the other States; I know it is so in mine, and I know it is laid down in elementary books on evidence—that if a complex commercial question were presented to that jury a commercial expert would not be allowed to testify. All the great reforms in our system, the protection of innocent holders, the rights accorded to third parties, all our system of insurance, all our system of maritime law, are not originally the creatures of statute. They were all brought forth from a mighty evolution, which treated the aggregate sense of the commercial world on a commercial question as the aggregate common sense of mankind.

"Now, what is the fact about this bill? There is a persistent, consistent, a universal declaration of all the commercial bodies in this country against this bill, and specifically pointing out the evils which will result from it.

"Mr. President, I send to the desk and desire to have read the protest of the Chamber of Commerce of the State of New York.

"The VICE PRESIDENT. The protest will be read.

"The Secretary read as follows:

"THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

"Meeting of Thursday, March 3, 1892.

"The committee on internal trade and improvements, to whose attention was brought a request from the New York Cotton Exchange to join in a protest against three bills which have been recently presented to Congress, viz: House bill No. 2699, by Mr. Hatch, of Missouri; Senate bill No. 685, by Mr. Washburn; and Senate bill No. 1298, by Mr. Peffer, reported as follows through Chairman Louis Windmuller:

"It appears to have been the mistaken notions of the framers that they could benefit producers as well as consumers if they throw obstacles in the way of dealers, to sell what they do not own and buy what they do not need. They evidently believe that such sales and purchases tend unnaturally to depress or advance values. They seem to forget that these so-called speculators must deliver what they have sold and pay for what they bought. The price of cotton is low, not because it was sold short, but because the production is large and consumption is small.

"When a manufacturer is anxious to secure raw material for future orders, which are offered to him at a time when cotton on the spot commands a higher price than he can pay, the middleman, who anticipates a reduction of values, comes forward and agrees to furnish it at a figure which enables the mill owner to close contracts for the fabrics demanded by his customers. Breadstuffs are high, not because they were bought for a rise, but because they are needed by nations whose crops have been a failure. An exporter receives an order to forward at certain limits, when navigation opens, to a port on the Baltic Sea, a cargo of corn. It is unobtainable and not wanted for immediate delivery. The dealer in futures steps in and agrees to furnish to the exporter what he wants at the time when he needs it.

"It is indisputable that such dealers have become useful factors in the general development of commerce ever since it has assumed large proportions. They take risks by which future wants are provided in our home market as well as in foreign countries. When they overstep the limits of prudence they are the sufferers, rather than producers and consumers. A combination of such men is not powerful enough to control prices of the great staples of this country beyond their natural level so as to cause serious injury.

"But even if the public should occasionally suffer because the markets have been forestalled, your committee does not believe that the course provided by these bills furnishes a proper remedy for the evil. Past experience shows that legislation will only do harm when it tries to interfere with the natural laws of trade.

"Your committee therefore recommend that this Chamber join the Cotton Exchange and the other commercial bodies throughout the country in a protest against the passage of these bills, as they would injure the best interests of the community.

"On motion the following resolutions were unanimously adopted:

"Whereas there has been introduced in the Senate of the United States by Senator Washburn of Minnesota bills known as S. 685 and S. 1757, and in the House of Representatives by Representative Hatch of Missouri a bill known as H. R. 2699, levying a tax on purchases and sales for future delivery of cotton and all hog products of 5 cents per pound, and on wheat, corn, oats, barley, and other grain of 20 cents per bushel; and

"Whereas should any one of these be enacted into law the result would be the suppression of trading in this country in what is known as contracts for future delivery of the articles mentioned, to the great detriment of all persons engaged in their growing, handling, or consuming:

"*Resolved*, That the Chamber of Commerce of the State of New York hereby enters its solemn protest against the enactment into law of any of the before-mentioned bills now before Congress or of any other bill or bills of similar purport.

"*Resolved*, That this Chamber hereby expresses its condemnation of any attempt on the part of Congress to enact laws for the supposed benefit of one portion of the community as against another.

"*Resolved*, That whatever the asserted evils may be incident to this method of dollar business, it affords a measure of security and protection to legitimate traders as well as to the producers of the articles named that is not to be disregarded.

"*Resolved*, That it is the opinion of this Chamber that no good can result to the agricultural interest of the country by any legislation that curtails and restricts free and untrammeled trading.

"*Resolved*, That the great law of supply and demand regulates values of everything, and that no particular system of trading can ever more than temporarily, if at all, obstruct its full operation; that this inexorable law always has and always will operate whether a man sells what he does not possess in the hope of securing it at a later period at a less price or not, and that any effort having in view the abolition of 'short selling,' if enacted into law, would not only fail to secure the imaginary benefits sought, but would be productive of incalculable injury to legitimate business interests while this fact is in process of being determined.

"*Resolved*, That a copy of this protest be forwarded to each Senator and Representative in Congress.

"GEO. WILSON, *Secretary*.

"Mr. WHITE. Mr. President, I sent up and had read first the memorial of this great body, because by its constitution and organization it is not a trade body. It is not the Chamber of Commerce of New York City. It is the Chamber of Commerce of the State of New York, perhaps one of the greatest bodies of commercial advisers in the commercial world to-day, composed of men many of whom are removed from practical business, men of large fortune, dealing in vast sums, men of great ability and thoroughly versed in the movements of commerce, whose opinion and judgment expressed on any commercial question anywhere where commerce is carried on would have great weight and great responsibility.

"I now send up to the desk, Mr. President, and ask to have read the memorials of the banks and bankers of New York, the banks and bankers of Chicago, and the banks and bankers of the city of New Orleans.

"The Secretary read as follows:

"NEW YORK BANKS AND BANKERS.

"NEW YORK, *February 4, 1892*.

"*To the honorable the House of Representatives of the United States:*

"The undersigned, engaged in the banking business in the city of New York, believe that if House of Representatives bill No. 2699, now before your honorable body, taxing purchases and sales of cotton, grain, and hog products for future delivery, becomes a law it will do great damage to the business in those articles and work a serious injury to producers.

"That, as bankers, we consider our risk in advancing on such property very much less than was the case prior to the inauguration of the present method of doing business.

"We therefore earnestly protest against the passage of this measure and trust that no legislation in this direction may be approved by your honorable body.

"Jas. T. Woodward, president Hanover National Bank; J. Edward Simmons, president Fourth National Bank; Warner Van Norden, president National Bank of North America; Arthur B. Graves, president St. Nicholas Bank; James Stillman, president National City Bank; A. E. Orr, vice president Mechanics' National Bank; Forest H. Parker, president New York Produce Exchange; Charles M. Fry, president Bank of New York National Banking Association; R. M. Gallaway, president Merchants' National Bank; H. Rocholl, president German American Bank; W. W. Flanagan, president Southern National Bank; W. A. Nash, president Corn Exchange Bank; J. B. Parker, president United States National Bank; Jno. B. Woodward, president Third National Bank; W. W. Sherman, president National Bank of Commerce; W. H. Perkins, president Bank of America; R. L. Edwards, president Bank of the State of New York; R. H. Pardee, jr., president Importers and Traders' National Bank; H. W. Cannon, president Chase National Bank; J. - Cilley, president Ninth National Bank; D. C. Hays, president Manhattan Co.; George Bliss, of Morton, Bliss & Co., bankers; Ladenburg, Thalmann & Co., bankers; Knauth, Nachod & Kuhne, bankers; Lazard Freres, bankers; Baring, Magoun & Co., bankers; Brown Bros. & Co., bankers; J. & W. Seligman & Co., bankers; Heidelbach, Ickelheimer & Co., bankers; Kuhn, Loeb & Co., bankers; Blake Brothers & Co., bankers.

"The VICE PRESIDENT. Does the Senator desire to have the names attached to these memorials read?

"Mr. WHITE. No; Mr. President; I do not.

"The Secretary continued to read as follows:

"CHICAGO BANKS AND BANKERS.

"CHICAGO, ILL., *February 4, 1892*.

"*To the Congress of the United States:*

"The undersigned hereby respectfully and urgently protest against the enactment of Senate bill 1757, 'defining options and futures,' and known as the Washburn bill.

"We believe that the passage of any such bill would be not only seriously detrimental to the agriculturist, but would be of incalculable injury to the manifold industries of the entire country, inasmuch as these industries depend for their profitable prosecution upon that system of buying and selling for future delivery which the Washburn bill would destroy.

"We believe the dealings in futures in grain and hog product, as regulated by the Board of Trade of the city of Chicago and similar exchanges, based on the actual delivery of the commodity traded in, are the highest development, after years of experience and labor, of the best system of handling the enormous crops of this country to the most profitable advantage of the producer.

"This system affords an open market on which the world's competition can meet in establishing values without the limitations and restrictions which an exclusively consumptive demand would impose.

"It daily declarations of values is an analysis of the world's product and requirement, and reduces to the minimum the risk of those engaged in handling the crops, thereby securing to the producer the highest bids at all times.

"By this system our merchants yearly advance millions of money for the cribbing and warehousing of grain throughout the country, which without the protection of the present market would not be done.

"To destroy this system, as contemplated by the Washburn bill, would reduce the circulation of money when most needed to move the crops, would greatly restrict credits owing to uncertainty of values, practically drive the small grain merchants from the field, and concentrate the business of the country in the hands of wealthy corporations and syndicates of warehousemen and millers.

"Corn Exchange Bank, by Ernest A. Hamill, vice president; Illinois State Savings Bank, by J. J. Mitchell, president; Bank of Montreal, Chicago, Ill., by William Monro, manager; Union National Bank, by August Blum, cashier; the Northwestern National Bank, of Chicago, by E. Buckingham, president; the Metropolitan National Bank, by E. J. Keith, president; the Atlas National Bank, by C. B. Farwell, vice president; Merchants' National Bank, by C. J. Blair, president; the Merchants' Loan & Trust Co., by J. W. Doane, president; the Commercial National Bank, of Chicago, by H. F. Eames, president; the American Trust & Savings Bank, by G. B. Shaw, president; Fort Dearborn National Bank, by John A. King, president; American Exchange National Bank, by John B. Kirk, president; the Union Trust Co., of Chicago, by S. W. Rawson, president; the National Bank of Illinois, by George Schneider, president; Hibernian Banking Association, by J. V. Clark, president; First National Bank of Chicago, by R. T. Street, cashier; Continental National Bank, by John C. Black, president; the Columbia National Bank, by Z. Dwiggins, cashier; the Globe National Bank, by D. A. Moulton, cashier; Royal Trust Co., by J. B. Wilbur, cashier; National Bank of the Republic, Chicago, Ill., by John A. Lynch, president; the Hide and Leather National Bank, Chicago Ill., by Charles F. Grey, president; the Northern Trust Co., by Byron L. Smith, president; National Bank of America, by Morton B. Hull, vice president; Bank of Commerce, by H. Felsenthal, president; Commercial Loan & Trust Co., by James H. Hobbs, president; Chemical National Bank, Chicago, Ill., by G. E. Hopkins, cashier; Franklin MacVeagh; Marshall Field; Sprague, Warner & Co.; Lord, Owen & Co.; Markley, Allisy & Co.; Pitkin & Brooks; Bled, Murdock & Co.; W. M. Hoyt & Co.; Kelley, Maus & Co.; M. D. Wells & Co.; Seis, Schwab & Co.; Phelps, Dodge & Palmer; Butler Bros.; Carson, Pirie, Scott & Co.; James H. Walker & Co.; Hy. W. King & Co.; C. M. Henderson & Co.; Sweet, Dempster & Co.; Wells & Nellegar Co.; Hibbard, Spencer, Bartlett & Co.; McCormick Harvesting Machine Co.; Frazer & Chalmers; Warder, Bushnel & Glessner Co.

"NEW ORLEANS BANKS AND BANKERS.

"NEW ORLEANS, *December 30, 1891*.

"*To the honorable the House of Representatives and Senate of the United States of America, Washington, D. C.:*

"The undersigned, engaged in the banking business in the city of New Orleans, believe if Senate bill 685, 'the Washburn bill,' taxing purchase and sale of cotton, grain, and hog products, becomes a law, that it will do immense damage to the business in those articles, reduce stability in values, and work great injury; and that as bankers we consider our risk in advancing on such property very much less than was the case prior to the inauguration of the present mode of doing business. Therefore we most respectfully protest against the passage of the bill.

"N. B. Blich, president, Southern National Bank; R. M. Walmsley, president, Louisiana National Bank; C. Kohn, president, Union National Bank; A. Baldwin, president, New Orleans National Bank; George R. Preston, president, Hibernia National Bank; G. W. Nott, president, Citizens' Bank of Louisiana; L. C. Fallon, president, Mutual National Bank; Chas. F. Hoffman, bankers and exchange; H. Maspero, president, Traders' Bank; James T. Hayden, president, Whitney National Bank; H. Gardes, president, American National Bank; W. P. Nicholls, president, Bank of Commerce; N. Landry, president, People's Bank of New Orleans; Pierre Lanaux, president, State National Bank; J. C. Morris, president, New Orleans Canal & Banking Co.; G. Ad. Blaffer, cashier, Germania Savings Bank; Jos. L. Bourdette; Fred. Peters, president, Metropolitan Bank; Gilbert H. Green; Germania National Bank, J. C. Denis, president; Moore, Hyams & Co.; Isidore Newman, sr.; Bertus & Durel.

"Mr. WHITE. Mr. President, I send, in addition to these, a list of commercial bodies throughout the country protesting against the passage of this bill. Along with that list I send up the memorials themselves; and I request that the list be printed as a part of my remarks, and that the memorials also be printed as an appendix.

"The VICE PRESIDENT. That order will be made if there be no objection. The Chair hears no objection. It is so ordered.

"Mr. WHITE. I ask that the list be read.

"The VICE PRESIDENT. The list will be read.

"The Secretary read as follows:

"LIST OF EXCHANGES, BOARDS OF TRADE, MERCHANTS, MILLERS, ETC., PROTESTING AGAINST ANTIOPTION BILL.

"New Orleans Cotton Exchange.
"Savannah Cotton Exchange.
"Houston Cotton Exchange and Board of Trade.
"Mobile Cotton Exchange.
"Greenville Cotton Exchange.
"Memphis Cotton Exchange.
"Milwaukee Chamber of Commerce.
"Chicago Board of Trade.
"New York Produce Exchange.
"New Orleans Board of Trade (Ltd.).
"New Orleans Clearing House Association.
"Bankers, millers, and merchants of Toledo, Ohio.
"Baltimore Corn and Flour Exchange.
"Chicago merchants and manufacturers.
"Minneapolis Clearing House Association.
"Minneapolis Business Union.
"Minneapolis Chamber of Commerce.

"Mr. WHITE. Now, Mr. President, in the face of this almost universal commercial opinion are we going to pass this bill? Will it be said, as was intimated on this floor, that perhaps some o. the bankers may have objection to the bill because it would affect their deposits of margins on futures? Can that be said of this great body of bankers throughout this country?

"Why, Mr. President, but a while ago when I put the question as to the discrimination against one of the large interests of the country by this bill, the only answer made was that there was such a solidarity of interest that the benefits of one would be resultingly compensatory for the injury to the others. Solidarity of interest which is affirmed, as respects the discriminating clause of this bill, is now denied in the face of this great testimony of commercial men from one end of this country to the other, men who have been dealing in these methods of business and who know their utility to the commerce of the land.

"Why, sir, there is hardly a cotton plant blooming in the Southern States to-day, there is not a leaf of a cotton plant smiling in the wind which does not trace its way back in some way by some connection, however remote, to the capital which is represented in these petitions. That capital will suffer as much as will the producer by the passage of this bill.

"The railroads, all the great interests of the country, act and react one upon the other, and you can not strike down the producing element of this country without striking down these great interests. When you find all these enlightened interests, all those men and bodies who are inseparably connected with the interests of the country, uniting on a purely commercial question in unbroken opinion as to the commercial harm which is to come from a given commercial restriction, it seems to me it is trivial to the last degree to say that their interest is not the interest of the producer and that the producer can be stricken down without their feeling it.

"These banks and bankers are the instrumentalities by which the producer makes and moves his crops. The great bank at New York loans its money to the bank elsewhere, who in turn loans it to a factor, who loans it to a planter. The factors in New Orleans loan money throughout the Mississippi Valley to their constituents to enable them to make their crops. The ability of one of these classes to pay the other depends largely upon the making of crops. The increased ability to pay depends upon what the crop will bring in the markets of the world.

"And yet we are told now, as to all of these great interests, complex and involved, united as by the inevitable laws of nature itself, that these merchants do not belong to the producing class and have no right to a judgment on this great matter of commerce. That argument denies the only premise upon which the discrimination in the bill as to classes can possibly be justified.

"But, Mr. President, we are not left to opinions in our own country. All over the world—in England, in Germany, in Austria, in France, in Holland, in India, in Egypt, everywhere—this system of forward-delivery sales, which is an evolution to meet the wants of modern trade, obtains and is practiced.

swift transportation which steam affords the whole world is thus converted into one market having one price, subject only to cost of transportation of the product between the point for which the price is quoted and all other points. Such markets are the Bourse of Paris for stocks and securities, the London Stock Exchange as well as the London Produce Exchange, the Liverpool and New York Cotton Exchanges, the New York Stock Exchange, Produce Exchange, and Real Estate Exchange and formerly the Gold Room and the Boards of Trade (grain and provision exchange) of Chicago, in conjunction with those of the other western cities and that of Liverpool.

"Concerning these exchanges Prof. Jevons says: 'The theoretical conception of a perfect market is more or less completely carried out in practice. It is the work of brokers in any extensive market to organize exchanges so that every purchase shall be made with the most thorough acquaintance with the conditions of the trade. Each broker strives to gain the best knowledge of the conditions of the supply and demand and the earliest intimation of any change. He is in communication with as many other traders as possible in order to have the widest range of information and the greatest chance of making suitable exchanges. It is only thus that a definite market price can be ascertained at every moment, and varied according to the frequent news capable of affecting buyers and sellers. By the mediation of a body of brokers a complete consensus is established and the stock of every seller or the demand of every buyer brought into the market. It is of the very essence of trade to have wide and constant information. A market, then, is theoretically perfect only when all traders have perfect knowledge of the conditions of supply and demand and the consequent ratio of exchange; and in such a market as we shall now see, there can only be one ratio of exchange of one uniform commodity at any moment.

"Mr. WHITE. Mr. President, the object of the bill, the very classification defined in the bill, is to exclude the products which are dealt in on this kind of a market, and leave outside of the operations of the bill the products which are dealt in in another or unrecognized market. I send up to the desk and ask to have read the description of the other market to which the things not brought into the bill are relegated. I have marked the passage on page 109 of the same work.

"The Chief Clerk read as follows:

"In the sale of carriages, pianos, jewelry, clothing, and other things which do not admit of such an authoritative contest over the price, there is great inequality in the prices at which two persons in the same city on the same day may buy two things of the same kind and of equal value. Hence there is great cheating in such trading. One may pay $200 for a watch which another buys for $100. There is no standard. In all these grades of goods long credits must be given, as the dealers must hold the goods until they reach consumers.

"But in articles dealt in by produce exchanges the price is advanced to the producer, and his crop can always be sold if he desires even before it is harvested. Hence the authoritative manufacture of prices confers somewhat the same benefit on a community as is conferred by an authoritative system of law, religion, manners, and ethics. It enables every man to know each moment how he stands relatively to the results of his past exertions, what they have cost, and how much he can get for them.

"Mr. WHITE. Such, Mr. President, is the description of the market destroyed by the provisions of this bill. The agricultural products which have the safe and the sound and the enlightened and the progressive market as defined in this book, and, as resulting from the nature of things, have the hands of palsy put upon them by this proposed statute, and dealers are relegated to the character of market as defined so clearly by this author, where cheating and lying necessarily from the nature of things obtain.

"I think that is a complete exposure therefore of the discrimination which is found in the bill as to the nature of the products embraced within it. But there is an answer yet more conclusive as to this discrimination. If the purpose and object of the bill is to strike with palsy transactions on boards of exchange, on boards of trade, why is it that the terms of the bill leave out all that vast body of property running up into the hundreds or thousands of millions, the bonds and stocks and values of every kind in this country, which form the great sum of the speculation of the country? If the vice of gambling and the tendency of gambling is what is reached by the bill on boards of trade or exchange, why is it that the bill leaves the New York Stock Exchange and all the other great stock exchanges in this country open, where values exceeding in value the things included in this bill are dealt in, by the very methods and by the very procedures which the bill condemns? By what rule will we here, legislating for a whole country, say that we will make our legislation partial; that we will select one class and leave out other and greater classes by applying the rule which the distinguished Senator has announced?

"Mr. President, this discrimination as to the things which are made the subject matter of the legislation in the bill is, in my judgment, far the least discrimination which the bill contains. The discrimination which hitherto I have demonstrated is as to the object to which it is applied. There is a broader, deeper discrimination in the bill as to classes in this country. I find in the testimony a statement by the president of the Milwaukee Chamber of Commerce as to the class distinction which is carried in this bill, which strikes me with so much force that I send it to the desk to be read.

"Mr. GEORGE. What is the name of the witness?

"The Chief Clerk read as follows:

"Mr. Bacon, of the Milwaukee Chamber of Commerce:

"Now, I wish to call attention to the fact that this legislation, if it is to have the effect which it is expected to have, and which is undoubtedly the object of the promoters of this measure, is legislation in favor of a class—in favor of the producing class; and if it produces the effect desired, it is legislation against the interest of the consuming class. It stands to reason that whatever enhancement of value may inure to the farmer falls necessarily upon the consumer.

"The census of 1880 (the figures for 1890 are not yet prepared) shows that the number of persons engaged in all gainful occupations of the country were 17,392,000, in round numbers; of those engaged in agriculture there were 7,670,000, constituting 44 per cent of the whole. Those engaged, as it is termed, in gainful occupations comprising the mercantile and manufacturing and mining interests of the country; those engaged in agriculture comprising all who are engaged in any branch of agriculture, not only in the raising of grain and live stock, but florists, tree men, and every branch of agricultural service; showing that 44 per cent of the population is directly interested in the production of agricultural products of all kinds. For the benefit of that 44 per cent the other 56 per cent of the population, if the objects of the bill be accomplished, will be taxed; or, to speak more properly, they are to be deprived of the benefit resulting from the operations of the natural and established laws of trade in their favor in order that 44 per cent of the population may receive a benefit. Now, the injustice of that is apparent on its face.

"But I wish to go a little further on that point. Of those engaged in agricultural pursuits, the number so engaged in the 10 cotton States is 2,837,000, which, deducted from the whole number engaged in agriculture, leaves 4,833,000 presumably engaged in the production of cereal and meat products, which represents a percentage of 28 of the aggregate. Instead of those who are raising cereal products, who are supposed to be benefited by this bill, being 44 per cent of the whole, it would be only 28 per cent of the whole. Those who are engaged in raising cotton are, of course, consumers of cereal products and of meats which are raised in the North, and they become sufferers in consequence of the enhanced values that are expected to result from the operation of this bill. I believe these expectations to be false, and that they will not be realized. But it is the purpose of the promoters of the bill to produce this result for the benefit of those engaged in raising cereal and meat products of the country, and if it does produce that effect it benefits 28 per cent of the people at the expense of 72 per cent of the people. Now, I submit whether this is fair legislation, to say nothing of the wisdom of it.

"Mr. WHITE. Now I send up to be read the opinion of Mr. Pillsbury as to the effect of this legislation if the purpose of its authors is successful. I desire to say before the Chief Clerk reads the excerpt that in the course of my remarks to-day I shall have occasion to refer to Mr. Pillsbury as an authority on the subject matter under discussion. At the very outset I wish to distinctly announce the fact that in referring to Mr. Pillsbury I intend by no way, directly or indirectly, in the remotest possible manner to refer to the distinguished Senator from Minnesota because of the fact that he has a business connection with Mr. Pillsbury.

"There is no Senator on this floor for whom I have a higher respect and a more profound admiration than the Senator from Minnesota; and if I make these references in the discharge of my duty I wish to enter at once a disclaimer of any possible imputation that in any way in the world I wish to indicate that I think the distinguished Senator is impelled in his course on this bill by anything but the highest sense of public duty to his country.

"The Chief Clerk read as follows:

"Senator PLATT. Then comes the other question which I was going to ask: Suppose this bill can be passed; do you think it would have any effect on the average price of wheat for the year?

"Mr. PILLSBURY. I think decidedly it would.

"Senator PLATT. Would make it higher?

"Mr. PILLSBURY. Yes, sir.

"Senator PLATT. And then the people who eat the wheat would have to give more for it?

"Mr. PILLSBURY. They would.

"Senator PLATT. Do you think that is a good thing?

"Mr. PILLSBURY. Yes, sir.

"Senator PLATT. To make every man who eats your flour pay more for it in consequence of legislation?

"Mr. PILLSBURY. Yes, sir; so long as this country is an exporter of wheat and raises one-third more wheat than it consumes. If we can keep the price of breadstuffs on a higher level, as it is well known that the little farmers have not had living prices for their wheat, I think it would be a good thing for the country, taken as a whole, and I think that Connecticut would be more prosperous if the people of that State had to pay a dollar or two more for their flour; I think that the general buying capacity of the Northwest and wheat-growing States would be that much increased. That is my doctrine of political economy.

"Mr. WHITE. Now, Mr. President, let us admit that the theory of the proponents of the bill is true, these consequences will follow. Are they just? Is there a Senator who admits that we should legislate in favor of one class and against the other?

"Mr. WASHBURN. Will the Senator allow me just a moment?

"Mr. WHITE. Certainly.

"Mr. WASHBURN. Does not the Senator think it is fair both to the producer and to the consumer to allow the law of trade and supply? My idea is that there should be no artificial change

whereby prices are made either one way or the other from the legitimate law of supply and demand.

"Mr. WHITE. I, of course, anticipated and was approaching the objection which the Senator makes. But it seems to me there is a confusion of thought in the Senator's mind; I say it with great respect. Is not the right to make a contract for future delivery as much a right as the right to make any other contract? Has not the Supreme Court of the United States recognized that a future contract was a valid contract? Is not the sum of human liberty the right of a citizen to deal as he pleases and with such freedom as belongs to everyone?

"Of course, just legislation ought to balance every man's right equally and leave every man his freedom. But when it is proposed to restrain a man of his natural liberty to make a contract, which right inheres in him, with the object and purpose of bettering one class to the detriment of the other, I submit it is vicious and wrong in legislation.

"The only answer I find in the testimony is that there is such a solidarity between all classes of a community that if you benefit one the reflex resultant of this benefiting of one will so help the one who is injured as to cure the wound which you will have inflicted by the statute. That is the argument. I shall not attempt to answer it now. Suffice to say that this is the argument put all through this testimony by those who urge this bill. I shall have occasion, I think, in a few moments to show that while they put this argument for the purpose of defending this part of the bill, when they reach another part of the bill which is subject to attack, they deny the solidarity which they affirm here for the purpose of defending this provision.

"Now, let us see if there is not another discrimination in the bill, a discrimination as to persons. The second section of the bill, after defining futures and options, says what? It excepts certain persons from every provision of the bill, and who are those persons? The Government of the United States and every town and municipality. Now, what is the theory of this bill? The theory of the bill is that these dealings are wrong, that they ought to be forbidden. It looks to me as very bad public policy to denounce a thing by a prohibitory tax and then immediately declare that the Government may do it. That looks to me indefensible. What answer does the distinguished Senator make to this objection? He says, and I quote from his speech:

"The United States or any State, Territory, county, or municipality do not come within the provisions of this section, for the United States, or any State, Territory, or municipality do not make their purchases of supplies of boards of trade, but they are usually made by receiving bids or proposals from parties who have the articles desired to be purchased.

"The Government is excepted from the operation of the bill because the Government deals with people who have the objects which they propose to offer. Is not that entirely inaccurate? Does not everybody know that nearly all the supplies which are furnished this Government are tendered to the Government by people who have not got them and who have to acquire them? The very coal which is to heat this building at the next session of Congress has been contracted for, I am told, by one who is a coal dealer, and he has a contract for future delivery with a miner who is to mine it.

"Therefore this exception is all wrong. It is a plain discrimination. The reason given for it is wrong. The reason given for it strikes me as a very confused reason. If the terms of the bill do not reach the Government, then why is the Government excepted? The very making of the exception in the bill under every elementary rule of construction is a negative pregnant with the affirmative that if the exception were not made the Government would be included; and yet the Government is excepted on the ground that the bill does not cover the Government, when if that be accurate there was no necessity for the governmental exception whatever.

"Let me show by a curious coincidence how remarkable this exception is. One of the subject matters included in the bill, and, as I hope to demonstrate later, will be ruined by it, is cotton. Where did dealing in futures in cotton arise? Such trades in cotton futures arose in dealing with the Government. This is shown by an examination of a work which is the most authoritative work on cotton, Mr. Donnell's work, the accepted authority with everybody in the cotton trade. Mr. Donnell was a broker of great merit and high character, who, having accumulated a competency, has retired from business and devoted himself to the literature of this subject. In discussing the question of the origin of the future delivery of cotton he says:

"Contracts for future delivery.—This business commenced during our Civil War.

"Speaking of cotton:

"Some of our manufacturers entered into large contracts with the Government, and covered themselves by purchasing the raw material for delivery at some future time. The price, within certain wide limits, was then of much less importance than the certainty of getting the cotton when needed.—(E. J. Donnell's History of Cotton, p. 614.)

"Now, the Government is excepted from the operation of this bill on the ground that the bill does not apply to the Government; therefore showing that the exception ought not to be here. It is excepted on the further ground that people who sell to the Government have the property, when such is not the fact. Here the development comes that the very origin of dealing in futures in cotton came from contracts with the Government made during the Civil War. It seems to me this answer is complete——

"Mr. WASHBURN. Was it made on a board of exchange?

"Mr. WHITE. I have already answered the Senator's argument about the board of exchange. I have already demonstrated, I think, that trade can be a great deal more safely made on a board of exchange, where all the dealers, all the sellers, and all the buyers are congregated, where there is an ascertained and established price, than it can be made where such a thing does not exist.

"Let us take the distinction as to persons. The farmer has been left out from the prohibition of the bill. I think hereafter, when I come to another part of the bill, I can show that this is an illusory jack-o'-lantern exception left in this bill to lure the farmer on to his destruction. But suppose I should not demonstrate that, by what theory are we to say, here is a class of contracts which we strike with moral and legal inhibition, and then immediately take out of the reach of the inhibition a certain favored class of persons?

"Mr. President, the germ of more harm to the farming class lies within that exception than words can tell. They, above all other people in the race for honest government, require no discrimination. They, above all other people, must guard themselves against the arbitrary exercise of governmental power for the purpose of favoring classes. In this proposed statute the illusory concession which is made to them is sure to become the fruitful source of untold injuries to come hereafter.

"But it may be said the farmer makes the crop; the farmer intends to get a crop. This bill only allows him to sell the crop which he has in process of fruition or which he intends to make, and it uses that expression. Does that differentiate the proposition? Is the farmer's intention to make his crop any more serious than may be the intention of the man who contracts to deliver a thousand bushels of wheat on a particular day? Is the realization of his intention any more possible? Is the certainty that the intention which is in his mind is going to take life and bring by the production of that crop any more certain than would be the ability of a man of fortune, with the money in bank, to buy the product that he is going to buy in the fulfillment of a contract? Is it not absolutely certain, on the other hand, that the risk of not being able to fulfill, whatever may be the honesty of the intention, is greater in the farmer's case than it is in the other?

"There is the exception written into this bill of retail dealers, and I suppose other exceptions. I think that makes this an exceptional bill, so entirely exceptional that I think it ought to be beaten.

"But let me call attention to another thing. All through this testimony—and I want to emphasize this fact—all through this testimony there is the admission that it is absolutely essential for the successful commercial sale of the things which are stated in the bill that trade for future delivery in them should not be hampered. Even the persons who most favor this legislation in their testimony say we would be against this legislation if it hampered legitimate trade. The distinguished Senator from Minnesota in his speech on the bill said:

"I desire right here to distinctly state that it is not the purpose of this bill—neither does it—in any manner whatever to interfere with the bargain, purchase, or sale of any product or property where the party making such sale is the owner thereof or where he has a contract for the ownership or right of possession of the same.

"It neither seeks nor does it in any way interfere with the freedom of commerce, but leaves legitimate trade without restriction or hindrance.

"These words were delivered in a discussion of this bill with the twelfth section in it, with the twelfth section in it which imposed a license of $2 upon all trade in actual cotton, even the trading taken out of the operation of the definitions in the bill. It is said of this bill to-day, which, even after the motion to strike out the twelfth section has carried, leaves the thirteenth section in it—that section provides that wherever an internal-revenue collector has reason to believe or to presume that any man is doing the things forbidden by the act, although he be making the future sales which are allowed, shall have a right to call for and inspect his books and business.

"The freedom from unreasonable search arose with Magna Charta; have we come now to this state of things in the American Senate that a contract which all the courts have declared to be lawful, which the bill admits to be lawful, is submitted to the right of search upon the mere suspicion of an internal-

purpose is not to raise revenue, but to crush out certain things I understand that is the first objection of the Senator. But suppose that was avoided in the way I have suggested, then is the other and the only objection that the Senator has to this bill that it interferes with what he regards as valid contracts between parties in a State? Is that it?

"Mr. WHITE. Mr. President, I have endeavored to make myself reasonably clear. What I say is this, that if a bill actually raises revenue and is presented to my mind, in the exercise of my duty, under my oath of office here, I have two questions to ask myself: Is this a bill raising revenue? That is the first question. If I determine that question in the affirmative, the lamp of my duty might lead my mind toward supporting that bill, but it could not carry me to that point unless another question were also answered, and that conveys the entire answer to the Senator's question. Is it an honest exercise of the taxing power, or is it a dishonest scheme to raise revenue and accomplish another purpose? If my mind in the exercise of my duty here found that either of these things existed, then, although it was a bill raising revenue, I would not vote for a dishonest bill raising revenue.

"Mr. MITCHELL. But suppose there is no objection, so far as that aspect is concerned, then I want to get the other objection.

"Mr. WHITE. If I were the Executive or a judge and the bill came to me, then, having passed out of this sphere and into another sphere where motives could not enter, I should say the sole question presented to me was, Does it raise revenue on its face? And if so, I would hold it constitutional.

"Mr. HIGGINS. Will the Senator yield to me for a question?

"Mr. WHITE. Certainly.

"Mr. HIGGINS. I should like to ask the Senator from Louisiana whether he considers that the power of the President to veto a bill which has passed the two Houses of Congress is confined, in his opinion, to its unconstitutionality, or whether he has not just as much power as the House of Representatives or the Senate to consider the motives which may be behind the bill?

"Mr. WHITE. I beg the Senator's pardon. I did not quite catch his last sentence.

"Mr. HIGGINS. I will again state my question. I ask whether the Senator considers that in vetoing a bill the President has no power to do it on any other ground than that it is unconstitutional in his opinion, or whether he has not the power to go behind the motive as much as a Member of either House of Congress?

"Mr. WHITE. I hope that when the mantle of the Presidency falls upon the distinguished Senator from Delaware he will decide that question for himself. I shall not enter into that discussion now.

"Mr. HIGGINS. The Senator has assumed that such a bill as the oleomargarine bill could be signed by the President, and was signed by President Cleveland, within his power and competency, on the ground that President Cleveland could not go behind the motive of the bill or to the motive of the bill?

"Mr. WHITE. The Senator from Delaware falls into an error. I have said nothing of the kind. I read the declaration of the President, and I said whether he was right or whether he was wrong—and only God himself is always right—in the exercise of his authority and of his power, under his mission and mandate under the Constitution, within those limitations that he thought he should exercise in the discharge of the duties of his great office he signed the bill for the reasons given by him, and I am not here in the discussion of the present subterfugeous and cheating system of taxation to be led astray into a discussion of the power of the President in the exercise of his veto.

"Mr. SANDERS. Mr. President——

"The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Montana?

"Mr. WHITE. I would rather not yield further, if the Senator will pardon me. I am heated, and I have got an extended argument to make. If the Senator will just allow me to proceed with my argument, I shall be obliged to him. I do not intend to be discourteous to him.

"The VICE PRESIDENT. The Senator from Louisiana declines to yield.

"Mr. WASHBURN. Will the Senator allow me?

"Mr. WHITE. I will yield to the Senator in charge of the bill.

"Mr. WASHBURN. In the article of Judge Cooley in the Atlantic Monthly for April he takes the ground squarely and unqualifiedly that the taxing power of the Government could be invoked to destroy lotteries, not for the raising of revenue but for the absolute destruction of lotteries in the country, and he claims that that is the only way that it can be permanently accomplished. Now, let me ask if there is any distinction between the position taken in regard to lotteries and the suppression of a very much graver character of gambling than selling lottery tickets?

"Mr. WHITE. In the comment I made upon the excerpts from Judge Cooley, to which the distinguished Senator referred, I confined myself solely to the quotation made, and I read that quotation. That quotation refers to imposts, and therefore I discussed the particular question. I can not discuss here all the opinions of Judge Cooley in a magazine article, upon every conceivable question, but I may say to the distinguished Senator, in answer to the question which he puts me, that there has been no man in these United States more unalterably opposed to the extension of the Louisiana lottery than I. When my people were clamoring for its suppression and crowding upon me petition after petition to introduce a bill suppressing the Louisiana lottery by the exercise of the power of Federal taxation, I said to them, 'Great as is this evil, there is an evil yet greater, and that is the disruption and the destruction of all the great principles of our Government by calling upon the Federal Government to do an illegal and unconstitutional thing.'

"Mr. WASHBURN. The Senator has not answered the question which I proposed, which was whether there is any distinction, whether if we have the power to suppress the Louisiana lottery or any other lottery by invoking the taxing power, we have not the same power to invoke it to suppress gambling in food products?

"Mr. WHITE. I will discuss that question when I come to it. I have already said that I declined to introduce a bill taxing the Louisiana lottery by the Federal Government because I thought it violated the Federal Constitution. That is an answer to the Senator's question.

"Mr. President, I have reviewed the proposed statute from its constitutional point of view, but I wish to approach it from another point of view; and in looking at it in this way I entirely put by the constitutional question. I eliminate that entirely from what I have to say. I am supposing now that this proposed statute is within the walls of the Constitution. What then? Should we look only at constitutional questions? If the distinguished Senator were to introduce a bill to-morrow, taking the property of the Senator from Missouri and giving it to the Senator from Georgia and it were within the Constitution to do so, would I vote for it because it was constitutional?

"There are great principles which underlie constitutions and which should control all legislation. There are great elementary conceptions of government, of English-speaking government, born coeval with our race, and which have made our race the dominating race of the world. We should follow them. Every elementary principle known to English-speaking legislation is violated in this bill in every line and every page of it.

"Let me see if that is true. What does the bill say? The bill defines options. The bill defines futures. Is the definition general in both cases? It is. Now, if the proposed statute stopped there and contained its penalties, then every human being and every contract for options and futures wherever our administration extended would be brought within the provisions of a general statute. Does this bill do that? No; it is discriminating from one end to the other; it is flagrantly and openly discriminating.

"After defining options and futures, then the bill goes on to say, not that all contracts of that kind within this broad land shall come within the reach of this general statute; no, but it picks out particular things and particular subjects matter to make them alone the subjects of the general law, which, if it has any foundation in public necessity or public right, should operate over a sway as broad as our jurisdiction.

"Now, to what is the bill applied? Let me read. I have it here, and I will stop a moment and read it. Just think of it! Here are these contracts, and here are these general definitions. What does it, the bill, say?

"That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

"And there it stops. Of all the vast objects of contract in this land it makes a general definition, and then singles these out alone to cover them by the provisions of the statute. Is there a Senator who does not admit that from the day of Magna Charta down the first and the elementary principle laid down by English-speaking people is that general laws should operate generally and that no discrimination should be exercised? The distinguished Senator from Mississippi [Mr. George] helped to frame a constitution in his State recently. I venture to say that in the exercise of the power vested in the Legislature of the State of Mississippi this discriminating

clause would be stricken with constitutional paralysis because it was not a general law.

"There is not a modern State constitution in this Union which has not put its anathema on discrimination. How then is this bill justified? I do not know. By what rule has it been written? What has been the prescience which has looked over all this land and picked out these particular objects to make them alone the subject matter of this discriminating law?

"Mr. President, be the clamor what it may, I know my people well, and I should not be afraid to go with my vote before them with this third section in my hand and invoke their ordinary sense of common American fair play and feel absolutely confident of their denunciation of this attempt to discriminate in favor of one product as against another product.

"How is this justified? I have heard some talk about agricultural products. My mail has been burdened every day for a month almost with some circular gotten up by some committee somewhere. The Senator says that this bill is in the interest of the farmers, that the farmers are scattered, that they are not organized and can not protect their rights, and therefore they must be looked after. My mail has been burdened with private letters, telegrams, circulars, newspapers, pamphlets in favor of the bill which has engendered in my mind a deep-seated alarm that there is a mighty conspiracy against the consumers of the country and in favor of certain favored persons, and I think I can demonstrate such to be the fact before I take my seat.

"Now, take food products. Does this bill embrace food products? Is cotton a food product? How does cotton get into a food-product bill? Where are butter and cheese and cattle and all the thousand other food products which are left out of this bill, which is called a food-product bill? You have in the bill things which are not food products, and you have not food products in, and yet it is said a great clamor comes up for this bill from the American people, because it is a bill to protect food products. If we are going to protect food products let us protect them; do not let us discriminate.

"Mr. WASHBURN. Cotton is an agricultural product.

"Mr. WHITE. I am coming to agriculture. The trouble is that this bill is so incongruous that I defy any Senator to take a single heading and classify under it the arbitrary selection of subjects which are brought within its provisions. I shall not forget agriculture. Here are agricultural products. Is butter in the bill? Is cheese in the bill? Is hemp in the bill? Are cattle in the bill? Are horses in the bill? Are mules in the bill? Are sheep in the bill? Is wool in the bill? Only, Mr. President, in so far as the bill pulls the wool over our eyes on the agricultural question.

"Mr. WASHBURN. If the Senator will allow me, they are not in the bill for the reason that they are not bet on in the gambling resorts of this country. That is the reason they are not in the bill.

"Mr. WHITE. I am coming to that. That is a confession of the discrimination, of the favoritism by which the items have been arbitrarily selected. If the gambling spirit is what the Senator thinks, then this bill is going to close the exchanges to these products and open the bucket shops and gambling saloons all over the country to the products which he discriminates against. Then we must write in the title of this bill 'An act passed by the Congress of the United States to stimulate gambling in the agricultural products, and to encourage the opening of bucket shops by forbidding gambling in a few products and licensing as to all the others.'

"But, Mr. President, what a proposition, that these things are picked out for anathema and denunciation because they are dealt in on boards of trade! God of mercy, in this age of the world are we to shut our eyes to every teaching of the English-speaking race? Are we to confess that we are more ignorant than were our forefathers 200 years ago?

"Why, sir, what is the history of English commerce? What has enabled it to carry on its wings the light of civilization and religion and truth all over this world? What has done it, sir, but the organized energies of the great commercial bodies of the world, speaking through their chambers of commerce and their boards of trade? The very structure of our Government, almost the very fiber of this Government, was evolved in that country which preserved its liberties by the efforts of its great bodies of merchants assembled together for the purpose of trading. The very essence of trade is liberty itself; intercourse engenders the immortal spirit of liberty from the very fact that men gather together in the interest of commerce, which needs the wings of liberty and of peace to spread itself in enlightening and improving the world.

"Let us see what the argument of the Senator would lead us to. What are these boards of trade? They are merely the aggregation of merchants who meet in a room to collect the information necessary to enable every man to trade on an equal footing. The telegraph, the reports of all kinds, the bulletin board, everything open; so, if I may be pardoned in the use of such a slang expression, there is a fair and square deal, and the man who buys and the man who sells, all possessing the information which is garnered all over the whole world, deal on an equal footing.

"Mr. President, boards of trade are true evolutions of that doctrine of equality which has dominated the world, the equality and liberty of man. The poor man with small capital who goes into the great chambers of commerce and the boards of trade with all the information exposed to his view, needs to protect himself from being gouged and destroyed only the light of the reason which God has given him. It is putting him on an equality with the rich. The purpose of this bill, then, is to strike down all the trading which can be done at an equal advantage, and to stimulate the trading where the small man will be at the mercy of the big man. Its purpose, then, is to allow trading where all the protections which modern society and modern commerce have evolved will be destroyed.

"[At this point the honorable Senator yielded the floor.]

"*Friday, July 22, 1892.*

"Mr. WHITE. Mr. President, when I surrendered the floor yesterday I was discussing what I conceive to be the confusion and the discrimination in the terms of the bill as to the provisions creating or defining the acts which the bill prohibits, or virtually prohibits, so as to show that the objects embraced in those definitions were defined by no rule, followed no coherent or consistent line of thought, conflicted one with the other, and were utterly and entirely irreconcilable. If we view the bill as classifying the products as agricultural products, then a vast number of agricultural products were omitted. If we view the bill as a classification of food products, it omits many things which are food products.

"In answer to that argument the Senator from Minnesota [Mr. Washburn] yesterday said that the line of thought along which the bill proceeded was to reach the things which were traded in on boards of trade. The argument which was had yesterday I think led up directly to the conclusion that if that were the line of thought which dominated the bill, then the necessary effect of the bill was to increase instead of decreasing gambling and speculation, because as this system of gambling and speculation has its origin in the inevitable tendency of the human character to take risks, particularly under the conditions of modern life, the exclusion of a few articles which were gambled in to-day, leaving the vast sum of human products out of the inhibitions of the bill, would simply deflect the channel of gambling from the bed into which it now flows into a wider and deeper and stronger and a more pernicious stream of gambling.

"I called attention, however, I think, yesterday to the fact that there was in my judgment a philosophically fundamental mistake in attempting to forbid speculative tendencies on boards of trade where that tendency could be executed with reasonable honesty and with reasonable precautions, and encourage and foster speculation where those restraints and restrictions and precautions did not exist.

"Last night my attention was called to a discussion of this question in a work on political economy, which seems to be so apposite, so entirely to embrace the subject matter of this discussion, that I will send to the desk and have read the paragraph to which I wish to call attention. Mr. Clerk, please begin at the top of page 100 and read to the mark at the end of page 101.

"Mr. STEWART. What is the work?

"Mr. WHITE. Denslow on the Principles of Economic Philosophy.

"Mr. STEWART. That is first rate. He is the ablest man who has written on that subject.

"The Chief Clerk read as follows:

"It is a singular fact that markets have been the subject of popular prejudice and moral objection, almost in proportion to the perfection with which they economize time, transportation, and effort, and equalize prices. The proper meaning of a market is not merely the place so apart in which buyers and sellers may meet with their goods, but all that territory, with its groups of buyers and sellers, consumers and producers, of which the residents are so brought into union and contact with each other by the mutual intelligence which arises through reciprocal commerce that one price is arrived at by all with facility and promptitude.

"A market rises into its highest efficiency and value when it concentrates into one focus so large a portion of the buyers and sellers of a certain commodity as to become, in conjunction with one or two other markets of the same kind, an authoritative standard of prices of the articles in which it deals, for all buyers and sellers through the world. By aid of the quick intelligence which the telegraph supplies and of the

found in the principle that every power not delegated under the Constitution to the Federal Government is reserved to the States. Yes; the distinguished Senator, in looking at this bill, puts on his marine glasses, and turning to the American people proposes to put upon the great sisterhood of States the shackles of the foreign jurisdiction. He does this, although his bill deals not with that which is foreign, but with all those great rights of local self-government which are ours, ours to-day and to-morrow and forever.

"I doubt very much whether this argument will reach the distinguished Senator from Minnesota, because in the course of his able speech he says:

"The Constitution, which at its adoption was supposed to have in view some reference, at least, to the 'general welfare' of the people, is now almost invariably invoked by constitutional pugilists to resist all reforms and all attempts directed against wrong and abuse.

"I can well imagine that the distinguished Senator must have been in the frame of mind which this language indicates, when his hand could have the strength to write or his mind the power to conceive that there exists in the Federal Government any power to go into your State, sir [pointing to the Senator from Missouri], or the State of Maine, or any other State in this Union and destroy by a surreptitious attempt to pervert the taxing power, the rights of the citizens of the States to contract among themselves.

"I know, therefore, that the frame of mind I am in and the frame of mind the distinguished Senator is in are so wide apart, that we move in such different conceptions of the respective relations of these Governments to each other, that I am afraid I will never be able to reach him by argument.

"Mr. President, I think we ought to be entitled to discuss this measure without sneer, without gibe, without reaching out the hand to stir up—I was going to say the smoldering ashes of past conflicts; but, thank God, even the ashes of that conflict have passed away; I know the American people have forgotten it, except for the lessons which it has taught us all, that within the walls of the Constitution and by adherence and respect for it, united in a common brotherhood lie alone our future hope of happiness and protection.

"The distinguished Senator says:

"It is seriously to be regretted that some of our 'constitutional friends' did not regard this sacred instrument with as much reverence and stand ready to guard it with the same pathetic solicitude in a time not very remote as they do at present.

"Thus the discussion of this antioption bill is to revive the feelings of the war, and sneer and gibe are cast at this side of the Chamber because there are those here who adhere now to those great principles of constitutional government which they think involve the very structure of the Constitution. The germs of the fierce Civil War through which we passed were sown at the birth of our institutions. Both sides in that awful conflict were true to the Constitution as they understood it.

"Mr. President, the men who took part in the war on the southern side were not like the Senator from Minnesota—careless of constitutional obligations. Whatever may be the conception as to the mistake of their opinions—and we all concede that the mighty arbitrament of war has decided they were wrong—no one in this day or any day hereafter, whatever may be the censure which he puts upon the judgment of the southern people, questions the sincerity of their convictions or their great purpose to adhere to the Constitution as they understood it. Their blood sealed their fidelity to their duty as they conceived it. I have seen somewhere a thought of the great war governor of Massachusetts, saying that whatever might be the judgment of history upon the wisdom of the southern people, history would hold that, mistaken as they were, they were heroes because of their devotion to their constitutional mistake.

"I believe now, sir that as time goes by the world will see their magnificent heroism more and more, and that the vision of the southern poet will be fulfilled:

"In seeds of laurel in the earth,
The blossom of their fame is blown;
And somewhere, waiting for its birth,
The shaft is in the stone.

"But, Mr. President, the view of the Constitution which the other side upholds is, I suggest, a reflection on that magnificent and gallant body of men who formed the Union hosts of this country. What did they fight for? What did they die for? For what was their blood poured out in priceless currents? If we believe the consequences of the argument of the distinguished Senator from Minnesota, it was poured out in order that we might have no Government, no States, no autonomy, and that our Constitution might be destroyed.

"I should rather not pass the judgment upon those gallant men which the argument of the Senator from Minnesota does. I should rather rely upon the judgment of the immortal Lincoln, who said at Gettysburg, in that speech which will carry his fame down to the uttermost end of time, 'They died in order that this Government might live.' Live how? Live, as the argument of the Senator from Minnesota would hold, without restriction and without restraint of any kind, with the States destroyed, with all rights gone, with a mighty despotism built up, and that despotism all the more flagrant and all the more outrageous because it would depend solely upon popular clamor or popular whim as to the existence or nonexistence of an evil.

"Mr. President, there can not be any doubt as to the unconstitutionality of this measure. The distinguished Senator from Oregon [Mr. Mitchell] yesterday asked upon this floor my very polished and eloquent friend, the Senator from Virginia [Mr. Daniel], whether he thought the courts would declare this bill unconstitutional. I should like to ask the Senator from Oregon a question, through the Chair, now, if he will permit me, and that question is this: Does the Senator from Oregon think this bill has for its object the lawful and legitimate exercise of the taxing power?

"Mr. MITCHELL. I am bound to take the bill for what it purports to be. I have seen no reason to inquire of those gentlemen who introduced the bill, or of the committee that reported it, whether there is anything about it that does not appear on the face of the bill; and I have no doubt the Supreme Court of the United States will hold the very same view if it should ever become a law and go before that tribunal for construction.

"Mr. WHITE. Will the Senator vote for a provision declaring that this bill has for its object the destruction and prevention within the States of the things contemplated as declared by the Senator from Minnesota?

"Mr. MITCHELL. No, sir.

"Mr. WHITE. Will the Senator's vote, "yea" or "nay," on this bill be controlled by the fact that it will accomplish that purpose?

"Mr. MITCHELL. At present, Mr. President, I do not exactly see that I am on the witness stand to be catechised.

"Mr. WHITE. I beg the Senator's pardon.

"Mr. President, I put these questions because when the Senator asked the question on yesterday, to me they indicated a depth of political degeneration—of course I do not say this with reference to the learned Senator of Oregon—but I mean of political degeneration of opinion abstractly which can be successfully defended nowhere.

"Who shall say that if this bill is not really a revenue bill and we declare it to be so we will not be concealing our purpose and expressing a fraudulent purpose?

"There has been some question raised about the case of Veazie against Fenno, as bearing upon this issue. It is said, Why, did you not impose a tax of 10 per cent upon State banks upon their circulation, and did not the Supreme Court declare that valid? That case is cited as authority now. It is always the way. It has been that way since the foundation of the Government. If ever a decision is made in any way looking toward the destruction of the lawful powers of the States, arguments have always come up to pervert, to extend, to vitiate, and to amplify in order that there may be authority for a stretch of power and thus take some further liberty from the people. Now, what was the Veazie against Fenno case?

"I know nothing which can throw more light upon a case than the brief of counsel. In the discussion of that case there was no statement by counsel that the question involved was the perversion of the taxing power. The attack made upon the statute was this: That this statute was unconstitutional because it taxed a State corporation.

"When that went to the court what did it say? The Constitution has lodged in Congress the power to regulate currency. In the exercise of that power Congress has authority to wipe out a State corporation by taxation. True the court, arguendo, said that it was either a tax or a prohibition. If a prohibition, the constitutional authority lying back of the statute was found—where? In the clause delegating to Congress the power to regulate the currency. If a tax, it was not illegal, because Congress had the power to use the taxing power to prohibit that which it had the right to prohibit under another provision of the Constitution.

"The case does not cover the question now here. It does not intimate the power to surreptitiously use the taxing power which is here presented. It is true the court, arguendo by the Chief Justice, made use of expressions which may be misconstrued and which are now used to support the contention that Congress has,

by pretending to tax, the power to destroy every limitation found in the Constitution. This case does not so decide. It seems to me that ends this contention.

"This brings me to the oleomargarine bill. This was the situation at that time, and I call attention to it: The statute as originally introduced contained a prohibitive tax. Although there was an enormous pressure for its passage, some of the gentlemen who were called upon to support it and whose constitutional stomachs were not so weakened and enfeebled could not digest it. What did they do? They reduced the tax down within a revenue-producing capacity. That statute recognized the distinction which I made just now between the power of the Government to exercise internal and external taxes, the difference between imposts and internal taxation, since, although in that act they made the impost tax absolutely prohibitive, they reduced the internal to a revenue basis on its face in order to make it constitutional.

"This, then, was a case where motive might deprive the court of the power to examine into the constitutionality of the statute because on the face of the statute it was the exercise of a revenue power. I admit that.

"Mr. MITCHELL. Does the Senator think that a reduction of the tax in this case to such a figure that it would admittedly be the means of raising revenue, and under which parties engaged in these transactions would go on, would render this bill constitutional?

"Mr. WHITE. Does the Senator mean leaving in the $2 tax?

"Mr. MITCHELL. No, sir. The point is this: Suppose the tax were reduced to a revenue basis so that the tax would be paid, in which event it would clearly be a revenue bill according to the ideas of the Senator from Louisiana.

"Mr. WHITE. Oh, I must beg the Senator's pardon. The Senator must understand the distinction. I am speaking now of the power of the court on the face of the bill. The bill might, on its face, be a revenue bill, and might to me be constitutional. But in the exercise of my function here I would not vote for any bill if it raised a fraudulent revenue, provided I thought it was intended to prohibit.

"Mr. MITCHELL. I understood the Senator to say that because the tax was reduced so that it was for revenue on its face that enabled the court to declare that it was constitutional.

"Mr. WHITE. I say that would have enabled the court, and it enabled the President to not veto it, because, Mr. President, it is perfectly self-evident when a bill which is a revenue bill comes to me for consideration as to whether I will vote for it or not, it may be to me—if I may be allowed to use the word, a philosophical word—subjectively unconstitutional, not unconstitutional per se, and I may not vote for it as constitutional, because I know that although it is a revenue bill, there is a purpose of destruction and prohibition contained in it. But when it comes to the court, the court can only look at it objectively. The court must look at its provisions, and if on its face it is a revenue bill, if on its face it be for the purpose of raising revenue, the court will say that it can not consider the motive, but must decree its enforcement.

"Yet where on its very face it is not a revenue bill, then even objectively to a court it is unconstitutional, and the court, in my judgment, doing its great duty, will stamp upon it the brand of unconstitutionality. I think the distinction is very clearly drawn in the message of Mr. Cleveland in which he announced his signature to the oleomargarine bill:

"It has been urged as an objection to this measure that while purporting to be legislation for revenue, its real purpose is to destroy, by use of the taxing power, one industry of our people for the protection and benefit of another.

"If entitled to indulge in such a suspicion as a basis of official action in this case—

"Now, here are the two cases, one 'if entitled to indulge in such a suspicion,' and what?

and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

"That is the illustration. That is the object lesson, for objectively when this statute came to him within its four walls there was a revenue created, and he, in the exercise of his Executive power and Executive prerogative, did not come down and go into the hearts of men and do that thing which God alone can do, search out the understandings of men and know their wicked purposes. He took the object as it came to him and passed upon it as such, but he was careful to say in this message that if that bill had not presented that aspect to him, he would have been constrained to exercise the Executive veto.

"I hold in my hand, which I will print as a part of my remarks, the revenue collected from the oleomargarine tax.

Statement showing total receipts from all oleomargarine sources for each fiscal year from November 1, 1886, the date the oleomargarine law took effect, to June 30, 1891, inclusive.

Oleomargarine.	Eight months ended June 30, 1887.	Fiscal year ended June 30, 1888.	Fiscal year ended June 30, 1889.	Fiscal year ended June 30, 1890.	Fiscal year ended June 30, 1891.	Aggregate receipts.
Oleomargarine, domestic and imported	$435,924.04	$653,355.10	$677,302.40	$619,205.72	$871,488.44	.....
Manufacturers of oleomargarine (special tax)	31,700.00	17,150.00	12,400.00	11,700.00	6,950.00	.....
Retail dealers in oleomargarine (special tax)	154,924.00	123,258.54	130,631.51	100,008.00	146,293.70	.....
Wholesale dealers in oleomargarine (special tax)	101,400.00	70,376.24	73,914.00	55,318.00	53,192.00	.....
Total	723,948.04	864,139.88	894,247.91	786,291.72	1,077,924.14	$4,346,551.69

"The aggregate receipts have been $4,346,000, and the revenue has been increasing day by day and year by year. Will anybody say that that statute is on all fours with this? Will anybody hold that a bill which has raised more than four millions of revenue, and where the revenue has been accumulating year by year, is like unto a bill which within its necessary intendment and on the very face of the statute not only is not intended to raise revenue but, on the contrary, can not under its terms raise a dollar of revenue?

"There are gentlemen upon this floor, my peers in everything, my peers in heart, and my superiors in head, who have said to me that they could not see the distinction between those two statutes.

"Mr. MITCHELL. Will the Senator allow me?

"Mr. WHITE. Certainly; with pleasure.

"Mr. MITCHELL. I understand the Senator concedes that that bill was constitutional.

"Mr. WHITE. As regards the President, when it came to him.

"Mr. MITCHELL. Just as well as when it was before the Senate.

"Mr. WHITE. I never conceded that; on the contrary, I disclaimed it.

"Mr. MITCHELL. But as it came to the President?

"Mr. WHITE. I say that it was constitutional, objectively, when it went to the President. It was unconstitutional, subjectively, as it was passed upon by the Senate. That is what I say, and my words can not be distorted. If the difference between object and subject do not present themselves to the Senator's mind, if the darkness of night and the light of day do not penetrate his mind, I must ask for some greater power of explanation than I have.

"Mr. MITCHELL. My perceptions may be somewhat obtuse, so far as that is concerned, but I wish to understand the Senator. If it does take a long time to get at precisely what he is driving at. I confess I am a little confused, although I am very much interested in his very able and interesting argument.

"The Senator concedes that the oleomargarine bill after it came from the President was a constitutional act; that act was constitutional because not only on its face but the very purpose of it, considered from every and any standpoint, was to raise revenue, as I understand the Senator.

"Suppose the tax provided for in the pending bill was reduced to 5 cents, instead of being at $2; suppose the tax were reduced to a sum where all would admit that revenue would be raised to a point where under the law parties would go on and make these contracts and pay the tax. Now, the Senator will admit, so far as that particular aspect of the case is concerned, it would be a proper exercise of the taxing power.

"Mr. WHITE. I beg the Senator's pardon——

"Mr. MITCHELL. One moment. So far as that particular aspect of the case is concerned, I suppose the Senator will concede that that would be a proper exercise of the taxing power; but whether the object to which it is applied is a proper one is perhaps a different question. The object to which the tax was applied in the oleomargarine act was a representation of butter, but in this case it is proposed to be applied to certain contracts.

"Now, I understand the Senator's first objection to this bill is that it contemplates invoking the taxing power when the real

of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof, shall, before making any such contract or agreement, or any transfer or assignment of any such contract or agreement, apply in writing to the collector of internal revenue for the district in which such person, association, copartnership, or corporation shall reside or have a place of business, setting forth the same facts as mentioned and required in the application referred to and provided for in section 5 of this act, and shall thereupon pay to such collector the sum of $2 as a license fee for making, transferring, or assigning, or for conducting the business of making, transferring, and assigning such contracts or agreements, and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate, to make, transfer, and assign contracts or agreements for the sale and subsequent delivery of any of the articles mentioned in section 5 of this act, of which such licensee at the time of making any such contract or agreement is the owner, or is then entitled to the future possession of under and by virtue of a contract or agreement for the sale and future delivery of such article or articles previously made by the owner thereof. And any person, association, copartnership, or corporation who shall make, transfer, or assign any such contract or agreement without having paid the license fee herein required, and without having a certificate from the collector of internal revenue authorizing the making, transferring, and assigning of such contracts and agreements, shall be subject to and be required to pay a fine of not less than $1,000 nor more than $5,000. Such certificate may be renewed annually on compliance with the provisions of this section. And such licensee shall keep a book in which shall be entered the date of, the names and places of residence or business of the parties to, the kind and amount of the articles the subject of, embraced in, or covered by any contracts or agreements for sale and future delivery which may be made, transferred, or assigned by such licensee under authority of the certificate provided for in this section, and the time at which delivery thereof is to be made; and in case of the transfer or assignment of contracts or agreements for sale and future delivery of any of said articles previously made by the owner thereof, or made by a party who has theretofore acquired by purchase and at the time of making such transfer or assignment is entitled to the right of the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof, previously made by the owner thereof, the names and places of business or residence of transferer and transferee or of the assignor and assignee; which book shall at all times be subject to inspection by the collector or deputy collector of internal revenue, or by any duly authorized agent of the Internal-Revenue Department. Such licensee shall also make on Tuesday of each and every week, to the collector of internal revenue by whom the certificate herein provided for may have been issued, a weekly report of all such contracts or agreements or transfers or assignments thereof that shall have been made by such licensee during the previous week, which report shall contain all the facts and items hereinbefore required to be entered in the book to be kept by such licensee; and such report shall be entered by said collector in a book to be kept by him in his office for that purpose. And any such licensee who shall fail or refuse to keep the book and enter therein the fact and items as by this section required, or shall fail or refuse to submit such book to the inspection of the collector, deputy collector, or duly authorized agent of the Internal-Revenue Department, or who shall fail or refuse to make report to the collector of internal revenue as by this section required, shall for each and every such failure or refusal be required to pay to such collector a fine of not less than $100 nor more than $5,000. And it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under this section, and a statement in connection therewith as to whether a certificate has been issued and for what period, which book or register shall be a public record, and be subject to the inspection of any and all persons.

"The thirteenth section provides inquisitorial means of visitation and search and examination of books. It provides that the internal-revenue collector shall have the power, whenever he suspects that a business man is violating this statute, to demand an examination of his business and an inspection of his books for the purpose of satisfying himself that the law is being carried out.

"I call the attention of Senators to the fact that the thirteenth section is as broad as any man's right to sell any property for future delivery, whether or not that property is brought within the grasp of futures and options as defined in the bill.

"Now, the distinguished Senator this morning does what? On a motion made to strike out the twelfth and thirteenth sections he says he will agree that the twelfth section shall be stricken out, but he objects to the thirteenth section being stricken out. He strikes out the only possible reason for the powers of search and visitation found in the thirteenth section. He strikes out the license provided in the twelfth section, by which alone the thirteenth section could be justified, and he keeps vested in the officers of the Government the arbitrary powers created by the thirteenth section, and which the bill itself admits are to be exercised against a man pursuing an avocation which the bill itself recognizes as legal and thus should be removed from inquisition.

"The following sections of the bill are full of other penalties. Let us stop for a moment and ask ourselves the question, what the bill does?

"Mr. President, there can not be any question that the contract which the bill strikes at in its second section is a lawful contract. That is removed beyond the domain of controversy. The question whether contracts for future delivery are valid contracts has been before every court in this land. It has been to the Supreme Court of the United States; it has been to the courts of last resort of almost every State in this Union, and it has been crystallized in a body of jurisprudence now passed beyond question that it is absolutely as lawful for a man to sell for future delivery as it is to sell for present delivery; that there is no earthly difference between the two; that they are both valid contracts protected by the law, enforced by the courts, provided only what? Provided only that either of the parties to the contract has an honest intention to deliver.

"The purpose, then, of this bill is to strike down contracts which can be validly entered into, protected by the judgments of the courts of last resort of all this Union. I challenge any Senator upon this floor to produce a single modern authority which does not recognize that the right to make these contracts under the dominion and jurisdiction of the State courts is as absolutely sacred and as well protected by the ægis of the State law as his right to hold his home, or any other right that he has within the dominion of the State.

"This, then, is a proposition that the Federal Government—and, Mr. President, I hate to reargue this question with the eloquent and able, vigorous and incisive argument and denunciation of the Senator from Missouri [Mr. Vest] on yesterday ringing in the ears—this, then, is a bill licensing the Federal Government to step over the State line and destroy any contract made within a State between citizens of the State which the Federal Government may choose to destroy. That is the power which this bill asserts. If it does not assert that power it does not assert any power.

"Is it denied that these are valid contracts? Is it denied that they are contracts made under the State law and under protection of the State courts? Is it denied that this bill strikes at contracts between citizens of the State and a *res* or a thing within that State? That being the case, I ask Senators, mindful of their great oath to support the Constitution of the United States, where within the four walls of that Constitution can they find a pretext for this great usurpation of authority? If the theory which this bill propounds is true, every vestige of State autonomy has been wiped off, and to-day, instead of having a government of limited and restrictive powers, each government moving by the force of constitutional gravity in its own orbit, we stand the most unlimited and arbitrary government on the face of God's earth.

"Now, how will Senators justify this measure? I put it to every Senator, does this power exist in the Federal Government? I challenge any Senator to say that he believes the power exists in the Federal Government to go into a State and destroy contracts made between citizens of the State protected by State laws, contracts outside of the domain of Federal jurisdiction. Can the Federal Government regulate marriage; can it regulate divorce; can it determine the title to property; can it pass upon the tenure by will; can it usurp all the functions reserved to the States as a necessary part of the existence of the State governments? If it can not do these things, by what mandate of authority can this proposed law be put upon the statute books.

"Ah, but I am told that this is a taxing law; that it is an exercise of the taxing power. It is a tax that does not tax. I call attention to this distinction. On the very face of the bill not even a pretext of taxation can be found. By the very terms of the bill no tax can result from its provisions. The only section in the bill which could possibly lead to the collection of a tax and give even a semblance of constitutionality to the bill was the twelfth section, which imposed the $2 license upon a lawful business; and the Senator from Minnesota proposes to take that out.

"Now, then, the question results and comes down to this, and we must meet it: Can the Federal Government by the abuse of the taxing power abrogate and destroy every limitation found in the Constitution and every reservation in favor of the States? That is the question. It can not be evaded.

"Ah, but it is said this is an exercise of the taxing power, and although it is an exercise of the taxing power which does not tax to produce revenue, we will declare in this bill that we propose to tax for revenue, although we do not propose to do so. If we do violate the Constitution in doing this, when it goes to the court of last resort it will not be able to decipher the false purpose of the bill and will therefore hold the bill not to be unconstitutional. Why will the court hold it not to be unconstitutional? Not because it is not unconstitutional, but because we have breathed into this law a living lie, because we have declared that our purpose is to tax for revenue, when every line and letter of the bill says the bill is not an exercise of the taxing power at all, but an attempt to destroy the very framework of the Constitution by going into the States and doing that which the Federal Government confessedly has no power to do.

"Mr. President, some question was raised yesterday as to the power of the court to reach this bill. That question does not

concern me when I exercise my right to vote upon this floor. If it be true that under the Constitution there has been lodged in the Senate a power by a declaration of purpose to prevent unconstitutional enactments from being reached by the courts, then the necessary effect of the Constitution is to have made this Senate the court of last resort, and we stand here now called upon, with the great responsibility which rests upon us, not to say what a tribunal would say if the power had been lodged with it, but to say what this great tribunal should say in the face of this patent and glaring and flagrantly unconstitutional act.

"But I do not follow and agree with the admissions on this subject made by the distinguished Senator from Missouri yesterday. I do not agree to them because I believe the premise upon which they are founded is destructive of this Government. The glory and the ornament of our system which distinguishes it from every other Government on the face of the earth is that there is a great and mighty power hovering over the Constitution of the land to which has been delegated the awful responsibility of restraining all the coordinate departments of the Government within the walls of that great fabric which our fathers builded for our protection and our immunity forever.

"It is perfectly true that in two or three cases the Supreme Court of the United States have said that where on the face of a statute there was the exercise of taxation, as the statute on its face was a taxing statute, the court would not destroy the face of the statute by wiping out the taxing provision in the statute with the sponge of the motives which may have actuated the Members who passed it. Is that the case here? Where the face of the statute shows no tax, where the face of the statute itself eliminates all human possibility of the exercise of the taxing power for revenue, then I say the mission of jurisdiction is given to the courts of this land to brush that statute away for its flagrant and open violation of the Constitution. Is this not necessarily true?

"Now, let us reason out the consequences, if it be not true. If this be not true, then the beautiful system by which, as I said just now, all the departments of the Government move in a common orbit, vanishes out of the sideral universe of government, and passes into confusion and chaos. The precedents are against it. The power which the Supreme Court of the United States exercises in the review of statutes is like unto the power exercised by the supreme courts of all the States. The books are full of cases in the State courts drawing the distinction which I have made. In the Topeka case it is drawn in plain words by the Supreme Court of the United States. There a Government appropriated a sum of money, declaring it to be for a public purpose. The case went to the Supreme Court of the United States, and it said your motive and your purpose can not be inquired into. That is removed beyond the domain of controversy or question. But where you have called the statute one thing and in the very terms of the statutes indicate another thing, and that other thing is outside of the powers of Government, then it is not a statute at all, but it is a violation of authority and we strike it from the statute books.

"That, in my opinion, is what should be the fate of this measure. The only semblance of authority within the Constitution, as I have said, was the twelfth section, which put a license of $2 upon a business admittedly lawful, which the Senator from Minnesota proposes this morning to strike out. Climbing up this lofty tree under which he thinks all the great commerce of this country is to find shade and shelter, and under which I think death and destruction, like a upas, is to come, he saws himself down by cutting off the only possibility of constitutionality which was in the bill.

"What does the Senator from Minnesota say? I wish to call attention to it. Of course, everything I say is with the greatest respect and kindness to him. I suppose, when he made the argument which I shall quote in a few moments, he thought it would rally all the Senators on the other side of the Chamber and make them feel that they could not question the constitutionality of this bill without questioning the constitutionality of that system of taxation which they have espoused almost from the foundation of the Government, and which they espouse now to an extreme degree, how extreme I will not comment upon, because I do not propose to enter into that question. What does the distinguished Senator urge? He says:

"One thing is perfectly clear to me, that if this bill is unconstitutional for the reason that we have no right to use the taxing power, except for the purpose of raising revenue, then there has never been a Republican protective tariff act that has been in violation of the Constitution. A duty may be so high, placed with a view of protecting some production for the purpose of increasing or regulating its market value, and not absolutely prohibitory, yet so long as it was not laid for the purpose of raising revenue, it would still be obnoxious to this construction of the Constitution. But there are numerous cases where this duty is absolutely prohibitory, and so intended, and so made for the express purpose of suppressing the importation of articles that come in competition with those produced in this country.

"The purpose of this argument is this: This bill, which destroys all the rights of the States and acts internally upon the people of the State and on contracts protected by State laws, must be valid, and you must hold it so or you must declare that the whole policy of the Republican Party is and has been wrong.

"Mr. President, in my judgment that is absolutely and fundamentally a fallacy. It overlooks the clear distinction between the nature of the power lodged in the Federal Government for the purpose of imposts and the nature of the taxing power lodged in the Federal Government for the purpose of internal taxation. When the Federal Government deals with imposts the Constitution has vested in it the power which would be vested in any Government in that regard.

"No power as to imposts was reserved in the States by the Federal Constitution. All the lawful powers of government which could be exercised in that particular passed into the life and being of the Federal Government by the lodgment in that Government of the power to levy imposts—imposts deal externally, beyond our borders. Beyond those borders the power of the Federal Government was restricted and restrained by no limitation resulting from a reservation in the Constitution.

"Mr. President, in my judgment, if complaint is made of impost tax by the Federal Government levied not for the purpose of revenue, but for protection or prohibition, the complaint is not that the Federal Government violates the Constitution or the limitations of the Constitution, because as to that all authority is granted by the Constitution. When I say this, I mean no limitation by the Constitution by express provision of the Constitution. The complaint of undue or prohibitory external imposts is not that the Constitution has been violated.

"No; but that there has been a violation of the great fundamental and elementary principle of all government, which underlies all constitutions, which affect this Government and every government, and which would affect the most unlimited government in the world. These principles are that government is created with limitations flowing from the nature of its being, which teach that no government shall use its power for the benefit of the few to the detriment of the many. Therefore, all the arguments which have been made on the subject of the abuse of the impost power in the Federal Government are arguments addressing themselves not to the limit of delegation under the Constitution as to imposts, but to the want of power arising from the very nature of government itself.

"In other words, I contend that where power to destroy exists the use of a wrong instrumentality to do the destruction may be the abuse of an instrumentality but not an abuse of power, because the power to destroy is vested. But where the power to destroy does not exist, the use of an instrumentality to destroy that which there is no power to destroy is not alone an abuse of the instrumentality but an usurpation of power itself. Now, the usurpation of power by Congress not vested by the Constitution in Congress is unconstitutional. This being true, it follows that if the usurpation is clear on the face of the act, if the act itself shows the usurpation, the power exists in the Supreme Court of the United States to prevent the usurpation.

"The distinguished Senator made two quotations on this subject. Both of them draw this distinction in the broadest way. One quotation is from Judge Cooley, and the other is from Judge Story. Both of them call attention to the fact that when it concerns import tax the question is as to the fairness and the rightness, if I may use the word, and not as to the question of constitutional power:

"Indeed, in some cases where impost duties are laid, revenue is no part whatever of the motive for imposing a particular duty, but it is made so high that it is expected to preclude all importation, and therefore produce no revenue. A person objecting to the duty may complain that it violates the true principles of government, but he would hardly venture to attack it as being so distinctly beyond the constitutional power of Congress that in the courts it might be assailed as wanting in legal validity. He may question its policy, but he can not well question its constitutionality.

"Says Justice Story:

"It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry.

"These are the doctrines, Mr. President, which have been applied by this Government, standing with its face looking beyond our borders at the millions lying beyond. But when turned inward we behold the system of States with all the great rights reserved to them by the Constitution. We see them with their police power, and their legal autonomy, and their right of contract, and their right of property, and everything that has been preserved to us by the Constitution. These rights and their recognition and preservation have given us a hundred or more years of being, and without them war and tumult and misery and suffering would come. The rudiment of all these rights is

power for revenue, then I say the mission of jurisdiction is given to the courts of this land to brush that statute away for its flagrant and open violation of the Constitution. Is this not necessarily true?

"Now, let us reason out the consequences, if it be not true. If this be not true, then the beautiful system by which, as I said just now, all the departments of the Government move in a common orbit, vanishes out of the sideral universe of government, and passes into confusion and chaos. The precedents are against it. The power which the Supreme Court of the United States exercises in the review of statutes is like unto the power exercised by the supreme courts of all the States. The books are full of cases in the State courts drawing the distinction which I have made. In the Topeka case it is drawn in plain words by the Supreme Court of the United States. There a Government appropriated a sum of money, declaring it to be for a public purpose. The case went to the Supreme Court of the United States, and it said your motive and your purpose can not be inquired into. That is removed beyond the domain of controversy or question. But where you have called the statute one thing and in the very terms of the statutes indicate another thing, and that other thing is outside of the powers of Government, then it is not a statute at all, but it is a violation of authority and we strike it from the statute books.

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"One thing is perfectly clear to me, that if this bill is unconstitutional for the reason that we have no right to use the taxing power, except for the purpose of raising revenue, then there has never been a Republican protective tariff but that has been in violation of the Constitution. A duty may be so high, placed with a view of protecting some production for the purpose of increasing or regulating its market value, and not absolutely prohibitory, yet so long as it was not laid for the purpose of raising revenue, it would still be obnoxious to this construction of the Constitution. But there are numerous cases where this duty is absolutely prohibitory, and so intended, and so made for the express purpose of suppressing the importation of articles that come in competition with those produced in this country.

"No, but that there has been a violation of the great fundamental and elementary principle of all government, which underlies all constitutions, which affect this Government and every government, and which would affect the most unlimited government in the world. These principles are that government is created with limitations flowing from the nature of its being, which teach that no government shall use its power for the benefit of the few to the detriment of the many. Therefore, all the arguments which have been made on the subject of the abuse of the impost power in the Federal Government are arguments addressing themselves not to the limit of delegation under the Constitution as to imposts, but to the want of power arising from the very nature of government itself.

"In other words, I contend that where power to destroy exists the use of a wrong instrumentality to do the destruction may be the abuse of an instrumentality but not an abuse of power, because the power to destroy is vested. But where the power to destroy does not exist, the use of an instrumentality to destroy that which there is no power to destroy is not alone an abuse of the instrumentality but an usurpation of power itself. Now, the usurpation of power by Congress not vested by the Constitution in Congress is unconstitutional. This being true, it follows that if the usurpation is clear on the face of the act, if the act itself shows the usurpation, the power exists in the Supreme Court of the United States to prevent the usurpation.

"The distinguished Senator made two quotations on this subject. Both of them draw this distinction in the broadest way. One quotation is from Judge Cooley, and the other is from Judge Story. Both of them call attention to the fact that when it concerns import tax the question is as to the fairness and the rightness, if I may use the word, and not as to the question of constitutional power:

"Indeed, in some cases where impost duties are laid, revenue is no part whatever of the motive for imposing a particular duty, but it is made so high that it is expected to preclude all importation, and therefore produce no revenue. A person objecting to the duty may complain that it violates the true principles of government, but he would hardly venture to attack it as being so distinctly beyond the constitutional power of Congress that in the courts it might be assailed as wanting in legal validity. He may question its policy, but he can not well question its constitutionality.

"Says Justice Story:

"It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry.

"These are the doctrines, Mr. President, which have been applied by this Government, standing with its face looking beyond our borders at the millions lying beyond. But when turned inward we behold the system of States with all the great rights reserved to them by the Constitution. We see them with their police power, and their legal autonomy, and their right of contract, and their right of property, and everything that has been preserved to us by the Constitution. These rights and their recognition and preservation have given us a hundred or more years of being, and without them war and tumult and misery and suffering would come. The rudiment of all these rights is

The so-called Lever cotton-futures bill, if enacted into law, will strike down all the trading which can be done at an equal advantage and stimulate the trading where the small man will be at the mercy of the big man. All over the world—in England, in Germany, in Austria, in France, in Holland, in India, in Egypt, everywhere—this system of forward-delivery sales, which is an evolution to meet the wants of modern trade, obtains and is practiced.

When a bill which would have practically prohibited buying and selling of "cotton futures" was under consideration in the United States Senate on July 21 and 22, 1892, the Hon. Edward Douglass White, then a Senator from the State of Louisiana and now Chief Justice of the Supreme Court of the United States, delivered a speech in opposition to the measure. I ask unanimous consent to insert as a portion of my remarks the speech delivered by him, in which he speaks of the perfect legality of contracts for cotton for future delivery and the unconstitutionality of Federal laws to prohibit such contracts, and which is an ex cathedra opinion that the so-called cotton-futures bill is absolutely illegal.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] asks unanimous consent to extend his remarks by inserting in the RECORD the speech referred to. Is there objection?

There was no objection.

The speech referred to is as follows:

"SPEECH OF HON. EDWARD D. WHITE, OF LOUISIANA, IN THE SENATE OF THE UNITED STATES, THURSDAY, JULY 21, AND FRIDAY, JULY 22, 1892.

"The Senate having under consideration the bill (H. R. 7845) defining 'options' and 'futures,' imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes—

"Mr. WHITE. Mr. President, the votes which have been hitherto had in the Senate to take up this bill and the general line on which the argument has proceeded seem to indicate that there is probably a majority sentiment on the floor in favor of the bill. I should hesitate very much with this knowledge to make any very elaborate discussion as to the constitutionality of the bill, or as to the wisdom of the legislation which it propounds, if I were not profoundly conscious that, in my judgment, there has been before the American Congress for many years no more pernicious, no more vicious, no more flagrantly unconstitutional legislation, no legislation more tending to undermine and destroy the very foundations of our Government, and none more calculated to do untold and untellable harm to the people of this great country. The interests which this proposed legislation affect are enormous. The products the price or sale of which the bill attempts to regulate run up into vast proportions. I excerpt a statement from the testimony of Mr. Bacon, the president of the Milwaukee Chamber of Commerce, in which he says:

"The cotton crop of the country, which is handled in a similar way, is estimated at $303,000,000 for the current year. For last year it was estimated at $370,000,000. The meat product of the country is estimated at from $600,000,000 to $750,000,000 annually. These, added to the cereal products, make an aggregate of $2,000,000,000 in value, a large proportion of which is disposed of during a small portion of the year, which is required for consumption during the whole year.

"These figures, of course, convey but little idea to the mind without comparison. When we consider that the silver product of the country, which has been the subject of such extensive legislation for the past 15 years, is only about $50,000,000 in value, we will see that the amount is relatively more than 50 times as much.

"The value of the annual agricultural productions of the country is nearly equal to the aggregate of the national debt at the close of the war, the amount of which we have only reduced about one-half. It is only by comparison of these figures that one can reach an approximate idea of the magnitude of the interests involved in this question.

"The theory of the Senator who presents the bill and who urges it with so much zeal on this floor is that if the bill passes, to all the great body of the consumers of this country, representing 78 per cent of the population, there is to be an enhancement in the cost of these vast products. If, then, the arguments of the proponents of the bill be true, upon nearly $3,000,000,000 of products the effect of this legislation will be to increase the price to all the consumers of the country.

"My judgment is, on the other hand, that if the bill passes the necessary effect will be to reduce the price obtained by the producers of the country in a considerable degree upon this great sum.

"With these great issues involved in this bill, issues which go home to every hearthstone in this land, issues which reach out their fingers into the pockets of every man, be he rich or poor, I think I shall be justified in an attempt to discuss its provisions deliberately, in order to point out what I conceive to be the flagrant constitutional defects which are involved in it, and the gross financial and business heresies which it contains.

"Mr. President, let me analyze the bill. What does the first section provide? It has been gone over very frequently, but I shall go over it again in order to make clear what I shall endeavor to say.

"The first section forbids options, which in the argot of the commercial gamblers are known as 'puts' and 'calls.' Now, what is a 'put' and a 'call,' or an option, as defined in this bill? It is a contract by which a man gives to another a sum of money for the privilege of calling upon that man to deliver property, or for the privilege of delivering to him. It is a purely unilateral contract, by which a man gives a sum of money for the privilege of delivering or receiving property.

"So far as this contract is concerned, or this so-called contract, I have no word of defense to raise, because it is a contract which engenders no obligation per se. The courts of this land, at least the courts in my State, have declared that it is a contract without consideration, which can not be enforced; that it involves within its bosom an element of chance which makes it purely aleatory, and therefore takes it out of the domain of all those great contracts around which the law throws the shelter of its protection and the instrumentalities for its enforcement.

"The first section reads as follows:

"That for the purposes of this act the word 'options' shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

"What does the second section provide? The second section defines futures. What does it define futures to be? It defines any contract to be a future where the one selling at the time of sale is not the actual owner of the property, however real may be his intention to deliver at the time stipulated, and however great may be his means of fulfillment. What else does it provide? After defining this contract it then goes on to say that neither the Government of the United States, nor any municipality, nor any State, nor any farmer, in so far as he may have made a crop or have a crop in process of being made, shall be brought within the grasp of the provision. The amendment which has been adopted on the motion of the Senator from Minnesota also takes all retail dealers out of the reach of the second section.

"Section 2 provides:

"SEC. 2. That for the purposes of this act the word 'futures' shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employee in making such contract or agreement, is not in the owner of the article or articles so contracted or agreed to be sold and delivered, or has not therefore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof: *Provided, however*, That no provision or requirement of this act shall apply to any contract or agreement for the future delivery of any of said articles made for and in behalf of the United States, or of any State, Territory, county, or municipality, with the duly authorized officers or agents thereof, nor to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of any of said articles belonging to said farmer or planter at the time of making such contract or agreement, or which have been grown or produced, or at said time are in actual course of growth or production, on land owned or occupied by such farmer or planter; nor to any contract or agreement made with any farmer or planter to furnish and deliver to such farmer or planter at a future time, or within a designated period, any of said articles which are required as food, forage, or seed by such farmer or planter, his tenants, or employees.

"The third section enumerates the articles which come under this provision. This section, when I come to comment upon it hereafter, I shall show, in my judgment, represents the greatest enormity in the bill.

"SEC. 3. That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

"That is the enumeration. The fourth section imposes taxes and licenses. It imposes a license of $1,000 and a tax of 5 cents on every pound of raw or unmanufactured cotton, hops, pork, lard, or bacon, and 20 cents per bushel upon every bushel of wheat, and so forth. Section 4 is as follows:

"SEC. 4. That special taxes are imposed as follows: Every dealer in 'options' or 'futures' as hereinbefore defined in this act, shall pay annually the sum of $1,000 as a license fee for conducting such business, and shall also pay the further sum of 5 cents per pound for each and every pound of raw or unmanufactured cotton, hops, pork, lard, bacon, or other edible product of swine, and the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act, the right or privilege of delivering which to another or others at a future time, or within a designated period, may be acquired by such dealer in his own behalf or in behalf of another or others under any 'options' contract or agreement as defined by section 1 of this act, or under any 'futures' contract or agreement as

defined in section 1 of this act, or under any transfer or assignment of any such 'options' or 'futures' contract or agreement; which said amount or amounts shall be paid to the collector of internal revenue as hereinbefore provided, and by him accounted for as required in respect to other special taxes collected by him. Every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employee of another or others, deal in 'options' or make any 'options' contract or agreement as hereinbefore defined, or make any transfer or assignment of any such 'futures' contract or agreement, shall be deemed a dealer in 'options'; and every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employee of another or others, deal in 'futures' or make any 'futures' contract or agreement as hereinbefore defined, or make any transfer or assignment of any such 'futures' contract or agreement, shall be deemed a dealer in 'futures.'

"The fifth, sixth, seventh, eighth, ninth, and tenth sections provide for the enforcement of these provisions. I shall not stop to read them, but I will incorporate them in my remarks. You can find nowhere in any revenue legislation provisions more inquisitorial, more far-reaching, and more destructive of the liberty of the individual citizen.

"The sections are as follows:

"SEC. 5. That every person, association, copartnership, or corporation engaged in, or proposing to engage in, the business of dealer in 'options' or 'futures' as hereinbefore defined shall, before commencing such business or making any such 'options' or 'futures' contract or agreement, or any transfer or assignment of any such contract or agreement, make application in writing to the collector of internal revenue for the district in which he or any of them proposes to engage in such business or make such contract or agreement, or make a transfer or an assignment of any such contract or agreement, setting forth the name of such person, association, copartnership, or corporation, place of residence of the applicant, the business to be engaged in, where such business is to be carried on, and, in case of an association, copartnership, or corporation, the names and places of residence of the several persons constituting such association, copartnership, or corporation, and shall thereupon pay to such collector, as a license fee for conducting such business, the sum, aforesaid, of $1,000, and shall also execute and deliver to such collector a bond in the penal sum of $10,000, with two or more sureties satisfactory to said collector, conditioned that the obligor therein shall pay, or cause to be paid, the tax or taxes as herein provided, and for the full and faithful compliance, by such obligor, with all the requirements of this act; and thereupon the collector shall issue to such applicant a certificate, in such form as the Commissioner of Internal Revenue shall prescribe, that such applicant is authorized, for the period of one year from the date of such certificate, and within such district, to be dealer in 'options' and 'futures' and to make, within such district, 'options' and 'futures' contracts or agreements, as hereinbefore defined, and transfers and assignments of such contracts and agreements, and for the period specified in such certificate the party to whom it is issued may conduct and transact the business of dealer as aforesaid. Such certificate may be renewed annually upon compliance with the provisions of this act: *Provided, however*, That so long as any tax provided in this act shall remain due and unpaid, the person, association, copartnership, or corporation from which such tax shall be due shall not, during the time such tax remains due and unpaid, conduct or transact the business of a dealer in 'options,' or conduct or transact the business of a dealer in 'futures,' and every person, association, copartnership, or corporation making, transferring, or assigning any such 'options' or 'futures' contract or agreement while any tax herein provided shall remain due from such party shall be subject to the fines and penalties hereinafter provided.

"SEC. 6. That it shall be the duty of the collector of internal revenue to keep in his office a book in which shall be registered a copy of each and every application made to him under the foregoing sections, and a statement in connection therewith as to whether a certificate has been issued to him therein, and for what period, which book or register shall be a public record and be subject to the inspection of any and all persons.

"SEC. 7. That every 'options' or 'futures' contract or agreement, as hereinbefore defined, and all transfers or assignments thereof, shall be in writing and signed in duplicate by the parties thereto, and every such 'options' contract shall state in explicit terms the time when the right or privilege of delivering the article or articles therein shall expire; and every such 'futures' contract shall state in explicit terms the day upon which or the last day of the period within which the article or articles therein contracted or agreed to be sold shall be delivered; and any such contract or agreement or transfer including such agreement, and not so made and signed, shall, as between the parties thereto and their respective assigns, be absolutely void.

"SEC. 8. That it shall be the duty of every person, association, copartnership, or corporation conducting or transacting the business of a dealer in 'options' or 'futures,' as defined by this act, and they are hereby required to keep a book in which shall be recorded, on the day of its execution, the date of each and every 'options' or 'futures' contract or agreement made or entered into, or which may be transferred or assigned, by such person, association, copartnership, or corporation in their own behalf, or in behalf of another or others, and setting forth the name and place of business of the person, association, copartnership, or corporation in whose behalf, as vendor, such contract or agreement shall have been made, the name and place of business of the party or parties, as vendee, with whom such contract or agreement shall have been made, the kind and amount of the article or articles which are the subject of, embraced in, or covered by each such contract or agreement, the time when the right or privilege of delivering such article or articles are the subject of, embraced in, or covered by any 'options' contract or agreement shall expire, and the time when or the designated period within which delivery shall be made of the article or articles which are the subject of, embraced in, or covered by any 'futures' contract or agreement; and on making a transfer or assignment of any 'options' or 'futures' contract or agreement, shall, in addition to the facts or items above mentioned, also record in such book the names and places of residence or business of the assignor and assignee and the date of such transfer or assignment; and such book shall at all times be subject to inspection by the collector, deputy collector, and inspector of internal revenue, or any duly authorized agent of the Internal-Revenue Department, who may make memoranda or transcripts therefrom.

"SEC. 9. That it shall be the duty of every person, association, copartnership, or corporation, and they are hereby required, on the Tuesday of the week next succeeding the date of the certificate issued to them, as hereinbefore provided, and on the Tuesday of each and every week thereafter, to make to the collector of internal revenue for the district in which any 'options' or 'futures' contract or agreement shall have been made, transferred, or assigned, by such person, association, copartnership, or corporation, full and complete return and report, under oath and in such form as the Commissioner of Internal Revenue shall prescribe, of any and all such contracts or agreements made or entered into or transferred or assigned by such person, association, copartnership, or corporation during the preceding week, together with a statement of the articles embraced in or covered by each such contract or agreement, and the amounts, respectively, of each such article, and the name or names of the party or parties with whom each such contract or agreement, and any transfer or assignment of any such contract or agreement, shall have been made, and at the same time the party whose duty it shall be to make such return or report shall pay to such collector, upon and for each such contract or agreement which such party shall have so made as vendor, and upon and for each and every transfer or assignment of any such contract or agreement which such party shall have made, as transferror or assignor, the amount of tax as specified in section 4 of this act, of 5 cents per pound on each and every pound of cotton, hops, and of pork, lard, bacon, or other edible product of swine, of 20 cents per bushel on each and every bushel of any of the other articles mentioned in section 3 of this act which are the subject of, embraced in, or covered by such contracts or agreements, or any of them, for which sums said collector shall give his receipts to the party so making. And such collector shall, upon the making of such return or report, enter in a book to be kept for that purpose the date of each such 'options' or 'futures' contract or agreement, or transfer or assignment thereof, included in such return or report, the name, residence, and place of business of such party thereto, and whether they appear as vendor or vendee, the kind and amount of each article which is the subject of, embraced in, or covered by such contracts or agreements, the amount of tax charged and collected thereon, and the date upon which such 'options' or 'futures' contract or agreement shall by its express terms expire or mature; which book or register shall be a public record, subject to the inspection of any and all persons. That the person, association, copartnership, or corporation making or entering into any 'options' or 'futures' contract or agreement, as defined in this act, or making any transfer or assignment of any such contract or agreement, either in their own behalf or in behalf of another or others, shall, upon filing with the collector of internal revenue the return or report aforesaid, in addition to the taxes hereinbefore provided, pay to such collector the sum of $2 as a registry fee for each and every such 'options' or 'futures' contract or agreement so made, transferred, or assigned and included in such return or report, and it shall be the duty of the collector of internal revenue, on the first secular day of each calendar month, to make a report to the Commissioner of Internal Revenue, setting forth the number of 'options' and 'futures' contracts and agreements, as shown by such book, which had not expired or matured on the last day of the preceding month, the kind and the amount of the articles which are the subject of, embraced in, or covered by such contracts or agreements, and the amount of taxes levied thereon; and a copy of such report shall be kept in the office of the collector of internal revenue and be subject to the inspection of any and all persons.

"SEC. 10. That every person, association, copartnership, or corporation, who shall in their own behalf or in behalf of any other person, association, copartnership, or corporation, make or enter into, as vendor, any 'options' or 'futures' contract or agreement as defined by this act, or make any transfer or assignment of any such contract or agreement, without having a certificate of authority from the collector of internal revenue, as hereinbefore provided, and covering the time at which such contract or agreement, or such transfer or assignment shall be made, or who shall fail or refuse to keep any book or make any record, return, or report hereinbefore required, or in lieu of any record, return, or report hereinbefore required shall make false, fraudulent, or partial record, return, or report, or shall make or enter into any 'options' or 'futures' contract or agreement, or make any transfer or assignment of such, in form or manner other than as prescribed by this act, or shall fail or refuse to pay any of the taxes required by this act to be paid, or shall in any other respect violate any of the provisions of this act, shall, besides being liable for the amount of the tax or taxes prescribed in this act, for each and every offense, be liable to a fine of not less than $1,000 nor more than $20,000, or be imprisoned not less than 6 months nor more than 10 years, or be subject to both such fine and imprisonment.

"SEC. 11. That neither the payment of the taxes hereinbefore provided nor the certificate issued by the collector of internal revenue under this act shall be held to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State or Territory for making, transferring, or assigning contracts or agreements such as are hereinbefore defined as 'options' or 'futures' contracts or agreements, or in any manner to authorize the making, transferring, or assigning of such contracts or agreements within any State, Territory, or locality contrary to the laws of such State, Territory, or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State, Territory, or municipality from placing a tax or duty on the same trade, transaction, or business for State, Territorial, municipal, or other purposes.

"The twelfth section, which the Senator from Minnesota has moved this morning to strike out, imposed a license upon every man doing the business which the proposed statute itself declared to be lawful. In other words, it brought every citizen making a contract for future delivery not embraced in the provisions of the proposed statute under the reach and grasp of the officers of the Government. The twelfth section is as follows:

"SEC. 12. That every person, association, copartnership, or corporation who shall make any contract or agreement for the sale of any of the articles mentioned in section 3 of this act and requiring the delivery of such article subsequent to the date on which such contract or agreement is made, and who, at the time of making thereof, is the owner and entitled to the possession of the article or articles which are the subject of, embraced in, or covered by such contract or agreement, or has therefore acquired by purchase, and, at the time of making such contract or agreement, is entitled to the right to the future possession

so bad as we are led to believe by the gentleman from Wyoming [Mr. MONDELL]:

CALIFORNIA'S FIELDS AND ORCHARDS ARE YIELDING A BOUNTEOUS HARVEST.

When this year's crops are harvested and marketed California will be nearly half a billion dollars richer than she was before she began plowing, pruning, spraying, feeding, and planting.

The exact estimate of "primary value" upon the leading products of the State is $474,000,000.

That is a lot of money, and it will all flow in the channels of local traffic; much of it will come from beyond our borders, and all of it will pass through our pockets before any portion of it gets away from the Commonwealth.

A good part of it will stay here in permanent improvements.

It is exhilarating to read the figures and to classify the varied output: Our grain crop totals $31,000,000; our fruit crop, inclusive of canned, dried, green, citrus, and cantaloupes, aggregate $85,000,000, of which $35,000,000 is credited to the citrus product and $5,000,000 to cantaloupes, the bulk of which will come from the Imperial Valley; our dairies will produce $36,000,000; our poultry will be worth $2,000,000 and the eggs thereof will cost the consumer $15,000,000, which he will gladly pay, because the price will not be exorbitant this year, although it will yield a handsome profit to the owners of the industrious hens; our vegetables, including canned, beans, potatoes, sugar beets, onions, etc., will sell for $42,000,000, of which $11,000,000 must furnish a clear profit for the bean growers; hay and forage will be worth $50,000,000; oil, $50,000,000; wine and brandy, $30,000,000; gold, $20,000,000; other mineral products, $30,000,000; cotton, $4,500,000; hops, $4,000,000; nuts, $4,000,000; olives and oil, $3,000,000; and wool, $2,000,000.

And all this in despite of a Democratic tariff which contracts our eastern market.

It happens, however, that the foreign producer is somewhat short this year; neither has he had an opportunity to take his full advantage of Democratic generosity.

Next year it may be different, but this year it is a golden harvest for California.

There are only two flies in the ointment: The prune crop is not what it ought to be, and there will be an overproduction of hay.

But we could hardly expect everything to come our way, and if the price of prunes goes to famine in the cafeteria belt of Chicago, or if hay becomes a drug in the market, we must be content to stagger along under the load of prosperity that the demand for our other more bounteous crops impose on us.

Prunes have had their day—many of them—and others are to come; and the surplus hay will not be wasted.

Then, there is compensation in the barley crop which is so plenteous that the warehouses will not hold it; and it runs 60 pounds to the bushel as against the shipping requirement of 46 pounds; there is a world market for barley and there will be no danger of overstocking it.

Therefore let California begin to rejoice in this her year of jubilee.

And with the opening of the Panama Canal there will be many, many similar years.

We haven't begun to tap the resources of the richest region on the face of the earth.

California is certainly not a hospitable place for the pessimist and the knocker.

Mr. STEPHENS of Texas. Mr. Chairman, I yield two minutes to the gentleman from Indiana [Mr. ADAIR].

The CHAIRMAN. The gentleman from Indiana [Mr. ADAIR] is recognized for two minutes.

Mr. ADAIR. Mr. Chairman, out in Indiana, in my district, we have one of the largest sugar factories in the country, built at an expense of nearly $1,000,000. This sugar factory is operated by the St. Louis Holland Sugar Co. It is under the management of William H. Hubbard, an excellent gentleman, who has been connected with that concern for a great many years; a man in whom I have implicit confidence; a man whose honesty and integrity and truthfulness can not be questioned.

When the Underwood tariff bill was under consideration, a little over a year ago, I talked personally with Mr. Hubbard about the tariff on sugar. I was interested not only in that industry in my district but in every other industry there, and I did not propose to vote for the removal of any duty if I thought it would close a single factory or mill in my district or elsewhere.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield there for one question?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Michigan?

Mr. ADAIR. With pleasure.

Mr. FORDNEY. The thought just came to me, and I thank the gentleman for yielding. I want to say to the gentleman from Ohio that there is not a single sugar industry in the world, whether in the United States or in any other country, that runs more than from 90 to 120 days.

Mr. ADAIR. The gentleman from Michigan is right. They run only from 90 to 120 days, but they have been making money.

Now, getting back to the gentleman of whom I have just spoken, he told me himself that the present rate of duty on sugar was ample and sufficient. He said he recognized that the people of this country were demanding and were expecting a reduction of the tariff all along the line, and the only thing he objected to was the three-year limit. He said to me that if the sugar manufacturers of this country—that is, the beet-sugar manufacturers—were given the present rate for 10 years, they could put the beet-sugar business on a solid basis and in a few years make all the sugar the country could consume.

I know the beet-sugar factories run only from 90 to 120 days, and they make money at that. In my district the farmers are still raising sugar beets, and they get as much money for them as they got a year ago. I do not think this reduction of duty will close a single beet-sugar factory in this country. I know the cane-sugar manufacturers of Louisiana will have to go out of business. It has been repeatedly stated that they can not manufacture sugar from cane as cheaply as sugar is manufactured out of beets, and they ought to go out of business. It is wrong to tax 95,000,000 people 2 cents a pound on every pound of sugar they buy, simply in order to keep in business a hothouse industry down in Louisiana. But the sugar-beet factories will continue to make sugar in this country, regardless of the present rate, and when sugar goes on the free list they will still manufacture sugar, and in time will manufacture all this country consumes.

My district is a corn-raising district, and the land there is valuable; but notwithstanding the reduction of the duty on sugar, sugar beets are still bringing the same price as they brought heretofore, and the beet-sugar manufacturing business will go on.

Mr. FORDNEY. Mr. Chairman, will the gentleman yield again there?

Mr. ADAIR. Yes.

Mr. FORDNEY. You said that the people should not be taxed 2 cents a pound on the sugar they consume. There has been no time since I can remember when they were taxed 2 cents a pound. That is merely Mr. Lowry's claim.

Mr. ADAIR. It was $1.90 a hundred. It was nearly 2 cents a pound. It amounted to about $125,000,000 each year the people were compelled to pay for sugar more than they ought to have paid. It was extortion, and it ought to have been wiped out years ago.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Ohio [Mr. ANSBERRY].

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] is recognized for one minute.

Mr. ANSBERRY. Mr. Chairman, I want to say to the gentleman from Michigan [Mr. FORDNEY] that he has not yet answered the question I propounded and the question that was propounded by the gentleman from California [Mr. KETTNER]. I made the statement that there were no manufacturing businesses in the United States or elsewhere that were operated only 90 days in the year and were uniformly prosperous. The gentleman from Michigan mentioned artificial ice. The gentleman, if he knows anything about the manufacturing of artificial ice, knows that they run all the year round. It will not do for the gentleman to say that sugar mills run only 90 days in any other country. That is true; but in other countries where sugar is manufactured from beets the Government pays a bounty.

Mr. FORDNEY. Where?

Mr. ANSBERRY. In Russia.

Mr. FORDNEY. Oh, they are not paying a bounty now.

Mr. ANSBERRY. Just a moment. Do not get excited. They paid a bounty until only recently, and perhaps do yet. And as an instance of the disastrous effects of import duty on the sugar industry I want to cite the case of the sugar consumer in France, where, despite the fact that they manufacture more beet sugar than they consume and annually export millions of pounds, the poor French consumer pays more for it than do we. I mention this because the sugar-beet interests have been besieging Congress time out of mind asking for a high protective tariff, and seeking to lull the opposition of the outraged American people by the old familiar cry, "Give us yet another 10 years of protection and we will produce all the sugar consumed in America." And they continued, "Then sugar will be cheaper." Doubtless the French public was beguiled in the selfsame fashion.

Now, it will not do for the sugar-beet people to tell us, "If you will only give us 10 years more we will raise enough sugar for the entire United States." They have been saying that a long time.

Mr. FORDNEY. But you did not give them 10 years.

Mr. ANSBERRY. They have been manufacturing beet sugar for more than 10 years.

Mr. FORDNEY. Yes; but under a reduction of duty every little while.

Mr. ANSBERRY. No reduction at all.

Mr. FORDNEY. The gentleman must be fair.

Mr. ANSBERRY. Practically none for 20 years.

Mr. FORDNEY. Oh, if the gentleman will not be fair——

Mr. ANSBERRY. I have only a minute.

Mr. FORDNEY. I gave the gentleman a great deal of my time, and he ought to be fair.

Mr. ANSBERRY. I will yield to the gentleman. The gentleman was very courteous.

Mr. FORDNEY. Is it not true that Cuban reciprocity reduced the duty 20 per cent?

Mr. ANSBERRY. Yes.

Mr. FORDNEY. The gentleman said there had been no reduction.

Mr. ANSBERRY. I say substantially none.

Mr. FORDNEY. If you take off 20 per cent of a man's head, can you say that it is substantially all on?

Mr. ANSBERRY. Nevertheless, in spite of that fact, the manufacture of beet sugar has not increased in this country in proportion to the amount of sugar consumed. Proportionately to that they are making just about what they did 10 years ago, about 14 per cent. Is not that true? The increased production barely kept pace with increased consumption.

Mr. FORDNEY. Will the gentleman yield just a minute?

Mr. ANSBERRY. I have a little time left, and I will yield to the gentleman.

Mr. FORDNEY. The gentleman said there was no other industry in the United States that ran as short a time as the beet-sugar industry that made as large profits. The canning industry does not run as long as the beet-sugar industry.

Mr. ANSBERRY. What canning industry?

Mr. FORDNEY. Ask the gentleman from California.

Mr. ANSBERRY. No; I will ask the gentleman from Michigan. What canning industry?

Mr. FORDNEY. Peaches and fruit of every description, peas, beans, and salmon. Salmon canning lasts only about three months in the year, and is one of the greatest industries in the country.

Mr. ANSBERRY. These canning plants can one vegetable part of the year and another vegetable another part of the year, so that they run practically six months, and they require a very small plant investment as compared with the sugar business, and they are not asking to be given the privilege of taxing the people of the United States that they may continue in business. And so, I repeat, the sugar-beet industry, if it be a hothouse industry—that is to say, an industry dependent upon a special privilege given by the Government to permit it to exist—has not even the poor, threadbare, shelf-worn excuse that it is an infant industry. It is too old to be an infant, and if it is ever to desert its perambulator, it should do so now, taking advantage of the cane which the existing duty represents until it becomes accustomed to walk alone. I sympathize with the Louisiana sugar planter, but he likewise has made but little headway, only producing, as he produced a decade ago, 9 per cent of our sugar consumption. Of the few possessions I own are a few hundred acres of land on the edge of the sugar belt. My attitude and vote has temporarily depreciated its value, but I am comforted by the thought that I cast my vote in the interest of my district and the overburdened consumers of our country.

Mr. FORDNEY. Evidently the gentleman does not know how much money is invested in that industry.

Mr. STEPHENS of Texas. I yield five minutes to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Chairman, many persons who have not fully investigated the subject entertain the opinion that the transactions on the New York and New Orleans cotton exchanges in cotton for future delivery are almost entirely for speculation and of no service to legitimate interests.

This belief is very erroneous, for, as a matter of fact, the facilities for the buying and selling of "cotton futures" on these two exchanges are absolutely essential to the successful prosecution of the business of the cotton merchants and manufacturers as conducted at the present time.

Cotton merchants throughout the country are constantly compelled to sell cotton of specified grades with the stipulation that the delivery of some or all of it will not be made until some time in the future. By buying "cotton futures" at the time of their sale of actual cotton for forward delivery the cotton dealers can protect themselves from loss should an advance in price occur before the time for them to ship the cotton. As the cotton is purchased to meet their sales, they dispose of their purchases of "futures," and if the price of spot cotton has advanced they will be reimbursed by the profit on their transaction in "futures." Should "futures" decline after their purchase, the loss will be made up by the greater profit they will make by the decline in spot cotton since their sale of it.

A large percentage of the cotton merchants—particularly those in the interior markets of the South—buy cotton daily when the receipts are liberal, though they may have no orders for it from their correspondents. They are constantly buying in anticipation of orders, and their buying supports the market and enables farmers to sell their cotton readily and at much better prices than they could obtain if the merchants would not buy without actual orders in hand for the cotton offered.

As the merchants buy spot cotton in anticipation of orders for it, they at once sell "cotton futures" in New York or New Orleans to the extent of their purchases. This is called "hedging," and protects them from loss should spot cotton decline before they dispose of their purchases, as their loss on it would be compensated for by their profit on the sales of "futures" against it.

Cotton is sold for cash in southern cities and towns, and merchants often have to obtain advances from the banks before they can draw against their shipments. It greatly facilitates the securing of such advances when "cotton futures" have been sold against the cotton on which the loans are desired, because the spot cotton is thus protected from a decline in the market.

The system of dealing in "cotton futures" gives manufacturers of small means equal advantages with those possessing large capital in selling their product far into the future. Without the aid of the "futures" system it is very evident that the manufacturers of small or moderate capital would be at a very serious disadvantage.

The dealing in "cotton futures" on the New York and New Orleans Cotton Exchanges, which the Lever cotton-futures bill would curtail and eventually abolish, is undoubtedly of great advantage to the cotton growers in preventing the great depression in price which formerly prevailed when the bulk of the crop was being marketed. Many cotton merchants of experience can without hesitancy recall many instances when an active demand for "cotton futures" has caused an advance in "spot cotton" or checked and prevented a decline.

The adoption of the Lever bill, I feel certain, will curtail the business of the cotton exchanges in this country, and the price of cotton, which is one of the chief products of the South, will eventually be dictated by the markets of Europe, and especially by Liverpool. The cotton dealers and spinners of Europe would always be in favor of low prices and just as low as they could be forced. With no resistance on the part of the producer and his friends, the contest would be one-sided and unequal, and hence the price-making power would be surrendered to foreign interests and the farmer would be compelled to dispose of his cotton at the low prices fixed by the spinners of Liverpool, Bremen, and Havre.

Should our cotton exchanges be curtailed, then all the information as to the price of cotton in all the markets of the world and all the information as to conditions which go to make up the price and the price outlook would be no longer disseminated. The buyer and the manufacturer would know what the Liverpool Exchange and other foreign exchanges were doing, but the producer and the merchant, especially in small towns, would be unable to ascertain the prices. Thus the farmer would be at the mercy of the purchaser, and all the American cotton trade would be at the mercy of the foreign cotton manufacturers, who would be intent upon buying cotton as cheaply as possible.

Mr. Chairman, at this point I would like to express my high opinion of the members of the New York Cotton Exchange. For their business integrity there is no higher class of men in the United States. Many of them are from Southern States, but they are true and loyal citizens. They handle millions and millions of dollars of business without the scratch of a pen, and never is there any doubt or question as to their word.

Of course, the so-called "cotton-futures" bill is absolutely unconstitutional and will be so declared. It is class legislation, and trying to tax out of existence contract for futures which have been declared legal by the Supreme Court of the United States and the courts of the last resort in every State in this Union. It is just as lawful for a man to sell for future delivery as it is for him to sell for immediate delivery, and both are valid contracts under the law.

Mr. Chairman, boards of trade are true evolutions of that doctrine of equality which has dominated the world—the equality and liberty of man. The poor man with small capital who goes into the great chambers of commerce and the boards of trade with all the information exposed to his view to protect himself from being gouged and destroyed needs only the light of the reason which God has given him. It is putting him on equality with the rich.

Mr. GARRETT of Tennessee. Then why does the gentleman make the suggestion as to this administration not prosecuting these particular men?

Mr. FORDNEY. I will tell the gentleman why.

Mr. GARRETT of Tennessee. When the administration that went out of power last March a year ago had the same opportunity to prosecute them that they had to prosecute the other two.

Mr. FORDNEY. They were getting along as fast as time and conditions would permit, and they were making good time, because they collected from those two companies and a few others over $4,300,000, but this one company has not yet been brought into court.

But the point I want to make—and I do not want to be unfair about it—is that Mr. Frank C. Lowry, the sales agent of the Federal Sugar Co., and Mr. Spreckels, its president, took a prominent part in appearing before our committee. Mr. Lowry wrote that provision in the campaign textbook, he testified, called the "Farmers' sugar bowl," and obtained a reduction, just what he was asking for, on sugar, and they get free trade on sugar on the 1st day of May, 1916. A suit is pending in court against those contributors to the campaign fund, and yet they are not prosecuted. There may not be anything wrong in that, but in my opinion it looks a little suspicious. Favoritism, perhaps.

The following are letters from American consuls at Lyons, France; Paris, France; London, England; and Liverpool, England, showing fair average retail prices of food products in those four foreign cities. For comparison I also have a list of prices of food products in Washington, which has been furnished me from reliable sources and to which I will refer:

Meats.	Per pound.
Lamb	$0.16
Tongue	.12½
Beef	.18
Rack	.18
Veal	.16
Liver	.12½
Ham	.17
Kidney	.15
Sausage	.15
Round steak	.20
Porterhouse steak	.25
Bacon	.20
Pork	.17
Chicken	.20
Fish.	
Butterfish	.08
Halibut	.15
Trout	.08
Cod	.10
Shad	.10
Bluefish	.12½
Bass	.10
Salt mackerel	.10
Miscellaneous.	
Lard	.09½
Coffee	.25
Butter	.25
Cheese	.18

AMERICAN CONSULAR SERVICE,
Lyon, France, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
Washington, D. C.

SIR: I am in receipt of your favor of the 9th instant and give you below the prices prevailing at present in this city for the various foodstuffs stated:

	Per pound.
Veal	$0.14 to $0.20
Beef	.17 to .25
Pork	.20 to .25
Horsefish	.10 to .14
Butter	.28 to .40
Flour	.05 to .06
Sugar	.07½ to .08
Coffee	.50 to .70
Tea	.80 to 2.00
Bread	.04 to .04½
Potatoes:	
Old	.01½ to .02
New	.04 to .04½

Tea is not used to any great extent, as wine is used at practically every meal. Bread and soups made with breadstuffs, such as macaroni, vermicelli, tapioca, etc., sausages and other meat preparations made with the less expensive cuts of meats, form the principal dishes in the homes of the workingmen and middle class.

Trusting that this information may be of service to you, I am, sir,

Very respectfully, yours,

F. VAN DYNE,
American Consul.

CONSULATE GENERAL OF THE UNITED STATES OF AMERICA,
Paris, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter of June 9, 1914, requesting me to furnish you with a statement as to the average retail price of certain food products in this city.

I take pleasure in giving you below a detailed list of the average prices at present prevailing for a large number of the most essential articles in daily use, but I would call your attention to the fact that in the case of meat the prices given are for the best cuts only, the inferior pieces being sold at from 20 per cent to 30 per cent cheaper.

The meat, bread, and butter prices are those quoted in one of the middle-class districts of the city, while the remaining figures are those contained in the latest price list of the well-known firm of Felix Potin.

Article.	Per kilogram.	Per pound.
	Francs.	
Beef	4.00	[1]0.35
Veal	4.00	.35
Mutton	3.40	.30
Pork	3.00	.26
Horsefish	2.40	.21
Flour	.50	.04½
Bread	.45	.04
Butter	[2]4.80	.42
Do	[3]4.00	.35
Eggs	[4]3.00	.26
Do	[5]1.20	.23
Sugar	.70	.06
Coffee	[6]3.00	.31
Tea	[6]9.00	.93
Chicory	.90	.08
Cocoa	6.20	.54
Salt	.30	.02½
Pepper (white)	6.00	.56
Olive oil	[7]3.30	
Nut oil	1.80	
Meat extract	[8]10.95	
Rice	1.20	.105
Gasoline	.62	[9].11
Dried vegetables:		
Haricot beans	1.20	.105
Peas	.80	.07
Lentils	.90	.08
Cheese:		
Camembert	[10].80	.154
Brie	1.20	.22
Pont l'Evêque	.95	.18
Gruyère	1.40	.122
Roquefort	1.60	.14

[1] Winter. [2] Summer. [3] Dozen.
[4] Upward. [5] Kilogram equals 2.2 pounds. [6] Per American pound ($2.11).
[7] Per liter. [8] Per gallon. [9] Each.

I trust that this information will be of value to you, and I am always at your disposal for any further service which I can render you at any time. I am, sir,

Very respectfully, yours,

ELY E. PALMER,
American Vice Consul General in Charge.

AMERICAN CONSULAR SERVICE,
45 New Broad Street, London, E. C., June 26, 1914.

Hon. JOSEPH W. FORDNEY,
House of Representatives, Washington, D. C., U. S. A.

SIR: In response to your inquiry of the 9th instant, I have pleasure in inclosing a list of average retail prices of various kinds of common foods in this country.

The figures given are those generally prevailing, and will not be taken as indicative of the prices ruling in high-class residential neighborhoods.

Horsefish is not used for human consumption in this country.

The prices for meats show the average for the different joints or cuts. For pork the price is approximate, as this food is not at present in season.

Respectfully,

RICHARD WESTACOTT,
Vice Consul General in Charge.

RETAIL PRICES.

Veal, 1s. to 1s. 2d. per pound (24 cents to 28 cents).
Beef, 9½d. to 1s. 2d. per pound (19 cents to 28 cents).
Pork, 10d. to 11d. per pound (20 cents to 22 cents).
Butter, 1s., 1s. 1d., 1s. 2d. to 1s. 4d. per pound (24 cents, 26 cents, 28 cents to 32 cents).
Flour, 10½d. per 3 pounds, 7d. per 3½ pounds, 2s. per 14 pounds (24 cents, 14 cents, 49 cents).
Bread, 3d. per half quartern loaf (6 cents).
Sugar, 2d. and 3d. per pound (4 cents and 6 cents).
Tea, 1s. 4d., 1s. 6d., 1s. 8d. to 2s. 6d. and upward per pound (38 cents, 36 cents, 40 cents to 61 cents, etc).
Coffee, 1s. 6d. to 1s. 10d. per pound (36 cents to 44 cents).
Eggs, 1s. 1d. to 1s. 6d. per dozen (28 cents to 36 cents).
Cheese, 8d. to 11d. per pound (16 cents to 22 cents).
Bacon, 1s. to 1s. 2d. per pound (24 cents to 28 cents).
Milk, 4d. per quart (8 cents).

AMERICAN CONSULAR SERVICE,
Liverpool, England, June 18, 1914.

Hon. JOSEPH W. FORDNEY, M. C.,
United States House of Representatives,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of the 9th instant, and the consulate has great pleasure in inclosing herewith a report on the prices in the Liverpool district of the meats and other commodities you mention.

Very respectfully, yours,

HORACE LEE WASHINGTON,
American Consul.

Inclosure: Report on prices of meats and other commodities.

RETAIL PRICES OF CERTAIN MEATS AND OTHER COMMODITIES, LIVERPOOL, ENGLAND.

Statement showing the fair average prices of certain meats and other commodities in Liverpool, England, on the 17th of June, 1914, viz:

ENGLISH VEAL, BEEF, AND PORK.

Veal (as sold in shops, retail), per carcass, 18½ cents per pound. Made up into cuts: Legs, 22 cents per pound; hind quarters, 22 cents per pound; fillets, 28 cents per pound; neck, 17 cents per pound; fore quarters, 15 cents per pound; shoulders, 17 cents per pound; breast, 12½ cents per pound; cutlets, 30 cents per pound.

Beef: English sides, 14 cents per pound; hind quarters, 16½ cents per pound; fore quarters, 12 cents per pound. Made up into hindquarter cuts: Shoulder bone, 18 cents per pound; rumps, 16 cents per pound; sirloins, 22 cents per pound; rump steak, 30 cents per pound; shins, 5 cents per pound. Fore-quarter cuts: Ribs, 19 cents per pound; thick flat rib, 15 cents per pound; thick flat rib (cheek), 15 cents per pound; briskets, 12 cents per pound; stewing beef, 18 cents per pound.

Pork: Per carcass, 15 cents per pound; legs, 18 cents per pound; loins, 20 cents per pound; shoulders, 16 cents per pound; bellies, 18 cents per pound; hinds, 9 cents per pound.

Butter: Irish, 26 cents per pound; Danish, 28 cents per pound.

Margarine, for cooking, 12 to 20 cents per pound.

Flour, 42 to 46 cents per 14 pounds.

Bread, 3 cents per pound.

Lump sugar, 5 cents per pound.

Tea, 28 to 50 cents per pound.

Coffee, 32 to 48 cents per pound.

Milk, condensed, 12 cents per 1-pound tin; 6 cents per ½-pound tin.

Rice, 4 to 6 cents per pound.

Cheese, ordinary, 18 to 22 cents per pound.

LIVERPOOL, ENGLAND, *June 18, 1914.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. KETTNER].

Mr. KETTNER. Mr. Chairman, I hold in my hand the Orange County Plain Dealer, a Republican paper, published in Orange County, Cal., in my district. There are six sugar factories in this county. I will send the paper up to the desk and ask the Clerk to read the editorials.

Mr. FORDNEY. Will the gentleman permit one question? I will be brief.

Mr. KETTNER. With pleasure.

Mr. FORDNEY. It is a fact that there is not a pound of duty-paid sugar brought on the Pacific coast and has not been for years. There has not been a pound of free sugar brought on the Atlantic coast for years except from our insular possessions, and yet generally sugar prevails at higher prices on the Pacific coast than on the Atlantic coast.

Mr. KETTNER. Well, I believe sugar, if I remember rightly, is selling at 22 pounds for the dollar on the Pacific coast, and I believe that is what the gentleman from Michigan stated it was selling for in his home town.

Mr. FORDNEY. It is very recently that it has sold for that, because I bought it there for that price for several years.

The CHAIRMAN. Without objection, the Clerk will read the article which the gentleman from California [Mr. KETTNER] sends to the Clerk's desk. [After a pause.] The Chair hears no objection.

The Clerk read as follows.

It is folly for good people here in California to look blue, wear crepe on their sleeves, and bemoan themselves because of adverse business conditions. The Plain Dealer would like to make believe, as a bit of permissible political jugglery, that Democratic administration has played havoc with all things mundane; but the facts all point rather way. Our oil wells keep on gushing. We never before have had such a fruit crop or got so much money for it. Our grain crops are overflow. The Lord sent bountiful rains, which the soil has made bountiful answer. The sugar-beet crop will be the largest the State ever produced despite a somewhat lessened acreage. It will bring over $15,000,000 to the coffers of growers and refiners. To shout "hard times" in the face of such disproof is the sheerest folly. California bulges with plenty and to spare. We agree with the San Francisco Chronicle, June 15: "There are no hard times in this State. The interior is prospering, and the cities are prospering with it."

THE TARIFF AND BUSINESS.

The California orange crop for 1914 has been mainly disposed of at prices comparing favorably with sales of previous seasons. The tariff blight that was to wither the citrus industries of the State somehow or other failed to eventuate according to the political prospectus. Same way with sugar. In the first six months of the operation of the Underwood tariff, from October to March, the imports of cane sugar amounted to 1,650,000,000 pounds compared with 1,809,000,000 pounds in the corresponding six months of 1912–13, while of beet sugar the imports fell to 1,250,000 pounds in comparison with 182,000,000 pounds in the half-year period which ended March, 1913. Of course, these figures do not bear out the predictions of the opponents of tariff reduction, but they should serve to put an end to unnecessary alarm among California beet growers and beet-sugar refiners.

As illustrating the present conditions in the sugar market we quote the following informative item of news from the Philadelphia Record, June 4:

"Six thousand tons of sugar advanced $33,750 in value while lying in the hold of the Austrian steamship *Ferom* for one week while the vessel remained in the Delaware River, unable to get a wharf upon which to unload her cargo. Yesterday the owners of the sugar were jubilant over the delay, even though they had to pay the owners of the vessel $10,000 demurrage for using the steamer as a warehouse. Their profit on the delay was still more than $20,000."

There is no shortage in the cane-sugar crop to induce this sharp advance in prices. The largest yield of many years has been safely gathered in Cuba. A quick European demand is sending prices up. The eastern refineries can not get raw sugar fast enough to meet the call of purchasers for the refined product. Our sugar-beet growers may take heart. Blue ruin has been indefinitely postponed.

Mr. MONDELL. Will the gentleman yield?

Mr. KETTNER. I shall be glad to do so.

Mr. MONDELL. In view of the fact that the Government has lost a very great deal in revenue on the importation of sugar, and the statement is made that sugar has not been reduced in price, who has benefited by the reduction of the tariff on sugar?

Mr. KETTNER. The consumer, as far as——

Mr. MONDELL. Can the gentleman point to any spot or place where the consumer has bought any sugar cheaper under the Underwood tariff bill than he did before?

Mr. KETTNER. All over the United States.

Mr. MONDELL. Where over the United States?

Mr. KETTNER. In California, as I personally know.

Mr. MONDELL. The claim of the article that has just been read is that sugar has not been reduced in price.

Mr. ANSBERRY. Will the gentleman permit an interruption? I know it is true. It is cheaper here in the city of Washington and has been by reason of the reduction. Of course, I am not responsible for that article.

Mr. MONDELL. I do not want to take the time of the gentleman from California, but I happen to be a man of family——

Mr. ANSBERRY. You are not the only one in the United States.

Mr. MONDELL. And I do not buy sugar cheaper under the Underwood tariff bill than I did before.

Mr. ANSBERRY. The gentleman is mistaken about it. He is hoodwinked by the man who sells him sugar.

Mr. KETTNER. I had the Clerk read that article, because I could readily see that conditions are different in different parts of the country. After listening to the colloquy between the gentleman from Michigan [Mr. FORDNEY] and the gentleman from Indiana [Mr. ADAIR], and having read this editorial, I knew that the main difference was in the production or the soil, or in the handling of the different crops in different sections of the country. I think that has more to do with it than the tariff.

Mr. FORDNEY. If the gentleman will permit me, I will say this in fairness to him: It was shown that in the arid-land region, where beets were raised by giving them water when they wanted it, and where they always had sunshine, as compared with the territory where they depended upon the elements, the percentage of sugar in the beets ranged about 2 per cent greater in the arid country than in the country where they depended on the elements. You have on the Pacific coast, with irrigation, a larger tonnage and a larger percentage of sugar in the beets, and a consequent advantage in that way, but you have a disadvantage in freight rates.

Mr. KETTNER. Does not the gentleman think the soil has more to do with the raising of beets in the different parts of the country than the tariff?

Mr. FORDNEY. Bless you, no. The difference in the advantage with irrigation and sunshine all the time is not enough to offset the duty—the protection and the duty. Oh, no; not one-tenth part.

Mr. KETTNER. The only conclusion I could come to after reading that article and hearing the debate is that the soil and climate conditions are of very great importance in the profitable production of sugar from sugar beets.

Mr. ANSBERRY. I want to know if the gentleman knows any manufacturing business in the State of California or elsewhere in the United States that only operates its plant 90 days in each year and still does a prosperous business? Do you know of any other manufacturing business, other than sugar, under similar conditions?

Mr. KETTNER. I do not.

Mr. ANSBERRY. No one else does.

Mr. FORDNEY. There are other industries.

Mr. ANSBERRY. Oh, what are they?

Mr. FORDNEY. Artificial-ice plants, for instance.

Mr. ANSBERRY. Oh, artificial-ice plants run all the year round.

Mr. KETTNER. Mr. Chairman, I wish to correct the answer just made to the gentleman from Ohio [Mr. ANSBERRY]. There are other industries in California where the factories run only three or four months in the year, such as the fruit canneries and olive factories.

Another article from the San Diego Tribune, which is a leading Republican paper, goes to show that conditions are not

tories that have gone out of commission are least favorably situated in that respect. It is not so in the State of Michigan.

Mr. ADAIR. In Michigan?

Mr. FORDNEY. In Michigan; yes. Now, further, it is possible that the Michigan Sugar Co. may have made a profit. They have the most modern method of caring for their by-products. Whether they have made a profit has not been shown yet. That may be shown by this investigation that is going on now. I have tried to get the result of that investigation, but have not succeeded. But there are 12 factories that have gone out of business. Before you is an enlarged photograph, which is a sample of the factories that have gone out of business since the first of the year; 12 out of 74, or 16 per cent of all the beet-sugar factories in this country. Do you believe that, with an average of $1,000,000 invested in each one of these factories, the stockholders would let them go out of business if they could make money? If so, get into the business and try it and you will find out.

Mr. ADAIR. Will the gentleman yield just there?

Mr. FORDNEY. I will; yes.

Mr. ADAIR. It was stated by the representatives of the sugar factories when this matter was before this House that even at a reduction to $1 per hundred they could continue in the business and make money at it.

Mr. FORDNEY. They thought they could. Now, if the gentleman will get me more time, I should like to argue this out with him.

Mr. ADAIR. One of your own factories, in your own State, made as high as 60 per cent profit.

Mr. FORDNEY. Oh, my dear friend, there is no such statement on record that I have ever heard of, except from your lips.

Mr. ADAIR. I have heard of it.

Mr. FORDNEY. And I sat five months taking testimony on a special committee investigating sugar, and nothing of the kind was ever shown.

Mr. ADAIR. I have the statement from a gentleman in the business who is a stockholder in the concern.

Mr. FORDNEY. Point him out to me, and I will show you a white blackbird or a man trying to create psychological prosperity, one of the two. The beet-sugar manufacturers have not made any money of late. Some have made money in sugar beets, but not under existing conditions.

Mr. ADAIR. That was an unusual year, and nothing was set aside for depreciation.

Mr. FORDNEY. That might be true in some particular year, as to some particular factory, when the crop was an extraordinary one and the percentage of sugar in the beets very high. It does not cost any more to extract 17 or 18 per cent of sugar from the beets than it does to extract 12 per cent, but it makes a very great difference to the manufacturer what amount of sugar is in those beets. Now, let me call your attention to this: Mr Wilson said in his campaign that he would injure no legitimate industry.

Mr. ANSBERRY. Will the gentleman yield for one question?

Mr. FORDNEY. Let me finish this statement.

The President stated that he would injure no legitimate industry. I judge that he meant by his remarks that through his political action he would injure no legitimate industry. I want to ask the question: Does he consider this a legitimate industry although it is a hothouse industry? If so, then the 12 factories that have been closed by his signing of the Underwood tariff law, 12 factories representing an investment of about $12,000,000 which have been closed certainly is an injury to a legitimate industry.

There is a sample, gentlemen. The factory alone is not the only benefit that comes to the masses of the people from the sugar produced in our factories. The land on which beets are raised produces more abundantly of other succeeding crops.

Mr. ANSBERRY. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman for a question.

Mr. ANSBERRY. Is the gentleman familiar with the fact that a beet-sugar factory has been promoted and built and is now running in Toledo, Ohio, with a capital of $2,000,000, all of which was supposed to be invested in it, and that the factory was started after the Underwood bill had been introduced into this House?

Mr. FORDNEY. I believe that is true; but the factory had gone so far before the enactment of the Underwood tariff bill that it could not stop.

Mr. ANSBERRY. Oh, no.

Mr. FORDNEY. I know that those men who built that factory could not build it and get it into operation since the adoption of the Underwood bill last October. It had been built before October 3, 1913, and was ready for the crop last fall.

Mr. ANSBERRY. When was it begun?

Mr FORDNEY. I do not know; but I know some gentlemen appeared before the committee when we were investigating the Sugar Trusts a year ago last December or January and stated they were going to build a factory in Ohio.

Mr. ANSBERRY. As a matter of fact, they did not begin the building, the actual construction, until after the Underwood bill was introduced. I know that as a matter of personal knowledge.

Mr. FORDNEY. Does the gentleman mean to say that that factory has been built since last October and ground out last October's beets?

Mr. ANSBERRY. I do not know. I know they started the factory after it was an absolute certainty that the duty on sugar would be reduced, and materially reduced.

Mr. FORDNEY. Oh, yes; and you know that all the fools are not dead yet.

Mr. ANSBERRY. Am I to understand the gentleman from Michigan to say that these men who put $2,000,000 into a beet-sugar factory are fools?

Mr. FORDNEY. They were; or else they were sadly mistaken. The gentleman would not, if he understood the situation, nor would any sensible man who has sense enough to accumulate property, put money into such an investment knowing the facts. Perhaps they placed too much faith in Democratic election promises.

Mr. ANSBERRY. Let us have facts.

Mr. FORDNEY. No sane man could be induced to put his money into a beet-sugar factory, nor into a cane-sugar factory, in Louisiana, where I have a list of 42 plantations and factories that have gone out of business since the 1st of January, 1914.

Mr. ANSBERRY. I am trying to talk about something I know about. This sugar-beet business I know something about, and the gentleman from Michigan knows a good deal about it. But the fact remains that that factory was started in Toledo, Ohio, within 30 miles of Fremont, where you say the factory is closed, and for a far different reason than the gentleman states.

Mr. FORDNEY. What was the reason that it closed?

Mr. ANSBERRY. Because they could not get the farmers to raise sugar beets in that good corn country.

Mr. FORDNEY. Yes; at a reduced price.

Mr. ANSBERRY. Oh, no.

Mr. FORDNEY. I want to say to the gentleman that the price of sugar beets is 50 cents a ton below last year's prices, and there are any number of farmers who will not raise them because that means $5 to $7.50 an acre less for a crop than they have been receiving.

Mr. ANSBERRY. The gentleman is mistaken; they could not get the farmers to raise the beets unless they paid them 50 cents a ton more than they paid two years ago, and that is the reason that the Fremont factory has closed.

Mr. FORDNEY. If that is the reason, and that factory at Toledo has been built and they are paying 50 cents more a ton for beets than was paid two years ago, you watch that concern go into bankruptcy inside of 12 months.

Mr. ANSBERRY. The reason that the factory at Toledo can expend $2,000,000 in this investment and make sugar is because they do not intend to run only 90 days in a year.

Mr. FORDNEY. That is all any of them run.

Mr. ANSBERRY. There is no manufacturing business that can make a return for the year and run only 90 days in the year unless they are hothoused by a tariff or bounty.

Mr. FORDNEY. Oh, wait a minute.

Mr. ANSBERRY. Furthermore—and here is the statement—the Toledo factory is going to grind up sugar beets and make sugar, and they are also going to grind something they get from Cuba, so that they will be in the business of making sugar not 90 days but for more than 6 months in each year.

Mr. FORDNEY. What they have done and what they are going to do are two different things. Just wait and see the outcome.

Mr. ANSBERRY. I can see that.

Mr. FORDNEY. I will tell the gentleman that there is no money in the business at the present rate of duty, and when sugar goes upon the free list they must all go out of business. There is no question about that, and I will tell you why.

Mr. ANSBERRY. But the gentleman is going into the field of speculation.

Mr. FORDNEY. Oh, I decline to yield further.

Mr. ANSBERRY. The gentleman objected to my doing that.

Mr. FORDNEY. Cuban sugar can be purchased for 2 cents a pound. The freight on Cuban sugar is 10 cents per 100 pounds to New York, and the cost of refining is three-eighths of a cent to four-tenths of a cent. That is 2½ cents a pound for refined sugar laid down in New York City under free trade. The beet-

sugar manufacturers in this country pay that sum for the sugar in the beets at the factory, no matter in what State the factory is located. That is the testimony before the Hardwick sugar investigating committee. How can we expend a cent a pound in extraction and manufacture of sugar, making it cost 3½ cents, when Cuban sugar to-day under free trade can be produced for 2½ cents per pound? It is impossible.

There is one point about this matter to which I desire to call attention, without being sarcastic, and I do not accuse anyone of dishonesty. Either under the Roosevelt administration or the Taft administration prosecutions were begun against the refining companies of New York for fraud in underweighing and undervaluations of sugar. The American Sugar Refining Co. and the Arbuckle Bros. paid more than $3,000,000 in settlement of those suits. The Federal Sugar Co. also was indicted, and suit is pending to-day against that company, of which Mr. Spreckles is the president. Frank C. Lowry is the sales agent of that factory. He took a very prominent part in the investigations before the Hardwick committee, and he testified a short time ago before a Senate committee that he wrote the "Farmers' sugar bowl," in the Democratic Textbook. I called upon the Attorney General the other day and found that suit is still pending against the Federal Sugar Refining Co. and they were strong supporters of the present administration. Now, you can draw your own inference from that. I think it rather peculiar that all of the rest of the suits have been concluded, and that the one against the Federal Sugar Co. is not prosecuted as yet—and it is such a great friend to the administration. Frank C. Lowry appeared before the sugar investigating committee and made all sorts of statements. He was testifying under oath, but that made no difference. He argued his point, right or wrong. That is the only concern indicted for fraud in the batch of frauds that has not yet been tried in the courts. The others have been tried and convicted and have paid their fines, and some of the officers have been sent to prison.

Mr. GARRETT of Tennessee. It is true, is it not, that the Federal Sugar Refining Co. denies all guilt, and that the others, by compromise, virtually pleaded guilty?

Mr. FORDNEY. Oh, no. All of them denied their guilt in the first place, but when the goods were found on them they pleaded guilty.

Mr. GARRETT of Tennessee. But in the case of the Federal Co.——

Mr. FORDNEY. It has not yet pleaded guilty.

Mr. GARRETT of Tennessee. And it has denied absolutely that it was guilty.

Mr. FORDNEY. Yes; as did all of the others, until they were brought face to face with the facts, and were brought before the bar of justice.

Mr. GOODWIN of Arkansas. Whom did those who were convicted support in the last campaign?

Mr. FORDNEY. I do not know. I will say this, that Mr. Spreckles was a strong supporter of the Democratic administration, because he looked to your party for free trade and got it, and you will not deny it.

Mr. ADAIR. It was stated when this bill was passed that it would put out of business the cane growers in Louisiana?

Mr. FORDNEY. Yes.

Mr. ADAIR. And the reason why a rate was given them for three years was in order that they might go into some other line of business?

Mr. FORDNEY. Yes; and in the agricultural bill the House appropriated $50,000 and in the Senate that sum was raised to $100,000 to pay experts to go down to Louisiana and educate those people in some other agricultural lines.

Mr. ADAIR. It was understood and admitted that the sugar-cane people would have to go out of business.

Mr. FORDNEY. Then the gentleman agrees with me that the Democratic Party intended to put them out of business down there?

Mr. ADAIR. I do agree with the gentleman that they will go out of the sugar business, and they ought to have gone out of it years ago, because it is not right to compel a hundred million of people to pay 2 cents a pound more for their sugar than they ought to pay.

Mr. FORDNEY. Let me answer that, please. Right at that point it was brought out before the Hardwick sugar investigating committee in 1911 that as soon as the domestic sugar crop was off the market sugar went to 7½ cents a pound by the trusts in New York, upon the false statement that foreign raw sugars were selling at $6.40 a hundred pounds, duty paid, in New York; and I went to the Bureau of Statistics in the Department of Commerce and Labor and there obtained a statement showing all the importations of sugar from every country in the world into every port of entry in this country, and for 16 months prior to that time and during that time not a single pound of European raw sugar had come onto the markets at all. The highest price sugar brought in this country during the summer of 1911 was 7½ cents a pound f. o. b. New York, and 2.74 was the highest price paid for any raw sugar by any refiner in this country during that time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to yield 10 minutes to the gentleman from California [Mr. KENT].

Mr. GARRETT of Tennessee. Mr. Chairman, will the gentleman yield me three or four minutes in order to ask the gentleman from Michigan a question?

Mr. STEPHENS of Texas. I yield the gentleman from Tennessee four minutes.

Mr. BURKE of South Dakota. The gentleman from Michigan desires five minues, and, if the gentleman will permit me, I will yield the gentleman from Michigan five minutes more.

Mr. FORDNEY. I thank the gentleman, and I will try not to take up more time.

The CHAIRMAN. The gentleman from Michigan is recognized for five minutes.

Mr. GARRETT of Tennessee. Mr. Chairman, I want to ask the gentleman this: The gentleman made a charge some time ago, an insinuation at least, touching the settlement of these cases for alleged frauds in customs duties?

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. Now, the Arbuckles and the American Sugar Refining Co. settled their part of it long before this administration came in.

Mr. FORDNEY. Partly so; those suits are not dismissed yet; but they at that time gave that much in part settlement. It may be they are dismissed now.

Mr. GARRETT of Tennessee. Now, under that administration all these indictments were brought about the same time, and the Federal Co. made no part of any settlement——

Mr. FORDNEY. Yes.

Mr. GARRETT of Tennessee. As a matter of fact, under that administration, and now the Federal Co. explicitly denies it was ever guilty of any fraud in any way. I would like to ask the gentleman if that is not true?

Mr. FORDNEY. That is true; yes, sir; that is my understanding, and that was Mr. Lowry's statement before our committee, that they denied the fact they committed any fraud whatever, but the grand jury, after hearing the case, returned an indictment against them.

Mr. GARRETT of Tennessee. That is, they did against the other companies.

Mr. FORDNEY. And also against the Federal Sugar Co. Of course I may be wrong, and when brought to trial they may be acquitted, and I do not want to accuse them wrongfully; but I said it is a significant fact that this case has not yet been prosecuted, when it had been instituted more than two years ago.

Mr. GARRETT of Tennessee. Why were they not prosecuted under the other administration? They were indicted at the same time.

Mr. FORDNEY. The Taft administration went out about the time these cases were to be prosecuted. I will be fair. The Attorney General recently wrote me stating the reason why these cases had not been tried heretofore, within the past year, was because it was understood it would take from 30 to 60 days to try this case, and there were more important cases that could be gotten out of the way within a much less time, and therefore they have been passed over. But be that as it may, gentlemen, I say if it is fair to one it is fair to the other. Have I answered the gentleman's question?

Mr. GARRETT of Tennessee. To a certain extent. The thing to which I objected, if the gentleman will permit, is that the gentleman should have suggested that this administration has failed in its duty in prosecuting because of the fact that this particular company supported this particular administration. Now, the other people—the Arbuckles and the American Sugar Refining Cos.—supported the prior administration.

Mr. FORDNEY. I think it was shown that they gave checks to both parties.

Mr. GARRETT of Tennessee. Oh, that was long, long ago.

Mr. FORDNEY. Oh, yes.

Mr. GARRETT of Tennessee. In 1912; and, by the way, the gentleman also remembers that the Democratic Party gave the check back which was given to them.

Mr. FORDNEY. I believe that is right; yes—but that was long, long ago.

ported raws. However, that is a system or policy to which our Democratic friends seem unalterably opposed. They propose to completely destroy the domestic industry and transfer the labor abroad.

During six months of the year, when there is no domestic beet sugar on the market, imported raw sugar is refined as follows:

The Federal Sugar Refining Co. produces 6.3 per cent of our consumption.

The Warner Sugar Refining Co. produces about 2.5 per cent of our consumption.

While the American Sugar Refining Co. and the Arbuckle Bros. Sugar Refining Co. produce the remaining, or 91.2 per cent. The American Sugar Refining Co. has its head office at 117 Wall Street and the other refining companies have their offices in two buildings on Front Street, New York, less than one and one-half blocks away from the American Sugar Refining Co. Is it not possible for these companies to get their heads together in fixing the price of refined sugar during one-half of the year, when there is no domestic sugar on the market? As before stated, it will be observed that during that time the price of sugar to the consumer is higher than during the six months of the year when the domestic sugar is on the market.

Our insular possessions furnish us with the following quantities of sugar:

	Tons.
The Hawaiian Islands	500,000
Porto Rico	300,000
The Philippines	200,000

Our domestic production, as before given, is 950,000 tons, and the balance of our consumption, or 1,750,000 tons, is furnished by Cuba, making a total of 3,700,000, or about 81 pounds per capita as the annual consumption in the United States.

A dollar in America will purchase more refined granulated sugar in the United States than in any country in the world.

The English Board of Trade, in a report on the comparative labor conditions in England and the United States, taking $1 paid to labor in England as a basis for comparisons, showed that the same class of labor in the same kind of employment in the United States receives $2.40; and what the Englishman is able to purchase in England for $1 can be purchased by the American laboring man here for $1.38, as shown by that report, thus leaving the American laboring man a surplus of $1.02 out of every $2.40 earned.

Again, Willett & Gray's Statistical Trade Journal quotes the net cash wholesale price for refined granulated sugar at Liverpool on June 4 at $3.80 per 100 pounds, while at the same time they quote the net wholesale cash price for refined granulated sugar in New York at $4.116 per 100 pounds. Therefore, if the consumer could purchase at the wholesale price, the English laborer could purchase with his dollar 26.2 pounds of refined granulated sugar, while the American laborer, at the American wholesale price, could purchase with his $2.40 58.2 pounds of refined granulated sugar. In other words, the American laboring man can purchase for a given unit of labor more than two and a quarter times as much sugar as the Englishman.

In the per capita consumption of sugar of the nations of the world the United States stands fifth.

New Zealand consumes 130 pounds per capita; Australia consumes 129 pounds per capita; United Kingdom consumes 91 pounds per capita; Denmark consumes 84 pounds per capita; United States consumes 81 pounds per capita.

It is of interest to know that in 1830 our consumption of sugar was but 10.2 pounds per capita and in 1870 it was 32 pounds and the wholesale price was 13¼ cents per pound, while for the year of 1913 the wholesale price for domestic beet sugar was $3.82 per 100 pounds. About one-third of the per capita consumption of sugar in the United States is used by manufacturers of candles, preserves, and other foods.

The campaign for free sugar has been so diligently carried on by the importers of raw sugar that a feeling has been created that the import duty on sugar is a great burden on the consumer. Certainly this belief is unwarranted. The following is a list of import duties, excises, and internal-revenue taxes that must be paid in the principal European countries on sugar for home consumption. The United Kingdom has the lowest rate.

	Per 100 pounds.
The United Kingdom	$0.40 to $0.45
Switzerland	.79
The United States:	
Cuba sugar	1.00
Maximum	1.26
Denmark	1.22
Germany	2.03
Belgium	2.23
Norway	2.43
France	$2.89
Sweden	3.64
Austria-Hungary	4.02
Bulgaria	4.69
Netherlands	4.92
Greece	5.06
Servia	5.31
Finland	6.48
Roumania	6.56
Russia	7.00
Portugal	7.26
Spain	8.56
Italy	8.67

The average for all Europe is $4.43 per 100 pounds. If the United States would impose an internal-revenue tax on sugar consumed in this country of $4.43 per 100 pounds, that tax would bring a revenue to the Government of $370,000,000.

Mr. Chairman, I listened with considerable interest to some gentlemen on Saturday from the Democratic side of the House who gave a glowing report of the increased production in certain industries in the State of Indiana. I am in business. I am employing men in the lumber industry. I have never yet seen a time since 1896 when that industry was in such a chaotic condition as at present. And what is true of the lumber industry of this country from the Atlantic to the Pacific is true practically of every industry in the land. I am sorry this condition exists. And I hope that I am not and that the Republican Party is not responsible for that condition. I want to say to my Democratic friends that with your opinions on the question of a tariff duty to be collected on foreign imports I differ. I believe in a protective tariff and you do not. One or the other of us is wrong in judgment. I want to give you credit for being candid and honest in your opinion, but I believe you are misguided in judgment.

I have repeatedly stated, and I wish to again state, that there is not a country under God's sun in which a dollar today will buy as many pounds of granulated sugar as it will buy in the United States, England not excepted. England has a duty on sugar ranging from 40 to 45 cents per 100 pounds. Her rate of duty is 45 cents per 100 pounds on sugar of 98° or above, and lower rates of duty on lower grades. On 96° it is 40 cents.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. FORDNEY. Yes, sir.

Mr. STEPHENS of Texas. The gentleman stated that sugar is cheaper than ever before in this country. Is not that carrying out the promises of the Democratic platform to reduce the cost of living?

Mr. FORDNEY. The gentleman misunderstood me. I did not say sugar was cheaper than at any other time in this country. I say that a dollar will buy more granulated sugar in the United States than it will buy in any other country in the world.

Mr. STEPHENS of Texas. And is not the cost of living reduced to that extent?

Mr. FORDNEY. Whatever it has been reduced in price the cost of living has been reduced accordingly. Now, let me say I attended Keith's Theater one night not long ago in this city, and a funny man gave an illustration and attacked the House of Representatives for legislation that had been passed. He referred to the Democratic promise to reduce the cost of living and showed how much sugar has been reduced to the consumer—20 cents a hundred pounds—and upon investigation I found the gentleman was about correct. He went further and said that the price of sugar to the consumer had been reduced 20 cents a hundred pounds, or 2 mills a pound, rather. He said a mill is a tenth of a cent, and a person in using sugar in coffee uses a quarter of an ounce of sugar in a cup of coffee, and in order to enable the poor devil to save a nickel he must drink 1,600 cups of coffee.

Now, you have reduced that much the cost of living.

Mr. SLOAN. Will the gentleman yield?

Mr. FORDNEY. I will.

Mr. SLOAN. Was not the statement which the gentleman has made relative to how much a dollar would buy in this country true also before the duty was reduced as well as it is now?

Mr. FORDNEY. Yes, sir; that is true. England, having a less duty on her imported sugar than we have, could furnish refined sugar to her consumers at a less price than we do, for England imports all her sugar. I have here a letter written by our American consul at Liverpool, England, dated June 18, which I received day before yesterday. He writes that sugar is selling retail at Liverpool, England, for 5 cents a pound. In my home town, in the State of Michigan, anyone can purchase 22 pounds of granulated sugar for $1, 4½ cents a pound. I have another letter here from Lyon, France, stating that sugar, on the

18th day of June, this year, was selling for 7½ to 8 cents a pound, granulated sugar, and to-day I received a letter from our American consul at Paris, France, saying that sugar was selling there on the 18th day of June for 6 cents a pound. Sugar is cheaper here than in any country in the world; yet, gentlemen, it is not possible to produce domestic sugars, either from cane or beets, to compete with the refining companies that import foreign raw sugars under free trade. Under free trade the domestic manufacturer must go out of business. There is no question about that.

Mr. GARRETT of Tennessee. Will the gentleman yield?

Mr. FORDNEY. I yield to the gentleman.

Mr. GARRETT of Tennessee. The gentleman has reference to the price of sugar in Germany and France. He is discussing the question of price in its relation to the tariff or the tariff in its relation to price, as the case may be. Of course, the gentleman does not wish to be understood that there is no tariff on German or French sugar.

Mr. FORDNEY. Oh, no. What I was trying to illustrate is that sugar is cheaper in this country than in any country in the world.

Mr. GARRETT of Tennessee. The tax upon it—really all the tax put together—on the German and French sugar is really higher?

Mr. FORDNEY. Oh, yes; in Germany it is $2.03 a hundred pounds, and in France about the same. But that tax is an export and internal-revenue tax combined. The point I was making was that, although we are a highly protected country, sugar is cheaper here than anywhere else in the world.

Mr. MONDELL. Mr. Chairman, will the gentleman yield there?

Mr. FORDNEY. Yes.

Mr. MONDELL. Is it not a fact that the price of sugar has not been appreciably lower since the passage of the Underwood bill? There has been no appreciable lowering of the price to the consumer, and the difference in the tariff has been almost wholly retained by the importer and the refiner?

Mr. FORDNEY. Yes. I will say, and I have the quotations here——

Mr. MONDELL. In other words, the factories have been closed and the industry has been put on the bum and the Government has lost revenue without our people getting any appreciable benefit?

Mr. FORDNEY. Yes; that is perfectly true. There was some little reduction to the consumer for a brief period, but not a reduction equal to the reduction of the duty in the Underwood tariff law.

Mr. MONDELL. I would like to ask the gentleman one other question.

Mr. FORDNEY. Very well.

Mr. MONDELL. The reduction in the wholesale price has not been sufficient to affect the retail price in most of the retail markets at all. Is not that true?

Mr. FORDNEY. Yes. In my own home town I can buy no more sugar for a dollar at retail than I could before the present tariff law went into effect——

Mr. MONDELL. And the price is the same to the consumer as before, since the reduction of duty?

Mr. FORDNEY. Yes.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; but first let me answer that point. Then I will yield to you.

Mr. ADAIR. I just wanted some information.

Mr. FORDNEY. Here is the price of crystal domino and cube and powdered sugar from the date of January 8, before the reduced duty under the Underwood tariff law took effect. If you will remember, the duty on sugar in this new tariff law did not take effect until March 1 of this year. Granulated sugar is the grade of sugar that is made by the beet-sugar manufacturers, and no other grade, with the single exception of one sugar factory in California, owned by a refining company. Here are the quotations from January 8 to April 30: January 8, $3.92 per hundred pounds. This is the wholesale price at New York, on board cars, less a discount of 2 per cent in 30 days. Three dollars and ninety-two cents runs along until the 5th of March, then sugar dropped to $3.82, then to $3.77, and then down to $3.73. That is refined sugar, at wholesale, dropping from $3.92 to $3.73, or a difference of 19 cents a hundred. The reduction of duty was one-third of a cent a pound, or 34.8 cents per hundred pounds. The price, wholesale, went down 19 cents. Crystal domino is a kind of sugar produced by the refining companies, but not produced by beet-sugar or domestic manufacturers. Crystal domino sold on the 8th of January at $6.75, and the price has not changed a fraction of a penny from that day to this. And cut loaf is another kind of sugar produced by the trust, but not by the domestic producers. That sold at $5.05 a hundred pounds, and the price has been unchanged from January down to date.

Now, what is the cause of the reduction in the price of granulated sugar? It is the competition of domestic producers. Although granulated sugar from beets is made in only 17 of our States, last year it was sold in every State in the Union. In fact, the State of Michigan shipped granulated sugar last fall right into the city of New York and sold right under the eyes of the great refining companies there.

Now, what is the difference? Let me quote this one item, and then I will yield to the gentleman from Indiana [Mr. ADAIR]. When domestic sugar was on the market—and, mind you, granulated sugar made from beets is only on the market about five months in the year—the refining companies sold in New York at 44 cents per 100 pounds above what they paid for raw sugar, duty paid. What is the price to-day, when there is no competition from domestic industry? Eighty-nine and nine-tenths cents per 100 pounds above what they are paying for raw sugar. Just the minute there is no domestic competition, just that minute the consumers of this country pay the penalty, gentlemen; and the only way to furnish cheap sugar to the consumers of this country is by the encouragement of this domestic industry as a thorn in the side of the great sugar trusts. [Applause on the Republican side.]

Now, let me call your attention to another important point.

Mr. ADAIR. Before you leave that point I would like to ask you a question.

Mr. FORDNEY. Yes.

Mr. ADAIR. I agree with much that the gentleman is saying. But the gentleman from Wyoming [Mr. MONDELL] has referred to the closing down of the beet-sugar factories.

Mr. FORDNEY. Yes.

Mr. ADAIR. This tariff did not go into effect until March 1?

Mr. FORDNEY. Yes.

Mr. ADAIR. The beet-sugar factories did not make any sugar between March 1 and the present time. Is it not true that the beet-sugar factories make their sugar only in the fall, when the crop is matured, and then they only run three or four months, and then, as the gentleman says, that sugar goes on the market?

Mr. FORDNEY. Yes.

Mr. ADAIR. How, then, can the gentleman from Michigan agree with the gentleman from Wyoming [Mr. MONDELL] in saying it has closed all the factories in this country, when there is no competition now?

Mr. FORDNEY. Oh, I will tell my friend. The factories of this country began contracting for the raising of beets with the farmers in December, 1912, for the manufacture of the sugar that was to be put on the market last fall and this spring. The duty was continued under the tariff bill until the 1st of March in order to let the domestic industry get off their hands their crop they had raised the year before, and they were finishing their crop about March 1, 1914.

Now, gentlemen, here is a picture that I have had enlarged of some beet-sugar factories in the West.

We have 74 beet-sugar factories in the United States, scattered over 17 States. Twelve of those factories have closed since the 1st day of January last and are not contracting for beets for this coming fall crop.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FORDNEY. Yes.

Mr. COOPER. There is a beet-sugar factory at Janesville, Rock County, in my district.

Mr. FORDNEY. I think I have a picture of it here.

Mr. COOPER. It represents an investment of over $400,000. That factory has been closed.

Mr. ADAIR. I have a sugar-beet factory in my district representing an investment of more than twice $400,000. If I am not mistaken, it is a part of the same concern that is doing business in the gentleman's own State. The factory in my own State is still in operation, and more acreage has been planted this year than was planted last year, and the condition is prosperous.

Mr. FORDNEY. Whether they have more acres or not, I do not know; but let me answer you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I yield to the gentleman from Michigan 15 minutes more.

Mr. FORDNEY. I thank the gentleman. In the State of Michigan we have 16 factories. Fifteen of them will run this coming year. Some are more favorably located than others. In other words, in some localities they have a larger yield of beets per acre and a larger percentage of sugar in the beets than in other localities. It may be true that some of these fac-

port and internal-revenue tax combined. The point I was making was that, although we are a highly protected country, sugar is cheaper here than anywhere else in the world.

Mr. MONDELL. Mr. Chairman, will the gentleman yield there?

Mr. FORDNEY. Yes.

Mr. MONDELL. Is it not a fact that the price of sugar has not been appreciably lower since the passage of the Underwood bill? There has been no appreciable lowering of the price to the consumer, and the difference in the tariff has been almost wholly retained by the importer and the refiner?

Mr. FORDNEY. Yes. I will say, and I have the quotations here——

Mr. MONDELL. In other words, the factories have been closed and the industry has been put on the bum and the Government has lost revenue without our people getting any appreciable benefit?

Mr. FORDNEY. Yes; that is perfectly true. There was some little reduction to the consumer for a brief period, but not a reduction equal to the reduction of the duty in the Underwood tariff law.

Mr. MONDELL. I would like to ask the gentleman one other question.

Mr. FORDNEY. Very well.

Mr. MONDELL. The reduction in the wholesale price has not been sufficient to affect the retail price in most of the retail markets at all. Is not that true?

Mr. FORDNEY. Yes. In my own home town I can buy no more sugar for a dollar at retail than I could before the present tariff law went into effect——

Mr. MONDELL. And the price is the same to the consumer as before, since the reduction of duty?

Mr. FORDNEY. Yes.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. FORDNEY. Yes; but first let me answer that point. Then I will yield to you.

Mr. ADAIR. I just wanted some information.

Mr. FORDNEY. Here is the price of crystal domino and cube and powdered sugar from the date of January 8, before the reduced duty under the Underwood tariff law took effect. If you will remember, the duty on sugar in this new tariff law did not take effect until March 1 of this year. Granulated sugar is the grade of sugar that is made by the beet-sugar manufacturers, and no other grade, with the single exception of one sugar factory in California, owned by a refining company. Here are the quotations from January 8 to April 30: January 8, $3.92 per hundred pounds. This is the wholesale price at New York, on board cars, less a discount of 2 per cent in 30 days. Three dollars and ninety-two cents runs along until the 5th of March, then sugar dropped to $3.82, then to $3.77, and then down to $3.73. That is refined sugar, at wholesale, dropping from $3.92 to $3.73, or a difference of 19 cents a hundred. The reduction of duty was one-third of a cent a pound, or 34.8 cents per hundred pounds. The price, wholesale, went down 19 cents. Crystal domino is a kind of sugar produced by the refining companies, but not produced by beet-sugar or domestic manufacturers. Crystal domino sold on the 8th of January at $6.75, and the price has not changed a fraction of a penny from that day to this. And cut loaf is another kind of sugar produced by

Now, let me call your attention to another important point.

Mr. ADAIR. Before you leave that point I would like to ask you a question.

Mr. FORDNEY. Yes.

Mr. ADAIR. I agree with much that the gentleman is saying. But the gentleman from Wyoming [Mr. MONDELL] has referred to the closing down of the beet-sugar factories.

Mr. FORDNEY. Yes.

Mr. ADAIR. This tariff did not go into effect until March 1?

Mr. FORDNEY. Yes.

Mr. ADAIR. The beet-sugar factories did not make any sugar between March 1 and the present time. Is it not true that the beet-sugar factories make their sugar only in the fall, when the crop is matured, and then they only run three or four months, and then, as the gentleman says, that sugar goes on the market?

Mr. FORDNEY. Yes.

Mr. ADAIR. How, then, can the gentleman from Michigan agree with the gentleman from Wyoming [Mr. MONDELL] in saying it has closed all the factories in this country, when there is no competition now?

Mr. FORDNEY. Oh, I will tell my friend. The factories of this country began contracting for the raising of beets with the farmers in December, 1912, for the manufacture of the sugar that was to be put on the market last fall and this spring. The duty was continued under the tariff bill until the 1st of March in order to let the domestic industry get off their hands their crop they had raised the year before, and they were finishing their crop about March 1, 1914.

Now, gentlemen, here is a picture that I have had enlarged of some beet-sugar factories in the West.

We have 74 beet-sugar factories in the United States, scattered over 17 States. Twelve of those factories have closed since the 1st day of January last and are not contracting for beets for this coming fall crop.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. FORDNEY. Yes.

Mr. COOPER. There is a beet-sugar factory at Janesville, Rock County, in my district.

Mr. FORDNEY. I think I have a picture of it here.

Mr. COOPER. It represents an investment of over $400,000. That factory has been closed.

Mr. ADAIR. I have a sugar-beet factory in my district representing an investment of more than twice $400,000. If I am not mistaken, it is a part of the same concern that is doing business in the gentleman's own State. The factory in my own State is still in operation, and more acreage has been planted this year than was planted last year, and the condition is prosperous.

Mr. FORDNEY. Whether they have more acres or not, I do not know; but let me answer you.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I yield to the gentleman from Michigan 15 minutes more.

Mr. FORDNEY. I thank the gentleman. In the State of Michigan we have 16 factories. Fifteen of them will run this coming year. Some are more favorably located than others. In other words, in some localities they have a larger yield of beets per acre and a larger percentage of sugar in the beets than in other localities. It may be true that some of these fac-

Let us turn to the record of the Baltimore convention in the opening days if we would understand why the American sugar growers feel so deeply on this question. In a telegram sent from Baltimore to the New Orleans Picayune before the balloting began, and published on the first page of its issue of June 26, we find the following:

The Texas delegation made common cause with the Louisianians to-day in the effort to get in the platform some expression which would act as a protection of sugar in the future.

It was those men from the sugar-growing States of the South who stood like adamant for Mr. Wilson against the assaults of most of the other Southern States in the battle for the nomination. The representatives from the other Southern States who followed Hon. OLLIE JAMES in the Senate and Mr. HARDWICK in the House in destroying the sugar industry of southern Louisiana and Texas were simply revenging themselves because the representatives of those sugar States held out for Mr. Wilson and insured his nomination at Baltimore.

This is clearly shown by the record. Take the vote of the solid South after the 41 ballots, on the last ballot taken Tuesday, the day before all of the Southern States broke to Wilson and attempted to out-Herod Herod in their devotion to the nominee. It is typical of the balloting that had been going on from the beginning and reads like poetic justice when we recall what the nominee and the solid South did to the domestic sugar industry later on when they came to revise the tariff.

Here is the forty-second ballot:

	Wilson.	Clark.	Underwood.	Foss.	Bryan.	Absent.
Alabama			24			
Arkansas		18				
Florida	2		10			
Georgia			28			
Kentucky		26				
Louisiana	12	7		1		
Maryland	5	10				
Mississippi			20			1
Missouri		36				
North Carolina	20		4			
South Carolina	18					
Texas	40					
Virginia	9½	12	2		½	

The sugar people know that they insured the selection of the Democratic nominees at Baltimore and feel that they were afterwards destroyed in the house of their friends for having done so.

While this prenomination assistance rendered by the sugar men would seem to have been sufficient to gain for them the assistance of the new administration, certain other events occurred during the campaign that followed which caused the sugar industry to feel that it had nothing to fear from Mr. Wilson.

These have been enumerated by Mr. Henry N. Pharr, of Olivier, La., as follows:

1. The Underwood free-sugar bill of 1912 met a cold reception at the hands of the Democratic members of the Senate Finance Committee, who recommended instead a one-third cut in existing rates.
2. The assurance given at that time by Senator JOHN SHARP WILLIAMS, of Mississippi, that "even though a Democratic President and a Democratic Senate and a Democratic House should come into power, there is not the slightest anticipation in the mind of any intelligent man that sugar would be placed on the free list."
3. What we regarded as positive assurance from Mr. Wilson in his preconvention campaign that there need be no apprehension on the part of the Louisiana sugar planters in the event of his nomination.
4. The open secret that the subcommittee which drafted the Democratic platform absolutely refused to entertain a free-sugar plank submitted by the refining interests.
5. The declaration in that platform in favor of "legislation that will not injure or destroy legitimate industry."
6. Mr. Wilson's positive refusal during his campaign to declare himself in favor of free sugar when interrogated by the collector of the port of New Orleans, as shown in attached copies of telegrams.
7. Mr. Wilson's statement at Pittsburgh, Pa., on October 17, that "The Democratic Party does not propose free trade or anything approaching free trade"; and, finally,
8. The assurance by President-elect Wilson that honest business had nothing to fear from his administration.

The telegraphic correspondence referred to by Mr. Pharr was as follows:

NEW ORLEANS, LA., *October 5, 1912.*

Hon. WOODROW WILSON,
Democratic Nominee for President of the United States
(Care of Hon. William Jennings Bryan, Lincoln, Nebr.):

The last Democratic House passed the Underwood free-sugar bill. The Democratic platform for 1912 approved the legislation of the Democratic House at its last session. The Democratic campaign book for 1912 advances extended arguments in favor of free sugar. Notwithstanding these facts, sugar men in Louisiana are being assured that you will not advocate the Underwood free-sugar bill, if elected President, but will be guided by the fourth paragraph of the Democratic platform on the tariff question, which promises downward revision that will not injure or destroy legitimate industry. The Republican campaign opens in Louisiana on the 10th instant. We do not wish to misrepresent your position. May I ask if you are in favor of the Underwood free-sugar bill or not? If not, what duty on sugar will you advocate if elected President? We will publish your answer in full with this telegram.

C. S. HEBERT,
Chairman Republican State Central Committee.

President Wilson's answer was as follows:

PHILLIPSBURG, KANS., *October 6, 1912.*

C. S. HEBERT,
Chairman Republican State Central Committee,
New Orleans, La.:

Your lettergram October 5 received. My position on the question mentioned was stated in my speech of acceptance.

WOODROW WILSON.

In the light of this correspondence, the letter of acceptance will be studied in vain for the slightest intimation of the cruel destruction that awaited the Louisiana sugar industry when Mr. Wilson and his friends came to revise the tariff.

Last year 647,606 acres were planted with sugar beets in the United States. This season 513,201 acres have been planted. This is a decrease of 134,305 acres, due to the closing down of 12 beet-sugar factories in different parts of the United States.

The contracts between the factories and the beet growers in the State of Michigan have been so changed as to reduce the price per ton paid for beets to the farmers an average of 50 cents. As the average yield of beets in Michigan is about 10 tons per acre, this means an average reduction in the farmer's income of $5 per acre. A farmer growing 15 tons per acre, of course, will lose $7.50 per acre on his beet crop this year as compared with last year.

The question may be asked, why the domestic beet and cane sugar industry can not thrive, or even exist, without tariff protection against foreign competition. A few of the facts in the case show most clearly a reason that can not be disputed. It has been shown that the beet-sugar factories in the United States in 1910 paid from $6 to $6.50 per ton for beets delivered at the factory, and in the State of Michigan the factories that year paid $6.91 per ton for beets delivered at the factories (see Hardwick hearings, p. 711), while it was developed at the Hardwick hearings that the farmers in France received an average price for their beets from 1902 to 1911, inclusive, of $4.05 per ton of 2,000 pounds; and in Germany, for the same period of time, the farmers received $4.45 per ton; and it was further developed by the investigations of that committee that the French and German beets averaged about 2½ per cent more sugar in the beets than is obtained from beets in the United States. And, again, the purity is greater in German and French beets than in the United States and yields about 30 pounds of sugar per ton of beets more than is extracted from beets in this country showing the same test or percentage of saccharine, which is caused by the superior purity of sugar in the beets. And, again, the wages of the men, women, and children in the beet fields in France and Germany were shown to be about 40 per cent of the wages paid to the same class of labor in the beet fields in the United States.

It was shown by that investigation that the cost of production of granulated sugar from beets in the United States was $3.55 per 100 pounds, while the cost of production of brown sugar from cane in the Southern States was $3.75 per 100 pounds. The cost of refining this brown sugar ranges from 40 to 50 cents per 100 pounds and makes a total cost for refined sugar produced in the Southern States of 4¼ cents per pound, while, on the other hand, Cuban raw sugar, 96°—which is a light-bown sugar—if sold f. o. b. Habana for about 2 cents per pound. The freight on this sugar to New York is 10 cents per 100 pounds, and the refining cost about 40 cents per 100 pounds, so that under free sugar the refining companies, known as the Sugar Trust, can, under free trade, produce refined granulated sugar from foreign imported raws at a cost of 2½ cents per pound. It can therefore be plainly seen that the refining companies, who have so long and earnestly clamored for free trade on foreign imported sugar, can under free trade put sugar on the market at a price far below the price at which it can be produced by the domestic sugar manufacturers and thus crush out the domestic beet and cane sugar industry.

There is more than $100,000,000 invested in our beet-sugar factories and about twice that sum in the factories and cane fields of the South. There is conclusive evidence that this industry can not survive under free trade, and, according to the President's statements, it is a hothouse industry and must go.

The reduction of duty as provided for in the Underwood tariff law, sanctioned and approved of by the administration, on Cuban sugar is a fraction over one-third of a cent per pound. This change or reduction of duty was made effective March 1, 1914. Its effect so far has been to close the following beet-sugar factories:

In Ohio, the Continental Sugar Co., with a slicing capacity of 500 tons per day, and the Attowa Sugar Co., with a capacity of 600 tons per day.

In Nevada, the Nevada Sugar Co., slicing 500 tons.

In Arizona, the Southwestern Sugar Co., 650 tons capacity.

In Wisconsin, the Rock County Sugar Co., 700 tons capacity.

In Iowa, the Iowa Sugar Co., 500 tons capacity.

In California, the Alameda Sugar Co., 880 tons capacity; the Sacramento Valley Sugar Co., 700 tons capacity.

In Colorado, the Holly Sugar Co., 600 tons capacity; the Las Animas Sugar Co., 700 tons capacity; the American Beet Sugar Co., 400 tons capacity.

In Michigan, the Western Sugar Refining Co., 600 tons capacity.

Twelve factories in all out of a total of 74 in the United States, or about 16 per cent of our beet-sugar factories, have already been driven out of business.

In the State of Louisiana since the 1st day of January, 1914, the new tariff law has, as before stated, caused 42 factories and plantations to discontinue. Following is the list:

The Bell Helene Planting Co.
The Valverda Planting & Manufacturing Co.
The Uncle Sam Plantation & Manufacturing Co.
The Miles Planting & Manufacturing Co.
The Sera and Magnolia plantations.
A plantation at Plaquemine of 10,000 acres.
The Sweet Home plantation.
The La Place sugar plantation.
The Vantry Planting Co.
The Ivanhoe plantation.
The Alice B. plantation.
The Crawford and Richland plantations.
The Home Place.
The Glen Coe plantation.
The McManor plantation.
The Front Lawn plantation.
The L. & Kay plantation.
The Sheeley Planting Co.
The Cora Planting & Manufacturing Co.
The Celeste Planting Co.
The McCall, Bros. Planting & Manufacturing Co.
The Miles Co.
The Ascension Planting Co.
The Augusta plantation.
The W. W. Ventress plantation.
The Leeman Co. (Ltd.).
The Milly plantation.
The Southside Planting Co.
The Oliver plantation.
The Mary plantation.
The Magnolia plantation.
The Braitwaite plantation (property of the United Railway & Trading Co.).
The Catran plantation.
Jos. Weber & Co.
The Star plantation (owned by the Klots Manufacturing Co.).
The Cecelia Sugar Co. (Ltd.).
The Davis Planting & Manufacturing Co.
The St. Clair plantation.
The Myrtle Grove plantation.
The Fairfield plantation.
The Upper Elmer plantation.

This shows that the Underwood tariff law has been a Waterloo for our domestic sugar industry. It can not be denied. Evidently it is all for the purpose of giving the sugar refining companies, or the so-called Sugar Trusts, a wider field and more exclusive control of our markets for our sugar, and the poor unfortunate consumer will pay the penalty to these companies.

To date out of the 74 beet-sugar factories in the United States, scattered throughout 17 States of the Union, 12, or 16 per cent of the total, have been closed. The embarrassment caused by the Underwood tariff law to the sugar industry in Louisiana has forced 4 sugar plantations and companies into the hands of receivers, 20 others have discontinued operations, and 18 have been sold at sheriffs' sales, making a total of 42 sugar plantations and factories in the State of Louisiana alone that have been forced to go out of business since January 1, 1914. To no other cause can the failures be attributed than the Democratic free-trade tariff law. The destruction to this one great industry alone within six months from the time of putting into effect the administration's tariff policy must be appalling to fair-minded people. Any attempt to mislead the people into believing that any cause other than the tariff is to blame is an insult to their intelligence.

The President and his party are free traders and have put their free-trade policies into effect. No one can deny it. It has failed to bring better conditions to the people of this country, which they claimed it would. They are now putting forth all manner of excuses for their failure. Last winter when such large numbers of unemployed men in the large cities were applying for shelter and food it was a Democratic contention that the excessive cold weather was responsible for the suffering. The cold-weather argument can not now be used. The conditions are growing worse instead of better, and the administration realizing this gives voice to the carping cry that this is purely a psychological condition.

The Democratic administration has its foot on the throat of business; how long will they attempt to conceal the real cause of business depression?

Secretary Redfield not many months ago boasted of the magnificent balance of trade of the United States for the calendar year of 1913—nearly $700,000,000. A favorable balance of trade is a great asset to a country. Mr. Redfield knew it and Members of Congress know it. In April our imports exceeded our exports by $11,300,000, and in May our imports again exceeded our exports, the excess amounting to approximately $2,000,000. With free trade on sugar this country's imports will increase some $40,000,000 annually. These increased imports will come no matter what we think. It will not be psychological. The imports will come in and gold will go out to pay for the same.

Our Democratic friends have always claimed that our domestic sugar industry, especially beet sugar, is a hothouse industry, and, in fact, it has been claimed there is not sufficient soil adapted for the successful growing of beets in the United States to warrant the establishment of enough beet-sugar factories to produce a quantity of sugar equal to our consumption.

When Mr. Wilson was the Secretary of Agriculture, he made a report that his department had made thorough tests of soils in the United States and determined that there is 274,000,000 acres of land in the United States as well adapted to the growing of beets as the soil on which sugar beets are now grown in the State of Michigan, and that if a crop, such as was produced in the State of Michigan for 1911, was harvested from this 274,000,000 acres of land, that one crop of sugar would exceed in quantity all the sugar used by all the people of the world since the birth of our Savior. A crop of beets from 13,000,000 acres of land in the United States would furnish an annual supply of sugar to all the people of the world. In other words, would produce a quantity of sugar equal to the world's annual production.

Is it not a matter of significance to find the representatives of the refining industries before the Hardwick sugar investigating committee and the Committee on Ways and Means, when the tariff bill was up for consideration, advocating free sugar, and later find the paid representative of the refining institutions, Frank C. Lowry, writing a part of the Democratic Campaign Textbook for the year of 1912, the celebrated so-called "Farmers' Sugar Bowl," setting forth gross misrepresentations as to the benefit to be derived by the consumers under free trade on sugar; and also to find that two of the Spreckels family engaged in the refining of sugar, one at San Francisco and the other at New York, supporting the Democratic Party in the campaign of 1912 not only by personal efforts, but, it is reported, by contributing large sums of money for the campaign of 1912, while at the same time a suit was pending, brought by the Government in the Federal court for the southern district of New York, against the Federal Sugar Refining Co., of which one of the Spreckels is president, for a claim of $119,080.98 principal, representing unpaid duties on importations of raw sugar entered at the port of New York by the defendants, and that suit is still pending and unprosecuted? This suit was begun against the Federal Sugar Co. under a Republican administration. It was one of several suits brought against the importers of foreign raw sugar, and some of the officials of one of the refining companies, I believe, are now serving terms in the penitentiary for fraudulent underweighing and undervaluations or other frauds in connection with the importation of foreign raw sugars, for which the Arbuckles and the American Sugar Refining Cos. have paid upward of $3,000,000 in fines. All these suits, if I am correctly informed, have been prosecuted to a completion, with the single exception of the suit against the Federal Sugar Refining Co. above referred to.

We are now sending abroad about $160,000,000 annually to purchase foreign sugar to be refined by the great Sugar Trust to supply us with our consumption of sugar in addition to that produced by our domestic beet and cane factories. This money goes abroad and employs labor in foreign lands, whereas if kept at home it would furnish a very large amount of employment to laborers in the United States.

Our laborers in the United States employed in the great refineries receive in wages not to exceed 40 cents for each 100 pounds of raw sugar refined, while if that sugar was produced in the beet and cane factories of this country labor would receive eight times that sum, or, in other words, eight laborers would be employed in the sugar industry of this country if we produced at home all the sugar we consume for every one laborer employed by the Sugar Trust engaged in refining im-

the stump during his present tour of the West that the Interstate Commerce Commission will grant the railroads a rate advance, so that any little help like this may aid the country's business and the Wilson-Bryan administration be saved from disaster next November?

You might imagine from the easy optimism of the gentleman from Alabama [Mr. UNDERWOOD] that whatever might be happening in the balance of the country, the Birmingham district and its industries are all right. It is possible that the gentleman from Alabama has gotten the two Birminghams confused. If he was thinking of or talking about Birmingham, England, he might very truthfully assert a condition of great prosperity. But it is a prosperity, to a certain extent at least, at the cost of the prosperity of Mr. UNDERWOOD's Birmingham and other iron and steel centers, as indicated by the following clipping from the London Iron Monger of April 4:

BIRMINGHAM'S TRADE BOOM.

Evidence of the growth of trade between this country and the United States as a result of the reduction of tariff is afforded in the statistics of declared exports from Birmingham district, issued on April 2. The total value of all shipments from Birmingham, Redditch, and Kidderminster during the first quarter of the year was £296,096, an increase of 40 per cent on the shipments for the corresponding quarter of last year. The number of invoices declared at the Birmingham consulate showed an increase of 20 per cent over the number declared last year, while the increases from Redditch and Kidderminster were 10 per cent and 15 per cent, respectively. That shows that in each town a number of additional firms have opened up accounts with the United States.

This statement of the state of Birmingham, England, iron trade indicates a marked contrast between conditions there and the iron and steel trade of the United States. Not only are foreigners securing a foothold in our markets, but they are preparing to hold them by adopting methods and making prices which will insure them an increasing trade in competition with our mills and furnaces. While Birmingham, England, increases her shipments to the United States, our exports are decreasing. While Birmingham, England, is giving steady employment to her people, American mills and furnaces are largely idle. Only recently the National Tube Co. closed its mills and furnaces at McKeesport, Pa., at Lorain, Ohio, and at Benwood, W. Va., throwing 2,500 men out of employment. There is not a line of American iron or steel industry that is not feeling the adverse effect of the Underwood tariff bill. Idle men and idle mills are the rule everywhere. As a sample of the conditions in the country I am assured that a recent very careful estimate of the number of steel and iron workers in Youngstown, Ohio, out of employment placed the number at 5,000. In the meantime the prosperity which was promised under the Underwood tariff bill seems to have developed, not within the boundary of the United States, but at Bombay, at Antwerp, and Birmingham, England, and in Nova Scotia, where the Dominion Steel Co. is lighting new furnaces to help fill American orders.

I have met the challenge of the gentleman from Alabama; I have shown him how the trade of his district is being curtailed, its markets invaded. I should like to know what the gentleman from Alabama has to say about it. [Applause.]

Mr. STAFFORD. Mr. Chairman, the gentleman from South Dakota [Mr. BURKE] left the time in my charge, and I now yield 20 minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. KENNEDY of Connecticut. Mr. Chairman, I raise the point of order that there is no quorum present.

Mr. STAFFORD. Mr. Chairman, I hope the gentleman will withhold that for 20 minutes, as the gentleman from Michigan desires to leave the city to-morrow——

Mr. FORDNEY. I will thank the gentleman if he will withhold his point.

Mr. KENNEDY of Connecticut. Mr. Chairman, I have listened to about all of this calamity howling that I want to hear.

Mr. STAFFORD. Mr. Chairman, it is hardly fair, in view of the fact that it was understood we would proceed this afternoon on general debate on this bill, for the gentleman to raise that objection, and I hope he can see his way clear to withdraw it. We certainly have the privilege of speaking on any subject pertaining to the Nation, and this point of order might have been made an hour ago, and I hope the gentleman will at least allow the gentleman to proceed with his remarks, as he is going to leave the city. After the gentleman shall have concluded his remarks, we will then have no objection to the committee rising.

Mr. KENNEDY of Connecticut. Mr. Chairman, I withdraw my point.

Mr. FORDNEY. Mr. Chairman and gentlemen, I will confine my remarks to the subject of an industry which has been materially affected by recent legislation.

President Wilson is quoted in the papers as having said that if it is shown by the report of the present investigating committee that the domestic sugar industry can not succeed without protection, it is a hothouse industry and must go.

The President either singles out the domestic sugar industry to be discriminated against, or else the same reasoning must apply to all American industries; that is, if they can not survive without tariff protection, they are hothouse industries and must go.

The President contends that conditions in America are artificial and not natural. Did he ever stop to think that wages and the standard of living for our laborers are abnormally high? As laborers in our domestic sugar industry and other American manufacturing establishments receive an average of about two and one-half times the wages paid to the same class of labor in Europe, from the President's course of reasoning it would appear that hothouse wages exist in this country—wages made possible by tariff protection from foreign cheap labor and no other cause. What makes the sugar industry, as the President calls it, a hothouse industry? Have we less farming land suitable for raising beets? Is our land less productive? The industry needs protection on account of the cost of labor, which is equally true of other American institutions. American laboring men are accustomed to a high standard of living. They would not tolerate conditions of labor existing in some foreign countries with whom we must compete. Hothouse wages have brought about hothouse industries and hothouse habits for our workingmen. I favor hothouse wages and the protective tariff policy which has made hothouse wages possible.

There is no sound argument to justify the Democratic policy in regard to the domestic sugar industry.

This Government requires the money the tariff on sugar produces. No revenue is collected with less burden on the people than the import duty on sugar.

The price of sugar to the consumers in the United States is lower than in any country in continental Europe.

The raising of sugar beets benefits the soil, and is most profitable to the farmer.

No monopoly exists in the manufacturing of domestic sugar. On the other hand, the so-called Sugar Trust is engaged in refining imported raws.

In short, the cause for the attack on the domestic sugar industry by the administration is inconceivable.

The great sugar-refining companies, the so-called Sugar Trust, for many years have been spending large sums of money in distributing literature to create a sentiment among our people for free trade on sugar, and failed to accomplish the results they desired until the Democratic Party came into power March 4, 1913. It was the golden opportunity for the Sugar Trust, and the Democratic Party was easily led on in the matter of tariff legislation. Their case was presented to Congress through one Frank C. Lowry, their hireling. The administration yielded to this lobbyist and accepted his falsified figures and statistics.

Abolishing the duty on sugar will permit the sugar refineries to more cheaply import foreign raws, but this was not the fundamental reason for their activities. The remarkable growth of the domestic industry they considered a menace to their welfare, and it was their greatest desire to curb or eliminate the strong and increasing competition caused by the domestic beet and cane sugar industry. The war between the great refineries and the domestic producers of beet and cane sugar has been fiercely waged since the inception of the beet-sugar industry, but the growth of the domestic beet-sugar industry between the years of 1895 and 1912 has been phenomenal, jumping up from an annual production of a few thousand tons to 625,000 tons in the year of 1912. This, together with the domestic cane sugar produced in the South, furnishes the American people with about 25 per cent of the sugar they consume annually. It can readily be understood that the great refining companies saw in the domestic industry a most formidable foe—one that, unless it could be conquered, would bring unquestionable destruction in the end to the great monopoly engaged in the refining of foreign imported raw sugar.

Our domestic sugar has entered the markets in every State in the Union and in all cases—without a single exception—has sold at from 20 cents to 40 cents a hundred pounds below the price obtained by the Sugar Trust for their sugar produced from foreign imported raws; and if the market for sugar is closely followed, it will be observed that during the six or seven months, from October to May, when the domestic sugar is on the market, the wholesale price, and also the price to the consumer, is lower than during the remainder of the year, when the Sugar Trusts have no competition. Yet Mr. Lowry tells us that the consumers will receive the entire benefit of a tariff reduction on sugar. I can not conceive that the Sugar Trust, with competition eliminated, will not sell its product at the highest price it can demand.

The following shows the net decline or advance in the price of raw and refined sugar, week by week, from February 19 to June 25, 1914. It is an indication of unwillingness on the part

of sugar refiners to let consumers have the benefit of the tariff reduction on sugar:

[Taken from Willett & Gray's Weekly Statistical Trade Journal.]

Date.	Raws.		Refined.	
	Declined.	Advanced.	Declined.	Advanced.
Feb. 19	$0.05		(1)	(1)
Feb. 26	.03		(1)	(1)
Mar. 5	.38		(1)	(1)
Mar. 12	.05		$0.038	
Mar. 19		$0.05	.049	
Mar. 26	.05			
Apr. 2	(1)	(1)	(1)	(1)
Apr. 8	.03		.098	
Apr. 16		.05		
Apr. 23		.03		$0.08
Apr. 30		.03	(1)	(1)
May 7		.10		.097
May 14		.08		.098
May 21		.12		.028
May 28		.07		.098
June 4	.07			
June 11	(1)	(1)	(1)	(1)
June 18		.07		.095
June 25	.07		(1)	(1)
Total	.75	.60	.245	.539

Net decline in raws 15 cents per 100 pounds.
Net advance in refined 29.4 cents per 100 pounds.

[1] No change.

To further explain the above table, I call attention to the following:

Price of refined sugar on Feb. 11, 1914	$3.92
Price of raw sugar on Feb. 11, 1914	3.48
Refiners' difference	.44
Price of refined sugar on June 25, 1914	4.214
Price of raw sugar on June 25, 1914	3.32
Refiners' difference	.894

The refiners have increased their margin from $0.44 on February 11, 1914, to $0.894 on June 25, 1914, which increase amounts to $0.454. The refiners' margin has been increased 103.2 per cent.

This great change in the refiners' margin is proof that the refiners sell their sugar at the highest price they can obtain. In February domestic sugar was on the market, and competition forced the refiners to accept a small profit. I do not believe any well-informed man will contend that the domestic industry will be able to exist under free trade, and with all domestic competition wiped out the refiners can and will increase their profits and absorb the tariff reduction. The benefit to the consumers, if there is any benefit at all, will certainly be insignificant. The crippling of the domestic sugar industry is a gross mistake. The tariff reduction on sugar can not be justified.

While the seaboard refiners and their free-sugar allies among the Democrats claim that the Underwood bill has resulted in cheaper sugar, they conceal the essential facts from the people.

By cheaper sugar they expect the public to believe that the sugar found on the breakfast table of the American people is cheaper since the Underwood bill passed than it was before.

As a matter of fact, the cheaper sugar has been confined exclusively to raw sugar grown by the American farmers and to granulated sugar turned out by the beet-sugar factories and better equipped sugarhouses in Louisiana in competition with the trust.

This is strikingly shown by the movement of the sugar market during the last month that the old rates were in effect and the first month following the operation of the sugar schedule of the Underwood bill—February and March, 1914. During this period there was a net decline of 0.47 cent in raw sugar on the New York market, while granulated, the lowest grade of refined sugar, declined only 0.147 cent, the excess in the decline of raws over granulated being 0.323 cent, suffered by the American farmers. Since March, however, after the domestic crop had gone off the market, the refiners advanced their price on granulated sugar 0.441 cent, and now the price of granulated sugar is 0.224 cent higher than in February, before the tariff reduction became effective.

But this was not the worst feature. The campaign for free sugar was conducted by the refiners under the pretense that they would cheapen the higher grades of table sugars to the masses of the people, and that the grades known as dominoes and cut-loaf sugars, the grades of table sugars used for sweetening tea and coffee, would be cheaper by 2 cents a pound following the removal of the duty.

The trade reports show that while the refiners beat down the prices of raw sugar on the eve of the tariff changes, entirely "absorbing" the reduction, as they put it, and also reduced the price of granulated in order to injure the beet people and those planters who were competing with them in that grade, they made absolutely no reduction in the price of crystal dominoes or cut-loaf sugar. These are the fancy grades in which the beet factories and the Louisiana planters do not compete. The trust, through selling them at exorbitant prices, has been able to pile up millions of dollars of profit annually.

The market quotations of Willett & Gray show that crystal dominoes were quoted without a break from January 8 to April 30 at 6.75 cents to 7.25 cents a pound, according to packing. Cut-loaf sugar was quoted at 5.05 cents during the same period without a break. The depression has been in raw sugar and the low grades, and the only losses have been sustained by the American farmer and the Federal Treasury.

The trust has maintained its fancy prices for fancy grades unimpaired by the tariff. This is clearly shown by the following table:

1914	Raw.	Granulated.	Crystal dominoes (cases).	Cut loaf.
	Cents.	*Cents.*	*Cents.*	*Cents.*
Jan. 8	3.23	3.92	6.75-7.25	5.05
Jan. 15	3.29	3.92	6.75-7.25	5.05
Jan. 22	3.355	3.92	6.75-7.25	5.05
Jan. 29	3.46	3.92	6.75-7.25	5.05
Feb. 5	3.48	3.92	6.75-7.25	5.05
Feb. 11	3.48	3.92	6.75-7.25	5.05
Feb. 19	3.43	3.92	6.75-7.25	5.05
Feb. 26	3.39	3.92	6.75-7.25	5.05
Mar. 5	3.01	3.92	6.75-7.25	5.05
Mar. 12	2.95	3.823	6.75-7.25	5.05
Mar. 19	2.91	3.773	6.75-7.25	5.05
Mar. 26	2.95	3.773	6.75-7.25	5.05
Apr. 2	2.95	3.773	6.75-7.25	5.05
Apr. 8	2.93	3.675	6.75-7.25	5.05
Apr. 16	2.98	3.675	6.75-7.25	5.05
Apr. 23	3.01	3.735	6.75-7.25	5.05
Apr. 30	3.04	3.735	6.75-7.25	5.05
June 25	3.32	4.214	6.75-7.25	5.05

The loss to the Federal Treasury has been officially shown by two letters from the Department of Commerce under date of April 10 and May 18, respectively. These letters state that during the month of March, the first month the new sugar rates were in operation, the Government sustained a loss of $2,479,458.62, while during the second month, April, the Government sustained a further loss of $1,951,198.91, a total of $4,430,657.53 lost to the United States Treasury and absorbed entirely by the sugar refiners.

It will thus be seen that the refiners, through the operation of the new tariff, have within the space of two months recovered at the expense of the Federal Treasury $4,500,000, or a little more than the entire sum that the Federal Government forced them to disgorge by reason of their crooked weighing and other methods of petty thieving. These odious practices, it will be remembered, caused the Attorney General of the United States to denounce the refiners as guilty of "a long-continued system of defrauding the Government of an unparalleled depravity."

While the golden stream of import duties has thus been diverted from the Public Treasury into the coffers of the Sugar Trust, the loss to private enterprise has been no less severe.

The culture of beets, which has been the marvel of American industry and development during the past decade, has been halted. Twelve beet factories have been abandoned. The destruction in the cane-growing State of Louisiana has been appalling. Mr. Charles Godchaux, one of the leading bankers and planters of that State, in a recent telegram which was read upon the floor of the Senate, gave a few illustrations of the tariff disaster which has overtaken his people. He said:

The Miles Planting Co. abandoned their properties in Ascension and St. James Parishes, containing over 15,000 acres, fully equipped with three large factories and railroads. They have sold off their live stock and are now offering the factories at wrecking value. Part of the lands have been leased for rice, corn, and other crops, but a large portion are idle and the labor has moved away. The loss to the above company, composed of the daughter and son of Gen. Miles, is not less than half a million.

In Terrebonne Parish the Argyle property is now under seizure. The owner will sell at fifty to seventy-five thousand, while three years ago he purchased one-quarter interest from his brother for one hundred thousand. This shows a loss of over three hundred thousand.

The Bayou Sale property of Mr. Wahl and others, consisting of about 2,000 acres, has been entirely abandoned, due to the fact that they were unable to secure the money to operate. The seed cane saved to plant in January has not been touched, and the loss on this place is at least a hundred thousand.

The losses to sugar district since Underwood tariff was talked of or became effective amount to not less than $10,000,000 and will be that much more at the end of another year, when 90 per cent of the properties will be abandoned and expensive factories sold for junk. I could cite dozens more abandoned places if desired.

This is the practical side of the sugar question. But, like all great questions, it also has a sentimental side.

the situation which had undoubtedly escaped the notice of the gentleman from Alabama with regard to the menace to the industries of his district under the tariff bill which bears his name. The gentleman from Alabama challenged me to show that any steel rails had been imported in competition with the products of the Birmingham district. I meet the gentleman's challenge with a clipping from the Galveston (Tex.) News, which is as follows:

ANTWERP RAILS AT GALVESTON.

A shipment of 506 tons of steel rails from Antwerp, Belgium, intended for the San Antonio Traction Co., is now on the way to Galveston on board the steamship *Hornby Castle*, due to arrive the early part of May. This will mark the arrival of the first cargo of imported rails received in Galveston in 13 years, the shipment being made possible by reason of the removal of duty. The first shipment will be followed by others, approximately 1,500 tons having been contracted for. The rails are 60 feet long and are grooved, running 1,843 pounds to the rail. (Galveston (Tex.) News of Apr. 2.)

Later advices are to the effect that the entire shipment of 1,500 tons has arrived. The gentleman from Alabama [Mr. UNDERWOOD] is familiar with the industries of his district and the market which those industries supply, and he will not of course deny that Galveston is within the natural trade district of Birmingham, and that I have presented evidence of the importation of over 500 tons of steel from Antwerp in direct competition and into the local market of the Birmingham industries. I have no doubt I could find other illustrations of how Birmingham is losing its steel-rail business had I the time to investigate the matter further. The gentleman from Alabama laid particular stress upon his claim that no importations had been made of pig iron in competition with Birmingham products.

Mr. LEVY. Mr. Chairman, will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. LEVY. Does the gentleman not think the depression is caused by the Interstate Commerce Commission withholding its decision in the rate case?

Mr. MONDELL. I doubt if this condition has anything to do with rates. I think if the rates were increased from Birmingham to Galveston, it would make it still more difficult for Birmingham to compete with the products of Antwerp and Scotland.

Mr. LEVY. But it prevents the railroads, does it not, from purchasing at the present time—holding up this rate decision for over two years?

Mr. MONDELL. Yes; perhaps so; but it does not change the fact that when people do buy they buy from foreigners under present conditions. I made no reference to pig iron in my statement; but, nevertheless, I am prepared to show that the gentleman from Alabama is as inaccurate in regard to pig iron as he is in regard to steel rails.

Along the Delaware River, in the vicinity of Philadelphia, are extensive cast-iron-pipe manufacturing industries. These cast-iron-pipe makers have heretofore bought southern pig iron to make into pipe; they are now buying their pig iron from Nova Scotia, as indicated by the following clipping from the Daily Iron Trade, under date of April 6, as follows:

WABANA IRON HERE—DELAWARE RIVER PIPE MAKERS GET SHIPMENT FROM NEWFOUNDLAND.

[By wire.]

PHILADELPHIA, *April 6.*

The first cargo of Wabana, Newfoundland, pig iron, which has been expected for several weeks, arrived here to-day, involving about 3,500 tons, principally for Delaware River pipe makers.

This Wabana pig iron is made in Nova Scotia from iron mined in Newfoundland. This shipment was announced, as you will note, as the first shipment of this kind, but it was not the last. A cargo of about 1,000 tons arrived a few days later at Bridgeport, Conn., and a second cargo at Philadelphia, the size of which I have been unable to learn. I have, however, information with regard to a third cargo, which is certainly big enough to make the Birmingham pig-iron manufacturers sit up and take notice, and I desire to read a clipping from the Daily Iron Trade, under date of May 11, which is as follows:

WABANA IRON COMES—THIRD CARGO SINCE MOVEMENT BEGAN DOCKS AT PHILADELPHIA.

[Staff correspondence.]

PHILADELPHIA, *May 11.*

The steamer *Heathcote* has sailed from Sydney, Nova Scotia, for Philadelphia, with a cargo of about 35,000 tons of Wabana pig iron, which is to be applied against recent sales made in this district, largely to cast-iron-pipe makers. This makes the third cargo of this iron to come to this country since the movement began. A cargo which recently came in at Bridgeport, Conn., was small and contained only a little more than 1,000 tons. The other two cargoes docked at Philadelphia.

Here is a single shipment of 35,000 tons of pig iron, depriving southern furnaces of a market for that amount, and yet the gentleman from the Birmingham district [Mr. UNDERWOOD] is so little informed as to what is going on that he does not know about these inroads on the industries of his district.

So much for Birmingham's immediate market. What is the situation with regard to the market on the Pacific coast, where Birmingham has a very considerable advantage over other American producers? The Seattle (Wash.) Times of April 2 contains a notice of the arrival at Seattle of a British vessel from Antwerp and Glasgow with 8,000 pieces of rod and bar iron. This is in a market which Birmingham ought to control.

Not only are Birmingham's natural markets being invaded by Antwerp and Nova Scotia, but the Iron Trade Review, under date of May 25, makes the following announcement of the importation of rails from India:

INDIAN RAILS WILL BE IMPORTED—VERY LOW MANUFACTURING COST.

NEW YORK, *May 25.*

Indian rails will invade the western coast of the United States for the first time within the next two weeks, when the initial cargo produced for buyers in this country by the Tata Iron & Steel Co., at Sakchi, will be received.

Official announcement of this fact was made before the American Iron and Steel Institute at New York last week by Charles P. Perin, of New York City, consulting engineer of the India company, who has just returned from a trip to the works. Mr. Perin stated that the reduction of the tariff on rails has helped considerably to enable his company to ship rails to this country, but he also outlined the astoundingly low manufacturing and operating costs of the Tata Co. The 7,000 native laborers of the company receive 7 and 8 cents wages a day. Coke can be manufactured at $1 a ton, and iron ore is laid down in the stock house at a remarkably low cost per unit.

Let us recall the fact that these importations are being made at a time when steel rails and pig iron have reached, I think, almost if not the lowest point in our history. If pig iron has ever been lower than it is now, it was for a very brief period some years ago, and still these importations are coming.

Birmingham has an advantage, it is true, over the balance of the United States in its readily accessible coal and iron ore and its cheap black labor, but even Birmingham will hardly be able to compete with the Bombay product. It is not strange that Belgium is able to export steel rails in competition with American rails, for the skilled rollers who made the rails delivered at San Antonio did not receive to exceed a dollar a day, and probably less, while the average American wage for work of that kind is from $3 to $4 per day. When one begins to compare these wages with the wages paid in India it is not difficult to understand how impossible it will be for American mills, even in Alabama, to compete without a reduction in wages.

The district of the gentleman from Alabama is in the midst of a cotton-producing country. It ought to produce the bulk of the cotton ties used in the United States; in fact, they are well equipped for that work, both at Birmingham and Atlanta; but with free cotton ties, we are informed by the staff correspondence of the Daily Iron Trade that British cotton-tie makers are manufacturing for our market and are very hopeful of getting a large share of the cotton-tie business. The Daily Iron Trade, published at Cleveland, Ohio, in an editorial under date of April 28, makes the following pertinent observations with regard to the present situation, comparing them to conditions under the Democratic administration of Grover Cleveland:

The Cleveland administration was swept out of office in 1896 by an angry American people, whose eyes were opened to the emptiness of high-sounding platitudes to fill empty stomachs.

William McKinley, foremost consistent advocate all his life of a "protective tariff for American industries," was placed in the presidential chair. The Dingley law was passed and prosperity again returned, but only after long months of weary waiting until the final effects of the Cleveland disaster were wiped out.

Until this day wages have remained at the high figure established under the Dingley law, later replaced by the Payne law, until to-day puddlers are receiving the minimum of $5.85 a ton. Steel billets are quoted at $20 to $21, and Bessemer pig iron is selling at $14.90, Pittsburgh.

How, then, with the present high rate of wages paid and the present comparatively higher prices of steel products, is it possible for American manufacturers to compete with foreign makers in the various markets of the world?

It is not only impossible but it is becoming daily more certain that it will be difficult for American manufacturers to retain their hold upon their own domestic trade. A sample reason for this difficulty is found in that item telling of British mills rolling cotton ties to-day for use in American cotton fields.

Alabama and Tennessee pig iron, formerly used by cast-iron-pipe concerns at Philadelphia, is being displaced by Canadian pig iron of equal quality and of lower price.

Belgian girder rails are being imported at Galveston for use in Texan street railways.

Belgian bars and British pig iron are being unloaded at Seattle and San Francisco at a far lower price, as now figured back to Pittsburgh, than 90 cents, mill, Pittsburgh, for the bars.

In the meantime Canada, who once prayed reciprocity with us, has shut out our hardly earned tin-plate trade with a tight tariff wall, with the result that Welsh tin-plate makers will again rejoice over their return of prosperity through Canadian influence.

Is it any wonder that Mr. Redfield no longer talks about foreign imports failing to "flood the country," but instead is audibly praying on

modifying this act, had that bill in his possession and it was found in his desk after he died?

Mr. MURRAY of Oklahoma. I have heard that that was true. Now, we are in this attitude: That it is admitted that the Indians have a legal claim, but it is charged that they have no equitable claim.

Mr. BURKE of South Dakota. Will the gentleman state who admits that they have a legal claim?

Mr. MURRAY of Oklahoma. I think the gentleman from Minnesota [Mr. MILLER] did.

Mr. BURKE of South Dakota. I will say to the gentleman——

Mr. MURRAY of Oklahoma. I can not yield, for I have not time.

Mr. BURKE of South Dakota. I will give the gentleman additional time.

Mr. MURRAY of Oklahoma. All right.

Mr. BURKE of South Dakota. The counsel for these Indians before our committee have repeatedly said that there was no legal claim, but that it was an equitable claim.

Mr. MURRAY of Oklahoma. If that was true, it was before I became a member of the committee. However, I will take the gentleman's word for it. But let us see about this question of equity. What are you going to do with the proposition that the Government took advantage after the Civil War of declaring that these five tribes, because they joined the Confederacy, had forfeited their property and forced them to a division with their ex-slaves? How is your equity going to jibe with that? Moreover, I say that this Government occupies a very peculiar situation when it says that it is unwilling to go into the white man's court in a battle between the Indian and the white man to determine what the Indians' rights are.

I say that this Government ought not to dispute even the right of an Indian to have "his day in court," and the Government ought not to deny the right of an Indian either in equity or in law to try out that question. He claims this right, and he will continue to claim it, and we may as well settle it now, and it ought to be settled now in order to settle finally those affairs in the Creek Nation, when we understand there is more than $1,000,000 tied up in the hands of the tribe that can not be distributed until this question is settled, and then when it is settled, if anything is due by the Government, it will be paid.

I believe, Mr. Chairman, that this great Government, attempting to do equity and justice to the nations of the earth, which in its generosity gave to China and to Mexico and proposes that we will not claim indemnity for the loss of our soldiers and of great property in Mexico, ought to comply with its legal obligations when it deals with its helpless wards, the American Indians.

I do not think it lies in the mouth of any Representative upon this floor to deny that right—first, the right to be heard in a court, to have their day in court, and, second, the right to their legal rights and their equitable rights—and this is all we are pleading for. Let this question be settled, so that a final settlement can be made with those Indians and that tribal government go out of existence. I, for one, am willing to go into the court and determine that question. I believe that when a hearing is had the Supreme Court of the United States will declare in favor of all of the adult Indians. I do not think it will declare in favor of the new born. They ought not to declare in favor of the freedmen; but in any case, whatever it may be, let there be a settlement.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute more to the gentleman.

Mr. MURRAY of Oklahoma. Mr. Chairman, with reference to attorneys referred to, I am willing to put in a provision here that will restrict the paying out of attorneys' fees. I am willing that the attorney of the Creek Nation, Judge R. C. Allen, shall handle that case alone, or I am willing that he may select an attorney of his choice. I care nothing for the attorneys that have worked up the case. As a matter of fact, their conduct on other Indian matters has been very reprehensible, both before Congress and the country; but, irrespective of that, these Indians are entitled to their rights; they are entitled to every legal right and equitable right, and they are entitled to their right to go into the courts of the country and have the matter determined, and I trust that Congress will not attempt to deny them those valuable rights possessed by every American citizen. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. STEPHENS of Texas. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STEPHENS of Texas. Mr. Chairman, I move that the committee do now rise.

Mr. BURKE of South Dakota. Oh, I hope the gentleman will not move to rise yet. It is early in the day. There are two gentlemen who desire to be heard on this side. I want to yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. FORDNEY. Mr. Chairman, I would like to have 15 or 20 minutes.

Mr. BURKE of South Dakota. The agreement made in the House was that the balance of the day should be used in general debate.

Mr. FORDNEY. I would thank the gentleman if he would consent to give me 20 minutes.

Mr. STEPHENS of Texas. Mr. Chairman, I withdraw my motion.

Mr. RAGSDALE. After the 20 minutes allowed the other side, is it the gentleman's purpose to move that the committee rise?

Mr. STEPHENS of Texas. That would depend on what transpires in the meantime.

Mr. GARNER. There will be no other business conducted than general debate, I will say to the gentleman from South Carolina.

Mr. DONOVAN. Mr. Chairman, did I understand the gentleman from South Dakota to say that when general debate is closed—is that the way he phrased it, or is the general debate to be finished to-day?

Mr. BURKE of South Dakota. Mr. Chairman, I will say that the understanding was that general debate should be limited to this day and that when general debate is concluded the committee shall rise. I yield 20 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the Indian bill is an exceedingly important measure, and it now has upon it many important amendments, which I am glad to know are to be carefully considered by the Committee of the Whole. I did not, however, rise for the purpose of discussing this important bill, but rather to respond to a challenge which was hurled at me by my genial friend, the gentleman from Alabama [Mr. UNDERWOOD], a few days since.

In the course of some remarks I made on June 6 the gentleman from New York [Mr. FITZGERALD], interrupting me, referred to some alleged happenings in the district of the gentleman from Alabama [Mr. UNDERWOOD] during the preparation of the Underwood tariff bill. In response I said, among other things, that I had happened to notice that those interested in the iron and steel industry in the Birmingham district were insisting that the foreign producer can, under the Underwood bill, lay down steel in Mobile for less than they can make it, and that the foreign steel men are invading their markets. The gentleman from Alabama arose and expressed the hope that I would print in the RECORD the information I had with regard to the industries of his district, and he challenged me to show "where a ton of pig iron has been landed at the port of Mobile from any foreign country since the Payne law was repealed." I called the gentleman's attention to the fact that I had said nothing about pig iron. He then said he would challenge me to show "that there has been a steel rail or a pound of pipe or a pound of steel that competes with the products of the Birmingham district" imported.

Let me say right here that I am reliably informed that at the present time of 45 blast furnaces in the State of Alabama all but 18 of them are idle. In other words, 60 per cent of the blast furnaces of that southern industrial coal and iron State are idle at this time. That may be—it will be claimed that these idle furnaces are not the result or the effect of the passage of the Underwood tariff bill, but at least it happens at a time when the Underwood tariff bill is on the statute books.

The statement which I made in the running debate with the gentleman from New York [Mr. FITZGERALD], which the gentleman from Alabama [Mr. UNDERWOOD] took as the basis of his challenge, was in recollection of a newspaper article which I had read to the effect that imports had been made, or threatened, at Mobile and elsewhere, which were disturbing the steel men of the Birmingham district. I do not happen to be able to put my hands on that particular paragraph, but in view of the formal challenge of the gentleman from Alabama that there had been no imports in competition with the production of the Birmingham district, I have taken the trouble to look the matter up, and I shall present a few facts with regard to

less valuable lands. Those who lived in the lowlands were given a prior right under the agreement to take the land upon which they lived and had made improvements. We all know that the full bloods are inclined to live back in the country, up among the hills, and they certainly came out second best in this situation.

But, Mr. Chairman, the Creeks themselves asked that they keep in their own pockets the money that, under the agreement of 1901, they said should make up to the less-favored allottees for their deficiencies. Now, what right have they in conscience to come, after they have pocketed these untold millions of dollars, and ask that the United States Government give them an additional sum out of its own Treasury?

I stated at the outset that this proposition continued to recur at frequent intervals. It seems pretty difficult to knock it down and have it stay down. But if we make appropriate inquiry we can find why. These little slips that many of them received, which the distinguished chairman of this committee, the gentleman from Texas [Mr. STEPHENS], has just mentioned, were not retained by the Indian allottees at all. They were bought up for a few cents by speculators, and those speculators are the ones who will get any money that may be appropriated for this purpose.

But there is another group of individuals eager and anxious for the United States Treasury to be opened up again. There are numerous attorneys who have contracts with these people on a percentage basis, varying from 10 to 50 per cent, and it is a pretty big, fat fee they have in prospect. There are two classes of these attorneys. One set of them are contractors with the Creek Tribe. As a matter of fact, this claim is that of the Creek Nation, not of its individuals, against the United States. There are no obligations to individuals, and none could be spelled. If there is any obligation, it is to the nation. These attorneys have contracts with the Creek Nation for 10 per cent. This thing aggregates about $7,000,000, and $700,000 is a pretty good sum in these hard Democratic times.

They also have contracts with the individuals for another 10 per cent—$700,000 more. Many of these additional contracts with individuals run up as high as 50 per cent. If this bill should pass, I want to tell you that there would be amazing prosperity among some of the attorneys of the Southwest, including some here in Washington.

Now, there is one thing further, Mr. Chairman, that to my mind is conclusive in this matter. Even if these other features to which I have called attention are not couclusive to the minds of some gentlemen——

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. I will be pleased to yield.

Mr. STEPHENS of Texas. I see that before the Senate finally passed this amendment they cut out all reference to attorneys' fees, except they provide that the attorney for the nation shall attend to the business in bringing this suit, and so forth, and they prescribe how the suit shall be brought.

Mr. MILLER. Yes; but the chairman of the committee well knows that the bill is silent and must be silent as to the contracts of the attorneys with the individuals, and that is where the big money is.

The other feature to which I wish to call attention is this: There was plenty of land and there were plenty of dollars belonging to the Creek people, so that every member of the tribe could get an allotment to the standard value of $1,040, until 1905, when the Creek Nation, recognizing that it had this large surplus, passed a resolution which came to the Government of the United States, and as a result thereof this Congress enacted into law their request, which was that we should allot 2,920 newborn children, born subsequent to the agreement of 1901. So by the act of March, 1905, followed by another act of April, 1906, we, in response and obedience to their request, enrolled their newborn children to the number of 2,920. We gave them allotments as they requested. Now, it is by reason of this that there do not remain sufficient surplus lands to give them all a quantity of land which on its face value has been appraised at $1,040. They go further now, and they even ask that if any of these babies did not receive an allotment equal to $1,040, we pay them out of the Treasury of the United States enough to make up the difference, although it was because of the allotment to these babies that their surplus lands were exhausted. Why, this is conscienceless begging, piled step upon step, until it is higher than the Washington Monument. I have listened to a great many rotten schemes, based on Indian laws and treaties, argued before committees of this House, but in all sincerity I can say that to my mind I have never yet heard of one so absolutely without merit, so absolutely devoid of conscience, as this Creek equalization matter.

Now, Mr. Chairman, the United States Government assumed that it would distribute the property of these Indians among their membership as equitably as it could. You can never distribute land with absolute equality among thousands of people. One piece of land here is better than another piece of land there. A piece of land to-day may be worth $1,000 and tomorrow $10,000. A piece of land to-day may look as though it was worth 50 cents an acre, and oil may be discovered upon it to-morrow and its value enormously increased. We can not get absolutely mathematical justice in the distribution of land among the people who own it in common. All we can do is to exercise our best judgment and deal justly and honestly, and we have so acted in every respect as regards the Creeks and their lands. We have allotted them as equitably as we could. When they asked that their newborn children be allotted, we responded and gave them the allotment, a natural and proper thing to do. We have not in our Treasury one penny of their property that is not in their name. We have not in our possession one foot of their land that is not in their name. We will distribute that among them equitably and fairly. They have in their treasury to-day about $3,800,000. That surplus should be used to allot as equitably as possible those who have been the least favored among them; but I would not go into the United States Treasury for one cent, and I hope this House will stand pat on one thing, if we have to stay here until doomsday, and that is never to agree to this amendment.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. The gentleman is aware that a few years ago, I think in 1903, we passed a bill providing that $800 should be considered an equalization of land instead of $1,040, and it is proposed to take the money that is now in the United States Treasury to equalize these demands on a basis of $800. On the advice of the attorneys the gentleman has spoken of, the Indians rejected this offer on the part of the Government, and therefore the matter stands as it is to-day. As I have said to the gentleman, the Senate has wisely, I think, eliminated all reference to attorneys and provided that the case shall be carried out by the United States itself through the regular attorneys.

Mr. BURKE of South Dakota. Mr. Chairman, I yield one minute to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a few moments ago I called attention to the fact that few Members were present on the other side of the House, and stated that when the gentleman from Minnesota had finished I would make the point of no quorum. But, Mr. Chairman, inasmuch as there are gentlemen on this side of the House who wish to speak, I shall not make the point, for I do not care to interfere with them if they want to talk.

But I want to call attention to the further fact that the distinguished Speaker has been here the most of the day and upon the floor, and the distinguished gentleman from Alabama [Mr. UNDERWOOD], as usual, is here attending to business; but if you look upon the other side of the House you will not see a single White House favorite here. These gentlemen who are clamoring for Congress to stay in session in order that they may legislate are not here, and even my distinguished friend from Illinois, Dr. FOSTER, who made some facetious remarks, left the floor. I want to emphasize the fact that the Members who do stay here and attend to business are not the Executive favorites.

Mr. STEPHENS of Texas. Mr. Chairman, I yield half a minute to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LEVY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its secretaries, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 12914. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13542. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 13297. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13920. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14234. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 14546. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 14738. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 15692. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 655. An act authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement;

S. 2051. An act providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry;

S. 3768. An act to restore Capt. Harold L. Jackson, retired, to the active list of the Army;

S. 543. An act to correct the military record of John T. Haines;

S. 2806. An act relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service;

S. 5501. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5446. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5276. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5207. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5978. An act to refund to the American Surety Co., of New York, an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States;

S. 5731. An act for the relief of William Cronley;

S. 4441. An act to extend the provisions of the act of June 23, 1910 (36 Stats. L., p. 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stats. L., p. 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana;

S. 2466. An act for the relief of Elsie McDowell Bunting;

S. 5899. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 5843. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 5575. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 1802. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; and

S. 1653. An act providing against the abandonment of destitute, infirm, or aged parents.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 4988. An act providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

Mr. STEPHENS of Texas. Mr. Chairman, I yield 10 minutes to the gentleman from Oklahoma [Mr. MURRAY].

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman from Minnesota [Mr. MILLER], who spoke a moment ago, has opposed the provision for the "Creek equalization." It will be necessary to recite some of the history of this tribe to understand the purpose of this provision put in by the Senate.

In 1833 the Creeks bought the land in the present State of Oklahoma, paying a valuable consideration therefor, and secured a title in fee simple. In 1866 the Government forced these Indians to adopt the negro and divide their lands with them. In later years a treaty was made whereby the community ownership should be abolished and individual ownership should be taken. The gentleman from Minnesota seems to admit there is a legal claim against the Government, but none in equity. That would be true if the Government had always been equitable. But when the Government forced these Indians to accept the negro over their protest and give him an absolute equal division, the Government should not claim in equity an offset against the legal claim.

The facts were that the Government proceeded to allot these lands, based upon several grades, as a matter of preferment. Where the Indian by reason of the grade did not get enough land to make $1,040 worth of property, the Government gave him a due bill, reciting the amount of lands in value received and the amount yet due.

Now, it is true that later they allotted to the minor children who had been born after the agreement had been made. It is a doubtful question whether the Creeks asked for it. It is true they passed a resolution, but it was not approved by the governor of the tribe, and would be invalid if he had. But even if that be true, the question of equity in the whole transaction is on the side of the Indians.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Proceed.

Mr. BURKE of South Dakota. The gentleman stated that it is true the Creek Council passed a resolution, but that it was not approved by the governor. I think the gentleman ought to state to the House, in order to be fair, that the failure of the governor to veto the resolution or approve it within five days made the resolution operative.

Mr. MURRAY of Oklahoma. That may be true under the Creek constitution, but that does not apply to a law governing the ownership of land. Moreover, at that time every such resolution to be valid must be approved by the President of the United States. It only applies to those things wherein it refers to the action of the tribe, because the constitution of the Creek Nation can not apply to matters of ownership where the governor necessarily reserves under the later treaty the right of administration.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. STEPHENS of Texas. Has the gentleman heard that Gen. Porter, who was chief at the time the bill was passed

Juniper Lake, Lake Tillman, Lake Bidwell, Sacs Lake, Crumbe Lake, Glass Lake, and numerous other lakes and hot springs. The park would contain Warner Creek Canyon, two-thirds of a mile deep and 6 miles long, a tributary of the Feather River, and Los Molinos Canyon, of little less scenic beauty.

To M. E. Dittmar, Shasta County's representative in the exposition commission, belongs the credit of bringing the park to the attention of local boost dation. He himself prepared the boundaries and addressed the request to Congressman Raker.

The following is from the Redding Courier-Free Press, of date June 16, 1914:

MOUNT LASSEN NATIONAL PARK IN FOUR COUNTIES—NEW VOLCANO ONLY ONE OF MANY GLORIOUS WONDERS EMBRACED IN THE BOUNDARIES AS DESCRIBED IN PETITION SENT BY M. E. DITTMAR TO CONGRESSMAN RAKER TUESDAY NIGHT.

The petition sent to Congressman Raker by M. E. Dittmar in behalf of Redding and Shasta Counties Tuesday night, requesting him to introduce a bill in Congress establishing the Mount Lassen National Park, describes the boundaries.

The park will lie in four counties—Shasta, Lassen, Plumas, and Tehama. Though the new famous volcano is wholly within Shasta County, the greater part of the proposed park is in Plumas and Lassen Counties in a region rich in natural wonders.

The boundaries are thus described: Township 30 in ranges 4, 5, 6, and 7 east, together with a 2-mile strip south of these townships; township 31 in the same ranges; townships 32, 33, and 34 in ranges 5 and 6 east. The volcano is in section 24, township 31 north, range 4 east.

The park as thus bounded includes very little privately owned land, and most of it has never been surveyed. Most of the park lies above the 6,000-foot contour and much of it above 7,000 feet.

Among the natural wonders in the park as laid out would be Mount Lassen, the only active volcano in the United States, 10,437 feet high; Cinder Cone, until the present outbreak of Mount Lassen called the most recent volcano in the country; Prospect Peak, so named for the beautiful views from its summit; North Peak and Southwest Peak; Devils Half Acre, Rumpsons Hell Hole, Morgan Hot Springs, Manzanita Lake, Juniper Lake, Lake Tillman, Lake Bidwell, Sacs Lake, Crumbe Lake, Glass Lake, and numerous other lakes and hot springs. The park would contain Warner Creek Canyon, two-thirds of a mile deep and 6 miles long, a tributary of the Feather River, and Los Molinos Canyon, of little less scenic beauty. Then there are ice caves and giant springs without number.

Once a good road was built into the park and hotels established, there would be a great flow of tourist travel to a region that is but little less interesting than the Yosemite Valley and the Big Trees.

Now that the volcano has brought the Mount Lassen region into such world-wide note, Shasta County proposes to keep it to the front.

Bill H. R. 16557 was introduced February 6, 1912, Sixty-second Congress, second session.

Bill H. R. 22352 was introduced March 26, 1912, Sixty-second Congress, second session. On account of the many matters, the bill did not become a law, and was reintroduced in the Sixty-third Congress.

Bill H. R. 52 was introduced April 7, 1913, Sixty-third Congress, first session, and is as follows:

A bill (H. R. 52) to establish the Peter Lassen National Park in the Sierra Nevada Mountains in the State of California, and for other purposes.

Be it enacted, etc., That all those certain tracts, pieces, or parcels of land lying and being situate in the State of California and within the boundaries particularly described as follows, to wit: Beginning at the northeast corner of section 3, township 31, range 6 east, Mount Diablo meridian, California; thence southerly to the southeast corner of said section; thence westerly to the northeast corner of the northwest quarter of section 11, said township; thence southerly to the southeast corner of the southwest quarter of section 14, said township; thence easterly to the northeast corner of the northwest quarter of section 24, said township; thence southerly to the southeast corner of the southwest quarter of section 25, said township; thence westerly to the southwest corner of section 26, said township; thence southerly to the southeast corner of section 34, said township; thence westerly along the sixth standard parallel north, showing for the proper offsets, to the northeast corner of section 3, township 30 north, range 6 east; thence southerly to the southeast corner of section 27, said township; thence westerly to the southwest corner of the southeast quarter of section 28, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northeast quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the course line between ranges 5 and 6 east; thence southerly along said range line to the southeast corner of township 30 north, range 5 east; thence westerly along the township line between townships 29 and 30 north to the southwest corner of section 33, township 30 north, range 5 east; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 29, said township; thence northerly to the northwest corner of the southeast quarter of said section; thence westerly to the southwest corner of the northwest quarter of said section; thence northerly to the northwest corner of said section; thence westerly to the southwest corner of the southeast quarter of section 20, township 30 north, range 4 east; thence northerly to the northwest corner of the southeast quarter of section 8, said township; thence easterly to the southeast corner of the southwest quarter of section 9, said township; thence northerly to the township line between townships 30 and 31 north; thence easterly along the sixth standard parallel north, allowing for the proper offsets, to the northwest corner of section 33, township 31, north, range 4 east; thence northerly to the northwest corner of section 21, said township; thence easterly to the range line between ranges 4 and 5 east; thence northerly along said range line to the northwest corner of fractional section 18, township 31 north, range 5 east; thence easterly to the southwest corner of section 12, said township; thence northerly to the northwest corner of section 1, said township; thence easterly along the township line between townships 31 and 32 north to the northeast corner of section 3, township 31 north, range 6 east, the place of beginning, are hereby reserved and withdrawn from settlement, occupancy, disposal, or sale, under the laws of the United States, and dedicated and set apart as a public park or pleasuring ground for the benefit and enjoyment of the people, to be known and designated as the Peter Lassen National Park; and all persons who shall locate or settle upon or occupy the same, or any part thereof, except as hereinafter provided, shall be considered trespassers and be removed therefrom: *Provided*, That nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator, or entryman to the full enjoyment of his land: *Provided further*, That rights of way for steam or electric railways, automobiles, or wagon roads may be acquired within said Peter Lassen National Park under laws or proceedings heretofore made or instituted under the laws applicable to the acquisition of such rights over or upon the national forest lands of the United States when the construction of such roads will not interfere with the objects of the national park; and that the United States Reclamation Service may enter upon and utilize for forage or other purposes any area within said park which may be necessary for the development and maintenance of a Government reclamation project: *And provided further*, That no lands within the limits of said park hereby created belonging to or claimed by any railroad or other corporation now having or claiming the right of indemnity selection by virtue of any law or contract shall be used as a basis for such indemnity selection in any State or Territory whatsoever for any loss sustained by reason of the creation of said park.

Sec. 2. That said park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such rules and regulations not inconsistent with the laws of the United States as he may deem necessary or proper for the care and protection, and for the regulation of the use, of said park. Such regulations shall provide for the preservation from injury or spoliation of all timber, mineral deposits, and natural curiosities or wonders within said park and their retention in their natural condition, as far as practicable, and for the protection of the game found within said park and against their capture or destruction for purposes of merchandise or profit, and generally shall be authorized to take all such measures as shall be necessary to fully carry out the objects and purposes of this act. Said Secretary may, in his discretion, execute leases for parcels of ground not exceeding 10 acres in extent at any one place to any one person or persons or company for not to exceed 20 years, when such ground is necessary for the erection of buildings for the accommodation of visitors, and in parcels of ground not exceeding 1 acre in extent and for not to exceed 20 years to persons who have heretofore erected, or whom he may hereafter authorize to erect, summer houses or cottages. Such leases or privileges may be renewed or extended at the expiration of the terms thereof. No exclusive privilege, however, shall be granted within the park except upon the ground leased.

Sec. 3. That the Secretary of the Interior may also sell and permit the removal of such mature or dead or down timber as he may deem necessary or advisable for the protection or improvement of the park.

Sec. 4. That the Secretary of the Interior may enact such charges as he deems proper for leases, privileges, and so forth, granted hereunder, and all funds derived therefrom or from any source whatsoever connected with the park shall be expended, under his direction, in the management, protection, and improvement of the park.

Mr. BURKE of South Dakota. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER. Mr. Chairman, there are a great many items before the committee in the way of amendments that have been made since the bill left the House, which properly should receive attention and consideration, but I propose to direct myself to only one or two at this time. The first amendment that, I think, should be specially considered is known as the Creek equalization amendment. This is not a new matter either to the Committee on Indian Affairs or to Congress. It is a matter that has been most persistently before the committees of the House and the Senate ever since I have been a Member of this body, and, I apprehend, for a good many years prior to that. It is not that the facts are complicated; it is not that the facts are difficult to understand; it is not the fact, so far as my judgment is concerned, that there is any merit in the claim; but its continuous appearance here is due to the one fact that some people want to get some money out of the United States Treasury, and there is nothing else in the claim. There were two or three enactments by Congress affecting the Creeks and their property, but the only ones that really need any particular attention in this connection begin with the first enactment of 1900, ratified in 1901 by the committee of the Creek Nation.

In order that the RECORD may show exactly the obligation, and the only obligation, which the United States Government assumed at that time in respect to the Creeks and their property, I want to read a portion of that act, which really was a treaty, as it was subsequently ratified and became a treaty.

Paragraph 3 of that act reads as follows:

All lands of said tribe, except as herein provided, shall be allotted among the citizens of the tribe by said commission so as to give each an equal share of the whole in value, as nearly as may be, in manner following: There shall be allotted to each citizen 160 acres of land—boundaries to conform to the Government survey—which may be selected by him so as to include improvements which belong to him. One hundred and sixty acres of land, valued at $1.25 per acre, shall constitute the standard value of an allotment, and shall be the measure for the equalization of values; and any allotee receiving lands of less than such standard value may, at any time, select other lands which at their appraised value are sufficient to make his allotment equal in value to the standard so fixed.

Then in the next paragraph we find the following:

If any citizen select lands, the appraised value of which for any reason is in excess of such standard value, the excess of value shall be charged against him in the future distribution of the funds of the tribe

arising from all sources whatsoever, and he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and money equal in value to his allotment. If any citizen select lands, the appraised value of which is in excess of such standard value, he may pay the overplus in money; but if he fail to do so, the same shall be charged against him in the future distribution of the funds of the tribe arising from all sources whatsoever, and he shall not receive any further distribution of property or funds until all other citizens shall have received lands and funds equal in value to his allotment; and if there be not sufficient funds of the tribe to make the allotments of all other citizens of the tribe equal in value to his, then the surplus shall be a lien upon the rents and profits of his allotment until paid.

Clearly and definitely the United States Government as trustee or guardian over these Indians and their property undertook, and undertook alone, to distribute their property among them, and as a standard set 160 acres at an appraised value of $6.50 an acre, and agreed that if any of the allottees received in excess in value than that he should pay back into the common fund belonging to the tribe a surplus value, and if any of the allottees had not received an allotment of the standard value of $1,040 he should have a right in the surplus that should be allotted to any favored allottee. That was the agreement of 1901. That was all the obligation assumed by the United States Government. There is not a word said about the Government guaranteeing to any allottee that his allotment would be of any particular value. There is not a word said that if any allottee received an allotment less in value than $1,040, that out of the United States Treasury there should be taken funds to compensate him; but there is, in fact, provided a specific method by which one who has not received $1,040 shall not be compensated merely by taking from a more favored allottee the surplus he has received above $1,040 and that shall be given to the less-favored allottee.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman this question: As I understand the gentleman's statement and from the reading, the maximum price was $6.50 per acre. Was not the minimum price $1.25 per acre for the land?

Mr. MILLER. There is no minimum price stated. I do not think there was a maximum and a minimum mentioned, Mr. Chairman.

Mr. STEPHENS of Texas. It was fixed at $1,040, was it not?

Mr. MILLER. The allotment of 160 acres of the standard value of $6.50 made a standard allotment of $1,040.

Mr. STEPHENS of Texas. And no land could be appraised at less than $1.25 an acre?

Mr. MILLER. I think that is true.

Mr. STEPHENS of Texas. Is it not a fact, further, that a great many Indians lived back in the hills—they were full-blood Indians—and they got that $1.25; and the land ran up to $6.50, and the officers under the treaty and under this bill undertook to equalize the allotments by issuing certificates and due bills, stating at the head of it that the man, so-and-so, had received $1,040, and that the land was valued at so many dollars, and the balance due to the Indian was so much, and the land was halfway between the two prices; in other words, medium land?

Mr. MILLER. That is right.

Mr. STEPHENS of Texas. These Indians have those due bills to-day. Does not the gentleman think we ought to have some kind of legislation to equalize these allotments and make payments?

Mr. MILLER. I think so. I think we should have legislation to equalize these allottees, just as far as the funds of the tribe will go. But there is not the slightest obligation on the part of the United States Government to go into its own pocket and give any gratuity to any Creek allottee, no matter what he receives.

Mr. STEPHENS of Texas. As I understand, a great deal of this land is worth $6.50 an acre, but many of these lands were worth hundreds of dollars per acre?

Mr. MILLER. I was coming to that.

Mr. STEPHENS of Texas. I hope the gentleman will discuss that.

Mr. MILLER. I will discuss it at this point. While the standard value is fixed at $6.50, and the provision I have read will show that it can not be appraised at a higher value than that, yet as a matter of fact many of the lands were worth as much as $100 an acre, and therefore the allotments would be worth $10,000.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield, so that I can make an observation?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. Yes.

Mr. HUMPHREY of Washington. I want to make the observation that there are now six Democrats in their seats. If ever there was a farce it is now.

Mr. FOSTER. Probably they all heard that the gentleman was about to make a speech. [Laughter.]

Mr. HUMPHREY of Washington. No; I am not going to make a speech.

Mr. FOSTER. They did not want to hear any more calumity howling.

Mr. MILLER. Mr. Chairman, I think I have the floor.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] has the floor.

Mr. HUMPHREY of Washington. Mr. Chairman, I think I will make the point of no quorum.

Mr. MILLER. I hope the gentleman will withhold it until I have finished my speech.

Mr. HUMPHREY of Washington. I will withdraw it until the gentleman has finished his remarks.

Mr. MILLER. Mr. Chairman, that was the agreement in 1901. Those familiar with the conditions in the Five Civilized Tribes no doubt have in mind the circumstances surrounding the enactment into law of the supplemental agreement of 1902. It is not necessary, therefore, to go into the consideration of the circumstances leading up to or surrounding the making of that law or the making of that treaty or the circumstances existing before that. However, referring to that supplemental agreement of 1902, I beg to invite the attention of the committee to the following language, applicable to the matter now under consideration. The section which I read a moment ago in the act of 1901 was amended by the supplemental agreement of 1902, so that the paragraph I quoted shall read as follows:

All lands belonging to the Creek Tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroads, and town cemeteries, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat. L. 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation.

By paragraph 2 of section 3 the agreement ratified by said act of Congress approved March 1, 1901, is amended, and as so amended is reenacted to read as follows:

If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Can I have a little more time?

Mr. BURKE of South Dakota. How much time does the gentleman from Minnesota desire?

Mr. MILLER. I would like to have about 10 minutes more.

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER. In other words, Mr. Chairman, the preceding agreement was amended to this extent, that no land should be appraised at higher than $6.50 an acre no matter whether it was worth a thousand dollars an acre, and the committee is no doubt aware that many of those lands were situated adjacent to the city of Muskogee, the second largest city in Oklahoma. Many of the lands were platted in town sites, and those lands adjacent thereto became and were of high value. They were allotted.

Now, these allottees that had received allotments that were of the value of $10,000 or $18,000 or $29,000, the land having, however, an appraised value of less than $6.50 an acre, now come around and want the United States Government to pay them something. The colossal nerve of the proposition is so staggering that the human mind falls down in a faint before it. I have marveled, Mr. Chairman, time and time again, at the strength and fortitude of men who stand before our committee and really ask that this legislation be passed.

There is one thing further to be noted in this change made by the supplemental agreement of 1902. It is that a man who has received land in value greater than $1,040 does not have to pay one penny of it back. Under the original agreement of 1901, if a man received an allotment worth $16,000, but appraised at $1,040, he would have to pay some back if some less-favored allottee had received less than $1,040. But not so by this. We can well understand why the Creeks were eager and willing and anxious to ratify the supplemental agreement. We actually bought them by giving to them that consideration and concession. I think the chairman of our committee is well informed when he says that many of the less-favored allottees were the full-blood Indians who lived in the hills and who now own the

of the allottees had not received an allotment of the standard value of $1,040 he should have a right in the surplus that should be allotted to any favored allottee. That was the agreement of 1901. That was all the obligation assumed by the United States Government. There is not a word said about the Government guaranteeing to any allottee that his allotment would be of any particular value. There is not a word said that if any allottee received an allotment less in value than $1,040, that out of the United States Treasury there should be taken funds to compensate him; but there is, in fact, provided a specific method by which one who has not received $1,040 shall not be compensated merely by taking from a more favored allottee the surplus he has received above $1,040 and that shall be given to the less-favored allottee.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MILLER. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman this question: As I understand the gentleman's statement and from the reading, the maximum price was $6.50 per acre. Was not the minimum price $1.25 per acre for the land?

Mr. MILLER. There is no minimum price stated. I do not think there was a maximum and a minimum mentioned, Mr. Chairman.

Mr. STEPHENS of Texas. It was fixed at $1,040, was it not?

Mr. MILLER. The allotment of 160 acres of the standard value of $6.50 made a standard allotment of $1,040.

Mr. STEPHENS of Texas. And no land could be appraised at less than $1.25 an acre?

Mr. MILLER. I think that is true.

Mr. STEPHENS of Texas. Is it not a fact, further, that a great many Indians lived back in the hills—they were full-blood Indians—and they got that $1.25; and the land ran up to $6.50, and the officers under the treaty and under this bill undertook to equalize the allotments by issuing certificates and due bills, stating at the head of it that the man, so-and-so, had received $1,040, and that the land was valued at so many dollars, and the balance due to the Indian was so much, and the land was halfway between the two prices; in other words, medium land?

Mr. MILLER. That is right.

Mr. STEPHENS of Texas. These Indians have those due bills to-day. Does not the gentleman think we ought to have some kind of legislation to equalize these allotments and make payments?

Mr. MILLER. I think so. I think we should have legislation to equalize these allottees, just as far as the funds of the tribe will go. But there is not the slightest obligation on the part of the United States Government to go into its own pocket and give any gratuity to any Creek allottee, no matter what he receives.

Mr. STEPHENS of Texas. As I understand, a great deal of this land is worth $6.50 an acre, but many of these lands were worth hundreds of dollars per acre?

Mr. MILLER. I was coming to that.

Mr. STEPHENS of Texas. I hope the gentleman will discuss that.

Mr. MILLER. I will discuss it at this point. While the standard value is fixed at $6.50, and the provision I have read will show that it can not be appraised at a higher value than that, yet as a matter of fact many of the lands were worth as much as $100 an acre, and therefore the allotments would be worth $16,000.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield, so that I can make an observation?

The CHAIRMAN. Does the gentleman yield?

Mr. MILLER. Yes.

Mr. MILLER. Mr. Chairman, that was the agreement in 1901. Those familiar with the conditions in the Five Civilized Tribes no doubt have in mind the circumstances surrounding the enactment into law of the supplemental agreement of 1902. It is not necessary, therefore, to go into the consideration of the circumstances leading up to or surrounding the making of that law or the making of that treaty or the circumstances existing before that. However, referring to that supplemental agreement of 1902, I beg to invite the attention of the committee to the following language, applicable to the matter now under consideration. The section which I read a moment ago in the act of 1901 was amended by the supplemental agreement of 1902, so that the paragraph I quoted shall read as follows:

> All lands belonging to the Creek Tribe of Indians in Indian Territory, except town sites and lands reserved for Creek schools and churches, railroads, and town cemeteries, in accordance with the provisions of the act of Congress approved March 1, 1901 (31 Stat. L., 861), shall be appraised at not to exceed $6.50 per acre, excluding only lawful improvements on lands in actual cultivation.

By paragraph 2 of section 3 the agreement ratified by said act of Congress approved March 1, 1901, is amended, and as so amended is reenacted to read as follows:

> If any citizen select lands the appraised value of which is $6.50 per acre, he shall not receive any further distribution of property or funds of the tribe until all other citizens have received lands and moneys equal in value to his allotment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MILLER. Can I have a little more time?

Mr. BURKE of South Dakota. How much time does the gentleman from Minnesota desire?

Mr. MILLER. I would like to have about 10 minutes more.

Mr. BURKE of South Dakota. Mr. Chairman, I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Minnesota [Mr. MILLER] is recognized for 10 minutes.

Mr. MILLER. In other words, Mr. Chairman, the preceding agreement was amended to this extent, that no land should be appraised at higher than $6.50 an acre no matter whether it was worth a thousand dollars an acre, and the committee is no doubt aware that many of those lands were situated adjacent to the city of Muskogee, the second largest city in Oklahoma. Many of the lands were platted in town sites, and those lands adjacent thereto became and were of high value. They were allotted.

Now, these allottees that had received allotments that were of the value of $16,000 or $18,000 or $20,000, the land having, however, an appraised value of less than $6.50 an acre, now come around and want the United States Government to pay them something. The colossal nerve of the proposition is so staggering that the human mind falls down in a faint before it. I have marveled, Mr. Chairman, time and time again, at the strength and fortitude of men who stand before our committee and really ask that this legislation be passed.

There is one thing further to be noted in this change made by the supplemental agreement of 1902. It is that a man who has received land in value greater than $1,040 does not have to pay one penny of it back. Under the original agreement of 1901, if a man received an allotment worth $16,000, but appraised at $1,040, he would have to pay some back if some less-favored allottee had received less than $1,040. But not so by this. We can well understand why the Creeks were eager and willing and anxious to ratify the supplemental agreement. We actually bought them by giving to them that consideration and concession. I think the chairman of our committee is well informed when he says that many of the less-favored allottees were the full-blood Indians who lived in the hills and who now own the

Mr. MONDELL. It is proposed to purchase from the Reclamation Service, for the benefit of this land, perpetual water rights in excess of the rights they already have sufficient for the complete irrigation of their lands?

Mr. BURKE of South Dakota. Yes. I will say to the gentleman we take into consideration that there would be some credit given of the return flow. We already have a drainage ditch there that cost $250,000, and there is considerable water that returns to the Yakima River that we think will be used by the Reclamation Service, and we are entitled to some credit for it, and while Mr. Newell stated that it would take something more than $600,000 to pay all the service, even with this water, we concluded that, taking everything into consideration, $600,000 was a fair amount; that the Reclamation Service, without loss, could furnish the water necessary to provide these Indians with water.

Mr. MONDELL. Now, the plan which seems to be apparent in the Senate amendment seems to me very much more. The project that the joint commission recommended, then, is a project for the increase of the water supply for the Indians, to be paid for out of the Indian funds; that is, to be paid for out of appropriations which are reimbursable?

Mr. BURKE of South Dakota. From the proceeds received from the sales of the surplus lands.

Mr. MONDELL. And that is to be paid out of the Indian funds, if those funds ever come in for the benefit of the Indians, and no provision would be made for individual repayment?

Mr. BURKE of South Dakota. Not at all.

Mr. MONDELL. Either on behalf of the Indians or on behalf of the grantees of the Indians?

Mr. BURKE of South Dakota. That is correct.

Mr. MONDELL. Now, the Senate proposition seems to be a very much more ambitious enterprise.

Mr. BURKE of South Dakota. Let me say to the gentleman what I omitted to say, that the joint commission as a part of its recommendation suggested that the Indians be permitted to sell one-half of their allotment, the money to be withheld and to be expended for their benefit, which would enable the Indians to be supplied with implements and teams and improve the other half of their allotment, for which we propose to furnish water sufficient to irrigate it. Now, this proposition involves the irrigation and the reclamation of the other 40 acres and provides that the individual Indians shall pay the cost of the reclamation, and they have gone so far as to propose a lien upon the individual allotment, which, in my judgment, is clearly unconstitutional, because the act expressly provides that the land shall be exempted from any lien for a period of 25 years and Congress certainly can not make any lien in direct contradiction to it considered in the allotment act originally.

Mr. MONDELL. But the gentleman says that a reimbursement by the Indians and their grantees is contemplated in the Senate provision. Well, it would seem that it is, and yet there is a question about that, because while at one point the paragraph states that the entire cost shall be reimbursed, there is another provision to the effect that the cost of the water right shall be $4 per acre-foot, and so forth. Those seem to conflict. Now, I do not want to interrogate the gentleman at length or take up the time of the committee in regard to these matters if the gentleman can assure us that the House conferees can stand against the Senate amendment in its present form.

Mr. BURKE of South Dakota. Mr. Chairman, I can say, speaking only for myself, that the House conferees on several occasions have not only stood against this provision but have succeeded in eliminating it from the bill; and last year, in order that we might have information and ascertain what the facts were and do justice, if injustice had been done, to the Indians, this very joint commission was appointed, and it has made a report; and I think the gentlemen on the other side of the House——

Mr. STEPHENS of Texas. A unanimous report.

Mr. BURKE of South Dakota. Are in favor of the proposition on this bill as a substitute for the Senate amendment that conferees to the recommendation of the joint commission. Now, I do not know that my coconferees feel that way about it.

Mr. STEPHENS of Texas. The gentleman's statement is correct.

Mr. MONDELL. The Senate amendment not only seems to be very questionable as to its propriety from the standpoint of the character of the project, but the details under which the project is proposed to be carried out is, it seems to me, not a wise one, not a workable one, so that, expressing the hope the Senate amendment will go out and that something more clearly along the line of the report of the joint commission be substituted in its stead, I do not care to take up the time of the committee further.

Mr. STEPHENS of Texas. Does the gentleman desire to use any time?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. I can use 10 minutes over here at present.

Mr. BURKE of South Dakota. All right. The gentleman may use the 10 minutes.

Mr. STEPHENS of Texas. I yield to the gentleman from California [Mr. RAKER] 10 minutes.

Mr. RAKER. Mr. Chairman, in 1912, in the Sixty-second Congress, I introduced H. R. 19557, and thereafter H. R. 22352. At the beginning of this Congress, on April 7, 1913, I introduced bill H. R. 52, which had for its object and purpose the creation of a national park out of what is known as the Peter Lassen Mountain, or Lassen Peak, in Shasta, Lassen, Tehama, and Plumas Counties, in northern California. On the 30th of May, 1914, it was evidenced that an active volcano was then in the process of eruption. Some days ago I inserted some matters in the RECORD on that subject, and now, to confirm that statement, I desire to read the following dispatch from Red Bluff, Cal., dated June 30, 1914, and published in the Washington Post:

MOUNT LASSEN AGAIN ACTIVE—CALIFORNIA VOLCANIC PEAK EXPLODES AGAIN FOR THE THIRTEENTH TIME.

RED BLUFF, CAL., *June 30.*

Lassen Peak exploded to-day in its thirteenth eruption since May 30, with a dense column of black smoke that shot up thousands of feet and drifted slowly northward. A few minutes later a smaller column of black smoke fringed with whitish steam ascended more gradually and is still rising.

The eruption has lasted longer and has the appearance of being more violent than any that preceded it.

After taking the angle of elevation with a transit the county surveyor estimated the height of the first column at 2,000 feet. At the end of an hour it had dwindled to 500 feet, and the flutings of white in its sides indicated that it was mostly steam. This dense black of the first outbreak was due to a heavy fringe of volcanic sand.

Counting the eruption of Sunday night, reported to-day from Mineral, this last is the thirteenth decisive outbreak of Lassen Peak since it first awoke a month ago to-day.

In 1884 Prof. Diller made a thorough geological survey of this territory. He is again and now personally upon the ground, under the direction of the Geological Survey, and has made a report to the survey, giving a history of these outbreaks, showing that it is the only active volcano in continental United States; in fact, upon any mainland. And in connection with my remarks upon this subject, I desire to insert in the RECORD a statement in regard to this matter from the Geological Survey.

The CHAIRMAN. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. The following is the statement from the Geological Survey:

[From United States Geological Survey.]

GEOLOGICAL SURVEY REPORTS ON LASSEN ERUPTION.

In a report just forwarded to Washington from the field, Geologist J. S. Diller suggests a connection between the Lassen Peak eruption and the San Francisco 1915 exposition.

Mr. Diller was ordered to visit the scene of volcanic eruption, and his detailed statement was made public by the United States Geological Survey yesterday. The geologist points out that old Vulcan may be preparing an American Vesuvius for the Panama-Pacific Exposition. The Pacific Ocean is girdled by volcanoes, and live ones are common in the Central American countries, to which Panama belongs. Mr. Diller reasons thus:

"So it is up to Vulcan to prepare a near-by exhibit for the occasion, and he evidently sees his duty and is rehearsing the energy of Lassen Peak as a kind of volcanic moving picture.

"Mount Rainier and Mount Shasta, the beautiful cones so much in evidence to the traveler on the Pacific coast north of San Francisco, are now finding an up-to-date rival in Lassen Peak, which is plainly in view from the railroad for many miles in the Sacramento Valley, between Redding and Red Bluff. Lassen Peak is the southern end of the Cascade Range, and it stands between the Sierra Nevada on the southeast and the Klamath Mountains on the northwest. Its lavas erupted in past ages reach the Sacramento Valley on the one side and on the other form a part of the vast volcanic field, one of the greatest in the world, that stretches far across California, Oregon, Washington, and Idaho to the Yellowstone National Park.

"Of all portions of the Cascade Range, Lassen Peak still retains the largest remnant of its once vigorous volcanic energy. Morgan and Suppan Hot Springs and Bumpass Hell, on the south, as well as Hot Spring Valley and the boiling mud lake Tartarus, on the southeast, have long attracted the attention not only of Californians, but to some extent of the tourists, to whom the region is growing more accessible every year. If to these already-established attractions be added a frequent occurrence of the recent volcanic plays of Lassen Peak, the region will take high rank among nature's wonderlands.

"But what is the nature of this new activity of Lassen? Is it really volcanic? Will it soon dwindle and become wholly quiescent, or, on the other hand, is it the precursor of a more profound eruption, like that of Krakatoa? The excellent photographs that have been taken of the outburst, especially those by G. F. Milford and the series by B. F. Loomis, of Viola, taken from a point 6 miles northwest of Lassen Peak, leave little doubt in the mind of anyone familiar with volcanic phenomena that the outburst is essentially volcanic. These photographs are strikingly similar to those taken by Johnston-Lavis showing the progress of an eruption in the Lipari islands, whose volcanic character is well known.

"The eruptions of Lassen Peak began May 30, at 5.30 p. m., with an outburst of steam which, according to Forest Supervisor W. J. Rushing, continued about 10 minutes. It formed a crater in the snow-covered summit of Lassen about 25 by 40 feet in extent and covered the encircling snow for a distance of 300 feet with a mantle of dark, wet dust. Harvey Abbey, a forest ranger, visited the scene and reported the facts.

"On the following day at 8 a. m. another eruption occurred, and on June 8, a week later, the third and much larger outbreak took place. It lasted 30 minutes, and the rolling column of dense black smoke rose to the height of 2,500 feet. Stones were hurled from the crater, and the Forest Service outlook house, a quarter of a mile away on the tiptop of Lassen Peak, was broken by some of them. Blocks and smaller fragments accumulated about the crater to a depth of several feet. The dust and sulphurous gases carried southward by the wind were observed at Mineral, the forestry station, and the dust was noted 5 miles beyond. Forest rangers who were in the neighborhood of the summit during the eruption heard the rushing steam and the falling rocks but report no rumbling or subterranean noises, earth shocks, electrical phenomena, or great heat beyond that of steam. The dust was practically cold when it fell. Considerable volumes of water were ejected, probably wholly in the form of steam. The water condensing from this steam washed a gully in the snow to the adjacent lakelet which occupies what prior to this latest eruption had long been regarded as the youngest crater of the Lassen volcano. The new crater is not quite over the throat of the old but is a little hundred feet to the northwestward.

"In all there have been 11 eruptions up to the date of this report, June 21. The most violent was at 9 a. m., June 14, when several overventuresome persons were injured by falling or rolling stones. The eruption was visible from the Sacramento Valley, nearly 40 miles away, and created profound interest. The last eruption to date was Friday, June 19, and of relatively small energy. Mr. Rushing reports that eruptions are generally if not always preceded by a complete cessation of escaping steam."

Mr. Diller has been familiar with Lassen Peak for over 30 years, and his present observations are those of a geologist who had made a special study of this volcano on several previous visits. His statement continues:

"With successive eruptions the new crater is enlarging. June 20, when Mr. B. F. Loomis and I visited it, it was 400 feet long and 100 feet wide, with a depth of not over 100 feet. It appears to follow a fissure running a little north of east and south of west. The escaping steam from the south wall of the fissure is visible in the excellent photograph obtained by Mr. Loomis.

"The other hot holes about Lassen Peak, as far as I can learn, have not increased their activity, unless it is Bumpass Hell, which is always fuming, but nothing like an eruption has been reported.

"No definite molten products have been found in connection with the recent eruptions of Lassen Peak. The ejected dust, as far as can be judged from an examination with a small pocket lens, is disintegrated or pulverized dacite, perhaps in part decomposed. The quartz, and apparently also the glassy feldspar, are bright, but the hornblende, augite, and mica are, of course, not so abundant in the dacite and are less evident. An examination with a petrographic microscope confirms the conclusion that the dust is the product of the pulverizing action of the explosive gases on the rocks through which they are escaping and not the result of the explosive expansion of gases in a liquid lava.

"That heat has recently risen in the core of Lassen Peak is evident from the fact that whereas it was once cold now it is hot and steaming. When E. E. Hayden and I were on the mountain in July, 1888, and slid down the 2,000-foot snow bank into Hat Creek on our way to Yellow Butte, there was no sign of heat in the summit of Lassen Peak. The rocky summit of the peak, struck by many thunderbolts during storms and superficially fused here and there by the lightning to fulgerite, is still as it was then, and the little lake is there, as in 1888, but the heat and the crater are new. Mr. Rushing tells me that these new features appeared with the first eruption. But the fact that the other hot places about the mountain are not yet perceptibly hotter indicates that the rise of temperature is local and does not, at least as yet, affect the mountain mass as a whole, and what Lassen is going to do. The volcano may subside to its former quiescence. But we must not forget that it was only the top of the old Vesuvius that was blown off to make Monte Somma and the Vesuvius of today. Krakatoa blew up from the very base with tremendous effect. There seems no good reason at present to fear a Krakatoan outbreak at Lassen Peak, but the part of wisdom dictates a close watch.

"Eruptions, as a rule, break out suddenly. Sightseers will generally find the viewpoint from which Loomis's photographs were taken close enough if the mountain is active; but if all is quiet and the seeker after knowledge must see the crater for himself, he should be sure to ascend on the windward side and approach with caution."

On July 1 there was another extensive eruption. I insert a later telegram from Red Bluff, Cal., of July 1, which was printed in the Evening Star of to-day, which is as follows:

CALIFORNIA'S VOLCANO IS AGAIN IN ERUPTION—GREAT COLUMN OF DENSE BLACK SMOKE STREAMS MILE HIGH IN THE AIR.

RED BLUFF, CAL., *July 1.*

After less than 24 hours of quietness, Lassen Peak burst forth early to-day in a stupendous eruption—the fourteenth in the series that began May 30.

No flames were seen, but the vast plume of blackened steam from the crater was much in the sky and volcanic ash fell at Macomber Flats, 13 miles distant.

COLUMN OF DENSE SMOKE.

For a little less than half an hour the inverted cone of soaring gases maintained sharply defined the well-known volcanic outline. First, from the mouth of the crater itself stood a vertical shaft of jet-black ash. As the shaft rose it mushroomed outward, keeping at its heart the black core of ash. So great was the force of the eruption that the height of the cloud seemed to equal the distance from the mouth of the crater to the plateau at the base of the peak proper. It was almost as if one mountain had been stood atop of the other.

TWO ERUPTIONS AT ONCE.

At this distance there was the appearance of what seemed a thin sheet of gas blasting from a crevice or a fissure on the north slope, distinct from the main crater. Two eruptions seemed to be going on at the same time.

The true volcanic nature of the eruption, as determined by J. S. Diller, of the United States Geological Survey, was further emphasized to-day by the strong stench of sulphur perceptible at Volta and at Viola, 22 miles down the wind to the north.

The following items from the Sacramento Bee, of June 27, 1914, are most interesting:

LASSEN THROWS OUT ORE CONTAINING QUICKSILVER—ASSAYER PRONOUNCES SOUVENIRS FROM VOLCANO AS CINNABAR ORE; FOUND NEAR NEW CRATER.

REDDING, SHASTA COUNTY, *June 27.*

The eruption of Mount Lassen may lead to the discovery of a quicksilver mine. That ore containing some value in quicksilver was cast up by the volcano and discovered by Charles Piltschek and Antone Hersleib, of this city.

Constable Frank Rieger, of Hat Creek, 20 miles from the crater, visited the mountain. He is a brother-in-law of Charles Piltschek. Rieger, a farmer, picked up three pieces of rock 100 feet from the crater and sent them to Piltschek as souvenirs.

ASSAYER PASSES ON THEM.

Piltschek is a well-posted mining man. He showed the specimens to his mining partner, Anton Hersleib. The latter, who has had considerable experience in quicksilver mining, declared he believed the pieces contained quicksilver. A few simple tests convinced Hersleib to his own satisfaction. He submitted the rock to A. McAfee, the assayer. McAfee pronounced the specimens cinnabar ore, but he has not yet analyzed them to fix the value. "Unquestionably cinnabar ore," says Assayer McAfee.

In this connection it is to be remembered that the greatest quicksilver mine in the State, the New Almaden, is located in basaltic formation of volcanic origin.

TELLS PEAK DISTURBANCES RECALLED—MUD AND ROCKS THROWN OUT IN 1908.

PLACERVILLE, EL DORADO COUNTY, *June 27.*

A disturbance on Tells Peak, in this county, during the summer of 1908, discovered by a surveying party, in charge of Herman D. Jerrett, is recalled by the activity of Mount Lassen.

Tells Peak, in the Sierra Range, in the eastern part of El Dorado County, west of Lake Tahoe, reaches an elevation of 9,125 feet. Along the side of the mountain, at a height of 6,300 feet, the surveying party found a cavity 4 or 5 feet in diameter, from which a geyser had lately occurred.

MUD AND STONES THROWN OUT.

Directly in the front of the cavity, for a distance of 100 feet, the hot water, mud, and stones had been thrown with great violence, bruising bark on the trees, cutting off large branches and destroying vegetation on the ground where the water had fallen. The scars on the trees were still fresh.

Jerrett states there are no cones or other evidence of volcanic activity on Tells Peak itself, but the country thereabout abounds with lava relics of disturbances in an earlier age. Northeast of this peak, at a distance of about 5 miles, are found great lava beds.

LASSEN'S ERUPTIONS CHRONOLOGICALLY.

REDDING, SHASTA COUNTY, *June 27.*

W. J. Rushing, forest supervisor, stationed at Mineral, at the base of Mount Lassen, makes the following tabulated report of the recent eruptions of Mount Lassen:

Date.	Hour.	Character.	Duration.	Size of crater.
May 30	5 p. m.	Heavy	10 minutes.	25 by 40 feet.
June 1	9 a. m.	Heavier	15 minutes.	275 by 60 feet.
June 2	9.30 a. m.	Very heavy	15 minutes.	60 feet deep.
June 8	4.30 p. m.	Heavier	40 minutes.	
June 9	10.30 a. m.	Heavy; cloud darker	30 minutes.	
June 12	3.45 p. m.	Heavy; cloud very dark	30 minutes.	450 by 100 feet.
June 13	6 a. m.	Heavy; ashes fell at Mineral	20 minutes.	
June 14	6 a. m.	Unconfirmed; report from Red Bluff only.		
June 14	9.45 a. m.	Heaviest yet; smoke column 2,500 feet.	30 minutes.	
June 14	6.45 p. m.	Medium	15 minutes.	450 by 125 feet.
June 19	5.15 p. m.	Medium; smoke 2,000 feet	15 minutes.	600 by 150 feet.

The following item from the Sacramento Bee of date June 17, 1914, shows many of the wonders of Mount Lassen and the surrounding country and the desire of the people of California to create a national park out of the territory adjacent to and surrounding Mount Lassen, viz:

[From the Sacramento (Cal.) Bee, June 17, 1914.]

MANY WONDERS IN PROPOSED PARK—PARTS OF NATURE'S PLAYGROUND WOULD BE IN COUNTIES OF SHASTA, TEHAMA, LASSEN, AND PLUMAS.

REDDING, SHASTA COUNTY, *June 16.*

The petition sent to Congressman RAKER last evening requesting him to introduce a bill in Congress establishing the Mount Lassen National Park describes the boundaries.

The proposed park lies in four counties—Shasta, Lassen, Plumas, and Tehama. Though the new famous volcano is wholly within Shasta County, the greater part of the park is in Plumas and Lassen, or to the eastward of the peak. That is a region rich in natural wonders.

The boundaries are thus described: Townships 30 in ranges 4, 5, 6, and 7 east, together with a 2-mile strip south of these townships; township 31 in the same ranges; townships 32, 33, and 34 in ranges 5 and 6 east. The volcano is in section 34, township 31 north, range 4 east.

LITTLE PRIVATE LAND.

The park as thus bounded includes very little privately owned land, and most of it never has been surveyed. Most of the park lies above the 6,000-foot contour and much of it above 7,000 feet.

Among the natural wonders in the park as laid out would be Mount Lassen, the only active volcano in the United States, 10,437 feet high; Cinder Cone, until the present outbreak of Mount Lassen called the most recent volcano in the country; Prospect Peak, so named for the beautiful views from its summit; North Peak, Southwest Peak, Devil's Half Acre, Bumpass's Hell Hole, Morgan Hot Springs, Manzanita Lake,

I can say to the gentleman that it would cost about $1,800,000 to carry out the plan that the Reclamation Service have in mind, if we provide the means for them to do it. In other words, this amendment would mean ultimately the expenditure of probably $1,800,000. I am opposed and I believe the gentlemen who will be the other House conferees are opposed to this proposition proposed by the Senate. We have opposed it in every session of Congress for the last four or five years. I think originally the Senate proposed making it practically a gratuity appropriation of $1,800,000 to furnish water for the Indian allotments. One-sixth of the land is now in white ownership. White men have acquired the lands either by purchasing inherited lands of deceased Indians or from Indians who have been given patents in fee. The joint commission that I have referred to concluded, and so reported, that the purchasers of such lands purchased the water rights, and that in furnishing water for the Indians we would have also to furnish water for those who had acquired the lands from the Indians, who had bought them in some instances at prices that certainly must have included the water rights, because some of those lands sold for $100 or $150 an acre, as I recall, and gentlemen will appreciate that that must have contemplated that it included the water rights. In other words, the water right of the Indian allottee went with the land.

Mr. MONDELL. That is, some of those Indian lands sold for those prices?

Mr. BURKE of South Dakota. Yes; as high as $100 or $150 an acre. Now, if the gentleman has examined this provision——

Mr. MONDELL. If the gentleman will allow me before he goes on further, I am not very clear as to what the situation is. I suppose I ought to know more about this matter, but I do not. There is the Sunnyside project on one side of the river; that is not on an Indian reservation.

Mr. BURKE of South Dakota. That is correct.

Mr. MONDELL. On the other side is the Indian Reservation. Have any works been constructed for the irrigation of this land?

Mr. BURKE of South Dakota. Certainly.

Mr. MONDELL. The canal and distributing works have all been constructed?

Mr. BURKE of South Dakota. There are canals, but it is claimed by the Reclamation Service that to carry out the plan that it proposes and that is claimed will be necessary to furnish water for the reclamation of all the land, that some or all of these canals will have to be reconstructed. I will say to the gentleman that there is a drainage ditch that has been constructed at a cost of $250,000, and the construction of the reclamation project has been paid out of the proceeds received from the sale of the Indian lands, including that $250,000 expended for constructing the drainage ditch.

Mr. MONDELL. The gentleman says "has been paid." He means that it is to be paid out of the proceeds received hereafter.

Mr. BURKE of South Dakota. I do not think it has not been fully reimbursed, and I am not sure that any of it has been reimbursed.

Mr. MONDELL. Where are the lands which the Indians are to sell?

Mr. BURKE of South Dakota. They are dry lands scattered throughout a large area of what was formerly reservation.

Mr. MANN. Mr. Chairman, will the gentleman from Texas permit me to make a suggestion?

Mr. STEPHENS of Texas. Certainly.

Mr. MANN. There are a few Senate amendments which I think ought to be discussed in the House before they go to conference. If we should have a little extra time, and not be too strict about enforcing the five-minute rule when we reach those amendments, in order that they may receive better discussion, would it be possible to have an understanding to that effect and then an agreement that general debate shall run for the rest of the day?

Mr. STEPHENS of Texas. On all the amendments?

Mr. MANN. Yes; that to-day be devoted to general debate and then some of these amendments that require special consideration—the gentleman from Mississippi has one——

Mr. STEPHENS of Texas. It would include all the amendments?

Mr. MANN. Yes; but the most of them would take no time at all.

Mr. CARTER. As I understand, the proposition of the gentleman is that we devote the remainder of the afternoon to general debate?

Mr. MANN. Yes; and that general debate shall close at the adjournment this afternoon.

Mr. CARTER. And then take up the amendments seriatim?

Mr. MANN. They have to be taken up seriatim.

Mr. CARTER. And the gentleman couples with it the additional request that we shall not be too strict under the five-minute rule?

Mr. MANN. Yes; otherwise there would be more time used for general debate.

Mr. STEPHENS of Texas. That will be satisfactory to me.

Mr. HARRISON. Mr. Chairman——

Mr. CAMPBELL. Mr. Chairman, the gentleman from Mississippi is interested in an item which I am sure he does not want to discuss in general debate with nobody here. I want to offer some observations on the same item, and I do not want to talk to empty seats.

Mr. MANN. That was the reason I made the suggestion.

Mr. CAMPBELL. It is a matter of vital importance and should be discussed when Members are here interested in the progress of the bill. If we can have plenty of time——

Mr. MANN. A reasonable time.

Mr. CAMPBELL. A reasonable time, I am willing.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the rest of the day be used for general debate, and that after to-day the bill be taken up under the five-minute rule.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate on this bill shall close when the House adjourns to-night. Is there objection?

Mr. HARRISON. Mr. Speaker, reserving the right to object, that is perfectly agreeable to me, except I think there ought to be some agreement on this particular item. I am willing to make whatever agreement the gentleman wishes.

Mr. MANN. We can not make an agreement now as to items.

Mr. CARTER. I think there will be no disposition to cut the gentleman off, but to give him plenty of time on that item.

Mr. MANN. The gentleman from Texas has stated that he would be lenient.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that at the adjournment to-night general debate shall close. Is there objection? [After a pause.] The Chair hears none.

Mr. BURKE of South Dakota. Has there been any division of time?

Mr. CARTER. No.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the time be equally divided, and that the gentleman from South Dakota control one half and I control the other half.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time be equally divided, the gentleman from South Dakota to control one half and he to control the other half. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. May I ask whether to-morrow is to take the place of Calendar Wednesday?

The CHAIRMAN. The Chair can not make a decision as to matters that affect the House, but the Chair will state as a matter of information that to-morrow has been agreed upon to take the place of Calendar Wednesday.

Mr. HARRISON. Mr. Chairman, I ask unanimous consent that as soon as we go into consideration of this bill, either to-morrow or the next day, that this item relative to the Mississippi Choctaws, Senate amendment 139, one of the most important here, be taken up first for consideration and debate.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that when general debate is closed on the bill the first amendment that shall be considered shall be the amendment relating to the Mississippi Choctaws. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I do not propose to let the opportunity pass to say that this is not an amendment entitled to the consideration which it is likely to receive. It was put in the bill on the floor of the Senate and never has been considered either in the committees of the House or Senate. It proposes to undo the work of 20 years of our State. It proposes to overturn work of Federal courts, Federal commissions, and departmental actions that have been settled long ago. We do not propose to have outsiders overturn 20 years of hard work at an expenditure of millions of dollars that has been made to complete the rolls. It is amazing that such an amendment as this should be considered anywhere in anything like a serious vein. These people have refused for almost a hundred years to join their people in the

West. They long ago ate up their patrimony and are now, through a lot of snitching attorneys, trying to eat up the Indians of the West.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. Does the gentleman from Oklahoma oppose the amendment of the Senate?

Mr. FERRIS. Oh, undoubtedly; every line of it.

Mr. BURKE of South Dakota. Then the gentleman from Oklahoma hopes that the conferees will secure an agreement eliminating the amendment?

Mr. FERRIS. I do, certainly; and it is their duty to do it.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, in deference to my colleague [Mr. THOMPSON of Oklahoma], who desires to have this considered first, I have no objection.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, as I understand the procedure, when we take up this bill under the five-minute rule, each amendment will be considered in its order, just as if we were considering the bill as an original proposition. I do not think any exception should be made to any one of them, thus postponing the consideration of the other provisions. I recognize fully that it is an important amendment, but there are other important amendments in this bill. Why should we make such an exceptional rule as to take this one up out of its order?

Mr. STEPHENS of Texas. I think this will take more time than any other amendment.

Mr. HARRISON. And it was for that reason that I make the request. The other amendments will not take so much time. There are a great many Members who are interested in this particular amendment, and we would like to debate it at a time when the Members are present. The gentleman knows very well that with a baseball game going on in the city of Washington, in the later hours of the afternoon, the membership present may be somewhat sparse.

Mr. STAFFORD. It is possible that we might meet to consider this bill on Friday at 11 o'clock, and that by 12 o'clock, when most of the Members would be present, the other amendments would be all disposed of, and that then we could consider this particular amendment.

Mr. CARTER. Mr. Chairman, there has been a great deal of misinformation about this question, more I think than I ever saw about any question in my life. Members ought to have an opportunity to hear what is going to be said on both sides of this controversy before they vote, because it is a vital proposition which may in the end involve this Government in a claim perhaps of millions of dollars. It has already been settled by the courts and by the Federal Government itself, and for that reason I think we ought to have the fullest possible membership here when the question is discussed. I hope my friend from Wisconsin will not object to having it considered first, because I understand the reason the gentleman from Mississippi wants it considered first is that we will then have a better audience.

Mr. STAFFORD. There will be no similar requests made as to any other amendment?

Mr. CARTER. I think not.

Mr. STAFFORD. Mr. Chairman, I shall not object.

Mr. FINLEY. About how much time will this Choctaw amendment require for discussion?

Mr. HARRISON. I do not know how many will desire to speak on the other side. I really think not over two hours of discussion will be needed. That would be my idea, offhand.

Mr. FINLEY. Mr. Chairman, I want to say this, that some of us have very important legislation of a general character here that we would like to wind up certainly next week, and if the consideration of this amendment at that time would interfere with that, I would not want to give my consent.

Mr. STAFFORD. Does the gentleman refer to the Moon omnibus post-office bill?

Mr. FINLEY. Yes.

Mr. STAFFORD. In my opinion it will not be possible to get that up until maybe the week following. We have at present under consideration the Adamson dam bill, which has the right of way, and under present procedure we are not likely to reach a vote on that bill until next Friday or Saturday.

Mr. FINLEY. I am familiar with that bill.

Mr. BURKE of South Dakota. Mr. Chairman, before this request is put I would like to ask the gentleman from Oklahoma [Mr. CARTER] if he also is of opinion as expressed by his colleague [Mr. FERRIS] that that amendment ought to be eliminated from the bill?

Mr. CARTER. The gentleman means the entire amendment?

Mr. BURKE of South Dakota. Yes.

Mr. CARTER. In response to that I will say this, that by the Atoka agreement and the supplementary agreement of July 1, 1902, a division of these funds was promised to the Choctaw and Chickasaw people, to begin not later than March 4, 1907. These agreements were made for the purpose of getting the Choctaws and Chickasaws to surrender their tribal rights——

Mr. MONDELL. Mr. Chairman, let me suggest that if the gentleman is going to discuss this amendment——

Mr. CARTER. Oh, I am just about through, if the gentleman will permit. And, I think, in view of the difference in time consumed by the gentleman and myself, he should certainly feel the responsibility upon himself of listening to me for just a few minutes, for I have listened to him, with very much pleasure, for a great many hours.

Mr. MONDELL. I was not criticising my friend for taking the time, but realizing the importance of the matter it occurred to me that it would be better to have it discussed at one time.

Mr. CARTER. That is very true, but I want to answer the gentleman from South Dakota, who has asked me a question, and to give my reasons. This pledge having been made, I certainly would think the Government ought to stand by its pledge to the Indians and divide those funds. Therefore, I would be in favor of the amendment for a division of the funds, but I would not be in favor of an amendment which prohibited a division of those funds—the Williams amendment—inserted on the floor of the Senate.

Mr. BURKE of South Dakota. I thought that was the position of the gentleman, and I was rather surprised that his colleague from Oklahoma would go so far as to say that he was opposed to the amendment.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that when general debate is closed and the bill is taken up for consideration under the five-minute rule, the amendment relating to the Mississippi Choctaws, amendment 139, be first considered. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Chairman, a moment ago the gentleman from South Dakota [Mr. BURKE] asked me in reference to a certain Senate amendment. The gentleman, who is aware more fully of the history of that amendment than I, knows there are two parts to that amendment, one put in by the Senate committee and one on the floor of the Senate. It is the one adopted by the Senate known as the Williams amendment to which I am opposed, and I had no reference at all to the wisdom, the justness, and correctness of the other amendment at all.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FERRIS. I thought the gentleman so understood.

Mr. BURKE of South Dakota. I will say to the gentleman it is only one amendment, and I was speaking of that amendment, and I understood the gentleman to say that he was opposed to it.

Mr. FERRIS. The gentleman is right about it being one amendment. I am not opposed to what the committee did in granting a payment of their own money, but what the Senate did in trying to tack on those Mississippi Choctaws who still live apart from their tribes, have always refused to come, and still refuse to come.

Mr. STEPHENS of Texas. Will the gentleman from South Dakota use some of his time?

Mr. BURKE of South Dakota. I will yield further to interrogatories of the gentleman from Wyoming.

Mr. MONDELL. I will be very brief and ask the gentleman a few more questions in regard to item 155, what is known as the Wapato project on the Yakima Indian Reservation, which is referred to. So far as the project has been constructed, I understand it has been constructed out of appropriations reimbursable and constructed by the Indian Bureau. Is that true?

Mr. BURKE of South Dakota. Yes.

Mr. MONDELL. And what the gentlemen of the joint committee recommended, as I understand, is the expenditure through the Reclamation Service of approximately half a million dollars for the purpose of supplementing the water supply for the irrigation project that is already there.

Mr. BURKE of South Dakota. That is exactly the proposition. In other words, we do not propose to appropriate any money for the construction of any reservoir or building of any reclamation work, but simply to pay the Reclamation Service for the water that we think those Indians are entitled to and that has been taken from them and is now being distributed on lands that have been acquired by white settlers under reclamation projects conducted under the Reclamation Service.

When that amendment was before the House it was contested by me and a number of other gentlemen, who did not believe it was right to require teachers who for years had been in the Indian school service to be ousted under the guise of a civil-service examination. I would like to know whether the House is going to have an opportunity, in case the Senate conferees should recede, to vote on this amendment striking out that provision?

Mr. STEPHENS of Texas. Mr. Chairman, in answer to the gentleman, I can state, if I am on that conference, I would be willing personally to say that I would bring back any amendment that any gentleman in good faith thought should be brought back to the House.

Mr. STAFFORD. So far as I am concerned, if the gentleman will agree to the Senate amendment striking it out, I will have no further interest in the provision. But if the Senate should recede and the gentleman should concur in that position, then I would like to have a separate vote, because when this amendment was under consideration in the House last it was just a few minutes before the House as a body went over to attend the memorial exercises in the Senate over the remains of Senator Bacon. There were Members in this House who wished to be heard, but were absent temporarily because of those exercises. I think it is owing to the House that if the Senate should recede and allow this provision to remain we be given an opportunity to contest that once more in the House, and I would like to know whether we will have that opportunity.

Mr. STEPHENS of Texas. I will state to the gentleman again that if any gentleman here desires the committee should not pass upon any amendment that they point out I would be willing to disagree to it and bring it back to the House. My object is to get this bill to conference and agree upon everything we can, and the contested items could be brought back to the House for further action.

Mr. STAFFORD. Of course the gentleman recognizes that we can move now to concur in this amendment.

Mr. STEPHENS of Texas. The gentleman from Mississippi [Mr. HARRISON] is in the same position.

Mr. BURKE of South Dakota. Mr. Chairman, I want to keep the record straight, and state as to the Creek equalization amendment, No. 137, if there should be a recovery on a $240 basis, that is the difference between $1,040 and $800, as the gentleman from Oklahoma [Mr. MURRAY] suggested——

Mr. STEPHENS of Texas. I understand.

Mr. BURKE of South Dakota. If there are only 13,000 Indians, it would be $3,320,000; but what I was figuring on was that there are about 20,000 Indians, which would make the amount something over $4,000,000. I was correct when I said it was about $4,000,000.

Mr. MANN. I hope the gentleman will get that information to our friend from Oklahoma [Mr. MURRAY].

Mr. STEPHENS of Texas. The matter of the regulation of the Choctaws is of such great importance that I am sure it will be returned to the House before any action is taken in the conference committee. And if there are any other amendments I would be glad to hear from any gentlemen present if they desire a separate vote on them. This makes three, I believe.

Mr. MANN. Mr. Speaker, I would like to ask generally with reference to the bill. The gentleman refers to having these amendments returned to the House. The Senate has inserted a large number of very unusual amendments in this bill. Does not the gentleman think that this is the best way to have the bill considered, amendment by amendment, in this committee now, instead of leaving the conferees to the tender mercies of the Senate conferees when it comes to be a mere matter of trading?

Mr. STEPHENS of Texas. Would not the gentleman think that the custom followed by the House is the better one, to send all of this appropriation bill—and there are 168 amendments here—to conference and see what can be done there first before it is taken up from the House.

Mr. MANN. I would think that would be the proper procedure if these items were increases in amount, or if they were amendments such as ordinarily occur in appropriation bills. But here is amendment after amendment inserted by the Senate in this bill, which no one in this House will claim ought ever to have been put in the bill, even if they ought to be enacted into law.

Mr. STEPHENS of Texas. I am aware of that fact, and regret very much that they are in the bill.

Mr. MANN. It places the conferees on the part of the House in a very unpleasant position if they go into conference without any previous discussion or action in the House.

Mr. STEPHENS of Texas. Will the gentleman, then, please point out some of these various amendments to which he objects?

Mr. MANN. I hope to do so as we proceed in the committee, though I would be willing to suggest some of them now. I would like to ask the gentleman a question in reference to these revolving appropriations. That is not a matter that we are wholly ignorant about, as I find we are about most of the amendments.

Mr. STEPHENS of Texas. I find they claim in the report made by the Senate committee to the Senate that they have increased that appropriation $300,000. That is not correct. This is the language they used:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, appropriated by the House $400,000—

That is true—

Allowed by the committee in the sum of $100,000, a decrease of $300,000.

That is not true, for the reason that I find, under the head of "Montana": For support and civilization of Indians at Fort Peck Agency, Mont., the sum of $100,000; for the Blackfeet Reservation, $100,000, and for the Flathead Reservation, $100,000.

That makes $300,000. And that puts it back to the $400,000 that they originally appropriated. And, then, for support and civilization of the confederated tribes and bands under Warm Springs Agency (Oreg.) Reservation, $100,000.

Mr. BURKE of South Dakota. I will say to the gentleman, if he will permit, that they have added about $1,000,000 and reduced the lump-sum appropriation $300,000.

Mr. STEPHENS of Texas. And the other item is Utah—for support and civilization of the Confederated Bands of Ute Indians, $250,000.

It is only a decrease upon paper; in fact, they have added about $600,000 to the appropriation.

Mr. MANN. The $400,000 item that the gentleman refers to is amendment numbered 19. No; that is $500,000.

Mr. STEPHENS of Texas. I have not that before me. I was reading from the report made by the Senate committee to the Senate. I will find it in a moment.

Mr. MANN. Well, all through this bill——

Mr. STEPHENS of Texas. Here it is; line 21, page 15:

For the purpose of encouraging industry and self-support among the Indians, and to aid them in the culture of fruits, grains, and other crops, $400,000.

The Senate cut that down to $100,000, and claimed, as they state in the report, that they have thereby saved the Government $300,000.

Mr. MANN. That brings up the very question that I wanted to bring to the attention of the gentleman. Amendment numbered 28 reads "$400,000," but is reduced to $100,000; but that does not change the status of that fund; and under the provision of the House that fund may be expended with a provision for its repayment to the United States on or before June 30, 1925, but it is not made a revolving fund.

Mr. STEPHENS of Texas. That is correct.

Mr. MANN. That was stricken out in the House. Thereupon the Senate reduces that amount in that item and puts the same thing in half a dozen or so other places in the bill, and makes each one of those a revolving fund. In other words, the department—and it is the same department that has the Reclamation Service in it—having seen how recklessly extravagant the Reclamation Service has become and how foolishly they have expended their money where Congress has not reserved the right of appropriating it from year to year, now wants to get possession of a large fund and have it repaid to them, with permission to them to pay it out without reappropriation by Congress. In other words, we would have nothing more to say about it for 10 years to come—until 1925. Now, what does the gentleman from Texas think about that proposition?

Mr. STEPHENS of Texas. I will say that the gentleman is correct in his statement. I think the other body is entirely wrong, for the further reason that this is a lump-sum appropriation that could be used for the benefit of all the Indians in all parts of the United States. In the way they have it in this amendment, only $100,000 would be used in that way, while $900,000 is specifically appropriated to certain States.

Mr. MANN. And it is a revolving fund besides?

Mr. STEPHENS of Texas. Yes; without interest.

Mr. MANN. Let us see. We have a proposition now pending in the House, shortly to come up, possibly to-morrow, because of the gross extravagance and foolish expenditures in the Irrigation Service, to have the Government advance the public money to go to those who go on the public lands in the

Irrigation Service and have them pay it back in 10 years' time without interest. We have various propositions pending before Congress to have the Government advance to the farmers and other people money, with interest. Now, here is a proposition that first comes to a vote in the House, to have the Government advance money to the Indians for stock raising and other purposes that are presumed to be profitable, without interest. I would like to know whether the gentleman thinks we ought to go into the business of advancing large amounts of money to anybody for their profit without exacting any interest whatever for the use of the money?

Mr. STEPHENS of Texas. I agree with the gentleman as to that, and will state another thing they have done. In that same item, in lines 10 to 13, they have stricken out a provision which protects the Treasury to a certain extent. That provision is amendment numbered 29, and reads as follows:

And provided also, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

Now, it appears that by striking that out, they intended to specialize, as they have done elsewhere in this bill, and give the appropriation to certain States and certain Indians. These lump-sum appropriations ought to be under the control of the Indian Bureau, and not under the direction of Congress, as is proposed by this bill. I will say to the gentleman further that I certainly shall not agree to that without referring it back to the House.

Mr. MANN. I see a number of claims inserted in this bill, contrary to the practice of the House and the rules of the Senate. Has this bill become a claims bill?

Mr. STEPHENS of Texas. The gentleman is aware that in the Senate, unless some Senator does not want the claim put in, or if it is a claim of a very popular Senator or something that they dislike to object to, the claims go through, while the others have a point of order raised against them and they are not put in the bill.

Mr. MANN. I see a number of amendments are proposed to start in and build gymnasiums for the Indians. I have always supposed that the Indians were quite athletic and capable of exercising out of doors. What is the object of further injuring their health by building gymnasiums for them? [Laughter.]

Mr. STEPHENS of Texas. I believe in one item in the district of the gentleman from Kansas [Mr. CAMPBELL] there is an appropriation of $30,000 for that purpose. It is said to be necessary to have it in the Haskell Institute.

Mr. MANN. There is that item for the Haskell Institute, and there is one for a gymnasium at $25,000 at Mount Pleasant, Mich., and there are several others of the same sort elsewhere throughout the bill.

Mr. STEPHENS of Texas. The gentleman, then, would object to gymnasiums and would desire to have items on that subject brought back to the House?

Mr. CAMPBELL. Mr. Chairman, I can not be accused of being responsible for that, because I opposed that in my own committee.

Mr. STEPHENS of Texas. That is my remembrance.

Mr. MANN. I certainly was not accusing any Member of the House of that gross extravagance.

Mr. CAMPBELL. I thought the gentleman from Texas [Mr. STEPHENS] referred the matter to me, and by that reference I was held responsible for it.

Mr. STEPHENS of Texas. I knew it was a gross abuse.

Mr. CAMPBELL. I deny that I am in any way responsible for it.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. Yes; I yield to the gentleman.

Mr. STAFFORD. I notice throughout many of the amendments introduced by the Senate a studied purpose to give control of the expenditures of these various sums to the Commissioner of Indian Affairs in place, as formerly, of the Secretary of the Interior. Now, does the gentleman believe that the Secretary of the Interior should be ignored in the disbursement of these funds? Does not the gentleman think that the Secretary of the Interior has shown his worth and integrity of purpose not only for the Indian Service, but for all services, so that he should supervise these funds and not leave it to a subordinate?

Mr. STEPHENS of Texas. I will state to the gentleman that all these amendments have been rereferred to the Committee on Indian Affairs; and, while it is not stated in the report, the committee decided that appropriations of that kind should be made only through the Secretary of the Interior—that he should have the right, as heretofore, to control this. It was a change in the law made by the Senate that we did not think ought to obtain.

Mr. STAFFORD. It does not seem to have any merit whatsoever. I am surprised that it was ever incorporated, even in a Senate amendment.

Mr. STEPHENS of Texas. I think the gentleman is correct, and I can assure him that that will either go out or come back to the House.

Does any other gentleman desire to ask any questions?

Mr. MONDELL. I should like to have some information in regard to amendment No. 155, page 83—

For a water supply for 120,000 acres, more or less, of irrigable land allotted to Indians in the so-called Wapato project on the Yakima Indian Reservation in the State of Washington, $100,000, to be covered into the reclamation fund as a first installment on account of the equitable of the cost of constructing storage works to impound the necessary flood waters of the Yakima River.

That, as I understand, appropriates $200,000, although that does not appear to be very clear. It seems that $100,000 is to be placed in the reclamation fund, and then another $100,000 is appropriated. It is not clear what is to be done with that, in all, $200,000. What is this Wapato project expected to cost?

Mr. STEPHENS of Texas. I have not the figures before me. I yield to the gentleman from South Dakota [Mr. BURKE] on that question. He has had it up very recently with the department.

Mr. BURKE of South Dakota. I will say to the gentleman that for many years there has been in the Indian appropriation bill, when it came back from the other end of the Capitol, an item proposing an appropriation of $1,800,000 for the purpose of constructing storage reservoirs and furnishing water to the Indians in the Yakima Reservation upon what is known as the Wapato project. This grew out of the fact that some years ago an appropriation of water was made by the Secretary of the Interior for these Yakima Indians of 147 second-feet, which was not sufficient for their needs, and not as much as I think they should have. The Sunnyside project, which is a project under the Reclamation Service on the other side of the river, appropriated sufficient water for their purposes from the Yakima River, and practically took all the water there was in the river except this 147 second-feet which had been appropriated for the Indians. A joint commission was appointed under a provision that was incorporated in conference last year when the $1,800,000 item went out of the Indian appropriation bill, providing for an investigation of the matter for the purpose of ascertaining all the facts and seeing if it would be possible to work out a proposition that would do justice by all parties concerned, and particularly by the Indians. That joint commission, consisting of two Senators and two Members of the House, made their report early in this session, in which it is stated in substance that the Indians were equitably at least, if not legally, entitled to one-half of the flow of the Yakima River, and that the appropriation made by the Secretary of the Interior of 147 second-feet was not equitable and was not a sufficient amount of water to irrigate the allotted lands of the Indians on the Yakima Reservation.

The commission was of the opinion that the settlers who had appropriated water under the Sunnyside project, who were under contract to pay for their land all that it was worth—I think about $50 an acre—and the Government having guaranteed them water, their charge could not and ought not to be increased. If the Government had neglected to make an appropriation sufficient to provide for the Indians what they were entitled to, the Government itself ought to pay any expense that there might be of providing sufficient water to irrigate the lands of the Indians up to what would be right and fair and equitable; in other words, provide the amount of water that the Indians ought to have had appropriated for their use originally. The commission not desiring to have this project carried on as an Indian reclamation project, finding that the Reclamation Service had sufficient water already in storage, so that they could furnish the amount of water that we think ought to be furnished to the Indians, reported in favor of an appropriation being authorized of $500,000 to the reclamation fund, to be appropriated annually, in installments, upon estimates that would be made, sufficient to pay for the water that might be used from year to year, believing that it would be better to buy the water from the Reclamation Service than to try and provide for constructing reservoirs and providing storage, as this amendment proposes. The commission found that the Indians were entitled, equitably if not legally, to one-half of the flow of the Yakima River, which would irrigate or furnish water sufficient for about one-half of the individual allotments of the Indians within the Wapato project. The Senate amendment provides for making it a reclamation project and providing that all of the lands of the Indians in the Wapato project shall be irrigated and a charge made upon the land, or to the individual Indians, for one-half of the cost.

amendment making the mileage 5 cents for Members of the House?

Mr. MANN. I call the gentleman's attention to the fact that the previous question has been ordered, which cuts out amendment.

The SPEAKER. The Chair was going to state that himself, if the gentleman from Illinois had not anticipated him. The question is on the motion of the gentleman from Alabama to recede from Senate amendment No. 30 and concur therein.

The question was taken; and on a division (demanded by Mr. BAKER) there were 68 ayes and 79 noes.

So the motion was lost.

The SPEAKER. The question recurs on the motion of the gentleman from South Carolina to further insist on the disagreement to Senate amendment No. 30.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Carolina) there were 80 ayes and 66 noes.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House ask for a further conference with the Senate.

The motion was agreed to.

The SPEAKER. The Clerk will announce the conferees.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Florida. Would a motion to instruct the conferees be in order?

The SPEAKER. It seems to the Chair that the last vote is equivalent to an instruction.

Mr. MANN. Has the Speaker named the conferees?

The SPEAKER. The Clerk was about to announce them.

Mr. CLARK of Florida. Mr. Speaker, I move that the House conferees be instructed to concur with the Senate and strike out all mileage.

Mr. MANN. I make the point of order that that motion is not in order.

The SPEAKER. The Chair thinks it is not.

Mr. FALCONER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Would it not be in order to instruct the conferees to give no further consideration to the Senate mileage at this time, but to insist that the House determine amendment No. 30 as the House shall see fit? In other words, why do not the House Members settle the mileage for the House and let the Senate do what it pleases in the Senate mileage? It can be done by considering the amendments separately.

The SPEAKER. Because it takes a statute to do it. One House can not pass a law by itself.

Mr. FALCONER. Of course, the Senate would have to agree. I appreciate that it takes the two Houses to enact a law, but I think the Senate would give the House the right to settle its own mileage and concur out of courtesy to the House. The House should reduce its own mileage instead of insisting on reducing the Senate mileage first.

Mr. CLARK of Florida. Mr. Speaker, what became of my motion?

The SPEAKER. The Chair recognized the gentleman from Florida, and he also recognized the gentleman from Washington to make a parliamentary inquiry.

Mr. CLARK of Florida. And the gentleman from Washington proceeded to make a motion.

Mr. MANN. The gentleman from Florida made the motion, and I made the point of order, and the Chair sustained the point of order.

Mr. CLARK of Florida. I made a motion that the conferees be instructed.

The SPEAKER. That is in the nature of an amendment. Will the gentleman state his whole motion.

Mr. CLARK of Florida. That the conferees on the part of the House be instructed, as the sense of the House, to agree with the conferees on the part of the Senate that all mileage be stricken out of the bill.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman's motion is not in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Mr. Speaker, what is in issue between the two Houses? The House can not instruct the conferees to do something which the conferees could not do without instructions. What is at issue between the two bodies is the question of the amount of mileage. The conferees can not exceed the amount named by the Senate, and they can not provide less than the amount named in the House amendment. Nor can the House itself amend its own amendment. I will refer the Speaker to Jefferson's Manual——

The SPEAKER. The gentleman need not take time to do that, because the gentleman is correct.

Mr. MANN. That would seem to settle the question.

The SPEAKER. The Chair thinks that the motion of the gentleman from Florida [Mr. CLARK] is not in order, because it is in the nature of an amendment. The Clerk will announce the conferees.

Mr. FALCONER. Mr. Speaker——

The Clerk read as follows:

Messrs. JOHNSON of South Carolina, BYRNS of Tennessee, and GOOD of Iowa.

The SPEAKER. For what purpose does the gentleman from Washington rise?

Mr. FALCONER. To submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Mr. Speaker, I would like to ask if it would not be in order to instruct the conferees to bring in a 10-cent mileage for House Members?

The SPEAKER. That is equivalent to an amendment, and the stage for amendments and everything else is passed. The matter is concluded for this particular time. It may come up again.

Mr. BURKE of South Dakota. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURKE of South Dakota. I know the Speaker wants to be right, and he usually is, but in answering the parliamentary inquiry of the gentleman from Washington [Mr. FALCONER] I think the Speaker misunderstood the status of the proposition that the gentleman was endeavoring to submit, which was with reference to whether or not it would be in order to instruct the conferees as to the rate of mileage upon this amendment. There has been no amendment by the House to the amendment of the Senate, as there was on amendment No. 1, which refers to the mileage of the Senate. The gentleman was endeavoring to get recognition from the Speaker when he was naming the conferees, but was only able to submit his question after they were named, and the Speaker held that the motion to instruct would be equivalent to an amendment, and, therefore, it would not be in order.

The SPEAKER. There was a time when his motion might have been in order.

Mr. BURKE of South Dakota. When was that?

The SPEAKER. When the gentleman from South Carolina [Mr. JOHNSON] made his motion. If he had gotten in then, his motion might possibly have been in order.

Mr. BURKE of South Dakota. He was trying to get the floor.

The SPEAKER. Oh, that was two hours ago.

Mr. FALCONER. Mr. Speaker, when the motion of the gentleman from Florida was ruled out of order I had the recognition of the Chair.

Mr. DONOVAN. Mr. Speaker, a point of order

The SPEAKER. Oh, the Chair has a right to listen to a parliamentary inquiry.

Mr. DONOVAN. But the gentleman has not submitted a parliamentary inquiry.

The SPEAKER. The Chair thinks he has. The gentleman from Washington will proceed.

Mr. FALCONER. Mr. Speaker, when the motion of the gentleman from Florida was ruled out of order, I had the recognition of the Chair, and presented this proposition to the Chair and was interrupted by several Members on the floor, and meanwhile the conferees were named.

Mr. DONOVAN. Mr. Speaker, I demand the regular order. There is no business before the House.

Mr. SPEAKER. Oh, the Chair recognized the gentleman to submit a parliamentary inquiry, and that was all he was ever recognized for.

Mr. FALCONER. The gentleman from Florida [Mr. CLARK] said that I had tried to make a motion, and I had the recognition of the Chair after the gentleman from Florida——

The SPEAKER. The gentleman had the recognition of the Chair to make a parliamentary inquiry. That is one thing. The recognition to make a motion is an entirely different thing. It was not offered at the proper time.

Mr. BURKE of South Dakota. Mr. Speaker, let me call the attention of the Chair to the fact that he stated that he had recognized the gentleman from Florida to make a motion, and that he had recognized the gentleman from Washington for the purpose of making a parliamentary inquiry.

The SPEAKER. That is exactly correct.

Mr. BURKE of South Dakota. And the gentleman from Washington was trying to make his motion, and the parliamentarian called the Chair's attention to the fact that he had

declared the motion of the gentleman from Florida out of order, sustaining a point of order made by the gentleman from Illinois.

The SPEAKER. That is correct.

Mr. BURKE of South Dakota. And then the gentleman from Washington continued seeking recognition as the Chair named the conferees.

The SPEAKER. The gentleman from Washington again rose for a parliamentary inquiry, and the Chair answered him, and then ordered the Clerk to announce the conferees, which he did. If the Chair had entertained the motion of the gentleman from Washington, it would have been against the practice of the House to instruct the conferees at that time, because the conferees had been named.

Mr. DONOVAN. Now, Mr. Speaker, can we have the regular order?

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 12579, the Indian appropriation bill, and ask that the House disagree to all of the Senate amendments thereto and ask for a conference.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is this bill on the Speaker's table? I thought it was on the Union Calendar.

The SPEAKER. It is on the Union Calendar.

Mr. MANN. Then the gentleman can not take it off the Speaker's table.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill and the Senate amendments thereto.

The SPEAKER. The question is on the motion of the gentleman from Texas that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Indian appropriation bill.

Mr. HARRISON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HARRISON. I desire to offer a motion to concur in one of the Senate amendments. I just want to know the status of the proposition. Is it in order now to make a motion before we go into the Committee of the Whole House on the state of the Union to concur in that Senate amendment?

The SPEAKER. The Chair thinks not. This bill is on the Union Calendar, and the proceeding is like that of any other bill on that calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 12579, the Indian appropriation bill, with Mr. UNDERWOOD in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 12579, the title of which the Clerk will report.

The Clerk read as follows:

An act (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the first reading of the bill be dispensed with. The Chair does not think there is any first reading of the amendments. The Chair thinks the procedure would be to read the amendments as they come. Does the gentleman desire to ask unanimous consent that general debate be closed?

Mr. STEPHENS of Texas. Mr. Chairman, I ask unanimous consent that general debate be closed.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that all general debate be now closed and the bill be considered under the five-minute rule. Is there objection?

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. MANN. Mr. Chairman, the gentleman asks unanimous consent to dispense with the first reading of the Senate amendments?

Mr. STEPHENS of Texas. I have asked unanimous consent for that purpose.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to dispense with the first reading of the Senate amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HARRISON. Mr. Chairman, before going into this matter, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HARRISON. Are these Senate amendments to be considered in the order in which they are in the bill?

The CHAIRMAN. The Clerk will report the amendments after general debate is closed in the order in which they come in the bill.

Mr. STEPHENS of Texas. Mr. Chairman, the Senate received this bill from the House in February. It was returned within the last week, and has been reported and sent to the Committee on Indian Affairs and reported back with instructions to disagree to all the Senate amendments and ask for a conference upon the same. We find that the Senate have added to the bill, in round numbers, more than $5,000,000 in various items, as follows: Increase in old items, $1,253,525. They have added new items in the bill amounting to $1,394,714, making a total increase of $2,648,239. The Senate decreased $341,500, leaving a net increase of $2,306,739.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. STEPHENS of Texas. I do.

Mr. BURKE of South Dakota. When the gentleman states the increases in the bill I do not think he takes into consideration one amendment in the bill, which proposes to send to the Court of Claims the Creek equalization item, which might result in a judgment of $4,000,000. He evidently has not taken that into consideration in his statement?

Mr. STEPHENS of Texas. I have not taken that into consideration or a further matter in controversy, the amount of money that might be paid the Choctaw and Chickasaw Indians per capita and also the per capita payment that is proposed to be paid to the Cherokee Nation, that would possibly amount to $5,000,000 in the whole if we adopt the Senate amendment, but these amendments mentioned by me are direct appropriations.

Mr. MANN. Mr. Chairman, take, for instance, amendment No. 131, in reference to the Creek tribal funds, a proposition to equalize the pay to $800.

Mr. STEPHENS of Texas. That is the first one, I believe.

Mr. MANN. That would take about $3,000,000. That is a direct appropriation, although it does not specify the amount.

Mr. STEPHENS of Texas. That is correct. That was not taken into the estimate at all.

Mr. MANN. So that the gentleman's estimate of the amount added by the Senate does not take into consideration these appropriations which are indefinite, and which we know will appropriate many millions of dollars.

Mr. STEPHENS of Texas. Yes; that is correct. And I will state to the gentleman we only take the amount taken by the Senate in dollars and cents and not that accruing from new legislation in the bill.

Mr. BURKE of South Dakota. If the gentleman will allow me to suggest, amendment No. 131 would probably pay to the Indians about $3,000,000. That is for money to their credit in the Treasury; they are entitled to that. The amendment No. 137 might result in a judgment amounting to nearly $4,000,000. The first amendment is to pay money which belongs to the Indians.

Mr. STEPHENS of Texas. The gentleman is correct.

Mr. MURRAY of Oklahoma. Which one does the gentleman refer to?

Mr. BURKE of South Dakota. The Creek equalization item. Amendment No. 131, providing for the payment to the Indians on an $800 payment, would take from the Treasury the money to the credit of the Indians, and that is about $3,000,000. The other amendment might result in a judgment of nearly $4,000,000.

Mr. MURRAY of Oklahoma. No; the gentleman knows it would not result in that.

Mr. BURKE of South Dakota. I only have the statement of the counsel for the Indians themselves, and they make the claim it will take about $4,000,000.

Mr. MURRAY of Oklahoma. You can calculate the difference between $800 and $1,041 would be $241, and there are only 18,000; and if you will multiply 18,000 by 241 you will see it will not amount to more than half a million dollars.

Mr. BURKE of South Dakota. Yes; it will.

Mr. STEPHENS of Texas. Mr. Speaker, I have not heard opposition but to two items in this bill—one the Mississippi Choctaw question and the other as to the Creek equalization question.

Mr. STAFFORD. Will the gentleman yield?

Mr. STEPHENS of Texas. Yes.

Mr. STAFFORD. I wish to direct the gentleman's attention to amendment numbered 13 of the Senate striking out that provision of the House which requires a civil-service examination of teachers connected with the Indian school service.

notified the House conferees that the bill will not pass the Senate with that provision in it. They contend that it is a change of existing law, and that it is the duty of the House of Representatives on that account to yield, inasmuch as the Senate is opposed to the change. For my part, since it affects both the Members of the House and Senate, I believe that the House has a right to stand upon its rights and to insist, in so far as it can, upon a reduction of this mileage. If a majority of the Members of the House feel that way about it. But Senators have said that this bill can not pass unless the House provision is eliminated from the bill. For my part, believing, as I do, that mileage ought to be reduced, I intend to vote for the motion to further insist upon the disagreement to the amendment of the Senate. I am going to vote that the House stand by the declared will of the majority; and if the bill should fail, then, so far as I am concerned, the responsibility must rest upon that body which defeats it. I do not believe either the House or the Senate can afford to stand in the way of the passage of this measure merely because a little question of mileage is involved. I would rather see mileage wiped out than to have this proposition arise year after year to plague and harass Members. It is a matter of practically little concern to the most of us. It has been held by the Court of Claims that it is in no sense compensation, that it must be construed as mileage, and mileage only, and I have never believed that Members could justify themselves voting for the present rate of mileage, when we all know it requires a much smaller sum to bring us here each session.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the motions pending.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves the previous question on both motions.

Mr. FALCONER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FALCONER. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FALCONER. Would a preferential motion be in order to recede and concur with an amendment?

The SPEAKER. No; the motion to recede and concur is the preferential motion at this stage of the proceeding.

Mr. FALCONER. After this is out of the way would a motion then be in order to recede and concur with an amendment?

The SPEAKER. It will depend entirely upon the shape in which it comes up.

Mr. BYRNES of South Carolina. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from South Carolina rise?

Mr. BYRNES of South Carolina. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. I rise to ask whether that motion to concur in amendments No. 1 and No. 30 is not a divisible motion? Can not a separate vote be had upon the two amendments?

Mr. MANN. Yes.

The SPEAKER. The Chair thinks it can.

Mr. FITZGERALD. By unanimous consent the House agreed to vote on both of them together.

Mr. BYRNES of South Carolina. I have no recollection of any such agreement.

Mr. MANN. When was that agreement made?

The SPEAKER. If that agreement was made, that settles it.

Mr. MANN. There was no such agreement as that.

The SPEAKER. The memory of the Chair is no better than that of anybody else particularly, but the Chair is inclined to think that the gentleman from South Carolina did ask that both be considered together. Anyway, that is what we have been doing.

Mr. MANN. The gentleman from South Carolina asked yesterday that they be considered together.

The SPEAKER. In the first place the Chair will put the motion for the previous question.

The previous question was ordered.

Mr. UNDERWOOD. I suggest that even if the order had been made by the House that the two amendments be considered together, yet the motion is divisible, because the question would be before the House in the same shape as though an original motion had been made in which two propositions were involved.

Mr. MANN. Mr. Speaker, there was no such request made to-day, to consider the two together.

The SPEAKER. The Chair thinks the request was made. The only question in the mind of the Chair is whether he ever put the request. At all events, the gentleman from South Carolina [Mr. JOHNSON] did not ask that they be voted on together. If he made any request, it was that they be considered together.

Mr. FITZGERALD. That is the same question.

The SPEAKER. That does not change the rule that when there are two substantive propositions in a motion, when the vote is taken the question may be divided. You might agree to consider two or three bills together, and yet they might be voted upon separately. The gentleman from South Carolina [Mr. BYRNES] asked for a separate vote on the two propositions. The first proposition is on Senate amendment No. 1.

Mr. MANN. The first vote would come on the motion of the gentleman from Alabama, would it not?

The SPEAKER. Yes.

Mr. MANN. That the House recede and concur?

The SPEAKER. It comes this way: That is a double-header, too. The gentleman from Alabama moves that the House recede——

Mr. MANN. From its disagreement to Senate amendment numbered 1, and concur in the Senate amendment.

Mr. ADAMSON. Mr. Speaker a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. If the House should vote to give the Senate their mileage, would it not be in order for us economists then to change our minds and take it for the two Houses, to put ourselves on an equality? [Laughter.]

The SPEAKER. That is not a parliamentary inquiry. The gentleman from Alabama [Mr. UNDERWOOD] moves to recede from the House disagreement, and——

Mr. MANN. To recede from the House amendment to Senate amendment No. 1 and agree to the Senate amendment; also to recede from the disagreement to amendment No. 30 and agree to the same.

The SPEAKER. Now, the gentleman from South Carolina [Mr. BYRNES] demanded a severance of the question.

Mr. UNDERWOOD. Mr. Speaker, I ask for a separate vote on the question to recede and concur. I ask that the vote as to whether or not the House will recede be taken separately from the motion to concur.

The SPEAKER. The gentleman from Alabama demands a division on the question, and the first part of it to be put will be to recede from the House amendment to Senate amendment No. 1. And that is all.

Mr. BYRNES of South Carolina. Is not a motion for a separate vote a preferential motion, Mr. Speaker?

The SPEAKER. I know, but this seems to have four propositions in it. The question is on the motion to recede from the House amendment to Senate amendment No. 1.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. KETTNER. Division, Mr. Speaker.

The House divided; and there were—ayes 103, noes 81.

Mr. JOHNSON of South Carolina. I demand the yeas and nays, Mr. Speaker.

Mr. CANDLER of Mississippi. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 138, answered "present" 6, not voting 164, as follows:

YEAS—125.

Abercrombie	Evans	Johnson, Utah	Reed
Aiken	Fairchild	Jo'nson, Wash.	Roberts, Nev.
Ainey	Falconer	Kahn	Rogers
Avis	Farr	Kennedy, Conn.	Rouse
Bailey	Fergusson	Kettner	Scott
Beakes	Ferris	Key, Ohio	Seldomridge
Bell, Cal.	Floyd, Ark.	Kindel	Shmott
Blackmon	Fordney	Kirkpatrick	Smith, Idaho
Booher	Francis	Kitchin	Spankman
Borchers	Frear	La Follette	Steenerson
Britten	Gallagher	Lee, Ga.	Stephens, Cal.
Brossard	Gallivan	Lee, Pa.	Stevens, Minn.
Buckley	Gard	Lenroot	Stout
Burgess	Gillett	Levy	Talbott, Md.
Burke, S. Dak.	Gilmore	McCoy	Taylor, Ark.
Campbell	Glatina	McGuire, Okla.	Taylor, Colo.
Caraway	Good	Maher	Taylor, N. Y.
Carlin	Goodwin, Ark.	Menahan	Ten Eyck
Cary	Green, Iowa	Mann	Thomson, Ill.
Chandler, N. Y.	Greene, Mass.	Miller	Treadway
Church	Gregg	Mondell	Underhill
Clark, Fla.	Hardy	Moore	Underwood
Claypool	Harris	Murray, Mass.	Vare
Cramton	Hart	Murray, Okla.	Volstead
Curry	Hawley	Nolan, J. I.	Volstead
Danforth	Hayden	O'Hair	Walters
Dent	Heflin	Oldfield	Wingo
Donohoe	Helgesen	Patton, Pa.	Winslow
Drukker	Hinebaugh	Payne	Witherspoon
Dupré	Howell	Platt	
Esch	Humphrey, Wash.	Ramsdale	
Estopinal	Jacoway	Raker	

NAYS—138.

Adair	Dickinson	Igoe	Rainey
Adamson	Difenderfer	Johnson, Ky.	Rauch
Alexander	Dillon	Johnson, S. C.	Raybern
Aswell	Dixon	Keating	Reilly, Conn.
Baltz	Donovan	Keister	Reilly, Wis.
Barkley	Doolittle	Kelley, Mich.	Ruhey
Barton	Doremus	Kelly, Pa.	Rucker
Bathrick	Doughton	Kennedy, Iowa	Rupley
Bell, Ga.	Dunn	Kinkaid, Nebr.	Russell
Bowdle	Falson	Konop	Sharp
Brockson	Fess	Lesher	Sisson
Brodbeck	Finley	Lindbergh	Small
Brown, N. Y.	Fitzgerald	Linthicum	Smith, Minn.
Brown, W. Va.	Flood, Va.	Lloyd	Smith, Saml. W.
Brumbaugh	Foster	Lonergan	Stafford
Bryan	Fowler	McKellar	Stephens, Miss.
Buchanan, Tex.	French	McLaughlin	Stephens, Tex.
Burke, Wis.	Gardner	MacDonald	Stone
Burnett	Garner	Maguire, Nebr.	Sutherland
Byrnes, S. C.	Garrett, Tenn.	Mapes	Talcott, N. Y.
Byrns, Tenn.	Garrett, Tex.	Mitchell	Thomas
Calder	Goeke	Moon	Thompson, Okla.
Candler, Miss.	Graham, Ill.	Morgan, Okla.	Towner
Carr	Gray	Morrison	Townsend
Carter	Hamilton, Mich.	Moss, W. Va.	Tribble
Cline	Hamlin	Nelson	Walker
Coady	Harrison	O'Leary	Walsh
Collier	Haugen	Padgett	Watkins
Connelly, Kans.	Hay	Page, N. C.	Watson
Connolly, Iowa	Helm	Palmer	Whaley
Conry	Hensley	Park	Williams
Cooper	Holland	Peters, Mass.	Willis
Cox	Houston	Phelan	Woodruff
Crosser	Hughes, Ga.	Pou	
Cullop	Hull	Quin	

ANSWERED "PRESENT"—6.

Butler	Prouty	Sloan	Taylor, Ala.
Glass	Rothermel		

NOT VOTING—164.

Allen	Fields	Langley	Powers
Anderson	FitzHenry	Lazaro	Riordan
Ansberry	George	L'Engle	Roberts, Mass.
Anthony	Gerry	Lever	Sabath
Ashbrook	Gill	Lewis, Md.	Saunders
Austin	Godwin, N. C.	Lewis, Pa.	Scully
Baker	Goldfogle	Lieb	Sells
Barchfeld	Gordon	Lindquist	Shackleford
Barnhart	Gorman	Loback	Shorley
Bartholdt	Goulden	Loft	Sherwood
Bartlett	Graham, Pa.	Logue	Shreve
Beall, Tex.	Greene, Vt.	McAndrews	Sims
Borland	Griest	McClellan	Slayden
Browne, Wis.	Griffin	McCormick	Sloan
Browning	Gudger	McGillicuddy	Smith, J. M. C.
Bruckner	Guernsey	McKenzie	Smith, Md.
Buchanan, Ill.	Hamill	Madden	Smith, N. Y.
Burke, Pa.	Hamilton, N. Y.	Maher	Smith, Tex.
Callaway	Hammond	Martin	Stanley
Cantor	Hardwick	Merritt	Stedman
Cantrill	Hayes	Metz	Stephens, Nebr.
Carew	Helvering	Montague	Stevens, N. H.
Casey	Henry	Morgan, La.	Stringer
Clancy	Hill	Morin	Sumners
Copley	Hinds	Moss, Ind.	Switzer
Covington	Hobson	Mott	Taggart
Crisp	Howard	Murdock	Tavenner
Dale	Howorth	Neeley, Kans.	Temple
Davenport	Hughes, W. Va.	Neely, W. Va.	Thacher
Davis	Hulings	Norton	Tuttle
Decker	Humphreys, Miss.	O'Brien	Vaughan
Deitrick	Jones	Oglesby	Wallin
Dershem	Kennedy, R. I.	O'Shaunessy	Weaver
Dies	Kent	Paige, Mass.	Webb
Dooling	Kless, Pa.	Parker	Whitacre
Driscoll	Kinkead, N. J.	Patten, N. Y.	White
Eagan	Knowland, J. R.	Peters, Me.	Wilson, Fla.
Eagle	Korbly	Peterson	Wilson, N. Y.
Edmonds	Kreider	Plumley	Woods
Edwards	Lafferty	Porter	Young, N. Dak.
Elder	Langham	Post	Young, Tex.

So the motion to recede from the House amendment to Senate amendment No. 1 was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. SHERLEY with Mr. MADDEN.

Mr. ROTHERMEL with Mr. AUSTIN.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. GLASS with Mr. SLEER.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. DALE with Mr. MARTIN.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. COPLEY.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. HENRY with Mr. HINDS.

Mr. FIELDS with Mr. LANGLEY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. VAUGHAN with Mr. SHREVE.

Mr. HOWARD with Mr. MERRITT.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. PATTEN of New York with Mr. NORTON.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SAUNDERS with Mr. PORTER.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. ALLEN with Mr. BARCHFELD.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. BARNHART with Mr. ANDERSON.

Mr. BUCHANAN of Illinois with Mr. DAVIS.

Mr. SIMS with Mr. BROWNE of Wisconsin.

Mr. CALLAWAY with Mr. EDMONDS.

Mr. CASEY with Mr. GRAHAM of Pennsylvania.

Mr. DEITRICK with Mr. HAYES.

Mr. DERSHEM with Mr. HULINGS.

Mr. ELDER with Mr. KREIDER.

Mr. GODWIN of North Carolina with Mr. MCKENZIE.

Mr. LEVER with Mr. MOTT.

Mr. LIEB with Mr. LAFFERTY.

Mr. MONTAGUE with Mr. PLUMLEY.

Mr. MOSS of Indiana with Mr. SELLS.

Mr. SABATH with Mr. SWITZER.

Mr. TAVENNER with Mr. MORIN.

Mr. WEBB with Mr. WOODS.

Mr. WILSON of Florida with Mr. TEMPLE.

The result of the vote was then announced as above recorded.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker——

The SPEAKER. That is only one-quarter of the motion of the gentleman from Alabama.

Mr. FITZGERALD. Mr. Speaker, the question being divided and the House having refused to recede, the question recurs on the motion of the gentleman from South Carolina to further insist.

The SPEAKER. On amendment No. 1.

Mr. FITZGERALD. Yes.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. At this stage of the proceedings, the House having refused to recede, is that not equivalent to a motion to insist, the previous question having been ordered?

Mr. FITZGERALD. No; the House can insist or adhere, and the gentleman from South Carolina has moved to insist.

Mr. COX. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COX. Would it be in order to move at this time to instruct the conferees to agree to 10 cents a mile?

The SPEAKER. It would not.

Mr. MANN. It would not be in order at any time, because the House has an amendment for 5 cents a mile, and you could not instruct the conferees contrary to the House amendment.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to further insist on House amendment to Senate amendment No. 1.

The question was taken, and the motion was agreed to.

The SPEAKER. The question now is on the second portion of the motion of the gentleman from Alabama [Mr. HARRIS] as to amendment No. 30.

Mr. BYRNES of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. Mr. Speaker, would it be in order to amend the motion of the gentleman from Alabama—to substitute 5 cents—so that the same provision would apply to the House as the Senate?

The SPEAKER. No; the motion of the gentleman from Alabama was to recede from the House disagreement to Senate amendment 30 and concur in the same. At this stage of the proceedings, even if the previous question had not been ordered, that motion takes precedence of any other motion.

Mr. GARNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. GARNER. If the question should be decided that the House would recede, would not it be in order to concur with an

The SPEAKER. The gentleman from South Carolina moves that the House insist upon its amendment to Senate amendment No. 1 and insist upon its disagreement to Senate amendment No. 30.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HARRIS].

Mr. HARRIS. Mr. Speaker, I move that the House recede from its disagreement to Senate amendments No. 1 and No. 30 and concur in the same. I am not sure that the motion should apply to both of these at one time or separately. If it is necessary that I make them separately, I shall do so.

The SPEAKER. The real motion that the gentleman makes is that the House recede from its amendment to Senate amendment No. 1 and concur in the same, and that the House recede from its disagreement to Senate amendment No. 30 and concur in the same.

Mr. HARRIS. That is correct, Mr. Speaker.

The SPEAKER. Does the gentleman desire to address the House?

Mr. HARRIS. Mr. Speaker, I simply desire to say that I think the House has dallied with this question long enough. The Members of the House and the Senate have received this mileage from a time whereof the memory of man runneth not to the contrary, and I see no reason now for dispensing with it.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, I do not know that I will use the five minutes. We are occupying, to my mind, rather a peculiar situation. When this bill was reported from the Committee on Appropriations containing a provision to put traveling expenses on an actual expense basis, on a division vote in this House it was defeated by a vote of seventy-two or three to forty-odd, and on a roll call or record vote it was carried by a vote of 235 to, I think, 88. Some criticism was urged against that provision because it contained an omnibus clause giving to Members the right to bring the dependent members of their family to Washington at public expense. In order to obviate that and to the end that every Member of this House and every Member of the Senate would know exactly what his mileage was we have now reached this position, proposing to give to the Members of the Senate 5 cents a mile and, of course, whatever the Senate gets the House will get the same. Now, here comes a threat, an absolute threat, from the grave and sedate Senators of the United States to the House of Representatives, to this effect: "We propose to let this big appropriation bill fail rather than give up our mileage."

Mr. Speaker, I wonder if the time has come in the great Senate of the United States when they propose to let a bill carrying $36,000,000 fail before they will accept an amendment which the House has proposed to them giving them 5 cents a mile when it is admitted by all persons, irrespective of where they come from or their party politics, that 5 cents a mile will more than pay any man's traveling expenses, no matter whether he comes from the Philippine Islands, from Hawaii, or Alexandria. Shall we be put in that attitude? Let no man be deceived when it comes to casting his vote to-day. Were we in good faith when we voted 5 cents a mile, or were we hoping that the Senate of the United States would serve as a back stop for us and save the mileage? It is said we can not let this bill fail. Oh, no. This whole thing can be settled in less than five minutes. The burden is not upon this House if this bill fails. The burden is upon the Senate of the United States, and if there is any odium attached to the failure of this bill, let them and them alone be responsible. Let no Member of this House undertake to take the responsibility from their shoulders. If a motion to recede and concur in this Senate amendment be made, let no man be deceived. He is voting for a straight 20 cents a mile. Then let him go back to his district and undertake to explain to his constituents and say, "Oh, I had to back out; I could not do otherwise; the Senate refused to yield upon that, and I had to yield." For one, Mr. Speaker, I refuse to swing on to the coat tails of my Senators. I propose to stand upon my own footing and upon my own merits upon this proposition and let the responsibility be theirs.

Mr. Speaker, I saw the House last October gallantly walk up and defeat an appropriation of $142,000 to pay these little employees around here an extra month's salary upon a record vote of 151 to 48. The Republican Party's position upon this has been much more consistent than ours. They gave their employees an extra month's salary to pay them their mileage expense. We took that away from them when we gained control of the Sixty-second Congress, and we will never let them have it again. Last October, on a record vote, as I said a moment ago, we prevented the little employees from getting their extra month's salary, and it was right. They have no right to it. Here are these little page boys all over this floor. They get, I think, $75 a month, and yet they get on the train and they travel here probably a thousand miles and pay their train fares, and we continue to vote ourselves 20 cents a mile! There would be no show on earth for any other employee of the Government to get 20 cents a mile except the Members of the House and the United States Senate.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER of Mississippi. Mr. Speaker, I favor the motion made by the gentleman from South Carolina [Mr. JOHNSON], that we further insist upon this disagreement. I believe that we should stick to our text and insist upon our rights, rather than recognize the rights so valiantly asserted by the coordinate branch of the Congress of the United States. If they desire to see this great bill fail, which carries appropriations for the expenses of the National Government, rather than reduce the mileage which they receive from 20 cents a mile each way to 5 cents a mile each way, as proposed by the House, as was said so forcibly by the distinguished gentleman from Indiana [Mr. COX], let them take the responsibility, and let the people of the country know where that responsibility rests. I have voted upon every occasion when I had the opportunity during all the contests that have been made in reference to this proposition for a reduction of mileage.

I do not believe at this time, when we have quick transportation at a very much reduced rate, that this amount should be continued to be paid. It was enacted and made a part of the law in the early days, away back yonder when the expense of traveling was very much larger than it is at the present time. The expense of traveling has been decreased from time to time until now it is practically at a minimum. Then why should this rate be still continued on the statute books, when the rate has been reduced which we are required to pay? I will vote for any amount that will reduce it from the amount at which it is now placed. I will vote to reduce it to 5 cents, or I will vote to take it out altogether [applause], because I do not believe the game is worth the candle; and I would rather it would be taken off the statute books and receive not a single, solitary cent in the way of mileage than to continue to hear the criticism that exists in respect to it all over the country.

Mr. MORRISON. Will the gentleman yield?

Mr. CANDLER of Mississippi. I have not the time to yield, because I have only two minutes.

The SPEAKER. The time of the gentleman has expired.

Mr. MORRISON. I ask the gentleman from South Carolina to yield a minute.

Mr. JOHNSON of South Carolina. I yield the gentleman one minute.

Mr. MORRISON. I had hoped that some gentleman would offer a motion to strike out the mileage entirely. I am following the gentlemen who are making this fight, and have been following them with misgivings. If the gentleman will introduce the motion, I will——

Mr. CANDLER of Mississippi. Follow me with misgivings?

Mr. MORRISON (continuing). I will follow you with confidence and admiration.

Mr. CANDLER of Mississippi. Will the gentleman vote for it?

Mr. MORRISON. Yes, sir; I will.

Mr. CANDLER of Mississippi. Well, I will give the gentleman the opportunity, if I can.

Mr. MORRISON. I will do it.

Mr. CANDLER of Mississippi. How did the gentleman vote the other day?

Mr. MORRISON. I voted to reduce the mileage.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes more to the gentleman from Mississippi.

Mr. CANDLER of Mississippi. Mr. Speaker——

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. To make the point that there is no quorum present.

The SPEAKER. The gentleman from Connecticut makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-six Members are present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from Alabama moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Alney	Edwards	Lazaro	Riordan
Allen	Elder	Lee, Ga.	Roberts, Mass.
Anderson	Fields	L'Engle	Rogers
Ansberry	Gardner	Lever	Rupley
Anthony	George	Lewis, Md.	Saloth
Ashbrook	Gerry	Lewis, Pa.	Saunders
Austin	Gill	Lieb	Scully
Baker	Godwin, N. C.	Lindquist	Shackleford
Barchfeld	Goldfogle	Loleck	Sharp
Barnhart	Gordon	Loft	Shelley
Bartholdt	Gorman	Logue	Sherwood
Bartlett	Goulden	McAndrews	Shreve
Beall, Tex.	Graham, Pa.	McClellan	Sims
Borland	Greene, Vt.	McDermott	Sisson
Brodbeck	Griest	McGillicuddy	Slayden
Browne, Wis.	Griffin	McGuire, Okla.	Sloan
Browning	Gudger	McKenzie	Smith, J. M. C.
Bruckner	Guernsey	Madden	Smith, N. Y.
Buchanan, Ill.	Hamill	Maher	Smith, Tex.
Burke, Pa.	Hamilton, N. Y.	Martin	Stanley
Callaway	Hammond	Merritt	Stedman
Cantor	Hardwick	Metz	Stephens, Nebr.
Cantrill	Hayes	Montague	Stevens, Minn.
Carew	Helgesen	Morgan, La.	Stevens, N. H.
Casey	Henry	Morin	Stringer
Clancy	Hill	Moss, Ind.	Sumners
Clark, Fla.	Hinds	Mott	Switzer
Connolly, Iowa	Hobson	Murdock	Tavenner
Copley	Howard	Neeley, Kans.	Taylor, Ala.
Covington	Howworth	Nelson	Temple
Crisp	Hughes, W. Va.	Norton	Townsend
Dale	Hulings	O'Brien	Vaughan
Davenport	Humphreys, Miss.	Oglesby	Wallin
Davis	Jones	O'Shaunessy	Weaver
Decker	Kennedy, R. I.	Paige, Mass.	Webb
Dettrick	Kent	Parker	Whitacre
Dershem	Key, Ohio	Patten, N. Y.	White
Dies	Kless, Pa.	Peters, Me.	Wilson, Fla.
Dooling	Klaka, Nebr.	Peterson	Wilson, N. Y.
Doremus	Knowland, J. R.	Plumley	Woods
Driscoll	Korbly	Porter	Young, N. Dak.
Dunn	Kreider	Post	Young, Tex.
Eagan	Lafferty	Powers	
Eagle	Langham	Prouty	
Edmonds	Langley	Rayburn	

The SPEAKER. On this roll call 256 Members, a quorum, have answered to their names. The Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama moves to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The gentleman from Mississippi [Mr. CANDLER] is recognized for two minutes.

Mr. CANDLER of Mississippi. For three minutes, Mr. Speaker, I desire to make a motion to strike out all of the provision in reference to mileage of every kind whatsoever, so that no mileage will be allowed.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that no such motion is in order at this time.

The SPEAKER. The motion is not in order now.

Mr. CANDLER of Mississippi. Will it be in order later?

The SPEAKER. It is owing to how things develop; sometimes it will be in order and sometimes it will not.

Mr. CANDLER of Mississippi. Would a motion at this time be in order to instruct the conferees?

The SPEAKER. No; there is not any motion in order at the present time. The time to instruct the conferees is just before they are appointed.

Mr. CANDLER of Mississippi. Then it is not in order?

The SPEAKER. It is not in order.

Mr. CANDLER of Mississippi. Mr. Speaker, I asked whether a motion to strike out all mileage would be in order; if so, I will make the motion.

The SPEAKER. The Chair will state to the gentleman from Mississippi, in answer to his parliamentary inquiry a while ago, that if the motion of the gentleman from Alabama should be voted down, unless the previous question is ordered on this motion, then his motion might be in order.

Mr. MANN. "Might be" is well put.

The SPEAKER. The Chair knows. That is the way the Chair was trying to put it. Of course, the Chair has got to pass upon the identical proposition when it comes, but there is no chance to get it in before that.

Mr. CANDLER of Mississippi. I will make it, then, if I have the opportunity.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, in all parliamentary bodies which consist of two parts of equal authority there come times when one body must yield to the other. Where there are differences of opinion we endeavor to reconcile those differences through the appointment of conference committees, giving and taking. But the time often comes when one body proposes something new and the other body declines to accept it. Being of equal authority, it is a natural rule of procedure that that legislative body constituting half of the whole which proposes a new matter must in the end yield unless the other body concents, because the bodies are coequal. When the Senate proposes an amendment to a House appropriation bill which inserts a new principle, unless in the end the House is willing to accept it the Senate must recede. And likewise when the House proposes a new proposition and the Senate refuses to accept it the House must recede, because unless this procedure should be followed one of the two bodies becomes superior to the other.

Legislation is effected by both the House and the Senate agreeing to a specific proposition. Mileage at the rate of 20 cents a mile has been paid for more than 50 years, if I recall correctly, by the same provision of the law. The House has now proposed to reduce that mileage in the original House bill to the actual expenses of the family, and in the amendment of the House to 5 cents a mile. If the Senate insists, as the gentleman from South Carolina [Mr. JOHNSON] has intimated it will—insists that it will not agree to the proposition—in the end the House must yield, as the Senate would have to yield if the proposition were a Senate proposition as a new matter. If the idea of the gentleman from South Carolina is correct as to what the Senate will do, the sooner we yield the less we will injure our pride. Gentlemen have bravely said, "Let this bill die." That is not sense.

Mr. GOOD. It is not bravery, either.

Mr. MANN. The Government can not run without the passage of the legislative bill. The President will not receive his salary, the courts will not receive their salaries, the officials of the Government all through will not receive their salaries, and they will be prohibited even from furnishing voluntary service.

Now, we have reached the point where we will have to put aside, it seems to me, a matter of pride and use common sense. If we are going to yield, let us yield now. If we are going to say that we will not pass the legislative bill unless we can have our way about a new proposition, we stamp ourselves as incapable legislators. I voted for the 5-cent mileage proposition. I have not gone so far as my free-seed friend from Mississippi [Mr. CANDLER], who is always in favor of free seeds and against the payment of any mileage. The payment of mileage is a matter of indifference to me. Yet we are responsible for the appropriations that carry on the Government. We have met an issue now with the Senate on this appropriation where we have proposed and they have refused, as they have the right to do, and we ought in good sense to recede from our proposition at this time, hoping that we may present it in the future to a Senate which will be willing to agree to that proposition. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

The SPEAKER. The gentleman from Tennessee [Mr. BYRNS] is recognized for five minutes.

Mr. BYRNS of Tennessee. Mr. Speaker, I have firm convictions on the question of mileage, and I have never failed to express my convictions both in speech on the floor and by my vote since I have been a Member of this body. I have always believed that mileage ought to be limited to the actual expenses of the individual Members. I do not believe that it is the duty of this Government to bring the families of Members and Senators to the city of Washington. That is a duty which, I believe, rests upon the Representative or Senator himself.

This House, when this bill was before it on its passage, adopted a provision providing for the actual expenses of Members and Senators and the dependent members of their families. The House did so, I presume, for the purpose of eliminating the objection of inequality that was raised by some Members who live at a great distance from the Capital city and who have large families. While personally favoring limiting the mileage to the Member's individual expenses, I heartily supported the provision as it passed the House, believing that it was the only and possibly best solution of the matter. The bill went to the Senate. The Senate struck out that provision and restored existing law. When the bill came back to the House upon the question of a conference, this House, by a record vote, instructed the conferees to stand for 5 cents a mile in so far as the Senators were concerned, intending, as we all understood, that the same provision should apply to Representatives. Your conferees have made an earnest and diligent effort to carry out the wishes of the House in that respect. The Senate conferees have

time; but this tempest will pass, and the confidence of the people in such securities will again return unless we take apt and proper measures against these practices at this time. I want to make it impossible ever to repeat the performances of the earlier period, because it was in that period that most of these great combinations were formed.

Mr. President, I am now about to enter upon another question relating to the bill under consideration, and I understand it is the purpose to adjourn about 4 o'clock. If it is entirely convenient to Senators, I should be glad if an adjournment could be taken at this time.

Mr. NEWLANDS. Before the motion to adjourn is put, I desire to ask whether we can not get unanimous consent for a vote upon this bill and amendments at 5 o'clock to-morrow evening.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. CUMMINS. I will state to the Senator that it is quite unnecessary to propose such a unanimous-consent agreement, because there will be an objection. It can not be had.

Mr. NEWLANDS. Then, I will not make the request.

The VICE PRESIDENT. The Secretary need not call the roll.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were reopened, and (at 4 o'clock p. m.) the Senate adjourned until to-morrow, Thursday, July 2, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate July 1, 1914.

AMBASSADOR.

George T. Marye, of San Francisco, Cal., to be ambassador extraordinary and plenipotentiary of the United States of America to Russia, vice Henry M. Pindell, resigned.

PROMOTION IN THE ARMY.

CAVALRY ARM.

Second Lieut. James L. Collins, Eleventh Cavalry, to be first lieutenant from June 29, 1914, vice First Lieut. John Symington, First Cavalry, who died June 28, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate July 1, 1914.

COLLECTOR OF CUSTOMS.

Herbert C. Comings to be collector of customs for the district of western Vermont.

POSTMASTERS.

IOWA.

John J. McAreavy, Coggon.
J. H. Pettibone, Burlington.
Elisha D. Roberts, Reinbeck.

KANSAS.

W. C. White, Osage City.

OHIO.

Benjamin F. Reineck, Gibsonburg.
Alexander J. Shenk, Delphos.
D. C. Van Voorhis, Bowling Green.

PENNSYLVANIA.

J. F. Johnston, Strasburg.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 1, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Out of the deeps, O God our Father, we cry unto Thee for a more insistent desire to live the truth as it is given us to see the truth; for a more insistent desire to deal justly with all men; to exact nothing from our fellows that we are not willing to do ourselves, and to ask nothing for ourselves that we can not freely accord to others; that truth, justice, mercy, love may have their full sway, and bring us into harmony with Thee and our fellow men; in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

JUDICIARY CODE.

Mr. DUPRÉ. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Louisiana rise?

Mr. DUPRÉ. I rise to present a request for unanimous consent. Among other bills favorably reported from the Judiciary Committee is H. R. 4545, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, now on the calendar. That is one of a series of bills indorsed and urged by the American Bar Association. In looking up the report filed by the committee I find that it contents itself with saying that the committee recommends that the bill be passed.

In order that the House may have some knowledge of the measure I requested Mr. Everett P. Wheeler, a well-known lawyer of New York, to prepare an analysis of the bill, which he has kindly done, and I ask unanimous consent that his views be printed as my own, in connection with the report heretofore made on this subject.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to file his views on the bill which he mentions with the report. Is there objection?

There was no objection.

COTTON FUTURES.

Mr. LEE of Georgia. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cotton separately.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the House insist on its amendments to Senate bill 110, and agree to the conference asked by the Senate. Is there objection?

Mr. MANN. Reserving the right to object, I take it that it would be in order to move that, unless it were Calendar Wednesday.

Mr. LEE of Georgia. Does the gentleman prefer to have it put in that form?

Mr. UNDERWOOD. I do not think that motion would be in order yet, but the gentleman can probably get unanimous consent.

Mr. LEE of Georgia. Does the gentleman from Illinois object?

Mr. MANN. No; I am not going to object, because it would be in order to make the motion.

Mr. UNDERWOOD. Undoubtedly, to-morrow.

Mr. LEE of Georgia. I ask unanimous consent.

The SPEAKER. Is there objection?

There was no objection, and the Speaker announced as the conferees on the part of the House Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

CALENDAR WEDNESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the business of Calendar Wednesday be postponed until to-morrow.

In connection with this request I desire to say that there is one subject still in disagreement in the legislative bill. There are two in the District bill, and it is possible that if to-day could be given to the consideration of these items these two bills may be closed and go to the President for his approval.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to substitute to-morrow for to-day for the business of Calendar Wednesday.

There was no objection.

HOUR OF MEETING TO-MORROW.

Mr. DUPRÉ. Mr. Speaker, will the gentleman from New York yield?

The SPEAKER. The gentleman from New York has not the floor.

Mr. DUPRÉ. I should like to ask whether it is still the intention to have the House meet to-morrow at 11 o'clock?

Mr. UNDERWOOD. Unless the gentleman from Missouri desires to have the House meet at 11 o'clock to-morrow it is not necessary to meet at that time.

Mr. MANN. Let us meet at 12 o'clock.

Mr. STAFFORD. Will the gentleman yield——

Mr. UNDERWOOD. In view of the fact that Calendar Wednesday has been put over until to-morrow I ask unanimous consent to rescind the order that the House meet at 11 o'clock to-morrow, and that the House meet at 12 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent to rescind the unanimous-consent order fixing the hour of meeting to-morrow at 11 o'clock, and that the House meet at 12 o'clock to-morrow. Is there objection?

There was no objection.

The SPEAKER. The House will meet at 12 o'clock to-morrow, unless the hour of meeting is changed in the meantime.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill, H. R. 15279.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes. The Clerk will read the report.

Mr. FITZGERALD. Let the statement be read in lieu of the report.

Mr. JOHNSON of South Carolina. There is no statement. There is only a single sentence in the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 915).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

The SPEAKER. How many amendments does that leave in disagreement?

Mr. JOHNSON of South Carolina. Two. Amendments 1 and 30 are the only ones which are still open.

The SPEAKER. Those are the mileage amendments. What does the gentleman desire?

Mr. JOHNSON of South Carolina. I desire recognition.

The SPEAKER. The gentleman is already recognized.

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope I may have the attention of the House for a few minutes.

After three long and arduous conferences with the Senate on the legislative, executive, and judicial appropriation bill, which conferences covered three or four days, we have been able to agree upon every item in the bill except amendments 1 and 30. These amendments, as the membership well knows, deal with the mileage of Senators and Representatives and Delegates in Congress. In the last conference, which was the third, the Senate absolutely refused to recede from its position upon these two amendments. It not only refuses to recede, but the Senate does not ask for a further conference. I am advised that in the Senate, upon the call for the yeas and nays on a motion to concur in the House amendments, only three hands went up.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MANN. The gentleman has not read the proceedings in the RECORD the way I have. The RECORD says that the Senator from Texas moved that the Senate concur in the House amendment; that the Senator from Arkansas made the point of order that there was no House amendment, that it was mere talk of the conferees; and that the President pro tempore of the Senate sustained the point of order and declined to let a vote be had on the matter.

Mr. JOHNSON of South Carolina. At any rate, the Senate does not desire any further conference with the House on this subject. It takes full responsibility, and I want the RECORD to show that fact, for the defeat of this legislation.

I am not an authority on parliamentary law, but I understand that it is a long-established precedent in all legislative bodies that where one house proposes legislation on an appropriation bill and the other house finally and flatly refuses to accept that legislation the house proposing it must yield. In other words, one legislative body has no authority to force legislation upon the other body.

Mr. FITZGERALD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I will.

Mr. FITZGERALD. Is not this a different situation, and has one legislative body the right to coerce another legislative body into accepting a sum for payment of its mileage that that body has repeatedly stated it does not want?

Mr. JOHNSON of South Carolina. I will come to the record later. I do not like to be diverted from the course of my argument; but, seriously, that is an established rule that obtains between coordinate legislative bodies. I want the RECORD to show that a coordinate branch of Congress refuses to accept this legislation, and accepts full responsibility for that refusal.

The conferees on the part of the House have endeavored in perfect good faith to carry out the mandates and the instructions of the House. By a yea-and-nay vote this House indicated the line of action it desired the conferees to follow, and we have followed that course and endeavored to convince the Senate conferees that it ought to be incorporated into this bill.

Mr. Speaker, we are the servants of the House. We have done all that we knew how to do to carry out its will. The other body has refused to yield, and does not even desire a further conference. We are back with the papers for an expression from the House.

Mr. GARNER. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. GARNER. If the House should reject the report or sustain the House conferees and ask for another conference, does the gentleman believe that he could get the Senate to agree to a conference; or have they declined further to confer over this matter?

Mr. JOHNSON of South Carolina. The conferees on the part of the Senate have assured the conferees on the part of the House that they would rather kill the bill than to let this provision go in it.

Mr. GARNER. In other words, to make a concrete statement, so that the country may understand, the conferees on the part of the Senate have insisted that the mileage shall remain at 20 cents a mile or else the bill shall fail?

Mr. JOHNSON of South Carolina. That is the position, Mr. Speaker. I desire to return to the showing made in the Senate on this proposition. A point of order was made when the Senator from Texas moved that the Senate concur in the House amendment, and the point of order was sustained; whereupon the Senator from Texas moved that the conferees on the part of the Senate be instructed to agree to the House amendment, and a motion was made to lay that on the table. Upon that motion the yeas and nays were called for; and that, I presume, is the time when the three hands went up.

Mr. MANN. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. MANN. I understood the gentleman to say that the Senate refused a further conference.

Mr. JOHNSON of South Carolina. I said that the Senate does not ask for a further conference.

Mr. MANN. The House asked for a further conference yesterday, and the Senate agreed.

Mr. JOHNSON of South Carolina. Yes; and we have reported a disagreement on that conference.

Mr. MANN. Has the Senate acted upon it this morning?

Mr. JOHNSON of South Carolina. The Senate acted upon it yesterday afternoon and sent it here without asking for a further conference. And then we were told that the only reason the Senate did not adopt a motion to adhere was that they wanted to be polite about it. I will now yield to the gentleman from Alabama [Mr. HARRIS] five minutes.

Mr. LEVY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Would it be in order to offer instructions to recede from our position and concur with the Senate?

The SPEAKER. We have not got to that place yet.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. What is now before the House?

The SPEAKER. There is nothing pending.

Mr. MANN. I will ask for the regular order.

The SPEAKER. The gentleman from South Carolina in charge of the bill rose and addressed the Chair, but he did not make any motion.

Mr. JOHNSON of South Carolina. Then, Mr. Speaker, I will make one now. I move that the House further insist on its amendment to Senate amendment No. 1 and insist on its disagreement to Senate amendment No. 30.

want to see the shoemaker at his bench; do you want to see the blacksmith forging at his anvil; do you want to see nothing but individual enterprise and nothing greater than can be carried on by the person alone?" No, Mr. President, we want association; we recognize association in all our laws; but there is no business field in this country so small but that it ought to be occupied by at least two enterprises, whether individual or corporate.

Mr. LEWIS. Mr. President, may I beg the privilege of interrogating the able Senator from Iowa at this particular point by asking him if the pass should ever be reached in this country, fulfilling what the able Senator refers to, the remarks made elsewhere, by which business should pass in its concentration to any one large institution, would not that one large institution then have to be controlled by a single set of people, and, finally, the whole business of that particular subject matter pass by that method into the hands of a single set of people or of the Government to conduct that business solely to the exclusion of others? Would not that be the natural, final result?

Mr. CUMMINS. I think so, Mr. President. That is the tendency of monopoly. Now, let me continue the thought that I was endeavoring to express. I desire to disabuse the public mind, if I can, of the idea that those of us who stand for the regulation of commerce, its sharp and effectual regulation, are in favor of a return to the weakness of former days and are opposed to those large aggregations that introduce economy and efficiency into the public service. Whatever those economies and efficiencies may be, they must, however, stop short of one thing, that is, the power to rule that field of commerce which they attempt to occupy. Let us take an illustration. It is supposed—and I believe it to be true—that at the present time substantially $3,000,000,000 of capital are employed in what is ordinarily known as big steel, in the iron and steel business of the larger kind. One-half of that capital is in the hands of one corporation and the other half of the capital is in the hands of 25 or 30 other corporations.

If I were a czar, if I could make the law, that would never have occurred. I do not believe that it is necessary, in order to reach full efficiency and employ and utilize all the economies of this age, that there shall be a billion and a half dollars in the hands of one man or in the hands of one board of directors. I believe that competition in many respects between this great combination and its lesser rivals is unequal; it is not, so far as I know, unfair. I think it would be vastly better for this country if, instead of one corporation having a billion and a half dollars of capital, or one-half of it, and the remainder distributed among a score or more of corporations, there should be 5 or 6 or 10 corporations, each employing $300,000,000 of capital. No one could complain that "big business" was invaded if a corporation were permitted to employ $300,000,000 of capital in the conduct of its business; and, if this were so, competiton would be much more effectual than it is now, because it would be warfare between men of equal strength and power and size. The war between the giant and the pigmy may go on so long as the giant is benevolent, tender, and careful of his opponent. That is what it is alleged occurs now, and I do not desire to dispute it; but I have called these things to your attention simply to refute the often-repeated accusation that those of us who favor the strict enforcement of the law of fair competition are at the same time opposed to doing business in a big way and with big results.

Mr. WEEKS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator from Iowa has suggested the possibility of his being a czar.

Mr. CUMMINS. I hope I have not suggested it.

Mr. WEEKS. If he were, I am sure he would be a benevolent and a wise one. Will he not tell the Senate a little more explicitly how much or what proportion of the capital in any particular industry he thinks it would be safe to have under the control of one board of directors, and how he would limit it?

Mr. CUMMINS. I should have no difficulty about that if I had no associates in reaching a decision. I might have trouble if I had to submit my judgment to the review of friends like the Senator from Massachusetts; but if he desires an answer from an individual standpoint I will say that the test should be, always, the existence of competent and efficient competitors. If he will give me an illustration, if he will mention a field of industry with which I am familiar, I will tell him what capital I think any one person or corporation ought to be permitted to employ in that particular field. I am not, however, familiar with many fields.

Mr. WEEKS. Mr. President, let me suggest this inquiry to the Senator: Is it not true that the independent steel companies are increasing their business more rapidly than the United States Steel Corporation; and, if so, is not that effective competition?

Mr. CUMMINS. No, Mr. President; it is not effective competition. The Senator has now chosen a field with which I have some familiarity.

Mr. WEEKS. That is the reason I selected it.

Mr. CUMMINS. I believe the competitors of the United States Steel Corporation exist at the sufferance of the United States Steel Corporation. I am quite willing to say in this public place and in this public way that there has been some benevolence in the conduct of the United States Steel Corporation. I think that, warned by the experience of the Standard Oil Co. and other corporations which have attempted to establish monopolies, and which have come to grief or have been overtaken with disaster, the United States Steel Corporation has consciously averted the indignation of the people by a course of liberal treatment of its competitors. I believe that the United States Steel Corporation could sell its product, if it cared to do so, at a price that might still yield it some return, but that would extinguish its rivals in a very short period.

Its advantages, however, are not all legitimate. I do not believe it can do these things simply because it can manufacture iron and steel more cheaply than other companies can manufacture the same products. It can do it because it has seized the sources of supply. It owns the iron mines from which its raw material comes. It owns the railroads which transport its raw material to the lake shore. It owns the ships that carry its raw material over the Great Lakes. Of course, therefore, it stands in a position superior to and stronger than that of its rivals who are oftentimes compelled to buy their raw material of the United States Steel Corporation; or, if they do not purchase it of that company, they must procure it under circumstances and conditions that are burdensome as compared with those enjoyed by the great corporation.

I have not in my mind a single harsh feeling toward these great companies so far as they conduct themselves decently; and I think the United States Steel Corporation has conducted itself more fairly, more reasonably, than any other great aggregation of capital of which I know. It has been wiser in that respect. I challenge, however, the right of any corporation to exercise the power which this one does, or which the International Harvester Co. does, or any other association which has drawn within its grasp one-half or more of all the capital involved or engaged in the business in which it is also engaged. It is too much power to give any man or any aggregation of men. If I had my way about it—and the Senate will have an opportunity to vote upon that proposition before the consideration of this bill shall have been concluded—some tribunal of the Government would be given the authority to determine what capital could be employed in any one business, with this guide, that it should not be so great as in and of itself to impair or destroy substantially competitive conditions; and until we do limit the amount of capital that can be associated under one management we shall not have arrived at a fair regulation of commerce. It is the very beginning of any efficient regulation of the power that can be exercised in the association or aggregation of wealth.

Mr. HUGHES. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Jersey.

Mr. HUGHES. The Senator from Massachusetts [Mr. WEEKS] was interested in the amount of capital which the Senator would fix, if he had absolute power, as that which any one company could control in any one field; and the Senator from Iowa seems to be of the opinion that it is necessary to fix by law the maximum amount which any corporation could control.

Mr. CUMMINS. Fix it by law? I hope the Senator from New Jersey will not misunderstand me. Congress could not fix any amount, because the instances are so diverse; the amount required in one field or one business is so different from the amount required in another that Congress could not fix the amount intelligently, or, I think, at all. I would, however, give that power to a commission. I would give it to this trade commission—and I intend to ask the Senate to give it to the trade commission—with this rule: That no corporation shall employ an extent of capital which in and of itself destroys or substantially impairs competitive conditions.

Mr. HUGHES. The Senator does not think we can authorize a commission to do anything that we could not do ourselves, does he; or does the Senator mean that it would be inconvenient for Congress to do that?

Mr. CUMMINS. Of course, we could do it in any particular instance. Undoubtedly it is within the power of Congress. We could say, for example, that no corporation engaged in the

iron or steel business with a capital of more than $100,000,000 should engage in interstate commerce.

Mr. HUGHES. I see what the Senator means. That, however, is not really what I rose to interrogate the Senator about. I wanted to ask him if he did not think that if fair competitive conditions were established in every field of industrial activity, or in any particular field of industrial activity, the amount of capital that would become engaged in any particular line of activity would automatically regulate itself? If fair competitive conditions were once established, it would be unnecessary to fix by law or by the act or order of any commission the amount of capital that should engage in that business?

Mr. CUMMINS. I am not so sure of the correctness of the statement just made by the Senator from New Jersey. In 1901, the year in which the United States Steel Corporation was organized, there was competition in that field—very earnest, substantial competition.

Mr. HUGHES. Yes; but, then, everybody admits that the formation of the Steel Corporation in itself would not be possible in these days.

Mr. CUMMINS. I do not know that.

Mr. HUGHES. I did not think anybody questioned that fact.

Mr. CUMMINS. A great many people question it, and I myself question it.

Mr. HUGHES. I understand that the Steel Corporation itself is now under prosecution.

Mr. CUMMINS. Precisely; but the charge upon which the Government is proceeding, as I understand, is not that the corporation is so big that it suppresses competition by reason of its bigness, but that it suppresses competition through the methods it employs.

Mr. HUGHES. But can there be any doubt in the mind of anybody, in view of the recent decisions of the courts, that any attempt on the part of any individual or group of individuals to do now, with a group of unrelated industries, what was done with the steel industries in 1901, can not be made without violating the law? Can there be any doubt that that would be regarded now, in the light of the decisions and opinions of the courts, as a violation of law?

Mr. CUMMINS. As I say, I do not think we have advanced at all in that respect. The law applies to the corporation now just as it applied in 1901; and I have not heard of anyone who asserts that the corporation is in violation of the antitrust law simply because it has a billion and a half of capital——

Mr. HUGHES. No; I do not assert that.

Mr. CUMMINS. And simply because it has practically half of all the capital engaged in that particular business.

Mr. HUGHES. I am not at all interested in the size of the corporation.

Mr. CUMMINS. I am. Size means power; and whenever you reach the power that the United States Steel Corporation has, you have already touched monopolistic power; you have touched the power to suppress real, substantial competition.

Mr. HUGHES. That is precisely what I mean.

Mr. CUMMINS. The company does it merely because it is so big.

Mr. HUGHES. Exactly.

Mr. CUMMINS. And therefore I would not allow it to become so large.

Mr. HUGHES. I have not the slightest doubt in my mind but that any attempt to do what the Senator has so graphically described as having been done in 1901 would now, whatever it was then, be regarded as in violation of the statute.

Mr. CUMMINS. Mr. President, I have a very serious doubt about it. I wish I had not.

The other day I put to the Senate a question of a like character, in discussing the uncertainty of the antitrust law. Suppose there are 12 grocery stores in a town, and one man buys six of them, and business goes on just the same. There is the same amount of business. There is, of course, less individual competition, but there is still competition.

Mr. HUGHES. Yes; but there are other towns.

Mr. CUMMINS. Each one is endeavoring to prosper, to do as large a trade as it can. Does the Senator say that would be a violation of the antitrust law?

Mr. HUGHES. Why, that certainly would not be a violation of the antitrust law, because the antitrust law does not take jurisdiction over a situation of that kind

Mr. CUMMINS. Why not?

Mr. HUGHES. It is not a restraint—well, I will not say that. I will say that I do not know how to answer that question.

Mr. CUMMINS. No; I do not, either. I will say frankly that I do not know, and I have been asked that question. I was asked the question before I left the practice of the law, and it was put to me probably a score of times. I never was able to answer it, and I am not able to answer it now. That is exactly what the United States Steel Corporation did in 1901.

Mr. HUGHES. I will say to the Senator that that question was put to me, also, in the practice of the law. That is, I was asked to pass upon the conduct of a member of a local association which had agreed not to cut prices. In fact, the association came to me for the purpose of taking some action against an individual who had cut prices. I did not refer to the Sherman antitrust law in order to inform myself as to how to advise my clients. I advised them that of course, under the common law, they were engaged in an unlawful conspiracy, and that any attempt on their part to prevent any man from cutting the price of a necessary of life, or of any staple article, or of any article, for that matter, of ordinary use, was a violation of the law.

I do not think, however, it is important what answer is made to the hypothetical proposition propounded by the Senator. It seems to me that what is important is the conduct of the steel corporation at the time of its formation. There was more than the gathering together of groups of unrelated steel concerns. There was the gathering together of practically all of the steel concerns of the United States which could be attracted into that combination by the offer of tremendous prices in stock and money, with guaranties that the stock would afterwards go to a certain price, all of which guaranties were carried out; and coupled with that was the issuance of something like a billion dollars' worth of securities based upon the thing itself, the ability of this corporation to keep up prices throughout the country so as to make it possible for it to make that billion dollars' worth of watered stock good stock.

Now, that was done. That was the plan, the scheme, which was carried out and put into execution. The stock was delivered, the companies were taken in, and for a long time competition was practically stifled. Does the Senator think that upon a statement of those facts—which never have been denied, to my knowledge, and none of which can be denied—any reasonable tribunal would say that that was not an attempt to establish a monopoly and to restrain trade?

Mr. CUMMINS. I recognize the truth of all that the Senator from New Jersey has said; that there were a great many other things than mere bigness involved in the organization of the United States Steel Corporation. I do not express any opinion as to whether or not it is in violation of the antitrust law. It would be distinctly improper for me to do so, in view of the pendency of the action now before the court. I was simply endeavoring to make it clear that no man could say that it was in violation of the antitrust law because, and simply because, it had the power incident to the control of one-half of all the capital engaged in that particular business.

Mr. HUGHES. I wish to say that I agree with the Senator thoroughly so far as that is concerned.

Mr. CUMMINS. I think we have reached a time when we must take away from any body of men the opportunity to seize that power, for it must inevitably be used to the disadvantage of the American people.

Mr. HUGHES. If the Senator will permit me, I will trespass on his good nature and his time long enough to say that I think myself the trust period in this country has passed. I do not believe a dozen J. P. Morgans could successfully launch any one of the hundred combinations of capital which have been launched in the industrial ocean of this great country.

It seems to me the Senator must admit that that is true. What makes attractive the promotion of these great enterprises is the ability to dispose of the watered stock; and in the present state of the public mind and public knowledge, and in view of the advanced decisions of the courts and various bodies that have had to do with these things, I do not think it would be possible to get enough people to make a promotion of that sort attractive.

It seems to me that the trust period came and flourished and died and passed away. It has left a great many troublesome questions on our hands, and a great deal of watered stock in the hands of innocent bystanders, as, widows and orphans.

Mr. CUMMINS. I can not quite agree with the conclusions of the Senator from New Jersey. We have not yet adopted any effective law against the issuance of watered stock. There are, I believe, only a few States in the Union in which watered stock can not be issued at this moment.

Mr. HUGHES. I will say to the Senator that it can not be sold as easily as it could be.

Mr. CUMMINS. The matter of its sale is a psychological question now. These psychological periods are apt to recur. I know that these stocks could not be sold to the public at this

learnedly and so instructively in a later case in the Supreme Court that I shall use the later one rather than the earlier one. I refer now to the case of Field v. Clark (143 U. S., 649). I begin my reading at page 630. In this case the statute under examination, the sufficiency of which was disputed, provided—you all know that it was a part of the tariff law of 1890—

That with a view to secure reciprocal trade with countries producing the following articles, and for this purpose, on and after the 1st day of January, 1892, whenever and so often as the President shall be satisfied that the Government of any country producing and exporting sugars, molasses, coffee, tea, and hides, raw and uncured, or any of such articles, imposes duties or other exactions upon the agricultural or other products of the United States, which in view—

Now, mark you—

which in view of the free introduction of such sugar, molasses, coffee, tea, and hides into the United States he may deem to be reciprocally unequal and unreasonable, he shall have the power and it shall be his duty to suspend, by proclamation to that effect, the provisions of this act relating to the free introduction of such sugar, molasses, coffee, tea, and hides—

And so forth.

What was the power attempted to be given to the President? To determine whether in view of the free introduction of sugar, molasses, tea, and hides, the conduct of any country toward us with respect to our business with that country, in so far as agricultural and other products of the United States were concerned was such that he should suspend the law so that the ordinary duties imposed in the statute would become effective.

I can not imagine a wider discretion given to any executive officer than to take into consideration the relative advantages of the admission into this country of sugar, molasses, tea, and hides free and the imposition which such country importing these articles into the United States might place upon our agricultural and other products. That involved a judgment with regard to the comparative importance of their free introduction into our markets and our burden in the introduction into their markets. There never has been a case in the Supreme Court of the United States more learnedly or exhaustively argued than was the case of Field against Clark, to which I have just referred and from which I have just read.

Now, let us see what the court said. It begins with a reference to the case of the brig *Aurora*, reported in Seventh Cranch, 382, which I have already mentioned. Concerning that case the court said:

The nonintercourse act of March 1, 1809, chaper 24, sections 4, 11, forbidding the importation after May 20, 1809, of goods, wares, or merchandise from any port or place in Great Britain or France, provided that "the President of the United States be, and he hereby is, authorized, in case either France or Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation."

The power given to the President was the discretion to ascertain and declare when certain edicts or laws of Great Britain or France should cease to violate the neutral commerce of the United States. But in commenting upon that the Supreme Court, in Field against Clark, had occasion to look over the congressional or legislative history of the United States, and it has grouped in the opinion certain instances that are analogous, some of them parallel, to the bill now under consideration. The court said:

Congress passed, and President Adams approved, the act of June 13, 1798, chapter 53, section 5, suspending commercial intercourse between the United States and France and its dependencies, and providing that if the Government of France, and all persons acting by or under its authority, before the then next session of Congress, "shall clearly disavow, and shall be found to refrain from the aggressions, depredations, and hostilities which have been and are by them encouraged and maintained against the vessels and other properties of the citizens of the United States, and against their national rights and sovereignty, in violation of the faith of treaties and the laws of nations, and shall thereby acknowledge the just claims of the United States to be considered as in all respects neutral and unconnected in the present European war; if the same shall be continued, then and thereupon it shall be lawful for the President of the United States, being well ascertained of the premises, to remit and discontinue the prohibitions and restraints hereby enacted and declared."

So far as I know the statute of which I have read a part was never at issue in any judicial proceeding, but it is one of the acts of Congress which illustrates its policy with regard to such things.

Then again:

By an act of Congress approved April 18, 1806, chapter 29, it was made unlawful to import, after November 15, 1806, into the United States from any point or place in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, articles of which leather, silk, hemp—

I will not read all of them.

The operation of this act was suspended by the subsequent act of December 19, 1806, chapter 1, section 3, until July 1, 1807. But the last act contained this section: "That the President of the United States be, and he is hereby, authorized further to suspend the operation of the aforesaid act, if in his judgment the public interest should require it."

That is another rule of conduct laid down by Congress.

I do not urge Congress now, and I hope I never shall urge Congress, to vest that power in any President or administrative officer or in any administrative or legislative board, although we did just that thing in 1912. When we came to legislate with regard to the disassociation of railroads and steamship companies we practically gave the Interstate Commerce Commission the right to administer the law in any way that might be compatible with the public interest, and the Interstate Commerce Commission is now exercising or attempting to exercise that power. I did not hear upon that occasion the strong and determined protest that now appears. I doubt very much whether that is constitutional. I want no misunderstanding upon that point. I do not believe that we can or ought to commit to any officer, commission, board, or any other authority the power to declare or to test the act or conduct of citizens by the standard of the public interest. That is for Congress and Congress alone.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. The Senator will recall that while there was no vigorous protest at the time that matter was considered, there were some very grave doubts expressed as to the power of Congress to vest that power in the commission. I quite agree with the Senator. It has always seemed to me that if that question was ever tested it would be very likely found that we had exceeded our authority in that measure.

Mr. CUMMINS. I resume the reading of the opinion:

An act of March 3, 1815, chapter 77, approved by President Madison, provided that so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise imported into the United States—

I think I may omit the remainder of the description, reading only these words:

Such repeal to take effect in favor of any foreign nation, "whenever the President of the United States shall be satisfied that the discriminating or countervailing duties of such foreign nation, so far as they operate to the disadvantage of the United States," had been abolished.

Again, by an act approved March 3, 1817, chapter 39, the test or standard given to the President was—

The President of the United States is hereby authorized to declare that fact by his proclamation, and the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the Nation or its dependencies, discontinuing such regulations.

I need not go further, but I say generally that the Supreme Court in this case reviews the legislative history of the country and cites many more acts than those I have mentioned in which the rule of conduct assigned for the executive officer or the administrative officer is vastly more uncertain, wider, with more discretion in it, than can possibly be alleged against the phrase that has been used in section 5 of the pending bill.

After thus quoting substantially all that we have done in that way, the court proceeded to consider the particular act of 1890. It sustained the act in the most comprehensive way, and it held that Congress has the authority to give the President that standard by which to test the continuance of a prescribed law of the United States, namely, as to whether in view of our favor to a particular nation in giving it the admission of certain of its products free the other nation failed to reciprocate fairly and justly in view of the impositions that it placed upon our exports to that country.

This doctrine has been treated in this debate as though it was something new. It has been treated as though we could not repose any discretion or judgment in an administrative or legislative board. It has been treated as though we must erect a standard so clear and so certain that there could be no differences of opinion with regard to it. Such is not the law. It has never been the law, and it never can be the law in any civilized nation that desires to enforce policies with respect to the regulation of commerce.

I pass from that case to Miller v. Mayor in One hundred and ninth United States, page 385. The defendant was the mayor of the city of New York. The case I have just cited involved the validity of an act of Congress relating to obstructions in navigable waters. I will read no more of the act than this:

A lawful structure and post road for the conveyance of the mails of the United States.

That is at the latter end of the section, which continues:

Provided, That the said bridge shall be so constructed and built as not to obstruct, impair, or injuriously modify the navigation of the river; and in order to secure a compliance with these conditions the company, previous to commencing the construction of the bridge, shall submit to the Secretary of War a plan of the bridge, with a detailed map of the river at the proposed site of the bridge, and for the distance of a mile above and below the site, exhibiting the depths and currents at all points of the same, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether the said bridge, when built, will conform to the prescribed conditions of the act not to obstruct, impair, or injuriously modify the navigation of the river.

The Supreme Court held this was a power that could be constitutionally given to the Secretary of War and was not a delegation of legislative power nor so uncertain as to be incapable of application.

I now refer to the Union Bridge Co. v. The United States (204 U. S. Repts., 365). I read from page 366. This case involved the construction of another act of Congress upon the same general subject as the last, namely, the obstruction of navigable waters. I may say that this was an indictment, a criminal case, and the point raised against the bill now before us was raised on the appeal. The court said:

The information was based on section 18 of the river and harbor act of March 3, 1899, which provides: "That whenever the Secretary of War shall have reason to believe that any railroad or other bridge now constructed, or which may hereafter be constructed, over any of the navigable waterways of the United States, is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise"—

And so forth.

The Supreme Court held that a rule of law described in the phrase "unreasonable obstruction to the free navigation of such waters," was a valid rule of law, not only valid and effective in the control of civil rights or property rights, but sufficiently certain to sustain a criminal action. As I said yesterday, it is well known law that the courts are much stricter in scrutinizing such a statute, when the penalty for its disobedience is by a fine or loss of liberty, than when the consequences are the subjection to civil process of the court.

The next case to which I refer is the one cited by the Senator from Arkansas [Mr. CLARKE], the case of Buttfield v. Stranahan (192 U. S., 470). I do not intend to read it, inasmuch as the Senator from Arkansas has read in your hearing the material parts of the opinion, but I think the Senator from Arkansas is probably right in saying that the discretion vested in the Secretary of the Treasury to determine the quality of tea that should be admitted to our ports, is as wide a discretion as has ever been bestowed upon an administrative official; and yet the Supreme Court, as has been read in your hearing, declared, without any hesitation, that it was a valid exercise of power upon the part of the United States, and that the mere fact that it could be abused was no argument against its validity.

Every power can be abused. We can abuse our power, and I fear that we often do. The court can abuse its power, and if that occurs in the court of last resort, there is no remedy for the abuse save in the reorganization of the system of government of which the court is a part. I have not any doubt that now and then this commission may find something to be unfair competition that would not meet the views of all Senators and might not meet the views of any Senator, but these occasional instances of abuse or of misuse of power do not present the least reason for not creating the power, if it be necessary for the wise and effective regulation of our commerce and to prevent the extinction of competition through the practices of unfair competition.

I refer, without reading from the decision, to the case of Reagan v. Farmers' Loan & Trust Co., in 154 United States, at page 262. There is probably not an opinion of the Supreme Court that is better known to lawyers than the one I have just mentioned. It is long and exhaustive; it is one of the finest examples of judicial reasoning that can be found in the annals of jurisprudence; but I do desire to read a sentence or more from the case of the Standard Oil Co. v. The United States in Two hundred and twenty-first United States. I read from page 42. I do this because it has been claimed that in some way or other section 5 of this bill is opposed to the antitrust law, and limits in some way or other the operation of the antitrust law; that whereas the former statute commands competition, insists upon competition, we are here trying to limit competition, and the inference—although I do not think it has been so expressly insisted—is that this proposed statute is intended to further the interests of the combinations and the monopolies and to curtail the effectiveness of the antitrust law.

If I believed that were true, nothing could induce me to either vote for it or to say a word in its behalf. I am here to prove, and I hope I have proved—and if I have not, I shall prove before I am through—that this proposed statute is intended to gather up the lesser instances which the antitrust law can not and does not reach, and to prevent the beginning of the attempt to monopolize, the beginning of the insidious efforts toward the restraint of trade and commerce. In the extract which I am about to read the Supreme Court was stating the averments of the bill on the part of the United States, which was afterwards found to be fully sustained by the proof. Says the court:

Reiterating in substance the averments that both the Standard Oil Trust from 1882 to 1899 and the Standard Oil Co. of New Jersey since 1899 had monopolized and restrained interstate commerce in petroleum and its products, the bill at great length additionally set forth various means by which during the second and third periods, in addition to the effect occasioned by the combination of alleged previously independent concerns, the monopoly and restraint complained of was continued. Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: Rebates, preferences, and other discriminatory practices in favor of the combination by railroad companies; restraint and monopolization by control of pipe lines, and unfair practices against competing pipe lines; contracts with competitors in restraint of trade; unfair methods of competition.

The court uses there the exact phrase of the bill before the Senate as to the things which, taken with its fellows, constitute on the whole restraint of trade and monopoly:

Unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition; espionage of the business of competitors—

Why, Mr. President, the forms that unfair competition takes on are myriad. Local price-cutting is one of them, but the espionage of business is another and more vicious than price-cutting itself. I have known, and I doubt not every Senator here has known, such flagrant examples of the espionage, the spying upon business by rivals, that the continuance of trade became practically impossible.

I read from this decision to show that the Supreme Court of the United States had in view "unfair competition" and that it has used that phrase to describe these unjust and injurious practices through which real competition is finally extinguished. The same language will be found in the American Tobacco Co. case; and, without reading from it, I cite that case as very illustrative of the principle for which we contend here. It is found in Two hundred and twenty-first United States, at page 181.

Mr. President, it is frequently asked—it has been asked here—why, if unfair competition is in restraint of trade, we are attempting to add statute to statute and give a further remedy for the violation of the law of 1890? It is a confusion in terms, Mr. President, only; there is no confusion in thought, I am sure, by those who have used this argument. There may be unfair competition which does not constitute restraint of trade. Unfair competition must usually proceed to great lengths and be destructive of competition before it can be seized and denounced by the antitrust law. In other cases it must be associated with, coupled with, other vicious and unlawful practices in order to bring the person or the corporation guilty of the practice within the scope of the antitrust law. The purpose of this bill in this section and in other sections, which I hope will be added to it, is to seize the offender before his ravages have gone to the length necessary in order to bring him within the law that we already have.

We knew little of these things in 1890. The commerce of the United States has largely developed in the last 25 years. The modern methods of carrying on business have been discovered and put into execution within the last quarter of a century; and as we have gone on under the antitrust law and under the decisions of the courts in their efforts to enforce that law, we have observed certain forms of industrial activity which ought to be prohibited whether in and of themselves they restrain trade or commerce or not. We have discovered that their tendency is evil; we have discovered that the end which is inevitably reached through those methods is an end which is destructive of fair commerce among the States. It is these considerations which, in my judgment, have made it wise, if not necessary, to supplement the antitrust law by additional legislation, not in antagonism to the antitrust law, but in harmony with the antitrust law, to more effectually put into the industrial life of America the principle of the antitrust law, which is fair, reasonable competition, independence to the individual, and dissociation among the corporations.

I may say a word here with regard to "big business." I am reminded of it by some remarks that were made elsewhere last night. These proposed laws are not aimed against "big business." Everybody knows that the business of the United States must be carried on in a big way; it must be conducted so as to employ all the economies and facilities that the genius of this age has discovered and developed.

Some kinds of business must be carried on by large units. The effort we are making here does not interfere with that. It is often thrust at me, "Do you want to return to the Dark Ages? Do you want to discard all the learning, all the improvements, all the developments of modern times? Do you

The PRESIDING OFFICER. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN and Mr. WALSH answered to their names.

Mr. BANKHEAD, Mr. HITCHCOCK, Mr. CLARKE of Arkansas, Mr. DILLINGHAM, Mr. STONE, and Mr. SHIVELY entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum is present.

Mr. CUMMINS. Mr. President, again returning to the consideration of the sufficiency of the phrase "unfair competition," I desire to bring to the attention of the Senate a decree that was entered by the circuit court of the United States under the antitrust act. This decree was entered in the case of the United States against The General Electric Co.

I suppose it will be assumed that a phrase that is sufficient in a decree intended to guide the future conduct of the defendant or defendants, and to subject them to punishment for contempt if they violate the decree, might be fairly held to be sufficient if used in a law intended to guide the conduct of our citizens.

I read a single paragraph from the decree:

And provided further, That nothing in this decree—

Now, mark you, it prescribed certain specific things that might be done and certain specific things that were not to be done, and then concluded in this language:

And provided further, That nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

What is "fair competition"? Evidently the court understood what it was, or it would not have prescribed it as a standard by which to test the future conduct of the defendants in that case. We all understand it; and if we understand what "fair competition" means, we necessarily understand what "unfair competition" means.

I have now concluded the review of the analogous phrases and words that have been used in statutes throughout the country. All these instances show, and, as it seems to me, show beyond any reasonable doubt—and there again I use a phrase of the law which is quite as uncertain as "unfair competition," but which every Senator who hears me understands perfectly—that when we put upon the business of this country the prescription that it must not indulge in "unfair competition," we have given it as safe and as certain and as complete a guide as it is possible to give it.

I now desire to look into some of the authorities that have been mentioned in the course of the debate; and, first, with regard to the case that the Senator from Missouri [Mr. REED] used a few days ago, and used as though he thought it was conclusive on this question; used it with a wealth of sarcasm and denunciation that apparently left no doubt in his mind that he had completely demolished the section which has been presented with so much care by the distinguished Senator from Nevada [Mr. NEWLANDS].

The case he brought to the attention of the Senate, and upon which he founded the argument that he believed to be so conclusive, is that of Louisville & Nashville Railroad Co. *v.* McChord, reported in One hundred and third Federal Reporter, beginning at page 216. The opinion in the case seems to have been written by Judge Evans, a judge of the district court of that State.

The first remark I desire to make with regard to this case is that within a short time thereafter the decision rendered by Judge Evans was reversed by the Supreme Court of the United States—reversed with all its reasoning; reversed in all its respects. I do not know whether the Senator from Missouri was aware when he presented the opinion to the Senate and to the country that it had been repudiated by the highest judicial tribunal in the land. I assume that he was not aware of the fact; otherwise he would have referred to it in some fashion.

Even if I were to assume that the expressions of Judge Evans's views with regard to certain phases of the law were correct, I should still be of the mind that the words "unfair competition" were sufficient in the law to prescribe a rule of conduct. Let us see, however, just what the case was; and I intend to read a few paragraphs from the opinion of the Supreme Court of the United States which set aside the opinion rendered by the district judge.

Kentucky passed a statute which declared that to charge unreasonable rates was extortion and a crime. A railroad company was indicted under that statute. The Supreme Court of Kentucky held that the statute was insufficient to sustain a criminal prosecution, because it was uncertain; that it was not tolerable to try a railroad company for a criminal offense because it charged more than a jury might find to be a reasonable rate, and to decide that therefore it was guilty of the crime of extortion. That was the law originally in Kentucky. The court of appeals, or the highest judicial tribunal of that State, so determined. Then the State passed a law conferring upon its commission—of which Mr. McChord, now a member of the Interstate Commerce Commission, became a member—the power to determine what was a reasonable rate or charge that a railway company might lawfully make, and in that way connected the work of the commission with the statute which attempted to punish extortion in the exaction of an unreasonable rate.

Such was the statute when the suit was brought by the Louisville & Nashville Railroad against Mr. McChord, a member of the commission. It was a suit in the courts of the United States to restrain the commissioners of the State of Kentucky from carrying into effect the railroad law of Kentucky, which substantially gave to the commission the right to determine what constituted a reasonable rate; and it was in that suit Judge Evans delivered the views which were read with so much emphasis and apparent satisfaction by the Senator from Missouri [Mr. REED].

I shall not reread those paragraphs of Judge Evans's opinion, but come immediately to the same case in the Supreme Court of the United States. It will be found in One hundred and eighty-three United States, at page 483. There were several railroad companies which took the same view of the law, and their cases were combined in this hearing. The opinion was delivered by Chief Justice Fuller, and the sole question was whether the railroad commissioners of Kentucky should be restrained from executing the commission law of Kentucky; and the commission law of Kentucky was precisely as recited by Judge Evans in the opinion read by the Senator from Missouri.

Mr. HUGHES. Mr. President, do I understand that the commission had a right to say what was a reasonable rate?

Mr. CUMMINS. Yes; it did.

Mr. HUGHES. And that if the railroad then charged more than that rate, a criminal action for extortion could be maintained?

Mr. CUMMINS. It constituted extortion.

Mr. HUGHES. And the railroad sought to restrain the commission from establishing a reasonable rate?

Mr. CUMMINS. From fixing a reasonable rate.

Reading the various sections of the General Statutes of Kentucky, set forth in the statement preceding this opinion, as in pari materia with the act of March 10, 1900, which should be done since they are parts of one system, having the same general objects in view, we think it apparent that the duty devolves on the commission to enforce the rates it may fix under the latter act. By section 816 extortion was defined to be charging more than a just and reasonable rate. Section 817 defined unjust discrimination and section 818 forbade undue or unreasonable preference.

Section 819 denounced the same penalties on conviction of the offense of extortion, or of unjust discrimination, or of unreasonable preference—

I pause there a moment. What is an "unreasonable preference"? If there be a man who can find in that a surer or a safer standard of action than "unfair competition" I should like to hear his reasons for believing one to be less vague than the other—

and provided for prosecution by indictment, or by action in the name of the Commonwealth, on information filed by the board of railroad commissioners—

Now, mark you, the provision of the statute of the State of Kentucky had been held unconstitutional by the supreme court, or the court of errors and appeals—I do not remember which—of Kentucky, because there had been no intervention of the finding of the commission, because at that time the commission had not been given the power to declare what constituted a reasonable rate, or an unjust preference, or an undue discrimination; but afterwards the statute was amended and the commission was given this power, and it was to enjoin the commissioners from the exercise of that power that the suit decided by Judge Evans was brought, and the decree was reviewed in the case from which I am now reading. I proceed—

that the railroad companies should be liable in damages to the party aggrieved, and also that prosecution by indictment should only be had on the recommendation or request of the railroad commission.

By section 829 the commission was empowered to hear and determine complaints under sections 816, 817, and 818, and to enforce their awards in the courts.

Just exactly as we propose here to enforce the provision. We have made no provision for enforcing it criminally, but the section as it now stands makes a provision for enforcing it in the courts just as the statute did in Kentucky.

The duty was imposed on the commission to initiate indictments under section 820 for charging greater compensation in the aggregate for a shorter than for a longer haul.

* * * * * * *

In Louisville & Nashville Railroad Co. *v.* Commonwealth (99 Ky., 132), this section was considered. The court held that the section could not be enforced as a penal statute for want of certainty, and said:

"That this statute leaves uncertain what shall be deemed a 'just and reasonable rate of toll or compensation,' can not be denied, and that different juries might reach different conclusions on the same testimony as to whether or not an offense has been committed must also be conceded."

I need not read further from the opinion of the Kentucky Court of Appeals.

Such being the state of the law—

Says the Supreme Court—

the act of March 10, 1900, was passed.

The mischief to be cured in respect of extortion as defined by section 816 was the want of certainty, and the remedy provided was the fixing of the rates by the railroad commission.

In so providing, the act, while repeating many of the provisions of section 819, did, indeed, omit reference to an action by way of information, and to liability in damages, and it also omitted the provision that indictments should be made only on the recommendation or request of the railroad commission; but it does not, therefore, follow that it was the legislative intention, without any expression thereof in terms, to repeal so important a provision.

Then the court proceeds to consider whether those provisions of the Kentucky statute were repealed and comes to the conclusion that they were not.

In the construction of statutes the cardinal aim of the court is to arrive at the intention of the legislature. The court will presume that the legislature meant something by all the provisions of the statute and will endeavor to give them all a fair effect.

"A fair effect." Again we have the counterpart of the words we have used in this proposed statute. The court finally concludes its opinion in this language:

The result of these considerations is that the duty of enforcing its rates rests on the commission, and that none of the consequences alleged to be threatened can be set up as the basis of equity interposition before the rates are fixed at all. Whether after they are determined their enforcement can be restrained is a question not arising for decision on this record, and we are not called on to dispose of other contentions of grave importance, which were pressed in argument, as if now requiring adjudication.

Of course, if the commission in fixing the rate were to fix it so unreasonably low as to invade the constitutional rights of the railroad companies, the action of the commission would be, in the nature of things, restrained. Finally the court says:

Decrees reversed and cases remanded to the circuit court with a direction to sustain the demurrers and dismiss the bills.

And so ended, so far as I know, the case, and the only case cited here to show that the words "unfair competition" are not sufficient in the law to warrant their application by a commission.

Mr. CLARKE of Arkansas. I ask the Senator from Iowa whether or not he has in his collection of cases the case of Buttfield against Stranahan, reported in One hundred and ninety-second United States?

Mr. CUMMINS. I have it before me, and I presently intend to read from it.

Mr. CLARKE of Arkansas. If the Senator will allow me, that case served to clear up in my own mind certain doubts about the question so earnestly and so plausibly argued by Senators who take a view different from that now being presented by the Senator from Iowa. It seems to me that that case gives a rule which, further extended along the lines of its own direction, can be adapted to all kindred situations that may hereafter present themselves. The rule laid down in that case seems to me to put absolutely beyond rational controversy the validity of the term employed in this bill, and that Congress may validly legislate as far as is practicable and then result to an executive officer or board the duty and power of supplying such details as are necessary to bring about the major result pointed out by the statute.

As I got some help from that case myself, I believe I will read a short extract from the opinion therein. Let me say of the legislation involved in that case that it was a much more vague direction than the one contained in the pending bill. It was directed against the importers of inferior tea. The language of the act was that it should be unlawful——

to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited.

Section 2 provides for the appointment by the Secretary of the Treasury, immediately after the passage of the act and on or before February 15 of each subsequent year, of the board of ten experts, "who shall prepare and submit to him standard samples of tea" which were not inferior in purity. Nothing could more depend upon the whim and mere personal opinion of the particular board than that exercised in the finding and declaration there required; yet the court realized the necessity of enforcing some such law as that, intending thereby to remedy and suppress that obvious evil. The validity of the law was challenged on the ground that it was an undue delegation of legislative power, and that it was so vague that it did not fix rational and enforceable limits, and therefore was not such statute as a court could enforce. Chief Justice White, in rendering the opinion in that case, said:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore, in effect, vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the Circuit Court of Appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity or unfit for consumption or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. The case is within the principle of Field *v.* Clark (143 U. S., 649), where it was decided that the third section of the tariff act of October 1, 1890, was not repugnant to the Constitution as conferring legislative and treaty-making power on the President, because it authorized him to suspend the provisions of the act relating to the free introduction of sugar, molasses, coffee, tea, and hides. We may say of the legislation in this case, as was said of the legislation considered in Field *v.* Clark, that it does not, in any real sense, invest administrative officials with the power of legislation. Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. To deny the power of Congress to delegate such a duty would, in effect, amount but to declaring that the plenary power vested in Congress to regulate foreign commerce could not be efficiently exerted.

Here is another reference to a feature that is always considered fatal to the delegation of legislative power, and that is that it may be abused. Litigants are constantly calling on the courts to review the action of these boards on the ground that their action was taking property without due process of law or otherwise denying to citizens their constitutional rights. Of the power of these boards the Chief Justice said:

Whether or not the Secretary of the Treasury failed to carry into effect the expressed purpose of Congress and established standards which operated to exclude teas which would have been entitled to admission had proper standards been adopted, is a question we are not called upon to consider. The sufficiency of the standards adopted by the Secretary of the Treasury was committed to his judgment, to be honestly exercised, and if that were important there is no assertion here of bad faith or malice on the part of that officer in fixing the standards, or on the part of the defendant in the performance of the duties resting on him.

Federal legislation and the decisions of the United States Supreme Court are full of these declarations where, as a matter of fact, furnishing a guide to conduct is remitted to the ascertainment of boards and commissions, and their findings are made conclusive and enforcible, except in those rare cases where the members of the boards are actuated by malice or by some systematic course of unfairness which shows that they did not honestly approach the discharge of the duties imposed on them.

I think the rule laid down in this case and a fair comprehension of the logic which lies behind it will sufficiently establish the validity of the provision the Senator is so ably discussing and defending.

Mr. CUMMINS. I am very much obliged to the Senator from Arkansas for bringing the case to the attention of the Senate. I intended doing that myself, and I have it on my desk, but he has accompanied the opinion of the court by observations so pertinent, persuasive, and conclusive that my gratitude to him is very much increased.

I suppose that I might well stop the investigation of this subject, but the phrase has been criticized and denounced so roundly here that I intend to adhere to its examination until, insofar as I can affect the matter, it is beyond any controversy whatsoever, and so established that we can proceed to the consideration of the bill in other respects without being disturbed with the constant suggestion that it is unconstitutional.

Resuming my general argument, I call attention to the case of Louisville & Nashville *v.* Garrett (231 U. S., 298). It is a very recent case; one of the very last cases indeed covering the powers of commissioners, and I bring it to the attention of the Senate because it involves the same statute, namely, the regulation found in the State of Kentucky controlling railroad rates and railroad practices. The Supreme Court again affirms in positive, unequivocal terms the constitutionality of that statute, and in this case it also approves the action of the commissioners of the State of Kentucky taken under the statute in fixing railroad rates.

This question about furnishing a rule of conduct in a statute and the sufficiency of phrases or words used to accomplish that purpose is a very old one. It arose in the very first years of the Republic, and the Supreme Court of the United States first passed upon it, as I remember it now, early in the last century. Its decision will be found in the case of the brig *Aurora* (7 Cranch, 382). I do not intend to read from the opinion in that case, because it is commented upon so

There is no doubt that the language of this bill could be bettered in some respects. It covers a subject so complicated, instances so varying, that it is beyond the power of any one man or any committee to so guard every expression that it will include precisely what is intended and exclude everything that is intended to be excluded. It is for that reason, while the committee has bestowed upon the bill, I was about to say, infinite care and patience, while the chairman of the committee, the Senator from Nevada [Mr. NEWLANDS], has given to the subject an extent and depth of study which, I think, can not be equaled by any other Senator in this body with reference to any other subject which we may be called upon to consider, yet every Senator ought to be studying this bill and bringing to bear upon it his own observations and his own experience, in order that defects, which are undoubtedly in the bill, may be remedied and amended.

Mr. WORKS. I did not make the suggestion because I believe that individuals ought to be excluded from the provisions of the bill. I agree with the Senator from Iowa that there is no reason why an individual engaged in the same kind of trade as is a corporation shall not be treated just the same as is the individual in this respect.

Mr. CUMMINS. That has always been my opinion.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I do.

Mr. HUGHES. The Senator from Iowa has just stated that if, in the investigation of the affairs of a corporation and its relation to a certain individual investigated, it is discovered that that individual had been guilty of some practices condemned by the law the commission would so report; but is the commission given any authority to punish an individual under such circumstances or can an individual violate the provisions of the existing antitrust law?

Mr. CUMMINS. An individual can violate the antitrust law.

Mr. HUGHES. Can an individual violate this proposed law?

Mr. CUMMINS. An individual can violate the law which we here propose to add to the antitrust law, namely, the prohibition against unfair competition, but the commission is not given any power to proceed for unfair competition against the individual.

Mr. HUGHES. Then what would be the purpose and what would be the effect of the report which the Senator has suggested the commission may make?

Mr. CUMMINS. In order that the Attorney General might proceed against the individual under the antitrust law, which does cover individuals. The commission is intended to be an aid to the office of the Attorney General, to enable him to administer or to enforce the antitrust law with greater efficiency than is possible under the present system.

Mr. HUGHES. That is with reference both to corporations and to individuals?

Mr. CUMMINS. Certainly.

Mr. HUGHES. But with reference to corporations, the commission acts of its own motion to a certain extent.

Mr. CUMMINS. In the bill as it is now framed it does with regard to unfair competition. I have, and will presently offer to the Senate, five or six amendments which are intended to enlarge the power of the commission so as to cover the interlocking-directorate evil and the holding-company evil to a greater degree than those evils are now covered by the antitrust law; but, as the bill is now before the Senate, the substantive work of the commission—I mean aside from its inquiries in order to develop violations of the antitrust law—is to prevent unfair competition and to aid the courts, when a finding has been in favor of the United States, in formulating the proper decree to bring the offending corporation or person into harmony with the law. Such, as I understand it, is the function of the commission as the bill now is.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I do.

Mr. SIMMONS. As I understand the Senator, then, the provision declaring that unfair competition is unlawful applies equally to everybody?

Mr. CUMMINS. It is perfectly evident that it does from the wording.

Mr. SIMMONS. Then the power of the commission to institute an investigation with a view to issuing an order against the corporation offending against the statute is full and complete?

Mr. CUMMINS. I look upon it in that way.

Mr. SIMMONS. It can call a corporation before it; it can examine the books of the corporation; it can subject the members of the corporation to the process of interrogation with reference to their business, and, having finished its investigation of a corporation, it can make an order enjoining it from further continuing the practice of that method of competition.

With reference to the individual the commission is given the power to make an inquiry, but it is not given the inquisitorial power of bringing the individual before it and subjecting the individual to an examination; it is not given the power of commanding the individual to produce his books; it is only given the power to make an investigation, and to report the result of that investigation; and then the ordinary process of the law would be applied by the Attorney General against that offending individual. Is not that the distinction?

Mr. CUMMINS. The Senator from North Carolina has stated it correctly if one very important additional suggestion is made, which is this: Section 3 gives to the commission the right to investigate the relation of any individual or partnership to a corporation, which itself is under investigation; but to just what extent the bill would give to the commission the right to enter the office of an individual or begin an inquiry into his private affairs, I do not desire to say; I do not want to commit myself upon that point. That has been one of the objections made to the bill, that it did give the right to inquire too closely into the affairs of an individual.

Mr. SIMMONS. Is the Senator referring to subsection (a) or subsection (b)?

Mr. CUMMINS. Subsection (a) of section 3, and subsection (b) relates to the same matter.

Mr. SIMMONS. I think if the Senator will examine subsection (b) very carefully, he will discover that while that subsection authorizes the commission to make an investigation into the affairs of corporations, it rather carefully refrains from authorizing a like investigation into the affairs of individuals.

Mr. CUMMINS. Except as to their relation to a corporation.

Mr. SIMMONS. Except as to the corporation's relation to the individual. The examination of the corporation's books and its records may be with a view of ascertaining its relation to the individual, but there is no authority there to make any investigation of the books of the individual to ascertain the relation of the individual to the corporation.

Mr. CUMMINS. The Senator from North Carolina may be right about that; but I do not think it is at all material to the question I am discussing, and I will not pursue it. For myself I have never been at all alarmed about an inquiry into the affairs of an individual if it were found that he bore a relation to a trade association or corporation that is charged with a violation of the law. I think we have reached a time when we must enlarge the power of the Government over its citizens in order to be sure that we can effectively enforce the law. However, that is not the point that I have now under consideration, although it is a point that ought to arouse interest here; for if the bill is not right in that respect, some Senator ought to offer an amendment to it; but, as we are now proceeding, it is not likely that a half a dozen Senators or more than that number will ever hear the point suggested by the Senator from North Carolina and enforced by him with such cogency of reasoning.

Mr. JONES. Mr. President——

Mr. CUMMINS. I yield to the Senator.

Mr. JONES. I merely want to see if I get the position of the Senator from North Carolina correctly. Does the Senator from North Carolina contend that the commission can, independently of an investigation of a corporation, inquire into the fact as to whether or not an individual is practicing unfair competition? Independent of any examination with reference to a corporation, can the commission start out to examine into the question as to whether or not some individual is guilty of unfair competition?

Mr. SIMMONS. The commission, as I understand, is authorized by the section referred to a few moments ago—subsection (b), I think; I will find it in a moment——

Mr. CUMMINS. Manifestly, Mr. President, the commission can not do that.

Mr. JONES. That is my understanding; but I understood the Senator from North Carolina to make that statement a moment ago.

Mr. SIMMONS. The Senator altogether misunderstood me.

Mr. JONES. I want to get it clear.

Mr. SIMMONS. The statement which I made was, that under the section authorizing an investigation by the commission for the purpose of ascertaining whether an individual, as well as a corporation, had violated the law it did not have the power to make an investigation of the books of the individual; it did not have the power to call the individual before it and subject him to a cross-examination as to his method of carrying on business, as it does have when it is proceeding under section 5 against a corporation.

Mr. JONES. The Senator made the statement there which he made a while ago that gave me the impression that he contended that the commission could investigate the methods of a corporation and also of the individual; but that, instead of using its direct power against the individual, it had to report to the Attorney General with reference to him. Now, I want to get the position of the Senator from North Carolina as to whether or not he believes that the commission can make an independent inquiry with reference to an individual?

Mr. SIMMONS. Yes.

Mr. JONES. Under what authority does the Senator so contend?

Mr. SIMMONS. I do not find that section—I had my hand on it a moment ago.

Mr. CUMMINS. The Senator from North Carolina will look in vain for that.

Mr. JONES. That is what I wanted to find out.

Mr. SIMMONS. If I can lay my hands on the section——

Mr. CUMMINS. Possibly the Senator is referring to subsection (g).

Mr. SIMMONS. I was referring to the section which authorizes the commission to make an investigation—here it is, subsection (g):

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

Mr. JONES. Does the Senator contend that under that provision, independent of any suggestion from the President or the Attorney General, the commission is empowered to start an independent investigation against an individual to see whether or not he is guilty of unfair practices, or whether it can do so only when it develops in a principal inquiry against a corporation that the individual has been guilty of such practices?

Mr. SIMMONS. I think that the commission may do it upon its own initiative.

Mr. JONES. If I understand the Senator from Iowa, he contends to the contrary.

Mr. SIMMONS. The provision reads:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President——

Mr. CUMMINS. But, Mr. President, may I suggest to the Senator from North Carolina that he overlooks the governing words of that paragraph?

If the commission believes from its inquiries—

What inquiries? Those that it has been authorized to initiate—

and investigations—

What investigations? Those that it may lawfully carry forward; and the bill expressly provides that such inquiries and investigations can only be made of a corporation.

Mr. SIMMONS. I think clearly that is the qualification.

Mr. CUMMINS. And the only way in which the commission can be led into an investigation of the affairs of an individual is through the relation of the individual to the corporation under investigation.

Mr. SIMMONS. Or upon the request——

Mr. CUMMINS. Oh, no. The request of the Attorney General or of the President or either House of Congress must be a request for an investigation within the powers of the commission.

Mr. SIMMONS. The Senator is right about that.

Mr. WORKS. Mr. President, I do not quite understand how the Senator from Iowa arrives at that last conclusion. There is nothing in the bill to indicate it, to my mind. There is express authority given to the commission in the beginning, as the Senator says, but there evidently is at least inferential authority given to the President to call upon this commission to make such investigations as he may desire to have made.

Mr. CUMMINS. I think not.

Mr. SIMMONS. I call the Senator's attention to the word "or" there.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or instituted at the suggestion of the President—

The second word, "instituted," in line 19, is not in the bill, but I read it, because I think it is implied.

Mr. CUMMINS. But all the while the powers of the commission must be invoked. They can be invoked either upon its own initiative or upon the request of the President, of the Attorney General, or of either House of Congress, but subsection (g) does not confer, as I read it and believe it to be, any independent or substantive power upon the commission.

I regard that, however, as a very unimportant point; and I now recall the Senate to the argument that I was endeavoring to make when diverted by the Senator from New Hampshire—very properly diverted, because I am sure the discussion that has been carried on since will be helpful.

Mr. GOFF. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I yield to the Senator from West Virginia.

Mr. GOFF. Before the Senator from Iowa proceeds to the discussion of other points, knowing as I do that he has investigated the matter carefully, and having listened as I have intently to his argument, and especially to his reply to the inquiry of the Senator from New Hampshire, I desire to ask him whether it is his contention that if a corporation should be found guilty of unfair competition and inhibited by the commission from further proceeding, and, failing to comply, is brought into the district court, that is a method of appeal, in substance?

Mr. CUMMINS. No. We reach there a very interesting and difficult question. I am not satisfied with the language of the section in that respect.

Mr. GOFF. I am glad to hear the Senator say so.

Mr. CUMMINS. Possibly, however, my dissatisfaction springs from a conclusion in which the Senator from West Virginia would not concur.

I believe the order of the commission in such an instance should be given precisely the same effect, when brought under review by a court, as is given under the interstate-commerce law to an order of the Interstate Commerce Commission fixing a railroad rate; that the court ought not to review the merits of the order entered by the commission, but that it should be able to review the jurisdiction of the commission. If it finds that the order was made without authority, if it finds that it contravenes any constitutional right of the corporation, if it finds that the action was arbitrary, and such other things as the Supreme Court has laid down as affecting the finality of an order of the Interstate Commerce Commission, then the injunction to enforce the order would not issue; but if it finds affirmatively these things which we understand to be always within the power and jurisdiction of a court, then the injunction ought to issue. That has been my opinion.

Mr. GOFF. Have we in our legislation any other instance in which that has been the practice, other than the citation which the Senator made?

Mr. CUMMINS. Not of just that kind. We have had very many instances in which courts have refused to review the discretion of an administrative officer. When the President of the United States issues his proclamation that a certain event has occurred upon which a certain tariff duty is to be levied, the courts will not review the decision of the President. They will not review the judgment of the Secretary of War when he has declared that a certain obstruction in a navigable stream is an unreasonable obstruction to commerce. Those cases, however, are simply analogous; they are not exactly parallel; and I do not know of any other instance precisely similar to that I have quoted.

Mr. GALLINGER. Mr. President, will the Senator permit me?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. This is a very important measure—a Democratic measure. I observe there are just two Senators present on the Democratic side—one with his back to the Presiding Officer and the other paying attention to what the Senator from Iowa is saying. I make the point of no quorum.

Mr. SIMMONS. Some of the Democratic Senators are over on the other side.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Goff	Norris	Smith, Md.
Bryan	Hughes	O'Gorman	Smith, Mich.
Burton	James	Oliver	Smoot
Camden	Kenyon	Page	Sterling
Catron	Kern	Pittman	Thomas
Chamberlain	Lane	Ransdell	Thompson
Chilton	Lea, Tenn.	Shafroth	Thornton
Clapp	Lea, Md.	Sheppard	Warren
Cummins	McCumber	Simmons	White
Fletcher	Martine, N. J.	Smith, Ariz.	Works
Gallinger	Owsley	Smith, Ga.	

Mr. CUMMINS. Just a moment; I have not fully answered.

Mr. GALLINGER. Certainly.

Mr. CUMMINS. If the corporation does not obey the order of the commission then there must be an appeal to the court, because the commission has no process and could be given no process which will enable it to compel obedience.

The section then provides that the commission in that event shall file a petition in the district court of the United States, and the court is given authority to issue an injunction to enforce the order of the commission if, it may be implied, the court believes that the order was properly made.

Mr. GALLINGER. The further question I will propound I ought to be able to answer for myself, and I would be able if I had read the bill as carefully as I ought to have done; but, as the Senator knows, we have all been very busy, and I was absent from the city two weeks.

Then, I take it, the modus is that a clerk, an inspector, or some other official from the commission created in the bill can go into any establishment. The Senator says "corporation." I take it he could go into a store, could he not, and ask that the books should be laid out before him? He would examine them, and he would come to the conclusion that there was unfair competition as between that merchant or that manufacturer and his competitors. Then the report would be made to the commission, I judge. Am I correct?

Mr. CUMMINS. In the case suggested by the Senator from New Hampshire it would be the commission making the inquiry. There is no other person given any authority to make an inquiry save the commission.

Mr. GALLINGER. The commission, then, determines whether or not the complaint is well grounded?

Mr. CUMMINS. Will the Senator from New Hampshire permit me to read the section?

Mr. GALLINGER. I will be very glad to have the Senator read it.

Mr. CUMMINS. It is as follows:

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition.

Then follows the procedure that I have already indicated.

Mr. GALLINGER. That is very explicit, and to my mind it means that a merchant in the city of Seattle or San Francisco can be summoned before the commission at Washington to answer to these charges, and the commission can reach any conclusion it pleases and can impose any penalty that it pleases upon that particular individual without the right of appeal. It looks to me as though it is going to be a very troublesome thing, and that it will impose great hardships in many instances. But perhaps it is wise legislation. I was inquiring for information merely.

Mr. CUMMINS. I think the Senator from New Hampshire has rather exaggerated the power of the commission. It can not enter upon the examination of the affairs of any individual. It can not impose any penalty that it desires. All these things are provided for in the proposed law. Its power and its jurisdiction——

Mr. GALLINGER. Then I have very likely been laboring under a misapprehension. I thank the Senator for correcting me, and I will turn my attention diligently to a consideration of the bill, which, as I said in the beginning, I have not done. I had supposed that this was to be an inquisitorial commission; that it could enter any establishment and examine the books, and a finding could be reached, and that in some way, if it should be found that he was unfairly competing, would be punished. If he is not to be punished of course the law does not amount to anything.

Mr. CUMMINS. He is to be punished if he refuses to obey the order of the commission.

Mr. GALLINGER. Yes.

Mr. CUMMINS. I think the Senator from New Hampshire will agree with me that he ought to be punished.

Mr. GALLINGER. Yes; if he is violating a law. If he is engaged in a competition with his neighbor that is not very serious, I should think it very doubtful whether he ought to be subjected to all these inconveniences. The fact is we are all in favor of what is known as fair competition, but just what fair competition is I think it will be very difficult for any court or any commission to determine.

Mr. CUMMINS. Precisely; but that was the subject of my discussion yesterday, very largely. It is difficult to determine what unfair competition is. It is difficult to determine whether a man is guilty of murder, or manslaughter, or any other offense. When you come to apply the law to a particular state of facts, it is not an easy thing, and it is still more difficult when we are entering upon a comparatively new field. But the Senator from New Hampshire is opposed to unfair competition. Now, unfair competition does not mean severe competition. It means in the fight for business exactly what it means in a physical encounter. The Senator from New Hampshire would know exactly what I meant if I said that a fight was a fair fight; I mean now a physical one. He would know that I meant that neither one of the antagonists had equipped himself with brass knuckles, or a club, or any other unfair weapon that would enable him to take undue advantage over his adversary. We all understand those things. They are as definite and specific as the law can be. It is difficult to tell when we say that a man must exercise reasonable care what that reasonable care is. It differs under varying conditions, and indeed it differs with the views of different courts, but we must employ those phrases if we are to reach the result.

To the Senator from New Hampshire I think I may say further this bill does confer upon the commission the most extensive inquisitorial powers, not alone with regard to the practice of unfair competition, but with regard to all the violations of the antitrust law. It goes far in that respect. It goes further in that respect in one or two instances than I think it ought to go. But in the main there must be this right of visitation upon the corporations of the country, and we are really transferring to the Federal Government the right of visitation which has from time immemorial existed in the sovereignty which creates the corporation. Although we have put it in many words, in many different ways, it really means that as to corporations engaged in commerce which is commerce among the States or with foreign nations, the Federal Government shall have the same right to inquire into their affairs as does the Government which created them.

Mr. GALLINGER. Mr. President, just a word more. It seems to me that this will be a mighty machine that we are going to create and put in the hands of the Federal Government, to supervise all the activities of the American people. I wonder how large an army of employees will be required to do that work.

Mr. CUMMINS. I think there has been no estimate upon that, but not considerably larger than the force now employed in the Bureau of Corporations. The Bureau of Corporations ceases to exist and its powers and duties are transferred to this commission. While I think it will require more employees than are now employed by the Bureau of Corporations, my opinion is that they will not greatly exceed in number the men who are now engaged in a similar work. Added to that, of course, is the commission itself, with its immediate office employees.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. SIMMONS. It seems to me the Senator from New Hampshire is laboring under a mistaken impression that these powers are given to the commission to be exercised over individuals, whereas, as I understand it, and I ask the Senator from Iowa whether I understand it correctly or not, the powers here given would only apply to unfair competition by corporations or by trade associations having capital stock paid in.

Mr. CUMMINS. The entire bill relates to corporations; that is, corporations, trade associations, and corporate combinations, and there is no power given to the commission over an individual as such, either for the purpose of ascertaining whether there has been a violation of the antitrust law or whether there has been a violation of the new substantive law which we are now proposing to enact.

However, I must be entirely candid about it. I think it does give to the commission power to investigate the relation of an individual or a person to a corporation which is engaged in commerce and whose activities are being supervised by the commission. In that way, and in that way alone, is the commission given authority to investigate the business of an individual.

Mr. SIMMONS. That is a mere incident to the investigation for the purpose of issuing their orders against the corporation.

Mr. CUMMINS. It is a mere incident. We have not attempted to deal with persons as such engaged in commerce among the States. I think we ought to do it. I made an earnest effort before the committee to include persons within the scope of this law exactly as they are included within the scope of the antitrust law. That does not reach for corporations alone. It covers all persons who may restrain trade or commerce or who may attempt to monopolize or who do in fact monopolize any trade.

Mr. GALLINGER. I will say that in the hurried reading of the bill I came to the conclusion that what the Senator states as to individuals, in their relation to corporations, is correct, and that it does to that extent reach individuals.

Mr. CUMMINS. It does.

Mr. GALLINGER. I quite agree with the Senator in his suggestion that to be consistent and to make this a complete law it ought to apply to individuals as well as corporations.

I only want to thank the Senator for giving me the information he has done, and to say that I did not raise the question I did because I am opposed to the bill. I have not considered it sufficiently to determine what attitude I shall take concerning it when I come to vote upon it; and I want, so far as my time permits, to listen to the arguments that will be made in the Chamber covering the various phases of this very important measure, as I regard it.

Mr. WORKS. Mr. President——

Mr. CUMMINS. Just a moment. I agree with the last remark. We are considering one of the most important proposals of legislation that ever came before the Senate, a proposal that will affect more phases of the business life of the United States than any other bill that has been pending in the Senate for years. I remark that simply to express my wonder that there are not more of the Senators who seem to be interested in this vital matter. It seems to be taken for granted that the bill will either be voted up or voted down without any real knowledge of its scope, purpose, or effect upon the part of the greater number of the Senators in this Chamber. Possibly that is due to the vicious practice which now obtains of determining legislation in caucus rather than in open and fair debate.

I yield to the Senator from California.

Mr. WORKS. Mr. President, I merely wanted to suggest that if the Senator is right in his construction that the bill does not apply to private individuals engaged in trade, I think it should be made a little clearer in that respect, because I have formed a different opinion about it. I think in some places in the bill partnerships are mentioned——

Mr. CUMMINS. I think not.

Mr. WORKS. Though I may be mistaken about that. I agree with the Senator from Iowa that this is a most important piece of legislation. I have been endeavoring to make a study of the whole trust legislation to satisfy my own mind about it, and it is no easy task. It involves some very vital questions affecting the business of the country and the people generally, and it seems to me to be too bad that Senators should not be here listening to what is said on the subject.

Mr. JONES. Mr. President——

Mr. CUMMINS. I do not want my response to the suggestion of the Senator from California to be misunderstood with regard to the effect of the bill upon partnerships or individuals. I think we ought to make that perfectly clear now. In the first section of the bill the term "corporation" is defined as follows:

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

Then, after the creation of the commission and providing for its employees, we come to that part of the bill which gives the power. The first paragraph of that section reads in this way:

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management, of any corporation engaged in commerce, and its relation—

That is, the relation of that corporation—

to other corporations and to individuals, associations, and partnerships.

Such is the language of the bill, and its scope can be easily ascertained or determined from that very clear language.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Will the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. I yield to the Senator from Washington.

Mr. JONES. I rise to a point of order. I agree with the Senator from Iowa as to the importance of this measure, and I think we ought to have more nearly a quorum present. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Hitchcock	Overman	Smith, Ga.
Bristow	Hughes	Page	Smith, Mich.
Bryan	Jones	Pittman	Smoot
Burton	Kenyon	Poindexter	Swanson
Camden	Kern	Ransdell	Thomas
Clapp	Lane	Reed	Thompson
Clarke, Ark.	Lea, Tenn.	Shafroth	Thornton
Cummins	Lippitt	Sherman	Warren
Fletcher	Martine, N. J.	Shields	White
Gallinger	Newlands	Simmons	Works
Goff	O'Gorman	Smith, Ariz.	

The PRESIDING OFFICER. Forty-three Senators having answered to the roll call, there is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. STERLING and Mr. STONE answered to their names.

Subsequently Mr. CHAMBERLAIN, Mr. SHIVELY, and Mr. LEE of Maryland entered the Chamber and answered to their names.

Mr. JONES. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Washington moves that the Senate adjourn. [Putting the question.] The noes seem to have it. The noes have it, and the Senate refuses to adjourn.

Mr. LEWIS entered the Chamber and answered to his name.

The PRESIDING OFFICER. Forty-nine Senators having answered to the roll call, there is a quorum present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President——

Mr. WORKS. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. I want to call the attention of the Senator from Iowa to subdivision (g) of section 3 of the bill, which provides:

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

I wish also to call the Senator's attention to the following language of section 5:

That unfair competition in commerce is hereby declared unlawful.

Does not the Senator from Iowa think that those two provisions bring individuals and partnerships under the jurisdiction of the commission for the reason that "unfair competition" is made unlawful? If it should be found that individuals are violating that provision of the bill, it seems to me that that matter would be within their jurisdiction. The commission are not only authorized but they are required to report as to the facts, with their recommendations.

Mr. CUMMINS. I am not of that opinion, Mr. President, but I think the bill ought to be as the Senator from California thinks it is. In paragraph (g), to which the Senator refers, there is no jurisdiction conferred; the jurisdiction is given in the paragraph which I before read; and I do not believe there is any power of inquiry as such save as to corporations and the relation of individuals and partnerships to corporations. In regard to section 5, the first sentence would seem to include partnerships and persons; but when we come to the jurisdiction of the commission the language is:

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall—

proceed in the way suggested.

Mr. WORKS. I think the Senator from Iowa did not quite understand the point I made. I was taking together subdivision (g) and the first clause of the fifth section. I concede the Senator is right so far only as section 5 is concerned; that it is confined to corporations and associations; but this particular subdivision authorizes the commission to report, at least if investigations are made, whether an individual has violated any provision not only of this bill, but of any law of the United States. Therefore, in that way, the individual is certainly brought under their jurisdiction. I think the Senator is right in saying that under the first provision giving them express authority, it is limited to corporations and associations. That is the reason, if the Senator will allow me, why I suggested that the bill ought to be made more certain in that respect.

Mr. CUMMINS. Possibly the distinction between my statement and that of the Senator from California is not very important, but I repeat that the commission is given power to investigate corporations and trade associations and combinations; it is given power to inquire into the relation which an individual or a partnership may bear to a corporation or to a trade association or combination. It is not given the power to inquire into the affairs of an individual, partnership, or person as such, but if, in the course of the investigation that is carried on lawfully, it has reason to believe or reaches the opinion that an individual or a partnership has violated the antitrust law or any other law of the United States, it is then made its duty to report its findings upon that subject to the Attorney General.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. It would seem that in the consideration of an important appropriation bill, carrying some $53,000,000 for a large number of projects, there should be more than 13 Senators present. That is an unlucky number in any event, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Martine, N. J.	Simmons
Brady	Gallinger	Norris	Smith, Ariz.
Brandegee	Goff	O'Gorman	Smith, Ga.
Burleigh	Hollis	Oliver	Smoot
Burton	Hughes	Overman	Sterling
Camden	Kenyon	Page	Stone
Catron	Kern	Pomerene	Swanson
Chamberlain	Lane	Ransdell	Thomas
Clarke, Ark.	Lea, Tenn.	Saulsbury	Thornton
Crawford	Lea, Md.	Shafroth	Townsend
Cummins	McCumber	Sheppard	Weeks
Dillingham	Martin, Va.	Shields	Williams

The PRESIDING OFFICER. Forty-eight Senators having answered to the roll call, a quorum is not present. The Secretary will call the names of the absent Senators.

The Secretary called the names of absent Senators, and Mr. JONES, Mr. SHIVELY, Mr. SMITH of Michigan, Mr. WARREN, and Mr. WHITE answered to their names when called.

Mr. CHILTON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Fifty-four Senators having answered to the roll call, there is a quorum present.

Mr. BURTON. Mr. President, I wish to call attention again to the policy of this bill in the adoption of certain new projects, and some of those under way.

The largest item adopted in pursuance of an Executive document, which may be said to be initiated in this bill, is for the improvement of the East River and Hell Gate, N. Y. The appropriation in this bill for that purpose is $500,000. The total amount required is $13,400,000. At this rate it would take 27 years to complete it.

It is true it is said in the engineers' report that a portion of this improvement may be made at a time. It is for the enlargement of the channel, which is now 26 feet deep, to a depth of, say, 35 feet; for the removal of rocks; and it has in view, ultimately, the moderation of certain currents in the river.

One of two things is true: If that improvement is a judicious one, it ought to be pushed immediately to completion. If it is an improvement of such a nature that 27 years can be taken for finishing it, so large a project ought not to have been adopted. That is a great stream, forming the boundary line between New York and Brooklyn. Nobody knows what changes will occur there in the next 10 or even in the next 5 years; and under this plan of a great improvement of $13,400,000, if we go on at the rate of $500,000 a year, we will be either failing to do justice to that improvement or we will be working along erroneous lines.

Why, years ago there was an illustration. It was proposed to improve the Missouri River at very great expense, by reverting the banks, and so forth. They kept on with these piecemeal appropriations until finally, in 1902, it was concluded, that it was not worth while at all. What was the result of all those piecemeal appropriations that had been made? Five miles of a stretch of river about 400 miles long had been improved up to a high grade of efficiency and the other 395 miles were left untouched. So, in any improvement of this kind, there is the danger that it will be found in after years that a different form of improvement is necessary, and only a part of it is improved as it should be, or that the improvement will not be pushed to completion as rapidly as it should be.

Mr. RANSDELL——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I should like to know if the Congress has not usually followed the advice of the Engineer Corps of the Army in making appropriations for rivers and harbors, and if that is not, at least as a usual thing, a very wise plan for us to pursue?

Mr. BURTON. Oh, I think, generally speaking, that is the case; but Congress has not followed the judgment of the engineers in a number of cases. It has not followed it in all cases in this bill. As regards the relation of the Engineer Corps to the Congress, I desire to say something in the course of my remarks, and I would just as soon anticipate now.

The fact of the matter is that the engineers regard themselves as the servants of Congress. If Congress goes ahead with a certain policy, and pursues that policy for four or five years, whether they agree with it or not, they conform. In your own River and Harbor Congress Gen. Bixby spoke of the fact that the Engineer Corps was established along about 1810, and that in an exceptional degree the officers have regarded themselves as the servants of Congress. Now, if Congress, by a policy represented in different bills, seems disposed to adopt a plan of extravagance; if Congress seems to favor a piecemeal policy, the engineers, regarding themselves as executive officers and the servants of Congress—indeed, their motto is that they should not seek to legislate, but to execute—will subscribe to and follow that policy. My contention is, and I think I can show it, that they have departed very widely from the standards of 10 years ago, indeed, of 7 years ago, and they are not especially to blame for that, because they interpret the action of the Senate and of the House as approving certain lines of policy, and they could not obey the law without doing certain things whether their judgment approved or not. As a result, their whole course in making recommendations is shaped and determined by the policy of Congress, as they understand it.

Mr. RANSDELL. Is it not a fact that the National Waterways Commission, of which the Senator from Ohio was the very distinguished president, in advising Congress about a plan for waterway legislation, laid especial stress upon the valuable service of the Engineer Corps?

Mr. BURTON. Certainly.

Mr. RANSDELL. And recommended, in substance, that we take their advice in making our river and harbor appropriations?

Mr. BURTON. I do not recall the exact language of that recommendation. I should not favor a rule under which Congress would slavishly follow the recommendations of any executive body.

Mr. RANSDELL. I do not mean slavishly, but in substance.

Mr. BURTON. I think I remember what was the occasion of that language—that an attempt was being made to bring into the river and harbor bill many objectionable projects. In my report or memorandum of views in 1910 I set forth ten or a dozen projects contained in the bill that were expressly disapproved by, or at any rate were without the approval of, the engineers. I am happy to say that two or three of them have been abandoned since that time. Why, the Senator from Louisiana remembers, though he was not a Member of the House at the time, how the improvement of the Sabine and Natchez Rivers up to Orange and Beaumont was approved by Congress and an appropriation made; and we are appropriating money for the project now, when in the first report, at least, the engineers expressly condemned it. If there was that language in the report of the National Waterways Commission advising that the engineers' recommendations should be followed, it was largely prompted by the recognition of a disposition on the part of Congress to violate their recommendations in these measures.

Mr. GALLINGER. Mr. President——

Mr. RANSDELL. Just one question that is logical here, if the Senator will pardon me.

Mr. GALLINGER. Certainly.

Mr. RANSDELL. In the appropriation of $500,000 for East River and Hell Gate, included in the pending bill, I will ask if Congress has not religiously followed the advice of the Engineer Corps, and if the engineers, in reporting on that project, did not say that the work under any project adopted must be carried on through a long series of years, that $500,000 a year is what is needed right now, and that the next appropriation ought to be $500,000?

Mr. BURTON. I think that is in the report, but there is a question of policy there that this Congress ought to settle. This Congress ought not to accept any improvement in a locality where changes are as rapid as they are there that will take 27 years to complete. It is a mistaken policy. We can decide that as well as the engineers can decide it. We can not approve our course in doing so.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. In partial answer to the interrogatory of the Senator from Louisiana as to the recommendations of the National Waterways Commission, of which the learned Senator from Ohio [Mr. BURTON] was chairman——

Mr. RANSDELL. And of which the Senator from New Hampshire was a very distinguished member.

Mr. GALLINGER. I thank the Senator. I will venture to ask the Senator if any recommendations as to improving our waterways were made by that commission that were not made after an investigation of the large European projects, and if the

suggestion that Congress should follow, as a rule, the recommendations of the Engineer Corps would not apply rather to the large projects than to the innumerable little projects that we find in this bill?

Mr. BURTON. I think so. Of course, that statement was general. The commission had visited Europe, and had noted there how carefully the preliminary work was laid out by the engineer officers in France and in Germany, and they came home with an emphasized idea of the desirability of having the work laid out very thoroughly before it was commenced.

I was saying a few minutes ago that really nobody approves this piecemeal policy; and I want to read some words from the memorandum sent in here by President Taft in the year 1910. That was the first general river and harbor bill after the act of 1907. It was the bill in which, as I say, there was an unfortunate departure from a very much better method. He says:

> The chief defect in the bill is the large number of projects appropriated for and the uneconomical method of carrying on these projects by the appropriation of sums small in comparison to the amounts required to effect completion.
>
> The figures convincingly establish the fact that this bill makes inadequate provision for too many projects. The total of the bill—$52,000,000—is not unduly large, but the policy of small appropriations with a great many different enterprises without provision for their completion is unwise. It tends to waste, because thus constructed the projects are likely to cost more than if they were left to contractors who were authorized to complete the whole work within a reasonably short time. The appropriation of a small sum lessens the sense of responsibility of those who are to adopt the project and who do not therefore give to their decision the care that they would give if the appropriation or contract involved the full amount needed for completion. Moreover, the appropriation of a comparatively small sum for a doubtful enterprise is thereafter used by its advocates to force further provision for it from Congress on the ground that the investment made is a conclusive recognition of the wisdom of the project, and its continuance becomes a necessity to save the money already spent. This has been called a "piecemeal" policy. It is proposed to remedy this defect by an annual river and harbor bill, but that hardly avoids the objections above cited, for such yearly appropriations are apt to be affected by the state of the Treasury and political exigency.
>
> If enterprises are to be useful as encouraging means of transportation, they ought to be finished within a reasonable time. The delays in completing them postpone their usefulness and increase their cost. The proper policy, it seems to me, is to determine from the many projects proposed and recommended what are the most important, and then to proceed to complete them with due dispatch, and then to take up others and do the same thing with them.

That is, instead of carrying on 100 projects for 10 years, better carry on 30 and take only three years, then take up a second division from the list, and then a third, managing our public works and making these improvements in a businesslike way.

As I recall, President Taft stated in his memorandum somewhere that at one time it was his intention to veto the bill, but he gives in the following paragraph the reasons why he did not:

> It is now three years since a river and harbor bill was passed. The projects under way are in urgent need of further appropriation for maintenance and continuance, and there is great and justified pressure for many of the new projects provided for by the bill. It has been made clear to me that the failure of the bill thus late in the session would seriously embarrass the constructing engineers. I do not think, therefore, the defects of the bill which I have pointed out will justify the postponement of all this important work; but I do think that in the preparation of the proposed future yearly bills Congress should adopt the reforms above suggested, and that a failure to do so would justify withholding Executive approval, even though a river and harbor bill fail.

I wish now to go over somewhat briefly the report of 1907. I have already made reference to it in discussions before the Senate; but as the membership of this body changes and as there may be some Senators in attendance here to-day who were not here on the previous discussions of this report, I take the liberty of bringing it up again. Still further, I think the views expressed in that report are worthy of iteration at this time.

That was the largest river and harbor bill ever passed by Congress.

Mr. WILLIAMS. The Senator refers to the river and harbor bill of 1907?

Mr. BURTON. Of 1907. The cash appropriations were $37,108,063; the contracts authorized were $49,954,349, or a total of $87,062,432. The next bill in size, I may say in passing, was the bill of 1896, which carried $72,275,000, in which there was a much smaller proportion of cash appropriations. In that bill there were only $12,659,000 of cash appropriations as against $59,616,000 of continuing contracts.

The next bill in size was the bill of 1902, in which there were cash appropriations of $26,771,000, and contracts authorized of $38,586,000.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS. Mr. President, if the Senator from Ohio desires to go on for a time with his address, I shall not interpose any objection. I leave it entirely with him.

Mr. BURTON. I have nearly reached a division in my remarks, and I should prefer to go on at a later time, although if it suits the business of the Senate I can proceed.

Mr. CUMMINS. If the Senator from Ohio wants to finish within an hour, I will yield to him.

Mr. BURTON. I could not finish in that time.

Mr. CUMMINS. Then I would prefer to write another chapter in the unfinished business.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS. Yesterday, Mr. President, I called the attention of the Senate to many analogous phrases occurring in the statutes of many States. When I say analogous, I mean analogous to the phrase used in section 5 of the bill, namely, "unfair competition." I do not desire to review or to recapitulate my argument of yesterday, as I had finished that phase of its presentation.

Since the adjournment, however, there have been called to my attention two additional instances of the use of such words in statutes prescribing a rule of conduct—or, rather, one instance in a statute and another in a decree—which I think I ought to bring to the attention of the Senate.

The first instance is found in the statutes of New York in the laws of 1910, chapter 374, article 11. It reads as follows:

> Every person operating a motor vehicle on a public highway of this State shall drive the same in a careful and prudent manner, and at a rate of speed so as not to endanger the property of another or the life or limb of any person: *Provided*, That a rate of speed of 30 miles an hour for a distance of one-fourth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful and prudent.

Section 290 of the laws to which I have referred prescribes a penalty for a violation of the provision I have just read. It has been sustained in the courts of New York as fixing a rule sufficiently certain to guide those who might be affected by it. It was first passed upon in People v. Winston (155 Appellate Division New York, 907). It was again passed upon in the court of appeals in Baker v. Close (204 New York, 92); and in the latter case the court said:

> Both pedestrians and drivers of motor vehicles are required to exercise that degree of prudence and care which the conditions demand. It is impossible—

Says the court—

> to formulate any more precise definition of these relative rights and duties.

Mr. President, if it is sufficient to say to the people who are to be affected by a law that they must drive a motor vehicle in a careful and prudent manner, it would seem to me to be sufficient to prescribe for those engaged in trade that they must not practice unfair competition, in view of the many applications those words have already had and the many instances in which they have been applied both by courts and commissions in the general literature of commerce.

Mr. GALLINGER. Mr. President——

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. I was not privileged to hear the Senator's discussion yesterday, being occupied in a committee of conference. I looked in the RECORD this morning to read what the Senator said, but the speech not having being concluded did not appear.

I have been troubled over the phrase "unfair competition," and have wondered how it could be worked out. Am I correctly informed, I will ask the Senator, that there is no appeal provided for in the bill from a finding against a corporation or an individual who is charged with unfairly competing in matters of trade?

Mr. CUMMINS. I assume the Senator means an appeal to the court.

Mr. GALLINGER. To the court.

Mr. CUMMINS. The section provides that if the commission upon inquiry and hearing finds that any corporation is practicing unfair competition it shall enter an order restraining or commanding the corporation to cease to practice the methods which have been condemned.

Mr. GALLINGER. So that—

bills, and the best way in the world to effect it is to obtain, if we can, a union of Senators, like the Senator from Ohio and ourselves from the West, for the prevention of the exercise of this usurped authority of the War Department. When that is done, I believe that these so-called irrigation schemes and other schemes of improvement which are attached to river and harbor bills upon the theory that they affect navigation, or upon any other theory, will largely disappear.

Mr. WORKS. Mr. President——

Mr. BURTON. There is one question while the Senator from Colorado is on his feet that I should like to ask him. The point is suggested by my friend the Senator from Louisiana [Mr. RANSDELL]. Where are some of those tributaries where the War Department has sought to exercise this jurisdiction?

Mr. THOMAS. One of the enterprises I can recall is that of the Dolores Irrigation Land Co., which is an enterprise having for its object the reclamation of certain lands at the head of the Dolores River, in what is called the San Juan country, that is watered by the Dolores River. The Dolores River is a small tributary of the Grand, which is in turn a tributary of the Colorado River.

The theory upon which this interference has taken place is that inasmuch as the Colorado is navigable from Yuma, Ariz., down to the Gulf of California, and inasmuch as this is a tributary to that stream it is necessary that the War Department should ascertain and determine for itself whether navigation will be affected in the navigable part of the Colorado River by the diversion of waters for irrigation in the Dolores River, which is over a thousand miles from that point of navigation, if you follow the meanderings of the stream. That is one instance. There are others I could cite, a half dozen others, perhaps, but one is enough.

Mr. BURTON. In a great degree I sympathize with the contention of the Senator from Colorado, although I do not know but that I ought to give notice that at a later time I shall propose as an amendment to this bill a provision giving to the War Department larger jurisdiction over tributary streams of navigable waters. The amendment has been recommended——

Mr. THOMAS. I do not think that is necessary because the War Department has asserted and assumed that jurisdiction.

Mr. BURTON. They seem to exercise this right occasionally, but not on any large scale in the States of the East and the Central West.

Mr. THOMAS. I want to warn the Senator, if his amendment carries, the number of so-called navigation enterprises now attached to river and harbor bills will be as nothing compared to the multitude of them which will immediately follow. I think I shall have a few of them to offer myself.

Mr. BURTON. That may follow. I think the case given by the Senator from Colorado is an extreme one.

Mr. THOMAS. No, Mr. President.

Mr. BURTON. It is an extreme case in the exercise of jurisdiction——

Mr. THOMAS. No, Mr. President.

Mr. BURTON. Because everyone knows the Colorado River is not navigable to any appreciable extent. In years past, at intervals of three or four years, propositions were made to survey the Colorado, and the report was always to the effect that no navigation could be developed there.

Mr. THOMAS. It is really more navigable than the Rio Grande, yet I can mention the Rio Grande as another instance. Because of certain treaty arrangements we are not permitted to divert any water from the tributaries of the Rio Grande in Colorado without first obtaining the consent of the War Department plus the consent of the Department of State, since we might possibly interfere with the irrigation of some ranches down in Mexico. And we can not appeal to the War Department until the Interior Department shall have acted favorably upon our applications.

Mr. RANSDELL. Will the Senator from Colorado yield to me?

Mr. THOMAS. Certainly; but the Senator from Ohio has the floor.

Mr. BURTON. I yield to the Senator from Louisiana.

Mr. RANSDELL. I merely wish to ask the Senator from Colorado how much interference has been made with diverting water from this Dolores River.

Mr. THOMAS. I can not answer, but I can say that if it were all diverted, it would not affect the navigability of the Colorado River a particle—not any more than extracting a drop of water from the ocean would affect its depth.

Mr. RANSDELL. Has the Engineer Department attempted to prevent the diversion of the water of the Dolores River?

Mr. THOMAS. No; we finally, after great tribulation and many wearisome months, secured the gracious assent of the department to the diversion of a few drops of water from the Dolores.

Mr. RANSDELL. Could the Senator give us some of the other dozen instances that he spoke of?

Mr. THOMAS. I said, I think, half a dozen. I mentioned the Rio Grande. There have been one or two also on the Platte, which is a tributary of the Missouri, and one or two at the head of the Arkansas River, which is a tributary of the Mississippi.

Mr. RANSDELL. Could the Senator give us any instances where the War Department has seriously interfered with the proper diversion of water for irrigation from any of these streams?

Mr. BURTON. Kindly let me ask a question there. Was it not, after all, rather a fear on the part of those who occupied and enjoyed these irrigated lands? Was any positive step really taken to exercise jurisdiction?

Mr. THOMAS. Oh, yes. I will give the process as briefly as I can.

An enterprise seeking to divert water from one of these tributaries for purposes of irrigation must prepare a plat of a survey of reservoirs, flumes, and ditches, where they occupy any part of the public domain. This plat, with its description, must be forwarded to the Secretary of the Interior for his approval. Our contention is that the statute is mandatory and the approval must follow. But this is not conceded by the department.

Nowadays that plat goes from the Secretary of the Interior to the Geological Survey for its approbation or rejection; and then to the Reclamation Service. It is then sent to the Forestry Bureau of the Agriculture Department. From there it is required to be sent to the Department of War, and the Department of War must give its assent and appropoval, or, at least, must announce that it has no objection to the particular scheme before any further step can be taken.

In case a river like the Colorado or the Rio Grande is affected, then it must also receive the favorable supervision of the Secretary of State before the enterprise can move. It goes through four departments, in other words, and in many instances by the time the last one has exercised its jurisdiction either the applicant for the water is dead and his grandson has succeeded to the right or the scheme has been abandoned.

Mr. WORKS. Mr. President——

Mr. BURTON. I yield to the Senator from California.

Mr. WORKS. Mr. President, I am sorry to have any controversy or disagreement with the Senator from Ohio, because I am quite in sympathy with his general views on this subject. I do not take it as complimentary to me that he should commend me for my loyalty to my State in supporting this appropriation. That smacks altogether too much of the pork-barrel manner of making appropriations. If I did not conscientiously believe, however much I may be mistaken, that this is a meritorious and just appropriation, I hope I should not be here defending it, whether it is for the benefit of my State or some other. I should not, however, have taken up this matter at all, except that the Senator from Ohio has taken the appropriations for the Sacramento and Feather Rivers as the basis of his discussion of this question, at least at the present time.

I deny, Mr. President, that this appropriation is for the reclamation of land at all. As I said a while ago, I do not believe that the Government should make appropriations for any such purpose; but the matter has been very thoroughly sifted out, and the Government is only called upon to make the appropriation for the improvement of the navigation of that river and nothing else, and of that, as I have said, the State proposes to contribute one-half.

Mr. BURTON. The State and abutting property owners contribute more than half under the present plan, do they not?

Mr. WORKS. The State contributes one-half of that portion of it that goes to the improvement of the navigation of the stream, and the property owners pay all of the expense of reclamation, being two-thirds of the amount necessary to be expended to make this improvement. I think the Senator from Ohio will not dispute the fact that the Sacramento River is a very important navigable stream. The evidence upon that subject was fully taken before the House committee, and at a previous session of Congress was taken before a committee of the Senate. It discloses, I think very fully, that this is an important navigable stream that the Government of the United States should protect and preserve. So whatever comments the Senator from Ohio may make upon this matter of making such appropriations, it does not apply to this one.

Mr. BURTON. I have no doubt, Mr. President, that the Senator from California earnestly and conscientiously believes in this improvement. I have digressed somewhat from the line of argument that I had laid out; but there are two or three

points here, which, as they are fresh in the minds of Senators, I might as well bring up now.

I have no doubt of the right of the Federal Government, in its paramount control over interstate commerce—which includes, of course, the care and guardianship of navigable streams—to exercise jurisdiction over tributaries. A familiar illustration would be that of the Hudson River. Suppose the Federal Government desires to obtain a specified depth between Troy or Waterford and New York City, and by legislation declares what depth is desired. It would be impossible to maintain that depth unless the tributaries to the Hudson River furnished the necessary amount of water. Partial provision might be made for a scantiness of supply from the tributaries by dredging, but that would not be the natural way. Suppose in one place it is asked that a stream should be diverted to furnish the water supply, the question of whether that should be permitted or not would then come to Congress. The question of the relative advantage of a water supply for a great city and the maintenance of navigation would assume immediate importance, and it is inconceivable that Congress would not pursue a liberal policy in that regard, giving the right to divert; but to that there would be a limit. It would not do to allow all the tributaries to a navigable stream to be diverted. This jurisdiction exists without any doubt.

It seems to me the two cases of the Rio Grande and the Colorado Rivers are very extreme. No one claims that there is navigation to any appreciable amount on either of these rivers. I think there is none whatever on the Rio Grande. With all the great variety of streams that have been included in river and harbor bills, I have never known a request to be made for improving the Rio Grande.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Certainly.

Mr. THOMAS. Does the Senator from Ohio mean that those streams are not actually used for navigation or that they are not navigable?

Mr. BURTON. Of course they can be utilized for floating logs, and I suppose some purposes of that kind for short distances, but they have never been adopted by the Federal Government as proper objects for the appropriation of money.

Mr. THOMAS. I have always understood them, Mr. President, to fall under the commonly accepted designation of streams that were navigable at least to a considerable distance from their mouths.

Mr. BURTON. In the abstract, on general sense—that is, if you determine the navigability of a stream by the ability to float the products of commerce over some portions of it—those rivers would be regarded as navigable.

Mr. THOMAS. Our contention—and when I say "our" I mean the people of my section of the West—is that they are not navigable in the true sense at all, but we have not been able to make the department authorities agree with us so far.

Mr. BURTON. In the broadest sense in which the term "navigable" is used in the books, they are navigable, but for practical purposes they can not be so considered, and our Supreme Court, in a decision with which the Senator from Colorado no doubt is more familiar than I—the Rio Grande irrigation case—it has been held that the navigable quality of a stream is not to be determined by any particular portion, but that if, in conjunction with other portions, it can be made navigable or is navigable in part, it should be considered navigable in all.

But now, to return to the Sacramento River, my recollection—and I shall refresh my memory by looking at the executive document—is that in one of the reports on the Sacramento and Feather Rivers improvement the engineer said that this enormous expenditure was not necessary for navigation. Of course, it would facilitate navigation, but that is not the conclusive or determining point. There is no river of this type in the country on which so large an amount of money has been expended or is proposed for expenditure. We have been making the Sacramento River navigable for years, and we have appropriated for it. There is a very considerable through traffic from Sacramento down the Bay to San Francisco. There are a number of landings along the river, remote from railroads, and it is a matter of great convenience to the people to ship their produce to market by this stream; but let me just call attention to the amount that we have appropriated for it running through a period of 40 years. To speak exactly, the first appropriation was made on March 3, 1875, 39 years ago.

We have expended upon this river the sum of $740,000 down to the year 1899, and since then $280,000, making, in all, $1,020,000, which includes expenditures, sometimes as much as $25,000 a year, for maintenance. As rivers go, with a traffic of that size, that is, I think, a generous appropriation. Let me compare it with the San Joaquin, which meets it and which furnishes an avenue for traffic to another part of the State of California. The traffic on the Sacramento River in the last year amounted to approximately 500,000 tons, while the traffic on the San Joaquin River, if you take an average for the last 10 or 20 years, has been greater than that on the Sacramento. Very large quantities of wheat are brought down the San Joaquin. Now, let us see what amount of money we have expended on the San Joaquin:

The total expenditures—

I am reading from page 1302 of the report of the Chief of Engineers—

The total expenditures up to the close of the fiscal year ending June 30, 1913, amounted to $617,717.99.

That shows a sort of harmony or symmetry in the making of appropriations for rivers of this size—$1,000,000 or thereabouts and ranging down to lower figures—but here you come along with $5,800,000, and it would take more than an engineer's report, Mr. President, to convince me that that does not mean far and away more than navigation; it means the reclamation of the lands, because, as I have stated, it is all out of keeping with the size of appropriations that are made for other rivers of the same class and with something like the same amount of traffic.

Now, to recur again to the illustrations given by my friend, the Senator from Louisiana [Mr. RANSDELL]:

The Tennessee River, Chattanooga to Riverton, $205,000 appropriated out of a total estimate of $770,640.

I remember that very well also. That was not a new project. We had been at work on that for years and years preceding 1907, but we did decide to abandon the most ambitious plans for the improvement of this river and cut down the total expense to $770,640 as the remnant, I may call it, of older projects then under way, much larger and much more expensive, and toward that improvement we made an appropriation of $205,000.

Then another item given here is Hilo Harbor, Hawaii. It is stated that in that case an appropriation or authorization of only $400,000 was made, when the total estimate was $1,700,000.

I recall that very well. There was a large project, costing $1,700,000, but there was a partial project under which we could try it out and determine whether or not it was worth while, which would cost only $400,000 and which would be complete in itself, and we did what I think any judicious committee would do. Instead of recommending the whole $1,700,000 we recommended a divisible portion of it—$400,000—with the intention of going on with that.

It may be, as I stated here half an hour ago, that some new projects slipped in that bill for which appropriations were made which we did not complete, but that was not the general policy, and I think on examination it will appear that none of these were exceptions to the rule. I recall very distinctly at least three or four of them.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I will ask the Senator what explanation he has to make about the item for the Falls of the Ohio at Louisville, $314,000, the total cost of which was $1,700,000?

Mr. BURTON. I do not at this moment recall that. We made a rule, which I have already stated, that if the work required more than four years we would not in that bill appropriate the entire amount. We could not make a perfect bill then. Just think of what confronted us. We were struggling along with uncompleted projects, which would cost hundreds of millions of dollars. We gradually worked our way to this policy and came just as near to it as was possible in the bill of 1907. But what did the bill of 1910 do? It threw the results of that labor and of that reform policy to the winds, and went ahead with the old plan of piecemeal appropriations.

I should state something that I did not say the other day, that in addition to the appropriations in this bill $6,990,000 is carried in the sundry civil bill, and I note that it is stated by the House committee, on page 8 of their report, that:

In addition to the items for the old or existing projects, we have added 76 new projects, requiring in all to complete $38,684,700, while only $5,786,829 have been appropriated and authorized in the bill.

A little more than one-seventh of the whole amount. The pending bill is not as bad as the bill of 1910, but it is a continuation of the old policy.

Mr. KENYON. Mr. President——

Mr. RANSDELL. Do I infer from the Senator's remarks that he means to intimate that the Senate Committee on Commerce did not have this Sacramento document before it when the item was agreed to, and that it was not considered and discussed in the Committee on Commerce?

Mr. BURTON. I take it that it was discussed in the committee, but legislation is not by committee; it is by the Senate and by the House. It should be the aim of all our legislation to bring clearly, not only before both bodies of the Congress but before the country the full magnitude of what we are doing.

Mr. RANSDELL. The Senator certainly does not mean to intimate that either the House or the Senate is not fully aware that this $200,000 item commits us to a project which will cost $5,800,000, and that we are not going into it with our eyes shut?

Mr. BURTON. As far as anything that appears in this bill is concerned, our eyes are at least partly closed.

Mr. RANSDELL. Is not that the usual course followed in writing river and harbor bills? Do we not adopt them with reference to a document?

Mr. BURTON. We do adopt them with reference to a document.

Mr. RANSDELL. And we do not state the ultimate cost of it, do we?

Mr. BURTON. We ought to state the ultimate cost. A few minutes later I shall call attention to a bill which passed both Houses of Congress in 1907 in which the total amount was stated in every new project.

Mr. RANSDELL. I was going to ask the Senator if he had put that in the bills which he had framed himself. I was not aware that the amounts were stated in those bills.

Mr. BURTON. I am entirely willing and glad to answer that question.

Mr. RANSDELL. I shall be very glad to have the Senator do so.

Mr. BURTON. For nine years, up to the bill of 1907, I was chairman of that committee. There were a great many old items on the bill with which we were proceeding in this halting way. It was very difficult to drop them, for two very obvious reasons. One was that it did not seem desirable to abandon projects that we had commenced and upon which a considerable amount of money had been expended. The other reason was the local pressure. The two caused us to continue projects in the bill which I do not think the judgment of the committee approved, and which I do not believe the judgment of the Senator from Louisiana approved when he was a member of that committee. We sought to improve the situation in each successive bill, beginning in 1899, by placing a larger proportion under continuing contract and taking up no new improvement unless provision was made for its completion.

In the bill of 1907 that policy was definitely adopted. The bill was a large one. In cash appropriations and continuing contracts the amount was $86,000,000, or $87,000,000; but we turned our backs on the old custom of piecemeal appropriations, had the courage to face each of these propositions, and rejected it if it was not thought desirable to continue it; but if we did adopt it, we pushed it to completion, and the amount of the authorization was stated in the bill.

It is possible that in that measure some new projects slipped in, by Senate amendment or otherwise, or by inadvertence, in which there was not provision for completion; but I do not now recall one. We also took up a large share of the old projects and pushed them to completion, under the rule that if they could be completed within four years we would appropriate the whole amount.

Mr. RANSDELL. May I refresh the Senator's memory with regard to that bill? I think he will find by examining it that there were eight new projects adopted which we did not provide for completing. They were as follows:

New Bedford and Fair Haven Harbors, Mass., for which we gave an appropriation of $300,000. The total estimate was $527,000.

Oswego Harbor, N. Y., for which we gave an appropriation of $200,000.

Mr. BURTON. Was that a new project?

Mr. RANSDELL. Yes, sir; that is my understanding, and it is so stated.

Mr. BURTON. I do not think so.

Mr. RANSDELL. I have not had a chance to verify it. I clipped this table from a speech by Chairman ALEXANDER, of the Rivers and Harbors Committee, in 1910. I think the Senator will find that he is correct, although I have not verified the items myself by comparing them with the bill. He says it is a new project.

The next one is Oswego Harbor, N. Y., for which an appropriation of $200,000 was given. The total estimate was $900,000.

The next was Newark Bay and Passaic River, N. J., for which the appropriation in the bill of 1907 was $850,000, and the estimated cost of the project was $1,216,775.

Mr. BURTON. What does the Senator say the appropriation was?

Mr. RANSDELL. Eight hundred and fifty thousand dollars.

The next was the Mispillion River, Del., for which we gave $40,000.

Mr. BURTON. That is as old as the hills.

Mr. RANSDELL. It was a new project; and the total cost was $87,065.

Then there were Club and Plantation Creeks, Ga., for which we appropriated $20,000, and the total estimate was $40,700.

Mr. HUGHES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from New Jersey?

Mr. BURTON. I do.

Mr. HUGHES. The Passaic River project was not a new one.

Mr. RANSDELL. I will say to the Senator that it was new at that time. You see, whenever we make a change in a project we call it a new project. I am speaking about the act of 1910.

Mr. HUGHES. If we increase the depth of a channel, does that make a new project?

Mr. RANSDELL. Yes, sir; that is the rule that we follow.

I have these others here, and I will read them:

Tennessee River, Chattanooga to Riverton: We made an appropriation of $205,000, and the total estimated cost was $770,640.

Falls of the Ohio River at Louisville: The appropriation in the act of 1907 was $314,000, and the total estimated cost was $1,700,000.

Hilo Harbor, Hawaii: Appropriation, $400,000; total estimated cost, $1,700,000.

Mr. BURTON. Will the Senator kindly let me see that list?

Mr. RANSDELL. Certainly. I have not personally compared those items, but they were taken from a speech by Chairman ALEXANDER, and I think they are correct. They were new projects.

Mr. BURTON. It is seven years and a little more since this bill was passed, and I do not recall all of these items, but some of them I remember very well.

The Oswego Harbor, N. Y., project was a very old one, and the improvements made there were necessarily tentative.

I do not recall New Bedford and Fairhaven Harbors, Mass.

I do remember Newark Bay and Passaic River very well. The estimate of the engineers, as stated here, was $1,216,775, and the appropriation in the bill was $850,000. Let me explain that.

The estimate was for dredging, and it was calculated that the larger amount of the dredged material would have to be taken out to deep water in the bay. I myself called in the engineer, and others, and suggested to them that the cost for dredging was unduly large, and asked if in some way the work could not be done more cheaply. After full and careful consideration they came back and reported that there were some salt lands near the river on which the dredged material could be piped or otherwise deposited and the expense thus very materially diminished. So, instead of being an exception to the rule, it was rather an application of the rule and an application made after a very careful review of the original estimate.

I do not think we should be subjected to censure, because when an estimate seemed too large we made an examination and found that it could be done more cheaply, and then, instead of putting in the amount of the unnecessary estimate, we inserted an estimate which squared with actual conditions.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from California?

Mr. BURTON. I do.

Mr. WORKS. The Senator from Ohio has selected for attack the proposed appropriation for the improvement of the Sacramento and Feather Rivers. That was a very unfortunate selection, for there is no more meritorious appropriation provided for in the whole bill than that one, and there is no one that has been more carefully and thoroughly investigated and reported upon by the Government authorities.

Away back, years ago, the question as to the improvement of the Sacramento River arose. Its navigability had been very largely destroyed in the upper reaches of the river by hydraulic mining on Government land, and it was thought then by Congress that the Government should contribute toward the restoration of the navigability of the river. With that end in view

an act was passed by Congress providing for a commission to investigate and look into the whole matter and report to Congress what steps should be taken and what should be done by the Government in the way of restoring the river to navigation. Under that statute a commission was appointed, known, I believe, as the débris commission, composed of Army engineers. The State of California also appointed a commission to cooperate with the commission appointed by the Government.

The matter has been most thoroughly investigated, as I think the Senator from Ohio knows, covering the whole situation, and the obligation that rested upon the National Government to restore and improve navigation upon that stream, the only navigable stream of great importance in the State of California. They reported a plan for the improvement of the river which involved the payment of one-half of the expense by the Government and one-half by the State of California. That was considered by committees of both Houses of Congress and the appropriation was not made. It was thought then that the amount required to be paid by the Government was in excess of what should justly be paid because of the fact that the improvement would result in the reclamation of a large body of land lying along the river.

The matter was taken up anew, and the State of California passed an act providing for the assessment upon the owners of the land who would be benefited by the improvement of two-thirds of the expense of the improvement. It was estimated that the expense would amount to something like $33,000,000. It was finally reported and recommended by the commission appointed by the Government, after this full and careful investigation of the whole subject, that the State of California should contribute $5,000,000 in round numbers and the Government $5,000,000, exclusively for the purpose of improving the navigation of the stream. In addition to that, and because of the fact that property owners would be benefited by the improvement, the State enacted a law providing that the balance, or two-thirds, amounting to $22,000,000, should be borne by the property owners who would be benefited by the improvement.

There is no money appropriated or to be appropriated under this scheme out of the Treasury of the National Government to pay anything for the improvement or reclamation of the land. That has been definitely determined upon. This appropriation is carried into this bill with that understanding upon a report made by the commission appointed by the Government composed, as I have said, of Government engineers who have given it most careful attention.

I agree with the Senator from Ohio that the Government should not contribute money out of its Treasury to reclaim private lands. There is no reason why that should be done; but the Government is obligated to contribute the necessary money to improve and keep in condition the navigable streams of this country, and if it results as a consequence that somebody's land is reclaimed or improved, that does not affect the obligation of the Government to make the appropriation, if it is necessary to improve the navigation of the stream.

But California has been generous about this matter. Because of the fact that its citizens and owners of land along the stream will be benefited by the improvement it has not asked the Government to pay for this whole improvement. It has taken upon itself and upon its citizens who own these lands the full obligation and burden, so far as it affects an improvement of lands that are owned by its citizens.

Not only that, Mr. President, but the State of California has assumed and taken upon itself the burden of paying one-half of the expense of improving the navigation of the stream itself, a burden that it is not or should not be called upon to bear.

Now, I am prepared, if it becomes necessary to go into this matter fully, to prove to the Senate the facts I have stated and the absolute justice and meritorious character of this appropriation; but I should not want to do that in the time of the Senator from Ohio. However, I state the general propositions with respect to it because of the fact that the Senator has singled out this particular appropriation for attack.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Yes.

Mr. KENYON. In order that it may be in the RECORD, will the Senator from California kindly inform us how much land is reclaimed by this project?

Mr. WORKS. I am not able to do that at this time.

Mr. KENYON. Approximately?

Mr. WORKS. I am not able to do even that without examining data that I have.

Mr. KENYON. What is the amount of assessment levied upon these lands?

Mr. WORKS. In the aggregate it will amount to two-thirds of the cost of the improvement, about $22,000,000.

Mr. KENYON. It is assessed against the land?

Mr. WORKS. It is assessed against the land.

Mr. BURTON. Mr. President, I highly commend the Senator from California for his loyalty to his State, which has in it an element akin to patriotism; but lo, these many years we have listened to such arguments as these that a certain project was the very best in the whole bill. I fear that not all these statements can be correct, and the argument is sometimes colored by local considerations. I have no doubt the Senator from California is presenting his argument in regard to it in the utmost good faith.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from California?

Mr. BURTON. Yes.

Mr. WORKS. I should like to know whether the Senator from Ohio challenges the facts I have stated with respect to it?

Mr. BURTON. At a later time, Mr. President, when I have the executive documents before me, I intend to go into this project more fully, but for the present I want to call attention only briefly to the report made by the House committee on this project, and in the very first instance to the fact that in its essential nature this is not a navigation project at all, but one for the reclamation of land and for protection against floods. On this subject the House committee say on page 8:

> The project for the improvement of the Sacramento and Feather Rivers is also one which the committee regarded as worthy and of great importance. The whole work is to cost something above $33,000,000, but as a greater part of the work is for the purpose of preventing overflows from floods, and of protecting and reclaiming lands in the valley of the Sacramento and Feather Rivers, the State of California and local interests are to contribute all money necessary for the work except $5,000,000.

First of all, Mr. President, one of the chief vices of this bill—indeed, I do not know but it is its chief vice—is the ingrafting upon it of so many of these extraneous projects. I think the whole Senate will indorse liberal appropriations for improving rivers and harbors which are national in their scope and which benefit navigation—that is, if you can see that the benefits conferred upon the country are somewhat commensurate with the cost—but in recent years there has been a very marked tendency to include reclamation projects in these bills. At one time I remember the committee of conference were apart, and remained apart until 3 o'clock in the morning of March 4, because certain conferees desired to fasten upon this river and harbor bill a plan for reservoirs, some five or six thousand feet above the level of the sea, which had no more to do with navigation than the improvement of the domain in Cuba or in Europe. The House conferees stood out firmly, and the item was finally rejected, although the fate of the whole bill was threatened nine hours before the adjournment of Congress.

Now, I do not say that we objected because we were opposed to irrigation. Indeed, the result proved that it was much better for the cause of irrigation to exclude that item from the bill. Three years later, in 1902, the irrigation act was passed on its own merits, containing provisions relating to irrigation. That is where it belonged. So the Sacramento River project should be taken care of separately and not brought into a river and harbor bill, which should concern itself solely with fostering navigation by the improvement of rivers and harbors.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Colorado?

Mr. BURTON. Yes.

Mr. THOMAS. I am in entire accord with the criticisms of the Senator concerning the embodiment in the river and harbor bill of enterprises which are extraneous to it, but just here I want to remind the Senator that within the past 8 or 10 years the War Department, upon the assumption that the tributaries to navigable streams, in the event their waters are interfered with, may require supervision, have asserted and are exercising jurisdiction over irrigation schemes based on appropriations of water from them, and assume the right of examining and approving them, however trivial they may be, before irrigators are permitted to divert waters from these tributaries. To my mind, the assumption—because I think it is nothing but an assumption—of such an extraordinary jurisdiction over matters of that sort in the so-called interest of navigation breeds these additions and amendments to river and harbor bills as inevitably and absolutely as that the law of gravitation draws all things toward the center of the earth. One is the fruitful and the legitimate offspring of the other.

I hope to see the time when these nonnavigable schemes and enterprises will be eliminated entirely from river and harbor

on the floor for 10 or 15 minutes and assume that they are holding the floor. The Chair is going to have a few rights.

Mr. SMOOT. Mr. President, just one word. I repeat I addressed the Chair, and I think the Record will show the Chair recognized me. I asked a question, but did not yield the floor. If that is not the case, then of course I have no right to the floor.

The VICE PRESIDENT. The Chair had recognized the Senator from North Carolina [Mr. SIMMONS], but the Chair has knowledge that the Senator from Utah has been standing ever since the question with reference to the joint resolution reported by the Senator from Missouri.

Mr. SMOOT. And so has the Senator from North Carolina.

The VICE PRESIDENT. Undoubtedly. The remark of the Chair is not intended for any Senator in particular.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives further insisting upon its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; further insisting upon its disagreement to the amendment of the Senate No. 30, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate further insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN managers at the further conference on the part of the Senate.

HOUSE BILL REFERRED.

An act (H. R. 8563) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, was read twice by its title and referred to the Committee on the District of Columbia.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent for the present consideration of House bill 13811, being the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object, Mr. President.

Mr. SIMMONS. Then I move that the Senate proceed to the consideration of House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina. [Putting the question.] The Chair is in doubt and will again put the question.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL], but under the terms of the pair I consider myself at liberty to vote, and I vote "yea."

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I announce that he is absent on account of sickness, but he has informed me that if present he would vote as I shall. I therefore vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. CRAY] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote. I vote "yea."

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virgina [Mr. GOFF] to the junior Senator from Illinois [Mr. LEWIS] and vote "yea." I make this announcement for the remainder of the day.

Mr. DILLINGHAM (after having voted in the negative). I voted, not noticing the absence of the Senator from Maryland [Mr. SMITH], with whom I have a pair. I transfer that pair to the Senator from Idaho [Mr. BORAH] and will let my vote stand.

Mr. CATRON. I have a general pair with the senior Senator from Oklahoma [Mr. OWEN], but I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. SMITH of Georgia (after having voted in the affirmative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST], and will let my vote stand. I shall continue that transfer for the day.

Mr. SMOOT. I desire to announce the following pairs: The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON]; the Senator from Connecticut [Mr. MCLEAN] with the Senator from Montana [Mr. MYERS]; the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; the Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON].

Mr. HOLLIS. I desire to announce the unavoidable absence of the Senator from Maine [Mr. JOHNSON], and to state that he is paired with the Senator from North Dakota [Mr. GRONNA]. This announcement may stand for the day.

Mr. CAMDEN. I desire to announce the unavoidable absence of the senior Senator from Kentucky [Mr. JAMES]. He is paired with the junior Senator from Massachusetts [Mr. WEEKS]. I ask that this announcement may stand for the day.

Mr. KENYON. I desire to announce the unavoidable absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of illness; and will let this announcement stand for the day.

The result was announced—yeas 38, nays 23, as follows:

YEAS—38.

Bankhead	Lane	Ransdell	Stone
Bryan	Lea, Tenn.	Reed	Swanson
Camden	Martin, Va.	Saulsbury	Thompson
Chamberlain	Martine, N. J.	Shafroth	Thornton
Chilton	Nelson	Sheppard	Walsh
Crawford	Newlands	Shields	White
Fletcher	O'Gorman	Shively	Williams
Hollis	Overman	Simmons	Works
Hughes	Poindexter	Smith, Ga.	
Kern	Pomerene	Smith, Mich.	

NAYS—23.

Ashurst	Cummins	Lippitt	Sterling
Brady	Dillingham	Norris	Thomas
Brandegee	Gallinger	Oliver	Townsend
Bristow	Hitchcock	Page	Warren
Catron	Jones	Root	Weeks
Clapp	Kenyon	Smoot	

NOT VOTING—35.

Borah	Goff	McCumber	Smith, Ariz.
Burleigh	Gore	McLean	Smith, Md.
Burton	Gronna	Myers	Smith, S. C.
Clark, Wyo.	James	Owen	Stephenson
Clarke, Ark.	Johnson	Penrose	Sutherland
Colt	La Follette	Perkins	Tillman
Culberson	Lea, Md.	Pittman	Vardaman
du Pont	Lewis	Robinson	West
Fall	Lodge	Sherman	

So the motion of Mr. SIMMONS was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. BURTON obtained the floor.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the committee amendments be first considered.

Mr. BURTON. Mr. President, I did not understand that motion to be made. It is my desire to address the Senate on the bill in general before it is taken up in detail.

Mr. SIMMONS. Mr. President, I will say that when we laid aside the bill a few days ago the Senator from Ohio had not finished his remarks, and I do not wish to interfere with him.

Mr. GALLINGER. Mr. President, I will ask the Senator from North Carolina if it is his purpose to endeavor to have the Senate proceed to consider the Senate committee amendments before the general discussion on the bill is concluded?

Mr. SIMMONS. Certainly not.

Mr. GALLINGER. I wanted to know that fact——

Mr. SIMMONS. I simply moved to take up the bill in order that it might be before the Senate for discussion.

Mr. GALLINGER. Because I will occupy a few moments of the time of the Senate in discussing the bill.

Mr. SIMMONS. Of course I understand there will be some general discussion before we begin to vote upon the amendments.

Mr. GALLINGER. Very well.

Mr. BURTON. Mr. President, at the close of the morning hour on Monday I was addressing the Senate upon the defects in the methods and the erroneous policies of this river and harbor measure. I called attention, first, to the lack of efficiency and economy because of piecemeal appropriations. I called attention, in the second instance, to the long delay intervening between the initiation of a project and its completion, and cited instances in which that interval, in the case of works now completed had been between 20 and 30 years. I called attention also to other appropriations on works not yet finished, the completion of which would require even 60 years or more, making it utterly impossible for communities, merchants, and shipowners to make their calculations as to the date when they can depend upon the improvements.

I then reached the third and, to my mind, the most serious objection to this piecemeal policy, the injudicious making of appropriations; the appropriation of, say, $100,000 in a bill when the total amount required runs well into the millions. The most glaring instance of that is the Sandy Bay appropriation, which would have required not only 60 years, but, under the old custom of biennial river and harbor bills, 120 years for its completion. Again, it was an improvement of which no utilization could be made until it was entirely finished.

I think these instances speak very loudly for reform; they demand that we should immediately take up this question and introduce into our river and harbor bills a businesslike and orderly policy. Indeed, I can converse with no one who will contradict the assertion that it is best to provide for the whole improvement when it is commenced, but by reason of some strange inertia prevailing when the last three or four river and harbor bills were passed we have been again taking up this old dribbling policy with all its disastrous and extravagant results.

The real reason for many of these partial appropriations and the consequent long delay is not altogether a lack of appreciation of the desirability of finishing the work, but a serious doubt as to the expediency of the improvement itself. I refer to the James River as an illustration. A channel is under improvement in the river from Hampton Roads to the city of Richmond. This was commenced in the year 1885, and at the present rate it will require some 15 years at least to finish it. A potent reason for the delay has been the constantly diminishing traffic on this river and a question as to the expediency of the project as first presented to Congress and appropriated for now nearly 30 years ago. In such a case as this there should be a careful reconsideration of the proposed improvement, and the Senate should determine whether it is best to go on or stop with the work which has already been done.

Now, let me give more illustrations from this document of the erroneous policy of taking up improvements by piecemeal. There is an appropriation in this bill of $1,000,000 for that portion of the Mississippi River between the mouth of the Missouri and the mouth of the Ohio, a distance of about 208 miles. The total amount required to complete that project is $17,250,000. Let us examine that project. When we see what has been accomplished by the expenditure of some $17,000,000, I ask the question of the Senate, does anyone believe that we would go on with that improvement at an expense of $17,250,000, if it were thoroughly discussed here in the Senate and we were face to face with the question of appropriating that entire amount to-day?

In the year 1880, when traffic on the Mississippi River reached its maximum, 44 per cent of all the shipments from the city of St. Louis, the main city on this stretch and the largest city on the river, was by boat and 56 per cent by rail; in the year 1900 one-half of 1 per cent of the shipments from that city were by boat and 99½ per cent by rail, so that the proportion of total shipments by river in the year 1880 was, according to the official report, 88 times as large as in 1900. Millions have been expended on the project, and the singular feature of it is that at the close of each year the end of the improvement seems just as far away as it was at the beginning. It was estimated in 1881 that it would cost less to complete this improvement than the amount named in the present estimate, ranging about $15,000,000 or thereabout 33 years ago, while now the estimate for completion is $17,250,000. In 1881 the estimate was $16,397,500.

Again, with the exception of a very few days, there has been in this section a channel 8 feet in depth the year round for nearly 10 years, a channel deeper than the average depth of the Rhine, the greatest navigable river in the world, which has a traffic not of some 250,000 tons, as here, but of 40,000,000 tons; and the amount expended on this stretch of the river is far greater than the amount expended by the General Government of Germany on the improvement of the Rhine for some 355 miles. Here we have been going on, spending at one time two or three hundred thousand dollars a year, and at other times $500,000, and now $1,000,000 a year upon that proposed improvement, and getting farther and farther away from results with every million that we expend.

Take the upper Mississippi also as another illustration. It is included in this bill for $1,500,000. The length of this stretch of the river is 658 miles. Now, let us see what the traffic results there have been.

In the year 1885 the tonnage on this portion of the river was 5,067,196 tons. In 1908 it was 2,581,857 tons. In the 23 years it has dropped off more than half, and in 1912 it had further dropped from 2,581,857 to 1,830,294 tons.

There is another feature of this traffic, showing the disappointing results of this improvement, to which I will later call attention more in detail not only as regards this river but other rivers as well.

There is a general impression that on these long rivers there are long hauls of freight, that on this stretch of the river, 653 miles in length, there is presumably some freight hauled for 600 miles or more. Until the year 1910 we had no statistics as to ton-mileage or the average haul of commerce save in isolated cases. The National Waterways Commission, in their report of 1910, made a recommendation that these statistics should be furnished; and in the river and harbor bill of that year a provision to that effect was inserted. Only meager reports of ton-mileage and average distance have been made since that time, but those which have been returned throw a flood of light upon our river traffic. On this stretch of river, 658 miles in length, the average haul of the freight carried is only 31.6 miles, and that notwithstanding there is a certain quantity of floating logs which are carried for long distances.

I wish to call attention to another improvement in this bill for which the sum of $200,000 is appropriated. It is found on page 65. This came from the House:

Improving Sacramento and Feather Rivers, Cal., in accordance with the report submitted in Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session, and subject to the conditions set forth in said document, $200,000.

We are making appropriations for numerous rivers in amounts less than $200,000 and more than that amount, but here is one for $200,000. Let me call your attention, before I state what that improvement involves, to the document to which it refers—Rivers and Harbors Committee Document No. 5, Sixty-third Congress, first session.

I challenge any Members of the Senate to get that document in this Capitol. I sent yesterday to the document room, asking for a copy. It was not available, and at no time has it been available in the document room. It is a document published by that committee, and the only way in which to obtain it is to send over to the Rivers and Harbors Committee of the House. They have a limited number of copies printed, and I have had the good fortune to obtain one; but it is not a general public document available to Members of the Senate or the House, so that, in a measure, we are left in the dark. At least, this document does not have the same standing as the general class of documents. In saying this I do not mean to intimate that any blame attaches to the Rivers and Harbors Committee.

What does that improvement involve? It reads here very easily "$200,000." How much is to be expended on it by the United States Government before we get through with it? To how much are we committing ourselves by that innocent item of $200,000? An expenditure of $3,860,000! Just as soon as this $200,000 is appropriated, and the next bill comes along, and some one wakes up to the fact that this project is of much greater magnitude than was expected, it will be said: "Oh, but the Government has committed itself to this project by an appropriation of $200,000. Are you going to take a backward step? The bill of 1914 adopted that project in specific language, and now we must go on with our $3,860,000."

The whole tendency is, I may say, demoralizing. Items slip into this bill to which neither House nor Senate can give adequate attention, because they have no idea what is being done, because they have no conception of the magnitude of the project or the amount of the expense incurred.

I wish now to call attention to two or three other items here which are not in quite the same class.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER (Mr. SMOOT in the chair). Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

the Cabinet; to the Senators and Representatives composing the Congress of the United States, to the Governor General of the Philippine Islands, to members of the commission, and to the speaker of the Philippine Assembly.

A true copy of resolutions passed at regular meeting of the Manila Merchants' Association, held April 21, 1914.

MANILA MERCHANTS' ASSOCIATION,
By H. M. PITT, *President.*

Attest:

P. L. BRYANT, *Secretary.*

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the State Association of Letter Carriers, of St. Paul, Minn., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WEEKS presented a resolution of East Attleboro Aerie, No. 1649, Fraternal Order of Eagles, of East Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented petitions of sundry citizens of Gary, Waterloo, Pendleton, Richmond, Greenfield, Greencastle, Judson, Anderson, Lafayette, Connersville, Crawfordsville, Evansville, Valparaiso, Shelbyville, Logansport, and Indianapolis, all in the State of Indiana, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

He also presented memorials of Nick Schwartz, Harry Brazier, Frank Nelson, and 39 other citizens, of Vanderburg, Allen, Marion, and Dearborn Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Vallonia, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of the Young People's Society of Christian Endeavor, of Manchester; of the congregation of the Methodist Episcopal Church of Keene; and of sundry citizens of Pittsburg, all in the State of New Hampshire, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of the congregation of the Methodist Episcopal Church of Fairmont, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. LANE presented a memorial of Local Branch, United National Association of Post Office Clerks, of Portland, Oreg., remonstrating against the summary dismissal of certain employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. KERN presented resolutions adopted by the Chamber of Commerce of Hammond, Ind., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of sundry citizens of Lawrenceburg and Evansville, in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NEWLANDS presented memorials of sundry citizens of Nevada, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Fallon and Carson City, in the State of Nevada, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. CHAMBERLAIN presented petitions of sundry citizens of Portland, Oreg., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Dayton, Oreg., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OLIVER presented a petition of Flax Dressers' Local Union, No. 634, of Paterson, N. J., praying for the restoration of the duty on dressed flax, which was referred to the Committee on Finance.

Mr. LIPPITT presented a petition of the congregation of the Washington Park Methodist Episcopal Church, of Providence, R. I., favoring national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 14925) for the retirement of H. R. Drake, reported it without amendment and submitted a report (No. 634) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 13409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported it with amendments and submitted a report (No. 635) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 6020) to ratify, approve, and confirm an act duly enacted by the Legislature of the Territory of Hawaii, relating to the franchise of the Honolulu Rapid Transit & Land Co., extending such franchise and otherwise amending the laws relating thereto (with accompanying papers); to the Committee on Pacific Islands and Porto Rico.

By Mr. JONES:

A bill (S. 6021) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, Marine Corps, and the Revenue-Cutter Service; to the Committee on Naval Affairs.

By Mr. GALLINGER:

A bill (S. 6022) granting a pension to Daniel F. Healy; and

A bill (S. 6023) granting a pension to Emma S. Rowe (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 6024) fixing the compensation of inspectors of customs, and for other purposes; to the Committee on Finance.

AMENDMENTS TO THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. BRADY submitted an amendment proposing to appropriate $25,000 to make field experimental demonstrations for the purpose of utilizing by-products of the several species of trees grown in the United States and of the stumps and roots of "logged-off" lands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LANE submitted an amendment proposing to increase the appropriation for the protection and improvement of Crater Lake National Park, Oreg., from $7,540 to $12,540, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to amend the act of March 1, 1911, providing for the establishment of a marine biological station, Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLAPP submitted an amendment proposing to appropriate $25,000 for the condemnation of small park areas at the intersections of streets outside the limits of the original city of Washington, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. WILLIAMS submitted three amendments intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission and to define its powers and duties, and for other purposes, which were ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. J. C. South, its Chief Clerk, announced that the House further insists upon its amendment to the amendment of the Senate No. 1 to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, further insists upon its disagreement to the amendment of

the Senate No. 30, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House insists upon its amendment to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, disagreed to by the Senate, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LEE of Georgia, Mr. LEVER, and Mr. HAUGEN managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 8503) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 751) to repeal section 3480 of the Revised Statutes of the United States, and it was thereupon signed by the Vice President.

INTERNATIONAL CONGRESS ON HOME EDUCATION.

The VICE PRESIDENT. The morning is closed.

Mr. STONE. Mr. President, I beg pardon of the Chair and the Senate, before the morning business is concluded I am authorized by the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education to report it favorably without amendment, and I submit a report (No. 633) thereon. I call the attention of the Senator from Pennsylvania [Mr. OLIVER] to it.

Mr. OLIVER. I ask unanimous consent for the present consideration of the joint resolution.

Mr. SMOOT. What is the resolution?

Mr. OLIVER. It authorizes the President to extend an invitation to foreign governments to participate in the International Congress on Home Education to be held in Philadelphia in September.

Mr. SMOOT. I would not object to its consideration, but yesterday I gave notice that until the calendar was taken up regularly I would object to the present consideration of any bill reported to the Senate.

Mr. OLIVER. I hope the Senator will make an exception in this case. The congress is to be held in September, the joint resolution must go to the House, and if the invitation is to be extended at all it must be extended at once. The committee has reported it unanimously. I hope the Senator will not object, because in that case it would go to the foot of the calendar and it might not be reached until some time in August.

Mr. SMOOT. If the Senators will help me to-day we will take up the calendar and consider all the bills upon it.

Mr. OLIVER. The Senator knows very well that I usually help him in everything he wants to do.

Mr. SMOOT. I am going to try to have the calendar taken up at the place where we left off last evening and consider every bill on the calendar until the foot of it is reached.

Mr. STONE. We could pass the joint resolution while we are talking about the order of business.

Mr. SMOOT. It is not a question as to time; it is a question as to what policy will be agreed upon.

Mr. SMITH of Michigan. Do I understand that the Senator from Utah objects to the present consideration of the joint resolution?

Mr. SMOOT. It is not because I am opposed to the joint resolution.

Mr. SMITH of Michigan. Can we not consider it on its merits, involving nothing else? It is a very small matter. It comes from our committee practically unanimously, and it is a measure of some importance to the Senator from Pennsylvania and his immediate constituency. I hope the Senator from Utah will not object.

Mr. BRANDEGEE. I wish to suggest to the Senator from Utah that the notice he gave about objecting to the consideration of bills by unanimous consent in the future until the calendar should be entered upon was as to any bill on the calendar. Here during the morning business a committee report comes in; it is an unobjected matter that is not on the calendar. I think the distinction could be made without any detriment to the business of the Senate.

Mr. SMOOT. It was for that very reason that I objected. I thought if we would allow the immediate consideration of bills when reported we never would get to the calendar. We did consider the calendar yesterday and did clear the calendar of pension bills. The calendar has been considered, and I will not object to the consideration of the joint resolution, with an apology to the Senator from Iowa [Mr. KENYON]——

Mr. KENYON. Is the Senator going to concede the point upon just this one measure?

Mr. SMOOT. I hope the Senator will help us take up the calendar immediately.

Mr. KENYON. I understood that when the Senator yesterday made that objection, it was to be the last time any bill was to be considered out of its order.

Mr. SMOOT. Yes; but I will say that we did consider the calendar. I will say to the Senator from Iowa that I did not expect to give way this morning until the calendar had been at least gone through once.

Mr. KENYON. I have a simple bill in charge which involves a very meritorious matter. I want to bring it up and I hope the Senator from Utah will not object.

Mr. SMOOT. I will not object to this joint resolution.

The VICE PRESIDENT. Is there objection to the consideration of the joint resolution reported by the Senator from Missouri?

Mr. SIMMONS. I shall not object to it unless it leads to debate. I reserve the right to object if it leads to any debate.

Mr. OLIVER. I think it will not lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the President of the United States to invite foreign Governments to appoint delegates and otherwise participate in the Fourth International Congress on Home Education, to be held at Philadelphia, Pa., September 22-29, 1914, under the auspices of the International Commission on Congresses on Home Education and Parent-Teacher Unions, and that no appropriation shall be granted at any time hereafter in connection with the congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT. Is the morning business closed?

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina.

Mr. SMOOT. I thought I was recognized.

The VICE PRESIDENT. The Senator from North Carolina is recognized.

Mr. POINDEXTER. I should like——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. I yield to the Senator from Washington.

Mr. SMOOT. Mr. President——

Mr. POINDEXTER. I have the floor by the courtesy of the Senator from North Carolina. I do not understand this apparent stampede to close morning business.

The VICE PRESIDENT. The Chair will state to the Senator from Washington that the morning business had been closed.

Mr. POINDEXTER. The morning business had not been closed at the time I addressed the Chair.

The VICE PRESIDENT. Before that time, and the Senator from Missouri requested, out of order, to report a joint resolution. The morning business had closed, the Chair thinks, before the Senator from Washington rose.

Mr. POINDEXTER. I heard the Senator from Missouri [Mr. STONE] address the Chair, I think, probably about the same time the Chair announced that morning business was closed. All I desire to do is to submit an amendment to the sundry civil appropriation bill in order that it may be printed.

The VICE PRESIDENT. The amendment will be received, printed, and referred to the Committee on Appropriations.

Mr. SMOOT. I understood the Chair to recognize me.

Mr. SIMMONS. I think I have the floor, and the Senator from Utah has no right to interrupt me without my permission.

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do yield to the Senator from Utah.

Mr. SMOOT. I did not want the Senator from North Carolina to yield to me. I thought the Chair had recognized me. If that is not the case, I will say no more.

The VICE PRESIDENT. There are certain things that must be understood from this time forward. Senators can not stand

SENATE.

WEDNESDAY, *July 1, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name as we face our daily tasks, because Thou art the strength and glory of this great Nation. We would write Thy name into the record of this Nation's life, because Thou art our dependence and our hope. Every cherished memory has been inspired by Thy touch upon human life. Every aspiration that comes into our hearts is a part of the perfect gift from Thy hand. We pray Thee to guide us this day in the discharge of the duties of the day. Give us hearts responsive to the Divine will. May the issue of every policy of government and of every law enacted be for the furtherance of Thy kingdom and the glory of Thy name. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Page	Stone
Bankhead	Jones	Poindexter	Swanson
Brady	Kenyon	Pomerene	Thomas
Bristow	Kern	Ransdell	Thompson
Bryan	Lane	Reed	Thornton
Burton	Lea, Tenn.	Root	Townsend
Catron	McCumber	Saulsbury	Walsh
Chamberlain	Martin, Va.	Shafroth	Warren
Chilton	Martine, N. J.	Sheppard	Weeks
Clapp	Nelson	Shields	White
Cummins	Newlands	Simmons	Williams
Dillingham	Norris	Smith, Ga.	Works
Fletcher	O'Gorman	Smith, Mich.	
Gallinger	Oliver	Smoot	
Hitchcock	Overman	Sterling	

Mr. KERN. I desire to announce the unavoidable absence of the Senator from Mississippi [Mr. VARDAMAN] on account of important business. This announcement may stand for the day.

Mr. SMITH of Georgia. I wish to announce that the Senator from Georgia [Mr. WEST] is confined to his house by sickness. He will probably be confined there for several days.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. He is paired with me. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. THOMPSON. I am in receipt of a large number of telegrams and petitions from hundreds of citizens of Kansas, urging action on the so-called Sheppard-Hobson resolution for national prohibition. I have selected one from Bishop Shepard which I should like to have read at the desk.

There being no objection, the telegram was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

ABILENE, KANS., *June 30, 1914.*

Hon. W. H. THOMPSON,
Senate Chamber, Washington, D. C.:

Convention Methodist district superintendents and church workers, representing a membership of 140,876 and a constituency of a half million, petition the passage of the Sheppard-Hobson resolution, and urge Kansas representatives to support the same.

W. O. SHEPARD, *Bishop.*
EDWIN LOCKE, *Secretary.*

Mr. THOMPSON presented petitions and telegrams in the nature of petitions from sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a memorial of the Nebraska State Pharmaceutical Association, remonstrating against the adoption of the so-called Pomerene amendment to the antinarcotic bill, which was ordered to lie on the table.

Mr. SMOOT. I present resolutions adopted at a regular meeting of the Manila Merchants' Association, relative to trade relations between the Philippine Islands and the United States. I ask that the resolutions may be printed in the RECORD and referred to the Committee on Pacific Islands and Porto Rico.

There being no objection, the resolutions were referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

RESOLUTIONS ON TRADE RELATIONS BETWEEN THE PHILIPPINE ISLANDS AND THE UNITED STATES.

Whereas the Congress of the United States embodied in the recently enacted tariff bill a provisions which effects in the present year a reduction in the rates of duty on sugar imported into the United States and abolishes in 1916 all duty on this commodity; and

Whereas this law removes practically the last advantage possessed by the Philippine Islands in supplying its chief products to the United States and puts this country on almost the same basis as foreign countries in this respect; and

Whereas the interests and the economic future of these islands will be severely prejudiced and injured by this legislation, which provides no benefits to compensate for the loss of a protected market for our sugar, but retains for United States products and manufactures the same advantages over those of foreign countries in Philippine markets that they have heretofore possessed: It is therefore

Resolved, That this association submit a statement of facts which is as follows: In 1909 Congress enacted a tariff law containing a provision under which all articles, excepting rice, the growth or product of the Philippine Islands, and all manufactures containing not to exceed 20 per cent in value of foreign material, were to be admitted free of duty; except that the amount of sugar and tobacco that might be so admitted in any one year was limited as to quantity. At the same time as compensation the law provided that all articles the growth, product, or manufacture of the United States were to be admitted free into the Philippine Islands without restriction or limitation of any kind. Under this law Philippine sugar and cigars, together with products of household industry such as embroideries and native straw hats, received a measure of protection that stimulated production, and, especially in the case of sugar, prompted capital to investigate and develop the sugar-cane producing sections of the islands. Results have shown that American trade here has been greatly increased through the protection afforded United States goods of practically every description.

In the fiscal year 1909, before the bill went into effect, the imports into the Philippine Islands from the United States were $4,696,000 in a total of $27,794,000, or 16.9 per cent. In the fiscal year 1913 they were $25,646,000, or 42.5 per cent. Thus while total imports in 1913 were slightly more than double those of 1909, imports from the United States were five and one-half times as great. Without free access to Philippine markets the United States, after 11 years of control, sold here about $5,000,000 of merchandise per annum. After four years of advantage due to free trade its sales were increased $21,000,000. It is readily apparent that the benefits accruing to the United States from this reciprocal trade legislation were far greater, measured by direct returns, than those realized by the Philippines. Yet it was believed that Philippine sugar would have so decided an advantage by reason of this free trade over foreign countries in the vast market of the United States that the benefits soon would be equalized. In the tariff bill enacted last year the existing limitations on our sugar and tobacco were removed, but the Congress also provided for abolishment in the United States of the import duty on sugar, thus taking away the advantage this protection had given and leaving us with tobacco alone among our leading products from which to secure, through free access to that market, compensation for the protection afforded in these islands to practically all American products and manufactures.

Our principal exports are represented by four products, viz, hemp, copra, sugar, and tobacco. In the last fiscal year these comprised 93.12 per cent of the total. Hemp and copra are not subject to an import duty in the United States, and that on sugar is soon to be abolished, leaving tobacco and a few minor products, comprising last year in all but 17 per cent of exports, the only ones that will have any advantage in the United States by reason of free access to the markets there. This condition is obviously unfair to these islands and does not comport with the traditional justice of the American Nation and generous character of the American people.

In order that attention may be directed to it, an action whereby the wrong can be righted is here suggested; and it is further

Resolved, That this association petition, and it does hereby petition, the Congress to enact, and the President to approve, a law that shall modify the present tariff law of the United States by restoring the duty on sugar and imposing such duty on other articles not now subject to duty that are produced in these islands or that they are adapted successfully to produce as will serve as an incentive to the development of industry here, the growth of commerce, and the economic rejuvenation of the Filipino people.

In support of this petition we submit that it would but equalize the benefits derived from reciprocal trade relations between the two countries, and that the United States would profit in full measure with these islands from the increased commerce and the enhanced prosperity that would of certainty follow.

Under the existing tariff laws practically all products that are exported or might be exported from the United States to the Philippine Islands are subject to duty here when imported from foreign countries. But of articles such as these islands produce or are capable of producing practically all enter the United States from all sources free of duty. In its trade with the countries that supply the major portion of such products the United States suffers an unfavorable balance of nearly $400,000,000 each year, while in its trade with these islands the balance is largely in favor of the United States. Were there a moderate duty in that country on such articles as cocoa, coffee, fibers, rubber, raw silk, sugar, tea, tobacco, etc., the effect would naturally be to attract capital to those industries in the Philippine Islands, for, other things being equal, it would be more profitable to produce them here to supply the American demand than in countries not having free access to the markets there. At the same time increased production in these islands would mean an enlarged purchasing power for the Filipino people which would necessarily be reflected in a corresponding increased trade for the United States, and this would serve to reduce in equal measure the balance against the United States in its trade with other tropical or semitropical countries.

It is obvious that were the United States obtaining from its own territory the articles above enumerated there would be available to it a compensating trade subject directly to its control. It would then be in a position to effect a profitable exchange of its manufactures and Temperate Zone foodstuffs for the tropical products required by its people, thus securing at one and the same time control of a market and of a source of supply; and it is further

Resolved, That copies of these resolutions be sent to the President of the United States, to the Secretary of War, and other members of

VOLUME LI, PART XII.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

By Mr. ROBERTS of Nevada: Petitions of Ed. Whalen, W. F. Wootan, and 15 other residents of National, Humboldt County, Nev.; and Frank J. Kinghorn, Ed. Phillips, and 11 other residents of Battle Mountain, Lander County, Nev., protesting against the adoption of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SCULLY: Memorial of the North American Skat League, H. F. L. Westerfield, and William J. Richton, all in the State of New Jersey, protesting against national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of 30 citizens of Colorado Springs, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition containing 45 signatures of residents of Cœur d'Alene, Idaho, protesting against enactment of legislation providing for an amendment to prohibit the manufacture, sale, and importation of intoxicating liquors; to the Committee on Rules.

Also, memorial of various representatives of 12,000 Christian Endeavorers in conference at North Yakima, Wash., favoring national prohibition; to the Committee on Rules.

Also, papers to accompany House bill 17168, for the relief of the board of regents of the University of Idaho; to the Committee on Claims.

By Mr. TREADWAY: Petition of the Massachusetts Hotel Men's Association, protesting against national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of Jane Olcott, Agnes F. Belts, and others, of Elmira, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Elizabeth J. Kemper and other members of the Woman's Christian Temperance Union of Bellefontaine, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 200 citizens of Mena, Ark., and sundry citizens of Crawford, Ark., favoring national prohibition; to the Committee on Rules.

Also, petition of John O'Neil and other citizens of Horton, Kans., protesting against national prohibition; to the Committee on Rules.

Also, petition of Mrs. Maggie England and other officials of the Woman's Christian Temperance Union at Leavenworth, Kans., favoring national prohibition; to the Committee on Rules.

Also, petitions favoring national prohibition, signed by 330 members of churches and church organizations, in the following towns and cities in Kansas: Topeka, Reserve, Robinson, Oneida, Delia, Atchison, Effingham, and Muscotah; to the Committee on Rules.

Also, petition of Mrs. Jennie Henderson and other citizens of Horton, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of Rev. Charles M. Sheldon and other citizens of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

Also, petition of M. L. Doering, Lorette Strickler, and others, of Topeka, Kans., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of the Sunday School Association of Atchison, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petition of 242 citizens of Urbana, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petition of Mrs. S. P. Bourland, Mrs. A. S. Sadin, and others, of Illinois, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of A. F. Ottman and others of Edgemont, S. Dak., protesting against national prohibition; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Resolutions adopted by the North American Skat League at its seventeenth annual convention at Milwaukee, Wis., June 14, 1914, protesting against the passage of House joint resolution 168, Senate joint resolution 50, Senate joint resolution 88, and against all similar prohibition measures; to the Committee on Rules.

Also, resolutions adopted by the First Methodist Episcopal Church of Sheboygan Falls, representing 164 people, and the Epworth League of Sheboygan Falls, Wis., representing 60 people, asking for the passage of the Hobson resolution providing for an amendment to the United States Constitution in favor of national prohibition; to the Committee on Rules.

By Mr. BUTLER: Petitions of 98 citizens and the Woman's Christian Temperance Union of Lansdowne; 50 citizens of Fernwood; 68 citizens of Concordville, and 35 citizens of Parksburg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also (by request), memorial of the Borough Council of the borough of Coatesville, Pa., favoring passage of the Hamill retirement bill for Federal employees; to the Committee on Reform in the Civil Service.

By Mr. CALDER: Petition of sundry citizens and the Sixth Avenue Baptist Church, of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of sundry citizens of Columbus, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Manufacturers' and Dealers' League of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. DAVIS: Memorial of the Minnesota State Association, indorsing the Hamill bill relative to retirement of Government employees; to the Committee on Reform in the Civil Service.

By Mr. DICKINSON: Petitions from 24 persons of the sixth district of Missouri, favoring the passage of the amendment to the Constitution prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition of sundry citizens of Rich Hill, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petitions of sundry citizens of Bethel, Bridgeport, Summerfield, Easton, and Trumbull, all in the State of Connecticut, favoring national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union of Bridgeport and citizens of Connecticut, against national prohibition; to the Committee on Rules.

Also, petition of the Christian Endeavor Society of the Kings Highway Church, of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petitions of the Finlay-Pratt Hardware Co. and 8 other merchants and companies, of Carlsbad; Earickson & Co. and 9 other merchants, banks, and companies, of Fort Sumner; the Cash Mercantile Co. and 12 other merchants and companies, of Artesia; the Portales Drug Co. and 26 other merchants and companies, of Portales; R. B. Ellison and 7 other merchants and companies, of Santa Rosa; Ziegler Bros. and 8 other merchants and companies, of Carrizozo, Tularosa, and Mescalero; C. W. Morgan and 6 other merchants and companies, of Alamogordo; the Seligman Bros. Co. and 22 other merchants and firms, of Santa Fe; the Joyce-Pruitt Co. and 22 other merchants and companies, of Roswell; the Comley Lumber Co. and 12 other merchants and companies, of Clayton; the Nara Visa Lumber Co. and 9 other merchants and companies, of Nara Visa; J. D. Cross and Triplett Bros., of Texico; the Elk Drug Store, 18 other firms and companies, and the Chamber of Commerce, of Tucumcari; E. C. Sims and 5 other merchants and companies, of Vaughn and East Vaughn; M. L. Davis and 2 other merchants and companies, of Elida; the Brooks Mercantile Co. and 6 other merchants and companies, of Cimarron; the Estancia Savings Bank and 7 merchants and companies, of Estancia; the Raton Supply Co. and 23 other merchants and companies, of Raton; O. C. Hinman and 14 other merchants and companies and the Chamber of Commerce, of Silver City; the Chamber of Commerce and 18 merchants and companies, of Deming; Charles Ilfeld Co. and 31 other merchants and companies, of Albuquerque; Freeman Bros. and 14 other merchants and companies, of Las Cruces; the Winters Drug Co. and 25 other merchants and companies, of Las Vegas and East Las Vegas, all in the State of New Mexico, favoring the enactment of legislation to compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the county, and the State; to the Committee on Ways and Means.

Also, memorials of Patricio Martinez and 27 other citizens of Abiquiu; George Hyde and M. A. Rooney and 123 other citizens of Fort Sumner, Moriarty, Tularosa, and Watrous; G. J. Kammerer and 24 other citizens of Elizabethtown; W. F. Largent and 2 other citizens of Red River; William F. Meyer and 2 other citizens of Costilla; Luis Ch. Chavez, of Leyba; Julio Garcia, of La Cueva; Antonio Jose Luna and 2 other citizens of Polvadera; 30 citizens of Array; 5 citizens of Santa Rita; 13 citizens of Raton; 22 citizens of Cerro; 25 citizens of Mogollon; 8 citizens of San Pedro; 12 citizens of Knowles; and 29 citizens of Clayton, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Jesus Ma. Torres, J. I. Eaton, A. D. Coon, and 19 other citizens of Socorro, and of H. W. Metz, H. C. Armstrong, R. E. Smith, and 35 other citizens of Raton, all in the State of New Mexico, protesting against national prohibition; to the Committee on Rules.

Also, petitions of the Berino Sunday School, of Berino, representing a membership of 34, and of Rev. Dorsey Memborn, W. R. Newsome, A. W. Crowder, and 77 other citizens of Berino, Anthony, and Center Valley, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petitions of mass meeting of citizens of Espanola, Velarde, Tularosa, Bernalillo, and Estancia, the latter signed by 25 citizens, all in the State of New Mexico, favoring national prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Cuervo, N. Mex., representing a membership of 100, and of W. R. Smith, W. L. Wilson, and V. Barnhart, and 40 other citizens of Cuervo, N. Mex., favoring national prohibition; to the Committee on Rules.

Also, petition of M. M. Crocker, F. G. Roberts, R. M. Reynolds, and 51 other citizens of Lordsburg, N. Mex., favoring national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of sundry citizens in mass meetings at Washington Courthouse, Ohio, and Xenia, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petition of the North American State League against national prohibition; to the Committee on Rules.

Also, petition of the Merchants' Association of New York relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the North Side Board of Trade, of New York, urging postponed action on antitrust bills; to the Committee on the Judiciary.

By Mr. GARRETT of Tennessee: Petitions of 700 citizens of Halls, citizens of Troy, and J. L. Noel, of Kenton, all in the State of Tennessee, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Petitions of Mrs. H. C. Anthony, presiding officer, Mrs. H. A. Carter, secretary, Connersville; Prudence Winterrowd, presiding officer, Margaret T. Hoop, secretary, Shelbyville; Florence C. Larimore, presiding officer, Nora C. Roberts, secretary, Greenfield; Mary A. Stubbs, presiding officer, Mrs. J. H. Hodgin, secretary, Richmond; Lois Compton, presiding officer, Maud E. Hudelson, secretary, Newcastle, of mass meetings held in said respective cities, and Mary Alice Moorman, president Franchise League, Richmond, all in the State of Indiana, favoring woman suffrage; to the Committee on the Judiciary.

Also, petitions of H. B. Prater and other voters of McCordsville, Ind., and Alden Mote and 5 other members of the Grace Methodist Episcopal Church, of Richmond, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of Frank B. Moorman and other citizens of Batesville, Ind., and William H. Luking and other citizens of Connersville, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of Steward Rogers and other citizens of New Palestine, Hancock County, Ind., favoring national prohibition; to the Committee on Rules.

Also, petition of 60 citizens of Richmond, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. GRIFFIN: Petition of the Manila Merchants' Association, favoring modification of tariff law as to sugar; to the Committee on Ways and Means.

Also, petition of sundry citizens of Brooklyn, N. Y., favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

Also, petition of H. J. Harding, Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the Philadelphia Board of Trade, relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of the Merchants' Association of New York, relative to antitrust legislation; to the Committee on the Judiciary.

By Mr. GUERNSEY: Petitions of 225 citizens of Fort Fairfield, 150 citizens of Westfield, and granges of Atkinson, Milo, and Sebec, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of South Haven and Otsego, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of 25 citizens of Leonia, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. HELM: Petition of Lizzie M. Willis, Blanche Hunter, and others, of Shelbyville, Ky., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KEISTER: Petition of Mrs. C. D. Wright, Emma C. Walter, and others, of West Newton, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of Jean C. Bailey, Helen C. Campbell, and others, of Greensburg, Pa., and Mrs. Ray E. Motz, Mrs. Mamie Rhinehart, and others, of Monessen, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LIESS of Pennsylvania: Petitions of Mrs. A. B. Hitchcock, of Knoxville; Mrs. James G. Covey, of Coudersport; Mrs. Louise L. Chatham, of Williamsport; Mrs. Mary B. Miller, of Wellsboro, all in the State of Pennsylvania, and others, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KINDEL: Petitions of sundry citizens of Colorado, against national prohibition; to the Committee on Rules.

By Mr. KINKAID of Nebraska: Petitions of Mary Senill Hayward, and others, of Chadron, and W. E. Taylor, Hetty M. Jacobs, and others, of Custer County, Nebr., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. LAFFERTY: Petitions of Mrs. Frederick Eggert, Lavina L. Noir, and others, Mrs. A. C. Newell, Isaac Swett, and others, Esther P. Lovejoy, Mrs. A. Z. Boothwick, and others, all of Portland, Oreg., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of sundry citizens of the State of Oregon, favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of 275 citizens of Pine Grove, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of the South Methodist Sunday School, South Manchester, Conn., and various citizens of Cheshire, Conn., favoring submitting the prohibition amendment; to the Committee on Rules.

By Mr. McCOY: Petition of 35 voters of the ninth congressional district of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. MacDONALD: Petition of Monitor Lodge, No. 163, Order of Vasa of America, Ishpeming, Mich., favoring monument to John Ericsson; to the Committee on the Library.

Also, petition of various Presbyterian, Methodist, and Baptist Churches and 82 citizens of Marquette, 250 of Newberry, 600 of Ishpeming, and 150 of Gladstone, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

Also, petitions of the cigar makers' union and sundry citizens of Escanaba, Mich., and various cigar makers' unions of Sault Ste. Marie and Calumet, Mich., against national prohibition; to the Committee on Rules.

Also, petition of the Women's Relief Corps of Crystal Falls, Mich., against changing the United States flag; to the Committee on Military Affairs.

Also, petition of the board of directors of the Detroit Board of Commerce, of Detroit, Mich., favoring waterway development; to the Committee on Rivers and Harbors.

Also, petition of the Upper Hay Lake Grange, of Sault Ste. Marie, Mich., favoring House bill 11897, the Bathrick bill for rural credits; to the Committee on Banking and Currency.

Also, petition of sundry citizens of Manistique, Mich., and Mackinac County, Mich., favoring pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens of Gogebic County, Mich., favoring bill for memorial to John Ericsson; to the Committee on the Library.

Also, petition of 10,175 citizens of the State of Michigan, protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of Katharine L. Paddock, Eleanor L. Merriam, and others of Malone, N. Y., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of sundry citizens of Plattsburg; sundry citizens, the Woman's Christian Temperance Union, and churches of Parishville; members of Ausable Chasm Church and Sunday school, all of the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. MOORE: Petition of Florence L. Piersol, Elizabeth Price Lewis, and others, of Philadelphia, Pa., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. NELSON: Petition of 90 citizens of Plattsville, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of Randolph T. Ode, of Providence, R. I., relative to House bill 7267 for repayment to the Stevens Institute of Technology of a collateral inheritance tax; to the Committee on Claims.

Also, petition of the Quarterly Conference of the Methodist Episcopal Church of Portsmouth, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petition of various members of the Emanuel Reformed Church of Poughkeepsie, N. Y., and sundry citizens of Pawling, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petitions of D. R. Peterson and others, of Penyr, Cal., and Rev. Frank Porter Flegal, of Newcastle, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. RAUCH: Petition of the Peru (Ind.) Labor Trades Council, American Federation of Labor, and citizens of Indiana, against national prohibition; to the Committee on Rules.

Also, petitions of 1,485 citizens of Fairmont, 1,892 citizens of Marion, 295 citizens of Huntington, 1,195 citizens of Wabash, 100 citizens of Laketon, 50 citizens of Upland, 125 citizens of Jonesboro, 66 citizens of Hartford City, 375 citizens of Swayzee, 500 citizens of Star City, sundry citizens of Roann and vicinity and Evangelical Association of Bunker Hill, 34 citizens of Galveston, 195 citizens of Montpelier, sundry citizens of Medaryville, 375 citizens of Gas City, 46 citizens of Ubee, 16 citizens of Amboy, 25 citizens of Ijamsville, 250 citizens and more of Warren, 200 citizens of Matthews, 60 citizens of Upland, the Woman's Christian Temperance Union of Amboy, 258 citizens of Markle, all of Indiana, and the Indiana Epworth League Institute, favoring national prohibition; to the Committee on Rules.

Also, petition of W. H. Hickerson, of Warren, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

agents at St. Louis, to guarantee the purchase of at least $1,000,000 of water-power current a year for 99 years by the United Railways, Union Electric and Laclede Gas Light companies, all owned at the time by the North American Co.

The dam company, styled the Mississippi River Power Co., was to supply 60,000 horsepower at a rate of $15 a horsepower, for at least 141 hours in each 24, making the rate approximately 4½ mills a kilowatt-hour.

Jones, Campbell, Wade, and other directors of the North American and local utility companies entered into this contract through the agency of the new corporation styled the Mississippi River Power Distributing Co., having then and now a capital stock of only $6,000.

The distributing company in turn made contracts for 99 years with the United Railways, Union Electric, and Laclede Gas Light companies, owned and directed by the same group of individuals, to take the 60,000 horsepower under the same load factor at a rate of $25 a horsepower, or approximately 6½ mills a kilowatt-hour.

In July, 1908, the North American interests sold the Laclede Gas Light Co. to the Bunch-Walker syndicate of St. Louis. The new owners engaged five consulting engineers to analyze the water-power contract under which they had agreed to take about 4,000 horsepower. The reports were all in accord, and declared the contract to be a burden because of the excessive price and for other reasons. The Laclede served notice that it would not observe the contract made between parties that were identical at the time, and the North American directors promptly shifted the contract to the Union Electric, which already had shouldered a 30,000 horsepower contract under these terms.

The net result of creating the intermediary company to "distribute" the hydroelectric current in the St. Louis district has been to guarantee the new subsidiary of the North American a minimum revenue of $1,500,000 a year from the Union Electric & United Railways, of which the Keokuk Dam Co. will receive $1,060,000 a year.

The gross earnings of the distributing company will be at least $420,000 a year, out of which it must pay only interest on $1,500,000 of bonds and the cost of operating a cable from Florissant to Page Avenue Heights, St. Louis County, where it transforms the Keokuk power from 110,000 to 13,200 volts and changes the United Railways current from an alternating to direct current.

The Keokuk Dam Co. built and operates transmission cables from the dam to Florissant, St. Louis County, a distance of 137 miles, and is compensated by the rate of $18 per horsepower.

The distributing company built cables between Florissant and Page Avenue Heights at the city limits, a distance of less than 10 miles. It built transformer stations for the Union and United Railways' current at the city limits, and shoulders the expense of operating the transformers and receives a rate of $7 per horsepower for this service and investment, or 38 per cent in addition to what the dam company gets for its current. Experts say that $75,000 should cover the annual "overhead charges" of the distributing company and $100,000 should cover the cost of operation and depreciation of property. If the total cost to the distributing company is $175,000 a year, its owners are assured annual profits of at least $245,000 a year, or $409 for dividends and surplus on each of the 5,000 shares of capital stock held by the North American Co.

The service of the distributing company in reducing the voltage of current from 110,000 to 13,200 is of doubtful value to either the Union or the public, because the current is classed still as "unrefined" at 13,200 volts, and must be stepped down to 110 and 220 volts before it can be used commercially.

The Keokuk Dam Co., claiming to have an investment of $26,000,000, will earn almost enough from its St. Louis contract alone to pay its fixed charges and operating expenses, although it agrees only to furnish 60,000 of its 300,000 horsepower capacity to St. Louis.

The dam company issued $15,000,000 of 5 per cent bonds before the dam was completed and offered $3,000,000 more last April. The interest charge on the entire $18,000,000 will be $900,000 a year.

The dam company has issued $6,000,000 of preferred stock to bear 6 per cent dividends, which will be cumulative after 1915, or a charge of $360,000 a year.

In its prospectus issued to investors the company has estimated its operating expense to supply 120,000 horsepower at $400,000. The total of these three charges—$1,660,000—is only $580,000 a year more than it is guaranteed from its St. Louis customers. Engineers say the company can generate current at far less than 4 mills a kilowatt hour when operating at 60 or 70 per cent of its capacity, but the "soft-coal" clause in its contract will enable it to increase the charges for current while decreasing the cost of generation.

There has been no evidence offered by the dam company press agents to substantiate the statement that it represents an investment of $26,000,000. In addition to the securities mentioned, the company has issued $16,000,000 of common stock, much, if not all, of which was given as a bonus to promoters and purchasers of bonds and preferred stock.

The first $2,364,500 of bonds were sold in the United States, Canada, and England on the following basis: Each bond of $1,000 with a bonus of $720, par value, common stock, for $875, payable in four semiannual installments.

If the subsequent bond sales were negotiated on as great or a greater discount, the dam company netted less than $15,750,000 on its $15,000,000 of bonds, from which was deducted the brokers' commission. The fact that these bonds have been quoted at around 82 since the project was started indicates to brokers that the company coffers received something less than $13,000,000 from its bond issue, its most valuable security to date. Brokers say it is doubtful if the company could have realized anything like $11,000,000 in disposing of its $6,000,000 of preferred shares and that portion of its common stock which it may have transferred for cash.

The dam was built and is controlled by the Stone & Webster corporation, of Boston, which controls about 50 public utility and water-power companies in various parts of the United States. The North American Co. purchased $500,000 of bonds and received a bonus of $100,000, par value, of common stock in the dam company. Most of the money put into the project was invested by capitalists in Boston, Canada, and England.

There are now before this House, or, rather, in committee pigeonholes, bills seeking to bring relief to the people of the vicinity of Keokuk from the exactions of the powerful corporation. One of the bills gives the Secretary of War power to fix rates. The people are crying in vain for relief. How much better would it have been for the Congress to have protected them in the first place and before this valuable grant was made without money and without price.

How mandatory it is that the Congress shall now in the matter of water-power sites set down in unmistakable terms the rights of the Nation in the contract. How indefensible it is to inaugurate this great policy with uncertain definitions and dubious terms.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having assumed the chair as Speaker pro tempore, Mr. GARNER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910, and had come to no resolution thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I desire to present a conference report on the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, for printing under the rules.

The SPEAKER pro tempore. The Clerk will read the report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 915).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. COX. Mr. Speaker, is it the purpose of the gentleman to call up this conference report to-night?

Mr. JOHNSON of South Carolina. I did not intend to do so.

Mr. COX. It will take its regular course and be printed in the RECORD?

Mr. GARNER. A parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARNER. If the report was considered this afternoon and the previous question was ordered on it, when would the vote come? Would it come to-morrow immediately after the approval of the Journal?

The SPEAKER pro tempore. Not on Calendar Wednesday.

Mr. GARNER. Not if you order the previous question, Mr. Speaker?

The SPEAKER pro tempore. The Chair does not like to decide a question that is not really involved.

Mr. COX. In order to order the previous question, you will have to have a quorum here.

Mr. GARNER. The point I want to get at is that this is the last day of the fiscal year, and the idea is to get this bill completed at the earliest possible moment. I am advised by some of my colleagues here who say that even though that is the case they would not permit it, and so I will not press the parliamentary question.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that Thursday be substituted for Calendar Wednesday, in order that we may get through with the appropriation bill.

The SPEAKER pro tempore. Under the rule the Chair is not entitled to present the proposition to the House until Wednesday.

Mr. GARRETT of Tennessee. Thursday has already been made Calendar Wednesday, anyhow.

Mr. GARNER. No; we did not get that agreement.

The SPEAKER pro tempore. The Chair thinks that the request would have to come to-morrow. But the Chair is ready to hear the gentleman. He does not think that Calendar Wednesday can be set aside until Wednesday.

HOUR OF MEETING THURSDAY.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourn Wednesday, July 1, that it adjourn to meet at 11 o'clock a. m. on Thursday, July 2.

Mr. STAFFORD. Of course, Mr. Speaker, I always wish to accommodate the gentleman from South Carolina, and I will have no objection, if it will be an accommodation to him, to have the House meet on Thursday at 11.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes;

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915;

H. R. 13679. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p. m.) the House adjourned until to-morrow, Wednesday, July 1, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting estimate of deficiency in the appropriation for submarine mines for the fiscal year ending June 30, 1914 (H. Doc. 1104); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting for the consideration of Congress, in connection with the general deficiency bill, an item of legislation in relation to the quarantine station, San Juan, P. R. (H. Doc. 1105); to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MURDOCK: A bill (H. R. 17574) for the selection of postmasters from the classified service; to the Committee on the Post Office and Post Roads.

By Mr. PETERS of Massachusetts: A bill (H. R. 17575) to purchase an oil painting entitled "Our Glory—the Battleship Oregon"; to the Committee on the Library.

By Mr. TAYLOR of New York: A bill (H. R. 17576) providing for the sale of United States Reservation No. 236, in the city of Washington, D. C.; to the Committee on Public Buildings and Grounds.

By Mr. TAGGART: Resolution (H. Res. 559) that exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick be made a special order for Saturday, the 18th day of July, 1914; to the Committee on Rules.

By Mr. TOWNSEND: Resolution (H. Res. 559) requesting the Interstate Commerce Commission to examine the affairs of the Wabash Pittsburgh Terminal Railway Co.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 17577) granting an increase of pension to Charles Boller; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 17578) granting an increase of pension to George Badell; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 17580) for the relief of John McGowan; to the Committee on Military Affairs.

By Mr. GOLDFOGLE: A bill (H. R. 17581) for the relief of Rebecca Forsch, as administratrix de bonis non of Samuel Schiffer, deceased; to the Committee on War Claims.

By Mr. HENSLEY: A bill (H. R. 17582) granting an increase of pension to Frank Schumer; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17583) granting an increase of pension to Emily A. Potter; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17584) granting a pension to Hans C. Nielsen; to the Committee on Pensions.

Also, a bill (H. R. 17585) granting a pension to Helen M. Drake; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17586) granting an increase of pension to Lillie E. Spaulding; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17587) providing for the refund of duties collected on fine-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1903, imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Claims.

By Mr. RAUCH: A bill (H. R. 17588) granting an increase of pension to Orlando A. Newton; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 17589) granting an increase of pension to Abville E. Andrews; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17590) granting an increase of pension to Eliza Dickinsin; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 17591) granting an increase of pension to John W. Dillehay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17592) granting a pension to Alverda McKinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17593) granting an increase of pension to Joseph T. Dennis; to the Committee on Invalid Pensions.

By Mr. MONTAGUE: A bill (H. R. 17594) for the relief of W. T. Brogdon; to the Committee on Claims.

By Mr. CANTRILL: Resolution (H. Res. 560) authorizing the payment of $1,200 to G. D. Ellis; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AINEY: Petitions of 54 citizens of Monroeton, sundry citizens of Smithfield and Center Moreland, and 48 citizens of Alba, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Coudersport, Pa., favoring prohibition amendment; to the Committee on Rules.

By Mr. ALLEN: Petition of 145 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petition of Hon. Arthur Capper and other citizens of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

charge, and as the gentleman from Washington [Mr. BRYAN] now suggests in perpetuity.

Mr. UNDERWOOD. Was the dam the gentleman speaks of one of those dams built by authorization of Congress?

Mr. MURDOCK. Yes.

Mr. ADAMSON. Yes; it was.

Mr. UNDERWOOD. Then, if this bill goes through with section 17 in it, it would make that dam subject to the terms of this bill and give the right of recapture at the end of 50 years, and also make the dam subject to regulation and control by the State or by the National Government. It would remedy the evils the gentleman complains of.

Mr. MURDOCK. It would do it if this bill were correctly drawn, but I do not read in this bill any provision for a limited 50 years' grant. I read into the terms of this bill a grant in perpetuity, and I want to say to the gentleman——

Mr. UNDERWOOD. Oh, I really would like to hear the gentleman, because my understanding of this bill is that at the end of 50 years the Government has got the absolute right to recapture. If the gentleman's conclusions are the other way, I think he is mistaken, but I would like to see how he construes it upon the question of perpetuity.

Mr. MURDOCK. Will the gentleman listen to the reading of section 9 of the Adamson bill?

SEC. 9. That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Mr. UNDERWOOD. But the gentleman does not read it all. Go on and finish.

Mr. MURDOCK. I can read in section 12.

Mr. ADAMSON. But section 10 is the next section.

Mr. MURDOCK. Section 10 carries out the same idea I am now about to explain. These great works are not constructed at one time. They will be built piecemeal, and the indefiniteness of your date of beginning will result in indefiniteness at the end of your 50-year period, and not only that, but you ask the Government in that section to take over these properties at the end of 50 years at a fair value.

Mr. UNDERWOOD. No; the gentleman has not read it all.

Mr. MURDOCK. And it ought to read, and it will read before it goes through Congress, "at actual cost," as pertaining to the permanent appurtenances of the work.

Mr. UNDERWOOD. The gentleman ought to be fair in presenting that proposition, because I think that is the most important provision of this bill.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. ADAMSON. Mr. Chairman, I intend to yield the gentleman more time, but right here I want to state for the benefit of my friend from Alabama [Mr. UNDERWOOD] and the gentleman from Kansas [Mr. MURDOCK] both, that as I view it, substantially there is no difference between this provision and the provision in the other bill. I intend to meet one criticism by offering an amendment to specify the completion of the lock and dam as the completion of the project, because that is to be built at once. The development can be put in by piecemeal, and the bill provides that it be so put in, but the completion is to be the lock and dam. It was omitted from the language here, but we intended to offer it.

Mr. MURDOCK. In my opinion, if the gentleman will put into the bill a definite provision of that kind, then it will be possible for the Government to take over the work at the end of the 50 years.

Mr. ADAMSON. That we intend to do.

Mr. MURDOCK. But I want to call attention to this: Even with that provision added, what right has Congress to provide that at the end of the 50-year period the Government shall pay for water-power site, for water rights, for rights of way, for franchises, at a fair value? Why should it not pay the actual cost of those things?

Mr. ADAMSON. All that is a matter of speculation, and the water companies want us to pay the cost. The testimony of the leading water-power men before our committee said that all they wanted was the cost.

Mr. MURDOCK. But the Government ought not to pay the unearned increment on any of the permanent appurtenances.

Mr. UNDERWOOD. The gentleman from Georgia has not answered the gentleman from Kansas, but there is nothing in this bill as it is written that requires the Government at the end of the 50 years to pay any unearned increment; if so, I would not support it.

Mr. MURDOCK. I think the gentleman, upon an examination of the bill, will find in the interpretation of these words "the fair value"——

Mr. UNDERWOOD. Let us be fair about it. What is the unearned increment? It is not the dam; it is not the dam site; the real unearned increment is the value of the franchise and the good will. Now, the gentleman has not read into the RECORD all of this provision. The land is the only proposition about which there can be any controversy as to whether a fair value or actual cost should be taken.

Mr. MURDOCK. If the gentleman will direct his attention to line 16, section 10——

Mr. UNDERWOOD. If the gentleman will allow me to finish.

Mr. MURDOCK. Certainly.

Mr. UNDERWOOD. I want to call his attention to page 10, line 8, where in connection with this very matter it says:

In the determination of the value of said property upon the termination of said grant, as above provided, no value shall be claimed by or allowed for the consent hereby granted—

That is the franchise—

nor for good will, profit in pending contracts, or other conditions of current or prospective business.

Now, in other words, at the end of 50 years there is nothing that the people from whom it is recaptured can demand pay for except the money that they have expended in building the dam, the land, erecting the power station, and the equipment of the plue. Well, now——

Mr. MURDOCK. Will the gentleman yield right there?

Mr. UNDERWOOD. Certainly.

Mr. MURDOCK. Of course, it comes out of my time; but I want to get this straight and I want to get the gentleman straight, and I believe I will. What about rights of way for the lines of transmission?

Mr. UNDERWOOD. I think that is a fair proposition, and I will say this: I think the only question of difference between these two bills on the question of recapture is the land involved, because I take it that, so far as the dam is concerned, the power house or dam, it is that the fair value is fixed by this bill and to be determined by the Government, because those things depreciate in value instead of increasing in value, the machinery, the house, and the dam, and of course it is possible that the land that is involved might increase in value. Now, there is the real and only issue between these two bills on the question of recapture. The Ferris bill provides it shall be paid for at the cost; this bill provides that the land shall be paid for at a fair value. Now, then, I am not very much concerned which the House adopts, because I think it is a very small equation in a very large project, but if you take the actual cost the difficulty is that in the organization of these plants you will make a temptation to the men who organize to put up the price and juggle with the price.

If you leave it open for somebody in the future to determine and take actual cost you may have a juggling of price when you begin the enterprise and get the result at the end of 50 years. Whereas if you take the fair valuation, what have you got involved? You have a dam site which could not increase in value. The land across which the dam runs belongs to the Government and will go back without cost. Now, you have the power site on the bank, which can not be a very large tract of land and will not increase in value. It probably would not except a city were to grow around it.

Now, the other proposition is the cost of water. Probably in developing a new territory the right of way may be worth very much less to-day than at 50 years from now. Why, these men go out and develop an enterprise. They have bought the land. They have blazed the way for an enterprise. Is it fair to them that they should have that small amount of increase as to what should be the fair value of that land when it is recaptured or the actual cost?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. UNDERWOOD. I do not see that there is much difference in the bill. But I think there is the only difference involved.

Mr. MURDOCK. Yield to me one minute.

Mr. ADAMSON. I yield one minute to the gentleman.

Mr. MURDOCK. The gentleman from Alabama has come into my speech with one of his own, and has conceded in the course of his remarks that the very section of the bill which I have criticized can be improved. I am in favor of the amendment of this bill, and I shall not vote for it until it is amended, and amended so no doubts as to our rights shall remain. He speaks of the rights of the men who construct these great works. The

people have a right in this situation, and the people ought to have a right—the right to require that every section written in this bill shall be free of ambiguity and indefiniteness. Every definition in this bill ought to be clear.

Mr. UNDERWOOD. Certainly.

Mr. MURDOCK. And we ought to provide that at the end of 50 years this work can be taken over by the Government at actual cost. We ought to provide when it is taken over by the Government that the Government should not pay for unearned increment.

Now, I repeat there ought to be no faltering here on the score of demanding specification of the Nation's rights to the last letter of definition. There should be no vestige of doubt left as to the right of recapture of water-power works by the Government after the expiration of the 50-year period. There should be nothing left in the measure that can be construed into a grant in perpetuity. There should be voted into the bill those amendments which will permit the Government, at the end of the 50-year period, to take over the permanent improvements of the work—the water-power site, the water rights, the right of way, the value of the franchise—at actual cost, not at the "fair value," as provided in the pending bill. There should be, as well, the inclusion of such terms as will remove entirely from the field of uncertainty the remuneration of the Government for the valuable grants it makes under the provisions of the law.

Section 9 of the proposed measure reads, as I have pointed out before:

That the rights herein granted shall continue for a period of 50 years from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.

Not only should the provision as to "fair value" be changed, but the words which fix the date of the beginning of the 50-year period at the "completion" of the structure should be so changed that the corporation can not, by continuous, piecemeal construction, make the expiration of the period indefinite.

On the score of protection of the Government against the loss of the unearned increment, the testimony of Secretary of the Interior Lane, recently before the Committee on the Public Lands of the House, is illuminating. Secretary Lane said:

I had this proposition stated to me by one of the engineers as a basis of capitalization of an existing plant. They raised all their money on mortgages. All of the money that went to the plant went in on mortgages. They sold their bonds at 80 cents on the dollar. That left a margin of 20 cents. Then they issued capital stock. They had an amortization fund by which they returned at the end of the period the full face value of the bonds—80 per cent plus 20 per cent. They got the interest on the bonds and in addition they got a dividend upon the stock, which represented nothing whatever except the interests of the promoters.

Now, then, at the end of a 50-year period, we will say, they would have had a complete return of their investment—they would have had interest upon all the money that went in, interest upon the 20 per cent in addition to what went in, and a full dividend upon the stock, which represented water. Now, then, they want, at the end of that time, to sell the proposition back to the United States upon the basis of whatever the property is worth, whatever the water rights may have arisen to, whatever the rights of way may have become—to get back that in addition. Now, I think that is too much.

The overissue of securities would not alone appear in the selling price of the property, but there would be almost inevitably a tremendous increase in actual values of the holding. Secretary Lane, touching this point, gave an analogous experience while he was a member of the Interstate Commerce Commission, saying:

In the Western Advance Rate case, the Chicago, Burlington & Quincy Railroad, in defending its increase in rates, relied upon the legal proposition that it had a right to a return upon the full value of its property.

We asked them what they had put into the property, and they said $275,000,000. We asked them how they came to make out an estimate of $525,000,000 upon which they wished a return. They said that they had taken out of the property $50,000,000 in profits, which they had returned to the property. "Well," we said, "that makes, then, a total of $325,000,000 in cash that you have put in. There is a difference of $200,000,000 left. Why do you want a return upon that $200,000,000?" "Because that is the value of the land that we hold," they said. "That is the unearned increment of our right of way and terminal property since this road was established, and we want the rate increased, because, in point of law, under the Smythe case, we are entitled to a return upon that present value."

Now, that is a condition that we ought not to run up against when we are going to buy back these water-power properties.

It seems to me that all the reasonable demand that can be made by men of finance and every requirement of law will be fully met if we say to these people, "You can have a reasonable return upon every dollar that you put into this property; and so far as we are concerned we will allow the control of that to go into the hands of those States that have devised machinery for its control; but certainly if these properties are to revert to the United States or to the States or to the municipalities it can not be that we shall be asked to pay back at the end of 50 years a value that has been given to these properties by the increase in the population of the States themselves."

I have referred to the actual experience of the public in the recent past with great water-power companies. When the Keokuk Dam across the Mississippi River was authorized, it was reasonable to believe that the people would, in return for this grant, receive benefits commensurate. But the complaint, as I have pointed out, is now almost continuous from that section. Let me quote, in instance of this, an editorial from a recent issue of the Burlington (Iowa) Evening Post:

Dr. G. Walter Barr, who has charge of the publicity department of the Keokuk Dam enterprise, read an address on the 20th of February before the annual meeting of the Iowa Engineering Society at Council Bluffs on the "Commercial value of the hydroelectric dam at Keokuk." We notice that in one of his paragraphs Dr. Barr refers to the "cheap power" as being an advantage to the towns located within the sphere of influence of the power zone. Now, the facts do not bear out the designation of the power furnished by the Keokuk Dam as "cheap power." It is not cheap power; it is high-priced power. The "cheap power" is only in evidence in the inspired press. Power from the Keokuk Dam is being sold to communities at a higher rate than was charged before for power made with coal. For this reason none of the industrial centers in the power zone are securing any new factories. Not a single new factory of consequence has moved into Hannibal, or Quincy, or Keokuk, or Fort Madison, or Burlington since the power was turned on. This unsatisfactory condition is the result of a carefully thought-out plan on the part of the power company. Where it has failed to buy up the power plants in cities and towns along its transmission lines it has forced the local companies to take power from it at an exorbitant price under the threat of installing a rival plant and cutting the price to a level which would bankrupt the local company. All of the newspaper and banquet-table talk about the "cheap power" is the sheerest nonsense. The power is not being sold cheap. Uniformly everywhere that it is sold it is being sold at an increased price over the schedules in force when power was made with coal.

Testimony of a similar nature is found in the St. Louis Post-Dispatch. An article in that newspaper reads:

An investigation of the operation of the great dam and electric power plant at Keokuk, Iowa, made by a Post-Dispatch reporter, shows that contrary to public expectation the harnessing of the Mississippi has not reduced the price of electricity in St. Louis, and unless the State steps in to regulate rates will not be effective to decrease prices within the next 99 years.

The reason for this is that water power, the modern and cheap means of creating electric current, has not in this instance been set to compete with the old method where enormous consumption of coal makes the process highly expensive, but on the contrary, the Union Electric Light & Power Co. and the United Railways have contracted to take 60,000 horsepower of Keokuk current daily or one-fifth the dam's capacity for the next century at prices to be determined by the market price of coal.

Electrical engineers agree that current can be produced in a coal-burning steam plant of any size exceeding 3,000-horsepower capacity for less than 4 mills a kilowatt-hour, where coal costs $1.42 a ton, the present St. Louis price. This estimate includes all operating and "overhead" charges for current at the switchboard.

The Union Electric and the United Railways are paying approximately 6½ mills per kilowatt-hour for Keokuk current. What it costs Union Electric to generate current in its steam plant can not be stated exactly because of the flexibility of the item of "overhead" charges—which includes interest on watered stock—but Alten S. Miller, who resigned as president of the company in 1911, estimated that the cost was 4 mills at that time, and A. C. Einstein, the present president, admits that the Keokuk current is costing more than the homemade power.

But the dam company, the Mississippi River Power Co., does not receive all of the approximately 6 mills per kilowatt-hour paid by Union Electric and United Railways, which amounts, in round numbers, to $1,000,000 a year, for the dam company does not sell direct to them. It carries its current 130 miles from the dam to the town of Florissant, in St. Louis County, which is about 10 miles from the point of delivery to the United Railways and Union Electric, at Page Avenue and the city limits.

At Florissant the dam company delivers the current to the Mississippi River Power Distributing Co., receiving approximately 4½ mills per kilowatt-hour in return. The distributing company then carries the current the remaining distance to the United Railways and Union Electric.

This "distributing" company, which is capitalized at only $5,000, receives approximately 2 mills per kilowatt-hour for its services, which, it is estimated, gives the company a net profit of about $250,000 annually.

The history of the Keokuk Dam enterprise dates back 50 years, and until Hugh L. Cooper, constructor of a dam at Niagara Falls, took an interest in the project in 1905, the successive attempts to raise capital for construction were failures.

Cooper was engaged in his work at Niagara when a group of Iowans, prominent politically, obtained a charter from Congress in February, 1905, to construct a dam at Keokuk, Iowa. In September, 1905, Cooper took an option on the charter and began to search for capital. In order to obtain the millions necessary to carry out the huge undertaking he decided that contracts must be executed in advance, to show investors that there was a market for the current at profitable rates, giving an assured income sufficient at least to pay interest charges on bonds for 40 years or more.

Cooper, naturally, was attracted to St. Louis as a possible market for current in large quantities, and in 1908 formed an engineering partnership with W. Y. N. Powelson, who resigned the presidency of the Union Electric Light & Power Co., at St. Louis, to join him.

Whether through fear that a Keokuk Dam company might invade the St. Louis district in competition with local utilities, or whether through a desire to create a new corporation that would yield tremendous profits on a comparatively slight investment, it is a fact that the agents of the North American Co. at St. Louis readily assented to bind up under long contracts the Union Electric and other utilities they controlled here when approached by Cooper.

In October, 1908, Cooper negotiated contracts with Breckenridge Jones, Festus J. Wade, James Campbell, and other North American

in recent years, because a former bill was criticized so vigorously by some people who feared there was an effort to take from the whole people rights that might belong to them by reason of declaring a stream nonnavigable. I merely suggested that, independent of the proposition and independent of the public criticism, there might be that it is rather of a legal absurdity to declare a negative upon a thing which, after all, is a matter of fact rather than a matter of law.

Mr. STEVENS of Minnesota. I think, Mr. Chairman, that is what I stated; that navigation is a matter of fact. The courts have so held, and the departments of the Government so construe it, and for that reason, because it is an absurdity, the committee has agreed not to take it into consideration further than that. And, therefore, when it has been desired to improve some stretch of the stream, it has been found that the United States would be obliged to pay very heavy damages in the way of removing bridges, and improvements of that kind.

Mr. GARRETT of Tennessee. I have had in recent years, if the gentleman will permit me, some requests from a large number of persons interested in the question of drainage, interested in the change of channels, of certain streams that flow through my district, to secure the passage through Congress of bills that would declare those streams nonnavigable. I have carried the matter before the War Department for settlement rather than to undertake to settle here in Congress as to whether the matter of navigation was a question of fact.

Mr. KENT. I am very humbly trying to get at facts. Here is the Sacramento River in my State. The lower part of that river is navigable, and the lower part of the San Joaquin River is navigable. Are the tops of those rivers navigable or nonnavigable under the purview of this act? If the San Joaquin River is navigable from the bottom to the top, it knocks out every safeguard we put in the Hetch Hetchy bill. We want to know definitely what you mean by this bill, and to explain in this bill what is navigable or nonnavigable.

Mr. ADAMSON. When a proposition is made either to Congress or the Secretary of War for a bill in accordance with this law, and plans and specifications are presented to the Secretary of War under it, he will know whether that river is navigable or not.

He will also know whether it is going to be made navigable or not. He will have his board of engineers to ascertain what comprehensive plan ought to be formed for the improvement of the river, and the whole matter will be decided practically then and there. I am not as familiar with these rivers and projects as is the gentleman from California [Mr. KENT], but it has never entered our minds or hearts to conceive of the possibility of interfering with Hetch Hetchy, or anything like it.

Mr. KENT. That is only one of many examples.

Mr. ADAMSON. Is it put in there by authorization of Congress for navigation purposes?

Mr. KENT. The San Joaquin River is navigable.

Mr. ADAMSON. The language of the bill is, "structures put in by authorization of Congress for navigation purposes in the navigable rivers of the United States." The gentleman says it is not navigable above Hetch Hetchy, and never was.

Mr. KENT. But your bill provides that every act of Congress creating a dam is subject thereafter to this particular bill.

Mr. ADAMSON. In navigable waters.

Mr. KENT. No; in any river.

Mr. ADAMSON. If the gentleman insists upon defining the meaning of "navigability," he can look back two or three thousand years and find judges who could not come nearer to it than our own Supreme Court has done on that subject, except the old idea abandoned by us that it was limited to tidewater, and if it is their purpose or desire to put in any of the suggested definitions, while they do not mean to say that, and do not say that probably, we might as well say that any stream that touches the public domain or that is on the public domain is not navigable. I do not think there is much navigable water on the public domain. I do not know of anyone who wants to build these water-power dams on the public domain, but I do not want to get into any conflict with them that will interfere with the operation of this bill.

Mr. STEVENS of Minnesota. I referred to the Kansas-Colorado case just a moment ago with reference to the Arkansas River. Does not the gentleman recall that the Arkansas River has been improved by act of Congress to a certain extent, and that many hundreds of thousands of dollars have been expended upon it, but in the upper reaches of the river Congress has decided that it is not navigable, and the Supreme Court has so decided, and, as was stated by the gentleman from Tennessee [Mr. GARRETT], it has decided what is navigable and what is not?

Mr. SMITH of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. SMITH of Minnesota. On the Mississippi River between Minneapolis and Little Falls we have half a dozen dams, probably, authorized by Congress. The dam just above Minneapolis, known as the Coon Creek Dam, 6 or 8 miles from St. Anthonys Falls, has no lock in it. The citizens wanted to know from the War Department why there was no lock in it, and the War Department said, "Because the river above the falls is not navigable." The War Department nevertheless insists upon controlling the river, which extends over 200 miles, or possibly 300 miles, beyond and above the falls. The Government, through the War Department, insists upon controlling that river because they claim it is navigable. The people of the community want a lock in the Coon Creek Dam. The War Department says the reason why a lock is not put in is because the river is not navigable.

I suggest that, Mr. Chairman, for the purpose of calling attention to the importance of defining, if possible, what a navigable river is, so that the citizens and authorities of the State may know what portions of a stream they can take charge of and develop.

Mr. ADAMSON. When you pass this law you will have all the authority you want, in my judgment, if it is true you can not navigate above that dam and this bill should pass.

Mr. SMITH of Minnesota. That has been the situation for years above St. Croix.

Mr. ADAMSON. Then you hit the very thing that the gentleman from California [Mr. KENT] objects to. We say that, inasmuch as new dams must have locks put in them at the expense of the promoters and be regulated under the authority of the Federal Government, if the State fails to do it—which is substantially the provision of the other bill—we say that the old ones ought to be regulated, too; and if necessary to navigation they ought to be required to put a lock in; and if this bill passes they would have to do it.

Mr. KENT. The gentleman quoted "the gentleman from California." What we want to know is in the name of sense what a navigable stream is. We will take up these other matters later.

Mr. ADAMSON. I wish I was smart enough to know anything that the gentleman from California does not know, and I promise that if I ever learn anything that he does not know I will tell him.

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. LENROOT. The gentleman stated to the gentleman from Minnesota [Mr. SMITH] that if this bill was passed a lock would be required in the Coon Creek Dam that he speaks of, to be put in at the expense of the dam company.

Mr. ADAMSON. Yes.

Mr. LENROOT. Can the gentleman point to any provision of the bill that will require that?

Mr. ADAMSON. Section 17.

Mr. LENROOT. It gives them all the privileges, with none of the burdens.

Mr. ADAMSON. It gives them none of the privileges, and it puts on them all the burdens. It plainly states the provisions of the consent and the regulations, and I have rewritten the amendment so as to put it in emphatically in every solitary line, so there can be no question about it.

Now, Mr. Chairman, I have occupied the floor a long time. I know you will all concede it is not my fault, but I should very much like to finish my speech and conclude my remarks.

Mr. PLATT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. PLATT. There is very high authority to the effect that a heavy dew constitutes navigability. That is the authority of Abraham Lincoln.

Mr. ADAMSON. I do not think this bill goes to that extreme, and I do not think Abraham Lincoln was writing a law when he got off that joke.

Mr. KENT. Section 17 repeals Abraham Lincoln.

Mr. ADAMSON. Oh, no.

Mr. FERRIS. I had not intended to get into any colloquy about this matter this afternoon, but this debate has not been altogether a fair one. It has been a hop, skip, and jump, and a leap-frog effort to get by a lot of questions that we might just as well meet face to face, because they are coming. The first one is this: As a matter of fact, the Interior Department and the Agricultural Department have been faithfully and patriotically developing water power in the West for a series of years.

Now, the War Department and the Board of Engineers have not been doing anything in the West. Here comes a bill that takes away—lock, stock, and barrel—everything they have done and repeals everything they have done or will do. Now, the gentleman is not going to force this bill onto us, and it may as well be said now that he had better agree to some amendments, or we will try to make this bill fit the West, where it will probably be more in operation than anywhere else.

I do not want to interfere with navigation; I know nothing about navigation; and I do not want to have anything to do with it; but this bill, poorly arranged, as I believe, and lacking in almost every detail of what a water-power bill should be, will not come in here and pass this House with the jumble of language that it contains without this House knowing what it means and what it is and where it comes from. [Applause.]

Mr. ADAMSON. Mr. Chairman, I do not think anything has been said by me to provoke this outburst on the part of the patriotic and eloquent gentleman.

Mr. FERRIS. What has provoked it is the lack of the gentleman saying something that he ought to say. He is here in charge of the bill, and he ought to say something instead of dodging and hopping around as he has.

Mr. ADAMSON. On the contrary, I have emphatically said everything that I think ought to be said. I have said this is a navigation bill and not a water-power bill. I have said the navigation in my country is more valuable than all the public lands. If we can promote it. I have said the hydro-electric power, with which we could tempt promoters, is worth more to the consumers and the development of the country than all the public lands in the country. I have congratulated the gentleman on his courage and ability in bringing forward a water-power bill and other conservation bills relating to the public domain. I do not care anything about meddling with the public domain. I have kept off the public domain, and do not want to have anything to do with it. I want the gentleman to exercise his ability, and to use all his profound knowledge and skill in drawing and passing good bills relating to that subject, and I do not intend to try to defeat in this House any bills that he brings in here.

I think, talking about amendments, that the only amendment that any bill really needs is for him to add in one or the other of the good places in his bill a statement that the provisions of his bill shall not interfere with the jurisdiction of the Secretary of War or the Chief of Engineers in superintending navigation on the navigable streams of the United States.

Mr. FERRIS. If the gentleman from Georgia thinks that this House or this Congress will turn over carte blanche, without a cent of revenue, to the Board of Engineers of the War Department, or to anyone else, the water power of this country, he is greatly mistaken.

Mr. ADAMSON. If the gentleman from Oklahoma imagines that this House and the people will ever consent to divesting the War Department of the jurisdiction over navigable streams and navigation in the navigable streams of this country, or that the people are going to forego the benefits of navigation in the navigable streams of this country, he is entitled to another think coming.

Mr. LENROOT. But the gentleman is aware that his bill divests Congress itself from the jurisdiction of this subject and places it under the War Department.

Mr. ADAMSON. The gentleman may know more about writing a bill, having been at it so long, but I do not agree with the suggestion he makes. We do not seek or intend to divest anybody of anything. We desired to promote navigation. The proposition here about public lands was not put in on my suggestion.

Mr. FERRIS. Now, Mr. Chairman, my affection runs over for the gentleman all the time, and I do not want to lose my equilibrium for a minute; but the gentleman throughout his entire speech, and even in the letter to me, protested in good faith his willingness to strike the jurisdiction of the Interior Department and the Agricultural Department out of the bill, and now he refuses to do anything about it. We do not want kind words; we want something done.

Mr. ADAMSON. Section 17 does not repeal anything but conflicting provisions in the navigation propositions to which we have given consent. I submit to the gentleman that the amendment makes that clear and positive. In the second place, I have no disposition to interfere with the administration by the Interior Department of the public domain, nor serving the interests of the Government by making all the returns they can. I have no objection on earth to the proposition that after the Secretary of War has passed the plan for the erection of a dam in order to promote navigation that the grantee should then go to the Secretary of the Interior and secure from him consent under the terms on which he grants permits. It is just like getting title from a private individual, or anyone who holds the title.

Mr. FERRIS. The theory of the two bills are as far apart as daylight and darkness. Your theory is that you figure on a 5 per cent rate on lands which probably cost $1.25 an acre, which amounts to nothing. Our theory is that we ought to impose conditions for the benefit of the public interested and the people who are to use the water power in the future. There is a public interest to conserve as well as the power interests. It is our duty to look after both.

Mr. ADAMSON. I have explained the 5 per cent charge and stated that I was willing for it to go out.

Mr. FERRIS. That improves it that much, but there remains much more to be done.

Mr. ADAMSON. I do not think there is any difference between us, substantially, except the proposition that the gentleman has been talking about just now as to the definition of navigation.

Now, Mr. Chairman, I want to close to-night, and I will close to-night, although I have not alluded to several sections of the bill. However, I believe we can approximately get together on everything except the navigation proposition, and if the gentleman can propose a definition of navigation in the history of legislation and administration, and the interest of the people and the Government, which we can agree upon, I would be glad to have it. He confesses that our bill is so loosely drawn he can shed light on the subject, and if he can I would be glad to be the beneficiary and recipient of that light.

Now, if the gentleman will bear with me, the gentleman from Kansas [Mr. MURDOCK] is to leave town, and he wants five minutes. I yield five minutes to the gentleman from Kansas.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, numbered 1 and 30.

AMENDMENT OF GENERAL DAM ACT.

The committee resumed its session.

Mr. MURDOCK. Mr. Chairman, there is more than one conflict in this measure. First, there is a conflict between the two great committees—the Public Lands Committee and the Committee on Interstate and Foreign Commerce. There is a conflict between the Secretary of the Interior and the Secretary of War. There will eventually be a conflict between the advocates of State rights and Federal control. The people are not interested in the conflict between the committees and the Cabinet officers, but everyone is interested in the preservation of the Nation's rights in the inauguration of this national water-power policy.

There is a water-power possibility in the United States of 25,000,000 horsepower annually. We have developed in water power 6,000,000 only out of the 25,000,000. Three-fourths of the developed water power of these 6,000,000 has passed into private hands. Ninety per cent of the developed water power in public land States is owned now by 28 private corporations, and 6 of these control together over 56 per cent of the power developed. This is the measure of concentration in the control of water power in this country.

I think that the striking feature of the situation surrounding the consideration of this bill is the anxiety here to nominate specifically in the bond the rights of the Nation, and the unwillingness to submit to the grace of departmental regulations or of judicial construction. There is warrant for this attitude. Within my time in Congress I have seen the House pass a bill authorizing the construction of a dam across the Mississippi River at Keokuk. The argument was made on the floor of the House at the time of the passage of that authorization that a benefit was to come to the people of the valley in that vicinity. Every day since the construction of that dam that valley from Keokuk on the north to St. Louis on the south has been in revolt against the exorbitant charges of the Keokuk Dam Co. My mail and the mail of every other Member of this House has been filled at times with protests against the exactions of that company which enjoyed its great grant free of

could out of it. If the gentleman wants to move to strike it out, let him make that motion.

Mr. RAINEY. I am going to move to amend it by substituting a provision that will mean something and that will yield some revenue when the time comes.

Mr. ADAMSON. Mr. Chairman, I do not care to incorporate in my speech such a long colloquy about something for which I am not responsible. I was just eight years ahead of the gentleman from Illinois in his objection to this thing. But we did not erect these reservoirs. They were put there by somebody else, not by our responsibility. But we did do our duty eight years ago instead of now. His row is entirely behind time. We did our duty eight years ago by providing in the amendment to the general dam act that if there were any such things as a result of what we were providing for, the grantees erecting those creations should, if they got any benefit from them, pay for it. That is all there is to that. We did not build the reservoirs.

Mr. RAINEY. Will the gentleman yield?

Mr. ADAMSON. I have not finished answering the gentleman's other question.

Mr. RAINEY. The gentleman is answering something I did not ask.

Mr. ADAMSON. I thought the gentleman was objecting to this provision.

Mr. RAINEY. I am not opposed to storage reservoirs. I believe they do aid navigation.

Mr. ADAMSON. Then, I will say that I do understand the gentleman, and I will answer him.

Mr. RAINEY. They do aid navigation, but neither storage reservoirs nor reforested headwater areas will help water-power projects, and the engineers say so.

Mr. ADAMSON. If they do not help water power, the War Department would not charge him anything, but if they derive any benefit from it they shall pay for it. Is the gentleman opposed to that? Now, I will say to the gentleman that I do understand him, and I will answer him. He wants to prevent forever the erection of any dam, by providing a tax by the Federal Government on the new creation. I prefer the theory of the constitutional method, that if the Government needs a tax, to levy uniform excise taxes on all water power, developed and undeveloped. The gentleman from Minnesota [Mr. STEVENS] has blazed the way, if the Federal Government needs to rob the States of the few remaining sources of taxation by taxing the water power. I prefer to leave that source of taxation to the States, but if the Government is to tax it, let us do it constitutionally. Now, Mr. Chairman, I will incorporate in my remarks the bill which the gentleman from Minnesota introduced:

A bill (H. R. 17327) to provide revenue for the Government by levying a uniform excise tax on all persons, companies, corporations, or other associations operating power plants for the generation of hydroelectric energy or other form of water power for commercial use.

Be it enacted, etc., That from and after the 1st day of July, 1914, there shall be assessed, levied, collected, and paid annually by each and every person, company, corporation, or other association, not including State or any municipal subdivision thereof, operating a power plant for the generation of hydroelectric energy or other form of water power for commercial use upon any of the waters within the United States, a uniform tax of one-fifth of $1 per annum for each horse power per year of the power generated at said plant and available for transmission or other commercial use. The quantity of power thus taxable at each power site shall be determined annually by the Commissioner of Internal Revenue, and the tax herein provided for shall be assessed by said commissioner and collected for the fiscal year ending the 30th day of June next preceding the time for levying, collecting, and paying said tax, and said tax shall be assessed, collected, and paid on or before the 1st day of October next succeeding said fiscal year.

Sec. 2. That it shall be the duty of every person, and of the president or other chief officer of any corporation, company, or association taxable hereunder, to keep full, regular, and accurate account of the gross quantity of water power developed and the quantity available for transmission or other commercial use, and it shall be the duty of any such person and any such president or other chief officer to file, on or before the 1st day of August next succeeding each fiscal year, with the collector of internal revenue in the district in which such person, corporation, company, or association shall be located or be engaged in the business of developing hydroelectric power or other form of water power for commercial use a statement, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue shall prescribe, showing in terms of horsepower the gross quantity of power developed and the quantity, in like terms, available for transmission or other commercial use by said person, company, corporation, or association at its power site during the whole fiscal year last preceding the date of filing said statement; and any person, corporation, company, or association making default in the payment of the tax so assessed, or in the performance of any other duty imposed by this act, shall forfeit as a penalty for each such default the sum of $10,000, and in addition, for a default in the payment of the tax, 5 per cent of the amount of taxes due for each month of such default until the same is paid, payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

Now, that is the only legal way to do it. We have been familiar with the position of the gentleman from Illinois [Mr. RAINEY] on the question, and gave consideration to his bill on this subject and what he has said on the subject repeatedly in this House and elsewhere. We prefer the constitutional course.

Now, this colloquy has led so afield from what the gentleman from Oklahoma and I were talking about that I fear the honorable minority I was trying to make will be as far out of date as the charge of the gentleman from Illinois as to the benefit that reservoirs are at the head of the stream. I would not do him any injustice. He and I have had some little flirtations colloquies in private, but it is our hope that we can manage these things. I do not want to interfere with the public lands. He is not only more competent than I am to handle the public lands, but he is as competent as anybody else I have known. I would not remove him from the position for anything in the world. He says he does not want to interfere with navigation, but as I understand my genial friend, who wants to inject into the law some innovation or novation—and as to what the novation is and what it will apply to and fix it for all time and eternity, which I do not think can be practically done—he is hopeful and I am hopeful that we can get together.

Although he and I are diametrically opposed perhaps we can agree, and if we do I think all other gentlemen ought to agree with us. As to what he said about the Secretary of War and section 17 I have tried my best to remove the fears of several of my beloved friends who have been afraid that we would tear up creation by section 17. Section 17 has no reference to water-power dam, or reclamation or irrigation projects, or any public land or private land, or any land on the face of the earth except dams put in navigable streams prior to this act.

Mr. KENT. Section 17 repeals the Ten Commandments.

Mr. ADAMSON. Well, most of them have gone out of use anyway. There are two things we are doing in this bill—we are providing that all new locations shall conform to the conditions fixed by the Secretary of War, and we are providing that they shall be regulated as to charges and practices like other structures. Does any gentleman here wish the Keokuk Dam, or any of the old dams created before the general dam act was enacted, to go free of regulation? There have been lots of complaints about some of them before us. We are studying their regulation now. Why can not we make applicable not only the terms under which they shall put in a lock but regulate the charges and practices? And that is all we are trying to do. Will any man say it is not right and fair? Here is the way I have written it in my second effort, and if it is satisfactory to the gentlemen I will offer it, and if it is not, perhaps I can respond to some more of their suggestions, and do still better:

Sec. 17. That all of the provisions contained in sections 2, 3, 4, 5, 11, and 15 of this act fixing conditions of the consent of Congress and regulating practices and charges between the grantees and their customers, for the construction, maintenance, and operation of dams in the navigable waters of the United States, shall apply alike to all existing enterprises in operation or previously authorized in the navigable waters of the United States as well as to new projects in the navigable waters of the United States to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any previous act of Congress granting consent for the construction, maintenance, and operation of any dam in the navigable waters of the United States are hereby repealed, and all such previous authorizations are so amended and modified hereby as to conform as to the conditions and provisions in said sections 2, 3, 4, 5, 11, and 15 of this act.

Mr. KENT. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. KENT. I was going to ask the gentleman if anywhere in the bill there is a definition of what constitutes navigable waters.

Mr. ADAMSON. Not in this bill.

Mr. KENT. Are navigable waters waters that will float a toothpick or a log, or waters that have a navigable outlet?

Mr. ADAMSON. Mr. Chairman, the courts have been sitting for thousands of years and legislatures have been working for thousands of years and governments have been administering laws for thousands of years, and the only approach to a definition of navigability under present conditions is this: First, are you actually navigating the stream? Second, has the Government undertaken to improve the navigability of such stream? And that is all there is to it.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LENROOT. Is the gentleman aware that many courts have held that a stream that will float a log is a navigable stream?

Mr. ADAMSON. I do not think that we want to go to that extent.

Mr. LENROOT. But it enters into that question.

Mr. BRYAN. And does the gentleman take the position that where a boat can not navigate a stream, where the Government has not undertaken the improvement of the navigability of that

stream, in such case it is not to be construed legally as a navigable stream?

Mr. ADAMSON. If it is not actually being navigated now and the Government is not undertaking to improve it, it is not now a navigable stream, but the second condition is a continuing one. Congress at any time may undertake the improvement of any stream in the country, and probably will undertake the improvement of some additional to what are now being improved. I do not know. I am leaving that with the discretion of the only authority who has ever been named by the Government to determine such matters, and whenever a proposition is presented to the Secretary of War to approve the plans and specifications for a dam in a navigable stream the Secretary of War will then and there decide whether that is within his jurisdiction or not, whether it is really actually navigable or whether it is intended to be made navigable, and if neither condition exists or is in prospect he will say to the grantee, "I have nothing to do with it."

Mr. BRYAN. The gentleman knows that headwaters of streams like the Missouri often contain not enough water for an alligator to roll over in, and yet that stream is a navigable stream under the interpretations of the War Department and the law of the country.

Mr. ADAMSON. That is theory and not practice. I would not give five seconds' consideration to it.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. As a matter of fact, has not the executive department in its construction of what constitutes a navigable stream considered navigation in fact as to whether a stream was navigable? And in the cases that I have examined, for example, the Kansas-Colorado case, which is the principal one on that subject, the United States—the executive department of the United States—states to the court that the upper reaches of the Arkansas River were not navigable, and of course they were not navigable, as a matter of fact. They could float a log down them; but they were not navigable, as a matter of fact. So that has not the construction of the executive department been that wherever navigation was practically existent or practical to be promoted in the interest of the people that only the navigable parts of the stream might require this?

Mr. ADAMSON. Mr. Chairman, I think the contingencies suggested by the gentlemen who have asked these questions are too remote and far-fetched to be seriously considered in the consideration and passage of this bill. Of course you can sit down and spin theories and bring up fears and imaginary cases that might lead you to refuse to do anything, and I personally have no sympathy for this floating-log business; I have no sympathy with following these little streams up to the head branch except to find good, pure water to drink; that is all I want. I can not interfere with the rulings of the court which are made on general grounds through generations. It would make such distinctions as might unsettle private rights all over the country and possibly have to be rewritten in all the statutes on the statute books.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. I desire to finish answering the gentleman entirely, if the gentleman will permit. The idea I got from the reference is that there may be a stream which it would be never profitable to navigate, and if it should be made navigable by the Government money the cost would be prohibitive and the returns not profitable. For the same reason private capital does not undertake it, the navigation itself would not be sufficient to amount to anything; and if it were, it would be so expensive and the water power returns so meager that private capital would not undertake it; but there may be streams, like the Chattahoochee or the Coosa, where there are 300 or 400 feet of falls within 30 or 35 miles, and if you could get by those falls there would be many hundred miles of navigation above.

It is not probable that the Government will do anything in the near future, and private capital might do it. On the other hand, there might be such a poor prospect of navigation above it would never be undertaken for years, yet if the opportunity offered to meet the heavy expense of removing the barrier, the Government might decide that the river be made navigable all the way. Now I yield to the gentleman from Oklahoma.

Mr. FERRIS. What I started to say was more of a statement than a question, but I will simply ask the gentleman a question or two——

Mr. ADAMSON. I am trying to finish this speech and let gentlemen go home.

Mr. FERRIS. Does or does not the gentleman think that the question of what is "navigability" is an extremely mooted question?

Mr. ADAMSON. I think the only practical way to deal with the administration of a thing is to deal with the exact law—with what the gentleman understands to be that law.

Mr. FERRIS. The gentleman, in his good humor and genius, does not answer my question. Is it not a fact that the courts are all in a maelstrom of disagreement as to what is the law in respect to the navigability of a stream?

Mr. ADAMSON. I have told the gentleman all I know about it.

Mr. FERRIS. Does not the gentleman think that is so?

Mr. ADAMSON. Of course the courts are occupied by men, and many men of many minds, and many birds of many kinds.

Mr. FERRIS. Very well; but there is a question of doubt——

Mr. GARRETT of Tennessee. It is a question of fact under existing law.

Mr. ADAMSON. It is a question of the fact of existing navigability. A stream that the Government will hereafter make navigable, or navigability in the last analysis, depends on, first, whether it is in fact navigable at the present time or the Government is trying to make it so.

Mr. FERRIS. I do assert that the courts are very much in doubt and opinions are very much in conflict in regard to what is in fact "navigability," and does not the gentleman agree with me that some well-defined line of demarcation ought to be drawn now in dealing with legislation so that in the future we will have a definition of "navigability"?

Mr. ADAMSON. I believe it would be cheaper to say we will give up the public lands than to retard navigation all over the country. The people might be benefited in the future by the navigation of these rivers and the generation of hydroelectric power above what all the public lands might be worth.

Mr. FERRIS. Can the gentleman conceive of any reason why Congress should not, in dealing with matters so important as this bill deals with, absolutely define what navigability is?

Mr. ADAMSON. I know a good reason. It is because the gentleman does not know how, and I do not know, and nobody else knows how, and it would not be possible to agree, in an arbitrary manner, on anything that would do any good at all.

Mr. FERRIS. One can be devised to follow a line of general practice, so that the Secretary of War can deal with his jurisdiction and the Secretary of the Interior can deal with his jurisdiction, and they are now dealing practically with that very thing. Why is it the gentleman refuses to agree, and what harm could there be in agreeing on what "navigability" is, and avoid all this conflict?

Mr. STEVENS of Minnesota. My question goes to that very point. A few years ago quite a number of bills were introduced into the House, and referred to the Committee on Interstate and Foreign Commerce, to provide that certain rivers or certain parts of rivers should be nonnavigable thereafter. The gentleman will remember it.

Mr. ADAMSON. Of course.

Mr. STEVENS of Minnesota. The gentleman will remember that our committee reported some of those bills, and we were very severely criticized by the House and by the press of the country for attempting to declare rivers or parts of rivers nonnavigable, as an attempt to take away from the people of this country an opportunity to benefit from transportation facilities. And since that we have never reported a bill on that subject.

Mr. FERRIS. If the gentleman will pardon me, no one that I know of advocates such a thing as that.

Mr. STEVENS of Minnesota. Your proposition would practically amount to that. And no one would be otherwise than ridiculous to try to do it. We have submitted an amendment to you that does define it, and you gentlemen have not submitted anything or tried to arrive at it.

Mr. GARRETT of Tennessee. I would like to ask the gentleman from Minnesota if there is not a further reason, which is that to declare a negation upon a proposition of that sort is a kind of legal absurdity—is it not?

Mr. FERRIS. Nobody asked that.

Mr. GARRETT of Tennessee. To declare a stream nonnavigable where, as a matter of fact, it may be navigable?

Mr. STEVENS of Minnesota. The gentleman misunderstood that.

Mr. FERRIS. The gentleman from Tennessee is not trying to hold that we are contending that?

Mr. GARRETT of Tennessee. Oh, no. The gentleman from Minnesota [Mr. STEVENS] stated that the Committee on Interstate and Foreign Commerce had declined to report any bills

then compel them to pay for it, if we can do it, in addition to that.

Mr. ADAMSON. That would be the other 2 per cent.

Mr. STEVENS of Minnesota. With the 2 per cent for 50 years, that would be the hundred per cent. We compel these people who ask for these storage reservoirs and mountain reservoirs to pay for them in 50 years. There is nothing in this to stop payment at the end of 50 years. My own judgment is that this will not yield so much, but if they have mulcted this Government for many millions of dollars we want to get it back if we can.

Mr. MONDELL. Mr. Chairman, if the gentleman from Georgia will allow me, the paragraph I refer to has reference to headwater improvements, which I understand to mean improvements made at the expense of the United States above the project.

Mr. ADAMSON. I understand they climb up to the head of the stream and impound the waters there when they find a good place for storage.

Mr. MONDELL. And the provision is made that the lessee or the lessees securing the benefit of those headwater improvements shall make a payment not to exceed in any one year an amount equal to 5 per cent of the total investment cost in addition to the necessary annual expense of the operation of the headwater improvements. If the theory is that the headwater improvements are to be paid for, but without interest, and that thereafter the lessees are only to pay the cost of upkeep, then the language does not indicate that view. If, on the contrary, it was the thought of the committee that the beneficiaries under these headwater improvements were to pay perpetually—that is, for 50 years—5 per cent of the cost of the headwater improvements, the Government would in the period of 50 years have received in all two and a half times the original cost of the headwater improvements besides the cost of upkeep.

Mr. ADAMSON. Mr. Chairman, we have been reminded very often in our contest to secure this legislation that we ought to get all for the Government that we could.

The gentleman from Minnesota [Mr. STEVENS] has apologized to you and confessed that he helped get this thing up. I voted against it when it was put in, and I think he is the best one to explain it. I merely submitted to it, just as I did to a good many other things that I did not think necessary to put in.

Mr. STEVENS of Minnesota. I assume the responsibility.

Mr. ADAMSON. I am not going back on you. I am simply going to ask you to be the leading counsel in answer to it.

Mr. MONDELL. I would like to ask the gentleman how he will interpret that section?

Mr. STEVENS of Minnesota. There is no limit to this charge. It goes just as long as this is on the statute book and in its present form.

Mr. MONDELL. It is considerable of a charge in that case. May I ask the gentleman another question?

C relates to public lands. I take it, if granted, there will be very few public lands, only small isolated tracts here and there, if any, connected with one of these projects, but you provide for payment for the use of those lands equal to 5 per cent of the fair value. Now, that payment is to be perpetual?

Mr. ADAMSON. The gentleman from Oklahoma and I were talking about it and some other kindred subject when the gentleman did me the pleasure to interrupt me.

Mr. MONDELL. I regret I did not hear that part of the discussion.

Mr. ADAMSON. I was going on. It was not exactly fair to him to drop off the conversation just where we had it.

Mr. MONDELL. The gentleman understands I am not asking the question as to the propriety of your including public lands. The only question in my mind was as to the charge you proposed to make for the use of the public land.

Mr. ADAMSON. I hope the gentleman from Wyoming will give me his suggestion before I proceed to reply to the gentleman from Oklahoma [Mr. FERRIS].

Mr. MONDELL. My suggestion would be that if in connection with one of these projects there should be any public lands used or submerged—I imagine in no event would there be any considerable proportion of the project, probably none at all in the great majority of the projects; but in case you used any at all, if it seemed fair to charge for the land, either a cash payment at one time or a payment extending over a considerable period of years—at some time or other public lands should be paid for.

Mr. ADAMSON. It is the wish of the gentlemen interested in the conservation of the public lands that we eliminate that 5 per cent, and if the House is willing to do so we are willing.

Mr. MONDELL. And not pay anything for them?

Mr. ADAMSON. No. We leave it that the Secretary of War may charge him what he can get him to pay, but to strike out the maximum charge of 5 per cent.

Mr. MONDELL. What is the idea of getting more for the public lands than their fair cash value?

Mr. ADAMSON. The idea of the gentlemen who complained to me is that they can get more than 5 per cent. Some of the water-power people who talked to us about it said if we did not put it in they could get it at a good deal less. I do not know how that is.

Mr. KENT. I would like to ask why the Secretary of War should decide on matters relating to the public domain? That is within the province of the Secretary of the Interior.

Mr. ADAMSON. I suppose the gentleman did not hear my explanation of that. I said I did not care what officer the Government would select. I suppose, if this went in, and we had to have the plans approved by the Secretary of War, it would be more convenient for him to deal with the entire subject. I supposed it was only a convenience. I would just as soon, when we grant a consent to a company to build a dam in a navigable stream, that they may get their title from the Government, the same as a citizen. I want to add that you can not get up any preference in my mind between the two men who hold the two Cabinet portfolios of the Government. I would just as soon buy land from one of them as the other.

Mr. CLINE. I find in the bill, on page 4, paragraph 3, it says that in fixing such charges there shall be considered benefits to the interest of navigation as well as to the business of the owners of the project. I suppose those are eligible to be taken into consideration in considering the basis of taxation?

Mr. STEVENS of Minnesota. Yes.

Mr. CLINE. In that the language is ambiguous, and I would like to have your view about it.

Mr. STEVENS of Minnesota. My view of that paragraph is that it will be greatly changed. When the subcommittee prepared the bill—and I will state to the committee frankly how it happened—the Senate had a bill, and we had several bills, one coming from the War Department, a bill of the Secretary, and one which the gentleman from Georgia prepared, and one that I prepared, and, I think, two or three from the Senate. One of the Senate bills contained this proviso, which I thought was a good thing and thought it could be inserted, because there is hardly a river in the South and West along which some public land will not be found belonging to the Interior Department altogether. And I think the title of many little plats of land would be in the Department of Commerce—little lighthouse reservations and range marks, and things like that. But we put in a general provision covering all the lands of the United States, putting the terms as they were in the Senate bill. I have no pride of opinion about that. My own opinion is that it should be changed; that each department ought to lease its own lands and fix its own terms and conditions, and leave out this clause as to relative value if navigable. That is my own judgment. Following the path of least resistance, we put the Senate provision in it. So, if the gentleman will allow me, I will say that I will be the one who would be in favor of striking out that last phrase.

Mr. CLINE. If the benefits to the interests of navigation are to be considered as one of the elements for fixing the assessment, that would not be permanent; it would be constantly changing, because as the benefits of navigation increased the basis would be largely increased?

Mr. STEVENS of Minnesota. Yes. It is one of the things that would lead to difficulty and uncertainty.

Mr. CLINE. And the object of the assessment will be to arrange a fair basis?

Mr. STEVENS of Minnesota. Yes; a fair basis at the beginning. If that were stricken out and each department allowed to run its own affairs, the Interior Department to run its own lands, and the Department of Agriculture to run its own lands, and the War Department and the Navy Department to run their own reservations, and the Treasury Department to run its reservations, I think that would be the fair and businesslike way to work it out, and I would be very glad to prepare an amendment for that purpose.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Illinois?

Mr. ADAMSON. Certainly.

Mr. RAINEY. Is this the only provision in the bill that provides for a possible revenue to the Government through the operation of the dams?

Mr. ADAMSON. We thought, Mr. Chairman, that we were securing great benefits to the Government and the people if we could secure the building of these locks and dams without cost to the Government. We have not incorporated in this bill the idea that the gentleman espouses—of levying a tax upon these dams in that way.

Mr. RAINEY. I understand the position of the committee; but is there any other provision in the bill from which you could expect any revenue?

Mr. ADAMSON. No, sir. We did not think it could be done in that way. But we did have the bill introduced to blaze the way for that.

Mr. RAINEY. With reference to this particular clause, what rivers in the country at the present time have any headwater improvements?

Mr. ADAMSON. I stated—I do not know whether the gentleman heard me or not——

Mr. RAINEY. I think not——

Mr. ADAMSON. I stated that I never was an enthusiastic advocate of putting that headwater business in this bill. I will ask the gentleman to address those questions to the gentleman from Minnesota [Mr. STEVENS].

Mr. RAINEY. I will ask the gentleman from Minnesota what rivers in the country are now provided with headwater improvements that may possibly yield revenue for these purposes?

Mr. STEVENS of Minnesota. The largest river I had in mind was the Mississippi. At the head of the Mississippi there are six of the largest storage reservoirs in the world. I think they would benefit the water power and yield revenue.

Mr. RAINEY. Whether they would assist water-power development and yield revenue is dependent upon the construction of the engineers?

Mr. STEVENS of Minnesota. Oh, yes. Under the White Mountain and Appalachian plan I think it was the theory of those who promoted that project that the Connecticut River and probably the Androscoggin and the Merrimac Rivers in New England, and in the South I think the North Carolina and South Carolina rivers, would yield water power.

Mr. RAINEY. Have they storage reservoirs?

Mr. STEVENS of Minnesota. No. They have headwater improvements in the way of forestation and reforested areas. I should move to strike out "storage reservoirs" or else specifically include the other, to make it comprehensive and take in all of these headwater improvements.

Mr. RAINEY. In drafting this particular clause, then, the idea was to get revenue from storage reservoirs and reforested headwaters?

Mr. STEVENS of Minnesota. Yes; from everything in reach.

Mr. RAINEY. That would depend upon the construction of the engineers as to the effect reservoirs and reforestation have upon water-power development?

Mr. STEVENS of Minnesota. Yes.

Mr. RAINEY. Would the gentleman allow me to read a statement made by the Chief of Engineers as to headwater improvements and storage reservoirs, under date of May 14, 1914?

Mr. ADAMSON. Yes.

Mr. RAINEY. I read:

WAR DEPARTMENT,
Washington, May 11, 1914.

Hon. HENRY T. RAINEY,
United States House of Representatives.

SIR: In reply to your letter of May 8, 1914, requesting information regarding reservoirs and forests at the headwaters of navigable streams, and especially with reference to the Mississippi River, I have the honor to inclose herewith a report on the subject by the Chief of Engineers, United States Army, containing the information desired by you.

Very respectfully,
LINDLEY M. GARRISON,
Secretary of War.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, May 11, 1914.

The SECRETARY OF WAR.

SIR: 1. Referring to letter of the 8th instant from Hon. H. T. RAINEY, M. C., to you asking for certain information in regard to reservoirs and forests at the headwaters of navigable streams, and particularly with reference to the Mississippi River, I have the honor to report that no charges have ever been imposed by this department on the operators of power developments on navigable streams on account of any advantage which may accrue to them through the maintenance of reservoirs or forests.

2. There are extensive reservoirs at the headwaters of the Mississippi River, which were built for the purpose of benefiting navigation. Whether the operation of these reservoirs in the interest of navigation will produce any beneficial effect on the power development at Keokuk is a question which has not been investigated, but it is known that the effect of the operation of these reservoirs is not beneficial to power developments at Minneapolis.

3. The season of lowest water on the upper Mississippi—that is, the time when water is most needed for the power developments—is during the winter, the season at which navigation is closed. During this season the outlets of the reservoirs are closed to the minimum, for the purpose of storing water in the reservoirs in order that it may be released during the low stages of the navigation season. The result is that the natural low-water flow during the winter is still further reduced, thereby reducing the amount of power which can be developed from the water wheels. These reservoirs are the only ones in the United States which have been built in the interest of navigation.

4. The effect of forests on the flow of navigable streams has been very thoroughly investigated by the Engineer Department in connection with the improvement of navigable streams, and these investigations fail to show that forests have any beneficial effect upon the stream flow, particularly during low water. I presume that before a change should be made to the operators of a power dam on a navigable stream for additional water due to forests established at its headwaters, it would be necessary to prove that the forests had contributed a definite additional flow to the low-water volume. The effect of forests on the flow of any stream can only be told by a series of observations extending over a sufficient period of time to eliminate changes due to varying amounts of rainfall. Such a series of observations should be not less than 100 years in length, and preferably longer than this, for each condition—that is, in forested and denuded condition—in order to arrive at any results which would be of positive value.

Very respectfully,
DAN C. KINGMAN,
Chief of Engineers, United States Army.

Now, inasmuch as the engineers hold that in order to get any revenue on account of reforested headwaters of rivers it is necessary to experiment a hundred years with stream flows when the hills at the headwaters are in a denuded condition, and then to reforest the headwaters, which would take another hundred years, and then experiment for another hundred years with the reforested headwaters, in order to determine whether any benefit would accrue from this kind of an improvement to those dams for which a tax could be levied; and inasmuch as the engineers hold that the storage dams on the Mississippi are always closed at the time of the year when they could be of any benefit to the dams for water-power purposes—and that would probably apply to headwaters anywhere—and that they have not produced the slightest effect on the water-power dams up at Minneapolis, very near where these storage reservoirs are located, I should like to have the gentleman explain how it is possible that at any time within the next 300 years any revenue can be derived from this particular clause, which he admits he is responsible for and has so carefully drawn? What is the use of having it in there? What is the use of trying to convince the country that there is anything in this bill that may at any time in the future yield the slightest revenue to the Government?

Mr. STEVENS of Minnesota. I thought I told this committee only a few moments ago—I do not know whether the gentleman heard me—that I thought the plan to acquire headwater forest areas in the White Mountains and the Appalachians was a failure. I said so frankly. I voted against it. I do not know how the gentleman from Illinois voted. I voted against it because I thought then it would amount to nothing. But in order to acquire those areas constitutionally some officials of the Government—I think they are officials of the Interior Department—are obliged to certify that those areas are beneficial to navigation. Under those circumstances where officials of the United States Government do certify to those facts, and upon those certificates millions and millions of dollars are paid by the United States, I thought it was only fair and just that a provision should be put in this bill to compel those who might receive some benefit out of it to pay all we could get out of it. I told the House frankly that I did not expect much out of these reforested areas, and I told the House before the gentleman said so. As I say, I had no faith in the whole proposition, but I thought it would be only fair and just and patriotic to put a provision in the bill to carry out the attitude of those who do think that there may be some improvement and compel those who might be benefited out of it to pay for that benefit.

Now, as to the reservoirs on the Mississippi River above Minneapolis, there are 300 miles of navigation. Those reservoirs do benefit navigation to the extent of 18 inches for 100 days in the driest period of the summer. Those facts are well settled, so that there is no dispute about them.

The statistics as to the benefit to the water power I did not know and did not care about. I knew that if navigation was benefited to that extent, as is conceded, it might be that this water might be of some benefit to the numerous power projects above St. Paul, probably a dozen or fifteen of them. It made no difference how much. I did not know and did not inquire. It was my business to draft a provision of the bill to compel them to pay if we could get anything out of them, and for that reason I was responsible for putting in this provision, not having much faith in it. I am frank to say, but trying to get all we

Mr. ADAMSON. Yes.

Mr. CLINE. Is that not the point where you can get the dog out of the manger?

Mr. ADAMSON. If we can get possession of that dam site, now held by some fellow who has another one that he is using but does not want this one used.

Mr. CLINE. The point I want to call attention to is this: In the Chandler-Dunbar case, that was owned by a company that did not propose to improve it, and yet the General Government gave the parties who proposed to make the improvement the authority to dam the land that was owned by the company that refused to improve it themselves.

Mr. ADAMSON. The Government put in that project, and the riparian owners claim that they had a right to the surplus waters that the Government did not use for navigation. The Supreme Court has always held, as has been recognized by folks who understood the question, that the Government has paramount control of the bed of the stream from bank to bank, and whatever right a man acquired in the stream, he knew that his rights were subordinate to the control of the Government in the bed of the stream.

Mr. CLINE. Of course the Government could confer upon the company the right to build a dam on those lands?

Mr. ADAMSON. Yes. My idea is that this being a navigation bill, improving the navigable waters of the United States in the interest of interstate commerce, the Government could either condemn the land or could authorize a purchaser under the term of this bill to build a dam and condemn the land for that purpose, the current and the force of electricity being intended to be generated and distributed among the public.

I would prefer it if the States would provide a condemnation law rather than coming to the Federal Government for it; but it looks like the tendency is to come to Congress for everything, and it is getting worse and worse. Those gentlemen who are pining for home may as well get used to long sessions, because Congress can not do all of the legislation and get away in a week.

Mr. WILLIS. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. WILLIS. Before leaving section 2 I want to know whether I understood the gentleman's statement. Suppose a subsequent Congress should decide that additional locks and dams would be necessary in the interest of navigation, does the gentleman say that these additional locks, and so forth, would be constructed at the expense of the Government or at the expense of the private person making application for them?

Mr. ADAMSON. My understanding is that the Secretary of War may require it at the outset, or if he decides at a subsequent date, he may do so.

Mr. LENROOT. Will the gentleman point out where he gets that understanding?

Mr. STEVENS of Minnesota. I think the gentleman from Georgia is mistaken. If the Government refuses to require it in the first place, the owner of the dam must donate the site.

Mr. ADAMSON. The Government must require it when approving the specifications if it ever expects to demand it. If the Secretary of War does not at the time foresee that any portion of the river can be utilized for navigation, he may leave that out; but if he does, and the Government afterwards decides to use the other part of the river, it will have to put the locks in.

Mr. STEVENS of Minnesota. Yes; and the reason for that is that complaint was made that it was unfair to the investors, and men would not invest unless they could know in advance the approximate amount of the investment. A lock costs one-half of the cost of the dam itself, and it was necessary, in order to trent capital fairly, to let them know in advance about what investment they might expect, and that was the reason the change was made.

Mr. ADAMSON. I realize the wisdom of the provision.

Mr. WILLIS. If the gentleman will yield further. I understand the gentleman from Minnesota to state that it would be unfair to the investors. Does not he think that it would be unfair to the people by the Secretary of War having appropriated it and making it impossible for them to reach it?

Mr. STEVENS of Minnesota. You would have no investment; nobody with any sense would invest a cent in it. Section 4 requires that as a part of the original proposition. The Secretary of War and the Chief of Engineers each make a comprehensive plan for the whole waterway which shall be paid for by the applicant for the dam. Our Corps of Engineers are men of intelligence and experience, and design as a part of the comprehensive plan what ought to be done for the improvement of that stream; and it is only fair to the country and the people and the investers, and it is the only way you can get an investment. You can not get them any other way. It is only fair to everybody that this comprehensive plan should be understood and obeyed, and if any change is made by anybody who is desirous of change, he ought to pay for it.

Mr. SMITH of Minnesota. I would like to ask the gentleman from Minnesota a question.

Mr. ADAMSON. I will yield to the gentleman for that purpose.

Mr. SMITH of Minnesota. Do I understand that the investor pays for the whole cost of the original project?

Mr. STEVENS of Minnesota. If the gentleman will look at the bill, a part of section 3 is to be paid for out of paragraph A, and it may be divided by the Secretary of War and the engineers. Paragraph A will pay for the work under section 3.

Mr. ADAMSON. Mr. Chairman, I was going to remind the gentlemen who ask questions that we are not arbitrarily passing a law that can be directly enforced, establishing these relations between the people, the Government, and the grantees. We are trying to provide a contract which will secure what we want by inducing the other fellow to do what we want him to do. We make him pay all the expenses of the investigation, and we approve of the plans and specifications. He pays for a survey of the entire river with a view to navigation and the possibility of full development. We do not want to deprive the people of the benefit of it. When we have made a comprehensive survey of the entire subject we make the grantee pay for all that; then the Secretary of War—and we have to vest the authority in somebody, and the War Department has had jurisdiction over navigable streams ever since we have worked on them—then he decides, in order that capital may know what to depend upon and just what is going to be required.

If that stream is going to be used farther up, if we are going to need a lock in the dam, he is required to put it in right then. But it is human to err, and if after all that survey and investigation the Chief of Engineers is unable to foresee what is going to be needed in the future, of course the Government will have to pay for the lock if it decides to put it in afterwards. It seems to me, however, that there is considerable liberalization there.

I suppose what my colleagues would like to have me do is to go on and talk about the particular questions on which there may be differences. You will notice that in imposing these terms we do not care for what purpose the grantee uses that power, whether it is to light a town or to run a furnace, or other mechanical uses. What we want is the navigation of the river, and we hope he will make enough, or think he will, in some way, to induce him to build the dam and locks. So we have said on page 3—

and for other beneficial public purposes, and best adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.

And then on page 4, paragraph (b), he goes ahead and imposes the charges already provided for in the present law; and then we say:

To be based upon a reasonable compensation equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow past their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per centum of the total investment cost, in addition to the necessary annual expenses of the operation of such headwater improvement.

I do not know, arbitrarily or dogmatically, whether 5 per cent is enough or not, but I have been thinking that if we got enough of them to build along a stream where we had built a reservoir at the head to pay 5 per cent on the investment we were doing pretty well. Then we provide—

(c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per centum of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.

That is a provision that has caused some friction. A good many men have made suggestions to me about it. I have already remarked that the only interest I personally knew of in connection with this bill was in the way of little fragments of land scattered up and down the large streams in the older part of the country. Most of the valuable Government lands have long ago been taken up. These are little nooks and corners in the swamps that nobody wanted. The man who owns the land

on both sides of the river may want to construct a dam, and it may back the water up 30 miles. The first he knows he is on two or three pieces of Government land. I had in mind to enable him to extricate himself from the difficulties of that situation in an easy way by settling with the same man from whom he got his approval; and, without differentiating or discriminating against anybody, Congress has the power to authorize any officer to perform any function like that.

I am not insisting on that at all. I would be willing that he go to the Secretary of the Interior and buy the land from him as well as from anybody else. It makes no difference to me. Now, so far as interference with the public domain is concerned, I confess that I do not know as much about that as some men in this House know about it. I am so busy with the affairs before my own committee that when a constituent of mine writes to me about the public lands I refer the question to Brother FERRIS or some other gentleman on the Committee on Public Lands, and I generally find out what I want a great deal more easily than by neglecting my own business to study their business. I can not help but believe that in this House a member of a great committee not only serves his country but does God service if he attends to the business of that committee and keeps up with his work in that direction. So you will have to excuse me from knowing all about questions which relate to the public lands. I shall expect my friend from Minnesota [Mr. STEVENS] to combat any attacks that may be made upon that feature of the bill.

I do not know how much navigable water there is in the public domain. If there are any navigable streams in the public domain, certainly no man in the House wants to transfer the jurisdiction over that navigable water from the Secretary of War to the Secretary of the Interior. The Secretary of War has organized a splendid corps of engineers, who have done great work in this country, and I do not see any propriety or necessity for transferring jurisdiction if there should be found any navigable streams in the West.

I have no disposition——

Mr. SPARKMAN. I desire to ask the gentleman if there is any proposition of that kind?

Mr. ADAMSON. I do not know. If I understand the diplomatic correspondence that has gone on among us, that is the only substantial difference I have been able to find between the two bills.

Mr. SPARKMAN. I see in another bill introduced by another gentleman, which is said to deal with nonnavigable waters, a proposition of that kind. I did not know there was any intention to try to engraft it on this bill.

Mr. ADAMSON. I have said what conversations I had. It occurred to me, on an examination of the bills before the House, that was the only substantial difference between them.

Mr. SPARKMAN. I agree with the gentleman in saying the Secretary of War has everything to do with navigable waters.

Mr. FERRIS. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. FERRIS. I had not intended to get into this colloquy very much, because I am trying in good faith to carry on negotiations with the gentleman in regard to some amendments which I very much hope can be agreed to, but the gentleman made a remark a moment ago, which is, of course, a proper one—that each member, to use a slang phrase, should stick to his own committee.

Mr. ADAMSON. I do not think I said it that way. I was complimenting the gentleman. The gentleman from Oklahoma always furnishes me information concerning public lands, and perhaps may furnish me some on this before we get through.

Mr. FERRIS. The affection of the gentleman is appreciated and reciprocated. I am sure. I am making reference to a question of jurisdiction, which is one of the really important matters in this bill. I know the gentleman does not want the RECORD to say that there is anything in the Public Lands Committee bill that follows this bill that attempts even for a moment to invade the jurisdiction of navigable streams. At the same time I want to suggest that the gentleman knows that the War Department openly claims that they have jurisdiction now, and they claim it openly. This contention, they say, entitles them to have this section 17, which repeals everything that has been done with respect to water-power questions from the time legislation on the subject began. I know the gentleman does not occupy that position, because he wrote a letter a short time ago to me and stated that he did not want to meddle with public-lands affairs, and this bill does do it, and I wondered if the gentleman was going to try to agree to an amendment that would at least separate these little irrigation plants and power development of the public land in the West from this legislation, which is a mingling of navigation with water-power, irrigation, and all sorts of questions.

Mr. ADAMSON. I do not think the gentleman from Oklahoma, as brilliant and smart as he is and accurate and discriminating as he is, understands either the War Department or the bill or myself, if the gentleman will pardon me.

Mr. FERRIS. I understand the letter which the gentleman wrote me; I understand that.

Mr. ADAMSON. If I had written it myself, perhaps the gentleman would not. I had the clerk to write it in typewriting.

Mr. FERRIS. No; the gentleman wrote it in longhand.

Mr. ADAMSON. I would hesitate to question the gentleman's veracity, but some of my friends would not believe him if he said he read it. [Laughter.]

Mr. FERRIS. The gentleman wrote it and, marvelous as it may seem, I read it.

Mr. MONDELL. I do not want to break in on the argument of my friend——

Mr. ADAMSON. I yield to the gentleman.

Mr. MONDELL. But I would like to call the gentleman's attention to paragraph B, page 4, which provides for the payment by the lessee of reasonable charges for benefits that may accrue to his project from headwater improvements and in which it is provided the amount paid shall not exceed in any one year an amount in excess of 5 per cent of the total investment cost in addition to the necessary annual expenses in the operation of such headwater improvements. Does that provision intend to provide for these payments for headwater improvements until the investment cost shall have been returned to the Government, then thereafter only such payments as are necessary to cover the expense of operation, or is that expected to be a continued payment, not to exceed 5 per cent of the cost of the headwater improvements?

Mr. ADAMSON. The gentleman will understand by recurring to the beginning of that section that that is only one of the authorizations to the Secretary of War as to putting conditions into his approval. I do not think that attempted to go into as much detail, perhaps, as the gentleman's question would ask about.

Mr. MONDELL. I supposed the committee had some theory in regard to this matter of paying for headwater improvements, and that paragraph is not entirely clear to me, and I thought the gentleman could give me his interpretation of it.

Mr. ADAMSON. My own idea of it was that if the Secretary of War ever managed to secure 5 per cent of the entire cost that the whole matter would be refunded within the period of the life of these consents.

Mr. MONDELL. If the lessee paid 5 per cent of the investment cost, the investment cost would all be returned in 20 years, during which period the lessee would also have paid his proportion of the upkeep cost. Does the gentleman understand that paragraph to mean that this payment of approximately 5 per cent of the investment cost is to go on forever, or is it to cease when the Government shall have been reimbursed for its investment cost?

Mr. ADAMSON. The consent by a subsequent section lasts 50 years.

Mr. MONDELL. I understand; but the Government has its investment cost returned to it, as I understand, in 20 years.

Mr. ADAMSON. I do not know whether that 5 per cent would do that, in addition to the interest, or not.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield to me?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. Mr. Chairman, if the gentleman will allow me, this is the theory on which that was constructed, and I claim the blame for some of the language that was used in it.

Mr. ADAMSON. I did not want to accuse the gentleman of it myself, but I swore to it when he invented it.

Mr. STEVENS of Minnesota. Several years ago when the Appalachian and White Mountain proposition was before the House, I opposed it. I thought it was a fake and would not work, and I have not yet changed my mind.

Mr. MONDELL. Nor had any reason to.

Mr. STEVENS of Minnesota. But if the United States is obliged to buy these lands on the ground that they will help navigation, I thought, in all fairness, that if anybody was helped by it, they ought to pay for these lands, so that I drafted the original provision, and the theory of it is this: Money is worth to the United States what it can borrow it for, which is about 3 per cent, s. that we should charge these people 3 per cent, if we can get it, on the amount of the investment for the interest the United States puts into the property. We should

along, the committee brings in a little bill every year and are villified and abused and called logrollers and pork-barrel packers. If this bill were allowed to pass and permit the utilization of private capital to relieve the Treasury of all these expenses, why perhaps if we could make the proposition sufficiently attractive to capital, they would open up all this navigation and at the same time furnish the people light, and the cleanest, best, and cheapest fuel, electric force enough to manufacture not only fertilizers but every other conceivable thing that the genius of the country could think of, and build a network of trolley lines all over that fair country. I was not in favor of this amending bill as an original proposition. I still think the original dam act as the gentleman from Illinois placed his name on it and had it, by our assistance, passed through the House, was sufficient to take care of the interests of the Government and of the interest of the people, because the people can be benefited in a great many ways that do not come through acts of Congress.

They can be benefited in a great many ways besides paying taxes into the Treasury, but I took this attitude. If we can not have progress, if we can not get along under the existing law, let us see what amendments we must make, and see if the inducements held out will be liberal enough to entice capital to build these dams, and if so, we will amend the bill. We will make peace and secure contracts with capital, but if we can not secure contracts there is no use in passing the bill. So two years ago Mr. STEVENS of Minnesota and I took up the subject and made a tentative agreement with the Secretary of War, and really had made an agreement which would have secured the passage of a number of little bills, the defeat of which some gentlemen said saved $30,000,000, but all of them put together would not have amounted to as much power, hardly half as much, as the dam completed at Lock No. 12 of the Coosa River, nor would many of them have attracted capital to promote them. However, that agreement did not work, because in the House a gentleman who did not understand the agreement and had come in late objected to its consideration. When informed of the agreement he tried to withdraw his objection, but it was too late. When this administration came in I submitted the question to the administration.

So Mr. STEVENS and I—and he did more than I did and better work than I did, I will admit—prepared a bill and sent it to the administration, and the administration worked on it and sent it back, and we worked on it and sent it back, and they worked on it and sent it back, until our minds concurred on this bill. So we introduced this bill and reported it, and I believe it will be a great blessing to the country if passed. I believe it will promote the navigation of the streams. I believe it will result in bringing about a few developments of water power and hydroelectricity that will prove of incalculable value to the country. Now, Mr. Chairman——

Mr. GOODWIN of Arkansas. Will the gentleman yield right there?

Mr. ADAMSON. Yes.

Mr. GOODWIN of Arkansas. To what extent has aid been given to navigation by virtue of the improvements given to those dams?

Mr. ADAMSON. If there is a sure-enough stream, one with three or four shoals in it, and you build one dam, and the other bills to complete the current are vetoed, you can not get a boat entirely through the stream. There are 25 miles of slack water above that dam on the Coosa River at No. 12. There are three little locks built above it by the Government, but there are intervening shoals between those little locks and this one. One dam above, in my judgment, would make a hundred miles of navigation available, maybe 200. Two dams below this, I think, would open it entirely to the Gulf. I want the authority of Congress to build the other dams necessary there, to see if we can persuade capital to build them. I believe the development of the Coosa River up to the headwaters, as high as you could develop it, which is 100 miles above Rome on each tributary, would be of more importance to this country commercially than the Panama Canal even, or any other thing you could think of, because it would develop a great country which is all good country, with a population of good folks.

Mr. BURNETT. Will the gentleman yield?

Mr. ADAMSON. I will.

Mr. BURNETT. That river runs through several of my counties. The building of the dam that has been constructed and the construction of the one that the President vetoed would have opened 50 miles of the 87 miles of obstructed navigation.

Mr. ADAMSON. Then one additional dam would have opened the entire course.

Mr. BURNETT. I think so.

Mr. ADAMSON. That is my idea about it.

Mr. BURNETT. And we would have saved the Government some four or five millions of dollars; and extending 100 miles up it would have given 100 miles of unobstructed navigation on the river where navigation would be perennial. It does not go dry in the summer season.

Mr. ADAMSON. So far as the State which gave me birth is concerned, I think the present law is sufficient to enable it to develop all its water resources and become an empire, if it decides it is necessary to do so. Here is a list showing what Georgia has done in spite of all objection; it also shows how little power is necessary to operate single projects or light single towns:

Developed water powers of Georgia.

Stations.	Present horsepower development.	Ultimate horsepower development.
GEORGIA RAILWAY & POWER CO.-		
Tallulah Falls, Tallulah River	85,000	85,000
Mathis storage dam		10,000
Bull Sluice, Chattahoochee River	17,500	17,500
Dunlap Shoals	3,400	3,400
	105,900	115,900
AUGUSTA CANAL, SAVANNAH RIVER.		
Augusta factory	1,079	1,079
Enterprise	1,085	1,085
Sibley	1,429	1,429
King	2,516	2,516
Sutterland	215	215
A. & A. Ry., east plant	1,065	1,065
Murray Hill	161	164
Clark Milling Co.	167	167
A. & A. Ry., west plant	1,402	1,402
City pumps	850	850
Other powers	1,486	1,486
	11,458	11,458
GEORGIA-CAROLINA POWER CO.		
Stevens Creek development, Savannah River	3,125	31,250
ATHENS RAILWAY & ELECTRIC CO.		
Station No. 1, Mitchells Bridge	1,025	1,025
Station No. 2, Tallassee Shoals	1,300	1,300
Station No. 3, Barnett Shoals	5,600	5,600
	7,925	7,925
GAINESVILLE RAILWAY & POWER CO.		
Chestatee River near Dahlonegs	1,500	1,500
CENTRAL GEORGIA POWER CO.		
Ocmulgee River 40 miles above Macon	22,000	22,000
COLUMBUS POWER CO.		
No. 1, North Highlands	8,770	8,770
No. 2, North Highlands	1,990	1,990
No. 3, City Mills	1,076	1,076
No. 5, Goat Rock	9,600	40,000
	21,436	51,836
EAGLE AND PHOENIX MILLS.		
Chattahoochee River at Columbus	5,900	5,900
ALBANY POWER & MANUFACTURING CO.		
Muckafoonee Creek near Albany	2,500	2,500
Grand total	181,744	250,209

That these dams when built should be regulated by the War Department, with respect to the navigation, none can deny; but can anyone reasonably and fairly say that these developments should not have gone forward and go forward in the future if Congress refuses to permit the building of dams in the navigable streams of the country?

Present developments of hydroelectric water power in the State of Georgia now amount to over 180,000 horsepower, and the ultimate developments at all the projects already undertaken on the various streams in the State of Georgia will amount to over 250,000 horsepower.

In the Chattahooche River there has been developed to date a little over 40,000 horsepower, but in that river there is a possible development of an additional 300,000 horsepower. In the Coosa River there is a possible development of over 300,000 additional horsepower, but there is only one development on this stream of about 40,000 horsepower, so that we see in these two streams alone there is less than one-tenth of

the horsepower developed, which would open 1,500 miles of much-needed navigation.

If Congress may fear to trust the State of Georgia and its people to regulate and control the development of its water power, why not inquire if the people and the development of the natural resources of Georgia, the increase of its manufacturing operations, have been hurt, and whether the people of Georgia have been injured and oppressed by any monopolies in the development of nearly 200,000 horsepower in that State now in operation? No; the contrary is true.

In the States of Georgia, South Carolina, and North Carolina there are now nearly 4,000 miles of hydroelectric transmission lines, and very little of the 4,000 miles traversing these States carry a kilowatt of power from a development on a navigable stream under consent of Congress. If these hydroelectric developments in these three States have not been oppressive, if the manufacturing operations of these States have thriven and grown, is it not conclusive that our bill is a wise one?

The committee offers a bill that it is believed will invite and attract capital to construct dams in the navigable streams of the country, improving the navigation of these streams and developing water power at the same time. At the present time there is not a single dam in a single navigable stream in this country under construction by private capital. If the House will pass the bill just as the committee has reported it, within a year's time it is believed that construction of dams in the navigable streams of this country by private capital will begin and continue. It is true that there is no market for the power that will be developed at many of these dams, but markets will be created at or near these dam sites for manufacturing air fertilizers and other electric-furnace products.

If the bill is passed hydroelectric developments that have been going to Canada and to Europe and are now going to these countries will stop and the developments will, as they should, be made upon the navigable streams of our own country.

Mr. CLINE. Will the gentleman yield for a question?

Mr. ADAMSON. Yes.

Mr. CLINE. I understand that out of 25 of the authorizations that have been made under the present law there have been only 2 acceptances?

Mr. ADAMSON. There have been 95 in all, but not under the present law. I think there were 51 before the original law was passed, 25 between 1906 and 1910, and 19 since the amendment of 1910.

Mr. CLINE. The purpose of this act is to liberalize it to a certain extent at least, so as to induce capital to invest?

Mr. ADAMSON. That is it—to make the proposition attractive to capital, so that they will save the Government the expense of building the locks and dams.

Mr. CLINE. Will the gentleman have the kindness to advise the committee in what important respect in this bill you propose to make it more liberal so that capital will invest? What important restrictions do you propose to remove?

Mr. ADAMSON. I am going to take up the bill by sections and discuss every one of them as soon as I have completed the general statement.

Mr. FESS. You spoke of sending the bill to the administration and it coming back here. Would this stand, then, as an administration measure?

Mr. ADAMSON. The administration agreed to it.

Mr. FESS. I notice that there has been some report that the Secretary of the Interior stands for one plan.

Mr. ADAMSON. Unless the rules not only hold that it is germane, but also that it is compulsory, for me to discuss the vagaries and romance of local newspapers I will decline to talk about them.

Mr. FESS. What I wanted to know was whether this was the administration bill or not.

Mr. ADAMSON. Yes; and it never would have been introduced until it was, because I worked for a year to find one that would suit the administration and according to which they would sign bills. And if the administration had turned out to be so rigorous as to veto such bills I would not have wasted so much time on it.

I was going on to say that so far as I am locally concerned—of course, my activities are not confined to locality, because I love everybody, and see clever, good folks in every section, and I want to see every inch of this Union developed—my State has sufficient power under the existing Federal law to take care of itself as to navigation and water power, because every stream of any consequence in it is entirely within the State of Georgia and can be managed by the laws of the State, and we are doing it. But I want to call your attention to one trouble, and it has been generated, in my opinion, absolutely by the people who have obstructed the development under this plan.

When it began a great many people owned the land along these shoaly streams. They were comparatively poor people, who had inherited or purchased it in some way, and that land was of little value aside from the shoals for water-power privileges. They held those lands until hydroelectricity possibilities began to be realized by the people of the country and then we began to get authority from Congress to develop those electric possibilities by water power; and then certain people began to obstruct development, and the President began to refuse to sign our bills. It was just like holding back or cornering grain or other products. Syndicates began to secure and hold dam sites as something that would be of value to the public in the future, for which a high price would be demanded. They have gone down along those streams and bought riparian rights, and they have been developing some little water power somewhere and saying to mankind, "You shall not have these others to develop. We will hold them and sell the power generated at the plants we have installed, and when we find a market for all that we will develop another one, and not before, and we will deal that out to you at a high price until it is exhausted, and then we will develop another one." They object to permitting competition to set up business, just as people do in establishing cotton factories and other manufacturing institutions. They say, "We have a business now, and we do not want any competition. We want to do our business, and if you charter any more we will have competition which will be detrimental if not ruinous to us."

But, bless your life, Mr. Chairman, if you carry that principle out you would fear that somebody else's children would compete with your children, and then procreation would end with other people. People have cried "Monopoly!" and said, "You are building up monopoly of water power." Their obstruction has let the Water-Power Trust monopolize the ownership of these dam sites, obstructed development, and allowed syndicates to freeze out the poor fellows who, not permitted to develop their holdings, were not able to hold unproductive property; and now we are confronted with the proposition that the water-power syndicates really own the land and refuse to develop power sites or allow others to do so.

If our friends want to help us out, they will tell us the way to secure the sites held by the syndicates, so that other capital may be willing to pay for the lands and improve the shoals. It may be that unless the States proceed to provide condemnation proceedings we shall have to come to Congress, on account of the fact that it is a navigation project, and secure authority to condemn lands or water powers in the hands of syndicates holding them unoccupied and unimproved. At this time a great many States have laws to enable the water-power companies to condemn other folks' land, but I have been unable to find a single case where you can dislocate a dog in the manger and take the manger from him when he had more mangers than he would use. [Laughter.]

That is the situation that confronts us. It is not our fault. We offer a proposition that will permit people to develop water powers instead of turning them loose and letting these syndicates get hold of all of them.

Now, Mr. Chairman, I will try to gratify a few gentlemen who have asked me some questions by giving a cursory glance at the provisions of the bill, and if anybody desires to ask me a question as I go along I shall be glad to try to answer.

The first two pages of the bill seem to be the old law entirely. On the top of page 3 is the first amendment that I see, to section 2. That relates to the conditions that the Secretary of War is to place upon them, such as he may deem necessary in the interest of navigation, "and also that in case such facilities of navigation shall not be made a part of original approval and construction," and so forth. It simply enlarges the language, and we thought it broadened it a little.

Further down there is a little more new language inserted—

And in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States.

You see, it is contemplated in this bill that these people will not only put a dam in, which, if we were going to put in, would cost us a million or two dollars, but they have got to put the lock in free of expense to the Government. They have got to furnish the land and put in the lock free of cost, and they have got to operate the lock and light it. Certainly a few hundred thousand dollars besides the dam will be a saving to the Government if the navigation of the river can be secured.

Mr. CLINE. Mr. Chairman, will the gentleman yield there?

Drexel & Co., Philadelphia; E. C. Stotesbury.
Kuhn Bros., Pittsburgh; W. S. Kuhn.
Brown, Shipley & Co., London; Mr. Jones.
Baring Bros., London.
Rothchilds, London; Lord Rothschild.
A. B. Leach & Co.; A. B. Leach.
James B. Colgate & Co.; J. B. Colgate.
F. S. Smithers & Co.; F. S. Smithers.
William R. Sheldon & Co.; George R. Sheldon.
James Ross, Montreal.
Tucker, Anthony & Co.; Messrs. Tucker and Anthony.
William B. Bonbright & Co.; William P. Bonbright.
Braithwaite & Co., London; Mr. Braithwaite.
Kountze Bros.; Luther Kountze.
William Solomon & Co.; William Solomon.
Commonwealth Edison Co., Chicago; Samuel Insull.
E. H. Rollins & Son, Boston; all members of firm.
F. S. Pearson, New York and England.
Lee, Higginson & Co.; Mr. Higginson.
E. D. Smith & Co., New York; Mr. Smith.
White, Weld & Co., New York; Mr. White.
Equitable Life Insurance Co.; Alvin W. Krech.
E. N. Dickerson, New York.
Morgan, Harjes & Co., Paris; Mr. Harjes, sr.
William Mackenzie, Toronto.
Bank of Montreal; E. S. Clouston.
William Nelson Cromwell, New York.
T. P. Shonts, New York.
French Thompson Houston Co.; Mr. Garfield.
General Electric Co.; C. A. Coffin, president.
Westinghouse Electric Co.; John F. Wallace.
Sir Ernest Castle, Edinburgh, Scotland.
Robert Fleming, 2 Princess Street, London, England.
Strong, Sturgis & Co., New York.
E. D. Adams, New York City.
J. G. White & Co., New York.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Iowa?

Mr. ADAMSON. Yes.

Mr. TOWNER. This is an entire rewriting of the general dam act of 1910, as I understand?

Mr. ADAMSON. If the gentleman has a copy of the bill, he will see that it is so printed as to indicate the old law and the amendments.

Mr. TOWNER. I have the copy which was handed to me, part of it being in italics.

Mr. ADAMSON. Of course the method which we adopted is one which is very much in vogue, both in the House and Senate, to present the amendments in the shape of rewriting the original law with the amendments written in.

Mr. TOWNER. I have no objection whatever to that. I mean that in a general way this is a rewriting of that act.

Mr. ADAMSON. That is true.

Mr. TOWNER. Retaining some parts of it, but making some material changes.

Mr. ADAMSON. That is true.

Mr. TOWNER. Will the gentleman inform the House what are the important points upon which this bill diverges from the general dam act of 1910?

Mr. ADAMSON. If the gentleman from Iowa will be kind enough to allow me to proceed in my own way I will make it clear to him, if I can.

Mr. TOWNER. I was afraid that the gentleman from Georgia was going to stop.

Mr. ADAMSON. I have no intention of stopping. I hope you will stay with me until you think I am getting tired, and then ask me something, for it may be that you will make me think of something important that I might overlook.

When I came to Congress, 17 years ago, I came with the idea that we could improve the transportation facilities of several thousand miles of river with which I was acquainted by acts of Congress, improving navigation. The Chattahoochee River had been surveyed by the Government for some 500 or 600 miles, and estimates had been made that for $6,000,000 it could be navigated not only from Apalachicola to Atlanta but 75 miles farther north.

The Coosa River and tributaries, which, with the exception of 75 miles interruption by shoals, could be navigated for 900 miles, opening up more business than promised by any other river in the country, running through several States with great productiveness and having a great population, had been not only surveyed, but estimates had been made and two or three dams started. Thirty-three dams the War Department had laid out to cover the 75 miles, at an expense of about $20,000,000.

I thought it was easy, from what I had heard folks say about the river and harbor bills, to come up here and get these two rivers fixed up. They were the ones I knew the most about. There were others in two or three States which, if added to it, would make about 2,500 miles of navigation.

When I came here I found that to get $6,000,000 from the Rivers and Harbors Committee to open up the Chattahoochee and $15,000,000 or $20,000,000 to open up the Coosa was a pretty big proposition. We went down the Coosa River with the Rivers and Harbors Committee, and I stole them away at Montgomery from the Alabama people and took them over on a special train to the Chattahoochee and had them look at it. While at Wetumpka, standing at an old dismantled lock, never finished, although a good many dollars were sunk in it, a gentleman from Michigan, Mr. Bishop, a member of the House committee, said: "If I can get the property rights and the Government will consent, I will finish this structure and take chances on the water power for my pay." There had been some authorization and some construction by private capital for developing navigation. I did not know much about hydroelectric power then, and although I have studied it for 17 years since, just as I have other business before my committee, it looks like I know less about it and the other things now than I did then. Mr. Bishop said that could be done there, and I said, "Why can not it be done elsewhere? Why can not we supplement the efforts of the Treasury, and where the work is too expensive, why can not we induce private capital, tempted by the water power, to save the Treasury the expense of putting up the dam in shoal streams?" He said he thought it could be done. I came here and introduced a bill giving Government consent for private capital to build dams. I worked on it several years, and finally interested the gentleman from Illinois [Mr. MANN], then a member of the committee, and the distinguished chairman of that committee, Col. Hepburn, who appointed a subcommittee. We worked on that until it looked like it was feasible. It would save the trouble of debating the original proposition every time an original bill was introduced. We framed up a bill, and the gentleman from Illinois [Mr. MANN] put his name on it, and we passed it. It became the general dam act. Under that act we passed 25 authorizations. President Roosevelt signed them all. Two of those authorizations out of the 25 have been constructed.

Afterwards, however, the President saw some kind of new light, and he decided that that bill was not drastic enough. I do not suppose he had learned that 23 of the authorizations out of the 25 had not moved a peg, but he listened to the cry that the people were being cheated, that the great water-power monopolies were being formed, and that the Government was losing, and he vetoed a bill. Then the gentleman from Minnesota [Mr. STEVENS], the gentleman from Georgia [Mr. BARTLETT], and the gentleman from Alabama [Mr. RICHARDSON], and some other Members were appointed a committee to redraft the general dam act. The gentleman from Illinois [Mr. MANN], the author of the act, and I opposed it. We said that it was sufficient. We said that 2 successes out of the 25 was not a big enough boo to raise this fuss about. Until we got more than 2 out of 25 we could not agree that this law ought to be any more drastic than it is. The gentleman from Illinois [Mr. MANN] and I both assured the President that he could do many things under the act that he was not doing; that he could protect the Government as a corporate entity and benefit the people along the rivers and secure the benefits of navigation in the first instance and water power and hydroelectric power in the other instance.

Mr. STEVENS of Minnesota. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. STEVENS of Minnesota. To make the gentleman's statement strictly accurate, is not this the fact, that President Roosevelt vetoed the Rainy River Dam and the James River Dam; that in order to save the lands on the Rainy River Dam, Mr. Roosevelt consented that Rainy River should be passed over his veto upon the promise some of us made that a supplemental act should be passed to the existing law that should extend the power of Congress beyond those we got under the Constitution? It was that promise we kept in framing the act of 1910.

Mr. ADAMSON. I was not in all those conferences, and therefore can not give all the details as can the gentleman from Minnesota. I was speaking of the attitude of the gentleman from Illinois [Mr. MANN] and myself.

We were opposed to any amendment of it, but the gentleman from Minnesota [Mr. STEVENS] did report to the full committee amendments to the general dam act, and stated to us that it was made by agreement with the President and his advisers, and that that Rainy River veto might be overridden, and that these amendments would be made and would be satisfactory to the people who were opposing our scheme to improve navigation through the building of water-power dams, and our committee acted on the statement of the gentleman from Minnesota, and he can tell the House whether that agreement was made or not. I opposed the amendment in this House. The gentleman from Illinois [Mr. MANN] did not actively support the amendment, though I do not know that he said anything. I know that he opposed making it on the ground that it was sufficient as originally passed. I stood by him and made a speech on that line, but

the amendment of 1910 was made, and I believe 21 authorizations were signed subsequently to that by the President.

Mr. Taft went right ahead signing them until about the middle of his term, when somehow or other he happened to see a new light, although nothing had been realized under the authorizations, none had been built, but suddenly he joined the opposition, those who saw too much profit and gain in the water-power constructors and too little benefit to the country, which in its last analysis meant that the profit and glory of the country consisted in doing nothing, not only forbidding private capital to construct dams but depriving the people along those numerous rivers, heading away up into the interior, of navigation which would furnish them cheaper and better and more transportation facilities. Suddenly he turned around and vetoed a bill, and I will describe to you what the result of that was. One of the few bills which ever was realized upon by construction was a bill to authorize a dam at Lock No. 12 in the Coosa River. The engineers had made a plan of the 33 little dams, but a water-power company had gone and persuaded the engineers that about three big dams would cover the whole reach of 75 miles, and they would cost the Government nothing because private capital would build them, thus perfecting the 800 or 900 miles of navigation that I spoke about. We authorized the dam at Lock No. 12, and that was constructed after they got the plans and everything ready in two years. It made a pool 65 or 70 feet deep. It backed water over the shoals about 26 miles, making good slack-water navigation. In building that dam the company spent more money than the Government has spent on the Coosa River since Adam and Eve walked together on the earth misleading and producing mankind. They asked for another dam. Why? They could not find within 500 miles of that dam a market for the horsepower, the current, the electric force. The little towns and cities down there were not born yesterday. They have got a good deal of civilization among them, a good deal of inventive genius, and most of them have provided themselves with electric plants; and, contrary to the theory of some people who theorize on this subject without producing any practical results, when you put up an electric-power plant like that in a community that is able to furnish power to everybody it puts down the price of coal, with which it is in competition, and enables some of those people to run coal plants cheaper than they could before, and pretty cheap at that. So that they had no market for the 40,000 or 50,000 horsepower that they were generating. They have not only got to build the plant but they have to build a market, they have to build a town and a lot of factories, because it does not take much to run a factory.

Eleven thousand horsepower runs I do not know how many factories and other enterprises at Augusta, Ga., which is said to be the new Lowell of the South; but I do not agree to that, because Augusta, Ga., has to yield the palm to Columbus, Ga., which I have the privilege to represent, and it runs a lot of the biggest factories in this country, besides a great many other enterprises, and all they have generated around there put together, my recollection is, is about 27,000 horsepower. From 1,000 to 3,000 horsepower is sufficient in most cases to operate an enterprise or light an average town.

Mr. GREEN of Iowa. And about how much did this dam cost?

Mr. ADAMSON. This Coosa River Dam cost $2,000,000, and it generates forty or fifty thousand horsepower. They could not find a market for it, because the towns around were supplied. It does not take much to run the factories within reach of it, and they looked around to find a market. A company came along and said, "If you will get power enough, we will put up a cyanamide plant and run it here, but 50,000 horsepower will not suffice, for we have to have 100,000 horsepower." They came to Congress and asked permission to make 30 miles more of slack-water navigation on the Coosa by putting a dam in at Lock 18. The War Department approved it, and the bill went through this House and it went through the Senate, but President Taft vetoed it. That was after he had a change of heart about the subject. Let me tell you what it cost the country. That cyanamide plant, by using the combined forces of the two dams, would have been able to run continuously, and under the searching fires of electric furnaces have been able to extract from the air enough of the nitrate elements as fertilizers for which we paid Chile twenty-two and a half million dollars a year, and to have supplied all of that country and dispensed with exporting from Chile at all. It could have used the phosphate rocks in numbers of places in that country and have extracted the phosphate and avoided the trouble and expense of running the expensive sulphuric-acid plants to secure that phosphate, and all we would have needed to complete a perfect fertilizer to supply the wasted lands of all that cotton and corn producing country would have been the potash which now, under great difficulty and at great cost, we get from Germany. And if my good friend from Oklahoma [Mr. FERRIS], who intimates a disposition to oppose or amend this bill, would give his attention to securing potash on the public domain to exempt us from paying tribute to Germany on that account, he would accomplish a great thing for this country.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. FERRIS. We have enough potash in this country to last the United States for thousands of years, and we have a bill on the calendar that is going to conserve it, keep it from waste, and take care of that very thing.

Mr. ADAMSON. I am trying to talk about that, and commend my friend for it, because while men make vague and visionary hints and insinuations and charges about what we were trying to do with this navigation bill, so far as I know, this is the first time any effort was ever made to bring constructive measures to this House to utilize these resources. And if the gentleman from Oklahoma and his associates should succeed in that they will be entitled to the plaudit of "Well done, thou good and faithful servant." But I want to say to you that, outside of that, I do not believe that all the public lands, which they think we are infringing upon and which we have no disposition to infringe upon, are worth money enough to compensate the people for the loss they have sustained through the obstruction in the last 14 years of the operations and developments expected under this legislation. Now, that dam proposition was vetoed by the President. The other $2,000,000 investment was not made, because it could not be made. These people are still denied not only the navigation on that river but they are denied the benefits that would have been derived from the use of the hydroelectric power. That is only one instance, and the power remains unsold to-day; the money which was to have built it has gone. I understand it went to Niagara Falls, in Canada, and I understand some other plants that expected to get an opportunity, through Congress, to put up some dams and manufacture other articles have been driven to other parts of the world. We have lost that opportunity.

Mr. BURNETT. Will the gentleman permit?

Mr. ADAMSON. Certainly.

Mr. BURNETT. The gentleman refers to the dams on the Coosa River. I will state to the gentleman that the one which was secured through act of Congress has been completed.

Mr. ADAMSON. Yes.

Mr. BURNETT. And that that plant has been established and power is beginning to be now transmitted to the industries all over that country, and they are being run much cheaper than by coal even in the Birmingham district.

Mr. ADAMSON. I suppose the gentleman from Alabama was not in during my remarks.

Mr. BURNETT. I understood the gentleman to say that they had abandoned the other proposition.

Mr. ADAMSON. Oh, no; Lock 18. I have explained to the House what has been done down there——

Mr. BURNETT. I was out until just now.

Mr. ADAMSON. That they had developed 40,000 or 50,000 horsepower and were furnishing it in competition with coal, but that even then those people who had built it had found it hard to get a market, and they had resorted to the cyanamide scheme and were to build at Lock 18, but that was defeated by the veto of President Taft, and the country was deprived of the navigability of the Coosa River, and that immediate country was deprived of the use of that money to be invested there and the product of the plant that would have been built there. Now, Mr. Chairman, these two rivers I have mentioned are but two of a great many. There are three or four thousand miles of rivers that could be utilized under the terms of a bill like this if we should pass it and stick to it. It would cost the Government nothing to furnish navigation that would afford the people transportation up into the interior. Not only do the railroads not furnish that satisfactory transportation as to rates and practices, but they are unable to furnish enough transportation. The growing business of the country is congested on the railroads and we want water transportation on every river that heads far up into the country because practically, though modified under the recent decisions of the long and short haul clause, they have been discriminating in favor of the ends of the line and consequently against stations in the interior. That would have been obtained long ago if these rivers could have been made navigable. The projects before the Committee on Rivers and Harbors are very numerous and costly, so costly as to be prohibitive in many cases. They run

stances will hold, unless the committee instructs otherwise, that any subject can be discussed while in Committee of the Whole on the bill.

Mr. HAMILTON of Michigan. Mr. Chairman, it was not my understanding that the Speaker pro tempore ruled that general debate would not be in order.

Mr. COOPER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER. Then, if the ruling of the Chair is what I understand it to be, it is entirely unnecessary for the gentleman from New Jersey [Mr. TOWNSEND] to ask unanimous consent to discuss any subject he now may desire to discuss.

Mr. ADAMSON. Mr. Chairman, I did not anticipate rousing my eloquent friend from Wisconsin to make such a deliverance. I am in full sympathy with him as to the general principles on the subject, and I showed my willingness to allow something else to be talked about by offering to yield to the gentleman from New Jersey [Mr. TOWNSEND]. But when the matter was mentioned before the House went into the Committee of the Whole, I had made the suggestion, at the mention of the gentleman from Wisconsin [Mr. LENROOT], and the occupant of the chair, then presiding as Speaker pro tempore [Mr. UNDERWOOD], said that his idea was that under the consideration of this bill debate must be confined to the subject. Therefore I indicated my willingness that the gentleman from New Jersey [Mr. TOWNSEND] might talk about anything he pleased, provided he approached the subject by obtaining permission if it was necessary to do so.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. HAMILTON of Michigan. I understood the Speaker pro tempore to say that it was his impression that general debate would not be in order, but that he would not rule on that question at that time; and I think the RECORD will show that.

Mr. ADAMSON. He said he would not rule on that, but would leave it for the Chairman of the Committee of the Whole.

Mr. MURDOCK. The Chairman has ruled.

Mr. ADAIR. Regular order!

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] is recognized, and the gentleman from Georgia yields to the gentleman from New Jersey.

Mr. ADAMSON. It is now understood that under the rules the gentleman may talk about any subject he pleases. Therefore I yield 10 minutes to the gentleman from New Jersey [Mr. TOWNSEND] to talk about whatever he chooses to discuss. [Applause.]

Mr. TOWNSEND. Mr. Chairman, I have to-day introduced a House resolution which, if adopted, will direct the Interstate Commerce Commission to examine the affairs of the Wabash Pittsburgh Terminal Railway Co., with a view to ascertaining certain very interesting facts which have engaged the attention of a great many men interested in observing the operations in high finance throughout the country. I think, in fact, in spite of the debate which preceded my modest request for 10 minutes, that I come under the rule as to speaking pertinently, because there are certain physical or topographical conditions in Pittsburgh which result in making the possession of a terminal railroad there almost what might be defined as a natural resource.

On June 21 last a newspaper reporting the sale of bonds on the New York Stock Exchange listed the sale of 3,000 Wabash Pittsburgh Terminal Co.'s first 4 per cent bonds at 7½ cents on the dollar. These bonds were part of an issue of $30,236,000 sold through well-known New York bankers at from 90 to 92. There, in stock-exchange figures, is the story of the wrecking of the Wabash Pittsburgh Terminal Railway Co., whose bonds were disposed of at from 90 to 92 and bought by many life insurance companies, savings banks, and numerous private purchasers, who have seen their property dissipated and wrecked, and have been unable to secure aid or restitution or redress from the courts or from the Department of Justice of the United States under a former administration.

From May 9, 1904, when the Wabash Pittsburgh Terminal Railway Co. was organized under the laws of Pennsylvania, until to-day no other story of high finance, as the alleged facts are presented to me, sets forth such a tangled tale of trickery, shifty dealing, repudiation, denunciation of contracts, and spoliation as this. My purpose in bringing the matter before Congress, in the hope that thereby may result official investigation, is, first, that such investigation may lead to restitution, in part at least, to defrauded investors, to the punishment of the looters, to the reestablishment of this corporation upon a sound and healthy and honest basis, and to rid Wall Street of one of the scandals which has brought hundreds of reputable financiers into undeserved disrepute.

I have many acquaintances who are so-called Wall Street men; they are residents of my district; they have talked with me about these matters; and I know that no class of men in the country are more eager to have the causes of this wreck investigated than are they. They have no part in such proceedings, and they detest the men who do carry on such proceedings as thoroughly as do any other honest men.

One citizen of my district, who for many years has had an office in Wall Street, wrote to me recently this significant comment:

> In a nutshell, the characteristic difference between the Wabash Pittsburgh looting and the New Haven looting may be one of intent. It seems probable that the latter was accomplished as an incident in the pursuit of power, without intent, or even expectation, of wrecking the property. On the other hand, there is much circumstantial evidence to create the suspicion that the wreck of the Wabash Pittsburgh Terminal was the goal aimed at almost from the beginning, and that the plan from an early stage was to take property by plain robbery under legal forms.

Much has been published, chiefly in financial papers, about this matter, but it is probable that the general public have not been informed of some facts, knowledge of which is necessary for even a partial understanding of what has the appearance of wrecking and looting which have brought the price of more than $30,000,000 worth of bonds from almost par to the nominal price of 7½ cents on the dollar.

Prior to 1904 the Pennsylvania Railroad and its allies enjoyed practically a monopoly of the freight business of Pittsburgh, the greatest freight-producing center in the country. The great shippers of that city, including Mr. Carnegie, determined to provide real competition, both in freight and passenger business at that point, and with the promise of substantial patronage financial operations were carried on to provide ways and means which would give that competition so much desired.

Without at this time going into the details of the preliminary work, it seems necessary only to recall that the Pittsburgh-Toledo syndicate was formed, whose managers were George Gould; Joseph Ramsey, jr., then president of the Wabash Railroad and of the Wheeling & Lake Erie Railroad; Louis Fitzgerald; James Hazen Hyde, of life insurance investigation fame; and Myron T. Herrick, now United States ambassador to France. This syndicate bought through Washington Connor, as I am informed, 51½ per cent of the stocks of various classes of Wheeling & Lake Erie Railroad Co. and built a line of railroad from Pittsburgh to Jewett, Ohio, some 60 miles, making a connection at Jewett with the Wheeling & Lake Erie, which system connected at Toledo with the Wabash system and thence to the Pacific Ocean. It was also understood that connection would be made with the Western Maryland and with the Atlantic seaboard. This Jewett line was built in the most expensive manner as to low grades, tunneling, bridges, and so forth. Tunneling, bridges, and grading were for two tracks, although only one line of rails was laid.

The property acquired and constructed by this syndicate was turned over to the Wabash Pittsburgh Terminal Railway Co. In addition to the Jewett line and the controlling ownership in the Wheeling & Lake Erie turned over by the syndicate to the Wabash Pittsburgh Terminal Railway Co., the latter acquired the stock of the Pittsburg Terminal Railroad & Coal Co., which owned the West Side Belt Line, a 20-mile railway furnishing connection with the important freight-producing industries of Pittsburgh and other railways. The coal company also owned 15,000 acres of Pittsburgh seam-coal lands, much surface land, and several coal mines lying on the belt line. The total cost of all this property has been estimated, by an expert in whose judgment I have entire confidence, at approximately $50,000,000 over and above some liabilities assumed. Part of the acquisition of this property was through purchases directly by payment of the purchase price in bonds, and part through funds derived from the sale of bonds through New York bond houses referred to above. My information is that among the purchasers of these bonds, who in many cases still own them, were the Equitable Life Insurance Co., Metropolitan Life Insurance Co., Scottish Union Insurance Co., Aetna Life Insurance Co., Baltimore Life Insurance Co., Berkshire Life Insurance Co., Casualty Co. of America, Provident Life Insurance Co., Milwaukee Insurance Co., State Mutual Insurance Co., Traders' Insurance Co., American Insurance Co., Phoenix Insurance Co., Allegheny Bank of Secured Savings, Pittsburgh Bank of Savings, Pottsville Safe Deposit Bank, and Scranton Savings Bank.

Why such purchasers felt justified in making their purchases as suggested by some of the statements made by the bond houses who advertised these 4 per cents, I quote from a circular of one of the well-known bond houses:

> The railways, terminals, and contracts owned by the Terminal Co. comprise a connection into Pittsburgh probably impossible to duplicate, and places it in the best possible condition to move the immense tonnage of the district, assuring a large and profitable traffic from the beginning.

The circular of another well-known bond house, dated November 14, 1904, reads in part:

> The bonds are further secured by the deposit with the trustee of the controlling interest in the Wheeling & Lake Erie Railroad Co., and are also secured by traffic and trackage contracts between the Terminal Co., the Wabash Railroad Co., and the Wheeling & Lake Erie Railroad Co., whereby 25 per cent of the gross earnings of the two latter companies derived from business east of Chicago and St. Louis from all classes of traffic, both east and west bound, interchanged with the Terminal Co. or passing over its road, is pledged to meet any deficiency of income necessary to pay interest charges on both its first and second mortgage bonds. The Terminal Co. also owns the controlling interest in the Pittsburgh Terminal Railroad & Coal Co. This company embraces a belt line which connects with all roads entering Pittsburgh, besides owning a large amount of coal and surface land.

Upon such assurances as these the bonds were all subscribed for, and, in several instances, I am informed, courts made them legal investments for trust funds. I am not asserting that statements made by any bond house handling these bonds were not justified or were even highly colored. I have the opinion of an expert, who writes:

> On the whole, it is my judgment that the terminal property would be more valuable than its cost, either to the system of which it was to form a part or to the Erie, to the Baltimore & Ohio, or to the Pennsylvania, or to the Canadian Pacific, if the latter ever entered Pittsburgh.

The story of what seems to be its deliberate wrecking is too long and involved to be gone into now. The freight contracts entered into with the railroads were denounced, claims were lodged against its securities, complicated legal proceedings designed to frighten bondholders were threatened or begun, freight was diverted from its railroad lines, the Wabash Railroad withdrew its cars, lease of the subsidiary company's coal mines was abrogated, products of the mines were shipped over rival roads, and one after another those apparently having both the power and the purpose of wrecking the company proceeded to exercise that power, and the purpose was accomplished. Both the Pittsburgh Terminal Railway Co. and the Wheeling & Lake Erie were thrown into the hands of a receiver; defrauded bondholders organized a protective committee, ostensibly in their interests, and the committee received deposits of a large majority of the bonds. This first committee did nothing for two years, and a second bondholders' movement was started. But through some means which it would be interesting to have cleared up both of these committees appeared to be under the control of interests unfriendly to the bond owners.

It seems to me that either Congress or the Department of Justice or the Interstate Commerce Commission should seriously undertake to learn who is responsible for this state of affairs.

I have in my possession a copy of a letter sent to a man connected with one of the best-known banking houses in New York City in which the writer says:

> I am not interested in the general market, save as an indication of business conditions. I am much interested in the Wabash Pittsburgh situation, and I think that every legitimate banking house in New York is vitally interested in that situation, the most of them do not realize it or have any proper conception of the deep discredit that is cast upon all American finance by the continuance of this scandalous situation.
>
> I believe that if the high-grade banking houses of New York knew of one-tenth of the direct loss that each and every one of them suffer through such actions on the part of a few individuals they would take a united action to purge the Street.
>
> Here we have a 4 per cent first mortgage upon a property that every competent and honest judge admits is worth far more than the bond issue; a property that is necessary to Pittsburgh and that could not possibly be duplicated for many times the bonds; a property that is capable under a proper program, and without large capital additions, of almost instantly producing net earnings on its first mortgage.
>
> We have these bonds sold to savings banks, life insurance companies, and conservative private investors as a sound guaranteed investment.
>
> We then see one security after another taken away, or attempted to be taken away; we see the property put into a condition where its earnings go down year after year almost to the vanishing point; and we see what appears to many to be a deliberate attempt to get this property for almost nothing.
>
> We also see the big, high-grade houses standing aside as if the whole matter were none of their business.

In response to this the man I have referred to, upon receipt of the letter of which I have quoted, responded:

> I agree with every statement you make. * * * The newspapers are more to blame than anyone interested in this fraud on the public. Under the pretext of fearlessly exposing everybody they protect their friends. I consider the receivership of the Wheeling & Lake Erie and the Wabash Pittsburgh Terminal among the most outrageous pieces of crooked work ever perpetrated in Wall Street, but the edict has gone forth to all newspapers that they are not to be exposed, so what are you going to do about it?

[Applause.]

Mr. ADAMSON. In the temporary absence of the gentleman from Minnesota [Mr. STEVENS] I yield to the gentleman from Washington [Mr. HUMPHREY].

[Mr. HUMPHREY of Washington addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, this bill is a navigation bill. A great many people talk about it as a water-power bill, and the most that is said about it treats it as a water-power bill.

This bill is limited strictly to the navigable streams of the United States, and its paramount purpose is to develop and maintain navigation in those navigable streams.

Navigability, the purpose of the bill, bears the same relation to the development of water power, so far as this bill is concerned, that the bird we are trying to catch bears to the bait with which we bait the trap. We realize that water power—hydroelectric power—is useful for a great many purposes and can be made profitable; and being useful and promising profit, it may be sufficient to tempt capital to construct for the benefit of the people of the United States those creations which are so expensive that the Treasury of the United States is unable or unwilling to undertake them, to make navigable three or four thousand miles of large streams in the country which ought to be navigated for the benefit of the people.

It is true we have not caught many birds with the bait, because capital is a wary old bird. It is hard to fool; and although in the past we have granted 95 authorizations to build dams for the improvement of navigation through the temptation and incentive of private gain to the investors, we have only succeeded in seeing about 13 constructed and put in operation. The profits did not prove as great as we thought they would be when we tried to persuade investors. Then a great clamor of objection was raised by those who figured out on paper how easy it would be to take the capitalists by the nose and lead them into the enterprise, and how they could figure out the maximum success of every enterprise, and figure out the realization of every hope and expectation; and they saw tremendous gains, millions and millions of profit, in the matter.

I think before we get through with this debate we will be able to satisfy all gentlemen that the bait was not as attractive, that the results have not been sufficient thus far to attract capital, and that we have not been receiving the benefit which we had hoped to receive by freeing the Treasury from the expense of promoting navigation through persuading private capital to do it for us.

Here are two lists which show some of the difficulties in the way of inducing private capital to do this important work for us free of cost—one a list of failures known to every banker, the other a list of financiers who refused to undertake financing the Keokuk Dam, which has cost $28,000,000, made 25 miles of slack-water navigation over the rouge shoals of Des Moines Rapids, and has not yet found a market for half of its output, though it offers to supply everybody in the vicinity in any quantity large or small:

Partial list of water-power developments which have been through receiverships or proved bad investments.

	Horsepower.
Hudson River, Spies Falls, Mechanicsville, N. Y.	52,000
Michigan Lake Superior Power Co., Sault Ste. Marie, Mich.	23,000
Great Shoshone & Twin Falls Water Power Co., Pocatello, Idaho	10,000
Animas Power & Light Co., Durango, Colo.	4,500
Central Colorado Power Co., Denver, Colo.	40,000
Wisconsin Railway, Light & Power Co., Hatfield, Wis.	8,000
McCall Ferry Power Co., McCall Ferry, Pa.	80,000
Hanford Irrigation & Power Co., Priest Rapids, Wash.	4,000
Yadkin River Power Co., Rockingham, N. C.	25,000
Hauser Lake (Mont.) Power Co.	15,000
Chattanooga & Tennessee River Power Co., Chattanooga, Tenn.	40,000
St. Lawrence River Power Co., Massena, N. Y.	60,000
Austin Dam, Tex.	25,000
Stanislaus Electric Power Co., San Francisco	50,000
Whitney plant on Yadkin River	20,000
Miscellaneous small water powers	50,000
	506,500

List of financial interests declining the Keokuk and Hamilton water-power investment previous to its financing.

National City Bank, New York; F. A. Vanderlip.
North American Co.; C. W. Wetmore.
J. P. Morgan & Co.; J. P. Morgan.
Spencer, Trask & Co.; Mr. Bulkley.
Hallgarten & Co.; H. H. Wehrhane.
Kuhn, Loeb & Co.; Otto Kahn.
Speyer & Co.; Mr. Schuster.
American Tobacco Co.; James B. Duke.
Standard Oil Co.; S. C. Bedford.
Harvey Fisk & Sons; Pliny Fisk.
Amalgamated Copper Co.; John D. Ryan.
Guggenheims; Mr. Lipman.
Edwin Hawley, New York.
Brown Bros., New York; Mr. Delano.
Mississippi Valley Trust Co., St. Louis; Breckenridge Jones.
Merchants' Loan & Trust Co., St. Louis; Festus J. Wade.
Third National Bank, St. Louis; Charles Huttig.
First National Bank, Chicago; E. K. Bolsert.
N. W. Harris & Co., New York, Chicago, and Boston; Mr. Harris.
John I. Biggs, Milwaukee.

tirely wise and fair to the House, and, so far as I am concerned, in the early stages of the debate I shall endeavor to confine it to the legitimate discussion of the provisions in the bill; but at the same time I think it is only fair to notify the House that some gentlemen have applied to me for time who do not desire to discuss exclusively the provisions of the bill.

Mr. ADAMSON. Mr. Speaker, when the committee rises again consideration can be given to that matter. In the meantime I would like to get into the discussion of the bill for a few hours.

The SPEAKER pro tempore. The question before the House is the request of the gentleman from Georgia [Mr. ADAMSON] that general debate be controlled on this bill by himself and by the gentleman from Minnesota [Mr. STEVENS], the time to be equally divided. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GARNER] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, amending the general dam act, with Mr. GARNER in the chair.

THE CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Mr. TOWNSEND. Mr. Chairman, I ask unanimous consent to address the House for 10 minutes upon a subject not entirely related to the bill under consideration, the time to be yielded to me by the gentleman from Georgia [Mr. ADAMSON]. That arrangement will suit his convenience.

THE CHAIRMAN. Will the gentleman yield for a moment for the Chair to suggest to the chairman of the Committee on Interstate and Foreign Commerce that the first reading of the bill be dispensed with?

Mr. ADAMSON. Mr. Chairman, I was going to do that, but the gentleman from New Jersey [Mr. TOWNSEND] wanted to get in as early as possible. I told him he would have to get unanimous consent. I shall be glad to accommodate him with 10 minutes if gentlemen will agree to it. I ask unanimous consent that the first reading of the bill be dispensed with.

THE CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, will the bill be printed in the RECORD?

Mr. ADAMSON. Yes. I will make my request in consequence of the suggestion of the gentleman from Oklahoma [Mr. FERRIS], that in lieu of its being read it be printed in the RECORD.

THE CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the full text of the bill:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when consent has been or may hereafter be granted by Congress, either directly or indirectly, through any duly authorized official or officials of the United States, to any persons to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and after such approval it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War.

"SEC. 2. That as a part of such approval such conditions and stipulations may be imposed as the Secretary of War and the Chief of Engineers may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate in connection therewith, without expense to the United States, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress *then* may deem necessary in the interests of navigation, in accordance with plans *made a part of such approval;* and also that *in case such facilities of navigation shall not be made a part of such original approval and construction,* whenever Congress shall deem such facilities necessary, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions, *and in such original approval, at the discretion of the Secretary of War and Chief of Engineers, may be required to maintain and operate such lock without expense to the United States.*

"SEC. 3. That as a part of said approval the Secretary of War and the Chief of Engineers *shall require* that the plans, specifications, and location for any dam shall be such as shall be best adapted to a comprehensive plan for the improvement of the waterway in question for the uses of navigation and for the full development of its water power *and for other beneficial public purposes,* and best *adapted to conserve and utilize, in the interests of navigation and water-power development, the water resources of the region.*

"SEC. 4. That as a part of the conditions and stipulations such approval shall provide—

"(a) For reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided, and for such supervision of construction as may be necessary in the interest of the United States.

"(b) For the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements, including storage reservoirs, on any such stream, such charges to be fixed from time to time by the Secretary of War and Chief of Engineers and to be based upon a reasonable compensation *equitably apportioned among the grantee and others similarly situated upon the same stream receiving benefits by reason of increase of flow and their water-power structures artificially caused by such headwater improvements, the total charges to all such beneficiaries from any such headwater improvement not to exceed in any one year an amount equal to 5 per cent of the total investment cost, in addition to the necessary annual expense of the operation of such headwater improvement.*

"*(c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers, and in fixing such charges consideration shall be taken of the benefits accruing thereby to the interests of navigation as well as to the business of such grantee.*

"(d) For the payment or *securing the payment to* the United States of such sums and in such manner as the Secretary of War and the Chief of Engineers may deem reasonable and just substantially to restore conditions upon such stream as to navigability as existing at the time of such approval, *whenever the Secretary of War and the Chief of Engineers shall determine that navigation would be injured by reason of the construction, maintenance, and operation of such dam and its accessory works.*

"SEC. 5. That the operation of navigation facilities which shall be constructed as a part of or in connection with any such dam, whether at the expense of such grantee or of the United States, shall at all times be subject to such reasonable rules and regulations in the interest of navigation, including the control of the level of the pool caused by any such dam, as shall be made by the Secretary of War and Chief of Engineers, *and in the use and operation of such navigation facilities the interests of navigation shall be paramount to the uses of such dam by such grantee for power purposes.* Such rules and regulations may include the maintenance and operation by such grantee, at its own expense, of such lights and other signals as may be directed by the Secretary of War and Chief of Engineers and such fishways as shall be prescribed by the Secretary of Commerce, and for failure to comply with any such rule or regulation such grantee shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than $500 for each month's default, in addition to other penalties herein prescribed or provided by law.

"SEC. 6. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise.

"SEC. 7. That any grantee who shall fail or refuse to comply with the lawful order of the Secretary of War, made in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000, and every month such grantee shall remain in default shall be deemed a new offense and subject such grantee to additional penalties therefor; and in addition to said penalties the Attorney General may, on request of the Secretary of War, institute proper proceedings in the district court of the United States in the district in which such structure or any of its accessory works may, in whole or in part, exist, for the purpose of having such violation stopped by injunction, mandamus, or other process; and any such district court shall have jurisdiction over all such proceedings and shall have the power to make and enforce all writs, orders, and decrees necessary to compel the compliance with the requirements of this act and the lawful orders of the Secretary of War and the performance of any condition or stipulation imposed under the provisions of this act; *and if the unlawful maintenance and operation are shown to be such as shall require a revocation of all rights and privileges held under authority of this act, the court may decree such revocation. In case of such a decree, the court may wind up the business of such grantee conducted under the rights in question, and may decree the sale of the dam and all appurtenant property constructed or acquired under authority of this act,* and may declare such dam and accessory works to be an unreasonable obstruction to navigation and cause their removal at the expense of the grantee owning or controlling the same, except when the United States has been previously reimbursed for such removal, or may provide for the sale of the dam and all accessory and appurtenant works constructed under authority of this act for the further development of water power, and may make and enforce such other and further orders and decrees as equity demands; *and in case of such a sale for the further development of water power the vendee shall take the rights and privileges and shall perform the duties which belonged to the previous grantee, and shall assume such outstanding obligations and liabilities arising out of the maintenance and operation of said dam and accessory works for power purposes as the court may deem equitable in the premises.*

"*SEC. 8. That no property or project installed and operated under the provisions or benefits of this act shall be assigned or transferred except upon the written consent of the Secretary of War, except by trust deed or mortgage issued for the purpose of financing the business of such owner, and any successor or assign of such property or project, whether by voluntary transfer, judicial sale, or foreclosure sale or otherwise, shall be subject to all the conditions of the approval under which such rights are held, and also subject to all the provisions and conditions of this act to the same extent as though such successor or assign were the original owner hereunder.*

"SEC. 9. That the rights herein granted shall continue for a period of 50 years *from and after the date of the completion of the structure described in the original approval, and after the expiration of said 50 years such rights shall continue until compensation has been made to said grantee for the fair value of its property, as hereinafter provided.*

"*SEC. 10. That at any time after the expiration of said 50 years the Secretary of War may terminate the rights hereby granted upon giving to the owners thereof one year's notice in writing of such termination, and upon the taking over by the United States, or by any person authorized by Congress, of all of the property dependent in which or in part for its usefulness upon the rights hereby granted, which shall include all necessary and appurtenant property created or acquired and valuable or serviceable in the distribution of water, or in the generation, transmission, and distribution of power, and all other property the value and usefulness of which would be destroyed or seriously impaired by such termination, and upon paying the fair value of said property, together with the cost to the grantee of the lock or locks or other aids to navigation and all other capital expenditures required by the United States, and assuming all contracts entered into prior to the receipt by it of said notice of termination which have the approval of the duly constituted public authority having jurisdiction thereof, or which were entered into in good faith and at a reasonable rate, in view of all the circumstances existing at the time such contracts were made. That fair value of such property and the reasonableness and good faith of such contracts shall be determined by agreement between the Secretary of War and the owners of such property, and in the event of their failure to agree, then by proceedings instituted by the United States, or by any person authorized by Congress, in the district court of the United States within which any portion of such dam may be located. In the determination of the value of said property upon the termination of said grant as above provided no value shall be claimed for or allowed for the consent hereby granted, nor for good will, profit in pending contracts, nor other conditions of current or prospective business.*

"SEC. 11. That all the rates, charges, and service for power generated from *or by any of the projects provided for in this act shall enter into interstate or foreign commerce, the rates, charges, and service for the same to the consumers thereof shall be just and reasonable, and every unjust and unreasonable and unduly discriminatory charge, rate, or service therefor is hereby prohibited and declared to be illegal; and whenever the Secretary of War shall be of the opinion that the rates or charges demanded or collected on the service rendered for such electric current are unjust, unreasonable, or unduly discriminatory, upon complaint made therefor and full hearing thereon the Secretary of War is hereby authorized and empowered to determine and prescribe what shall be the just and reasonable rates and charges therefor to be observed as the maximum to be charged and the service to be rendered; and in case of the violation of any such order of the Secretary of War the provisions of this act relative to forfeiture and failure to comply shall apply. That in the valuation for rate-making purposes of the property existing under said approval of the project there may be considered any lock or locks, or other aids to navigation, and all other capital expenditures required by the United States.*

"*The Secretary of War is further authorized and directed to include among the conditions for his approval of any plans or any project herein provided, as an express condition to the exercising of the rights of the Secretary of War the same rights, powers, and duties set forth in this section, together with the same penalty for violation thereof: Provided, That whenever the State in which such current shall be used shall have provided by law adequate regulation for rates, and service to the consumers for such electric current and such regulation shall not be unduly discriminatory or unjust against the service or charges in any other State, then the use of the power from the same project, and such facts shall be established to the satisfaction of the Secretary of War, then in such case the provisions of this section shall not apply to the rates, charges, and service in and for such State.*

"SEC. 12. That the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval herein provided, and shall thereafter, *in good faith and with due diligence, prosecute such construction, and shall, within the further term of three years, complete and put in commercial operation such part of the ultimate development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the reasonable needs of the then market and shall, from time to time thereafter, construct such portion of the balance of such ultimate development as said Secretary of War and Chief of Engineers may direct and within the time specified by said Secretary of War and Chief of Engineers so as to supply adequately the reasonable market demands until such ultimate development shall be completed; and extensions of the periods herein specified, not to exceed two years, may be granted by the Secretary of War, on recommendation of the Chief of Engineers, when, in his judgment, the public interest will be promoted thereby. In case the grantee shall not commence actual construction within the time herein prescribed, or as extended by the Secretary of War, then the authority as to such grantee shall terminate, and in case any dam and accessory works be not completed within the time herein specified or extended as herein provided, then the Attorney General, upon the request of the Secretary of War, shall institute proper proceedings in the proper district court of the United States for the revocation of said authority, the sale of the works constructed, and such other equitable relief as the case may demand, as provided for in section 8 of this act.*

"SEC. 13. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be authorized in accordance with the provisions of this act *whenever Congress determines that the conditions of consent have been violated.* In such case the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in such dam.

"*SEC. 14. That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War and Chief of Engineers for the best interests of the United States, and in awarding such lease preference shall be given to the applicant whose plans are deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region, and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.*

"*SEC. 15. That no works constructed, maintained, and operated under the provisions of this act shall be owned, trusteed, or controlled by any device or in any manner so that they may form a part of, or in any manner effect, a combination in the form of an unlawful trust or form the subject of an unlawful contract or conspiracy to limit the output of electric energy or in restraint of the generation, sale, or distribution of electric energy, or the exercises of any other business contemplated: Provided, however, That it shall be lawful under the approval of the Secretary of War for different grantees to exchange and interchange currents, to assist one another whenever necessary, by supplementing the currents or power, and enable any grantee to secure assistance to carry on the business and supply his customers, accounting therefor and paying therefor under regulations to be prescribed by the Secretary of War.*

"*In no case shall such an arrangement be permitted to raise the price, render unjust or unfair any practice, work, or discrimination, or operate in restraint of trade.*

"SEC. 16. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and plural, as the case demands.

"*SEC. 17. That all provisions in this act contained fixing conditions upon which the consent of Congress is granted for the construction of dams shall apply alike to all existing enterprises in operation or authorized, as well as to new projects to which the consent of Congress may hereafter be granted. All conflicting provisions contained in any act of Congress granting consent to the construction of any dam are hereby repealed, and all such previous authorizations are so altered, amended, and modified hereby as to conform to all of the conditions and provisions incorporated in this act.*"

THE CHAIRMAN. The gentleman from New Jersey [Mr. TOWNSEND] asks unanimous consent to address the House for 10 minutes on a subject not entirely related to the bill under consideration. Is there objection?

Mr. COOPER. Reserving the right to object, Mr. Chairman, do I understand that general debate has begun?

Mr. ADAMSON. The Speaker pro tempore of the House ruled that on a bill of this character the debate would have to be confined to the subject of the bill. The gentleman from New Jersey [Mr. TOWNSEND] wanted to say something—I do not know what—and asked me for 5 or 10 minutes, and it will suit my convenience very well just at this time, before beginning my argument, to yield to him or to somebody else.

Mr. HAMILTON of Michigan. Mr. Chairman, I did not understand that the Speaker—

Mr. COOPER. When did the Speaker, or the Chairman of the Committee of the Whole, rule that he himself had the right to decide that general debate must be confined to the bill?

Mr. ADAMSON. I do not know that any Speaker has ever ruled it, but the Speaker pro tempore, just before yielding the chair to the Chairman of the Committee of the Whole, indicated that that was his opinion, although he left it to the Chairman of the Committee of the Whole to decide.

Mr. COOPER. Well, Mr. Chairman, reserving the right to object, I wish at this point to say that I am opposed to the gentleman from New Jersey asking the permission of anybody to discuss any subject it may please him to discuss during general debate.

One of the most valuable privileges for a legislative body is the right of free speech—a privilege which under the rules is known in this House only during general debate. If it be proposed now to establish this new rule, or precedent, then hereafter a House machine need only to control the selection of measures to be considered here in order absolutely to limit the subjects which gentlemen can discuss on this floor and bring to the attention of the country.

This is a matter vastly too important to be trifled with. Similar efforts have been attempted before in the history of the House, but these always met with defeat. The present effort ought to be promptly defeated, because if successful in creating a precedent it would, under the rules, leave the House with no right at any time to discuss anything, however important, not relating strictly to some measure that might chance to be up here.

THE CHAIRMAN. If the gentleman from Wisconsin will permit, the Chair's understanding of the rule applicable to general debate when the House is in Committee of the Whole House on the state of the Union is——

Mr. ADAMSON. Mr. Chairman, before the Chair rules, I would be glad to make a remark——

THE CHAIRMAN (continuing). That you can talk about any subject you want, and the Chair, under the present circum-

The SPEAKER pro tempore. The question was taken, and the Chair announced the ayes seemed to have it. Thereupon the gentleman from Illinois [Mr. FOWLER] first demanded a division and then made the point of order there was no quorum present, and the Chair rules that is a division of the House. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. DONOVAN. Mr. Speaker, I suggest, in view of what took place the other day, we ought to have order here in order to obviate a repetition of what then occurred. Gentlemen should take their seats and not roam around here as they are doing.

The SPEAKER pro tempore. The House will be in order.

Mr. HAMLIN. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. For a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HAMLIN. Is this vote on the motion made by the gentleman from Iowa?

The SPEAKER pro tempore. The proposition before the House is Senate amendment No. 20, which provides for an automobile for the Speaker and for the Vice President. The House had heretofore disagreed to the amendment, and the gentleman from Iowa now moves to recede and concur in the Senate amendment, and a vote of "aye" is in favor of the amendment.

The question was taken, and there were—yeas 138, nays 120, answered "present" 7, not voting 168, as follows:

YEAS—138.

Aiken	Evans	Kahn	Raker
Allen	Fairchild	Keister	Reed
Ansberry	Farr	Kelley, Mich.	Riordan
Avis	Ferris	Kennedy, Conn.	Roberts, Nev.
Bell, Cal.	Fess	Kennedy, Iowa	Rogers
Booher	FitzHenry	Kent	Scott
Britten	Flood, Va.	Kettner	Seldomridge
Brodbeck	Fordney	Kinkaid, Nebr.	Sharp
Broussard	Francis	Kirkpatrick	Sinnott
Brown, N. Y.	French	Lee, Ga.	Smith, Idaho
Brown, W. Va.	Gallagher	Lee, Pa.	Smith, Minn.
Buchanan, Ill.	Gallivan	Lenroot	Sparkman
Bulkley	Gardner	Logue	Stafford
Burgess	Gillett	McCoy	Stephens, Cal.
Burke, S. Dak.	Gilmore	McKellar	Stevens, Minn.
Burke, Wis.	Glass	McLaughlin	Stout
Campbell	Goeke	Mann	Talbott, Md.
Carter	Good	Miller	Taylor, Colo.
Chandler, N. Y.	Green, Iowa	Mitchell	Taylor, N. Y.
Church	Greene, Mass.	Mondell	Ten Eyck
Clark, Fla.	Gregg	Montague	Towner
Cline	Harris	Moore	Townsend
Conry	Hart	Morrison	Treadway
Cramton	Hawley	Murray, Mass.	Tuttle
Curry	Hay	Murray, Okla.	Underhill
Danforth	Hayden	Neely, W. Va.	Vare
Davis	Hayes	Nolan, J. I.	Vollmer
Difenderfer	Heflin	Patton, Pa.	Volstead
Donohoe	Helgesen	Payne	Walsh
Drukker	Holland	Peters, Mass.	Watson
Dunn	Howell	Phelan	Whaley
Dupré	Hughes, Ga.	Platt	Winslow
Edmonds	Humphrey, Wash.	Pou	Woodruff
Esch	Igoe	Ragsdale	
Estopinal	Johnson, Utah	Rainey	

NAYS—120.

Abercrombie	Dickinson	Houston	Rayburn
Adair	Dillon	Hull	Rouse
Adamson	Dixon	Jacoway	Ruby
Alexander	Donovan	Johnson, Ky.	Rucker
Ashbrook	Doolittle	Johnson, S. C.	Russell
Aswell	Doughton	Keating	Sabath
Bailey	Elder	Key, Ohio	Sims
Baltz	Falson	Kindel	Slayden
Barkley	Falconer	Kitchin	Sisson
Barton	Fergusson	Konop	Small
Bathrick	Fitzgerald	La Follette	Smith, Saml. W.
Beakes	Foster	Lever	Steenerson
Borchers	Fowler	Lindbergh	Stephens, Miss.
Bowdle	Frear	Lloyd	Stephens, Tex.
Brockson	Gard	Lonergan	Stevens, N. H.
Bryan	Garner	MacDonald	Stone
Buchanan, Tex.	Garrett, Tenn.	Maguire, Nebr.	Sutherland
Burnett	Garrett, Tex.	Mapes	Switzer
Byrnes, S. C.	Goodwin, Ark.	Moon	Talcott, N. Y.
Byrns Tenn.	Graham, Ill.	Morgan, Okla.	Tavenner
Candler, Miss.	Gray	Murdock	Taylor, Ark.
Caraway	Hamilton, Mich.	Nelson	Thacher
Carr	Hamlin	O'Hair	Thompson, Okla.
Clappool	Hardy	Oldfield	Thomson, Ill.
Collier	Harrison	Padgett	Tribble
Connelly, Kans.	Haugen	Page, N. C.	Underwood
Cooper	Helm	Palmer	Walker
Cox	Helvering	Park	Watkins
Cullop	Hensley	Quin	Williams
Dent	Hinebaugh	Rauch	Wingo
			Woods

ANSWERED "PRESENT"—7.

Blackmon	Connolly, Iowa	Sloan	Willis
Butler	Prouty	Taylor, Ala.	

NOT VOTING—168.

Ainey	Edwards	Langham	Plumley
Anderson	Fields	Langley	Porter
Anthony	Finley	Lazaro	Post
Austin	Floyd, Ark.	L'Engle	Powers
Baker	George	Lesher	Reilly, Conn.
Barchfeld	Gerry	Levy	Reilly, Wis.
Barnhart	Gill	Lewis, Md.	Roberts, Mass.
Bartholdt	Gittins	Lewis, Pa.	Rothermel
Bartlett	Godwin, N. C.	Lieb	Rupley
Beall, Tex.	Goldfogle	Lindquist	Saunders
Bell, Ga.	Gordon	Linthicum	Scully
Borland	Gorman	Lobeck	Sells
Browne, Wis.	Goulden	Loft	Shackleford
Browning	Graham, Pa.	McAndrews	Sherley
Bruckner	Greene, Vt.	McClellan	Sherwood
Brumbaugh	Griest	McDermott	Shreve
Burke, Pa.	Griffin	McGillicuddy	Slayden
Calder	Gudger	McGuire, Okla.	Slemp
Callaway	Guernsey	McKenzie	Smith, J. M. C.
Cantor	Hamill	Madden	Smith, Md.
Cantrill	Hamilton, N. Y.	Mahan	Smith, N. Y.
Carew	Hammond	Maher	Smith, Tex.
Carlin	Hardwick	Manahan	Stanley
Cary	Henry	Martin	Stedman
Casey	Hill	Merritt	Stephens, Nebr.
Clancy	Hinds	Metz	Stringer
Coady	Hobson	Morgan, La.	Sumners
Copley	Howard	Morin	Taggart
Covington	Hoxworth	Moss, Ind.	Temple
Crisp	Hughes, W. Va.	Moss, W. Va.	Thomas
Crosser	Hulings	Mott	Vaughan
Dale	Humphreys, Miss.	Neeley, Kans.	Wallin
Davenport	Johnson, Wash.	Norton	Walters
Decker	Jones	O'Brien	Weaver
Deitrick	Kelly, Pa.	Ogleby	Webb
Dershem	Kennedy, R. I.	O'Leary	Whitacre
Dies	Kiess, Pa.	O'Shaunessy	White
Dooling	Kinkead, N. J.	Paige, Mass.	Wilson, Fla.
Doremus	Knowland, J. R.	Parker	Wilson, N. Y.
Driscoll	Korbly	Patten, N. Y.	Witherspoon
Eagan	Kreider	Peters, Me.	Young, N. Dak.
Eagle	Lafferty	Peterson	Young, Tex.

So the motion to recede and concur was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. OGLESBY with Mr. PROUTY.

Mr. SAUNDERS with Mr. PORTER.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. MCDERMOTT with Mr. GRIEST.

Mr. LOBECK with Mr. MORIN.

Mr. HOWARD with Mr. MERRITT.

Mr. VAUGHAN with Mr. SHREVE.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. LEVY with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BLACKMON with Mr. AUSTIN.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BARNHART with Mr. ANDERSON.

Mr. CALLAWAY with Mr. ANTHONY.

Mr. BELL of Georgia with Mr. GRAHAM of Pennsylvania.

Mr. CARLIN with Mr. BARCHFELD.

Mr. CASEY with Mr. BROWNE of Wisconsin.

Mr. COADY with Mr. CARY.

Mr. DIES with Mr. PLUMLEY.

Mr. FINLEY with Mr. HULINGS.

Mr. GODWIN of North Carolina with Mr. JOHNSON of Washington.

Mr. GORDON with Mr. KELLY of Pennsylvania.

Mr. GORMAN with Mr. KIESS of Pennsylvania.

Mr. LAZARO with Mr. PARKER.

Mr. LESHER with Mr. MCGUIRE of Oklahoma.

Mr. LINTHICUM with Mr. MCKENZIE.

Mr. MCCLELLAN with Mr. RUPLEY.

Mr. REILLY of Connecticut with Mr. SELLS.

Mr. SHERLEY with Mr. MADDEN.

Mr. SHERWOOD with Mr. MANAHAN.

Mr. STEPHENS of Nebraska with Mr. LEWIS of Pennsylvania.

Mr. STRINGER with Mr. SLEMP.

Mr. THOMAS with Mr. WINTERS.

Mr. WILSON of Florida with Mr. TEMPLE.

Mr. WEBB with Mr. CALDER.

Mr. SLOAN. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. WEAVER. I believe I voted "yea," and I wish to change my vote and vote "present."

The name of Mr. SLOAN was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I have a general pair with the gentleman from Georgia, Mr. BARTLETT. I would like to withdraw my vote of "yea" and vote "present."

The name of Mr. BUTLER was called, and he answered "Present."

The SPEAKER pro tempore. On this vote the yeas are 138, nays 120, answered "present" 7—a quorum. The motion is agreed to.

The Doorkeeper will open the doors.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to change the form of the motion that I made a while ago on amendment No. 1. I moved that the House further insist on its disagreement. The House had amended the amendment of the Senate, and the form of the motion should have been that I move that the House further insist upon the amendment of the House to the amendment of the Senate.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to correct the motion that was made by him a few minutes ago in the way in which he has indicated. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House ask for a conference with the Senate upon the remaining amendments.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House ask a further conference with the Senate.

The motion was agreed to.

The SPEAKER pro tempore announced the following conferees:

Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the question of the trade attaché.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks made this afternoon on the pending bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FOWLER. Mr. Speaker, I ask unanimous consent to extend by remarks in the RECORD on the subject of automobiles.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to extend his remarks in the RECORD on the subject of automobiles. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had still further insisted upon its amendments to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, numbered 28, 31, 220, and 227, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

AMENDMENT OF GENERAL DAM ACT.

Mr. ADAMSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053, a bill to amend the act regulating the construction of dams on navigable streams.

The SPEAKER pro tempore. The gentleman from Georgia moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16053——

Mr. ADAMSON. And pending that motion, I do not wish to undertake to limit debate at this time. I prefer to proceed a while and ascertain the temper and desire of the House on the subject. At present, I would like to ask unanimous consent that the control of whatever time we do consume may be equally divided between the gentleman from Minnesota [Mr. STEVENS] and myself, with the assurance to all gentlemen who wish in any way, wholly or partially, to antagonize the bill, that on this side of the House they shall have perfectly fair treatment in the yielding of time; and I think they will on the other side.

The SPEAKER pro tempore. The gentleman from Georgia, pending the motion that the House resolve itself into the Committee of the Whole House on the state of the Union, requests that general debate on the bill in Committee of the Whole be controlled by himself on one side and the gentleman from Minnesota [Mr. STEVENS] on the other side, the time to be equally divided. Is there objection?

Mr. FERRIS. Reserving the right to object, I want to make an inquiry. Would the gentleman from Georgia, in the event that it developed that certain of us would want to make some objections to this bill, and in the event we can not agree on some amendments that seem important to us, as I understand it, yield part of the time to one opposing the bill?

Mr. ADAMSON. Any gentleman on this side of the House, without regard to his position or views, will have perfectly fair treatment.

Mr. FERRIS. So I anticipated. Of course, it is true as the matter now stands, that the gentleman from Minnesota [Mr. STEVENS] and the gentleman in charge of the bill are both favorable to the bill.

Mr. ADAMSON. The gentleman from Minnesota can speak for himself on the subject. The gentleman from Oklahoma [Mr. FERRIS] knows that he can get consideration from me.

Mr. FERRIS. I so understood it; but there are others who thought they might have some objection to the bill, and, in the event they had, did not want to be precluded.

Mr. ADAMSON. If I was as smart as I am fair, I would be a wonder. [Laughter.]

Mr. MURDOCK. If the gentleman from Minnesota [Mr. STEVENS] is not able to yield sufficient time, can we depend on the gentleman from Georgia for time?

Mr. ADAMSON. If the liberality of the gentleman from Minnesota should unexpectedly fail, I will stand his security to take care of my friend from Kansas [Mr. MURDOCK].

Mr. MURDOCK. If his supply of time should fail.

Mr. ADAMSON. Of course, the time may be cut short; but I am not going to insist on it until everybody has a reasonably fair chance.

Mr. STEVENS of Minnesota. Mr. Speaker, I desire to ask the gentleman from Georgia [Mr. ADAMSON] if there will be any objection in the course of the general debate to speeches which will not be confined to the bill?

Mr. ADAMSON. Mr. Speaker, speaking for myself, I would prefer that, inasmuch as there are so many people wanting to say so much about the bill, we confine the debate to the bill; but I do not know of any way to do it under the rule in the Committee of the Whole.

Mr. LENROOT. Reserving the right to object, may I not suggest that we have this understanding, that during the first portion of the debate, at least, the time will be yielded to those who wish to speak on the bill, so that Members may have an opportunity to get acquainted with the bill itself?

The SPEAKER pro tempore. The Chair will call the attention of the gentleman from Georgia [Mr. ADAMSON] to the fact that on a bill of this kind in the Committee of the Whole any gentleman who attempts to address the committee and not speak to the bill will have his speech subject to a point of order.

Mr. ADAMSON. I am glad the Speaker rules so, and I do not think I will consent to vary it.

Mr. GARDNER. Mr. Speaker, if the Speaker will allow me to say it, I think the Speaker is making a mistake as to the usual custom. The point of order lies in Committee of the Whole and not in Committee of the Whole House on the state of the Union.

The SPEAKER pro tempore. The Chair will not attempt to decide the question, because that is a question for the determination of the Chairman of the Committee of the Whole House on the state of the Union, and I think the latitude in debate is confined to revenue bills and general appropriation bills.

Mr. ADAMSON. Mr. Speaker, the suggestion of my friend from Wisconsin [Mr. LENROOT] is that during the first hours of the debate we shall stick to the bill.

Mr. STEVENS of Minnesota. Mr. Speaker, I desire to save time, but I have had quite a number of inquiries from gentlemen who desire to speak on general subjects. I think the suggestion of the gentleman from Wisconsin [Mr. LENROOT] is en-

The question was taken; and on a division (demanded by Mr. RAINEY) there were—53 ayes and 13 noes.

So the conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, that disposes of all matters in the legislative bill except three Senate amendments, No. 1, No. 20, and No. 30. Nos. 1 and 30 deal with the mileage proposition and 20 deals with the automobiles. In order to get the matter before the House, I ask unanimous consent to consider amendments 1 and 30 together.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that amendments 1 and 30 be considered together. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendments No. 1 and No. 30.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, amendment No. 20 deals with automobiles for the Vice President and the Speaker of the House. I move that the House further insist on its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment No. 20.

Mr. GOOD. Mr. Speaker, I rise to make a preferential motion. I move that the House recede from its disagreement to Senate amendment No. 20 and concur in the same.

Mr. JOHNSON of South Carolina. Does the gentleman desire any time?

Mr. GOOD. About three minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes.

Mr. GOOD. Mr. Speaker, when this matter was before the House the other day I made some statement in regard to what I believe was the true situation so far as the Vice President was concerned. Following that statement there was some acrimonious debate in regard to the matter in which it was suggested that I had put the Vice President in a false light. I have since that time made some inquiry, and I believe the situation was just as I stated the other day—that while the Vice President will not ask, or, as was said on the floor of the House, lobby for this automobile, that when he is consulted in regard to the item he has no hesitancy in saying that the appropriation ought to be made. I think I am authorized by the other conferees on the part of the House to say that the Senate conferees insist upon their amendment. They insist that so far as the Senate is concerned there shall be an appropriation to give the Vice President of the United States a respectable conveyance in the way of an automobile, and they insist that the automobile that he has at the present time, which was purchased in 1909, is not a respectable conveyance. I believe this amendment ought to be agreed to without question. The Senate should not and will not yield so far as this item is concerned.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. GRAY], and I want to say that this question has been very thoroughly discussed and I think the Members all have their minds made up, and I hope we will then have a vote.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield for a question before he yields to the gentleman from Indiana?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. Are these two items the only two things that are keeping back the enactment of this bill into law?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. This is the last day of the fiscal year, and if these items are agreed to the bill will become a law to-day?

Mr. JOHNSON of South Carolina. Yes. I yield three minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, four years ago, in 1910, the Democrats of this House voted en masse against automobiles for the Speaker and Vice President. Mr. CLARK, now Speaker, voted against them. Mr. UNDERWOOD, now majority leader, voted against them. All of the Democrats voted against them. They denounced and condemned the appropriations for these automobiles; denounced them as a wanton waste of the public funds, as a criminal extravagance with the people's money. They made these appropriations a campaign issue. They went to the people upon that issue. Why is it that what was then a criminal waste of public funds in 1910 is justifiable to-day? I want the Democrats who have come into the House since that time to understand this change of front—the position then and now. I want you to understand that this vote is a test of Democratic consistency; that this vote is a test of Democratic sincerity [applause]; that this vote is a test of Democratic honesty to voters; that this vote is a test of Democratic good faith to the people. [Applause.]

It is not what men promise they will do before they go into office, nor what they declare they stand for afterwards, but the test of sincerity is what they do when they are clothed with power and authority. We are clothed with power and authority to-day, and constancy, sincerity, honesty, and good faith demand that we vote now for what we declared for and promised the people then. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOWLER], and then I hope that we may be able to have a vote upon this.

Mr. FOWLER. Mr. Speaker, on the 24th of this month the New York Sun, in commenting on what was done in the House with this question a few days ago, made the following reference to what I said at that time:

Mr. FOWLER intimated that it was his solemn belief that the automobile was a device of the devil—

[Laughter]—

and that there was something inherently wrong with men who used them.

This statement is in keeping with the long-established policy of this paper. It rarely stumbles on the truth. [Laughter.]

Mr. Speaker, while I have no prejudice against the automobile, and while I never have intimated in my life that it originated in sin, and while I did not say what the Sun has unjustly attributed to me, yet I am ready to say now that some men who operate the automobile are akin to the devil, if the press reports of their inhuman, reckless, and criminal conduct are true. The evil does not lie in the automobile as a vehicle, but it results from its unlawful and criminal use. [Laughter and applause.]

Mr. Speaker, according to statistics 1,673 poor pedestrians lost their lives during the year 1913 on account of the reckless use of the automobile, and 6,733 people sustained injuries. The following is a list of fatalities resulting from disasters in this country during last year, 1913, as reported by the Chicago Tribune of December 30, 1913:

Loss of life by disasters during the year 1913.

By drowning	7,128
In mines	2,939
By automobiles	1,613
By fires	1,095
By cyclones and storms	628
By explosions	561
By electricity	251
By asphyxiation	225
By lightning	136
By elevators	85

This table shows that more people lost their lives in this country last year by the use of automobiles than resulted from explosions, electricity, lightning, elevators, and asphyxiation, and the most serious feature about the whole matter is the rapid increase of deaths and injuries from this source—702 people lost their lives from automobile injuries in 1911, 1,317 in 1912, and 1,613 in 1913. The death rate more than doubled in two years. The following figures show that the injuries have more than doubled during the last two years:

Injuries.

[From the Chicago Tribune, December 30, 1913.]

By automobiles in 1911	3,329
By automobiles in 1912	5,756
By automobiles in 1913	6,733

Street fatalities in New York.

[From New York Times.]

	1911	1912	1913
By automobiles	142	221	202
By trollies	159	124	148
By wagons	122	177	170
Total	423	522	520

Highway killings.

[From New York Times.]

	1911	1912	1913
By automobiles	137	127	144
By trolleys	67	79	72
By wagons	31	28	32
Total	235	234	248

Number of automobile accidents in New York for 1913, 1,485; number of arrests made, 62, or 1 in every 25, while in 1 accident out of every 15 the driver ran away without giving aid to the injured or disclosing his identity. One hundred and two such cases occurred in New York City in 1913, which is an average of more than 2 a week, notwithstanding it is a felony to escape in such an unmanly and inhuman way.

Mr. Speaker, the New York Times of February 8, 1914, states that the National Highway Protective Society reports the following to be the rate of automobile fatalities for 1913 in some of the large cities in the world:

AUTOMOBILE FATALITIES.

Los Angeles, Cal., 153 to the 1,000,000.
Atlantic City, 87 to the 1,000,000.
Utica, N. Y., 70 to the 1,000,000.
New York City, 64 to the 1,000,000.
London's rate for 1912, 46 to the 1,000,000.
Berlin, 23 to the 1,000,000.
Paris, 27 to the 1,000,000.
Vienna, 3 to the 1,000,000.
Glasgow, 12 to the 1,000,000.

The death rate in the cities is large and the death rate in the small towns and in the country is small. This is true only in some cases, as in New York the rural death rate is 27 to the 1,000,000, while in New Jersey the rate is 50 to the 1,000,000. The rate for the entire State of New York is 50 to the 1,000,000, and New Jersey 44 to the 1,000,000.

DEATHS.

By street cars in New York, 23 to the 1,000,000.
By wagons in New York, 38 to the 1,000,000.
By street cars in Buffalo, 47 to the 1,000,000.
By street cars in Albany, 40 to the 1,000,000.
Atlantic City had no deaths by street cars or wagons.
Rate of deaths in the whole State by street cars in New York was 2 to the 1,000,000, as compared to 11 in New Jersey.
New York death rate by wagons, 22 to the 1,000,000.
New Jersey death rate by wagons, 10 to the 1,000,000.
Death rate by street cars, 1912, London, 5 to the 1,000,000; Paris, 25 to the 1,000,000.
Death rate by wagons, 1912, London, 24 to the 1,000,000; Paris, 16 to the 1,000,000.

Mr. Speaker, these tables reveal a recklessness in the use of the automobile which is sufficient to either condemn its use or to justify the regulation of its use by law. The wagon is used for commercial purposes, chiefly, and far more universal than the automobile, yet death and injury is much more frequent from the use of the automobile. The death rate from automobiles in America is much higher than in Europe. This undoubtedly results from the haughty practices of the rich in speeding their cars at a high rate, regardless of the evil results. Their criminal conduct is such that the poor footpad is in constant danger of losing his life while on the roads or streets. They get off by small fines in court instead of long terms in the penitentiary. A good conviction for murder is what they often deserve.

Mr. Speaker, there is a prejudice against the automobile which has its origin in the abuse of its use by the reckless, idle rich, and it will be a long time before it dies out. We have much need for the automobile, but it must respect the rights of the common people and conform its use to the good of the public.

Mr. Speaker, I have no objection whatever to a decent use of an automobile, but I have opposition to the way in which it is proposed to pay for the two provided for in this bill. I stand for the Treasury of my country, and I am not in favor of going down into the pockets of the people of my district and of my country to pay for automobiles for other men to ride in. I understand the Vice President of the United States has an automobile at the expense of the people of this country. If it is not good enough and fine enough for him, let him buy one for himself and pay for it. I understand the Speaker does not want one. The great danger to our Treasury lies in the precedent of buying an automobile for any officer of the Government. You give one to the President, one to the Vice President, and one to the Speaker at public expense, and then to be consistent you must give one to the head of every department of this Government, and then will follow an excuse for one for every head of all the bureaus and divisions of the departments of Government. And after a while Members of Congress will be asking for one for each Member. [Applause and cheers.] That will probably not be the end of it, Mr. Speaker. We have 400,000 employees in this Government, and each of them is as much entitled to an automobile as the Members on the floor of this House [cries of "Oh, no!" "Oh, no!"] or the heads of divisions and bureaus. Oh, yes; whenever anybody talks of favors for the poor man, or a square deal for him, you give him the horsehangh. [Applause and cheers.] Shame on such conduct. We should render to Cæsar what is due Cæsar and no more, and we ought to give to labor what is due labor, the same as we do to capital. At each extravagant step, I imagine I can hear the Treasury of my country shouting "Bankruptcy! Bankruptcy!" "My country, 'tis of thee, sweet land of liberty, of thee I sing."

Mr. Speaker, if this House votes for this extravagance I hope it will be known to every voter in this land. Every man who votes for it will have to go on record unless there is a quorum here or unless I should fail to get a sufficient number to stand up on my demand for the yeas and nays.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I will ask the gentleman from South Carolina to yield to me for five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois, and I ask unanimous consent that at the conclusion of that time the previous question shall be considered as ordered.

Mr. GARNER. Oh, just one moment. The gentleman from Illinois is going to speak for five minutes, and I think the gentleman from South Carolina ought to reserve some time for himself.

The SPEAKER pro tempore. Does the gentleman withdraw his request?

Mr. JOHNSON of South Carolina. Yes.

The SPEAKER pro tempore. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Mr. Speaker, two years ago about this time there was gathering over at Baltimore the advance guard of the Democratic national convention. Among the great men who were being considered for the nomination for the Presidency by that convention was the then and present Speaker of this House. Everyone knows that at one time in that convention CHAMP CLARK had received a majority of all the votes in the convention, and that that majority continued on nine roll calls.

Under every other circumstance except the peculiar rule of the Democratic convention that majority would have nominated Mr. CLARK for the Presidency, and if nominated he would have been elected. [Applause.] I do not propose to draw any comparison between our Speaker and the present President of the United States, for both of whom I entertain profound respect, but it is fair to say that if CHAMP CLARK had been nominated and elected President of the United States we would all have been proud of him in that position. [Applause.] He was defeated for the Presidency by the old-fashioned and to me peculiar rule of the Democratic convention. But it is not my intention to express any opinion concerning the merits or demerits of the rule—that is for the Democratic Party to determine—but it was a peculiar thing that with the great majority of the chiefs of the party present, with almost a certainty of success in advance, I think, that the man who could secure a majority of the votes, ballot after ballot, was in the end defeated for the nomination. This House made what reparation it could in the reelection of CHAMP CLARK [applause] as its Speaker. I think he makes a great Speaker [applause]; that he considers the duties of his office impartially, above partisan advantage; that he brings to that office great ability, great patience, great good nature, and great statesmanship. [Applause.] I believe we ought to make him a slight recognition of his great ability as Speaker of this House, remembering, as we may, that but for a chance he would now be the President of the United States, enjoying the privilege of many automobiles and privileges in many other directions. I think the people will be prouder of us if we show our faith and our pride in him and give him an automobile. [Loud applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question recurs on the motion of the gentleman from Iowa, who moves that the House recede and concur in the Senate amendment.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. FOWLER. Mr. Speaker, I ask for a division—to save time. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Illinois makes the point of order there is no quorum present. The Chair will count. [After counting.] One hundred and sixty Members are present, not a quorum. The Doorkeeper——

Mr. MANN. I suggest that some gentleman move a call of the House.

Mr. GARNER. We are dividing on the question.

Mr. MANN. No; we are not.

be any hesitancy in the House and in the Senate in putting through a scheme to which nobody objects and which is designed to promote the public benefit.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Texas?

Mr. McCOY. Yes.

Mr. GARRETT of Texas. I understand the committee have been laboring in this matter for the purpose of expanding our trade abroad and developing the commerce of the country?

Mr. McCOY. Yes.

Mr. GARRETT of Texas. That is all right. But has the committee been looking after the sale of raw material—cotton and other things—sold to foreign countries? And what benefit will the farmers get if this project is put into effect?

Mr. McCOY. Of course similar benefit will accrue to the farmers.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. MANN].

STATUE OF JOHN TYLER.

The SPEAKER. Before the gentleman from Illinois [Mr. MANN] begins the Chair announces as the committee to attend the unveiling of the statue of President John Tyler Messrs. MONTAGUE, FITZGERALD, BAKER, MANN, and MURDOCK.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The House resumed consideration of the conference report on the bill H. R. 15279, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. First, I should like to express my thanks to the Speaker for the compliment just accorded me in naming the committee.

Mr. Speaker, there seems to be some controversy as to whether the action which has been taken by the conferees in restoring the Senate amendment and throwing out the House change is an insult to the Secretary of State. I take it that the Secretary of State will be able to swallow the insult without any difficulty. Here is an appropriation of $100,000 to allow the appointment of some commercial attachés without regard to the requirements of the civil-service law. In a way these are political jobs, very necessary at this time; and I have no doubt whatever that the Secretary of State, who has proven his ability in many directions, but in no direction more completely than in his efforts to secure patronage for his friends, will be able to swallow the insult and secure from the Secretary of Commerce his share of the jobs.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

The SPEAKER pro tempore (Mr. UNDERWOOD). The gentleman from Mississippi is recognized for three minutes.

Mr. HARRISON. Mr. Speaker, I am sure that there has been no insult offered by any House amendment or by anyone in this House against the Secretary of State quite so great as the insult which has just been offered him by the gentleman from Illinois [Mr. MANN].

The enlargement of our foreign trade is too big a question for us to now quibble over as to who shall make the appointments in carrying on this important work. I am sure that there is entire harmony and understanding between the departments presided over by the Secretary of Commerce and the Secretary of State over this important matter. I think, by all means, it should come under the jurisdiction of the Secretary of Commerce. The function of building up and enlarging our foreign trade is inherently a function of the Department of Commerce. Already we have under that head a Bureau of Foreign and Domestic Commerce. That particular branch of the Commerce Department already has performed and is performing an important work. They have frequently sent out agents into foreign countries, and have gathered, published, and distributed data to the commercial and manufacturing interests of this country that has been of most wonderful benefit to them. I know it has had that effect in several instances in my section. The same thing is true of New England. The Commerce Department knows more about foreign commerce than the Department of State would know. It is more in line with their work, and this service that we now propose to inaugurate ought to be done in conjunction with the work now being done by the Bureau of Foreign and Domestic Commerce under the supervision of the Secretary of Commerce, and I am sure that the Secretary of State and the State Department will not accept it as an insult when we so provide. Being so enthusiastically for this service, I sincerely hope that the issue will not be beclouded over this minor contention, and that the Senate amendment and this report will be adopted.

Mr. MONDELL. Will the gentleman yield to me three minutes?

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I am glad that the conferees have adopted the Senate amendment in the form in which they have. I think these attachés should be under the Department of Commerce. I am not altogether certain that they will aid very much in restoring the dwindling commerce of the country, but at any rate it is our duty to make the effort. I think the gentleman from Illinois [Mr. RAINEY] is unduly disturbed with regard to the effect that this policy will have upon the standing of the Secretary of State. He seems to think that if the Secretary of Commerce is given authority to control these attachés, it will become a question as to who is premier in the foreign affairs of the country, the Secretary of State or the Secretary of Commerce. I hope it is not so bad as that. That question, as to who shall shine supreme in the foreign policy of the Government, the present Secretary of State or the present Secretary of Commerce, is an alternative that few of us would desire to be confronted with, much less to settle or decide. So I think it is better to assume that no reflection on the Secretary of State is intended in this matter, and that here is an attempt—I fear it will not be very helpful, but at least it is an attempt—to stem the dwindling of our foreign trade, and possibly to assist in restoring some of the trade which we have lost under this administration.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I should not have had anything to say upon this proposition had it not been for the intimation that the adoption of this report would in effect be an insult to the Secretary of State and the great department of which he is the distinguished head.

As a member of the committee of conference I distinctly want to disclaim that the adoption of this report can possibly be so construed. I do not understand that there is the slightest difference between the two departments on this proposition or that the distinguished Secretary of State, for whom I have always had the highest personal admiration and esteem, either wishes or believes that these purely commercial attachés ought to be appointed by his department rather than by the Department of Commerce, which has to do with the matters with which they will have to deal. These attachés who are to be appointed under this provision are to have the duty of collecting information relative to markets and the supply and demand for our products abroad, in order that that information may be distributed among the manufacturers and commercial interests in this country, for the purpose of developing our foreign trade and supplying information as to the best foreign markets for our products. Their duties come peculiarly within the province of the Department of Commerce. In section 5 of the act organizing that department these duties, among others, are prescribed for that department: "To foster, promote, and develop the various manufacturing interests of the United States, and markets for the same at home and abroad, domestic and foreign, by gathering, compiling, publishing, and supplying all available and useful information concerning such industries and such markets; and by such other methods and means as may be prescribed by the Secretary or provided by law." Now these attachés are for the purpose of enabling the Secretary of Commerce to fully perform these duties, which are so important in the complete and full development of our foreign-trade interests.

The gentleman from Illinois [Mr. MANN] has intimated that these positions are political. I want to say that those who know the distinguished and highly efficient Secretary of Commerce will rest assured that he will choose the very best men he can get for these positions after the most careful and painstaking investigation. I hope that the conference report will be adopted.

Mr. RAINEY. Mr. Speaker, may I have two minutes?

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, a moment ago I read from the organic law creating the Department of Commerce, which expressly forbids this very thing. Now, I want to read from the debates which occurred in the Senate when the original act was passed creating the Department of Commerce. On the 16th day of January, 1902 (pages 725–726 of the CONGRESSIONAL RECORD), the original act as presented to the Senate provided for the

appointment of these trade attachés, or commercial agents as they are called in the original act, just as is now sought to be done by this Senate amendment. This is the debate that occurred at that time:

[From the CONGRESSIONAL RECORD, Senate, Jan. 16, 1902, pp. 725–726.]

IN THE MATTER OF SENATE BILL 566, TO ESTABLISH THE DEPARTMENT OF COMMERCE.

Mr. LODGE. I desire to offer two or three small amendments, all of which have a common purpose, and that purpose is, to leave it within the control of the State Department to separate in the consular correspondence those portions which are diplomatic and political from those which are commercial, so that the commercial part may all be transferred to the Department of Commerce, but that any thing diplomatic or political shall be retained in the State Department. That work, of course, must be done in that department, in my opinion.

I shall offer a further amendment at the end of the bill providing for an officer in the State Department to take charge of that specific work, which * * * it is my proposition to transfer to the new department.

In line 6, section 5, page 5, after the words "Secretary of," I move to strike out "Commerce" and insert "State," so that the consuls, etc., shall act under the direction of the Secretary of State. It seems to me it is improper for them to have two masters.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Massachusetts will be stated.

The SECRETARY. On page 5, section 5, line 6, after the words "Secretary of," it is proposed to strike out "Commerce" and insert "State," so as to read:

"And all consular officers of the United States, including consul generals, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to the commerce, industries, and markets of the countries and places to which such consular officers are accredited.

Mr. NELSON. There is no objection to the amendment.

The amendment was agreed to.

Mr. LODGE. In the same section, on page 5, line 10, after the words "to send," I move to insert "under the direction of the Secretary of State," so as to read:

"To send, under the direction of the Secretary of State, reports quarterly, or oftener if required," etc.

The amendment was agreed to.

Mr. LODGE. And the Secretary of State, as I understand, needs somebody to do the work which the bill imposes on his department; that is, to go over all these consular reports, separate the commercial part and send it to the new department, and also to transmit to the consuls their instructions, the object being to retain the work of editing the consular reports in the State Department, which I think is very essential, because that is the diplomatic and political department.

Mr. BACON. I quite agree with the Senator.

Mr. HALE. Mr. President, somewhere in the bill that I saw as originally reported was a provision that our consuls at foreign ports should report to the Secretary of this new department.

Mr. SPOONER. That is on page 5.

Mr. HALE. That seemed to me to be faulty. Now, if the object of the Senator from Massachusetts is to cure that defect, he has in view precisely what I had, as to which I proposed to offer an amendment—that instead of the consular officers, who are officers of the State Department and appointed by the State Department, as they ought to be, and reporting to the State Department, as it seems to me they ought to do, the provision originally, as I understood it, was that they should have a divided allegiance and report directly to another department, which seemed to me not a good thing to do.

Mr. LODGE. On page 5 the bill has been so amended as to read:

"And all consular officers of the United States, including consul generals, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State"—

Mr. HALE. That is the provision to which I allude.

Mr. LODGE. The Senate has stricken out the word "commerce" and inserted the word "State," so as to read "Secretary of State." I am reading the provision as it has been amended.

Mr. HALE. That is proper.

Mr. LODGE. The clause continues—

"to gather and compile, from time to time, upon the request of the Secretary of Commerce, useful and material information and statistics in respect to the commerce, industries, and markets of the countries and places to which such consular officers are accredited"—

And so forth, so that it relieves them from two masters.

Mr. HALE. And does not in any way impair or undermine either the duties or dignities of the office of Secretary of State?

Mr. LODGE. Certainly not.

Mr. HALE. I think that ought to be done.

Mr. LODGE. It leaves him entirely in control of the Consular Service, as he ought to be, and authorizes the Secretary of the new Department of Commerce to say, "I want such and such information," and then the Department of State transmits it to the Department of Commerce. This is to permit an officer to do the work of editing and separating the consular reports.

Mr. HALE. I think, then, the bill has been very greatly improved. The State Department has not much real business to do, except in relation to the Consular Service. The diplomatic part—the part that is performed by ambassadors, ministers, and ministers resident—is more a matter of negotiation, which is ordinarily done outside of these offices; but the time when the State Department touches real business, the transaction of business of commerce, in relation to which our citizens abroad have any interest, all comes under the Consular Service. * * * I should not, for one, be willing to consent that the duties of the Secretary of State or his responsibilities or his dignity should be impaired.

[Page 763.]

Mr. NELSON. The bill was originally in a form that required all consular officers to make reports relating to commercial matters directly to the Department of Commerce. The Senator from Massachusetts [Mr. LODGE], after conferring with the State Department, came to the conclusion that oftentimes in consular reports diplomatic matters, or matters of quasi diplomatic character, were mixed with commercial matters, and therefore in order not to get the two confounded those commercial reports from consuls should first be sent to the State Department and edited by that department before being sent to the Department of Commerce. That is the object, and this amendment was drawn in harmony with that view.

Mr. SPOONER. I am obliged to the Senator for calling my attention to the amendment. I was not aware of it. It has put the language in a form which makes it altogether acceptable to me.

And as a result of the above discussion the law was framed as it now is. And this is an attempt to amend the original act establishing the Department of Commerce by restoring the matter which was stricken out at that time. It is a long step backward, and a most dangerous step to take. It will lead to tremendous confusion in the future. The time will come when, in order to avoid conflict between these great departments, you will be compelled to take away from the State Department a very large portion of the functions it now performs. Trade attachés are provided by other Governments; but they always act through and under and report to the departments of state of the several Governments employing this method of looking after matters of foreign trade.

Mr. JOHNSON of South Carolina. Mr. Speaker, we are not undertaking to deprive the State Department of any authority that it now possesses. We are not undertaking to deprive the consular office of any of its privileges. We are providing in this bill a new method, an additional method of building up our foreign commerce. This plan has been carefully worked out by the Secretary of Commerce, and it has been discussed by the Secretary of Commerce and the Secretary of State. There is no conflict whatever between them. The bill has been agreed upon in conference, and is the same as was agreed upon by the Committee on Appropriations in the first instance. This being legislation, it was subject to a point of order and went out on a point of order. The Senate restored the provision in the exact language that the House had originally reported it. I think that this language is the proper language. The authority is placed under the proper Secretary, and I believe the plan now inaugurated will be of great benefit to the foreign commerce of the United States.

Mr. FITZGERALD. Mr. Speaker, this matter was carefully looked into by the committee. The attachés, or agents, are not to perform any diplomatic service whatever. The purpose is to enable the Government, so far as it properly may, to appoint agents to aid in the development of trade between the United States and foreign countries.

Mr. RAINEY. Will the gentleman yield?

Mr. FITZGERALD. No; I can not yield; I have only two minutes. I asked some questions in regard to the matter under investigation to ascertain whether there would be a conflict or impropriety in these agents being appointed by the Secretary of Commerce, and I made my inquiries of the Secretary of State. These estimates originated in the Department of Commerce. They were submitted to the President and were adopted by him as a part of the work to be done by this administration in making possible the development of a wider field and a wider market abroad for the products of the United States. I consulted the Secretary of State, and he believed that there was not any infringement on his jurisdiction. It is not the kind of work to be done, or such as should be done, by employees under the Department of State.

Before the Department of Commerce and Labor was created the Department of State had undertaken to do some of this work because there was no other regularly constituted branch of the Government service by which it could be done. The Committee on Appropriations, with the approval of Congress, has endeavored to properly segregate these duties which belong to the Department of Commerce and those which belong to the Department of State. It has endeavored to confine to the Department of State the duties which are peculiarly those of a diplomatic character and which belong to the Department of State, and to confine to the Department of Commerce those peculiar duties which will result in the proper encouragement and legitimate development of the commerce of the United States through governmental instrumentality, both at home and abroad. The amendment agreed upon in conference carries out this purpose, and I hope that the conference report will be adopted.

Mr. MURDOCK. Mr. Speaker, before action is taken——

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Kansas.

Mr. MURDOCK. Are the questions of mileage and automobiles still in disagreement?

Mr. JOHNSON of South Carolina. They are still in disagreement.

Mr. MURDOCK. And the adoption of this report does not affect those at all?

Mr. JOHNSON of South Carolina. No.

The SPEAKER pro tempore (Mr. UNDERWOOD). The question is on the adoption of the conference report.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the said amendments, namely:

On amendments Nos. 28 and 29: Appropriates, as proposed by the Senate, $1,000 for a stenographer to the Joint Committee on Printing.

On amendments Nos. 43 and 47: Strikes out the appropriation of $4,500, proposed by the Senate, for an assistant to the Secretary of State.

On amendments Nos. 48 and 52: Strikes out the appropriation of $4,500, proposed by the Senate, for an assistant to the Secretary of the Treasury.

On amendment No. 76: Strikes out the provision, proposed by the Senate, to pay to Thomas P. Kane the difference in the compensation of the Comptroller of the Currency and the Deputy Comptroller of the Currency during the period he acted as Comptroller of the Currency.

On amendments Nos. 78 and 79: Increases the salary of the Commissioner of Internal Revenue from $6,000 to $6,500, as proposed by the Senate.

On amendment No. 85: Appropriates $20,000, instead of $10,000 as proposed by the House and $30,000 as proposed by the Senate, for freight on bullion and coin.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, and 124, relating to mints and assay offices: Appropriates for the mint at Carson, Nev., and the assay offices at Boise, Idaho; Deadwood, S. Dak.; Helena, Mont.; and Salt Lake City, Utah, in the exact terms of the current law, except that an assayer's assistant, at $1,000, is omitted from the assay offices at Deadwood and Helena, and an assistant assayer, at $1,200, is omitted from the assay office at Salt Lake City.

On amendments Nos. 168 and 169: Appropriates for three members of a board of appeals in the office of the Solicitor for the Interior Department at $4,000 each instead of at $4,500 each, as proposed by the Senate.

On amendments Nos. 176 and 177: Appropriates $2,750 for an Assistant Commissioner of Indian Affairs, at $2,750, as proposed by the Senate.

On amendment No. 195, relating to the new post-office building at Washington: In addition to the employees provided for by the Senate, 2 additional elevator conductors at $720 each, 1 oiler at $720, 3 laborers at $660 each, and 3 charwomen at $240 each are provided for.

On amendment No. 212: The provision for commercial attachés in the Department of Commerce is agreed to as proposed by the Senate.

On amendments Nos. 218, 219, and 220: Strikes out the amendments proposed by the Senate increasing the amount for rent of quarters for the Census Office and the provision for a water-cooling plant therein.

On amendment No. 234: Inserts section 5, proposed by the Senate, with reference to the use of motor-drawn and horse-drawn passenger-carrying vehicles for all branches of the public service.

The committee of conference have been unable to agree on the following amendments:

Amendment No. 1: On the amendment of the House to the amendment of the Senate providing for mileage of Senators at 5 cents per mile.

Amendment No. 20: Providing for the purchase of an automobile for the Speaker and the Vice President.

Amendment No. 30: Restoring the provision for mileage of Representatives according to existing law.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on the adoption of the conference report.

Mr. RAINEY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. RAINEY. I want to ask permission to amend this conference report.

The SPEAKER. The gentleman can not do it. The report will have to be adopted either as a whole or rejected as a whole.

Mr. RAINEY. Then I want to resist the motion. I ask for some time.

Mr. JOHNSON of South Carolina. How much time would the gentleman want?

Mr. RAINEY. I would like to have 20 minutes.

Mr. JOHNSON of South Carolina. I can not yield that much time.

The SPEAKER. How much time?

Mr. RAINEY. I ask for 20 minutes.

The SPEAKER. What does the gentleman from South Carolina [Mr. JOHNSON] say?

Mr. JOHNSON of South Carolina. I do not think we can spend that much time on it, Mr. Speaker. I am willing to yield 5 or 10 minutes to the gentleman.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 10 minutes.

Mr. RAINEY. Mr. Speaker, what I want to call attention to again is Senate amendment No. 212, which provides for commercial attachés. Now, the other day, when this was up, I offered an amendment to the section, and the amendment prevailed. When the original bill came up in the House of Representatives it had this section in it, and upon a point of order made by me it went out. What I contend is that these commercial attachés ought not only to be accredited by the Secretary of State, but, in accordance with custom and usage and the organic law, they ought to be appointed by him and ought to report to him. This amendment violates every principle recognized by every civilized Government in the world and recognized by this Government up to the present time. If it prevails, it means a larger appropriation for this purpose next year. The Department of State has few functions to discharge abroad now, except the functions that are diplomatic and which are discharged by our ministers, and in these days of wireless telegraphy and ocean cables even our ministers do not have much to do with diplomatic matters; at any rate, they are not allowed much discretion. Consuls exist for the purpose of attending to just these matters and few other matters. Now, if you take away from the Department of State the authority it has always had, if you permit these commercial attachés to act under the Secretary of Commerce and report to him, you not only duplicate work abroad but you impinge upon the Department of State, and the time will come in the near future when the Secretary of Commerce will be the premier of the national administration, and not the Secretary of State.

In the Secretary of State's office they have a sort of executive civil service, which they apply to consular offices, which works in an entirely satisfactory manner. They do not have it in the Department of Commerce, and this proposed Senate amendment provides that the Secretary of Commerce shall provide examinations for these trade attachés who are to travel in "joy rides" around the world. According to the arguments made in favor of this section the other day, their individual activities are to be limited to no particular section, but it gives to every one of them a secretary, with a salary of $1,500 a year, who is not to be appointed by virtue of even the examination provided in this very section. I rather think from the reading of this Senate amendment that the trade attachés are to be permitted to select their own secretaries.

Now, it seems to have become the custom nowadays in this House, and throughout the country, to gratuitously heap insults upon the Secretary of State. I do not mean that this is done in a personal way. What I mean is that there is a disposition to overlook this great department, to detract from it, and to underestimate its importance. Just the other day we refused the Secretary of State, who always under every administration is the hardest worked man in the Cabinet—and the present Secretary of State is no exception to the rule—a confidential secretary at $4,500 a year. Now, this committee stands for assistants, I do not know how many, and no man knows, to the Secretary of Commerce, for which we are to pay $100,000 a year. It is useless to say that these great departments are agreed upon this. I do not know whether they are or not. Even if the heads of these departments are agreed on this matter, that does not affect the merits of the proposition.

Now, let me read from the organic law establishing the Department of Commerce in 1903. I read from section 5:

All consular offices of the United States, including consuls general and consuls, and commercial agents—

That is what you are trying to appoint here—

are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful and material information and statistics in respect to

the subjects enumerated in section 3 of this act in the countries and places to which such consular officers are accredited, and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Now, that is exactly what is being done now. Under the amendment I want to make to this, if I have a chance to make it—I have been refused that opportunity, however, by the committee—these attachés will be appointed if they are needed, and as many as are needed under the executive civil service observed there in the State Department, and they will report, just as the organic act now requires the commercial agents to report, to the Secretary of State, their reports to be transmitted to the Secretary of Commerce.

Mr. GOOD. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GOOD. Is the gentleman aware of the fact that both the Secretary of State and the Secretary of Commerce are in complete accord on this provision—that it shall be as we have agreed upon?

Mr. RAINEY. I am not aware of that fact at all.

Mr. GOOD. The hearings show that the Secretary of State appeared before the committee and said that he was perfectly satisfied that appointments should be made by the Secretary of Commerce, and the only thing he suggested was that he thought he ought to have copies of some of the reports that were made to the Secretary of Commerce, so that there might be no conflict with regard to certain matters.

Mr. RAINEY. I suppose there is an effort to harmonize matters, but I do not care whether there is or not. I do not know how many Cabinet officers have consented to this arrangement. It is in violation of the organic law and of all the theories which have prevailed among the nations of the world for a thousand years. It means that in the future the Department of Commerce will be the great department in this Government. It minimizes the Department of State, and it violates every precedent this Government has followed from its foundation to the present time and every precedent which every civilized nation in the world has followed for centuries. I hope this report will be voted down. If it is, the House may get a chance afterwards to pass upon this question.

The SPEAKER. The question is on agreeing to the conference report.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from New Jersey [Mr. McCOY].

The SPEAKER. The gentleman from New Jersey [Mr. McCOY] is recognized for five minutes.

Mr. McCOY. Mr. Speaker, I had intended to present to the House certain facts which led up to the adoption by the Senate of this amendment as it now stands in the bill if I had had the time to get them into shape. Those facts, in brief, would show that this is a matter on which the Secretary of Commerce has been working for a year. They would show that many commercial bodies of the United States have approved of this scheme exactly as it is now presented. But I would not have taken the time even for that if it had not been for the remark of the gentleman from Illinois [Mr. RAINEY], that the adoption of this amendment would be an insult to the Secretary of State.

Now, I want to say that I was one of the Members of the House who voted the other day to give to the Secretary of State an additional secretary whom he wanted at $4,500 a year; so that personally I have no disposition. I am sure, to insult the Secretary of State. But the statement of the gentleman from Illinois goes further than that. If his statement is true, and if his statement could be believed, that this is actually an insult or intended to be an insult to the Secretary of State, then it comes to this, that the Secretary of Commerce has intended by this matter and by the proposition herein contained to heap insult on the Secretary of State.

I do not believe that there is any Member of this House, and I do not believe that the gentleman from Illinois himself, would contend that the Secretary of Commerce had made a proposition for the purpose of insulting the Secretary of State.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Illinois?

Mr. McCOY. Certainly.

Mr. RAINEY. I am sorry that the gentleman misunderstood me. It was far from my intention to convey the impression that any member of this committee or any Member of this House intended to insult any member of the Cabinet. What I meant to say was that this amounts to an insult to this great department. If I was unfortunate in the use of terms, it is my fault. I want to acquit the gentleman from New Jersey of any such intention, and also to acquit every member of this committee and every Member of this House of any such intention; but that is in effect what it is. It is not a personal affront, but it is a challenge that takes away from the State Department powers that it has always had, and which the very organic act which I just read, establishing the Department of Commerce, concedes to it, and this in violation of that act.

Mr. McCOY. Mr. Speaker, I am glad to have the gentleman say that my interpretation of his remarks was wrong, for I think I know him well enough to believe that he would not really claim what I have stated. But I so understood what he said.

Now, the gentleman from Iowa [Mr. GOOD] has said that the Secretary of State and the Secretary of Commerce are practically in accord on this matter, and it is simply a well-advised attempt on the part of the Secretary of Commerce to build up the foreign commerce of the United States. I think that it would be a calamity if the Senate amendment were not adopted and if that work were not left in the hands of the man and to be worked out by the brain of the man who had the genius to conceive the whole scheme.

Mr. RAINEY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Illinois?

Mr. McCOY. I yield to the gentleman.

Mr. RAINEY. Does the gentleman think that it would be a calamity—the amendment I am seeking an opportunity to propose—which permits the appointment of these attachés in accordance with the custom and the existing law and prevents duplication? Does the gentleman think it would be a calamity to have this work done under the authority of the State Department as it has always been done heretofore?

Mr. McCOY. I would say to the gentleman that I think that he is utterly mistaken in believing that this particular work has ever been done by the State Department.

Mr. RAINEY. I am not mistaken. It has always been done. We do not get a particle of information from abroad upon which our tariffs are based that does not come through the Department of State.

Mr. McCOY. This plan is not for the purpose of getting information upon which to frame any tariff bill, but it is for the purpose of getting information by these especially qualified men to be given to the manufacturers of this country, so that they may know more thoroughly than they know to-day the conditions which prevail abroad in order that they may be able to meet those conditions and build up our foreign trade.

Mr. RAINEY. Mr. Speaker, will the gentleman permit another interruption?

Mr. McCOY. Certainly.

Mr. RAINEY. Is the gentleman aware of the fact that we now have a bureau in the State Department controlled by officials known as trade advisers, who are performing these same functions and who are transmitting the information and advice which they get from abroad to the Secretary of Commerce, based on this information from the Department of Commerce, then issues every day information in the form of a pamphlet or little magazine that is sent broadcast throughout the country?

Mr. McCOY. Yes; I know that the Bureau of Foreign and Domestic Commerce issues these daily bulletins.

Mr. RAINEY. Where do they get the information contained in them?

Mr. McCOY. Through the consuls. But I know, from information conveyed to me by the Secretary of Commerce, that this new scheme will not duplicate any work that is now being done, but that it will result in having special work done under the direction of the man who has thought out the plan along different lines from those that are now being followed, and for the sole benefit of the manufacturers of the United States who are now seeking and who have got to seek in the future more than they have done in the past foreign markets, and who therefore must be informed about the conditions of foreign markets.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. McCOY. Yes.

Mr. BYRNS of Tennessee. I want to say that there is absolutely no want of harmony between the State Department and the Commerce Department on this proposition.

Mr. McCOY. So I understand; and the matter has been worked out satisfactorily in every way to all the parties concerned. I do not see why there should be any hesitation at all when the people who are vitally interested—if you please to say that the Secretaries are vitally interested—why there should

nothing to do with it. It was represented to us that on many of the large streams in the country, not out in the West, not in the public domain, there were small bits of Government land left ungranted, the title to which still remained in the Government, and people who wanted to develop one of these large properties had to secure title in some way.

If they had to buy land from a private owner they would have to get such as the Government owned from the Government, and they would have to go to some Government official to get it; and in putting in the conditions which the Secretary of War must write in every contract of approval, we simply provided that as to that land that belongs to the Government the corporation would have to get title to it before it could build the dam, and that is all there is to that. It is not a scheme to sell Government land at all, but merely a provision by which a corporation may get land from the Government where it owns a little tract of land, just as it would get it from a private individual.

Mr. LENROOT. Mr. Speaker, will the gentleman yield?

Mr. ADAMSON. Yes; if the gentleman from Alabama, who has charge of the time, will yield.

Mr. LENROOT. What does the party have to do to get the land from the Government?

Mr. ADAMSON. He has to get it on such terms as the party who owns it will grant it to him.

Mr. LENROOT. It is granted in the gentleman's bill on payment of 5 per cent of the value.

Mr. ADAMSON. That is simply one specification of how he can do it, but it is not a separate provision in the bill; it is a condition of contract which the Secretary makes that conveys the Government land it may be necessary to use. He can not proceed until he gets that piece of land.

Mr. UNDERWOOD. Mr. Speaker, in order not to take up the time of the Chair unnecessarily, and to try to make the point clear where I think the distinction is, it all comes out of the construction of the words "directly or indirectly appropriating money or property." The contention that I make is that a bill goes to the Union Calendar which appropriates property in the way of a grant. For instance, if a bill were to pass this Congress providing for a land grant to certain railroads for building railroads, that they should have so much land within alternate sections in such a territory, that would be appropriating property; but it can not be said that any bill deciding the terms on which property may be disposed of in the future, and not specifically carrying title to a particular piece of property, is the class of bill that is intended to go to the Union Calendar.

In other words, the object of the rule in requiring a bill to go to the Union Calendar was to allow greater latitude of debate, as the gentleman from Illinois [Mr. MANN] properly says, not that I think there will be any effort to cut off a reasonable debate in this case, but it was for the purpose of allowing greater latitude of debate that certain bills were required to go upon the Union Calendar, such as a revenue bill, raising revenue—and that does not mean any bill that may incidentally raise revenue—a general appropriation bill, conveying out of the Treasury the moneys of the Government, and a bill appropriating, not regulating, not fixing the terms of the future disposition of public lands, but appropriating public lands. What does "appropriating" mean? It can not mean anything else except the conveyance of title. It does not mean a bill fixing the terms for the future disposition of lands, for that does not appropriate the property, for the title may never pass. Appropriating means parting with, and what are you parting with in this bill? Nothing at this time. You are fixing the terms on which the Government land may be parted with or appropriated in the future, and there are no public lands parted with in this bill.

The SPEAKER. What does the gentleman say to the word "indirectly" in that rule?

Mr. UNDERWOOD. The language is "directly or indirectly appropriating money or property." I do not think there is anything in this bill that indirectly appropriates property. It is merely fixing the terms on which in the future under certain conditions property may be passed. But it is not a conveyance of any particular piece of property. You can not appropriate property without designating what property you are appropriating.

Mr. MONDELL. Mr. Speaker——

Mr. MANN. Mr. Speaker, just a word. The gentleman from Alabama [Mr. UNDERWOOD] draws a distinction between authority to sell property and the actual sale of property by the United States. Now, we pass a homestead law. Who will claim that a homestead law is not a Union Calendar bill?

Mr. UNDERWOOD. Yes; but the homestead law names the property.

Mr. MANN. I beg the gentleman's pardon; the homestead law does not name anything of the kind.

Mr. UNDERWOOD. It may name all the lands in the United States.

Mr. MANN. Oh, I knew the gentleman would have to change his position.

Mr. UNDERWOOD. Certainly not; but it does name it.

Mr. MANN. The homestead law does not part with a foot of property.

Mr. UNDERWOOD. But it makes all the laws of the United States subject to its terms——

Mr. MANN. But it does not part with a foot of property. It only provides the conditions upon which persons may obtain the property of the United States. That is the way as to all, practically, of the land laws. We pass a bill here directly appropriating property to some city for park purposes. That is a Union Calendar bill. If we pass a law authorizing the Secretary of the Interior to convey that property, that is not a direct appropriation of it according to the gentleman's theory, but it is a Union Calendar bill. If we pass a bill permitting the Secretary of the Interior to dispose of any public lands, that is a Union Calendar bill. Here we have a bill authorizing the Secretary of War, first, to dispose of part of the public lands, not by sale but by lease. That is a Union Calendar bill, and would be if it did not require the payment of rental, but when in addition we require the payment of rental, that is a bill raising revenue, and the gentleman can not draw a distinction between bills which appropriate the property of the Government by gift or sale and bills which authorize and permit a department officer to dispose of the property.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. GRAHAM of Illinois. If this bill were enacted into law, would the passage of any other law be necessary for money to be received into the Treasury under this bill?

Mr. MANN. Certainly not. Now, Mr. Speaker, this bill was referred to the House Calendar, I think, very naturally. The original dam bill was a House Calendar bill. It did not in any way raise revenue or appropriate property of the United States. The amended dam bill which we passed, I think, was a House Calendar bill, and it did not appropriate any property or authorize the use of any of the Government property or provide for the raising of any revenue, and that is the very reason we have this bill here. Gentlemen now wish in the bill to authorize the raising of revenue to the Government, to reimburse the Government for its expenses, particularly where it has reservoirs at the headwaters of rivers, and then to convey by lease the use of surplus water power at dams which we have on navigable streams. That is the purpose of it.

Mr. ADAMSON. If the gentleman will permit, the reservoir provision was in the law in 1910.

Mr. MANN. There was no provision in reference to payment.

Mr. ADAMSON. That feature is not changed by this bill at all; it is like what it was.

Mr. MANN. It is decidedly changed by this bill, because you have a long provision in this bill on the subject which directs the Secretary of War if there are a number of dams upon a stream where there are reservoirs at headwaters to apportion the benefits to the owners at the dams and charge them for the use of it not to exceed in total 5 per cent on the cost.

Mr. ADAMSON. If the gentleman will permit me, I said that that feature has not been changed which requires them to be used for the benefit——

Mr. MANN. Then, the other dam bill was a Union Calendar bill. I do not know whether it was considered on the Union or the House Calendar.

The SPEAKER. Now, sometimes a proposition is plain to everybody, and sometimes it is exceedingly close. The rule under which this reference is made is as follows:

> First, a Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred any bills raising revenue, general appropriation bills—

That is a particular class—

> and bills of a public character directly or indirectly appropriating money or property.

The Chair is of the opinion that this bill raises revenue. That is the intention of a certain portion of the House, at least; it remains to be seen whether it constitutes a majority or not. Of course, it is a kind of indirect way of raising revenue. That is proposition No. 1. The Chair thinks that it indirectly appropriates Government money or property. Now, it says in

section 14, leaving out the part which the gentleman raised the point of order on—section 4, about the contract—that the Secretary of War shall lease, after consulting with the Chief of Engineers. Well, now, a lease may run for 999 years or 1,000,000,000 years, the Chair supposes. We have fallen into the habit in this country of making two kinds of long leases, one for 99 years and one for 999 years. Now, as far as this generation is concerned, a lease of 99 years is the same as selling, and the Chair believes that the bill ought to be on the Union Calendar for both reasons, that it intends to raise revenue and that it authorizes a lease of Government property. The latter part, of course, appropriates Government property indirectly. It may never make a lease, but still they have the power to do all the leasing they want to do, and therefore the Chair rules the bill ought to be on the Union Calendar.

The Chair desires further to call attention to another rule which has not figured in the discussion, but which has been privately called to the Chair's attention by the gentleman from Massachusetts [Mr. GARDNER]. Clause 3 of Rule XXIII provides as follows:

> All motions or propositions involving a tax or charge upon the people, all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, or referring any claim to the Court of Claims, shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of a bill has commenced.

Under this rule it has been held that a bill which sets in motion a train of circumstances destined ultimately to involve certain expenditures must be considered in Committee of the Whole. It seems clear to the Chair that this bill authorizes an official, in certain contingencies, to make contract which will cause the United States to part either temporarily or permanently with property belonging to the United States; and for this reason it seems that the bill should be considered in the Committee of the Whole.

Mr. ADAMSON. Mr. Speaker, I assume that as soon as the conference report is out of the way it will be still in order under the unanimous consent to move to go into the Committee of the Whole House on the state of the Union.

WITHDRAWAL OF PAPERS.

Mr. DONOVAN, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of House bill 6094 (to remove charge of desertion against Thomas Ellis), Sixty-third Congress, no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative, executive, and judicial appropriation bill (H. R. 15279), making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER. The gentleman from South Carolina calls up the conference report on the legislative, executive, and judicial appropriation bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the statement.

The statement was read.

CONFERENCE REPORT (NO. 911).

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 47, 48, 76, 218, 219, and 220.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 78, 79, 176, 177, and 234, and agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,420"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendments numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121: That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121, and agree to the same with an amendment as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, new machinery, etc., $500.

"Assay office at Helena, Mont.: Assayer in charge, $1,800; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,200; in all, $4,400.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $1,000."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $1,800; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $3,000."

And the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$3,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,850"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 3 oilers, at $720 each; 12 watchmen; additional to 1 watchmen acting as lieutenant of the watch, $120; 15 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 15 charwomen; in all, $18,700."

And the Senate agree to the same.

Amendment numbered 212: That the House recede from its amendment to the amendment of the Senate numbered 212, and agree to the said Senate amendment.

The committee of conference have been unable to agree on the amendment of the House to the amendment of the Senate numbered 1, and on the amendments of the Senate numbered 29 and 30.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

Mr. MANN. Mr. Speaker, I make the point of order that this is a Union Calendar bill.

The SPEAKER. Why?

Mr. MANN. It provides for the raising of revenue.

Mr. UNDERWOOD. In what way? I think, Mr. Speaker, the gentleman from Illinois is mistaken about that proposition.

Mr. MANN. One of the provisions of the bill, on page 4, paragraph (a), is that, as a part of the conditions and stipulations, such approval shall provide "for reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans as heretofore provided," and so forth. Paragraph (b) provides "for the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance by the United States of headwater improvements," and so forth, "such charges to be fixed from time to time by the Secretary of War and Chief of Engineers," and so forth. And there are various other provisions, as (c), for instance, "that in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States," and so forth. Paragraph (d) provides "for the payment or securing the payment to the United States of such sums and in such manner," and so forth.

The SPEAKER. The gentleman need not go any further. This bill ought to be on the Union Calendar, and will be transferred to it.

Mr. MANN. I have no objection to its coming up in regular order.

Mr. UNDERWOOD. Mr. Speaker, I do not think this is on the Union Calendar. Clearly I think the Speaker has misinterpreted the reading of this language.

Now, Mr. Speaker, what places a bill on the Union Calendar?

The SPEAKER. Taking money out of the Treasury, or bringing it in, or disposing of Government lands.

Mr. UNDERWOOD. There are three propositions, and if they are involved in the bill it goes on the Union Calendar. One is appropriating money or raising money; another is disposing of the public lands; the other is the creation of an office. Those are the three things. If those are not involved in a bill, it goes to the House Calendar, unless it belongs to the Private Calendar. Now, this proposition that the gentleman from Illinois [Mr. MANN] refers to in no way affects either of these conditions.

The SPEAKER. What does the gentleman say about "(a)," at the top of page 4?

Mr. UNDERWOOD. That is what I was going to read. In the first place, as a part of the conditions stipulated, the approval shall provide so-and-so. This bill is providing, Mr. Speaker, for a contract between the United States Government and some individual or corporation that desires to build a dam, and it provides what the contract shall contain—that as a part of the conditions and stipulations of such approval it shall provide for the reimbursement to the United States of all expenses incurred by the United States with reference to the project, including the cost of any investigation necessary for the approval of the plans heretofore provided and for such supervision of construction as may be necessary in the interest of the United States. Now, does that take any money out of the Treasury? Not at all. Does that put any money into the Treasury? Not at all.

The SPEAKER. Where is it to come from?

Mr. UNDERWOOD. It provides for a contract that is going to be made in the future about the building of a dam. It does not provide that there shall be an appropriation out of public funds of the Treasury or for the payment of money into the Treasury.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. What will become of this money when the United States is reimbursed for these expenses, unless the money goes into the Treasury?

Mr. UNDERWOOD. Of course it will go into the Treasury, but this is not making provision for an appropriation out of the Treasury.

Mr. MANN. No; but it is for raising revenue.

Mr. UNDERWOOD. No it is not. It is providing the terms of a contract to be made in the future.

Mr. MANN. Ah, yes——

Mr. UNDERWOOD. But that is not raising revenue.

Mr. MANN. Certainly it does raise revenue. It authorizes the Secretary of War to raise revenue; and not only authorizes but requires him to do so if he makes such a contract.

Mr. UNDERWOOD. Not at all.

Mr. MANN. Certainly. Reimbursing the United States is raising revenue.

Mr. UNDERWOOD. It provides as a condition precedent to the making of a contract, or a condition of the contract, to reimburse the United States for all the expenses incurred by the United States in reference to the project. Would a dam bill, or a bridge bill which provided the terms on which a bridge could be built across a river, but also provided that if any expenses were required to be incurred by the Government of the United States because of the building of that bridge, those expenses should be reimbursed as a condition precedent—would that be a question of raising revenue? The rules clearly contemplate, in the class of bills that the gentleman refers to, first, a bill making a direct appropriation out of the Treasury; secondarily, a bill raising revenue for the Treasury, the purpose of it being to raise revenue. This is neither of those. This relates purely to the terms of a contract.

Mr. MANN. What does the gentleman say as to section 14, which provides for leasing surplus water power owned by the United States?

Mr. UNDERWOOD. That section reads:

> That the Secretary of War, upon the advice and with the approval of the Chief of Engineers, may lease to any applicant having complied with the laws of the State in which the dam is constructed or to be constructed by the United States, the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed, either with or without contribution by the applicant, and owned by the United States, and on such terms as may be deemed by the Secretary of War and Chief of Engineers for the best interests of the United States; and in awarding such lease preference shall be given to the applicant whose plans are deemed by any action of Congress or by the Secretary of War and Chief of Engineers to be best adapted to conserve and utilize in the public interest the navigation and water-power resources of the region, and all such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

That is only a part of the contract, Mr. Speaker.

Mr. MANN. Oh, no; the gentleman is mistaken. This has nothing to do with the contract.

Mr. UNDERWOOD. Oh, but it has. It is the general contract that we are putting into the law.

Mr. MANN. But it gives the Secretary of War power to make a lease.

Mr. UNDERWOOD. Certainly.

Mr. MANN. And to receive the rental.

Mr. UNDERWOOD. Certainly; but that does not dispose of the public lands by this act.

Mr. MANN. Certainly it does. That is exactly what it does. And section (c), at the bottom of page 4, disposes of the public lands. That section reads:

> (c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, not to exceed an annual payment of 5 per cent of the fair value of such lands, as may be fixed by the Secretary of War and Chief of Engineers.

Mr. UNDERWOOD. That is clearly a part of the contract, Mr. Speaker. It is not the disposition of the public lands or the rental of the public lands.

Mr. MANN. The gentleman from Alabama will notice that that is the direct authority, not a part of the contract.

Mr. UNDERWOOD. It says:

> (c) That in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges—

And so forth.

This is merely putting on the statute book the terms of a contract that these people are required to make. It is not the leasing to-day of a particular piece of land; and that is what is contemplated by the disposition of land. If this was a bill to convey the title to a piece of land by grant or by lease, it would come within the terms of the rule, and the bill would have to be on the Union Calendar; but this bill conveys no title. It carries no title at this time. It is merely writing on the statute books the terms under which a dam can be built and the contract that the builder of the dam must make with the United States Government. There is no disposition of lands in the proposition.

Mr. LENROOT. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. LENROOT. I should like to ask the gentleman's view of this situation: There are a great many revocable permits now outstanding for dam companies upon public lands. The moment this bill is passed these revocable permits are nullified and they take under subdivision (c), which is a grant.

Mr. UNDERWOOD. I do not concede what the gentleman says. I do not think these revocable permits would be affected by this bill, in direct terms.

Mr. LENROOT. Section 17——

Mr. UNDERWOOD. I know that the gentleman contends that section 17 would relate to lands in the West. I think that is purely a misapprehension. This bill is limited in its terms to the navigable waters of the United States, and does not affect the terms of the public lands of the far West. The boundary of this bill, to begin with and to end with, is the navigable streams of the United States.

Mr. GRAHAM of Illinois. But what is included in the term "navigable waters"?

Mr. UNDERWOOD. That is a question for the department to determine—whether it means 3 feet or 3 inches of water.

Mr. GRAHAM of Illinois. Do they not determine it in favor of the smaller limit—3 inches or 1 inch?

Mr. UNDERWOOD. That is a question that it is not necessary to go into under this bill.

Mr. GRAHAM of Illinois. But if that were true, would not that include all the streams of the West and everywhere else?

Mr. UNDERWOOD. I do not agree with that construction or that statement. I think a navigable stream is well defined, not only by law but in the War Department.

But that is a side issue to this proposition. What I contend, Mr. Speaker, is that this is not a bill under the terms of which there is conveyed the title to public lands. If it does convey title to public lands, what public lands does it convey the title to, either by lease or grant? It does not in its terms levy a tax. If it does, what tax does it levy? It does not make an appropriation out of the Treasury. If it does, how much? Therefore it does not belong on the Union Calendar; it merely provides a contract under which a dam may be built and the terms with which the builder of the dam must comply in the future.

Mr. MANN rose.

The SPEAKER. The Chair will ask the gentleman from Illinois before he proceeds what he says about paragraphs (a), (b), (c), and (d), whether they are enactments of law or provide for a contract?

Mr. MANN. I say that it does not make any difference whether we directly raise revenue or whether we authorize a department official to raise revenue which is to be paid into the Treasury. On the matter of raising a tax, the gentleman from Alabama is mistaken in the rule. There is nothing in the rule about making a tax. The rule is:

> First, a calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.
>
> Second, a House calendar, to which shall be referred all bills of a public character not raising revenue not directly or indirectly appropriating money or property.

What does this bill do? Section 4 authorizes and directs the Chief of Engineers, in making contracts for the use of water power or for the construction of dams, to provide first for the reimbursement to the United States certain expenses. That is raising revenue; that requires the Secretary of War to raise revenue. Paragraph (b) provides for the payment to the United States of reasonable charges for the benefits which may accrue to such project through the construction, operation, and maintenance, and so forth. That is raising revenue. We have in the bill powers granting some one the right to construct a dam and develop hydroelectric power, and we say that the Secretary of War may grant that permission and shall require the payment to the United States of reasonable charges for it.

Paragraph (c) provides that in the construction, maintenance, and operation of such dam and accessory works there may be occupied and used such lands of the United States as may be necessary therefor, and in consideration thereof the owner of such dam shall pay to the United States such charges, and so forth.

Section 14 provides that the Secretary of War shall lease to any applicant the right to develop power from the surplus water over and above that required for navigation at any navigation dam now or hereafter constructed.

We have many navigation dams in the United States. At many of them there is surplus water which may be used for the development of water power, and we authorize the Secretary of War to lease that surplus water power and to make charges for it. What is the difference between that and authorizing the Secretary of War to lease any piece of ground we have and charge for it? What is the distinction between raising revenue by leasing or selling? Would anyone contend that if we authorized the Secretary of War to sell these navigation dams that would not be disposing of public property? That is an appropriation of public property to raise revenue.

Mr. LA FOLLETTE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. LA FOLLETTE. On page 8 of the report the committee says:

> Yielding to the pressure from many directions we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government from projects constructed wholly at the expense of the Government by leasing on satisfactory terms, with proper safeguards, the surplus water not needed for navigation at such projects.

The committee evidently thought that this was raising revenue.

Mr. MANN. Of course it was intended to raise revenue.

Mr. UNDERWOOD. What clause in the bill does the gentleman contend raises revenue?

Mr. MANN. Section 14 and section 4. Any money that is received from the outside and paid into the Treasury of the United States is revenue. The rule does not provide that you raise revenue by taxation. You can raise revenue by selling property. The reason of the rule is that bills of this character shall be considered in Committee of the Whole House on the state of the Union under the rules relating to the Committee of the Whole. The transfer of this bill from the House Calendar to the Union Calendar does not affect the unanimous-consent order which is already pending. The question is on how it shall be considered.

Mr. ADAMSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. I would like to know if the gentleman from Illinois understands or claims that there would be any difference in the method in which the bill was disposed of, whether in the House or in the Committee of the Whole House on the state of the Union, further than the latitude of general debate?

The SPEAKER. There is no difference——

Mr. MANN. Oh, Mr. Speaker, there is a great difference.

The SPEAKER. The gentleman from Illinois did not hear what the Chair was going to say. One difference is the method of procedure. The gentleman from Georgia, or somebody for him, would have to move to go into Committee of the Whole House on the state of the Union, and then there is a difference as to the consideration of amendments.

Mr. MANN. If this bill is considered in the House, the gentleman from Georgia would have the power within five minutes to move the previous question on the bill and amendments.

Mr. ADAMSON. But the gentleman from Illinois knows that the gentleman from Georgia would not do that.

Mr. MANN. I do not know. If we considered every amendment in the House, there would be a chance for a roll call on every amendment.

Mr. UNDERWOOD. Mr. Speaker, I did not have the rule before me, and I desire now to call the Chair's attention to the exact language in the rule:

> There shall be three calendars, to which all business reported from committees shall be referred, viz:
>
> First, a Calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue, general appropriation bills, and bills of a public character directly or indirectly appropriating money or property.

Of course, this is not a bill raising revenue nor is it a general appropriation bill. The question is whether it is a bill of a public character directly or indirectly appropriating money or property. That does not mean a bill the effect of which may convey property. Of course, there is no money involved. It does not mean a bill that may direct a way in the future whereby property may be disposed of. Suppose we had a bill before this House providing that no public land shall be sold until advertised in the newspapers in the city of Washington, would that go to the Union Calendar or the House Calendar? It seems to me manifestly it would not be appropriating public property, but it would be the terms on which public property could pass, limiting the terms. It would not be conveying a particular piece of property. The provision of this bill in no way appropriates a piece of public property or a piece of money. It does provide for the terms on which overflowed lands, for instance, may pass from the Government under certain conditions.

Mr. ADAMSON. Mr. Speaker, will the gentleman permit me to make a suggestion in aiding his argument right at this point?

Mr. UNDERWOOD. Certainly.

Mr. ADAMSON. The entire scheme of this bill is to utilize private capital to promote the navigability of navigable streams without expense to the Government and without the raising of revenue by the Government further than reimbursement enough to prevent any expense, and all in connection with navigation. The bill does not furnish title to anyone. If we grant consent to a corporation to build a dam in a navigable stream, that corporation must go and secure title itself or lease. We have

Mr. STAFFORD. I was more concerned with the little property owners on large avenues. It would be a great burden upon them for us to impose one-third upon them if it is more than 40 feet wide.

Mr. PAGE of North Carolina. I will assure the gentleman that if there is any excess of 40 feet provision will be made. I yield to the gentleman from Wyoming.

Mr. MONDELL. Do I understand the gentleman to say it is the intention of the managers on the part of the House to insert in the amendment which you propose to substitute the provisions contained in the last part of the paragraph on page 23, with regard to streets over 40 feet in width?

Mr. PAGE of North Carolina. Yes, sir; that will be done.

Mr. MONDELL. Then it is your intention to adopt language involving this principle and in harmony——

Mr. PAGE of North Carolina. With the original provision.

Mr. MONDELL. You could not adopt this language as it stands, because if you do then the property owner, when a street is more than 40 feet in width, would pay for the paving of the other surface.

Mr. PAGE of North Carolina. We recognize that, and it will be taken care of. That will be taken care of.

Mr. MONDELL. But the theory of this provision in regard to wider streets will be carried out as an addition or an amendment to the proposition.

Mr. PAGE of North Carolina. Absolutely; that is it exactly; that is the intention of the conferees.

Mr. MANN. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman from Illinois.

Mr. MANN. As I recall, the original provision was to put the whole cost of paving 40 feet——

Mr. PAGE of North Carolina. On the abutting property; yes, sir.

Mr. MANN. And this provision puts two-thirds of the cost?

Mr. PAGE of North Carolina. That is true.

Mr. MANN. Although both provisions require assessments to be made according to the frontage of the street.

Mr. PAGE of North Carolina. The frontage on the street that is paved, the frontage of the property.

Mr. MANN. Did the gentleman take into consideration the matter which was discussed in the House as to the sharp corner lots?

Mr. PAGE of North Carolina. The gentleman means at the intersection of streets?

Mr. MANN. Triangular lots.

Mr. PAGE of North Carolina. Yes, we did; and wherever the rectangle has a width of more than 40 feet I can give the gentleman the same assurance as I did as to streets of more than 40 feet wide, that that will not be placed upon the abutting property.

Mr. MANN. A great many lots in the city that run into triangles come down to a point where they are only a few feet wide.

Mr. PAGE of North Carolina. We catch that, I will assure the gentleman.

Mr. MANN. To make the property pay for the full width of both sides looks like a gross injustice as compared with inside property.

Mr. PAGE of North Carolina. Well, that property, I will say to the gentleman, is extremely valuable property.

Mr. MANN. Most of it is not.

Mr. PAGE of North Carolina. I agree that a large part is not.

Mr. MANN. In most cases, or in many cases, it is very narrow, and you can not even put a building on it.

Mr. PAGE of North Carolina. That is true, but in most of those cases I believe the city has adopted the policy of taking it over.

Mr. MANN. No; the city does not buy these pieces of property. There are no places where they are bought. A man has a triangular lot that runs to a point which is only a few feet wide, very narrow in many cases where there are residences, and it is still left as vacant property and can not be built upon, and it will put a heavy burden upon him to make him pay the full width on both streets.

Mr. SISSON. I will say to the gentleman from Illinois I can at once appreciate the force of what he says, for this reason: If a man should have a residence inside a point which actually belongs to the District parking, he might be compelled to build, as the gentleman suggests, sidewalks on both sides of the property. Is that what the gentleman has in mind?

Mr. MANN. No; I did not have reference to sidewalks, but to street paving.

Mr. SISSON. He would have to pay for sidewalks under the present law. If we did not take care of that he would have to pay for one-third of the street on either side of his property.

Mr. MANN. Yes.

Mr. SISSON. Because he has got two frontages. Now, it is the intention of the conferees to take care of that so that a man would not be called upon to pay for more than 20 feet of paving.

Mr. MANN. Now, I will be frank to say in our town—and, of course, people know more about their local matters than we do—assessments are made according to benefits and not upon the theory of special taxation, which is quite a different thing.

Mr. SISSON. That is true.

Mr. PAGE of North Carolina. If the gentleman will yield——

Mr. SISSON. Here is the clause that involves the property:

That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

Now, I will state to the gentleman if that language is not sufficiently clear to cover what he has in his mind it might work a hardship upon some property owner.

Mr. MANN. It is sufficiently clear, but it works the wrong way.

Mr. SISSON. I do not know that it works the wrong way if the language means what the conferees have in their minds. It is our intention to have the language so specific as to mean exactly what the conferees have in mind.

Mr. MANN. Well, if you would make the assessment on the property according to the benefits you would have no difficulty, but when you endeavor to make the assessment according to the linear frontage you impose that burden upon a piece of property that may not be more than 3 feet wide at the corner of paving the street on both sides of it.

Mr. SISSON. I will say to the gentleman that while that matter was in mind and has been incidentally mentioned there are many difficulties that confront you in the enforcement of that sort of a law. I believe you have it in Chicago——

Mr. MANN. I think it is the law in nearly every place where they raise money by special assessment.

Mr. SISSON. The gentleman is mistaken about that, because in 55 per cent of the cities of the United States and in all the modern cities of the United States the property owner pays one-half of the street and all of the sidewalk assessment. An investigation of the conditions throughout the United States will show that.

Mr. MANN. He does not by special taxation. Where you raise the money by linear frontage it is double taxation.

Mr. SISSON. If you did that in the District of Columbia, it would not be linear footage, except as to cost of the sidewalks, that would determine the tax, because benefits are based here on the number of square feet—all your assessments and all charges upon the number of square feet involved.

Mr. MANN. It is based upon the linear frontage of the abutting property, though. You take, for instance, Connecticut Avenue, where I have the pleasure of riding on the street cars, and on one side of the street all the way nearly are sharp-cornered triangular lots. Some of them, if it is business property, may be built upon, but with many of them the triangle is too shallow to build upon even. It is left vacant. Now, if you assess the street paving according to the linear frontage, here is a property that may not be over 5 or 10 feet wide, and yet it is likely to pave two streets.

Mr. SISSON. Now, that is not true in reference to the old portion of the city, because all of those points, with very few exceptions, have been acquired by the District of Columbia.

Mr. MANN. I beg the pardon of the gentleman. I ride around town, and I do not know of a single one that is owned by the city. They own triangles where the triangle is surrounded by a street, but they do not anywhere own the corner of the lot where the lot is a triangle itself.

Mr. SISSON. I had in mind the triangular pieces of land which the gentleman mentioned a moment ago.

Mr. MANN. The triangles are another proposition. The triangles belong to the city, or the Government is acquiring them.

Mr. SISSON. It was the purpose of the managers on the part of the House to take care of a piece of property where one property owner would be compelled to build the streets on both sides of his property. It is not our intention to tax him with one-third of the street on one side of his property and one-third on the other. And that would occur——

Mr. MANN. It would occur under the amendment.

Mr. SISSON. Under the amendment, unless the amendment I have in mind is cared for. But in order that that might be properly drawn, we thought it wiser to let the engineer commissioner, who understands the measurements of the streets, to make a measurement of the streets to take care of those exceptional cases.

The SPEAKER. The question is on the motion of the gentleman from North Carolina [Mr. PAGE] to concur with an amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 27 of the bill, after line 11, insert the following:

"Payment for ground and damages on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, $4,150."

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to this amendment.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement to Senate amendment No. 31.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

Mr. PAGE of North Carolina. Mr. Speaker, we would like a division on that vote.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a division.

The House divided; and there were—ayes 81, noes none.

So the motion was agreed to.

Mr. MANN. Now, what was the motion?

The SPEAKER. The motion was to further insist. The Clerk will report the next amendment.

The Clerk read as follows:

Page 103 of the bill, strike out all of section 8, as follows:

"SEC. 8. That to the extent the revenues of the District of Columbia for the fiscal year 1915 shall exceed the proportionate part of the appropriations made in this or any other act, and chargeable against said revenues, the same shall be covered into the Treasury of the United States to the credit of 'Miscellaneous receipts.'"

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves that the House further insist on the House disagreement to Senate amendment No. 226.

Mr. MANN. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield.

Mr. MANN. What seems to be the disposition of the Senate conferees on that, so far as disclosed?

Mr. PAGE of North Carolina. I should think the gentleman who asks that question, from the fact that this item appears here with the Senate still insisting, would draw a very correct inference of the attitude of the Senate conferees toward this amendment.

Mr. MANN. I have an idea about it. Take, for instance, the amendment that we just disagreed to, and that was a Senate amendment. Under the practice of the two bodies, where one proposes something which the other will not agree to the one who proposes must yield. Now, the Senate must yield on the amendment on which we further insisted on a disagreement, too. If the Senate is utterly opposed to this and maintains that position, it seems to me in the end the House will have to recede. I wondered whether it was not advisable soon, at least, to get this bill where it could be a law.

Mr. PAGE of North Carolina. I will say to the gentleman I think if my motion is carried that the date is not very far in the future when there will be an agreement upon this bill.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MONDELL. Do I understand from what the gentleman has just said that the House conferees are about prepared to yield on this?

Mr. PAGE of North Carolina. I did not intend to say that. I made my statement at just what the words meant, that if the House should further insist on its disagreement to this amendment, I thought the probability was that we would reach a full agreement on this bill in the very near future.

Mr. MONDELL. And as the Senate will not yield, the House will?

Mr. PAGE of North Carolina. That is an inference that the gentleman can draw in his own mind.

Mr. MANN. That is the sensible thing to do.

The SPEAKER. The question is on agreeing to the motion of the gentleman from North Carolina [Mr. PAGE] to further insist on its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, let the next amendment be reported.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Amendment numbered 227, page 103 of the bill, insert the following as a new section:

"SEC. 8. That all laws and parts of laws to the extent that they are inconsistent with this act are repealed."

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from North Carolina moves that the House further insist on its disagreement to the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move that the House agree to the request of the Senate for a further conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves that the House agree to the conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, presented for printing under the rules the report on the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, as follows:

[House Report No. 914, Sixty-third Congress, second session.]

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, submitted the following report, to accompany H. R. 12579:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915, having had the same under consideration, reports the bill back without amendment, and recommends to the House that all of the Senate amendments to said bill, numbered from 1 to 168, inclusive, be disagreed to, and that the House request a conference with the Senate on said amendments.

EXTENSION OF REMARKS.

Mr. WINGO. Mr. Speaker, I ask unanimous consent to extend and revise the remarks I made yesterday.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] asks unanimous consent to revise and extend his remarks. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Tulley, one of its clerks, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Georgia, Mr. SHEPPARD, and Mr. BRADY as the conferees on the part of the Senate.

THE GENERAL DAM ACT.

Mr. UNDERWOOD rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. Mr. Speaker, I do not see anyone here to present the conference report on the legislative appropriation bill. Pending that, Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is the Adamson dam bill.

Mr. MANN. Mr. Speaker, may I ask if it is the intention to call up the legislative conference report to-day?

Mr. UNDERWOOD. I think it is; and as soon as the gentlemen in charge of the bill come into the House, I have no doubt the floor will be yielded for that purpose.

The SPEAKER. The Clerk will report the Adamson dam bill.

Mr. MANN. Mr. Speaker, the Clerk can not report the bill. It is a Union Calendar bill.

The SPEAKER. It is not a Union Calendar bill.

Mr. MANN. It ought to be. I guess it is.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the bill, as follows:

A bill (H. R. 16053) to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, as amended by the act approved June 23, 1910.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] is just coming on the floor, and I will let him take charge of the matter.

of the matter inserted by said amendment insert the following:

"For the preparation of plans and specifications for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For agent, $1,800; clerk, $1,200; placing and investigating officers—1, $1,200; 1, $1,003; 5, at $900 each; record clerk, $900; clerk, $720; messenger, $360; in all, $11,680."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,180"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,580"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,900"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,490"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots, and pieces, or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed, he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said Commissioners to institute in the Supreme Court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the increase in value which such reclamation and development has added to each lot, piece, or parcel of land abuttting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land, the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, and shall be paid into the Treasury of the United States, to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special-improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,035"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 31, 226, and 227.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10623) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report, as to each of the said amendments, namely:

The conference report submitted herewith differs from the conference report submitted on June 12, 1914, and printed as

House Report No. 817 of this session in the following particulars:

On amendment No. 101: Strikes from the bill the provision, inserted by the Senate, allowing free tuition to school pupils whose parents are employed officially or otherwise in the District of Columbia.

On amendments Nos. 103, 104, and 105: Strikes out the appropriations of $33,000 for an addition to the John F. Cook School, $66,000 for an addition to the Powell School, and $45,000 for a site and new school building in the sixth division.

On amendment No. 109: Strikes out the appropriation of $50,000 proposed by the Senate for the central dispensary and emergency hospital.

On amendment No. 178: Appropriates $15,000 for plans and specifications for a new municipal hospital instead of $300,000 proposed by the Senate for the erection of such a hospital.

The committee of conference have been unable to agree on the following amendments:

Amendment No. 28: Providing for assessment of cost of street, avenue, or road pavements against the abutting property.

Amendment No. 30: Appropriating $4,150 to pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square numbered 2833 in the city of Washington.

Amendment No. 226: Providing for the deposit of the surplus revenues of the District of Columbia in the Treasury of the United States to the credit of "Miscellaneous receipts."

Amendment No. 227: Providing for the repeal of all laws and parts of laws to the extent that they are inconsistent with this bill.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I now ask the Clerk to report amendment No. 28, in disagreement.

The Clerk read as follows:

That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however*, That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the fund available for similar public work.

Mr. PAGE of North Carolina. Mr. Speaker, I move to concur in the Senate amendment with an amendment striking out the language of the House provision and inserting the following, which I send to the desk and ask to have read.

The Clerk read as follows:

In lieu of the matter stricken out from pages 22, 23, and 24 in the printed bill insert the following:

"Hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb, or from gutter to gutter where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however*, That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments hereinbefore provided for shall be levied in the following proportion, namely: One-third of the total cost upon the real property abutting on each side of the street, avenue, or road, between the points where the roadway is paved or resurfaced and the remaining one-third of the total cost shall be charged against the general fund of the District of Columbia.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as set forth on page 248 of volume 28, United States Statutes at Large: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the United States and the District of Columbia in equal parts."

Mr. MANN rose.

Mr. PAGE of North Carolina. Does the gentleman from Illinois desire some time?

Mr. MANN. I would like to have the gentleman from North Carolina explain his proposed amendment.

Mr. MONDELL. Mr. Speaker, I desire to have the gentleman tell us the difference between these two amendments.

Mr. PAGE of North Carolina. This amendment which I propose now differs from the so-called Borland amendment. The Borland amendment placed upon the abutting property owners the entire cost of paving the streets, whereas the matter which I propose to insert in lieu of it modifies that by placing one-third of the cost on the joint treasury of the District of Columbia and the United States and one-third upon the property owners on each side of the street, of course leaving in effect the present regulation as regards the obligation of the street car railways to pave within the space occupied by them.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. Certainly.

Mr. MANN. I notice the amendment provides that the assessments shall be levied in the following proportion, namely, one-third of the total cost upon the real property, and so forth, and the remaining one-third of the total cost to be charged against the general fund of the District of Columbia. Where does the other third come in?

Mr. PAGE of North Carolina. One-third is to be charged to the property owner on each side of the street.

Mr. MANN. Oh, I understand. I see the amendment provides that one-third of the total cost shall be assessed against the real property abutting on each side of the street.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. STAFFORD. Under the Borland amendment the levy applied only to the property owners where it extended for 40 feet.

Mr. PAGE of North Carolina. I think that is true.

Mr. STAFFORD. And under the amendment now proposed no exception is made as to property owners on streets wider than 40 feet?

Mr. PAGE of North Carolina. I will say to the gentleman, to be entirely frank with him, that it was intended that that provision should apply to this amendment; that it should apply only to those streets of 40 feet, and it will be so when finally adopted.

Mr. STAFFORD. Then in conference it is the purpose of the conferees to limit the payment only to 40 feet of space?

Mr. PAGE of North Carolina. Forty feet of space.

Mr. STAFFORD. And the assessments to be borne in this respect?

Mr. PAGE of North Carolina. Yes.

Mr. SISSON. And for the information also of the House, on all of the circles which are peculiar to Washington the present system of paving the circles will be borne by the two treasuries, just as it is borne now. So if this amendment as proposed when put into the bill does not include that item, it will be arranged so that the streets to be paved will be just as it was in the Borland amendment—streets wider than 40 feet the excess shall be borne by the two treasuries.

UNITED STATES MARSHAL.

Charles J. O'Neill to be United States marshal for the district of New Hampshire.

POSTMASTERS.

GEORGIA.

William M. McElroy, Norcross.

IDAHO.

James V. Hawkins, Coeur d'Alene.

MASSACHUSETTS.

Douglas H. Knowlton, South Hamilton.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 30, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, amid the shifting scenes and rapidly changing conditions incident to the advancing civilization of our day, we pray for a closer walk with Thee, a broader conception of Thy plans and purposes; a keener perception of human nature, more of the Christ spirit that we may adjust ourselves to the new conditions and move forward without friction or strife; upholding the good, eliminating the evil; until brotherly love shall become the ruling passion in the hearts of all. That Thy kingdom may come and Thy will be done in earth as it is in heaven. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. OGLESBY, for five days, on account of important business.

To Mr. SUMNERS, for 10 days, on account of important business.

To Mr. ASHBROOK, for 10 days, on account of important business.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the bill H. R. 10523, the District of Columbia appropriation bill, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina calls up the conference report on the District of Columbia appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. MANN. I object. The statement, as I understand it, is only supplemental to the original statement.

Mr. PAGE of North Carolina. The statement is supplemental to the original statement.

Mr. MANN. And the original statement under the present request would not be read.

Mr. PAGE of North Carolina. No; it would not.

Mr. MANN. I think as long as the House is going to act on the whole matter there ought to be something read that would cover the case, and I ask for the reading of the report.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 912).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 101, 103, 104, 105, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 152, 157, 161, 168, 169, 170, 171, 183, 187, 190, 191, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 95, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 201, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia" in line 1; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment, insert the following: ": *Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,235, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80 and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102 and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $750,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "20 drivers, at $840 each"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.52"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,500"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awning, $100; and fire hose, $100; in all, $1,325."

And the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,050"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,900"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stenographer, $1,400"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$126,325"; and the Senate agree to the same.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$00,120"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu

Mr. SMOOT. Then I object to the consideration of the bill. I know that there have been before the Committee on Claims at least a dozen or more such claims, and they have all——

Mr. WALSH. I will say to the Senator that the land officers succeeding these gentlemen were placed in exactly the same position, and they sued and recovered a judgment against the United States for the rent of the offices. The case is referred to in the report here. It is the case of United States against Swigett, reported in Eighty-third Federal Reporter, page 97. So the right of the parties under the law to recover in this action has actually been adjudicated.

The fact is, as disclosed here, that the Senator is in error. I am sure he would not object to it otherwise. The report says:

> The reason for withholding such allowance seems to have been the inadequacy of the congressional appropriation for contingent expenses of district land offices to meet the expense of rent for all of those offices, and hence the Secretary of the Interior, in his discretion under section 2235, Revised Statutes, withheld such allowance from local officers whose annual compensation in salary, fees, and commissions reached the maximum of $3,000.

Subsequently two other land officers were appointed, and they were in the same situation. They sued in the Federal court of Helena and recovered, as stated in the report to which I have invited the attention of the Senator. So the obligation of the Government of the United States in this matter has been already adjudicated by the court.

Mr. SMOOT. Mr. President, I wish to say to the Senator that the case is exactly the same as at least a dozen other cases, and on several occasions I have tried to have an omnibus bill to cover them all. I am quite sure the Senator from Kansas, if he were here, would insist upon that. Therefore I object to the consideration of this bill at this time.

The VICE PRESIDENT. The bill will be passed over.

JOHN T. HAINES.

The bill (S. 543) to correct the military record of John T. Haines was considered as in Committee of the Whole. It provides that John T. Haines, deceased, who was a captain in the Eleventh Regiment United States Cavalry, and who was nominated by the President for appointment as major of Cavalry to rank from the 3d day of March, 1911, said nomination being confirmed by the Senate after the death of said Haines, which occurred after his nomination, shall be held and considered to have become a major of Cavalry in the service of the United States on the 3d day of March, 1911, and to have held that office until the date of his death; and the President is authorized to issue a commission as major of Cavalry in the name of John T. Haines with rank to date from March 3, 1911.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RADIUM-BEARING ORES.

The bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

CHIEF WARRANT OFFICERS IN REVENUE-CUTTER SERVICE.

The bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service was considered as in Committee of the Whole. It provides that the Secretary of the Treasury may, under such regulations as he shall prescribe, appoint as chief warrant officer any warrant officer in the Revenue-Cutter Service who has served a total of not less than 15 years with credit in that service. Such chief warrant officer shall have the pay and allowances of a third lieutenant and shall rank as such, next after commissioned officers: *Provided*, That the number of such chief warrant officers shall not exceed five in each class: *And provided further*, That hereafter, in computing the length of service which shall entitle a warrant or petty officer to longevity pay or to be placed on waiting orders under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all creditable service in the Army, Navy, Marine Corps, or Revenue-Cutter Service shall be included.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERSONNEL OF THE REVENUE-CUTTER SERVICE.

The bill (S. 1802) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908, was announced as next in order.

Mr. SMOOT. I should like to ask the Senator reporting the bill if a similar provision was not introduced, affecting naval officers, and killed in the Naval Committee?

Mr. RANSDELL. I can not say. This bill affects pilots only, and is favorably reported upon by the Treasury Department.

Mr. MARTINE of New Jersey. This bill affects only seven men.

Mr. RANSDELL. It affects seven men who were pilots and who were excluded under a former ruling. The Treasury Department thinks the ruling was very unfair, and strongly recommends the passage of the bill.

Mr. SMOOT. It may be perfectly appropriate to pass the bill, but——

Mr. RANSDELL. I have before me the report of the Secretary of the Treasury. He says it affects only these seven men who were pilots, and who performed the work which ordinarily entitles them to the same grade.

Mr. MARTINE of New Jersey. It involves an increase of only $2,214. It was thought to be manifest justice, and that better results would be obtained.

Mr. NELSON. Mr. President, I wish to say to the Senator from Utah that this bill is simply to correct an omission that was made in the act of 1908, where the word "pilot" was omitted. It is to put these men in the same class as the other enlisted men and give them the benefits of the bill.

Mr. MARTINE of New Jersey. That is correct.

Mr. SMOOT. I have no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in computing the length of service which shall entitle a warrant or petty officer to longevity pay under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 6060), to regulate the immigration of aliens to and the residence of aliens in the United States, was announced as next in order.

Mr. LEA of Tennessee (and other Senators). Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 8846), making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

ABANDONMENT OF DESTITUTE, INFIRM, OR AGED PARENTS.

The bill (S. 1053), providing against the abandonment of destitute, infirm, or aged parents, was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

> *Be it enacted, etc.*, That whoever, being an adult resident of the District of Columbia and possessed of or able to earn means sufficient to provide maintenance, shelter, food, care, and clothing for his or her parent or parents within said District who is or are destitute of means of subsistence and unable, either by reason of old age, infirmity, or illness, or otherwise, to support himself or herself, neglects or refuses to maintain and supply such parent or parents with necessary maintenance, shelter, food, care, and clothing, shall be punished by a fine of not more than $500 or be imprisoned in the workhouse of said District at labor for not less than three months nor more than one year, or by both such fine and imprisonment; and should a fine be imposed it may be directed by the court to be paid in whole or in part to such parent or parents or to the custodian of such parent or parents: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the parent or parents, or to the custodian of such parent or parents, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into a recognizance to the District of Columbia, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him

> or her under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the parent or parents, or to the custodian of such parent or parents.
>
> SEC. 2. That proof of the circumstances or of neglect to furnish such parent or parents in destitute or necessitous circumstances necessary and proper food, clothing, or shelter shall be regarded as prima facie evidence that such neglect is willful.
>
> SEC. 3. That it shall be the duty of the superintendent in charge of the workhouse of the District of Columbia, in which any person is confined on account of a sentence under this law, to certify at the end of each week the number of days' labor performed by said person so confined, and upon said certification the proper authorities of the District of Columbia shall pay over to the parent or parents, or to the custodian of such parent or parents, a sum equal to 50 cents for each day's labor performed by said person so confined; and all expenditures under the provision of this act shall be made and accounted for in the same manner as are other expenditures of the District of Columbia.
>
> SEC. 4. That in any case where a parent has been or shall be committed to the Government Hospital for the insane, and such parent is indigent or is in destitute or necessitous circumstances, the foregoing provision of this act shall apply: *Provided, however*, That in such cases the money collected as hereinbefore set forth shall be paid over and disbursed to the proper authorities of the District of Columbia toward the care and maintenance of the said insane person at the Government Hospital for the Insane.
>
> SEC. 5. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act, and shall have the powers necessary to carry this act into effect. Prosecutions under this act shall be had in the name of the District of Columbia upon information by the corporation counsel of the District of Columbia or any of his assistants.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ACQUISITION OF MONTICELLO.

The next business on the calendar was the joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation, the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albemarle County, Va.

Mr. SMOOT. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

HIGHWAY IMPROVEMENT.

The bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture in cooperation with the highway departments of the several States was announced as next in order.

Mr. BURTON. I ask that the bill may go over.

The VICE PRESIDENT. It will go over.

CASUALTIES INCIDENT TO WAGE EARNERS.

The Senate resolution (S. Res. 68) directing the Secretary of Labor to investigate and report upon mortality incident to various wage earners was announced as next in order, and was read, as follows:

> *Resolved*, That the Secretary of Labor be, and he is hereby, directed to investigate and report, as far as it is practicable, upon the mortality and the disability by accident or by disease incident to or resulting from the various occupations in which the wage earners of the United States are engaged.

Mr. SMOOT. I should like to ask the Senator who has the resolution in charge if this investigation has not already been made and if we have not spent nearly $40,000 in printing the report?

Mr. SWANSON. It has not been made. I was chairman of the subcommittee that reported it to the full Committee on Education and Labor, and the Committee on Education and Labor directed it to be reported. It does not cost any more money. There is no appropriation made for it. The material has been nearly gathered by these insurance companies and casualty companies, and I think we can get the information without much expense to the Government. It has not been gathered in the way that it is desired, and it is the wish of insurance companies, labor organizations, and others to have these statistics systematized so as to form an idea as to the casualties which occur in gainful occupations.

Mr. GALLINGER. I will ask the Senator if there is an appropriation carried in the resolution?

Mr. SWANSON. There is none.

Mr. GALLINGER. Is not this a part of the duty of the Secretary of Labor?

Mr. SWANSON. It has not been specialized in the enumeration of his duties and we felt that he should be directed to do this work; and the Department of Labor felt that the appropriation made could be utilized much better if this resolution were passed.

Mr. PAGE. I should like to ask the Senator from Virginia if this matter has ever been before the Committee on Education and Labor?

Mr. SWANSON. I was chairman of the subcommittee that had the hearings on it. Then I reported it favorably to the Committee on Education and Labor. Then the committee was polled, and I think every member who was approached on the matter signed in favor of the report.

Mr. PAGE. I do not know that I oppose the measure, but I do not recall that the Committee on Education and Labor ever had it before it.

Mr. SHEPPARD. I made a poll of the committee on the floor, and explained it to the Senator from Vermont, and he joined in signing the report.

Mr. PAGE. As I said, I do not remember it now. I only know that we did not have any hearings before the committee.

Mr. SWANSON. There were no hearings in the full committee. I was chairman of the subcommittee, and we had hearings fully on the matter and the people interested, the insurance companies, actuaries, labor organizations, and the department were heard, and there was no objection to the adoption of the resolution. No expense is incurred to the Government.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS AND RESOLUTIONS PASSED OVER.

The joint resolution (S. J. Res. 93) authorizing and directing the Department of Labor to make an inquiry into the cost of living in the District of Columbia and to report thereon to Congress as early as practicable was announced as next in order.

Mr. LEA of Tennessee. Let the joint resolution go over.

The VICE PRESIDENT. It will go over.

Senate resolution 313, referring to the Court of Claims the bill (S. 1495) to compensate the Old Point Improvement Co. for the demolition and removal of the Hygeia Hotel property from the Government reservation at Old Point, Va., was announced as next in order.

Mr. NELSON. Let that go over, Mr. President.

The VICE PRESIDENT. The resolution will go over.

The bill (S. 4425) to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. SMOOT. I ask that the bill may go over to-day.

The VICE PRESIDENT. It will go over.

Senate resolution 312, requesting of the Secretary of War information as to expenditures upon rivers harbors, and canals of the United States by the Government since the adoption of the Constitution, was announced as next in order.

Mr. SMOOT. I will ask the Senator from Oregon [Mr. CHAMBERLAIN] if that information is now necessary? I thought the Senator was in the Chamber. I ask that the resolution may go over. I do not think it is necessary now.

The VICE PRESIDENT. The resolution will go over.

DOMMICK TABENY AND JOHN W. MORTIMER.

The bill (S. 1058) for the relief of Dommick Tabeny and John W. Mortimer was announced as next in order, and was read.

Mr. WALSH. Unless some one will explain the nature of the bill I am going to object to its consideration.

Mr. CLAPP. If the report shows the bill should pass that should be sufficient. The Senator objects, I assume, because the Senator in charge is not present.

Mr. SHAFROTH. I ask for the reading of the report.

Mr. SMOOT. I will say to the Senator from Montana that there can be no question whatever about any claim bill that has been reported by the Senator from Kansas [Mr. BRISTOW]. I think it is a just claim or he never would have reported it to the Senate.

Mr. WALSH. I object to the consideration of the bill.

The VICE PRESIDENT. The bill will go over.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 6 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, July 1, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 30, 1914.

MEMBER OF THE EXCISE BOARD.

Cotter T. Bride to be a member of the Excise Board for the District of Columbia.

UNITED STATES ATTORNEY.

Fred H. Brown to be United States Attorney for the district of New Hampshire.

Mr. SMOOT. If the Senator prefers a request for unanimous consent the roll will have to be called; we will not be able to secure the presence of a quorum, and will have to adjourn.

Mr. SHAFROTH. Very well; I will not make the request.

The VICE PRESIDENT. The joint resolution will be passed over.

The resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes, was announced as next in order.

Mr. BRANDEGEE. Mr. President, I think that resolution may as well go over under Rule IX. It has come up and been objected to over and over again.

The VICE PRESIDENT. Is there objection to the resolution going to the calendar under Rule IX? The Chair hears none, and it is so ordered.

The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade, was announced as next in order.

Mr. WALSH. Mr. President, I have some amendments to propose to that bill, but I do not have them at hand, and therefore I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes, was announced as next in order.

Mr. THOMAS. I am very anxious to get final action on that measure, but I agreed with the junior Senator from Oregon [Mr. LANE] that I would not call it up in his absence, and therefore I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was announced as next in order.

Mr. SMOOT. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2902) to reduce fees in the United States district courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws, was announced as next in order.

Mr. WARREN. I ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part from materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 9318) to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 7907) to amend the act approved June 25, 1910, authorizing a Postal Savings System, was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

PANAMA CANAL TOLLS.

The resolution (S. Res. 289) requesting the President to inform the Senate what "other matters of even greater delicacy and nearer consequence" are referred to in his message of March 5, 1914, was announced as next in order.

Mr. BRANDEGEE. I suggest that Senate resolution 289 might as well go over under Rule IX. It relates to a matter which has been considered and disposed of by the Senate. I think it ought not to be on the calendar at all.

Mr. KERN. Mr. President, I hardly think measures ought to be sent to the calendar under Rule IX in the absence of the Senators who are interested in them.

Mr. BRANDEGEE. As the Senator will observe, this resolution concerns a matter in connection with the repeal of the exemption clause of the Panama Canal act, which has been disposed of. It is a resolution of inquiry and can not serve any useful purpose on the calendar. It might as well be stricken from the calendar, but I do not care to make that motion.

Mr. KERN. I beg the Senator's pardon. I thought he was referring to the bill following that.

Mr. BRANDEGEE. No; I refer to Order of Business No. 270, Senate resolution 289.

The VICE PRESIDENT. Does the Senator move that the bill be indefinitely postponed?

Mr. BRANDEGEE. I do not want to make that motion in the absence of the Senator who introduced the resolution. I think the object will be accomplished if it is placed on the calendar under Rule IX.

The VICE PRESIDENT. In the absence of objection, the resolution will go to the calendar under Rule IX.

PUBLIC HEALTH SERVICE.

The bill (S. 2616) to promote the efficiency of the Public Health Service was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SWANSON. I hope the Senator will not object to the consideration of that bill.

Mr. SMOOT. I have a number of amendments which I intend to propose to the bill which I have brought to the attention of the head of the service. I do not have the amendments at hand. If I had them here, I would be glad to have the bill considered and I would offer the amendments to-day.

Mr. SWANSON. This bill has gone over a number of times, and I hope it will soon be considered.

Mr. SIMMONS. I want to inquire of the Senator from Utah whether we are going to consider any bills on the calendar or whether the calendar is being called merely for amusement?

Mr. SMOOT. The Senator knows, if he has been here, that up to this time the bills which have gone over have done so on the objection of Senators; but it will not be long now until we reach bills which have not been considered or objected to heretofore.

Mr. SIMMONS. Will the Senator, then, advise me where those bills are upon the calendar?

Mr. SMOOT. I think they will commence with the next bill following this.

Mr. SWANSON. I hope the Senator will not object to the bill to promote the efficiency of the Public Health Service.

Mr. SMOOT. As I have said to the Senator, I do not object because I desire that the bill be not acted upon, but because I have not at hand the amendments which I desire to offer.

SADDLE MOUNTAIN NATIONAL PARK.

The bill (S. 531) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, was announced as next in order.

Mr. KERN. I ask that the bill go over.

The VICE PRESIDENT. The bill will be passed over.

PATENTS TO TOWN LOTS PURCHASED AT PUBLIC SALE.

The bill (H. R. 4933) providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases was considered as in Committee of the Whole. It provides that in all cases where town lots were sold by the United States at public sale, and the purchaser at such sale had transferred his interest in any such lot prior to the 11th of October, 1911, and patent has not been issued in the name of the original purchaser, the Commissioner of the General Land Office may issue a patent in the name of the transferee where full payment of the purchase price has been made and satisfactory evidence of the transfer has been furnished if it be shown that the original purchaser is dead, or that after due inquiry his whereabouts can not be ascertained, and that the instrument of transfer given by the original purchaser has been lost or destroyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINERAL LANDS IN INDIAN RESERVATIONS.

Mr. STERLING. Mr. President, I should like to call attention to Calendar No. 90, being the bill (S. 2681) providing for the purchase and disposition of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry. I understand the bill was reached during my absence from the Chamber. I have just come in. I should like to have that bill considered by the Senate.

I will say, Mr. President, that the bill has already been considered as in Committee of the Whole. The amendment offered by the Senator from Washington [Mr. POINDEXTER], to which there was some objection, has been withdrawn, and the bill as amended as in Committee of the Whole is ready, as I understand, to be reported to the Senate.

Mr. SMOOT. If the amendment that was offered by the Senator from Washington has been withdrawn, then I have no objection to the present consideration of the bill.

Mr. THOMAS. I withdraw my objection to the bill. I asked to have it go over simply because the Senator from South Dakota was not in the Chamber at the time it was called.

Mr. SHAFROTH. I should like to ask the Senator from South Dakota whether the entire amendment offered by the Senator from Washington was withdrawn or whether only the proviso contained in his amendment was withdrawn?

Mr. STERLING. I will say to the Senator from Colorado that the RECORD will show that the entire amendment to section 2 of the bill was withdrawn.

Mr. SHAFROTH. I have no objection to it. Can the Secretary inform me what is the status of the bill?

The VICE PRESIDENT. The question is on agreeing to the amendment as amended. The Senator from Colorado would like to know the status of the bill.

The SECRETARY. The committee struck out all after the enacting clause and inserted certain words printed in italics. There are three prints.

Mr. SHAFROTH. My recollection is that a provision contained in section 2 was withdrawn. I do not know whether or not it was all withdrawn, but my recollection is that the provision in section 2, reading as follows, was withdrawn:

Provided, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit said reservation was made.

If that is withdrawn, I have no objection to the bill.

The VICE PRESIDENT. It is withdrawn.

Mr. STERLING. My understanding is that the entire amendment is withdrawn.

Mr. SHAFROTH. Was the whole section withdrawn, or only that paragraph or proviso?

The VICE PRESIDENT. Section 2 is withdrawn. The bill is composed of only one section.

Mr. PAGE. Mr. President, I should like to ask the Senator whether this bill comes with a unanimous report from the committee?

Mr. STERLING. I think it did come with a unanimous report from the committee.

Mr. PAGE. And these amendments were all considered?

Mr. STERLING. These amendments were carefully considered. The original bill was amended in committee, and then later in Committee of the Whole at the suggestion of the committee. The Senator will see that it refers to the disposition of lands containing the minerals kaolinite, fuller's earth, and so forth, on Indian reservation lands, no provision having been made in any previous law for the disposition of this class of minerals. I will say that it is of considerable importance to my State, because they think they have the mineral fuller's earth there.

Mr. PAGE. I should like to inquire whether the rights of the Indians in this matter can be in any way adversely affected?

Mr. STERLING. I think not. Provision is made in the bill for the deposit in the Treasury of the funds realized from the lands for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited.

Mr. PAGE. May I inquire whether the Senator thinks this bill is one which was properly referred to the Committee on Public Lands, rather than to the Committee on Indian Affairs?

Mr. STERLING. I think it was properly referred to the Committee on Public Lands.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, to strike out all after the enacting clause and insert:

That all lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within such parts of Indian reservations as have heretofore been opened to settlement and entry under acts of Congress which did not authorize the disposal of such mineral lands, shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States, and the proceeds arising therefrom shall be deposited in the Treasury for the same purpose for which the proceeds arising from the disposal of other lands within the reservation in which such mineral-bearing lands are located were deposited: *Provided*, That the same person, association, or corporation shall not locate or enter more than one claim, not exceeding 160 acres in area, hereunder: *Provided further*, That none of the lands or mineral deposits, the disposal of which is herein provided for, shall be disposed of at less price than that fixed by the applicable mining or coal-land laws, and in no instance at less than their appraised value for agricultural purposes.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for the purchase and disposal of certain lands containing the minerals kaolin, kaolinite, fuller's earth, china clay, and ball clay, within portions of Indian reservations heretofore opened to settlement and entry."

CAMPAIGN CONTRIBUTIONS.

Mr. SMOOT. I asked that Order of Business No. 86, Senate bill 2242, should be transferred to Rule IX.

The VICE PRESIDENT. That has already been done.

Mr. SMOOT. Yes; but I ask that that action may be reconsidered and that it may take its place under Rule VIII, at the request of several Senators.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

LOUISVILLE & NASHVILLE RAILROAD CO.

Mr. LEA of Tennessee. I make the same request with regard to Order of Business No. 208, Senate resolution 254, which was passed over and transferred to Rule IX in my absence.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

CAPT. HAROLD L. JACKSON.

The bill (S. 3768) to restore Capt. Harold L. Jackson, retired, to the active list of the Army, was considered as in Committee of the Whole. It authorizes the President to restore Capt. Harold L. Jackson, retired, to the active list of the Army of the United States with the same rank and relative position he would hold if he had not been retired: *Provided*, That such restoration shall be in temporary excess of the number authorized only until such time as a vacancy shall occur in the grade of major of Infantry: *Provided further*, That prior to his restoration to the active list this officer shall have passed an examination for promotion to the grade of major of Infantry, as prescribed by regulations of the War Department under the terms of the act of Congress approved October 1, 1890.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF THE RULES.

Mr. WILLIAMS. Mr. President, I was necessarily at the meeting of the Foreign Relations Committee, and I do not understand what became of Order of Business No. 109, Senate resolution 84.

The VICE PRESIDENT. It went over on objection.

Mr. WILLIAMS. The unanimous-consent agreement under which we are now working is that one objection shall carry a measure over?

The VICE PRESIDENT. One objection carries it over.

Mr. WILLIAMS. I am very sorry anybody objected to that resolution, but of course under the agreement the objection carries it over.

S. W. LANGHORNE AND H. S. HOWELL.

The bill (S. 2334) for the relief of S. W. Langhorne and the legal representatives of H. S. Howell was announced as next in order.

Mr. SMOOT. Let that bill go over.

Mr. WALSH. Mr. President, I wish to say a word with respect to the bill before the Senator insists upon his objection.

The matter was up before the Senate some time ago upon a call of the calendar, and in the course of the consideration an inquiry was made by the Senator from Kansas [Mr. BRISTOW] as to whether it was one of the cases that arose when it was the practice of the Government to require the land officers themselves to provide quarters. The Senator said at the time that he had no objection to it unless it fell within that class, and if it did he wanted to object. I have the report before me now, and I trust the Senator will——

Mr. SMOOT. I will ask the Senator what time this was?

Mr. WALSH. It was from November, 1885, to July, 1890.

HOUR OF MEETING TO-MORROW.

Mr. KERN. I move that when the Senate adjourns to-day it be until to-morrow at 11 o'clock a. m.

Mr. SMOOT. For that particular day?

Mr. KERN. Yes; for that particular day.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

The motion was agreed to.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that we proceed to the consideration of the calendar under Rule VIII and consider only bills to which there is no objection.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The Secretary will announce the first bill on the calendar.

The SECRETARY. A bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. It will go over.

LANDS OF FORT ASSINNIBOINE MILITARY RESERVATION.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

Mr. WALSH. I should like to inquire who made the objection.

The VICE PRESIDENT. The Senator from Utah [Mr. SMOOT].

Mr. SMOOT. I will say to the Senator that I have no particular objection to the bill, but I understand that the two Senators from Montana have not yet agreed upon it.

Mr. WALSH. Oh, yes. There never has been any disagreement about it at all. It was reported very early in the session, and we have been very faithfully waiting an opportunity at all times to get consideration for it. I know of no objection to the bill from any quarter.

Mr. SMOOT. Then I have been misinformed. I misunderstood the situation or I never would have made an objection before.

Mr. WALSH. I will say to the Senator from Utah that the commissioner asked that action be deferred until he could give some attention to a substitute proposed, but no proceedings have been taken. I should like very much to have the bill considered.

Mr. SMOOT. I withdraw the objection, Mr. President.

The Senate, as in Committee of the Whole, resumed the consideration of the bill which had been reported from the Committee on Public Lands with amendments.

The VICE PRESIDENT. The bill has been read, and the amendments of the committee will be stated.

Mr. SHAFROTH. Is this the joint resolution authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co.?

The VICE PRESIDENT. No; it is Senate bill 655, authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assinniboine Military Reservation and open the same to settlement.

Mr. NELSON. I should like to hear the bill read.

The VICE PRESIDENT. It will be read.

The Secretary read the bill.

The first amendment of the Committee on Public Lands was, in section 2, page 2, line 1, before the word "classes," to strike out "two" and to insert "four"; in line 2, after the word "lands," to insert "third, coal lands; and, fourth, mineral lands"; in line 4, before the word "thousand," to strike out "seventy-five" and insert "fifty"; and in line 7, before the word "thousand," to strike out "seventy-five" and insert "fifty," so as to make the section read:

SEC. 2. That before said lands are opened to entry the Secretary of the Interior shall have said lands classified by an inspector or special agent of the Department of the Interior into four classes—first, agricultural lands; second, timber lands; third, coal lands; and fourth, mineral lands—and in making such classification all lands susceptible of cultivation that do not contain in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as agricultural lands, and all lands containing in excess of 50,000 feet of merchantable timber to the 40-acre tract shall be classified as timber lands.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 12, after the word "State," to insert "but not to entry or location under sections 2306 and 2307 of the Revised Statutes," so as to read:

SEC. 3. That when so classified all of said lands classed as agricultural land shall be opened to settlement and entry under the homestead laws of the United States, but not to entry or location under sections 2306 and 2307 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in section 3, page 2, after the word "aforesaid," in line 18, to insert the following proviso:

And provided further, That any rights which may have attached to any of said lands under any of the public land laws of the United States prior to the passage of this act may be perfected and the land so affected may be patented upon proof of compliance with the laws under which such rights so attached: *Provided further*, That lands classified as timber lands shall be disposed of under rules and regulations to be provided by the Secretary of the Interior with the authority to dispose of the timber and land separately when deemed advisable: *Provided further*, That the lands classified as coal lands shall be subject to disposition under the homestead laws as herein provided for lands classified as agricultural, but those making entry of such lands must agree to a reservation to the United States of the coal deposits therein and of the right in the United States, or those claiming through the United States, to prospect for, mine, and remove the same, and such coal deposits shall be disposed of as provided by section 3 of the act of June 22, 1910 (36 Stat., p. 583), but no purchase of the coal deposits shall confer any right to the surface of the lands excepting such as is necessary to the mining and removal of the coal deposits: *Provided further*, That lands classified as mineral shall be disposed of under the mining laws.

The amendment was agreed to.

The next amendment was, in section 4, page 4, line 11, after the word "law," to strike out "at the fixed price thereof," and to insert "at the price fixed therefor by the former entry; but in all cases the full amount of purchase money must be paid on or before the offer of final proof"; and in line 21, after the word "commutation," to insert "but in instances where commutation is permissible hereunder, the entryman shall pay, in addition to the price fixed for entry, the sum of $1.25 per acre, as consideration for the privilege," so as to make the section read:

SEC. 4. That entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of $1.25 per acre for said land, such payments to be made as follows: Twenty-five cents per acre at the time of making entry and 25 cents per acre each and every year thereafter until the full sum of $1.25 per acre shall have been paid: *Provided*, That for a period of six months subsequent to the date on which the lands are opened to settlement entrymen upon said lands shall, in addition to the regular land office fees, pay the sum of $2.50 per acre for said land, such payments to be made as follows: Fifty cents per acre at the time of making entry and 50 cents per acre each and every year thereafter until the full sum of $2.50 per acre shall have been paid. In case any entryman fails to make annual payments, or any of them when due, all right in and to the lands covered by his entry shall cease; and any payments theretofore made shall be forfeited and the entry canceled, and the land shall be again subject to entry under the provisions of the homestead law at the price fixed therefor by the former entry; but in all cases the full amount of purchase money must be paid on or before the offer of final proof: *Provided, however*, That the commutation provision of the general homestead law shall be applicable to all persons making homestead entry on said land under the provisions of this act, save and excepting entries made hereunder in accordance with the provisions of the enlarged homestead act, approved February 19, 1909, which shall not be subject to commutation, but in instances where commutation is permissible hereunder, the entryman shall pay, in addition to the price fixed for entry, the sum of $1.25 per acre, as consideration for the privilege.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 14, after the word "fort," to insert "except the guardhouse at said post"; and in line 20, after the name "Assinniboine," to insert "except the guardhouse at said post," so as to read:

SEC. 6. That the Thirteenth Legislative Assembly of the State of Montana having enacted a law for the purpose of establishing an agricultural, manual training, or other educational or public institution upon the present site of Fort Assinniboine, Mont., duly approved by the governor of Montana, and to be in full force and effect after the 4th day of July, 1913, and upon the transfer to the State of Montana by the President of the United States of 2,000 acres of land, situate in said abandoned Fort Assinniboine Reservation and embracing the military buildings of said abandoned fort, except the guardhouse at said post; the President of the United States is hereby authorized and directed to transfer, grant, and set over to the State of Montana all right, title, and interest of, in, and to the said 2,000 acres of land hereby reserved, embracing the buildings at Fort Assinniboine, except the guardhouse at said post, upon payment therefor by the State of Montana to the United States of the sum of $2.50 per acre.

The amendment was agreed to.

The next amendment was, in section 6, page 5, line 22, after the word "acre," to insert the following proviso:

Provided, That the State of Montana shall be required to make its selection of 2,000 acres within one year from the date of the passage of this act.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 3, after the word "Reservation," to strike out "shall not be subject to entry, but" and to insert "except those portions thereof classified as coal or mineral lands," so as to read:

SEC. 7. That sections 16 and 36 of the land in each township within said abandoned Fort Assinniboine Military Reservation, except those portions thereof classified as coal or mineral lands, shall be reserved for the use of the common schools of the State of Montana, and are hereby granted to the State of Montana.

The amendment was agreed to.

The next amendment was, in section 7, page 6, after the name "Montana," in line 6, to insert the following:

Provided, That the State may, if it so elects within one year from the date of the passage of this act, accept, subject to the reservation

in the United States of the coal deposits therein, the portion of said sections 16 and 36 classified as coal lands, in full satisfaction of the grant herein made for common schools: *Provided*, That for all lands lost to the State because classified as coal or mineral indemnity may be taken, as provided for in sections 2275 and 2276 of the Revised Statutes.

The amendment was agreed to.

The next amendment was, in section 7, page 6, after the word "east," in line 22, to insert the following proviso:

Provided further, That in case of failure of Mary A. Herron, or her heirs, to make entry within six months from the date of the passage of this act, the lands will become subject to settlement and entry in accordance with the provisions of section 4 of this act, the price to be fixed by the period of entry reckoned from the date of the expiration of the reservation in favor of Mary A. Herron and her heirs.

The amendment was agreed to.

Mr. SHAFROTH. I should like to ask the Senator from Montana whether there has been any Senator especially objecting to the consideration of this bill heretofore?

Mr. WALSH. I have never heard of anyone doing so.

Mr. SHAFROTH. It was early on the calendar, and some Senator has evidently been asking that it go over. I did not know whether or not it was a general objection made by some Senator. I myself have no objection to the bill; I merely wish to know whether any other Senator has any special objection to it. I do not know whether or not it ought to pass.

Mr. WALSH. I do not know of anyone who objects to the bill.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUSINESS PASSED OVER.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Mr. President, I ask that that bill be transferred to the Calendar under Rule IX.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. SHAFROTH. What is the object of that?

Mr. SMOOT. It is a bill which will take considerable time to discuss, and it can be brought up under Rule IX when there is time for the Senate to discuss it.

Mr. SHAFROTH. Very well.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry, was announced as next in order.

Mr. SMOOT. Let that go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

Mr. CLAPP. Mr. President, it seems to me that all of the bills that take half the time when the call of the calendar is in progress under Rule VIII should go over under Rule IX.

Mr. WARREN. There is no doubt about it.

Mr. CLAPP. Then, it would save this endless repetition. Wherever we take up the calendar half the time is spent in calling bills which have uniformally been objected to when they have been called. If they should go to Rule IX that would end their coming up except when they might be brought up on motion.

Mr. THOMAS. I suggest that this particular bill go over because of the absence of the Senator from South Dakota [Mr. STERLING].

Mr. SMOOT. I do not believe there will be an objection as to this bill when the Senator from South Dakota is here, provided certain amendments are made; but the Senator from Minnesota [Mr. CLAPP] is perfectly correct in the statement which he has just made.

Mr. SHAFROTH. I should like to ask the Senator from Utah if a bill is transferred to Rule IX, whether it takes the same relative position on the calendar under Rule IX that it had under Rule VIII?

Mr. CLAPP. No; it would go on the list under Rule IX as of the date when it was so transferred; but inasmuch as these bills after they go to Rule IX can only be brought up on motion, it really does not make much difference in what order they stand on the calendar under Rule IX.

Mr. SHAFROTH. After 1 o'clock has come, as to the bills on the calendar under Rule VIII, they can be taken upon on motion, and there is a right we might lose by placing bills on the calendar under Rule IX.

Mr. CLAPP. I do not think such a transfer changes that right at all. The only difference would be, of course, that if the bill goes under Rule IX, it takes an affirmative vote to again bring it up. I do think as to bills—I am not now referring to the bill in which the Senator from South Dakota is interested—that are put on this calendar, and which, day after day, we pass over when objection is made, it would be better to clear the calendar under Rule VIII of such bills instead of calling them every time we take up the calendar under this rule.

Mr. SMOOT. Let the bill go over, Mr. President.

The VICE PRESIDENT. The bill goes over.

The resolution (S. Res. 156) limiting expenditures for telegrams sent or received by Senators was announced as next in order.

Mr. WARREN. I ask that that may go to the calendar under Rule IX. We can get at it there any time.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes to the calendar under Rule IX.

The resolution (S. Res. 84) providing that any Senator, upon his own request, may be recorded and counted as present in order to constitute a quorum was announced as next in order.

Mr. SMOOT. Let that go over under Rule IX, Mr. President.

Mr. SHAFROTH. I object to its going over under Rule IX.

Mr. SMOOT. Then, I object to its present consideration, Mr. President.

The VICE PRESIDENT. The resolution, being objected to, goes over.

The resolution (S. Res. 218) proposing an amendment to the standing rules of the Senate was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The resolution will be passed over.

The joint resolution (S. J. Res. 20) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. KERN. Let that go over.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. SMOOT. Mr. President, the senior Senator from Idaho [Mr. BORAH] is absent, and on that account I ask that the bill go over. I have myself no objection to the bill, I will say.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. SMOOT. Let that be passed over.

Mr. POMERENE. I hope the Senator will not insist upon his objection.

Mr. SMOOT. I insist upon it.

The VICE PRESIDENT. The joint resolution will be passed over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 3971) to provide for a permanent exhibit of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. KERN. Let that go over.

The VICE PRESIDENT. The bill will be passed over.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. SMOOT. I ask that that go over.

Mr. SHAFROTH. Mr. President, I have had a notice on the calendar as to that joint resolution since the 2d of last March, and I want to get a hearing for it.

Mr. SMOOT. I know there are Senators who are not here to-day who desire to speak upon it, and I do not think we need to spend any time discussing it now, because I shall object to its consideration to-day.

Mr. SHAFROTH. Well, I ask unanimous consent that, after the consideration of the river and harbor bill and after the consideration of the trade commission bill——

that is necessary the processes of these great industrial organizations and ascertain whether they are complying with the decrees that have been entered against them. It is not fair or even proper work for the Department of Justice, while it is clearly well fitted for the trade commission.

I now come to the only part of this bill which has hitherto received any attention at all. All these parts which plainly make for the public good, which are plainly intended to better the administration of the antitrust law, are forgotten, and our thought is constantly centered upon section 5, which does introduce a new substantive law. So far we have had no new substantive law. So far the bill concerns itself with the enforcement of the law already in existence. We come now to raise a new standard of conduct. We come to announce a new rule to govern the operations of all corporations and all trade associations.

I say in the beginning that I am not entirely satisfied with the phraseology of this section. I should like to see it amended in some of its provisions, but I am heartily in favor of its central idea. I am not disturbed in the least degree by the earnest assertions, here and elsewhere, that it is unconstitutional, that it delegates legislative power, or that it prescribes a rule of conduct so uncertain and so vague that it can not be enforced.

Mark you, my consideration of it will relate entirely to its enforcement in a civil proceeding. Those who have preceded me have seemed to overlook the well-known principle that there may be a rule of conduct entirely adequate in civil proceedings that may fall when it is tested by the more rigid and inexorable law of criminal proceedings. A man's rights with regard to property and the rights of his property may be affected by a rule which would be overthrown if it were attempted to deprive him of his liberty by the application of the rule. I do not say that it would not be sufficient in a criminal sense, but I have no doubt whatsoever of its sufficiency in a civil sense.

I read now the substantive part of this section:

That unfair competition in commerce is hereby declared unlawful.

It is said that "unfair competition" does not prescribe a standard of conduct, a rule of law. That has been assumed by those who have directed their arguments against the section. It has been assumed rather than proven. It has been suggested that we ought to make it more certain by giving it a definition.

I challenge anyone here to give any definition of "unfair competition" that will be as certain, as easily understood, as surely applied, as the words themselves. They are understandable. The business community knows what "unfair competition" is. I will not assert that there may not be and will not be difference of opinion with regard to whether or not a particular act is an act of unfair competition; but that difference of opinion exists with respect to every assertion of constituted authority. If it were not so, our courts would have little to do.

Let us see. Before resorting to certain authorities that I intend to present to the Senate I desire to recall to your minds certain analogous words and phrases that have found their way into the statutes both of the United States and of the several States.

For instance, in Connecticut there is a statute which prescribes as a standard of conduct or a rule of law "unfair use." That has been under inquiry by the courts, and has been construed by the courts of Connecticut. The phrase has been held sufficient to satisfy the demands of the law. It was so held in Mason v. Hoyle (56 Conn.).

In the California code there will be found the phrase "unfair proceeding," and that also has been applied and has been found to be sufficient. It related, as I remember it, to certain methods in judicial procedure. If "unfair proceeding" can be well enough understood to guide the conduct of men, it seems to me it ought to be conceded that the same thing is true as to "unfair competition," with its wider application. That is to say, its application is wider in the sense that it has been known for years and years, and has gradually taken on in the minds of the business world a certain sense which is easily recognized, but which it would be as impossible to define as it would be to recite all the acts which would constitute unfair competition.

Mr. WALSH. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. WALSH. Will the Senator from Iowa kindly tell us the nature of the statute in which the expression was used and the character of the case in which the question was presented and the significance given to the expression?

Mr. CUMMINS. I had but little time, and I did not note on my memorandum the character of the proceedings; but I will give the Senator a reference to it, so that it can be easily examined. The case to which I refer is In re Loomis Estate (71 Pac. Rep., p. 171).

In the statutes of Minnesota—I had rather hoped the senior Senator from Minnesota [Mr. NELSON] would be here——

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. I do.

Mr. SMITH of Georgia. Will the Senator give me the page of the case in Fifty-sixth Connecticut to which he referred?

Mr. CUMMINS. Page 255.

Mr. SMITH of Georgia. I thank the Senator.

Mr. CUMMINS. Under the statute of Minnesota there is used, with reference to the standard of responsibility, liability, and fidelity the word "unfaithfulness." I think it relates to the conditions under which officers or directors of banks or, possibly, other corporations, will become liable to one who may be injured. That word, used in the statute, was considered in the case of Bank v. Harper (61 Minn., 375), and in Rice v. Warehouse Co. (92 Northwestern Reporter, p. 225). Now, if you can set up a standard of law by the use of the word "unfaithfulness," what will those who doubt the sufficiency of "unfair competition" allege against the former phrase? Is not "unfaithfulness" quite as vague, quite as uncertain, as "unfair competition?"

Mr. DILLINGHAM. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. I yield to the Senator.

Mr. DILLINGHAM. Does the Senator know whether the duties of bank directors in that State were defined by law, and whether they had taken an oath to perform those duties faithfully?

Mr. CUMMINS. I suppose their duties are designated just as clerks' duties are. A corporation has certain powers. The cashier of a bank has the exercise of certain of those powers, the president certain of those powers, and the members of the board of directors certain of them. This word was used with regard to prescribing the rule by which it should be determined whether an officer or a director of the bank was liable for not responding in full measure to his duty, not performing his duty in the way in which it should have been performed; but of course there was no recitation of the different acts which constituted the duty either of the director or of the officer.

The Congress of the United States in 1857, in an act of Congress with regard to overflowed and swamp lands, used the words "unfit for cultivation." What is the difference between that standard and the standard prescribed by the words "unfair competition"? Wherein is "unfit for cultivation" more certain, direct, sure, than the words "unfair competition"? It required a great deal of construction to reach finally a conclusion with respect to the meaning of the words "unfit for cultivation"; and yet no better words than those could have been devised to accomplish the purpose which Congress had in mind.

I have omitted to say that it will be conceded, I assume, that any rule of conduct in civil matters sufficient for a court to apply is sufficient for a commission to apply. There is no difference, in other words, between the quality of the standard or the rule which we create for a court and that which we create for a commission. In either case the legislative will must be expressed. We can not delegate our legislative powers to either a commission or a court.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I yield to the Senator.

Mr. THOMAS. Does not the Senator think that words which are designed to prescribe a standard of conduct should be more precise than words which describe a condition of property?

Mr. CUMMINS. No, Mr. President; I do not see any difference between the two things. In either case, either a court or a tribunal appointed for the purpose must take the standard, and, by it, judge of the lawfulness of some act. If the standard or test is so vague and uncertain that it can not be applied, then the law is void; but if either court or commission can take the standard—that is, can take the legislative will—and apply it with reasonable certainty to the affairs of mankind, the demand of the law is met.

There have been two cases decided under the phrase "unfit for cultivation." I do not mean to say that in any of these cases the question of whether they did prescribe a sufficient rule was raised. I only mean to say that the courts have taken these phrases and have used them as rules of conduct and have decided cases upon them.

I now refer to a phrase that is very familiar to all lawyers—"undue influence."

What is "undue influence"? I suppose that if we had proposed to put that phrase in this law it would have been instantly assailed as insufficient; but "undue influence" is the phraseology of many laws in many States. I am not now speaking merely of the words of courts as they have decided cases. I am speaking of the use of the words in a substantive way—in statutes—for the purpose of guiding courts and officers of the law.

The words "undue influence" are a sufficient rule of law, and as such have been applied in hundreds of cases. I have many of them cited on my memorandum; and I think there never has been a claim by even the most technical lawyer that they do not furnish a rule of law sufficient to guide and direct men in their affairs.

Why, take the antitrust statute as it is now. What is the rule of the antitrust statute now as declared by the Supreme Court in the Standard Oil Co. case and in the American Tobacco Co. case, the two cases in which the minority opinion of one decade became at last the majority opinion in another? I am not quarreling with the construction which the Supreme Court gave to the antitrust statute; but as it is now it declares that every contract, combination, and so forth, which unduly restrains trade or commerce shall be unlawful. That is the law of this country at the present time. So we have now a statute which under the interpretation of the highest court in the land reads, "That undue restraint of trade or commerce is unlawful."

Can anyone explain the difference between "undue" and "unfair," so far as this particular objection is concerned? What is "undue restraint of trade"? It is that restraint of trade which, according to the best judgment of the civilization of which it is a part, obstructs unnecessarily and unreasonably the channels of business. What is "unfair competition"? Unfair competition is made up of those methods which have not for their object the profit of the person who practices them so much as the destruction of the competitor against whom the methods are used.

But I proceed. "Undue concealment" is another phrase of the law found in more than one statute.

"Unconscionable" is also a favored declaration of the law, not as a description of a particular act done, but as a guide to future acts to be performed. If there is any more latitude in "unfair" than there is in "unconscionable," my mind is utterly unable to grasp it.

"Undue prejudice" is used in the statutes of more than one State, notably in the statute of Mississippi.

"Unequal," in the constitution of Oklahoma, was construed as synonymous with "unfair."

"Unjustly" is a word that is often used in defining or declaring a rule of conduct, and it has been applied a great many times. Among others I find the case of McGear v. Young, 44 Southwestern Reporter, 194. If "unjustly" is certain, is "unfair" less certain?

"Unjustly" and "surreptitiously" both occur in the Revised Statutes of the United States, in section 4820; and they were construed in Yates v. Houston, 8 Appeal Cases, 93.

"Unreasonably" is a word that is often used in the statutes; and I am not now speaking of rates charged by common carriers.

Mr. President, "unreasonable delay" is a common expression of the law. I mean now in the substantive law in which standards of conduct are fixed. Those words will be found in the statute of Illinois, and in the statutes of Colorado, and one or two other States.

"Unreasonable distress," used with reference to the levying of a landlord's warrant has been held a rule of law sufficient to sustain the statute.

"Unreasonable time" has also been sustained. That term occurs in the statutes of Ohio, Virginia, and North Dakota. "Unsafe" is another rule of conduct that has been sustained. It is found at least in the statutes of Wisconsin.

"Unsound mind" is another rule of law. Mark you, I am not recalling these phrases as used by the court to describe a particular act which has come before the court for adjudication. I am recalling them only from statutes in which they have been used for prescribing a standard or a rule of conduct for future guidance. "Unsound mind" is the most illusive, the most uncertain, the most difficult standard to apply of all these phrases which I have discovered. When I remember the difference of opinion which exists among men who are competent to judge with regard to the soundness of mind of a particular person in doing a particular thing, I am glad to be fortified by discovering that there is in the statutes of this country a rule so vague as that. But it is there, and it is a part of the law of the land, and we ought not to shrink therefore, so far as the legal proposition is concerned, when we come to consider the sufficiency of the words "unfair competition."

"Unusual covering." We need that ourselves in the tariff law of 1890, and we have used it since. I have not examined the tariff law of last year to see whether my Democratic friends have incorporated it there, but if they have not it is a departure from the old practice. "Unusual covering," to prescribe a rule for the customhouse officers with respect to the wrapping or boxing or covering of anything imported into the United States. There has been no difficulty about administering that law. No one has ever complained that the word "unusual" made it hard to discover whether a particular commodity or importation was in the form in which it ought to be received at a certain rate.

"Unusual means." That phrase occurs in the Wisconsin statute; "unusual number" in Massachusetts. "Unusual punishment" is very common in constitutions as well as in law. "Wholesome milk." What is wholesome milk? Yet that phrase has been held sufficient to sustain a law.

"Unworthy." The word "unworthy" in the civil law, and now in the law of Louisiana, is sufficient to constitute a guide and standard of conduct and to sustain a law. I must add that the word "unworthy" in and of itself might not be sufficient, but when it is coupled up with the subject to which it is applied it then becomes sufficiently definite; and it is used, as suggested in the civil law, in connection with succession—unworthy of succeeding to the estate of the ancestor. You will find it now in the civil code of Louisiana.

"Urgent necessity" is a phrase found in the law of some of the States, and notably in Rhode Island.

These are, I think, very helpful and instructive comparisons. They are very helpful to one who really wants to strengthen the law. Of course, if we do not want to strengthen the law, it is not difficult to find technical objections to any phraseology.

Mr. KERN. Would the Senator from Iowa like to yield now for an executive session?

Mr. CUMMINS. Yes; I would be very glad to yield for that purpose.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16528) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes; recedes from its disagreement to the amendment of the Senate numbered 28 and agrees to the same with an amendment in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 31, 228, and 227; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. PAGE of North Carolina, Mr. SIMSON, and Mr. DAVIS, managers at the further conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have been unable to agree.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. M. WARREN,
Managers on the part of the Senate.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments numbered 1 and 30. They are the only amendments still in dispute.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Ohio [Mr. POMERENE] and vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Mississippi [Mr. VARDAMAN]. This announcement may stand for the day. I wish also to announce the unavoidable absence of the junior Senator from Georgia [Mr. WEST] on account of illness.

Mr. POMERENE entered the Chamber and voted "nay."

The result was announced—yeas 18, nays 34, as follows:

YEAS—18.

Brady	Clapp	Jones	Page
Brandegee	Crawford	Kenyon	Poindexter
Bristow	Cummins	McCumber	Smoot
Burton	Dillingham	Nelson	
Catron	Gallinger	Norris	

NAYS—34.

Ashurst	Martin, Va.	Sheppard	Thomas
Bankhead	Martine, N. J.	Shields	Thompson
Bryan	Newlands	Shively	Thornton
Camden	O'Gorman	Simmons	Tillman
Chamberlain	Overman	Smith, Ariz.	Walsh
Kern	Pomerene	Smith, Ga.	Warren
Lane	Ransdell	Smith, Md.	Williams
Lea, Tenn.	Robinson	Stone	
Lewis	Shafroth	Swanson	

NOT VOTING—44.

Borah	Gore	McLean	Smith, Mich.
Burleigh	Gronna	Myers	Smith, S. C.
Chilton	Hitchcock	Oliver	Stephenson
Clark, Wyo.	Hollis	Owen	Sterling
Clarke, Ark.	Hughes	Penrose	Sutherland
Colt	James	Perkins	Townsend
Culberson	Johnson	Pittman	Vardaman
du Pont	La Follette	Reed	Weeks
Fall	Lee, Md.	Root	West
Fletcher	Lippitt	Saulsbury	White
Goff	Lodge	Sherman	Works

So the Senate refused to adjourn.

The VICE PRESIDENT. The roll call discloses that a quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, in justice to those Senators who have just entered the Chamber, I ought to recapitulate my argument of the last hour; but assuming that they were detained from the Chamber by imperative duties elsewhere, I shall for this occasion forbear. If in the future I find it necessary to inform them with regard to the argument I have already made, I shall then do what I really ought to do at this time.

Mr. THOMAS. Mr. President, I suggest that we have order in the Senate.

The VICE PRESIDENT. The Senate will be in order.

Mr. CUMMINS. It is very difficult, I know, Mr. President, to suppress the noise incident to the departure of Senators, and I have no desire to delay their departure. I pause for a moment simply to enable Senators to go.

Mr. OVERMAN. I want to say that the Committee on Appropriations is in session considering appropriation bills, and I think probably the Committee on Foreign Relations is also in session. We are obliged to leave the Chamber if we are going to have any meeting to consider and get appropriation bills through the Senate.

Mr. CUMMINS. I am not suggesting this in any resentful frame of mind.

Mr. OVERMAN. I should like myself to hear the Senator from Iowa if my duties permitted me to remain in the Chamber to do so.

Mr. CUMMINS. This is a common occurrence. If it had occurred for the first time this afternoon I should be a little discouraged and disheartened.

Mr. OVERMAN. I want to say that there are three appropriation bills in conference. There is a meeting now in progress on the District of Columbia appropriation bill, another on the legislative appropriation bill, and another on the sundry civil bill. Therefore the consideration of these measures requires the presence in committee of nearly the entire membership of the Appropriations Committee.

Mr. CUMMINS. Though I have no power to do so and while I thereby shall lose the presence of the Senator from North Carolina, I give him leave of absence.

Mr. President, I wish we could have a show of hands, for I should like to know how many Senators have read this bill. [A pause.] There are more Senators who have read this bill than I believed, Mr. President. It will enable me to go forward with my discussion with less attention to detail than I otherwise might have felt compelled to give.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, of course I should not make the request, but I suggest to the Senator that, in addition to the request he made, he ask how many of the Senators have read the speech of Mr. Woodrow Wilson denouncing the spirit and influence of this kind of legislation. That, too, would be interesting.

Mr. CUMMINS. Mr. President, I did not refer to that, because I did not desire to give it any prominence whatever. It ought to have no weight with a thinking man. Therefore I have not referred to it. I may say this, however, Mr. President, if the President had during the campaign—and he was then less informed upon this subject than he now is; and a wise man changes his mind when he is convinced of his error—even if the President during the campaign very emphatically repudiated legislation of this sort, and he has since seen the error of his former conclusion, I am glad that he is willing and courageous enough to say so. That is the reason I have not referred to his utterances during the campaign.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. Does the Senator from Iowa positively know that the President has changed his views as they were expressed in the speech to which I have referred?

Mr. CUMMINS. No; I only know that he has changed his expression.

Mr. CLAPP. With reference to this subject?

Mr. CUMMINS. Yes.

Mr. CLAPP. I confess I have not seen it. I have seen some change of expression with reference to other subjects, but not with reference to this one.

Mr. CUMMINS. I suppose the Senator means in the way of public speeches or addresses. Does the Senator from Minnesota doubt that the President of the United States is in favor of legislation of this character?

Mr. CLAPP. Mr. President, I would doubt that the President of the United States was in favor of leaving to some experts in Washington to say to business men what they could do in view of the speech which he made with reference to that matter. I have not seen any statement of the President that would contradict the position which he then took.

Mr. CUMMINS. Does the Senator from Minnesota doubt that the President of the United States favors the bill which passed the House of Representatives?

Mr. CLAPP. The trade commission bill?

Mr. CUMMINS. I refer to the trade commission bill.

Mr. CLAPP. I have no proof that the President favors it; if the Senator has such proof, I should be glad to have him present it.

Mr. CUMMINS. Possibly he is opposed to it. However, I do not care whether he is opposed to it or not. I assume that he has changed his mind with regard to that subject, and I welcome him to the ranks of the progressive thinkers of the country.

Mr. NELSON and Mr. NEWLANDS addressed the Chair.

The VICE PRESIDENT. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. NELSON. I want to call the Senator's attention to the fact that section 5 of the Senate substitute was not in the bill as it passed the House of Representatives. The President may have indorsed the bill passed by the other House, but that does not involve an indorsement of section 5 of the Senate substitute.

Mr. CUMMINS. I will say for his satisfaction or gratification that I know that the President has indorsed section 5. It is not a question of surmise with me; that is, if I may credit a fellow Member of the Senate and a fellow Member of the House, section 5 has had the explicit indorsement of the President of the United States. I now yield to the Senator from Nevada.

Mr. NEWLANDS. I simply wish to say that the Senator from Minnesota [Mr. CLAPP] must have lost recollection of the President's message delivered some months ago, in which he expressly recommended a trade commission bill.

Mr. CLAPP. Mr. President, does the Senator refer to any message delivered in the Senate?

Mr. NEWLANDS. Not in the Senate, but a message delivered in the House of Representatives.

Mr. CLAPP. Ah!

Mr. NEWLANDS. An address to the Congress of the United States, in which——

Mr. CLAPP. Was it read to the Senate?

Mr. NEWLANDS. In which the President discussed the subject.

Mr. CUMMINS. The message has been printed and delivered to every Member of the Senate.

Mr. CLAPP. In which the President favored the present trade commission bill that has been reported by the Senate committee?

Mr. CUMMINS. The message was delivered to Congress some time before the bill passed the House of Representatives.

Mr. NEWLANDS. It was a message of recommendation regarding legislation upon the subject of trusts.

Mr. CLAPP. Oh, upon the subject of trusts!

Mr. NEWLANDS. And included in his recommendation was the suggestion that there should be a trade commission bill.

Mr. CLAPP. That was before the bill passed the House.

Mr. NEWLANDS. Yes.

Mr. CLAPP. The bill that passed the House did not confer any authority on the commission to interfere with practices calculated to destroy competition, and, consequently, I will say to the Senator from Iowa we can not take the House bill as it came over as any evidence of the views of the President upon this question. We are still in the dark on that subject.

Mr. CUMMINS. I do not quite understand the Senator from Minnesota. I assume, though, that he has cited the opinion of the President expressed during the campaign as a reason why this bill should not pass.

Mr. CLAPP. Oh, Mr. President, not by any means.

Mr. CUMMINS. Will the Senator from Minnesota indicate what his purpose was?

Mr. CLAPP. My purpose was to refer to the attitude of the President with reference to this proposition embraced in this bill, not as a reason why it should not pass by any means, because I may say that it is for Congress to settle the question as to what should pass and not for the President, but there is a broad distinction between citing the attitude of the President to show his own position and citing it as an evidence of what Congress has a right to do or should do with reference to legislation. I think the Senator concedes that difference.

Mr. CUMMINS. The difference is very obvious. I am sure that the Senator from Minnesota knows that I believe with him as to the respective duties of the Congress and of the President of the United States, but among the privileges of the President is one of recommending as often as he may see fit legislation to Congress; and the President did recommend, as I said a few moments ago, additional legislation, and his recommendation in that respect was not essentially different from the report of the Interstate Commerce Committee made at a time when my friend from Minnesota was its chairman and as the result of investigations through which he led the committee. I think, with distinguished honor and success. I have only referred to the matter to show that the best thought of this country demanded additional legislation for the regulation of our commerce, and I think that that has been pretty fairly established.

I now resume my observations upon the bill at the point at which they were interrupted a half hour ago. I had said that the bill, in its major part, was a bill to create a commission with powers of investigation for the purpose of ascertaining whether the business of the country was conducted in accordance with the commands of the antitrust law. It is given complete, comprehensive power in that regard, and, so far as the bill is now before the Senate, there are but two other features in it, two things which the trade commission is authorized to do, aside from investigating the affairs of corporations, in order to determine whether they are conducting themselves in restraint of trade or with the object of establishing a monopoly. I now turn to those two features.

I take it that there is no Senator who seriously questions the propriety of giving to this commission the fullest powers of inquiry. Now, the first——

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. Does the Senator object to my reading a few sentences from the President's message covering the question of a trade commission?

Mr. CUMMINS. I have no objection, but allow me to say to the Senator from Nevada that I am convinced that the purpose of the Senator from Minnesota [Mr. CLAPP] in making his suggestion was to show that the President of the United States during the campaign had seemed to have little sympathy with government by commission.

Mr. CLAPP. And, Mr. President, also very little sympathy with the plan that had already been worked out by the Interstate Commerce Committee in a report prepared and signed by and largely the work of the senior Senator from Iowa [Mr. CUMMINS].

Mr. CUMMINS. The truth is that his speeches during the campaign seemed to be, so far as they referred to this subject, a conscious and intentional criticism of the work of the Interstate Commerce Committee.

Mr. NEWLANDS. I understood the President's criticism during the campaign to be with reference to the trade commission as proposed by the Progressive Party, which was a trade commission of a highly paternal character.

Mr. CUMMINS. That may be so.

Mr. NEWLANDS. And that it had no reference whatever to such a proposal as this or the proposal that was made by the Interstate Commerce Commission under the Taft administration.

Mr. CUMMINS. I supposed that his discussion of the matter during the campaign related largely to the investigation which had been conducted by the Interstate Commerce Committee.

Mr. NEWLANDS. I understood it to be a reference to the Progressive program.

Mr. CUMMINS. I do not understand that it referred to the report, because the report was not made until after the campaign.

Mr. SMITH of Georgia. Mr. President, I think I can state, if the Senator will permit me, to what the President directed his criticism. It was the suggestion that there should be a commission which could pass upon the character of the conduct of certain trusts, permitting some of them supposed to be good trusts to continue, and to discriminate between good monopolies and bad monopolies. There may have been some other criticisms, but I know I have seen that criticism from him several times and heard it from him at the time personally.

Mr. CUMMINS. Mr. President, I resume again and mention the two things in this bill which are apart from the inquisitorial power conferred upon the trade commission. The first is this—and I want Senators to give some attention to it, because I regard it as one of the most valuable and helpful additions to our legislation:

(c) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

I believe that, if this commission had been organized five years ago and had been given authority to deal with the subject as is suggested in this paragraph, we would have been spared a part of our humiliating experience in the administration of the antitrust law. In referring to the experience as a humiliating one, I am not disparaging the eminent court which rendered the decree which I have in mind; but I am referring to the obvious, apparent, confessed inadequacy and inability of any court to deal with these questions as they are presented in the way of the reorganization of corporations or the disintegration of corporations or the re-creation of a shattered unit of industry. No court can do that successfully. Its procedure, its processes, its information are not well fitted for that work; and in the Standard Oil Co. case, in the Union Pacific case, and in the American Tobacco Co. case, after the court had found that there had been a violation of the antitrust law and had proposed a reorganization or readjustment, instead of an injunction dissolving and disintegrating the property and requiring its sale, if the court could have referred to a skilled as well as patriotic and trained body of men the form of the decree to be entered in each of these cases, I venture to say that we would have accomplished more than we have accomplished in these prosecutions. Such is one of the valuable suggestions of this measure. It not only is in harmony with the antitrust law, but it is an additional weapon to secure full and complete enforcement of the antitrust law.

I read now another provision:

Whenever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable, and the report shall be made public in the discretion of the commission.

I believe the organization of the body of men here proposed can be of vast benefit in the enforcement of the law through the exercise of the power I have just read. It is impossible for the Department of Justice to watch with the daily care

give the statute, they are necessarily now limited and qualified (pp. 68, 69)."

The learned Chief Justice contends that this rule of construction, which he repeatedly calls the "rule of reason," must be applied in order to prevent the entire overthrow of the statute.

It is one of the interesting things in our judicial history that so great had been the change in the personnel of the court that when the dissenting opinion of Justice White in 1896 became the opinion of the court in 1911 Justice Harlan was the only member remaining to protest against the reversal. He recorded his dissent in one of the most vigorous opinions that can be found in the reports, but for the purposes which the committee has in view it is not necessary to do more than to mention it.

Justice Harlan has passed away, and it may be assumed that the Supreme Court is now unanimously in favor of the doctrine so often and so ably promulgated by Chief Justice White. The rule was reasserted in the American Tobacco Co. case and has not since been questioned by any member of the court.

It is true that in the important opinion rendered in the suit of the United States v. The Union Pacific Railroad Co., Justice Day says:

"The act is intended to reach combinations and conspiracies which restrain freedom of action in interstate trade and commerce and unduly suppress or restrict the play of competition in the conduct thereof."—

Citing as authority the Joint Traffic Association case.

It is true also that the court quotes, with apparent approval, the following extract from Mr. Justice Harlan in the Northern Securities case:

"In all the prior cases in this court the antitrust act has been considered as forbidding any combination which by its necessary operation destroys or restrains free competition among those engaged in interstate commerce; in other words, that to destroy or restrict free competition in interstate commerce was to restrain such commerce."

But thereafter the court says:

"In the recent discussion of the history of the meaning of the act in the Standard Oil Co. and Tobacco Co. cases this court declared that the statute should be given a reasonable construction, with a view to reaching those undue restraints of interstate trade which are intended to be prohibited and punished."

The fair conclusion is that it is now the settled doctrine of the Supreme Court that only undue or unreasonable restraints of trade are made unlawful by the antitrust act, and that in each instance it is for the court to determine whether the established restraint of trade is a due restraint or an undue restraint.

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute, it has become imperative to enact additional legislation.

The committee has full confidence in the integrity, intelligence, and patriotism of the Supreme Court of the United States, but it is unwilling to repose in that court, or any other court, the vast and undefined power which it must exercise in the administration of the statute under the rule which it has promulgated. It substitutes the court in the place of Congress, for whenever the rule is invoked the court does not administer the law, but makes the law. If it continues in force, the Federal courts will, so far as restraint of trade is concerned, make a common law for the United States, just as the English courts have made a common law for England.

The people of this country will not permit the courts to declare a policy for them with respect to this subject. If we do not promptly exercise our legislative power, the courts will suffer immeasurable injury in the loss of that respect and confidence so essential to their usefulness. It is inconceivable that in a country governed by a written Constitution and statute law the courts can be permitted to test each restraint of trade by the economic standard which the individual members of the court may happen to approve. If we do not speedily prescribe in so far as we can a legislative rule by which to measure the forms of contract and combination in restraint of trade with which we are familiar or which we can anticipate, we cease to be a Government of law and become a Government of men, and, moreover, of a very few men, and they appointed by the President.

It may be that the Supreme Court will be so enlightened and so alert that its opinion respecting what is due and what is undue restraint of trade will be in harmony with an awakened public conscience and a disinterested public judgment, but to fashion our conduct upon that hypothesis is to repudiate the fundamental principles of representative government.

When the commercial development of the country is considered, when the forms of industrial activity are taken into account, it must be admitted by every student of affairs that the policy of the Government with respect to restraints of trade and commerce should remain a judicial question in those cases only in which Congress can not prescribe a definite rule.

In order to look at the subject in the light of illustration, it is suggested that there will presently come before the courts the combination centered in the United States Steel Corporation. In the end nine Justices of the Supreme Court will be asked to say whether the restraint of trade brought about through this combination is a due or an undue restraint, and the answer which each Justice makes to that question will depend upon his individual opinion as an economist or sociologist, the conclusion of the court being in substance an act of legislation passed by the judicial branch of the Government to fit a particular case.

Further, it is believed by many thoughtful people that a substantial identity in the managing boards of competing corporations constitutes a restraint of trade and is harmful to the public interest. If such a case were brought before the court, what would be the "rule of reason?" What guide would the court have in determining whether such community of directors or managers was a due or an undue restraint of trade?

Again, suppose there were a dozen establishments in a given field of production competing with each other and six of them were to consolidate, employing half of all the capital and advancing the consolidated enterprise to a dominating position in the trade, where would the judge go for light in determining whether the restraint of trade was due or undue? These illustrations might be indefinitely extended, but it would serve no useful purpose to multiply them.

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared, however, to say that Congress should, in so far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct. They should be so clear that the business world can understand them and go confidently forward, guided by them.

Not only should such conditions be imposed upon those who are engaged or propose to engage in commerce among the States, but our legislation should further recite certain known forms of combination and declare them to be unlawful because in restraint of trade. With respect to other forms, we should declare that if restraint is established the burden of proof is upon the persons or corporations involved to show that the restraint is reasonable.

These suggestions are not made solely for the better protection of that general body of our citizens, commonly called the people, who must deal with buy from, and sell to the combinations sought to be regulated, but are made also in the interest of safety and certainty for the men who compose what is ordinarily known as the business community.

There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful; but as the statute is now construed there are many forms of organization and many other practices that seriously interfere with competition and are plainly opposed to the public welfare, concerning which it is impossible to predict with any certainty whether they will be held to be due or undue restraints of trade.

The committee does not conceal the difficulty of reaching an agreement concerning the details of the legislation just outlined, but it has no hesitation in reporting that legislation of the general character pointed out is both wise and necessary.

The committee further reports that if the additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First, if the Bureau of Corporations were converted into an independent commission composed of trained, skilful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on; but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, is there in the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired, there should be an speedy one to answer. Unfair competition as the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, through administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction; and whatever jurisdiction they now have or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission, the members of which are in close touch with business affairs and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment

Respectfully submitted.

Mr. CUMMINS. We have, then, Mr. President, the authority of the committee, laboring faithfully for a period of four months or more, to the effect that additional legislation is necessary in order that full, fair competition in our industrial life may be maintained.

We have its further authority for the proposal that the additional legislation so enacted as well as the existing statute can be enforced, applied, administered more helpfully through the aid of a commission or tribunal than through the pure judicial process alone.

Such was the situation, Mr. President, when the present administration came in, and it very promptly and very wisely repeated the recommendation of the Committee on Interstate Commerce. I look upon the message of the President of the United States upon this subject as a mere reiteration of the report of the committee to which I have already referred. It is not new; it is not novel; it is simply the assertion of a conclusion to which most of the thinking, patriotic men of the country had already come. The President of the United States is to be applauded and complimented for his wisdom in recommending to the Congress that we make the antitrust statute an instrumentality more effective for the preservation of independent and honorable rivalry in business than it has been or is likely to be without the supplemental enactments to which I have in a general way referred.

All that I have said, Mr. President, is upon the assumption, first, that we desire to perpetuate competition in business in our country, and, second, that we are of the opinion that the statute of 1890 does not sufficiently accomplish the object. If there be those in the Senate who are opposed to competition, opposed to rivalry in business, opposed to that regulating force in our commercial life, such Senator ought, of course, to be against the effort that we are now making. If, further, any such Senator shall believe that the antitrust statute is in and of itself sufficient, that it has preserved and will maintain competition in the United States fully, safely, and effectually, then he, too, should oppose the proposed legislation; but I can not believe——

Mr. NELSON. Will the Senator yield to me for a question.

Mr. CUMMINS. I do.

Mr. NELSON. Is this section 5 in the bill anything more than putting a brake on competition? Under the Sherman law, the antitrust law, the purpose is to prevent all restraints of trade in order that competition may be untrammeled. Under section 5 the object is to determine whether that competition is good or bad, whether it is unfair, whether there is too much of it. How can you say that that is in aid of the Sherman law?

Mr. CUMMINS. That suggests one of the plainest things, Mr. President, in the bill. Assuming that what my friend from Minnesota calls the Sherman law, the authorship of which is disputed, however, is intended to preserve competition, and I believe it is, the section in this bill relating to unfair competition will, in my judgment, be a readier instrumentality for the maintenance of competition than the antitrust law itself.

The only unfair competition that the section will ever touch is that competition which has for its object the destruction of competition. There is no unfair competition that is consistent with the endurance of any competition. If the Senator will examine the decisions of the Supreme Court, or reexamine them—because I know he is familiar with them—he will find that unfair practices in competition have been denounced oftener as violations of the antitrust law than any other phase of industrial combination. So the question propounded by the Senator from Minnesota is an easy one to answer. Unfair competition means the extinction of competition. The antitrust law has for its object the preservation of fair, full competition; and in order to preserve fair competition unfair competition must cease to exist. The two can not survive in the same industrial field or as they are related to the same commodity and commerce.

I intend, however, Mr. President, to give further attention to section 5 when I reach it in the course of my review of the bill. I was referring to the history of the movement for additional legislation supplemental to the antitrust law and in harmony with its object. The movement has now taken this form: The House of Representatives has passed three measures, one of them creating a commission with substantially no power save the power of inquisition or investigation. Second, a bill which makes certain acts which are believed to be incompatible with competition unlawful. The former bill was referred to the Interstate Commerce Committee and has been reported to this body, and is now under consideration, the report being a proposal to substitute a bill which had been prepared by the Interstate Commerce Committee of the Senate for all that part of the House bill following the enacting clause. The second bill to which I have referred is now before the Judiciary Committee of the Senate, and it is not my purpose to comment upon it. The third bill relates principally to a new regulation for the issuance of railroad bonds or stocks. To be accurate, it is not confined to railway companies, but extends to all common carriers. The latter bill is now before the Interstate Commerce Committee.

I have referred to these three measures because, in my opinion, they ought to have been parts of a single measure. I think the Senate should have had before it all these bills, and whatever suggestions or amendments were made by the committees having them in charge, before we entered upon the consideration of any one of them. They are so inseparably connected with each other, they are so interwoven in their legislative texture, that it becomes almost impossible to exercise intelligent judgment with regard to one without considering the proposals in the others. But we have the bill before us and it is our duty to consider it as best we can.

I now refer to the commission bill and generalize upon it in so far as I can in order to be brief in my remarks. It is the larger part of it, an effort to give the trade commission full and complete powers of investigation.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. I beg pardon.

Mr. THOMAS. The Senator from Iowa is now approaching one of the vitally important features of the bill, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Lea, Tenn.	Ransdell	Swanson
Camden	Lewis	Robinson	Thomas
Chamberlain	Martin, Va.	Shafroth	Thompson
Clapp	Martine, N. J.	Sheppard	Thornton
Clarke, Ark.	Nelson	Shively	Walsh
Cummins	Norris	Simmons	Warren
Jones	O'Gorman	Smith, Ariz.	Works
Kenyon	Oliver	Smith, Md.	
Kern	Overman	Smoot	
Lane	Page	Sterling	

The PRESIDING OFFICER. Thirty-seven Senators have answered to the roll call. A quorum is not present. The Secretary will call the names of the absent Senators.

Mr. CUMMINS. I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate do now adjourn. [Putting the question.] The ayes seem to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN]. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. OLIVER (when his name was called). Has the senior Senator from Oregon [Mr. CHAMBERLAIN] voted?

The PRESIDING OFFICER. He has not voted.

Mr. OLIVER. If I were at liberty to vote, I would vote "yea." I refrain from voting on account of my pair with the senior Senator from Oregon.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Maryland [Mr. LEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], and I wish this announcement of the pair and the transfer to stand for the day. I vote "nay."

The roll call was concluded.

Mr. MARTINE of New Jersey. I desire to announce that the Senator from West Virginia [Mr. CHILTON] is absent on official business, and that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. THOMAS. I transfer my pair with the senior Senator from New York [Mr. ROOT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and vote "nay." I wish to state also that the junior Senator from Georgia is confined to his room by sickness.

control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, and general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a vital one. It is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

Without doubt the chief, if not the only, object in mind, when the antitrust law was passed, was to maintain competition as an effective regulating force in business by making it unlawful to enter into any contract or combination in restraint of trade or commerce among the States or with foreign nations, or to monopolize, or attempt to monopolize, such trade or commerce. The bill introduced by Senator Sherman, out of which the present statute grew, was in terms directed against the suppression of competition. After a long debate and much reflection, the Judiciary Committee of the Senate reported a substitute in which "restraint of trade" was the thing forbidden instead of interference with competition. This was accepted, not because there was any abandonment of the desire to preserve competition, but because there was a common law on the subject well established and carefully elucidated in the English decisions. The common law was that both contracts and acts in restraint of trade were injurious to the public welfare and therefore opposed to public policy. The Congress of 1890 very wisely borrowed the language of the common law and with it came the learning of the judges who had from time to time discussed it and expounded it. It is not the purpose of the committee to recite the development of the English doctrine. It was not always stated with exact accuracy and there is some inharmony of expression, but it may be said with confidence that a restraint of trade consisted of such unreasonable restriction of competition as impaired substantially and to the public injury the freedom of trade or the freedom to trade. Interference with free competition was generally but not necessarily a restraint of trade, for there were some restrictions that could be put upon competition and upon competitors that left the competitive force as an adequate protection to the people. Hence the common law was that unreasonable, unfair, undue restraint upon or interference with competition or competitive conditions constituted a restraint of trade.

The committee has made this comment upon the common law and pointed out the distinction between "restraint of competition" and "restraint of trade" in order that it may be fully understood in its analysis of the conflict between the earlier and later opinions of the Supreme Court of the United States relating to the construction and application of the antitrust statute.

The committee will not at this time enter upon an extended argument respecting the policy of maintaining competition or competitive conditions in the business of the country. It is well understood that there are many distinguished students and highly trained thinkers who believe that the age of competition is past, and that for the struggle which competition involves there should be substituted combination and cooperation, under such regulation and supervision as will protect the people from the oppression of monopolistic power; and added to the students and thinkers who have reached this conclusion through mere observation and investigation there are many men engaged in commerce, and who therefore speak from a practical standpoint, who have also concluded that some form of regulated monopoly or concentration should be adopted. All these men, whether theorists or otherwise, admit that if we abandon the effort to maintain competition the Government must undertake, directly or indirectly, to fix prices for the combinations or monopolies. The committee feels that the time has not yet come for so radical a departure from the long-established policy of the country, and it hopes that the time may never come when it will be necessary for the Government to assume the task of establishing prices for general commodities. It believes that the progress of the world depends in a large measure upon that fair, reasonable rivalry among men which has hitherto characterized the advances of civilization.

It is frequently declared that the law can not compel men employed in like business to compete with each other. There is a sense in which this is true, but it is only technically true. What is meant when we use the phrase "maintaining competition" is maintaining competitive conditions. We can both create and maintain competitive conditions, and, until human nature is revolutionized, when competitive conditions exist there will be actual competition; but if for some extraordinary reason that should fail there will be, at least, a potential competition tending to prevent undue prices and unfair practices. Without going further into the issue between regulated competition and regulated monopoly, the committee reiterates its finding that the antitrust statute should stand, and that every possible effort to create and preserve competitive conditions should be made.

Assuming, therefore, that Congress should maintain the policy established by the antitrust law and should make it more effective by additional legislation, if it be within our power to do so, the committee calls attention to the interpretation which the Supreme Court has given to the statute and to the application of its provisions which that tribunal has made in cases which have come before it for decision. It is not the intent of the committee in this report to review the opinions of the Supreme Court one by one, but rather to select certain types which will either demonstrate the wisdom of additional legislation or show that the law is adequate as it is.

The committee selects for the purpose indicated the following cases, all of which arose under the statute now being considered:

"United States v. E. C. Knight Co. (156 U. S., 1).
"United States v. Trans-Missouri Freight Association (166 U. S., 290).
"United States v. Joint Traffic Association (171 U. S., 505).
"Hopkins v. United States (171 U. S., 578).
"Northern Securities Co. v. United States (193 U. S., 197).
"Standard Oil Co. v. United States (221 U. S., 1).
"United States v. American Tobacco Co. (221 U. S., 106).
"United States v. Union Pacific Railroad Co. (not yet reported, opinion delivered Dec. 2, 1912)."

The committee does not give a statement of the facts in each of these cases, for to do so would greatly prolong the report, and it will be taken for granted that those who are interested in the subject are already familiar with the facts as they appear in the Supreme Court reports.

The rule of law announced in United States v. Knight Co. and in Hopkins v. United States is that a restraint of trade, however unreasonable, is not prohibited by the antitrust statute, no matter how general or disastrous the interference or restraint may be upon commerce among the States unless it directly affects such commerce. There is a general understanding among the judges and lawyers of the country that the Knight case has been overruled or modified in subsequent decisions. Undoubtedly it can be fairly inferred from the recent opinions of the court in like cases that, if the facts of the case were now presented, it would be held that the restraint was direct; but the rule of law established has never been questioned by the court and has been emphatically reasserted in every prominent opinion hitherto rendered. The committee does not bring these cases forward for the purpose of disputing the soundness of the rule under existing legislation. Its object is to disclose, as clearly as possible, the scope of judicial discretion, and therefore of business uncertainty which it creates. In every prosecution under the act wherein there is proven or admitted a contract or combination which restrains trade among the States, the first thing that the court must ascertain and declare is whether the restraint is direct or indirect. In the Knight and Hopkins cases, and others of that type, it was held to be indirect. In the Northern Securities Co., Standard Oil Co., and American Tobacco Co. cases it was held to be direct. It is obvious that the opinion of any given man in any given case upon this question, whether he be judge or not, must depend largely, not upon his learning in the law but upon his training and bent in the economy of commerce. The result has been, and necessarily will be, that the law officer of the Government before he institutes a prosecution must determine whether the restraint is direct or indirect, and then the court in order to decide the issue must employ the functions of the legislator rather than the lawyer.

The inconvenience is twofold: First, the Department of Justice will ignore a great many unlawful transactions because there may be doubt as to whether the interference with interstate or international trade is direct or indirect; second, the business community has found itself, and will find itself in a state of uncertainty as to whether a particular transaction is to be judged by the law of reason or by the law of the Nation. It is not claimed that this undefined and undefinable field of judicial discretion can be wholly occupied by legislation, but it is manifest that it is the duty of the legislative branch of the Government to circumscribe it within the closest practicable bounds. The committee will recur to this subject in connection with another aspect of the judicial power, and contents itself now with a statement of its conclusion that there should be further legislation specifically prohibiting certain forms of association, combination, or monopoly which admittedly restrain trade and commerce among the States and with foreign nations, but which may be held by the courts to be indirect or remote interferences.

The committee has first referred to the point just mentioned, not because it is first in importance, but because it first arose. It now passes to another and more serious weakness in the law as now interpreted.

In the Trans-Missouri Freight Association case there developed a controversy among the members of the Supreme Court that was carried on with unabated vigor through the 15 years intervening between the opinion in the Freight Association case and the opinion in the Standard Oil Co. case. In this period the vicissitudes of life and the changes upon the bench which necessarily ensue, converted the opinion of the court in the Freight Association case into a single dissenting opinion in the Standard Oil Co. case, and the dissenting opinion in the former case into the opinion of the court in the latter case. In the Freight Association case Mr. Justice Peckham, in delivering the opinion of the court, said:

"Second. The next question to be discussed is as to what is the true construction of the statute, assuming that it applies to common carriers by railroad. What is the meaning of the language as used in the statute that 'every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal'? Is it confined to a contract or combination which is only in unreasonable restraint of trade or commerce, or does it include what the language of the act plainly and in terms covers, all contracts of that nature (p. 327)?"

The learned justice answered the question thus propounded many times and in great variety of phrase in the course of the opinion, and the committee quotes some of these answers.

"When, therefore, the body of an act pronounces as illegal every contract or combination in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress (p. 328).

"But we can not see how the statute can be limited, as it has been by the courts below, without reading into its text an exception which alters the natural meaning of the language used, and that, too, upon a most material point, and where no sufficient reason is shown for believing that such alteration would make the statute more in accord with the intention of the lawmaking body that enacted it (p. 329).

"'The arguments which have been addressed to us against the inclusion of all contracts in restraint of trade, as provided for by the language of the act, have been based upon the alleged presumption that Congress, notwithstanding the language of the act, could not have intended to embrace all contracts, but only such contracts as were in unreasonable restraint of trade. Under these circumstances we are, therefore, asked to hold that the act of Congress excepts contracts which are not in unreasonable restraint of trade, and which only keep rates up to a reasonable price, notwithstanding the language of the act makes no such exception. In other words, we are asked to read into the act by way of judicial legislation an exception that is not placed there by the law-making branch of the Government, and this is to be done upon the theory that the impolicy of such legislation is so clear that it can not be supposed that Congress intended the natural import of the language used. This we can not and ought not to do (p. 340).

"'The conclusion which we have drawn from the examination above made into the question before us is that the antitrust act applies to railroads, and that it renders illegal all agreements which are in restraint of trade or commerce as we have above defined that expression, and the question then arises whether the agreement before us is of that nature'" (p. 341).

The issue was clearly joined by Mr. Justice White (now Chief Justice), who in his dissenting opinion, in which Justices Field, Gray, and Shiras concurred, thus stated the question:

"To state the proposition in the form in which it was earnestly pressed in the argument at bar, it is as follows: Congress has said 'every contract in restraint of trade is illegal. When the law says 'every,' there is no power in the courts, if they correctly interpret and apply the statute, to substitute the word 'some' for the word 'every.' If Congress had meant to forbid only restraints of trade which were unreasonable it would have said so; instead of doing this it has said 'every,' and this word of universality embraces both contracts which are reasonable and unreasonable" (p. 345).

The distinguished justice begins his answer to the proposition just quoted as follows:

"I commence, then, with these two conceded propositions, one of law and the other of fact, first that only such contracts as unreasonably restrain trade are violative of the general law, and, second, that the particular contract here under consideration is reasonable, and therefore not unlawful if the general principles of law are to be applied to it" (p. 344).

Again:

"Its title is 'An act to protect trade and commerce against unlawful restraints and monopolies.' The word 'unlawful' clearly distinguishes between contracts in restraint of trade which are lawful and those which are not. In other words, between those which are unreasonably in restraint of trade, and consequently invalid, and those which are reasonable and hence lawful" (p. 352).

Again:

"If these obvious rules of interpretation be applied, it seems to me they render it impossible to construe the words 'every restraint of trade' used in the act by Congress, as including reasonable contracts, as the fact that such contracts were not considered to be within the rule of contracts in restraint of trade was thoroughly established both in England and in this country at the time the act was adopted" (p. 354).

Again:

"Indeed, it seems to me there can be no doubt that reasonable contracts can not be within the prohibitions of the statute if it be interpreted by the light of the supreme command that the intention of the law must be carried out, and it must be so construed as to afford the remedy and frustrate the wrong contemplated by its enactment" (p. 355).

It will be noted that but once in the dissenting opinion is the word "unreasonable" used to qualify the phrase "in restraint of trade." It is generally employed with the word "contract." There is some difference between saying that there may be a reasonable interference with competition or freedom in trade or freedom to trade which did not, at the common law, constitute a restraint of trade, and saying that there can be no under our statute, a reasonable restraint of trade. But this was only the beginning.

Two years later the suit of the United States v. Joint Traffic Association came on for decision. Again Mr. Justice Peckham delivered the opinion of the court, and upon the point we are considering there seems to have been no change in the attitude of the members of the court toward it. It is instructive to observe, however, that in referring to Hopkins v. The United States, in which the opinion was handed down at the same term, the learned justice said:

"In Hopkins v. The United States, decided at this term, post, 578, we say that the statute applies only to those contracts whose direct and immediate effect is a restraint upon interstate commerce. * * * the effect upon interstate commerce must not be indirect or incidental only (p. 568)."

Five years thereafter the well-known Northern Securities case was decided, and the struggle was renewed with intense earnestness. Mr. Justice Harlan rendered the opinion of the court, and this is the way he stated the question:

"Is the act to be construed as forbidding every combination or conspiracy in restraint of trade or commerce among the States or with foreign nations? Or does it embrace only such restraints as are unreasonable in their nature? Is the motive with which a defended combination or conspiracy is formed at all material when it appears that the necessary tendency of that particular combination or conspiracy in question is to restrict or suppress free competition between competing railroads engaged in commerce among the States? Does the act of Congress prescribe as a rule for interstate or international commerce, that the operation of the natural laws of competition between those engaged in such commerce shall not be restricted or interfered with by any contract, combination, or conspiracy (p. 328)?"

In answering the question he probably goes a little further than Justice Peckham. He states as the conclusion to be drawn from former opinions of the courts:

"That the act is not limited to restraints of interstate and international trade or commerce that are unreasonable in their nature, but embraces all direct restraints imposed by any combination, conspiracy, or monopoly upon such trade or commerce; * * *. That every combination or conspiracy which would extinguish competition between otherwise competing railroads engaged in interstate trade or commerce, and which would in that way restrain such trade or commerce, is made illegal by the act; * * *. That to vitiate the combination, such as the act of Congress condemns, it need not be shown that the combination has had results or will result in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce or tends to create a monopoly in such trade or commerce and to deprive the public of the advantages that flow from free competition (p. 331).

"Whether the free operation of the natural laws of competition is a wise and wholesome rule for trade and commerce is an economic question which this court need not consider or determine. Undoubtedly there are those who think that the general business interest and prosperity of the country will be best subserved if the rule of competition is not applied. But there are others who believe that such a rule is more necessary in these days of enormous wealth than it ever was in any former period of our history. Be that as it may, Congress has, in effect, recognized the rule of free competition by declaring illegal every combination or conspiracy in restraint of interstate and international commerce (p. 337)."

Mr. Justice Brewer was with the majority of the court in the Trans-Missouri Association cases, and he concurred in the decision in the Northern Securities Co. case; but upon the question we are discussing he rejected the reasoning of Justice Harlan and adopted the views expressed by Justice White in the former case. He said:

"Instead of holding that the antitrust act includes all contracts, reasonable or unreasonable, in restraint of interstate trade, the ruling should have been that the contracts there presented were unreasonable restraints of interstate trade, and as such within the scope of the act. That act, as it appears from its title as revised at only 'unlawful restraints and monopolies.' Congress did not intend to reach and destroy those minor contracts in partial restraint of trade which the long course of decision at common law had affirmed were reasonable and ought to be upheld. The purpose rather was to place a statutory prohibition with prescribed penalties and remedies upon those contracts which were in direct restraint of trade, unreasonable, and against public policy. Whenever a departure from common-law rules and definitions is claimed, the purpose to make the departure should be clearly shown. Such a purpose does not appear and such a departure was not intended (p. 361)."

The Chief Justice and Justices White, Peckham, and Holmes dissented. Justice White, while discussing many phases of the relation between the General and the State Governments, finally revised his opinion upon the Knight case, holding that there was no direct restraint of interstate commerce. Justice Holmes, while concurring with Justice White, took occasion to say, in substance, that the method adopted by the defendants for the suppression of competition did not constitute a restraint of trade in the sense of the antitrust law.

With the Northern Securities case there terminated one distinct, striking period in the interpretation and application of the antitrust statute. It is needless to inquire at length whether or not the views of the court, as expressed in the opinions of Justices Peckham and Harlan, were in exact harmony with the common law as to the meaning or definition of the phrase "restraint of trade." Even if these learned judges were not quite successful in distinguishing the difference, at the common law, between a restraint of competition and a restraint of trade it still remains true that for more than 15 years repeated decisions of the highest tribunal of the country declared that every contract or combination which prevented free competition was a restraint of trade, and that, if the restraint directly affected commerce among the States, then the contract or combination was unlawful, under the first section of the act.

Inasmuch as the committee is of opinion that legislation should be so clear in its terms as not to admit of unlimited judicial discretion, it pauses here a moment to point out just what the range of discretion was under the decisions ending with the Northern Securities case. It is manifest that the inquiry that the court was then required to make in each case was this: Has the evidence established a restraint of trade; that is to say, has the evidence established a contract or combination which interfered with free competition?

There was some, but not great, latitude for difference of opinion upon such an inquiry, and the uncertainty in the application of the law was reduced to a minimum; nor would the uncertainty have been much increased if the inquiry had been as to an unreasonable interference with free competition, which would have been the inquiry had the common-law understanding been strictly adopted by the Supreme Court.

If the more recent construction of the statute were in harmony with the earlier decisions, further legislation might nevertheless be required; but it is unnecessary to make the inquiry. That question is purely academic, for the later rulings have completely reversed the former ones, in so far as the phase of the subject now being discussed is concerned.

On the 15th day of May, 1911, the case of the Standard Oil Co. v. The United States was passed upon by the Supreme Court. Chief Justice White (formerly Justice White) delivered the opinion and reiterated, as the conclusion of the court, the views that he had so forcibly urged as a dissenter 15 years before. It was not necessary for the court to deal with the question at all, inasmuch as it found the defendants guilty of a restraint of trade under any and every meaning of the term, but for the very purpose, the committee assumes, of advising the country that a new rule had been adopted so that business might be guided by it, it was stated in the most emphatic way that the statute which declares that "Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal" means that a contract or combination in order to be illegal must cause an undue restraint of trade. The following quotations from the opinion will need no comment:

"That in view of the many new forms of contracts and combinations which were being evolved from existing economic conditions, it was deemed essential by an all-embracing enumeration to make sure that no form of contract or combination by which an undue restraint of interstate or foreign commerce was brought about could save such restraint from condemnation. The statute under this view evidenced the intent not to restrain the right to make and enforce contracts, whether resulting from combination or otherwise, which did not unduly restrain interstate or foreign commerce, but to protect that commerce from being restrained by methods, whether old or new, which would constitute an interference that is an undue restraint (pp. 59, 60)."

Again:

"In other words, having by the first section forbidden all means of monopolizing trade—that is, unduly restraining it by means of every contract, combination, etc.—the second section sails, if possible, to make the prohibitions of the act all the more complete and perfect by embracing all attempts to reach the end prohibited by the first section (p. 61)."

"That the Chief Justice intended to announce a rule at variance with the declarations of Justice Peckham and Justice Harlan in the Trans-Missouri Freight Association and Northern Securities cases is made clear in the following extracts:

"'The question is pertinent and must be fully and frankly met, for if it be now deemed that the Freight Association case was mistakenly decided or too broadly stated, the doctrine which it announced should be either expressly overruled or limited. * * * And in order not in the slightest degree to be wanting in frankness, we say that in so far, however, as by separating the general language used in the opinion in the Freight Association and Joint Traffic cases from the context and the subject and parties with which the cases were concerned, it may be conceived that the referred to conflicts with the construction which we

out any consciousness of moral turpitude; and therefore a commission or a tribunal intended to aid in the administration of a rule which must necessarily be somewhat vague and uncertain becomes not only desirable but, as I think, required by an ordinary regard for the rights of mankind.

In furtherance of the policy which I have just mentioned—namely, the policy of competition and the regulation of commerce in accordance with that rule—Congress has passed many statutes. There are, however, two which are prominent above all others, and which constitute, in effect, the code of the United States for the regulation of our commerce.

The first of these statutes is the interstate commerce law adopted in 1887. The spirit of the interstate-commerce law is competition without discrimination. The prohibition against discrimination is obviously a limitation upon the former field of competition. Nevertheless, the object of the interstate-commerce law is not, as some people have suggested, to destroy competition among railway companies or common-carrier companies, but to preserve that competition, subject to the single limitation that the rates and charges and practices of the common carriers must be without discrimination.

The second statute to which I have referred, and which just now commands the chief concern of the people, is the antitrust law adopted by Congress in 1890. The one purpose and object of the antitrust law was and is to preserve, maintain, and secure full, free, fair competition in commerce, not only among the States, but with foreign nations. There is no exception to the statement I have just made.

I should not have referred to these two landmarks in our endeavor to regulate commerce had it not been for the suggestion made by my friend from Idaho [Mr. BORAH], that the effect of the bill now before the Senate would be to encourage combinations and monopolies, and to make weak the competition intended to be sustained by the antitrust law. On the contrary, Mr. President, every line and letter of the bill before the Senate is intended to strengthen the antitrust law. It is intended to enforce still more effectually the principle of the antitrust law. There is not to be found in this bill, from the beginning to the end, the thought that any concert or combination destructive of free, full competition should be permitted to exist.

I think the Senator from Idaho has misapprehended the purpose of the bill, as I am sure he is mistaken with regard to the effect of the bill; and I shall consider its provisions a little more carefully later on.

The antitrust act has played a most important part in our industrial life during the 24 years since its enactment. It is not without significance, and I will leave some other Senator to explain why it is that every great monopoly or combination that is now in existence, every great monopoly or combination against which the court has turned its processes in the last 15 years, has been formed since the enactment of the antitrust law in 1890. I do not believe a single one can be instanced that has not come into being since this statute became the law of the land.

Mr. President, it can not be assumed that men of affairs, men of responsibility, organize these combinations and these monopolies in order to invite the penalties of the antitrust law. That is so incredible that I can not entertain it for a moment. The truth is, and we might as well face it, that when the statute was passed no one knew what the words "restraint of trade or commerce" meant, as applied to our immense affairs. These words had been subjected to judicial inquiry, they had been judicially applied, but never to accomplish the purposes which we desired to accomplish when we passed the law and adopted the policy of competition. The meaning of these words is a matter of growth during 20 years, and they are still to a degree uncertain and doubtful. I believe the decisions of the Supreme Court of the United States concerning this statute are as illuminating and as clear as any decisions which can be found in all the reports of that tribunal, but we do not know yet what these words mean; and I will put an example:

Suppose there are 12 industries engaged in the same business, and of substantially the same magnitude. Suppose that one of them buys five of the others, so that after the transaction is completed there are six industries where before there were 12, and that the volume of the business of the six is as great as or greater than the volume of the business done by the 12. I am assuming now that there is nothing connected with the transaction in the nature of unfair practice, unfair competition, or any other vicious mode of conducting trade. I should like to know whether that transaction constitutes a violation of the antitrust law. There is not a lawyer in the land who can do more than simply to express his own opinion; and there is no lawyer who dares to say with any assurance whether the transaction I have just mentioned will be finally determined to be a violation of the antitrust law, or whether it will be adjudged to be a wholly innocent and harmless consolidation.

Take the case of the United States Steel Corporation, which, in 1901, 11 years after the antitrust law was passed, brought together practically 50 per cent of the business in that field, 50 per cent in value of the property used in doing the business. Now, assume that thereafter it had conducted itself fairly and properly, as it is alleged it has conducted itself. Who can say whether the consolidation of 50 per cent of the iron and steel trade in the hands of one corporation violated the statute against monopolies and restraints of trade?

I am sure that when this organization came together in 1901 it was advised by able and experienced counsel that the formation of the association, if it thereafter was conducted along proper lines, did not constitute a violation of the antitrust law.

Again, suppose—as has happened in this country, I think—that there is a combination of the buyers of copper. We export more copper than any other country in the world produces. I think we produce 65 per cent of all the copper produced in the world, and we export a very large part of it. Now, suppose the buyers of copper in Germany and France and England combine, as I think they have combined on more than one occasion, violating no law of their country, and present themselves to the United States as a single buyer. Tell me whether it would be contrary to the antitrust law for sellers in the United States to act in concert in order to meet that situation. I do not know, and I do not believe there is a single Senator here who knows.

Mr. NELSON. Mr. President, I do not want to interrupt the Senator——

Mr. CUMMINS. I am very glad to have the Senator do so.

Mr. NELSON. I simply want to say that in that case, if the product were imported from abroad under such a trust arrangement as the Senator has described it would be subject to the antitrust law, as found in two of our tariff bills.

Mr. CUMMINS. Undoubtedly; but I was not speaking of imports from abroad. I was speaking of our own copper that we were selling for export and that was destined for other markets.

In mentioning these things I have not done so for the purpose of belittling the antitrust law, for I think it is probably the most important statute that has been adopted in the United States in more than a half century. I think it is important not only for the effect that it has produced in our industrial life but because it marked an era, because it proclaimed a policy, because it is a declaration of independence in trade and commerce. I mention these things in order to indicate how inevitable it is that we shall employ uncertain phrases in our legislation dealing with commerce. We could not have used better words than "restraint of trade or commerce," and they have accomplished vast good, notwithstanding the fact that they are uncertain, that their meaning must be groped for, and, in many instances, discovered after the long process of a judicial investigation.

There are a great many offenses that have been punished or rebuked under the antitrust law that were known to be offenses when committed. I agree with that. There is a zone of certainty where the conscience of man is sufficient to guide him. There is another zone—I am now speaking of the business field—in which it is entirely clear that a given act is not a violation of the antitrust law. Then there lies between these two zones the middle ground, the twilight zone, as suggested by the Senator from Colorado [Mr. THOMAS]; and no matter how much we may ridicule that phrase it is most expressive, and it describes an actual condition better, probably, than any other words that could be used. There is a broad twilight zone in the business of this country in which it is difficult to see whether a given act has been condemned by the law or whether it will be sustained by the law; but, nevertheless, we must not be discouraged with regard to the regulation of commerce. We must proceed along the pathway upon which we have set our feet. We must proceed in our effort to preserve independence in business, to keep the channels of commerce open and free, to maintain that equal opportunity in business declared by the antitrust law; and we must supplement this great statute with such legislation as from time to time our experience shows is necessary in order to make its principle effectual.

Three years ago and more there was a great deal of discussion with regard to the very subject that we now have under consideration. Thoughtful men all over the United States had reached the conclusion that if we would fully preserve competition there must be some addition to the antitrust law; its weaknesses must be strengthened and its processes must be made more certain and effective. You will all remember how

widespread that discussion was; and you will not forget, either, the miscarriages of justice out of which the discussion arose.

It is sufficient to say that the agitation for additional legislation finally found its way into the Senate; and I want Senators, upon this side of the Chamber especially, to observe and to remember that the insistence upon additional legislation did not begin with the incoming of the present administration. The President of the United States had a forerunner in demanding supplemental legislation, or at least in inquiring whether it were not necessary. The junior Senator from Minnesota [Mr. CLAPP], then the chairman of the Interstate Commerce Committee, on the 7th day of July, 1911, introduced the following resolution, which was agreed to on July 26 of the same year:

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce; and for this purpose they are authorized to sit during the sessions or recesses of Congress—

And so forth.

Three years ago the Senate authorized the very inquiry which formed the subject of the recent message to the Congress of the United States and which since that time has formed a part of the subject dealt with in the platforms of the several political parties in 1912.

The Interstate Commerce Committee under this resolution proceeded early in the autumn of 1911 to make this investigation. During the course of four months it heard, I think, more than 100 persons, and subjected them to such cross-examination as the members of the committee thought necessary; and its work in this investigation is found in a volume, or possibly three volumes, aggregating 3,000 printed pages. I believe I am fairly familiar with the literature of this subject; I am fairly familiar with the various hearings that have been had before one branch of Congress or the other. I am not unfamiliar with the general dissertations upon the topic, but I believe the hearings before the Interstate Commerce Committee conducted by the junior Senator from Minnesota form the most valuable contribution to the literature of this policy that can be found anywhere. I hope those who have not had an opportunity to read these hearings will take the first chance they have in this beautiful summer resort to become acquainted with the opinions of many of the most distinguished thinkers in the country.

That is not all. The committee made a report, as it was its duty to do, and I intend to read very briefly from that report in order to indicate what a majority of its members believed ought to be done.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further legislation.

The committee is of the opinion:

First. That the statute—

That is, the antitrust act—

should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

As I have already remarked, the bill now before the Senate is in harmony with the purpose of the antitrust statute. It has no other office except to render the principle of that statute more effectual than it now is. I proceed with the quotation:

Second. That whatever may be our views regarding the power of Congress to enact a general Federal incorporation law, it is within the necessary and desirable of this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to empower upon reasonable terms and to regulate organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon interstate commerce, and other transactions now engaged, or hereafter entering, in such commerce, the general character of such regulation to be that some but those only of the conditions and such conditions or regulations as are in their very nature germane to the corporate form of commercial activity.

It is plain that the first question to be answered in considering what additional legislation upon the subject is necessary or desirable is a this: one: It is this: Should Congress attempt to maintain competitive conditions in the general interstate commerce of the country where they still exist, and to restore such conditions where they have been destroyed, or should it accept the complete or partial overthrow of competition and resort to some other method of protecting the people against the power of combination and monopoly?

I desire to read one other paragraph from the report—possibly two:

Whatever may be the opinion of the several members of the committee with respect to the soundness of the rule—

That means the rule of the Supreme Court—

as now established, the committee as a whole accepts it as the present law of the land. It is profoundly convinced that, in view of the rule and its necessary effect upon the business of the country, the inherent rights of the people, and upon the execution of the statute it has become imperative to enact additional legislation.

Further, the committee says:

The committee does not intend in this report to indicate the terms of the act or acts that should be passed to supply the court with such legislative tests and standards as will limit the scope of judicial discretion. To do so would be to report upon the bills now before it, and that the committee is not prepared to do. It is prepared, however, to say that Congress should, in so far as is possible, specifically prescribe certain conditions upon which persons and corporations shall be permitted to engage in commerce among the States and with foreign nations. These conditions should be of a character that will tend to preserve reasonable competition, or substantially competitive conditions, and to compel independence in both organization and conduct.

With respect to the formation or organization of a commission or trade tribunal the committee said:

The committee further reports that if no additional legislation, the general scope of which has been pointed out, is enacted it will be very desirable to accompany such legislation with a measure establishing a commission for the better administration of the law and to aid in its enforcement. It may be fairly said that there is need of such a commission, even though the present statute is not supplemented in any manner; but it is apparent that if the new legislation is enacted the need of a commission will become more imperative.

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

I will not read further, Mr. President, from this report, but will ask leave to have it printed as a part of my remarks.

The PRESIDING OFFICER (Mr. SMOOT in the chair). Without objection, it will be so ordered.

The report is as follows, omitting individual views:

[Senate Report No. 1326, Sixty-second Congress, third session.]

CONTROL OF CORPORATIONS, PERSONS, AND FIRMS ENGAGED IN INTERSTATE COMMERCE.

Mr. CUMMINS, from the Committee on Interstate Commerce, submitted the following report (pursuant to S. Res. 98):

The Committee on Interstate Commerce, to which was referred the following resolution—

"*Resolved*, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem advisable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct investigations and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee"—

has leave to make the following report:

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce proceeded to inquire into and report upon the subject matter of the resolution. The hearings began on the 12th day of December, 1911, and were continued from day to day for more than three months. During which time 104 persons appeared, testified, and their statements, together with the addresses and documents submitted by them, fill 3,000 printed pages. A printed copy of these statements, addresses, and documents, including the index, have been delivered to members of the committee. The hearings, in addition, and a collection of judicial decisions touching the power of Congress to the regulation of commerce among the States, is not, but seems, to be worthy preserved in the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further legislation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual

"Assay office at Helena, Mont.: Assayer in charge, $1,800; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,200; in all, $4,400.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $1,000."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $1,800; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $3,000."

And the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$1,000"; and the Senate agree to the same.

Amendment numbered 168: That the House recede from its disagreement to the amendment of the Senate numbered 168, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$4,000"; and the Senate agree to the same.

Amendment numbered 169: That the House recede from its disagreement to the amendment of the Senate numbered 169, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,850"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 3 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 15 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 15 charwomen; in all, $38,700."

And the Senate agree to the same.

Amendment numbered 212: That the House recede from its amendment to the amendment of the Senate numbered 212, and agree to the said Senate amendment.

The committee of conference have been unable to agree on the amendment of the House to the amendment of the Senate numbered 1, and on the amendments of the Senate numbered 20 and 30.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOSEPH F. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I move the adoption of the conference report.

Mr. SHEPPARD. Mr. President, will the chairman of the Appropriations Committee advise us as to the nature of the points in disagreement between the Senate and the House conferees?

Mr. MARTIN of Virginia. Mr. President, the only difference now is in respect to the mileage of Senators and Members of the House. All other matters of difference have been agreed upon.

Mr. SHEPPARD. What is the position of the House in regard to that matter?

Mr. MARTIN of Virginia. The House have proposed to limit the mileage of Senators to 5 cents a mile and have adhered to their provision that as to Members of the House of Representatives they shall receive actual expenses for themselves, the members of their families, and dependents.

Mr. SHEPPARD. I move that the Senate concur in the House provision.

Mr. THOMAS. I move to lay the motion on the table.

The VICE PRESIDENT. The question is to lay on the table the motion of the Senator from Texas [Mr. Sheppard].

Mr. SHEPPARD. On that I ask for the yeas and nays.

Mr. CLARKE of Arkansas. A point of order, Mr. President.

The VICE PRESIDENT. The Senator from Arkansas will state his point of order.

Mr. CLARKE of Arkansas. Mr. President, there is no such amendment in dispute as between the two Houses. It is a mere proposition on the part of the House conferees to make that the basis of adjustment as between the two Houses. There is no amendment in the bill that provides for any such thing. The House in directing its conferees by a vote directed them to accept a proposition of that kind if it could be accepted. It never has been submitted in a legislative way to the Senate.

The VICE PRESIDENT. Does the Senator from Arkansas raise the point of order against the motion?

Mr. CLARKE of Arkansas. I raise the point of order that the motion of the Senator from Texas [Mr. SHEPPARD] is not in order.

The VICE PRESIDENT. The point of order is sustained.

Mr. SHEPPARD. I move that the conferees on the part of the Senate be directed to accept the proposition of the House of Representatives as to mileage.

Mr. THOMAS. I move to lay the motion on the table.

Mr. SHEPPARD. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Texas.

The motion was rejected.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. MARTIN of Virginia. I move that the Senate still further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees at the further conference on the part of the Senate.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I ask that the Senate proceed with the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. CUMMINS obtained the floor.

Mr. JONES. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SMOOT in the chair). The Senator from Washington suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Myers	Smith, Ariz.
Bryan	Hughes	Nelson	Smith, Md.
Burton	James	Newlands	Smoot
Catron	Jones	Norris	Swanson
Chamberlain	Kenyon	O'Gorman	Thomas
Clarke, Ark.	Kern	Overman	Walsh
Crawford	Lane	Page	Weeks
Cummins	Lea, Tenn.	Shafroth	White
Dillingham	Lee, Md.	Sheppard	
Gallinger	McCumber	Sherman	
Goff	Martine, N. J.	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of the junior Senator from Georgia [Mr. WEST], on account of illness. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. SMOOT). I desire to announce that my colleague [Mr. SUTHERLAND] is unavoidably absent from the Senate.

Mr. NORRIS. I desire to announce that the senior Senator from Idaho [Mr. BORAH] is detained from the Chamber on account of sickness. I ask that this announcement stand for the day.

The PRESIDING OFFICER. Forty-one Senators having answered to the roll call, a quorum is not present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. POINDEXTER, Mr. SAULSBURY, Mr. STONE, Mr. THOMPSON, and Mr. WARREN answered to their names.

Mr. BRADY, Mr. BRANDEGEE, Mr. CLAPP, Mr. MARTIN of Virginia, Mr. POMERENE, Mr. RANSDELL, and Mr. WORKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present.

Mr. HOLLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. HOLLIS. I desire to place in the RECORD an article from the Journal of Commerce and Commercial Bulletin, of New York, of Monday, June 29, 1914, which bears upon the pending discussion. It is by W. H. Ingersoll, one of the managers of the Ingersoll Watch Co. I will read the headlines and then ask that the article be placed in the RECORD:

Business men resent brand of "knocker"—Claim they do not oppose reasonable trade laws—W. H. Ingersoll outlines ideas of Fair Trade League on proposed Federal trade commission bill—Proposition based on unfair competition regulations that succeed in Germany.

The PRESIDING OFFICER. Without objection, the article will be printed in the RECORD. The Chair hears no objection.

The article referred to is as follows:

"I believe that it is unfair to the great body of business men of this country to have the impression spread that they are unintelligently opposed to any legislation affecting business," declared William H. Ingersoll, of the American Fair Trade League, in a circular letter referring to the popular impressions surrounding the efforts of certain mercantile interests to have fair trade laws enacted by Congress.

"Let us show the President, Congress, and the country that the opposition of the majority of business men is raised only against such legislation as their first-hand commercial experience shows them to be unworthy, and that when a good bill is thought out, we are capable of recognizing it, and for the good of the country are ready to work for its promotion."

Continuing, Mr. Ingersoll argues interestingly in favor of the Federal trade commission bill, in part as follows:

"Such a bill, it appears to me, is found in the Federal trade commission act, which really ought to be called the Federal unfair competition act. The pith of the bill that I refer to is compressed into two short sentences, as follows:

"(a) That unfair competition in commerce is hereby declared unlawful.

"(b) The commission is hereby empowered and directed to prevent competition from using unfair methods of competition in commerce.

"The Federal trade commission bill does not attempt to make impossible definitions that were undertaken in the original tentative House bill. Congress and the country at large will be satisfied in this bill is passed, and we will be relieved of the destructive provisions embodied in the Clayton bill which intended to cover similar ground, but which, by specific definitions, were under some circumstances unfair though under other circumstances entirely proper and warranted.

"The proposed act which I advocate is substantially like the unfair competition law of Germany, which has been tested and found to be a bulwark for sound trade practices. It is something that we have needed in this country for years and it is all that we need at present along this line. It is stated in the newspapers, and with apparent authority, that the administration has become convinced that this act now before the Senate is preferable to the legislation which passed the House and which will be discarded in favor of this new Federal trade commission bill if it is received well by the business interests of the country.

"I do not blindly follow the ideas of this or any other administration, but I do believe that as business men and citizens it behooves us to show our appreciation of the anxiety and desire on the part of the President to discard certain provisions which were reported by the Judiciary Committee of the House and passed by the House of Representatives.

"The other provisions of the bill, in addition to the inclosed section, cover the creation and establishment of the Federal trade commission, gives it the same powers of investigation which the Bureau of Corporations now possesses, one very important point being that we get only have a law against unfair competition, which can be prohibited by the commission after it has investigated the conditions, but if any business house considers that the commission is mistaken it can continue its practices, and the commission must then bring the matter before the court, which is a double safeguard against precipitate or unwarranted action by the commission.

"There is an important public consideration in the fact that the expense of all proceedings for the determination and prevention of unfair competition will be necessarily borne by the Government in giving full control and power to act in the premises to the proposed Federal trade commission. This can act fail to prove a real benefaction to the manufacturer or merchant of limited resources who suffer from the predatory practices of unfair competitors.

"Having studied the subject of unfair competition at some length, I feel it my duty to call attention to the proposed act and to advocate it as widely as possible.

Mr. CUMMINS. I have long been convinced, Mr. President, that the successful regulation of the commerce of the United States involved the employment of a legislative trade tribunal or commission. We have already adopted that policy in so far as the common carriers are concerned. Our experience with the Interstate Commerce Commission has, I think, been a happy one, and its work has inspired for it the confidence of the thinking people of the United States. I believe that a trade tribunal, with proper jurisdiction and power to assist in the administration of the law respecting general industry, will be found as helpful in that field as the Interstate Commerce Commission has been found in the field of transportation. I am, therefore, thoroughly and heartily in favor of this bill.

I have sometimes doubted whether we are warranted in creating a commission of the kind provided for in the bill without investing it with greater and more comprehensive powers than this particular measure confers upon it; and I intend before a vote is had to present certain amendments which will very greatly increase its power and, as I believe, its usefulness. I had it in mind to confine my observations upon this occasion to those amendments, which will presently be offered, but the course of the debate up to this time has led me to somewhat broaden the scope of my remarks, and I intend to consider, briefly if I can, the general subject upon which we have entered.

The people of the United States produce more, consume more, and distribute more than the people of any other nation upon the face of the earth. The internal commerce of the people of this country is, I have been informed, largely more than the internal commerce of any other two countries in the world, and of the internal commerce 90 per cent or more is either directly commerce between the States or it is so associated with commerce among the States that it falls under the jurisdiction of Congress. When, therefore, Congress attempts to regulate commerce among the States, it is dealing with the greatest, the most complicated, and the most important subject concerning which Congress can employ its power.

I am one of the men who believe that the great majority of the business men of the United States are honest, law-abiding men. I believe that they desire to conduct their affairs with scrupulous regard for the rights of their fellow men; I believe that they have a sincere and earnest purpose to obey the law, and in that way perpetuate their right to be called law-abiding citizens. There are a few, and, comparatively, they are very few, who have used their great genius and the power which vast wealth has given them to oppress the people of the country by the use of means which are condemned by every right-thinking man, which are immoral in and of themselves, and which have, as says, been held to be immoral since civilization reached its present high stage of development.

The difficulty is that many of the regulations of interstate commerce, if we accomplish what we want to accomplish, do not prohibit acts that are immoral in themselves. They prohibit relations and practices that have hitherto been considered as tolerable or least, civilized at least, in the great war for success in the great battle of commerce.

We have adopted in this country the policy of competition. We are trying to preserve competition as a living, real force in our industrial life; that is to say, we are endeavoring to maintain among our business people that honorable rivalry which will prevent one from exacting undue profits from those who may deal with him because same one else, his competitor, will be willing to accept reasonable profits in the same business.

We are practically alone, however, in this policy. There is no other country that is endeavoring to preserve competition as we are trying to maintain it. England long ago became indifferent to it; and while that great country has not specifically adjusted her laws so as to permit monopoly they are so administered as to practically eliminate competition when the trade affected so desires. France has pursued a like course. Austria, Italy, Spain, Norway, Sweden, as well as Belgium, have all pursued the course of permitting combinations and relations which practically annihilate competition, and Germany, our most formidable rival, so far as commerce is concerned, not only authorizes by her law the formation of monopolies, the creation of combinations which restrain trade and which destroy competition, but oftentimes compels her people to enter into combinations which are in effect monopolies. We are, therefore, pursuing a course which rather distinguishes us from the commerce of the commercial world.

I pause here to say, and I say it emphatically and earnestly, that I believe in our course; I believe in the preservation of competition; I believe in the maintenance of the rule that opens the channels of trade fairly and fully to all comers. I believe it because it seems to me obvious that any other course must inevitably lead us into complete State socialism. The only monopoly which civilized mankind will ever permanently endure is the monopoly of all the people represented in the Government itself. I am reluctant to take even one step toward the confines of State socialism, and therefore for years I have been doing what little I could to keep alive the spirit of competition in our country which means individualism in business, individualism in society, individualism in every field in which energy and initiative are required.

I mention the economic policies of other countries simply to illustrate what I said a moment ago—that we are prohibiting our people from the performance of a great many acts; we are forbidding them to do a great many things that other countries not only do not forbid but actually favor; and I am suggesting it because when we do forbid those things we are regulating our commerce from the standpoint of a policy which seems to us good, which seems to me not only good but imperative, but which can be violated without any sense of moral wrong, with-

Mr. SHIVELY. On page 23, line 21, before the word "Sixty-ninth," I move to insert the words "One hundred and."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 23, line 21, before the word "Sixty-ninth," it is proposed to insert "One hundred and," so as to make the clause read:

The name of James P. Sloan, late of Company E, One hundred and Sixty-sixth Regiment Pennsylvania Drafted Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 24, line 23, after the word "late," to strike out "repairer of telegraph lines, Quartermaster's Department, United States Army," and insert "Irregular volunteer with Second Regiment Tennessee Cavalry," so as to make the clause read:

The name of Calvin S. Roberts, late irregular volunteer with Second Regiment Tennessee Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 25, line 3, the name "Reed" should be spelled "Read," so that the name will be "Helen B. Read." I move that amendment.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 26, after line 6, to strike out:

The name of Alexander S. Bowen, late of Company H, Forty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 10, to strike out:

The name of John O. Drawbaugh, late of Company B, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 31, line 3, after the word "Company," I move to strike out the initial "D" and to insert in lieu thereof the initial "E."

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 31, line 17, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Quincy A. Seibold, late of Company C, One hundredth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill read a third time.

The bill was read a third time and passed.

The bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following-named persons at the rates stated:

Samuel H. Portz, late of Company G, Fifty-second Regiment Iowa Volunteer Infantry, War with Spain, $20 per month.

Harold L. Clifton, late of Trooop K, Seventh Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Mary P. McIntire, former widow of William B. Skinner, late of Company I, First Regiment Illinois Volunteer Infantry, War with Mexico, $12 per month.

Joseph A. Mason, late of Company H, Third Regiment Kentucky Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Patrick Moore, late of U. S. S. *Vandalia*, United States Navy, $12 per month.

William E. Monroe, late of Company C, Tenth Regiment United States Infantry, War with Spain, $12 per month.

Thomas Harrison, late of Troops D and A, Third Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Linnie C. Hawkins, dependent mother of Louis C. Hawkins, late of Company F, Twenty-first Regiment, and Company G, Second Regiment, United States Infantry, $20 per month in lieu of that she is now receiving.

John E. Tevendale, late of Company G, Twenty-first Regiment United States Infantry, War with Spain, $12 per month.

Louis M. Smith, late of Company C, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, $10 per month.

James D. Setliff, late of Company H, Twentieth Regiment United States Infantry, $10 per month.

Clarence McMillan, late of Company H, First Regiment Mississippi Volunteer Infantry, War with Spain, $20 per month.

John Ritter, late of Company B, Second Regiment United States Dragoons, $12 per month.

Perdita L. MacVean, widow of Charles S. MacVean, late of Troop G, Sixth Regiment United States Cavalry, War with Spain, $12 per month, and $2 per month additional on account of each of the minor children of Charles S. MacVean until they reach the age of 16 years.

Edward Flannery, late of Troop G, Third Regiment United States Cavalry, $12 per month.

Richard C. Freeman, dependent father of Richard K. Freeman, late of Company B, First Regiment North Carolina Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Philip H. Chambers, late of Troop C, Sixth Regiment United States Cavalry, $12 per month.

Lettie Vliott, widow of Fletcher Vliott, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Josephine Green, widow of George Green, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Jennie Farley, widow of Hudson Farley, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

Margaret Cecilia Donovan, widow of John Donovan, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th of September, 1868, $12 per month.

George W. Mason, late of Company A, First Regiment Kentucky Volunteer Cavalry, War with Spain, $30 per month in lieu of that he is now receiving.

Benjamin Girdner, late of Company A, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, $12 per month.

Jacob D. Cook, late of Company M, Second Regiment Arkansas Volunteer Infantry, War with Spain, $24 per month in lieu of that he is now receiving.

Joseph Frick, late of U. S. S. *Michigan*, United States Navy, $20 per month.

Harry D. Hogan, late of Troop L, Fourth Regiment United States Cavalry, War with Spain, $12 per month in lieu of that he is now receiving.

Ida M. Smith, widow of Winfield S. Smith, late of Company K, Eleventh Regiment United States Infantry, $12 per month.

Susan J. Cantrell, widow of John M. Cantrell, late of Company C, First Regiment Oregon Riflemen, Cayuse Indian War, $20 per month in lieu of that she is now receiving.

Marvel J. Nash, late of Company G, Second Battalion United States Engineers, $12 per month.

Dora D. Walker, dependent mother of Ward V. Walker, late of Company C, Fortieth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Albert V. Wellis, late of Company A, First Regiment Wisconsin Volunteer Infantry, War with Spain, $12 per month.

Emma B. Hubbard, widow of John F. Hubbard, late commander, United States Navy, $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of John F. Hubbard until he reaches the age of 16 years.

Theodore Hansen, late of Company H, Thirteenth Regiment Minnesota Volunteer Infantry, War with Spain, $16 per month.

George W. Cameron, late of Capt. John Boling's company, California Mounted Volunteers, California Indian War, $30 per month in lieu of that he is now receiving.

Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Ray W. Burkdoll, late of Company B, Signal Corps, United States Army, $30 per month.

Frank Stemm, late of Company E, Fifth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Carlton Meredith, late of Companies B and K, Eleventh Regiment United States Infantry, $10 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FEDERAL TRADE COMMISSION.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, the title of which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. NEWLANDS. Mr. President——

Mr. HUGHES. Before the Senate proceeds to the consideration of that bill, I wish to ask unanimous consent for the present consideration of a bill.

The PRESIDING OFFICER. The Chair will state to the Senator from New Jersey that we are now working under a unanimous-consent agreement. The bill that is now before the Senate——

WILLIAM CRONLEY.

Mr. HUGHES. I ask unanimous consent for the present consideration of the bill (S. 5731) for the relief of William Cronly. It will not take any time. If there is any objection to the bill, I will withdraw the request.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. I yield.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. HUGHES. It is a bill to correct a military record.

The PRESIDING OFFICER. The Secretary will state the bill by title.

The SECRETARY. A bill (S. 5731) for the relief of William Cronly.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. THOMAS. Has that bill been referred to any committee?

Mr. HUGHES. It has been referred to a committee and unanimously reported. It is my opinion that it is a very worthy case.

Mr. THOMAS. To what committee has the bill been referred?

Mr. HUGHES. To the Committee on Military Affairs.

The PRESIDING OFFICER. The Chair will suggest to the Senator from New Jersey that the bill states upon its face that it was referred to the Committee on Pensions.

Mr. HUGHES. That was an improper reference, and the Chair has not before him the proper copy of the bill. That was merely one which was in my files. The report shows that the bill was referred to the Committee on Military Affairs and reported by the Senator from Delaware [Mr. DU PONT].

Mr. GALLINGER. Bills to correct military records are always referred to the Committee on Military Affairs, or they should properly be so referred.

Mr. HUGHES. I repeat that this is a very worthy case.

Mr. THOMAS. Is the bill upon the calendar?

Mr. HUGHES. It is upon the calendar.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, William Cronly shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in the general mounted service, United States Army, on the 6th of July, 1865, but no pension shall accrue prior to the passage of this act.

Mr. HUGHES. On page 1, line 5, I move to strike out the name "Crouly" and to insert the name "Cronley."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading; read the third time.

The title was amended so as to read "A bill for the relief of William Cronley."

RACHEL E. DANGERFIELD BOAST.

Mr. SHAFROTH. I ask unanimous consent for the consideration of House bill No. 16192, which will not take a minute. It is a case where a woman acquired a homestead, and after acquiring the homestead she married an alien.

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. NEWLANDS. If the consideration of the bill will lead to no debate, I will yield; but this is the last time I shall yield.

Mr. SHAFROTH. There can not be any debate on the bill.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendment of the Senate numbered 20, and agrees to the same; insists upon its amendment to the amendment of the Senate numbered 1; further insists upon its disagreement to the amendment of the Senate numbered 30; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 43, 47, 48, 76, 218, 219, and 220.

That the House recede from its disagreement to the amendments of the Senate numbered 28, 29, 78, 79, 176, 177, and 234, and agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$61,420"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendments numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121: That the House recede from its disagreement to the amendments of the Senate numbered 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, and 121, and agree to the same with an amendment as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $1,800; assistant assayer, $1,200; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,200.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, $1,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $1,800; clerk, $1,000; assistant assayer, $1,200; in all, $4,000.

"For wages of workmen and other employees, $2,000.

"For incidental and contingent expenses, new machinery, etc., $500.

ment Vermont Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lizzie U. Ricker, widow of Arthur Ricker, late of Company B, Fifth Regiment Maine Volunteer Infantry, and Company I, Thirtieth Regiment Maine Veteran Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John L. Shields, late of Company B, Eighth Regiment Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Anna B. Davis, widow of Wirt Davis, late colonel Third Regiment United States Cavalry, and brigadier general, United States Army, retired, $30 per month in lieu of that she is now receiving.

Simon W. Morgan, late of Company B, First Regiment Oregon Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Frances E. Porter, widow of John A. Porter, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Lorena M. Long, widow of Byford E. Long, late captain Company E, Sixty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that she is now receiving and $2 per month additional on account of the minor child of said Byford E. Long until she reaches the age of 16 years.

Charles F. Roberts, late of Companies E and F, Thirtieth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Florence B. Plato, widow of Nelson Plato, late captain and assistant quartermaster, United States Volunteers, $40 per month in lieu of that she is now receiving.

George L. Johnson, late of Company K, Forty-second Regiment Massachusetts Militia Infantry, $30 per month in lieu of that he is now receiving.

Joanna A. Bevans, former widow of Charles V. McCarter, late of Company A, Second Regiment, and Company K, Fourth Regiment, Wisconsin Volunteer Cavalry, and widow of Henry T. Bevans, late of Company F, First Regiment Minnesota Volunteer Infantry, $12 per month.

Elizabeth A. Jones, dependent sister of Flavel B. Jones, late of Company D, One hundred and first Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George M. Swango, late of Company G, Seventh Regiment, and Company C, Twentieth Regiment, Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Christian C. Fleck, late of Thirtieth Independent Battery, New York Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Sarah J. Tillinghast, widow of Clark P. Tillinghast, late of Company C, First Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Benjamin F. Neddo, late of Company G, Ninth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James D. Brooks, late of Company D, Fifth Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Henry Goodwin, late of Company C, First Regiment New Hampshire Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Francis M. Drum, late of Company A, First Regiment New York Veteran Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Zachary S. Walker, late of Company B, Ninth Regiment Indiana Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Matilda A. Cowgill, widow of Isaac V. Cowgill, late of Companies C and B, First Regiment Indiana Volunteer Cavalry, and former widow of Thomas K. Martin, late of Companies C and B, First Regiment Indiana Volunteer Cavalry, $12 per month.

Marquis L. Waits, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Moses P. Roberts, late of Company E, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, and Company A, Third Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Celia A. Davis, widow of William M. Davis, late of Company C, Second Regiment Missouri State Militia Cavalry, $20 per month in lieu of that she is now receiving.

Margaret A. Pepper, widow of Edward Pepper, late of Company, D, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Rhoda L. Gorcham, former widow of William M. Gorcham, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, $12 per month.

Miles G. Lee, late of Company L, Seventh Regiment Pennsylvania Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

James Ohaver, late of Company B, One hundred and seventeenth Regiment, and Company A, One hundred and fifty-sixth Regiment, Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Theodore S. Payton, late of Company K, Forty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Byron A. Hart, late of Company H, Second Regiment Maine Volunteer Cavalry, and ordinary seaman, U. S. S. *Richmond*, United States Navy, $36 per month in lieu of that he is now receiving.

William H. Sisson, late of Company F, First Regiment Massachusetts Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Eugene A. Rix, late of Company E, First Regiment New Hampshire Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Teney Stanton, widow of Larkin Stanton, late of Company E, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

William Calkins, late of Company K, Fifth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

James E. S. Pray, late hospital steward Seventeenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William H. Sperry, late of Company K, Seventh Regiment Iowa Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Nancy Matsel, former widow of Henry McKnight, late of Company F, Eighty-seventh Regiment Illinois Volunteer Infantry, and widow of William H. Matsel, late of Company I, Eighty-seventh Regiment Illinois Volunteer Infantry, $12 per month.

George Willis, late of Company G, Thirteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Eliza L. Johnsonbaugh, widow of John H. Johnsonbaugh, late of Company B, One hundred and forty-second Regiment Indiana Volunteer Infantry, and former widow of Milton Ellis, late of Company G, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and Llewellen Shaw, late of Company A, Second Regiment Indiana Volunteer Cavalry, $12 per month.

Charles Brink, late of Company C, Thirtieth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Sullivan, late of Company K, One hundred and fourteenth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Blanche L. Kuykendall, widow of James W. Kuykendall, late of Company E, Seventy-first Regiment Indiana Volunteer Infantry, subsequently Sixth Regiment Indiana Volunteer Cavalry, $12 per month.

William H. Rich, late of Company B, Seventy-fifth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Amelia Dingler, widow of Edward Dingler, late captain Company F, Seventh Regiment New Jersey Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frank Snurpus, late second lieutenant Company K, Eleventh Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Max Pracht, alias Maxwell Pratt, late acting third assistant engineer, United States Navy, $30 per month in lieu of that he is now receiving.

Cary Otis, late of Company H, Eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frederick D. Bailey, late of Company I, One hundred and fifty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur E. Strimple, late of Company A, Fifth Regiment Illinois Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Joseph S. Pray, late of Company H, Third Regiment Massachusetts Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

William Gehlbach, late of Company B, Thirteenth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Julia E. Robinson, widow of James Robinson, late of Company I, Sixth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas W. Eckert, late of Company A, Second Battalion Sixteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Samuel A. Leater, late of Company I, Thirty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Evans, late of Company D, Third Regiment Potomac Home Brigade Maryland Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jacob M. Stark, late of Company A, Fifteenth Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Jennie C. Potter, widow of Ethan A. Potter, late of Company B, Second Regiment Vermont Volunteer Infantry, $12 per month.

Margaretta B. Sayre, widow of Henry Sayre, late of Company E, Fifty-second Regiment Illinois Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ann Lenorn Sayre, helpless and dependent child of said Henry Sayre, the additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Margaretta B. Sayre the name of the said Ann Lenora Sayre shall be placed on the pension roll at $12 per month from and after the date of death of said Margaretta B. Sayre.

Curtis B. Small, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mr. SHIVELY. I move to amend by striking out lines 10 and 11, on page 1, and lines 1, 2, and 3, on page 2, in the following words:

The name of Anna R. Atwood, former widow of Dwight S. Atwood, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The beneficiary has died.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 9, to strike out:

The name of Arabella McV. Russell, former widow of James McVay, late of the United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 6, before the word "late," to strike out the name "Cloffee" and insert the name "Claffee," so as to make the clause read:

The name of Mary T. Frank, former widow of Patrick T. Claffee, late of Company C, Ninth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 18, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Eugelina A. Fischer, widow of Charles H. G. Fischer, alias Henry Burtos, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "receiving," to insert: "*Provided*, That in the event of the death of Edith May Wildman, helpless and dependent child of said John P. Wildman, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa Wildman the name of the said Edith May Wildman shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Louisa Wildman," so as to make the clause read:

The name of Louisa Wildman, widow of John P. Wildman, late of Company K, First Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edith May Wildman, etc.

The amendment was agreed to.

The next amendment was, on page 7, line 10, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Julia W. Stevens, widow of Henry S. Stevens, late chaplain Fourteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the name "Hess," to strike out the initial "W." and insert the initial "D," and in line 5, before the words "per month," to strike out "$27" and insert "$24," so as to make the clause read:

The name of Samuel D. Hess, late of Company A, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 17, before the words "per month," to strike out "$27" and insert "$24," so as to make the clause read:

The name of James McCarthy, late of Company L, First Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

Mr. SHIVELY. In line 16, I move to strike out the word "Infantry," after the word "Volunteer," and insert the word "Cavalry."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 9, after line 22, to strike out:

The name of Edward T. Parker, late of Companies F and B, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 11, before the word "widow," to insert "former," so as to make the clause read:

The name of Anna M. Fox, former widow of Daniel W. Fox, late of Company B, Seventy-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 2, to strike out:

The name of Catharine McCombs, widow of William H. McCombs, late of Company B, Battalion Cavalry, Mississippi Marine Brigade, and pay her a pension at the rate of $12 per month as the soldier's widow, with the provision that in the event that the soldier shall subsequently be found to be alive and shall make application for restoration of his name to the pension rolls any sum or sums so paid to the widow under the provisions of this act shall be deducted from any pension which may have accrued to him, and that the pension allowed the widow by this act shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 14, line 5, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Joseph H. Petree, late of Company D, First Regiment Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 7, before the name "Winter," to strike out "Joseph" and insert "Jacob," so as to make the clause read:

The name of Jacob Winter, alias Strisle, late of Company F, Fourteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to strike out:

The name of Martha Gage, widow of Lucian R. Gage, late of Battery I, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 10, before the word "late," to strike out the name "Lea" and insert "Lee," so as to make the clause read:

The name of Isaac T. Lee, late of Company C, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Christian Harchelroda, late of Company E, Thirteenth Regiment Maryland Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 12, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Eliza M. Clark, widow of Jehiel Clark, late of Company F, Seventy-fifth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, after line 16, to strike out:

The name of Anna Webber, widow of Frederick Webber, late of Company A, Sixteenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 23, to strike out:

The name of Rufus H. Hopkins, late of Company F, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 13, line 15, after the word "Joseph," I move to insert the initial "P," so as to read.

The name of Agnes Clark, widow of Joseph P. Clark, late of Company E, Eleventh Regiment Pennsylvania Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 1, before the word "late," to strike out the name "Hilbert" and insert the name "Hilfert," and in line 2, before the word "unassigned," to strike out "of Company ——," so as to make the clause read:

The name of Charles H. Hilfert, late unassigned, Third Regiment Wisconsin Volunteer Infantry and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. SHIVELY. On page 14, line 3, after the word "Infantry," I move to insert "and Company D, Twenty-first Wisconsin Volunteer Infantry."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 16, line 1, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Sarah Jane Nelson, widow of Thomas Nelson, late of Company G, Second Regiment United States Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 16, line 8, after the word "William," I move to strike out the initial "J" and insert the initial "C," so as to read "William C. Narron."

The amendment was agreed to.

The next amendment was, on page 16, line 22, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Augusta Hendricks, former widow of John C. Eames, late of Company B, Twenty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 18, line 20, after the word "Volunteer," I move to strike out "Light" and insert the word "Heavy," so as to read:

The name of Sara A. Call, widow of Robert P. Call, late of Company D, First Regiment Ohio Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 20, line 4, after the word "Company," I move to strike out the initial "D" and insert the initial "B," so as to read:

The name of Alice E. Keating, widow of John Keating, late of Company B, Eighteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 20, after the name "Herman," to strike out "Miemeyer" and insert "Niemeyer," and in line 21, after the word "Militia," to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of Johanna F. Niehaus, former widow of Herman Niemeyer, late of Company E, First Regiment Missouri State Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 15071) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 1, after line 5, to strike out:

The name of Mary E. Ferrell, dependent mother of John A. Ferrell, late of Company G, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 13, after the words "at the rate of," to strike out "$24" and insert "$17," so as to read:

The name of Edgar E. Cummings, late of Company C, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 3, to strike out:

The name of Luther Detwiler, late of the Twenty-second Company, United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 7, to strike out:

The name of Edith V. Pannett, widow of William F. Pannett, late of Troop B, Sixth Regiment United States Cavalry, War with Spain, and pay her a pension of $12 per month, and $2 per month additional for one minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the word "Infantry," to insert "Volunteer," and in the same line, after the word "Infantry," to strike out "Regular Establishment," so as to make the clause read:

The name of Elizabeth Adams, widow of William Adams, late of Company C, Sixth Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out:

The name of Agnes M. Frazier, widow of August Frazier, late of the United States Marine Corps, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 18, after "$2," to strike out "additional for each minor child of the deceased soldier until they reach the age of 16 years" and insert "per month additional on account of each of the minor children of said Frank G. Agey until they reach the age of 16 years," so as to make the clause read:

The name of Vernie Agey, widow of Frank G. Agey, late of Company F, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Frank G. Agey until they reach the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 15504) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 2, after "$2," to strike out "additional for the minor child of the deceased soldier until it reaches the age of 16 years" and insert "per month additional on account of the minor child of said George Parker until she reaches the age of 16 years," so as to make the clause read:

The name of Missouri Parker, widow of George Parker, late of Company E, Twenty-fourth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of the minor child of said George Parker until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 14, before the word "mother," to insert "dependent," and in line 15, before the word "late," to strike out "deceased," so as to make the clause read:

The name of Belle R. Reid, dependent mother of Wayne R. Jacobs, late of Company A, First Regiment Colorado Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 18, after the word "late," to strike out "of Nineteenth Company," and in line 20, before the words "Coast Artillery," to strike out "Regiment" and insert "United States," so as to make the clause read:

The name of Edmon Boydston, late unassigned, Foot Service White United States Coast Artillery, Regular Establishment, and pay him a pension at the rate of $14 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 22, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Talulah F. Hale, dependent mother of Henry C. Hale, late of Company B, Fifth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of William M. Sanders, late of Company L, Third Regiment United States Infantry, and Company A, First Regiment Kentucky Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 9, to strike out:

The name of John W. Lattimore, late of Company C, Ninth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $17 per month.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates stated:

Ruth A. Jackson, widow of Franklin D. Jackson, late of Company I, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Anna R. Atwood, former widow of Dwight S. Atwood, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Josephine Soleau, widow of Francis X. Soleau, late captain Company G, and major Fifteenth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Ellen M. Kilbourn, widow of Amos W. Kilbourn, late of Company A, Second Regiment Ohio Volunteer Cavalry, and Twenty-fifth Battery, Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Josephine Rath, widow of Gottfried Rath, late of Company C, Fifteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth McLaughlin, widow of William McLaughlin, late ordnance sergeant, United States Army, $20 per month in lieu of that she is now receiving.

Henry Fairley, late of Company B, Seventieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Henry M. Means, late of Company C, Second Battalion Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Eveline Titus, now Watts, former widow of William H. Titus, late of Fifth Battery Wisconsin Volunteer Light Artillery, $12 per month.

Nellie E. Alfred, widow of Albert F. Alfred, late of Company D, Second Reigment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Annie F. Merritt, widow of James E. Merritt, late of Company D, Forty-second Regiment Massachusetts Volunteer Infantry, $12 per month.

Eugenia Chaves de Montano, widow of Manuel Montano, late of Companies D and A, Second Regiment New Mexico Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Pierce, former widow of James C. Newton, late of Company G, Ninety-third Regiment Indiana Volunteer Infantry, $12 per month.

Julius C. Ward, late of Company H, Seventy-second Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

James B. Kendall, late of Company F, Fifty-first Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Eliza K. Carpenter, widow of Arthur B. Carpenter, late captain, Nineteenth Regiment United States Infantry, $30 per month in lieu of that she is now receiving.

Josephine Moore, former widow of Thomas G. Patterson, deceased, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, $12 per month.

William R. Downs, late of Company E, Eleventh Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Carrie A. Wells, widow of William T. Wells, late of U. S. S. *Osage* and *Meteor*, United States Navy, $20 per month in lieu of that she is now receiving.

William H. Allen, late of the Second Company of Sharpshooters attached to the Twenty-second Regiment Massachusetts Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaiah Coplin, late of Company C, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Henry C. Doll, late of Company F, Twenty-fifth Regiment Pennsylvania Volunteer Infantry, $12 per month.

Samuel Hill, late of Company A, Fourth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Willis Layton, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Deems, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Frances M. Robertson, widow of Robert S. Robertson, late first lieutenant Company K, Ninety-third Regiment New York Volunteer Infantry, $17 per month.

Eli Caldwell, late of Company C, First Regiment Nebraska Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Isaac R. Ralns, helpless and dependent son of John M. Ralns, late captain Company C, Second Regiment Tennessee Volunteer Cavalry, $12 per month.

Selena E. Noland, widow of Andrew Noland, late of Company C, Forty-third Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John D. Sanders, late of Company H, Sixty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison Stevens, late of Company D, Eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sadie Winters, widow of Francis Winters, late of Battery K, Second Regiment United States Artillery, $12 per month.

Sarah J. Rugh, widow of James C. Rugh, late of Company C, Twenty-sixth Regiment Ohio Volunteer Infantry, $12 per month, such pension to cease upon proof that the soldier is still living.

George H. Erskine, late of Company G, Twenty-eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Helen M. Winchester, widow of Merritt R. Winchester, late of Company H, Eighteenth Regiment New York Volunteer Cavalry, $12 per month.

John S. Bell, late of Company D, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John M. Mishler, late of Company K, Fiftieth Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Berabelu Wood Logan, widow of Floatus V. Logan, late of Company C, Third Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that she is now receiving.

John Collier, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elizabeth C. Miller, widow of Samuel Miller, late of Company K, Ninety-third Regiment Ohio Volunteer Infantry, $12 per month.

Francis M. Stults, late of Company B, Third Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Josephine C. Sumner, widow of William Sumner, late first lieutenant Company C, Twenty-seventh Regiment Michigan Volunteer Infantry, $12 per month.

Martha G. Lee, widow of James V. Lee, late of Company E, One hundred and tenth Regiment Pennsylvania Volunteer Infantry, and Battery E, Fifth Regiment United States Artillery, $20 per month in lieu of that she is now receiving.

Maggie Daugherty widow of George A. Daugherty, late of Company M, Thirteenth Regiment Kentucky Volunteer Cavalry, $24 per month in lieu of that she is now receiving.

John C. Hotchkiss, late of Company B, Fourth Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lursancy E. Rice, widow of Wells S. Rice, late captain Company D, Fifth Regiment Iowa Volunteer Infantry, and former widow of Henry C. Thompson, late of Company G, Third Regi-

Martha E. Enicks, widow of William H. Enicks, late of Company G, Eleventh Regiment West Virginia Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isaac E. Hunt, late of Company F, Twelfth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Austin Peck, late of Company E, Fourteenth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Flynn, late of Company C, Twenty-sixth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Pliny H. Barnes, alias Charles Baker, late of Company B, One hundredth Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Nancy A. Stanley, widow of William H. Stanley, late of Company C, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

Levi W. Elseley, late of Company D, First Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Ida M. Davis, widow of Henry C. Davis, late of Company B, First Regiment Indiana Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

John T. Taylor, late second lieutenant Company K, One hundred and forty-seventh Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Marguerite D. Pollard, widow of Joseph Pollard, late of Company G, First Regiment; second lieutenant Company G, Twelfth Regiment, and captain Company H, Second Regiment, Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Thomas Kiernan, late of Company F, First Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Winebark, late of Company C, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Townsend, late of Company H, Eighth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Albert T. Harvey, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William P. Mullikin, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Patrick Carver, late of Company D, Fifth Regiment Vermont Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Lizzie B. Nelson, widow of William H. Nelson, late of Company H, Forty-seventh Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

John Pace, late of Company B, Second Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Martin V. B. Eisenbarger, late of Company E, Forty-third Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin P. Kyle, late of Company C, Fourth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 7, after the word "insurrection," to strike out "or in China," in line 9, after the word "inclusive," to strike out "service to be computed from date of enlistment to date of discharge, including all furloughs," so as to read:

That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or leaving a minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16.

Mr. THOMAS. I wish to inquire whether the unfinished business of the Senate has been laid before it.

The PRESIDING OFFICER. The unfinished business has been temporarily laid aside for 30 minutes. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, at the top of page 3, to insert as a new section the following:

SEC. 2. That if any officer or enlisted man who served 90 days or more in the Army or Navy of the United States during the late Civil War and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier or sailor prior to the passage and approval of this act; and the benefits of this section shall include those widows whose husbands, if living, would have a pensionable status under the joint resolutions of February 15, 1895, July 1, 1902, and June 28, 1906.

The amendment was agreed to.

Mr. JONES. I wish to offer an amendment to come in as a new section.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After line 6, on page 4, insert the following as a new section:

SEC. 4. That every widow who is now receiving or may hereafter be entitled to a pension under present laws of less than $20 per month by reason of the Civil War shall, upon due proof that she was the wife of a soldier at any time during said war and continued his wife until his death, be entitled to a pension of $20 per month, the same to begin from the date of filing her application under the provisions of this act.

Mr. THOMAS. I should like to inquire whether that removes the limitation which the general law now imposes, which, I think, requires the marriage to have taken place prior to a certain time in 1890?

Mr. JONES. This simply covers a case where the widow was the wife of a soldier during the Civil War. The amendment of the committee which has been adopted covers the point the Senator inquires about.

Mr. THOMAS. There is a general statute which now covers this class of cases.

Mr. JONES. They all get the same pensions. This gives to the widows who were wives of soldiers during the war $20 instead of $12. I think the amendment just adopted covers the point the Senator has in mind. The committee have reported an amendment which removes the limitation of 1890. The amendment which I have offered is a recognition to a woman who was the wife of a soldier while the war was on in her own right and gives her a little larger pension than the ordinary widow of a soldier.

Mr. THOMAS. Do I understand the Senator's construction of the amendment adopted by the committee to be, in substance, that it would cover this case, for instance, that if a pensioner should marry to-day and should die next week the wife of that pensioner would have a pensionable status?

Mr. JONES. That is the effect of the committee amendment, I understand.

Mr. THOMAS. I should like to inquire of the chairman of the committee if that is the effect of the amendment?

Mr. SHIVELY. To what class of widows does the Senator refer?

Mr. THOMAS. I am referring to widows of the soldiers of the Civil War.

Mr. SHIVELY. Any widow who married the soldier prior to the passage of this bill becomes pensionable.

Mr. THOMAS. And it removes the restriction of the old law which requires a widow to have married prior to 1890?

Mr. SHIVELY. This bill employs substantially the same language as the act of 1890 and will apply to marriages prior to the passage of the bill.

Mr. THOMAS. At what time does the marriage of the widow have to take place to obtain a pensionable status?

Mr. SHIVELY. Prior to the passage of this bill.

Mr. THOMAS. This bill has not passed.

Mr. SHIVELY. At present she must have married the soldier prior to June 27, 1890. To change that date is the substance and purpose of the amendment. For instance, a widow is now eligible to a pension if she married the soldier prior to June 27, 1890.

Mr. THOMAS. Under this bill the widows of all soldiers who have married since June, 1890, will be placed upon the pension rolls.

Mr. SHIVELY. They become eligible to the pension prescribed in the bill.

Mr. THOMAS. Can the Senator inform me to what extent that will increase our pension expenditures?

Mr. SHIVELY. The estimate of the expense is incorporated in the report and——

Mr. BRYAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. Will the Senator from Colorado yield to the Senator from Florida?

Mr. THOMAS. In just a moment. I have asked a question.

Mr. BRYAN. I desire to propound a parliamentary inquiry.

Mr. THOMAS. Will the Senator permit me to get this information?

Mr. SHIVELY. The Senator will find a communication on page 3 of the report signed by the Assistant Secretary of the Interior, in which he estimates the total for widows of soldiers of the Spanish-American War and the new class of widows of the Civil War to be $7,500,000 per annum.

Mr. BRYAN. Mr. President, what was the unanimous-consent agreement under which this pension bill is being considered? Did it include a general pension bill or only private pension bills?

The PRESIDING OFFICER. The request was for the consideration of the pension bills on the calendar under Rule VIII.

Mr. BRYAN. Is it too late to object to the consideration of this bill?

The PRESIDING OFFICER. It is too late at the present time.

Mr. SHIVELY. Let me make a suggestion.

The PRESIDING OFFICER. The Chair will state to the Senator from Florida that the unfinished business was temporarily laid aside for 30 minutes beginning at 2 minutes past 2.

Mr. SHIVELY. It seems manifest that this bill will provoke more or less debate and take time. Only a few minutes remain under the unanimous consent to consider pension bills. It is hoped that all the private pension bills on the calendar may be disposed of to-day. Therefore, for the purpose of facilitating the passage of the bills which do not provoke extended debate, I ask that for the present this bill may be passed over.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the pending bill be passed over for the present. Is there objection?

Mr. JONES. I understand that my amendment will be pending when it comes up.

The PRESIDING OFFICER. When the bill again comes before the Senate the Senator's amendment will be pending. The Chair hears no objection, and the next pension bill will be presented to the Senate.

Mr. BRYAN. Was Order of Business 209 taken up and considered under the unanimous-consent agreement?

The PRESIDING OFFICER. No; the Chair will state to the Senator from Florida that Order of Business 209 was not brought to the attention of the Senate. That is the bill to create in the War Department and Navy Department, respectively, a roll to be designated as "the Civil War Volunteer officers' retired list."

Mr. GALLINGER. That was not considered.

The PRESIDING OFFICER. That bill was not considered.

Mr. BRYAN. I am surprised that this Calendar No. 494 would be undertaken to be considered when the unanimous consent was to consider private pension bills. Of course, the Senator from Indiana knows, or ought to know, that this bill can not be considered by any unanimous consent within any two hours.

The PRESIDING OFFICER. The Chair will say to the Senator that the bill has been temporarily laid aside by unanimous consent. The next pension bill on the calendar will be proceeded with.

The bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, to strike out lines 6 to 9, in the following words:

The name of Catherine Beard, widow of Archibald Beard, late of Company A, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Amy Day, widow of Lorenzo Day, late of Company F, One hundred and twenty-fifth Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 3, line 12, after the word "late," I move to strike out "of Anderson Troop" and insert "lieutenant colonel," so as to read:

The name of Margaret Spencer, widow of William Spencer, late lieutenant colonel Fifteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of Hannah M. Brodock, widow of Ransom Brodock, late of Companies I and E, Second Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of George Congdon, late of Company H, Thirty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 18, before the word "widow," to insert "former," and in line 20, before the word "Militia," to insert "State," so as to make the clause read:

The name of Julia Derigne, former widow of Robert T. Derigne, late of Company C, Second Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 2, before the word "widow," to strike out the name "Anna E. Seaman" and insert "Hannah E. Seamans," and in the same line, after the name "John," to strike out "Seaman" and insert "Seamans, jr.," so as to make the clause read:

The name of Hannah E. Seamans, widow of John Seamans, jr., late of Company D, One hundred and thirty-seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "principal," to insert "late," and in the same line, after the word "musician," to strike out "late of," so as to make the clause read:

The name of Mary J. Smith, now Simpson, former widow of Mighill S. Smith, late principal musician, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 3, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Alvah Withee, late of Company H, Fifth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, before the word "Regiment," to strike out "forty-eighth" and insert "forty-ninth," and in the same line, before the word "Volunteer," to strike out "Ohio" and insert "Pennsylvania," so as to make the clause read:

The name of Mary L. McEntire, widow of Thomas McEntire, late of Company H, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 11, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Thomas McCafferty, late of Company G, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 10, line 10, I move to strike out the word "Infantry" after the word "Volunteer" and insert the word "Cavalry."

The amendment was agreed to.

The next amendment was, on page 11, line 5, after the name "Washington," to strike out "Bentley" and insert "Bently," so as to make the clause read:

The name of Washington Bently, late of Company E, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 22, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Andrew J. Wallace, late of Company G, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the word "pension," to strike out "special," so as to make the clause read:

The name of George B. Weesner, late of Company D, Thirty-second Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to strike out:

The name of John Hodges, late of Company B, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 9, line 8, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Wiley Gullett, late of Company F, Twenty-eighth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 17, before the words "per month," to strike out "$50" and insert "$12," so as to make the clause read:

The name of Martha R. Allwein, late nurse, Regular Establishment, United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 1, after the word "additional," to strike out "for" and insert "on account of"; in line 2, before the word "minor," to strike out "two" and insert "the"; and in the same line, after the word "children," to insert "of said Frank Mihalak," so as to make the clause read:

The name of Catherean Mihalak, widow of Frank Mihalak, late of Company M, Fifth Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Frank Mihalak until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 10, line 6, before the words "per month," to strike out "$24" and insert "$12," so as to make the clause read:

The name of Pawli Wiczias, late of Companies D and C, Twenty-first Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. DU PONT. I ask the Senate to return to the bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The bill was reconsidered and passed over with the understanding that it would be called up later.

The VICE PRESIDENT. The bill is before the Senate.

Mr. DU PONT. On page 2, line 1, before the words "per month," I move to strike out "$50" and insert "$75," so as to read "$75 per month." This is to increase the pension of Mrs. Harriet P. Porter to $75 per month.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Delaware.

Mr. DU PONT. I should like to say that I think this is a highly deserving case, and I can do no better than read a few extracts from Mrs. Porter's memorial.

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. GALLINGER. Will the Senator from Nevada agree to a proposition I am about to submit? It is that the unfinished business be laid aside for half an hour to enable us to complete the pension bills.

Mr. NEWLANDS. I have no objection to that course, if it is agreeable to the Senator from Iowa [Mr. CUMMINS], who is to speak next upon the pending bill.

Mr. GALLINGER. Then I will appeal to the Senator from Iowa.

Mr. CUMMINS. I understand that the request is to lay aside the commission bill for half an hour.

Mr. GALLINGER. If we can complete the pension bills during that time.

Mr. CUMMINS. Or to complete the calendar, so far as pension bills are concerned.

Mr. GALLINGER. Yes.

Mr. CUMMINS. I am very willing to agree to that.

Mr. GALLINGER. It may take a little over half an hour, but we will expedite it.

Mr. SMOOT. There are only eight more of these pension bills, I will state.

Mr. CUMMINS. I shall not put any limit on it, as far as I am concerned.

Mr. NEWLANDS. I ask that the unfinished business be temporarily laid aside for half an hour.

The VICE PRESIDENT. Without objection, the unfinished business will be laid aside for 30 minutes.

Mr. GALLINGER. More or less.

The VICE PRESIDENT. By unanimous consent, the consideration of the pension bills is resumed, and the Senator from Delaware has the floor.

Mr. DU PONT. Mr. President, I think this is a highly deserving case. Mrs. Porter is a lady of advanced years, and with a total income on which to support herself and her daughter of $250 a year. She is the widow of Maj. Gen. Fitz John Porter, and it seems to me, on account of the services of her husband, that she has a special claim to the consideration of the Senate.

In the Mexican War Gen. Porter was wounded in a desperate assault upon the Belen Gate of the City of Mexico, the two other officers of his battery having been killed and 27 out of the 30 enlisted men of the battery having been killed or wounded. Of those who made the assault, only 3 came off unhurmed, and he was one of those wounded.

During the Civil War he rendered conspicuous services on many occasions, and was most unjustly discharged from the service. He was reinstated with honor after an investigation. The board of inquiry stated that in their opinion "justice requires at his hands"—the hands of the President—"such action as may be necessary to annul and set aside the findings and sentence of the court-martial in the case of Maj. Gen. Fitz John Porter, and restore him to the positions of which that sentence deprived him, such restoration to take effect from the date of his dismissal from the service."

He was restored, but restored without any back pay. Upon his complete vindication and restoration to the Army Gen. Porter did not receive the back pay and emoluments, amounting to $97,310.18, to which he would have been entitled had he not been most unjustly deprived of his commission, and which he should have received under every principle of justice and equity and in conformity with the precedents established in several analogous cases.

This constitutes another strong ground, I think, why Mrs. Porter's pension should be increased from $50 to $75, and therefore I have moved the amendment.

Mr. GALLINGER. Mr. President, on a former occasion when a similar bill was before the Senate I called attention to the fact that there was great prejudice in my State against Gen. Porter at the time he was dismissed. It was an intense prejudice, but a colleague of mine in the other House, Martin A. Haynes, during the Fiftieth Congress, who served under Gen. Porter, made a speech in that body which completely convinced me that the dismissal was an act of absolute injustice.

As the Senator from Delaware has said, Gen. Porter lost $97,000 because of his dismissal. That amount ought to have been paid to him when he was reinstated in the service. The change of opinion regarding Gen. Porter in New Hampshire is so pronounced that a monument has been erected in Portsmouth to his memory, and so far as I know the feeling that he had not done his full duty as a soldier has absolutely disappeared from the minds of our people.

Mrs. Porter is reduced in circumstances to the extent that she has an income of $250 a year, and she has a daughter somewhat dependent upon her. Heaven only knows how she lives. I will be glad if the Senate will permit this pension to be increased to $75 per month, and let it go to conference for more deliberate consideration than we can give it to-day.

There are not any other things I would say except that I want to have all these pension bills acted upon to-day, if possible. I will content myself with simply expressing a hope that the Senate will agree to the amendment offered by the Senator from Delaware. It is but an act of simple justice—a totally

inadequate recognition when we consider the great services Gen. Porter rendered the Government.

Mr. THOMAS. What is the amendment?

The PRESIDING OFFICER (Mr. SMOOT in the chair). The amendment proposes to increase the pension of Mrs. Harriet Pierson Porter, the widow of Gen. Fitz John Porter, from $50 to $75 per month. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, read the third time, and passed.

The bill (S. 5575) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the persons named at the rates given:

Marie J. Blaisdell, late Army nurse, Medical Department, United States Volunteers, and widow of William Blaisdell, late of Company F, Fifth Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that she is now receiving.

Asa Wren, late of Company I, Thirty-ninth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Benjamin G. Barber, late of Company F, Twelfth Regiment Connecticut Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Emma T. Barnes, widow of Charles D. Barnes, late of U. S. S. *North Carolina* and *Susquehanna*, United States Navy, $20 per month in lieu of that she is now receiving.

David H. Geer, late of Company I, Thirteenth Regiment Connecticut Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Sarah C. Jaques, widow of Benjamin F. Jaques, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, $12 per month.

Eldred C. Mitchell, late of Company A, Twenty-fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary A. Burns, widow of William H. Burns, late of Company I, Thirteenth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary Boylington, widow of Ira Boylington, late of Company D, Seventy-eighth Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah A. Bailey, widow of Benjamin F. Bailey, late of Company F, First Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Richardson, widow of Sewell D. Richardson, late of Second Company Sharpshooters, Twenty-second Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Lewis C. Jones, blind and dependent son of Thomas M. Jones, late of Company H, Thirteenth Regiment Indiana Volunteer Cavalry, $12 per month.

Jane Simpson, widow of Jeremiah Simpson, late of Company A, Twelfth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Southwell, late of Company D, Sixty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma S. Gere, widow of Thomas P. Gere, late first lieutenant and adjutant, Fifth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna T. Russell, widow of John M. Russell, alias John Mack, late of Company G, One hundred and second Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isabella A. Trask, widow of Jedediah F. Trask, late of Company D, Eleventh Regiment Rhode Island Volunteer Infantry, $12 per month.

Benedikta Hess, widow of James Hess, late captain Company G, Forty-sixth Regiment Indiana Volunteer Infantry, $12 per month.

Sarah H. White, widow of Adrian C. White, late first lieutenant Company K, Twentieth Regiment Michigan Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Ella Hawkins, widow of William J. Hawkins, late of Company E, Fortieth Regiment Indiana Volunteer Infantry, $12 per month.

Morris P. Jolley, late of Company A, One hundred and twenty-sixth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary E. Wallace, former widow of Lemon W. Elder, late of Company E, Thirty-fourth Regiment Iowa Volunteer Infantry, $12 per month.

Mary E. Turner, formerly Ross, helpless and dependent daughter of Joseph Ross, late of Company D, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $12 per month.

Joshua F. Spurlin, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Emily M. Walker, widow of Benjamin F. Walker, late of Company B, One hundred and twenty-sixth Regiment Illinois Volunteer Infantry, $12 per month.

Lucretia M. Small, widow of Joseph L. Small, jr., late of Company G, Thirty-second Regiment, and Company G, Thirty-first Regiment, Maine Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Edward D. Small, helpless and dependent child of said Joseph L. Small, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Lucretia M. Small the name of the said Edward D. Small shall be placed on the pension roll at the rate of $12 per month from and after the date of death of said Lucretia M. Small.

Bernard A. McKenna, late of Company H, Twelfth Regiment United States Infantry, $36 per month in lieu of that he is now receiving.

Julius Patmore, late of Company E, Sixtieth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harriet M. Case, widow of Marcus A. Case, late of Company E, First Regiment Michigan Volunteer Engineers and Mechanics, $20 per month in lieu of that she is now receiving.

Rebecca Brown, widow of George J. Brown, late first lieutenant and captain Company F, First Regiment Indiana Volunteer Heavy Artillery, $25 per month in lieu of that she is now receiving.

Marcia A. Ward, former widow of William H. Cottrell, late of Company B, Thirty-fifth Regiment New York Volunteer Infantry, $12 per month.

Fridolin Strobel, late of Company C, First Battalion, Fifteenth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

James M. Harvey, late of Company C, Fifty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry N. Oliver, late of Company G, Twenty-second Regiment Maine Volunteer Infantry, and Company B, First Battalion Maine Volunteer Sharpshooters, $30 per month in lieu of that he is now receiving.

William J. Murray, who served in the Department of the Gulf, in the telegraph department, in the year 1862, and in the Red River campaign in 1864, $30 per month in lieu of that he is now receiving.

Samuel Morningstar, late of Company G, Thirteenth Regiment Indiana Cavalry, $30 per month in lieu of that he is now receiving.

Arthur Householder, late of Company D, Seventy-second Regiment Ohio Volunteer Infantry, and Company G, Tenth Regiment Ohio Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Charles H. Chambers, late of Company A, Eighth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James W. Allen, late of Company H, Fifteenth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James D. Beasley, late of Company G, Eighty-first Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Naomi Fiedler, widow of John A. Fiedler, late of Company C, Ninety-second Regiment, and Company C, Sixty-fifth Regiment, Illinois Volunteer Infantry, $12 per month in lieu of that she is now receiving.

Albert White, late of Company F, First Regiment, and Company C, Second Regiment, Kansas Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Frederick J. Young, late of Company C, First Regiment Mississippi Volunteer Mounted Rifles, $24 per month in lieu of that he is now receiving.

Samuel Minnich, late of Company I, Second Regiment Pennsylvania Volunteer Infantry, War with Mexico, and Company K, Fifteenth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Franklin Parlin, late of Company G, Nineteenth Regiment Maine Volunteer Infantry, and Company G, First Regiment Maine Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

Mr. SHIVELY. Let it go to conference.

Mr. JONES. I am afraid to let it go into conference. I do not think the Senate ought to cut out this item and throw it into conference, and I hope the Senate will reject the committee amendment.

Mr. GALLINGER. Mr. President, I will venture to ask the Senator from Washington if he does not think the rate in this case, all things considered, is a little high?

Mr. JONES. It is made $24 in cases of this kind generally. I think where the facts are as strong as this the committee nearly always reports $30.

Mr. SMOOT. No; the regular rate would be $24, based on the disability shown, provided the service was over a year. I have not really noticed what this service was.

Mr. JONES. We do not follow an absolutely uniform rule. I have noticed a good many bills where the actual facts were not so strong as in this case, where the committee has allowed $30. I do not complain of that. I find they have allowed $40 in some cases, and I know of some cases where they have allowed $50 where the facts were not nearly so strong as they are here; so it seemed to me that under the facts here the $24 rate was about as fair as anything could be.

Mr. GALLINGER. Mr. President, I think it is safe to say that no pension at the rate of $50 a month has ever been allowed unless the soldier was already drawing a pension of a smaller amount.

Mr. JONES. Oh, certainly.

Mr. SMOOT. We allow $50 sometimes, but in no case unless the claimant requires constant attendance and can not take care of himself.

Mr. JONES. Of course I know that that is the rule of the committee, but I did not know that it was always followed. While I do not say this committee has done it, I know of one instance myself where the man is going along just as lively as can be; he has disabilities, and so on, but he is getting $50 a month by special legislation. Every Senator knows of such cases.

Mr. SMOOT. Does the Senator know what the testimony was before the committee?

Mr. JONES. No; but I know the condition myself. I hope this amendment will be rejected.

Mr. SHIVELY. That never occurs in a case where the applicant is ineligible to any pension at all under the general laws.

Mr. JONES. Oh, no; I do not contend that he was ineligible to any pension; but I contend that under the facts, both physical and financial, the actual condition was not nearly so bad as this.

Mr. GALLINGER. That was precisely the suggestion I made—that in those cases the soldiers were already drawing small pensions because of disability, and they were increased to $50.

Mr. JONES. That is probably true.

Mr. MYERS. Mr. President, I hope very much the committee amendment in this instance will be rejected. I think it ought to be. I feel very earnestly and keenly about the merits and the right of this matter.

I am personally acquainted with Col. McDowell. He is a southerner and a friend of mine, born and reared in Kentucky. For a number of years he lived in Montana. He lived in my home town, where he was my neighbor, and from there he moved to the State of Washington, where he has lived for a number of years. He is a high-minded, honorable gentleman and patriotic citizen of fine qualities, as is illustrated, I believe, by the caution, even the timidity I might say, with which he makes out his own case. He shows a scrupulousness, a care, a caution in making any representations in his own favor that is refreshing and that is not often met with in pension matters, I believe. He manifests a very strong feeling that he would rather do without any pension than to err in the slightest degree, even a hair's breadth, in his own favor in an attempt to procure one.

Col. McDowell is now 75 years old, a very high-minded, honorable, and patriotic citizen, a thorough gentleman, who is a credit to his country and to every State and community in which he has ever lived. He is a man who is thoroughly honest, whose reputation, integrity, standing, and character are above the shadow of suspicion with anybody who knows him. He fought bravely for his country. Now he is 75 years old; rich in honor, but poor in this world's goods. Manifestly on account of age he is incapable of any physical labor or of doing anything for himself by which to earn a living. At his advanced age a man has no earning capacity.

I believe the House report in this case is meritorious. It is in his favor. Here you have two different reports before you—the report of the House committee, recommending a pension of $24 a month, and the report of the Senate committee, recommending that the item be stricken out and that this good man be given nothing.

Here are the verdicts of two juries, you might say, which have passed on the case—one in favor of and another against the allowance. Now, which are you going to adopt—the one that leans in favor of the old soldier, the one that is lenient with the old soldier, the one that is generous to the old soldier, or the one which is, I think, harsh, strict, and technical? To whom are you going to give the benefit of the doubt, if you have any doubt about it? Are you going to give it to this old man who shouldered his gun and served his country in its hour of peril, its time of need? And it needed men just as much in the Spanish-American War as it did during the dreadful Civil War. Which way are you going to lean if you are in doubt? I say, lean to the man who carried the gun. Lean to the old soldier. Lean to the man who fought for you and me and for our honor. I would rather err a little in favor of many old soldiers than to run any risk of doing an injustice to one of them.

I think the House report is sufficient for the Senate to follow in this case, without any reflection, of course, upon our own committee. I know our own committee is honest and scrupulous about this matter, and it has so many of these cases to deal with that it must be cautious; but I think its members sometimes, like other human beings, run a little risk of doing an injustice to somebody and sometimes may err.

The House report, after reviewing all the evidence, concludes:

> That the soldier is 75 years of age; feeble and infirm in health, and unable to perform any manual labor, and is now without means; possesses no property of any kind; and that he had an honorable service in the Confederate Army, and afterwards in the United States Army during the War with Spain.
>
> From the evidence submitted in this case it is believed that a pension of $24 per month is fully warranted, and it is so recommended.

In regard to whether or not Col. McDowell can trace his present disabilities to service in the Army, he says, honestly and frankly, that he is not able to swear that his present disabilities originated from his service in the Army. Well, what honest man could so swear, unless he is a physician and judges from a medical standpoint? Of course he does not know from what those disabilities originated, but he does say in his testimony that he suffered from these same disabilities for a time during his service in the Army, and then they disappeared. Now, after a lapse of some years, they have returned, and who is there that can say they did not originate in the service? He had the same affliction while he was serving in the Army and it disappeared for a time. He was younger then and abler to recuperate, but after a lapse of some years they returned. It seems to me it is very reasonable to believe that they originated during his Spanish-American War service. Indeed, there is evidence to that effect.

In addition to what I have quoted, the House report says:

> There is filed a certificate of the United States surgeon of the transport vessel upon which the soldier served, in which it is set forth that the soldier was under this surgeon's professional care and treatment for several weeks during March, 1901, during service, suffering from gastric irritation and intestinal indigestion to an extent to sensibly impair his health and strength. The surgeon states that, in his opinion, these disabilities were due to the long service of the soldier upon transports and thus being exposed to contrasts of temperature met with between New York and the West Indies. Much of the soldier's service was rendered upon transports upon these waters.

There is the evidence of an Army surgeon that he did contract the disability during his Spanish-American War service. We can not say that there is no evidence that he contracted the disability during that service. There is such evidence. It is uncontroverted. It is not denied. There is nothing to the contrary, and it seems to me that it is amply sufficient.

We hear a great deal nowadays about sinking the differences between the North and the South, wiping them out, overlooking former differences, putting all on the same footing, and all rallying about the Old Flag; and we hear much about the patriotism of the South in these days when the bloody differences of the gory past are supposed to have been wiped out. Now, here is a concrete example of it, a noble example. Here is a man who was born and raised in Kentucky, who lived in the South until the Civil War broke out, who enlisted in the Confederate Army, who followed valorously the varying fortunes of the stars and bars, who fought bravely, honorably, and efficiently as a valiant soldier and good man for the lost cause until its starry banner drooped in defeat. He would not do otherwise, I know, wherever his lot and fortunes might be cast. He fought for the right as he saw it and, in good faith, surrendered when his cause was lost. After that, when the reunited country had a war with Spain, although that man, that gallant ex-Confederate, must have been 50 years of age at the time, he responded to the call of his country, shouldered his musket, and entered the United States Army as a volunteer and served his country in its hour of need with the same courage, gallantry, and devotion as he served the Confederacy—served his country when it needed help just as much as it did during the dark days of the Civil War. Think of it! An ex-Confederate, 50 years of age, shouldering a musket and rushing to the defense of his endangered country at the first bugle call.

Here is a chance to show that this country is reunited in spirit as well as in name, in patriotism as well as in fact; that all differences have been sunken. Do you know of a nobler instance? Do you know of a better chance? This is a chance to recognize in a feeble way the well-known and spendid patriotism, the devoted loyalty, which the South feels to-day toward the Old Flag—patriotism and loyalty not surpassed in any section of this broad country, from the Atlantic to the Pacific. It stirs my heart with pride to think of it. I think here is a splendid chance to illustrate the generous feelings of our Government for its late foes who wore the gray. It is an extraordinary opportunity, as this old Confederate soldier has shown that he has a patriotism, a loyalty, a devotion for the common country and the Old Flag which respond to the call of his country whenever it is in the hour of danger and dire distress, and which age can not dim nor time quench. His patriotism, loyalty, and devotion to country burn as brightly to-day in his heart, beat as strongly in his breast, as did the ardor of youth course in his veins when in his young manhood he cast his fortunes with the rising star of the southern Confederacy. Can you think of it without a thrill of pride?

I think, under all the circumstances, with great kindness of feeling for the Senate committee, which is doing its duty as it sees it, that this committee amendment ought to be rejected, and I hope it will be. Vote it down and you will reward an honorable man for valiant service to his country in the hour of need. I believe you will. I believe you are going to give an illustration of the fact that all differences between the North and the South are wiped out, and of the generous feelings of the National Government toward its late foes of the South. I hope the committee amendment will be defeated. I appeal to you to defeat it.

As the Senator from Washington [Mr. JONES] has well said, I am satisfied that there are plenty of men on the pension rolls to-day drawing pensions who are no more entitled and not as much entitled to them as is Col. McDowell. As a matter of course, if he were able to go before the Pension Bureau and offer a complete and unbroken chain of evidence, according to the rules of law, he would not be here asking a pension. He would have filed his application for pension, in that event, with the Pension Bureau, and it would have been awarded to him; but according to my understanding these special pension bills are intended to supply the lack of evidence in just such cases as is this; where there is some weakness or defect in the strict, rigid requirements of the pension laws, but where there is evidently merit, justice, and right in the claim, and when, upon the whole record, the applicant is manifestly worthy and deserving of recognition. Let us recognize this old soldier. Let us remember him kindly in his old age. He remembered us in his advanced years; remembered the honor of his country, the glory of the Old Flag; remembered patriotism and loyalty with an undying devotion, when he, an old man, marched to the front with strong young men and endured privation, hardship, exposure, disease, pestilence, and the enemy's bullets, in order to show that the heart of the old South beats true to the Union and can be depended upon in any emergency. He served us well. He deserves well of us.

The VICE PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] By the sound, the noes seem to have it.

Mr. SMOOT. I ask that the amendment may be again submitted to the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee. [Putting the question.] By the sound, the noes seem to have it. The noes have it, and the amendment is rejected.

The next amendment was, on page 2, line 21, after the word "Mexico," to insert "and dependent mother of James L. Parris, late of Company H, Seventh Regiment Illinois Volunteer Infantry," and, in line 24, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

> The name of Parmelia R. Parris, widow of Bennett Parris, late of Company D, First Regiment United States Dragoons, War with Mexico, and dependent mother of James L. Parris, late of Company H, Seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 11, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

> The name of James M. Pauley, late of Company M, Nineteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 13, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

> The name of James Turner, late of Company A, Fourteenth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 4, to strike out:

> The name of Mary A. Barber, widow of Lafayette E. Barber, late of Company K, Thirty-third Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of two minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 13, before the words "per month," to strike out "$24" and insert "$16," so as to make the clause read:

> The name of Charlie L. Pennington, late of Eighteenth Battery United States Field Artillery, Regular Establishment, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 22, to strike out:

> The name of Martelia M. George, widow of W. E. George, late of Company D, Twenty-third Regiment Kansas Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 additional for each of four minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 5, after line 6, to strike out:

> The name of William Feavel, late of Company E, Fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 13, to strike out:

> The name of Edward C. Franklin, late of band, Company L, First Regiment Delaware Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was on page 5, after line 17, to strike out:

> The name of Emma J. Crocker, widow of Frank H. Crocker, late of the United States Navy, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of two minor children until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

> The name of Crowell Lisenby, late of Company G, Third Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 19, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

> The name of John D. Ashley, late of Troop A, Second United States Cavalry, War with Spain, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 23, after the word "additional," to strike out "for each minor child until it reaches the age of 16 years" and insert "on account of each of the minor children of the said Fred L. Fox until they reach the age of 16 years," so as to make the clause read:

> The name of Emma Fox, widow of Fred L. Fox, late of Troop F, Seventh Regiment United States Cavalry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 pre month additional on account of each of the minor children of the said Fred L. Fox until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, after line 15, to strike out:

> The name of Marian E. Keyes, widow of Charles H. Keyes, late of the United States Marine Corps, and pay her a pension at the rate of $12 per month, and $2 per month additional for each of the two minor children until they reach the age of 16 years.

The amendment was agreed to.

and in line 6, before the word "hundred," to strike out "One" and insert "Two," so as to make the clause read:

The name of George S. Tillson, late of Company C, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, after line 12, to strike out:

The name of Samuel Reinhart, late of Company G, Two hundred and fifteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 24, before the words "per month," to strike out "$30" and insert "$20," so as to make the clause read:

The name of Maria Antonia Martinez de Mink, widow of John H. Mink, late of Independent Company, New Mexico Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 24, I move to strike out from line 13 to line 16, inclusive, in the following words:

The name of Allen T. Hodge, late of Company C, First Battalion Massachusetts Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The beneficiary in this case has died.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 26, line 11, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Joseph F. Wheeler, late of Company K, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. In that same item, in line 10, I move to strike out the word "Infantry" and insert the word "Cavalry."

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 27, line 23, before the word "Volunteer," to strike out "Michigan" and insert "Maine," so as to make the clause read:

The name of Dennis W. Palmer, late of Company A, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, after line 14, to strike out:

The name of Caroline Kirman, widow of William Kirman, late of Nineteenth Battery, Indiana Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 31, line 19, after the name "Robert," to strike out "Myers" and insert "Meyers," so as to make the clause read:

The name of Robert Meyers, late of Company F, Second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 34, line 20, I move to strike out the word "Infantry," after the word "Volunteer," and insert the word "Cavalry."

The amendment was agreed to.

Mr. SHIVELY. On page 32, line 4, I move to strike out the word "Cavalry" and insert the word "Infantry."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 4, after the word "Volunteer," it is proposed to strike out "Cavalry" and insert "Infantry," so as to make the clause read:

The name of John Right, late of Company H, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 35, line 19, before the name "Graham," to strike out the initial "T" and insert the initial "P," so as to make the clause read:

The name of Elisha P. Graham, late of Company E, Ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5501) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in committee of the whole. It proposes to pension the following-named persons at the rate given:

Henry Lottner, late of Company D, Twentieth Regiment United States Infantry, $20 per month.

Harriet Pierson Porter, widow of Fitz John Porter, late major general, United States Volunteers, $50 per month in lieu of that she is now receiving.

Sigmund J. Messing, late of Company A, First Regiment Florida Volunteer Infantry, War with Spain, $20 per month in lieu of that he is now receiving.

Susan A. Reynolds, widow of Daniel Reynolds, late second lieutenant Captain Cunningham's company, North Carolina Volunteers, Cherokee Indian War, $20 per month in lieu of that she is now receiving.

Rosina Freer, widow of Francis T. Freer, late of Troop B, First Regiment United States Cavalry, $12 per month.

Roland J. Patrick, late of Troop I, Fifteenth Regiment United States Cavalry, $20 per month.

William W. Oglesby, late captain Company G, Second Regiment Oregon State Militia, Bannock Indian War in 1878 and 1879, $20 per month.

Bernhart Leyson, late fireman, second class, U. S. S. *Piscataqua*, United States Navy, $12 per month.

Willis D. Clark, dependent father of Forrest L. Clark, late of Company F, Twenty-first Regiment United States Infantry, War with Spain, $12 per month.

Mary Adair Kendall, widow of Henry F. Kendall, late major, Twelfth Regiment United States Cavalry, $25 per month and $2 per month additional on account of each of the minor children of the said Henry F. Kendall until they reach the age of 16 years.

Rose Schroeder, widow of Frederick Schroeder, late of Company H, Second Battalion of Engineers, United States Army, $12 per month.

Maud M. Whitton, widow of Arthur M. Whitton, late master, United States Naval Auxiliary service, $30 per month and $2 per month additional on account of each of the minor children of said Arthur M. Whitton until they reach the age of 16 years.

Charles F. Pegg, late of Company B, One hundred and fifty-ninth Regiment Indiana Volunteer Infantry, War with Spain, $12 per month.

John W. Thomas, late of Company D, Seventh Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

Freddie O. J. Horne, late of Battery D, First Regiment Maine Volunteer Heavy Artillery, War with Spain, $10 per month.

George Wash, late of Company C, Tenth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Dock J. Miller, late of Hospital Corps, United States Army, $40 per month.

Michael A. Clark, late of Company B, First Regiment United States Infantry, War with Spain, $12 per month in lieu of that he is now receiving.

Leo S. Baumgart, late of Troop M, Sixth Regiment United States Cavalry, $50 per month.

John W. Fessel, late of Company H, Ninth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Alice M. Robinson, widow of Thomas B. Robinson, late first lieutenant and captain, Nineteenth Regiment United States Infantry, $25 per month in lieu of that she is now receiving.

Alexander M. Clark, late of Company A, Fifth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

Alfred A. Stampp, late of Troop K, Eighth Regiment United States Cavalry, War with Spain, $12 per month.

David Britton, late of Troop H, Second Regiment United States Cavalry, War with Spain, $20 per month in lieu of that he is now receiving.

Emory A. Hilkert, late of Company A, Eleventh Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Robert Layman, Company G, Thirty-seventh Regiment United States Volunteer Infantry, and Company C, Eighth Regiment United States Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

James G. Smith, late of Company G, Thirty-fifth Regiment Michigan Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Virginia C. Sawyer, dependent mother of Robert M. Sawyer, late of Company K, Second Regiment Missouri Volunteer Infantry, War with Spain, $12 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GALLINGER. I inquire the calendar number of the last bill considered?

The VICE PRESIDENT. Calendar No. 419, Senate bill 3501.

Mr. GALLINGER. I think the Senator from Delaware [Mr. DU PONT] is interested in an item in that bill. I refer to the clause granting a pension to Harriet Pierson Porter. The Senator was here a moment ago inquiring about it.

The VICE PRESIDENT. The bill has passed.

Mr. GALLINGER. I ask unanimous consent to reconsider the votes whereby the bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE PRESIDENT. Is there any objection?

Mr. THOMAS. What is the request?

The VICE PRESIDENT. The Senator from New Hampshire requests that the votes whereby Senate bill 3501 was ordered to be engrossed for a third reading, read the third time, and passed be reconsidered. Is there objection? The Chair hears none.

Mr. GALLINGER. Now I ask that that bill be passed over temporarily.

The VICE PRESIDENT. In the absence of objection, the bill will be passed over temporarily.

The bill (H. R. 14546) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 7, after the words "United States," to strike out "Infantry" and insert "Cavalry," so as to make the clause read:

The name of Clarence B. Brown, late of Company E, Eighth Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $17 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 4, to strike out:

The name of Edward C. McDowell, late captain, acting quartermaster, United States Volunteers, War with Spain, commanding U. S. Army transport *Rawlins*, and pay him a pension at the rate of $24 per month.

Mr. JONES. Mr. President, I hope that amendment will not be agreed to.

Mr. MYERS. Will the Senator yield to me for a moment?

Mr. JONES. Yes.

Mr. MYERS. I do not understand this amendment. I think there must be some mistake about it. In the printed bill lines 5, 6, 7, and 8, relating to Edward C. McDowell, are stricken out as a committee amendment; and yet when I turn to the report submitted to the Senate on this bill, being report on House bill 14546, Calendar No. 451, headed "Mr. SHIVELY, from the Committee on Pensions, submitted the following report," I find that on page 6, a little below the middle of the page, the case of Edward C. McDowell is taken up, all the evidence is reviewed, and on page 7, about the middle of the page at the end of the review of the case, it is stated:

From the evidence submitted in this case it is believed that a pension of $24 per month is fully warranted, and it is so recommended.

If the committee recommends the provision, why is it stricken out?

Mr. SHIVELY. The Senator will observe that, while that statement taken from the House report is reproduced in the report of the Senate committee, if he will refer to page 83 of the document which he has in his hand, he will find there the reason for the action of the committee.

Mr. MYERS. In this report?

Mr. SHIVELY. At the end of the same report of the committee on this bill.

Mr. MYERS. I have not read that yet.

Mr. SHIVELY. That reads:

Page 2, strike out lines 5, 6, 7, and 8.

This is H. R. 1253, the case of Edward C. McDowell. Soldier served in the War with Spain from May 21, 1898, until June 30, 1901. There is no evidence that soldier contracted his present disabilities, namely, disease of kidneys and paralysis of left arm, in the military service of the United States. Your committee do not think the evidence submitted justifies the proposed pension of $24 per month, and this item is stricken from the bill.

Mr. SMOOT. Mr. President, I will also call the Senator's attention to the fact that the records of the War Department fail to show that the soldier was treated during his service for any disability. They show that no physical examination was made at the date of his discharge. In view of the records of the department and the evidence that was submitted to the committee, it was absolutely impossible for the Senate committee to allow the applicant $24 a month under the rules of the committee.

Mr. MYERS. I asked the question for information. I thank the Senator from Washington [Mr. JONES] for yielding; and that is all the time I will claim at this juncture.

Mr. JONES. Mr. President, I hope the Senate will vote this amendment down. I think the statement in the House report justifies us in accepting the House provision. The Senator from Utah says that the Army records fail to show that the soldier was treated in the service, and yet it appears, according to the House report, that—

There is filed a certificate of the United States surgeon of the transport vessel upon which the soldier served, in which it is set forth that the soldier was under this surgeon's professional care and treatment for several weeks during March, 1901, during service, suffering from gastric irritation and intestinal indigestion to an extent to sensibly impair his health and strength. The surgeon states that in his opinion these disabilities were due to the long service of the soldier upon transports and thus being exposed to contrasts of temperature met with between New York and the West Indies. Much of the soldier's service was rendered upon transports upon these waters.

I want to call the attention of the Senate to the fact that while this provision may not be strictly within the rules of the committee, yet it is within the recollection of every Senator that those rules have not been fully adhered to. I think the last time we considered pension bills on the calendar there were two or three claims passed on their merits that were not really in accordance with the rules of the committee.

I want also to call the attention of the Senate to the fact that this man is now 75 years old. He served in the Confederate Army, and then when his country was in danger or when its honor was at stake he enlisted and served in the War with Spain. I think that a man who did that is entitled to some consideration at our hands and that in such a case we ought not to adhere strictly to the rules of the committee. I recognize the merit of those rules and the reason for them; but the House report says that this soldier is 75 years of age, according to the witnesses; that he is feeble and infirm in health, unable to perform any manual labor, and is now without means. As I say, he is 75 years old, and possesses no property of any kind. He had an honorable service in the Confederate Army, and afterwards in the United States Army during the War with Spain.

I think there is sufficient there to warrant this Government in giving him $24 a month, and I hope the committee amendment will be rejected.

Mr. SMOOT. Mr. President, so that the Senate may know the facts in the case, I desire to say that the claimant made application for a pension on December 30, 1912, alleging certain disabilities, but in that application he did not claim that they were of service origin. The claim was rejected on January 31, 1913, on the ground of claimant's manifest inability to connect the alleged disability with his military service, as shown by his sworn statement. No appeal was taken and no effort was made to reopen the claim.

Mr. President, if we should allow this pension under the statement of the claimant himself every soldier who is in the Regular Army would be entitled to a pension; and the committee felt that it was opening a door so wide that it would be a very troublesome matter in the future. It may be a splendid charity case; my heart goes out to the man, and I should like it if in all those cases we could grant a pension, but if we undertake to do it I do not know where we would end. This is one of the cases where the committee felt it was not justified in granting the pension.

Mr. GALLINGER. It will be stricken out if it goes to conference.

Mr. JONES. Mr. President, I know that the Senator's sympathies are with this case and other cases of this kind, but I do not think we are in very much danger so far as concerns the precedents we set here in these special bills. As a matter of fact, every special bill is a precedent; and the only real justification for special bills before Congress is the fact that the claimant does not come under the general pension laws. If this man could have established his disability as having originated in the service, of course he would not have had to come here. He could have gone to the Pension Bureau and could have gotten his pension. It is true that he admits here that he could not trace his disability back to the service; but the testimony of the physicians, as shown here, does not make it absolutely conclusive that it was not incurred in the service. I do think Congress is not establishing a precedent that would come back to plague us, or anything of that sort, or one that we ought not to make.

Robert J. Espy, late of Company D, Ninth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George M. Withers, late of Company K, One hundred and forty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry McDevitt, late of Company D, Third Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Thomas H. Muchmore, late of Company K, First Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Ola Jorgenson, late of Company D, Third Regiment Minnesota Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Josephine E. McSwyney, widow of Eugene B. McSwyney, late of Company G, Third Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

John H. Weaver, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, $30 per month in lieu of that he is now receiving.

231 Creekpaum, late of Company A, Ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Samuel Gibbs, late of Company G, One hundred and twenty-third Regiment United States Colored Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Salem Gillespie, late of Company C, Sixth Regiment United States Colored Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William H. Dickinson, late of Company B, Thirty-third Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Hurt, late of Company G, First Regiment Kentucky Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry J. Sweet, late of Independent Battery B, Pennsylvania Volunteer Light Artillery, $30 per month in lieu of that he is now receiving.

Ida Copple, widow of William H. Copple, late of Company G, Seventh Regiment Kansas Volunteer Cavalry, $12 per month.

Benjamin Stevens, late of Company G, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Emma F. Webster, widow of George A. Webster, late of Company H, Tenth Regiment, and Company E, Sixth Regiment, New York Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Georgia Miller, helpless and dependent daughter of Mason C. Miller, late first lieutenant Company B, Fourteenth Regiment Kentucky Volunteer Cavalry, $12 per month.

Anna P. Ragan, former widow of Abraham B. Porter, late of Company A, Eighty-seventh Regiment Illinois Volunteer Infantry, $12 per month.

Rebecca J. Higgins, widow of John R. Higgins, late of Company K, Forty-eighth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Arabella Shanley, widow of William H. Shanley, late captain Company A, Fourth Regiment West Virginia Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Nelson Petry, late of Company A, Eighth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

David E. Rolfe, late of Company I, Tenth Regiment Michigan Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James G. Warner, late of Company D, Seventy-second Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Eunice C. Gordon, widow of Edward F. Gordon, late first lieutenant Company F, Twelfth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

James E. Reed, late of Company D, Forty-fifth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Wesley A. Loucks, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William H. Scott, late of Company G, Eleventh Regiment Missouri Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Benjamin E. Hull, late of Company B, Ninth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Merritt Perham, late of Company C, Second Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Robert S. Parker, late of Company H, Forty-fourth Regiment Iowa Volunteer Infantry, and second lieutenant Company K, Twentieth Regiment Kansas Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

William H. H. Beadle, late lieutenant colonel First Regiment Michigan Volunteer Sharpshooters, $50 per month in lieu of that he is now receiving.

James D. Bennett, late of Company E, Thirty-first Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alexander Curd, late of Company B, Twentieth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mr. SHIVELY. On page 2 I move to strike out lines 10, 11, 12, and 13, in the following words:

The name of Melly L. Ford, former widow of Salmon B. Smith, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The beneficiary is deceased.

The amendment was agreed to.

Mr. SHIVELY. On page 9, I move to strike out lines 3, 4, 5, and 6 in the following words:

The name of Henry Pratt, late of Company H, Fifteenth Regiment, and Company A, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The beneficiary has died.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 14234) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, which had been reported from the Committee on Pensions with amendments.

Mr. SHIVELY. On page 2, I move to strike out the item embraced in lines 7, 8, 9, and 10, the soldier to whom they relate having died.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 2, after line 6, it is proposed to strike out the following clause:

The name of Lemuel H. Mahan, late of Company L, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The first amendment of the Committee on Pensions was, on page 3, line 13, after the words "per month," to insert "such pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Susan Querry, widow of John C. Querry, late of Company I, Eighth Regiment Kansas Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

Mr. SHIVELY. On page 3, in line 20, I move to strike out the word "Second" and to insert "Twelfth."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 3, at the beginning of line 20, before the word "Regiment," it is proposed to strike out the word "Second" and to insert the word "Twelfth," so as to make the clause read:

The name of James L. Spencer, late of Company A, Twelfth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, at the top of page 4, to strike out:

The name of Robert C. Stanley, helpless and dependent child of William Stanley, late of Company K, Tenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 23, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of James M. Dilley, late of Company F, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 5, after the word "late," to strike out "of Company ——," so as to make the clause read:

The name of Henry Smith, late unassigned, One hundred and seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "Volunteer," to strike out "New York" and insert "New Jersey," so as to make the clause read:

The name of Thompson Decker, late of Company I, Fifteenth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 12, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Jennette A. Wickham, widow of William S. Wickham, late of Company C, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 9, line 14, I move to strike out the word "Second," before the word "Regiment," and to insert the word "Fourth."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 9, line 14, before the word "Regiment," it is proposed to strike out "second" and to insert "fourth," so as to make the clause read:

The name of Ford Cusey, late of Company B, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 20, after the words "per month," to insert "such pension to cease upon proof that the soldier is still living," so as to make the clause read:

The name of Elizabeth Melindy, widow of Daniel Melindy, late of Company G, Seventy-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month, such pension to cease upon proof that the soldier is still living.

The amendment was agreed to.

Mr. SHIVELY. On page 11, line 9, after the name "Miller," I move to strike out "widow" and insert "helpless and dependent child," and in line 10, after the word "Regiment," I move to strike out "West Virginia" and insert "Pennsylvania."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 11, line 9, after the name "Miller," it is proposed to strike out "widow" and to insert "helpless and dependent child," and in line 10, after the word "Regiment," to strike out "West Virginia" and to insert "Pennsylvania," so as to make the clause read:

The name of Jennie E. Miller, helpless and dependent child of Michael W. S. Miller, late of Company M, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 11, I move to strike out lines 21, 22, 23, and 24, the widow referred to in that clause being dead.

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 11, after line 20, it is proposed to strike out the following paragraph:

The name of Mary E. Hull, widow of Isaac F. Hull, late of Company C, one hundred and seventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 12, line 19, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Della R. Goss, widow of George E. Goss, late ship's cook on U. S. S. *Vermont*, *O. M. Pettit*, and *Jamaica*, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. At the top of page 13, in line 1, I move to strike out the letter "G" and to insert in lieu thereof the letter "I."

The VICE PRESIDENT. The amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. At the top of page 13, in line 1, it is proposed to strike out the letter "G" and to insert the letter "I," so as to read:

The name of Narcisse Menard, helpless and dependent child of John Menard, alias John Miner, late of Company I, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 13, line 7, after the words "per month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of Frank M. Fry, helpless and dependent child of Joseph F. Fry, late of Company K, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, after line 7, to strike out:

The name of John M. Dodd, late of Company D, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 20, before the word "widow," to strike out the name "Brown" and insert "Drown," in the same line, after the name "Samuel," to strike out "M. Brown" and insert "N. Drown," and in line 22, before the word "Volunteer," to strike out "New York" and insert "New Jersey," so as to make the clause read:

The name of Jane M. Drown, widow of Samuel N. Drown, late of Company B, Thirty-fifth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of John S. Hall, late teamster in the service of the United States, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to strike out:

The name of Mary M. Evans, widow of Henry W. Evans, late of Company E, One hundred and forty-sixth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 15, in line 23, after the word "Company," I move to strike out the letter "K," and insert the letter "A," so that it will read "Company A."

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to strike out:

The name of William M. King, late of Company I, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 1, after the name "Pauline Kerr," to strike out "(incapable)," so as to make the clause read:

The name of Pauline Kerr, widow of William Kerr, late principal musician, Eighth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to strike out:

The name of Henry Lemke, late of Company C, Twenty-sixth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 18, after the word "late," to strike out "of Companies F and A, First" and insert "first lieutenant Tenth"; in line 19, before the word "Cavalry," to strike out "Missouri Volunteer" and insert "United States"; and in line 20, before the words "per month," to strike out "$24" and insert "$25," so as to make the clause read:

The name of Helen G. Davis, widow of William Davis, jr., late first lieutenant Tenth Regiment United States Cavalry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 20, to strike out:

The name of William Spotts, late of Company K, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the words "per month," to strike out "$28," and insert "$30," so as to make the clause read:

The name of Frederick H. Rix, late of Company H, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 5, before the word "late," to strike out the name "Tilson" and insert "Tilson,"

an amendment to strike out all after the enacting clause and insert:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Elsie McDowell Bunting, the daughter and only heir of Robert McDowell, deceased, late a private in Troop L, Third Regiment United States Cavalry, the arrears of pension due or allowable at the time of his death, and heretofore authorized to be paid the said Robert McDowell, now deceased, under pension certificate No. 132423.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13929) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole, which had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 2, before the words "per month," to strike out "$24" and insert "$12," so as to make the clause read:

The name of Mary Petrick, dependent mother of Joseph Petrick, late of Company C, Fifth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 2, to strike out:

The name of Freda Burow, widow of William M. Burow, late of Company I, Sixteenth Regiment United States Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 additional for minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 11, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Ralph E. Henderson, late of Company C, Second Regiment Massachusetts Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 14, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Claude D. Truskett, late of Battery F, Fourth Regiment United States Artillery, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 19, before the words "Indian wars," to strike out "Territories" and insert "Territory," so as to make the clause read:

The name of Sarah A. Tillard, widow of Samuel Tillard, late of Captain Rinearson's Company C, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 4, to strike out:

The name of Lillian Garner, widow of Robert F. Garner, late of Battery D, Fourth Regiment United States Artillery, War with Spain, and pay her a pension at the rate of $12 per month, and $2 additional for the minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 9, before the word "additional," to strike out "each," and in the same line, after the word "additional," to strike out "for three minor children until they reach the age of 16 years" and insert "on account of each of the minor children of the said George L. Tyler until they reach the age of 16 years," so as to make the clause read:

The name of Nancy A. Tyler, widow of George L. Tyler, late of Company A, Third Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said George L. Tyler until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 4, line 19, to strike out "$24" and insert "$20," so as to make the clause read:

The name of Mary Baker, dependent mother of Frederick H. Baker, alias Sheridan, late of Company L, Fourteenth Regiment New York Volunteer Infantry, War with Spain, and Louis W. Baker, late of Company M, Fourteenth Regiment New York Volunteer Infantry, War with Spain, both deceased, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of Kizzie Gill, widow of Jeremiah Gill, late of Capt. Johnson's company (Bailey's), Florida Mounted Militia, Florida Indian war, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 15, to strike out:

The name of Carrie E. Sutton, widow of Henry M. Sutton, late of Capt. Willard's company, First Regiment Florida Mounted Volunteers, Indian wars, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 2, before the word "widow," to strike out "formerly the" and insert "former," and, in line 3, after the word "Volunteers," to strike out "under Col. Doniphan," so as to make the clause read:

The name of Sarah Jane Seurlock, former widow of Benjamin F. Gordon, late of Capt. Walton's Company B, First Regiment Missouri Mounted Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 6, after line 5, to strike out:

The name of Mary F. Carson, widow of William H. Carson, late of Company G, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (S. 5446) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following-named persons at the rates given:

Hiram Strayer, helpless and dependent son of Hiram Strayer, late of Company C, One hundred and seventy-third Regiment Pennsylvania Drafted Militia Infantry, $12 per month.

Cornelia F. Lintleman, widow of Richard F. Lintleman, late of Company E, One hundred and thirteenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary B. Edwards, widow of John Edwards, late colonel Eighteenth Regiment Iowa Volunteer Infantry, $40 per month in lieu of that she is now receiving.

Melly L. Ford, former widow of Salmon B. Smith, late of Company D, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Delia Wight, widow of Edward L. Wight, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J. Brannan, widow of Leonard Brannan, late of Company B, Thirty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Bridget D. Farrell, widow of John Farrell, late of Company D, Twenty-first Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emma E. Edgerton, widow of Henry S. Edgerton, late of Company C, Twenty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Anna M. Fowler, widow of Edward Fowler, late of Company G, Fifth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary J. Irons, widow of Philip A. Irons, late of Company H, Twenty-sixth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Aura Nicholson, widow of Levi P. Nicholson, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Nathaniel Little, late of Company D, One hundred and thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Margaret J. Roberts, widow of William H. Roberts, late of Company B, Third Regiment Arkansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Cornelius Cayton, late of Company H, Ninth Regiment Indiana Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Carrie H. Clinee, former widow of Welcome Weeden, late of Company G, Fifty-eighth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emmett Langston, late of Company I, Fifty-fourth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Milton Cobler, late of Company D, One hundred and seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Delight A. Allen, widow of Augustus M. Allen, late of Company G, Two hundred and tenth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Margaret J. Woodworth, former widow of William P. Murphy, late of Company D, Thirtieth Regiment Illinois Volunteer Infantry, and Company G, Sixth Regiment Indiana Volunteer Cavalry, $12 per month.

Rebecca J. Manning, widow of George F. Manning, late of Company D, Twenty-seventh Regiment Maine Volunteer Infantry, $12 per month.

Mary L. Parker, formerly Landers, late nurse, Medical Department, United States Volunteers, $20 per month in lieu of that she is now receiving.

Mary Britton, widow of Robert Britton, late of Company L, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Martina M. de Sanchez, widow of Nepomuceno Sanchez, late of Company D, First Regiment New Mexico Volunteer Infantry, $12 per month.

Vernona H. Coon, widow of John Coon, late additional paymaster, United States Volunteers, $12 per month.

Charles A. Voorhels, late of Company C, Seventh Regiment Michigan Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Sophia M. Pollock, widow of Samuel M. Pollock, late colonel Sixth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henrietta Doolittle, widow of Charles D. Doolittle, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jennie A. Norton, widow of Hiram R. Norton, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Francis G. Newton, late of Company E, Thirteenth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Catherine E. Stamp, widow of Andrew H. Stamp, late of Company F, Eighth Regiment New York Volunteer Heavy Artillery, and One hundredth Company, Second Battalion, Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Mary H. Kennedy, widow of Martin Kennedy, late of Company F, Second Battalion, Fourteenth Regiment United States Infantry, $20 per month in lieu of that she is now receiving.

Anna Denison, widow of Luther L. Denison, late of Company D, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Mary L. Gaffney, widow of James Gaffney, late of Company H, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary L. Latham, widow of Ira C. Latham, late of Company C, Twenty-first Regiment, and Company K, Tenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Stewart, late of Company F, Cass County (Mo.) Home Guards, $24 per month in lieu of that he is now receiving.

Jeremiah Robbins, late of Company K, Forty-seventh Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Mary J. Schenck, widow of Jeremiah Schenck, late of Company L, Eighth Regiment Illinois Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Catharine Ewing, widow of William Ewing, late lieutenant colonel One hundred and thirty-third Regiment Ohio National Guard Infantry, $20 per month in lieu of that she is now receiving.

Charles Kretchmar, late of Company E, Fourteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lilla A. Holliday, widow of Ellery C. Holliday, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Marsden, late of Company E, Fourth Regiment Indiana Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Anna O. Stanton, widow of Clark Stanton, late second lieutenant Company A and captain Company K, First Regiment New York Volunteer Cavalry, $20 per month.

Harriet S. Crooks, widow of William Crooks, late colonel Sixth Regiment Minnesota Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Henry Pratt, late of Company H, Fifteenth Regiment, and Company A, Tenth Regiment, West Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Fitz W. Patterson, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ellis P. Woodward, late of Company K, One hundred and twenty-fourth Regiment Pennsylvania Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Fannie E. Douglass, widow of Stephen M. Douglass, late of Company A, Fourteenth Regiment New York Volunteer Infantry, $12 per month.

Edward Camvan, late of Company I, Twenty-second Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Alvin H. Ellis, late of Company B, Nineteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jacob Stoves, late of Company E, One hundred and twelfth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry Schmidt, late of Company B, Ninth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John N. Hutton, late of Company G, Twelfth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Moses A. Sisco, late of Company A, One hundred and twenty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Julia Taylor, widow of Thomas Taylor, late of Company D, Third Regiment Arkansas Volunteer Cavalry, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Thomas Taylor until he reaches the age of 16 years.

John McKinney, sr., late of Company M, First Regiment Indiana Volunteer Heavy Artillery, $50 per month in lieu of that he is now receiving.

Andrew C. Rogers, late of Company A, One hundred and eighty-sixth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James B. Day, late captain Company B, One hundred and fifteenth Regiment United States Colored Volunteer Infantry, and major Sixth Regiment United States Colored Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Henry F. Sembower, late of Company D, Third Regiment Virginia Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lucy A. Hopkins, former widow of Esek B. Smith, late of Company E, Second Regiment Rhode Island Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George Smith, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, $20 per month in lieu of that he is now receiving.

Jonathan Fisher, late of Company E, Thirty-eighth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Fergus H. Merriman, late of Company K, Sixty-fourth Regiment New York Volunteer Infantry, and Company K, Third Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac Mason, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Knowles Bangs, late of Company G, Fourteenth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jemima L. Morford, widow of James C. Morford, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Patrick L. Kennedy, late of Company F, Second Regiment Massachusetts Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

Harlon S. Willis, late of Company E, First Regiment United States Volunteer Sharpshooters, $20 per month in lieu of that he is now receiving.

Rebecca P. Fuller, widow of James E. Fuller, late first lieutenant Company E, Eleventh Regiment Connecticut Volunteer Infantry, and captain and assistant quartermaster, United States Volunteers, $20 per month in lieu of that she is now receiving.

Charlotte A. Hewitt, widow of Thomas L. Hewitt, late of Company A, First Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Isabella D. Rockwell, widow of Byron B. Rockwell, late second lieutenant Company E and captain Company K, Twelfth Regiment Michigan Volunteer Infantry, $20 per month in lieu of that she is now receiving.

child of said Frank C. Cooke until he reaches the age of 16 years," so as to make the clause read:

The name of Lucy M. Cooke, widow of Frank C. Cooke, late of Company G, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of the minor child of said Frank C. Cooke until he reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 15, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Alvin Lewis, late of Company L, First Regiment Missouri Volunteer Infantry, and Company M, Twenty-second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 2, before the name "Buck," to strike out the name "Landon" and insert the name "Langdon," and in line 4, before the words "per month," to strike out "$30" and insert "$40," so as to make the clause read:

The name of Winona L. H. Buck, widow of William Langdon Buck, colonel Fifth Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to strike out:

The name of Charles E. Welker, late of Company C, First Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 20, before the words "per month," to strike out "$50" and insert "$40," and in line 21, after the word "additional," to strike out "for minor child until it reaches the age of 16 years" and insert "on account of the minor child of said William M. Coulling until she reaches the age of 16 years," so as to make the clause read:

The name of Henrietta Lee Coulling, widow of William M. Coulling, late major and quartermaster, United States Army, Regular Establishment, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said William M. Coulling until she reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 9, after line 5, to strike out:

The names of Helen M., Emery R., and Glenia N. Sarver, minor children of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay them a pension at the rate of $12 per month, to be apportioned equally between them as long as they are minor children, and when one ceases to draw his or her share it is to be immediately apportioned between the other two, and when one of these two ceases to draw his or her share it is to go to the remaining minor child; and also, in addition to the above pension apportionment, each child is to receive $2 per month until it becomes 16 years of age.

And insert:

The names of Helen M. Sarver, Emery R. Sarver, and Glenia N. Sarver, minor children of Dr. E. Sarver, late of Company G, Second Regiment West Virginia Volunteer Infantry, War with Spain, and pay them a pension at the rate of $12 per month, and $2 per month additional on account of each of said children until they reach the age of 16 years.

Mr. SHIVELY. In line 22, on page 9, before the word "until," I move to insert a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, at the top of page 10, to strike out:

The name of George C. Hazeltine, late of Company K, Second Regiment Texas Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 7, before the words "per month," to strike out "$35" and insert "$25," so as to make the clause read:

The name of Annie McNamara, widow of Robert C. McNamara, late major, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "late," to strike out "soldier in the War with Mexico, as"; in line 10, after the word "Infantry," to insert "War with Mexico"; and in line 11, before the words "per month," to strike out "$20" and insert "$30," so as to make the clause read:

The name of Sarah Rebecca Jones, widow of David R. Jones, late second lieutenant, Second Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

Mr. GALLINGER. I will call the attention of the Senator from Indiana to this item. It is a proposition to increase the pension of a widow of a soldier in the War with Mexico from $20 to $30 per month. I observe the report states that from the evidence submitted "your committee are of the opinion" that an increase from $12 to $30 is justified in lieu of the $20 proposed by the bill.

We have been very careful, I think, heretofore not to increase the pensions of widows of private soldiers beyond $20 a month, and I think this would be an unfortunate departure, because we would have a deluge of such applications. The beneficiary in this case is a very old woman. I observe—82 years of age—yet there are a great many others approaching that age. I think we ought not to do it.

Mr. SHIVELY. I do not recall just what the evidence was. The Senator understands that this is a House bill, and it came from the House at $20 a month. Then, there was some testimony submitted to the committee which seemed to make the case a very exceptional one.

Mr. GALLINGER. I think we ought to be careful not to increase the pensions of widows of private soldiers beyond $20. We have not done it in the case of widows of soldiers of the other wars. If we do it in one case, we are going to be asked to do it in all.

Of course I merely call attention to it. I think the committee amendment ought to be disagreed to, and let it remain at $20.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 13542) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 11, after the words "Volunteer Infantry," to insert "and dependent mother of Edwin C. Holloway, late of Company E, Eighth Regiment Ohio Volunteer Infantry, War with Spain," so as to make the clause read:

The name of Rachel I. Holloway, widow of Jacob A. Holloway, late of Company B, Ninety-eighth Regiment Ohio Volunteer Infantry, and dependent mother of Edwin C. Holloway, late of Company E, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, after line 12, to strike out:

The name of Charlotte S. Manley, widow of Randolph M. Manley, late of Company I, Forty-seventh Regiment Pennsylvania Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 16, to strke out:

The name of Julius Vogt, late of Company C, Seventy-first Regiment Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of Dennis Sullivan, late of Company C, First Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 6, line 12, before the name "Allen," to strike out the letter "A" and insert the letter "S," so as to make the clause read:

The name of Harmon S. Allen, late of Company D, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 7, before the word "former," to strike out "now Clark," so as to make the clause read:

The name of Isabel Troutman, former widow of John G. Troutman, late of Company E, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 8, line 13, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Joseph Lambert, late of Company F, Seventieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 10, line 12, after the word "Volunteer," I move to strike out the word "Infantry" and insert the word "Cavalry," so as to read:

The name of George W. Weaver, late of Company F, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 11, line 5, before the word "Artillery," to insert the word "Light," so as to make the clause read:

The name of Mary A. Elderkin, widow of William H. Elderkin, late of Battery L, Second Regiment Illinois Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. On page 13, I move to strike out lines 15, 16, 17, and 18 in the following words:

The name of George M. Trickey, late of Company E, Seventy-Sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The soldier is deceased.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 14, line 3, before the word "late," to strike out the name "Lee" and insert the name "Len," so as to make the clause read:

The name of Archibald T. Len, late of Company A, Sixteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, line 7, after the words "Volunteer Infantry," to insert "and former widow of Jonathan H. Darst, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Eneeba H. Sherman, widow of Abel Sherman, late of Company A, Seventy-third Regiment Indiana Volunteer Infantry, and former widow of Jonathan H. Darst, late of Company H, Thirty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 22, before the word "Regiment," to strike out "Seventh" and insert "Seventeenth," so as to make the clause read:

The name of Isaac F. Jenness, late of Company B, Seventeenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 14, after line 24, to strike out:

The name of Gid. H. Jewett, guardian of Mabel P. Jewett, helpless and dependent child of Edward S. Jewett, late of Company G, One hundred and second Regiment United States Colored Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 15, I move to strike out lines 8, 9, 10, and 11, in the following words:

The name of John H. Keys, late of Company A, One hundred and fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The soldier is deceased.

The amendment was agreed to.

Mr. SHIVELY. On the same page, I move to strike out lines 16, 17, 18, and 19, in the following words:

The name of Talitha C. Riley, widow of William W. Riley, late of Company I, Tenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

This widow is deceased.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 15, line 24, before the word "widow," to insert the word "former," so as to make the clause read:

The name of Susan J. Stockwell, former widow of Nathan P. Stockwell, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 1, before the words "Volunteer Infantry," to strike out "Jersey" and insert "York," so as to make the clause read:

The name of Henry Pickle, helpless and dependent child of John Pickle, late of Company H, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 20, line 1, before the words "per month," to strike out "$40" and insert "$50," so as to make the clause read:

The name of Cuthbert A. Jones, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 2, to strike out:

The name of Isaac Carter, late of Company C, One hundred and thirty-third Regiment West Virginia Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 24, before the word "Engineers," to insert "Volunteer," so as to make the clause read:

The name of Elisha B. Ogle, late of Company D, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 4, before the word "late," to strike out the name "Lamphear" and insert the name "Lanphear," so as to make the clause read:

The name of Albert H. Lanphear, late surgeon, One hundred and sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 14, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Frederick Scheufler, late of Company G, One hundred and eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 18, before the words "per month," to strike out "$50" and insert "$30," so as to make the clause read:

The name of George Barness, late of Company G, One hundred and forty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 11, after the word "late," to strike out "stewart" and insert "steward," so as to make the clause read:

The name of John D. Moriarty, late steward, Mississippi Marine Brigade, and pay him a pension at the rate of 24 per month in lieu of that he is now receiving.

Mr. GALLINGER. Let the dollar mark be inserted before the figures "24."

The SECRETARY. In line 19, where it reads "24," insert the dollar mark before the numerals.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Pensions was, on page 24, line 22, after the word "Regiment," to insert "and Company D, One hundred and fifth Regiment," and in line 25, after the words "per month," to strike out "in lieu of that he is now receiving: *Provided*, That no part of the pension herein granted shall be withheld by the United States or claimed by the United States on account of any pension heretofore received from the said United States by said Charles N. Ashford," and insert "the same to be paid to him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension," so as to make the clause read:

The name of Charles N. Ashford, alias William Kenney, late of Company K, Ninety-seventh Regiment, and Company D, One hundred and fifth Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $30 per month, the same to be paid to him without deduction or rebate on account of former alleged overpayments or erroneous payments of pension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

Mr. SMOOT. I ask the Chair to lay before the Senate Senate bill 2466, for the relief of Elsie McDowell Bunting. The bill simply proposes to grant to her the pension that was due her father at the time of his death.

The VICE PRESIDENT. The Chair lays the bill before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2466) for the relief of Elsie McDowell Bunting, which had been reported from the Committee on Pensions with

arine J. Goodknight the name of the said Bert Goodknight shall be placed on the pension roll at $12 per month from and after the date of death of said Catharine J. Goodknight.

Wilkison B. Ross, late of Company G, Eighty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Jennie J. Sheehan, widow of Timothy J. Sheehan, late captain Company C, Fifth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that she is now receiving.

John H. Gordon, late of Company F, Tenth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

George W. Eaton, late of Company D, Fifth Regiment, and Company F, Twenty-ninth Regiment, Maine Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George M. Mitchell, helpless and dependent son of Benjamin T. Mitchell, late of Company C, Ninth Regiment Kentucky Volunteer Infantry, $12 per month.

Brazil Van Deusen, late of Company K, One hundred and twenty-eighth Regiment New York Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John W. Preston, late of Company G, Fourth Regiment Vermont Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Susan Arthur, widow of William M. Arthur, late of Company D, One hundred and eighty-third Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth J. Wood, widow of Robert Wood, late of Company F, Forty-eighth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Riley Adkins, late of Company K, Fourth Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

George F. Adamson, late of Company K, Ninety-seventh Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John M. Broome, late musician, band, Twelfth Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James K. Wesley, late of Company I, Forty-ninth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Martha Ann Rake, widow of Jasper Rake, late of Company F, One hundred and sixteenth Regiment, and Company F, Sixty-seventh Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth Crawford, widow of George N. Crawford, late of Company I, Sixteenth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Camwells P. Davis, late of Company I, Sixth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Samuel N. Johnson, late of Company L, First Regiment Missouri State Militia Cavalry, $50 per month in lieu of that he is now receiving.

William Wallace, 2d, late of Company C, Twenty-eighth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Wortman, late of Company I, One hundred and seventieth Regiment Ohio National Guard Infantry, $24 per month in lieu of that he is now receiving.

John A. Harris, late of Company G, Forty-third Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew M. Sprague, late of Company A, Seventy-third Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert Magill, late of Company H, First Regiment Indiana Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Frances M. Dumenil, widow of James M. Dumenil, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and former widow of James A. Riley, late of Company K, Ninth Regiment Iowa Volunteer Infantry, $12 per month.

Amelia L. Love, widow of Roger W. Love, late sergeant major Third Regiment Rhode Island Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Mary J. Neary, former widow of Joseph Mackle, late of Company E, First Regiment United States Infantry, and first lieutenant and adjutant Fifteenth Regiment Kansas Volunteer Cavalry, $12 per month.

Lewis Stevens, late of Company I, Sixth Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Lewis Stone, late of Company A, Fourth Regiment New Mexico Volunteer Mounted Infantry, and Company G, First Regiment New Mexico Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Joseph J. Perry, late of Company C, Third Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

George Dimick, late of Company D, Fifteenth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Samuel Kelsey, late of Company I, Eleventh Regiment Illinois Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James L. Wing, late of Company G, Forty-third Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward Flood, late of Company D, First Regiment Minnesota Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Andrew Hartman, late of Company B, Fifty-fifth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John D. Stahl, late of Company K, Thirty-eighth Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Ruth Ella Irwin, widow of George W. Irwin, late of Company H, Thirty-fourth Regiment Iowa Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Louis C. White, late of Company H, Fifty-third Regiment Kentucky Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Oliver K. Landrew, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, $24 per month in lieu of that he is now receiving.

William H. Hopkirk, late of Company M, Fourth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas S. Draper, late of Company K, First Regiment Wisconsin Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jacob Harrold, late of Company F, Tenth Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Thomas Bell, late of Company D, Twelfth Regiment, and Company K, Seventeenth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Warren W. Braman, late of Company B, Seventh Regiment Kansas Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Mary D. Ransom, widow of Andrew Ransom, late of Company B, Thirty-first Regiment Wisconsin Volunteer Infantry, and dependent mother of George C. Ransom, late of Company G, Twenty-second Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that she is now receiving.

Russell D. Johnson, late of Company I, Twenty-sixth Regiment New York Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

John H. Collier, late of Company L, Fourth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Thomas J. Truss, late of Company G, First Regiment, and Company G, Twelfth Regiment, Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William A. McDonald, late of Company D, Fifty-eighth Regiment Massachusetts Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Benjamin F. Clark, late of Company B, Fifteenth Regiment Massachusetts Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Bertha M. Snow, widow of Alfred Snow, late of Company I, Fifty-first Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edwin H. Glidden, late of Company A, Thirteenth Regiment New Hampshire Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mr. SHIVELY. Mr. President, on page 19, I move to strike out lines 3, 4, 5, and 6, the case of George Eichhorn. The soldier is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19 it is proposed to strike out lines 3, 4, 5, and 6, in the following words:

The name of George Eichhorn, late of Companies L and E, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of 50 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 20 I move to strike out lines 3, 4, 5, and 6. The soldier is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 20 it is proposed to strike out lines 3, 4, 5, and 6, in the following words:

The name of John H. Gordon, late of Company F, Tenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 23 I move to strike out lines 20, 21, 22, 23, and 24, the case of Mary J. Neary.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23 it is proposed to strike out lines 20, 21, 22, 23, and 24, in the following words:

The name of Mary J. Neary, former widow of Joseph Mackle, late of Company E, First Regiment United States Infantry, and first lieutenant and adjutant Fifteenth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

Mr. SHIVELY. In that connection I wish to say that the House has passed a bill in this case, which is now on the Senate calendar.

On page 26 I move to strike out lines 13 to 16, inclusive, the case of Thomas Bell, who is now deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 26 it is proposed to strike out lines 13 to 16, inclusive, in the following words:

The name of Thomas Bell, late of Company D, Twelfth Regiment, and Company K, Seventeenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 23, I move to strike out lines 11, 12, 13, 14, and 15. The beneficiary in that case is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, it is proposed to strike out lines 11 to 15, inclusive, in the following words:

The name of Frances M. Dumenil, widow of James M. Dumenil, late of Company M, Fifth Regiment Ohio Volunteer Cavalry, and former widow of James A. Riley, late of Company K, Ninth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The bill (S. 5278) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rates given:

Sidney Payne Smith, late of U. S. S. *Nebraska*, United States Navy, $35 per month in lieu of that he is now receiving.

Wenzel Patzelt, late of Company L, and band, Third Regiment Nebraska Volunteer Infantry, War with Spain, $12 per month.

Sherwood C. Rowers, late of Company M, Fourth Regiment Virginia Volunteer Infantry, War with Spain, $40 per month in lieu of that he is now receiving.

Frank M. Eldredge, late of First Troop, Utah Volunteer Cavalry, War with Spain, $15 per month.

George A. Porterfield, late first lieutenant Captain Carrington's company, First Virginia Volunteers, War with Mexico, $40 per month in lieu of that he is now receiving.

William H. Rackliff, late of Company E, Sixteenth Regiment United States Infantry, $20 per month in lieu of that he is now receiving.

Harry Jones, late of Company F, Sixth Regiment United States Infantry, $30 per month in lieu of that he is now receiving.

Matilda Robertson, widow of James Robertson, late of Captain William M. Allred's company, Nauvoo Legion, Utah Volunteers, Utah Indian War, $12 per month.

Phebe W. Chase, dependent mother of Edward Russell Chase, late chaplain Fourteenth Regiment United States Cavalry, $30 per month in lieu of that she is now receiving.

Nelson Dimick, late of Company A, Sixteenth Regiment Pennsylvania Volunteer Infantry, War with Spain, $12 per month.

Mary J. Torney, widow of George Henry Torney, late brigadier general and Surgeon General, United States Army, $50 per month in lieu of that she is now receiving.

William A. Taylor, late of Company I, First Territorial Regiment United States Volunteer Infantry, War with Spain, $20 per month.

John Andrews, late of Company L, Sixty-fifth Regiment New York Volunteer Infantry, War with Spain, $30 per month in lieu of that he is now receiving.

Joseph A. Black, late captain Company A, Fourth Regiment Missouri Volunteer Infantry, War with Spain, $20 per month.

Charles W. Halls, late of Troop H, Third Regiment United States Cavalry, $30 per month in lieu of that he is now receiving.

George F. Behymer, late of Company F, Fourth Regiment United States Infantry, $12 per month in lieu of that he is now receiving.

John Abjornsen, late of Battery B, Battalion Utah Volunteer Light Artillery, $50 per month in lieu of that he is now receiving.

Hezekiah C. Cotner, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $24 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 13297) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 14, strike out:

The name of Clara Fisher, widow of Berten A. Fisher, late of Company C, Thirty-first Regiment Michigan Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional for each minor child until it reaches the age of 16 years.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Russella J. Ross, widow of Henry L. Ross, second lieutenant Company B, St. Louis Legion Volunteers, Mexican War, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 4, line 18, before the word "Infantry," to insert "Volunteer," so as to make the clause read:

The name of Rawlin F. McLean, late of band, Thirty-first Regiment United States Volunteer Infantry, served during War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 5, line 2, after the word "additional," to strike out "for each minor child until it reaches the age of 16 years" and insert "on account of each of the minor children of the said Joseph E. Cantara until they reach the age of 16 years," so as to make the clause read:

The name of Annie Cantara, widow of Joseph E. Cantara, late of Company G, First Regiment Maine Volunteer Infantry, served during War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of the said Joseph E. Cantara until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 5, line 14, after the word "additional," to strike out "for each of the following three minor children until it reaches 16 years of age: John Milton Kerr, born May 23, 1901; Harold Daniel Kerr, born January 5, 1904; Donald Robert Kerr, born May 12, 1906," and insert "on account of each of the minor children of said Robert W. Kerr until they reach the age of 16 years," so as to make the clause read:

The name of Jessie E. Kerr, widow of Robert W. Kerr, late of Company A, Eighth Regiment Ohio Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Robert W. Kerr until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to strike out:

The name of William Lammerhirt, late of Troop H, Seventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 6, line 20, after the words "per month" to insert "and $2 per month additional on account of each of the minor children of said Stephen H. Jones until they reach the age of 16 years," so as to make the clause read:

The name of Tels K. Jones, widow of Stephen H. Jones, late of Company B, Twenty-third Regiment United States Infantry, Regular Establishment, and pay her a pension at the rate of $12 per month, and $2 per month additional on account of each of the minor children of said Stephen H. Jones until they reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 7, line 1, after the word "additional," to strike out "for account of minor child until same reaches age of 16" and insert "on account of the minor

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 5207) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the following persons at the rate given:

Thomas T. Keibler, late of Company B, One hundred and first Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Ellen M. Vinton, widow of John C. Vinton, late of Company B, First Regiment Connecticut Volunteer Artillery, $20 per month in lieu of that she is now receiving.

Ruth A. Quien, widow of George Quien, late second lieutenant Company K, Twenty-third Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Cornelia Bacon, widow of Hiram F. Bacon, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Betsey E. Hannahs, widow of George N. Hannahs, late of Company A, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Louisa A. Brown, former widow of Samuel Adair, late of Company E, Seventy-fifth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Silas Rouch, late of Company A, One hundred and eighteenth Regiment, and Company A, Twenty-sixth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William W. Mikels, late of Company I, Eleventh Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William F. Steward, late of Company G, Twenty-ninth Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Lydia M. Salisbury, widow of Jonathan B. Salisbury, late of Captain Ramsey's Company K, First Regiment Ohio Volunteer Infantry, War with Mexico, and second lieutenant Company D, Hatch's Battalion Minnesota Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Martin B. Richardson, late of Company E, One hundredth Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William A. Munroe, late of Company G, Second Regiment Rhode Island Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Charles S. Leonard, alias Abner L. Wilcox, late of Company B, Second Regiment United States Infantry, $40 per month in lieu of that he is now receiving.

Charles D. Butler, late of Company G, One hundred and eleventh Regiment New York Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mathew Isaacs, late of Company K, Forty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Ogan, late of Company G, Twenty-fourth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jerome Backus, late of Company D, Thirty-fourth Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Addie Saint Clair Hubbell, widow of George L. Hubbell, late of Company G, Eleventh Regiment Connecticut Volunteer Infantry, and Forty-first Company, Second Battalion Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Lot H. Fleming, late of Company D, One hundred and forty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary P. Hamersly, widow of Lewis Randolph Hamersly, late acting ensign United States Navy and second lieutenant United States Marine Corps, $20 per month in lieu of that she is now receiving.

Ellen F. Marshall, widow of Thomas Marshall, late of Company A, Twelfth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Julia A. Woods, widow of Charles F. Woods, late of Companies D and A, Eighth Regiment New Hampshire Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Augusta E. McLean, widow of Lorenzo D. McLean, late of the First Independent Battery, Connecticut Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Amanda M. McKenney, widow of John I. McKenney, late of Company D, Twenty-third Regiment Michigan Volunteer Infantry, $12 per month.

John Stanwell, late of Company I, Third Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Parsons, late of Company I, First Regiment Maryland Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Annie R. Stephenson, widow of George C. Stephenson, late of Company D, Ninety-second Regiment, and Company H, Thirty-first Regiment, Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William Halliban, late of Company E, First Regiment Connecticut Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Mary E. Read, widow of Herbert H. Read, late of Company H, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Margaret Kuster, widow of Nicholas Kuster, late of Fourth Independent Battery, Ohio Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Frances E. Brown, widow of Oscar F. Brown, late captain Company C, First Battalion Mississippi Marine Brigade Volunteer Cavalry, and Company E, First Regiment Mississippi Marine Brigade Volunteer Infantry, $20 per month in lieu of that she is now receiving.

George H. Barnaby, late of Company F, Sixteenth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Matilda C. Heilman, widow of Horace B. Heilman, late of Company B, First Regiment Rhode Island Volunteer Infantry, $12 per month.

Ezra Rice, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ruth E. Putnam, widow of George A. Putnam, late of Companies H and I, Forty-first Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William M. McClure, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Arthur L. Brown, late of Fourth Battery, First Battalion Maine Volunteer Light Artillery, $24 per month in lieu of that he is now receiving.

Henry Willis, alias Henry Burns, late of Company G, Thirty-ninth Regiment New Jersey Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Littleton, late of Company K, Twenty-second Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Phebe A. Lewis, widow of Samuel E. Lewis, late of Batteries C and G, First Regiment Rhode Island Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Sarah I. B. Hammond, widow of Henry C. Hammond, late of Company I, First Regiment Maryland Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Anna H. Hinckley, widow of Edwin F. Hinckley, late of Company A, First Regiment Connecticut Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Susan E. Mitchell, widow of William C. Mitchell, late of Company A, Eighteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isabella Reed, widow of James C. Reed, late first lieutenant and adjutant Second Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Jane M. T. Porter, widow of Thomas A. Porter, late first lieutenant Nield's Independent Battery, Delaware Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Aaron B. Hartman, late of Company F, Fifty-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edward B. Sawyer, late colonel First Regiment Vermont Volunteer Cavalry, $72 per month in lieu of that he is now receiving.

Ellenor M. Warren, widow of Thompson Warren, late of Company B, Fiftieth Regiment New York Volunteer Engineers, and Company F, Second Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Mary H. Bacon, widow of Theodore C. Bacon, late captain and assistant adjutant general United States Volunteers, $20 per month in lieu of that she is now receiving.

John G. D. Bloomfield, late of Company B, One hundred and fifteenth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Catherine W. Hartman, widow of Joseph F. Hartman, late of Company D, Sixteenth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emerette C. Hillman, widow of Levi N. Hillman, late captain Company C, First Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Annie Mellinger, widow of Marcus Mellinger, late of Company D, Ringgold's battalion, Pennsylvania Volunteer Cavalry, and Company E, Twenty-second Regiment Pennsylvania Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Harry N. Medbery, late of Company B, Second Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Zach J. Burns, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Susan Thompson, widow of Clark Thompson, late of Company G, Second Regiment Wisconsin Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Priscilla Brewster, widow of Joseph Brewster, late of Company D, Second Regiment Maine Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Henry C. Byars, late of Company E, Fifty-first Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Malachi Cordero, late of Company C, First Regiment California Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

William Greer, late of Company H, Thirteenth Regiment Missouri Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Allen Brown, late of Company E, Twenty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Miller, jr., late of Company D, One hundred and fifty-second Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William R. Mathis, late of Company G, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Charles L. Stuck, late of Company K, Twenty-first Regiment Michigan Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Silas Wright, late of Company E, Tenth Regiment Michigan Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

John Rosenberger, late of Company B, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William B. Scace, late of Company E, Ninety-sixth Regiment Illinois Volunteer Infantry, $40 per month in lieu of that he is now receiving.

William Day, late of Company E, Ninety-fifth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charity C. Smith, widow of George W. Smith, late of Company A, Eighty-seventh Regiment, and Company H, Eighteenth Regiment, Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Oliver M. Mahan, late of Company K, Ninth Regiment Michigan Volunteer Cavalry, and Company F, Twenty-third Regiment Veteran Reserve Corps, $30 per month in lieu of that he is now receiving.

John T. Campbell, late of Company B, First Regiment Oregon Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Charles Overman, late of Company K, One hundred and thirty-ninth Regiment, and Company A, One hundred and forty-fourth Regiment, Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harrison Wilkins, late of Company E, Thirteenth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Elbridge G. Black, late of band, Fifteenth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Joseph Workman, late of Company G, Eleventh Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Jennie M. Heath, helpless and dependent child of Charles E. Heath, late of Company G, First Regiment Minnesota Volunteer Infantry, $12 per month.

Ellen M. O'Connor, widow of Patrick R. O'Connor, late second lieutenant Company I, Eighty-eighth Regiment New York Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Almerian Dickey, late of Company I, Fourth Regiment, and Company A, Nineteenth Regiment, Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Isaac S. Maxwell, late of Company K, First Regiment District of Columbia Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Richard Riggs, late of Company B, Twenty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Noah W. Carr, late of Company A, Fifty-third Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Timothy Ellison, late of Company F, One hundred and eighteenth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Alexander T. Buford, late of Companies K and B, Seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John L. Jones, late of Company B, One hundred and sixty-seventh Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Peter W. Jackson, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Sterlin Stunhil, alias Sterlin Stranfeld, late of Capt Reynolds's Scouts, Twenty-third Army Corps, $24 per month in lieu of that he is now receiving.

James Irvine, late of Company G, Forty-eighth Regiment New York Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Rachel A. Chadwick, widow of Charles Chadwick, late acting first assistant engineer, United States Navy, $20 per month in lieu of that she is now receiving.

Minna Ritche, widow of August Ritche, late of Company G, Twelfth Regiment Missouri Volunteer Infantry, and Company K, Sixteenth Regiment Veteran Reserve Corps, $20 per month in lieu of that she is now receiving.

Isaac N. Deppen, late of Company F, Forty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Katherine M. Gray, widow of Henry L. Gray, late first lieutenant and quartermaster, Twenty-third Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Edwin B. Parsons, late captain Company K, Twenty-fourth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Francis D. Randall, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Maria C. Beegle, widow of Loren Beegle, late of Company K, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Oscar E. Beegle, helpless and dependent child of said Loren Beegle, the additional pension herein granted shall cease and determine.

Mary Reidl, widow of Jacob Reidl, late of Company C, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah J. Apperson, widow of John A. B. Apperson, late captain Company E, One hundred and seventeenth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Harrison W. Smith, late of U. S. S. *Ostichita*, United States Navy, $40 per month in lieu of that he is now receiving.

Willis M. Hatch, late of the U. S. gunboat *General Thomas*, United States Navy, $24 per month in lieu of that he is now receiving.

Caroline E. Van Wormer, former widow of Charles H. Stevens, late of Company G, First Regiment Massachusetts Volunteer Cavalry, $12 per month.

George Eichhorn, late of Companies L and F, Fifth Regiment Pennsylvania Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Catharine J. Goodknight, widow of Charles H. Goodknight, late of Company C, Fifteenth Regiment Kansas Volunteer Cavalry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Bert Goodknight, helpless and dependent child of said Charles H. Goodknight, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Cath-

a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 7, after the word "Company," to strike out "D" and insert "B," so as to make the clause read:

The name of Martha V. McKim, late of Company B, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to strike out:

The name of Recina F. Palmer, widow of William P. Palmer, late lieutenant colonel Letzinger's Emergency Battalion Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 7, to strike out:

The name of Amelia Walker, widow of George J. Walker, late of Company E, Third Independent Battery Pennsylvania Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 16, after the word "receiving," to insert "*Provided*, That in the event of the death of Mary Leach, helpless and dependent child of said Melvin G. Leach, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Leach the name of the said Mary Leach shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharin.. Leach," so as to make the clause read:

The name of Catharine Leach, widow of Melvin G. Leach, late of Company H, Eighteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Mary Leach, helpless and dependent child of said Melvin G. Leach, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Catharine Leach the name of the said Mary Leach shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Catharine Leach.

The amendment was agreed to.

The next amendment was, on page 10, line 4, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of John Lattimore, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 19, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of James M. Woods, late of Company G, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 15, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Alexander Mortry, late of Company M, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 11, line 17, before the word "widow," to insert "former," so as to make the clause read:

The name of Sarah J. White, former widow of George H. White, late first-class fireman, U. S. S. *North Carolina*, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 15, before the words "per month," to strike out "$30" and insert "$50," so as to make the clause read:

The name of Addison Buck, late of Company G, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to strike out:

The name of Abram McCoy, late of Company I, One hundred and eighty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $28 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 20, before the words "per month," to strike out "$27" and insert "$30," so as to make the clause read:

The name of Joseph W. Dawson, late of Company G, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 7, before the word "Volunteer," to strike out "Troops," and in line 8, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Sarah E. Parker, widow of Joseph M. Parker, late of Company G, Thirty-second Regiment, United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 14, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of James Nolan, late landsman, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 20, before the word "widow," to insert "former," so as to make the clause read:

The name of Anna E. Hetherington, former widow of James Hetherington, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 22, line 18, before the words "per month," to strike out "$30" and insert "$24," so as to make the clause read:

The name of Robert Hill, late unassigned, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Amos Aspey, late of Company B, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 7, after the words "name of," to strike out "Emile" and insert "Emilie," and, in the same line, after the name "Fye," to insert "widow of William Fye, late of Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and," so as to make the clause read:

The name of Emilie J. Fye, widow of William Fye, late of Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and former widow of John Miller, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 24, line 17, after the name "Albert," to strike out "McMlasters" and insert "McMaster," so as to make the clause read:

The name of Albert McMaster, late of Company A, Third Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, after line 8, to strike out:

The name of Alexander Childers (insane), late of Company I, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, after line 12, to strike out:

The name of Helen Heathcote, former widow of Isaac Booker, late of Company F, First Regiment Massachusetts Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 28, line 7, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of George Smith, late of Company E, Twenty-fourth Regiment United States Colored Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 28, line 23, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of William Alexander, late of Company A, Twelfth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to strike out:

The name of Frederick Marry, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 13, before the word "Regiment," to strike out "One hundred and thirteenth" and insert "Thirteenth," so as to make the clause read:

The name of Mary Miller, widow of Jeremiah Miller, late of Company K, Thirteenth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 32, to strike out:

The name of Judson N. Pollard, late of Company B, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 5, before the name "Vosburg," to strike out the letter "W" and insert the letter "H," so as to make the clause read:

The name of Kate H. Vosburg, former widow of Lewis B. Boomhower, late of Company B, Thirty-second Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the words "per month," to strike out "$28" and insert "$30," so as to make the clause read:

The name of Joshua J. Steckel, late of Company E, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 19, before the word "Regiment," to strike out "One hundred and fifty-eighth" and insert "Fifty-eighth," so as to make the clause read:

The name of Eliza J. Corn, widow of David Corn, late of Company G, Fifty-eighth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 22, before the word "widow," to insert "former," so as to make the clause read:

The name of Isabell E. Kearns, former widow of James M. Kearns, late of Company G, Seventy-second Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 3, before the words "per month," to strike out "$36" and insert "$50," so as to make the clause read:

The name of Morton A. Read, late of Company H, Eighth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 37, line 11, after the word "Infantry," to insert "and widow of William Duncan, late of Company D, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry," so as to make the clause read:

The name of Cordelia E. Duncan, former widow of Charles R. Eldridge, late of Company L, First Regiment Minnesota Volunteer Infantry, and widow of William Duncan, late of Company D, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 38, line 1, before the words "per month," to strike out "$30" and insert "$36," so as to make the clause read:

The name of Isaac W. Leighton, late of Company H, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 9, before the words "per month," to strike out "$30" and insert "$50," so as to make the clause read:

The name of George W. Coward, late of Company D, Thirty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 39, line 20, before the word "Regiment," to strike out "Fifty-ninth" and insert "Fifty-seventh," so as to make the clause read:

The name of Sarah A. Swan, widow of William S. Swan, late of Company C, Fifty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 41, line 17, before the words "per month" to strike out "$36" and insert "$50," so as to make the clause read:

The name of Samuel S. Thompson, late of Company D, One hundred and tenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, line 3, after the name "Hobbs" to insert "alias John Franklin," so as to make the clause read:

The name of John Franklin Hobbs, alias John Franklin, late coal heaver, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, line 21, after the word "Infantry," to insert "and widow of William H. C. Campbell, late of Company A, Eighth Regiment Indiana Volunteer Cavalry," so as to make the clause read:

The name of Sarah A. Campbell, former widow of Daniel D. Johns, late of Company C, Twenty-sixth Regiment Indiana Volunteer Infantry, and widow of William H. C. Campbell, late of Company A, Eighth Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 44, line 23, before the words "per month," to strike out "$36" and insert "$30," so as to make the clause read:

The name of James T. Barnhart, late of Company D, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 4, line 15, before the word "Grace," I move to insert the word "Mary."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, line 15, where the name "Grace Doyle" appears, it is proposed to insert the word "Mary" before the word "Grace," so as to read "Mary Grace Doyle."

The amendment was agreed to.

Mr. SHIVELY. On page 7, line 11, I move to strike out the initial "V" and insert "D." This is the case of Edward Hamilton.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, line 11, before the surname "Hamilton," it is proposed to strike out the initial "V" and insert the initial "D."

The amendment was agreed to.

Mr. SHIVELY. On page 19, line 15, I move to strike out the word "Infantry" and insert the word "Cavalry."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, line 15, after the words "Regiment, Wisconsin Volunteer," it is proposed to strike out "Infantry" and insert "Cavalry."

The amendment was agreed to.

Mr. SHIVELY. On page 21, lines 6 and 7, I move to strike out the word "Infantry" and insert "Light Artillery." This is the case of Clark.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, lines 6 and 7, it is proposed to strike out the word "Infantry," and to insert in lieu thereof the words "Light Artillery."

The amendment was agreed to.

Mr. SHIVELY. On page 29, line 2, I move to strike out "Seventy-third" and insert "Ninety-third."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 2, it is proposed to strike out the first two words in the line, "Seventy-third," and to insert in lieu thereof "Ninety-third."

The amendment was agreed to.

Mr. SHIVELY. On page 29, line 5, after the word "Company," I move to strike out "F," and insert in lieu thereof the letter "H."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 5, it is proposed to strike out the initial "F" after the word "Company," at the end of the line, and to insert in lieu thereof the initial "H."

The amendment was agreed to.

Mr. SHIVELY. On page 44, line 2, after the word "Volunteer," I move to strike out "Infantry," and to insert in lieu thereof the words "Heavy Artillery." This is the Lucius M. Rood case.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 44, line 2, in the item relative to Lucius M. Rood, after the words "Wisconsin Volunteer," it is proposed to strike out "Infantry," and to insert in lieu thereof the words "Heavy Artillery."

The amendment was agreed to.

Mr. KENYON. I think I have heard the Senator say that before.

Mr. SMOOT. But we did consider the calendar after I made that statement before, though not so often as I think we ought to have done.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LANE. Is this the bill relating to the irrigation of the Flathead Indian Reservation?

Mr. WALSH. The object of the bill is to extend to settlers on the Flathead Indian Reservation the same right and privilege which the act of 1910 extends to settlers under reclamation projects generally.

Mr. LANE. Does this bill have to do with reservation lands that belong to the Indians?

Mr. WALSH. No; it has nothing to do with reservation lands belonging to the Indians. It has to do with reservation lands which have been appropriated by settlers.

Mr. LANE. And for which the irrigation supply is paid out of the Indian fund, which is reimbursable?

Mr. WALSH. Yes, sir.

Mr. LANE. I think this bill ought to go to the Committee on Indian Affairs, if it is that sort of bill. We had recently a good deal of discussion about the Flathead lands and the irrigation scheme there. There are one or two such bills before the Committee on Indian Affairs. I know nothing of this bill, it may be all right, I do not say it is not.

Mr. WALSH. I will say to the Senator that if he understood the bill he would make no objection to it. It merely permits the settler to assign whatever right he has to some one else, simply to stand in his shoes.

Mr. LANE. I accept the Senator's statement. I have no objection to the consideration of the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill? The Chair hears none. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

Be it enacted, etc., That the provisions of the act of June 23, 1910 (36 Stat., p. 592), authorizing the assignment under certain conditions of homesteads within reclamation projects, and the act of August 9, 1912 (37 Stat., p. 265), authorizing under certain conditions the issuance of patents on reclamation entries, and for other purposes, be, and the same are hereby, extended and made applicable to lands within the Flathead irrigation project, in the former Flathead Indian Reservation, Mont., but such lands shall otherwise be subject to the provisions of the act of Congress approved April 23, 1904 (33 Stat., p. 302), as amended by the act of Congress approved May 29, 1908 (35 Stat., p. 448): *Provided*, That the lien reserved to the United States on the land patented, as provided for in section 2 of said act of August 9, 1912, shall include all sums due or to become due to the United States on account of the Indian price of such land.

Mr. ROBINSON. Mr. President, I should like to ask the Senator from Montana a question in regard to the bill. What is the purpose of this proposed legislation? It refers to a statute with which I am not familiar.

Mr. WALSH. The original irrigation act provided for the payment of the entire sum due in 10 annual installments and provided that title could not be acquired to any homestead under the reclamation act until the payments had all been made. So a settler might go upon his land, comply otherwise with all the requirements of the homestead act, except that his payments had not been completed, and yet he could get no title; he could not dispose of his land; he could not borrow any money upon the security of his land until all the payments had been made. Recognizing the inequity of that provision, in 1910 an act was passed by which, after the settler had complied with all the other requirements except the making of the payments, he could assign his entry to another qualified entryman, who would stand in his shoes and be obligated to make the same payments to the Government as time went on; but that act did not extend to the reclamation projects on Indian reservations. We want to give the settler on Indian reservations the same privilege that the general act extends to all settlers under other reclamation projects.

Mr. ROBINSON. The purpose of this bill, then, is simply to permit assignments of homestead entries on the Flathead Indian Reservation in Montana where the entryman has already complied with the other provisions of the law, but has not yet completed his payments?

Mr. WALSH. That is the purpose.

Mr. ROBINSON. It will not be possible under this bill, I take it, to mass a number of homestead entries under one holding. The transfer or assignment must be made to another qualified entryman.

Mr. WALSH. I do not think so. It puts the entryman in the same attitude that any entryman would be on a homestead to which he had perfected his claim by making final proof.

Mr. ROBINSON. What I want to know is, can entrymen who want to make these assignments transfer them all to one person or any number of them to one person?

Mr. WALSH. Oh, yes; any man may go out and buy them the same as he may buy any homesteads on the public domain on which the entryman has complied with the conditions required by the law; that is to say, an entryman who has gone out and lived on his land for three years and made his final proof may then sell to anybody.

Mr. ROBINSON. Yes; but he has not completed his payments. Does the Senator think it good policy—he is familiar, I take it, with the conditions that exist on this reservation—does he think it good policy, for instance, to permit the acquisition of these homestead entries and the grouping of them into large areas? Is that the purpose of the legislation?

Mr. WALSH. I will say to the Senator that the policy has already been considered by the Senate in the general reclamation act. You would have no different conditions on the Flathead Reservation than you have under any reclamation project. A man may do that now on a reclamation project. It has been disclosed, however, that no such tendency has been exhibited.

Mr. ROBINSON. Has this bill been referred to the Bureau of Indian Affairs for a report?

Mr. WALSH. It has, and their report is embodied in the report of the committee.

Mr. ROBINSON. The report is favorable?

Mr. WALSH. Yes.

Mr. ROBINSON. Very well, Mr. President, I will make no objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRISTOW:

A bill (S. 6011) to reinstate Frederick J. Birkett as third lieutenant in the United States Revenue-Cutter Service (with accompanying papers); to the Committee on Commerce.

By Mr. LEA of Tennessee:

A bill (S. 6012) for the relief of heirs or estate of James C. Parker, deceased (with accompanying paper); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 6013) granting an increase of pension to Fenton Butterfield (with accompanying papers); to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 6014) granting an increase of pension to Margaret Sheridan (with accompanying paper); and

A bill (S. 6015) granting a pension to Margaret D. Hardman (with accompanying papers); to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 6016) for the relief of Artemus W. Pentz; to the Committee on Claims.

By Mr. O'GORMAN:

A bill (S. 6017) granting an increase of pension to Elizabeth Buckless; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6018) granting an increase of pension to Martha V. Coleman; and

A bill (S. 6019) granting an increase of pension to Louis M. Lea (with accompanying paper); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. FLETCHER submitted an amendment relative to the geologic surveys of the public lands in various portions of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, etc., from $150,000 to $200,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to appropriate $125,000 for the purchase of additional ground at the Frankford Arsenal, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. REED submitted an amendment providing that hereafter the salary of the appraiser of merchandise for the port of St. Louis, Mo., shall be fixed at $4,500 per annum, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. ROBINSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

FEDERAL TRADE COMMISSION.

Mr. STERLING submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

INDIANS OF NORTH CAROLINA.

Mr. SIMMONS submitted the following resolution (S. Res. 410), which was read, considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he hereby is, directed to cause an investigation to be made of the condition and tribal rights of the Indians of Robeson and adjoining counties of North Carolina, recently declared by the legislature of North Carolina to be Cherokees and formerly known as Croatans, and report to Congress what tribal rights, if any, they have with any band or tribe; whether they are entitled to or have received any lands, or whether there are any moneys due them, their present condition, their educational facilities, and such other facts as would enable Congress to determine whether the Government would be warranted in making suitable provision for their support and education.

TRADING IN COTTON.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Mr. SMITH of Georgia. I move that the Senate disagree to the amendment of the House of Representatives, request a conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Georgia, Mr. SHEPPARD, and Mr. BRADY conferees on the part of the Senate.

VETERINARY SERVICE, UNITED STATES ARMY.

H. R. 4541. An act to consolidate the veterinary service, United States Army, and to increase its efficiency, was read twice by its title.

Mr. CHAMBERLAIN. There is on the calender a bill, Order of Business 433, being Senate bill 4331, of a like title. I ask that the House bill be substituted for the Senate bill on the calendar.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I move that the Senate bill be postponed indefinitely.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md., was read twice by its title and referred to the Committee on Public Buildings and Grounds.

H. R. 16298. An act to incorporate the Mother's Day Association was read twice by its title and referred to the Committee on Corporations Organized in the District of Columbia.

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, was read twice by its title and referred to the Committee on Foreign Relations.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SMOOT. Mr. President, I move that the Senate proceed to the consideration of the pension bills on the calendar under Rule VIII.

Mr. SIMMONS. Mr. President, if the motion is confined to pension bills I shall make no objection.

Mr. SMOOT. It is confined to pension bills.

The VICE PRESIDENT. The question is on the motion of the Senator from Utah.

The motion was agreed to.

The bill (H. R. 12914) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

Mr. THOMAS. Mr. President, do I understand the calendar is before the Senate?

The VICE PRESIDENT. On the motion of the Senator from Utah [Mr. SMOOT], the Senate decided to take up the pension bills on the calendar.

Mr. THOMAS. That is out of the regular order.

The VICE PRESIDENT. The Senate yesterday decided that it was in order.

Mr. THOMAS. If the calendar is to be considered, it ought to be considered from its inception, beginning with No. 1.

Mr. SMOOT. Under the rule which the Senate adopted yesterday I made a motion to take up the pension bills on the calendar under Rule VIII. That motion was in order, and was agreed to by the Senate this morning.

The first amendment of the Committee on Pensions was, on page 1, line 11, before the words "United States," to insert "First Regiment," and in the same line, before the word "Heavy," to strike out "Coast" and insert "Colored Volunteer," so as to make the clause read:

The name of David Hannan, late of Company I, First Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, line 17, before the words "per month" to strike out "$24" and insert "$20," so as to make the clause read:

The name of Ella Whiteside, widow of John A. Whiteside, late acting master's mate, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

The name of Georgianna Peabody, widow of William R. Peabody, late of Company A, Twenty-eighth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 10, to strike out:

The name of Charles N. Burns, late of Company H, Eleventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

The name of Mary R. Richards, helpless and dependent child of Philander Richards, late of Company H, One hundred and fifty-second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 1, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Edward S. Lane, late of Company C, Twenty-second Regiment Pennsylvania Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 6, before the words "per month" to strike out "$24" and insert "$20," so as to make the clause read:

The name of Carlota Huckins, widow of George W. Huckins, late of Company K, Fourth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 11, after the name "Brown," to insert "widow of Charles C. Brown, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and," so as to make the clause read:

The name of Mary E. Brown, widow of Charles C. Brown, late of Company E, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and former widow of James Garlock, late of Company E, Fourth Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to strike out:

The name of John G. O'Neil, late of Company E, Sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, after line 14, to strike out:

The name of Thomas Bliss, late of Company G, One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him

rapid succession there followed valuable inventions which not only resulted in improving the powder but in reducing the cost—methods and devices for recovering alcohol, reworking powder, stabilizing the powder and more than doubling its life, nitrating guncotton, etc., which were worked out in Du Pont laboratories and experimental plants and credit for which has time and again been given to the Du Pont Co. by Army and Navy officers.

The Du Pont Co. invented a small-arms powder and a machine for its manufacture, the admitted value of which to the Government was greater than our aggregate profits on all the business we have ever done with the Government. The Government is manufacturing this powder with this machine while Congress, by limitations on appropriation bills, prohibits the purchase of this powder from the Du Ponts.

It is the accumulated experience of decades that has given the Du Ponts primacy in the manufacture of explosives, enabling them to work out processes, machinery, and economies so essential to commercial success; and let it be known and remembered that every process and invention perfected by the Du Ponts has been turned over to the Government, practically without cost, for use in its two plants.

With the above recital in mind, every item of which can be verified by official records if there are any smokeless-powder secrets whose are they?

I would not have anyone infer that I contend that Army and Navy officers have not aided in the development of our present smokeless powder, but I deny, nor will they contend, that the service rendered by them justifies the claim in Harper's Weekly as to Government secrets. They have tested and criticized and suggested. The Du Ponts, in their laboratories and experimental plants, spent money and brought results.

(3) It would be made to appear that Senator HENRY ALGERNON DU PONT, who since 1906 has been identified with the Committees on Military Affairs and Expenditures in the War Department of the Senate, has been looking after the interests of the Du Pont Co. in Washington. This is ridiculous. Senator DU PONT is neither an officer, a director, a stockholder, or an employee of the company, nor has he been since elected to the Senate, nor has he ever made any effort to assist it in Washington. During the eight years he has been in the United States Senate the price of smokeless powder for large guns has been reduced six times, from 70 cents to 53 cents per pound, and such limitations have been placed on the bills going out of his committees as to render it impossible for the Army now to purchase any powder from the Du Ponts.

Now, the foregoing statements, every one of which can be verified and substantiated by official records, establish the following facts:

(1) That the contract for brown prismatic powder was made at the instance and with the approval of the Government.

(2) That if there are any smokeess-powder secrets they are Du Pont secrets.

(3) That while Senator HENRY ALGERNON DU PONT has been Senator nothing advantageous to the Du Pont Co. has come from his committees.

These facts being established, I submit that I am justified in contending that the charges carried in the two articles in Harper's Weekly are without warrant or excuse and are grossly and outrageously unjust and unfair.

WIRELESS TELEGRAPHY RESEARCH (S. DOC. NO. 528).

Mr. BURTON. I ask unanimous consent to have printed as a public document a report by a British committee on wireless telegraphy research. It consists of some 17 typewritten pages.

The VICE PRESIDENT. Without objection, it may be done. The Chair hears none.

SERAPIO ROMERO.

Mr. LEE of Maryland, from the Committee on Claims, to which was referred the bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex., reported it without amendment.

AMERICAN SURETY CO., OF NEW YORK.

Mr. LEE of Maryland. Mr. President, I make a unanimous report from the Committee on Claims upon Senate bill 5978, in favor of the American Surety Co., of New York. This is a case where the committee recommends unanimously the repayment to this company of about $100,000 which it was compelled to pay by a judgment of one of the lower courts, and which has been reversed by the opinion of the Supreme Court of the United States. The company loses $18,000 of interest by reason of the time the money has been in the hands of the Government. For that reason I ask unanimous consent for the immediate consideration of the bill. I take it as the loss of interest already has been large to these people they are entitled to immediate action.

Mr. SMOOT rose.

Mr. JAMES. I will say to the Senator from Utah that it is a judgment which was rendered in the lower court against this company for $100,000, and they paid the money under protest and appealed to the Supreme Court. The Supreme Court reversed the case and directed that the money be refunded to the company. The Government has had the money of this company for three years. Of course, we do not allow them any interest, but we think the bill should be immediately passed and that the money they paid into the Treasury under this erroneous judgment should be returned to them as directed by the Supreme Court of the United States.

Mr. SMOOT. The bill is based upon a decision of the Supreme Court?

Mr. JAMES. Of the Supreme Court.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. JONES. Can the Senator give me any idea as to when we are likely to take up the calendar for consideration?

Mr. JAMES. Pretty soon.

Mr. THOMAS. About the 3d of March, it appears to me.

Mr. JONES. If that is the case, then all these bills had better go to the calendar.

Mr. JAMES. I hope the Senator will not object to the consideration of this bill. It is to refund money the company paid into the Treasury by reason of a decision of the lower court, which has been reversed by the Supreme Court.

Mr. JONES. I can see the justice of the bill.

Mr. JAMES. They appealed to the Supreme Court of the United States, and that court decided that the money was wrongfully paid and therefore it should be returned to them.

Mr. JONES. I have no objection to the bill, but I know there are several bills on the calendar which involve very much smaller amounts, but which mean about as much to the individuals as this amount does to this company. I should like to see the Senate get to the calendar very soon.

Mr. JAMES. I assure the Senator that the calendar will be reached soon.

Mr. JONES. Will the Senator help us to get to the calendar?

Mr. JAMES. Yes.

Mr. JONES. All right.

The VICE PRESIDENT. The Senator from Maryland reports from the Committee on Claims, with amendments, a bill which will be read by title.

The SECRETARY. A bill (S. 5978) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the committee were, on page 1, line 6, to strike out "$118,925" and to insert in lieu "$100,385.05," and in line 7 to strike out the words "with interest," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and instructed to pay to the American Surety Co., of New York, out of any money in the Treasury not otherwise appropriated, the sum of $100,385.05, the amount of a judgment which the United States recovered against the American Surety Co., and which judgment, on May 15, 1911, the American Surety Co. paid, under protest and to avoid the levy and execution under said judgment, and which was covered into the Treasury, which judgment was on June 8, 1914, reversed by the Supreme Court of the United States and a new trial awarded, and upon such new trial a judgment was rendered June 19, 1914, in favor of the American Surety Co. and the petition of the United States was dismissed.

The amendments were agreed to.

The bill was reported to the Senate as amended.

Mr. GOFF. The words "with interest" ought to be stricken out of the title.

The VICE PRESIDENT. That comes after the bill is passed.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to refund to the American Surety Co., of New York, an amount paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States."

HOMESTEAD ENTRIES ON FLATHEAD IRRIGATION PROJECT.

Mr. MYERS. From the Committee on Public Lands, I report back favorably without amendment the bill (S. 4441) to extend the provisions of the act of June 23, 1910 (36 Stat. L., 592), authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912 (37 Stat. L., 265), authorizing the issuance of patents on reclamation homestead entries, to lands in the Flathead irrigation project, Montana, and I submit a report (No. 632) thereon. I call the attention of my colleague to the report.

Mr. WALSH. Mr. President, I ask unanimous consent for the present consideration of the bill just reported.

Mr. SMOOT. Mr. President, I dislike to object to the consideration of the bill, but I will say to the Senator the only way we will ever get to the calendar is to have bills go to the calendar and have enough Senators interested in those bills so that they will take an interest in reaching the calendar at some time in the near future.

Mr. WALSH. I think if the nature of the bill were stated for the information of the Senator from Utah, he would not object.

Mr. SMOOT. I will say frankly to the Senator I have no objection to the provisions of the bill. The only question is as to whether we should at this stage allow every bill as it is reported to the Senate to be considered by unanimous consent with the calendar as full as it is.

The VICE PRESIDENT. There is objection.

Mr. SMOOT. If there is any real reason why the bill should be passed, and it is an emergency measure, I certainly will withdraw my objection to it.

Mr. WALSH. Of course, I should not ask for the immediate consideration of the bill if it were not an urgent matter. The Senator will recall that in 1910 an act was passed permitting settlers upon reclamation projects generally to make assignments of their claims after having completed the requirements, so far as residence is concerned. That act was not applicable to this reclamation project conducted within an Indian reservation. Under the other provisions of the law a great many settlers have gone upon the project and are really in rather desperate circumstances by reason of the inapplicability of the law.

Mr. SMOOT. That being the case, of course I shall not object to the consideration of the bill.

Mr. GALLINGER. Mr. President, this morning a poor old woman, the widow of a soldier, called at my committee room, handing me a notice from her landlady that she must vacate the room she is occupying, not having been able to pay her rent. Her name is included in one of the bills on the calendar. There is a great impropriety in passing bills by unanimous consent and permitting the calendar to be loaded down as it is at the present time with between two and three hundred bills. I analyzed the calendar yesterday, and I am going to direct attention later on to 25 or 30 bills that are more important than the river and harbor bill, in my judgment, and certainly more important than any bill such as is now asked to be passed by unanimous consent. However, I am not going to object to this bill; but I do think that we ought not to neglect the calendar any longer. It never has happened before that there was such an accumulation of bills, some of them very important, as there are on the calendar; and I do hope that Senators who are interested in other bills will not force their consideration to the entire exclusion of the calendar.

This is all I care to say.

Mr. KERN. Mr. President, I wish to inquire of the Senator from Utah and the Senator from New Hampshire whether they think there would be objection to having the calendar considered at some evening session this week or next week, or there might be two evening sessions while the weather is favorable.

Mr. BRISTOW. Mr. President——

Mr. KERN. I do not yield at this moment. In that way we could make considerable progress. I have felt some times that a pretty good way to bring up the calendar would be to set apart some evening for it, and then we would not interfere with other business.

Mr. BRISTOW. I wish to inquire of the Senator from Indiana if he thinks such a proposition is just to the Senate and to Senators spending, many of us, the sixth summer in Washington? There is no use to fool yourselves; you can not get through with the business that is mapped out here before September or October. Why, then, should we hold night sessions in the very heated period here when it is not necessary to do so?

Mr. KERN. Mr. President, in response to that I will say I have not observed that night sessions have worked any great hardship on Senators; in fact, I think the most enjoyable sessions we have had during the past few months have been those held at night. Certainly there have been more attractions furnished to the public at evening sessions that at any other time. I have not observed that Senators have been any the worse for spending a couple of hours here in this Chamber in the evening. If from my observation I was led to conclude that it was a hardship on anybody I would not insist upon it; but I have not so observed.

Mr. BRISTOW. It may not be a hardship on Senators who do not work of evenings, but it imposes a hardship upon Senators who do work of evenings and who attend for long hours the sessions of the Senate during the day.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. WALSH. I yield to the Senator.

Mr. BRISTOW. I thought when I was on the floor that I was speaking through the courtesy of the Senator from Montana. I did not know that he had declined to yield further.

I do not intend to object to the Senator's bill, but I suppose that it is something that ought to be attended to, but I wanted to supplement what the Senator from New Hampshire [Mr. GALLINGER] had said. I desire to say to the Senator from Indiana [Mr. KERN] that my objection to night sessions is not a frivolous objection. I think I can stand as much work as can the average Senator, but I think in discharging our duties here we ought to have some consideration for our physical capacity.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Colorado?

Mr. WALSH. I do.

Mr. THOMAS. Mr. President, I have a number of bills on the calendar in which I am directly interested as representing those who are interested in the bills, and I am as anxious as any Senator can be to secure action upon them, particularly as I assume that there will be no objection to their consideration. I have observed that there have been a number of bills which have been called up and passed by unanimous consent. I have not asked for such a proceeding up to this time upon any of the measures to which I refer, but inasmuch as that is becoming the custom, I expect, unless we can get a call for the calendar very soon, to see what I can do by following such example.

I am quite aware of the inconvenience which a night session entails and particularly upon Senators who, like the Senator from Kansas [Mr. BRISTOW], are very industrious men. I am also aware of the fact that the so-called program is one which will, unless we can make greater haste than we have been doing recently, consume not only the time between now and September, but the time between now and December. The calendar, being of very large dimensions, should during that time and at intervals, if possible, be taken up.

I am perfectly willing, speaking for myself and without intending to discommode anyone, to come here at 9 o'clock in the morning and stay here until 9 o'clock every evening, if necessary, if a part of the time can be devoted to bills on the calendar. We certainly ought to get that behind us. I do not believe that there has been any calendar work done, to speak of, for the last three or four weeks perhaps. During that time the amount of business upon it has been swelling constantly, and unless we can obtain by unanimous consent, or in some other way, the privilege of calling up and disposing of some of the bills upon the calendar very soon, I propose to make a motion for more extended sessions, and submit it for the consideration of the Senate.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. WALSH. Yes.

Mr. SIMMONS. Mr. President, I do not intend to object to the consideration of the bill offered by the Senator from Montana unless it leads to debate. If it leads to debate, then I reserve the right to object.

Mr. WALSH. I will say, Mr. President, that if I had thought for a moment that it would lead to debate, I should not have asked unanimous consent for its consideration.

Mr. SIMMONS. I reserve the right to object if the bill does lead to debate.

Mr. CUMMINS. Mr. President, there is a mistake in the notice I gave a few days ago as printed on the calendar. As it appears on the calendar it is that I gave notice that to-day, immediately following routine morning business and the taking up of the unfinished business, I would address the Senate on the trade commission bill. I want to correct that by saying that I did not expect to begin my remarks until the bill was taken up for consideration at 2 o'clock.

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from Washington?

Mr. WALSH. I do.

Mr. JONES. I simply desire to say to the Senator from Montana that I am not going to object to the present consideration of his bill, but I hope that there will be no more requests for unanimous consent until we start with the calendar.

Mr. SMOOT. In that connection, Mr. President, I want to give notice now, so that there will be no feeling about it hereafter, that from now on I shall object to every request for unanimous consent for the consideration of any bill until the calendar is regularly considered.

Mr. WALSH. Mr. President, I exercise the privilege of saying that I shall be glad to join with the Senator in securing speedy consideration of the calendar, in the consideration of which I am very deeply interested.

Mr. KENYON. I want to ask the Senator from Utah if he would not on future days do just the same as he has done to-day, only object after the first unanimous consent has been granted, and let us get rid of one bill?

Mr. SMOOT. No; I am going to object from now on to the consideration of any bill.

Why were the German manufacturers kept "informed at all times of all powder furnished to the United States Government under this contract"?

Simply because the contract made with the German manufacturers and sanctioned by the Government of the United States provided that the German manufacturers should be compensated by royalty on every pound of brown prismatic powder manufactured for the United States Government. It was agreed between the Government of the United States and the Du Pont Powder Co. that this royalty was to be added to the price charged by the Du Ponts for powder, and it was further agreed that when the royalty was paid in full the price of powder to the Government per pound should be reduced by this amount. Thus the Government might be said to have been a party to the contract. All this is a matter of official record, printed in Congressional Hearings, available to anyone who may desire to know the facts.

Will Harper's Weekly kindly advise its readers how it would have been possible under this contract made on the initiative and with the approval of the Government, for the German manufacturers not to have known the exact amount of powder made by the Du Pont Powder Co. and purchased by the Government of the United States?

"This contract came to an end during the Spanish-American War, after the royalties paid amounted to $100,000. It in no manner related to smokeless powder, which was not being manufactured in the United States on a commercial basis at that time.

Wherein is there any "criminal offense" associated with this transaction? What is there in it to justify the astounding allegation that the Du Ponts were "the monopoly paid spies of a foreign Government"?

ALLEGED GOVERNMENT POWDER "SECRETS."

(2) It is charged by this same contributor to Harper's Weekly that the Du Pont Powder Co. "is selling powder to foreign governments" and that this powder is the "identical powder used by our own Government," and emphasis is placed on the alleged fact that Government powder specifications are "secrets." He even goes so far as to state what may be done to people who "without the permission or authority of the Government, directly or indirectly," do such things as sell powder to foreign nations.

The utter nonsense of all this sort of talk will be apparent when the fact is known that the Du Pont Powder Co. has never sold a pound of smokeless powder to any foreign government without first consulting with Government officials in advance of any sale, and in each instance the powder sold has been tested at the Government proving ground.

As to the alleged "secrets" involved in our smokeless powder it can be truthfully stated that there are none, and if anyone wants information, full and complete, concerning the manufacture of smokeless powder he can secure the same by buying a book on "Military Explosives," published by Erasmus M. Weaver, major, Artillery Corps, United States Army, and recently on general-staff detail. In this book all the alleged "secrets" are published, even to the minutest detail, under the authorization of the Ordnance Department of the War Department.

Likewise, if anyone desires the information, he can secure all the alleged "secrets" wrapped up in the manufacture of the powder used by Great Britain if he will purchase a book on "Explosives," printed by authority of His Majesty's Government and available to anyone who may have the money with which to buy. Great Britain's type of powder is known as cordite. The Du Pont Powder Co. is now manufacturing a batch of this powder for a South American country.

Would Great Britain's manufacturers have sold this powder—her own powder—to a foreign nation? Certainly. These manufacturers had the assistance of Engl h army and navy officers detailed to South America to aid in securing this identical contract. This has been the policy and practice of all European nations for years. Every European nation that manufactures powder sells it wherever it can, as it sells armor and battleships and big guns and rifles and cartridge belts and everything else for which there is a demand or a market.

Within the past year the United States Government has obtained smokeless powder for purposes of examination and tests direct from England, France, and Argentine. This powder has been made on the same specifications as the smokeless powder used by the armies and navies of these nations.

As I have said, there are no real "secrets" surrounding the manufacture of smokeless powder, nor have there ever been for any great length of time. Almost any chemist could take these publications referred to and make smokeless powder, but would it be a smokeless powder that the Government would accept, and if accepted could it be manufactured with sufficient economy to justify the chemist engaged in the business? Right here is where experience comes in, which has meant research and the expenditure of vast sums of money, resulting in processes and machinery and distribution of plant units and special education of certain men to certain work, the importance of which is easily understood and appreciated by those who have been engaged in such business. Any graduate of a domestic-science school can secure the specifications by which good bread can be made, but how many trials must be had before this graduate makes good bread? It is the accumulated experience of decades that has given the Du Pont Co. primacy in the manufacture of explosives, that has given it processes and machinery and economic arrangements exceedingly advantageous. This it has worked out, and this it has given to the Government for use in its plants, while the company guards the same as well as it can from the rest of the world.

The evolution and development of the smokeless powder which the Government uses covers a period of about 20 years. It originated in France in 1883, when M. Vieille produced guncotton adapted to the manufacture of smokeless powder and immediately published the particulars to the world. After Vieille told us how to make guncotton inventors in Europe and the United States directed every effort toward devising some method by which this desirable and powerful explosive might be used in guns. Prof. Mendeleef, a Russian, solved the problem, and in a magazine article told how this guncotton might be colloided; that is, mixed into a plastic mass suitable to be pressed through a die. Lieut. Bernadou, of the United States Navy, who was at that time abroad, translated this article into English and upon his return to the United States, in conjunction with Admiral Converse, of the Navy, took out patents in the United States on the processes described.

The Government, however, never bought nor manufactured successfully any powder on the Bernadou and Converse patents nor, indeed, on the patents of Charles E. Monroe, whose work along the line of development of explosives is mentioned in the articles in Harper's Weekly. Admiral Converse himself, in a printed Government report, has stated:

"No profits accrued to me during the time that I retained an interest in the patents. No product has been sold to the Government or machines used in the manufacture of such product since I disposed of my interest in the patents. To the best of my knowledge and belief, no powder manufactured under these patents has even been furnished to the Army." (Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 228.)

Meanwhile, however, the powder manufacturers of the United States had been busy, and soon they were making smokeless powder on a commercial basis. Up to this time the Government had been able to manufacture it on a commercial basis. After Mendeleef's invention of collodion guncotton it was recognized that the then known methods of manufacture were extremely dangerous. Many lives were sacrificed in handling it.

Then it was that Francis G. Du Pont invented and patented a process and machine for the dehydration of guncotton—that is, working it from a wet state—which eliminated the hazard associated with the handling of guncotton. Admiral Strauss, present Chief of the Bureau of Ordnance, speaking of this invention at a recent congressional hearing, said:

"The Du Pont Co. invented and designed the present hydraulic press for dehydrating pyrocellulose. The Government is using this method with presses of the same design. Prior to that time, in France, dehydrating was accomplished by spraying with alcohol. The press invented by the Du Ponts made the manufacture of smokeless powder practically a safe industry." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 578.)

The problem of adapting this powder to guns of different calibers now appeared. Then it was the multiperforated grain was devised, and I leave the bestowal of the credit for this discovery and invention to the Secretary of the Navy, who, in his annual report to Congress, said:

"Since the publication of the report of the Bureau of Ordnance a private firm, the Du Ponts, have developed methods of modifying the characteristics of the smokeless powder with reference to the form of granulation which shall be capable of ready ignition and also to the ability to control the rate of burning. It is believed that these modifications overcome the problems for all calibers, including small arms, for both propelling and bursting charges." (Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 226.)

In tracing the development of smokeless powder the contributor to Harper's Weekly observed that during early days the powder manufacturer "had not been showing up very well." The above quotations from official records indicate that the Du Pont Co. has certainly been doing its part, for until this time but four great steps have been taken:

First. Vieille had produced guncotton in France.

Second. Mendeleef had told us how to colloid it.

Third. Francis G. Du Pont had told us how to eliminate danger in manufacture of guncotton and greatly reduce the cost.

Fourth. Hudson Maxim, an employee of the Du Pont Co., had invented the multiperforated grain, a form of grain that gave us absolute control over every feature of the firing.

It will be seen that of the four great steps in the development of this smokeless powder two of them stand to the credit of the Du Pont Co. Other problems presented and the Du Pont Co. solved them as they came, with the following valuable inventions:

Solvent recovery. This not greatly aided in drying the powder, but resulted in a marked economy in its manufacture, recovering the alcohol and using it again and again. Admiral Strauss, present Chief of the Bureau of Ordnance, Navy Department, in speaking of this invention before a congressional committee recently, said:

"When the manufacture of smokeless powder was first started for the Government, the Government furnished the alcohol used. The Du Pont Co. did at its own expense develop a method for recovering a large percentage of this solvent. A description of this method was furnished the Government without cost, and the system was installed at Indianhead, beginning with the manufacture of powder at that place." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Reworking powder. The next notable invention worked out by the Du Pont Co. was a process for reworking smokeless powder. At that time the present stabilizer was unknown and the powder deteriorated with age, imposing a great loss on the Government. This reworking process was developed in the laboratories of the Du Pont Co. and presented without cost to the Government for use in its plants. Admiral Strauss, present Chief of Bureau of Ordnance, in speaking of this invention before a congressional committee recently, said:

"The method of reworking powder now in use at Indianhead was designed by the Du Pont Co." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

It might be stated in this connection that the Chiefs of Ordnance, in their annual reports to Congress, stated that the savings by reason of this process have amounted to over $1,000,000.

Stabilizer. Improved with the necessity of introducing something into the powder to protect it against deterioration the Du Pont Co. brought to the attention of the Government a stabilizer which corrected this defect and extended the life of the smokeless powder used by the Government to approximately 20 years. Previously the life of this smokeless powder was from 6 to 10 years. Admiral Strauss, present Chief of the Bureau of Ordnance, in speaking of this improvement before a congressional committee recently, said:

"The statements in regard to the Du Pont Co.'s bringing to the attention of the Government the results that could be accomplished by using diphenylamine as a stabilizer are correct; the stabilization of the powder has probably doubled its life and resulted in a very great saving to the Government." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Mechanical nitrators. The last great improvement in the process of powder manufacture is a nitrating apparatus, designed by the Du Pont Co., which not only improves the product, but greatly reduces the cost of production. This machine is now being installed at the Government plant at Indianhead. Admiral Strauss, present Chief of the Bureau of Ordnance, in speaking of this invention before a congressional committee recently, said:

"The statements in regard to the new mechanical nitrators are correct. The Du Pont Powder Co. has recently given the Government the plans, the specifications, and the rights to use this process for a nominal consideration, and the system is now being installed at Indianhead, where it will result in a material economy." (Hearings before Committee on Naval Affairs, House of Representatives, 1914, p. 478.)

Before leaving this phase of the subject I would say that the present small-arms powder used by the Government and the machine with which it is made was wholly the result of efforts made by the Du Pont Co., and one of its most notable achievements. Over 100 samples of this powder were made and tested before the present satisfactory

product was found. By reason of its nonerosive and other qualities, this powder extended the life of the Government stock of 30,000,000 rifle in flues, 1 for 1 by weight. Before this powder was invented the Government rifle was good for 1,500 rounds. It is now good for 15,000 rounds. Permission to manufacture this powder at its plants was given the Government without a cent's compensation. Gen. Crozier, Chief of Ordnance, United States Army, gives the Du Pont Co. the entire credit for developing this powder. He recently testified:

"Something over six years ago we changed the bullet of the small arm and at the same time greatly increased its velocity, using an increased charge of powder. Under these circumstances the barrels wore out rapidly, one barrel not being good for more than 1,000 or 1,500 rounds. I thought it necessary to make some efforts to see if we could not increase the life by changing powder. I bought some small arms powder abroad, with which an increased life was secured, and I asked the Du Pont Co. to see if it could not produce a powder which would give an equal life to the barrels to that which was given with the foreign powder. They did so, and as a result the powder which we are now using gives a life to the barrel of over 10,000 rounds or nearly 15,000 rounds." (Testimony in suit of the United States v. Du Pont Powder Co., defendant's additional proofs, pp. 77-78.)

On his estimate, by reason of the extension of the life of the rifle, this invention added a money value of the small arms of the Government of over $15,000,000. It is useless to say that this exceeds the aggregate profits the Du Pont Powder Co. has received from the Government in all its dealings with it. After the Du Ponts have invented and presented this powder and the processes and machinery by which it is made to the Government, Congress now comes forward and places such a limitation on the appropriation bill as prohibits the War Department from purchasing it of the Du Ponts.

Nor should the treatment accorded the Government by the Du Ponts when Congress made an appropriation to build a smokeless-powder plant for the Army be overlooked. Since the Du Pont Co., on its own initiative, invited the Government officials to their receptive plants and gave them the use of every drawing it had engineering department and gave them the use of every drawing it had and permitted them to make a basis from which to figure out the Government plant. It is a fact that the Du Ponts place an estimate on the value of this service, the Du Pont Co. having spent hundreds of thousands of dollars in developing plans and economies that were offered free of charge to the United States Government. When questioned as to the advantage of these plans, etc., to the Government, Gen. Crozier, Chief of Ordnance, at a hearing recently held, stated:

"It enabled us to rebuild our factory and to commence the manufacture of smokeless powder economically and efficiently without going through any processes of experimentation and without setbacks." (Testimony in suit of the United States against Du Pont Powder Co., defendant's additional proofs, pp. 76-77.)

Now, I admit for the sake of argument that there have been or are related the multiperforated grain, a form of grain that gave us absolute control over every feature of the firing.

If so, whose "secrets" were used by the United States Government? Admiral Twining, former Chief of the Bureau of Ordnance, at a hearing recently held, said:

"I would be glad to add to my previous statement that, so far as my personal knowledge goes and so far as I have been informed by my predecessors in office and my associates now, the Du Pont Co. has not only been always willing to assist the Army and the Navy in its work in the manufacture of powder, but has on many occasions supplied them at the disposal of the Government improvements and one placed them at the disposal of the Government for use in their own factories. I can not say anything more definite than that, because the things have not come to my personal attention; but my impression is that they have been entitled to just as much credit for the development of smokeless powder as the Government, and possibly more." (Hearings before subcommittee on fortifications appropriation bill, 62d Cong., 3d sess., p. 210.)

The Du Pont Co. is not using in any one of its three plants a single process or machine invented or devised by any officer connected with either the Army or Navy of the United States, and if there are any "secrets," or if there have been any "secrets," they were Du Pont "secrets," and not Government "secrets."

These steps in the development of powder cover every notable invention designed for the manufacture of powder. Criticism might be made in that no credit has been given to the Army and Navy in connection with this work. They are entitled to full credit for the part they performed. But from the very nature of the case they were the buyers of powder, not the makers of powder. The Du Pont Co. did not have an expensive proving ground or proper equipment for testing for ballistic results, involving pressures, velocity, wear on gun, etc. This work was performed by officers of the Army and Navy and was invaluable to the service. The Government never details one of these officers to shore duty long enough to enable him to become an expert powder maker. This does not mean that experience on shore and on shipboard does not supply the average ordnance officer with that knowledge calculated to make him a good judge and a good critic of powder.

SENATOR HENRY ALGERNON DU PONT.

(3) It would be made to appear that Senator HENRY ALGERNON DU PONT, who since 1906 has been identified with the Committee on Military Affairs and the Committee on Expenditures in the War Department of the Senate, has been looking after the interests of the Du Pont Powder Co., and the inference is even that because of this the Du Pont Co. had no need of a lobby in Washington.

Strange as it may seem, Senator DU PONT has never in any way, since being elected to the Senate, done anything that could be considered as serviceable to the Du Pont Powder Co. His election to the Senate was a positive detriment to the company. I am the authorized representative of the Du Pont Powder Co. in all its dealings in military powders in this and foreign countries and never but once—and that was early in Senator DU PONT's service in Washington—have I asked a favor of him. This was in connection with a minor matter and was in no manner connected with appropriation for or sale of powder. Senator DU PONT is in no wise interested in the Du Pont Powder Co. as an officer, a director, a stockholder, or an employee, nor has he been since elected to the United States Senate.

It might be stated in this connection that during the eight years he has been in the United States Senate the price of smokeless powder for large guns has been reduced six times, from 70 cents to 34 cents per pound, and small arms powder from 84½ cents to 65 cents per pound, and such limitations have been placed upon the appropriation bills going out of Senator DU PONT's committees as to render it all but impossible for the Army to purchase any powder from the du Ponts.

Now, I have shown—

(1) That the contract for brown prismatic powder was made at the instance and with the approval of the Government.

(2) That the specifications on which the smokeless powder is manufactured by and for the Government are published to the world and revised to date by Government officers, and if there are any "secrets" they are Du Pont "secrets" in the shape of economic processes and labor-saving machinery suggested by experience through more than a century in the manufacture of all kinds of explosives.

(3) That while HENRY ALGERNON DU PONT has been Senator not only has the price of powder greatly decreased but the Du Pont Co. has been cut off from participating in the manufacture of any powder the purchase of which is provided for by the committee with which Senator DU PONT is associated.

Having established these three facts I submit that I am justified in contending that the charges carried in the two articles in Harper's Weekly under the title of "The Powder Trust" and "The powder plot" were without warrant or excuse and grossly and outrageously unjust and unfair to the Du Pont Powder Co., and this letter is fully justified.

Yours, very truly,

E. G. BUCKNER,
Vice President.

IS THERE A POWDER PLOT?

(By E. G. Buckner, vice president Du Pont Powder Co.)

Harper's Weekly recently printed two articles, under the titles "The Powder Trust" and "The powder plot," which grossly misrepresented the Du Pont Powder Co. and did it great injustice.

As a matter of fact there is no statement, inference, or conclusion reflecting on the Du Pont Powder Co. in either article that is not wholly fallacious.

(1) It was intended that the readers of Harper's Weekly should be convinced that the Du Pont Powder Co., in entering into a certain contract with German manufacturers 25 years ago violated the Federal statute and were guilty of a felony.

What are the facts? In 1889 Admiral Folger, Chief of the Bureau of Ordnance, Navy Department, convinced that the brown prismatic powder manufactured abroad was superior to that used in our Navy, ordered the Du Pont Powder Co. to secure these processes. Armed with letters from Mr. Blaine, then Secretary of State, to our ministers abroad explaining his mission, Alfred I. Du Pont went to Europe and contracted for the right to manufacture this powder, compensation to be made by the payment of a royalty per pound on the powder manufactured. Thus our Government was interested until the same agreement terminated $100,000. Thus our Government was not only familiar with the contract but a party to it, for it obligated itself to pay and did pay these royalties.

We did "keep the German manufacturer informed of the amount of powder manufactured for our Government." How would it have been otherwise when our Government was the only purchaser and we had to make an accounting for every pound of powder manufactured?

The records are public and I defy anyone to show from them anything justifying the astounding charge that the Du Ponts, in making or carrying out this contract, were the "monopoly paid spies of a foreign Government" and therefore guilty of treason.

This contract came to an end in 1896. It in no manner related to our present smokeless powder.

(2) It is charged that the Du Pont Co., in selling to foreign Governments the "identical powder used by our own Government," betrayed Government powder secrets and was thereby "guilty of a criminal offense."

The utter nonsense of this will be apparent when the fact is known that the Du Pont Powder Co. has never sold a pound of smokeless powder abroad without first consulting with Government officials, and in each instance the powder sold has been tested by Government officers at the Government proving ground.

There are no "powder secrets." The identical specifications on which the present Government powder is made are printed in a book published by Maj. Erasmus M. Weaver, of the Army, and sale made to anyone. Likewise the specifications on which cordite, Great Britain's smokeless powder, is made are printed and sold by authority of His Majesty's Government. Almost any chemist could take the publications referred to and make smokeless powder, but I doubt if it would be made with economy.

Every European nation that manufactures powder sells the identical powder used by such Government wherever it can, as it sells armor, battleships, guns, and all other ordnance material. European nations send their officers to shore duty long enough to enable them to go to other countries and assist their manufacturers in landing these contracts, even go so far as to detail their army and navy officers to go to other countries and assist their manufacturers in landing these contracts.

The development of the smokeless powder which we now manufacture for our Government covers a period of about 30 years. It originated in France in 1883, when M. Vieille produced guncotton adapted to the manufacture of smokeless powder. At once the world's inventors directed every effort toward devising some method by which this redangerous guncotton could be utilized in guns. Mendeleef, a Russian, solved this problem, and in a magazine article told how this guncotton might be colloided; that is, mixed into a plastic mass suitable to be pressed through a die. Lieut. Bernadou, of the Navy, who was at that time abroad, returned home with this information, and in conjunction with Admiral Converse took out patents on these processes in the United States. No powder was ever manufactured, however, successfully under these patents, nor under the patent of Charles E. Monroe whose work is mentioned in Harper's Weekly. Admiral Converse himself, in a printed Government report, has testified that the Government never bought any powder manufactured under the Bernadou patents.

It was recognized that the then known methods of manufacture were hazardous. Then it was that Francis G. Du Pont invented and patented a process and machine for the dehydration of guncotton—that is, handling it in a wet state—that eliminated all danger, and as Admiral Strauss, of our Navy, says, "Made the manufacture of smokeless powder a safe industry."

The next problem was the adaptation of this powder to guns of different caliber. This problem was solved by Hudson Maxim, an employee of the Du Pont Co., who invented the multi-perforated grain, and the Du Pont Co. was given credit for it by Mr. Tracey, Secretary of the Navy, in his annual report to Congress.

Harper's Weekly observes that during these early days private manufacturers "had not been showing up very well." Let us see:

First. Vieille had produced guncotton in France.

Second. Mendeleef, of Russia, had told us how to colloid it.

Third. Francis G. Du Pont had told us how to eliminate danger in the manufacture.

Fourth. Hudson Maxim, an employee of the Du Pont Co., had invented the multi-perforated grain that gave absolute control over the burning.

It will thus be seen that of the four great steps in the development of smokeless powder, two stand to the credit of the Du Pont Co. In

Mr. NORRIS presented petitions of sundry citizens of Gering, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Columbus, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Tennessee, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GALLINGER presented the petition of K. B. Fletcher, of Lancaster, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented the petition of Charles E. McLam, secretary of the Central Labor Union of Concord, N. H., praying for the enactment of legislation providing for the granting of compensation to Federal employees injured while in the employ of the Government, which was referred to the Committee on the Judiciary.

He also presented a petition of the New Hampshire State Federation of Labor, praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented memorials of sundry citizens of Elk Point, S. Dak., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of George Otto, W. A. Schmitt, Charles H. Wallace, and 100 other citizens of Vanderburg, Dearborn, and Marion Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the French-American Society of Allen County, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of sundry citizens of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of sundry citizens of Bangor, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of H. W. Longfellow Lodge, No. 82, Brotherhood of Railroad Trainmen, of Portland, Me., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. GOFF presented petitions of 53 citizens of Harrison County, 127 citizens of Pendleton County, 25 citizens of Ohio County, and 48 citizens of Bridgeport and Wallace, all in the State of West Virginia, praying for national prohibition, which were referred to the Committee on the Judiciary.

THE ANTITRUST LAW.

Mr. THOMAS. Mr. President, I have here an article published in the New York World of day before yesterday by Samuel Untermyer relating to section 7 of what is popularly known as the Clayton bill, being House bill 16567, now before the Senate Judiciary Committee. It is a very instructive and edifying comment upon one phase of section 7. I ask unanimous consent to have it inserted in the CONGRESSIONAL RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The matter referred to is as follows:

UNTERMYER WOULD EXEMPT LABOR FROM THE ANTITRUST LAW.

[By Samuel Untermyer.]

Referring to Mr. Wickersham's interesting article in the editorial section of the World of Sunday, June 21, permit me to take issue with his construction of sections 7 and 18 of House bill No. 16657, known as the Clayton bill, now pending in the Senate. The charge is made that this is open to the constitutional objection of being class legislation. I take issue with that, and with each of the other contentions aimed against this legislation.

The subject is of so far-reaching importance that I feel that the public interest requires a full discussion of both sides of the question.

There is no such relation between competition in industry and in the labor of that industry as justifies the application of the same rules to assure the one as the other. Laws to regulate combinations of capital must necessarily differ from those that regulate combinations of labor. They require radically different treatment and do not belong to the same class of legislation. The law may be vicious as applied to capital, and essential to social and industrial progress as applied to labor. The perils that lurk in the one do not exist in the other. Granting that there are dangers in the suppression of competition in both, they are not the same dangers and should not be treated with the same remedies. The use that a man may be permitted to make of his faculties should not be subjected to the same rules and restrictions as those that should govern the use of his property.

If Congress may not lawfully enact laws for the latter purpose that shall not, and from the very nature of the case often can not, apply to the latter, it can never effectively legislate on any branch of human endeavor with special reference to the proper treatment of that particular subject. Its action would always be open to the charge that the failure to apply the same rule, however inapt and harmful, to varying economic conditions constitutes class legislation.

Such argument proceeds from a mistaken conception of the term. They are, I believe, now generally recognized as the last gasp of the special interests against progressive legislation that is intended to curtail their hitherto unrestricted license to exploit the community. The "constitutional" bugaboo is singularly out of place here. There is no serious question of constitutionality involved.

Mr. Wickersham claims that the sections in question have the effect of not only unduly excepting labor organizations from the operations of the antitrust law and of legalizing the so-called "secondary boycott," but that they also sanction acts of actual violence on the part of labor organizations.

MR. WICKERSHAM'S CONTENTION.

In order to grasp the full import of this extraordinary contention it is necessary to quote section 7, which reads as follows:

"That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

Commenting upon this provision, Mr. Wickersham says:

"It will be observed that the language employed in this bill not only provides that nothing in any of the antitrust laws shall be taken to forbid the existence and operation of labor organizations for mutual self-help, but that they shall not be construed to forbid or restrain such organizations or their members from carrying out, not 'the lawful objects thereof,' but 'the legitimate objects thereof.' The legitimate object of an organization is the natural or logical purpose for which it is formed. As the organization of laborers for the purpose of mutual help is made lawful, any logical or natural means which they may adopt for the purposes of helping themselves are by this act given legality.

"If the first clause of the section stood alone, the fact that labor organizations were declared lawful could not be construed to authorize them or their members to carry out the objects of their organization by unlawful means. But this consequence is expressly removed by the provision that the antitrust laws shall not be taken to forbid or restrain individual members of such organization from carrying out the legitimate objects thereof. In general the law punishes the carrying out of an unlawful purpose by any means, lawful or unlawful, and the carrying out of a lawful purpose by unlawful means. The natural meaning of the clause under consideration is to make lawful acts of members of these organizations done to carry out the purposes which this bill declares 'legitimate' even if the acts in themselves are unlawful."

ANOMALOUS STATUS OF LABOR.

The crux of Mr. Wickersham's very able and ingenious but, as it seems to me, wholly untenable construction of section 7 revolves around the definition of the word "legitimate." If he is wrong as to that, his entire contention falls to the ground.

No fair judgment upon the proposed legislation is possible without bearing prominently in mind the anomalous existing status of labor organizations under the decisions of our courts which the proposals that are criticized seek to correct. As the primary purpose of every labor union is by combined action between its members to better conditions of employment in the way of working hours, wages, and the like, the very existence of every such organization for these avowed purposes or any of them now constitutes in and of itself a violation of the antitrust law the moment the organization takes action looking to any of these ends.

The mere combination of employees in a given industry in the form of an organization to secure better wages, followed by any overt act such as the demand for a higher wage or the refusal to work unless the same is conceded, is in restraint of trade and in violation of existing law. It matters not that the demands of labor are reasonable or that the grievance is a just one. That is not a factor. The controlling circumstance that the free flow of competition in the trade in human labor has been restrained by this agreement among the workmen not to sell their labor except upon terms agreed upon between them stamps the combination as a conspiracy in restraint of trade. This is true without regard to the proportion of the available labor in that industry that is represented by membership in the organization, so long as it is sufficiently substantial to be said to constitute a restriction of the competition between the workmen.

In my judgment no such outcome was ever intended by the framers of the law, although the contrary has been vigorously and repeatedly asserted.

UNIONS THAT EXIST BY SUFFERANCE.

The fact that there have been few prosecutions where the action has been taken by peaceable means and for reasons that have met public approval has no bearing on the principle involved. The same is true of the many hundreds of unlawful combinations of capital in the forms of trusts, pools, "gentlemen's agreements," and the like that have gone unmolested because of the ineffective, haphazard, spasmodic, and unequal enforcement of the law.

The point is that, as a result of the decisions of courts, the labor unions are to-day existing in violation of law and by the mere sufferance of the Department of Justice. This is a situation which should not be tolerated. It is no longer a mooted question that organized labor properly directed performs a highly beneficent purpose in our economic system and is a dominating force in the conservation of human life and energy and of the future of the race. No one would contend to-day that it should be under the ban of the law, although it is not so many years since such contentions received serious attention. Every corporate enterprise is in a sense a combination of the capital of the shareholders in that particular industry, but it is not for that reason unlawful.

There is no reason why labor should not have the same right to combine to meet such combinations of capital, yet they have been denied that right by the construction placed upon the law which it is now sought to correct.

I insist that section 7 accomplishes this and nothing more. The use to which Mr. Wickersham puts the word "legitimate" seems to me exceedingly strained.

"LEGITIMATE" AND "LAWFUL" ENDS.

In order that a means or object shall be legitimate to a given end, it must be lawful as well as naturally or logically adapted to the purpose.

Admittedly men may organize under section 7 only for lawful purposes, and only to carry out such purposes; yet it is argued that conduct that would otherwise be unlawful and criminal may be regarded as within the "legitimate" objects of a body organized solely for lawful purposes if this amendment is enacted.

It seems to me that the proposition presents a contradiction in terms. Only those objects could be regarded as "legitimate" that are within the scope of a body that is formed for purposes that are in themselves lawful. Carried to its logical conclusion, this construction of the proposed bill would render "legitimate" every crime in the calendar, from murder to sandbagging, in the course of a strike, on the theory that inasmuch "as the organization of laborers for the purpose of mutual help is made lawful, any logical or natural means" (quoting Mr. Wickersham) will be regarded as a legitimate object for carrying out the purpose. This I understand to be Mr. Wickersham's contention.

The answer to the criticism of section 18 is that it permits a labor organization to do as a unit or through its members only such acts as an individual may now lawfully do, or that a business corporation composed of an aggregation of individuals combined for profit may now do as against its rivals, and nothing more. I have never been able to understand why it should have been declared unlawful for an employee alone or in conjunction with others to bring pressure to bear on the employer by peacefully endeavoring to persuade the customers of the latter that the employer is treating his men unfairly or by withholding their patronage from the customer or inducing others to do so so long as he continues to deal with the employer with whom they are in controversy.

The individual has that right. Why should it be denied to them acting collectively?

THE DANBURY CASE NOT INVOLVED.

The section would not, in my judgment, operate to supersede the decision in the Danbury Hat case, for the reason that the acts accompanying that boycott included threats and terrorizing and were, therefore, in and of themselves unlawful. They could no more be said to be included within the term "peacefully persuading," which are the words used in the statute, than would be murder, arson, or rape.

With all due respect to my distinguished brother Wickersham, there is nothing in this proposed legislation to justify the argument that it constitutes class legislation or legalizes violence, intimidation, or the breach of law and order in any controversy between capital and labor. The struggle of labor for a readjustment of the rewards of toil between capital and labor is sufficiently unequal without burdening it with the artificial shackles that have been put upon it by requiring organized labor to exist only by sufferance and at all times subject to the risk of reprisals for acts that were not intended to be in themselves considered unlawful.

As a believer in the industrial system of capitalism as against the impracticable program of socialism, it is hoped that these amendments will be enacted so as to render the peaceful struggle a little less unequal. Therein lies our hope of averting socialism.

Mr. MARTINE of New Jersey. Mr. President, some days since, while the subject of an appropriation to establish a smokeless-powder plant at Indianhead was under discussion in the Senate, I made some comments thereon and read from Harper's Weekly an article written by Charles Johnson Post declaring that there is a Powder Trust. I cited from Harper's Weekly a statement that an understanding or agreement exists, to the detriment of the Government of the United States, with Germany, whereby Germany is apprised each day as to the quantity of smokeless powder that is manufactured by our plants and the orders each day are put in possession of the German Government.

I have received a letter from a gentleman, who is Mr. E. G. Buckner, vice president of the E. I. Du Pont de Nemours Powder Co., of Wilmington, Del. He felt that great injustice had been done him and his company, and since the quotation had been used from Harper's Weekly he felt it to be but justice to his concern that he be treated as fairly, and asked if a letter he would write would not be published in the RECORD as well. I responded to him and told him that if I stood for anything in the world it was for fairness and for fair play; that I believed the facts were true as I had stated them, but if he should write a letter I would ask that it might be printed in the RECORD, where the article I quoted had been printed.

I do not ask unanimous consent that it may be read, but I have read it over and find that it is couched in courteous language. I do not think it answers the position altogether, but I will ask that it may be published in the RECORD. It is from Mr. E. G. Buckner, vice president of the E. I. Du Pont de Nemours Powder Co.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

E. I. DU PONT DE NEMOURS POWDER CO.,
Wilmington, Del., June 27, 1914.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SIR: I do not believe there is any individual or corporation doing business with the Government that can match the record I submit herewith in our dealings with the Government. Will you do me the favor, and our company the justice, of reading this letter and filing it for future reference? It is a plain statement of fact supported by quotations from official records, in refutation of unfair, false, and illicious charges which have been oft-repeated and have gone unanswered, greatly to the injury of the Du Pont Co.

Harper's Weekly recently printed two articles, written by Charles Johnson Post, under the titles of "The Powder Trust" and "The Powder Plot," which grossly misrepresented the Du Pont Powder Co., and did it great injustice, and which we feel justifies this letter. Extracts from these articles were read in the Senate during the debate on the naval appropriation bill, and while Harper's Weekly has published an article showing how utterly unwarranted the original allegations were, I have thought it advisable to go into their refutation more in detail.

Taken in connection with the sensational cover page on the issue that contained the first article and the special advertising slips sent out for display at news stands, one would be justified in the conclusion that malice on the part of some one was back of these articles.

As a matter of fact, there is no statement, inference, or conclusion reflecting on the Du Pont Powder Co. in either article that is not wholly fallacious, and it is my purpose to recite such facts and give such quotations from official records as will establish the truth of this statement.

It was intended that the readers of Harper's Weekly should be convinced that the Du Pont Powder Co., in entering into a contract with certain powder manufacturers abroad, not only violated a Federal statute and were thereby guilty of a felony, but that "in selling abroad the identical powder used by our own Government" they committed treason. In the second article Harper's Weekly, through its contributor, specifically charges that the Du Ponts were "the monopoly paid spies of a foreign country," that they "are guilty of a criminal offense, under section 5335 of the Revised Statutes of the United States," and refers the matter to the Attorney General with the inquiry "What will the Attorney General do?"

I unhesitatingly say that if the statements and conclusions as set forth in Harper's Weekly are true, and the duty of the Attorney General is plain and he should proceed against the Du Pont Co. in accordance with Harper's Weekly's suggestion. On the other hand, if these two articles are made up largely of quotations deftly extracted from the public records, statements at variance with fact, and violent and astounding conclusions in no manner justified, but prepared and printed with malicious intent, then the duty of the Attorney General is equally plain and those responsible for the printing and circulation of these articles should be called upon to answer.

THE GERMAN CONTRACT.

(1) It is alleged that "in 1889 the powder-making Du Pont family entered into a contract with German manufacturers which was to give to the United States a monopoly, as far as German powder competition was concerned; that this contract provided for a mutual exchange of improvements, if any were made, in the processes used in the manufacture of such powder"; and, further, "the Du Ponts agreed to keep their German friends informed at all times of all powder furnished to the United States Government under this contract, stating in detail its quality and characteristics."

Now, as to the facts: Official records show that in 1880 officers of the American Navy in charge of the Ordnance Bureau in Washington had the impression that the brown prismatic powder manufactured and used in France and Germany was superior to the same type of powder manufactured by the Du Ponts and used by the Navy of the United States. These officers demanded that the Du Ponts attempt to secure the processes used by foreign manufacturers in the fabrication of this powder. Accordingly, Alfred I. Du Pont went abroad bearing a letter from James G. Blaine, Secretary of State, to our then minister to France, as follows:

DEPARTMENT OF STATE,
Washington, March 29, 1889.

Hon. HOBART M. MCLANE,
United States Minister at Paris.

SIR: I hereby introduce to you Mr. Alfred I. Du Pont, of the firm of E. I. Du Pont de Nemours & Co., the well-known manufacturers of explosives in Wilmington, Del., who is about proceeding to France for the purpose of gaining information in regard to a new powder for heavy guns with which the French Government is now experimenting. As any information he may be able to obtain will be at the disposition of this Government, you are requested to assist Mr. Du Pont in every proper way in accomplishing the object of his visit. I have the honor to be, sir,

Your obedient servant,

JAMES G. BLAINE.

(Hearings before subcommittee, fortifications appropriation bill, 3d sess. 62d Cong., p. 325.)

Being unable to secure what he desired in France, Mr. Du Pont went to Germany, and later contracted for the processes and formulas to make this powder. Upon his return the contract was submitted to and approved by the officers of our Government.

Also, petition of Elk County Pomona Grange, No. 52, St. Marys, Pa., favoring governmental ownership of Postal Service and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petitions of Mary Lee, S. L. Brooke, W. C. Leffingwell, William M. McKann, and others, of Mercer County; Mrs. J. I. Foster, Mrs. B. E. Duffee, and others, of Franklin; L. S. Neeley, Mrs. J. C. Luscher, and others, of Rockland, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of citizens of Port Angeles and Elma, Wash., against national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of 23 citizens of Detroit, Mich., against national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 17457, for the relief of Catharine A. Smith; to the Committee on Invalid Pensions.

Also evidence in support of House bill 17321, for the relief of Edwin R. Allen; to the Committee on Invalid Pensions.

Also, additional medical evidence in support of House bill 17372, for the relief of William H. Phillipps; to the Committee on Pensions.

Also, petitions of sundry citizens of the fifteenth Pennsylvania district, favoring national prohibition; to the Committee on Rules.

By Mr. KINDEL: Petitions of citizens of Colorado, against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Laird, Littleton, Denver, Yuma, Edgewater, Greeley, Hale, Longmont, Englewood, Boulder, Atwood, Highland Lake, Fort Collins, Sterling, Wray, Mancos, and Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

Also, petition of the Old Age Co., Lancaster, Pa., favoring old-age pensions (H. R. 4352); to the Committee on Pensions.

By Mr. J. R. KNOWLAND: Petition of Federation of Women's Clubs of California, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, letters and postals from residents of Los Angeles, Pacific Grove, Long Beach, San Diego, Whittier, Berkeley, Pasadena, Vallejo, Greenfield, Fillmore, and Colton, all in the State of California, favoring passage of prohibition constitutional amendment; to the Committee on Rules.

Also, protests from residents of Oakland and Rust, Cal., against passage of prohibition measure now pending in Congress; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petition of North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of North American Skat League, Cortwright Co., F. Cohen & Co., Dryfoos, Blum & Co., L. Samuels & Co., all of New York, N. Y., against national prohibition; to the Committee on Rules.

By Mr. McCOY: Petition of Helen Ennis, H. Clara Hopkins, and others of Wayne County, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, against national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of Abraham Lincoln Post, No. 91, Grand Army of the Republic, Chicago, Ill., favoring peace jubilee at Vicksburg; to the Committee on Military Affairs.

By Mr. MAPES: Petition of Jacob Oest and 41 others, of Grand Rapids, Mich., against national prohibition; to the Committee on Rules.

By Mr. MOON (by request): Petition of Margaret H. Ervin, jr., Catherine J. Webster, and others of Chattanooga, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. NEELY of West Virginia: Protests of Martin Regel and 8 others, of Moundsville; H. J. Hawkins and 9 others, of Fairmont; Bernard Dorman, of Wellsburg; and Fred Baker and 9 others, of Benwood, all in the State of West Virginia, against national prohibition; to the Committee on Rules.

Also, petition of Beulah B. Ritchie, Mrs. E. C. McBee, and others, of Fairmont, W. Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Leo Nesline and 46 others, of Wheeling, W. Va., against national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petitions of merchants of Londonderry, South Londonderry, and St. Johnsbury, Vt., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 98 citizens of St. Johnsbury, Vt., favoring national prohibition; to the Committee on Rules.

Also, petitions of Green Mountain Chapter, Daughters of the American Revolution, and 30 members of the Northfield Circle, Ladies of the Grand Army of the Republic, of Vermont, against changing flag; to the Committee on Military Affairs.

By Mr. RAKER: Protest to change of American flag, adopted at the forty-seventh annual encampment, Department of California and Nevada, Grand Army of the Republic; to the Committee on Military Affairs.

By Mr. ROBERTS of Nevada: Petition of citizens of Reno and Goldfield, Nev., against national prohibition; to the Committee on Rules.

Also, petition of Department of California and Nevada, Grand Army of the Republic, against changing the United States flag; to the Committee on Military Affairs.

Also, petition of Mrs. Rudolph Zadon, Christye Fulton, and others, of Eureka; Minnie L. Bray, Adeline Norcross, and others, of Carson City; Mrs. E. P. Langan, Evelyn Cooper, and others, of Virginia City; Mrs. J. B. Fitzgerald, Mrs. E. C. Caine, and others, of Elko; Carrie Orr, Mrs. Ethel Orr, and others, of Pioche; Anne H. Martin, Alexandrine La Tourette, and others, of Reno; Mary B. Bray, Mrs. J. Wright, and others, of Sparks; Mrs. J. H. Parks, Mrs. A. L. Miller, Edna F. Hotchkiss, and others, of Goldfield; H. C. Taylor, Mrs. Fiske, and others, of Fallon; Dr. G. E. Leavitt, Mrs. G. F. West, and others of Lyon County, all in the State of Nevada, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SABATH: Petition of executive committee of the United Societies for Local Self-Government, of Chicago, Ill., against national prohibition; to the Committee on Rules.

By Mr. SIMS: Petition of Kate C. Robertson, Mary Butler, and others, of Jackson, Tenn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SAMUEL W. SMITH: Petition of Mrs. Elizabeth Harlan, Mrs. Carrie E. C. Berston, and others, of Flint, Mich., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. SMITH of New York: Petition of Mrs. F. J. Shuler, Margaret L. Zimmerman, and others, of Buffalo, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. STEVENS of Minnesota: Petition of Joe Miller, Millard Barder, and other members of the Ramsey County Socialist Party, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of Theresa B. Payton, Bertha Sauer, and others, members of the State executive board, of St. Paul, Minn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petition of members of Young People's Society of Christian Endeavor of Dayton Avenue Presbyterian Church, St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of P. B. Williams, Mary N. Hopkins, and others, of Utica, N. Y., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. THACHER: Petition of the quarterly conference of the Methodist Episcopal Church of Nantucket, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. TUTTLE: Petitions of Mrs. E. F. Feichert and others, of Plainfield; Frances J. Tuttle, Frances J. Wilcox, and others, of the borough of Madison; D. Van Black, Catharine Schultz, and others, of Boonton; Selma M. C. Week, Alta M. Berry, and others, of Union; Esther G. Ogden, Clementina L. Olmsted, and others, of Elizabeth; Fannie E. Bates, Frances P. Miller, and others, of Crawford, all in the State of New Jersey, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

Also, petitions of citizens of Roselle and Plainfield, both in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIAMS: Petitions of the Quincy (Ill.) Trades and Labor Assembly; Journeymen Plumbers' Protective Benevolent Association; International Molders' Conference Board; United Brotherhood of Carpenters and Joiners of America; District Council No. 6, United Garment Workers of America; Brickmakers' District Council, No. 1; Local 342, Keg Beer Wagon Drivers, Helpers, and Chauffeurs; Local Union No. 597, Steam Fitters' Protective Association; International Union of Steam and Operating Engineers, Division No. 24, of the Amalgamated Association of Street and Electric Railway Employees of America, of Chicago, Ill.; and Local 220, International Molders' Union of North America, favoring seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Christian Endeavor Union of Pike County, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Kankakee (Ill.) Commercial Association, against labor provision in antitrust law; to the Committee on the Judiciary.

Also, petition of United States Customs Inspectors' Association, of Chicago Ill., favoring House bill 15764, fixing compensation of inspectors of customs; to the Committee on Ways and Means.

By Mr. WILLIS: Petition of Mrs. Mary B. Yoder and other citizens of Bellefontaine, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 70 citizens of the third congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of the North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of 100 citizens of Mena, Ark., favoring national prohibition; to the Committee on Rules.

Also, petition of merchants of Ashdown, De Queen, Lockesburg, Fort Smith, and Nashville, Ark., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. WINSLOW: Petition of citizens of Worcester County, Mass., favoring national prohibition; to the Committee on Rules.

Also, petition of Myrtle Smith, Camilla G. Whitcomb, and others, of Worcester, Mass., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

SENATE.

TUESDAY, *June 30, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek the inspiration that comes from Thee alone that we may have courage for life's great struggles. We would be unafraid amidst the conflicts of interests and purposes and passions of life. We would not only conquer the adverse and accidental conditions of life, but we would have supremacy over the heartless forces of nature. Thou hast called us to be kings and priests unto Thyself. Thou hast made us to have dominion over the works of Thy hand. But Thy power alone is sufficient for these things, and we seek Thy power and Thy grace that wisely and well we may administer the trusts committed to our hands. Hear us in our prayer, guide us by Thy spirit this day, we ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PUBLIC-BUILDING SERVICE (S. DOC. NO. 527).

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting estimates of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. May I inquire what the communication in relation to public buildings is?

The VICE PRESIDENT. The Chair would be glad to notify the Senator from Connecticut, but it consists of about 25 pages.

Mr. BRANDEGEE. I merely wanted to know if it is a report from the commission.

The VICE PRESIDENT. No; it is an estimate of appropriation relative to the public-building service for the fiscal year ending June 30, 1915.

Mr. BRANDEGEE. It is the estimate of the department?

The VICE PRESIDENT. Yes. The communication will be referred to the Committee on Appropriations and ordered printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

The message also announced that the House had passed the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4541. An act to consolidate the veterinary service, United States Army, and to increase its efficiency;

H. R. 9770. An act to levy and collect an income tax on railroads in Alaska, and for other purposes;

H. R. 11625. An act to increase the appropriation for the erection of an immigration station at Baltimore, Md.;

H. R. 16298. An act to incorporate the Mother's Day Association; and

H. J. Res. 255. Joint resolution authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914.

The message also announced that the House had passed the concurrent resolution (No. 22) of the Senate providing for a committee to represent the Congress of the United States to attend the ceremonies incident to the unveiling of the monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler.

The message further transmitted resolutions on the life and public services of Hon. GEORGE KONIG, late a Representative from the State of Maryland.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement;

H. R. 13675. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915;

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of sundry citizens of Delaware, remonstrating against the passage of the so-called Clayton antitrust bill and alleging that certain provisions thereof are discriminatory in character, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Lake Charles, La., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented petitions of sundry citizens of Bridgeport, Georgetown, and Branchville, and of the congregations of the First Baptist Church of Bozrah and of the Trinity Episcopal Church, of Bridgeport, all in the State of Connecticut, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 157, International Union of the United Brewery Workmen, of Dallas, Tex., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McCUMBER presented petitions of sundry citizens of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Minnesota District of the German Evangelical Synod of North America, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented telegrams in the nature of petitions from sundry citizens of Gardena, Bakersfield, Los Angeles, and Whittier, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

"No person is allowed to ride on this elevator," which such notice shall at all times be maintained on elevators of this class. Such other safety or equivalent appliances as the inspector of buildings may determine to be necessary for the protection of life and limb shall also be provided.

SEC. 10. That any hoisting machine or engine used in building construction shall, where practicable, be set up or placed on the ground, and where it is necessary in the construction of such building to place such hoisting machine or engine on some floor above the ground floor, such machine or engine must be properly and securely supported with a foundation capable of safely sustaining twice the weight of such machine or engine. If a building in course of construction is three stories or more in height, no material needed for such construction shall be hoisted or lifted over a public street or alley unless 15 feet or more of such street or alley shall be barricaded from use by the public.

SEC. 11. That if elevating machines or hoisting apparatus operated or controlled by other than hand power are used in the construction, alteration, or removal of any building or other structure, a complete and adequate system of communication by means of signals shall be provided and maintained by the owner, contractor, or subcontractor during the use and operation of such elevating machines or hoisting apparatus in order that prompt and effective communication may be had at all times between the operator or engine or motive power of such elevating machine and hoisting apparatus and the employees or persons engaged thereon or in using or operating the same.

SEC. 12. That where the plans and specifications require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are fireproof material or brickwork, the owner, contractor, or subcontractor shall complete the flooring or filling in as the building progresses to not less than within three tiers or beams below that on which the ironwork is being erected. If the plans and specifications of such buildings do not require filling in between the beams of floors with brick or fireproof material, the owner, contractor, or subcontractor for work in course of construction shall lay the underflooring thereof or a safe temporary floor on each story as the building progresses to not less than within two stories or floors below the one to which such building has been erected. Where double floors are not to be used, the owner or contractor shall keep planked over the floor two stories or floors below the story where the work is being performed. If the floor beams are of iron or steel, the contractor for the iron or steel work of a building in the course of construction, or the owner of such building, shall thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except at such spaces as may be reasonably required for the proper construction of such iron or steel work and for the raising and lowering of materials to be used in the construction of such buildings and such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 13. That it shall be the duty of all architects, or draftsmen engaged in preparing plans, specifications, or drawings to be used in the erection, repairing, altering, or removing of any building or structure within the District of Columbia to provide in such plans, specifications, and drawings for all permanent structural features or requirements specified in the District of Columbia building regulations; and any failure to comply with these requirements shall subject the architect or draftsman to a fine of not less than $25 nor more than $200 for each offense.

SEC. 14. That for any injury to person or property occasioned by any violations of this act or failure to comply with any of its provisions, a right of action shall accrue to the party injured for any damages sustained thereby, and in case of loss of life by reason of such violation or failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs, or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives.

The SPEAKER. Is a second demanded?

Mr. MANN. No; I do not demand a second. We are willing to vote.

SEVERAL MEMBERS. Vote! Vote!

The SPEAKER. The question is on suspending the rules and passing the bill H. R. 8593 as amended and read by the Clerk.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill passed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAYLOR of Arkansas) there were—ayes 28, noes 41.

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Will the gentleman withhold that long enough to allow the Chair to lay before the House a report from the Committee on Enrolled Bills?

Mr. JOHNSON of Kentucky. I withhold it for that purpose.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following title, when the Speaker signed the same:

H. R. 14034. An act making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; and

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

ADJOURNMENT.

The SPEAKER. On the vote to adjourn, the ayes are 28 and the noes are 41.

Mr. MANN. I ask for tellers.

The SPEAKER. The gentleman from Kentucky has suggested that there is no quorum present.

Mr. BRYAN. If the gentleman will withhold that point while the vote is taken by tellers——

Mr. UNDERWOOD. Mr. Speaker, I want to say——

Mr. JOHNSON of Kentucky. Mr. Speaker, this is not debatable.

Mr. UNDERWOOD. Then, Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until Tuesday, June 30, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Secretary of Labor, submitting an estimate of appropriation to pay Jesse W. Uppercu for information that led to the collection of $50,000 in penalties from the Dwight Manufacturing Co., of Chicopee, Mass., and Alabama City, Ala., for importing aliens under contract in violation of the immigration laws (H. Doc. 1102); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for payment to William H. Garland, assistant United States attorney at Boston, $47.62 for extraordinary expenses incurred in connection with an investigation at Paris, France, of violations of the customs laws (H. Doc. 1103); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill (H. R. 15903) to amend an act entitled "An act to authorize the sale of certain lands belonging to the Indians on the Siletz Indian Reservation, in the State of Oregon," approved May 13, 1910, reported the same without amendment, accompanied by a report (No. 909), which said bill and report were referred to the Committee of the Whole House on the State of the Union.

Mr. THACHER, from the Committee on the Library, to which was referred the concurrent resolution (S. Con. Res. 22) authorizing the appointment of a committee of Congress to attend the unveiling of a monument to President John Tyler at Richmond, Va., reported the same without amendment, accompanied by a report (No. 910), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TREADWAY: A bill (H. R. 17559) to reimburse the State of Massachusetts for expenses incurred in the maintenance and support of a marine school, and for other purposes; to the Committee on Naval Affairs.

By Mr. STEPHENS of California: A bill (H. R. 17560) to provide for the establishment of a life-saving station at Venice, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. PAGE of North Carolina: A bill (H. R. 17561) to impose a special license tax upon automobiles and motor vehicles in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOEKE: A bill (H. R. 17562) to provide for the purchase of a site for a public building at Wapakoneta, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. CARLIN: Joint resolution (H. J. Res. 289) granting permission to the Army and Navy athletic associations to use the polo field in Potomac Park; to the Committee on Military Affairs.

By Mr. ROUSE: Resolution (H. Res. 557) to print 20,000 copies of the opinion of the Supreme Court of the United States in the case of Patrick Collins, plaintiff in error, against the Commonwealth of Kentucky, delivered June 22, 1914; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 17563) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

By Mr. BORCHERS: A bill (H. R. 17564) granting an increase of pension to Charles W. Childers; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 17565) granting a pension to Jerry Wildman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17566) for the relief of heirs or estate of John Weltenger, deceased; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 17567) granting an increase of pension to Anna R. Brown; to the Committee on Invalid Pensions.

By Mr. ROBERTS of Nevada: A bill (H. R. 17568) for the relief of Will R. Tremewan; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 17569) granting a pension to John J. Harrington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17570) granting a pension to Gustav J. Tichy; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17571) granting an increase of pension to Peter P. Swenson; to the Committee on Pensions.

By Mr. VOLLMER: A bill (H. R. 17572) granting a pension to Mary Geldenzoph; to the Committee on Pensions.

By Mr. WEBB: A bill (H. R. 17573) for the relief of J. W. Cobb; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition signed by Dr. O. A. Muhm and others, of New Melle, Mo., protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request): Resolution signed by the pastor of the Brotherhood Calvary Presbyterian Church, of South Pasadena, Cal., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AINEY: Petition of Rev. O. S. Russell and citizens of Hamlin, Pa., favoring national prohibition; to the Committee on Rules.

Also, petitions of Mrs. E. H. Oliver, Mrs. C. S. Little, and others, of Tunkhannock; Rosa E. Hagerman and others, of Wyalusing; and Louise M. Pratt, Amelia W. Hutchins, and others, of Towanda, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. ALLEN: Petitions of 140 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of J. C. Abele, Johnstown, Pa., against national prohibition; to the Committee on Rules.

Also, petitions of Mrs. R. C. Esterline, Mrs. S. C. Curray, and others, of Altoona; Ida H. Ensley, Margaret W. Krebs, and others, of Cambria County; and J. A. Wright, L. A. Flight, and others, of Bedford, all in the State of Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BARTON: Petition of Mrs. Ella Lee and Mame Smith, of McCook; Cressa Morris and Mrs. May Danieken, of Upland; Ellen D. Horn, May H. Williams, and 200 others, of Kenesaw, all in the State of Nebraska, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BOOHER: Petition of Mary Ella Robinson, Mrs. J. S. Nal, and others, of St. Joseph, Mo., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BORCHERS: Petitions of Mrs. M. E. Selby, Mrs. C. O. Porter, and others, of Lovington, and Ella R. Chadwick, Blanch Caraway, and others, of Tuscola, all in the State of Illinois, favoring Federal legislation for national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petition of Anna D. Gamble, Lois J. Bell, and others of York, Pa., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of Haffens Realty Co., New York; E. G. S. Miller, Buffalo; W. Becker, jr., New York; the North American Skat League; and J. A. Kelly, New York, all in the State of New York, against national prohibition; to the Committee on Rules.

Also, petition of Building Trades Department, American Federation of Labor, favoring Buchanan bill for protection of workmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of 4 citizens of Saugerties, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of H. L. Bowlby, general secretary Lord's Day Alliance of the United States, favoring Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petition of P. J. Schaaf, New York, favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Henry G. Weide, J. Pranz, Peter G. Klein, and G. W. Willing, of Milwaukee, Wis., vigorously protesting against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of H. Schraufnagel, Joe Martuneki, H. A. Hempe, J. J. Kamedulski, Mike Heim, H. E. Golz, Walter Leinke, James Thauman, John Nehrlass, Frank Drost, and Charles E. Krallmann, all of Milwaukee, Wis., vigorously protesting the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

Also, petition of Thomas P. Woods, C. C. Glass, Ferdinand Rakep, John Qerskan, and Sam Tepper, all of Milwaukee, Wis., protesting most vigorously against the passage of the Hobson resolution or any other prohibition measures; to the Committee on Rules.

By Mr. CASEY: Petition of Katherine B. Lance, Margaret R. Elliott, and others, of Luzerne County, Pennsylvania, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. CLARK of Missouri: Petitions of Martha Anna Tinsley, D'Arline Holcomb, and others, of Bowling Green; Mrs. J. A. Guthrie, Mrs. C. A. Buckner, and others, of Mexico; and Mrs. Jos. Gooldy, and others, of Fulton, all in the State of Missouri, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. COOPER: Petition of J. C. Wagner, Racine, Wis., against national prohibition; to the Committee on Rules.

Also, petition of J. B. Dow and others, of Beloit, Wis., against certain matter in the 1913 report of the Commissioner of Education; to the Committee on Education.

By Mr. CURRY: Petition of various citizens of Vallejo, Cal., signed by W. R. Lain, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 7 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 74 citizens of the third California district, in favor of national prohibition; to the Committee on Rules.

Also, petitions by 61 citizens of the third California district, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of J. F. Callbeath, secretary of the American Mining Congress, Washington, D. C., favoring H. R. 9770, relative to license tax on railroads in Alaska; to the Committee on the Territories.

By Mr. DILLON: Petitions of citizens of South Dakota, against national prohibition; to the Committee on Rules.

Also, petition of citizens of Canton, S. Dak., favoring national prohibition; to the Committee on Rules.

Also, petitions of Ida L. Waite, Eunice P. Warke, and others, of Miller, and S. M. Wright, M. D. Whisman, and others, of Huron, in the State of South Dakota, favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. DONOVAN: Petitions of citizens of Georgetown and Branchville and Norwalk, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of Elizabeth A. Runk, Constance Taylor, and others, of Greenwich, Conn., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. FITZGERALD: Petition of the Brooklyn (N. Y.) Hospital Club, relative to H. R. 6232, to regulate the dispensing of narcotic drugs; to the Committee on Ways and Means.

Also, petition of the American Asiatic Association, favoring appropriation for the building of an American consulate at Shanghai, China; to the Committee on Appropriations.

By Mr. FRENCH: Petition from citizens of Coeur d'Alene, Idaho, in favor of memorial to John Ericsson, inventor of the *Monitor*; to the Committee on the Library.

By Mr. GOEKE: Petition of 36 citizens of Lockington, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Dr. I. H. Mayer and others, of Willow Street, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of citizens of Bangor, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HART: Petition of Mrs. Douglas Donald and others, of Ridgefield Park, N. J., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HAY: Petition of K. S. Paul, Mrs. H. V. Strayer, and others, of Harrisonburg, Va., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. HULINGS: Petition of Mercer County (Pa.) Sabbath School Association, favoring national prohibition; to the Committee on Rules.

work, and all are worthy of the positions given them in this bill.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. WILLIS. What was done with section 4? Was that stricken out? Some of the language there may be subject to criticism.

Mr. HEFLIN. All of that section was stricken out.

Mr. WILLIS. And lines 13, 14, 15, and 16 of section 7 are stricken out?

Mr. HEFLIN. They are.

Mr. WILLIS. I have no objection to it.

Mr. HEFLIN. The bill as amended was unanimously reported by the committee, and naming, as it does, Miss Anna Jarvis as the president of this Mothers' Day Association, it contains a beautiful tribute to and merited recognition of the good woman who has for years devoted herself to the sweet and beautiful task of securing congressional recognition for the Mothers' Day Association of America. [Applause.]

Mr. Speaker, I ask for a vote.

Mr. BRYAN. Mr. Speaker, I ask for one moment. I have here a resolution, which I received with the request that I read it into the RECORD by the 8th of July. I ask unanimous consent at this time, Mr. Speaker, to insert this resolution, which was passed by a number of ladies in Seattle, Wash., in a convention said to represent 10,000 women, in reference to their view of advancing the cause of woman in this country. It involves the subject of woman suffrage.

In this day of recruits to the cause of suffrage, such as we had the other day in the Speaker's office, the Speaker of this House, Hon. CHAMP CLARK, in his usual straightforward way, asserting that he was for equal suffrage in the State of Missouri, and would so vote in that State, it is well that we put something into the RECORD that is practical; not only pure and ennobling and speaking for motherhood, but something that speaks for real, vital advancement of woman, whether she is a mother or not.

The resolution is as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Seattle, Wash., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see 5 more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a Government in which half the people are denied the right of participation, but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Allen Dale's cafeteria this 2d day of May, 1914.

Mrs. P. D. HUGHES,
Presiding Officer.

Attested:

Mrs. GEO. N. MCLOUGHLIN,
Secretary.

Mr. BRYAN. The following report of the meeting above referred to appears in the Seattle Sun of May 2:

WOMEN CELEBRATE SUFFRAGE ADVANCE—SEATTLE SUFFRAGE CLUB AT LUNCHEON ASKS CONGRESS TO TAKE ACTION TO ENFRANCHISE WOMEN VOTERS.

"Women's Day," established at the request of Dr. Anna Howard Shaw, of the National Suffrage Association, as a nation-wide event to promote the cause of woman suffrage, was celebrated by the Seattle Suffrage Club to-day by a luncheon at the Allen Dale Cafeteria.

After suffrage songs, uniform with those used at similar celebrations all over the continent, five-minute talks were given by Mrs. G. N. McLoughlin, representing the Seattle Federation of Women's Clubs; Mrs. Austin E. Griffiths, Mothers' Congress; Miss Adele M. Fielde, Washington women's legislative committee; Mrs. M. D. Harker, Women's Democratic Club; Mrs. F. M. Rhodes, Women's Commercial Club; Mrs. E. P. Fick, Seattle Suffrage Club; Mrs. Zamorn C. Confman, Home Consumers' League; Miss Lucia Crangle, Grade Teachers' Club; Miss Lucy Case, Women's College Club; Mrs. John L. Burnside, King County legislative committee; Miss Adelia M. Parker, Woman's Good Government League; Mrs. S. L. W. Clarke, North End Progressive Club; Mrs. P. Hughes, King County Progressive League.

Resolutions were adopted asking Congress to enfranchise women.

Abbott Adams Chapter of the National Council of Women Voters met at 12:30 at the office of Dr. Sarah Kendall, in the Arcade Building, to make plans for its "Why" breakfast May 9.

Mr. WILLIS. Will the gentleman from Alabama [Mr. HEFLIN] yield additional time to the gentleman from Washington?

Mr. HEFLIN. I ask for a vote. Mr. Speaker.

The SPEAKER. The gentleman from Alabama moves to discharge the Committee on the Judiciary from the further consideration of House bill 16298, to suspend the rules, and pass the bill.

Mr. GARRETT of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT of Tennessee. Why is that motion necessary? I understand the bill has been reported from the Committee on the Judiciary and is on the Calendar of the House.

The SPEAKER. No; it is not on the calendar. It came in only to-day.

Mr. MANN. I understand a report has been written up, but not presented to the House.

Mr. GARRETT of Tennessee. If the Committee on the Judiciary has passed on it, there is no use in making that request to discharge the committee.

The SPEAKER. The House has no knowledge that the Committee on the Judiciary has done anything with it until the committee reports. The question is on the motion of the gentleman from Alabama [Mr. HEFLIN] to discharge the Committee on the Judiciary from the further consideration of the bill H. R. 16298, to suspend the rules, and pass the bill as read by the Clerk.

Mr. HEFLIN. As amended.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the bill was passed.

The SPEAKER. What was the request of the gentleman from Washington?

Mr. BRYAN. Mr. Speaker, I asked to extend my remarks in the RECORD by printing the resolution which I mentioned.

The SPEAKER. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none.

INCOME TAX ON RAILROADS IN ALASKA.

Mr. HOUSTON. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 9770, to levy and collect an income tax on railroads in Alaska, and for other purposes, with committee amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That in addition to the normal income tax of 1 per cent on net income there shall be levied and collected 1 per cent on the gross annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1909, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof, as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER. Is a second demanded?

Mr. WATSON. Mr. Speaker, I demand a second.

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. HOUSTON. Mr. Speaker, I yield 10 minutes to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, substantially the bill before the House levies 1 per cent tax upon the gross income of railroads in the Territory of Alaska. In that respect it is different from the law that has heretofore prevailed in that Territory. I call the attention of the House to the law as it now exists, so that you may get the difference between the two acts.

In the act of 1909 a license tax of $100 per mile is levied upon railroads in that Territory, which is a reasonably small tax in some cases but prohibitive in others. The tax itself is not so serious as the penalty inflicted for nonpayment. The penalty fixed by law for nonpayment is the amount of the annual tax for the first day, double the amount of the annual tax for the second day, treble the amount for the third day, and imprisonment in jail for not more than six months. So the small railroads in Alaska that have not heretofore been able to make it pay, running into a new country where there is neither trade nor population, find themselves covered up by millions of dollars of penalties, and it is for the purpose, primarily, of getting rid of those penalties that we are offering this bill. The taxes have nearly all been paid up to this moment. Those that are not paid are not remitted, but only the excessive penalties are remitted. This matter has been before the House so many times that I am sure the House understands it thoroughly.

Mr. FOSTER. Will the gentleman yield?

Mr. WICKERSHAM. Certainly.

Mr. FOSTER. Does the gentleman think that with the 4 per cent on the net income the Government is going to realize much out of it?

Mr. WICKERSHAM. I think the gentleman has not quite caught the reading of the bill. The bill has been changed to 1 per cent on the gross income. That is double the amount of the Philippine tax, and practically in the same words.

The SPEAKER. The question is on suspending the rules and passing the bill with the amendments read into it.

The question was taken; and two-third having voted in favor thereof, the rules were suspended and the bill was passed.

INTERNATIONAL DRY-FARMING CONGRESS.

Mr. MURDOCK. Mr. Speaker, I move to suspend the rules and pass House joint resolution 255, authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, as amended by the committee.

The Clerk read the amended resolution, as follows:

Resolved, etc., That the President is hereby authorized to extend invitations to other nations to appoint delegates or representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914: *Provided*, That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

The SPEAKER. Is a second demanded?

Mr. FOSTER and Mr. FERRIS demanded a second.

The SPEAKER. Is the gentleman from Illinois opposed to the bill?

Mr. FOSTER. I am not.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. FERRIS. No.

Mr. MURDOCK. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Kansas asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. FITZGERALD. How did the gentleman from Kansas manage to catch the Speaker's eye so as to be recognized to suspend the rules?

Mr. MURDOCK. I occupied a seat close to the center aisle and agitated myself sufficient to catch his eye. It was merely a matter of agitation. [Laughter.]

Mr. MANN. I do not see why one red-headed man should ask that question of another red-headed man; both are conspicuous. [Laughter.]

Mr. FITZGERALD. This seems to be a live demonstration that the gentleman from Kansas, when he has a meritorious bill, can catch the Speaker's eye.

Mr. MURDOCK. Yes; if I get in a proper place and agitate myself sufficiently. That is true.

Mr. GARNER. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. GARNER. The bill provides that the United States will be at no expense in the way of entertaining delegates?

Mr. MURDOCK. None.

Mr. GARNER. Is it the intention of the gentleman to come back later and ask for an appropriation?

Mr. MURDOCK. It is not.

Mr. MANN. Will the gentleman yield for a question?

Mr. MURDOCK. Yes; I will yield.

Mr. MANN. I meant to speak about this before. The bill provides—

That no appropriation shall be granted for the expenses of delegates or for other expenses incurred in connection with the said congress.

Now, we have appropriated $20,000 for that Congress.

Mr. MURDOCK. That is for an exhibit by the Agricultural Department.

Mr. MANN. Does the gentleman think there will be no contradiction here?

Mr. MURDOCK. This is the first time that has been called to my attention. I do not think there will be any.

The SPEAKER. The question is on suspending the rules and passing House joint resolution 255 with the amendments which have been read.

Mr. MURDOCK. Including the amendment to the title, Mr. Speaker.

The SPEAKER. Oh, certainly.

The question was taken; and two-thirds voting in the affirmative, the rules were suspended and the joint resolution passed.

BUILDING REGULATIONS OF THE DISTRICT OF COLUMBIA.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 8583) amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures, as amended by the Committee on the District of Columbia.

The SPEAKER. The gentleman moves to suspend the rules and pass the bill H. R. 8583 with the committee amendments, which will be read by the Clerk.

The Clerk read as follows:

Be it enacted, etc., That any house, building, bridge, viaduct, or other structure being constructed or erected by any person, firm, or corporation in the District of Columbia shall be so erected and constructed as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 2. That all scaffolds, hoists, cranes, stays, ladders, supports, or other mechanical contrivances erected or constructed by any person, firm, or corporation in the District of Columbia for use in the erection, repairing, alteration, removal, or painting of any house, building, bridge, viaduct, or other structure shall be erected and constructed in a safe, suitable, and proper manner, and shall be so erected and constructed, placed, and operated as to give proper and adequate protection to the life and limb of any person or persons employed or engaged thereon or passing under or by the same.

SEC. 3. That scaffolding or staging, swung or suspended from an overhead support, more than 20 feet from the ground or floor, shall have, where practicable, a safety rail bolted, secured, and braced, rising at least 34 inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereof and properly attached thereto, and such scaffolding or staging shall be so fastened as to prevent the same from swaying from the building or structure.

SEC. 4. That all swinging and stationary scaffolding, platforms, and other devices shall be so constructed as to bear four times the maximum weight required to be depended therein or placed thereon when in use, and such swinging scaffolding, platforms, or other device shall not be so overloaded or overcrowded as to render the same unsafe or dangerous.

SEC. 5. That any workman or mechanic whose duties require him to use a scaffold, hoist, crane, ladder, or other contrivance in connection with the construction, alteration, repairing, removing, cleaning, or painting of any building, bridge, viaduct, or other structure may notify the inspector of buildings, calling attention to any defect or weakness which, in the employee's opinion, renders the scaffold dangerous, and such communication shall be strictly confidential.

SEC. 6. That when it shall come to the notice of the inspector of buildings that the scaffolding or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or ropes of any swinging or stationary scaffolding, platform, or other similar device used in the construction, alteration, repairing, removing, cleaning, or painting of buildings, bridges, or viaducts within the District of Columbia are unsafe or liable to prove dangerous to the life or limb of any person, the said inspector shall immediately cause an inspection to be made of such scaffolding, platform, or device, or the slings, hangers, blocks, pulleys, stays, braces, ladders, irons, or other parts connected therewith. If after examination such scaffolding, platform, or device, or any of such parts is found to be dangerous to the life or limb of any person, the inspector shall at once notify the person responsible for its erection or maintenance of such fact, and warn him against the use, maintenance, or operation thereof and prohibit the use thereof, and require the same to be altered and reconstructed so as to avoid such danger. Such notice may be served personally upon the person responsible for its erection or maintenance or by conspicuously affixing it to the scaffolding, platform, or other such device or the part thereof declared to be unsafe. After such notice has been so served or affixed the person responsible therefor shall immediately alter or strengthen such scaffolding, platform, or other device in such manner as to render it safe or remove it. The building inspector or any of his deputies shall have free access at all reasonable hours to any building or structure or premises containing scaffolding, platforms, or other similar device or parts thereof or where they may be in use.

SEC. 7. That any owner, contractor, subcontractor, foreman, or other person having charge of the erection, construction, repairing, alteration, removal, or painting of any building, bridge, viaduct, or other structure within the provisions of this act shall comply with all the terms thereof, and any such owner, contractor, subcontractor, foreman, or other person violating any of the provisions of this act shall, upon conviction thereof, be fined not less than $25 nor more than $500 or imprisoned for not less than three months nor more than two years, or both fined and imprisoned, in the discretion of the court.

SEC. 8. That it shall be the duty of the owner of every house, building, or structure (except a private house, used or to be used exclusively as a private residence) now under construction, or hereafter to be constructed, to affix and display conspicuously on each floor of such building during construction, a placard stating the load per square foot of floor surface which may with safety be applied to that particular floor during such construction, or if the strength of different parts of the floor varies, then there shall be such placards for each varying part of such floor. It shall be unlawful to load any such floors or any part thereof to a greater extent than the load indicated on such placards. All such placards shall be verified and approved by the inspector of buildings.

SEC. 9. That in all buildings in the District of Columbia in the course of construction and in all buildings having elevators intended for freight lifts only, and not constructed, protected, and operated as required for passenger elevators, it shall be unlawful to use hoists and elevators for hoisting materials, etc., in any such building or buildings unless the well holes or openings for such elevators or hoists on each and every floor of the building shall be closed to a height of at least 6 feet, with no opening greater than 2½ inches; and semiautomatic gates or doors at least 5 feet, with no opening greater than 2½ inches. By semiautomatic gates or doors it is meant to provide gates or doors which will close automatically when the car leaves the landing. All such elevators shall have a notice conspicuously painted or securely attached thereon, so as to be read clearly at all times, which notice shall read as follows:

touched with bitterness. But here again the scene changes: we of the North began to better understand the men of the South and they of the South to understand us; soon we saw northern attendants upon this ceremony decorating graves of Confederate dead, and then the chivalrous people of the South responding in like spirit and decorating the graves of Union soldiers. [Applause.] We have witnessed within a very few months scenes of reconciliation, harmony, and love at Gettysburg, and frequently noted men on one side surrendering to men on the other side the battle flags which were torn from each other in the heat of battle. Everywhere was that spirit which the immortal Lincoln referred to when he said:

We are not enemies, but friends. We must not be enemies. The mystic chords of memory, stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union when again touched, as they surely will be, by the better angels of our nature.

[Applause.]

I feel that the spirit of the immortal Lincoln is invoking us in the exercise of our better selves to play upon those "mystic chords of memory" to-day. Let us unanimously, if it may, wipe from the statute books this penalty, the offspring of the feelings which the bitter strife of war engendered and left now for more than half a century upon the statute books of the Nation. This will promote a finer feeling everywhere, North and South. He who gives is twice blessed; he who receives has the spirit of gratitude created. I could read from a number of letters here, but will only quote from one, from no less distinguished a person than the widow of that brave, grand soldier of the Confederacy, "Stonewall" Jackson. [Applause.] Speaking of this movement, she said:

It creates a feeling of gratitude in my heart that you, a northern man, should advocate the passage of this bill.

[Applause.]

No one but a northern man should advocate its passage, but every man with red blood, whether from the North or from the South, should vote to pass the bill and thus help to eliminate one of the last vestiges of those things which make a distinction between the men of the North and the men of the South. [Applause.] "Fighting Joe" Wheeler and Fitzhugh Lee put on the uniform of the Nation and fought under the Stars and Stripes in the Spanish War. The descendants of these very people from whom we are removing this penalty also served their country and showed their willingness to die in her defense. [Applause.] Surely under such circumstances Congress should ungrudgingly and cheerfully wipe this penalty away, and say: "In this act we speak for the eternal concord and unity of our country." Such acts, such thoughts, such sentiments will make us repeat the scene I once witnessed in a southern city. I walked through a graveyard and I found the tombstones marked with the names of men from this State of the South and that State of the North and other States from all over the Union. Soldiers of these States had met to battle for New Orleans and to save her from the British Army in the War of 1812. That scene will be repeated perhaps, who knows, in the history of our country when we war with some foreign foe, and the men of the North and the men of the South, one in heart, one in courage, one in valor, will vie with each other in defense of every city and every foot of land in our blessed Republic. Side by side, one in patriotism, one in loyalty, one in death, those who fall may lie like they do to-day in the old graveyard at New Orleans. [Loud applause.]

The SPEAKER. The question is on suspending the rules.

Mr. MANN. Mr. Speaker, I demanded a second in order that the gentleman from Pennsylvania [Mr. GRAHAM] might explain the bill. Unless some one who is opposed to the bill desires time, I do not desire to consume any of mine.

The SPEAKER. Is there any gentleman opposed to the bill? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER. As a matter of fact, the vote is unanimous in favor of suspending the rules. [Applause.]

So the rules were suspended and the bill was passed.

UNVEILING OF JOHN TYLER MONUMENT.

Mr. MONTAGUE. Mr. Speaker, I move to suspend the rules and pass the Senate concurrent resolution No. 22, which authorizes the appointment of a committee of Congress to attend the unveiling of a monument to John Tyler, the tenth President of the United States.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 22.

Whereas the Government of the United States has erected a monument in Hollywood Cemetery, at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument, and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 Members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies; and authority is hereby given to expend $250 from the contingent fund of the House of Representatives and $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second, Mr. Speaker.

Mr. FOSTER. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands a second.

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MONTAGUE. Mr. Speaker, permit me to state, if the House did not catch the full reading of the resolution, that it is a resolution heretofore agreed to by the Senate, whereby there is appropriated out of the contingent fund of the two Houses, respectively, the sum of $250 for the appointment of a committee of five from the Senate and five from the House to attend the exercises incident to the unveiling of a monument to John Tyler, the tenth President of the United States, in Hollywood Cemetery in Richmond, Va.

In pursuance to an act of March 4, 1911, the Government appropriated $10,000 for the building of this monument, and some time in the course of the next two or three months—the exact date I can not now apprise the House—the unveiling will occur, and I hope it will be the sense of the House, and I imagine it will be by their unanimous consent, to authorize this particular expenditure.

Mr. Speaker, may I observe that it is not inconsonant with the very eloquent remarks just submitted by the gentleman from Pennsylvania [Mr. GRAHAM] that I ask to print as a part of my remarks the memorial oration upon John Tyler by the late R. M. T. Hunter, formerly Speaker of this House, and latterly and for a long time one of the most conspicuous Members of the Senate of the United States, delivered in the Senate of the Confederate States on January 20, 1862, two days after the death of President Tyler. This address is a remarkably eloquent appreciation of its distinguished subject.

The address is as follows:

THE LATE EX-PRESIDENT TYLER.

PROCEEDINGS IN CONGRESS.

At the close of the very appropriate tribute by Mr. Macfarland, published in the Whig of yesterday, Mr. Hunter, of Virginia, rose and said:

"I rise to offer my tribute of respect to the memory of the deceased.

"As has been well said, the name of John Tyler, now passed into the possession of history, has an order of its own in that great sanctuary. Its sojourn is over. Nothing can now dim its luster as it passes down the tide of time.

"It is said, sir, there is something in the story of the humblest life, which, if rightly told, will afford food for profitable study. With how much of interest, then, do we turn to the consideration of the lives of those who have been martyrs of their kind, who have left examples for the imitation of posterity; of those whose voices have been the most persuasive and convincing in council, and whose shout, like that of the king, has been most potent in marshalling the hosts!

"Among the public men of our day, John Tyler has been one of the most marked and distinguished. With him disappears the last, save one who now sits in this Chamber, of those great men who adorned the Senate of the United States when I first entered upon public life with him. We shall bury the last of the line, the illustrious line of Southern Presidents whose names have connected us with the highest honors of the Union from which we have just parted. Does not this deepen the sense of our separation as we see one by one pass away not only the material links but the ties of personal association which bound us to those whom we have lately left?

"No man, Mr. President, has more fully completed the circle of honors which were opened to the aspirations of our public men than John Tyler. Scarcely had he attained his majority when he was sent to the House of Delegates in Virginia. After a service of a few years there, he was successively elected a member of the executive council, a Member of the House of Representatives of the United States, governor of the State of Virginia, Senator of the United States, Vice President of the United States, from which, by the death of Gen. Harrison, and through the operation of the Constitution, he was elevated to the Chief Magistracy of the land. Nor, sir, did his career end even there. When secession began and generated the storm which is now sweeping over the land, he was sent to the convention of Virginia, and by that body to the peace congress, over the deliberations of which he presided; thence to this Congress, and afterwards was elected by his constituents to the House of Representatives of the Confederate Congress, soon to assemble in this place.

"But, full as was his life of honors, it was not more distinguished by them than by its achievements. From the commencement of his public career, he distinguished himself in whatever body he was serving, and by his eloquence and ability won an honorable place in the estimation of all with whom he associated. An advocate of the doctrines of the State rights school of Virginia, he for the most part adhered to those doctrines with consistency throughout a long and arduous career. Few men exerted themselves more to preserve the Constitution of the United States. He was among the first of our public men who, with the great Calhoun, declared that 'the Constitution and the union of the States was one and inseparable.' From the period of the nullification controversy, from the time when he gave his solitary vote against the force bill in the Congress of the United States, to his last appearance in Washington at the peace conference, he declared the Union and the Constitution must live or perish together.

"He exerted his utmost powers to preserve the Constitution and the administration of the executive affairs of the United States. Forced to choose between the desire to gratify the wishes of his personal friends, who had elevated him to the office, on the one hand, and a sense of constitutional obligation on the other, he determined finally to sacrifice the friends with whom he had been associated. From that time forward it was his lot to administer the affairs of the Nation, over which he presided in the midst of the severest party struggles the country had ever known, without the cordial support of either great political division by which the people were then divided; and he had to discharge his high duties in the face of such difficulties as had never been encountered by any of his predecessors. But, in despite of that spirit, he called around him some of the ablest intellects of the land—Webster, Upshur, Legaré, Calhoun—who aided him in one of the most successful administrations which appears in the annals of American affairs.

"It was this administration that added Texas, an empire, to the Confederacy; and it was this administration that successfully accomplished the Ashburton treaty between Great Britain and the United States. It was in this administration that Mr. Calhoun, in his celebrated letter to Mr. King, for the first time made a public demonstration in favor of the rights of the slave-holding States to respect and protection; and it was this administration which gave a final and fatal blow to the United States Bank. But prominent, sir, as was this administration, it was, perhaps, not so distinguished by his closing career. He had already reached the year of threescore and ten, when he was called from his retirement to aid in making up that great issue of human destiny which is now being submitted to the arbitrament of trial, as it is said, between nearly a million of armed men. True to the life-long professions of the past, his first effort was to preserve the Constitution, and, if possible, to save the Union with it; but when disappointed in that hope none was more determined than he to cut loose his ancient ties with the Northern States which enemies in disguise none more resolved to make common cause with the South and take whatever might be the consequence of the act.

"We all know he threw himself into the cause with his whole soul. Gentlemen here present will testify to the truth of what I say when I affirm that to the last he devoted himself to it with a courage that did not quail, with a hope that did not falter, and with a purpose that held out to the last extremity and relaxed not to the end.

"Mr. President, it may truly be said that with John Tyler there has fallen a great man. I know, sir, that the death of any good man is the cause of grief to the friendly survivors; and yet I feel I do not err when I say that my deceased colleague was as fortunate in his death as in his life. As a soldier on the field of battle falls, he fell at the post of duty. A life, when it was full of years and honors, passed away. He left us before age had bowed his form or silenced the luster of his intellect; when the future course of his life was about to promise him more of pleasure than grief. To-morrow we shall deposit him beneath the sod of that soil which he loved so well—on the beautiful banks of the James, where his slumbers will be soothed by the sound of its falling waters. Day after day, in the years yet to come, the morning and evening shadows shall lend a silent and varied chaun to the scene; and when her hour of struggle is over, Virginia, as she leans upon her bloody spear to contemplate the dead, and beholding the rising glories of her day, will lift her gauntleted hand to brush away the tear for the loss of him who, in the decline of life, exhausted his dying energies in her behalf, and staked his life, his fortune, his reputation upon the result, which will bring her safety and honor. Sir, she will embalm his memory in her best affections, and hand it down to her generations yet to come; and their children's children will transmit his honored name as an inheritance of priceless value—an heirloom which his already run through more than two generations of distinguished men.

"But it is not my purpose, sir, to draw a portrait of this great man. His is a character which men will choose to study themselves; and they will seek it in the monuments of his own creation rather than in the testimonials of his friends; but perhaps, sir, it will not be deemed as usurping the historian's place were I to say of him he was kind and social in all the relations of private life, and that he used the gift of the eloquence with which he was so highly endowed in the public service, and not for selfish purposes; that his faculties for usefulness seemed always to rise to the level of the demand upon them; that he was most able to discharge his duty under the most difficult circumstances, and that he served his native State with a love and fidelity which are beyond all praise.

"Mr. President, is there no useful lesson which we ourselves may draw from this occasion? Is there nothing in it that will deepen our sense of the uncertainty of human life and the instability of human affairs? Within how short a period has death sent its summons in our very midst? Does not this impress us with the utter worthlessness of the span of life allotted to any one of us, unless we use it for the purpose of preparing for another and better and more enduring state? Do not the scenes passing before us impress on us still more forcibly the sublime truth, 'The duties of life are to be preferred to life itself'?"

The SPEAKER. The question is on suspending the rules and passing Senate concurrent resolution 22.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the Senate concurrent resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Carr, one of its clerks, announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

MOTHER'S DAY ASSOCIATION.

Mr. HEFLIN. Mr. Speaker, I move to discharge the Committee on the Judiciary from further consideration of the bill H. R. 16298 and suspend the rules and pass the bill as recommended by the committee.

The SPEAKER. The Clerk will report it.

A bill (H. R. 16298) to incorporate the Mother's Day Association.

Be it enacted, etc., That Anna Jarvis, George W. Bailey, C. J. Hexamer, Louis Lukes, Francis B. Reeves, and Claude S. Jarvis, all of Philadelphia, Pa.; and L. L. Loar, of Grafton, W. Va.; and Charles Selton, of Baltimore, Md.; together with such persons as they may associate with themselves, and their successors, be, and they hereby are, constituted a body corporate of the District of Columbia.

SEC. 2. That the name of such body corporate shall be "Mother's Day Association," and by this name it shall have perpetual succession, save as hereinafter provided.

SEC. 3. That the objects and purposes of said association shall be to establish, promote, and perpetuate the association's work for the well-being of the home and to further establish, promote, and perpetuate the all-nations' observance of Mother's Day and any work incident thereto and arising therefrom.

SEC. 4. That the principal office of said association shall be in the District of Columbia, but the association, through its representatives, shall have the power to establish and maintain such other offices throughout the United States and its exterior possessions as the business of the association may require.

SEC. 5. That the control of such corporation shall be vested in a board of not less than three governors, their associates and successors. The incorporators hereof shall elect the board of governors for the first year. The board of governors shall have the power to adopt a constitution and to make such prudential by-laws and regulations as it may deem proper for the management and control of the business and affairs of said association, the powers and duties of its officers and agents, and from time to time to repeal or alter such constitution, by-laws, rules, and regulations.

SEC. 6. That this association shall further have power to have and use a common seal and to alter and change same at its pleasure; to sue and be sued in any court of the United States or other court of competent jurisdiction; to take, receive, and hold for the purposes of the association any gift, grant, devise, bequest, or purchase, and to accept and administer any trust for the purpose of said association.

SEC. 7. That this act shall be subject to alteration, amendment, or repeal at the pleasure of the Congress of the United States.

SEC. 8. That this act shall take effect immediately on its passage.

Mr. HEFLIN. Mr. Speaker, the Clerk has the report of the committee, and I would like to have it read.

The SPEAKER. There is no use in reading the report. Is a second demanded?

Mr. MANN. I demand a second.

Mr. HEFLIN. I ask unanimous consent, Mr. Speaker, that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HEFLIN. I will.

Mr. MANN. As I understand, section 4 of the original bill is left out?

Mr. HEFLIN. Yes; the entire section is stricken out.

Mr. MANN. And that in section 7 of the bill as introduced there is left out the provision about the real estate of the corporation not being liable to any debt or obligation of the corporation?

Mr. HEFLIN. Yes.

Mr. MANN. And, further, that the bill as presented, with these amendments, has been passed through and approved by the Committee on the Judiciary?

Mr. HEFLIN. Yes. It was unanimously reported by the committee with these provisions, mentioned by the gentleman from Illinois, stricken out.

Mr. MANN. Is the gentleman at all familiar with the persons who are named in the bill as the incorporators?

Mr. HEFLIN. I only know one of the persons named in the bill, and that is Miss Anna Jarvis, of Philadelphia, who is at the head of this great work in the United States. She is a constituent of the gentleman from Pennsylvania [Mr. MOORE], and I presume that he knows the persons named in the bill.

Mr. STAFFORD. I may supplement the information of the gentleman from Alabama [Mr. HEFLIN] by saying that, so far as Miss Jarvis, George W. Bailey, Francis B. Reeves, and C. J. Hexamer are concerned, they are prominent Philadelphians, identified with the civic life of that city. C. J. Hexamer is the president of the German Alliance.

Mr. HEFLIN. Miss Jarvis discussed this with me and told me that the persons named with her in the bill are high-class gentlemen, and some of them are now engaged in philanthropic

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] has nine minutes.

Mr. LINTHICUM. I yield three minutes to my colleague [Mr. COADY].

Mr. COADY. Mr. Speaker, the bill now before the House for its consideration as amended by the committee provides for an appropriation of $550,000 for the erection and completion of buildings and a pier at the immigration station at Baltimore.

Congress has already made provision for $280,000 for this purpose, and this amount is now available, so that the passage of this bill will mean an additional appropriation of $270,000.

It seems to me there are only two questions to consider with respect to this measure.

The first is, Are these buildings and pier needed there?

The second is, Is the amount asked for a proper and reasonable allowance for the purpose?

The Committee on Public Buildings and Grounds in its report submitted to this House a few days ago answers to both of these questions in the affirmative and recommends the passage of the bill as amended.

They did this after making a trip to Baltimore and seeing for themselves the lamentable lack of facilities for the handling and care of the immigrants.

The buildings and pier are needed for the reason that at present the Government has neither there, and the immigrants land on the private property of the Baltimore & Ohio Railroad Co., and the Government inspection of the immigrants takes place on this private property.

Is this the right and proper thing for this great Government of ours to do—to use the private property of a railroad company for its purposes?

Besides, as the situation now is no other railroad company can use this pier without the consent of the Baltimore & Ohio Railroad Co., the owner.

This company therefore now has, if it cares to exercise it, a monopoly of the business of transporting the immigrants landing there.

Boston, Philadelphia, and other cities have Government owned and controlled immigration stations, and the refusal of Congress to give Baltimore one would be a discrimination against the latter city, though through its gates there pass annually over 23,000 aliens of the most desirable type.

The hospital and the place of detention are under one roof, and are housed in an old private house rented, I believe, by the steamship company.

The building is an old one, without any modern conveniences, and with the most uninviting surroundings. It is one of those places where the first thing you want to do when you get in it is to get out.

The so-called hospital is hardly fitted for a stable. The whole place is a disgrace to our country.

As to the amount, it is $50,000 less than the amount estimated by the Supervising Architect of the Treasury to be necessary for the buildings and pier, as set out in the report of the committee.

I sincerely trust that this bill as amended by the committee will pass, because the proposed buildings and pier are absolutely needed and because, as a matter of simple justice, Baltimore is entitled to them.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] has seven minutes and the gentleman from Maryland [Mr. LINTHICUM] six minutes.

Mr. STAFFORD. Does the gentleman intend to conclude in one speech?

Mr. LINTHICUM. I yield two minutes to the gentleman from Pennsylvania [Mr. LOGUE].

Mr. LOGUE. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, I visited the city of Baltimore. That there is a necessity for the establishment of proper buildings there no one can doubt. The conditions at Seattle may be bad. I do not think they quite equal the bad conditions that confronted us at Baltimore. There is an alleged hospital there. I think it could more properly be styled a morgue if any sick human being was put in it and permitted to remain for a few hours. It is quite distant from the wharf. We were there on a very inclement day. It was really more comfortable outside the hospital than in it. The entire condition of things there should not be allowed to continue to exist. For the health of the immigrants this hospital should not be allowed to remain. Humanity should prompt us to pass this bill. For a statement of the amount required we are dependent upon the proper source, the Treasury Department. We have received from the Secretary of the Treasury information as to the amount to be expended. The action of the committee, therefore, has been prompted by the needs and necessities which were manifest to us, and, secondly, as to the amount required, we have recommended the amount stated to us as being requisite for the purpose.

Mr. STAFFORD. Mr. Speaker, if under the existing procedure we were given the privilege of offering an amendment to reduce the amount carried in this bill, I believe the House would vote to reduce the $550,000 that the bill carries. I wish to direct attention to two items which I think are extravagant in character. The committee of its own motion has reduced the estimate of $110,000 for a hospital building to $60,000, and here we have $50,0000 provided for an administration building. That will indeed provide a pretty nice building for the few officials that will have their offices there. Again, there is $40,000 for a power house. Power to keep the immigrants from landing? How can you conceive that there will be such a large appropriation for a power house? Everyone in this House wishes to provide adequate accommodations for the receiving building. We do not want to be niggardly in our appropriations; but when the gentleman comes here and insists that he should have these large amounts for these respective services, I think he is failing sadly in proving his case.

Mr. LINTHICUM. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. I believe the gentleman wants to be perfectly fair.

Mr. STAFFORD. I do.

Mr. LINTHICUM. I had the architect go there, and I tried to hold him down as much as I could to the lowest point. He said he could not do it. The ground is low; and I expect we will have to put the building on piling for a foundation. I did my best to hold him down to the last cent, because I knew that if the amount was large I would have trouble in getting it. I have not been lax in keeping it down to the lowest figure possible.

Mr. STAFFORD. My only criticism of the gentleman is that he stopped in his efforts. He only applied his efforts to shaving down the appropriation for the hospital building. For that building there was an estimate of $110,000, and he acknowledged that that was $50,000 too large. He was willing to shave that, and if he had only gone down the list a little more and shaved some of the other estimates there would have been no disposition here to criticize this bill.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to the receipts of the Government from the immigration?

Mr. STAFFORD. When this bill was under consideration before, if I remember the statement at that time, the maximum number that would come in to the port at Baltimore on any one occasion was 2,000 to 3,000, and that on very rare occasions. Baltimore has not been a large immigrant port. I sympathize with the gentleman from Maryland in his desire to have an ornate building at this public park, but I do not think they should overdo it. I think we should not provide extravagantly for a building at this public park.

Mr. BUCHANAN of Illinois. I would like to state to the gentleman that I have the figures from the Immigration Bureau as to six months of this fiscal year, and it amounted to $3,009,000.

Mr. STAFFORD. At Baltimore?

Mr. BUCHANAN of Illinois. No; from all over the country.

Mr. STAFFORD. Oh, yes; but Baltimore is only an incidental port, and if the new rule is to be established and the literacy test applied there will not be any use for this building at all. It will be a nice monument in a public park that the Government has donated for municipal purposes.

Mr. LINTHICUM. I want to say that during 1913 there were 33,596 immigrants that came in at $4 a head, and it is estimated that 40,000 will come in this year. On March 4, 1909, we turned over to the National Government $500,000 in the Treasury to our credit.

Mr. STAFFORD. The gentleman furnishes the committee with the figures for last year, and he estimates 40,000 immigrants during the present year. Can the gentleman give any estimate as to how many will come in when we have the literacy test applied? There will not be 10,000.

Mr. LINTHICUM. I think nearly as many will come into Baltimore, because the immigrants that come to that section will not be barred by the literacy test.

Mr. STAFFORD. That is what they all say; but we know that the literacy test will keep out a very large number.

Mr. COADY. Does the gentleman think it will become a law?

Mr. STAFFORD. I hope it does not.

Mr. BURNETT rose.

Mr. STAFFORD. I will yield to the gentleman from Alabama, chairman of the Committee on Immigration, who knows more about that than I do.

Mr. BURNETT. Mr. Speaker, I did not rise to answer that question, because I do not know any more about it than does the gentleman from Wisconsin, but I want to say that the class of immigration that comes into Baltimore is almost entirely from the northwestern part of the country and will not be affected by the literacy test, if it becomes a law.

Mr. COADY. Mr. Speaker, if the gentleman will permit me, I would inform him that within the last few months the North German Lloyd Steamship Co. that operates between Baltimore and Bremen has put on three additional ships, big ships of about 12,000 tons each, and they are now building two more ships for that trade.

Mr. STAFFORD. Mr. Speaker, the burden of the argument on the other side is this: At present they have very ill-suited quarters. We admit that. We gave Baltimore the ground, and there is available, and has been for a long time, $280,000. They now come here and show their estimates are too large, and still they ask us to appropriate the full amount. I leave the question to the decision of the House.

Mr. LINTHICUM. Mr. Speaker, I yield one minute to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Speaker, as a member of the Committee on Public Buildings and Grounds, and as one who has inspected this building, and also as one of the members of the committee who has sat on the opposite side of the table fighting against expenses most of the time and against propositions submitted to us, I want to say that I think this is one of the most meritorious measures that we have had before us for our consideration. If gentlemen could see the people from foreign countries coming into what out in our country would be called cattle sheds, and those sheds owned by a railroad, and that one railroad which has an absolute monopoly of the business there, I believe the House would not hesitate to build a suitable place to receive the people who are coming from foreign countries and landing on American soil.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BARTON. Yes.

Mr. GREEN of Iowa. Did I understand the gentleman to say that he had personally inspected the building?

Mr. BARTON. Yes. With the committee I made a minute examination, and the sick babies in the old rookery called a hospital is a disgrace to this Nation. The immigrants that land at Baltimore will not be bothered by the immigration bill. Look at the record and you will see that less than 1 per cent can not read or write.

This is a just measure, and I hope the bill will pass.

Mr. LINTHICUM. Mr. Speaker, I yield the balance of my time to the chairman of the committee, the gentleman from Florida [Mr. CLARK].

The SPEAKER. The gentleman is recognized for three minutes.

Mr. CLARK of Florida. Mr. Speaker, this bill has been before the House several times, and if there ever has been a bill that has been thoroughly examined by the committee and has been thoroughly investigated by the department and every effort possible made in the interest of economy in framing it, this is that bill. I want to say, in justice to the committee, that the omnibus bill which was framed during the last Congress was not framed on the lines intimated by the gentleman from Washington.

The committee did not put into that bill any item which they did not believe was justified by the facts and by the demands of the community. I want to say that in the present Congress this committee has operated under certain rules, and the bill of the gentleman from Maryland [Mr. LINTHICUM] comes squarely within the emergency rules laid down by the committee. One of those rules is that where an authorization for a building has been heretofore made and the department in good faith has attempted to let a contract for its construction, and has found after advertisement for bids that there was not money sufficient to construct it, then this committee would consider an increase in the authorization, and in this instance the effort has been made, bids have been asked for, and it has been found utterly impossible to construct the character of station which the department and the committee desires and which ought to be constructed out of the appropriation already made. I want to say, Mr. Speaker, that I am astounded that my friend from Illinois [Mr. FOSTER] and my friend from Wisconsin [Mr. STAFFORD], who are not builders, who are not architects, although they may be gentlemen of very wide and diversified information, but who are not specially skilled in those directions, should stand here and place their judgment against the investigations of the committee and the deliberate opinion and well-considered judgment of the Supervising Architect's Office and the Treasury Department as to what these buildings ought to cost.

As I say, every effort has been made and it is the desire of the department, and the committee concurred in that, to erect at Baltimore a model immigrant station, one that will be a model for the ports of this country hereafter, one that will be complete in every detail, one that will be a credit to the country and that will be looked upon as a model for construction at Seattle and those other places which are to follow. The statement which the committee required of the Supervising Architect's Office has been itemized, and there is only in the neighborhood of $400,000 going into the buildings. The balance is to go into the purchase of land and into the construction of other appurtenances and into the purchase and construction of a railway for the use of the station, and all these things together aggregate this amount. As I say, we have made every effort to cut down the appropriation, but we are informed by the officials charged with that duty that it is utterly impossible to construct at Baltimore the kind of station needed in all of its departments, which will be a credit to the country and which will be sufficiently adequate to answer the purposes of its construction, with the present appropriation. I hope the House will pass this bill.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and, in the opinion of the Chair, two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

REPEALING SECTION 3480, REVISED STATUTES, UNITED STATES.

The SPEAKER. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I move to suspend the rules and pass the bill Senate 751.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 751) to repeal section 3480 of the Revised Statutes of the United States.

Be it enacted, etc., That section 3480 of the Revised Statutes of the United States be, and the same is hereby, repealed so far as it affects payments for services in the Army of the United States prior to April 13, 1861.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania is entitled to 20 minutes and the gentleman from Illinois 20 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I shall occupy the attention of the House only for a very few minutes. I found in the Judiciary Committee a bill intended to remove a penalty from the men who had fought in the army of the South in the late Civil War. Upon examination I asked the committee to take it up and consider it, believing that it was a patriotic duty to pass this measure. The committee unanimously reported it, and asked me to take charge of the bill and present it to the House. I do this with great pleasure and satisfaction. The bill is intended to repeal section 3480 of the Revised Statutes, which imposed a penalty upon those men, graduates of West Point, who served in the Confederacy. It included among the roll names like those of Lee, Jackson, Wheeler, and Pickett a long line of honorable and brave men.

We all know, for I can just remember that period, when the war closed, the bitterness of feeling that existed, and naturally existed, and existed upon both sides, with reference to each other. Out of that spirit came this punitive statute. Things have changed since then. The half century and more which has passed has brought together the warring combatants of Gettysburg to weep and cheer in unison upon that fateful field. [Applause.] I had the privilege and pleasure of attending at Arlington the scenes incident to the dedication of a beautiful Confederate monument, erected in a Government burial place, dedicated to the soldiers and men of the South who fought against and who lie side by side with the Union soldiers of that war. Memorial day has just passed, with all its hallowed associations and memories. In the beginning every flower that fell upon a soldier's grave was drenched with grief and perhaps

have always believed that when those people come they ought to be met with accommodations that would not make their first impression adverse and averse to our country. I have no doubt but what this is the worst condition, so far as the treatment of immigrants is concerned, that exists on the American coast anywhere, either on the Atlantic or the Pacific. The hospital facilities are miserable——

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. BURNETT. Yes; for a question; I have only four minutes.

Mr. HUMPHREY of Washington. I want to ask the gentleman if he thinks that condition is any worse than conditions are at Seattle?

Mr. BURNETT. Yes; I think so. I have never visited Seattle, but from the presentation of the case and from what I have seen of the condition at Baltimore, I think so. Seattle, in order to make their accommodation ample, would require a great deal more expenditure, in my judgment, than would be necessary at this time, but one reason why the expenditure was not made for Seattle last year by the Committee on Public Buildings and Grounds, I think, was because of the fact that with the opening of the Panama Canal there will be no doubt a much greater influx of immigration there than there ever has been, and therefore the demands that will be made for these improvements at that time will be greater than gentlemen could foreshadow or foresee at the time when the proposition was presented.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman permit me to ask him one more question?

Mr. BURNETT. Certainly.

Mr. HUMPHREY of Washington. Is it not a fact the reason the committee did not recommend one at Seattle was because I asked for an appropriation for another building in the district and the committee would not permit but one building in a district? Is not that true?

Mr. BURNETT. The committee believed—I did as a member of the committee—for the reasons I have mentioned, that the building had better wait until a more opportune time. I think the gentleman will make a meritorious case. Now I desire to go on just a little further on this. One reason why this appropriation ought to be made is that the pier now where these immigrants land is owned by the Baltimore & Ohio Railroad. This station, if it is constructed at Fort McHenry, will be upon other lines of railroad. The result of having the station at that place was that one railroad has the exploitation of all these immigrants as they come in. Now, I felt like $600,000 was too much, because they asked $100,000 for a hospital. I felt $50,000 was enough for a hospital, and it was on my motion, according to my recollection now, the committee reduced the amount from $600,000 to $550,000. The Supervising Architect has itemized in a statement here, which is made part of this report, the items which would carry the sum of $600,000. We felt that one of the items should be cut down, and I do not believe from what I have seen personally, and my good friend from Iowa, Judge TOWNER, was with us on one of our trips, and I believe he will agree with the statement that has been made by the gentleman from Maryland and myself, that the conditions there are perhaps more deleterious and insanitary than any other station he has observed, or any other I have observed on the Atlantic coast. I do hope when we are erecting these stations we will do so in such a manner as to provide comfortable receptions for those people who do come to our shores. As I say, I would like to keep back a great many of them, but when they do come, as they are coming, let us have them received properly. I have been in favor of enlarging the accommodations of the steamship companies and everything of that kind in order to accommodate——

The SPEAKER. The time of the gentleman has expired.

Mr. LINTHICUM. I yield three minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, I sincerely hope that this bill will pass. While I was a member of the Committee on Public Buildings and Grounds I was also a member of the subcommittee that went to Baltimore to examine the conditions there. I confess that I was not only surprised but wounded in my national pride at the conditions that we found there to exist. There is no immigration station at Baltimore except a shed that has been erected by a railroad company, the Baltimore & Ohio Railroad Co., which grants the use of it to the United States. There is no immigration station of the United States or any place that is subject to its jurisdiction or control except for the use that is given by the railroad company, of course primarily for its own benefit.

It is a condition that ought not to exist anywhere. This matter ought not to be considered in the light of a favor to the city of Baltimore. It ought to be considered an act of necessity on the part of the Government of the United States to maintain its dignified self-respect in the treatment of its own offices. I sincerely hope that this Congress will not have any idea that it is conferring, or is to be considered as conferring, a favor on Baltimore when they consider whether or not they ought to pass this bill. We ought to have, we must have, a station there for this Immigration Service. National dignity and pride, as well as the ordinary national requirements, should cause us to do this, and I hope there will be no hesitancy on the part of Congress in that respect. Why it has been so long delayed I have never been able to understand. Certainly it ought now to pass and to pass speedily, because the need is immediate and great, and I hope Congress will see it in that light.

Mr. LINTHICUM. I will ask the gentleman from Wisconsin [Mr. STAFFORD] to consume some of his time.

Mr. STAFFORD. Mr. Speaker, this proposition has been before the House on several occasions during the present session. The gentlemen who have spoken would give the impression that the reason for the failure to erect a proper immigration station at Baltimore was because of the dereliction of duty on the part of Congress. Yet there has been no dereliction of duty on the part of Congress. The fault lies somewhere else, because at this present moment and for years there has been available $280,000 that could be used at any time for the erection of a proper and adequate immigration station. That $280,000, if I am not mistaken, was appropriated to be used for building a station at the present quarters, proximate to the Baltimore & Ohio Railroad. This Congress earlier in this session, in its magnanimity to Baltimore, donated for its use the Fort McHenry grounds, and also permitted them to use those grounds for an immigration site.

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. COADY. Do you not think it is a very good thing for the Government that Baltimore City has taken over Fort McHenry?

Mr. STAFFORD. I certainly approve of that project, and I want to see this immigration station erected at Fort McHenry, and I do not see why Baltimore has been hesitating all these months in going ahead with the erection of this immigration station when it has $280,000 available. Originally, when this project first came before the Congress——

Mr. COADY. Will the gentleman yield?

Mr. STAFFORD. I will not yield just at this moment. When this project first came before Congress there was appropriated something over $100,000; later $280,000 was appropriated; and then they wanted $600,000. Now they are receding and asking for $550,000. And yet the Secretary of the Treasury, Mr. McAdoo, in a letter dated March 19, 1914, if I read his letter right, and that was a matter about which I wished to quiz the gentleman with his permission, states that $475,000 only is needed for the construction of this building. I direct the gentleman's attention to that. I suppose he has the letter of the Secretary of the Treasury, and I direct his attention to the following language, referring to the $600,000:

> Inasmuch as this is an increase in the original limit, it necessarily includes the cost of the original site; deducting that and other items which are necessary incident to the construction but are not buildings, and deducting also the limit for the right of way, leaves the balance of $475,000 available for the construction of the receiving building, the hospital building, the administration building, and the power house.

Mr. LINTHICUM. I will say to the gentleman that that was on the hypothesis that it was $600,000, but it has been cut down, as the gentleman will recognize.

Mr. STAFFORD. Why, the Secretary of the Treasury says that only $475,000 is needed for purposes of a modern hospital, and yet the gentleman is now asking for $550,000.

Mr. LINTHICUM. The gentleman from Wisconsin fails to include the other items in there, such as the pier, dredging, and things of that kind, which are necessary. They are not a part of the building, but are necessary adjuncts for the immigration station.

Mr. STAFFORD. With the new policy adopted by this House favoring restriction of immigration, favoring a literacy test that will bar out many worthy immigrants from this country, if it should become a law, I can not see the need of spending $550,000 on a station when there will be no immigrants coming to Baltimore. I will agree it will be an ornament to Baltimore, to have these ornate buildings erected at Fort McHenry, but where is there any need of expending at this time $550,000? Show to us that $280,000 is not adequate for the proper kind of a station. I am just as much in favor of a proper station with adequate accommodations for those immigrants at all our ports as anyone in this House. I sympa-

thize with immigrants. I want them to receive fair treatment, and the best kind of treatment, when they come to these shores; but with the announced policy of this House of limiting immigration, what is the reason for erecting ornate buildings for this service along the Atlantic coast? Baltimore has $280,000 available now. There is no showing that it is not adequate to provide for the immigrants coming there.

Mr. TOWNER. Do you not think that if it shall ever become a law and we add the literacy test that that will make necessary more employees and better accommodations?

Mr. STAFFORD. As soon as the literacy test is placed in the law we know that the moral effect of that will be to keep away from these shores thousands of worthy immigrants.

How much time have I consumed, Mr. Speaker?

The SPEAKER. Five minutes.

Mr. STAFFORD. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to oppose this bill simply because of the fact that we need an immigration station at Seattle just as badly as they need one at Baltimore. I listened to the remarks of my friend, the gentleman from Iowa [Mr. TOWNER], in which he pointed out the conditions over at Baltimore and said that the building over there belonged to the railroad. That is exactly the condition at Seattle. The building belongs to the Great Northern Railway at Seattle, and it is on railroad property. It is an old wooden shack, and I can not conceive how it is possible for conditions to be worse at Baltimore than they are at Seattle. I visited the station at the latter place at one time, and I found in one room, about 14 by 16 feet square, 16 women who had been kept there for several days. They were white women, waiting to be tried as to whether or not they were to be deported. Now, if you can describe a condition worse than that at Baltimore, or anywhere else, I will be willing to say that Seattle ought to wait. Now, the fact about it is—and we might as well tell the truth—they refused to make the appropriation for the station at Seattle because there was another public building appropriated for in the same district that I happen to represent. You were dividing up your favors, not according to need but according to congressional districts. You were making appropriations, not where they were needed but because of political favors. And I am not saying you did not extend these favors to both sides of the House. But that is the fact about it. The station at Seattle is a disgrace, and it is a shame, as the gentleman from Iowa has said, that this great Government has to rent old wooden shacks from a railroad in which to keep people until they are examined to know whether they shall be deported or not.

Mr. SABATH. I desire to ask the gentleman whether he has ever visited the immigration station at Baltimore?

Mr. HUMPHREY of Washington. I have not.

Mr. SABATH. I assure the gentleman that if he will take the time and investigate the conditions there, he would not oppose it for a moment. If there is need of more room or accommodation at any station, it is at Baltimore.

Mr. HUMPHREY of Washington. The gentleman is in the same position with respect to Seattle that I am with regard to Baltimore. If the gentleman had visited the Seattle immigrant station, he would not oppose my bill. I am not going to oppose this bill, but I want to call attention to the fact that by some means or other the gentlemen from Maryland can get their bill reported, whereas the bill I have before that committee can not be gotten out of the committee.

Mr. SABATH. The gentleman should, perhaps, use good judgment in getting the bill out of the committee.

Mr. HUMPHREY of Washington. I think I used good judgment. At my request the Commissioner of Immigration went before the committee and pointed out the fact that a great emergency existed at Seattle and that that station ought to be built immediately.

Mr. SABATH. The commissioner did urge this some years ago, did he not?

Mr. HUMPHREY of Washington. Yes; and I think he has urged it ever since. He appeared before the committee a short time ago and urged an appropriation for the immigrant station at Seattle. It is absolutely impossible for conditions to be any worse at Baltimore than they are out there. But, as I say, I am not willing to play dog in the manger and vote against this bill because I can not get one at Seattle, although we are equally entitled to it, but I do want to emphasize the fact that the committee ought to report my bill.

Mr. GALLAGHER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GALLAGHER. The gentleman will admit that in a place where between four and five million dollars is raised from the head tax annually suitable accommodations ought to be made for the people landing there, instead of turning over nearly one-half of that sum into the General Treasury of the Government?

Mr. HUMPHREY of Washington. Certainly; suitable accommodations ought to be provided at Baltimore and at Seattle and at every other place where the commissioner has said it is necessary, and he has especially selected both Baltimore and Seattle.

Mr. GALLAGHER. At present the Government is taking the money from those people and turning it into the Treasury, instead of providing suitable accommodations for those people.

Mr. STAFFORD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER. Mr. Speaker, I expect to take only a minute or so in saying what I desire on this bill. I am not opposed to proper quarters for these immigrants that come to our shores. I believe they should be properly cared for, but I think that in this case we have probably been a little more generous than is necessary. I do not particularly blame our good friends from Baltimore for endeavoring to secure in their city a monument in the way of an immigrant station. They came over here and were just as anxious to procure a situation for the building on the old site as on the one that was bought.

Mr. LINTHICUM. I would like to say to the gentleman——

Mr. FOSTER. In a moment I will yield. After awhile they came back and wanted another site, and it was given them, and then they wanted an increase of the appropriation, and that was given to them. Now, they are back here again, and I do not know how many times they will be back before they finally secure a building. When they get this appropriation I hope they will be satisfied, and will not come back to Congress for any more money in the future for that purpose. I hope they will secure this building and relieve the situation at Baltimore, which they all certify is so bad.

Mr. LINTHICUM. It was not our fault that we did not use the $280,000. In the first place, $13,250 was taken off. The architect absolutely refused to go ahead unless he had enough money to go to work. I will say to the gentleman that we shall not come back to Congress asking for another dollar for this purpose.

Mr. FOSTER. I will say to the gentleman that $110,000 was unnecessary to put into a hospital building. I thought $60,000 was sufficient. Now they propose to increase it by $35,000. I am taking the gentleman's word.

Mr. LINTHICUM. I said that.

Mr. FOSTER. I do not think that to take care of the immigrants at Baltimore you need a hospital costing $75,000. I do not think you need that much. Yet in this bill you are getting $110,000.

Mr. LINTHICUM. They have taken off $50,000.

Mr. FOSTER. And there are a whole lot of expenses that go along with these public buildings, and sometimes the money is easy to get.

I remember in the last Congress we allowed for a public building, quite a large sum additional for something fancy that happened to suit the people out in that particular locality, and then when the building was about to be completed it was said to me by a gentleman privately that he thought we had thrown away the additional amount. I want the people in Baltimore to have this immigration station, but I do suggest and believe in all fairness to the city of Baltimore and to the immigrants who land at that particular place that it is not necessary that we should build an immigration station there for the amount that is provided in this bill.

Mr. BURNETT. My recollection is that the department have said positively that they can not build a building at all commensurate with the needs of the situation with that $285,000 that you refer to, and these are the items, one by one, furnished by the Treasury Department.

Mr. FOSTER. I will say to the gentleman that I have observed what they said about that; but then I think sometimes if they were given to understand that they must build for a little less money, they could do it. We know how those things go.

Mr. BURNETT. We cut them $50,000.

Mr. FOSTER. My good friend understands how that happens. In all candor, I do not believe they need $270,000 additional for the station at Baltimore, and I think we are appropriating an extra amount of money for that station, which is not needed and probably ought not to be given. Yet I judge the bill will pass, and I desired only to express my views on the question.

I have no special anxiety that $1,200,000 of this $2,000,000 shall be returned to China so long as there is any justice in any claim which may be filed against it. I call attention to the fact that we are not deciding here that this Japan-Chinese Trading Co. shall be allowed any costs. This is merely preliminary. This merely allows these claimants, who have fallen from 20 to 80 per cent short of being put back into the position in which they would have been had it not been for this antiforeign outbreak, to present their claims to the Court of Claims and permit that court to decide whether there is any justice in their claims. If there is justice in those claims I am quite content that the amount shall be taken out of the $1,200,000 of the Chinese indemnity fund thus far unexpended. The gentleman from Illinois [Mr. MANN] speaks of only one of the 11 claimants who have recovered. In proportion to his loss the least of these claimants is entitled to as much consideration, in my estimation, as is the largest claimant.

This does not overturn any long-established system of court practice, as I understand it, to allow the claimant against an indemnity fund to recover damages under these circumstances. This fund was created for the purpose in part sought to be accomplished by this resolution. In view of what the gentleman from Illinois [Mr. MANN] has just stated, I want once again to direct the attention of gentlemen to this instruction to the Court of Claims that they should finally make a distribution from this fund, so that, as far as possible, the governments, societies, companies, and private individuals shall be placed back in the position in which they would have been if the antiforeign movement of 1900 had not taken place.

Now, I have referred, as the gentleman from Illinois [Mr. MANN] has referred, especially to this trading company. It asks the permission of Congress to go into the court and present a state of affairs upon which it wants that court to pass. What is this wicked company? It is an association of merchants formed three-quarters of a century ago in Boston, having its headquarters in Burley's Slip, New York. It is a corporation whose stock is somewhat widely scattered, but held chiefly by people in Boston and New York, and who have gladly invested their funds in a company of this high standing, which has existed for three-quarters of a century, which began at a time when steamships to Japan were unheard of. It began sending out mixed cargoes of the different small manufacturing industries of New England, but now it occupies more freight space than any other American concern in the great ships that cross the Pacific with the products of our mills and factories, our forges and our looms.

Now, this old and respectable institution comes to Congress and simply asks Congress to permit them to go into the Court of Claims and reestablish themselves financially in the position they would have occupied had not the foreign outbreak occurred.

Mr. TOWNER. Will the gentleman yield?

Mr. TOWNSEND. I will.

Mr. TOWNER. The gentleman, as I understood it, alluded to this bill as being for the purpose of allowing costs. I understand that that is not the terms of the bill, but that it allows to be taxed as costs these additional expenses. Am I correct?

Mr. TOWNSEND. The gentleman is entirely correct.

Mr. TOWNER. Have costs been taxed as a part of the judgment?

Mr. TOWNSEND. Not at all. The Court of Claims considered that under the jurisdictional act they could not consider the question of taxing costs.

Mr. TOWNER. The bill says that there shall be allowed such expenses of claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just. That merely extends the right of taxing as costs expenses which may be incurred. I judge that will include the sending over of an agent for finding testimony or anything of that kind.

Mr. TOWNSEND. Yes; that appeared in the hearings that it should include the unusual expenses these companies were subjected to. Attorneys and agents accompanying them had to go to China and hunt up various points in relation to damages and insurance, the amount of damage done to these people, and of course that is not like costs incurred in an ordinary matter of litigation.

Mr. TOWNER. There would be no question that if the bill was passed the Court of Claims would feel justified in allowing all such expenses as the gentleman has named and counsel fees besides.

Mr. TOWNSEND. Of course I am not in the confidence of the Court of Claims and do not know what they would do or feel justified in allowing, but certainly they would be restricted to the allowances under the terms of this bill.

Mr. WILLIS. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. WILLIS. Is it not a fact that the claimants allowed by the original commission were given expenses and counsel fees?

Mr. TOWNSEND. I do not think any allowance has ever been made for the unusual expenses.

Mr. WILLIS. That was my understanding. If the original claimants were not permitted to have counsel fees and expenses, what reason does the gentleman give for subsequent claimants going to the Court of Claims and having counsel fees and privileges which the original claimants did not have?

Mr. TOWNSEND. The original commission is not in existence, and it could not be resurrected to give these people counsel fees; but I will remind the gentleman that that commission sat in China, and the difficulty of obtaining evidence was less than it was eight years later for two reasons: First, the evidence was at hand, and, secondly, the lapse of time had not increased the difficulty.

Mr. HARRISON. Will the gentleman yield?

Mr. TOWNSEND. Yes.

Mr. HARRISON. I understand there are $2,600,000, and if it is not paid out to these claimants it will be refunded to the Chinese Government?

Mr. TOWNSEND. It will be.

Mr. HARRISON. Is it not a fact that the matter had been approved by a former Secretary of State, who has said that this legislation ought to be passed?

Mr. TOWNSEND. Yes; I have that letter.

Mr. HARRISON. And this bill puts it up to the Court of Claims to say whether the claimants should have these expenses?

Mr. TOWNSEND. That is true.

Mr. BOOHER. Will the gentleman yield?

Mr. TOWNSEND. Certainly.

Mr. BOOHER. Does this bill contemplate paying the attorneys in the suits before the original commissioner?

Mr. TOWNSEND. It contemplates paying the claimants for costs before the Court of Claims such as they would have presented had not the Court of Claims said that the jurisdictional act prohibited them from allowing them.

Mr. BOOHER. Why should these claimants have attorneys' fees when other claimants did not have the same right?

Mr. TOWNSEND. We are not to do an act of injustice to these claimants because an injustice was done to others.

Mr. BOOHER. Why not provide that all claimants shall have attorneys' fees?

Mr. TOWNSEND. Because these claimants had been put to unusual expenses, which the claimants theretofore had not been required to meet. Mr. Speaker, I ask for a vote.

Mr. MANN. Mr. Speaker, how much time has been used?

The SPEAKER. The gentleman from Illinois has seven minutes remaining, and the gentleman from New Jersey one minute remaining.

Mr. MANN. Mr. Speaker, I yield seven minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, everyone here recalls the action of our Government in refunding $10,800,000 of the $24,400,000 which China agreed to reimburse our Government for the losses sustained by our Government and by our citizens arising out of the Boxer rebellion. When a Senate resolution in May, 1908, was brought before the House to refund to China this $10,800,000 there were certain claimants who induced the House to set aside $2,000,000 of that amount that their claims might be passed upon in the Court of Claims.

There were innumerable claimants, and the aggregate amount of the claims was something like $2,000,000. These claims have all been presented, and the total amount of the 23 claims that have been allowed aggregates something like $800,000. There remains $1,200,000 that under the original agreement and under the original resolution, if we are to keep faith with China, should be returned to China.

Mr. TOWNSEND. Will the gentleman yield?

Mr. STAFFORD. No; I can not yield. This is only a question of keeping faith with China. The original commission that was appointed by our State Department to pass upon all claims arising out of the Boxer uprising, a commission consisting of the American minister to China and one other, allowed claims aggregating $13,650,000, and each claimant whose claim had been rejected or who was dissatisfied with the amount had the right to appeal to the Secretary of State and a rehearing was allowed.

The two principal rejected claims those of the China & Japan Trading Co. and the American Trading Co., presented their claims anew to the Secretary of State. The Secretary of State refused to allow them. They then came before Congress, as I said, in May, 1908, and they secured in this House an amendment providing that all persons whose claims had been presented and which had been rejected should be given a further hearing before the Court of Claims, and the basis for determination was that they should be fully and substantially compensated for actual losses and expenses. I have in my hand the decision of the Court of Claims in one of these cases, namely, the American Trading Co. The total amount of their claim allowed is $118,676. At the end of the decision is shown the principal amount of their claim, $68,949, and the interest allowed on the respective items aggregate $49,728, making a total of $118,676. These claimants have had three chances to prove their claims. They had the interest at 7 per cent allowed, and now, having had that allowed, they have the effrontery, the gall——

Mr. TOWNSEND. The cheek—call it cheek, as they are only American traders.

Mr. STAFFORD. To come to Congress again and say that we should establish a precedent never before known in the history of the Government and allow them their attorneys' fees. I wish to submit this proposition to the House: If these claimants, who have had three chances to have their claims proven, should be allowed attorneys' fees, why should not these other claimants, whose claims aggregate $13,250,000, be equally entitled to attorneys' fees? Is it fair treatment to those who have good claims to allow these persons who have somewhat doubtful ones to be allowed their attorneys' fees, just because it was rather hard for them to prove their case?

They failed twice in proving their case, once before the commission and again before the Secretary of State, Mr. Root, and then they succeeded in having a new rule passed in this House whereby they should be granted a third hearing before the Court of Claims, where the rule to be followed was that they should be fully compensated for actual losses and expenses. Then, after the whole matter has been adjudicated and this $1,200,000 is ready to be sent back to China to keep faith under our promise, these claimants say: "No; we wish to hold this amount up and we want our attorneys' fees paid." If these claimants are entitled to their attorneys' fees, then there should be an amendment that all who ever presented claims should have attorneys' fees, and instead of our having $1,200,000 available to return to China, we would be calling upon China to return to us some of the money already sent to her.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. ALEXANDER. What was the nature of their claim? Why was it necessary for Congress to enlarge the scope under which they might make proof?

Mr. STAFFORD. These claimants, one the Japan Trading Co. and the other the American Trading Co., presented their claims to these two commissioners appointed by the Department of State to pass on all claims, and the commissioners rejected them.

Mr. ALEXANDER. Why?

Mr. STAFFORD. I could not give you the reason why. They did not believe they had any right to this indemnity fund.

Mr. TOWNSEND. Whom does the gentleman quote, or what, when he says that they had no right?

Mr. STAFFORD. When this matter was under consideration six years ago, in April, 1908, I went and had a consultation with the then Secretary of State, Mr. Root. I had in my possession at that time all of these papers, and they disclosed that the claims had been rejected by the commission.

Mr. TOWNSEND. Because they had no right?

The SPEAKER. Does the gentleman yield?

Mr. STAFFORD. Not at this moment. The papers showed that they then took an appeal to the Secretary of State and that Mr. Root rejected their claims, and that then they came to Congress after the original resolution had been framed in the Senate, providing for the return of this $10,800,000, and had a provision carried in this House setting aside $2,000,000, which was the total face value of all of those claims. They went to the Court of Claims. The Court of Claims has passed on them and the matter is now settled, and they want to hold up this fund still longer, so that we can not return the remainder of this fund to China.

The SPEAKER. The time of the gentleman has expired.

Mr. TOWNSEND. Mr. Speaker, I will use the minute that I have remaining to read this from Secretary of State Knox:

It seems but just that, since the claimants have been put to this extra expense through no fault of their own, the charge should be borne by the indemnity fund which was demanded from China in part for the payment of such claims.

And this from Mr. John Bassett Moore, recently of the State Department:

Inasmuch as Congress in 1908 provided under a joint resolution for the reopening by the Court of Claims of the awards made by this department and the making of new awards "fully and substantially compensatory for actual losses and expenses of the claimants caused by the antiforeign disturbances in China during the year 1900, excluding merely speculative claims or elements of damage," it would seem that it is for Congress to determine when its will in this matter shall have been met and what means shall be adopted for meeting it.

And the passage of this resolution is that means.

Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. TOWNSEND) there were—ayes 35, noes 42.

So two-thirds not voting in favor thereof, the motion to suspend the rules and pass the bill was rejected.

IMMIGRATION STATION, BALTIMORE, MD.

Mr. LINTHICUM. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 11625, to increase the appropriation for the erection of an immigration station at Baltimore, Md., as amended by the committee, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc. That section 29 of the public building act approved March 4, 1913, providing for an immigration station at Baltimore, Md., is hereby amended so as to increase the limit of cost from $280,000 to $550,000.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. Mr. Speaker, I demand a second.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. Yes.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Maryland asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Maryland is entitled to 20 minutes and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. LINTHICUM. Mr. Speaker, the bill before the House at the present provides for the erection of an immigration station in the city of Baltimore, where we have no station whatever, although we are receiving something around 40,000 immigrants this year. We had last year 294 sick people in the hospital, of whom we lost 49. The hospital is an improvised one, being an old building used for that purpose, and it has been for several years past, notwithstanding that it is absolutely unfit for the purpose.

The bill before us has been amended by the committee. It originally appropriated $800,000, and was cut down to the amount of $550,000. By its provisions, which are set forth in the report, only $425,000 goes into buildings, this amount allowing for the erection of a receiving building, a hospital building, an administration building, a power house, and some other buildings for minor purposes. The balance of the money goes into a pier and wharves and things accessory to this site. Thirteen thousand two hundred and fifty dollars we do not get at all, because it was appropriated for the purchase of the site which, after being purchased, was found absolutely unavailable, and which is to be sold, according to the bill passed last year, the amount derived therefrom to go back to the Treasury of the United States as a miscellaneous fund. Twenty thousand dollars is for a right of way to the site we now have, and I will say it is a most excellent site, being at Fort McHenry. I want to say to this House that this is a matter which is absolutely necessary if we are to conduct our immigration business at Baltimore as it should be conducted. We have not a pier; we have not a building; we have nothing, but are absolutely dependent upon the courtesies and good offices of the Baltimore & Ohio Railroad and the North German Lloyd Steamship Co. Now, Mr. Speaker, I yield four minutes——

Mr. STAFFORD. Will the gentleman yield?

Mr. LINTHICUM. I would rather the gentleman use his own time.

Mr. STAFFORD. The gentleman can take it out of my time.

Mr. LINTHICUM. Simply to ask a question?

Mr. STAFFORD. I do not wish to take up the gentleman's time, but I wish to get a clear conception of this case——

Mr. LINTHICUM. As I understand the gentleman—why does not the gentleman use that out of his own time. I think that would be preferred. I yield four minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I have been once or twice, I believe twice, with members of the Committee on Public Buildings and Grounds to look over the present quarters in Baltimore, and while every Member of the House, I suppose, knows my views with regard to the restriction of immigration, I

reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States" such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, including reasonable counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

The SPEAKER. Is a second demanded?

Mr. MANN. I demand a second.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. MANN. I certainly am.

The SPEAKER. The gentleman from Illinois demands a second.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from New Jersey is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. TOWNSEND. Mr. Speaker, after the award by China to the individuals and nations that suffered from the antiforeign outbreak known as the Boxer uprising a commission, consisting of delegates from the various interested nations, decided upon the manner of distributing the damages claimed, and for which China held itself responsible and paid. That commission, among other things, laid down this rule for the administration of the fund for reimbursement:

> Damages shall be assessed, as far as possible, in conformity with the above-mentioned principles, with a view to putting Governments, societies, companies, and private individuals back in the position in which they would have been if the antiforeign movement of 1900 had not taken place.

The claims for damages were heard by this commission, and in 1903 Congress gave jurisdiction to the Court of Claims to adjudicate these claims for damages. Some 8 or 10 of the claimants, out of a total of 20 or more, were allowed damages by the Court of Claims under the jurisdiction given it by this act of Congress. The act, however, did not give the Court of Claims authority to consider claims for costs. These costs in this particular set of circumstances, as Members will readily understand, are extraordinary and inevitable. Some of these claimants were not people who were damaged because they were living and doing business in China, but were responsible and old-established commercial institutions not expatriated but paying taxes and doing business in this country.

They were, however, very large shippers of American products to China. One that I have in mind, a representative of which appeared before our committee, sells in the Far East annually very many million dollars' worth of the products of American factories and shops. Among the goods they sell are many million dollars' worth of the kind of cotton manufactured in the South, and it was through the industry and energy and enterprise of this commercial institution that I refer to that the southern cotton mills first obtained their now very profitable business in their grade of cotton in the Far East. This institution, among others, was put to a very large cost in collecting evidence, for which, of course, they had to send to China, and, naturally, there were very large fees for the prosecutions of their suits. I know that among lawyers here the objection has been made that reasonable fees should not be paid, because it is not customary; but in this case you will understand it is not the claim of a litigant to be allowed fees to be charged against another litigant. These fees are collectible from a fund now in the Treasury of the United States, which fund was so distributed to those who lost because of this antiforeign outbreak, as I have read, with the view of putting such governments, companies, societies, and individuals back into the position they would have been in if the antiforeign movement of 1900 had not taken place.

Now, obviously, if these claimants are not permitted to recover from the court the very extraordinary and unusual expenses they were forced to incur, they are denied just that much share of justice.

Mr. BAKER. Will the gentleman yield right there?

Mr. TOWNSEND. With pleasure.

Mr. BAKER. I see two classes of cases. First, where recovery has been had, namely, the cost of litigation and attorneys' fees. Now, in those cases where recovery has been had, what is the estimated cost to-day? Does the gentleman know?

Mr. TOWNSEND. No; I do not know accurately, because our hearing was attended by representatives of only 2 of these 8 or 10 claimants.

Mr. BAKER. Now, taking this same class of claimants where recovery has already been had, what is the estimated or claimed amount of attorneys' fees to be taken in these cases where judgment has been had?

Mr. TOWNSEND. I have not the hearings before me, I will say to the gentleman from California, but I think that the estimate made before our committee was $90,000, or something like that—complete bills, of course. How much of that would be attorneys' fees I do not know, although I will say to the gentleman from California that these attorney fees were large—and justly and necessarily large—and, of course, I believe that the innocent parties who suffered because of these antiforeign outbreaks are justified in collecting these fees.

Mr. BAKER. Taking the other class—the second one—where recovery has not yet been had, can you make any estimate of the probable cost?

Mr. TOWNSEND. There will be no more cases brought before the Court of Claims.

Mr. BAKER. In this second class of cases, what are the probable or estimated attorneys' fees?

Mr. TOWNSEND. Why, they are not permitted under this act to make their claims. Only those who have recovered from the court are permitted to make their claims. Only those who have recovered from the court are permitted by this resolution now to make claims before the court for costs.

Mr. DUPRÉ. Will the gentleman yield to me?

Mr. TOWNSEND. I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. BAKER. I would like to ask the gentleman in regard to this: It is provided on lines 10 to 12, on page 2—

> That there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution

Now, that refers not only to costs, but attorneys' fees, namely, in the cases where recovery has been had, and second, attorneys' fees where recovery has been had as well as where recovery has not been had.

Mr. TOWNSEND. I will say to the gentleman that that is the language of the resolution, but, as a matter of fact, the cases in which recovery has not been had have practically been disposed of by the court.

I yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. I want to ask if the gentleman from New Jersey was quite sure of the correctness of the statement made in the reports, that even if the claims of the United States were allowed, 50 per cent of the amount that was set aside would be remitted to China?

Mr. TOWNSEND. That is quite true. A very large sum has already been remitted, and there is $2,000,000 held in the Treasury for further payments.

I only want to say at the present that the committee has had this resolution under consideration for some time. Twice it has referred it to the State Department. In each instance it has received a favorable report, one from the Secretary of State, Mr. Knox, and one from John Bassett Moore, then counselor for the department. I will not read these favorable reports, but such is the case.

Now, Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman has reserved 12 minutes. The gentleman from Illinois [Mr. MANN] has 20 minutes.

Mr. MANN. Mr. Speaker, the Boxer insurrection in China was in 1900. At the end of that insurrection the various powers of the world that were interested in it exacted some indemnity from China. The Government of the United States exacted a considerable indemnity—$24,000,000, or something like that, I believe. The powers declared that this fund which was exacted from China was for the purpose of refunding to the Governments their expenses. The purpose of the indemnity was to put the Governments back into the positions they occupied, so far as expenses were concerned, before the uprising, and for taking care of the societies, corporations, and private individuals who had been injured by the insurrection. A commission was appointed for the purpose of determining the damages to which American citizens and American corporations had been subjected in the Boxer insurrection.

One of the principal claimants before that commission was the China & Japan Trading Co., which had a claim of something more than half a million dollars. The commission turned down

the claim and refused to allow it. I do not recall whether they allowed any portion of it, but I know the bulk of it was not allowed.

The China & Japan Trading Co. has some very active people connected with it in the United States as well as in China, and they proceeded to get busy about legislation, and secured the passage of an act, in 1906, which permitted any claimant whose claim had been refused by the commissioners to file a claim in the Court of Claims, and this company filed its claim in the Court of Claims, with a number of other concerns. The Court of Claims has allowed on these different claims, I believe, something over $700,000.

In this bill of 1908 it was provided that while most of this indemnity which we had exacted from China, over and above that which was necessary to refund to the Government its expenses and the other claimants, should be paid back to China; but in the act of 1908 we also provided that we should retain out of this sum, which amounted to ten or twelve million dollars, $2,000,000 in the Treasury to meet the amounts which the Court of Claims might allow.

As I said, they have allowed about $700,000. I do not recall the exact amount allowed to the China & Japan Trading Co., but I am informed by them that it was about 80 per cent of their claim.

Mr. STAFFORD. The amount of their claim was $501,320, and they were allowed $640,855, including interest.

Mr. MANN. So that, out of a total of $782,000 allowed in claims, this company was allowed a claim of over $600,000.

Mr. TOWNSEND. The total that the gentleman from Wisconsin [Mr. STAFFORD] read was not the total allowance of the court, was it?

Mr. STAFFORD. I have here a memorandum from the clerk of the Court of Claims, in which he says that the amount of the judgment in favor of the China & Japan Trading Co was $640,855.

Mr. TOWNSEND. I understood the gentleman to say that was the amount of the claim.

Mr. MANN. That is the amount allowed by the Court of Claims.

Mr. TOWNSEND. It is the amount allowed by the Court of Claims, but it is not the amount of their suffering by two or three hundred thousand dollars.

Mr. MANN. That is another thing. The first commissioners refused to allow them any sum at all. Then they secured action by Congress which permitted them to file their claims in the Court of Claims. They were not specifically named; there were a few other claimants for small amounts; but they were the ones that secured the action of Congress. They filed their claim in the Court of Claims, and the Court of Claims allowed them $640,855. I think it was about 80 per cent of their original claim, and their original claim was $564,779.20, exclusive of interest.

Now, what do they want? I read from the statement made by the company:

> In May, 1901, the United States minister at Pekin invited claims from American merchants in China for their losses. These claims were passed upon by two commissioners appointed by the legation. The awards by the commissioners in 1902 were made under a misapprehension, and for six years we were constant in our attempt to get adjudication of our claim. That was finally given us by Congress by act of May 25, 1908, sending us to the Court of Claims. After a trial extending over a year and exhaustive in all details we were given by the court an award of about 80 per cent, certain items being changed by the court under the interpretation of the act. We may say in passing that these expenses of ours are moderate—about 15 per cent of the award—and there is no other interest outside of our own in their recovery.

Now, they have received the amount of the award. They have had two trials at this. Having been defeated in the first trial before the commissioners appointed by our Government, they secured a chance to file their claim in the Court of Claims, as thousands of other claims are filed. They have received a special favor from Congress, allowing them to make a second effort to collect their claim; and having received that and collected their claim, they now want us to reverse every precedent that the Government has made from the beginning of the Government down to this hour and pay their expenses and their counsel fees. And that is all there is involved in this matter.

Mr. TOWNSEND. Mr. Speaker, will the gentleman yield?

Mr. MANN. I will yield for a question.

Mr. TOWNSEND. What precedent has the gentleman in mind of such a set of circumstances as this—a claim against a Government indemnity fund?

Mr. MANN. We had exacted from China an indemnity of $24,000,000, which probably would not have placed this Government in the position it was in before the insurrection, but we desired to show to China our generosity and our gracious interest in China, and we decided to refund about half of that indemnity to China for that purpose. We were endeavoring to show our generosity to China by refunding as much of this fund as possible after paying the amount of the claims actually awarded. I consider that fund even more sacred than the ordinary money in the Treasury. My friend from New Jersey [Mr. TOWNSEND] thinks that because the money does not belong to the United States—though it does, as a matter of fact—because we propose to pay China the balance, we ought to pay counsel fees out of it. We would not pay counsel fees if the money was a claim against the United States. To me it is that much more reason why we should not pay counsel fees out of a fund which we propose to give back to China as a matter of generous treatment.

Mr. TOWNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. TOWNER. If we allow these claims, or practically this one claim, this will be the only claim on which the Government will allow expenses and attorneys' fees, and all the rest of them will not have that benefit.

Mr. MANN. No; they all come in.

Mr. TOWNER. I mean on those that have preceded—those that are allowed by the commission.

Mr. MANN. On those which the commission allowed under the original indemnity no counsel fees would be permitted. On those claims that the original commission turned down and then Congress permitted the claimants to file their claims in the Court of Claims, it is proposed to allow counsel fees. On those claims which were good without doubt it is not proposed to allow any counsel fees. On those claims which were doubtful, that the commission threw out and the Court of Claims allowed, it is proposed to set a precedent by allowing counsel fees amounting to about 15 per cent, as these gentlemen inform us, of their claim. I can see no reason why we should depart from the traditional policy of our Government, which is not to allow counsel fees in suits brought against the Government for claims against the Government.

They say this $2,000,000 belonged to China. Well, it is in the Treasury of the United States. I hope some time soon we will be able to refund what is left of it, something over $1,000,000; but if all the people who had these claims to begin with find it so easy to work Congress on claims of this kind, we will have a whole lot of outlawed claims brought in again, and we will turn them over to the Court of Claims until there will be nothing left of the million or so dollars in the Treasury.

Mr. GARRETT of Tennessee. I want to ask the gentleman why this money has not been refunded? For what purpose is it being held now? I was under the impression——

Mr. MANN. I can answer the gentleman's question. When the original commissioners turned down a lot of claims, including the one I have specifically referred to, which is the largest, those claimants urged Congress to pass a law, which was passed May 25, 1908, reserving $2,000,000 of the fund in the Treasury until the claims which might be brought in the Court of Claims had been disposed of.

Mr. GARRETT of Tennessee. Is that the Howard bill, or the Foster bill, perhaps?

Mr. TOWNSEND. This is the Foster bill. I inherited it. I did not originate it, but I am very fond of it.

Mr. MANN. This resolution now pending is a Foster resolution, not the original act that was passed.

Mr. McCOY. Will the gentleman yield?

Mr. MANN. Yes.

Mr. McCOY. Can the gentleman tell us whether or not the claims referred to in this measure were turned down by the original commission because the commission claimed that they did not have the power to pass on that specific kind of claims?

Mr. MANN. I understand not, from a letter which I hold in my hand, a portion of which I have read, from the China & Japan Co. The original commission did not think the claims were proper, as I understand.

Mr. GALLAGHER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. GALLAGHER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER resumed the chair.

Mr. TOWNSEND. Mr. Speaker, the solicitude of the gentleman from Illinois [Mr. MANN] for the integrity of the remaining million and a third of this Chinese indemnity fund is interesting and in some aspects touching. I have a solicitude for the commercial industries and commercial concerns of this country that by enterprise and daring and the use of capital expand the commerce of our country.

be very large. The committee therefore reported the pending bill, which provides for a commission of 11, consisting of the Vice President, the Speaker of this House, three members to be appointed by the President, three members by the Vice President from the membership of the Senate, and three by the Speaker from the membership of the House; and provides for an appropriation of $25,000 to meet the necessary expenses of this commission.

The Committee on Foreign Affairs feels that this is an important event and should be properly celebrated. It is not intended to confine this commemoration to the countries involved, viz, the United States and Great Britain, but it is the hope of those who project this scheme that there will be associated in the commemoration the leading nations of the world, and that every opportunity and inducement will be given to them, and we feel confident that they will gladly associate themselves with the celebration which is significant to the whole peace-loving world.

It is a particularly interesting occasion to the citizens of this country. Great Britain never accepted the verdict at Yorktown and a second war was therefore necessary to fully establish the results of the great triumph of our Revolutionary War and our integrity as a Nation.

The outcome of the War of 1812 irrevocably decided that question for all time, and its acceptance by Great Britain was set forth in the treaty of Ghent.

When we think of the devastation and the wasteful effects of war, with all of its present and following evils, we may well take the time and make the expenditure necessary to glorify the celebration of the one hundredth anniversary of peace between these great nations.

Mr. MANN. Mr. Speaker, there is a constant temptation whenever the fiftieth or the one hundredth or the two hundredth or the three hundredth or the four hundredth anniversary of something occurs for people to ask the Government to pay some money out of the Treasury so that they may be exploited. As a rule, the people who ask it ask it because they want to get the advertisement, the notoriety, to have their names printed in the paper, to be able to tell what great people they are, at the expense of the rest of the people, who do not care very much about it. We are now getting along to the time when everything connected with the War of 1812 and any victories we had some one will want to celebrate. Every year they will desire a celebration of the one hundredth anniversary of this or that event, and some of them even want to celebrate the fiftieth anniversary. Modestly here they first asked for $150,000 for preliminary suggestions. I think the committee did well in cutting it down to $25,000, and yet if the original request had been for $25,000 for preliminary suggestions it seems to me a very large amount of money could have been saved. Of course they will ask that we appropriate a half a million or a million dollars for some kind of doings in Washington, where these good people—and I do not doubt they are good people—will have a chance to ride in a parade and some of them to make speeches, which we will print at the public expense, binding it in half morocco, so that they can distribute them. What does it all amount to? Whom does it do any good? Of what benefit is it to anyone? It does not make a particle of difference, so far as our relations with Great Britain are concerned. If we could entirely forget the war of 100 years ago we would be better friends with Great Britain. Every time you have one of these celebrations you revive the animosity which comes out of the conduct of the English people a hundred years ago. Why not celebrate the day they burned the Capitol Building? Do them honor; do it brown; tell them what great people they were when they marched up to Washington and burned the Capitol Building. For my part, I would like to forget all about it. I do not see any good accomplished in wasting money now on that subject.

I yield five minutes to my colleague, the gentleman from Illinois [Mr. GALLAGHER].

Mr. GALLAGHER. Mr. Speaker, in my opinion this is a splendid scheme on the part of some individuals who want to promote themselves as advocates of peace. It is nothing but a bunco game that is going to be worked off on the American public, because anybody who has read history knows that there has never been 100 years of peace between this country and Great Britain. Everyone knows the attitude of Great Britain toward this country in every crisis that our Government has been in. To expend $25,000 for a matter of this kind is simply wasting the money of the people, because the whole movement is unwarranted by every fact. I can not understand who conceived the idea of trying to bunco the American people by any such move, and I hope that the Congress will defeat this resolution and refuse the expenditure of money for any such purpose. I hope that gentlemen here will oppose the appointment of this commission. I do not believe it is warranted. I do not believe that the Congress ought to expend money for any such purpose. Talk about peace with America! Talk about England being at peace with any country! She is at peace only when it is to her advantage to be at peace. Who wants this celebration in this country? I know the people of my district do not want it, and I hope that you folks, who represent American constituencies, will oppose any such movement to spend the money of the American people.

Mr. Speaker, the passage of this law would be a sham upon history; it would fly into the teeth of historic fact, and proclaim to the country and to the world a glaring lie.

One hundred years ago the British invaders, under Gen. Ross, with a force of 4,000 men, appeared in the Potomac, captured Washington, and before evacuating the city burned the public buildings to the ground, razing to the ground this magnificent Capitol in which we assemble to guide the destinies of the Republic. Few more shameful acts are recorded in civilized history, and it was the more disgustingly shameful in the fact that this atrocious act of vandalism was done under strict orders issued direct from the Government in England.

And now we hear men born in America, and some who were not, prating pusillanimously about "hands across the sea," "one blood, one language, one race," and rot of that kind, and actually within these honored walls asking for an extravagant appropriation of the public moneys to celebrate an alleged century of peace—peace with the nation that perpetrated these atrocities.

Peace! Peace! There has not been a hundred years of peace between Britain and this country. Perfidious Albion has always been ready to make war upon us—not by indulgence in open and overt acts of war, but by secret, treacherous conspiracies to weaken and destroy us.

When, during our late rebellion, she found her opportunity to strike, she did not hesitate to deliver the deadly blow. She attempted to form a European coalition against the Union; and if it were not for the determined front of the Emperor of all the Russias, her scheme would have been consummated.

In the Spanish-American War her diplomacy, ever active to weaken our prestige, exerted her agencies against us. Wherever, in all our trials and foreign complications, Britain found it conducive to her own interest—and that was ever the case—she never hesitated to show her animosity toward us, either actively or secretly; and now we are asked by legislation of this kind to proclaim to the world that profound peace has prevailed between the United States and Britain for 100 years. It is not true; it is not the fact; and as a body of legislators, legislating for a decent, progressive, and self-respecting people, anxious to be at peace with all the world, it is our duty to ourselves and to the country to defeat this bill by a majority so overwhelming and decisive that its advocates will never have the temerity to call it up again.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds not having voted——

Mr. FLOOD of Virginia. Division, Mr. Speaker.

The House divided, and there were—ayes 10, noes 44.

Mr. FLOOD of Virginia. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Eighty-nine gentlemen are present, not a quorum, and the Doorkeeper——

Mr. MANN. Mr. Speaker, I move a call of the House.

Mr. FITZGERALD. The House was dividing.

The SPEAKER pro tempore. There being no quorum, and a question being before the House, the call is automatic. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 52, nays 187, answered "present" 3, not voting 186, as follows:

YEAS—52.

Abercrombie	Gittins	Kent	Rubey
Alexander	Gray	Linthicum	Seldomridge
Brockson	Hardy	McLaughlin	Sims
Brown, N. Y.	Harrison	Montague	Small
Cline	Hay	Morgan, Okla.	Smith, N. Y.
Collop	Hayden	Morrison	Sparkman
Danforth	Heflin	Murdock	Steenerson
Dixon	Hensley	Murray, Okla.	Talcott, N. Y.
Dupré	Holland	Nelson	Thacher
Ferris	Howell	Oldfield	Townsend
Fess	Hull	Platt	Underwood
Flood, Va.	Johnson, S. C.	Rainey	Watson
Foster	Kahn	Raker	Winslow

NAYS—187.

Adair	Doolittle	Igoe	Rayburn
Aiken	Doughton	Jacoway	Reed
Ansberry	Dunn	Johnson, Ky.	Reilly, Conn.
Aswell	Eagle	Johnson, Utah	Reilly, Wis.
Bailey	Edmonds	Johnson, Wash.	Rogers
Baltz	Elder	Keating	Rouse
Barkley	Esch	Keister	Rucker
Barton	Evans	Kelley, Mich.	Russell
Bathrick	Falson	Kennedy, Conn.	Sabath
Beakes	Falconer	Kennedy, Iowa	Scott
Bell, Cal.	Fergusson	Kettner	Sells
Booher	Finley	Kinkel	Sinnott
Borchers	Fitzgerald	Kinkaid, Nebr.	Sisson
Britten	Flaherty	Kirkpatrick	Slemp
Brodbeck	Fordney	Konop	Smith, Idaho
Brown, W. Va.	Fowler	La Follette	Smith, Minn.
Brumbaugh	Francis	Lee, Ga.	Smith, Saml. W.
Bryan	Frear	Lee, Pa.	Stafford
Buchanan, Ill.	French	Lesher	Stephens, Cal.
Buchanan, Tex.	Gallagher	Lever	Stephens, Miss.
Bulkley	Gallivan	Lewis, Md.	Stephens, Tex.
Burgess	Gard	Lloyd	Stone
Burke, Wis.	Gardner	Logue	Sutherland
Burnett	Garner	Lonergan	Talbott, Md.
Byrnes, S. C.	Garrett, Tenn.	McCoy	Tavenner
Byrns, Tenn.	Garrett, Tex.	McDermott	Taylor, Ark.
Candler, Miss.	Gillmore	McKellar	Taylor, Colo.
Caraway	Gocke	Macdonald	Taylor, N. Y.
Carter	Good	Maguire, Nebr.	Thompson, Okla.
Cary	Goodwin, Ark.	Mann	Towner
Casey	Graham, Ill.	Mapes	Treadway
Chandler, N. Y.	Graham, Pa.	Miller	Tribble
Church	Green, Iowa	Mitchell	Tuttle
Clark, Fla.	Greene, Mass.	Moldell	Vollmer
Claypool	Hamilton, Mich.	Moon	Volstead
Coady	Hamlin	Murray, Mass.	Walker
Collier	Hart	Nolan, J. I.	Walsh
Conry	Haugen	Padgett	Walters
Cramton	Hawley	Page, N. C.	Watkins
Crosser	Helm	Park	Whaley
Curry	Helvering	Patton, Pa.	Williams
Davis	Hill	Payne	Willis
Dent	Hinebaugh	Peters, Mass.	Wingo
Dickinson	Houston	Phelan	Witherspoon
Dillon	Hughes, Ga.	Pou	Woodruff
Donohoe	Hulings	Quin	Woods
Donovan	Humphrey, Wash.	Ragsdale	

ANSWERED "PRESENT"—3.

Adamson	Burke, S. Dak.	Glass	Prouty
Blackmon	Cooper	Plumley	Sloan

NOT VOTING—186.

Ainey	Drukker	Lafferty	Powers
Allen	Eagan	Langham	Rauch
Anderson	Edwards	Langley	Riordan
Anthony	Estopinal	Lazaro	Roberts, Mass.
Ashbrook	Fairchild	L'Engle	Roberts, Nev.
Austin	Farr	Lenroot	Rothermel
Avis	Fields	Levy	Rupley
Baker	Floyd, Ark.	Lewis, Pa.	Saunders
Barchfeld	George	Lieb	Scully
Barnhart	Gerry	Lindbergh	Shackleford
Bartholdt	Gill	Lindquist	Sharp
Bartlett	Gillett	Lobeck	Sherley
Beall, Tex.	Godwin, N. C.	Loft	Sherwood
Bell, Ga.	Goldfogle	McAndrews	Shreve
Berland	Gordon	McClellan	Slayden
Bowdle	Gorman	McGillicuddy	Smith, J. M. C.
Broussard	Goulden	McGuire, Okla.	Smith, Md.
Browne, Wis.	Greene, Vt.	McKenzie	Smith, Tex.
Browning	Gregg	Madden	Stanley
Bruckner	Griest	Mahan	Stedman
Burke, Pa.	Griffin	Maher	Stephens, Nebr.
Butler	Guder	Manahan	Stevens, Minn.
Calder	Guernsey	Martin	Stevens, N. H.
Callaway	Hamill	Merritt	Stout
Campbell	Hamilton, N. Y.	Metz	Stringer
Cantor	Hammond	Moore	Sumners
Cantrill	Hardwick	Morgan, La.	Switzer
Carew	Harris	Morin	Taggart
Carlin	Hayes	Moss, Ind.	Taylor, Ala.
Carr	Helgesen	Moss, W. Va.	Temple
Clancy	Henry	Mott	Ten Eyck
Connelly, Kans.	Hinds	Neeley, Kans.	Thomas
Connolly, Iowa	Holaday	Neely, W. Va.	Thomson, Ill.
Copley	Howard	Norton	Underhill
Covington	Howarth	O'Brien	Vare
Cox	Hughes, W. Va.	Ogleby	Vaughan
Crisp	Humphreys, Miss.	O'Hair	Wallin
Dale	Jones	O'Leary	Weaver
Davenport	Kelly, Pa.	O'Shaunessy	Webb
Decker	Kennedy, R. I.	Paige, Mass.	Whitacre
Deitrick	Key, Ohio	Palmer	White
Dershem	Kiess, Pa.	Parker	Wilson, Fla.
Dies	Kinkead, N. J.	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kitchin	Peters, Me.	Young, N. Dak.
Dooling	Knowland, J. R.	Peterson	Young, Tex.
Doremus	Korbly	Porter	
Driscoll	Kreider	Post	

So, two-thirds not voting in favor thereof, the motion to suspend the rules was rejected.

The Clerk announced the following pairs:

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. KITCHIN with Mr. MADDEN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. OGLESBY with Mr. PROUTY.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. PALMER with Mr. VARE.

Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.

Mr. LEE with Mr. LAFFERTY.

Mr. LEVY with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. BLACKMON with Mr. AUSTIN.

Mr. HARDWICK with Mr. J. R. KNOWLAND.

Mr. STRINGER with Mr. MOORE.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. ALLEN with Mr. BARCHFELD.

Mr. ASHBROOK with Mr. BARTHOLDT.

Mr. BARNHART with Mr. ANDERSON.

Mr. BOWLAND with Mr. CALDER.

Mr. BOWDLE with Mr. DRUKKER.

Mr. CALLAWAY with Mr. ANTHONY.

Mr. CARLIN with Mr. AVIS.

Mr. CARR with Mr. BROWNE of Wisconsin.

Mr. COX with Mr. FAIRCHILD.

Mr. DERSHEM with Mr. FARR.

Mr. DIES with Mr. CAMPBELL.

Mr. DIFENDERFER with Mr. GRIEST.

Mr. DOREMUS with Mr. HAYES.

Mr. EAGAN with Mr. HELGESEN.

Mr. EDWARDS with Mr. KENNEDY of Rhode Island.

Mr. ESTOPINAL with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. KELLY of Pennsylvania.

Mr. GODWIN of North Carolina with Mr. KREIDER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. GORDON with Mr. MCGUIRE of Oklahoma.

Mr. GORMAN with Mr. MANAHAN.

Mr. HAMILTON with Mr. MERRITT.

Mr. LOBECK with Mr. MORIN.

Mr. MCCLELLAN with Mr. MOSS of West Virginia.

Mr. GREGG with Mr. MOTT.

Mr. NEELEY of Kansas with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. RIORDAN with Mr. PARKER.

Mr. SAUNDERS with Mr. PORTER.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. STEPHENS of Nebraska with Mr. ROBERTS of Nevada.

Mr. WEBB with Mr. SWITZER.

Mr. VAUGHAN with Mr. SHREVE.

Mr. UNDERHILL with Mr. TAMPLE.

Mr. WILSON of Florida with Mr. THOMSON of Illinois.

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Mr. SLOAN. Mr. Speaker, I am paired with the gentleman from Oklahoma, Mr. WEAVER. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. SLOAN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

REMISSION OF PORTION OF CHINESE INDEMNITY.

Mr. TOWNSEND. Mr. Speaker, I move the rules be suspended and that House joint resolution 173 be passed with committee amendments.

The SPEAKER. Are they committee amendments or individual amendments?

Mr. TOWNSEND. They are committee amendments.

The SPEAKER. The Clerk will report the joint resolution with the committee amendments in it.

The Clerk read as follows:

House joint resolution 173, to amend the joint resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000

Mr. STAFFORD. Another question: As I read the bill, the committee did not follow the recommendation of the department to make this an adjunct to the Medical Corps of the Army?

Mr. HAY. If the gentleman will read the report, he will see that under the bill——

Mr. STAFFORD. I wish to inform the gentleman that I have read the report, and I favor the bill instead of the suggestion of the Surgeon General—that this be made a part of the Medical Corps. You attach it to the Quartermaster's Department.

Mr. HAY. The report at the bottom of page 6 states this:

> The War Department has given its approval to this bill. The Secretary of War recommends that the veterinarians be placed in the Medical Corps. This bill is so drawn that the Secretary of War will be able to place these officers under the control of any department which he may deem best for the interests and efficiency of this service.

Now, if you will read the bill carefully, you will see that nowhere does the bill place any part of this corps under any particular bureau of the War Department, but places it under the Secretary of War, and the reserve veterinarians who are to be appointed by the Surgeon General.

Mr. STAFFORD. But you do permit them to be assigned to the Quartermaster's Corps.

Mr. HAY. They have to be, because the Quartermaster's Corps has a large number of animals.

Mr. STAFFORD. That feature of the bill appeals to me very much.

Mr. WILLIS. Will the gentleman yield?

Mr. HAY. Certainly.

Mr. WILLIS. What does the gentleman say to this: Suppose an examination is held, as provided in the proviso, and it is found that the officer in question is deficient, and he is discharged from the service; suppose that subsequently to this the officer should apply for a pension on the ground that he incurred disease in the service which had not manifested itself until after he was discharged, that he was discharged for some other reason, but disease developed and he offered to prove that he contracted the disease in the service?

Mr. HAY. If he could prove that he contracted the disease in the service, I think he would be entitled to a pension.

Mr. WILLIS. But here is the language—that if he is discharged he shall have no further claim against the Government.

Mr. HAY. I do not think a pension is regarded technically as a claim against the Government. I do not think there is any question, if he could prove that while in the Army he incurred a disease in the line of duty, that he will be entitled to a pension.

Mr. WILLIS. What is the necessity for this language, then?

Mr. HAY. This language is the exact language carried in the bill providing for appointment to the Medical Corps. Where a man is examined for promotion in that corps and is found deficient, he is discharged with one year's pay, and the law goes on to say he shall have no further claim against the Government.

Mr. WILLIS. I am anxious to get the gentleman's opinion, for it may be of value hereafter in interpreting the statute. It is the gentleman's opinion that if he incurred a disease in the Army in the line of duty——

Mr. HAY. If he incurred a disease in the line of duty and could prove it——

Mr. WILLIS. He will be entitled to a pension, notwithstanding this language?

Mr. HAY. I think so.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken, and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to consider in the House, as in Committee of the Whole House, House joint resolution 296, extending appropriations for the operation of the Government beyond the end of the fiscal year.

The SPEAKER. The gentleman from New York asks unanimous consent to consider House joint resolution 286, providing for extending appropriations for a certain length of time. Is there objection?

Mr. MURDOCK. Reserving the right to object, Mr. Speaker, I was on the point this morning of asking the gentleman a question which I would like to ask now. What is the reason for this resolution reaching the appropriations made for the Interstate Commerce Commission for the valuation?

Mr. FITZGERALD. The appropriations for the physical valuations of railroads during the current fiscal year amount to $489,627.09. If there be made available only one twenty-fourth of the amount for the first 15 days in July, it would give them only $20,000. They contemplate spending during the month of July about $125,000, so that we are providing for the first 15 days $65,000.

Mr. MURDOCK. Making an exception of them?

Mr. FITZGERALD. Yes; giving them more than they otherwise would have.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, there are a number of requests for information regarding appropriation bills as they have passed the House up to this time. I have prepared a statement and I will ask unanimous consent to extend my remarks in order that I may print it in the RECORD at this place so that the information will be available for Members.

The total amount of appropriations carried by the 13 regular annual appropriation bills, including he river and harbor bill, for the support of the Government for the fiscal year 1915, as passed by the House at this session, is $943,754,713.47; in addition to that sum there is authorized to be expended during that year the further estimated amount of $131,196,407 under permanent appropriations, or a total authorized expenditure, so far as the House has expressed its will at this session, of $1,074,951,120.47 for the support of the public service during the fiscal year beginning July 1, 1914, and ending June 30, 1915.

The total estimates submitted by the executive departments at the beginning of the session in December last, and in supplemental documents since that time, amount to $1,114,383,619.24.

The whole sum granted in the regular annual appropriation bills as passed by the House, together with the estimated amount expendable under permanent appropriations, is $39,432,498.77 less than the total estimates submitted to Congress.

The sums stated as total estimates submitted to Congress and the amount of the annual bills as passed by the House includes $60,717,000 to meet the public debt sinking-fund requirements for the fiscal year 1915.

The total of the appropriations as passed by the House, together with the permanent appropriations, exclusive of the $60,717,000 for the sinking fund, is $1,014,234,120.47.

The total revenues of the Government were estimated at the beginning of the session last December at $1,035,000,000, or an excess or surplus of $20,765,879.53 over the appropriations approved by the House, if the sum for the sinking fund is not taken into account.

The total reduction of the public debt under the sinking-fund requirements has not reached the sum of $1,000,000 under any one of the last four fiscal years and scarcely exceeded $100,000 for the fiscal year 1913.

The state of the public debt is such that it is a matter of no great concern whether the regular annual requirements of the sinking fund either as a whole or in substantial part be met during the next fiscal year, for the reason that we have no outstanding bonds maturing before 1918. Of the Spanish War loan of 1908, under which bonds amounting to $198,792,660 were issued redeemable after 1908 but not payable until 1918, there remain outstanding now only $63,945,460.

Without any purpose of instituting invidious distinctions, it is not uninteresting to note, as shown by the record of the regular annual appropriation bills at this session, that the total regular annual estimates were reduced in the sum of $39,432,498.77, or 4 per cent.

The estimates under the regular annual bills prepared by the Committee on Appropriations, amounting to $357,832,372.73, which sum is 36.3 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of $27,592,553.26, or nearly 8 per cent, or, to be exact, the reduction is 7.7 per cent.

The estimates under the regular annual bills prepared by other committees of the House, controlling one bill each, amounting to $625,354,839.51, which sum is 63.6 per cent of the total of all estimates submitted to Congress, were reduced in the total sum of $11,839,945.51, or less than 2 per cent, and, to be exact, only 1.8 per cent.

The most notable reductions made in any single bill below the estimates submitted for that bill occur in the sundry civil and Army bills, which were reduced by $17,535,289.77 and $10,757,181.49, respectively.

If the total estimates submitted for the regular annual appropriation bills had been reduced by 7.7 per cent, as were the estimates for bills prepared by the Committee on Appropriations, the total reduction in all of the regular annual estimates would have been $75,705,415.34 instead of only $39,432,498.77.

Comparison of regular annual appropriation bills (prepared by the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.
District of Columbia	$14,498,684.49	$11,436,180.49	$3,055,494.00
Fortifications	9,124,388.49	5,173,538.00	3,950,850.49
Legislative, etc.	39,384,709.70	36,322,109.70	3,062,600.00
Pension	160,150,000.00	160,150,000.00	
Sundry civil: Regular estimates, $116,779,888.43; supplemental estimates, $5,701,542.32	125,481,649.05	107,946,359.28	17,535,289.77
Total	357,832,372.73	330,239,819.47	27,592,553.26

Comparison of regular annual appropriation bills (prepared by committees other than the Committee on Appropriations) as passed by the House with the regular annual estimates submitted for the fiscal year 1915.

Bill.	Estimates.	Passed by the House.	Reduction.	Increase.
Agriculture	$19,981,332.00	$19,998,232.00	$773,100.00	
Army	104,947,738.65	94,190,557.16	10,757,181.49	
Diplomatic and Consular	4,447,012.66	4,455,822.66		$8,810.00
Indian	10,998,883.08	8,661,737.82	1,347,127.21	
Military Academy	1,032,875.61	998,289.73	64,585.88	
Navy	144,417,444.53	139,808,335.61	4,609,119.92	
Post Office	330,923,117.00	307,013,867.00		60,750.00
River and harbor	21,996,336.00	39,436,094.00		3,141,760.00
Total	625,354,839.51	613,514,894.00	17,061,114.51	3,211,109.00
			3,211,109.00	
Net reduction			11,839,945.51	

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. This resolution extends the appropriations until the middle of July?

Mr. FITZGERALD. For 15 days.

Mr. MANN. Does the gentleman think that the appropriation bills generally will be disposed of at that time?

Mr. FITZGERALD. We hope that they will be. The appropriation bills now undisposed of are the Agricultural, the legislative, the District, the Indian, and the sundry civil.

Mr. MANN. I thought that the Agricultural bill had been disposed of.

Mr. FITZGERALD. The Senate has not yet acted on the conference report.

Mr. MANN. I think the conference report was agreed to on Saturday.

Mr. FITZGERALD. The gentleman from South Carolina [Mr. LEVER] stated to me this morning that it had not been acted upon by the Senate. In the District bill there are three items still in dispute. The Indian appropriation bill has not gone to conference, the legislative bill is in conference, and the sundry civil has not passed the Senate. We hope in two weeks' time that they may all be passed, so that at least the appropriation bills will be out of the way.

Mr. MANN. Suppose this resolution were not to pass. Under the law would the Government stop—I do not mean actually, but as far as the law is concerned—or would they have authority to proceed without appropriation?

Mr. FITZGERALD. In a great many instances it would be necessary to stop the employment of innumerable employees in the service.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FITZGERALD, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

CELEBRATION OF TREATY OF GHENT.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13822) to approve of the celebration of the one hundredth anniversary of the signing of the treaty of Ghent between the United States of America and Great Britain and Ireland, and of the century of peace and amity between the United States and other nations, as amended, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President is hereby authorized to appoint three members, the Vice President three members, who shall be Members of the Senate, and the Speaker of the House of Representatives three members, who shall be Members of the House of Representatives, of a commission to be known as the Peace Centenary Celebration Commission, and that the Vice President of the United States and the Speaker of the House of Representatives shall be ex officio members of said commission.

It shall be the duty of the commission to confer with such other commissions or committees as may have been or shall be constituted for similar purposes in the United States, Great Britain, Canada, and other countries, and to report to the Congress a plan for the appropriate celebration in the National Capital and elsewhere of the one hundredth anniversary of the signing of the treaty of Ghent.

SEC. 2. That the commissioners shall serve without compensation. For the expenses of the commission, including salary of a secretary, clerical service, traveling and office expenses, printing, and the preparation of plans, etc., the sum of $25,000 is hereby appropriated from any moneys in the Treasury not otherwise appropriated, and to be immediately available.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HAY). The gentleman will state it.

Mr. MANN. Mr. Speaker, I demand a second.

Mr. DONOVAN. Is it too late to enter an objection to the consideration of this bill?

The SPEAKER pro tempore. It is.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. FLOOD] is entitled to 20 minutes and the gentleman from Illinois [Mr. MANN] to 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, the purpose of this bill is to appoint a commission to arrange for the celebration of the hundredth anniversary of peace between this country and Great Britain.

On December 24, 1814, a treaty between this country and Great Britain was concluded in the city of Ghent, Belgium, and was ratified on February 17, 1815, which has resulted in 100 years of peace between the English-speaking countries of the world.

Patriotic citizens in this country, Great Britain, and Canada conceived the idea of celebrating this century of peace. Committees were formed in all of these countries to carry out this purpose. The American committee has on its membership the President of the United States, ex-President Taft, ex-President Roosevelt, Vice President Marshall, Hon. William Jennings Bryan, Hon. Alton B. Parker, Hon. Levi P. Morton, Hon. Charles W. Fairbanks, Hon. Elihu Root, Mr. Andrew Carnegie, Mr. Cornelius Vanderbilt, Mr. Nicholas Murray Butler, and many other distinguished citizens. These gentlemen favor an appropriate celebration of this event and have given the influence of their great names to bring about this result.

This committee proposed, in a bill introduced in the House by Mr. SMITH of New York, to provide for the appointment of a peace centenary celebration commission, to consist of 15 members, 11 of whom should be appointed by the President, and 4 of whom should be ex officio members, namely, the Vice President of the United States, the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Chief Justice of the Supreme Court of the United States. This commission was to report a plan for an appropriate celebration in Washington and elsewhere, and asked for an appropriation of $150,000 for this preliminary work. None of the 15 members provided for in that bill would have had any connection with Congress except the Vice President, the President pro tempore of the Senate, and the Speaker of the House, and the commission thus constituted would probably have recommended a very ambitious plan for this celebration.

The Committee on Foreign Affairs believes that there should be a proper celebration of this great occasion. The subject has been more sympathetically taken up in Canada by the leading citizens and public officials in that Dominion. It has been taken up enthusiastically in Great Britain, and a very large and important committee, comprising the leading men in public and private life in Great Britain, have associated themselves together as the British committee for the celebration of the one hundred years of peace.

The British committee has moved forward in a very practical way and has already made the purchase of Bulgrave Manor, the home of the Washingtons, which is to be preserved as a public monument to the family of our first President and for the glory of both countries.

What is necessary for us to do at this time is to give some official recognition and the good of official interest on the part of our Government in the furtherance of this plan.

The pending bill is for this purpose; and further, it provides for the appointment of a commission to arrange for the proper character of celebration to be held in Washington and elsewhere in this country.

The Committee on Foreign Affairs decided it would be better to have a number of Members of Congress on this commission, in order to hold down the suggestions for appropriations to such an amount as Congress would be likely to appropriate. It also felt that the appropriation for the preliminary work should not

cotton. They confess themselves to be in favor of the present fixed-difference system of the New York Cotton Exchange.

Mr. HUGHES of Georgia. Mr. Speaker——

The SPEAKER. Will the gentleman from South Carolina yield to the gentleman from Georgia?

Mr. LEVER. I will yield.

Mr. HUGHES of Georgia. I wanted to say this: That I am opposed to the general features of this bill. I admit that some are good and some are bad, but I am opposed to it on account of the bad features.

Mr. LEVER. I hope the gentleman from Georgia will see enough good features in this bill to support it.

Mr. HUGHES of Georgia. I do not.

Mr. LEVER. I thought the gentleman from Georgia saw in this bill a system which was better than the present New York Cotton Exchange system.

Mr. HUGHES of Georgia. If you kill this bill, you will get a better one.

Mr. LEVER. It will be a mighty long while. Now, Mr. Speaker, the Committee on Agriculture has given weeks and weeks to the study of this bill. We have brought cotton experts from every corner of this country to testify. We have engaged the best experts of the Department of Agriculture. We have invited the farmers to appear before this committee, and we believe that we have worked out a bill which will regulate conservatively, sanely, and sensibly, and in the interest of the cotton producers, the evil practices of the cotton exchanges.

The SPEAKER. The time of the gentleman from South Carolina has expired.

Mr. LEVER. And I hope that every friend of the farmer here will vote for this bill. [Applause.]

The SPEAKER. All time has expired.

Mr. ASWELL. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ASWELL. I hold in my hand a bill I introduced on May 24 on this subject written by the national officers of the Farmers' Union of the United States.

Mr. MANN. Mr. Speaker, I ask for the regular order.

Mr. ASWELL. And I want to know if there is any opportunity under this parliamentary situation to introduce it as a substitute for the Lever bill? I am for the Lever bill as the best we can do now, if I can not get in this substitute.

The SPEAKER. Not under this bill.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. I object.

Mr. HULINGS rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. HULINGS. I have been denied an opportunity to speak on this bill, which I am very deeply interested in, and I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania [Mr. HULINGS] asks unanimous consent to extend his remarks on this bill. Is there objection?

Mr. MANN. I object.

Mr. LEVER. Reserving the right to object, Mr. Speaker——

The SPEAKER. The gentleman from Illinois [Mr. MANN] has already objected.

Mr. LEVER. I was just about to present a request that everybody who desires to do so may be allowed to extend his remarks on this bill.

Mr. MANN. On this side we have been allowed only 20 minutes' debate on this bill, and I am going to object in order to show that that is all the time that was allowed.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. The question is on suspending the rules and passing the document read by the Clerk.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 84, noes 21.

The SPEAKER. On this vote the ayes are 84 and the noes are 21.

Mr. WINGO. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. The Chair will count.

Mr. WINGO. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Arkansas withdraws the point of no quorum. On this vote the ayes are 84, the noes are 21. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

CONSOLIDATION OF VETERINARY SERVICE, UNITED STATES ARMY.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass House bill 4541 with an amendment.

The SPEAKER. The Clerk will report the bill, reading the amendment into it.

The Clerk read as follows:

A bill (H. R. 4541) to consolidate the veterinary service, United States Army, and to increase its efficiency.

Be it enacted, etc., That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint veterinarians and assistant veterinarians in the Army, not to exceed 2 such officers for each regiment of Cavalry and Field Artillery, 15 as inspectors of horses and mules and as veterinarians in the Quartermaster Corps, and 5 as inspectors of meats for the Quartermaster Corps, not to exceed 62 in all.

SEC. 2. That hereafter a candidate for appointment as assistant veterinarian must be a citizen of the United States, between the ages of 21 and 27 years, a graduate of a recognized veterinary college or university, and that he shall not be appointed until he shall have passed a satisfactory examination as to character, physical condition, general education, and professional qualifications.

SEC. 3. That an assistant veterinarian appointed under section 2 of this act shall have the rank, pay, and allowances of second lieutenant; that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of first lieutenant; that after 15 years of service an assistant veterinarian shall be promoted to veterinarian with the rank, pay, and allowances of captain: *Provided*, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay, and have no further claim on the Government.

SEC. 4. That the veterinarians of Cavalry and Field Artillery now in the Army, together with such veterinarians of the Quartermaster Corps provided for in section 1 of this act, now employed, who at the date of the approval of this act shall have less than five years' service, be reappointed as assistant veterinarians with the rank, pay, and allowances of second lieutenant; that the veterinarians who have over five years of service be reappointed and commissioned as assistant veterinarians with the rank, pay, and allowances of first lieutenant; that veterinarians with 15 years of service be reappointed and commissioned as veterinarians with the rank, pay, and allowances of captain: *Provided*, That they pass a prescribed practical professional examination as to fitness for mounted field service: *Provided further*, That veterinarians now in the Army and in the employ of the Quartermaster Corps who fail to pass the prescribed physical examination, due to disability incident to the service, and who have been incapacitated from rendering satisfactory service to the Government, shall be retired from active service with 75 per cent of pay corresponding to length of service as prescribed herein.

SEC. 5. That the Secretary of War, upon recommendation of the Surgeon General of the Army, may appoint, for such time as their services may be required, such number of reserve veterinarians as may be necessary to attend public animals pertaining to the Quartermaster Corps, who shall have the pay and allowances of second lieutenant during such period of service, and no longer: *Provided*, That such reserve veterinarians be graduates of a recognized veterinary college or university and have previously passed a satisfactory examination as to character, physical condition, general education, and professional qualifications in like manner as required of assistant veterinarians; such veterinarians (reserve) to constitute a list of eligibles for appointment as assistant veterinarians under the same conditions as to age, probationary service, etc., as provided for in section 2 of this act, and such examinations as may be deemed necessary by the Secretary of War for the proper performance of their duties.

SEC. 6. That candidates passing the examinations as prescribed in section 2 of this act shall be appointed, in the order of merit in which they passed such examination, to vacancies as they occur, such appointment to be a probationary one for six months, after which time, if the services of the probationer have been satisfactory, he shall be permanently appointed, with commission antedated to embrace such probationary service. Probationary veterinarians whose services are found unsatisfactory shall be discharged at any time during the probationary period, or at the end thereof, without any further claim against the Government.

SEC. 7. That the Secretary of War is authorized to appoint a board of examiners to conduct the examinations prescribed herein, one member of which shall be a field officer, one a surgeon, and two veterinarians.

SEC. 8. That all laws or parts of laws in conflict with the provisions of this act be, and are hereby, repealed.

The SPEAKER. The question to be voted on is to suspend the rules and pass this bill. Is a second demanded?

Mr. FOSTER. I demand a second, Mr. Speaker.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. FOSTER. No, sir.

The SPEAKER. Any gentleman who is opposed to it has the preference in demanding a second.

Mr. HAY. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Virginia [Mr. HAY] has 20 minutes, and the gentleman from Illinois [Mr. FOSTER] has 20 minutes.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. HAY. I will.

Mr. MANN. Is any amendment reported except the amendment contained in the bill?

Mr. HAY. Only the amendment that is in the bill.

Mr. MANN. Would not the gentleman very briefly tell us what the bill covers?

Mr. HAY. I understand the gentleman from Illinois [Mr. FOSTER] wants to ask me a question.

Mr. FOSTER. The proviso in section 3 means that those who are now in the service who have passed a mental and physical test shall be placed on the retired list?

Mr. HAY. Yes.

Mr. FOSTER. And they shall receive only 25 per cent of the pay they are now receiving?

Mr. HAY. Yes.

Mr. FOSTER. Do they get just 25 per cent all the time, or does the time they have spent in the service make any difference?

Mr. HAY. I do not think section 3 applies to those now in the service. The gentleman means section 4?

Mr. FOSTER. Yes; I meant section 4. I got on the wrong section.

Mr. HAY. That means that they shall be retired upon three-quarters pay in accordance with length of service. Understand that in the Army a man after serving 5 years gets 10 per cent additional to his flat pay. When he serves 10 years he gets 20 per cent. When he serves 15 years he gets 30 per cent, and when he has served 20 years he gets 40 per cent.

Mr. FOSTER. I see also in section 5 this service is placed under the Surgeon General of the Army?

Mr. HAY. Yes. That was recommended by the Secretary of War, both the present Secretary of War and the previous Secretary of War. If the gentleman will read the report, he will find that it is based upon the ground that the Surgeon General's department will be better able to deal with veterinary surgeons than the Quartermaster's Department.

Mr. FOSTER. The Medical Department has no one in the office acquainted with the veterinary business?

Mr. HAY. No. They are all physicians and surgeons.

Mr. FOSTER. So that a detail would be made from his office?

Mr. HAY. No. It gives the authority to appoint for this particular corps, but they would not be detailed to the Surgeon General's office.

Mr. FOSTER. Who holds these examinations of these men?

Mr. HAY. A board, as provided for in section 7. The board comprises a field officer, who may be a major or a lieutenant colonel or a colonel, a surgeon, and two veterinarians.

Mr. FOSTER. That is all I care to ask.

Mr. HAY. If there is no further question, Mr. Speaker——

Mr. WILLIS. I wish to call the attention of the gentleman from Virginia [Mr. HAY] to the language in the proviso beginning with line 13 on page 2:

Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.

Would that bar a claim for pension, or would he be entitled to the time in any case?

Mr. HAY. He would only be entitled to a pension if he incurred some disability in line of duty.

Mr. WILLIS. If he has incurred the disability, this would not be a bar to a pension?

Mr. HAY. I think not. If he incurred a disability in line of duty before the five years expired, he would be entitled, then, to a pension.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. HAY. Yes.

Mr. STAFFORD. In that particular, I wish to inquire of the gentleman as to when the language of the proviso applies, requiring that these assistant veterinarians must pass a satisfactory examination, under such rules as the President may prescribe, as to professional qualifications and adaptability for the mounted service?

Mr. HAY. Does the gentleman ask how does it apply?

Mr. STAFFORD. When is it intended that the assistant veterinarian shall be examined for appointment?

Mr. HAY. They will be examined as soon as this bill becomes a law—the veterinarians now in the service.

Mr. STAFFORD. I am quite well acquainted with that fact. We are now considering this provision, which relates also to those who are to come into the service.

Mr. HAY. Yes.

Mr. STAFFORD. Are they at the time of their entrance examination to be examined as to their adaptability for mounted service?

Mr. HAY. Yes.

Mr. STAFFORD. I suppose they will not be discharged from the Army with one year's pay?

Mr. HAY. Oh, no. That relates to men who are to be examined for promotion. If they are examined and found deficient, then they are discharged with one year's pay.

Mr. STAFFORD. I assume this requirement pertains to the examination when he enters the service as to all those who come into the service hereafter?

Mr. HAY. Yes.

Mr. STAFFORD. And that there can not be a case of a person found physically unadapted to mounted service after he has been in the service.

Mr. HAY. Yes; if after five years he comes up for promotion.

Mr. WILLIS. I think I did not quite understand the gentleman's answer, or he did not understand my question. The language to which I am calling attention begins with the proviso in line 13:

Provided, That he passes a satisfactory examination under such rules as the President may prescribe as to professional qualifications and adaptability for the mounted service; or, if found deficient, he shall be discharged from the Army with one year's pay and have no further claim on the Government.

Now, if the officer in question had incurred disease or suffered wounds in the service so as to be entitled to a pension under existing law, I do not understand why this would not bar his claim for a pension.

Mr. HAY. As I understand it, if he incurred a disability in the line of duty he would be discharged for that disability.

Mr. WILLIS. Not necessarily so. The mere fact that he got a pension, would that necessarily bar him from the service?

Mr. HAY. I should think so. I do not think anybody in active service gets a pension. I do not know of any such case.

Mr. WILLIS. It occurred to me that there might be some possibility that that would not be sufficient——

Mr. HAY. Any disability that would be sufficient to give him a pension would be sufficient to discharge him for disability.

Mr. WILLIS. If that is the case, that answers my question.

Mr. HAY. I think so, undoubtedly.

Mr. STAFFORD. Now, further——

Mr. HAY. In answer to the gentleman from Wisconsin, I call attention to the fact that this section applies to people who have already served, and it applies to the examination of those officers for promotion. It says that after five years of service an assistant veterinarian shall be promoted to the rank, pay, and allowances of a first lieutenant. He can only be promoted, however, if he passes a satisfactory examination, and so forth.

Mr. STAFFORD. If the gentleman will permit, section 2 provides for the examination of candidates for appointment as assistant veterinarians in the future.

Mr. HAY. Yes.

Mr. STAFFORD. Section 3 refers to section 2, and to those appointed under section 2. Those two sections refer to those who are to be appointed in the future. Now, when I read this bill the query came to me whether they would be compelled to take this examination as to adaptability for mounted service only when they were candidates for the rank of captain after 15 years' service, or whether they would be submitted to that test when first appointed to the grade of second lieutenant.

Mr. HAY. No; when they are first appointed they pass an examination as provided in section 2, as to character, physical condition, general education, and professional qualifications. After they have been in the service 5 years they come up for promotion to the rank of first lieutenant. Then they must pass a satisfactory examination as to professional qualifications and adaptability for mounted service.

Mr. STAFFORD. Is not that only after they have been in the service 15 years, when they are candidates for captaincies?

Mr. HAY. No; it applies to those who have been in the service 5 years as second lieutenants, when they come up for examination for promotion to be first lieutenants.

Mr. STAFFORD. Why would not this same examination cover the requirement for adaptability to mounted service?

Mr. HAY. Because when they first come in it is only prescribed that they shall be examined as to character, physical condition, general education, and professional qualifications.

Mr. STAFFORD. Physical condition does not embody the idea that they shall be physically qualified for mounted service?

Mr. HAY. It does not, because they might not have had any experience in riding.

Mr. STAFFORD. So a man must show that he has that ability at the end of 5 years.

Mr. HAY. During the first 5 years.

Mr. STAFFORD. During the 5 years he has the rank of a second lieutenant?

Mr. HAY. Yes.

futures without any idea of the delivery of any cotton and without owning any cotton. This is believed to be a prohibitive tax, and, if so, will suppress this character of business. It requires every contract in reference to cotton for future delivery to be in writing. It provides, further, what the contract shall contain. It prohibits the delivery of all "dog-tail," "stained," "gin-cut," "repacked," "false-packed," "mix-packed," and "water-packed" cotton, or any cotton under the grade of "good ordinary." It provides that all tenders of cotton shall be the full number of bales specified, and the party tendering it shall furnish to the person receiving it written notice giving the grade of each bale to be delivered; and in case of disagreement as to the grade either party may refer the question to the Secretary of Agriculture to determine the grade, and his decision shall be prima facie evidence in all proceedings in reference thereto. It provides that all settlements shall be made on actual commercial differences upon the sixth business day, prior to the date fixed for delivery in the spot market where the sale is made, and if not made in a spot market then upon the sixth business day prior to the business day fixed for delivery in the spot markets of not less than five places designated from time to time for the purpose by the Secretary of Agriculture.

It establishes the Government grades of cotton, to be designated "middling fair," "strict good middling," "good middling," "strict middling," "middling," "strict low middling," "low middling," "strict good ordinary," and "good ordinary," and designates them as the "official cotton standards" of the United States. It provides that no tax shall be levied on contracts for future delivery of actual cotton, and provides in its face, "This act shall not be construed to impose a tax on any sale of spot cotton." "Spot cotton" is actual cotton in the hands of the farmer, merchant, or owner of cotton. I would not vote for this bill if it taxed cotton. It requires a record to be kept of every sale, open to Government inspection. Now, these are the salient features of the present bill, and I submit to every Member of this House the question as to whether or not, if these features are enacted into law, the cotton producers of the country will not be to some extent benefited. The features requiring a record to be kept of every contract made, the adoption of the Government standards, the right to appeal to the Secretary of Agriculture when dispute arises as to grade, the settlements on commercial differences, the abolition absolutely of settlements on fixed differences, and forbidding the delivery of "dog-tail" and other inferior grades of cotton are enough good features in the bill to justify every man interested in the welfare of the cotton farmer to vote for the bill, and in voting for it vote against the present outrageous gambling practices of the cotton exchanges. I shall vote for the bill only because of the good features in it; but I wish it was a drastic bill destroying and suppressing all possibility of gambling of every kind, and then I could vote for it with delight. The good Lord knows that what I want to do is to help the cotton farmers, who have by their products, in round numbers, added a billion dollars a year to the wealth of this country and helped in the exportation of cotton to bring the yellow gold from foreign countries to our shores to increase the balance of trade in favor of the United States of America. [Applause.] If I did not believe in my heart that this bill would benefit the cotton farmers, I would not under any circumstance vote for it; but believing that it would benefit them and that it is the only chance to secure any legislation whatever at this session, I shall vote for it, and if it becomes a law and proves inadequate to meet conditions we will amend it just as soon as that fact is ascertained and amendatory legislation can be enacted.

The great trouble in finding out exactly what the exchanges do and the extent of their gambling operations has been that they kept no records which were open to inspection, and we could not get from them any definite statement of how many bales of cotton, not in existence, they bought and sold. They admit they probably bought and sold a hundred million bales and possibly a hundred and fifty millions or two hundred millions a year. If this bill becomes a law they will have to keep a record, open to inspection, and by this record we will be able to know the extent of their operations. As this is the only chance for legislation let us now by law at least take some step in the direction of correcting and suppressing if possible their outrageous practices. Let us stop the long delay and give heed to the appeals of the farmers made during all these years, and respond to their request, and at least enact the good provisions of this bill, and then if necessary go further in the future. The issue is made up. Shall we vote for this bill and secure some legislation—and it is in the hope of securing some legislation that I will vote for it—or vote against it, and in doing so vote to continue present conditions and allow gambling in cotton futures to go on without hindrance of any kind whatsoever? I submit this issue to you, and by your vote you will answer it. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield one minute to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the gentleman from Tennessee [Mr. SIMS] practically puts himself in the attitude of being in favor of no legislation at this time on the subject of cotton exchanges. I want to say to the gentleman in the outset that this is the only chance that we will have to pass a bill on this subject at this session of Congress, and I appeal to him and others who really want legislation on this subject to cease their obstructive tactics in this House and let us get something on the statute books, and then, if the law does not work as well in every particular as we think it ought to work, amend it at the next session of Congress. [Applause.] I represent the largest cotton-producing district in my State, and I speak for the farmers not only of my State but of Georgia, Mississippi, South Carolina, Florida, North Carolina, and of every other cotton-producing State in the Union, when I say to you gentlemen that there are provisions in this bill that they want enacted into law. [Applause.]

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Arkansas [Mr. WINGO].

[Mr. WINGO addressed the House. See Appendix.]

Mr. SISSON. Mr. Speaker, I do not want to lose my good friend from Arkansas [Mr. WINGO] from the House, but if he shall persist in the position which he takes, he will be compelled to resign, because we have to legislate by seesawing with the Senate.

Mr. WINGO. To relieve the gentleman's anxiety, I will say that I do not intend to resign.

Mr. SISSON. I am glad of it, for he is a valuable Member of the House. I am going to support this bill, not because it is what we want, but it is a beginning, and there are some features of it that every man from the South must indorse. And there are features of this bill that must go into any bill that will be enacted, and when we get it written on the statute books we can take advantage of the next session of Congress, as suggested by the gentleman from Alabama [Mr. HEFLIN], and can amend it.

I supported the Scott bill which passed the House a few years ago, and which was a very much better bill than this one. I think it a better bill, because it sought to prohibit gambling in cotton on the cotton exchanges. This bill seeks to regulate the cotton exchange, with the hope that by taxing gambling contracts that this will force the gambler off the exchange. I very much fear that this will not happen. I trust that it will.

But the many features in reference to establishing and fixing grades, in reference to the regulation and inspection of contracts and the information which can be gained by Congress for the purpose of securing the Federal tax placed on gambling contracts, will enable the Government, and through the Government will enable the people, to know what is going on.

We have passed through the House on several occasions bills looking to the suppression of gambling in cotton futures. In every case the bill has died in the Senate within the last 15 or 20 years, and usually in the Senate committee. About 20 years ago a bill very similar to the Scott bill was passed by the Senate while Senator J. Z. George, of my own State, was a Member of that body, and this bill had his approval. But this good piece of legislation died in the House of Representatives.

Senator CLARKE of Arkansas had tucked onto the Underwood tariff bill a provision which would have taxed out of existence all cotton gambling, but this provision was lost somehow in the conference committee between the House and Senate; at any rate, it never became a law.

I am getting weary of these futile attempts at legislation. What the farmers of the South want is some legislation that will prevent gambling in cotton futures; and while this bill does not go as far as I would like to have it go, and has some features in it that I do not like, it has some merit in it and is a beginning. If it does not work well, we will have committed the Government to the proposition of controlling the cotton exchanges; and having done this, I believe that the Federal Government, under the pressure of public opinion, will be compelled to finally write the proper law on the statute books.

The most unfortunate thing about the parliamentary situation now is that a bill of this much importance is taken up under the suspension of the rules, which will not permit any amendments to be offered, and which will compel each Member of Congress to either vote for or against the bill; and if we vote against the bill it may mean that it will kill all chances for legislation on this subject at this session, and if we vote for the bill it will mean that we have to take it just as it is reported

to the House from the Committee on Agriculture. I regret very much that the membership of this House are denied the privilege of voting on some amendments which could make this bill a good one. Personally I am violently opposed to that feature of the bill which to some extent legalizes dealing in futures, which may sometimes be a pure gambling transaction. No Member of this House would think of taxing a legitimate sale of cotton. This would be an outrage. But the purpose of the bill is to tax illegal sales of cotton, to tax sales when no delivery was contemplated; and if this taxing feature was not in the bill the courts would be compelled to declare it unconstitutional, because the New York exchange is purely a New York institution and the New Orleans exchange a purely Louisiana institution, both under the control of the laws of the respective States, and the Federal Government has no right to invade the domain of the States for the purpose of destroying these gambling institutions. It therefore becomes necessary that you destroy them with the taxing power or destroy them by denying them the use of interstate means of communication, such as denying them the right to use the mails, the telephone, and telegraph lines.

The attempt to destroy the gambling in agricultural products through the taxing power is fraught with danger, because it may sometimes be difficult to determine when a transaction is legal and when it is illegal, when it is a gambling contract and when it is not a gambling contract, and the enemies of this good legislation will muddy the waters as much as possible so as to make this method unpopular with the cotton producers of the country. In fact, unless it is administered with great care the cotton gambler and the cotton speculator might be able to unload this tax upon the cotton farmer. This is my most serious objection to the bill presented to us in this manner by the Committee on Agriculture. But if the bill is properly administered and the law properly enforced this evil can be eliminated. If the Committee on Agriculture had presented to the House the Scott bill, it would have been utterly impossible for the cotton gambler and the cotton speculator to have unloaded the burden on the cotton producer, because the Scott bill would not become effective until the provisions of the law had been violated, and this violation of the law was a criminal violation, and the party violating it would be punished in the criminal court by heavy fine, and might have been punished by imprisonment. I believe that this is the proper method of compelling observance of a law.

This bill proceeds upon the principle of regulation and not upon the principle of destruction. There can be no objection to a legitimate place being established by men for the exchange of their commodities with each other. A bill that would try to prevent this would be clearly unconstitutional. So I would not favor a proposition to destroy a legitimate business, but I would favor a proposition that would totally destroy, root and branch, every feature of gambling connected with all of the agricultural products of the country.

But since I can not at this time support a proposition of this sort, I will with reluctance give my support to this bill, stating at the time that I have some misgivings as to the results, and have some doubts as to its accomplishing very much good. But I do not believe that it can possibly make the situation any worse than it is now, and if it helps the condition in the least, then I feel that my vote is justified. At any rate, it will tend to turn the light on the situation, and I am perfectly willing to give the Secretary of Agriculture all the powers that he is vested with under this bill and give him all of the district attorneys he needs to properly enforce this law and give it a fair trial.

I fear that the fact that the committee saw fit to change completely the bill that passed the Senate may result in a total miscarriage of legislation on this subject at this time. So I feel that it would have been wiser for the committee to have made an effort to remove the objectionable features of the Smith bill rather than to have brought in a complete substitute for the Smith bill.

These are some of the reasons, Mr. Speaker, briefly stated, which cause me to give my support to this bill. I am not in favor of quitting now and not doing anything. I want to write something on the statute books at this time. We have been trying and trying for 20 years, so I say in conclusion let us do something now. [Applause.]

Mr. LEVER. I will ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. Mr. Speaker, have I any time remaining?

The SPEAKER. The gentleman from Iowa has used all of his time.

Mr. LEVER. I yield three minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I think some of the gentlemen who have been considering this bill have confused the use of the power with the merits of the bill. It is proposed to either suppress entirely the exchanges of the country or to regulate them. That is one proposition. The other proposition is to use some power of the Government to accomplish one or the other result. Now, you may have the same bill, whether you call it the Scott bill or the Lever bill or the Bell bill, to accomplish certain results, and you may apply to that bill the taxing power to enforce the law, or the interstate-commerce law to enforce the law, or the power of the use of the mail—the post-office power—to enforce the law. My contention is that the particular power that you use with which to enforce the law is a secondary proposition. But if you want to use the most effective power to enforce any law, there is no greater power in this Government than the power to tax. [Applause.] It is the most effective power that you can use to enforce any legislation. So I think that answers any objection to the mere use of a power to enforce the law. Now, coming down to the real merits of the bill, the question of whether you want the Scott bill, which wipes out, or is intended to wipe out, the cotton exchanges, or the Lever bill, which is intended to regulate the exchanges so only the evils in the exchanges shall be wiped out and good remain, is the real question before the House. Now, outside of going to the merits, in two different Congresses I have supported a bill along the lines of the Scott bill—first, the Scott bill in one Congress, and next a similar bill, the Bell bill, in another Congress—and we have sent them to the Senate of the United States, where they died in committee or on the calendar of the Senate. A similar bill passing the House this time would meet with the same result. But there is an opportunity now to pass a bill that will wipe out the evils of the cotton exchange, the use of the cotton exchange against the cotton producer of this country, and that bill is before the House to-day. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. LEVER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has five minutes.

Mr. LEVER. Mr. Speaker, I believe that the practices of the New York Cotton Exchange are costing the cotton producers of the South annually $100,000,000. This bill proposes to eliminate from the New York and other cotton exchanges such practices as are laying upon our people this enormous burden. The man who votes against this bill places himself—unconsciously, of course—in the attitude of favoring the continuance of a system which has been denounced in every cotton-growing State of this Union. The man who votes against this bill says, in effect, "I am willing, rather than have this regulatory bill, to stand for the continuance of the evil practices of the New York Cotton Exchange, which have been burdening our people for more than half a century." No man who understands the parliamentary situation in this House can say that it is wise to vote this bill down and send it back to the committee, in the hope of bringing from that committee a more drastic proposition. The man who believes that, or who thinks he believes that, confesses to a culpable ignorance of the situation in this House. The gentleman from Alabama [Mr. HEFLIN] told you truly that you have an opportunity here in the passage of this bill to send the whole proposition to conference, where the differences between the two Houses can be worked out and some legislation had. Vote this bill down, and every man who knows anything at all about the situation knows that there will be no legislation on the subject at all at this session of Congress. And in the meantime your people and my people will go on suffering an annual loss of $100,000,000 on their cotton crop. I ask that the friends of the farmers, these Bombastes Furiosos that are willing to stand here and refuse to vote for this bill, which they admit is better than the present system, because they can not get precisely what they want——

Mr. TRIBBLE. Will the gentleman yield?

Mr. LEVER. I yield for a question.

Mr. TRIBBLE. If the friends of the farmers will vote to send this bill to conference, will the chairman of the Agricultural Committee tell us that he will do what he can to produce another bill that will be satisfactory to the farmers?

Mr. LEVER. The Chairman of the Agricultural Committee will do what he has been doing ever since he has been in Congress. He will bring from conference the best bill of which he is capable in the interests of agriculture. [Applause.]

Now, Mr. Speaker, these gentlemen who do not support this bill confess themselves to be in favor of a continuance of the multiplicity of standards that prevail in the marketing of

duce the cotton should not be turned over to the mercies of the speculator.

I have earnestly tried to secure legislation on this question beneficial to my people. I am here to-day trying to amend this bill to meet the need of the farmer. It should not be passed in its present form, though after I have done all I can to amend it I will not obstruct its passage, for the reason it will go back to the Senate, and I have assurances that it will be amended and most of the objectionable features eliminated.

I seriously object to the manner in which the representatives of the cotton exchanges have furnished the evidence before the committee. The truth is, this bill meets the approval of the cotton exchanges in some of the material parts.

Mr. DUPRÉ. Will the gentleman yield?

Mr. TRIBBLE. No; I can not yield, for I have not the time. If the gentleman will get me more time, I will yield.

Mr. Speaker, Mr. Marsh, the President of the New York Cotton Exchange, said before that committee:

I want to begin by saying that I do not appear here in opposition to legislation in regard to the cotton exchanges.

He appeared in favor of it. Every man representing the cotton exchange who came before that committee advocated legislation regulating the exchanges by the cotton-tax feature.

Mr. Marsh further says:

Consequently it can not be said that I am, or that the New York Cotton Exchange is, opposed to legislation on this subject in principle. On the contrary, we believe in legislation on this subject.

Let me read to you another portion of the hearings before the committee.

Mr. Hill who has been in the cotton-exchange business 30 or 40 years and who has been president of the New York Cotton Exchange, and who has been appearing periodically in Washington for 30 years, looking after the interest of the exchange, said before the committee:

I like the initial clauses of this bill, and I like the tax idea rather than the prohibition of the mails. I think the business can stand a small tax.

He further said:

I feel quite sure that the political powers, were we to show this sort of spirit, would be satisfied with these changes and that these changes would add substantially to the volume of our business rather than to change it or reduce it.

Mr. Speaker, he then outlines this bill; he gives exactly what he wants. First, Government standards. That is this bill.

Second, commercial differences to be established, if possible, by the Department of Agriculture at Washington, or the Department of Commerce and Labor.

That is this bill.

Third, contract to call for an even running delivery of 100 bales of any one grade.

That is this bill.

Mr. LEVER. Is the gentleman opposed to those things?

Mr. TRIBBLE. This bill should be amended to suit the needs of the farmer. For one, I prefer not to take Mr. Hill as my authority on cotton legislation.

Mr. LEVER. Is the gentleman opposed to the things he enumerated?

Mr. TRIBBLE. I am in favor of the Scott bill, but I am not in favor of a makeshift. The regulations proposed may be good in a measure, but if we pass a bill to regulate exchanges it should be done by mail and telegraph regulation and not by taxing the farmer's cotton.

Mr. LEVER. I ask the gentleman if he is opposed to these provisions?

Mr. TRIBBLE. I have answered the gentleman's question—I am not in favor of regulation by taxing the farmer's cotton.

Mr. LEVER. The gentleman knows whether he is or not. It will not take him a quarter of a second.

Mr. TRIBBLE. Regulation of exchanges in the proper way is desirable; that is to say, by suppression by mail and telegraph. If the Scott bill can not be passed and this bill can not be amended, I shall not further obstruct its passage, expecting the proper amendments to be made in the Senate and in conference. When the bill returns to this House for final passage, I hope the objectionable features will be eliminated. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. LEVER. Mr. Speaker, I yield two minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I am one of those in this House who believe that dealing in cotton futures on the exchanges in this country works to the injury of the consumers of cotton goods and the producers of cotton. I have always believed in the abolishment of them, because they accomplish all of the harm and are just as bad as the distinguished gentleman from Kansas [Mr. MURDOCK] and the distinguished gentleman from Georgia [Mr. TRIBBLE] have painted them. But under the peculiar parliamentary status in which this bill is brought into the House, you are either to take a bill that will greatly help the present situation or you are to vote against the bill and allow the present conditions in the exchanges to exist. No matter how much opposed I may be to gambling in cotton futures, I believe this bill, from the viewpoint of regulation—and I have never been an advocate of regulation, but abolishment—will work such good to the consumers of cotton goods in this country and the producers of cotton in this country that I shall vote for it. [Applause.] It contains many most excellent provisions, and from the viewpoint of regulation it could hardly be improved upon. The gentleman from Georgia [Mr. TRIBBLE] raises sand about nobody appearing before the Agricultural Committee who was a farmer or in the interest of the farmers of the country. That committee is made up of men who are the best friends of the farmer. They are always zealously looking out after their interests; and I want to say to the gentleman from Georgia that as one friend of the farmer I appeared before that committee and remained there, not as a farmer but as a champion of the farmer, during the entire consideration of this subject.

Mr. TRIBBLE. And did they give the gentleman the bill he wanted?

Mr. HARRISON. No; they did not; but they considered my bill, that would have abolished gambling in cotton futures on these exchanges, and they considered the bill of the gentleman from Mississippi [Mr. CANDLER], which would have done the same thing. The question, therefore, that now presents itself is whether you will accept this bill, which is not subject to amendment, in its present form, knowing that it will greatly remedy the present conditions in the exchanges, or whether you will vote against it and get no legislation. I commend it to the Members of the House and sincerely hope that it will pass. [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, the gentleman from Mississippi [Mr. HARRISON], who has just taken his seat, says that he is opposed to this bill. If the gentleman is sincere in that, and I know he is, then he should vote down this motion to suspend the rules, so we can amend it. Every good thing in this bill can be retained, and the chairman of the Committee on Agriculture knows it. Vote down this motion and let the bill be considered in the usual way, so it can be amended. It will remain on the calendar and can be acted on later in the usual way, and then we can keep everything that is good in it and put some additional things in it that are better than anything that is in it now. Let me read you from the Democratic platform. [Laughter on the Republican side.] Oh, that will do to laugh over there on the Republican side, but these gentlemen on the Democratic side can not laugh at it when they get home. That platform says:

We favor the enactment by Congress of legislation that will suppress the pernicious practice of gambling in agricultural products by organized exchanges and others.

Mr. Speaker, the chairman of the committee has just admitted that this bill regulates but does not suppress gambling in farm products. Keep all of the regulation in it, but give us an opportunity to put some suppression in it, whether it be rough the taxing power or otherwise. The Scott bill passed this House, and my distinguished friend from South Carolina supported it. The Beall bill, practically the same, passed this House, and the gentleman supported it; and why not take off the gag in the motion to suspend and give the Members an opportunity to offer amendments that will have a tendency to suppress gambling in cotton instead of galvanizing into respectability and giving legal status to the worst gambling machine that ever afflicted a civilized people? I defy you to take it off. The worst bills that have ever been passed in this House have been passed under suspension of the rules, because 20 minutes on a side does not give time to show what is wrong in them. When you gentlemen get back home and consult your farmer constituents and they find out that you voted with the president of the New York Cotton Exchange and that you have legalized, whitewashed, and federalized cotton gambling, wheat gambling, corn gambling, and oat gambling I fear you will have a long, hard time before you can explain to them your vote. The idea of this being the only chance to consider this bill! Such false claim as that ought to make every honest man blush for shame! Some gentlemen think the best thing we can do is to put off the consideration of the trust bills until the next session of Congress, the short session.

Can not this little bill be considered at that session? Can not it be considered now at this session before we adjourn? Vote down the motion to suspend the rules and it remains on

the calendar and can be considered in the regular order, in the regular way, open to amendment, and no man need say that this is the only opportunity to pass this bill. If it becomes the only opportunity, it is because by your vote you make it the only opportunity. Vote down the motion to suspend the rules and give us an opportunity, and then we will keep everything in that is of benefit to commerce and the farmer and take out those features that ought not to be in the bill. I want any man from the South or West or from the North to get up here on the floor of this House and say, "I am not in favor of the suppression of the artificial fictitious gambling in farm products." This bill only legalizes the gambling and will give the Federal courts jurisdiction as against your State laws, and I appeal to you to vote down this motion to suspend the rules and let us pass the bill with proper amendments.

The SPEAKER. The time of the gentleman has expired.

Mr. LEVER. I yield to the gentleman from Mississippi [Mr. CANDLER], a member of the committee.

Mr. CANDLER of Mississippi. Mr. Speaker, in the limited time allotted to me, of course, it is impossible to discuss fully the bill pending before the House. I am frank to say at the outset, in the few remarks I will be able to make upon this bill, that it does not meet in its entirety my approval, by any means. I would be glad to substitute for it H. R. 8192, introduced by me during this Congress on September 16, 1913, which is as follows:

A bill (H. R. 8192) to prohibit interference with commerce among the States and Territories and with foreign nations, and to remove obstructions thereto, and to prohibit the transmission of certain messages by telegraph, telephone, cable, or other means of communication between States and Territories and foreign nations.

Be it enacted, etc., That certain words used in this act and in proceedings arising under it shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint-stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint-stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. 2. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto, or any party for whom or in whose behalf such contract is made, requires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100, or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. 3. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him and that he has the intention to deliver such cotton; or that he is at the time legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed, and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500, or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof or failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. 4. That any agent of any telegraph, telephone, wireless telegraph, or cable company to whom messages herein described may be tendered is hereby required, empowered, and authorized to administer any oath required to be made under the provisions of this act with like effect and force as officers having a seal, and such oath shall be administered without any charge therefor.

SEC. 5. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. 6. That every book, newspaper, pamphlet, letter, writing, or other publication containing matter tending to induce or promote the making of such contracts as are described in section two of this act is hereby declared to be nonmailable matter, and shall not be carried in the mail or delivered by any postmaster or letter carrier. Any person who shall knowingly deposit or knowingly cause to be deposited for mailing or delivery any matter declared by this section to be nonmailable, or shall knowingly take or cause the same to be taken from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 nor less than $500, or shall be imprisoned not more than 5 years nor less than 1 year, or both. Any person violating any of the provisions of this section may be proceeded against by information or indictment and tried and punished either in the district at which the unlawful publication was mailed or to which it is carried by mail for delivery according to the direction thereof, or at which it is caused to be delivered by mail to the person to whom it is addressed.

SEC. 7. That the Postmaster General, upon evidence satisfactory to himself that any person in sending through the mails of the United States any matter declared by section 6 of this act to be nonmailable, may instruct the postmasters in the post offices at which such mail arrives to return all such mail to the postmaster in the post office at which it was originally mailed, with the word "unlawful" plainly written or stamped upon the outside thereof, and all such mail, when returned to said postmaster, shall be returned to the sender or publisher thereof under such regulations as the Postmaster General may prescribe.

SEC. 8. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

If my bill above could be enacted into law, it would, in my judgment, destroy the gambling exchanges and prevent the evils which have so long been complained of by the cotton producers. I offered this bill as a substitute for the pending bill in the Committee on Agriculture; my friend from Arkansas [Mr. JACOWAY] stood with me, but the committee refused to adopt my bill and reported the pending bill. But for the parliamentary status which prohibits the offering of an amendment to the pending bill, I would offer my bill in the House as a substitute for the bill under consideration and vote for it and give the House an opportunity to vote on it, but no amendments are in order and therefore I am unable to do so. Under the present situation we are forced into the position of taking the present bill without amendment or securing no legislation of any kind whatever and leaving the exchanges untrammeled and with no law upon the statute books to go on in their outrageous and damaging practices. The whole matter resolves itself, therefore, into the question as to whether it is better to leave the exchanges as they are, with no law at all, or to pass the pending bill. A vote for the pending bill is a vote against present conditions and practices of the exchanges. My constituents know and all my friends here know that I am earnestly and sincerely opposed to gambling in farm products of every kind, and that I favor destroying it and not regulating it, and I am anxious to secure if possible some legislation to prevent it. I agree with the gentleman from Kansas [Mr. MURDOCK]. "That there is no economic outrage in the United States equal to that of gambling in cotton, and it should be suppressed." [Applause.] He calls attention to the fact that 20 years ago Mr. Hatch, of Missouri, succeeded in passing through this House a bill prohibiting gambling in cotton.

The bill passed the Senate and should have become a law, but it having been amended in the Senate it had to come back to the House, where the amendments were not agreed to, and therefore the bill failed to become a law. From that day until this efforts have been made to pass some legislation on this subject, but all have failed. We now have a chance to secure at least some legislation on the subject, not as drastic as I desire, because I would destroy the gambling exchanges, but I shall vote in the hope of securing some helpful legislation rather than to leave the exchanges to continue their gambling as they are engaged in it at the present time without any regulation or suppression whatsoever.

Now, let me state succinctly and pointedly the provisions of the pending bill, and when they are fully considered I assert without fear of successful contradiction, if this bill is passed, we will have some improvement over present conditions. It levies a tax of $5 a bale on every bale of cotton included in any and all illegal future contracts; that is, contracts where it is the intention and purpose of the parties to deal in cotton

Mr. MURDOCK. Then, Mr. Speaker, as a matter of fact, the bill is not before the House, but an amendment to the bill?

The SPEAKER. A substitute for the Smith bill is before the House.

Mr. MURDOCK. And the substitute is not before the House?

Mr. MANN. It is the motion that is before the House; a motion to suspend the rules and pass the bill.

The SPEAKER. Of course it is.

Mr. MURDOCK. I beg the gentleman's pardon. It is a motion to pass not the original bill, but a substitute for it.

Mr. PAYNE. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demanded a second.

Mr. LEVER. I ask, Mr. Speaker, that a second be considered as ordered.

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] objects.

Mr. RAGSDALE. Mr. Speaker, the proposition before the House is either to pass the Lever bill or no bill?

The SPEAKER. That is the proposition. The Chair appoints the gentleman from South Carolina [Mr. LEVER] and the gentleman from Iowa [Mr. HAUGEN] as tellers. Those in favor of ordering a second will pass between the tellers and be counted.

The House divided; and the tellers reported—ayes 75, noes 14.

The SPEAKER. On this vote the ayes are 75 and the noes are 14, and a second is ordered. The gentleman from South Carolina [Mr. LEVER] is recognized for 20 minutes.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for five minutes.

Mr. HEFLIN. Mr. Speaker, in 1911 I made a speech in this House about the conduct of the New York Cotton Exchange. Among other things, I said the New York Cotton Exchange as conducted to-day is the deadliest enemy that the cotton producer has. I am still of that opinion. In the hearings had before the Committee on Agriculture Mr. Thompson, a cotton dealer, appeared and testified. He has had much to do with the New York Cotton Exchange. I asked him this question, "The committee on fixed difference on the New York Cotton Exchange really has the power to fix the price of cotton?" And he said, "That committee can change the price of cotton a half a cent a pound in one night." [Applause.]

I want to say to gentlemen on this side of the House that I do not claim that this bill is perfect; it does not contain all that I would put in it if I were permitted to write the entire law. It does contain three provisions that I have contended for ever since I have been a Member of Congress, and one of these provisions is the one that strikes down the very conditions that I have just referred to regarding fixed difference on the New York Cotton Exchange. It would merit my support if it had no other provision than that one. [Applause.] I am anxious to have a law upon the statute books governing the conduct of cotton exchanges in the United States. We have no such law to-day. I want to warn gentlemen who think of opposing this bill because it does not contain everything that they would like to see in it that there is absolutely no law on the statute books now to check the evil practices indulged in on the cotton exchanges to-day. [Applause.] This bill has some features in it that will mean great good to the cotton producers. They will prevent cotton gamblers from robbing the farmers of the South of millions of dollars on the cotton crop. To gentlemen who favor other kinds of legislation let me say, do not permit yourselves to be placed in the attitude of opposing the only measure that it is possible to pass on this subject at this session of Congress. Because, if you do, you will stand in the attitude of favoring present conditions, and I tell you that under present conditions cotton gamblers are robbing cotton producers of millions of dollars every year. [Applause.]

If you can not agree to all the provisions of this bill, vote for it because of the good features in it. Upon that ground I shall give it my support. [Applause.] Mr. Speaker, let me submit briefly to the House the reasons that prompt me to support this measure: First, if disputes arise as to the grade of cotton named in the contract on the New York Cotton Exchange, the committee on classification and fixed differences settle the dispute and from its decision there is no appeal. Under this bill these questions will go to the Secretary of Agriculture, and he will settle disputes that arise without knowing the price stipulated in the contract. This is a very beneficial change. Second, this bill establishes the 9 grades of cotton standardized by Congress and now in use by the Department of Agriculture, instead of the 28 different grades of stuff, ranging from dog-tail cotton up to the higest grade now in use on the New York Cotton Exchange. [Applause.]

This low-grade, unspinnable stuff is accumulated in New York and used to tender on contracts in the exchange. It is not accepted, of course, but remains there and is tendered over and over again on contracts, to the great injury of the cotton producer. The nine grades provided for in this bill will, in my judgment, do away with that practice. [Applause.]

Third. Under this bill a record of all transactions had on the exchange will be kept, so that we may know at the end of the cotton season how many bales of cotton have been handled on the exchange and how contracts have been fulfilled. This is a splendid provision.

Fourth. This bill requires actual cotton of a spinnable grade to be at the bottom of every contract on the exchange. [Applause.]

Fifth. It substitutes the commercial difference in the grades for the fixed difference now arbitrarily fixed on the New York Exchange. [Applause.]

Where will we go now to obtain this commercial difference? Mr. Speaker, the committee that now has the power on the New York Exchange to say just what the difference is between strict middling and good ordinary or between any other grades represents the exchange, and from its decision there is no appeal. Under this bill the commercial difference will obtain, and the Secretary of Agriculture is required to go, not to the committee on fixed difference on the New York Cotton Exchange, but to five spot markets in the South, to find what the price and commercial difference are. Let me say in conclusion, Mr. Speaker, that these provisions constitute a long and valuable step in the right direction and will be of vast benefit to the cotton producers of the South. [Applause.]

The operation of this bill will do much toward giving the producer the opportunity to exercise a right that belongs to him—that of helping to fix the price of cotton under the full and free operation of the law of supply and demand. [Applause.]

Mr. LEVER. I yield two minutes to the gentleman from Oregon [Mr. HAWLEY].

Mr. HAWLEY. Mr. Speaker and gentlemen, when I first came into the House I was appointed a member of the Committee on Agriculture, and this matter was pending at that time. Since then the committee have held extensive hearings. Men representing the growers, men representing the middlemen, and those representing the mill operators have been heard. Hundreds and thousands of pages of testimony have been taken.

The evils now inherent in the trade as it is managed were very clearly set forth, and I believe a case was clearly made out that legislation is necessary at this time to protect the cotton grower and the cotton-mill man. In two minutes it is impossible to say more than a few words in outline. The first thing the bill does is to standardize nine grades which are the regular spinnable grades of cotton, including practically every fiber that is spinnable, but excluding grades that are not spinnable in the usual machinery, and the lowest grades, where the fibers are broken or where the fiber is weakened in character in any way and which can not be used in ordinary machines.

The difficulty with this low-grade stuff and this off-grade stuff is in finding a market for it. Not finding a market at the mills it has been shipped to the great centers of trade—the New York cotton market, for instance—and has been used there for delivery on contracts, the contracts requiring a basis of middling cotton with a certain number of points off or on, according to grade above or below the basis. And the grade was predominantly low, and the future contracts traded in on that market largely determined the price of the spot cotton in the southern market to the detriment at times of the millman and to the detriment at times of the grower and to the benefit of the middleman on the whole.

The next thing to be cured by the bill, after the establishment of the grades so that everybody can learn what they are and determine what kind of cotton he had and what it was worth, was the fixing of certain markets in the South to be known as the spot markets, to be fixed by the Secretary of Agriculture, where the actual price of cotton could be determined, so that the grower of cotton would not be at the mercy of speculators in the great centers, but would know from the spot market selected by the Secretary of Agriculture what were the prevailing prices of cotton and what the price should be that he ought at that time to receive. Gambling is like a cancer, that attacks the wholesome fibers of business and destroys them. There is a field for legitimate speculation, but gambling is a form of speculation that is not defensible, and like a cancer it ruins the regular, ordinary, healthful tissues of business.

The third thing that the bill endeavors to remedy is the matter of dealing in contracts on the exchanges. The contracts are bought and sold, with no intention of receiving or delivering the cotton. Millmen went to the cotton exchanges for the purpose of hedging. That was legitimate in itself so far as they were concerned, but they could not go there and get cotton to spin, for the reason that the cotton they were to receive was not any known quantity or quality of cotton or any known length or fiber of cotton, but it was cotton with so many points on or off from the basis of middling, and the exchanges were useless as places for the millman to go to buy the cotton that he needed to use in his mill to spin for the commodities sold in trade.

I have studied the bill with the committee, and I have been on every subcommittee that has prepared bills on this subject, and I am in favor of this bill, because I believe it affords some remedy for existing evils. [Applause.]

Mr. LEVER. I ask the gentleman from Iowa [Mr. HAUGEN] to use some of his time.

Mr. HAUGEN. I yield four minutes to the gentleman from Georgia [Mr. HUGHES].

Mr. HUGHES of Georgia. Mr. Speaker, I regret very much that I can get only four minutes, one-fifth of the entire time allotted to those opposed to the measure, to discuss a bill in which I am vitally interested and in which the people whom I represent are intensely interested. I wish to say that I agree with my distinguished friend from Alabama [Mr. HEFLIN], who makes the statement that there is some good and some bad in this bill. That is true, but "a little leaven leaveneth the whole lump." As a producer of cotton and as a representative of a constituency which produces cotton and representing a district which is one of the largest cotton districts not only in George but in the South, I oppose this bill because there are certain features in it which are detrimental to the grower, the producer.

Mr. Speaker, I know it has been said that it is necessary for the exchanges to exist in order that cotton may find a market. Ah, Mr. Speaker and gentlemen of this House, that is an old song that was composed and has been sung by the great cotton exchanges, and they are still singing it.

Nearly 75 per cent of the people of this entire country are forced to use cotton as the material for their clothes. Cotton will ever be in demand. It is sought for in the warehouse and on the plantation every day of the year. Now, the farmers of this country are willing to rely upon supply and demand. That and that alone should control.

It is true, Mr. Speaker, that under this bill the manufacturers will be protected, but in this game between the manufacturers and the New York Cotton Exchange the cotton producers are the men who furnish the stakes for their gambling. The cotton exchange, largely in New York, has manipulated and controlled the price of cotton for, lo, these many years. There are about 400 men who are members of the cotton exchange, and they have made themselves the self-constituted guardian of the cotton growers of this country. Mr. Speaker, they pay $25,000 for a seat on that exchange, so I am informed, and I can assure you that they are not of that patriotic kind who stand ready to pay $25,000 in order to protect the farmers of this country.

The SPEAKER. The time of the gentleman has expired.

Mr. HUGHES of Georgia had leave to extend his remarks.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, there is no economic outrage in the United States equal to that of gambling in cotton. That has been true for many years, a long, hopeless period, during which an outraged public sentiment not only in the South but throughout the Nation has repeatedly sought correction. It has never obtained the correction, and it is not now going to obtain the correction if this substitute for the Senate bill becomes a law. It is 20 years, Mr. Speaker, since Mr. Hatch, of Missouri succeeded in passing through this House a drastic bill prohibiting gambling in cotton. He passed it by a majority of 40 votes. Afterwards the same bill passed the Senate by a majority of 10 votes. Having passed both branches of Congress, it ought to have become a law. But it did not become a law. It came back to the House for a few minor changes and was permitted by the leadership here to die.

I ask gentlemen from the South how many outrages do they think have since transpired in the South because of that action? How many crimes, how many defalcations, how many bankruptcies, how many miseries have followed in the cotton States the defeat of that measure 20 years ago?

Four years ago a Republican Congress passed a drastic bill against gambling in cotton, known as the Scott bill. It went through this House. There was only one remarkable feature about the consideration of the bill in the House, and that was that it went through the House so easily. It went to the Senate and it died there.

Last year the Congress again had an opportunity to pass a drastic provision prohibiting gambling in cotton. It was placed in the tariff bill as an amendment by Senator CLARKE of Arkansas. It came to the House, and there was a time when the membership of this House had a right and an opportunity to put an end forever to this national infamy. The majority of the House deliberately and under challenge passed that opportunity by. The House amended the Clarke proposition and sent the amended tariff bill to the Senate. The Clarke proposition and the House amendment to it both died, as some of us then predicted.

Now, a year later, the Committee on Agriculture has brought in a substitute for a Senate bill—the Smith bill. The Smith bill prohibits gambling in cotton. It prohibits the use of the mails to the Stock Exchange of New York in "futures." That will stop gambling in cotton.

Mr. LEVER. Will the gentleman yield? The gentleman does not want to make a mistake as to what the Smith bill does.

Mr. MURDOCK. I yield.

Mr. LEVER. The Smith bill does exactly what this bill does—it regulates rather than destroys.

Mr. MURDOCK. The Smith bill proposes to deny the use of the mails to the Stock Exchange of New York. The stock exchange is made up of about 250 to 300 kid-gloved gentlemen. According to the statement of the gentleman himself, made in his own report recently submitted to this House, the farmers of the South are losing from ninety to one hundred million dollars a year in the production of cotton, because of the machinations of this leisurely outfit in New York. What the American people want is a halt called on this gambling practice, and called indubitably, with certainty, and without compromise. This substitute does not do that. True, it standardizes the grades of cotton. That is a good thing. There is no question about that. The device in this bill by which it seeks to protect the market against the tender of riffraff—inferior cotton—in settlement of a contract, is good. So is the prohibition of pro forma deliveries. The proposition to do away with the practice of adjusting deliveries on the system known as the "fixed difference" as a basis of settlement is meritorious. But this bill does not prohibit gambling in cotton. That is what the Nation demands. The Nation will not be satisfied with less. The substitute should be voted down, and a bill brought before the House that will save the cotton producer this enormous annual sum of money and remove forever this gambling blot from the life of the Nation. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield four minutes to the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Speaker, on February 9, 1910, a delegation of farmers appeared before the Agriculture Committee. That delegation of farmers was composed in part of Georgia men. The president of the Farmers' Union, Charles S. Barrett, designated Mr. T. J. Brooks and other farmers to appear before that committee and speak for the farmers. Mr. Brooks appeared before the committee and spoke for the farmers. He presented the planters' side of this question and advocated the Scott bill. The Agricultural Committee reported favorably the Scott bill, and this House passed the Scott bill since I have been in Congress almost unanimously. During the hearings on this regulation bill, known as the Lever bill, I wrote Mr. Brooks, the previous spokesman of the farmers, and he wrote me on May 29, 1914, in part as follows:

> In the first place, I do not like the taxing way of reaching the exchanges. The Government goes into partnership with a gambling machine for a part of the spoils. The bill which passed the House twice (Scott bill) will do the work. These substitutes are subterfuges and playing with the subject—sparring for time.

Charles S. Barrett, president of the Farmers' Union, is unalterably opposed to this bill, or any other bill placing a tax on cotton.

Mr. Speaker, this bill is objectionable for two principal reasons—

First. The bill legalizes cotton future exchanges and proposes to give gambling transactions a commercial business standing. If gambling in cotton futures is wrong, then when you tax the gambler you give legal recognition to this evil; you legalize an immoral transaction.

Second. Tax should not be placed on cotton for any purpose. Since cotton was taxed as a war measure the South has never ceased to denounce the injustice as unconstitutional.

Mr. Speaker, gambling is an evil that should be suppressed. The man who deals in cotton futures produces no cotton. Why should he be permitted to fix the price? The people who pro-

Mr. TRIBBLE. For a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. I wish to ask the Speaker if, in case this bill is taken up, it is subject to amendment by this House?

The SPEAKER. It is not subject to amendment after the Clerk reads it, but you can read anything on top of ground into a motion to suspend the rules.

Mr. JOHNSON of Kentucky. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of Kentucky. The Chair has not yet submitted to the House the question as to whether or not this bill be taken up. Am I correctly informed on that question?

The SPEAKER. The bill must be reported, and it takes a majority, going through the tellers, to take it up.

Mr. JOHNSON of Kentucky. That is my understanding of it.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

The SPEAKER. Without objection, the Clerk will read the amendment in the nature of a substitute.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask for the reading of the bill.

Mr. UNDERWOOD. Mr. Speaker, as I understand the parliamentary situation, on the motion to suspend gentlemen can ask for the reading of the bill as amended and only have read the amendable portion?

The SPEAKER. This amendment is in the nature of a substitute, and a gentleman can ask for the reading of whatever he wants to pass.

Mr. LEVER. That was my motion, Mr. Speaker.

The SPEAKER. He does not have to ask for the reading of 6, 8, or 10 pages, as the case may be, that we do not want to pass. The Clerk will read.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. TRIBBLE. The caption of the bill having been read, under the statement of the Speaker I move to substitute for that bill the bill known as the Scott bill.

The SPEAKER. You can not substitute.

Mr. HEFLIN. The regular order, Mr. Speaker.

Mr. TRIBBLE. Then I move to amend the bill.

The SPEAKER. The gentleman can not do that.

Mr. GARNER. Let the Clerk read, Mr. Speaker.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

An act (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately.

Be it enacted, etc., That this act shall be known by the short title of the "United States cotton futures act."

SEC. 2. That for the purposes of this act, the term "contract of sale" shall be held to include sales, agreements of sale, and agreements to sell. That the word "person," wherever used in this act, shall be construed to import the plural or singular, as the case demands, and shall include individuals, associations, partnerships, and corporations. When construing and enforcing the provisions of this act, the act, omission, or failure of any official, agent, or other person acting for or employed by any association, partnership, or corporation within the scope of his employment or office, shall, in every case, also be deemed the act, omission, or failure of such association, partnership, or corporation as well as that of the person.

SEC. 3. That upon each contract of sale of any cotton for future delivery made at, on, or in any exchange, board of trade, or similar institution or place of business, there is hereby levied a tax in the nature of an excise of 1 cent for each pound of the cotton involved in any such contract.

SEC. 4. That each contract of sale of cotton for future delivery mentioned in section 3 of this act shall be in writing plainly stating, or evidenced by written memorandum showing, the terms of such contract, including the quantity of the cotton involved and the names and addresses of the seller and buyer in such contract, and shall be signed by the party to be charged, or by his agent in his behalf. If the contract or memorandum specify in bales the quantity of the cotton involved without giving the weight each bale shall, for the purposes of this act, be deemed to weigh 500 pounds.

SEC. 5. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the requirements of section 4 of and the rules and regulations made pursuant to this act.

Second. Specify the basis grade for the cotton involved in the contract, which shall be one of the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section, the price per pound at which the cotton of such basis grade is contracted to be bought or sold, the date when the purchase or sale was made, and the month or months in which the contract is to be fulfilled or settled: *Provided*, That middling shall be deemed the basis grade incorporated into the contract if no other basis grade be specified, either in the contract or in the memorandum evidencing the same.

Third. Provide that the cotton dealt with therein or delivered thereunder shall be of or within the grades for which standards are established by the Secretary of Agriculture except grades prohibited from being delivered on a contract made under this section by the fifth subdivision of this section and no other grade or grades.

Fourth. Provide that in case cotton of grade other than the basis grade be tendered or delivered in settlement of such contract, the differences above or below the contract price which the receiver shall pay for such grades other than the basis grade shall be the actual commercial differences determined as hereinafter provided.

Fifth. Provide that such cotton, because of the presence of extraneous matter of any character or irregularities or defects, is reduced in value below that of good ordinary, or cotton that is below the grade of good ordinary, or, if tinged, cotton that is below the grade of low middling, or, if stained, cotton that is below the grade of middling, the grades mentioned being of the official cotton standards of the United States, or cotton that is less than seven-eighths of an inch in length of staple, or cotton of perished staple or of immature staple, or cotton that is "gin cut" or reginned, or cotton that is "repacked" or "false packed" or "mixed packed" or "water packed," shall not be delivered on, under, or in settlement of such contract.

Sixth. Provide that all tenders of cotton under such contract shall be the full number of bales involved therein, except that such variations of the number of bales may be permitted as is necessary to bring the total weight of the cotton tendered within the provisions of the contract as to weight; that on the fifth business day prior to delivery the person making the tender shall give to the person receiving the same written notice of the date of delivery, and that on or prior to the date so fixed for delivery, and in advance of final settlement of the contract, the person making the tender shall furnish to the person receiving the same a written notice of certificated cotton stating the grade of each individual bale to be delivered and, by means of marks or numbers, identifying each bale with its grade.

Seventh. Provide that, in case a dispute arises between the person making the tender and the person receiving the same, as to the quality, or the grade, or the length of staple, of any cotton tendered under the contract, either party may refer the question of the Secretary of Agriculture for determination, and that such dispute shall be referred and determined, and the costs thereof, to be fixed and assessed by the Secretary of Agriculture, shall be collected and paid, in accordance with rules and regulations prescribed by the Secretary of Agriculture.

The provisions of the third, fourth, fifth, sixth, and seventh subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the memorandum evidencing the same, at or prior to the time the same is signed, the phrase, "Subject to United States cotton futures act, section 5."

The Secretary of Agriculture is authorized to prescribe rules and regulations for carrying out the purposes of the seventh subdivision of this section, and his findings, upon any dispute referred to him under said seventh subdivision, made after the parties in interest have had an opportunity to be heard, shall be accepted in the courts of the United States in all suits between such parties, or their parties, as prima facie evidence of the true quality, or grade, or length of staple of the cotton involved.

SEC. 6. That for the purposes of section 5 of this act the differences above or below the contract price which the receiver shall pay for cotton of grades above or below the basis grade in the settlement of a contract of sale for the future delivery of cotton shall be determined by the actual commercial differences in value thereof upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, established by the sale of spot cotton in the market where the future transaction involved occurs and is consummated if such market be a bona fide spot market; and in the event there be no bona fide spot market at or in the place in which such future transaction occurs, then, and in that case, the said differences above or below the contract price which the receiver shall pay for cotton above or below the basis grade shall be determined by the average actual commercial differences in value thereof, upon the sixth business day prior to the day fixed, in accordance with the sixth subdivision of section 5, for the delivery of cotton on the contract, in the spot markets not less than five places designated for the purpose from time to time by the Secretary of Agriculture, as such values were established by the sales of spot cotton, in such designated five or more places in such market for cotton, in such designated five or more places in such market for the purposes of this section such values in the said spot markets be based upon the standards for grades of cotton established by the Secretary of Agriculture: *And provided further*, That whenever the value of one grade is to be determined from the sale of spot cotton of another grade or grades, such value shall be fixed in accordance with rules and regulations which shall be prescribed for the purpose by the Secretary of Agriculture.

SEC. 7. That for the purposes of this act the only markets which shall be considered bona fide spot markets shall be those which the Secretary of Agriculture shall, from time to time, after investigation, find and designate to be such, and of which he shall give public notice.

SEC. 8. That in determining, pursuant to the provisions of this act, what markets are bona fide spot markets, the Secretary of Agriculture is directed to consider only markets in which spot cotton is sold in such volume and under such conditions as customarily to reflect accurately the value of middling cotton and the differences between the prices or values of middling cotton and of other grades of cotton for which standards shall have been established by the Secretary of Agriculture: *Provided*, That if there be not sufficient places, in the markets of which are made bona fide sales of spot cotton of grades for which standards are established by the Secretary of Agriculture, to enable him to designate at least five spot markets in accordance with section 6 of this act, he shall, from data as to spot sales collected by him, make rules and regulations for determining the actual commercial differences in the value of spot cotton of the grades established by him as reflected by bona fide sales of spot cotton, of the same or different grades, in the markets selected and designated by him, from time to time, for that purpose, and in that event, differences in value of cotton of various grades involves in contracts made pursuant to section 5 of this act shall be determined in compliance with such rules and regulations.

SEC. 9. That the Secretary of Agriculture is authorized to establish and promulgate permanent standards of cotton by which its quality or value may be judged or determined, including its grade, length of staple, strength of staple, color, and such other qualities, properties, and conditions as may be standardized in practical form, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades, to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which, for the purposes of this act, shall be known as the "official cotton standards of the United States." The Secretary of Agriculture is authorized and directed to prepare practical forms of

the official cotton standards which shall be established by him, and to furnish such practical forms from time to time, upon request, to any person, the cost thereof, as determined by the Secretary of Agriculture, to be paid by the person requesting the same, and to certify such practical forms under the seal of the Department of Agriculture and under the signature of the said Secretary, thereto affixed by himself or by some official or employee of the Department of Agriculture thereunto duly authorized by the said Secretary.

SEC. 10. That no tax shall be levied under this act on any contract of sale mentioned in section 3 hereof if the contract comply with each of the following conditions:

First. Conform to the rules and regulations made pursuant to this act.

Second. Specify the grade, type, sample, or description of the cotton involved in the contract, the price per pound at which such cotton is contracted to be bought or sold, the date of the purchase or sale, and the time when shipment or delivery of such cotton is to be made.

Third. Provide that cotton of or within the grade or of the type or according to the sample or description specified in the contract shall be delivered thereunder, and that no cotton which does not conform to the type, sample, or description or which is not of or within the grade specified in the contract shall be tendered or delivered thereunder.

Fourth. Provide that the delivery of cotton under the contract shall not be effected by means of "set off" or "ring" settlement, but only by the actual transfer of the specified cotton mentioned in the contract.

The provisions of the first, third, and fourth subdivisions of this section shall be deemed fully incorporated into any such contract if there be written or printed thereon, or on the document or memorandum evidencing the same, at or prior to the time the same is entered into the words "Subject to United States cotton futures act, section 10."

This act shall not be construed to impose a tax on any sale of spot cotton.

SEC. 11. That upon each order transmitted, or directed or authorized to be transmitted, by any person within the United States for the making of any contract of sale of cotton grown in the United States for future delivery in cases in which the contract of sale is or is to be made at, on, or in any exchange, board of trade, or similar institution or place of business in any foreign country, there is hereby levied an excise tax at the rate of 1 cent for each pound of the cotton so ordered to be bought or sold under such contract: *Provided*, That no tax shall be levied under this act on any such order if the contract made in pursuance thereof comply either with the conditions specified in the first, second, third, fourth, fifth, and sixth subdivisions of section 5, or with all the conditions specified in section 10 of this act, except that the quality of the cotton involved in the contract may be expressed therein in terms of kilograms instead of pounds.

SEC. 12. That the tax imposed by section 3 of this act shall be paid by the seller of the cotton involved in the contract of sale, by means of stamps which shall be affixed to such contracts, or to the memoranda evidencing the same, and canceled in compliance with rules and regulations which shall be prescribed by the Secretary of the Treasury. The tax imposed by section 11 of this act shall be paid by the sender of the order and collected in accordance with rules and regulations which shall be prescribed by the Secretary of the Treasury.

SEC. 13. That no contract of sale of cotton for future delivery mentioned in section 3 of this act which does not conform to the requirements of section 4 hereof and has not the necessary stamps affixed thereto as required by section 12 hereof shall be enforceable in any court of the United States by, or on behalf of, any party to such contract or his privies. That no contract of sale of cotton for future delivery, made in pursuance of any order mentioned in section 11 of this act, shall be enforceable in any court of the United States by, or on behalf of any party to such contract or his privies unless it conform to the requirements of section 4 hereof, and the tax imposed by section 11 upon the order for such contract shall have been paid in compliance with section 12 of this act.

SEC. 14. That the Secretary of the Treasury is authorized to make and promulgate such rules and regulations as he may deem necessary to collect the tax imposed by this act and otherwise to enforce its provisions. Further to effect this purpose, he shall require all persons coming within its provisions to keep such records and statements of account as will fully and correctly disclose all transactions mentioned in sections 3 and 11 of this act; and the agents and officers of the United States authorized to collect said tax and otherwise to enforce this act and all rules and regulations made by him in pursuance hereof, and may fix the compensation of such agents.

SEC. 15. That any person liable to the payment of any tax imposed by this act who fails to pay, or evades or attempts to evade the payment of such tax, and any person who otherwise violates any provision of this act, or any rule or regulation made in pursuance hereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $20,000, in the discretion of the court; and, in case of natural persons, may, in addition, be punished by imprisonment for not less than 60 days nor more than 3 years, in the discretion of the court.

SEC. 16. That in addition to the foregoing punishment there is hereby imposed, on account of each violation of this act, a penalty of $2,000, to be recovered in an action founded on this act in the name of the United States as plaintiff, and when so recovered one-half of said amount shall be paid over to the person giving the information upon which such recovery was based. It shall be the duty of United States attorneys, to whom satisfactory evidence of violations of this act is furnished, to institute and prosecute actions for the recovery of the penalties prescribed by this section.

SEC. 17. That no person whose evidence is deemed material by the officer prosecuting on behalf of the United States in any case brought under any provision of this act shall withhold his testimony because of complicity by him in any violation of this act or of any regulation made pursuant to this act, but any such person called by such officer who testifies in such case shall be exempt from prosecution for any offense to which his testimony relates.

SEC. 18. That the payment of any tax levied by this act shall not exempt any person from any penalty or punishment now or hereafter provided by the laws of any State for entering into contracts of sale of cotton for future delivery, nor shall the payment of any tax imposed by this act be held to prohibit any State or municipality from imposing a tax on the same transaction.

SEC. 19. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1915, the sum of $50,000, or so much thereof as may be necessary, to enable the Secretary of the Treasury to carry out the provisions of this act.

SEC. 20. That there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, available until expended, the sum of $150,000, or so much thereof as may be necessary, to enable the Secretary of Agriculture to make such investigations, to collect such data, and to use such methods and means as he may deem necessary to determine and designate what are bona fide spot markets within the meaning of this act, to prescribe rules and regulations pursuant to sections 5, 6, and 8 hereof, and to establish and promulgate permanent standards for cotton and to furnish practical forms thereof as authorized by section 9 hereof, and he shall publish the results of his investigations including rent and the employment of such persons as he may deem necessary, in the city of Washington and elsewhere. All sums collected by the Secretary of Agriculture as costs under section 5, or for furnishing practical forms under section 9 of this act, shall be deposited and covered into the Treasury as miscellaneous receipts.

SEC. 21. That sections 3, 10, and 20 of this act and all provisions of this act authorizing rules and regulations to be prescribed shall be effective immediately. All other sections of this act shall become and be effective on and after three months from the date of the passage of this act.

Mr. LEVER and Mr. HEFLIN rose.

The SPEAKER. Is a second demanded?

Mr. HAUGEN. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Iowa [Mr. HAUGEN] demands a second.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. The Senate passed what is known as the Smith bill. It went before the Committee on Agriculture, and the Committee on Agriculture amended it by what is known as the Lever bill. Now, the Smith bill has not been read before this House.

The SPEAKER. No; and the Smith bill is not going to be read before the House.

Mr. TRIBBLE. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TRIBBLE. Now, the amendment has been read before the House, which is not the Smith bill. At this time I offer what is known as the Scott bill as a substitute for the amendment.

The SPEAKER. It is out of order. Now, inasmuch as this is almost the first time we have had a suspension of the rules in this Congress the Chair thinks it nothing but fair to keep gentlemen from wasting time—which they do not want to do—to state two or three things about the suspension of the rules. You can not amend the bill after it is read. You can not offer a substitute for it. You can not make the ordinary motions of postponing, and so forth. The motion to recommit does not apply.

It can not be recommitted. In addition to that, the modus operandi is very simple and very summary, and that is what it is intended to be. When the bill—whatever it is that is read by the Clerk, to be passed upon—is read it is the business of the Speaker to ask if a second is demanded. The Chair did so ask in this case, and the gentleman from Iowa [Mr. HAUGEN] demanded a second. The next thing he will do will be to ask that a second be considered as ordered. The House may or may not agree to it. If the House refuses to do it, it is the business of the Chair to appoint two Members to act as tellers, and the second is made by going through the tellers, and it takes a majority of the tellers to second the motion. Frequently a second is demanded simply and solely for the purpose of getting 40 minutes' debate.

Mr. MURDOCK. Now, will the Speaker inform me——

Mr. TRIBBLE. As a matter of fact, Mr. Speaker, this bill is not amendable under the suspension of the rules?

The SPEAKER. It is not.

Mr. TRIBBLE. That is what I wanted to get at. The Speaker stated it as a fact that after the bill had been read it could not be amended. How can Members know what it is until it is read?

The SPEAKER. They do not know unless they have hunted it up previously.

Mr. MANN. It is not amendable before it is read, either.

The SPEAKER. No. A Member rises in his place, if he can get the eye of the Speaker, and says, "I move to suspend the rules and to pass so-and-so, and he sends it to the Clerk's desk, and nobody can amend it or substitute for it, or anything of the sort.

Mr. DUPRÉ. Mr. Speaker, I want to call attention to the fact that this bill was reported by the committee on the 4th of June, and the gentleman has had ample time to acquaint himself with its contents.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the Lever amendment is beaten, does the vote recur on the original bill?

The SPEAKER. It does not. It simply goes back into the status it was in a minute before the gentleman rose.

1914, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 176, 177, 195, 218, 219, 220, 234, disagreed to by the House of Representatives, and had disagreed to the House amendments to the amendments of the Senate numbered 1 and 212.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report a joint resolution extending appropriations for the necessary operation of the Government and of the District of Columbia under certain contingencies, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 286, H. Rept. 906) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

Resolved, etc., That all appropriations for the necessary operations of the Government and of the District of Columbia which shall remain unprovided for on the 30th day of June, 1914, are continued and made available for and during the first half of the month of July, 1914, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1915; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than as the sum of one-twenty-fourth of the appropriations made for the fiscal year 1914 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1915 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twenty-fourth of the appropriations for the fiscal year 1914, and twenty-three-twenty-fourths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same: *And provided also*, That the operation of the Interstate Commerce Commission, in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, shall continue, and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, for the first half of the month of July, 1915.

on a list in my office.

Mr. MURDOCK. Now, is that accessible to the membership of the House?

The SPEAKER. Part of it is made up. There are four or five who are not on this list that have agreed to it since. Of course, this day is not suspension day, and there was an arrangement made about it. It had to be made in order to get it made suspension day at all.

Mr. MURDOCK. Now, Mr. Speaker, I made the inquiry——

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is——

Mr. MURDOCK. Now, Mr. Speaker, I made no request of any kind.

The SPEAKER. Has the gentleman a parliamentary inquiry to propound or not?

Mr. MURDOCK. Yes; I have.

The SPEAKER. Well, state it.

Mr. MURDOCK. Under the rules, Mr. Speaker, is there any way in which a Member on suspension day may know what is going to come up?

The SPEAKER. The only way he can find out is to come to the Speaker—that is, on regular suspension days—and he will tell him what he knows.

Mr. MURDOCK. What about special suspension days?

The SPEAKER. This day is operating under a gentlemen's agreement that was made here last week, and the Chair does not——

Mr. GARNER. Mr. Speaker, it was by unanimous consent, and the gentleman from Kansas [Mr. MURDOCK] was here when that agreement was made.

Mr. MURDOCK. I have no objection to the suspension day, but I wanted to know how the House can find what is going to come up.

The SPEAKER. The way the Speaker finds out is, in the first place, a gentleman comes to him and tells him what the bill is and asks to call it up. There are certain bills that nobody, acting as Speaker, would allow to come up in that summary way, because they ought to be discussed more, and that is the only kind of veto that this Speaker undertakes to put on them.

Mr. MURDOCK. And the bills will be taken up seriatim?

The SPEAKER. The bills on this list will be taken up seriatim, and the gentleman from South Carolina [Mr. LEVER] is recognized.

COTTON FUTURES.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass the bill S. 110 with amendments as follows——

The SPEAKER. Have you the amendments in the bill?

Mr. LEVER. I have, Mr. Speaker.

The SPEAKER. The gentleman will send the bill as amended to the Clerk to be read.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will suspend a moment. The gentleman from South Carolina [Mr. LEVER] asks to suspend the rules and pass the bill S. 110 with the amendments incorporated in it.

Mr. HAUGEN. Mr. Speaker, I demand a second.

The SPEAKER. We have not reached that place yet.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

the meetings of the commission"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

"Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators, for three months, at $100 per month, $300; messenger, for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,390.

"For rent of office for joint secretaries, $300.

"Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; 2 counsels, at $2,520 per annum each; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $3,000 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $27,260.

"Expenses, United States agency: Necessary and contingent expenses, $12,700."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 20 of the bill, in line 22, after the word "expenses," insert the following: "in Washington City"; and on the same page, in line 25, strike out "$50,000" and insert in lieu thereof "$40,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 21 of the bill, in line 19, strike out "$150,000" and insert in lieu thereof "$100,000"; and the Senate agree to the same.

H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Provides that the salaries for "ambassadors" to Argentina and Chile shall be available for payment of salaries of "envoys extraordinary and ministers plenipotentiary" to those countries until such time as the duty accredited "ambassadors" are received by them.

On amendment No. 2: Provides that the salaries for "secretaries of embassy" to Argentina and Chile shall be available for payment of salaries of "secretaries of legation" to those countries until such time as the duty accredited "secretaries of embassy" are received by them.

On amendment No. 3: Appropriates $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for emergencies arising in the Diplomatic and Consular Service.

On amendment No. 4: Appropriates $15,000, instead of $20,000, as proposed by the Senate, and $10,000, as proposed by the House, for the International Boundary Commission, United States and Mexico, and inserts the language proposed by the Senate modified so as to place the work under the direction of the Secretary of State and to eliminate the language requiring it to be done in pursuance to "concurrent resolution of April 29, 1892."

On amendments Nos. 5 and 6: Strikes out authority to use the appropriation for "Boundary line, Alaska and Canada, and the United States and Canada" for reducing field notes, as proposed by the Senate.

On amendment No. 7: Appropriates $2,550, as proposed by the House, for the subscription of the United States as an adhering member of the International Prison Commission, and strikes out authority, proposed by the House, for the permanent participation and expenses of the United States as a member of such commission.

On amendment No. 8: Strikes out, as proposed by the Senate, the appropriation of $1,500 for the quota of the United States as an adhering member of the International Geodetic Association for the Measurement of the Earth.

On amendments Nos. 9 and 10: Provides that moneys received from other American Republics for the support of the Pan American Union may be drawn from the Treasury upon requisition of the "chairman of the governing board of the union," as proposed by the House, instead of by the "Secretary of State," as proposed by the Senate.

On amendment No. 11: Appropriates $500, as proposed by the Senate, as a contribution from the United States to the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological.

On amendment No. 12: Appropriates $8,000, as proposed by the House, instead of $4,000, as proposed by the Senate, for payment of the quota of the United States for support of the International Institute of Agriculture.

On amendment No. 13: Appropriates for the United States court in China in the language proposed by the Senate.

On amendment No. 14: Strikes out, as proposed by the Senate, the appropriation of $1,126 for the pro rata share of the United States in the expenses of the Permanent International Council for the Exploration of the Sea.

On amendment No. 15: Appropriates $600, as proposed by the Senate, instead of $1,300, as proposed by the House, for the International Seismological Association, and strikes out authority for payment of expenses of the United States delegate in attending the meetings of the commission.

On amendment No. 16, relating to arbitration of outstanding pecuniary claims between the United States and Great Britain: Appropriates for the expenses of the work in the language inserted by the Senate modified in the following particulars: Provides that the agent of the United States shall be appointed by the President, by and with the advice and consent of the Senate; appropriates for two counsel, at $2,520, instead of one at that salary; makes the salary of the disbursing clerk $3,000 instead of $2,500; and appropriates for necessary and contingent expenses in a lump sum instead of in detail, as proposed by the Senate.

On amendment No. 17: Appropriates $1,000, as proposed by the Senate, instead of $2,000, as proposed by the House, for the International Radiotelegraphic Convention.

On amendment No. 18: Strikes out the reappropriation, proposed by the House, for the International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships.

On amendment No. 19: Appropriates $75,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for the Fifth International Conference of American States.

On amendment No. 20: Appropriates $750, as proposed by the Senate, instead of $2,000, as proposed by the House, for the International Congress on Customs Regulations.

On amendment No. 21: Appropriates $40,000, instead of $50,000, as proposed by the House, for the Nineteenth Conference of the Interparliamentary Union, modified so as to confine its expenditure to "Washington City."

On amendment No. 22: Appropriates $150,000, as proposed by the House, for the acquisition of embassy premises at Mexico City.

On amendment No. 23: Appropriates $100,000, instead of $150,000, as proposed by the House, for the acquisition of embassy premises at Tokyo, Japan.

On amendment No. 24: Strikes out the appropriation of $140,000, proposed by the House, for the acquisition of legation premises at Berne, Switzerland.

On amendment No. 25: Strikes out the appropriation of $375,000, proposed by the Senate, for the acquisition of consular premises at Shanghai, China.

On amendment No. 26: Appropriates $15,000, as proposed by the Senate, instead of $20,000, as proposed by the House, for the International Commission on Public and Private International Law.

On amendment No. 27: Appropriates $375,200, as proposed by the Senate, instead of $375,000, as proposed by the House, for allowance for clerk hire at United States consulates.

On amendment No. 28: Inserts the appropriation of $40,000, proposed by the Senate, for the Fifteenth International Congress Against Alcoholism.

H. D. FLOOD,
CYRUS CLINE,
H. A. COOPER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11245. An act extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The message also announced that the Senate had still further insisted upon its amendments to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 176, 177, 195, 218, 219, 220, 234, disagreed to by the House of Representatives, and had disagreed to the House amendments to the amendments of the Senate numbered 1 and 212.

EXTENSION OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, by direction of the Committee on Appropriations, I report a joint resolution extending appropriations for the necessary operation of the Government and of the District of Columbia under certain contingencies, and I ask unanimous consent for its present consideration in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the joint resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 286, H. Rept. 906) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

Resolved, etc., That all appropriations for the necessary operations of the Government and of the District of Columbia which shall remain unprovided for on the 30th day of June, 1914, are continued and made available for and during the first half of the month of July, 1914, unless the regular appropriations provided therefor in bills now pending in Congress shall have been previously made for the service of the fiscal year ending June 30, 1915; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to carry on the same: *Provided*, That no greater amount shall be expended for such operations than is the sum of one-twenty-fourth of the appropriations made for the fiscal year 1914 bears to the whole of the appropriations of said fiscal year: *Provided further*, That the total expenditures for the whole of the fiscal year 1915 under the several appropriations hereby continued, and under the several appropriation bills now pending, shall not exceed in the aggregate the amounts finally appropriated therefor in the several bills now pending, except in cases where a change is made in the annual, monthly, or per diem compensation or in the numbers of officers, clerks, or other persons authorized to be employed by the several appropriations hereby continued, in which cases the amounts authorized to be expended shall equal one-twenty-fourth of the appropriations for the fiscal year 1914, and twenty-three-twenty-fourths of the appropriations contained in the several bills now pending when the same shall have been finally passed, unless the salary or compensation of any office shall be increased or diminished without changing the grade or the duties thereof, in which case such salary or compensation shall relate to the entire fiscal year and run from the beginning thereof: *And provided further*, That the session employees of the Senate and House of Representatives now authorized by law shall be continued upon the rolls until the end of the present session of Congress and paid at the rate per diem or month at which they are now paid; and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, to pay the same: *And provided also*, That the operation of the Interstate Commerce Commission, in securing a valuation of the several classes of property of carriers, subject to the act to regulate commerce, authorized by the act of March 1, 1913, shall continue, and a sufficient amount is appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $65,000, for the first half of the month of July, 1915.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

Mr. FITZGERALD. Mr. Speaker, I ask that I may be recognized to move to suspend the rules and pass this resolution. The appropriations for the continuation of the entire Government cease to-morrow night, and unless this resolution becomes a law by to-morrow there will be chaos in the Government.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER].

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. We are about to go to the suspension of the rules——

The SPEAKER. Yes.

Mr. MURDOCK. It is a usual proceeding in this House, but it is very novel to this Congress. The power of recognition is wholly with the Speaker?

The SPEAKER. Yes.

Mr. MURDOCK. I would like to know from the Speaker how considerable a list of men have asked for suspension of the rules.

The SPEAKER. While that is not a parliamentary inquiry, the Chair will state there are about 15 for to-day and about 30 on a list in my office.

Mr. MURDOCK. Now, is that accessible to the membership of the House?

The SPEAKER. Part of it is made up. There are four or five who are not on this list that have agreed to it since. Of course, this day is not suspension day, and there was an arrangement made about it. It had to be made in order to get it made suspension day at all.

Mr. MURDOCK. Now, Mr. Speaker, I made the inquiry——

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

The SPEAKER. The regular order is——

Mr. MURDOCK. Now, Mr. Speaker, I made no request of any kind.

The SPEAKER. Has the gentleman a parliamentary inquiry to propound or not?

Mr. MURDOCK. Yes; I have.

The SPEAKER. Well, state it.

Mr. MURDOCK. Under the rules, Mr. Speaker, is there any way in which a Member on suspension day may know what is going to come up?

The SPEAKER. The only way he can find out is to come to the Speaker—that is, on regular suspension days—and he will tell him what he knows.

Mr. MURDOCK. What about special suspension days?

The SPEAKER. This day is operating under a gentlemen's agreement that was made here last week, and the Chair does not——

Mr. GARNER. Mr. Speaker, it was by unanimous consent, and the gentleman from Kansas [Mr. MURDOCK] was here when that agreement was made.

Mr. MURDOCK. I have no objection to the suspension day, but I wanted to know how the House can find what is going to come up.

The SPEAKER. The way the Speaker finds out is, in the first place, a gentleman comes to him and tells him what the bill is and asks to call it up. There are certain bills that nobody, acting as Speaker, would allow to come up in that summary way, because they ought to be discussed more, and that is the only kind of veto that this Speaker undertakes to put on them.

Mr. MURDOCK. And the bills will be taken up seriatim?

The SPEAKER. The bills on this list will be taken up seriatim, and the gentleman from South Carolina [Mr. LEVER] is recognized.

COTTON FUTURES.

Mr. LEVER. Mr. Speaker, I move to suspend the rules and pass the bill S. 110 with amendments as follows——

The SPEAKER. Have you the amendments in the bill?

Mr. LEVER. I have, Mr. Speaker.

The SPEAKER. The gentleman will send the bill as amended to the Clerk to be read.

Mr. TRIBBLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will suspend a moment. The gentleman from South Carolina [Mr. LEVER] asks to suspend the rules and pass the bill S. 110 with the amendments incorporated in it.

Mr. HAUGEN. Mr. Speaker, I demand a second.

The SPEAKER. We have not reached that place yet.

Mr. TRIBBLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

crease in value which such reclamation and development has added to each lot, piece, or parcel of land abutting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits, if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, and shall be paid into the Treasury of the United States to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 31, 226, and 227.

JOHN WALTER SMITH,
LUKE LEA,
J. H. GALLINGER,
Managers on the part of the Senate.

ROBERT W. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

The report was agreed to.

Mr. SMITH of Maryland. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER conferees at the further conference on the part of the Senate.

EXTENSION OF APPROPRIATIONS.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 286) extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies. The joint resolution makes a continuing appropriation for 15 days from July 1. Unless it is passed, the Government will be embarrassed on the 1st of July to carry on its operations. I ask unanimous consent that the joint resolution may be considered at this time.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 30, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 29, 1914.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Harry L. Steele, Coast Artillery Corps, to be major from June 26, 1914, vice Maj. Benjamin M. Koehler, dismissed June 25, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914:

Frank T. Leighton,
Alva D. Bernhard,
Arthur S. Dysart,
Tracy L. McCauley,
John H. S. Dessez, and
Augustine W. Rieger.

Medical Director James G. Field, an additional number in grade, to be a medical director in the Navy from January 22, 1913, with the officer next below him, and to change the date from which he takes rank as previously confirmed.

Medical Director George Pickrell to be a medical director in the Navy from January 22, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Albert M. D. McCormick to be a medical director in the Navy from September 29, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director George B. Wilson to be a medical director in the Navy from October 20, 1913, to change the date from which he takes rank as previously confirmed.

Medical Director Charles F. Stokes to be a medical director in the Navy from November 14, 1913, to change the date from which he takes rank as previously confirmed.

Walter C. Miller, a citizen of Georgia, to be an assistant dental surgeon in the Dental Reserve Corps from June 24, 1914.

Edwin N. Cochran, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

Gordon H. Claude, a citizen of Maryland, to be an assistant dental surgeon in the Dental Reserve Corps of the Navy from June 24, 1914.

POSTMASTER.

ARKANSAS.

William J. Johnston to be postmaster at Fort Smith, Ark., in place of Frank B. Bumgardner. Incumbent's commission expired February 16, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29, 1914.

POSTMASTERS.

ARKANSAS.

William J. Johnston, Fort Smith, Ark.

MASSACHUSETTS.

William J. Kenney, Attleboro, Mass.

PENNSYLVANIA.

Thomas S. Moreland, Jamestown, Pa.
Karl Smith, Sharpsville, Pa.
Thomas G. Vincent, Danville, Pa.

TENNESSEE.

Thomas P. Rucker, Franklin, Tenn.

REJECTIONS.

Executive nominations rejected by the Senate June 29, 1914.

POSTMASTERS.

ARKANSAS.

Albert S. Snowden, Paragould, Ark.
Edward T. Varner, Searcy, Ark.
F. O. Cogbill, Wynne, Ark.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 29, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We turn to Thee, O God, our Father, source of all our longings, hopes, and aspirations, for inspirations, strength, courage, that we may pursue the tasks before us with clear vision, strong hearts, and earnest desires; that we may do Thy will, satisfy our conscience, bear one another's burdens, and so fulfill the law of Christ.

The world again is startled, amazed, confounded, by the red hand of the assassin. Hasten the day, O God, our Father, when all men shall know and practice the golden rule, the art of living together in peace and harmony.

Hear us in the name of the world's great Exemplar. Amen.

The Journal of the proceedings of Saturday was read.

The SPEAKER. Without objection, the Journal as read will stand approved.

There was no objection.

The SPEAKER. The Clerk will read the Journal of Sunday.

The Journal of the proceedings of Sunday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITE, indefinitely, on account of illness.
To Mr. BARTHOLDT, indefinitely, on account of sickness.
To Mr. HOWARD, for two days, on account of illness.
To Mr. BARTLETT, for 10 days, on account of illness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MCGILLICUDDY was granted leave to withdraw from the files of the House, leaving certified copies, the papers in the case of C. B. Conley, H. R. 14373, Sixty-second Congress, adverse report having been made thereon.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Virginia rise?

Mr. FLOOD of Virginia. To call up the conference report on the Consular and Diplomatic appropriation bill.

The SPEAKER. The Clerk will report it.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Alabama rise?

Mr. BURNETT. I make a point of order that a conference report is not in order on this day. It is set apart for the purpose of suspensions.

The SPEAKER. The Chair is rather inclined to think the point of order is not well taken.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

Mr. POU. Mr. Speaker, the gentleman from Virginia is willing for me to make this request——

The SPEAKER. For what purpose does the gentleman from North Carolina rise?

Mr. POU. I ask unanimous consent that one night of this week be set apart for the consideration of the Private Calendar.

The SPEAKER. What night does the gentleman wish?

Mr. POU. I ask that on Tuesday, June 30, 1914, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that the House shall continue in session from 8 p. m. until not later than 11 p. m. During said session it shall be in order to consider in the House as in the Committee of the Whole bills on the Private Calendar to which there is no objection. The consideration of said calendar shall begin with No. 244 thereon, continuing to the end, after which other bills on said calendar may likewise be considered by unanimous consent.

The SPEAKER. Is there objection to the present consideration of the order of business?

Mr. MANN. Mr. Speaker, I object.

Mr. MURRAY of Oklahoma. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURRAY of Oklahoma. I rise to ask unanimous consent to extend my remarks in the RECORD in reference to the Creek equalization payment.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to extend his remarks on the Creek equalization payment. Is there objection? [After a pause.] The Chair hears none.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that to-morrow morning, immediately after the completion of the reading of the Journal, I may address the House for 10 minutes.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that to-morrow morning, immediately after the reading of the Journal, he may be allowed to address the House for 10 minutes. Is there objection?

Mr. MANN. Reserving the right to object, on what subject?

Mr. DOUGHTON. On the subject of the effect of the tariff on wool and woolens and the remarks of the gentleman from Illinois [Mr. MANN] last Saturday.

The SPEAKER. Is there objection?

Mr. MANN. I shall not object.

Mr. GARDNER. Mr. Speaker, I object.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] objects. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The conference report is as follows:

CONFERENCE REPORT (NO. 908).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 19, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 11, 13, 14, 17, 18, 20, 24, 26, 27, and 28, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL BOUNDRY COMMISSION, UNITED STATES AND MEXICO.

"To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $15,000: *Provided*, That $10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance to the protocol of May 6, 1896, between the United States and Mexico.

"The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under the direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the Diplomatic and Consular appropriation act approved February 28, 1913, 'To enable the commission to continue its work under the treaties of 1884, 1889, and 1905' is hereby reappropriated and made available for the payments herein authorized and directed."

And the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"INTERNATIONAL PRISON COMMISSION.

"For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550."

And the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 16 of the bill, in lines 20, 21, and 22, strike out the following: "and the expenses of the United States delegate in attending

DISTRICT OF COLUMBIA APPROPRIATIONS.

Mr. SMITH of Maryland submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 101, 103, 104, 105, 107, 109, 115, 122, 129, 131, 132, 133, 134, 150, 151, 152, 157, 161, 168, 169, 170, 171, 183, 187, 190, 191, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 201, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia," in line 1; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the Commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of 'An act providing a permanent form of government for the District of Columbia,' approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty drivers at $840 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.53"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awnings, $100; and fire hose, $100; in all, $1,225."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "stenographer, $1,400"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment, insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,325"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,120"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the preparation of plans and specifications for the erection of hospital building, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, $15,000, or so much thereof as may be necessary."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For agent, $1,800; clerk, $1,200; placing and investigating officers—one, $1,200; one, $1,000; five at $900 each; record clerk, $800; clerk, $720; messenger, $360; in all, $11,680"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30,180"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,990"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,430"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots and pieces or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said commissioners to institute in the Supreme Court of the District of Columbia, sitting as a district court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the in-

So the time came when there was no other place where the citizen could have resort but to the Federal Congress; and I regret to confess that I am forced to surrender to a very great degree the very creed of a lifetime's undertakings, in the theory of government, when I adopt this system of a national regulation and a national control over the affairs of a State citizen in purely State affairs. Nor would I subscribe to it under conditions as they now surround us if I were not driven to adopt it as the only means by which my fellow citizen may have guardianship in the property he possesses against the omnivorous maw of these that have previously devoured his kind and to protect my State and my country against approaching anarchy of desperation and revolution of aroused revenges.

THE REAL OBJECT OF THE BILL.

Then what is the measure that is suggested here? It is that "unfair competition" should not be permitted these masters, lest that unfair competition should completely merge out of existence the defenseless and literally devour the weak and leave the citizen no place, no refuge, no succor against a monopoly of trade that grinds him to slavery and his children to poverty.

"Now," says the able Senator from Idaho, and wisely, "the expression 'unfair trade' is not defined in such specific terms as will enable the men who have to administer the phrase to know exactly what is only to be comprehended." *I confess the criticism is just, but I have to say that it is better that the phraseology shall be so large and so comprehensive that it shall allow no man to perpetrate the offense upon the weak and the defenseless than that it should be so limited that while it gave to a few the knowledge how to exactly comply with words of the law, it gave to the many the privilege to violate its spirit and escape its consequence, because of the limited words of the law.*

Says the distinguished Senator, "The law should have specific terms," and the able Senator reads a decision from the Supreme Court of the United States laying down the fundamental law that legislation should be specifically prescribed in terms. I take no issue with the decision. The able Senator could have regaled his excellent legal knowledge—and to that I readily certify, for I have not been without experience of his eminence in the courts by my personal association—and could have reverted to an old case of United States versus Sharp, which he will find in Peters, where the Supreme Court of the United States laid down the doctrine that all legislation in matters touching crime should specifically define what that crime is, that the citizen may not, of course, go awry and blunder by committing an offense when he did not know what he was doing, *and if not so specific the act is invalid.*

Correct; but there came a time when there had to be a new form of legislation. Why? The older doctrine of definition, I must tell my learned friend, grew out of the theory when crimes came in two forms—those which we took from the common law of England and those which we were compelled to create in our own country by setting forth the specific act which when done constituted the offense. But, then, there came along a line of business which invented for itself a business phraseology and escaped the constructions of the former law. These found exemption from all the terms of the statutes and, by the invention of this new phraseology, secured immunity from the statutes as they were prescribed upon the ground that their words and acts were not within the words of the law. In this way they always escaped punishment by the strict construction of words, notwithstanding the language of the Scripture that "the spirit maketh and the letter kill'eth the law." Therefore the only thing left for the legislative bodies to do was to adopt their "business" language, the language invented by them, their language of trade and commerce.

Then from time to time the plain man expressed that a wrongful thing was "unfair," and he complained in equity; he complained in justice; he complained to his neighbor; he complained to his friend. From that the courts began to adopt his phrase—not the phrase of the law, not the scientific phrase of statutes, not the refined phrase of construction, but his phrase as he made it and understood it in his everyday walk of life. Then came the phraseology to be adopted as the method of the law, because it conveyed a certain meaning to those who had first initiated it; and to this very hour we have those phraseologies carried on in certain lines of commercial undertakings now defined, well understood, and carried into the decisions with a complete and exact meaning, among which is the phrase "unfair trade."

I will not read books to the Senator nor to the Senate; but I invite the Senator's attention to the construction of the Supreme Court of the United States in the case which involved the very Elkins law to which I referred, where the word "device" is used. The Supreme Court of the United States say that while the word "device" is capable of many and several meanings, nevertheless it has a specific meaning as to devices respecting transportation methods that seek to juggle and manipulate methods of rebates and devices to accomplish them; and having had statutes previously denouncing devices to cheat and swindle, the word "device" is held to be complete and sufficient for the courts or those who administer the law.

Now, I invite my learned friend to a decision that possibly escaped him in the multitude of his labors. Lately in the city of Chicago there was indicted a set of gentlemen, known as the packers, for violating the Sherman antitrust law. These men went before the court upon demurrer to the indictment upon the ground that the law which used the term "restraint of trade" meant nothing; it did not define what particular acts would render them amenable to the statute; what acts or things would be restraint; and that the act was unconstitutional because it was equivalent to making subsequent acts criminal which, at the time, looked fair and just, and was equivalent to an ex post facto application of the statute. But viewing the whole excursion of certain criminal marauders in commerce, ambushing these despots of trade, and beholding a march that they had undertaken across the very ramparts of independence in this country, the court said the phraseology would remain, because it was a phraseology understood in their particular language. That they knew its meaning, and knew when the things they did was within its scope; general as it was, that the words were fitting to that undertaking.

They came to the Supreme Court of the United States on appeal subsequently to all the decisions cited by the able Senator from Idaho, and there sought certiorari and habeas corpus upon the ground of all the contentions made now by the able Senator from Idaho in the legal argument which he now makes before this body. That court declined to accept the contention, and returned these defendants to the forum from whence they came, leaving the action as based upon the ground that the phraseology, general as it was, had a commercial meaning, and that any further specific definition had not been undertaken by the act and could not now be undertaken without confusing the effect and guidance of all the previous precedents established under the Sherman Antitrust Act.

So I say to my learned friend, supposing there should be an attempt made on the part of Congress now to define with specificness the particular things amounting to unfair trade or unfair competition. There would arise just such able lawyers as himself, although I do not believe he would be found among them, because I know his conscientious scruples in matters of public duty, and this would be their argument:—

"We demur to this proceeding, may it please the court." "Why?" says the court. "Because," says the offender, "the legislation has specifically defined what makes unfair trade. It therefore repeals by rejection all previous definitions of such as now found in the law decisions of the phrase." They will say "Congress, by the doctrine of elimination, declined to accept the words 'unfair trade' as previously understood, and adopts a new form of definition." Now, they will say we can do all the conduct previously understood to be unfair in trade, however oppressive, and we are not within this law. We decline to be within the definition as now defined, while we find perfect safety in perpetrating our offenses under the old definitions not now without and not included. Thus you see they will escape all the previous decisions of the courts, and all the things that we seek here to avoid as having been done in the past we would allow those gentlemen to perpetrate in the present and go free from any restraint or punishment in the future.

Therefore I am sure the able Senator will see that while there is much to be said in favor of his contention from the standpoint of abstract reasoning if it were a new question, for the first time brought into the arena of conflict, yet the conditions are such as to form an absolute exception, and therefore it becomes absolutely unavoidable that the only language we can use is the kind of language used in this act. In the words of Riverdale Mills v. Atlantic Coast Line (219 U. S., 186)—

> A situation had come about which demanded regulation in the public interest according to the judgment of Congress.

ATTEMPTS TO AROUSE PANIC BY CERTAIN "BUSINESS MEN."

Now I desire to advert to another phase. I refer now to that aspect that since we have undertaken this legislation you behold a certain class of "business" gentlemen throughout this country who first start with the assertion that this legislation will create a panic, and then the next assertion that it will mean great loss and disaster to them personally—and here we are very much interested in what is known as the "psychology of the condition." I quote an eminent authority.

I behold a distinguished banker, distinguished by virtue of having his speeches published more frequently because of the

position he occupies than of the matter contained in the utterance, that of an officer of the National City Bank of the city of New York. This distinguished gentleman delivered himself lately of his weekly address in which he condemns the Congress of the United States as a body that is playing with the fate of the Republic, that is bringing to disaster the commerce of the country, that has the daring impudence to attempt to regulate the financiers of America.

Senators, it is shocking to my mind that, sent here by the great people of your country, you would have the daring temerity to undertake any legislation without first crawling upon your knees to the portals of these eminent establishments, and asking what is their pleasure upon the occasion, before you undertake the discharge of your official duty.

We read in the public press what a degree of benighted, pitiable ignorance we are displaying before the country, how lacking in patriotism our every undertaking, how wanting in common sense in all our proceedings; and just as I read that particular speech of this distinguished banker from New York I likewise see the very same speech, in almost absolute words, made by an officer of a railroad company at Hot Springs, Ark., on the very same night, and by a vice president of a banking institution of the city of San Francisco upon the very same night.

Now, I respect exceedingly this inspiration of new-found banquet oratorical skill on the part of these eminent financiers; but I would suggest a more commodious method by which they may circulate the slander of panic and induce the sentiment of fear in their country. That instead of having a speech prepared for them by some skilled newspaper boy, struggling for an existence upon the least of compensation but who writes excellent English for such oratorical displays of one-night eruptions, that the speech be mimeographed and sent to a few gentlemen with the notice that at a certain clock stroke it is to be delivered upon certain great occasions and delivered to the press as the emanations of financial genius. This would be organization. I suggest that thereafter they may use a phonograph and that some one of their particular chosen spokesmen be selected, that a tent be engaged, and the announcement be made to the country that from this eminent source there is to come forth a great speech upon the disorders of the country, the distempers of Congress, and the ignorance of the Senate. That those distinguished leaders shall, through this particular chosen official, "speak this speech, I pray you, as taught you." Read first the speech of Hamlet to the players, and then emulate it with exactness, and then, in this phonograph, perpetrate it.

There is in this country an inoffensive community of 5 cent moving-picture shows that will illustrate it. If it is accompanied with the moving antics of the swelling orator. Then have it arranged so that at certain times throughout the country it may be delivered with the same consecutive, chronological exactness that these particular addresses are made upon the part of these distinguished gentlemen on the same sentiment which they now deliver to the country to the fright and terror of the Senate and to the trembling sensations of the country at large—and to the snickering amusement of all sensible citizens who know these men.

But I also have another word to say, and that is that these gentlemen who are seeking to hold up the Nation as being misguided and imposed upon, to hold up this Senate and this Congress as unworthy of the respect of this Nation, all as in no wise entitled to the credit of respectability before the world—these men should pause and remember the line of the Holy Law, and behold the beam in their own eye before they pluck out the imaginary mote in another. Let one remember, how, in a custom-house deal in New York, this Government was robbed by this great institution of thousands and thousands of money, never responded to, while one of the officials of the Government who allowed that robbery was afterwards made an official of the institution in reward for his generous nature, that could see no offense in permitting the outrage and in taking his specious bribe from the perpetrator.

Do these gentlemen fancy that they are impressing the honest men of this country? Do they think that the humble toiler can not read his weekly paper; that the woman of the house can not read her magazine by lamplight; that the merchant does not keep up with the daily press; that the country at large does not understand who they are, what they are, what they represent? Will they never understand that all their methods have been the same, all their undertakings alike; that they are but a poor army of bad duplicators of a greater race? Unfortunately for these descendants, suffering from the blight of an imagined new-found capacity of oratorical skill, are constantly perpetrating the insipid and ridiculous performances upon the country, under the self-infatuation that such is fascinatingly constructed, wonderfully delivered, and overwhelming in its influence.

Alas, Mr. President, how sad is that estate of new-found greatness when flattered by fools and incited to ridiculous exhibitions by swollen conceit and pompous vanity.

Now, I would say to those gentlemen there is a way to reach this body. It is by an honest, fair presentation of a cause. It is by coming to these honorable men who occupy these seats, without regard to their political alignments, and letting them know the honest views of honest business men, and by letting them have the private views of any private citizen. But that manner of man who masks in the gilded helmet and armor that he has molded out of the gold that has been lawlessly extracted from the hard earnings of the poor and from the honest industry of the country comes branded as a felon before the honest men of the Nation, and his voice is as one who cries from the pit to where his deeds have honored him.

Mr. President, this manner of man will have little influence upon the honest sentiment of the country. He is neither being misunderstood by us nor is he deceiving the country, to which he thinks he speaks.

Now, this legislation, let me say as I conclude, has but one object. It is to speak to that manner of men who heretofore went out and said to their rivals, "You will either join with us, so that we may amalgamate you out of existence, that you shall take such as we shall give you in compensation for your property, or we will beat you to the ground." Then following the threat by conspiring with certain railroads to grant rebates against which the competitor could not live. Then finding himself withering to the ground, the competitor had the only alternative left him by a surrender to that superior power of the brigand in commerce. We seek also to protect against that other kind of man who, having a large banking institution, as demonstrated in proofs evinced here upon hearings, says to competitors, "You shall not have the right of banking houses; you shall not have opportunity to supply customers nor give to merchants a chance to enlarge that business or maintain themselves in the hour of disaster." These who say we demand that when we get men down they shall stay down.

That high-class merchant, that honorable gentleman, that conscientious banker, that faithful railroad operator, that splendid master of commerce, wherever he is, he will need no such guardianship; he will have no punishment. He is the pride of our country. He is the kind of man we point to to show what thrift can accomplish and what honorable life may achieve. But this other kind that brought this Nation to debasement in the last twenty years, and in the last five years so near to revolution that men despaired of liberty and doubted that free institutions could be maintained in this Union—these shall not repeat their offense without responding to their country for the crime committed against freedom and mankind.

Mr. President, I have uttered these observations because of the views just closed of my learned friend, the Senator from Idaho. The Senator more completely expressed in his views the views of all those who might be found opposing this bill. None can improve on his analysis or presentation. I am desirous of infusing confidence in the merchants of our country. I want the great respect of this country to go to the law, and the respecters of the law to be the subject of our admiration and our just guardianship. I want confidence in business. I want the plain citizen to respect the man of honest riches and I want the rich man to respect the industrious poor. The honest corporation is no offender or criminal and the dishonest corporations should know that they will be found out, searched out, and justice meted out to them.

Mr. President, I have not always agreed with my learned friends on the other side in abstracts, but I believe in this matter there are no serious differences. The man in the White House, Woodrow Wilson, may have certain creeds and doctrines that may not meet with your approval at all times, but he is seeking to give freedom an opportunity; to give to commerce liberty; to give to men justice.

We on this side of the Chamber who are behind him often likewise differ from many of his methods and do not agree with all his systems, but with the sincere purpose that animates his life he is coming to the rescue of the Republic, which he seeks to redeem to her old days when she was honored by all men, beloved by all citizens. All good citizens rejoice to cooperate in this high resolve. Under this act we are giving him hearty support, to the end that democratic institutions may still survive, and that this Nation may still be free, giving opportunity to industry, freedom to man, and success to American citizenship, to our glory before the world!

"expression of duty"—through which it is held now that, if a State passes any legislation looking to the regulation of freight rates within the borders of the State, or to prevent unjust exactions as to rates charged passengers, or to prohibit unfair monopoly or oppression of its people, such legislation is invalid merely because Federal legislation by Congress upon a similar subject exists. Thus by virtue of a sovereignty they find in the Federal Government superseding and excluding that of the State, the State is forbidden to legislate upon this subject for the protection of its people in anywise whatsoever.

Thus a State may have these institutions in its midst; it may protect them with a police power supported by the aid of its taxing power; it may yield up the contribution of patronage to the extent of making millionaires of the owners of the property; but under no condition can these owners be regulated or the law of the State be applied to them to avoid their exactions and prevent great wrongs in the form of oppression upon the people of the State. Yet the people of the same State are denied the right to go to the Federal Government in the same way for their relief against these wrongs, because the moment they step into the Federal courts and ask to have the wrongful rates restrained as against them we can hear them met with the query: "Mr. Petitioner, you live in this State, do you not?" "I do." "This company is a corporation here, is it not?" "It is." "Then you are both citizens of this State, and therefore the Federal court has no jurisdiction as to you. If you have overpaid, sue in the courts; if you have not paid and they are exacting too high tribute, it is a mere breach of contract, sue before your home jury for money if you think you will live long enough to get a hearing." By this policy of discrimination, by this Federal intrusion and oppression, it has come about that there is no other place for a man to go for legislation of relief against oppression at his doorway but to the Federal legislature at Washington. He finds himself here because he has been driven here by the wrongful policies inaugurated with success on the part of these institutions who now seek exemption from the legislation of this body. They denounce the effort to pass Federal laws on the ground that it oppresses them with the system of control. That it is so charged and general that, with the application of the law, they will be confused, and with an enforcement they will be harassed. Well, who brought it on them? Who builded this Frankenstein which these gentlemen feel now bind them? They did. We Democrats announce our new adaptation of the Federal centralism—it is that because the National Government has so long allowed corporate power the privilege of oppressing the citizen of the State the citizen of the State must now avail himself of the power of the Government to defend himself against the oppression of corporate privilege.

Mr. President, I remember that, when delivering law lectures in England lately, of seeing a marvelous presentation of part of a prophecy from a distinguished man now passed into that ephemeral thing we call "the fame of the ages." This he said: "Law lords and landlords, and trade lords, the specters you have conjured up have arisen. Rent rebels, strikers, behold the lawless bands; there they are! They are the fruits of the seed you have planted—the nihilist with his bomb, the socialist with his flag, the lawless individual with his methods—they are yours. You summoned up the system by which they could obtain no rights for themselves, and they were then bent on the only thing they knew—retaliation by wrongs against you. Behold you, sirs!" Said the great one, "Hear you the tide? It is the sweep of the water you summoned up. You planted the dragon's teeth; you will hear the roar of the pack as sure as the stream goes seaward."

NECESSITY FOR RESORT TO FEDERAL AID.

Mr. President, what do we see on the part of these gentlemen? After having successfully destroyed every form of local autonomy in this Government; after having, through their agents, been able to destroy the sovereignty of the local State courts; after having denied the privilege to local legislatures to govern their own people; and having exempted themselves from all local form of control within the State, they then fancied they had complete immunity from all forms of law. Then you began to act. Did you begin, my brother Senators? No; but the great force behind you began with you. There was that voice in our country reminding you of wrongs, which, because of the failure of local relief, had multiplied in number within the States. These had denied the right of home rule and of self-control. You were then told by the people that since they were denied the right of home rule they were determined to obtain relief at the only place they could secure it. You saw the wrongs perpetrated upon your countrymen; you saw the infamies visited upon your States; you saw the oppression put upon your citizenship by these institutions; then you turned yourself about to find your remedy in the Congress of the United States. Not, sirs, because you believed in the creed of the destruction of the States, but because you were compelled to adopt the only system permitted you that promised relief of your country against anarchy on the part of the ignorant and revolution on the part of the learned.

So legislation then began in the National Congress to a degree that the fathers who founded this Government never dreamed would be assumed; methods of paternalism, systems of concentration of power, having for its object the control of everything a man ate and everything he drank, where he walked and where he went, every system of his life, and this by administrators miles and miles from him, to be directed by men for whom he never voted, whom he never saw, and who had no interest in his life or in his death, in the welfare of his children, or in the prosperity of his household. He was confronted with this emergency and out of necessity he was to yield to it. And here we are, accepting and adopting the best we can to prevent the worst from resulting.

EFFORT TO DEFEAT NATIONAL LEGISLATION.

Then, sir, we ask what did these institutions that now seek exemption from Federal legislation do when there was an honest attempt upon the part of able Senators on both sides of the Chamber to enact legislation that could be said to be fairly within the purview of honest purpose and fair regulation? They then began to denounce the Congress of the United States. They began it eight years ago, and they have kept it up ever since. I want to warn Senators if ever you "lay that flattering unction to your soul" that you had capacity to prescribe regulations or the ability to shape legislation or that you had in any degree merit which would serve in the Senate with patriotism or ability—I warn you to behold the criticisms of yourselves and the source whence it comes and feel your insignificance (?). Behold through these estimates of you how "degraded" you have become. Who are these "business men" who have been sending to this body their petitions of defiance against any form of legislation looking to the regulation of their wrongful conduct? They are those who having exempted themselves from any State control or local home rule regulation—now demand exemption from Federal regulation; immunity from all law—as their privilege.

When President Roosevelt saw this impotent condition of the States, he sought to have a bill passed in Congress looking to the regulation of the railroads. After the railroads had avoided local control by the legislatures of the States, these masters of them hovered around the Senate with their emissaries—committees and their lobbies; they shadowed the House of Representatives like black omens; they followed the legislators with annoyance wherever they could; they maligned them wherever it was possible; and misrepresented many men in public life wherever opportunity afforded. All this with a view of defeating the railroad-regulation bill and any form of regulation whatever. Then went forth, as goes forth now, the cry that such legislation meant disaster to business; it meant destruction of honest railroad industry; it was a direct assault at the integrity and purpose of business men. President Roosevelt was compelled to rely upon certain Democratic Senators to assist him in his undertaking, and, with the aid of certain independent Republicans, the legislation found its way to the statute book. Have the railroads been destroyed? Has business been decimated? Have these men been sent to bankruptcy? Has that dissolution hung like a cloud and burst with disaster upon us? Not at all. But we have the very same men who were busy denouncing us, hurling anathemas, and uttering curses, now confessing that the legislation was of great relief, was of great benefit, and that now they realize the great error they made in denouncing the President and Congress in their effort to circumvent this form of regulation.

Then, if we recall, when there was another move made on the part of this body looking to mere commerce regulation, to prevent the rebate system, and the Elkins law was before the body, there came the same swirling cavalcade denouncing this attempt. "It was destructive to business interests." "It would destroy the great corporate welfare." "It would rob the railroads of their honest earnings and their honest industry, as well as their earnings." "It would destroy the laboring man." "It would bring a holocaust generally upon the Nation." And thus we had the same audacious and daring form of intimidation attempted upon this body then as now.

What did it avail? Courageous men, animated by a nobler purpose than serving a temporary expediency and too courageous to yield to such frightening aspects, passed the legislation, and to-day we have admitted by these men the benefits of the legislation and the accrued welfare of the citizen;

and these very men who denounced it then, as those who are denouncing the attempt now, concede that that which Congress did was to their welfare and to the advancement of commerce.

Then, when we passed the banking and currency law, how these business bankers denounced it as a performance of ignorance and destruction. Then, when it was passed, how they fell over each other to praise as a blessing what they had tried to prevent. Then many who had cursed the effort tried to get the appointment as one of the administrators of the system. Such hypocrisy was not calculated to awaken respect here nor confidence from the citizenship of the country.

TRICKS OF MASTERS OF FINANCE.

Now, Mr. President, we contemplate what many of these gentlemen masters of finance did to deprive themselves of public confidence before the face of an astonished Nation. Mr. President, all corporations are not dishonest; all business men are not tricksters; but the Holy Scriptures hath it, in the ancient doctrine of the fathers, that the sins of the fathers descend to the children. I am not able to see the justice in that ancient Mosaic theory, yet I do realize that it was proclaimed by a very high source. These corporations which have been criminals in this Government and these business men who have played the trickery upon this Nation have, whether consciously or not, transmitted to the innocent ones the fate of their own conduct and the results of their own offenses.

Who are these men who have brought this Republic to a point where it no longer has confidence in corporate management and has serious suspicion of all business undertakings? Do these "business men" forget that the great insurance concerns of this country, managed by certain "business men," seized thousands and thousands of widows and orphans and placed them as victims upon the altar of greed and avarice, as these men robbed these helpless children and defenseless women of the money that was left for them by their parents and husbands, while these business men appropriated this money to their own guilty uses? How they builded castles along the Roman Campagna to emulate Lucullus of the ancient day, and upon the hills of the Hudson, that they might not be outclassed by the barons of the Rhine—all out of the money of these helpless persons. Do we forget how they gave the money out as campaign contributions to purchase elections and buy judges? That then when they were brought to book in investigations how they shifted the blame from one to the other, until finally they all launched it upon one tripping dancing-master millionaire, who, to the pleasings of a lute, played his little part in Paris as he capered before the white-winged "angels" who are nameless in this particular assemblage, but who in their particular method, held him secure in a foreign country during the period of the American statute of limitations. [Laughter.]

Can you imagine that under these conditions these "business men" would not reap the direct result of this kind of policy, when you recall that while these very trust funds were stolen by these people not one was forced to disgorge nor one of these culprits ever jailed. True, one happened to be indicted, but he held the enviable attitude of exemption before the law. He was able to plead guilty and, in the language of a former code of political morals, "stand pat," while an appellate court, which was well understood to be very favorable to him and his sponsors, rendered the expected ruling, to wit, that he could not be held guilty upon the indictment, giving the usual legal distinction in such cases, to wit, "for that, to wit, whereas the aforesaid gentleman was charged with taking the said $50,000 with his left hand when it should have said by his right opposite his left by which he left little that was right. Therefore as the community, being blind, could not see which hand this handy man so handily unhanded these widows and children of their all, now, therefore, the said defendant goeth without day and is acquit." Wondrous is justice. [Laughter.]

Do you fancy that when that ruling was made, and that distinguished head of great institutions in this country was allowed to escape deliberately in confessed violation of the law that such did not likewise cause a great mass of citizens to see how unjust and discriminating was the law, as the able Senator from Idaho well said, quoting the ancient, "how like a net that caught the weak and let the strong escape"?

If I may be pardoned by the Senator for being so bold as to suggest a more fitting quotation, well might I use the words of the great Shakespeare—

> Plate sin with gold,
> And the strong lance of justice hurtless breaks;
> Arm it in rags, a pigmy's straw does pierce it.

And such, our great country realized, was the privilege of these big institutions in their safe corporate control of certain courts. Then, sir, do you realize what the management of these great corporate institutions continued to do? The Alton Railroad Co., in my splendid State of Illinois, under the specious management of these financial necromancers, did not hesitate, with the twirl of the wand, at drawing water figuratively as out of the lake that surrounds the city of the corporate home and selling it for stock, crystallizing it as it were into a beautiful display like the stalactites that might fall from the roof of the Mammoth cavern and garnishing it with seductive illustration in the form of a "stock certificate." Thus millions and millions of money, by the great prince of "presto," were drawn from the trusting public without one step ever being taken to punish these great offenders, who took money of the humble and trusting and put it in their private purse and treasury, without giving one cent of return. Yet these justified their conduct with a smile of "corporate management"; and when the State of Illinois sought to punish the offenders we were met by the precedent established in the new theory of the Federal dispensation that it was only for the Federal courts or the Federal Congress to regulate these eminent financial highbinders. It was only little offenders that could be seized by the courts of the States; punished for crime, all they have sacrificed, their reputations destroyed, their wives widowed, their children orphaned—if need be, to the gallows.

Then came the St. Louis & San Francisco Railroad Co., with one set of gentlemen—the directors and trustees—buying worthless property with the railroad money, then lifting its price twenty times and selling it to their own masters and pocketing the profits, and stalking through the country with their brazen countenances unabashed. They issued more bonds on the falsified value of the embezzled property and sold these by a process of commercial lying to a gullible public who now stand bankrupt and helpless. The stockholders pillaged, the bondholders robbed, and the people to be drained in railroad rates to make up the stealings. Then, sir, when the United States Supreme Court rendered its ruling a few days past in the Shreveport case, saying that the State of Louisiana was powerless to regulate these concerns, as all States must now yield to sole congressional control, one of these culprits did not hesitate to have himself interviewed and say: "How glorious is the judgment of the law! The politicians who occupy places on the State railroad commissions can no longer fiddle with us."

Yes; but these gentlemen have found an arena where there will be some fiddling, and it will not be Nero's performance with the world burning, but with an indignation blazing, and they it will be who will be first sent to the caldron.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD—BUSINESS MEN.

Then, Mr. President, just the other day, before our eyes, we saw another exhibition—one after the other—the New York, New Haven & Hartford, and its nauseous eruption of trenchery, trickery, and thieving. I shall not attempt to detail at this time the sickening spectacle that procession of crime presents to the revolting gaze. It is sufficient to know that they performed their undertaking of robbing the constituency of four States, not only through the munitments of exemption from State control and the manipulation of corporate management, imposing upon the credulous as they robbed the trusting, but they did it in the name of the Lord, for they wrote a prayer as their pleading—and put their crime in the guise of an angel weeping for oppressed souls. A distinguished professor of a distinguished college in the East—one of that kind who, standing by their imaginary altars, thank the Lord that they are not as other men are—was purchased for $3,000 to write the prayer in false, delusive, and seductive psalmist language. This prayer was to conjure the innocent citizens from the lowlands of New England and from the heights of the hills to cry "O Lord," in the words of the psalmist. All to induce the people to restrain any further opposition to the railroad garroters smothering New England. Then under the spell of the effect the railroad holy rollers proceeded to take millions and millions from that property and put it in their private pockets to the bankruptcy of the stockholders and to the disgrace of honest railroad management throughout the country. And it was they, if we remember, who, through their certain two spokesmen, not long since denounced an attempt on the part of this honorable body to bring about a fair regulation of these concerns. They had themselves quoted—denouncing the efforts of Congress as "demagogy" and dangerous interference with the "business men."

Mr. President, that these men have brought upon themselves the natural penalty of their own conduct no man can deny. There is no logic to an awakened resentment. There is no philosophy in a wounded heart. There are no narrow limitations of constitutional construction within the souls of men who feel that they have been wronged by those they trusted and betrayed by those in whom they invested all of property and honor.

man who knows how to take care of all the people of the United States. I suspect that the people of the United States understand their own interest better than any group of men in the confines of the country understand them. * * * If any part of our people want to be wards, if they want to have guardians put over them, if they want to be taken care of, if they want to be children, patronized by the Government, why I am sorry, because it will sap the manhood of America.

His idea, as I understand it, was not to tie the whole business world up with overseers and policemen, not to have a superintendent for the average honest citizen throughout the United States, but to give business its freedom, to destroy monopoly, to release the unbounded energies of the average citizen and depend upon him to be both honest and successful.

I am a supporter of that kind of a policy. I do know, Mr. President, that those who advocate this measure have not in view that which I think will be the result and effect of it, but if this commission is going to have any business in the world to discharge and it proves a success in the end, that is precisely what will result—the business of the country will come to this commission for authority and direction.

Mr. President, I would like to see at the close of this session the passage of a national incorporation act, and certain provisions which I deem to be essential for the enforcement of the Sherman antitrust law, and then I would like to see the announcement made that the monopolists of this country must obey the law as laid down by the Supreme Court, and that neither a plea of busines condition nor a plea of business confidence or lack of it would deter the enforcement of the law with reference to those great monopolies. I do not believe that it will help the situation to send out a roving commission to superintend or supervise, to oversee and police the hundreds who are not violating the law. I do not think it will help business a particle to have in the statute an uncertain provision with reference to unfair competition. I think that which will bring about what we must ultimately have—to wit, the destruction of private monopoly—is the announcement that private monopoly must go. And let us not forget that the owners of private monopoly distinctly understand the decisions of the Supreme Court now to that extent that they know that they must go if those decisions are carried into effect.

Let me recall to you a piece of history which some still living helped to make, and all of us have often read. For 40 years we compromised and dickered with human slavery, procrastinated and side-stepped, apologized for or defended the institution. We were afraid that to destroy it would destroy business and involve the country in financial distress. We tried the Missouri compromise, the fugitive-slave law, the Dred Scott decision, and squatter sovereignty. We searched our false and cowardly hearts for justification of the pernicious doctrine that one man should live off of another's toil. We scoffed at the moral law and falsified the Scriptures until the whole Republic reeked with inhumanity and venality and a whole people seemed enmeshed in cowardice and crime. But in that hour there came into camp a strange, ungainly figure from the ranks of adversity and poverty, with his simple but living faith—a house divided against itself can not stand. From that hour slavery was doomed; the sacrifice had to be made, and it was great; but slavery was doomed. The age of compromise and procrastination, of moral obliquity and intellectual cowardice, had passed. Monopoly is ten thousand times worse than black slavery; it is the father of class domination, the molder of chains both for the body and the soul, and can not exist in any form with safety to the people in a Republic. A Republic is strong enough to destroy, but never could be strong enough to regulate monopoly. The human system may survive the knife, but it never can survive the subtle encroachments of the insidious hunger of disease. Some of these days all political parties—because the people will rise in their might—will take up this proposition of monopoly, and declare in terms unmistakable that a Republic and monopoly can not exist under the same flag; will declare that we will put the man in jail who organizes a monopoly and practices monopoly as quickly as a man who organizes a combination of thieves and takes our property in another way.

Mr. LEWIS. Mr. President, I shall occupy the floor for a few minutes and will then give way to the able Senator from Iowa [Mr. CUMMINS], who, I understand, desires to address himself to some of the distinctive legal features of this measure.

No man in the Senate can hear with more pleasure the distinguished Senator from Idaho [Mr. BORAH] than myself, and while I am not always able to give my approval to his conclusions, no man can accord to him sincerity of conviction in the announcement of premises more readily than I. I am particularly moved to a consideration of the things to which he alludes in referring to the extent of monopoly in this country, and I am interested to recall that the denunciation of just such monopoly has for years come from the Democracy and been made by men of no less sincerity of purpose and of no inferior patriotism to that of the Senator from Idaho.

A single reply to the Democrats came from those who had least regard for public opinion and none for the right to express it. It was the hurled-back charge of "demagogue" or "anarchist" against every Democrat crying out the danger of these evils. If there had been more heed in this country to the warnings which have been given by Democracy against the encroachment of private monopoly, there would not have been need today in this great body for any man to defend or assail legislation having for its object the remedy of those monopolies and the restraint of those who continue to execute the infamy upon the citizenship of this country which monopoly permits. Let it be now recalled that Republican administrations for the last 20 years have licensed by law these monopoly privileges which now Democrats and patriotic men of all parties alike condemn as they seek to rescue their oppressed countrymen.

There is no real citizen of this country desiring the welfare of his Nation but will agree with the anathemas hurled by the able Senator from Idaho. They join with him in all the condemnation that the splendor of his utterance flames around this hideous object and behold with him the frightening vision which he conjures up to the horror of this honorable body.

But, Mr. President, who and what did this thing? I answer. It is by and under laws upon the statute books under which these institutions have taken their shelter and their license. They were passed under administrations which denounced the Democracy because it sought to avoid the very evil which is now put upon the Republic and which eminent Republicans, such as the distinguished Senator from Idaho, confess need curbing in some instances and destruction in others.

So far as I am concerned, I wish to be very frank, and unreservedly to say that by principle I am opposed to the form of legislation which finds its way into this Chamber to-day and which is traveling fast upon the heels of similar kind that has been pacing and romping the circle of Congress for the last five or six years under the guise of remedies of national wrongs. It is to be regretted, Senators, that there is a tendency, whenever the mind is aroused by a public wrong, to remedy that public wrong by committing a greater public wrong in the form of the remedy. I deplore that there should be upon this country a general atmosphere of consent that the Federal Government should constitute itself a pater familias of each citizen of the Government and arrogate to itself power to remedy every conceivable wrong, real or imaginary, of any citizen of the Republic, however limited in operation to the domain of his local abode. The older and greater doctrine, and that more noble institution of home rule, by which a man may be regulated by his State within the State where he lives in the extensive privilege of its own police power, has been wholly abandoned, and the theory upon which this Government has so long survived is to be forsaken and forfeited, while we are to be rushed into the mazes of all the confusions and of all the disasters which the theory of centralized government ever project upon the citizen wherever it is fostered by privilege and upheld by power.

No great evil upon government has ever been successfully perpetrated save as it has introduced itself under the guise of necessity and blessing. No great departures from the constitutional theory of government—which long having been tried and long proven successful—have ever been entered upon save through that specious excuse of the immediate emergency which is justifying the exception.

EVIL OF PERSONAL DISCRETION IN GOVERNMENT.

The able Senator from Idaho has laid his finger clearly upon that element of weakness that is in all such legislation as this which new conditions have forced the Democracy and the Senate to bring before the country. It is the vesting in any centralized set of men the uncontrolled personal discretion to say wherein certain acts are within the law and when such shall be regarded as excluded from it. It were better by far that we could have certainty of method of proceedure, exactness of definition of what makes offense—all stated with absoluteness in a statute. It would be more satisfactory that there should be specified in every law the particular things which are denounced, the things which are permitted, the penalty for the violation of the things denounced, and the privileges accorded to the things which are obeyed.

This form of legislation was the early standard of legislative bodies, as the distinguished Senator well says. He need not have gone back so far as his classics; he could have reverted to the first chapter of his Blackstone to recall that we are taught that the three great elements of legislation are permanency, uniformity, and universality.

Yet, Mr. President, there can be no permanency in any legislation that rests solely upon the variable and shifting discretion of the opinions of mortal man. There can be no universality, because any other set of men similarly situated will vary their judgment according to the change of affairs which have been introduced into the arena of action. There can be no uniformity unless the Government is so constructed that that which will apply in one place of government under certain conditions would apply to all of the Government in every part of it under the same conditions. With 48 States of the Union, with the varying demands on the part of those different Commonwealths, the changeful needs of our countrymen, the effect of geography, the production of soil, the tastes of men and their political inclinations, it is almost an impossibility to assume that any one set of defined expressions, such as the able Senator points out as necessary to this bill, could ever have uniform application to each of these States, be universal in that application to all of the conditions, or become permanent in the changing modes and methods of the operation of business and government.

How, then, in view of these facts, shall you remedy the apparent wrongs to the people caused by various practices in different localities in the light of the conflict of local complication and local method of operation? There is but one way. It is to adopt in legislation some general phrase acknowledged and defined in law to which men of honor, wisdom, and discretion may measure or square the complained conditions and, deciding upon them all, render judgment in justice accordingly.

Mr. President, I concede that there is much ground for the fears of the Senator from Idaho as he expressed them, that confusion may arise in some quarters as to the meaning of the law until this body, to whom its keeping is committed, has rendered a definition and given an illustration upon different arising facts by their decisions of the meaning. I also readily concur in that other fear, that men will hesitate lest the conduct they are about to perform should be afterward denounced as being within the general application, and they would be nervous that the Federal Government, in the exercise of its powers, would intrude itself upon the personal discretion in the discharge of their own private business according to their own private codes of honor. But I want to say to the able Senator from Idaho, in this notable presence, that I want the responsibilities for this new intrusion by the Federal Government into this field of supervision of private and personal conduct of the citizen in every State placed right where it belongs.

If it were left to my school of thought as a theory of legislation I would not support this measure, nor any of its kind. If I had the choice or opportunity to take that which I know would be its better—the local regulation of the institutions within the local States where they are incorporated and draw their life and enhance their value—there would I repair for remedy.

WHO IS RESPONSIBLE FOR THIS CENTRALIZED LEGISLATION?

These eminent gentlemen who are now complaining about Federal introduction into their private affairs and Federal intrusion upon the commerce of the country, whom, I ask, have they to blame if such an era has been brought upon them? I say, themselves; and I ask all my colleagues in the Senate to hearken to what I feel will be a statement that no just man can say is colored with partisan prejudice or political bias.

Mr. President, I charge that every effort which has been made on the part of the States to regulate any corporate concern within their midst and to pass fair laws looking to their regulation has been met by those large institutions with a protest and appeal to the Federal courts upon the claim that the local legislation was a violation of the interstate-commerce clause of the Constitution, or as taking property by confiscation. Then the general anathema of condemnation designated "unconstitutional" would be called up from the depths of legal mystery in order to apply to and confound the undertaking. So successful in instances and so numerous were they that they gathered strength with their march and defeated every such undertaking in every State by the accommodating Federal court which would enjoin legislation of the different States that sought by moderate methods to restrain these extremes of persecution on the part of these individuals and corporations. These are the institutions characterized by the able Senator as baleful, sinister, and disastrous to the liberty of this country.

May I illustrate a few instances arising to my mind?

INSTANCES OF USURPATION.

First, there came the States of North Carolina and Alabama, in the South, which introduced upon themselves a mere State regulation touching freight rates in matters of local concern for their local citizenship. A Federal judge, under the theory that these regulations were not a guaranty to the railroads of fair return, and, because it was not a guaranty of profit, such was "taking property," under the fourteenth amendment of the Constitution, enjoined the execution of the law, nullified the statute of sovereign States, paralyzed the arms of executive and constabulary. Further, it took steps to imprison editors and other citizens as criminals because they dared to criticize this Federal usurpation and dared cooperate in behalf of local home rule in a local sovereignty of their State government.

Then came following, as we remember, the great State of Minnesota. Its legislature passed local legislation to control the charges in freight rates and fares of passengers, and to give warehouse protection, and accomplish other regulations in the State on purely State institutions operating in the State. Then the Federal court was resorted to by these corporations seeking to escape all law. Why? These large business interests, not willing to be bound by the law, coming directly from the votes of the voter through the legislature, in moderate regulation, sought to overturn the sovereign State, to defeat the will of the voter, to destroy the legislative enactment, and to take refuge, as was the custom, to the safe haven of a Federal court. There in the State of Minnesota, a Republican State—as I have also alluded to Democratic States—these officers of the law were restrained; the very able officer of the law, the attorney general—now the able Senator Mr. CLAPP—vested with power by the votes of his people, sworn to uphold the law under the constitution, was prohibited from executing his solemn oath before God at the instance of a Federal court under the motive power of these "business institutions." These were willing to destroy a sovereign government that they might execute their purpose of avoiding all forms of regulation of their conduct and escape obedience to all law. We found the decisions of the Federal courts in those cases paralyzing Minnesota.

Then an effort was made in the States of Kansas and Oklahoma merely to pass laws that had for their object the protection of local depositors in local banks from the robbery and embezzlement by officers of the bank speculating with the depositor's money. This law provided a certain percentage of deposits as an insurance fund—a bank-guaranty law. What became of these laws? Hardly had they asserted themselves until the same "business institutions" that demanded that the States should no longer control their own affairs and should not be so impudent as to assume to exercise regulation or control over these large interests that went by a corporate name, mystic and attractive, utilized for stock selling and bond swindling—these went into the Federal courts and enjoined the banks from protecting their own depositors upon the ground, among others, that it was "unconstitutional." Ah, that word, like charity, was supposed to cover a multitude of sins—as against them. These favorites of Federal usurpation held up this particular undertaking of relief year in and year out, while they denied local government and local sovereignty the opportunity or privilege of governing its own people. This was done by crying out that the legislation was "unconstitutional." They asserted that only the Federal Government should undertake these measures of protection—if to be ever assumed. The injunctions followed.

Then Texas passed a law for the purpose of levying a tax upon the railroad properties in the State of Texas; but individuals living in New York, who posed as bondholders, brought action in behalf of these railroad companies in the Federal courts, claiming exemption from taxation by Texas upon the ground that as the railroad cars moved over tracks along the borders of Texas from time to time and commingled and joined with cars in another State, to wit, Louisiana, for that reason were engaged in interstate commerce. That therefore the tax could not be levied against such cars. They were successful in taking from the treasury of Texas the tax which Texas had a right to exact for the protection afforded in the shape of police guardianship to this property. This done under the theory that only the Federal Government should take charge of these institutions, their different muniments, and their different policies of conduct in the discharge of their undertaking as carriers. These cried for "uniformity"—"one master." Need I go further to bring to the attention of the Senate other instances where these gentlemen have availed themselves of the Federal courts to escape regulation imposed by the respective States and all control by the people through law?

Mr. President and gentlemen of the Senate, we have lately seen that so far has this doctrine been carried that these influences have succeeded in having the Supreme Court of the United States—by a construction that I am not able to agree with nor to eulogize, as does the distinguished Senator from Idaho, as a high

discuss unfair competition separate and apart from the infringement of trade-marks. Nothing therein contained gives the slightest suggestion as to the general rule of business.

The Senator also called attention on yesterday to an article by Prof. William S. Stevens, of Columbia University, and cited it in support of his contention that unfair competition had a well-defined and well-understood meaning. It seems to me, however, that Dr. Stevens, with whose views I in nowise disagree, is authority for the very opposite of that view.

He opens his article by saying:

"Unfair competition" is a term difficult either to define or explain. To different individuals it connotes different things. The lawyer's view of unfair competition, for example, is based upon the statutes and the decisions of the courts; that of the economists upon economic consequences and results. To the lawyer, a method which is legal is not unfair. To the economist, on the other hand, legality per se is no criterion of fairness. The opinions of the lawyer and of the economist are therefore likely to be at variance in the case of more than one method. This divergence of views will appear more clearly in the course of this article which is written from the standpoint of the economist.

In order to determine the meaning of "unfair competition" from an economic point of view it is of service to consider first the meaning of "fair competition."

After a person has performed the inconsequential and ordinary task of determining, in the whole field of human industry, what is "fair competition," the business man will be prepared to proceed to determine what is "unfair competition." That is the argument of the doctor upon this subject, and I agree with him. I do not criticize or find fault with his views. But it must be conceded that it is a rather large field of exploitation to which he invites the business man.

Fair competition in an economic sense signifies a competition of economic or productive efficiency.

You will notice the limitation of that statement.

Fair competition in an economic sense signifies a competition of economic or productive efficiency. On economic grounds an organization is entitled to remain in business so long and only so long as its production and selling costs enable it to hold its own in a free and open market. As the productive and selling efficiency of competitors increases, marginal concerns which are unable to keep pace will gradually lose their market and ultimately discontinue business. But in such an elimination there is nothing not economically fair to all concerned. If all have an equal chance to survive, it is economically proper that those failing through lack of efficiency should be destroyed. The community is entitled to the most efficient service that can be given. Inefficient organizations constitute a burden to the community and no justification can be found for their continued existence.

In other words, Mr. President, fair competition in the mind of this distinguished scholar is synonymous with productive efficiency. It is a term, therefore, incapable, as he plainly intimates, of definition or explanation. It depends upon a thousand conditions and upon environment; it depends upon the mental attitude not only of the judged, but the adjudged. Under such conditions as the doctor describes, the boldest monopoly that ever contributed to a presidential campaign could be secure, and in time they would be secure.

Unfortunately, competition is not always conducted under such conditions of equal opportunity in a free and open market.

Then further along in the article the doctor gave a classification of the things which have been declared to be unfair competition,

1. Local price cutting.

Unquestionably; and it is inhibited now. It is one of the monopolistic practices which is condemned by the Sherman anti-trust law. It will add nothing to reassert the proposition in another statute. The courts have repeatedly announced that as true, and we derive the things which constitute unfair competition from the decision of the courts under the trust act.

2. Operation of bogus "independent" concerns.

That has been repeatedly condemned by the courts under the trust law, and is already inhibited. The statute already covers the subject matter.

3. Maintenance of "fighting ships" and "fighting brands."

Which is also a matter which has been passed upon by the courts as inhibited.

4. Lease, sale, purchase or use of certain articles as a condition of the lease, sale, purchase or use of other required articles.
5. Exclusive sales and purchase arrangements.
6. Rebates and preferential contracts.
7. Acquisition of exclusive or dominant control of machinery or goods used in the manufacturing process.
8. Manipulation.
9. Blacklists, boycotts, white lists, etc.
10. Espionage and use of detectives.
11. Coercion, threats, and intimidations.

Those are the 11 subjects which the doctor looked upon as constituting unfair competition and there he ceases. But it is clear that this committee would not be willing to assert that as a code constituting in full what the committee want under any circumstances to be unfair competition.

You have therefore not lessened the field of doubt nor lessened the field of understanding by designating those 11 things which are unnecessary of designation for the reason, as I said, that they are already included within the pronouncement of the courts with regard to these matters. I find no criticism of the article, but I do find that here is an economist who has made a special study of this subject for the specific purpose of trying to define in two articles in a magazine what he conceives to be unfair competition. He starts with the statement that it is difficult to understand, or difficult to define, and difficult to explain.

Mr. President, you are announcing a rule here which will enable the business men of the country to practice almost any kind of competition or else, upon the other hand, it will so circumscribe them by reason of the doubt that they will not be able to proceed until they have had repeated decisions from this commission as to what constitutes unfair competition. What constitutes unfair competition to-day does not constitute unfair competition to-morrow in the business world. Some things which are unfair competition to-day would not have been regarded as unfair competition 20, 50, or a hundred years ago, and a number of things, as business development grows, with different conditions, different views.

The bill further says:

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce it shall issue and serve upon such corporation a written order at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside in whole or in part any order issued by it under this act.

I call attention to some of the expressions from the courts with reference to this kind of a statute, as to the uncertainty of the language, the ambiguity of the language upon the question of their enforcement either in civil process or in a criminal court. My attention has been called to a case which is often cited—In the Forty-fifth Arkansas, at page 164, the case of Andrew Jackson ex parte. This case says:

The warrant alleges that the petitioner was convicted of the crime of committing an act injurious to the public morals, by leaving his wife, etc. By the Revised Statutes, chapter 44, section 7, it is made a misdemeanor to "commit any act injurious to the public health, or public morals, or to the perversion or obstruction of public justice, or the due administration of the laws." We are not aware that this act has ever been judicially questioned or ever in any case heretofore enforced. It has trickled down unnoticed in practice, through all the digests, and finds its place in Mansfield, section 1961. For want of something more definite, the justice of the peace has brought it now to bear upon Andrew Jackson, and it must be noticed.

We can not conceive how a crime can, on any sound principle, be defined is so vague a fashion. Criminality depends, under it, upon the moral idiosyncrasies of the individuals who compose the court and jury. The standard of crime would be ever varying, and the courts would constantly be appealed to as the instruments of moral reform, changing with all fluctuations of moral sentiment. The law is simply null. The Constitution, which forbids ex post facto laws, could not tolerate a law which would make an act a crime or not, according to the moral sentiment which might happen to prevail with the judge and jury after the act had been committed.

Analyzing this warrant we can not find that it sets forth any offense as the ground of commitment. We think the honorable chancellor was mistaken in his view of the law and should have held this commitment void, as he had rightfully held the former was.

Mr. President, what are you doing with this commission except establishing a censor for morals in the business world for right conduct, for right action? To enforce fair competition is to practically oversee the moral conduct of all men engaged in a business in which they have a competitor.

I want to say in this connection that if this law should become effective, and if you should make it a success from the standpoint of reviewing everything that every citizen might consider unfair which he should present to you, there would be no end of the expense and of the cost of the number of officers, agents, and parties who would be engaged in the performance of this work.

As I said the other day, Mr. President, the best enforcement of the law in this matter is the individual himself. The trusts for a long time did not take much concern in regard to the proposition that if a man was injured by a monopoly he could recover treble damages. But after the Supreme Court had rendered a decision in which that phase of the law was exploited and applied to the labor organizations so as to be effective for its purpose, these suits against monopolies are springing up by individuals all over the country. If a monopolist understands that if he injures a man to the amount of $10,000 by unfair practices—by monopolistic practices such as are now defined in our decisions—the man injured may turn around and

recover from it $30,000, it is going to be the most effective and powerful instrument for the dissolution of monopolies in this country that we can possibly have. I would rather have the countless hundreds and thousands of men who were injured by monopolies contending for the enforcement of the law than any commission or any public institution you can possibly create. Under this proposed law, if a man has been guilty of unfair practice what you do is to say to him, "Go thou and sin no more." No punishment for past deeds, no reparation to the injured party.

With reference to the question of the expense of bureaucratic forms of government, commissions, and so forth, in 1894 the United States Government employed 247,000 persons. In 1904 the same Government employed 712,000 persons. In 1894 the population of the United States was 66,000,000. In 1904 the population of the United States was 95,000,000. In the same time that the population has increased 47 per cent the number of employees has increased 186 per cent. Yet men speculate about the cost of living, and the taxes, and the fact that we can not get enough taxes by an income tax and a revenue tax and every other kind to keep the Treasury from going to a deficit.

I ask those who are favoring this bill to contemplate what in 10 years from now or 20 years from now will be the amount appropriated by the Government of the United States to bring public lawsuits and to adjust the competitive conditions of business in this country if, indeed, this proves to be a workable proposition.

But, further, Mr. President, with reference to some of the decisions on the question of uncertainty, in the case of Cook versus The State, Twenty-sixth Indiana State Court Reports, page 278, it is said:

There must be some certain standard by which to determine whether an act is a crime or not.

As I understand the proposition, this is not made a crime, simply unlawful, but the principle of ascertaining what is the rule or standard by which business is to be guided is ascertained by reviewing those authorities in which the court has held that similar language was too uncertain for enforcement.

There must be some certain standard by which to determine whether an act is a crime or not; otherwise, cases in all respects similar tried before different juries might rightfully be decided differently, and a person might properly be convicted in one county for hauling over a turnpike in that county and acquitted in an adjoining county of a charge of hauling the same load on the same wagon over a turnpike in like condition in the latter county, because of the different or contrary views of different judges and juries, based upon their individual views of what should be the standard of comparison of tires, derived from their varying experiences or the opinions of witnesses as to what difference of width of tires would constitute one wagon a narrow-tired wagon and another a broad-tired wagon.

If it should be said that the question as to what is a narrow-tired wagon is one which may be determined in a particular case by the jury trying it, under proper instructions from the court, can we hold that the court in its instructions could lay down any principle or rule which would obtain in all such cases throughout the State? If so, can this court indicate what should be the scope or tenor of such instructions? The phrases "narrow-tired wagon" and "broad-tired wagon" are not technical phrases having a peculiar and appropriate meaning in law, and they are to be taken in their plain or ordinary and usual sense. Thus taken a narrow-tired wagon means a wagon having wheels with tires which are narrow, while a broad-tired wagon means a wagon having wheels with broad tires. If tires of particular widths be compared, it is easy to say which is comparatively narrow and which is comparatively broad, but without any prescribed standard it is impossible to say as a matter of law that a tire 2 inches wide is certainly either a narrow tire or a broad tire.

The Supreme Court has said in Ninety-second United States, page 214:

"Every man should be able to know with certainty when he is committing a crime." (U. S. v. Reese, 92 U. S., 214, 220; 23 L. ed., 563, 565.) This obvious duty must be performed by the legislature itself, and can not be delegated to the judiciary. It may doubtless be accomplished by the use of words or terms of settled meaning or which indicate offenses well known to and defined by the common law. Reasonable certainty, in view of the conditions, is all that is required, and liberal effect is always to be given to the legislative intent when possible. But when the legislature declares an offense in words of no determinate signification or its language is so general and indefinite as that it may embrace within its comprehension not only acts commonly recognized as reprehensible, but others also which it is unreasonable to presume were intended to be made criminal, the courts, possessing no arbitrary discretion to discriminate between those which were and those which were not intended to be made unlawful, can do nothing else than declare the statute void for its uncertainty.

Justice Brewer, in a case in Fifty-second Federal, page 917, says:

But in order to constitute a crime the act must be one which the party is able to know in advance whether it is criminal or not. The criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty.

Mr. President, I should like to see the legislation in regard to the trust question confined to such statutes as would have for their object and purpose the enforcement and execution successfully of the law which we have. I had supposed from the nature of the bill which is now pending before the Judiciary Committee, that the prime object was to secure legislation which would make more specific and certain the execution of the Sherman antitrust law. If this bill were confined to the subjects which are necessary to be considered in the administration of that law, in view of the decisions of the courts I would be willing to support it, although I believe all that could be done by additional provisions of the law creating the Bureau of Corporations. If that department were enlarged by some additional provisions to the law so that there would be an expert in the department having the sole business of overseeing the execution of judgments and decrees rendered under the Sherman law after they had been entered. I believe that it all could be done with very little expense. This bill we must concede is a very extensive proposition, or will be, and if it can be accomplished in the other way with less expense it seems to me it would be a wise thing to do.

Mr. President, even as early as the days of Anacharsis it was said, "Laws are like spider webs, and will, like them, only entangle and hold the poor and weak, while the rich and powerful will easily break through them." Severe and sardonic, but of peculiar and scathing pertinency just now. Legitimate business and honest industry have a just complaint against the Government. We are piling statutes upon statutes, and rule of conduct upon rule of conduct, while we enforce and execute our laws with no regard for consistency and often with a keen regard for political exigencies and with notorious favoritism. Thus honest and legitimate business is enmeshed in a wilderness of laws, made the plaything and the puppets of politics, while dishonest and illegitimate business—monopoly—in its brazen impudence, purchases favors by campaign contributions and thus "easily breaks through." We have in this country arrived at, or seem to be closely approaching, the time when the organizers and creators of monopoly are to lay down the rules and fix the regulations by which they are to carry on business.

The vast majority of the business men of this country are willing and anxious to do business on an honest basis. They believe in honesty as the best policy as a business proposition. They will obey any law that rests in feasibility and reason—any law that business can obey and exist. The laws which we pass ought to take this fact into consideration. But we do not do so. We legislate upon the theory that business is morally bankrupt, as it seems to bid fair to be financially bankrupt. We seem to be reaching out with commissions and inquisitorial bodies to oversee, superintend, and police every business man and every line of business in the United States. We have a penchant just now to see how our business will look when incased in the strait-jacket of a bureaucratic system. When a wrong is suggested, instead of making and enforcing the law as to those who violate it, we create a commission with many officials, a retinue of clerks, and special agents to oversee at great expense to the taxpayers those who violate no law, while those who do so are occasionally and spasmodically prosecuted, and when prosecuted the prosecution generally stops on the hither side of effectiveness.

We are either unable or unwilling from sheer political cowardice to execute the laws against monopoly, against the few who ride roughshod, booted, and spurred over their fellows in a business world. We make a pretence to the multitude of doing our duty by enacting a few more laws while the multitude is suffering, not because of the lack of laws but because of the failure to execute what we have. We hope in this way, apparently, to satisfy the interests who pay the campaign expenses and to delude and chloroform the suspicions of those who cast the votes. What we need in this country now above all things is the execution of our laws rather than the enactment of more laws.

There are few men in this country, very few compared with the ninety-odd million of people, who have created vast combinations and monopolies, who are constantly in violation of the law. They have organized and created these monopolies in such a way that even the sinister and slippery method in which they did it disclosed their consciousness of guilt while they were doing it; and yet in order to get these few men who have demoralized the business of this country by the monopolies we create here a commission which has to do with every legitimate industry and every business in the United States.

To my mind it is a mistaken policy, and I have never understood the President's message nor a single word that the President ever wrote to be in support of such a thing. I know that he said during the campaign—

I don't want a smug lot of experts to sit down behind closed doors in Washington and play Providence to me. * * * I am one of those who absolutely reject the trustee theory—the guardianship theory. I have never found a man who knew how to take care of me, and reasoning from that point out I conjecture that there isn't any

The people would take care of the rest, and that country would be built up.

Mr. GALLINGER. Mr. President, the Senator knows that I am in deep sympathy with the effort to provide for any needs that may exist in the arid and semiarid regions of this country——

Mr. NORRIS. I think so.

Mr. GALLINGER. And I was wondering whether or not an experiment made at one particular point would be of value at a point some miles distant. I recall reading once that Artemus Ward watched the process of sinking an artesian well. They had gone down very deep and had not struck water. He suggested that they go around in China and dig up; that he knew there was water there somewhere. [Laughter.] I suppose it is, after all, a good deal of an experiment.

Mr. NORRIS. In answer to the suggestions made by the Senator from New Hampshire, I will say that it is an experiment. That is the reason private individuals can not afford to spend the money to perform the experiment, for there is always the risk of not getting anything; but if artesian water were found in a certain locality, I take it that a wise administration of the law on the part of the Secretary of Agriculture would dictate that he pay no more attention to that locality; the people would take care of the matter, and it would soon be discovered what the bounds of that particular artesian belt were. I remember when artesian water was discovered in the eastern part of Nebraska that there were a great many wells put down; a great many experiments took place; and it was not long until the outlines of that particular artesian belt were well known. Scientists came in and gave various reasons for it and explained it, and they reached a satisfactory conclusion in their own minds.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. Mr. President, along the line of the suggestion of the Senator from New Hampshire [Mr. GALLINGER], I want to say that at my town, which is in a valley between two foothills coming down from the mountain, the valley being some 15 or 20 miles long and 4 or 5 miles wide, for a good many years there was talk of securing artesian water. The Geological Survey, after such investigation as they were authorized to make, said there was not any artesian water in that territory, but by and by some man sunk a well. He went down about 800 or 1,000 feet and struck artesian water; and from that time on everybody knows that if they go down about 800 or 1,000 or 1,200 feet they can get artesian water in that territory. That is why we want the amendment.

Mr. NORRIS. That is exactly the purpose of this particular amendment. Let me ask the Senator if he can state how much that well cost?

Mr. JONES. I am not certain about it; but my recollection is that the cost ran from $1 to $5 a foot. Of course, when you get down a little way and strike rock, as has been suggested, it will cost more; but I think, on the average, the cost would be from $2 to $2.50 a foot.

In line with this proposition, I desire to say that in a certain locality in our State there are, say, 200,000 acres of land of the same character and constituting a sort of plateau. It is just as good land as the sun shines on, except that it is semi-arid or almost arid. If by the sinking of a well artesian water could be shown to exist at any point in these 200,000 acres everybody would be satisfied that he could find artesian water almost anywhere in the tract. That illustrates again what the purpose of this amendment is.

Mr. NORRIS. I think that illustrates it. I believe that is all I have to say, Mr. President.

Mr. BRADY. Mr. President, I want to say a word relative to the amendment No. 58, making an appropriation of $25,000 for experimenting in by-products in the forests of the West. There seems to be an impression that the Chief Forester is opposed to this amendment. I am convinced that there is a misunderstanding relative to that matter. While he believes that it is a duplication of his work, yet he has no objection whatever to the same. The amendment was very carefully considered by the Committee on Agriculture. I presented to the committee the by-products sent to us by Dean Shattuck, who has charge of the work at the University of Idaho, and the Assistant Secretary of Agriculture, Dr. Galloway, who was present at that meeting, joined us in preparing the amendment as it was adopted by the Senate.

The Department of Agriculture has already sent an expert to Idaho to assist Dean Shattuck in this work, and they are now actually doing work out in the forests and on the farms of the Northwest. They are securing excellent results, and in all fairness they deserve every encouragement that the Government can give them in the splendid work they are doing.

I am convinced that the Senate would not reject this report on account of this amendment, and I fear I would hurt our cause more than I would help it by attempting to delay the passage of the bill. I believe that a majority of the Members of the Senate are in favor of this amendment and will assist me in having it adopted in some other bill during this session. For that reason I shall raise no further objection to the adoption of the report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I ask that the unfinished business may be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. BORAH. Mr. President, in the discussion of this bill I can not repeat too often or reassert too frequently the proposition that I believe in the principle of the Sherman antitrust law, and I am willing to vote for any measure which to my mind will strengthen and make more effective its enforcement.

It has been said that the Sherman antitrust law places too great a burden upon the courts—a proposition to which I agree if we are going to leave to the courts, as we have been disposed to do heretofore, the execution of their own decrees. If it can be shown that an administrative body is necessary for the purpose of assisting in the formation of these decrees, to the end that these corporations may be dissolved under the decrees, and that the decrees dissolving the corporations may be carried into effect, I am in favor of that kind of a measure; but I am unable to overlook the fact that for the last several years in this country there has been growing more and more, by reason of the powerful influence which is behind it, the idea that we must tolerate monopoly in this country and provide some means and methods for its regulation. To that kind of a proposition, appearing in all its boldness or insidiously, I am opposed.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. In just a moment. I want, before I close, to suggest that in its present form and with its present provisions in my judgment this measure will ultimately come to be used for that purpose, and will be built into a huge measure which will have for its ultimate object and purpose the regulation and control of monopoly.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I do.

Mr. STERLING. I think in the discussion of so important a measure as this there ought to be a quorum present, and I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Nelson	Shields
Borah	Hitchcock	Newlands	Shively
Brady	Hughes	Norris	Smith, Ariz.
Brandegee	James	O'Gorman	Smith, Ga.
Bryan	Jones	Overman	Smith, Md.
Burton	Kenyon	Page	Sterling
Camden	Kern	Perkins	Thomas
Chamberlain	Lane	Pittman	Thompson
Clarke, Ark.	Lea, Tenn.	Pomerene	Thornton
Cummins	Lee, Md.	Ransdell	Warren
Dillingham	Lewis	Robinson	White
Fletcher	Martin, Va.	Shafroth	Williams
Gallinger	Martine, N. J.	Sheppard	

The PRESIDING OFFICER. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. BORAH. I yield.

Mr. NELSON. I offer an amendment to the trade commission bill. It is very short, and I ask that it may be read, printed, and lie on the table.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. It is proposed to amend the bill, on page 29, lines 20 and 21, by striking out the words "That unfair competition in commerce is hereby declared unlawful," and by inserting in lieu thereof the following words:

Competition in commerce, the purpose or effect of which is to cripple or destroy the business of a competitor, shall be deemed unfair competition, and is hereby prohibited and declared unlawful.

Mr. BORAH. Mr. President, the roll call having brought to the Chamber a full Senate, and the manifestation of interest being unmistakable in this great measure, which is calculated to change the industrial policy of the country, I will proceed with the discussion, with the assurance to my colleagues that I shall be as brief as possible.

I find that I am not the only one who has heretofore contemplated with some disturbance of mind the proposition of tolerating these combinations and monopolies and providing a system of regulation. Mr. Bryan, the present Secretary of State, several years ago, immediately after the rendition of the decision of the Supreme Court in the Standard Oil case and the American Tobacco case, in an article in the New York Times, said:

> Mr. Gary, head of the Steel Trust, proposes regulation even to the extent of the regulation of prices, and the principle is indorsed by the Attorney General. The latter compares the trusts with the railroads, argues in favor of regulation of prices, and puts the regulation of prices upon the same ground as the regulation of railroad rates.
>
> To clearly understand the situation it may be well to suggest that there are now three remedies before the country. First, the national incorporation of interstate industries; second, the regulation of interstate industries by a board of the court, which will have power to fix prices; third, legislation which will dissolve within a reasonable time the private monopolies that now exist and prevent the organization of new ones, thus restoring competition.
>
> The first and second are really one in essence, since they simply contemplate different means of reaching the same end. Those who advocate national incorporation expect, of course, that the incorporation will be upon conditions which will in themselves constitute a regulation, while those who advocate regulation only, without national incorporation, will reach the same end in a little different way.
>
> The objection to national incorporation is that it is intended to do away with State regulation entirely and counsel reliance exclusively upon national regulation. This is objected to—and I think the objection is sound—on the ground that the State is left helpless in case Federal legislation is not sufficiently strict.
>
> Federal incorporation is not only objectionable, but it is unnecessary. The Federal Government now has power to employ any means necessary for Federal regulation without national incorporation, and whatever Federal regulation is necessary ought to be added to State regulation and not substituted for it.
>
> The second plan is objectionable for two reasons: First, because it is insufficient—that is, Federal regulation is not a complete remedy. The influence exerted by monopolies is so great that the people would be in a constant battle with the great corporations to see which would elect officials through whom control would be exercised; and no one who has watched these decisions can fail to recognize the helplessness of the masses when they have to fight a vigilant, sleepless group of financiers who have a large pecuniary stake in controlling the Government.

Mr. President, when the time comes in this country when the regulation of railroads is in the hands of a commission and the regulation of the currency is in the hands of a commission, and the regulation of industry is in the hands of a commission, there will be but one fight—only one will be necessary, with such discretion as is lodged in this commission and the commission into which this will finally grow—and that is, to control the commissions.

We passed some time ago a currency bill. It provided for what is in effect a currency commission. The Government of the United States issues the notes and loans them to the banks.

Mr. President, when the industries and the commerce and the currency and the transportation of the country have been centralized at Washington, and that wide and indescribable and incomprehensible discretion given to the commissions which is being given to these commissions, there will be only one fight in politics, and that will be to control these commissions. They are given all kinds of power. The division of power which inheres in our form of government is practically ignored when we reach the commissions, and they exercise almost every conceivable kind of power which a government possesses.

Again, Mr. Bryan says:

> The larger the control vested in the national commission or court, the more important it would be for the trusts to control the selection of the members. If the court was intrusted with the fixing of prices, it would mean hundreds of millions a year to the trusts. No well-informed citizen dare be told that with so large a sum at stake the trusts would be active in every congressional, senatorial, and presidential election.
>
> It has been suggested that the regulation of prices would be socialistic, and there can be no doubt that its tendency would be in the direction of ultimate ownership by the Government of the industries themselves. When the country decides that competition can not be restored—that monopolies are a permanent development of industry—then the people will be face to face with the socialistic issue.

Yes, Mr. President; when the time comes in this country when the people are resolved that they can not destroy monopoly, that they can simply do no more than regulate it and control it through commissions, so far as I am concerned, rather than undertake merely to regulate monopoly through commissions, which is about the same thing as undertaking to regulate a cancer in the human system, I would prefer to try State socialism.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. In just a moment.

The Democratic platform outlines a plan, and our new form of government makes this plan easy of adoption. The plan is, in substance, as follows: Let a license be required of interstate commerce corporations——

And so forth. What I was seeking was the justification which the Secretary makes——

Mr. WHITE. What I wanted to know from the Senator from Idaho was from whom he was quoting.

Mr. BORAH. I was quoting from the present Secretary of State, Mr. Bryan.

> The third plan is, to my mind, the only one consistent with history, with economic principles, and with the public welfare. The private monopoly should be regarded as indefensible and intolerable, and legislation should be enacted which will compel the dissolution of all monopolies now in existence and make it impossible for a private monopoly to be created hereafter.

Again, Mr. Bryan says, and this seems to me particularly pertinent here:

> The only reason for combination is to prevent competition, and the only reason for preventing competition is to secure larger profits.
>
> The trust is not an economic development any more than house stealing or burglary. The man who holds up the passenger on the highway acts upon the same principle that underlies private monopoly. The trust conducts highway robbery on a more polite and more extensive scale, but there is no distinction from a moral standpoint between the trust methods and the methods of the highwayman.
>
> If the public does not see that the methods are identical, it is because the glamour of financial success has obscured the processes by which the victim's money is extracted.

Again, he says:

> Is it not time to pay some attention to the just demands of the honest business man and relieve him from anxiety and expense at the same time that the country is relieved from the unconscionable depredations of the monopolist? Such relief is possible. The plan embodied in the Democratic platform protects the honest man, restrains the corporation which attempts to control business, and does it without invoking any new principle.
>
> There is no tenable middle ground between competition and Government ownership. Wherever competition is impossible, Government ownership is necessary. We have on choice, therefore, between the restoration of competition and preparation for Government ownership.
>
> I have faith that the people, when they understand the trust question, will prefer to rely upon competition rather than to permit private monopolies to exist and then trust to regulation.

Mr. President, any measure, any policy, which can be shown to be in aid of the destruction of private monopoly I will support. I may be entirely in error as to the effect of this measure. I do not believe that I am in error as to what its ultimate effect will be.

Let us go now to the bill itself and see in regard to section 5:

> That unfair competition in commerce is hereby declared to be unlawful.

To my mind this furnishes no standard whatever; and in so far as it furnishes no standard, it favors the lawless and embarrasses the honest. I can not conceive of a term which is more elastic in the mind of the business world than the phrase "unfair competition." I have searched very earnestly for the authorities which have defined "unfair competition," and I have been unable to find any authorities, except that upon a particular state of facts, relating alone to the case before the court, the court has decided under the Sherman law, generally, that that could not be done. Any definition which would fit a state of facts until the determining tribunal had them before it, which would be a guide to a citizen, I have been unable to find.

The Senator from Arkansas [Mr. ROBINSON] called attention the other day to the work on words and phrases. But when we examine this work we find very little comfort and less guidance. Under the heading of "Unfair competition" the authors of this work simply refer to certain cases wherein a particular state of facts was deemed to be proof of unfair competition. But all these cases, so far as I have been able to examine them, are trade-mark cases. The question involved was what was an unfair use of a trade-mark. These were cases where deception and fraud in the use of trade-marks were involved. It needs no argument to show that that is no guide for the man in the general business world.

One of the cases cited was from the Ninety-fourth Federal, and I read a single paragraph from the syllabi:

> Nothing can be legally appropriated by anyone as a trade-mark which, aside from superiority and excellence, popularity, or cheapness of the article bearing it, would practically confer upon him a monopoly in the production or sale of like articles.

Another one of the authorities cited is the T. B. Dunn Co. v. Trux Manufacturing Co. (63 N. Y. Sup.). The syllabi of this case discloses the matter in controversy:

> Such packages not having been the same, and not having been devised so as to deceive or with intent to deceive or induce a belief that they were put up by plaintiff, defendant's use thereof could not be enjoined upon the ground of unfair competition.

The case of Sterling Co. v. Eureka Co. (80 Fed.) is also a trade-mark case. All of these cases were trade-mark cases, and the court in no instance undertakes to define or even to

said, it was voted in; then the vote was reconsidered, and finally it was put in the second time. It passed without opposition when it got on the floor of the Senate; but during all that time there were department officials consulted by the Senate committee, and they threw cold water on the proposition. The argument made in the committee was the same argument which the Senator says was made by the conferees; that is, that this is appropriated for in some other bill. I challenge them to tell me where, and I should like to have some one tell me now where this is provided for in any other appropriation bill.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I do.

Mr. JONES. I venture the assertion that there is not a dollar appropriated in any other appropriation bill which can be employed by the Agricultural Department or by any other department in sinking artesian wells.

Mr. NORRIS. That is what I said, and that is what I still say.

Mr. WARREN. I think the Senator from Washington is right as to the Agricultural Department.

Mr. JONES. Or as to any other department.

Mr. WARREN. I think in the Interior Department, in the Reclamation Service, they have a right to do so.

Mr. JONES. That is not in any appropriation that may be made for the Reclamation Service. Of course, if they choose to use some of the money of the reclamation fund to make artesian wells as a part of a reclamation project, they can do so, but there is no money appropriated directly out of the Treasury that can be used by the Agricultural Department for the sinking of artesian wells.

Mr. SMITH of Georgia. Would it not commonly fall within the sphere of the Geological Survey?

Mr. NORRIS. I think not.

Mr. SMITH of Georgia. The Senator knows that I was not on the conference committee, and so I am not familiar with the views there expressed.

Mr. NORRIS. I understand that; and I am not criticizing the conferees. I think from what a Senator has privately told me that two at least of the conferees were in favor of this amendment from the beginning and did what they could in conference to have it retained.

Mr. WARREN. I want to say, in justice to all three of the Senate conferees, that they favored it. There is a group of amendments, of which this is one, of which the Senator is speaking; another is as to the gypsy moth; and another one is that in which the Senator from Idaho is interested. It also includes another amendment of the Senator from Nebraska. Those were the last and hardest things on which to bring a settlement. Whatever might have been the opposition of some Senator originally, I want to say that in the committee they all stood by the amendment as the Senate had instructed. That always is a matter of honor with the conferees. I should consider that I dishonored the position given me if I did not stand by what the Senate ordered me to do.

Mr. NORRIS. I am very glad indeed to have the Senator's statement. Of course, I did not intend to say than any member of the Senate conference committee was opposing the amendment in conference. I do not desire to have that construction put on what I said.

Mr. JONES. Mr. President——

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES. I should like to ask the Senator from Wyoming whether the House conferees pointed out any appropriation which they said could be used for sinking artesian wells?

Mr. WARREN. Oh, yes. The Senator will find some. He might deal with them as a Senator as I did.

Mr. JONES. I know we have an appropriation in the sundry civil bill for the Geological Survey to investigate artesian water, and so forth, but nowhere do we authorize them to do it by the boring of wells.

Mr. WARREN. But there is an amount of money, which they claim can be used, which provides for irrigation experiments. There is one hundred thousand or more dollars of that appropriation.

Mr. JONES. Do they claim that that can be used for the sinking of artesian wells?

Mr. WARREN. Certainly.

Mr. JONES. Does the department contend that it can do the work?

Mr. WARREN. I do not know that the department does so contend, because I do not recollect the wording of these provisions.

Mr. JONES. The Senator from Wyoming knows as much about these matters as anybody on this floor. Does he know where the department has ever sunk an artesian well?

Mr. WARREN. Oh, yes.

Mr. JONES. For experimental purposes?

Mr. WARREN. Well, experimental service. As the Senator knows there is a project in one of the Dakotas.

Mr. JONES. Yes; but that is in connection with the Reclamation Service.

Mr. WARREN. Yes.

Mr. JONES. That is an entirely different matter.

Mr. WARREN. It is more or less experimental. I think there is also one in Kansas.

Mr. JONES. At Garden City.

Mr. WARREN. At Garden City. I think there is also one other project.

Mr. JONES. That is an entirely different matter. Does the Senator know of any appropriation outside of the reclamation fund that has ever been used for the sinking of an artesian well?

Mr. WARREN. There has been no specific appropriation, so far as I know, that directs a certain amount of money to be expended at any point for boring artesian wells; but under the provisions made for the Geological Survey and because of the fund which the Reclamation Service is using for experimental work in connection with irrigation projects the inference is drawn that this class of work can be done.

Mr. JONES. I wanted to find out whether there had been any authoritative declaration that there is any money that can be used for this purpose, because I want to say that I have tried to get the department to furnish money, but they have always said that they had no authority to use it for that purpose.

Mr. NORRIS. I have done the same thing.

Mr. WARREN. That same argument was presented by me, I may say, and by others in the conference.

Mr. JONES. I wonder the Senator from Wyoming did not have them point out some particular appropriation which could be used for that purpose, so that we could get at it.

Mr. WARREN. I will say to the Senator that they pointed out those appropriations to us.

Mr. JONES. The department says it can not do it.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). To whom does the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from South Dakota.

Mr. STERLING. Mr. President, just one word. Since the Senator from Wyoming [Mr. WARREN] referred to the sinking of artesian wells by the department in the Dakotas, I know of no work done by the department in the Dakotas in regard to securing water for irrigation purposes except in connection with the Belle Fourche reclamation project. That is not an artesian-well project. There is a vast semiarid region west of the Missouri River outside of this project, in which, as I understand, the department has done no work in the putting down of artesian wells and has made little, if any, investigation along that line. There may have been some investigation, but there has been no work of putting wells by the Government.

If I may be permitted a word further, I do not think that there is any item in this appropriation bill relating to agriculture for which the money could be more profitably spent than in the sinking of artesian wells in that vast semiarid region.

I came into the Chamber since the Senator from Nebraska began the discussion, but, as I understand, the Senator is referring now to the conference report upon his amendment providing for the appropriation of $100,000 for the putting down of artesian wells. I sincerely hope that the conference report will be changed in that respect and that the Senator's amendment will prevail.

Mr. NORRIS. Mr. President, I would have asked the Senator from South Dakota, even if he had not interrupted me, the very question which he has already answered, because I was satisfied not only that the Reclamation Service had not been putting down artesian wells with a view of getting water for irrigation purposes, but that under the law, as a practical proposition, they have not any authority to do so. I myself have had that very question up with the Reclamation Service. I was under the impression that they would have authority to do it under the reclamation act; but when I took it up with the officers in charge of the work several years ago and went over it and discussed it with them, they convinced me that in reality they had no such authority.

The object of this appropriation is to give authority and power and money to the Secretary of Agriculture to develop artesian water for the purpose of agriculture, without regard

to whether it is public land or privately owned land on which the well is sunk.

Mr. WARREN. Mr. President——

Mr. NORRIS. I will yield to the Senator in just a moment. It is a well-known fact that artesian water is sometimes found at great depths and that it is necessary to spend a vast amount of money in order to get it, all of which may be lost if artesian water is not found. There are localities in the semiarid belt where if it were demonstrated that water could be obtained, even though it could not be brought all the way to the surface of the ground, if it were brought within pumping distance, say within 25 or 30 feet of the surface, men could put down their own wells; but no one man can afford in that country to experiment for all the community. It seems to me that that is one of the objects of the Agricultural Department, namely, to experiment for the general good of agriculture; and wherever an experiment can be performed that is likely to redound to the benefit of any section of the country, there is the proper place to spend the money to perform the experiment. I now yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I agree entirely with the Senator that this is not a local question; that it is a very, very broad one, a very deep one, and one that it would undoubtedly be fruitful to follow for the great good of the country. Of course one of the contentions of the other side in conference was that it was not properly in the line of agriculture, because, while irrigation leads to agricultural development, the machinery for boring wells and engineering of that kind more properly belongs to the Interior Department and should be provided for in another bill, which the Senator understands provides for that class of work. That was among the arguments that were made against it.

Mr. SMITH of Georgia. Mr. President——

Mr. NORRIS. Mr. President, if the Senator from Georgia will wait until I finish what I had in mind when the Senator from Wyoming interrupted me, I will yield to him.

I said a few moments ago that I had taken the question up with the Reclamation Service. The answer that is made perhaps as often as any other to the request for this appropriation is, "Let the Reclamation Service take it up." It is absolutely impracticable for them to take it up, as was explained to me when I brought the matter to their attention two or three years ago. They asked me, "Do you expect, if you find artesian water in a certain locality, to be able to irrigate, by means of the well to be sunk, a considerable area of the country?" I said, "No; I would not expect that; perhaps if you sink one well you may irrigate one farm, but you will not be called on to dig any more wells, because if it is demonstrated that artesian water is there every farmer in the vicinity will bore his own well." They said, "That is right; there is no question about that; but what authority have we to use the money of the reclamation fund for that purpose? The law provides how it shall be used, not for experiments but to secure water to irrigate land, contemplating the irrigation of large tracts of land; and unless we can have some reason to believe that by sinking an artesian well we can irrigate a large area of country, we have no honorable right to use the money to put down wells." I conceded that they were right, and I believe now they were right. So that when it comes to a practical proposition we can not expect the Secretary of the Interior to take the reclamation fund and use it for experiments of this kind. I now yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I only want to say to the Senator that I do not think there can be any doubt about the fact that the proper branch of the Government service to conduct experiments to ascertain whether artesian water can be obtained is the Geological Survey. I think the experts of the Geological Survey would be far more likely to be able to determine properly a question of this kind than any of the men in the Agricultural Department. We have had some experience in artesian wells in my State, and it is largely a question of geology rather than of agriculture. The value of artesian wells for agriculture we all recognize, but if an investigation is to be made and experimental wells are to be sunk by the Government, from my own knowledge of the work of the Geological Survey I am sure that that is the bureau under which the work should be done. Of course the Senator knows the Geological Survey is a branch of the Interior Department.

Mr. NORRIS. Well, Mr. President, I have always thought that, if this provision went into the law, the Secretary of Agriculture would avail himself of the experts of the Geological Survey. There is not any question that the officers of that branch of the Government service, as far, perhaps, as science is able to determine, can look over the surface and give expert opinion as to the probability of securing artesian water and at what depth; and, as the well goes down and examinations are made of the soil taken out, they can determine as to the probability of finding artesian water and the advisability of going still deeper. But, Mr. President, there is no authority now resting in the Geological Survey to engage in this work, and nobody can cite a single line of law that gives them the authority to do so.

So far as I am concerned, I care not whether the man who sinks the well is called an agriculturist or a geologist; it does not make any difference. I am calling attention to this matter now in order that the Senate may understand the objections which have been made at various times, with a view, when the sundry civil appropriation bill comes in, as it will soon, to offer the same kind of an amendment to it as I have offered to the agricultural appropriation bill, giving the authority to the Geological Survey to prosecute this work, and see what the various opponents of this particular kind of appropriation will have to say when the work is proposed to be intrusted to the Geological Survey.

Mr. NELSON. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. NELSON. I entirely agree with the Senator from Georgia [Mr. SMITH] that this is a subject matter for the Geological Survey. Senators must remember that the Geological Survey is not a branch of the Agricultural Department; it is a branch of the Interior Department, and hence it is not appropriate to provide an appropriation for the Geological Survey in the Agricultural appropriation bill.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. NORRIS. I yield to the Senator.

Mr. GALLINGER. For information, I desire to ask the Senator a question or two. Have any artesian wells been sunk in the territory which the Senator has in mind?

Mr. NORRIS. I know of a few.

Mr. GALLINGER. To what depth are they ordinarily sunk?

Mr. NORRIS. That varies very greatly.

Mr. GALLINGER. That leads me to the second question. Might not an experimental well be sunk by one department of the Government and water found that would be useless to the farmers residing, say, 25 or 50 or 100 miles from that water?

Mr. NORRIS. Yes; I presume that is true; but the Senator will no doubt remember that in various localities with which he is familiar there will be a well-defined belt in which there is artesian water. We have in my State, for instance, a quite well-defined strip of country where artesian water can be obtained. It is in a part of the State where no irrigation is necessary and where they have always plenty of rain; but it constitutes quite a stretch of territory, running through two or three different counties, in which the outlines of the artesian belt are very well defined. I have in mind now a town located in Nebraska, in a good portion of which artesian water has been obtained by driving; they do not even need to bore a well; but they obtain the water by driving, and by means of pipes run it all over the houses. Twenty-five or thirty miles from there they can get no artesian water, so that it is a matter, to a great extent, of guesswork.

Mr. GALLINGER. That is the thought I had in mind. We are trying to get artesian wells in some parts of New Hampshire, but we are driving them through the solid rock. We know what that means. I had supposed that the mere sinking of an artesian well in soil such as prevails in Nebraska, for instance, would not be experimental and would not be very expensive. I do not know how it is in Nebraska, but they drive these wells, without digging them, in some parts of the country.

Mr. NORRIS. In the portion of the country with which I am familiar, where it is arid and semiarid, you can not get an artesian well by driving. I know of flowing wells down in the vicinity of the line, for instance, between Nebraska and Colorado, a locality where they have some artesian water. I have understood that northwest of there, in Colorado, and probably also in Nebraska, farther north and farther west, there is a locality where they have brought the water up to within 10 or 15 feet of the surface; but I am not thinking of that particularly. Of course, this amendment does not apply to that territory any more than it would to Colorado and Nevada. I have seen in Nevada, for instance, thousands and thousands of acres that would be the most valuable land under the sun if it had water; and I do not know but that experiments might demonstrate that there is artesian water in that locality. If one well located in such a locality should demonstrate the existence of artesian water, that is all the Government would have to do.

Mr. SMITH of Georgia. The House has insisted on it, and the conferees on the part of the Senate have been unable to succeed in retaining the amendment.

Mr. KENYON. The conferees on the part of the Senate finally yielded?

Mr. SMITH of Georgia. Yes.

Mr. WEEKS. I should like to inquire from the Senator from Georgia whether the appropriation for the destruction of the gypsy and brown-tail moth was reduced in conference, and if so, why?

Mr. SMITH of Georgia. Can the Senator give me the number of the amendment?

Mr. WEEKS. I have it not before me.

Mr. SMOOT. I will say that the RECORD shows that there was an agreement on $69,050. I understand that that is an error in the RECORD, and instead of $69,050, the amount is $210,000.

Mr. SMITH of Georgia. If the Senator can give me the number of the amendment, I will be glad to give him the information.

Mr. GALLINGER. The facts about that provision are, I think, that the House appropriated $297,540. Of course, that should not be cut. An amendment I offered increased it to $350,000. I apprehend the conferees found it necessary to reduce the amount carried in the amendment. I am sorry it happened, but, of course, those things have to be adjusted. If that is the status of it, there is no objection on my part.

Mr. WARREN. My remembrance is that that amendment was cut to the limit of the House plus an additional $12,500, about.

Mr. GALLINGER. The conferees could not interfere with the House appropriation.

Mr. WARREN. Of course not.

Mr. WEEKS. I find on examination that there was an error in printing the conference report, and the amendment is printed as $69,050, when it should have been $310,000.

Mr. SMITH of Georgia. That is right.

Mr. SMOOT. That is what I stated.

Mr. OLIVER. I should like to ask the Senator what action was taken in conference with regard to the appropriation on account of the chestnut-tree blight.

Mr. SMITH of Georgia. I will not be able to tell the Senator unless he can give me the number of the amendment.

Mr. OLIVER. I do not know the number.

Mr. SMITH of Georgia. The Senator from Wyoming [Mr. WARREN], who was on the conference, is present.

Mr. WARREN. I do not recall that the chestnut-tree matter came up in the conference at all. I think it is included in the original bill, and was not changed in the Senate. Unfortunately I have not a copy of the bill before me.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Georgia yield to the Senator from Minnesota?

Mr. SMITH of Georgia. Certainly.

Mr. NELSON. I should like to know from either the Senator from Georgia or the Senator from Wyoming whether any provision was put in in respect to the grading and inspection of grain.

Mr. WARREN. I do not recall anything of that kind. I think it did not come before us.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. SMITH of Georgia. Certainly.

Mr. SMOOT. On amendment numbered 15 I notice the Senate conferees receded. The House provided an appropriation of $26,000 and also provided in amendment numbered 16 "that no printing shall be done by the Weather Bureau that can be done at the Government Printing Office without impairing the service of said bureau." The Senate conferees receded.

Mr. WARREN. The Senate conferees receded on the amendment.

Mr. SMOOT. I will say that on amendment numbered 15 the Senate conferees receded, allowing an appropriation of $26,000 instead of $20,000.

Mr. SMITH of Georgia. The Senate made it $20,000 instead of $26,000.

Mr. SMOOT. The conferees agreed to $26,000. On amendment No. 16 the House receded, with an amendment inserting, after the word "that," the words "in the judgment of the Secretary of Agriculture."

Mr. President, I do not understand why the Senate conferees agreed to that amendment. I read before the Senate a letter from the head of the printing at the Weather Bureau in which he stated that he hoped I would not insist upon the amendment proposing $17,500; that they could not get along with less than $20,000. Now the conferees have gone to work and agreed on $26,000, $6,000 more than they asked for in the letter. I do not think it is right; I do not think it is proper.

But, Mr. President, it is so near the end of the month, and as this is quite vital, it seems to me, to the Government business, I will not ask that the report be disagreed to. However, I do not believe that we ought to appropriate the $6,000 more than the department itself said they could get along with.

Another thing, Mr. President, I do not believe that the amendment was a proper thing to do. I do not believe the question of printing ought to be left to the judgment of the Secretary of Agriculture. A Joint Committee on Printing of the two Houses have that matter in hand under the law. They are authorized to look after that proposition, and here in this conference report we transfer that power to the judgment of the Secretary of Agriculture. If that was to be done in every department, there is no telling where the printing of the Government would begin and end.

As I said, Mr. President, I am not going to ask that the report be disagreed to, but I wanted simply to express my dissent to the conference report as affecting amendments numbered 15 and 16, because I do not believe it is right.

Mr. WARREN. Mr. President, I am glad the Senator from Utah has expressed himself, because he is authority on that point.

I wish to say that the conferees struggled a long time arduously over that matter, among others. The conferees sat for something like six days, and only ended a few minutes before midnight on Saturday night. I think I may assure my fellow Senators that nothing the Senate put in was surrendered without due attention, and it was only after 11 o'clock on Saturday night, after all its work, that conclusion was had.

Mr. JONES. Mr. President, I understand amendment No. 58 with reference to an increase in the appropriation for investigations in regard to determining some way of utilizing waste wood, and so on, was receded from.

Mr. WARREN. That was the very last straw that was not surrendered. It was not surrendered until everything else had been settled, and it was impossible to save any portion of it. It was even agreed by the conferees of the Senate to cut it down to a small amount—to $5,000—but the House absolutely refused to give us any amount of it. It was our judgment, whether erroneous or not, that we ought not to longer stand on it, because it meant a final disagreement.

I want to assure the Senator that there was not a failure on the part of the conferees on this side to press the matter. The ground taken against it was that this same matter was covered by a very large appropriation in another part of the bill; that the Forestry Bureau reported against it, and we had the documents before us; that all the laboratory work they had was already provided for in the laboratories; that this had been pretty thoroughly examined with the universities of Washington and Idaho, and so forth. That was the argument of the other side, and the Senate conferees finally yielded in order to save any further delay in the conclusion of the bill.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Will the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I yield to the Senator from Idaho.

Mr. BRADY. The statement made by the Senator from Wyoming relative to the work being duplicated is not correct. There is no doubt in the world but that that information was given to the conference committee, but this work is entirely different from the work which is being carried on at Madison, Wis. It is field work. It is work that can be done only in the field where the timber grows.

It is very unfortunate, to say the least, that this amendment was rejected. It is recommended by the Secretary of Agriculture, and is recommended by the Assistant Secretary of Agriculture, who has charge of this special work that is being done. I think it is more a misunderstanding than anything else relative to the work being duplicated.

I am not personally going to ask that the conference report be rejected on this account for the reason that I do not want to delay the passage of the bill, but I do want to serve notice at this time that I am going to introduce the amendment to another bill at this session and ask the Senate to give it its approval.

Mr. JONES. Mr. President, in view of the statement just made by the Senator from Idaho [Mr. BRADY], I am not disposed to press the objection to the recession. I am inclined to forego whatever objection might be made against the adoption of the conference report because of the recession on this item. It seems that we are going to be here all summer, and there is no special reason why this bill should be agreed to before the 1st of

July. If we are to pass a resolution extending other appropriations, we can do it in reference to this as well as the others. If the Senator from Idaho had not made the statement he did, I would have been disposed to use every means possible to have the conference report rejected. I think it ought to be rejected.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Idaho?

Mr. JONES. I do.

Mr. BRADY. I should like very much indeed to have the amendment included in the present bill, but I was under the impression that it would unnecessarily delay the measure, and I believe the Senate will give the matter proper consideration when presented at another time. However, the Senator from Washington has had more experience than myself, and he knows better how these things should be done. For that reason I want him to use his own judgment about the adoption of the report. I simply said that I did not want to assume the responsibility for delaying the bill, for the reason that I am in hopes that when the matter is properly presented to the Senate they will give this very worthy amendment due consideration and adopt it in some other bill.

Mr. JONES. I know the Senator from Idaho is very earnest in his support of this proposition. I know he has given it a great deal of attention and a great deal of work, and it was largely through his influence that the provision was put in the bill when it passed the Senate. The university of his State has been carrying on this work, and the people of our part of the country have been looking to that university, and from the work done there expected good results to come from this appropriation. But if the item goes out of the bill there will be no legislation on this point at this session. The Senate will, no doubt, give it due consideration and all that sort of thing, but it will not be enacted into a law. We will get no appropriation, and this work will have to stop.

As the Senator from Idaho [Mr. BRADY] has said, there certainly is a misunderstanding with reference to the work that has been done at Moscow at his university in connection with this work. As he was very instrumental in getting the amendment in the bill and has given very much attention to the subject, I do not feel like taking a position different from the attitude he assumes in reference to it.

Mr. BRADY. While it is quite true that I presented the amendment and was instrumental in having the amendment adopted by the committee, it is also true that my colleague [Mr. BORAH] and the senior Senator from Washington [Mr. JONES] rendered every assistance possible in presenting the amendment and securing its passage by the Senate, and we are all exceedingly anxious to have it retained in the present bill, and I will join in any reasonable effort to that end, but I am convinced that the report will be adopted irrespective of any objection or effort we may make.

Mr. JONES. We might have to pursue some method in which the Senator might not be willing to cooperate with me in order to get it done.

Mr. BRADY. I will do anything that is within my power and necessary to get the amendment inserted in this or any other bill during this session, for I believe it was one of the most worthy amendments presented to the bill.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Asburst	Jones	Page	Smith, Mich.
Borah	Kenyon	Perkins	Smoot
Brady	Kern	Pittman	Sterling
Bryan	Lane	Poindexter	Stone
Burton	Lea, Tenn.	Pomerene	Thomas
Catron	Lee, Md.	Ransdell	Thompson
Chamberlain	Lippitt	Robinson	Thornton
Clarke, Ark.	McCumber	Shafroth	Tillman
Cummins	Martine, N. J.	Sheppard	Townsend
Fletcher	Nelson	Sherman	Walsh
Gallinger	Newlands	Shields	Warren
Goff	Norris	Shively	White
Hitchcock	O'Gorman	Simmons	Williams
Hughes	Oliver	Smith, Ariz.	Works
James	Overman	Smith, Ga.	

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum is present. The question is on agreeing to the report of the committee of conference on the Agricultural appropriation bill.

Mr. JONES. Mr. President, I think the importance of this amendment would justify me using every possible way to prevent the adoption of the conference report; but in view of the situation that the matter has gotten into, I am not disposed at this time to do that. If the provision is not made, however, in some of the other appropriation bills or in some other way at this session, I desire to say that I shall use every means in my power at the next session to get provision made for this very important work. There is no more important work in our section which can be done than that contemplated by this appropriation. The work done at the other institutions does not include the work that is done at the University of Idaho. With this statement I will let the matter rest for the present.

Mr. NORRIS. Mr. President, I understand the only member of the conference committee on the part of the Senate who is present is the Senator from Wyoming [Mr. WARREN]. Is that correct?

Mr. SMITH of Georgia. That is true.

Mr. NORRIS. I should like to ask the Senator from Wyoming if he remembers whether there was very much bitter opposition to amendment No. 114, relating to the investigation to be made by the Secretary of Agriculture in regard to the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells?

Mr. WARREN. That was contended against from the first to the very last, their argument being that the amount of money set apart in other appropriations for that purpose was entirely adequate, and they seemed to have the papers from the department which they had sent for to corroborate it. It seems that the conferees on the House side have the habit, after the Senate has the bill made up, to send for further correspondence and again get letters from each of the departments as to any amendments in the line of increase that we in the Senate make; and, of course, they have those letters and papers before them.

Mr. NORRIS. I should like to ask the Senator if he can remember any other bill where money was appropriated for similar purposes?

Mr. WARREN. The language may not be exact, but it was near enough for them, of course, to hang their opposition on.

Mr. NORRIS. In what bill is that?

Mr. WARREN. I think the Senator from Nebraska will find a portion of it in the Agricultural appropriation bill and another portion in the sundry civil bill in the appropriations for the Geological Survey. Of course the Senator will understand that I am not giving that as my argument, because I contended to the last for this amendment.

Mr. NORRIS. I remember when the amendment was put in the bill in the committee that we had quite a time with it; but it was adopted after some discussion. I learned that after I had left the committee a motion was made to reconsider the amendment, and it was reconsidered. At a subsequent session of the committee another vote was had on it, and then it was put back into the bill. There was some very strong opposition to it, although the Senator, as I remember, was one who favored the amendment all the time.

Mr. WARREN. Yes; and I think the Senator will remember that I was called away. Later on, at a meeting at which I was not present, by agreement the meeting was confined to three or four different matters. I could not be present but, of course, my views were understood to be in favor of the proposition.

Mr. NORRIS. Mr. President, it seems to me that this illustrates that we are very often legislating at the behests of the departments. It seems, from what the Senator from Wyoming says, that the conference committee were guided to a considerable extent or possibly controlled by letters from the department, even after the bill had passed both the House and the Senate.

Mr. WARREN. In justice to the department I have to say that it is only in response to inquiries made either by a Senator or a Member of the other House that such communications are forwarded.

Mr. NORRIS. I think this particular item illustrates that. This is not a local item. It seems to me it is one of the most appropriate objects for which we could spend money with a view of getting good and beneficial returns for agriculture. This item reads:

> To enable the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, $100,000.

Mr. President, I repeat, this is not a local appropriation; it applies to no particular State; it applies to no particular locality; but it applies, practically, to every State in the United States west of the Missouri River. It is something, it seems to me, that is eminently proper for the Agricultural Department to do.

But what happened? What sort of a gauntlet did this amendment have to run? In the first place, in the Agricultural Committee, much to my surprise, there was bitter opposition. As I

The very worst item of all is omitted from the pending bill, and I think it is quite likely that it will be permanently omitted from future bills. That is the Sandy Bay harbor of refuge on the coast of the State of Massachusetts.

It must be said for that project that at one time a delegation headed by Mr. Moody, afterwards in President Roosevelt's Cabinet and a member of the Supreme Court of the United States, made a showing on its behalf which it was very difficult for anyone to answer, but at the same time practical maritime men were exceedingly skeptical about its benefits. It was adopted in the years 1884 and 1885. The estimated cost of completion to-day is $4,954,000. Work has been in progress since 1885, and the amount of $1,767,000 has been expended. The amount required to complete is nearly three times as great as that expended in 29 years, and the harbor of refuge constructed there is to-day rather a menace to the navigator than a help.

Commencing in 1885, the appropriation for several bills was $100,000 in each bill, and that on an improvement costing $6,000,000, as if their calculation at the very beginning was that it would not be completed inside of 60 years. Indeed, their calculations are worse than that, because in that day river and harbor bills were passed biennially, and on the basis of the amount of the first appropriations it would have required 120 years to complete it.

Why, Mr. President, there is no excuse for this slipshod, unbusinesslike method; and yet in bill after bill we go on with these small appropriations, the completion not in sight and no benefits assured.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. Certainly.

Mr. NORRIS. I wish the Senator would describe the particular improvement he has recently mentioned; just what it is, where is it located, and of what does it consist?

Mr. BURTON. It is located to the north of Boston, and was intended as a harbor of refuge, into which vessels might enter in time of stress. It was claimed that the coast there was one along which a great many boats were passing, that sudden storms arose, and that there should be at some point between Boston and Portland a harbor of refuge of ample size in which boats might find shelter. As I have already stated, among experts there has always been a difference of opinion as to whether or not it would accomplish any good results.

Mr. NORRIS. I should like to ask the Senator how it was constructed and of what it was constructed.

Mr. BURTON. It was constructed of rubblestone. They have great quarries near at hand, and the rubblestone is placed in position more cheaply than in any breakwaters or jetties in the United States.

Mr. NORRIS. Is it in the nature of a breakwater?

Mr. BURTON. It is not merely a breakwater; it is an artificial inclosed space into which vessels may go.

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Louisiana?

Mr. BURTON. Certainly.

Mr. RANSDELL. I wish to ask the Senator if this harbor of refuge is included in the present bill?

Mr. BURTON. It is not.

Mr. RANSDELL. When was it dropped from the river and harbor bill?

Mr. BURTON. In 1909 a recommendation was made that there should be a test of the efficiency of the work done, and that no additional appropriations should be asked until some test was made.

Mr. RANSDELL. And there has been no appropriation since?

Mr. BURTON. My recollection is that there was an appropriation in the bill of 1910, but I am not positive whether an appropriation was made that year or not. I think so, but there was none in 1911, 1912, or 1913.

Mr. RANSDELL. I was under the impression that we had one in 1911, but I am not sure. Certainly there has been none since that time.

Mr. BURTON. Possibly the Senator from Louisiana is right about that, although my recollection is that the appropriation of 1910 was the last.

Mr. RANSDELL. I should like to ask the Senator a further question. During the 10 years that he was chairman of the Rivers and Harbors Committee of the House, from December, 1898, until March 4, 1909, were not appropriations carried in every one of the river and harbor bills for the Sandy Bay harbor of refuge?

Mr. BURTON. They were; and I can state very clearly the reason. It was repeatedly referred to the Board of Engineers for a report, and every time a report came back that it was desirable, if not to finish, at least further to extend the breakwater or the protection afforded. I visited it at least on one occasion, and I never could quite convince myself that it was helpful; but it was impossible to obtain an unfavorable report upon it.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. BURTON. In just a moment. I wish to say a word more. Very strong pressure was brought to bear for that improvement by the marine insurance companies of the United States, and numerous vessel men appeared in a delegation, on at least one occasion, before the Committee on Rivers and Harbors. I will say that the policy pursued while I was chairman of the Rivers and Harbors Committee was to limit the appropriations for the Sandy Bay breakwater and harbor of refuge to the smallest possible sum, and to see if we could not devise a way in which there would be some benefit conferred without spending the enormous amount contemplated for its completion. The project was adopted, in the first place, in 1884 by a majority of but one in the Committee on Rivers and Harbors of the House, and after a very long discussion.

I now yield to the Senator from Massachusetts.

Mr. WEEKS. The Senator connected Mr. Justice Moody with the delegation that appeared in favor of this appropriation originally made in 1885.

Mr. BURTON. Oh, no; he did not appear then. It was while he was still a Member of the House.

Mr. WEEKS. I was going to say that 1885 was a great many years before Mr. Justice Moody became a Member of the House.

Mr. BURTON. Oh, no; it was not 1885. It was while the work was under way and while Mr. Moody was a Member of the House.

Mr. WEEKS. If Mr. Moody's arguments and the arguments of those who accompanied him were so overwhelming, there must have been some sound reason developed for undertaking this work originally, whatever may be thought of it to-day.

Mr. BURTON. I doubt it, Mr. President. I brought this matter forward not as an illustration of an injudicious project but of a piecemeal and absurd policy. At the rate it was prosecuted, as I said, it would require on one basis 60 years and on another basis 120 years.

Mr. WEEKS. I am entirely in sympathy with the Senator in the reason he has just given for criticizing the method of making the appropriations.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. I do.

Mr. KENYON. I should like to ask the Senator how much money was invested in this harbor of refuge?

Mr. BURTON. One million seven hundred and sixty-seven thousand one hundred and seventy-four dollars and fifteen cents.

Mr. KENYON. And the project is now abandoned?

Mr. BURTON. Well, who knoweth who shall come after him? Who knoweth what will happen yet about it? It is possible that some recommendation will come in yet for this breakwater and it will be put on the bill; and, from the standpoint of its usefulness, I do not think time is wasted in making a few remarks on the subject right now.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Nebraska?

Mr. BURTON. I do.

Mr. NORRIS. Is it of any use now, in its present condition?

Mr. BURTON. I do not see how it can be used. It involves the use of a very large space, and the plan for a harbor into which to go is not complete until the whole breakwater is finished. I suppose boats might go in there and have some measure of shelter, though I doubt it.

Mr. NORRIS. I should think, unless it were completed to quite an extent, it would be a menace rather than a benefit to commerce.

Mr. BURTON. It is not exactly a menace, except to boats that are close inshore and very near to the improvement. It was maintained in the hearings before us that the boat *Portland*, which was lost some years ago, I think, could have been saved if this harbor of refuge had been there. That boat sank, with considerable loss of life, but I never was able to convince myself that she was anywhere near to this breakwater when she foundered or that it would have rendered her any assistance.

The worst objection, after all, to this method of piecemeal appropriations is the lack of due and careful consideration of projects before they are commenced. It is very easy to appropriate $100,000. It is lost in the multitude of details in this bill, with its 400 items, so that Members of the Senate can not realize how much is involved. I read one item here of $200,000 for a project which means, before its completion, $5,800,000.

During the delivery of Mr. BURTON'S speech.

LEGISLATIVE, ETC., APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15279, recording from its disagreement to the amendments of the Senate numbered 33 and 101 to the bill and agreeing to the same; recording from its disagreement to the amendment of the Senate numbered 1 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; receding from its disagreement to the amendment of the Senate numbered 212 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate; further insisting upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 224; and agreeing to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate still further insist upon its amendments disagreed to by the House and disagree to the amendments of the House to the amendments of the Senate numbered 1 and 212.

Mr. HUGHES. Mr. President, I should like to ask the Senator what has become of the amendment with reference to mileage?

Mr. MARTIN of Virginia. That amendment is still in disagreement.

Mr. SHAFROTH. I should like to ask the Senator what has become of the amendment which was placed in the bill by the Senate concerning the assay offices?

Mr. MARTIN of Virginia. That amendment is still in disagreement. I will say to the Senator that, while that is not embraced in this report, the assay offices will be preserved, but the increased salaries which were proposed by the Senate will not be acceptable to the House.

Mr. KENYON. Mr. President, it seems to me that this is a very important matter, and there should be more Senators present than there are at this time. I therefore suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Gallinger	Norris	Smoot
Brandegee	Goff	Overman	Sterling
Bristow	Hollis	Page	Swanson
Burleigh	James	Perkins	Thomas
Burton	Jones	Ransdell	Thompson
Camden	Kenyon	Robinson	Townsend
Catron	Kern	Saulsbury	Walsh
Chamberlain	Lane	Shafroth	Warren
Clapp	Lea, Mo.	Sheppard	Weeks
Crawford	Lewis	Shields	White
Cummins	Martin, Va.	Simmons	Works
Dillingham	Martine, N. J.	Smith, Ariz.	
Fletcher	Nelson	Smith, Md.	

Mr. KERN (when Mr. SHIVELY's name was called). I desire to announce that my colleague [Mr. SHIVELY] is unavoidably absent on official business.

Mr. KENYON. I desire to announce the absence of the senior Senator from Wisconsin [Mr. LA FOLLETTE] on account of sickness. This announcement may stand for the day.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Fifty Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Virginia.

The motion was agreed to.

After the conclusion of Mr. BURTON'S speech.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. The bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. LIPPITT. I should like to ask the Senator in charge of the bill if he will withhold the unfinished business for just a minute that I may ask unanimous consent for the consideration of a bill on the calendar that the city of Providence and the State of Rhode Island are very anxious indeed should be passed promptly. I think it will not occasion any debate.

Mr. NEWLANDS. With the understanding that it will not take any time by debate, I will yield.

PORT OF PROVIDENCE, R. I.

Mr. LIPPITT. I ask the Senate to proceed to the consideration of the bill (H. R. 11245) extending to the port of Providence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AGRICULTURAL DEPARTMENT APPROPRIATIONS.

Mr. SMITH of Georgia. Mr. President, I desire to call attention to the fact that the report of the committee of conference on House bill 13659, the Agricultural appropriation bill, has been in the Senate now for a couple of days. I think there is no opposition any longer to the adoption of the report. I ask that the unfinished business may be laid aside in order that the conference report may be adopted.

The PRESIDING OFFICER. Without objection, that course will be taken.

Mr. SMOOT. There will be some debate on it.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Georgia?

Mr. KENYON. What is the request?

Mr. NEWLANDS. If it will not take any long time, I will yield.

The PRESIDING OFFICER. The Senator from Georgia asks that the Senate may take up the conference report on the Agricultural appropriation bill.

Mr. SMOOT. I have no objection to taking up the report, but I think it will lead to a little discussion this afternoon.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. SMITH of Georgia. Certainly.

Mr. GALLINGER. As the report has been before the Senate for some time and the fiscal year is about expiring, it does seem to me that agreeing to the report is a matter of urgent demand.

Mr. NEWLANDS. With the understanding that it will not take much debate, I will not interpose an objection.

Mr. GALLINGER. It would be very unfortunate if by reason of appropriation bills going over we have to provide for the needs of the Government by resolution. I think we ought all to agree cordially that this report should be considered.

Mr. SMOOT. I have no objection at all to the consideration of the report.

The PRESIDING OFFICER. The report was made June 26. The question is on agreeing to the report.

Mr. KENYON. I should like to ask the Senator having charge of this matter if the free-seed proposition was restored in the bill.

Mr. SMITH of Georgia. I think it was.

Mr. KENYON. Congressional free-seed distribution?

Mr. SMITH of Georgia. I was not on the conference committee myself. The Senator from Oklahoma [Mr. GORE] and the Senator from South Carolina [Mr. SMITH] were on it, and they are both away.

Mr. KENYON. Is there anyone who knows?

Mr. SMITH of Georgia. Yes; it was restored, I am advised. On Saturday I called attention to the conference report, and we had it printed in the RECORD, and I consented that it might go over until to-day, so that everyone might have an opportunity of seeing what changes are involved.

Mr. KENYON. The Senator understands that it is hopeless to insist on the proposition of the Senate as to free seeds?

Mr. SMITH of Georgia. So I am advised. The Senator will remember that two years ago I joined him in striking out the provision, and the House positively refused to accede.

Mr. KENYON. So the history of the matter in regard to it is that the Senate amendment has been rejected.

harbor bill sent to us by the House was referred by the committee to a subcommittee, of which I was chairman, but contemporaneously with the consideration of that bill by the subcommittee my time was taken up altogether in connection with my duties in the hearings then going on before the Committee on Interoceanic Canals upon the proposed tolls repeal bill. After that committee had concluded, while the subcommittee was still engaged in considering the river and harbor bill, I was confined to my home by illness and was not present at all during the hearings before the subcommittee.

For that reason, Mr. President, I shall be compelled to rely very largely upon the Senator from Oregon [Mr. CHAMBERLAIN], who in my absence was acting chairman of the subcommittee, and other Senators who were present and assisted me in those hearings.

Mr. President, I now ask that the bill be taken up for amendment, the amendments of the committee to be first considered.

Mr. BURTON. I desire to address the Senate in a general way before the items are taken up.

Mr. SIMMONS. I understood that the Senator from Ohio desired to address the Senate. I will withhold the motion until he concludes or will just lodge it and he may proceed.

Mr. BURTON. Mr. President, I have been closely associated with river and harbor legislation in the House and Senate for now nearly 20 years. I have had part in the framing of every river and harbor bill since that of the year 1894. While it is well understood by my fellow Members in the Senate that I have not approved the bills from 1910 to 1913, inclusive, I think I may say that no one has had equal opportunity to judge of the dangers on the one hand and the benefits on the other of river and harbor legislation.

I am forced to the conviction that unless there are radical changes made in our methods, unless we eliminate classes of items which are being included in the bills, this measure will become so objectionable to the people of the country that no river and harbor bill can pass, and it is now the time for the genuine friends of river and harbor legislation, for those who believe in the development of such harbors and waterways as can profitably be developed, to pause and consider.

The great danger in every river and harbor bill is that there is no power of resistance speaking for conservation or economy. Indeed, Mr. President, I sometimes question whether there is any strong disposition for economy in national, State, or municipal affairs. The sentiment in its favor is vague and unorganized. In no measure before any State or national legislation are the possibilities of extravagance greater than in this now before us.

To begin with, there is the earnest insistence of communities and of private interests that certain projects for river and harbor improvement be recognized. There is no sufficient influence in the way of criticism against that system. In fact, it is with the greatest reluctance that I oppose these bills, because localities consider a man who criticizes appropriations suggested as an enemy; sometimes, speaking rather recklessly, newspapers or individuals say any opposition is due to prejudice; and there is a disposition which must be recognized on the floor of both the House and Senate to regard whoever opposes any item as an intruder. My fellow Senators will remember that on one occasion I criticized an appropriation which I regarded as altogether wasteful in the State of Texas, and a statement was made upon this floor that it was none of Ohio's business.

Mr. President, it is the business and it is the obligation of every Senator to call attention to whatever vicious tendencies may appear in this or any other bill, and I am compelled to say that there are more which are manifest in the measure now pending before the Senate than in any of those since my membership in the House or Senate, beginning in the year 1895. It is my desire to criticize this measure, and I think it deserves criticism. I trust there may be a full and free discussion not only of the general policies of the bill but of the separate or specific items as well.

Mr. NORRIS. Mr. President, I think before the Senator goes on with a discussion of the items of the bill we ought to have a quorum of the Senate here to hear him, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SHIELDS in the chair). The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Camden	Fletcher	Kern
Brady	Catron	Gallinger	Lane
Brandegee	Chamberlain	Goff	Lewis
Bryan	Clarke, Ark.	Hughes	Lippitt
Burleigh	Crawford	Jones	McCumber
Burton	Dillingham	Kenyon	Martin, Va.
Newlands	Poindexter	Smith, Ariz.	Thornton
Norris	Ransdell	Smith, Ga.	Tillman
O'Gorman	Reed	Smith, Md.	Walsh
Oliver	Saulsbury	Smoot	Warren
Overman	Sheppard	Sterling	Weeks
Page	Sherman	Swanson	White
Perkins	Shields	Thomas	
Pittman	Simmons	Thompson	

The PRESIDING OFFICER. Fifty-four Senators have answered to the roll call. A quorum is present. The Senator from Ohio will proceed.

Mr. BURTON. Mr. President, I have no sympathy with that sweeping denunciation which characterizes every river and harbor act as a pork barrel; but, on the other hand, every measure of this kind presents the possibility of becoming a carnival of extravagance and waste.

I do not, in the first instance, desire to criticize the amount of this bill. Money judiciously expended is not wasted. In passing, however, it is well to call attention to this feature.

The cash appropriations amount to $43,330,404, to which certain additions have been proposed by the committee since its report was filed, which, I believe, was on the 18th of June.

In addition there are authorizations amounting to $10,352,600, making a grand total of $53,683,004.

The total amount appropriated and authorized in this bill was surpassed in three previous measures—those of 1896, of 1902, and of 1907, but at that time bills were passed biennially or triennially, while now they are passed annually.

The cash appropriation, $43,330,000, is, however, the largest amount of cash ever carried in a river and harbor bill since the foundation of the Republic. That fact in itself should induce caution and make us give careful examination to the items which make up this very large aggregate.

In criticizing the bill it will be necessary for me to repeat what I have said several times before on the floor of the Senate. I regret to say that I have for the most part spoken to an audience which was unresponsive, but I am satisfied there is to-day a disposition to investigate this measure which has not prevailed in preceding years, and if I am correct in my forecast there is a disposition not only in the Senate, but in the country at large, to be shown, to know whether these appropriations are made in a judicious manner, also whether the projects themselves are national in scope and worthy of the attention of the Federal Government.

I desire to make three general criticisms of the bill.

The first relates to the policy or method of making appropriations.

The second is that appropriations are made for many rivers and harbors the channels of which under present conditions can not be profitably improved. This applies especially to certain inland waterways, and applies in the most emphatic manner to the improvement of certain rivers by the construction of expensive locks and dams.

Third, there are large appropriations for benefits which are merely local and which in some cases only remotely or incidentally affect navigation.

Before taking up these criticisms in order, I may say that transportation conditions have greatly changed in the last 20 years. Numerous inland rivers, which were either the sole means for affording transportation or which were in any event efficient means for bringing products to the market, have now been superseded by other methods of transit, and in criticizing many of the items in this bill it is not necessary to lay the blame upon those who promoted these improvements years ago. That which may have been very judicious in 1870 or 1880, or even in 1890, is altogether injudicious in this year 1914.

The traffic statistics show a dwindling amount of freight on these rivers. They show also that there are other more efficient and cheaper methods of carrying the products of the farm and the factory to market.

I desire to take up first the general policy of this bill, that of piecemeal appropriations. In a minority report which I have filed I have given some very striking illustrations of this policy. They will be found on page 3 of the report to which I allude.

There is appropriated in the bill in cash for the improvement of the East River, N. Y., $500,000, a very considerable sum. But what is the total cost of the improvement to which the Congress and the Government of the United States commit themselves by the appropriation of that $500,000? It is $13,400,000; and the remaining $12,900,000 is left as a legacy to future Congresses to dispose of.

Improving Harlem River, N. Y., cash appropriation, $100,000; total cost of the improvement, which has been under way for some time, $1,623,000, or 16 times as much as the amount appropriated in this bill.

Delaware River, Pa., N. J., and Del., cash appropriation, $2,000,000; cost for completion, $8,809,200.

Chesapeake & Delaware Canal, cash appropriation, $2,250,000; cost for completion, $8,000,000.

Harbor at Norfolk, Va., cash appropriation, $270,000; cost for completion, $1,114,000.

Inland waterway, Norfolk, Va., to Beaufort Inlet, N. C., cash appropriation, $600,000; amount required for completion, $4,000,000.

Cape Fear River above Wilmington, cash appropriation, $91,000; amount required for completion, $416,000.

St. Johns River, Fla., cash appropriation, $360,000; cost for completion, $777,000.

Channel from Pensacola Bay to Mobile Bay, cash appropriation, $50,000; amount required for completion, $482,435.

Mr. KENYON. Mr. President, may I ask the Senator a question in order that I may thoroughly understand the subject? Referring to the column of cost for completion and the column of appropriations in this bill, is the cost for completion in addition to the amount appropriated in the bill?

Mr. BURTON. It includes it.

Mr. KENYON. One question more. Take, for instance, the East River and Hell Gate appropriation for cost of completion. Is that the cost from the commencement of the project to the close of the project, everything that has been spent or will be spent, or only what will have been spent including this item?

Mr. BURTON. This amount will be spent in the future, including this appropriation. As I said a moment ago, we appropriate here in cash $500,000 and leave $12,900,000 for future Congresses to take care of. It should be said in the case of some of these projects that they are new, and as to others that they are already under way and a considerable amount has been expended upon them. The figures which I have given relate to pending projects only.

Waterway, Mississippi River to Bayou Teche, La., cash appropriation, $100,000; cost for completion—it is in the alternative—$1,655,500 or $2,052,900.

Galveston Channel, Tex., by the construction of a sea wall, cash appropriation, $100,000; cost for completion, $1,185,000.

Brazos River, Tex., locks and dams, cash appropriation, $250,000; amount required for completion, indefinite; probably about $10,000,000.

Trinity River, Tex., locks and dams carried in this bill, $240,000; amount required for completion, again indefinite. In both cases we are going ahead appropriating these dribbling amounts without any knowledge as to what the project will cost when completed, and, I may say as well, without any assurance that the improvements will confer any benefit upon the communities in which they are located, unless perhaps it be a profuse expenditure of a very large amount of money, which will give benefit to contractors and bring employment to labor.

Cumberland River below Nashville, cash appropriation, $250,000; amount for completion, $2,201,882.

Cumberland River above Nashville, cash appropriation, $340,000; amount for completion, $4,500,000.

Ohio River, $5,000,000, of which $2,000,000 is cash and $3,000,000 is under continuing contracts; amount for completion, $51,057,000.

Mississippi River between Ohio and Missouri Rivers, cash appropriation, $1,000,000; amount for completion $17,250,000—seventeen times as great.

Mississippi River between Missouri River and St. Paul, cash appropriation, $1,500,000; amount for completion, $13,500,000.

Fourth lock, St. Marys River, Mich., cash appropriation, $250,000; amount for completion, $2,475,000.

Missouri River, Kansas City to the mouth, cash appropriation, $2,000,000; amount for completion, $15,000,000.

Sacramento and Feather Rivers, Cal., cash appropriation, $200,000. This is an item which appears in the bill along with other items not very large in amount; but what does that $200,000 mean? It means a committal to a project, the beginning of an improvement which will cost $5,800,000.

Mr. PERKINS. Of which the State pays half.

Mr. BURTON. The State puts in an amount in addition to the $5,800,000; but, for the improvement of the river, the $5,800,000 is the sum which it is proposed the Government of the United States shall pay.

The first objection to this dribbling policy is the one of expense. Everyone knows that if you are building a great breakwater, constructing a lock and dam, or contemplating any great improvement, economy and efficiency can be secured by making one contract. In the years before 1890 appropriations were made in separate sums; and there was a very good reason for that. There were but few of these projects of colossal expense at that time. Apart from the Mississippi River, there were few expensive improvements in the class of those contemplated in this bill. Beginning in that year, under the advice of the then Chief of Engineers, Gen. Casey, and with the cordial support of Senator Frye, who was then a member of this body and chairman of the Committee on Commerce, three large projects were selected for completion. A provision was drawn, which has been repeatedly inserted in later bills, to the effect that a certain amount of cash should be appropriated, and the Secretary of War was authorized to enter into a contract or contracts for the completion of the remainder of the work to an amount not exceeding the total cost of the improvement.

Mr. President, under this continuing-contract system progress was made in the successive river and harbor bills almost without exception until in the year 1907 a measure was brought in which contained no provision for any new project unless provision was made for its completion. It was decided that it was the best policy, a policy which was made possible after long years of effort, to provide for completion whenever an improvement was commenced. I very much regret that, beginning with the year 1910, this salutary method was departed from, and now the making of partial appropriations is worse than ever before.

The first argument against such a course as that in this bill is that of expense. Various estimates have been made; that the additional cost of the piecemeal system is from 5 to 30 per cent. I stated when the interruption occurred that in the building of any large work, such as a breakwater, a canal, or a lock and dam, economy and promptness can be secured by one contract. It is probable that the average saving could be as much as 20 per cent. This halting policy, this method of appropriating a tenth of the entire amount or in some instances even a smaller fraction, results in these appropriations costing the Government of the United States tens of millions more than they otherwise would cost.

The Senate committee placed a harbor of refuge at Cape Lookout under the continuing-contract system, authorizing further appropriations of $1,826,000. This was done after a showing made by the engineer in charge that by such method very large quarries could be developed, stone could be furnished more cheaply, and a saving of approximately $350,000 might be made.

No private enterprise is carried on in the manner so common in this bill. No foreign Government improves its rivers and harbors in this way. In France, before any project is adopted, most elaborate surveys and estimates are made, and then a decision is reached whether or not it is best to adopt it. If thought best to adopt it, provision is made for the whole expense, and the time within which it is to be finished is computed as nearly as possible. In Germany the same method is in vogue.

This piecemeal policy has been condemned by the engineers having the work in charge. Gen. Marshall, who was for several years Chief of Engineers, and one of the ablest members of the corps, said some years ago:

> Few, if any, of the larger works have ever been prosecuted at a rate sufficiently rapid to realize the fullest efficiency and economy.

But the saving in expense which would be accomplished by providing for the whole improvement is not all. There is another advantage, and that is that communities may know what to depend upon. If boats are to be constructed to use a certain channel, they may be constructed and be ready when that channel is finished. If wharves are to be constructed, those who project them are not left to the uncertainties of future appropriations and long delays. They can make their plans at once and carry them out.

In this connection I wish to call attention to a few of the most striking illustrations of the delay which has occurred in the making of public improvements.

In the year 1830 work was commenced upon a canal and lock at what was called the Colbert and Bee Tree Shoals above Riverton on the Tennessee River. It was not until the year 1911 that that improvement was finished. President Eliot, in an article in the Atlantic Monthly some years ago, called attention to a lock on the Columbia River, in the building of which 25 years were exhausted. To take an illustration in this bill, the existing project for the James River, Va., up to Richmond, was commenced in the year 1884, and this, with some modifications, after having been in progress 30 years, is only 42.1 per cent completed, or less than half, while the estimated cost of completion is $3,011,282.72. In that case the recommendation of the engineers was for only $100,000 in this bill, at which rate it would require 30 years more to complete this improvement which already has been underway for 30 years.

On the Columbia and lower Willamette Rivers, below Portland, Oreg., work was begun in 1877. The total amount expended on the original and modified projects is $2,700,000. It is estimated that $2,315,000 will be required to complete the projects.

Mr. GALLINGER. Mr. President, may I appeal to the Senator? One-half hour is already gone, and 1 o'clock will soon be here. Might we not lay this matter aside? This contention——

Mr. SIMMONS. I ask for a vote upon my motion.

Mr. GALLINGER. Mr. President——

Mr. SIMMONS. Of course I do not mean to take the Senator off his feet. I simply meant to say that I would not further discuss the question.

Mr. GALLINGER. Well, Mr. President, I do not know that I will take more than a minute to say that the motion is revolutionary in this body. The rule has been construed universally and without exception, so far as I know, for more than 20 years in opposition to the view taken by the Senator from North Carolina; and while perhaps no great harm will be done if the motion should prevail, at the same time I think we had better be careful to proceed along safe lines in the construction of our rules.

The rule was manifestly made to care for the calendar, and if that rule had been observed during the present session, we would not have a calendar now of 300 or 400 bills that ought to be acted upon. Instead of considering the calendar, we have been discussing points of order and the construction of the rules, as we are doing this morning.

If the Senator would yield his contention and let us consider the calendar for 30 minutes—29 minutes now—then the motion will be in order, and doubtless the Senate will agree to that motion.

Mr. SIMMONS. Mr. President, if the Senator will pardon me, I want a ruling upon the point. I have very decided views and convictions about it, and I want the Chair to rule on the point of order.

Mr. GALLINGER. Very well, then. I will content myself with what I have already said, that I think it will be an innovation that will be troublesome in the future, and that the Senate ought not to agree to the motion in the light of the explicit terms of the rule which the Senator from Utah [Mr. SMOOT] has invoked.

The VICE PRESIDENT. The Chair is reminded of a statement of a Kentucky lawyer at a banquet, that the crowning glory of the practice of the law was its delightful uncertainty. Argument has been made on both sides of this proposition. On one side it is contended that clause 3 of Rule VII provides that after the morning business has been concluded and until the hour of 1 o'clock, if the morning business shall have been concluded prior to that time, the calendar, under Rule VIII, must be taken up, unless by unanimous consent, and that no motion to take up a bill prior to 1 o'clock can be entertained by the Chair. The contention of the Senator from North Carolina is that whenever the morning business has been concluded, or after 1 o'clock whether it has been concluded at all or not, a motion to take up a bill is in order.

The Chair does not desire to take any advantage of the former ruling of the present occupant of the chair, wherein the Chair held that prior to the hour of 1 o'clock no motion was in order to take up a bill, and upon appeal from the Chair the ruling of the Chair was sustained, though not by a yea-and-nay vote. The Chair does not want that ruling to influence the opinion of a single Senator upon the floor; but in that, perhaps unjustifiable, condition of mind that the Chair thinks rests with most people, the Chair is now going to submit the question of order to the Senate rather than to have the RECORD disclose that the Chair had ruled upon both sides of the same question. The question is for the Senate to decide. Is the point of order well taken?

Mr. SIMMONS. Upon that I ask for the yeas and nays.

Mr. REED. I ask for a statement of the point of order.

The VICE PRESIDENT. The point of order is that no motion to take up a bill is in order prior to the hour of 1 o'clock. The Senator from North Carolina asks for the yeas and nays.

The yeas and nays were ordered.

Mr. POINDEXTER. Mr. President, I understand that morning business has been concluded.

The VICE PRESIDENT. It has been closed.

Mr. BRISTOW. May I inquire as to the form in which the motion was put to the Senate?

The VICE PRESIDENT. The question is, Is the point of order well taken, namely, that the bill referred to by the Senator from North Carolina can not come up by motion until 1 o'clock? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Maryland [Mr. LEE] and vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Mississippi [Mr. VARDAMAN] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Utah [Mr. SUTHERLAND] and of the junior Senator from Wisconsin [Mr. STEPHENSON]. The junior Senator from Utah is paired with the Senator from Arkansas [Mr. CLARKE] and the junior Senator from Wisconsin is paired with the Senator from Oklahoma [Mr. GORE].

I also desire to announce the unavoidable absence of the Senator from Connecticut [Mr. MCLEAN], who is paired with the Senator from Montana [Mr. MYERS]; and also the unavoidable absence of the Senator from North Dakota [Mr. GRONNA], who is paired with the Senator from Maine [Mr. JOHNSON].

Mr. SMITH of Georgia (after having voted in the negative). I wish to state that the junior Senator from Georgia [Mr. WEST] is detained at his room by sickness.

I wish to transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Georgia [Mr. WEST] and allow my vote to stand. I will ask that the statement of this transfer stand for the day.

Mr. CATRON. I have a general pair with the Senator from Oklahoma [Mr. OWEN], who I understand is necessarily absent. I therefore withhold my vote.

Mr. GOFF. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD] and withhold my vote.

Mr. CHAMBERLAIN. I am requested to announce the unavoidable absence of the senior Senator from West Virginia [Mr. CHILTON] and his pair with the Senator from New Mexico [Mr. FALL].

Mr. PERKINS (after having voted in the affirmative). I inquire if the junior Senator from North Carolina [Mr. OVERMAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. PERKINS. As I have a general pair with that Senator, I withdraw my vote.

Mr. WALSH (after having voted in the negative). I am informed that the Senator from Rhode Island [Mr. LIPPITT] has not voted. I have a general pair with that Senator, which I transfer to the Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 19, nays 41, as follows:

YEAS—19.

Ashurst	Burton	Lane	Townsend
Borah	Clapp	Oliver	Warren
Brady	Dillingham	Root	Works
Bristow	Gallinger	Smith, Mich.	Weeks
Burleigh	Kenyon	Smoot	

NAYS—41.

Brandegee	McCumber	Ransdell	Swanson
Bryan	Martin, Va.	Reed	Thomas
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Cummins	Newlands	Shively	Tillman
Fletcher	Norris	Simmons	Walsh
Hollis	O'Gorman	Smith, Ariz.	White
Hughes	Page	Smith, Ga.	Williams
James	Pittman	Smith, Md.	
Jones	Poindexter	Sterling	
Kern	Pomerene	Stone	

NOT VOTING—36.

Bankhead	Fall	Lewis	Robinson
Catron	Goff	Lippitt	Shafroth
Chilton	Gore	Lodge	Sherman
Clark, Wyo.	Gronna	McLean	Shields
Clarke, Ark.	Hitchcock	Myers	Smith, S. C.
Colt	Johnson	Overman	Stephenson
Crawford	La Follette	Owen	Sutherland
Culberson	Lea, Tenn.	Pearose	Vardaman
du Pont	Lee, Md.	Perkins	West

So the Senate decided the point of order to be not well taken.

The VICE PRESIDENT. The question is on the motion made by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, before the motion is put I desire to place in the RECORD a few lines from the decision of Vice President Sherman, found at page 2816 of the RECORD of March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include——

Mr. WEEKS. Mr. President, it is impossible to hear the Senator.

Mr. GALLINGER. I rise to a point of order. If the motion is pending, it is not debatable.

Mr. SIMMONS. Mr. President, I will read this matter into the RECORD later. I was simply going to put in the RECORD a

decision of Vice President Sherman concerning the point of order.

Mr. GALLINGER. I insist upon my point of order.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

Mr. BRISTOW. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CATRON (when his name was called). I am paired with the senior Senator from Oklahoma [Mr. OWEN], who, I understand, is necessarily absent. I therefore withhold my vote.

Mr. GOFF (when his name was called). I am paired with the senior Senator from Alabama [Mr. BANKHEAD] and therefore withhold my vote. I desire this announcement to stand for the day.

Mr. WILLIAMS (when his name was called). I am paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH]. I ask that this announcement may stand for the day. I vote "yea."

The roll call was concluded.

Mr. SAULSBURY. I make the same transfer as on the previous roll call and vote "yea."

Mr. WALSH (after having voted in the affirmative). I transfer my pair with the senior Senator from Rhode Island [Mr. LIPPITT] to the senior Senator from Nebraska [Mr. HITCHCOCK] and will allow my vote to stand.

The result was announced—yeas 37, nays 22, as follows:

YEAS—37.

Bryan	Martin, Va.	Ransdell	Swanson
Camden	Martine, N. J.	Saulsbury	Thompson
Chamberlain	Nelson	Sheppard	Thornton
Fletcher	Newlands	Shields	Tillman
Hollis	O'Gorman	Shively	Walsh
Hughes	Overman	Simmons	White
James	Perkins	Smith, Ariz.	Williams
Kern	Pittman	Smith, Ga.	
Lane	Poindexter	Smith, Md.	
Lewis	Pomerene	Smith, Mich.	

NAYS—22.

Ashurst	Cummins	Norris	Sterling
Borah	Dillingham	Oliver	Townsend
Brandegee	Gallinger	Page	Weeks
Bristow	Jones	Root	Works
Burleigh	Kenyon	Sherman	
Clapp	McCumber	Smoot	

NOT VOTING—37.

Bankhead	du Pont	Lippitt	Stephenson
Brady	Fall	Lodge	Stone
Burton	Goff	McLean	Sutherland
Catron	Gore	Myers	Thomas
Chilton	Gronna	Owen	Vardaman
Clark, Wyo.	Hitchcock	Penrose	Warren
Clarke, Ark.	Johnson	Reed	West
Colt	La Follette	Robinson	
Crawford	Lea, Tenn.	Shafroth	
Culberson	Lee, Md.	Smith, S. C.	

So the motion was agreed to.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The VICE PRESIDENT. The Secretary will read the bill for amendment.

Mr. SIMMONS. Mr. President, for the purpose of keeping the precedents straight, I desire, before making a brief statement in reference to the bill, to read a decision upon the question of order which has just been passed upon by the Senate, rendered by the late Vice President Sherman on March 5, 1912:

Mr. POINDEXTER. I make a parliamentary inquiry as to the meaning of "morning business." Does not "morning business" include up until the hour of 4 o'clock, or 2 o'clock at least, the calling of the calendar, and an opportunity to move to take up matters on the calendar?

The VICE PRESIDENT. No; "morning business" is certain routine business, as laid down in the rule, that may proceed for two hours, but can be closed before, and is closed before, when the Chair so announces. After the conclusion of that business and the announcement by the Chair to that effect, then the Chair thinks the motion which the Senator made was in order, but after he had made that motion the Senator from Massachusetts made a motion, action upon which is preferential under Rule XXII, and that is the matter which must first be disposed of.

Mr. President, I shall not detain the Senate more than four or five minutes in relation to the pending bill. I wish simply to make a brief statement with reference to the amounts carried in the bill by way of cash appropriations and authorizations, and to compare them with the amounts carried in the House bill for like purposes.

The bill as it came from the House carried appropriations in cash of $39,408,904 and authorizations of $4,000,000; a total of cash appropriations and authorizations of $43,408,904. The Senate committee adopted all the House authorizations. There were only two of these: First, the Delaware River, for which there was an authorization of $1,000,000; secondly, the Ohio River, for which there was an authorization of $3,000,000.

The bill as reported to the Senate strikes out items in the House bill aggregating $2,024,000 and adds new items, for which appropriations are made, aggregating $5,946,400, making a net increase over the House cash appropriations of $3,922,400. The bill as reported to the Senate adds to the authorizations in the House bill authorizations for three additional projects—the mouth of the Columbia River, $4,100,000; harbor of refuge at Cape Lookout, $1,826,600; and Los Angeles Harbor, $426,000.

The bill as reported to the Senate therefore carries appropriations and authorizations amounting in cash to $43,408,904, and authorizations of $10,275,000, or a total of $53,683,904.

The House committee added 76 new projects, requiring in all to complete $38,834,700, and appropriated for these 76 new projects $5,786,829, leaving $33,077,871 to be appropriated for in future bills.

Mr. BURTON. Mr. President, will the Senator from North Carolina yield for a moment?

Mr. SIMMONS. Certainly.

Mr. BURTON. Are those figures given in the report here?

Mr. SIMMONS. I think so. I think they are in the report.

The Senate committee cut out six of these new projects, requiring in all to complete $1,519,950, and for which the House appropriated $519,000.

If the Senate committee's action shall be indorsed, the new projects of the House bill will be reduced to 70 in number, requiring in all to complete $37,344,750, for which the bill as reported to the Senate appropriates $5,267,829.

The Senate added 17 new projects to the bill, requiring in all to complete $6,181,510, and appropriated $2,023,600, leaving $4,157,910 to be taken care of by future legislation. If the action of the Senate committee is ratified in full the new projects will number 87, requiring in all to complete $43,526,260, for which appropriations amounting to $7,291,429 are carried in this bill, leaving $36,234,831 to be appropriated for in future acts.

Mr. President, without reading, I wish to incorporate in my remarks an itemized statement of the new project cited by the Senate committee.

The statement referred to is as follows:

Itemized statement of the new projects added by Senate.

	Project.	Total cost.	Amount appropriated.
1	Narrows, Lake Champlain	$737,000	$300,000
2	Boston Harbor, Mass. ($800,000 of this cost for a dredge, which was cut out)	1,545,000	400,000
3	Bridgeport Harbor, Conn. (the balance is carried in an unexpended balance on hand)	175,300	111,300
4	Chester River, Md	12,000	12,000
5	Pembroke Creek, N. C	30,000	10,000
6	Pensacola Bay to Mobile Bay	432,425	50,000
7	Mississippi River to Bayou Teche	826,000	100,000
8	Bayou Teche to Mermentau River	477,175	
9	Sabine River, Tex	30,000	30,000
10	Improving Tennessee River	150,000	150,000
11	Cut-off, Princess Point, Mich	138,000	138,000
12	Los Angeles Harbor, Cal. (authorization for balance)	626,000	200,000
13	San Rafael Creek, Cal	54,000	27,300
14	Napa River, Cal	43,000	20,000
15	Skagit River, Wash	20,000	20,000
16	Apoon Mouth, Yukon River, Alaska	45,000	45,000
17	San Juan Harbor, P. R. (this to be returned)	850,000	400,000
	Total	6,181,510	2,023,600

Mr. SIMMONS. I wish also to incorporate, without reading, an itemized statement of the new projects eliminated from the House bill by the Senate committee.

The statement referred to is as follows:

Itemized statement of the new projects cut out by the Senate committee.

	House projects cut out.	Total cost.	Amount appropriated.
1	Matawan Creek, N. J	$72,000	$72,000
2	Shrewsbury River, N. J	295,000	100,000
3	Oklawaha River, Fla	735,000	175,000
4	Kissimmee River, Fla	47,000	47,000
5	Caloosahatchee River, Fla	25,000	25,000
6	Willapa Harbor, Wash	347,950	100,000
	Total	1,519,950	519,000

Mr. SIMMONS. Mr. President, this is the only statement that I care at this time to make with reference to the bill. I wish, in addition, to say a word personal to myself. I am the acting chairman only of the Committee on Commerce. The river and

The American citizens residing in Costa Rica and doing business with the Costa Rican people, and employing large numbers of Costa Rican laborers, feel that the American Government should in some manner, before final action upon the Nicaragua treaty, express their intention and assure the Costa Rican people that we will treat with equity and justice whatever rights they may have in the Nicaragua route as originally contemplated. Such action would at once tend to reassure the Costa Rican people and restore to us the splendid business relation with them which has heretofore existed.

To this end may I not ask you, Senator, on behalf of the great American interests there, to take such action in the Senate in the consideration of the pending Nicaragua treaty as will secure to and protect Costa Rica's rights in said highway?

Yours, truly, J. N. POPHAM.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies, was read twice by its title and referred to the Committee on Appropriations.

RIVER AND HARBOR APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. SIMMONS. I ask unanimous consent that the Senate proceed to the consideration of House bill 13811, the river and harbor bill.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I wish to say to the Senator that there are a number of bills on the calendar, particularly Senate pension bills, and unless they are passed within a very short time it will be impossible for the House to consider them at this session of Congress. The Committee on Pensions met this morning, and we are trying to have passed upon this week all the House pension bills that have passed the House and been sent to the committee. We are notified by Members of the House that unless those bills can pass the Senate within a very short time it will be absolutely impossible to pass them through the House at the present session of Congress.

I have no objection at all to the consideration of the river and harbor bill, but I ask the Senator from North Carolina to allow at this time that the calendar shall be taken up and bills to which there is no objection considered until the hour of 1 o'clock.

Mr. SIMMONS. Would it not suit the Senator as well this afternoon, after arguments have been made on the unfinished business, to take up the calendar for an hour or half an hour?

Mr. SMOOT. That would suit me just as well, although I do feel that we ought to act on these bills now.

Mr. BORAH. I did not understand what was the statement that would suit the Senator from Utah.

Mr. SMOOT. As I said to the Senator from North Carolina, there are some six Senate pension bills on the calendar, and unless they are acted upon very soon it will be impossible for them to pass through the House at the present session of Congress. I desired to take up the calendar this morning for the consideration of those bills, but the Senator from North Carolina desires to proceed with the river and harbor bill, and he intimated that after the hour of 2 o'clock we might take up the calendar and pass those bills.

Mr. BORAH. At 2 o'clock?

Mr. SMOOT. The Senator does not say that we can. He merely made that suggestion.

Mr. CUMMINS. What disposition will then be made of the unfinished business?

Mr. SMOOT. That could be laid aside by unanimous consent.

Mr. CUMMINS. Has the Senator from North Carolina consulted the chairman of the Committee on Interstate Commerce? Does he know that the chairman would be willing to lay it aside?

Mr. SIMMONS. My statement to the Senator from Utah was that after the speeches upon the unfinished business, if any are to be made to-day, have been concluded the unfinished business might be laid aside, and that I would not then interfere with having a reasonable time to dispose of the pension bills on the calendar.

Mr. CUMMINS. I wish to say that the chairman of the Interstate Commerce Committee asked me if I would not submit some part of what I have to say with regard to the trade commission bill to-day. I have been very busily preparing myself to comply with the request of the Senator from Nevada, and I hardly think that the bill will be laid aside without some discussion.

Mr. SMOOT. I will not take up any more time this morning; but I want to say to the Senator that to-morrow morning I shall ask that the calendar under Rule VIII be taken up in its regular order at the conclusion of the morning business, and if there is objection to that, then I shall desire the Chair to rule as to the meaning of paragraph 3 of Rule VII and let the Senate decide.

Mr. LEWIS. Mr. President, may I interrupt the Senator from North Carolina to say that there was an understanding, I thought, that I should submit an observation, as a member of the committee, touching the trade commission bill very soon after the Senator from Idaho had finished his remarks. I am not inclined this morning to yield the floor to have the trade commission bill wholly supplanted and displaced, as much as I am anxious to have the river and harbor bill taken up. It would be the proper course for me to address the Senate on the trade commission bill after the Senator from Idaho has finished.

Mr. SIMMONS. Will the Senator from Illinois permit me to interrupt him? There is not the slightest suggestion of in any way displacing the trade commission bill. The trade commission bill is the unfinished business and will be reached at 2 o'clock. The statement I made to the Senator from Utah was expressly that after the discussion upon the trade commission bill was concluded for the day I would then yield for a short time for the passage of these pension bills. So there is no purpose to interfere with the trade commission bill either now or when it is in order.

Mr. LEWIS. I misunderstood the observation of the able Senator from North Carolina. May I inquire of the Senator from Idaho [Mr. BORAH] if he has concluded his remarks upon the trade commission bill, or does he propose to resume this morning?

Mr. BORAH. I was going to submit a few remarks further at 2 o'clock, but I will conclude very shortly if I am not interrupted.

Mr. LEWIS. The Senator from Illinois did not intimate to the Senator from Idaho that there was any necessity for concluding his address, which is illuminating.

Mr. BRISTOW. I infer that the Senator from North Carolina wants to conclude during the morning hour the speech which he began upon Saturday on the river and harbor bill. Am I correct?

Mr. SIMMONS. It will not take me two minutes to conclude what I have to say. I had about finished when the hour of 2 o'clock arrived on Saturday. I wish to conclude, and then I wish to have the Senate go on with the river and harbor bill until 2 o'clock.

Mr. BRISTOW. If the Senator wants to conclude his address upon the bill, of course I would not want to do anything that would in any way interfere with him in doing it, but I am not willing, so far as I am concerned, that the morning hour shall be taken up every morning with the river and harbor bill when there are bills far more important than it to the country and to the people of the country on the calendar that could be disposed of in a comparatively short time. I think it would be unwise in the extreme to crowd out important legislation that has been waiting here for weeks in order that the river and harbor bill, which will require lengthy discussion, which is voluminous in detail, may have the right of way.

Mr. SIMMONS. To what legislation does the Senator refer?

Mr. BRISTOW. If the Senator wants to complete his speech I would be very glad to have him do it. Otherwise I shall insist that the river and harbor bill shall not be taken up or that it be taken up on motion.

Mr. SIMMONS. I am not asking to take up the river and harbor bill in order to complete my statement. I had just about finished when the morning hour expired on Saturday. I am asking to take up the river and harbor bill for the purpose of keeping it before the Senate until it is displaced by the regular order at 2 o'clock.

Mr. BRISTOW. I object.

Mr. SIMMONS. I have asked unanimous consent for that purpose, and if the Senator objects I will make a motion.

Mr. BRISTOW. I object to that. If I have the floor, I should like to move——

Mr. SIMMONS. I have the floor. I have not yielded the floor at all since I was recognized. I have been standing on my feet engaged in a colloquy first with one Senator and then with another.

The VICE PRESIDENT. The Senator from North Carolina has the floor, but the Senator from Kansas has objected.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. SMOOT. Mr. President, I say that is a violation of the rules and not in order at this time.

I call attention to Rule VII, paragraph 3, which reads:

3. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent.

I have here a great many decisions of the Chair on this point. I will refer to only one now. On March 21 the Vice President ruled as follows:

The VICE PRESIDENT. The Chair has already ruled this morning that, until the hour of 1 o'clock has arrived, although the morning business has been concluded, no motion to proceed to the consideration of a bill was in order, but after 1 o'clock the Chair is of the opinion that, upon motion and until the hour of 2 o'clock, the Senate may consider any bill upon the calendar, and the Chair has so ruled. That motion is not debatable. There can be an appeal taken from the decision of the Chair if it is not satisfactory.

Mr. BRANDEGEE. What motion is not debatable, Mr. President?

The VICE PRESIDENT. The motion to proceed to the consideration of a bill.

Mr. BRANDEGEE. I respectfully appeal from the ruling of the Chair, Mr. President.

The appeal was submitted to the Senate, and the Senate sustained the ruling of the Chair. That is the case this morning, Mr. President, with the motion that has just been made.

Mr. SMITH of Georgia. Was that a yea-and-nay vote?

Mr. SMOOT. It was not a yea-and-nay vote.

Mr. SMITH of Georgia. Does the Senator from Utah have any doubt about the fact that the ruling ought not to have been sustained, and that during the morning hour we can by motion, after morning business is finished, take up a measure?

Mr. SMOOT. I do, Mr. President; and not only that, but it has been held, I think, many times that it can not be done.

Mr. SMITH of Georgia. Then we can do nothing under objection?

Mr. SMOOT. Certainly. Mr. President, let me call attention to this particular rule. The Senator will notice that there is a comma after the word "Chair," and not a semicolon; so it can not be an alternative. This means that the morning business may run after 1 o'clock, as it often does run until after 1 o'clock; and if the morning business runs until after 1 o'clock, then a motion can be made any time after 1 o'clock to take up any bill; but unless that happens, the motion is not in order, and a bill can not be taken up except by unanimous consent.

Mr. SMITH of Georgia. Suppose "and" were there instead of "or," what would be the difference? Why is "or" used instead of "and"?

Mr. SMOOT. I am not saying why the committee used the word "or" instead of "and." If "and" were used, it would be conjunctive.

Mr. SMITH of Georgia. The "or" being there, either is sufficient.

Mr. SMOOT. No; that is not what has been held by the Chair; that is not the construction we have been working under of late; and that is not what the rule has been decided to mean as passed on by this body.

That is all there is to the question, Mr. President. It seems to me that if morning business runs until after 1 o'clock, then a motion any time after 1 o'clock can be made to take up any bill; but before 1 o'clock a motion can not be made to take up a bill, because a bill must then be taken up by unanimous consent.

Mr. SIMMONS. Then, Mr. President, if I understand the position of the Senator from Utah [Mr. SMOOT], if morning business shall be concluded in 15 minutes after the Senate has met, nothing can be done until 1 o'clock except by unanimous consent?

Mr. SMOOT. Oh, no. The calendar is taken up under Rule VIII until that time. The object of the rule is to take care of morning business.

Mr. SIMMONS. That is not what the rule says.

Mr. SMOOT. Mr. President, I will read Rule VIII and see if that is not what it says. That rule reads:

At the conclusion of the morning business for each day, unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions, and continue such consideration until 2 o'clock—

That rule was adopted in pursuance of a resolution submitted by the late Senator HOAR August 10, 1888—

and bills and resolutions that are not objected to shall be taken up in their order, and each Senator shall be entitled to speak once and for five minutes only upon any question.

So, Mr. President, unless morning business is over, the proper thing to do is take up the calendar of bills under Rule VIII, and they must be considered until 1 o'clock, unless there is unanimous consent to take up some other bill; but at 1 o'clock, or at any time after 1 o'clock, any bill can be taken up on motion and the Senate can proceed to its consideration. That is what the rule has been held to mean.

Mr. SIMMONS. Mr. President, I believe that these two rules, taken together, mean that at the conclusion of the morning business, if that business shall be concluded before 1 o'clock, the Senate will proceed with the consideration of the calendar, unless it be otherwise ordered by the Senate. It does not say "unless there is unanimous consent of the Senate." Rule VIII says that:

At the conclusion of the morning business for each day, unless, upon motion—

Not upon a request for unanimous consent, but—

unless, upon motion, the Senate shall at any time otherwise order, the Senate will proceed to the consideration of the calendar of bills and resolutions.

So, when morning business is concluded and the Chair so announces, if no motion is made, automatically the Senate would proceed to the consideration of the calendar; but if a motion is made under section 3 of Rule VII before 1 o'clock, the Senate may act upon that motion, and if the motion is adopted the Senate may proceed with the consideration of the matter asked to be taken up.

Mr. President, I do not desire to take the time of the Senate to further discuss the meaning of the third section of Rule VII. We discussed that here at some length on Saturday. I then said about all I could say, and I thought the Senator from Utah [Mr. SMOOT] said about all he could say.

The Senator from Utah invokes Rule VIII to aid his argument and contention——

Mr. SMOOT. No, Mr. President——

Mr. SIMMONS. But, as I see it, so far from Rule VIII assisting to support the contention of the Senator from Utah, it condemns that contention.

Mr. SMOOT. Mr. President, the Senator from North Carolina is wrong. The Senator said that nothing was in order at the conclusion of morning business, and I invoked Rule VIII in order to show that the calendar was in order.

Mr. SIMMONS. The question which I asked the Senator was, if he contended that the Senate could not, if the President announced that the morning business had been closed before 1 o'clock, do anything except by unanimous consent?

Mr. SMOOT. That is right.

Mr. SIMMONS. And the Senator replied that under Rule VIII the Senate would proceed to the consideration of the calendar. When you look at Rule VIII you discover that the provision there is that we shall proceed to the consideration of the calendar, unless the Senate upon motion shall order otherwise.

Mr. SMOOT. Mr. President, paragraph 3 of Rule VII was written for the very purpose of taking care of the calendar. If it were otherwise, a bill could be presented to the Senate, a motion made to take it up, and thus cut out the consideration of the calendar from the first day of the session until the end, unless that bill were disposed of.

Mr. SIMMONS. Mr. President, I have the floor. I should like to go on and finish what I have to say, without the Senator from Utah interrupting me at every minute of my progress.

The Senator's contention is that no motion to proceed with the consideration of bills is in order until after 1 o'clock; that we are forced to take up the calendar; and that the Senate is powerless by motion to order that we take up anything else except the calendar. If that contention be true, Mr. President, then the first part of clause 3 of Rule VII is utterly meaningless and ought to have been left out, and clause 3 of Rule VII, instead of reading:

Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived—

Should read—

Until the hour of 1 o'clock has arrived no motion to proceed to the consideration of any bill shall be made.

If the Senator's contention is correct, the first line and half of the next line of clause 3 are absolutely surplusage and mean nothing.

My contention, Mr. President—and I am simply restating the point I stated before—is that when the Chair shall announce that the morning business is concluded a motion is then in order to proceed to the consideration of any bill that may be on the calendar of the Senate, and that the rule means that while that motion may be made before 1 o'clock, provided the morning business has been concluded, it can be made after 1 o'clock, whether the morning business has been concluded or not, and that is the only distinction. It is in the alternative. The motion may be made before 1 o'clock, provided the morning business has been concluded; it may be made after 1 o'clock, whether the morning business has been concluded or not.

N. H., praying for the adoption of certain amendments to the so-called railroad safety-appliance law, which was referred to the Committee on Interstate Commerce.

He also presented the petition of George V. Hill, of Concord, N. H., and a petition of Captain Fred J. Miller Camp, No. 11, United Spanish War Veterans, of Claremont, N. H., praying for the enactment of legislation granting pensions to widows and orphans of certain soldiers and sailors of the Spanish-American War, which were referred to the Committee on Pensions.

He also presented a memorial of the New England Coal Dealers' Association, remonstrating against the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chicago Medical Society, of Illinois, praying for the passage of the so-called antinarcotic bill, which was ordered to lie on the table.

He also presented a petion of sundry citizens of Auxvasse, Mo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the chief deputy commissioner of education of the State of Ohio, praying for a congressional investigation of the discovery of the North Pole, which was referred to the Committee on the Library.

Mr. BRANDEGEE presented petitions of Local Union No. 103, Cigar Makers' International Union of America, of Ansonia; of the Hartford Metal Trades Council, of Hartford; and of the United Hatters of North America, of Danbury, all in the State of Connecticut, praying for the enactment of the so-called anti-trust legislation, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the governing board of the Board of Trade of Thompsonville, Conn., favoring the enactment of legislation authorizing the damming of the Connecticut River for the purpose of improving navigation and developing the water power, which were referred to the Committee on Commerce.

He also presented resolutions adopted by the Central Labor Union of Waterbury, Conn., favoring the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 40, International Union of the United Brewery Workmen, of Bridgeport, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Lawrenceburg, Elwood, Connersville, and Evansville, and of the fifth congressional district, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of North Manchester, Sullivan, Newcastle, Fort Wayne, Huntington, Elwood, Vincennes, Monticello, Wabash, Muncie, Russellville, Irvington, Elkhart, Delphi, Kokomo, Frankfort, Princeton, and Tipton, all in the State of Indiana, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. CATRON presented memorials of sundry citizens of Tusas and Petaca, in the State of New Mexico, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented petitions of sundry citizens of St. Paul and Hastings, in the State of Minnesota, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. SHEPPARD presented petitions of sundry citizens of Austin, Dallas, Galveston, and Temple, all in the State of Texas, urging Federal legislation for woman suffrage, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Austin, Tex.; of the Epworth League of Logansport, Ind.; and of the Presbytery of Brooklyn, N. Y., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 71, International Union of the United Brewery Workmen of America, of San Antonio, Tex., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented memorials of sundry citizens of Detroit and Escanaba, in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Brooklyn and Fennville, in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented petitions of sundry citizens of Salem, Westfield, Boston, Merrimac, Holyoke, Newburyport, and Springfield, all in the State of Massachusetts, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. BURLEIGH presented a petition of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented a petition of sundry citizens of Baltimore, Md., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. O'GORMAN presented petitions of sundry citizens of Rochester, East Rochester, Richburg, of the fourth assembly district of Monroe County, Andover, Auburn, York, Geneva, Utica, Buffalo, Elmira, of the thirtieth, thirty-second, thirty-third, thirty-fourth, and thirty-fifth assembly districts of the Borough of the Bronx, of New York City, and of Staten Island, all in the State of New York, praying for Federal legislation for woman suffrage, which were ordered to lie on the table.

THE REGULAR ARMY.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the joint resolution (S. J. Res. 146) to authorize the President to raise the organization of the Regular Army on certain occasions to its prescribed statutory maximum strength, reported it without amendment and submitted a report (No. 631) thereon.

MATILDA P. HANSEN.

Mr. SMOOT. On May 14 I introduced a bill (S. 5553) for the relief of Matilda P. Hansen, and it was inadvertently referred to the Committee on Finance. I ask that that committee be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The VICE PRESIDENT. Without objection, that action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 6005) authorizing the Secretary of War to donate to the town of Derry, N. H., condemned cannon and balls (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 6006) granting an increase of pension to Mary J. Sanders (with accompanying papers); to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 6007) to establish the Rocky Mountain National Park, in the State of Colorado, and for other purposes; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 6008) granting a pension to Edward Harrington (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 6009) granting an increase of pension to George Warner (with accompanying papers); and

A bill (S. 6010) granting an increase of pension to Charles A. Dick (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A joint resolution (S. J. Res. 167) granting to the Army and Navy athletic associations the use of the polo field in Potomac Park; to the Committee on Public Buildings and Grounds.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. TILLMAN submitted an amendment proposing to appropriate $20,000 for addition to the Orangeburg (S. C.) fisheries station, including the construction of buildings and ponds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing that hereafter post-lantern lights and other aids to navigation shall be established and maintained, in the discretion of the Commissioner of Lighthouses, out of the annual appropriation for the Lighthouse Service on Lakes Okechobee and Hicpochee and waterways connecting these lakes in the State of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate $150,000 for the survey of northern and western lakes, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $12,000 for aids to navigation in Tampa Bay, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $75,000 for aids to navigation in the Florida reefs, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $80,000 for aids to navigation in St. Johns River, Fla., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for inquiry respecting food fishes from $45,000 to $50,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WHITE submitted an amendment providing that the exterior of the post office at Mobile, Ala., shall be constructed of Alabama marble, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

TREATY WITH COSTA RICA.

Mr. GALLINGER submitted the following resolution (S. Res. 400), which was referred to the Committee on Foreign Relations:

Whereas the Government of the United States has at all times, both by treaty, legislative and executive action, touching all its negotiations for the acquisition of a territorial right of way for the construction of a ship canal between the two oceans via the Lake of Nicaragua and the River San Juan, recognized the Republic of Costa Rica as the exclusive owner of an essential part of said territory, and in view of that relation entered into separate treaty negotiation with her to obtain the same for the uses of the said canal on the same ratio of compensation as that to be given to Nicaragua for her separate interest therein, as is evidenced in a large degree by the protocols of "an agreement between the Government of the United States and of Nicaragua" and "the Government of the United States and of Costa Rica" in regard to future negotiations for the construction of an interoceanic canal by way of Lake Nicaragua, bearing the even date of December 1, 1901 and by the fourth section of the act of June 28, 1902, entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans"; and

Whereas the official reports of the American engineers authorized by the Government of the United States to examine, survey, and report upon the geographical lines of said right of way and its feasibility for the purposes aforesaid have acknowledged and confirmed the said rights of Costa Rica in and to said right of way as territory necessary and indispensable to and for the "perpetual maintenance, operation, and protection of said canal"; and

Whereas the Government and people of the United States and the Government and the people of the Republic of Costa Rica have ever been and are now on terms of mutual friendship and good will, upon the strength of which American citizens have gone there to share in their prosperity and build up within her borders extensive commercial, agricultural, and mining enterprises involving the permanent investment of large amounts of capital and the employment of large numbers of Americans and thousands of laborers from among the people of Costa Rica; and

Whereas one of the declared purposes of the treaty with Nicaragua now pending before the Senate for ratification is to gain control of said canal route through concessions made by Nicaragua alone, without taking into consideration and providing for the concurrent, legal, and equitable rights of Costa Rica in said route as an entirety, the basis of negotiation heretofore recognized by the Government as the just measure of its value by whomsoever controlled, owned, or used, and which, if consummated by the Senate, might be construed by the people of Costa Rica as an act of injustice on the part of the United States toward a friendly sister nation and tend to impair the amicable relations now existing between that people and this Nation, upon whose good will the said American interests already established there depend for the labor necessary to their continual prosperity; Now, therefore, in order that no injustice may be done the people of Costa Rica in said matter, be it

Resolved, That the Committee on Foreign Relations, to which has been referred the said pending treaty for their consideration and report, are hereby authorized and directed to carefully investigate the question of the rights and interest of Costa Rica in and to said route and what bearing the said pending treaty has or will have upon such rights and how the value thereof may be affected thereby, in order that the same may be kept in sight and properly guarded in whatever consideration may be given and whatever determination may be reached by the Senate upon the merits of said pending treaty.

Mr. GALLINGER. I also ask unanimous consent to print in the RECORD in connection with the resolution a letter from Mr. J. N. Popham, well known to many Senators.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

BUCKINGHAM HOTEL,
Washington, D. C., June 24, 1914.

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Recognizing your familiarity with the negotiations and legislation connected with the once contemplated acquisition of the Nicaragua and Costa Rica Canal route, as well as the Panama route already acquired, I take the liberty to call your attention to that feature of the pending treaty with Nicaragua, which seeks to obtain control of that route in the interest of our Government, and the relations which the people of Costa Rica sustain toward the same. But permit me in advance to acquaint you with the standpoint from which I have acquired an intimate knowledge of the situation there as it now exists.

I was appointed to the office of United States special Treasury agent at the Isthmus of Panama in 1888, and held that position for about four years, when I resigned it to engage in the business of developing the mineral resources in the Department of Panama, Republic of Colombia, now the Republic of Panama, but to a larger extent in the Republic of Costa Rica.

In the Department of Panama, 50 miles east of Colon, I, in company with the late John K. Cowen, then president of the Baltimore & Ohio Railroad, and J. B. McDonald, contractor of the New York subway, constructed a small railroad in order to handle metallic ores which were exported to the United States. We expended a large sum of money, all American capital, in this enterprise, exporting a great many thousands of tons of high-grade manganese ores to the United States.

In Costa Rica, in company with the late Senator John P. Jones and others, I personally have been in charge of the developing of mineral properties. In this small district there has been several million dollars invested by Americans. In the particular property which I am in charge of, known as the Costa Rica Union Mining Co., an American corporation, we have completed a splendid reduction plant and have spent about $500,000 during the development of the property, which is now a large producing property, and one of the most successful mines in Central America, where we employ a large number of Americans and a great number of Costa Rican laborers. Several thousand Costa Rican laborers are employed in this mining district.

We are now large exporters of bullion to the United States, which fact can be certified to through the United States mint at San Francisco and the assistant treasurer at New York City, delivered for our account through the International Banking Corporation.

I have been thoroughly familiar with the conditions existing in Panama and the Republic of Costa Rica from intimate business associations with the people for the last 20 years. During 16 years of residence in Costa Rica I can state from my personal knowledge that not only all American enterprises, but all foreign enterprises there, have received not only protection from the Costa Rican Government, but have been facilitated in their undertakings in every possible way; but our difficulties do not come through the failure of protection and help that we have always had from the Costa Rican Government, but through the failure of our being able to secure capable and contented labor under the existing conditions, caused through their misunderstanding of our present relations and intentions toward the Republics of Colombia, Mexico, and Nicaragua.

Permit me now to call your attention to some of the exciting causes that have produced this condition of unrest, suspicion, and discontent among the masses of the Costa Rican people, with which we are now seriously confronted.

The secession of Panama from the Republic of Colombia, leaving the uncertain territorial line between the Republics of Panama and Costa Rica on the south, which, though now being arbitrated before Chief Justice White of our Supreme Court, the Costa Rican masses are under the impression we are in sympathy with Panama on account of our close relations with and large interests there, and, to the north, the action of our Government in dealing solely and alone with Nicaragua to acquire arbitrary control of the only highway between oceans other than Panama without giving the people of Costa Rica a voice therein, and without any consideration for their well-recognized ownership of a part of this highway; and our present complications with Mexico; and the many conflicting accounts published through our newspapers translated and republished in Costa Rica, particularly such as Mr. Watterson's "On to Panama," with the reported intention of our acquiring all territory north of Panama; and, further, the late military operations in Nicaragua with our marines, giving possession of the Government there to the present President of Nicaragua, causes the unthinking part of the Costa Rican people uncertainty as to our intentions toward them and their country. At the present time it is common talk in Costa Rica that the Costa Rican Government, in calling attention of our State Department of its rights in the Nicaragua highway, received no satisfaction whatever, except to be informed that our Government was not purchasing the highway, only arranging for a little option upon it.

Congressman KONIG was not a fluent speaker. Perhaps he was often silent because he was conscious of his limitations in speech. I would not have you think he was unable to express himself, for when the occasion demanded, or the spirit of the moment roused him, he was capable of delivering himself in English terse and expressive. But, as a rule, he did not rush into words. He thought, he analyzed, he revolved the proposition in his own mind carefully, and when he spoke what he said was worth hearing. Perhaps the thought was not set forth strictly according to the rules in the "little blue grammar" of Kerl and McGuffey, but it was pictured in words that adequately conveyed the views of the speaker, and these views were generally popularly indorsed as "practical common sense."

When GEORGE KONIG was elected a Member of this House there were many people who smiled; who wondered the kind of Representative his limited educational qualifications would enable him to make; who waited with curiosity his advent in the councils of our Nation. For these there was in store a surprise. How great was that surprise I can best describe by reading from an editorial in the New York Sun of June 3, 1911, inspired by Congressman KONIG's first speech in Congress. Permit me to remind you that the first effort of every new Congressman is not discussed in the editorial columns of this great metropolitan daily. The Sun saw in Congressman KONIG's effort subject of interesting speculation, and its verdict on that effort was as follows:

The Hon. GEORGE KONIG, of Baltimore, in an autobiographical sketch in the Congressional Directory, says that he "was denied the opportunity of acquiring a school education, and it was not until quite advanced in years that he taught himself, under great difficulties, reading and writing." The maiden speech of such a man in the House is therefore of more than ordinary interest, especially when, as in the case of Hon. GEORGE KONIG, there is a tendency in some quarters to decry his merits and regard him as a breezy and amusing character who got into Congress by a fluke. But the self-made who push their way to greatness, careless of the susceptibilities they tread on, are seldom judged fairly.

Probably the Hon. GEORGE KONIG, who calked ships for 10 years and rose to be the manager of a pulverizing company and a lawmaker in Congress, is not sensitive to the dippant criticism of the less successful. They expected GEORGE KONIG to make a laughingstock of himself when he spoke his first piece in Congress. We are inclined to think that it was rather a creditable effort of the calker who taught himself to read and write. At any rate, many worse speeches have been made by more imposing persons who were never calkers. Mr. KONIG talked about the bill to admit New Mexico and Arizona as States and took up only a minute or two of the House's time. He had decided to vote for the bill in spite of the provision for the recall of judges in the Arizona constitution, of which he did not approve. "Anyway, my friends, it is Arizona's funeral, not ours," said Mr. KONIG, holding that the Arizonans, if they made a mistake in the constitution they wanted, would discover and correct it. What the ex-calker thought of the recall of judges has not always been better said.

It will be seen that the Hon. GEORGE KONIG is no orator, but just a plain man with a well-developed hump of common sense and a modest gift of idiomatic English. And he has no mean turn for epigram, too.

Congressman KONIG, as stated by my colleague, was born in 1866 near North Point, Md., where was fought the memorable battle of that name in our War of 1812. At an early age he moved to Baltimore, where was spent practically his entire life. His father was a farmer whose share of the world's goods did not permit him to offer his son George those opportunities for gaining an education which are extended the average American youth. It is said that so meager was the instruction young KONIG received that it was not until he reached his majority that he learned to read or write. But though he did not possess the average scholastic education enjoyed by the youth of our land, he was generously endowed with what is termed "good common sense," the intelligent application of which was directed by a mind and heart that acted warmly in unison for the betterment of his fellow men.

No one in distress or want ever appealed in vain to GEORGE KONIG. Soon he became known as the friend of the poor, and from their aid and assistant he became their counselor and father confessor. When a representative from his section of the city was needed in the city council, and it became known that GEORGE KONIG would esteem that distinction, the honor was thrust upon him willingly and eagerly.

It had ever been the practice of KONIG to do well and thoroughly every task to which he applied himself, and when he became the representative of his people in the city council he gave to his new duty the same undivided attention and unfaltering devotion he had brought to bear on the work of his daily trade. The ship calker made good. His colleagues in the city council soon found that what he lacked in acquired knowledge he more than made up in those natural qualifications born with him. They learned to regard his judgment with respect and to rely upon his unerring intuition.

He left the city council to become a Member of Congress, and in this body and in this larger field he made new conquests of friends and established his views in the respectful attention of his fellow workers. He followed out the principles and precepts of his party at all times and under all circumstances. He looked upon the platform of his party as a contract entered into with the people, and carried out that contract to the letter.

Few men have come to this House more dearly loved by their constituents. Members of this Chamber who composed the party who traveled to Baltimore to attend the funeral of Congressman KONIG witnessed a touching demonstration of this affection in the crowds that flocked to his home, who lined the streets, surrounded the church, and followed his body to the grave.

The lives of many public men are pointed out for the youth of our country as proof that to the boy who is ambitious there is no position not within his reach. As a rule, the examples used to illustrate this statement are the lives of men raised in the country, whose young days were spent amid rural surroundings. The instances of city boys, reared under circumstances so humble as to closely approach poverty, but rising through sheer personal worth, are not so numerous.

Fortunately, whether a boy is born in the country or in the city, if he is ambitious, if he possess those virtues and those traits of character which establish him in the esteem and confidence of his neighbors, there is no position of honor and trust to which he may not aspire with the probability of some day witnessing the realization of his dreams.

The city boy who reads the life of Congressman KONIG, who observes his career upward to a place in the councils of our Nation, will see that his chances for gratifying his life ambition have been made clear, because the upward trail has been already hewn. The life of this Representative from Maryland will, therefore, prove an inspiration to every city boy in the land, an inspiration that will reach down in every side street, that will grip the imagination of the youth of our most crowded tenements. The lesson it teaches is that the goal of achievement is within the reach of every American boy possessed of the courage and resolution to make the effort.

Mr. LEWIS of Maryland. Mr. Speaker, I, too, enjoyed the friendship of the late Hon. GEORGE KONIG, although it began only with our common service in this body and ceased too soon for me, as well as all of us.

What is a man? His first attribute will be the qualification he may possess to make him understood by his fellows and to understand his fellows. In that respect our late colleague was a man indeed. He was easily understood, because of that simplicity of character which is always the characteristic of great men. For even though its presence may not necessarily denote the great man, simplicity is always a qualification of greatness. It was doubtless due to this simplicity of character, as well as his sympathy for human beings, and the uncommon common sense, which has just been referred to by one of the speakers, that he owed the very great distinction which had come to him under the most difficult and discouraging circumstances of life imaginable.

His life story should be of value in one most important direction. There are none who are blind to the glamour of public distinction, but there are many among the poor and the plain people of our land in whom the assurance of success and achievement has been suppressed by a spirit of resignation begotten by generations of denial of opportunity in the Old World. Let their children lift their heads. This Republic was ordained for them, and by energy, honesty, and high patriotic purpose they can really open and enter every door in its incomparable temple of fame and honor.

Mr. LINTHICUM resumed the chair as Speaker pro tempore.

LEAVE TO PRINT.

Mr. COADY. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to print and extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Maryland [Mr. COADY] asks unanimous consent that Members may have five legislative days in which to print and extend their remarks in the RECORD. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolution previously adopted, the House will now stand adjourned until 12 o'clock noon to-morrow.

Accordingly (at 12 o'clock and 35 minutes p. m.) the House adjourned until Monday, June 29, 1914, at 12 o'clock noon.

SENATE.

MONDAY, *June 29, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy kingdom is an everlasting kingdom and Thy righteousness extendeth in its revelations to all mankind. Thou hast revealed to men Thy plan concerning human life. We are amazed and perplexed by all the evil influences which are about us. We cry in our hearts, "Who is sufficient for these things?" We look to Thee for guidance that we may face the difficult problems of our day; that we may work out a plan of life and construct a form of civilization that will be in conformity to Thy will and produce as its final result the peace, prosperity, and happiness of all the people. We ask Thy guidance this day. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 33 and 101 and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 1 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; recedes from its disagreement to the amendment of the Senate numbered 212 and agrees to the same with an amendment, in which it requests the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 20, 28, 29, 30, 43, 47, 48, 52, 76, 78, 79, 85, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 218, 219, 220, and 234; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the further conference on the part of the House.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 17482. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. J. Res. 286. Joint resolution extending appropriations for the necessary operations of the Government and of the District of Columbia under certain contingencies.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House has signed the enrolled bill (H. R. 14634) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Washington, D. C., and of Los Angeles, Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Hadley, Philadelphia, Pittsburgh, and McDonald, in the State of Pennsylvania; of Hartford, Conn.; of South Pasadena, Cal.; of Wilmington, Del.; of New York, N. Y.; and of the State of Alabama, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the Florida State Pharmaceutical Association, at Palatka, Fla., favoring the enactment of legislation to prohibit discrimination in prices and to provide for publicity of prices to dealers and to the public, which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Board of Trade of Marion County, Fla., praying for the enactment of legislation authorizing the construction of a canal from Silver Springs to Ocala, to be known as the trans-Florida Canal, which was referred to the Committee on Commerce.

Mr. PITTMAN presented petitions of sundry citizens of Nevada, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. STERLING presented petitions of sundry citizens of South Dakota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHERMAN presented petitions of sundry citizens of Illinois, praying for a congressional investigation of the claims of certain explorers regarding polar discoveries, which were referred to the Committee on the Library.

He also presented petitions of sundry citizens of Illinois, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GALLINGER. I present a letter in the form of a petition from Dr. C. P. Bancroft, superintendent of the New Hampshire State Hospital, Concord, N. H., favoring Senate bill 5763, providing for the division of mental hygiene in the Public Health Service. This letter is brief and is upon a subject of great importance, and I ask unanimous consent that it may be printed in the RECORD and referred to the Committee on Public Health and National Quarantine.

There being no objection, the letter was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

[State of New Hampshire, New Hampshire State Hospital, C. P. Bancroft, M. D., superintendent.]

CONCORD, N. H., *June 24, 1914.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.

MY DEAR SENATOR GALLINGER: May I be permitted, as a brother physician and through your well-known interest in all matters pertaining to public health, to call your attention to Senate bill No. 5763, introduced into the Senate by Hon. JAMES E. RANSDELL on June 5, 1914, providing for a division of mental hygiene in the United States Public Health Service?

This is a measure in which I am greatly interested. In 1908 I had the honor of being president of the American Medico Psychological Association, which held its annual meeting in Cincinnati, Ohio. In my presidential address I especially emphasized the importance of prevention in the matter of mental diseases, and suggested the advisability of more thorough and efficient mental examination of defective immigrants landing in this country. When one considers the increasing numbers of insane persons throughout our country and the fixed and chronic character of mental alienation when once established, the necessity of active measures for prevention becomes obvious. Heredity, alcohol, syphilis, and the landing of defective immigrants appear among the most prominent causative factors in the great increase in insanity. Alcohol, syphilis, and mentally defective immigration are directly preventable causes; while heredity is less definitely preventable. It is evident that greater intelligence in entering upon the marriage relation would intimately be of marked assistance in diminishing the prevalence of insanity.

It is my firm conviction that the increase of insanity in this country is of such importance that the Government should include mental hygiene among the divisions of its health service. I believe that in insanity we are confronted with a disease condition which is a distinct menace to our country. Mental integrity is the greatest asset a nation can possess. May I ask you, then, to use your influence in advocating the passage of this bill?

Very sincerely, yours, C. P. BANCROFT.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Manchester, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Portsmouth, N. H., praying for the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

He also presented a petition of Mount Washington Lodge, No. 276, International Association of Machinists, of Concord,

By Mr. KENNEDY of Rhode Island: Petitions of the Christian Endeavor Society of the People's Church of Auburn; the Christian Endeavor Society of the Academy Avenue Congregational Church, of Providence; the Christian Endeavor Society of Christ Church, of Manton, and the Rhode Island Baptist Sunday School Convention, all in the State of Rhode Island, favoring the passage of the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

Also, petitions of Mrs. Anna Nash and others of Westerly, Elizabeth U. Yates and others of Providence, and Clara E. Wightman and others of Woonsocket, all in the State of Rhode Island, urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of sundry citizens of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Indianapolis, Ind., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Marion County, Ind., and the seventh congressional district of Indiana, and Mill Men's Local Union, No. 589, of Indianapolis, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. LANGHAM: Petition of 20 citizens of Punxsutawney, Pa., against national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: Petition of Margaret L. Sewall and others, of Forest Glen, Md., urging Federal legislation for suffrage; to the Committee on the Judiciary.

Also, petition of the United Brewery Workers of America, Local 265, of Cumberland, Md., against the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of Mrs. F. Harry Gross, Mary I. Shuff, and others, all of Emmitsburg, Md., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. MOON: Memorial of sundry citizens of Tennessee, protesting against polygamy in the United States; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of the Epworth League Chapter No. 5603, of Richmond Hill, N. Y., and citizens of Flushing, Long Island, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the second congressional district of New York, against prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petition of Florence Howe Hale and others of New York City, favoring woman suffrage; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of sundry citizens of Ontario County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. SIMS: Statement in support of the claim for relief of the estate of James C. Parker, of Carroll County, Tenn.; to the Committee on War Claims.

By Mr. SPARKMAN: Petition of the Woman's Christian Temperance Union of Ocala, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petitions of the Bible Class No. 20 of the Pentecostal Church of the Nazarene; various members of the Methodist Brotherhood of the Vernon Avenue Methodist Episcopal Church; and the Asbury Methodist Episcopal Church, all of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Petition of William F. Burrell and others of Mansfield, Mass., urging Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. UNDERHILL: Petition of sundry citizens of Montour Falls, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petitions of Ben F. Luetje and 27 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WILLIS: Petition of B. E. Littlejohn, of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

Also, petition of Mrs. Martha McCarty and other citizens of Delaware, Ohio, in favor of woman suffrage; to the Committee on the Judiciary.

Also, petition of W. H. Misamore, of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petition of sundry citizens of Worcester, Mass., protesting against national prohibition; to the Committee on Rules.

Also, petition of Frances E. Kinner, of Worcester, Mass., favoring woman suffrage; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 28, 1914.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. LINTHICUM.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

How wonderful are Thy works, O God, how inscrutable are Thy ways; who can comprehend Thy wisdom; who can understand Thy power. Thou art almighty, yet we are not dismayed, for Thou hast revealed Thyself in the heart of the Christ as the Father of all souls. Thy love is reflected in the overruling of Thy providence, in the sacrifices of the patriot, the scientist, the philanthropist, in the love of parents for their offspring, in the sublime sacrifice of Calvary. We are here today in memory of one who made himself a place in the hearts of his countrymen by the heroism displayed in the common daily duties of life; in his struggles for the betterment of his fellows; the love of his country, his splendid devotion to father, mother, wife, and children. With a host of admirers and the overwhelming sorrow of those who are near and dear we mourn him, but not without hope, for Thou hast woven into our being a part of Thy substance which shall survive the wreck of time and live on with Thee forever. By this thought comfort us, by this truth solace the bereaved wife and children. And songs of praises we will ever give to Thee in the spirit of Him who taught us faith, hope, love. Amen.

THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. COADY. Mr. Speaker, I ask unanimous consent to dispense with the reading of the Journal.

The SPEAKER pro tempore. The gentleman from Maryland asks unanimous consent to dispense with the reading of the Journal. Is there objection?

There was no objection.

THE LATE REPRESENTATIVE GEORGE KONIG.

The SPEAKER pro tempore. The Clerk will read the special order for to-day.

The Clerk read as follows:

On motion of Mr. COADY, by unanimous consent,

Ordered, That Sunday, June 28, 1914, be set apart for addresses upon the life, character, and public services of Hon. GEORGE KONIG, late a Representative from the State of Maryland.

Mr. COADY. Mr. Speaker, I offer the following resolutions, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

House resolution 556.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. GEORGE KONIG, late a Member of this House from the State of Maryland.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of these exercises, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

Mr. COADY. Mr. Speaker, we are gathered here to-day in this historic Chamber, the meeting place of the lower branch of the greatest legislative body in the world, to pay tribute to the memory of one who rose from the humble station of laborer to a place in this great body, sitting here as a Representative of the city of Baltimore.

Few men accomplish so much as this in their lifetimes, and such as do are remarkable men. GEORGE KONIG was a remarkable man.

We are told that he was born at North Point, Baltimore County, Md., near the famous battleground where, in 1812, the raw militia from Baltimore drove back and defeated the trained and seasoned British soldiers, killing their com-

mander, Gen. Ross, and saving the Monumental City from the threatened English occupation.

In his early youth his father moved to Baltimore, where young George obtained a position in a packing house, which required him to run errands and perform light laboring work. Subsequently he worked in a shipyard, then on a fishing boat, and later he became apprenticed to a shipbuilding concern, where he learned the trade of calking, which he followed for some time thereafter.

From these humble places in life he rose to be superintendent of the Baltimore Pulverizing Works; member of the first branch city council of Baltimore, which he held for four years; member of the second branch city council, which he held for a like period; and then to the House of Representatives, being first elected in 1910, and reelected in 1912.

When we stop and think that he could not read or write until he reached early manhood, we can truthfully repeat that GEORGE KONIG was a remarkable man.

Let me read to you an autobiography of Mr. KONIG, prepared and furnished by himself to the Baltimore papers:

Yes, I was a calker—

He said after his rise to a seat in Congress—

I was a calker and a good one. But as I grew older there came a crisis in my life. I was one of those careless fellows intent only upon drawing my pay envelope on Saturday night and just seeing how fast I could spend my money. I was always out for a good time.

I joined the union and went to the meetings, and finally came to the conclusion that the president and other officers of the union were substantial men, men who did not carouse and drink and who were certain in their work. I saw myself as simply a follower of those better men. This put me to thinking, and I said to myself: GEORGE KONIG, which are you going to be—a leader or a follower? Why can't you be one of those substantial men instead of one of the bunch?

Right there I made my choice. I bought a primer and an arithmetic and several other books to start on, and started for home. "Hey, George, where are you going?" some of my friends yelled at me. "Come with us." "I am going home," I answered; and although they jeered at me when they found out I had bought the books, I went home and started plugging. I studied every night and wrestled with those books, first learning the letters and piecing out the words slowly. Hard work? It was the hardest job I have tackled. It was worse than pulling in those nets, but I plugged along and made some headway.

In time I became head of my union by a majority of just one vote. The next year my election was unanimous. You see, the boys learned that I was making good and gave me their confidence. Since then I have prospered. I try to be on the level and square and to stick to my friends. When a man does that, he is going to get along.

As a member of the city council of Baltimore, he was regular in attendance at its sessions, painstaking in his work, and at all times diligent in looking after the interests of the people he represented. He had the courage of his convictions. Once he determined a line of action to be right, he couldn't be swerved by influence of any kind, political or otherwise. This was demonstrated during the stirring times in the council that followed the great Baltimore conflagration of the year 1904, when his vote and influence was vainly sought in support of measures that Mr. KONIG's conscience told him were wrong.

He discharged the important duties that were imposed upon him by reason of his membership in this House with credit and fidelity to his constituents, and received during his first term designations on two of the big and important committees of the House, the District of Columbia and Immigration, an unusual compliment to a new Member.

He was a most useful member of both of those committees. His eight years' service in the city council of Baltimore had familiarized him with many and important municipal problems, so that when he secured a place on the District Committee his experience as a city legislator proved to be a valuable asset to that committee.

He sought membership on the Immigration Committee because he believed this place would enable him to serve the large foreign-born population in his district. He had great sympathy for these people, and served them well, and in return they had the highest regard and admiration for him.

He was devoted to his friends. Busy as he was performing his congressional duties, and looking after his business interests when he could, he never forgot those whom he knew well and associated with before success and prominence came to him.

We learn that frequently and regularly he would visit all the political and social organizations in his district, where his old-time friends were accustomed to gather, and there meet them, fraternize with them, and talk over with them some of the incidents and happenings of the days when they and he were struggling hard to gain an existence.

GEORGE KONIG was a charitable man. He gave liberally of his means to the needy and afflicted, and no man seeking alms ever came away from him empty-handed.

I believe he was more liberal than he could afford to be, but his heart was so big and he had so much sympathy for the distressed that he just simply could not resist an appeal to his generosity.

I attended Mr. KONIG's funeral, held in the city of Baltimore. A great concourse of people assembled in the vicinity of his home the morning he was buried; the church where the last sad rites were performed was crowded to the doors, hundreds being unable to gain admission; and at the cemetery thousands gathered and stood with bared heads as all that was mortal of GEORGE KONIG was committed to the ground. It was a remarkable tribute to a remarkable man. It was a mark of affection for a man who loved the people and who in turn loved and trusted him.

Mr. COADY took the chair as Speaker pro tempore.

Mr. LINTHICUM. Mr. Speaker, these services in memory of our late colleague from Maryland vividly recall a similar service held in this hall one Sunday a little more than a year ago in which Congressman KONIG was himself a participant. I remember distinctly that on that Sabbath morning when he arose to speak in memory of the late Senator Rayner we all listened with keen interest because we had learned that though Congressman KONIG was not fond of public speaking whenever he did speak he had something to say and a manner of saying it which made it well worth hearing. We were not disappointed on that occasion, and I yet think of one paragraph in his address which impressed me at the time as expressing the philosophy of human life. He said:

But, taking ourselves as we find ourselves, there is no man with an ambition to attain anything who does not as soon as he attains it find himself possessed of an ambition to attain something else above and beyond it, and the which if he does not attain leaves him as much unsatisfied as if his first ambition had not been realized. Such is the nature of human effort and ambition; perhaps it is well that it is so.

How well the speaker's life typified that statement many here present know. The hand of death has stilled the voice which spoke those words, but he who ponders them can not but be convinced that they were uttered by one whose habits of thought placed within his grasp an intimate knowledge of human nature. And the man who uttered these words, whose reflections brought him to this conclusion, was spoken of as "uneducated." Perhaps he lacked the kind of education which is the only brand some people recognize. True, he could point to no college diploma. His alma mater was the rough school of life and experience, and from that body he graduated at the head of his class. He learned the cardinal virtues, sincerity, honesty, and energy. Possessing these essentials of success, he was successful. With an aversion to literary tasks begotten by infrequent use of the pen, doubtless it would have been an effort for him to write an essay on "Charity." He would have been equally as reluctant to express his views in a speech on that subject. But when it came to "doing" charity the act was a natural part of himself. His deeds proclaimed him more eloquently than did the writings or public addresses of others.

The big heart in his bosom beat warmly for his fellow man, and that sympathy was outwardly expressed in countless acts of kindness. These acts, performed so naturally, so gracefully, were often known to no one but the doer. Those who know of some of them never fail to recall them but with increased admiration for the man. I was told of an incident which occurred after Congressman KONIG began his services in this House. Upon returning to Baltimore one evening, after finishing his daily duties in Washington, he found an old lady, an invalid, sitting in a wheel chair in the depot. She was pathetically excited, her distress being evident to all who observed her. Pausing to learn the cause of her discomforture, Congressman KONIG inquired in that kindly, sympathetic manner which ever distinguished him, and was told that she had returned to Baltimore from a visit, and it had been arranged that some of her relatives were to meet her at the station to take her home. She had arrived and had been waiting for an hour or more, but none of her family had appeared.

The Congressman inquired her address, and when it was told him volunteered to wheel her home himself. When he got her home she explained with much gratitude that she was without funds to compensate him for his trouble, but asked his name, telling him that she would remember him in her prayers and pray for a blessing upon him. I need not attempt to describe the surprise of the good lady when her benefactor modestly told his name and admitted that he was the man who represented her part of the city in the Congress of the United States. Innumerable acts of kindness like this established Congressman KONIG in the affection and estimation of those who knew him.

Mr. MANN. I object to that, Mr. Speaker, and I make the point of order that no quorum is present.

Mr. STEPHENS of Texas. I hope the gentleman will withhold that for a few minutes.

Mr. MANN. I will withhold it.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 12579, the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Texas asks unanimous consent to take from the Speaker's table the Indian appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I object; and I ask that the bill be referred to the committee under the rules.

The SPEAKER. The bill is referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

Mr. BOWDLE, by unanimous consent, was granted leave of absence for two days, on account of business.

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Speaker, I believe under the order of the House——

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. ADAMSON. Mr. Speaker, I have accomplished my purpose; I have been recognized for calling up the general dam bill.

Mr. MANN. The gentleman has not been recognized.

The SPEAKER. He will be as soon as it is in order.

Mr. ADAMSON. If the gentleman from Illinois will withhold that for a moment, I will be glad to tell him what I was going to do.

Mr. MANN. But I desire to hear the gentleman from Georgia.

Mr. UNDERWOOD. Mr. Speaker, at this hour on Saturday night, if I may be permitted to proceed for a moment. I do not desire to make a motion for a call of the House. There are some bills here that I would like very much to see the House stay and consider and get through with. There is the general dam bill, the conservation bill, and while I intend to move to adjourn now, having concluded with the consideration of the legislative appropriation bill, I desire to state that next week, if the point of order be made after the consideration of the appropriation bills, I shall insist upon a quorum coming here, and if the House agrees with me I will see to it that the Sergeant at Arms produces a quorum.

Mr. MURDOCK. Mr. Speaker, what was the arrangement made about the recess over the Fourth of July?

Mr. UNDERWOOD. That has already been agreed upon, that when the House adjourns on Friday next it will adjourn until the following Monday.

Mr. STAFFORD. Mr. Speaker, has the gentleman any idea in case a quorum should not develop later in July what his plan would be as to these measures or as to the legislation in the House?

Mr. UNDERWOOD. Mr. Speaker, there are about a dozen bills—the general dam bill, the bill for irrigating western lands, the bill in reference to extending the time for payment on irrigation lands, the bill in reference to leasing in Alaska, and the bill in reference to leasing Government lands in the United States, the coast-guard bill, and the bill in reference to the post office——

Mr. MANN. And two or three hundred other bills that ought to receive attention, and I hope we will have a quorum present if we are to do business, and I expect to see to it that one is here.

Mr. UNDERWOOD. I do not think that there are 300 bills.

Mr. MANN. Oh, there are; I have counted them.

Mr. UNDERWOOD. I think there are about a dozen bills. Some of them I do not agree with; but I think they are of sufficient merit to demand the attention of the House. One or two of them I shall probably vote against. They are bills of sufficient public importance, however, to be considered, and if we are going to stay here——

Mr. MANN. And we are——

Mr. UNDERWOOD. When the Senate is considering other legislation, I think we ought to have a quorum present.

Mr. MANN. I think the Democratic side of the House ought to see to it that there is a quorum present.

The SPEAKER. The Chair thinks the gentleman from Illinois is entirely correct.

Mr. STAFFORD. Then, I understand the gentleman is going to insist that a quorum be present, if these bills are to be considered at all?

Mr. MURDOCK. Are there any bills on the calendar that are to be taken up under special order?

Mr. UNDERWOOD. There is nothing on the calendar under special rule now, but there are some for which special rule has been authorized, but not yet presented to the House.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 22 minutes p. m.), the House adjourned until to-morrow, Sunday, June 28, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAMILTON of Michigan, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17267) to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake at or near their point of intersection, reported the same without amendment, accompanied by a report (No. 907), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARK: A bill (H. R. 17541) to make it unlawful to appoint as commissioned or noncommissioned officers in the Army or Navy of the United States any person of the negro race; to the Committee on Military Affairs.

By Mr. KEATING: A bill (H. R. 17542) to amend the pure-food and drugs act of June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. EDMONDS: A bill (H. R. 17543) to provide a harbor-improvement tax on all vessels engaged in foreign commerce of the United States; to the Committee on Ways and Means.

By Mr. WATKINS (by request): A bill (H. R. 17544) providing for an increase of salaries of the United States attorney and the United States marshal for the western district of Louisiana; to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 17545) prohibiting the sale or keeping for sale in the District of Columbia of undrawn cold-storage poultry or undrawn fresh poultry; to the Committee on the District of Columbia.

By Mr. KEY of Ohio: Joint resolution (H. J. Res. 287) providing for payment of surgeons making examination at claimant's home in connection with claim pending in the Bureau of Pensions; to the Committee on Pensions.

By Mr. BURKE of Wisconsin: Joint resolution (H. J. Res. 288) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DALE: A bill (H. R. 17546) granting a pension to Christopher P. Crumiell; to the Committee on Pensions.

Also, a bill (H. R. 17547) granting a pension to Bella Doyle; to the Committee on Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17548) granting an increase of pension to David E. Brown; to the Committee on Invalid Pensions.

By Mr. FALCONER: A bill (H. R. 17549) granting a pension to Timothy O'Neill; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17550) to renew and extend certain letters patent; to the Committee on Patents.

By Mr. HOWARD: A bill (H. R. 17551) for the relief of the heirs of Nathan Massey; to the Committee on Claims.

By Mr. KEATING: A bill (H. R. 17552) granting an increase of pension to Thomas Mahoney; to the Committee on Invalid Pensions.

By Mr. KEISTER: A bill (H. R. 17553) granting a pension to Jennie May Heasley; to the Committee on Pensions.

By Mr. KORBLY: A bill (H. R. 17554) granting a pension to Curtis O. Hayes; to the Committee on Pensions.

Also, a bill (H. R. 17555) granting an increase of pension to James Shaffer; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17556) to correct the naval record to Augustin McDonald, alias Augustin McDonnel; to the Committee on Naval Affairs.

By Mr. SIMS: A bill (H. R. 17557) for the relief of estate of James C. Parker, deceased; to the Committee on War Claims.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17558) granting a pension to Mary P. Collins; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions signed by E. C. Crow and other citizens of Alabama; also by pastors of certain churches at Hadley, Pa., and Wheeling, W. Va., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions passed by the United German Societies of the District of Columbia, urging the adoption of the provision to open the Washington Monument to the public on Sundays and legal holidays; to the Committee on the District of Columbia.

Also (by request), petition signed by C. P. Loomis and other citizens of the State of Connecticut, urging the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also (by request), resolution of the North American Skat League, protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

Also, petitions signed by A. J. Brink and others of Berger, Mo., and St. Louis, Mo., protesting against the adoption of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. AIKEN: Petition of R. W. Powell, of Seneca, S. C., protesting against national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of sundry citizens of Great Bend, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petitions of 25 voters of Chelsea, 2 voters of Grass Lake, and 3 voters of Jackson, all of the State of Michigan, protesting against national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Seattle Commercial Club, favoring water-power legislation; to the Committee on Interstate and Foreign Commerce.

Also, memorial of A. E. Pulling and 21 others, of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. BORLAND: Petitions of Clara C. Leavins, Mrs. George E. Curtis and others, Mrs. F. E. Paul, and J. A. McLane and others, all of Kansas City, Mo., urging passage of legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. BURKE of South Dakota: Petitions of Adaline Karcher and others, of Pierre; Rose Bower and others, of Rapid City; Lydia B. Johnson and others, of Fort Pierre, all in the State of South Dakota, favoring woman suffrage; to the Committee on the Judiciary.

Also, petition of the Woman's Christian Temperance Union of Gettysburg, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. BURNETT: Petition of 23 citizens of Boaz, Ala., and 100 citizens of Attalla, Ala., favoring national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Northern White Cedar Association, of Minneapolis, Minn., favoring the passage of the Sabath bill, House bill 15328; to the Committee on the District of Columbia.

Also, petition of O. E. Thomas, Frank Huber, Sidney Hirsh, A. C. Dunning, Eugene Hittenga, Harry Mexdorf, W. J. Krauss, Arthur H. Inbusch, J. H. Newman, George W. Strohmeyer, W. H. Reed, and W. Bourque, all of Milwaukee, Wis., protesting against the passage of House joint resolution 168, now pending in Congress, or any other prohibition measures; to the Committee on Rules.

Also, petition of E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., favoring passage of House bill 15841, for relief of soldiers and sailors' widows who married since June, 1890; to the Committee on Invalid Pensions.

Also, petition of sundry citizens of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

Also, resolution of the North American Skat League, unanimously agreed to at the seventeenth annual convention, protesting against any and all bills which tend to prohibit the manufacture, distribution, and sale of malt, vinous, or spirituous beverages or liquors in and throughout the United States; to the Committee on Rules.

By M. CONNELLY of Kansas: Petition of 4 merchants of St. Francis, 3 merchants of Cedar Bluffs, 6 merchants of Herndon, 12 merchants of Atwood, 3 merchants of Traer, 4 merchants of McDonald, 1 merchant of Beardsley, and 7 merchants of Bird City, all in the State of Kansas, favoring a tax on mail-order houses; to the Committee on Ways and Means.

Also, petitions of 274 citizens of Kansas, favoring national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union of Norcatur, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of residents of Kenosha, Waukesha, and Waterford, all in the State of Wisconsin, protesting against nation-wide prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of sundry citizens of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of Local Union No. 19, United Brewery Workmen of American, of Union Hill, N. J., against national prohibition; to the Committee on Rules.

By Mr. EDMONDS: Petition of the International Committee on Marriage and Divorce, favoring House joint resolution 119, to submit an amendment to the Constitution giving Congress right to legislate on all questions of marriage and divorce; to the Committee on the Judiciary.

By Mr. FOSTER: Petition of the Young People's Society for Christian Endeavor of the Christian Church, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of M. J. O'Connell and R. J. O'Connell, Newburyport, Mass., against national prohibition; to the Committee on Rules.

Also, petition of Mary E. Huntington, Helen Carr Wood, and others, of Merrimac, Mass., favoring Federal legislation for woman suffrage; to the Committee on the Judiciary.

By Mr. GARNER: Petition of the Woman's Christian Temperance Union of Asherton, Tex., favoring national prohibition; to the Committee on Rules.

Also, petition of the San Antonio (Tex.) Merchants' Association, protesting against antitrust bills at this session of Congress; to the Committee on the Judiciary.

By Mr. GILMORE: Petition of the secretary of the Massachusetts branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

Also, petition of the Young People's Society for Christian Endeavor, of Brockton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Petition of the Ninth Annual Christian Endeavor Convention, at Oakland City, Ind., favoring constitutional amendment for national prohibition; to the Committee on Rules.

Also, petition of Charles P. Doney and 11 others of Cambridge City, Ind., protesting against national prohibition; to the Committee on Rules.

Also, petition of Charles C. Lamme and 27 others of Richmond, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petition of sundry citizens of Fernville, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. HAY: Petitions of sundry citizens of the State of Virginia, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Harrisonburg, Va., favoring national prohibition; to the Committee on Rules.

By Mr. HELVERING: Petitions signed by residents of various cities of the fifth district of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of Ogden Lodge, No. 127, and Salt Lake Lodge, No. 106, International Association of Machinists of Utah, favoring passage of Senate bill 5303, for safety in traveling; to the Committee on Interstate and Foreign Commerce.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Pine Alleys, Aberdeen, Montesano, and other places in the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. KEISTER: Petition of over 72 citizens of Chicora, Organized Adult Bible Classes of Butler, sundry citizens of Greensburg and East Huntingdon, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the Burlington District Epworth League, of Wayland, Iowa, favoring national prohibition; to the Committee on Rules.

contract private persons have erected a building upon the corner of Nineteenth Street and Pennsylvania Avenue and the Government has sent the Department of Commerce up there to occupy it. It is said that that contract was entered into and everything arranged before a spade was put into the earth to dig the foundation.

Now, it appears, if rumors in the newspapers are true, that another such contract has been made and that already somebody has agreed that the United States shall pay rental to a private corporation for the housing of the Judiciary Department, notwithstanding the fact that for years the Government has owned a most admirable site immediately west of the District of Columbia Building, which site it bought for the express and only purpose of erecting a building for the Judiciary Department.

The plan for the building was long since adopted, as were also the plans for the other two department buildings to be erected on the sites to the south. These three great structures were to cost only about $8,000,000 and would have enabled the Government to save a large part of the $600,000 paid every year for rent in this city.

But here we have these new long-time contracts binding the Government to continue to pay rent. For what purpose did we purchase those sites? What influence induces the Government to enter into 10-year contracts in that sort of way, when it owns sites and ought to own buildings on them and save a large part of the 3 per cent on $20,000,000 now going annually into the pockets of private property owners in this city?

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. JOHNSON] further to insist on the disagreement of the House to the Senate amendment.

The question was taken.

Mr. MANN. I ask for a division, Mr. Speaker.

The House divided; and there were—ayes 42, noes none.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. I ask that the next amendment be reported.

The Clerk read as follows:

Amendment 234: Page 160, strike out all of section 5, beginning with line 4, ending with line 12, and substitute the following:

"SEC. 5. No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the officials or employes by whom the same are to be used."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate.

Mr. MANN. I offer a preferential motion. I move that the House recede from its disagreement and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist, and the gentleman from Illinois moves that the House recede and concur. The vote comes first on the motion of the gentleman from Illinois.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want any time?

Mr. MANN. I do not think I shall need more than five or six minutes.

Mr. JOHNSON of South Carolina. I believe the House-conferees will agree to the Senate amendment, but I want the privilege of examining the language.

Mr. MANN. That is the reason I made my motion.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois six minutes.

Mr. MANN. I moved to recede and concur, but I am not in favor of my own motion. I made my motion because that was the only way I could have a vote in the House that would mean anything. I was satisfied that the conferees intended to recede in conference. Of course, when they move that the House further insist upon its disagreement, while that is done in good faith and is the ordinary process, it is entirely contrary to their motives. They are not in favor of further insisting. They are in favor of the motion which I make. I am opposed to the motion which I make. Whether they will vote for my motion I do not know. I suppose they will not; but they want to accomplish the same purpose in conference.

Now, what is the effect of this amendment? Of course I shall not quarrel with the action of the House, whatever it is.

The Senate amendment provides in effect that no motor-propelled or horse-drawn passenger-carrying vehicle shall be used by anybody in the Government service unless the same is specifically authorized by law. For instance, there was in this bill amendment No. 188, which was stricken out, which provided for horse-drawn vehicles for the use of the Secretary of the Interior. Would a provision for horse-drawn vehicles be sufficient authorization of law under this amendment for a vehicle that was used for passenger service, when you say that no horse-drawn passenger-carrying vehicle shall be used unless specifically authorized by law? I take it that the purpose of the Senate amendment is absolutely to prevent the use of any private vehicle by any department of the Government unless specifically authorized by law. I do not know what the Comptroller of the Treasury may rule. He may rule that a provision for an automobile is sufficient authority for a passenger-carrying automobile, although an automobile may be used merely for freight service, and we might authorize an automobile and not intend to have it a passenger-carrying automobile. There is no place in any of the appropriation bills or any of the laws where we make any specific appropriation, as provided by this amendment, for either motor-propelled or horse-drawn passenger-carrying vehicles. We do not do that for the President of the United States. We provide an automobile or automobiles for him, but it may be that he needs them for freight purposes. I do not know. And unless the language of this amendment is changed, if the comptroller rules honestly on the subject, he will rule that a provision for an automobile is not a sufficient authorization for a passenger-carrying automobile.

Now, I am not in favor of the general proposition. I do not believe we should take away from the Cabinet officers what they now have in the way of passenger-carrying vehicles, usually a team or teams, and a carriage of some kind. These have been practically a part of the compensation of the Cabinet officers for many years. They are not used purely for official purposes. They are used largely for social purposes.

They are used largely by the wives and daughters of the Cabinet officers, and I think are properly so used. We require certain duties of the families of these officials. They must perform those functions. If they did not, we ourselves would probably be up in arms, and certainly a large share of the people would be. And when we require this, I think we ought to furnish them what they have been accustomed to receive in the past—the proper passenger-carrying vehicles—both for the use of the Secretaries and for the use of their families. As I understand this provision, it is intended to deprive all of these officials of these vehicles because, forsooth, they are no better than Members of the House, no better than Members of the Senate; and as we see them ride by, not making such provision for ourselves, we become envious with the little envy that actuates a great many men in this world, some of them high-minded men, and we say, "We will take these vehicles away from these Cabinet officers." I suppose if there were four or five hundred Cabinet officers we would not provide for them. There are not so many. There is some distinction in being a Cabinet officer. Even the title confers some distinction. Sometimes that is the only distinction the men who occupy the places have—the distinction conferred upon them by the title.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BYRNS of Tennessee. I want to ask the gentleman for some information in regard to his construction of the amendment. As I read the amendment, it simply provides that no appropriation in this bill shall be used for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicles, and that after the ensuing fiscal year no appropriation shall be used for the maintenance or purchase of any such vehicles unless specifically provided for?

Mr. MANN. Does the gentleman think it only applies to this appropriation?

Mr. BYRNS of Tennessee. No; what I intended to say was that, as I understand this amendment, it provides that no appropriation carried in this bill shall be used for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle unless specifically authorized, and that after the next fiscal year no appropriation which is made shall be used for the maintenance or purchase of any such vehicle unless specifically authorized.

Mr. MANN. The gentleman is partly right and partly in error. The provision is that no appropriation in this or any other act shall be used for the purchase of an automobile. It is not confined to the appropriations in this act.

Mr. BYRNS of Tennessee. I understand it is a general law which applies to appropriations this year, so far as the purchase of any vehicle is concerned, but it does not prevent the use of appropriations for the maintenance of vehicles.

Mr. MANN. Not for the next fiscal year, but it does thereafter unless specifically authorized.

Mr. BYRNS of Tennessee. And estimated for.

Mr. MANN. Yes; specifically authorized and estimated for. Now, if the purpose is to prevent these things being done, what is the object in waiting for a year?

Mr. BYRNS of Tennessee. For the simple reason, I take it, that vehicles are now owned by the Government and are being used by officials, and it was not the purpose of the committee or of the Senate to cut off appropriations providing for the maintenance of these vehicles for the next fiscal year. It was to give the department an opportunity to make proper estimates showing Congress next year what amount of money would be needed for such purposes.

Mr. MANN. I think the purpose is to cut off the things entirely in the future. I understand that to be the purpose of it. Does the gentleman understand that that is not the purpose of it?

Mr. BYRNS of Tennessee. I do not so understand from the reading of the amendment; that is all I know about it.

Mr. MURDOCK. Will the gentleman yield me two minutes?

Mr. JOHNSON of South Carolina. I will yield to the gentleman from Kansas two minutes.

Mr. MURDOCK. Mr. Speaker, before the chairman of the committee closes this bill I want to call the attention of the House to the fact that the House conferees have agreed to Senate amendment No. 235, which I think is probably as fortunate a circumstance as could possibly happen connected with this bill.

The House will remember that when this bill was originally under consideration in the House, after a long contest in which a roll call was involved, the House added to the bill this section:

SEC. 6. That all laws or parts of laws to the extent they are inconsistent with rates of salaries or compensation appropriated by this act are repealed, and the rates of salaries or compensation of officers or employes herein appropriated shall constitute the rate of salary or compensation of such officers or employes, respectively, until otherwise fixed by annual rate of appropriation or other law.

In other words, the House adopted the amendment to the bill which took out of the reach of individual Members of the House the right to challenge changes of law in the pending bill. When that amendment which was adopted by the House, which should not have been adopted by the House, by a majority vote—the Senate struck it out, and I understand the conferees on the part of the House, very properly, agreed to the Senate amendment, and I congratulate the Senate and the conferees of the House for their action.

Mr. FOSTER. But the Senate receded from that amendment.

Mr. JOHNSON of South Carolina. The gentleman from Kansas is mistaken.

Mr. MANN. The Senate receded from the amendment 235.

Mr. MURDOCK. Then I commiserate the Senate and the conferees.

Mr. MANN. And I congratulate the conferees. The amendment 235 struck out the paragraph. The House conferees insisted and the Senate receded.

Mr. MURDOCK. More is the pity for the House conferees.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur.

The question was taken, and the motion was lost.

The SPEAKER. The question now is on the motion of the gentleman from South Carolina to further insist on the disagreement to the Senate amendment 234.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the House agree to the conference asked for by the Senate.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the House agree to the further conference asked for by the Senate. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the President had approved and signed bills and a joint resolution of the following titles:

On June 22, 1914:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

On June 23, 1914:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

On June 24, 1914:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

On June 25, 1914:

S. 2576. An act for the relief of John Q. Adams; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to the Committee on Indian Affairs:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 13153. An act for the relief of Pete Jelovac;

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau.

ORDER OF BUSINESS NEXT MONDAY.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Monday next having been set apart, in a way, to make motions to suspend the rules, in order, will that affect the calling up of a conference report?

The SPEAKER. The Chair is inclined to think, without ruling upon it, that it was the intention of everybody concerned to devote next Monday to motions to suspend the rules.

Mr. MANN. Was it intended to give the order any higher effect than if it had been suspension day?

The SPEAKER. The gentleman from Alabama and the gentleman from Illinois got up the arrangement, and they ought to know. [Laughter.]

Mr. MANN. I think it would be in order to call up the conference report on Monday.

Mr. UNDERWOOD. Mr. Speaker, I am inclined to think that it would not give it any higher privilege than under the general rule; but I hope that gentlemen in charge of the conference report will let the House generally have the day.

Mr. MANN. I think we ought to do so, so far as we can; but probably the conference report will not take much time.

Mr. UNDERWOOD. I do not think it would interfere with the general rule of the House; but I think it was the intention of the gentleman from Illinois and myself and the Speaker and those who concurred in the order to give the House the day for suspension of the rules.

Mr. MANN. I was an unwilling victim.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-morrow it adjourn to meet at 11 o'clock on Monday morning, so that we may have an additional hour for suspension.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 219, in line 22, page 147, strike out "$17,500" and insert "$20,050."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 229: Page 148, line 5, strike out the figures "35" and insert the figures "37½".

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to the Senate amendment.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MANN. As I understand, this is to increase the rate of rental to be paid for the addition to the Department of Commerce Building from 35 cents per square foot to 37½ cents.

Mr. JOHNSON of South Carolina. This is a provision in which the Senate has increased the amount from 35 to 37½ cents.

Mr. MANN. When this provision was reported in the bill in the House it was, of course, subject to a point of order, but a point of order was not made, and it was then recommended that we authorize a lease to be made at 35 cents per square foot. Did the committee at that time have information before it as to the amount of rental which ought to be paid or which it thought was proper to be paid?

Mr. JOHNSON of South Carolina. I did not understand the gentleman.

Mr. MANN. Did the committee have any information before it at the time in reference to the proper rental or what they thought we ought to pay?

Mr. JOHNSON of South Carolina. The committee had information to the effect that the owners of the building wanted 40 cents; but in view of the fact that we were renting about $70,000 worth of space for a period of five years, we thought that 35 cents per foot was a proper compensation, and we placed a limitation upon the amount which should be paid for the additional space. It seems that the Senate agreed with the House committee in part on that proposition, because the Senate put it at 37½ cents instead of 40.

Mr. STAFFORD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield.

Mr. STAFFORD. Is there any other building under rental to the Government for which it pays as high a rental as this proposes?

Mr. JOHNSON of South Carolina. Yes; I believe there are some buildings where the rental is more per square foot than in this building, but those are buildings in which certain other services are rendered such as janitor, elevator service, and so on.

Mr. STAFFORD. Is there another instance of a building rented to the Government and devoted exclusively to the use of the Government, distant as this is from the business section of the city, where the rental is so high?

Mr. JOHNSON of South Carolina. I do not know of any building in the city where the Government rents so much space where the Government pays such a large sum.

Mr. STAFFORD. Of course the gentleman recognizes that this building is distant from the business section of the city. For instance, the Interstate Commerce offices are located in the heart of the city and naturally would be subject to a higher rate of charge. Again, the Geological Survey is down on F Street and I suppose the rental there may be a little higher, which I can understand because it is in the center of the business district, whereas this building is located far from the business district and naturally should not command as high a rental. I would like to ask the gentleman this question——

Mr. JOHNSON of South Carolina. I would like to answer some one of the questions the gentleman has already asked. I am not familiar with the price of real estate in Washington, I do not know the value of real estate in the section where this building is, but I do know that it is a modern office building just recently constructed and well adapted for the purposes for which it is to be used. Congress authorized in the first instance under the last administration the Secretary of Commerce and Labor to enter into a contract for the erection of a building and when that building was completed to enter into a five years' lease at 40 cents per foot.

Mr. STAFFORD. There was a provision as to the rental in the authorization of last year.

Mr. JOHNSON of South Carolina. Yes; that was provided by law before the building was ever erected—that when it was erected the Government would take it for five years at 40 cents a foot, and after that building was completed the Secretary of Commerce desired to move the Census Bureau into the same building so as to have his entire force as nearly assembled as possible. Thereupon the owner of the building enlarged the old building and it was that part of the building, the new part of the building, that has the limit of rental to 35 cents per square foot and a lease was authorized for five years at that rate.

Mr. STAFFORD. Is there any contractual obligation on the part of the Government to pay 40 cents a foot for this new additional space?

Mr. JOHNSON of South Carolina. I have seen no such contract.

Mr. STAFFORD. Then, the Government is not obligated in any way under this contract and they can continue the present rental of the present census quarters at the rate of 16 cents per square foot in case the owner of the building should attempt, in the judgment of the committee, to "hold up" the Government.

Mr. JOHNSON of South Carolina. There is no authority to rent additional space at any price until this bill becomes a law.

Mr. MANN. Will the gentleman yield to me three or four minutes?

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, this provision is to authorize the Secretary of Commerce to enter into a lease for the building to be attached to the present Department of Commerce Building for the use of the Census Office.

As it passed the House it provided for 35 cents a square foot. After the provision had passed the House, it being subject to a point of order at the time it first came before the House, I received information and called it to the attention of the House that the private secretary of the Secretary of Commerce, and I believe the chief clerk of the Secretary of Commerce, and some other of the high officials of the department were interested in business with the person who was to put up the building. The building is now under construction, apparently with very certain assurance that the lease will be entered into, although the authority has not yet been granted by Congress. Having passed the House at 35 cents a square foot, they succeeded in getting the Senate to raise the amount to 37½ cents a square foot. I have no doubt that some of these officials under the Secretary of Commerce, influenced possibly and probably by their business relations with the owner of the building, are very desirous of having this building rented by the Department of Commerce for five years at just as high a rate as they can get Congress to allow. And I think the Secretary of Commerce, in whose honesty I have perfect faith, should investigate the gentlemen in his own office who have gotten him to agree in advance that he would make a lease of this building, they being actuated by their business relations with the proposed owner and constructor of the building.

Mr. HAWLEY. Will the gentleman yield to me?

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. HAWLEY. I desire to ask a question.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman.

Mr. HAWLEY. The question of the rent paid by the Government to private parties in the District of Columbia for the buildings it occupies is becoming a very important one because of the amount of rent paid in all. It was called to the attention of the Agricultural Committee when we were preparing our bill, as the Agricultural Department rents a considerable space in the District, that buildings in various portions of the city could be rented at certain figures, and it seemed to me there was a great disparity between the prices charged in one

place and the prices charged in another place for the same accommodations. Now, with the buildings rented by the Government and scattered all through the city, it seems to me there should be some general plan or agreement as to the prices to be paid by the Government for buildings, and that the appropriation committees might cooperate—by a joint committee, for instance—in determining what would be a fair rate of compensation, and not subject any particular contract to the criticism of being exorbitant in the amount given to the renter of the building. And I would like to know, for the benefit of the record here and for future consideration, if this 35 cents a square foot provides for any service to the Government other than just the bare walls of the building?

Mr. JOHNSON of South Carolina. No, sir. The Government would furnish its own janitor and elevator service under its contract.

Mr. HAWLEY. Are water and heat furnished under this 35 cents?

Mr. JOHNSON of South Carolina. They furnish the necessary machinery to produce the heat—the boilers and dynamos and all that sort of thing—but the Government must operate those plants.

Mr. HAWLEY. And the Government would furnish the fuel for them?

Mr. JOHNSON of South Carolina. Oh, I think so.

Mr. HAWLEY. And will the Government pay for the water; or is the water furnished free with the buildings?

Mr. JOHNSON of South Carolina. Yes, sir; the Government would pay for the water used.

Mr. MANN. I do not think we pay for water at all.

The SPEAKER. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. May I have one more minute?

Mr. JOHNSON of South Carolina. I yield one more minute to the gentleman.

Mr. HAWLEY. Continuing along the line of the remarks I was making a moment ago, we have had occasion on the Agricultural Committee for several years to investigate the question of rent; and I was looking over the statements not long since of the total amount paid in the District by the Government for rent, and it was estimated that if it were capitalized at 4 per cent or 5 per cent it would amount to many millions of dollars. But there is a growing feeling among a number of the Members of the House that the rents ought to be in some manner placed on a uniform basis; that as far as practicable there should be a uniform schedule of rent, so that no abuse could arise in this matter of renting buildings for the public service, and so that one man, by a little skillful manipulation, could not get a higher rate of rental for his building, which was no better equipped or no better located for the service, than another man who is not quite so skillful. We ought to rent on a business basis and for a reasonable sum, fair to the renter and fair to the Government, so that no more will be paid in rent than will be absolutely necessary to be paid to house the public service. [Applause.]

Mr. STAFFORD. Will the gentleman yield me five minutes?

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wisconsin, and then I hope we may have a vote.

Mr. STAFFORD. Mr. Speaker, this proposition of the transfer of the Census Bureau from its present location to a new office building located near Nineteenth Street in the northwestern section of the city to my mind is not a business proposition. The present quarters, which are very suitably adapted for census purposes, could have been rented for a period of five years at the rate of 16 cents per square foot for the area used, whereas this new building that has been erected is not as well designed, in my opinion, for the purposes of the Census Office as the present quarters.

The gentleman from Illinois [Mr. MANN] has explained one of the reasons why the Department of Commerce is so very solicitous about having the Bureau of the Census transferred from its present quarters to this new building. No one who is acquainted with the work of the Census Bureau will deny that the present arrangement, with one or two floors in the present building, is much better situated for this work, which is partly mechanical, than this new building with its low ceilings and many floors.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. STAFFORD. I yield to the gentleman.

Mr. BYRNS of Tennessee. Is the gentleman aware of the fact that by this change of location the Secretary of Commerce was able to cut down his force in the Census Office in the way of reducing the number of charwomen and laborers and people of that kind to the extent of $19,000 a year?

Mr. STAFFORD. Oh, that is merely a saving on a piece of paper. The gentleman from South Carolina [Mr. JOHNSON] has admitted already that the Government is going to undertake all that expense of this building, and the gentleman knows it is nothing more than a sham in disguise.

Mr. BYRNS of Tennessee. Has the gentleman read the letters——

Mr. STAFFORD. I have read the letters before this matter came up, and I find that there is a great deal of extra rental occasioned by this removal, and there is really no saving. The argument advanced by the Secretary of Commerce that it would be more economical for him to have his force consolidated in one building is nothing more nor less than a ruse to have the Director of the Census and some of his subordinates move into some nice offices.

Mr BYRNS of Tennessee. The bill on its face carries a reduction of force.

Mr. STAFFORD. That is another fine argument. It carries a reduction on its face. It is well known that the Census Office force is not being used to its full capacity now, because the census is not being taken. There is no saving of office force or help about the building by reason of the change of quarters.

Mr. JOHNSON of South Carolina. The gentleman wishes to be fair, and——

Mr. STAFFORD. Certainly I want to be fair. I will ask this question of the gentleman, if there would not be a distinct saving to the Government by remaining in the present quarters instead of removing to new quarters?

Mr. JOHNSON of South Carolina. The reduction referred to by the gentleman from Tennessee [Mr. BYRNS] was arranged for before the estimates were sent in, and this reduction of 29 people gives that many less than the estimates called for by reason of the fact that it requires a less number of laborers.

Mr. STAFFORD. Just as much floor space will be used, and the argument is that with the same floor space he can get along with less help. I am laying a foundation here for a demonstration that a two-story building is much more suitable than this many floor building that is being erected in the northwest part of the city, distant from the business center.

This 37½-cent proposition I regard as an extravagant price. The gentleman from Illinois [Mr. MANN] has intimated why the price is so high, and I think the conferees should insist that under no circumstances will more than 35 cents per square foot be paid. It would have been an economy if the Committee on Appropriations had accepted the contract offered by the owners of the present quarters at the very reasonable terms of 16 cents per square foot. There is no other building in the city where the Government is getting so good a contract for that character of a building than that of the present Census Bureau building.

Mr. COOPER. Mr. Speaker, I noticed by the papers this morning or yesterday morning that a new hotel and office building is to be erected on the old Arlington site, in connection with which there is to be a theater on the H Street frontage and that on the I Street frontage a large part of the building is to be rented to the United States Government and used by the Judiciary Department.

On reading that it occurred to me that the construction of buildings by corporations or by private individuals and the renting of all or of portions of such buildings to the United States Government is an active, persistent, and well-organized industry in this city. The Government pays about $600,000 a year in rentals in Washington to private property owners. That is equivalent to 3 per cent on $20,000,000. The Government can borrow at 3 per cent or less.

Now, some years ago we appropriated money to buy—and the money was used to purchase—the block on which stands the Poli Theater and the blocks to the south, between I and the Mall. For several years the title to all that property has been in the United States Government. It was bought for the express purpose of erecting, first, a building to be the home of the Judiciary Department; second, a building to be the home of the Department of the Interior; and, third, a building for the State Department, all of which proposed new buildings were and still are very greatly needed.

Magnificent plans were submitted by some of the foremost architects in the United States, and in due time plans and designs for a building for each of those departments was selected. But, lo and behold, after all this had been done, after the urgent need of these structures had been made evident to everybody, after it had been demonstrated that only about $8,000,000 was required to house all of those departments in new Government-owned buildings, and thus to save a large part of this 3 per cent on $20,000,000—after all this, suddenly it was discovered that a 10-year contract had been entered into, under which

brings her rate of compensation for labor up to ours. [Applause on the Republican side.]

Mr. UNDERWOOD. The gentleman knows that we must get revenue of the customhouse, and does the gentleman think that an importation of 1 per cent in comparison with the amount of American consumption is more than a reasonable competition?

Mr. FESS. I will say to the distinguished leader that you can levy a duty upon goods with specific reference to the promulgation of production of these goods here and provide a protection of our own industries and stimulate them and at the same time produce a revenue for the Government. The trouble is the gentleman is looking simply at the revenue collected upon goods which are ultimately to displace our own production, and I do not think that is a wise course for this Nation to pursue.

This is the chief difference between the Republican and Democratic policies. The Republican policy is to place a duty in such a way that while it produces the revenue it also stimulates home production by affording a degree of protection against the cheap labor of the foreign producer. We have no trouble about revenue to run the Government, while the Democratic idea is to place the duty where it will increase imports, with no or little regard of the effect it will have upon the producer at home and the employer of labor at home. No legislation can lose sight of the producer without seriously crippling the ability of the consumer. The one is so articulated to the other that injury of the one is injury of both.

The situation of the country now is due very largely to the wide disturbance of the business ability to maintain the industrial integrity of the country. A law that is partial to the foreign producer, as the great increase of our imports and decrease of our exports show the tariff measure to be, must prove hurtful to not only the producer but to the consumer of our country.

There is no way to evade the situation. It can not be done by brilliant paraphrasing. It can not be explained upon a mere psychological basis. It is no explanation to charge conspiracy of business.

Men whose fortunes are at stake will not from mere petulance go into bankruptcy or allow their business to go into the hands of receivers. I note the reluctance with which Democratic Members will admit the existence of depression. If it is in northern Michigan, their only reply is, "Oh, that is in the iron country." If it is in Youngstown, Ohio, or Pittsburgh, the reply comes that it is in the steel country. When we speak of the hundreds of letters which come from our people declaring that business "is dazed and bewildered" and business men do not know what to do except to plead that we give business a rest, they are charged with intent of conspiracy.

While the President was addressing the editors, assuring them that the future held great prosperity for the country, only awaiting the completion of his program, business men were consulting how to forestall the failure of a great concern.

The same papers that ran the President's address of optimism carried in parallel columns startling facts of business reverses, such as the passing of the Pan Handle dividend, the receivership of the Claflin dry goods concern, the largest of its kind in the world.

True, the propaganda became busy at once to assure the country that the tariff had nothing to do with the failure. Those interested in the Wilson policies, including the head of the firm, attempted to separate the disaster from Democratic administration.

But I want to say again that the Claflin failure may be hooted at from the floor of the House as having no reference whatever to the tariff issue. I know that will be asserted. Mr. Claflin himself has been a free trader; he is a large importer, he is a supporter of the Underwood bill. Nevertheless it matters little what they say. I assert that this is one of the most remarkable barometers of the business conditions in this country of any single instance in the last 10 months. It is but another symptom of what we must expect as a result of the attack upon enterprise. In the last 14 months 10 railroads of this country have passed their dividends. Is that a conspiracy on the part of the railroads to hurt themselves? In the last few months 118 trains have been taken off by one of the great railroads of this country. Does that mean that a railroad is guilty of crippling itself simply for political capital, as asserted by some men? I do not think there is anything in that at all, or that any serious mind would allege it as a fact.

It is estimated that only 25 per cent of the labor employed in the sawmills of the country are employed.

It is claimed that 27 per cent of those employed in the woolen mills are out of work. This is a fair index of the manufacturing situation. While it has not yet so injuriously affected the farmer, it will reach him sooner or later. His home market is already invaded. Foodstuffs are coming from abroad to displace his. His purchaser, the man employed in American enterprise, is rapidly losing his purchasing power. How long will he be able to withstand the competition with the foreign producer in a market rapidly depleting by a policy that is driving the consumer out of work. The tariff might not have had a direct effect upon the Claflin enterprise, but it certainly did affect the thousands of purchasers who could not meet their obligations and whose failure sent the firm into a receivership with assets beyond their liabilities.

My fears are what has happened in this case will happen in many others if there is not relief from this serious attack upon our industries. This can not be a mere state of mind.

The New York Press states the case editorially as follows:

Can the administration of Woodrow Wilson comprehend the difference between live business and dead business, assets and liabilities, solvency and bankruptcy?

Here yesterday was the crash of the Claflin Co., unprecedented in commercial history because of the vast sum involved, together with the almost limitless range of its consequences.

Forty-odd millions of money. Cities directly concerned from one end of the country to the other. Great mercantile houses hit in nearly all centers of population. Tens of thousands of breadwinners endangered. Hundreds of banks suddenly holding dishonored paper which not many months ago was eagerly sought by them as gilt-edged. An industrial, commercial, and financial shock to the whole Nation.

And on the same day President Wilson, ignoring the most extraordinary business collapse ever known in America, was still talking his psychological business depression. With the Nation quaking over the Claflin failure, he was telling some southern editors how he was creating a new constitution of freedom for business. With all the world stunned by this Claflin failure, he had nothing else to say.

Too grave a thing for the United States is this huge Claflin wreck to be made a light jest against the Wilson administration. But whether the Claflin people were better or worse business men, measured against their competitors, can this tremendous fall be called under any really sane theory—as Mr. Wilson persists all such must be called—just a state of mind?

Could the United States Government send to the fallen house thirty or forty millions of relief in a psychological form, instead of hard cash, and lift it from its ruins?

President Wilson must stop talking—and acting, too—what to ordinary business intelligence is almost criminal nonsense, or this whole country, big as it is and strong as it is, will be threatened with a Claflin collapse.

This is strong language; but in a time when we seem to be heading straight to the precipice and our responsible heads seem so infatuated with the infallibility of judgment and position, it requires strong language to induce us to "stop, look, listen." That is what the country demands now.

Mr. HAWLEY. Mr. Speaker, I would like to ask the chairman of the committee a question.

Mr. JOHNSON of South Carolina. I will yield to the gentleman.

Mr. HAWLEY. I see in the proposed amendment that there is no amount for the compensation of the commercial attachés. Is that provided for in any other place?

Mr. JOHNSON of South Carolina. No; it is not provided for by law. The testimony before the committee was that the compensation of no one person would exceed $5,000.

Mr. HAWLEY. That is fixed by law?

Mr. JOHNSON of South Carolina. It is the intention of the department out of the lump sum to employ a number of people no one of whom shall receive more than $5,000. Possibly some may receive a good deal less.

Mr. HAWLEY. Does not the gentleman think that Congress ought to determine the amount of the salary to be paid instead of leaving it an indeterminate amount to be fixed by some executive officer?

Mr. JOHNSON of South Carolina. I would say that ordinarily I believe in the fixing of salaries by Congress; but this is a new departure in our effort to secure foreign trade. We have made a lump-sum appropriation in order that the Secretary of Commerce may employ business men and send them into Central and South America and other countries for that purpose. After they have had one or two years' experience and reached a conclusion as to how many people they want, and about what kind of people would be required, Congress can fix the number to be employed and fix their compensation.

Mr. Speaker, I think this is a good proposition. It was in the bill as we brought it into the House, but it went out on a point of order. The Senate has restored it. Practically every chamber of commerce in the United States has indorsed it, and I intend to move to recede and concur in the Senate amendment. The matter pending before the House is the amendment offered by the gentleman from Illinois [Mr. MANN] to take the proposed employees from the examination provided for by the Secretary of Commerce, something like the examination we have for consular officers, and put them under the Civil Service Commission. It is not necessary to say to the membership of the House that the ordinary civil-service examination would not

be a proper examination for the selection of business men to go into Central and South America and aid in building up our trade. There will be an examination, but it will be a noncompetitive examination, conducted by the Secretary of Commerce, for the purpose of securing men specially fitted for this particular work. I hope the motion of the gentleman from Illinois will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Illinois to recede and concur with an amendment.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 25, noes 42.

So the motion was rejected.

Mr. RAINEY. Will the gentleman from South Carolina allow me to make a motion to recede and concur with an amendment?

Mr. JOHNSON of South Carolina. I will.

Mr. RAINEY. Mr. Speaker, I move to recede and concur with an amendment striking out, in line 16, page 137, the word "commerce" and substitute the word "State," and in line 3, of page 138, to strike out the word "commerce" and substitute the word "State."

The object in proposing this amendment is, as I attempted to explain a while ago, to prevent a duplication of work. The Department of Commerce is a new department splendidly conducted, it is true; but as the Senate amendment stands it permits the Department of Commerce to usurp a large portion of the functions of the State Department.

The Department of State is asked by this Senate amendment to accredit certain foreign attachés who are to be attached to the establishments of the representatives of the Department of State abroad. It is a force supplementary to the force the Secretary of State already has, to make the same kind of reports that the consular officials are already making. The same information is already being sent by the Secretary of State to the Secretary of Commerce. The change I suggest simply authorizes the Secretary of State to appoint, after the usual examination he conducts now, these additions to our foreign establishments, and the amendment I make will require them to report just as they do now to the Secretary of State, and he can transmit their reports to the Secretary of Commerce after consultation with the Secretary of Commerce as to what he wants.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BYRNS of Tennessee. The gentleman understands that the commercial attachés are not going to be confined to any particular area?

Mr. RAINEY. Yes; and the activities of our consular officials are not confined to any particular area. Their activities are confined only by the limits of the known world.

Mr. BYRNS of Tennessee. But our consuls have some duties which do not attach to these people. They have some duties that are in a sense diplomatic.

Mr. RAINEY. Our consuls are not diplomatic functionaries. They are trade officials abroad.

Mr. BYRNS of Tennessee. I understand; but they have some duties that pertain to the field of diplomacy in some cases. They are under the State Department.

Mr. RAINEY. They are merely nominal duties they perform in that direction. Their principal duty is to look after our trade relations abroad, and that is what they do, and that is what these attachés are going to do.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. UNDERWOOD. Theoretically the gentleman is absolutely correct. The supposed duties of the consular officials are as he states; but I want to direct his recollection to some testimony that came before us when we were working on the administrative features of the tariff bill. If he will recall, the gentleman who examined into the matter stated that we could not rely on the consular officials looking after these invoices and trade imports, because the result of their work was purely to rubber stamp these questions, and that their time was largely taken up in other matters involving looking after the citizens of the country and carrying out the orders of the minister in the country.

Mr. RAINEY. They do discharge those duties, but all the information that we used in compiling our tariff bill, no matter from what source we obtained the information as to conditions abroad, was obtained by our State Department, no matter how it reached us. If it is true that our consular officials are so busy with the routine work of their office that they can not do as much work as they ought to do in order to properly and sufficiently promote our trade relations, then the amendment I propose simply adds to their force—to their opportunities for usefulness. It adds to their clerical force as much as they may need, and absolutely prevents the duplication of work that will occur and rise up to plague us in the future if this particular Senate amendment is adopted without the changes provided in the amendment I have just offered.

Mr. MANN. Mr. Speaker, the gentleman's amendment, as I understand it, is to strike out the word "commerce" where it appears and insert the word "State."

Mr. RAINEY. Yes; to put these commercial attachés under the State Department instead of under the Department of Commerce.

Mr. MANN. And to prevent the unnecessary duplication of work?

Mr. RAINEY. Yes.

Mr. MANN. I thought when this matter was up in the House before the gentleman was opposed to having these attachés accredited through the State Department.

Mr. RAINEY. I made the point of order, and it went out on the point of order, and I am opposed to accrediting them through the State Department if they are to be appointed by and report to the Secretary of Commerce; there is, however, no other recognized way of accrediting foreign representatives than through the State Department. From my viewpoint they should, as is customary, be appointed by the Secretary of State and report to him. The amendments which I offer have the effect of providing that they be accredited through the State Department and appointed by that department, after such examinations as are now held by the State Department, and that they shall report to the State Department, and thus prevent the duplication of work, to the possibilities of which I have called attention.

Mr. MANN. Has the gentleman considered the question of having these people accredited through the State Department and giving the State Department no control or responsibility over them?

Mr. RAINEY. Mr. Speaker, I have considered that, and that is one of the reasons why I think my amendment ought to be adopted. As my colleague suggests, if this Senate amendment goes through just as it stands, they are to be accredited by the State Department, but have no responsibilities to the department which has accredited them as our agents abroad.

The SPEAKER. The time of the gentleman has expired. The parliamentary situation is this: Unless the gentleman from South Carolina withdraws his motion, the House can not vote on the motion of the gentleman from Illinois.

Mr. JOHNSON of South Carolina. I am willing to withdraw my motion.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Senate amendment 212, page 137, in line 16, strike out the word "commerce" and substitute the word "State"; and on page 138, in line 3, strike out the word "commerce" and substitute the word "State."

Mr. MANN. Mr. Speaker, I suggest that we also strike out the word "commerce" and substitute the word "State" in line 14.

Mr. RAINEY. Yes, Mr. Speaker; I ask that that be added to my amendment.

The Clerk read as follows:

Line 14, strike out the word "commerce" and substitute the word "State."

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. RAINEY] to recede from House disagreement to the Senate amendment and concur in the same with the amendment which has just been reported.

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 34, noes 33.

So the amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask for tellers.

Mr. MANN. Oh, no; it goes to conference.

The SPEAKER. Does the gentleman insist upon tellers?

Mr. McCOY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOY. As the matter now stands, does this go back to conference?

The SPEAKER. Of course it does.

Mr. MANN. It does if we ask for a conference.

The SPEAKER. The Chair assumes the House will ask for a conference; if not, we will not have any bill. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 218: Amend, page 147, in line 21, by inserting after the word "quarters" the words "including water-cooling plant."

complied with and that the consular correspondence of every kind is in due form.

The duties of the consuls and consuls general bring them properly within the functions of the State Department, and prevent them, because of the magnitude of their work, from giving the subjects that are assigned them that thought and time that they deserve and which they doubtless desire to give; at least, their duties are so cumbersome and so many and so technical that they are prevented by them from giving that time and attention that the circumstances would demand in doing the work of commercial attachés and the promotion of commerce and trade in those countries.

Now, I want to discuss just briefly what it is intended the commercial attachés should do. If I understand the functions that it is proposed they should perform, they are not of a diplomatic nature at all, nor would they be concerned with legalizing documents or similar functions. It will be their duty to study the commerce and industries of the countries to which they are sent and study the amount and character of business done with those countries by other foreign powers, and to so qualify and advise themselves that they can suggest and aid in promoting in every practical way the commerce and trade of the United States in those countries.

It is a strange yet true condition that there is now no officer of the United States Government abroad whose sole duty it is to promote our foreign trade.

Germany, France, England, and other countries appropriate large sums for this purpose. The result of their work is shown in their large export trade.

These commercial attachés will be a coordinating force that will make the work of the consuls not the less valuable but the more valuable.

The qualifications of the men who are now in the Consular Service might or might not fit them for the peculiar work of the commercial attachés, because I am quite sure that the men who are to be appointed to these trade places are to measure up in the mind of the present Secretary of Commerce as peculiarly fitted for that particular kind of work.

Mr. Speaker, I believe that there is no man in the United States who is better qualified to choose men who are qualified for this kind of work than the Secretary of Commerce. I go further and say that no man in the United States understands better the necessity for this service and the benefit that will be derived from this service than the present Secretary of Commerce.

I want to here quote what Secretary Redfield says about the commercial attaché and the importance of building up our trade in foreign countries. I read from his annual report of 1913:

Under the caption "Bureau of Foreign and Domestic Commerce" will be found a plan for the reorganization of that bureau, which has already met with your approval and which forms a portion of the estimates for the coming year. Our foreign commerce has grown by leaps and bounds until during the fiscal year ended June 30, 1913, it reached the great total of $4,279,000,000 in value. Of this great sum $2,466,000,000 were exports and $1,813,000,000 were imports, showing a trade balance on these transactions in our favor of $653,000,000. Quite as important as the aggregate, however, are some of the details that go to make up the totals. Our exports of domestic manufactured goods of all kinds amounted to $1,507,000,000, or 65 per cent of our total domestic exports. Again, it will be noted with special interest that out of this total of sales of manufactures that particular portion which represents the sales of fully finished manufactures was $778,000,000 in value, or 50 per cent of the total exports of manufactures. To state it differently, our exports of crude foodstuffs and of crude materials of other kinds have fallen to a minor place, and the largest element in the greatest aggregate of foreign sales ever made is that of manufactured goods, and among these manufactured goods the item of fully finished manufactures is the largest. It is also that which has been growing most rapidly.

It certainly can not be said that the Government has done much to foster this great and growing trade. The entire appropriation for the promotion of our foreign commerce has been $60,000, much less than is annually spent for advertising by many a large retail establishment, nor has the Bureau of Foreign and Domestic Commerce, which is supposed to have had this great trade under its fostering care, been equipped either with men or means or organization adequate for the work.

In the estimates for the coming fiscal year, therefore, a sum has been included which will provide for the reorganization of the bureau into such form as will make it the basis for productive effort in developing American industries in every field which is normal to them at home and abroad. It is not suggested that in the plans which have been submitted for the approval of Congress there is aught that is original. They simply follow in general the organization which our commercial and industrial competitors have already in active service. They aim to provide a threefold organization abroad containing those elements of permanence and flexibility essential to efficient work, and furnishing the general and the local inquiry essential to any thorough grasp of foreign markets.

Briefly stated, the proposed organization provides for—

Commercial attachés: These are officers to be located at each of 14 capitals as hereinafter described, accredited to our embassies there by the Department of State, but reporting directly to the Department of Commerce. Each of these officers will be provided with a clerk and allowance will be made for traveling expenses within the limits of the country to which he is sent. Their purpose will be to study the commerce and industries of the nations where they reside. They will have no other duties. They will collaborate with the consuls, having the advantage of the larger view and of the freedom from other cares.

Consular Service: It is recommended that the consuls shall, on purely commercial matters report directly to the Department of Commerce and that they shall cooperate with the commercial attachés in presenting between them a complete and unified knowledge of the commerce and industries of our great competitors. These two forces should normally supplement each other—the attaché has the general field, the consul the particular field. The one collects; the other coordinates. Each supplies with the other that which without him we could not have. Each is at once a corrective and an incentive to the other.

Commercial agents: It is intended to enlarge this force, which is composed of special investigators trained in their separate lines of study, each pursuing some special theme and for that purpose traveling from country to country wherever information on that subject can be had. A force of from 12 to 16 men has been employed in this work with excellent results, but obviously that force is quite insufficient, and it is hoped substantially to double it. For this purpose a special appropriation of $100,000 is asked for the study of commercial conditions in South America, and the former sum of $60,000 for the whole world is, in addition to the above, increased to $100,000.

The organization of the bureau is changed as described herein to provide for the proper direction and control of these forces and funds and to permit following out the duty heretofore imposed by Congress on that bureau of inquiring into the cost of production at home and abroad, for which purpose a special sum of $100,000 is also asked.

* * * * * * *

The personnel of the Bureau of Foreign and Domestic Commerce during the fiscal year 1914 is about 110 employees. Under the plan contemplated in the estimates for 1915 it is estimated that 200 persons will be employed, or an increase of 81.

It is my belief that the above marks a turning point in American policy toward the great world of commerce and industry abroad and that it must be reflected in increased prosperity to our capital and labor at home.

Our foreign trade, to which, in substance, the work of the bureau under the present law is confined, has expanded during the past fiscal year at a rate in excess of $1,000,000 per day.

Imports:		
1913	$1,813,008,234	
1912	1,653,264,934	
Increase imports, 1913 over 1912		$159,743,300
Exports:		
1913	2,465,884,149	
1912	2,204,322,409	
Increase exports, 1913 over 1912		261,561,740
Increase total trade, 1913 over 1912		421,305,040

The relation of this enormous trade to the prosperity of our people is so obvious as to need no comment.

The Bureau of Foreign and Domestic Commerce, which has this work in charge, has not received the financial support to which the dignity and necessity of its work entitles it. * * *

Being familiar, in a general way, with the operations of this bureau before assuming office, I gave the subject of its reorganization careful thought for some weeks after it came under my charge as Secretary of Commerce. I then requested the chief of the bureau to prepare a written statement of what, in his judgment, should be done to develop the work under his care. When this was done and statements from other departmental sources on the same subject were prepared, I requested a committee of experienced officers in my own office to go over these papers and to submit a plan for reorganization based upon the facts thus laid before them and on their own experience. This plan I have myself carefully revised, in consultation with the said committee, and it is presented below.

The proposed organization, consisting of five units, divides the work of the bureau into four classes, namely, (1) promotion work under the immediate supervision of the chief, (2) collection of information, (3) distribution of information, and (4) administration. This plan provides for a chief and two assistant chiefs. One of the assistant chiefs should be placed in charge of investigations to be made under the law which transfers to the bureau certain duties formerly under the present Bureau of Labor Statistics of the Department of Labor, and of a section dealing with tariffs and tariff relations; the other should be in charge of that part of the work which relates to the collection and compilation of statistics, the work performed by commercial attachés, commercial agents, and consuls, in so far as the work of the latter relates to the Department of Commerce.

Commercial attachés: It is believed that Congress should authorize the employment by the department of 14 commercial attachés, to be resident in various foreign countries, these attachés to be each supplied with a clerk whose compensation should be $1,500 per annum. The attachés should be divided into three groups as regards salaries, viz, 3 at $5,000 per annum, 4 at $4,500 per annum, and 7 at $4,000 per annum. The countries to which these attachés should be accredited, and their headquarters, are given in the table on the following page, which also gives the total area of the countries represented, population, and total trade with the United States in 1912.

The attachés should be men of demonstrated commercial ability and experience, speaking the language of the country to which they are accredited or a language current in commercial circles therein. Preference would be given officers of the Consular Service and the Department of Commerce or other branches of the executive service who have unblemished records and who have shown marked ability in commercial promotion.

Suggested organization of a corps of commercial attachés showing territory to be covered by each attaché, salary, headquarters, area, population, and trade with the United States in the fiscal year 1913.

District.	Salary.	Headquarters.	Area.	Population.	Imports into United States.	Exports from United States.
			Sq. miles.	*Number.*		
United Kingdom	$5,000	London	121,315	45,396,000	$295,564,949	$567,140,059
Germany, Denmark, and Switzerland (possibly Scandinavia)[1]	5,000	Berlin	538,929	70,600,000	234,700,699	371,294,379
France, Belgium, and Netherlands	5,000	Paris	231,673	53,114,000	216,999,971	338,855,525
Austria-Hungary, Greece, Balkan States (possibly Turkey)[2]	4,500	Vienna	500,274	76,750,000	33,774,331	79,282,920
Argentina, Paraguay, and Uruguay	4,500	Buenos Aires	1,209,000	9,150,000	29,372,714	60,604,846
Japan and Chosen[3]	4,500	Tokyo	245,641	68,997,000	91,638,373	59,112,741
China[4]	4,500	Peking	4,277,170	336,042,000	30,010,800	21,326,934
Peru, Bolivia, and Ecuador	4,000	Lima	1,510,143	8,578,000	12,794,618	10,836,432
Russia[5]	4,000	St. Petersburg	8,501,708	166,108,000	29,315,217	26,465,214
Brazil	4,000	Rio de Janeiro	3,291,410	21,115,000	120,155,855	42,638,467
Chile	4,000	Santiago	292,420	3,415,000	37,655,420	16,978,763
Italy and Mediterranean countries[6]	4,000	Rome	1,744,000	92,369,000	109,080,962	111,642,983
British South and Central Africa[7]	4,000	Johannesburg	2,233,478	35,981,000	4,334,339	18,852,009
Australia, New Zealand, South Pacific Islands[8]	4,000	Melbourne	3,079,332	5,665,000	15,311,362	52,431,352

[1] Includes Germany, Switzerland, Denmark, Norway, and Sweden.
[2] Includes Austria-Hungary, Roumania, Bulgaria, Servia, Montenegro, European Turkey, and Greece.
[3] Does not include, as regards area and population, Sakhalin, but for commerce the figures include the southern part of that island. Formosa is included throughout.
[4] Does not include leased territory.
[5] European and Asiatic.
[6] Includes Italy, Spain, Gibraltar, Malta and Gozo, Asiatic Turkey, Egypt, Tripoli, and Morocco.
[7] Includes all British Africa. Central Africa not separately stated.
[8] Includes only Australia and New Zealand. Area and population of the Southern Pacific Islands can not be separately stated. United States commerce with Germany, French, and British Oceania, exclusive of Australia and New Zealand: Imports, $1,191,831; exports, $1,286,709.

Mr. Speaker, the importance of this service to the commercial interests of this country is very strongly evidenced by the general demand for it all over the country. The work that has already been done by the Bureau of Domestic and Foreign Trade in the Department of Commerce has been of such high value that it is keenly appreciated by the business people of the country, and a more enlarged work is universally demanded.

So great is the sentiment for this service that when the proposition was advanced by Secretary Redfield in organizing this work it was proposed to be voted on by a referendum vote to the various commercial bodies throughout the United States, and it was approved by a vote of 624 to 3, and at a meeting of the National Foreign Trade Convention held in Washington on the 27th of March, this year, the following resolution was passed by that very important convention:

Whereas the export trade of the United States has during the year 1913 reached the total of $2,484,000,000; and

Whereas the entire Government appropriation for the current year for promoting this trade through the Bureau of Foreign and Domestic Commerce has been only $60,000, a sum which is wholly inadequate in view of the organization and expenditures of other Governments for similar purposes, and of the importance of expanding our export trade for the benefit of American producers, manufacturers, and workmen; Now, therefore, be it

Resolved by the National Foreign Trade Convention, assembled in Washington, D. C., May 27–28, 1914, representing upward of 100 of the leading commercial associations, boards of trade, and chambers of commerce throughout the United States, whose names are appended hereto, That we heartily commend the Secretary of Commerce of the United States for his wise appreciation of the duty and opportunity confronting the Bureau of Foreign and Domestic Commerce; and

That we indorse his plan to reorganize the bureau and to create a staff of commercial attachés accredited to our foreign embassies and legations, but reporting to the Department of Commerce; to increase the usefulness of the Consular Service by keeping a record of the commercial efficiency of the consuls; and to increase the number of commercial agents to investigate special commercial conditions in foreign markets.

In conclusion, Mr. Speaker, I may say that I would like to see our merchant marine occupy that high place among the nations of the world that it once held, and I would like to see the commercial, industrial, and manufacturing interests of this country supplying their goods and carrying on their business with all the nations of the world, and I know of no propaganda that would be more influential in bringing it about, making our industries hum with the music of prosperity, our seaports aglow with our flag at the mastheads of our vessels, than to inaugurate this system and to enlarge upon it year by year.

I sincerely hope that the report of the conference committee with the Senate amendment attached will be agreed to. [Applause.]

Mr. GOOD. I yield five minutes to the gentleman from Ohio [Mr. FESS].

Mr. FESS. Mr. Speaker, I am in favor of this amendment or any other movement that looks to the development of our foreign commerce. I think most people are agreed that our country ought to develop a market beyond the seas. It is one of the fields that this Nation has tried to enter—and the magnificent balance of trade of over $600,000,000 under Republican rule shows our ability—and it is one of the things that legislation ought to favor, to increase our export trade. Legislation should look to our ability to produce not only for our home consumption, but to find a market abroad as well. I do not know whether this is the best method. I think it is one good method.

I want specially to call your attention to the remarkable statement of a fact made by the distinguished leader of the majority [Mr. UNDERWOOD] this afternoon in reference to the increase of customs dues. He said while the income tax had fallen below estimates, the revenue from customs had exceeded the estimates by $22,000,000. If the new tariff bill had not increased the customs duties, I should think everybody would have been greatly surprised, whether they had been favorable or unfavorable to the Underwood bill, because the lowering of the duty upon any goods coming into the country, other things being equal, would certainly increase the amount of the goods to be imported sufficiently to make up the loss as a result of the lowering of the duty. A duty may be so high as to be prohibitive. If a duty prevents goods coming in, lowering it will stimulate imports and will likely increase amount of duties. But this is the thing that is serious with me—the piling up of imports of foreign goods as revealed by the gentleman's statement. It is not because I am a Republican, but it is serious with me because of the facts that stare us in the face. I refer to the remarkable increase of imports which has produced this increase of customs dues, and upon a basis of lower duties than before in vogue. This fact, from the standpoint of our own production here at home, is certainly a dangerous thing.

Mr. UNDERWOOD. Will the gentleman state how much the percentage of increase has been in comparison to the American consumption of the article?

Mr. FESS. I will say to the distinguished gentleman that I have not gone into that feature of the situation.

Mr. UNDERWOOD. Would the gentleman consider it a serious menace if the average was less than 1 per cent?

Mr. FESS. Mr. Speaker, I will not be withdrawn from my thought here. Lower duties have increased in an amazing degree the imports from foreign countries. It is the principle that is significant rather than the degree or comparison of imports to home production.

A statistician gives the following percentages of increase of imports under the new law:

In December, 1913, 54 per cent; in January, 1914, 58 per cent; in February, 64 per cent; in March, 71 per cent; in April, 129 per cent. The increase for May is expected to show 150 per cent.

You are increasing the importation from foreign countries of the goods we use, and in the degree that you do it you displace the products of the same kind of goods in our own country. The question with me is whether it is a good policy to legislate for the producers of Europe instead of the producers of our own country.

Now, I do not mean to say that the gentleman from Alabama is unfair, but I do not think it is quite fair to state that we can increase the importations and at the same time help the producers in this country. I do not believe that is a true statement.

Mr. UNDERWOOD. Does not the gentleman believe that a reasonable amount of competition is desirable?

Mr. FESS. I believe in a reasonable competition on conditions that are equal, but I do not believe in putting our labor in competition with the cheaper labor of Europe until Europe

Alabama. I have demonstrated the fact that the loss of our foreign trade has not only been great, but it has been constantly progressive in an almost geometrical ratio; and if it continues at the present rate, we shall not have any foreign trade worth mentioning by the time the elections are held in the fall.

I regret I have not time to fully analyze these figures or to comment at length upon their alarming and significant features; but they speak for themselves, showing, as they do, that in the six months which have just passed compared with the corresponding six months of the previous year we have suffered a loss in our foreign trade of over $130,000,000, and this under an administration which promised the winning of the markets of the world.

No less significant, and even more alarming, is the increase of imports of over $105,000,000 in value during six months recently passed as compared with six months of a year before. No wonder mills and factories are idle or running on short time. No wonder multiplied thousands are out of employment. These increased importations are, in the main, in manufactured goods, and their importation has deprived American labor of employment. Naturally, this condition of affairs is causing uneasiness and unrest throughout the country. The President says the trouble is psychological.

Various Democratic officials have claimed that the depression was the result of a conspiracy. Such assertions do not prove anything. We are entitled to know the facts, and we were promised that we should know the facts if things went wrong under the Underwood tariff bill. That assurance was given us by the gentleman from Alabama himself toward the close of the discussion of the Underwood tariff bill, as follows:

> The statement has been made that this tariff will act on labor and affect the wages of laboring men. I give notice now that when the men from whom you bring these messages endeavor to grind labor in the interest of Republican policies there is a bureau of this Government that is going to ascertain the reason why.

The Secretary of Commerce, who presides over the bureau to which the gentleman referred, a few days later in remarks made by him before the National Association of Employing Lithographers said, in answer to their suggestion that under the Underwood tariff there was almost certain to be a reduction of wages—

> If what you have said is to be put into effect by you in substantial degree, it may become the duty of the Department of Commerce to inquire into your business methods.

My attention has just been called to a clipping under an Atlantic City (N. J.) date line, to the effect that 16 sheet-iron and tinplate plants will close down for an indefinite period on July 1. The plant owners told their employees they could not give them increased pay, declaring that a state of depression existed in the business. The men asserted, however, that they were entitled to an increase, and so, in this condition of disagreement, these plants are to be closed down. The dispatch I refer to reads in full as follows:

> SIXTEEN MILLS TO CLOSE—SHEET-IRON AND TINPLATE WORKERS UNABLE TO AGREE WITH EMPLOYERS.
>
> ATLANTIC CITY, N. J., *June 21.*
>
> Sixteen sheet-iron and tinplate plants, employing more than 4,000 men, will close down for an indefinite period on July 1, it was announced here to-day, as a result of the failure of the Amalgamated Iron, Steel and Tin Plate Workers Association and the owners of the plants to agree on wage rates at the conference which closed to-day.
>
> The plant owners refused increased pay, declaring that a state of depression existed in their business. The men asserted, however, that the mill owners misrepresented the situation and that conditions are by no means as bad as they claimed.

Now, here is work, real work, for the Department of Commerce. Here is an opportunity for our friend from Alabama [Mr. UNDERWOOD] to put into execution his—threat, shall I say?—his promise that if there was any threatened reduction of wages, if there was any dissatisfaction about wages under the bill which bears his name, it would be investigated; and if not justified by conditions, those who were responsible would be punished. Aye, more than that. He promised us that if under his bill any industry was injured, that injury would be inquired into and that full justice would be done.

I remember very well that promise of the gentleman from Alabama, for it was made in answer to some questions I asked him. He said:

> When the Department of Commerce report, after a careful, disinterested, and honest investigation, that an injustice has been done either to an industry of this country or to the labor employed in that industry, you may rest assured that this side of the House will rectify any wrong that has been done.

Now, here is a case directly in point. Here is a controversy over wages; here is a statement that mills are to be closed. This situation is not psychological; it is real; and I call on the gentleman from Alabama and the Secretary of Commerce to keep their joint and several promises and investigate this situation, and punish with the lash of publicity, if they have no other means at their command, any wrong which may be done or contemplated; or, on the other hand, failing to find any wrongdoing and discovering, as they probably will, that an injustice has been done by the passage of the Underwood bill, proceed to rectify the wrong, as they promised to do.

I do not, however, insist that the threat or promise of investigation made by the gentleman from Alabama and the Secretary of Commerce shall be made with regard to this particular industry. There is a wide range of industries—in steel, in iron, in pottery, in textiles, in general manufacturing—where wages and employment are threatened, which are closed down or running on short time, and all the administration is doing about it so far as to claim that it is the result of a conspiracy or is psychological. I call on the gentlemen to whom I have referred to make good their promises—investigate, report, and either proceed to punish the wrongdoing or to rectify the wrong which has been done.

The gentleman from Alabama excluded from his promise of reparation the sugar and the wool industries. But, otherwise, he assured us that justice would be done. Now, under the circumstances which exist in the country, why does not he proceed. There is the Baldwin Locomotive Works, for instance, ordinarily employing 18,000 or 19,000 men, now employing less than half that number. Why is not the gentleman from Alabama [Mr. UNDERWOOD] investigating that situation, as he promised? And why is not the chief of the Department of Commerce making the investigations he assured us would be made? There are a lot of folks ready to prove that the Underwood bill has put their business on the blink. Why do not you folks bring on your investigators and give them a chance to do it?

The SPEAKER pro tempore (Mr. REILLY of Connecticut). The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, this Senate amendment which we are now discussing was in the House bill substantially in the form in which it now appears, and it went out of the House bill on a point of order which I made.

Later on I am going to offer an amendment of my own—after this one is disposed of—and I hope my amendment will be agreed to. The objection to this Senate amendment from my viewpoint is that it provides for the appointment of commercial attachés, limited only in number by the discretion of the Secretary of Commerce. They are to be appointed within the appropriation provided. They are to be appointed by the Secretary of Commerce, but they are, of course, to be accredited through the State Department. They are to make their reports to the Secretary of Commerce. This, in my judgment, gives a magnificent opportunity for duplication of work. If the Secretary of State finds that these attachés are needed abroad, the appointments ought not only to be made by him but they ought to make their reports to him. At the present time the information received by the Secretary of Commerce as to our foreign-trade relations comes through the State Department.

Mr. BYRNS of Tennessee. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. BYRNS of Tennessee. These attachés are for the purpose of developing our commerce, and our Department of Commerce is charged with those activities. Does not the gentleman think they ought to come through that department?

Mr. RAINEY. No; I do not think so. I think in accordance with the method of selecting foreign representatives to promote our trade relations abroad, the method that has prevailed from the foundation of this Government, they ought to be selected by the Secretary of State, and they ought to report to him. Now, the Secretary of Commerce gets through the State Department, as he ought to get it, the information that he now obtains as to our foreign commerce, and they tell me that the State Department furnishes the Department of Commerce now with more data and information than that department can possibly use for any purpose.

Mr. HARRISON. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. HARRISON. Is it not a fact that there is a bureau in the Department of Commerce now known as the Bureau of Domestic and Foreign Trade, that reports directly to the Secretary of Commerce?

Mr. RAINEY. I think the gentleman is correct about that, but they get their information so far as foreign trade conditions abroad are concerned through the Secretary of State.

Mr. STEVENS of Minnesota. I call the attention of the gentleman to what may be another duplication. In the CONGRESSIONAL RECORD of Thursday there appears a Senate amendment to the trade-commission bill providing for another investigation. Shall I read it?

Mr. RAINEY. I will be very glad if the gentleman will do so in his own time.

Mr. STEVENS of Minnesota. I am asking the gentleman if that would not be another duplication?

Mr. RAINEY. I think it would be.

Mr. CULLOP. The office of the Secretary of State gets its information as to foreign trade and commerce through the Consular Service, does it not?

Mr. RAINEY. Yes.

Mr. CULLOP. And that is why it ought still to remain in the office of the Secretary of State.

Mr. RAINEY. Certainly. This is a part of our Consular Service. No matter what you call it, that is what it is. Now, if they are to be accredited by our State Department, but act under the direction of the Secretary of Commerce, we will have a number of attachés abroad collecting information that is also being collected by the State Department and reporting back to the Secretary of Commerce information that is also being reported to the State Department, and so you will have an absolute duplication of work. It is easy enough to prevent this simply by striking out the words "Secretary of Commerce," where they appear, and substitute the words "Secretary of State." Then, if the Secretary of State finds these employees are necessary abroad to supplement the force he already has engaged in gathering this same kind of information, he can use up this $100,000, or such portion of it as he may think proper, and there will be no duplication of work, and there will be no conflict between these two great departments of our Government. The Department of Commerce is a new department which has just started, and if this amendment is adopted in its present form the effect of it will be to permit this new department to usurp the functions of the Department of State in this respect to a very large degree. I see no objection to this clause just as it stands if the Secretary of State is permitted to make these appointments after the examination usually held in the office of the Secretary of State for the making of diplomatic appointments abroad. Then let them report, as they always have, and as officials of this sort should do, to the Secretary of State, and let the Secretary of State furnish the Department of Commerce with the information that that department may need. [Applause.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I am quite sure that there is no disagreement between the State Department and the Department of Commerce over the naming of these commercial attachés.

I understand that these two great departments of the Government are in thorough accord not only over this proposition but all propositions the purposes of which are to advance the commercial, industrial, and manufacturing activities of this country and enlarge our trade in the foreign markets of the world.

I congratulate the Appropriations Committee on the liberality of their appropriation for the work of enlarging our foreign trade.

The increased appropriation in this bill—in the item for commercial agents—is a highly commendable one. The same is especially true of the item for commercial agents to be sent to South and Central American countries.

The provision, however, under discussion providing and appropriating for commercial attachés will, in my opinion, operate to the greatest possible value to our commercial and manufacturing interests.

This is a most opportune time for us to begin this excellent propaganda. The great business interests of this country have now almost and only in a short time will be completely divested of the artificial garb of protection and special privilege. The atmosphere that has so long surrounded them and made their future so hazy and uncertain will soon disappear and they will then be able to do business free from the uncertainties of artificialness, and with a vision clear and penetrating look for trade to all the markets of the world.

Under such circumstances we should therefore encourage and assist them in making their businesses more secure by extending the helping hand of the Government to further them as a whole what is hard and difficult for them to do independently.

It is our pride to aid the laboring men and farmers of this country. Every piece of reasonable legislation that is desired by them and thought wise by us we are always willing and anxious to assist in passing.

We have passed legislation to aid the farmer in preparing and marketing his crops, in obtaining from his land the highest standard of productivity, and in making rural life more attractive.

It is proper, therefore, that we should do for the industrial, commercial, and manufacturing interests of our people what we have always so ungrudgingly done for the farmers and laboring men of the country.

When we open up new markets for our manufacturers and tradesmen we necessarily thereby bring more prosperity and business activity to our people. Every increase of our foreign trade causes more gold to be brought to use, compels the employment of more laborers, and proportionately enriches our country. It is much desired that the value of our exports should exceed our imports, for then we are sure to receive more than we spend, and the continuance of such a condition will certainly make our Nation richer and greater.

With the ingenuity, energy, and wealth of the men of this country who comprise its commercial and manufacturing interests, together with our natural advantages and resources, there is no reason why we should not dominate in commerce and trade the markets of the world.

The system that your committee provides for in this bill and that has been recommended by the very efficient Secretary of Commerce, Mr. Redfield, is to my mind the beginning of a long and bright era in the industrial and commercial life of our people. No matter how optimistic we may feel about it I hardly think that opinion will fill the measure of good that is to come from it.

It has been contended in the discussion here that the consuls and consuls general in the Department of State are now performing the work that is proposed to be done by these commercial attachés, and that this work will be but a duplication of the work of the consuls and consuls general. The commercial attachés that are provided for in this bill will go much further and fill a much more important rôle than is now filled by the consuls and consuls general.

Under the present law and practice our consuls in foreign countries have many duties to perform, but duties that bring them strictly within the scope of the Department of State. For instance, the consuls ascertain and report to the Treasury Department the correct values of the foreign merchandise imported to this country; they safeguard the public health by watching and reporting the prevalence of disease in foreign countries; they perform duties by issuing bills of health to persons bound to American ports; by regular reports on sanitary conditions in their respective districts; by transmitting reports on crops, plant and insect pests, dry-farming methods, irrigation projects, pure-food legislation, forestry, and other subjects; by inquiring into and reporting upon immigration, labor conditions, rates of wages, unemployment and its causes, old age pension systems and kindred subjects; by reporting on foreign postal conventions and on parcel post; by performing duties in connection with pensions paid Americans residing abroad and by dealing with applications for pensions and for patents; by reporting on such matters as education, mines and mining, reclamation projects, and conservation of natural resources; by furnishing information regarding rivers and harbors, lighthouses, wireless telegraph systems; by assisting in locating lost relatives and escaped criminals; by settling the estates of American citizens dying abroad; by investigating inheritances and rendering various other notarial and legal services; by supervising the shipping and discharge of American seamen and relieving destitute seamen.

These are but some of the duties imposed on our consuls in foreign countries, and it is safe to say, in the broader sense, that their duties are so large that they are charged with the duty of safeguarding and promoting American interests abroad of every kind.

The consuls general are charged with practically all the ordinary duties of the consul, and, in addition to those duties, with many others, such as supervising the consuls and commercial agencies, seeing that the provisions of laws and regulations are

square feet for each woman, not counting leave, either annual or sick. In the Post Office Department at the present time the average is about 3,000 square feet to the woman. The average area to be cleaned by each woman in the new building is exceptionally large, and even the force asked for may prove inadequate. It is the intention, however, to endeavor to use floor-scrubbing machines in the building, and in this way the department may be able to keep the building clean with such a small force. It is understood that in the office of the Auditor for the Post Office Department the average area for each woman is less than 2,500 square feet, so it will be readily seen that the number of charwomen requested is very conservative.

If this force is reduced as contemplated by the Senate, in some instances, especially in that of oilers, it may be necessary to work 12 hours a day, which is contrary to the existing law.

While nothing is said with reference to the assistant plumber and the two female laborers, in view of the fact that the Senate amendment provides for these places, they are, however, urgently needed, and no action looking toward their elimination from the bill should be taken.

Mr. GOOD. Mr. Speaker, I would like two minutes.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. I have been looking over the House hearings on this provision. The Senate took action on the bill, and I can readily understand why the Senate did not have any additional hearings. I do not know just what actuated the subcommittee or the committee in reporting out this large estimate, but when I read in the hearings the only statement that was made with regard to watchmen, "I can cut the watchmen safely down to 18," I do not know why we reported out 24. I think it was an oversight. I think the cut as made by the Senate was justifiable. They cut the number of assistant engineers from 4 to 3. The cut was slight all the way through, and when it came to the charwomen we provided for 15 charwomen and the Senate provided for 12.

Now, with regard to the elevator conductors, I submit that we have quite likely allowed more than will be necessary to do the business in the Post Office Department. I do not care how many elevators we have in the building; we may have too many, just as we have in the House Office Building. We may adopt the same policy that we adopted in the House Office Building, and not run them all. Let us make here a conservative appropriation. Let us not appropriate for men to run elevators that will never need to be run. We will run only enough elevators there to do the business of the department. I believe that we ought to adopt the amendment offered by the gentleman from Illinois and recede, and concur in the Senate amendment. I believe that the amount that is specified there is sufficient to run that office and to run it efficiently.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Minnesota [Mr. SMITH].

Mr. SMITH of Minnesota. Mr. Speaker, there are some things we can know without getting expert information, and one is the number of oilers it takes to supply the machinery controlled and operated by a certain number of engineers. This bill as it passed the House provided for four assistant engineers and four oilers. We all know that machinery of to-day is constructed along lines that will reduce the number of oilers which have heretofore been necessary. Large cups are used and other devices are provided that make it unnecessary to oil the machinery often. To-day no piece of machinery is constructed without taking the precaution of providing it with self-oilers. The provision of the House bill has as many oilers as engineers. It is quite apparent that this is not necessary. We usually double up on engineers and slack down on oilers. The same thing is true when we come to electricians. We have as many electricians as we have engineers. It does not seem to be necessary. Electrical machinery, when you start it going, runs without very much care and attention. If the Senate amendment is adopted, it will mean a saving of about $15,000 per annum in the expense of running the new post office, and, to my mind, this can be done without crippling the service.

Mr. JOHNSON of South Carolina. Mr. Speaker, just a word. The Postmaster General not only had service in this House but he had service on this particular committee; and I have never known a member of the Committee on Appropriations who contested more vigorously than the Postmaster General used to do the appropriations for help about the public buildings. Notwithstanding his long experience in providing appropriations for the public buildings in Washington and his constant insistence upon reducing the force, we are assured that he has cut this estimate to the bone. I think this amendment at least ought to go to conference, because the House Committee on Appropriations had evidence before it and the other committee had no evidence whatever. There must be between the two extremes in this case a happy mean, as there always is. I think, therefore, the proper thing to do is to vote down the motion of the gentleman from Illinois and send the amendment to conference.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. MANN] to recede and concur.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. JOHNSON of South Carolina. Division, Mr. Speaker.

The House divided; and there were—ayes 42, noes 42.

So the motion to recede and concur was rejected.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 212: Page 137 of the bill, after line 13, insert the following:

"Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 212 and concur in the same.

The SPEAKER. The gentleman from South Carolina moves to recede from the House disagreement to Senate amendment No. 212 and concur in the same.

Mr. MANN. Will the gentleman permit me to make a motion to amend the Senate amendment?

Mr. JOHNSON of South Carolina. In what respect?

Mr. MANN. To strike out the provision as to how the commercial attachés shall be appointed, and to submit it to the House.

Mr. JOHNSON of South Carolina. I will withdraw my motion and let the gentleman offer his, if he desires to do that.

The SPEAKER. What is the motion of the gentleman from Illinois?

Mr. MANN. I move that the House recede and concur in the Senate amendment with an amendment, striking out all of the Senate amendment following the language after the word "attachés," as follows:

To be appointed by the Secretary of Commerce, after examination to be held under his direction to determine their competency, and—

So that it will read:

Commercial attachés, Department of Commerce: For commercial attachés, to be accredited through the State Department—

And so forth.

The SPEAKER. The Clerk will report the amendment.

Mr. JOHNSON of South Carolina. Would not the failure of my motion still leave that before the House?

Mr. MANN. That would not give us a chance to get our question before the House.

Mr. JOHNSON of South Carolina. Very well. I am willing. How much time does the gentleman want?

Mr. MONDELL. I would like some time.

The SPEAKER. The Chair would like to inquire about this. The gentleman from South Carolina [Mr. JOHNSON] moved to recede and concur—

Mr. MANN. The gentleman withdrew his motion. Of course, if my motion is defeated, we will not recede at all.

Mr. HAWLEY. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Wait until we fix the time for debate.

Mr. MANN. We will take 15 minutes.

Mr. JOHNSON of South Carolina. We will agree on 30 minutes if we can—15 minutes to a side—15 minutes to be controlled by myself and 15 minutes to be controlled by the gentleman from Iowa [Mr. GOOD], at the end of which time the previous question shall be considered as ordered.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GOOD] has 15 minutes and the gentleman from South Carolina has 15 minutes.

Mr. JOHNSON of Washington. Mr. Speaker, will the gentleman from South Carolina yield to a question?

The SPEAKER pro tempore. The time is running.

Mr. JOHNSON of South Carolina. To whom is it charged?

The SPEAKER pro tempore. To the gentleman from South Carolina.

Mr. GOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming is recognized for 10 minutes.

Mr. MONDELL. Mr. Speaker, I support the modified motion made by the gentleman from Illinois [Mr. MANN]. I do it not because I very much expect that the attachés to be appointed will aid very greatly in restoring our foreign commerce, but because of the fact that in the present deplorable condition of our foreign commerce every man who loves his country, every man who desires its prosperity, every man who hopes to stem the tide of growing loss of our foreign trade, must lend his aid to every proposition that holds out the slightest hope or promise of saving what is left of the foreign trade of the country.

One of the promises made and reiterated on other side of the Chamber in connection with the discussion of the Underwood tariff bill was that under it we were to have a "new freedom," under which the American manufacturers and American producers would go forth and capture the markets of the world. We have heard to-day from gentlemen on the other side glowing statements of the alleged prosperity of the country, but I noticed that none of the gentlemen have quoted any actual facts. They talked of alleged conditions in glittering generalities, but they did not quote facts.

I propose to call attention to a few unfortunate facts in regard to the foreign trade of the United States. In the last six months—that is, in the six months from December last to May inclusive—the foreign trade of the United States was $120,000,000 less than it was for the corresponding six months of the year before. Not only did we suffer this great loss, but this loss in trade was progressive. In December last our loss in foreign trade, compared with the preceding December, was $17,000,000. At that rate it would take something more than a year to wipe out our foreign trade.

But the foreign trade of April last was $37,000,000 less than the foreign trade of the April of the year before, and if that percentage of loss were to continue we would lose every dollar of our foreign trade before the election in November.

That is the situation which confronts the country. That is the condition under which we are all persuaded to support any appropriation proposed from any quarter that holds out any hope whatever of aiding in retaining, not to mention increasing, our foreign trade.

For the benefit of those who may not have realized the alarming condition which confronts us, I shall insert in the RECORD some tables giving our exports and imports from December, 1913, to May, 1914, in comparison with our imports and exports for the months from December, 1912, to and including May, 1913. The first of these tables is as follows:

Imports, December, 1913	$184,025,571
Imports, December, 1912	154,095,444
Increase of imports	30,030,127
Exports, December, 1912	250,315,807
Exports, December, 1913	233,195,628
Decrease of exports	17,120,179
Imports, January, 1913	163,063,438
Imports, January 1914	154,742,923
Decrease of imports	8,320,515
Exports, January, 1913	227,032,930
Exports, January, 1914	204,066,603
Decrease of exports	22,966,327
Imports, February, 1913	149,913,918
Imports, February, 1914	148,044,776
Decrease of imports	1,869,142
Exports, February, 1913	192,996,922
Exports, February, 1914	173,939,125
Decrease of exports	20,056,797
Imports, March, 1914	182,744,394
Imports, March, 1913	155,445,488
Increase of imports	27,298,906
Exports, March, 1914	187,499,234
Exports, March, 1913	187,426,711
Increase of exports	73,523

Imports, April, 1914	$173,896,476
Imports, April, 1913	146,194,461
Increase of imports	27,702,015
Exports, April, 1913	199,813,438
Exports, April, 1914	162,550,870
Decrease of exports	37,262,568
Imports in excess of exports $11,345,606.	
Imports, May, 1914	163,637,386
Imports, May, 1913	133,723,713
Increase of imports	29,913,673
Exports, May, 1913	194,607,422
Exports, May, 1914	161,650,253
Decrease of exports	32,957,169
Imports in excess of exports $1,987,133.	

From this table the alarming increase of imports, as well as our constantly diminishing foreign trade, is clearly indicated.

For convenience of reference I present the figures of imports and exports separately. They are as follows:

Imports.

December, 1912	$154,095,444
January, 1913	163,063,438
February, 1913	149,913,918
March, 1913	155,445,488
April, 1913	146,194,461
May, 1913	133,723,713
	902,436,472
December, 1913	184,025,571
January, 1914	154,742,923
February, 1914	148,044,776
March, 1914	182,744,394
Apr 1, 1914	173,896,476
May, 1914	163,637,386
	1,007,091,426
December, 1912, to May, 1913	902,436,472
Increase	105,654,964

Exports.

December, 1912	$250,315,807
January, 1913	227,032,930
February, 1913	192,996,922
March, 1913	187,426,711
April, 1913	199,813,438
May, 1913	194,607,422
	1,252,193,250
December, 1913	233,195,628
January 1914	204,066,603
February, 1914	173,939,125
March, 1914	187,499,234
April, 1914	162,550,870
May, 1914	161,650,253
	1,122,852,733
December, 1912, to May, 1913	1,252,193,250
December, 1913, to May, 1914	1,122,852,733
Decrease	129,340,517

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from Wyoming let me ask him a question?

Mr. MONDELL. I would be glad to.

Mr. UNDERWOOD. Is the gentleman advised of the fact that the exports of this fiscal year amount to more than those of any fiscal year in the last decade, except for last year?

Mr. MONDELL. I am not so advised.

Mr. UNDERWOOD. Well, if the gentleman will examine the statistics, he will find that that is the fact.

Mr. MONDELL. I think the gentleman is not entirely accurate.

Mr. UNDERWOOD. I have just recently examined the facts, and I think the gentleman will find it so.

Mr. MONDELL. However that may be, I am making my comparison between the conditions under the bill which bears the honored name of my distinguished friend from Alabama and the conditions which existed under the bill which preceded it, and which was abused on that side of the House in unmeasured terms. Under Republican tariffs we had secured a great foreign trade. I am endeavoring to show how, under Democratic tariffs, we are losing it.

Mr. GREEN of Iowa. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. GREEN of Iowa. The gentleman from Alabama includes six months under the Republican administration.

Mr. MONDELL. I have but a few minutes, and I wish to discuss a subject that is of interest to the gentleman from

Mr. MANN. Mr. Speaker, the amendment under consideration relates to the paragraph in the bill concerning the force for the new post-office building over here by the Union Station. The House provision calls for 4 assistant engineers; the Senate provision is for 3 assistant engineers. The House provision was for 4 assistant electricians and the Senate provision is for 3. The House provision was for 10 elevator conductors and the Senate provision is for 8. The House provision was for 4 oilers and the Senate provision is for 2. The House provision was for 22 watchmen and the Senate provision is for 12. The House provision was for 2 lieutenants of the watch and the Senate provision is for 1, and various other provisions where the reduction is made by the Senate. The total of the paragraph in the House bill was $48,540 and in the Senate bill $33,840, a reduction of about $15,000. In the House Office Building, which requires a great deal more help in the way of watchmen and policemen than the post-office building can possibly require, we have the force cut down so that it is not much more than the number of watchmen carried by the Senate provision and is less than the number of watchmen proposed to be carried by the House provision. I do not know how anybody can defend the number of employees to be in this new post-office building. I suppose the department asked for them and the committee, without giving full investigation to the matter, perhaps allowed them. Thirty-three thousand dollars for taking care of the building itself is a very large amount. It is more than is really necessary; but to give them $48,000, or $15,000 more, is outrageous. I have moved that the House accept the Senate amendments, which reduces the number of watchmen from 22 to 12; which reduces the number of assistant electricians from 4 to 3; and makes various other reductions; and when we allow those we will have allowed ample number to take care of this new post-office building. If we are ever going to have economy in the Government, we can afford to be economic in providing the number of watchmen for the new post-office building and for the other employees. Think of it! Even the Senate—and they are not particularly inclined to economy—could not bring their stomach to take the extravagant allowance which the House has put in the bill; and if we will never be any more economical than is proposed by the distinguished body at the other end of the Capitol, we will never overdo the economy business.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, this amendment provides for the force to take care of the new city post-office building near the Union Station. The estimate which was submitted to Congress and which was incorporated in the bill as it passed the House was very carefully considered by the Postmaster General, and he very earnestly insisted that he needed the employees set forth in that estimate for the purpose of properly taking care of the building. Gentlemen know that the Postmaster General had a most distinguished and honorable service in this House, and those who served with him know that he was never in favor of excessive appropriations for watchmen or any other class of employees of the Government, and I am sure they will agree with me that he would never have indorsed this estimate or made these recommendations had he not considered that this force was absolutely necessary for the proper care of that building. Gentlemen must not lose sight of the fact that the city post-office building must be run 7 days in the week and 24 hours in the day. It is not on a par with the District Building and other Government buildings in the city, but it is necessary to have watchmen and charwomen and electricians and engineers there on Sunday, as well as every other day in the week. It is necessary to have them there at night as well as in the day, and that necessarily requires a greater force of watchmen and other employees to take care of the building.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MURDOCK. The perplexing thing about this item is this: Time out of mind the Senate has increased our items, but here is a case where the Senate has cut our item deeply, and I want to know how that happened.

Mr. BYRNS of Tennessee. I want to say to the gentleman from Kansas that the Senate never took one line, not one syllable of testimony upon this proposition. Not a single witness or person, if I remember correctly, appeared before the Senate Appropriations Committee for the purpose of testifying upon this proposition or giving to the Senate committee any information in regard to it, nor do I know of any Senator who ever asked for information about it; and, with all due respect to the Senate, without a line of testimony or information before them, they adopted the amendment, which undertakes arbitrarily to cut down the estimate of the Postmaster General.

Mr. MURDOCK. It is a most astonishing thing, and I do not still quite understand the explanation of the gentleman. The gentleman does not know, as a matter of fact, why the Senate did this?

Mr. BYRNS of Tennessee. I do not know, and there is nothing in the hearings to show why the Senate so acted.

Mr. PAGE of North Carolina. Will the gentleman permit?

Mr. BYRNS of Tennessee. Certainly.

Mr. PAGE of North Carolina. How does it come—possibly I display my ignorance in putting the question—that the Postmaster General or the Post Office Department has charge of the force of this post-office building, whereas other post-office buildings and Government buildings of that character are under the Treasury Department?

Mr. JOHNSON of South Carolina. If the gentleman will permit me, I will state that the Post Office Department has always had charge of the Washington post-office building. The building provides not only for space for the Washington City post office but for many activities for the Post Office Department itself.

Mr. MURDOCK. That is the new building?

Mr. BYRNS of Tennessee. This building is not to be used entirely for the city post office; a considerable portion of it is to be used by the Post Office Department in the conduct of its activities or business. Now, the gentleman from Illinois has criticized the estimate of the Postmaster General and the number of watchmen which were asked for. The House allowed 22 watchmen, which the Senate cut down, without any evidence whatever, to 12. Now, let us see what the Post Office Department has to say as to the necessity of those watchmen. I read from a memorandum which was submitted to the House committee:

As it will take 1 watchman 6 days to relieve every 4 men so as to give them a day off each week, it is figured that, in addition to needing 18 watchmen, there will have to be 4 men to act as reliefs.

And you will remember that building has to be open seven days in the week, and therefore it is necessary, of course, to give each man one day in the week to make up for the loss of the Sabbath.

This is not considering leaves of absence, either sick or annual. It is considered absolutely necessary, on account of the valuable supplies in the building which will be scattered from the subbasement to the third floor, consisting of stamped paper, postal cards, money-order forms, and blanks, in addition to all the general supplies used in the Postal Service, to have a watchman in the subbasement, which extends under the entire area of the building, the basement, two on the main floor, and two on the upper floors. It must not be lost sight of that this building will be open to the public 24 hours each day; that on account of the city post office people on entering the building can not be interviewed; also the mailing platform in the rear of the building will be open to the public more or less during the entire night. It was first proposed to ask for four lieutenants of the watch, but this number was subsequently reduced by the department to two, with the idea in view that the captain of the watch, who has supervision over the watchmen in the Post Office Department Building as well as the City Post Office Building, could handle the force during the day and thus avoid the necessity for more than two lieutenants of the watch.

The gentleman from Illinois referred to the engineers——

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield five minutes more to the gentleman.

The SPEAKER. The gentleman is recognized for five minutes.

Mr. BYRNS of Tennessee. Regarding these, the department says:

An assistant engineer will be in charge of each watch. They will be stationed in the subbasement where the switchboard and major portion of the machinery is located. They will attend to the heating and ventilation of the building and exercise immediate supervision in the working and daily examination of the elevators and other machinery.

Now, in regard to assistant electricians they say:

They have supervision over all electrical machinery such as motors, of which there will be over 200; the electrical controlling apparatus on elevators; the lighting of the building; will relieve the engineer in connection with the switchboard when he is called to any part of the building. It is proposed to locate an engineer and an electrician in the subbasement, and thus one will be able to relieve the other and avoid the necessity of an additional man to act as switchboard attendant at all times as is the custom at other large electrical plants.

Now, gentlemen of the House, the Senate has undertaken to cut down the elevator conductors for that building from 10 to 8. If the Senate amendment is agreed to, you will find that it will be absolutely impossible for those in charge of that building to run the necessary number of elevators in order to accommodate the general public throughout the hours I have mentioned. In this connection I read further from the memorandum referred to:

There are 9 elevators and the department is requesting only 10 conductors. It is obvious that this service could not be handled with 8 elevator conductors, as provided by the Senate. Request, however, is not made for more than 10 conductors in the belief that the department will be able to make some arrangements, yet to be worked out, to avoid the necessity of running all the elevators during the entire day.

It is contemplated giving the elevator man a day off each week, and as a majority of the elevators will be working but six days a week such a large relief force as is requested in the case of the other subclerical men will not be necessary, although it may prove necessary to operate at least one elevator on Sundays, and it must also be borne in mind that the hours of service on the various elevators must be of greater duration than the regular official hours of employees.

Now, in conclusion I want to say, or rather to repeat, what I said at the outset, that the Postmaster General, after a careful consideration of the estimates submitted to the House, is firmly of the opinion and most earnestly insists that it will be impossible to keep that building as it should be kept with the force allowed by the Senate amendment, and he most earnestly asks that a greater force be allowed than was allowed him by the Senate. If we refuse to send this to conference and accept the Senate amendment, then you do so in the face of the positive insistence of the Postmaster General and the chief clerk of the Post Office Department that the force allowed will not be sufficient to maintain this building as it should be maintained for the accommodation of the public and the public business.

Mr. GOOD. Where did the gentleman find the statement of the Postmaster General in the hearings?

Mr. BYRNS of Tennessee. I was reading from a memorandum which was read in the presence of the gentleman the other day when the conferees were in session.

Mr. GOOD. I thought the gentleman stated that the Postmaster General appeared before the committee.

Mr. BYRNS of Tennessee. No; I was reading from a memorandum which was submitted for the use of the committee.

Mr. MURDOCK. The gentleman ought to include it in his remarks.

Mr. BYRNS of Tennessee. I will do so. I hope that the House will agree that this amendment shall go back to conference. If the number allowed by the House is to be changed, why then the House conferees and the Senate conferees can get together upon some reasonable basis and bring in a proposition which will not cripple the Post Office Department in the maintenance of that building.

But certainly we do not want to put ourselves in the attitude of accepting an amendment by the other body which, as I say, was adopted without any information being furnished to them by the department so far as I am informed.

Mr. HAMILTON of Michigan. The gentleman stated that there would be nine elevators. Have you any statement as to how many of those elevators will be run on an average daily? The gentleman stated that part of them would not be run.

Mr. BYRNS of Tennessee. I do not know, but I will say that it is the purpose of the department, as I understand it, to work out some plan by which they can reduce the number of elevators to be run during the day.

Mr. HAMILTON of Michigan. Of course if you ran all of these elevators you would need at least nine conductors.

Mr. BYRNS of Tennessee. They would need more than that.

Mr. HAMILTON of Michigan. You would have to have a relief man.

Mr. BYRNS of Tennessee. They would have to have a relief man; yes. I ask that the memorandum from which I have read and which gives the reasons why the force allowed by the House is necessary be printed in the RECORD as a part of my remarks.

The electrical equipment in the new city post office comprises the following machinery:

Two 35-horsepower electrically driven fans for indirect ventilation; 2 motor-driven vacuum cleaners; 3 motor-driven air compressors and 2 pumps for the drinking-water system; hydraulic elevator plant, consisting of 2 electrically driven pumps; 1 motor-driven fire pump; 2 motor-driven air compressors for cleaning purposes, blowing out motors, etc.; 4 fan systems, each consisting of 2 motors and 1 fan, air washer, and 2 sets of heating coils; 2 steam vacuum pumps; 1 garbage-destroying plant; 1 bilge pumping system, consisting of 2 pumps and 2 electric motors; 200 (approximate) motors.

This machinery is located in the sub-basement, basement, first floor, and the third floor of the building. There are also 3 hydraulic elevators, 6 electric elevators, 2 motor-driven fans on the third floor, and a mail-conveying system on the main floor consisting of 25 electrically driven machines. It will be seen that this machinery is widely scattered and will require an operating force of active and energetic men to care properly for the plant, and the subclerical force asked for is based on the department being able to select such a force.

This plant, on account of the city post office working at night, with the exception of the elevators, unlike other Government buildings will be in operation 24 hours a day 7 days in the week. Some of the elevators will also be in operation during the entire day. It will require five days a week for the relief watch to give each employee his day off a week. This does not contemplate any annual or sick leave. Each watch is to have a tour of duty of eight hours, making three watches or similar forces. Four men, however, have been requested with the same qualifications in order to provide for a relief watch.

Assistant engineers: Provided by the House, 4; by the Senate, 3. An assistant engineer will be in charge of each watch. They will be stationed in the sub-basement, where the switchboard and major portion of the machinery is located. They will attend to the heating and ventilation of the building and exercise immediate supervision in the working and daily examination of the elevators and other machinery.

Assistant electricians: Provided by the House, 4; by the Senate, 3. They have supervision over all electrical machinery, such as motors, of which there will be over 200; the electrical controlling apparatus on elevators; the lighting of the building; will relieve the engineer in connection with the switchboard when he is called to any part of the building. It is proposed to locate an engineer and an electrician in the sub-basement, and thus one will be able to relieve the other and avoid the necessity of an additional man to act as switchboard attendant at all times, as is the custom at other large electrical plants.

Elevator conductors: Provided by the House, 10; by the Senate, 8. There are 9 elevators, and the department is requesting only 10 conductors. It is obvious that this service could not be handled with 8 elevator conductors, as provided by the Senate. Request, however, is not made for more than 10 conductors in the belief that the department may be able to make some arrangement yet to be worked out to avoid the necessity of running all the elevators during the entire day. It is contemplated giving the elevator men a day off each week, and as the majority of the elevators will be working but six days a week such a large relief force as is requested in the case of the other subclerical men will not be necessary, although it may prove necessary to operate at least one elevator on Sundays; and it also must be borne in mind that the hours of service on the various elevators must be of greater duration than the regular official hours of employees.

Oilers: Provided by the House, 4; by the Senate, 2. The oilers requested are to do the work of assistant engineers and electricians in the examination of all machinery, keeping it in repair, and seeing that it is daily wiped off and oiled. They will also be required to keep the space clean in which the machinery is located. In the case of the night watches the majority of the time of the oilers will be required on elevators alone, and in the daytime they will be subject to emergency calls to assist in the repair of various motors, etc.

Watchmen: Provided by the House, 22; by the Senate, 12. Lieutenants of watch: Provided by the House, 2; by the Senate, 1. As it will take 1 watchman 6 days to relieve every 4 men so as to give them a day off each week, it is figured that, in addition to needing 18 watchmen, there will have to be 4 men to act as reliefs. This is not considering leaves of absence, either sick or annual. It is considered absolutely necessary, on account of the valuable supplies in the building, which will be scattered from the subbasement to the third floor, consisting of stamped paper, postal cards, money-order forms, and blanks, in addition to all the general supplies used in the Postal Service, to have a watchman in the subbasement, which extends under the entire area of the building, the basement, 2 on the main floor, and 2 on the upper floors. It must not be lost sight of that this building will be open to the public 24 hours each day; that on account of the city post office, people on entering the building can not be interviewed; also, the mailing platform in the rear of the building will be open to the public more or less during the entire night. It was first proposed to ask for 4 lieutenants of the watch, but this number was subsequently reduced by the department to 2, with the idea in view that the captain of the watch, who has supervision over the watchmen in the Post Office Department building, as well as the city post-office building, could handle the force during the day and thus avoid the necessity for more than 2 lieutenants of the watch.

Laborers: Provided by the House, 15; by the Senate, 12. Laborers will be required to clean the corridors, the basement, and subbasement, with the exception of that portion in the vicinity of the machinery; assist in the handling of all the general supplies for the building, and in any movement of furniture, etc. In this building there is an unusual amount of finishings which it will be necessary to keep polished; keep clean the large number of windows, which in this building are not only on the outside, but face both sides of the corridors.

Charwomen: Provided by the House, 15; by the Senate, 12. They will be used for the purpose of cleaning daily all rooms, except the city post office, in the building. It is figured that with a force of 15 charwomen there will be approximately 4,650

Mr. CLINE. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Not now. At South Bend, Ind., are the greatest plow works in the world, and we are proud of that great manufacturing city in Indiana. On the 1st day of July, it has announced, it will increase its force by adding 2,500 new employees. So much and so good for a Democratic administration. That does not indicate business is poor in Indiana.

In the district I have the honor to represent on the floor of this House the Baltimore & Ohio Southwestern Railroad shops are located at Washington, Ind., a large and up-to-date plant, working a large number of employees. The officials of that company had announcement made 10 days ago in the public press that on July 1 every department in that industry would be increased to its fullest capacity, and arrangements are being made accordingly; not only an increase in number of men, but also of hours and wages. This sounds mighty good for Democratic policies and a Democratic administration. It is so everywhere, and, while I know it goes hard with the gentleman from Washington, yet I hope he will survive, become a convert, and join the Democratic procession.

This splendid condition does not exist alone in Indiana, but it seems to be sweeping all over the country, if any reliance can be placed in the reports of the public press.

I call the gentleman's attention to a dispatch in the Philadelphia North American of to-day from Sharon, Pa., as follows:

SHARON, PA., *June 26.*

Business with the Sharon Steel Hoop Co. is very close to capacity of the plant. At a meeting of the board of directors to-day the regular quarterly dividend of 1¾ per cent was declared.

Plans to build several open-hearth furnaces and blooming mills at Wheatland were approved. Improvements to the 9-inch mill were also ordered. The expenditures will exceed $1,000,000.

Mr. SMITH of Idaho. Mr. Speaker, will the gentleman yield?

Mr. CULLOP. Not now. I have not the time. I also call the gentleman's attention to the Wall Street Journal of June 28, published in New York, which shows something about what the railroads are doing in the way of ordering new cars, evidences of prosperity and of good times in that line of business, as follows:

The Havana Central has bought 450 flat and box cars, most of which went to the Standard Steel Car Co., and 100 underframes from the same company; and the Charlotte Harbor & Northern has bought 30 phosphate cars from the Pressed Steel Car Co. The Tampa & Gulf Coast has ordered three locomotives and the Carolina, Clinchfield & Ohio two, all from the Baldwin, and the Bingham & Garfield one, from the American Locomotive Co.

The last two weeks have been exceptionally busy ones in the equipment market, most of the large inquiries having been closed, although several new ones of fair size have been put out during that period. The New York Central lines will take 4,000 freight cars in addition to their recent orders. Alcoa Railroad wants 50 box cars, the Lackawanna is inquiring for 250, and the Havana Central will buy 6 motor coaches. The St. Paul is asking for bids on 5 locomotives, the Kansas City Southern wants 30, the Minneapolis & St. Louis wants 20, and the Western Maryland 20, making a total of inquiry for 70 engines put out this week. The Wabash has practically closed for 60 locomotives with the American Locomotive Co., which company also took 20 from the Seaboard Air Line this week.

Thus far in June nearly 17,000 cars have been ordered, which includes the 3,000 for the Illinois Central and 7,500 for the New York Central, most of which goes to the Big Four. At present there is a total inquiry out for about 10,000 more cars, probably half of which should be closed this month.

Previous to June the best month in equipment this year was February, when about 13,500 cars were ordered.

Also the following dispatch from Pittsburgh from the same journal:

The McKeesport plants of the National Tube Co. have been ordered into operation on full time. The entire mills will be in operation by Saturday, while two additional welding furnaces will begin operations at once. For some time the mills have been working below capacity, and their being ordered on full time has every indication that a number of other plants in this district will follow the lead set by the National Tube Co. Three blast furnaces of the company were put into operation Thursday and a number of others will shortly be added to the active list.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Speaker, I will ask the gentleman from South Carolina to let me have three more minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield the gentleman three minutes more.

Mr. MANN. Mr. Speaker, I will make the point of order on the gentleman unless he talks to the amendment.

The SPEAKER. The gentleman from South Carolina yields three minutes more to the gentleman from Indiana, and the gentleman from Illinois serves notice that the remarks must be on the bill under the rule.

Mr. MANN. We want to get through with this bill by the 1st of July.

Mr. CULLOP. Oh, I would like to have the gentleman——

Mr. MANN. Oh, I was courteous enough to the gentleman a while ago, and he need not undertake to lecture to me now.

Mr. CULLOP. I only wanted to read from a speech the gentleman from Washington [Mr. HUMPHREY] made at Tacoma, Wash., on August 3, 1910, in which he asserted that a Republican tariff had reduced the price of the products of Washington wherever it had been raised in the Payne law, and the price had increased on all articles where the duty was reduced.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not discussing the amendment.

The SPEAKER. The Chair sustains the point of order.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the speech referred to and commenting thereon.

The SPEAKER. Is there objection?

There was no objection.

Mr. CULLOP. Now, Mr. Speaker, this remarkable speech made by the gentleman from Washington clearly shows how he diagnosed the effect of the Payne bill on the three leading products of his State—lumber, coal, and shingles. Note what he says about the Payne bill and the Republican Party:

We reduced the tariff on lumber, and the price immediately went up; we reduced the tariff on coal, and the price immediately went up; we increased the tariff on shingles from 30 to 50 cents per thousand, and shingles immediately went down.

The Payne high-tariff law put the shingle industry down and out in his State. Standpattism, with which the gentleman, I hope, is not irrevocably, but I know strongly, allied, dealt a deadly blow to the industries of his State, and this is why the members of his party deserted it in 1912 and joined the Progressive Party. They took it out of the stand-pat column of States and, I predict, will keep it out.

But the gentleman says in his Tacoma speech that the price on articles on which the duty was reduced advanced, and those on which the duty was increased were immediately reduced in price. Has not the gentleman advocated—and every disciple of high protection—an increase of the tariff in order to increase the price of the article? If it does not do it, then why levy any tariff duties for protection's sake? If it does not protect, then it serves no purpose, so far as protection is concerned. If it does not raise the price, then the whole doctrine of protection is completely demolished.

The gentleman is an ardent advocate of high prices and yet he shows in his remarkable speech that the lower the tariff on an article the higher the price of the article, and the higher the tariff the lower the price. Strange logic for a standpatter. Oh, it is well known that open confession is good for the soul. And the gentleman concluded he would confess all. In the gentleman's speech he defends Ballinger and Ballingerism, who a short time thereafter was compelled under fire to resign his seat in President Taft's Cabinet and retire to private life. In it he also defends Cannon and Cannonism, which contributed largely to the overthrow of the Republican Party in the Nation, and the downfall of standpatism in this country. The gentleman from Washington should not take the success of Democratic policies so seriously, he must possess his patience and permit himself to be reconciled to them. Under them the country is now entering upon a most marvelous era of prosperity. The business of the country is adapting itself to them, because business men well know they are adopted to promote and not retard prosperity; that they furnish opportunity and do not close the door against it. I observe that the gentleman from Washington stated in a speech the other day "that there were now 242,000 idle freight cars in this country, the largest number ever known in the history of the country."

Mistaken again. The assured success of Democratic policies and a Democratic administration is so absorbing the attention of the gentleman from Washington that he either overlooked the fact, or had forgotten it, that the statistics of this country show that in January, 1909, under a Republican administration, when the Dingley law was in force, the highest protective tariff law we ever had up to the passage of the Payne-Aldrich tariff, there were more than 426,000 idle freight cars standing on the tracks of the various railroads of the country, with their wheels rusting to the rails. I commend this fact to him and to the country for consideration.

It seems the gentleman from Washington, like his unsolicited correspondent, gets the dates as well as the facts of undisputed history wrong. Oh, no; let me say to them both never can anything be as bad under a Democratic administration as it has been under the administration of standpatism in this country. Never; and no one can point to a single instance which will contradict this assertion.

The administration of Woodrow Wilson will go down in history as the greatest constructive administration in the annals of the Republic. It is one of glorious achievements, adopting constructive legislation redounding to the welfare of all the

people, equalizing opportunities, and enlarging the fields of human endeavor for the benefit of the struggling masses and affording no advantage to one which is not the common heritage of all. Day by day the people of this country realize and appreciate the splendid work in their behalf being done and how faithfully the Democratic Party is redeeming its promises made and is carrying into effect the wishes of the people who by their votes made their cause triumphant at the polls.

The speech is found in the Seattle Post-Intelligencer of August 3, 1910, and is as follows:

HUMPHREY SHOWS HOW PROMISES WERE FULFILLED—REPRESENTATIVE TELLS OF PROUD RECORD OF REPUBLICANS IN CONGRESS—TAFT SHINES BY DEEDS—WONDERFUL LIST OF GOOD LAWS PASSED, ALL FOLLOWING LINE OF LEGISLATION IN INTEREST OF MASSES OF AMERICAN PEOPLE.

TACOMA, *August 3.*

Representative HUMPHREY, in his address before the Republican convention, said:

"Standing here to-day facing this splendid body of men, representative of all that is highest and best in American citizenship, I declare to you without hesitation, without apology, without stammering or stuttering that I am a Republican, and I am proud of the fact. I am a Republican that it takes no adjective to describe. There is but one kind of Republicanism, but one kind of Republicanism. Republicanism is not one thing in the White House and another in the State of Washington. A man that is against President Taft is not for the Republican Party.

BELIEVES IN PARTY.

"I believe in the policies of the Republican Party. I believe in protection. I believe in the present tariff law. I believe it is the wisest and best and fairest that was ever written upon the statute books of the world. I voted for it. I am glad that I did. I believed then that I was right—I know it now. I believe in the Republican Party. I believe in the leaders of that party. I believe that the achievements of the Republican Party in the last year are as splendid as any in all its glorious history.

"I believe in the sincerity and the honesty and the earnest endeavor of Gov. M. E. Hay. His administration is one to command respect, confidence, and admiration.

BELIEVES IN BALLINGER.

"I believe in the integrity and the ability and the grim courage of Secretary Richard A. Ballinger. I believe he is right. I believe he is doing his duty. I believe he is fighting the battle of the great West. He is an honor to his State and to his country. The polluted lips of slander can not tarnish his reputation. All the hired assassins of character can not destroy him."

BELIEVES IN CANNON.

"I believe in the obstinate integrity of that grand old man who for 36 years has held 'as with hoops of steel' the confidence and esteem of his constituents and his colleagues; who for more than a generation has stood between wild extravagances and the National Treasury; who has saved this Nation more money than any other man that ever lived beneath our flag; who knows more about the wants and needs of this Nation than any other man in the Republic; who for years has borne his own sins and the sins of every infernal coward in Congress; under whose leadership during the last eight years Congress has passed more important legislation than was passed in all the 30 years prior to that time; that grim old fighter that never asks quarter nor ever gives it—the 'Iron Duke' of American politics—Speaker Joseph G. Cannon.

BELIEVES IN ROOSEVELT.

"I believe in that most versatile and popular man that the world has ever known—Theodore Roosevelt. I believe in his policies; they are the policies of the country; they are the policies of the people; they are the policies of the Republican Party. They are the policies which the Republican Party has followed for the last eight years. They are the policies that the Republican Party is following to-day. They are the policies from which the Republican Party will never depart.

"In the White House to-day is a man as patient and truth-loving as Lincoln, as gentle and kindly as McKinley, as resourceful and courageous as Theodore Roosevelt. I believe in William H. Taft. He is one of the greatest men that ever occupied the Presidential chair. He accomplished more in the first 17 months of his administration than any other President ever accomplished in that period of time. William H. Taft is to-day the foremost statesman of the world.

THE NEW TARIFF LAW.

"It costs a thousand million dollars per year to run this Nation—the greatest and costliest in the history of men. How is this vast sum to be raised? Mostly by tariff duties. The Dingley bill failed to give the amount required. To revise the tariff so as to raise this sum with justice and equality, and at the same time protect American labor and American industries, was the problem that faced President Taft and the Republican Party on the 4th day of March, 1909, one of the greatest problems in practical statesmanship that any party or any nation was ever called upon to solve.

"But the Republican Party met this responsibility with courage, without apology, with consummate wisdom, and, in spite of the attacks of its enemies out of the party and in the party, successfully solved it, demonstrating anew its greatness and its right to the confidence of the American people.

REPUBLICAN PROMISES.

But it is said that the new tariff law was not a revision downward. Who promised that it would be? Not the Republican Party. There is not a word or a phrase or a sentence in the platform that can be so read or distorted so as to mean any such promise. Only the enemies, not the friends, of the Republican Party claim that we promised a downward revision. An upward revision of some schedules might be as necessary and as wise as any downward revision could possibly be, and this was, in fact, found to be true.

The Republican Party promised honest revision, nothing more. It did not promise perfection. This quality abides only with the free trader, the Democrat, and the reformer that votes with them.

But the revision was downward. Only the enemies and not the friends of the Republican Party deny this. A few schedules were increased, many were reduced, and a larger number remained unchanged. Most of the increases were on luxuries. All of the decreases were on necessities.

TARIFF WAS REDUCED.

The tariff was increased on 220 articles. It was decreased on 874 articles. It was left unchanged on 1,150 articles. Certainly this shows a downward revision. So far the rate of duty paid under the new tariff shows a reduction of over 12½ per cent, and at the same time it further shows more than 12 per cent addition to the free list. Certainly this demonstrates downward revision. But the fairest and most conclusive way to show whether there was really downward or upward revision is to take the consumption value of all the goods upon which the tariff was increased or decreased. Here are the official figures, which no man can successfully dispute. The tariff was reduced on goods of the consumption value of $5,000,000,000. It was increased on goods of the consumption value of $878,000,000. Is not that downward revision? Remember, that of this $878,000,000 on which there was an increase, $638,000,000 of that sum was on articles of luxury, leaving only $240,000,000 of necessities on which there was an increase, as against $5,000,000,000 on which there was a decrease. Or, on articles of necessity the decrease was twenty times greater than the increase. There are many ways of figuring whether there was an upward or a downward revision of the tariff, but there is no honest way that does not show a downward revision.

THE TARIFF AND WASHINGTON.

What of the operation of the present tariff law in the State of Washington? Take the three great products of this State—lumber, shingles, and coal. We reduced the tariff on lumber, and lumber immediately went up in price. The Government lost the revenue. The British Columbia timber owner and lumberman has the prices of his products increased. But not a single American consumer has bought a foot of lumber for a fraction of a penny less than he would have paid for it had the tariff remained unchanged. Who was benefited by this reduction?

TARIFF ON COAL.

We reduced the tariff on coal, and immediately the price of coal increased. The difference between the old and the new rate went to the mine owner of British Columbia and the railroads that carry the coal. The Government lost the revenue, and not a single American consumer has bought a single bushel of coal for a cent less than he would have paid for it had the tariff remained unchanged. Who benefited by this reduction?

SHINGLES REDUCED.

"We increased the tariff on shingles from 30 to 50 cents per thousand. Immediately the price of shingles was reduced. Every American consumer that buys a bale of shingles has been benefited by this reduction. Not only has the price of shingles gone down, but since the time the new tariff law went into effect $3,500,000 in wages has been paid to the American shingle weaver, to American citizens, that under the old law would have been paid to the Chinaman, the Hindu, and the Japanese working in the shingle mills of British Columbia. This was the result of one increase.

A PROUD RECORD.

"As a member of the Republican Party I stand before you to-day, proud of the record that that party has made since the inauguration of President Taft on the 4th day of March, 1909. Let me briefly tell you some of the most important legislation passed. Fifty-four million dollars appropriated for the improvement of rivers and harbors. As I was a member of that committee, as it was my first term, and as I succeeded a man that leaves as little for those who follow as does Senator JONES, I feel proud of the fact that this bill authorizes the expenditure of $12,000,000 in the State of Washington, and that not a single project in this State having a favorable recommendation but which received an appropriation. Two battleships provided for, greater and more powerful than any that have ever been constructed. A Bureau of Mines created. Twenty million dollars appropriated to complete the great irrigation projects of the West. A bill to regulate motor boats and prevent collision at sea. A bill requiring all vessels to be equipped with wireless apparatus. Extending the safety-appliance law, giving increased protection to millions of men. Suppression of the white-slave traffic. Requiring the publication of campaign contributions. More than 60,000,000 acres of the public domain opened up for settlement. The President given unlimited power to withdraw lands for conservation purposes. A Postal Savings Bank System, encouraging thrift and giving a place of absolute safety where the poor can deposit their earnings. The new railroad-rate law, amending the interstate-commerce acts on the statute books, and creating a Commerce Court, a law alike beneficial to the people and the common carrier, one of the most intricate and important laws that Congress has ever passed. Two new stars placed in Old Glory—Arizona and New Mexico. A tariff law written upon our statute books that has put to work 3,000,000 idle men; that has set in motion all the wheels of industry in this great Republic; that is producing sufficient money to run the mightiest Nation in all the world's history; a law the wisest and best that human mind has ever written. A feat of statesmanship unequaled in the annals of the race. All this, besides the great appropriation bill disbursing millions. All this has been done, and yet, when the sun goes down to-day, the Taft administration will be just 17 months old. I challenge the world to match that record. In all the brilliant history of the Republican Party, the most brilliant in all the political history of the world, there is not a more brilliant page than the Taft administration has already written. Against that record the criticism of our enemies within and without the party fall harmless. Never before was there greater cause for a Republican to feel proud of his party than there is to-day.

"Let us swear anew our allegiance to the grand old party. Let us renew our faith in its principles and its policies. Let us here to-day unfurl the banner of Republicanism—the banner of Lincoln and Grant and Blaine and McKinley and Roosevelt and Taft, and go forth to meet the enemy. If it be to defeat; then let us meet it bravely with closed ranks and with our faces to the foe. Better, a thousand times better, to nail the old flag to the mast and go down with colors flying than to compromise with principle. Better, a thousand times better, temporary defeat than permanent dishonor. But we are not going forth to defeat, but to glorious victory. The triumph of the Republican Party in the State of Washington is as certain as the rising of the sun on election day."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

tion of the country, but it does show our people are prosperous, business is good, and money is plenty. Only recently there appeared in the Daily Review, a Republican paper published at Greensburg, Ind., the following:

BIG CONTRACT TO BE FULFILLED BY BIG FOUR THIS FALL.

On September 1 the Big Four through here will enter upon one of the largest contracts ever had by this company. It will receive, at Cincinnati, from the Louisville & Nashville, 3,000,000 tons of coal from the Virginia fields and transfer it to Scheff, where the Chicago, Indiana & Southern will take charge and deliver it to the steel mills at Gary. To take care of this contract it will take 10 trains a day westbound, and they will be returned made up in 5 double-headers. This business will not only require additional train crews, but three additional train dispatchers on the west end, more telegraph operators on the east end, and a number of assistant car distributors. From this it would seem that the Big Four boys in all departments will not be short of work for some time to come. This business would also indicate that the steel mills at Gary are expecting a demand next year for their product. If so, and the old saying holds good—busy steel and iron mills means good times—we may expect better financial conditions for this country.

This shows the steel industry is booming and the business of the Big Four Railroad is unusually large. The facts are, railroads held up business for a while for the purpose of coercing the Interstate Commerce Commission into granting a 5 per cent increase of freight rates, which would transfer from the pockets of the people $50,000,000 annually and place it in the treasuries of the railroad companies. I do not know whether they are entitled to this increase or not, but I do know they can not fool the Interstate Commerce Commission nor the people by such unfair methods. They can play the game no longer. The business of the country is growing so rapidly and the demand for cars is growing so great that they can no longer hold up business, but are forced to furnish transportation to move the enormous products of the farm and the factory. Now they have begun the purchase of equipment in tremendous quantities, as is shown by press reports. The Wall Street Journal of June 28, published in New York City, has the following statement, which shows purchases by railroads, and indicates a wave of prosperity:

The Havana Central has bought 450 flat and box cars, most of which went to the Standard Steel Car Co., and 100 underframes from the same company; and the Charlotte Harbor & Northern has bought 30 phosphate cars from the Pressed Steel Car Co. The Tampa & Gulf Coast has ordered three locomotives and the Carolina, Clinchfield & Ohio two, all from the Baldwin, and the Bingham & Garfield one, from the American Locomotive Co.

The last two weeks have been exceptionally busy ones in the equipment market, most of the large inquiries having been closed, although several new ones of fair size have been put out during that period. The New York Central lines will take 4,000 freight cars in addition to their recent orders. Alcolu Railroad wants 50 box cars, the Lackawanna is inquiring for 250, and the Havana Central will buy 6 motor coaches. The St. Paul is asking for bids on 5 locomotives, the Kansas City Southern wants 30, the Minneapolis & St. Louis wants 20, and the Western Maryland 20, making a total of inquiry for 70 engines put out this week. The Wabash has practically closed for 60 locomotives with the American Locomotive Co., which company also took 20 from the Seaboard Air Line this week.

Thus far in June nearly 17,000 cars have been ordered, which includes the 5,000 for the Illinois Central and 7,500 for the New York Central, most of which goes to the Big Four. At present there is a total inquiry out for about 10,000 more cars, probably half of which should be closed this month.

Previous to June the best month in equipment this year was February, when about 13,500 cars were ordered.

Also the following dispatch from Pittsburgh from the same journal:

The McKeesport plants of the National Tube Co. have been ordered into operation on full time. The entire mills will be in operation by Saturday, while two additional welding furnaces will begin operations at once. For some time the mills have been working below capacity, and their being ordered on full time has every indication that a number of other plants in this district will follow the lead set by the National Tube Co. Three blast furnaces of the company were put into operation Thursday, and a number of others will shortly be added to the active list.

Mr. Speaker, in view of the fact that mills and factories are running all over the country and that labor is employed everywhere—except in a very few instances where some local situation has temporarily affected business—and in view of the further fact that our railroads are seemingly unable to move the freight offered for transportation and have been compelled to purchase 17,000 cars, as shown by the article just read, I can not understand how the gentleman from Washington can have the nerve to stand on this floor and even insinuate that business conditions are not good. I have here a statement showing that the greatest plow works in the world, located at South Bend, Ind., will on July 1 increase its force 2,500 men, and similar information is coming to us from all over Indiana.

Mr. Speaker, I could stand here for hours reading into the RECORD statements showing the wonderful increase of business during the past 60 days, the building of new mills and factories, and the increased demand for labor, but I shall not burden the RECORD or take up the time of the House in doing so. The Underwood tariff bill is doing full justice to the manufacturing interests of the country and at the same time is bringing great relief to the farmer, the laborer, and a consuming public in general. The currency bill has taken the control of money out of the hands of Wall Street and made money panics an impossibility in the future. We are going to pass antitrust legislation, and when that is done fair and legitimate competition will be restored, trusts and combinations will be wiped out, and we will enter upon an era of prosperity the equal of which was never known in the history of our Republic. [Applause.]

Mr. Speaker, the tariff bill and the currency bill were passed in the face of fierce opposition from the beneficiaries of class legislation. Letters and telegrams came thick and fast protesting against their passage and asserting their enactment into law would destroy business and bring on a panic. Notwithstanding this protest both bills were passed, and now the special privileged class, seeing the good effect they are having upon the business of the country, is loud in their praise.

But now, Mr. Speaker, letters and telegrams are coming again, protesting this time against the passage of antitrust legislation and asking Congress to adjourn and give business a rest. will take away from a favored few the privilege of robbing the balance of the people the beneficiaries of such a vicious system It is the same old story. Whenever legislation is proposed that will strenuously object. I hold in my hand a letter I received from the president of the Southern Iron & Equipment Co., of Atlanta, Ga., which reads as follows:

SOUTHERN IRON & EQUIPMENT CO.,
Atlanta, Ga., June 20, 1914.

Hon. J. A. M. ADAIR,
Washington, D. C.

DEAR SIR: Beg to call your attention to the following extracts from an editorial that recently appeared in the Atlanta Constitution:

"Since the Wilson administration assumed office three great masterpieces in legislation stand forth:

"1. Tariff reform.
"2. Currency reform.
"3. Undoing of the canal-tolls blunder.

"Any one of these three achievements would have justified the party in going before the country and asking indorsement. Together they should be irresistible. And they will be irresistible if Congress, mindful of when the country has had enough, mindful of the condition of business throughout the country, will rest on its laurels, go home, and give business a chance.

"Since the first year of the Roosevelt administration business has been harried. To this day it is living in an atmosphere of uncertainty.

"Business thrives on uncertainty less than any other diet. It has stood admirably the two needed capital operations of the tariff and currency revisions. But it has not yet recovered from their effects. It is unfair to business to expose it at this time to further radical operations. The patient has lost blood. Let him recuperate."

"The paragraph referring to adjournment does appeal to the business interests throughout the country, and the best news that could emanate from Washington at this time would be announcement of adjournment.

Yours, truly,

F. P. KERN, *President.*

On June 27, 1914, I replied to this letter, as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT,
Washington, June 27, 1914.

Mr. F. P. KERN,
President Southern Iron & Equipment Co.,
Atlanta, Ga.

MY DEAR SIR: I beg to acknowledge receipt of yours of the 20th instant, calling my attention to an extract from an editorial that recently appeared in the Atlanta Constitution, which editorial praises very highly the action of Congress in passing the Underwood tariff bill, the Glass currency bill, and the repeal of canal tolls. So far as its indorsement of this legislation is concerned, I am in hearty accord with the editorial, but I have no patience for that part of the editorial asking that Congress adjourn at this time and give the business of the country a rest.

I recall when the tariff bill was under consideration that a large number of trust-owned newspapers, as well as a large percentage of the business interests connected with trusts and combinations, were then calling upon Congress not to enact a tariff law because it would disturb business. It was openly charged that the passage of the Underwood bill would close our mills and factories and throw millions of men out of employment. Notwithstanding these protests from a special-privileged class, we passed the Underwood tariff bill, and now those who protested against its passage are loudest in its praise. It has not closed a single factory or thrown a single man out of employment anywhere in the United States. Then, again, when we took up currency legislation, letters, telegrams, and protests, like the one you have forwarded, came to us from all over the country, asking that currency legislation be dropped, that it was disturbing business, and if we continued it would bring on a disastrous panic. We knew this opposition came from a class of people who did not have the interest of the people at heart, but who had been enjoying special privileges through the old currency system and, as a matter of course, were too selfish to give them up for the benefit of the country as a whole. When these protests were received we knew the motive back of them and gave no consideration to such opposition but passed the currency bill; and now the same people who protested against currency legislation are indorsing it heartily. The same thing was true of the repeal of the canal tolls, and now another very important piece of legislation is being considered and protests are coming from the same special interests, saying to us that we are disturbing business, and that Congress ought to adjourn and the country given a rest. The facts are, antitrust legislation is necessary in order that the people may receive the benefit of the tariff act which you are now praising. It is the same old story; no legislation was ever proposed in the history of the country for the benefit of the people as a whole that some selfish individual,

who was profiting by special legislation intended to enrich the few at the expense of the many, did not protest against it. Honest and legitimate business is not protesting against antitrust legislation and will not be injured by it. You might just as well save your time and your postage, as your speech as yours has no effect whatever upon Congress.

Very truly, yours,

J. A. M. ADAIR.

Mr. Speaker, I am in hearty accord with the views of the President. It is our duty to stay here, no matter how hot it gets, until these antitrust bills are passed and the pledges of our party are redeemed. The enactment of this legislation will give freedom to legitimate business, will restore honest competition, and give every man an equal opportunity under the law. It is our duty to see that our laws are such that the strong may not trample on the rights of the weak, but that every man may have the same privileges and the same opportunities of enjoying the blessings so bountifully showered upon us as a Nation. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. MANN. Mr. Speaker, I give notice that I am going to enforce the rule as to the character of debate.

Mr. JOHNSON of South Carolina. I did not hear the gentleman.

The SPEAKER. The gentleman from Illinois gives notice that he will ask the enforcement of the rule as to the debate.

Mr. CULLOP. The gentleman from Illinois does not mean to apply that to the time yielded to me?

Mr. MANN. Yes.

Mr. CULLOP. That is the tactics that the gentleman is going to use, is it?

Mr. MANN. We have had two political speeches on that side and one on this, and we want to proceed with the business for reasons that everyone understands.

Mr. CULLOP. I certainly ought to have the courtesy from that side to reply to the gentleman from Washington, who has alluded to me in his speech. I would not ask it if he had not done so.

Mr. MANN. Then the gentleman from Washington would want time to reply, and we have had this debate running for several weeks.

Mr. MURDOCK. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MURDOCK. The gentleman from Indiana has been trying for the last hour to get in.

Mr. CULLOP. The chairman promised me 10 minutes under the other amendment, but because it was withdrawn the allotted time was not used, and now he has granted me an opportunity to reply to the gentleman from Washington, and I would like to do so.

Mr. MANN. Very well, Mr. Speaker; I will not ask for the rule to be enforced against the gentleman for five minutes.

Mr. HAMILTON of Michigan. "Sail on, O Ship of State."

Mr. CULLOP. The gentleman from Washington [Mr. HUMPHREY] is so enraged at the success of the policies of the Democratic Party that he sees evil in everything and good in nothing. [Applause on the Democratic side.] He fears the success of this Democratic administration, and it vexes him.

Now, if the gentleman's information in that letter is no more correct than his history, I am astonished that the distinguished gentleman from Washington should put any reliance in it at all. If the gentleman will look at the letter as he read it on the floor of the House, the writer fixed the passage of the Wilson bill in 1893. Now, every intelligent and well-informed man knows that the Wilson bill was not introduced in Congress until December 19, 1893, and it did not pass and become a law until August 27, 1894.

Now, how could the enactment of the Wilson bill in August, 1894, affect conditions in 1893? Will some wiseacre inform us? Now, this statement in the letter displays the author's want of knowledge on the conditions around him. The truth is the gentleman from Washington is so enraged over his disappointment at the assured success of Democratic policies that he has not only got his dates mixed but his facts all wrong. The hard times he speaks of in 1893 occurred under the McKinley tariff and not under the Wilson bill. The conditions of hard times, the unemployed, idle factories, and low prices occurring under the McKinley tariff made necessary the passage of the Wilson tariff law in 1894 in order to revive business and bring about prosperity in this country. Under the McKinley law bankruptcy and receiverships were the thriving industries of that dark and dismal period in this country. And yet men like the gentleman from Washington [Mr. HUMPHREY] and his correspondent declare it was under the Wilson bill, which had not then been written or formulated.

Mr. Speaker, there were more bankrupts during the existence of the McKinley tariff law than under any other tariff law enacted in this country. Under it, in 1893, the dockets of bankrupt courts all over the country were glutted with these unfortunate cases, and the unemployed and homeless swarmed around the thoroughfares of every business mart throughout the Nation. Property dwarfed in value, money could not be had, and business closed down. It was the darkest period in our commercial history. We hope it will never be repeated.

But the gentleman's correspondent has his ire aroused because the article I inserted was from the Indianapolis Star, which he asserts is a Bull Moose paper, and of course a standpatter never believes anything can be true which appears in a Bull Moose organ. Better be a Bull Mooser any time than a standpatter. The former shows some hope of being reclaimed from the error of his ways, the latter none. The standpatter is hopelessly lost.

Now, the gentleman from Washington says why did I not give the name of my informant from Terre Haute. Ah, Mr. Speaker, I gave him facts, furnished him the means to get information to contradict them, if they were not as I stated. I furnished him with names of plants and improvements being made, public and private, and it is easy for him to ascertain whether correct or not. Ten days have passed, ample time, and he has not attempted to refute them. Silence is acquiescence in this case, and must be so considered. Let me say to the gentleman from Washington, there will be no panic under the administration of Woodrow Wilson, but business will thrive and the people enjoy the result of their frugality and industry.

This Government is now being administered in the interests of the many and not alone in the interest of the favored few, as has always been the case under standpatism. It is the people's administration and not that alone of a favored few.

Now, some of the gentleman's party in Indiana are playing jokes on the distinguished gentleman from Washington in order to see what a ridiculous plight they can put him in before the country in his spasmodic and frantic efforts to produce a panic and sustain standpatism. [Applause on the Democratic side.] Now, this instance clearly demonstrates that fact, and I advise him to be cautious in these matters. Now, let me give my stand-pat friend from Washington some good evidence of prosperity in Indiana in the steel industry. I read for his consideration an article from the Daily Review, published in Greensburg, Ind.—not a Bull Moose paper, as he says of the Indianapolis Star, but a stand-pat Republican paper, of the same type as is the gentleman from Washington. Here is what it said on Tuesday, June 16, of this year:

BIG CONTRACT TO BE FULFILLED BY BIG FOUR THIS FALL.

On September 1 the Big Four through here will enter upon one of the largest contracts ever had by this company. It will receive, at Cincinnati, from the Louisville & Nashville 3,000,000 tons of coal from the Virginia fields and transfer it to Scheff, where the Chicago, Indiana & Southern will take charge and deliver it to the steel mills at Gary. To take care of this contract it will take 10 trains a day westbound, and they will be returned made up in 5 double-headers. This business will not only require additional train crews, but three additional train dispatchers on the west end, more telegraph operators on the east end, and a number of assistant car distributors. From this it would seem that the Big Four boys, in all departments, will not be short of work for some time to come. This business would also indicate that the steel mills at Gary are expecting a demand next year for their product. If so, and the old saying holds good—busy steel and iron mills mean good times—we may expect better financial conditions for this country.

This does not sound much like panic, but it has a very prosperous tone. It does not sound like the steel industry was out of business, but it shows, on the contrary, a most prosperous condition. Democratic policies are not destroying it, as the article clearly shows.

Now let me call attention of the gentleman to another evidence of prosperity in Indiana, and I read for his benefit the following:

AUTO SALE AVERAGE IS HIGH.

INDIANAPOLIS, *June 16.*

One hundred and fifty automobiles are being sold every day in Indiana this summer, according to the records in the office of the secretary of state. The licenses issued so far this year number 53,511. The greatest number of the automobiles go to the rural districts.

Mr. Speaker, the report of these sales shows nearly all of them are being sold to farmers. Under a Democratic administration in this country the farmer can enjoy comfort, a thing unknown during the career of standpatism. A conservative estimate of these sales would be $1,000 per automobile, and this shows the Indiana farmers are paying $150,000 per day for automobiles in order to have comfort and enjoy some of the luxuries of life, a thing they could never do under Republican rule. Money is easy; farm products are commanding a high price, the best ever known, and find a ready market. Oh, no; the farmer is prospering under Democratic policies.

The Clerk read as follows:

Senate amendment 105, page 121 of the bill: Strike out the following language, lines 1 to 8, inclusive, as follows: "New Washington, D. C., post-office building: For 4 assistant engineers, at $900 each; 4 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 4 oilers, at $720 each; 22 watchmen, additional to 2 watchmen acting as lieutenant of watch, at $120 each; 15 laborers; 1 assistant plumber, at $720; 2 female laborers, at $480 each; 15 charwomen; in all, $48,540;" and insert the following: "Washington, D. C., new post-office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 8 elevator conductors, at $720 each; 2 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 12 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 12 charwomen; in all, $32,840;"

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 105.

Mr. MANN. Mr. Speaker, I make a preferential motion that the House recede from its disagreement and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. Does the gentleman from Illinois want any time?

Mr. MANN. I want a little time; yes.

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. MANN. I would like to have 10 minutes altogether.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Illinois [Mr. MANN] five minutes and to the gentleman from Washington [Mr. HUMPHREY] five minutes.

The SPEAKER pro tempore. The gentleman from Washington [Mr. HUMPHREY] is recognized for five minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, a little while ago, when I was talking in regard to another matter, the gentleman from Colorado [Mr. KEATING] interrupted me for a question, and in that question made the statement that if the remarks that I made last January in regard to the closing of the steel mills were no more correct with reference to other mills than they were in regard to the one in Colorado—the Coal, Fuel & Iron Co. at Pueblo—my statements were not true, or words to that effect. I do not know whether he used exactly that expression or not, but that is the information he sought to convey.

Now, Mr. Speaker, that was rather a bold statement. I know that upon the floor of this House, when it comes to expressing political opinions, we are somewhat reckless at times, and I presume I am one of that class; but I do think I am reasonably careful when it comes to making statements of facts. A statement of facts is an entirely different proposition, and in my experience here in this House I have very rarely heard a statement of any Member on either side of this aisle questioned when that Member made a statement of fact.

Now, here is what I said, reading from the RECORD, and the gentleman from Colorado said that he was familiar with what I stated in the RECORD, and that what I stated at that time was not correct. I used these words: "I want to call attention to this list of 123 furnaces by States." I call the attention of the gentleman to the language. Then I went through the different States, and I said, referring to closed furnaces:

In Colorado 2, representing 240,000 tons—

Mr. KINDEL. What are the ones in Colorado?

Mr. HUMPHREY of Washington. The Coal, Fuel & Iron Co. at Pueblo.

Mr. KINDEL. Did the coal strike there have anything to do with that?

Mr. HUMPHREY of Washington. I do not know; I simply know the mills were reported closed. I ask the gentleman if he knows that that is not correct?

Mr. KINDEL. No; I do not know.

Mr. HUMPHREY of Washington. If anyone denies that any furnace in the list is not closed, I will be glad to correct it. I am taking my statement from a trade paper that assures me they are correct.

I now ask the gentleman from Colorado [Mr. KEATING] whether or not he contradicts that statement and says that my words were not true at the time I used them, on the 13th day of January last? I yield to the gentleman to answer, if he will.

Mr. KEATING. I will say to the gentleman, Mr. Speaker, that I prefer to answer in my own time, that the gentleman from South Carolina [Mr. JOHNSON] has been good enough to promise me. It will follow right after the gentleman.

Mr. HUMPHREY of Washington. I understood the gentleman to state that it was not true when I said there were two furnaces closed in the Coal, Fuel & Iron Co., of Pueblo, at that time. Do I understand the gentleman to say it was not true? I will ask the gentleman if he knows the president of the company?

Mr. KEATING. Yes.

Mr. HUMPHREY of Washington. Is his name J. F. Wilburn?

Mr. KEATING. I have no desire to interrupt the gentleman.

Mr. HUMPHREY of Washington. I desire to ask the gentleman a question, and I desire him to answer.

Mr. KEATING. I refuse to be placed on the witness stand by the gentleman from Washington. The gentleman from South Carolina [Mr. JOHNSON] has promised to yield to me some time, and when I get that time I will answer the gentleman at length. The gentleman from Washington can proceed with his own speech.

Mr. HUMPHREY of Washington. The gentleman is getting very tender about answering questions.

Mr. KEATING. Not at all tender. I refuse to be cross-examined and be placed upon the witness stand by the gentleman from Washington. If the gentleman wants to make a speech, let him make it.

Mr. HUMPHREY of Washington. A while ago the gentleman voluntarily stated that the statement I made was not correct. Now, I challenge him to answer whether or not it is correct.

If he does not answer it, by his silence he repudiates what he said a while ago. I say to the gentleman that what I said was true, and he does not dare to stand upon the floor of this House and deny it. I will yield him an opportunity now to do it, if he dares.

Now, inasmuch as he will not do it, inasmuch as he refuses to do it, and inasmuch as he has refused to show the manliness to stand up and do as any man would if he wanted to be fair and honest and square about it, I will read a dispatch from the president of that company, sent the next day, to show whether or not I stated the truth. Here is a dispatch to the New York Times:

PUEBLO, COLO., *January 14.*

On account of the strike by the Colorado miners, and some reduction in the demand for steel, our operating blast furnaces were reduced from three to one

Does not that show that two were closed down, just as I said?

And about one-half of our employees, or 2,000 men, were temporarily laid off. Conditions have improved. We have about 2,500 men working, are blowing in another blast furnace, and there is fair prospect of still further increase in the working force.

J. F. WILBURN.

That is a dispatch from that company to the Democratic New York Times which verifies the statements that I made. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Colorado [Mr. KEATING].

Mr. KEATING. Mr. Speaker, I regret that my good friend from Washington [Mr. HUMPHREY] displays so much feeling on this subject. I stated this morning that the steel plant at Pueblo had not been closed at the time the gentleman made his speech, and that it is not closed now.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KEATING. I decline to yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington. I never made any such statement.

The SPEAKER. The gentleman declines to yield.

Mr. KEATING. I recognize that the Speaker has some difficulty in keeping the gentleman in order.

The SPEAKER. The Chair will take care of that part of it. [Laughter.]

Mr. KEATING. I have the utmost faith in the Speaker's ability to do so. Now, Mr. Speaker, I stated that the steel mills at Pueblo were operating when the gentleman made his former speech, and are operating now. I stated that I was not on the floor of the House when the gentleman made the speech to which I referred. As soon as I had an opportunity, I secured a copy of the CONGRESSIONAL RECORD containing his speech, and I have it before me.

The speech was delivered on January 14, 1914; and as it appears in the RECORD it is preceded by one of those very instructive summaries which the gentleman is so fond of placing as an introduction to his speeches. I take it that he once had to do with a newspaper, and that he has discovered that most readers read the headlines and the summary, and in that way form their opinions of the contents of the article. This is what the gentleman says in the summary:

More than one-third of all the steel mills in the United States closed.

Now, you will notice that the gentleman says nothing about stacks, nothing about furnaces. He speaks of mills having closed down; and all through his speech he interlards mills with furnaces and stacks in the hope of creating the impression that steel mills are closed down in this country.

Then he tells the House that he will insert a list which he has taken from a trade paper, and he does insert such a list, but the list has to do with stacks, not with mills, and so far as the list is concerned, there is no evidence that a single steel mill in the United States closed down. That is true so far as Colorado is concerned.

As every Member of this House knows, we have had a coal strike in Colorado. It was a strike that tied up the fields which

supplied the Colorado Fuel & Iron Co. Now, it is entirely possible that some time last January, for a few days, it was necessary to curtail the output of the Pueblo plant; but the statement that the plant was closed down on account of a lack of orders—that it was closed down in any sense in which that expression is generally accepted—is without foundation in fact.

The Pueblo mills have never been in such prosperous condition as they are to-day. [Applause on the Democratic side.] I personally do not claim that that is due to the tariff or the lack of the tariff. The truth is, it is due to efficient management of those mills; but the Colorado Fuel & Iron Co. is to-day showing most gratifying net earnings so far as its steel plant is concerned. The strike has probably caused a marked falling off in its receipts from the sale of coal.

Now, the other mills cited by the gentleman show one stack and two stacks and in a few instances four and six stacks closed down. Sometimes furnaces are relined and reconstructed, and when they are undergoing these changes, of course they can not be operated. Then again, as in the case of Colorado, there may be a shortage of fuel supply. But that is not the kind of "shut down" the gentleman wanted this House to understand he was describing when he made his speech last January. If the gentleman had wanted to be fair at that time he would have read the statement from Mr. Wilburn, president of the company. You will observe that the president of the company does not claim that his mills are closed down on account of lack of business. He says there has been some reduction in the demand for steel, but he makes it clear that the temporary suspension of two stacks was due to lack of fuel supply, and that was chargeable to the coal strike.

So, Mr. Speaker, I want to state that so far as Pueblo is concerned—and it has the only steel mill west of the Missouri River—we were never more prosperous than we are to-day, and that our steel mills have not been closed down, and we are getting along in bully fashion. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, has been working overtime for six months in an effort to lead the country to believe we are in the throes of a disastrous panic. Time and again he has taken the floor and called the attention of the House to business conditions in some particular section of the country. Heretofore I have remained silent, but when he undertakes to slander and misrepresent conditions in my own State, as he has done this morning, I can not permit his statements to go unchallenged. I would not say that the gentleman from the State of Washington has intentionally misrepresented conditions, either in my State or elsewhere, but I do say that he has been misled, that he has been deceived, and that the statements he has given to the House are incorrect and untrue. It has been repeatedly shown upon this floor that his statements regarding the condition of business in other States have been exceedingly unreliable, and so far as conditions in my State of Indiana are concerned I know he has been misled and misinformed. He talks a great deal about conditions existing in Indianapolis, and would have the country believe that such conditions as he describes are the result of tariff legislation.

It is true, Mr. Speaker, that some time ago Indianapolis had a street-car strike which did affect injuriously the business of that city. That strike is now over and business is resuming its normal basis. No one except the gentleman from Washington ever charged that the temporary conditions at Indianapolis were due to a revision of the tariff. We know out in Indiana that the tariff had nothing to do with it; that it was the result of a local condition and nothing else. Business in that city is now improving, and in the future, as in the past, Indianapolis will remain in the front rank as one of the largest and one of the most progressive and successful manufacturing cities throughout the country.

Mr. Speaker, the Underwood tariff bill is meeting with the universal approval of all fair-minded people. It has not up to this time, nor never will, close a single factory or throw a single laboring man out of employment anywhere. As a whole, business conditions are satisfactory throughout Indiana. Our factories are running, labor is employed, and the people are happy, prosperous, and contented. I hold in my hand a copy of the Muncie Star, a splendid newspaper published at Muncie, Ind.—one of the leading cities in the district I have the honor to represent—always a Republican paper until two years ago, at which time it gave its support to the Progressive Party. I find in its columns an article copied from the Indianapolis News, an independent Republican paper, written by a Republican staff correspondent, showing business conditions in Elwood, Ind., a beautiful city of 13,000 people, only 50 miles from Indianapolis. The article I refer to reads as follows:

ELWOOD BOOSTED BY STAFF WRITERS—TIN-PLATE PLANT EMPLOYERS RIDE IN OWN AUTOS TO RECEIVE SEMI-MONTHLY SALARIES—ALSO LIVE IN OWN HOUSES.

ELWOOD, IND., *June 24.*

W. H. Biedgett, staff correspondent of the Indianapolis News, visited Elwood, and the following is the result of his observations:

"Did you ever know of a man working for day wages who went to the paymaster's office in his own automobile to get his money? Well, that is just what more than 10 per cent of the men working at the American Tin Plate Co.'s plant in this city do. Tom O'Brien, general superintendent of the plant, is authority for the statement that on the semi-monthly pay day the vicinity of the plant is so thronged with automobiles owned by the men who work in the plant for day wages that it is almost impossible to get through them.

"A banker told me that last year more than $50,000 of Elwood money was invested in automobiles and a large part of that sum came from men employed in industrial plants of this city.

"COSTLY IMPROVEMENTS.

"In 1913 the improvements in the city of Elwood amounted to about $500,000. In the list were a public building and a large schoolhouse. This year the improvements in streets, houses, dwellings, additions to plants, etc., will amount to about $300,000.

"ELWOOD IS PROSPEROUS.

"'What about the industrial situation in Elwood?' I asked a Republican politician.

"'Elwood is prosperous,' he answered.

"'Business is fine in Elwood, said a banker. 'Our deposits are increasing all the time and the merchants have money and a good trade.'

"Just to see what the industrial situation is in Elwood, I took a look into the pay rolls of the different factories. The biggest plant here is that of the American Tin Plate Co., a subsidiary plant of the Steel Trust. Because of the extreme heat it is impossible for the men to work full time, and there is some falling off in the number of men employed at this season of the year. All the other factories are working a full complement of men, and some of them are working overtime. Here are the leading industries of Elwood and the monthly pay roll of each:

The American Tin Plate Co	$110,000
The Indiana Box Co	3,000
The Anderson Tool & Stamping Co	7,000
C. T. Sellers & Sons, kitchen cabinets	8,000
The Macbeth Evans Glass Co	12,000
The Elwood Lawn Mower Manufacturing Co	1,500
The Elwood Iron Works	3,500
The Frazier Packing Co	2,000
Total	146,000

"HAS REASON TO BE PROUD.

"And that is not so bad for a city of 13,000 population. This city has a good deal to feel proud over. It has good streets, good water, and good lights, and some of the handsomest public and private buildings in the State. Its schools rank with the best in Indiana, and its public library is largely patronized by workingmen."

Mr. Speaker, I know personally Mr. Tom O'Brien, referred to in this article, and I can testify to his honesty, his integrity, and his truthfulness. I know he would not make a statement that was not true in every respect. The investigation made by a Republican correspondent for a Republican paper shows that all the factories at Elwood are running, and some of them overtime; that bank deposits are increasing, labor employed, and business good. I had a letter a few days ago from a prominent physician living in Anderson, Ind., saying that business had never been better in that city than it is now, and that every man who wanted work was employed. Only a few days ago I saw an advertisement in a Republican paper published in my district, advertising for men wanted by a manufacturing plant, which, as I remember now, was located at Connersville, Ind., only a few miles south of Indianapolis. All this talk about poor business conditions in Indiana is a farce and a fraud. It is incorrect, it is not true; and if the gentleman from Washington will come out to Indiana and live among a happy, contented, and prosperous people, he will be less partisan and more patriotic.

Mr. Speaker, five or six years ago the tinplate mill referred to in the article I have just read was closed for nearly one year and 2,400 men were walking the streets of Elwood, idle. Many were compelled to leave that city and seek employment elsewhere. At that time the administration was Republican; but I did not come upon this floor and charge the Republican Party with that responsibility. The closing of the tinplate mill at that time was not the result of legislation, and I did not try to gain political advantage by charging it up to the party in power. The gentleman from Washington may play politics if he desires to do so, but so long as I remain a Member of this House I am going to be absolutely fair, stating facts as they are, regardless of whether they hurt or help any political party. I am here representing all the people of my district, and if the time ever comes when I allow my partisanship to override my patriotism, it will then be time for my constituents to leave me at home.

Mr. Speaker, just a few days ago I saw a statement to the effect that automobiles are being sold in Indiana at the rate of 150 per day, and that the greater part of this number were bought by farmers. This does not indicate a panic in that sec-

so at the risk of losing them as the result of an adverse decision.

There is nothing of greater importance to this country than to have the vast unoccupied domain of the Federal Government taken up and improved by its citizens. During recent years we have heard with dismay, read with chagrin, of the great movement of homeseekers from this country to the Dominion of Canada. The figures show that for a period of several years 100,000 of the very flower of American citizenship have annually migrated to the country to the north of us, and carrying with them the stupendous sum of $100,000,000 in cold cash each year. This is a fearful toll in people and money to pay for our failure to manage properly the affairs of our own public-land department. I live not so far from the Canadian border. I meet almost daily people who have been up through the vaunted graintields of the Canadian northwest, the section to which most of our people have been going. From my conversations with them, I know that we have better land in Montana than they have in Canada.

The weather is far less severe, the necessary element of moisture is more certain, the yield vastly more bountiful, the conditions generally more congenial to those who were born and reared in the atmosphere of our own form of government. Moreover, Montana has no lack of good public land left. Twenty million acres remain unappropriated, just lying there idle in the best country on earth waiting for the homeless to come and claim it. But the Canadian Government has offered more liberal inducements to settlers than we; they have evolved a system of which senseless red tape is not a predominant element. This has offset the superiority of our land and accounts in a large degree for the loss by this country of hundreds of thousands of people whom, with a wiser policy in effect, we might have kept on this side of the line.

Thanks, however, Mr. Speaker, to a better administration of the affairs of the Department of the Interior, to a more sympathetic understanding of the needs and trials of the homesteader, to the best administration I honestly believe, that has ever been given that important department of our Government, the tide of immigration has during the past year been turned back our way. As was stated in the illuminating address by my colleague, Judge EVANS, yesterday, 22,000 more people have come to the United States from Canada than went from this country to that frozen clime during the past 10 months. This is a hopeful sign. It indicates that by continuing to improve our system under the direction of such a man as Franklin K. Lane we may draw back from the frost-bitten prairies of Alberta, Manitoba, and Saskatchewan additional thousands of the good people who have been expatriated by reason of our short-sightedness. It clearly indicates that already reforms have been effected in the Department of the Interior which induces in the settler a willingness to take a chance under the laws of his own country. Let us, then, Mr. Speaker, go forward with the work so auspiciously begun. Let us afford to the hard-working Secretary of the Interior the assistance which his splendid program of reform and efficiency demands. There is a most vital necessity for the creation of a tribunal of review such as this amendment proposes to establish, and I sincerely trust that this House in its wisdom will recede and concur in the Senate amendment. I yield back the remainder of my time.

Mr. JOHNSON of South Carolina. Will the gentleman from Iowa use some of his time?

Mr. GOOD. I yield five minutes to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I hope the motion of the gentleman from California to recede and concur in this amendment will prevail. I am in full accord with all that has been said by those who have spoken in favor of its adoption. The creation in the Interior Department of such a tribunal as is provided by the Senate amendment will do much toward facilitating appeals that go to the Secretary of the Interior, not only in land cases but from other bureaus under that department. It will not only result in hastening action, but also in better decisions, as there will be more opportunity for scrutinizing and examining decisions after they are prepared by the law clerks and before they are promulgated by the Secretary.

As I understand the proposition, there will be three attorneys appointed, possibly from those now in the office, to this board of appeals, and three other attorneys will be appointed to do the work that those now perform that will constitute this board of appeals, thereby making it possible for those gentlemen to give personal attention and a closer examination of appeal cases than has been given heretofore. They can also devote all their time to this work, which will enable the department to more promptly dispose of the cases.

Those of us that come from the West who have occasion to go to the office of the Secretary of the Interior quite frequently find that by discussing cases with the Assistant Secretary, the Assistant Attorney General, or the attorney who has charge of the land cases, it usually results in a fairer and better decision being rendered than happens where the decision has been written by a law clerk, because these officials have not had the time to scrutinize and examine each case, as will be done by competent persons, if this amendment prevails.

Mr. Speaker, my observation has been that there is a very efficient force in the office of the Secretary of the Interior, and particularly is this true at the present time, and I take pleasure in stating that there is a disposition on the part of this department, under the direction of the present Secretary, to be more liberal toward the settlers who are struggling to secure title under the public-land laws. The present Secretary has, in several cases to my knowledge, reopened, reconsidered, and reversed cases finally decided, by his predecessor, and sent them to patent, thus restoring to honest homesteaders perhaps all that they possessed in the world. I am most heartily in favor of giving to him this additional force, thereby making it possible for him to administer promptly and efficiently the many important questions that come before him.

Mr. Speaker, as has been stated, there are thousands of appeal cases pending in the department where there is delay because of the fact that the officials of the department—the Secretary himself, the First Assistant Secretary, the Assistant Attorney General, or the chief attorney—have not the time to review the decisions that have been prepared by the law clerks. In addition to land cases from the General Land Office, appeals go to the Interior Department from the Patent Office, from the Reclamation Service, where there are very important questions involved; also from the Indian Office. Under existing law the Secretary of the Interior is clothed with the jurisdiction of determining heirship in cases of deceased Indians and has final jurisdiction, and there are many cases where complicated legal questions are involved affecting property rights of much value. Again I express the hope that the House will adopt the motion to concur, or if it does not and the bill goes back to conference, that the conferees will recede and accept the amendment of the Senate.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I thank the gentleman for yielding time to me, but I do not care to speak until the gentleman from Colorado [Mr. KEATING] comes in on the floor of the House; therefore I yield back my time.

The SPEAKER pro tempore. The gentleman yields back four minutes.

Mr. JOHNSON of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

Mr. SELDOMRIDGE. Mr. Speaker, if one should attempt to place his hand upon the sore spot in the administration of our public-land laws, I am sure he would recognize the fact that it must rest in the slow method followed in determining title. I believe a serious mistake was committed years ago in not conferring jurisdiction upon receivers in the local land offices or in establishing local land courts in public-land States, through which these titles could be secured without the delay which now too frequently occurs. The Government has been very liberal with the homesteader in allowing appeals from the decisions of local land offices and the Commissioner of the General Land Office. Complaints are increasing in number from the public-land States concerning the delay which arises in the determination of these cases.

The burden of this delay falls most heavily upon the class of people who are least able to bear it. They are people in moderate circumstances, who have endeavored to comply to the best of their ability with the obligations imposed upon them by law. They find themselves in many instances brought into conflict with the claims of others, and in many cases with the Government itself.

I maintain, Mr. Speaker, that there has been a great obstacle imposed upon the settlement of our public domain through these delays, which should be avoided and which should be relieved.

Mr. JOHNSON of Washington. Will the gentleman yield for a question?

Mr. SELDOMRIDGE. One question only. My time is short.

Mr. JOHNSON of Washington. Does the gentleman think that three judges can settle cases which are being originated every single month as long as the public domain is thrown open?

Mr. SELDOMRIDGE. I will say in reply to that, Mr. Speaker, that an impression seems to have been generally created that

the Secretary of the Interior personally passes upon these appeals, and the settler whose title has been contested believes that if he can get his case before the Secretary of the Interior there may be some reasons outside the legal propositions involved that may appeal to the Secretary in his case, and that he may secure a favorable decision. I believe the establishment of this court of review, or board of appeal, made up of those who will be particularly qualified to pass upon questions involved in the administration of the land laws—that the very fact that there is such a court of appeal resident in the Land Office in Washington will do away with a large number of unnecessary appeals. I believe the very procedure which we have at present in operation invites a larger number of appeals than would otherwise be made, and I think the establishment of such a court will do much to relieve the congestion that now exists and also prevent the filing of other appeals.

I also believe that we should, as far as possible, lift from the shoulders of the Secretary of the Interior and his assistants this work, which is largely administrative in character, and which can be performed by other men of legal ability. We should give to these officials larger freedom from the exactions of mere matters of routine and detail to engage in the consideration of some of the great problems of general importance concerning the development of the national domain.

The SPEAKER pro tempore. The time of the gentleman from Colorado has expired.

Mr. TAYLOR of Colorado. Will the gentleman from Iowa [Mr. GOOD] submit to a question?

Mr. GOOD. Yes.

Mr. TAYLOR of Colorado. I would like to ask whether or not this provision will create a permanent court here that would be looked upon as a life job in the District of Columbia?

Mr. GOOD. I was going to raise that question.

Mr. TAYLOR of Colorado. I heartily approve of the announced purpose of this provision to provide additional help temporarily for the Interior Department. There are a very large number, I think something like 2,000 cases, pending on appeal before the Secretary of the Interior, and it is almost a denial of justice to the people of the West who are interested in these matters to have them held up in the way they are at the present time.

This large amount of accumulated business ought to be disposed of as fast as possible. At the same time, I have nearly always opposed creating new offices. It is the easiest thing in the world to create new positions, to provide new jobs—we are doing it nearly every day—and I think often needlessly. On the other hand, it is an absolute physical impossibility to ever abolish or get rid of an office. We never on earth can discontinue or wipe out a job once created; and for that reason I am very much in doubt about the language of this provision. It looks to me as though it is not at all temporary, but permanent; and I am very much opposed to creating a court here in Washington composed of Washington attorneys—or, at least, probably lawyers who have little or no practical knowledge of the subjects upon which they will be called to pass—to determine these important questions affecting the rights of the settlers of the West.

I have always been in favor of providing for an appeal from the final decision of the Secretary of the Interior, or, in some cases, the decision of the Commissioner of the General Land Office, to the United States district court or circuit court of appeals of the district in which the land involved is situated. But I have always been very much, and, in fact, bitterly opposed to the bills that have been pending before Congress for several years to authorize appeals from the Secretary of the Interior to the Supreme Court or Court of Appeals of the District of Columbia; and I am very much afraid that this amendment is an indirect way of bringing about that provision or creating another court similar to what that court would be to handle these western matters. I think the language of this amendment should be expressly limited, and the tenure of appointment of those attorneys to assist the Secretary of the Interior in the disposition of this accumulated business should be very specific and rigidly limited to a certain number of years, or some way; otherwise we will have those offices on our hands forever, even after the public lands are all disposed of.

Mr. GOOD. I agree with the gentleman. I believe there is no department of the Government where the work is more behind because of the lack of men to perform the work than the Interior Department. There is no department where there is a greater effort being put forward to perform the duties of the office, but, as the gentleman from Oklahoma and others have stated, new questions have arisen because of legislation that throw so much additional work upon the department they are not able to perform it.

And, Mr. Speaker, I want to call the attention of the gentlemen on that side of the House to the provision in that it creates a board of appeals. A board of appeals will mean something. It means it shall have some power. And I know that the gentleman from South Carolina [Mr. JOHNSON] and the other conferees realize that the Department of the Interior must have additional force. But it should not be allowed in the words and the language of the Senate amendment.

I now yield two minutes to the gentleman from South Carolina [Mr. JOHNSON].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GOOD] has five minutes and the gentleman from South Carolina [Mr. JOHNSON] eight minutes remaining.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, I conferred with some of my friends who are members of the Public Lands Committee and some of my friends on the conference committee. The conference committee has been very willing to do full justice in this, and they are trying to work out some relief for the General Land Office. They want to work it out so that it will be intelligible and mean something. And so do we; and, therefore, we want to aid them in that direction. So, with the consent of the gentleman from California [Mr. RAKER], I withdraw the motion made a moment ago to recede and concur.

The SPEAKER pro tempore. Is there objection to the request of the gentleman?

Mr. RAKER. I join the gentleman in that request.

The SPEAKER pro tempore. The Chair hears none.

Mr. JOHNSON of South Carolina. That leaves nothing for me to say. I think it is very proper that this amendment should go back to conference, and I hope my motion will prevail.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. Just what did happen? The gentleman from California [Mr. RAKER] offered a motion, and there was nearly an hour's debate. Then he withdraws the motion.

Mr. JOHNSON of South Carolina. That leaves before the House my motion, that the House further insist upon its disagreement to the Senate amendments, and that puts it back into conference.

Mr. MURDOCK. The gentleman from South Carolina is still in favor of disagreeing?

Mr. JOHNSON of South Carolina. I think everybody is of that opinion.

The SPEAKER pro tempore (Mr. HARRISON). The gentleman from South Carolina moves that the House further insist upon its disagreement to the amendments of the Senate numbered 168 and 169. The question is on agreeing to that motion.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

On page 107 of the bill, line 20, after the figures "$3,500," insert the words "second assistant commissioner, who shall also perform the duties of chief clerk, $2,750."

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to consider amendments 176 and 177 together. The one is the total, and that depends upon the action taken in respect to the other.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to consider amendments 176 and 177 together. Without objection, it will be so ordered.

There was no objection.

Mr. JOHNSON of South Carolina. I move, Mr. Speaker, that the House further insist on its disagreement to amendments Nos. 176 and 177.

The SPEAKER pro tempore. The Clerk will report amendment No. 177.

The Clerk read as follows:

Page 108, line 7, strike out the figures "$325,400" and insert "$328,150."

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendments numbered 176 and 177. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

Mr. JOHNSON of South Carolina. It is on page 121.

the labor? And yet you talk about men being thrown out of employment. Did you know that the gentleman from Wyoming [Mr. MONDELL] wrote to his wool-producing constituents that if the Underwood bill became a law it would put them out of business, and did you know that wool is higher now than it was then? Gentlemen, quit your growling and grumbling and join us in the completion of this great work of constructive legislation, and it will not be long until prosperity will come and the country will blossom as the rose. [Applause on the Democratic side.]

[By unanimous consent, leave was granted to Mr. HEFLIN to extend his remarks in the RECORD.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Speaker, we desire to serve notice on the Republican side of this House that, from now on until the adjournment of this Congress, whenever it occurs, we propose to answer on the Democratic side such unpatriotic, almost treasonable, prophecies of disaster as the gentlemen on that side so frequently make. [Applause on the Democratic side.] The gentleman from Wyoming [Mr. MONDELL], in referring to the Claflin failure, made this prophecy: This great failure, he said, "is prophetic of what we may expect in the future."

According to H. B. Claflin, the head of the Claflin firm, the failure of his business was due to the unprecedented shifting of trade centers in New York City. In the statement he gave out, he said that this condition—

compelled his concern to rely mainly upon its retail stores in other cities for its profits.

Referring to the business of these retail stores, he said:

Their rapidly expanding business had occasioned large capital requirements, which we have not been able to meet.

He denied, and those financiers who attempted to tide over the affairs of the Claflin Co. denied, that the present tariff laws had anything to do with bringing about the crash. A representative of the large financial interests which attempted to avert the Claflin failure, speaking, yesterday, for those interests, said:

This was simply a case where the Claflin business was too big for the capital invested. There is plenty of money, and cheap money, too. It is not that; it is a situatio where people are without the confidence sufficient to guarantee the raising of the money. It was a case of getting it all or not getting it. We could not get it; that was all.

The Dry Goods Economist in its issue to-day discusses the Claflin failure, and calls attention to the fact that the Claflin failure is due largely to the fact that New York is now "situated on the rim of the country" as a primary merchandise market; that the "drifting westward of the center of population has brought a marked change in jobbing distribution." This journal attributes the Claflin failure largely to the fact that the Claflin Co. in establishing affiliated retail stores throughout the country "encountered the direct competition of their own sources of supply." This paper reaches the conclusion that the Claflin failure was due entirely to a violation of those laws of trade which control enterprises of this character. According to the opinion of the head of the Claflin Co., the failure of that company was due principally to the fact that the stores affiliated with it throughout the country in their expanding business made demands upon the parent concern which, on account of the diminishing business of the parent concern, they were unable to supply. The great Claflin failure, the greatest failure we have ever experienced, has almost passed into history. There is not a cloud on the horizon. Trade proceeds as though nothing had happened. The situation is a splendid tribute to the feeling of confidence inspired by the Federal reserve law and by the policies of the present Democratic administration. If such a failure as this had occurred under either of the last three Republican administrations, the result would have been disastrous throughout the land, and perhaps would have disturbed trade centers throughout the world.

I remember, and all of us remember, a time in this country when we had a real panic, not long ago, a Republican panic, which came after 12 years of uninterrupted Republican rule, when on every hand was heard the crash of falling banks. So strong is the feeling of confidence inspired throughout the country by the Democratic Federal reserve law that not many days ago when a great bank in Chicago failed and a chain of affiliated smaller banks went down with it—it was a bank conducted by typical Republican politicians for typical Republican purposes—there was not a ripple on the surface, not one. In connection with the Claflin failure two days ago there comes to us the news that throughout the country from 3,000 to 5,000 banks held the paper of this concern, and there is no talk about a bank panic or any failing of securities throughout the country—so strong is the confidence in the present administration and in the fact that the Federal reserve law will soon be in operation. If the fact that this law is soon to be in operation has this effect, we can understand what sort of a feeling of business security will prevail when it is in actual operation. On account of this great piece of constructive legislation bank panics belong now to a period that has gone forever. There will never be another bank panic. When the trust bills become laws there will never be another period of serious business depression.

In 1907 the men who had toiled all day long, day after day, in our shops, and under the hot suns of summer on our farms, were unable to go to their banks and get the money they had earned and had deposited there. During that period of time I myself recall that a check on the Treasury of the United States, drawn by the Sergeant at Arms of this House, payable to myself for one month's salary, was refused payment by one of the greatest banks in the Middle West. The banks locked up the money of the people in their vaults during that typical Republican panic, and they issued their own paper, in violation of law. We suspended the operation of the criminal and civil laws of this country and permitted throughout the land every bank that wanted to do so to violate the law. On this side of the House there was not a murmur of discontent or disapproval throughout the dark days of 1907—not a single political speech calling attention to this panic, for which the Republican Party was directly responsible, was made on this side of the Chamber. It was a case where we applied the faith cure to the situation, and starting on the Democratic side of the House and of the Senate we made speeches of confidence, and the inspiration created here spread throughout the country.

Out in my section a widow who had saved up two or three hundred dollars and hid it away, because she did not believe in banks, was so inspired with the patriotic feeling which started on this side of the House and extended throughout the country that she brought her money from its hiding place and deposited it in a local bank, and said: "Here is my money; I feel I ought to contribute this toward the security of the banks and business throughout the land." Those acts of patriotism, numerous as they were, conspicuous as they were in 1907, can all be traced to the wave of patriotism which was inspired by Democratic leaders here and throughout the country in the dark days of this Republican panic. Patriotic utterances so frequent in 1907 and 1908 on this side of the House are absolutely lacking at the present time on the other side of the House. The CONGRESSIONAL RECORD at the present time bristles every day with unpatriotic prophecies of business disaster made by Republican Members of this House, evidently willing and anxious to profit politically at the expense of the prosperity of this country; and these utterances are all wildly applauded by Republicans and Progressives alike on that side of the House. As soon as I have an opportunity and can get the time I propose to discuss the business situation in the country to-day. We are just recovering from the Republican panic of 1907, and throughout the land the evidence of revival is abundant. [Applause on the Democratic side.] You gentlemen can not bring about a period of business disaster, no matter how hard you try.

"Lest we forget," let me tell the gentlemen on that side some of the things that happened in 1908, after the bank panic of 1907, for which we can charge the Republican Party with responsibility—there was nothing psychological about conditions in 1907 and 1908:

In Chicago, on February 11, 1908, the papers announced that the total number of unemployed were estimated by the Federation of Labor at 100,000, and about that date a warning was issued to craftsmen to keep away from the city of Chicago.

On April 8, 1908, 700 Bulgarians in Chicago appealed to the city and county authorities for aid for deportation to their own country.

In Buffalo, on the 20th of January, 1908, 500 men besieged the superintendent of the poor for food. Four men were taken to the hospital suffering from starvation.

In Camden, N. J., on the 10th of August, 1908, a riot followed the application of 1,500 men for less than 400 jobs advertised by the Joseph Campbell Co.

In Denver, on the 20th of March, 1908, more than 200 Bulgarians petitioned the Government for employment or aid to return to Bulgaria.

In Detroit, on January 28, 1908, more than 2,000 men marched to the city hall to solicit work of the mayor.

In Granite City, Ill., on April 25, 1908, 50 men knelt before various churches pleading for work, and 1 man killed himself because he failed to obtain work.

In New York school children numbering 5,000 mobbed the restaurant of Adolph Lorber to obtain the free meals offered by Mr. Lorber on February 13, 1908.

In New York, on March 15, 1908, the city government was urged by the Central Federated Labor Union to let contracts for

subways to furnish work for 500,000 unemployed; and on March 28, 1908, there was a demonstration in New York in favor of armed revolution made by 10,000 unemployed, singing the Marseillaise and other inciting songs as they marched through the streets. A bomb was thrown at the police by an anarchist during this demonstration.

On February 10, 1908, in Philadelphia, a total of 50,000 idle men were reported by the labor unions in the Kensington district; and on February 20, 1908, in Philadelphia, a riot followed the march of 1,000 foreigners, chiefly women, to the city hall to demand employment; 3 policemen were shot and 14 unemployed were arrested. Also at that time a loan of $9,000,000, to provide funds for public work, was asked by the city for the unemployed, and a race riot followed the demonstration of unemployed demanding work; Italians were attacked by men of other nations.

On January 28, 1908, in San Francisco there was a league formed of the unemployed, and they demanded an issue of $25,000,000 in bonds to aid them.

On March 23, 1908, in Toledo, 1,000 Hungarians marched through the rain to receive a loaf of rye bread each.

At that time the total unemployed was estimated at 1,200,000, half that number being in the large cities, New York having 250,000 unemployed and Chicago 90,000. I am indebted for the data I have been using to a recent compilation made by a great western newspaper, the Milwaukee Journal.

This is the record, but only part of it. I have only succeeded in calling attention to a small part of the evidence in existence as to the effect of this great Republican panic of 1907, which still existed in 1908, and which has come with us down to the present time. From it, under the wise guidance of the present Democratic administration, we are just recovering. It was brought about by long periods of legislative inactivity in this country—inactivity here in this body. You depended upon the obsolete legislation of years ago with which to meet the present-day problems presenting themselves for solution. All these problems which you pushed forward indefinitely into the future, which you did not have either the executive or legislative ability or courage to meet or to handle, came down to us, and we are solving them all, every one of them, as the time comes, shirking no responsibility, placing the constructive legislation upon the statute books of this country demanded by the business conditions of the present period.

The amount of much-needed legislation we have placed upon the statute books has been equaled by no other administration in this country in a century of time. Here on the Democratic side of this House we propose to stand by the administration through the long, hot months of a summer in Washington, if it becomes necessary to do so. We propose to stay here until the trust bills are enacted into law. Throughout the land a subsidized press is working overtime in its efforts to compel an adjournment. From the invisible government, which, thank God, no longer governs in this country as it did in the days of Republican supremacy, there come demands upon the constituents of Members of Congress throughout the land that they write letters to their Members urging an adjournment before the trust bills are enacted into law. A discredited invisible government can not prevent this much-needed legislation. The dawn of a new day has come. There were protests, vigorous protests, against the parcel post; there are none now. There were protests against the Federal reserve law; there are none now. Everywhere there comes from those interests whose profits have heretofore been protected by Republican tariffs most violent protests against the Democratic tariff law, but a recent report from Bradstreet's agency shows that there are substantial reductions in the wholesale prices of over a hundred manufactured staples in common use in the country. This means the bringing about in due time of retail-price reductions so important that a return to the old Republican system of protective tariffs will never again be possible. I propose on this floor, as soon as I can get time for that purpose, to call attention to reviving business conditions throughout the country and the dawn of the new era of business prosperity which will be felt not only in the centers of trade but by the great masses of consumers throughout the land.

Papers controlled by the interests may continue their unpatriotic efforts to produce a feeling of business depression; Members on the other side of this House may continue their almost treasonable utterances along these lines, but the time has come when, under Democratic management, the laws of trade can no longer be artificially controlled. The prosperity for which the country has waited since the Republican panic of 1907 is almost here, and in our efforts a kind Providence smiles upon us. Crops were never better; our granaries will soon be full to bursting with garnered grain. When the elections are held this fall, in the pleasant Southland 30,000,000 acres will be white with cotton, our greatest exchange crop, the crop which brings here gold from all the rest of the world; when the elections are held this fall, on 107,000,000 acres in the colder North the ripening corn will be rustling in the breezes of autumn. It is impossible for Republican orators, for Republican journals, for Republican prophets of calamity and disaster to stop the rising tide of prosperity; they can not contend against the conditions which confront them now. Willing and anxious as you on that side of the House seem to be to sacrifice national prosperity to party advantage, you can not make progress against reviving trade conditions throughout the country, combined with the favors an All-Wise Providence has showered upon this land to-day. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by simply inserting one extract of figures.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the time be extended for 10 minutes more than was agreed upon.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the time be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Montana [Mr. STOUT].

Mr. STOUT. Mr. Speaker, with a homesteader who goes out into the Western States to build a home upon Government land time is almost always the essence of success. Perhaps few, if any, of the Members of this body come in contact with more cases of homesteaders which are pending or are constantly being brought before the Secretary of the Interior, for one cause or another, than I do. Being one of the Representatives at Large from the greatest of all the public land States in the Union, I receive daily dozens of letters from settlers who have gone into Montana, taken up and are trying to establish themselves on the public domain. These letters very generally deal with delays in receiving patents or in having their cases adjudicated, if their claims are in controversy. These settlers remain on the land the required length of time—three years, now—make honest efforts to comply with all of the laws and regulations of the department, endure hardships and privations, and have a right to receive at the earliest possible date the just reward for the sacrifices which they make—a title from the Government to the land which they have so faithfully worked for. Some of them who have been compelled to wait for two or three years or longer write me that they are discouraged and feel disposed to give up the struggle and begin all over again the trying task of earning a home for themselves and families. These letters convince me of the absolute necessity for some legislation which will provide a more expeditious method of handling these cases, of adjudicating the rights of the settler to the claim upon which he has filed. As has been stated by speakers who have preceded me, over 300 of these cases come up to the Secretary of the Interior on appeal every month. Since the records reveal that approximately one-half of the homestead filings of the past year were made in Montana, it is reasonable to assume that 150 of these cases each month, or 1,800 per year, are Montana cases.

It is a physical impossibility, Mr. Speaker, for the Secretary of the Interior to give personal consideration even to a small percentage of these cases. He is charged with the responsibility of administering the affairs of what I believe to be the greatest department of the Government—one involving great complexities and a wide range of subjects of far-reaching importance. He must, therefore, accept the judgment of the men in his office, a wholly inadequate force, as to the merits of these 3,600 cases and more which are brought to him on appeal from the General Land Office. Certainly, Mr. Speaker, there is a crying need for another tribunal in that department, whose sole duty it shall be to review these cases, inquire into the equities of the settlers' claims, and render decisions in accordance with the facts as they find them. Not only should they be settled, but they should be settled quickly, in order that the settler may know at the earliest date possible whether or not he is to receive title to his land. I have known of cases which dragged along in the department for four or five years, during which time the settler was unable to negotiate a loan with which to make improvements, and if he did make improvements, he did

able time be able to catch up with the work. As I have said, the work of the office is increasing from year to year. We concluded that with this additional force we would be able to catch up with the pending work and that this force would be large enough to take care of the future work. We are asking for it, not for the purpose of having Congress to arbitrarily make a departure in the conduct of the office, but to provide for men whom we may be able to get for that salary. The salaries paid the attorneys in that office are, in my opinion, far below what they should receive. Considering the amount of work that they do and the grade of the work, the salaries paid are very meager, and we wanted to be able to pay at least $5,000 a year to the three new men. We need the men there. We need that dynamic force in that office to take care of that work.

Mr. BORLAND. Is there any provision of law for the creation of this board of appeals?

Mr. JONES. This is the only law on the subject.

Mr. BORLAND. There is no existing provision of law authorizing it?

Mr. JONES. No, sir; there is no such board of appeals now, and the only purpose in putting it in here was to indicate to Congress how we would like to use men of that grade.

Mr. BORLAND. Is this your own idea of having it in the form of a board of appeals?

Mr. JONES. It was our own idea; but I learned last summer, when I appeared before the committee, that Secretary Fisher had also requested the same thing. I did not know that he had done so until after we had concluded that it would be a good thing.

Mr. BORLAND. Is it your idea that they would sit together as a court?

Mr. JONES. In many instances; yes, sir; and they would hear arguments as a court.

Mr. GOOD. Would it not be necessary to change the present law in regard to the duty of the Secretary of the Interior with reference to hearing appeals?

Mr. JONES. I do not think so, because if this board were to be unanimous on these cases, I would feel like signing the decisions without giving them further consideration, but if they should be divided and the question important, of course I would feel called upon to go into it myself.

Mr. GOOD. Of course, litigants always want to carry their contentions to the court of last resort, and if the Secretary of the Interior would have something to do with regard to all of them they would want to take their appeals a little further. It seems to me that without making some further provision with regard to this board it would not be a court of final resort in cases of that character.

Mr. JONES. It was not the idea to relieve the Secretary of the responsibility of signing these decisions, but merely to give that additional aid in the preparation of the decisions and to satisfy the Secretary's office that the decisions had received ample consideration.

Mr. GOOD. Your idea being that this board would simply aid the Secretary and that it would be his decision in all cases?

Mr. JONES. Yes, sir; that it would still be the decision of the Secretary.

Mr. BYRNS. I notice you are asking for an additional clerk of class 4?

Mr. JONES. Yes, sir; the clerks in the office now are too few, and with this addition of attorneys we will require additional clerical assistance.

Mr. BYRNS. You are also asking three of class 2.

Mr. JONES. Yes, sir.

Mr. BYRNS. And I suppose the same reason applies?

Mr. JONES. Yes, sir; the same reason applies.

Mr. PARKER. Before we leave I want to submit this proposition in regard to the Secretary's office: That the appropriations asked for the Secretary's office for all purposes under the legislative and sundry civil bills, including this increase in the Assistant Attorney General's office, show a net decrease over the current appropriations of some $34,000.

Mr. GOOD. Have you detailed any clerks from the office of the Secretary to other bureaus?

Mr. PARKER. Very few from the Secretary's office to other bureaus, but quite a number from the bureaus to the Secretary's office.

Mr. GOOD. Are any clerks detailed from the various bureaus in the Department of the Interior to other departments of the Government?

Mr. PARKER. When that occurs, that becomes a transfer and they go off our rolls.

Mr. GOOD. You do not detail them from one department to another?

Mr. PARKER. No, sir.

Mr. GOOD. I understood you to say there have been a good many details to the Secretary's office?

Mr. PARKER. Fourteen employees are on detail from the bureaus to the Secretary's office.

Mr. TOWNER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. TOWNER. There will have to be a decision by the Commissioner of the Land Office before there can be an appeal, will there not?

Mr. FERRIS. Oh, of course; and to the local land office, too.

Mr. TOWNER. Then in what way will this aid the congestion in the Land Department?

Mr. FERRIS. If the gentleman will pardon me, the congestion arises in the Interior Department?

Mr. TOWNER. If the same conditions have to be met as now and the only right that will be given is the additional right of appeal, in what way will that quicken the decision of cases?

Mr. FERRIS. This does not propose to insert any new link at all. It is merely an aid to the decision in the court of last resort, which is the Interior Department. There is no new cog in the wheel. This will not be cumbersome; it will be the greatest sort of aid.

Mr. TOWNER. There must be an appeal from the decision of the commissioner before it can reach this board or court.

Mr. FERRIS. Yes; but this is no court.

Mr. TOWNER. Then it really aids the Secretary, but not the department.

Mr. FERRIS. When I refer to the Secretary I mean the Interior Department, of course. Three hundred appeals come to the Secretary every month. He can not pass on them, and neither can any other man. Uniformity, good administration, and good sense demand this.

Mr. TOWNER. Is not the complaint from the commissioner rather than from the Secretary?

Mr. FERRIS. Oh, no; the facts which I am stating are quoted from the statement of Assistant Secretary of the Interior Jones in the hearings and relate to his department. He can read them on page 390 and 391 of the printed hearings on this bill, where he can find a corroboration of exactly what has been said. At the bottom of the page he goes on and says:

We need this board here. We need that dynamic force in the office to take care of that work, nearly 3,000 cases behind. The homesteaders and the miners and the people on the public domain have to wait more than a year to have their cases adjudicated.

Mr. RAKER. Is it not a relief to every man who is trying to get a home, that he may have his claim adjudicated early?

Mr. FERRIS. There can be no doubt about that. I think it is in the interest of good administration. These long delays discourage the entry and development of the public lands. This item is estimated for; it is needed. I think the conferees should accept it and help us with this relief.

At the present time, because of the very large amount of business in the way of contests, applications to enter, and appeals before the local land offices, the General Land Office, and the office of the Secretary of the Interior, and particularly at the present time before the Secretary's office, long delays in action upon applications, appeals, and contests can not be avoided. This situation is disadvantageous, first, because it discourages the entry and development of the public lands; second, contest fees and fees and commissions in connection with applications and entries not being payable until they are allowed or acted upon result in delay, and sometimes absolutely prevent the receipt in the Treasury of the moneys which would otherwise be paid in by contestants and applicants; third, delays make it possible for speculators to make entries which they do not intend to reside upon or perfect, but intend to hold for speculation and sale; it also aids in the speculative handling of relinquishments of public lands; fourth, it discourages bona fide applicants from prosecuting applications already pending or instituting new applications to enter or develop public lands. The proposed amendment, which would add three new positions to the force of the Secretary's office charged with action upon appeals in all matters relating to public lands and reclamation, would very materially aid in disposing of the accumulated business now on hand and in keeping new business current, and would, I am sure, increase the revenues from the public lands in excess of the amount of the salaries proposed. [Applause.]

[Mr. KINKAID of Nebraska addressed the House. See Appendix.]

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the Interior Department is preeminently a legal department of the Government. To the office of the Secretary of the Interior come the appeals from the Commissioner of the General Land Office, the Commissioner of Patents, the Commissioner of Pensions, the Director of the Reclamation Service, and other bureaus of that department. These appeals come by the hundreds and the thousands, and they come in greatly increased number with the growth and development of the country and with the increased complexity of public-land questions.

There is quite a considerable force of excellent attorneys in the Secretary's office who have charge of the consideration of these appeals, but there is not in the Secretary's office any board whose duty it is to examine the final decisions of the attorneys before they reach the Assistant Secretary.

We have an efficient Secretary of the Interior, and the present Assistant Secretary is, in my opinion, one of the very best officials that ever occupied that office. That official, the Assistant Secretary, who in the main passes on legal questions for the Secretary, realizes, as his predecessors have for years, how impossible it is for him to form a correct judgment in these hundreds and thousands of cases without a larger force in his office, and particularly without a board of review. This is called a board of appeals, but it is really a board of review, whose duty it would be to review the cases after they have been gone over by the attorneys and decided by them—to review them before they pass to the Secretary for final examination and decision.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HAMILTON of Michigan. Who writes the opinions of these cases?

Mr. MONDELL. The various attorneys, of whom there are ten or a dozen, write the opinions. It is proposed to have a board of review. They have such a board now in the Land Office, known as the board of law review, to review these decisions before they pass to the Secretary.

Mr. MURDOCK. Will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. MURDOCK. Why not increase the number of attorneys?

Mr. MONDELL. We do; we increase the number of attorneys by three. What will occur under this legislation is that three of the best attorneys in the office will be advanced to form the board. Three other men will then be appointed, and so we will have an increase of three in the office of the Secretary. It is a wise thing to form this board, whose special duty and function shall be to go over the decisions rendered by the individual attorneys in the office.

Mr. MURDOCK. Will that expedite things? How will it relieve congestion?

Mr. MONDELL. It will relieve congestion, because, instead of necessitating all cases remaining on the desk of the Assistant Secretary while he examines them in detail, they will be so examined by this board. As it is the Assistant Secretary, having no such board as this, must of necessity endeavor to not only go over the decisions in detail but, so far as it is possible, go into the testimony. The result is delay, even after cases have passed through the hands of the attorneys, because the Secretary feels that under those circumstances without a body of men removed from the general body of attorneys which is to do the work of review he must give special and particular time and time-consuming attention to all these cases. This is really an increase of the force by three men, and if we did nothing more than that we would do well.

Mr. HAMILTON of Michigan. You appoint three men to do the work that one man is doing.

Mr. MONDELL. We still have the Secretary and Assistant Secretary, but before the decisions reach him they are to be considered by the board of review.

Mr. HAMILTON of Michigan. Does the board refer the decisions to the Secretary?

Mr. MONDELL. They will come to him from the board.

Mr. TOWNSEND. There is nothing final in the bearing by the board of review?

Mr. MONDELL. No; it is a board of review and a board of examination before the decision reaches the Secretary.

Mr. TOWNSEND. Does not this provide one more step in the proceeding and therefore increase the delay?

Mr. MONDELL. I think not, and I have had considerable experience in that department. I have long believed that a board would expedite the business, and what is more it would give careful consideration to important decisions which I think we ought to have and which it is difficult to have under present conditions. If we only increase the number of attorneys, we shall have helped the situation. The board is also, in my opinion, a good idea.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, the gentleman from Washington [Mr. HUMPHREY], this prophet of evil and chairman of the committee on distress [laughter], this self-constituted mouthpiece of calamity howlers and forerunner of business destruction seems to enjoy his obnoxious and disgusting office. [Laughter and applause.]

He scans newspapers day and night to find, if possible, where some human being somewhere has been overtaken by misfortune, and he seems supremely happy when reciting and recounting in this House so-called newspaper evidences of human distress and adversity. The bright, beaming stars in the firmament and the white light of the milky way across the heavens do not attract his attention; they concern him not; but just let him see the temporary soft and shining furrow of a falling star and straightway he throws a fit, and spasms of rejoicing travel up and down his spinal column.

Mr. Speaker, it matters not what character of business a man is engaged in, the capital invested, or the amount of business sought to be done, and the ability of the man in charge of the business to make a success of it; none of these engage the attention of the trouble-hunting gentleman from Washington.

If an incompetent, indolent man fails in business because he did not have the ability, the industry, and enterprise to succeed, the gentleman from Washington attributes his failure to the Democratic administration

I submit that if he is going to charge to the Democratic administration the few failures that have come, and will come occasionally under any administration, he ought to be fair enough to give us credit for the millions of business enterprises now flourishing in every State in the Union. He ought to give us credit for reducing the cost of living in many of the necessities of life.

Mr. Speaker, I am convinced that there is an effort on the part of certain illegitimate business concerns of the country to hamper and hinder the President in his great work in behalf of the American people. I believe that men engaged in public plunder under the license of Republican laws have conspired together to defeat just and much-needed legislation at the hands of this Congress. They have sent word into every quarter of the country, saying, "Write your Congressman and your Senator and tell them to hurry up and adjourn; that they are disturbing business." There is big business and little business, legitimate business and criminal business. These crafty and avaricious fellows engaged in criminal business are anxious to have Congress adjourn before the hand of just legislation is laid upon them.

This Democratic President is leading in this great work of saving the life of this Nation from the dangers which threaten it. [Applause on the Democratic side.]

Some gentlemen on that side have referred to the Claflin failure in New York, and they attribute it to the Democratic tariff. Mr. Claflin himself makes a statement in which he attributes it to other causes. He does not attribute it at all to the tariff, and the Wall Street Journal says that it was due to an effort to do business on too large a scale for the capital invested, and because of changing the character of business—going out of the wholesale business into the retail business, and arousing the antagonism of men who were formerly his customers, because when he became a competitor as a retail merchant the local merchants fought his business and sought to help themselves. Mr. Claflin in his statement gives as another reason for his failure that the center of business moved into another quarter of New York and away from him. And yet gentlemen have the gall to bring that failure up as the fruit of Democratic legislation. You can not deceive the people by such false statements.

Mr. Speaker, President Wilson is working earnestly in the interest of the American people. He is trying to do certain definite and needful things for them. He is striving to free the American masses from the oppressive conditions woven around them through 16 years of Republican legislation. [Applause on the Democratic side.]

I repeat that there is an organized effort on foot to embarrass the President and to prevent, if possible, the completion of his legislative program. Here is a letter from the Shapleigh Hardware Co., of St. Louis, sent to its salesmen throughout the United States. It speaks for itself:

[Copy of a letter sent by the Shapleigh Hardware Co., of St. Louis, to each of its 250 salesmen throughout the United States.]

ST. LOUIS, *June 12, 1914.*

DEAR SIR: You have doubtless been shown copy of letter issued by Simmons Hardware Co., dated June 10, in which they state that "general business in the United States is exceedingly dull at present."

It is very evident from the tone of this letter that they think the same conditions that apply to the Simmons Hardware Co. apply to the entire United States.

The facts are our sales up to date this year are just three-fifths of 1 per cent less than the same period last year, and if June business continues to increase as it has done so far, we will gain this three-fifths of 1 per cent and probably finish the first half of the year with a gain.

* * * * * * *

We suggest you do not waste any time discussing this letter with your customers. If they bring the matter up just smile and tell them the facts about our business as explained in this letter.

We believe our salesmen should be fully posted on our business and in position to talk intelligently and truthfully regarding the business we are doing.

Yours, very truly,

SHAPLEIGH HARDWARE CO.

This letter calls attention to what some people are trying to do. They may manufacture specials for newspapers and send out false statements regarding the business situation of the country, but they can not frighten or intimidate the big and brave leader of the Democratic Party or deceive the people with regard to his work in their behalf. [Applause on the Democratic side.] Why, Mr. Speaker, gentlemen on that side hard pressed for something to talk about and politically embarrassed by the record of Democratic achievement are trying to scare the country with manufactured notices of business disturbance. Yet we call the attention of gentlemen to the fact that the New York Commercial to-day says:

General trade conditions throughout the country are considered sound by large merchants in the New York market, and they are firmly convinced that there is every reason to look for good business during the last half of the year.

Did you gentlemen know that the coal mines of Pennsylvania are doing more business, producing more coal per day, than ever in their history? Did you know that the silk mills of Pennsylvania are running 24 hours a day when they can secure

no experience in dealing with public lands there, and for that reason I want to yield time to gentlemen who understand and are interested in the question. I yield 5 minutes to the gentleman from California [Mr. RAKER].

The SPEAKER. The gentleman from South Carolina has used 5 minutes of the 30. He has 25 left. The gentleman from California [Mr. RAKER] is recognized for 5 minutes.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me a moment at the start?

Mr. RAKER. In a moment. The proposition is, Mr. Speaker, to have three members of the board of appeals appointed at the rate of $4,500 a year salary. I yield to the gentleman from Kansas for a question.

Mr. MURDOCK. Are these to take care of appeals from the local land offices to the General Land Office?

Mr. RAKER. They are not.

Mr. BURNETT. Is it a Senate amendment or House amendment?

Mr. RAKER. This is a Senate amendment. This was estimated for by the department when they sent up their estimates for consideration. This is to appoint three competent lawyers who are able to handle appeal cases, the same as three lawyers appointed on the bench as judges. There are something over 2,300 cases now on appeal from the General Land Office to the Department of the Interior. These cases are handled by the First Assistant Secretary of the Interior, whose work to-day is more than he can legitimately do without even looking at some of these cases, and much delay is occasioned. It means that the people who have appealed—private individuals many of them; probably 90 per cent of them—at present have their cases held up and do not know whether their rights are granted or not. The cases are appealed, after they have been decided in the General Land Office, to the Secretary of the Interior.

Mr. MURDOCK. Would this be a final court, or would there be an appeal from its decisions?

Mr. RAKER. It would be in the same position as the decision of the Secretary of the Interior himself.

Mr. MURDOCK. And there would be no appeal from this board to the Secretary of the Interior?

Mr. RAKER. Surely there would be, just as there is now; not to the Secretary of the Interior individually, but this would be the decision of the Secretary of the Interior. I want to make this plain. If the Secretary of the Interior approves these decisions of the board of appeals, there would be no appeal from the board of appeals to the Secretary; but after each instance the party has the right to a review, and he can petition the Secretary of the Interior to grant him a review of his case. Many cases have been reviewed by the Secretary of the Interior.

Mr. BYRNS of Tennessee. Would not that review be made by the Secretary of the Interior rather than by this board of appeals?

Mr. RAKER. No. In the first instance, the man must have his case decided by the highest tribunal; and in land matters that highest tribunal is the Secretary of the Interior. These cases are reviewed by the department; and the Secretary of the Interior, and in many cases the First Assistant Secretary, acts as a judge of appeals.

Mr. BYRNS of Tennessee. This action of the board of appeals would not be final? The Secretary of the Interior would have the final say as to what would be done?

Mr. RAKER. It would be just the same as any other case that is now handled by the department. The decision of the board would be final when approved by the Secretary of the Interior, as the Secretary of the Interior's decision would be final unless some one asked for a review. It relieves the work. It puts three competent men in the office of the Secretary of the Interior to act as judges of appeals.

Now, every Member of the House can realize that with over 2,300 cases these men believe they have a right in their homesteads which are involved, their desert-land entries which are involved, their right to be heard on an application for a reservoir site that is involved; and they have to wait from one year to three years to get a determination as to whether they can go ahead or must stop. It is not fair. You give them the right of appeal. You now provide for one officer. Why not make your machinery sufficiently ample and expeditious so that the men, when their cases are appealed to the Secretary of the Interior, may have those appeals passed upon by three competent men whose business it is to do that and nothing else; to decide and make determination in these cases instead of having the Assistant Secretary pass upon those cases when all of his time is required for other work?

Every bill that is reported from the Committee on the Public Lands and from the Committee on Irrigation and other committees first goes to the Secretary of the Interior, and the First Assistant passes upon it. Look at the bills and look at the reports—hundreds of them are on file in the Committee on the Public Lands—and you will see the enormous amount of work that that official has to do, assisting in proper legislation. It is only an act of justice to the men whose homes are involved, whose all is involved, that they may have additional judges to dispose of their cases and that decision be had at the earliest date possible.

These amounts were estimated for, but the item was not included in the bill as it came from the House committee. The Senate placed it on the bill. It should remain. It is necessary. This was fully shown by the statement of the First Assistant Secretary of the Interior when he appeared before the House Committee on Appropriations (hearings, pp. 390-394). The reasons there given for this item are unanswerable. The Members of the House have read it. I am satisfied that the committee will finally agree to this amendment. It is economy in the final analysis; the reasons for it are good.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. RAKER. Will the gentleman from South Carolina give me one minute more?

Mr. JOHNSON of South Carolina. I can not do it. I have given out all my time.

Mr. RAKER. Then, Mr. Speaker, to present the matter more fully I ask unanimous consent to extend my remarks in the Record.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma [Mr. FERRIS].

The SPEAKER pro tempore. The gentleman from Oklahoma [Mr. FERRIS] is recognized for five minutes.

Mr. FERRIS. Mr. Speaker, I understand how reluctant, and very properly so, the conference committee is to increase the number of officers of the Government, and I know that this side of the House has been criticized and chastised in certain instances for increasing the number of offices. But there are 300 cases a month on appeal on contests, many of which are brought about by the Interior Department itself in trying to see to it that valuable water sites and power sites and valuable mineral land and timber land and oil land does not slip away from us through the regular homesteading process.

In former times it was the practice for a man in the West to go out and apply to the local land office and file on a piece of Government land. There was a law which permitted him to get the land, without rhyme, reason, or question. In other words, if the land had on it a tract of timber worth $10,000, mineral, oil, gas, coal, and power sites, the man who filed on it was allowed to get title to the land. This was all wrong then. It is all wrong now. It needed changing then. It needs changing now. Here is an opportunity to help out down there, and it is up to us to do it. Nobody investigated it; nobody knew what was there. If it had coal, oil, gas, or other mineral, or water power, he got that.

Now, the time has come when the public sense of justice believes that actual farming land on the public domain should go to homesteaders, but that land, with valuable deposits of mineral, oil, or coal ought not to go to the homesteaders. Now what happens? The Interior Department and the Appropriations Committee have provided for inspectors to go out and see what the land is before it passes to the homesteader. What happens when the applicant gets a filing on a piece of land, and the inspector reports to the Interior Department that he should not have title to it, for the reason it is not chiefly valuable for agriculture. Three hundred of those cases, on appeal, come to the Interior Department to be decided every month. No living human being can intelligently pass on all those cases. Immediately the business is not kept current trouble and delays ensue. Some clerk makes them and briefs them up and brings them in to the Secretary, and the Secretary has to put his O. K. on them. What the Secretary asks for is a board of three good lawyers to pass on these cases, so that when they bring their report to him there will be little left to do but to put his signature on it. Here are two or three pages in the hearings, where Assistant Secretary Jones pleads with the committee, urges the committee, begs of the committee, to give them this board, so they can do the work properly. It ought to have been done. There is no economy in halfway doing the things that must be done. It breeds dissatisfaction and stagnation in the development of the West. It breeds confusion and dismay for the homesteader. It is bad administration for the department, and it ought to be remedied. I appeared before

the conference committee on this item. I think the conferees themselves agree some relief is needed.

Mr. HAMILTON of Michigan. Will the gentleman state for information how large a clerical force they have now in the Interior Department to pass upon these matters?

Mr. FERRIS. I do not know exactly. They have an Assistant Attorney General and several law clerks, but not enough to do the work.

Mr. HAMILTON of Michigan. That is a matter that ought to be stated.

Mr. FERRIS. As above said, they have attorneys or law clerks there now, but not enough to keep the great volume of business current. It needs to be current.

Mr. HAMILTON of Michigan. I thought perhaps the gentleman might know.

Mr. FERRIS. I do not know offhand the exact number. They have an Assistant Attorney General and four or five lawyers under him. Of course, the Interior Department handles multitudes of matters—Indians, irrigation, public lands, pensions, patents, and so forth.

Mr. HAMILTON of Michigan. They ought to have more than that.

Mr. FERRIS. Yes, indeed, they ought; and the Assistant Secretary says 300 cases on appeal come to him every month; that the office is now approximately 2,300 cases behind; that the homesteader whose case is contested by one of these special agents has his patent held up by 12 or 15 months.

I do not want to antagonize the Committee on Appropriations. I felt so keenly about it that I went before the conference committee and said about this same thing to them. I do not want to antagonize the committee on this or any other matter. I think the gentleman from South Carolina [Mr. JOHNSON] and the gentleman from Tennessee [Mr. BYRNS] have had it so forcibly called to their attention that I believe they are very much impressed with it. I do not want to take the words out of their own mouths, or try to quote them, but I think they full well realize the almost burning necessity of keeping this work current. We all want economy, but it is no economy to let things go to waste for want of a small appropriation to conserve it.

Mr. MURDOCK. In the Interior Department all appeals finally reach an Assistant Attorney General.

Mr FERRIS. Yes; they finally reach the Secretary of the Interior. I assume that is what you mean.

Mr. MURDOCK. That is true of pensions.

Mr. FERRIS. Yes; that is true of a lot of bureaus; but of course, if the gentleman will pardon me, they have a lot of law clerks and men to pass on these cases. One of the main things in addition to keeping the work current is to have some uniformity about their decisions.

Mr. MURDOCK. As a matter of fact you are establishing a court, are you not?

Mr FERRIS. It is a board of review to act in conjunction with the Interior Department.

Mr. MURDOCK. It is a court.

Mr. FERRIS. It is a board to pass upon what the people are actually entitled to under the law, so that these three men, when they bring in a report to the Secretary, can say, "This is the last word on the subject."

Mr. MURDOCK. I hope the gentleman is aiding the homeseeker, but I doubt it.

Mr. FERRIS. I think I am. I think the gentleman will conclude that I am if he will read the hearings. I will present the words of Assistant Secretary Jones before the committee. The Interior Department to-day is perhaps better equipped with information about the West than any Interior Department within the last generation. Secretary Lane is a western man, who knows what to do and how to do and when to do what is needed in the West. The Assistant Secretary is able, is conscientious, and would not ask this if it was not needed.

Mr. JOHNSON. You are asking for an increase of $35,000 in that one item; will you state the reason why?

Mr. JONES. In the Assistant Attorney General's office there has been really no increase in the force since 1891. There was a change a few years ago in regard to some of the work in connection with the Pension Office, and instead of appropriating for that special work in the pension appropriation, the work was transferred to the office of the Assistant Attorney General. That made an apparent increase in the force of the Assistant Attorney General, but it was not one in reality, except through that means of taking on additional work in his office. The work of that office has increased many fold since 1891. The office of the Assistant Attorney General prepared a statement which I presented to the committee during the summer when we were asking for an emergency appropriation. That statement shows the increase of work in that office during the last five years, and a summary of it appears in this estimate which I have before me, on page 225. That statement shows you how the volume of the work of that office has increased. The paper which I presented last summer shows the nature of the work which has so increased. I do not know whether the committee would like to be supplied with another copy of that paper now or not. The committee has it in its files of last summer.

Mr. JOHNSON. It will not be necessary to encumber this record with that.

Mr. JONES. The summary appears on page 225 of this bill.

Mr. BYRNS. As I understand your note, the three members of the board of appeals, if created, would be charged with the duty of considering appeals in all matters brought to the Secretary, with the exception of pension cases?

Mr. JONES. Yes, sir.

Mr. BYRNS. And up to this time those matters have been considered in the office of the Assistant Secretary, and are being considered there now?

Mr. JONES. Yes, sir.

Mr. BYRNS. Which, as the note states, necessarily takes his time and attention from other matters. I was wondering if it be a fact that the office of the Assistant Secretary has been looking after these matters heretofore and is now considering these appeals, whether, if that board of appeals, consisting of three members at salaries of $5,000 each, should be created, that would not be quite an item of expense to be incurred in considering something that the First Assistant Secretary has been heretofore considering in connection with the other duties of his office.

Mr. JONES. I would like to make that plain. At the present time the office of the Secretary of the Interior, so far as money values are concerned, seems to me to be the greatest judicial tribunal in the world, or the greatest of any tribunals of which I have any knowledge. There are about 300 appeals from the General Land Office per month passing over the desk of the First Assistant Secretary. These cases, or a majority of them, involve only homestead entries varying in value from few hundred dollars to a few thousand dollars, but there are many cases involving much greater values, running up into the millions of dollars. I have heard argument in a case that was under consideration and investigation where the parties all agreed that the property involved was worth anywhere from $50,000,000 to $100,000,000. Another case was considered in which the property involved was worth not less than $5,000,000, and there are many cases involving large amounts of property in which it is not necessary to consider any element of value, but they involve questions of law which are very complicated. The legislation of Congress in regard to the western lands has been built up from time to time. The different statutes are many, and one must really devote a great deal of time to them to be able to feel certain that he has become acquainted with all the statute law on the subject, and the varying decisions are even more uncertain.

Those 300 cases per month have been going over my desk, but, as I said a moment ago, the grist comes to the mill and we must pass it through. The most that I have been able to do has been to read the statements of fact in the decisions prepared for my signature, and then see what conclusions have been reached. I have had no opportunity to study the language of the decisions, but simply the statements of fact, and then decide as to the conclusions. Now, with 300 of these cases per month, you can understand the amount of deliberation with which the First Assistant Secretary can render his decisions. My office also has supervision of the Indian Bureau and the Reclamation Service, and there are many matters—and important matters—passing through my office from those bureaus every day. I must depend in a very large measure, of course, upon those who present these matters to me for their accuracy and correctness; but no one would feel like signing his name to a paper unless he could feel that he was reasonably safe in doing so.

Mr. BYRNS. I do not, of course, underestimate the immense amount of property and money involved in these cases, nor the importance of the work that must be done in passing on these appeals, but it occurred to me that if we should create this board, whose sole duty would be the taking care of this immense volume of work which heretofore has been done by you and which now devolves upon you, it would be a rather expensive departure. Now, I want to ask this question: Of course, I realize the value of having three persons to pass upon these matters, as is the case with our appellate courts, but why could not one individual, at a salary of $5,000, whose sole duty it would be to investigate and pass upon these appealed cases, look into and pass upon them just as effectually and just as properly as a board?

Mr. JONES. It will take more than one man to do the work. For instance, last summer I spent seven nights at my office hearing one case. Of course it was an important case or I would not have done it, but it involved a mass of testimony and records. In a case of that kind there is no one man who would feel that he ought to assume the absolute responsibility for passing upon the questions involved. It is just the same way with the Supreme Court of the United States now. The nine judges sit and hear arguments, but the case is assigned to one man ultimately to write the decision. So I take it that we would have this board operated in that way. The work should be done in that way. With the large number of cases that come there, it would be absolutely impossible for any one man to do all of that work. At the present time those cases are considered by an examiner, who makes up a statement of the facts. There are a good many contested cases, and we do not like to leave it absolutely to one examiner to make up that statement of the facts. Then it would surprise you to know the number of legal questions that arise in regard to statutes which ordinarily you would believe had been settled years ago. Those questions are still coming up, and it is surprising how many questions do arise.

Mr. BYRNS. If such a board were created, of course that would take an immense amount of work from those upon whom you are depending now to investigate these records and report to you for your final or ultimate decision.

Mr. JONES. Yes, sir.

Mr. BYRNS. Would it be possible to reduce your items here in any way in the event this board should be created? It occurs to me that might be done, because you would be taking away from those examiners this great amount of work.

Mr. JONES. On the other hand, we are asking for five more assistant attorneys.

Mr. BYRNS. I noticed that, and that is one reason for my question. Would it be necessary to have five additional attorneys if you are going to take away from these assistant attorneys this immense volume of work and place it upon this board of appeals?

Mr. JONES. We would not take that work away from the other attorneys. On the other hand, the only object in having this additional force there is to be able to catch up with the work. Now there are over 2,000 cases on appeal from the Land Office pending in that department to-day. The office is from 9 to 12 months behind with its work, but we think that with this additional force we might within a reason-

the expense of the Treasury of the people of the United States. Of course they will get it. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time has the other side consumed?

The SPEAKER. They have consumed all their time.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield the remaining 10 minutes to the gentleman from Tennessee [Mr. HULL.]

Mr. HULL. Mr. Speaker, it has remained for a negro to set a much higher standard for fairness and propriety and decency than gentlemen on the other side have set with respect to the administration of our present Federal affairs. [Applause on the Democratic side.] A few days ago the colored recorder of deeds for the District of Columbia was asked for his resignation. His reply was: "Certainly; I am ready to resign. This place belongs to the Democratic Party, and I am ready to turn it over to them." Notwithstanding the fact that for 15 years there has been an unfair administration of the civil-service law, under which our friends upon the other side were enabled to get into the service 85 per cent of our 400,000 employees, they now affect great indignation if in a few isolated instances, where close confidential relations are involved and personal responsibility will be due to a superior, some discrimination might be made with respect to the selection of certain officials. The position of our friends upon that question in dealing with the people is very much like their position upon the question of taxation. From hearing the remarks of the gentleman from New York [Mr. PAYNE] and two or three gentlemen from other States, one is reminded of the old-time stand-pat remarks that used to be made with so much more frequency than now. It is and has long been evident that with respect both to the civil service and taxation the gentlemen on the other side undertake to deal with the people in a spirit of premeditated hypocrisy and aggravated false pretenses. [Applause on the Democratic side.] We hear the gentleman from New York in a very slurring manner refer to the suggestion that the estimates for the income tax, both corporate and individual, or at least the individual, had been gathered from rumors or statements made upon our lecture bureau circuits. My information is that the same gentlemen who prepared the estimates for the income tax prepared the estimates of the Payne-Aldrich bill in 1909. Those estimates were prepared by officials of the Treasury Department who have been recognized as experts in those lines and who have been preparing estimates for the Treasury Department for many years.

Now, the gentleman from Alabama has stated very succinctly the reasons why this amendment as proposed should be agreed to by the House. It is only a proposition to appropriate at the rate of 1½ per cent of the amount collected for the expense of collection. This is really lower than the amount expended by the Government in collecting any other tax. Four years ago when the corporation-tax law was enacted the Treasury Department had considerable surplus time among its employees, during certain periods, which could be utilized in looking after the collection of the corporation tax. That surplus force, however, has been chiefly expended already, so that it now becomes necessary largely to create additional employees and the services of an additional force in order to handle this entire tax. I suppose the most extreme gentleman upon the other side will agree that this law will bring at least $100,000,000 of revenue to the Treasury for the year 1914. That being true, a million and a half dollars would be entirely reasonable.

Mr. MURDOCK. Will the gentleman yield?

Mr. HULL. Certainly.

Mr. MURDOCK. I am in favor of an income tax and I want to see it collected, but I do not know just how I am going to vote on this. I have been listening to this argument, politically and otherwise. If we do not appropriate the additional $500,000 will the income tax be collected?

Mr. HULL. I will say this to the gentleman: The law went into effect in October. The Treasury was unable to get the regulations out until several weeks later. The number of assessments that are now in the Treasury Department are assessments that just floated into their possession, the result of the voluntary action of those people who had a chance to secure a copy of the law, even though they did not secure a copy of the regulations in many instances. No extended efforts were made to accelerate the administration of the tax in the way of distributing well and thoroughly over this country, much less to nonresident Americans in other countries, copies of the law or regulations or to assist the taxpayers and Federal officials in making correct and accurate returns. This was due to lack of time. The taxpayer had little time to understand the law and still less time to see and study the regulations of the Treasury Department. But few income-tax officials were appointed until all tax returns were due. The necessary Treasury force must first be appointed and thoroughly familiarize itself with the law. It must then lend aid to the taxpayer in many important respects. Much data in all lines of business must be gathered, compiled, indexed, and so forth. The most convenient system of checks must be devised and applied.

Mr. MURDOCK. Does the gentleman believe we will get a proportionally greater amount of income tax if we appropriate this $500,000?

Mr. HULL. I am sure it will aid very greatly toward placing it upon the best possible administrative basis in the way of adjusting it to the business conditions of the country and enabling the taxpayers to become familiar with it, and this would increase the tax receipts very materially.

Mr. MURDOCK. I think the gentleman, as well as myself, would like to see the present force collect this tax if it can?

Mr. HULL. Unquestionably.

Mr. MURDOCK. I believe they can do it, from what the gentleman says. It may be a little slower, but I believe they can do it.

Mr. HULL. The very fact I have stated, I think, Mr. Speaker, is evidence to the contrary, that the present force, engrossed as it is in the collection of $300,000,000 of internal revenue proper and $43,000,000 of corporation income tax, have no time to give to the other branch and other phases of this tax.

Mr. JOHNSON of South Carolina. Mr. Speaker, Commissioner Cabell, in testifying before the committee with respect to the collection of the corporation tax, said that within certain limitations for every dollar that we gave the Bureau of Internal Revenue, his bureau, to make investigations he could bring into the Treasury $25 that the Treasury would not otherwise get.

Mr. STAFFORD. Will the gentleman yield?

Mr. HULL. For a question.

Mr. STAFFORD. Why did not the committee recommend the $1,500,000 appropriation?

Mr. JOHNSON of South Carolina. Because the Secretary of the Treasury at the time we made up the bill was not able to state definitely that he would need that sum.

Mr. GLASS. And I may add, if you please, that the Secretary of the Treasury has said to me within the last 12 hours that he is confident $20 will be collected for every $1 expended under this increased appropriation.

Mr. HULL. I have no doubt of the accuracy of those statements, Mr. Speaker. Gentlemen may underestimate the amount of work necessary to launch a new, comprehensive tax law. And as to the revenue, evidently the amount of revenue yield for the first year, when left entirely to the voluntary action of the taxpayer, will be much smaller than the accurate amount should be. This must be investigated and attended to with respect to the 10 months of the year 1913. In addition to that, the proper administration of the law for 1914 must be given attention at the same time. I am quite sure, Mr. Speaker, that with this additional force performing their legitimate functions, as I have already described, this law will be placed upon an administrative basis reasonably satisfactory to every person in this country, and the yield of revenue will be entirely up to the expectations of those who have made estimates.

Now, I do not think it comes in good taste for gentlemen upon the other side to undertake to offer criticisms at this stage. Most Republicans have heretofore reluctantly approved its principle. Gentlemen well know that the method of retaining the tax at the source of the income and turning it over to the Government, under which England doubled her revenues the first year, was not in operation last year. Furthermore, the Treasury Department had not had the opportunity to perfect its rulings with respect to important phases of the assessment. Many thousands here and abroad who were subject to the tax had no chance to see and understand the law and regulations, and so either made grossly inaccurate returns or no returns at all. The law thus far has only operated over fractional portions of the year 1913. Of course, standpat Republicans oppose this law, as they oppose any honest system of taxation. The income tax is universally conceded to be the fairest of all taxes. More than 50 similar laws are in successful operation throughout the world. Those standpat Republicans will soon learn that the American people will not tolerate the substitution of an immoral, dishonest tax, such as the high protective-tariff tax, for the present income tax. The latter, here as elsewhere, has come to stay. Wealth shall henceforth bear its fair share of the tax burdens. It can no longer shun and shirk and evade, as it heretofore has done. In view of the justness of this tax, it is monstrous for our standpat Republican friends, who now seem unable to learn anything or to forget anything, to ever again

indulge the hope that they may at any future time be able to displace it with that abominable iniquity, that ghastly abortion—the Payne-Aldrich law.

The SPEAKER. The time of the gentleman from Tennessee has expired. All time has expired.

Mr. HULL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Alabama [Mr. UNDERWOOD] to recede and concur.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendments No. 110 to No. 124, inclusive, as follows:

"Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, $1,200; in all, $4,700.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $2,000.

"Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,700.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, $2,000.

"Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; clerk, $1,200; in all, $4,700.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, new machinery, etc., $1,500.

"Assay office at Helena, Mont.: Assayer in charge, $2,000; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,500; in all, $4,900.

"For wages of workmen and other employees, $3,000.

"For incidental and contingent expenses, $2,000.

"Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,000; chief clerk, who shall also perform the duties of cashier, $1,600; in all, $3,600.

"For wages of workmen and other employees, $2,500.

"For incidental and contingent expenses, $2,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to move that the House further insist upon its disagreement to the amendments of the Senate 110 to 124, inclusive.

Mr. MANN. Mr. Speaker, will not the gentleman make his request that they may be considered together? The gentleman made a request for unanimous consent that the House disagree. Will not the gentleman make his request that they be considered together?

Mr. JOHNSON of South Carolina. I will put the request that way, Mr. Speaker—that all the amendments beginning with 110 and ending with 124, inclusive, be considered together.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the amendments 110 to 124, both inclusive, be considered together. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House further insist on its disagreement to the amendments of the Senate Nos. 110 to 124, inclusive.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House further insist upon its disagreement to Senate amendments 110 to 124, inclusive.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Senate amendment No. 168: Page 104, line 21, strike out the word "assistant" and insert: "Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each; assistant——

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate No. 168.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves that the House further insist on its disagreement to Senate amendment No. 168.

Mr. MANN. Mr. Speaker——

Mr. RAKER. Mr. Speaker, I offer a preferential motion.

Mr. MANN. Before the motion is made——

Mr. RAKER. I offer the preferential motion that the House recede and concur in the Senate amendment.

Mr. MANN. I suggest to the gentleman from South Carolina that he ask unanimous consent to consider amendments No. 168 and No. 169 together.

Mr. JOHNSON of South Carolina. Mr. Speaker, No. 169 is simply the total at the end of the paragraph, and would depend upon the action taken on the one now under consideration. I make the request that the two be considered together.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider amendments No. 168 and No. 169 together. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Speaker——

The SPEAKER. The gentleman from California [Mr. RAKER] makes a preferential motion that the House recede from its disagreement to these two amendments and concur in the same.

Mr. RAKER. Mr. Speaker, I would like five minutes of time.

The SPEAKER. For what purpose does the gentleman from Wyoming [Mr. MONDELL] rise?

Mr. MONDELL. I rose for the purpose of making a preferential motion, but it has been made by the gentleman from California [Mr. RAKER].

Mr. JOHNSON of South Carolina. How much time does the gentleman from Illinois [Mr. MANN] want?

Mr. MANN. About 15 minutes.

Mr. JOHNSON of South Carolina. Is that all the time you want on that side?

Mr. MANN. Twenty minutes, say.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. RAKER].

Mr. MANN. Settle the time first.

Mr. JOHNSON of South Carolina. I think we will use nearly an hour. There are a number of gentlemen who are interested. But I did not want the hour to run out. I do not want any time lost on this. I am willing to yield——

Mr. GOOD. Agree on 40 minutes, then.

Mr. JOHNSON of South Carolina. I am willing to agree that this amendment shall be debated for 40 minutes, and I suppose that practically all the time will be taken by the gentlemen who are in favor of the motion.

Mr. MANN. Does the gentleman want to make an agreement of 20 minutes on a side?

Mr. JOHNSON of South Carolina. Some of these gentlemen who are asking for time do not want to talk on the Land Office at all. I will ask for 20 minutes on a side.

Mr. RAKER. Mr. Speaker, will the gentleman yield to me a minute?

Mr. JOHNSON of South Carolina. Yes.

Mr. RAKER. That gives the gentleman from Oklahoma [Mr. FERRIS] and the gentleman from Colorado [Mr. SELDOMRIDGE] five minutes each?

Mr. JOHNSON of South Carolina. Yes. How much time does the gentleman from Illinois [Mr. MANN] desire over there?

Mr. MANN. We want 20 minutes if there is an agreement.

Mr. RAKER. The gentleman from Oklahoma [Mr. FERRIS] wants five minutes and the gentleman from Colorado [Mr. SELDOMRIDGE] five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I have already promised 30 minutes.

Mr. MANN. That is all right. If we can have an agreement, we will take 20 minutes on this side and you can have 30 minutes.

Mr. JOHNSON of South Carolina. I ask unanimous consent, Mr. Speaker, that the debate be limited to 50 minutes, 20 minutes to be controlled by the gentleman from Iowa [Mr. GOOD] and 20 minutes by myself.

Mr. CULLOP. In those 50 minutes has the gentleman from South Carolina reserved some time for me? I would like to have five minutes.

Mr. JOHNSON of South Carolina. I ask, Mr. Speaker, that the debate be limited to 50 minutes—20 minutes to be controlled by the gentleman from Iowa and 30 by myself—and that at the end of that time the previous question shall be ordered.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the debate be limited to 50 minutes—20 minutes to be controlled by the gentleman from Iowa and 30 minutes by himself—and that at the end of that time the previous question shall be considered as ordered. Is there objection?

There was no objection.

Mr. FOSTER. Would the gentleman from South Carolina, if it is not interfering with his arrangement, tell us just what this is?

Mr. JOHNSON of South Carolina. Mr. Speaker, all the information I have is—and I am using the information that came to me from the Secretary of the Interior—that they have about 2,300 land cases on appeal in the Land Office. They are in arrears anywhere from 6 to 18 months or 2 years in the final determination of land patents, and the contention is that this long delay amounts to a denial of justice, and they are asking that this board of appeals be constituted to enable them to make the work current.

Mr. FOSTER. This creates an additional board of appeals in the Interior Department to settle these land disputes?

Mr. JOHNSON of South Carolina. Yes; and these gentlemen from the land States can explain that far better than I can, because I come from a State, one of the original thirteen, in which there never was an acre of public land. We have had

"What difference does it make if Europe draws on us for $100,000,000 of gold or $200,000,000 worth?" questioned John Burke, Treasurer of the United States, yesterday, when asked about the movement toward Europe.

"The United States has plenty of gold," he explained. "We are not like countries which have only a limited amount."

Here is a statement that has gone broadcast throughout the world that our supply of gold is unlimited, and that it makes no difference how many hundreds of millions of dollars of gold goes abroad. I take it that that statement of the Treasurer of the United States will be received with considerable interest and will be questioned by the financiers of this country at least.

Mr. Speaker, I desire to call the attention of the House to the provision that we are considering. When the provision was up on yesterday in regard to increasing the number of officials in the Department of the Treasury I made an observation that in addition to the increase that was asked in the Treasury Department of 206 persons there was $1,500,000 for the collection of the income tax in addition, and the gentleman from Tennessee [Mr. BYRNS] made the statement that that was for the field force alone. Of course he was mistaken about that. If he had consulted the Book of Estimates for this year, on page 128, he would have found that under the head of "Bureau force" there were seven heads of departments in Washington that were provided for, and 132 men that were provided for, at a total cost of $224,360 out of the $1,500,000.

Not all of this is field force, by any means. Two hundred and thirty-four thousand dollars of this is to be expended in the city of Washington for the employment of men here, in addition to the regular employment that was referred to on yesterday. The whole difficulty with this provision, Mr. Speaker, lies in the fact that this is political graft. If you had left the law as it ought to have remained, that collectors and deputy collectors of internal revenue, or assistant collectors, and collectors of the income tax should have been appointed as a result of civil-service examination, I would say that the motion of the gentleman from Alabama ought to be agreed to. I am not sure but that it ought to be agreed to anyway, but I think it is a disgrace that this House should write a joker into the tariff bill and then come in and ask for $1,500,000 to employ men to go throughout the various congressional districts working politics at the expense to the Government of $1,500,000. These persons are not employed as a result of civil-service examination; they are employed because of their political usefulness in the various districts throughout the country.

The SPEAKER pro tempore. The time of the gentleman from Iowa has expired.

Mr. GOOD. I yield myself two minutes more.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. FITZGERALD. The employees who had charge of the corporation tax were all appointed regardless of the civil-service examination, were they not?

Mr. GOOD. I think not; there was no provision of that kind written into the law, and if they were appointed in that way, it seems to me, it was a violation of law.

Mr. FITZGERALD. The persons employed in the collection of the income tax took their places and are appointed in the same way. All the corporation-tax men were appointed in that way without any protest from that side of the House.

Mr. GOOD. We have already provided under collection of internal revenue for 1,407 persons, and by this provision we are asked to provide for 678 additional persons.

Another difficulty is this: The law provides that in cases where we make a lump-sum appropriation the person who administers the law shall divide that sum over the period for which the appropriation is made, so that there may be no deficiency. The gentleman from New York, I take it, if he will look over the estimates, will find that the persons having charge of the collection of the income tax have outlined a scheme which will comprise a certain force, and to employ that force it will take $1,500,000. He will, no doubt, argue for leaving out the $500,000 until after election, and then bring in a deficiency. If he does that, he says to the collector and to the persons who have the disbursement of this fund in charge: "You violate the statutes of the United States; go ahead and make your organization for the collection of this tax on an expenditure of $1,500,000, notwithstanding Congress has only allowed you $1,000,000, and we will bring in the other $500,000 as a deficiency."

Mr. FITZGERALD. Will the gentleman permit me to say this: I do not know what Congress is going to allow. Whatever it does allow, so far as I am concerned, unless the House outvotes me, I would not give an additional dollar to carry on the service during the fiscal year. I have never taken the position that the gentleman says I propose to take.

Mr. GOOD. What will the gentleman say if a deficiency of $500,000 is asked for after $1,000,000 has been appropriated—that he will oppose granting additional appropriations?

Mr. FITZGERALD. What I have said when other deficiencies were asked for. I have been against them and the gentleman has helped to grant the deficiencies.

Mr. GOOD. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. HOUSTON). The gentleman has used 27 minutes and has 13 minutes remaining.

Mr. GOOD. I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, the other day the distinguished gentleman from Indiana [Mr. CULLOP], in replying to some of the remarks that I made, took occasion to say:

> The commodities of the mill and the farm and of the factory are commanding the very best prices possible. Wheat, corn, beef, and pork are high.

The Democratic Party and politicians are singing a new song. Heretofore they have been preaching about low prices. They made the campaign on the theory that they were going to reduce the cost of living. Now comes my distinguished friend from Indiana and tells us that farm products are higher than ever before, and so are the products of the mill. If farm prices are higher, what did you take the tariff off for; why do you take the revenue away from the Government if prices are continually growing higher?

I am afraid that my distinguished friend from Indiana makes a mistake about prices in his own portion of the country, as he did about Terre Haute, when he put in a clipping showing how prosperous they were there. The other day the gentleman put a clipping in the RECORD from the Indianapolis Star showing the great prosperity in Indianapolis.

I would like to read a little communication I received from that city. I used to live in Indiana myself, and I still have some friends in Indianapolis. This letter came to me unsolicited; and I hope my distinguished friend from Indiana [Mr. CULLOP], who told us of the great prosperity they were enjoying in that city, will listen to this. This letter is addressed to me, and is as follows:

INDIANAPOLIS, IND., *June 18, 1914.*

Hon. W. E. HUMPHREY,
Washington, D. C.

MY DEAR SIR: The inclosed clippings from the Indianapolis Star, a straight-out "Bull Moose" paper, speak for themselves.

Respectfully,

I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD by inserting the clippings referred to.

The SPEAKER pro tempore. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Speaker, I will continue with the letter, and insert the clippings at the end of my remarks. The letter goes on to state:

> I may add that every business man and manufacturer in this city tells me that business is worse than it has ever been, with the possible exception of the year following the Wilson tariff of 1893. A majority of our factories are either shut down or running two to four days a week. Our largest iron merchant told me last month that their business was less than one-half of what it was a year ago. He is a Democrat, and says he thought free trade a good thing, but is convinced that it is only "a theory and a thing to talk about." He says he thought when the duty was taken off of Swedish iron he could buy it cheaper; but he says that the iron mills in Sweden at once advanced their price equal to the tariff reduction, and that the iron has not been reduced to him one cent; but we lose the revenue. I know of five factories in this State that have been in operation for over 30 years and employ from 300 to 1,200 men ordinarily that are absolutely closed down because of the tariff law and dull business.

Mr. FITZGERALD. Name them.

Mr. HUMPHREY of Washington. Mr. Speaker, I will pause here long enough to reply to the remark of the gentleman from New York that I name these mills. I stood upon the floor of this House and named 123 steel mills in this country where furnaces were closed, and I challenged gentlemen on that side to dispute the correctness of that statement. They have had over four months in which to do it, and not one of them has dared stand on that side of the House and dispute the statement that I made. They can turn to the RECORD now and see the location of those mills and the number of men out of employment, and whenever they do I will furnish them another list of those that are closed now.

Mr. KEATING. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. KEATING. I think when the gentleman submitted that list to the House he included the steel plant at Pueblo, Colo., did he not?

Mr. HUMPHREY of Washington. I do not know, but if I did it was closed at that time.

Mr. KEATING. It was not closed at that time, and it is not closed now; and if the remainder of the gentleman's statement is as correct as that portion of it, it is not worth the paper it was written on. [Applause on the Democratic side.] I would have answered the gentleman at the time, but I was not in the House, and when I returned to the House the situation was such that I could not get the floor. This is the first time I have had an opportunity to state to the House and the country that that portion of the gentleman's remarks is not well founded. [Applause on the Democratic side.]

Mr. HUMPHREY of Washington. Mr. Speaker, I hope the gentleman is not going to leave the floor. I challenge the gentleman now to go back and look at the RECORD and see the mills I named in his State that were closed, and then come on the floor of this House after he has looked it up and make the statement as to whether or not what I said was true at that time. Is the gentleman bluffing or not? If not, do that. I challenge the gentleman to look it up. If the gentleman from Colorado thinks he can come in on the floor of this House and work a bluff of that kind and not be called, he is mistaken.

Mr. KEATING. I am not bluffing. I will get your speech.

The SPEAKER pro tempore. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. That may work in Colorado, but not here.

Mr. GOOD. Mr. Speaker, I yield the gentleman one minute more.

Mr. HUMPHREY of Washington. Mr. Speaker, I desire now to finish the reading of this letter about the wonderful prosperity in the city of Indianapolis. The letter continues as follows:

> There are 15,000 idle men in this city to-day, whereas one year ago last October there was not an iron foundry or a manufacturing company in town that was not from two to six months behind in their orders and 20 per cent short of labor. I was told this yesterday by one of our largest foundrymen, who added that they were then paying $1.75 to $2 for common labor. He also says he will not vote the Democratic ticket again. I am of the opinion we will elect a Republican Senator and a majority of Congressmen this fall. The people generally and the manufacturers and farmers particularly are in open revolt and feel outraged at this puerile Bryan-Wilson administration.
>
> With best regards, I am,
>
> Respectfully,
>
> A. W. HATCH.

And I call the attention of the distinguished gentleman from Indiana [Mr. CULLOP] to the fact that I do not quote anonymous stuff on the floor of this House. He stated that somebody had told him about the great prosperity, but he did not dare give the names. [Applause on the Republican side.]

The newspaper clipping is as follows:

[From the Indianapolis Star, Wednesday, June 17, 1914.]

GETTING FROM UNDER.

> Although President Wilson is very desirous that the country at large should remain optimistic as to the business outlook and talks, schoolmasterlike, about "psychological depression," he can not have failed to take note of some very material depression that is strikingly evident. He might have noticed, for instance, that a large manufacturing concern, the Otto Gas Engine Co., of Philadelphia, having reduced the number of its employees by 50 per cent, publicly attributed this reduction to the Democratic tariff tinkering.
>
> But it went further than this. Finding that under the new "psychological" conditions competition with the foreign market was no longer profitable it investigated conditions abroad, with the result that it has found that it can manufacture its particular product abroad much cheaper than it can in America. By establishing a manufacturing plant in Germany this industry will secure all the employees it wants at a tithe of the wages necessary to pay here, and because of a reduction of the duty—amounting in this case to 25 per cent—it can ship its finished product over here and make a good profit.
>
> This is one way of getting from under President Wilson's "psychological depression": the German workmen will get the wages and so many more Americans will be thrown out of employment. No wonder, is it, that our export trade is decreasing and that more and more we are importing manufactured articles from abroad.
>
> Nor is this particular case an isolated one. The Philadelphia concern is only following the examples of others who, facing apparently insolvable labor troubles, onerous conditions, and, on top of it all, the keen competition that has come from the reduction in the tariff, have established branch manufactories in England, France, and Germany. If this sort of manufacturing policy is to continue the outlook for permanent prosperity in many of our great industries is gloomy indeed. The bountiful harvest which this rich country is yielding this year might be expected, under ordinary or normal conditions, to bring us a world of prosperity, but if most of this money is to go abroad into the hands of foreign manufacturers or to pay the wages of foreign workmen, the measure of relief it brings will be rather slight.

Mr. GOOD. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois is recognized for seven minutes.

Mr. MANN. Mr. Speaker, I do not pretend to be a wool expert, but there is one quandary in my mind which I hope some of our Democratic friends will take the time some day to answer. If taking the tariff off wool and losing the revenues of the Government on the importations increases the price which we pay for the foreign wool, what was the object in taking the tariff off? Gentlemen say that we are now paying more for foreign wool than we were before the tariff was taken off. We know that we have lost——

Mr. DOUGHTON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. Certainly not. The gentleman could not answer the question if he had a week to do it in.

Mr. COLLIER. Mr. Speaker, it strikes me that a child can answer that question.

Mr. MANN. Probably the gentleman from Mississippi could do it if a child could do it.

Mr. COLLIER. If the gentleman will give me time, I will take great pleasure in answering the question.

Mr. MANN. Is this coming out of my time, Mr. Speaker?

Mr. COLLIER. Is the gentleman referring to me?

Mr. MANN. No. The gentleman from his seat made some remark about a child. I think it is very applicable to the gentleman.

Mr. Speaker, we know that we have taken the tariff off wool, and we know that there was paid into the Treasury $15,000,000 or thereabouts on the importations of wool; and if taking the tariff off has resulted in increasing the price of the foreign wool, the price that we pay to the foreign seller, I wish the gentlemen on the other side would take time some day to explain why it was taken off.

The gentleman from Alabama [Mr. UNDERWOOD] states that our customs receipts are more than he anticipated. When the tariff bill was under consideration before the House I stated that, in my judgment, the estimates of the revenue under the proposed tariff bill was too low; that they would be more than the gentleman from Alabama estimated. Why? Because the reduction would increase the importations. What has been the result? We are largely increasing our importations of goods made by foreign laborers, and have largely decreased our exportations of goods made by American laborers. Every dollar's worth of the increase of the importations from abroad have been at the expense of some American laborers who are now out of work [applause on the Republican side], and we have sent abroad in the last 00 days more than a million dollars of gold per day to pay for these increased importations of goods made by foreign laborers which ought to have been made by American laborers, and if the gentleman gets any satisfaction out of that, let him take the satisfaction between now and election day in November, because after that day has passed he will get no satisfaction. [Applause on the Republican side.]

What is the proposition pending before the House? To increase the appropriation for the collection of the income tax from $1,000,000 to $1,500,000. I have no doubt that the gentleman from Alabama in the end, if not just now, will have his way and that the increase will be made—and why?

Well, some time ago in one of the bills we removed deputy collectors of internal revenue from the classified service and made them political appointees, and the men who will be employed under this appropriation come within that class. We have a campaign coming on; we have an election soon. The necessities of the case are great. They need on the other side of the House a half a million dollars more to employ political favorites to help conduct a political campaign, and under the guise and excuse of collecting the income tax they propose to appropriate that $500,000 to employ 500 more political appointees to do political work in a political campaign. Gentlemen on that side of the House have not had as many jobs given to them as they had hoped. No man in the White House can withstand entirely the pressure of the people in behalf of civil-service reform. A great many of the places which our friends on the other side expected to get for political favorites are still held in the classified service. Even the order in reference to fourth-class postmasters has not entirely satisfied our Democratic friends, because the Postmaster General, in my opinion, is endeavoring, and to some extent and to a great extent, to act fairly in enforcing the law. Gentlemen have not been able to get all the fourth-class postmasters named they wished as political appointees. The necessities are great. They must have the jobs; they need the places; every one of them a candidate for reelection in some way, they need somebody to help conduct the campaign while we are kept in Washington this summer by the order of the President, and they need these men. They do not wish to pay them out of their pockets—in fact, under the publicity law, perhaps, they could not do that and come within the limitation of the law—but they can appropriate a half a million dollars, and that will give each one of them practically two appointees to do political work in their personal interest at

words, the Internal-Revenue Service, which was clearly given by the statute above quoted a discretion in the imposition of fines, proposes to and is acting absolutely without discretion. Some little, struggling mutual corporation, not organized for profit and officered by those unfamiliar with law, is to be called on to pay the same penalty out of its shallow or empty treasury as would be the most powerful and affluent financial combination, with the most skilled legal talent at command. Such administration of this highly important statute is highly mischievous and well calculated to bring into needless disrepute a law worthy of public support, but, at the best, unpopular enough.

The income-tax law is a new statute. It went into effect last October, and the country is having its first experience of actual contact with its provisions. The gentleman from Tennessee [Mr. HULL], the author of the law, says that at the time these returns were due the taxpayer had "had little time to understand the law and still less time to see and study the regulations of the Treasury Department. But few income-tax officials were appointed until all tax returns were due." There was little opportunity for the Internal-Revenue Service to lend to the public the aid which it can and will render in future years. It would seem, then, that this is a good time for the exercise of some discretion by the Internal-Revenue Service. The purpose of penalties in the law is not the increase of the revenue but the proper enforcement of the law. Wherever a purpose to evade the law or to hinder its just operation is manifest, penalties should be enforced commensurate with the enormity of the offense; but where it clearly appears a failure to observe the law has been due absolutely to misunderstanding or to ignorance of the law, and that the law has been promptly complied with on suggestion from the Internal-Revenue Service, the purpose of the law has been satisfied, and nothing is to be gained by unfair and unreasonable imposition of harsh penalties.

These considerations might well obtain in the case of all penalties, either as against individuals or as against corporations, but have special weight in the case of corporations, inasmuch as the law requires action by all corporations, but only by such individuals as have an income subject to a tax.

I desire, however, to bring especially before your consideration that class of corporations having no net income, and especially those corporations which are not organized for profit. The law expressly exempts some such corporations, but there are many others of similar nature that are not exempted. One class that I will call especially to your attention and that will serve to illustrate the unreasonableness of the Treasury Department in its refusal to exercise any discretion are the mutual fire insurance companies that are so common in my State and, I presume, generally throughout the country. In practically every county we have one or more such mutual organizations, generally formed by farmers for the insuring of their farm homes and farm buildings against fire or other perils. They are all strictly mutual, with no thought or possibility of profit and, of course, no net income. Their method of doing business is generally that described in the following from M. B. Armstrong, secretary of the Monitor Insurance Co. of Oakland County:

> We borrow money to pay our losses and expenses, and at the end of each year make an assessment to pay borrowed money. We carry no surplus in our treasury.

These companies, having no net income, are, of course, not subject to the payment of any income tax, and it would be quite natural for one not familiar with the provisions of the income-tax law to suppose that hence they would not be subject to such statute. There are in Michigan 90 such corporations. I have addressed an inquiry to the secretary of each such corporation and have had replies from 78 of them and have been able to find only three that filed a report by March 1, 1914, as required by the law. This would indicate that the law was not very generally understood by them. Further, I am advised by the secretary of one company that he wrote to the deputy internal-revenue collector for his district in Michigan in February concerning this same matter, and was advised by that deputy internal-revenue collector that his company being a mutual company was not under the income-tax law. Two companies informed me that they had referred this question to their attorney and been advised that they were not under the law. Another company informs me that its president had made inquiry of an official of the Internal-Revenue Service, and likewise was advised that it was not under the income-tax law. While internal-revenue collectors and lawyers disagree as to the jurisdiction over such companies, is it a matter for wonderment or severe condemnation that these officials should fail to understand their duty under the law?

There are two revenue districts in Michigan, one with headquarters at Detroit and the other with headquarters at Grand Rapids. In the Grand Rapids district no attention has been paid to these companies. Thereby the Government is being saved some expense and can lose no proper revenue, as none of the companies have any income subject to taxation.

In the Detroit district a new official, a recent appointee of this Democratic administration, has taken up the reins of authority with all the vigor of a new broom and with all of the lack of discretion enjoined on him by his superiors at the head of the Internal-Revenue Service. Reports under the strict interpretation of the law were due from these companies to be filed not later than March 1 on blanks to be furnished by the Government. Late in April and early in May the Detroit office furnished these companies the blanks whereon to make the reports which they should have filed in February. Uniformly the officials made their returns immediately, the delay never being more than a few days from the receipt of the blanks, and none of them reported any net income which would properly subject them to the payment of an income tax. Perhaps Collector Brady had read of the fears of the Treasury heads and Democratic leaders that the revenues for the current year might not be sufficient under the new law. At any rate, he promptly sent out to all these companies demand for payment of $50 per, and almost uniformly he has insisted upon it.

Twenty companies have paid him the fine, thereby contributing about a thousand dollars to guard against any deficit in the Federal Treasury, and 12 others have been notified to pay. In five cases he is understood to have waived the penalty, and in at least one case he has expressly waived the penalty, stating:

> I have had under consideration the matter of penalty incurred by your company for failure to file its return of annual net income for 1913 within the prescribed time, and with the advice and consent of the United States attorney have decided to relieve you from the payment of any penalty this year in view of the fact that there has been no willful violation of the law.

That reads like a sensible exercise of a sound discretion, and it is greatly to be regretted that there has not been a more frequent exercise of such discretion, both in the Detroit and Washington offices of the Internal-Revenue Service. It is entirely within the discretion of the Internal-Revenue Service and the Treasury Department, and the responsibility for these foolish and unfair and unnecessary exactions of tribute from these struggling mutual organizations must rest upon those charged with the administration of the income-tax law and not upon Congress.

It is to be noted that under the corporation-tax law of 1909 as administered by Republican officials there was the exercise of a sound and reasonable discretion. Under the strict interpretation of the law these companies were charged with the duty of making reports of their income, even though such reports would be of no use after they were filed; but under Republican administration the exercise of a sound discretion in the Internal-Revenue Service was not an unknown quantity, and these companies were never called on for such reports, much less being fined heavily for failure to make reports before they were called for.

The large and strong corporations will not be called on to pay penalties for failure to file reports, for the simple reason that they well understand the provisions of the law. The burden of the unreasoning severity of the policy adopted by the Internal-Revenue Service falls on these companies made up of many individuals actuated not by a desire to reap profits but to aid one another in withstanding the heavy losses of fire and storm. There are companies of many other descriptions, dairy associations, rural telephone companies, and probably many thousand little corporate organizations throughout the country, similarly affected. Each of these is being summarily held up under form of law to the extent of $50 simply because the Commissioner of Internal Revenue will not distinguish between good faith and bad faith, will not exercise the discretion given him by the law. He apparently wants to see how fast his new toy can be made to run or wants to make as flattering a showing of revenues as possible.

Relief should be granted these companies. It could be granted by the Treasury Department, but there appears to be no hope for that. There is pending before the Committee on Ways and Means Senate joint resolution 155, introduced by Mr. SMITH of Georgia, and which provides as follows:

> Joint resolution to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914.
>
> Whereas the income tax has gone into effect for the first time during the present year; and
>
> Whereas through misapprehension of the law many parties have failed to make their proper returns prior to March 1, 1914: Therefore be it
>
> *Resolved, etc.*, That the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act be, and the same are hereby, remitted for the present year in all cases where said returns are completed by June 1 of the present year, and where the failure to make said returns was not due to a purpose willfully to refrain from making the same.

Fairness and good judgment would dictate the passage of such a resolution by this Congress in the absence of proper action by the Treasury Department. I hope such action will be taken by Congress, if not by the Treasury Department.

Mr. GOOD. Mr. Speaker, I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER pro tempore. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, the President resolves all our troubles by declaring them to be "psychological." The gentleman from Alabama [Mr. UNDERWOOD] dwells in the realms of prophecy. It is one thing to hope, even when the hope is long deferred. It is quite another thing——

Mr. UNDERWOOD. Will the gentleman from Wyoming allow me to answer his statement? Does the gentleman from Wyoming think that is a fair statement when we are within less than a week of the close of the fiscal year and when I stated that the actual returns in the Treasury Department exceed the returns of the Payne bill last year to say that my statement is in the realms of prophecy?

Mr. MONDELL. I still insist that the gentleman is dwelling in the realms of prophecy, because the cold, hard fact remains that the working balance in the Treasury of approximately $150,000,000 left by a Republican administration has dwindled to as low as $70,000,000, and it is now less than $80,000,000; that our gold reserve has dwindled by about $75,000,000; and that our expenditures, careful as the Treasury Department is to pay no bills until compelled to do so, largely exceeded our receipts.

The gentleman from Alabama tries to console himself by reason of the fact that his law is even worse than any of us feared it would be or prophesied it would be. He says there are to be larger returns and have been larger returns up to this time on imports than was estimated. That is true, and that is evidence of the fact that the law which bears his name is injuring the industries of the country even more than we expected it would. The late Claflin failure, involving mercantile houses from the Pacific to the Atlantic and from the Gulf of Mexico to the Lakes, is the latest illustration of its effect.

If there was any line of business in the country that might reasonably have expected and hoped to be successful, or at least to have kept its head above water during troublesome Democratic times, it was an enterprise like that—importing, jobbing, and retailing—a business so diversified that of all the industries of the country it might have been best expected to weather the storm. That that great industry has failed is prophetic of what we may fear for the future.

It is true that imports have increased under the Underwood bill, increased in the last six months, from December to May, to an amount of $105,000,000 over and above the imports for the corresponding six months of the year before; $105,000,000 of foreign goods imported over and above the amount imported for a like period the year before, to take the place of American-made goods. No wonder great institutions like the Baldwin Locomotive Works, that ordinarily employ eighteen to nineteen thousand men, are now employing less than one-half that number. No wonder great wall-paper and other industries down in the President's State of Jersey are closing down.

Mr. ALLEN. Will the gentleman yield?

Mr. MONDELL. I will yield for an inquiry in regard to wool in just a moment. No wonder the business of the country is stagnant from one end of it to the other.

Mr. ALLEN. I want to say that I had not intended to ask the gentleman with reference to wool——

Mr. MONDELL. That seems to be the staple inquiry over there.

Mr. ALLEN. But since the gentleman has mentioned it, does he know that the farmers of Ohio are getting from 3 to 5 cents more a pound for wool this year than they did last?

Mr. MONDELL. I knew that inquiry would come, and I have said here repeatedly that I knew the farmers of Ohio did get a very little more for their wool this year than they got last year, when, due to the threat of a Democratic tariff bill and low prices abroad, wool was below a free-trade basis. I am going to print that answer, and every time I rise to speak I am going to read the printed answer, so as to save gentlemen on that side the trouble of asking the question.

Mr. ALLEN. Will the gentleman answer the question that I really rose to ask?

Mr. MONDELL. I will.

Mr. ALLEN. Does the gentleman know that the Cincinnati Car Co., builders of street cars, located in my home city, received orders this week for 126 steel cars from the Chicago elevated railroad companies, completing a contract of $2,000,000?

Mr. WALTERS. Two weeks' work.

Mr. ALLEN. More like a year's work.

Mr. MONDELL. I do not know about that particular order. It would be very extraordinary indeed if somebody, somewhere among the 95,000,000 people of the United States, was not doing a little something. If nobody was doing anything, we would be in a bad way, the Lord knows.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FESS. On the matter of wool.

The SPEAKER pro tempore (Mr. RAINEY). The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. GOOD. I yield to the gentleman three minutes more.

Mr. FESS. I was going to ask whether the gentleman remembers that when the wool was sheared and put on the market it was sold at 10 cents less than it was a year ago; but now, since it is purchased and no longer in the hands of the woolgrower, but in the hands of the importers who control the prices, they can put the prices to suit themselves.

Mr. ALLEN. Oh, no; my information came directly from the farmers of the gentleman's district. [Applause on the Democratic side.]

Mr. FESS. Your information did not come from the farmers of my district, because their wool was sold months ago.

Mr. TAGGART. When is sheepshearing time in the gentleman's country?

Mr. FESS. In the spring. They do not leave the wool on the sheep's backs in this kind of weather—in the summer.

Mr. MONDELL. I will say again to the Democratic side that their prophecy with regard to the reduction in the cost of living, so far as it concerned wool, has not come true any more than it has come true with regard to anything else. It is true that some of the farmers of the country received a little more for their wool this year than they did last year under the threat of Democratic free wool, which sent the price of wool down to the lowest point it had reached since the days of the Wilson bill. Since then a world shortage has raised the price of wool everywhere, but the fact remains that our flockmasters are getting now less by 4 to 6 cents than they would receive under a fair tariff.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. McLAUGHLIN. Does the gentleman know that the sugar factories in Michigan are able to operate only by paying the farmers who raise the beets 50 cents a ton less than in former years, making a loss of approximately $5 an acre to the farmer?

Mr. MONDELL. That is very true. The few sugar factories which are continuing to run are paying less for beets than they did under a Republican tariff, and they will pay still less when the Underwood bill is in full force and effect relative to sugar. Up to this time the refiners may be able to pocket all the difference between the foreign price and what was formerly the domestic price. If that continues the Government will lose $50,000,000 per annum in revenue, and no man, woman, or child under the flag who consumes sugar will receive any benefit. In the meantime our domestic sugar business will have become a memory.

Mr. McKELLAR and Mr. TAGGART rose.

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MONDELL. I yield to the gentleman from Indiana.

Mr. TAGGART. Will the gentleman advocate taxing the tables of the whole American people in order to promote the beet-sugar industry?

Mr. MONDELL. I believe that the sugar industry in the United States should be protected and promoted, and I do not believe that in the run of the years the American people will pay any more for their sugar made in America than they will be compelled to pay for it under free trade, made under other flags. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. GOOD. Will the Speaker kindly notify me when I have consumed five minutes of my time?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GOOD. Mr. Speaker, I am surprised that the gentleman from Wyoming should make a complaint because $75,000,000 of gold has gone abroad in the last two months. He certainly did not read the statement of the Treasurer of the United States as published in the Washington Post a few days ago, or he would have made no complaint on that account. I have the statement here and desire to read a part of it:

> Treasury Department officials show only a passing interest in the phenomenal exportations of gold which are taking place through New York. Since January 1 the amount of gold exported has been about $70,000,000. The gold reserve supply of the New York Subtreasury was practically exhausted and over $40,000,000 worth of gold bars and coin was sent to New York last week from other subtreasuries.

Just one other matter. Much has been said concerning the falling off in exports as compared with those of the preceding year. I desire to print a table showing the total exports since 1898 and to call your attention to the fact that the exports did not reach the $2,000,000,000 limit until 1911, when they were $2,049,320,193; in 1912 the exports increased to $2,204,322,409, and for the first 11 months of this year they have been $2,207,424,688. The exports for the first 11 months of this year have exceeded the exports of every preceding year, with the exception of 1913, when they were $2,465,884,149, and we still have a month's exports to add to the 11 months' total before a fair comparison can be made. The following table shows the exports of domestic and foreign merchandise for the fiscal years 1898 to 1913 and for the first 11 months of 1914:

Exports of merchandise, fiscal years 1898 to 1913 and for the first 11 months of 1914.

[Compiled from the reports of the Bureau of Foreign and Domestic Commerce, Department of Commerce.]

Year.	Exports of merchandise.		
	Domestic.	Foreign.	Total.
1898	$1,210,291,914	$21,190,417	$1,231,482,331
1899	1,301,914,222	23,092,089	1,327,021,302
1900	1,370,763,571	23,719,511	1,394,483,082
1901	1,460,462,935	27,392,165	1,487,761,901
1902	1,355,481,861	26,237,510	1,381,719,401
1903	1,392,241,302	27,910,377	1,420,111,679
1904	1,438,179,047	25,648,234	1,463,827,271
1905	1,491,744,641	26,817,025	1,518,561,666
1906	1,717,953,382	25,911,118	1,743,864,510
1907	1,851,718,011	27,153,911	1,880,871,022
1908	1,834,596,457	25,286,980	1,859,773,348
1909	1,638,355,591	24,655,511	1,663,011,191
1910	1,710,081,998	34,900,722	1,744,981,720
1911	2,013,519,015	35,771,171	2,049,320,193
1912	2,170,019,829	34,302,581	2,204,322,409
1913	2,428,500,458	37,377,691	2,465,884,149
1914	[1] 2,175,492,412	[1] 31,932,276	[1] 2,207,424,688

[1] First 11 months of fiscal year.

EXPORTS OF BREADSTUFFS.

For the first 10 months of this fiscal year the exports of domestic merchandise amounted to $2,018,083,447, as compared with $2,077,277,678 for the same period last year, thus showing a falling off of $59,194,231. The exports of breadstuffs for the 10 months this year were $139,000,000, as compared with $185,000,000 for the same period last year, or a decrease of $46,000,000. Over 78 per cent of the decline in exports is due to the decrease in the exports of breadstuffs, and for this decrease in breadstuffs lessened exports of barley, corn, and oats account for a decline of $41,000,000. Thus the short yield of these three crops has been the chief factor in turning the scale of the export trade.

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized for 40 minutes.

Mr. GOOD. Mr Speaker, I yield 10 minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Speaker, I did not know this matter was coming up until the gentleman from Alabama made his motion, and especially I did not know there was to be a review of the condition of the Treasury, either under the Payne bill or under the Underwood bill, or I should have had the facts and figures here to make a more clearly official statement than I can make now on the spur of the moment. I desire to say there was no deficit under the Payne bill during any year. That bill did not go into operation until July, and what the gentleman claims was a deficit previous to that was not at all under any moment of the Payne Act. The deficit he speaks of in 1899 was after the large demand for the expenses of the War with Spain.

The deficit he speaks of in the year 1909, which seems to be greatly exaggerated by his statement—I have not the figures here to show it was——

Mr. UNDERWOOD. I will furnish the gentleman with the Treasury statement. My statement is taken entirely from the Treasury Department figures, and will send the document I have to the gentleman, if he will return it to me. They are not my figures. It is the published statement of the Treasury Department.

Mr. PAYNE. Well, I can not find it just now, unless the gentleman will point his finger to it. It seems to include the expenses of the Panama Canal for that year.

Mr. UNDERWOOD. I think that is correct.

Mr. PAYNE. On page 120 this report of the Secretary of the Treasury shows a deficit of $58,734,357 73, of ordinary expenses over ordinary receipts, or $60,000,000 less than the amount of $118,795,919.63, stated by the gentleman. This was for the last fiscal year under the Dingley law.

During the four years and a little over that the Payne law was in operation we not only paid the ordinary expenses of the Government every year, but during the time we had a surplus of ordinary receipts over ordinary expenditures of $141,000,000 that we applied to the expenses of the Panama Canal. Now, the expenditures for the Panama Canal, I will agree with the gentleman, are not to be charged in the ordinary expenditures of the Government. I can not join with the gentleman in his optimism that we are going to get enough tolls out of the Panama Canal to take care of the expenses of its operation in the future. No one who has examined that subject believes that for a single moment.

But the gentleman has confused the years greatly in his statement, beyond all that. He is claiming credit for the revenues for the entire fiscal year ending the 30th day of this month, but the "blessed" Underwood bill did not go into operation until three months and three days of the fiscal year had already passed away, and the revenues then were due to the Payne Act and not to the Underwood bill. And the gentleman does not make any mention of the fact that the Underwood bill as to its greatest reduction in its tariff rates did not get into full operation until January 1. So that six months had elapsed under the Payne Act before we began to get definite returns under the Underwood bill.

Mr. UNDERWOOD. In fairness, the gentleman ought to say that returns under the Underwood bill, or most of the returns, started in October. He ought to say in fairness that the customs returns under the Payne bill up to October were much less proportionately than they have been since that time.

Mr. PAYNE. I remember that on the 1st of October our jovial, optimistic Secretary of Commerce said in a public statement that the importation of precious stones would amount to $56,000,000 in that year. Well, they were $44,000,000 up to that time under the Payne law, paying a duty of 10 per cent. They have been practically nothing under the ridiculous duty of 20 per cent under the Underwood bill, in which case you can not collect duties on precious stones that are so easily smuggled into the country. The gentleman in all fairness, if he was going to bring in this statement, ought to have gotten from the Treasury Department just what the falling off of the revenues was on his wool schedule and sugar schedule, and all along the line.

Mr. UNDERWOOD. I would be delighted to give the falling off in wool and sugar, because the people of the United States receive the direct benefits from that falling off.

Mr. PAYNE. Exactly. Now, if the gentleman wants to claim any benefit from that he does not want to be claiming the benefit of the Payne law when they collected these duties and prevented a deficit in the fiscal year ending the 30th of this month.

Mr. UNDERWOOD. The gentleman knows as well as I do that they ceased largely in importing sugar, so far as they could, and almost entirely ceased to import wool when they found the Underwood bill was going on the statute books. The gentleman knows that. There were practically no importations in those times.

Mr. PAYNE. The gentleman can not get it out of the report, unless he looks at it with a microscope to find out whether that is true. Of course the chairman of the Ways and Means Committee has access to all these papers that I, as a member of the minority, do not have.

Mr. UNDERWOOD. The gentleman knows, and it was stated in the debate here a number of times on the floor, that after it became apparent that the present law was going to be enacted as to free wool the importation of wool practically ceased.

Mr. PAYNE. You claimed the factories were running full force and had to have wool to run with, and they had to import the wool. The gentleman will find it so if he will look at the reports. They do not enter into the computation at all, and he wants to take credit for his bill, whereas credit is due to the bill that was superseded by his bill.

They claim they had disappointment in regard to the income-tax returns. What mortal man knew what would come under the income-tax law? Who knew anything about the incomes of the people of the United States? They had figures that were derived from the statements that were made on the Chautauqua lecture course that a hundred of these people had an income of $10,000,000, and some of them $100,000,000, and they were going to get an income out of that. They did not take into consideration that these Chautauqua gentlemen did not know anything more about it than the Secretary of the Treasury, the gentleman from Tennessee [Mr. HULL], and the gentleman from Alabama.

Mr. HULL. Will the gentleman yield?

Mr. PAYNE. I can not yield. I have only 10 minutes.

They are disappointed about this. Now, they want more money. What for? For a little inquisition to inquire about the income of the people of the United States. They said that one of the blessed advantages under this whole matter was that we were not going to have inquisition, that people were going to be nice under it, and all that sort of thing. Now, the people are all dishonest. Why? Because the income tax does not come up to the expectation that these gentlemen founded on the merest rumor and on the remarks that were made in the Chautauqua lecture courses and the muckraking magazines. We will know on the 30th of June what the result will be for the fiscal year ending on that day. Or, we will know when the returns are made up. It is pretty hard work to get at them now. They are delayed for some reason or other. We do not get them. The gentleman from Alabama [Mr. UNDERWOOD] seems to have access to the Treasury Department. Whatever their books may show, I do not know, but there is a big falling off in their expectations; and still they come in here claiming the benefits under the Payne law for the three months of the fiscal year, six months on wool and five months on sugar, and five months on wooden goods, and all that sort of thing, and say that they are going to get along without a deficiency. The gentleman did not even mention in his half-hour's speech that the Payne law was entitled to any credit for the increased receipts under the present fiscal year.

Mr. UNDERWOOD. The gentleman should be fair. When he contends that this law is not raising revenue, and when stated here on the authority of the Treasury Department—and it is within a few days of the end of the fiscal year—that it will raise $723,000,000 as against $724,000,000 raised in the Payne bill, I say the gentleman's statement is absolutely unjustified and not in accordance with the facts.

Mr. PAYNE. Well, I might say that the gentleman did not state that or the Secretary of the Treasury did not state it.

Mr. UNDERWOOD. I did state it.

Mr. PAYNE. It is all prophecy, and you have been prophesying from the time you put this law on the statute book up to the present time. You prophesied you were not going to have any trouble. You did not have any trouble, you said; there was no trouble with business; everything was lovely. And while everybody else in the United States whose judgment was of any account knew that business was rotten, you kept on putting out that statement, and finally an intimation of the condition of business got to the White House, and the President, who was optimistic and had been telling that there was not anything the matter with business, finally admitted that "while business is not so good as it might be, yet the depression is only psychological," and it should not be blamed on the Underwood tariff bill.

When you got the Underwood bill on the statute books even the Speaker of the House, along about the 1st of December, made a speech here in which he said, "When we get the currency act passed everything will blossom as the rose." [Laughter on the Republican side.] We have been looking for those blossoms ever since. [Renewed laughter on the Republican side.] But it is the blossoming of thistles instead of roses.

Then you put your currency bill on the statute book late in December. Still there was something the matter. Business wanted a little more medicine. So the man who controls Congress and leads you, bound, hither and thither, while none of you dares say his soul is his own or has an idea that he dares express, says, "We must have these trust measures passed and you must stay here all summer and all winter and all the rest of the time and put them on the statute books; and when we get those on the statute books, then the psychological panics will disappear, and the Claflin failures will disappear, and business will blossom as a rose." [Laughter and applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. GOOD. Mr. Speaker, I yield to the gentleman from Michigan [Mr. CRAMTON].

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CRAMTON] is recognized.

Mr. CRAMTON. Mr. Speaker, this item is to provide an immense sum for the enforcement of the income-tax law. I desire to take this opportunity to call to the attention of the membership of the House the absolutely arbitrary and unreasonable policy being followed, in connection with the imposition of penalties, by the Commissioner of Internal Revenue in the enforcement of this law.

In the income-tax law provision has been made for certain penalties for failure to make reports by certain dates. The commissioner, in the adoption of his policy, and with the approval of the Secretary of the Treasury, has taken that provision of the law as some splendid new toy which he may operate for his own amusement, regardless of the real purposes of the act. Being given the opportunity, he is enforcing the collection of penalties, regardless of all considerations of fairness or of reason. He must have the pound of flesh.

In the case of an individual who has no net income subject to the tax he is not required by the law to make any report. The individual who has a net income subject to the tax is required to make report, and for failure to make such report within the time specified he is subject to a penalty of not less than $20, according to the law.

In the case of a corporation, whether it has a net income subject to taxation under the law or not, that corporation must make a report. For failure to make such report within the time specified such corporation is subject to a penalty of not exceeding $10,000, in the discretion of the officers charged with its enforcement. The following is the provision of the law found in subparagraph (d) of paragraph G of the income-tax law:

If any of the corporations, joint-stock companies or associations, or insurance companies aforesaid shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint-stock company or association, or insurance company shall be liable to a penalty of not exceeding $10,000.

The policy adopted by the Internal-Revenue Service is shown by the following circular letter issued by the collector of internal revenue at Detroit, Mich., and which has the approval of the Commissioner of Internal Revenue and of the Treasury Department:

TREASURY DEPARTMENT,
INTERNAL-REVENUE SERVICE.

SIR: Your return of net income was not received in this office until ——, thereby involving you in liability to a specific penalty of not to exceed $10,000, under the act of October 3, 1913, in addition to the 50 per cent additional tax which will be assessed and collected.

The provisions of the act are mandatory, and no excuse or explanation can be accepted, except a showing that a complete or tentative return was in fact mailed in time to have reached this office, or a deputy collector, in the ordinary course of business on or before March 2, 1914 (March 1 being Sunday).

However, before instituting proceedings in court for the imposition of the specific penalty, I am directed to call your attention to the provisions of section 3229, Revised Statutes, which reads in part as follows:

"The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon * * *."

Should you desire to take advantage of your privilege under this section and to submit an offer in compromise, the amount offered should be forwarded promptly to this office in the form of cash, postal money order, or certified check, which can be cashed without cost, payable to my order, accompanied by affidavit substantially in the following form:

"To the COMMISSIONER OF INTERNAL REVENUE:

"I hereby solemnly swear (or affirm) that my delinquency in filing return of net income as required by the act of October 3, 1913, was not due to any intent to violate the law or evade taxation, but was due to (here insert, concisely and clearly, the reason for delay).

"Desiring to compromise my liability, I hereby tender the sum of $——, which I request be accepted in compromise of the specific penalty only."

To be signed and sworn to before a deputy collector, notary, or other officer authorized to administer oaths.

This affidavit will then be forwarded by me, together with the sum offered, to the commissioner for consideration, and you will be notified by him of his acceptance or rejection of your proposal. In the latter event, you may increase your offer, if you so desire.

It may be added, that the department will not take favorable action on offers of less than $50 in cases similar to yours, but has accepted that amount in cases where there has been no intent to violate the law.

Respectfully,

JAMES J. BENDT,
Collector of Internal Revenue.

I have had this matter up at some length with the Commissioner of Internal Revenue and, in the absence of the Secretary of the Treasury, with the Assistant Secretary, Mr. Hamlin, and find that the policy set forth in the above circular has the full approval of the department and is apparently its settled policy. Under this ruling every corporation that failed to file its report on the minute specified by the statute is liable to a fine of not less than $50, and the Commissioner of Internal Revenue proposes to impose that fine and insist on its collection, regardless of whether the failure was the result of pardonable ignorance of the provisions of a new law, illness of responsible officials, conflict of opinion among attorneys and officials as to liability under the law, or other reasons that would appeal to minds outside of the office of the Internal-Revenue Service as valid and reasonable ground for the exercise of the discretion given that service by the law. Furthermore, the commissioner proposes to collect such fine for failure to report as to their income from all corporations, regardless of whether such corporations have any income or whether or not they are organized for profit.

In actual practice he is insisting that such corporations shall pay fines of substantial amounts for failing to fill out and return blanks to be furnished by the Internal-Revenue Service several months before such blanks actually were furnished. In other

In my judgment, after a full and careful consideration of this question with the Commissioner of Internal Revenue, I believe it will be necessary for him to have the full $1,500,000 available to enforce the law within the next year. More than that, I believe the Government of the United States will make the amount of this appropriation many times over by increasing the appropriation from $1,000,000 to $1,500,000.

Of course I take it that the House understands that this appropriation will be used partially for the collection of the income tax in the regular channels, but the additional amount that is asked for will be almost entirely used to enforce the collection of the income tax against persons and corporations that are trying to evade the law. I take it that no matter what a man's opinion may be in reference to the income-tax principle, or whatever may be his opinion in reference to expenditures, that no man will take issue on the proposition that individuals and corporations who are attempting to evade the law and who are not paying their proportion of the income tax when it is due ought to be brought to a reckoning and required to comply with the terms of the law.

The Commissioner of Internal Revenue has stated to me that he believes this additional appropriation will allow him to make investigations that will enable him to collect from $15 to $25 for every dollar of this additional appropriation; that the indications are that a great many people have not made their returns, and some who have made their returns have not made the returns that the law requires them to make, some through ignorance, some through mistake, and some through deliberation. For these reasons I think it is important that the appropriation should be increased to the amount fixed by the Senate.

I want to call the attention of the House to the fact that this is not an unusual request. It costs at the present time 3¼ per cent to collect our customs revenues. It costs at the present time 1½ per cent to collect our ordinary internal-revenue taxes on whisky, tobacco, and other things, excluding the income tax.

Although the returns from the income tax this year will not reach the maximum and will fall somewhat below $160,000,000, there is no question in my mind, and I think I can demonstrate to the House in a few minutes, that the ordinary returns which will be collected from the income tax and the corporation tax in a normal year will amount to more than $100,000,000. A cost of collection of $1,500,000 a year will not exceed the amount that it costs us to collect the ordinary internal-revenue taxes to-day. It is much less than it costs most of the European countries to collect their internal-revenue taxes, and it will cost us very much less than to collect our customs taxes, as is shown by the difference between 3¼ per cent and 1½ per cent. So I do not think the request of the Commissioner of Internal Revenue is unreasonable.

Furthermore, I desire to call the attention of the House to the fact that this is a new law. It is true that we had an income-tax law 20 years ago, but it hardly was enacted into law before it was wiped off the statute books. There are a great many people in the United States who do not understand the law. Some probably desire to evade it, but in my judgment most of the failures to make returns are due to the fact of a misunderstanding of the terms of the law and not to an actual intention to violate the law. But whatever may be the cause we are putting into effect a new law. We have the machinery of that new law to build up. We have a vast deal of work to do this year, and possibly next year, in reference to the collection of taxes under this law, that will not be required in the future. I think it would be bad and false economy to withhold from this bureau the money that they say is necessary to enforce the law at this time.

Now, Mr. Speaker, I desire to take advantage of this opportunity to make a short statement not directly bearing on the amendment in reference to the present condition of the Treasury. As there have been a great many misleading statements made in the daily press I desire to call to the attention of the House and to embody in the RECORD a few facts in reference to actual conditions. I have seen it stated in the press and heard it stated on this floor that the present law would leave a great deficit in the Treasury. As a matter of fact, Mr. Speaker, instead of the law being a disappointment as a revenue measure it has exceeded the expectations of those who wrote the law. [Applause on the Democratic side.] I am reading now from a statement furnished to me by the experts of the Treasury Department on yesterday and from the report of the Secretary of the Treasury for 1913, so that the figures that I propose to give to the House are official and not mine.

First, in reference to the customs receipts. When the recent tariff bill was written the committee estimated that the customs receipts for the first fiscal year under the new law would amount to $270,000,000. That amount has already been largely exceeded by the returns already received by the Treasury Department, and the Treasury estimate of the moneys that will be received from customs for this fiscal year amount to $292,000,000, or an excess in customs receipts of $22,000,000 above the estimate presented to the House at the time the bill became a law. Under the last year of the Payne bill the receipts from customs dues amounted to $318,891,396, so that it is seen that the falling off in customs dues between the present law and the Payne law will amount to the difference between $318,891,396 and $292,000,000, or about $27,000,000. Of course, we expected that there would be a falling off in the receipts from customs dues to some extent, or if we had not we would not have proposed the income tax. As a matter of fact, as I stated, we are receiving $22,000,000 more from customs receipts than we expected to receive. For the fiscal year 1914 the receipts from internal revenue, exclusive of the corporation and income tax, were estimated by the Treasury Department at $312,000,000.

The Treasury experts report that at the end of this fiscal year they will amount to $309,000,000, which is a falling off of $3,000,000 in the estimates. However, the ordinary internal-revenue receipts will be equal to the amount of the internal-revenue taxes received under the last year of the Payne law, which in that year amounted to $309,000,000. As to the corporation and income tax, the Treasury Department estimated that the returns from it for this fiscal year would amount to $95,000,000. As a matter of fact, this year it will not amount to more than $75,000,000, which is a falling off of $20,000,000, but we have made up $22,000,000 in customs receipts. I want to say to the House that although there is an apparent falling off of $20,000,000 in the income-tax receipts, that there will be no actual falling off for the next fiscal year. It is true that the income tax has in its operation applied thus far to the last 10 months of the year 1913, but it must be borne in mind that a large proportion of incomes upon which no collection of tax could be made this year accrue and are payable in January and February of 1913. Probably nearly one-half of the dividends and coupon interest on bonds are payable on January and February of each year, and of course they are not included in this year's returns of the income tax.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. PAYNE. Did they not, in computing the income tax, take the full amount for the year and then take five-sixths of it for the 10 months, so that it includes the dividends received in January and February for a proportionate amount of the taxes?

Mr. UNDERWOOD. No.

Mr. PAYNE. That was according to the instructions, according to which men made out their income-tax returns.

Mr. UNDERWOOD. No; the gentleman is mistaken.

Mr. PAYNE. If I can get a copy of it, I will show the gentleman that he is mistaken.

Mr. HULL. Mr. Speaker, if the gentleman will yield, I will call attention to the fact that the five-sixths provision relates to deductions alone.

Mr. UNDERWOOD. Yes; it relates only to deductions. No one is charged for income for this last year except for income actually received during the last 10 months of the calendar year 1913. The income-tax assessment upon semiannual incomes payable in January and July only applied in 1913 to a period of four months. The law applied only seven months in 1913 to all quarterly incomes payable in January, July, and October. So it is fair to say that the entire income-tax rates really applied to these large classes of income during one-half of the year that has been available in which to collect the tax. Include the corporation portion of the tax and double the amount of the income tax that is collected for this year and you will have considerably more than one hundred millions of dollars, and the Treasury experts made the estimate only for $95,000,000. So I think it goes without saying that for next year we can be assured of collecting more than $100,000,000 from the income tax, even if no more proportionately is collected than was this year. But we will collect considerably more proportionately. I wish to call attention to the fact that under the Payne law the corporation tax produced more than one-fourth less the first year that it was in operation than the last year it was in operation, due to the fact that the Government had not caught up with some people who withheld their taxes, and also due to the fact that a great many people made mistakes in returning their taxes.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. For a question only.

Mr. CAMPBELL. What is the comparison of the corporation tax between this year and last year?

Mr. UNDERWOOD. The corporation tax for this fiscal year will yield about $44,000,000, as compared with $35,000,000 for last year. It will show an increase of about $9,000,000 over the

last year of the Payne bill. That may be due to some extent to its natural growth, but to a large extent to the fact that we have cut out of the corporation tax the exemption of $5,000 and required all corporations to make a return now, whereas heretofore only corporations having an income in excess of $5,000 had to make the return. Now, Mr. Speaker, we estimated the returns last year for miscellaneous receipts at $59,000,000. As a matter of fact, there will be a falling off of $2,000,000, as shown by the figures furnished me by the Treasury Department, and they will only amount to $57,000,000, but, of course, the new tariff law had no relation to that whatever, because the miscellaneous receipts have been in no way affected by it.

Mr. TOWNSEND. Will the gentleman put into the RECORD the principal items going to make up the item of miscellaneous receipts? I think it will be of interest in this connection to the whole membership.

Mr. UNDERWOOD. I will insert the principal items included under miscellaneous receipts. The following table shows the items included under miscellaneous receipts and the revenue collected from each during the fiscal years 1912 and 1913:

Comparison of miscellaneous receipts for the fiscal years 1912 and 1913.

[Compiled from the reports of the Secretary of the Treasury, 1913.]

Items.	1913	1912
Sales of public lands	$7,919,204.62	$5,302,796.75
Consular fees	1,796,038.57	1,700,776.45
Chinese indemnity	644,500.26	105,081.41
Profits on coinage, bullion deposits, etc	8,545,148.03	6,970,159.43
Payment of interest by Pacific railways	9,493.19	8,046.95
Tax on circulation of national banks	3,730,059.08	3,637,008.78
Interest on public deposits	34,009.91	40,675.01
Night services, customs service	229,971.43	234,084.84
Customs fees, fines, penalties, etc	1,598,201.84	1,387,114.94
Navy hospital and clothing funds, fines and forfeitures, etc	1,026,118.12	1,326,013.43
Sales of ordnance material, etc	202,432.25	224,732.28
Land fees	1,643,041.08	1,252,550.97
Fees on letters patent	2,077,101.69	2,076,399.85
Compromise and repurchase of forfeited lands	648,582.93	.....
Depredations on public lands	169,968.49	161,670.21
Proceeds of town sites, Reclamation Service	47,784.74	15,224.10
Forest reserve fund	2,466,927.23	2,158,344.99
Immigrant fund	4,735,062.00	3,336,519.33
Naturalization fees	300,425.50	244,442.25
Proceeds of sealskins	130,640.57	383,862.28
Alaska fund	266,607.28	225,639.43
Judicial fees, fines, penalties, etc	1,123,949.87	1,274,839.66
Sales of Government property	3,480,618.06	2,782,028.47
Rent of public buildings, grounds, etc	208,301.09	204,302.59
Sales of lands and buildings	72,795.79	33,201.30
District of Columbia, general receipts	8,070,369.29	7,771,381.09
Funds contributed for river and harbor improvements	1,020,520.00	402,000.00
Panama Canal, rentals, work done, etc	1,993,117.47	1,231,610.00
Reimbursements on account of expenditures made for Indian tribes	531,015.82	829,925.88
Miscellaneous	2,190,000.75	1,904,513.89
TRUST FUNDS.		
Library of Congress:		
Trust fund bequest	20,000.00	.....
Department of State:		
Miscellaneous trust funds	181,047.36	1,149,892.22
War Department:		
Army deposit fund	1,580,835.51	1,809,401.54
Soldiers' Home permanent fund	504,289.03	446,997.88
Miscellaneous trust funds	4,518.19	.....
Navy Department:		
Navy deposit fund	284,608.56	457,033.92
Marine Corps deposit fund	159,880.80	148,922.20
Interior Department:		
Deposits for surveying public lands	67,774.20	71,606.98
Proceeds of Indian lands	3,799,104.72	3,204,763.79
Indian moneys, proceeds of labor	4,489,248.60	3,079,440.57
Miscellaneous trust funds	156,199.22	36,687.02
Personal funds of patients, Government Hospital for Insane	29,864.84	31,588.13
Pension money, Government Hospital for Insane	97,396.46	91,107.07
District of Columbia:		
Miscellaneous trust fund deposits	510,120.53	448,581.02
Washington redemption fund	117,760.02	110,583.43
Police and firemen's relief funds	106,703.38	99,291.20
Other trust funds	19,618.47	31,253.18
Total	60,634,487.79	58,908,796.00
Deduct—		
Moneys covered by warrant in year subsequent to the deposit thereof	337,590.05	401,792.56
	60,296,897.74	58,507,003.44
Add—		
Moneys received in fiscal year but not covered by warrant	505,970.59	337,500.00
Total	60,802,868.33	58,844,503.44

Now, Mr. Speaker, summing up all the estimates, the total receipts for the fiscal year 1914 as estimated by the Treasury Department amounted to $726,000,000. As a matter of fact, as shown by the returns of the Treasury Department, the collections will amount to $733,000,000. In other words, the returns for this year will be only $3,000,000 less than our estimates for the total estimates, and that loss of $3,000,000 in our estimates is almost entirely made up by the falling off of $2,000,000 in miscellaneous receipts, over which we had no control whatever, and we merely make the estimates from the last year. Now, when you compare the fact that we will raise this year $733,000,000, with only a half-year exercise of the income features of the law, with the fact that when the Payne law was in effect the receipts only amounted to $724,000,000, and that the receipts under our bill which will be turned into the Treasury exceed the receipts under the Payne bill as $733,000,000 exceeds $724,000,000, or $9,000,000 in actual receipts, it seems to me that gentlemen who have been criticizing this bill from the standpoint that it would cause a deficit in the Treasury and would not supply the Government with sufficient revenue have been dreaming idle dreams and making statements that were backed up by the wishes that sprung from political antagonism and not from basic facts as shown by the report of the Treasury. [Applause on the Democratic side.] Now, as to whether or not there will be a deficit in the Treasury, as I have said, the total receipts will amount to $733,000,000, and the total ordinary disbursements for this year will amount to $703,000,000, leaving a balance in favor of the Treasury or a surplus for this year of $30,000,000, with the income tax in full operation only a half year. [Applause on the Democratic side.] But gentlemen will say that that does not include the expenditure for the Panama Canal, and it does not.

The Treasury Department advises me that they will expend on the Panama Canal this year $35,000,000. With $30,000,000 of surplus over ordinary receipts and disbursements and $35,000,000 to be expended on the Panama Canal, it leaves $5,000,000 that has to be raised to pay for the Panama Canal expenditures, and only $5,000,000. Well, now, I want to say that $5,000,000, and vastly more, is in the Treasury to-day in the way of a surplus, and the Government of the United States does not have to borrow from anybody to pay it; but in the course of the next year the expenditures on the Panama Canal will practically pass away and the following year they will practically all be gone and the receipts from the canal will pay the running expenses of the canal. But there is nothing in having a deficit in the Treasury. I want to call attention to the fact, and I read from the report of the Secretary of the Treasury for 1913, on page 123—under the Payne bill for the year 1898——

Mr. PAYNE. It was not under the Payne bill.

Mr. UNDERWOOD. Under the Dingley bill. In 1898 there was a deficit in the Treasury of over $61,000,000. Now, coming down to a more recent year——

Mr. MURDOCK. That is, at the end of the fiscal year?

Mr. UNDERWOOD. At the end of the fiscal year. For 1900, under the Payne bill, there was a total deficit of over $118,000,000.

Mr. PAYNE. Well, now, I want to call the attention of the gentleman to the fact that the Payne bill did not go into operation until the end of the fiscal year 1909. You can not blame the Payne bill for that.

Mr. UNDERWOOD. The Payne bill was partly in operation and the Dingley bill was partly in operation.

Mr. PAYNE. The 30th of June was the end of the fiscal year 1909, and the Payne bill did not go into operation until after that.

Mr. UNDERWOOD. I will correct my statement; it is the Dingley bill. In 1900 there was a deficit of $118,000,000. Now, just one word; the next year, 1910, there was a deficit under the Payne bill of over $19,000,000. Furthermore, even with the receipts from the issuance of Panama Canal bonds, amounting to over $138,000,000, the disbursements for the fiscal years 1907 to and including 1913 exceeded the receipts for the same period by almost $10,000,000. The following table shows the Panama Canal receipts and the surplus or deficit in the Treasury at the close of each fiscal year from 1907 to and including 1913:

Panama Canal receipts and surplus or deficit on all Treasury receipts, 1907 to 1913.

[Compiled from the report of the Secretary of the Treasury, 1913.]

Year.	Panama Canal receipts, proceeds of bonds and premiums.	Surplus (+) or deficit (−) on all receipts.
1907	$21,210,817.95	+$91,372,090.65
1908	29,267,798.67	− 26,820,007.74
1909	30,781,008.41	−118,796,919.93
1910	.....	− 19,480,752.42
1911	[1] 18,102,170.04	+ 33,501,998.58
1912	33,189,104.15	+ 26,975,552.86
1913	.....	+ 3,319,156.71
Total	138,600,899.02	{ +155,168,199.80 −165,166,759.80
Deficit from 1907 to 1913	.....	− 9,998,601.00

[1] Includes deposits of $17,641,634, for principal of bonds, only $2,935,700 of which were actually issued in 1911, the balance was issued in the fiscal year 1912.

TEXAS.

H. A. Anderson, Onalaska.
Claudine Barnes, Pampa.
E. R. Cheesborough, Galveston.
H. M. Coats, Texas City.
George C. Williams, Wills Point.

VERMONT.

Prentiss C. Dodge, Randolph.
Emory S. Harris, Bennington.
George F. Hubbell, Northfield.
C. W. Locke, Springfield.

WASHINGTON.

F. M. Charlton, Harrington.
C. W. McClure, Washougal.
John W. Miller, Snohomish.
Eleanor Staser, Kennewick.

WISCONSIN.

William L. Evans, Green Bay.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 27, 1914.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal God, our heavenly Father, we bless Thee for all the faculties of mind and soul with which Thou hast endowed us, which, under the dispensation of Thy providence are ours to unfold to full and symmetrical proportions till we all come in the unity of the faith and of the knowledge of the Son of God unto a perfect man, unto the measure of the stature of the fullness of Christ—a precious privilege, yet a great responsibility. Help us, we beseech Thee, to strive earnestly for the mastery. In His name, amen.

Mr. MURRAY of Oklahoma assumed the chair as Speaker pro tempore.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. Without objection, the Journal as read will be approved.

Mr. MANN. Mr. Speaker, reserving the right to object, the Journal says that the House agreed, after a quorum was shown not to be present, to meet at 10.30 o'clock this morning. I think the Journal should show that, pending the announcement of the roll call, the House adjourned to meet at 10.30 this morning. That was the fact. The Journal ought not to show that the House took action when there was no quorum present.

Mr. UNDERWOOD. That is undoubtedly the fact, Mr. Speaker. The House agreed to the time of meeting before the announcement of the lack of a quorum.

The SPEAKER pro tempore. Without objection, the Clerk will be directed to make that change in the Journal.

Mr. MANN. Mr. Speaker, on the roll call on amendment numbered 43, next to the last roll call that was had, the Journal shows that four Members answered "present." When the roll was completed there was not a quorum present, as shown by the roll call, and the Speaker directed the Clerk to note as present the gentleman from New York [Mr. BROWN] and the gentleman from Washington [Mr. BRYAN]. The roll call shows that they answered "present." That would indicate a voluntary act upon their part, when it might have been very embarrassing to the gentlemen to have voted "present" when they might have desired to vote "yea" or "nay"; and when they had refrained from exercising the privilege of voting the Speaker directed that the Clerk note the presence of Mr. BROWN of New York and Mr. BRYAN.

The SPEAKER pro tempore. The Chair is informed by the Clerk that Mr. BRYAN and Mr. BROWN of New York could not vote because they were not in the Hall at the time listening——

Mr. MANN. That is true.

The SPEAKER pro tempore. And that they were present at the time that the Speaker told the Clerk to enroll them.

Mr. MANN. The Speaker directed the Clerk to note, under clause 3 of Rule XV, the presence of Mr. BRYAN and Mr. BROWN of New York to make a quorum. But they did not themselves answer "present," and the Journal shows that they answered "present." If they had voted at all, they might have desired to vote "yea" or "nay."

The SPEAKER pro tempore. The Chair does not quite catch the point which the gentleman from Illinois desires to make.

Mr. MANN. Under the rule, if a quorum does not vote and there is any Member in the House who has not voted, any Member may suggest, or the Speaker himself may direct, that the presence of those Members be noted in order to make up a quorum. That was done yesterday, but the Journal, I repeat, shows that they answered "present." If they could answer at all, they might have preferred to answer "yea" or "nay."

The SPEAKER pro tempore. The gentleman from Illinois desires the Journal to show that they were noted as present rather than that they answered "present."

Mr. MANN. Yes. It should show that they are noted as present instead of having answered "present."

The SPEAKER pro tempore. The Chair thinks the gentleman from Illinois is correct in that. That would yet constitute a quorum.

Mr. MANN. Oh, yes; certainly it would constitute a quorum.

The SPEAKER pro tempore. If there is no objection, the correction of the Journal will be made.

There was no objection.

The Journal was approved.

EXTENSION OF REMARKS.

Mr. KETTNER. Mr. Speaker, I secured unanimous consent to extend my remarks in the RECORD on the conference report on the Agricultural appropriation bill, but it does not appear in the RECORD. I would like to have the omission corrected.

The SPEAKER pro tempore. Does the gentleman from California have any particular preference as to the day on which he desires it to be shown that he made that request?

Mr. KETTNER. It does not make any difference.

The SPEAKER pro tempore. The gentleman from California [Mr. KETTNER] desires to have the RECORD show that he had unanimous consent to extend his remarks on the Agricultural appropriation bill. Is there objection?

There was no objection.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, before adjournment yesterday afternoon the previous question had been ordered upon the motion to recede and concur in Senate amendment 48. I ask unanimous consent that the order calling for the yeas and nays on that motion be vacated.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent that the order calling for the yeas and nays upon the motion with reference to amendment numbered 48 be vacated. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, let us have a vote on the motion to further insist on the disagreement of the House——

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. I take it that the vote that was had last night, although a quorum did not appear, would be considered by the conferees as sufficient instruction to the conferees, and would be considered as a sufficient expression of opinion on the part of the House?

Mr. JOHNSON of South Carolina. It would; and besides that I had stated that the amendment would not come back in the conference report, anyway. I made that statement in my remarks.

Mr. MANN. I did not hear the gentleman make the statement.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House insist on its disagreement to Senate amendment 48.

Mr. CANTOR. Let us have the Senate amendment reported.

The Clerk read as follows:

Page 40, line 22, insert the following:
"Assistant to the Secretary, to be appointed by the Secretary, $4,500."

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that Senate amendment 52 be reported.

The Clerk read as follows:

Page 41, line 6, strike out the figures "$60,670" and insert the figures "$68,320."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate, which is simply a total, depending on the other amendments.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 52.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that Senate amendment 76 be reported.

The Clerk read as follows:

Page 55, after line 17, insert the following:
"To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency, for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary, to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L., p. 377), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L., p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment 76.

Mr. MANN. Will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. Without regard to the merits of the amendment, I wish to call attention to the form of the amendment. At the beginning of line 24 the amendment says, "and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency." In another part of the amendment, page 56, line 7, it says, "for such part of such services as may be rendered during the fiscal year ended June 30, 1913"; and also, "for such part of such services as may be rendered during the fiscal year ending June 30, 1914." He is not now occupying this office, is he?

Mr. JOHNSON of South Carolina. No. Mr. Williams is comptroller; but from the time Mr. Murray went out until Mr. Williams took the office Mr. Kane acted as comptroller.

Mr. MANN. The language of the amendment assumes that he is still occupying the office, and may continue to. So if the amendment should be agreed to—and I do not express any opinion about that—I think the language ought to be corrected, so that it will not apparently relate to the future.

Mr. JOHNSON of South Carolina. That is quite true; but I will say to the gentleman that the language of the amendment is the language that came down in the estimates at the time he was filling the office.

Mr. MANN. I suppose that is true.

Mr. FITZGERALD. Mr. Speaker——

Mr. JOHNSON of South Carolina. I yield to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, I want to say a word. I am informed that the statement has been made that I am in favor of this amendment. I simply wish to say that I am unalterably opposed to this amendment. I believe the policy proposed in it is absolutely indefensible and should not be initiated by Congress. I hope the amendment will not be agreed to.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House further insist on its disagreement.

The motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Amendment 78:
"Page 57, line 4, strike out the figures '$6,000' and insert the figures '$6,500.'"

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 78.

The question was taken; and on a division (demanded by Mr. MANN) the Speaker pro tempore announced that there were 55 ayes and no noes.

Mr. REILLY of Connecticut. Mr. Speaker, I arose when the negative was called for.

The SPEAKER pro tempore. On this question the vote is 55 ayes and 1 no.

So the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Senate amendment 79:
"Page 57, lines 13 and 14, strike out the figures '359,270' and insert '359,770.'"

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate. This is only a total, depending on the action taken on previous amendments.

The motion was agreed to.

The SPEAKER resumed the chair.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the Clerk report Senate amendment 85.

The Clerk read as follows:

Page 85, lines 16 and 17, strike out the figures "$10,000" and insert the figures "$30,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendment 85. I will say that this depends on the disposition of other amendments.

The SPEAKER. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment 85.

Mr. MANN. Does this depend on what disposition is made of the amendments relating to the assay offices?

Mr. JOHNSON of South Carolina. Yes; this amendment depends upon what we do with those amendments.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the Clerk report the next amendment, Senate amendment 101.

The Clerk read as follows:

Page 67, line 17, strike out "$1,000,000" and insert "$1,500,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I desire to make a preferential motion. I move that the House recede and concur in the Senate amendment. The gentleman from South Carolina, of course, is entitled to control the floor, and I will ask him to yield such time as may be necessary.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time is desired on the other side of this proposition?

Mr. MANN. Fifteen or twenty minutes.

Mr. JOHNSON of South Carolina. The gentleman from Alabama [Mr. UNDERWOOD] desires half an hour.

Mr. UNDERWOOD. I may not use it all.

Mr. JOHNSON of South Carolina. I will yield half an hour on that side.

Mr. MANN. That will use up the gentleman's time, and he had better ask unanimous consent for a little additional time.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that all debate on this motion end in one hour.

Mr. FITZGERALD. The gentleman from Alabama [Mr. UNDERWOOD] is going to take half an hour, and we want some time after that.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman——

Mr. FITZGERALD. Does the gentleman from Illinois [Mr. MANN] want more than 20 minutes?

Mr. MANN. If the gentleman from Alabama [Mr. UNDERWOOD] takes half an hour, it may take more than 20 minutes to answer him.

Mr. UNDERWOOD. I will say, Mr. Speaker, that I do not desire to delay the House.

Mr. JOHNSON of South Carolina. Mr. Speaker, I will see if we can agree on 1 hour and 20 minutes. I ask unanimous consent that the debate on this motion be limited to 1 hour and 20 minutes, one-half that time to be controlled by myself, and one-half by the gentleman from Iowa [Mr. GOOD]; that at the end of that time the previous question be considered as ordered.

Mr. MANN. Will that take care of the gentleman from Alabama [Mr. UNDERWOOD]?

Mr. UNDERWOOD. Yes; the gentleman from South Carolina will yield to me.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that debate on this item be limited to 1 hour and 20 minutes, 40 minutes to be controlled by himself, and 40 minutes by the gentleman from Iowa [Mr. GOOD], and that at the end of this hour and 20 minutes the previous question be considered as ordered. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 30 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I have moved to recede and concur in the Senate amendment. The effect of this motion is to increase the amount of the appropriation that will be available to the Commissioner of Internal Revenue for the enforcement of the income-tax law from $1,000,000, the amount now carried in the bill, to $1,500,000.

I do not desire to combat the views of the members of the committee on this question, and I would not do so if it were not for the fact that the amount of the appropriation directly relates to matters over which the Ways and Means Committee have jurisdiction.

Mr. BORAH. I yield.

Mr CUMMINS. I agree to the last proposition of the Senator from Idaho, and it forms the reason for the favor I entertain for the commission. If a commission goes wrong, it can be legislated out of existence. It is subject, in a way, to the temper of the people, and certainly subject to the power of Congress. Unfortunately, the courts of the United States are removed from both Congress and the will of the people. When the judges are appointed they are appointed during good behavior, which means, ordinarily, during life. It seems to me that the argument of the Senator from Idaho leads naturally and inevitably to the creation of a commission, through which some part of this work can be done, rather than to intrust it all to the administration of the courts.

For one I do not believe the courts can administer a law regulating commerce in many instances with efficiency, and I should like to suggest that view of the case to the Senator from Idaho, who, I know, wants an effective law. We always have our hands on the commission, not to influence its action in a particular case but, if it proves unfaithful, to dispose of it by legislation.

Mr. BORAH. Mr. President, in my humble opinion the Congress of the United States has no justification for in any way, directly or indirectly, criticizing the courts with reference to the Sherman antitrust law. The courts have met their responsibility and made this statute a most comprehensive and effective statute. They have not dodged for the sake of politics nor modified their decisions because of the threat of business disaster or tread softly in the presence of an approaching campaign. They have struck at the heart of monopoly.

With a single exception, the Supreme Court of the United States has maintained in its fullness and all its scope and power the Sherman antitrust law. I believe it was perfectly justified in saying what it did say in the case of the Standard Sanitary Manufacturing Co. against The United States, volume 226, page 49:

> This court has had occasion in a number of cases to declare its principle. Two of those cases we have cited. The others it is not necessary to review or to quote from except to say that in the very latest of them the comprehensive and thorough character of the law is demonstrated and its sufficiency to prevent evasions of its policy "by resort to any disguise or subterfuge of form" or the escape of its prohibitions "by any indirection." Nor can they be evaded by good motives. The law is its own measure of right and wrong, of what it permits or forbids, and the judgment of the courts can not be set up against it in a supposed accommodation of its policy with the good intention of parties, and it may be of some good results.

I do not believe there is any form of industrial monopoly, any device which they have been able to create, or any subterfuge which they have been able to bring forward which can escape the principles announced by the Supreme Court of the United States in regard to the Sherman antitrust law.

I agree with the Senator that the court can not administer or go out and execute a judgment or a decree. It is not the business of the court to do it. The court has laid down the principles, announced the judgment, and rendered the decree; and in doing so it has left no refuge for monopolistic practices in this country. If the Senators favoring this bill will confine it to the creation of a tribunal which will have for its purpose making more efficient the execution of the decree, I think, so far as I am concerned, that I should be willing to support it. I agree, further, that the execution of the Sherman law has not thus far aided the man in the street; but that is because we stopped short of our duty; it was not the court's fault. I agree the way we have been proceeding the burden has been too great for the court; but we can relieve the situation by appropriate administrative measures.

Mr. CUMMINS. This bill does that very thing.

Mr. BORAH. But, I say, if you would confine it to that.

Mr. CUMMINS. And the attempt is to go further and make some things offenses that are not now condemned by the antitrust law. That is the only purpose of section 5—to make some things punishable, to prevent some things, that can not be punished or prevented under the antitrust law.

I wanted, however, to refer the Senator from Idaho to two or three instances of the enforcement of the antitrust law. I concur with him in the statement that so far as the announcement of general principles is concerned no quarrel can be had even by the most captious with the declarations of the Supreme Court, save possibly in the Standard Oil and American Tobacco Co. cases, in which, I think, it introduced an element into the law that is not there; but I do not care to speak of that now.

Let us take, now, four or five of the great peaks in the history of this law. First, the Trans-Missouri Freight Association case, as well as its companion case, the Traffic Association case. What the railroads were doing under the arrangements that were there complained of was condemned by the Supreme Court, and these associations were dissolved. There is not an intelligent and observing man in the United States who does not know that the railroads are doing all the time the very thing that was declared in those cases to be a violation of the antitrust law.

Mr. BORAH. That certainly is not the fault of the court.

Mr. CUMMINS. Just a moment. It is the fault of the administration of the law through the court.

Second, let us go forward to the Northern Securities case. The Northern Securities case was intended to destroy the joint operation of the Northern Pacific Railroad and the Great Northern Railroad and to secure competition between those two great properties. There is not a man but who knows that the relation between those two properties is just as close and intimate and effectual now as it was when they were combined in the Northern Securities Co. of New Jersey.

Let us go forward again to the Standard Oil case. That company was denounced. Thirty-four companies were organized to take its place; and they have been operating, with a single exception, as I believe, just as much in association since the decision and since the decree as before.

The last case is that of the American Tobacco Co. It was denounced as a violation of the antitrust law. It was divided into 14 or 17 new organizations, and it has been conducting its business with just as much intimacy and with practically the same correlation between its various parts as before the decision of the court was announced.

Now, that is not the fault of the court. The Supreme Court laid down the correct principle in each of these cases; but so long as we must operate simply through the Attorney General's office—I care not how faithful and diligent he may be—there is no way to arrest these operations; and if we can not arrest them by committing the task to some tribunal whose sole duty it will be to prevent these practices, then we are hopeless, as I look at it.

I agree with my colleague [Mr. KENYON]; the courts will not put these men in jail. Why? Because they have done things which the most respectable men in the land do and have done and have maintained their places in society and in industry. They will not put a man in jail for those things; at least that has been our history.

Mr. NEWLANDS. Mr. President, the Senator refers to the courts. I imagine he means juries, does he not?

Mr. CUMMINS. No; they have been convicted now and then; but, as my colleague has said, the courts, having the alternative either to fine or to imprison, or both, have simply fined, and a fine is of no consequence. There never was but one fine inflicted, as far as I recall, the payment of which would have been a considerable penalty upon these concerns. There was a judge in Chicago who fined a company $29,000,000, and if the company had been compelled to pay that fine it might have created some respect for the law; but you all know how that fine was disposed of. I think, and I believe the Senator from Idaho will agree, that in the execution of these laws we must have some other and additional arm of the Government to strike a blow that will be felt.

Mr. BORAH. Mr. President, I do not understand what the Senator from Iowa means when he says that we have not the power under the Sherman antitrust law, so long as it is executed through the courts, to carry into execution the decrees and judgments of the courts. I think we have the power; I have not any doubt that we have the power, and I think the Senator must conclude that we have the power. I presume what he means is that we are not willing to exercise it.

Mr. CUMMINS. No; I do not mean that we are not willing to exercise it, but I mean that in this great, complicated Government of ours, where each of the various departments of Government has so much to do, and where the head of each of the departments is a political officer——

Mr. BORAH. The Senator is confessing just what I said.

Mr. CUMMINS. I am not confessing anything; I am asserting. The head of each department is a political officer, and I am not using that term in a critical or disparaging sense. He must be a political officer. The Attorney General of the United States is one of the Cabinet officers. He is a man to advise with regard to politics. He is a man who must take into account tens of thousands of other things than the enforcement of the antitrust law. It is utterly impossible, as I look at it, to expect that the Attorney General will follow these decrees into their full and complete execution. I do not know, but I believe that the decree that was entered, bad as it was,

in the American Tobacco Co. case, might well be inquired into, to ascertain whether the decree itself is not being violated from day to day; but who is to do it?

Mr. BORAH. There is no reason to assume that a commission would do that any more quickly than an Attorney General. The Attorney General has, in the first place, the power largely to define and to control the decree; and I do not see why we can assume that he will not inquire into it except upon general principles, the feeling that we are not willing to go to the extent of executing these decrees; and it is not because the machinery is out of order.

Mr. FLETCHER. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Florida?

Mr. BORAH. I yield.

Mr. FLETCHER. Mr. President, I am somewhat impressed with the Senator's observation with regard to vesting so much power in the commission, and I am inclined to sympathize somewhat with that thought. It seems to me that we are in danger of transferring to commissions a large number of the functions and activities of the Government, which may eventually prove rather a dangerous situation to us; and this commission undoubtedly would have tremendous power over all the industries of the country. The Senator's attention, however, is called to the fact that each commissioner is appointed only for seven years, and that he is subject to removal for malfeasance in office.

I wish to inquire of the Senator whether he can suggest any better way of controlling a commission of this kind. It seems to me that is perhaps more effective than the power of legislating them out of office, as suggested by the Senator from Iowa. Under this bill the term of each of these commissioners expires in seven years, and the President has the power to remove in the case of misconduct or malfeasance in office. Is there any way the Senator can arrange or suggest what will give a better control over the situation than that?

Mr. NEWLANDS. Mr. President, I wish to make just one observation. If the Senator will permit me, and that is with reference to the power of the Attorney General to enforce thoroughly the antitrust act. I have not the slightest doubt that the courts are entirely capable of declaring the law, and that the Attorneys General whom we have had have been capable lawyers; and I believe that with the exception possibly of the Knight case the Supreme Court has declared the law in such a way as to effect the dissolution of every monopoly whose dissolution ought to have been decreed. The difficulty is that the enforcement of the law breaks down after the decision of the court.

Mr. BORAH. I agree with the Senator.

Mr. NEWLANDS. First in the framing of the decree, and then in the enforcement of the decree.

Mr. BORAH. Well, so far as——

Mr. NEWLANDS. If the Senator will permit me, simply because judges have not the training and experience in economics and industry which enables them, after dissolving a corporation, to permit or accomplish its reorganization in such a way as to make the decree really effective.

Mr. BORAH. Mr President, I will not agree to the proposition that the judges are to blame for these decrees. We know how these decrees have been framed.

Mr. NEWLANDS. I do not say they are to blame. I simply say they have not that peculiar kind of training and experience that is absolutely essential to reintegrate the elements that have been dissolved by a decree destroying a monopoly.

Mr. SHIVELY. Mr. President, without wishing to interrupt the Senators who are engaged in this debate, I ask the Senator from Idaho if he desires to go on and complete his remarks to-night?

Mr. BORAH. Mr. President, when I was at work on the farm I always quit at 5 o'clock on Saturday. I shall be glad to quit now if the Senator can take up the time.

Mr. NEWLANDS. I ask that the bill may be temporarily laid aside.

The VICE PRESIDENT. That will be done.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned until Monday, June 29, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1914.

COLLECTOR OF CUSTOMS.

Herbert C. Coolings, of Richford, Vt., to be collector of customs for the district of western Vermont, in place of Charles H. Darling, whose term of office expired by limitation February 28, 1914.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. John E. Beller, Coast Artillery Corps, to be second lieutenant of Infantry, with rank from June 15, 1910.

Second Lieut. Allen R. Edwards, Twenty-third Infantry, to be second lieutenant in the Coast Artillery Corps, with rank from June 15, 1910.

PROMOTION IN THE NAVY.

Pay Inspector Samuel McGowan to be Paymaster General and Chief of the Bureau of Supplies and Accounts, in the Department of the Navy, with the rank of rear admiral, for a term of four years.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Samuel McGowan to be Paymaster General and Chief of the Bureau of Supplies and Account, with the rank of rear admiral.

NAVY.

Civil Engineer Frank T. Chambers to be a civil engineer with rank of captain.

Lieut. Commander John C. Fremont to be a lieutenant commander.

Lieut. Commander Edward E. Spafford to be a lieutenant commander.

Lieut. Commander Walter N. Vernon to be a lieutenant commander.

Lieut. Commander Lewis Coxe to be a lieutenant commander.

Lieut. Commander Frank R. McCrary to be a lieutenant commander.

Lieut. Commander Percy W. Foote to be a lieutenant commander.

Capt. Edwin B. Cole to be a captain in the Marine Corps.

First Lieut. Frederick A. Barker to be a captain in the Marine Corps.

Second Lieut. Allen E. Simon to be a first lieutenant in the Marine Corps.

Ernest F. Slater, a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps.

Passed Asst. Surg. James S. Woodward to be a surgeon.

Passed Asst. Surg. James A. Randall to be a surgeon.

Passed Asst. Surg. Charles E. Ryder to be a surgeon.

Penn-Gaskell Skillern, jr., to be an assistant surgeon in the Medical Reserve Corps.

Clarence W. Ross to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

IDAHO.

James W. Anderson, Nezperce.
L. A. Meehan, Preston.

ILLINOIS.

Ernest L. Benson, Galva.
F. B. Bock, Girard.
Robert D. Rolen, Maroa.
Addie M. Chenoweth, Tiskilwa.
David M. Flynn, Geneva.
George H. Franzen, Fairbury.
F. O. Grissom, Kinmundy.
William B. Hogan, Lemark.
Robert T. Ross, Palmyra.
M. M. Sharp, Greenville.
W. W. Story, Genoa.

MISSOURI.

Alfred T. Cornwell, Spickard.

NEW HAMPSHIRE.

Alonzo L. Chamberlin, Lebanon.

NEVADA.

Charles C. Corkhill, Las Vegas.

OREGON.

Alice E. Weatherson, Florence.

of classes or closes the door of opportunity to those who chance to be born outside of the charmed circle of property and influence.

Mr. President, I want to call, now, attention very briefly to some of the suggestions of counsel in the Standard Oil case, to show how we may unthinkingly or unconsciously following along the line which they have been undertaking to lead us for the past few years——

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. Mr. President, after listening more fully to the Senator from Idaho developing his argument this morning, I am satisfied that I have misrepresented his position in expressions which I gave vent to yesterday in inquiries addressed to the Senator as well as in my own observations. The Senator's position, as I now understand it, is not that the pending bill is unconstitutional; it is not that it is illegal, but that in its present phraseology and in the method in which it may be executed it is inexpedient, impracticable, and likely to be oppressive?

Mr. BORAH. Yes; I think I may answer that in the affirmative, with the additional statement that it is calculated to be oppressive; and I would also add that it is calculated in the end to shelter combinations in this country rather than to destroy them. I should like to see it confined to such terms or provisions as would be devoted exclusively to the execution and enforcement of the Sherman antitrust law.

Mr. LEWIS. Then the Senator from Idaho is not contending in his argument as to the invalidity of the measure based either upon a constitutional criticism or upon the criticism of its being an illegal act or improper legislation?

Mr. BORAH. No; I am not, Mr. President.

Mr. LEWIS. Then I have misapprehended the Senator's position.

Mr. BORAH. I am not taking that view of it.

I heard the oral arguments upon the part of the very able counsel for the Standard Oil Co.; of course, the printed brief does them very slight justice; but I recall very well, indeed, the presentation of the case by the distinguished attorneys, wherein they undertook to show, and undoubtedly from their standpoint they felt justified in their position, that the acts complained of almost exclusively as against the Standard Oil Co. were that it competed too fiercely; that it had carried the law of competition too far; that it had been bidden to compete, and when they had exercised their ingenuity, their genius, and their capacity for business beyond a certain point, they were held to have violated the law. They say:

> The elimination of competition, so far as his property and business is concerned, is not a restraint of trade, but is merely an incidental effect of the exercise of the fundamental civil right to buy and sell property freely. The acquisition of property is not made illegal by the fact that the purchaser intends thereby to put an end to the use of such property in competition with him. Every purchase of property necessarily involves the elimination of that property from use in competition with the purchaser, and therefore implies an intent to effect such elimination.

Mr. Watson, in his brief, says:

> Competition is the striving of two or more persons or corporations, either individually or jointly, for one thing, i. e., trade; it is personal action; the strife between different persons. Properties do not compete. Their relative locations may more readily enable their owners to use them in competition, but of themselves, and as against each other, they do not compete.
>
> This idea makes the Sherman Act read that the same person or group of individuals shall not own and operate two or more sites for refineries or for stores or for any kind of manufactories which might be used by different owners in competition.

In the Tobacco case it was stated in the brief:

> Monopoly is the outcome of the practical cessation of effective business competition.

The beginning of monopoly is the cessation of competition. Notwithstanding the fact that there may be some hardships and some what we might call brutalities in the business world, in the great struggle of the Republic against the power of monopoly, are we willing to hamper and limit in any respect the power of competition in the business world? I think that we may well enlist and engage upon our side any power or influence which will enable us to restrain, to circumscribe, or to destroy monopoly; and just in proportion as there is what might be called a buffer against the action of that power, in that proportion benefit will somewhere arise to the interest of the monopoly.

> This word in the antitrust act has no reference to a grant of special privilege, but is used in a broad sense. Trade and commerce in any commodity are monopolized whenever, as the result of the concentration of competing businesses—not occurring as an incident to the orderly growth and development of one of them—one or a few corporations (or persons) acting in concert practically acquire power to control prices and smother competition.

In other words, Mr. President, when the business of this country and the lawyers have gone into court and said that we were seeking to mollify, to assuage, and to lessen competition, the courts have said, "In so far as you have sought to do that you have sought to build up monopoly." The rule of this Republic from its inception to now has been that competition will finally adjust the equities of the business world better than any other principle which we can invoke; and our fight has arisen not because there has been too much competition, though in some instances fierce, but because of the lessening effect and force of competition. I would strike from this bill, so far as I am concerned, anything upon that subject. There are some features of the bill I like, because I think they will help to execute the Sherman law.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I do.

Mr. NEWLANDS. If the Senator will permit me, I understood him to say that, while he admitted that that was not the purpose of the authors of this bill, he feared that it would be in the end a buffer to protect to a greater or less degree monopoly. He indicated that he thought the energies of this commission should be employed in the enforcement of the Sherman Act, which under the decisions of the court can become, in his judgment, a thoroughly workable act. I agree with him as to his view of the Sherman Act, that it is a thoroughly workable act; but I ask him, pursuing his view that this commission's sole power should be the enforcement of that act, whether he would turn over the entire power of enforcement to that commission and relieve the Attorney General's office of this function?

Mr. BORAH. Turn that power over to the commission?

Mr. NEWLANDS. Yes.

Mr. BORAH. No; I would not be willing to turn it over entirely to the commission. I would only want the commission as an aid to the Attorney General's office—an aid to the prosecution. Then I would——

Mr. NEWLANDS. Let me say there——

Mr. BORAH. If the Senator will excuse me for just a moment—then I would do one thing further. The best enforcer of the law that any society ever discovered is the individual interest of the injured party put into operation under a simple process. No one will ever enforce the Sherman law so well as the man who has been injured by the monopolistic combines, if you will make it simple enough so that he himself may bring his individual suit to recover damages for the trespass upon him.

Mr. NEWLANDS. Then, I judge that the Senator admits that thus far the Department of Justice has not proved a very efficient agent for the enforcement of the Sherman Act?

Mr. BORAH. I would not want to——

Mr. NEWLANDS. I will not ask the Senator that question; it is not necessary.

Mr. BORAH. Well, I can answer it without reflecting upon anybody. I say that I think, in so far as the Department of Justice from time to time have had to do with the actual trial of cases and with the presentation of them to the courts, they have not only disclosed great ability, but they have done everything that the public could ask them to do. The fault, however, has arisen when the court has said, "This is an unlawful company," out of the fact that we, apparently, as a people have not had the courage to put into effect the decree of the court. When the Northern Securities decision was rendered, there was published the next day a statement, which seemed to be authoritative, that the business world need not be uneasy; that we were not going to run amuck.

Mr. NEWLANDS. Mr. President——

Mr. BORAH. Just a moment. I would hate to see, I suppose along with everyone else, business disaster in this country; but if it had been stated when the Northern Securities decision was rendered that every business concern in this country within a reasonable time would have to adjust its business to that rule, and that there would be no political favorites and no yielding on that question, in my judgment, to-day this question would be an infinitely small question compared to what it is.

Mr. KENYON. Mr. President——

Mr. NEWLANDS. Mr. President, if the Senator will permit me to follow up my idea, then I will yield. It is not my purpose at all to indulge in any reflection upon the Department of Justice or upon any Attorney General who has ever held the position of chief of that department. On the contrary, I believe that they have all been able and conscientious officers; but I have contended for years that from the start the entire administration and enforcement of the Sherman antitrust law ought to

have been put into the hands of a commission just as the interstate-commerce act was, and to-day, if I had the power, I would institute that means of enforcement. The very fact, however, that the Senator flinches from the suggestion that the control of the enforcement of the Sherman Act should be turned over absolutely from the Department of Justice to the trade commission indicates the difficulty. I fear that public opinion to-day might not approve such action, although I believe in it.

The inefficiency of the Attorney General's Office has arisen, not from the lack of ability or integrity of officials, but from the fact that society having determined to relieve the individual from the trouble and expense of prosecuting these cases by itself taking them in charge has put the function of enforcing the antitrust act upon a department the incumbency of which is changing continually, there having been, I believe, three or four Attorneys General in one administration.

Another difficulty has arisen: We have thus had, by reason of this changing incumbency, the varying policies of minds, able and brilliant, but differing in their views, with the consequent demoralization of the entire force engaged in the administration of this law. In addition to this, the Attorney General is in a measure a political officer. He belongs to the political department of the Government, the executive department; he sits in the President's Cabinet; and the Attorney General's Office feels the pressure of expediency everywhere——

Mr. BORAH. I think the Senator and I agree.

Mr. NEWLANDS. Expediency with reference to the fate of the administration in power; expediency with reference to the fate of the party in power. We had an illustration of that when at a time of great financial disaster the proposal was made to a President of the United States as to whether monopoly should be increased by the acquisition by the United States Steel Co. of the property of the Tennessee Coal & Iron Co. Upon the suggestion that the taking up of the securities of that company would relieve a most tense financial situation, the President, responding to a patriotic impulse and acting only as he thought for the public good, practically sanctioned a transaction which was against the law with a view of averting a great financial disaster, and he went so far as to impress his view upon the Attorney General of the United States, charged with the function of enforcing this law. There a great financial emergency operated upon the political department of the Government to avert the enforcement of this law.

Everywhere along the line this influence is felt. An election is approaching and the powers of monopoly are aroused to prevent or to slow down a certain prosecution, and the idea is circulated that the continuance of that prosecution or of many prosecutions will have a disturbing effect upon the business of the country and affect the coming election, and political pressure is brought to slow down and retard the enforcement of the law. So we have these political exigencies arising all along and preventing the proper enforcement of the law.

We have found in the Interstate Commerce Commission a nonpartisan organization, which moves absolutely free from the influence either of Congress or of the President, an independent organization charged with the enforcement of the interstate commerce act, and commending that enforcement at the same time that the Attorney General started in upon the enforcement of the Sherman antitrust law. We find, however, by way of contrast that almost every transportation question has been settled, whilst we are just upon the threshold of the adjustment of the trust question; and meanwhile even the prevention of the creation of these great aggregations has not been accomplished. We have not only failed to destroy those which were in existence when the act was created, but we have failed to prevent the organization of others.

I cast no reflection upon any President of the United States or upon any Attorney General, but I say the system is a bad one, and, so far as I am concerned, I would gladly turn over the entire enforcement of the Sherman antitrust law to a nonpartisan, independent tribunal; but I do not think public sentiment is ripe for it, and therefore I want to go as far as I can in that direction, and I think we have gone as far as we can.

The Senator must recollect that the provision with reference to unfair competition is intended to disarm monopoly. It is monopoly, or the corporation possessing monopolistic tendencies that engages in unfair competition, and unfair competition is a means of creating monopoly. We want competition, it is true, but we want a civilized competition, and not a brutal warfare in which the powerful can destroy the weak.

Mr. KENYON. Mr. President, there was another element that the Senator did not suggest that has led to the ineffectiveness, if it might be called so, of the Sherman Act; and without reflecting at all, of course, upon the courts, because it is their view that it is a mere economic statute and not a moral statute, the courts have universally refused to send anybody to jail for the violation of the Sherman Act. The Department of Justice has time and time again, under the criminal sections of that statute, convicted men, after jury trials or after they have pleaded guilty, and the courts have merely assessed small fines.

It has always seemed to me that if, at the commencement of prosecutions under the Sherman Act, the courts had sentenced men to jail, it would have solved this monopoly question, and there would not have been so many combinations and trusts formed; but never in the history of the Sherman Act has a single man gone to jail for its violation.

Mr. BORAH. Mr. President, there is some reason for that, and that is that they got the wrong fellows.

Mr. KENYON. They had the right fellows sometimes.

Mr. BORAH. It was very rare, in criminal prosecutions. Most of the fellows that should have been jailed turned reformers and went into politics.

Mr. KENYON. The courts fined them, however, instead of sending them to jail.

Mr. BORAH. While I shall not mention upon the floor of the Senate the names of citizens of this country, the Sherman law would have been an effective statute from that date if four or five men whom I have in mind had been put in stripes.

Mr. KENYON. How are you going to put them in stripes if the courts will not put them there?

Mr. BORAH. Those men have never been prosecuted criminally.

Mr. KENYON. Some of them have.

Mr. BORAH. Not so far as I know.

Mr. KENYON. Some of the men the Senator has in mind were prosecuted, but they were not convicted.

Mr. BORAH. The men I have in mind have never even been tried.

Mr. POMERENE. Mr. President, in order to make the record complete, I perhaps ought to say that even though the United States Supreme Court in the Standard Oil Co. case and in the American Tobacco Co. case declared that by the undisputed facts in the record the defendants in those cases had violated both section 1 and section 2 of the Sherman law, which were criminal provisions, the Department of Justice would not even prosecute. If one or two of the defendants in those cases had been sent to the penitentiary, where they ought to have been sent if we had had a decent regard for the law, we would not have the trust question now.

Mr. BORAH. Mr. President, I think the Senator from Nevada [Mr. NEWLANDS] and I agree very generally as to why the Sherman law has not been enforced. That is because at a certain time we reach a crisis when business and politics feel that it is necessary to adjust their differences. That is not due to particular individuals. That is due to the fact that we have not yet arrived at the time when we are willing to deal with this subject in the only way in which, in my judgment, it can be dealt with effectively.

I do not believe you can take a commission and separate it from the rest of the world so that it will not feel the influence and the power that affect other men. I have no criticism for the Interstate Commerce Commission, but that question has not been tested yet to its full; not by any means. You can not judge an institution of that kind except in the sweep of the years, and I, as one, am not willing to take the currency question, the industrial business of this country, and the transportation business, and place all of those things entirely away from the electorate, entirely away from the recall of the people, with a bureau which is answerable in no respect to the people. In the end it will result in their moving to a very large extent in one groove and the people in another groove. I am not willing that the most tremendous affairs of government shall be wholly separated from the recall which the people have at stated periods with reference to the election of their officers. There is certain expert business which must be done by experts, but the policies which we are to pursue must always be subject to the determination of the popular vote.

Of course people have to experience things before they arrive at a conclusion to deal with them in what you might call a drastic way.

I have no doubt that when we come to deal in an effective way with the monopolies which have been organized in this country we will have to pay for our fight by certain losses which the people will have had to endure for a time. These monopolies have the power to create business distress. They have acquired that power, and you are not going to get it away from them without a contest which will in some way affect the business world.

Mr. CUMMINS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

It has been suggested that during the course of this debate—and I was unfortunate enough not to be present—that one clause in section 5 is a violation of some constitutional provision because it requires the court to issue an injunction to enforce the order of the commission. An examination of the proposed statute will disclose that that position is not well taken. The provision simply says that the court is authorized to issue an injunction to enforce the order of the commission, which is nothing more nor less than saying that the court shall have jurisdiction to issue it, and does not imply the power of the court to determine whether or not the injunction shall issue is taken away by this statute. It simply confers upon the court jurisdiction by injunction to enforce the order of the commission.

Mr. President, I thank the Senate.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITE in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Norris	Smith, Ariz.
Borah	Hitchcock	O'Gorman	Smith, Ga.
Brady	Hollis	Overman	Smith, Md.
Bryan	Hughes	Page	Smith, Mich.
Burton	Jones	Poindexter	Smoot
Camden	Kenyon	Ransdell	Swanson
Catron	Kern	Robinson	Thompson
Chamberlain	Lane	Saulsbury	Thornton
Chilton	Lea, Tenn.	Shafroth	Townsend
Clarke, Ark.	Lee, Md.	Sheppard	West
Culberson	Martine, N. J.	Shields	White
Cummins	Nelson	Shively	
Dillingham	Newlands	Simmons	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum of the Senate is present. The Senator from Idaho [Mr. BORAH] will proceed.

Mr. BORAH. Mr. President, when I rose upon yesterday I had no thought other than merely to call attention to what I conceived to be the vagueness of section 5. I had not had the time to prepare any discussion of the bill as a whole worthy of the subject and had no intention of doing other than briefly to discuss section 5. Interruptions, however, have led to a wider field and also to a more disconnected argument. I desire to recur again to the case from which I was reading upon yesterday, the State versus the International Harvester Co. I read further from the testimony in that case.

Q. Well, the truth of the matter is that a very large proportion, if not the larger proportion, of the sales were made below the list price?—A. I could not say about the larger proportion.

Q. But a large proportion was?—A. Yes, sir.

Mr. Glessner, of the Warder Bushnell & Glessner Co., said:

Q. You were all competitors of each other?—A. Yes, sir.

Q. Was there no understanding or agreement between you prior to 1902?—A. No, sir.

Q. There was actual competition between you?—A. Yes, sir.

Q. The fact is, the competition was pretty fierce?—A. Yes, sir; we tried to make it so.

Q. The competition in the harvester business had been more pronounced in their early part?—A. No, sir; it grew in bitterness and extent right along.

Q. You think it increased —A. Yes, sir.

Q. You think there was more competition in the harvester business in 1902 than any time before —A. It depends on what you call competition; it was a bitter fight between everybody to get business and to get the better of your competitor.

Mr. Funk, the general manager of the International Harvester Co., said:

Q. Then you did cut prices on your machines when you were with the Champion people, to get business?—A. Yes, sir.

Q. Was there a uniform price to the dealers at that time—before the International Harvester Co. of New Jersey was organized?—A. No, sir.

Q. You sold the machines for what you could get?—A. We had a list price, but it was varied from in certain conditions.

Mr. Yancy, former general agent for the Deering Co., said:

Q. Did you at any time prior to 1902 reduce the price to the dealer because of competition?—A. Yes, sir.

Q. To what extent would you reduce the price in instances of that character?—A. Well, my previous answer covers that case. During the war of the competition we were pretty hard run for business, and if it looked as if we were going to carry machines over, and to protect ourselves we had to cut the prices.

Q. How much?—A. Ordinarily $5, sometimes ten; in extreme cases maybe a little bit more than that.

Q. In fact, you frequently cut the prices in any way to sell?—A. Not frequently.

Q. So that the old instructions—or was not that the rules prior to 1902?—A. It could not be said to be the rule.

Q. It was rather frequently done, was it not, Mr. Yancy?—A. It varied in different sections; sometimes the demand was greater, and the necessity did not exist in some years as in others.

Q. Did you find that the necessity came up because other companies were also doing that?—A. Yes, sir.

Q. The McCormicks were doing that?—A. Yes, sir.

Q. And the Plano?—A. Yes, sir.

Q. The Milwaukee, the Osborne, and the Champion—they were all doing that?—A. Yes, sir; more or less.

Mr. President, the evidence in this case discloses that there was what was regarded by the business world and what would be regarded by men ordinarily engaged in that kind of business as unfair, oppressive—in the language of the Senator from Nevada, brutal competition. But that competition, oppressive and unfair as they chose to call it, is proven to have been of unquestionable benefit to the agriculturists and farmers of the country. They got the benefit of the lower price; when the severe competition ended the price was ultimately raised. It was shown that while there was war between the manufacturers it reached in its effect to the salesmen, and from the salesmen to the consumers or final purchasers

I do not know, Mr. President, what this commission would do with that kind of a proposition should it come before it and it was obliged to determine whether or not that competition was fair or unfair. It is evident in the mind of each one of those competitors that it was unfair competition, and yet it was such competition as was resulting, in my judgment, in general benefit to those who should be benefited under the law of competition—that is, the consumers or users of these agricultural implements.

If there is no standard by which to judge of what is unfair competition and to determine what it shall be, would or would not this commission have ended that competition between those people, resting entirely in the minds, the discretion, the ipse dixit of the commission? Not only that, Mr. President, but resting very largely in the proposition as to how people view these things.

There is not any more elastic proposition than the word "unfair" between competitors or in the business world. I will venture to say you never saw two grocery stores upon the opposite sides of a street doing business where there was anything like a close business that they did not feel one toward the other that it was unfair, and either was prepared to prove it at any time.

Shall we then send out a roving commission into the business world to determine what shall be unfair competition without any guide from us or without any power to review their action? Shall the Congress of the United States release them to their wide and undiscumscribed jurisdiction, and shall we, having done that, also say that no tribunal shall review their discretion as they exercise it?

Mr. BORAH. Now, take another phase of this proposition.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. May I ask the Senator whether it would do away with his objection to this particular section if the power to review were given to the court with all the facts?

Mr. BORAH. That presents another question which I wanted to discuss later in this matter; but so far as the immediate question which I am now presenting is concerned, it would. That presents another phase of this matter which I am going to discuss a little later, and which I will call to the attention of the Senate and the Senator. But I was going to say there is another phase of it. These men who undertook to do away with what they conceived to be ruinous competition did so by the only practical method that I know of or that they knew of, I presume. They could not relieve the independents in the field competing with one another and control the competition. That was simply impossible. I venture to say that it will be impossible for this commission to do it without injunction after injunction in regard to the different enterprises and lines of business in the country. So they simply purchased, bought up, combined, coordinated these independents and destroyed the competition, although they said it was simply for the purpose of qualifying or lessening the competition, and that was their defense in the court. When they went into court under the trust law they disclosed to the court that they were in a fierce and brutal competition, which must in the end result in the destruction of some of the independents, and by the combination they were able to save all the independents and give them what their property was reasonably worth. Eliminate this rule or principle; at least modify it and lessen it. They did it, and doing that they ran up against the trust law and were ousted from the State of Missouri because they did it.

Now, what would a business man do under those circumstances? On one side is Charybdis and on the other side is Scylla. On one side demanding and insisting upon competition, and the courts will not hear to the question that it is fierce; on the other side, the rule that it shall not be unfair.

Mr. President, I am only pleading in this matter for a rule which can be followed successfully and intelligently and permit business to go ahead and thrive.

I have not undertaken to argue the question whether or not this is constitutional because of uncertainty and whether it is a delegation of power that we can not make. As I said be-

fore, I am assuming that we may do it, and, having power to do it, are we prepared to put the business world into that kind of a strait-jacket?

Now, Mr. President, the Sherman antitrust law says if you do not compete, if you take any steps to destroy competition, you are a criminal. This law says, "If you compete too fiercely or unfairly, you are a violator of the law."

What did they do in this case? I read from page 388:

All of the contracting companies parted with all their assets of every description and good will, leaving them only the shares of stock which were of no use or value. The next step was the organization of the International Harvester Co. under the laws of New Jersey, with a capital stock of $120,000,000, which was distributed as follows: J. P. Morgan & Co. having paid for the property and stock of the Milwaukee Co. $3,118,196.66, and their services and expenses in the organization being estimated at $3,451,803.34, they were awarded stock to the amount of $6,000,000; the tangible properties of the McCormick, the Deering, the Warder Bushnell, and Glessner, and the Plano having been appraised at $53,400,000, and guaranteed bills receivable and accounts at $40,000,000, stock to the amount of $93,400,000 was distributed to them, and the remaining stock to the amount of $20,000,000 was issued to individuals who subscribed for it.

After the organization of the New Jersey corporation all the other companies that had been absorbed by it ceased to do business, and thereafter the business of manufacturing and selling harvester machines and other farm implements was conducted by the New Jersey corporation. But because some States would not admit into their borders a corporation of such capital stock and others imposed a license tax that the managers thought was unreasonable it was decided that the corporation would limit its operations to manufacturing the machines and implements, and would employ another concern which would not be objectionable to the laws of those States to sell its products. For this purpose the managers of the New Jersey corporation turned their attention to the respondent in this case, then called the Milwaukee Harvester Co., the property of which the New Jersey corporation had already acquired and the stock of which it also owned. The advantage of using this respondent also appeared by the fact that it was already licensed in the States where it was desired to go, etc.

That discloses how these people deeming this competition to be relentless and an unending war ended it and mollified and lessened the competition. They ended it by creating a monopoly and gathering to themselves the power to fix what price they thought it wise to fix.

Now, going back to page 410:

In the first place, J. P. Morgan & Co. procured an option on the present respondent, then the Milwaukee Co. This covered the whole concern, lock, stock, and barrel. Then Morgan & Co., as practical owners of respondent, were in a situation to arrange and combine with others in the harvesting-machine business. They did so arrange, but to give evidence of individual sales they had each party to the arrangement or combination sell by written contract to one Lane. This is step number one. Lane later conveyed to the International Harvester Co. This is step number two. The International Harvester Co. then proceeded to put its stock in the hands of voting trustees under a written agreement, forming a voting trust, which was to be in force for 10 years, but which might be terminated in five years. This is step three. Then followed the sales agent's contract with the respondent in this case. The stock held by these trustees was held in proportion to the amount put in by these several component corporations, save and except certain amounts fully discussed in the principal opinion. Was this an arrangement or combination with the view of lessening competition? It was not a bona fide sale, because the sellers had to create their own buyer. It was a device to combine all their property into one huge concern and for what purpose? In view of the facts and upon conscience can we say it was not done with a view to lessen free and full competition? We think not. The parties themselves say that it was done to stop the fierce competition between these large manufacturers. They further say that it did stop that competition, as is evident from the very arrangement itself. The statute does not say that the arrangement must stop competition to bring it within the ban of the law. If it was made with the view of lessening competition the arrangement and combination must be condemned. Can it be said that when you have taken 80 or 90 per cent of a given trade, formerly in the hands of six corporations in open and fierce competition, and placed it in the hands of three voting trustees with practically absolute power, you have not by the very act itself lessened free and full competition in general trade? We think not. The thing speaks for itself. The purpose is apparent. It would be years before the small concerns left, which did own 10 to 20 per cent of the business, could gain strength and capacity to have any real competition.

Mr. President, that brings to my mind a proposition that makes me fear this bill in its final effects and consequences. While I know that that is not the purpose of the authors of the bill—I know the very opposite to be the object and purpose of the authors of the bill—a time is coming when this will be used as a buffer against prosecutions under the Sherman antitrust law. The time will come when, if this grows and ramifies itself into the business affairs of this country and this commission is able to do all that is imposed upon it, these powerful combines and corporations desiring to get rid of competition will seek shelter under this act or order of the commission.

So far as I am concerned, Mr. President, as I said yesterday, I would vote for any law or any measure or any trade commission bill which I believed would make more effective the enforcement of the Sherman antitrust law. I believe a further consideration of the decisions of the Supreme Court of the United States will warrant any lawyer in saying that if the administrative power is equipped to carry into effect the judgments and decrees of the court, if we have the political and moral courage to do it, we can exterminate monopoly in every conceivable form in which it exists in this country.

For 20 years we have been engaged in amplifying and revealing, as it were, the powers of this statute, until to-day I challenge the lawyers of the Senate to mention to me a form of industrial monopoly which is not subject to the principles announced by the Supreme Court of the United States. The statute as it was originally passed was deemed insufficient; and while a certain class of men in this country have been engaged in denouncing the courts, the courts have, in discharge of their tremendous responsibility, made this a workable, effective, and efficient statute. If we want to get rid of monopoly, if we want to restore competition, if we want to destroy that power which is a menace to this Republic, we have it in our power to-day to do it if we have the political courage to do it.

What I fear is that this bill can serve no other purpose than to dull the edge of our activities and our desire to destroy monopoly. We know that within the last few years there has been a distinct and aggressive movement in this country to legalize monopoly, to claim for it not only respectability, but to clothe it with the qualities of science and endow it with the attributes of philanthropy. It is argued that combinations built up through monopolistic practices and maintained by force of monopolistic principles are the result of business growth and progress and the ripened fruit of industrial evolution—that they have come to stay and, instead of being abused, should be regarded as among the blessings of our times. These people do not stop with the argument for a larger business unit which is a normal and necessary result of our industrial development, but they indorse and would leave undisturbed the unnatural, irregular, and illegal combinations which are the result, not of legitimate and natural growth and development, but monsters born of deceit, fraud, overreaching, overcapitalization, and criminal combinations. The Beef Trust, holding its complete supremacy over one of the indispensable foods; the Standard Oil combination with its colossal influence in both business and politics, far surpassing the influence of any single Commonwealth of the Nation; the International Harvester Trust holding its iron grip upon the implements through and by means of which the farmer tills the soil and harvests the crop—standing between the farmer and the market, taking such toll as it deems wise—these and their score of similar combinations fixing the toll upon everything which goes into the stomachs and upon the backs of the human family are justified and defended as necessary and wise and even beneficent institutions. This propaganda had its origin with those who, having created these combinations, secured these special privileges, organized their schemes, and felt it necessary, therefore, to legalize and make safe and permanent their holdings.

The people are told that they will be made safe and even happy and prosperous against the outrages which ordinarily accompany the movements of monopoly through and by means of a commission or bureau appointed and sitting at Washington, whose functions it shall be to regulate these monopolies. It is argued that combinations with monopolistic powers equipped and permitted to produce monopoly are inevitable, necessary, and that all they need is a little regulation. The argument, in effect, is that we are to tolerate and even encourage those monopolies, but we will have a board or commission which will mollify their extortions and not permit them to bury their fangs too deeply into the flesh of the producing and toiling millions—somewhat as they once might have muzzled the bloodhound that he might not tear too much the flesh of the fugitive on his way to the Canadian border. The heartless irony of this scheme is manifest. In different forms and under other guises and by other names it has been tried in the past. The result has always been and always will be in the end to establish two classes—a governing class, which is the property class, living in luxury and power, and another class, bound down by the iron bands of necessity and literally living upon the crumbs which fall from the rich man's table.

What chance would the average citizen, the common people, have in such a scheme? What would become of the freedom, the initiative, the self-reliance indispensable to citizenship in a Republic after the scheme had settled into its grooves, fastened itself upon us and hardened into a remorseless system, a redoubtable financial and political hierarchy? What effect would it have in the sweep of the years upon our institutions, our conceptions of equality, our theory of civic responsibility, our sense of social justice, our inherent abhorrence to classes? Nothing can be sound or wise or tolerable under a republican form of government which weakens or destroys self-reliant citizenship. Nothing can be endured which inures us to the idea

in quality or efficiency, and said defendants are enjoined from allowing discounts based on aggregate purchases from different manufacturers.

Sixth. That the General Electric Co. and the other above-named lamp-manufacturing defendants, and each of them, their officers, agents, and servants, are perpetually enjoined and restrained from making or enforcing any contracts, arrangements, agreements, or requirements with dealers, jobbers, and consumers who buy from the said defendants either tantalum filament, tungsten filament, metallized carbon filament, or ordinary carbon-filament lamps, or any of them, by which such dealers, jobbers, and consumers are compelled to purchase all their ordinary carbon filament lamps from said defendants as a condition to obtaining such other types of lamps, or any of them, or by which dealers, jobbers, and consumers are compelled to purchase any one or more of the above-mentioned types of lamps from the said defendants as a condition to the purchase or supply of any other or all of said types of lamps, and the said General Electric Co. and the lamp-manufacturing defendants aforesaid are perpetually enjoined and restrained from discriminating against any dealer, jobber, or consumer desiring to purchase tantalum, tungsten, or metallized carbon-filament lamps because of the fact that such dealer, jobber, or consumer purchases ordinary carbon-filament lamps from others and are perpetually enjoined and restrained from discriminating against any dealer, jobber, or consumer desiring to purchase any one or more of the above-mentioned types of lamps because of the fact that such dealer, jobber, or consumer purchases any other of said lamps from other manufacturers or dealers.

Seventh. That the General Electric Co. and the others of the said lamp-manufacturing defendants are perpetually enjoined and restrained when making discounts based on the quantity of lamps purchased by any dealer, jobber, or consumer from making such discounts on the basis of the total quantity of tungsten, tantalum, metallized carbon and ordinary carbon-filament lamps sold, or the total quantity of ordinary carbon filament lamps and any one or more of such other types of lamps sold, and the General Electric Co. and the others of the said lamp-manufacturing defendants are further perpetually enjoined and restrained from making any discounts based on the total quantity of any two or more types of lamps sold, when the result is to combine or aggregate the discount on both an unpatented lamp and a lamp patented or claimed to be patented, and that said defendants and each and all of them are perpetually enjoined from utilizing any patents which they may have or claim to have or which they may hereafter acquire or claim to have acquired as a means of controlling the manufacture or sale of any type or types of lamps not protected by lawful patents.

Eighth. That the General Electric Co. and the other defendants are each enjoined and restrained from offering or making more favorable prices or terms of sale for incandescent electric lamps to the customers of any rival manufacturer or manufacturers than it at the same time offers or makes to its established trade, where the purpose is to drive out of business such rival manufacturer or manufacturers or otherwise unlawfully to restrain the trade and commerce of the United States in incandescent electric lamps, provided that no defendant is enjoined or restrained from making any prices for incandescent electric lamps to meet or to compete with prices previously made by any other defendant or by any rival manufacturer, and provided further that nothing in this decree shall be taken in any respect to enjoin or restrain fair, free, and open competition.

UNITED STATES V. AMERICAN THREAD CO. DECREE ENTERED JUNE 2, 1914 (N. J.).

Sixth. That the defendant corporations, together with their directors, officers, managers, agents, and employees, including the individual defendants while they are associated in business with or employed by said corporations, or any of them, and all persons authorized to act and acting for or in behalf of said corporations, or any of them, be, and they hereby are, jointly and severally enjoined as follows, viz:

(a) From soliciting, making, ratifying, or confirming, by agreement or understanding of any kind or nature, with any other corporation, copartnership, or person any lists of wholesale or retail dealers or jobbers in the United States with whom trade in sewing thread shall not be carried on.

(e) From giving or offering to give to any wholesale or retail dealers, jobbers, or consumers of sewing thread in the United States any bonus, rebate, or other inducement dependent upon the aggregate of future purchases to be made by such dealers, jobbers, or consumers within any period.

(f) From cooperating with or assisting any dealers in the United States to combine or pool their orders or purchases of sewing thread in order to obtain the benefit of any discount or other concession allowed on the quantity purchased or agreed to be purchased.

(g) From using in the United States what are known in the trade and referred to in the petition herein as "fighting brands," hereby defined to be brands which are devised or revived and used for the purpose of being offered principally to customers of competitors at cut prices; that is to say, at prices lower or on terms more favorable than the price or terms asked by the seller for substantially the same thread under different brands or trade names.

(h) From employing in the United States what are referred to in the petition herein as "flying squadrons," hereby defined to be special forces of salesmen who do not, as their principal business, handle the brands commonly offered for sale by the manufacturer or selling agency, or solicit orders from the trade generally, but handle principally "fighting brands" or solicit principally from customers of competitors with a view of securing their trade.

(i) From soliciting or exacting from wholesale or retail dealers or jobbers or from customers of competitors in the United States any agreement not to handle or to cease handling the brands of competitors; or from refusing to deal with, or discriminating against, or threatening to refuse to deal with or to discriminate against those who handle the goods of competitors; or from canvassing the retail trade of any dealer or jobber and thereupon offering the orders thus obtained to such dealer or jobber upon condition that he shall cease to buy thread from a competitor of the defendants or of any of them.

(j) From attacking the credit or business reputation of or the quality of thread dealt in by any competitor in the United States by means of any report known to be false or which there is no reasonable ground to believe.

(k) From warning, harrassing, or intimidating, by threatening to prosecute for trade-mark infringement or by other acts, letters or advertisements, any other person or corporation in relation to the sale, shipment, or trade in sewing threads in the United States, except such action as may rightfully be taken, or such letters or advertisements as may rightfully be written or published by any person or corporation in protecting his or its property, trade-marks, rights, or business.

(l) From offering or giving secret rebates or other secret inducements to any customer of a competitor in the United States.

(m) From selling or offering to sell in the United States sewing thread of any kind below the cost of production, or at prices which, after allowing for cost of transportation and differences in prices or terms on account of differences in grade, quality, or quantity sold, are lower than the prices charged in other parts of the United States, with the intent of thereby obtaining a monopoly, or destroying or injuring the trade or business of another in sewing thread, or of preventing another from engaging in such trade or business; but nothing in this paragraph contained shall prevent the defendant corporations from offering for sale or selling sewing thread in any part of the United States at prices or on terms as low as any of their bona fide competitors are then and there offering, nor from offering or making different prices, terms, or conditions to different classes of customers.

(n) From offering in the United States a bonus or gift in the form of free goods of any kind as an inducement to any class of customers to purchase defendants' thread, except that the defendants or any of them may in good faith give or offer to give or distribute samples in reasonable quantities in order to introduce their threads and establish new trade, and except that they may offer and give free samples to actual purchasers for bona fide distribution among consumers: *Provided, however*, That such samples to purchasers shall not exceed 5 per cent of their purchases at any one time.

Mr. ROBINSON. Mr. President, there are many States which have already passed laws which are entitled "acts to prohibit unfair discrimination" and "to prevent unfair competition." I cite the case of the law of Minnesota, enacted in 1907, chapter 269.

In the case of the Standard Oil Co. v. United States (221 U. S.) the Supreme Court used this language:

Without attempting to follow the elaborate averments on these subjects spread over 57 pages of the printed record, it suffices to say that such averments may properly be grouped under the following heads: * * * unfair practices against competing pipe lines; * * * unfair methods of competition, such as local price-cutting at the points where necessary to suppress competition.

In the case of State v. Fairmont Creamery Co. (153 Iowa, 702) the court, by Evans, justice, said, at page 709:

One of the great legislative problems of the day is to protect fair competition in the business world without unduly interfering with the freedom of contract. We may properly presume that the problem is greater in some lines of business than it is in others. In the purchase of commodities the methods of business adopted are quite as various as the different commodities. Methods are adopted which are peculiar and limited to dealings in a certain commodity. Evil practices, therefore, may arise in the business methods pertaining to one commodity which do not obtain at all in relation to other commodities. Practices may obtain which contravene no statute and which, nevertheless, would be deemed as morally dishonest and detrimental to the public interest. * * * The temporary maintenance of artificial prices for the sole purpose of destroying a weaker competitor and creating a monopoly is one of the modern evil inventions.

A mere reading of the court's statements in these various cases of unfair practices enjoined suggests and emphasizes the necessity for legislation upon the subject broad enough to embrace the many unjust methods by which independent dealers are driven out of business by their more powerful competitors.

Mr. HITCHCOCK. Mr. President——

Mr. ROBINSON. I yield to the Senator.

Mr. HITCHCOCK. If it will not disturb the Senator, I should like to ask him a question. I understand that he is now showing that various courts have at different times restrained companies from resorting to these unfair practices. If that is the case, will the Senator state why it is necessary for Congress to legislate in the matter if remedies already exist for defending a company against those unfair practices?

Mr. ROBINSON. Many of the cases hold that unfair competition, as such, is not unlawful. It may be enjoined or prohibited to prevent the loss of a property right; but this bill proposes, in addition to that, to make it unlawful, and to provide what we regard as an effective means of preventing such practices.

Mr. William S. Stevens, of Columbia University, in an article called to my attention by Congressman STEVENS, of New Hampshire, who introduced this provision in the House, discusses the subject of "unfair competition" from an economic point of view, and classifies according to their elementary characteristics 11 forms of "unfair competition," as follows. I read now from his article on page 283 of the Political Science Quarterly for June, 1914:

1. Local price cutting.
2. Operation of bogus "independent" concerns.
3. Maintenance of "fighting ships" and "fighting brands."
4. Lease, sale, purchase, or use of certain articles as a condition of the lease, sale, purchase, or use of other required articles.
5. Exclusive sales and purchase arrangements.
6. Rebates and preferential contracts.
7. Acquisition of exclusive or dominant control of machinery or goods used in the manufacturing process.
8. Manipulation.
9. Black lists, boycotts, white lists, etc.
10. Espionage and use of detectives.
11. Coercion, threats, and intimidation.

The terms used fairly define without detailed discussion the various practices thus classified, and undoubtedly embrace nearly all of the methods of "unfair competition" now in use. But with the abandonment or suppression of these, new devices will be found by some dealers by means of which to oppress their competitors. While we could expressly in this bill place a specific inhibition against the 11 forms of "unfair competition" as classified by Mr. Stevens, still it seems best to make the statute broad enough to cover all forms which may hereafter be adopted or devised, as well as those now pursued and regarded as most objectionable.

The indefinite continuance of this session of Congress is justified principally upon the ground that, having pledged to the country remedial antitrust legislation, it is best to conclude the subject now rather than to prolong indefinitely the agitation; that it is best to relieve the business world of the anxiety which arises from the present state of uncertainty and which will continue until the subject is finally disposed of. If there be force in this position it must also be true that it is our duty to make the legislation broad enough to prevent the necessity of again having to consider the same subject within a short time. Not only has the term "unfair competition" a meaning fairly well fixed in law and in economics, but it is also easily understood by the average business man. Nearly all normal business men can distinguish between "fair competition" and "unfair competition." Efficiency is generally regarded as the fundamental principle of the former—efficiency in producing and in selling, while oppression or advantage obtained by deception or some questionable means is the distinguishing characteristic of "unfair competition."

The words "unfair competition" have a clearer meaning than many other terms which have found secure recognition in our laws, as, for example, "reasonable rates," as used in the law relating to the regulation of commerce; "uniform standards for the purity, quality, and fitness for consumption of tea" in the tariff laws; and "unreasonable obstruction to the free navigation of waters" used in the river and harbor act of March 3, 1899; and "conspiracy in restraint of trade or commerce" as used in the antitrust act of July 2, 1890.

THE ACT IS NOT OBJECTIONABLE ON THE GROUND THAT IT SEEKS TO DELEGATE LEGISLATIVE OR JUDICIAL POWER.

It will be observed that the bill declares "unfair competition" to be unlawful, just as existing law provides that it is unlawful for carriers to charge unreasonable rates or to discriminate between shippers. The terms "unreasonable rates" and "discrimination between shippers," like the words "unfair competition," are general, and any act is prohibited which would come within them. The Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (I. C. C. v. Illinois Central Railroad, 215 U. S., 452; I. C. C. v. C., R. I. & P. R. R., 218 U. S., 88.) The issues are almost exact parallels. Congress has heretofore by law forbidden carriers to charge unreasonable rates or to discriminate between shippers. It has given the Interstate Commerce Commission the power to fix reasonable rates and to prevent discriminations. This measure accordingly declares "unfair competition" unlawful, and directs the trade commission under general regulations to prevent it.

Congress acted within its constitutional powers when it left to the commission the duty of fixing the uniform standards for drawbars, having provided by law that after a certain date only cars with drawbars of uniform height should be used in interstate commerce. (St. Louis, Iron Mountain & Southern Railway Co. v. Taylor, 210 U. S., 281–287.) Buttfield v. Stranahan (192 U. S., 470) sustained an act forbidding the importation of tea which is inferior in purity, quality, and fitness for consumption, and authorizing the Secretary of the Treasury, upon conditions, to fix uniform standards of purity, quality, and fitness of teas imported into the United States. Mr. Justice White, in delivering the opinion of the court, at page 496, said:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported and therefore invests that official with legislative power is without merit. * * * Congress legislated on the subject as far as was reasonably practical, and from the necessities of the case was compelled to leave to the executive officials the duty of bringing about the result pointed out by the statute.

In Union Bridge Co. v. The United States (24 U. S., 364) the Supreme Court sustained a provision of the river and harbor act of March 3, 1899, that—

whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction * * * it shall be his duty, after hearing, to order alterations so as to render navigation unobstructed. * * *

The willful failure to obey his order is made a criminal misdemeanor. This statute was assailed on the ground that it delegated legislative power. Mr. Justice Harlan, delivering the opinion of the court, said:

In no substantial, just sense does it confer upon that officer as the head of an executive department powers strictly legislative or judicial in their nature, and which must be exclusively exercised by Congress or by the courts. * * * Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts assigned in any particular inquiry whether any bridges over the waterways of the United States were unreasonable obstructions to free navigation. * * * By the statute Congress declared, in effect, that bridges of insufficient height, width of span, or other defects, if stopped, however, with this declaration of the general rule, and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress and will not in any true sense execute legislative or judicial power.

The doctrine of the above case is strongly supported in Monongahela Bridge Co. v. The United States (216 U. S., 177). The case of Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S.,) involves the question as to whether section 20 of the act to regulate commerce is void because it unlawfully delegated legislative power. That section conferred upon the commission discretion to prescribe the period of time within which common carriers should establish a uniform system of accounts and the manner in which such accounts should be kept. It was contended that this gave the commission discretion to legislate. Mr. Justice Day, at page 214, said:

The Congress may not delegate its purely legislative power to a commission, but having laid down general rules of action under which the commission shall proceed it may require that commission the application of such rules and the investigation of facts with a view to making orders in a particular manner within the rules laid down by Congress. This rule has been frequently stated and illustrated in recent cases in this court and needs no amplification here. * * * In other words, Congress has laid down general rules for the guidance of the commission, leaving to it merely the carrying out of the details in the exercise of powers so conferred. This, we think, is not a delegation of legislative authority.

United States v. Grimaud (220 U. S., 506) reversed the judgment of the court below, sustaining the demurrer to an indictment for grazing sheep on a forest reservation without having obtained the permission required by the regulations adopted by the Secretary of Agriculture, and held that the act authorizing the Secretary of Agriculture to make such rules and regulations and to establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and establish and preserve forests thereof from destruction—

and providing that any violation of the act itself or of such rules and regulations as the Secretary of Agriculture should make shall be punishable as a misdemeanor was not objectionable on the ground that it did not sufficiently define what acts should constitute an offense against the United States nor on the ground that it was unconstitutional because it delegated to the Secretary of Agriculture authority to determine what acts should be criminal.

Mr. Justice Lamar, in rendering the opinion of the court, said, among other things:

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations, not for the governing of their departments, but for administering the laws which already govern. None of these statutes could confer legislative power, but when Congress had legislated and indicated its will it could give to those who would come under such general provisions power to fill up the details or by the establishment of administrative rules and regulations, a violation of which could be punished by fine or imprisonment fixed by Congress or by penalties fixed by Congress or measured by the injury done.

Thus it is unlawful to charge unreasonable rates or to discriminate between shippers, and the Interstate Commerce Commission is given authority to make reasonable rates and to administer the law against discriminations: Interstate Commerce Commission v. Illinois Central Railroad (215 U. S., 452); Interstate Commerce Commission v. Chicago, Rock Island & Pacific Railway (218 U. S., 88). Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the duty of fixing a uniform standard; St. Louis, Iron Mountain & Southern Railway v. Taylor (210 U. S., 281). In Union Bridge Co. v. United States (204 U. S., 364), in re Kollock (166 U. S., 526), and Buttfield v. Stranahan (192 U. S., 470) it appeared from the statutes involved that Congress had there prescribed, or by necessary implication made it unlawful, even criminal, to obstruct navigable waters, to sell unbranded oleomargarine, and to import unwholesome tea. With this unlawfulness as predicated the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules would then make the offense punishable by acts of Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of the act itself in requiring what should be done, or unlawful, if done, but confining themselves within the sphere covered by the statute, they could adopt regulations of the nature they had been authorized to make in order to administer the law and carry the statute into effect.

Mr. President, the authority given in this bill to the trade commission is analogous to the authority already conferred by law on the Interstate Commerce Commission as to the establishment of reasonable rates and the prevention of discrimination between shippers. In the cases that I have cited that authority has been upheld as not constituting a delegation of legislative power or authority.

Mr. SMOOT. I will say to the Senator from Colorado that this has long been a yearly appropriation for the purpose of making an investigation. Those investigations we had hoped would be concluded years ago, but they have not yet been concluded. This is simply an appropriation to continue the investigation and to prepare the report required under the agreement.

Mr. SHAFROTH. Is the provision contained in this conference report something that is new, that has been added by the conferees?

Mr. OVERMAN. No.

Mr. SHAFROTH. The provision was in the House bill, was it?

Mr. OVERMAN. No; not at all.

Mr. SHAFROTH It was made by the Senate?

Mr. OVERMAN. It was made by the Senate. There has been a conflict between what is known as the International Water Boundary Commission and the Water Commission. In fact, the work has always been done by the Water Commission without authority, I think, and the auditor refused to audit accounts for expenses incurred by the International Water Boundary Commission for the Water Commission, and under that ruling we concluded that we would separate them. That is all we have done. The House appropriated $20,000 for the same work, and we divided the fund, providing that $10,000 should go to the International Boundary Commission and $10,000 to the Water Commission for doing the same work that has been going on since 1896.

Mr. JONES. I will say to the Senator from Colorado that the provision reported is substantially as it passed the Senate, except that the amount has been reduced from $20,000 to $15,000.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an Interstate Trade Commission, to define its powers and duties, and for other purposes.

Mr. BORAH. Mr. President, I have agreed to yield to the junior Senator from Arkansas [Mr. ROBINSON], who said that he desired to discuss this matter for a short time and then leave the Chamber. If the Senator desires to proceed now, inasmuch as he must leave, as he says, I will yield to him. I do not see him on the floor just now.

The PRESIDENT pro tempore. The junior Senator from Arkansas is near at hand. In the meantime the Senator from Idaho can proceed.

Mr. BORAH. Mr. President, I was diverted yesterday from the thread of my remarks by interrogatories from the floor. I never object to questions from the floor, although they sometimes have the effect of breaking the continuity of one's argument, or what he deems to be the continuity of his argument.

Mr. ROBINSON entered the Chamber.

The PRESIDENT pro tempore. The junior Senator from Arkansas is now present.

Mr. ROBINSON. Mr. President, will the Senator from Idaho yield to me to make a statement concerning section 5 of this bill?

Mr. BORAH. I understand the Senator from Arkansas desires to discuss that section and then leave the Chamber; and I have agreed to yield to him for that purpose.

Mr. ROBINSON. I am very grateful to the Senator from Idaho for the courtesy which he has extended to me.

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Nevada suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Newlands	Smith, Ga.
Borah	Hitchcock	Norris	Smoot
Brady	Hollis	O'Gorman	Stone
Bryan	Hughes	Pace	Swanson
Burton	Jones	Perkins	Thornton
Catron	Kenyon	Pomerene	Warren
Chamberlain	Kern	Robinson	West
Chilton	Lane	Shafroth	White
Clark, Ark.	Lea, Tenn.	Sheppard	
Crawford	Lee, Md.	Shields	
Cummins	Martine, N. J.	Shively	

Mr. KENYON. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is detained from the Chamber by illness. I will ask that this announcement stand for the day.

The PRESIDENT pro tempore. Forty-one Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRISTOW, Mr. CAMDEN, Mr. POINDEXTER, Mr. RANSDELL, Mr. SAULSBURY, and Mr. SIMMONS answered to their names when called.

Mr. PITTMAN, Mr. OVERMAN, Mr. SMITH of Maryland, Mr. JAMES, and Mr. THOMPSON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. ROBINSON. I again express my thanks to the Senator from Idaho [Mr. BORAH] for his courtesy to me.

Mr. President, one of the most important provisions in this bill is section 5, declaring "unfair competition" to be unlawful and directing the commission by general regulations to prevent it.

On Thursday, June 25, while the Senator from Nevada [Mr. NEWLANDS] was discussing this measure, I expressed the opinion that the term "unfair competition" has a somewhat fixed meaning in law, and that while most of the earlier cases related to the infringement of trade-marks, the term may now be said to fairly embrace every unjust, dishonest, and inequitable practice by which one seeks to unfairly destroy or injure the business of a competitor. At that time I cited the cases Sterling Remedy Co. v. Eureka Chemical Manufacturing Co. (80 Fed., 105); Dennison Manufacturing Co. v. Thomas Manufacturing Co. (94 Fed., 651); T. D. Dunn Manufacturing Co. v. Trix Manufacturing Co. (63 N. Y. Sup., 333, 50 App. Div., 75).

Originally "unfair competition" consisted chiefly of the expressed or implied representation that the goods or business of one man are the goods or business of another. Now, however, it is given a much broader meaning, and is not limited to mere infringements of trade-marks, or to the use of marks, words, or symbols not subject to exclusive appropriation by anyone, yet designed to deceive the public and to obtain business by means of such deception.

In discussing the growth of the law of "unfair competition" the Encyclopedia of Law, volume 28, page 328, says:

> The law of unfair competition, including trade-marks and trade names, is of comparatively recent origin. The early cases fully recognized this doctrine, but as unfair competition by means of the imitation or infringement of trade-marks covered by far the most numerous class of cases presented, the courts fell into the practice of deciding all cases upon the doctrines of trade-mark law, and to a greater or less extent lost sight of the broader principles of unfair competition. * * * This law of trade-marks became specialized, and the law of unfair competition remained in abeyance, or, if recognized at all, was not recognized to its full extent or under that name, relief when afforded being "upon principles analogous to trade-marks." * * * The law of trade-marks, however, has been too thoroughly specialized and crystallized by statutes and decisions to become wholly merged in the law of unfair competition.

Nims on Unfair Business Competition, page 1, is as follows:

> In the digests one usually finds unfair-competition cases under the general head of trade-marks. This is misleading, for the law of trade-marks does not include unfair competition, but, rather, the law that governs trade-marks and infringements of them is but a part of the law regulating unfair and dishonest competition and trade.
>
> This misconception of the true meaning and scope of the doctrine of unfair competition may cause some to take issue with the writer on the correctness of including in a book bearing the title of Unfair Competition some of the classes of cases here included. It is believed, however, that the text will be called upon more and more frequently to protect traders whose business is threatened with injury or destruction from many sorts of dishonest or unfair competition besides those arising out of trade-marks and trade names. Referring to the development of unfair-competition law, W. K. Townsend says: "Not yet fully adopted by all the courts, still to be developed in its application to particular circumstances and conditions, this broad principle of business integrity and common justice is the product and the triumph of the development of the law of trade-marks in the last half century and the bulwark which makes possible and protects the world-wide business reputations common and growing more common in this new country."
>
> Unfair competition is not confined to acts directed against the owners of trade-marks or trade names, but exists wherever unfair means are used in trade rivalry. Equity looks not at what business the parties before the court are engaged in, but at the honesty or dishonesty of their acts. It is unfair to pass off one's goods as those of another person; it is unfair to imitate a rival's trade name or label; but he who seeks to win trade by fair means or foul is not limited to these methods. He may copy and imitate the actual goods made or sold by a competitor; he may libel or slander these goods, make fraudulent use of a family name, of trade secrets, of corporate names, of signs, of threats of action; he may construct buildings which are reproductions of peculiar buildings of a rival, thus producing confusion in the minds of purchasers, which enables him to purloin his rival's trade, and in a hundred other unfair ways secure another's trade. All acts done in business competition are either fair or fraudulent, equitable or inequitable, whether they relate to marks or not; and it is believed that the question of trade-marks will soon be lost sight of in discussing unfair competition, in the problem of securing, through the principles of equity, full protection to every merchant against unfair business methods.

The most recent case affecting "unfair competition" is the case of United States against American Thread Co. and numerous other defendants in the district court of New Jersey, in

which a decree was rendered June 2, 1914. In that case 14 different practices pursued by the defendants against competitors were enjoined as constituting "unfair competition," as follows:

> (a) From soliciting, making, ratifying, or confirming by agreement or understanding of any kind or nature with any other corporation, copartnership, or person any lists of wholesale or retail dealers or jobbers in the United States with whom trade in sewing thread shall not be carried on.
>
> (b) From fixing, establishing, ratifying, or confirming by agreement or understanding of any kind or nature with any competitor in business, whether an individual or a corporation, trade discounts, trade rebates, terms or conditions of sale or credit, in connection with or relating to the sale or shipment of sewing threads in the United States.
>
> (c) From purchasing or acquiring the factories, plants, or brands of any competitor in the markets of the United States, or from acquiring any interest in the business of any such competitor either through stock ownership or otherwise.
>
> (d) From exacting or accepting from any vendee or purchaser of any sewing thread sold by any of said defendants in the United States any agreement restraining such vendee or purchaser from selling said thread below any fixed or minimum price; and from refusing to trade with, discriminating against, or threatening to refuse to trade with or to discriminate against any person because of the prices at which he sells sewing threads unless such person is offering for sale or selling sewing threads at less than their cost to such person.
>
> (e) From giving or offering to give to any wholesale or retail dealers, jobbers, or consumers of sewing thread in the United States any bonus, rebate, or other inducement dependent upon the aggregate of future purchases to be made by such dealers, jobbers, or consumers within any period.
>
> (f) From cooperating with or assisting any dealers in the United States to combine or pool their orders or purchases of sewing thread in order to obtain the benefit of any discount or other concession allowed on the quantity purchased or agreed to be purchased.
>
> (g) From using in the United States what are known in the trade and referred to in the petition herein as "fighting brands," hereby defined to be brands which are devised or received and used for the purpose of being offered principally to customers of competitors at cut prices; that is to say, at prices lower or on terms more favorable than the prices or terms asked by the seller for substantially the same thread under different brands or trade names.
>
> (h) From employing in the United States what are referred to in the petition herein as "flying squadrons," hereby defined to be special forces of salesmen who do not, as their principal business, handle the brands commonly offered for sale by the manufacturer or selling agency, or solicit orders from the trade generally, but handle principally "fighting brands," or solicit principally from customers of competitors with a view of securing their trade.
>
> (i) From soliciting or exacting from wholesale or retail dealers or jobbers or from customers of competitors in the United States any agreement not to handle or to cease handling the brands of competitors; or from refusing to deal with or discriminating against or threatening to refuse to deal with or to discriminate against those who handle the goods of competitors, or from canvassing the retail trade of any dealer or jobber and thereupon offering the orders thus obtained to such dealer or jobber upon condition that he shall cease to buy thread from a competitor of the defendants or of any of them.
>
> (j) From attacking the credit or business reputation of or the quality of thread dealt in by any competitor in the United States by means of any report known to be false or which there is no reasonable ground to believe.
>
> (k) From warning, harrassing, or intimidating by threatening to prosecute for trade-mark infringement or by other acts, letters, or advertisements, any other person or corporation in relation to the sale, shipment, or trade in sewing threads in the United States, except such action as may rightfully be taken, or such letters or advertisements as may rightfully be written or published by any person or corporation in protecting his or its property, trade-marks, rights, or business.
>
> (l) From offering or giving secret rebates or other secret inducements to any customer of a competitor in the United States.
>
> (m) From selling or offering to sell in the United States sewing thread of any kind below the cost of production, or at prices which, after allowing for cost of transportation and differences in prices or terms on account of differences in grade, quality, or quantity sold, are lower than the prices charged in other parts of the United States, with the intent thereby of obtaining a monopoly or destroying or injuring the trade or business of another in sewing thread or of preventing another from engaging in such trade or business; but nothing in this paragraph contained shall prevent the defendant corporations from offering for sale or selling sewing thread in any part of the United States at prices or on terms as low as any of their bona fide competitors are then and there offering, nor from offering or making different prices, terms, or conditions to different classes of customers.
>
> (n) From offering in the United States a bonus or gift in the form of free goods of any kind as an inducement to any class of customers to purchase defendants' threads, except that the defendants, or any of them, may, in good faith, give or offer to give or distribute samples in reasonable quantities in order to introduce their threads and establish new trade, and except that they may offer and give free samples to actual purchasers for bona fide distribution among consumers. *Provided, however*, That such samples to purchasers shall not exceed 5 per cent of their purchases at any one time.

In the case which I have cited the court enjoined as unfair competition those 14 different forms of trade practices.

I am indebted to Mr. George Rublee for decrees upon the same point, which I ask unanimous consent to insert in the RECORD without reading. These are the cases of United States against American Coal Products Co., entered March 4, 1913, in which case a large number of trade practices were enjoined as unfair competition; also the case of United States against General Electric Co., entered October 12, 1911. That, I believe, was an Ohio case. And, finally, the case of United States against American Thread Co., a part of which I have just read.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

UNFAIR METHODS OF COMPETITION.

[Instances taken from decrees of Federal courts in cases arising under Sherman Act. Circuit Court of Southern District of New York.]

UNITED STATES V. AMERICAN COAL PRODUCTS CO.—DECREE ENTERED MARCH 4, 1913.

> (b) That all contracts between said Barrett Manufacturing Co. and said producers of coal tar or oil tar whereby the producers of coal tar agree to burn any part of said production or agree not to enter into competition with said Barrett Manufacturing Co. or its subsidiaries or Barrett Manufacturing Co. and said products company are decreed to be null and void, and said joined from operating under or enforcing the same, unless said contracts shall be modified and re-formed by eliminating those provisions or similar provisions to the same effect; and said Barrett Manufacturing Co. and its subsidiaries and said products company are forever enjoined and prohibited from entering into contracts containing those provisions or similar provisions to the same effect.
>
> (c) That all contracts between said Barrett Manufacturing Co. or said products company on one hand and any dealers in or producers of coal tar and oil tar on the other hand providing for the sale of said coal tar or oil tar, and wherein it is provided that the contract shall be terminated upon notice, shall be re-formed and changed to provide for certain termination of said contract at a fixed date not to exceed 10 years from the date thereof.
>
> (d) That said defendants, and each and all of them, are forever enjoined and prohibited from selling coal tar or oil tar to one or more competitors of said Barrett Manufacturing Co., competing with said company in any line, for a less price f. o. b. the same point of shipment than said Barrett Co. sells the same products to any other competitor in the same line.
>
> (e) That said defendant companies and defendant individuals of said companies, and each of them, are forever enjoined and prohibited from burning for fuel or exporting any coal tar or oil tar or briquetting pitch owned by them, when such burning or exporting is done at a net price, taking into consideration all resulting by-products, without first advertising for 30 days for bids for such coal tar, oil tar, or pitch, and without thereby being able to sell same to competitors at higher prices; except that nothing in this clause shall prevent the defendant companies from using coal tar or oil tar as fuel when it is economical to do so or when obliged to burn liquid fuel on account of public ordinances. By the use of the word "economical" herein is meant that when the fuel value of oil tar or coal tar is greater to said Barrett Manufacturing Co. than the fuel value of coal or other usable fuels, then coal tar or oil tar may be burned for fuel.
>
> (f) That said defendants, and each of them, are forever enjoined and prohibited from entering into any contract, scheme, or arrangement with any competitor in the purchase of coal tar or in the manufacture or sale of coal-tar roofing materials whereby any producer of coal tar producer shall sell such product, or respecting the territory wherein or the price at which such product shall be sold.
>
> (g) That said defendants and each of them are forever enjoined and prohibited from making or enforcing any contract whereby a purchaser of one line of material, such as tarred felt, shall be compelled to purchase from defendants or any allied interest any proportion of other material.
>
> (h) That the use of the name of any one-time independent company or of any company acquired by the said Barrett Manufacturing Co. or the said products company that manufactures and markets pitch, tarred felts, or other coal-tar roofing materials, or uses the same in construction work, is forever enjoined and prohibited on the part of defendant companies or defendant individuals herein, except as departments of said Barrett Manufacturing Co., as, for example, Warren Chemical & Manufacturing Co., department of Barrett Manufacturing Co., and the Eastern Granite Roofing Co., department of Barrett Manufacturing Co., and except for the use of any registered trade-mark which is in no particular, and such ownership by departments in the manner stated herein shall be made public by printing the same on letterheads, billheads, and in advertising.
>
> (i) That said defendants herein, and each of them, are forever enjoined and prohibited from offering for sale and from selling coal tar and oil tar and roofing materials at a less price to customers of competitors of said defendants than said defendants sell such products to their own customers when and where such offers and sales described in this paragraph are made by said defendants with a purpose so to injure the business of such competitor of said Barrett Manufacturing Co. and said products company as to drive such competitor out of such business in any particular section of the United States.

UNITED STATES V. GENERAL ELECTRIC CO. DECREE ENTERED OCTOBER 12, 1911 (OHIO).

> It is further adjudged, ordered, and decreed that all factories, plants, and manufacturing and selling departments operated or owned by said General Electric Co. for the manufacture and sale of incandescent lamps shall be made known to the general public and trade as the property and business of the said General Electric Co., provided that the General Electric Co. is not prohibited by this decree from preserving and using the trade names of incandescent lamps lawfully manufactured or sold by it, including the trade names now employed by the companies mentioned in this clause second if it acquires such trade names and the business of manufacturing lamps to which the same are applied; but such names shall be publicly known as the property of the General Electric Co.
>
> Third. That the General Electric Co. and each and all of the lamp-manufacturing defendants as defined in clause fourth, their officers, agents, and servants, be, and they hereby are, restrained enjoined, and forbidden from making or carrying out, directly or indirectly, any contracts with any manufacturer or manufacturers of lamp-making machinery or with any manufacturer or manufacturers of bulbs and tubing for incandescent lamps whereby such manufacturers, or any of them, shall be bound not to sell the goods manufactured by them, respectively, to others than the said defendants, or any of them, or hindered from, or doing or obligated to sell to the said defendants, or any of them, at other and different prices and terms of payment than those to which they severally may sell to other purchasers.
>
> Fifth. That the General Electric Co. and the other above-mentioned lamp-manufacturing defendants are enjoined from maintaining, by agreement, differentials between lamps which do not in fact differ

of a more or less delicate nature, the committee is pursuing the usual course of having the hearings printed from day to day, so that the members of the committee may this morning have before them what was heard and reported on yesterday. I hardly think it would be advisable to go further than that at this time. The business is still in the hands of the committee, and there is no more reason for giving out the daily hearings which are taken down and printed for the convenience of the committee than there would be for giving out verbally mere oral hearings not taken down or printed.

Mr. NORRIS. I should like to ask the Senator—confining my question now entirely to one proposition that I understand is before the committee, the Nicaraguan treaty—is there any reason why the Members of the Senate should not get the evidence as it is being taken on that question?

Mr. STONE. I have answered that question.

Mr. NORRIS. I supposed the Senator's answer had a broader significance, and that he was referring to questions generally. I am confining my question now to the one particular case.

Mr. STONE. The only hearings that are being had at this time relate to the two treaties referred to, and especially to the proposed or tentative treaty with Nicaragua.

Mr. NORRIS. I did not know and I could not deduce from what the Senator said that there were any other hearings.

The PRESIDENT pro tempore. The question is on the request of the Senator from Missouri for unanimous consent that the resolution may at this time be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS subsequently said: When the Senator from Missouri [Mr. STONE] was discussing the question relative to matters pending before the Foreign Relations Committee I was about to submit, in connection with the resolution which he offered, a resolution which I drew up while he was on the floor. It seems to me—although I may, of course, be wrong—that there is no reason why the testimony given before the Committee on Foreign Relations should not be accessible to every Member of the Senate; and, for that matter, I do not see any reason why it should not be public; but, at least, Members of the Senate ought to be allowed to read the testimony that I suppose is being taken for the purpose of giving them light, so that they may be able to vote intelligently upon the treaty when it gets before the Senate; and unless we can see the evidence and read it, it certainly can not have any effect on us.

It seems to me from attempts that I have made and that several other Senators have made, without success, to secure copies of the testimony that there is quite a division among members of the committee as to whether even the Members of the Senate, to say nothing of the public, should be given this evidence as it is printed. I therefore ask unanimous consent to introduce out of order and to have referred to the Committee on Foreign Relations the resolution which I send to the Secretary's desk.

The PRESIDENT pro tempore. The Senator from Nebraska presents a resolution, which the Secretary will read.

The Secretary read the resolution (S. Res. 408), as follows:

Resolved, That daily copies of the evidence taken by the Committee on Foreign Relations on the subject of the treaty with the Government of Nicaragua be sent to Senators.

The PRESIDENT pro tempore. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution to the extent of referring it to the Committee on Foreign Relations.

Mr. BURTON. Mr. President, I did not so understand. I understood the request was to refer the resolution to the Committee on Foreign Relations.

The PRESIDENT pro tempore. To be referred to the Committee on Foreign Relations. The Senator from Nebraska asks unanimous consent for its consideration to the extent of referring it to the Committee on Foreign Relations. Is there objection?

Mr. SHEPPARD. I object.

The PRESIDENT pro tempore. Objection is made, and the resolution will lie over for a day.

Mr. NORRIS. I will ask the Senator from Texas if he objects to the resolution being referred to the committee?

Mr. SHEPPARD. Not at all. I thought the request was for its present consideration.

Mr. NORRIS. That is not the request. I thought the Senator from Texas did not understand the matter.

Mr. SHEPPARD. If the Senator desires the resolution referred to the committee, I withdraw my objection. The reason I objected to its consideration was that the Senator from Missouri [Mr. STONE], who has been discussing the matter, was not present.

Mr. NORRIS. The request I made was to refer the resolution to the Committee on Foreign Relations.

Mr. SHEPPARD. Then I withdraw the objection.

The PRESIDENT pro tempore. The Senator from Texas withdraws his objection. In the absence of objection, the resolution will be referred to the Committee on Foreign Relations. The Chair hears none, and it is so ordered.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho [Mr. BORAH] has the floor.

Mr. OVERMAN. Will the Senator from Idaho yield to me to submit a conference report?

Mr. BORAH. I yield.

Mr. OVERMAN. I send to the desk the report of the committee of conference on the Diplomatic and Consular appropriation bill.

The PRESIDENT pro tempore. A conference report may be presented at any time. The Senator from North Carolina asks that the Senate proceed to the consideration of the conference report which he has just presented. Is there objection? The Chair hears none. The Secretary will read the report.

The Secretary read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 10, 12, 19, 22, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 8, 11, 13, 14, 17, 18, 20, 24, 26, 27, and 28, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

"To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $15,000: *Provided*, That $10,000 thereof is made immediately available to resume and continue the work relating to the distribution of water, under the direction of the Secretary of State, and as authorized by and in pursuance to the protocol of May 6, 1896, between the United States and Mexico.

"The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under the direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the diplomatic and consular appropriation act, approved February 28, 1913, 'To enable the commission to continue its work under the treaties of 1884, 1889, and 1905,' is hereby reappropriated and made available for the payments herein authorized and directed."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"INTERNATIONAL PRISON COMMISSION.

"For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commission, including preparation of reports, $2,550."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: On page 16 of the bill, in lines 20, 21, and 22, strike out the following: "and the expenses of the

United States delegate in attending the meetings of the commission"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows:

"Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators for three months, at $100 per month, $300; messenger for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,330.

"For rent of office for joint secretaries, $360.

"Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, $5,000 per annum; 2 counsels, at $2,520 per annum each; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $3,000 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $27,260.

"Expenses, United States agency: Necessary and contingent expenses, $12,700."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 20 of the bill, in line 22, after the word "expenses," insert the following: "in Washington City"; and on the same page, in line 25, strike out "$50,000" and insert in lieu thereof "$40,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 21 of the bill, in line 19, strike out "$150,000" and insert in lieu thereof "$100,000"; and the Senate agree to the same.

LEE S. OVERMAN,
LUKE LEA,
W. L. JONES,
Managers on the part of the Senate.
H. D. FLOOD,
CYRUS CLINE,
HENRY ALLEN COOPER,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. HITCHCOCK. I should like to ask the Senator from North Carolina a question. I was unable to gather from the reading of the conference report what had become of the Senate amendment providing for the purchase of a legation in Shanghai.

Mr. OVERMAN. That was stricken out. The House refused to agree to it.

Mr. HITCHCOCK. I am very glad of that under the circumstances.

Mr. OVERMAN. I want to say that we had some information, which came to us after the Senate had agreed to the amendment, which we thought needed investigation, and we readily agreed to strike out the amendment.

Mr. HITCHCOCK. I think it needs investigation.

Mr. OVERMAN. We agreed to strike out the amendment relative to Shanghai, and also to strike out the one relative to the embassy at Berne, Switzerland, but the House insisted on the provisions relative to the embassies at Mexico City and Japan, and the Senate receded.

Mr. BURTON. I should like to inquire of the Senator from North Carolina what disposition was made of the appropriation for the reception of the members of the Interparliamentary Union?

Mr. OVERMAN. The Senate receded, with an amendment. We agreed to appropriate $40,000 instead of $50,000 for that purpose and required that that expenditure should be confined to the meeting in Washington City. It appeared to us that it was not right to pay the expenses of the delegates all over this country. We provided a sufficient amount to entertain them here in Washington, but we did not think the Government ought to be put to the expense of carrying these people all over the country, say, to the Panama Exposition. That was the idea. The total appropriation for the entertainment of the delegates, confined to Washington City, is $40,000, and that is what is appropriated.

Mr. BURTON. There was a reduction from $50,000 to $40,000?

Mr. OVERMAN. That is what was done. It was stated that the reason $50,000 was desired was because they wanted to pay the expenses of the delegates across the continent.

Mr. SHAFROTH. Mr. President, I notice some reference in the conference report to an appropriation for the distribution of water between the Republic of Mexico and the United States with relation to the waters of the Rio Grande. My colleague [Mr. THOMAS] is not in the city to-day; I know that he is very much interested in the matter, and he is not here to examine it. I therefore should like to have the conference report go over until Monday.

The PRESIDENT pro tempore. That can only be done now by unanimous consent. The Senate has directed the consideration of the report at this time.

Mr. OVERMAN. I suggest to the Senator from Colorado that this amendment does not affect the water in any way except that it requires the commission to make a report.

Mr. SHAFROTH. Let me ask the Senator, then, what is the status, and how does the question arise in this bill?

Mr. OVERMAN. It has arisen in every Diplomatic and Consular appropriation bill since 1896. We entered into a treaty with Mexico by which a joint commission was to be appointed to fix the boundary line by reason of the fact that the Rio Grande is continually changing. Then, by means of a protocol that was entered into between this Government and Mexico, they provided for a measurement of the waters of the Rio Grande, so that it might be determined what amount of water our country should use and what amount of water Mexico should use in a future treaty to be made. It is not exactly a new appropriation, but it is a divisional appropriation. A report is to be made as to the amount of water to be used by the respective countries.

I will say that some companies are inducing immigrants to go there on the representation that they are going to have their lands irrigated when it is impossible to irrigate them. We want the settlers who propose to go there to know that they can not get water to irrigate their land, which it is claimed by these land companies may be irrigated. We want to print the reports that have been made and to pay the expenses of some of the parties; for instance, the engineers who have been employed, but who have not been paid. That is what this appropriation is for.

Mr. SHAFROTH. I will state to the Senator from North Carolina that the Rio Grande rises in the State of Colorado, and that we have various irrigation enterprises that have been started and some that are desiring to start on the Rio Grande River, in the State of Colorado. It has been the source of a great deal of discomfort to our people that waters that we believed we are entitled to are to be appropriated and used upon the land of the Republic of Mexico. If there is anything of that kind involved in this report, I unquestionably want it to go over; but if the Senator from North Carolina will say that there is nothing but the requirement that a report shall be made, I do not know that I shall ask that it go over.

Mr. OVERMAN. These commissioners have no power whatever; all they are to do is to examine and ascertain to what part of the water Mexico is entitled and to what part of the water our country is entitled, and to report thereon. Mexico is claiming that she is entitled to half the water, and the United States claims that she is entitled to half of it; but there are a great many places down there, as the Senator knows, where sometimes there are great floods and again the water is very low. This is a matter to be determined. The men representing Mexico and those representing the United States are to get together and report on the flow of the river and ascertain what amount of water comes down the river every year.

Mr. SHAFROTH. Does it provide that there shall be an attempt to divide the water, or to say how much the Republic of Mexico is to be entitled to and how much the United States is to be entitled to?

Mr. OVERMAN. No authority whatever is given to do that. This provision is in furtherance of a future treaty to be made. They will make their report, and a treaty will be entered into. Colorado can be heard on that question.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Dredging. It is proposed to dredge the basin formed by the breakwater to a depth of 20 feet to 22 feet mean low water. The present

viously agreed to.

Mr. BURTON. That has already been agreed upon, then?

has decided it both ways. The Chair is not going to decide the question again.

Mr. SMOOT. Then I suggest the absence of a quorum.

Mr. SIMMONS. I make the point of no quorum.

The VICE PRESIDENT. The Chair is going to leave the settlement of this question to the Senate, and the Chair will then obey the decision of the Senate.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Oliver	Simmons
Borah	Hughes	Overman	Smith, Ariz.
Brady	James	Page	Smith, Ga.
Bristow	Jones	Perkins	Smith, Md.
Bryan	Kern	Pittman	Smoot
Burleigh	Lane	Poindexter	Swanson
Burton	Lea, Tenn.	Pomerene	Thompson
Camden	Lee, Md.	Ransdell	Thornton
Catron	Lewis	Reed	Townsend
Chamberlain	Lippitt	Robinson	Vardaman
Chilton	Martine, N. J.	Root	Warren
Crawford	Myers	Saulsbury	Weeks
Cummins	Nelson	Shafroth	West
Dillingham	Newlands	Sheppard	White
Fletcher	Norris	Shields	
Goff	O'Gorman	Shively	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. SIMMONS (at 1 o'clock and 5 minutes p. m.). I move that the Senate proceed to the consideration of House bill 13811, commonly known as the rivers and harbors bill.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SIMMONS. I ask that the Senate may dispense with the formal reading of the bill.

Mr. BRISTOW. I object to that.

The VICE PRESIDENT. There is objection. The Secretary will proceed with the reading of the bill.

The Secretary resumed the reading of the bill at the top of page 25, and the reading was concluded.

[Mr. SIMMONS addressed the Senate. See Appendix.]

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The bill is in Committee of the Whole, and the question is on agreeing to the amendment of the committee. All in favor of the amendment will say "aye." [A pause.] Those opposed "no." [A pause.] The ayes have it, and the amendment is agreed to. The bill is in Committee of the Whole.

Mr. BURTON. Do I understand that the amendment was agreed upon at this time before it was heard?

The VICE PRESIDENT. The question was put and there were no "noes."

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Kenyon	Page	Smith, Ga.
Brady	Kern	Perkins	Smith, Md.
Burton	Lane	Poindexter	Smith, Mich.
Camden	Lea, Tenn.	Pomerene	Smoot
Catron	Lee, Md.	Ransdell	Stone
Chamberlain	Lewis	Robinson	Thompson
Crawford	Lippitt	Root	Tillman
Cummins	McCumber	Saulsbury	Townsend
Dillingham	Martine, N. J.	Shafroth	Vardaman
Fletcher	Newlands	Sheppard	Warren
Hitchcock	Norris	Sherman	Weeks
Hollis	O'Gorman	Shively	West
James	Oliver	Simmons	White
Jones	Overman	Smith, Ariz.	

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. HOLLIS. I desire to announce the necessary absence of the senior Senator from Maine [Mr. JOHNSON] and to state that he is paired with the Senator from North Dakota [Mr. GRONNA].

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The bill is in Committee of the Whole.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. I understand that the committee amendment has been adopted. Is that correct?

The VICE PRESIDENT. The Senator from Iowa is correct.

Mr. CUMMINS. It is correct?

The VICE PRESIDENT. It is.

Mr. CUMMINS. Then is the amendment or the bill now open to amendment?

The VICE PRESIDENT. The bill is not open to further amendment in Committee of the Whole unless the vote whereby the amendment was agreed to is reconsidered by the Committee of the Whole.

Mr. CUMMINS. I was not present just at the moment—at 2 o'clock. I understood that the Senator from Idaho [Mr. BORAH] was in the midst of a discussion of one part of the bill, and I did not anticipate that action would be taken upon the amendment instantly.

As the Senator from Nevada knows, I introduced five amendments to the bill, and they were referred by the Senate to the Judiciary Committee, and the Judiciary Committee now has them under consideration. I assumed that there would be no vote on the amendment of the committee until the Judiciary Committee made its report. I do not know that the Senator from Nevada agreed that that should be so, but nevertheless it ought to be so. Therefore I move that the vote by which the committee amendment was adopted be reconsidered.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. The Chair will inquire how the Senator from Iowa voted on the question?

Mr. CUMMINS. There was no vote taken as I am informed.

The VICE PRESIDENT. There was a vote taken.

Mr. CUMMINS. I did not vote at all. I was not present in the Chamber at that time.

Mr. NEWLANDS. Mr. President, I will state that I was present when the bill was called up. I expected that the Senator from Idaho [Mr. BORAH] would claim the floor to address the Senate, but he did not, and no one did claim the floor, and the Vice President then, without any suggestion from me or anyone else, proceeded in the usual order with the bill. The result is that the committee amendment has been substituted for the House text. Of course the next step would be to proceed in the Senate, and there further amendments can be offered.

I certainly have no disposition to oppose the motion of the Senator from Iowa, provided there is anyone who wishes to address the Senate upon the bill or to propose any amendment.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. Therefore, if there is such a desire—and I understand the Senator from Iowa would prefer to present his amendments in Committee of the Whole instead of in the Senate——

Mr. CUMMINS. Mr. President, I have certain amendments that I desire to offer to the bill, and I thought that there was common consent that there should be no vote taken upon the committee amendment until the Judiciary Committee reported upon those amendments, they having been referred to that committee by the Senate. I understand, of course, that I can offer them when the bill reaches the Senate; but that is contrary to my understanding of the general agreement.

Mr. NEWLANDS. Of course, I will not regard the proceeding as being closed in Committee of the Whole, and as one who voted, or is supposed to have voted, I move for a reconsideration of the vote by which the amendment was agreed to.

The VICE PRESIDENT. The Senator from Nevada moves to reconsider the vote whereby the committee amendment was adopted.

The motion to reconsider was agreed to.

Mr. NEWLANDS. If I may be allowed a word, I wish to repeat what I stated in my opening argument, that it is very desirable that this legislation should be passed immediately, because the other trust legislation will probably have reference to it, and it is all-important that in passing upon supplementary legislation the Senate should know whether this bill has been adopted or not. So I am inclined to press the consideration of the bill, and I hope that all who desire to address the Senate upon it will prepare themselves within a reasonable time.

Mr. BORAH. Mr. President, I was, as the Senator from Iowa stated, in the midst of some remarks upon this bill when

its consideration was resumed to-day and the vote was submitted to the Senate.

Mr. SMITH of Georgia. Will the Senator from Idaho yield to me?

Mr. BORAH. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I desire to express a very earnest hope that the Senator from Nevada will not undertake to press the bill to an immediate vote. We are working on the amendments in the Judiciary Committee which were referred to that committee, and I think it would simply transfer the entire discussion to the Senate instead of permitting the discussion in the Committee of the Whole of the Senate. We are still working there, and if we perfect our work we can not stay here. We will be here this afternoon, but we have been in almost continuous session at work upon the measure before us in the Judiciary Committee. The bill of the Senator from Nevada becomes necessarily involved in the work that we are doing there, the amendments that we are considering there apply to this bill, and the further work that we do upon the Clayton bill depends upon the direction given to certain amendments that will be recommended to the substitute of the Senator from Nevada.

I do not believe we are wasting time; I believe we are gaining time by a careful investigation and study by the committee; and I do not think we ought to expect a vote on the substitute of the Senator from Nevada certainly for quite a number of days.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. I have not been urging a vote, but I must say that I can not assent to tie up the action of the Senate, when the bill has been reported by the Committee on Interstate Commerce, with the action of the Judiciary Committee. I realize that that committee has very important functions and is discharging them, and I would be very glad if collaboration could be secured between that committee and the Interstate Commerce Committee regarding pending trust legislation. But I am impressed with the importance of early action upon this bill, and, with a proper consideration for those who desire to speak and to present amendments, I shall feel it to be my duty not to complicate this bill with the action of any other committee.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I am not seeking the floor except to make a statement, and I ask the Senator to defer for a moment.

I was in the midst of some remarks on this bill when the vote was taken, and I did not object for the simple reason that I do not propose to debate the bill a moment at a time when I will be standing in the way of a vote. So long as it is before the Senate and there is no probability of a vote being taken, I have some views I want to offer, but I am anxious myself to see the legislation proceeded with, and whenever the chairman thinks that he is ready to vote or can get a vote I will yield the floor. I now yield to the Senator from Missouri.

INVESTIGATION BY COMMITTEE ON FOREIGN RELATIONS.

Mr. STONE. Mr. President, can I bring before the Senate a question of privilege?

The VICE PRESIDENT. A question of privilege is always in order.

Mr. STONE. Mr. President, the Committee on Foreign Relations has at this time pending before it a treaty between the United States and the Republic of Colombia, and also a tentative treaty which is in course of negotiation between this Government and the Government of Nicaragua. The Secretary of State has given to the committee the general outline of the treaty under consideration between this Government and Nicaragua, with a view to counseling with the committee respecting it.

Mr. President, it is a general rule of the Senate that proceedings had in the executive sessions of committees are to be held and treated as confidential. I think that is a good rule as applied to committees generally, but especially should that rule be adhered to and strictly enforced in the Committee on Foreign Relations. That committee deals with the most delicate questions with which our Government is concerned. The work of that committee affects our most intimate relations with all the sovereign nations of the earth. It is a matter of regret that an impression prevails in many quarters that we conduct our diplomatic affairs with less dignity and with less regard for the delicate nature of international conferences and negotiations than other nations; that ours is too much a sort of shirt-sleeve diplomacy. I am unwilling that any act of the Foreign Relations Committee should impart added color to this unfortunate impression.

Mr. President, during the consideration of the two matters I have adverted to as being now before the committee, some one connected with the committee in some capacity has been guilty of an act which, to say the least, is an act of gross impropriety. Garbled and inaccurate statements have appeared in the press as to what has been said and done in the executive sessions of the committee with respect to these two treaties. A few days since, on the invitation of the Foreign Relations Committee, two gentlemen now in Washington representing the Government of Nicaragua, one the minister from that Republic and the other a former minister of finance and now the confidential financial agent of Nicaragua, accredited to Washington to work in conjunction with the resident minister in promoting interests of great importance to his country, came before the committee to express themselves respecting conditions in Nicaragua and as to the proposed treaty between their Government and this. They said at the outset that they would speak with freedom because they understood that what occurred before the committee in executive session would be treated in the highest degree as confidential. They had a right to expect that no publicity would be given to anything they might say to the committee. But we find that some one who must have some connection with the committee has been guilty of the inexcusable offense of giving out to the public things that occurred when those gentlemen were before the committee. I regard this as a most disgraceful performance. No one connected with that committee in any capacity can give out the confidential business of the committee in the way this was done without branding himself with betrayal and dishonor. Who did it? It is impossible to believe that these representatives of Nicaragua after leaving the committee went out and told any newspaper reporter what occurred or what they said. It is also inconceivable that the Secretary of State, who was present during the hearings to which I have alluded, could be guilty of violating the confidence of the committee or be willing on his own account to publicly discuss a tentative international agreement. Moreover, the very character and tone of the newspaper publications forbid the slightest suspicion that the Secretary or the Nicaraguan representatives are responsible for what was published. Manifestly the blame is on some other head.

Mr. President, I was this morning directed by the committee to make the statement which I will now read:

That all newspaper reports of what has occurred in the Committee on Foreign Relations in regard to the Nicaraguan and Colombian treaties are unauthorized and inaccurate, and are, moreover, unworthy of belief, because whoever gave out the alleged information attempted to betray the confidence of the committee and of the Government, and deliberately violated his word of honor.

And now, Mr. President, by the authority and under the direction of the committee, I propose the following resolution, which I ask may be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Senator from Missouri submits a resolution, which the Secretary will read.

The resolution (S. Res. 407) was read, as follows:

Resolved, That the Committee on Foreign Relations be, and hereby is, authorized and empowered to investigate and ascertain from whom information of any business transacted before said committee in executive session relating to international affairs is given out, and to prosecute said investigation said committee is hereby authorized and empowered to send for persons and papers, to issue subpoenas, to administer oaths, and to employ stenographers to take testimony, at not exceeding $1 per printed page, the expenses of said investigation to be paid out of the contingent fund of the Senate on warrants signed by the chairman of said committee.

Mr. NORRIS. Will the Senator yield for a question?

Mr. STONE. Yes.

Mr. NORRIS. I wish to ask the Senator if in the investigation the committee is making the evidence is printed? Has the committee been having it printed?

Mr. STONE. Yes.

Mr. NORRIS. Have the copies as they are printed daily been sent to Members of the Senate?

Mr. STONE. The prints that have been made are confidential prints, made from day to day, for the use of the committee while the hearings are in progress. They have not been distributed to Members of the Senate at large.

Mr. NORRIS. I should like to ask the chairman's judgment of the propriety of supplying Members of the Senate as well as members of the Foreign Relations Committee with this evidence.

Mr. STONE. When the committee is through with the hearings and has disposed of the business, the question as to having the hearings printed for the general use of the Senate will, I presume, be considered by the committee. But as these hearings are confidential and relate to international questions

I appreciate the action of the conferees upon the part of the Senate, who refused to yield to this amendment and sent it back to the House twice. I desire to express my appreciation of their action. I have the confidence to believe that if the House had been acquainted with the circumstances, and also if there had been enough of the Members of the House there to have made an expression of the will of the House, this item would have remained in the bill. The weather is hot, however, and there were only about 100 Members over there to vote on the important questions involved in this conference, and we have to do the best we can.

Before I take my seat I desire also to express my appreciation of the interest taken in this item by the Representatives from other States, especially Representative MOORE, of Pennsylvania, and Representative TRIBLE, of Georgia.

Mr. FLETCHER. In connection with this matter I ask to have printed in the RECORD a letter of December 7, 1912, from the Secretary of the Navy to the chairman of the Committee on Commerce; a letter from Mr. Curtis, Acting Secretary of the Treasury Department, to the chairman of the Committee on Commerce, dated January 9, 1913; and a letter from the Chief of Engineers, Gen. Bixby, to the chairman of the Committee on Commerce, dated December 26, 1912.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

NAVY DEPARTMENT,
Washington, December 7, 1912.

SIR: 1. This department desires to have certain improvements made in the harbor of Key West, in order to provide a suitable naval station for the use of torpedo craft, submarines, and small cruisers and to serve as a base of supplies and communications. This scheme of development affects not only the Navy but other executive departments having reservations at Key West.

2. The various executive departments having reservations at Key West adjacent to each other are:

Navy: Naval station proper.

Treasury: Customhouse and post-office building, located within the limits of the naval station at its north end.

United States marine hospital, on a reservation just outside the southern boundary of the naval station.

Station ship of Revenue-Cutter Service; no office on shore.

Commerce and Labor: Lighthouse Establishment pier, with the naval station at its north end, between Piers A and B and opposite customhouse.

Agriculture: Weather Bureau on a reservation adjoining the reservation of the United States Marine-Hospital Service.

War: Fort Taylor Reservation, south of the naval station and extending from the reservation of the Marine-Hospital Service to and including Fort Taylor.

3. The most important improvement and one which will be of advantage to the various executive departments of the Government is the construction of a breakwater to form a semi-inclosed basin dredged to a depth of 20 feet to 22 feet, mean low water, as a protection for light-draft vessels in times of heavy weather and hurricanes.

4. The water front at the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor, is entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes in which the velocity of the wind reached 80-100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

5. Man-of-war anchorage at the upper end of the channel at Key West and 1 to 2 miles from the station, although exposed to some extent to seas from a southerly direction, is the only harbor of refuge at Key West and is used for this purpose by commercial vessels in bad weather. This anchorage carries a depth of 20 to 28 feet, mean low water. Its distance from the station, its limited area, and the needs of commercial shipping render it impracticable to reserve any portion of it for naval purposes.

6. Further development of the naval station and adjacent water front will be of little value unless at least a semi-inclosed basin is provided not only as a protection against heavy seas and hurricane winds, but to make it possible to retain the dredged depths at piers and along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, rapidly filling in such areas as have already been dredged.

7. The basin proposed will provide a perfectly safe anchorage under all possible conditions of winds or sea for small vessels not only of the Navy but of the Army, Lighthouse, Customs, Marine-Hospital and Revenue-Cutter Services. Without a breakwater and the inclosed basin the water front occupied by the several executive departments can not be developed to provide a safe anchorage or berthing space for torpedo craft or light-draft vessels.

8. The dredging of the basin will provide considerable new land in front of the reservations of the Weather Bureau, the Marine-Hospital Service and the Army. A part of this made ground will be required by the Navy to give access to the proposed piers and the berthing space along the quay wall. If desired the Marine-Hospital Service can have access to a berth in front of its reservation.

9. The proposed items of improvement include the following:

Breakwater. The breakwater as desired will extend from Fort Taylor at right angles to the present pier headline and along the pier headline toward the north end of the station, a total distance of about 2,800 feet, inclosing a basin of approximately 55 acres, with entrance opposite the present marine railway. The length of this basin will be approximately 2,200 feet and the width 1,200 feet to 900 feet. The breakwater will be so constructed as to provide access from the station to vessels moored along its face and to furnish the Army with wharf facilities on that portion leading out from Fort Taylor.

Dredging. It is proposed to dredge the basin formed by the breakwater to a depth of 20 feet to 22 feet mean low water. The present depths vary from 6 feet along the line of the proposed bulkhead and quay wall to 20 feet at the breakwater. Part of the material can be used for filling in behind the bulkhead and quay walls on the Army reservation and possibly on areas within the city limits.

Bulkhead and Quay Walls. It is proposed to construct 2,200 linear feet, more or less, of bulkhead or quay walls from the end of the present quay wall at the naval station to Fort Taylor. These walls will be required for berthing space for vessels and to retain the filling over the low areas. An additional bulkhead approximately 1,000 feet long on the opposite side of Fort Taylor will also be required to retain the fill.

10. A blue print showing the proposed harbor improvements accompanies this letter, which is respectfully submitted for the careful consideration of your committee, with the recommendation that the necessary legislation be enacted to accomplish these improvements.

11. With these harbor improvements assured the department contemplates the systematic development of the navy yard at Key West for the purposes outlined in "1" of this letter.

Respectfully,

G. VON L. MEYER,
Secretary of the Navy.

The CHAIRMAN,
Committee on Commerce, United States Senate.

TREASURY DEPARTMENT,
Washington, January 9, 1913.

The CHAIRMAN,
Committee on Commerce, United States Senate.

SIR: I have the honor to refer to the communication of the Secretary of the Navy, addressed to you under date of December 7, 1912, regarding the improvement of the harbor at Key West, Fla.

The scheme of improvement, which includes a breakwater, as outlined in said communication will be of material benefit to the Treasury Department, as it will provide a safeguard to the Government property on the water front during the prevalence of the tropical storms and hurricanes incident to the latitude of Key West. It will also afford a safe anchorage for vessels of the Revenue-Cutter Service and other vessels under the control of this department.

For these reasons I desire to add my recommendations to those of the Secretary of the Navy.

Respectfully,

J. F. CURTIS,
Acting Secretary.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, December 26, 1912.

Hon. KNUTE NELSON,
Chairman Committee on Commerce, United States Senate.

MY DEAR SENATOR: I. I am returning to you herewith letter from the Secretary of the Navy, dated December 7, 1912, regarding certain improvements at Key West which he desires to have made, which you left with me last Monday, the 23d.

2. The main object of the proposed improvements appears to be as stated at the beginning of the Secretary's letter—"to provide a suitable naval station for the use of torpedo craft, submarines, and small cruisers and to serve as a base of supplies and communications."

3. Incidentally some other executive department having reservations at Key West might be somewhat benefited, but it is very doubtful if general commerce would be benefited to any appreciable degree. The location of the basin is such that it might be useful for a harbor of refuge for light-draft commercial vessels, but this use might be impracticable if the basin should be utilized by the Navy to the extent which their plans seem to indicate.

4. The cost of the proposed work will run into the hundreds of thousands of dollars, if not into the millions.

5. On account of the character of the work, it appears to me that it is a work which should properly be taken care of in the naval appropriation bill; but if you desire to consider it in the river and harbor bill, I suggest that a preliminary examination be called for, and I am inclosing herewith a draft of an item which will bring out the desired information.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BURTON. There are one or two questions I should like to ask about the report. Where has the report been published—in what copy of the RECORD?

Mr. TILLMAN. It was in the RECORD some time last week. I do not remember the day.

Mr. BURTON. It is not in any of the recent editions.

Mr. SWANSON. If the Senator will permit me, it was printed. The report was disagreed to in the House, and the report that came back here the second time was substantially the same as the first report, except on three items on which there was a disagreement. The three items in disagreement were the sale of the two battleships, the breakwater at Key West, Fla., and the dry dock at Norfolk, Va.

Mr. BURTON. May I ask what was done in reference to the item of the dry dock at Norfolk?

Mr. SWANSON. There were two votes on it in the House, and the House insisted on its disagreement to the item, and consequently it was eliminated.

Mr. BURTON. What was done with the second item, amendment No. 46, providing for the grade of acting chaplain, and so forth?

Mr. SWANSON. That was agreed to in conference, and has already been adopted.

Mr. BURTON. That is a part of the bill?

Mr. SWANSON. That is a part of the bill, having been previously agreed to.

Mr. BURTON. That has already been agreed upon, then?

Mr. SWANSON. That has already been agreed upon by both Houses.

Mr. BURTON. That was before the disagreement which was limited to but three items?

Mr. SWANSON. That was agreed to in the first conference, and that conference report was rejected by the House. It was also agreed to in the second conference, and has ceased to be a subject of disagreement between the two Houses.

Mr. BURTON. I was unfortunately absent at that time. I ask the same question in regard to the armor-plant amendment No. 67.

Mr. SWANSON. That was agreed to and included in the conference report which has been adopted, with the appropriation reduced from $500,000 to $200,000, which is all that will be needed at the present time.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The conference report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. Mr. President, I was about to present and to ask for the adoption of the conference report on the Diplomatic and Consular bill, but I will not do so until the Senator from Utah [Mr. SUTHERLAND] comes in, as he is interested in one of the items.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate resume the consideration of the river and harbor bill, House bill 13811.

Mr. BRISTOW. I must object to that. I think the calendar should be given attention.

Mr. SIMMONS. I move, then, that the Senate resume the consideration of House bill 13811, commonly known as the river and harbor bill.

Mr. BRISTOW. I make the point of order that such a motion is not in order before the hour of 1 o'clock.

The VICE PRESIDENT. The point of order must be sustained.

Mr. SIMMONS. I confess I do not see the ground for the ruling.

The VICE PRESIDENT. Just a moment. The Chair is examining the rule.

Mr. SIMMONS. The morning business, as I understand, had been closed.

The VICE PRESIDENT. The rule reads:

> Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the presiding officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

Mr. SIMMONS. That seems to be in the alternative.

The VICE PRESIDENT. It becomes, therefore, a question for determination as to what the word "or" means—whether it means "or" or "nor."

Mr. SMOOT. I think it has been universally held by the Chair that no motion can be made to take up a bill until 1 o'clock. A bill may be taken up by unanimous consent before 1 o'clock, and after 1 o'clock a motion may be made.

Mr. SIMMONS. That may be the Senator's notion of the practice, but I do not understand that to be the rule.

Mr. SMOOT. I think the rule is very plain.

Mr. SIMMONS. I understand the rule to be in the alternative.

Mr. SMOOT. The rule is very plain. It does not say "and"; it says "or."

Mr. SIMMONS. Yes; "or." That puts it in the alternative. The Chair has announced that the morning business has been concluded, and under the rule I think it is competent to move to proceed to the consideration of any bill. The rule says:

> Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock—

That is to say, in either contingency—either after the morning business has been concluded, and so announced by the Chair, or after the hour of 1 o'clock—the motion would be in order.

Mr. BRISTOW. Mr. President, if the contention of the Senator from North Carolina is correct, after 1 o'clock we could move to take up any bill on the calendar and displace morning business, if morning business were not concluded.

Mr. SIMMONS. I think that is exactly what we can do.

Mr. BRISTOW. I think that would be unfortunate.

Mr. SMOOT. I wish to call the attention of the Chair to Rule XVI. I suppose everybody has arrived at a definite conclusion as to what the word "or" means in Rule XVI. It is used in exactly the same way as the word "or" is used in Rule VII, paragraph 3. Rule XVI says:

> And no amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law or treaty stipulation or act or resolution previously passed by the Senate during that session—

Now, again:

> Or unless the same be moved by direction of a standing or select committee of the Senate.

The word "or" as used in Rule XVI is used in the same sense as in Rule VII. The way to take up a bill before 1 o'clock is by unanimous consent, and one objection prevents it. I admit that, under the rule, after 1 o'clock a motion may be made to take up a bill, and then it is in the power of the Senate to decide by vote if the bill is to be considered.

Mr. SIMMONS. I think the Senator's contention would be absolutely correct, provided "or" were given the same significance as "and"; but it is clear to my mind that the word "or" here is to be given its ordinary significance, and its ordinary significance is that this motion may be made in two conditions of things. First, it may be made, provided the morning business has been completed and the Chair has so announced, before 1 o'clock; or, second, it may be made after 1 o'clock, in either one case or the other. If the Chair has announced the morning business closed, this motion then may be made before 1 o'clock, or it may be made as a matter of course after 1 o'clock.

Mr. SMOOT. Mr. President, I think the wording is perfectly clear, because it says "Until the morning business shall have been concluded and so announced from the Chair." That is one proposition; and the Chair has announced this morning that the morning business was closed.

The VICE PRESIDENT. The Chair has not done that.

Mr. TOWNSEND. The Chair has not done that. I was going to make that point.

Mr. SMOOT. I understood the Chair had done so.

Mr. SIMMONS. I certainly understood the Chair had so announced.

The VICE PRESIDENT. The Chair has done no such thing. We were on the introduction of bills and joint resolutions, when, as a matter of privilege, the conference report was taken up.

Mr. SIMMONS. I certainly understood the Chair had announced that morning business had been closed, and that immediately thereafter the Senator from South Carolina [Mr. TILLMAN] called up the conference report on the naval bill.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. It will not be found in the RECORD.

Mr. OLIVER. I call for the regular order.

The VICE PRESIDENT. The regular order is the introduction of bills and joint resolutions. [A pause.] If there be no further bills or joint resolutions to be introduced, concurrent and other resolutions are in order. [A pause.] Morning business is closed.

Mr. SIMMONS. I move that the Senate proceed to the consideration of House bill 13811, commonly known as the rivers and harbors bill.

Mr. SMOOT. Mr. President, under paragraph 3 of Rule VII, I insist that the Senator has no right to make that motion, and that the only thing in order at this time, unless by unanimous consent, is to take up the calendar under Rule VIII for consideration until 1 o'clock.

The VICE PRESIDENT. It is just three minutes of 1 o'clock.

Mr. SMOOT. Yes; I do not want to take up the calendar now, because there are just a few minutes left, but I do this that the RECORD may be clear as to the ruling on this motion. If the Senator from North Carolina will ask unanimous consent to take up the bill, I shall not object.

Mr. SIMMONS. I did ask unanimous consent, and there was an objection; and I desire to insist upon my motion, because upon an examination of the rule I believe I am clearly within the rule.

Mr. SMOOT. Then I should like to have the Chair decide the matter.

Mr. SIMMONS. As a lawyer I can not see that it is possible to give the rule any other construction than that I may make the motion before 1 o'clock if the morning business shall have been concluded, and the Chair has so announced it, or I may make it after 1 o'clock, although the morning business might not have been closed by 1 o'clock.

Mr. SMOOT. There is no question that the Senator can make it after 1 o'clock.

The VICE PRESIDENT. The Chair believes rulings have been made on both sides of this question, and the Chair thinks the present occupant has ruled on both sides of this question and

referred to the Committee on the Judiciary.

Philadelphia, Delaware County, Altoona, Shippenburg, Harris-

Crockett; to the Committee on Pensions.

Mr. FLETCHER. I think there is no rule which limits debate on a conference report.

Mr. SMOOT. I said I was not going to take the Senator off the floor if he did not intend to occupy very much time, even if the rule did not permit debate. I thought the motion was to proceed to the consideration of the report.

Mr. FLETCHER. Mr. President, I am going to take but a few moments. I think it is important to get into the RECORD some facts in connection with this item. It will take but a short while. I do not, however, understand that the question on agreeing to the conference report is not debatable.

The item I refer to is amendment No. 33, with reference to the Key West Station. It will be found on page 26 of the bill. It provided for an appropriation of $100,000 toward the construction of a breakwater at Key West, Fla. The amendment was based upon the report of an inspection conducted at the naval station at Key West, dated August 9, 1913, by a special board.

I regret exceedingly that this amendment has not been agreed to and does not become a part of the bill as it will finally pass. I am not going to insist upon disagreeing to the conference report, but I do think, in justice to this station and in justice to those who have favored the amendment, there ought to be some matters mentioned which will give a clearer understanding than apparently obtained in some quarters with reference to the subject.

It seems to me that anyone has a very defective vision who is unable to see that Key West must become a secondary naval base. It is a short-sighted policy which would neglect that station. I think anyone must recognize that if we do have trouble upon the high seas it is likely to occur in the Caribbean, and that a base of supplies at Key West, with communication, is absolutely indispensable.

The inspection of the naval station at Key West, Fla., was conducted June 19, 1913, and the report of it says:

1. In obedience to the department's order No. 1495-96, dated May 30, 1913 (copy appended, marked "A"), appointing a board to conduct inspections of the naval stations, New Orleans, La., Key West, Fla., Pensacola, Fla., Port Royal, S. C., and Charleston, S. C., the board thus appointed reports as follows on the naval station, Key West, Fla.:

2. The board met at the naval station, Key West, Fla., at 9 a. m., June 19, 1913.

Present: Rear Admiral John R. Edwards, president; Capt. George R. Evans, member and recorder; Naval Constructor William G. DuBose, member; Civil Engineer Archibald L. Parsons, member.

This board was appointed by the present Secretary of the Navy.

6. Independent of the defense and development of any other strategic point either in the Caribbean area or on the Gulf coast, the board is of the opinion that Key West will always be a most important strategic port in connection with the supply of the fleet during times of naval activity in and about the Caribbean Sea. Should a fortified base established in Caribbean waters be invested by the enemy in time of war, and our forces subjected to disaster, the increased importance of Key West as a base of supplies on which to rely will be apparent.

The report further went on to state:

As an emergency supply station, therefore, Key West might develop into one of exceeding importance, and therefore for war contingencies the station should be fitted with a reasonable reserve storage of oil and coal and reserve storehouses, as well as with excellent facilities for turning out castings and forgings of moderate size. Its military usefulness for a limited period may be, therefore, vast in extent, and it is but promoting national defense and along the line of preparedness to develop the station. With the building of the Florida East Coast Railway the possibilities of Key West as a supply station have vastly increased over conditions existing in 1898, and therefore an expenditure of a considerable amount would be well justified in preparing the station for emergency conditions that may not be remote. Considering the time required to develop the supply features of this station, particularly as regards the development of the site for the storage of coal and oil, there are cogent reasons for the consideration of the matter at the earliest practicable day.

Further on in this report, at page 187, the board says:

95. The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

97. The board believes that provision for a breakwater along the lines recommended by the Bureau of Yards and Docks in its letter No. 8587 of November 27, 1912, will meet the needs of the naval service and will provide a safe anchorage under all conditions of wind or sea for small vessels, not only for the Navy but for the Army, Lighthouse, Customs, Marine-Hospital, and Revenue-Cutter Services.

This report confirms what had been the report preceding it, and what had been the views of the previous Secretary of the Navy. In its summary the board says:

117. The board is of the opinion that the problem of development of Key West should comprise two salient features:

(a) Its utilization as a repair and supply station for torpedo craft and submarines.

(b) Its utilization as a station for the maintenance of a reserve supply of coal and fuel oil.

* * * * * * *

As we are building about six destroyers every year and nearly that number of submarines, the efficient maintenance of both types of vessels demands that adequate and suitable berthing arrangements be provided for them. Despite the considerable number of naval stations that we possess, the only station at which special berthing facilities are being provided for such vessels is Charleston, S. C. The strategic position of Key West fully warrants the heavy expenditure recommended for a breakwater and piers, together with the shops and equipment essential for the repair and maintenance of the increasing number of torpedo craft and submarines that we are progressively acquiring.

120. Regarding (b): In view of the fact that Key West occupies a position close to the important strategic area comprising the Caribbean Sea and the Gulf of Mexico, the board is of the opinion that there should be an assured reserve supply of coal, fuel oil, and ammunition at this point. As has been pointed out in this report, this can be most advantageously accomplished at Key West by the development of Fleming Key.

121. The fact that Key West is on the direct lane between all seaport oil-pipe terminals of the Mexican, Texas, Oklahoma, and Louisiana oil fields and the seaports of the Atlantic and northern Europe ought to make it possible for that section to obtain a more assured supply of fuel oil at a more reasonable cost than could be furnished any other naval station that we possess on the Atlantic coast that is in close proximity to the sea.

Then the board concludes:

122. The board is of the opinion that the strategic position occupied by Key West requires that the question of its development be given early and serious consideration by the department. In this connection the board invites attention to the following extract from a letter addressed to the Secretary of War by the Secretary of the Navy, dated March 10, 1912, viz:

"The strategic position of Key West makes it the logical base for the torpedo flotilla that would control the northern entrance to the Gulf; and it might easily become a most important base for large ships in the case of operations extending from northward toward the Panama Canal."

This report is signed by John R. Edwards, George R. Evans, William G. DuBose, Archibald L. Parsons.

The recommendations contained in this report and the recommendations of the Secretary of the Navy, dated March 16, 1912, are completely ignored by the action taken with regard to this amendment.

Some question has been raised as to the estimate for this appropriation. I have a letter, which I will ask to have printed in the RECORD, dated April 14, 1914, to the effect that the department, in its estimates to Congress for the fiscal year 1914, included an item of $100,000 toward the breakwater at the Key West Naval Station. So that objection is not well founded. There was an estimate made in 1914 for this very identical appropriation.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The letter referred to is as follows:

DEPARTMENT OF THE NAVY,
BUREAU OF YARDS AND DOCKS,
Washington, D. C., April 14, 1914.

Hon. DUNCAN U. FLETCHER,
United States Senate.

MY DEAR SENATOR: 1. Referring to your letter of April 13, 1914, the bureau is inclosing herewith one copy of its report, without appendices, No. 8587, of November 27, 1912, relative to the development of Key West; one copy of plan No. 60577, accompanying this report; and one copy of a congressional document in which will be found, on page 173, the report of the inspection board for shore stations on the Naval Station, Key West, under date of August 9, 1913.

2. The department, in its estimates to Congress for the fiscal year 1914, included an item of $100,000 toward the breakwater at the Key West Naval Station. This item was included in the appropriation act. Estimates for improvements to Key West were not submitted by the department for the fiscal year 1915.

Sincerely, yours,

H. R. STANFORD.

Mr. FLETCHER. This amendment provides for the appropriation of $100,000 toward this breakwater recommended by these various boards and by the Secretary of the Navy, but absolutely ignored in the action upon this bill. There can be, it seems to me, no possible excuse for ignoring the natural conditions there obtaining, the absolute necessity of making this station a secondary naval base for supplies and communications at that point, which, as all these reports indicate, will become increasingly needful.

I regret exceedingly, Mr. President, that the matter has been treated as it has been by the action of the conferees on this bill. The improvement must come; it is needed now; it has been urged for years, and it ought to have been taken care of, because there is no possible argument to the contrary. The objection that the estimate was not made for it is not well taken, nor is any other objection to it well taken.

Mr. OVERMAN. If the Senator will yield to me, I am curious to know why he refers to it as a "secondary naval base." Why not call it a "primary naval base"?

Mr. FLETCHER. As I understand, the primary naval base is being developed at Guantanamo.

Mr. OVERMAN. Why not make Florida the primary base?

Mr. FLETCHER. It deserves to be made that, and for that matter I do not know why the primary base was developed at Guantanamo; but Guantanamo was supposed to be the naval base in the Caribbean Sea. For that reason I have mentioned Key West as the secondary base. I myself am in favor of making the primary base on our coast, but perhaps that can not be done at this time. At any rate, this improvement ought to be made; whether Key West is the primary base or the secondary base this breakwater is essential, and it must be made. It must be taken care of, and I think beyond question it will be taken care of, but why should we neglect these claims for this improvement and why should the recommendations of the department and of these boards be ignored in this way? That is beyond my comprehension.

Mr. OVERMAN. Mr. President, it has been rumored that it is impossible to get fresh drinking water in Guantanamo. Is that true?

Mr. FLETCHER. I am not really advised as to that, I will say to the Senator; but I have heard such a statement. I really do not know, however, as to its correctness.

Mr. BRYAN. Mr. President, there is but little that I can add to the statement made by my colleague [Mr. FLETCHER] upon this item, which has gone out in conference. The House bill did not carry the item; it was added by the Senate committee and agreed to by the Senate.

In 1910 Secretary Meyer became enamored of Guantanamo as a naval base. I may say, in answer to the inquiry of the Senator from North Carolina [Mr. OVERMAN], that the development of Guantanamo has not met with the approval, as I understand, of the present Secretary of the Navy, although perhaps he has not come to a definite conclusion about it. The objections to Guantanamo are, first, that it is upon foreign soil; second, that it is no better than stations already established upon our own soil; and, third, that in the event of a war in the Caribbean Sea or an attack upon the Gulf of Mexico, it is admitted, even by Secretary Meyer, that in order for a foreign fleet to reach the Gulf of Mexico it must pass either through the Florida Straits or the Yucatan Channel, both commanded by Key West and the naval station there. The objection to making Key West a navy yard for the building and repair of ships as against the idea of retaining it as a naval station is due to the fact that it is difficult to fortify it.

In Secretary Meyer's report in 1910, Mr. President, he recommended the closing down of every navy yard south of Norfolk. He undertook to wipe out of existence all navy yards and stations, except Key West alone, covering a seacoast on the Atlantic of a thousand miles and more and of sixteen hundred miles on the Gulf of Mexico, and to substitute for them a naval base at Guantanamo. But even Secretary Meyer never recommended and never conceived the idea that it would be possible for the Navy Department ever to get along without maintaining and upbuilding and completing the plans for a first-class naval station at Key West. In his scheme of things he would have six navy yards within a total distance of 900 miles on the north Atlantic coast. The remainder of the coast would be without a navy yard and the Gulf of Mexico, and consequently the great Mississippi Valley, would be unprotected, and not only that, but the advantage of these ports that had for 86 years appealed to Secretaries of the Navy for use in time of war was brushed aside by Secretary Meyer. His idea was to have eventually only three navy yards, but he was unwilling, or thought it inadvisable, perhaps, to suggest which of the three, from Norfolk to Portsmouth, should be abandoned.

So he did not go to the extent of carrying out his plan in the beginning, thereby having the advantage, whether intended or not, to make it to the interest of the six north Atlantic navy yards to approve the scheme, and thereby have their united support; and after he had all but six abolished, he thought he could stand the opposition of the other sections of the country and the opposition of the three navy yards on the north Atlantic coast which he desired to abolish.

Mr. President, this is not a question of maintaining a navy yard for the building of ships. Perhaps it is true that we do not need for that purpose more than one Government navy yard, but that question is not involved in this amendment. What is involved in this amendment is this: Especially at this time and for the future our fleets will be called upon to go as often as anywhere else into the Caribbean Sea, into the neighborhood of the Panama Canal. To have a port of call in that vicinity to which to send torpedo vessels or battleships for supplies is very desirable, and Key West is the only convenient port. By establishing a naval base at Key West vessels in the region of the Panama Canal will save on a round trip about 3,000 miles.

There is no objection urged by anybody who has ever investigated this question. On the contrary, Secretary Meyer in 1910, in his report to the President recommending the abolishment of these navy yards, with reference to Key West had this to say:

The Gulf of Mexico has two entrances, Florida Straits, commanded by Key West, and the Yucatan passage at the west end of Cuba, which is some 30 miles wide. These two entrances may easily be guarded by our own cruisers to prevent forays or attacks on the Gulf coast by smaller scattered cruisers. It is inconceivable that an enemy's battleships will ever penetrate the Gulf of Mexico unless our fleet in the Caribbean has been defeated.

It was inconceivable to him upon condition, however, that a navy yard and station were maintained at Key West. Of course it was not inconceivable that they could go to any part of the Gulf of Mexico if there was nothing there to stop them. He says again:

It would seem evident that of the naval stations on the Gulf coast, Key West alone should be retained. The geographical situation of Key West as a base of supply to the fleet in the Caribbean lends one to this view. It is also a convenient point for the supply and quick repair of small gunboats and torpedo craft operating in the Caribbean Sea. * * * It should be pointed out here that its line of war there are two distinct lines of communication around Cuba from Guantanamo to Key West and the cities of the Gulf coast.

Then, with that idea in mind, Secretary Meyer sent to Key West as his representative to examine the harbor Admiral Stanford, who, in 1912, made his recommendation to the Secretary, and thereafter Secretary Meyer, in his recommendations to the Committee on Naval Affairs for the fiscal year 1914, requested of the House the identical amendment which the Senate put on this bill.

Mr. President, it is said by the House conferees that the objection to this item is that it has not been estimated for; that the Secretary of the Navy has not asked for it. The Secretary did ask for it last year; and to those who have made inquiry the reason why it was not granted last year is apparent. The War Department has its boats at Key West; the Treasury Department has its revenue cutters there; and various other departments of the Government have their craft there. When the War Department saw that the Secretary of the Navy was about to get an appropriation for the construction of a breakwater, it made a claim that whatever improvement was made there ought to take into consideration the War Department; and therefore the Secretary requested of his district engineer a report as to the necessities of commerce and as to whether the commerce of that port would justify an appropriation for the War Department. Why, Mr. President, it was a foregone conclusion that the district engineer would report to the Secretary that it was not needed as affecting commerce, because the harbor there is pretty deep already. They have three harbors ranging from 22 to 34 feet, and the outer harbor, where the battleships congregate, where they met before the War with Spain; where they assembled and stopped on their way to Vera Cruz; and where they call now, as Admiral Stanford reported, has an area of 6 miles adjacent to the city of Key West with a depth of water of 34 feet. There is plenty of water there to meet any requirements of commerce.

The objections urged by the House conferees, as I understand them, were, first, that the present Secretary did not recommend this, overlooking the fact that the board of inspectors appointed by him did unanimously recommend it in language as strong as it can be made and which was read to the Senate by my colleague. The other objection urged by the chairman of the House conferees was that a battleship could not come up to the dock; that this 34-foot area did not extend up to the naval station.

I submit that that is no objection. When battleships go into deep-water ports now the only reason they ever go to a dock is for the convenience of the crew in going ashore and returning. I think the House conferees will ascertain, if they will inquire at the Navy Department, that this objection is frivolous. Battleships do not go to a berth to take on supplies or fuel or coal, and for a very good reason. Their coal bunkers are small, and if they could get to a dock loading could be done upon one side only. If, instead, they remain out in the stream, as these ships do when they go to Key West to take on coal or oil, lighters come alongside, so that they can load from both sides at once. Yet that is the only objection that can be urged by the House at this time, when ships are calling there every day, in view of the troubles with Mexico—that the battleships could not come inside this breakwater that it is intended to make. That is the only objection.

I have made this statement to the Senate because it is inevitable, if the good of the Navy and the convenience and necessities of the ships are to be considered, that this station shall be maintained and improved. It is only a question of time.

number of us, judging from the color of the paper, have the same petitions to present from our respective States. I send the petition to the desk to be properly noted and referred.

The VICE PRESIDENT. The petition will lie on the table.

Mr. BRADY presented memorials of sundry citizens of Coeur d'Alene and Wallace, in the State of Idaho, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Ringgold, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND. In behalf of a great many petitioners in the State of Wisconsin, amounting to hundreds, I present petitions favoring Federal legislation for woman suffrage.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. TOWNSEND presented petitions of sundry citizens of Cass County, St. Joseph County, Ann Arbor, Allen, Kalamazoo, and Flint, all in the State of Michigan, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW. I have a petition in behalf of woman suffrage adopted at a mass meeting held at Topeka, Kans., on the 2d day of May. It is short, and I should like to have it incorporated in the RECORD and appropriately referred.

There being no objection, the petition was referred to the Committee on Woman Suffrage and ordered to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Topeka, Kans., have assembled to-day to voice our demands that women of the United States be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at the Commercial Club rooms, this 2d day of May, 1914.

M. L. DOERING, *Presiding Officer.*

Attested: LORETTA STRICKLER, *Secretary.*

Under auspices of the Woman's Commercial Club, composed of the business and professional women of Topeka. Has 125 active members.

Per A. C. PISANI.

Mr. SHEPPARD. I have a brief note here from Miss Gordon, president of the Woman Christian Temperance Union, which I ask to have read.

There being no objection, the Secretary read as follows:

FRIDAY MORNING.

DEAR SENATOR SHEPPARD: I have a telegram that on June 17, in Chicago, the General Federation of Women's Club (representing 1,000,000 members), in biennial convention, adopted a resolution declaring for "Federal and State-wide prohibition."

Yours, sincerely, ANNA A. GORDON,
President, W. C. T. U.

Mr. LIPPITT presented petitions of sundry citizens of Woonsocket, Westerly, Newport, and Providence, all in the State of Rhode Island, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. WEEKS presented petitions of sundry citizens of Boston, Rockland, North Abington, Groveland, Mansfield, Marlborough, Worcester, and West Newburg, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented resolutions adopted by St. John's Council, No. 404, Knights of Columbus, of Attleboro, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. MYERS presented a petition of the Montana Conference of Seventh-day Adventists, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Owatonna, Chisholm, and Cottonwood, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. NELSON (for Mr. FALL) presented a petition of sundry citizens of Portales, N. Mex., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. OVERMAN presented petitions of sundry citizens of Charlotte and Chapel Hill, in the State of North Carolina, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. GOFF presented a petition of sundry citizens of Fairmont, W. Va., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. BURLEIGH presented a memorial of the Board of Trade of Portland, Me., remonstrating against the enactment of legislation discriminating in favor of labor and agricultural organizations, which was ordered to lie on the table.

He also presented a memorial of Captain Seth T. Hutchins Circle, Ladies of the Grand Army of the Republic, of North Anson, Me., remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Chadron, Table Rock, David City, McCook, Kenesaw, Uplands, Central City, and Shelby, and Custer County, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Hastings, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of sundry citizens of Seattle, Wash., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of Monroe County, Chenango County, New York City, Syracuse, Richburg, Sayville, Malone County, Franklin County, Huntington, Mount Vernon, Freeport, Hempstead, East Hempstead, Niagara Falls, Cambridge, Port Washington, Islip, and Rockaway, all in the State of New York, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of 400 church members of New Albany and of the Indiana Sunday School Association, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented the memorials of Samuel Ball, Clem Cable, Hubert Moss, and 59 other citizens of Vigo, Parke, and Vermilion Counties, and of W. H. Rector, Hugh S. Miller, Harry Kunkel, and 48 other citizens of Dearborn, Vanderburgh, and Marion Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of sundry citizens of South Haven, Saginaw, Alpena, Montgomery, Harbor Springs, Kalamazoo, and Paw Paw, all in the State of Michigan, praying Federal legislation for woman suffrage, which were ordered to lie on the table.

Mr. LIPPITT presented petitions of sundry citizens of Pawtucket, Cranston, Providence, and Rockville, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chamber of Commerce of Providence, R. I., remonstrating against the enactment at the present session of Congress of pending bills relating to the creation of an interstate trade commission, which was ordered to lie on the table.

He also presented a petition of the Christian Endeavor Union of Providence, R. I., praying for the enactment of legislation to prohibit the giving or selling of liquor to Indians or minors, which was referred to the Committee on the Judiciary.

Mr. LANE presented the petition of Mrs. A. C. Newill, Isaac Swett, and sundry other citizens of Portland, Oreg., urging Federal legislation for woman suffrage, which was ordered to lie on the table.

Mr. OLIVER (for Mr. PENROSE) presented petitions of sundry citizens of Oxford, West Chester, Plymouth, Conshohocken, Philadelphia, Delaware County, Altoona, Shippenburg, Harris-

burg, Washington, Somerset, Wyalusing, Towanda, Morristown, Lancaster, Williamsport, Scranton, Erie, Mercer County, Wellsboro, Tunkhannock, Reading, Bloomsburg, and Carlisle, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. OLIVER presented a petition of Pomona Grange, No. 52, Patrons of Husbandry, of Elk County, Pa., praying for the enactment of legislation to provide for Government ownership of telephone and telegraph lines, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

LEGISLATION OF THE CONGRESS.

Mr. OLIVER. I have a copy of extracts from an editorial which lately appeared in the Atlanta Constitution, a very influential paper published in the State of Georgia, commending the national administration for many of its acts and referring to some pending legislation, which I ask may be read at the desk.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

SOUTHERN IRON & EQUIPMENT CO.,
Atlanta, Ga., June 10, 1914.

DEAR SIR: Beg to call your attention to the following extracts from an editorial that recently appeared in the Atlanta Constitution:

"Since the Wilson administration assumed office three great masterpieces in legislation stand forth:

"1. Tariff reform.

"2. Currency reform.

"3. Undoing of the canal tolls blunder."

"Any one of these three achievements would have justified the party in going before the country and asking indorsement. Together they should be irresistible.

"And they will be irresistible if Congress, mindful of when the country has had enough, mindful of the condition of business throughout the country, will rest on its laurels, go home, and give business a chance.

"Since the first year of the Roosevelt administration business has been harried.

"To this day it is living in an atmosphere of uncertainty. Business thrives on uncertainty less than any other diet. It has stood admirably the two needed capital operations of the tariff and currency revisions, but it has not yet recovered from their effects. It is unfair to business to expose it at this time to further radical operations. The patient has lost blood; let him recuperate."

REPORTS OF COMMITTEE ON PUBLIC LANDS.

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 14404) for the relief of E. F. Anderson (Rept. No. 627); and

A bill (H. R. 14405) for the relief of C. F. Jackson (Rept. No. 628).

Mr. MYERS, from the Committee on Public Lands, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (S. 5197) granting public lands to the city and county of Denver, in the State of Colorado, for public-park purposes (Rept. No. 629); and

A bill (S. 5198) to reserve certain lands and to incorporate the same and make them a part of the Pike National Forest (Rept. No. 630).

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 5997) providing that the register of wills and recorder of deeds in the District of Columbia shall be under the supervision of the District Commissioners, and for other purposes; to the Committee on the District of Columbia.

By Mr. BRISTOW:

A bill (S. 5998) authorizing the Secretary of WAR to donate to the Wilson Post, No. 115, Grand Army of the Republic, Wilson, Kans., and the Wilson Camp, No. 21, Sons of Veterans, Wilson, Kans., two bronze cannon; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5999) granting a pension to Samuel C. Cochran (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 6000) for the relief of John Burrows; to the Committee on Claims.

By Mr. BURLEIGH:

A bill (S. 6001) granting an increase of pension to James S. Crockett; to the Committee on Pensions.

By Mr. SHERMAN:

A bill (S. 6002) granting a pension to Anton Teichman; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 6003) granting an increase of pension to William H. Soule; to the Committee on Pensions.

By Mr. SIMMONS:

A bill (S. 6004) to convert the premises connected with Fort Johnston, in the town of Southport, N. C., into a public park; to the Committee on Military Affairs.

FEDERAL TRADE COMMISSION.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, which was ordered to lie on the table and be printed.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to refund out of any moneys in the Treasury not otherwise appropriated to any trust company or other complainant taxes erroneously assessed or illegally collected under section 2 of the war-revenue act of June 13, 1898, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRYAN submitted an amendment proposing to appropriate $5,000 for surveys of oyster beds on the coast of Florida, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for the establishment of aids to navigation and improvement of existing aids to navigation in the St. Johns River, Fla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NEWLANDS submitted an amendment proposing to appropriate $3,000 to reimburse the estate of George W. Dant for such losses and expenses incurred by him growing out of the Ford Theater disaster of June 9, 1893, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment providing that creditable Civil War service of any Government appointee shall be accounted as having been equivalent to incident of service within any legal requirement, but not change of pay, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NAVAL APPROPRIATIONS.

Mr. TILLMAN. Yesterday evening I submitted the report of the committee of conference on the naval appropriation bill and the two Senators from Florida asked me to let it go over until this morning, as they wished to make some remarks on it. I should like to call it up now.

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes. The report was read yesterday, and it need not be again read.

Mr. TILLMAN. I ask that the conference report be agreed to.

Mr. FLETCHER. Before the report is acted upon, I desire to submit a few observations with reference to amendment numbered 33, which was disagreed to by the House and the Senate conferees have receded from that amendment.

Mr. SMOOT. I wish to say to the Senator from Florida that I was in hopes we might go on with the calendar under Rule VIII until 1 o'clock. The motion of the Senator from South Carolina is not debatable. I will ask the Senator from Florida how long a time he wishes to occupy?

Mr. BRYAN. I do not know how the Senator from Utah gets the idea that the question on agreeing to a conference report is not debatable.

Mr. SMOOT. I get it from Rule XXVII, which provides that—

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

Mr. BRYAN. The question of proceeding to the consideration of a conference report is not open to debate, but certainly the Senator from Utah does not contend that the question on agreeing to a conference report must be decided without debate.

By Mr. BEAKES: Petition of 24 voters of Brooklyn, Mich., in favor of national prohibition; to the Committee on Rules.

By Mr. CALDER: Petition of sundry citizens of New York, favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. COOPER: Petitions of the North American Skat League and sundry citizens of Kenosha, Wis., against national prohibition; to the Committee on Rules.

Also, petition of E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., favoring House bill 15841, for relief of soldiers' widows who married since June 27, 1890; to the Committee on Invalid Pensions.

Also, petition of the Epworth League of Dousman, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petition of 37 citizens of Alexandria, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DIXON: Petition of 78 citizens of Lawrenceburg, Ind., against passage of House joint resolution 168 and prohibition measures; to the Committee on Rules.

Also, petition of 24 citizens of the fourth congressional district of Indiana, against passage of House joint resolution 168 and prohibition measures; to the Committee on Rules.

By Mr. DOOLITTLE: Memorial of 929 citizens of the fourth district of Kansas, favoring national prohibition; to the Committee on Rules.

By Mr. EAGAN: Petition of the North American Skat League, against national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of the Bethel Presbyterian Young People's Society of Christian Endeavor of Murdock; of the Friends Christian Endeavor Society of Friends Church, of Spring Valley; of the Presbyterian Church Sunday School and Young People's Society of Christian Endeavor of Loveland; and of the Bethel Christian Endeavor Society, of Loveland, all in the State of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GOODWIN of Arkansas: Petition of the Christian Church of Hope, Ark., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of various merchants of Hope and Prescott, Ark., favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petitions of various voters of the second Pennsylvania congressional district and of Emil Cauffman & Co., of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of various Manila merchants, in relation to trade relations between the Philippine Islands and the United States; to the Committee on Ways and Means.

Also, petition of the Merchants' Association of New York and the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, petition of sundry citizens of Fairmount City, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Petition of 35 citizens of Vesta, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of 225 citizens of Ogden, Utah, favoring national prohibition; to the Committee on Rules.

Also, petitions of M. S. Browning, Frank J. Stevens, A. M. Miller, David Mattson, W. H. Chevers, Thomas G. Burt, Buchmiller & Flowers, the Union Portland Cement Co., Joseph Scowcroft, J. W. Abbot, W. B. Porterfield, H. M. Rowe, the Ogden City Ice Co., Sam Thomas, George H. Tribe & Co., Patrick Healy, W. H. Harris, George McCormick, F. Fouts, T. D. Ryan, C. J. Humphries, Dr. C. F. Osgood, J. N. Spargo, J. L. Carlson, A. R. McIntyre, Murphy Hardy Co., the Ogden Wholesale Drug Co., A. P. Biglow, Last & Thomas, James Pingree, Robert L. Proudfit, T. H. Carr, A. L. Brewer, H. Buchmiller, Charles H. Smith, and others, all of Ogden, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Utah (by request): Petition of sundry citizens of Ogden City, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of 115 citizens of Seymour and 689 citizens of Waterbury, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of Ralph Daugherty and 21 others of Keokuk, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Petitions from L. Samter & Sons, Shreve & Co., the Remedial Loan Association, T. Lundy, and 16 other citizens of San Francisco, Cal., favoring appropriation for electric protective service on Federal buildings; to the Committee on Appropriations.

By Mr. LANGHAM: Petition of sundry citizens of Shippensville, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of the medical profession of East Liverpool, Ohio, favoring Lobeck-Lewis bill to classify employees in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of W. H. Quigley, M. D., and 160 other citizens of Omaha and South Omaha, Nebr., protesting against the adoption of the prohibition amendment to the Constitution of the United States; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Board of Trade of Thompsonville, Conn., relative to improving the Connecticut River; to the Committee on Interstate and Foreign Commerce.

By Mr. MAHER: Petition of the North American Skat League, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Brooklyn, N. Y., relative to due credit, etc., to Frederick A. Cook for his polar efforts; to the Committee on Naval Affairs.

By Mr. MERRITT: Petition of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petitions of the Merchants' Association of New York, and the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, memorial of various Manila merchants, in relation to trade relations between Philippines and the United States; to the Committee on Ways and Means.

Also, petition of sundry citizens of Fernwood, N. Y., and 300 citizens of Watertown, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of P. H. Ward and others, of Oswego County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of sundry citizens and Sunday Schools of Caddo County, Okla., and sundry citizens of Cegar, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Building Trades Department, American Federation of Labor, favoring passage of a bill for the protection of life and limb of the workmen on buildings in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of the Christian Endeavor Society of the Academy Avenue Congregational Church and the Christian Endeavor Society of the First Presbyterian Church, both of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry citizens of Geneva, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAYBURN: Papers to accompany a bill granting an increase of pension to Elizabeth Shackleford; to the Committee on Invalid Pensions.

By Mr. SISSON: Petition of sundry citizens of the State of Mississippi, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the First Pentecostal Church of the Nazarene; the Vernon Woman's Christian Temperance Union; the Epworth League, Garvanza Methodist Episcopal Church; E. A. Eastman and 50 others; Nana B. Caskey and Evelyn M. Davis, of Los Angeles; also the Ministers' Association of Whittier, and A. A. Allen, of San Pedro, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, letters from the chamber of commerce committee of ninety-nine and the Society for the Study and Prevention of Tuberculosis, all of San Diego, Cal., favoring tuberculosis investigations; to the Committee on Interstate and Foreign Commerce.

Also, telegrams from Luckenbach & Co., Hambright & Walsh Co., E. Basthein Co., E. W. Reynolds Co., the Los Angeles Ice & Cold Storage Co., the Carl Entermann Jewelry Co., J. Lippman, and Brownstein Louis Co., all of Los Angeles, Cal., and T. Lundy, Louis A. Giacobbi, Morgan & Allen Co., A. John Francis, J. S. Dinkelspiel, E. H. Forestier Co., Rosenbaum (Inc.),

W. B. Glidden Co., A. Eisenberg & Co., Bullock & Jones Co., Baldwin Jewelry Co., Steinberger & Kalisher, the Brilliant Jewelry Co., Alphonse Judis Co., S. H. Friend, Deremer & Co., E. J. Evans, the Furrier, Walton & Co., and Hirsch & Kaiser, all of San Francisco, Cal., asking that funds be provided for electrical protection of Government buildings; to the Committee on Appropriations.

Also, resolution of the Brotherhood of Blacksmiths, of Riverside, Cal., favoring retirement for civil-service employees; to the Committee on Reform in the Civil Service.

Also, letters from the William Cluff Co. and the Frank B. Peterson Co., of San Francisco, Cal., favoring legislation against false financial statements; to the Committee on the Post Office and Post Roads.

Also, telegram from the Pacific Coast Loggers' Association, favoring foreign ships carrying United States coastwise commerce; to the Committee on Interstate and Foreign Commerce.

Also, telegram from the German-American Alliance of Los Angeles, Cal., protesting against national prohibition amendment; to the Committee on Rules.

Also, resolution of the California Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, letters from J. B. Guest and 54 other citizens of Los Angeles, Cal., city and county, asking legislation favoring an established retail price by manufacturers; to the Committee on Interstate and Foreign Commerce.

Also, resolution of the San Diego (Cal.) Chamber of Commerce, also telegrams from the Robert Dollar Co., the Dunham, Carrigan & Hayden Co., the California Barrel Co., the Shipowners' Association of the Pacific Coast, Swayne & Hoyt (Inc.), Shreve & Co., L. Samter & Sons, and the Remedial Loan Association, all of San Francisco, Cal., protesting against legislation unjustly favoring organized labor and agriculture; to the Committee on Appropriations.

By Mr. TEN EYCK (by request): Petitions of sundry citizens of the twenty-eighth congressional district of New York, in favor of the Sheppard-Hobson resolution and Smith-Hughes bill; to the Committee on Rules.

By Mr. TOWNER: Petition of the Woman's Christian Temperance Union of Allerton, Iowa, representing 55 people, and the Christian Church of Corydon, Iowa, representing 100 people, favoring the enactment of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. UNDERHILL: Petition of the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

By Mr. VOLLMER: Petitions of William Fritz and 40 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petition of Tailors' Industrial Union No. 300, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures introduced in Congress; to the Committee on Rules.

Also, petitions of Charles W. Lehmeyer and other citizens of Cincinnati, Ohio, protesting against the adoption of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Walter F. Harrington, Edytha Chamberlain, and other citizens of Bellefontaine, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *June 27, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name with reverence and godly fear. Thou hast dealt with us as Thou hast dealt with no other people. Thou hast given to us this great domain unsoiled by evil practices that have become the ethics of the people, unhindered by traditions that have become dominant with hoary age; but in the light of liberty and freedom Thou dost give to us to work out our destiny in this great land. We seek Thy guidance and blessing that in all we undertake we may have God's favor and that the completed work may redound to the honor and glory of Thy name. We ask these blessings for Jesus' sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 12945. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 12792. An act for the relief of Mrs. Thomas G. Prideau, widow of Thomas G. Prideau; and

H. R. 13153. An act for the relief of Pete Jelovac.

PETITIONS AND MEMORIALS.

Mr. SMOOT. I present a resolution in the form of a petition from Elizabeth A. Hayward, Elizabeth M. Cohen, and others of Salt Lake City, Utah, praying Federal legislation for woman suffrage. I ask that the body of the resolution without the names be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Salt Lake City, Utah, have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their rights to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Salt Lake City, Utah, this 2d day of May, 1914.

Mr. LEWIS. I desire likewise to present a similar petition in behalf of the congressional committee of Chicago, Ill., National American Woman Suffrage Association, their official organization, requesting the Senate to aid the passage of such legislation as will permit a constitutional amendment for woman suffrage. I request that the petition be likewise printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

NATIONAL AMERICAN WOMAN SUFFRAGE ASSOCIATION.

We, the citizens of Chicago, Ill., have assembled to-day to voice our demands that women, as citizens of the United States, be accorded the full right of such citizenship. We congratulate the 4,000,000 women voters who have won their right to the ballot in 10 States, and confidently expect to see five more States under the franchise banner after the November elections.

We hereby declare that suffrage for women has become a national as well as a local issue, and we urge our Senators and Representatives in Congress to enact Federal legislation which will insure to women political equal rights with men.

We therefore ask the Congress of the United States to proceed without delay in the most feasible and practical manner to remove the barriers which prevent American women from the exercise of full franchise, and to make our country not a government in which half the people are denied the right of participation but in truth and reality a democracy.

The above and foregoing is a true and correct copy of a resolution passed at a mass meeting held at Chicago, Ill., this 2d day of May, 1914.

Mr. OLIVER. I present petitions similar to those presented by the Senator from Utah [Mr. SMOOT] and the Senator from Illinois [Mr. LEWIS] from various citizens of the State of Pennsylvania, praying for the adoption of a constitutional amendment relating to woman suffrage. I understand they are the same kind as those presented by other Senators, and as they will be printed in the RECORD I will refrain from making that request.

The VICE PRESIDENT. The petitions will lie on the table.

Mr. CATRON. I have a petition similar to the one just presented by the junior Senator from Pennsylvania [Mr. OLIVER] from the Woman's Club of Albuquerque, N. Mex., signed by Mrs. Abbie L. Brewer, as presiding officer, and Mrs. Maud McFie Bloom, as secretary. I ask that the same disposition be made of it as was made of the petitions presented by the Senator from Pennsylvania.

The VICE PRESIDENT. The petition will lie on the table.

Mr. SMITH of Georgia. I present a petition signed by Mrs. Frances S. Whiteside, Dr. A. R. Holdenby, and other citizens of Atlanta, Ga., urging Federal legislation for woman suffrage. I will not ask that it be read into the RECORD, for I think a

The SPEAKER. No. The question is on the motion of the gentleman from South Carolina.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 170, nays 39, answered "present" 3, not voting 221, as follows:

YEAS—170.

Adair	Cooper	Hensley	Platt
Adamson	Cox	Howard	Plumley
Aiken	Cramton	Howell	Post
Alexander	Crosser	Hughes, Ga.	Quin
Allen	Cullop	Hull	Ragsdale
Ashbrook	Curry	Johnson, Ky.	Rainey
Aswell	Davis	Johnson, S. C.	Rauch
Bailey	Dent	Johnson, Utah	Rayburn
Baker	Dickinson	Johnson, Wash.	Reilly, Wis.
Baltz	Dillon	Kahn	Roberts, Nev.
Barkley	Dixon	Keating	Rogers
Barton	Donohoe	Kelley, Mich.	Rouse
Bathrick	Doolittle	Kennedy, Iowa	Rubey
Beall, Tex.	Doughton	Kettner	Russell
Bocher	Elder	Kindel	Scott
Borchers	Esch	La Follette	Sinnott
Bowdle	Falson	Lazaro	Sisson
Britten	Farr	Lee, Ga.	Sloup
Brockson	Fergusson	Lenroot	Smith, Minn.
Brown, N. Y.	Fess	Lever	Stafford
Brumbaugh	Foster	Lloyd	Stephens, Miss.
Buchanan, Tex.	French	Lonergan	Stevens, Minn.
Bulkley	Gallagher	McClellan	Sutherland
Burgess	Gallivan	McDermott	Taggart
Burke, S. Dak.	Garner	McLaughlin	Talcott, N. Y.
Burke, Wis.	Garrett, Tenn.	Maguire, Nebr.	Taylor, Ark.
Burnett	Garrett, Tex.	Mann	Temple
Byrnes, S. C.	Gill	Mapes	Thompson, Okla.
Byrns, Tenn.	Gillmore	Miller	Towner
Campbell	Gittins	Mitchell	Trendway
Candler, Miss.	Godwin, N. C.	Mondell	Tribble
Caraway	Good	Morgan, Okla.	Underwood
Carter	Goodwin, Ark.	Murdock	Volstead
Cary	Gregg	Murray, Okla.	Walker
Casey	Hamilton, Mich.	Nelson	Walsh
Chandler, N. Y.	Hamlin	Nolan, J. I.	Watkins
Church	Harrison	O'Hair	Watson
Clancy	Haugen	Oldfield	Willis
Cline	Hawley	Padgett	Winslow
Coady	Hayes	Page, N. C.	Witherspoon
Collier	Heflin	Park	Woods
Connelly, Kans.	Helm	Payne	
Conry	Helvering	Peterson	

NAYS—39.

Abercrombie	Fitzhenry	Jacoway	Smith, N. Y.
Beakes	Fowler	Korbly	Stone
Bell, Cal.	Francis	McCoy	Taverner
Bryan	Gard	McKellar	Ten Eyck
Cantor	Glass	Peters, Mass.	Thacher
Connolly, Iowa	Gecke	Raker	Tuttle
Danforth	Gray	Reed	Underhill
Donovan	Hardy	Reilly, Conn.	Williams
Falconer	Hayden	Seldomridge	Woodruff
Ferris	Hinebaugh	Sells	

ANSWERED "PRESENT"—3.

Dupré	Flood, Va.	Sloan

NOT VOTING—221.

Ainey	Doremus	Helgesen	Lobeck
Anderson	Driscoll	Henry	Loft
Ansberry	Drukker	Hill	Logue
Anthony	Dunn	Hinds	McAndrews
Austin	Eagan	Hobson	McGillicuddy
Avis	Eagle	Holland	McGuire, Okla.
Barchfeld	Edmonds	Houston	McKenzie
Barnhart	Edwards	Hoxworth	MacDonald
Bartholdt	Estopinal	Hughes, W. Va.	Madden
Bartlett	Evans	Hulings	Mahan
Bell, Ga.	Fairchild	Humphrey, Wash.	Maher
Blackmon	Fields	Humphreys, Miss.	Manahan
Borland	Finley	Igoe	Martin
Brodbeck	Fitzgerald	Jones	Merritt
Broussard	Floyd, Ark.	Keister	Metz
Brown, W. Va.	Fordney	Kelly, Pa.	Montague
Browne, Wis.	Frear	Kennedy, Conn.	Moon
Browning	Gardner	Kennedy, R. I.	Moore
Bruckner	George	Kent	Morgan, La.
Buchanan, Ill.	Gerry	Key, Ohio	Morin
Burke, Pa.	Gillett	Kless, Pa.	Morrison
Butler	Goldfogle	Kinkaid, Nebr.	Moss, Ind.
Calder	Gordon	Kinkead, N. J.	Moss, W. Va.
Callaway	Gorman	Kirkpatrick	Mott
Cantrill	Goulden	Kitchin	Murray, Mass.
Carew	Graham, Ill.	Knowland, J. R.	Neeley, Kans.
Carlin	Graham, Pa.	Konop	Neely, W. Va.
Carr	Green, Iowa	Kreider	Norton
Clark, Fla.	Greene, Mass.	Lafferty	O'Brien
Claypool	Greene, Vt.	Langham	Oglesby
Copley	Griest	Langley	O'Leary
Covington	Griffin	Lee, Pa.	O'Shaunessy
Crisp	Gudger	L'Engle	Palge, Mass.
Dale	Guernsey	Lesher	Palmer
Davenport	Hamill	Levy	Parker
Decker	Hamilton, N. Y.	Lewis, Md.	Patten, N. Y.
Deitrick	Hammond	Lewis, Pa.	Patton, Pa.
Dershem	Hardwick	Lieb	Peters, Me.
Dies	Harris	Lindbergh	Phelan
Difenderfer	Hart	Lindquist	Porter
Doeing	Hay	Linthicum	Pou

Powers	Sims	Stevens, N. H.	Wallin
Prouty	Slayden	Stout	Walters
Riordan	Small	Stringer	Weaver
Roberts, Mass.	Smith, Idaho	Summers	Webb
Rothermel	Smith, J. M. C.	Switzer	Whaley
Rucker	Smith, Md.	Talbott, Md.	Whitacre
Rupley	Smith, Saml. W.	Taylor, Ala.	White
Sabath	Smith, Tex.	Taylor, Colo.	Wilson, Fla.
Saunders	Sparkman	Taylor, N. Y.	Wilson, N. Y.
Scully	Stanley	Thomas	Winzo
Shackleford	Stedman	Thomson, Ill.	Young, N. Dak.
Sharp	Steenerson	Townsend	Young, Tex.
Sherley	Stephens, Cal.	Vare	
Sherwood	Stephens, Nebr.	Vaughan	
Shreve	Stephens, Tex.	Vollmer	

The following additional pair was announced:

Mr. SIMS with Mr. SMITH of Idaho.

The SPEAKER. On the vote just taken the yeas are 170, nays 39, answering "present" 3; not a quorum.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at half past 10 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock a. m. to-morrow.

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. I will state my purpose, and that is to move that the House adjourn now and let Members work an hour and a half in the morning instead of waiting two or three hours to-night——

Mr. MURDOCK. I want to suggest to the gentleman from Alabama that it is my understanding that the women who are in favor of suffrage are to present a petition to the Speaker of the House to-morrow morning at half past 10.

Mr. BRYAN. In his office.

Mr. UNDERWOOD. Well, I am sure the Speaker will be glad to designate somebody to occupy the Chair for a few moments.

Mr. MURDOCK. Why not make it 15 minutes to 11?

Mr. UNDERWOOD. I am sure that the Speaker will be able to make proper arrangements.

Mr. MURDOCK. I will object, Mr. Speaker.

The SPEAKER. Does the gentleman object?

Mr. MURDOCK. I object.

Mr. UNDERWOOD. I desire to state to the gentleman there will not be any trouble in arranging the matter.

Mr. MURDOCK. I want the Speaker present there.

The SPEAKER. The Speaker can be present there by appointing somebody to preside here to-morrow.

Mr. MURDOCK. Is the Speaker going to do that?

The SPEAKER. Yes.

Mr. MURDOCK. Then I will withdraw my objection.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow.

Mr. COOPER. Mr. Speaker, reserving the right to object, I would like to know the necessity for it. Here it is nearly 7 o'clock in the evening, and we are asked to meet to-morrow morning at half past 10. We have loafed along here week after week, and now we are trying to rush matters, with the mercury nearly 100 in the shade.

Mr. UNDERWOOD. It is approaching the 1st of July, and there are several other conference reports, and if these bills are passed by both Houses before the 1st day of July it will prevent the necessity for passing resolutions extending last year's appropriations. So it is important to get as many through as we can before the night of next Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. UNDERWOOD] that when the House adjourns to-day it adjourn to meet at 10.30 a. m. to-morrow? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 13153. An act for the relief of Pete Jelovac; and

H. R. 12792. An act for the relief of Mrs. Thomas G. Priole widow of Thomas G. Prioleau.

ADJOURNMENT.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 48 minutes p. m.) the House, under its previous order, adjourned until Saturday, June 27, 1914, at 10.30 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 16829) to provide for enlarging the site for the United States building at Plymouth, Mass., reported the same without amendment, accompanied by a report (No. 904), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DANFORTH, from the Committee on the Judiciary, to which was referred the bill (H. R. 17442) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the acts of the Congress approved March 3, 1913, and June 6, 1914, reported the same without amendment, accompanied by a report (No. 905), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROUSE: A bill (H. R. 17505) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

By Mr. ROBERTS of Nevada: A bill (H. R. 17506) authorizing the expenditure of the sum of $25,000 as a part contribution toward the erection of a monument at Washington, D. C., in commemoration of the discovery of "The New Constitution of Freedom"; to the Committee on the Library.

By Mr. DENT: A bill (H. R. 17507) ratifying, confirming, and validating the construction and maintenance of a dam under an act authorizing the Pea River Power Co. to erect a dam in Coffee County, Ala., approved February 23, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. SISSON: A bill (H. R. 17508) for the erection of a public building at Okolona, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. BOWDLE: A bill (H. R. 17509) requiring the Secretary of the Navy and the Secretary of War to discharge enlisted men against whom judgments or orders have been entered by the courts of the States or the District of Columbia requiring the payment of alimony or the support of children, and who are in disobedience of such judgment or order, provided war, actual or threatened, does not exist and Government property is not imperiled; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 17510) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. RUSSELL: A bill (H. R. 17511) to authorize the Great Western Land Co., of Missouri, to construct a bridge across Black River; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17512) granting an increase of pension to Louisa B. Tittle; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17513) granting a pension to Lon Fleming; to the Committee on Pensions.

By Mr. BURNETT: A bill (H. R. 17514) granting an increase of pension to Mrs. Mary E. Patterson; to the Committee on Pensions.

By Mr. DEITRICK: A bill (H. R. 17515) granting a pension to John H. Amrock; to the Committee on Pensions.

Also, a bill (H. R. 17516) granting an increase of pension to Elizabeth Lister; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 17517) for the relief of Joseph B. Tanner; to the Committee on Indian Affairs.

By Mr. FOWLER: A bill (H. R. 17518) granting an increase of pension to Richard Southard; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17519) for the relief of Lula Swain, widow of Ira Swain; to the Committee on Claims.

By Mr. GREENE of Massachusetts: A bill (H. R. 17520) granting a pension to Darius E. White; to the Committee on Pensions.

By Mr. HELM: A bill (H. R. 17521) for the relief of John H. Engleman, administrator of the estate of John Engleman, deceased; to the Committee on War Claims.

By Mr. HELVERING: A bill (H. R. 17522) granting a pension to Harriet Anna Burns; to the Committee on Pensions.

By Mr. HOWARD: A bill (H. R. 17523) granting a pension to James C. Allen; to the Committee on Pensions.

Also, a bill (H. R. 17524) granting a pension to A. Erlich; to the Committee on Pensions.

Also, a bill (H. R. 17525) granting a pension to Mahala D. Garrett; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17526) granting a pension to Eugene E. Thornton; to the Committee on Pensions.

Also, a bill (H. R. 17527) granting an increase of pension to Nancy H. Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17528) for the relief of the heirs of Thomas Nelms, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17529) for the relief of the heirs of Allen S. B. Pior, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17530) for the relief of the heirs of Charles I. Winn, deceased; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 17531) for the relief of Artemus W. Pentz; to the Committee on Claims.

By Mr. McKELLAR: A bill (H. R. 17532) granting an increase of pension to Lynus Wallace; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 17533) for the relief of Chief Engineer George W. Magee, United States Navy, retired; to the Committee on Claims.

By Mr. MORRISON: A bill (H. R. 17534) granting a pension to Charles F. Burton; to the Committee on Pensions.

By Mr. RAYBURN: A bill (H. R. 17535) granting an increase of pension to Elizabeth Shackleford; to the Committee on Pensions.

By Mr. REED: A bill (H. R. 17536) granting an increase of pension to Mary A. Norton; to the Committee on Invalid Pensions.

By Mr. SISSON: A bill (H. R. 17537) granting a pension to John Reel; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17538) granting an increase of pension to John Welch; to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 17539) granting an increase of pension to Robert C. Angus; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17540) granting an increase of pension to Adelia Hall; to the Committee on Invalid Pensions.

By Mr. SELLS: A joint resolution (H. J. Res. 285) to correct an error in H. R. 11269; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of 100 citizens of Defiance, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BARTHOLDT: Petitions of Bottlers' Local Union, No. 187; F. C. Partech and Frank Winter, all of St. Louis, Mo.; and the Italian Chamber of Commerce of New York City and National Retail Grocers' Association of the United States, protesting against national prohibition; to the Committee on Rules.

Also, petition of F. E. Niesen, of St. Louis, Mo., protesting against the passage of House bill 1121, known as the Oldfield bill; to the Committee on Patents.

Also, petition of the North American Skat League of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petitions of the St. Louis Women's Christian Temperance Union, the St. Louis Christian Endeavor Union, the Neigringhaus Union, the St. Louis Conference Missionary, and the Lafayette Union, in favor of national prohibition; to the Committee on Rules.

Curry Harrison Rainey

Mr. FITZGERALD with Mr. NELSON.

office, or an increase of 13 places.

Secretaries. The only departments of the Government which have three Assistant Secretaries are the Department of State and the Department of the Treasury. The Postmaster General, it is true, has four Assistant Postmasters General.

Now, all the other departments are able to get along with one or two Assistant Secretaries, and without providing for an assistant to the Secretary. In the State Department, which has less business than any other department of the Government, except the new Department of Labor, the Secretary desired to have the right himself to name an assistant to the Secretary.

The Secretary of State was very prominent over at Baltimore a couple of years ago. It is said that he wrote the Democratic platform, although he has since taken the liberty of stating that some of its planks were not carefully considered and that attention ought not to be paid to them. I do not know just how he regards this plank in the platform which the gentleman from Iowa [Mr. GOOD] has just read to the House, but I think it would not hurt the Democratic side of the House to have it read again in view of the fact that about half of the Democratic side of the House has just voted in direct conflict with that plank in the platform, because if there ever was a useless office, an extravagant office, it was the one proposed—for an assistant to the Secretary of State, to which it was proposed to appoint a stenographer to aid our distinguished Secretary of State in keeping track of his engagements on the Chautauqua circuit. [Laughter on the Republican side.]

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Texas?

Mr. MANN. I do.

Mr. GARNER. Has the gentleman heard any gentleman of the House, either on this side or that side, say that either the Secretary of State or the Secretary of the Treasury has ever asked that these offices be created?

Mr. MANN. Well, I have heard it said——

Mr. GARNER. Well, to whom were these requests made? I have not heard of them.

Mr. MANN. I am surprised that in the course of the lobbying done in behalf of those offices so distinguished a Member of the House as the gentleman from Texas [Mr. GARNER] has not yet been interviewed. They overlooked one chance possibly, though I doubt whether an interview with him would have done any good. [Laughter.]

Mr. GARNER. Now, the gentleman from Illinois would have it understood from his statement that this was a request very numerously made. So far as I can ascertain from the hearings had before the Committee on Appropriations of the House and from the hearings had before the Committee on Appropriations of the Senate, neither reveals the fact that either of these gentlemen, the Secretary of State or the Secretary of the Treasury, has asked that these offices be created.

Mr. PAYNE. It must have been done in an "insidious" way. [Laughter on the Republican side.]

Mr. MANN. Well, instead of coming out in the open and giving the reasons for the creation of these useless offices, they have endeavored to obtain them through secret machinations.

Mr. GARNER. Now, will the gentleman yield further?

Mr. MANN. Not unless I get more time.

Mr. GARNER. We will get more time for the gentleman, I think.

The SPEAKER. The gentleman declines to yield.

Mr. MANN. I will take the chances and yield to the gentleman.

Mr. GARNER. The gentleman has said this has been done through secret machinations. The gentleman ought to be honest with the House and tell us just how that has been done.

Mr. MANN. Oh——

Mr. GARNER. If the gentleman will permit, so far as the record of the Senate goes and so far as the record of the House goes there is not a scintilla of evidence showing that either the Secretary of State or the Secretary of the Treasury wants these offices created.

Mr. MANN. I have no doubt my distinguished friend from Texas, in his campaign in Texas, will say that, against the protest of the Secretary of State and in spite of the opposition of the Secretary of the Treasury, the distinguished Senate of the United States inserted amendments to force upon them $4,500 jobs, the occupants to be named by them; and there may be people in Texas so gullible that they will believe it.

Now, what does the Democratic platform say?—

REPUBLICAN EXTRAVAGANCE.

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

And the gentleman, having written that in the Democratic platform, immediately proceeds to ask for one of these useless offices to be of special benefit to him. I hope that we can defeat the proposition. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for five minutes.

Mr. MONDELL. Mr. Speaker, I am somewhat inclined to favor the creation of this new office. Recent experience with the office of the Secretary of the Treasury has led me to believe that they need more assistance down there. I am not responsible for Democratic promises of economy. I never expected them to be kept or fulfilled. I have never subscribed to any foolish promises not to increase the employees of the Government, and therefore, when I really believe that we need additional assistants in Government offices, I am free to vote for them.

The experience to which I refer is this: It will be recalled that some time ago in a deficiency bill the House placed a limitation upon the per diem expenditures of public officials traveling on public business. Soon after that limitation was made many complaints came to the members of the Committee on Appropriations, to the effect that the limit was too low, that the amount provided was wholly inadequate, particularly for members of the Cabinet and other high officials. It was stated that these gentlemen, in order to maintain the dignity of their positions, patronized first-class hotels, and that the daily expenditure was necessarily greater than the amount Congress allowed. The committee properly took these matters into consideration and we sought information upon which we could act, with a view to modifying that provision, and if it seemed necessary to increase the amount. With this object in view, I, as a member of the committee, sought information relative to the cost of recent travels of Government officials that might be used as a basis on which to estimate the necessity of an increase of the limit of expenditure.

The organization committee under the new currency law had at that time just concluded its travels about the country, and I addressed a letter to the Auditor of the State Department, seeking information which might be of value to the committee, which letter was as follows:

APRIL 15, 1914.

Hon. W. E. ANDREWS,
Auditor Treasury Department, Washington, D. C.

MY DEAR MR. ANDREWS: There has been some considerable discussion of the provision contained in the recent urgent deficiency act limiting the subsistence per diem allowance of public officials, and it is claimed, among other things, that the limitation is so low as to work hardship in some cases. I am seeking all the information I can secure on this point, and with that object in view would be glad to be furnished with the expense accounts of the members of the organization committee of the national reserve banks on their recent trip throughout the country seeking information with regard to the location of reserve banks and reserve districts.

Thanking you in advance for this information, I remain,

Very truly, yours,

FRANK W. MONDELL.

Two days later I received a reply from the auditor as follows:

APRIL 17, 1914.

Hon. FRANK W. MONDELL,
House of Representatives, Washington, D. C.

MY DEAR MR. MONDELL: I have just received your letter of the 15th instant, requesting information concerning certain expenditures for per diem allowances in lieu of subsistence of persons traveling on department business.

Under the following regulation of the department your communication will be referred immediately to the Honorable Secretary of the Treasury:

"1. Hereafter, except as otherwise provided by law, when Congress or any committee of the Senate or House of Representatives, or any officer of the Government of the United States, or any State or municipality, or any person, shall request information of any kind or character of the department, or copies of its records or files, the request shall be referred to the Secretary or Assistant Secretary in charge for instructions, and the reply for signature." (Department Circular No. 15 of 1898.)

Yours, very truly, W. E. ANDREWS, *Auditor.*

That, it will be noted, was the middle of April. Since that time, like the administration, I have occupied a position of watchful waiting. Up to this time I have received no answer to my communication, and I am entirely ignorant as to the amount those gentlemen spent. My hope is that by providing this new office near the Secretary, in close and confidential communication with the Secretary, with full knowledge of the expenditures of the Secretary's office, some time in the distant future I may secure an answer to my communication and thus have information on which to base a judgment as to the need of larger allowances by officials of exalted station. [Laughter.]

Mr. MANN. Will the gentleman yield for a question, Mr. Speaker?

Mr. MONDELL. Yes.

Mr. MANN. Is not the real reason why the gentleman has not heard from the Secretary of the Treasury because they are afraid to make public what these extravagant expenses were?

Mr. MONDELL. Oh, perish the thought, under an immaculate Democratic administration. I am amazed that the gentleman should make the suggestion. [Laughter.]

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from Iowa [Mr. GOOD] read from a report that I made on the legislative bill in 1912, in which I took occasion to congratulate a Republican official upon meritorious and efficient service to the people. I am sorry that my good and amiable friend from Iowa took advantage of this occasion to make a partisan speech. He should have taken advantage of it in order to commend the present Democratic Secretary of the Treasury as I commended the Republican Secretary in 1912.

Mr. Speaker, the gentleman speaks of an increase in the force. Why not be perfectly candid with the House? Twenty-nine of the people who are appropriated for in this bill in excess of the number we appropriated for for the current year are charwomen and laborers to take care of the new Bureau of Engraving and Printing. The other increases, amounting to only 10 clerks, are distributed through that great department.

What happened under Secretary McAdoo? We passed a tariff bill that has enormously increased the burdens of the Secretary of the Treasury. We passed a currency bill which placed great and responsible duties upon him. When he comes before the Congress in the estimates and asks for a man to assist him, our friends across the aisle undertake to make political capital out of it. Let me remind you that Secretary McAdoo when he came into office changed the policy that had been pursued by your party. For 50 years you had placed the surplus money in the Treasury of the United States at the disposal of banks without interest. When Mr. McAdoo became Secretary he said to the banks, "If you take the deposits of the public money, you must pay 2 per cent into the Treasury of the people"; and by that simple change in the interest of the people he made for the Treasury of the United States last year a million and a half or two million dollars. [Applause.] If you had pursued that policy when you were in power, you would have turned into the Treasury of the United States $60,000,000. [Applause.]

Mr. Speaker, the Secretary of the Treasury has great responsibilities, and he has conducted himself so fittingly and so well in that great office as to demand and receive the approval of the country.

Mr. GOOD. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GOOD. Will the gentleman state when under a Republican administration in less than two months we sent abroad $75,000,000 in gold?

Mr. JOHNSON of South Carolina. What in the world has the amount of gold sent to Europe to buy cheap bonds got to do with the Secretary of the Treasury? Mr. Speaker, I have been reading the CONGRESSIONAL RECORD a long time, and I have been a Member of this House a good while. For 20 or 30 years before I came here I was at a loss to understand Republican logic, and I must say that all my years of service in this House have not enabled me to understand the logic of men on the other side of the aisle. They can make politics out of anything, and they draw conclusions where conclusions are not justified.

Now, Mr. Speaker, I am going on about the Secretary's office. He has great and responsible duties to perform and he is performing them well. I am authorized to say for him that he is willing to work long hours in order to discharge these duties, and that if there is the slightest objection to giving him the necessary help he will continue to work overhours. Mr. Speaker, I insist on my motion.

Mr. GOOD. Will the gentleman yield me one minute?

Mr. JOHNSON of South Carolina. I yield the gentleman from Iowa one minute.

Mr. GOOD. Mr. Speaker, the gentleman has made a statement in regard to being perfectly fair and candid with the House. I am afraid that the Committee on Appropriations that reported out this bill has not been entirely candid with the House. If it had, he would have told the House of the condition existing in one department under the Secretary of the Treasury that would have made you throw up your hands in holy horror. What are the facts? The facts are that the Treasurer of the United States found himself utterly incapable of performing the duties of his office. The work was running behind day after day, and he was unable to secure balances in the various accounts. He had a detail of almost 60 clerks in addition to the regular clerks appropriated for, and in six months was not able to strike his balances. What did he do? He went to the Civil Service Commission, that has been maligned so often, and had Mr. Herbert Brown and Mr. Herbert Wood detailed to his office to show him how to conduct the affairs of his office. They went into that office, and in 60 days they have been able to discharge 50 clerks, to send 10 more to the reading room with nothing to do, and have been enabled to bring the work current. [Applause on the Republican side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I did not intend to take any more time, but the gentleman has gone so far afield that I think the membership of the House ought to know the facts. The Secretary of the Treasury under the last Republican President, in February, 1913, just before going out of office, issued an Executive order that completely changed the methods of handling the public moneys.

Mr. GLASS. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GLASS. And may I supplement what my colleague says by the statement that although he had been Secretary of the Treasury for four years he gave as an excuse for delaying that order until the closing days of the Taft administration that he did not know the law was on the statute books. [Applause and laughter on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, that order was issued in the closing days of the Taft administration. The work that had been formerly done in the subtreasuries of the country was transferred to the Treasurer's office in the city of Washington, and before that work had been systematized Mr. McAdoo took charge of the Treasury Department, and it was necessary, in order to systematize the work, that this extra force should be detailed to the Treasurer's office. And the force has been systematized and the work has been brought down to date. It is true, as the gentleman states, that these men have been sent back whence they came, but whatever was done by anybody it was under the Secretary of the Treasury, and he is entitled to proper credit for it.

Mr. GOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GOOD. Is it not a fact that practically all of the new machinery, tabulating machinery, that was brought in by the Secretary under the new administration was entirely discarded?

Mr. JOHNSON of South Carolina. The Secretary of the new administration brought in no machinery, Mr. Speaker.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Let me tell the Members about this thing, and not about something else.

The SPEAKER. The gentleman from South Carolina declines to yield.

Mr. JOHNSON of South Carolina. The new Secretary of the Treasury did not make the organization. The organization was made by the outgoing Secretary, and the organization has been perfected and systematized and the useless men sent back to other places under the present Secretary of the Treasury, with the assistance of Mr. Brown and his force. Mr. Speaker, I ask for a vote.

Mr. GARRETT of Tennessee. Mr. Speaker, before the gentleman takes his seat, will he yield to me for a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. GARRETT of Tennessee. In connection with the propositions pending here to create new positions in the Department of State and the Department of the Treasury—and I voted against the creation of the new position in the Department of State and shall vote against the creation of the new position in the Department of the Treasury—I want to ask the gentleman if he recalls that about the beginning of the administration of President Taft there was a proposition brought in and urgently insisted upon by gentlemen on the other side to create a new office in the Department of State, which was to pay $10,000 a year—a kind of overlord proposition—which we finally succeeded in defeating?

Mr. JOHNSON of South Carolina. I remember that.

Mr. MANN. But not in the beginning of the administration of Mr. Taft.

Mr. GARRETT of Tennessee. A little later on.

Mr. MANN. A little before the administration came in, which I helped to defeat.

The SPEAKER. The question is on the motion of the gentleman from South Carolina to further insist on the disagreement to the Senate amendment.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Did not the gentleman from California interpose a motion?

whose duty it is to seek out and compile information for Members or who has the time in addition to other duties to do so.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

doing the things that this assassin of character would have you believe he is doing. [Applause.]

When that article appeared in the Washington Times of yesterday I clipped it, and at the top of the column I wrote these words: "For your information." I signed my name to it and mailed it to Commissioner Newman. Only a few minutes ago I was talking to him over the telephone. He said that when he saw the article in the paper yesterday he was angered because such a thing concerning him and me had been printed. He has my unqualified esteem, and I believe I have his. He said to me over the telephone that when he read that article he called up the management of the newspaper and told them that there was no justification in truth for any such publication, and demanded that it be corrected. Mr. Newman further tells me—and the next issue of the paper verified it—that the editor of that paper cut out of that editorial that which I have just read, leaving the rest of the editorial in the later editions of the paper, not having the manliness to say that he had done me a wrong; but he let it go, with no correction of it except by the extraction from the later editions of his paper of this mendacious and villainous thing.

If he had been half a man, he would have said to the public, to whom he peddled this lie at a penny apiece, that he had done me an injury; but the cowardly cur would not do that. Why, even he was before our committee, and he was treated courteously, just as though he were a gentleman. [Laughter.]

Mr. Speaker, I do not care to take more of the time of the House, but I wish you to know the extent to which this whelp is lying concerning me. [Applause.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported.

The Clerk read as follows:

Amendment No. 43: Assistant to the Secretary, to be appointed by the Secretary, $4,500.

Mr. BRITTEN. Mr. Speaker——

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 43.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. I rise to make a preferential motion—to move that the House recede and concur in the Senate amendment.

The SPEAKER. The gentleman from South Carolina moves that the House further insist upon its disagreement to Senate amendment numbered 43, and the gentleman from California [Mr. RAKER] offers a preferential motion to recede and concur. The question is on the motion of the gentleman from California.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. RAKER. Division!

The SPEAKER. The gentleman from California demands a division.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays, to save time.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Evidently a sufficient number, and the Clerk will call the roll.

Mr. ELDER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. ELDER. I would like to have the amendment again reported.

Mr. ADAIR. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. The Clerk will call the roll.

The question was taken; and there were—yeas 83, nays 135, answered "present" 2, not voting 212, as follows:

YEAS—83.

Abercrombie	Donovan	Hayden	Raker
Aiken	Doolittle	Heflin	Reed
Allen	Falconer	Helvering	Reilly, Conn.
Ashbrook	Ferguson	Igoe	Reilly, Wis.
Bathrick	Ferris	Jacoway	Seldomridge
Beakes	Fitzhenry	Kahn	Smith, N. Y.
Beall, Tex.	Foster	Keister	Stevens, Minn.
Borchers	Francis	Korbly	Stevens, N. H.
Brumbaugh	Gallagher	Lonergan	Stone
Buchanan, Ill.	Gallivan	McClellan	Taggart
Bulkley	Gard	McCoy	Tavenner
Burke, Wis.	Gill	McKellar	Ten Eyck
Cantor	Gillmore	Maguire, Nebr.	Tuttle
Church	Gittins	Mitchell	Underhill
Clancy	Glass	Montague	Vollmer
Coady	Goeke	Morrison	Volstead
Connelly, Kans.	Goodwin, Ark.	Murdock	Walsh
Connolly, Iowa	Graham, Ill.	Murray, Mass.	Watson
Crosser	Gray	Nolan, J. I.	Williams
Cullop	Hardy	Oldfield	Wingo
Curry	Harrison	Rainey	

NAYS—135.

Adair	Dixon	Johnson, Wash.	Rouse
Adamson	Donohoe	Keating	Rubey
Alexander	Doughton	Kelley, Mich.	Russell
Aswell	Elder	Kennedy, Iowa	Scott
Bailey	Esch	Kinkaid, Nebr.	Sells
Baltz	Evans	Kirkpatrick	Sims
Barkley	Farr	La Follette	Sinnott
Barton	Fess	Lazaro	Sisson
Bell, Cal.	Finley	Lee, Ga.	Small
Booher	Fowler	Lenroot	Smith, Idaho
Bowdle	French	Lever	Smith, Minn.
Britten	Garner	Lloyd	Stafford
Brockson	Garrett, Tenn.	McDermott	Stephens, Cal.
Buchanan, Tex.	Garrett, Tex.	McLaughlin	Stephens, Miss.
Burgess	Godwin, N. C.	Mann	Stephens, Tex.
Burke, S. Dak.	Good	Mapes	Sumners
Burnett	Green, Iowa	Mondell	Sutherland
Byrnes, S. C.	Greene, Mass.	Morgan, Okla.	Taylor, Ark.
Byrns, Tenn.	Gregg	Murray, Okla.	Taylor, Colo.
Campbell	Hamilton, Mich.	Padgett	Temple
Candler, Miss.	Hamlin	Page, N. C.	Thacher
Cantrill	Hangen	Park	Thompson, Okla.
Caraway	Hawley	Patton, Pa.	Towner
Carter	Hay	Payne	Treadway
Casey	Hayes	Peters, Mass.	Tribble
Collier	Helgesen	Peterson	Underwood
Conry	Helm	Platt	Walker
Cox	Hensley	Pou	Watkins
Cramton	Hinebaugh	Quin	Webb
Danforth	Howell	Ragsdale	Willis
Davis	Hughes, Ga.	Rauch	Winslow
Dent	Humphrey, Wash.	Rayburn	Witherspoon
Dickinson	Johnson, Ky.	Roberts, Nev.	The Speaker
Dillon	Johnson, Utah	Rogers	

ANSWERED "PRESENT"—2.

Dupré	Sloan

NOT VOTING—212.

Ainey	Fairchild	Konop	Plumley
Anderson	Falson	Kreider	Porter
Ansberry	Fields	Lafferty	Post
Anthony	Fitzgerald	Langham	Powers
Austin	Flood, Va.	Langley	Prouty
Avis	Floyd, Ark.	Lee, Pa.	Riordan
Baker	Fordney	L'Engle	Roberts, Mass.
Barchfeld	Frear	Lesher	Rothermel
Barnhart	Gardner	Levy	Rucker
Bartholdt	George	Lewis, Md.	Ripley
Bartlett	Gerry	Lewis, Pa.	Saboth
Bell, Ga.	Gillett	Lieb	Saunders
Blackmon	Goldfogle	Lindbergh	Scully
Borland	Gordon	Lindquist	Shackleford
Brodbeck	Gorman	Linthicum	Sharp
Broussard	Goulden	Lobeck	Sherley
Brown, W. Va.	Graham, Pa.	Loft	Sherwood
Browne, Wis.	Greene, Vt.	Logue	Shreve
Browning	Grest	McAndrews	Slayden
Bruckner	Griffin	McGillicuddy	Slemp
Burke, Pa.	Guiker	McGuire, Okla.	Smith, J. M. C.
Butler	Guernsey	McKenzie	Smith, Md.
Calder	Hamill	MacDonald	Smith, Saml. W.
Callaway	Hamilton, N. Y.	Madden	Smith, Tex.
Carew	Hammond	Mahan	Sparkman
Carlin	Hardwick	Maher	Stanley
Carr	Harris	Manahan	Stedman
Cary	Hart	Martin	Steenerson
Chandler, N. Y.	Henry	Merritt	Stephens, Nebr.
Clark, Fla.	Hill	Metz	Stout
Claypool	Hinds	Miller	Switzer
Cline	Holson	Moon	Switzer
Cooper	Holland	Moore	Talbott, Md.
Copley	Houston	Morgan, La.	Talbott, N. Y.
Covington	Howard	Morin	Taylor, Ala.
Crisp	Howorth	Moss, Ind.	Taylor, N. Y.
Dale	Hughes, W. Va.	Moss, W. Va.	Thomas
Davenport	Hullings	Mott	Thomson, Ill.
Becker	Hull	Neeley, Kans.	Townsend
Deitrick	Humphreys, Miss	Neely, W. Va.	Vare
Dershem	Johnson, S. C.	Nelson	Vaughan
Dies	Jones	Norton	Wallin
Difenderfer	Kelly, Pa.	O'Brien	Walters
Dooling	Kennedy, Conn.	Oglesby	Weaver
Doremus	Kennedy, R. I.	O'Hair	Whaley
Driscoll	Kent	O'Leary	Wallmere
Drukker	Kettner	O'Shaunessy	White
Dunn	Key, Ohio	Palce, Mass.	Wilson, Fla.
Eagan	Kiess, Pa.	Palmer	Wilson, N. Y.
Eagle	Kindel	Parker	Woodruff
Edmonds	Kinkead, N. J.	Patten, N. Y.	Woods
Edwards	Kitchin	Peters, Me.	Young, N. Dak.
Estopinal	Knowland, J. R.	Phelan	Young, Tex.

So the motion was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. OGLESBY (to recede and concur) with Mr. PROUTY (against).

Until further notice:

Mr. SPARKMAN with Mr. SLEMP.

Mr. LINTHICUM with Mr. Moss of West Virginia.

Mr. HULL with Mr. MILLER.

Mr. HOWARD with Mr. FREAR.

Mr. GUDGER with Mr. EDMONDS.

Mr. CLINE with Mr. CHANDLER of New York.

Mr. CLAYPOOL with Mr. STEENERSON.

Mr. TALBOTT of Maryland with Mr. DRUKKER.

Mr. FITZGERALD with Mr. NELSON.

Mr. BROWN of New York. Mr. Speaker, I desire to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BROWN of New York. I was not.

The SPEAKER. The gentleman does not qualify.

Mr. BRYAN. Mr. Speaker, I would like to vote "yea."

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BRYAN. I just stepped out.

The SPEAKER. The gentleman does not qualify.

The Clerk will note as "present" Mr. BROWN of New York and Mr. BRYAN. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called and he voted "nay."

The result of the vote was announced as above recorded.

The SPEAKER. The vote recurs on the motion of the gentleman from South Carolina [Mr. JOHNSON].

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 47: Page 40, line 2, strike out "$329,060" and insert "$329,860."

Mr JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate. It is only a total.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 48: Page 40, line 22, insert the words: "Assistant to the Secretary, to be appointed by the Secretary, $4,500."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to the amendment of the Senate numbered 48.

Mr. RAKER. Mr. Speaker——

The SPEAKER. Just a moment. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment numbered 48. Does the gentleman from California [Mr. RAKER] desire to be recognized?

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, this is a provision to create a new office to be known as "Assistant to the Secretary," and to be appointed by the Secretary, at a salary of $4,500 a year. On the 1st day of May, 1912, the chairman of the subcommittee, Mr JOHNSON of South Carolina, made a report to this House on the legislative bill, in which he said:

It should be stated, in justice to the Treasury Department, that of the total decrease of 406 existing specific employments proposed by this bill in all of the executive departments, 401 of them are in the Treasury Department alone, and practically all of that reduction is made on its initiative in submitting the estimates to Congress at the beginning of this session. It is interesting and important also in this connection to state that during the last Congress, in providing for the Treasury Department for the fiscal years 1911 and 1912, a total reduction was made of 342 salaried places with annual compensation amounting to $294,140; added to the number diminished in this bill, the total reduction in places in the Treasury Department for the three fiscal years, 1911, 1912, and 1913, amounts to 506 specific employments, with annual pay amounting to $501,480.

A magnificent tribute by a great Democrat to the great economy and efficiency of a Republican administration in the Treasury Department. [Applause on the Republican side.] Within one month his party in convention at Baltimore adopted a platform which contains another plank, which this House has cast aside and repudiated. That plank reads as follows:

We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

[Applause on the Democratic side.]

I am glad you applaud that sentiment, because your first act under a Democratic administration is to bring back men of those positions that were made vacant by a Republican administration.

Mr. Speaker, what are the facts? In 1914, under the estimates made by Secretary MacVeagh, there were 588 places in the office of the Secretary of the Treasury.

Those places, formerly many more of them, had been reduced, as the gentleman from South Carolina [Mr. JOHNSON] stated in his report in 1912, to 588 places. In the estimate for this year, the first estimate of a Democratic Secretary of the Treasury, instead of making a reduction, as was promised in the Democratic platform, there is an increase to 661 places in that office, or an increase of 73 places.

In another estimate, on page 25 of the report——

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Iowa yield to the gentleman from Tennessee?

Mr. GOOD. In just a minute. On page 25 of the report that accompanied this bill—a report prepared by the gentleman from South Carolina [Mr. JOHNSON]—we find that in the Treasury Department there was a total of employees estimated for the fiscal year 1914 of 3,183. That is the number that was estimated for by Secretary MacVeagh. The first act of Mr. McAdoo, in making an estimate for an appropriation for his department, is to ask for 3,292 places, an increase of 219.

Mr. BYRNS of Tennessee. Now will the gentleman yield?

Mr. GOOD. I have read a Democratic promise from the Democratic platform. This increase in appropriation is Democratic performance. [Applause on the Republican side.]

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. GOOD. I yield to the gentleman.

Mr. BYRNS of Tennessee. The gentleman is aware of the fact that the income-tax amendment has necessitated an increase in the number of employees?

Mr. GOOD. Oh, not at all. We have another item in this bill, where the Secretary is asking for $1,500,000 for the collection of the income tax.

Mr. BYRNS of Tennessee. That is for the enforcement of the law throughout the country.

Mr. GOOD. I do not yield further to the gentleman, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. GOOD. Mr. Speaker, if the matter of increase in the number of salaried positions were the only question involved I would not complain, for I realize that a Democratic administration is more expensive than a Republican administration, but when we stand before the terrible condition that has existed for the first year in the great office of the Treasury of the United States, we must recognize the utter incompetency of the present officials there to transact the business of the United States. Under Secretary MacVeagh we not only had a reduction in the number of salaried positions, but had an officer of the law who was able to administer the law. Our present Secretary, however, found conditions so "bad" that he had to have an examination made of his office, and I only want to point to one thing to show how he found the conditions in the office of the Treasurer. He found account No. 17045, which is the redemption agency of the United States Treasurer—national-bank redemption agency—in an examination made from February 13 to August 13 he found that in that account there were total credits on the ledger of $400,166,759.94 and the total debits were $385,092,626.03. No balance had been entered in the account since it was started; in over eight months not a single balance had been entered. The difference between the two sides of the ledger was a credit of more than $23,000,000, while the balance to the credit account on that day, according to the cashbook, was $28,000,000, or a difference of $5,000,000. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HEFLIN] one minute.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] is recognized for one minute.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the speech made by the President of the United States to the editors of Virginia on yesterday.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent to extend his remarks by printing in the RECORD the speech made by the President to the Virginia editors yesterday. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, the pending amendment is to provide an assistant to the Secretary of the Treasury, to be appointed by the Secretary, at a salary of $4,500. There are now three Assistant Secretaries of the Treasury, who are appointed by the President and confirmed by the Senate.

The House has just had before it an amendment very similar, in the State Department, providing for an assistant to the Secretary of State, to be appointed by that Secretary, at a salary of $4,500. That Department has also three Assistant

told that recently one of the departments wished to get a copy of the constitution of Nicaragua. They found it difficult to get this and also difficult to get anyone to translate it. This appropriation will enable the Library to have the constitutions and laws of all the countries of the world, and also to have the laws of the different States, ready for the Members of the House and the Senate, for reference in preparing the important work before Congress, as the gentleman from Wisconsin [Mr. LENROOT] has very well explained.

This is not new legislation, because there was an appropriation authorized in 1906. Without going into the subject fully at this time, I would say that it is a very important work.

The legislative bureau bill, which the gentleman from New Jersey [Mr. TOWNSEND] inquired about, provides for some of this very work, and also for a bill-drafting bureau, and has a much wider scope than this amendment. This proposes assistance in giving information to the Members of the Congress. I trust that the amendment may be adopted.

Mr. MURDOCK. Will the gentleman yield to me a minute or two?

Mr. JOHNSON of South Carolina. I will a little later. I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Speaker, I believe this is one of the provisions which ought to be agreed to. If it is agreed to it will be of vastly more service to Members of the House than it will be to Senators. The facts are that if a person wants information on a certain subject he can send over to the Library and get the books, and if he has time he can dig out that information. If a book is written in a foreign language, and if a person can not read that language, he can employ some one to translate it. The Senators have clerks to aid them in securing such information. We do not have that assistance which Senators have. The librarian has a pile of requests from Members of the House for information along certain lines. A Member of the House not only wants books, but he wants information. He wants to know what is in the various books on a certain subject. The librarian has been compelled to turn down these requests because he has no help to aid him in giving Members that information.

I believe this amendment does not go far enough. I regret that we have not legislation on which we might appropriate money so that the Members of Congress could obtain the information that is contained in the books in the Library, which they can not get at this time because they do not have the time required for the investigation of these various questions. I believe that the appropriation of $25,000 is the beginning of a program that will cost a good many thousand dollars, but I believe it will be money very well spent. It will give Members of Congress information upon subjects upon which they do not now have information. It will make the Congressional Library a real thing to a great many Members of Congress to whom at present it means practically nothing.

Mr. Speaker, this provision does not go far enough, but it goes as far as the Senate had authority under the law to make the appropriation, and I understand that the librarian will give it a broad interpretation, so that Members of the House can secure information upon subjects that are before Congress at various times or upon subjects upon which they are making investigations. It is a small appropriation. It is possible that the proposition will be found to be unworkable. If that is so, then there will be no necessity for enacting the legislation that is now pending in Congress for the creation of a similar bureau. It will help the committees of Congress that are now considering these bills for the creation of a legislative bureau. We will find by the workings of this bureau that will be established under this appropriation what is necessary in the way of legislation on this subject. It is a new thing, so far as the Congress is concerned, and I hope that the House will consent to the Senate amendment.

Mr. JOHNSON of South Carolina. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I understand that the motion is to recede and concur in the Senate amendment. I shall vote for that motion, though I regret that a motion was not made to recede and concur with an amendment broadening the scope of the provision. What is proposed in the amendment will be helpful and useful. Indexes and digests of laws will be of very great value to us. But what we really need is to have in the Congressional Library a number of experts who can give us information promptly, give us facts and figures with regard to matters before the House for consideration. I know we have all of us had experience in going to the Library seeking information on various subjects. We have found the gentlemen over there anxious to aid as far as they could, but there is no one there whose duty it is to seek out and compile information for Members or who has the time in addition to other duties to do so. That is what we need. If we had more clerks, if we had a larger amount for clerk hire, if we were as fortunate in that respect as Senators are, we could each of us have an expert assistant, who could secure this information for us. But as we are limited in the amount of clerk hire, the time of our clerks being entirely occupied with the ordinary routine business of a Member, we have no one on whom we can call for information which we should have to inform us with regard to matters of legislation before the House. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Speaker, I am very much in favor of the motion of the gentleman from Wisconsin on Senate amendment No. 33, in regard to the legislative reference appropriation of $25,000 for the Library. Last night I read a very interesting hearing, the testimony of the Secretary of the Interior before the Public Lands Committee. During the course of the hearing the question came up as to foreign statutes on water-power sites. It developed that the only man present at that committee hearing who had those statutes was a young man, secretary to the conservation association, Mr. Slattery. He was asked by the chairman of the committee to give them to the committee for inclusion in the report.

Unquestionably those statutes are in the Library of Congress. But they are not accessible readily to Members of Congress. The Library of Congress is, as its name implies, an institution which belongs to Congress. It was formerly housed in the Capitol. It has moved across the way and is now one of the show places of the Nation, probably the greatest. It has the finest collection of books this side the older countries of Europe. The matter that we want for reference purposes is available, but it is available to us only with difficulty. This appropriation of $25,000 would bring it together and make it accessible to Congress, and for the life of me I do not see why the chairman of the committee and the House conferees did not agree with the Senate on this proposition.

I want to say also that I believe the time is coming when we will have a complete legislative reference bureau in this Capital, and I expect the chairman in charge of this bill will support it when that proposal comes. I think this item is the beginning of that proposition, and it leads me to support it with enthusiasm.

Mr. JOHNSON of South Carolina. Mr. Speaker, there is pending in the Senate of the United States a bill that creates a reference bureau in the Library of Congress. I understand that a similar proposition is pending before the Committee on the Library in the House of Representatives. Inasmuch as this is a matter of legislation now pending in Congress before the committees having jurisdiction of that subject, and having superior knowledge of that subject, your conferees did not feel justified in anticipating the work of the proper committees.

Mr. LENROOT. Will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. LENROOT. Is the gentleman aware that committees in previous Congresses have acted favorably on the proposition, reported a bill to the House, and that it stayed on the House Calendar and never was reached?

Mr. JOHNSON of South Carolina. Yes, Mr. Speaker; the Committee on Appropriations provides money for carrying on the activities of the Government provided for by law. Bills that have been favorably reported and not acted upon are not sufficient justification for members of the Appropriations Committee to act upon. We had a request that the conferees would hear a distinguished Senator from the State of Wisconsin. The conferees have not yet had the pleasure of hearing that Senator on this proposition.

Mr. LENROOT. For the reason that the Senator has been ill and unable to appear before the conferees.

Mr. JOHNSON of South Carolina. In view of the fact that we are requested to let certain gentlemen be heard, and in view of the further fact that this is legislation pending in both branches of Congress, the committee of conference felt justified in bringing the amendment back to the House. I hope we may now have a vote.

The SPEAKER. The question is on the motion of the gentleman from Wisconsin [Mr. LENROOT] to recede from the House disagreement to Senate amendment 33 and concur in the same.

The question was taken; and on a division (demanded by Mr. JOHNSON of South Carolina) there were—yeas 68, noes 27.

Mr. BURKE of South Dakota. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 140, nays 94, answered "present" 3, not voting 196, as follows:

YEAS—140.

Abercrombie	Drukker	Howell	Patton, Pa.
Aiken	Edmonds	Humphrey, Wash.	Payne
Alexander	Elder	Igoe	Peters, Mass.
Allen	Esch	Johnson, Utah	Reed
Ansberry	Evans	Johnson, Wash.	Reilly, Wis.
Baker	Falconer	Kahn	Roberts, Nev.
Barlow	Farr	Keating	Rogers
Bathrick	Fess	Keister	Scott
Bell, Cal.	Fitzhenry	Kelley, Mich.	Seldomridge
Borchers	Foster	Kennedy, Iowa	Sells
Britten	Francis	Kent	Sisson
Brown, N. Y.	Frear	Kindel	Sloan
Bryan	French	Kinkaid, Nebr.	Smith, Idaho
Buchanan, Ill.	Gallagher	Korbly	Smith, Minn.
Burke, S. Dak.	Gallivan	La Follette	Smith, N. Y.
Burke, Wis.	Gard	Lenroot	Stafford
Burnett	Garner	Lesher	Stephens, Cal.
Campbell	Garrett, Tenn.	Linthicum	Stevens, Minn.
Cantor	Gill	Lonergan	Stevens, N. H.
Caraway	Gillmore	McClellan	Stone
Chandler, N. Y.	Godwin, N. C.	McCoy	Sutherland
Church	Good	McDermott	Talcott, N. Y.
Clancy	Graham, Ill.	Mann	Tavenner
Coady	Gray	Mapes	Temple
Connolly, Iowa	Green, Iowa	Miller	Ten Eyck
Conry	Greene, Mass.	Mitchell	Thacher
Cramton	Gregg	Mondell	Towner
Cresser	Hardy	Montague	Treadway
Curry	Hauhen	Moss, W. Va.	Underhill
Dershem	Hawley	Murdock	Underwood
Davis	Hayes	Murray, Mass.	Vollmer
Dershem	Helin	Murray, Okla.	Walsh
Dillon	Helgesen	Nelson	Willis
Donohoe	Hinebaugh	Nolan, J. I.	Winslow
Donovan	Howard	O'Hair	Woods

NAYS—94.

Adair	Dickinson	Jacoway	Rayburn
Adamson	Dixon	Johnson, Ky.	Reilly, Conn.
Ashbrook	Doolittle	Johnson, S. C.	Rouse
Aswell	Doughton	Kettner	Ruby
Bailey	Faison	Key, Ohio	Russell
Baltz	Ferguson	Kirkpatrick	Sims
Barkley	Ferris	Lazaro	Slayden
Bathrick	Finley	Lever	Stephens, Miss.
Beall, Tex.	Fowler	Lloyd	Stephens, Tex.
Bonier	Garrett, Tex.	McKellar	Sumners
Bowdle	Gittins	Maguire, Nebr.	Taggart
Brockson	Glass	Morgan, Okla.	Taylor, Ark.
Buchanan, Tex.	Goeke	Morrison	Taylor, Colo.
Bulkley	Goodwin, Ark.	Oldfield	Thompson, Okla.
Burgess	Hamilton, Mich.	Padgett	Tribble
Byrnes, S. C.	Hamlin	Page, N. C.	Walker
Byrns, Tenn.	Harris	Park	Watkins
Candler, Miss.	Hay	Peterson	Watson
Carter	Hayden	Pou	Webb
Casey	Helm	Quin	Williams
Collier	Helvering	Ragsdale	Wingo
Cox	Hensley	Rainey	Witherspoon
Cullop	Hughes, Ga.	Raker	
Dent	Hull	Reuch	

ANSWERED "PRESENT"—3.

Dupré	Sloan	Townsend

NOT VOTING—196.

Ainey	Dunn	Kiess, Pa.	O'Leary
Anderson	Eagan	Kinkead, N. J.	O'Shaunessy
Anthony	Eagle	Kitchin	Paige, Mass.
Austin	Edwards	Knowland, J. R.	Palmer
Avis	Estopinal	Konop	Parker
Barchfield	Fairchild	Kreider	Patten, N. Y.
Barnhart	Fields	Lafferty	Peters, Me.
Bartholdt	Fitzgerald	Langham	Phelan
Bartlett	Flood, Va.	Langley	Platt
Bell, Ga.	Floyd, Ark.	Lee, Ga.	Plumley
Blackmon	Fordney	Lee, Pa.	Porter
Borland	Gardner	L'Engle	Post
Bradley	George	Levy	Powers
Broussard	Gerry	Lewis, Md.	Prouty
Brown, W. Va.	Gillett	Lewis, Pa.	Riordan
Browne, Wis.	Goldfogle	Lieb	Roberts, Mass.
Browning	Gordon	Lindbergh	Rothermel
Bruckner	Gorman	Lindquist	Rucker
Brumbaugh	Goulden	Loeck	Rupley
Burke, Pa.	Graham, Pa.	Loft	Saboth
Butler	Greene, Vt.	Logue	Saunders
Calder	Griest	McAndrews	Sculley
Callaway	Griffin	McGillicuddy	Shackleford
Cantrill	Guider	McGuire, Okla.	Sharp
Carow	Guernsey	McKenzie	Shelley
Carlin	Hamill	McLaughlin	Sherwood
Carr	Hamilton, N. Y.	Macdonald	Shreve
Cary	Hammond	Madden	Slayden
Clark, Fla.	Hardwick	Mahan	Small
Claypool	Harrison	Maher	Smith, J. M. C.
Cline	Hart	Manahan	Smith, Md.
Connelly, Kans.	Henry	Martin	Smith, Saml. W.
Cooper	Hill	Merritt	Smith, Tex.
Copley	Hinds	Metz	Sparkman
Covington	Hobson	Moon	Stanley
Crisp	Holland	Moore	Siedman
Dale	Houston	Morgan, La.	Steenerson
Davenport	Howarth	Morin	Stephens, Nebr.
Decker	Hughes, W. Va.	Moss, Ind.	Stout
Deitrick	Hullings	Mott	Stringer
Dies	Humphreys, Miss.	Neely, Kans.	Switzer
Difenderfer	Jones	Neely, W. Va.	Talbott, Md.
Dooling	Kelly, Pa.	Norton	Taylor, Ala.
Doremus	Kennedy, Conn.	O'Brien	Taylor, N. Y.
Driscoll	Kennedy, R. I.	Oglesby	Thomas
Thomson, Ill.	Volstead	Whaley	Wilson, N. Y.
Tuttle	Wallin	Whitacre	Woodruff
Vare	Walters	White	Young, N. Dak.
Vaughan	Weaver	Wilson, Fla.	Young, Tex

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. TOWNSEND with Mr. WOODRUFF.

Mr. LEE of Georgia with Mr. HULLINGS.

Mr. HARRISON with Mr. STEENERSON.

Mr. FITZGERALD with Mr. VOLSTEAD.

Mr. DUPRÉ with Mr. LANGHAM.

Mr. CLARK of Florida with Mr. COOPER.

Mr. HOLLAND with Mr. PAIGE of Massachusetts.

Mr. OGLESBY with Mr. PROUTY.

The result of the vote was announced as above recorded.

SPEAKER PRO TEMPORE FOR SUNDAY, JUNE 28, 1914.

The Speaker appointed Mr. LINTHICUM to act as Speaker pro tempore on Sunday, June 28, 1914, at the memorial exercises in honor of the late Representative KONIG.

QUESTION OF PERSONAL PRIVILEGE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman from Kentucky rises to a question of personal privilege. The gentleman will state it.

Mr. JOHNSON of Kentucky. Mr. Speaker, the Washington Times of yesterday contained an editorial, a part of which I will read, as it refers to me:

> Again, the chairman of the House District Committee has lately made it perfectly plain that the members of the new Board of Commissioners of the District have achieved the distinction of his hostility. We do not know just why Mr. JOHNSON has thus honored the commissioners; but the fact remains that he has done so, and in doing so has greatly improved their standing in the community and their hold on the confidence of the public. Mr. JOHNSON was especially vindictive in questioning the chairman of the board of commissioners during the recent public-ownership hearings. The performance of that occasion made apparent that these two would be of little use serving together on the proposed fiscal commission. Nobody could be of use trying to work with BEN JOHNSON. He is impossible, and that is all that need be said.

Mr. Speaker, I feel that this membership is entitled to know the truth concerning at least one sentence in this article. That sentence reads as follows:

> Mr. JOHNSON was especially vindictive in questioning the chairman of the board of commissioners during the recent public-ownership hearings.

In that connection, I wish to say that I have not the slightest doubt that every Member upon the floor of this House who read that article believes that I have been guilty of discourtesy to the president of the Board of Commissioners of the District of Columbia. Recently Mr. Judson Welliver was before the committee of which I have the honor to be chairman, and upon that occasion he said that he was the editor of the Washington Times. The article which I have just read is an editorial in that paper. The fact is that when Commissioner Newman appeared before the District Committee upon the occasion referred to in this article I was in Kentucky, where I had gone to attend the funeral of the late Senator Bradley, and was not present at that meeting of the committee at all. It is further true, so I am informed by the gentleman from Ohio [Mr. CROSSER] and the gentleman from Arkansas [Mr. CARAWAY] and others, that Mr. Judson Welliver, the editor of the Washington Times, was himself present when Mr. Newman appeared before the committee. Therefore Mr. Welliver knew when he made this statement in his paper of yesterday that I was not present, and therefore had not been guilty of mistreating the president of the Board of Commissioners of the District of Columbia.

Mr. Speaker, there is purpose in all this misrepresentation. It has been the purpose of the Washington Times, and particularly of this editor, to malign and abuse me in order to discredit me not only with the public generally, but also with the membership of this House, in order to gain the end which he most desires, and that is to have me, by means fair or foul, displaced from the chairmanship of that committee. The statement has gone to the country at large that I, as chairman of that committee, having been selected to that important position by the membership of this House, without any manner of excuse, have been guilty of an indignity to the president of the Board of Commissioners of the District of Columbia when he appeared before that committee on official business. Without knowing what he is going to say next, but knowing what he has said in the past, I feel it my duty to advise the membership of this House that I have not been guilty of the things with which he has been continually charging me. All his articles are more or less libelous. I hope I shall not be driven in the future to pay any more attention to any of them than I am paying now to this one; and I am doing this not for myself alone, but that the membership of this House and the public may know that the chairman of a committee is not

Murray, Mass.	Plumley	Smith, Idaho	Volstead
Murray, Okla.	Post	Stephens, Cal.	Walters
Nolan, J. I.	Raker	Stout	Whaley
O'Hair	Roberts, Nev.	Taylor, Colo.	Wingo
Oldfield	Sinnott	Temple	Winslow

NAYS—184.

Abercrombie	Dickinson	Hull	Rauch
Adair	Dillon	Igoe	Rayburn
Adamson	Dixon	Jacoway	Reed
Alexander	Donovan	Johnson, S. C.	Reilly, Conn.
Allen	Doolittle	Keating	Reilly, Wis.
Ashbrook	Doughton	Kelster	Rogers
Aswell	Drukker	Kelley, Mich.	Rouse
Bailey	Edmonds	Kennedy, Iowa	Rubey
Baker	Estopinal	Kent	Rucker
Baltz	Falson	Key, Ohio	Russell
Barkley	Farr	Kindel	Scott
Barton	Fergusson	Kinkaid, Nebr.	Seldomridge
Bathrick	Fess	Kirkpatrick	Sells
Beakes	Finley	Korbly	Sims
Beall, Tex.	Foster	La Follette	Sisson
Bowdle	Fowler	Lazaro	Slemp
Britten	Francis	Lenroot	Small
Broussard	French	Lesher	Smith, Minn.
Brown, N. Y.	Gallagher	Levee	Sparkman
Bryan	Gard	Linthicum	Stafford
Buchanan, Ill.	Garrett, Tenn.	Lonergan	Steenerson
Buchanan, Tex.	Garrett, Tex.	McClellan	Stephens, Miss.
Bulkley	Gill	McCoy	Stephens, Tex.
Burgess	Gilmore	McDermott	Stevens, N. H.
Burke, S. Dak.	Glass	McKellar	Stone
Burke, Wis.	Glass	McLaughlin	Sumners
Byrnes, S. C.	Godwin, N. C.	Maguire, Nebr.	Taggart
Byrns, Tenn.	Gooke	Mann	Talcott, N. Y.
Campbell	Good	Mapes	Tavenner
Candler, Miss.	Goodwin, Ark.	Mitchell	Taylor, Ark.
Caraway	Graham, Ill.	Montague	Ten Eyck
Carter	Gray	Morgan, Okla.	Thacher
Casey	Green, Iowa	Morrison	Thompson, Okla.
Clancy	Gregg	Murdock	Towner
Clark, Fla.	Hamilton, Mich.	Nelson	Treadway
Coady	Hamlin	Oglesby	Tribble
Collier	Harris	Padgett	Underhill
Connelly, Kans.	Harrison	Page, N. C.	Underwood
Connolly, Iowa	Haugen	Park	Walker
Covey	Hay	Payne	Walsh
Cooper	Helm	Peters, Mass.	Watkins
Cox	Helgesen	Peterson	Watson
Cresser	Helm	Pou	Webb
Cullop	Hensley	Quin	Williams
Dent	Holland	Raesdale	Willis
Dershem	Hughes, Ga.	Rainey	Woodruff

ANSWERED "PRESENT"—2.

Sloan Townsend

NOT VOTING—187.

Ainey	Fairchild	Lee, Pa.	Powers
Anderson	Fields	L'Engle	Prouty
Anthony	Flood, Va.	Levy	Riordan
Austin	Fordney	Lewis, Md.	Roberts, Mass.
Avis	Gallivan	Lewis, Pa.	Rothermel
Barchfeld	Gardner	Lieb	Rupley
Barnhart	George	Lindbergh	Saboth
Bartholdt	Gerry	Lindquist	Saunders
Bartlett	Gillett	Lloyd	Scully
Bell, Ga.	Goldfogle	Lobeck	Shackleford
Blackmon	Gordon	Loft	Sharp
Booher	Gorman	Logue	Sherley
Borland	Goulden	McAndrews	Sherwood
Brodbeck	Graham, Pa.	McGillicuddy	Shreve
Brown, W. Va.	Greene, Vt.	McGuire, Okla.	Slayden
Browne, Wis.	Griest	McKenzie	Smith, J. M. C.
Browning	Griffin	MacDonald	Smith, Md.
Buckner	Gudger	Madden	Smith, N. Y.
Brumbaugh	Guernsey	Mahan	Smith, Saml. W.
Burke, Pa.	Hamill	Maher	Smith, Tex.
Butler	Hamilton, N. Y.	Mannahan	Stanley
Calder	Hammond	Martin	Stedman
Callaway	Hardwick	Merritt	Stephens, Nebr.
Cantor	Hart	Metz	Stevens, Minn.
Cantrill	Helvering	Mondell	Stringer
Carew	Henry	Moon	Sutherland
Carlin	Hill	Moore	Switzer
Carr	Hinds	Morgan, La.	Talbott, Md.
Cary	Hobson	Morin	Taylor, Ala.
Cline	Houston	Moss, Ind.	Taylor, N. Y.
Copley	Howarth	Moss, W. Va.	Thomas
Covington	Hughes, W. Va.	Mott	Thomson, Ill.
Crisp	Humphreys, Miss.	Neeley, Kans.	Tuttle
Dale	Johnson, Ky.	Neely, W. Va.	Vare
Davenport	Jones	Norton	Vaughan
Decker	Kelly, Pa.	O'Brien	Vollmer
Deitrick	Kennedy, Conn.	O'Leary	Wallin
Dies	Kennedy, R. I.	O'Shaunessy	Weaver
Difenderfer	Kiess, Pa.	Paige, Mass.	Whitacre
Dooling	Kinkead, N. J.	Palmer	White
Doremus	Kitchin	Parker	Wilson, Fla.
Driscoll	Knowland, J. R.	Patten, N. Y.	Wilson, N. Y.
Dunn	Konop	Patton, Pa.	Witherspoon
Dupré	Kreider	Peters, Me.	Woods
Eagan	Lafferty	Phelan	Young, N. Dak.
Eagle	Langham	Platt	Young, Tex.
Edwards	Langley	Porter	

So the motion of Mr. MANN to recede from the House disagreement to Senate amendment No. 30 was rejected.

The Clerk announced the following additional pairs:

On the vote:

Mr. DUPRÉ (to recede) with Mr. TOWNSEND (against).

Until further notice:

Mr. CONNELLY of Kansas with Mr. PROUTY.

Mr. STEPHENS of Nebraska with Mr. WOODS.

Mr. TALBOTT of Maryland with Mr. PATTON of Pennsylvania.

Mr. LLOYD with Mr. MONDELL.

Mr. FLOOD of Virginia with Mr. KREIDER.

Mr. CLINE with Mr. DUNN.

Mr. BOOHER with Mr. PAIGE of Massachusetts.

Mr. TOWNSEND. Mr. Speaker, I voted "no." I am paired with the gentleman from Louisiana, Mr. DUPRÉ. I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. TOWNSEND, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The House declines to recede from its disagreement.

Mr. JOHNSON of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Carolina. The refusal of the House to recede from its disagreement to the Senate amendment would send that amendment to conference, would it?

The SPEAKER. Yes.

Mr. JOHNSON of South Carolina. I ask that the next amendment be reported.

The SPEAKER. The Clerk will report the next amendment.

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to extend in the RECORD my remarks on the subject of mileage.

The SPEAKER. The gentleman from Washington [Mr. FALCONER] asks unanimous consent to extend his remarks in the RECORD on the subject of mileage. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Speaker, a most remarkable line of parliamentary procedure has been adopted by the House of Representatives in the consideration of this mileage question.

Mr. Speaker, when this bill was first reported to the House it carried the mileage provision for actual traveling expenses incurred by Representatives and traveling expenses of immediate and dependent members of their families going to and returning from each session of Congress.

When the mileage paragraph was under consideration in the Committee of the Whole, an amendment was offered, striking out the above actual expense for Member and family and inserting in lieu 20 cents per mile, or, in other words, restoring the old mileage. A viva voce vote was taken, and the amendment was agreed to. A division was asked for, and the amendment again carried by a good majority; tellers were asked for, and Members marched up the aisle to be counted. Again a good majority voted for the amendment, and it was carried.

On April 17, when this mileage paragraph was before the House, and a record vote could be obtained, a record vote was called for and the yeas and nays taken. This record vote, found in the CONGRESSIONAL RECORD, page 6842, shows 95 votes for 20-cent mileage and 242 votes for actual traveling expenses for Members and families.

The bill went to the Senate carrying the provision of the original bill, as reported to the House—actual traveling expenses for Representatives and members of their families.

On page 6841 of the RECORD, in the second column, is found a unanimous request by Mr. BYRNS of Tennessee that the Senate and House mileage items be considered in one vote. There was no objection; so by this parliamentary move the Senate was involved with the House in the House mileage. So ended the first chapter of this mileage proposition.

Mr. Speaker, the second chapter took place in the Senate, and the House bill was amended and the 20-cent mileage restored, and in due process of parliamentary procedure the bill went to conference.

Yesterday, Mr. Speaker, there was written in the RECORD the third chapter of this mileage matter, when the House by much debate and several record votes voted 5 cents per mile for Senators' mileage, postponing the consideration of House Members' mileage till to-day.

By a series of parliamentary gymnastics the House just now voted not to recede from the House disagreement to the Senate amendment on House mileage, and now, Mr. Speaker, we have a record vote of the same men, economists, if you please, last evening voting 5 cents per mile for Senators' mileage allowance and to-day voting actual traveling expenses for Representatives and their families.

Chapter 4, Mr. Speaker, finds the bill back in conference.

Mr. Speaker, was there ever a more complete demonstration of political trimming by parliamentary chicanery? What is the purpose and what is the effect on the public?

Mr. Speaker, "mileage" and "graft" have for some time been held up by the press of the country as synonymous terms. Is there a man here who believes the present mileage is graft? If so, why did he not object to the unanimous consent to consider Senate and House mileage in one vote by Mr. BYRNS of Tennessee when the bill was before the House?

I am informed, Mr. Speaker, that it has been the rule for long years standing that each branch of this legislative body shows to the other the courtesy of letting each House carry out the details of its organization, numbering and naming its own employees and the amount of compensation paid to each. The Senate and House each heretofore has decided its own mileage. But, Mr. Speaker, we find these patriotic Congressmen—Congressmen who would protect (?) the taxpayer—saying yesterday: "Mr. Senator, you have been participating in a 'graft'; from now on you will get only 5 cents per mile for your traveling expenses," while to-day we find these same economizing (?) Congressmen voting to themselves actual traveling expenses for themselves and their families.

Mr. Speaker, on the record vote of April 17, page 6842, I am recorded voting for 20 cents per mile, as against traveling expenses for myself, my wife, and four young people. In that vote, sir, I did not vote to favor myself one dollar. It took fully 20 cents a mile to bring my family across the continent. At that I do not ask that this expense fall on the Government.

Mr. Speaker, there has been no proposition on which I have voted, or had a chance to vote, where 20-cent mileage or a less amount for House Members has been involved. Why do not the conferees eliminate this parliamentary tangle with the Senate and put the House on record on House mileage?

The Senate will not interfere if House Members vote 5 or 10 cents a mile for House Members. Out of courtesy established in years of practice the will of the House will be respected.

Mr. Speaker, the result of this whole matter, taking as it has many hours of debate, has been that some Members of this House have been advertised the country over as guardians of the public funds, while actually sparring behind parliamentary methods for 20-cent mileage.

This is not an unjust statement. If so, why did the majority, without exception, in Committee of the Whole vote for 20-cent mileage, when there was no chance to get the record of Members? Why did not some economic Member object to unanimous consent to consider Senate and House mileage together? Why will the RECORD to-day show such inconsistencies in the vote? There is only one answer. In my State, Mr. Speaker, legislative mileage is 10 cents. Individual witnesses and jurors in and before the court receive 10-cent mileage. If 20-cent mileage is graft, eliminate entangling alliances of a parliamentary character, step out in the open, and vote it down. Give each Member of the House an opportunity to record his vote on the House mileage for something definite and in the interest of real economy, instead of recording a vote for political purposes and home consumption. We will reduce the mileage.

Mr. TAGGART. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of mileage.

The SPEAKER. The gentleman from Kansas [Mr. TAGGART] asks unanimous consent to extend his remarks on the subject of mileage. Is there objection?

Mr. MANN. Reserving the right to object, in view of the fact that the gentleman from South Carolina [Mr. JOHNSON] would not even allow five minutes for actual discussion, I shall object to all such requests.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and serves notice that he will object to all such requests. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 33: Page 30, after line 18, insert: "Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use pursuant to the act approved June 30, 1906, $25,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment numbered 33.

Mr. LENROOT. Mr. Speaker, as a preferential motion, I move that the House recede from its disagreement to this amendment and concur in the same.

The SPEAKER. The question is on the preferential motion.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. LENROOT. Five minutes.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for five minutes.

Mr. LENROOT. Mr. Speaker, I am very sorry, indeed, that the conferees have not seen fit to agree to this amendment. It is an amendment that ought to be adopted. It is a provision of law that we ought to have had a long time ago.

Mr. Speaker, in every calling of life a man can not do very good work unless he has the tools with which to do it, and tools are provided for every calling in life except to the lawmakers in the Congress of the United States. It has been the theory and the policy that Members of Congress can legislate without the facilities that they ought to have for legislating. All that this amendment does is to create in the Library of Congress a body of experts whose duty it will be to compile and index the various laws of the United States, of the States, and of foreign countries for the use of Members of Congress.

As illustrative of the condition that exists, I am a member of the Committee on the Public Lands. We have been working all winter long. We have had hundreds of bills before that committee, and during this entire winter I have attempted a number of times to secure a compilation of the public-land laws, so that the committee in considering these bills might know, without spending hours and hours every time a question comes up, what the laws are upon the subject already enacted by Congress; but in each case we have been compelled to go through the Statutes at Large and to search the appropriation bills for legislation, where it is often hidden, and the consequence is a great deal of time has been wasted by that committee because there was no compilation of the land laws.

What is true of the Public Lands Committee is true of nearly every other committee of this House. The Committee on the Judiciary at this session, in the consideration of the antitrust bill, found it necessary to secure a compilation of all the anti-trust laws of the various States of the Union and of foreign countries. They published that in a separate volume, and it was of immense benefit to every Member of Congress who was studying that question.

I might go on with almost every committee of this House dealing with important, live legislation. They need this expert service. There should be a corps of experts to compile this information for the use of Members of Congress.

It is a very small amount of money, comparatively speaking. We have this great Congressional Library here. We have magnificent reading rooms. How often do you see a Member of Congress over there doing any work? Not that we do not use the Library. We do. But we waste an immense amount of time, because there is no organized force there to assist Members of Congress in finding what they want; and when they do find it, it is so scattered that it takes a great deal more time than it ought to take for a Member of Congress to be informed on the particular question involved.

Mr. TOWNSEND. Will the gentleman yield for a question?

Mr. LENROOT. Yes.

Mr. TOWNSEND. Is not this whole question covered, even more thoroughly than in this amendment, by a bill prepared by the House Library Committee and introduced by the gentleman from Massachusetts [Mr. GARDNER]?

Mr. LENROOT. I think not. This has nothing to do with bill drafting or advising committees of the House, or advising conference committees, which I believe is very largely the scope of the bill before the Library Committee.

Mr. TOWNSEND. There are two bills, one of which does cover this to some extent.

Mr. LENROOT. However that may be—and I want to be very frank with the House—I do not believe this bill goes as far as it ought to go; but it is the very least that Congress should begin with in the consideration of this important question. Every State in the Union, whether it is Democratic or Republican, that claims to be making progress at all to-day, has legislative reference libraries. The Congress of the United States alone has none, and I am sorry, indeed, that the members of the conference committee have been unwilling to do this little that is proposed in this amendment. I sincerely hope that this amendment will be concurred in.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. THACHER].

Mr. THACHER. Mr. Speaker, the distinguished gentleman from Wisconsin [Mr. LENROOT] has very fully set forth the need for this piece of legislation, which I trust will be adopted. May I state, as a member of the Committee on the Library, that some 10 years ago the librarian made a request that the sum of $25,000 be appropriated for this work, and also for the translation of legislative codes and laws of other countries. I was

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that the next amendment be reported, Senate amendment No. 28.

The Clerk read as follows:

Page 17, line 16, insert "stenographer, $1,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment numbered 28.

The question was taken, and the motion was agreed to.

Mr. JOHNSON of South Carolina. I ask that the next amendment, Senate amendment numbered 29, be reported.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 17, line 18, strike out the figures "$6,600" and insert the figures "$7,600."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment 29.

The motion was agreed to.

Mr. JOHNSON of South Carolina. I now ask that the Clerk report Senate amendment numbered 30.

The Clerk read as follows:

Page 18, strike out lines 5 to 12, inclusive, reading as follows: "For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 30.

Mr. MURDOCK. Is that all that the gentleman wants to say on this amendment?

Mr. JOHNSON of South Carolina. Yes; we debated it thoroughly yesterday.

Mr. MURDOCK. Mr. Speaker, yesterday we had a long discussion upon this proposition as it related to the Senate item on mileage, and the House voted to recede and concur with an amendment for 5-cent mileage.

Mr. JOHNSON of South Carolina. That is correct.

Mr. MURDOCK. That, however, was wholly on the question of mileage of Senators. This refers to House mileage alone.

Mr. JOHNSON of South Carolina. We will do precisely with House mileage what we do with Senate mileage. As the question has already been fully debated and we had a yea-and-nay vote on it, I do not think it is necessary to debate it further.

Mr. MURDOCK. I would like to ask this and I would like to have the attention of the House: If we vote with the gentleman on the motion which he has just made, then is not the House voting for the original House amendment?

Mr. JOHNSON of South Carolina. Oh, no.

Mr. MURDOCK. It seems to me so.

Mr. JOHNSON of South Carolina. The conferees will understand that they were instructed by a yea-and-nay vote on yesterday to amendment numbered 1.

Mr. MURDOCK. However, the record, Mr. Speaker, will show that the House merely is standing by the original amendment. There is no question about it.

Mr. BURKE of South Dakota. Will the gentleman kindly yield to me for a moment?

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. BURKE of South Dakota. I want to ask the gentleman from South Carolina to give me five minutes on this question.

Mr. GARNER. Before that, may I ask the gentleman from South Carolina a question?

Mr. JOHNSON of South Carolina. The gentleman may.

Mr. GARNER. Why would it not be better? It will take but a moment to put in an amendment here similar to the one we placed on the Senate provision which provides that the mileage hereafter shall be 5 cents.

Mr. JOHNSON of South Carolina. I have one written here on my table, but it is misplaced, and I did not want to take up the time rewriting it. I will send it up to the Clerk's desk.

The SPEAKER. What is it the gentleman wants?

Mr. JOHNSON of South Carolina. I withdraw the motion I made to further insist, and move to recede from the disagreement of the House to Senate amendment numbered 30, and agree with an amendment which I now send to the Clerk's desk.

The Clerk read as follows:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $43,750; and hereafter Representatives, Delegates, and Resident Commissioners shall be paid mileage at the rate of 5 cents per mile each way from their homes to Washington City and return by the ordinary and usual routes of travel once at each session of Congress.

Mr. JOHNSON of South Carolina. And on that I move the previous question.

Mr. RAKER. Mr. Speaker, on that I reserve a point of order.

The SPEAKER. The gentleman from California reserves a point of order on the amendment, and the gentleman from South Carolina moves to recede from Senate amendment numbered 30, and concur with an amendment. Now, the gentleman from South Carolina upon that moved the previous question.

Mr. MANN. Will not the gentleman yield to the gentleman from South Dakota five minutes?

Mr. JOHNSON of South Carolina. No; I am not going to have any debate.

Mr. MANN. The gentleman from California made the point of order?

Mr. RAKER. I reserved the point of order.

The SPEAKER. The gentleman from California reserved the point of order. What is the gentleman's point of order?

Mr. RAKER. The point of order is that it is a change of existing law, and, second, that it is not germane, and every other class of legal objection that could be made to such legislation. [Laughter.]

The SPEAKER. The point of order is overruled.

Mr. MANN. I ask the gentleman to yield——

Mr. JOHNSON of South Carolina. Mr. Speaker, I insist upon my motion for the previous question.

Mr. MANN. Mr. Speaker, I offer a preferential motion. I move that the House recede and concur.

The SPEAKER. The gentleman from Illinois moves that the House recede and concur.

Mr. JOHNSON of South Carolina. And upon that I move the previous question.

The SPEAKER. The gentleman from South Carolina moves the previous question on his own motion and on the motion of the gentleman from Illinois, both.

The question was taken.

The SPEAKER. The noes make the most noise; the noes seem to have it——

Mr. JOHNSON of South Carolina. Division, Mr. Speaker.

The SPEAKER. The gentleman demands a division.

The House divided; and there were—ayes 52, noes 83.

Mr. MANN. Mr. Speaker——

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask for the yeas and nays.

Mr. MANN. No; I asked for recognition.

Mr. JOHNSON of South Carolina. I ask for the yeas and nays.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays.

Mr. MURDOCK. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman from South Carolina demands the yeas and nays, and the gentleman from Kansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-six Members are present, not a quorum, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 165, nays 91, answered "present" 1, not voting 176, as follows:

YEAS—165.

Abercrombie	Cline	Gill	Lazaro
Adair	Coad	Gillmore	Lee, Ga.
Adamson	Collier	Gittins	Lesher
Alexander	Connelly, Kans.	Glass	Lever
Allen	Connolly, Iowa	Godwin, N. C.	Lindbloom
Anderson	Conry	Goeke	Lonergan
Ashbrook	Cox	Goodwin, Ark.	McClellan
Aswell	Crosser	Graham, Ill.	McCoy
Bailey	Cullop	Gray	McKellar
Baltz	Dent	Gregg	Maguire, Nebr.
Barkley	Dickinson	Hamlin	Mitchell
Bathrick	Dixon	Hardy	Montague
Beakes	Donohoe	Harris	Morrison
Beall, Tex.	Donovan	Harrison	Murray, Mass.
Booher	Doolittle	Hay	Murray, Okla.
Bowdle	Doughton	Hayden	Oglesby
Brockson	Dupré	Heflin	O'Hair
Broussard	Elder	Helm	Oldfield
Brown, N. Y.	Faison	Helvering	Padgett
Buchanan, Ill.	Ferguson	Hensley	Park
Buchanan, Tex.	Ferris	Holland	Peters, Mass.
Bulkley	Finley	Hughes, Ga.	Peterson
Burgess	Fitzgerald	Hull	Post
Burke, Wis.	Fitzhenry	Igoe	Quin
Burnett	Flood, Va.	Jacoway	Rainey
Byrnes, S. C.	Floyd, Ark.	Johnson, Ky.	Raker
Byrns, Tenn.	Foster	Johnson, S. C.	Rayburn
Candler, Miss.	Fowler	Kenting	Reed
Cantor	Francis	Kettner	Reilly, Conn.
Caraway	Gard	Key, Ohio	Reilly, Wis.
Carter	Garner	Kindel	Rouse
Casey	Garrett, Tenn.	Kirkpatrick	Ruley
Clancy	Garrett, Tex.	Korbly	Rucker

Russell	Stone	Ten Eyck	Watson
Saldsbridge	Stout	Thompson, Okla.	Webb
Sims	Sumners	Townsend	Whaley
Small	Taggart	Tribble	Williams
Smith, N. Y.	Talbott, Md.	Underhill	Wingo
Speer	Talbott, N. Y.	Underwood	Witherspoon
Stephens, Miss.	Tavenner	Vollmer	
Stephens, Tex.	Taylor, Ark.	Walker	
Stevens, N. H.	Taylor, Colo.	Watkins	

NAYS—91.

Aiken	Esch	Johnson, Wash.	Roberts, Nev.
Ansberry	Esloplnal	Kahn	Rogers
Baker	Evans	Kelley, Mich.	Scott
Barton	Falconer	Kennedy, Iowa	Sells
Bell, Cal.	Farr	Kent	Sisson
Borchers	Fess	Kinkaid, Nebr.	Stevens, Minn.
Britten	Frear	La Follette	Smith, Idaho
Bryan	French	Langham	Smith, Minn.
Butler, S. Dak.	Gallagher	Lenroot	Stafford
Campbell	Good	McLemore	Stephens, Cal.
Carlin	Green, Iowa	McLaughlin	Temple
Chandler, N. Y.	Greene, Mass.	Mann	Thacher
Church	Hamilton, Mich.	Mapes	Towner
Clark, Fla.	Hanson	Miller	Treadway
Claypool	Hawley	Mondell	Volstead
Cooper	Hayes	Morgan, Okla.	Wheeler
Cramton	Helgesen	Murdock	Walsh
Curry	Hinebaugh	Nelson	Walters
Danforth	Howard	Nolan, J. I.	Willis
Dillon	Howell	Patton, Pa.	Winslow
Drukker	Hulings	Payne	Woodruff
Dunn	Humphrey, Wash	Pronty	Woods
Edmonds	Johnson, Utah	Raker	

ANSWERED "PRESENT"—1.

Sloan

NOT VOTING—176.

Ainey	Fordney	Levy	Porter
Anthony	Gallivan	Lewis, Md.	Pou
Austin	Gardner	Lewis, Pa.	Powers
Avis	George	Lieb	Pearsdale
Barchfeld	Gerry	Lindbergh	Riordan
Barnhart	Gillett	Lindquist	Roberts, Mass.
Bartholdt	Goldfogle	Lloyd	Rothermel
Barthelt	Gordon	Loleck	Ropley
Bell, Ga.	Gorman	Loft	Sabath
Blackmon	Goulden	Logue	Saunders
Borland	Graham, Pa.	McAndrews	Scully
Brodbeck	Greene, Vt.	McGillicuddy	Shackleford
Brown, W. Va.	Griest	McGuire, Okla.	Sharp
Browne, Wis.	Griffin	McKenzie	Sherley
Browning	Gudger	MacDonald	Sherwood
Bruckner	Guernsey	Madden	Shreve
Brumbaugh	Hamill	Mahan	Sisson
Burke, Pa.	Hamilton, N. Y.	Maher	Slayden
Butler	Hammond	Manahan	Smith, Md.
Calder	Hardwick	Martin	Smith, J. M. C.
Calloway	Hart	Merritt	Smith, Saml. W.
Cantrill	Henry	Metz	Smith, Tex.
Carew	Hill	Moon	Stanley
Carr	Hinds	Moore	Stedman
Carr	Holson	Morgan, La.	Stephens, Nebr.
Copley	Houston	Morin	Stevens, Minn.
Covington	Howarth	Moss, Ind.	Stringer
Crisp	Hughes, W. Va.	Moss, W. Va.	Sutherland
Dale	Humphreys, Miss.	Mott	Switzer
Davenport	Jones	Neeley, Kans.	Taylor, Ala.
Davis	Keister	Neely, W. Va.	Taylor, N. Y.
Decker	Kelly, Pa.	Norton	Thomas
Deitrick	Kennedy, Conn.	O'Brien	Thomson, Ill.
Dershem	Kennedy, R. I.	O'Leary	Tuttle
Dies	Kiess, Pa.	O'Shaunessy	Vare
Difenderfer	Kinkead, N. J.	Page, N. C.	Vaughan
Doolinz	Kitchin	Palee, Mass.	Wallin
Dorsemus	Knowland, J. R.	Palmer	Weaver
Driscoll	Konop	Parker	Whitacre
Eagan	Kreider	Patten, N. Y.	White
Eagle	Lafferty	Peters, Me.	Wilson, Fla.
Edwards	Langley	Phelan	Wilson, N. Y.
Fairchild	Lee, Pa.	Platt	Young, N. Dak.
Fields	Lenzie	Plumley	Young, Tex.

So the previous question was ordered.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DERSHEM with Mr. PAIGE of Massachusetts.

Mr. PAGE of North Carolina with Mr. LANGHAM.

Mr. POU with Mr. AVIS.

Mr. STRINGER with Mr. STEVENS of Minnesota.

Mr. WEAVER with Mr. SLOAN.

Mr. BELL of Georgia with Mr. BARTHOLDT.

Mr. BURKE of Wisconsin with Mr. DAVIS.

Mr. DRISCOLL with Mr. GRAHAM of Pennsylvania.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

The question is on the motion of the gentleman from Illinois [Mr. MANN] to recede from House disagreement to Senate amendment No. 30 and concur in the same.

Mr. MANN. I ask a division of the question.

The SPEAKER. The gentleman from Illinois asks a division of the question. The question is now on receding from House disagreement to Senate amendment No. 30.

Mr. MANN. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 47, noes 65.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I will ask the Speaker to state what is the motion before the House.

The SPEAKER. The whole situation is this: That the gentleman from South Carolina [Mr. JOHNSON] moved to recede from the House disagreement to Senate amendment No. 30 and concur in the same with an amendment, whereupon the gentleman from Illinois [Mr. MANN] made a preferential motion to recede and concur.

Mr. UNDERWOOD. In the Senate amendment?

The SPEAKER. In Senate amendment No. 30. Then the gentleman from Illinois [Mr. MANN] demanded a division of his motion. This vote will be taken on the part of the motion to recede from House disagreement to Senate amendment No. 30.

Mr. UNDERWOOD. Then the status of the matter is that those who desire to vote for the House proposition to pay actual mileage as it was originally passed in the House bill should vote "nay"?

The SPEAKER. Yes; that is right.

Mr. MANN. Let us see. If the House refuses to agree to the motion, and thereby refuses to recede from its disagreement, does not the House thereby insist on its disagreement to the Senate amendment? If it refuses to recede, that is the end of it. We can not go any further. That is insistence on disagreement.

Mr. UNDERWOOD. That is insistence on the House proposition, and the original House proposition was that actual mileage should be paid?

The SPEAKER. A negative vote on the proposition to recede is equivalent to further insisting.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If we should vote down this motion we still will have opportunity to vote on the original motion made by the gentleman from South Carolina [Mr. JOHNSON]?

Mr. MANN. The House will have refused to recede, and that is the end of it.

Mr. UNDERWOOD. That is the reason I asked.

The SPEAKER. That puts an end to the whole business. If they refuse to recede, that is equivalent to an insistence. It has been so held time out of mind.

Mr. UNDERWOOD. That would be an insistence on the House proposition to pay the actual mileage?

The SPEAKER. Yes; whatever the House proposition is. It has been up here so often that the Chair is somewhat confused about it.

Mr. BARKLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARKLEY. If the motion about to be voted on is carried, then we have the proposition to vote on the motion of the gentleman from South Carolina and the motion of the gentleman from Illinois, the 5-cent or the 10-cent mileage, as the case may be?

The SPEAKER. If the House refuses to recede, it is equivalent to a disagreement. We will not have to vote on that then.

Mr. BARKLEY. If the motion to recede, which is now to be voted on, prevails, what comes next?

The SPEAKER. The other half of the motion of the gentleman from Illinois, which is to concur.

Mr. MANN. I advise the Speaker not to answer the question.

Mr. CLARK of Florida. Regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded, and the vote is to be taken on the proposition that the House shall recede from its disagreement to amendment No. 30. If it refuses to recede, it is in disagreement. The Chair has stated the thing so often that he has almost forgotten the point.

Mr. MANN. Mr. Speaker, I ask for the regular order. I do not think a filibuster ought to be in order.

The SPEAKER. The regular order is the calling of the roll. The Clerk will call the roll.

The question was taken; and there were—yeas 60, nays 184, answered "present" 2, not voting 187, as follows:

YEAS—60.

Aiken	Curry	Fitzhenry	Howard
Ansberry	Danforth	Flood, Ark.	Howell
Bell, Cal.	Davis	Frear	Hulings
Borchers	Donohoe	Garner	Humphrey, Wash.
Brockson	Elder	Greene, Mass.	Johnson, Utah
Burnett	Esch	Hardy	Johnson, Wash.
Chandler, N. Y.	Evans	Hawley	Kahn
Church	Falconer	Hayden	Kettner
Claypool	Ferris	Hayes	Lee, Ga.
Cramton	Fitzgerald	Hinebaugh	Miller

The question was taken; and there were—yeas 131, nays 125, answered "present" 2, not voting 175, as follows:

YEAS—131.

Abercrombie	Cullop	Hinebaugh	Prouty
Adair	Dent	Howard	Quin
Adamson	Dickinson	Hull	Raseh
Alexander	Dillon	Jacoway	Rayburn
Allen	Dixon	Johnson, Ky.	Reilly, Conn.
Ashbrook	Donovan	Johnson, S. C.	Reilly, Wis.
Aswell	Doolittle	Jones	Rouse
Baltz	Doughton	Keating	Ruby
Barkley	Eagle	Key, Ohio	Rucker
Barton	Elder	La Follette	Russell
Bathrick	Falson	Lazaro	Sims
Beakes	Falconer	Lee, Ga.	Small
Beall, Tex.	Fitzgerald	Lenroot	Steenerson
Borchers	Fitzgerry	Lesher	Stephens, Miss.
Bowdle	Foster	Lever	Stephens, Tex.
Breckson	Fowler	Lewis, Md.	Stone
Brumbaugh	Frear	Lindbergh	Sumners
Bryan	Gard	Linthicum	Talcott, N. Y.
Buchanan, Tex.	Garner	Lloyd	Tavenner
Burgess	Garrett, Tenn.	Lonergan	Taylor, Ark.
Burnett	Garrett, Tex.	Maguire, Nebr.	Thacher
Byrnes, S. C.	Godwin, N. C.	Mapes	Thompson, Okla.
Byrns, Tenn.	Goodwin, Ark.	Morgan, Okla.	Townsend
Candler, Miss.	Gray	Murdock	Tribble
Caraway	Hamilton, Mich.	Nelson	Underwood
Casey	Hamlin	Oldfield	Vollmer
Clayton	Hardy	O'Hair	Walker
Collier	Harris	Oldfield	Watkins
Connolly, Kans.	Harrison	Padgett	Webb
Connolly, Iowa	Hayden	Page, N. C.	Williams
Cooper	Helm	Park	Willis
Cox	Helvering	Peterson	Wingo
Crosser	Hensley	Post	

NAYS—125.

Aiken	Evans	Johnson, Wash.	Scott
Ansberry	Farr	Keister	Seldomridge
Bailey	Ferguson	Kelley, Mich.	Sells
Baker	Ferris	Kennedy, Iowa	Sinnott
Bell, Cal.	Foss	Kettner	Slemp
Becher	Flood, Va.	Kinkaid, Nebr.	Sloan
Britten	Francis	Kirkpatrick	Smith, Idaho
Broussard	French	Korbly	Smith, Minn.
Brown, N. Y.	Gallagher	Lamb	Smith, N. Y.
Buchanan, Ill.	Gill	McClellan	Stafford
Bulkley	Gilmore	McCoy	Stephens, Cal.
Burke, S. Dak.	Gittins	McDermott	Stevens, Minn.
Burke, Wis.	Glass	McKellar	Stout
Campbell	Goeke	McLaughlin	Taggart
Carter	Good	Mann	Talbott, Md.
Church	Graham, Ill.	Miller	Taylor, Colo.
Clancy	Graham, Pa.	Mitchell	Temple
Clark, Fla.	Green, Iowa	Mondell	Ten Eyck
Coady	Greene, Mass.	Montague	Towner
Covey	Gregg	Morrison	Treadway
Cramton	Hawley	Murray, Mass.	Tuttle
Curry	Haw	Murray, Okla.	Underhill
Danforth	Hayden	Nolan, J. I.	Volstead
Davis	Heflin	Patton, Pa.	Walsh
Dershem	Helgesen	Payne	Walters
Donohoe	Holland	Pou	Watson
Drukker	Howell	Ragsdale	Whaley
Dupre	Hughes, Ga.	Rainey	Wheeler
Edmonds	Hulings	Raker	Woodruff
Esch	Humphrey, Wash.	Reed	
Estopinal	Igoe	Roberts, Nev.	
	Johnson, Utah	Rogers	

ANSWERED "PRESENT"—2.

Cline	Kahn

NOT VOTING—175.

Almy	Dooling	Humphreys, Miss.	Morgan, La.
Anderson	Dupont	Kelly, Pa.	Morin
Anthony	Driscoll	Kennedy, Conn.	Moss, Ind.
Austin	Eagan	Kennedy, R. I.	Moss, W. Va.
Avis	Edwards	Kent	Mott
Burchfeld	Fairchild	Kless, Pa.	Neely, Kans.
Barnhart	Fields	Kindel	Neely, W. Va.
Bartholdt	Finley	Kinkead, N. J.	Norton
Bartlett	Floyd, Ark.	Kleczka	O'Brien
Bell, Ga.	Fordney	Knowland, J. R.	O'Leary
Blackmon	Gallivan	Konop	O'Shaunessy
Borland	Gardner	Kreider	Palce, Mass.
Bradley	George	Lafferty	Palmer
Brown, W. Va.	Gerry	Langley	Parker
Browne, Wis.	Gillett	Lee, Pa.	Patten, N. Y.
Browning	Goldfogle	L'Engle	Peters, Mass.
Bruckner	Gordon	Levy	Peters, Me.
Burke, Pa.	Gorman	Lewis, Pa.	Phelan
Butler	Goulden	Lieb	Platt
Calder	Greene, Vt.	Lindquist	Plumley
Callaway	Griest	Loback	Porter
Cantor	Griffin	Loft	Powers
Cantrill	Gudger	Logue	Riordan
Carew	Guernsey	McAndrews	Roberts, Mass.
Carlin	Hamill	McGillicuddy	Rothermel
Carr	Hamilton, N. Y.	McGuire, Okla.	Rupley
Cary	Hammond	McKenzie	Sabath
Chandler, N. Y.	Hardwick	MacDonald	Saunders
Conley	Hart	Madden	Scully
Covington	Hayes	Mahan	Shackleford
Crisp	Henry	Maher	Sharp
Dale	Hill	Mapes	Sherley
Davenport	Hinds	Martin	Sherwood
Decker	Hobson	Merritt	Shreve
Deitrick	Houston	Metz	Sisson
Dies	Howarth	Moon	Slayden
Difenderfer	Hughes, W. Va.	Moore	Smith, J. M. C.
Smith, Md.	Stevens, N. H.	Thomson, Ill.	Wilson, Fla.
Smith, Saml. W.	Stringer	Vare	Wilson, N. Y.
Smith, Tex.	Sutherland	Vaughan	Witherspoon
Sparkman	Switzer	Wallin	Woods
Stanley	Taylor, Ala.	Weaver	Young, N. Dak.
Stedman	Taylor, N. Y.	Whitacre	Young, Tex.
Stephens, Nebr.	Thomas	White	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Mr. SISSON (in the affirmative) with Mr. KAHN (in the negative).

Until further notice:

Mr. CLINE with Mr. KREIDER.

Mr. MOON with Mr. NORTON.

Mr. WEAVER with Mr. MERRITT.

Mr. CARR with Mr. BANCHFELD.

Mr. FINLEY with Mr. BARTHOLDT.

Mr. HILL with Mr. BROWNE of Wisconsin.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BELL of Georgia with Mr. HAYES.

Mr. KONOP with Mr. GRIEST.

Mr. BORLAND with Mr. MOSS of West Virginia.

Mr. SHACKLEFORD with Mr. PLUMLEY.

Mr. STEPHENS of Nebraska with Mr. WOODS.

Mr. FREAR. Mr. Speaker, I desire to vote "yea."

The SPEAKER pro tempore. Was the gentleman present and listening when his name should have been called?

Mr. FREAR. Yes; and I did not hear my name called.

The SPEAKER pro tempore. The Clerk will call the name of the gentleman from Wisconsin.

The Clerk called the name of Mr. FREAR, and he answered "Yea."

Mr. KAHN. Mr. Speaker, I desire to know whether the gentleman from Mississippi, Mr. SISSON, is recorded?

The SPEAKER pro tempore. He is not recorded.

Mr. KAHN. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. KAHN was called, and he answered "Present."

Mr. HARRIS. Mr. Speaker, I desire to vote "yea."

The name of Mr. HARRIS was called, and he answered "Yea."

Mr. TALBOTT of Maryland. Mr. Speaker, I desire to vote "nay."

The name of Mr. TALBOTT of Maryland was called, and he answered "Nay."

The SPEAKER pro tempore. Upon this vote the yeas are 127 and the nays are 127, present 3. The motion is rejected.

Mr. MANN rose.

Mr. JOHNSON of South Carolina. Mr. Speaker——

Mr. MANN. Mr. Speaker——

The SPEAKER pro tempore. The gentleman from South Carolina.

Mr. MANN. Mr. Speaker, I think I am entitled to recognition.

The SPEAKER pro tempore. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate and concur in the same.

Mr. FOWLER. Mr. Speaker, I rise to offer a preferential motion.

The SPEAKER pro tempore. For what purpose does the gentleman from Illinois [Mr. FOWLER] rise?

Mr. FOWLER. To offer a privileged motion. I ask for a recapitulation of the vote.

Mr. MANN. But it is too late after the vote is announced.

Mr. FOWLER. I do not think it is.

The SPEAKER pro tempore. If the gentleman had asked for a recapitulation before other business had intervened, he would have been in time, but a motion has been made in the meantime.

Mr. FOWLER. I do not understand that any business has been transacted.

The SPEAKER pro tempore. Other business has been transacted to the extent that the motion has been made.

Mr. FOWLER. Mr. Speaker, I was on my feet trying to get recognition for the purpose of asking for a recapitulation.

The SPEAKER pro tempore. The Chair will state in response to that that the gentleman from South Carolina [Mr. JOHNSON] is standing immediately behind the gentleman from Illinois [Mr. FOWLER]. The gentleman from South Carolina was standing there, and upon his failing to address the Chair, the Chair stated that "the gentleman from South Carolina was recognized," and during all of that time the Chair was looking directly over the face and head of the gentleman from Illinois and failed to see him rise, and not only did not hear the gentleman from Illinois but did not see him rise to address the Chair.

Mr. FOWLER. Mr. Speaker, if a Member is endeavoring to get recognition to offer a preferential motion and there is a failure to secure such recognition, does the House lose the right of that preferential motion?

The SPEAKER pro tempore. If the gentleman has a preferential motion, it may be made.

Mr. FOWLER. Mr. Speaker, I challenge the correctness of the result of the vote.

Mr. RAGSDALE. Mr. Speaker, a point of order. That comes too late after the motion of the gentleman from Illinois [Mr. MANN].

Mr. FOWLER. Mr. Speaker, the correct vote of this House is the highest privilege that ought to be recognized. I made a tally of this vote.

The SPEAKER pro tempore. The Chair is compelled to accept the vote as recorded by the tally clerk and not as recorded or as taken down by any Member of the House.

Mr. FOWLER. Then, Mr. Speaker, I challenge the correctness of the vote and ask for a recapitulation.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURDOCK. In a case where a recapitulation is asked for, even if late, immediately following a known and confessed error in a previous roll, does not the Speaker think that for the sake of order and good conduct of the proceedings of the House the recapitulation should be permitted? I know nothing about the vote, whether it is in error or not, but a previous vote was in error on this same proposition.

The SPEAKER pro tempore. It is now an established fact that there was an error in the previous vote. An endeavor to ascertain that fact was made in due time. It is now undertaken to ascertain whether a similar error has been made in this vote. While the Chair is inclined to the opinion that the motion does not come in time, under a literal construction of the rules, the Chair, nevertheless, is in some doubt, at least, and is disposed to give the benefit of the doubt to the gentleman from Illinois [Mr. FOWLER]. A recapitulation can do no harm and may do some good. [Applause.]

The Chair directs the Clerk to recapitulate the vote.

The Clerk recapitulated the vote.

Mr. GRAHAM of Illinois. Mr. Speaker, I voted "no," but I did not hear my name called on the recapitulation.

The SPEAKER. The gentleman from Illinois is recorded in the negative.

Mr. HOWARD. Mr. Speaker, I want to know whether my name was recorded twice? As I heard the recapitulation, my name is recorded as voting both yea and nay.

The SPEAKER pro tempore. The Clerk informs the Chair that the gentleman is recorded in the affirmative only.

Mr. GARNER. Mr. Speaker, I note in the recapitulation that the gentleman from Maryland [Mr. TALBOTT] is recorded as voting in the negative. I do not believe the gentleman from Maryland voted.

Mr. MANN. I heard him vote.

Mr. GARNER. I understand the gentleman; but the Speaker did not ask the gentleman if he was in the Hall listening when his name was called.

Mr. MANN. And neither did the Chair ask the gentleman from Alabama [Mr. HARRIS], and one of these gentlemen voted one way and one the other.

Mr. GARNER. I think the Speaker should have done that.

Mr. MANN. It is too late to raise that question now.

The SPEAKER pro tempore. The Chair will state to the gentleman from Texas that in a number of instances he did not and could not hear what the different Members said when they rose to inquire about their respective votes, because they did not speak sufficiently loud, and the Chair found himself in confusion and found the gentlemen he was interrogating also in confusion because they themselves made their statements so low that the Chair did not hear; and the Chair on several occasions has found himself asking Members whether they were present and listening when their names were called, when they had already said in a tone of voice not audible to the Chair that they had already voted.

Now, if the Chair failed to ask any gentleman how he voted, it occurred in that way.

Mr. MANN. Mr. Speaker, I ask that the Chair enforce the rule as to Members around the desk.

The SPEAKER pro tempore. Members will realize the position in which the House finds itself when the correctness of the vote is challenged. There ought to be a disposition on the part of the House to maintain order while the recapitulation is going on and the result is being determined.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. The vote having been recapitulated and no change having occurred——

Mr. FITZGERALD. Oh, the clerks must have time to tally the vote.

Mr. MANN. The vote having been recapitulated and no change having been made in the vote as recapitulated, the recapitulation having been finished some time ago, what are we waiting for?

The SPEAKER pro tempore. For the Clerk to determine whether any error has been made.

Mr. MANN. We are waiting to see whether the clerks may correct an error in the previous count.

Mr. HULL. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULL. I rise to inquire how I am recorded.

The SPEAKER pro tempore. The vote has been taken and recapitulated.

Mr. HULL. I know; but I voted in the affirmative and was called out of the House while the recapitulation was going on.

The SPEAKER pro tempore. The gentleman from Tennessee is recorded as having voted in the negative.

Mr. HULL. I voted in the affirmative.

Mr. GARNER. Then the gentleman is entitled to have his vote corrected.

Mr. MANN. Does the gentleman from Tennessee say that when he voted he voted in the affirmative?

Mr. HULL. Unquestionably.

Mr. MANN. As a matter of fact, I understand the gentleman answered the other way, but if he thought he was voting "aye" I have no objection to its being so recorded. I am willing to take the gentleman's word.

The SPEAKER pro tempore. Before announcing the result the Chair wishes to inquire how the gentleman from Tennessee is recorded. The Chair understands he is recorded in the negative. The result, with the gentleman recorded in the negative, is as follows——

Mr. GARNER. But, Mr. Speaker, the gentleman from Tennessee says he voted "aye," and he is entitled to have it recorded "aye."

Mr. FARR. I heard the gentleman from Tennessee vote, and he answered "no."

Mr. GARNER. But the gentleman from Tennessee says that he voted "aye," and he ought to know.

Mr. FARR. He may have thought he was voting "aye," but I will take my oath I heard him answer "no."

The SPEAKER pro tempore. Undoubtedly the gentleman from Tennessee is entitled to be recorded as he voted.

Mr. HULL. Mr. Speaker, as I stated, I voted in the affirmative.

Mr. MANN. We are perfectly willing to accept the gentleman's word.

The SPEAKER pro tempore. The Chair directs the Clerk to change the vote of the gentleman from Tennessee, as it is recorded, to "aye." With that change the vote stands as follows: Yeas 131, noes 125, present 2.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. COOPER. The vote was first announced as 127 to 127. But one vote has been announced as incorrect on the floor, and that was the vote of the gentleman from Tennessee [Mr. HULL]. Now, the vote with that one change is announced as 130 to 126. My inquiry is, how was the first mistake made?

The SPEAKER pro tempore. The Chair has no more information on that point than has the gentleman from Wisconsin. The Chair presumes the Clerk added up the figures incorrectly the first time, and correctly the second time.

Mr. MANN. Mr. Speaker, I think it would be fair to the clerks at the desk to say that, according to my observation, extending over quite a period, it is a very common thing for the announcement at the end of a roll call made by the Speaker to be changed in the RECORD the next morning. It is a usual thing where the vote is very close to have a recapitulation, because such errors commonly occur. The clerk who acts as tally clerk and takes down the answers of the Members as they are made occupies a difficult position, and unavoidably and necessarily he is not able, in the hurry and confusion, to keep an absolutely accurate account so that he can tell at the end of a roll call precisely the number each way. While I have never known the result to be changed by correction, if gentlemen will listen to the announcements by the Speaker day by day of the roll calls and look at the RECORD the next morning they will find there is often a correction, and this is without any reflection on the capacity of the clerks at the desk. [Applause.]

Mr. FITZGERALD. This motion might be in order after the previous question was ordered. The Senate amendment was before the House. The gentleman from South Carolina [Mr. JOHNSON] moved that the House further insist on its disagreement. The gentleman from Iowa [Mr. GOOD] offered a preferential motion that the House recede and concur. The gentleman from South Carolina had the floor, yielded time, and finally moved the previous question, which was adopted. There is no more debate in order on any motion affecting this amendment. The gentleman from South Carolina only offered his motion to adhere, on the ground that it would be a preferential motion, but it is not debatable, because debate has been cut off upon this Senate amendment and any motions that may be made to it.

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois [Mr. MANN] on the point of order.

Mr. MANN. Mr. Speaker, the gentleman from South Carolina [Mr. JOHNSON] made a motion to further insist on disagreement. The gentleman from Iowa [Mr. GOOD] made a preferential motion. The gentleman from South Carolina then moved the previous question, which would be operative upon the two pending motions. The gentleman from South Carolina, after the vote, abandoned the motion which he had made and made a new motion, that the House adhere to its disagreement. The previous question was not operating upon that motion, and could not be operating upon that motion, because it was not pending. Now, the gentleman from South Carolina might have moved the previous question simply upon the motion of the gentleman from Iowa [Mr. GOOD]. And the gentleman from South Carolina only moved the previous question. It was only operative upon the motions which were pending, and the gentleman from South Carolina, knowing that fact, endeavored to take me off the floor after I had secured recognition by again moving the previous question. He knew that he had not moved the previous question on the motion to adhere. Now, the gentleman from New York [Mr. FITZGERALD] endeavors to make it out that that motion applies. Mr. Speaker, the House might be perfectly willing to order the previous question on the motion that the House further disagree, which sends the bill back to conference, and quite unwilling to order the previous question on the motion to adhere on a Senate amendment relating to the Senate, where the House would discourteously refuse to permit any further conference on an amendment in which the Senate was especially interested, and the ordering of the previous question on the one motion can not be considered as ordering the previous question on the other motion.

Mr. FITZGERALD. Mr. Speaker, if the Chair will permit me, I think I can find a ruling here. What is before the House is Senate amendment No. 20. The gentleman from South Carolina [Mr. JOHNSON] was recognized and entitled to the floor. He offered a motion to further insist upon the disagreement of the House to that amendment. The gentleman from Iowa [Mr. GOOD] offers a preferential motion. The motion was recognized, but it did not take the gentleman from South Carolina from the floor, and he still controlled the time. After discussion had continued for some time he moved the previous question. The ordering of the previous question covers the amendment and all intermediate motions. That has been the uniform practice of the House. I doubt very much myself whether any other motion was in order, the previous question again having been ordered.

The SPEAKER pro tempore. The situation, as the Chair understands it, is this: The gentleman from South Carolina [Mr. JOHNSON] had the floor. He himself moved that all debate cease in 10 minutes. The question arose on the adoption of the preferential motion offered by the gentleman from Iowa. Upon that question the gentleman from South Carolina moved the previous question, which was adopted. After the vote had been taken and announced upon that question, the gentleman from South Carolina arose, addressed the Chair, was recognized, and he made a motion. Thereupon he took his seat. At that juncture the gentleman from Illinois [Mr. MANN] arose, addressed the Chair, and was recognized. The Chair is of the opinion——

Mr. FITZGERALD. The question was never stated from the Clerk's desk.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to call the attention of the Chair, if the Chair will permit me, to this fact: The gentleman from South Carolina [Mr. JOHNSON] made his motion. The question was never stated by the Chair or from the desk.

Mr. MANN. It was stated by the Chair, and such a question is never stated by the Clerk.

Mr. BYRNS of Tennessee. If the gentleman will pardon me a moment. Whereupon the gentleman from Illinois said, "Mr. Speaker, I wish to be heard on the proposition," but was not formally recognized by the Chair. Now, I appeal to the RECORD if that is not a correct statement of what occurred; and I think if the Chair will examine the RECORD, he will find that the gentleman [Mr. MANN] merely made that statement without recognition on the part of anybody.

Mr. MANN. The gentleman is mistaken. I rose and addressed the Speaker, and the Speaker recognized the "gentleman from Illinois."

Mr. BYRNS of Tennessee. The RECORD is the best evidence.

Mr. MANN. The RECORD never shows that.

Mr. BYRNS of Tennessee. The record kept by the reporters shows what is done on the floor and is the best evidence of what occurred.

Mr. MANN. The gentleman knows that the record of the reporter does not show the fact that the Chair says, "The gentleman from Illinois" in recognition. It never shows that.

Mr. BYRNS of Tennessee. If the Chair will permit me further, I want to call attention to this fact: The gentleman from South Carolina made a motion originally that the House further insist upon its disagreement to the Senate amendment. Thereupon the gentleman from Iowa [Mr. GOOD] moved to recede and concur, which was a preferential motion. Upon that motion the previous question was demanded by the gentleman from South Carolina [Mr. JOHNSON], and debate was closed. Now, I insist, Mr. Speaker, that after the preferential motion was rejected the question, of course, recurred upon the motion made by the gentleman from South Carolina, and debate has been closed upon the proposition.

The SPEAKER pro tempore. The Chair is of the opinion that the previous question as ordered applied only to the preferential motion made by the gentleman from Iowa [Mr. GOOD], and that the gentleman from Illinois [Mr. MANN] has the floor.

Mr. MANN. Mr. Speaker, I do not desire to take the control of the time from the gentleman from South Carolina [Mr. JOHNSON], who inadvertently lost the floor in the effort to cut off debate. I am perfectly willing to yield the time to the gentleman if he will yield me some time.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. MANN. I would like 5 or 10 minutes.

Mr. JOHNSON of South Carolina. I will yield to the gentleman 10 minutes.

Mr. MANN. Mr. Speaker, I yield the floor to the gentleman from South Carolina.

The SPEAKER pro tempore. The gentleman from Illinois yields his time to the gentleman from South Carolina, and the Chair will recognize the gentleman from South Carolina. The gentleman from Illinois is recognized for five minutes.

Mr. MANN. Meanwhile, Mr. Speaker, I rise to a question of privilege. A moment ago we had a roll call on the motion. The gentleman from Wisconsin [Mr. BURKE] came out in front and qualified to vote, and his name was called, and he voted "aye." I asked for a recapitulation of the vote, and the Speaker pro tempore ordered a recapitulation of the vote, and the names of those voting "aye" were read. The gentleman from Wisconsin called the attention of the Speaker pro tempore and of the House to the fact that he had voted "aye"; that he had not heard his name read among those voting "aye"; that he was informed by the Clerk that his name was recorded as voting "aye." I now find by an examination of the roll call that his name is not recorded at all.

It seems to me, when we have a roll call, and then a recapitulation of the vote, and then have the Clerk's attention called by the gentlemen who have responded to the fact that their names were not called, that among those three processes we ought to be able to have a correct roll call. In this particular case it would have made the vote 129 to 130, and I was told a while ago, while the roll call was in progress, that one gentleman was willing to change his vote from "no" to "aye" if that would carry the result. I think the clerks ought to be more careful in keeping these roll calls. I ask that the gentleman's name be recorded as he voted.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, is the statement of the gentleman from Illinois verified by the clerks who kept the tally?

Mr. MANN. I leave it to the Clerk. I have seen the original roll call. It is verified, unless they have monkeyed with it since.

The SPEAKER pro tempore. The statement made by the gentleman from Illinois is correct.

Mr. FOSTER. The name of the gentleman from Wisconsin is not recorded on the original list?

Mr. MANN. It is not recorded at all.

The SPEAKER pro tempore. If no objection is heard, the gentleman from Wisconsin [Mr. BURKE] will be recorded as voting "aye."

Mr. MANN. Now, Mr. Speaker——

Mr. JOHNSON of South Carolina. Is the gentleman through?

Mr. MANN. How much time does the gentleman desire?

Mr. JOHNSON of South Carolina. I do not want any time.

Mr. MANN. Mr. Speaker, this is a Senate amendment, relating to the convenience of the President of the Senate. It is a matter which relates to the Senate. The House now, by a narrow vote, which would have been reversed if the Clerk had kept the correct tally, according to my advices, has refused to concur in the Senate amendment, and the gentleman from South Carolina [Mr. JOHNSON], withdrawing the ordinary motion that the House further insist to its disagreement and thereby send the amendment back to conference, now moves that the House adhere to its disagreement to the Senate amendment. It does not go back to conference. That is the result of it. The House, if it moves to adhere, says that it will under no circumstances allow this amendment. It will rather let the bill fail of becoming a law.

That is not courtesy. It would be an act of gross discourtesy to the Senate of the United States. I do not often rise on the floor of this House for the purpose of defending the Senate. I am much more apt to criticize the Senate. But in the ordinary course of business between two equal parliamentary bodies, each of which must act upon a measure before it can become a law, it would be an act of gross discourtesy for the House to refuse a further conference upon a Senate amendment which related to the conveniences of officers of the Senate.

I hope the House will not be put in that attitude, because if it does, and I were a Senator, I would resent the discourtesy and let the bill go to hades before I would let the House run over the Senate in that way. [Applause.]

I do not believe that the Senate is made of such cowardly men that they will not defend their rights in the matter. If it were an ordinary matter that had been in conference several times, which did not relate to the convenience of the Senate, it is occasionally the custom to adhere. I doubt whether there are a dozen gentlemen in this House who can remember any occasion when the House has adhered to an amendment or to a disagreement to an amendment. That means the end of negotiations. That means the end of consideration. I hope the House will not be put in the attitude which it will occupy if it adopts this discourteous motion.

Mr. BURKE of Wisconsin. Mr. Speaker——

Mr. JOHNSON of South Carolina. How much time does the gentleman desire?

Mr. BURKE of Wisconsin. One minute.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Wisconsin one minute.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BURKE] is recognized for one minute.

Mr. BURKE of Wisconsin. Mr. Speaker, I rise for the purpose of confirming the statements of the gentleman from Illinois [Mr. MANN] in reference to my vote on the last record vote. I took the palm of going to the well to have my vote recorded in the affirmative, and I also rose at the completion of the recapitulation of the affirmative vote for the purpose of asking if my name appeared in the recapitulation list, and I was informed that it did so appear. Now, I am informed that my name at the time of the announcement of the vote was not recorded at all.

The SPEAKER pro tempore. The Chair recalls quite distinctly the appearance of the gentleman from Wisconsin before the Clerk's desk to ask the question which he did ask, and the answer that was given him.

Mr. JOHNSON of South Carolina. Mr. Speaker, I think I can obviate the main difficulty. My original motion was to further insist upon the disagreement of the House to the Senate amendment numbered 20. I am perfectly willing to withdraw the last motion and let the vote be taken on my motion that was made in the beginning.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Yes.

Mr. MURDOCK. The gentleman's motion, however, does make this difference, does it not: The motion that he has just made to further insist means that this transaction is still open? To adhere means to close the transaction?

Mr. JOHNSON of South Carolina. I understand that that is the parliamentary condition.

Mr. FITZGERALD. The House could still recede.

Mr. JOHNSON of South Carolina. We could still recede.

Mr. BRITTEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BRITTEN. Would a motion to reconsider the vote by which the amendment was disagreed to be in order?

The SPEAKER pro tempore. That would depend on who made the motion.

Mr. MURDOCK. There has been intervening business since then.

The SPEAKER pro tempore. The Chair does not think that makes any difference. The rules provide that a motion to reconsider may be made on the same day or the following day.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask that my last motion to adhere be withdrawn, and that the vote be taken upon the original motion that the House further insist upon its disagreement to the Senate amendment.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. The gentleman has that right.

Mr. JOHNSON of South Carolina. The previous question has already been ordered on that, half an hour ago.

The SPEAKER pro tempore. The question is on the motion made by the gentleman from South Carolina [Mr. JOHNSON].

Mr. MURDOCK. Mr. Speaker, is the previous question on the first motion of the gentleman from South Carolina now operative, after there has been discussion on a second motion which he made?

The SPEAKER pro tempore. If we return to that motion, the Chair is inclined to the opinion that the previous question applies. The question is on the motion made by the gentleman from South Carolina [Mr. JOHNSON].

Mr. MANN. What is that motion?

Mr. JOHNSON of South Carolina. That the House further insist on its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. In order that it may be before the House the gentleman will state it or the Clerk will read it.

Mr. MANN. I understand that the motion is that the House further insist on its disagreement to Senate amendment No. 20.

Mr. JOHNSON of South Carolina. That is my motion.

Mr. MANN. Upon that I ask for the yeas and nays.

The SPEAKER pro tempore. The question is on the motion made by the gentleman from South Carolina. On that the gentleman from Illinois [Mr. MANN] asks for the yeas and nays.

Mr. FOSTER. I ask that the motion be stated.

Mr. MANN. A vote "aye" is against automobiles and a vote "no" is for them.

Mr. JOHNSON of South Carolina. I move that the House further insist on its disagreement to the amendment of the Senate numbered 20.

The SPEAKER pro tempore. The gentleman from South Carolina moves that the House further insist on its disagreement to Senate amendment numbered 20. On that motion the gentleman from Illinois demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until they are counted.

Mr. BORCHERS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BORCHERS. I do not know what the motion is. I have been listening, but I could not hear a word that the gentleman said.

The SPEAKER pro tempore. The gentleman from Illinois demands the yeas and nays.

Mr. BORCHERS. What is the motion? I could not understand it.

The SPEAKER pro tempore. The Chair will say to the gentleman that the House was in good order during the four times that the motion was stated. Those in favor of ordering the yeas and nays will rise and stand until they are counted.

The yeas and nays were ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina that the House further insist on its disagreement to Senate amendment numbered 20. Those in favor will, when their names are called, say "aye," those opposed "no"; and the Clerk will call the roll.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RAKER. An affirmative vote on this is against purchasing automobiles, and a negative vote is in favor of purchasing automobiles, is it not?

Mr. FOSTER. I ask for the regular order. That is not a parliamentary inquiry.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. GARNER. Let us have order, Mr. Speaker.

The SPEAKER pro tempore. The roll call will not be proceeded with until the House is in order. The Sergeant at Arms will please ask the gentlemen in the aisles to take their seats. We have just had the experience of an incorrectly recorded vote, which should not occur again, and the Chair will undertake to prevent its occurrence on this roll.

think it just as important to spend a little money on the human side, for our high officials?

Mr. FOSTER. Oh, I think that is no excuse. We probably furnish motor trucks for departments that may be necessary.

Mr. MANN. Oh, but these are not motor trucks. They are automobiles for riding purposes.

Mr. FOSTER. A motor vehicle for the purpose of getting around the city, wherever it may be necessary, might not be out of place, but the wholesale furnishing of these vehicles is an abuse, but I will state to my friend that I do not want to compare the Speaker of this House with the question of carrying a few men around about the country in investigation of the hog-cholera business. There is no comparison in the two. I do not think those are parallel cases at all. We all realize that there is an easy way of getting around in the city of Washington. I would like to see the Speaker of this House have an automobile. I think so well of him that I would like to see him have the very best the market can afford, but I know the Speaker well enough to believe that he does not desire one at public expense, and I think he meant what he said in that great speech that rather than do this he would be in favor of increasing the salaries of these men sufficiently to stop all these perquisites in the way of automobiles and other things which are voted by Congress.

Mr. MONDELL. Mr. Speaker, would the gentleman be willing to compromise on a motor cycle for the Vice President? [Laughter.]

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Illinois one minute more.

Mr. FOSTER. The gentleman from Wyoming, as usual, attempts to be funny when he proposes such a ridiculous question.

Mr. MONDELL. But the gentleman has not answered my proper question.

Mr. FOSTER. The question was so ridiculous that it needed no answer, and so senseless that one could not give a sensible answer.

Mr. GOOD. Will the gentleman yield? I will try and propound one that is proper.

Mr. FOSTER. No; I can not yield, for I have not the time for such questions on that side.

Mr. MANN. Embarrassing questions.

Mr. FOSTER. No; not embarrassing; but gentlemen on that side are continually wanting to take out of the Treasury the people's money. When you think of the thousands and millions of people who labor in this country who have to pay the taxes, we ought to be more careful of the expenditures.

Mr. HUMPHREY of Washington. Not now.

Mr. FOSTER. And when you talk about saving a few thousand dollars it is "cheeseparing," and when you talk about saving millions you are "crippling the Government."

Mr. MANN. We can save this on mileage.

Mr. FOSTER. We will save it all on both.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Speaker, if this were a proposition to abolish the entire practice of furnishing automobiles and instead give these officials of the Government commensurate salaries to properly discharge their public duties, I would be in favor of it. Or if it were believed that an automobile clothed a Member of the House with dignity, I think it would be a good investment to buy an automobile for every Member of the House. [Applause.] But I do not believe that the Speaker of this House needs to be clothed with dignity by the use of an automobile. CHAMP CLARK clothes himself with dignity wherever he goes. [Applause.]

I do not believe, on the other hand, in this pretense of Democratic, Jeffersonian simplicity and pennyroyal economy. [Laughter.] The time will come when these men will be traveling with aeroplanes instead of automobiles. We have left that period when the President of the United States could ride his horse down the avenue, hitch him to the fence, and come in to be sworn as President of the United States. We are living in a different time, and so long as it is the practice to buy automobiles for subordinate officers of the heads of the Government, I am fully in favor of buying automobiles for the two presiding officers in the Capitol. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired; all time is exhausted.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the adoption of the motion of the gentleman from Iowa to recede and concur in the Senate amendment.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 129, nays 130, answered "present" 3, not voting 171, as follows:

YEAS—129.

Aiken	Dupré	Johnson, Utah	Rogers
Allen	Edmonds	Johnson, Wash.	Scott
Bailey	Esch	Keister	Seldomridge
Baker	Evans	Kelley, Mich.	Sells
Bartholdt	Farr	Kennedy, Iowa	Sinnott
Bell, Cal.	Fergusson	Kent	Sloan
Booher	Ferris	Kettner	Smith, Idaho
Britten	Fess	Kirkpatrick	Smith, Md.
Brodbeck	Flood, Va.	Korbly	Smith, Minn.
Broussard	Francis	Lenroot	Smith, N. Y.
Brown, N. Y.	French	McClellan	Stafford
Browne, Wis.	Gallagher	McCoy	Stephens, Cal.
Buchanan, Ill.	Gillmore	McDermott	Stevens, Minn.
Bulkley	Gittins	McKellar	Stout
Burgess	Glass	McLaughlin	Talbott, Md.
Burke, S. Dak.	Good	Mann	Taylor, Ala.
Burke, Wis.	Graham, Ill.	Miller	Taylor, Colo.
Campbell	Graham, Pa.	Mitchell	Temple
Carter	Green, Iowa	Mondell	Ten Eyck
Casey	Greene, Mass.	Montague	Towner
Chandler, N. Y.	Gregg	Morrison	Treadway
Clancy	Harris	Moss, W. Va.	Tuttle
Clark, Fla.	Hawley	Murray, Mass.	Underhill
Cline	Hay	Murray, Okla.	Volstead
Coady	Hayden	Nolan, J. I.	Walsh
Conry	Hayes	Patton, Pa.	Walters
Craiton	Heflin	Payne	Watson
Curry	Helgesen	Plumley	Wheeler
Danforth	Holland	Pou	Winslow
Davis	Howell	Rainey	Woodruff
Dershem	Hughes, Ga.	Raker	
Donohoe	Hulings	Reed	
Drukker	Humphrey, Wash.	Roberts, Nev.	

NAYS—130.

Abercrombie	Doolittle	Johnson, Ky.	Rauch
Adair	Doughton	Johnson, S. C.	Raybura
Adamson	Eagle	Jones	Reilly, Conn.
Alexander	Elder	Keating	Rouse
Aswell	Faison	Key, Ohio	Ruby
Baltz	Falconer	Kindel	Rucker
Barkley	Fitzgerald	Kinkaid, Nebr.	Russell
Barton	Fitzhenry	La Follette	Sims
Bathrick	Foster	Lazaro	Small
Beakes	Fowler	Lee, Ga.	Sparkman
Borchers	Frear	Lesher	Steenerson
Bowdle	Gard	Lever	Stephens, Miss.
Brockson	Garner	Lewis, Md.	Stephens, Tex.
Brumbaugh	Garrett, Tenn.	Lindbergh	Stevens, N. H.
Bryan	Garrett, Tex.	Linthicum	Stone
Buchanan, Tex.	Gill	Lloyd	Sumners
Burnett	Godwin, N. C.	Lonergan	Taggart
Byrnes, S. C.	Goeke	Maguire, Nebr.	Talcott, N. Y.
Byrns, Tenn.	Goodwin, Ark.	Mapes	Tavenner
Candler, Miss.	Gray	Moon	Taylor, Ark.
Caraway	Hamilton, Mich.	Morgan, Okla.	Thacher
Claypool	Hamlin	Murdock	Thompson, Okla.
Collier	Hardy	Nelson	Tribble
Connolly, Iowa	Harrison	Oglesby	Underwood
Cooper	Hauger	O'Hair	Vollmer
Cox	Helm	Oldfield	Walker
Crosser	Helvering	Padgett	Watkins
Cullop	Hensley	Page, N. C.	Webb
Dent	Hill	Park	Williams
Dickinson	Hinebaugh	Peterson	Willis
Dillon	Howard	Post	Wingo
Dixon	Hull	Prouty	
Donovan	Jacoway	Quin	

ANSWERED "PRESENT"—3.

Blackmon	Kahn	Sisson

NOT VOTING—171.

Ainey	Deitrick	Henry	Madden
Anderson	Dies	Hinds	Mahan
Ansberry	Difenderfer	Hobson	Maher
Anthony	Dooling	Houston	Manahan
Ashbrook	Doremus	Howworth	Martin
Austin	Driscoll	Hughes, W. Va.	Merritt
Avis	Dunn	Humphreys, Miss.	Metz
Barchfeld	Eagan	Igoe	Moore
Barnhart	Edwards	Kelly, Pa.	Morgan, La.
Bartlett	Estopinal	Kennedy, Conn.	Morin
Beall, Tex.	Fairchild	Kennedy, R. I.	Moss, Ind.
Bell, Ga.	Fields	Kiess, Pa.	Mott
Borland	Finley	Kinkead, N. J.	Neeley, Kans.
Brown, W. Va.	Floyd, Ark.	Kitchin	Neely, W. Va.
Browning	Fordney	Knowland, J. R.	Norton
Bruckner	Gallivan	Konop	O'Brien
Burke, Pa.	Gardner	Kreider	O'Leary
Butler	George	Lafferty	O'Shaunessy
Calder	Gerry	Langham	Paige, Mass.
Callaway	Gillett	Langley	Palmer
Cantor	Goldfogle	Lee, Pa.	Parker
Cantrill	Gordon	L'Engle	Patten, N. Y.
Carew	Gorman	Levy	Peters, Mass.
Carlin	Goulden	Lewis, Pa.	Peters, Me.
Carr	Greene, Vt.	Lieb	Phelan
Cary	Griest	Lindquist	Platt
Church	Griffin	Loback	Porter
Connelly, Kans.	Gudger	Loft	Powers
Copley	Guernsey	Logue	Ragsdale
Covington	Hamill	McAndrews	Reilly, Wis.
Crisp	Hamilton, N. Y.	McGillicuddy	Riordan
Dale	Hammond	McGuire, Okla.	Roberts, Mass.
Davenport	Hardwick	McKenzie	Rothermel
Decker	Hart	MacDonald	Rupley

Sabath	Slayden	Switzer	Whitacre
Saunders	Smith, J. M. C.	Taylor, N. Y.	White
Scully	Smith, Saml. W.	Thomas	Wilson, Fla.
Shackleford	Smith, Tex.	Thomson, Ill.	Wilson, N. Y.
Sharp	Stanley	Townsend	Witherspoon
Sherley	Stedman	Vare	Woods
Sherwood	Stephens, Nebr.	Vaughan	Young, N. Dak.
Shreve	Stringer	Wallin	Young, Tex.
Sisson	Sutherland	Weaver	

So the motion to recede and concur was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. KAHN (for automobiles) with Mr. SISSON (against).

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. FIELDS with Mr. LANGLEY.

Mr. CALLAWAY with Mr. HAMILTON of New York.

Mr. BLACKMON with Mr. AUSTIN.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. DOREMUS with Mr. FORDNEY.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. VAUGHAN with Mr. THOMSON of Illinois.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. PATTEN of New York with Mr. MCGUIRE of Oklahoma.

Mr. PALMER with Mr. VARE.

Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.

Mr. LIEB with Mr. LAFFERTY.

Mr. LEVY with Mr. POWERS.

Mr. DALE with Mr. MARTIN.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. HARDWICK with Mr. MANAHAN.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. BELL of Georgia with Mr. HUGHES of West Virginia.

Mr. ASHBROOK with Mr. BARCHFELD.

Mr. BARNHART with Mr. ANDERSON.

Mr. CARLIN with Mr. AVIS.

Mr. CHURCH with Mr. DUNN.

Mr. DIES with Mr. CALDER.

Mr. DIFENDERFER with Mr. CARY.

Mr. EDWARDS with Mr. FAIRCHILD.

Mr. ESTOPINAL with Mr. GRIEST.

Mr. GALLIVAN with Mr. KELLY of Pennsylvania.

Mr. GARNER with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. KREIDER.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. GORDON with Mr. MCKENZIE.

Mr. GORMAN with Mr. MERRITT.

Mr. HOUSTON with Mr. MOORE.

Mr. KENNEDY of Connecticut with Mr. MORIN.

Mr. IGOE with Mr. NORTON.

Mr. LEE of Pennsylvania with Mr. PORTER.

Mr. LOBECK with Mr. PAIGE of Massachusetts.

Mr. NEELEY of Kansas with Mr. PARKER.

Mr. RIORDAN with Mr. PLATT.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. SHERWOOD with Mr. SWITZER.

Mr. STEPHENS of Nebraska with Mr. RUPLEY.

Mr. EAGAN with Mr. SHREVE.

Mr. THOMAS with Mr. SAMUEL W. SMITH.

Mr. WILSON of Florida with Mr. SUTHERLAND.

Mr. KONOP with Mr. KENNEDY of Rhode Island.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. BARTLETT with Mr. BUTLER.

Mr. METZ with Mr. WALLIN.

Mr. MANN. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The Clerk will recapitulate the vote. There was a great deal of confusion in the House when this vote was taken, so much so that this recapitulation is taken. The Chair must insist during the recapitulation of the vote that there must be order in the House. When order is not maintained the Chair will stop the Clerk from recapitulating the vote.

The Clerk recapitulated the names of those voting "aye"——

Mr. BURKE of Wisconsin. Mr. Speaker, I did not hear my name called on the list just recapitulated.

The SPEAKER pro tempore. The gentleman is recorded as having voted "aye."

Mr. DENT. Mr. Speaker, how am I recorded?

The SPEAKER pro tempore. The Chair thinks gentlemen had better wait for these inquiries until the recapitulation has been completed.

Mr. THOMPSON of Oklahoma. Mr. Speaker, I make the point of order that the House is not in order. These gentlemen are not entitled to stand around in front of the desk.

The SPEAKER pro tempore. Gentlemen who are inquiring as to how they are recorded, at least according to the custom, have the right to be here immediately in front of the Clerk's desk.

The Clerk resumed and completed the recapitulation of the vote.

Mr. RAGSDALE. Mr. Speaker——

The SPEAKER pro tempore. How is the gentleman from South Carolina recorded?

Mr RAGSDALE. Mr. Speaker, I am not recorded. I was in my office and the bells there did not ring the second time.

The SPEAKER pro tempore. Was the gentleman in the House listening when his name was called?

Mr. RAGSDALE. No, sir.

The SPEAKER pro tempore. The gentleman does not qualify.

Mr. MURDOCK. How would the gentleman have voted?

Mr. RAGSDALE. I would have voted "aye."

The result of the vote was announced as above recorded.

Mr. TALCOTT of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD with reference to the pension bill passed this morning.

The SPEAKER pro tempore. Without objection, leave is granted——

Mr. MANN. What is it?

The SPEAKER pro tempore. The gentleman from New York has made a request to extend his remarks in the RECORD. Is there objection?

Mr. MANN. On what subject?

Mr. TALCOTT of New York. On the pension bill this morning—simply to put in a statement in regard to the case of Mrs. Woods.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. STAFFORD. Mr. Speaker, I make the same request, having received a memorandum from the clerk of the committee confirming what I stated to the House.

The SPEAKER pro tempore. Is there objection? [After a pause.] None being heard, leave is granted.

Mr. MILLER. Mr. Speaker, I make the same request in reference to the amendment I offered.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House adhere to its disagreement to Senate amendment No. 20.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from South Carolina.

Mr. MANN. Mr. Speaker, I would like to be heard for a moment upon that.

Mr. JOHNSON of South Carolina. And on that I move the previous question.

Mr. MANN. Oh, I had the floor, if it comes to that. The gentleman was entitled to the floor, but he sat down, and I was recognized.

Mr. JOHNSON of South Carolina. No——

Mr. MANN. That is the fact. I would not have insisted on it, but the gentleman wants to cut off debate.

Mr. JOHNSON of South Carolina. The gentleman from Illinois did not have the floor and he has never been recognized by the Speaker.

Mr. MANN. Well, Mr. Speaker, the gentleman made a motion——

Mr. FITZGERALD. Mr. Speaker, I make the point of order the previous question had already been ordered and debate is not in order.

Mr. MANN. Mr. Speaker, the gentleman made a motion and took his seat.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. JOHNSON] made a motion. When the Chair was about to put the motion the gentleman from Illinois arose and addressed the Chair, and was recognized.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the previous question had already been ordered on the Senate amendment.

Mr. MANN. That is not so. The previous question could not have been ordered on this motion, because it could not have been made.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. SELDOMRIDGE] is recognized for three minutes.

Mr. SELDOMRIDGE. Mr. Speaker, I am an advocate of Democratic simplicity and Democratic economy, but I am not an advocate of that kind of Democratic simplicity and economy that strains at gnats and swallows camels. [Applause.]

I believe that the legislative branch of the Government should give to its presiding officers that degree of dignity and respect to which they are entitled. I have been greatly mortified as a Member of this body to observe during my short residence in this city the discrimination which has been made between the presiding officers of both Houses of Congress and subordinate officers of the Government. They have been placed in the eyes of the community and in the eyes of representatives of foreign Governments in an unworthy position by reason of this discrimination. I think it is incumbent upon the legislative branch of the Government to demonstrate, by the adoption of the amendment put in the bill by the Senate, that we believe this discrimination should no longer exist.

I would favor a proposition to do away with all automobiles and public conveyances for the use of Government officials if we could pass upon the question in an abstract form, but as long as we accord these privileges and accommodations to other officers under the Government I am in favor of giving the same consideration to the presiding officers in both branches of Congress, and therefore I support the amendment put in the bill by the Senate. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. CLINE].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. CLINE] is recognized for three minutes.

Mr. CLINE. Mr. Speaker, inasmuch as we are in the automobile business, so far as chiefs of departments are concerned, so far as bureau chiefs are concerned, and so far as Cabinet officers are concerned, who are admittedly, in the degree of their official importance, less than the Speaker of this House and the Vice President, I am in favor of doing away with the distinction that now exists.

I do not believe it is good policy, Mr. Speaker, to furnish automobiles to the extent we have been doing, with reference to all the departments of the Government. I would cheerfully cut out that item of public expense and let public officials buy their own machines. I want to place the furnishing of these automobiles, if we furnish them, upon a different basis from that which has been given by some gentlemen.

I do not know what Vice President Marshall's financial ability is to buy his own automobiles. I have a long acquaintance with him. He lived in my district when elected, and it does not make any difference to me whether he is able to buy them or not. I believe that the House of Representatives and the Senate of the United States ought to give that dignity to the positions commensurate with their importance, and I do not believe that this Congress can afford to stultify itself—and it is a stultification—by furnishing automobiles to the heads of departments and refusing them to the Speaker and to the Vice President.

I want to lend my voice against the implied statement developed in this discussion, and that is that the Vice President has been lobbying for an automobile. I have never had a word from him on the subject, and consequently I do not know anything about it; but I do know this: That the gentleman is a high-minded, patriotic citizen, and would be the last man, so far as my knowledge of him goes, to go before any committee or solicit any Senator to appropriate any amount to purchase an automobile for him. I shall vote for the motion of the gentleman from Iowa upon the ground that there should be no discrimination against the Speaker and the Vice President and in favor of the department chiefs, and because the people, I am satisfied, desire to protect the dignity and usefulness of the great positions they respectively occupy. [Applause.]

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I am going to move the previous question.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield to me for a question before he moves the previous question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. MURDOCK. Formerly the Speaker of the House had an automobile, and it was taken away from him. What became of that automobile?

Mr. JOHNSON of South Carolina. It was sold.

Mr. MURDOCK. Did we get anything for it?

Mr. BARKLEY. Five hundred dollars.

Mr. JOHNSON of South Carolina. I do not know what we got for it. Mr. Speaker, I move the previous question.

Mr. MANN. I would like to have six minutes.

Mr. JOHNSON of South Carolina. I yield six minutes to the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for six minutes.

Mr. MANN. Mr. Speaker, I do not regard it as important whether the Vice President or the Speaker of the House desires an automobile, or whether either of them has expressed any opinion upon this subject. The Vice President did last summer make use of an automobile—and he may yet; I do not know—purchased some four or five years ago, much to the chagrin of every patriotic American citizen who saw him in it. Not able, probably, out of his own means to purchase an automobile, he patriotically used the one which the Government furnished him. We ought to have furnished him one commensurate with the position which he holds.

We authorize in this bill $25,000 for automobiles for the President of the United States in connection with other contingent expenses. Who would take that away from the President? Who would deprive the President of the United States, the greatest of the Nation, of the use of a modern, proper means of transportation from point to point? The Secretary to the President has the use of an automobile, or did have, and I presume the custom still prevails. I suppose it was paid for out of the same appropriation.

For very good reasons we pay the President a salary of $75,000 a year, besides other expenses, which amount to more than $150,000 a year. We pay the Speaker and the Vice President salaries of $12,000 each. Do we mean to say that we consider the office of Vice President and the office of Speaker of so little importance as compared with the President's office that the President may have these automobiles properly, which I think is true, but that the others ought not to have them? And because the Democratic side of the House at one time, in a moment of peevishness, aided by some of the Republican Members, largely out of personal resentment or as a partisan political move, took away the automobile from the Speaker, is no reason why now, without regard to partisan propositions or motives, you should maintain the same position.

The present Speaker of the House of Representatives, living, as he does, in not the most expensive house or most expensive quarter of the city, renting a house up on Massachusetts Avenue, not more than commensurate with the social duties of his office, is not in a very convenient place for personal transportation by walking. Yet if we deny him the right to an automobile, we propose to say that he, in his high office, with a small salary compared with the dignity of the office, shall be obliged to walk or ride in street cars. I do not have time for anything else much except riding in the street cars, unless some friend carries me home in an automobile. I see one right before me who did it night before last, and another who did the same thing last night, and I never miss the opportunity when it is offered to me.

Mr. MURDOCK. The gentleman realizes that real economy is to have friends with automobiles.

Mr. MANN. Oh, I realize that real economy means to save time; and if the time of the Speaker of the House of Representatives is worth anything at all, it will be saved by the use of an automobile. The Speaker of the House stays here day in and day out, while most of us are home from one-third to one-half of the time during the summer months. I would give the Speaker, and the Vice President also, a method by which they could ride in Rock Creek Park every day in the hot weather and cool off. Some of you would not give him that. You will go home and take it easy, while the Speaker will remain here at his post of duty possibly all summer. I speak for the dignity not only of the Speaker, but of Congress, of the House of Representatives itself, of the United States. I believe the people are proud of the men who hold these high offices while they are in office. I believe they are proud of the offices. I believe they desire to give the proper facilities for these men to perform the duties of their offices. I shall vote for the automobiles as I voted in the past. I would vote for the automobiles now, even if I had been foolishly led astray and had voted against them in the past. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I have been asked for 10 minutes time. I think the question has been fully discussed, and at the end of the 10 minutes I shall move the previous question.

I yield three minutes to the gentleman from Indiana [Mr. ADAIR].

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The gentleman from Indiana is recognized for three minutes.

Mr. ADAIR. Mr. Speaker, the Democratic Party has always stood for the strictest economy in the administration of public

affairs. The record our party has made for economy since coming into power has attracted the attention and won the universal approval of all the people. When we assumed control waste and extravagance permeated every branch of our public service. An army of men were on the pay rolls who were performing but little, if any, service for the Government, but who were given places because of some political service rendered the party then in power.

Mr. Speaker, we all remember what followed the election of a Democratic House in 1910. Under Republican rule the employees of the House were so numerous they were actually in the way, and, in fact, greatly interfered with the transaction of the public business. The first thing this Democratic House did was to appoint a committee to investigate and report the amount of help actually needed in carrying on its business. The report of that committee showed conclusively that a very large number of men were on the pay rolls who were rendering absolutely no service whatever to the Government, but who had been given places because they were ward politicians and had rendered some political service for their party. When the report of the committee had been adopted and useless and unnecessary positions were declared vacant, we had reduced the running expenses of the House over $100,000 per year. Think of it. For 16 years under Cannonism this unnecessary expenditure of the people's money, this criminal waste, this burden upon the taxpayers, continued until nearly $2,000,000 had been given away to those who were rendering no service whatever to the Government of the United States.

Mr. Speaker, we not only saved the taxpayers over $100,000 annually on the running expenses of the House, but immediately following the inauguration of President Wilson waste and extravagance was weeded out of all the departments of Government and millions of dollars saved for the people. This administration has been entirely free from scandal so far as the expenditure of the public funds are concerned, and now an appreciative people, regardless of party, are loud in their praise of the work done, the reforms inaugurated, and the vast amount of money saved for the taxpayers of the country.

Mr. Speaker, during the eight years I have been a Member of this House, I have vigorously opposed every form of extravagance and useless and unnecessary expenditure of the people's money. We must not forget that we are spending money collected through taxation from an already overburdened people, and that it is our duty to make their burdens lighter rather than heavier. We should not forget that a large part of the Government taxes are paid by those who earn their bread by the sweat of their faces; by men and women working in the mills and the factories and on the farms.

Mr. Speaker, the proposition before us this morning is whether we shall appropriate $9,000 for the purpose of buying two automobiles—one for the use of the Vice President and one for the use of the Speaker of the House. There is no one here who has a greater admiration for the Vice President of the United States than myself, but I do not believe he has even intimated to any one that he wants the Government to furnish him, at the expense of the taxpayers, an automobile for his private use. When he was governor of Indiana he refused to accept an allowance for house rent, an appropriation for which had been made, and I am quite certain he is just as conscientious now as he was then.

So far as the present Speaker of the House is concerned, we know where he stands upon this question. I followed his leadership in the Sixty-first Congress and voted with him against an appropriation to buy automobiles for a Republican Speaker and a Republican Vice President. Now that our party is in power, I do not intend to reverse myself and vote away the people's money to buy automobiles for either a Democratic Vice President or a Democratic Speaker. I am sure every Member present will agree with me when I say that CHAMP CLARK is one of the greatest Speakers who ever presided over the deliberations of this body in the history of our country. [Applause.] He is a man of such irreproachable integrity of character that all men are constrained to acknowledge his virtues and all applaud his democratic simplicity. He has not asked for an automobile, and I do not believe he wants it. I followed him in his fight for economy in the Sixty-first Congress and I shall stand for economy now.

Mr. Speaker, some time during the day we will vote upon the question of mileage for Senators and Representatives, and I want to once more state my position upon that question. Time and again I have introduced bills to reduce the mileage to what I thought would cover actual expenses, and time and again voted for the reduction. When the bill under consideration passed the House we reduced the mileage to actual expenses, but the Senate struck it out and restored the present rate of 20 cents per mile. When the vote is taken I shall stand by the action of the House reducing it to actual expenses for one trip only during each session.

Now, Mr. Speaker, in conclusion I want to say that this administration has made an enviable record, so far as economy is concerned, in the administration of Government business. Let us not mar that splendid record by voting out of the Treasury a single dollar except when it is absolutely necessary. We owe this to those who have trusted us with the management of their affairs. Let us not forget we are servants of the people. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, as has been stated, when this question was before Congress in 1910 in the form of a provision to supply the Speaker with an allowance for maintenance of an automobile practically every Democrat on the floor voted against it. At that time the honorable Speaker of this House was the minority leader, and the speech that he made on that occasion, I think, will go down in history as one of the greatest short speeches that he ever made in this House. He stated that he did not believe it was necessary to good legislation, necessary for the dignity of the Speaker of this House, or necessary in any way except for the personal comfort of the man who occupies the Speaker's chair that he should have an automobile. The minority leader of the House has become the Speaker, and I dare say there is not a man on this floor upon either side who has served while he has filled that honorable position who finds fault with him for his conduct of that office. No man could be fairer than he. It was charged upon that occasion that we were cheeseparing because we moved to strike out $2,500, or whatever the amount might have been, for the maintenance of the automobile of the Speaker and of the Vice President of the United States; and while the Speaker of this House is a man who has not grown rich in this world's goods, he has served the people honorably, faithfully, and efficiently, and I am sure that the man who now occupies the chair would rather have the respect and confidence of the people of the country and of the district that sends him here than he would to change his position on this subject and take any automobile that this House could vote for him. [Applause.]

Mr. POU. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. POU. Does not the gentleman from Illinois think the Speaker really needs an automobile more than does the President?

Mr. FOSTER. I do not care to enter into a discussion of that. That may be true.

Mr. POU. But is it not important to enter into a discussion of it?

Mr. FOSTER. It may be that he needs it more. I am not saying that there is not a Member of this House who does not at times feel the need of some way of getting about more easily and quickly than he does on the street cars.

Mr. POU. We are giving the President $25,000 a year for this purpose, and I would like the gentleman to say candidly if the Speaker, having to come here every day, and having to go about more than the President, is not in more need of an automobile than is the President.

Mr. FOSTER. It may be true. The great commoner who occupies the Speaker's chair does not ask for this automobile, and I am sure if he were consulted he would say to this House the same thing that he did in 1910, and that he does not care for it.

Mr. GOOD. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GOOD. Mr. Speaker, on yesterday the House agreed to a conference report appropriating $10,000 for automobiles to be run in connection with hog cholera. If we deny this request of $9,000 for automobiles to the Speaker and Vice President, to whom does the gentleman think we ought to offer our congratulations?

Mr. FOSTER. Oh, the gentleman may bring up many instances of abuses in the Government service, but that is not an excuse in this case. The automobile business is an abuse by the officials of this Government that ought to be stopped. The other day it was shown that one official had two $4,000 automobiles. Is there any excuse for it?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MANN. My colleague knows that yesterday we agreed to the conference report on the Agricultural appropriation bill which authorized the expenditure of $10,000 for automobiles in the connection with the study of hogs. Does the gentleman not

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 12579. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5524. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I call up the bill H. R. 12759, the Indian appropriation bill, with Senate amendments thereto, and ask that it be printed with the Senate amendments numbered, and that it do lie on the table.

The SPEAKER. Is this a conference report?

Mr. STEPHENS of Texas. No; it is not a conference report. The bill has passed the House and has been returned to the House this morning after having passed the Senate.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the present practice of the House and the Speaker, are not these appropriation bills with Senate amendments, unless taken off the Speaker's table for consideration in the House, ordered printed with the Senate amendments numbered, without further proceedings?

The SPEAKER. That is correct.

Mr. MANN. That is all the gentleman wants.

Mr. STEPHENS of Texas. That is all I desire.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 30 and agree to the same with an amendment.

Mr. MANN. The gentleman will ask unanimous consent first for the consideration of amendment No. 30, will he not?

Mr. JOHNSON of South Carolina. We had that yesterday.

Mr. MANN. Oh, no; the gentleman from California objected.

Mr. JOHNSON of South Carolina. Then I made the motion.

Mr. LYRNES of South Carolina. I think the gentleman from California withdrew that objection.

Mr. MANN. But it is not shown in the RECORD.

Mr. JOHNSON of South Carolina. It is exactly as amendment No. 1, that deals with Senators and the other with Representatives. We have adopted amendment No. 1; we voted on amendment No. 1, and I now ask unanimous consent to consider No. 30 and enter the same order.

The SPEAKER. The gentleman asks unanimous consent to consider——

Mr. MANN. If the gentleman will separate the request, I have no objection to either one.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to consider at this time Senate amendment No. 30 to the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. RAKER. Mr. Speaker, I object.

The SPEAKER. The gentleman from California objects. The Clerk will report the next amendment in order.

The Clerk read as follows:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, $9,000; one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. JOHNSON of South Carolina. Mr. Speaker, in order to test the sense of the House on this amendment, which was not considered in the House, I move that the House insist upon its disagreement to the amendment of the Senate.

The SPEAKER. The gentleman from South Carolina proposes that the House insist on its disagreement to Senate amendment No. 20.

Mr. GOOD. Mr. Speaker, I desire to make a preferential motion, that the House recede from its disagreement to Senate amendment No. 20 and agree to the same.

The SPEAKER. The gentleman from Iowa makes a preferential motion that the House recede from its disagreement to Senate amendment No. 20 and agree to the same.

Mr. JOHNSON of South Carolina. Mr. Speaker, does the gentleman want any time?

Mr. GOOD. Yes; we want some time over here; I want five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman if he wants it.

Mr. GOOD. Mr. Speaker, this amendment provides for an automobile for the use of the Vice President and an automobile for the use of the Speaker of the House. This question has been before the House on two or three separate occasions. So far as an automobile for the Vice President is concerned, I am informed that the Vice President desires an automobile. We are to-day providing automobiles and carriages not only for Cabinet members, but we are providing automobiles and vehicles and paying for their upkeep out of the Public Treasury for the heads of the various departments of the Government. I think it is a great mistake, it is a false economy to deny to the Vice President of the United States an automobile. The Vice President is a poor man——

Mr. COX. Will the gentleman yield?

Mr. GOOD (continuing). Who should not be compelled to purchase an automobile himself, and he desires an automobile. One should be purchased for him and maintained at public expense.

Mr. COX. Will the gentleman yield for a question?

Mr. GOOD. In just a minute. I think it is false economy for the Congress to deny to the Vice President of the United States this dignified method of travel which his high office warrants and which the people of this country, irrespective of party, want him to have. Now I yield to the gentleman from Indiana.

Mr. COX. Is it not a fact the Vice President already has an automobile at the public expense?

Mr. GOOD. Has the gentleman ever seen it?

Mr. COX. I do not think I have seen it, but I have been informed he has one.

Mr. GOOD. If the gentleman has seen it, he would hardly call it a respectable automobile. It certainly is not the kind of automobile which the Government should furnish the Vice President.

Mr. COX. It has certainly run down very rapidly, because it is not very old.

Mr. GOOD. The gentleman realizes the Vice President desires an automobile. He recognizes the fact that it is not suitable for the office that he occupies, and he is desirous of having a new automobile.

Mr. COX. Will the gentleman yield at that point again?

Mr. GOOD. And the gentleman very well knows that an automobile that was made in 1909 is hardly a modern machine for 1915.

Mr. COX. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. COX. The gentleman states the Vice President wants this new automobile. What authority has the gentleman for making that statement?

Mr. GOOD. I am so informed by Members of the Senate.

Mr. COX. What I want to inquire of the gentleman is—I believe whatever the gentleman says about that, but has he ever talked with the Vice President?

Mr. GOOD. I have not.

Mr. COX. Or anyone who is authoritatively in a position to speak for the Vice President as to whether the Vice President requested that this item go in here?

Mr. GOOD. On the statement of the Committee on Appropriations in another legislative branch of this Government who is authorized to speak in the matter. I am told by Senators that the Vice President does favor this appropriation for automobiles. And it does seem to me that it is pretty cheap economy for Congress to deny these automobiles for these two great officials of the Government.

Mr. ADAIR. Will the gentleman yield?

Mr. GOOD. I yield to the gentleman from Indiana.

Mr. ADAIR. I would just like to ask the gentleman if he thinks an appropriation of $4,500 is necessary to purchase a respectable automobile either for the Speaker or for the Vice President? Does not the gentleman know that some of the best automobiles on the market, some of the best-looking machines that can be bought, can be purchased for a price not exceeding $2,500?

Mr. GOOD. I call the gentleman's attention to the language of the amendment. It provides for the purchase of two automobiles, including the driving, maintenance, and care of the same, one for the use of the Vice President and one for the Speaker. Now, the gentleman himself enjoys the use of an automobile. He knows that for the purchase of an automobile

and pay of the driver and maintenance $4,500 will not go very far for such purpose for a whole year.

Mr. ADAIR. I will say to the gentleman that I understood it was for the automobile alone. I think the amount is not excessive for all the purposes mentioned.

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). The time of the gentleman has expired.

Mr. GOOD. Will the gentleman yield me two minutes more?

Mr. JOHNSON of South Carolina. I yield two minutes more to the gentleman.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. GOOD. I will yield to the gentleman.

Mr. HUMPHREY of Washington. I wanted to ask the gentleman whether the Vice President desired to use this automobile here in Washington, or whether he wanted to have a fine automobile to take his trip about over the country on the Chautauqua circuit?

Mr. GOOD. These automobiles for the Vice President and for the Speaker are for use in the city of Washington. And I think, Mr. Speaker, that we ought not to question this appropriation. As I said before, I think it is not only false economy but that it is cheap economy to do so. I regard the office of the Speaker of this House as second only to that of the President of the United States. It is a great office, and the Speaker of this House ought to have an automobile. We should not degrade this great office. We owe this to the Speaker and the Vice President and to their families. The Vice President ought to have a modern automobile, and these automobiles ought to be paid for and maintained at the expense of the Government of the United States.

Mr. RALTZ. Will the gentleman yield?

Mr. GOOD. For a question.

Mr. RALTZ. Does the gentleman say that the Speaker of the House made a request of the Congress for the purchase of an automobile?

Mr. GOOD. I made no such statement. My impression is that the Speaker some years ago expressed himself as not wanting an automobile.

Mr. FOSTER. Does not the gentleman know the Speaker did not request it?

Mr. GOOD. I do not know that, but I know this: If the Speaker does not want an automobile not a penny of this appropriation will be used, so far as the purchase of an automobile for the Speaker is concerned; but if he does want an automobile, the money is ready for him to purchase one and to provide for a driver and the pay for the maintenance; and if he does not want one, it does seem to me that that ought not to be an excuse for denying the Vice President of the United States an automobile, who does want one.

Mr. SIMS. Will the gentleman yield?

Mr. GOOD. I yield.

Mr. SIMS. Why not include one each for the majority leader and the minority leader, for they certainly have to do a great deal of individual work incumbent upon them? Let us be just and give each one who has a great deal of work to do a machine.

Mr. GOOD. That is not the question in dispute. The only question in dispute is whether we shall give an automobile to the Vice President of the United States and the Speaker of this House.

Mr. GARNER. In order that the RECORD may show conclusively the attitude of the Vice President, is it not his position that he is perfectly willing to accept this automobile if provided by Congress, and that he has not been advocating the purchase of an automobile for himself?

Mr. GOOD. I will say——

Mr. GARNER. My understanding is that the Vice President will accept the automobile if it is appropriated for, but he has not requested a Senator or anyone else to make an appropriation. There is a great deal of difference between those two positions, and the gentleman from Iowa [Mr. GOOD] ought to be accurate and ought to know what he is talking about before he puts the Vice President in the attitude of lobbying for an automobile for himself.

Mr. GOOD. I have not put the Vice President in that attitude. I would not do that.

Mr. GARNER. You are saying that he is asking for it. What is that except lobbying for it?

Mr. GOOD. I said that he desired it, and I gave the gentleman the source of my information.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

The SPEAKER pro tempore. The gentleman from Indiana [Mr. COX] is recognized for five minutes.

Mr. COX. Mr. Speaker, I doubt if I will use the entire five minutes. But I wish to say that I am opposed to the motion made by the gentleman from Iowa [Mr. GOOD]. I think this is a question that each Member must solve for himself. So far as I am concerned I refuse to make fish of one and fowl of another; absolutely so. In the Sixty-first Congress, I think it was, there was considerable of a row on the floor of this House about buying the then Speaker, Mr. Joseph G. Cannon, an automobile. Every Democrat on this floor, I think, without a single exception, voted against that appropriation.

Mr. GARNER. And a great many Republicans.

Mr. COX. And, as suggested by my friend from Texas, a great many Republicans voted against it. I do not know what exigencies have arisen since that time that would induce me to recede from my former position. I could not believe that the great Speaker of this House wants this automobile. I can not and I will not believe that he wants it until he takes the floor in his own defense and says he wants it. I do not believe he would be in favor of riding in an automobile at the public expense.

Mr. HAMILTON of Michigan. Does the gentleman say "in his own defense"?

Mr. COX. Yes, in his defense; because I think the Senate has put this in here without any request coming from him at all. One of the things that has endeared the Speaker to the people of this country has been his democratic simplicity. [Applause.]

I am going to relate this episode because it is true. I recall last summer, after we had worked here all day until about 6 o'clock in the evening, with the thermometer standing probably at 100 in this House, walking out across the east plaza toward my home I happened to turn and look toward the depot, and I saw the great Speaker of the House wending his way to catch a street car home, with his life companion on one side and his boy on the other. And I said to myself, "Truly, there is a man who represents Democratic simplicity, who is standing upon the platform of 1912, when we promised the people we would return to Democratic simplicity."

Mr. GOOD. Will the gentleman yield?

Mr. COX. I will yield for a question.

Mr. GOOD. In regard to Democratic simplicity I will ask the gentleman if he is not aware of the fact that the great Secretary of State in this bill asks not only for a driver but also asks for a footman?

Mr. COX. I hope the conferees have not agreed to that. He will never get it by my vote. Now, as to the Vice President, discretion might be the better part of valor coming from me on that point. It might be the part of wisdom that I should keep still upon it, but I am not going to do it.

Mr. GOOD. Go to it. [Laughter.]

Mr. COX. I will not do it. I am opposed to that. If the gentleman from Iowa had said that he had it direct from the Vice President's lips that he wanted this automobile, as I said to him a moment ago, I would have agreed to the statement made by the gentleman from Iowa. But whether the Vice President wants this automobile or not, he is not entitled to it. I have no objection on this earth to the Vice President of the United States riding in an automobile. He can buy all that he pleases, and I will never enter a criticism upon it. But I do object, Mr. Speaker, to the Vice President of the United States riding in automobiles at public expense, whether he wants the Congress of the United States to buy them or not.

Mr. MILLER. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. COX. For a question solely.

Mr. MILLER. Is it not a fact that the Secretary to the President has an automobile for his own use furnished by the Government?

Mr. COX. I refuse to yield. I am not discussing that. I am only discussing the question raised by the gentleman from the State of Iowa.

Mr. MILLER. Does the gentleman think——

Mr. COX. Mr. Speaker, I refuse to yield further.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. COX. I ask unanimous consent, Mr. Speaker, to extend my remarks on this subject and on the bill generally.

The SPEAKER pro tempore. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Colorado [Mr. SELDOMRIDGE].

29, 33.

The conference report was agreed to.

Mr. TALCOTT of New York. Mr. Speaker, this is to pension Catherine Woods, of 49 King Street, Little Falls, N. Y., widow of William T. Woods, deceased, who served during the War with Spain in Company G, Second Regiment New York Volunteer Infantry, from May 12, 1898, to November 1, 1898, when honorably discharged. (I. O. 1014303.)

The records of the War Department show that during his service the soldier was treated as follows:

June 12, 1898, hemorrhoids; June 26, 1898, hemorrhoids; July 1, 1898, hemorrhoids; July 17 to September 16, 1898, furloughed on account of illness, nature of same not given.

The soldier filed a claim for pension March 7, 1899, based on blood poisoning, abscesses, piles, and rheumatism. He filed a great deal of testimony, and the claim also underwent a thorough special examination; and he was also examined by boards of surgeons of the Bureau of Pensions. The evidence thus obtained was of such a character as to cause the allowance of his claim for disease of mastoid cells of right side at $6 per month from date of filing. That part of the claim based on hemorrhoids was rejected on the ground that the soldier admitted that same existed prior to his enlistment, and that part based on rheumatism was rejected on the ground that the soldier admitted that rheumatism attacked him and made itself manifest some time after his discharge. It was therefore held that these two diseases were not due to service origin.

The soldier died August 1, 1913, and it is shown by the testimony of the attending physician that the cause of his death was disease of left kidney. A claim for pension filed by the widow was rejected by the Bureau of Pensions on the ground that the fatal disease of the soldier (disease of left kidney) was not a result of the disease of mastoid cells of right side, for which he was pensioned, nor was it otherwise shown to have been due to his military service. It is stated in affidavits executed by physicians who treated the soldier through his final and fatal illness that the left kidney was in a very diseased condition, and an abscess of long standing which was constantly discharging pus was found in the kidney when it became necessary some two weeks before his death to remove this organ by an operation. These physicians state that this abscess of the kidney was due to the abscess of the mastoid cells of the right side for which the soldier had been for years pensioned. The Bureau of Pensions would not accept this view, or that the fatal disease was the result of the pensioned cause, and have declined to reopen or reconsider their adverse action.

The evidence on file in the claim shows that the petitioner is the widow of the deceased soldier, and as such she was paid the accrued pension due him at the date of his death. In connection with her claim for pension she alleges the soldier left four minor children who are now living, and that she has them to support. No evidence of the dates of birth of these children have ever been filed.

With the bill the petitioner files evidence showing she is a woman of excellent character, but possesses no property whatsoever and depends on her own earnings, amounting to about $3 per week, for her support and the support of her four small children.

Mr. KEY of Ohio. Mr. Speaker, I have looked carefully into the case covered by the amendment offered by the gentleman from New York. It has been properly briefed up, and the amendment is satisfactory to the members of the committee.

The amendment was agreed to.

Mr. MILLER. I offer the following amendment.

The SPEAKER. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 9, on page 13, the following:

"The name of Theodore T. Simon, late of Company H, Minnesota Volunteer Infantry, and pay him a pension at the rate of $25 per month."

Mr. MILLER. I trust the chairman of the committee will be inclined to accept this amendment.

Mr. KEY of Ohio. I think the Member from Minnesota ought to change the rate.

Mr MILLER. I will conform to the judgment of the committee.

Mr. KEY of Ohio. I think the gentleman should consent to make it $17.

Mr. MILLER. Make it $20. That is pretty small. The man is really absolutely helpless. He can not do a day's work.

Mr. KEY of Ohio. The committee do not feel that they can consent to more than $17.

Mr. MILLER. I will modify it to $17.

The SPEAKER. The gentleman asks unanimous consent to modify his amendment by changing the amount to $17. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Indiana rise?

Mr. ADAIR. Will the gentleman yield to me?

Mr. MILLER. The gentleman from Ohio has the floor. I will yield for a question.

Mr. ADAIR. I should like to ask whether the committee have considered this claim; whether it has been written up in the usual way?

Mr. KEY of Ohio. This is the situation in reference to this claim: It was written up and considered by the members of the committee, and the case was laid on the table. The gentleman from Minnesota [Mr. MILLER] procured some additional evidence and asked that the claim be reopened. I assured the gentleman from Minnesota [Mr. MILLER] that the case would be taken up by the committee at our last meeting, but we were unable to secure a quorum on Wednesday of this week, and consequently his case did not come up for consideration; but after having looked over the additional evidence submitted by the gentleman I think that the case is a worthy one.

Mr. ADAIR. I have no objection to the gentleman's claim. The only point I want to make is this: I think it is a very bad practice for Members to offer amendments to bills after they have been brought in here, to be included in an omnibus bill, without consideration by the committee.

Mr. MILLER. I agree with the gentleman entirely, and I would not have done it to-day except that this is the last chance, and this is a very serious case.

Mr. ADAIR. If the chairman of the committee says it has been duly considered, and if the committee are willing that this amount shall be allowed, I shall not object.

Mr. MILLER. The facts in this case as disclosed by the record are as follows:

Theodore T. Simon, of Duluth, Minn., served during the War with Spain in Company H, Thirteenth Regiment Minnesota Volunteer Infantry, from April 29, 1898, to October 3, 1899, when honorably discharged. He was 25 years of age at enlistment. (I. O. 1379530.)

The records of the War Department fail to show he was ever reported as sick or received medical treatment for any cause.

When mustered out he stated that he was suffering from disease of the lungs. The medical officer, by whom he was then examined, certified he could find no evidence of disease of lungs.

He filed a claim for pension December 12, 1908, based on enlarged veins, weak lungs, and rheumatism. The claim was rejected March 29, 1909, on the ground of no ratable degree of disability from the alleged causes since date of filing the claim.

He again filed a claim January 25, 1911, based on enlarged veins of both feet, malarial poisoning, rheumatism, and locomotor ataxia. This claim was rejected August 21, 1913, after an exhaustive special examination on the ground of no record, medical or other satisfactory evidence showing origin in service, existence at date of discharge or for many years thereafter, and the soldier's inability to show said disabilities were due to his military service. No appeal was taken, but an effort was made to have the claim reopened, which was denied on the ground the evidence offered failed to warrant such action.

The soldier swears that the disabilities alleged by him were contracted in and due to his military service.

Comrade Charles E. Collett testifies that in the service in the Philippines the soldier contracted rheumatism and dysentery and complained of pain in his neck, legs, and back, and upon several occasions had to fall out of line, not being able to march, and became run down physically from same.

Eight other comrades testify to substantially the same effect as Comrade Collett.

A. E. Broadbridge testifies that he knew the soldier prior to his enlistment, and he was then a robust and strong man, free from any disability, but when he returned from the service he was in poor health, a wreck physically; and that he complained of and suffered from pains in the back and legs and neck and from rheumatism, and has been treated continually for these troubles from 1890 to 1912, when affiant testified.

Three other lay witnesses testify to the same effect as Mr. Broadbridge.

Dr. Mallingren testifies to treating the soldier in 1904 for pains in the neck, back, and leg.

Dr. Sweeney testifies to treating the soldier in 1905 and 1912 for rheumatism and pains and stiffness of the neck, spine, and legs, and that in 1912 he found the soldier suffering from locomotor ataxia, which is now growing worse.

Dr. Breden testifies that in 1908 the soldier consulted him and he found trouble with the spine and neck that indicated locomotor ataxia, and since then this disease has developed.

Dr. Griffin testifies that he examined the soldier in 1909 and found he suffered from flat feet, varicose veins, and could not stand with feet together and eyes closed; in fact, had all the indications of locomotor ataxia.

Several other doctors testify to treatment of soldier since 1908 for rheumatism, trouble with spine, varicose veins, and locomotor ataxia.

The soldier was examined February 3, 1909, by a board of surgeons, who reported that they could find no evidence of rheumatism or disease of the lungs. They did find varicose veins and disease of heart and malarial poisoning, and rated them at 12/18. At this time the soldier could walk without use of cane or crutch. No evidence of any vicious habits, past or present. The soldier complained to this board of spinal trouble.

He was again examined December 4, 1912, by another board, which reported him suffering from varicose veins of neck, arms, and legs, rated at 4/18; locomotor ataxia, rated at 17/18; malarial poisoning, severe, rated at 11/18. No evidence of rheumatism or other disease. Heart somewhat deranged in its actions, but covered by other ratings. No evidence of vicious habits.

The special examination developed the fact that the soldier and all of those who had testified in the case were people of most excellent standing. It also brought out the fact that the main, if not the only, radical disability was that of locomotor ataxia. No one, not even the soldier himself, alleged he had this disease in the service, but he and several comrades do testify that in the service he suffered from a great deal of trouble and stiffness of the neck and back about the spine, and claims this caused this terrible disease which in after years developed.

With the bill the petitioner files an affidavit in which he states he is wholly disabled by locomotor ataxia and disease of the bowels and bladder and piles and varicocele, and that all of the property he possesses consists of a house and lot worth $2,500.

His allegations are fully sustained by lay testimony.

A great many witnesses testify to the fact that the soldier is now wholly unable to perform any work; that he was a strong man before his enlistment, came home in feeble and run-down condition, and suffering from rheumatism, varicose veins, and spinal trouble, and is now suffering from locomotor ataxia, and that the only property he has is a house and lot worth about $2,500.

Three physicians in affidavits filed with the committee testify that the soldier is now wholly unable to do any kind of work, as he suffers from locomotor ataxia, and is confined to bed. These physicians state that they believe the soldier's disease is due to service in the Philippines. They also state he suffers from piles and disease of bowels and bladder, in addition to locomotor ataxia.

The amendment was agreed to.

Mr. STAFFORD. Mr. Speaker, I offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the bill insert the following as a new paragraph:

"The name of James H. Lacy, late of the United States Navy, and pay him a pension at the rate of $20 per month."

Mr. STAFFORD. Mr. Speaker, this is on all fours with the case of the gentleman from Minnesota. It has been considered by the committee and was laid aside temporarily, and then, as I understand, the committee were unable to get a quorum and accordingly it was not incorporated in the omnibus pension bill.

Mr. KEY of Ohio. I do not know anything about that bill. I do not think that we could consistently accept it.

Mr. STAFFORD. Mr. Speaker, I have submitted this to the gentleman from Pennsylvania [Mr. DERSHEM] and also called the gentleman's attention to it.

Mr. KEY of Ohio. What action did the committee take?

Mr. STAFFORD. I believe the bill was laid on the table temporarily, and then was to be presented again to the full committee.

Mr. KEY of Ohio. But the full committee never took it up again and no additional facts were submitted, as far as I know.

Mr. STAFFORD. Here is the proposition: This person had more than 10 years' service in the United States Navy. He was engaged in deep-sea diving, and had a hemorrhage of the ear as the result of that. At the present time he is lying at the point of death. He has a wife and minor children and is practically a pauper, one might say, on the mercy of the people. He had service prior to the Spanish-American War, and in that war he was on the U. S. S. *Wasp*, where they did not have medical officers. He was afflicted with disease there, and I can not understand, with that kind of service, why this case was adversely reported by the subcommittee.

Mr. KEY of Ohio. The case was not adversely reported by the subcommittee.

Mr. STAFFORD. It was laid aside.

Mr. KEY of Ohio. It was laid aside, and as far as I know no additional evidence was ever submitted to the committee, and for that reason I do not think we can take up his case at this time.

Mr. STAFFORD. I called the attention of the gentleman from Pennsylvania [Mr. DERSHEM], the chairman of the subcommittee, to the case, and he said the facts were worthy of consideration.

Mr. KEY of Ohio. But they have never been brought to the attention of the committee.

Mr. STAFFORD. The gentleman states that this is the last opportunity when it can be considered. It is most pressing and urgent or I would not bring it to the attention of the House, under the circumstances.

Mr. GARNER. Can not the gentleman get his bill considered and put on in the Senate as an amendment?

Mr. STAFFORD. I can not. One of the Senators from the State of Wisconsin is absent, and I do not know whether I can obtain the support of the other Senator. The bill has not been introduced in the Senate.

Mr. KEY of Ohio. Mr. Speaker, I would suggest that the gentleman have his case put on in the Senate. We ought not to take these cases up and consider them here.

Mr. STAFFORD. Mr. Speaker, I went over all of these facts in the Pension Office.

Mr. KEY of Ohio. Yes; but the committee has not.

Mr. STAFFORD. And I submitted them to the subcommittee, since this matter was considered by them, and I believe the gentleman from Pennsylvania [Mr. DERSHEM] will bear me out that this is a most worthy case.

Mr. KEY of Ohio. Mr. Speaker, I trust the House will not act favorably upon this.

Mr. STAFFORD. Mr. Speaker, in view of the fact that the gentleman has allowed one Member to have his case brought up, does he think that he is acting fairly when he prevents another Member from bringing up as meritorious a case, after he has gone over all of the record and can assure the House that it is a meritorious case? Does the gentleman think that he is playing fair?

Mr. KEY of Ohio. But in the case of the gentleman from Minnesota [Mr. MILLER], when he submitted his additional evidence it was considered by the subcommittee, with the recommendation that the bill do pass; but the full committee never had a meeting, and consequently he could not get his bill in, while in the gentleman's case the committee has not had an opportunity to consider the additional evidence.

Mr. STAFFORD. I submitted the case to the subcommittee, and the gentleman from Pennsylvania is here, and I think he will bear me out.

Mr. DERSHEM. Mr. Speaker, this case has been submitted to me, as the gentleman states. I have gone over it very carefully, and it was my intention to present it to the full committee. We have a ruling in our committee that no case which has been laid on the table can be taken up unless we have a two-thirds vote of the committee, or a membership equal to two-thirds of the committee present. Of course, since this case has been called to my attention a second time by the gentleman, we have never had a two-thirds membership present at a meeting of the committee. That is the reason that I have never presented it to the full committee, and consequently we have not taken any action.

Mr. STAFFORD. Mr. Speaker, I will say this to the gentleman, that after this is passed in the Senate, if he finds on investigation that it does not meet with his approval, I will consent to have it stricken out by the Senate.

The following is the memorandum on the amendment for a pension to James H. Lacy, adopted this morning, prepared by the clerk of the Committee on Pensions:

H. R. 14621. James H. Lacy, Hot Springs, S. Dak., served during the War with Spain in the United States Navy from April 11, 1898, to September 28, 1898, when honorably discharged at his own request, the war being considered as practically terminated. He had previously served in the United States Navy almost continuously from October 26, 1885, until August 7, 1896. (I. O. 1401208.)

He filed a claim for pension January 26, 1912, based on malarial poisoning and resulting tuberculosis, which he alleged he contracted in the service in August, 1898. The claim was rejected on the ground of no record, medical, or other satisfactory evidence to show origin in service, existence at date of discharge, or for continuance for some time thereafter, of the said diseases. No appeal was taken, but an attempt was made to reopen the claim, which was denied on the ground that the evidence tendered did not warrant such action.

The records fail to show the sailor was reported as sick or received any medical treatment for any cause during service in 1898. They show in connection with his earlier services that he was treated three days in 1888 for diarrhea, three days in 1889 for fever, two months in 1890 for erysipelas due to two wounds in face received in a brawl on shore and not in line of duty. No other record of treatment for any cause.

Rear Admiral Aaron Ward states that he recalls the sailor well as of last service which was on U. S. S. *Wasp* and in Cuban and Porto Rican waters, and there was no medical officer aboard to keep records of illness at that time and the food was not good owing to climate and no facilities for cold storage aboard, and many of the men did suffer from tropical fever, as soldier claims he did.

Two lay witnesses testify in 1913 that soldier was a well and strong man prior to service in 1898, but when he returned from service in September, 1898, he was pale, weak, and anemic and suffering from malaria and has ever since suffered from same and results thereof and has never regained his good health.

A physician testifies in 1913 that he examined sailor in 1911 and found him suffering from a typical case of tuberculosis, and he has since steadily gone down in physical condition from same.

He was examined by a board of surgeons September 3, 1913, who report him as in first stages of pulmonary tuberculosis, and rate total for same—$30 per month. They could find no evidence of malarial poisoning, as the stomach, liver, spleen, kidneys, and heart are normal.

With the bill petitioner files an affidavit stating he is wholly disabled by consumption, result of malarial poisoning, and possesses no property.

His allegations are fully sustained by lay witnesses.

A physician testifies the sailor now is wholly disabled by severe pulmonary tuberculosis of both lungs and not able to do any work.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendment.

The question was taken; and on a division, demanded by Mr. KEY of Ohio, there were—ayes 42, noes 29.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. KEY of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 26, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite Spirit, never far from any of us, we would draw near to Thee with open minds and hearts, that we may be guided by Thy counsels in all the duties pertaining to life; that Thy thoughts may be our thoughts and Thy ways our ways, for of Thee and through Thee are all things. So may we live and act that we may leave behind us a record worthy of emulation. And to Thee we will ascribe all praise, in the name of Him who taught the way and the truth and the life. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural bill.

The SPEAKER. The gentleman from Louisiana [Mr. ASWELL] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the resolutions of the Omaha Commercial Club on the conservation of flood waters in the West.

The SPEAKER. The gentleman from Nebraska [Mr. BARTON] asks unanimous consent to extend his remarks in the RECORD by printing a certain document that he names. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to submit a conference report, accompanied by a statement, on the remaining items in disagreement upon the naval appropriation bill; and inasmuch as there are only three items, Mr. Speaker, and the Senate has agreed to the House provisions as to all of them, I ask unanimous consent to waive the printing under the rule and dispose of the conference report at this time.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] presents a conference report on the naval appropriation bill, and asks unanimous consent to waive the provision of the rule in relation to printing and going over a day, and to take it up and dispose of it at this time.

Mr. MANN. What is the purport of the conference report?

Mr. PADGETT. The House disagreed to the Senate amendment with reference to the Norfolk Dry Dock. The Senate recedes, and the amendment goes out. The House insisted upon its disagreement on the amendment with reference to the Key West Breakwater. The Senate recedes, and that goes out. The Senate conferees recede from the Senate disagreement to the House amendment authorizing the sale of the ships, and accepts the amendment to the amendment as passed by the House.

Mr. MANN. Does the Senate recede from all its amendments in disagreement except the ship amendment?

Mr. PADGETT. Yes.

Mr. MANN. And it agrees to the House amendment on the sale of the ships?

Mr. PADGETT. Yes.

Mr. MANN. I have no objection.

Mr. PADGETT. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The Clerk will read the title of the bill and also read the amendments in controversy.

Mr. MANN. I suppose the Clerk should read the conference report.

Mr. PADGETT. I ask unanimous consent, Mr. Speaker, that the accompanying statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 913).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, 33.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows:

In lieu of Senate amendment insert "$3,475,500"; and the Senate agree to the same.

Amendment numbered 71: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 71; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.
B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the following statement:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 28 and 29 provide for a new dry dock at navy yard, Norfolk, Va., to cost not to exceed $3,000,000, with an appropriation of $200,000; and the Senate recedes.

Amendment No. 33 provides for the construction of a breakwater at the naval station, Key West, Fla., to cost $600,000, with an appropriation of $100,000; and the Senate recedes.

Amendment No. 40 is a change of total under "Public Works at Navy Yards and Stations," and reduces the amount from $4,300,500 to $3,475,500, a reduction of $825,000.

Amendment No. 71 provides for the sale of the battleships *Idaho* and *Mississippi*, and the House receded from its disagreement to the Senate amendment and agreed with an amendment striking out the Senate amendment and inserting in lieu thereof the following:

"The President may, in his discretion, direct the sale in such manner, at such price, not less than the original cost price, and upon such terms as he may deem proper of the two battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury. After said sale, in addition to the two battleships hereinbefore authorized, the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of 'Increase of the Navy:' 'Construction and machinery,' $2,000,000; 'Armor and armament,' $2,535,000, and 'Equipment,' $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or the agreement therefor shall have been made prior to July 1, 1915."

And the Senate recede from its disagreement to the amendment of the House, and agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I notice that in the amendment with reference to the change of totals the statement does not show whether the House or the Senate receded.

Mr. PADGETT. It says the House receded with an amendment.

Mr. MANN. On a change of totals?

Mr. PADGETT. Yes.

Mr. MANN. I understood the gentleman to say a moment ago that the Senate receded on all amendments in disagreement.

Mr. PADGETT. There were three amendments in disagreement, and this was the total at the end of the bureau, and it was just to make the figures agree with the facts. In the former report a number of matters had been agreed to, and this other one that was agreed to in this report left that total open.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by inserting an explanation of the bill.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to extend his remarks in the RECORD by inserting a statement. Is there objection?

There was no objection.

Following is the statement referred to:

MEMORANDUM.

Total of the bill as agreed upon		$140,350,833.61
Naval home	$77,117	
Naval hospital fund	40,000	
Total not paid from the Treasury		117,117.00
From the Treasury		140,233,716.61
Last year's naval act, exclusive of naval home (882,209)		140,718,434.53
Reduction in this year's bill		484,717.92

"Last year's building program consisted of 1 battleship, 6 destroyers, 4 submarines, 1 transport, and 1 supply ship. This year's bill carries a building program of 2 battleships, 6 destroyers, and 8 or more submarines, yet the amount to be appropriated out of the Treasury for this year's bill is $484,717.92 less than last year.

"If the sale of the battleships *Idaho* and *Mississippi* is consummated, there will be turned into the Treasury approximately $12,000,000, of which $4,635,000 will be expended toward the construction of an additional dreadnaught, whose fighting efficiency is at least twice as great as the *Idaho* and *Mississippi* combined.

"The efforts of the committee, as well as the Navy Department, have been to spend a minimum amount on shore stations and perfect the efficiency of the Navy at sea. The total of last year's naval act, exclusive of 'Increase of the Navy,' amounted to $105,474,948.53. The total of this year's bill for the same purposes amount to $103,834,099.61, a reduction of $1,580,848.92, notwithstanding the enlargement of the Government torpedo factory and the powder factory.

"Last year's naval act for 'Public works at yards and stations' carried $4,348,945. This year's bill for the same purposes carries $3,475,500, an apparent reduction of $873,445, which includes $700,000 transferred from the Bureau of Equipment which did not appear in this appropriation last year, which, therefore, in fact makes a real reduction in 'Public works at navy yards and stations' of $1,573,445.

"The working appropriations of the Bureaus of Steam Engineering and of Construction and Repair, which have to do with industrial work at navy yards and stations for construction and repair of ships of the Navy, have been reduced by $92,000 and $305,000, respectively, without any loss of efficiency and notwithstanding the fact that the activities in the yards due to enlargement of the Navy have greatly increased.

"Due to enlarged competition in bidding for ordnance material and a reduction in the expense for experiments, the appropriations for the Bureau of Ordnance have been reduced $695,110.

"The bill carries provisions for an investigation for the erection of a Government armor plant, for the enlargement of the activities at the Government torpedo factory and Government powder factory, all of which, together with the Washington Gun Factory, placed the Government in an independent position to largely manufacture its own torpedoes, powder, guns, armor, and special-treatment steel, by which the Government will be able to determine the costs of production and prevent extortionate prices by contract.

"The appropriation for the Naval Academy has been reduced $87,500, and the appropriations for the Marine Corps have been reduced $212,763.92."

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, before the House goes into the consideration of the legislative bill I would like to ask unanimous consent to take up the omnibus pension bill. It is a very short bill and will only take about 10 minutes. It is the last bill we will have this fiscal year, and possibly the last we may have this session. Therefore I desire to call it up.

Mr. MANN. This is the regular pension day. It does not require unanimous consent.

Mr. KEY of Ohio. This is the regular pension day, but when the House adjourned last night it was considering the conference report on the legislative bill, and the gentleman from South Carolina [Mr. JOHNSON] in charge of that bill desires to proceed with its consideration.

Mr. MURDOCK. It requires the unanimous consent for the gentleman from South Carolina [Mr. JOHNSON].

Mr. KEY of Ohio. Yes.

Mr. MANN. Is this the bill that was reported yesterday?

Mr. KEY of Ohio. Yes. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman calls up House bill 17482, an omnibus pension bill, which the Clerk will report.

The Clerk read the title of the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 853. Anna Margaret Lynskey.
H. R. 1302. Samuel Wills.
H. R. 1440. William C. Benz.
H. R. 2765. Charles Forbes.
H. R. 4033. Otto H. Otten.
H. R. 4670. Lewis A. Coffman.
H. R. 4767. Delphis A. Gilliam.
H. R. 6265. Myrtle May Hoffman.
H. R. 6477. Tolliver W. Corn.
H. R. 6478. James N. Parker.
H. R. 6544. Julie R. Smith.
H. R. 7232. Edgar J. Kempinsky.
H. R. 7443. Peter D. Smith.
H. R. 7493. Thomas Forsyth.
H. R. 7881. Sarah A. Shinkle.
H. R. 7867. Susan I. Keene.
H. R. 8330. Ollie B. Wright.
H. R. 8419. Edward A. Furfey.
H. R. 8738. Nellie S. Burns.
H. R. 9125. Isaac N. Morrow.
H. R. 9282. Arthur L. Douglass.
H. R. 9941. William D. Rushing.
H. R. 10674. John C. Jackson.
H. R. 10715. Andrew L. Weatherford.
H. R. 11030. James F. Sims.
H. R. 11153. Arthur Demers.
H. R. 11224. Llewellyn A. Cole.
H. R. 11729. Effie H. Woodruff.
H. R. 11789. Anna Lafevre.
H. R. 12575. Edward T. Evans.
H. R. 12631. William Schallenberg.
H. R. 12814. Thomas H. Sloane.
H. R. 13502. Ada McBride.
H. R. 14307. Winnie M. Barlow, Annie A. Barlow, and Niles B. Barlow, minor children.
H. R. 14706. Roscoe Caudill.
H. R. 14769. Cornelia B. Williams.
H. R. 14864. Gregor G. Krein.
H. R. 14912. Elizabeth M. Robinson.
H. R. 14961. Alfred L. Runyan.
H. R. 15051. Margaret A. McAdoo.
H. R. 15097. Josephine Gallenne.
H. R. 15173. Edwin H. Anderson.
H. R. 15214. Eliza Shropshire.
H. R. 15747. Ernest Oberkirk.
H. R. 15783. Mae W. McClure.
H. R. 15786. Ruth Hill.
H. R. 15888. Randolph Howerton.
H. R. 16004. Caroline Philpot.
H. R. 16098. Susan E. Nash.
H. R. 16285. Andrew J. Haslam.
H. R. 16292. George A. Stanberry.
H. R. 16333. Joanna C. Roper.
H. R. 16353. John G. Burns.
H. R. 16400. Walter Haldeman.
H. R. 16491. Robert P. Baker.
H. R. 16504. Mary E. Andrews.
H. R. 16597. Frank Hemenway.
H. R. 16620. Harry L. Frizzell.
H. R. 16691. Hans P. Nielson.
H. R. 16714. Annie O. Hutson.
H. R. 16718. Josephus Shackelford.
H. R. 16741. Martha J. Read.
H. R. 16789. Blanche M. Kell.
H. R. 17050. John H. Hipple.
H. R. 17112. Victoria A. Davis.
H. R. 17113. Edward Plunkett.
H. R. 17265. Robert S. Wagner.

Mr. KEY of Ohio. Mr. Speaker, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. The gentleman asks unanimous consent to dispense with the first reading of the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill for amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

The name of Charles Forbes, late of Troop E, Eleventh Regiment United States Cavalry, War with Spain, and pay him a pension at the rate of $12 per month.

Mr. RAKER. Mr. Speaker, I move to strike out lines 7, 8, and 9 on page 2 of the item just read.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, strike out lines 7, 8, and 9.

The amendment was agreed to.

The Clerk read as follows:

The name of Robert S. Wagner, late of Company H, Twenty-fourth Regiment United States Infantry, Regular Establishment, and pay him a pension at the rate of $17 per month.

Mr. TALCOTT of New York. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 13, after line 9, insert the following:

"The name of Catherine Woods, widow of William T. Woods, late of Company G, Second Regiment New York Infantry, and pay her a pension at the rate of $12 a month."

to enter such a field with hesitancy and after only the serious consideration, if, indeed, we should enter at all.

competition is unlawful without advising the business world or

had said, "This is unfair competition; it is unlawful"; then would it not have been a proper thing for the combinations to come together and end the unfair competition? In other words, what line of conduct would a business institution of that kind be warranted in following; to what line or principle could it safely adhere? And if this commission should have concluded to end that unfair competition, how would it have done, except by remulting them or permitting their unification, which would of itself be a violation of the trust law? And thus this measure may in the end come to be an aid and a refuge for monopoly.

Now, I grant you that if you would write into this bill and determine what "unfair competition" is, so that a business concern could know it, it might be in aid of the Sherman antitrust law; but when you leave it so uncertain that they can neither know whether they are violating the Sherman antitrust law or this law, you are simply placing the business of the country so that it can not proceed until it receives its directions from your commission. How is business going to know whom it can buy out; how it can enlarge its business or its business units? How is it going to know what it may do to secure the trade in this territory and in that territory? How is it going to determine how it may increase its powers here and there, either by the purchase of other combinations or by cooperating with them, until it has proceeded and has been brought before the commission and the commission determines the proposition? Assuming, now, that the commission has the constitutional power to determine it, must the business of the country wait to know what it will do until it is drawn before the commission and that is determined?

This committee, composed of many of the ablest of the Members of the Senate, concede by this bill and concede by the report that they can not define "unfair competition." This bill discloses and the report discloses that the ingenuity of the Senate is insufficient to define that term so that it may be a guide to the business of this country. Shall we expect business to take on an air of confidence and of certainty when we start it upon this unknown sea, without rudder or compass, to determine according to a commission's judgment upon a particular state of facts whether or not it has violated the law? And I repeat that uncertainty will embarrass the honest and the well meaning, and at times may actually aid monopoly.

Let me read a little further from this decision in order to get the real gist of it. I read from the separate opinion of Judge Graves, because he goes into this question more particularly as to why they thought it was necessary to combine.

Every syllable of evidence in this record shows that there was then actual competition. The same evidence likewise shows that after 1902 there was no real competition. The International Harvester Co., acting through its agent, the respondent herein, fixed the prices of each machine to the retailer and permitted no deviation therefrom. The only possible chance for competition was by the agent cutting off a part of his commission. The machines were listed to the agents at a fixed sum, and that sum had to be accounted for at the settlement. That there was real competition prior to 1902 and no competition since is best shown by a few excerpts from the testimony.

Mr. McCormick, one of the leading spirits in the International Harvester Co., in part, said:

"Q. Was a part of the unstable condition incident to this unsettled condition prior to the formation of the International Harvester Co. a variation from the list price and the selling of the machines? Did that constitute a part of the unbusinesslike methods that you mention?—A. The unbusinesslike methods were a multitude of things.

"Q. Was that a part of it?—A. Yes, sir.

"Q. That is, the Deering people would have a machine listed at $90 and let the dealer have it at $80?—A. Yes, sir.

"Q. Was that a common practice in giving rebate?—A. All kinds of subterfuges for modifying prices—taking old machines at large values, throwing in other property, wasteful expenditure of money and time, and salary of men.

"Q. I was not asking you of what you complained in detailed statement. I ask you if the selling below list price was one. Was that true?—A. Yes, sir.

"Q. Now, since that time you make one price on paper and get another price from the dealer?—A. We do not.

"Q. You maintain the prices listed?—A. Yes, sir.

"Q. And before that consolidation that was not done by any of the companies?—A. Was not done so generally."

Here we have a practice, Mr. President, of all kinds of subterfuges for modifying prices—taking old machines at large values, wasteful expenditures of money and of time, salaries of men, and so forth. Some of those things, of course, could not be said to be unfair, but some of them would be so; and the commission would undoubtedly adjudge some of them to be, and if these combinations removed those things and gave the country one price, and a lower price as they claim, they were held nevertheless to be subject to the inhibition of the antitrust law. Undoubtedly this commission would have adjudged those things which were done by the competitive organization as unfair in some respects, and the independents would have been denounced for practicing the things they were doing; we would have here two laws, one of which would have condemned what they were doing, and the other law would condemn what they did in order to get rid of it. I do not believe, Mr. President, that the business of the country can stand that kind of a proposition, and I do not believe it will work out for clean, legitimate, independent business concerns. I believe that we are under obligation to make this law sufficiently certain and definite that individual business may know when the law is passed what it can safely do. We are under obligation to write the rules and regulations into this law, so that a man may know when he enlarges his business or extends his territory or readjusts his affairs that he may do so with absolute safety. I say to you that it seems to me no less than the approaching of a crime, in the business condition now prevailing, to say to the business concerns of this country, "We have established a rule that you shall compete, but that you shall not compete unfairly," without advising them in any way, shape, or form of what that unfair competition consists. We start business to groping its way through experiments and orders and judgments, all of which the people as a whole must pay for in the end.

Mr. NEWLANDS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. BORAH. I yield.

Mr. NEWLANDS. The Senator from Idaho realizes that there are practices in trade which constitute unfair competition, does he not?

Mr. BORAH. I do.

Mr. NEWLANDS. And he recognizes the fact that those practices should be discouraged by law. Under what general phrase, then, would the Senator provide by law for the discouragement and the discontinuance of such practices? Can the Senator suggest a comprehensive phrase that would meet the conditions more accurately than the one used in this bill?

Mr. BORAH. I do not believe that it is possible by two words, whether the words are "unfair competition" or some other words, to define the lines for business action in this country.

Mr. NEWLANDS. Can the Senator do it in 10 words or 20 words?

Mr. BORAH. I do not know that I could, but let me call the Senator's attention to the fact that under the decisions of the Supreme Court of the United States we have been 20 years defining the lines along which the business of this country shall be carried on and what they might do lawfully and what they might not do.

Mr. THOMAS. And they have not been defined yet.

Mr. BORAH. And, as the Senator from Colorado says, they have not been defined yet; but nevertheless there is a vast code of rules now announced by the Supreme Court with which business may familiarize itself. The contention which business has been making for 20 years is that it has not known what to do. Now that the element of uncertainty has been reduced, if not eliminated, now about the time we are prepared to say to these combinations the law has been made sufficiently plain so that you can not be excused from its observance, and you must obey it, instead of enforcing it we enter a new field and proceed along quite a different line. We can change a law or policy here in a few days or weeks, but business can not be expected to change its whole basis on a theory in a fortnight.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. BORAH. I yield.

Mr. POMERENE. I take it that when the Senator says it has taken 20 years to determine what the Sherman antitrust law means that he includes within that time the many years which the Department of Justice wasted in not making any effort to ascertain what it meant or to enforce it.

Mr. BORAH. Yes; I include that time.

Mr. POMERENE. That would constitute about three-fourths of the time.

Mr. BORAH. But suppose I concede the position of the Senator from Nevada, that it is difficult to define these practices in the law, then, what does the Senator from Nevada think about the difficulty of the business world in knowing what we are trying to do? If we find it difficult, if not impossible, to define our terms or make specific and certain what shall be the experience of business?

Mr. NEWLANDS. Mr. President, the Senator has presented with great force the fact that under the Sherman law we have commanded the business of the country to compete. Competition is war. There may be brutal warfare and there may be civilized warfare. Warfare is still recognized by the civilized world as a possible condition at any time; and it is doing its best to substitute civilized for barbaric warfare. So, with reference to competition, there is brutal competition and there is civilized

and fair competition. The Senator says that it is difficult to include in any phrase of moderate length a rule that will embrace all unfair practices. So it is; and I asked the Senator whether he could suggest a phrase of greater extent than the one used that would be more satisfactory. The Senator, as I understand, is not able to suggest such a phrase. Shall we abandon the attempt altogether, then, to civilize competition, or shall we adopt a phrase, a rule, which will constitute a standard of action for enforcement by a commission organized by Congress to carry out as its servant its constitutional power of regulating commerce?

It seems to me that it would be folly for us to attempt by a definition of each practice to cover the field, because we have the testimony of experts in business that unfair competition is so multiform that if we condemn 20 practices that exist to-day, 20 more will be invented to-morrow. So we must have some general rule.

The committee has adopted the very best rule it could find: it relies upon a phrase that has a constantly increasing significance. We admit it is not a term that has been used as extensively as the terms "a reasonable rate" or "unjust discrimination"; but it has a definite meaning in economics, and that meaning you will find is being recognized gradually in legal phrasing and in the decisions of the courts, and we believe it will be naturalized just as the term "reasonable rate" has been upheld as a standard of action and just as the term "unjust discrimination" has been upheld as a standard of action covering discriminations in all their multiform aspects without describing in a long and wearisome code each phase of what constitutes unjust discrimination.

Mr. BORAH. Mr. President, beginning with the trans-Missouri freight case and ending with the Standard Oil case the defense was continually made by these leading men of business that their combinations were made for the purpose of getting rid of what the Senator calls "brutal competition." They believed that was what they were doing. Their standard was such as to lead them to believe that they had a right to get rid of that brutal competition.

Mr. NEWLANDS. They got rid of it by creating monopoly. We wish to get rid of it, not by creating monopoly, but by establishing a fair competition that is in accord with the moral law and will condemn every practice in business that is against good morals, and will condemn every practice for which the individual himself would have a remedy against his competitor either at law or in equity, giving that individual the protection of the State through this tribunal by means of a proceeding without expense to himself, instead of turning him over to the expense, weariness, loss, and anxiety attendant upon the litigation of the individual with a powerful combination.

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. If I may interrupt the Senator from Idaho, recognizing the Senator from Idaho as a very eminent and able lawyer—[illegible] in saying this I am speaking from personal experience, for [illegible] was my honor as well as my delight to participate with him in the courts of the Northwest—I now, respecting that legal opinion of his, ask the Senator from Idaho the following:

First, suppose the Senator from Idaho were able to devise, in specific phrase, a definition of unfair competition, and suppose that definition as devised by him were actually written within the law. I ask the Senator would it not then be the law that all other conduct that might result in unfair competition but was not done in the manner prescribed in that definition, would, by virtue of the very definition, be legalized?

Mr. BORAH. I think that is true, unless the law should provide that the specification should not be considered a limitation. But what I say is that we are dealing with a thing that is malum in se, and that as a matter of fairness to those who want to obey the law they should be placed in a position where they can do so.

Mr. LEWIS. Secondly, I ask the Senator this question: After the definition had actually been placed in the law, and those who sought to violate the law simply varied their method slightly apart from the manner of the definition, would not they likewise be, therefore, exempt from punishment by virtue of the fact that they had not violated the letter of the law, it being a criminal statute?

Mr. BORAH. I think that is correct. Now, let me ask the Senator from Illinois a question.

Mr. LEWIS. Gladly.

Mr. BORAH. If the Senator from Illinois can not define in advance what unfair competition consists of, if he can not advise with reasonable certainty what constitutes unfair competition, how is the business world going to know, except through a long series of hearings and decisions running through the years, as under the Sherman law, what constitutes unfair competition? Does not all this disclose that we are seeking to deal with this matter in an impractical way?

Mr. LEWIS. My answer to the Senator from Idaho would be that the expression "unfair competition," as now incorporated in the bill, is not a new phrase. It is not untried, and in the processes of business is not an experimental phraseology, but is a mere adaptation of expressions from the decisions of the courts which have come down to us as expressive of certain conduct. Therefore the business world would have to recognize the meaning of the term as it had been previously defined in the particular decisions that had denounced certain conduct as resulting in unfair competition.

Mr. BORAH. Mr. President, let us see in what position we place the business world. We say that unfair competition has come to have a settled meaning in the law, or a reasonably settled meaning in the law. If so, why do we not put into the law a definition of what is unfair competition? Shall we expect the business world to examine the common-law decisions and all the different litigations arising under the statutes to ascertain and settle for themselves what unfair competition is, while we, as experienced legislators, trained in the law, and familiar with these opinions, are unable to say anything more or give a single rule of action or a single rule of conduct by which they are to be guided?

Now, it may be true, and I think it is, that we are venturing upon a sea of legislation where nothing but uncertainty can be the result of that legislation. Then it becomes a question as to the wisdom of venturing upon it.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. BORAH. I yield to the Senator.

Mr. STONE. The Senator probably will not conclude his remarks to-night?

Mr. BORAH. No.

Mr. STONE. It is getting late, and I should like to have the Senator yield in order that I may move for an executive session.

Mr. BORAH. I yield for that purpose.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 20 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 27, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 26, 1914.

CONSUL GENERAL.

Robert P. Skinner, of Ohio, to be consul general at Loudon, England.

UNITED STATES ATTORNEY.

Harry B. Tedrow to be United States attorney for the district of Colorado.

POSTMASTERS.

MARYLAND.

James T. Truitt, Salisbury.

MINNESOTA.

John O. Ackerman, Hastings.
J. Friend Holmes, Warroad.
A. W. Johnson, Forest Lake.
P. A. McEachin, Keewatin.
Joseph A. Roerig, Adrian.

OHIO.

Joseph V. Lawler, Carrollton.

PENNSYLVANIA.

Daniel P. Johnson, Lansford.
Thomas P. Logan, Midland.
John A. Stief, Ashland.

SOUTH CAROLINA.

Charles E. Falkenstein, Barnwell.

VERMONT.

Cornelius Buckley, Barton.

VIRGINIA.

Samuel T. Montague, Portsmouth.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Norris	Smith, Ga.
Borah	Fletcher	Oliver	Smoot
Brady	Hughes	Overman	Sutherland
Bryan	James	Page	Thomas
Camden	Jones	Perkins	Thompson
Catron	Lane	Pomerene	Thornton
Chamberlain	Lea, Tenn.	Ransdell	Weeks
Chilton	Lewis	Saulsbury	West
Clapp	Martine, N. J.	Shafroth	White
Clarke, Ark.	Myers	Sheppard	
Crawford	Nelson	Sherman	
Culberson	Newlands	Simmons	

Mr. CLAPP. I desire to announce the illness of the senior Senator from Wisconsin [Mr. LA FOLLETTE], which detains him from the Senate this afternoon.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. KERN, Mr. REED, Mr. SHIVELY, Mr. SMITH of Maryland, Mr. TILLMAN, Mr. WARREN, and Mr. WILLIAMS answered to their names when called.

Mr. CUMMINS entered the Chamber and answered to his name.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The Senator from Idaho will proceed.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I yield.

Mr. SMOOT. It is now about 5 minutes to 5 o'clock, and I ask unanimous consent that we may take up the calendar under Rule VIII and consider bills to which there is no objection until quarter to 6 o'clock.

Mr. NEWLANDS. I should like to consult the pleasure of the Senator from Idaho.

Mr. BORAH. I have no objection, Mr. President, if the Senator has none. It is immaterial to me.

Mr. BRYAN. Mr. President, there is a conference report——

Mr. NEWLANDS. There is a general expression on this side of the Chamber that we should like to hear the Senator from Idaho.

Mr. SMOOT. I thought, as it is nearly 5 o'clock, and the Senator from Idaho certainly could not get through with his remarks this evening, it would be better for him and for everybody else if he would start to-morrow as soon as the bill is taken up, and then he could conclude his remarks without interruption.

Mr. SMITH of Georgia. The Judiciary Committee has adjourned, and several of us came up especially because we desired to hear the Senator from Idaho, and we may get tied up with the Judiciary Committee meeting in the morning.

Mr. SIMMONS. I hope we will not adjourn before the usual time.

Mr. SMOOT. I do not ask that the Senate adjourn. I ask that we may take up the calendar under Rule VIII.

Mr. SIMMONS. If the unfinished business is to be laid aside, I shall insist upon taking up the river and harbor bill.

Mr. SMOOT. I would have to ask unanimous consent, and in that case the Senator could object to taking up the calendar.

Mr. KERN. I suggest that the Senator from Idaho be allowed to proceed.

SEVERAL SENATORS. Very well.

Mr. BORAH. Mr. President, I regard this bill as one of the most important measures which we have had before Congress for many years. We are accustomed to use similar language in regard to almost any important measure which comes up, but the trades commission bill will mark an era in the industrial policy of this country. For a great many years—in fact, since we have been a Government—we have entertained the belief that the competitive system of industry or competition is essential to our business and our political welfare. We have believed that in the competitive field, however severe the competition, things would finally adjust themselves to the public good. This bill has upon its face the appearance of being built upon that principle to some extent, but it in fact marks the beginning of the time when the business of the country will be regulated and controlled through bureaus and commissions, and marks the beginning of the time when the question of competition will be eliminated entirely, and we will simply undertake to regulate and control the combinations, however large they may be, seeking to prevent their extortion, seeking to regulate their relations with labor, and prices, and so forth. We ought to enter such a field with hesitancy and after only the most serious consideration, if, indeed, we should enter at all.

I am going to assume, Mr. President, in the argument this afternoon that this bill is constitutional. In other words, I am not going to discuss the question whether or not we can do what we are undertaking here to do. I shall assume that we can delegate the power which we have undertaken to delegate to this commission. While not conceding it, that is not the feature of the bill which I want to discuss at this time. The question still remains whether or not this measure is framed as it should be framed, assuming that we have the constitutional power to do what we are seeking to do.

As I said a moment ago, we have been heretofore proceeding along a different line, but we do not disclose an entire willingness to abandon the original proposition. We passed in 1890 what is known as the Sherman antitrust law. The Sherman law bids the business of the country to compete. It was built upon the theory that competition is the life of trade. It punishes those who unnecessarily restrain trade or destroy competition. It was enacted for the purpose of destroying monopoly, which is the absence of competition. For the last 24 years the business world, through the courts and through our public declarations, from a party standpoint and otherwise, has been led to believe that we expected the channels of interstate trade to be kept perfectly free from all restraint and monopoly, and that competition should constitute the primal element of our interstate commerce. We have given business to understand that we were not concerned with the severity of competition, but only with its preservation, however strong.

For a number of years after the passage of that statute it was not clear to the business world as to its meaning, although I think that the decisions of the Supreme Court of the United States have rendered that statute, which was in the first instance somewhat uncertain and ambiguous, sufficiently certain, sufficiently positive; and at this time business need not have very much difficulty in knowing what that law means.

Mr. President, while the Sherman antitrust law bids the business world to compete—that is to say, objects to the destruction of competition in any form—we announce another rule here in another law, saying that while we recognize competition as necessary we insist that it shall not be unfair competition. We propose to have competition, but to regulate competition which means to oversee the whole business world and ultimately and logically to tolerate monopoly.

The first law was claimed to be uncertain, so far as the business world was concerned, in its beginning. If it is not so now; the objection which I present to this bill at this time is the uncertainty of this law. When you say to the business world that competition is recognized as the life of trade and as essential to our business interests and to our political and our public welfare, and say upon the other side that while that is true still you must not compete unfairly, it is certainly due to the business world to lay down what the rules of competition shall be and what shall constitute unfair competition. Uncertain and ambiguous laws are always for the benefit of the lawless.

Mr. President, I want to call attention, in the first instance, to some of the decisions of the courts with reference to this subject, decisions which have been rendered as a result of long contests upon the part of the business concerns which have announced the rules which have been embedded not only in our jurisprudence but are supposed to be embedded in our business affairs.

I will say here that I would gladly vote for any measure which I believe would strengthen the Sherman law and make efficient and effective its enforcement. I would join with those who will add simplicity and effectiveness in its enforcement. I would remove as much of the mere administrative feature of it from the overburdened courts as possible. I would like, in other words, to join with my colleagues in any administrative provisions which would put into practical effect the splendid body of principles now found in the many decisions of the Supreme Court.

I am a firm believer in the policy of that law. I believe that it can be successfully enforced. I believe that under the decisions of the Supreme Court of the United States, as they now stand, it is within the power of the Executive side of the Government or the political side of the Government to end monopoly in this country, if we have the courage to do so, and I would willingly support any measure which I thought would result in making more effective the enforcement of that law.

Let us turn for a moment, Mr. President, to the Sherman law, and see the rule which has been announced by Congress and see what kind of a strait-jacket we are undertaking to put the business of this country in by leaving the Sherman law as it is with the numerous decisions which have been rendered under it, and at the same time enacting a law which says that unfair competition is unlawful without advising the business world or

defining in any way what shall constitute or what does constitute unfair competition. And this strait-jacket will be far more embarrassing to small competitive firms, to legitimate business, than it will be to great combinations or monopolies. Assuming that unfair competition results ultimately in doing the things which we demand shall not be done under the Sherman law, how can we expect the business of this country to proceed along the line which we are now marking out when we concede as legislators that we can not in advance advise them what is unfair competition.

I agree perfectly with what the President said last night that there is an element of uncertainty in the business world arising out of the conditions which exist with reference to the enforcement of these laws and their concernment, but how shall business become satisfied and certain and confident of itself when it is approached upon one side by the law, which means a penalty if they do not keep alive and obey the laws of competition, and upon the other side if they go too far or practice unfair competition when they are not advised in advance what is the limit of competition which shall enable them to avoid violating this measure. If it becomes a law, and how little competition they can have without violating the Sherman law? The Sherman law says:

> Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.
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> Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

It is well known that in a number of the cases arising under this law the contention was made upon the part of the business concerns that competition had become destructive, that the practices of the competitors were unfair and calculated to destroy, and that it was for the purpose of getting rid of those conditions that they asked the right to combine and cooperate, and that their cooperation or combinations were reasonable. But these pleas were rejected. They were told that the absence of competition was the beginning of monopoly, and that competition, however severe or unfair, would finally work out to the public good. Some people interpreted this as prohibiting larger units of business, but such was not true. Units which resulted from normal and regular growth, from giving increased quality of goods, and so forth, were never inhibited. Bigness itself was never condemned.

The Supreme Court in the Northern Securities case, in discussing this feature of the proposition, to wit, free competition, said:

> That Congress has the power to establish rules by which interstate and international commerce shall be governed, and by the antitrust act has prescribed the rule of free competition among those engaged in such commerce.

What did the business world understand by free competition? That there should be no restraint; that there should be no step taken looking to monopoly; that competition, regardless of its ruthlessness or its destructiveness or the method in which it was carried on, should, nevertheless, be free and be left free to settle itself and to adjust business concerns upon that principle.

The Supreme Court quotes from Sixty-eighth Pennsylvania State, page 173, as follows:

> When competition is left free, individual error or folly will generally find a correction in the conduct of others. But here is a combination of all the companies operating in the Rhosburg and Barclay mining regions and controlling their entire productions. They have combined together to govern the supply and the price of coal in all the markets from the Hudson to the Mississippi Rivers and from Pennsylvania to the Lakes. This combination has a power in its confederated form which no individual action can confer. The public interest must succumb to it, for it has left no competition free to correct its baleful influence. When the supply of coal is suspended the demand for it becomes importunate and prices must rise. Or, if the supply goes forward, prices fixed by the confederates must accompany it. The domestic hearth, the furnaces of the ironmaster, and the fires of the manufacturer all feel the restraint, while many dependent hands are paralyzed and hungry mouths are stinted. The influence of a lack of supply or a rise in the price of an article of such prime necessity can not be measured. It permeates the entire mass of the community and leaves few of its members untouched by its withering blight. Such a combination is more than a contract; it is an offense. * * * In all such combinations where the purpose is injurious or unlawful the gist of the offense is the conspiracy. Men can often do by the combination of many what severally no one could accomplish, and even what when done by one would be innocent. * * * There is a potency in numbers when combined which the law can not overlook where injury is the consequence.

Quoting from the Thirty-fifth Ohio State, page 666, the court in that case says:

> It is no answer to say that competition in the salt trade was not, in fact, destroyed, or that the price of the commodity was not unreasonably advanced. Courts will not stop to inquire as to the degree of injury inflicted upon the public; it is enough to know that the inevitable tendency of such contracts is injurious to the public.

Again, quoting from the Illinois Supreme Court as follows:

> So long as competition was free the interest of the public was safe. The laws of trade, in connection with the right of competition, was all the guaranty the public requires; but the secret combination created by the contract destroyed all competition and created a monopoly against which the public interest had no protection.

These cases, Mr. President, I read from the State courts for the reason that they are specifically referred to and approved by the Supreme Court of the United States.

Now, let us take a recent case upon this subject which illustrates the situation, because they made the special plea in this case that the combination was made for the purpose of getting rid of ruthless, unfair, overreaching competition. I do not recall that they used the word "unfair," although I think you will find it in the counsel's brief, likely; but I know the contention was made that this combination was brought into existence for the purpose of placing a reasonable restraint upon competition, and that as a result of the combination the prices had not been raised; no injustice had been done to anyone. But the court said the effect of your combination, regardless of the ruthlessness of the competition which it was brought to displace, is in violation of the antitrust law, and therefore void. This particular case was under the trust law of the State.

This is the case of the State against International Harvester Co., reported in Two hundred and thirty-seventh Missouri, page 378. The attorneys in that case said:

> The decision in this case becomes one of great practical importance to all persons and corporations doing business in Missouri. In an age "where modern industrial conditions are such that combination is not only necessary but inevitable," and when the uniting of properties and doing business on a large scale is an "economic necessity," it is of supreme importance that the commercial world should know precisely the line demarking the legitimate corporation from the illegal "trust." It presents a problem of construing the laws of Missouri, etc.

In the body of the opinion of the judge who wrote the leading opinion it is said:

> The respondent is a Wisconsin corporation, chartered in 1881, under the name Parker-Bennet Harvesting Machine Co., to engage in the business of manufacturing and selling harvesting machines—that is, binders, mowers, etc., and other agricultural implements. It was located at Milwaukee, Wis., and conducted its manufacturing business there. Its name was afterwards changed to Milwaukee Harvesting Co., and under that name it was licensed to do business in this State in 1892. It established itself here and conducted its business of selling its own manufactured articles until the occurrence of the events herein complained of by the State, since which time it has conducted a business of selling only the products of the International Harvester Co., a New Jersey corporation, which corporation will be hereinafter more particularly referred to and discussed. After the organization of the last-named company it acquired all the stock of respondent, and respondent's name was again changed, the last name being International Harvester Co. of America, the words "of America" alone distinguishing its name from that of the New Jersey corporation. Respondent is frequently referred to in the evidence as the "Milwaukee," and for convenience and ready distinction we shall sometimes refer to it by that name.
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> Besides the Milwaukee company, there were other foreign corporations, manufacturers and sellers of farm implements of the same or similar character, licensed to do business in the State, among them the McCormick Harvester Co., an Illinois corporation; the Piano Manufacturing Co., also an Illinois corporation; the Warder-Bushnell & Glessner Co., an Ohio corporation; and D. M. Osborne & Co., a New York corporation. In addition to the above corporations the Deering Co., which was an Illinois copartnership, was also a manufacturer and seller of harvesting machines, and doing business in this State. The manufacturing plants of all these concerns were located in their respective State domiciles; the business they conducted here was that of selling their manufactured products. There were other concerns engaged in like business, but the six companies above named, including the respondent, were the chief concerns; and in 1902—which was the date of the alleged unlawful combination—after several years prior thereto, they did from 80 to 90 per cent of all harvesting-machine business in the United States and in the State of Missouri. The commissioner has listed these companies in the rank of the relative volume of business done by each, as follows: (1) The McCormick, (2) the Deering, (3) the Warder-Bushnell & Glessner, (4) the Piano, (5) the Osborne, and (6) the Milwaukee. The machines of each company bore the company's trade-mark for a name—"McCormick," "Deering," "Champion" (the Warder-Bushnell & Glessner), "Piano," "Osborne," and "Milwaukee"—and were well known to the trade by their respective trade-marks.

Here were six or seven competitive business institutions, and the competition, it was said, was so severe that it was maintained and carried on upon an unfair and unjust basis, such as would result in no benefit, they contended, to the consumer, but possibly to his injury, because ultimately he must pay for whatever ravages or losses in business or failures of concerns that would take place in paying for the product as it would ultimately reach him. It was contended that it was but reasonable for those combinations to come together and end that unfair competition. If it had come before this commission, what would the commission have said about it? Suppose the commission

United Co., and by the Claflin Co. Here is the condition of some of the constituent companies of the Associated Merchants Co.:

Hahne & Co., incorporated in New Jersey, located in Newark, capital $1,800,000, debenture bonds $4,000,000; Powers Mercantile Co., incorporated in New Jersey, located in Minneapolis, capital stock $800,000, debenture bonds $800,000; William Hengerer & Co., incorporated in New York, located in Buffalo, capital stock $765,000, debenture bonds $750,000; Stewart Dry Goods Co., incorporated in Kentucky, located in Louisville, Ky., capital stock $150,000, debenture bonds $650,000, income bonds $500,000.

The Associated Merchants Co., which I have said transacts no business, owns, among other companies, the J. N. Adam & Co., of Buffalo. The Adam Co., of New York, has income bonds of $1,200,000 and debenture bonds of $1,200,000. The total bonded indebtedness of the constituent companies which I have mentioned is $9,700,000. This is only a small proportion of the number of constituent business enterprises controlled in this country by this huge aggregation for whose stock and bond issues it is liable.

Mr. President, I do not care how capable a man may be, how experienced he may be, what administrative powers he may possess, there is a limit to them all. No man on earth is big enough, and never will be big enough, though he may have the capital of a Rockefeller, to control successfully so extensive a part of one of the great primary pursuits of man; and it is fortunate that that is so, because otherwise monopoly would not only be inevitable, but it would eventuate in a single monopoly controlling everything.

This great concern, with its years upon years of successful and honorable business, has expanded until it has collapsed, having insufficient capital to carry on its affairs, saddled with a huge stock and bonded indebtedness of its own and constituent companies, requiring enormous profits for fixed charges, to say nothing of income upon the investment, which is always apparent when the pennies of the poor are sought by those who sell and dispose of stock and bonds, compelled to meet the competition of rival retailers which it should have secured as its wholesale customers, perished because it was no longer fit to live.

There is an editorial, Mr. President, in the New York World of to-day upon this subject which is so apposite that I may be pardoned for reading it into the RECORD, especially as it is very short. It is headed "Morganized dry goods," and is as follows:

That ballooning and pyramiding are as perilous in dry goods as in stocks is proved by the collapse of the H. B. Claflin Co. It is an old and conservative house, whose high character was recently commercialized. Its legitimate business was the wholesaling of dry goods. Having been Morganized and financed and inflated, it became in a large and scattered way a retailer of dry goods and a note broker dealing with thousands of banks.

By the way, Mr. President, I may say that one of these stores in the city in which I reside went into the hands of a receiver yesterday.

The wholesale business of the Claflin Co. did not lead to this catastrophe. The retail business that could receive its proper attention, such as that involved in the great shops of New York and vicinity, has not been the cause of the trouble. The H. B. Claflin Co. goes into the hands of receivers because in its proprietorship of retail stores in 28 cities in all parts of the country its credit was overextended and wise supervision was impossible.

Wholesaling used to be wholesaling. If a customer failed, the wholesaler did not take over his establishment. He closed him out. The Claflin idea of late has been to absorb retailers without much regard to their solvency and to look to the banks for the support necessary to carry on so vast an enterprise, managed slovenly.

If is the inflated paper of these merchants, indorsed in every case by the H. B. Claflin Co., involving, it will be seen, nothing more than self-indorsement, which the banks have now refused to carry. Those who wish to look beyond this for the cause of the failure may do so, but here is explanation enough for bankruptcy.

Of general conditions in the dry-goods trade which has not been Morganized it is sufficient to refer to the prosperity of the affiliated and well-managed Claflin retail stores in New York and to the latest weekly report of Marshall Field & Co., Chicago wholesalers. In the Field circular of June 19 it was said that "shipments show a very considerable gain over the corresponding sale a year ago," and that "it is unusual to find conditions so generally favorable to the dry-goods trade in all sections."

H. B. Claflin will be remembered as a great merchant. His name and his fame were capitalized, and that is all. The sequel is found in the fact that to save the Morganized properties operating upon his reputation not less than $24,000,000 in cash was needed at once, and it was not to be had. It was the value of a name.

The commercial laws of natural expansion were violated until they snapped in twain and the structure toppled to pieces. The great house of Claflin is gone; and, Mr. President, the most pathetic part of such a failure consists of its consequences upon the innocent and the unoffending. It is also serious in that, because of the various constituent companies all over the country, its consequences are generally distributed all over the land, involving not alone its own concerns but houses that are affiliated commercially with them and banks which have extended them credit. All these are more or less apprehensive of the consequences. If this concern, as it should have done and would have done but for the unfortunate modern methods of monopolization to which I have called attention, had confined itself to its legitimate business in the city of New York, and had failed, the consequences would have been merely local and would not have disturbed business conditions throughout the rest of the country.

To my mind, the combinations of the various industrial pursuits of America by the house of Morgan, whether successful or unsuccessful, constitutes and will constitute the commercial crime of the centuries. The house which is responsible for it, unfortunately, seldom feels the consequences of its misconduct.

Mr. President, the principle of consolidation had its origin in the effort to kill competition, an effort which has been made effective by the great financial concerns of the country or through their agency.

I read an editorial from the Saturday Evening Post which made its appearance yesterday, entitled "Big banking alliances":

A big German bank boasts that it is represented on the directorates of more than 200 corporations, while a bigger rival figuratively gathers about half of industrial and commercial Germany under its wing.

As to the corporate connections of eminent Wall Street bankers one may refer to the Money Trust report. In Germany and the United States, at least, big business has deliberately, even eagerly, put itself in hock to big banks. The common explanation is that big business constantly needs fresh capital and ties itself up with certain powerful banks in order to get itself financed.

That is not the real reason, however. A sound railroad or industrial does not need to stand hat in hand in Morgan's anteroom or the anteroom of the Deutsche Bank to get capital.

Mr. President, a truer word was never uttered, nor a more salutary one at this time. A sound railroad or industrial does not need to stand hat in hand in Morgan's anteroom or the anteroom of anybody else.

Take the Delaware, Lackawanna & Western road, a railroad which was constructed in the old-fashioned way, the money for which was raised upon the issue and sale of stock, which has no bonded indebtedness, or, if any, a small one, which has no difficulty in meeting its engagements, which pays 25 or 50 per cent dividends upon its capitalization, and which does not knock at the doors of Federal commissions for leave to raise its rates and increase the taxes upon American commerce. So it is with sound industrial concerns, of which few survive.

It is a most melancholy fact that to-day all business is being done upon borrowed capital. The chief reason why the railroads want and are petitioning for an increase in rates is to increase their borrowing power. No concern goes into business now without an issue of bonds. Its stock is the commission capital demands for underwriting its securities. A railroad company does not buy an engine, or a rail, or a car, or make an extension without increasing its bonded debt, without fastening upon its customers an added fixed charge. When is it going to end?

Why, Mr. President, one of the causes of the present business depression the world over lies in the fact that the liquid capital of the world is absorbed by new bond issues, by the extension of national debts, by the creation of new securities. Nobody pretends that the railroads of the country ever expect or intend to pay, or can pay, their bonded indebtedness; but they are going to increase it and increase it, and increase it again. Where and when will the end be? It must come at some time, because the borrowing power is limited by the loaning power. When the limit of the borrowing power is reached, as it will be when the productive energies of mankind are required to meet annual interest charges, then will come a collapse that will be the prelude to universal repudiation.

We are not borrowing wisdom from experience, either in government or in private life. On the contrary, we are continuing our mad course of doing business upon borrowed capital for all the world like an heir who has not reached his maturity and who mortgages his expectations at a high rate of interest, to the end that he may anticipate and then squander his inheritance.

I continue with this editorial:

The real reason is to restrain competition. Big business does not flock to big banks as a source of capital, but as a refuge from competition.

Undoubtedly the most important function of such institutions as Morgan & Co. and the Deutsche Bank is to keep competition in hand. They are a sort of medieval fair, at which traders can meet and discuss and adjust their differences under bonds to keep the peace, and make plans for their mutual benefit without knifing one another.

Mellon's testimony pictures Morgan in a dominating position. An important reason for that position was that Morgan, taking it all around, could do more to suppress competition than anybody else. Naturally, therefore, business turned to him.

Mr. President, one of the last survivals of the old-fashioned method of doing business was that of the Baldwin Locomotive

Works, of Philadelphia. It was established in 1831 by Asa Baldwin, and until 1911 it was a partnership—a magnificent enterprise, paying enormous profits, employing fifteen or sixteen thousand men, manufacturing locomotives and selling them in every quarter of the globe, and making extensions from time to time out of its earnings as the growing nature of its business required. Such a spectacle must have been annoying to the array of modern business elements which believes that the true way in which to carry on business is to incorporate it and bond it. Hence an offer was made for this business too tempting for its owners to resist. So, in 1911, it was incorporated and taken over by the Baldwin Locomotive Works Co., which was capitalized at $40,000,000, more than twice as much as it ought to have been capitalized for, and of course it was bonded. A bonded debt of $10,000,000 additional was placed upon a solvent, going concern that it might keep up with the modern procession of overburdened pursuits; and of course these bonds, with their interest of 5 per cent or 6 per cent or whatever the amount is, have been and will forever continue to be a fixed charge upon that concern, while of course it will be contended that legitimate business will be injured by anything that may so interfere with its transactions as to imperil these "fixed charges" plus a profit upon its preferred and common stock. It is the last of the old guard, so far as I know, that has disappeared under the overwhelming surge of modern capitalization and methods of doing business.

Mr. Claflin stated yesterday—and the statement was a manly one if he is correctly reported—that his failure was not due to recent tariff legislation. He did not make the statement quite as broadly as that, but I think he meant to be fair; and yet it has been and will be heralded all over this country that the collapse of the Claflin institutions, dropsical with water, spreading all over the country, was due to the policy or lack of policy of the Democratic administration. It is merely, in the industrial world, what the recent exposé of the New York, New Haven & Hartford is in the transportation world. Both institutions were the offspring of the same financial father. Each of them had headquarters in the same place, and each a part of the general policy of commercial organization which seeks to make all industries tributary to the stock markets and financial kings of New York City.

I am sorry this collapse has come. It may be a blessing in disguise in that it will call attention to its immediate causes, and result, if not in a cessation of business upon this line, at least discouraging its further extension.

Mr. SAULSBURY. Mr. President, the very eloquent address of the Senator from Colorado [Mr. THOMAS], which he has just concluded, certainly shows that legislation along the lines proposed in this bill is needed in this country.

I listened to the first part of his speech, also, with a great deal of interest, because it called attention to phraseology in the pending bill which, I think, can be much improved. I think that so far as we can, in preparing a bill for a trade commission, we should conform to the language which has received judicial construction in the Supreme Court of the United States, among others in the case of the interstate-commerce act, as this is somewhat to be compared to that legislation.

I wish to say that I shall propose an amendment to section 5 of this bill; and in order that it may have the consideration of the Senator from Colorado and the Senator from Utah, who so clearly stated his views on it, I wish to suggest the phraseology of the amendment which I shall propose, which I do not think will be out of joint with the ideas of the committee.

I propose to strike out, in lines 7 and 8, on page 21 of the bill, the words "restraining and prohibiting it from using" and to insert in lieu thereof the words "directing the discontinuance of"; and also, in line 11, on page 21, to strike out the words "restraining and prohibiting the use" and to insert in lieu thereof the words "directing the discontinuance."

My reason for doing that is to avoid using, in connection with the powers of the commission, words which have received clearly judicial construction, and which pertain to the processes of the courts, and, as I conceive, not to those of a commission.

I also propose to strike out lines 15 to 22, inclusive, regarding the process and course to be taken after the commission shall determine any competition to have been unfair, and so declare, and use, mutatis mutandis, the words of the interstate-commerce act, as follows:

If any corporation fails or neglects to obey any order of the commission while the same is in effect, the commission, or any party injured thereby, or the United States, by its Attorney General, may apply to the district court of the United States within any district where the method in question was used or where such corporation is located or carries on business for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the corporation is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such corporation, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

That, Mr. President, will bring the wording of this act into strict accordance with the interstate-commerce act, which has had such frequent construction by the courts that I think it is very desirable that we should use that form.

Mr. NEWLANDS. Mr. President, I will state that I see no objection to the amendment suggested by the Senator from Delaware, and I will bring it to the attention of the committee. At the same time, I insist that the application to the court by the commission for the enforcement of its order means judicial action by the court. It asks for the issuance of an injunction against whom? Against the defendant. The defendant must appear and must, of course, be heard. So, while all the action of judicial proceedings is not laid down in this bill, I insist that it is all implied.

Mr. CLAPP. Will the Senator pardon a question?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. In the Senator's view, what matters will the court consider upon that application?

Mr. NEWLANDS. Simply the question, first, whether the commission is authorized by law to make the order; and, second, whether or not it invaded the constitutional rights of the defendant.

Mr. CLAPP. That is just what the Senator from Delaware suggests we should copy from the interstate-commerce law. It seems to me that is much plainer, and that it would be much better to make it plain, and obviate just such discussion on the law as we have had this afternoon on this portion of the bill.

Mr. NEWLANDS. I have no objection at all.

Mr. SIMMONS. Mr. President, in connection with the very eloquent and illuminating discussion of the Senator from Colorado [Mr. THOMAS] with reference to the failure of the H. B. Claflin Co., I ask unanimous consent to have read an editorial which appeared in to-day's issue of the Wall Street Journal, of New York.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

[From the Wall Street Journal of Friday, June 26, 1914.]

REVIEW AND OUTLOOK—THE CLAFLIN FAILURE.

It is easy and cheap to ascribe the largest failure of its kind in the country's commercial history to the administration at Washington. This is not altogether fair, although it must be admitted that the disturbance of public confidence, of individual consuming power and credit, and of established methods of commerce tested by the expert practice of years has an undeniable responsibility in the matter.

But the Claflin firm failed because it was based on a combination of wholesale and retail business, which imposed upon it a financial burden heavier than it could carry. The H. B. Claflin firm, before embarking in the retail business, was perhaps the largest wholesale house in the world. Its customers were independent and well distributed. But when it embarked in the retail trade it stood to reason that its independent customers would resent that enterprise, and would take their business elsewhere.

There followed a result which was, unfortunately, only obvious after the event. The company had to make its own customers and finance them. It ceased to be a wholesale house in a broad and safe sense, and became merely the financial backer of a large number of retail stores all over the country, whose only credit was that of the H. B. Claflin house. The notes of these concerns, probably held by 5,000 or more great and small banks throughout the United States, were practically Claflin paper. The indorsement made these notes merchantable, and the failure leaves the banks as creditors of the indorsers.

This is an instance of expansion in the wrong direction. Given sufficient financial strength, the idea was all right, but with what the New York Herald correctly describes as "slow assets and quick liabilities" there was only one end when the parent concern had exhausted its credit.

It is revealing no secrets to say now that the late J. P. Morgan saw this clearly. He has been freely abused, especially by people who did not know or understand him. But his analysis of this situation at its inception was crystal clear, and it is not too much to say that had he been alive the result would have been foreseen, and therefore rendered largely harmless.

There is here no criticism of a great merchant, whose rectitude is a proverb and whose reputation is clean enough to stand an honest commercial failure. An apology for the president of the New York Chamber of Commerce would be an impertinence. The facts need only to be presented to be understood.

As might be expected, the best commercial and financial intelligence in the country is now directed to localizing and minimizing the danger to credit.

Mr. BORAH. Mr. President——

Mr. CLAPP. If the Senator will pardon me, here is one of the most vital measures that has been before Congress in many years, a proposition radically and absolutely to revolutionize the attitude of Government toward business, and I think a full attendance of the Senate should be here to listen to the discussion. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

not—is it entirely a useless formality for the court to issue an injunction? Why not rest upon the order of the commission?

Mr. THOMAS. I would not be prepared to say that it would be a useless formality, because I imagine if the court issues its mandatory writ, obedience necessarily follows, or, rather, disobedience of it necessarily brings pains and penalties for contempt of the order. In that respect it might be very effective and very necessary.

Mr. SUTHERLAND. But is it the exercise of judicial power or of the judicial function for a court to issue an injunction without a hearing and a determination?

Mr. THOMAS. The criticism which the Senator makes is my criticism also. The question which he asks and which I attempted to answer went to the operation and effect of the bill. I think, irrespective of the fact that the writ may be the result of a mandatory statute, it nevertheless would carry with it the necessity of obedience or the consequences which result from a disobedience of the decree.

Mr. NEWLANDS. Let me suggest to the Senator that the court would exercise the judicial function of determining, first, whether the commission was authorized by law to make the order in question, and, second, whether the order in question violated any constitutional right.

Mr. THOMAS. If the court did so it would do it in spite of and not because of this statute.

Mr. NEWLANDS. It is just so with reference to the Interstate Commerce Commission. We know that under the interstate-commerce act orders are made enjoining the collection of unreasonable rates and enjoining the continuance of unjust discrimination. Those orders go to the courts. The courts have held within the limit of their jurisdiction that those orders are regulations of commerce by an instrumentality of Congress, and simply inquire into the question whether the order itself is violative of any constitutional right; on the other hand, whether the statute itself authorized the commission to act.

Mr. THOMAS. Will the Senator say that the language used in section 5, which I have just criticized, is taken from or is a copy of the language of the interstate-commerce act?

Mr. NEWLANDS. My understanding is that it parallels the language of that act. I will proceed, however, to examine it.

Mr. THOMAS. I will pass from that for the present, because I said at the outset that I do not intend to enter into any very lengthy discussion of these suggested objections at the present time.

I was about to refer to subdivisions b and c of section 3 and to suggest that in my judgment subdivision b accomplishes all that could be accomplished by the enforcement of subdivision c, which according to the statements made here yesterday indicates that the enactment of subdivision c into a law will impose an enormous and needless burden of expense upon the corporations subject to its provisions.

The reports which are required are of course thought to be necessary to carry out the purposes of the act—that is to say, to give to the commission information which may be needed to make the act effective—but the commission may, under subdivision b, require any corporation at any time to furnish it any information that it sees fit to ask for, the extent of its request being limited only by its own discretion. Therefore, inasmuch as the ultimate expense of the administration of this law, like the administration of all other acts, bears ultimately upon the consumer, why should we impose a burden the object of which can be provided for just as well? It may be that some purpose is to be subserved by subdivision c of which I know nothing, but I am unable at present to determine why the previous provision of the same section is not ample for every purpose of the commission.

Mr. SAULSBURY. Mr. President——

Mr. THOMAS. I yield to the Senator from Delaware.

Mr. SAULSBURY. In regard to the suggestions which the Senator now makes, I wish to say that my understanding of the reason for subdivision c is that it may determine upon what reports it may require. It is not supposed that it will require reports from all corporations at any given time, but only from such classes of corporations as in its discretion or in its opinion may need investigation. It would require reports of a general character from certain classes of corporations, and from that information so derived it might conclude to use the power granted by subdivision b in further investigation, being led to such investigation by the information contained in subdivision c. That is the reason for the two subdivisions, I understand.

Mr. THOMAS. Well, Mr. President, as I read this subdivision c it is applicable to all corporations, or may be made applicable to all corporations, which come under the jurisdiction of the commission; and I think it is safe to assume that it will be extended from time to time until it does embrace all interstate-commerce corporations, and possibly those which are indirectly identified with interstate commerce. I do not believe that the benefit sought to be obtained is commensurate with the expense that will be entailed upon these companies through the exercise of that power. However, I am open, I hope, to conviction at any time, both as to suggestions which I have made adverse to the measure and to those which will doubtless be offered by other Senators.

My own notion, Mr. President, about this species of legislation, speaking from the Democratic standpoint and also from the standpoint of my own convictions, is that the action of the Federal Congress should be negative in its character, and that we can accomplish quite as much, if not more, by statutes of a prohibitory character, not needing the intervention of a commission, with its multitude of employees, for their enforcement, as can be accomplished by legislation of this kind. For example, let me assume a statute prohibiting any corporation from engaging in interstate commerce which is a constituent of other companies engaged in the same line of business controlled by a holding company; that no corporation shall be permitted to enter into interstate commerce the capital stock of which is out of all proportion to its actual assets; that no corporation shall be permitted to engage in interstate commerce which is directly or indirectly identified with any transportation company; that no corporation shall be permitted to enter into interstate commerce which through interlocking directorates is indissolubly associated with other corporations engaged in similar business—these and kindred regulations crystallized into a statute of the United States would be ample, in my opinion, to effectuate the purposes of this proposed trade commission; would do away with the enormous expense which must attend the exercise of its functions; prevent unfair competition, divorce the relation which so frequently is found to exist between industrial and transportation companies; do away with holding companies; make interlocking directorates impossible in interstate commerce; and, at the same time, enable the Department of Justice to handle the situation, and to handle it more satisfactorily than is possible in the case of a commission of the kind which is here proposed.

These ideas are not original with me, Mr. President. I first saw them as they appeared in some of the magazines of the country from the pen of Mr. Robert R. Reed, an eminent attorney of the bar of the State of New York. I understand that he appeared before the Committee on Interstate Commerce in the Sixty-second Congress, and that his views so impressed certain members of that committee, notably the senior Senator from Mississippi [Mr. WILLIAMS], that a bill was introduced and was pending before that committee, embodying those views, before the last session of Congress.

Mr. Reed has been here since this Congress has been in session; he has urged his views upon committees of both Houses, as I have been told, and I exceedingly regret that they have not materialized into some proposition that we might consider here before ultimately determining what our course upon this tremendously important subject shall be. So much, Mr. President, for the pending measure.

Before I take my seat, however——

Mr. SUTHERLAND. Before the Senator passes from that subject, will he permit me to call attention to the provisions of the statute to regulate commerce with reference to judicial hearings?

Mr. THOMAS. I shall be very glad to have the Senator do so. I have not a copy of it here.

Mr. SUTHERLAND. On page 33 of Senate Document No. 475, Sixty-third Congress, second session, the provision is:

> If any carrier fails or neglects to obey any order of the commission, other than for the payment of money, while the same is in effect, the Interstate Commerce Commission, or any party injured thereby, or the United States, by its Attorney General, may apply to the Commerce Court for the enforcement of such order.

Of course that jurisdiction has now devolved upon the district courts.

If after hearing—

Observe, the provision is "after hearing"—

> that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives from further disobedience of such order or to enjoin upon it or them obedience to the same.

That gives the court full jurisdiction to hear and determine the case.

Mr. THOMAS. I felt very sure, Mr. President, that my recollection as to the general character of that law was correct; but, of course, I hardly felt at liberty to express it with over-

confidence in view of the statement of the Senator from Nevada [Mr. NEWLANDS].

Mr. NEWLANDS. I should like to know what distinction the Senator makes between this power and that?

Mr. THOMAS. There is all the distinction which exists between a statute that confers judicial power upon a court and a statute which simply confers a mandatory power upon a court; in other words, all the distinction between judicial authority and executive authority.

Mr. NEWLANDS. And yet the courts have held, with reference to an order made by the Interstate Commerce Commission, that all the court can do is to inquire as to whether the commission acted under its authority and whether the order invades any constitutional right.

Mr. THOMAS. The court can not even do that here.

Mr. NEWLANDS. I do not see why it can not do so here.

Mr. THOMAS. Simply because the bill does not permit it to do so.

Mr. NEWLANDS. There is nothing in the statute which permits it.

Mr. THOMAS. Oh, yes; the statute expressly provides for a hearing.

Mr. NEWLANDS. It is an elemental principle of law that where a tribunal applies to a court to enforce an order made by it, it must first show its authority to make the order. That is elemental. There is no necessity of a statute for that.

Mr. THOMAS. The proposed statute here, which I am criticizing, determines just how that authority shall be exercised and just how it shall be presented to the court. This commission says to John Smith, "You have engaged in unfair competition." That is its decision. John Smith declines to obey the order. Then the commission goes before the proper United States court and files a petition setting forth the facts—first, that it has decided that the competition is unfair; second, that it has ordered John Smith, the offending corporation, to desist from that practice; and, third, that John Smith has refused or neglected to desist from it, and therefore it asks for a mandatory order or injunction compelling him to do so. That is the whole thing. The Senator from Utah [Mr. SUTHERLAND] calls my attention to the statute specifically. It provides:

If, after hearing—

And, of course, a hearing means a trial—

> that court determines that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by writ of injunction or other proper process, mandatory or otherwise.

And in the operation of this provision of course hearings have been had, as they must be had, and decisions have followed in the usual course of the administration of justice.

Mr. NEWLANDS. Would the section satisfy the Senator from Colorado if we followed the language of the interstate-commerce act?

Mr. THOMAS. Certainly.

Mr. NEWLANDS. I contend that it specifically means the same as that act.

Mr. THOMAS. If the proposed statute follows the interstate-commerce statute, the fact that that statute has been judicially construed would be an immense step in advance, whereas as it stands at present I certainly can not give my sanction to the passage of the pending bill.

Mr. NEWLANDS. What I contend is that the section under consideration practically means that.

Mr. THOMAS. I have the greatest respect for the Senator's opinion. I wish that I could coincide with him, as I frequently do, but under the circumstances it is impossible for me to reach the same conclusion.

Mr. President, the country was startled yesterday by the suspension of the oldest, if not the greatest, dry-goods house in this country. It was not entirely a surprise, and yet, generally speaking, it was unlooked for. It is quite natural that in a time like this various causes will be assigned for this failure, which may or may not be well founded. Some men are prone to assign causes which accord with their prophecies or with their own desires, while others, from the best of motives, may assign causes which are entirely erroneous. I do not pretend to the possession of any infallible power of correctly discerning the reasons for this unfortunate commercial collapse, but I believe, Mr. President, that I can do so, and that some one in this body should rivet the attention of the country upon conditions which in similar instances have led to similar results, to the end that the character and methods of modern business operation, and not legislation by Congress, be made responsible for its occurrence.

The H. B. Claflin Co. is one of the oldest, if not the oldest, institution of the kind in the country. It reaches back to the early days of the past century, and its career has been a long, an honorable, and a successful one. It was for many years, and, I think, up to the close of the last century, engaged strictly in a wholesale dry-goods business, and, of course, had its customers in every State of the Union. I think that it is safe to say that if its business had been continued along those lines, and it had withstood the temptation of branching out in the effort to control the retail dry-goods business, it would to-day be wealthier than ever, a successful and prosperous institution; but the spirit of American enterprise, as commercially and industrially directed during the past 25 years, has been toward enlargement and expansion, toward control and monopolization. Every known industry has sought through some nucleus established by the financial powers to embrace in its far-reaching arms and agencies all of its branches and ramifications. In that way, Mr. President, legitimate enterprises, extended beyond all reason and far beyond the amount of capital behind them, have collapsed into ruin from their own weight. The H. B. Claflin Co. is the last, and I hope will remain the last, unfortunate illustration of the effect of the commercial law of gravitation upon these huge enterprises.

This company some time ago was "Morganized," and I do not know of a word that has been coined in recent times which more graphically expresses a vicious and entirely indefensible industrial and commercial condition or one which has done more to unsettle the social order of this country—to spread abroad the desire to get rich quick, to create dissatisfaction and disaffection with old and stable and conservative methods of procedure.

Some time ago this particular enterprise attracted the attention of the "Morganizing" authority and power. The result was a gigantic aggregation, foisted upon the investing public, and, of course, it was listed on the New York Stock Exchange. That exchange to-day leals in shares of companies, Mr. President, which represent all the industries of the country, and does so through the "Morganization" of these industries, whereby they have become subject not only to speculative influences, but to speculative and commercial schemes and conspiracies designed to raise and lower the value of their stocks that gamblers may profit or lose at the expense of the industries they represent.

This institution was capitalized at $9,000,000 a number of years ago, and then the United Dry Goods Co. was organized, which was at once put in possession of a controlling interest in the H. B. Claflin Co. The authorized capital of the Claflin Co. is $9,000,000, all issued; that of the United Dry Goods Co., a Delaware corporation, is $25,000,000, of which $17,250,000 has been issued. But not content with two companies, the cupidity of those identified with the enterprise suggested a third, called the Associated Merchants Co., which is also controlled by the United Dry Goods Co. This has a capitalization of $35,000,000, of which $22,240,400 is outstanding, or a total outstanding capitalization of $41,490,400.

The officers and directors of these three companies are almost identical. They are:

> H. B. Claflin Co.: President, John Claflin; vice presidents, John C. Eames and Lewis Stewart; secretary, George C. Armstrong; treasurer, Dexter N. Force; assistant secretary, Stewart W. Eames; directors, George E. Armstrong, John Claflin, John C. Eames, Stewart W. Eames, and Dexter N. Force.
>
> Associated Merchants Co.: President, John Claflin; vice president, John C. Eames; treasurer, Lewis Stewart; secretary, Moses Ely; directors, John Claflin, George F. Crane, Howland Davis, Woodbury Langdon, Arthur L. Simpson, John A. Stewart, and Lewis Stewart.
>
> United Dry Goods Co.: President, John Claflin; first vice president and treasurer, Lewis Stewart; second vice president, John E. Eames; secretary, Moses Ely; directors, John Claflin, Thomas F. Bayard, George F. Crane, Howland Davis, Woodbury Langdon, John A. Stewart, and Lewis Stewart.

Here, Mr. President, is a commercial trinity, a three in one and one in three, the aggregate authorized capital of which is nearly $70,000,000. Everyone knows that no such capital as the amount outstanding was actually invested in these various enterprises; that the necessity for the existence of the three concerns was only of a purely speculative character; that and inevitably this violation of the common principles of business integrity would lead sooner or later to disaster. Let us see how this company branched out.

The New York World to-day gives a list of 28 different retail concerns, spreading all over the United States and existing in many of the greatest cities of the country, controlled either by the United or Merchants companies, a great many of which have not only been capitalized beyond all reason but have been bonded as well. The Associated Merchants Co. is not in the dry-goods business at all; it is not in any business, Mr. President, except that of holding the stocks and bonds of its constituent companies. Dividends have been paid by it, by the

Mr. HOLLIS. I so understand it; but if it is not so, and the Senate wants it so, we can find language that will express that idea, no doubt.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. HOLLIS. I yield.

Mr. STERLING. I really think that is the reasonable construction of the language used; that if it meant at all that the court should hear and determine the matter on its merits on the petition presented by the commission, it would have said so in few or more words, as the case may be; but surely it would have been the natural thing to have given the court that power.

Mr. HOLLIS. Of course we do not know what was in the mind of the draftsman, and if we did, it would not be material; but it is the duty of the Senate to make its ideas clear when it decides what it wants in a bill.

I wish to call attention to just one more point, and then I am through.

It has been questioned here whether this designation of unfair competition lays down a rule that is sufficiently precise for legislation of this sort. I desire to call attention to the interstate-commerce act, as amended June 29, 1906, and June 18, 1910. In that provision the Interstate Commerce Commission is given the discretion and authority to determine whether acts are—

unjust or unreasonable or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this act.

And further, they are authorized and empowered—

to determine and prescribe what will be the just and reasonable individual or joint rate or rates, charge or charges—

And, further—

what individual or joint classification, regulation, or practice is just, fair, and reasonable.

That is the very same thing that this bill undertakes to give to the trade commission—the authority to decide what classification, regulation, or practice is just, fair, and reasonable; whether it is a fair practice. If the Interstate Commerce Commission can be given that authority under the Constitution—and it is not doubted; wherever the courts have passed upon it they have upheld it—then certainly it is our province to say that the trade commission may determine what is fair competition.

I can not see any difference between laying down the rule that an unfair practice shall be prohibited and that an unfair competition shall be prohibited.

I wanted to get these matters in the RECORD at the outset, so that they might follow after the very able argument of the distinguished Senator from Missouri [Mr. REED].

Mr. NEWLANDS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Page	Smoot
Borah	Kern	Perkins	Stone
Brady	Lane	Pomerene	Thomas
Bryan	Lea, Tenn	Ransdell	Thompson
Camden	Lewis	Reed	Thornton
Catron	Lippitt	Saulsbury	Tillman
Chamberlain	Martin, Va.	Shafroth	Vardaman
Clapp	Martine, N. J.	Sheppard	Weeks
Clarke, Ark.	Newlands	Sherman	West
Fletcher	Norris	Shively	White
Hollis	Oliver	Smith, Md.	
Hughes	Overman	Smith, Mich.	

Mr. WHITE. I wish to announce that my colleague [Mr. BANKHEAD] is absent on official business.

Mr. THOMAS. I wish to announce the unavoidable absence of the junior Senator from Arizona [Mr. SMITH].

The PRESIDING OFFICER. Forty-six Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absentees.

The Secretary called the names of the absent Senators, and Mr. SIMMONS and Mr. SUTHERLAND answered to their names when called.

Mr. CULBERSON, Mr. JAMES, Mr. DILLINGHAM, and Mr. NELSON entered the Chamber and answered to their names.

Mr. CLAPP. I desire to announce that the senior Senator from Wisconsin [Mr. LA FOLLETTE] is confined to his house by illness.

Mr. CUMMINS, Mr. WHITE, and Mr. CHILTON entered the Chamber and answered to their names.

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. I will let this announcement stand for the day.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. There is a quorum present. The Chair recognizes the Senator from Idaho [Mr. BORAH].

Mr. TILLMAN. Will the Senator from Idaho yield to me for a minute that I may submit a conference report?

Mr. BORAH. I yield for that purpose.

NAVAL APPROPRIATIONS.

Mr. TILLMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 28, 29, and 33.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of Senate amendment insert "$3,475,500"; and the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 71, and the Senate agree to the same.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEORGE C. PERKINS,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
Managers on the part of the House.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BRYAN. Before the conference report is agreed to I desire to submit some remarks upon it. It will not take me more than 10 minutes.

The PRESIDING OFFICER. The Chair will state that the Senator from Idaho [Mr. BORAH] is entitled to the floor.

Mr. BRYAN. I suggest to the Senator from South Carolina, now that he has presented the report, to let it go over, and we will proceed with the unfinished business for the day. Before the Senate acts on the report I should like to be allowed to say something upon it, if that course is agreeable to the Senator from South Carolina.

Mr. TILLMAN. I have no objection to that. I should be glad to have the Senator from Florida make any speech he wants. I want to get the matter off my hands and to get the naval appropriation bill through. This report completes it. The House has already adopted the report, and if it is adopted by the Senate it will be ended then and become a law as soon as the President signs it.

Mr. BRYAN. I understand that, but I understand also that we have a right to discuss the report.

Mr. TILLMAN. I would be glad to have the Senator discuss it.

Mr. THOMAS. I was under the impression that I had the floor when the absence of a quorum was suggested. If I am wrong about it——

Mr. BORAH. I yield the floor to the Senator from Colorado if there is any question about it.

Mr. FLETCHER. Mr. President——

Mr. THOMAS. I yield to the Senator from Florida.

Mr. FLETCHER. I have sought recognition half a dozen times to inquire of the Senator from South Carolina, who presents the conference report, whether or not the item for a breakwater at Key West is retained by the conferees.

Mr. TILLMAN. No; it went out in the conference. The House voted overwhelmingly against it.

Mr. FLETCHER. Then I also should like to be heard before the report is agreed to.

Mr. BRISTOW. Mr. President——

Mr. THOMAS. I yield to the Senator from Kansas.

Mr. BRISTOW. May I inquire what was done with the conference report on the naval appropriation bill?

The PRESIDING OFFICER. The report will be printed and lie on the table.

Mr. TILLMAN. It will lie on the table subject to call by the two Senators from Florida, who want to make some remarks on it.

Mr. BRISTOW. Thank you.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. THOMAS. Mr. President, it is not my intention at this time to go into a lengthy discussion of the pending measure. I should like, however, to suggest two or three improvements in the bill, together with some doubts which I entertain as to the validity of section 5, leaving their discussion to some time in the future when I shall have had an opportunity to investigate the matter further.

Personally I am opposed to the creation of any more commissions for any purpose if their creation can be avoided. We are rapidly becoming a government by commission or by bureau, or by both, and the tendency seems to be to increase instead of diminish them. In the West bureaucracy has become so common that it has ceased to be remarked upon. It is extremely difficult for a man in one of the public-domain States of the Union to go down the streets of a town of ordinary size without encountering from half a dozen to a dozen representatives of commissions or bureaus charged with the duty of administering some so-called or supposed executive function.

The purpose of this bill, among other things, is to create a commission the discharge of whose duties will require the employment of an army of subordinates. It is impossible at this time to forecast the extent either of their number or their duties, but there is no doubt that they will cover the surface of the entire country in the discharge of the broad functions and powers that are here proposed to be bestowed upon them.

I can readily imagine that out of 350,000 corporations, to which the report of the chairman refers, fully one-half will come under the purview of this statute. If they are to be examined, if they are to be required to file reports, if the various and constantly increasing number of complaints against these corporations by their competitors are to be docketed and investigated, it certainly means the employment, through the agency of this bureau, of thousands upon thousands of employees, possessed very largely of inquisitorial powers—and I use the word advisedly—inquiring into, making examinations of, and interfering with the ordinary as well as the extraordinary course of business. The expense consequent upon this newly appointed body of employees, apart from other considerations, is going to be very large indeed. If the bill, in so far as the objects and duties of the commission are concerned, could be made more definite, we could perhaps forecast with some degree of intelligence the expense of administration.

I quite agree that unfair competition is not safely susceptible of specific definition any more than is the subject of fraud. An old chancellor once said that it would never do to define fraud lest some rogue at once defraud the definition. We all know what fraud is when we are confronted with it; we probably know what unfair competition is when we are confronted with it; but there must be in each specific instance, whether the charge be of fraud or unfair competition, an examination of the facts and then the application of a general law to it. This means that unfair competition under this law must be determined by the facts of each individual case, which may or may not become a precedent for other cases either differing from or in many respects analogous to it.

As a consequence these general powers, these general duties, can only be performed by the exercise of what, for want of a better term, I am obliged to call a judicial power. It may not be so strictly speaking, but it certainly is a power which must investigate before deciding, and which should not decide until there shall be an investigation. In that respect it bears every analogy to a judicial power.

Therefore, apart from the question of the authority of Congress to create and endow a commission with this enormous authority, I question very much whether it would be wise to do so unless it is absolutely necessary, and we should be very cautious in determining that it is absolutely necessary, when we come to consider the consequences and the far-reaching results of the exercise of this authority upon the business and economic interests of the country.

The first sentence, therefore, of section 5 strikes me as being inexpedient if not beyond the powers of Congress to enact, and that is one of the matters to which I want to direct the attention of the chairman of the committee while I am on my feet. A part of this section, that which permits an appeal to the judicial power of the United States, invests the courts merely with authority to issue a mandatory injunction upon the request of the commission, if its order shall be disregarded by the corporation against which it may be aimed. Let us see:

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission.

Now, that is the extent to which the commission can appeal to the courts. It may ask the courts to enforce an order which has been disobeyed, and that is the measure as well as the limit of the relief which the court can grant.

This section goes on to say:

And the court is hereby authorized to issue such injunction.

The power to issue may, and doubtless does, include the power to review, but what authority have the courts of the United States, under the sentence which I have just read, to inquire into the merits of the controversy? The court must be guided by the facts set forth in the petition, and inasmuch as the power to determine whether the unfair condition exists or not is the same power which petitions the court, my construction of that clause is that it does not confer upon the judiciary any authority whatever except to grant the injunction according to the prayer of the complainant. The competition is unfair, because the commission has said so. Being unfair, its order must be obeyed, and, as a consequence, to enforce obedience the court must grant the right of injunction.

Now, that is not the good, old Anglo-Saxon method of administering justice, which recognizes the right of every person, however guilty, to have his day in court. It may be that the condition of business is such that it is absolutely necessary to invest a commission with power to make a decree which is not only final but not subject to appeal, and to grant the courts the power only to see that it is enforced. I do not believe the business conditions in this country, bad as they are and as I know them to be, have reached such a point as to justify legislation of that kind.

I invite the attention of the committee to this subject, and I hope they will consider it very carefully before a vote is finally taken upon the bill.

Now, subdivisions b and c——

Mr. CLARKE of Arkansas. Before the Senator from Colorado leaves that point let me ask him if the service resulted to the court is judicial service at all? Is it not a purely ministerial duty, carrying out the orders of the commission?

Mr. THOMAS. I am obliged for the suggestion of the Senator from Arkansas, because it is most pertinent, and it seems to me also to be unanswerable. The section confers a ministerial duty upon the courts, and, of course, one which involves practically no discretion.

Mr. NEWLANDS. If the Senator will permit me——

Mr. THOMAS. I yield to the Senator from Nevada.

Mr. NEWLANDS. Let me suggest that this power is exactly the power exercised by the courts through the interstate-commerce act with reference to the orders of the Interstate Commerce Commission compelling carriers to desist from certain practices.

Mr. THOMAS. But in those cases there is expressly given to the parties who are affected by the order a right to resort to the courts.

Mr. NEWLANDS. No greater opportunity than is given by this act.

Mr. THOMAS. I hope that may be the construction placed upon it; but it is impossible for me to place it upon the language of the bill, which merely authorizes the commission to file a petition, but not the party against which the order of the commission is directed. It merely authorizes the commission to appeal to the courts, and then only for the purpose of enforcing the order which has been disobeyed.

Mr. SUTHERLAND. May I ask the Senator from Colorado whether this even requires that the court shall find that the order of the commission has been violated? It provides that when the commission——

Mr. THOMAS. I have just stated, if the Senator will pardon me, that inasmuch as under the law the finding of the commission seems to be conclusive, the statement of the fact in the petition would bind the court.

Mr. SUTHERLAND. I did not hear the Senator state that, but I was about to suggest that the language is that whenever the commission after the issuance of such an order shall find that such corporation has not complied therewith, it shall file its petition, and the court is authorized to issue the injunction apparently upon the finding of the commission.

Mr. THOMAS. The courts either should be endowed with power of review or they should not. If they are endowed with the power of review at all it ought to be mutual, and if it is mutual it, of course, must involve the authority on the part of the court to make its investigation and reach a conclusion. If this clause does this of course it answers the objection completely, but it seems to me it does not.

Mr. SUTHERLAND. If the court has no judicial discretion to exercise—and it would seem from this language that it has

Agriculture authority or power to determine what acts shall be criminal, and the act in question was a delegation of legislative power to an executive officer to define and establish what shall constitute the essential elements of a crime against the United States.

The Supreme Court reversed the judgment of the court below. In the opinion by Mr. Justice Lamar, page 585, it is said:

Under these acts, therefore, any use of the reservation for grazing or other lawful purpose was required to be subject to the rules and regulations established by the Secretary of Agriculture. To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth or at one season of the year might not be so at another.

In the nature of things it was impracticable for Congress to provide general regulations for these various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions Congress was merely conferring administrative functions upon an agent, and not delegating to him legislative power.

Quoting again from page 517:

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations, not for the government of their departments, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will it could give to those who were to act under such general provisions "power to fill up the details" by the establishment of administrative rules and regulations, the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress or measured by the injury done.

Thus it is unlawful to charge unreasonable rates as to discriminate between shippers, and the Interstate Commerce Commission has been given authority to make reasonable rates and to administer the law against discrimination. (Int. Com. Comm. v. Ill. Cent. R. R., 215 U. S., 452; Int. Com. Comm. v. Chi. R. I., etc., R. R., 218 U. S., 88.) Congress provided that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. Louis & Iron Mountain R. R. v. Taylor, 210 U. S., 281, 287; Union Bridge Co. v. U. S., 204 U. S., 364; In re Kollock, 165 U. S., 526; Butfield v. Stranahan, 192 U. S., 470.) It appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams; to sell unbranded oleomargarine; or to import unwholesome teas. With this unlawfulness as a predicate the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done, or treated as unlawful if done. But confining themselves within the field covered by the statute they could adopt regulations of the nature they had thus been generally authorized to make, in order to administer the law and carry the statute into effect.

There is only one other case to which I wish to refer.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Utah?

Mr. HOLLIS. Certainly.

Mr. SUTHERLAND. The Senator has been quoting from a case in Two hundred and twentieth United States, and I understood from what he said about it that he regarded it as perhaps the strongest case in support of this provision in the bill. He asked the Senate to give particular attention to it. Does the Senator think that that case is authority for the proposition that Congress may delegate to an officer the power to declare that a particular act shall be a crime?

Mr. HOLLIS. Yes; I so understand; and that is material in this discussion, because this bill also provides for criminal procedure as well as for the issuing of injunctions. I do think it is so done, and mainly this case is authority through the other cases which give the Interstate Commerce Commission the same power.

Mr. SUTHERLAND. Does the Senator think that under that authority Congress could vest the Postmaster General with the power to declare what acts should constitute offenses against the operations of the Post Office Department?

Mr. HOLLIS. I believe that would be entirely constitutional. Whether it would be good policy or not is an entirely different question.

Mr. SUTHERLAND. Let me call the Senator's attention to what I conceive to be the difference between the case the Senator is referring to and what the Senator now thinks it is authority for. I understand the general rule to be that no legislative body has the power to invest an administrative officer with the power to make law. Now, while I think the case in Two hundred and twentieth United States goes to the very verge, if it does not go beyond it, still we were there dealing with property of the Government; we were dealing with the public lands; and we were simply giving the Secretary of the Interior power to make regulations for the use of the public lands by the citizens. We could have forbidden the use altogether; and having the right to forbid the use altogether, we could condition the use as we pleased; and we did condition it by requiring compliance with the regulations of the Secretary of the Interior.

That was not conferring upon the Secretary of the Interior the power to make a criminal law. Congress had made the law. Congress had said that a violation of the regulations should constitute an offense. So the making of the regulations was not the making of a law; it was simply furnishing the opportunity for the coming into operation of the congressional law. It would be the same as if we said, in the case of the Post Office Department, that the Postmaster General may prescribe certain forms for making returns or that certain books shall be kept, and that any person who makes false returns or false entries in the books shall be guilty of an infraction of the law. That would simply furnish the occasion for a violation of the law, but would not be the law itself.

I invite the Senator's attention to that view of the matter.

Mr. HOLLIS. I am very glad to have the Senator's view. He is not discussing the present bill, however. He says that the forest reservation bill and the book accounting bill, in the case of a railroad, go as far as should be gone in that direction. He may well say that and yet be for the trade commission bill, because here the commission is not given authority to legislate or to make rules, but is merely given directions to proceed for punishment of cases of violation of the law which Congress makes when it prohibits unfair competition. It is just like the laws for the punishment of the crime of false pretenses. Those statutes do not undertake to define false pretenses, but they say if a man is guilty of false pretenses he shall be punished in a certain way; if he is guilty of larceny he shall be punished in a certain way. It is left to the common law, which is not more than the common sense of the courts, to say what is a violation, and then, of course, Congress or the other legislative body provides for the violation and provides a punishment; and that is what is done in the trade commission bill.

Mr. SUTHERLAND. Mr. President, may I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from New Hampshire further yield to the Senator from Utah?

Mr. HOLLIS. With pleasure.

Mr. SUTHERLAND. This law inhibits unfair competition. It declares that unfair competition is unlawful, and vests the proposed commission with power to prohibit it.

Mr. HOLLIS. I beg pardon. The law prohibits it, but it gives the commission certain duties to perform in connection with the enforcement of the law.

Mr. SUTHERLAND. The bill expressly says that the trade commission shall prohibit these practices, as I understand.

Mr. HOLLIS. No; that the trade commission shall enforce the law. They are given no authority to prohibit. They are merely given authority to make an order, but that order can not be enforced without recourse to the courts.

Mr. SUTHERLAND. Very well. The question I want to ask the Senator is this: Where would the trade commission go to ascertain what particular acts were included in the expression "unfair competition"? Would they go to the decisions of the courts?

Mr. HOLLIS. They would go wherever any lawyer has to go who wants a precedent in a case he is prosecuting. I myself had this experience: I had to prosecute a suit for damages against a corporation for interfering with trade relations. I went to the old English common-law decisions, and found ample authority for collecting damages for that sort of interference with trade relations. Our court, the United States circuit court of appeals, had no difficulty in following the English authorities. Unfair competition, as was so ably stated yesterday by the Senator from Arkansas [Mr. ROBINSON], has been already defined in a great many cases, and they will have no lack of authorities to determine what they think is unfair competition. That, however, does not settle it. Under this bill, when they have determined, either on their own motion or on an application by some one else, that a certain practice is unfair competition, they can merely express their idea, their judgment, in the form of an order; and then, if that order is not obeyed—and it would not be obeyed, of course, unless those against whom it was issued thought it was good law—they would have to apply to the court, and the court under this bill as it is written, as I understand, would take up the matter *de novo*, just like any equity appeal, and would determine whether there was unfair competition on the law and on the facts.

Mr. SUTHERLAND. The Senator from Arkansas, as I remember, read a list of cases in which it had been held that there was unfair competition.

Mr. HOLLIS. It had been held that under certain circumstances there was unfair competition, and, so far as those cases go, they will form the yardstick or the measure that will indicate what is to be done in the future in cases like those.

Mr. SUTHERLAND. Is that list of cases, or the list of cases which would be found by diligent reading of all the legal authorities and law books, exclusive?

Mr. HOLLIS. I hardly think it would be. As we practice law in my part of the country, dictionaries or any authorities that the court considers respectable are referred to. The common law is not confined to any one set of decisions or those of any particular grade. It is found everywhere, and it has as much weight as the reasoning displayed in the opinion entitles it to.

Mr. SUTHERLAND. After exhausting the list of things which the courts have held to be unfair competition, then what standard would be appealed to?

Mr. HOLLIS. The very first case that went from this commission to the court would give a precedent; and there would probably be in a few years a body of advancing, progressing decisions on this question that would be a continually growing and improving guide of conduct, just like the decisions of every court in the country on the question of negligence in tort cases.

Mr. SUTHERLAND. But whenever a case arose where practices were thought by somebody to be unfair competition which had not been theretofore held by any court to be unfair competition the trade commission would have to break new ground?

Mr. HOLLIS. Yes; they would.

Mr. SUTHERLAND. Now, the question I want to submit to the Senator is, What standard would they refer to? Would it be their own personal judgment as to whether it was unfair?

Mr. HOLLIS. There could not be a case imagined or that could come up where they would not get some light from the cases that are already in the books. Such a case could not be imagined; and it would be very easy, as the courts do now, to reason from the precedents to the present case. They would find plenty of light to guide them; and instead of not finding much they would probably find so much that they would be at greater loss to decide between the different views than they would to find some light that would help them.

That is the merit of this law. That is where it is better to have it somewhat flexible and not undertake by definition to pin it down to certain practices, because whenever that is undertaken you have to find out what those words mean; you are likely to have words injected that were not put there by Congress, and it seems to be the better opinion that this is the way to do it.

Before I answer any further questions I should like to finish the authorities. I have only two more cases upon this subject, and then I should like to discuss the bill for a moment.

The next case to which I wish to draw attention is Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194). That is one of the book-account cases to which the Senator has referred. One of the questions in the case was whether the power conferred upon the commission, in its discretion, to prescribe a period of time within which common carriers should have a uniform system of accounts and the manner in which such accounts should be kept was void by reason of its being an unlawful delegation of legislative power.

Counsel for appellees argued as follows:

Section 20 of the act to regulate commerce is void because it is an unlawful delegation of legislative power. The law gives the commission discretion to determine whether it will legislate or not. The law also confers discretionary power upon the commission to determine what, if any, the legislation shall be.

Mr. Justice Day, in the opinion, said, at page 214:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress. This rule has been frequently stated and illustrated in recent cases in this court and needs no amplification here. Buttfield v. Stranahan (192 U. S., 470); Union Bridge Co. v. United States (204 U. S., 364); United States v. Grimaud (220 U. S., 506).

That is what is proposed in the present bill as I read it. It is to give this commission power to make orders in a particular case within the rule that is laid down by Congress, to wit, that unfair competition is prohibited.

The last case is Kansas City Southern Railway v. United States (231 U. S., 423). The case of Interstate Commerce Commission against Goodrich Transit Co., just mentioned, was affirmed as to the constitutionality of the provision of section 20 of the act to regulate commerce giving the commission power to prescribe the form of accounts, and so forth.

In this case the question is sharply raised that was so eloquently discussed by the Senator from Missouri [Mr. REED] yesterday. Here was a case where property was actually taken away from some of the parties interested. The question was whether certain old and discarded property should be charged to property account or to income account. If charged to income account, the preferred stockholders lost their dividends, or a large part of them. If charged to property account, they did not. The preferred dividends were noncumulative in this case; so if the decision were against the preferred stockholders, they would have no opportunity ever to get them back. The court, in spite of that, held that this rule laid down by the Interstate Commerce Commission under the authority of Congress was not a legislative act, but an administrative act. The opinion, by Mr. Justice Pitney, on page 443, says:

There is here no unconstitutional delegation of legislative power. The reasoning adopted in Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194, 210, etc.) is controlling. And since, as just shown, uniformity in accounting is dependent upon the adoption and enforcement of precise classification, the authority to define the terms of the classification necessarily follows. It amounts, after all, to no more than laying down the general rules of action under which the commission shall proceed and leaving it to the commission to apply those rules to particular situations and circumstances by the establishment and enforcement of administrative regulations.

The bill under discussion provides as follows, on page 21 of the committee print, at the end of section 5:

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

There is nothing said in this law which makes the finding of the interstate trade commission even a prima facie rule of conduct. There is nothing here except what is shown to any court when a judgment is asked for. The parties must come in, prove their case, cite the proper law, and get their injunction, if they can bring it within the rules of law, upon the facts.

Mr. STERLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. HOLLIS. Yes.

Mr. STERLING. I hardly see how the Senator from New Hampshire reaches the conclusion he has just stated, namely, that this does not differ from the ordinary case where the party plaintiff or the complainant must appear and make his showing in order to obtain an injunction. Does the trade commission, under this statute, have to make any other showing before the court than that it has made an order? And is it not the duty of the court under this statute, upon such showing, to enjoin obedience to that order?

Mr. HOLLIS. Mr. President, that is an important question to discuss, because we can make it either way that seems best to us. My mind is open on the subject. My mind is open as to whether the order issued by the interstate trade commission ought to have any force whatever except giving it authority to apply to the court. If it shall seem best to the Senate—and, as I say, I am not committed on the subject—that that case, when it reaches the courts, shall be tried de novo, just like any other equity appeal, we can make it so, and I am not sure that that will not be right; or if it seems best to the Senate that the order made by the commission should have prima facie weight, so that the burden of proof is shifted to the defendant, we can make it that way; or if, as some extremists want it, it should be made absolutely binding unless the court should think there is bad faith or that the commission has not used its honest judgment, we can make it that way.

I am not prepared to say at this time which of the three ways I think is best; but I do think that as the statute now reads the order of the commission would not have even prima facie weight, and the case would be tried from the first.

Mr. THOMPSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Kansas?

Mr. HOLLIS. I do.

Mr. THOMPSON. As I understand the question of the Senator from South Dakota, the Senator from New Hampshire has not exactly answered it. I think, from the statement he made, he regarded it as mandatory for the court to issue the order. Under this bill, as I read it, I do not regard it as mandatory; but I think, as a matter of fact and as a matter of law, before an order is issued the court will look into the merits of the transaction.

directors, or other agents of a railroad company for improvident or dishonest management of the financial affairs of that company. The Congress has not undertaken to regulate the issuance of securities by corporations created by States, or the conduct of fiduciary relations of their officers, but has left those matters to the States, respectively."

It was stated in the newspapers in connection with a desire on the statement that the same was issued in connection with a desire on the part of the persons writing the letters to have the Department of Justice begin prosecution against officials of the New Haven road.

Referring again to the CONGRESSIONAL RECORD of the same date and same page, I made the following statement: "The Attorney General did not contemplate any prosecution against anybody who has testified or who is going to testify; at least, in a conference called for the purpose of ascertaining whether it would be proper for that investigation to proceed, at which the Senator from Indiana [Mr. KERN] was present, there was no claim made by the Attorney General that he had any sufficient evidence on which to prosecute anyone, or that he contemplated any such prosecution. At this same conference you will remember that I distinctly stated that if the Department of Justice was in possession of evidence sufficient to maintain a prosecution against any of these officials, and that you contemplated such a prosecution, and that the investigation then going on before the Interstate Commerce Commission under a resolution that I had introduced in the Senate would interfere with such prosecution, I would do what I could to have the investigation before the Interstate Commerce Commission suspended until the Department of Justice could complete its action. There was no claim made at this conference by you that any Federal statute had been violated or that your department contemplated any criminal prosecution in connection with the New Haven affair. Your comment on the investigation by the Interstate Commerce Commission was to the effect that you feared such investigation might interfere with the contemplated reorganization of the New Haven and the Boston & Maine railroads.

The two statements made by me, above quoted from the CONGRESSIONAL RECORD, it seems to me, were therefore entirely justified by the facts. I do regret, however, that any newspaper should have made the statement that I had stated, either on the floor of the Senate or elsewhere, that I had a "letter" from you stating that no Federal statute had been violated, and that you had no intention of prosecuting anyone in connection with the New Haven affair. I certainly have no desire to place you in any false light or to make any statement not borne out by the facts. From the published statement of the department above quoted, and from our conference above referred to, I did not believe there was any misunderstanding. From this conference I formed the opinion that your objection to the investigation by the Interstate Commerce Commission was based upon your belief that such investigation would interfere with the reorganization of these two roads. Upon this matter I, of course, do not agree with you, but I frankly concede that you have the same honest right to your opinion as I have to mine.

If the public statement issued by the Department of Justice above quoted is not correct, or if it in any way misrepresents the attitude of your department, I would be very glad, if you so desire, to make on the floor of the Senate any correction thereof that you may deem proper.

I have the honor to remain,

Yours, truly,

G. W. NORRIS.

Mr. NORRIS. In answer to that letter the Attorney General sent me the letter which I send to the desk, and ask that it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 24, 1914.

Hon. GEORGE W. NORRIS,
United States Senate.

MY DEAR SIR: Permit me to answer your letter of Saturday, June 20, wherein you discuss certain statements made by you in the Senate on May 29 touching New York, New Haven & Hartford Railroad matters and my attitude thereto. I must reply plainly, but with a purpose to avoid unnecessary acerbity or personal offense.

I accept, of course, your disclaimer of any conscious design to misrepresent; and I am not unmindful of the difficulty commonly experienced in extemporaneous debate of viewing the subject from different angles and observing strict accuracy of expression.

Although its phraseology suggests a willingness on your part to make amends for any misrepresentations, nevertheless, your letter fails to meet the just objections to your statements on the occasion referred to and the necessary inferences therefrom. The language which you unfortunately employed is out of harmony with the real facts and, if accepted as accurate, would cast a false light about the situation.

In the report of the Senate proceedings for May 29 (RECORD, p. 9432) this appears:

"Mr. NORRIS. That is not true. The Senator from Missouri is referring to the resolution in regard to the New Haven Railroad. The Attorney General did not have in contemplation any criminal action, and nobody has been given immunity in that case. The Attorney General has never said, excepting as the statements have appeared in the newspapers——

"Mr. REED. Did he not write a letter in which he said——

"Mr. NORRIS. Not only that, but, if the Senator wants to go into that proposition, I have a statement from the Attorney General's office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any Federal statute in all the proceedings that were had in the New Haven affair."

The assertion that "the Attorney General did not have in contemplation any criminal action, and nobody has been given immunity in that case" was unwarranted and misleading. Speaking in your presence I had expressly declined to declare my plans or purposes, and this has been my uninterrupted attitude. It was therefore impossible for you to know what they were, and yet you undertook to make announcement in respect of them. As is well known, Mellen, a conspicuous figure, was then and is now under indictment in the Federal court because of certain transactions connected with New Haven affairs. How far his examination by the Interstate Commerce Commission gave immunity need not be discussed here.

On May 13 last, with others, you came to my office to talk of New Haven matters. While you were here—two of my assistants being present—I read within your hearing, and later in the day caused to be published, a letter written by me to the Interstate Commerce Commission on May 12, wherein attention was called to the possibility of immunizing Mellen and others theretofore reported as summoned for examination, and which concluded with these words:

"Of course, I have no desire to interfere with or to urge any objection to the course you may deliberately decide upon, but it seems my duty to the Government again to suggest that you carefully consider, along with other factors, the effects which an examination at this time of the persons named above may have."

On the same occasion I distinctly declared that the letter to the commission expressed my position with exactness; and, moreover, that I had nothing either to add to or to take from its plain terms. I have never objected to the commission examining anyone whom it decided to put upon the stand with full knowledge of all the circumstances; and you were so informed with no uncertain emphasis.

Again, the declaration (RECORD, p. 9432) that—

"I have a statement from the Attorney General's office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any Federal statute in all the proceedings that were had in the New Haven affair"—

is not in harmony with the facts. No statement to that effect was ever issued by me or from my office, nor was any such statement made either to you or to anyone else.

You undertake to justify the language quoted by presenting an announcement from this office published in the newspapers of January 7 and 8 last, but here again you fall into error. That the construction placed by you on that publication is impossible of acceptance will appear from even a hasty consideration of its terms. It had no reference whatever to violations of the antitrust or other Federal laws, but obviously was called for by "a mistaken but very common view of the powers of the Department of Justice," and its purpose was to remind the public of the statutory limitations upon the authority of Federal officials, together with the necessity of seeking relief in the State courts where directors or officers had been guilty of improvident or dishonest management of corporate financial affairs. A correct copy of the article as given to the press follows, and a perusal of it will show that nothing therein supports the language used in describing the character of statement from the Attorney General's office which you claimed to have in your desk:

"STATEMENT FOR THE PRESS.

"JANUARY 7, 1914.

"The Department of Justice is constantly receiving letters inquiring why it does not direct the prosecution of officers and directors who have been responsible for the financial irregularities in the management of railroads, as disclosed from time to time.

"These inquiries proceed from a mistaken but very common view of the powers of the Department of Justice. There is no law under which it can prosecute the officers, directors, or other agents of a railroad company for improvident or dishonest management of the financial affairs of that company, since Congress has not undertaken to regulate the issuance of securities by corporations created by the States, or the conduct or fiduciary relations of their officers, but has left those matters to the States, respectively."

The concluding portion of your letter contains the somewhat surprising suggestion that I may desire to correct what I gave out for publication in January. That needs neither correction nor explanation; it is plain and in all respects correct.

The thing which does need correction is your quoted language uttered on the floor of the Senate, and such correction should have proper publicity. To that end I submit that it should give you pleasure to seek early opportunity to put both your letter and this reply into the CONGRESSIONAL RECORD.

Faithfully, yours,

J. C. MCREYNOLDS,
Attorney General.

Mr. NORRIS. Mr. President, I have neither the desire nor the intention at this time to discuss at any length this apparent controversy. I may at some future time go into it in more detail; but it seemed to me that the Attorney General's request that his letter and the one that brought it forth be published in the RECORD was only fair; and I was glad of the opportunity to follow out that expressed desire of the Attorney General and to have the letter read into the RECORD.

It is only fair to me also to say that after reading the Attorney General's letter I feel that I was fully justified in the statement I made on the floor of the Senate, to which he particularly objects, and which seems to have given some offense. As to whether or not I was justified is a question of fact that can be determined now, since the quotations and the source and authority for the remarks are all placed in the RECORD and made public.

I said I had a statement from the Attorney General's office, and in my letter to the Attorney General I set forth that statement and said that if the statement was wrong or if it in any way misrepresented the Attorney General I should be glad to make a correction on the floor of the Senate. It will be noted, of course, that I took that statement from the daily press, and it was the only thing connected with the remarks I made that I could see might result in any injury, and then only if the statement were not correct. The Attorney General, in his reply, seems to get an entirely different idea from that portion of my letter, and he rather sarcastically, I think, says that my letter contains the startling statement that he may want to change a statement that he had given out for publication. Of course I had no such idea; but I realized that there might be a possibility of the statement as published and as I read it, and as I used it as a basis for my remarks, being incorrect. That was what I wanted to correct, if it needed correction. There was nothing wrong, however, in the statement, because the Attorney General in his letter again copies the statement; and, with the exception of one or two unimportant words, the statement in his letter is exactly the same statement as the one which is copied in mine and which was the basis of my remarks.

As I have said, I believe a fair reading of this statement issued by the Attorney General, and which is copied in his own letter, will convince any ordinary fair-minded individual that I was completely and entirely justified in drawing the conclusion which I did draw; but whether I was or was not, anyone reading the statement of the Attorney General and the statement made by me can judge for himself.

The Attorney General in his letter refers to the fact that Mr. Mellen had already been indicted because of connection with the New Haven affair. Of course, Mr. Mellen was indicted; he was indicted before this administration came into power; but, so far as I have been able to learn, neither the preceding administration nor this administration has made any effort whatever to bring Mr. Mellen to trial.

If what I said is offensive to the Attorney General—in other words, if he did intend to prosecute somebody; if he did think that a Federal statute had been violated, and therefore it was his duty to prosecute somebody—the best answer that he can make to the statement which I made is to bring forth the prosecution. For one, I should be glad, if there has been a violation of law, for that to be done. If there has not been, then my remarks, based on his published statement, were right. If, on the other hand, there has been a violation of law, the Attorney General will be able to answer me and his other critics by prosecuting the guilty parties who have violated the law. He has had nearly a year and a half, and has so far made no attempt in that direction.

Mr. HOLLIS. Mr. President, before the pending trade commission bill is laid aside I feel that I ought to put into the RECORD a few legal authorities to offset those which were put into the RECORD yesterday.

My attention was sharply arrested by the very sincere, eloquent, and forceful argument of the junior Senator from Missouri [Mr. REED]; and it is probably fair to say that his argument puts that side of the question as strongly as it can be put, and that the authority he cited is as strong an authority as exists on that side.

The case which was cited by the distinguished Senator is the Louisville & Nashville Railroad Co. *v.* McChord (103 Fed. Rep., p. 216). That case is not a decision of the United States Supreme Court; it is not even a decision by the United States Circuit Court of Appeals or even by a circuit court; it is a decision by a district judge of the United States court—Judge Evans. Moreover, the case is not in point, because the railroad commission of Kentucky in that case had the sole decision under the statute. There was no appeal from it to any court.

This question of delegating legislative authority to an official or to a commission has been decided many times by the United States Supreme Court in the last few years, and I wish to put in the RECORD for the use of Senators the cases that have been so decided.

In the following cases the court sustained laws granting power to an executive officer or to a commission on the ground that the power conferred was administrative and did not involve a delegation of legislative powers in violation of the Constitution:

Field *v.* Clark (143 U. S., 649; Feb. 29, 1892). In re Kollock (165 U. S., 526; Mar. 1, 1897). Buttfield *v.* Stranahan (192 U. S., 470; Feb. 23, 1904). Union Bridge Co. *v.* United States (204 U. S., 364; Feb. 25, 1907). St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281, 287; May 18, 1907). Monongahela Bridge Co. *v.* United States (216 U. S., 177; Feb. 21, 1910). United States *v.* Grimaud (220 U. S., 506; May 3, 1911). Interstate Commerce Commission *v.* Goodrich Transit Co. (224 U. S., 194; Apr. 1, 1912), and Kansas City Southern Railway Co. *v.* United States (231 U. S., 423; Dec. 1, 1913).

The case of Buttfield *v.* Stranahan (192 U. S., 470), decided February 23, 1904, arose under an act of Congress. By section 1 of that act it was made unlawful "to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited." Section 2 provides for appointment by the Secretary of the Treasury of a board of tea experts "who shall prepare and submit to him standard samples of tea." Section 3 provides that the Secretary of the Treasury, upon the recommendation of said board, "shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States," and that all teas inferior to such standards shall be deemed to be within the prohibition of the first section hereof.

I read from the opinion by Mr. Justice White, at page 496, as follows:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the circuit court of appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute.

* * * Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute.

Accord: Field *v.* Clark (143 U. S., 649; Feb. 29, 1892), St. Louis & Iron Mountain Railway *v.* Taylor (210 U. S., 281, 287; May 18, 1907).

Here we have a statute of the United States delegating to the Secretary of the Treasury the authority and power of fixing the standard of tea that should be imported, and the Supreme Court of the United States upheld that delegation as being not a delegation of legislative authority, but the imposition of administrative authority in detail.

The next case to which I wish to refer is Union Bridge Co. *v.* United States (204 U. S., 364), decided February 25, 1907.

Section 18 of the river and harbor act of March 3, 1899, provides that whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction to the free navigation of such waters it shall be his duty, after hearing, to order alteration of the bridge so as to render navigation unobstructed, specifying changes to be made, and prescribing reasonable time in which to make them. Willful failure to obey the order is made criminal misdemeanor.

This statute does not delegate legislative power. Mr. Justice Harlan, in delivering the opinion (p. 385), said:

It would seem too clear to admit of serious doubt that the statute under which the Secretary of War proceeded is in entire harmony with the principles announced in former cases. In no substantial, just sense does it confer upon that officer as the head of an executive department powers strictly legislative or judicial in their nature, or which must be exclusively exercised by Congress or by the courts. * * * As appropriate to the object to be accomplished, as a means to an end within the power of the National Government, Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts essential in any inquiry whether particular bridges over the waterways of the United States were unreasonable obstructions to free navigation.

Congress could have determined the fact itself, but this was impracticable, because Congress has so much else to do.

The court further said:

By the statute in question Congress declared in effect that navigation should be freed from unreasonable obstructions arising from the bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not in any true sense exert legislative or judicial power.

Accord: Monongahela Bridge *v.* United States (216 U. S., 177), February 21, 1910.

The next case I wish particularly to call to the attention of the Senate. It is a criminal case, the United States against Grimaud (220 U. S., 506), decided May 3, 1911.

The acts relating to forest reservations show that they were intended "to improve and protect the forest and to secure favorable conditions of waterflows." It was declared that the acts should not be "construed to prohibit the egress and ingress of actual settlers" residing therein nor "to prohibit any person from entering the reservation for all proper and lawful purposes * * * provided that such persons comply with the rules and regulations covering such forest reservation." It was also declared that the Secretary of Agriculture "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violations of the provisions of this act or such rules and regulations shall be punished," as provided in section 5388, chapter 3, page 1044, Revised Statutes, as amended.

This case arose on indictment for grazing sheep on reservation without having obtained permission required by the regulations adopted by the Secretary of Agriculture. It should be here noted that the authority was given not to declare what one act should be unlawful, but to establish a general set of regulations which should control. Demurrer was sustained and Government sued out writ of error to Supreme Court. Defendants in error argued, first, that the law was unconstitutional, because it did not sufficiently define or define at all what acts done or omitted to be done, within the supposed purview of the said act, should constitute an offense or offenses against the United States. Second, that the law was unconstitutional, as it was not within the power of Congress to delegate to the Secretary of

ness all over the Union, in its largest cities. This man's account of it is true, to wit, that "the Claflin business was too big for the capital invested." Then he was asked this question:

Is there a shortage of money due to a business depression which prevented the raising of the money necessary?

No; there is plenty of money and cheap money, too; it isn't that. It is the situation where people are without the confidence sufficient to guarantee the raising of the money. It was a case of getting it all or not at all. We could not get it, that was all.

In other words, Claflin & Co. had overstretched their credit and had no collateral to put up to cover.

This happens with hundreds of people every year, though with few rich enough to fail for thirty millions. "Just as in 1907." "Verily, yes"—and Roosevelt President.

Now, so much for that, Mr. President.

In this connection I wish to ask that there be inserted in the RECORD an address made by the President of the United States upon yesterday. I will ask that it be inserted as nearly facsimile as possible. It is his address to the Virginia editors who were in the city of Washington. The President expresses himself with his usual facility and his usual felicity.

The PRESIDING OFFICER (Mr. MALTINE of New Jersey in the chair). Without objection, the request will be complied with.

ADDRESS OF PRESIDENT WILSON.

The address of President Wilson is as follows:

"I think it is appropriate in receiving you to say just a word or two in assistance of your judgment about the existing conditions. You are largely responsible for the state of public opinion. You furnish the public with information, and in your editorials you furnish it with the interpretation of that information. We are in the presence of a business situation which is variously interpreted. Here in Washington, through the Bureau of Commerce and other instrumentalities that are at our disposal and through a correspondence which comes in to us from all parts of the Nation, we are, perhaps, in a position to judge of the actual condition of business better than those can judge who are at any other single point in the country, and I want to say to you that, as a matter of fact, the signs of a very strong business revival are becoming more and more evident from day to day.

THINKS BUSINESS MEN TOO TIMID.

"I want to suggest this to you: Business has been in a feverish and apprehensive condition in this country for more than 10 years. I will not stop to point out the time at which it began to be apprehensive; but during more than 10 years business has been the object of sharp criticism in the United States, a criticism growing in volume and growing in particularity, and as a natural consequence as the volume of criticism has increased business has grown more and more anxious. Business men have acted as some men do who fear they will have to undergo an operation and who are not sure that when they get on the table the operation will not be a capital operation. As a matter of fact, as the diagnosis has progressed it has become more and more evident that no capital operation was necessary; that at the most a minor operation was necessary to remove admitted distempers and evils. The treatment is to be constitutional rather than surgical, affecting habits of life and action which have been hurtful. For on all hands it is admitted that there are processes of business, or have been processes of business, in this country which ought to be corrected, but the correction has been postponed, and in proportion to the postponement the fever has increased—the fever of apprehension.

UNCERTAINTY FATAL TO TRADE.

"There is nothing more fatal to business than to be kept guessing from month to month and from year to year whether something is going to happen to it or not and what in particular is going to happen to it, if anything does. It is impossible to forecast the prospects of any line of business unless you know what the year is going to bring forth. Nothing is more unfair, nothing has been declared by business men to be more harmful, than to keep them guessing.

"The guessing went on; the air was full of interrogation points for 10 years and more. Then came an administration which for the first time had a definite program of constructive correction; not of destructive correction, but of a constructive correction of admitted evil, a very clear program, disclosed so far as possible in a general program, in its particulars as well as in its general features. And the administration proceeded to carry out this program.

TARIFF PLUNGE A BOLD ONE.

"First, there was the tariff, and business shivered: 'We don't like to go in; the water looks cold,' but when the tariff-act had been passed it was found that the readjustment was possible without any serious disturbance whatever. So that men said with a sense of relief: 'Well, we are glad to get that behind us, and it wasn't bad after all.'

"Then came the currency reform. You remember with what resistance, with what criticism, with what systematic holding back, a large body of bankers in this country met the proposals of that reform, and you know how, immediately after its passage, they recognized its benefit and its beneficence, and how ever since the passage of that reform bankers throughout the United States have been congratulating themselves that it was possible to carry out this great reform upon sensible and solid lines.

NEXT, THE TRUST PROBLEM.

"Then we advanced to the trust program and again the same dread, the same hesitation, the same urgency that the thing should be postponed. It will not be postponed, and it will not be postponed, because we are the friends of business. We know what we are doing; we purpose to do it under the advice—for we have been fortunate enough to obtain the advice—of men who understand the business of this country, and we know that the effect is going to be exactly what the effect of the currency reform was—a sense of relief and of security.

"Because when the program is finished it is finished; the interrogation points are rubbed off the slate; business is given its constitution of freedom and is bidden to go forward under that constitution. And just as soon as it gets that leave and freedom there will be a boom of business in this country such as we have never witnessed in the United States.

SPEAKS AS FRIEND OF BUSINESS.

"I, as a friend of business and a servant of the country, would not dare stop in this program and bring on another long period of agitation. Agitation longer continued would be fatal to the business of this country, and if this program is delayed there will come agitation, with every letter in the word a capital letter. The choice is a sober and sensible program now completed or months upon months of additional conjecture and danger. I, for one, could not ask this country to excuse a policy which subjected business to longer continued agitation and uncertainty; and therefore I am sure that it is beginning to be evident to the whole press of this country, and by the same token to the people, that a constructive program is at least not only to be proposed but completed, and that when it is completed business can get, and will get, what it can get in no other way—rest, recuperation, and successful adjustment. I can not get rest if you send me to bed wondering what is going to happen to me in the morning, but if you send me to bed knowing what the course of business is to be to-morrow morning I can rest. How much better is certain justice to the men engaged in business.

HAS FAITH IN CONGRESS.

"It is a matter of conscience as well as a matter of large public policy to do what this Congress I am now certain is going to do—finish the program. And I do not think it is going to take a very long time. I believe that the temper of those engaged in this great thing is admirable; that the various elements sometimes in antagonism in the Congress of the United States are drawing together; and that we shall witness an early, statesmanlike result for which we shall all have abundant reason to be thankful."

Mr. WILLIAMS. During the day the President had received a letter, signed by Speaker CHAMP CLARK, of the House, and all the Democratic Representatives from Missouri, pledging him their support in his campaign for antitrust legislation, and promising they would remain in Washington until the program was finished. He replied, expressing thanks and appreciation.

Now, Mr. President, I want to add this: We are going to stay here with him, our selected and elected chief. It is awfully hot and uncomfortable; I would rather be at home with my roses and fruits and garden, but we are of the opinion——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Colorado?

Mr. WILLIAMS. I will in a minute. We are of the opinion that we have undertaken to fight this fight out, and we are going to stay here and "fight it out on this line if it takes all summer" until we have finished the chief items of our program. It was tariff, banking and currency, and trusts. We are not at all influenced in doing it by the fact that an ex-President of the United States predicted that we would not. We had intended all the time to do our main work here before we adjourned. Now I yield to the Senator from Colorado.

Mr. THOMAS. The Senator has said that we were going to stay here until this program is completed. I should like to know whom he means. I understand that some have gone to Europe and others to summer watering places.

Mr. CLAPP. And I understand this morning others desire to go to Europe.

Mr. THOMAS. I would like to ask the Senator to be a little more specific.

Mr. WILLIAMS. Mr. President, we will manage to keep enough of us here to legislate, and we are going to keep enough of us here when the time comes to put the bill we agree upon through by our votes. Now, I am not here——

Mr. WARREN. Mr. President——

Mr. WILLIAMS. Wait a minute. I am not here for the purpose of criticizing Senators who go to Europe. In fact, if a Senator has nothing better to do, he might as well go to Europe. I suppose that sort of Senator is easily spared. But I am now announcing the fact that we Democrats in both Houses meant what we said in the salient points of our platform, and we are going to stay here until we prove to the country that we meant what we said, when we undertook to take those three great monsters of economic abuse by the throat and do something serious to them. We did not act the fool on the tariff; we did not act the fool on banking and currency; we are not going to act like fools upon the trust question. We are going to be with regard to that as with regard to the two previous questions—conservatively constructive, not merely destructive. We shall destroy what is plutocratic, exploitive, and industrially tyrannical. We shall conserve present conditions where honest, advantageous, or even economically indifferent.

Mr. WARREN. Will the Senator allow me there?

Mr. WILLIAMS. Yes.

Mr. WARREN. I am a Progressive myself, and I am charmed to know that the Senator from Mississippi is a Progressive. It is not long ago that he was speaking of Democrats who were sometimes foolish, or that they made fools of themselves. He now says they have not made fools of themselves.

The Senator says he is going to stay here and we are going to have a quorum. I should like the Senator to examine the RECORD and see how many times the party of which he is a distinguished member has been able to have a quorum of its own Members in this Chamber. The Republicans have constituted a quorum here in greater ratio with their total membership than the Democrats on every roll call.

Mr. WILLIAMS. I have not said that we generally constituted a quorum by ourselves. Luckily for the Democratic Party there are some gentlemen on the other side of the Chamber who, like us, want reform legislation of one sort or another in this country, and we do not have to make a quorum merely by ourselves. They will be here to help, and the Senator can rely upon that.

Mr. WARREN. The Senator as he goes along may note that the whole of this side of the Chamber have been here to help at all times to make a quorum.

Mr. WILLIAMS. Of course you have, and you are going to stay here hereafter. All we have to do is to make up our minds that we are willing to stay here, and you are compelled to stay and help us to make a quorum. You dare not go home and leave us with a quorum of Democrats and Progressives to run the Senate.

Mr. WARREN. I understood that the Senator from Mississippi is going to make an European trip.

Mr. WILLIAMS. Not that I know of; not until the Senate adjourns finally, at any rate. The Senator said he had heard me once accuse the Democratic Party of being capable of foolish things and really of doing foolish things. Now, the difference between the regular old-fashioned Republican and a Democrat is that a Republican is constantly attempting to make people think his party is infallible, and never under any circumstances confesses that it will do or can do or has done a foolish thing, whereas a Democrat being frank and belonging to a party that does not pretend to papal or other infallibility, confesses to the ordinary faults of human nature. A Democrat finds his party now and then making a goose of itself, and when it does he is apt to say so; but the party thus far has not made a fool of itself at this Congress, either upon the tariff or upon banking and currency, nor is it going to make one of itself upon this trust question.

And one reason why we will not, Mr. President, is that we have at the head of us a brave and worthy captain, who "knows how to do things," and with tact and diplomacy knows how to influence other people to help him do things, and who has an active brain and an eloquent tongue to tell why he wants to do the thing to be done. Hitherto he and we put together have been irresistible. Hitherto he and we put together have proven ourselves conservatively constructive and upon the whole very wise, and gathering courage from the fact that thus far we have been conservatively constructive and wise, gathering a hope that we have laid in the grave and covered up the old differences which for so long a time made us inoperative and ineffective as a national force, we shall go forward from past victories to new victories with absolute certainty that the condition of the business of the country and the psychological condition which has been produced by these lettergrams, cryptograms, and agreed-on letters, and this proposed propaganda will improve from day to day. The only thing I am afraid of is that toward the close of this administration, amid unalloyed prosperity, the Democratic Party may be singing the old Republican slogan and trying to persuade men that because we are in power we are the cause of every good fortune to which mankind have in the meanwhile fallen heir—including the weather and the roses and lilies and jasmines. We will try to avoid that, but we will try at the same time to stick at our posts, do our work, and justify the confidence which the people of the United States have placed in us.

It is true that a majority of the people of the United States did not vote for us. Neither did they vote for Abraham Lincoln, by the way. There are several other of our greatest Presidents that they never voted for, but they were all the same the choice of the people of the United States as between their actual opponents, and we are going to justify that choice.

Much has been said about the Democratic platform and the little things in it. It is the big things that count. The people know what the big things are. They know and knew that the three great big things were, first, exploitation of them by tariff taxation; second, exploitation of them and the country's credits by the Money Trust; and, third, exploitation of them as producers and laborers by industrial trusts. They know that if we can remedy these three abuses and tyrannies under one administration we shall have done more than any one administration in this country ever did since Thomas Jefferson retired from the White House after conquering the plutocratic counter revolution.

Mr. President, my chief object, of course, was to get the President's address into the RECORD.

Mr. NORRIS. Mr. President, day before yesterday I requested the Senator from Nevada [Mr. NEWLANDS] to permit me to put in the RECORD, at the request of the Attorney General, a couple of letters, but he was extremely anxious to get started on the bill, and at his request I postponed it. I was unable to get recognition this morning, and I will take advantage of the liberality of debate by having the Secretary read the letters in question and making then a very brief comment on them.

Several days ago in the debate here upon a resolution of mine pending, regarding the New York Central Railway, some reference was made to the New Haven investigation going on, and I said some things in that debate which it seems gave offense to the Attorney General, and it resulted in some correspondence. At his request I want to put in the RECORD both his letter and the letter of mine that brought forth his reply, and then I will say just a few words on the subject.

The PRESIDING OFFICER. Does the Senator desire to have the letter read?

Mr. NORRIS. Yes; I ask that my letter be first read and then the letter of the Attorney General.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

JUNE 20, 1914.

Hon. J. C. MCREYNOLDS,
Attorney General.

DEAR MR. ATTORNEY GENERAL: I am in receipt of a letter from Senator LEWIS, of Illinois, in which he says that you have been very much annoyed and somewhat pained at the constant reference in the public press to the effect that I have stated on the floor of the Senate that I have a "letter" from you stating, in substance, that the Department of Justice had no intention of bringing any criminal prosecutions against the officials of the New Haven road.

I have never stated, either on the floor of the Senate or elsewhere, that I had any letter from you to this effect. I have been called upon several times by different newspaper correspondents, asking me if I had such a letter or if I had ever stated that I had such a letter, and I have on each occasion taken particular pains to explain to them that I had no "letter" from you and that I had not made such a statement. What I did state on the floor of the Senate is correctly reported on page 9432 of the CONGRESSIONAL RECORD of the issue of May 29, 1914. On that occasion I used the following language: "I have a statement from the Attorney General's Office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any statute in all the proceedings that were had in the New Haven affair." I had reference here to a public statement issued by the Department of Justice, and which was published in the afternoon papers on January 7, 1914, and in the morning papers on January 8, 1914, and is as follows:

"The Department of Justice is constantly receiving letters inquiring why it does not direct the prosecution of officers and directors who have been responsible for the financial irregularities of railroads which have been disclosed from time to time. These inquiries proceed from a mistaken but very common view of the powers of the Department of Justice. There is no law under which it can prosecute the officers,

only 5 members who voted, 3 in favor of the report and 2 against it. Obviously it is not a report of that committee, even though it exercised its privilege under this new rule of the Senate to have made 4 members of the committee a quorum for the transaction of business, because, in that event, it would have required the entire 4 to report the bill, whereas it is admitted that only 3 voted in favor of this report.

I am quite committed to legislation having for its purpose the abolition of the New York Stock Exchange, and I am somewhat embarrassed at finding myself in a position where, in order to insist upon regularity, I have to assume an attitude which would apparently delay legislation along that line; but the integrity of our rules here and the necessity of observing them strictly is of the very greatest importance, and I assume that in the end they will bring before this body every matter that it ought to consider, the subject matter of this bill included.

Mr. WARREN. May I ask the Senator a question?

Mr. CLARKE of Arkansas. I very gladly yield to the Senator.

Mr. WARREN. I recall very well the introduction of the rule to which the Senator refers and the action that was taken on it at the time. I should like to ask the Senator if he thinks that that would have been accepted by the Senate, or that he would even have proposed it, unless it took, on a finality, the majority of an actual majority of the entire committee to affirmatively assent to a report?

Mr. CLARKE of Arkansas. The Senate amended it in that respect on motion of the Senator from Utah. He was not willing that a report should come out of a committee without the concurring votes of a clear majority of a majority of the whole committee.

The VICE PRESIDENT. May the Chair ask the Senator from Arkansas when that rule was adopted?

Mr. CLARKE of Arkansas. On the 12th of April, 1912.

Mr. WARREN. I think it has never been printed in the Rules.

Mr. CLARKE of Arkansas. It has never yet been printed in the Senate Manual.

The VICE PRESIDENT. At this juncture, may the Chair request some Senator to ask for a revised edition of the Senate Rules, so that the Chair and the Secretary, at least, may have the means of knowledge whether they ever possess it or not?

Mr. CLARKE of Arkansas. I will be very glad to act as the Chair's representative in that behalf; but I am advised that there is a new edition of the Rules of the Senate now being prepared.

Mr. OVERMAN. Mr. President, there is a revision going on now——

Mr. CLARKE of Arkansas. I believe I will conclude what little I have to say without further interruption.

Mr. OVERMAN. I merely want to say that the rule referred to by the Senator from Arkansas should have been included in the present revision, but that revision was made in a hurry toward the close of a session in a former administration.

Mr. CLARKE of Arkansas. Mr. President, I have no part in the controversy between members of the committee about what took place there. It would be unseemly to undertake to create a situation where different versions of what transpired there were presented to the Senate for settlement. I deal, therefore, with broad facts—that there is a committee of 12 members, with 6 actually present at one time and with 5 alone voting, 3 for and 2 against reporting the bill. I therefore insist that if the objection is raised that the affirmative vote of that number of that committee can not report to the Senate a bill, and that the recent rule adopted by the Senate on the 12th of April, 1912, is conclusive against the claim that they can, it is hardly necessary to add that a Senator has no more right to empower another Senator to vote for him or otherwise act for him in committee during his actual absence from its session than he would have to so authorize that other to act for him in the sessions of the open Senate. In both instances the service required involves the exercise of discretion and judgment after joint deliberation, and by the very nature of the service this can not be delegated.

Mr. SHAFROTH. Mr. President, I had no notice of this rule. It is true that there has not been a vote taken in which there has been a concurrence of more than one-half of the majority of the entire membership of the committee. There is not any question about that, and if the rule referred to has been adopted and it is a rule of the Senate I, of course, have no complaint to make about it; but it does seem to me, Mr. President, that what we ought to do is to sustain the motion which I have made to postpone the consideration of this matter for 30 days, at which time the Senator from Oklahoma [Mr. OWEN] will be back.

I wish to say that a motion to postpone consideration is always, as is a motion to adjourn, in order, and that it is not subject to a point of order, as claimed by the Senator from Nebraska.

The VICE PRESIDENT. What does the Senator from Colorado mean by "30 days"? There is a rule that permits a motion to postpone to a day certain, but it does not say anything about 30 days.

Mr. SHAFROTH. I move, then, that the consideration of the motion of the Senator from Nebraska be postponed to the 30th day of July, 1914.

Mr. HITCHCOCK. Mr. President, my point of order is that a motion to recommit is not subject to amendment, and the motion of the Senator from Colorado would be in effect an amendment of my motion.

The VICE PRESIDENT. The Chair is of the opinion that the point of order is not well taken. The question is on the motion of the Senator from Colorado. [Putting the question.] The "noes" seem to have it.

Mr. SHAFROTH. I call for a division.

The VICE PRESIDENT. Those in favor of the motion of the Senator from Colorado will rise and stand until counted. [A pause.] Those opposed will rise. [A pause.] There is no doubt the motion is lost.

The question recurs on the motion to recommit the bill to the Committee on Banking and Currency.

The motion was agreed to.

Mr. HITCHCOCK. I ask that the written report accompanying the bill may be withdrawn from the files.

The VICE PRESIDENT. Without objection, that action will be taken. Morning business is closed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. I ask unanimous consent that the Senate take up for consideration House bill 13811, known as the river and harbor bill.

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. Mr. President, I should have no objection if the Senator would withhold the motion for a few moments. The unfinished business, I believe, is the trade commission bill.

Mr. SIMMONS. That bill does not come up until 2 o'clock.

Mr. WILLIAMS. Oh, very well.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I do.

Mr. BORAH. I desire to object.

The VICE PRESIDENT. There is objection to the request for unanimous consent to take up the river and harbor bill.

Mr. SIMMONS. Mr. President, a parliamentary inquiry. Will a motion to proceed to the consideration of the river and harbor bill displace the unfinished business?

The VICE PRESIDENT. It will, if its consideration goes beyond 2 o'clock.

Mr. SIMMONS. I do not see the Senator from Nevada [Mr. NEWLANDS] in the Chamber, and I will not make the motion if it will have that effect.

The VICE PRESIDENT. The Chair made an incorrect statement. There is unfinished business before the Senate, which, in the opinion of the Chair, should be handed down at 2 o'clock.

Mr. SIMMONS. I understood that. I did not want to make any motion that would displace that as the unfinished business.

The VICE PRESIDENT. The river and harbor bill, if taken up, could run until 2 o'clock.

Mr. SIMMONS. I move, then, that the Senate proceed to the consideration of the river and harbor bill, and at 2 o'clock I will ask to have it laid aside.

Mr. BORAH. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	James	Page	Smoot
Borah	Jones	Perkins	Sterling
Brady	Kern	Pittman	Stone
Bryan	Lane	Poindexter	Thomas
Burleigh	Lea, Tenn.	Pomerene	Thompson
Burton	Lee, Md.	Ransdell	Thornton
Camden	Lewis	Root	Tillman
Catron	McCumber	Saulsbury	Warren
Chamberlain	Martin, Va.	Shafroth	West
Chilton	Martine, N. J.	Sheppard	White
Clarke, Ark.	Nelson	Shively	Williams
Fletcher	Newlands	Simmons	Works
Hollis	Norris	Smith, Ariz.	
Hughes	Overman	Smith, Md.	

Mr. CLARKE of Arkansas. I desire to say that my colleague [Mr. ROBINSON] is ill to-day, and will probably not be in attendance on the session of the Senate.

Mr. NORRIS. I desire to announce that the junior Senator from Iowa [Mr. KENYON] is necessarily absent. I should like to have this announcement stand for the day.

The VICE PRESIDENT. Fifty-four Senators have answered to the roll call. There is a quorum present. The question recurs on the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. SIMMONS. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendments, the committee amendments to be first acted upon.

Mr. BORAH. I object.

Mr. SIMMONS. Then I make that motion.

The VICE PRESIDENT. The Chair rules that, objection being made, the bill must be read.

The Secretary proceeded to read the bill, and read to the bottom of page 24.

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 15613.

FEDERAL TRADE COMMISSION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

Mr. WILLIAMS. Mr. President, I have been receiving, and I understand other Senators have been receiving, a multitude of letters from our constituents forwarding to us certain ready-prepared lettergrams and letters sent to them for their signature and then to be forwarded to us, these letters as a rule advising Congress to "shut up shop" and "go home," because, as alleged, it is "not doing any good," and that its mere presence in Washington is "a menace to business," warning us about the "interference of politicians" with "business," and so forth. They generally send the plated matter—ready-made lettergram or letter—to be signed and sent to us, and then they write contemporaneously a letter to our constituents telling them to sign the lettergram or letter and forward to their Senators or Representatives, and then add shrewdly: "It would be better yet for you to write a letter upon your own letterhead, in slightly different language, and sign that; it might have more influence."

This is a part of the scheme which has been going on. Most of my constituents send these forms to me unsigned, with a few ironical remarks of their own, at the expense of those who have forwarded them—the people of Mississippi being rather preeminently a humorous people. Very few of them have been caught with chaff of that sort, but now and then one does sign a letter of that kind and send it. I have written, in reply to one of the few who has been deceived, a letter which I shall read, which, in my opinion, expresses the facts, and I shall send it afterwards to the desk to be printed; but I shall ask that the name of the addressee be not printed with the letter, for the reason that he is a very modest sort of a man, and he might object to his name being brought into public notoriety in that way:

JUNE 17, 1914.

MY DEAR SIR: Your telegram was received. The whole country is being flooded by certain financial interests and by certain plutocratic industrial concerns with blank forms of night lettergrams or letters being sent to people everywhere asking them either to sign and send them to their Senators and Representatives or to send letters or telegrams drawn up by themselves. Senators and Representatives are to be thereby persuaded to adjourn Congress and go home on the ground that the country and "business" are suffering by surfeit of legislation or, as they would perhaps call it, with industrial dyspepsia.

The motives of the men who are carrying on this propaganda—the Simmons Hardware Co. and many others, amongst others some banking firms in New York City—are obvious. Not only are they obvious, but obviously undemocratic—plainly and palpably plutocratic. Like movements started with a series of "predictions" of "dire disaster" if we dared to revise the tariff. We revised it; no disaster followed. On the contrary, the whole country came to the opinion that we had acted our power very conservatively, and if there were any quarreling with what we had done at all it was by Democrats who said we had not cut the tariff robbery deep enough.

Then these same great interests, though evidently not always the same men speaking for them, but through kindred organizations, while the banking and currency bill was under consideration said that the proposed measure was "revolutionary," that it would "bring on a panic," that it was "holding the country in a state of depression," etc. The truth is that the country was not in a state of depression. We had the courage to pass the bill anyhow. Within less than a week afterwards some of them, and within less than two weeks afterwards nearly all of them, were singing pæans of praise of the bill, and everybody was confessing that we had inaugurated an infinitely better financial system than the United States ever previously had.

Now, when we come to the trust question and want to pass supplemental legislation concerning it, the same influences are engaged in the same struggle—predicting disaster (or rather, under the guise of prediction, they are threatening disaster)—and some of them now would bring on a panic if thereby they thought they could frighten the Democratic Party from its program of reform legislation.

With all their other charges they are constantly talking about "politicians interfering with business." Now, no man has more objection to the ordinary politician in the sense of being the manipulators of conventions and primaries and mere office seekers and nothing more than I have. But Senators and Representatives, taken by and large, are fair samples of their people. They are, moreover, the choice of their people, and if they are a "poor lot," then the people who selected them are responsible for selecting a poor lot, and must have been a poor lot themselves or they would not have done it. A slur at the Senate and House, therefore, is a slur at the people who sent them here, because even Senators now are eligible for election by the people; and even before the law was passed making them eligible, they were practically so, for all the Southern and most of the Western States had primaries for their selection—voluntary primaries, independently of the law—or else primaries by State law. So that these so-called, much-derided politicians are nothing but the people in their representative capacity, and what these plutocrats are particularly afraid of is the people. They are afraid that this Democratic administration is going to carry out the Democratic platform, and that in carrying it out the masses of mankind will be righteously and fairly treated. They know that if the masses of mankind are righteously and fairly treated that the interests hitherto favored by law, or by the permitted violation or evasion of law, either one, will be hurt. Hence their cry of alarm. Wherever dishonest business is in our way it must be hurt; it ought to be hurt. No honest business will be hurt.

There is another consideration which I would impress upon you. In so far as there is any business depression now—and outside of the boll-weevil district I do not find very much, though some—it is the depression growing out of the feeling of uncertainty as to what the legislation supplementary to the antitrust laws will be. It is therefore logical, I think, that the sooner we relieve this feeling of suspense and uncertainty by putting the law upon the statute books the better it will be for all. If I were a surgeon and you were brought to me for an operation, and I saw that an operation was necessary and right, I would operate upon you just as soon as I could, provided you were in a proper condition. I certainly would not tell you to go away and come back at the end of four weeks, leaving you in suspense during all that time, probably to break down with nervous prostration because of anxiety and anticipation.

I am, with every expression of regard,

Very truly, yours, JOHN SHARP WILLIAMS.

Mr. President, that letter about expresses my views, and what I deem true views, and it will save me and others letters perhaps to the sought-to-be misled.

Now, this scheme has gone so far that I notice that the very headlines of these plutocratic newspapers are engaged in it. I hold in my hand an article from one of them this morning. Do not be frightened, Senators, I am not going to read all of it, but I just want to show you how they take advantage of the headline space to put in what is not true and what the facts as reported in the space below do not justify. Here is the report of the failure of H. B. Claflin & Co. A part of the headline says:

Tariff and general depression said to be in part to blame.

Then, on a different page of the paper, there is what purports to be "a special" from its "correspondent in New York," reciting this same falsehood, but here below is the actual report in the news column of the facts in the case, as made by the Associated Press from the actual report of the parties to the failure and the financial conferees and accepted by it. A part of it is this:

From one of the conferees, who was a powerful factor in aiding the elder Morgan to stem the tide of 1907 and who also participated in the recent effort to save the H. B. Claflin Co., the inside story of the efforts of that group of financiers to thwart the failure was learned.

"It was exactly like the days of 1907," said this merchant.

Roosevelt was President in 1907, and he had never even urged a reduction of the tariff and there had been none. Then, later on—evidently somebody must have asked him a question—he said:

Now, about the causes which provoked the failure. I must say that the present tariff laws were not the principal causes of the crash, although the tariff legislation had its influence on the general situation. It was simply a case where the Claflin business was too big for the capital invested.

And that is the Gospel truth. The great German historian Gervinus, in writing a "History of the Nineteenth Century," opened his first chapter by trying to account for the failure of Napoleon Bonaparte's imperial scheme, and he explained it by one German word. He said it was überspannung—overexpansion, overstretching, as when you stretch a bow to a point where it will not rebound, you understand.

This firm of Claflin & Co. was undertaking upon insufficient capital not only to do their immense business up in New York and Brooklyn—a very immense one—but a 30 retail stores busi-

we do not know yet what the legislation is to be, because we have not considered the amendments which have been proposed.

I mean—by those present, if no objection is made—by those present, to casting the vote of the absent member in accordance

support. Then there could be no question as to the majority of the committee, but in all committee reports that I have helped to construct and pass upon, and all other reports that have drawn my attention when such reports were made here, I never have known one to be insisted upon where there was even a question of unfairness or of a misunderstanding. I will put it that way, as I do not wish to commit myself to assertions of unfairness.

Mr. SHAFROTH. Mr. President, I wish to say that, in my judgment, there is no rule which has been adopted by the Committee on Banking and Currency that requires a physical quorum to be present. There is no rule that I can find in the Senate which regulates the matter of a quorum of a committee, though there may be. The Senator from Oklahoma has been very anxious to get this bill considered and passed upon. This is not the first time we have endeavored to do it, but we have endeavored on a number of occasions to have a vote on the measure. Invariably a quorum was not present. This was not the second meeting, it was not the third meeting that was called on this matter. If this report is turned down nine-tenths of the reports now on the calendar are open to the same objection.

Mr. WARREN. I think the Senator is speaking without due consideration in that statement. If so, then there is a very different procedure in some committees from those committees on which I have the honor of serving.

Mr. SHAFROTH. I must say that I am on a number of committees, and it is very seldom that we report a bill out with a majority present physically, but we have a statement made that members are to be counted for a quorum in favor of a bill. I believe that nine-tenths of the reports have been made without a physical quorum being present.

Mr. WARREN. Will the Senator permit me to ask him a question bearing upon the matter? Does the Senator think that that is a proper procedure on the part of a committee? Is that good government?

Mr. SHAFROTH. Unless you do that you will not have reports of committees made. I know that we make reports in this Chamber every day by polling committees. The Senator no doubt has signed his name a number of times.

Mr. WARREN. Very few, and it is a very bad practice; but in that case the assent is undoubtedly given by a majority of the committee.

Mr. SHAFROTH. That may be; but we had a number of meetings——

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. I do.

Mr. REED. I understood the Senator from Colorado to make the statement on the floor that there were a number of attempts made to get the committee together, and that, unfortunately, there had been a lack of a quorum. If that is the case, that certainly settles this question, because no one ought to contend that less than a quorum can make a report.

Mr. SHAFROTH. Mr. President, that is the very question to be determined by the Senate, because there has been an effort made to get this bill considered. Probably two or three weeks were spent in hearing testimony on this bill, and following that there was a meeting at which it was agreed by a number of the committee to report the bill. The Senator from Oklahoma, the chairman of the committee, prepared the report. Then, some question being made as to whether it was understood that the bill would be reported, he said, "Very well; I will not report it, but I will call other meetings"; and he had at least two meetings called for the purpose. Yesterday when we met I suggested that he had better call a meeting and specify in the call that we were going to have this particular bill voted upon, and the Senator from Oklahoma said he had to leave, to go to London for a week or ten days. He will be there that length of time. I understand it is a business trip and not a pleasure trip; but however that may be, and I am not so certain as to that, he said, "I can not call it; I leave to-morrow"—that is, to-day—"for Europe." Consequently he said he wanted the bill presented, so that the press could criticize the features of the bill while it is pending and before it came up in the Senate. He further said that he did not expect to get it up at the present session of Congress. Consequently he thought the report ought to be filed and that the bill ought to be reported. Thereupon the vote was taken as indicated, the Senator from Ohio [Mr. POMERENE] being present by proxy under authority that he should be counted to make a quorum, the Senator from New Hampshire [Mr. HOLLIS] being counted in the same way, he having left the committee room just a few minutes before the vote was taken, and the other members being there in person.

Mr. WARREN. The Senator speaks of polling committees. Was any attempt made to poll the committee or the balance of the committee before reporting the bill, after the committee meeting and before the bill was reported?

Mr. SHAFROTH. No; I do not know that there was.

Mr. WARREN. Of course, I am not entering into the issue as to whether the bill is right or not, but I want to assure the Senator, notwithstanding his views as to the lack of a majority, that I have been a Member of the Senate for some time, under a Democratic administration and under Republican administrations, and I have never understood and I have never believed that the business of a committee was being done by a minority. We have had quorums, although it sometimes required a great deal of telephoning or sending of the Sergeant at Arms and others for absent members.

Does the Senator believe that now, with the majority that his party has in the Senate, they want to subscribe to the doctrine of acting in this way and doing business by proxy? Can a Senator remain at home and still do business here in the Senate by proxy? In the first place, making large committees, extending the number of members, as your party has done, and then permitting two, three, or four members, or less than a quorum, claim they are the committee and then proceed to do business—is that safe procedure?

Mr. SHAFROTH. If you can not get action in any other way, it seems to me this is the only procedure that you can take. We have no rule. If we need rules, we should have the committee adopt a rule and provide that nothing but a physical majority can pass upon a matter. Then when that is the case we will find that there would be very little legislation in the Congress of the United States.

Mr. WARREN. The rule always is everywhere that the majority shall rule, and not the minority.

Mr. SHAFROTH. A bill is reported; it is not passed before it comes into the Senate. There is no danger of any great wrong being perpetrated. There is no doubt of that. It is purely a question whether this bill shall be reported. I feel that as the Senator from Oklahoma is not here he ought to be sustained, because I know he has made effort after effort to get this report.

Mr. SMITH of Arizona. Will the Senator allow me to ask him a question?

Mr. SHAFROTH. Certainly.

Mr. SMITH of Arizona. Did a majority of the committee give its assent to this favorable report?

Mr. SHAFROTH. No; a majority of those who were present.

Mr. SMITH of Arizona. A majority of the committee?

Mr. SHAFROTH. No; there was not a majority of the committee there personally, but a majority of a quorum.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from New York?

Mr. SHAFROTH. I will yield after I make a motion. I feel that some of the Senators here have very different views upon this matter and perhaps feel a little strongly about it; but I feel very strongly also that the Senator from Oklahoma should be upheld. For that reason I move that the consideration of the motion of the Senator from Nebraska be postponed for 30 days.

Mr. HITCHCOCK. I raise a point of order against that motion.

Mr. CLARKE of Arkansas. Mr. President——

The VICE PRESIDENT. The Senator from Colorado said he would yield to the Senator from New York.

Mr. CLARKE of Arkansas. All right.

Mr. ROOT. I am not going to keep the Senator from Arkansas from the floor more than a minute.

We have had stated by the Senator from Colorado the fact that a member of the committee from which this bill came was present by proxy. That is going into the record of the Senate, and I do not see how we can escape either affirming or disaffirming the proposition that the Members of the Senate can act in committee by proxy. To my mind, it is an astonishing proposition, wholly unsupported by any parliamentary procedure ever known, and we must meet it now. We are called upon to pass on the right of a Senator to act by proxy in a committee.

Mr. SHAFROTH. Mr. President, all that I have to say in answer to that is that it is done every day, and I believe not only a large majority, but I believe that three-fourths if not nine-tenths of the bills that have been reported were not reported at the time there was a physical majority present. Now, that may be wrong. If it is, pass a rule to that effect.

Mr. ROOT. That may be the reason why so little respect is paid to the reports of committees and why we have so much crude, ill-considered legislation.

Mr. SHAFROTH. I do not believe that that produces the result which the Senator intimates. We have free and full discussion in committee; the reports of committees are generally elaborate, and they have considerable influence upon the Members of the Senate

Mr. REED. Mr. President——

The VICE PRESIDENT. Will the Senator from Colorado yield to the Senator from Missouri?

Mr. SHAFROTH. I yield to the Senator.

Mr. REED. Does the Senator know of anything in the rules of the Senate or in any parliamentary law that gives to the chairman of a committee any other rights than are possessed by the individual members of the committee, except the mere right to call meetings and to preside at the meetings?

Mr. SHAFROTH. I do not know that there is any direct rule upon the subject at all. I understand there is no rule in the Senate which prescribes how a vote shall be taken in a committee.

Mr. REED. If that is true, a minority of a committee can report bills simply because the chairman called a meeting, when there has not been a meeting, because there were not enough there to constitute a meeting. Then, of course, it would follow that any other two, three, or four members could get together and call it a committee meeting and make a report.

Mr. SHAFROTH. The Senate passes bills every day with a minority here—not a majority at all—with a quorum not present.

Mr. REED. But there is a quorum present in the contemplation of law. No one having raised the question one is presumed to exist, but the moment it is challenged the roll is called.

The Senator well knows that while there have been a number of meetings of this committee at which there was not a quorum, unfortunately those meetings were called in every single instance when a number of the members of the Committee on Banking and Currency were compelled to be in attendance upon other committees.

Mr. SHAFROTH. I will state——

Mr. REED. As an illustration, the last meeting of this committee was called for the very hour when I was obliged to be in attendance upon the Judiciary Committee. I had advised the chairman of the committee that I am unwilling at this time to pass upon the bill. I could not be in the Judiciary Committee and in the other committee. It has happened that way with me several times. I had no idea that this bill would be reported out unless there was a quorum of the committee present to transact business.

I have been trying to give this matter attention with not the slightest disposition in the world to delay it an hour, but the bill has been brought forward at a time when members of the committee were absolutely compelled to be elsewhere. Certainly the fact that the chairman of the committee saw fit to call a meeting at that time, and he did it, of course, with the best of purpose, does not deny to those other members the right and the Senate the right to at least have a quorum present to transact business.

Mr. SHAFROTH. Mr. President, in answer——

Mr. REED. I want to say, in addition, that one of the purposes of having a committee meeting to pass upon a measure is that there shall be thrashed out, and after full conference, the various provisions of a bill. The committee, then, is generally expected to become somewhat in accord and give the Senate the benefit of its common judgment. But if this bill were to be now forced on us, I would, of course, not feel bound by anything the committee had done; no one else would feel bound by it. Why should not the bill go back and receive at the hands of this committee that consideration which it was primarily intended should be given to it when it was sent to the committee?

We sent this bill to the committee for the purpose of committee action. The Senator admits we have not had committee action; we have had minority action. He admits there has never been a quorum of the committee present at any one time when this bill was being considered, much less a quorum present at the time when it was voted into the Senate.

Mr. SHAFROTH. Mr. President, I want to say that no doubt the Senator has a great many committee meetings to attend; but this meeting was held on Thursday last, and Thursday is not the regular meeting day of the Judiciary Committee.

Mr. REED. But the Judiciary Committee was in session on that day.

Mr. SHAFROTH. That might be, but it is not the regular day for the meeting of the Judiciary Committee. We can not foretell what day the Judiciary Committee is going to be in session.

I wish to say, further, that this notice was for 10 o'clock, which is half an hour before the usual time for the meeting of committees. We remained in session until 25 minutes of 11 o'clock hoping to get a quorum.

Mr. CLARKE of Arkansas. Mr. President, I desire to occupy the floor for a few moments only.

Mr. SHAFROTH. I have made a motion.

Mr. CLARKE of Arkansas. I want to make a few remarks on the general question involved.

Mr. SHAFROTH. Very well.

Mr. CLARKE of Arkansas. Mr. President, the controversy which is presented here this morning is fairly well covered by a new rule which was adopted by the Senate on the 12th of April, 1912, but which has not as yet been incorporated in the regular Manual of the Senate.

The difficulty with which we are now confronted was quite a common one in the earlier Congresses of my service here. It would then frequently happen in all committees, and it especially happened in one committee, where the chairman was usually supplied with a pocket full of proxies of all of the absent members; that no matter how fully we might debate a question in committee, or how well prepared we might be to dispose of it according to the judgment of the majority of the Senators who were then present, we found ourselves embarrassed with this proxy business. It ran along thus until it became such an absolute evil that some of us had to take notice of it. That situation was of such frequent occurrence in two of the committees of the Senate of which I happened to be a member that it occurred to me that some remedy might be found. Our principal committees have been so greatly enlarged in membership that they have in great measure lost their influence, or rather, I should say, that the individual members of the committees had lost their influence in the deliberations of the committee that they usually feel so little interest in what is scheduled to transpire there that they rarely ever attend in sufficient numbers to have a respectable number of the committee present, so that frequently we had no majority quorum present, and this business of counting absent members or telephoning to absent members became a habit. In an effort to remedy this demoralizing practice, I offered an amendment to the rules on the 9th of April, 1912. A motion was made to refer the proposed amendment to the Committee on Rules, which was not adopted, because a more expeditious method could be found to dispose of it, and it was informally referred to the senior Senator from Iowa [Mr. CUMMINS] and myself as a kind of subcommittee to work out some provision that would meet the exigencies of that obviously embarrassing situation. We reported to the Senate, and the Senate adopted the following resolution on the 12th of April, 1912:

Resolved, That the several standing committees of the Senate having a membership of more than three Senators are hereby respectively authorized to fix, each for itself, the number of its members who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee; but in no case shall a committee, acting under authority of this resolution, fix as a quorum thereof any number less than one-third of its entire membership.

And here is the part of the rule that applies specifically to this case:

Nor shall any report be made to the Senate that is not authorized by the concurrence of more than one-half of a majority of such entire membership.

We have now before us the case of a report coming from a committee consisting of 12 members concurred in and authorized by the personal vote of 3 members only. Even if the committee reporting this bill had availed itself of the power conferred by the Senate in this new rule, and had provided that one-third of the membership of the Committee on Banking and Currency should constitute a quorum thereof, under this rule it would have required the concurring vote of a minimum vote of 4. No report can be made under this rule from a committee consisting of 12 members without the concurring vote of 4.

It appears from the undisputed facts—and those are the only ones with which I care to deal—that this committee consists of 12 members. There were at most 6 members present. One of those members absented himself before the vote was taken. Nobody is authorized to go into an inquiry by which secondary evidence will be taken as to how this member would have voted if he had actually been present and heard the final argument in committee. His actually absenting himself from the committee deprives him of the right to vote by proxy or request. So that when it came to a vote on this particular report there were

against it, and that the motion could not be considered, the bill having once gone to the calendar, unless it is brought from the calendar under the rules of the Senate, and then, and not until then, would a motion to recommit be in order. I do not, however, desire to raise that point of order. I wish the Senate to vote on this question, so that we may have a rule of conduct. I do not want to waste my time in committees where there are only five or six present and undertake to do business, and then, if the result of the committee meeting is offensive, or not in accord with the feelings of some absent member, have it brought up in this way and recommitted.

I simply want to call that fact sharply to the attention of the Senate and to ask them to vote—I shall ask for the yeas and nays when the motion comes up for a vote—so that we may know whether we have been doing business in accordance with the best judgment of the Senate, or whether hereafter we must have at least a majority of the committee present in order to take any valid action.

Mr. BORAH. Mr. President, will the Senator yield for a question?

Mr. HOLLIS. With pleasure.

Mr. BORAH. Do I understand that at the last meeting, to which the Senator refers, and which the Senator was about leaving when the Senator from Kansas [Mr. BRISTOW] appeared, that constituted a quorum?

Mr. HOLLIS. No; when the Senator from Kansas and I were both present there were only six. It needed the presence and authority of the Senator from Ohio [Mr. POMERENE] to make a quorum of seven members.

Mr. BORAH. And the Senator had authorized that he be counted for a quorum?

Mr. HOLLIS. He had so notified the chairman, as I am informed.

Mr. WEEKS. Mr. President, I am a member of the Committee on Banking and Currency, and have been referred to personally in this discussion. I agree with the Senator from New Hampshire that this is an important matter, which should be decided quite apart from the relation it may have to this bill, though it is important in this case also.

The meeting to which reference has been made, two or three weeks ago, was a meeting at which this bill was read and discussed. No amendments, however—and there are amendments pending—were considered at that time or at any other time, and no question was taken on reporting this bill. The question that was put by the chairman of the committee was whether the members present were in favor of reporting legislation at this session of Congress. There were seven members present. Five members voted in favor of reporting legislation and two against it; but the question of reporting this bill was not put to the committee at that time, or at any other time.

It is true that there was discussion afterwards about making majority and minority reports, and it is true that I did say to the chairman, "Whenever a majority report is made, if it is made, I expect to have time to make a minority report, because I am opposed to the bill." That, however, is as far as it went.

There have been other meetings of the committee. There are two matters of importance before the committee to-day, one of them this bill, and the other the question of reporting the nominations for the Reserve Board. Yesterday morning, when I found the call for this meeting on my desk, I directed my office to call up the Committee on Banking and Currency to find out what was going to be considered, and I was informed that the so-called stock-exchange bill, the bill which we are now discussing, was not to be taken up by the committee. I was confirmed in that by a newspaper man, who told me that the clerk of the committee himself had said that the stock-exchange bill would not be taken up.

Now, I knew that the subcommittees appointed to consider the different members of the Reserve Board directorship had not reported. The subcommittee of which I am a member has not even been called together yet by the chairman; and having before me copies of all the letters and other matters which have been sent to the committee or to the chairman, and having other important business to transact, it did not seem worth while for me to go to the committee room to engage in a desultory conversation about the merits of members of the board until we were ready to act on them definitely, and for that reason I did not go. I did not suppose the stock-exchange bill was coming up, and thought my information was sufficient to warrant my coming to that conclusion.

I can not believe that the Senate or any Member of the Senate wishes to report legislation and have it go on the calendar to which at least half of the members of the committee are opposed. I supposed that a majority were opposed; but we do not know yet what the legislation is to be, because we have not considered the amendments which have been proposed. It is not anticipated, as the Senator from New Hampshire has said, that this legislation can be taken up at this session of Congress. There will be no hardship in sending it back to the committee where it belongs. It is a correct principle to follow.

If 3 or 4 or 5 members of a committee out of 12 can meet and report out legislation by including as present men who are not present, it would, in my judgment, introduce all kinds of improper possibilities in connection with the reporting of bills. I do not think it is wise for the Senate to take the position that that can be done. A constructive quorum, in my judgment, should not be tolerated. Senators should attend their committee meetings, and encouragement to stay away should not be held out to them by assuming that they will be counted if they are not present.

It seems to me, for every reason, that this bill should go back to the committee and be considered there, including the amendments which are pending, and then have it determined whether a majority of the committee wish to have a meeting for the purpose of considering this bill; then if a meeting is called let it be decided whether a majority of the whole committee is really in favor of reporting this legislation favorably.

Mr. BANKHEAD. Mr. President, it seems to me, in view of the discussion and intimations on the part of members of the committee, that it would be highly proper that the chairman of the committee should be notified of this discussion and the proposed action of the Senate, in order that he might be present during the discussion and make such suggestions as he thinks it proper to make under the circumstances.

Mr. WEEKS. Mr. President, there would be great difficulty in notifying the chairman, as I understand he is sailing for Europe to-day, to be gone 30 days or more. [Laughter.]

Mr. POMERENE. Mr. President, I am a member of this committee. I was notified of the intended meeting of the committee, but was not able to be there, because, first, I had a brief engagement at the White House; and, second'y, a very important meeting of the Foreign Relations Committee. Some hearings were being held by that committee which I felt were most important, and therefore I attended the Foreign Relations Committee. I gave the chairman of the committee authority to count me present for a quorum.

I understand that I was not voted at that meeting on this subject; and it is perhaps not necessary for me to go further into details, except that I might state briefly my position with respect to this bill.

I think legislation along the line contemplated is highly important and proper. I think if I had been present I probably should have voted to report out this bill, at the same time reserving to myself the privilege of offering some further amendments, if upon a fuller discussion of the bill they might, in my judgment, be necessary.

I think that is all I care to state about it.

Mr. STONE. Mr. President, I do not rise to express any opinion on the merits of the so-called stock-exchange bill.

The very matter now immediately before the Senate—that is, as to the right to count absent Members present, or to poll their votes for or against a measure—was before a committee of which I am a member—the Indian Affairs Committee—a short time ago. That committee, after discussion, adopted this rule of practice: That an absent member might, at his request, be counted present to make a quorum, and there being a quorum present by counting his vote, a measure brought before the committee could be reported favorably or adversely, according to the majority vote cast, even though there would not be absolutely present a majority of the committee. The vote of an absent member, however, could not be counted for or against the measure unless he had specifically requested and directed that his vote should be cast on the particular question of reporting one way or the other, and could not be counted then except by unanimous consent of the committee.

I understand the rule of practice to be that when there is a committee of 12, as in this case, and 6 are actually present and 1 counted present by his own request to make a quorum, the committee may take action and report out a bill on a majority vote of those actually present if no objection is raised at the time; but if an objection is raised, then a vote can not be cast in the name of an absent member, even though he requests that it may be cast in a particular way. I believe that is the rule that has generally obtained in committees within the range of my experience, and I believe it is a sound rule.

Mr. WORKS. Mr. President, I should like to ask the Senator from Missouri how unanimous consent could be given when there was not a quorum of the committee present.

Mr. STONE. The unanimous consent is given—that is what I mean—by those present, if no objection is made by anyone present to casting the vote of the absent member in accordance

with his direction; but if an objection is made, then it is in effect the same as raising a point of no quorum.

Mr. BRISTOW. Mr. President, as my name has been mentioned in connection with this matter, I desire to say that the rule stated by the Senator from Missouri is the rule that prevails in the other committees of which I am a member. I know that in the Committee on Claims, if there are six members present and there is no objection, the six members can report a bill, although they are not a majority of the committee; but the objection of one, under the rule which the committee adopted, prevents the bill being reported.

As to the controversy in regard to this bill, I think I remember quite accurately the circumstances. The vote that was originally taken at the first meeting of the committee was on the question whether or not a majority of the committee was in favor of legislation upon this subject and reporting a bill at this session. That was before the bill had been read or any amendments suggested. Five of us voted in favor of legislation and in favor of reporting a bill, and I was one of the five. Two voted against it. I never dreamed of voting to report out the present bill, however. Not a single amendment was considered by the committee. Indeed, I do not believe the amendments were read to the committee, although they may have been read; and I was very much surprised when I learned, a week or two afterwards, that a report had been made, because it certainly never was justified or authorized.

As to the meeting yesterday, I do not believe it was fair to the members of the committee, who had a right to be heard. Four members of the committee who were very much interested in the bill were engaged on other important committee work. Two of them are members of the Committee on the Judiciary and were engaged at that time on the antitrust bills. Two others were members of the Committee on Foreign Relations and were present at the meeting of that committee, which was at the same hour, and the other Senators were engaged as has been described here.

For that reason I objected to reporting the bill, because I did not think it was regular, in order, or authorized under the rules of the committee or the Senate, and I did not think it was fair to absent members. At the time the action was taken there were five present, as has been indicated by the statements made by the other two members.

While I am in favor of legislation, I have some doubts about some of the provisions of this bill, and I should like to have it further considered by the committee. I think it ought to be further considered in the interest of legislation, and I think it ought to be referred back, because not to do it would set a most dangerous precedent, which might lead to anything. Why, the chairman of a committee could report a bill with any kind of an amendment he wished at any meeting he wished under such circumstances as control here if he could get the consent of absent members to do it, and we might as well abolish the committees.

Mr. LEE of Maryland. Mr. President, as a member of the committee, and present at both the meeting that took place before, when the bill was first considered and assumed to have been authorized to be reported, and the meeting of yesterday, when that previous action was affirmed, I should like to make a brief statement on this subject.

From the statement just made by the Senator from Kansas [Mr. BRISTOW] it can be readily seen by the Senate that a mistake might readily have been made and a misunderstanding have arisen as to whether the action of the first meeting on the subject was to report *a* bill or to report *the* bill. The understanding of the majority of the committee was that it was to report *the* bill; but to avoid all possibility of mistake and to give every member of the committee who was in opposition an opportunity to be present and express his attitude and opinion a second meeting was held on the subject and full opportunity given yesterday.

The objection made by the Senator from Kansas [Mr. BRISTOW] and by the Senator from South Dakota [Mr. CRAWFORD] yesterday to the procedure was not by reason of there being a constructive quorum present, not by reason of the counting of the Senator from Ohio [Mr. POMERENE], who assented by phone to being counted for a committee quorum, though physically absent, and of the Senator from New Hampshire [Mr. HOLLIS], who departed from the meeting. That was not the basis of their objection. There was unanimous consent to the session of the committee, so far as the presence of those Senators was concerned; but the objection that was made was that the three main opponents of the bill were absent—that the Senator from Nebraska [Mr. HITCHCOCK] was absent, that the Senator from Minnesota [Mr. NELSON] was absent, and that the Senator from Massachusetts [Mr. WEEKS] was absent.

All of those three gentlemen had been given full notice of this particular meeting of the committee. Of course, that objection was not tenable, especially in view of the fact that the meeting itself was called for the purpose of affording full opportunity to reconsider the previous order to report or for them to give such supplemental expression as it might seem proper to them to make.

Mr. HITCHCOCK. Of course, the Senator does not mean to imply that the notice of the meeting contained any suggestion as to its purpose. The Senator will recall that some Senators had telephoned the committee and received information that it was for the purpose of considering the nominations of the members of the Reserve Board, which was the real matter pending before the committee.

Mr. LEE of Maryland. As was stated by the Senator from Massachusetts, the question of the nomination of the members of the Reserve Board being before the subcommittee and not having been reported upon, the only matter pending before the committee as a whole being this bill, the natural inference was that this bill was the subject matter for consideration. But be that as it may——

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Massachusetts?

Mr. LEE of Maryland. Certainly.

Mr. WEEKS. I should like to ask the Senator from Maryland if he does think it was a fair basis for me to act on to ask the clerk of the committee what was going to be considered, and when I had been given the assurance that the stock-exchange bill was not to be taken up, did I not have good reason to conclude that nothing else except the nomination of the members of the Reserve Board was to be considered?

Mr. LEE of Maryland. Mr. President, I would not like to pass on what action took place between the Senator and the clerk of the committee or the power of the clerk to do away with the right of the committee to do business by word of mouth or through the telephone. I think that proposition answers itself without further response from me.

But let us consider the substance of this proposition. The substance of the motion of the Senator from Nebraska is that this bill has been prematurely reported to the Senate, and that it shall go back to the committee for further consideration and additional development of facts. Here is a volume of testimony, of briefs, and of exhibits that has been accumulated in this matter in the last three months by this committee, a volume of nearly 1,000 pages, and throughout those pages it will be seen that the Senator from Nebraska has been a vigorous and consistent opponent of this measure.

It must be recognized that the question before the Senate at this moment is not that anyone shall be deprived of a right, because the minority have a perfect right to file a minority report; they have a perfect right to offer amendments on the floor of the Senate; but the real question before the Senate at this moment is, Shall a backset be given to a bill which proposes to regulate stock exchanges in a reasonable manner, preserving the market places as such, and the opportunity to sell securities, which should be preserved, but which proposes to strike down, if it can be stricken down, the most extensive, objectionable, and unfair system of gambling that exists in any portion of the civilized world?

Mr. WARREN. Mr. President, it is not my desire to enter into any discussion at this time as to the merits or demerits of this bill. I do not consider that the motion or question before us rests at all upon the grounds stated by the Senator from Maryland [Mr. LEE], but it does rest upon the ground which has been in a way presented by the Senator from New Hampshire [Mr. HOLLIS]. The question now is whether we are going to accept a report from a committee, the validity of which report the committee itself, or members thereof, here on the floor question.

It seems to me that in the line of good order, in the line of fairness, in the line of following the rules and practices of the Senate, there ought to be unanimous consent to send the bill back to the committee. The committee has the power to report it again if a majority so desires.

I regard it as peculiarly unfortunate that we should accept a committee report here that is questioned so seriously as this is by members of that committee. No one yet has been able to state that it was entirely regular or that a majority of the members of the committee were present and voting.

The Senator from Missouri [Mr. STONE] stated the case very fairly, that when in committee there may be one short of a quorum and they are all agreed and the views of another are known, he may leave his vote, but even in such a case other members, or at least a member, should later add their or his

strike out the words: "but such designation shall not extend at the same time to more than one person for each college"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert "$35,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,633,500"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,930,780"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$352,500"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,098,832"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of Agriculture to cooperate with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture, prohibiting the movement of such potatoes from any State into any other State, District, or Territory of the United States except under such rules and regulations as he may prescribe, and for the enforcement of such rules and regulations, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of $50,000."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In the tenth line of said amendment, after the word "twenty-five," strike out all down to the period in the last line of the amendment; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: On the first line of said amendment, before the word "The," insert the words "to enable"; in the same line strike out the words "is authorized"; in lieu of the sum proposed by said amendment insert "$40,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On the first line of the amendment, after the word "Secretary," insert the words "of Agriculture"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the lump-sum appropriations now available or herein made for the work of the Department of Agriculture shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture: *Provided*, That the amount to be expended under the provisions of this paragraph for such motor vehicles and motor boats shall not exceed the sum of $10,000, and that said vehicles and boats shall be used only for official service: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph for the purchase of such vehicles and boats during the preceding fiscal year."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,865,832"; and the Senate agree to the same.

T. P. GORE,
F. E. WARREN,
Managers on the part of the Senate.
A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

Mr. BORAH. I ask that the report go over until to-morrow and be printed.

The VICE PRESIDENT. The report will lie on the table and be printed.

HOUSE BILL REFERRED.

H. R. 17041. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REGULATION OF STOCK EXCHANGES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution of the Senator from Nebraska [Mr. HITCHCOCK] to take from the calendar and rerefer to the Committee on Banking and Currency a bill the title of which will be stated.

The SECRETARY. A bill (S. 3895) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges.

The VICE PRESIDENT. The question is on the adoption of the resolution.

Mr. HITCHCOCK. Mr. President, yesterday I stated briefly the facts in relation to this resolution, but I will now restate them for the benefit of those Senators who were not then present.

This bill has been the subject of extended hearings before the Committee on Banking and Currency. It is a bill which proposes to give to the Post Office Department the regulation of the stock exchanges of the country. After the hearings no meetings were held for the discussion of the bill; no votes were

ever taken upon any of the amendments which have been favorably reported. The meeting of the committee held yesterday was attended by five Senators who were present at the time the resolution was adopted for the report of the bill. Three of those Senators voted for the report and two voted against the report. The committee numbers 12. Seven members of the committee are requesting that the bill be taken from the calendar and rereferred. At no time has a majority of the committee been in favor of the bill, and at no time has a quorum been present when the bill was voted upon. Under those circumstances it seems to me it should, as a matter of courtesy to absent Senators, be referred back to the committee.

When the bill was considered yesterday by the committee, the Senator from Massachusetts [Mr. WEEKS], the Senator from Missouri [Mr. REED], the Senator from Connecticut [Mr. MCLEAN], the Senator from Minnesota [Mr. NELSON], the Senator from Ohio [Mr. POMERENE], and the Senator from Nebraska [Mr. HITCHCOCK] were absent during all of the time. Most of those Senators were engaged upon other committees. The Senator from New Hampshire [Mr. HOLLIS] was present a part of the time, but left before the vote was taken, authorizing the chairman of the committee to count him as present and as voting for the bill. The Senator from Ohio [Mr. POMERENE] was not present during any of the time, but, as I understand, and as he probably will state for himself, he had authorized the chairman of the committee to count him as present for a quorum. Under the rules of the Senate, as I understand them, it has been the invariable ruling, and it is the ruling in the House of Representatives, that a constructive quorum can only be counted by unanimous consent. At the meeting yesterday the Senator from Kansas [Mr. BRISTOW] and the Senator from South Dakota [Mr. CRAWFORD] objected to an attempt to report the bill in the absence of a quorum.

Under those circumstances, it seems to me that the document filed is not a report. Had I been present in the Senate at the time it was presented, I should have challenged it just as similar former efforts have been challenged in this body and in the House of Representatives, and invariably rejected when not reported from a meeting of a committee at which a quorum was present.

The motion, therefore, is simply to refer this bill back to the committee, where it belongs, until a quorum present considers it and a majority of a quorum decides to report it.

Mr. CRAWFORD. Mr. President, as a member of the Committee on Banking and Currency, I agree substantially with what has been said, except that the Senator from Nebraska put me in the attitude of being opposed to the bill. I am friendly to the bill, so far as the bill itself is concerned, and had there been a full hearing in the committee, so that I felt that each member had a fair opportunity to be heard there, and that any report that might be made was an expression of the views of the majority of the members present constituting a quorum, I would not have objected to the making of this particular report; but it is a fact that the proceedings which led to the making of this report yesterday morning resulted from the action of, I think, three members actually present voting for the report and two members voting against the making of the report, which makes it the direct expression of only five members of that committee. Of those who were absent, one, the Senator from Ohio [Mr. POMERENE], I understood, had been there, but he was not there during any time that I was present, and another, the Senator from New Hampshire [Mr. HOLLIS], had been there part of the time, but had gone away, saying that he could be counted in favor of the bill.

When we consider the importance of this bill and the very great interest in it, I, myself, feel as though that was hardly the kind of action that should be back of a report on such a measure, although I am in favor of the general provisions of the bill. I believe that legislation of the kind proposed is in the right direction, and I do not know of any more effective way of dealing with the question than through the Post Office Department; but I was not satisfied yesterday morning, and I am not now, that the making of the report at that time and in that way was fair and equitable to other members of the committee.

Mr. HOLLIS obtained the floor.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Alabama?

Mr. BANKHEAD. I will not ask the Senator to yield, but I will take the floor in my own right later.

Mr. HOLLIS. Mr. President, I am a member of the Banking and Currency Committee, but I think that the vote on the pending question goes very much deeper than the bill involved or any question of procedure at any meeting of the Banking and Currency Committee. I think it goes to the root of the way we are doing business in the committees of the Senate, and I for one shall take the vote on this question as a rule of guidance in future committee work.

This stock-exchange bill does not, as I understand, place the regulation of stock exchanges under the Post Office Department. It provides that stock exchanges shall do certain things by way of incorporation and comply with certain rules for the conduct of their affairs. If they fail to comply with those rules, then they shall be denied the use of the mails. That is a very short and perhaps an adequate description of the bill.

The bill was introduced as the outcome of the Pujo report a year or so ago. Our committee has held hearings for several weeks, and I have been present at more than one committee meeting when the bill has been discussed. About three weeks ago, according to my recollection, there were seven members of the committee present, and five of them voted to report this bill favorably. That has been challenged.

Mr. HITCHCOCK. Mr. President——

Mr. HOLLIS. I decline to yield; I will state this right.

Mr. HITCHCOCK. I wish the Senator would state all the facts in discussing that matter.

Mr. HOLLIS. I am going to state them. That is my recollection, and I do not put my recollection against the recollection of any other Senator on the committee. I purposely advised that action be taken, so as to avoid questions of veracity. As I remember, there were seven Members present, five of whom voted to report the bill favorably. The bill had been amended by the chairman and had been printed, and those who were interested and who took the pains to find out, knew what the amendments were that were proposed by the chairman at the meeting to which I refer, where I remember that a majority of a quorum present and voting voted to report the bill favorably.

There was afterwards an entirely harmonious discussion between those who favored the bill and those who opposed it, and it was then unanimously agreed—and I am positive that there were six of the committee present at that discussion, although the seventh may have withdrawn—it was then agreed that the Senator from Oklahoma [Mr. OWEN] should prepare the majority report, submit it to the Senator from Massachusetts [Mr. WEEKS], and that the Senator from Massachusetts should have a reasonable time in which to prepare and submit a minority report. A week or 10 days later the Senator from Oklahoma handed to me and to the other members of the committee, as I am informed, a slip print of his report. Then it was brought to my attention by some of those who opposed this bill that there was not a quorum present and voting at the prior meeting. I took the attitude then and advised that if that were questioned, the matter should be left to a future vote of the committee. That course was taken. The friends of the bill did not press for that report in accordance with what we understood to be a vote, and they did not do so for the purpose of avoiding questions of veracity between Senators on the committee.

Since then the committee has met twice. At the first meeting there was not a quorum present, and we engaged in an informal discussion. The second meeting was called regularly for yesterday at 10 o'clock. At 15 minutes past 11 o'clock only five members of the committee were present, but the Senator from Ohio [Mr. POMERENE] had sent word that he desired to be counted to make a quorum. I had an appointment at the White House, which I thought I ought to keep, and at 20 minutes past 11 o'clock I announced that I must leave the committee, but that I desired to be counted for the purpose of making a quorum, and said that I wanted to be counted in favor of a report of the stock-exchange bill. As I was leaving the room the Senator from Kansas [Mr. BRISTOW] came in. I returned with him and announced that that made a quorum and reiterated my request that I be counted to constitute a quorum and as voting in favor of the stock-exchange bill.

I am informed that later the bill was voted on, and that a majority of those present, three out of the five, voted to have the bill favorably reported. Those, I believe, are the facts. I was not present, and so I can not state what objections were made, but the Senator from South Dakota [Mr. CRAWFORD] has stated them with entire correctness, no doubt.

Since I have been in the Senate and have served upon committees it has been the very common practice to count absent members, at their request, to constitute a quorum, and also for members of the committee to leave their votes with the chairman on matters which they anticipate will be voted upon.

I do not think it makes a great difference what action the Senate takes at this time so far as the stock-exchange bill is concerned. I doubt if it could be taken from the calendar and acted upon at this session.

It has been suggested that the motion of the Senator from Nebraska is not in order; that a point of order could be raised

By Mr. JONES:

A bill (S. 5992) granting an increase of pension to Ann Simons; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 5993) granting a pension to Vernon D. Blalock; to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5994) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

A bill (S. 5995) granting a pension to Mary King (with accompanying papers); to the Committee on Pensions.

By Mr. CLARKE of Arkansas:

A bill (S. 5996) granting an increase of pension to Samuel R. Price; to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN submitted an amendment authorizing the Secretary of Agriculture to enter into a contract for a lease for a period not to exceed 10 years of modern fireproof office accommodations for Government uses, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS (for Mr. OWEN) submitted an amendment proposing to appropriate $200,000 for inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, etc., intended to be proposed to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SHIELDS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

THE TELEPOST.

Mr. CHAMBERLAIN. I submit a resolution, which I ask may be read and referred to the Committee on Post Offices and Post Roads.

The resolution (S. Res. 405) was read and referred to the Committee on Post Offices and Post Roads, as follows:

Resolved, That a committee of five Senators, including the chairman of the Committee on Post Offices and Post Roads, be appointed by the President of the Senate to investigate and report upon the merits of the telepost, now in operation between St. Louis and Chicago, as to word-carrying capacity, accuracy, economy, secrecy, and general efficiency; as to its use in connection with the Post Office Department, and as to any obstacles in the way of its extension either in connection with the Government or otherwise.

Mr. CHAMBERLAIN. In connection therewith I desire to have printed in the RECORD a letter containing a request that I introduce the resolution, and I ask that it be referred to the Committee on Post Offices and Post Roads.

There being no objection, the letter was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

WASHINGTON, D. C., *June 26, 1914.*

Hon. GEORGE E. CHAMBERLAIN,
United States Senate.

MY DEAR SENATOR: In connection with the resolution we have asked you to introduce, I wish to say that while a thorough investigation of the telepost is suggested and will be welcomed, so as to determine its efficiency and special fitness for use in connection with the Post Office Department, this is the least important work for the committee, as these points have been settled by long-continued successful commercial operation.

The chief duty of the proposed committee will be to pave the way for the introduction of a new post-office service that has met with unqualified approval wherever and whenever presented.

This is a wired letter and wired card service by which 50 words for 25 cents delivered in a sealed envelope and 10 words for 10 cents delivered on a postal card will be available for the public between any two points connected by telepost wires.

The messages will be handled at each end by the post office in the usual way, but transmitted by the telepost by wire at its rate of 1,000 words per minute between the two post offices. If special delivery is desired, the proper stamp will secure it.

This will mean that between the business districts of any two commercial centers where there are frequent mail deliveries a wired letter or card may be exchanged several times during business hours. While the card will be strictly limited to 10 words, the wired letter may be as long as desired, each additional 10 words or less involving an additional 5 cents.

The Telepost is ready to inaugurate these services between Chicago and St. Louis, and upon the completion of the western section of the Telepost trunk line between New York and Chicago, the poles for one-half of which are already set, offices will promptly be opened in Toledo and Detroit. Other extensions will follow as rapidly as lines are built or leased.

The chief work of the committee, therefore, will be to find out whether there are any obstacles in the way of the opening up of this wired-letter and card service, and if any are found, to remove them by framing and securing the enactment of an enabling act or such other legislation as may be necessary.

On behalf of the business and social interests of the country which now, due to the cost and other handicapping features, use the telegraph less than the people of many nations admittedly not as progressive as we are, I ask your support and the support of the Senate in as prompt a consideration of this subject as other important matters now pending will permit.

Yours, respectfully,

H. LEE SELLERS.

RURAL CREDIT IN EUROPE.

Mr. WEEKS. I submit a resolution, and ask that it be read.

The resolution (S. Res. 404) was read, as follows:

Resolved, That 20,000 additional copies of part 1 of Senate Document No. 261, Agricultural Cooperation and Rural Credit in Europe, be printed for the use of the Senate document room.

Mr. WEEKS. I ask that the resolution be referred to the Committee on Printing for consideration.

The VICE PRESIDENT. Without objection, that action will be taken.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF LABOR.

Mr. SHAFROTH submitted the following resolution (S. Res. 406), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Expenditures in the Department of Labor be, and it hereby is, authorized to employ a clerk at a salary of $1,440 per annum, $2,220 per annum an assistant clerk at a salary of $1,440 per annum, and a messenger at $1,200 per annum, the same to be paid out of the miscellaneous items of the contingent fund of the Senate until otherwise provided by law.

Mr. SHAFROTH subsequently said: I make a report on behalf of the Committee to Audit and Control the Contingent Expenses of the Senate on the resolution providing for the clerical force of the junior Senator from the State of Kentucky, and I ask unanimous consent for its present consideration.

Mr. SMOOT. Mr. President, I have no objection to the resolution. I simply wish to call attention to the fact that it can be in effect only until the 30th day of this month.

Mr. SHAFROTH. No; I have conferred with the chairman of the Committee on Appropriations, and the resolution provides that it can exist as against the contingent fund until otherwise provided for by law. It will be thus provided for either in a deficiency bill or some other bill that will be passed. I will state that it provides for the usual clerical service—one clerk at $2,220, another one at $1,440, and another one at $1,200.

Mr. SMOOT. I have no objection to the resolution. All I was saying was that, as I remember, the legislative appropriation bill carries a provision repealing all of the resolutions for clerk hire payable out of the contingent fund of the Senate.

Mr. SHAFROTH. It did; and the Senator from Virginia [Mr. MARTIN] said it was impossible to get this provision in the legislative bill, which is now in conference.

Mr. SMOOT. That is true, Mr. President. There is not any doubt about that.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

DANISH AGRICULTURE.

Mr. FLETCHER. I have received a copy of an address delivered by Hon. Rudolf Schou, counselor of state, Copenhagen, Denmark, on the subject of Danish agriculture, including a statement as to cultivation in Denmark, and Danish seed and seed growing. I ask that the matter may be referred to the Committee on Printing, with a view to its publication.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

THE PEOPLE'S BANKS IN NORTH AMERICA.

Mr. FLETCHER. I have a copy of an article by H. Michell, of the department of politic and economic science, Queen's University, Kingston, Ontario, on the people's banks in North America, being a survey of the Desjardins system of cooperative banks in Canada, and their adoption in the United States. I ask that the matter be referred to the Committee on Printing with a view to having it printed as a Senate document.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

AGRICULTURAL CREDIT IN IRELAND.

Mr. FLETCHER. I have a copy of a report of the departmental committee on agricultural credit in Ireland. I desire to have the report printed as a Senate document, and I ask that it may be referred to the Committee on Printing with a view to its publication.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

AGRICULTURAL APPROPRIATIONS (S. DOC. NO. 625).

Mr. SMITH of Georgia (for Mr. GORE) submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 15, 23, 25, 26, 27, 28, 32, 34, 35, 44, 45, 46, 48, 58, 59, 60, 61, 65, 67, 71, 72, 79, 82, 100, 101, 103, 114, 123, 132.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 21, 22, 24, 30, 32, 36, 37, 39, 42, 43, 52, 54, 55, 56, 57, 63, 64, 66, 68, 70, 75, 76, 80, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 104, 105, 112, 113, 121, 122, 125, 126, 127, 130, 133, 135, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$230,880"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 7 of the bill, line 2, after the word "that," at the end of the line, insert the following: ", in the judgment of the Secretary of Agriculture"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of the amendment strike out the words "this appropriation," and in lieu thereof insert the following: "the appropriation made herein for necessary expenses of the Weather Bureau outside of the city of Washington"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$478,170"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$30,000: *Provided*, That of this sum $10,000 may be used for furnishing the official grades as standardized by the Government and samples of the bleached and unbleached yarns made from such grades, showing the waste, tensile strength, and bleaching quality thereof, to such primary cotton markets as organize associations for the purpose of receiving and caring for them under such rules and regulations as the Secretary of Agriculture may prescribe, such official grades and samples of yarns to be furnished upon the request of any such association at not to exceed the actual cost of the preparation of such official grades and samples of yarns"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$240,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For farmers' cooperative demonstration work outside of the cotton belt, $400,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$633,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,880,875"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,616,045"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and to extend the work to the Niobrara division thereof, $5,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,243,096"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,548,256"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,077,581"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,050"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$829,420"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "wolves, prairie dogs, and other animals injurious to agriculture and animal husbandry"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: On the second line of the amendment, in lieu of the sum proposed, insert "$5,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$248,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$281,290"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000," and strike out the rest of said amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: On the first line of the amendment strike out the word "hereafter"; and

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

THOMAS HARRISON.

Mr. JONES. Mr. President, I ask permission to make a brief statement and to present a petition.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Washington will proceed.

Mr. JONES. I ask the attention of the members of the Committee on Naval Affairs who may be here to this particular matter. In the last Congress I introduced a bill retiring Thomas Harrison, a clerk in the Naval Observatory, and for other purposes. The bill proposed to pay him the sum of $100 per month during the remainder of his natural life. That bill was favorably reported and it passed the Senate. In this Congress I introduced another bill (S. 681) of the same character and it was referred to the Committee on Naval Affairs, but it has not yet been reported.

I know that there is much opposition to the establishment of a civil pension list, and there is much to be said on both sides of the proposition. I know that objection is made to this bill on the ground that it establishes a precedent for a civil pension list, but it is a common saying that there are exceptions to all rules, and that exceptions prove the rule or the necessity for the rule. I think this is a case where Congress could well make an exception against the general rule if the rule is to be followed not to have a civil pension list. I think, however, it does furnish one of the strongest possible arguments for a provision of some kind upon the part of the Government for the retirement of those employees who have been long in the Government service, either by a Government contribution to a retirement fund or a provision under which there shall be a compulsory contribution to a retirement fund on the part of employees.

I have here a memorandum prepared by this employee of the Government which, it seems to me, should appeal to Congress. Its simplicity and pathos are at least very appealing to me, and I think will appeal to every Member of the Senate. I wish to read this memorandum. It is in the nature of a petition, and is very short.

S. 681—RETIRING THOMAS HARRISON, A CLERK IN THE NAVAL OBSERVATORY.

The civil employee named in this bill was born in Washington City on January 10, 1828. When he was a very small child his parents moved to what was then—80 years ago—spoken of as the "far West," the banks of the Ohio, where the lad grew to be a sturdy boy of 10. It was a hard life out there; not too hard, though, for it gave him a good start and helped him through harder times later on. In 1838 the family returned to their former home in Washington.

As to his lineage, his mother was a Magruder of Maryland; a descendant of the Macgregors of Scotland—a rugged ancestry, if we believe Sir Walter Scott. She was a granddaughter of Samuel Wade Magruder, who served in the Revolutionary War as a major in the Maryland Militia, having been appointed as such on the 21st of June, 1777, as shown by his commission, which has been preserved by his descendants for 137 years. (See Archives of Maryland, Annapolis, vol. 16, p. 296.)

His father was a native of Virginia, was a captain in the Regular Army in the War of 1812, and served as such until the reduction of the Army in 1815. (Records of War Department.) After that war the father of this petitioner was engaged in other pursuits until 1848, when, in the midst of his usefulness, he died, leaving a family of eight persons, whose chief support fell to the happy lot of this son, who soon afterwards obtained a small clerkship in the Naval Observatory, where he has served under every superintendent of the institution from the renowned Maury down to the present accomplished director, and where he is now employed in charge of the financial accounts of the establishment.

It might be stated here that a short time ago this petitioner—

I desire to suggest that this is something very unusual—

It might be stated here that a short time ago this petitioner, with the view of lessening his duties and his responsibility, applied to the Navy Department for demotion—

He himself applied for a demotion, realizing the influences of advancing age—

from senior clerk to the next class below. The department made this answer, in part:

* * * * * * *

"As you have been in the employ of the Government now over 62 years, and during all that time your record has been excellent, I have long hesitated to take any action which would reduce your salary; but in view of the statement made by you personally to me yesterday, in addition to your letter, * * * I agree that it would probably be to your best interest to make the change.

"I desire at this time to express my sincere appreciation of the admirable spirit you have displayed in this matter, and to wish you success and continued good health in your new position.

"Very truly, yours,

"BERKMAN WINTHROP,
"*Acting Secretary of the Navy.*"

The incidental mention of the petitioner's ancestors is only a passing tribute to their memory. He is not building upon their merits; a mere clerk, he is venturing to stand on his own record of two-thirds of a century of work for the Government. That this work has been efficiently performed is not for him to say, but it is so declared by the Navy Department and by the testimony of distinguished officers under whom he has served. Nor is it for him to say whether that work is meritorious; that is for the judgment of Congress.

"The Army and Navy Register of October 4, 1913, records the names of several old horses that are pensioned by the Government:

"First, 'Putnam,' Artillery horse, now commonly called 'Pekin'; entered the Army in 1898; served through Spanish War; then in Philippines; in China during Boxer rebellion in battles of Pei Tsang, Yang Tsun, and others; now enjoying a pension at Fort William McKinley, the biggest Army post in the Philippines.

"Second, 'Foxhall,' Artillery horse; served 24 years; is 36 years old; enjoys a pension at Fort Sam Houston, Tex.

"Third, 'Jolo,' Cavalry horse; on pension at Fort Leavenworth."

We are told that the Athenians of old released from further toil their beasts of burden after their long-continued labor, and maintained them at the public cost. That was before the Christian era in a heathen republic. While this great Christian Republic of America equals its heathen exemplar in the cases cited, what has it done, what is it doing, for its aged burden bearers, human beings? What for those in the civil service who have labored with pick or with pen for 40, 50, or 60 years? Did not the Government, it may be asked—like the man in the parable—agree with its workers for a penny a day, and has it not paid that penny promptly? Yes; surely. What more, then, shall be done with them when overcome by infirmities of age? Shall such ones toil on till the pen or the pick drops from their enfeebled hands and they be then discharged outright?

In the unique case before us should not the petitioner who has served the State for over 65 years be granted for his few remaining days the relief which this bill, if made into a law, will give him?

This man is now 86 or 87 years of age. He has been in the employ of the Government for 65 or 66 years. As he says, it may be asked, has he not been paid promptly what the Government stipulated, and why should he ask more. That is true, as he says, and yet he has reached a point now at 86 or 87 years of age where if he should lose his position he would be unable to do anything. There are those dependent upon him now whom he has supported for many years, and for this reason he has been unable to save anything substantially out of the salary which has been paid him.

It does seem to me that this case furnishes one of the strongest arguments in favor of our doing something to provide for the old age of such men if we are to maintain the civil service; and we are going to maintain it; and it also seems to me that this is such an exceptional case that it would warrant the committee in reporting favorably and Congress in acting favorably. To wait for general legislation will not aid this faithful employee. He can not live many years longer. Should not the Government provide as well for him as for its faithful horses? We should take up this question of retirement seriously and earnestly. Those employees who first went in under civil service are getting old. They can not be heartlessly turned out, unable to do anything. The Government is losing by reason of their incapacity. If provision is made for a fund so these employees can be insured against poverty and the Government can get more efficient work then both the employee and Government will be benefited. Let us care for this very exceptional case and then take up earnestly the general proposition.

I hope the Committee on Naval Affairs will consider the bill that has been introduced for this gentleman and soon report it favorably and give the Senate an opportunity to act upon it.

The VICE PRESIDENT. The memorandum will be referred to the Committee on Naval Affairs.

PETITIONS AND MEMORIALS.

Mr. SHEPPARD. I present a resolution which I ask may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Resolved, First, That the North Alabama Woman's Missionary Conference indorse the Sheppard-Hobson prohibition amendment, now pending before our National Congress, and petition our national legislators to give to our own United States as soon as possible the legislation sought therein.

We have suffered long enough from the terrible onslaught of that evil dragon of the liquor traffic, and are now earnestly praying for its annihilation.

Second. That the secretary send a copy of these resolutions to the Hon. R. P. HOBSON and Senator SHEPPARD.

Mrs. D. D. McGEHEE,
Secretary, Decatur, Ala.

TALLADEGA, ALA., *June 4, 1914.*

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Lawrenceburg, and Fort Wayne, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. STONE presented a petition of sundry citizens of Polk County, Mo., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WORKS presented memorials of sundry citizens and commercial organizations in the State of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a resolution adopted by Local Union No. 395, Carpenters' Union, of Adams, Mass., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. POMERENE presented memorials of 7,500 citizens of Cincinnati, Cleveland, Youngstown, Defiance, Dayton, Hamilton, and Columbus, all in the State of Ohio, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Methodist Young People's Society of Wooster, Ohio, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Dayton, Ohio, praying for the enactment of legislation granting compensatory time for Sunday services performed by employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

Mr. WARREN (for Mr. CLARK of Wyoming) presented petitions of sundry citizens of Cheyenne, Basin, Egbert, Golden Prairie, Hillsdale, Gillette, Evanston, Rock Springs, Pleasant Hill, Sundance, and Valley View, all in the State of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JAMES. I present a letter addressed to me from the Kentucky Division of the Farmers' Educational and Cooperative Union of America, which I ask may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

PADUCAH, KY., *June 24, 1914.*

Hon. OLLIE M. JAMES,
Member of the Senate, United States of America, Washington, D. C.

DEAR SIR: Impelled by a duty that I feel incumbent upon me by reason of my official position as State secretary of the Farmers' Educational and Cooperative Union of America, Kentucky Division, and as a citizen of the United States, I feel it my duty to bring to your attention the fact that farmers at large, and especially the members of the Farmers' Union of Kentucky, look with alarm upon the recent decision of the Supreme Court of the United States in the case of the tobacco pooling laws of Kentucky, which we regard as sweeping in its scope and carries with it protection to the corporate interests of the country and bars the farmers of equal rights with all other interests, who are allowed to pool their money for their mutual interest and protection. I therefore, in the name of the Farmers' Educational and Cooperative Union of America and members of the Kentucky Division, most earnestly appeal to you to vote for and use your influence in the passage of the Sherman antitrust bill, recently passed the House, exempting the farmers and labor unions from the restraining sections of the Sherman law. I do this in the name of the people and because it has caused widespread comment among our people everywhere.

Trusting that you will stand by us—the farmers—in this important matter and give to us an equal opportunity with all other classes,

I am, sincerely,

R. L. BARNETT.

Mr. JAMES. I present a letter from J. W. Throckmorton, chairman of the legislative committee of the Order of Railway Conductors for Kentucky, with reference to the so-called Clayton bill. I ask that the letter may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEXINGTON, KY., *June 23, 1914.*

Messrs. JAMES and CAMDEN,
United States Senators, Washington, D. C.

GENTLEMEN: The Clayton bill (H. R. 15657), containing provisions vital to labor organizations, has passed the House.

Inasmuch as our sections of this bill are intended not only to fulfill party platform declarations but also to record the working people their just rights, nothing short of the provisions of the bill as it passed the House will be satisfactory.

Please use your influence in behalf of labor organizations.

Thanking you in advance, I remain,

Yours, truly,

J. W. THROCKMORTON,
Chairman Legislative Committee of the Order of Railway Conductors for Kentucky.

REPORTS OF COMMITTEES.

Mr. LEA of Tennessee. From the Committee on Military Affairs I report back favorably, without amendment, the bill (S. 4331) to consolidate the veterinary service, United States Army, and to increase its efficiency, and I submit a report (No. 624) thereon.

Mr. HITCHCOCK. I desire at this time to file views of the minority to accompany the report just made by the Senator from Tennessee [Mr. LEA].

The VICE PRESIDENT. The report will be received and the bill will be placed on the calendar.

Mr. LEA of Tennessee, from the Committee on Military Affairs, to which was referred the bill (H. R. 9042) to permit sales by supply departments of the Army to certain military schools and colleges, reported it without amendment.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 6464) for the relief of Charles R. Grant, late of the Volunteer Army, Civil War, reported it with amendments and submitted a report (No. 626) thereon.

He also, from the same committee, to which was referred the bill (S. 5731) for the relief of William Cronley, reported it without amendment and submitted a report (No. 625) thereon.

CALLING OF THE ROLL.

Mr. WEEKS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Perkins	Stone
Bankhead	Hollis	Pittman	Swanson
Borah	Hughes	Poindexter	Thomas
Brady	James	Pomerene	Thompson
Bristow	Jones	Ransdell	Thornton
Bryan	Kern	Saulsbury	Tillman
Burleigh	Lea, Tenn.	Shafroth	Townsend
Burton	Lee, Md.	Sheppard	Vardaman
Camden	Lippitt	Sherman	Warren
Catron	Martin, Va.	Shively	Weeks
Chamberlain	Martine, N. J.	Simmons	West
Clapp	Nelson	Smith, Ariz.	White
Clarke, Ark.	Newlands	Smith, Ga.	Williams
Crawford	Norris	Smith, Md.	Works
Dillingham	Oliver	Smith, Mich.	
du Pont	Overman	Smoot	
Fletcher	Page	Sterling	

The VICE PRESIDENT. Sixty-five Senators have answered to the roll call. There is a quorum present.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. THOMPSON:

A bill (S. 5989) to regulate and restrict the sale of cigarettes in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

By Mr. WORKS:

A bill (S. 5990) to authorize the sale and issuance of patent for certain land to William G. Kerckhoff (with accompanying paper); to the Committee on Public Lands.

A bill (S. 5991) granting an increase of pension to Egbert W. Reed (with accompanying papers); to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.1 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724 in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station in said District; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 2245) for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 31) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (S. 11) for the relief of Charlotte J. Pile, Eastmond F. Green, and Essie C. Gandell, owners of lots Nos. 53, 54, and 55, in square No. 753, Washington, D. C., with regard to assessment and payment of damage on account of change of grade due to construction of the Union Station, in said District; Committee on Claims discharged, and referred to the Committee on the District of Columbia.

A bill (H. R. 14594) for the relief of James Burke; Committee on Claims discharged, and referred to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DERSHEM: A bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. ALLEN: A bill (H. R. 17483) granting a pension to Rachel Louderback; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 17484) granting a pension to Margaret L. Miller; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 17485) granting an increase of pension to John H. Leeper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17486) granting an increase of pension to Frederick J. Miller; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 17487) granting an increase of pension to Eli C. Baker; to the Committee on Invalid Pensions.

By Mr. FAIR: A bill (H. R. 17488) for the relief of William Ham; to the Committee on Invalid Pensions.

By Mr. HARRIS: A bill (H. R. 17489) granting a pension to Guy C. King; to the Committee on Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17490) granting a pension to John G. Jordan; to the Committee on Pensions.

Also, a bill (H. R. 17491) granting a pension to Joseph M. Reckley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17492) for the relief of William H. Watt; to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 17493) granting an increase of pension to Francis Mott; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17494) granting an increase of pension to George Perkins; to the Committee on Pensions.

By Mr. SINNOTT: A bill (H. R. 17495) granting a pension to Elisha Catlett; to the Committee on Pensions.

By Mr. SMITH of New York: A bill (H. R. 17496) granting a pension to Benjamin B. Hamilton; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17497) granting an increase of pension to Sylvanus B. Corey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17498) granting an increase of pension to George E. Boyer; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17499) granting a pension to John H. Fleming; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17500) granting a pension to Melvina M. Ray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17501) granting an increase of pension to Alfred Fredericks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17502) for the relief of Abram A. King; to the Committee on Claims.

Also, a bill (H. R. 17503) for the relief of Martin W. Joralemon, alias Martin Whitbeck; to the Committee on Military Affairs.

By Mr. HOWELL: A bill (H. R. 17504) for the relief of Truman R. Peters and others; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastor of First Presbyterian Church at Wilmington, Del., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also, petitions signed by John Clay and others, of Laddonia, O'Fallon, and St. Louis, all in the State of Missouri, protesting against the passage of the Hobson prohibition amendment; to the Committee on Rules.

By Mr. ALLEN: Petitions of 138 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BAILEY: Petition of the Ladies of the Grand Army of the Republic, Department of Pennsylvania, at Altoona, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. BARTON: Petition of various churches representing 586 citizens of Hastings, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petition of sundry citizens of the nineteenth congressional district of Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petitions of the Philadelphia Board of Trade and Merchants' Association of New York, relative to antitrust legislation; to the Committee on the Judiciary.

By Mr. BURKE of Wisconsin: Resolutions adopted by E. A. Brown Post, No. 130, Grand Army of the Republic, of Fond du Lac, Wis., praying for the passage of House bill 15841, to amend the widows' pension law of June 27, 1890; to the Committee on Invalid Pensions.

By Mr. DALE: Petition of the Merchants' Association of New York and Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in the sundry civil bill; to the Committee on Appropriations.

Also, petition of the Army Field Clerks' Association of New York City, favoring passage of House bill 9687, relative to increase in pay; to the Committee on Military Affairs.

Also, petitions of August Weinrile and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Manila Merchants' Association, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. DONOVAN: Petition of the Thompsonville (Conn.) Board of Trade, favoring House bill 16953, relative to construction of a dam across the Connecticut River; to the Committee on Interstate and Foreign Commerce.

Also, petition of 35 citizens of Bridgeport, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of E. A. Brown Post, No. 130, Grand Army of the Republic, Department of Wisconsin, favoring passage of House bill 15041, for the relief of soldiers' and sailors' widows who married since June 27, 1890; to the Committee on Invalid Pensions.

By Mr. GARDNER: Petition of the secretary-treasurer of the Massachusetts State Branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

Also, petition of the Board of Selectmen of Manchester, Mass., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. GOLDFOGLE: Petition of Henry Cohen and others, of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the Philadelphia (Pa.) Board of Trade, protesting against labor-exemption clause in sundry civil bill; to the Committee on Appropriations.

By Mr. HOUSTON: Petition of N. H. Brown, of Rutherford County, Tenn., protesting against national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petitions of the Morrison Merrill Co., T. W. Boyer, Joseph Lippman, G. L. Becker, A. Fisher, W. P. Kiser, William Bowen, F. B. Cook, the Western Sporting Goods & Arms Co., the Salt Lake Federation of Labor, Glen Miller, W. H. Sherman, J. S. Bransford, Walter J. Burton, W. A. Sloan, the Salt Lake Security & Trust Co., the Galliger Machinery Co., the Salt Lake Pressed Brick Co., the Rostan Drug Co., William H. Bywater, F. L. Parker, H. S. Josephs, the Mullett Kelley Co., R. T. Badger, Henry Cohn, Thomas Hobday, the Schramm Johnson Drugs, Joy H. Johnson, L. P. Palmer, B. F. Bauer, H. S. Auerbach, Rieger & Lindley, T. B. Beatty, the Utah Bill Posting Co., John Deru, the Sweet Candy Co., A. H. Kelly, C. A. Faus, the Botterill Auto Co., W. T. Benson, A. B. Apperson, L. & A. Cohn (Inc.), Joseph Faulker, S. V. Derrah, John A. Peter, John Pingree, L. H. Farnsworth, W. H. Dickson, John M. Hays, N. M. Hamilton, Oswald Veltz, Solon Spiro, the Jensen Creamery Co., E. M. Ellis, all of Salt Lake City; W. E. Sanderson, Harry Geas, both of Ogden; C. H. Spriggs, of Park City; James Gatley, James Crooks, Sam Hanson, all of Eureka; F. W. Quinn, T. B. Stephens, C. E. Adderley, Dr. F. E. Straup, all of Bingham; L. L. Baker, L. E Kramer, George W Kaul, all of Tooele, all in the State of Utah, protesting against the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of sundry citizens of Ogden, Utah, against national prohibition; to the Committee on Rules.

Also, petition of the Westminster Presbyterian Church, of Salt Lake City, Utah, favoring national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Eleven postals from residents of Los Angeles and Long Beach, Cal., favoring early submission of the prohibition constitutional amendment; to the Committee on Rules.

Also, letters from the Brooklyn Presbyterian Church, of Oakland; Swedish Free Church, of Berkeley; and Woman's Christian Temperance Union of Antioch, all in the State of California, favoring the passage of the Hobson prohibition resolution; to the Committee on Rules.

Also, two protests from Berkeley and Rodeo, Cal., against the passage of the prohibition measures now pending in Congress; to the Committee on Rules.

By Mr. LEVY: Petitions of P. W. Cohen and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of C. Simon and Patrick Ryan, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MILLER: Petition of sundry citizens of St. Louis County, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of sundry citizens of Massachusetts, favoring national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the Board of Trade of Philadelphia, Pa., and the Merchants' Association of New York City, protesting against the labor-exemption clause from the sundry civil bill (H. R. 17011); to the Committee on Appropriations.

By Mr. J. I. NOLAN: Petitions of sundry citizens of the State of California, for the passage of the prohibition constitutional amendment; to the Committee on Rules.

Also, protest of the Furniture Handlers' Union, of San Francisco, Cal., and 26 other citizens of that city, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. POU: Petition of Branch No. 459, National Association of Letter Carriers, of Raleigh, N. C., against section 6 of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. RAKER: Petitions of L. Semter & Sons, Shreve & Co., the Remedial Loan Association, T. Lundy, and 29 other citizens of San Francisco, Cal., favoring appropriation for electric protective service on Federal buildings; to the Committee on Appropriations.

By Mr. REED: Night letters from Frank E. Hobbs, W. H. Wiggins, and John H. Haines, of Somersworth; H. Doe, Charles M. Currier, W. D. McDonald, and George H. Bayes, of Dover; Henry Pearl and E. S. Luce, of Farmington; and letter from George Q. Pattee, of Portsmouth, all in the State of New Hampshire, opposing national prohibition of liquor traffic; to the Committee on Rules.

Also, petition of 12 people of Epping, being the Fern Rebekah Lodge, No. 10; 52 members of the Woman's Christian Temperance Union of Epping; 50 members of the Congregational Church of Raymond; 7 members of the King's Daughters of Epping; 42 members of the Albert M. Perkins Woman's Relief Corps, of Epping; 22 members of the Woman's Christian Temperance Union of Meredith; 400 members of the Young People's Societies of Concord; 340 members of the Woman's Christian Temperance Union of Suncook; 125 members of the First Congregational Church of Boscawen; 12 people of the town of Gilmanton; 25 members of the Missionary Society of Boscawen; and Arthur W. Kidder, of Tilton, all in the State of New Hampshire, favoring national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Memorial of the Thompsonville Board of Trade, favoring the passage of House bill 16955, relative to regulating construction of dams across navigable waters; to the Committee on the Merchant Marine and Fisheries.

By Mr. SELDOMRIDGE: Petition of sundry citizens of Boyers and Vilas, the Methodist congregation of Evans, and the Methodist Episcopal Church of Canon City, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of 200 citizens of Mount Morris, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions of sundry citizens of the twenty-eighth congressional district of New York, favoring the passage of the Sheppard-Hobson resolution; to the Committee on Rules.

Also (by request), petitions of sundry citizens of the twenty-eighth congressional district of New York, protesting against the passage of the Hobson resolution; to the Committee on Rules.

By Mr. TREADWAY: Petition of 116 citizens of the first congressional district of Massachusetts, favoring national prohibition; to the Committee on Rules.

Also, petition of the secretary of the Massachusetts State Branch of the American Federation of Labor, against national prohibition; to the Committee on Rules.

By Mr. VARE: Petition of 132 citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of the Grace Evans Christian Endeavor Society of Findlay, representing 40 persons; Ethel Ruhlen and 20 other citizens of Kenton; William Scarborough and 7 other citizens of West Liberty; and Eva M. Purcell and 16 other citizens of Findlay, all in the State of Ohio, in favor of the adoption of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

Also, petitions of C. H. Reams and 81 other citizens, all of Bellefontaine, Ohio, protesting against the adoption of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 26, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou art the author of every good and perfect gift. We bless Thee for the mercies that come to us unasked, mercies which are expressing day by day Thy love and Thy care for all Thy creatures. We thank Thee for the breadth and length and depth and height of Thy love, that embraces all men, that calls all men to Thyself.

This day we ask that Thy favor may rest upon us, that we may be ready with divine wisdom for every problem that confronts us, that we may be ready with divine strength for every conflict, and that with grace divine we may address ourselves to the tasks of the day. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

CONSTRUCTION OF TWO REVENUE CUTTERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury requesting an appropriation of $365,000 for the construction of two revenue cutters as authorized by the act approved June 24, 1914, which was referred to the Committee on Appropriations and ordered to be printed.

FEDERAL TRADE COMMISSION.

Mr. CUMMINS. Mr. President, I desire to give notice that on Tuesday next, immediately after the taking up of the unfinished business, I will address the Senate on the constitutionality of section 5 of that bill.

Ending August 4:
Mr. WEAVER with Mr. SLOAN.
Mr. FITZGERALD with Mr. PAYNE.
Mr. BELL of Georgia with Mr. BARCHFELD.
Mr. BURKE of Wisconsin with Mr. FREAR.
Mr. LEE of Pennsylvania with Mr. AUSTIN.
Mr. BROUSSARD with Mr. FAIRCHILD.
Mr. CLAYPOOL with Mr. CARY.
Mr. FLOOD of Virginia with Mr. LANGHAM.
Mr. HARRISON with Mr. DRUKKER.
Mr. HOWARD with Mr. MOTT.
Mr. TALBOTT of Maryland with Mr. TOWNER.
Mr. LEE of Georgia with Mr. KENNEDY of Rhode Island.
Mr. MCCLELLAN with Mr. HINEBAUGH.
Mr. MOON with Mr. MERRITT.
Mr. MORRISON with Mr. NORTON.
Mr. PARK with Mr. PLUMLEY.
Mr. RAUCH with Mr. PROUTY.
Mr. RAYBURN with Mr. SHREVE.
Mr. STEPHENS of Mississippi with Mr. SUTHERLAND.
Mr. MCGILLICUDDY with Mr. GUERNSEY.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors. The question is on the motion of the gentleman from Indiana [Mr. COX] to recede from the House disagreement to Senate amendment numbered 1 and concur therein with an amendment which has been amended by the amendment of the gentleman from South Carolina.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. BYRNS of Tennessee. A division!

The SPEAKER. The gentleman from Tennessee demands a division.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. If this motion is defeated, will it then be in order to further insist, and that puts the House provision in conference again?

The SPEAKER. Why, the motion to further insist would be in order; but whether it would go to conference again, the Chair does not know. Those in favor of the motion of the gentleman from Indiana [Mr. COX] as amended by various amendments will stand until they are counted.

The House divided; and there were—ayes 81, noes 96.

Mr. MANN. Mr. BYRNES of South Carolina, and Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from South Carolina, the gentleman from Illinois, and the gentleman from Kansas all demand the yeas and nays. Those in favor of taking the vote by yeas and nays will stand until they are counted. [After counting.] Fifty-nine gentlemen have risen, a sufficient number, and the yeas and nays are ordered.

Mr. CANDLER of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANDLER of Mississippi. To vote "aye" is to vote for 5 cents a mile, is it not?

The SPEAKER. It is.

Mr. FOWLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOWLER. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Mr. Speaker, as a parliamentary proposition is it proper for anyone to interfere with the roll call or with the proceedings until after the roll has been finally settled?

The SPEAKER. It is not. The roll call had not started, but the Chair had ordered it started. The Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 97, answered "present" 2, not voting 206, as follows:

YEAS—128.

Adair	Campbell	Falson	Gray
Alexander	Candler, Miss.	Farr	Hamlin
Ashbrook	Casey	Foss	Harrison
Aswell	Cline	Finley	Haugen
Baker	Collier	Flood, Va.	Helm
Baltz	Connelly, Kans.	Foster	Helvering
Barkley	Connolly, Iowa	Fowler	Hensley
Barton	Conry	Francis	Holland
Bathrick	Cooper	French	Hughes, Ga.
Beall, Tex.	Cox	Garner	Hull
Bowdle	Crosser	Garrett, Tenn.	Igoe
Britten	Cullop	Garrett, Tex.	Jacoway
Brockson	Dickinson	Gill	Johnson, Ky.
Brown, N. Y.	Difenderfer	Gillmore	Johnson, S. C.
Bryan	Dillon	Godwin, N. C.	Keating
Buchanan, Tex.	Dixon	Goeke	Kelly, Pa.
Burgess	Donovan	Good	Kennedy, Iowa
Byrnes, S. C.	Doolittle	Goodwin, Ark.	Kindel
Byrns, Tenn.	Doughton	Graham, Ill.	Kinkaid, Nebr.
Korbly	Morgan, Okla.	Russell	Thompson, Okla.
La Follette	Murdock	Scott	Treadway
Lesher	Padgett	Sisson	Tribble
Lever	Page, N. C.	Small	Tuttle
Lewis, Md.	Peterson	Stevens, Minn.	Walker
Lindbergh	Pou	Stone	Walsh
Lloyd	Quin	Sumners	Watkins
Lonergan	Rainey	Taggart	Watson
McKellar	Reed	Talcott, N. Y.	Webb
Maguire, Nebr.	Reilly, Conn.	Tavenner	Williams
Mann	Reilly, Wis.	Taylor, Ark.	Willis
Mitchell	Ruhey	Temple	Woodruff
Montague	Rucker	Ten Eyck	Woods

NAYS—97.

Abercrombie	Deitrick	Hayes	O'Hair
Adamson	Dent	Heflin	Oldfield
Aiken	Dershem	Helgesen	Plumley
Allen	Donohoe	Hinebaugh	Post
Ansberry	Dupré	Hulings	Ragsdale
Bailey	Elder	Humphrey, Wash.	Raker
Beakes	Esch	Johnson, Utah	Roberts, Nev.
Bell, Cal.	Estopinal	Johnson, Wash.	Rouse
Blackmon	Evans	Kahn	Sinnott
Borchers	Falconer	Keister	Smith, N. Y.
Brodbeck	Fergusson	Kelley, Mich.	Smith, Saml. W.
Browne, Wis.	Ferris	Kettner	Sparkman
Buchanan, Ill.	Fitzhenry	Key, Ohio	Stafford
Bulkley	Floyd, Ark.	Kirkpatrick	Stephens, Cal.
Burke, S. Dak.	Gallagher	Lee, Ga.	Stout
Burnett	Gard	Learoot	Thacher
Cantor	Gardner	McCoy	Underhill
Caraway	Gittins	McLaughlin	Underwood
Chandler, N. Y.	Greene, Mass.	Mapes	Volstead
Church	Gregg	Miller	Walters
Covington	Hamilton, Mich.	Mondell	Winco
Cramton	Hardy	Murray, Mass.	Witherspoon
Curry	Harris	Murray, Okla.	
Danforth	Hawley	Nelson	
Davis	Hayden	Nolan, J. I.	

ANSWERED "PRESENT"—2.

Burke, Wis. Sloan

NOT VOTING—206.

Aiken	George	Lobeck	Rupley
Anderson	Gerry	Loft	Sabath
Anthony	Gillett	Logue	Saunders
Austin	Glass	McAndrews	Scully
Avis	Goldfogle	McClellan	Seldomridge
Barchfeld	Gordon	McDermott	Sells
Barnhart	Gorman	McGillicuddy	Shackleford
Bartholdt	Goulden	McGuire, Okla.	Sharp
Bartlett	Graham, Pa.	McKenzie	Sherley
Bell, Ga.	Green, Iowa	MacDonald	Sherwood
Booher	Greene, Vt.	Madden	Shreve
Borland	Griest	Malian	Sims
Broussard	Griffin	Maher	Slayden
Brown, W. Va.	Gudger	Manahan	Slemp
Browning	Guernsey	Martin	Smith, Idaho
Bruckner	Hamill	Merritt	Smith, J. M. C.
Brumbaugh	Hamilton, N. Y.	Metz	Smith, Md.
Burke, Pa.	Hammond	Moon	Smith, Minn.
Butler	Hardwick	Moore	Smith, Tex.
Calder	Hart	Morgan, La.	Stanley
Callaway	Hay	Morin	Stedman
Cantrill	Henry	Morrison	Steenerson
Carew	Hill	Moss, Ind.	Stephens, Miss.
Carlin	Hinds	Moss, W. Va.	Stephens, Nebr.
Carr	Hobson	Mott	Stephens, Tex.
Carter	Houston	Neeley, Kans.	Stevens, N. H.
Cary	Howard	Neely, W. Va.	Stringer
Clancy	Howell	Norton	Sutherland
Clark, Fla.	Hoxworth	O'Brien	Switzer
Claypool	Hughes, W. Va.	Ogleshy	Talbott, Md.
Coady	Humphreys, Miss.	O'Leary	Taylor, Ala.
Copley	Jones	O'Shaunessy	Taylor, Colo.
Crisp	Kennedy, Conn.	Palce, Mass.	Taylor, N. Y.
Dale	Kennedy, R. I.	Palmer	Thomas
Davenport	Kent	Park	Thomson, Ill.
Decker	Kless, Pa.	Parker	Towner
Dies	Kinkead, N. J.	Patten, N. Y.	Townsend
Dooling	Kitchin	Patton, Pa.	Vare
Doremus	Knowland, J. R.	Payne	Vaughan
Driscoll	Konop	Peters, Mass.	Vollmer
Drukker	Kreider	Peters, Me.	Wallin
Dunn	Lafferty	Phelan	Weaver
Eagan	Langham	Platt	Whaley
Eagle	Langley	Porter	Whitacre
Edmonds	Lazaro	Powers	White
Edwards	Lee, Pa.	Prouty	Wilson, Fla.
Fairchild	L'Engle	Rauch	Wilson, N. Y.
Fields	Levy	Rayburn	Winslow
Fitzgerald	Lewis, Pa.	Riordan	Young, N. Dak.
Fordney	Lieb	Roberts, Mass.	Young, Tex.
Frear	Lindquist	Rogers	
Gallivan	Linthicum	Rothermel	

So the motion as amended was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. CARR with Mr. AUSTIN.
Mr. PARK with Mr. MOORE.
Mr. BOOHER with Mr. DRUKKER.
Mr. HOUSTON with Mr. SMITH of Idaho.
Mr. SIMS with Mr. STEENERSON.

The result of the vote was announced as above recorded.

On motion of Mr. MANN, a motion to reconsider the vote by which the motion as amended was agreed to was laid on the table.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the same order be taken as to amendment No. 30 that has just been taken with regard to amendment No. 1.

Mr. RAKER. Reserving the right to object——

The SPEAKER. The Clerk will report the amendment.

The Clerk read on page 18, line 5, to strike out the following:

For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500.

And insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that the same action be taken with reference to Senate amendment No. 30 that has been taken with reference to Senate amendment No. 1.

Mr. RAKER. I reserve the right to object, Mr. Speaker.

Mr. MANN. Why not agree to the Senate amendment? It is in conference, anyhow.

Mr. JOHNSON of South Carolina. Then I will make it in the form of a motion, if I may. I move that the House recede from its disagreement to the amendment of the Senate No. 30, and agree to the same with an amendment to strike out "$175,000" and insert "$43,750."

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] withdraws his request for unanimous consent to take this Senate amendment No. 30 up out of its order——

Mr. RAKER. I object to it, Mr. Speaker.

The SPEAKER. The gentleman simply asks to take it up out of its order.

Mr. RAKER. I understood he simply asked to reduce it. I have no objection to taking it up out of the regular order, but I want to vote on this amendment.

Mr. MANN. Let us adjourn.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I would like to suggest to the gentleman from South Carolina [Mr. JOHNSON] that he ask that the House meet at 11 o'clock in the morning, and that after a vote on that we adjourn.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Before that motion is put the Speaker will lay before the House a personal request.

LEAVE OF ABSENCE.

Mr. AUSTIN, by unanimous consent, was granted leave of absence, indefinitely, on account of illness.

EXTENSION OF REMARKS.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CULLOP. Mr. Speaker, I make the same request.

Mr. MANN. What is the request?

The SPEAKER. To extend their remarks on the mileage question.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Agricultural appropriation bill.

The SPEAKER. Is there objection?

Mr. RAGSDALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the conference report on the Agricultural appropriation bill.

The SPEAKER. Is there objection to these four requests?

Mr. MANN. Well, what are the requests?

The SPEAKER. Two of them are to extend remarks on the subject of mileage.

Mr. MANN. I object to those.

The SPEAKER. The gentleman objects to those. The gentleman from South Carolina [Mr. RAGSDALE] and the gentleman from North Carolina [Mr. SMALL] ask unanimous consent to extend their remarks on the Agricultural bill.

Mr. CULLOP. My request was not to extend my remarks on the mileage question.

The SPEAKER. What was the request?

Mr. CULLOP. To extend my remarks on the civil service, the subject on which I spoke this afternoon.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks on the civil service, and the gentleman from South Carolina [Mr. RAGSDALE] and the gentleman from North Carolina [Mr. SMALL] ask to extend their remarks on the Agricultural bill. Is there objection?

There was no objection.

Mr. FALCONER. Mr Speaker, I ask unanimous consent to extend my remarks in the RECORD on the mileage question.

The SPEAKER. The gentleman from Washington [Mr. FALCONER] asks unanimous consent to extend his remarks in the RECORD on the mileage question. Is there objection?

Mr. MANN. I object.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5324. An act to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12945. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from South Carolina [Mr. JOHNSON], that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p. m.) the House, under its previous order, adjourned until Friday, June 26, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TALCOTT of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, reported the same with an amendment, accompanied by a report (No. 901), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MURRAY of Oklahoma, from the Committee on Indian Affairs, to which was referred House bill 17441, reported in lieu thereof a resolution (H. Res. 554), referring to the Court of Claims the papers in the case of the Iowa Indians of Oklahoma, accompanied by a report (No. 899), which said resolution and report were referred to the Union Calendar.

Mr. DERSHEM, from the Committee on Pensions, to which was referred the bill (H. R. 17482) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 900), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13257) for the relief of Annie E. White and the heirs of Patrick White, deceased, reported the same with amendment, accompanied by a report (No. 902), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17424) for the relief of Hunton Allen, reported the same without amendment, accompanied by a report (No. 903), which said bill and report were referred to the Private Calendar.

not be over 3 cents a mile, and we ought to put it down to actual expenses, and let it apply to the Member of Congress alone. This Government is not under any liability to pay the traveling expenses of a Member's wife and children and those dependent upon him. There can not be any consistent vote here except for the actual expenses of the Congressman from his home to Washington. If it is wrong to allow 20 cents a mile, it is wrong to allow 10 cents a mile. I think both are wrong. I put it on the flat basis that it ought not to take more than 3 cents a mile to pay the way of a Member of Congress from his home here. I voted every time this question came up in the Committee of the Whole to cut out this mileage altogether.

There can be nothing dishonorable in taking all the mileage that the law allows a Member, but I feel it is the duty of this House to reduce it to 3 cents a mile. If my amendment is voted down, I shall vote for the Byrnes amendment, which calls for 5 cents a mile. The amendment of 10 cents a mile, offered by the gentleman from Indiana, is too much and ought to be killed.

I have never believed in the present mileage system. It evidently cost about that much to travel in stagecoaches when the system was first adopted, but now every sensible man in the United States knows it does not cost 20 cents a mile to travel by railroad trains to the Nation's Capital. This Congress owes it to the American people to show some signs of economy in the administration of affairs, and why not cut out this extra amount allowed in our own mileage? I have been ardent and consistent in my efforts to hold down the expense touching every department of this Government. I am not a "stingy man," but I am a business man and try to operate according to business principles. This great Government should have its affairs handled in a businesslike manner; but on all sides we see useless expense, and you can not see any visible signs of those in power endeavoring to stop it. If we can not stop these departments from wasting money, we can cut down their appropriations. I know we have the power to cut out by our own votes this surplus mileage, and now is the time to do it. Just because it has been the custom for Members of Congress to draw 20 cents a mile is no sign it is right. I would not stand for it in my private business, and I will not stand for it as a representative of the people.

Mr. JOHNSON of South Carolina. I yield to the gentleman from Oklahoma [Mr. MURRAY] five minutes.

Mr. MURRAY of Oklahoma. Mr. Speaker, we have heard it stated that mileage was graft. If it is a graft at all, it would be not only wrong to vote for it but wrong to accept it. If I thought that way, I would not accept it. Seventy-one years ago the law gave a fixed sum as a salary, plus mileage, in view of the distance that different men must travel. It could not be made equal any other way, owing to different distances Members must travel. It has always been regarded as a part of the salary of a Member. If it is a graft, we find when we call the roll that all the noble statesmen and patriots have been guilty of accepting it. In that roll we can class such men as Webster, Clay, and Calhoun, who in 1850 drew this mileage. We find in that class the immortals Garfield, McKinley, and Lincoln. Why, I almost forgot that William J. Bryan during the four years he was in Congress also drew this graft.

Now, I want to say that it is strange that after 71 years it is just discovered that this is graft. Other men may have their opinion, but to me it seems nothing more than bunk and petty politics, and I decline to engage in it. [Applause.] Expenses of living have gone up, and now you want to lower mileage.

I believe, like the gentleman from Washington, that when a man comes to this Congress he ought, if at all possible, to bring his family, especially when he has young children to educate; and I believe that to make it equal, mileage should be a fixed sum for every Member. The man who will not bring his family here when he can has not a worthy regard for his home or himself, and he ought not to represent the American people on this floor. The man who would leave his family at home while he is here is adrift, and his wife does not know where and what places he visits when the night falls; but when a man brings his family, his wife can then keep up with his curves. We know she will know why he is out o' nights.

When the salary is taken away or made too low to support me and my family as well, and that here in Washington City, I will quit the job. I repeat, that if you want to economize, then vote to lower the salary, rather than charge this as graft—when nearly all the great statesmen and patriots of the country for 71 years have drawn it. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I am inclined to believe that much of this talk about the reduction of mileage and the amendments that are offered to make the reduction is nothing but cheap demagogism. These amendments will encourage graft. An honest poor man from the West will not be able to come to Congress if some of these amendments prevail. The proposed changes are in the interest of the grafters and the idle rich. The man who comes from the Pacific coast must bring his family to Washington. It is 19 months since I left San Francisco. I have been here all that time attending to my duties as a Member of Congress. I have had my family here, but during the summer months they return to California. It takes four days and four nights of constant travel to reach the Capital from the Pacific coast, and a man must travel in comfort when he takes that long trip. It is even so with the Member's family. Comfort costs money. The people of the United States do not want a Member of Congress nor the members of his family to travel in uncomfortable surroundings. They want their public servants to secure comfortable and proper accommodations when they go to Washington to perform their public duties. They do not begrudge the money that is paid for the purpose of enabling Members of Congress to go comfortably to the place where their duties call them. In traveling across the continent it is frequently necessary to break the journey when you have your family with you. That adds to the cost of travel. With a 10-cents-a-mile allowance, as proposed by the gentleman from Indiana, I could not take my family from California here and back again. It is not sufficient. The 5 cents a mile proposed by the gentleman from South Carolina is altogether inadequate. It would mean a positive reduction in the salary of western Members who bring their families with them to Washington. As a matter of fact, the Members from the far West are handicapped in many ways.

The gentleman from Washington [Mr. HUMPHREY] speaks of the men who are not here attending to their duties. Many of them come from this vicinity. They are lawyers, and they go home during the session to try cases. They are business men, and they go home during the session to attend to their business. We of the western coast can not do that; we can not attend to anything else but our congressional work. We must have our families with us if we want to live in comfort and attend here as Members of Congress. Of course men without families could get along with a less amount, but the man with a family should not be penalized on that account. But there is no provision of law that compels a Member to draw his mileage. And yet I have not heard of any of those who talk about mileage as being a petty graft ever having failed to draw their allowances. Mr. Speaker, I sincerely hope that the amendments will be voted down, and that the motion of the gentleman from Wyoming to recede and concur will prevail.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I shall cheerfully support the amendment offered by the gentleman from Indiana [Mr. COX] to reduce the amount allowed for mileage from 20 to 10 cents per mile. This question arises at each session of Congress, only to arise again at the next session. There must be some fundamental reason for its coming up at each session. In my judgment the agitation will continue until it is settled right, as all matters should be.

The reason I support the amendment of the gentleman from Indiana is because experience has taught me again and again that it is impossible to get it reduced below that amount.

The gentleman from Oklahoma [Mr. MURRAY] and the gentleman from Washington [Mr. HUMPHREY] go out of their way to read a moral lecture to the membership of this House, and say that a man who does not bring his family here is unworthy to be a Member of this body. They intimate that that is the only way he can be kept in the path of moral rectitude. That is none of their concern. I say, without fear of successful contradiction, that a man who must be kept in the shadow of his family to keep his life circumspect and who otherwise would wander from the path of rectitude is unworthy to be a Member of this body. If that is all that restrains him from walking in the path of vice and evil, he will go there regardless of his surroundings.

The gentleman from Washington takes advantage of this, as of every other occasion, to criticize the President of the United States, and speaks of us being kept here by White House domination, but the shafts of the gentleman from Washington fall harmlessly at the feet of the President. The President of the United States has not used any arbitrary means on this Congress. True, he has constantly reminded Congress of its duty and pledges made to the people, and has with courage and patriot-

ism pointed out the lines he would have us to follow, but he has made no arbitrary demands and has wielded no big stick. In spite of all the criticism, deeds done, results accomplished, and things performed fully justify his action.

Now, Mr. Speaker, I had rather pay my own way to Washington and receive not one cent of mileage than to be constantly accused of taking money out of the Public Treasury to which I am not entitled. I do not say that it is graft; in fact, it is not, as long as sanctioned by law, but it is wrong and should therefore be reduced. Twenty cents per mile was based on the old stagecoach mode of traveling, and there is no justification for it under the modern methods.

I do not charge those who favor the present rate with being grafters, neither have they the right to accuse those of us who desire to reduce the rate with being demagogues, but I do believe it is an evil that has existed far too long and that we should now avail ourselves of the present opportunity of fixing the amount where it will be just both to the Government and ourselves, and thereby put an end to the agitation. I think this amendment is as near to that point as we can possibly come at present. This agitation will cease when we get down to the basic principles of honesty and justice and not before.

COMMISSION TO INVESTIGATE PURCHASE OF AMERICAN TOBACCO BY FOREIGN GOVERNMENTS.

The SPEAKER. Some time ago the House passed a resolution providing for the appointment by the Speaker of a commission to investigate purchase of American tobacco by foreign Governments. The resolution came from the Committee on Foreign Affairs, and the Chair appointed Messrs. FLOOD of Virginia and STEDMAN, and the gentleman from Illinois, Mr. McKINLEY. Mr. McKINLEY's term has lapsed, and the Chair appoints the gentleman from Wisconsin, Mr. COOPER, the ranking Republican member on that committee, in place of Mr. McKINLEY.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, all legislation is a matter of compromise. The membership of this House can not get together on 5 cents, 10 cents, or 20 cents a mile, unanimously, but I believe the consensus is that 10 cents would be adequate; that we can get that proposition through both Houses of Congress. I move the previous question on the amendment.

The previous question was ordered.

The SPEAKER. The question is first on the motion of the gentleman from Wyoming, that the House recede from its disagreement to Senate amendment No. 1 and concur in the same.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 47, noes 55.

So the amendment was rejected.

The SPEAKER. The question now recurs on the amendment of the gentleman from South Carolina [Mr. BYRNES].

Mr. MANN. Mr. Speaker, I ask unanimous consent to have the amendment again reported.

The SPEAKER. The Chair will state that the amendment offered by the gentleman from Mississippi [Mr. QUIN] is too remote under the rules to be entertained.

Mr. BYRNES of South Carolina. Mr. Speaker, I ask unanimous consent to modify my amendment by changing the figures from $12,500 to $12,750.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. The Clerk will report the Byrnes amendment.

The Clerk read as follows:

Mr. BYRNES of South Carolina moves to amend by striking out the figures "$25,000" and inserting the figures "$12,750," and by striking out the words "10 cents" and inserting the words "5 cents."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The question was taken; and on a division (demanded by Mr. BYRNES of South Carolina) there were—ayes 37, noes 55.

Mr. MANN. Mr Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 133, nays 93, answered "present" 2, not voting 205, as follows:

YEAS—133.

Adair	Beall, Tex.	Byrnes, S. C.	Connolly, Iowa
Alexander	Booher	Byrns, Tenn.	Conry
Ashbrook	Bowdle	Campbell	Cooper
Aswell	Britten	Candler, Miss.	Cox
Baker	Brockson	Casey	Cramer
Barkley	Brown, N. Y.	Chiso	Cullop
Barton	Bryan	Collier	Dickinson
Bathrick	Buchanan, Tex.	Connelly, Kans.	Difenderfer
Dillon	Graham, Ill.	Maguire, Nebr.	Stevens, N. H.
Dixon	Gray	Mann	Stone
Donovan	Hamlin	Mitchell	Sumners
Doolling	Haugen	Montague	Taggart
Doolittle	Helm	Morgan, Okla.	Talcott, N. Y.
Dorscheton	Helvering	Murdock	Tavenner
Eagle	Hensley	Padgett	Taylor, Ark.
Elder	Holland	Page, N. C.	Temple
Falson	Hughes, Ga.	Peterson	Ten Eyck
Farr	Hull	Pou	Thompson, Okla.
Fess	Igoe	Quin	Treadway
Finley	Johnson, Ky.	Rainey	Tribble
Foster	Johnson, S. C.	Reed	Tuttle
Fowler	Keating	Reilly, Con.	Walker
Francis	Kelly, Pa.	Reilly, Wis.	Walsh
Frear	Kennedy, Iowa	Ruley	Watkins
French	Kindel	Rucker	Watson
Garner	Kinkaid, Nebr.	Russell	Webb
Garrett, Tenn.	Korbly	Scott	Williams
Garrett, Tex.	La Follette	Sims	Willis
Gill	Lesher	Sisson	Winzo
Gillmore	Lever	Small	Woodruff
Godwin, N. C.	Lindbergh	Smith, Idaho	Woods
Gooke	Lloyd	Stafford	
Good	Lonergan	Stevenson	
Goodwin, Ark.	McKellar	Stevens, Minn.	

NAYS—93.

Abercrombie	Davis	Hayes	Nolan, J. I.
Adamson	Dettrick	Helin	O'Hair
Aiken	Dent	Helgesen	Oldfield
Allen	Dershem	Hulings	Plumley
Ansberry	Donohue	Humphrey, Wash.	Post
Bailey	Dupré	Johnson, Utah	Ramsdale
Baltz	Esch	Johnson, Wash.	Raker
Beakes	Estopinal	Kahn	Roberts, Nev.
Bell, Cal.	Evans	Keister	Rouse
Blackmon	Falconer	Kelley, Mich.	Sinnott
Borchers	Ferguson	Kettner	Smith, N. Y.
Brodbeck	Ferris	Key, Ohio	Smith, Saml. W.
Browne, Wis.	Fitzgerald	Kirkpatrick	Sparkman
Buchanan, Ill.	Floyd, Ark.	Lazaro	Stephens, Cal.
Bulkley	Gallagher	Lenroot	Stout
Burgess	Gard	Mc Coy	Thacher
Burke, S. Dak.	Gardner	McLaughlin	Underhill
Burnett	Greene, Mass.	Mapes	Underwood
Cantor	Gregg	Miller	Volstead
Chandler, N. Y.	Hamilton, Mich.	Mondell	Walters
Church	Hardy	Moore	Witherspoon
Cramton	Harris	Murray, Mass.	
Curry	Hawley	Murray, Okla.	
Dagforth	Hayden	Nelson	

ANSWERED "PRESENT"—2.

Burke, Wis.	Sloan

NOT VOTING—205.

Ainey	Gerry	Lewis, Pa.	Roberts, Mass.
Anderson	Gillett	Lieb	Rogers
Anthony	Gittins	Lindquist	Rothermel
Austin	Glass	Linthicum	Rupley
Ayres	Goldfogle	Lobeck	Sabath
Barchfeld	Gordon	Loft	Saunders
Barnhart	Gorman	Logue	Scully
Bartholdt	Goulden	McAndrews	Seldomridge
Bartlett	Graham, Pa.	McClellan	Sells
Bell, Ga.	Green, Iowa	McDermott	Shackleford
Borland	Greene, Vt.	McGillicuddy	Sharp
Broussard	Griest	McGuire, Okla.	Sherley
Brown, W. Va.	Griffin	McKenzie	Sherwood
Browning	Guiger	MacDonald	Shreve
Bruckner	Guernsey	Madden	Slayden
Brumbaugh	Hamill	Mahan	Slemp
Burke, Pa.	Hamilton, N. Y.	Maher	Smith, J. M. C.
Butler	Hammond	Manahan	Smith, Md.
Calder	Hardwick	Martin	Smith, Minn.
Callaway	Harrison	Merritt	Smith, Tex.
Cantrill	Hart	Metz	Stanley
Caraway	Hay	Moon	Stedman
Carew	Henry	Morgan, La.	Stephens, Miss.
Carlin	Hill	Morin	Stephens, Nebr.
Carr	Hinds	Morrison	Stephens, Tex.
Carter	Hinebaugh	Moss, Ind.	Stringer
Cary	Hobson	Moss, W. Va.	Sutherland
Clancy	Houston	Mott	Switzer
Clark, Fla.	Howard	Neeley, Kans.	Talbott, Md.
Claypool	Howell	Neely, W. Va.	Taylor, Ala.
Coady	Hoxworth	Norton	Taylor, Colo.
Copley	Hughes, W. Va.	O'Brien	Taylor, N. Y.
Covington	Humphreys, Miss.	Oglesby	Thomas
Crisp	Jacoway	O'Leary	Thomson, Ill.
Dale	Jones	O'Shaunessy	Towner
Davenport	Kennedy, Conn.	Paige, Mass.	Townsend
Decker	Kennedy, R. I.	Palmer	Vare
Dies	Kent	Park	Vaughan
Doremus	Kiess, Pa.	Parker	Vollmer
Driscoll	Kinkead, N. J.	Patton, N. Y.	Wallin
Drukker	Kitchin	Patton, Pa.	Weaver
Dunn	Knowland, J. R.	Payne	Whaler
Eagan	Konop	Peters, Mass.	Whitacre
Edmonds	Kreider	Peters, Me.	White
Edwards	Lafferty	Phelan	Wilson, Fla.
Fairchild	Langham	Platt	Wilson, N. Y.
Fields	Langley	Porter	Winslow
Fitzgerald	Lee, Ga.	Powers	Young, N. Dak.
Flood, Va.	Lee, Pa.	Prouty	Young, Tex.
Fordney	L'Engle	Rauch	
Gallivan	Levy	Reyburn	
George	Lewis, Md.	Riordan	

So the amendment to the amendment was agreed to.

The Clerk announced the following additional pairs:

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man leaves Congress while it is in session to return to his district for the sole purpose of having himself renominated that his constituency ought to pay that bill? It is unfair to the constituency, gentlemen.

Mr. GARNER. Will the gentleman yield?

Mr. COX. For a question; I have only five minutes.

Mr. GARNER. The gentleman proposed to cut this appropriation from 20 to 10 cents a mile?

Mr. COX. Yes.

Mr. GARNER. I understand that the gentleman's position is we ought to get the actual cost of paying our way to and from Congress?

Mr. COX. That is my opinion.

Mr. GARNER. Does not the gentleman know it does not cost 10 cents a mile to come here and return? Is it not just a question of degree, of how much you take?

Mr. COX. No; it is not. After consulting various Members of this House on the Republican side and the Democratic side of this Chamber, it struck me that 10 cents was a fair proposition; and if any Member of this House will propose an amendment reducing this to the actual expenses, that amendment would have no more ardent supporter upon the floor of this House than myself. But I want to be reasonable in these things.

Mr. MANN. Is not that the original amendment?

Mr. COX. Yes.

Mr. MANN. Why does not the gentleman, then, simply move to disagree?

Mr. COX. It was to obviate, I will say to the gentleman from Illinois, the objection which I have heard time and time again, and which he has heard time and time again, that it was subject to abuse. I said a moment ago I did not believe any Member of this House would abuse it. But in talking with Members on this question it was condemned right and left; I never found a man yet who said he would abuse it. And in order that we may know exactly what our mileage is, I offered this amendment.

Mr. MANN. Mr. Speaker, I withdraw the point of order, so far as I am concerned.

Mr. JOHNSON of South Carolina. Mr. Speaker, I think that every Member of the House knows what he wants to do in regard to this subject; and, not having been asked for any time, I move the previous question.

Mr. HUMPHREY of Washington. Will the gentleman yield to me five minutes?

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] moves the previous question.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for the yeas and nays.

Mr. DONOVAN. Regular order, Mr. Speaker.

Mr. JOHNSON of South Carolina. I withdraw the request for the previous question, and yield to the gentleman from Washington [Mr. HUMPHREY] for five minutes.

Mr. DONOVAN. Can he withdraw it without asking unanimous consent?

The SPEAKER. He can, for a fact.

Mr. DONOVAN. Has the Speaker decided that?

The SPEAKER. The Speaker has decided the gentleman from South Carolina has a right to withdraw his request without unanimous consent. It is an absolutely inherent right in the House and not in the Committee of the Whole.

Mr. DONOVAN. But, Mr. Speaker, you had declared the motion carried.

The SPEAKER. And the Speaker declared the withdrawal, too.

Mr. DONOVAN. What are you going to do with this vote?

The SPEAKER. I am going to recognize the gentleman from Washington for five minutes. [Applause.]

Mr. HUMPHREY of Washington. Mr. Speaker, if this amendment is correct, then the old mileage is right. If the old mileage is wrong and is a graft, then this 10 cents a mile is a graft. And if the old mileage only was sufficient to bring Members and their families here, then we ought not to vote in this amendment. I have said upon the floor of this House before, and I repeat it, that I do not believe there is any Member here who wants to keep any other Member from bringing his family to Washington, and I do not believe, as I said before, that any man who wants to come here without his family is fit to be a Member of this House.

But I did not get the five minutes for the purpose of specially discussing the mileage. I wanted to refer to the point that the gentleman from Indiana [Mr. COX] has mentioned in regard to Members being absent. I do not think any man ought to receive more than one mileage for each session. I think it is the duty of every man to stay here during the time that Congress is in session, but if any man wants to go home now during this heated term, and stay away from here, I do not believe he ought to be criticized. If enough of us would go away until we could not transact any business, I think we would confer one of the greatest of favors upon the country. I am not going to criticize any man who is away, but I do want to call attention to one particular fact. We are being kept here by the dictate and direction of the White House, and I look on that side and I discover that the distinguished gentleman from Texas [Mr. HENRY] is away. Why is he not here attending to business? He is one of the special favorites of the White House. Where is he? And then I look across there and I see that the distinguished gentleman from Georgia [Mr. HARDWICK] is away. His own interests become greater than those of the country. He is another special White House favorite. Why is he not here attending to business? And then I look across there and I see that the distinguished gentleman from Pennsylvania [Mr. PALMER] is absent. Why, he so seldom comes upon the floor of the House that the new Members are not familiar with his magnificent appearance. He is another White House favorite. These pets of the teacher are not here attending to business. Why?

Mr. GARNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. No. I look around over the room and I see the distinguished gentleman from Alabama [Mr. UNDERWOOD] is here attending to his business; that the distinguished gentleman from New York [Mr. FITZGERALD] is here attending to his business. The distinguished Speaker of the House stays here. But these little leaders by Executive order from the White House, where are they? Out preaching that we must stay in session all summer in order that the country may be saved. What has become of these leaders by White House dictation? They are out preaching the doctrine of repudiation. They are out telling the people of this country what a grand thing it is, under the British flag, at the dictation of the transcontinental railroads, under the direction of the White House, to repudiate their platform, and telling that the rest of us must stay here this summer and attend to business while they are out looking after their own interests.

I hope that the information will be taken to the White House, showing where these special favorites of the Executive are and what they are doing, and showing how the men whose judgment the President does not value and whose opinion he will not take are staying here and looking after legislation and attending to business while his favorites are neglecting the interests of the country and putting in their time trying to be reelected. [Laughter and applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. BYRNES of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. Is it in order to offer an amendment to the amendment offered by the gentleman from Indiana [Mr. COX].

The SPEAKER. As soon as the gentleman can get the floor he can offer an amendment. The gentleman from Tennessee [Mr. SIMS] is recognized.

Mr. SIMS. Mr. Speaker, in answer to the speech of my distinguished friend from the State of Washington [Mr. HUMPHREY], I wish to read from this afternoon's paper a portion of a letter from certain gentlemen of the House of Representatives, addressed to the President of the United States. This letter reads as follows:

Mr. PRESIDENT: We, the undersigned, Democratic Members of the House of Representatives from Missouri, beg to say that we have remained at our posts discharging our duties and will continue to do so as long as it is necessary to assist in carrying out your program.

All but four of our delegation have opposition in the primaries which will be held on August 4, but, regardless of the result of those primaries, it is our intention to remain here and to do all we can to aid you in bringing about a successful conclusion of the program which you have outlined.

We desire, in a modest way, to not only assure you of our confidence, but to express to you our loyalty in the struggle you are making to carry out our remaining platform pledges to the people.

[Laughter on the Republican side.]

Mr. HUMPHREY of Washington. What is one of your platform pledges worth? [Renewed laughter on the Republican side.]

Mr. SIMS. The letter is signed by JAMES T. LLOYD, W. W. RUCKER, CHARLES F. BOOHER, C. C. DICKINSON, C. W. HAMLIN, CHAMP CLARK, WILLIAM L. IGOE, J. W. ALEXANDER, W. L. HENSLEY, JOE J. RUSSELL, M. J. GILL, and THOMAS L. RUBEY.

Here is the reply the President of the United States made to this letter:

MY DEAR FRIENDS: The paper you were kind enough to send me through Judge RUCKER, Judge ALEXANDER, and Mr. RUSSELL has not only given me deep gratification, but it has elicited my warm and genuine admiration. It is in keeping with the spirit you have shown in public affairs. Nothing has been more gratifying to me during the arduous session of the present Congress than the generous and disinterested support you have given me. The paper which you sent is of the sort that makes a man carrying the responsibilities of public life very proud and very grateful, and is in line with your whole conduct during the months that have passed.

Cordially and sincerely, yours,

WOODROW WILSON.

So that the President seems to differ slightly from the gentleman from Washington. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to my colleague [Mr. BYRNES of South Carolina] to offer an amendment, and then I shall ask for the previous question.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] will send his amendment to the desk and the Clerk will report it.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. Can the gentleman from South Carolina [Mr. JOHNSON] yield the floor to a Member for the purpose of offering an amendment without yielding the floor entirely?

The SPEAKER. The Chair is rather inclined to think that he can. The Chair has not the time to hunt it up now.

Mr. JOHNSON of South Carolina. I reserve the balance of my time, Mr. Speaker.

Mr. MANN. Mr. Speaker, would he not be entitled to recognition immediately thereafter?

Mr. UNDERWOOD. Mr. Speaker, without looking into the precedents, of course I recognize that under general parliamentary law yielding the floor for the purpose of offering an amendment or making a motion yields the floor entirely, but I do not think that is the prevailing practice under the rules of the House or the precedents of the House. I think that a gentleman has the right to yield the floor for a particular purpose.

Mr. MANN. It is undoubtedly true that he loses the floor; but in a condition of this kind, where there has been no adverse report, it has been the practice of the Speaker to recognize again the gentleman who is in charge of the bill.

The SPEAKER. That is what the Chair will do. The Clerk will report the amendment offered by the gentleman from South Carolina [Mr. BYRNES].

The Clerk read as follows:

Mr. BYRNES of South Carolina moves to amend by striking out the figures "$25,000" and inserting the figures "$12,500," and by striking out the words "10 cents" and inserting the words "5 cents."

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question.

Mr. GOOD. Mr. Speaker, I desire five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GOOD].

The SPEAKER. The gentleman from Iowa [Mr. GOOD] is recognized for five minutes.

Mr. GOOD. Mr. Speaker, when this matter was before the House heretofore the gentleman from North Carolina [Mr. PAGE] opposed the regular provision and claimed that the appropriation of 20 cents per mile as mileage was "a species of petty graft." I have listened patiently to the discussion of this subject, and, with the possible exception of the gentleman from Indiana [Mr. COX], every man who has advocated a reduction in the mileage has advocated it upon the theory that the present allowance provided by law represented "a species of petty graft."

I want to say that if it is "petty graft" for Members of the House and Senate to receive the compensation that the law provides that they shall receive in the way of mileage, I am sorry to have the verdict of this House put upon the thousands of men who in years gone by have occupied seats in the House and Senate as "petty grafters." They were honorable men, and their reputation is beyond reproach. And now, after a decision of the Court of Claims has been handed down that the mileage of Members is not compensation, here comes for the first time after that decision is announced a proposition not to stop the "graft," but simply to cut it in two.

That is all that this proposition means. If it was "petty graft" to take 20 cents a mile, it is "petty graft" to take 10 cents a mile, and it is "petty graft" to take 5 cents a mile.

The amendment proposed by the House may have in it something that is objectionable. I think perhaps we did go too far in providing for the mileage of the dependent members of the families. But if we are to conclude that this mileage allowance is unjust, let us act on the square. If we are dealing with graft and really want to cut it out, there is a simple way to reach it, and that is to amend the House provision by striking out the part that includes "actual traveling expenses of the dependent members of their families" and leaving the provision to read: "For actual traveling expenses incurred by Senators in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage."

If it is graft to give 20 cents a mile, which I do not believe, why do you give 10 cents per mile, when railroad companies are only allowed, in most cases, to charge 2 cents a mile? This provision would give to a Member who resides a thousand miles distant from Washington $40 for traveling expenses plus what he had to pay for sleeping-car privileges, presumably about $8 more; but the provision of the gentleman from Indiana [Mr. COX], instead of giving to a man $48 mileage for a session of Congress would give him, if he lives a thousand miles away, $200 for mileage. Who can claim that the present lawful provision of 20 cents per mile is graft and justify before the people of this country any proposition giving 10 cents per mile? I am opposed to the amendment of the gentleman from Indiana. I believe this provision should be taken back to conference and the conferees should insist on the House provision, with an amendment eliminating the mileage paid to the dependents and immediate members of a Member's family.

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. MONDELL. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Wyoming rise?

Mr. MONDELL. I rise to make a preferential motion. I move that the House recede and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, in the first place, the gentleman has not the floor, and in the second place, I do not think that amendment would be in order. There is already pending an amendment and an amendment thereto.

Mr. MANN. Oh, well, Mr. Speaker, the gentleman makes the motion as a matter of right. He does not have to have the floor, and at this stage of the proceedings a motion to concur takes precedence of a motion to concur with an amendment.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is correct. The gentleman from Wyoming [Mr. MONDELL] moves to recede from the disagreement of the House to Senate amendment numbered 1, and to concur in the same.

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Speaker, I have taken but little interest in the mileage question, thinking I could stand what the rest of the House could stand in the way of mileage. When the mileage question was up I voted to retain the old pay of 20 cents a mile, not that the proposed change was going to reduce my mileage, because I have my wife and six dependent children. That makes eight of us, and in paying the way of my family and myself from my home to Washington I would every session collect from Uncle Sam $400 more than I get under the present law. Consequently it was a matter of complete indifference to me, and I could stand the criticism, knowing that in my own particular case there would be a saving to the Government instead of a loss. But if the amendment of the gentleman from Indiana [Mr. COX] is sustained, I would lose as much as the Government lost in my case under the original amendment of the House to the old law. In other words, I would be out of pocket the sum of $400 under the mileage proposed by the gentleman from Indiana [Mr. COX], because I would bring all the dependent members of my family back and forth.

As I said before, it is a matter of complete indifference to me. I can stand it as low as the rest of you can, but I think there is a whole lot of cheap politics being played on the mileage question. [Applause.] I think the sooner this House gets down to a business basis, realizing that it can not be the same to every man, that you must do the best you can, and give more attention to public matters instead of to petty politics and policies the better it will be for the Government. [Applause.]

Mr. JOHNSON of South Carolina. I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Speaker, I offer an amendment to the amendment of the gentleman from South Carolina [Mr. BYRNES], to strike out "5" and insert "3" cents a mile.

I submit that we ought not to charge more than the actual traveling expenses. Railroad fares and Pullman berths would

tleman from Washington and the gentlemen from the West in their desire to have these surveys made, but I call attention to the fact that there are 28 line parties now out surveying in the West, and doing the work the gentleman wishes to have done. I know that is true, because I put into the RECORD the letter from the Commissioner of the General Land Office day before yesterday which emphatically said so. Now, the gentleman from Washington [Mr. FALCONER] will recall that two or three days ago, when the sundry civil bill was under consideration here, the gentleman from Wyoming [Mr. MONDELL] was trying to knock out the entire $100,000 continuing appropriation items, and they brought in a provision here in the bill to that effect. The gentleman from Washington [Mr. FALCONER] and others of us were able to strike that out on a point of order, so that the $100,000 continuing appropriation would be used for the benefit of this service.

I know the demand in the West to get this land surveyed and disposed of is terrific. People out in the West are paying 5, 6, and 7 per cent taxes, because most of the land is public land, withdrawn land, or Indian land, and the weight of the burden is almost more than they can bear, and they want to get these lands put on the tax roll. The two gentlemen from Washington come in here and beneath and behound Secretary Lane and Commissioner Clay Tallman, both of whom are western men and both of whose hearts go out to every ache and pain you western gentlemen have. If there was ever a Secretary of the Interior who devoted 100 per cent of his attention to the West, it is Secretary Lane, and I am surprised that gentlemen from the West, who have so many interests at stake, should come in here with bludgeon in hand and try to assail and strike down the very best friends they have. They ought not to do it, and it is in bad taste to do it.

Mr. MURDOCK. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Kansas.

Mr. MURDOCK. There is $100,000 available for these surveys annually? Is that correct?

Mr. FERRIS. It is a partnership fund. The railroads must put up their part and the Government puts up its part, and they survey alternate sections. It is a continuing appropriation of $100,000 a year.

Mr. MURDOCK. How do they divert any part of that fund for the office here?

Mr. FERRIS. Because Congress does not appropriate enough to do what is actually necessary. Part of this work is in the office. It is not all field parties or field work. They know what they need and how they need to use the money.

Mr. MURDOCK. Why does not Congress do it, and let these lands be surveyed? It is an injustice to the people of the West not to have the land surveyed.

Mr. FERRIS. That is true; and day before yesterday I was knocked around a good deal because I offered an amendment to increase surveys that I know ought to be increased.

Mr. MURDOCK. I voted for that.

Mr. FERRIS. The House very generously adopted that amendment. I do not wish to say anything in justification of my own action, but I had investigated this subject until I knew it was necessary, and the House sustained my proposition. The demands on the Committee on Appropriations are terrific for that appropriation, but we ought not to walk to San Francisco to save 50 cents and appropriate $50,000,000 because some scheme comes along that has little or no merit.

Mr. FALCONER. I want to say, Mr. Speaker, that at no time have I condemned Secretary Lane. I have complimented him on the floor of this House many times. I do not think Secretary Lane knows anything about this. Last Saturday I talked with him for a few minutes, and I know he is in favor of the survey of unsurveyed railroad lands.

Mr. FERRIS. Of course, and they have 28 line parties out doing that work. This is a tempest about nothing. You people out West better help the department, who are trying to help you.

Mr. FALCONER. I have confidence in Secretary Lane; but I want to say that the men who went from the General Land Office and asked the conference committee for $25,000 out of this fund knew what they were doing, and they were not serving the country.

Mr. FERRIS. Mr. Speaker, I know nothing about who authorized it. I do not know whether anybody authorized it. The chairman of the committee says that they asked certain members of the General Land Office to appear, and they came before the committee and gave the information, which I have no doubt they did. Gentlemen ought not to get up and make a broadside assault upon men who are trying to keep the department going, especially when you gentlemen have had so much at their hands. You people out Northwest have just got a $35,000,000 railroad, the bulk of which is to be spent in the gentleman's own State, and I say that the two gentlemen from Washington are assaulting unjustly the hand that has in the past and will in the future help them solve their problems.

Mr. JOHNSON of South Carolina. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 11 minutes.

Mr. JOHNSON of South Carolina. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, this is the situation: For many years we carried in the sundry civil bill an appropriation running from $400,000 to $700,000 for the survey of public lands. In 1895 we provided a continuing appropriation of $100,000 for the survey of the Government's portion of the lands within the railroad land grant limits. So long as that $100,000 remained a continuing appropriation no part of the larger appropriation could be used for the survey of lands within land-grant limits. Several years ago the $100,000 appropriation was permanently depleted, so that it is now practically $81,000. Out of that $81,000 for the past few years the department has used, as a matter of fact, only $35,000 per annum for surveys, with the result that the lands within the land-grant limit have been surveyed at a rate which would require 24 years to survey and get them on the tax rolls.

Desirous of making available for this work the entire appropriation for surveys, the Committee on Appropriations followed the recommendations of the Secretary of the Interior and proposed the repeal of this indefinite appropriation. When they recommended the repeal of the statute they did not ask for an additional dollar for surveys. We did as they suggested, reported a provision repealing it, and added $35,000 to the amount of the appropriation. We proposed amendments under which the entire $735,000 would have been available for land-grant work. Later, after the bill was printed, the commissioner concluded he did not want the continuing appropriation repealed. A point of order was made against the repeal, and was, as I think, improperly sustained.

Now, what has happened? Then certain gentlemen were agonizing, because they said we were taking their survey funds away from them, when, as a matter of fact, we were making available eight or nine times as much as had been used in any year in the past.

Now it develops that at the very time gentlemen here were overturning the reform the committee contemplated Land Office officials were before the conferees asking to have $25,000 of the small sum available for land-grant work diverted for clerk hire, leaving only $55,000, at the most, available for this work for the coming fiscal year, when we had proposed to make as much of the $735,000 available as they desired or cared to use.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS of Tennessee. Mr. Speaker, I am considerably surprised at the gentlemen on the other side, particularly the gentleman from Wyoming.

Mr. MONDELL. Will the gentleman yield? I am not especially criticizing the conferees for what they did; I am discussing the attitude of the Land Office in regard to this appropriation. I realize these clerks must be provided for; they would have been provided for in just this way if our repeal program had gone through.

Mr. BYRNS of Tennessee. The gentleman from Wyoming, as I remember, a few days ago advocated on the floor of the House that this entire fund be repealed and covered back into the Treasury. Now I understand the gentleman to make some criticism of the committee because they propose to permit $25,000 of the fund to be used for the payment of clerks necessary to do the clerical work in the General Land Office pertaining to these surveys.

Mr. MONDELL. Will the gentleman yield?

Mr. BYRNS of Tennessee. Yes.

Mr. MONDELL. There were two propositions before the conferees. One was to pay the clerks out of the general fund and the other was to pay them out of the railroad land grant fund, already too small; and the gentleman tells us that the gentlemen from the General Land Office rather preferred to have the land-grant fund depleted.

Mr. BYRNS of Tennessee. The gentleman is mistaken. I have made no statement concerning the matter. The gentleman from South Carolina has stated several times that he did not make such a statement and he did not wish to be understood as making any such intimation. The gentleman has criticized the conferees for giving authority to reduce the fund by $25,000 to pay clerical help in the General Land Office in connection with this particular survey service. And yet, only a few days ago, if the gentleman had had his will, the entire

fund would have been repealed and covered into the Treasury, and none of it could have been used for surveys.

Mr. MONDELL. We would have made available $735,000 for surveys. The Senate would have probably increased it.

You could have done just what you did do in this case. They could have paid their clerks out of that fund. Otherwise, the balance of the fund would have been repealed. What the committee has done could and should have been done if the repeal had gone through.

Mr. BYRNS of Tennessee. But the fact remains that if the gentleman's proposition had gone through and had been agreed to, it would have removed this particular fund entirely from the control of the Secretary of the Interior, so that he could not use it for the purpose of making these surveys.

Mr. MONDELL. That is not so, for this bill will become a law before the sundry civil bill. If there were any question about that, the gentleman could have taken the other horn of the dilemma and given them the 16 clerks that they asked for, which is the same thing.

Mr. BYRNS of Tennessee. Mr. Speaker, I rose to call the attention of the House to exactly what was done by the conferees. They were confronted with several amendments put on this bill by the Senate. Some of those amendments undertook, as the gentleman from South Carolina [Mr. JOHNSON] has said, to transfer 12 clerks paid from this lump sum to the permanent roll. In addition to that, the Senate had another amendment, No. 191, in which it proposed to continue this particular fund and permit the Commissioner of the Land Office to use it for any additional clerical work that he might want done down there in the department. When the conferees were confronted with that proposition they learned from the gentleman to whom the gentleman from South Carolina referred——

The SPEAKER. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield one minute more to the gentleman from Tennessee.

Mr. BYRNS of Tennessee. We developed the fact that it would require about $24,000 to pay these necessary clerks, and rather than agree to all of the amendments, allowing the transfer of all these clerks to the permanent roll and at the same time permitting the fund to be used for the employment of additional clerks not anticipated by Congress, the conferees agreed to cut out the amendments of the Senate placing these clerks on the permanent roll, and to limit the amount of money that might be paid out of this particular fund for clerk hire. The conferees had every confidence in the Secretary of the Interior and also in the Land Commissioner, but we thought it would be a loose sort of way to legislate, if we failed to restrict the use of this fund to the actual number of clerks which were shown to be necessary in order to do the office work which is incident to the surveying in which the gentleman seems to be so much interested. That is all there is to it. Nothing is done in this bill that has not been done heretofore, and neither the gentleman from Washington nor the gentleman from Wyoming seem to me to be consistent, inasmuch as they did not attack the previous provisions relating to this fund.

Mr. JOHNSON of South Carolina. Mr. Speaker, I move the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask now that the Clerk report Senate amendment No. 1, which is still in disagreement.

The Clerk read as follows:

Page 2 of the bill, strike out lines 4 to 10, as follows: "For actual traveling expenses incurred by Senators, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage, $25,500"; and insert, "For mileage of Senators, $51,000."

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Indiana [Mr. COX] for the purpose of offering an amendment.

Mr. COX. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. COX moves to recede and concur in Senate amendment No. 1, page 2, with the following amendment:

"For mileage of Senators, $25,500, and hereafter Senators shall be paid mileage at the rate of 10 cents per mile each way while traveling from their homes to Washington City and return by the ordinary and usual routes of travel, once at each session of Congress."

Mr. MANN. Mr. Speaker, I reserve the point of order on the amendment.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that amendment No. 1 and amendment No. 30 may be considered together.

The SPEAKER. Is there objection?

Mr. MANN. I object. I think we ought to vote on this where we are not interested.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

The SPEAKER. Did the Chair understand the gentleman from Illinois to make the point of order or to reserve it?

Mr. MANN. I will reserve the point of order.

Mr. COX. Mr. Speaker, if the gentleman intends to make the point of order later on I think it would be better to have it settled now.

Mr. MANN. I do not know whether I will make it or not.

Mr. COX. I can not see any use in devoting considerable time to argument of the matter if the point of order is to be made later on.

Mr. MANN. I suppose there will not be much time taken on the matter.

Mr. JOHNSON of South Carolina. Mr. Speaker, there are a great many amendments that must be discussed more or less, and I think if the gentleman desires to make the point of order that he should do it now, and discussion may be unnecessary.

The SPEAKER. The Chair has no method of compelling the gentleman to make the point of order unless he wishes to do so. [Cries of "Regular order!"] The regular order is that the gentleman from Indiana has five minutes.

Mr. COX. I would like to know whether the gentleman from Illinois intends to make his point of order. I have not any disposition to take up the time of the House on this amendment.

Mr. MANN. I would like to hear the gentleman. This is the first time I have heard this proposition presented to the House.

Mr. COX. Mr. Speaker, I do not desire to take up very much time of the House. I know it is impatient, that it has been here all day, that it is very hot, and all Members are tired; but while the House amendment reported by the Committee on Appropriations, so far as I was concerned at the time, did not meet with my approval, still I recognize it is not what Members want but it is what they can get in legislation; and I believe that the time has come when this mileage ought to be reduced. I think my position is well known to every Member of this House, and has been for several years. I have introduced several bills to put mileage on an actual expense basis. I think there is where it ought to go. Some propose to give 5 cents a mile, because I recognize a large number of Members of this House, who are just as honest and high-priced as I am, feel that it ought to be on a flat basis at so much per mile; hence I introduced a bill at 5 cents a mile.

There was some criticism upon the amendment introduced and offered by the Committee on Appropriations because it carried a phrase in it that many Members are likely to abuse. I do not believe it would. The phrase that was objected to was the phrase which enabled Members of the House to pay traveling expenses of the dependent members of their families. Now, the criticism was mostly directed to the point that somebody is going to abuse it. You could not, for the sake of your life, with a spyglass find a man here who would abuse it. I believe the membership of this House is upon a higher plane, and I do not believe that any Member of this House or the next House would pad the travel roll by bringing persons here at Government expense who were not really dependent members of his family. So in order to meet that, to the end, therefore, that every Member might know exactly what his salary is, I have offered this amendment.

It no longer can be contended that the mileage is a part of our salary. That question is set at rest. That question was disposed of by the Court of Claims some few days ago in a case squarely in point, in which the court specifically declared that the mileage is not part of our compensation, but that it is designed solely for the purpose of reimbursing money which we pay out of our pockets for traveling expenses. Now, it is said by a great many Members that we do not get as much mileage as we travel out each year. Perchance that is true; but I do not believe, gentlemen, that our constituency feel they ought to be charged to pay our way to return to our districts from time to time while Congress is in session, when ninety times out of one hundred Members go back to look after their individual affairs. Mr. Speaker, the roll call to-day developed the fact that there were 251 Members here. Where is the rest of the membership of this House? I do not know, but I am not going to criticize it. I suppose a large majority of the absentees are back home seeking renomination. I have not any question about that at all; nor am I going to criticize them for it, but will any man contend for a moment when a

this increase when the bill was before the House, and was in hopes the conferees could see their way clear to accept that amendment of the Senate. Certainly very strong arguments were made in favor of this increase.

Did the committee make any provision whatever for clerks in the office of the Commissioner of the General Land Office?

Mr. JOHNSON of South Carolina. Yes; the committee has done just exactly what the General Land Office wanted done. The Senate amendments were intended to take care of 12 people who are now in the service of the General Land Office and have been paid out of the lump-sum appropriation. The purpose of the Land Office in asking for this amendment was to transfer that force to the statutory roll. We have provided elsewhere in the bill that that particular force, consisting of 12 men, and 4 additional men shall continue to be paid out of the lump-sum appropriation.

Mr. MONDELL. I suppose the gentleman has reference to amendment 191, on page 119, which has been agreed to, and which allows the use of $25,000 of the continuing appropriation for the survey of lands within railroad land grants and other like appropriations for the pay of clerks in Washington. There was some discussion here the other day with regard to the land-grant fund. There were some of us who believed that the continuing appropriation had become so depleted and was likely to be so much further depleted that it would be insufficient, as it has been in the past, for the speedy surveys of land-grant lands. Now, do I understand the General Land Office, or the officials or those in charge, prefer to have this fund, which they claim to be so anxious to use for the survey of land-grant lands, depleted in the sum of $25,000 for the payment of clerks here in Washington, rather than to have those clerks provided for in another way and put on the statutory roll? Is that the situation?

Mr. JOHNSON of South Carolina. We had three gentlemen of the Land Office before the conferees, and I think I am safe in saying that what we have done is satisfactory to those gentlemen, if they were able to make themselves understood.

Mr. MONDELL. I will say to the gentleman that rather bears out the suggestion I made the other day, when some of the gentlemen were agonizing to carry out the views of the Land Office in this matter, that what the Land Office was desirous of preserving the indefinite appropriation for was not altogether to enable the Land Office to make surveys which we want to have made, but also to make provision to pay some clerks here in Washington. Certain western gentlemen were very insistent that the Committee on Appropriations should not make $735,000 available for these surveys within railroad-land grant limits. They wanted, rather, to preserve this insufficient, indefinite appropriation which, it was said, the Land Office is to make large use of to survey extensive tracts this year for the first time. The next thing we hear is that officials of the Land Office are before the conferees lobbying in favor of taking over a third of that sum to pay clerical services here in Washington.

Mr. JOHNSON of South Carolina. Not lobbying; because we sent for them.

Mr. MONDELL. Well, giving testimony. The effect of it was to impress the committee with the fact that they preferred to deplete the survey fund for the payment of clerks here in Washington rather than to have these clerks put on the statutory roll.

Mr. JOHNSON of South Carolina. I do not care to put them in the attitude, either, of saying that they preferred to do it. But they explained to the committee that they wanted to put these people on the statutory roll, or that these amendments were intended for that purpose, and they intended to keep four other men in the Land Office out of this lump sum, and we put all of them in the lump sum.

Mr. MONDELL. But the gentleman says they preferred this arrangement——

Mr. JOHNSON of South Carolina. I said this was satisfactory, if we understood it.

Mr. MONDELL. I understood the gentleman to say that that was just what they wanted.

Mr. JOHNSON of South Carolina. That is, to put these people to work.

Mr. MONDELL. This situation presents a very different picture from the picture presented here in an agonizing way the other day, when we were trying to give the Land Office all the money they wanted for surveys in land-grant limits. Then it was said they needed all this money in order that they might make surveys. Now it seems that at the very same time they were lobbying before the conferees over at the Senate end to deplete the fund to pay clerks.

Mr. JOHNSON of South Carolina. I said that they did not lobby. We would not have that. We sent for them.

Mr. MONDELL. Very well. I will say testifying, if the gentleman prefers.

Mr. FALCONER. Will the gentleman give the names of the three gentlemen who appeared before the committee?

Mr. JOHNSON of South Carolina. I do not remember the names, but they were men who were evidently capable of speaking for the Land Office.

Mr. FALCONER. Has the gentleman had the matter of the survey of railroad land grants up in any part of his committee work?

Mr. JOHNSON of South Carolina. The committee has had nothing to do with land grants and has not discussed the subject.

Mr. FALCONER. Mr. Speaker, for many months there has been carried on a correspondence with the Department of the Interior and the Commissioner of the General Land Office on this question of surveying unsurveyed railway land grants in the western part of the United States, and there is no question that is of more interest to the people of the Western States, or several of the Western States, than this. There are something like 700,000 acres, as suggested here the other day, in the State of Washington of unsurveyed railway land grants paying no taxes. It seems very extraordinary, Mr. Speaker, that anyone from the Land Department should go before this committee and ask to use any portion of this fund of $100,000 for any purpose other than for surveying these lands. I ask the gentleman if this $25,000 is to be expended for the purpose of providing for the work of the railroad indemnity land-grant surveys?

Mr. JOHNSON of South Carolina. I do not know what they are going to do with it. It pays 16 men. What they are going to do, I do not know.

Mr. FALCONER. Mr. Speaker, if I may have a minute——

The SPEAKER. Does the gentleman from South Carolina [Mr. JOHNSON] yield to the gentleman from Washington?

Mr. JOHNSON of South Carolina. I yield two minutes to the gentleman.

Mr. FALCONER. Mr. Speaker, the railroads have deposited with the Government $128,000 for the purpose of this survey, putting up dollar for dollar with the Government. The duty of this Congress is to at least leave the continuing appropriation of $100,000 intact. It is impossible to use the $128,000 unless the Government puts up an equal sum. And if we deliberately take $25,000 from the $100,000, instead of depositing $128,000, as the railroads have done, the Congress is not doing its duty. The general feeling in the West is, and it may be correct, that the Government is responsible for holding up these surveys, possibly at the suggestion of interested parties. If the continuing appropriation be dissipated in other ways, the odium is upon the Congress of making the Government a holding concern for the railroad companies, so that they can avoid taxation.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me?

Mr. FALCONER. Yes; I yield.

Mr. MONDELL. The gentleman knows that, in the first place, the $100,000 that he speaks of has been depleted permanently, so that as a matter of fact it is only $81,000, and that with this further depletion it will be $55,000?

Mr. FALCONER. The gentleman from Wyoming stated that as a fact the other day.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. FALCONER. Will the gentleman give me two minutes?

Mr. JOHNSON of South Carolina. I yield to the gentleman two minutes more, Mr. Speaker; but I am going to move the previous question pretty soon.

The SPEAKER. The gentleman from Washington is recognized for two minutes.

Mr. FALCONER. Mr. Speaker, the Northern Pacific Railroad has published in the newspapers in the West, where this is a live question, a statement to the effect that the Department of the Interior and the Congress are responsible for this delay.

The railroads have put it up to the Congress. Private individuals and companies have been paying taxes, but the railroads, so far as these unsurveyed lands are concerned, have been paying nothing in taxes for 40 years past, and it means, and has meant hitherto, vast sums of money in the pockets of these railroad companies that of right should be in the Public Treasury, in the different States, and in the counties in the States. The State of Idaho and the State of Washington, and, indeed, all the States west of the Missouri River suffer from this condition, and I say that if these representatives of the commissioner's office came before the gentlemen and urged the

conferees on this bill to take $25,000 of this money, they did it knowing that they were defeating the purpose of the continuing appropriation, thus depriving the taxpayers of more than $25,000 a year in taxes, and it results in the benefit to the railroad companies and to no one else. The Department of the Interior in the past has done this very thing, and the country is aware of that fact, and we should see that the present Department of the Interior and the General Land Office be advised as to this matter. The men who did that in the past were not good public officers, and the continuance of that program now will arouse the public to action.

Mr. JOHNSON of South Carolina. The gentleman from Washington willfully or in some other way misstated the facts.

Mr. FALCONER. I would like to have the gentleman state the facts, then.

Mr. JOHNSON of South Carolina. I never said that the people from the Land Office urged us to do anything of the kind. I stated that the people from the Land Office came before the conferees to explain to us these amendments. They explained that 12 people who were carried to the statutory roll by the Senate amendment were now being paid out of a lump sum, and out of the other lump sum which we have left they were going to carry 4 other men, making 16 in all.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. And the conferees—and there was a gentleman on the conference committee who has had far more experience in land matters than the gentleman from Washington——

Mr. FALCONER. I doubt it——

Mr. JOHNSON of South Carolina. The conferees decided that instead of bringing these clerks who are now paid out of a lump sum on to the statutory roll, so as to make them permanent employees, we would keep them another year under the lump sum.

Mr. FALCONER. Will the gentleman yield, Mr. Speaker?

Mr. JOHNSON of South Carolina. That is what happened.

Mr. FALCONER. I would like to ask the gentleman who is responsible for this amendment?

Mr. JOHNSON of South Carolina. I do not know.

Mr. FALCONER. It is the gentleman's business to know.

Mr. JOHNSON of South Carolina. It is not anything of the kind. I am not a Member of the Senate. The gentleman from Washington had the same opportunity to read the RECORD that I had; and, being so greatly interested in public lands, he ought to watch the RECORD on that subject.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. I yield to the gentleman for a question.

Mr. HUMPHREY of Washington. I understand that this amendment came from the Senate, and the House conferees agreed to it. Is that right? You are now wanting the House to agree to it.

Mr. JOHNSON of South Carolina. The Senate provided that 12 people be carried on the statutory roll. They are now being paid out of the lump sum. The Senate also provided for the lump sum to be used, and the gentlemen from the General Land Office explained to us that 4 men were to be paid out of the lump sum, so that the conferees agreed that the entire 16 men should be paid out of the lump sum, but that their compensation should not exceed $25,000.

Mr. HUMPHREY of Washington. So that it gets back to this proposition, after all, that the representatives of the General Land Office did want this amendment?

Mr. JOHNSON of South Carolina. The representatives of the General Land Office did want the committee to provide for 16 men. That is what they wanted.

Mr. HUMPHREY of Washington. I ask the gentleman to yield to me three minutes.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes, Mr. Speaker.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] is recognized for three minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I am not going to undertake to fix the responsibility for this amendment, nor to impugn the motives of anybody that favors it. I simply want to make a few remarks on the general policy that has been pursued by the Department of the Interior in regard to the survey of these public lands.

I do not hesitate to say that the action of the two gentlemen who occupied the position of Secretary of the Interior prior to the time that the office was occupied by the distinguished gentleman who now holds it knowingly or unknowingly worked all those years for the benefit of the railroads and against the people in the West. The two Secretaries of the Interior, Mr. Fisher and Mr. Garfield, are the ones I mean.

Mr. GARNER. How did Brother Ballinger get along during that time?

Mr. HUMPHREY of Washington. Mr. Ballinger showed more regard for the people of the West than either of the distinguished gentlemen I have mentioned. It has not been found where he was hand in glove with the railroads.

Mr. GARNER. Did he survey any more of these lands during the time he was in the office than the two Secretaries you mention?

Mr. HUMPHREY of Washington. He probably would have done so if he had had an opportunity. The question that I want to call to the attention of the House is this: that the responsibility primarily rests with the Secretary of the Interior. For years we have tried to have these lands belonging to the railroads surveyed, so that they could be placed upon the tax rolls in the States, and the railroads have put up their part—and I am not sure but that they have acted in good faith—of the cost of the surveys, but under all the circumstances we have never been able to secure the money from the Federal Treasury with which to survey these lands. Now, the question is, why?

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. GARNER. The gentleman and his party have been in power for 16 years. They have held the purse strings and controlled the appropriations. Why did not your party make the appropriations and have these lands surveyed?

Mr. HUMPHREY of Washington. Why do you open your mouth and condemn me when I have been condemning my own party for what has been done? [Laughter.] It is impossible to please the gentleman from Texas even when we abuse the Republicans. [Laughter.]

Mr. GARNER. What I wanted to call the attention of the gentleman to was this, that if we have not appropriated enough money during the last 10 or 12 years the blame is with Congress as much as it is with the Secretary of the Interior; and if we are failing now to make the appropriation that the gentleman is contending for, the blame is here and not down at the other end.

Mr. MONDELL. Will the gentleman allow me?

Mr. HUMPHREY of Washington. In a moment. What I am trying to do is to get the Democratic Party right on one proposition.

Mr. MONDELL. Now will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MONDELL. The other day the House did attempt to remedy this situation. The Committee on Appropriations brought in a proposition which would have remedied it. The department flooded this House with appealing letters, bluffing letters, and scared certain gentlemen——

Mr. GARNER. Were those letters written by the Secretary of the Interior?

Mr. MONDELL. By the Commissioner of the General Land Office, and the result was that a point of order was made.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. HUMPHREY of Washington. I ask two minutes more.

Mr. JOHNSON of South Carolina. I yield to the gentleman two minutes more, although this thing has been repeated very often.

Mr. HUMPHREY of Washington. Oh, well, the gentleman should not get impatient. This is a hot day, and there are not very many of us here, and the way to make progress is to keep good-natured. The gentleman may not know that, but I give him that little suggestion. [Laughter.]

Now, Mr. Speaker, I was trying to impress the House with the fact that we ought at some time to survey these public lands. It is to the advantage of the Government; it is to the advantage of everybody else. I am not condemning the railroads, because apparently they have shown good faith. But there is one thing absolutely sure, that for years the Secretaries of the Interior have failed to do their duty. They have given one excuse after another, and now we find this amendment coming here, indorsed by the Land Department, attempting to take a portion of this meager fund for the benefit of some clerks.

Mr. JOHNSON of South Carolina. I yield four minutes to the gentleman from Oklahoma [Mr. FERRIS].

Mr. FERRIS. Mr. Speaker, there are many things about this item that I do not understand and do not pretend to, but the action of the House and what was said here a day or two ago when the sundry civil bill was under consideration is fresh in the memory of gentlemen here. I sympathize with the gen-

existing between the two Houses, by which the House can put a stop to this outrageous extravagance in that particular branch of Congress?

Mr. JOHNSON of South Carolina. The gentleman has the remedy at his disposal just as much as the committee has.

Mr. GARNER. And that remedy would be only to reject this amendment? Will the gentleman from South Carolina join with those who believe we ought to put a stop to it, who believe that we are as much the guardians of the Treasury as the gentlemen at the other end of the Capitol, and who believe that it is our duty, even if we are Members of the same Congress, to see to it that they do not spend the people's money extravagantly in their own behalf? Will the gentleman join with us in rejecting that amendment?

Mr. JOHNSON of South Carolina. Mr. Speaker, the gentleman from South Carolina is willing always to engage in any contest that promises reasonable results, but the gentleman from South Carolina does not believe that anything can be accomplished by the contest which the gentleman suggests.

Mr. GARNER. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of South Carolina. Yes; with pleasure.

Mr. GARNER. The gentleman from South Carolina should agree, and this House should agree, to insist upon its judgment as to the amount appropriated for the clerical assistance of the Senate, and we should agree to all of the other amendments in this legislative, executive, and judicial appropriation bill, as they have been agreed to in conference, and disagree to this particular amendment, even to the extent of letting this bill fail. To do so would attract the attention of the country, and I believe since the Senators are to be elected by a direct vote of the people, such a course would teach some of them the lesson that they better take care of the people's funds rather than spend it recklessly on their own behalf.

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope the speech of the gentleman from Texas will be generally read throughout the country. I move the adoption of the conference report.

Mr. GARNER. Mr. Speaker, will the gentleman yield further?

Mr. JOHNSON of South Carolina. Yes, sir.

Mr. GARNER. I do not know what the gentleman means by agreeing to the conference report. I presume he means to agree to those amendments that have been agreed to by the conferees?

Mr. JOHNSON of South Carolina. Mr. Speaker, all of the amendments that have been agreed to are in the conference report. All of the amendments that are still in disagreement are not involved in my motion. After the conference report is adopted we will take up these amendments for consideration.

Mr. GARNER. Mr. Speaker, I desire to call the gentleman's attention to amendment No. 101, in order to have an opportunity, at least, of moving to recede and concur in the Senate amendment.

Mr. JOHNSON of South Carolina. That opportunity will be granted.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of South Carolina. Certainly.

Mr. CULLOP. Mr. Speaker, I do not know whether I understood the gentleman from South Carolina correctly, but is his motion that we take up and agree to all of the amendments that have been agreed to by the committee on conference?

Mr. JOHNSON of South Carolina. That is the motion.

Mr. CULLOP. I would like to call attention to amendment No. 38, being an increase in salary from $3,000 to $3,500 for the Chief Examiner in the Civil Service Commission. Has that item been agreed to?

Mr. JOHNSON of South Carolina. It has.

Mr. CULLOP. Mr. Speaker, I would like to ask the duties of that examiner.

Mr. JOHNSON of South Carolina. Mr. Speaker, when we make up the legislative appropriation bill there is always many earnest efforts made to get salaries increased. No showing has ever been made before our committee stronger than the showing made in favor of the increase in this man's salary. He was appointed to this particular place when the civil-service law was passed. He has been there since its inciplency. He is an encyclopedia as to all of the business of the Civil Service Commission, and he has never had an increase in 30 years.

Mr. CULLOP. Yes; and I contend he does not need it now. I would like to ask the gentleman one other question. Who examines these examiners in order to see whether they are qualified for the positions which they hold?

Mr. JOHNSON of South Carolina. They are in the classified service, and are men who, on account of peculiar merit and ability and proficiency, are selected for that place.

Mr. CULLOP. I will agree with the gentleman that some of them have very peculiar merit, but I want to show how peculiar it is. An instance of this kind of merit has been called to my attention where two of these examiners or inspectors, one detailed from the city of Washington and the other from Topeka, Kans., went out to a little village in Indiana and made an investigation and reported the result of their examination to the Civil Service Commission, and every man that they examined, according to their report as furnishing evidence against the person whose merits they were to look into, filed affidavits the exact reverse of what these inspectors had reported to the commission, and made the statements in their affidavits showing they had not made the statements attributed to them. Others stated they had given the facts to these inspectors and each of these examiners had refused to report them and thereby made a false report, according to the sworn affidavits of the men whom they examined. Now, Mr. Speaker, it will surely not be insisted that men who make this kind of a report ought to have their salaries increased or ought in any administration to hold a public office or a position under that administration.

Here was a case whereby to accomplish their partisan purposes, these inspectors reported as facts just the reverse of what the persons examined detailed to them. Can there be any justification for such conduct? Should such men be permitted to hold responsible places under any administration, much less under one the policies of which they are not in sympathy with, but are hostile to? Are such men calculated to purify the public service? Can anyone imagine the perpetration of a more dastardly act than when the character of a person is under investigation, and the evidence of his neighbors and friends is being taken; that the men appointed to take and report the same to the tribunal which is to pass on the same shall distort the same, suppress the facts, and report the reverse of what the parties stated, such conduct merits the severest condemnation, and the officials should be promptly dismissed from the service. Good character should not be assassinated in this manner. It will bring reproach upon any administration that permits it. To be an applicant for office laudable, and every man should have the benefit of the testimony of his neighbors and friends, and when investigated the facts should be reported, not distorted nor suppressed, statements of witnesses should be given as made, not reported as saying the reverse of what they in truth and in fact stated. If men on this order are to be employed in this important service, what will be the result? The public service will degenerate and corruption will predominate. No wonder this branch of the service has long since become regarded as a great partisan machine, operated for partisan purposes, and to accomplish partisan designs. For years it has been so regarded by the great majority of the people of this country who have carefully observed its operations. Shall it be continued in this manner or shall these men be discharged and men put in their places who will administer the law fairly, honestly, and justly? This is the question now before the people, and we feel assured the President will, when he investigates this matter, as he has been called upon to do, renovate the whole service and place it in the hands of men who will discharge their duties faithfully and properly.

But, Mr. Speaker, if this was the only case of the kind occurring in this branch of the service, there might be some excuse offered for this outrageous conduct in the case to which I have alluded, but it is not an isolated case.

Other Members have told me of other cases in which examiners were sent out to make investigation and afterwards, on account of the false reports they filed, the men who were examined filed their affidavits contradicting and repudiating the statements they had been reported as making. Cases in which the inspectors had reported falsely the statements of witnesses, distorted the facts, and suppressed the truth. Now, this is the condition of this service, and this examiner whose salary has been increased is, as I understand it, at the head of this department of that branch of the service. Should it not be reduced because of his want of capacity or integrity? He either knows of this practice or he is inefficient. Now, is this increase made because of his incapacity or is it made because of meritorious service? It seems to me that because of this deplorable condition it needs renovating, and a general house cleaning should be made in this department, and at once, before scandal overtakes it. The truth is that the service is so rotten in this department and so offensive, that when the man in the moon rides over it at night he is compelled to hold his nose with both hands. [Laughter.] That is the condition of the Civil Service Department of the Government and as it has been for many years. Now, affidavits, more than 25 in number, have

been filed, where the men, one by one, who were examined deny they ever made any such statements as attributed to them, and others say emphatically they stated facts which were deliberately suppressed by the inspectors.

Mr. JOHNSON of South Carolina. Mr. Chairman, I yielded to the gentleman for a question. How much time does the gentleman wish?

Mr. CULLOP. Well, I want enough to show to the gentleman why this increase ought not to be made, and I think I can convince him in a very short time, not only that it should not be made, but that new blood and better men should be placed in charge of the work in that department, men who will do right and not wrong. A change is required.

Mr. JOHNSON of South Carolina. How much time does the gentleman want?

Mr. CULLOP. I would like to have three minutes more.

Mr. JOHNSON of South Carolina. I yield to the gentleman three minutes more.

Mr. CULLOP. I thank the gentleman from South Carolina. If he has not investigated this department as chairman of the committee making these appropriations I think I can furnish him some light by which he can easily determine whether salaries ought to be increased or decreased in this department of the public service. Now, all I contend is that salaries ought to be increased for meritorious and valuable services not for services of this kind, not for perfidy, but for good conduct; and yet those two examiners, I am informed by the commission, are the best in the service. God pity the others, for nobody else will, if they are the best. [Laughter.] The seal of condemnation should be placed on them forever. In the case to which I have alluded, and which I have examined, they were dealing with high-minded upright people, and they resented this base misrepresentation of what they had said about their neighbor and friend; they resented the conduct of men in official place refusing to report their statements as made by them. They did not approve any such partisan efforts to secure partisan ends. No fair-minded man could do so. They believe that when they gave a certain state of facts in behalf of a candidate the same should not be suppressed but should be reported as given. They believe in a square deal, and they believe officials such as these who will resort to such indefensible methods should be promptly discharged from the service and honest, upright ones put in their places who will administer the law fairly and squarely, and give justice to every man.

Will any gentleman contend for a single moment that this kind of service will enhance the confidence of the people in the civil-service propaganda? Does this not invite derision?

The civil service law was enacted for a valuable purpose in this country, but it never was enacted to be abused as it has been abused for the last 15 years and is now being abused by the present administration of it. Under the present force as now organized it needs badly reorganization and its partisan machine dumped in the scrap pile as old junk, and the sooner the better, and I venture the assertion that when President Wilson investigates this department there will be a house cleaning, and such men as these who have been perpetrating such outrages on the public, abusing their official authority, will be promptly retired from the public service. Everyone knows that he will not tolerate such conduct in his administration. He believes in the right thing being done, a square deal given everyone, and he will not tolerate such misconduct or official abuse. He is too high-minded to tolerate or suffer it. Mr. Speaker, the expenditure or waste of the people's money by this Civil Service Commission can not be justified or defended, and while on this matter I desire to call the attention to its waste of money. The matter over which this controversy arose is in reference to a little post office, in a village of about 500 population, and the salary amounts to about $750 per year. The postmaster resigned last fall; two or three inspectors had already been there; a civil-service examination was had; several were examined; complaint was made about one of the parties examined to the commission; the party made a good grade, and then it was the duty of the commission to certify him in his order and let the Post Office Department settle the question of the complaint; but the commission assumed that duty, which belonged under the law to the Post Office Department. One inspector out of the office of the commission here in Washington and one with headquarters in Topeka, Kans., were detailed to investigate this affair. They did so at the expense of the people and made their report, which I have alluded to, and which every man examined repudiated as soon as he learned of its untrue character. Think of the absurdity of such a procedure. Nearly every patron of the office filed a petition resenting the slander contained in the report of the inspectors.

The people examined by them filed their affidavits repudiating it, and then two of the commissioners journeyed 800 miles out West to this little village to investigate their investigators at the expense of the Government, and came back worried over their arduous journey and severe ordeal in this stupendous matter; and the people in the little village are still without a new postmaster. Goodness only knows how long it will take under this procedure or how much it will cost the Government to get these people in this little town a postmaster. This clearly demonstrates the waste, the folly, the useless extravagance in this department. It needs less money and a better administration. Four fifths of the patrons of that office have by petition stated who they want for postmaster, the examination shows he is qualified, the affidavits of people who have known him all his life show him to be a moral, upright, respected citizen, well qualified for the place, and the Civil Service Commission, 800 miles distant, say they know better than those people who ought to be the postmaster in that village. Think of it; consider the ridiculousness of the position. Shame upon it. Banish the thought forever. Such a deadly blow at local self-government, such a centralization of power in a Republic like ours is destructive of the intent and purposes of the good and patriotic men who founded this great Government. Shall such wastes of public money, expended in the denial of the people's choice for their local offices, especially when that choice is for a competent, upright, honest, and moral man, as is the case in this instance, as the proof of those who know him best shows beyond a reasonable doubt, be tolerated and condoned? I hope not. Shall salaries of men who assist in perpetrating such wrongs, such official misconduct, be increased? I hope not. Better refuse to appropriate to pay them at all.

It is not the fault of the law that brings about the unjustifiable conduct in this instance, but it is the fault of the men in this department of the service charged with the administration of the law. They are to blame, and they should be made to suffer for its maladministration. It is reprehensible. The men responsible for this are not in sympathy with President Wilson, his administration, or his policies, and they are operating their machine to accomplish their partisan purposes and to make people dissatisfied with the administration. They have no other purpose in view and are actuated by no other motive. Such conduct as has been displayed in this case makes the law unpopular, and arouses the indignation of the people against it, and well it should. The case demands the investigation of the President and merited punishment promptly administered by the discharge of these two inspectors from the service and all who have aided and abetted them in their nefarious business. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, the speech of the gentleman from Indiana [Mr. CULLOP] has no relevancy to the matter under consideration. This paragraph deals with a man who is stationed in Washington who is at the head of all the examinations conducted by the Civil Service Commission. The gentleman from Indiana is undertaking to narrate to the House an instance in which two persons in the service of the Government, presumably in Indiana, made some report that was not satisfactory. Whatever may have been the dereliction of the local examiners, it has nothing to do with the salary of this man——

Mr. CULLOP. Mr. Speaker, will the gentleman yield for a question?

Mr. JOHNSON of South Carolina. Yes; I will yield.

Mr. CULLOP. They are not local examiners; one of them is sent out of the office, one is chief of division here, and the other was brought from the office at Topeka, Kans.

Mr. JOHNSON of South Carolina. We are talking about a chief examiner and not about somebody else.

Mr. CULLOP. But they are directly under this chief examiner, who has charge and control of them.

Mr. JOHNSON of South Carolina. The gentleman has his remedy; he can appeal to the Civil Service Commission, and if anybody is guilty of the kind of conduct of which the gentleman has spoken, that person will lose his place. If the gentleman can prove his facts, I am sure he will get his remedy. Mr. Speaker, let us adopt the conference report.

Mr. MONDELL. Mr. Speaker, will the gentleman yield to me for a question?

Mr. JOHNSON of South Carolina. I will.

Mr. MONDELL. I notice the conferees declined to accept Senate amendments 170 and 174, which amendments provided for some 16 additional clerks in the office of the Commissioner of the General Land Office. I offered an amendment carrying

an additional clerk at $1,200 and a telephone operator at $720; all as proposed by the Senate.

On amendments Nos. 90, 91, 92, 93, 94, 95, and 96, relating to contingent items for the Treasury Department: Provides that the appropriations to be transferred from the amounts for public buildings to the stationery fund shall be taken entirely from "General expenses of public buildings"; inserts authority for the purchase of financial journals; appropriates $11,350 for the rent of buildings; appropriates $20,000 for investigation and experimentation and to secure better methods of administration in the Treasury Department; provides for the removal of the Bureau of Engraving and Printing from the "old building" it has occupied; and strikes out the word "absolutely" in the appropriation for miscellaneous items.

On amendments Nos. 97, 98, 99, and 100, relating to the collection of internal revenue: Strikes out the increase in the appropriation for salaries of collectors, deputy collectors, surveyors, etc., from $2,150,000 to $2,189,700; increases the number of collection districts from 63 to 64; strikes out the provision for a stamp deputy, at $600, at Portland, Me.; and inserts authority for the employment of a chief of division in the Income Tax Division, at $3,500, instead of one now employed at $2,500.

On amendments Nos. 102 and 103, relating to the office of the assistant treasurer at San Francisco: Strikes out a clerk at $1,400 and one at $900, the same having been transferred to the office of the Treasurer of the United States, as indicated at another place in the bill.

On amendments Nos. 104, 105, and 106, relating to the mint at Denver, Colo.: Strikes out the increases proposed by the Senate in the salary of the private secretary from $1,200 to $1,400 and in the appropriation for incidental and contingent expenses from $35,000 to $40,000.

On amendments Nos. 107, 108, and 109, relating to the assay office at Seattle, Wash.: Strikes out the additional clerk at $1,600 proposed by the Senate and increases the appropriation for wages of workmen from $15,000 to $17,000.

On amendments Nos. 125, 126, and 127, relating to the Territory of Alaska: Appropriates $1,200 for janitor service in the executive mansion and office building instead of $2,100 proposed by the Senate, and inserts authority for the purchase of water.

On amendments Nos. 128, 129, and 130, relating to the Territory of Hawaii: Appropriates for the governor at $7,000 and the secretary at $4,000, instead of $6,000 and $3,500, respectively, as proposed by the Senate.

On amendment No. 131: Strikes out the language inserted by the Senate defining the duties of the assistant and chief clerk of the War Department.

On amendments Nos. 132, 133, 134, 135, 136, and 137, relating to the office of the Quartermaster General of the Army: Changes the designation of the office to conform to existing law; strikes out the increase proposed in the salary of a draftsman from $1,600 to $1,800 and of a civil engineer from $1,800 to $2,000; and increases the pay of the electrical and mechanical engineer from $2,000 to $2,250.

On amendments Nos. 138, 139, 140, and 141, relating to the Bureau of Insular Affairs: Strikes out the increases proposed by the Senate of the pay of four clerks from $1,800 to $2,000 and restores a clerk at $1,000, stricken out by the Senate.

On amendment No. 142: Provides for horses and wagons and horse-drawn passenger vehicles for the War Department, as proposed by the Senate.

On amendment No. 143: Inserts authority for the purchase of scientific periodicals for use of the Office of Public Buildings and Grounds.

On amendments Nos. 144, 145, and 146, relating to the State, War, and Navy Department Building: Appropriates $85,000, as proposed by the Senate, instead of $40,000, as proposed by the House, for renovation of the plumbing system; strikes out the appropriation of $5,000 proposed by the Senate for purchase and maintenance of automobile trucks, and appropriates $32,000 for rewiring the rooms, as proposed by the Senate.

On amendments Nos. 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, and 161, relating to the Navy Department: Provides for an additional clerk at $1,400, in the office of the Secretary; increases the pay of a clerk from $1,600 to $1,800, in the office of the Naval Records of the Rebellion; increases the pay of an electrotyper and chart-plate maker in the Hydrographic Office from $1,200 to $1,400; authorizes the purchase of books of reference in the Hydrographic Office and in the Naval Observatory; appropriates $7,000, as proposed by the House, for pay of computers in the Nautical Almanac Office; provides for two additional messenger boys, at $600 each, in lieu of two laborers at that pay, in the Bureau of Supplies and Accounts; and provides for the Division of Naval Militia Affairs, as proposed by the House, and authorizes additional thereto the expenditure of $2,600 for miscellaneous items in that division, as proposed by the Senate.

On amendments Nos. 162, 163, 164, 165, 166, and 167, relating to the office of the Secretary of the Interior: Strikes out provision for an assistant superintendent of the Patent Office, at $1,200, proposed by the Senate, and provision for a machinist, at $1,400, instead of a fireman, at $720, in the old Post Office Department Building, and makes a correction in the text of the bill.

On amendments Nos. 170, 171, 172, 173, 174, and 175: Strikes out the increases proposed by the Senate in the clerical force in the General Land Office.

On amendments Nos. 178 and 179: Provides for an additional force of five special examiners at $1,200 each, and appropriates $6,000 for adding machines and other furnishings in the Pension Office, as proposed by the Senate.

On amendments Nos. 180, 181, 182, 183, and 184, relating to the Patent Office: Appropriates for a chief clerk who shall be qualified to act as principal examiner at $3,000 instead of a chief clerk at $2,500; strikes out the appropriation of $10,000 for temporary employment of typewriters; authorizes the purchase of reference books and publications; and appropriates $2,500, as proposed by the House, instead of $4,500, as proposed by the Senate, for the library.

On amendments Nos. 185, 186, and 187, relating to the Bureau of Education: Appropriates $5,700, as proposed by the Senate, for investigation of school and home gardens; authorizes employment of personal services out of the appropriations for collecting statistics and educational documents.

On amendments Nos. 188 and 189, relating to the contingent fund of the Interior Department: Strikes out provision for horse-drawn vehicles for the use of the Secretary and provides for the repair of vehicles of the department.

On amendment No. 190: Authorizes temporary detail of clerks from the office of one surveyor general to another.

On amendment No. 191: Authorizes the use of $25,000 for office work out of the appropriation made by the act of 1895 for the survey of railroad land grants.

On amendments Nos. 192, 193, and 194: Appropriates for an additional clerk at $2,000 in the Division of the Solicitor for the Post Office Department.

On amendments Nos. 196, 197, 198, 199, 200, 201, 202, 203, 204, and 205, relating to the Department of Justice: Increases the salaries of six Assistant Attorneys General from $5,000 to $7,500 each; provides for a "Solicitor" instead of an "Assistant Attorney General" for the Department of the Interior; changes the title of the "Assistant Attorney General" for the Post Office Department to that of "Solicitor"; restores to the bill the provision prohibiting additional legal services in connection with condemnation proceedings; strikes out the proposed increase in the salary of one attorney from $3,250 to $3,500; provides for a clerk to the Attorney General at $1,800 and for an additional law clerk at $1,800; and provides for "vehicles" for the department instead of "wagons."

On amendments Nos. 206, 207, 208, 209, 210, 211, 213, 214, 215, 216, and 217, relating to the Department of Commerce: Provides for an additional skilled laborer at $720 in the Office of the Secretary; appropriates $173,000, as proposed by the Senate, instead of $175,000, as proposed by the House, for special attorneys and other special employees in the Bureau of Corporations; appropriates $835,000, as proposed by the House, instead of $925,000, as proposed by the Senate, for securing information for census reports; appropriates $75,000, as proposed by the House, instead of $35,000, as proposed by the Senate, to further promote and develop the foreign and domestic commerce of the United States, and authorizes the employment of an editorial assistant at $2,000 and an editorial clerk at $1,600, as proposed by the Senate; strikes out the proposed increase of two assistant steamboat inspectors, at $1,600 each, at Seattle, proposed by the Senate; appropriates $6,000, instead of $5,000, as proposed by the House, and $7,000, as proposed by the Senate, for contingent expenses of the shipping commissioner's office in New York; appropriates $20,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for enforcement of navigation laws; and strikes out the provision, proposed by the House, authorizing rental for the Bureau of Labor Statistics from the appropriation for rent for the Department of Commerce.

On amendments Nos. 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, and 232, relating to the Department of Labor: Authorizes an executive clerk at $2,000 for the commissioners of conciliation; increases the per diem allowance for special agents in the Bureau of Labor Statistics from $3 to $4 and strike out

the provision for experts and temporary assistance for service in the District of Columbia; provides for an additional clerk at $1,400, one at $1,200, one at $1,000, and one at $900 in the Bureau of Immigration; provides for the additional employees and subsistence and traveling expenses for the Children's Bureau, as proposed by the Senate; and appropriates $75,500, as proposed by the Senate, instead of $22,000, as proposed by the House, for rent.

On amendment No. 233: Limits the prices for typewriting machines for Indian schools and schools of the District of Columbia to the lowest prices heretofore paid therefor.

On amendment No. 235: Restores section 6, permanently fixing the salaries of officers and employees provided for in the bill.

The committee of conference have been unable to agree on the following amendments:

On amendments Nos. 1 and 30: Providing for the mileage of Senators and Representatives.

On amendment No. 20: Providing for the purchase of automobiles for the Vice President and Speaker.

On amendments Nos. 28 and 29: Providing for a stenographer at $1,000 for the Joint Committee on Printing.

On amendment No. 33: Providing $25,000 for a legislative reference division in the Library of Congress.

On amendments Nos. 43 and 47: Providing for an assistant to the Secretary of State at $4,500.

On amendments Nos. 48 and 52: Providing for an assistant to the Secretary of the Treasury at $4,500.

On amendment No. 76: Providing for payment to Thomas P. Kane of the difference in the compensation of the Comptroller of the Currency and the Deputy Comptroller of the Currency, during the period he acted as Comptroller of the Currency.

On amendments Nos. 78 and 79: Providing for an increase of $500 in the pay of the Commissioner of Internal Revenue.

On amendment No. 85: Providing for an increase of $20,000 in the appropriation for freight on bullion and coin.

On amendment No. 101: Providing for an increase of $500,000 in the appropriation for the collection of the income tax.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, and 124: Providing appropriations for operation of the mint at Carson, Nev., and the assay offices at Boise, Idaho, Deadwood, S. Dak., Helena, Mont., and Salt Lake City, Utah.

On amendments Nos. 168 and 169: Providing for three members of a board of appeals at $4,500 each in the office of the Solicitor for the Department of the Interior.

On amendments Nos. 176 and 177: Providing for an Assistant Commissioner of Indian Affairs at $2,750.

On amendment No. 195: Providing for the custodian force of the new post office at Washington City.

On amendment No. 212: Providing $100,000 for "commercial attachés" in the Department of Commerce.

On amendments Nos. 218, 219, and 220: Providing an additional amount for rent for the Department of Commerce.

On amendment No. 234: Providing for the regulation of the use of motor-drawn and horse-drawn passenger-carrying vehicles for all branches of the public service.

JOSEPH T. ROBINSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MANN. Will the gentleman from South Carolina yield for a question?

Mr. JOHNSON of South Carolina. Yes; with pleasure.

Mr. MANN. I notice that in Senate amendment No. 7 it provides that all Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

Does the gentleman think that Congress can repeal a resolution of the Senate, or that the House has anything to do with a resolution of the Senate, or that the Senate might have inserted an amendment repealing a House resolution which the House had passed relating to its contingent fund?

Mr. JOHNSON of South Carolina. The House has nothing to do with repealing a simple resolution of the Senate; but occasionally the Senate has spasms of virtue; and if it had passed a simple resolution in its own body repealing all former resolutions, that fact would not have been known to the world, and so they asked the concurrence of the House.

Mr. MANN. The gentleman should not call this a resolution that came from senatorial virtue. This comes in connection with the proposition to put on the annual pay roll a large number of employees who are not now on the annual pay roll. Then it proposes for Congress to repeal a simple Senate resolution. We pass resolutions to adjourn the House for three days. We may next have the Senate putting an item in an appropriation bill repealing it. What jurisdiction have we over a simple Senate resolution? It is true it is something like the man in jail when his lawyer said they could not put him in, but he was in. Here is a case where the Senate has inserted the item in the bill.

I would like to ask the gentleman about Senate amendment No. 49, which proposes to increase the salary of the clerk to the Secretary of the Treasury from $2,500 to $3,000 a year. Of course the gentleman knows that if we increase this clerk's salary every department of the Government will ask for the same increase next year. Is it to be the policy of the committee to increase the salary of those private secretaries to $3,000 a year? Most of them are merely stenographers.

Mr. JOHNSON of South Carolina. The committee realizes the danger that the gentleman suggests—that other secretaries will ask for a corresponding increase—but the information before the committee was that this man was a particularly valuable man, well worth the salary we have provided for him, and that no smaller salary would keep him.

Mr. MANN. At one time the Secretary of the Treasury desired to see me about some matter and I called at the office, the last time I was in there. I do not know whether it was this man, but I suppose it was. It was then about half past 9 in the morning. He told me that if I would sit down he thought possibly the Secretary would be able to see me by 1 o'clock.

Mr. JOHNSON of South Carolina. Does not the gentleman think he rendered the gentleman from Illinois good service in saving him three hours and a half waiting?

Mr. MANN. He told me that the Secretary was busily engaged with a number of gentlemen working out some very difficult problem, and that if I could wait three hours I might meet the Secretary. I kicked in the door and went in; there was nobody in there with the Secretary. He was very glad to see me. Now, such a man may be a competent stenographer and deserve an increase of salary from $2,500 to $3,000. I bear him no ill will on that account, for he never interfered with me. But I would like to ask if all private secretaries are to receive $3,000?

Mr. JOHNSON of South Carolina. This is the only one whose salary we have increased.

Mr. MANN. This is the only one whose salary the Senate has increased this time, but they will all have their salaries increased hereafter.

Mr. JOHNSON of South Carolina. "Sufficient unto the day is the evil thereof."

Mr. MANN. Each of the distinguished Members of this House has an allowance of $1,500 for a secretary or clerk, and there is not a Member of the House who ought not to have a better private secretary than the Secretary of the Treasury requires, because all that man has to do is to sit there and try to turn off people who come in, and that is practically all he does do. He was not even successful at that in my case.

Mr. GARNER. Mr. Speaker, may I ask the gentleman from South Carolina, with reference to amendment No. 6, is it the established policy of the House to permit the Senate to increase its clerical force without reference to the necessity or the number or the salary or anything about it?

Mr. JOHNSON of South Carolina. Mr. Speaker, the comity that has always existed between the two Houses is that each House is the judge of its own necessities. We complain bitterly of the expenses of the Senate, but in the end we always yield.

Mr. GARNER. Can the gentleman tell me in what proportion the clerical force of the Senate and the House has been increased within the last 10 years?

Mr. MANN. Make it the last year.

Mr. JOHNSON of South Carolina. My recollection is that this particular paragraph in 1905 carried $167,000, and for the year 1915 the bill provides $418,000.

Mr. GARNER. How much is the increase this year?

Mr. JOHNSON of South Carolina. The increase is from $360,500 for the current year to $418,000 and something for the coming year. That, however, is only in appearance, because this force is already on the pay roll of the Senate, being paid out of the contingent fund. We are simply transferring them to the legislative bill.

Mr. GARNER. In other words, the increase of clerical force in the Senate within the past 10 years has been in excess of 100 per cent.

Mr. JOHNSON of South Carolina. Very much in excess of 100 per cent.

Mr. GARNER. And there is to be no stop to this? There is no way, under the comity of which the gentleman speaks as

Following is one of the letters written to these settlers, which, together with the matters set forth in the affidavits, induced settlers to go on and improve their claims:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 16, 1907.

Dr. E. E. BECKETT,
355-357 Lumber Exchange, Seattle, Wash.

SIR: Answering your letter of March 16, 1907, respecting settlement of your brother on NW. 4, Sec. 17, T. 26 N., R. 11 E., Washington, I advise you that said tract is unsurveyed land within the primary limits of the Northern Pacific Railroad grant upon definite location of December 8, 1884, at which date its right vested; that the temporary withdrawal of the land, March 18, 1905, for forest reserve did not affect the company's right; and that the land was released from said reservation July 6, 1905.

Therefore, if your brother located on the land since the definite location of the road and prior to the survey in the field of the land in question, he may, when the plat of the survey becomes filed in the local land office, submit his homestead application, with election under act of July 1, 1898, to retain the land (forms of which will be furnished by the district officers on request), upon which, if found correct, the railroad company will be requested to relinquish its rights to the land.

Very respectfully,

R. A. BALLINGER, *Commissioner.*

The letter referred to in the affidavit of G. A. Schaeffer is set out below.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., March 31, 1904.

G. A. SCHAEFFER, Esq.,
Index, Wash.

SIR: In reply to your letter of March 15, 1904, asking if it is safe to settle on Sec. 23, T. 27 N., R. 9 E., Washington, I advise you that said section appears to be an unsurveyed section within the primary limits of the grant to the Northern Pacific Railroad (now Railway) Co., and that the right of the company attached thereto on definite location of the road, September 4, 1884, but provision is made by act of July 1, 1898, respecting settlements on such lands subsequent to January 1, 1898.

I inclose a copy of circular issued under said act, and invite your attention to the parts marked on pages 4 and 6 thereof.

The office regrets that it can not at present send you a copy of circular relating to public lands, as you request, as the supply is exhausted, but will forward same so soon as a new edition is received.

Very respectfully,

J. MACEY, *Acting Assistant Commissioner.*

Now, none of these settlers were lawyers or versed in the law, and were all of that class of men who are not versed in the intricacies of the law or in the subtle meanings it places on words and phrases, and when they read in an official circular of the General Land Office that the act of July 1, 1898, makes special provision for settlers who located on land after January 1, 1898, and that their claims, as stated in paragraph 6 of said circular, are placed on the same footing as prior settlers, except that they did not have the right to relinquish and select other lands in lieu of the land settled upon. And they read further that they must continue their settlement of said land until survey is filed in the local land office, and that after survey, and not until then, they must file their homestead entry; and, as stated in paragraph 23 of said official circular, that on the transmission to the railroad company of lists of land to be relinquished that the company will be required to relinquish.

All of the foregoing is set out in such detail to show the bona fides of these settlers. They went on the land in good faith, and intended to make the same their home, and did make the same their home.

Now the equities are with the settlers. The railroad company at any time since September, 1884, by paying the cost of survey, could have secured patents to their lands. But, no; because land in private ownership is a subject of taxation, and is subject also to adverse possession, the railroad company, by the failure to insist on the issuance of patents to it, has taken advantage of the technical title to the land vested in the United States Government to allow this state of affairs to continue. For instance, the railroad company claims that it is the real owner of odd-numbered sections within the grant, but that it is not the technical owner for the reason that the legal title is in the Government, and that said lands can not be taxed, because you can not tax the Government; and no one can acquire adverse title, because the Government is not subject to the statute of limitations.

It is a matter of elementary law, and unnecessary to cite authorities, that as to the Government the statute of limitations does not run; but if said Government legislates along that line, then it would be subject to adverse titles, the same as individuals. There can be no question that the Government can pass a statute of limitation as to privately owned property, nor can there be any question as to the authority of the Government to pass a statute of limitations making land, the legal title of which is vested in the Government, but the beneficial interest, vested in private parties, subject to adverse claims.

Now, here is the state of affairs: In vast stretches of territory along the line of the Northern Pacific every odd-numbered section within the grant is or was the property of the Northern Pacific, as claimed by it. Vast numbers of sections remain undisposed of by it. In the State of Washington every alternate section of a strip of land 80 miles wide, running in a general easterly and westerly direction, was Northern Pacific land. The even-numbered sections, except such as have been declared in the forest reserves, have been taken up by homesteaders; the odd-numbered sections, unsurveyed and unoccupied, were gradually taken up by settlers intending to make the same their homesteads. It is a matter of common knowledge that the Northern Pacific had knowledge of all this, and can tell to within a few days just when each of its claims was settled on, for the reason that it has constantly had its inspectors and cruisers going through its land all the time. Now the railroad company claims the beneficial interest in this land, yet it would be the first to also claim that as the title is still in the Government, limitations will not run against it. Schaeffer has been on his land 10 years, Schultheis 8 years, O'Neil 7 years, and many others whose claims are not yet surveyed have been on still longer. The railroad company knew they were on these claims, knew they were claiming them as their homesteads, and in all cases allowed their claims to go unchallenged until they filed their homestead entries; and as to the claims still unsurveyed, the railroad company makes no effort of any kind to get the settlers off.

These settlers are American citizens; they have a right to homestead claims under the laws; they located in good faith on unsurveyed, unoccupied public land of the United States; they were advised by land attorneys, land-office officials, land commissioners of the United States, and the official circular issued by the General Land Office itself that they were entitled to their entries, provided they otherwise substantiated their residence and performed the necessary acts in improving, etc. As to their good faith there can be no dispute. Neither can there be any successful contradiction that they were misinformed by the Government itself. On the other hand, the railroad company knowingly allows them to locate on the land, build homes thereon, build trails, clear the land, plant fruit trees, and do other things usually done by farmers in working their places.

The Northern Pacific claims that the grant to it was a grant in presenti. It has been held that the grant was a grant in presenti with condition subsequent. The Government has always assumed the authority to legislate in reference to the grant without the consent of the railroad. And clearly the Government has the right to legislate similar to the act of July 1, 1898.

But, aside from all that, if it can be successfully urged that the Poindexter bill is objectionable as to form, as a proposition of law the Government has the strict right to pass such act as will give the settlers their claims, said act being in the nature of a statute of limitations running against the railroad company.

The settlers realize that as the law now stands and as the General Land Office according to its precedents now rules, they are apparently without relief excepting such relief as Congress extends to them by appropriate legislation.

Everything in the power of Congress should be done for these settlers; justice and equity demands it; and the high respect with which the Government at Washington is held by these homesteaders should not be lowered by failure to do everything that it is right in the premises to do for these homesteaders.

Respectfully submitted.

HOMESTEADERS' ASSOCIATION OF WESTERN WASHINGTON,
620 New York Building, Seattle, Wash.

CONFERENCE REPORT—LEGISLATIVE APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I call up the conference report on the legislative appropriation bill.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the Clerk read the statement in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 893).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 32, 35, 36, 44, 45, 46, 50, 62, 64, 66, 67, 68, 69, 97, 99, 104, 105, 106, 107, 108, 128, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 145, 157, 162, 163, 164, 165, 166, 170, 171, 172, 173, 174, 175, 181, 184, 188, 199, 200, 201, 209, 210, 213, 214, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 31, 34, 38, 39, 40, 41, 42, 49, 51, 54, 55, 56, 57, 58, 59, 60, 61, 63, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 100, 102, 103, 109, 126, 132, 136, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 167, 178, 179, 180, 183, 185, 186, 187, 189, 190, 192, 193, 194, 196, 197, 198, 202, 203, 205, 206, 207, 208, 211, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233, and agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,405"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "General Supply Committee: Superintendent of supplies, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for four months, at $75 each per month; in all, $15,850"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,530"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and

agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "janitor service for the executive mansion and office building, not to exceed $1,200"; and the Senate agree to the same.

Amendment numbered 127: That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,150"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$376,620"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 76 of the bill, line 3, strike out the words "Toward the" and insert in lieu thereof the word "For"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,316,890"; and the Senate agree to the same.

Amendment numbered 191: That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment, as follows: At the end of the matter inserted by said amendment insert the following: "*Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated"; and the Senate agree to the same.

Amendment numbered 204: That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$463,630"; and the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 1, 20, 28, 29, 30, 33, 43, 47, 48, 52, 76, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18: Appropriates for officers and employees of the Senate, as proposed by the Senate.

On amendments Nos. 19, 21, 22, 23, 24, and 25, relating to contingent expenses by the Senate: Appropriates for the various items, as proposed by the Senate, with the exception of the "expenses of inquiries and investigations," which is appropriated for at $25,000, as proposed by the House, instead of $50,000, as proposed by the Senate; and provides for the removal of unused documents and patent models now stored in the Capitol Building, the Senate or House Office Buildings, to some building on reservation No. 13 and makes the Superintendent of the Capitol Building and Grounds custodian of the building so selected.

On amendments Nos. 26 and 27, relating to the Capitol police: Appropriates for a lieutenant at $1,200 instead of a special officer at $1,200.

On amendments Nos. 31 and 32, relating to the House of Representatives: Corrects the date of approval of resolution authorizing the services of a special employee and appropriates $75,000, as proposed by the House, instead of $37,500, as proposed by the Senate, for "miscellaneous items."

On amendments Nos. 34, 35, 36, and 37, relating to employees for care of the Library Building and grounds: Increases the compensation of 16 watchmen from $720 to $900 per annum each, as proposed by the Senate, and strikes out two additional wiremen at $840 each and the decrease of two skilled laborers at $720 each, proposed by the Senate.

On amendments Nos. 38, 39, 40, 41, and 42, relating to the Civil Service Commission: Increases the salary of the chief examiner from $3,000 to $3,500; increases the appropriation for the system of efficiency ratings from $15,000 to $30,000; appropriates $11,190 for examination of fourth-class postmasters and $5,700 for field examiners; all as proposed by the Senate.

On amendments Nos. 44, 45, and 46, relating to the Department of State: Strikes out the two additional clerks at $1,800 and the increase in the compensation of 13 clerks from $900 to $1,000 each per annum proposed by the Senate.

On amendments Nos. 49, 50, and 51, relating to the office of the Secretary of the Treasury: Increases the compensation of the clerk to the Secretary from $2,500 to $3,000, and the compensation of the Government actuary from $2,250 to $2,500; and strikes out the additional executive clerk at $2,400.

On amendment No. 53: Appropriates for the General Supply Committee, as proposed by the Senate, with the exception of 12 temporary clerks, which are provided for at $75 per month each for four months, instead of at $900 each for four months.

On amendments Nos. 54 and 57: Increases the compensation of the assistant chief of the Division of Appointments from $2,000 to $2,250, as proposed by the Senate.

On amendments Nos. 55, 56, 58, and 59: Changes the designation of the "Division of Surety Bonds" to "Section of Surety Bonds," as proposed by the Senate.

On amendments Nos. 60 and 61: Increases the compensation of the Assistant Chief of the Division of Public Moneys from $2,000 to $2,500, as proposed by the Senate.

On amendments Nos. 62, 63, 64, and 65, relating to the Division of Printing and Stationery: Strikes out the additional clerk at $1,600 and the additional laborer at $660, proposed by the Senate, and increases the pay of the bookbinder from $1,250 to $1,400, as proposed by the Senate.

On amendments Nos. 66, 67, and 68, relating to the office of the disbursing clerk: Strikes out the reduction proposed by the Senate in the pay of a clerk from $1,400 to $1,000.

On amendment No. 69: Strikes out the appropriation of $500, proposed by the Senate, for law books for the Comptroller of the Treasury.

On amendment No. 70: Inserts the appropriation of $14,000, proposed by the Senate, for the tabulation of accounts and vouchers in the office of the Auditor for the Interior Department.

On amendments Nos. 71 and 72, relating to the office of the Auditor for the Post Office Department: Inserts authority for the use of $24,840 for payment of employees absent on leave, and the unexpended balances of appropriations resulting from vacant positions to employ persons to tabulate the accounts and vouchers of the Postal Service, as proposed by the Senate.

On amendments Nos. 73, 74, and 75, relating to the Treasurer's office: Transfers an additional clerk at $900 and a clerk at $1,400 from the office of the assistant treasurer at San Francisco, as proposed by the Senate; and increases the appropriation for labor-saving machinery and tabulating equipment from $6,000 to $10,000.

On amendment No. 77: Increases the appropriation for special examination of national banks and bank plates for the office of the Comptroller of the Currency from $4,800 to $6,500.

On amendments Nos. 80 and 81: Increases the pay of the civil engineer in the Life-Saving Service office from $1,800 to $2,250, as proposed by the Senate.

On amendment No. 82: Corrects a total in the bill.

On amendments Nos. 83 and 84: Provides, as proposed by the Senate, for an examiner at $3,000 in the office of the Director of the Mint.

On amendments Nos. 86, 87, 88, and 89, relating to the office of the Surgeon General of the Public Health Service: Increases the pay of the chief clerk from $2,000 to $2,250; provides for

From the homesteaders' viewpoint, the local land offices, as well as decisions of the department in previous cases, are responsible for many unnecessary embarrassments to the settler.

The scrip feature suggested in the brief will, in all probability, be subjected to close scrutiny should either of the bills referred to be considered.

BRIEF SUBMITTED BY HOMESTEADERS' ASSOCIATION OF WESTERN WASHINGTON.

Contending that Congress has the legal authority to extend to settlers in good faith who settled on lands within the primary limit of the grant to the Northern Pacific Railway Co., with the intention of making their claims their homesteads, relief, so that said settlers may be allowed to proceed to patent their claims and exercise ownership over the same.

STATEMENT OF FACTS.

There are now pending before Congress two bills, one (H. R. 2146) introduced in the House of Representatives by Hon. W. E. HUMPHREY, of Washington, the other (S. 5987) introduced in the Senate by Hon. MILES POINDEXTER, of Washington.

These bills were introduced for their passage by Congress in order that relief be granted to settlers on lands determined on survey to be within the limits of the grant to the Northern Pacific Railroad Co.

The first-mentioned bill will, if passed, be an extension of the act of July 1, 1898 (30 Stat., 597, 620), extending the provisions of said act partially. The act of July 1, 1898, provided that where a bona fide settler in good faith, under color of title, claim of right, under any law of the United States, or any ruling of the Interior Department, settled on any land within the granted or indemnity limits of the grant to the Northern Pacific Railroad Co. prior to January 1, 1898, with the intention of making the same his homestead, and where the purchaser, settler, or claimant refuses to transfer his entry, that in such case, after survey, he may proceed to patent; in this event the railroad company be given scrip for the area of land taken, or the settler might transfer his claim to land of equal area, in which event the railroad company would retain the land, but this only applied to settlers prior to January 1, 1898. As to settlers after January 1, 1898, on survey being filed and their homestead entries being filed and their bona fides being established the Secretary of the Interior would request the railroad company to relinquish the land to the settler. If the railroad company acceded to the request, the settler could proceed to patent, and in that event the railroad company would be given scrip, the relinquishment, however, as to settlers subsequent to January 1, 1898, being optional with the railroad company.

The scrip, issued under this act was limited to use "within any State or Territory into which such railroad grant extends." The extension of said act of January 1, 1898, by the Humphrey bill, if passed, will be only partial, for all settlers contemplated by said bill will be classed as subsequent to January 1, 1898, and the bill is otherwise amended so that the railroad company still has the optional right whether or not to relinquish to settlers, but in the event it refuses to relinquish the settlers will be allowed scrip, and the scrip to be allowed under the Humphrey bill and all the scrip that has heretofore been issued under the act of January 1, 1898, may be used within the State or Territory where the base land was relinquished or within the District of Alaska or the Philippine Islands, for said act provided (H. R. 2146) "that said act shall be and is hereby amended and extended so that all lieu selections made under said act may be of either odd or even sections of surveyed or unsurveyed lands of equal area of those relinquished, not mineral and not otherwise appropriated, within the State or Territory where the base land was relinquished or within the District of Alaska or the Philippine Islands as the selector may elect." So that it is very clear and apparent that this bill (H. R. 2146) is merely an attempt on the part of the Northern Pacific Railway Co. to secure aid from the United States Government in another campaign of extensive land grabbing. It is an undisputed fact, that as the law now stands, the railroad company has no market whatever for the thousands of acres of scrip it now holds in its vaults, and that the Humphrey bill if passed would enable the railroad company to use the marketless scrip it now holds with which to loot Alaska and Philippine lands. At its best the lieu land system is susceptible of great fraud, at least so Mr. HUMPHREY says, for he stated in a letter dated September 8, 1913, to Central Labor Council of Seattle, as follows:

"I have not the slightest doubt but what the Northern Pacific Railroad has received several hundred thousand acres of land from the Government in the State of Washington, for practically nothing. This was accomplished largely through what is known as the lieu land system. If it was within my power I would take every acre of this land away from the Northern Pacific Railroad and open it up to bona fide settlers, for it was practically secured by fraud from the Government."

Of course, the Humphrey bill, to the extent that the settler will under it get scrip, is a relief to the settler. But it is a gift to the railroad company more than a relief to anybody.

The Poindexter bill, if passed, would place bona fide settlers on unsurveyed railroad land which, after survey, shall have been determined to be an odd-numbered section of the Northern Pacific grant, in the same position as the bona fide settler who settled on such land prior to January 1, 1898; that is, said settler would have the optional feature whether or not to retain his claim or accept scrip. If the settler retained his claim the railroad would be given scrip. The scrip issued under this particular bill could be used within the State or Territory where the base land was located, or in Alaska or the Philippines.

The sole question between the advocates of the respective bills is to what extent can Congress extend relief to settlers without violating the constitutional rights of the railroad.

A brief résumé of some of the legislation affecting the Northern Pacific grant will not be out of place at this time.

The original granting act was the act of July 2, 1864 (13 Stat., 365), which act served the dual purpose of incorporating the Northern Pacific Railroad Co., and at the same time granting it "every alternate section of public land, not mineral, designated by odd numbers, to the amount of 20 alternate sections per mile, on each side of said railroad line, through territories, and 10 alternate section of land per mile on each side of said railroad through States, beginning at a point on Lake Superior, in the State of Minnesota or Wisconsin, extending westerly by the most eligible railroad route to some point on Puget Sound. The grant in additional to the above also granted a right of way 200 feet wide through public lands. The charter provided among other things that the land should be surveyed and patents issue as the line progressed, and that the road shall be fully completed and equipped by July 4, 1876.

Subsequently Congress created the first and second indemnity limits, but as the settlers in question all settled within the primary limits, no further reference will be made to said indemnity limits.

Subsequent to the original granting act Congress passed a number of acts affecting the railroad and its grant. Among said acts are:

Act of May 7, 1866 (14 Stat., 355), wherein the railroad was granted an extension of two years, both for the beginning and completion of the road.

Act of April 10, 1869 (16 Stat., 57), which act granted the railroad a right of way from Puget Sound to Portland, Oreg., but no additional land.

Act of May 31, 1870 (16 Stat., 378), which authorized the railroad company to mortgage its road, lands, and corporate franchise, created the indemnity limits and provided "that all lands hereby granted to said company which shall not be sold or disposed of, or remain subject to the mortgage by this act authorized, after the expiration of five years after the completion of the entire road, shall be subject to settlement and preemption like other lands at a price to be paid to said company, not exceeding $2.50 per acre." Section 2 of said act provided, "*And be it further resolved*, That Congress may at any time alter or amend this joint resolution having due regards to the rights of said company and any other parties."

The act of July 15, 1870 (16 Stat., 305), appropriated $35,980 for the survey of the Northern Pacific lands: "*And provided further*, That before any lands granted to said company by the United States shall be conveyed to any party thereto, under any of the acts incorporating, or relating to said company, there shall be first paid into the treasury of the United States the costs of surveying the same by the said company or the party in interest." This act to an extent acted as an amendment of the original granting act, in that in the original act was the proviso that the President shall order survey after the first 40 miles are completed, and survey as the line progresses and patents issue.

This act makes it possible for the Northern Pacific, which claims to be absolute owner of odd-numbered sections within the primary grant, to evade local taxation in the various States into which its land grant extends, on the theory that the technical title to the land in question is still vested in the United States, and that said land is therefore exempt from taxation. At the same time the railroad by paying into the Treasury of the United States the cost of survey is entitled to patent as it claims.

The act of September 29, 1890 (26 Stat., 496), provides "That there is hereby forfeited to the United States and the United States hereby resumes title thereto of all lands granted to any State, or any corporation, to aid in the construction of any railroad opposite to and coterminous with the portion of any such railroad not now completed and in operation."

Act July 1, 1898 (30 Stat., 597, 620).

Prior to January 1, 1898, the then Secretary of the Interior erroneously ruled as to the eastern terminus of the Northern Pacific Railroad Co., which ruling, if it had been correct, threw a vast number of homesteads into the primary limits of the grant. Subsequent to the ruling that part of the grant which had been declared erroneously not to be in the grant was taken up by homestead claimants, resulting in land that the Northern Pacific clearly was not entitled to and on which homesteaders prior to the ruling had settled upon, being declared by the Interior Department to be the property of the Northern Pacific, and also land that the Northern Pacific was entitled to being settled upon by homestead claimants and their patents allowed by the Interior Department.

Clearly this state of affairs could not long continue. In addition to the confusion of claimants at the eastern terminus, many claimants all along the line from Lake Superior to Puget Sound had settled on unsurveyed land in good faith with homestead intentions. This resulted in the passage of the act of July 1, 1898. This act provides that where, prior to January 1, 1898, "the whole or any part of an odd-numbered section" of Northern Pacific land has been purchased from the United States, or settled upon, or claimed in good faith, or claimed in good faith by any qualified settler under color of title or claim of right under any law of the United States or any ruling of the Interior Department, and where the settler refuses to relinquish, that the Northern Pacific will be required to relinquish and accept lieu land, or such settlers, if they so desire, may purchase the land at $2.50 per acre. It must be remembered that this part of the act applies to settlers who settled prior to January 1, 1898. None of the settlers whose relief is contemplated by either the Humphrey or Poindexter bill come within this provision.

But as to settlers subsequent to January 1, 1898, the act provides as follows: "*And provided further*, That whenever any settler shall in good faith make settlement in pursuance of existing law upon any odd-numbered section of unsurveyed public lands within the said railroad grant to which the right of said railroad grantee or its successor in interest has attached, then upon proof thereof satisfactory to the Secretary of the Interior of the relinquishment of the prior railroad right, other lands may be selected in lieu thereof by said railroad grantee or its successor in interest, as hereinbefore provided, and patents shall issue therefor."

The act of March 2, 1899 (30 Stat., 993), created the Mount Rainier National Park, and paragraph 3 thereof gave the Northern Pacific the right to select lieu land in place of the thousands of acres of scenery within the boundaries of said park.

The act of March 2, 1901 (31 Stat., 950), extends the act of July 1, 1898, so as to adjust differences in the indemnity limits, where lands patented were embraced in a pending indemnity selection.

The act of May 17, 1906 (34 Stat., 197), extends the act of July 1, 1898, and March 2, 1901, to include bona fide settlers subsequent to January 1, 1898, and prior to May 31, 1903. Under this act all lieu selections were to be confined within the State where private holdings were located. This act was conditioned upon the acceptance of the Northern Pacific.

Acts other than those quoted affecting the Northern Pacific grant were enacted by Congress, but only in the act of May 17, 1906, was the taking effect of the act conditioned on its acceptance by the Northern Pacific. In all other instances Congress acted without conditions as to acceptance of acts by the Northern Pacific.

It is the contention of this association that Congress has always had the power and has always assumed the power to alter, add to, amend, and repeal the provisions of the act of July 2, 1864, as per section 20 of said act, and the legislation subsequent to the charter bears out this contention.

How these settlers who settled on land subsequent to January 1, 1898, came to go on said land.

These men were all hardy pioneers and, hearing of unoccupied, unsurveyed land within the Seattle land-office district (and elsewhere), all went to see the land and while there met settlers in the vicinity

who had been inquiring of the local land-office officials, and some of whom had letters from the then Secretary of the Interior, and on the advice of letters received from local land-office officials and land attorneys located on said claims, intending to make their homesteads. Many of these men were married and took their families; in numbers of instances settlers have lost by death members of their families and buried the dead on their homesteads, as is typical of pioneers. These men were all assured by land-office officials, land attorneys, and by letters from the Land Commissioner that they were within their rights, and that on filing of survey they would be allowed to make their elections under the act of July 1, 1898, and they were assured that settlers in good faith locating on unsurveyed land within the primary limits of the grant to the Northern Pacific would have prior right over the railroad company, and that on survey they would be permitted to make their entry and proof, and that the railroad company would be requested to relinquish the lands so settled upon.

These men thereupon went on their claims, improved the same, built the usual house and outbuildings, and, in a number of instances, built several miles of trails, one settler even contributing $250 toward a community bridge over a turbulent stream, in addition to providing labor thereon. As the law then stood and now stands, these settlers must stay on their claims, living thereon as their homesteads, improve and cultivate the same, intending to make the same their homesteads, until the survey is filed, and then, and not until then, could their homestead entry be filed. In some instances this happened a short time after filing, but in the majority of instances from 8 to 10 years or even longer elapsed before the survey was filed, and many settlers even now have no filed, because the survey of their claims has not been filed. On the filing of their homestead entry contests were promptly entered by the railroad company, and on such contests the settlers have invariably lost out, the precedent of Northern Pacific Railway Co. v. Violett (36 L. D., 169) being cited to them. The Violett case being a decision of the General Land Office that as to settlers located on land subsequent to January 1, 1898, it was optional with the railroad claim as whether or not to relinquish the land. To give an idea of how practically all of these settlers were misled, affidavits of a few of them will be set out.

Affidavit.

STATE OF WASHINGTON, *County of King, ss:*

I, G. A. Schultheis, being duly sworn, on oath depose and say that I am a citizen of the United States of lawful age and my post-office address is Baring, Wash., and qualified to make homestead entry. I did on the 22d day of May, 1908, make homestead entry on unsurveyed land, which entry was duly filed, which land is described as the northwest quarter of the southeast quarter and lots 7, 8, 9 of section 1, township 26 north, range 10 east, Willamette meridian; that before making settlement on said land, about the latter part of March, 1908, I called to see Joseph Gregory, a land attorney of Seattle, Wash., and I was handed a decision by said Gregory and was informed by him that the decision was the latest decision of the highest court, and that this decision held that when a settler made settlement on unsurveyed land within the limits of the grant to the Northern Pacific Railroad Co., and that when the land was surveyed and found to be railroad land, that it was mandatory for the railroad company to accept scrip in lieu of land settled upon, and at that time said Gregory went with me to the land office and showed the aforementioned decision to Frank Twitchell, receiver of the United States land office at Seattle, Wash., and at that time said Gregory and Twitchell had some discussion whether the decision applied to the land I was contemplating making settlement upon, and after looking at said decision said Twitchell informed me that there was no such thing as unsurveyed railroad land and that it all belonged to the Government until patented and that anyone settling thereon prior to survey would have a prior right over the railroad company. I was given the circular of the General Land Office approved February 14, 1899, containing regulations under the act of July 1, 1898 (30 Stats., 597, 620), and I thereafter read said circular most carefully, paying particular attention to the interpretation placed upon said act in said circular by the Commissioner of the General Land Office in said circular in section paragraph "B," and I believed that the interpretation placed upon said act in said circular to be the law, and I relied on this circular and believed I had a right to make settlement on said land and that I would eventually obtain the entry of said land when open for entry, and after I settled on the land I was in the land office several times and talked with Henry Smith, register of the land office at Seattle, and I was informed by him that the land on which I had settled was within the grant of the Northern Pacific Railway Co., and said Smith informed me that there had never been a case to his knowledge where the railroad company had refused to relinquish said land in favor of a settler when requested to do so by the Government, and I believed in and relied on the circular of February 14, 1899, and the advice given to me by Joseph Gregory, the attorney, and the information received from the register and receiver of the land office at Seattle in making settlement upon and continuing my residence and improvement of the land above described.

Since the date of the settlement I have made said land my home and have lived upon the land continuously and have constructed the improvements thereon of the value of about $1,400; that my improvements consist of a house 18 by 24 feet, woodshed 18 by 20 feet, root house 8 by 10 feet, 36 apple trees, berry bushes of all kinds, and I built one-half mile of trail and have one acre cleared.

After the land was surveyed and open for entry I made homestead application to enter said land, and my entry was rejected by the register and receiver of the land office at Seattle, and I perfected my appeal, and the Department of the Interior has made demand on the Northern Pacific Railroad Co. to relinquish said land in my favor, which said company has declined to do, and now my entry is held for rejection, and I have lost all my time, toil, and money in attempting to acquire this land and now find myself practically destitute because of the erroneous advice, misinformation, and misinterpretation of the law, received as set forth by me herein.

G. A. SCHULTHEIS.

Subscribed and sworn to before me this 20th day of May, A. D. 1913.

J. E. ALLISON, *Notary Public.*

Affidavit.

STATE OF WASHINGTON, *County of King, ss.*

Gustav A. Schaeffer, being first duly sworn according to law, deposes and says: I settled on the northwest quarter of section 23, township 27 north, range 9 east, Willamette meridian, the same being in Seattle district; said settlement being made on April 18, 1906, and being made with view to occupation as a homestead in good faith. Said land was at the time of settlement unsurveyed; that the survey thereof was filed in the land office on or about April 18, 1912; that I filed my homestead application on April 18, 1912, in the local land office at Seattle, Wash.; that I am married and have lived and resided on said land continuously from April 18, 1904, to the present time and have made said place my home, my improvements being about $1,800 in value; that I have cleared 1 acre of land and have the same under cultivation, have a three-room house 14 by 24, with addition, 12 by 14, large woodshed, root house, 24 fruit trees set out, and about 100 fruit trees in nursery on said land, have built trail and spent about $395 in contributing to settler's bridge, built to enable settlers to cross Skykomish River, and, in addition thereto, contributed labor thereon; that I was induced to go on said land by reason of a letter from the honorable Secretary of the Interior dated March 31, 1904, and official circular of the General Land Office approved February 14, 1899, being led to believe by local land office officials and said official circular that if I settled on said land prior to survey with the view of making a homestead entry and otherwise complied with the homestead laws, my right would be superior to the right of the Northern Pacific Railway Co., and that said railroad company would be requested to relinquish said land, the direct inference in said circular and the assurances of local land office officials being that said request was mandatory on the railway company, and that the relinquishment by it of my claim would necessarily follow; that my homestead entry was filed as soon as the same could be lawfully filed, and I received no notice from my land application until long after survey was filed, I received a notice from my attorney, Joseph Gregory, of Seattle, Wash., inclosing a copy of letter from General Land Office that the Northern Pacific Railway Co. had refused to relinquish, and that my claim was held for rejection, and that I was not allowed to file on my homestead; that I did not know that said letter was a rejection of my claim, and that my said attorney did nothing beyond mail the same to me; that by reason of the failure of my said attorney to advise me of my rights my time of appeal has inadvertently gone by, and I am now within at relief except as Congress may in its wisdom deem fit to grant me. Further affiant saith not.

GUSTAV A. SCHAEFFER.

Subscribed and sworn to before me March 3, 1914.

HOWARD H. STARTZMAN,
Notary Public in and for the State of Washington, residing at Seattle.

Affidavit.

STATE OF WASHINGTON, *County of Spokane, ss:*

Arthur T. O'Neil, being first duly sworn, on oath depose and say that I am now and at all time herein mentioned was a citizen of the United States of America, over the age of 21 years, and qualified to make homestead entry on Government land; that my home and post-office address is Baring, Wash.; that on or about September 7, 1909, I made homestead settlement of unsurveyed Government land located in the county of King, State of Washington, which land has since been surveyed and described as the south one-half of the south one-half of section 3, township 26 north, range 10 east, Willamette meridian.

That prior to making said homestead settlement, and on or about August, 1909, with one David J. Johns (homestead settler on adjoining land) I consulted with one Joseph Gregory, a land attorney of Seattle, Wash., and was advised by said attorney that the settler, making homestead settlement on unsurveyed land which a survey later locates as an odd-numbered section of land within the limits of the grant to the Northern Pacific Railway Co., would be protected, and that it was mandatory for said railway company to accept scrip in lieu of land so settled upon; that said attorney at that time supported his opinion by a decision represented to be the latest decision by the highest court. That both prior to and after said settlement I consulted the register and receiver of the United States land office at Seattle, Wash., and was informed by said register and receiver that all land prior to survey was Government land, and a party making bona fide settlement prior to survey would have prior right over the railway company, in the event that survey located said settled land on an odd-numbered section within the grant to the railway company. I was further given a circular of the General Land Office, supporting the advices and opinions so given me.

That I believed the information and advice as given me by said attorney, the register and receiver of the land office, and as contained in the said circular of the General Land Office, and in reliance thereon, and in good faith, I made homestead settlement of said land. That I have made improvements thereon of the value of about $700; said improvements consist of house, 14 by 16 feet; shed, 12 by 14 feet; garden patch; cleared 1 acre of land and about 3 miles of trail. That I have made said land my home since the date of settlement, and lived thereon continuously until the latter part of January, 1913, with the exception of short intervals, when it was necessary for me to seek and obtain employment in the mill and stores at Baring, Wash., a station on the Great Northern Railway. Located about one-half mile on air line from the nearest corner of said land and about 4 miles by road and trail from the buildings situate thereon. That about the latter part of January, 1913, after the rejection of my said homestead entry, and after appeal taken to the Department of the Interior, upon the advice of my attorney of record, Edwin H. Flick, Seattle, Wash., I came to Spokane, under the necessity of earning a livelihood, and am temporarily employed in Spokane pending the outcome of said appeal and litigation.

That after said land was surveyed and opened for entry, I made homestead application to enter said land, and my said entry was rejected by the register and receiver of the United States land office at Seattle, Wash., from which rejection I have appealed to the Department of the Interior, demands has been made by said Interior Department upon the Northern Pacific Railway Co. to relinquish said land in my favor, which the said railway company has refused to do. If my said entry is finally rejected and refused, I will have lost all my time, toil, and money in a bona fide attempt to acquire this land under the homestead laws and acting upon the reliance of the information and advice given me, as aforesaid.

ARTHUR T. O'NEIL.

Subscribed and sworn to before me by the said Arthur T. O'Neil this 27th day of May, 1913.

E. J. BARKER,
Notary Public in and for the State of Washington, residing at Seattle.

Mr. Speaker, without objection, I will include as part of my remarks the bill I introduced on the 25th of April last:

A bill (H. R. 16028) to establish a system through which national banks may make loans upon agricultural lands in aid of agriculture.

Be it enacted, etc., That any national bank doing business in the United States be, and is hereby, authorized and empowered to establish a land-loan department, under such provisions and restrictions as are hereinafter set forth.

SEC. 2. That loans shall not be made from this department of said national bank except on farm lands; and in no case shall said loans exceed two-thirds the actual value of the land to be hypothecated as collateral for said loans, nor shall said loans extend for a longer period than 10 years.

SEC. 3. That when a national bank has applications for loans in a sum aggregating $10,000, it shall examine the records in the county office in which deeds are recorded in the county in which said applications for loans are made, and ascertain whether or not the lands on which loans are asked are unencumbered.

SEC. 4. That if the office of the register of deeds, or such other office in which deeds are recorded, shall show the lands sought to be hypothecated as collateral for a loan are already mortgaged, no loan shall be considered on said encumbered land until the encumbrance has been removed and the record satisfied.

SEC. 5. That a list of the lands to be free from encumbrance, as shown by the county records, shall be advertised once a week for three consecutive weeks in a newspaper published in the county in which said loans are sought, and in case no person notifies said bank of a prior unrecorded mortgage or a judgment against any of the parties making application for loans, which said mortgage or judgment would adversely affect the mortgages held by said bank, said publication shall be deemed sufficient public notice, and the mortgages held by said bank shall be deemed and adjudged to be first mortgages by the State and Federal courts of the United States.

SEC. 6. That when any national bank located in any State of the United States shall have applications for loans on farm lands aggregating $10,000, on a basis of two-thirds the value of the lands sought to be hypothecated, and shall have taken first mortgages on said lands as hereinbefore provided, said mortgages shall be placed in the hands of the Treasurer of the United States, and 10-year bonds shall be issued thereon by the United States Government, to bear interest at the rate of 3 per cent per annum; final payment of said bonds to be guaranteed, at their face value, by the United States Government.

SEC. 7. That the proceeds from the sale of said bonds at face value shall be placed in the hands of the bank depositing said mortgages of real estate with the Treasurer of the United States, and shall be loaned by said bank to the individuals whose lands have been mortgaged as a basis for said loans at a rate not to exceed 5 per cent per annum, and for a period of not more than 10 years.

SEC. 8. That any national bank which may establish the farm-land loan department herein provided for may make application for serial loans in amounts of $10,000 each: *Provided*, That said bank shall subscribe for or purchase 10 per cent of the bonds of each issue applied for.

SEC. 9. That any national bank making loans as herein provided for shall annually collect the interest due on any loan, and $100 of the principal for every $1,000 loaned, and shall collect in the same ratio on smaller loans. Out of the annual payments of principal and interest collected the national bank making the collections shall pay the annual 3 per cent interest due on the United States Government bonds issued to said bank, and reserve the payments of principal as a sinking fund for the ultimate retirement of said bonds when matured: *Provided*, That the funds in said sinking fund may be reloaned by said bank on first mortgages of farm lands at a rate not to exceed 7 per cent: *And provided further*, That said bank give bond in periods of two years, in an amount commensurate with the amount in said sinking fund.

SEC. 10. That in no case shall loans under this bill exceed $2,500 or extend beyond the time fixed for the expiration of the serial loan from which the funds loaned to individuals is derived.

SEC. 11. That in the event any person who has made application for a loan through any national bank as a part of a series herein provided for shall default in more than two annual payments of principal and interest as provided for in this bill, then the whole amount of said loan, with interest to date, shall become due, and the bank holding the mortgage on said lands shall foreclose the same, guaranteeing the face value of said mortgage, with all interest due, if necessary, by said bank bidding on said lands publicly sold up to the amount of the then value of said mortgage and the cost of foreclosure proceedings. The proceeds from the sale of said lands, less costs incurred in foreclosure, shall be placed in the sinking fund herein provided for, and may be reloaned by said bank in the same manner and under the same restrictions as other funds in said sinking fund.

SEC. 12. That in the event any person who has made application for a loan through any national bank, as a part of a series herein provided for, shall desire to sell his or her land before the termination of the loan, such person shall be permitted to do so upon payment into the sinking fund of the bank through which such loan is made of the balance of principal and interest due on his mortgage. Said sum so paid in may be loaned by said bank in the same manner and under the same restrictions as other funds of said sinking fund.

SEC. 13. That such profits as may be derived from interest charges herein provided for, in excess of the amount necessary to pay off the bonds of any series, shall be retained by the national bank through which the loans are made as compensation for the duties and responsibilities herein imposed on national banks.

SEC. 14. That the Secretary of the United States Treasury is hereby authorized and directed to take such steps as may be necessary to put into effect the provisions of this bill.

[Mr. FOSTER addressed the House. See Appendix.]

[Mr. ABERCROMBIE addressed the House. See Appendix.]

[Mr. JACOWAY addressed the House. See Appendix.]

Mr. KETTNER. Mr. Speaker, next to the people of this country, its greatest natural resource is its soil. As is natural and necessary during the pioneer stage of development, the control of our soil has been inefficient and wasteful. But we have now advanced to that period in the Nation's growth when maximum efficiency in the utilization of our resources is occupying more or less prominently a position in the mind of every thinking man.

For the efficient use of our lands the experience of the whole world proves that we must employ the three means of tillage, rotation or diversification of crops and fertilizers. Tillage and rotation of crops are dependent almost entirely upon man's personal activities, physical and mental, but fertilizers demand a supply of raw materials. Obviously that nation which contains within its own boundaries the raw materials necessary to the preparation of fertilizers is immeasurably better situated than the nation which is dependent upon foreign supplies. And quite as obviously that nation which knows its own resources is trebly armed in the inevitable struggle for national prestige.

With adequate supplies of appropriate carriers of phosphates, nitrogen, and potassium this country would not only be independent of all foreign nations for its supply of fertilizer materials, but in this particular matter would be unique among the nations of the earth. That it is now in the position to realize this distinction is the purport of these remarks.

Federal agencies, provided for and supported by Congress, have demonstrated that there is enough phosphate rock in this country to meet the world's demands at the present rate of consumption for more than 30 centuries.

We could easily provide for all the nitrogen used in agriculture in this country, without recourse to the Chilean saltpeter, if we were to conserve the waste from the old-fashioned "beehive" coke ovens by increasing the number of modern by-product ovens.

For potassium, it is well known that the whole world has long been dependent upon Germany for its supply of potassium salts. A few years since somewhat strenuous differences developed between large American importers of potassium salts and the "Kali Syndikat," an organization which, under governmental supervision and control, markets the output of the German mines. So serious became the contentions as to lead to diplomatic exchanges between the Governments of Germany and the United States.

It was thus brought to the attention of our Agricultural Committee, and Hon. A. F. LEVER, who, as chairman of this committee, has shown himself the right man in the right place, was then, as now, alive to the real things of interest to the farmer. Upon his suggestion an appropriation was made and the Bureau of Soils of the Department of Agriculture was charged to find within the boundaries of the United States an adequate source for the Nation's need. This was promptly and efficiently executed. Various possible sources of potassium salts were investigated, of which several perhaps have been economic. So strikingly preeminent is one of these, however, that I am justified in passing over the others at this time, without particularizing further.

Along the Pacific coast there is a luxurious growth of marine weed, containing many species. Among these, because of the size of the individual plants and the large beds, are some three or four species locally known as "giant kelps." For years one of my constituents, Mr. David M. Balch, of Coronado, had studied certain of these giant kelps and had pointed out their great possible value. As is often the case in the history of great discoveries, Mr. Balch's work failed to attract the attention either from the popular world or the scientific world to which it was properly entitled, and it is therefore an added pleasure to record here the Nation's indebtedness to this scientific pioneer, who has reached advanced years without either material or adequate scientific recognition. It happened, however, that Mr. Balch's work was known to the scientist of the Bureau of Soils charged with the immediate supervision of the potash search, and quietly but in connection with the search in other directions the kelps were investigated.

During the summer of 1911 two preliminary surveys were made of the kelp beds on the California coast, as well as one on the Puget Sound. Another of my constituents, Prof. W. C. Crandall, a brilliant young scientist, now a prominent member of the staff of the Scripps Biological Institute of the University of California, at La Jolla, was placed in charge of one of these surveys; and so important were the results he achieved that in the following summer—1912—he was commissioned to prepare working maps of all the beds from Cape Flattery south. It is but proper to add that much assistance was rendered by many individuals, especially noteworthy being the public spirit displayed by Col. Charles Rader, of San Diego, in placing at the disposal of the governmental investigation his yacht, the *Parinosa*, and by Prof. W. E. Ritter, director of the Scripps Biological Institute, who put at command the resources of that excellent institution.

Mapping of the kelp beds and studies of methods of utilization were continued during the summer of 1913. I am authoritatively informed that working maps have now been prepared for all of the commercially available kelp beds from the Cedros Islands, off the Mexican coast, to the Shumagin Island, off the Alaskan Peninsula, excepting a relatively short portion of the Alaskan coast. It appears that the area of these beds aggregates nearly 400 square miles, capable of producing annually nearly 60,000,000 tons of kelp, equivalent to about 2,000,000 tons of potassium chloride. At the present time the total imports of potash salts of all kinds are approximately a million tons, equivalent to about 400,000 tons of potassium chloride. In other words, the giant kelps of the Pacific coast can perennially yield an annual output of potassium chloride about six times the equivalent of all potassium salts now imported. It further appears that of this amazing total nearly 60 per cent would be produced on the southern California coast, so that this great national asset has a particular importance to San Diego and my constituency over and above that which it has for every place in the United States where intensive methods of farming and efficient management of the soil is practiced.

At current prices for potash salts of grades corresponding to the kelp when nearly dried this crop in the neighborhood of San Diego would have a selling price of millions for the potash content alone, and the actual selling values would rival the value of our citrus crop. It is obvious that this supply of potassium salts could not at present be marketed entirely in the United States, but the West Indies, Hawaii, and Japan are all consumers of potash salts, and all can be as conveniently and economically supplied from San Diego as from Hamburg. It appears altogether probable that pure potassium salts can be prepared from the Pacific kelps more readily and more cheaply than from any other source. But the dried kelp itself, containing an average of something more than 16 per cent potash, has been examined by a large number of fertilizer manufacturers who have, without a dissenting voice, pronounced it a most valuable and desirable raw material and given very definite assurances of an eager market for it.

Several embryo companies for the production of kelp have sprung into existence, but they are sadly in need of technical direction, and it is a most commendable work for this Congress to extend the usefulness of the Bureau of Soils by giving it the necessary authority and support to demonstrate the practicability of putting on the market kelp potash salts at figures decidedly less than the current prices determined for our farmers by a foreign government agency.

As before stated, the work of investigation and mapping is practically completed, but the very valuable results of these investigations, the working maps for the use of those who may find lucrative employment in the harvesting of the kelp, the reports of the experts and scientists who have been laboring to make possible this important industry, these are of little value until published. It appears that by very careful handling it will be possible to publish a limited edition of this material for $7,000.

This matter had been brought to my attention before I left San Diego by various persons interested, among them Prof. Crandall. After coming to Washington I took the matter up in the Bureau of Soils and through the kindness of Mr. Frank Cameron, soil chemist, was able to arrive at the facts in detail. Upon this information I introduced a bill on December 16 of last year asking for $7,000 with which to complete this work by printing and publishing the maps and reports already prepared relating to the location, extent, and other features of kelp beds on the Pacific coast. Senator Poindexter also became interested in the matter with such good effect that it became part of the agricultural bill, and in a few days will become a law, when we shall be able to send this information to the people on the Pacific coast who are ready and anxious to develop this wonderful resource.

Mr. BALTZ. Mr. Speaker, Congress appropriates millions for national defense and offense by land and sea. Millions of dollars go out for the improvement of rivers and harbors. Additional millions are freely expended for public buildings and betterments. All these lend to our sense of security, give us the satisfaction of believing we have given assistance and sustenance to our internal commerce, and add to our bump of self-esteem by way of magnificent homes for our public institutions. To my mind, however, they are of far less importance than the millions this country appropriates for that great industry—agriculture. That industry is the sole prop of the Nation.

We could exist and prosper without our Army and Navy. We could distribute the mail, dispense justice, and house our judges, our attorneys, and our police officers in less pretentious domiciles. We could lessen our financial assistance—in some degree, at least—to the water highways and still not realize it as a country for years to come. All this we could do were it necessary; but, thank the Lord, it is not. We are big enough, wealthy enough, patriotic enough to furnish the best Army, the best Navy, the best postal service, the best navigable lakes and streams in the world, and we do not propose to fall behind in any procession.

But we can not and, in recent years, have not slighted the agricultural industry. The extent of our assistance along that line has been gradually, but surely, increasing, and the necessity for this aid has now come to be generally recognized and approved. From theory and printed directions by experts we have arrived at the point of general instruction—almost individual instruction in many instances—until to-day there is hardly an important crop which has not been benefited by governmental advice and governmental appropriation. Soils have been analyzed and their owners instructed as to their improvement. Their usefulness and fertility have been extended. Lessons have been given in irrigation, in planting, in rotation of crops, until the old-fashioned farmer is amazed and sometimes distracted with what he terms "new-fangled ideas"; yet sooner or later he acknowledges their usefulness and value. Promptness, intelligence, care, industry, watchfulness, and cleanliness have been made the watchwords of the farmer and he has grown from the one-horse chaise to the six-cylinder automobile for pleasure or business.

The agricultural environment has been improved. The Government has looked into the home of the farmer. He has been advised and instructed to good purpose. States, counties, and municipalities have entered with zeal upon systems of road building, all urged and advocated by the Government, which are of greater value to the farmer than to any other class. Now we are proposing, and I hope with success, that the Nation crown its works by deeds, make good its advice by results, and further this movement by liberal financial aid.

No other labor will so well tend to lessen the high cost of living. The production of the farms must increase in ratio as our population increases. Competition in farm produce of every kind must be keen and sharp. Bumper crops must be raised on small acreages, and the average farmer must not only be taught how to produce these crops, but to know that he is getting all that he can get from every acre, from every animal, fairly and without undue exhaustion of his resources.

People must be taught to respect and admire the profession of the farmer, for it is a profession when rightly conducted, and it has of late fallen into disrespect. Along these lines the Government is helping to attain this end. That help must be enlarged both as to sphere and quantity.

I, for one, am glad to see the appropriations for the Agricultural Department grow. That department is doing good work. It is the most helpful and useful agency for prosperity that we sustain. It has discarded theory for practicability and has shown by results secured that farming can be made not only a profession of high repute, but that the student and the practical farmer can earn for himself not alone a competence, but an independence of spirit attained by none other.

This great Nation of ours has learned much of late in this direction. It can learn more, and it will. The subject itself is not new, but modern methods and a modern Government together will place agriculture upon a plane so high that the ambitious young of this country will aspire to it as the most satisfactory and profitable profession in the world. Then will both the high cost of living and the cost of high living be solved.

[Mr. MANN addressed the House. See Appendix.]

[Mr. FOWLER addressed the House. See Appendix.]

Mr. FALCONER. Mr. Speaker, I ask unanimous consent to print in the RECORD a brief submitted by the Homesteaders' Association of Western Washington, touching on the northern unsurveyed land grants and the difficulties a homesteader usually has in locating on the same land afterwards claimed by the railroad company.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. FALCONER. Mr. Speaker, some weeks ago I received a brief submitted by the Homesteaders' Association of Western Washington. I submitted this document to the Interior Department.

Some days ago, at my request, the department returned it to me, and I now wish to print it in the RECORD.

I consider it worth while, since it presents some of the difficulties encountered by homesteaders.

It is a fact, Mr. Speaker, that many annoying features presented in this brief are made possible by the fact that railroad lands, to a large extent, are still unsurveyed.

investigation with a view to improving the method of market-

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Taking Switzerland as an example, it will perhaps emphasize the contention we are trying to bring out to tell something of the wonderful development of that country, due entirely to the establishment of rural-credit banks.

Less than half a century ago 80 per cent of the lands of Switzerland were tilled by tenants. Except for the few landholders, who were themselves land poor, the people were poor, unprogressive, and apathetic. The public treasury was at low ebb. Men of public spirit, realizing that there was disease in the public policy, set about to ascertain the cause. It was not long until the tenant system was fixed on as the root of the country's evils, and the Government set about to right those evils. A system of land banks was established, through which the Government loaned small sums to tenants, at a low rate of interest, with which to buy homes. Improved conditions were apparent from the beginning, and to-day, thanks to Switzerland's land-loan system, 90 per cent of the agriculturists of that country own their homes, the banks of the country are prosperous, and, considering the rugged nature of the soil, it is one of the most productive agricultural countries in Europe. When a commission was sent by the United States to examine rural-credit systems in Europe and to observe results, members of the commission were amazed to find that European farmers were supporting families on 1 and 2 acres of ground and that 20 acres constituted a very large farm. They were informed that the high per cent of production was due to intensive farming, that intensive farming was due to ownership, and that ownership was due in large measure to land-loan banks, organized in whole or in part by Government aid. They unqualifiedly and unanimously recommended that some such system be worked out for the United States.

The commission recommended a bill, which is a part of their report, and which, though entirely right in purpose, is, in my judgment, subject to serious objections. The bill contains 51 sections and is too cumbersome. It undertakes to outline in detail such provisions and restrictions as should be worked out by the Secretary of the Treasury. It proposes an intricate system of land-loan banks, to be created, with hundreds of provisions and limitations, to be guarded by special officers created under the provisions of the bill. But the most vital defect in the bill proposed by the commission is the plan of basing rural credits on arbitrary association, of farmers, afterwards to be organized under some visionary form of charter or on the plighted faith of such farmers' organizations as the grange, the alliance, or the union, all of which have done good work in improving rural conditions, but none of which is suited to the peculiar purpose of forming a compact, unchanging basis of credit.

If a bill of such length and details, with such undigested provisions for the original basis of credit, is such a bill as the President and the Democratic leader [Mr. UNDERWOOD] have in contemplation, I am not surprised that they hesitate to consider it at this session. But I am sure that a simple bill, such as I have introduced, which does not undertake to outline departmental work and which is clear-cut and free of surplusage, can be considered and passed by this House without perceptible loss of time. I am equally as sure that no measure has been before this House in 20 years that would be more far-reaching in its beneficial effects for the tenant and the small landowner, and eventually for the Nation, than this bill if enacted into law.

The bill that I have introduced, H. R. 16028, uses the national banks as now organized, creating a land-loan department in those banks as simple as their present savings departments. The original basis of credit is in the land of the individual, and this is passed on under my bill, as under existing national-bank law, by the president of the bank. All we want to do is, by a sane and simple law, to remove the inhibition against national banks accepting land mortgages as security and to provide the means by which the farmer's collateral will be given an equal chance and by which he may be enabled to secure money at a low rate of interest that will enable him to grow. That my bill fully meets the requirements, I propose to show further on in the course of my remarks.

No fair-minded man will deny that up to this time the whole machinery of our money and credit system has been directed toward the aid of the city and not the country. Legislation has gone along in this channel for so long that even the farmer has come to think he is dependent on the city for his credit. He has been educated in the school of adversity to put the cart before the horse.

Why should the farmers of the United States, with realty values worth $40,000,000,000 and raising annual products amounting to over $10,000,000,000 have to beg for credit at exorbitant rates either of the merchant or the local banker, when that merchant or local banker will take the farmers' collateral and with it borrow in New York at 5 per cent?

The sooner all industries realize their first dependence on the farm, that all primal wealth has its origin there, the sooner will real wealth in larger degree come to city and country. Mr. Bryan never uttered a truer saying than that we may destroy our cities and let grass grow in our streets but if we maintain a high standard of agriculture the cities will be rebuilt larger and more prosperous than ever.

But, say some, the farmer is already paying interest to the amount of $500,000,000 annually, an amount larger than the annual returns from our wheat crop, and he can not or should not take on additional burdens. We answer that the railroads of this country are valued at $15,000,000,000 and they are mortgaged up to $11,000,000,000. Farm lands, as stated, are valued at $40,000,000,000 and they are mortgaged for $6,000,000,000. If railroads are not overmortgaged, then surely farm lands have a safe margin for additional loans.

I do not underestimate the destructive effects of mortgages under present conditions, by which the farmer pays from 8 to 10 per cent; but I contend that not in the mortgage but in the rate of interest lies the evil. The farmer who pays 8 and 10 per cent for money will never have means for expansion, for intensifying his methods and increasing his yields. My theory, then, is a larger mortgage debt and a smaller interest account.

Under existing conditions it is but fair to say that banks can not accommodate farmers at a low rate of interest. They are part of a system that has been built up in the interest of the city men with Government sanction. Let us have the Government mend the laws in the foundation, agriculture, and the whole financial superstructure will be healthier and stronger.

And why may not the Government do this thing? The recent order of the Secretary of the Treasury suspending the rule whereby national banks were prohibited from lending money on real estate was a tacit admission that the farmers' basis of credit has been unjustly legislated against, and that the needs of agriculture, the needs of the whole people dependent on agriculture, will justify not only a righting of the wrong but enlarged privileges for this class of credit. Debt at reasonable rates means healthy expansion; debt at excessive rates of interest means torpor if not ruin.

But what of the tenant class who constitute fully nine-tenths of the farmers of this country? They have no lands to mortgage even at the high rate of interest the landlord must pay. Their lot is hard indeed. They pay from 10 to 40 per cent for the money or provision furnished them by the merchant or landlord, and to this good day the door of hope has been closed against them to such an extent as to make it next to impossible for any of them to live under their own vine and fig tree.

There is no calculating the increased production that this country is capable of, by virtue of an act of Congress, a large per cent of present tenants may become landowners. When a man knows that he and his children will surely profit by the improvements he puts upon his land, he has some incentive to bring that land to its highest state of productiveness. Give a man an incentive, something to work to with reasonable hope, and he will lift himself to the higher plane. The man who owns his land is no better by nature than thousands who do not own their lands, but ownership gives him better opportunities, opens up for him a broader field, and makes of him a more stable citizen. It has been well said "that he who owns his soil is in partnership with the Almighty."

So fertile has been our virgin soil and so varied our natural resources that we have given little thought to shortage of production. We want to hold our monopoly of raw cotton, and yet year by year the supply is falling further behind the demand. As previously stated, our grain and corn supply is not keeping pace with our rapidly increasing population, while the falling away of our meat supply is actually alarming. The necessity for intensive farming, for building up personally owned homes, such as produce corn and meat and eggs and vegetables, is apparent; but the means to meet that demand are woefully wanting.

My bill provides a system that will give the small farmer a low rate of interest through national banks, and yet give the banks the usual margin of profit.

Granting, as I believe the majority of my hearers will, that there is urgent necessity for some such measure, I propose to show that this bill is practicable and will fully meet the demand.

The bill provides that national banks may establish land-loan departments. This is made a separate department of the banking system, that it may not conflict with existing currency laws, and for the further reason that it would be folly and unnecessary expense to the Government to establish a new

system of banks known as land-loan banks when existing national banks can do the work designed, will undertake it only too gladly, and can do it better. The president of the bank passes on the character and sufficiency of collateral offered.

In order that loans may not be multiplied for the purpose of getting commissions regardless of the sufficiency of collateral offered, national banks are required to buy 10 per cent of each serial bond issue made through their agency.

If it becomes necessary to sell under mortgage any or all the lands hypothecated in any series, the bank must guarantee that the land sold shall bring the amount due on the mortgage at time of sale, which requirement alone would make the bank official cautious as to the desirability and sufficiency of his collateral.

Sums loaned under this system will be refunded in easy payments, with interest at 5 per cent per annum, running over a period of 10 years, when the whole amount, with interest, will have been paid.

One-tenth of the principal loaned will annually be paid into a sinking fund, and here again the bank guarantees the stability of that sinking fund by giving bond to cover responsibility for that particular fund.

And why should not the Government become responsible for final payment of all bonds issued under this bill? Millions of dollars are annually appropriated to carry on agricultural experiments in this country, and it has given us pleasure to vote for all of these appropriations; but how much more effective would be these experiments if they were carried to ten landowning farmers where they are now carried to one.

In guaranteeing final payment of the bonds issued under the provisions of my bill the Government assumes absolutely no risk. The bonds are issued on mortgages of real estate for not more than two-thirds its value as passed on by the bank president. The bank, the Government's own creature, is located in the same vicinity as the borrower, and the character of the land hypothecated or sought to be hypothecated is known to the bank president, and there is no possible way under this bill that the bank officials could accept inadequate collateral or fleece the Government except by themselves suffering first.

The bill provides that the Government and not the banks shall issue the bonds, because in this way they may be floated at par, bearing the lowest possible rate of interest. The borrower is too far removed from the money centers to get a loan even at a high rate of interest, and so he puts his security behind the Government and asks its mediation. On more than one occasion the United States Government has borrowed money purely on the faith of its credit, but here it is secured, dollar for dollar, and has a margin of one-third more than the face of any bond.

While we admit that mortgages of real estate do not constitute the most desirable bankable paper, bonds issued by the Government, based on these mortgages, are as acceptable and as convertible as gold notes.

There is abundance of 3 per cent money in the United States, but capital is proverbially shy. Agriculture is languishing for lack of developing capital, but the isolated farmer can not reach the real money centers. This bill makes the Government the medium through which the borrower and the lender can meet on terms of fullest confidence for mutual advantage and for even greater advantage to the Government itself.

It will be noted that under the terms of the bill the greatest amount that can be loaned to any one person is $2,500. The purpose of this provision is that the benefits of the bill may be extended to the greatest possible number, and especially to the small farmer and tenant, who needs it worst.

Now, let us consider some of the practical workings of the bill. Take, for instance, the small farmer who owns, say, 100 acres of land, valued at, say, $20 per acre—and I may add that this bill is intended to reach the less densely populated rural sections, where land values have not already soared beyond the reach of the man of moderate means or no means at all. Say he owes a thousand dollars on his land. It is difficult to get an individual to carry a mortgage for so long on that land, and rarely will he carry it for less than 8 per cent interest. When he has paid his interest, taxes, and living expenses he has little or nothing to put on his debt and nothing to put on improvements. The consequence is many farmers fail to meet their payments at high rates of interest and some lose their lands entirely. When under this bill the man gets a low rate of interest, stipulated annual payments, and long time guaranteed, he can carry his debt and improve his property every year. Again, take the tenant who always pays his rent and his store account or his bank note—and there are hundreds of thousands of them who do so, but barely break even one year with another—he has absolutely no chance under our present system of credit. Suppose under this bill he proposes to buy 100 acres of land from the landowner, who knows his good qualities, at, say, $20 per acre. The 100 acres will contain a three-horse farm, leaving 25 acres for pasture. If he is a southern farmer, the regular cotton rent he has been paying the landlord was 6 bales of cotton, or, say, 3,000 pounds. This at, say, 13½ cents, which is less than to-day's market, is worth $397.50.

Now, the landlord can not wait 10 years for his money, nor is he able to take only 5 per cent interest. So under the provisions of this bill he sells 100 acres of land to his tenant, waiving the first mortgage. The tenant then gives his first mortgage to a national bank as part of a serial loan, and he turns over the cash received on this mortgage, together with a second mortgage, to the original landowner. The landowner can easily wait for the balance of his money, even at a low rate of interest, and the tenant can meet his annual payments with less than he has heretofore been paying for rent.

Let us see if this is not a fact. The annual payment of principal due the bank will be $150. The first year's interest will be $75, making a total of $225, and leaving a margin out of what has been his annual rent paid of $172.50 to be applied to the second mortgage held by the former landlord. The accruing interest grows smaller and smaller each year until the last, when it will be $7.50, making the final payment $157.50.

It is thought by some that the average 100 acres of land will not furnish more than a 2-horse farm, which we will grant for sake of argument. Then, deducting one-third from the usual rent for a 3-horse farm, which in dollars, as above figured, would amount to $397.50, we have for a 2-horse farm $265, enough to meet the payment of principal and interest and leaving a balance of $40 to be applied to the second mortgage. Let us keep in mind the fact that the landlord has heretofore gotten all this, which is only a fair return on his investment; and what the tenant is able to clear above his rent and necessary expenses—and a few clear something—only fits him better for improving and building up his farm.

Now, while I have used conditions in the cotton belt because I have personal knowledge of conditions there, crop values there are perhaps little, if any, better than in other agricultural sections, and the per cent of arable land to the hundred acres will not average as high as in the West and Northwest.

Mr. Speaker, I plead that an opportunity may be given the tenant farmer. While I have used conditions in the cotton belt for illustration, not one of you who comes from an agricultural or semiagricultural State but has honest, industrious citizens of your own flesh and blood, in a sense, who are forced all their lives to pay rent to some landowner because they can not get a start in the world. It is not their fault; it is not the fault of the landowner, who has been their best friend, but is the fault of a financial system that has discredited the farmer's brawn and brain and despised his land as a basis of credit.

Give these men an opportunity under the eye of your own agents—the national banks—and I guarantee that you will see a revolution wrought in the conservation, improvement, and productiveness of farm lands that the wildest dreamer could never have conceived of.

Give these men a chance, and you will have better schools, better churches, better Government.

Give these men a chance, and the high cost of living problem vanishes, for the man who lives on his own land will produce his own meat and corn and some to spare, whereas the tenant must stick to the more readily salable crop to meet his lien or bank note. [Applause.]

Now, Mr. Speaker, I have finished, and if there is any Member of this House who does not believe this bill will meet the growing demand, the crying necessity for some such measure, I will be only too glad for him to point out its defects. If the bill can be amended to advantage, I will gladly accept such amendments. While I believe every possible objection to the bill can be reasonably answered, I will not stickle as to form if you will join with me on the general proposition to give our farmers an equal chance with all other vocations, since all others are directly or indirectly dependent on them.

My sincere wish is that you will join me in obtaining early and favorable consideration of the bill and that it may soon become law. We owe it to the man at home, who has been laboring year in and year out with little or no hope, and to delay action or to defer it to the next session is to fall short of our duty to a very large per cent of our constituents. [Applause.]

Mr. LEVER. The committee on conference have agreed to the contrary will be the case. We believe that the reorganization

heart?

as to the value of their low grades of cotton had lost more than $40,000,000.

The question is how to furnish these samples to the farmers in such manner as to allow ready access to them and at the same time to preserve the reputation of the Government's samples. Manifestly it would never do to simply prepare these samples and furnish them to every market, placing them at the freight depots of the railroads or other public places in charge of no one, because by careless handling it would be impossible in a few days to distinguish the various grades, and the value of the samples of the Government would be lost. Until some better plan is devised, I think it wise to adopt the plan agreed upon by the conferees of furnishing them to primary markets only, where associations or groups of men ask for them, assuring the department of some preservation, and follow this up with some inspection at stated periods thereafter, in order to determine whether the samples have been preserved. My own view is that a wise solution of the question would be the merging of the position of cotton reporter and farm demonstrator. The cotton reporter now visits the gins to ascertain the number of bales ginned. He receives only $250 to $350 for his services, and consequently does not devote very much of his time to it. Likewise, the farm demonstrator receives little compensation. If the two positions were combined, the Government could then secure the services of a competent man, who could devote all of his time to the work. While the crop was being marketed he could secure the gin figures, and at the same time have control and supervision of the Government samples at the markets, and during the rest of the year he could carry on his farm demonstration. It would, of course, necessitate some readjustment of the work between the Census and Agricultural Departments, but the merging of the two jobs would, in my judgment, be in the interest of efficiency.

Mr. Speaker, I believe this bill to be the best ever reported by this committee. It not only provides assistance to the farmer in increasing his yield, but also provides for assisting him in marketing his crop once it is made. We are spending millions annually for agricultural experimental work and investigations. This is wise and proper. The farmer has not the time, equipment, or training for questionable experiments. So intent is he on making ends meet that he has not the time or money to spend in experiments, and the department has undertaken this work for him. As a result of these investigations there has been much progress, new methods have been introduced and yields increased, but until this year we provided no means of effectively communicating the result of the investigations to the man in the field. It is true that we endeavored to send it to him in bulletins, but this could not be as effective as the practical demonstration provided for in the bill we passed at this session known as the Lever extension bill, carrying a large appropriation to cooperate with the States in agricultural education. If we shall place in charge of this work men who have not only been educated at agricultural colleges but in addition have had some practical experience in farming, letting them demonstrate to the farmer the result of the experiments and investigations, the farmer will profit by the experience of others and increased yields and greater profits will result.

In this bill we also recognize that we must assist him in marketing his crop. I believe the establishment of the Bureau of Markets one of the most constructive pieces of legislation we have enacted affecting the agricultural interests. The small appropriation we made for this purpose last year has been spent largely in organizing the bureau, but it has yet been able to do some excellent work, such as that heretofore referred to by me, in the investigation of the marketing of the cotton crop in Oklahoma, and in my own State it has been carrying on an interesting investigation as to the marketing of our long-staple cotton. As in the case of middling fair and strict good middling cotton in Oklahoma, the producer has seldom received what he was entitled to for his long-staple cotton. The Bureau of Markets this week sends two of its agents abroad to investigate the market for this cotton. It will be interesting to learn the difference in price paid the farmer and that finally paid for this long-staple cotton. When we know what becomes of this difference we can endeavor to devise ways and means to remedy the condition.

According to the experts, 57 per cent of the cost of agricultural products is lost between the producer and the consumer. In other words, when the consumer pays $1, say, for a bushel of potatoes or any other product, the farmer gets but 43 cents of that dollar, the balance being eaten up by the middlemen. Certainly there can be no field of endeavor richer in opportunity than that now assigned to this bureau. It is also making an investigation with a view to improving the method of marketing vegetables and fruits. In my district, where we have a soil adapted to the production of all crops, our progressive farmers have engaged in the production of cantaloupes, asparagus, cucumbers, and all kinds of truck. They ship their product to the northern and eastern markets and under the present system wait and pray.

When they shipped, the market price may have been good; but when they hear from their shipment they may be informed that the bottom dropped out of the market; that the stuff was not properly crated or arrived in bad condition, the car not being iced, or some other information equally as disastrous to the hopes they builded upon their crop. Sometimes what they learn is true and sometimes it is not. Sometimes the carrier is at fault, and sometimes the bad condition of the cantaloupes, for instance, is due to the man at the icing station being paid to keep the car properly iced placing about half the ice needed, and charging the railroad for double the quantity furnished. Then again, and perhaps more often, it is due to the fraud of the commission merchant. Sometimes when the market is glutted the consumer does not benefit. The retailer will not reduce the price of the fruit, because he fears his customers will not purchase if the price fluctuates greatly, so he continues to charge high prices when he is purchasing from the jobbers at exceedingly low prices. But whether he gets high or low prices under such circumstances, one thing is certain, the producer is informed that the fruit did not bring enough to pay the freight. The bureau is now tracing many of these shipments. At my request they will trace some from the field in South Carolina to the consumer, and we can ascertain whether they do arrive in bad condition and the prices received by the jobbers and retailers as compared with those paid to the producer.

We can truthfully say to the country that this bill will aid the agricultural interests. Among its items is one for $353,000 for the Office of Public Roads to investigate road materials and furnish expert engineers to assist local authorities in road improvement. Too much emphasis can not be given to this good work. Again, we are appropriating $90,280 to assist local authorities in drainage work. Where drainage districts are formed, expert engineers must survey the district; and if the Government can furnish this expert aid, it saves several thousand dollars to the persons residing in the district. I remember having such a survey made at the request of persons interested in such a drainage district in Hampton County, of my district. Then, for the first time, we are making an appropriation for the investigation of production and marketing of cane sirup, an industry which should be developed and made profitable. For the control and prevention of diseases in cotton, potatoes, truck crops, and so forth, we appropriate $413,000.

We are told by those in charge of the Bureau of Animal Industry that the loss from animal disease annually amounts to $212,850,000. This stupendous loss accounts for the large appropriation made for this bureau for establishing quarantines, and so forth. Of the total appropriation of $2,320,026, the amount of $400,000 is to be spent in eradicating southern cattle tick and eradication of scabies in sheep and cattle. This work is in keeping with the work we have undertaken to eradicate hog cholera, for which purpose we have appropriated $500,000 this year and which will be used in cooperation with the States and enable local authorities to furnish serum to the farmers.

Of course there are some people who scoff at the work carried on by this great department of the Government, but this spirit is confined mostly to those people who believe that they already know everything that can possibly be known about agriculture and who generally delight to call themselves planters instead of farmers. The farmers, as a rule, appreciate the work of the department. Theorists and economists, noting the continued drift of population from the farm to the city, cry "back to the farm," but unless you can make farming profitable you can not hope to make it attractive. You will in vain picture the beauties of life on the farm if, as a matter of fact, the man on the farm finds he can not make a living. Make it profitable for him, and the farmer will himself make it attractive. He is not only intelligent, but he is now educated. The introduction of rural free delivery and the installation of telephone systems has brought him in touch with the world. He is sending his children to college and educating himself. In my own district during my three years here the number of rural routes has been increased from 89 to 114, and wherever there is a community having poor mail facilities you find the farmers seeking to have them improved, thus showing their desire to keep up with the doings of the world. The boys of the farm are learning and adopting improved methods.

The work carried on by the department assisting the organization of corn clubs has borne fruit, the boys who recently visited Washington—the winners of contests in the various States—boasting of yields running from 55 bushels in South Dakota per acre to 235 bushels per acre in Alabama. If we can more than double the yield of corn per acre, it is certain that by improved methods we can increase the yield of other crops. Jerry Moore, the champion corn grower of South Carolina, by his success became the most talked-of person in the State. His name was so popular that an old preacher in my country, reading of his accomplishments one Sunday morning, went into church, and when he began his sermon said, "Brethren, this morning I take my text from Jerry Moore; oh, I mean Jeremiah."

In conclusion let me call attention to the trend of population in this country. In 1870, 70.5 percent of the population was classified as agriculturists. In 1910 only 53.7 per cent of the population was so classified. The fact is, this last figure is excessive, and must include many of these professional farmers who farm by proxy. Experts declare that only about 30 per cent of the people actually live on the farms; and the drift is still from the farm to the city. With the population still increasing and production decreasing, it is readily seen that this Congress can not do too much to help the farmers. In the expenditure of the money appropriated by this bill some small amount may be wasted; but that is true of every expenditure, certainly true of the expenditures for war purposes, and should not deter anyone from supporting liberal appropriations for agriculture. This appropriation of $19,000,000 is in the interest of the man on the farm, upon whose success depends the success of all professions; and I trust the conference report will be promptly agreed to. [Applause.]

Mr. LEVER. Mr. Speaker, if there are no further questions to be asked, I move the adoption of the conference report.

Mr. MANN. I should like to ask the gentleman a question.

Mr. LEVER. I yield to the gentleman.

Mr. MANN. I notice in amendment 38, where the Senate proposed $250,000 for improved methods of farm management, the conferees reduced it to $240,000, taking off $10,000. Also in amendment 41, where the item was increased by the Senate to $678,240, the conferees took off $5,000. Was that on the basis of a compromise?

Mr. LEVER. No. I will say in reference to the first proposition that in that item we endeavored to give the amount, with a little increase, that is now being expended for investigational work, because the gentleman will remember that the two propositions of investigational and demonstration work have been separated.

The other matter to which the gentleman calls attention was a matter of the House conferees trying to shave as much on the Senate as possible.

Mr. MANN. Knowing the House conferees as I do, and knowing their ability, I would not call them very successful shavers if after strenuous effort they could only shave $5,000 off the sum of $678,240. I have a great deal more faith in the ability of my friend from South Carolina than that. That is a very flimsy excuse.

Mr. LEVER. The gentleman from South Carolina is not offering this as an excuse at all. The gentleman from Illinois will remember that when the bill was in the House the amount for this purpose was $378,000.

Mr. MANN. And the Senate added $300,000.

Mr. LEVER. If the gentleman will permit, the Senate added $300,000, the amount which was being contributed by the General Education Board, making a total of $678,000 for this work. The Senate insisted that there should be a dissolution of the partnership between the Federal Government and the General Education Board, and added $300,000 to take the place of the amount being contributed by that board, and added $50,000 for work in West Virginia, Kentucky, and Maryland, three States that have lately come under the farm-demonstration methods. The House cut that $50,000 by $5,000.

Mr. MANN. The Senate added $300,000 and the House cut it down to $295,000. I personally should have been in favor of the $300,000 without cutting off the help that we were getting from the outside. I think the gentleman and I agree upon that. I am not afraid to take the money that Mr. Rockefeller may have made, no matter how he made it, and use that money for the benefit of the public. [Applause.] I think this is the silliest proceeding that even the Senate has ever been guilty of.

Mr. LEVER. I think the gentleman will agree, however, that there was a very strong sentiment on this proposition when the bill was under consideration in the House.

Mr. MANN. No; I do not agree that there was. I know there was some talk on the subject, and some gentlemen were very active in the expression of their opinions.

Mr. MONDELL. Will the gentleman yield?

Mr. LEVER. I will yield if I have the time, but I do not want to lose my rights.

The SPEAKER. The gentleman has one minute left.

Mr. LEVER. I am sorry that I can not yield unless it is very important.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. LEVER, a motion to reconsider the last vote was laid on the table.

[Mr. CONNOLLY of Iowa addressed the House. See Appendix.]

Mr. AIKEN. Mr. Speaker, I heartily approve of the item of $40,000 inserted in this conference report for the study and investigation of rural-credit societies, and I regret exceedingly that the President and the Democratic leader [Mr. UNDERWOOD] have expressed their purpose to defer consideration of any and all rural-credit measures until the next session of Congress, even though the very important question of antitrust legislation is the question to which those gentlemen would give precedence.

Important as it may be to protect the individual citizen against combinations of capital that will force from him an excessive price for what he buys and an inadequate price for what he sells, it does seem to me the question of feeding and clothing this Nation from the substance of our own soil is of still more vital importance; and the necessity for improved rural credits lies at the very base of this great economic question.

The population of the United States is increasing so rapidly by natural growth and by foreign influx that consumption, even now, in this comparatively virgin country, is far greater than production, and in 10 years food products have doubled in price to the consumer. If the agriculturist of the United States alone profited by this high cost of food products, the burden would be more willingly borne by the consumer; but when it is recalled that we are already bringing corn and meat in great quantities from South America and Canada it is time for us to pause and consider ways and means for building up agriculture at home.

A cause which may explain our inadequate supply of foodstuffs is the fact that the hundreds of thousands of immigrants who come annually to our shores are not agriculturists, except for a small per cent, and the American farmer who has been plowing for a top-heavy consuming class already must rise earlier, go later, and drive harder to feed and clothe the nonproducing immigrant. Hampered as he has been by lack of farm credit, he can not expand and intensify and diversify in such way as to keep pace with demand, and so food products have soared higher and higher.

But there is even a greater cause for the lack of balance between supply and demand, and that is the fact that farm tenancy is on the increase in the United States.

It makes no difference how industrious, how honest, or how intelligent a man may be, if he has nothing more than a tenant's interest in the soil he cultivates, feeling that he may sow where another may reap, he will never bring that soil up to a high state of productiveness.

It makes no difference how public-spirited a man may be, if he has only a tenant's interest in the community in which he lives he can not fulfill the highest duty of a citizen in the school, in the church, and in the State, because he never knows when the inexorable hand of necessity will drag him from his surroundings and set him down in a community of unsympathetic strangers.

We have heard it objected that legislation in the interest of agriculture is class legislation and smacks of paternalism; as if every vocation and every industry that make up the world of business was not rooted in agriculture. Just as fertilizer placed at the roots of a tree nourishes the tiniest leaf, just so stimulated agriculture carries strength and growth and nourishment to the smallest enterprise and to the humblest citizen. The United States has already recognized this principle in watering the dry lands of the West and in cleaning rivers and harbors to cheapen freight rates on farm products between exchanging consumers. Germany, France, Italy, Switzerland, and many other European countries recognized this principle—some of them more than a hundred years ago—when, either by legislative concessions to agriculturists, by Government loans, or, as in the case of France, by direct subsidy, they established land-loan banks with exceedingly low rates of interest. As a result, agriculture in the countries named is in its highest state and wealth is distributed in that healthy proportion between country and town that makes for the highest citizenship.

system of banks known as land-loan banks when existing

that merchant or local banker will take the farmers' collateral

and his store account or his bank note—and there are hun-

There is another instance of want of proper consideration to which I wish to direct attention.

The genial chairman of the committee, whom we all like and whom we regard as efficient in his separate branch, has gone pretty far in agreeing to an amendment that belongs particularly to the Post Office Committee, amendment No. 101, which extends the franking privilege to all those agricultural colleges that have the benefit of the Lever bill as to all their correspondence, bulletins, and reports. Now, the Post Office Committee during my 10 years of service has been particularly guardful in trying to prevent the extension of the franking privilege. State superintendents of education and boards of education have been clamoring for the extension of the franking privilege. They have been willing to have the mail privileges extended so that they could have the advantage of the second-class rate, or 1-cent-a-pound rate; and the committee has declined to give them that privilege. And yet we have here this committee agreeing to this Senate amendment without any amendment, except one, and that makes it more liberal. You would think that these conferees on this amendment would have agreed to the restriction as placed in the Senate; but instead of limiting these franking privileges to only one official or employee of the agricultural colleges they grant it ad libitum to any person connected with them.

It may be all right for some committees to transgress the powers that naturally belong to other committees, but it has been my observation that it is better legislation to leave that which belongs exclusively to one committee for that committee to consider, rather than have conferees who have not given the subject any consideration agree to this character of legislation without an opportunity of the House to vote upon it. I know that the conferees, the genial gentleman from South Carolina [Mr. LEVER], the gentleman from Iowa [Mr. HAUGEN], and the gentleman from Georgia [Mr. LEE] are overzealous in looking after the rights and privileges of agricultural colleges; but I say that they have no right to foist upon this bill legislation that is beyond their prerogatives. While I recognize the futility at this late day in the session, when every effort is being made to pass these appropriation bills, of voting down this conference report, I still believe that if the chairman had brought in a partial report, leaving open to discussion and vote some of these amendments that carry such legislation that is beyond the power of the committee, this House would have had the opportunity then to vote down these amendments, and the gentleman could have gone back with a proposition to further insist on disagreement to the amendments.

The SPEAKER pro tempore. The gentleman yields back two minutes.

Mr. MANN. Mr. Speaker, I would like a little time.

Mr. LEVER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, amendment No. 130, I think, was agreed to, authorizing the Secretary of Agriculture to prepare a plan for reorganizing, redirecting, and systematizing the work of the Department of Agriculture as the interests of economical and efficient administration may require, and then provides that the estimates for the next year shall be made in accordance with this new plan.

I would have no objection whatever to the Secretary of Agriculture or any other Secretary making recommendations to Congress for the reorganization, the redirecting, and systematizing of the work of his department. Of course, that part of it as to economical and efficient administration is just inserted for sound. That would be the ostensible purpose always, but whether it will be accomplished or not is another thing. Now, the Secretary next year is required to make his estimates in accordance with the plan of reorganization which has not met the approval of the Congress. Of course, that will require the committee to bring in a bill according to the new plan, or else discard the estimates. I think the gentleman from South Carolina [Mr. LEVER] next winter will greatly regret that we put this provision in the bill.

Mr. LEVER. I will say to the gentleman from Illinois that this language was agreed to by the conferees on the part of the House at the very earnest insistence of the Secretary of Agriculture.

Mr. MANN. Certainly. He wants to fix it so that Congress shall have nothing to do with it. Why should he not present his plan to Congress and let the Committee on Agriculture recommend to the House what should be done, instead of leaving it to the Secretary, who, of course, will have to be guided by his subordinates in the department, and every one of them will be seeking to increase his own pay.

Mr. LEVER. The committee on conference believes that the contrary will be the case. We believe that the reorganization of the Department of Agriculture will eliminate duplication and lost motion to such an extent that they ought to run this department on a great deal less money and with more efficiency than it is run now.

Mr. MANN. I think it is safe to say that the Agricultural appropriation bill next year will carry more money than this one, notwithstanding the reorganization. Congress is perfectly willing at any time to accept suggestions that will do away with duplications of work, but here is a proposition that absolutely leaves it to the Secretary to put the matter in such shape that confusion must exist, whichever way we go, because if we take the estimates we shall have points of order made constantly against items in the bill for the reason that the salaries are not provided by law.

Mr. LEVER. I will say to the gentleman that I realize that difficulty and have anticipated it.

Mr. MANN. You have anticipated it, but you have not provided against it.

Mr. LEVER. I have not provided against it, but I have not had a chance to.

Mr. MANN. It would be an easy matter for the Secretary of Agriculture to make his recommendation to the committee. There is not a department of the Government in Washington that would not like to have this privilege, and not one where it would not be abused, even though the head of the department were against the abuse, because the head of the department does not run the department. The men under him run it. Every one of them is human, like the rest of us, and they would like to get increases of compensation.

So much for that. I think it is a mistake to do that thing. Now, I would like to ask the gentleman what is the effect of the increase in the farm-management and farm-demonstration and cooperation-demonstration work upon the procedure which will be followed under the so-called Lever law?

Mr. LEVER. The gentleman from Illinois will recall that the appropriation for the encouragement of the adoption of improved methods of farm management and farm practice has been carried in one fund heretofore.

Mr. MANN. I understand.

Mr. LEVER. The Senate divided that, giving a certain amount, $250,000, for investigational work and $400,000 for demonstration work pure and simple in those States outside the cotton belt. The House conferees agreed with a slight reduction in the total. The effect under the Lever bill will be this, in my judgment: Under the provisions of the Lever bill the States will get only $10,000 each for the coming fiscal year. It will be necessary, in the first instance, for the States to accept the provisions of that bill. I think the funds provided for here and in the item following are going to be very valuable in preparing the States and in preparing the men for taking advantage of the funds which will accrue rapidly to the States under the Lever bill.

Mr. MANN. What I wanted to ascertain was whether increases in the amount of the items and the separation of the two items in the one case were made in contemplation of the putting into operation of the Lever bill, or whether that was entirely irrespective of the Lever bill?

Mr. LEVER. It was irrespective of that proposition. It did not come up. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 15 minutes.

Mr. PAGE of North Carolina rose.

Mr. LEVER. I yield to the gentleman from North Carolina [Mr. PAGE].

The SPEAKER. How much time does the gentleman yield?

Mr. LEVER. Five minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I wanted to interrogate the gentleman a little. I wanted to inquire if this language in amendment 130, on page 172—the one just referred to by the gentleman from Illinois [Mr. MANN]—in regard to the reorganization of the department was not in the original language of the provision reported by the Committee on Agriculture in the House bill?

Mr. LEVER. I think it is in almost the identical language, probably the identical language.

Mr. PAGE of North Carolina. The identical language against which the point of order was made, and which went out in the House of Representatives?

Mr. LEVER. Yes.

Mr. PAGE of North Carolina. If the gentleman will allow me to be personal a moment, I think at that time the gentleman agreed with me that these estimates ought to be made under the law as they are now made and not in the way indicated in this bill. I presume the gentleman has had a change of heart?

Mr. LEVER. Well, I can not say that I have had a change of heart as a matter of fact, but the gentleman has been on conference committees long enough to know that a man sometimes agrees to a proposition put in by the Senate when he has not had a change of heart on the proposition.

Mr. PAGE of North Carolina. It occurred to me that there might have been some suggestion followed in another body.

Mr. LEVER. No. As a matter of fact, the language was put in by the Senate without any suggestion from this side of the House.

Mr. PAGE of North Carolina. But a suggestion that came from the same source as that which came to the House committee, in all probability?

Mr. LEVER. I will not say that something of that kind did not happen.

Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 12 minutes remaining.

Mr. LEVER. I yield to my colleague, Mr. BYRNES of South Carolina, five minutes.

The SPEAKER. The gentleman from South Carolina [Mr. BYRNES] is recognized for five minutes.

Mr. BYRNES of South Carolina. Mr. Speaker, I wish first to congratulate the conferees on the expeditious and satisfactory manner in which they have settled the many questions involved in this great appropriation bill. When we take into consideration the character of this bill, the many subjects covered by it, and the number of people interested in it, it is but natural to expect a substantial increase in the appropriations by the Senate. The total amount carried by the bill when it passed the House was $18,988,232. As it passed the Senate it carried an appropriation of $20,890,012, but the conference report as agreed upon by the conferees has reduced this amount to $19,865,832. The additional appropriations which have been agreed upon in conference are not excessive, and careful consideration of them will convince almost anyone that there is justification for each and every increase. Of the total amount added by the Senate, $500,000 is for an item for farm cooperative demonstration and for the purpose of meeting the ravages of the boll weevil, the report providing that this amount can be spent only in connection with such cooperative funds as may be contributed by States, counties, municipalities, or local agencies with the State. This large increase was inserted because of the decision of the Senate to discontinue the policy which has heretofore prevailed of cooperating with the General Education Board. The funds used by this board are contributed by Mr. John D. Rockefeller. My understanding is that 600 of the employees engaged in this demonstration work throughout the country, though ostensibly in the service of the Government, have received their compensation from Mr. Rockefeller's board. They are Government officials whose names are on the Government pay roll, but they receive only a dollar a month, or some nominal amount, from the Government, and the balance of their compensation they receive from Mr. Rockefeller, so that they are under obligation to him for the salaries they receive. Whether or not Mr. Rockefeller's money is tainted, as it is alleged, certainly this Government is big and prosperous enough to engage in this most helpful work without entering into partnership with him.

When it is known that the farm demonstrator is in fact as well as in name the agent of the Government, paid by the people and not by Mr. Rockefeller or any other individual, he will receive at the hands of the farmer a more cordial reception, and his suggestions will be more readily accepted by the farmer. For this reason I approve of the conference report in this regard.

I wish to say that I do not sympathize with the attacks recently made against this board by a Member of the Senate. It is undoubtedly true that it has done much for the South not only in an educational way, but also in assisting in this demonstration work. But this report makes no criticism of the board or its work, nor does it propose to restrict farm demonstration work. It simply provides for the dissolution of the partnership heretofore existing between the department and Mr. Rockefeller. It does not mean that he can not continue independent efforts, and I sincerely trust that he will do so, but I think it preferable that it should not be done in partnership with the department.

It is but natural to expect these demonstrators to realize their obligation to the Standard Oil Co. for their salaries, and it is unwise to have any officials or employees of the Government under obligation to that or any other corporation. [Applause.]

Another Senate amendment agreed upon by the conferees, which I am satisfied will meet with the approval of both Houses, is the appropriation of $40,000 for the study of cooperation among the farmers of the United States in matters of rural credits and of other forms of cooperation in rural communities. The judicious expenditure of this amount by the Secretary of Agriculture is bound to result in furnishing to the farmers of the country much valuable information as to the benefits to be derived from cooperation in rural communities. In many sections of the country cooperative agricultural societies have been formed, and the result of these cooperative efforts on the part of the farmers should be of inestimable value to the agricultural interests. In my own district many agricultural clubs have been organized, and at least one, the Beech Island Agricultural Club, has existed for more than a generation. Once a month these clubs meet for the purpose of discussing live questions of interest to the members and as a result of the exchange of views at these meetings the members of the clubs have become recognized as most progressive farmers. Investigation by the department will enable the Secretary to acquaint all farmers with the result of the experiments in cooperation by these agricultural associations throughout the country. Another form of rural cooperation is that obtaining in drainage districts organized under State laws, and the department can investigate the success or failure of such projects, the crops grown upon lands thus reclaimed, and the value of the lands before and after reclamation, thus enabling other communities to intelligently judge whether it is wise to form such drainage districts. Such an investigation may also result in some plan whereby the National Government can cooperate with the States and with local organizations in draining swamp lands.

Again, many rural credit societies now exist in the country, and a study of their methods, the success or failure of the organizations will materially aid in the framing of a rural-credit law.

Another item agreed upon by the conferees which I think will meet with the hearty approval of both Houses, certainly of Members from cotton-growing States, is that of $10,000 for the purpose of preparing for sale to associations and groups of men at the primary markets in the cotton-growing States a set of cotton samples as standardized by the Government and a sample of the bleached and unbleached yarn made from the different grades, showing the tensile strength and bleaching quality of each. Recognizing that there should be one uniform standard for all commercial grades, the department, since 1910, has been doing what it could to cause the Government standards to be adopted. During the last year or two many of the larger markets have secured the set of samples prepared and sold by the department, and before very long they will be found at every market of any importance.

The adoption of the Government standards has of course been voluntary, but if legislation now pending is enacted into law, the Government standards will prevail upon all the exchanges and the farmer will no longer find identical names given in different markets to cotton of different quality. This item of $10,000 will enable the department to sell at less than actual cost a set of the samples. They are now placed in a case in the cover of which is a photograph of the samples as they leave the department, so that if by careless handling the sample of strict good middling, say, should accumulate trash, the interested person can by comparison with the photograph detect that the sample is not in the condition in which it left the department. There can be no doubt about the great benefit to be derived from furnishing these samples so that the producer can become educated in the grading of his own cotton. By experience the buyer becomes expert in grading, and the farmer who is not an expert at it has to accept the decision of the buyer. Unfortunately the buyer is not always the most patriotic and philantrophic of mankind. For instance, as a result of the investigations of the bureau of markets, it was discovered that 19,000 bales of the Oklahoma crop of last year, examined by experts of the department, were middling fair and strict good middling, but were paid for by the buyers at the ruling price for good middling. Even where the buyers admitted the cotton to be superior in grade to good middling, they declared they recognized no grade higher than good middling. What they doubtless meant was that in buying they recognized no higher grade, but in selling they did recognize it. The department's investigation showed 19,000 bales of strict good middling and middling fair, which were bought as good middling, and on this the New York differences entitled some one to a total of over $20,000 in premiums above the price of good middling. Under these circumstances there is no inducement to the farmer to yield to the demands upon him to produce the higher grades. What is true of Oklahoma is doubtless true of the other cotton-growing States, and in this connection it is interesting to note the statement of Mr. Marsh, formerly president of the New York Cotton Exchange, who, when before the Committee on Agriculture, declared that the farmers of Texas last year, on account of lack of information

ited Washington—the winners of contests in the various States—boasting of yields running from 55 bushels in South Dakota

Mr. LEVER. I will yield if I have the time, but I do not want to lose my rights.

associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State.

The Senate agreed to that language, and that is in the law.

Mr. BYRNS of Tennessee. The amendment which has been proposed by the conferees carries out the purpose and spirit of the Senate amendment without the words which have been construed by some as a censure and reflection on the education board.

Mr. LEVER. Exactly.

Mr. BYRNS of Tennessee. Mr. Speaker, I want to say to the gentleman that I thoroughly agree with him as to the great value of the work that is being done in the country, and particularly in the South, with funds from this board, both as to higher or secondary education, and also as to rural education, and the work that has been done by representatives of the board with reference to boys' corn clubs and girls' canning clubs, and so forth. It is a work so valuable that it ought to be encouraged and not discouraged or frowned upon. In this connection I desire to read and have printed in the RECORD a letter from Prof. Bruce R. Payne, a distinguished educator and president of the George Peabody College for Teachers at Nashville, Tenn., and also a telegram from Mr. James E. Caldwell, one of the most prominent citizens of Tennessee.

The letter and telegram are as follows:

GEORGE PEABODY COLLEGE FOR TEACHERS,
Nashville, Tenn., May 27, 1914.

Hon. JOSEPH W. BYRNS,
Washington, D. C.

DEAR SIR: I notice from the Associated Press account that there has been introduced a measure in the United States Senate depriving the South of the services of the General Education Board in respect to farm-demonstration work; also another measure has been introduced endeavoring to revoke the charter of the General Education Board.

I have been most intimately connected with the work of the General Education Board in the South for the past 10 years, and I wish to bear testimony that no organization, no individual has done as much for the building up of our higher education, of our secondary education, for the wonderful advancement and improvement of rural education and methods of agriculture in the South as has this organization and its representatives.

Many of them are southern men, and I wish to assert, without fear of successful contradiction, that they have worked through our southern people exclusively, have not even imposed their own suggestions, except when requested to do so, and have left it to the wisdom and good sense of our good people to spend for social uplift and donations made.

Furthermore, there have been literally thousands of boys and girls in the Boys' Corn Clubs and the Girls' Canning Clubs whose lives have been made richer, whose earning capacity has been increased, whose outlook upon their own future has become more thrilling because of the work carried on by the southern people whose salaries have been paid and whose traveling expenses have been furnished by the General Education Board. The southern representatives of this board created our high-school systems

No greater calamity could happen to the educational interests of the South and the 148,000 teachers therein than the revoking of the charter of the General Education Board. It will be a great calamity if these men should be divorced from the farm-demonstration work, which they have inaugurated of their own free will and accord, without the assistance (and sometimes without the encouragement) of the Government. Their accumulated experience can not be duplicated by others. Their personal interest in our people is a matter of tender regard.

Every man and woman in the South, and every representative of the best interests of our people, owes a debt of deep gratitude and sincere appreciation to the General Education Board and its representatives. Whatever is done in this matter should be done in a spirit of gratitude. But I hope that nothing will be done that will deprive the 8,000,000 children of the South, the citizens of to-morrow, of the services of these men who have given so much of their lives and of their time.

I beg, therefore, to urge upon you, in representing us, the grateful beneficiaries of the first and greatest and most liberal philanthropical organization of America, not to interfere with their endeavors, for in so doing you will throw the most appalling hindrance before us, who are fighting on the firing line for the economic, intellectual, and moral freedom of the South.

Sincerely yours,

BRUCE R. PAYNE.

NASHVILLE, TENN., *June 1, 1914.*

JOE BYRNS,
Congressman from Tennessee, Washington, D. C.:

It appears that the Agricultural appropriation bill contains language reflecting on the General Education Board in a most offensive manner. As I have a good deal of personal knowledge of the workings of that board and an acquaintance with the men directing its affairs, I am in position to know that it is not deserving of any sort of censure; but, on the contrary, so far as Nashville and Tennessee in particular and the whole South in general are concerned, there is every reason to be under lasting obligation and should be deeply grateful for the favors which that board has shown. The George Peabody College for Teachers, at Nashville, owes its very existence to the General Education Board, which has rendered it most valuable assistance in every way and responds to its needs promptly and unhesitatingly. It would be nothing short of a crime for Congress to use any language reflecting on the General Education Board or any of the people connected therewith, and I sincerely trust that you will exert yourself to the utmost to prevent any such outrage being done.

JAMES E. CALDWELL.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I reserve the balance of my time and yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, I desire to discuss the same amendment which was referred to in the colloquy between the chairman of the committee and the gentleman from Tennessee [Mr. BYRNS]. This is Senate amendment No. 41 and affects the appropriation for farmers' cooperative demonstration work. The House bill carried an appropriation of $378,240, which was increased in the Senate by $300,000, with a proviso that no part of that sum should be used in connection with any money contributed or tendered by the General Education Board or any like organization.

And, as the chairman said, the conferees agreed to a substitute for the Senate proviso by providing that it may be used with cooperative funds contributed by States, counties, and municipalities, and by public organizations within the State, so that under the amendment as agreed to by the conferees there can be hereafter no contribution to the farmers' cooperative demonstration work from the General Education Board, because it is not an organization within the State. Now, Mr. Speaker, if Congress determines to make the appropriation sufficient to defray the expenses of this farmers' cooperative demonstration work, there can certainly be no objection; but I do wish to refer in a brief way to this work as it has been conducted in the past and the great aid which has been rendered through the General Education Board. This farmers' cooperative demonstration work is the most valuable activity which has ever been organized to help the average farmer, no matter in what section he lives, but particularly in the South, where it had its origin. This work was initiated by Dr. Seaman A. Knapp, who was put in charge of the work for the eradication of the boll weevil, and out of his efforts for the eradication of the boll weevil came the organization by him of what came to be known as the farmers' cooperative demonstration work. He desired and many of the citizens of the South who had become familiar with its great benefits desired to extend it to all the Southern States, in addition to those which were suffering from the ravages of the boll weevil. At that time Congress declined to make the necessary appropriation, and later Dr. Knapp appealed to various sources and finally to the General Education Board, and that board in 1906 began to make its contributions, and since that time has contributed as much as $1,000,000 in annual amounts.

Now, great benefits, as the chairman has well said, have been received by the farmers of the South through this work, and it has been made possible through the donations of this General Education Board. It is not for Congress to impugn the source from which the General Education Board obtained the money nor can we with propriety do so. Congress has for years refused to appropriate for this great work a sufficient sum, and it is to the credit of this board that it recognized the value of the work and made possible its continuance. The fact is that this money was accepted with the knowledge and approval of the President and of the several Secretaries of Agriculture, all the officials of the Agricultural Department, and of the people of the States of the South, who have enjoyed the benefits of this farmers' cooperative demonstration work. In explanation of this farmers' cooperative demonstrative work it may be said that county agents go upon the farm and bring the knowledge of better farming methods to the farmer himself. There have also been established boys' corn clubs, girls' clubs, girls' canning clubs, and other organizations of boys and girls seeking to familiarize them with the work of the farm and also tending to make rural life more attractive.

Now, in another body and from private sources there have been criticisms of the manner in which this fund has been expended and used. I have had it from the highest authority that at all times this cooperation by the board had no strings attached. The General Education Board heartily approved of this work and made annual appropriations therefor, but the expenditures were made entirely by the officials of the Department of Agriculture. The board had nothing to do with the sections or States in which the work was to be done, with the employment of agents or the other officials who were to conduct the work, and it had no connection with any legislation which was enacted from time to time for the enlargement of this work. Nor has there been to my knowledge—and I can speak from knowledge of the conduct of this work in North Carolina—any politics in the prosecution of this farmers' cooperative demonstration work, nor has the General Education Board sought to influence its action in the slightest degree.

Mr. FESS. Will the gentleman yield there?

Mr. SMALL. Certainly.

Mr. FESS. Is it not true that a member of the General Education Board is our Secretary of Agriculture?

Mr. SMALL. I am inclined to think he is a member of the General Education Board, or has been.

Mr. LEVER. That is true.

Mr. FESS. That probably is an explanation, somewhat, of the opposition?

Mr. SMALL. Well, I do not know whether it explains any opposition to this cooperation or not. I can say this, however, that this cooperation had the entire approval of the Secretary of Agriculture, Mr. Wilson, and has, I presume, the entire approval of the present Secretary of Agriculture, Dr. Houston, and those who know the latter gentleman will testify that the fact that he has been a member of the general education board would not in the slightest degree militate against the proper and wise expenditure of this fund in cooperation with the farmers' cooperative demonstration work.

Now, Mr. Chairman, the citizens of North Carolina—and I believe I bespeak the sentiments of the farmers and all citizens of other Southern States—appreciate and are grateful for these contributions which made possible the establishment and enlargement and prosecution of this farmers' cooperative demonstration work to the extent to which it has been prosecuted and which has almost brought about a renaissance in agricultural methods.

In every Southern State there has been an increased production of all the staple crops. New and better methods, diversification of crops, better implements, and more comfortable homes have enthused the farmer and rural life has been made more attractive. I have stated before, and it will bear repetition, this class of work has wrought more for the benefit of the average farmer than has ever been before accomplished. Its value has been recognized outside of the South. In the preceding paragraph of this bill is carried an appropriation of $400,000 for the same character of educational work among the farmers of other sections of the country. It may now be said to have earned universal approval. This is the highest commendation of the farmers' cooperative demonstration work.

Now, I am in favor of Congress appropriating the entire sum necessary to continue this work. Through the generous cooperation of the General Education Board it has passed through its experimental stage and its value has been amply demonstrated. Its critics have been silenced. Congress is simply discharging a duty it should have assumed in the beginning. But as a citizen of one of the States of the South I resent any insinuation that this money heretofore contributed by the board has been expended in any other than a proper and legitimate way, and I assert again the great benefits that have accrued to the farmers of the South. Why, Mr. Speaker, this contribution by the board does not represent the entire amount which has been expended in this work. For instance, this work has been instituted in almost every county in North Carolina under a cooperative plan of contribution. The county authorities would contribute, say, from $500 to $1,000. The Department of Agriculture would contribute out of this fund from the board a like amount, and frequently local organizations and individuals would still contribute a like sum.

The whole amount would be controlled and expended by the officials of the farmers' cooperative demonstration work, representing the department, in paying the salary of a county agent, who would conduct this work among the farmers. The selection of this county agent was made by the Agricultural Department.

Mr. Speaker, the farmers' cooperative demonstration work was devised and initiated by Dr. Seaman A. Knapp. He was reared and educated in Iowa, but had resided in the South for about 25 years prior to his death in 1911. He came to know our people and our resources. He also knew our limitations and handicaps. When the boll weevil began its ravages, he was detailed by the Department of Agriculture to study the problem and propose some method of eradication. Among other remedies, he strongly urged diversification of crops in substitution of the one-crop system of cotton. Through the wisdom of this man it is now conceded that the boll weevil may be controlled in large degree, and that what was regarded as a great calamity was in reality also a blessing.

Out of this work grew the farmers' cooperative demonstration work, which has spread throughout the country. This latter work has also made possible the Lever law for further agricultural extension work through the State agricultural colleges. Dr. Knapp was a pioneer and a builder. He had a constructive mind. Above all, he gave his talents and himself in the service of man. His work will be his most enduring monument.

The SPEAKER pro tempore (Mr. FOSTER in the chair). The time of the gentleman from North Carolina has expired.

Mr. LEVER. Mr. Speaker, I yield three minutes additional to the gentleman.

The SPEAKER pro tempore. The gentleman from North Carolina is recognized for three minutes more.

Mr. SMALL. Now, Mr. Speaker, just a word about the cooperative work of the General Education Board in North Carolina. Through the contributions by this board an organized attack has been made upon the hookworm disease. There was prejudice in my State originally against this organized work and against the source from which the money came. But that has entirely disappeared, and in the hundred counties of North Carolina there have been county appropriations averaging $250 to the county, in addition to the amount contributed by the General Education Board. And the State of North Carolina has made a general appropriation of $8,000. In the great campaign which has been waged for better educational facilities in North Carolina the General Education Board has generously cooperated. Their contributions were made at a most opportune time and have been of very great value to the State.

I wish to say in conclusion that the people of the South, having been the beneficiaries of contributions from this board, which have been wisely expended and with great benefit to the people, it ill becomes Congress or any citizen of the country, and certainly any citizen of the South, to impugn the motives of the donor or to exhibit ingratitude. I distinctly disclaim any such sentiments for the people of my State or of any Southern State. We are neither ingrates nor cowards. [Applause.]

The SPEAKER pro tempore. The gentleman has used 32 minutes and has 28 minutes remaining.

Mr. LEVER. I yield 10 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, this conference report shows the great power that conferees have in enacting legislation on an appropriation bill. I venture the statement that there are not six Members in this House who are acquainted with the legislation enacted in this conference report. Here we have a bill containing 133 Senate amendments, brought into the House and referred to conference, without the Members being given any opportunity whatsoever to vote upon these all-important amendments, unless the House does the almost impossible and votes down this conference report in its entirety. Every one of us knows how futile it is to attempt that process in the closing days of a Congress. And I wish to call the attention of this House to two or three important amendments which I believe would not carry if the House had been given opportunity to vote upon them.

Mr. GARNER. Will the gentleman yield?

Mr. STAFFORD. I will be glad to do so.

Mr. GARNER. Was not the gentleman given his opportunity, when the proposition of referring this bill to the conference was up, of having a vote on these particular provisions of which he speaks?

Mr. STAFFORD. Oh, no.

Mr. GARNER. You agreed they should go to conference.

Mr. STAFFORD. Yes; and we had every expectation that some of these measures, and particularly those amendments that were beyond the power of this committee to legislate upon, would be disagreed to, and that there would not be a full and final agreement.

Now, my time is limited, and the gentleman from South Carolina [Mr. LEVER] has told me he can not yield me any more time. So I will have to decline to yield further.

One amendment I wish to call attention to is that amendment which seeks to amend section 13 of the Appalachian and White Mountain Forest Reserve act, where, instead of the existing law granting 5 per cent of the profits from the sale of these lands purchased by national funds in the establishment of these national forests, there is an increase of 25 per cent. How can any person justify the diversion of 25 per cent of the profits of national funds for the benefit of only the States in which those forests reserves are located? It is true that millions of dollars have been expended already in the purchase of abandoned lands in the Appalachian Mountain Reserve, and, I believe, some on the Pacific coast. Instead of the law providing 5 per cent to be diverted for the use of the schools and roads, they have increased the amount 25 per cent. Have not the taxpayers of Ohio, Indiana, and Illinois, and the Great Plains States that have contributed so much to the support of this Government, and who have furnished their proportionate part of these funds to rehabilitate these abandoned farms and cut-over forest lands along the Atlantic coast a right to the fruits of the funds that are invested in these abandoned lands?

where a quarantine has been established by the Secretary of Agriculture against the movement of such potatoes in interstate commerce, and appropriates $100,000 for that purpose. The House agrees, with an amendment providing an appropriation of $50,000 to enable the Secretary of Agriculture to cooperate, under such rules and regulations as he may prescribe, with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture prohibiting the movement of such potatoes in interstate commerce. This authority is necessary on account of the outbreak of the powdery scab in the State of Maine, which strikes at the Irish potato industry of the country.

Amendment No. 121: This amendment strikes out the word "and" on page 63, line 23, of the bill, in the item for demonstrations on reclamation projects. The House recedes.

Amendment No. 122: This amendment inserts, after the word "advice," on page 63, line 23 of the bill, the following words, "and in other ways." The House recedes.

Amendment No. 123: This amendment inserts, on page 63, line 24 of the bill, after "projects," the words "and elsewhere." The Senate recedes.

Amendment No. 124: This amendment increases the sum allowed by the House for demonstrations on reclamation projects by $25,000, making the total for that item $50,000. The House agrees with an amendment making the total $40,000.

Amendment No. 125: This amendment strikes out the word "bond," in line 3 of page 64 of the bill, and inserts in lieu thereof the word "farming," so that the language will read, "International Dry Farming Congress." The House recedes.

Amendment No. 126: This amendment increases the appropriation by $10,000 allowed by the House for an exhibit at the next annual meeting of the International Dry Farming Congress, to be held at Wichita, Kans. The House recedes.

Amendment No. 127: This amendment strikes out the provision of the House bill making immediately available the sum referred to in amendment 126. The House recedes.

Amendment No. 128: This amendment increases the percentage of receipts allowed the States under the Weeks law from 5 to 25 per cent. The House agrees with an amendment allowing the increase in percentage and striking out the following language at the end of the amendment: "the purpose of this amendment being to increase the percentage payable to each State from moneys received as provided in said section from 5 to 25 per cent."

Amendment No. 129: This amendment makes the total for experiments and demonstrations in live-stock production in the cane-sugar and cotton districts of the United States $100,000, instead of $50,000, as allowed by the House. The House agrees with an amendment making the total $80,000.

Amendment No. 130: This amendment authorizes and directs the Secretary of Agriculture to prepare a plan for reorganizing the work of the Department of Agriculture, such plan to be submitted to Congress in the Book of Estimates for the fiscal year 1916, and provides that the estimates for the department for that year shall be prepared and submitted in accordance therewith. The House agrees.

Amendment No. 131: This amendment provides for leave of absence not to exceed 30 days in any one year for employees assigned to duty in Alaska, Hawaii, Porto Rico, and Guam, but provides that the same may be taken once in two years, and that leave of absence may be extended to three months if taken once in three years, or four months if taken once only in four years. The House agrees with amendment allowing 30 days' annual leave to these permanent employees at those stations, and in exceptional and meritorious cases, where the employee is ill, this leave may be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days in any one year.

Amendment No. 132: This amendment makes available the money provided by the Weeks law for the employment of agents, clerks, assistants, and other labor required for the purpose of said act in the city of Washington. The Senate recedes.

Amendment No. 133: This amendment enables the Secretary of Agriculture to exchange general scientific apparatus and laboratory equipment purchased from any appropriation of the Department of Agriculture. The House recedes.

Amendment No. 134: This amendment authorizes the Secretary of Agriculture to make studies of cooperation among farmers in the United States in matters of rural credits and other forms of cooperation in rural communities; to diffuse that information to the people of the country; and provides an appropriation of $50,000 for that purpose. The House agrees to the item with an amendment making the appropriation $40,000.

Amendment No. 135: This amendment provides for investigating the grading, weighing, and handling of naval stores, and the preparation of definite type samples thereof and appropriates $5,000 for that purpose. The House recedes.

Amendment No. 136: This amendment enables the Secretary of Agriculture to print certain maps relating to the location and extent of certain kelp beds on the Pacific coast and provides an appropriation of $7,000. The House agrees with an amendment inserting, after the word "Secretary," the following words: "of Agriculture."

Amendment No. 137: This amendment limits the amount of money that may be used by the Department of Agriculture for the purchase, maintenance, and repair of motor vehicles and motor boats necessary in the conduct of the work of the Department of Agriculture and makes the use except for official service of such vehicles and boats a misdemeanor punishable by fine of not more than $1,000 or imprisonment for not more than six months. The House agrees with an amendment providing that the lump-sum appropriations available for the work of the department shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture, and limits the amount that may be used for the purchase of such motor vehicles and motor boats to a sum not exceeding $10,000, and provides that such vehicles and boats shall be used for official service; and provides further that the Secretary of Agriculture on the first day of each regular session of Congress shall make a report to Congress showing the amount expended under this paragraph for such purchase during the preceding fiscal year.

Amendment No. 138: This amendment represents a corrected total.

On page 13 of the bill, line 21, the total for the Bureau of Animal Industry was left unchanged by the Senate. This total as corrected to correspond with the amendment of the Senate bill should have been $2,335,026. As the bill was amended in conference this total should read $2,320,026 and this correction was made by the conferees.

A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. CAMPBELL. Mr. Speaker——

Mr. LEVER. I yield to the gentleman from Kansas for a question.

Mr. CAMPBELL. What disposition was made of amendment 48, the restoration of the item for the purchase of garden seeds?

Mr. LEVER. I will say to the gentleman——

The SPEAKER. Before the gentleman answers that question the Chair would like to ask him a question. Is this a complete report?

Mr. LEVER. This is a complete report. I will say to the gentleman from Kansas that the Senate receded on amendment numbered 48, the item for seeds is restored, and there is no change whatever in the amount.

Mr. CAMPBELL. I want to make some inquiry about a matter that has just come to my attention, and I do not know of a better time or place than now and here. I have here a statement coming from Kellway & Son, of Langsport, Somerset, England, saying that they have entered into a contract with the Government of the United States for the sale of 40 tons of flower and garden seed for this year. Does the gentleman from South Carolina know anything about that?

Mr. LEVER. Not about that particular matter. The department advertises for bids for garden seeds, and I take it, if the correspondence is correct, the contract was made after due advertisement for bids.

Mr. CAMPBELL. What I want to get at is the policy involved—whether or not these seeds were purchased in England because it was hoped that the department would get a variety of seed that would be useful in introducing new plants into the United States or whether it was done because a lot of miscellaneous and badly mixed seeds could be purchased cheaper in England than they could in the United States.

Mr. LEVER. I take it that if this contract has been made with parties in England to furnish garden seed, that the contract was made for two reasons—first, that the seed in question tested up better than other seed offered the Government; and, second, that everything else being equal, the seeds were cheaper than they could be bought here. I take it that the gentleman has reference to garden seeds.

Mr. CAMPBELL. They are supposed to be garden and flower seeds. I take it that if they are for use for the next fiscal year that the seeds are not yet grown and could not

possibly have been tested. I am wondering if, as is stated here, that they have had other contracts for the furnishing of seeds, that they are in any way responsible for the mess of stuff that has been sent out this year. I do not know whether the gentleman from South Carolina has had his attention called to it or not, but this year cucumber seed and cantaloupe seed were mixed indiscriminately; watermelon seed and pumpkin seed were mixed indiscriminately, six separate kinds of lettuce in one small package, all marked some sort of special lettuce; and yet there were six kinds in that one little package—all poor.

Mr. LEVER. I will say that I have not had my attention called to that matter because I have been busy with other things, but I am glad that the gentleman has called attention to it.

Mr. CAMPBELL. I feel sure that if the gentleman had had his attention called to it he would not have insisted on the restoration of the item for the purchase of garden seeds for another year, because the seeds sent out this year will unquestionably cause Congressmen a great deal of trouble. They will have difficulty in explaining how it is that cucumbers and cantaloupes are all mixed up together in the same package. I feel very sure that the cantaloupe served for breakfast will not mix well with the cucumber that is intended for salad for dinner.

Mr. LEVER. I will say to the gentleman that I have sent out the quota of seeds to which I am entitled, and I have had no complaint. The seeds have been planted and ought to be up by this time.

Mr. CAMPBELL. The gentleman will hear from his constituents later after he gets home, if we ever adjourn, in the campaign. I would like to ask the gentleman if there is a policy in the department to give these contracts to foreign seed growers, as indicated by this letter?

Mr. LEVER. I would not say that it was a policy of the department to give it to foreign seed growers. I think, all things being equal, the department would favor its own people; but if the contract is made, I take it that it has been made for the reason that after advertising was done and bids came in and the testing was made it was found that they could buy better seed and cheaper there than they could in this country.

Mr. CAMPBELL. I take it that the seeds contracted for are not yet grown, as they are now in the plant.

Mr. LEVER. Every contract provides that the seed must come up to a certain test as to vitality.

Mr. MANN. Will the gentleman yield?

Mr. LEVER. I will.

Mr. MANN. I happened to have a talk with Mr. Tracy as late as last night. Mr. Tracy is the man in the Agricultural Department who for many years has had the immediate charge of the seed distribution. He told me that there was a very great shortage of garden seeds in the United States; that he had endeavored to make arrangements for the purchase of seed wherever he could get it in the United States, but that there was still a shortage and that it would be necessary to buy more or less seed in Europe.

Mr. LEVER. I have no doubt of that.

Mr. CAMPBELL. How can anyone know that there is a shortage on the 25th of June of seeds in the plants that are now in bloom?

Mr. MANN. If my friend from Kansas was at all familiar with the seed trade, he would understand that contracts are usually made in advance for the raising of seed, and that is the way the shortage occurs. People do not start in, as a rule, to raise large quantities of seed unless they know where they can dispose of it. These contracts are usually made in advance with people who raise the seed. In many cases contracts are made where the person furnishes the seed from which the seed is to be grown.

Mr. LEVER. That is a correct statement of fact.

Mr. CAMPBELL. Is it not true that we have large numbers of great seed growers in the United States? How could it be contended that there was a shortage of seed and that the contract was necessarily made with the seed grower in Somerset, England?

Mr. MANN. For instance, most of the garden pea seed is raised in Idaho, while the sweet pea seed is raised in California. They know very well at this season of the year whether they are going to have a reasonable crop of seed that will be in the market.

Mr. LEVER. And, more than that, the department knows the amount of seed that will be available.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Wisconsin [Mr. STAFFORD] that I have promised to yield 10 minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. CAMPBELL. Mr. Speaker, if I may yet have the indulgence of the chairman for a moment further——

Mr. LEVER. I yield.

Mr. CAMPBELL. If what the gentleman from Illinois [Mr. MANN] and the gentleman from South Carolina [Mr. LEVER] say is the fact, that American seed growers were not competing in these bids for congressional seeds for next year, I am just wondering if it is because they feel they can not compete with the seed growers of foreign countries under present conditions.

Mr. LEVER. Mr. Speaker, I do not think the language of either the gentleman from Illinois [Mr. MANN] or myself would bear that inference. The proposition we lay down as the fact is that we can determine the amount of seed to be produced the year following largely from the bids of those who are bidding for the seeds.

Mr. CAMPBELL. Has it ever occurred before that it was necessary for the United States to go to foreign countries to secure 40 tons of flower and garden seeds?

Mr. SELDOMRIDGE. Mr. Speaker, will the gentleman from South Carolina yield to me there?

Mr. LEVER. I yield to the gentleman.

Mr. SELDOMRIDGE. Mr. Speaker, if the gentleman from Kansas [Mr. CAMPBELL] were familiar with the seed business of the country he would know that there are certain varieties of garden seed that can not be procured in this country of the same quality as can be procured on the other side of the water, particularly in Holland and France.

Mr. CAMPBELL. That can not be urged in behalf of the garden seeds that are sent out by Congressmen, especially this year.

Mr. SELDOMRIDGE. Let me say this, that any American dealer of extensive character in garden seeds, if he were to quote prices on certain varieties of garden seeds, would be obliged to purchase those seeds in Europe, so that the Government by dealing direct with the foreign dealer is thereby saving a considerable amount. I have had some experience in that line, being engaged in a small way in dealing in seeds, and I know that these American dealers are obliged to place their orders with the foreign grower for certain varieties of garden seeds in order to supply the American market, and the department, in my judgment, is in line with good business methods when it is placing its contracts with foreign dealers.

Mr. CAMPBELL. That may be where seeds are raised and sold for private distribution; but in this case I can not concede that the gentleman from Colorado has stated the real reason for this enormous purchase of seeds in foreign countries, because the standard of the seed does not come up to the standard that he has indicated in garden seeds.

Mr. SELDOMRIDGE. Oh, I beg the gentleman's pardon, and I will take issue with him on the statement regarding the quality of the seeds.

Mr. CAMPBELL. I know something about the character of seeds sent out this year, and they are, as I have stated, a badly mixed lot of poor seeds.

Mr. BYRNS of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. BYRNS of Tennessee. Mr. Speaker, I desire to ask the gentleman what the conferees did with Senate amendment No. 41? I will state to the gentleman that I have received a great many letters and telegrams in regard to this particular amendment, which applies to the funds of the General Education Board, and these letters and telegrams insist that whatever may be the disposition of Congress in regard to the matter, the wording of that amendment was unjust and was an unwarranted reflection upon the members of the Education Board and the work that is being done by it.

Mr. LEVER. Mr. Speaker, I am very glad to answer that question. I, too, have had a great many letters on that proposition, and I agree fully with the spirit of those letters.

In this connection I desire to say that the General Education Board since 1906 has been doing cooperative work with the Department of Agriculture in its farm demonstration practices in the South, and that with these funds a tremendous revolution has been accomplished in the agricultural practices of the South. I for one desire to have it go upon record that I very greatly appreciate the work the General Education Board did among the southern people. The House conferees were not willing that there should be enacted a law which on its face slapped in the face the General Education Board. We did not feel that it would be very generous or charitable or that it would show the proper motive and impulse on the part of those who have been the beneficiaries in a measure of this fund. Hence the Senate receded on this language and accepted the following language:

$673,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies,

Amendment No. 15: This amendment reduces the amount appropriated for the printing office of the Weather Bureau from $26,000 to $20,000. The Senate recedes, and the appropriation remains at $26,000.

Amendment No. 16: This amendment strikes out the proviso of the House bill limiting the printing to be done by the Weather Bureau. The proviso was restored with an amendment, so that it reads as follows: "*Provided*, That no printing shall be done by the Weather Bureau that, in the judgment of the Secretary of Agriculture, can be done at the Government Printing Office without impairing the service of said bureau."

Amendment No. 17: This amendment directs the Secretary of Agriculture to make a report giving certain data to Congress as to the Mount Weather, Va., station. The House agrees, with an amendment prescribing the appropriation from which the expenses of this investigation are to be paid.

Amendment No. 18: This amendment, as adopted in the conference, is a correction of a total.

Amendment No. 19: This amendment provides $10,000 for the importation of Corriedale and other breeds of sheep for breeding purposes. The House recedes.

Amendment No. 20: This amendment changes the amount provided for meat inspection from $300,000 to $390,000. The House agrees, with an amendment making the amount $375,000.

Amendment No. 21: This amendment strikes out the House proviso for the importation of animals for breeding purposes. This work is provided for by amendment 19, as above, and the House agrees to the Senate amendment.

Amendment No. 22: This amendment increases the salary of the chief clerk of the Bureau of Plant Industry from $2,750 to $3,000. The House recedes.

Amendment No. 23: This amendment increases the salary of the executive assistant in seed distribution from $2,500 to $2,750. The Senate recedes.

Amendment No. 24: This amendment provides for the transfer of one clerk from the Division of Accounts and Disbursements to the Bureau of Plant Industry. The House recedes.

Amendments Nos. 25, 26, 27, and 28: These amendments provide for increases in salaries as follows: Five laboratory aids from $840 to $900, eight laboratory aids from $720 to $840, six laboratory aids from $600 to $720 each, and one laboratory apprentice from $720 to $840. The Senate recedes.

Amendment No. 29: This amendment as agreed to in conference changes the total for the statutory roll of the Bureau of Plant Industry so as to make it conform with the several changes made in the roll.

Amendment No. 30: This amendment inserts the words "gin compressing" in the paragraph relating to the standardization of cotton. The House recedes.

Amendment No. 31: This amendment proposes to appropriate $100,000 to be used for furnishing the primary markets in the cotton-growing States with a set of the samples as standardized by the Government and also samples of the bleached and unbleached yarns made from the different grades, showing the waste, tensile strength, and bleaching quality thereof. The House agrees with an amendment reducing the amount set apart for this purpose to $10,000, and providing that the grades of cotton as standardized by the Government may be furnished to such primary cotton markets as provide machinery for safeguarding the integrity of the grades, and providing further that such grades, with bleached and unbleached yarns, showing the waste, tensile strength, and bleaching qualities of the grades standardized, shall be furnished at not exceeding the actual cost of preparation.

Amendment No. 32: This amendment inserts the word "further" after the word "provided." The House recedes.

Amendment No. 33: This amendment provides for the standardizing of grades of cotton below those now standardized by the Government. The Senate recedes.

Amendment No. 34: This amendment provides that $25,000 of the amount appropriated by the paragraph shall be immediately available. The Senate recedes.

Amendment No. 35: This amendment adds $3,000 to the appropriation for the investigation and improvement of tobacco and the methods of tobacco production and handling. The Senate recedes.

Amendment No. 36: This amendment substitutes the word "sugar-beet" for "beet-sugar." The House recedes.

Amendment No. 37: This amendment describes more fully the work to be done under the appropriation for the sugar-beet investigation. The House recedes.

Amendments Nos. 38, 39, and 40: The House bill in one item carried $400,000 for farm management and farm demonstration. These amendments provide for a separation of the scientific work in farm management from the demonstration work and appropriate $250,000 for farm management and $400,000 for farm demonstration work outside the cotton belt, making a total increase of $250,000 over the House bill. The House agrees with amendments reducing the amount for farm management from $250,000 to $240,000, and changing slightly the language of the item for farm demonstration work.

Amendment No. 41: This amendment provides $678,240 for farmers' cooperative demonstrations and for the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, an increase of $300,000 over the amount allowed by the House, and provides that no part of the total sum shall be used in connection with any money contributed or tendered by the general education board or any like organization. The House agrees with an amendment providing for an appropriation of $673,240, and directs that this sum shall be expended only in connection with such cooperative funds as may be contributed by State, county, or municipal agencies and from local agencies within the States.

Amendment No. 42: This amendment adds the word "subhumid" to the paragraph in reference to semiarid or dry-land farming. The House recedes.

Amendment No. 43: This amendment increases the appropriation for semiarid or dry-land farming from $145,000 to $160,000. The House recedes.

Amendment No. 44: This amendment strikes out the words "companies, or" from the paragraph for studying methods of clearing off "logged-off" lands. The Senate recedes.

Amendments Nos. 45 and 46: These amendments add to the paragraph for the purchase of new and rare seeds the words "the encouragement of bulb culture in the United States" and add $12,000 to the appropriation for this purpose. The Senate recedes.

Amendment No. 47: This amendment is a total and was corrected to correspond with the items it covers.

Amendment No. 48: This amendment restores the congressional seed item to the bill. The Senate recedes.

Amendment No. 49: This amendment, as agreed upon in conference, represents a corrected total.

Amendment No. 50: This amendment proposes $15,000 for extending the work of reforestation to the Niobrara division of the Nebraska forest. The House agrees with an amendment changing the language slightly and making the amount $5,000.

Amendment No. 51: This amendment, as agreed upon in conference, is a corrected total.

Amendment No. 52: This amendment provides that moneys received as contributions toward cooperative work in connection with the protection and improvement of the national forests shall be covered into the Treasury as a special fund and paid out by the Treasury officials. It insures governmental safeguarding of such contributions. The House recedes.

Amendment No. 53: This amendment, as agreed upon in conference, constitutes a corrected total.

Amendment No 54: This amendment represents the transfer from the Division of Accounts of one clerk, class 3. The House recedes.

Amendments Nos. 55 and 56: These amendments abolish the place of chief food and drug inspector and reduce the salary of the same $500. The House recedes.

Amendment No. 57: This amendment represents a total, and the House recedes.

Amendment No. 58: This amendment increases the amount carried by the item in the House bill by $25,000 and provides that this sum shall be used in experimental demonstration for the purpose of utilizing the by-products of trees grown in the United States and of the stumps and roots on "logged off" lands and for investigating methods and processes of treating such woods and stumps, etc. The Senate recedes.

Amendment No. 59: This amendment increases the appropriation for the item $10,000, and the Senate recedes.

Amendment No. 60: This amendment increases the appropriation for general expenses of the Bureau of Chemistry $25,000 for the purpose named in amendment 58. The Senate recedes

Amendment No. 61: This amendment decreases by $10,000 the item for the enforcement of the food and drugs act and transfers the amount to the item for investigating the preparation for market, the handling, grading, and transportation of poultry and eggs. The Senate recedes.

Amendment No. 62: This amendment represents a corrected total.

Amendment No. 63: This amendment provides for the transfer from the Division of Accounts of one clerk, class 2. The House recedes.

Amendment No. 64: This amendment represents a total. The House recedes.

Amendment No. 65: This amendment provides for the erection of a laboratory on the Arlington farm for the purpose of studying fixation of nitrogen by electrical methods and sets apart $5,000 for that purpose. The Senate recedes.

Amendment No. 66: This amendment represents a total. The House recedes.

Amendment No. 67: This amendment proposes to increase the salary of the Chief of the Bureau of Entomology $500. The Senate recedes.

Amendment No. 68: This amendment represents a transfer from the Division of Accounts of one clerk, class 2. The House recedes.

Amendment No. 69: This amendment is a corrected total.

Amendment No. 70: This amendment adds to the item for investigation of insects affecting southern field crops the words "cigarette beetle and." The House recedes.

Amendment No. 71: This amendment increases by $25,000 the amount in the House bill for investigations of insects affecting southern field crops and makes that sum immediately available. The Senate recedes.

Amendment No. 72: This amendment is a total. The Senate recedes.

Amendment No. 73: This amendment increases by $52,460 the amount allowed by the House for preventing the spread of the gypsy and brown-tailed moths. The House agrees with an amendment making the total for this purpose $310,000, an increase of $12,400.

Amendment No. 74: This amendment represents a corrected total.

Amendment No. 75: This amendment represents a transfer from the Division of Accounts of one clerk, class 1. The House recedes.

Amendment No. 76: This amendment is a total. The House recedes.

Amendment No. 77: This amendment represents a change in the language of the item in the Biological Survey for investigating the food habits of North American birds and mammals and for experiments and administration in destroying noxious animals. The House agrees with an amendment making the language more definite.

Amendment No. 78: This amendment increases the amount for the work referred to in 77 by $50,000. The House agrees with amendment allowing an increase of $40,000.

Amendment No. 79: This amendment strikes from the bill the provision that $15,000 shall be used for the destruction of ground squirrels on the national forests. The Senate recedes.

Amendment No. 80: This amendment increases by $5,000 the item for biological investigations. The House recedes.

Amendment No. 81: This amendment provides for the improvement of a game preserve in Sullys Hill National Park, in the State of North Dakota, and appropriates $10,000 for that purpose. The House agrees with an amendment making the amount $5,000.

Amendment No. 82: This amendment proposes to enable the Secretary of Agriculture to improve Platte National Park as a game preserve, in the State of Oklahoma, and provides $5,000 for that purpose. The Senate recedes.

Amendments Nos. 83 and 84: These amendments represent corrected totals.

Amendment No. 85: This amendment strikes out of the language in the Division of Accounts and Disbursements "who shall be administrative officer of the fiscal affairs of the department." The House recedes.

Amendment No. 86: This amendment transfers one auditor, at $2,000, from the Division of Accounts to the office of the Secretary, at the same salary. The House recedes.

Amendments Nos. 87, 88, and 89: These amendments represent transfers from the Division of Accounts, at the same salaries, to other bureaus in the department. The House recedes.

Amendment No. 90: This amendment is a total. The House recedes.

Amendment No. 91: This amendment reduces by one the number of laborers in the Division of Publications, at a salary of $840. The House recedes.

Amendment No. 92: This amendment increases by one the number of skilled laborers in the Division of Publications, at a salary of $1,100. The House recedes.

Amendments Nos. 93 and 94: These amendments are totals. The House recedes.

Amendment No. 95: This amendment represents a transfer of one clerk, class 2, from the Division of Accounts. The House recedes.

Amendment No. 96: This amendment represents a total. The House recedes.

Amendment No. 97: This amendment provides: "That hereafter the powers conferred and the duties imposed by law on the Bureau of Statistics of the Department of Agriculture shall be exercised and performed by the Bureau of Crop Estimates." The House recedes.

Amendment No. 98: This amendment is a total. The House recedes.

Amendment No. 99: This amendment changes one assistant librarian in the library to one clerk, class 3. The House recedes.

Amendment No. 100: This amendment provides an increase of $5,000 for general expenses of the library. The Senate recedes.

Amendment No. 101: This amendment represents a total. The Senate recedes.

Amendment No. 102: This amendment provides for an increase of $15,000 for the miscellaneous expenses of the Department of Agriculture and makes $10,000 of that sum immediately available. The House agrees with an amendment allowing an increase of $4,000 for this purpose and providing that none of it shall be immediately available.

Amendment No. 103: This amendment authorizes the Secretary of Agriculture to enter into long-time leases for buildings in the District of Columbia for accommodation of the Department of Agriculture. The Senate recedes.

Amendment No. 104: This amendment enables the Secretary of Agriculture to enforce the act approved May 8, 1914—the agricultural extension act. The House recedes.

Amendment No. 105: This amendment provides an increase of $10,000 in the item for general expenses of the Office of Experiment Stations to enforce the provisions of the agricultural extension act. The House recedes.

Amendment No. 106: This amendment confers the franking privilege to such college officer or other person connected with the extension department of such college as the Secretary of Agriculture may designate to the Postmaster General, but provides that such designation shall not extend at the same time to more than one person in each college. The House agrees with an amendment striking out the provision which prohibits the franking privilege being authorized to more than one person at the same time, and striking out the word "hereafter."

Amendment No. 107: This amendment increases the amount for the maintenance of agricultural experiment stations in Alaska and Hawaii $20,000. The House agrees with an amendment making the increase $10,000.

Amendment No. 108: This amendment increases the amount for the experiment stations in Alaska $10,000. The House agrees with an amendment making the increase $5,000.

Amendment No. 109: This amendment increases the amount for the experiment stations in Hawaii $10,000. The House agrees, with an amendment allowing an increase of $5,000.

Amendment No. 110: This amendment provides that $10,000 of the sum appropriated for the experiment stations in Hawaii may be used in agricultural extension work in Hawaii. The House agrees, with an amendment making the sum for this purpose $5,000.

Amendment No. 111: This amendment represents a corrected total.

Amendment No. 112: This amendment strikes out certain language appearing in the item for nutrition investigations in the Office of Experiment Stations, and inserts the following language, namely, "relative utility and economy of agricultural products for food, clothing, and other uses in the home, with special suggestions of plans and methods for the more effective utilization of such products for these purposes." This language more clearly defines the work, and the House agrees.

Amendment No. 113: This amendment increases by $9,760 the sum to be used for nutrition investigations. The House recedes.

Amendment No. 114: This amendment authorizes the Secretary of Agriculture to investigate the existence of artesian water and other underground water supplies suitable for irrigation in the arid and semiarid regions by boring wells, and appropriates $100,000 for that purpose. The Senate recedes.

Amendment No. 115: This amendment represents a corrected total.

Amendment No. 116: This amendment increases the salary of the Director of the Office of Public Roads $1,000. The House recedes, with an amendment increasing the salary of this officer $500.

Amendments Nos. 117, 118, and 119: These amendments represent corrected totals.

Amendment No. 120: This amendment authorizes the Secretary of Agriculture to inspect Irish potatoes in those States

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 18, 19, 21, 22, 24, 30, 32, 36, 37, 39, 42, 43, 52, 54, 55, 56, 57, 63, 64, 66, 68, 70, 75, 76, 80, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 104, 105, 112, 113, 121, 122, 125, 126, 127, 130, 133, and 135, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,880"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 7 of the bill, line 2, after the word "that" at the end of the line, insert the following: ", in the judgment of the Secretary of Agriculture,"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: At the end of the amendment strike out the words "this appropriation" and in lieu thereof insert the following: "the appropriation made herein for necessary expenses of the Weather Bureau outside of the city of Washington"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$375,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$478,170"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$91,000: *Provided*, That of this sum $10,000 may be used for furnishing the official grades as standardized by the Government and samples of the bleached and unbleached yarns made from such grades, showing the waste, tensile strength, and bleaching quality thereof, to such primary cotton markets as organize associations for the purpose of receiving and caring for them under such rules and regulations as the Secretary of Agriculture may prescribe, such official grades and samples of yarns to be furnished upon the request of any such association at not to exceed the actual cost of the preparation of such official grades and samples of yarns"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$240,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For farmers' cooperative demonstration work outside of the cotton belt, $400,000"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "$673,240: *Provided*, That the expense of such service shall be defrayed from this appropriation and such cooperative funds as may be voluntarily contributed by State, county, and municipal agencies, associations of farmers and individual farmers, universities, colleges, boards of trade, chambers of commerce, other local associations of business men, business organizations, and individuals within the State"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,880,875"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,616,045"; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "and to extend the work to the Niobrara division thereof, $5,000"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,243,096"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,548,256"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,077,581"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$69,050"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$310,000"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$829,420"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "wolves, prairie dogs, and other animals injurious to agriculture and animal husbandry"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,000"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: On the second line of the amendment, in lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$248,500"; and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$281,290"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$110,000." and strike out the rest of said amendment; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: On the first line of the amendment strike out the word "hereafter"; and strike out the words "but such designation shall not extend at the same time to more than one person for each college"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 109: That the House recede from its disagreement to the amendment of the Senate numbered 109, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,000"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,633,500"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,030,780"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the same proposed insert "$52,500"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$552,560"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,098,832"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"To enable the Secretary of Agriculture to cooperate with those States in the inspection of Irish potatoes where a quarantine has been or hereafter shall be established by the Secretary of Agriculture, prohibiting the movement of such potatoes from any State into any other State, District, or Territory of the United States except under such rules and regulations as he may prescribe, and for the enforcement of such rules and regulations, and for the employment of persons and means necessary in the city of Washington and elsewhere there is hereby appropriated the sum of $50,000."

And the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In the tenth line of said amendment, after the word "twenty-five," strike out all down to the period in the last line of the amendment; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hereafter employees of the Department of Agriculture assigned to permanent duty in Alaska, Hawaii, Porto Rico, and Guam may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed 30 days in any one year, which leave may, in exceptional and meritorious cases where an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed 30 days additional in any one year."

And the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: On the first line of said amendment, before the word "The," insert the words "To enable"; in the same line strike out the words "is authorized"; in lieu of the sum proposed by said amendment insert "$40,000"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: On the first line of the amendment, after the word "Secretary," insert the words "of Agriculture"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the lump-sum appropriations now available or herein made for the work of the Department of Agriculture shall be available for the purchase of motor vehicles and motor boats necessary in the conduct of the field work of the Department of Agriculture: *Provided*, That the amount to be expended under the provisions of this paragraph for such motor vehicles and motor boats shall not exceed the sum of $10,000, and that said vehicles and boats shall be used only for official service: *Provided further*, That the Secretary of Agriculture shall, on the first day of each regular session of Congress, make a report to Congress showing the amount expended under the provisions of this paragraph for the purchase of such vehicles and boats during the preceding fiscal year."

And the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,895,832"; and the Senate agree to the same.

A. F. LEVER,
G. N. HAUGEN,
Managers on the part of the House.

T. P. GORE,
F. E. WARREN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendment No. 1: This amendment creates the office of one executive assistant in the Secretary's office at a salary of $2,250. The Senate recedes.

Amendments Nos. 2, 3, 4, 5, and 6: These amendments create a new position, one law clerk at a salary of $3,250. The amendments provide for the promotion of the lower-salaried law clerks, and at the same time make an addition of one law clerk to the force of the office. This additional man is rendered necessary by the increasing work of the Solicitor's office. The House recedes.

Amendments Nos. 7, 8, and 9: These amendments provide for the transfer of two clerks of class 3, one clerk class 2, and one auditor at a salary of $2,000 from the Division of Accounts and Disbursements to the Secretary's roll. Within the past year the fiscal affairs of the Department of Agriculture have been in a process of reorganization in conformity with the provisions of the Dockery Act, and the interpretation of that act by the act of August 23, 1912, and these transfers are made in accordance with this policy. The House recedes.

Amendment No. 10: This amendment changes the total for the office of the Secretary. The House agrees with an amendment making the amount $339,880, to agree with the other changes made in the Secretary's roll.

Amendments Nos. 11 and 12: These amendments reduce the salary of the Chief of the Weather Bureau from $6,000 to $5,000 in order to make it conform to the salaries of other bureaus of the department, and make a corresponding reduction in the total salary roll for the Weather Bureau. The House recedes.

Amendments Nos. 13 and 14: These amendments give authority to the Weather Bureau to conduct investigations in seismology. The House recedes.

of the bill, this amendment is germane to that paragraph and not to the paragraph now under consideration. * * * It seems to the Chair that the admission which the gentleman has made would indicate quite clearly that this amendment is in order, not to the pending paragraph but to paragraph 4, because the gentleman says that paragraph would have to be stricken out if this were adopted. The Chair rules that it is not now in order, but that it would be in order when paragraph 4 is reached."

The Chair held it was not in order at that point. Here is in this bill the paragraph covering the matter covered by a motion to recommit, and that is the only paragraph to which an amendment providing additional money would be germane. The offering of an amendment proposed as a new paragraph is, in effect, offering it at some point not germane, because it is not the identical part of the bill in which the service referred to is covered.

The SPEAKER. What is the section the gentleman was reading?

Mr. FITZGERALD. Number 5818.

Mr. GARDNER. I should like to be heard on the citation. It refers to a proposition to amend a particular paragraph, made by Mr. George W. Smith, of Illinois. The question raised was not as to whether the proposition would be in order as a new paragraph. The question was, Was Mr. Smith's amendment in order on that particular paragraph? The Chairman, Mr. GILLETT, of Massachusetts, held that it was not in order on that particular paragraph.

Mr. FITZGERALD. In section 5820 the Chair points out where the amendment is offered that there is a paragraph in the bill in which the amendment is germane, to which it should be offered, and therefore holds it out of order unless offered to the particular paragraph. He says:

On March 25, 1904, the Post Office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when Mr. Marlin E. Olmsted, of Pennsylvania, proposed an amendment relating to the duties of carriers in the Rural Free Delivery Service.

Mr. Jesse Overstreet made the point of order that the amendment was not germane.

The Chairman held:

"The Chair thinks that on the question of germaneness the question of comparison as arising in the arrangement of a bill comes in; that if an amendment is more appropriate to one paragraph than to another, it is not to be considered germane to the paragraph to which it is less appropriate. Section 3 relates to securing revenue from the Rural Delivery Service. The amendment offered by the gentleman from Pennsylvania [Mr. Olmsted] refers to soliciting which may be done by the carrier. The Chair feels quite clear that this amendment would more properly come in as an amendment to the paragraph relating to the privileges of free-delivery carriers. Therefore the point of order is sustained."

My position, Mr. Speaker, is that the paragraph in the bill provides an appropriation for the service mentioned by the proposed amendment. Therefore amendments proposing to add additional moneys for the purpose of carrying out that service are germane only as amendments to that particular paragraph.

The SPEAKER. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Speaker, I move to——

Mr. GARDNER. Mr. Speaker, I offer another motion.

The SPEAKER. The Chair thinks that two are enough.

Mr. GARDNER. Mr. Speaker, I make the point of order that I have not made a motion to recommit.

Mr. FITZGERALD. I make the point of order that the gentleman's motion is dilatory.

Mr. GARDNER. It is not intended to be dilatory, by any means.

The SPEAKER. The Chair thinks it is. The Chair likes to give every gentleman a chance, but he thinks the third motion to recommit in this case is dilatory.

Mr. GARDNER. Mr. Speaker, will the Speaker hear me?

The SPEAKER. Yes.

Mr. GARDNER. The question of dilatoriness is a question of the motive of the man who offers the motion.

Mr. FITZGERALD. Mr. Speaker, if I can get recognition I will move to recommit the bill.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I rise to ask for the regular order. We have had two decisions, and is not that sufficient?

The SPEAKER. The regular order is to hear the gentleman from Massachusetts [Mr. GARDNER] on the point of order.

Mr. DONOVAN. Mr. Speaker, have we not had a decision?

The SPEAKER. You have had a decision on two different propositions.

Mr. GARDNER. I make the point of order, Mr. Speaker, that I have the right to offer a motion to recommit, and that I have the right to be heard.

The SPEAKER. There is no use for the gentleman from Massachusetts to be heard on that proposition. The Chair thoroughly agrees with him that he has the right to make a motion to recommit, and the Chair recognized him twice to make another motion to recommit along the same lines. The Chair thinks the present motion is dilatory, with all due respect to the gentleman from Massachusetts. [Applause.]

Mr. GARDNER. Mr. Speaker, will the Chair hear me on the point of order?

The SPEAKER. The Chair said he would, if the gentleman has anything to submit.

Mr. GARDNER. But the Chair permitted an interruption.

The SPEAKER. The Chair could not prevent the interruption. [Laughter.]

Mr. MANN. Mr. Speaker, I am sure the Chair does not think it is dilatory. It is not offered for the purpose of delay. That is what dilatory means.

The SPEAKER. Of course; but the gentleman has already offered two motions.

Mr. GARDNER. I assure the Chair it is for the purpose of getting a vote of the House, and not for the purpose of delay. I am sure the Chair must understand my motive. To say that this is dilatory means that I am trying to filibuster, instead of which I am trying to get a record vote in the House.

Mr. FITZGERALD. Mr. Speaker, was I recognized to move to recommit?

The SPEAKER. Not yet.

Mr. GARDNER. This motion, Mr. Speaker, is not dilatory. I am desirous of getting a vote. I believe I have a proposition that is in order. I deny that I have made a motion to recommit. A motion to recommit means a motion to recommit which is in order, not a motion to recommit which is not in order.

The SPEAKER. The Chair will ask the gentleman this question: Is the proposition he has on hand now the same as those others?

Mr. GARDNER. It is to accomplish the same purpose.

Mr. DONOVAN. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. The gentleman's position is to appeal from the Speaker's decision. The Speaker has decided this matter, and the only recourse for him is to appeal from the Speaker's decision to the House.

Mr. GARDNER. Mr. Speaker, the gentleman from Connecticut is confusing that. The Speaker decided against the motion that I made. He then proceeded to recognize somebody else, and I made the point of order that I am entitled to make a motion to recommit; and if the gentleman from Connecticut, whose knowledge of parliamentary law is——

The SPEAKER. The gentleman from Illinois [Mr. MANN] states the question of dilatoriness correctly; that is, every man must come to his own conclusion, and the Speaker has to come to his, and that is as to whether or not the motion to recommit is a proposition that is dilatory. Now, the gentleman from Massachusetts has been ruled out of order twice, and if he has another proposition of the same character——

Mr. MANN. But, Mr. Speaker, he may wish to accomplish the same purpose, and should be given an opportunity to offer an amendment which the Speaker may hold to be in order. Now, we have had two motions made. The Speaker has ruled them both out. I think in each case the Speaker was wrong. But the Speaker's decision stands until he changes his mind hereafter, as he probably will. [Laughter.] But in good faith the gentleman from Massachusetts is seeking to get a proposition before the House. Certainly that can not be called dilatory.

Mr. GARDNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Suppose this is ruled out?

Mr. GARDNER. It is a question of my motive entirely.

Mr. MANN. If the Speaker gets to the point where he thinks the gentleman is simply trying to delay, all right. Of course the Speaker has the right at any time to recognize anyone else to make the motion to recommit. But in fairness to the gentleman, as long as he is endeavoring to present a proposition that is distinct, I think the Speaker ought to recognize him.

Mr. GARRETT of Tennessee rose.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] is recognized.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman from Massachusetts will permit, I would like to submit this question to the Chair, that the question as to whether it is dilatory or not is not necessary to be passed upon at this time. After all, it is merely a question of exercise of the right of recognition, a power that lies with the Speaker.

Now, the Speaker has twice recognized the gentleman from Massachusetts to offer a motion to recommit. The motion has been offered in good faith and has been held to be out of order. The gentleman from New York [Mr. FITZGERALD] then rose and asked recognition for the purpose of making a motion to recommit. The gentleman from New York and the gentleman

from Massachusetts are in very much the same attitude with respect to this bill. According to statements made by each of them from the floor, they are both for the bill, although opposed to some features in the bill. It is merely a question of recognition, and I submit that the gentleman from Massachusetts having been twice recognized, it is now in order to recognize the gentleman from New York, without any reference to the question whether the motion of the gentleman from Massachusetts is dilatory or not. He has had his opportunity.

Mr. MANN. Mr. Speaker, I suggest that you will find 20 men opposed to the bill, and to other bills, if the Speaker is going to be arbitrary about it.

Mr. GARDNER. Mr. Speaker, when two Members offer motions to recommit, I have always understood that when both men say they are in favor of the bill and one man really wishes to recommit it and the other does not, the Chair would recognize the one who really wanted to recommit. I think the Chair has recognized that principle heretofore.

The SPEAKER. The gentleman from Massachusetts will send up his motion, and the Clerk will report it.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations with instructions to insert, on page 150, line 21, at the end of the line, the following: "*Provided further*, That the following additional amount be, and the same is hereby, appropriated for the expenses of the immigration Service in the enforcement of all immigration laws, $260,000."

Mr. FITZGERALD. Mr. Speaker, I make the point of order that that is an amendment to an amendment already adopted.

Mr. GARDNER. Mr. Speaker, I should like to be heard.

The SPEAKER. The Chair will hear the gentleman briefly.

Mr. FITZGERALD. The amendment should have been perfected.

Mr. GARDNER. The decision from which the chairman has quoted expressly says that words may be added to an amendment already adopted. I call the attention of the Speaker to section 5764, on page 387, volume 5, of Hinds' Precedents, and to section 5759, on page 385. I read the syllabus:

Words once inserted in a paragraph by way of amendment may not be stricken out by another motion to amend.

The SPEAKER. The Chair has sustained that.

Mr. GARDNER. Then it says:

But words on the same subject, even though inconsistent, may be added to the paragraph.

That is in section 5759, on page 385.

The SPEAKER. That is the Taylor decision.

Mr. GARDNER. That is the Taylor decision. Now, in section 5764, page 387:

While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

There never has been a decision contrary to that recorded in Hinds' Precedents or elsewhere, so far as I know.

Mr. FITZGERALD. Mr. Speaker, the situation presented by the gentleman is entirely different. The amendment which he wished to add to the words was an amendment which struck out a particular sum in the bill and inserted another sum. Now, it is not in order to change the sum of money that was fixed in the paragraph. The gentleman insists that it is in order to add to these words other words which increase the amount that was fixed by the adoption of the amendment.

Mr. GARDNER. Mr. Speaker, a very small part of the preceding paragraph——

Mr. FITZGERALD. The committee struck out $2,650,000 and inserted $2,649,500, and provided for the manner in which the commissioner of immigration at New Orleans should be appointed. That language was inserted in the bill. Now, the gentleman says that he can offer an amendment adding to that amendment, in effect, a proviso which increases the amount in that amendment. If that is not doing by indirection what he could not do directly, I do not know the meaning of the words.

Mr. GARDNER. Why does the gentleman say I am adding in effect to the amendment of the gentleman from Louisiana?

Mr. FITZGERALD. Because that is what the gentleman is doing.

Mr. GARDNER. No; it is adding to the whole paragraph, to which the Chair has ruled that my amendment must be germane.

Mr. FITZGERALD. It is increasing the amount that the committee fixed in the bill.

Mr. GARDNER. And there is nothing in the rules to prevent it.

Mr. FITZGERALD. Oh, yes. The Speaker has already ruled that you could not do indirectly what you can not do directly by a motion to recommit. If that ruling be not sustained, then our whole system is broken down in attempting to protect these bills under the Holman rule. For instance, the gentleman's proposition is that you can first strike out of a bill a sum of money, and insert a smaller sum by one dollar, in order to make legislation in order, and that then you can immediately add a proviso, naming an additional sum which increases the original amount in the bill.

The SPEAKER. Evidently that can not be done under the rule.

Mr. FITZGERALD. That is what this amendment proposes to do.

The SPEAKER. If the Holman rule could be worked that way, it would be the most remarkable trap that was ever prepared for a legislative body. If you could do that, the proposition would be that after cutting down an amount you could come along with an amendment to that to increase the amount. How does the gentleman from Massachusetts claim this is germane?

Mr. GARDNER. The paragraph which it seeks to amend is the paragraph on the Immigration Service. It has just been contended by the gentleman from New York [Mr. FITZGERALD] that my proposal was not in order as a separate paragraph, and the Chair so ruled.

The SPEAKER. The Committee of the Whole deliberately reduced the amount. Of course, the Chair does not know how many Members were here, or anything about that. Now the gentleman comes along with his proposition and undertakes to increase the amount. The Chair rules it out of order.

Mr. FITZGERALD. Mr. Speaker, I move to recommit; and upon that motion I demand the previous question.

The SPEAKER. The gentleman from New York moves to recommit the bill, and on that he demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from New York to recommit.

The motion was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12792. An act for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau; and

H. R. 13153. An act for the relief of Pete Jelovac.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I call up the conference report on the Agricultural appropriation bill and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Carolina [Mr. LEVER] calls up the conference report on the Agricultural appropriation bill (H. R. 13679) and asks unanimous consent to have the statement read in lieu of the report.

Mr. MANN. Reserving the right to object, what is the object in having the statement read instead of the report?

Mr. LEVER. As a matter of fact, I believe the statement is longer than the report.

Mr. MANN. I think it is the best statement on an appropriation conference report that I have ever seen. I have no objection to its being read.

Mr. LEVER. I am much obliged to the gentleman. I withdraw the request because the statement is longer than the report.

Mr. MANN. I do not object to the request. It is such a good statement that I think it really ought to be read.

Mr. LEVER. Very well.

The conference report is as follows:

CONFERENCE REPORT (NO. 892).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 15, 23, 25, 26, 27, 28, 33, 34, 35, 44, 45, 46, 48, 58, 59, 60, 61, 65, 67, 71, 72, 79, 82, 100, 101, 103, 114, 123, and 132.

when the House, if it so desired, could secure an opportunity to raise the amount accorded the Immigration Service; that is, so far as appears from the result of my efforts.

Mr. MANN. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I agree with the ruling which was made by the distinguished gentleman from Tennessee, who was in the chair yesterday. After the amendment was agreed to in Committee of the Whole, it was not in order at that time under the consideration of that paragraph to amend the amendment which had been agreed to. There was a way by which the Committee of the Whole might have amended that, in my opinion. If, when the Committee of the Whole had finished the consideration of the bill, and the motion to rise and report the bill favorably to the House was made—if the committee had defeated that motion, it was then in order to amend any part of the bill, including any amendment which had been agreed to. The Speaker may remember that that has been done in the House while he and I have been Members of the House. Probably the most celebrated case was that of the Cleveland public building, where an item having been passed, it was proposed to amend after the item had been passed. That was held to be out of order. When the Committee of the Whole had concluded the consideration of the bill, the chairman of the committee having the bill in charge moved to rise and report the bill favorably to the House, and the Committee of the Whole House voted down the motion. The Chair then held that it was in order for the committee to do something, and the committee having declined to report the bill favorably as it stood, it was in order to offer a motion to amend any part of the bill. Such a motion was made and was agreed to.

Mr. FITZGERALD. Was not that the case where the gentleman from Ohio [Mr. BURTON] was absent from the Chamber temporarily, and the item was passed in his absence, and he could not get back to that portion of the bill to offer an amendment without unanimous consent, which he could not obtain, and it was not the case of where something had already been adopted by amendment?

Mr. MANN. There is no distinction between a portion of the bill which has been passed without objection or amendment and an amendment which has been agreed to. After a paragraph of a bill has been read in Committee of the Whole and the committee has passed to another paragraph it is not in order to offer a motion to amend the paragraph that has been agreed to. That has been agreed to just as much as the motion to amend has been agreed to after it has been passed over. The ruling of the Chair was that it was in order, the committee having refused to rise and report the bill favorably, to then amend any part of the bill.

We come now to the point of whether it is in order on a motion to recommit. All of the amendments have been merged in the engrossed bill. It is in order on a motion to recommit, and has been so held, to move to strike out the very language which has been inserted by an amendment. It is for the House to determine on the motion to recommit whether it may strike out any portion of the engrossed bill. The bill as an engrossed bill is an entirety. The gentleman might offer a motion to strike out any paragraph in the bill or to amend with a germane amendment any paragraph in the bill. The gentleman now moves to recommit to amend an amount in the bill. There is no sacredness about the fact that that amount has been inserted by amendment. That has no more effect than any other amount that is in the bill which has been passed without change. All that has been agreed to by the committee, all that has been agreed to by the House, to the extent of ordering the bill to be engrossed and read a third time, and any amendment which is germane to the bill may now be offered as a motion to recommit.

Mr. FITZGERALD. Mr. Speaker, I call the attention of the Chair to section 948 of the Manual:

It is not in order to move to recommit with instructions to eliminate amendment adopted by House.

That was elaborately argued and decided by the Speaker on May 22, 1912.

The SPEAKER. The Chair is ready to rule. The Chair, of course, is always very careful to listen to any arguments on parliamentary points that are made by the gentleman from Massachusetts [Mr. GARDNER] or the gentleman from Illinois [Mr. MANN], because they have studied these matters a great deal.

A brief statement of this case is that the gentleman from Louisiana [Mr. DUPRÉ] offered an amendment striking out and inserting. That was agreed to. The Committee of the Whole had a perfect right to vote down the Dupré amendment if it wanted to. There was no constraint upon it to vote for Mr. DUPRÉ's amendment unless it so desired, and the CONGRESSIONAL RECORD shows that it was very elaborately argued by able men. The only question is whether after that has been done you can do it over again. That is a question that has been decided, not very frequently, but still ever since the days of Thomas Jefferson. On page 194 of Jefferson's Manual, section 466, there is the following:

But if it had been carried affirmatively to strike out the words and to insert A, it could not afterwards be permitted to strike out A and insert B. The mover of it should have notified, while the insertion of A was under debate, that he would move to insert B; in which case those who preferred it would join in rejecting A.

The rule to recommit which is pertinent here is this: That you can not do anything by a motion to recommit that you could not do in the committee by way of amendment. The gentleman from Massachusetts was shut out in the Committee of the Whole.

One of the best presiding officers who was not a Speaker who has been in this House since the gentleman from Illinois [Mr. MANN], the gentleman from Massachusetts [Mr. GARDNER], or the present occupant of the chair has been here, was the gentleman from Pennsylvania, Mr. Marlin E. Olmsted. In section 5766 of Hinds' Precedents, volume 5, the case is well stated by that gentleman, and this is about 40 years after the decision by Mr. Speaker Taylor, of New York, cited by the gentleman from Massachusetts [Mr. GARDNER]:

Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words.

That is a decision by Mr. Olmsted.

The present Speaker ruled to the same effect, without giving any reasons for it, on February 6, 1913, on the District appropriation bill. So far as one of the propositions of the gentleman from Illinois [Mr. MANN] is concerned, the present Speaker, in section 948 of the Manual, after a very thorough study—because the matter came up on a Wednesday and went over until the next Wednesday—rendered an elaborate opinion about doing by indirection what one can not do by direction. It can not be done.

The motion to recommit is ruled out of order.

Mr. GARDNER. Mr. Speaker, I offer the following motion to recommit.

The SPEAKER. The gentleman from Massachusetts offers a motion to recommit, which the Clerk will report.

Mr. FITZGERALD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from New York rise?

Mr. FITZGERALD. To offer a motion to recommit.

The SPEAKER. The Chair has already recognized the gentleman from Massachusetts.

Mr. FITZGERALD. I was attempting to get recognition, and unless the gentleman from Massachusetts is opposed to the bill I am entitled to preferential recognition.

The SPEAKER. The Chair understands the gentleman from Massachusetts to be opposed to the bill.

Mr. FITZGERALD. I do not know whether he is or not.

Mr. GARDNER. Mr. Speaker, I am in favor of the bill.

Mr. FITZGERALD. I am entitled to preferential recognition on a motion to recommit.

Mr. GARDNER. I think not. I am opposed to the bill as it stands, I will say.

Mr. FITZGERALD. The gentleman must be opposed to the bill without any qualification.

The SPEAKER. Oh, no. If the gentleman from New York will state that he is opposed to the bill without qualification——

Mr. FITZGERALD. I am not. I am in favor of the bill, and so is the gentleman.

The SPEAKER. The gentleman says he is opposed to it as it stands.

Mr. GARDNER. I will correct that, Mr. Speaker, and say that I am more opposed to it than the gentleman from New York is. [Laughter.]

Mr. FITZGERALD. Well, I do not know, after what was done a few moments ago, but I would be opposed——

The SPEAKER. There is no use in arguing this thing. The Chair held, touching the mode and practice here three years ago, that where the gentleman from Illinois made a motion to recommit and the Chair ruled it out as being not germane, that he would give him another chance to offer another motion, and the Chair recognized the gentleman from Illinois to make two motions to recommit; but, of course, there ought to be a limit to it somewhere.

Mr. FITZGERALD. Unless the gentleman is opposed to the bill, then, under the rules, the gentleman in charge of the bill is entitled to recognition for a motion to recommit.

The SPEAKER. But the gentleman qualifies——

Mr. FITZGERALD. He must be opposed; there is no qualification in the rule. It says preference shall be given to those opposed to the bill. Well, the gentleman can not say he is somewhat opposed to it or is opposed to it. He must be so opposed to the bill in its present form that when it comes to a vote he will not vote for it. That is opposition to the bill.

Mr. GARDNER. But, Mr. Speaker, there is another rule the gentleman overlooks, which the Speaker suggested just now. The gentleman from New York did not invoke his right to offer to recommit until he offered two motions. Now, the Speaker has just stated that about three years ago when one gentleman had an opportunity to make a motion to recommit and that was held out of order, he said he would give him another opportunity.

The SPEAKER. That was a case arising on a tariff bill, as the Chair remembers now the ruling on it, and the gentleman from Illinois himself had some sort of suspicion that part of the motion that he had to recommit was not in order. That is, the Chair assumes that from his subsequent conduct.

Mr. MANN. The suspicion was that through partisan motives it might be held out of order.

The SPEAKER. Anyhow, he came with two motions to recommit in his pocket and he offered the first one and the Chair ruled him out, and then he immediately offered the second one, and somebody raised the objection that he had already offered a motion to recommit.

Mr. FITZGERALD. But he was opposed to the tariff bill, and there was no qualified opposition to it.

The SPEAKER. The Chair has already recognized the gentleman from Massachusetts.

Mr. FITZGERALD. Will the Chair allow another statement?

The SPEAKER. The Chair would like to finish his own statement. Now, being opposed to a bill has various degrees. You may be opposed to it absolutely and essentially; and, of course, if a man in that frame of mind were asked the question if he is opposed to the bill and if he says he is he says he is without any hesitancy; but suppose a man is only opposed to part of a bill, he has a right to recognition in preference to a man in favor of the bill.

Mr. FITZGERALD. Mr. Speaker, that is not a correct ruling in that I am opposed to part of this bill, but I am for the bill, and the test is I will vote for the bill in its present shape, and I apply that test to the gentleman from Massachusetts——

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Did not the Speaker recognize the gentleman from Massachusetts?

The SPEAKER. The Speaker had recognized the gentleman, and he had started his amendment or motion to the Clerk's desk under the order of the Speaker before the gentleman from New York [Mr. FITZGERALD] addressed the Chair.

Mr. MANN. That settles it.

Mr. GARDNER. Will the Chair permit a word there?

The SPEAKER. Yes.

Mr. GARDNER. I want to call the attention of the Chair, in case I should be obliged to offer another of these motions, to the fact that a similar situation arose in the case of the convict-made goods bill, a short time ago. I have a right, so long as it is not dilatory, to go on offering motions to recommit in a bona fide attempt to get one which the Chair will hold in order. To speak accurately, there has been no motion to recommit before the House to-day, because the Chair has ruled adversely. Now, if the Chair holds this motion out of order, I maintain that I have the right to offer another one.

The SPEAKER. The Clerk will report the motion of the gentleman from Massachusetts.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations, with instructions to insert a new item, on page 150, at the end of line 21, as follows:

"For additional expenses of the immigration Service in enforcing the Chinese-exclusion act and the immigration act of February 20, 1907, $200,000."

Mr. FITZGERALD. Mr. Speaker, I make the point of order that a paragraph in the bill deals with this subject, and any amendment to appropriate additional money must be made to that paragraph. This amendment is a separate paragraph and is not in order.

The SPEAKER. The Chair will hear the gentleman.

Mr. FITZGERALD. On appropriation bills amendments must be germane to the paragraph to which they are offered. Now, the paragraph in the bill after which the gentleman proposes to insert as a new paragraph this provision contains an appropriation for all the services enumerated in that paragraph. If such a practice as this were to be permitted, we would then have this procedure: We would have motions to reduce the amount carried in a particular paragraph in order to let in legislation, and then an additional paragraph to increase the amount carried in the paragraph carrying the amount for the particular service. The rule is well and definitely settled that amendments must be to the paragraph, if there be a paragraph in the bill to which it is germane.

The SPEAKER. Will the gentleman read the language?

Mr. FITZGERALD. The language is:

IMMIGRATION SERVICE.

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February 20, 1907 entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Governmental officers; all to be expended under the direction of the Secretary of Labor, $2,650,000.

Now, that is in the most comprehensive language in which it can be stated as to all the expenses of enforcing the laws relative to the regulation of immigration, the exclusion of Chinese or other persons excluded under the law.

Mr. GARDNER. Mr. Speaker, I should like to be heard on that. I call the attention of the Speaker, in the first place, to the ruling where it has been held that the fact that a proposed amendment is inconsistent with the text or embodies a proposition already voted upon presents no question of order. It is a matter to be passed on by the House, rather than by the Speaker. Whether or not this proposed amendment is inconsistent with the first part of the paragraph is of no importance. But it is not inconsistent——

The SPEAKER. From where is the gentleman reading?

Mr. GARDNER. From page 190 of the Manual.

Now, I start to read at the top of the page:

If an amendment be proposed inconsistent with one already agreed to, it is a fit ground for its rejection by the House, but not within the competence of the Speaker to suppress as if it were against order.

Mr. Speaker, the gentleman is mistaken in saying there is any inconsistency. I drew that amendment to cover the expenses of enforcing the act of 1907 and the Chinese-exclusion act. The rest of the paragraph covers all immigration acts. It covers, for instance, the provision of law which prevents the sale of intoxicating liquors in the Capitol. That is in the immigration act of 1903. It covers all sorts of things. It covers the white-slave act; that is, the act aimed against the importation of white slaves. My amendment refers to the enforcement of two specific acts. I offer my amendment as a new paragraph. Now, the rules say:

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

It has been frequently ruled that when a bill is being read paragraph by paragraph instead of section by section that the same meaning is to apply to the word "paragraph" as ordinarily is applied to the word "section." Now, then, I say the whole question is this: Is the section or paragraph which I propose germane to the part of the bill to which it is offered? Now, if the Chair will look on the previous page of the bill, page 149, he will see the words "Immigration Service." Now, if he will turn over to page 151 of the bill, he will see the next subdivision; and it is in between those two, under the subdivision headed "Immigration Service," that I offer my new section or paragraph.

The SPEAKER. Has the gentleman from New York [Mr. FITZGERALD] anything further to submit?

Mr. FITZGERALD. In section 5818, volume 5, of Hinds' Precedents, it says:

On March 10, 1902, while the Committee of the Whole House on the state of the Union was considering the bill (H. R. 11728) relating to the Rural Free Delivery Service in the Post Office Department, Mr. George W. Smith, of Illinois, offered an amendment to a certain paragraph of the bill.

Mr. CLAUDE A. SWANSON, of Virginia, made the point of order that the amendment was not germane to this portion of the bill but would be germane to the fourth paragraph.

The Chairman said:

"The Chair is clearly of the opinion that inasmuch as the bill is now being considered by paragraphs, and inasmuch as the amendment offered by the gentleman is expressly covered by paragraph 4, toward the close

Gillmore	Kettner	Murdock	Sparkman
Goeke	Kindel	Murray, Mass.	Steenerson
Graham, Ill.	Kinkaid, Nebr.	Murray, Okla.	Stephens, Cal.
Green, Iowa	Korby	Nolan, J. I.	Stevens, Minn.
Greene, Mass.	La Follette	O'Hair	Stevens, N. H.
Gregg	Lazaro	Padgett	Stone
Hamilton, Mich.	Lee, Ga.	Park	Stout
Hardy	Lee, Pa.	Payne	Sutherland
Harris	Lenroot	Plumley	Taggart
Hawley	Lesher	Pou	Talbott, Md.
Hayden	Lindbergh	Prouty	Taylor, Ark.
Hayes	Linthicum	Raker	Taylor, Colo.
Heflin	Lonergan	Reed	Temple
Helgesen	McCoy	Reilly, Wis.	Thompson, Okla.
Hill	McDermott	Roberts, Nev.	Tinkham
Hughes, Ga.	McGillicuddy	Rupley	Treadway
Humphrey, Wash.	McLaughlin	Russell	Vollmer
Johnson, Utah	Mann	Scott	Volstead
Johnson, Wash.	Mapes	Seldomridge	Walters
Kahn	Miller	Sinnott	Watkins
Keating	Mitchell	Sloan	Willis
Kelster	Montague	Small	Wingo
Kelley, Mich.	Moon	Smith, Idaho	Woodruff
Kelly, Pa.	Moore	Smith, Md.	Woods
Kennedy, Iowa	Morgan, Okla.	Smith, Saml. W.	
Kent	Moss, W. Va.	Smith, N. Y.	

NAYS—90.

Adair	Coury	Hensley	Reilly, Conn.
Adamson	Cox	Hinebaugh	Rouse
Alexander	Crosser	Holland	Rubey
Allen	Dent	Howard	Sims
Bailey	Dickinson	Igoe	Sisson
Baltz	Doolittle	Jacoway	Stafford
Barkley	Doughton	Johnson, Ky.	Stephens, Miss.
Bathrick	Elder	Johnson, S. C.	Stephens, Tex.
Beakes	Falson	Kirkpatrick	Sumners
Beall, Tex.	Fitzgerald	Lewis, Md.	Talcott, N. Y.
Booher	Flood, Va.	McClellan	Ten Eyck
Borchers	Foster	McKellar	Thacher
Bowdle	Fowler	Maguire, Nebr.	Townsend
Brumbaugh	Francis	Morrison	Tribble
Burgess	Garrett, Tenn.	Nelson	Underwood
Byrnes, S. C.	Garrett, Tex.	Oldfield	Walker
Byrns, Tenn.	Good	Page, N. C.	Walsh
Candler, Miss.	Gray	Peterson	Watson
Caraway	Hamlin	Post	Webb
Claypool	Harrison	Quin	Whaley
Cline	Haugen	Ragsdale	Witherspoon
Collier	Helm	Rainey	
Connelly, Kans.	Helvering	Rauch	

ANSWERED "PRESENT"—7.

Blackmon	Clancy	Garner	Slemp
Burke, S. Dak.	Finley	Mondell	

NOT VOTING—182.

Ainey	Fairchild	Kreider	Powers
Anderson	Fields	Lafferty	Rayburn
Ansberry	Fordney	Langham	Riordan
Anthony	Gallivan	Langley	Roberts, Mass.
Austin	George	L'Engle	Rogers
Avis	Gerry	Lever	Rothermel
Barnhart	Gillett	Levy	Rucker
Bartholdt	Gittins	Lewis, Pa.	Sabath
Bartlett	Glass	Lieb	Saunders
Bell, Ga.	Godwin, N. C.	Lindquist	Scully
Borland	Goldfogle	Lloyd	Sells
Brockson	Goodwin, Ark.	Lobeck	Shackleford
Brown, W. Va.	Gordon	Loft	Sharp
Browne, Wis.	Gorman	Logue	Sherley
Browning	Goulden	McAndrews	Sherwood
Bruckner	Graham, Pa.	McGuire, Okla.	Shreve
Burke, Pa.	Greene, Vt.	McKenzie	Slayden
Butler	Griest	MacDonald	Smith, J. M. C.
Calder	Griffin	Madden	Smith, Minn.
Callaway	Gudger	Maban	Smith, Tex.
Cantrill	Guernsey	Maher	Stanley
Carew	Hamill	Manahan	Stedman
Carlin	Hamilton, N. Y.	Martin	Stephens, Nebr.
Carr	Hammond	Merritt	Stringer
Casey	Hardwick	Metz	Switzer
Coady	Hart	Morgan, La.	Tavenner
Connolly, Iowa	Hay	Morin	Taylor, Ala.
Copley	Henry	Moss, Ind.	Taylor, N. Y.
Covington	Hinds	Mott	Thomas
Crisp	Hobson	Neeley, Kans.	Thomson, Ill.
Dale	Houston	Neely, W. Va.	Tuttle
Davenport	Howell	Norton	Underhill
Davis	Hoxworth	O'Brien	Vare
Decker	Hughes, W. Va.	Oglesby	Vaughan
Dershem	Hulings	O'Leary	Wallin
Dies	Hull	O'Shaunessy	Weaver
Dixon	Humphreys, Miss.	Palge, Mass.	Whitacre
Donohoe	Jones	Palmer	White
Dooling	Kennedy, Conn.	Parker	Williams
Doremus	Kennedy, R. I.	Patten, N. Y.	Wilson, Fla.
Driscoll	Key, Ohio	Patton, Pa.	Wilson, N. Y.
Dunn	Kless, Pa.	Peters, Mass.	Winslow
Eagan	Kinkead, N. J.	Peters, Me.	Young, N. Dak.
Eagle	Kitchin	Phelan	Young, Tex.
Edmonds	Knowland, J. R.	Platt	
Edwards	Konop	Porter	

So the amendment of Mr. FERRIS was agreed to.

During the roll call Mr. REED took the chair as Speaker pro tempore.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. VAUGHAN with Mr. THOMSON of Illinois.

Mr. WILSON of New York with Mr. CALDER.

Mr. STEPHENS of Nebraska with Mr. WINSLOW.

Mr. SMITH of Texas with Mr. YOUNG of North Dakota.

Mr. SHACKLEFORD with Mr. SWITZER.

Mr. SAUNDERS with Mr. SMITH of Minnesota.

Mr. RUCKER with Mr. SHREVE.

Mr. RIORDAN with Mr. SELLS.

Mr. PATTEN of New York with Mr. MCGUIRE of Oklahoma.

Mr. PALMER with Mr. VARE.

Mr. NEELEY of Kansas with Mr. PLATT.

Mr. MOSS of Indiana with Mr. LEWIS of Pennsylvania.

Mr. CONNOLLY of Iowa with Mr. PATTON of Pennsylvania.

Mr. LOBECK with Mr. PARKER.

Mr. LLOYD with Mr. PAIGE of Massachusetts.

Mr. LIEB with Mr. LAFFERTY.

Mr. LEVY with Mr. POWERS.

Mr. LEVER with Mr. NORTON.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. HULL with Mr. MERRITT.

Mr. BORLAND with Mr. CALDER.

Mr. HAY with Mr. MCKENZIE.

Mr. DIXON with Mr. LANGHAM.

Mr. GORMAN with Mr. KREIDER.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GOODWIN of Arkansas with Mr. KENNEDY of Rhode Island.

Mr. GOLDFOGLE with Mr. HULINGS.

Mr. GEORGE with Mr. HOWELL.

Mr. GALLIVAN with Mr. GUERNSEY.

Mr. EDWARDS with Mr. GRIEST.

Mr. DOREMUS with Mr. FORNEY.

Mr. DONOHOE with Mr. GRAHAM of Pennsylvania.

Mr. DERSHEM with Mr. FAIRCHILD.

Mr. DECKER with Mr. EDMONDS.

Mr. COADY with Mr. DUNN.

Mr. CASEY with Mr. BROWNE of Wisconsin.

Mr. CARLIN with Mr. BARTHOLDT.

Mr. CALLAWAY with Mr. AVIS.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. BARNHART with Mr. ANDERSON.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. BLACKMON with Mr. AUSTIN.

Mr. WILSON of Florida with Mr. DAVIS.

Mr. WEAVER with Mr. MOTT.

Mr. GLASS with Mr. SLEMP.

Mr. GARNER with Mr. ROBERTS of Massachusetts.

Mr. FINLEY with Mr. ROGERS.

Mr. HARDWICK with Mr. MANAHAN.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. FIELDS with Mr. LANGLEY.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. BLACKMON. Mr. Speaker, is the gentleman from Tennessee, Mr. AUSTIN, recorded?

The SPEAKER. He is not recorded.

Mr. BLACKMON. Then I desire to be recorded present.

The result of the vote was announced as above recorded.

The SPEAKER. The amendment is agreed to. A quorum is present. The Doorkeeper will unlock the doors.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER. The gentleman from Montana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. GARDNER. Mr. Speaker, I move to recommit the bill to the Committee on Appropriations with instructions to strike out the figures "$2,649,500" in the Dupré amendment and insert the figures "$2,909,500."

The SPEAKER. The gentleman from Massachusetts moves to recommit the bill with instructions, which the Clerk will report.

The Clerk read as follows:

Mr. GARDNER moves to recommit the bill to the Committee on Appropriations with instructions to strike out the figures "$2,649,500" in the Dupré amendment and insert the figures "$2,909,500."

Mr. FITZGERALD. I make the point of order that that motion to recommit is not in order, because the House has adopted an amendment which struck out of the bill the sum of of $2,650,000 and inserted the figures $2,649,500; and having stricken out and inserted certain language, it is not now in order to strike out what was so inserted and to substitute something else.

The SPEAKER. Does the gentleman from Massachusetts [Mr. GARDNER] desire to be heard on the point of order?

Mr. GARDNER. I desire to be heard on the point of order. Does the gentleman from New York desire to go ahead, or shall I go ahead?

Mr. FITZGERALD. The matter was liberally argued yesterday and determined, and the entire matter is before the Chair. If the gentleman wishes to discuss the point of order, that is one thing. I hope the Speaker will not permit the House to waste time in discussion of the amendment.

The SPEAKER. The Chair will hear the gentleman from Massachusetts, and will not hear anybody else on this point of order.

Mr. GARDNER. Mr. Speaker, when the gentleman from Tennessee [Mr. GARRETT], Chairman of the Committee of the Whole House on the state of the Union, held this motion to be out of order yesterday he cited two precedents—first, a decision made by Mr. Chairman Olmsted in the case of the Philippine tariff bill, and, second, a decision made by the present Speaker in 1913, on a motion to recommit the District of Columbia appropriation bill, made by the gentleman from South Dakota [Mr. MARTIN]. Now, what is it proposed to do? The gentleman from Louisiana [Mr. DUPRÉ] offered an amendment yesterday reducing by a nominal amount the appropriation for the Immigration Service and simultaneously enacting certain substantive legislation. To make the substantive legislation in order he was obliged to make a nominal reduction of the amount carried for the Immigration Service. Now, in this particular case it is true that I propose to alter the amount which the House adopted by the Dupré amendment——

Mr. MANN. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman from Massachusetts yield to the gentleman from Illinois?

Mr. GARDNER. Yes.

Mr. MANN. While the gentleman's motion as offered is to change the amount in the amendment, is it not a fact that there is no amendment now before the House? The engrossed bill has been read. Amendments have disappeared, and the gentleman's motion is simply to direct the committee to change certain figures in an engrossed bill, which are just like any other figures in the engrossed bill.

Mr. GARDNER. I thank the gentleman for his suggestion, which I understand, of course, is in aid of my proposition; but I am afraid that I shall be met by the point of order that you may not in a motion to recommit include an amendment which would have been out of order if offered while the bill was being considered for amendment.

The SPEAKER. The Chair will inquire of the gentleman if that is not sound doctrine?

Mr. GARDNER. That is absolutely sound doctrine, but I am asking the chairman to overrule the decision of the Chairman of the Committee of the Whole.

Mr. MANN. If the gentleman will yield, I do not think it is accomplishing indirectly what you could not accomplish directly. There is no Dupré amendment now. That has been disposed of. The bill is engrossed. The Speaker has no knowledge as to amendments now. You have an engrossed copy of the bill before the Speaker. What difference does it make how the amount got into the bill? Here is the engrossed bill. The amendments are lost sight of, disposed of.

Mr. FITZGERALD. The Speaker has notice of the amendments which were reported from the Committee of the Whole House on the state of the Union, and he has knowledge of the amendment which was agreed to by the House.

Mr. MANN. But the House has adopted every part of the bill, whether it be by amendment or without amendment. A paragraph that is read and passed over without objection or amendment is adopted by the House. But it is all right now to increase the amounts in the bill; any part of it is subject to amendment by a motion to recommit.

Mr. GARDNER. Now, Mr. Speaker, I would like to proceed for a few minutes consecutively, because I think this is one of the most important rulings that has been before the House for some time. If the ruling of the gentleman from Tennessee [Mr. GARRETT] should stand, I say without hesitation that it will be possible in the future, by means of a blocking motion, to prevent amendments to a paragraph increasing amounts carried in a bill above the amounts desired by the Committee on Appropriations.

Now, what the gentleman held was this: You may not amend a bill by altering words which the House has already adopted in an amendment. That is sound doctrine if the bill is on the same reading or the same stage and if the proposition is an identical proposition, but it is not sound if the amendment proposed is an entirely different proposition, as it is in this case.

The whole principle is admirably argued in Hinds' Precedents by Speaker John W. Taylor, from the State of New York, page 385, fifth volume. I call the attention of the Speaker to this merely as history. Speaker Taylor points out that the reason for holding that the House ought not to be called upon to amend or alter an amendment which it has adopted is because the House ought not to be called upon to pass twice on the same proposition. That is good, sound common sense. The House ought not to be called on to pass twice on the same proposition, unless in different stages of the bill; but this is an entirely different matter.

Here is the situation: The gentleman from Louisiana offered an amendment, which was adopted. Pending the adoption of that amendment the gentleman from Illinois [Mr. MANN] tried to amend the Dupré amendment in such a way as to increase the amount carried in the bill. The Chair held that motion out of order, because if the Mann amendment were adopted, then the Dupré amendment would no longer fit the Holman rule. Therefore, during the pendency of the Dupré amendment there was no way under the sun by which the Committee of the Whole, if it objected to this laying of the cold hand of death on the Immigration bill and the Immigration Service which is going on, there was no way on earth that they could consider the question pending the disposition of the Dupré amendment.

The moment the Dupré amendment was adopted, then, when we tried to put vitality into the Immigration Service in compliance with the demands of the bureau, we were met by the point of order that, the Dupré amendment having been adopted, there was no way to get our amendment in, because any increase in the appropriation would alter the words just adopted by the Committee of the Whole.

If the Chair holds my pending amendment out of order, I shall make another trial to get it in, because I consider it a question of vast importance to prevent the Immigration Service from being cramped, even if we are forced to allow the cold hand of death to be laid by order of the President on the immigration bill. There must still be some way in which the House can express itself.

I want to call attention to the essential difference between the precedent cited by the gentleman from Tennessee and this present proposition. When Mr. Parker of New Jersey sought to amend the Philippine tariff bill in the Committee of the Whole, his proposition was to undo that which the committee had just done. Last year Mr. Burleson proposed an amendment to the District appropriation bill dealing with the half-and-half principle. The House settled the question by a vote in favor of Mr. Burleson's proposal. Thereupon the gentleman from South Dakota [Mr. MARTIN] tried, by a motion to recommit, to get the House to undo that which it had just done. It is true that Mr. MARTIN inserted other words. It was not a square repeal; but the motion to recommit included the undoing of that which the House had just done. In this case I do not propose that we undo one jot or one tittle of that which the House ordained when it adopted the Dupré amendment. I contend that we must not be estopped from offering the House an opportunity to increase the appropriation for the Immigration Service merely because of this technical intrusion on that particular part of the Dupré amendment which was adopted as a pure technicality solely in order to bring that amendment within the Holman rule.

If such an interpretation of parliamentary laws is to obtain, you have added another to the very many shackles which prevent the House from exercising its right of amendment. I deplore the forging of a new shackle. One of the greatest difficulties about parliamentary law in this House is this: There are already too many devices making it difficult to obtain votes on proposals which do not conform with the will of committees in charge of bills. Here is the situation: From the moment Mr. DUPRÉ was recognized there has never been a time

John F. Shea to be postmaster at Bondville, Mass., in place of Lewis R. Holden. Incumbent's commission expired April 13, 1914.

MICHIGAN.

Leo C. Campeau to be postmaster at River Rouge, Mich., in place of Theophilus Belanger, declined.

John Noll to be postmaster at Cheboygan, Mich., in place of Frank McIntyre, removed.

MINNESOTA.

J. M. Blake to be postmaster at Pierz, Minn. Office became presidential January 1, 1914.

Agnes H. Christenson to be postmaster at Beardsley, Minn., in place of Roy A. Smith. Incumbent's commission expired January 11, 1914.

MISSOURI.

Alfred T. Cornwell to be postmaster at Spickard, Mo., in place of Philip G. Wild, resigned.

NEBRASKA.

Mark W. Murray to be postmaster at Pender, Nebr., in place of Charles S. Hughes, resigned.

George D. Thomas to be postmaster at Seward, Nebr., in place of William Royer. Incumbent's commission expired April 24, 1912.

NEVADA.

Charles C. Corkhill to be postmaster at Las Vegas, Nev., in place of Walter R. Bracken, resigned.

NEW JERSEY.

Charles W. Simonson to be postmaster at Spring Lake Beach, N. J., in place of Peter C. Brown. Incumbent's commission expired December 21, 1913.

NEW HAMPSHIRE.

Alonzo L. Chamberlin to be postmaster at Lebanon, N. H., in place of George H. Kelley. Incumbent's commission expired June 2, 1914.

NORTH DAKOTA.

John H. Fallon to be postmaster at Alexander, N. Dak. Office became presidential January 1, 1914.

J. P. Shuhane to be postmaster at Souris, N. Dak., in place of John E. Jenks, resigned.

R. B. Stewart to be postmaster at Bottineau, N. Dak., in place of A. S. Nero. Incumbent's commission expired May 2, 1914.

Ben H. Wilkins to be postmaster at Plaza, N. Dak., in place of Anna E. Shaw. Incumbent's commission expired March 11, 1914.

Frank E. Winmill to be postmaster at Stanton, N. Dak., in place of J. Alfred Berdahl, resigned.

R. R. Zirkle to be postmaster at Westhope, N. Dak., in place of E. A. Borsheim. Incumbent's commission expired May 2, 1914.

OHIO.

D. D. Granger to be postmaster at New London, Ohio, in place of A. B. Pond. Incumbent's commission expired April 15, 1914.

Emmet W. Peoples to be postmaster at Pomeroy, Ohio, in place of Ralston Russell. Incumbent's commission expired June 24, 1914.

Benjamin F. Reineck to be postmaster at Gibsonburg, Ohio, in place of John W. Blackman. Incumbent's commission expired April 21, 1914.

Alexander J. Shenk to be postmaster at Delphos, Ohio, in place of Edward E. Truesdale. Incumbent's commission expired June 24, 1914.

D. C. Van Voorhis to be postmaster at Bowling Green, Ohio, in place of J. E. Baird. Incumbent's commission expired April 7, 1914.

OREGON.

Alice E. Weatherson to be postmaster at Florence, Oreg. Office became presidential April 1, 1914.

PENNSYLVANIA.

Charles L. Fox to be postmaster at Daisytown, Pa. Office became presidential April 1, 1913.

Victor E. Gill to be postmaster at Latrobe, Pa., in place of Clayton O. Slater. Incumbent's commission expired February 1, 1914.

A. F. Hess to be postmaster at Clarion, Pa., in place of W. Day Wilson. Incumbent's commission expired January 17, 1914.

John A. Hughes to be postmaster at Lyndora, Pa., in place of Bernard Wendell. Incumbent's commission expired March 23, 1914.

J. F. Johnston to be postmaster at Strasburg, Pa., in place of Isaac N. Bachman. Incumbent's commission expired April 25, 1914.

Michael J. O'Connor to be postmaster at Trevorton, Pa. Office became presidential April 1, 1914.

Granville L. Rettew to be postmaster at West Chester, Pa., in place of Harry G. Smith. Incumbent's commission expired June 7, 1914.

Henry George Schleifer to be postmaster at Freedom, Pa., in place of H. D. Jackson, deceased.

Thomas G. Vincent to be postmaster at Danville, Pa., in place of William L. Gouger. Incumbent's commission expired March 28, 1914.

RHODE ISLAND.

Thomas F. Cavanaugh to be postmaster at Woonsocket, R. I., in place of Moses R. Newell. Incumbent's commission expired June 24, 1914.

SOUTH CAROLINA.

T. P. McLeod to be postmaster at Hartsville, S. C., in place of T. P. McLeod. Incumbent's commission expired April 11, 1914.

Robinson P. Searson to be postmaster at Allendale, S. C., in place of Robinson P. Searson. Incumbent's commission expired January 25, 1914.

TEXAS.

H. A. Anderson to be postmaster at Onalaska, Tex. Office became presidential April 1, 1914.

Claudine Barnes to be postmaster at Pampa, Tex., in place of V. E. Brunow. Incumbent's commission expired February 18, 1914.

E. R. Cheesborough to be postmaster at Galveston, Tex., in place of Harry A. Griffin. Incumbent's commission expired June 13, 1914.

H. M. Coats to be postmaster at Texas City, Tex., in place of George E. Whitney, resigned.

George C. Williams to be postmaster at Wills Point, Tex., in place of William Pilley. Incumbent's commission expired May 4, 1914.

VERMONT.

Anna M. Allen to be postmaster at West Pawlet, Vt., in place of William O. Williams. Incumbent's commission expired May 15, 1912.

John U. Baxter to be postmaster at Derby Line, Vt., in place of Mary W. Chase, resigned.

Prentiss C. Dodge to be postmaster at Randolph, Vt., in place of Joseph B. Eldredge. Incumbent's commission expired January 24, 1914.

Edward Dunn to be postmaster at Castleton, Vt., in place of R. C. Ransom. Incumbent's commission expired January 17, 1914.

Rodger Dwyer to be postmaster at West Rutland, Vt., in place of Charles A. Parker. Incumbent's commission expired May 19, 1914.

Emory S. Harris to be postmaster at Bennington, Vt., in place of Collins M. Graves. Incumbent's commission expired January 10, 1914.

George F. Hubbell to be postmaster at Northfield, Vt., in place of George H. Richmond. Incumbent's commission expired March 17, 1914.

C. W. Locke to be postmaster at Springfield, Vt., in place of F. G. Ellison. Incumbent's commission expired April 13, 1914.

George E. Randall to be postmaster at Wells River, Vt., in place of Sidney A. Leavitt. Incumbent's commission expired March 30, 1914.

John H. Wood to be postmaster at Wallingford, Vt., in place of Herbert G. Savery. Incumbent's commission expired December 13, 1913.

VIRGINIA.

Samuel T. Montague to be postmaster at Portsmouth, Va., in place of Holt F. Butt, jr. Incumbent's commission expired June 7, 1914.

WASHINGTON.

F. M. Charlton to be postmaster at Harrington, Wash., in place of Jasper J. Cameron, resigned.

John W. Miller to be postmaster at Snohomish, Wash., in place of Arthur M. Blackman. Incumbent's commission expired April 20, 1914.

Eleanor Staser to be postmaster at Kennewick, Wash., in place of Arthur H. Wheaton. Incumbent's commission expired June 13, 1914.

C. W. McClure to be postmaster at Washougal, Wash., in place of D. W. Hutchinson, resigned.

WISCONSIN.

William L. Evans to be postmaster at Green Bay, Wis., in place of James H. Elmore, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 25, 1914.

CONSUL.

George S. Messersmith to be consul at Fort Erie, Ontario, Canada.

RECEIVERS OF PUBLIC MONEYS.

Francis H. Selhorst to be receiver of public moneys at Glenwood Springs, Colo.

Albert T. Forse to be receiver of public moneys at Independence, Cal.

Alexander Mitchell to be receiver of public moneys at Los Angeles, Cal.

Mrs. Grace B. Caukin to be receiver of public moneys at San Francisco, Cal.

REGISTERS OF THE LAND OFFICE.

John D. Roche to be register of the land office at Los Angeles, Cal.

John B. Sanford to be register of the land office at San Francisco, Cal.

Frank S. Heer, to be register of the land office at Boise, Idaho.

UNITED STATES MARSHAL.

Otho T. Wood to be United States marshal, district of Kansas.

POSTMASTERS.

CALIFORNIA.

Ernest Martin, San Bernardino.

NEW JERSEY.

Charles W. Simonson, Spring Lake Beach.

NEW YORK.

Augusta H. Tilden, New Lebanon.

PENNSYLVANIA.

M. E. Brown, Blairsville.
J. F. Kurtz, Lewisburg.
Blake W. McCracken, Mahaffey.
John M. Zimmerman, Greensburg.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 25, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, let Thy blessing descend copiously upon these Thy servants. Keep them and theirs in health, strength, vigor during the heated and enervating season through which we are passing, that they may hallow Thy name in thought and purpose, that the interests of our Republic may be subserved and advanced in all that makes a nation great; that peace, prosperity, justice, mercy, truth, and righteousness may obtain throughout our borders. For Thine is the kingdom, and the power, and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

CHANGE OF REFERENCE—PLAZA AWARDS.

Mr. POU. Mr. Speaker, I ask unanimous consent that the Committee on Claims be discharged from further consideration of Senate bills numbered 11, 23, 31, and 2245, and that they be referred to the Committee on the District of Columbia under Rule XXI. The engrossed bills, with the accompanying papers, I send to the Clerk's desk.

The SPEAKER. They are private bills, are they not?

Mr. POU. I think they are, Mr. Speaker. They belong to the Committee on the District of Columbia; I know that.

Mr. MANN. What do they relate to, may I inquire?

The SPEAKER. To Plaza awards. Without objection, the change of reference will be made.

There was no objection.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Federal reserve act and to incorporate therein the instructive utterance by the Comptroller of the Currency, Hon. John Skelton Williams, on May 13, 1914, before the annual convention of the North Carolina Bankers' Association at Raleigh, N. C.

The SPEAKER. The gentleman from Georgia [Mr. PARK] asks unanimous consent to extend his remarks in the RECORD by inserting the speech that the Hon. John Skelton Williams made before the convention of the North Carolina Bankers' Association at Raleigh, N. C. Is there objection?

There was no objection.

ELECTRICAL PROTECTION TO VAULTS OF GOVERNMENT BUILDINGS.

Mr. RAKER. Mr. Speaker, while the sundry civil bill was under consideration there was a matter under discussion in regard to an appropriation for electrical protection of Government buildings, including that at San Francisco, Cal. I did not get the telegrams I have now in time to submit to the House and offer an amendment to the bill. I got the telegrams last night. I now ask unanimous consent that I may insert these telegrams in relation to that appropriation.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD by the insertion of certain telegrams. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, what do they relate to?

Mr. RAKER. There has been an appropriation carried of something like $19,000, providing for electrical devices for Government buildings at San Francisco and elsewhere. The present bill did not carry that item, and I would like to have these telegrams go into the RECORD.

Mr. FITZGERALD. I object, Mr. Speaker. There are 5,000 of these telegrams in the House to-day.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. When the House adjourned yesterday the previous question was ordered on the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and all amendments had been agreed to except what is known as the Ferris amendment. The question is on agreeing to that amendment.

Mr. MANN. Mr. Speaker, I ask that it be reported.

The SPEAKER. The Clerk will report the bill and amendments.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Amendment offered by Mr. FERRIS:

"Amend, page 99, line 18, by striking out the figures '$300,000' and inserting in lieu thereof the figures '$400,000.'"

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. FITZGERALD. A division, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands a division.

The House divided; and there were—ayes 51, noes 22.

Mr. FITZGERALD. I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of the Ferris amendment will, when their names are called, answer "yea," those opposed will answer "nay."

The question was taken; and there were—yeas 154, nays 90, answered "present" 7, not voting 182, as follows:

YEAS—154.

Abercrombie	Buchanan, Ill.	Cramton	Falconer
Aiken	Buchanan, Tex.	Cullop	Farr
Ashbrook	Bulkley	Curry	Fergusson
Aswell	Burke, Wis.	Danforth	Ferris
Baker	Burnett	Deitrick	Fess
Barchfeld	Campbell	Difenderfer	FitzHenry
Barton	Cantor	Dillon	Floyd, Ark.
Bell, Cal.	Carter	Donovan	Frear
Britten	Cary	Drukker	French
Brodbeck	Chandler, N. Y.	Dupré	Gallagher
Broussard	Church	Esch	Gard
Brown, N. Y.	Clark, Fla.	Estopinal	Gardner
Bryan	Cooper	Evans	Gill

deals with a subject which has been clearly defined in the common law, in equity jurisprudence, and in previous statutory enactments. So you do not escape at all by the fraud argument.

Fraud has been defined; false pretenses have been defined; tricks and devices have been defined by a general rule, both in the statute law and in the decisions of the courts. Of course, we have not undertaken in any law to specify all of the things which may constitute a fraud. You have, however, laid down well-known rules as to what constitutes fraud.

This bill leaves us as much in the dark as would a bill declaring that "whoever shall do anything which is wrong shall be punished." If such a bill were presented, I presume the wise lawyers would get on their feet and illuminate the situation in this manner: "Why, many courts have said that this thing is wrong; therefore we have a definition of wrong." You have just exactly the same kind of definition of what is "unfair trade" in the decisions as you have of what is "wrong" in the decisions, namely, a court in describing some particular act has said it was an unfair act of trade, or in describing some particular act has said it was a wrongful act; but no statute merely declaring that "whoever shall do wrong shall be punished" would be a valid statute, because, instead of giving the citizen a guide as to that which is wrong, a guide that is written in the law which he can observe, he is relegated, not to the law, but to the opinion of an individual as to what is wrong.

You can not say to me that I shall be tried, fined, and imprisoned, or that my property shall be taken because five gentlemen think I have been doing wrong. Under the Constitution of the United States you must, by law, inhibit conduct before there can be an offense. In this country you can not pass a law providing that whenever five or six eminently respectable gentlemen, jurists, wise men, and economists (as the Senator from Nevada assures us they shall be) get together and say that they think something is wrong, that that shall be wrong, because that is putting the Government of the United States into the hands of those four or five men, and giving them the power to say what is lawful and what is unlawful, whereas, under the Constitution of the United States, that power is reserved to all the people of the United States, not to five people of the United States. That will of all the people of the United States must be engraven in the law, and that law must be passed by the House of Representatives and by the Senate, and it must be signed by the President.

You are substituting the decree of five men here for a law of Congress. If you can delegate this great power to this little commission, you can create a commission and turn over to it every power of the Federal Government, and if you ever embark upon a crusade of that kind, and if it be sustained by the courts, it will not be long until the Constitution shall have become a rope of sand. Instead of this being a government of constitution and of law it will be a government of men ruling over the people. That, sir, is a monarchy, not a republic.

Mr. President, I rose to talk but two or three minutes, intending merely to formally state some objections to one clause of the bill. I have been led to extend my remarks beyond the original intent.

In the future I expect to submit some additional authorities upon the legal questions I have referred to.

Mr. STONE obtained the floor.

REGULATION OF STOCK EXCHANGES.

Mr. HITCHCOCK. Will the Senator from Missouri yield to me for a moment on a matter of privilege, as to which I have been waiting to speak for a good while?

The VICE PRESIDENT. The Chair assumed that when the Senator from Missouri [Mr. STONE] rose it was for the purpose of interrupting his colleague. The Chair desires to recognize the Senator from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. President, this morning upon the convening of the Senate the chairman of the Committee on Banking and Currency [Mr. OWEN] filed a report on a bill to regulate the stock exchanges through the Post Office Department. I entered the Chamber a few moments later, and therefore was not here in time to challenge the report. The fact is the report was adopted at a meeting of the committee at which a quorum was not present. Concerning the facts there is really no dispute.

There are 12 members of that committee, and the Senators present at the meeting to which I refer were Mr. OWEN, Mr. LEE of Maryland, Mr. SHAFROTH, Mr. BRISTOW, and Mr. CRAWFORD. The Senators absent were Mr. WEEKS, Mr. REED, Mr. McLEAN, Mr. NELSON, Mr. HITCHCOCK, Mr. POMERENE, and Mr. HOLLIS. The Senator from Ohio [Mr. POMERENE] was in attendance at a meeting of the Committee on Foreign Relations, as indeed I was; the Senator from Missouri [Mr. REED] was engaged in the Committee on the Judiciary; the Senator from Minnesota [Mr. NELSON], I understand, was also engaged in the Committee on the Judiciary; the Senator from New Hampshire [Mr. HOLLIS] was engaged on the business of the Senate elsewhere. It is fair to say that the Senator from New Hampshire [Mr. HOLLIS] and the Senator from Ohio [Mr. POMERENE] had indicated to the chairman a willingness to be counted present to constitute a quorum, and the Senator from New Hampshire [Mr. HOLLIS] authorized himself to be counted as in favor of the bill; but under the rules of the Senate a constructive quorum is not sufficient where objection is made. I therefore ask that the bill be taken from the calendar and that it be recommitted to the committee.

Mr. SHAFROTH. Mr. President, in answer to the statement of the Senator, I will say that the Senator from Oklahoma [Mr. OWEN] is not in the city and will not be in the city for some two or three weeks, and any ruling which the Chair might make upon this matter I would prefer go over until the Senator from Oklahoma returns.

I want to say to the Senate that the chairman of the committee has been exceedingly anxious for a number of weeks to get a report upon the bill. In the first instance, there was a vote taken some three or four weeks ago. There were present, including one or two members who requested that they be counted to make a quorum, a sufficient number. While the question was up it was suggested that the Senator from Oklahoma make the report. The Senator from Massachusetts [Mr. WEEKS] was present upon that occasion and stated that he should like to have time to file the views of the minority. That seemed to be satisfactory, and it was supposed that the report on the bill would be made. Some question arose concerning the matter, and the Senator from Oklahoma felt that there ought to be some confirmation of that action upon the part of the committee. He sent out notices several times, but no quorum appeared. He sent out notices again for a meeting this morning. The notice was for 10 o'clock. I was there in person at 10. We had some other business to transact. This matter was brought up about half past 11 o'clock, and the vote was taken on the matter about 25 minutes of 12 o'clock.

It then appeared that the Senator from Oklahoma [Mr. OWEN] was present, the Senator from New Hampshire [Mr. HOLLIS] was present, the Senator from Maryland [Mr LEE] was present, the Senator from Kansas [Mr. BRISTOW] was present, and the Senator from South Dakota [Mr. CRAWFORD] was present. The Senator from New Hampshire [Mr. HOLLIS] retired from the room, saying that he had an engagement at one of the executive departments, and it would be necessary for him to go, but he wanted his vote counted to constitute a quorum and also in favor of the bill. The Senator from Ohio [Mr. POMERENE] had sent word or had seen the Senator from Oklahoma and had stated that he would like to be counted to make a quorum, so that made seven members, according to the procedure in such cases in the committees of the Senate. A motion was made to report the bill; there was a vote taken. Three or four members voted in favor of it, and there seemed to be none who voted directly against it, although there were some expressions of doubt as to whether we ought not to have another meeting of the committee.

The Senator from Oklahoma stated that he would like to have another meeting of the committee, but expected to leave the city to-day to be absent for three weeks, and that he wanted the bill reported so that any discussion or criticism of the bill might take place while the Senate was considering other measures.

It seems to me, Mr. President, in view of the custom in the committees of the Senate of allowing Senators to ask that they be counted present to make a quorum, that this bill has been reported in the usual way. It is true that we tried to get a quorum in the committee on several occasions. Day before yesterday, as I have said, there was a call for a meeting, and to-day there was a call for a meeting, and we waited until half past 11 o'clock before any motions were made. It seems to me, in view of that, and the custom of the Senate being as I have indicated, that a motion ought not to be made, and ought not to be sustained if made, that this bill be taken from the calendar until at least the chairman of the committee is here to present his view of the matter.

Mr. HITCHCOCK. Mr. President, if the chairman were here a delay of a day or two would be all right, but the chairman has gone to Europe. He left immediately after this action was secured. No possible harm can come from recommitting the bill to the committee, where it properly belongs, until a majority

of the committee or a majority of a legal quorum present vote it out. The bill can not be taken up during the absence of the chairman, and the placing of it upon the calendar is simply a violation of the proprieties and rules of the Senate. I ask, therefore, that the bill be recommitted to the committee. It will then be there for consideration in a proper and legitimate way when the committee is called together.

Mr. HOLLIS. Mr. President, I rise to a parliamentary inquiry. Do I understand that there is a motion to recommit or a request for a ruling by the Chair that the report was improperly made?

The VICE PRESIDENT. No; there is no request for the Chair to decide whether or not the report was improperly made. The Chair would refuse to decide any such question as that if it were presented to the Chair, believing that the question as to whether a report has been made properly or improperly is one for the Senate of the United States to settle.

The Chair understands the motion to be one which is sometimes made, though not frequently, but one which is properly made, to take the bill from the calendar and re-refer it to the committee; but under the rules of the Senate, unless unanimous consent is given, that motion must lie over for one day and come up regularly under the rules of the Senate to-morrow. If there is objection to taking the bill from the calendar and re-referring it to the committee, it will go over. Is there objection?

Mr. STONE. Mr. President, I hope it will go over, for I fear it will lead to debate and perhaps a call for the yeas and nays.

Mr. HITCHCOCK. I am willing to have a vote without any debate.

Mr. STONE. The motion of the Senator from Nebraska can be pending. I move that the Senate proceed to the consideration of executive business.

Mr. HITCHCOCK. I ask the Senator if he will not allow a vote to be taken as a matter of courtesy to members of the committee who were not present.

The VICE PRESIDENT. Is there objection to the bill being taken from the calendar and referred to the Committee on Banking and Currency?

Mr. HOLLIS. I object.

The VICE PRESIDENT. There is objection, and the motion of the Senator from Nebraska will go over until to-morrow.

Mr. POMERENE and Mr. KERN addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri [Mr. STONE] has been recognized. To whom does he yield?

Mr. STONE. I yield to the Senator from Indiana.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF LABOR.

Mr. KERN. I submit the following order, for which I ask present consideration.

The order was read and agreed to, as follows:

Ordered, That a standing committee of the Senate, to be known as the Committee on Expenditures in the Department of Labor, is hereby created, said committee to consist of five members, as follows:

Senator JOHNSON N. CAMDEN, of Kentucky, chairman.
Senator WHITE, of Alabama.
Senator LANE, of Oregon.
Senator CATRON, of New Mexico.
Senator GOFF, of West Virginia.

That the standing committee heretofore and now known as the Committee on Expenditures in the Departments of Commerce and Labor shall be hereafter known and designated as the Committee on Expenditures in the Department of Commerce.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 26, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 25, 1914.

MEMBERS OF THE BOARD OF CHARITIES.

Emile Berliner, of the District of Columbia, for a term of three years from July 1, 1913, in place of George W. Cook, whose term expired June 30, 1913.

George E. Hamilton, of the District of Columbia, for a term of three years from July 1, 1914. (A reappointment; term expires June 30, 1914.)

Walter A. Clephane, of the District of Columbia, for a term of three years from July 1, 1914, in place of Myer Cohen, whose term would have expired June 30, 1914, but who has resigned.

UNITED STATES ATTORNEY.

Fred H. Brown, of Somersworth, N. H., to be United States attorney for the district of New Hampshire, vice Charles W. Hoitt, resigned.

UNITED STATES MARSHAL.

Charles J. O'Neill, of Walpole, N. H., to be United States marshal for the district of New Hampshire, vice Eugene P. Nute, resigned.

PUBLIC HEALTH SERVICE.

Asst. Surg. David C. Trimble, to be passed assistant surgeon in the Public Health Service, to rank as such from March 18, 1914.

This officer has served the required time in his present grade and has passed the necessary examination for promotion.

POSTMASTERS.

CALIFORNIA.

Ernest Martin to be postmaster at San Bernardino, Cal., in place of Stephen F. Kelley. Incumbent's commission expired April 1, 1914.

COLORADO.

William F. Ordway to be postmaster at Dolores, Colo., in place of William F. Ordway. Incumbent's commission expired April 19, 1913.

FLORIDA.

Peter A. Dignan to be postmaster at Jacksonville, Fla., in place of Daniel T. Gerow. Incumbent's commission expired February 18, 1914.

William C. McLean to be postmaster at Orlando, Fla., in place of William R. O'Neal. Incumbent's commission expired June 13, 1914.

IDAHO.

James W. Anderson to be postmaster at Nezperce, Idaho, in place of Chauncey Wallace, resigned.

ILLINOIS.

Ernest L. Benson to be postmaster at Galva, Ill., in place of George D. Palmer. Incumbent's commission expired June 6, 1914.

F. B. Bock to be postmaster at Girard, Ill., in place of John J. Stowe. Incumbent's commission expired June 21, 1914.

Robert D. Bolen to be postmaster at Maron, Ill., in place of James R. Morgan. Incumbent's commission expired June 2, 1914.

Addie M. Chenoweth to be postmaster at Tiskilwa, Ill., in place of George E. Dexter. Incumbent's commission expired June 21, 1914.

Davia M. Flynn to be postmaster at Geneva, Ill., in place of Ernest G. Howell. Incumbent's commission expired January 26, 1914.

George H. Franzen to be postmaster at Fairbury, Ill., in place of Emory Gregg. Incumbent's commission expired January 26, 1914.

Robert T. Ross to be postmaster at Palmyra, Ill., in place of William T. Grimmett, resigned.

IOWA.

John J. McAreavy to be postmaster at Coggon, Iowa, in place of Francis W. Allison, resigned.

Elisha D. Roberts to be postmaster at Reinbeck, Iowa, in place of J. D. Morrison. Incumbent's commission expired April 21, 1914.

KANSAS.

W. C. White to be postmaster at Osage City, Kans., in place of B. A. Rosenquist. Incumbent's commission expired March 8, 1914.

MAINE.

John P. Coughlin to be postmaster at Saco, Me., in place of Charles H. Innes, removed.

MARYLAND.

James T. Truitt to be postmaster at Salisbury, Md., in place of Marion A. Humphreys. Incumbent's commission expired June 24, 1914.

MASSACHUSETTS.

Douglas H. Knowlton to be postmaster at South Hamilton, Mass., in place of Lester E. Libby, resigned.

from charging, collecting, or receiving extortionate freight or passenger rates in this Commonwealth, and to further increase and define the duties and powers of the railroad commission in reference thereto, and prescribing the manner of enforcing the provisions of this act and penalties for the violation of its provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

SECTION 1. When complaint shall be made to the railroad commission, accusing any railroad company or corporation of charging, collecting, or receiving extortionate freight or passenger rates over its line or lines of railroad in this Commonwealth, or when said commission shall receive information or have reason to believe that such rate or rates are being charged, collected, or received, it shall be the duty of said commission to hear and determine the matter as speedily as possible. They shall give the company or corporation complained of not less than 10 days' notice, by letter mailed to an officer or employee of said company or corporation, stating the time and place of the hearing of same; also the nature of the complaint or matter to be investigated, and shall hear such statements, arguments, or evidence offered by the parties as the commission may deem relevant; and should the commission determine that the company or corporation is, or has been, guilty of extortion, said commission shall make and fix a just and reasonable rate, toll, or compensation which said railroad company or corporation may charge, collect, or receive for like services thereafter rendered. The rate, tolls, or compensation so fixed by the commission shall be entered and be an order on the record book of their office and signed by the commission, and a copy thereof mailed to an officer, agent, or employee of the railroad company or corporation affected thereby, and shall be in full force and effect at the expiration of 10 days thereafter, and may be revoked or modified by an order likewise entered of record. And should said railroad company or corporation, or any officer, agent, or employee thereof, charge, collect, or receive a greater or higher rate, toll, or compensation for like services thereafter rendered than that made and fixed by said commission as herein provided, said company or corporation, and said officer, agent, or employee, shall each be deemed guilty of extortion, and upon conviction shall be fined for the first offense in any sum of not less than $500 nor more than $1,000, and upon a second conviction in any sum not less than $1,000 nor more than $2,000, and for the third and succeeding convictions in any sum not less than $2,000 nor more than $5,000.

SEC. 2. The circuit court of any county into or through which the line or lines of road carrying such passenger or freight, owned or operated by said railroad, and the Franklin circuit court shall have jurisdiction of the offense against the railroad company or corporation offending, and the circuit court of county where such offense may be committed by said officer, agent, or employee shall have jurisdiction in all prosecutions against said officer, agent, or employee.

SEC. 3. Prosecutions under this act shall be by indictment.

SEC. 4. All prosecutions under this act shall be commenced within two years after the offense shall have been committed.

SEC. 5. In making said investigation said commission may, when deemed necessary, take the depositions of witnesses before an examiner or notary public, whose fee shall be paid by the State, and upon the certificate of the chairman of the commission, approved by the governor, the auditor shall draw his warrant upon the treasurer for its payment.

Briefly, this act provided that a complaint could be filed before the railroad commission charging any common carrier with being guilty of extortion by charging freight or passenger rates which were unjust; that the commission should notify the company; that it should hear argument and evidence; that if it found the company had been guilty of extortion it could then fix a rate; that when the rate had been so fixed, if the road charged a higher rate it should be guilty of extortion, and thereupon it could be brought into court and the fact shown that the board had made the order to which I have referred, and that if the company had violated this order it should be held guilty and fined.

That law is in many respects paralleled by this bill. The law of Kentucky, however, did not attempt to go nearly so far as this bill. Besides, this bill deals with all those kinds of businesses which have never been held to be subject to public regulation in the same manner that railroads and other common carriers have been. The court held the Kentucky statute unconstitutional.

Mr. LEE of Maryland. In what year was this?

Mr. REED. In 1900. The act was challenged upon the following grounds:

First, in authorizing the commission to fix rates in certain instances upon interstate commerce;

That is immaterial here, because the case did not go up on that point.

Second, in authorizing the commission to deprive them of their property without due process of law; third, in authorizing the commission to take from them the equal protection of the law; fourth, in authorizing the commission to take their property for public use without just compensation; fifth, in authorizing all of these things to be done by a body of executive officers who are not a court, and who are without judicial powers.

The court has this to say:

The Supreme Court of the United States in many cases has announced certain fundamental principles which have a more or less direct bearing upon the questions involved in these cases.

Citing especially Chicago, Milwaukee & St. Paul Railway Co. against Minnesota (134 U. S.), where the court says:

The question of the reasonableness of a rate of charge for transportation by a railroad company, involving as it does the element of reasonableness, both as regards the company and as regards the public, is eminently a question for judicial investigation requiring due process of law for its determination. If the company is deprived of the power of charging reasonable rates for the use of its property, and thus, in substance and effect, of the property itself, without due process of law, and in violation of the Constitution of the United States, in so far as it is thus deprived, while other persons are permitted to receive reasonable profits upon their invested capital, the company is deprived of the equal protection of the laws.

Citing some cases. Among other authorities, the court quotes this language from Mr. Justice Brewer, which I read because I think it is a good thing to occasionally go back to fundamentals:

These cases all support the proposition that, while it is not the province of the courts to enter upon the merely administrative duty of framing a tariff of rates for carriage, it is within the scope of judicial power and a part of judicial duty to restrain anything which, in the form of regulation of rates, operates to deny to the owners of property invested in the business of transportation that equal protection which is the constitutional right of all owners of other property. There is nothing new or strange in this. It has always been a part of the judicial function to determine whether the act of one party (whether that party be a single individual, an organized body, or the public as a whole) operates to divest the other party of any rights of person or property. In every constitution is the guaranty against the taking of private property for public purposes without just compensation. The equal protection of the laws, which, by the fourteenth amendment, no State can deny to the individual, forbids legislation, in whatever form it may be enacted, by which the property of one individual is without compensation wrested from him for the benefit of another or for the public. This, as has been often observed, is a government of law and not a government of men—

I hope the sentence last read will be applied by Senators to the remarkable section of this bill which seeks to substitute for a government of law the government of a board of five men.

Justice Brewer, proceeding, said:

And it must never be forgotten that under such a government, with its constitutional limitations and guarantees, the forms of law and the machinery of government, with all their reach and power, must, in their actual workings, stop on the hither side of the unnecessary and uncompensated taking or destruction of any private property legally acquired and legally held.

Mr. President, that declaration is founded on the old rock of the Constitution. Starting with it as a premise, the United States district court says:

It will be observed that there is no general power delegated to the commission to fix rates, nor does the statute creating the commission give it any such right. Its sole authority in the premises is stated in the act above set forth, and must be based upon its conviction of the railroad of extortion. It can not move until what we may call this jurisdictional fact has been ascertained to exist; and then, having proceeded to determine that the railroad has been guilty of extortion, although it has been furnished with no unmistakable statutory standard as to what is to be held to be extortion, it lowers the rate of that road for that particular service. Its own opinion—its own judgment—is the sole guide upon both questions.

"Its own opinion" and "Its own judgment" is to be the sole guide of the commission sought to be created by this bill.

If the law only conferred on the commission power to fix a schedule of rates for all railroads in the State generally, it would be the duty of the court to await its action in that regard and then permit those rates, if called in question, to stand or fall as they might, in the court's judgment, be just and reasonable, or the reverse. It might be conceded that, in case a railroad commission was given general power to establish a schedule of rates, a failure on the part of a carrier to conform to those rates when established might be made punishable. (Reagan c. Trust Co., 154 U. S., 362; 14 Sup. Ct., 1055; 38 L. Ed., 1024.) But this does not yet reach the cases before us. Here the power given is to be exercised only where the commission has "determined" that the railroad company has been "guilty of extortion" in a given instance or instances complained of, and then apparently only by way of punishment therefor, or as an occasion for laying a foundation for other punishment, although the legislature has established no definite test—

Always the court comes back to the fatal defect, namely, that the law failed to furnish any definite test.

The court continues:

When the commission has "determined" that the company is "guilty of extortion," it shall then fix the rate thereafter to be charged in similar cases by that company only, and not by carriers generally. This shall be entered upon the records of the commission. Afterwards, if the company thus found "guilty of extortion" shall in a like case charge or collect a rate greater than the one thus fixed, or if any of its employees shall do so, it shall be guilty of the crime of extortion. These matters all bear the marks of a judicial proceeding.

What about this commission that without any guide of law, without any statute to follow, is to sit down and say, "We think this transaction is fair, we think this other transaction is unfair; we think Jones treats his competitors fairly; we think Smith treats his competitors unfairly"? Who is to determine what is fair and what is unfair? The commission. How will it determine the all-important question? Will it proceed according to the precedents of the courts, or will it examine dissertations upon ethics? Will it accept the western code of honor, or will it go down East for its rules of business fairness? Will it adopt the morals of the stock exchange or the Sunday school? No man can say, no man dare hazard a guess.

I quote again from the opinion:

But the act goes further and provides that if, after the rate is thus fixed—after this possible punishment is thus inflicted—that company charges a higher rate for similar services, however reasonable it in fact might be in the judgment of a court, the real judicial tribunals of the State are then given the power to punish it or its employees therefor though the power is apparently withheld from those courts of judi-

cially inquiring whether the rate thus fixed under these circumstances by the commission was just or reasonable.

And that very objection lies to this bill.

Mr. POMERENE. If I may interrupt the Senator, does he construe the pending bill as giving the commission arbitrary power to determine what unfair competition is?

Mr. REED. Unquestionably I do.

Mr. POMERENE. Irrespective of what may be recognized as unfair competition under the decision of the courts?

Mr. REED. Mr. President, I undertake to say that there are no decisions of courts that amount to a rule of law as to what constitutes unfair competition. There is no guide, and the chairman of this committee said a moment ago there was no guide when he said to us, "You can not write a description of what is unfair competition into the law." Manifestly if there was a guide it could be written into the law; if there was a rule it could be embraced in this bill.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Will the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I yield.

Mr. SMOOT. I was simply going to suggest to the Senator from Ohio that if the commission does not determine what is unjust competition, who will determine it under the bill?

Mr. POMERENE. Of course the committee determines it, but it is under well-defined principles of law as to what is unfair competition.

Mr. SMOOT. Mr. President——

Mr. POMERENE. Just a moment, please. Let me illustrate. If we were to follow the logic of my friend from Missouri, a statute which would declare it unlawful to obtain by any false pretense any property of value would be unconstitutional because there was no statute on this subject. Everyone knows that a false pretense has not been defined as a general proposition, but the law is being enforced and courts and juries are obliged to rely upon the particular circumstances of each particular case. So, also, when it comes to the question of fraud generally, we have never attempted to define fraud. Courts do not attempt it, legislatures have not attempted it, because the affairs of mankind are so multitudinous and in such great variety that it is utterly impossible of definition. It is just so, as the Senator from Nevada suggested during the afternoon's debate—unfair competition is not susceptible of a general definition which would embrace all kinds of unfair competition. That is impossible.

There are certain decisions, certain principles of common law which form landmarks which may guide us. Of course, this commission could not declare a thing to be unfair competition which was not unfair competition under the well-defined principles of the law. If they were to attempt to do that it is quite clear that any court would interfere.

Mr. SMOOT. I simply wish to say to the Senator that among the powers conferred upon this commission is the power to determine what is unfair competition. Section 4 of the bill says:

The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

Then the very next section says:

That unfair competition in commerce is hereby declared unlawful.

And it is for them to determine what is unfair competition under the provisions of the bill.

Mr. POMERENE. This act does not attempt to declare what is unfair competition. It assumes that that is defined under the general principles of the law. Now, as to whether a given state of facts shall be determined by the commission as unfair competition, of course it is up to the commission to decide.

Mr. REED. Mr. President, I was reading the decision of the court, but the remarks of both the Senators, while very illuminating, have carried us away from the decision.

Mr. POMERENE. I apologize to the Senator.

Mr. REED. Oh, no; that is all right; I am simply making that statement so that my failure to at this moment reply will not be misunderstood. I prefer to go on with the decision.

I, however, at this time will apply this much of it to a part of the statement of the Senator from Ohio. One of the very reasons why the court struck down this attempted legislation was that it did not lay down a general rule; that the board did not act under a general rule either adopted by itself or adopted by the legislature; and that the court's order did not apply universally to all trade conditions and to all concerns engaged in transportation; but that it applied in a particular case. The court calls attention very sharply in its reasoning to the distinction between applying a rule of law generally to all of a business class and the mere arbitrary declaration that a particular act done by a particular man was just or unjust, reasonable or unreasonable. You must first have the rule of law and it must be applicable to all of a class. And so the court says:

Third. The most prominent feature of this legislation is the manifest purpose, if possible, to regulate rates by severe punishments for single offenses, rather than by means of real attempts to solve the immense problem of fair and reasonable freight and passenger charges, by industrious and earnest efforts to ascertain what they should be. But even if the spirit of the statute be extreme and harsh rather than moderate and fair, this would be unavailing to the complainants if the provisions of the act had been kept within constitutional bounds. As already indicated, the act does not fix nor attempt to fix, nor requiring the fixing of, rates equally and generally for all.

Neither does this act provide for the establishment of a rule or decision equal to all, but allows a different rule for each individual, the solitary limitation being the discretion of the board.

"It aims alone at single instances, and as a condition precedent to the right of the commission to make any change in any existing rate it requires that the commission shall find the railroad guilty of extortion without defining, in any precise sense what that is. On the hearing upon the charge before the nonjudicial administrative body, a species of notice and an opportunity to be heard as to the reasonableness and justness of the rates is given. But all that is thus done is preliminary to having a justification for the further step, if the railroad charges an excess rate over that thus fixed, of having it convicted of another and further extortion, without any provision in the act that the judicial tribunal which shall try the accused for that offense may investigate and decide whether the rate fixed in this extraordinary preliminary proceeding before the administrative body was reasonable or just."

And that is true as a criticism of this bill.

No opportunity for such an investigation is afforded by the statute when the courts are given jurisdiction of the cases, and it is by no means certain that those courts would feel constrained to give the relief in the absence of an express statutory requirement. These considerations, therefore, seem to bring this case within the principle first above quoted from the opinion of the Supreme Court in the Minnesota case. If it had been the intention of the legislature to recognize the right to a judicial investigation of the reasonableness of the rates fixed under the provisions of the act, and to afford an opportunity therefor before a conviction upon an indictment for extortion, it would have said so in unmistakable terms, etc.

The fourth division of the opinion is:

Fourth. And it may be that the principles announced by the court of appeals in Louisville & Nashville Railroad Co. c. Commonwealth (99 Ky., 132; 35 S. W., 129; 33 L. R. A., 209), by which section 816 of the Kentucky Statutes, which made it an offense for a carrier to charge more than a "just and reasonable rate," was held to be void for uncertainty, would apply in this connection.

* * * * * * * *

Sixth. * * * and the court is of the opinion that the act violates the constitution of the State in attempting to confer upon the commission what are judicial powers and functions, to wit, the power, after complaint and notice given, to "hear and determine" that the railroad has been "guilty of extortion."

That is exactly what you do here. You confer that judicial power expressly here—

and as a consequence after that finding to further decide that the freight rate of that road for similar services shall be a lower figure. These steps, as they apply only to individual instances and are not a method of fixing rates generally, constitute the very essence of a judicial proceeding and judgment. Indeed, this ground of relief may possibly broaden out so as, per se, to aid all the others.

The court is always reluctant to interfere with the exercise by any State officer of his official functions; but in the most eminent degree the safety of the property and the rights of the citizens of the community depend upon the supremacy of the Constitution. The value of these safeguards is not diminished because individuals associate as a body corporate. They are citizens none the less, and the court must not shrink in clear cases from declaring as its plain duty to uphold the dominant authority. If, as before intimated, the act in question only empowered the commission to fix rates generally and for all alike, which would be a mere administrative work, the court would not interfere until that power had been exercised and the propriety of the result called in question; but here not only may a rate in a single instance be fixed by a process plainly unconstitutional, but the most serious, not to say excessive, punitive consequences may be visited not only upon the railroad but also upon the individual citizen whom it may employ.

The court upon all of these grounds and for all of these reasons held this act to be absolutely unconstitutional, and so clearly unconstitutional that they would arrest an attempt to enforce it before even the board had acted.

Mr. President, Senators tell us that "fraud" has not been defined. Oh, yes, it has been defined a thousand times. The definition is written on almost every page of every law book. Nobody has undertaken to say what particular collation of facts shall be necessary to constitute fraud, because the facts which may be employed are as multitudinous as the leaves upon the trees; but the rules by which we are to determine whether a transaction is fraudulent have been laid down for centuries; and whenever the combination of facts in a given case comes within the purview of those rules, fraud exists. But the rules are there; and when a statute is passed denouncing fraud it

is to enable acts of unfair competition to be committed practically without penalty and for an indefinite time.

The course of procedure provided for there is that where unfair competition is suspected, it is to be investigated by the commission. If the parties are found guilty, they are to be ordered to stop, and if they fail to stop, the matter is to be brought to the attention of a court, and the court is to issue an injunction. So that the only time at which they would be obliged to cease unfair competition would be after a court had issued an injunction; and unless they should violate the injunction and should therefore be guilty of contempt of court, I can not see that there is provided any punishment or any penalty of any kind for unfair competition.

Acts of unfair competition of various sorts and of a very complicated nature have been enumerated here to-day, any one of which brought before this commission would mean an investigation that might reasonably take six months to complete. Such acts of unfair competition may be committed by something like 350,000 different corporations. It is perfectly evident that the commission would be overrun with complaints of that kind; it is perfectly apparent that it would be utterly beyond their power to attempt to decide more than a very small proportion of the complaints of acts of unfair competition that might be brought to their attention, and the only penalty provided is that after a court has issued an injunction and the practices are continued the offender might be guilty of contempt of court.

I am not a lawyer, and I am making these suggestions largely to secure information, because this feature of the section has struck me as I have gone over it; but it seems to me that section 5 takes the place of any provision there may be in the present law regarding unfair competition; it is the last word of legislation on that subject; it shows how unfair competition is to be treated in the future. What would happen practically if that section should be enacted into law would simply be that parties engaging in acts of unfair competition would be perfectly free to go on indefinitely until such time as some court may issue an injunction, and then they would have to stop. As the Senator himself has well said, there are innumerable forms and different devices for practicing the same unfair competition. A corporation which may perhaps be found guilty of some particular form of unfair competition could immediately engage in some similar form of unfair competition, and then that case would have to take its turn on the calendar, and perhaps not be decided for years following. I do not know whether I am right in this interpretation of the section, but I should be glad to hear the chairman's views in regard to it.

Mr. NEWLANDS. Mr. President, I will state that there is no other penalty in this act with reference to unfair competition than the one which the Senator suggests, and that is, if the order of the court is disobeyed, the court will then deal with the offender; but proceedings under this act will not, of course, interfere with the private right of any man who is injured by a competitor by practices such as have been referred to to bring a suit either at law or in equity for the enforcement of his rights. This bill itself constitutes the extent to which society itself, in its collective capacity, will move in the direction of protecting a man against unfair competition.

Now, I will state that throughout this bill, so far as I am individually concerned, I have not been disposed to suggest extreme penalties. I thought it only fair that, inasmuch as this was a new provision of law, to be tested through this tribunal, the parties brought before it, at all events in the earlier stages, should have the opportunity, without facing the penitentiary, to assert their rights, or what they claim to be their rights, either before the commission or before the courts, and that the penalty should be imposed only in case of disobedience to the order of the courts. Of course we could have put a provision in the bill that after an order was made by the commission every day's failure to comply with it would involve a fine of a thousand dollars a day or a hundred dollars a day, or whatever else we might make it, or perhaps imprisonment.

Mr. LIPPITT. I only wanted to see whether the Senator and I understood the section alike. I think we do. From what the Senator says, I infer that my interpretation of it is substantially in accordance with his.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Missouri?

Mr. NEWLANDS. Certainly.

Mr. REED. I want to ask the Senator from Nevada whether the committee has considered the constitutionality of the following provision of section 5:

> Sec. 5. That unfair competition is hereby declared unlawful.
>
> The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Observe there is not a single line in the bill defining what, as a matter of law, constitutes unfair competition. By the language of the bill just quoted, there is conferred upon a board of five men the power to determine, in accordance with their own standards and their own lights, their own opinions, what is fair and what is unfair competition.

Does the Senator think that such arbitrary, all-embracing power can be conferred upon a mere board of men without violating the provisions of the Constitution, which insure to every citizen the equal protection of the law, the right to own property and to not be deprived thereof except by due process of law, the right to be governed by the rules of law and not by the decree or mandate or caprice of a man or set of men, and which guarantee to every man the right to conduct his business himself under the rules of law and not under the decrees of individuals or boards? Has the Senator's committee considered these questions?

Mr. NEWLANDS. I will state to the Senator from Missouri that he probably has not been in the Chamber——

Mr. REED. I have been serving on a committee, and have not heard the speech of the Senator.

Mr. NEWLANDS. This matter has come up for discussion during the afternoon in the Senator's absence, and it has been pretty thoroughly gone over by a number of Senators. Briefly speaking, the only contention which can be made regarding the constitutionality of section 5 is that it is a delegation of legislative power; that Congress, instead of defining explicitly the offense that is unlawful, has left it to a commission to determine what acts come within the general phrase, and has thereby turned over to it one of its own powers of legislation.

Mr. KERN. The same as in the case of the Interstate Commerce Commission.

Mr. NEWLANDS. Yes. Now, with reference to that, we have to say that it is impossible, of course, to define in the law every phase of what is termed "unfair competition." If we should in the law attempt to do so, practices covered by the definition might be discontinued to-morrow and other practices equally effective substituted in their place. It was therefore necessary to put in some general phrase that would cover the practices which in common parlance are covered by the term "unfair competition," an enumeration of the practices of which I gave.

The first question was whether "unfair competition" had a legal significance. The Senator from Arkansas [Mr. ROBINSON] read citations from a number of authorities showing that that term had a legal significance. Of course, the term has probably been used more in America in the past 10 or 15 years of trust organization than during any other period, and it is now receiving, not only in the courts, but generally among economists, a fixed significance. I read from one decision in South Dakota, where the courts condemned a certain practice as constituting unfair competition.

The committee is of the opinion that this term is capable of interpretation by a commission just as thoroughly as the term "reasonable rate" by the Interstate Commerce Commission or the term "unjust discrimination" by the Interstate Commerce Commission. The Senator will, of course, understand that the power to regulate commerce is a legislative power vested in Congress. Congress could not take hold of all the various phases of commerce, and therefore it created the Interstate Commerce Commission, an administrative tribunal, as its servant to carry out that power under a rule fixed by it, and that rule was that it should fix reasonable rates and prevent unjust discrimination.

It is true, perhaps, that those words, "reasonable rates" and "unjust discrimination," have been used through the authorities for centuries, possibly, and had a fixed significance, which, perhaps, the term "unfair competition" has not yet gained. I mean to say, the term "unfair competition" has not been used so frequently as conveying an idea as these other terms, but there must always be a time when the use of a phrase shall commence as indicating at law a certain thing.

Now, then, the question is what unfair competition covers. It covers every practice and method between competitors upon the part of one against the other that is against public morals, in my judgment, or is an offense for which a remedy lies either at law or in equity.

Mr. REED. These things, however, are not embraced within the terms of the bill under consideration.

Mr. NEWLANDS. I gave an enumeration, which I will repeat briefly, of some of the practices which constitute unfair competition. You will find them treated under that head in the works of economists upon this new phase of industrial organization.

Mr. REED. Is the Senator now going to quote from the opinions of economists or from the law?

Mr. NEWLANDS. No; I am not going to quote at all. I am simply going to refer to practices as I have already given them.

Mr. REED. Pardon me, I just want to get this clear. The Senator said that these practices were referred to in the works of economists as unfair. I wanted to know if they were specified and defined in the decisions of the courts as unfair and illegal or if they are simply commented upon in the works of economists.

Mr. NEWLANDS. Yes; while I can not speak with definiteness, you will find the words "unfair" and "oppressive" used in the decisions of the courts in reference to certain practices.

Mr. REED. Oh, yes.

Mr. NEWLANDS. Such expressions are used with reference to local price cutting, with reference to the operation of bogus independent concerns that are intended to help out a monopoly in competition with its antagonist, the maintenance of "fighting ships," rebates, preferential contracts, espionage, and the use of detectives, coercion, threats, intimidation, and the bribery of employees. I imagine that possibly there would be remedies for all those things either at law or in equity; but society, as I remarked a few moments ago, is taking hold of this thing and doing away with the necessity of the individual dealing with a great organization and resorting at great expense to the courts. This tribunal, composed of economists and lawyers and men experienced in industry, is called upon to apply this standard of the law, namely, that unfair competition is illegal to the varying facts, situations, and conditions affecting interstate trade.

Mr. REED. Mr. President, I do not intend to discuss this legal question to-night. I want to make just one or two statements.

In the first place, I think there are many good things in this bill. In so far as the bill undertakes to create a board which shall ascertain facts, make investigations, and report the facts thus found to the proper tribunal or to the public, the objects of the bill are wholesome. The bill is, in the main, soundly constructed. I do not say that without qualification, although at the moment nothing occurs to my mind that can be regarded as a substantial criticism of the chief phases of the bill.

There are, however, two propositions embraced within this bill which, to my mind, can not be accepted without great danger to the public and without jeopardizing the entire bill.

In the first place, I would regard it as of great danger to the public if we were to enact any statute having for its purpose the creation of a commission to act as a buffer between trusts, pools, and combinations and the strong arm of the courts. If there is a crying necessity in this country to-day, it is that the administration of justice shall be more speedy. Surely nothing in the nature of additional impediments should be desired.

If, then, it is any part of the purpose of this bill to create a tribunal which is to hold a sort of preliminary examination and to determine whether it thinks a law has been violated, and that examination must be had as a condition precedent to the enforcement of the provisions of the antitrust statutes, I have this to say, that such a law is the kind of law, such a scheme as that is the kind of scheme, which would naturally be concocted and recommended by those engaged in combinations in restraint of trade. Naturally trust magnates will acclaim a law of that kind, because they will thereby gain delay; they will thus secure two trials where they now have one; they will gain the opportunity to throw numerous legal obstructions in the way of the officer of the law who undertakes a prosecution, civil or criminal, under the antitrust statutes.

The scheme I am discussing was advanced a few years ago upon the theory that it was a very bad and wicked thing to take a lot of poor, innocent, and unsuspecting gentlemen who had created a trust and did not know they had created a trust, who had engaged in a conspiracy unwittingly and unintentionally, who were restraining trade without being aware of the fact that they were restraining trade, and suddenly confront them with the statute and with an indictment or a petition in equity. It was claimed that there was a twilight zone, and that those who groped within that shadow land ought to have a kindly hand to guide them out of it and into the realm of honesty and fair dealing and legality.

Mr. President, I have never had any patience with that claim. If one dollar had been expended for the purpose of keeping clear of any trenchment upon the antitrust laws of this country where ten thousand dollars have been expended to devise plans to violate their spirit and yet escape their letter, not a single man would ever have unintentionally violated the trust laws.

I am not in favor of any law that creates a buffer between the courts and the criminal who has violated the laws of his land.

I have been serving upon the Judiciary Committee most of the afternoon and have missed the debate. Possibly what I am about to suggest has already been brought forward. I shall this evening content myself with a mere statement of my second objection, which is that this bill in plain terms undertakes to confer upon five men a power that is more arbitrary than that possessed by any king or potentate of earth. It is a power not to govern according to the common law, not to govern according to the acts of Congress or the Constitution, but to govern according to their own will and pleasure.

The Federal Government has the power to declare what is unfair trade so far as interstate commerce is concerned, to lay down rules of conduct, to denounce certain acts as unfair, and to fix the penalty for the violation of its laws; but all this can only be accomplished by the acts of Congress. A law of the land is required. The people must, through their representatives in the Congress, lay down the law which defines what is legal and what is illegal. Having enacted such a law, Congress may then take a further step and provide for the tribunals to enforce that law. But Congress can not create a tribunal and authorize it to create laws. Congress can not create a board and empower it to govern by its own reason, to rule by its own discretion, to do that which to it seems proper, and penalize the citizen for refusing to render obedience. Accordingly, we may provide what is unfair trade and we may confer upon a board certain powers with reference to the enforcement of that law; but even then we can not confer upon any board such rights as will deny to the citizen a full and fair trial upon the fact in court as to whether he has violated the law.

Why, Mr. President, think of saying in this land of the free—and there is still a presumption that it is a land of the free—that five men can sit down in a room and say: "We think, Mr. Jones, that what you are doing with your property is not fair. We have no rule to guide us. We have no law to blaze the way. Nobody has told us what is unfair. Congress has enacted no statute; the courts have registered no precedents; but we do not think your method of doing business is fair; anyhow it does not meet with our approval, and therefore you shall not do it." Will anyone pretend that such a decree is due process of law? Will anyone claim that the man against whom such an arbitrary decree has been leveled has been accorded the equal protection of the law? The old Constitution still exists, and while it lives you can not lay your hands on a penny's worth of a man's property except pursuant to a law, nor even then until he has had his day in court.

Mr. President, this is a most astounding proposition. You might just as well pass a statute providing: The President of the United States is hereafter authorized to do whatsoever shall to him seem best and proper with reference to the goods, wares, and chattels of the people of the United States, and having determined what is best and proper the people shall obey, and if they do not obey the courts of the land shall enforce the decree of the President by mandatory injunctions or by levying a fine upon recalcitrant citizens.

What would be left of constitutional liberty? What would be left of the law of the land? What difference would there be between this country, under those circumstances, and France under Louis XIV?

But you exclaim it is a commission that is to exercise these beneficent prerogatives. The word "commission" has become a holy term upon the lips of the reformer. "Commission!" Ah, here we have the magic word which opens all doors, sets aside all constitutions, annihilates all laws, unlocks all riddles. It is the star that is to lead us from the labyrinth of constitutional difficulties into those sunlit fields where the Constitution ceases from troubling and government by law is laid quietly to rest.

But, sir, you can no more confer arbitrary power upon a commission than you can upon the President of the United States, or upon a constable in Jones Township, in Hickory County, in the State of Nowhere.

Why, Mr. President, things of this kind, not half so radical, have been attempted, and they have been stricken down with absolute universality. I call attention to just one instance, the case of Louisville & Nashville Railroad Co. against McChord, decided by Judge Evans, of the United States court of Kentucky. (103 Fed. Rep., 216.)

The action was brought to enjoin a State board of railroad commissioners from even making a preliminary order under the following statute of Kentucky:

> An act to prevent railroad companies or corporations owning and operating a line or lines of railroad, and its officers, agents, and employees,

Mr. President, evidently it means that there are whole classes of business in this country directly competing unfairly with each other, and whole classes of corporations in this country that shall be required to make annual reports to this commission.

It seems to me that that is a pretty broad provision, and I wish to know what the Senator really understands that provision to mean. If it means that the requirement of annual reports shall be made under the powers given the commission, for instance, what class of corporations in this country would be compelled to make those reports annually?

Mr. NEWLANDS. Mr. President, it is very clear as to corporations that only those corporations are to make reports which the commission designates. The commission could designate one; it could designate a hundred; it could designate a thousand. I presume the commission would exercise that power with reference to some corporation that was under suspicion.

Mr. SMOOT. It says here:

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations.

Mr. NEWLANDS. Yes; I was going to refer to that. At first the question was considered as to whether it might be well to call upon all corporations subject to this act to make reports, just as all the railroad companies of the country are compelled to do; but the committee was of the opinion that such a system would be bulky, that it would be unwieldy, would be troublesome to a great many corporations that were conducting their business fairly with regard to the law; and so they determined that those corporations which the commission designated should make annual reports or special reports.

It was the assumption that the commission would have discretion, just as the Bureau of Corporations has. The Bureau of Corporations has had large powers, and yet I know of no case where it has been alleged that they have been used oppressively or to the inconvenience of business men generally. Enormous powers are given to the Internal-Revenue Bureau as to the income tax, and so forth. All those powers can be, of course, exercised in a most unreasonable and oppressive way, but it is our experience that they are not.

Mr. SMOOT. That only applies to corporations that are actually under investigation, but this goes further than that, and it says, "Such corporations or classes of corporations."

Mr. NEWLANDS. I admit that there is little more difficulty with reference to classes of corporations. I am not prepared to say how these corporations shall be classified. I assume that if they can not be classified the commission will not classify them; but there may be a case where it is important, with a view to securing information as is required under this act and with a view to controlling and covering an entire industrial situation, to call upon certain classes of corporations for their reports for a considerable time. I can understand, for instance, how it might be necessary to require corporations against which a decree of dissolution had been ordered to require that they should make reports, either annual or special, for a considerable time so as to keep them under the observation of the law and to make the decree itself effective.

I assume that the power will not be exercised unless there is necessity for it.

Mr. SMOOT. I notice also another peculiarity in the wording of this subsection.

Mr. POMERENE. Mr. President——

Mr. SMOOT. Just a moment. The Senator will notice it says "to prescribe as near as may be a uniform system."

The Senator does not believe that a uniform system of annual reports from all kinds of corporations and all classes of corporations and all varieties of business can be made? It seems to me that it would be impossible to have a uniform annual report from all the different organizations and business concerns of the country.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Ohio?

Mr. POMERENE. Mr. President, if I may be permitted, I wish to say that the committee realized the difficulty which the Senator has suggested. For that reason we did not feel that there could be one uniform blank applied to all corporations. There were other matters which were under consideration. Suggestions were made that we should only apply the provisions of the bill to corporations of a given capital stock or of given gross earnings. That suggestion was met by the further thought that many corporations which perhaps might be subject to criticism would be among those of a smaller capitalization.

We also realized that it would be next to impossible to require reports from all corporations in the country, and that it was necessary to have this commission clothed with powers which would enable it to get information from corporations which were under suspicion or ought to be investigated. It might be, for instance, that corporations which were engaged in manufacturing a given line, as, for example, harvesting machinery, ought to be inquired into, because there might come to the commission's knowledge such a state of facts that it would necessitate immediate investigation along a particular line. For that reason it was thought best to provide that the commission might classify corporations, and say that all engaged in the manufacture of harvesting machinery should be required to make reports; and as to them a substantially uniform kind of report could be required; that a report which might be required of a harvesting machine company would not be applicable to a manufacturer of cereal products, or of iron products, or of chemical products, or something of that kind.

Mr. SMOOT. But that is what the provision specifically states.

Mr. POMERENE. No; I think not.

Mr. SMOOT. That is what I am objecting to.

Mr. POMERENE. I think the Senator from Utah misconstrues it.

Mr. SMOOT. I can not read it in any other way. This section says so specifically. I can not see how the Senator can construe the language in any other way than that the commission under that power is—

to prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act.

That is not modified in any way. It does not classify such corporations by saying that one class of corporations shall make one uniform report and that another class of corporations shall make another uniform report.

Mr. POMERENE. If the Senator will permit me, I will say I think he has not read the entire paragraph. It says:

Corporations or classes of corporations * * * as the commission may designate.

Mr. SMOOT. Certainly; I understand.

Mr. POMERENE. Now, then, what is wrong in having this commission designate, for instance, the manufacturers of harvesting machinery, and say that class shall make a report of a given kind; that manufacturers of jewelry shall make reports of a given kind, and so forth?

Mr. SMOOT. That would be perfectly true if the commission only designated one class of business, but under this same provision they have the power to designate 50 classes of business.

Mr. POMERENE. They may do so; that is true.

Mr. SMOOT. And under the provision all 50 of those must have a uniform system of annual reports.

Mr. POMERENE. Now, if the Senator will pardon me again, he does not have in mind the complete language of the section, which says:

As near as may be a uniform system.

Of course if one line of business is entirely different from another line of business and the kind of information which the commission would require was different in the one line of business from what it was in the other line of business, clearly, it seems to me, under a fair construction of this language, they can determine that there shall be a blank of a given kind in the one line of manufacture and a blank of another kind for another line of manufacture.

Mr. SMOOT. Mr. President, the very argument of the Senator from Nevada [Mr. NEWLANDS] and also that of the Senator from Ohio [Mr. POMERENE] proves beyond question, to my mind, that there are words in this provision which should not be there. To make it perfectly clear and to follow out the practice of the Bureau of Corporations as it exists to-day and as referred to by the Senator from Nevada the provision should read in this way, and I believe it would meet every case that could possibly be thought of by the trade commission:

To prescribe as nearly as possible a system of annual reports from such corporations subject to the provisions of this act as the commission may designate.

Then, of course, it would mean that the commission would begin an investigation; that the commission would call for the annual reports of that particular business which they had under investigation or as to which they anticipated making an investigation. There would be no question, then, as to just exactly what was meant.

Mr. NEWLANDS. If the Senator from Utah will put his amendment in form, it will be brought to the attention of the committee.

Mr. THOMAS. I wish to ask the Senator from Utah before he takes his seat whether the provisions of subsection (b) of section 3 are not sufficiently extensive to produce the results that are sought to be obtained or intended to be secured by subsection (c)?

Mr. SMOOT. It seems to me that the provisions of subsection (b) are even broader than those of subsection (c); and that was one point that I was subsequently going to take up with the Senator and ask him to explain the difference between the two.

Mr. THOMAS. Perhaps I have anticipated.

Mr. LIPPITT. Mr. President, if I might intrude just at this point, I wish to say that I was rather surprised to hear the Senator from Nevada [Mr. NEWLANDS], in referring to subsection (c), say that that was intended simply to apply to corporations under suspicion or under investigation. I think just the opposite is the case. I think the whole intent of subsection (c) was to provide a uniform system of annual reports from all corporations that were subject to the provisions of this act, and the only explanation of the language that is used there must be that it is in contemplation that all the corporations that are subject to this commission shall annually make certain reports of their business, such reports as the commission may designate; that those corporations may, for the purpose of convenience, be divided into classes, and that there may be a different report for each class that may fit the particular requirements of that particular class; but there is no possible use, there is no possible meaning to subsection (c) in reference to the other parts of the bill, unless the purpose of that is to have all corporations file certain reports. In all the discussions of the committee, as I remember them, that is what was then had in view.

In addition to that the commission is also empowered to ask for certain special reports under certain special circumstances. The distinguished Senator from Nevada will well remember that one of the witnesses before the committee, in discussing this subsection (c) and in considering the effect of it, took up the question of the expense of providing these reports; he went into it very elaborately, and, assuming that there were 350,000 corporations subject to the authority of the commission, assuming that perhaps 150,000 of them were of comparative insignificance, there were at least 200,000 corporations of consequence subject to the commission that would be obliged to make these annual reports. According to his estimate it would cost those business corporations $20,000,000 a year to make those annual reports.

That is all in the testimony. I do not remember that when that testimony was given or when that statement was made there was any idea in the mind of any member of the committee except that subsection (c) provided that every corporation should in some way, by the means of this commission and through the authority of subsection (c), be compelled to through the authority of subsection (c), be compelled to reveal to the public certain general items in regard to their affairs.

Then in other parts of the bill the commission is authorized to ask for all sorts of special reports from corporations under suspicion, and so forth—correspondence and various other matters. I should like to ask the Senator from Nevada if he did not speak a little unadvisedly perhaps when he assumed that subsection (c) was meant to apply only to a corporation under suspicion?

Mr. NEWLANDS. Mr. President, my impression is that I did not use that language. My impression is that the language I used——

Mr. LIPPITT. I understood the Senator to use that language, and I think the Senator from Utah so understood him.

Mr. NEWLANDS. My impression is that I used that case as an illustration of what might be done under this bill; that the commission could call upon corporations under suspicion to make special reports.

Mr. LIPPITT. Certainly the gist of the Senator's remarks was that the commission was not going to exercise all of its powers; that it only possessed those powers, but it was not expected that it would exercise them except in special cases. Still, if the Senator agrees with my interpretation of it, there is nothing more to be said.

Mr. NEWLANDS. Mr. President, the Senator from Utah [Mr. SMOOT] wished me to give an illustration of cases in which classes of corporations would be called upon for reports, and I instanced that as a case. I told him that I could not at the time think of others, though perhaps I mentioned another class. I do not recall. I will say, however, that a class has come to my consideration since I yielded the floor, and that is of corporations that are engaged in the export trade. I could understand very readily how the commission might deem it wise to call upon corporations engaged in the export trade to make either annual or special reports with a view to discharging their duty. Under this section of the bill, subsection (h), it is provided:

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

I can understand how it might call upon that class of corporations. I can not, however, understand how there can be any very general exercise of these powers that would apply to every corporation that is engaged in the export trade. As a matter of practical judgment I have been unable to think of such a necessity, though some such necessity might arise in a limited way. Of course, one of the witnesses before the committee conjured up all kinds of cases in which corporations could be called upon for both annual and special reports, and he figured that these reports might be of such a general and comprehensive as well as specific character as to require the services of a lawyer, the services of an accountant, and so forth; and he figured that there was a very large expense to each corporation. He multiplied it, I think, by one hundred and fifty or two hundred thousand, which made it a very large sum; but, of course, it was a fanciful statement which did not impress the committee, and I am sure did not impress the good judgment of the Senator from Rhode Island.

Mr. LIPPITT. Mr. President, on the contrary, if the Senator will allow me to say so, it impressed my judgment so much that I think his figures are too small. I have no doubt that it will cost the corporations of this country that amount, and I have contemplated as a very important addition that ought to be made to this bill that in the case of every investigation made by this commission they ought to be instructed to ascertain the cost of the investigation to the party investigated and make that cost a part of their report, so that it might be known. I think to-day that the Interstate Commerce Commission in relation to railroads ought in some way to let us know what it cost the railroads to respond to the demands that they have made upon them.

Mr. POMERENE. Mr. President——

Mr. LIPPITT. I yield to the Senator.

Mr. POMERENE. Does the Senator mean the cost to the company or the cost to the commission?

Mr. LIPPITT. The cost to the company. I think that the cost to the people investigated is of the most serious consequence. An instance was called to my mind only a few days ago of two or three corporations in one of the Western States that were accused of having violated in some way the anti-trust law. A suit was brought against them, and they were found not guilty; they were found not to have violated any law. Nevertheless, not counting the interruption to their business which occurred in consequence of that suit, the direct cost to those corporations was $40,000. They were penalized $40,000; which is a very considerable sum for having committed no guilty act, for they were declared absolutely innocent. I am sure that in the case of the railroads to-day, if we knew the figures, if we could get at the cost involved in responding to the demands of the Interstate Commerce Commission, we should have some very valuable information in arriving at an estimate of its value to the public.

I think if we are going to create a commission of this kind we ought to put ourselves in such a position that we will be in possession of the facts about its operations, the benefit it produces, and the injury it may commit, for ultimately, it is not necessary to argue, the community will have to pay every single dollar of cost that the business of the country is put to by the establishment of a commission of this kind. I think it is one of the elements that ought to make us hesitate a long time before we rush blindly into the establishment of such an agency of the Government as this, the ultimate limit of the expenditures of which it is absolutely impossible for any man to foresee.

So that when the Senator from Nevada says that I was not impressed with the statement of that witness that the cost to the business of this country—and that means to the people of the country—would be $20,000,000, I want to say to him that there was no piece of evidence that was given by any witness before the committee that impressed me so much. I have thought of it over and over again, and the more I have thought of it and the more I have considered it with reference to specific instances that have come to my knowledge from time to time as the result of these investigations the more I believe that it is a very moderate figure indeed.

Mr. President, if the Senator from Utah [Mr. SMOOT] has finished, I should like to ask the Senator from Nevada for his views on another question which occurred to me in connection with section 5, particularly in regard to the penalty that is provided in that section for unfair competition. It has occurred to me on reading it over that section 5 is simply a section to give immunity for acts of unfair competition, that the whole effect

Mr. McCUMBER. With the permission of the Senator from Nevada——

Mr. NEWLANDS. I wish to say that I am exceedingly indebted to the Senator from Arkansas for his interruption, and I should be glad to yield to others; but I wish to conclude my remarks, which I will do in a few moments, and yield the floor.

Mr. President, the citations which the Senator from Arkansas has just given were unfamiliar to me. When he interrupted me I was about to remark that I knew of but one case where the term "unfair competition" has been used; but I was urging that there must always be a commencement for a legal term in the administration of the law, and that certainly in the evolution of the law we are not always confined to the terms that have existed in the past. The law itself at any time can create a standard and can call upon an inferior tribunal to administer it.

VARIETIES OF UNFAIR TRADE PRACTICES.

I was curious to know how many unfair practices there were that were generally recognized, and I found these:

Local price cutting; that is to say, the cutting of prices by a competitor in a locality where competition existed whilst upholding prices in the field of monopoly, the cutting of prices being with a view to injuring and destroying the business of the competitor.

The operation of bogus independent concerns, where a corporation having a large business of monopolistic character, unwilling to reduce prices in order to meet the prices of a competitor, organizes an independent concern having independent administration for the purpose of entering the field of the adversary and cutting prices with a view to his destruction.

In transportation, the maintenance of "fighting ships," where a great steamship monopoly organizes fighting ships to operate against an independent concern, these fighting ships making rates below cost with a view to the destruction of the adversary.

Then, there are fighting brands used, I believe, in the tobacco business and other businesses—brands that are not generally utilized at all in general sale, but are brought into play and operation wherever a rival appears and wherever the field of monopoly is invaded.

Then there is the lease, sale, purchase, or use of certain articles as a condition of the lease, sale, purchase, or use of other required articles, making use of a patented article as a means of monopolistic control over other articles that were not patented; exclusive sale and purchase arrangements; rebates and preferential contracts; espionage and the use of detectives—a method quite frequently pursued, a method proved to have been employed in the case of the National Cash Register Co. It was proved there that they had men in the employ of their rivals, that they had every form of espionage and detection, and that they even resorted to bribery of the employees of the rival concerns.

Then come coercion, threats, and intimidation.

The peculiarity of these practices is that just as soon as one is brought under the direct condemnation of the law another is invented, so that if you should attempt by direct legislation to cover every one of these, and you should secure judgment against those practices, the very day after the judgment was rendered new practices would be invented that would not come within the wording of the law. I questioned the representative of the Ohio Manufacturers' Association who appeared before us upon this question, and let me say here that the Ohio Manufactuers' Association, the Illinois Manufacturers' Association, and the General Vehicle Association, representing an enormous capitalization, all, as I understood them, declared themselves before our committee as being in favor of a trade commission. When I addressed one of the representatives of the Ohio Manufacturers' Association——

Mr. LIPPITT. Will the Senator yield to me?

Mr. NEWLANDS. Yes.

Mr. LIPPITT. I should like to ask the Senator if the trade commission that those people indorsed was not one entirely different from this, and if it did not have an entirely different purpose?

Mr. NEWLANDS. I think if the Senator will look over the report of the proceedings he will find that their attention was directed to this kind of a commission, and my recollection is that it was to section 5. I do not recollect whether it had been inserted in the bill then or whether we simply had it in contemplation, but I questioned the representative of the Ohio Manufacturers' Association and the Illinois Association with reference to unfair competition, if they would object to such a provision, and the answer came from one of them that it was better to cover all unfair practices by a general phrase, for he said if there are 20 to-day and all are condemned expressly by law, another will be invented to-morrow. Our object is simply to maintain by law good morals in business as in other matters.

Mr. LIPPITT. Mr. President——

Mr. NEWLANDS. I must decline to yield for the moment.

Mr. LIPPITT. I had not finished my question, but, of course, if the Senator prefers not to yield——

Mr. NEWLANDS. I am going to close in a moment, and then I will be glad to answer any questions.

COMMISSION TO HAVE LARGE DISCRETION.

Mr. President, there is no reason why there should not be good morals in business as there is in any matter. You can not take a body of five men, intelligent men, composed as this body will be of lawyers, economists, publicists, and men experienced in industry, who will not be able to determine justly whether the practice is contrary to good morals or not.

Mr. President, the objection was made that this commission may arbitrarily determine. I do not know how a man can determine anything without perhaps arbitrarily determining it. That objection does not have, in my judgment, very much strength unless the idea is conveyed by an arbitrary determination that the tribunal determines without listening, without a hearing. The bill provides for a hearing. It opens up every avenue of information, investigation, and inquiry, and calls upon this commission to determine only after hearing both sides. Then the matter goes to the court, and the court is to determine whether the commission has acted within its authority and has also acted in obedience to the Constitution. If its action involves the confiscation of property, if its action involves something not within the authority conferred, the court can act, but within the authority granted, the action of the commission is, and ought to be, final and conclusive.

I would rather have the opinion of such a commission upon a question of good morals in business than to have the opinion of the court upon such a question.

Mr. McCUMBER. Mr. President, I had supposed after several years of very earnest study on the part of the Senator from Nevada [Mr. NEWLANDS] that he would not only be capable, but would also be very anxious and willing and, in fact, would court the opportunity to make his pet measure just as clear as possible to the Senate. I confess I was a little surprised to find that the Senator rather sought to avoid or did not wish to be troubled by answering the numerous questions by those who do not see clearly what is intended by the words "unfair competition," which he has used in the bill.

Mr. NEWLANDS. I would be glad to answer any question the Senator chooses to put to me, but I rose to address the Senate on the subject brought up by the Senator from Iowa [Mr. CUMMINS] and I wished to conduct my remarks in an orderly way. I may say here that, individually, I for a long time have regarded the practice in the Senate of carrying on a conversational debate as one tending to a tremendous prolongation of discussion. But I certainly would not expect to institute a reform in this particular bill which I am presenting here, and I will be very glad to answer any question the Senator may choose to ask me.

Mr. McCUMBER. Section 5 reads:

> That unfair competition in commerce is hereby declared unlawful.
> The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.
> Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order—

To cease such methods.

This is certainly a very important step and a very advanced step toward the field of paternalism in putting every business under the strict supervision of the Government. When we take a step of that character we ought to understand just where we are going and exactly what the step means to us.

I confess I can not agree with the Senator from Iowa [Mr. CUMMINS] that the term here used would be applicable only to those cases in which the public itself might be interested. If I understand the clear provision in this case, it is a question as between corporations or between manufacturers or between commercial bodies, because it speaks of unfair competition between those bodies or those persons.

We understand, of course, that anything that is not fair must be unfair, and everything that is not honest, that is not straightforward, that is not sincere in trade must necessarily be unfair.

What I wish to arrive at is whether you contemplate that the Government of the United States is to go into the business of controlling the commercial morals of every individual in the country and enforce a standard, and if it is to enforce a standard what that standard is to be. The case cited by the Senator from Iowa is simply a case as between two corporations, one selling soap and the other selling soap. The court did not inquire whether the public was benefited by one or the other. It simply inquired into the question as to whether the competitor was injured. It did not consider the public interest at all, but inquired whether there was any character of deception imposed upon the other manufacturer.

Now, is that to be applied in the cases under this "unfair competition" provision in the bill? We can only understand a matter of this kind by considering it in the light of a concrete case. I may have before me, for instance, an advertisement concerning automobile tires. That is a business which has grown wonderfully in the last 20 years, and there is considerable competition in order to obtain business. Here is a manufacturer, in one column he gives the price of his tires of a certain size; he gives the standard prices of other manufacturers of tires of the same size; then he has a column showing that his particular tire is sold in the market 20 per cent cheaper than the other; then this manufacturer follows that up with a declaration that his particular kind of tire is the very best known, and that his tire is equivalent to the best tire manufactured in the country.

Now, suppose one of the other companies appear before this commission and make the declaration that the competitor who is selling his tires 20 or 30 per cent cheaper is guilty of unfair competition, and they set out the fact that the tire is not up to their standard of manufacture, will this commission have to go into that question, and will it decide that question and call the other manufacturer before it and try out the case? If that is true, then every manufacturer of cotton or silk or woolen cloth who claims that his fabric is as good as the best can also go before the same commission. It seems to me, after reading the provision, that it is absolutely without limit; that there is no standard to go by except the standard which may be in the mind of the individual

I am sure that I agree with the Senator; I would like to see all business carried on honestly and fairly and eliminate all deceptions in every kind of trade; but I want to know whether that is really to be accomplished in this bill and whether it is to be made a governmental function to enforce upon every individual doing business in the country a code of morality concerning his commercial transactions.

Now, let me ask the Senator a concrete question upon the supposition which I have made. Under this bill would the commission be compelled to try the case as between these two tire manufacturers?

Mr. NEWLANDS. Of course, it is possible in criticizing this bill to state extreme cases that apparently reduce the bill to an absurdity, though I am not inclined to admit that the case to which the Senator has referred would have that effect. I presume that this tribunal will act as the courts do according to the legal maxim de minimis lex non curat. I imagine that a tribunal of this kind will not concern itself about trifling affairs. A complaint may be presented to it and the whole matter be conducted by correspondence. The attention of the recalcitrant party, or the alleged recalcitrant party, may be called to the alleged practice and the whole matter disappear by correspondence. But I assume that whenever the commission feels that the matter is of sufficient importance, both between the parties and with reference to the public interest, to call the parties before them and have a hearing it will be done.

Now, recollect, that in all the cases that I have referred to as involving unfair practice there would be a remedy to the individual, either at law or in equity. The difficulty that we find, however, is that owing to the growth of these enormous corporations, which no one wishes to destroy—I am not speaking of monopolistic combinations, I refer to large aggregations of wealth in corporate form—it is very hard for the individual to maintain his ground. If you say to him, "Well, you have a right at law or a right in equity which will be enforced," it means very little to him, because it means the employment of a lawyer against lawyers of great skill and repute. It means the collection of evidence. It means a large expenditure.

Now, the society has an interest in these questions. It not only has the interest of protecting an individual against oppression and wrong, but it also has the general interest in the maintenance of good morals. So we concluded when we passed the interstate-commerce act to relieve every shipper of the responsibility and the burdens of individual litigation with a great railroad, because we knew that the mere possession of an abstract right at law meant nothing to him. We placed society between him and the corporation with which he dealt, and we organized a tribunal conducted at the expense of society with a view to seeing that injustice to the individual was not accomplished.

We are simply carrying out that rule now with reference to trade. Either you have to break up these great combinations of capital, perhaps forbid the organization of corporations at all, or you must adopt some social machinery which will protect the individual from oppression and wrong. This tribunal is simply for the purpose of economically giving to each individual, at the lowest cost of effort and money, the power of asserting his right which exists in law or in equity.

Mr. McCUMBER. Mr. President, I asked a question of the Senator. It may be that I am a little dull, but I must admit that I do not know yet whether the Senator holds that in the case I have mentioned the parties in dispute over auto tires could go before the commission and have their cases adjudicated if this bill becomes a law.

Mr. NEWLANDS. Anyone who felt himself injured by such a condition as the Senator refers to could, of course, apply to this commission. It would then be in its discretion as to whether it would grant a hearing. I would not expect it to take hold of every trivial matter.

Mr. McCUMBER. Would the Senator regard a matter of this kind as trivial?

Mr. NEWLANDS. If it is not trivial in its significance, and could be corrected by correspondence, I would expect that to be done. When I say "trivial" I do not mean in the amount involved but I mean trivial in the sense that it is so near the dividing line between good and bad morals that people would differ with reference to it.

Mr. McCUMBER. Mr. President, there were 400,000 autos manufactured in the United States this year, without taking into consideration the number that have been manufactured in the last 10 years, a portion of which are still running. Each of those autos will, on the average, take three sets of tires a year, so the Senator can understand that the bill is somewhat important in such a case as I put.

I was looking a very short time ago at an advertisement which compared a certain manufacture with that of the United States, taking, for instance, 44 by 36, price $52—and here is something else to be purchased of exactly the same make at $36—and it declares that its manufacture is equivalent to the very best United States tires. This advertisement goes out to the purchasers, and, of course, if the tire is just as good, the other manufacturer must be imposing upon people to the extent of hundreds upon hundreds of thousands of dollars yearly. It can not be a trivial case. A difference of some $15 or $20 per tire is not a trivial matter when you consider the enormous quantity that are sold in the United States.

Therefore in the case that I have given I selected one that I thought would be very important on account of the enormous sums that are expended by the American people in that line alone. If the commission would take cognizance of that matter, they must also consider any other matters that are brought before them to determine whether or not a competitor in any line of trade is honest and fair and sincere in his advertising, in his declarations and statements, and that would involve an investigation into the merits wherever a complaint was lodged.

Mr. NEWLANDS. Did the Senator understand me to assert that the case to which he referred was trivial? I did not so state. I made a generalization.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Nevada a question before he takes his seat. I may have misunderstood the Senator, but I gathered from what he said that no business concern of the country will be affected by the provisions of the bill unless there is complaint of unfair competition between the one or the other of the parties undertaking a prosecution. Did I understand that to be the Senator's position?

Mr. NEWLANDS. I do not know whether I said that. I think the Senator states the fact as to section 5; that is, if I understand his statement properly.

UNIFORM SYSTEM OF ANNUAL REPORTS.

Mr. SMOOT. Then I should like to ask the Senator what this provision means. The bill first provides for a commission of five members, to be appointed by the President, and then in section 3 the bill provides that the commission shall have certain powers, and, among other powers, I notice in subsection (c) the following:

> (c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise, in the discretion of the commission.

From the reading of that power imposed upon the commission it seems to me that the commission will have to prescribe a uniform system of annual reports—from whom; from what business?—and to inquire whether it is unfair competition or not. The bill provides that it shall be "from such corporations or classes of corporations subject to the provisions of this act."

the matter of competition in trade than that which the Supreme

that, can suggest more understandable words for that standard,

engaged in interstate commerce, if one of the railroads mis-

like to enter into the details.

Mr. LIPPITT. I should be very glad to have them, for I have no doubt it is a very good article, or the Senator would not have been engaged in the litigation.

Mr. CUMMINS. Certainly, my client was a very responsible litigant.

Mr. LIPPITT. But the Senator was talking about unfair competition involving an element of unfairness to the public. I was wondering, in this very case, if the party who made the "crystal white laundry" soap had sold it at a price, say, of 75 cents, while the other party sold his soap at $1, whether the public was injured.

Mr. CUMMINS. The court thought so.

Mr. LIPPITT. I wanted to get that information about it, because it seems to me that when you come to the question of what is "unfair competition" and such unfair competition must involve an element of unfairness to the public, if the competition is of such high character as to reduce the price to the public, it is going to be a very difficult question to say that it is injurious to the public. I presume that is what the Senator means by saying "unfair"; I presume he means if it is unfair to the public, it is injurious; and that because in some way it will ultimately result in higher prices to them, but if the competition results in lower prices to the public, it is fair to them?

Mr. CUMMINS. Not always.

Mr. LIPPITT. The proposition is so mixed up with that idea that I scarcely see how one can be separated from the other.

Mr. CUMMINS. I do not think it is mixed up with that at all. If one goes into a store and desires a certain thing and through a misrepresentation, such as I have indicated, he takes another thing he is injured, and the people generally are injured if the same thing is practiced on them, without regard to the price, without regard to the quality of the goods involved.

Mr. LIPPITT. I can see where the practice in the case the Senator cites might be very unfair competition, so far as the original owner of the brand is concerned, if this other brand induced customers to take another article when they might have taken his; but when you begin talking about whether or not it is fair or unfair to the public, if the article is equally good and sold at a lower price and by the use of it the customer is introduced, at a saving in dollars and cents, to a new article much to his advantage, it seems to me you are getting on ground where it will be very difficult for the commission to decide. I think the case the Senator has cited, if you carry it a little further than he did, is illustrative of the extraordinary difficulty cases of this kind are going to present to the commission.

Mr. CUMMINS. I have not a bit of doubt, Mr. President, of the difficulty of the cases. We have never accomplished anything good yet without great difficulty. If those who passed the antitrust law and those who passed the interstate commerce law had been appalled because they were difficult of administration, we would have yet been without any regulation of interstate commerce.

Mr. BORAH. Mr. President, if I understand aright, the Interstate Trade Commission is designed to be somewhat of an aid to the enforcement of the Sherman antitrust law?

Mr. CUMMINS. I do not say so.

Mr. BORAH. Well, I understood a statement to that effect was made the other day.

Mr. CUMMINS. Mr. President, will the Senator from Idaho permit me to go on and state what I rose to state? I have not in my remarks gone over the provisions of this bill nor have I become their sponsor or their defender in all their parts.

Mr. BORAH. I simply desire to say that when this bill was brought into the Senate, the Senator from Nevada stated that he wanted speedy action. I asked the Senator from Nevada a couple of questions which I thought were pertinent, and I received no answer. I supposed that somebody connected with the bill was willing to inform the Senate in view of the fact that we are to proceed speedily to vote upon it.

Mr. CUMMINS. I am willing to respond to any question with regard to the bill, but I hope that I will not be led at this time to review all its provisions.

I rose, Mr. President, to indicate that there ought not to be any vote upon this bill this afternoon. That was my only purpose. I am not the author of section 5, which has excited so much dispute in the last hour. I believe in section 5, but I do not believe it is important at all as compared with certain other sections which ought to go into the bill, conferring other powers upon the trade commission. I have been defending section 5 because I have been led into it by one inquiry after another. I was entirely sincere when I said that I would have much preferred that the Senator from Nevada [Mr. NEWLANDS] should defend and explain this section before I attempted to give my views upon it.

When I was diverted into this discussion I was just suggesting that there were certain sections reported by the subcommittee to the full committee relating to interlocking directors and to intercorporate stock holdings and to holding companies. They were afterwards segregated from the bill, for the reason, I assume, among other things, that a bill known as the Clayton bill had passed the House, had come to the Senate, and had been referred to the Judiciary Committee, and that certain sections of that bill covered interlocking directors and intercorporate stock holdings. That embarrassed us somewhat, and it was difficult to determine just what ought to be done in order that the subject might be considered in an intelligent way. The Judiciary Committee has been debating in that field for two days now; and this morning, at the suggestion of members of the Judiciary Committee, I offered the sections to which I have referred as amendments to the bill now before the Senate, and asked that they be referred to the Judiciary Committee for its consideration and report. These proposed amendments have been referred to the Judiciary Committee, and that committee will have them under consideration; and I do not want any vote taken upon this bill that will preclude amendment to the matter sought to be substituted for the House bill until the report of the Judiciary Committee comes in.

Really, that was the only purpose I had in mind when I rose. I had no thought of discussing the bill generally, except to express my general approval of it, provided we clothe the commission with sufficient power to warrant the establishment of such a tribunal.

INTERLOCKING DIRECTORATES AND INTERCORPORATE STOCKHOLDINGS.

Mr. NEWLANDS. Mr. President, in reply to the question of the Senator from Iowa regarding interlocking directorates and intercorporate stockholdings, I have to say that I have known for a long time that the Senator was quite desirous of having legislation upon that subject incorporated in the trade commission bill. At one time I was disposed to consider it very favorably myself; so much so that the Senator from Arkansas [Mr. ROBINSON] and the Senator from Iowa [Mr. CUMMINS] were made a subcommittee to study that question, and I am sure the full committee is exceedingly indebted to these gentlemen for the thorough study which they gave the subject. I realize, however, and the committee realize, that the danger of running outside of the strict lines of a trade commission bill would be that we would perhaps arouse the opposition of those who would otherwise be the friends of the bill, and that that opposition would produce delay in the consideration of and action upon the bill. We thought it, therefore, much more logical, with a view to immediate achievement, to confine the bill simply to the organization of a trade commission.

It is true, as the Senator said, that we wandered slightly outside of the lines of a purely trade commission bill by inserting this provision with reference to unfair competition; but so far as I was concerned—and I think that was the judgment of the committee—the section itself was so unobjectionable that we felt sure it would arouse but little opposition and that it would strengthen rather than weaken the bill.

My individual opinion is that an interlocking directorate would come under this provision with reference to unfair competition if an interlocking directorate were used for the purpose of creating a community of interest between two or three or four corporations that would make them more powerful in their competition with an individual competitor; and I wished the test to be not simply the fact that there were common directors in numerous corporations, but the fact that the creation of that common directorate involved oppression to the independent concern, and thus involved unfair competition.

We all know that these so-called interlocking directorates are organized under the laws of the various States. We have very few national corporations, so we are acting, recollect, with reference to the organization and business of purely State corporations which are engaged, in greater or less degree, in interstate commerce. If the States permit common directors, I do not think the United States should interfere with that practice unless it involves a restraint of interstate commerce; and an undue restraint of competition does constitute a restraint of interstate commerce.

So I have been opposed to wholesale legislation regarding both interlocking directorates and intercorporate holdings. I think those matters may be wisely left to the legislation of the States, except where the existence of an interlocking directorate or the existence of an intercorporate holding constitutes in itself a restraint upon interstate commerce.

We all know that there is great apprehension, also, among numerous corporations throughout the country that have common directors. Those corporations may not be in competition at all, though they may be engaged in the same kind of business, or the competition may be so slight as to be absolutely inappreciable; and yet we do know that in various States and communities there are men who are regarded as commercial and business leaders whose position on the directorate of any corporation adds strength to it and gives security to the stockholders. To limit unnecessarily the utilization of the services of such men in common directorates of corporations, unless such common directorates have the effect of restraining trade, would be, in my judgment, very unwise.

Besides that, so far as I am individually concerned, I have had some regard for psychological conditions, to which the President has referred. I believe the country can get into a state of mind. I believe it has gotten into a state of mind. I believe that the economic readjustments necessarily following any change in the tariff contributed something to that state of mind. I believe the antagonism of the great banking institutions of the country in the creation of our banking law created a state of mind in many men throughout the country engaged in banking who simply followed the great leaders in New York and the other big financial centers and followed their thought without thinking for themselves. We all know that the ultimate effect of that act will be beneficial and not prejudicial; and yet the agitation regarding it has had the immediate effect of tying up the credits of the country and the transactions of the country and to that extent crippling production and trade.

I believe with reference to this trust legislation that whilst we have in view only the outlaws in business and are going to create large powers only for the purpose of paralyzing their efforts to monopolize trade, we are likely in general legislation to alarm men who are not engaged in monopolistic practices and who have no reason for apprehension, and yet who are under apprehension and who beg Congress to adjourn in order that business may have a chance. So far as I am concerned I do not want to add to this anxiety, to this state of mind, to this psychological condition which exists in a greater or less degree, and which, in my judgment, will disappear just as soon as Congress adjourns. I want to see Congress adjourn, however, as the result of honorable achievement and not simply because of fear to act upon things upon which we ought to act. I believe in acting upon those things, however, in such a just and reasonable way as to reassure the public mind and to allay apprehension.

So far as these interlocking directorates and intercorporate holdings are concerned, I believe they will come within the provisions of section 5 regarding unfair competition, and will thus accomplish the purposes which the Senator from Iowa has in view. If at any time I could feel that the addition of these sections to the bill itself could be properly guarded, so as not to alarm these common directors in small corporations throughout the country and add to this state of mind, I would acquiesce in it, provided it would speed the passage of the bill; but if it is going to enlarge the field of contention and delay the consideration of and action upon this bill I should feel that I would not be discharging a public duty by acquiescing.

LEGAL DEFINITION OF UNFAIR COMPETITION.

Now, regarding the question of unfair competition, I did not say much upon that subject in my opening remarks, simply because I did not think it required much discussion. I suppose it will be apparent to every mind that if a commission could be called upon by Congress to determine what was unjust discrimination, what was a reasonable rate, if a great public service, the Forest Service, could be called upon under a general rule of legislation to prescribe rules and regulations the violations of which would involve criminal liability, it would not be held for a moment that the declaration by Congress that unfair competition was unlawful, and the reference to a commission to determine, according to the facts and circumstances of the case, whether this provision had been violated, was a delegation of legislative power.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the courts have for years used the term "unfair competition," and had by a long line of decisions given it a legal interpretation and significance, no one would make that contention for a moment; but must there not always be a starting point, where the courts give a term a legal significance? There must be a first case in all the law that has been built up at common law.

Mr. McCUMBER. Mr. President——

Mr. NEWLANDS. Just one moment, and then I will yield. The trade-mark was upheld at common law, and the trade name, not because statutes gave a proprietary right in it—I believe the trade-mark legislation was subsequent to these decisions—but because it is practically a violation of a property right of a man to take up and utilize a trade-mark or a trade name with which he has built up a business. It is against good morals and good conscience for his competitor to do it, and the court would intervene, either through injunction or by damages in a suit for injury. I imagine there must have been a first case there, as there must be a first case everywhere.

Mr. McCUMBER. Mr. President——

Mr. NEWLANDS. These conditions of unfair competition, if the Senator will permit me to complete logically what I was going to say——

Mr. McCUMBER. I was going to ask the Senator if he would define what he understands the court to have defined unfair competition to be, not in trade-mark cases, because they are between individuals, but what does the court say unfair competition consists of?

Mr. NEWLANDS. My attention has not yet been drawn to more than one case where the court has upheld this doctrine.

Mr. ROBINSON. Mr. President——

Mr. McCUMBER. Was that a trade-mark case?

Mr. NEWLANDS. No; it was not. It has used the term "unfair competition" there, and I will refer to that case in a moment.

Mr. ROBINSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arkansas?

Mr. ROBINSON. Will the Senator yield to me? I order that I may make a brief statement in connection with the question that has been asked by the Senator from North Dakota?

Mr. NEWLANDS. Certainly.

Mr. ROBINSON. The term "unfair competition" has a more or less fixed meaning in law. It is a term that is known to the law, and has been defined in part by the courts. It is defined in some of the law dictionaries as "unjust, inequitable, or dishonest competition." Those words, of course, are of generally well-understood meaning.

By reference to what is now, I believe, a pretty well-recognized standard authority on the meaning of terms, namely, "Words and Phrases," volume 8, we find that the words "unfair competition" have received definition by the courts in quite a number of cases. Like any other term, this one has not received such a definition as would include all of the practices that might come within it.

I quote from the volume just referred to:

> With respect to articles placed upon the market for sale, it is only when the one article is dressed so as to represent the other, and to deceive a proposing purchaser as being that other, that there can be said to be a case of "unfair trade." (Sterling Remedy Co. v. Eureka Chemical & Manufacturing Co. (U. S.), 80 Fed., 105, 108; 25 C. C. A., 314.)

Another case:

> The doctrine of unfair competition in trade rests on the proposition that equity will not permit anyone to palm off his goods on the public as those of another. Unfair competition in trade, as distinguished from infringement of trade-marks, does not involve the violation of any exclusive right to the use of trade-marks or symbols. The word may be purely descriptive, and the mark or symbol indicative only of style, size, shape, or quality, and as such open to the public. Yet there may be unfair competition in trade by an improper use of such mark or symbol. (Dennison Manufacturing Co. v. Thomas Manufacturing Co. (U. S.), 94 Fed., 651, 656.)

Further cases are cited in the volume that I have already designated.

> The term "unfair competition in trade" includes the simulation by defendant of the packages of plaintiff, putting up and selling packages of the same general appearance as those of the plaintiff. The court will only interfere to protect the plaintiff and the public, and for the suppression of unfair and dishonest competition, when "the resemblance is such that it is calculated to deceive, and does in fact deceive, the ordinary buyer, making his purchases under the ordinary conditions which prevail in the conduct of the particular traffic to which the controversy relates." (T. B. Dunn Co. v. Trix Manufacturing Co., 63 N. Y. Supp., 333, 335; 50 App. Div., 75.)

As I stated a moment ago, while the courts, so far as I am informed, have not gone so far as to define every case or every practice in trade which might constitute unfair competition, still the words "unfair competition" have a recognized meaning in law.

Mr. BORAH. Mr. President——

Mr. ROBINSON. And it is better to use this term, which has come to have a more or less definite meaning in law, than to single out one or two of the large number of practices which are unfair and place an inhibition against them. The term "unfair competition" in trade will embrace every practice which may be held by a court to be unjust, inequitable, or dishonest; and when Congress legislates on this subject I can see no reason for limiting the statute to one or two practices, when there are many which are equally objectionable.

Mr. McCUMBER. Mr. President——

Mr. ROBINSON. I yield to the Senator.

amendment. When both have been amended to the entire satis-

Mr. CUMMINS. I do.

tigation and hearing whether a particular rate is a reasonable charge for the service, rendered by the common carrier. Just so, here we have given in this section to the trade commission a standard, a rule which is just as well understood in the law as were the words "reasonable rate." It is just as easy to turn either to the civilized sense of mankind or to the law of the land and ascertain what unfair competition is as to ascertain what a reasonable rate is.

Therefore, I answer the Senator from Colorado by saying that we do not give to the trade commission an unlimited, unbridled license or authority to declare anything unfair competition. We say that if you find that unfair competition exists then you must prevent it, but in order to ascertain what unfair competition is you must go to the courts and to the common sense of mankind, and there are many adjudications upon the subject. The words "unfair competition" are not new in the law, and in my opinion they will become just as understandable as any other rule that we have given to any administrative commission that has hitherto been created. I am of the opinion——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator.

Mr. BORAH. Suppose the order of this commission establishing the fact that there was unfair competition should be reviewed by a court, what rule would the court invoke to set aside the commission other than the fact that the rule which the commission had established resulted or would result in the confiscation of the property?

Mr. CUMMINS. It ought not to invoke any other. The purpose here is not to permit a broad review of the work of the commission by the courts. That was proposed in 1906 when we were amending the interstate-commerce law. If I understand the section correctly, when the commission issues its order restraining such a practice or method, then if the person against whom it is issued refuses to obey it, the commission appeals to the court through a petition, and the jurisdiction of the court is not to review the merits of the controversy. It is not to substitute its own judgment as to unfair competition for the judgment of the commission any more than it is the province of a court to substitute its own judgment as to what constitutes a reasonable rate for the judgment of the Interstate Commerce Commission; but the jurisdiction and power of the court has been limited with respect to the trade commission exactly as it is limited with respect to the Interstate Commerce Commission to the ascertainment of these questions. Has the trade commission arbitrarily issued the order? Has it exceeded its jurisdiction?

Mr. BORAH. Mr. President, how would the court determine whether or not the trade commission had acted arbitrarily or had exceeded its jurisdiction except by determining the fact that its order would result in an interference with the constitutional rights of property?

Mr. CUMMINS. I hope that is the only event in which the court could interfere with the power of the commission.

Mr. BORAH. That is the question which I asked a while ago—what limitation is there upon this commission to determine what shall be and what shall not be unfair competition other than this power of the court to interfere when it results in the confiscation of property?

Mr. CUMMINS. The question is very easily divisible. If you ask me whether there is any power of review, I answer instantly "no"; but if you ask me, is there any limitation upon the commission, I answer "yes; the limitation of the statute."

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Illinois?

Mr. CUMMINS. In just a moment I will do so.

The trade commission is as much bound to obey the law as is any court which is established to administer justice. The trade commission becomes bound to declare what is or what is not unfair competition according to the law of the land, according to the improving and the developing sense of the country with respect to matters of commerce. I now yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I am impressed with the suggestion of the able Senator from Idaho [Mr. BORAH] to the point that there are possibilities in the construction of the word "unfair," which leaves the matter wholly to the discretion of the tribunal which is designated as the commission, and I now ask the Senator from Iowa [Mr. CUMMINS] does the Senator from Iowa see any more danger in allowing the exercise of discretion to the commission to decide what would be "unfair" in the matter of competition in trade than that which the Supreme Court of the United States intruded into the Sherman antitrust act when it introduced the words "undue" to the phrase "restraint of trade," making the prohibition of restraint of trade depend on it being "undue" before it can be denounced by the Sherman antitrust law? Is there any greater discretion vested in the commission to ascertain and determine the meaning of "unfair" or any more arbitrary discretion than that vested in the board of directors of different companies or in the lower courts to decide as to what is "undue" restraint of trade as decided by the Supreme Court of the United States?

Mr. CUMMINS. I think there would be no greater difficulty. When one undertakes to say what is an undue restraint of trade or commerce he is at once plunged into as much confusion, certainly, as he is when he undertakes to say what is or what is not unfair competition.

Mr. BORAH. But, Mr. President, may I suggest the fact that you have put into this proposed statute the word "unfair," which obligates the commission to enter that domain which has no circumscribed limits at all? We are not saying here that this commission shall determine, for instance, that competition in commerce is hereby declared unlawful, but that unfair competition which necessarily invites the tribunals to the field of speculation as to what they consider unfair is unlawful.

I have not suggested that it is a dangerous proposition; I do not know but that we must rest that discretion somewhere; but I was anxious to know what limitation there was upon the commission in the exercise of that discretion. Suppose the commission should say that "this is unfair competition," who will review their judgment? Who will review their discretion? When you get a tribunal to arbitrate on that judgment and discretion, what can that tribunal do?

Mr. LEWIS. My answer, Mr. President——

Mr. CUMMINS. Mr. President——

Mr. LEWIS. I beg pardon, I thought the Senator from Idaho was addressing his observations to me. If I am not intruding upon the Senator from Iowa now——

Mr. CUMMINS. I am very glad to yield, but I simply want to advise the Senate that I have not yet been permitted to even suggest what I rose to say.

Mr. LEWIS. I will not interrupt the Senator from Iowa from his continuing course. Not speaking as the chairman of the committee, for the able Senator from Nevada [Mr. NEWLANDS] is the chairman, and I am but speaking as an humble aid of his, this would be my answer: If any commission or any body of men constituted in this Government should render an opinion based on discretion that was so apparently arbitrary and unjust it would be reviewed by a court of equity upon the facts being properly set forth and under the definition by laws heretofore prescribed upon the question, touching the general meaning of "unfair competition," there we would have the reviewing power. In a court of equity is the review. Such is my judgment.

Mr. CUMMINS. Mr. President, the whole policy of our regulation of commerce is based upon our faith and confidence in the administrative tribunals. If we are not willing to entrust the commercial fortunes of the United States to the honor, the learning, and the integrity of administrative tribunals, we had better suspend and cease any attempted regulation of commerce. I look upon this application of power to the trade commission as no greater, as involving no graver consequences, no more danger to vested rights, than the discretion that we have necessarily reposed in the Interstate Commerce Commission and that we have reposed in the courts when we ask them to apply the rule announced in the antitrust law. If anything can be more indefinite or vague than the prohibition against the restraint of trade or commerce, it has yet to be brought to my attention. What is a restraint of trade or commerce depends entirely upon one's economic and sociological view of industrial society.

Mr. LIPPITT. Psychological.

Mr. CUMMINS. No; I will not include psychological; I do not believe it involves that element in our affairs. We are here endeavoring to sustain competition; that is the primary purpose of the antitrust law; it is the chief object of all these laws that we are now proposing; it is the only justification for the establishment of a trade commission; for if we do not desire to maintain the competitive force as a part of our industrial commercial life, then all these things are unnecessary.

We have chosen to report a rule for the trade commission in the language which has been suggested, namely, "unfair competition." It is that competition which is resorted to for the purpose of destroying competition, of eliminating a competitor, and of introducing monopoly. That is the "unfair competition," in its broad sense, which this bill endeavors to prevent.

If any Member of the Senate can suggest a better rule than that, can suggest more understandable words for that standard,

I have no doubt that the chairman of the committee, and I know that I, as a member of the committee, will be very glad to substitute that better definition; and I think it is the duty of every Senator here who believes that we ought to keep competition as a part of the protection of American commerce to devote his mind for the next few hours or few days to the ascertainment of that one thing. Can you furnish the Senate a better definition than "unfair competition"? If you can I am sure that those of us who believe in the general policy of this section of the proposed law will welcome its adoption in the bill.

Mr. STERLING. Mr. President, will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. STERLING. I should like to ask the Senator from Iowa a question as to whether or not he is in favor of conferring upon this commission the power to determine absolutely, and without appeal or review upon appeal, the question of unfair competition in any given case?

Mr. CUMMINS. I am. I have the same confidence in the commission—or I shall have—that I have in the court. I believe it will do justice in a greater number of cases than will be done in the courts. Neither am I disparaging the courts, for I think no man excels me in reverence and admiration for our judicial system; but whenever you attempt to regulate commerce in this way through the medium of lawsuits, you have a miserable failure. If you are to submit to a court the question of what constitutes unfair competition, you have submitted the rights of the citizen to the judgment of a fellow citizen; and I shall feel just as safe in the hands of a trade commission as in the hands of a court. Aside from that, whenever you submit a regulation of commerce to the review of the courts through the tedious processes of lawsuits, through the ordinary way of taking testimony, you have destroyed the efficiency of the statute. Therefore I answer the Senator from South Dakota very frankly and plainly that I am in favor of excluding courts from the review of the discretion or judgment of a trade commission.

Mr. STERLING. Mr. President, I should like to ask the Senator one further question. Does the Senator from Iowa understand the bill to so exclude the courts from reviewing and rendering a decision on the question?

Mr. CUMMINS. In helping to prepare this legislation I tried to make it so that the courts would not have the power to review the discretion and the judgment exercised or the facts passed upon by the trade commission.

Mr. STERLING. Well, Mr. President, without agreeing with the contention of the Senator from Iowa upon that proposition I will say that, in my judgment, the bill, in the paragraph found on page 21, does exclude, by plain implication and meaning, any review upon the part of the courts.

Mr. CUMMINS. I am sure it was my purpose, and I think it was the purpose of the other members of the committee, to so arrange the phraseology of this section that it would accomplish that very object.

Mr. SUTHERLAND. Mr. President, I was not here during the first part of the remarks of the Senator from Iowa with reference to the provision now being discussed. I should like to ask the Senator where would the trade commission go in order to find out what was meant by "unfair competition"? Would they go to the decisions of the courts and to the common law?

Mr. CUMMINS. Partly.

Mr. SUTHERLAND. Well, where else? To their own inner consciousness?

Mr. CUMMINS. No, sir; no more than the courts would go to their inner consciousness.

Mr. SUTHERLAND. What I am trying to get at is this: Is there a definite meaning to the expression "unfair competition" which has been laid down either under common-law rules or by decisions of the courts?

Mr. CUMMINS. There is.

Mr. SUTHERLAND. And that is precise, so that any man with the requisite amount of intelligence and familiarity with the decisions could determine exactly what it was?

Mr. CUMMINS. It is much more precise than the meaning of the words "restraint of trade or commerce" were.

Mr. SUTHERLAND. It would not depend——

Mr. CUMMINS. It is much more precise than the meaning of the words "a reasonable rate" in connection with the transportation charges of common carriers were.

Mr. SUTHERLAND. Of course the word "unfair," in common understanding, has a pretty flexible meaning. Would the Senator understand, for example, in the case of two railroads engaged in interstate commerce, if one of the railroads misrepresented the facilities of the other and in that manner diverted trade to itself, that that would be unfair competition?

Mr. CUMMINS. I do not.

Mr. SUTHERLAND. Well, it would be unfair.

Mr. CUMMINS. I will be very glad to answer the Senator, but I do not want to commit anybody else to my views as to the application of the proposed law to individual instances.

Mr. SUTHERLAND. I may be wrong about it, and further study may convince me that the Senator from Iowa is right; but it occurs to me that we are using a term that will be very difficult of application. It seems to me that it would depend upon the point of view, and I mean by "the point of view" the personal point of view of each member of the proposed commission as to what constitutes "unfair competition."

Mr. CUMMINS. I do not think it would depend upon the personal point of view, although I do agree that it would be difficult to apply the standard. That is unquestionably true; that is true of every law that we pass.

Mr. SUTHERLAND. Oh, yes; that is true. The Senator seemed to think that I was attempting to cross-examine him. I am not. I am asking these questions in absolute good faith. I wanted to get the Senator's view with reference to the case which I presented where two railroads are competing with one another. Certainly if one railroad company misrepresents the facilities or the service which the other railroad company is furnishing, that is an unfair thing; we would all concede that. I wanted to know whether or not, in the Senator's view, that kind of a practice would be included in the term used?

Mr. CUMMINS. I do not think so.

Mr. SUTHERLAND. Then I hope the Senator will not think I am cross-examining him if I ask him why not? If it is unfair, and everybody will agree that it is unfair, why does it not come within the provisions of this proposed law?

Mr. CUMMINS. The unfairness must be tinctured with unfairness to the public; not merely with unfairness to the rival or competitor. I put now to the Senator from Utah a question. I will give him a case, one of the last cases I tried when I was at the bar. A company was manufacturing soap, and it had taken the trade name of "White Laundry" soap; it had built up a business; and the people were in the habit of calling for this commodity by the name of "White Laundry." A rival sprang up and called its soap "Crystal White Laundry Soap," and it began to occupy the territory formerly held by the first producer, and was making its way pretty rapidly when the first producer filed a bill in equity, claiming that it was unfair competition, because the people who called for the particular article in the ordinary course of trade did not discriminate between the two; that when they called for "White Laundry" and were supplied with "Crystal White Laundry" soap, they did not detect the difference; and that, therefore, the competition was unfair. The meaning of the words "unfair competition" has been laid down in cases of that kind a hundred times. That is one class of cases to which this standard would apply.

Mr. SUTHERLAND. Of course, Mr. President, I can quite well understand that everybody would agree that in the case which the Senator cites that would be unfair competition.

Mr. CUMMINS. If we can apply it only to one case, let us take that one.

Mr. SUTHERLAND. But we have not confined it to one case; we have used the term broadly.

Mr. CUMMINS. If that is the only thing that "unfair competition" means, we have confined it.

Mr. SUTHERLAND. The Senator says that it must involve unfairness to the public as distinguished from unfairness to a rival.

Mr. CUMMINS. I do not say that is so in every instance, but that is the thought in all. We are not simply trying to protect one man against another; we are trying to protect the people of the United States, and, of course, there must be in the imposture or in the vicious practice or method something that has a tendency to affect the people of the country or be injurious to their welfare.

Mr. LIPPITT. Mr. President, I should like to ask the Senator what the decision was in the case stated by him?

Mr. CUMMINS. The decision was an injunction restraining the second producer from using the words at all.

Mr. LIPPITT. That is, the company using the name "Crystal White Laundry?"

Mr. CUMMINS. Yes.

Mr. LIPPITT. I should like to ask whether the "Crystal White Laundry Soap" was sold at a less price?

Mr. CUMMINS. I do not remember. I can bring in a few cakes of the soap, if the Senator from Rhode Island would like to enter into the details.

Mr. NEWLANDS. We have not entered into that question. I presume it would——

Mr. BORAH. I thought perhaps the Senator could not state it accurately, but——

Mr. NEWLANDS. I presume it will be in excess of the expenditures of the Bureau of Corporations, and considerably in excess. I do not recall what the actual expenditure for the Bureau of Corporations is.

Mr. BORAH. I understand, first, we have five commissioners at $10,000 each. Has there been any effort to arrive at an intelligent conclusion as to the probable expense connected with the operation of the committee?

Mr. NEWLANDS. There has been none by the committee.

Mr. BORAH. I should like to ask further, in what respect, then, will this commission differ from the Bureau of Corporations with reference to the power of investigation and the gathering of facts, and so forth, concerning the business of the country or any particular business which it might be desired to have investigated?

Mr. NEWLANDS. The Senator can easily ascertain that by reading the corresponding section of the two acts.

Mr. BORAH. Yes; I suppose so.

I rather suspected, Mr. President, that that was the information which accompanied this bill to the Senate.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. If the report of the committee is adopted, will the bill then be open to amendment?

The PRESIDING OFFICER (Mr. POINDEXTER in the chair). Will the Senator state his question again? The Chair was not giving attention.

Mr. CUMMINS. This bill came to the Senate, was referred to the Interstate Commerce Committee, and that committee now reports, recommending that all after the enacting clause be stricken out, and that the sections which have just been read be substituted instead of the bill as passed by the House. If the report of the committee is adopted and that substitution is made, will the matter that we have adopted for the House text be open to amendment?

The PRESIDING OFFICER. The Chair would say that that is a matter which the Chair thinks ought not to be ruled upon in advance. The bill is now before the Senate as in Committee of the Whole and open to amendment, and the Chair is of the opinion that the ordinary procedure with reference to the matter of which the Senator from Iowa inquires would be that such amendments as are to be proposed to the amendment of the committee ought to be proposed at this time.

Mr. CUMMINS. I feared that was the parliamentary rule, and that if the report of the committee is adopted, which is an amendment of the House bill, then there could be no change in the matter so substituted. In that situation, Mr. President——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. Do I understand the Senator to be of the opinion that if the substitute is adopted then we can not, as in Committee of the Whole, amend the substitute?

Mr. CUMMINS. The Presiding Officer just indicated that that was the view of the Chair, and I simply accepted it.

Mr. BORAH. I did not so understand the Chair.

The PRESIDING OFFICER. The Senator from Iowa misunderstood the Chair.

Mr. CUMMINS. Possibly.

The PRESIDING OFFICER. The Chair expressly reserved any statement or ruling upon that question until that point shall have been reached. The Chair stated in that connection, however, that in the opinion of the Chair the substitution of the amendment of the committee now pending is at this time open for amendment as in Committee of the Whole.

Mr. CUMMINS. Undoubtedly I did misunderstand the statement of the Chair; but I think we have a right to be advised with regard to that matter, because it is a vital matter. I do not pretend to be a skilled parliamentarian, and some one who makes such a claim, or who has established such a title, ought to say something at this juncture.

Mr. CLARKE of Arkansas. I do not think that description would fit many of us, but if the Senator will allow me——

Mr. CUMMINS. I yield to the Senator.

Mr. CLARKE of Arkansas. The inquiry propounded by the Senator from Iowa is completely answered by Rule XVIII. The pending question is to strike out and insert. That presents two questions. The motion to strike out is subject to amendment. Then the new matter to be inserted in lieu of it is subject to amendment. When both have been amended to the entire satisfaction of the body the proposition is submitted as a single question whether the motion to strike out and insert shall prevail. The rule says:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Motions to amend the original text of the House bill are first in order, and when the proposition to amend has been exhausted then motions to amend the substitute are in order, and when both have been amended to the satisfaction of the Senate then there is submitted the single question to strike out and insert.

Mr. CUMMINS. The effect of the suggestion just made by the Senator from Arkansas is this: The committee has moved to strike out certain parts of the House bill and insert in lieu of those parts certain other matter. The text of the House bill is now open to amendment.

Mr. CLARKE of Arkansas. Yes.

Mr. CUMMINS. And the text of the matter sought to be inserted is open to amendment.

Mr. CLARKE of Arkansas. That is right.

Mr. CUMMINS. But if neither is amended and a vote is had on the recommendation of the committee and the matter is stricken out, the matter proposed by the committee is inserted, it is not then open to amendment.

Mr. CLARKE of Arkansas. Under the precedents of the Senate it is not. It has passed the stage when it may be amendable after it has been adopted.

Mr. CUMMINS. Precisely. That indicates a very unfortunate parliamentary situation, because we have here practically an entire bill surrounded and hampered by the rule that has just been read by the Senator from Arkansas. There is no logic in the rule, and in this case it is an exceedingly unfair and unjust rule; but, however, we can not avoid it now.

I ask the Senator from Nevada whether he proposes to press the matter to a vote at this moment.

Mr. NEWLANDS. The Senator inquires whether I intend to press it to a vote at this moment?

Mr. CUMMINS. Does the Senator from Nevada ask for a vote upon the amendment of the committee at this time?

Mr. NEWLANDS. I do not. I intended to ask whether there were any Senators who wish to speak on the bill this afternoon.

Mr. CUMMINS. The Senator is talking too low.

Mr. NEWLANDS. It was my intention to ask whether any Senator wishes to address the Senate on the bill this afternoon, and if not it was my purpose to ask that it be temporarily laid aside.

Mr. CUMMINS. That would be very considerate on the part of the Senator from Nevada, and I think that is the proper course to be pursued.

I desire to say, Mr. President, that I am thoroughly in favor of the institution or creation of a trade commission. I am thoroughly in favor of the greater part, the most important part, of the bill which has been reported by the committee of which I am a member. But there are certain other powers that ought to be given to the trade commission more essential, more vital to the welfare of the people of this country than any which are given in the bill as it is now before us.

I have had grave doubt whether it would be worth while to create so dignified and expensive and formal a tribunal simply to do the things that it is here authorized and required to do; I think there are things which the commission should do and which it could do to the very great advantage of the people. Those things are represented in certain sections which were originally a part of the bill as reported by the subcommittee of the Interstate Commerce Committee to the full committee. They are, speaking generally, regulations concerning interlocking directorates of competitive corporations, of intercorporate stockholding in competitive corporations, and of holding companies who own and control the stock of two or more corporations which are or ought to be competitive.

These are the subjects which I think the commission could supervise to greater advantage than any other subjects that could be committed to it, and it has been my desire, and it has been the desire, I know, of certain other members of the Interstate Commerce Committee, that in the establishment of the commission we should add these powers precisely as we have given it one power in the bill, and but one power, namely, the power of preventing unfair competition. The sections to which I have referred have a very peculiar history.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. The Senator says that the commission has been given the power to prevent unfair competition. There are no certain prescribed limits at all. Under the powers of the commission to prevent unfair competition, what possible industrial condition would it not be within the power of the commission to examine, interlocking directorates and everything else?

Mr. CUMMINS. No; I can not quite agree with the Senator from Idaho.

Mr. BORAH. In what?

Mr. CUMMINS. The vice of a community of directors in two corporations doing the same kind of business is that their presence may suppress, overcome, and prevent all competition. The holding of the stock of one corporation by another, its competitor in business, destroys competition entirely.

Mr. BORAH. Let me ask the Senator another question. Section 5 says:

> That unfair competition in interstate commerce is hereby declared unlawful. The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

The whole covers every subdivision of the whole, and anything which would result in unfair competition in combinations, holding stocks of corporations, interlocking directorates, and every conceivable industrial condition which would result in unfair competition, would be subject to the investigation of this commission.

Mr. CUMMINS. It might be subject to the investigation of the commission, but it is not subject to the correction of the commission, and that is the main thing. I do not believe, Mr. President, that unfair competition is the synonym of no competition or of imperfect and inadequate competition. The unfair competition that is sought to be reached in the section to which reference has been made——

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Colorado?

Mr. CUMMINS. In just a moment. The unfair competition that is sought to be reached in the section to which the Senator from Idaho has referred is that violence of competition conducted through unfair practices and methods which must ultimately result in the extinction of the rival and the establishment of a monopoly. I yield to the Senator from Colorado.

Mr. THOMAS. I should like to ask the Senator from Iowa whether, under the first sentence of section 5, everything is unfair competition which a majority of the commission shall determine?

Mr. CUMMINS. I had hoped that the Senator from Nevada [Mr. NEWLANDS], the distinguished chairman of our committee and the leader of its thought and its purpose, would explain the meaning of section 5.

Mr. THOMAS. I am seeking for light in every direction.

Mr. CUMMINS. I do not mean to say that I will not be willing to enter upon an explanation, if it becomes necessary; but my view of it might be a little different from that of the Senator from Nevada. I would rather that he would express his views in advance of mine, and I gladly yield to him to answer the Senator from Colorado.

Mr. THOMAS. The Senator from Nevada has already addressed the Senate this morning upon that and other topics. I am seeking light from every source, and I always feel that I can apply to the Senator from Iowa very successfully as to all matters relating to interstate commerce.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. THOMAS. In just a moment. My construction of this term is that if we enact this measure into a law the commission to be appointed afterwards will have the absolute power, subject only, of course, to the ultimate determination of the legality of the act by the courts, of arbitrarily determining whether any act submitted to it is or is not unfair competition, whether that act is one which involves no competition or one which involves actual competition, and that as a consequence we are imposing upon the business world a condition almost similar to that which resulted during the Middle Ages in a declaration that all unbelief should be heresy.

Mr. CUMMINS. Mr. President, I have no hesitation in answering the Senator from Colorado, though I would naturally have preferred the Senator from Nevada should first have expressed his view with regard to unfair competition.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho, who addressed the Chair?

Mr. CUMMINS. Is it upon the same subject?

Mr. BORAH. Yes; it is upon the same subject. I want to say, however, that, of course, we will be anxious to have the view of the Senator from Nevada as well as the Senator from Iowa; but upon this side of the Chamber we rather defer to the Senator from Iowa on matters of interstate commerce. We all know the Senator from Nevada has given a vast amount of attention to this subject, and we are always instructed by his view of a subject. But the Senator from Colorado asked the simple proposition, not what is unfair competition, necessarily, but is not that unfair competition which the majority of this commission under the terms of this bill determine to be unfair competition? Is there any limitation upon their power except the constitutional inhibition which might be invaded against the confiscation of property, or something of that kind? But, within any conceivable range of what anyone conceives to be unfair competition, what limitation is there to the jurisdiction of this commission to determine it to be unfair competition?

Mr. CUMMINS. I intend to answer those questions now.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. If the Senator will permit me——

Mr. WORKS. If the Senator will allow me just to add a question, he can probably answer both in one.

Mr. CUMMINS. I shall be very glad to answer the two at the same time.

Mr. WORKS. The Senator from Iowa said, in reply to the Senator from Idaho, that the bill authorizes the commission to investigate but not to adjudicate the question as to the fairness of competition.

Mr. CUMMINS. The Senator from California entirely misunderstood me.

Mr. WORKS. Then the Senator misunderstood the inquiry.

Mr. CUMMINS. No; I said that the bill gave the commission the power to investigate the absence of competition if by interlocking directorates or by intercorporate stockholding between two corporations, but it did not give any power to correct that condition as it did give power to correct the condition of unfair competition.

Mr. WORKS. I think the section itself answers the inquiry made by the Senator from Colorado and the Senator from Idaho. It provides, in the first instance, that unfair competition is unlawful. Then follows the statement that the commission is empowered and directed to prevent corporations from using unfair methods of competition in commerce. Then follows the provision authorizing the necessary investigation and then it is provided that thereupon the commission shall "issue an order restraining and prohibiting the use of the same"; that is to say, the unfair means of competition.

Now, it is given over absolutely to the commission to determine whether it is unfair, and then to issue an order or resort to a court or any other judicial tribunal that it is unfair. It is proposed to adjudicate the whole question.

Mr. CUMMINS. Of course, I am very much obliged to the Senator from California for answering the question for me. I ask whether the Senator from Colorado [Mr. THOMAS] is satisfied with that answer. If so, I need not bother myself to express my own view.

Mr. THOMAS. Until I can get further light on the subject I am satisfied.

Mr. CUMMINS. How is it with the Senator from Idaho? Does he regard the answer as entirely satisfactory?

Mr. BORAH. I regard the answer as satisfactory, but I should like to have the commentary of the Senator from Iowa.

Mr. CUMMINS. Mr. President, the Senator from California is only partially right. Every lawyer understands that we can not delegate to a commission legislative power; that when we give to an administrative body the execution of a law of Congress we must at the same time give it a standard, a guide and rule which it is to apply to the particular case and determine whether that particular case falls under the prohibition of the law.

Mr. WORKS. Mr. President——

Mr. CUMMINS. I do not yield just at this moment. I want to complete my answer.

Thus in the interstate-commerce act we have declared that a common carrier shall not charge an unreasonable rate for the transportation of persons or property. What is an unreasonable rate Congress has not attempted to determine, but has vested the Interstate Commerce Commission with the authority to examine and then to determine whether a particular rate is or is not a reasonable and just rate. It might be at once said that the Interstate Commerce Commission has the authority by a majority vote to declare any rate that it may see fit to declare a just and reasonable rate or otherwise. But that is not expressing it in the form of the law. The office of the Interstate Commerce Commission is to ascertain through an inves-

ready to speak, until we can get through with the river and harbor bill. I will not press the motion now or at any other time.

Mr. NEWLANDS. Mr. President, I have no objection to giving that assurance. I wish to say that I hope that this bill will be passed quickly, and I believe it will be passed quickly. I believe that the good sense of the Senate will insist upon its rapid disposal; and I do not believe at all that this measure will be in the way of the river and harbor bill; but I am quite willing, of course, to yield from time to time, as the Senator from North Carolina suggests, for the consideration of the river and harbor bill.

Mr. JONES. Mr. President, a parliamentary inquiry. I want to ask, if this bill is made the unfinished business, whether it can be laid aside except by unanimous consent?

Mr. NEWLANDS. I understand it can.

The VICE PRESIDENT. The Chair will rule when that question arises.

Mr. JONES. I hope the Senator will take that into consideration.

Mr. CUMMINS. Mr. President, of course I have nothing to say with regard to any arrangement which may be made between the Senator from North Carolina and the Senator from Nevada; but I want it distinctly understood that some of us are not parties to any understanding of that kind, and that we will insist upon the business of the Senate being done in the ordinary and usual way. I fear that the Senator from Nevada is cherishing a false hope if he believes that the trade commission bill can be disposed of in a brief time. I think it will require considerable discussion.

I now make a parliamentary inquiry. If the trade commission bill is taken up on motion at this time and continued after 2 o'clock, would it become the unfinished business?

The VICE PRESIDENT. If it be continued until after 2 o'clock and be not displaced by some other bill prior to the adjournment of the Senate, it will be the unfinished business.

Mr. SIMMONS. Mr. President, of course Senators will understand that the anxiety I have about passing the river and harbor bill grows out of the fact that the fiscal year will end in a few days. I shall, so far as I am concerned, take my chances. I have no doubt, if the Senate makes the trade commission bill the unfinished business, when that is laid aside the Senate will go on with the consideration of the river and harbor bill.

Mr. FLETCHER. Mr. President, I should like to submit this: I am agreeable to the motion made by the Senator from Nevada, but my understanding is that when a bill like that becomes the unfinished business of the Senate, it is entirely regular and in order to move to take up an appropriation bill, and that a majority vote of the Senate can so determine, even after a bill of this kind becomes the unfinished business by reason of not having been disposed of before the Senate adjourns to-day. It is with that understanding that I shall make no objection to the motion of the Senator from Nevada.

Mr. WARREN. Mr. President, what the Senator from Florida says is, of course, true. It is, however, usual at this time in a session to except appropriation bills from unanimous-consent agreements and other arrangement that proposes to consume the time of the Senate, as very naturally they must be taken care of if we are ever going to adjourn. I would consider that an appropriation bill should come up at any time, whether or not it was in the morning hour; and I certainly should move, if I had charge of one, to proceed to its consideration, even as against the unfinished business. Of course, other matters can be taken up in the morning before 2 o'clock, before the unfinished business is taken up; and there are a good many matters on the calendar that ought to have our attention. There are matters there that have been neglected longer than probably any Congress has ever neglected the pending business of the country. The Senate calendar is clearly in worse condition now, so far as tardiness in the consideration of bills is concerned, than perhaps has ever been the case in the history of the Senate, and, for that matter, I think the same is true as to the House. So I hope that whatever measure may be taken up now we shall understand very fully that the time of the Senate is not foreclosed against the regular calendar business of the Senate. If trust matters are to be taken up, such legislation may be finished in a month or it may be finished in six months; but certainly I do not propose, if I can prevent it, to permit them to absorb completely the attention of the Senate as against other legitimate business that ought to be transacted.

Mr. NEWLANDS. Mr. President, I wish to say, in response to the Senator from Wyoming, that in case this motion is adopted, I shall ask for the reading of the bill, and then, if there is no Senator who wishes to speak upon the subject, I shall ask that the unfinished business be temporarily laid aside. That will give an opportunity for the consideration of the calendar, to which the Senator has referred.

Mr. BRISTOW. Mr. President, I want to see if I have the correct idea as to the Chair's ruling. Do I understand the Chair to rule that a motion to substitute one bill for another is not in order, and that the original motion must be put before the other is made?

The VICE PRESIDENT. The ruling of the Chair was, that during the morning hour, when there is a motion to take up a bill, that is the question to be put. It accomplishes exactly the same purpose to vote it down as it would to substitute some other bill for it. If the motion is voted down, thereupon a motion may be made that the other bill be taken up.

Mr. BRISTOW. I beg to suggest to the Chair that voting it down would not accomplish the same purpose as a vote to substitute another bill. Such a vote in the affirmative would make the bill substituted the business of the Senate, while the other motion would simply be a negative vote against the original motion.

The VICE PRESIDENT. The Chair may be wrong, but the Chair is ruling that when there is a motion to take up a bill the motion is not amendable. It is a question for the Senate to settle whether it will take that bill up or not.

Mr. LIPPITT. I understand the Senator from Nevada and the Senator from North Carolina have entered into some sort of an agreement in regard to the procedure that shall go on with the trade commission bill. I just wondered whether or not I had the right idea about it. I understand that the Senator from Nevada has no intention of trying to obtain an immediate vote upon the trade commission bill, but that there will be ample and reasonable time for its discussion and consideration from day to day, and that the mere fact that somebody may not be ready to speak to-morrow or the day after will not be taken advantage of to obtain a vote on the bill. Is that the understanding?

Mr. NEWLANDS. There has been no understanding at all regarding that. Of course, I am anxious to have an early vote upon this bill and shall press an early vote, but that, of course, will be done with proper consideration and courteous consideration for those who desire to speak.

Mr. LIPPITT. I understood the Senator to say to the Senator from North Carolina that while this would be the unfinished business, if nobody is ready to speak, he would move to lay it aside and take up the other business of the Senate.

Mr. NEWLANDS. I will rest upon what I have already said. I do not wish to get myself into a strait-jacket with reference to this matter.

Mr. LIPPITT. I am not asking that. I only wanted to know what the Senator's idea was.

Mr. NEWLANDS. The Senator can rest assured that so far as the Senator from Nevada is concerned he will preserve the traditional character of courtesy in this body.

Mr. LIPPITT. I have always found him ready to do that.

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. We are proceeding under Rule VIII. For 10 minutes we have been discussing a question which by Rule VIII is not debatable. It provides that motions made to proceed to the consideration of any matter shall be determined without debate.

The question is upon the motion of the Senator from Nevada [Mr. NEWLANDS] that the Senate proceed to the consideration of House bill 15613.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The Secretary read the bill, which had been reported from the Committee on Interstate Commerce with an amendment, to strike out all after the enacting clause and insert:

That a commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled

'An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved February 12, 1913.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations, and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau and said bureau shall be transferred to the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction of or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purpose.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or position with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy, for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may from time to time be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 3. The commission shall have power, among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce, and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the conduct of the business of such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise, in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress, and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts, if the court finds for the complainant, it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery, whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings being made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may certify to the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 hereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. Any person who shall wilfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States, or authorize, assist in, or be privy to the wilful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall wilfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation subject to the provisions of this act, or who shall wilfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation subject to any of the provisions of this act.

Mr. BORAH. Mr. President, I wish to ask the Senator in charge of the bill a question in regard to the measure before we vote on it. I should like to ask the Senator what are the estimated salaries and official expenses connected with this commission?

too low; that it could not correct the varying abuses which creep into the administration of every great enterprise. Therefore it created this commission as its servant, to carry out its will under rules established by it.

The history of the last 23 years proves the wisdom of our action. By a gradual process of evolution this commission, as the result of gradual improvements in legislation and as the result of constantly increasing powers recommended by it and affirmed by Congress, has become a tribunal second in importance only to the Supreme Court of the land. It has made transportation a science. It has studied all the intricate questions relating to it, and in a recent illuminating decision has formulated a great state paper that has impressed the country and the world with its wisdom.

Now, contrast that action with other action taken by Congress regarding the trusts. It would have been possible 23 years ago, when the interstate commerce act was passed, with reference to interstate trade, to have established an industrial or trade commission or board similar to the Interstate Commerce Commission with reference to transportation. If we had done so and had put upon that commission the same class of men who have been appointed upon the Interstate Commerce Commission, we would have had the constant corrective power of that commission applied both to the existing trade corporations and to the trade corporation afterwards created. Many abuses would have been prevented. Many abuses would have been corrected. As a result of the constant study and inquiry of a competent board engaged in this work as a specialization recommendations would have been made to Congress which would have been accepted, as were those recommendations made with reference to interstate transportation, and a great body of administrative law would have been built up, and combinations of capital would have been effected without the abuses which have existed during the past 23 years. * * *

In the Senate, June 22, 1911:

Mr. NEWLANDS. What is the second one which I suggested? I suggested legislation providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, correction, and recommendation with regard to interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation. This resolution was offered before the recent decision of the Supreme Court regarding the trusts, and I then declared that, whatever might be the decision of that court, the creation of such a commission was essential. Interstate trade is just as much a part of interstate commerce as interstate transportation. The abuses of interstate trade have become just as great as the abuses of interstate transportation in the past have been. Obviously the teachings of experience lead us to the organization of a commission or board similar to the Interstate Commerce Commission, with a view of taking hold of the great combinations of capital and making them obedient to the law, giving such a commission powers of examination, recommendation, and condemnation similar to those enjoyed by the Interstate Commerce Commission.

Since that decision the trust managers themselves have seen a great light, and in public examinations have stated that in their judgment the time has come for as complete regulation of corporations engaged in interstate trade as of corporations engaged in interstate transportation. Whether that regulation will ever extend so far as the regulation of the price itself is a matter to be determined in the future, for Congress will be called upon to decide how great these corporations shall be, what the extent of their capital shall be, what number of plants they shall own, and what shall be the extent of their operations. If they conclude to maintain the principle of competition, even though it leads to destruction, there will then, of course, be no necessity of regulating prices. But if they recognize the principle of helpful cooperation instead of destructive competition, then it will be necessary for them in extreme cases to face the question of the regulation of prices just as the prices of any public utility are regulated.

I do not venture to express an opinion now as to what course should be pursued with reference to this great question, but it is time that the Interstate Commerce Committee of the Senate were entering upon an inquiry of the most important question in economics that has engaged the attention of the country since the railroad question was first presented to it.

Quotation from Mr. NEWLANDS's statement before the committee on the 15th day of November, 1911 (hearings, p. 25):

Senator NEWLANDS. Mr. Chairman, during the late extra session I introduced Senate bill 2941, for the creation of an interstate trade commission with powers over corporations engaged in interstate trade similar in many respects to those possessed by the Interstate Commerce Commission over interstate transportation. On the 4th of August, toward the close of the extra session, this committee, of which I am a member, gave me a hearing on the bill, and I made a preliminary statement, explaining its terms and the conditions it was intended to meet. That statement, together with quotations from the President, the Attorney General, and the Commissioner of Corporations, has been printed as the first part of the hearings under the resolution introduced by the chairman.

The bill provides that all interstate corporations (except railroads) whose gross annual receipts exceed $5,000,000 shall make regular reports to the commission as to their business transactions, shall be subject at will to the examination of the commission, and shall, upon complying with such requirements, have the exclusive right to use the title "United States registered." The bill also provides that for violation of the Sherman law, improper capitalization, unfair methods of competition, acceptance of railway rebates, or other improper business transactions the commission may at will cancel such registration. It is recognized that the right of a corporation to publish the fact of such registration will shortly become a valuable financial privilege, and that the fear of cancellation of such right will be a strong restraining influence against improper transactions.

The bill provides a permanent administrative body of trained experts, who shall have as their sole specialty the supervision and registration of large corporations and supply accurate information thereon to the public, and shall make recommendations to Congress for any further legislation that may seem necessary.

I may later on have something further to say before this committee regarding this bill; but I wish to state at present that since the bill was introduced there has been a wide discussion throughout the country upon two divergent lines of thought, one insisting on absolutely free and unrestricted competition as the regulator of corporate business, and the other including toward allowing large combinations of capital and applying thereto Government supervision and direction as the prime regulator. It is difficult to say now which of these opposing tendencies should or will ultimately prevail. The bill which I have introduced is, in my judgment, adapted to this undeveloped situation. It will help us to determine which of these theories is the correct one; it will furnish to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It does not affect the operation or the enforcement of the Sherman law; its work of publicity and supervision will tend to promote fair competition and keep equally open to all the highways of commerce. On the other hand, it takes the situation as it is, recognizes that there is a large degree of combination already existing, and makes that condition a subject for supervision, study, and report to Congress. Its frankly tentative character and its moderation recommend it as a step upon which all can unite in doing what is imperatively needed for the present without prejudicing the future.

I trust that the committee will see the wisdom, without waiting for the end of this investigation, of recommending this tentative measure, which will be an aid in the final solution of all the pressing questions relating to trade corporations.

The following is the interstate trade commission bill introduced by Mr. NEWLANDS as tentatively amended by the Senate Committee on Interstate Commerce.

The committee took no final action upon it.

[S. 5485, Sixty-second Congress, second session.]

A bill to create an interstate trade commission, to define its powers and duties, and for other purposes.

Be it enacted, etc., That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of this act are referred to herein as subsidiaries of such holding or owning corporation.

SEC. 2. That there is hereby created a body to be known as the Interstate Trade Commission, which shall consist of three members, of whom no more than two shall belong to the same political party. The commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be three, six, and nine years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of nine years and shall be appointed by the President, by and with the advice and consent of the Senate. Vacancies shall be filled by like appointment and confirmation for the unexpired term. Each member of said commission shall receive a salary of $10,000 a year. The office of the commission shall be at Washington, in the District of Columbia, but the commission may hold meetings elsewhere when necessary and convenient.

SEC. 3. That the Bureau of Corporations is hereby transferred to and merged in said commission, and all of the powers, duties, records, papers, and funds belonging or pertaining to the Bureau of Corporations shall hereafter belong and pertain to the Interstate Trade Commission, and all the officers and employees of said bureau shall thereupon be officers and employees of the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such clerks, inspectors, examiners, experts, messengers, and other assistants as from time to time may be necessary and as may be appropriated for by Congress.

SEC. 4. That all corporations engaged in commerce among the several States or with foreign nations, excepting common carriers, shall from time to time furnish to the commission such information, statement, and records of their organization, business, financial condition, conduct, and management and the organization, business, financial condition, conduct, and management of their subsidiaries at such time, to such degree and extent and in such form as may be prescribed by the commission; and the commission at all reasonable times, or its duly authorized agent or agents, shall have complete access to all records, accounts, minutes, books, and papers of such corporations and their subsidiaries, including the records of any of their executive or other committees. Failure or neglect on the part of any corporation subject to this act or of any of its subsidiaries to comply with the terms of this section within such time after written demand shall have been made upon such corporation by the commission requiring such compliance, as shall be fixed by the commission shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

SEC. 5. The information so obtained shall be public records, and the commission shall from time to time make public such information in such form and to such extent as it may deem necessary.

SEC. 6. That the district courts of the United States, upon the application of the commission alleging a failure to comply with any order of the commission or alleging a failure to comply with or a violation of any of the provisions of this act by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction or other order enforcing such order of the commission or commanding such corporation, its officers and employees, to comply with the provisions of this act.

SEC. 7. That for the purposes of this act the commission shall have the power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to a subpœna the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

And any of the circuit courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued to any corporation subject to the provisions of this act, or other person, issue an order requiring such corporation, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. This claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

The testimony of any witness may be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths.

Any person may be compelled to appear and depose, and to produce documentary evidence, in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission or in obedience to the subpœna of the commission whether such subpœna be signed or issued by one or more of the commissioners on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by it in a proceeding instituted upon its own initiative: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission in an inquiry instituted by the commission.

SEC. 8. That the said commission shall, on or before the 1st day of January in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

SEC. 9. That any person wilfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both.

SEC. 10. That in case a final decree shall be issued against any corporation under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation, to provide revenue for the Government, and for other purposes," which became a law August 27, 1894, the court entering such decree may, in its discretion, refer to the commission its decree, with instructions to take evidence, consider such facts, and report to the court the findings as to method of dissolution or reorganization as the commission shall consider best fitted to carry out such decree; if a reorganization takes place under a decree the commission shall inform itself respecting the reorganization, and if it is of the opinion that it is not in harmony with the decree it shall, through counsel, inform the court for such action as the court may take.

SEC. 11. That the said commission may at any time, upon complaint of any person or corporation, or upon its own initiative, or upon the request of the Attorney General, or of the corporation affected, investigate any corporation subject to the provisions of this act for the purpose of determining whether such corporation has been guilty of a violation of the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, or under sections 73 to 77, inclusive, of "An act to reduce taxation," etc., which became a law August 27, 1894, or of any of the provisions of this act, and may hold such hearings and take such evidence as it may deem necessary; and in case the commission shall find that such corporation has been guilty of a violation of the provisions of said acts or of this act it shall make a finding, stating the facts, and prescribing the acts, transactions, and readjustments necessary in order that said corporation may thereafter comply with the terms of said acts and of this act, and shall transmit a copy of the said finding in full to such corporation. If within 60 days after transmitting said finding, or such extension thereof as shall be given by the commission, the corporation shall not have complied with the terms of the finding, and shall not have performed the acts prescribed as necessary to make it comply with the said acts or with this act, the commission shall report the fact of noncompliance to the Attorney General, together with a copy of such finding, for his action under the said acts or of this act. But the commission may, if it deems it proper, report the facts to the Attorney General without calling upon such corporation for compliance with said acts or with this act.

Nothing contained in this act shall be construed to prevent or interfere with the Attorney General in enforcing the provisions of the act to protect commerce, etc., approved July 2, 1890.

Messrs. Crane, Brandegee, Oliver, and Lippitt expressed themselves as follows:

MINORITY VIEWS.

The undersigned members of the Senate Committee on Interstate Commerce are unable to agree to the report of the majority of the committee on Senate resolution 98, as to "what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce."

While certain features of the report are commendable, there are several conclusions therein which do not accord with our views, and therefore we are prevented from approving the report as a whole.

W. M. CRANE.
FRANK B. BRANDEGEE.
GEORGE T. OLIVER.
HENRY F. LIPPITT.

Mr. SIMMONS. Mr. President, I desire to make a motion which, I think, under the rules has precedence of the motion made by the Senator from Nevada [Mr. NEWLANDS]. I move that the Senate proceed with the consideration of the bill (H. R. 12811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. NEWLANDS. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Newlands	Simmons
Bankhead	Goff	Norris	Smoot
Borah	Hitchcock	Overman	Thomas
Brady	Hollis	Page	Thompson
Bristow	James	Perkins	Thornton
Bryan	Jones	Pittman	Tillman
Burton	Kern	Poindexter	Townsend
Camden	Lea, Tenn.	Pomerene	Vardaman
Chamberlain	Lee, Md.	Ransdell	Walsh
Chilton	Lewis	Root	Weeks
Clapp	Lippitt	Saulsbury	White
Clarke, Ark.	McCumber	Shafroth	Williams
Crawford	Martin, Va.	Sheppard	Works
Cummins	Martine, N. J.	Sherman	

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. As I understand, the Senator from Nevada [Mr. NEWLANDS] has moved to take up the trade commission bill and the Senator from North Carolina [Mr. SIMMONS] has moved as a substitute to take up the river and harbor bill. Is that the parliamentary status?

The VICE PRESIDENT. The Chair understands that to be the parliamentary status at the present time.

Mr. BORAH. There may be a different situation when the caucus adjourns.

Mr. BRISTOW. The inquiry I want to make is whether it is now in order for me to move as a substitute for either or both motions which have been made to take up Senate bill 392, the officers' retirement bill?

Mr. NEWLANDS. Mr. President, what is the motion of the Senator from Kansas?

Mr. BRISTOW. If in order, I move as a substitute for the pending motions that the Senate proceed to the consideration of Senate bill 392, which is the officers' retirement bill.

The VICE PRESIDENT. The Chair is of opinion that it is the duty of the Chair to first put the question on the motion of the Senator from Nevada [Mr. NEWLANDS], and then, if that be rejected by the Senate, to put the question on the motion of the Senator from North Carolina [Mr. SIMMONS].

Mr. SMOOT. I will ask the Chair if the motion made by the Senator from North Carolina is not a privileged motion, it being to consider an appropriation bill?

The VICE PRESIDENT. It is not, in the opinion of the Chair, at the present hour.

Mr. SMOOT. It is not 2 o'clock.

The VICE PRESIDENT. It is not 2 o'clock; and in the opinion of the Chair the motion made by the Senator from North Carolina is not a privileged motion.

Mr. SIMMONS. Mr. President, of course Senators will understand that I dislike very much to antagonize the motion for the consideration of the interstate trade commission bill, but I am anxious that some arrangement may be made by which we may go on with the river and harbor bill after to-day. If the Senator from Nevada will give us some assurance that he will lay his bill aside for a few days, when there is no Senator

EXTRACTS FROM REPORT OF THE SENATE COMMITTEE ON INTERSTATE COMMERCE ON SENATE RESOLUTION NO. 98, FEBRUARY 26, 1913.

[Senate Report 1326, Sixty-second Congress, third session.]

FROM MR. CUMMINS'S REPORT.

On the 26th day of July, 1911, the Senate adopted the foregoing resolution, and acting under the authority and in pursuance thereof the Committee on Interstate Commerce provided for open hearings upon the subject matter of the resolution. The hearings began on the 15th day of November, 1911, and were continued from day to day for more than three months, during which time 103 men appeared before the committee, and their statements, together with the exhibits and documents submitted by them, fill 2,799 printed pages. A printed copy of these statements, exhibits, and documents, including an index, laws and reference concerning industrial combinations in foreign countries, and a collection of judicial decisions touching the power of Congress in the regulation of commerce among the States, in all, five volumes, is herewith presented to the Senate.

While the committee is conscious that some of the matter adduced at the hearings and submitted as a part of this report is not relevant to the questions under consideration and of little worth, it believes that, upon the whole, the hearings have furnished one of the most valuable contributions that can be found in the literature of the subject. It is not yet ready to report any of the bills which are now before it, and which propose specific modifications of or additions to the existing statute; nor is it prepared at this time to report a substitute for them. It hopes that it may be able before the close of the present session to act finally upon these bills and recommend in definite form the legislation which it may think necessary or wise to meet modern business conditions. It is, however, prepared to answer the general inquiries propounded in the resolution, and in view of the overwhelming importance of the subject it ventures to add to the direct response some observations upon the origin, purpose, and effect of the enactment commonly known as the antitrust law, to indicate wherein it is inadequate, and to suggest the general scope of further regulation.

The committee is of the opinion:

First. That the statute should stand as the fundamental law upon the subject, and that any supplemental legislation for more effectual control and regulation of interstate and foreign commerce should be in harmony with the purpose of the existing statute.

Second. That whatever may be our views respecting the power of Congress to enact a general Federal incorporation law, it is neither necessary nor desirable at this time to provide for the organization under act of Congress of industrial corporations which propose to engage in commerce among the States and with foreign nations.

Third. That it is desirable to impose upon corporations now or hereafter organized under State law, and engaged or proposing to engage in such commerce, further conditions or regulations affecting both their organization and the conduct of their business, and also to impose further conditions or regulations upon persons, copartnerships, and other associations now engaged, or hereafter engaging, in such commerce, the general character of such regulation to be the same as those laid upon corporations, except such conditions or regulations as are in their very nature peculiar to the corporate form of commercial activity.

* * * * * * * * *

There are three general fields in which the commission could work to the great advantage both of the people for whose protection the law exists and the people against whom it is directed.

First. If the Bureau of Corporations were converted into an independent commission, composed of trained, skillful men, and clothed with adequate authority, there could be gathered more complete and accurate knowledge of the organization, management, and practices of the corporations and associations engaged in national and international commerce than we now have. In saying this the committee does not mean to disparage the work of the Bureau of Corporations as hitherto carried on, but, valuable as the work has been, it is believed that a greater service could be rendered by a commission with a distinct organization with adequate appropriations and added authority. Moreover, it is clear that the constant inquiry into and investigation of interstate commerce in order to ascertain whether the law is being violated should be more closely connected with prosecutions for violations, when found to exist, than at the present time.

Second. When the conditions upon the fulfillment of which persons and corporations may engage in commerce among the States and with foreign nations are imposed, as the committee has heretofore recommended, there will be some of them upon which the Government must act with administrative promptness rather than with judicial deliberation and delay. For instance, suppose Congress were to declare, as the committee thinks it ought to declare, that no corporation should be permitted to engage in interstate or international commerce unless it be honestly capitalized, and that when anything but money is accepted for its stock that the value at which the property is so taken must be its fair, reasonable value. It seems clear that a corporation proposing to enter business should have an opportunity to come to some governmental tribunal and say, here is the property purposed to be taken for stock, and here is the price at which it is to be taken, and thereupon ask for approval or disapproval of the proposition. It would be most unjust in such a case to allow the corporation to go on for years and then be told that it must cease to do business because the value of the property was less than the par value of the stock issued for it.

And, again, suppose that 10 out of 20 manufacturing establishments heretofore in competition with each other desire to consolidate into one enterprise. There ought to be a way in which the men in such a venture could submit their plan to the Government and an inquiry made as to the legality of such a transaction, and if the Government was of the opinion that competitive conditions would not be substantially impaired there should be an approval, and in so far as the lawfulness of the exact thing proposed is concerned there should be a decision, and if favorable to the proposal there should be an end of that particular controversy for all time. Such results as these can be attained in no other way than through a commission which, though administrative in its character, would, in some instances, exercise quasi judicial functions. It is believed that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred and when the difficulty of awarding reparation for the wrong is almost insurmountable.

The committee has not attempted to be comprehensive as to the usefulness of the commission in this field, and has made these suggestions only to indicate in the most general way the assistance that could be rendered in the enforcement of the law.

Third. One of the most serious problems in connection with suits brought under the antitrust act is to find the proper method of disintegrating combinations that have been adjudged unlawful. The dissolution of a corporation or a series of associated corporations must often involve the consideration of plans for reorganization in order that the property which has been unlawfully employed may thereafter be lawfully used in commerce. The courts are not fitted for the work of reconstruction, and whatever jurisdiction they now have, or that may hereafter be conferred upon them with respect to such matters, it can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required readjustment.

Respectfully submitted.

ADDITIONAL VIEWS OF MR. POMERENE.

With the report in general I am in accord. But there is one feature of it about which I desire to be more explicit, and that is the paragraph discussing the certainty of the provisions of the Sherman law as applicable to certain cases and its uncertainty as applicable to others.

I approve the view that—

> There are many forms of combination and many practices in business which have been so unequivocally condemned by the Supreme Court that as to them and their like the statute is so clear that no person can be in any doubt respecting what is lawful and what is unlawful.

There are other forms of organization and acts which seriously interfere with competition, such as interlocking directories, watering of stock, selling of merchandise in one locality at a less price than in another, and other practices which are so contrary to sound business principles and good morals that they can and should be specifically controlled or prohibited by statute. As to these, in the interest of certainty there should be other and further legislation. But whatever may be the additional legislation, there will be many other contracts, combinations, and practices in "undue and unreasonable restraint of trade," which it is impossible for Congress to define by statute, because any attempt to so define them will, in practice, be found to exclude many other contracts, combinations, and practices which are equally inimical to the public good. As to these, we

must always depend upon the sound wisdom and discretion of courts and juries for relief, just as in the past we have been obliged to trust to their judicial administration.

To illustrate: We know that legislatures and courts have constantly refused to define fraud, because the multiplicity of acts and circumstances involved in human affairs make it impossible of definition.

The same may be said with equal truth as to what constitutes "undue or unreasonable restraint of trade."

It is said with a great deal of force that men are not always able to tell in advance whether certain acts are in "undue or unreasonable restraint of trade." But however difficult this may be, it is no reason why they should be left for decision to the selfishness of interested parties uncontrolled by judicial decision under the principles of the common law or under the broad provisions of the Sherman law.

In criminal cases it is often difficult to say in advance whether a given state of facts constitutes a reasonable doubt. But is that a reason why courts and juries should not attempt to say in a specific case whether there was, in fact, a reasonable doubt or not?

In negligence cases it is equally difficult to say whether a given state of facts constitutes contributory negligence on the part of the plaintiff or reasonable care on the part of the defendant. But can this be urged as a reason for not leaving special cases to the judgment of the court and jury?

In my judgment, what is "undue or unreasonable restraint of trade" must, in many cases if not in most cases, be left largely for judicial determination, and sound judgment and good morals will be a sufficient guide for those who are actuated by a proper public spirit rather than by selfish motives.

While I believe there can be some additional legislation along the lines indicated, I am firmly of the opinion that the Sherman law is a clear and certain guide for reasonable men who desire to comply with the law and do not exert themselves to evade its provisions.

ATLEE POMERENE.

ADDITIONAL VIEWS OF MR. TILLMAN.

The undersigned is not now prepared to say that a new national commission should be established for the better administration of the antitrust law. He is inclined to believe that we have too many commissions now, composed largely of so-called "lame ducks," both Democrats and Republicans, who have been defeated at the polls and are given these places mainly as a compensation and means of support. He thinks Congress ought to perform its own functions rather than surrender them to commissions thus created by Executive appointment.

He does not assent to the particular language used on any point in the report of the committee, except where he has specifically so stated.

As the committee is not now ready to propose specific measures of legislation, he prefers to wait and to listen to the recommendations of the incoming President of the United States.

B. R. TILLMAN.

ADDITIONAL VIEWS OF MR. GORE.

I concur in the main body of the report and in the conclusions arrived at, except as to the specific recommendation looking to the establishment of a commission. Upon that recommendation I reserve my judgment for the present. I could not yield my assent to this proposition without first considering both the principles and details of any measure proposing such a commission. My ultimate assent would depend upon the constitution and character of the commission and upon the extent and limitation of its powers and purposes. It may be possible that a commission could with propriety be vested with power to pass upon the form of a proposed organization, but no commission should have authority to grant indulgences as to the methods, conduct, and operations of any such organization.

T. P. GORE.

Mr. NEWLANDS confined himself entirely to the question of a trade commission bill, and included in his observations his original interstate trade commission bill as tentatively amended and approved by the Interstate Commerce Committee. His views are as follows:

ADDITIONAL VIEWS OF MR. NEWLANDS.

Whilst I agree with the general conclusion reached by Mr. CUMMINS in his report, I have not been able to study with sufficient care the decisions of the Supreme Court relating to the trusts to enable me to form an independent opinion as to his analysis of them. For years I have contended that if at the time the Sherman Act was passed—the date of its passage being almost contemporaneous with that of the interstate-commerce act regarding the railroads—we had organized an interstate trade commission similar to the Interstate Commerce Commission, and with somewhat similar powers of investigation and correction, we would have prevented or remedied many of the abuses which have since grown up, and that we would have gradually evolved a system of commercial law, through administrative process, as complete as that which has been built up regarding our system of transportation.

I presented my views relating to this matter at the first hearing of this committee regarding the control of corporations on the 4th day of August, 1911, and on the 16th day of November, 1911 (hearings, pp. 1 to 26, inclusive). I then discussed a bill for the organization of an interstate trade commission (Senate bill No. 2941), which was introduced by me on the 5th of July, 1911, and a substitute bill of the same number, introduced by me August 21, 1911.

As a result of the additional light shed upon this subject by the hearings, I introduced in the Senate, on February 26, 1912, a bill (S. 5485, 62d Cong., 2d sess.) entitled "A bill to create an interstate trade commission," etc.

Later on, as a result of subsequent consideration, this bill has been amended, and I present it with alterations as a tentative proposal for criticism and suggestion. The bill as amended is annexed hereto.

Whilst I believe that the Sherman Antitrust Act should not be altered, I believe that it should be supplemented by such legislation as is shown to be necessary by the experience of the time. Such variety of views exists as to what this supplementary legislation shall be that I do not believe early legislation on this line is practicable. But I do believe that all can agree upon an interstate trade commission with powers of investigation and correction, and with the power to aid the courts in the administration of the Sherman Act and other supplementary legislation; and I believe that such a commission should be organized immediately, so that Congress can soon have the benefit of the recommendations which it will make as the result of its experience.

I shall not enter into any labored argument upon this question. I shall simply content myself with quoting from previous utterances in the Senate.

In the Senate, January 11, 1911:

> Mr. NEWLANDS. * * * The railroad-commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding trusts that we followed regarding railroads, we would have made much better progress in trust regulation. The antitrust act was passed 21 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts, through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

In the Senate, May 16, 1911:

> Mr. NEWLANDS. Mr. President, whilst I was addressing the Senate yesterday upon the importance of taking up immediately certain questions upon which public opinion has been formed and crystallizing them into legislation, I referred, among others, to the great questions of the combinations of capital called trusts which have assumed of late years so powerful and menacing an aspect. * * * * * * *
>
> The Supreme Court yesterday acted upon this matter with reference to one of the great trusts in a decision which applies to them all, and, as the result probably of the inertia and the inaction of Congress, has taken upon itself what the dissenting member of that court, Mr. Justice Harlan, declared to be judicial legislation, and has written into the statute words which Congress never put there; and so to-day we have a decision upholding the antitrust act so far as it applies to unreasonable restraint of trade.
>
> The question, therefore, presents itself to us whether we are to permit in the future the administration regarding these great combinations to drift practically into the hands of the courts and subject the question as to the reasonableness or unreasonableness of any restraint upon trade imposed by these corporations now existing and to be brought into existence in the future to the varying judgments of different courts upon the facts and the law, or whether we will organize, as the servant of Congress, an administrative tribunal similar to the Interstate Commerce Commission, with powers of recommendation, with powers of condemnation, with powers of correction similar to those enjoyed by the Interstate Commerce Commission over interstate transportation.
>
> * * * * * * * * *
>
> * * * What has been our experience regarding that branch of interstate commerce which covers transportation? Our experience has been that 20 years ago, just about the time the antitrust act was passed, Congress passed the interstate-commerce act, creating a commission as its servant to attend to its duties under rules prescribed by Congress. The regulation of interstate commerce belonged to Congress. Congress wisely saw that it could not undertake that regulation in all its details; that it could not pass rate bills which would be satisfactory to every section of the country; that it could not reduce rates that were claimed to be excessive and increase rates that were claimed to be

railroad companies, namely, that prices shall be reasonable and the same to all? And shall the power be given, as originally in the railroad act, to condemn only an unfair or unreasonable price, or, as was later done with the railroad act, shall the power now also include that of fixing a reasonable price? Personally I am opposed to any attempt at present to fix prices.

(8) Next, shall the provisions regarding registration be simply persuasive or compulsory, and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations? I incline to the view that it is better to make them compulsory, at least for the large corporations, in order to insure the effective operation of the system.

(9) Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce? My own view is that such power should not at present be granted. Therefore I would not urge the retention of section 11, which gives the commission power, in case of revocation of registration, to forbid the offending corporation to engage in interstate commerce.

I do not think it advisable to overload the commission at this time, and yet we must bear in mind that our experience with the interstate-commerce act shows the great difficulty of adding needed amendments later on. We all know what obstructions needed amendments of the interstate-commerce act met with, and it took nearly 20 years to get that act into really workable shape.

The Commissioner of Corporations attaches great importance to registration, to the moral effect of refusing or canceling registration. He has since modified also his views somewhat as to the desirability of a commission, an idea which he at first opposed, and I think that he is now substantially in accord with this bill. The Solicitor General has expressed himself very emphatically in favor of legislation on these lines.

I shall append to my remarks quotations from a letter from Mr. Herbert Knox Smith, in response to a series of questions which I put to him and after he had consulted with the Solicitor General.

I have consulted the Secretary of Commerce and Labor. I have also consulted the Attorney General. Both the Secretary of Commerce and Labor and the Attorney General were strong advocates of a national incorporation act, believing that national incorporation should cover interstate commerce, and that the act itself should contain all the necessary restrictions upon these corporations as to capitalization, the area of their operations, etc.

Senator BRANDEGEE. I want to understand clearly whether in favoring a national incorporation act they meant to favor that and to pass what you propose.

Senator NEWLANDS. No. In my discussions with them I stated that, so far as I was individually concerned, I had tested the sentiment of Congress regarding a national incorporation act, and particularly the sentiment of my own party; that whilst I had advocated national incorporation with reference to great transportation companies whose functions are largely national, and with a view to taking away from such States as New Jersey the jurisdiction which they had usurped over interstate commerce in the organization of corporations national in scope, I was never able to make much headway with my own party, clinging, as it does, to the exercise of State functions and guarding against Federal encroachment. Therefore my argument was addressed to them, not in opposition to their view as to national incorporation, but as to the possibility of passing a national incorporation bill, and particularly in view of the present political status, the administration having drifted from one of powerful Republican control, a control entirely in sympathy with the broad exercise of national powers, to one of divided control. I think both of them, whilst they adhere to the view that a national incorporation act would be the best method, acquiesce in the view that at present it is difficult, if not impossible, to secure the passage of such a bill. I have heard no expression from Secretary Nagel as to whether, that being the situation, he would be willing to favor a bill for an administrative commission such as this is, but the Attorney General has expressed himself regarding it, and he has indicated a disposition even to go further. I will append quotations to this effect from his recent speech at Duluth.

Finally, I wish to point out one broad consideration. In the present status of our public policy as to the great corporate problem we have at least two leading and divergent schools of thought, two tendencies, each toward a different method of procedure. The one desires to maintain by governmental action if need be, the full competitive system and to rely chiefly on competition as the regulator of corporate business. The Sherman antitrust law strongly presents this principle.

The other schoool inclines rather—to state the extremes—toward freely allowing combinations, both present and future, applying thereto governmental supervision and direction as the prime regulator.

In my opinion it is too early to say which of these opposing tendencies should or will ultimately prevail.

Holding such a view, I am urging this bill because the system it embodies is exactly adapted to the undeveloped situation I have just described. It is available for either tendency; it can be made to serve either principle; it will help to show which is the correct one; and it does not commit us permanently to either of these two main lines of action.

Its primary result will be to furnish both to Congress and to the public the accurate and broad information on corporate conditions that is necessary to determine the line of further advance. It neither legalizes nor forbids combination; it in no way affects the operation of the Sherman law; its work of publicity and supervision will tend strongly to promote fair competition and keep equally open to all the highways of commerce.

On the other hand, it takes the situation as it is; it recognizes that there is a large degree of combination already existing, and it makes that condition a subject for supervision, study, and report to Congress.

In short, it is a step upon which all can unite, as eminently fitted by its moderation and, indeed, by its own frankly tentative character to do what is imperatively needed for the present without prejudicing the future.

(The quotations from the address of Attorney General Wickersham, delivered at Duluth, Minn., July 19, 1911, above referred to, are as follows:)

The gradual interpretation of the act of July 2, 1890, resulting in the decisions and decrees rendered by the Supreme Court at its last term, has at last clearly demonstrated the effectiveness of that law to destroy existing combinations in restraint of interstate or international commerce and attempts to monopolise any part of it and to prevent renewed combination or monopolistic effort. * * *

But the question remains, Can the great end and object of the Sherman law—namely, that the normal course of trade and commerce among the States shall not be impeded by undue restraints and monopolies—be reached through the operation of that law alone?

In dealing with transportation, Congress was not content to rely simply on the process of injunction to restrain and indictment to punish violations of the anti-trust law. It also established an administrative commission clothed with powers—greatly enlarged from time to time—over those engaged in the transportation business. * * *

Within what limits is legislation to regulate corporations engaged in interstate commerce other than transportation expedient and practicable? Should the analogy of the interstate commerce law and commission be followed? * * *

That some further regulation over corporations carrying on commerce among the States may be necessary is a matter of current comment. * * *

The Federal Department of Justice is not organized or equipped to maintain constant supervision and control over business organizations. It deals only with cases of violation of law. The activities of an administrative board or commission would be directed to preventing such violations and in aiding business men to maintain a continued status of harmony with the requirements of law.

Moreover, unless Congress shall provide for the establishment of corporations drawing their life and powers only from the National Government and subject only to its control, or shall confer specific powers on State corporations which will enable them to carry on commerce away from the State of their creation without the interference of States into which they go, the present unsatisfactory condition of carrying on business in the different States by means of many different corporations owned or controlled through stock ownership by a parent company created by some one State will continue, and, in the natural, normal, healthy, and legitimate growth of such business, questions of the application of the Sherman law must arise which can not be properly settled with the district attorney or the Department of Justice, but which should be dealt with by an administrative body having appropriate jurisdiction.

(The letter from the Commissioner of Corporations, Mr. Herbert Knox Smith, above referred to, follows:)

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington.

DEAR SENATOR: Your letter of the 2d instant was received, raising certain questions on the bill for an interstate trade commission (S. 2941) introduced by you. * * *

Taking up your questions in order:

(1) "Shall an interstate trade commission be organized?"

If the work is to be simply that of investigation and publicity, my experience would indicate that an organization under a single head would be decidedly more efficient. For purely executive or administrative action, such form of organization is preferable. If, however, judicial or semijudicial powers are to be exercised, the commission form has important advantages; it is better adapted for judicial decision, its judicial rulings would probably carry more weight, and, in any event, it tends to secure stability, continuity of policy, and greater independence of action.

(2) "Shall the Bureau of Corporations be merged in the commission?"

If the interstate trade commission is to exercise substantially the powers now used by the Bureau of Corporations it seems almost necessary that the bureau should be merged in that commission, as the bureau would have little reason for further separate existence. There is also, however, the very important consideration that the bureau is very necessary to the commission; the bureau is the one unit in the Government service which can immediately supply the experience, trained force, knowledge, and traditions which the commission must have for its work.

(3) "Shall the test of the applicability of the acts to corporations engaged in interstate trade be the annual gross receipts or the character of the business in which the corporations are engaged, namely, the production of great staple articles?"

The question here is a debatable one; but experience with corporate business leads me to doubt the feasibility of a classification based on kinds of business or staple commodities. Such lines of demarcation are too vague. For example, certain companies deal wholly in the manufacture of lumber, others in its sale, others in the manufacture of goods primarily made out of other materials but having a certain proportion of lumber. Similarly with the steel industry and many others. It would be almost impossible to draw the line in many cases so as to say whether a corporation was engaged in a given industry or not. Many great wholesale houses sell a large amount of hardware. Would they be included, for example, as engaged in the steel industry?

(4) "Shall the power of the commission be confined to investigation and inquest, requirement of statements and publicity, and recommendation to the President and to Congress?

"If not, shall the additional requirement of registration be made with the accompanying power of denying or canceling registration for certain prescribed offenses or for violation of the regulations of the commission; and shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?"

Investigation, publicity, and recommendation should be in any event parts of the system. Personally I favor strongly registration of corporation with power of cancellation. This gives a very practical means of control, which at the same time has the great advantage that it does not actually attempt the positive regulation of business. It allows credit for proper business conduct and imposes discredit for the reverse, but assumes no power of direction, and simply leaves the public to apply corrective pressure through public opinion and the investment of the public's money.

Answering, also, the last part of the question, it is probably better for the present to provide cancellation of registration as the only penalty for improper business conduct. I feel entirely satisfied that such United States registration would shortly become a valuable business and financial privilege for any large corporation. The standing of the company with that public opinion that underlies legislative action and the financial status of its securities with the public would be greatly affected in a very practical way by the possession or cancellation of such registry. The approval now granted to corporate transactions through existing State public-service commissions has already a very definite market effect on the price of securities and on the attitude of public opinion.

(5) "The preciseness with which the grounds for denial or cancellation should be stated in the law, and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial or cancellation."

The grounds of cancellation should be broadly stated, leaving the commission to apply in specific cases the general rules prescribed by Congress. If power of making regulations be conferred on the commission, it should be simply for such regulations as will carry out the terms of the act and make effective the rules laid down therein.

(6) "As the power to regulate interstate commerce is a legislative power, it has been held that the law turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved?"

The question of whether the delegation of a power is constitutional depends wholly on the nature of the power. Legislative power, strictly speaking, can not be delegated, but executive power can, of course, be conferred by legislation, and there can also be given quite broad power of executive administration in ascertaining facts and applying to them the rule established by legislation. It seems probable that the powers granted in this bill come under the latter head and are constitutional.

An excellent case on the subject is Union Bridge Co. v. United States (204 U. S. 364), where the earlier cases are reviewed in detail. The case itself involved the question of whether an act of Congress granting to the Secretary of War power to order the removal of the bridge over a navigable stream "whenever the Secretary of War shall have reason to believe that any * * * bridge now or hereafter in any of the navigable waters * * * is an unreasonable obstruction to the free navigation of such waters on account of insufficient height, width of span, or otherwise," was a delegation of legislative power.

The court held that this was not an objectionable delegation of power, and quoted, with approval from Lock's appeal (72 Pa. St., 491), as follows:

"The legislature can not delegate its power to make a law, but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend."

See also other cases cited in this decision.

An excellent legislative precedent is in the steamboat-inspection law, where, by section 4405, Revised Statutes, a board is given power to "establish all necessary regulations required to carry out in the most effectual manner the provisions of this title." These regulations now cover over 100 pages.

In the same law, also, the inspectors are given broad power over the licenses of steamboat officers, as follows: "But such license shall be suspended or revoked upon satisfactory proof of bad conduct * * *," a power obviously closely analogous to the power of cancellation provided in your bill.

It should be noted also that the only power delegated is the mere revocation of registration. Registration is not a property right. It is simply a privilege granted through the commission and revocable by it.

Thus, as stated in paragraph 5 above, rules of action and grounds for cancellation of registration should be set forth in the bill itself, with sufficient definition to make clear the intention of Congress as to the class of acts to be covered thereby. For example, the word "overcapitalization" is perhaps sufficiently definite in itself, while "unfair or oppressive methods of competition" would perhaps be too indefinite.

(7) "In case the power to fix prices should be included," etc.

I would prefer not to discuss the form of such power, as I personally believe it unwise to confer any such power on the commission, and do not consider myself competent to treat the subject properly.

In considering any such treatment of our commercial problem as is attempted in this bill, it seems to me, at least, that the Government should not, at present, commit itself, by way of general policy, either to the theory of "unlimited competition" or of "unlimited combination." We are not, I feel, sufficiently advanced to justify us in taking a definite position in favor of either one of these opposing ideas. Any system we adopt now should be so framed as to be alike available for either development. To give the power to fix prices would tend to commit us to a policy of industrial combination.

(8) "Shall the provision regarding registration be simply persuasive, or compulsory; and if compulsory as to the large corporations, shall permissive registration be granted to the smaller corporations?"

I believe that the system would be entirely workable, if the publicity, etc., were simply permissive, and that some complications would thus be avoided. But a compulsory system for large corporations should also bring much the same results, especially if coupled with permissive registration for smaller concerns. The permissive feature for smaller companies seems decidedly desirable.

(9) "Shall the commission, in case of revocation of registration, have power to order that the offending corporation shall not engage in interstate commerce?"

This power is a peculiarly drastic one, and would require rather elaborate machinery for its enforcement. I doubt both the wisdom and the necessity here.

I take the liberty of adding some general considerations, which may be relevant to the discussion of such a system as is proposed by your bill. These views are based on an experience of eight years in the Bureau of Corporations.

(10) The one imperative change now required in our policy toward the "corporate problem" is a change from our present system of treating that problem through occasional prosecution to a system which will treat it with continuous administrative action. We should advance from a negative policy to a positive constructive policy, from mere occasional prohibition to permanent regulation and prevention.

(11) One of the primary objects of the commission is the providing of proper publicity. This should not be combined with the administration of the Sherman law. It is probably true that efficient publicity is inconsistent with prosecution, at least as administered by the same office. The Bureau of Corporations, the present agent of corporate publicity, secures now at least nine-tenths of its information by voluntary cooperation. The interstate trade commission would continue this work, but should the function of prosecution under the Sherman law be combined with publicity it is obvious that the present voluntary cooperation of corporations, the main source of information, will very largely be destroyed.

There are of course exceptions to this general principle. At times it would be necessary for the information obtained by the commission and indicating a clear and flagrant violation of law to be turned over to the Department of Justice. The Bureau of Corporations has in this manner given much assistance to the Department of Justice. The numerous prosecutions of the Standard Oil Co. since 1906 for railway-rate discriminations were all based on the report of that bureau, and the agents of the bureau furnished much of the evidence and assisted largely in the preparation of the cases.

Similarly, in the recent prosecution of that company under the Sherman law, the case was instituted as a result of the investigations of the bureau, was largely prepared by its agents, and, I venture to say, would not have been successfully presented without their aid. Some of the ablest men in the bureau gave over a year of their time to this case.

But in general such connection with prosecution should be wholly incidental and secondary, and the publicity work of the commission should be directed primarily at furnishing reliable economic and financial information for the general public and not at securing evidence for prosecution.

(12) One of the most important features of such an administrative system of corporate regulation is its provision, as above referred to, for broad corporate publicity. The effects of such publicity have been well shown by the past work of the Bureau of Corporations, as set forth in the Annual Report of the Commissioner of Corporations for 1910.

The report of the bureau on the transportation of petroleum, published in May, 1906, effected a sweeping decrease in the granting of railway rebates throughout the country. Practically every railroad involved in the railway discriminations described in this report canceled the objectionable rates within six months after the issuance of the report.

The report of the bureau on cotton exchanges resulted within a few months in a marked improvement in the regulations of the New Orleans Cotton Exchange, and while the New York Cotton Exchange has not yet made any changes in its system, that exchange, on March 28, 1911, voted "that it is the sense of this meeting that since * * * the Department of Commerce and Labor has made an exhaustive investigation of the business methods of the cotton exchanges and has criticized the methods and bye-laws of the New York Cotton Exchange * * * it will be good judgment on the part of this exchange to, * * * so far as possible, adopt the suggestions made by the Government."

In the tobacco industry the independent manufacturers have in many instances stated that the work of the bureau has caused the cessation of various objectionable methods of competition.

In the problem of waterways, the reports of the bureau, three in number, have very widely influenced public opinion by showing the real questions to be solved and the real advantages to be attained in waterway transportation.

A Federal administrative system of publicity and registration should develop both strength and elasticity. The administration of such a system should result in a definite and broadening policy, based on exact information, establishing definite standards of business action, of public economics, and of Government regulation, in themselves highly effective, and valuable also as the raw material for further statutory enactment.

We may fairly hope to get from it a gradual rise in the standard of business conduct, closer relationship between large business and public authorities, marked improvement in corporate accounting, and in the standing of our industrial securities, and the elimination of unfair practice and business privilege. All of this without any disturbance of properly conducted business.

The time seems ripe for such action. It has been obvious since the Supreme Court decisions on the Standard Oil and Tobacco Co. cases that the public is ready and anxious for an advance to some such administrative system of regulation by the Federal Government. It seems to be true that corporate managers concede more and more the necessity for such regulation and publicity, recognizing both its public necessity and its advantage to fair business.

Very sincerely, yours,

HERBERT KNOX SMITH, *Commissioner.*

railroads; interstate trade, or the trusts; and interstate exchange, or banking—all of them interrelated as parts of interstate commerce—were referred to in this letter; but I will insert in the record simply that part which is relevant to this present discussion and to interstate trade:

UNITED STATES SENATE,
Washington, D. C., March 15, 1911.

Hon. CHAMP CLARK,
House of Representatives, Washington, D. C.

MY DEAR MR. CLARK: The extra session is now approaching; the House is Democratic, the Senate and the Executive department are Republican. Under this condition of divided responsibility the question arises as to what policy the Democratic Party shall pursue. It has already been practically determined that the House will take up, in addition to the reciprocity treaty, the tariff; and the question is whether it will take up other matters of reform and constructive legislation, and, with a view thereto, select the committees necessary to the consideration of such measures. The Senate will probably follow the lead of the House in this particular.

I hope, therefore, that it will not be regarded as intrusive if I, in common with other Democrats, venture a few suggestions on this score, as the question is of the highest importance to Democracy generally. * * *

INTERSTATE TRADE, OR THE TRUSTS.

The interstate commerce act for the regulation of railroads and the antitrust act for the prohibition of trusts were passed about the same time. The administration of the former was given to a quasi judicial board; the administration of the latter was given to the Attorney General's Office. After about 23 years of operation, through a gradual process of evolution, the regulation of railroads engaged in interstate commerce has practically been accomplished. * * *

The administration of the antitrust act, on the contrary, has been lame and halting, changing with the shifting incumbents of the Attorney General's Office, and according to requirements of political exigencies. As a result, practically no progress has been made in the control of the trusts, and whilst a few suits have been prosecuted to a successful result and others are now in process of prosecution, there exist to-day over 800 trust organizations of enormous capitalization practically without regulation or control. Experience should teach us that with reference to interstate trade a commission or board should be organized similar to the Interstate Commerce Commission, with powers of investigation, of condemnation, and of recommendation, and with a view, whilst preserving the good arising from commercial combination, to curing the perulcious practices connected therewith. Such legislation should include among the powers of the commission the power, upon complaint or its own initiative, to inquire into the organization of all corporations engaged in interstate trade, and upon finding that any such organization is unlawful under the terms of the antitrust act, to call upon the Attorney General to prosecute the same.

The interstate trade commission should have a power similar to that of the Interstate Commerce Commission of appearing in litigation by its own counsel. * * *

Such legislation will be necessary, whatever may be the action of the Supreme Court upon the pending cases. If such combinations are held to be legal, the regulation of their prices and practices becomes a public necessity; if they are held to be illegal, then there should be some law which, while permitting large capitalization and the ownership of many plants by a single corporation engaged in interstate trade, will protect the public from the abuses attendant upon such large capitalization and the oppression exercised by it. * * *

Sincerely, yours,

FRANCIS G. NEWLANDS.

During the extra session, on May 11, 1911, I presented in the Senate a program of legislation to be enacted or considered during the extra session. This program provided for nine questions upon which legislative action should be taken before adjournment and for seven questions upon which the action of committees was desirable, with a view to early action during the next regular session.

Under this latter heading—namely, committee consideration, in the second subdivision—I suggested the consideration of legislation as follows:

(2) Providing, in connection with the Bureau of Corporations, for a board of interstate trade, with powers of examination, condemnation, and recommendation regarding interstate trade similar to those conferred upon the Interstate Commerce Commission regarding interstate transportation.

Later, on May 15, 1911, on the very day that the Standard Oil decision was being delivered in the Supreme Court, I spoke in the Senate upon the question of a legislative program for the extra session, and shall insert in the printed hearings an extract from this speech. For matter referred to see Appendix, page 37.

On May 16, after the Supreme Court had rendered its decision in the Standard Oil case, I continued my remarks of the day previous. Addressing myself to the decision of the court, I urged still further the necessity for organizing an administrative tribunal for the regulation of corporations engaged in interstate trade. I shall quote quite freely from this speech, as it contains quotations from the President, and his opinion that to leave the courts to say what is a reasonable restraint of trade, what is a reasonable suppression of competition, what is a reasonable monopoly, would be "to thrust upon the courts a burden that they have no precedents to enable them to carry, and to give them a power approaching the arbitrary, the abuse of which might involve our judicial system in disaster."

I concur emphatically in this view that the courts are not the proper medium for exercising such a function. Because, therefore, we have clearly reached a point where some branch of the Government must do this sort of work, and because, as the President correctly states, the courts are not the proper place for it, I am advocating the establishment, as in this interstate trade commission bill, of an administrative agency that can perform this duty.

Again, in a speech upon the subject of a self-governing Senate, delivered in the Senate on June 22, 1911, in alluding to the program of legislation which I had been urging, I spoke regarding a board of interstate trade, and shall insert an excerpt in the record. See Appendix, page 38.

Later I drew up this bill and introduced the original on the 5th day of July, 1911. During the time I had this bill under consideration I discussed the matter with various persons whom I regarded as experts, particularly with members of the Interstate Commerce Commission, the Attorney General, the Commissioner of Corporations, the Solicitor General, and lawyers who were engaged in the trust prosecutions. I have also talked with men connected with these industrial corporations and with eminent economists, and I have found everywhere a general acquiescence in the view that something in the way of supplemental legislation was required.

It will be impossible to administer this great and necessary system of regulation through the courts. We all know that just as soon as these corporations are reorganized under these decisions they will, for a time at least, take the form of a large number of corporations, limited either in the character of the commodity with which they deal or in the area over which they operate. The management of these corporations is generally satisfactory to the stockholders; they have confidence in the existing management, and in the great financial interests and institutions that usually control that management. These stockholders will, by their proxies, practically give to those controlling interests their votes on anything they desire. So that we will eventually have, in these industrial corporations, just as we have with railroads, the practical control of all these subdivided corporations in the hands of a few great financial institutions or groups in New York, and they will dictate the membership of the boards and the general policy of all these corporations. There will be an effective unity of policy, and it will take such a form as to defeat the law officers in reaching it as a combination in restraint of trade. A mere nod, a mere suggestion, will accomplish what is desired.

The question is, Shall we wait until the courts shall go through their slow processes in the existing cases and re-create and reorganize these corporations and others against which undecided suits are now pending, and also in the numerous suits that will be brought? Or shall we organize an administrative tribunal which, vested with the powers of investigation, publicity, and correction, will, by continuous supervision, prevent the growth of these abuses which the courts are now called upon sporadically and intermittently to correct by their slow processes?

Certain fundamental considerations are thus raised, which I will present seriatim.

(1) The first question is: Shall an interstate trade commission of some kind be organized? I imagine that there can hardly be any difference of opinion on the point that there should be an administrative tribunal of high character, nonpartisan, or, rather, bipartisan, and independent of any department of the Government. I assume also that there should be a commission rather than one executive official, because there are powers of judgment and powers of discretion to be exercised. The organization should be quasi judicial in character. We want traditions; we want a fixed policy; we want trained experts; we want precedents; we want a body of administrative law built up. This can not be well done by the single occupant of an office, subject to constant changes in its incumbency and subject to higher executive authority. Such work must be done by a board or commission of dignity, permanence, and ability, independent of executive authority except in its selection, and independent in character.

Of course, in performing any purely executive work one man is preferable to a commission. If only powers of investigation and publicity are given a single-headed organization, like the Bureau of Corporations, might be the best for the work; but if judgment and discretion are to be exercised, or if we have in contemplation the exercise of any corrective power hereafter, or if the broad ends above outlined are to be attained, it seems to me that a commission is required.

(2) The next question is, What shall be done with the Bureau of Corporations, with its 120 experts who are full of interest in their duties, who have had long training in just this sort of work, and who have shown their capacity to do good work? Shall that bureau be entirely done away with, or shall it be merged in this new organization? And then what

shall become of the chief of that bureau and his deputy, both of whom have acquired a large experience and both of whom have the confidence of the country? The Bureau of Corporations would hardly be necessary, as a separate organization, if such a commission should be created. But shall we lose the momentum, the long experience, and trained personnel that this bureau has acquired?

To avoid this loss it is obviously desirable that we merge the Bureau of Corporations—as this bill does—with all its officials, funds, and powers. In this commission, and that we make, for the first two years, the Commissioner of Corporations one of the new commissioners, and make him, for the first year, the chairman of the commission, afterwards giving the power to the commission to select its own chairman. Thus the executive work as at present organized would go on without a break, and the difficulties usual to the period of early organization would be largely obviated. My idea, also, is to utilize the Deputy Commissioner of Corporations as the secretary of the commission.

(3) The term of office of the commissioners is to be 10 years. The salary is to be $10,000. I should favor a much larger salary than that, but I do not know whether Congress would look with favor upon it.

(4) The next question is, What shall be the test of the applicability of the act to corporations engaged in interstate trade? Shall it be size, as indicated, say, by its capital or its gross annual receipts, or shall it be the character of the business in which the corporations are engaged, namely, the production of certain great staple articles?

I have inquired with great particularity of the Commissioner of Corporations and of the Solicitor General regarding this, and they say that they think the best test would be, for the present, the gross receipts of the corporations. If this test, provided in the bill, were applied the jurisdiction of the commission would be probably confined to between 300 and 500 corporations.

Both the Solicitor General and the Commissioner of Corporations have very carefully considered this question of a test based on the character of the production of the corporation, or of the commerce or commodity in which it deals, and they came to the conclusion that it would be very difficult to do that; that it would necessitate refinements and subrefinements with reference to the different articles.

One suggestion was made which I think would improve the bill, that all corporations whose gross receipts exceed $1,000,000 should make certain reports to be called for by the commission, which reports can be classified by the commission for the purpose of statistical information, and that these reports shall be given with a view largely to determining what are the corporations that have $5,000,000 of gross receipts; but that only the corporations that have $5,000,000 of gross receipts or above that shall be subject to the general provisions of the bill.

(5) The next question is, What shall be the powers of the commission? Shall they be confined to investigation, requirement of statements, publicity, and recommendation to the President and to Congress, or shall they go further?

I would deem it very beneficial even if we could get a bill that would go no further than that, because we would then have five men of high ability and character who would immediately start upon this as their life work—not the kind of work that we do, broken up by thousands of other considerations and by other duties, but whose specialty it would be to ascertain the facts and the abuses requiring correction, and to give publicity regarding them and then to make their recommendation to Congress.

(6) The next question is: Shall we provide the additional requirement of registration, granting to the commission the accompanying power of denying or canceling registration for certain prescribed offenses or for violation of the regulations of the commission? And shall the punishment of a recalcitrant corporation be confined simply to a cancellation of registration?

I had a provision in the bill which I originally drew that for disobeying the law or the regulations made in pursuance thereof a recalcitrant corporation could be prevented from engaging in interstate commerce. I am inclined to think that this is a rather extreme power and had better be left out for the present.

We must also consider as to the preciseness with which the grounds for denial or cancellation should be stated in the law and whether the commission shall have the power to make regulations, lack of compliance with which will result either in a denial of registration or a cancellation. Registration being compulsory, the denial of registration or the cancellation of registration would have simply a moral effect. The Solicitor General and the Commissioner of Corporations insist that that moral effect would be very great, though it involves no substantial right of property, but that all these corporations will be able to secure public confidence by securing the confidence of the commission itself.

Senator CUMMINS. You do not propose any rules. The thing would have simply a moral effect if the board or commission did not have the power to determine how the corporation should be organized and how it should carry on its business.

Senator NEWLANDS. That raises the next question. If you desire to provide for registration of corporations, how far will you wish to define the powers?

As the power to regulate interstate commerce is a legislative power, the fundamental law requires that an act turning over the administration of such power to a commission or board shall prescribe the rules or standards under which the power is to be exercised. Would this apply to a mere registration in which no substantial property right is involved? For instance, would it be necessary for the law to define what are "unfair or oppressive methods of competition," what constitutes "overcapitalization" or "improper financial organization"; or could these matters be left to the judgment and discretion of the commissioners without precise legal definition?

Senator CUMMINS. What do you say about that?

Senator NEWLANDS. I am inclined to think that any general phrase intended to give them such powers as will prevent excessive capitalization or unfair or oppressive methods of competition would be upheld by the courts, particularly with reference to the denial or cancellation of the mere privilege of registration, which affects no substantial property right.

Senator CUMMINS. Without taking up the question of the constitutional power of Congress to do the thing that is suggested here, you know that there is the widest difference among Members of the Senate with regard to what constitutes proper capitalization. We debated that at some length in the railroad bill, and we could not agree even upon the subject as limited to the railways.

Senator NEWLANDS. For that very reason, it seems to me, the suggestion of our chairman, Senator CLAPP, is a very reasonable one, that we should confine our present exercise of legislation at this extra session to the appointment of an interstate trade commission and the merger in such commission of the Bureau of Corporations, such commission to have simply powers of publicity, inquest, and recommendation; particularly in view of the fact that the Bureau of Corporations is not a bureau of complete publicity at present. On the contrary, it is instructed by the law to withhold from the public facts ascertained by public officers unless the President gives his assent to publication.

Senator CUMMINS. I agree with you regarding the weakness in the organization of the Bureau of Corporations. But publicity is of no value unless the facts that are discovered can be compared with some rule of conduct which the law has laid down for the government of the corporations. It is bringing the force of public opinion to bear upon corporations to induce them or compel them to obey the law, and if you have no law, publicity is of minor importance. The facts which must underlie all this legislation are perfectly well known—well known to every student of the subject or observer of the subject; that is, the facts that are necessary to declare the law or rule of conduct. A great many facts can be collected, as we have seen here all around, that are very curious and interesting; but they are not fundamental; they are not material, really, to the organization of the law. And it occurs to me—that is my view only—that your plan, while it leads in the right direction, and we must have eventually, I think, some such tribunal, it would seem to me before we organize a commission we should be able to determine what kind of law it shall administer. You know the facts just as well now as you will then. You want to know just how every company is capitalized, how it is organized, and just how its business is done or has been done. These things are merely interesting as history; they are not essential to the conclusion that you want to reach as to how corporations should be organized and how they should conduct themselves.

Senator NEWLANDS. I agree with you as to that, that it is unnecessary in order to shape the law to have further investigation. We know to-day all the abuses that exist in corporate management. * * * But I will not pursue the question of immediate action further. I want to get through. I shall complete my statement in a very few minutes, and then I shall be very glad to take up this discussion with you; but I would like to get my statement in the record in a compact form as the basis for further hearings at the next session.

(7) In considering the powers which should be covered by this bill we shall have to take up the question as to whether the power to condemn unreasonable and extortionate prices should be included; and if so, what should be the form of the rule or standard fixed. Shall it be analogous to that applied to the

tration. To almost every inquiry it might be possible to make specious objections which, while lacking any real merit, might effectually clog the conduct of the inquiry. The committee carefully considered the question as to whether it should limit the powers of the commission to the conduct of the large corporations, but it was deemed important that the commission should be able to get information from the small concerns as well as from the large ones, inasmuch as a corporation of small capital might be made the instrumentality of large monopolistic control.

POWER TO AID THE COURTS.

The commission is also authorized to aid the courts in the form of the decree to be entered in suits under the antitrust acts and to make investigation as to the manner in which such decrees are being carried out, as to whether they are being violated, and what, if any, further order, decree, or relief is advisable, reporting its findings on these subjects to the Attorney General. It is also authorized, if it believes from its inquiries that any corporation has violated any law of the United States regulating commerce, to report its findings and the evidence relating thereto to the Attorney General.

These powers, partly administrative and partly quasi judicial, are of great importance and will bring both to the Attorney General and to the court the aid of special expert experience and training in matters regarding which neither the Department of Justice nor the courts may be expected to be proficient.

With the exception of the Knight case, the Supreme Court has never failed to condemn and to break up any organization formed in violation of the Sherman law which has been brought to its attention; but the decrees of the court, while declaring the law satisfactorily as to the dissolution of the combinations, have apparently failed in many instances in their accomplishment simply because the courts and the Department of Justice have lacked the expert knowledge and experience necessary to be applied to the dissolution of the combinations and the reassembling of the divided elements in harmony with the spirit of the law.

TRADE CONDITIONS ABROAD.

The commission is also authorized to investigate trade conditions in foreign countries injuriously affecting the export trade of the United States, as well as whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad.

UNFAIR COMPETITION.

One of the most important provisions of the bill is that which declares unfair competition in commerce to be unlawful, and empowers the commission to prevent corporations from using unfair methods of competition in commerce by orders issued after hearing, restraining, and prohibiting unfair methods of competition, which orders are enforceable in the courts.

The committee gave careful consideration to the question as to whether it would attempt to define the many and variable unfair practices which prevail in commerce and to forbid their continuance, or whether it would, by a general declaration condemning unfair practices, leave it to the commission to determine what practices were unfair. It concluded that the latter course would be the better, for the reason, as stated by one of the representatives of the Illinois Manufacturers' Association, that there were too many unfair practices to define, and after writing 20 of them into the law it would be quite possible to invent others.

It may be stated that representatives of the National Implement and Vehicle Manufacturers' Association, the Ohio Manufacturers' Association, and the Illinois Manufacturers' Association approved the passage of a trade commission bill and a provision regarding the inquiry into and condemnation of unfair practices in trade.

It is believed that the term "unfair competition" has a legal significance which can be enforced by the commission and the courts, and that it is no more difficult to determine what is unfair competition than it is to determine what is a reasonable rate or what is an unjust discrimination. The committee was of the opinion that it would be better to put in a general provision condemning unfair competition than to attempt to define the numerous unfair practices, such as local price cutting, interlocking directorates, and holding companies intended to restrain substantial competition.

SUBPŒNA AND IMMUNITY.

In verifying the returns made by a corporation or in the conduct of such special investigations as the commission may deem necessary, it is indispensable that it should have extensive powers of inquiry, with the right to subpœna witnesses and to require the production of books and papers. The powers which, according to this bill, are granted to the commission, are practically the same as those now granted to the Interstate Commerce Commission or the Bureau of Corporations, while the same constitutional protection is given to witnesses who testify as to matters which might incriminate them.

The history of this legislation is given with particularity, so that Members of the Senate may have before them the gradual evolution of the measure and may consult the records referred to at any stage of the proceedings.

It demonstrates that legislation regarding the organization of a trade commission has been the subject of consideration in the Senate Committee on Interstate Commerce for over three years, and in two important committees of the House for a period of over six months, during which period exhaustive hearings were had.

The legislation proposed is in line with the constantly increasing popular sentiment, as is demonstrated by the recent poll of the Chamber of Commerce of the United States, which declared overwhelmingly for such action. No contention can be made that the work of Congress on this subject has been hasty or immature. It has not been in advance of public sentiment, but rather has lagged behind.

APPENDIX.

HEARING BEFORE THE SENATE COMMITTEE ON INTERSTATE COMMERCE.

[Friday, August 4, 1911.]

UNITED STATES SENATE,
COMMITTEE ON INTERSTATE COMMERCE,
Washington, D. C.

A TRADE COMMISSION—MR. NEWLANDS'S STATEMENT.

The committee met at 10 o'clock a. m. for the purpose of considering Senate bill No. 2941, Sixty-second Congress, second session, introduced by Mr. NEWLANDS on the 5th day of July, 1911, entitled "A bill to create an interstate trade commission, to define its powers and duties, and for other purposes."

Present: Senators Clapp (chairman), Crane, Cummins, Brandegee, Oliver, Lippitt, Townsend, Newlands, Clarke of Arkansas, Watson, and Pomerene.

The CHAIRMAN. The Secretary will read the authority under which the committee acts.

The Secretary read as follows:

IN THE SENATE OF THE UNITED STATES,
July 26, 1911.

Resolved, That the Committee on Interstate Commerce is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the laws of the United States relating to the creation and control of corporations engaged in interstate commerce, and what changes are necessary or desirable in the laws of the United States relating to persons or firms engaged in interstate commerce, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Attest:

CHARLES G. BENNETT, *Secretary.*

The CHAIRMAN. You may proceed, Senator NEWLANDS. What is the number of your original bill?

Mr. NEWLANDS. No. 2941, introduced July 5, 1911.

NOTE.—Since the date of this hearing Mr. NEWLANDS withdrew the bill in its original form, and on August 21, 1911, introduced a substitute therefor, bearing the same number (S. 2941), with the same title and purpose. The said substitute bill is as follows:

[S. 2941, Sixty-second Congress, first session.]

"A bill to create an interstate trade commission, to define its powers and duties, and for other purposes.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this act shall be referred to and cited as the interstate trade commission act. Corporations a majority of whose voting securities is held or owned by any corporation subject to the terms of sections 4 or 16 of this act are referred to herein as subsidiaries of such holding or owning corporation.

"SEC. 2. That on and after day of , 1912, the Bureau of Corporations shall be separated from the Department of Commerce and Labor, and shall be thereafter known as the Interstate Trade Commission; and all of the powers, duties, and funds belonging or pertaining to the Bureau of Corporations shall thereafter belong and pertain to the Interstate Trade Commission. And all the officials and employees of said bureau shall be thereupon transferred to the Interstate Trade Commission. The said commission shall also have a secretary, a chief clerk, and such other and additional employees as shall be provided by law.

"SEC. 3. That the Interstate Trade Commission shall consist of five members, of whom no more than three shall belong to the same political party. The Commissioner of Corporations holding the office on the said day of , 1912, shall be ex officio a member of the commission for the first two years of its existence, and shall also be chairman of the commission for the first year of its existence, and thereafter the chairman shall be selected annually by the commission from its membership; and the then Deputy Commissioner of Corporations shall be the secretary of the commission for the first year of its existence, and thereafter the secretary shall be selected by the commission; and after the

organization of the commission the titles and offices of Commissioner of Corporations and Deputy Commissioner of Corporations, respectively, shall cease to exist. The remaining four members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of such commissioners so first appointed shall be 4, 6, 8, and 10 years, respectively, and shall be so designated by the President in making such appointments; and thereafter all the commissioners shall hold office for the term of 10 years, and shall be appointed by the President, by and with the advice and consent of the Senate. Each member of said commission shall receive a salary of $10,000 a year. The secretary shall receive a salary of thousand dollars a year.

"SEC. 4. That every corporation heretofore or hereafter organized within the United States or doing business therein, whose annual gross receipts, inclusive of the annual gross receipts of its subsidiaries, if any, exceed $5,000,000, and engaged in commerce among the several States or with foreign nations, excepting corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, but including pipe-line companies, shall within four months after this act takes effect, or, if organized or otherwise becoming subject to this act subsequent to such taking effect hereof, then within two months after so becoming subject to this act, furnish to the commission, in writing, statements showing such facts as to its organization, financial condition, and operations as may be prescribed by regulations to be made in pursuance of this act. Similar statements shall be made by its subsidiaries. Such statements shall be made as of such date as may be prescribed by such regulations and shall be verified under oath by such officers of such corporation as may be prescribed by the said regulations. Failure or neglect on the part of any corporation subject to this section to comply with the terms hereof within 60 days after written demand shall have been made upon such corporation by the commission, requiring such compliance, shall constitute a misdemeanor, and upon conviction such corporation shall be subject to a fine of not more than $1,000 for every day of such failure or neglect.

"SEC. 5. That the said commission, upon finding that said statements comply with such regulations so far as applicable to such statements, shall enter such corporation for United States registration upon books to be kept by it for that purpose, and shall also record the statements so filed.

"SEC. 6. That all corporations so admitted to registration shall be known as 'United States registered' companies, and shall have the sole and exclusive right to use, in connection with their corporate title, their securities, their operations, and, by way of advertisement of their business, the fact that the title registered, or an abbreviation or recognized abbreviation thereof, so long as such registration shall remain in force.

"SEC. 7. That any person, corporation, or company willfully using or publishing such title or abbreviation of United States registered, or any form of words or letters reasonably indicative thereof, in connection with the business or securities or name of any corporation, with intent to represent thereby that such corporation is at that time registered as provided in this act, shall, unless such corporation be at that time duly registered under the terms of this act, be guilty of a misdemeanor, and upon the conviction thereof shall be subject to a fine of not more than $1,000, and each day of such use or publication shall constitute a separate offense.

"SEC. 8. That all corporations subject to this act and their respective subsidiaries shall from time to time furnish to the commission such information, statements, and records of their organization, business, financial condition, conduct, and management, at such times, to such degree and extent, and in such form as may be prescribed by the said regulations to be made under this act, and shall at all reasonable times grant to the commission, or its duly authorized agent or agents, complete access to all their records, accounts, minutes, books, and papers, including the records of any of their executive or other committees.

"SEC. 9. That the commission shall from time to time make public the information received under this act, in such form and to such extent as shall be prescribed by the said regulations: *Provided, however*, That said regulations shall, so far as possible, distinguish between information which is purely private and the publication of which can have no public interest, and such information as is not so private and is of importance to the public.

"SEC. 10. The said commission may at any time, upon complaint of any person, corporation, or body, or upon its own initiative, revoke and cancel the registration of any corporation registered under this act upon the ground of either violation of any operative judicial decree rendered under an act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890, or under sections 73 to 77, inclusive, of an act to reduce taxation, to provide revenue for the Government, and for other purposes, which became a law August 27, 1894, or the use of materially unfair oppressive methods of competition, or of the acceptance of discriminations, rebates, and concessions from the lawful tariff rates of common carriers, or on the ground of refusal or neglect to allow the commission access to its records or papers, as provided in section 8 thereof. The commission shall also carefully investigate the capitalization and assets of the corporations registered under this act, and after due consideration of the information so obtained and otherwise acquired, and after allowing reasonable time for the readjustment of corporate organization and security issues in any given case or class of cases, may revoke the registration of any such corporation upon the ground of overcapitalization, that is to say, upon the ground that the par value of the total securities, including shares of stock and all obligations running for a term of years or more, of such corporation, issued and outstanding at any time clearly exceeds the true value of the property of the corporation at that time. In determining such true value the said commission shall consider the original cost of such property, its present replacement cost, its present market value, including the good will of the corporation's business and the market value of the said securities issued by the corporation, and the fair value of the services rendered in the organization of such corporation, but the said commission shall also, as far as possible, segregate and disallow from such determination all value attaching to such property or business due solely to monopolistic power (other than patent rights or other legal franchises, the true value of which shall be considered by the commission). The said commission in considering the revocation of registration under this section shall give such notice and have power to take such evidence and hold such hearings as may be prescribed by the regulations issued under this act: *Provided*, That if any subsidiary of a corporation so registered shall be guilty of conduct hereinbefore specified in this section, as ground for cancellation of registration, such conduct on the part of such subsidiary shall be ground for canceling the registration of the corporation to which it is so subsidiary.

"SEC. 11. That in case of revocation of the registration of any corporation the commission may also order that such corporation thereafter shall not engage in interstate commerce. For every day's continuance in such commerce contrary to such order such corporation shall be subject to a fine of not more than $1,000. The district courts of the United States, upon the application of said commission, alleging a failure to comply with such order of the commission, or alleging a failure to comply with or a violation of any of the provisions of this act, by any corporation subject thereto, shall have jurisdiction to issue a writ or writs of mandamus or injunction, or other order enforcing such order of the commission or commanding such corporation to comply with the provisions of this act.

"SEC. 12. That the said commission may at any time, upon application by a corporation whose registration has been previously canceled, reinstate said corporation for registration and grant it registration anew: *Provided*, That the said commission is satisfied that the cause or causes for which registration was revoked no longer exist, and that the commission shall find that all the requirements for registration as set forth in section 4 shall have been complied with anew as of the date of the new application for registration.

"SEC. 13. That the said commission may at any time, if in the opinion of the commission public necessity requires such action, order and require any corporation engaged in commerce among the several States or with foreign nations, except corporations subject to the act to regulate commerce, approved February 4, 1887, as amended, but including pipe-line companies, to make such statements and give such information as is prescribed in sections 4 and 8 of this act, which information shall be published in accordance with the provisions of section 9 hereof. The commission may also obtain from any such corporation, through the powers granted in section 14 hereof, such information as shall enable said commission to determine whether such corporation is subject to the terms of this act. The decisions of the said commission made under the powers conferred upon it in this act shall be final except as to matters involving the taking of private property without due process of law and involving the extent and character of the said powers so conferred herein: *Provided, however*, That an appeal may be taken in equity to any district court of the United States from any order or decision of the said commission made under section 11 of this act.

"SEC. 14. That in order to accomplish the purposes declared in sections 8 and 13 of this act the said commission shall have and exercise the same power and authority in respect to corporations subject to this act as is conferred on the Interstate Commerce Commission in said act to regulate commerce and the amendments thereto in respect to common carriers, so far as the same may be applicable, including the right to subpœna and compel the attendance and testimony of witnesses and the production of documentary evidence and to administer oaths. All the requirements, obligations, liabilities, and immunities imposed or conferred by said act to regulate commerce and by an act in relation to testimony before the Interstate Commerce Commission, etc., approved February 11, 1893, supplementary to said act to regulate commerce, and the act defining immunity, approved June 30, 1906, shall also apply to all persons who may be subpœnaed to testify as witnesses or to produce documentary evidence in pursuance of the authority conferred by sections 8 and 13 hereof.

"SEC. 15. That the said commission shall, on or before the day of in each year, make a report, which shall be transmitted to Congress. This report shall contain such information and data collected by the commission as it may deem of value in the determination of questions connected with the regulation of commerce, together with such recommendations as to additional legislation relating thereto as the commission may deem necessary.

"SEC. 16. That any corporation engaged in commerce among the several States or with foreign nations the amount of whose gross annual receipts, inclusive of those of its subsidiaries, shall be less than $5,000,000 and more than $1,000,000 may also, by complying and continuing to comply with the terms of sections 4, 8, and 9 hereof, acquire and maintain United States registration as provided in sections 5 and 6, subject to the provision for cancellation thereof prescribed in section 10; and the information furnished by such corporation shall be subject to the provisions of section 9.

"SEC. 17. That the said commission shall have power to make any and all regulations necessary and proper to carry out the purposes of this act, and at any time to alter, amend, or repeal the same or any part thereof.

"SEC. 18. That any person willfully making or furnishing to said commission any statement, return, or record required by this act, when knowing such statement, return, or record to be false in any material particular, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than $1,000 or imprisoned not more than one year, or both."

Mr. NEWLANDS. Gentlemen of the committee, for some years I have been giving consideration to this particular question and have frequently expressed the conviction that it was imperatively necessary to create an administrative tribunal vested with the powers of investigation, publicity, correction, and recommendation in the case of large industrial corporations similar to those exercised by the Interstate Commerce Commission over railroads. On several occasions I have spoken upon this subject on the floor of the Senate, particularly just before the decision in the Standard Oil case was rendered. The decisions in the Standard Oil and American Tobacco Co. cases were handed down May 15 and May 29, 1911, respectively.

In a speech in the Senate on January 11, 1911, upon the Tariff Commission I outlined my views as to an interstate trade commission. With the permission of the committee, I will insert these remarks in the printed hearing. (See Mr. NEWLANDS's views in CUMMINS's report, appendix, p. 35.)

After the call of the extra session, but before its convening, I wrote to the Hon. CHAMP CLARK, who was destined to be the Speaker of the House of Representatives at the extra session, a letter, which appears in the Senate proceedings—CONGRESSIONAL RECORD—of May 15, 1911, and in which I outlined a legislative program for the extra session.

The purpose of the program and the necessity for thorough legislation upon the question of interstate transportation, or the

the immediate organization of a trade commission and urged the passage of the trade commission bill which he appended to his views. He quoted from previous utterances in the Senate, on January 11, 1911, as follows:

Mr. NEWLANDS. The railroad-commission bill furnishes a model for the action of Congress upon matters involving minute and scientific investigation. Had we followed the same method regarding the trusts that we followed regarding railroads we would have made much better progress in trust regulation. The antitrust act was passed 23 years ago, about the same time that the railroad commission was organized. The railroad question is practically settled; the settlement of the trust question has hardly been commenced. Had we submitted the administration of the antitrust act to an impartial quasi judicial tribunal similar to the Interstate Commerce Commission instead of to the Attorney General's Office, with its shifting officials, its varying policies, its lack of tradition, record, and precedent, we would by this time have made gratifying progress in the regulation and control of trusts through the quasi judicial investigations of a competent commission and through legislation based upon its recommendations. As it is, with the evasive and shifting incumbency and administration of the Attorney General's Office, oftentimes purely political in character, we find that the trusts are more powerful to-day than when the antitrust act was passed, and that evils have grown up so interwoven with the general business of the country as to make men tremble at the consequence of their disruption.

No bill was reported under the Clapp resolution and no additional action was taken by the Senate under President Taft's administration regarding trust legislation.

PRESIDENT WILSON'S ADMINISTRATION.

Under President Wilson's administration, after the passage of the tariff and banking laws at the extra session, the question of trust legislation came up at the regular session commencing in December, 1913. President Wilson, assuming that the Judiciary Committee of the House and the Interstate Commerce Committee of the Senate had jurisdiction over the entire subject, conferred with the chairmen of these two committees, Mr. Clayton and Mr. NEWLANDS, with reference to framing the tentative measures which would be submitted to the committees for consideration. Meanwhile the President delivered his message of January 20, 1914, regarding antitrust legislation, in which, after recommending legislation as to interlocking directorates, holding companies, and other matters, he took up the question of a trade commission, as follows:

The business of the country awaits also, has long waited, and has suffered because it could not obtain, further and more explicit legislative definition of the policy and meaning of the existing antitrust law. Nothing hampers business like uncertainty. Nothing daunts or discourages it like the necessity to take chances, to run the risk of falling under the condemnation of the law before it can make sure just what the law is. Surely we are sufficiently familiar with the actual processes and methods of monopoly and of the many hurtful restraints of trade to make definition possible, at any rate up to the limits of what experience has disclosed. These practices, being now abundantly disclosed, can be explicitly and item by item forbidden by statute in such terms as will practically eliminate uncertainty, the law itself and the penalty being made equally plain.

And the business men of the country desire something more than that the menace of legal process in these matters be made explicit and intelligible. They desire the advice, the definite guidance and information which can be supplied by an administrative body, an interstate trade commission.

The opinion of the country would instantly approve of such a commission. It would not wish to see it empowered to make terms with monopoly or in any sort to assume control of business, as if the Government made itself responsible. It demands such a commission only as an indispensable instrument of information and publicity, as a clearing house for the facts by which both the public mind and the managers of great business undertakings should be guided, and as an instrumentality for doing justice to business where the processes of the courts or the natural forces of correction outside the courts are inadequate to adjust the remedy to the wrong in a way that will meet all the equities and circumstances of the case.

Producing industries, for example, which have passed the point up to which combination may be consistent with the public interest and the freedom of trade, can not always be dissected into their component units as readily as railroad companies or similar organizations can be. Their dissolution by ordinary legal process may oftentimes involve financial consequences likely to overwhelm the security market and bring upon it breakdown and confusion. There ought to be an administrative commission capable of directing and shaping such corrective processes, not only in aid of the courts but also by independent suggestion, if necessary.

TENTATIVE BILLS.

Later on, as the result of an understanding between Mr. Clayton, chairman of the House Committee on the Judiciary, and Mr. NEWLANDS, chairman of the Senate Committee on Interstate Commerce, a bill was introduced on the same day, by Mr. Clayton in the House and Mr. NEWLANDS in the Senate—H. R. 12120 and S. 4160.

With reference to this bill, Mr. Clayton caused to be published in the CONGRESSIONAL RECORD on the 22d day of January, 1914, the following press dispatch:

Representative Clayton this afternoon gave to the press the full text of the tentative bill as agreed upon by a subcommittee of the Judiciary Committee of the House (Messrs. Clayton, CARLIN, and FLOYD of Arkansas) and the majority members of the Senate Committee on Interstate Commerce, and said:

"The bill will be introduced at the same time by Representative Clayton and Senator NEWLANDS. The bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator NEWLANDS, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full inquisitorial powers into the operation and organization of all corporations engaged in interstate commerce, other than common carriers. It provides for a commission of five members, makes the Commissioner of Corporations chairman of the board, and transfers all the existing powers of that bureau to the commission. Its relation to the Attorney General's office and to the courts is advisory. Its principal and most important duty, besides conducting investigations, will be to aid the courts, when requested, in the formation of decrees of dissolution, and with this end in view it empowers the courts to refer any part of pending litigation to the commission, including the proposed decree, for information and advice."

Senator NEWLANDS, being interviewed, said:

"The trade-commission bill and several other bills limiting the debatable ground of the Sherman Act have been the subject of laborious consideration by a subcommittee of the Judiciary Committee of the House (consisting of Mr. Clayton, chairman, and Messrs. CARLIN and FLOYD of Arkansas) during the holidays and before. The majority members of the Interstate Commerce Committee of the Senate have been brought into consultation with them of late.

"The trade-commission bill preserves the essential features of the bill which I have been urging for some time, but contains amendments and additions of value and is, in my judgment, an improvement upon the bill as it was considered and improved by the Interstate Commerce Committee of the Senate during the last Congress. As a whole, I should say that the trade-commission bill ought to be satisfactory to members of all parties, for it is distinctively progressive, and we have endeavored to frame it in harmony with the President's views, presented in an admirable message, which has received the approval of the entire country, regardless of party. While these bills represent at present the best thought of the participants in the shaping of this legislation they are presented simply as tentative measures, upon which the judgment of the proper committees of the House and Senate and of the country is invoked."

THE HOUSE BILL.

The House bill H. R. 12120, introduced by Mr. Clayton, was not referred, however, to the Judiciary Committee, but to the Committee on Interstate and Foreign Commerce. The Senate bill S. 4160, introduced by Mr. NEWLANDS, was referred to the Interstate Commerce Committee of the Senate.

Later on a bill was introduced by Mr. COVINGTON, of the House Committee on Interstate and Foreign Commerce (H. R. 15613) for the creation of an interstate trade commission, on the 13th day of April, 1914, covering in substance the same lines as the Clayton bill, but differing in detail and method. This bill was taken up for consideration by the House Committee on Interstate and Foreign Commerce, and after amendment by the committee was reported favorably and passed by the House on the 5th day of June, 1914.

THE SENATE BILL.

Meanwhile, however, the Senate Committee on Interstate Commerce had been considering Senate bill 4160, introduced by Mr. NEWLANDS, and had, on the 5th day of June (calendar day June 6), 1914, after amending this measure, reported it favorably to the Senate. Later on the House bill H. R. 15613 came over to the Senate, and was referred to the Committee on Interstate Commerce.

The Senate committee reports the House bill, with the recommendation that Senate bill 4160 as amended be substituted for it, adding thereto amendments regarding the investigation of foreign-trade practices and unfair competition.

AN ADMINISTRATIVE TRIBUNAL NEEDED.

Recent decisions of the Supreme Court make clear that all combinations in restraint of trade and monopolies are contrary to the law. All agree that while the Sherman law is the foundation stone of our policy on this question, additional legislation is necessary.

Experience in the execution of the law, however, as shown in the Standard Oil and American Tobacco decrees of dissolution, and in the frequent efforts of combinations to make voluntary adjustment with the Department of Justice, establishes that the question involved is administrative as well as legislative and judicial.

It is generally conceded that the peculiar character and importance of this question make it indispensable that some of the administrative functions should be lodged in a body specially competent to deal with them, by reason of information, experience, and careful study of the business and economic conditions of the industry affected. The knowledge of the law and the information as to the facts which are essential to prove that a combination is repugnant to the law are not likely to be entirely adequate for the determination of the best form of dissolution, and this has been recognized both by the Supreme Court and by the Department of Justice. Preliminary to the judicial determination of such questions as arise, for example, in the examination of proposals for a voluntary dissolution of a combination or in testing the lawfulness of existing business arrangements, a vast mass of information in numerous branches of industry, as well as expert knowledge, is indispensable. The proper enforcement of the Sherman law also requires vigilant supervision, which is most effectively obtained by a body in continual touch with the business organizations in the various industries.

The value of such administrative oversight and control has been recognized in the banking and transportation business, and we have in the Comptroller of the Currency, the newly created Federal Reserve Board, and the Interstate Commerce Commission practical illustrations of the operation of such organizations and frequent examples of the beneficial effects of their activity. As the general realization of these facts is widespread and confined to no one particular party, the introduction of this bill for a trade commission simply responds to a general need.

THE BUREAU OF CORPORATIONS.

While the Bureau of Corporations, which was established by an act of February 14, 1903, provided in some measure for the needs now generally recognized and has been of great value and public benefit in describing in detail the conditions in particular industries, and the organization, operation, and conduct of particular companies, the field which has been covered has necessarily been restricted and its organization as a division of an executive department under a single head, reporting only to the President, has not given to it either the authority or prestige which attaches to an independent commission, such as the Interstate Commerce Commission. Yet the need of such a position is quite as necessary in the governmental supervision of industrial activities as of railroads.

The establishment of a trade commission at the same time that the Interstate Commerce Commission was established would have prevented the extraordinary development of monopolistic organizations in industry. If this commission had been in existence during this period, we would not now have to deal with such organizations as the United States Steel Corporation, the International Harvester Co., or the American Sugar Refining Co.; the American Tobacco Co. would never have been organized, and even the Standard Oil Co. would not have survived the dissolution of the original Standard Oil Trust in 1892. Such a commission would have at least kept within limited bounds the activities of a multitude of price-fixing associations in different branches of business, which, together with the great trusts, have been potent causes of the present high cost of living.

OPPOSING THEORIES REGARDING A TRADE COMMISSION.

With the development of public sentiment on the subject of a trade commission, points of view have naturally changed with respect to particular provisions, and differences have also appeared with respect to the extent of the power to be lodged with such a commission. Some would found such a commission upon the theory that monopolistic industry is the ultimate result of economic evolution and that it should be so recognized and declared to be vested with a public interest, and as such regulated by a commission. This contemplates even the regulation of prices. Others hold that private monopoly is intolerable, unscientific, and abnormal, but recognize that a commission is a necessary adjunct to the preservation of competition and to the practical enforcement of the law. The functions of such commissions would be as distinct and different as the ideas upon which they are founded.

The commission which is proposed by your committee in the bill submitted is founded upon the latter purpose and idea. It certainly would appear to be the part of wisdom in so important a situation to proceed carefully, and with that end in view the committee has aimed to provide a body which will have sufficient power ancillary to the Department of Justice to aid materially and practically in the enforcement of the Sherman law and to aid the business public as well, and, incidentally, to build up a comprehensive body of information for the use and advantage of the Government and the business world. Its subsequent recommendations to Congress will be fortified with actual knowledge of practical conditions, both from the point of view of business desirability and economic tendency, and will furnish to Congress an analysis of conditions that will give other and further legislation the certainty and security of foundation commensurate with the vast interests of the public and of the business world which are at stake. If conditions demonstrate and warrant, there will be a natural growth in the power of this body. At the same time, the bill clothes it with sufficient power to be, we believe, of material assistance to the Department of Justice in the enforcement of the Sherman law and of material aid to the business world in building up a body of precedent in the matter of business practices.

Proceeding now to a brief consideration of the principal provisions of the present bill and some of the more important considerations which have determined its form, it is necessary to consider the constitution of the commission; the corporations, and so forth, placed under its jurisdiction; the powers of inquiry, and so forth, of the commission, and other powers.

CONSTITUTION OF COMMISSION.

It is provided that the commission shall be composed of five commissioners with a regular term of seven years, but the terms are so arranged that the whole membership will not be subject to a complete change at any one time. The work of this commission will be of a most exacting and difficult character, demanding persons who have experience in the problems to be met—that is, a proper knowledge of both the public requirements and the practical affairs of industry. It is manifestly desirable that the terms of the commissioners shall be long enough to give them an opportunity to acquire the expertness in dealing with these special questions concerning industry that comes from experience. The terms of the commissioners should expire in different years, in order that such changes as may be made from time to time shall not leave the commission deprived of men of experience in such questions.

One of the chief advantages of the proposed commission over the Bureau of Corporations lies in the fact that it will have greater prestige and independence, and its decisions, coming from a board of several persons, will be more readily accepted as impartial and well considered. For this reason also it is essential that it should not be open to the suspicion of partisan direction, and this bill provides, therefore, that not more than three members of the commission shall belong to any one political party.

The salary proposed for each commissioner is $10,000 per annum, which is the same salary as is provided for the Interstate Commerce Commission, and $2,000 per annum less than that of the members of the Federal Reserve Board under the currency law recently enacted. It would seem desirable that the salaries of the two commissions should be made equal to those of the reserve board. It is of paramount importance that men of the first order of ability should be attracted to these positions, and that service on this body should not entail too great a sacrifice to those who would serve thereon. A commission of this kind requires an unusual combination of qualifications. It requires not only a conversant knowledge with finance and transportation, but also a very comprehensive knowledge of the practical economic and legal aspects of the whole field of industry of the country, and exceptional experience, training, and judgment.

The absorption of the Bureau of Corporations by the commission, already alluded to, is a matter of such obvious desirability that it does not require any extended discussion. The work done by that bureau has demonstrated the ability of its staff, while its 10 years' experience in work along this line will be of great value to the proposed commission.

POWERS OF INVESTIGATION AND REPORTS.

Specifically subject to the jurisdiction of this commission are all corporations, trade associations, and corporate combinations engaged in interstate and foreign commerce, excepting banks and common carriers.

The commission has power to investigate the organization, business, financial condition, conduct, practices, and management of any corporation subject to the act which it may designate, and its relation to other corporations and to individuals, associations, and partnerships, and in aid thereof to require the production of information, statements, and records and the examination of books, documents, correspondence, contracts, etc., affecting the commerce in which such corporation is engaged, and to require annual or special reports from such corporations or classes of corporations as the commission may designate. The commission may make public any information obtained by it except as to trade processes, names of customers, and other matters not deemed to be of public importance; and may also make annual and special reports to Congress, including recommendations for additional legislation.

It will be seen that while large powers of investigation are given, they are not greatly in excess of those possessed and for years exercised by the Bureau of Corporations. Reports are required only from such corporations or classes of corporations as may be designated by the commission. There are over 350,000 corporations in this country, of which perhaps a large proportion may be engaged in interstate trade, but it must be realized that the number affected by the proposed legislation will not exceed 1,000. The powers, of course, must be large, but the exercise of the powers will not be against law-abiding business, but against lawless business. It will be persuasive and corrective rather than punitive so far as well-intentioned business is concerned. Although the commission is given a wide discretion, experience has proved that governmental administrative bodies seldom abuse such authority. To attempt to make precise limits between what they may and what they may not do would often seriously hamper their successful adminis-

what is unreasonable or unjust.

| obstructions to free navigation.

conduct." 1 East P. C., 262. If a man should kill another by driving an automobile furiously into a crowd, he might be convicted of murder, however little he expected the result. See Reg. v. Desmond and other illustrations in Stephen, Dig. Crim. Law (art. 223, 1st ed., p. 146). If did no more than drive negligently through a street he might get off with manslaughter or less. Reg. v. Swindall (2 C. & K., 230); Rex v. Burton (1 Strange, 481). And in the last case he might be held, although he himself thought that he was acting as a prudent man should. See The Germanic (196 U. S., 589, 596). But, without further argument, the case is very nearly disposed of by Waters-Pierce Oil Co. v. Texas (No. 1) (212 U. S., 86, 109), where Mr. Justice Brewer's decision and other similar ones were cited in vain. We are of the opinion that there is no constitutional difficulty in the way of enforcing the criminal part of the act.

The words "unfair competition" have received a judicial construction. In South Dakota we have the decision of the supreme court in the case of the State against Central Lumber Co.

UNFAIR COMPETITION—STATE v. CENTRAL LUMBER CO. (24 S. D., 136).

This decision refers to legislation as having been first aimed at monopolies brought about through combination. But referring to local price cutting as another means of securing monopoly and to the legislation making such price cutting unlawful, the court said:

Again human experience, recognizing the laws of God and nature, controlled and guided by an aroused public conscience, evolved a new law and placed it upon the statute books of this and many other States, a law aimed at monopolies obtained through unfair competition.

With reference to forest regulations the Supreme Court held, in the case of the United States v. Grimaud (220 U. S., 506), that Congress in authorizing the Secretary of Agriculture to meet the local conditions by rules was merely conferring administrative functions upon an agent and not delegating legislative power.

In the case of the Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194) Congress gave the Interstate Commerce Commission power to prescribe a uniform system of accounts; claimed to be an unlawful delegation. The court said:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of the action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress.

So here we have a rule that unfair competition is unlawful, and it is the duty of the commission to apply that rule to the particular situation upon an investigation of the facts, and to condemn a practice which, in its judgment, is unfair.

Mr. President, I believe that if this act is passed there will be a marvelous change in the business conditions of the country for the better. We have thus far endeavored, rather feebly I must admit, to enforce the Sherman antitrust law through the criminal courts. We have not succeeded, and we have not succeeded because the evidence establishing a monopoly is oftentimes of the most minute and intricate character, requiring months of presentation, as in the Beef Trust cases in Chicago, to a weary jury, a jury composed mainly of business men unwilling to punish other business men for practices they knew were general in the community. The business standards of the country have been lowered, and it has been difficult, and I say this upon the authority of numerous prosecutors, to bring these matters to the attention of a jury in such a way as to secure conviction.

We will build up through this commission a system of administrative law that will be as well and thoroughly accepted as to trade as are the decisions of our Interstate Commerce Commission regarding transportation, and we will bring peace and security to the business world. I know it is often said that any business man can read the Sherman antitrust law and determine whether or not the methods and practices which he is pursuing are forbidden by that law. That is true only with qualifications. Many men are doing business under apprehension of the law when, with safe guidance, they need have no apprehension of it. A commission of this kind will be instructive rather than punitive, helpful rather than prejudicial, and will be of immense advantage to the business world.

But, Mr. President, I am proceeding beyond the time which I allotted to myself. Later on I may take up in more detail some of the questions I have touched upon. For the present I will content myself with this general statement. I now move that the Senate take up for consideration House bill 15613, to create an interstate-trade commission, and so forth.

The report of the Interstate Commerce Committee referred to by Mr. NEWLANDS is as follows:

[Senate Report No. 597, Sixty-third Congress, second session.]

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS, from the Committee on Interstate Commerce, submitted the following report to accompany House bill 15613.

The Senate Committee on Interstate Commerce, to which was referred H. R. 15613, a bill to create an interstate trade commission, etc., passed by the House of Representatives on the 5th day of June, 1914, reports as a substitute therefor Senate bill No. 4160, reported favorably to the Senate on the 5th day of June (calendar day, June 6), 1914, to which latter bill have been added provisions regarding unfair competition and the investigation of foreign trade practices.

The substituted bill is as follows:

[Senate substitute for H. R. 15613.]

Be it enacted, etc. That a commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

ORGANIZATION.

SEC. 2. Upon the organization of the commission the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the Bureau of Corporations and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed, all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may from time to time be appropriated for by Congress and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the commission.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

POWERS OF COMMISSION.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time and as often as the commission may deem advisable the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act from time to time to file with the commission such reports or answers to inquiries as the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations or to individuals, associations, or partnerships and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports or any special report, to be made under oath or otherwise, in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General, as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make a report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Whenever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried into effect, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

UNFAIR COMPETITION.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using the unfair method of competition in commerce it shall issue and serve upon such corporation a written order at least 30 days in advance of the time set therein for hearing directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith the commission may petition the district court of the United States within any district where the method of competition was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (b) of section 3 hereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

PENALTIES.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments in the discretion of the court.

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

TESTIMONY AND IMMUNITY.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation subject to any of the provisions of this act.

Amend the title so as to read: "An act to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

THE TAFT ADMINISTRATION.

The Senate Committee on Interstate Commerce has had under consideration for many years the organization of a trade commission, with powers over trade analogous to those exercised by the Interstate Commerce Commission over transportation.

Under President Taft's administration, Senate resolution No. 98, Sixty-second Congress, first session, authorizing the Senate Committee on Interstate Commerce to report to the Senate what changes were necessary or desirable in the laws relating to the control of corporations, persons, or firms engaged in interstate commerce, was presented by Mr. Clapp, the chairman of the committee, and was adopted by the Senate on the 26th day of July, 1911. Under this resolution exhaustive hearings were held, during which 103 persons gave their views on every phase of suggested trust legislation, filling nearly 3,000 pages of hearings.

At the first hearing, on the 4th day of August, 1911, the Senate Committee on Interstate Commerce took up Senate bill 2841, introduced by Mr. NEWLANDS, for the organization of a trade commission, and Mr. NEWLANDS made a statement regarding it. The bill and statement appear in the appendix to this report, at pages 15 to 33.

Later on, as a result of the additional light shed upon this subject by the hearings, Mr. NEWLANDS introduced in the Senate, on February 26, 1912, Senate bill 5485, Sixty-second Congress, second session, entitled "A bill to create an interstate trade commission." This bill was tentatively taken up by the committee and amended in many particulars, but the committee took no final action upon it. The bill as tentatively amended by the Senate Committee on Interstate Commerce (appendix, p. 39) was reintroduced by Mr. NEWLANDS on the 12th day of April, 1913, as Senate bill 829.

THE CUMMINS REPORT.

The Senate committee, after long-continued hearings under Senate resolution 98, made a report, through Mr. CUMMINS, on the 26th day of February, 1913 (S. Rept. 1326, 62d Cong., 3d sess.), in which were included the additional views of Messrs. Pomerene, Tillman, Gore, Newlands, Crane, Brandegee, Oliver, and Lippitt.

The report of Mr. CUMMINS consisted mainly of a discussion of the decisions of the Supreme Court in the various trust cases, from the Knight case down to and including the Standard Oil and Tobacco cases; but it also took up the question of the desirability of legislation supplementary to the Sherman Act and considered the question, among others, of a trade commission, declaring "that through the intervention of such a body of men the legislative policy with respect to combinations and monopolies could be vastly more effectual than through the courts alone, which in most cases will take no cognizance of violations of the law for months or years after the violations occurred, and when the difficulty of awarding reparation for the wrong is almost insurmountable"; and also, with reference to the disintegration of combinations and the reconstruction of the associated corporations upon lawful lines, "it can not be gainsaid that a commission, the members of which are in close touch with business affairs, and who are intimately acquainted with the commercial situation, might be extremely helpful in the required adjustment."

In the additional views of Mr. NEWLANDS, appended to the Cummins report, Mr. NEWLANDS declared himself in favor of

That is one of the subjects this commission is to inquire into. It will be an inquiry of great importance, involving a study of the industrial and economic systems of all the principal nations of the world, and particularly with reference to the just treatment of American exports.

UNFAIR COMPETITION.

One of the most important provisions in this bill, Mr. President, is that which relates to unfair competition. Unfair competition is made unlawful, and the commission is authorized, when any case of unfair practice or unfair method is brought to its attention, to summon the party charged and to have a hearing, and if it decides that the practice or method is unfair, to issue an order compelling its discontinuance, and if that order is not obeyed it can carry the matter into court and secure a judgment of the court compelling obedience to the commission's order.

Now, objections are made to this as the creation of a new offense against trade. Unfair competition, it is claimed by many, has no legal significance, and Congress in giving this power to the commission practically delegates the power to legislate as to what practices are under the condemnation of law. It is not questioned that Congress can by law specifically describe the practices which come under the condemnation of the law and make them unlawful, and submit the enforcement of the law to the commission, but it is claimed that Congress has no power to evade that duty of legislation and to turn it over practically to the commission itself by declaring unfair competition to be unlawful and then leaving it to the commission to determine what practice constitutes unfair competition.

Mr. President, our answer to that is that it would be utterly impossible for Congress to define the numerous practices which constitute unfair competition and which are against good morals in trade, for we are beginning to realize that there is a standard of morals in trade or that there ought to be. Germany does not hesitate by law to condemn practices in business that are contra bonos mores. It leaves their tribunals to determine what practices are against good morals.

We have gone a great way in that direction ourselves. I was saying it is utterly impossible for such a commission to define all the practices that are against good morals in trade and that tend to give competitors unfair advantage and dishonest advantage.

When the representatives of the Illinois Manufacturers' Association, the Ohio Manufacturers' Association, and the American Vehicle Association were before our committee urging the adoption of an interstate trade commission, I questioned them with reference to this provision relating to unfair competition, and the expression was that they thought it desirable. When I asked one of the members of the Illinois association whether he thought it best to attempt to define these practices or simply to declare them unlawful under the general terms of unfair competition he declared that the latter was the only course; that if there were 20 bad trade practices to-day and you were to name them in the law and condemn, there would be others established to-morrow. It is the illusive character of the trade practice that makes it though condemned to-day appear in some other form to-morrow. If we should attempt to define all the trade practices that can be devised, that would create dishonest advantage in competition, we would undertake a hopeless task.

Mr. President, I contend that the words "unfair competition" have a legal significance, and that if they have not Congress can give them a legal significance. We refer to the legislation with reference to the railroads, where Congress gave the power finally to fix a reasonable rate. There the determination of what the word "reasonable" meant was submitted to the Interstate Commerce Commission, just as the meaning of the term "unfair competition" is here submitted to the trade commission. Congress condemned unjust discrimination and gave to that commission the enforcement of the condemnation. Read through the act to regulate commerce and you will find it bristling with just such phrases.

And it shall be the duty of every carrier subject to the provisions of this act to provide and furnish such transportation upon reasonable request therefor, and to establish through routes and just and reasonable rates applicable thereto; and to provide reasonable facilities for operating such through routes and to make reasonable rules and regulations with respect to the exchange, interchange, and return of cars used therein, and for the operation of such through routes, and providing for reasonable compensation to those entitled thereto.

All charges made for any service rendered or to be rendered in the transportation of passengers or property and for the transmission of messages by telegraph, telephone, or cable, as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful.

No refinements in this act are entered into at all defining what is unreasonable or unjust.

I will not weary the Senate with quoting these phrases by reading at length.

The Supreme Court upon passing on these terms does not hesitate to sustain them, and declares that the enactment does not in any way constitute a delegation of legislative authority. You will find thus the court sustaining rules enacted by the Forestry Service, rules the infraction of which may create a criminal offense.

I will not weary the Senate by referring to these decisions in detail, but will insert them in my remarks.

The list of authorities is as follows:

AUTHORITIES—UNFAIR COMPETITION.

Congress would not delegate legislative power to the interstate trade commission by requiring it to apply a general rule against unfair competition to particular facts, conditions, and circumstances. (Field v. Clark, 143 U. S., 649; in re Kollock, 165 U. S., 526; Buttfield v. Stranahan, 192 U. S., 470; Union Bridge Co. v. United States, 204 U. S., 364; St. Louis & Iron Mountain Railway v. Taylor, 210 U. S., 281, 287; Monongahela Bridge Co. v. United States, 216 U. S., 177; United States v. Grimand, 220 U. S., 506; Interstate Commerce Commission v. Goodrich Transit Co., 224 U. S., 194; Kansas City Southern Railway Co. v. United States, 231 U. S., 423.)

The prohibition of unfair competition is sufficiently definite and certain. (Nash v. United States, 229 U. S., 373; United States v. Grimand, 220 U. S., 506.)

ACT TO REGULATE COMMERCE.

SEC. 3. It shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever, or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

BUTTFIELD V. STRANAHAN (192 U. S., 470).

Section 1 of act of Congress makes it unlawful "to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section 3 of this act, and the importation of all such merchandise is hereby prohibited."

Section 2 provides for appointment by the Secretary of the Treasury of a board of tea experts "who shall prepare and submit to him standard samples of tea."

Section 3 provides that the Secretary of the Treasury, upon the recommendation of such board, "shall fix and establish uniform standards of purity, quality, and fitness for consumption of all kinds of teas imported into the United States," and that all teas inferior to such standards shall be deemed to be within the prohibition of the first section hereof.

White, J., page 496:

The claim that the statute commits to the arbitrary discretion of the Secretary of the Treasury the determination of what teas may be imported, and therefore in effect vests that official with legislative power, is without merit. We are of opinion that the statute, when properly construed, as said by the circuit court of appeals, but expresses the purpose to exclude the lowest grades of tea, whether demonstrably of inferior purity, or unfit for consumption, or presumably so because of their inferior quality. This, in effect, was the fixing of a primary standard, and devolved upon the Secretary of the Treasury the mere executive duty to effectuate the legislative policy declared in the statute. * * * Congress legislated on the subject as far as was reasonably practicable, and from the necessities of the case was compelled to leave to executive officials the duty of bringing about the result pointed out by the statute. (Accord. Field v. Clark, 143 U. S., 649; St. Louis & Iron Mountain Ry. v. Taylor, 210 U. S., 281, 287.) 287.)

UNION BRIDGE CO. V. UNITED STATES (204 U. S., 364).

Section 18 of the river and harbor act of March 3, 1899, provides that whenever the Secretary of War shall have reason to believe that any bridge over any navigable waterway of the United States is an unreasonable obstruction to the free navigation of such waters, it shall be his duty, after hearing, to order alteration of the bridge so as to render navigation unobstructed, specifying changes to be made, and prescribing reasonable time in which to make them. Willful failure to obey the order is made criminal misdemeanor.

This statute does not delegate legislative power. Harlan, J., page 385:

It would seem too clear to admit of serious doubt that the statute under which the Secretary of War proceeded is in entire harmony with the principles announced in former cases. In no substantial, just sense does it confer upon that officer as head of an executive department powers strictly legislative or judicial in their nature, or which must be exclusively exercised by Congress or by the courts. * * * As appropriate to the object to be accomplished, as a means to an end within the power of the National Government, Congress, in execution of a declared policy, committed to the Secretary of War the duty of ascertaining all the facts essential in any inquiry whether particular bridges over the waterways of the United States were unreasonably obstructions to free navigation.

Congress could have determined the fact itself, but this was impracticable because Congress has so much else to do. The court further said:

By the statute in question Congress declared in effect that navigation should be freed from unreasonable obstructions arising from bridges of insufficient height, width of span, or other defects. It stopped, however, with this declaration of a general rule, and imposed upon the Secretary of War the duty of ascertaining what particular cases came within the rule prescribed by Congress, as well as the duty of enforcing the rule in such cases. In performing that duty the Secretary of War will only execute the clearly expressed will of Congress, and will not, in any true sense, exert legislative or judicial power.

UNITED STATES V. GRIMAND (220 U. S., 506).

The acts relating to forest reservations show that they were intended "to improve and protect the forest and to secure favorable conditions of water flows." It was declared that the acts should not be "construed to prohibit the egress and ingress of actual settlers" residing therein nor "to prohibit any person from entering the reservation for all proper and lawful purposes, provided that such persons comply with the rules and regulations covering such forest reservation." It was also declared that the Secretary of Agriculture "may make such rules and regulations and establish such service as will insure the objects of such reservation, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this act or such rules and regulations shall be punished," as provided in Senate bill 5388. (Ch. 3, p. 1014, Rev. Stats., as amended.)

This case arose on indictment for grazing sheep on reservation without having obtained permission required by the regulations adopted by the Secretary of Agriculture. Demurrer was sustained, and Government sued out writ of error to Supreme Court. Defendants in error argued (1) that the law was unconstitutional, because it did not sufficiently define or define at all what acts done or omitted to be done within the supposed purview of the said act should constitute an offense or offenses against the United States; (2) the law is unconstitutional, as it is not within the power of Congress to delegate to the Secretary of Agriculture authority or power to determine what acts shall be criminal; and the act in question is a delegation of legislative power to an executive officer to define and establish what shall constitute the essential elements of a crime against the United States.

The Supreme Court reversed the judgment of the court below (Lamar, 585):

Under these acts, therefore, any use of the reservation for grazing or other lawful purpose was required to be subject to the rules and regulations established by the Secretary of Agriculture. To pasture sheep and cattle on the reservation at will and without restraint might interfere seriously with the accomplishment of the purposes for which they were established. But a limited and regulated use for pasturage might not be inconsistent with the object sought to be attained by the statute. The determination of such questions, however, was a matter of administrative detail. What might be harmless in one forest might be harmful to another. What might be injurious at one stage of timber growth, or at one season of the year, might not be so at another, in the nature of things it was impracticable for Congress to provide general regulations for those various and varying details of management. Each reservation had its peculiar and special features; and in authorizing the Secretary of Agriculture to meet these local conditions Congress is merely conferring administrative functions upon an agent, and not delegating to him legislative power."

Page 517:

From the beginning of the Government various acts have been passed conferring upon executive officers power to make rules and regulations; not for the government of their department, but for administering the laws which did govern. None of these statutes could confer legislative power. But when Congress had legislated and indicated its will, it could give to those who were to execute such general provisions "power to fill up the details" by the establishment of administrative rules and regulations the violation of which could be punished by fine or imprisonment fixed by Congress, or by penalties fixed by Congress, or measured by the injury done.

Thus it is unlawful to charge unreasonable rates or to discriminate between shippers; and the Interstate Commerce Commission has been given authority to make reasonable rules and to administer the law against discrimination. (Int. Com. Comm. v. L. C. R. R., 215 U. S., 452; Int. Com. Comm. v. C. R. I., etc. R. R., 218 U. S., 88.) Congress provides that after a given date only cars with drawbars of uniform height should be used in interstate commerce, and then constitutionally left to the commission the administrative duty of fixing a uniform standard. (St. L. & I. M. R. R. v. Taylor, 210 U. S., 281, 287; in Union Bridge Co. v. U. S., 204 U. S., 364; in re Kollock, 165 U. S., 526; Buttfield v. Stranahan, 192 U. S., 470.) It appeared from the statutes involved that Congress had either expressly or by necessary implication made it unlawful, if not criminal, to obstruct navigable streams, to sell unbranded oleomargarine, or to import unwholesome teas. With this unlawfulness as a predicate, the executive officers were authorized to make rules and regulations appropriate to the several matters covered by the various acts. A violation of these rules was then made an offense punishable as prescribed by Congress. But in making these regulations the officers did not legislate. They did not go outside of the circle of that which the act itself had affirmatively required to be done or treated as unlawful if done. But, confining themselves within the field covered by the statute, they could adopt regulations of the nature they had thus been generally authorized to make in order to administer the law and carry the statute into effect.

INTERSTATE COMMERCE COMMISSION V. GOODRICH TRANSIT CO. (224 U. S., 194).

One of the questions in the case was whether the power conferred upon the commission in its discretion to prescribe a period of time within which common carriers should have a uniform system of accounts and the manner in which such accounts should be kept, was void by reason of its being an unlawful delegation of legislative power.

Counsel for appellees argues as follows, page 201:

Section 20 of the act to regulate commerce is void because it is an unlawful delegation of legislative power. The law gives the commission discretion to determine whether it will legislate or not; the law also confers discretionary power upon the commission to determine what (if any) the legislation shall be.

The court (Day) said, page 214:

We can not agree to this contention. The Congress may not delegate its purely legislative power to a commission, but, having laid down the general rules of the action under which a commission shall proceed, it may require of that commission the application of such rules to particular situations and the investigation of facts, with a view to making orders in a particular matter within the rules laid down by the Congress. This rule has been frequently stated and illustrated in recent cases in this court, and needs no amplification here. (Buttfield v. Stranahan, 192 U. S., 470; Union Bridge Co. v. United States, 204 U. S., 364; United States v. Grimand, 220 U. S., 506.)

In section 20 Congress has authorized the commission to require annual reports. The act itself prescribes in detail what those reports shall contain. The commission is permitted, in its discretion, to require a uniform system of accounting, and to prohibit other methods of accounting than those which the commission may prescribe. In other words, Congress has laid down general rules for the guidance of the commission, leaving to it merely the carrying out of the details in the exercise of the powers so conferred. This, we think, is not a delegation of legislative authority.

KANSAS CITY SOUTHERN CO. V. UNITED STATES (231 U. S., 423).

Interstate Commerce Commission against Goodrich Transit Co. affirmed as to constitutionality of provision of section 20 of act to regulate commerce, giving commission power to prescribe the forms of accounts, and so forth.

Pitney, page 443:

There is here no unconstitutional delegation of legislative powers. The reasoning adopted in Interstate Commerce Commission v. Goodrich Transit Co. (224 U. S., 194, 210, etc.), is controlling. And since, as just shown, uniformity in accounting is dependent upon the adoption and enforcement of precise classification, the authority to define the terms of the classification necessarily follows. It amounts, after all, to no more than laying down the general rules of action under which the commission shall proceed and leaving it to the commission to apply those rules to particular situations and circumstances by the establishment and enforcement of administrative regulations.

STETTLER V. O'HARA (139 PAC. REP. (OREG.), 748, 769).

The act creating the industrial welfare commission provides that—

It shall be unlawful to employ women or minors in any occupation within the State of Oregon for unreasonably long hours; and it shall be unlawful to employ women and minors in any occupation within the State of Oregon under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health or morals; and it shall be unlawful to employ women in any occupation within the State of Oregon for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State of Oregon for unreasonable low wages.

The commission is authorized to ascertain and declare standards and to enforce the law by order after report to it by a conference of representatives of employers, employees, and public. The court held that this law does not delegate legislative power to the commission. "It (the commission) is authorized only to ascertain facts that will determine the localities, business, hours, and wages to which the law shall apply." (Act of Feb. 17, 1913. See Const. Law. Cent. Dig., secs. 91-102; Dec. Dig., sec. 62.)

NASH V. UNITED STATES (229 U. S., 373).

Held that the Sherman Act is not invalid on its criminal side because too vague.

The court (Holmes) said, page 376:

And thereupon it is said that the crime thus defined by the statute contains in its definition an element of degree as to which estimates may differ, with the result that a man might find himself in prison because his honest judgment did not anticipate that of a jury of less competent men. The kindred proposition that the criminality of an act can not depend upon whether a jury may think it reasonable or unreasonable. There must be some definiteness and certainty, as cited from the law Mr. Justice Brewer, sitting in the circuit court, Tower v. U. S. (52 Fed. Rep., 917, 919).

But apart from the common law as to restraint of trade thus taken up by the statute, the law is full of instances where a man's fate depends on his estimating rightly—that is, as the jury subsequently estimates it—some matter of degree. If his judgment is wrong, not only may he incur a fine or a short imprisonment, as here; he may incur the penalty of death. An act causing death may be murder, manslaughter, or misadventure, according to the degree of danger attending it, by common experience in the circumstances known to the actor. The very meaning of the fiction of implied malice in such cases at common law was that a man might have to answer with his life for consequences which he neither intended nor foresaw. (Com. v. Pierce (138 Mass., 165, 178); Com. v. Chance (174 Mass., 245, 252). "The criterion in such cases is to examine whether common social duty would, under the circumstances, have suggested a more circumspect

from me.

Q. It will show——A. It will show you have asked me hypothetical questions.

Q. Rather whether it would come, but you had no actual knowledge?—A. I am answering your question. You asked me whether I

the floor of the Senate.

the subject that when the bill in the other House came to a

vote it passed. I believe, without a roll call, both sides of the House being in favor of the bill.

I may say that in both the House and the Senate the consideration of this legislation has been nonpartisan, prominent members of the minority party joining actively with those of the majority party in the shaping of an effective measure, and the proposal of a trade commission received the approval of the entire committee of the House of Representatives, with perhaps one dissent, and the almost unanimous judgment of the Senate Committee on Interstate Commerce. I may say further, so far as the action of the Senate is concerned, that under the preceding administration of Mr. Taft a resolution was offered by the Senator from Minnesota [Mr. CLAPP] for an investigation as to whether any further trust legislation was desirable. Under that resolution over 100 persons appeared before the committee—public men, economists, and business men, representatives of boards of trade and chambers of commerce—and gave their views, which extended to nearly 3,000 pages. Upon the very first day of the hearing of that committee under the resolution a bill introduced by myself some time previously for the creation of a trade commission was considered. That bill went through a process of tentative amendment by the committee, but no final action was taken upon it, and no final action was taken upon any of the many bills then pending upon this subject before the Interstate Commerce Committee, but a report was made by the committee.

ACTION ON BILL THUS FAR NONPARTISAN.

The Senator from Iowa [Mr. CUMMINS] made that report, and the additional views of many of the committee accompanied it. After reviewing the various decisions of the Supreme Court relating to the Sherman antitrust law, that report declared it to be the opinion of the committee that a trade commission was desirable. The report filed with this bill contains in the appendix extracts from the Cummins report, and also extracts from the additional views of the members of the Interstate Commerce Committee. I refer to this in order to show that under two administrations the creation of an interstate trade commission has been regarded as a necessary and essential thing in all legislation relating to the trust question. I shall insert the entire report at the conclusion of my remarks.

Mr. President, the practical question is whether upon a subject concerning which the mind of the country is made up, the mind of the chambers of commerce and of the boards of trade of the country is made up, the business mind of the country is made up, the mind of the committees having jurisdiction is made up, the mind of Congress itself is made up—whether we shall have a protracted discussion of this bill embracing the prolonged conversations which have characterized of late years the debates in the Senate, and which have brought them under discredit. The country does not listen to us, and we do not listen to each other. I believe there is an opportunity here and now for the Senate to reestablish its old repute for clear and concise debate.

Mr. President, I am aware that I am one of those who perhaps may be charged in the past with an overindulgence in speech. All that I can say is that I have reformed. [Laughter.] When I came into this body, after 10 years' service in the House of Representatives, I flattered myself that I had the faculty of saying everything that I desired to say within an hour's speech. That was the result of the training of the House, and of my legal training, which imposed restraints upon prolonged discussion. I found myself, however, yielding gradually to the indulgence of the Senate, and, to my surprise, I discovered that one day I had made a three hours' speech. I determined from that hour to reform, and I do not think my associates have had occasion to complain of late of any excess of oratory upon my part.

Now we are nearing the close of the session, or what ought to be the close of the session, and the question is whether the Senate will put restraint upon itself. Has it the power of self-restraint, or will we have to subject the Senate later on to the power of coercion through a cloture rule? We have been in pretty nearly continuous session for four years, much to our own discomfort and much to the discomfort of the Nation, and I think that every Senator on this floor will bear me out in the assertion that we could have dispatched the business in one-half the time.

We had recently an example of how quickly the Senate can dispatch business in the adoption of the conciliation bill reported from the Committee on Interstate Commerce. A great strike was threatening; a tie-up of the eastern railroads was impending; the country was apprehensive regarding the financial and industrial consequences of such a strike; the then existing machinery for conciliation between employers and employees was not satisfactory, and neither side was willing to resort to it. The result was that a bill was framed and presented by the Interstate Commerce Committee to this body. That bill offered a most tempting field for discussion. All the questions relating to labor, to the relations of employers to employees, and all the related social and economic questions afforded enticing opportunities for debate; but the patriotic sense of the members of the Interstate Commerce Committee of the Senate controlled them, the patriotic sense of this body controlled it, and that bill was put through almost without debate, in less than an hour, I think—an instance of how the Senate can do business when it chooses to do business, and how it can do business without the coercion of a cloture.

THE TRUST PROGRAM.

Mr. President, there are three measures pending embraced in the so-called trust program. It is admitted by all that this measure should pass first. Some of the subsequent legislation intrusted to the Judiciary Committee may involve the enforcement of the law through this very trade commission. How important it is, therefore, that we should avoid unnecessary discussion, so far as this bill is concerned, and put it upon the statute books, so that the legislation which comes from the Judiciary Committee may have reference to the legislation that has been already adopted.

Mr. President, this is a very simple bill. I think the entire Senate is convinced that if contemporaneously with the passage of the Sherman antitrust law we had created a trade commission similar in its organization to the Interstate Commerce Commission, which was created about the time that law passed, by this time the questions relating to trade regulation would have been as completely settled as have been those relating to transportation.

In transportation we have practically only two things remaining unadjusted—though always, of course, there will be minor matters of legislation—one, the valuation of the railroads, for which provision has been made by law; and the other, control of stock and bond issues. All other legislative questions relating to rates, rebates, unjust discriminations, and so forth, have been practically adjusted—a body of administrative law has been established which is a definite guide to the business and transportation interests of the country.

The Sherman law was passed about the same time as the interstate-commerce act; and its administration was intrusted to the shifting incumbency of the Attorney General's Office, that incumbency changing frequently, having changed in one administration three or four times. The result was that instead of having an established system of administrative law the administration of that law was intrusted to the shifting officials with the varying policies and varying views of the respective Attorneys General; and it is only recently that we have obtained from the courts a full exposition, declaration, and interpretation of the law itself. Had this commission been in existence during all the years of the Sherman antitrust law it is clear that the organization of these great trusts, since accomplished, would have been prevented, and all of the trusts then existing would have been brought under the steady, purposeful, continuous administration of the law, and without violent wrenches in the business of the country readjustments would have been made that would have resulted in the dissolution of these corporations and their reintegration in harmony with the law. We are taking up very late what ought to have been taken up 20 years ago. If that is apparent, why should we take a month in debating this bill?

PROVISIONS OF THE BILL; THE COMMISSION.

What does this bill provide for?

It provides for a commission of five members, whose term is seven years, the incumbency being so arranged that only one commissioner changes at a time, so that you have practically a continuous body considering these great questions. The bill provides for the merger in this commission of all the powers, duties, and functions, as well as the force of the Bureau of Corporations, a bureau which has been in existence for about 10 years, which has done much good work of investigation, and which has a trained band of experts whose experience and efficiency should, of course, be availed of.

POWERS OF THE COMMISSION.

The next thing is the powers of this commission. Almost all these powers—I may say all the powers—are contained in sections 3 and 5. The first three subdivisions of section 3 provide for powers of investigation and report as to corporations engaged in interstate commerce and corporate combinations and trade associations, excepting banks and carriers. These powers are somewhat enlarged over those of the Bureau of Corporations, but they are not materially enlarged. The Bureau of Corporations did not find it necessary to use coercive

powers with the corporations of the country. It used its powers wisely and discreetly, and usually succeeded in getting all the information that it required. We heard of no abuse of personal rights under that organization, and I take it that the outcry raised against the so-called inquisitorial powers of this commission will be found in practical experience to have been unnecessary.

INVESTIGATION.

The powers to investigate, the powers to call for reports, must be general, and they must be so general as that they can be exercised against every one of perhaps 350,000 State corporations which are engaged in greater or less degree in interstate commerce; but whilst the powers are great, the application of the powers will necessarily be limited. We know that the business and trade corporations of this country are as a rule conducted in conformity with law. We know that the outlaws are few; but we must shape the powers of this commission so that we can reach that outlaw whether it be a corporation with a capital stock of ten million or a hundred million or a billion dollars, or whether it be a corporation with a capital stock of only $100,000; for oftentimes a small corporation may be made the instrumentality through which great monopolistic powers can be exercised. Therefore it will not do to classify in such a way as to eliminate the small corporations, for if you do you may eliminate from the operation of the law the most outrageous outlaws. The powers must be great; the application of the powers will necessarily be limited.

PUBLICITY.

And so as to publicity. The commission is to make public such matters involved in their investigations and reports as they deem advisable, except so far as their information relates to trade processes, names of customers, and things of that kind. They are to have full power of publicity, but it is not to be expected that they will publish everything that comes within their observation. These matters that are material in the public interest alone will be published, and ought to be published. Here let me say that the sentiment is growing, not only in the country at large but in the legal fraternity itself, that the strict limitations that relate to private business organizations should not be applied to corporations which are public instrumentalities, created by law, artificial beings, owing their life and their existence to the Government itself, and the law of whose life should be exposed to that Government at every step in their procedure.

Mr. President, there are three other provisions in section 3. One relates to the aid which this commission is to give the courts; another to the aid it is to give to the Attorney General in enforcing decrees; another relates to reporting to the Attorney General any infractions of the Sherman antitrust law which come under its observation.

NO INTERFERENCE WITH ATTORNEY GENERAL.

This bill does not interfere with the Attorney General in the administration of the antitrust law. There has been a great indisposition to change in any way the Sherman antitrust law, in which the country has confidence, or to change the agency through which that law is to be administered, so that this bill leaves the powers of the Attorney General as complete as ever with reference to the enforcement of the antitrust law. So far as my individual opinion is concerned, I would favor an entire turning over of the administration of the antitrust law to this commission, as contributing to greater precision, greater certainty, greater consecutiveness in the prosecution of corporate outlaws; but public sentiment is not yet prepared for that step, and so I yield to the judgment of the committee in that particular.

All the powers of this commission are in aid of the courts and in aid of the Attorney General, and are not intended to interfere with his control over the enforcement of the Sherman law. We all know, so far as the courts are concerned, that both the Attorney General and the courts have realized that they lack the administrative machinery and experience necessary to enable them to form proper judgment as to the method of dissolution and the method of reintegrating the component parts of these great industrial combinations. No one can complain of any of the decisions of the Supreme Court upon this subject, with the exception perhaps of the decision in the Knight case. They have uniformly upheld the law and have applied it wherever it ought justly to be applied, but they have not been so successful in the form or the effect of their decrees; and this difficulty arises from the fact that the Attorney General who prosecutes and the judges who sit in judgment belong to the legal profession, and have not, as a rule, experience or training in either economics or industry; and they have been exploring unknown fields when they reached out into the great fields of industry and sought to make such a readjustment of the subsidiary companies and component parts of these great combinations as to bring them all in harmony with the law. The result has been a serious disappointment on the part of the people of the United States in the results arising from these victories of the Government in its contest with these great combinations.

It is expected that the trade commission will be composed not only of eminent lawyers but of eminent economists, business men of large experience, and publicists, and that their knowledge and information and experience will be of such a varied nature as to make them more competent to deal with the practical question of the dissolution of these combinations than any court or Attorney General could be. It is also expected that as a result of investigation and as the result of long experience they will build up a body of information and of administrative law that will be of service not only to them but to the country itself, and that gradually standards will be established that will be accepted and will constitute our code of business morals.

POWER TO AID THE COURTS.

The power, therefore, is given to this interstate trade commission to act, upon the suggestion of the court, in shaping the decree, making a report as a master in chancery would to the court, and having its recommendations stand the test of the arguments of counsel upon both sides. It is also given the power, after the decree is entered, to investigate as to whether the decree is being carried out, and to make report to the Attorney General. It is also authorized, whenever in its investigations it finds any infraction of the Sherman antitrust law, to report that delinquency, with its findings, to the Attorney General. The power is also given to the commission to inquire into trade practices abroad, and to inquire whether American corporate combinations are joining with foreign producers in an endeavor to control prices.

There has been some difference of opinion, I believe, between Attorneys General as to whether the Sherman antitrust law applies to exports. This bill does not determine that question, but simply gives the commission power to inquire as to whether there is any control effected by American exporters in conjunction with foreign producers with a view to controlling prices, and also the power to inquire into trade practices abroad; and here comes the subject of a very general complaint.

It is contended amongst American exporters that if in their export business they are subject to the Sherman antitrust law, it prevents them from having any understanding with other exporters with reference to the practical conduct of their business abroad with a view to getting a good price for American exports. Their contention is that other countries have not such stringent laws as we have with reference to trusts and monopolies, while England has a common law regarding trusts upon which our Sherman antitrust law is based. England does not endeavor at all to pursue people criminally, but leaves the suit to be prosecuted by individuals instead of by the Government. We all know how ineffective that is. The suit of an individual against a strong combination is the contest of a lilliputian against a giant. So, though the law of England may be the same as our law, there is a difference in the manner and the method of enforcement, and there are understandings between great business concerns there that would invite active prosecution in this country.

EXPORT TRADE.

In Germany, through their cartel arrangements, as they are called, great combinations are organized with a view to controlling prices; and not only combinations, but associations in trade, and so forth. These things are regulated by the Government; but the combination itself is not unlawful. Germany has made great advance on the social side of such legislation. The tendencies of England and of America have always been toward intensely individualized action. The tendency of Germany has been toward collective action, embracing something of the character of State socialism. So the things that are under condemnation here are approved by the Government there, but are subject to regulation.

One of the things which the purchasers of American exports do is to combine together to mark down and knock down the price of American exports. They resort to numerous devices on this line, one of them being an association of the buyers operating through one purchaser, who, dealing with a number of American exporters forbidden by law to have concerted action, is, of course, at a great advantage in securing a lower price. So many of our law-abiding American concerns engaged in large operations in the export trade, and perfectly ready to respond to every domestic requirement of the Sherman antitrust law, declare that in their business contests with the world they should not be put in a strait-jacket while the foreign purchasers have unlimited freedom of action.

Mr. HITCHCOCK. I object to that on the ground that the newspapers show Senator QUAY during that time was in Washington.

Col. ROOSEVELT. In any event, I can recall he was in Washington more than once during that time. I saw him more than once. I understood that he was returning to see the operators and other men through whom he was trying to bring influence on the operators in New York, and that it was done with the view of getting in touch with the situation in New York.

Q. How many interviews with Mr. Quay did you have after the 3d of October and before the strike was finally settled?—A. I had certainly two or three.

Q. You do not remember more than two or three?—A. I do not remember more than two or three. There may have been more. I certainly had two or three.

Q. Now, there was a marked tremendous change in the attitude of the operators after their interview with you on the 3d of October, was there not?—A. There was.

Q. What was the first official notice that you had of that attitude?—A. I do not remember. I do not know that I ever had an official notice. I took judicial notice.

Q. Well, judicial notice is a mighty uncertain thing.—A. I took it and my action was attended with much certainty.

Q. Can you tell in which one, either first, second, or third of the conversations you had with Mr. Quay during this time, you spoke of calling out the military?—A. I never spoke to him about calling out the military at all. That is what I intended to do with the matter, but I said to him that I wanted Stone when I deemed it necessary. I wanted Stone to ask me to send in the Army. I can not remember at which meeting it was.

Q. Have you any impression as to whether it was the first, second, or third?—A. No; I have not. My impression is that I spoke of it at the one meeting, and that I referred to it at another meeting, but that is only an impression.

Q. Was it your impression that that occurred during these negotiations over this arbitration board?—A. Between the 3d and 10th?

Q. Well——A. What do you mean by negotiation board?

Q. Wasn't there more or less negotiation over arbitrators' interests to both sides?—A. Yes; I should say that was how the question came of the negotiations over the arbitrators. My impression is that those meetings took place, roughly, between the 3d and 10th—wait a moment. I can not tell you exactly, but I can tell you this: they took place at the time that Mr. Quay was on here in New York speaking to those different men. He would come from New York and he would see me, and would say he was going to see the operators, and he was going back to New York, and so it was during that time.

Q. Now, do you remember that the operators made a written offer to arbitrate?—A. I believe it was in writing.

Q. Have you got any copy of that?—A. I have not. I think it was published.

Q. When is it your recollection of that was?—A. I can not tell you. I can not tell you. My memory is that in that they said they would accept a judge of such and such a district. A man versed in engineering, a man versed in the science of coal operating, an eminent sociologist, and five others.

Q. Didn't they also wish or say they would not recognize the miners' union at all?—A. Whether they said it in that communication I do not know; but we told it to him that they would not accept a member of a labor organization.

Q. What was your impression as to when that regular offer came?—A. My impression is strong that it was before the night—I knew it was before the night on which I saw Mr. Bacon and Mr. Perkins and the others, and finally appointed the commission. I should say that—I can not tell you—it was some days, I should say, before that.

Q. Was it before or after the 10th of October?—A. I believe the 10th of October was the day on which I saw Mr. Perkins and Mr. Bacon. Can you tell me what day was it that I announced the commission?

Q. I prefer to have your recollection.—A. I can not give you my recollection. I do not know.

Q. You may have been mistaken on account of your not remembering the days, but I prefer to have your mind just as it is.—A. I am not mistaken as to the relative sequence of things. I can not tell you what was the tariff as to copper, but I can tell you it was before I announced my decision and before Mr. Bacon and Mr. Perkins and members of my Cabinet were in at the night I made the announcement.

Q. Was this offer published at the time?—A. I can not tell you.

Q. Were these arrangements, these negotiations to which you have alluded, after that offer?—A. They were both after and before all these negotiations. They went on all the time. Mr. Wales, I was continually testing out the situation to find where and how I could bring about a solution. I was prepared to take any steps necessary to solve the difficulty and to bring the crisis to an end. I infinitely preferred to take it by the miner, acting with justice and generosity; and while I am not going to say that because they did not act justly I would have been—next to that I would have liked to have the miners yield and go to work and trust my action and with the force of public opinion and to make the arbitrators accept the conclusions of the commission. I would have felt then that if the arbitrators declined to accede to what a commission headed by the ex-President of the United States, a Democrat, and backed by me, a Republican, approved; that if they declined to accede to that, either by public opinion or in any other way that we found necessary, I could force them to act. But, of course, I can not guarantee that, and I felt that Mr. Mitchell was entirely within his rights in refusing; and from the beginning I thought he probably would refuse and, although, he might accept that proposition. I did not have to ask on my own responsibility if I could possibly avoid it, but I intended to act in that way if there was no other way. All the time I was considering the different plans.

Q. You were ready to take any legal action that was most likely to bring a strike to hand?—A. I was.

Q. If putting the coal on the free list and calling Congress together for that purpose would have done it, you would have done that, wouldn't you?—A. If I had thought that it would have accomplished the object, I should have done it; but I do not think that it would have accomplished the object, and I did not do it.

Q. But if the others were persuaded the other way, and you were persuaded that they would heed the operators in their tender, do you say that you would call Congress together for that purpose?—A. You are asking a hypothetical question.

Q. I have had a hypothetical history.—A. You have not had it from me.

Q. It will show——A. It will show you have asked me hypothetical questions.

Q. You have answered yourself voluntarily the proposition that you were ready to take any action that would bring about the settlement of the strike?—A. Yes.

Q. And you were not at all technical if you got down to this point when all those efforts had failed in letting the newspapers know that that was your position?—A. Not at all.

Q. Now, there is a little document that I will present to you and you can take it with you. It was one of the preliminary motions in this matter, and you can see from it that my claim is no joke. I also have here the motion papers on which I made the motion before Judge Forbes for a commission to examine Platt—I had already examined Platt. I had already examined him. You need not take this if you do not want it. I am giving this to Mr. Roosevelt. I do not want him to go off with a wrong impression. You can take it with you and read it at your leisure. I also before I questioned you told him that I had this decision in my favor from Judge Forbes, and in my motion papers before Judge Forbes I quoted extensively from the testimony of Platt, etc.—A. I do not remember that Platt had anything to do with the settlement of the case so far as I know.

Q. You can find out from this more than you know about it.—A. I think I know most of it.

Q. I think you don't.—A. Now, look here, you are stating your views; are you asking my opinion of your case?

Q. No.—A. Exactly; and I do not suppose you want it.

Q. Because you do not know anything about it.—A. Mr. Wales, you have been telling me what your views are and what your case is. I have not the slightest interest in it. The only object in your telling me is that you want some opinion from me about it.

Q. There is another reason. The whole press will be loaded with the position of my distinguished friend over there, as he has done with the Binghamton Press.

The REFEREE. Ask the question.

Col. ROOSEVELT. What question is it?

The REFEREE. Ask the questions; that is all I want.

Mr. WALES. I was about to say——

The REFEREE. I won't permit any more statements so far as my proceedings are concerned. Ask questions and I will take them.

Mr. WALES. I want to conclude what I was going to say. I would recommend to you before you give an opinion——

The REFEREE. Just ask questions.

Col. ROOSEVELT. I have not given an opinion. I am not giving opinions unless you ask for them.

Q. You were ready to take any legal action most likely to bring a termination of the strike?—A. How many times have I been asked that question?

The REFEREE. Twice that I remember.

A. I tell you three times it is true. Yes.

Q. Didn't you have any talk with Gov. Odell about this matter?—A. I do not remember distinctly. I have a very vague impression that he called me up on the telephone, but it is only a vague impression. I had no talk with him of any importance.

Q. Now, did you have a talk the latter part of the week—Wednesday, October 1—over the phone with Gov. Odell?—A. I can not tell you. I have given you my knowledge.

Q. I will read from the testimony of Gov. Odell and ask you a question about it:

"A. I talked with Mr. Harriman in his office but had no telephone conversation.

"Q. Was it that day or the next day on which you talked to Harriman that you had the telephone talk with Roosevelt?—A. It must have been the next day, the day after—I would not be certain.

"Q. Don't you recall this, that it got to be the last of the week, either Friday or Saturday, you had the talk with Roosevelt?—A. Assuming it was Wednesday, it must have been the latter part of the week.

"Q. You remember it was the latter part of the week?—A. I do not remember, because I do not remember the beginning. You say it was Wednesday, and I am assuming it was.

"Q. I am asking if you remember that fact?—A. No; I do not, now.

"Q. Did you say you called up Roosevelt or he called you up?—A. I called him up.

"Q. Will you just state what you said to Roosevelt?—A. I told him of the failure to secure an agreement and of the suggestion made by Mr. Harriman that it was necessary to get Mr. Mitchell to agree to it, and that he was the only man that we knew of that could secure that consent; and I asked him to send for Mr. Mitchell to come over to Washington and talk the thing over with him; and he replied that he did not want to do it because he had already done whatever he thought he could do to produce the result, and without any effect; and I urged him as strongly as I could to send for Mitchell, and that Mitchell could not refuse to come and there would be no harm if he should refuse. He acceded to this proposition after some further objections, and consented to it, and he sent for Mitchell."

Q. Is there anything in that that you wish to contradict?—A. I do not remember about it. I do not remember what time it was.

Q. He says the latter part of the week, assuming that Wednesday was the 8th.—A. What date of the month was that?

Q. Wednesday was the 8th.—A. I do not remember. I have a very vague memory that Mr. Odell called me up and talked over the telephone; but I know that I did not act on any suggestion that he made.

Q. Did you state in that talk with Gov. Odell——A. I tell you I do not remember anything about it.

Q. I have a right to ask whether you remember it or not. You did not want to do that, just send for Mitchell, because you had already done whatever you thought you could do to produce the result, and with no effect?—A. I do not remember the conversation. I am confident I did not make any such statement in any such form.

Q. Will you state that you did not?—A. I can only give you the answer that I have already given, Mr. Wales. If you want to get at the exact facts yourself, that if I remember still the conversations that I had with relation to anything that made an impression on me or the opinion which I secured. Scores of men, as I have said, communicated with me by telephone, by writing, by word of mouth, with suggestions that I disregarded. As for this, though, it is out of my mind. I took no action on anything suggested to me by Gov. Odell.

Q. Well, you do not remember what you did state to Gov. Odell?—A. I do not remember; but I am confident that I did not state it as that sentence you have read to me states.

Q. Now, is it a fact that that first session on the 3d was a complete failure, and you so understood it when they treated you so contemptuously?—A. I did, as regarded immediate results. It paved the way for future results.

Q. Rather whether it would come, but you had no actual knowledge?—A. I am answering your question. You asked me whether I

understood it to be an absolute failure, and my answer is no; that I regarded it as paving the way for good results later. I am answering your question.

Q. When you wrote that letter to Mr. Mitchell suggesting that the miners go to work, and you appoint a commission to examine, you had not had any offer to arbitrate?

Mr. HITCHCOCK. I object to that on the ground that it does not appear that the President wr te any letter to Mr. Mitchell.

Col. ROOSEVELT. At the time of the communication to which you allude I do not believe I had had any advice from the operators. It is possible I had had some from any perfectly inadmissible terms, but I do not think so.

Q. You do not recall?—A. I do not recall.

Q. So far as you recollect, their attitude was still as stubborn as before?—A. Still as stubborn as before.

Q. Wasn't their attitude professedly in that offer that they would not arbitrate with Mr. Mitchell—A. I do not understand the question.

Q. Well, I will waive it. Did you learn of Mr. Harriman's change of attitude in this matter?—A. I do not remember of ever hearing of Harriman's attitude. I may have heard of Mr. Harriman's attitude, but I do not remember. It certainly did not affect my action in any case, anything that Mr. Harriman did.

Q. Well, the calling out of the military depended upon a call from Gov. Stone. You would not have acted without that call?—A. I won't say that.

Q. Would you defy the Constitution?—A. I do not accept your interpretation of the Constitution.

Q. I think it is fully as good as your interpretation.

The REFEREE. Don't argue. Finish the question.

Mr. WALES. I will repeat the question, then.

Col. ROOSEVELT. I have answered it.

Q. I do not think you have. Would you without the call of Gov. Stone, in violation of the Constitution, call out the troops to settle a domestic broil in a State?

Mr. HITCHCOCK. Objected to as incompetent, improper, and assumed as facts not proven.

A. I won't answer that.

Q. Would you, without the call from Gov. Stone, have called out the troops to settle this strike?

Mr. HITCHCOCK. Objected to as incompetent, irrelevant, and immaterial.

A. I do not know.

Q. You do not know?

Mr. HITCHCOCK. Objected to as incompetent, irrelevant, and immaterial.

A. I do not know. I would have settled the strike.

Q. Law or no law?—A. I would have settled the strike. I would have found a law. That strike was going to be settled.

Q. That is what Mr. Hitchcock said, and told me all the way through, and I put the record for it.—A. That will settle the strike and the Panama Canal question.

Q. I lay no claim to the Panama Canal. The World has said that you said something to that effect, but I disclaimed them.

Mr. WALES. Do I understand that to prove the dates and what these various efforts were I can quote from what purported to be the copy of the statements as published in the press generally at the time?

Mr. HITCHCOCK. Only the official statements which came from the White House. The colonel has stated these statements are correct.

Mr. WALES. You said a little while ago you would let in all these papers.

Mr. HITCHCOCK. I said nothing of the kind.

Mr. WALES. Very well; then I have got to go into a minute examination.

Q. Now, Colonel, wasn't it over Sunday, the 12th, and possibly late at night on the 11th, that you first learned of the change of attitude of the operators?—A. I do not know.

Q. This offer of the arbitrators to arbitrate?—A. I do not know.

Q. Didn't that appear for the first time in the papers on the 14th of October; that was Tuesday?—A. I do not know. I do not know anything about the matter.

Q. As having been signed on the 13th?—A. I do not know.

Q. And weren't all the negotiations fixing who the arbitrators would be after that Sunday?—A. I do not know.

Q. The 12th?—A. I do not know.

Mr. WALES. That is all.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had, on June 25, 1914, approved and signed the following acts:

S. 2756. An act for the relief of John Q. Adams; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

FEDERAL TRADE COMMISSION.

The VICE PRESIDENT. The morning business is closed.

Mr. NEWLANDS. Mr. President, at the close of my remarks it is my purpose to move that the Senate proceed to the consideration of the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes. I desire to be very brief, and I shall ask at the commencement permission to print certain quotations and references which I shall make.

The VICE PRESIDENT. Without objection, that may be done.

Mr. NEWLANDS. I will also ask that there be no interruption until the close of my remarks.

SPEEDY ACTION DESIRED.

I am exceedingly desirous, Mr. President, to expedite action upon this bill. All the Members of the Senate, I am sure, unite with me in the desire for an early adjournment. There ought not, in my judgment, to be any protracted discussion over the bill. A measure of this kind has been the subject of prolonged consideration in the Senate of the United States through its Interstate Commerce Committee for several years and has been thoroughly debated in the committee and measurably debated on the floor of the Senate.

It has been the subject of concentrated attention by the Interstate Commerce Committee during the last five or six months. It has been also the subject of concentrated consideration by the other House and its committees during the same period. At the very commencement of the session the chairman of the Interstate Commerce Committee of the Senate and the chairman of the Interstate Commerce Committee of the House, which was supposed at that time to have jurisdiction over all trust legislation, came into communication with each other regarding tentative bills, one covering a trade commission, another supplementary legislation to the antitrust law, and the other a bill providing for the control of the issue of railway securities. Tentative bills were prepared and were submitted after the Christmas holidays to the consideration of the Senate committee and the House committees.

THE TENTATIVE ANTITRUST BILLS.

In January last the President of the United States delivered a message upon this subject, and still later on an interstate trade-commission bill was introduced, on the same day, by the chairman of the Judiciary Committee of the House and the chairman of the Interstate Commerce Committee of the Senate.

With reference to this bill, Mr. Clayton caused to be published in the CONGRESSIONAL RECORD on the 22d day of January, 1914, the following press dispatch:

Representative Clayton this afternoon gave to the press the full text of the tentative bill as agreed upon by a subcommittee of the Judiciary Committee of the House (Messrs. Clayton, Carlin, and Floyd of Arkansas) and the majority members of the Senate Committee on Interstate Commerce, and said:

"The bill will be introduced at the same time by Representative Clayton and Senator Newlands. This bill is modeled after the lines of what is commonly known as the Newlands bill, which was introduced in the Senate by Senator Newlands, and involves the fundamental idea that a trade commission shall be created, consisting of five members, with full investigatorial powers into the operation and organization of all corporations engaged in interstate commerce, other than common carriers. It provides for a commission of five members, makes the Commissioner of Corporations chairman of the board and transfers all the existing powers of that bureau to the commission. Its relation to the Attorney General's office and to the courts is advisory. Its principal and most important duty besides conducting investigations will be to aid the courts when requested in the formation of decrees of dissolution, and with this end in view it empowers the courts to refer any part of pending litigation to the commission, including the proposed decree, for information and advice."

Senator NEWLANDS, being interviewed, said:

"The trade-commission bill and several other bills limiting the debatable ground of the Sherman Act have been the subject of laborious consideration by a subcommittee of the Judiciary Committee of the House (consisting of Mr. Clayton, chairman, and Messrs. Carlin, and Floyd of Arkansas) during the holidays and before. The majority members of the Interstate Commerce Committee of the Senate have been brought into consultation with them of late.

"The trade-commission bill preserves the essential features of the bill which I have been urging for some time, but contains amendments and additions of value and is, in my judgment, an improvement upon the bill as it was considered and improved by the Interstate Commerce Committee of the Senate during the last Congress. As a whole, I should say that the trade-commission bill ought to be satisfactory to members of all parties, for it is distinctively progressive, and we have endeavored to frame it in harmony with the President's views, presented to an admirable message, which has received the approval of the entire country regardless of party. While these bills represent at present the best thought of the participants in the shaping of this legislation, they are presented simply as tentative measures, upon which the judgment of the proper committees of the House and Senate and of the country is invoked."

The House bill, introduced by Mr. Clayton, was not, however, referred to the Judiciary Committee, but to the Interstate Commerce Committee of that body. Later on, Mr. COVINGTON, of the latter committee, introduced a bill covering substantially the same lines as the so-called Clayton bill, which was considered, amended, and finally reported, and passed.

Contemporaneously the Senate Committee on Interstate Commerce had under consideration Senate bill 4160, the bill introduced by myself, and, after considering and reporting favorably this bill as amended, took up the House bill which was referred to it, and substituted for it the Senate bill with two amendments—one relating to the investigation of foreign trade practices and the other relating to unfair competition. The question now before the Senate is whether the substituted Senate bill shall pass.

PUBLIC OPINION IN FAVOR OF A TRADE COMMISSION.

During these six months all these questions have been the subject of discussion by the country generally, by public men, by chambers of commerce, and by boards of trade. The result is an overwhelming public opinion in favor of the adoption of an interstate trade commission bill. That public opinion was demonstrated by a referendum made by the Chamber of Commerce of the United States, a large national organization having member bodies in every section of the country. The result of that poll was to show a decisive majority in favor of a trade-commission bill. Public opinion was so pronounced upon the subject that when the bill in the other House came to a

None of their plans commended themselves to my judgment. Specifically, Mr. Wales, if it is proper, I may say that nobody suggested to me the plan that you are said to have offered.

Mr. WALES. I haven't a doubt, Colonel—I never had—and I expected to prove it out of your lips if I had the chance.

Col. ROOSEVELT. Nobody suggested your plan to me—nobody at all, so far as I know, ever mentioned your name.

Mr. WALES. That is just exactly what I proved by Gov. Odell.

Col. ROOSEVELT. Neither Mr. Mitchell nor any other labor man ever suggested to me a plan to act upon. All of the Cabinet members of whom I have spoken here at different times informed me that they saw at different times other people mostly directly or indirectly connected with the operators' side, to talk with them and see if they could get them to take any action. I was often asked by them and by other men who came what they might say from me. I always said to them I hope that action will be taken between the miners and operators which will excuse my having to take drastic action, but understand, if action is not speedily taken, I will act myself, and I will settle this business. Finally both sides showed a willingness to come to an agreement to have a commission of arbitration. The operators showed considerable temper toward me. That is not a conclusion. I can not give you the exact method that they showed it, but they showed considerable temper toward me.

Mr. WALES. I do not care how you say it, Colonel.

Col. ROOSEVELT. When they accepted the proposition for the arbitration they insisted that they would not object to any of the personnel which up to that time was leaking out, who would be on the commission, if I had to name it without regard to their wishes. To my great amazement, it was the operators who objected to Grover Cleveland. My memory is, Mr. Mitchell, although I can not be positive, that the labor people were content with Mr. Cleveland, but the operators objected to Mr. Cleveland, and I remember I had intended to put on Judge Buffington, and they then insisted that they would not have Judge Buffington. They wanted a judge from another district, and I appointed Judge Grey. I had intended to put on Mr. Kernan, of Utica—John D. Kernan—and they objected to him. I think they objected simply because I put them on the commission and, of course, it was perfectly——

Mr. WALES (interrupting). That is a conclusion.

Col. ROOSEVELT. That is a conclusion that I withdraw—that is a conclusion perfectly, and I had no business to put it in, although it is my opinion.

Mr. WALES. An opinion is a conclusion.

Col. ROOSEVELT. Yes; at any rate they did each object to all these men. I did not care. All I wanted was to get the right type of men, and all that hitch came to was that they did not want me to put on Archbishop Spaulding or a labor man. They wanted a commission of five. The commission finally was of seven. On the other hand, Mr. Gompers and the miners said that as the other men really represented or were in close connection with the capitalists' class (I think I am saying substantially your objection), that they both thought that they ought to have on one labor man.

Mr. HINMAN. You said "Mr. Gompers."

Col. ROOSEVELT. I beg your pardon. I should have said "Mitchell." That would be objected to as an "irrelevant conclusion."

Mr. WALES. You do not want to assume, Colonel, that I shall object.

Col. ROOSEVELT. Mr. Mitchell and the other miners' representatives stated that they felt that they were entitled to have a labor man on. I thought that they were entitled also. I believe I told them, and I certainly told the other men at the time, that whoever I put on, labor man or capitalist, would be put on because I thought he was such a man that he would decide wholly without reference to his affiliations, if they are labor or capital.

However, I felt that it was a matter of common justice, and not so much with reference to the decision, but with reference to the feeling of confidence that would be engendered in the commission to have a representative of labor on; and I insisted upon having him.

I can not give you the night or the day of the night on which this decision was finally reached, but it came to somewhere about the 10th of October. I can not tell you the exact date. I remember that Mr. Bacon was there, and I think Mr. George Perkins, and probably several members of my cabinet, as coming from the operators; and the operators had said "no"; they would rather break up the whole business than have a labor man put on; and I explained then I was very sorry for it, but I thought it would be a very bad thing for everybody; and I thought it would be an especially bad thing for them, and they would reduce me to the necessity of acting at once on my own initiative—not telling them what I was going to do, however. It was after midnight, and after we had repeated the same conversations for hours and hours, that I finally found that they did not care a rap whether I put on a labor man, provided I did not call him a labor man. They had asked me to put on an eminent sociologist, and I then said to them—I can give you substantially what I said. I said: "Good Heavens; then you are sticking on the mere question of name! Well, if by merely committing an absurdity in name I can bring about the right result, I will filing it about at once. I will put on as 'eminent sociologist' the head of the conductors' union—Mr. Clark. I am also going to ask Archbishop Spaulding and announce that I had added him; and if you choose to break it up on the ground that you do not like Archbishop Spaulding, you go ahead and do it." I was not very sure that they would not object to it, and so, accordingly, I put on Mr. Clark, head of the conductors' union, as "eminent sociologist" and Archbishop Spaulding, and that made up a commission of six; and then their feelings got soothed down a little. But a few days afterwards, without asking anybody's permission, I increased it to seven, and put on Carroll Wright, who, of course, was the "eminent sociologist" that I originally intended to put on. So we have got the "eminent sociologist" in another name—I did not know why—and we have got the labor man on as an "eminent sociologist," and everything was pleasant and smooth and went fine. The commission met, the miners went back to work, and everything went fine.

Mr. WALES. I am perfectly willing to stipulate right here that the proceedings of the commission as printed either by the Senate or any of the departments—I guess the Department of Labor has it—may be considered in evidence. Mr. Irving has agreed to that.

Mr. HINMAN. We do not need to bother the colonel with that. That is a matter for the trial.

Col. ROOSEVELT. Now, Mr. Hinman, as well as I remember, I have given you the essential facts.

Mr. HINMAN. I think it covers the ground, Colonel, of the case.

Just one question. You have referred to a conversation that you had with Senator Quay. State whether or not that was before you had received word from the operators that they were willing to part, or anything of that kind.

Col. ROOSEVELT. It was before I had received word. It was shortly after the first interview, that broke up without any result.

Mr. HINMAN. Nothing further.

Cross-examination by Mr. WALES:

Q. Was there anybody—I ought to say that this is the same question I asked Gov. Odell, who was examined as a witness for me; I think you have already said it, and I desire to have it perfectly clear—you did not hear of me in the matter at all?—A. I beg your pardon; I did not hear of you.

Q. You did not hear of me at all?—A. I did not.

Q. You did not hear of my plan?—A. As far as I know, I never heard of your plan.

Q. You had no communication from me?—A. No.

Q. This is the first time you ever had the pleasure of meeting me?—A. This is the first time I ever had the pleasure of meeting you.

Q. You know what my plan was?—A. I have seen it stated that your plan was to summon the Legislatures of New York and Pennsylvania and get laws passed by them about this situation.

Q. Now——A. Just wait a second; you are refreshing my memory. I believe that some one suggested to me substantially that plan and that I rejected it as absurd.

Q. You can call these legislatures together?—A. I did not want to call them. I said I can not call them, because I did not want to and I would not pay any heed. It was a proposition like getting Congress together and putting that on the free list.

Q. You propose that whatever action you took should be legal in accordance with the Constitution?—A. I proposed that every action I took should be in accordance with the Constitution as Abraham Lincoln construed it.

Q. Abraham Lincoln what?—A. As Abraham Lincoln construed it.

Q. Well, you were aware that before you could intervene in a domestic broil in a State the Constitution required an application from the governor of that State?—A. I have testified that for that reason I spoke to Senator Quay, so that we might be sure to get them.

Q. Did you ever meet Gov. Stone?—A. Will you let me finish? So that I could get Gov. Stone's application whenever I willed it, and Senator Quay said I should have it whenever I called for it.

Q. You had met him when?—A. I can not tell you.

Q. You did not meet him during the strike at all?—A. I did not meet him during the strike.

Q. Did you have any communication by letter or telegram from him?—A. No.

Q. You had no such communication from him?—A. No such application from him. I knew the political system that prevailed in Pennsylvania at that time.

Q. I would be glad to hear that, because I knew the situation, too.—A. You did? In that case you knew that—if you knew the situation or knew anything about it, you knew that when I spoke to Senator Quay that was enough. I would not have given you my conclusion, but you asked for it.

Q. I am perfectly willing to take it. It might not have been enough?—A. It would have been.

Q. To that I object.—A. Well, we did not.

Q. As a conclusion?—A. If you mean was intended as a question, it has given me the right to answer.

Q. Now, who represented the miners in all these conferences?—A. Mr. Mitchell was the spokesman. There were present also, I think, a Mr. Nichols and one or two other gentlemen, whose names I forget.

Q. E. D. Nichols?—A. He was a Congressman, I think.

Q. He was at that time next in authority, as I understand it, in the miners' union, after Mr. Mitchell?—A. That I can not say. I know he was an officer, but what officer I do not know.

Q. Mr. Mitchell probably did all the talking for the miners and announced the decision, did he not?—A. He probably did; and when the others tried to talk I endeavored to prevent them from talking, because I thought that Mr. Mitchell talked very sanely and wisely.

Q. Did you learn the number of miners that Mr. Mitchell represented?—A. I did know substantially the numbers from conversations with Carroll Wright and Charles P. Neil and others, whom I have now forgotten, the number that he represented.

Q. Was it in the neighborhood of 150,000 that were on strike?—A. I can not give you that.

Q. Who represented the operators in the conferences?—A. Different people. I can not remember the names of the gentlemen that came to see me first. I think one of them was Mr. Truesdale; then there was a man who talked a great deal.

Mr. HINMAN. Mr. Baer?

A. I think it was not Mr. Baer that I am thinking of. Some one told me that he was an independent operator.

Mr. HINMAN. Mr. Markle?

A. Mr. Markle; that was it. It would be a conclusion if I said he seemed to have a prejudice against me.

Mr. WALES. You think you have given all the men of prominence who took a prominent part in the settlement of the strike?

A. I am confident that I have done so. You did not ask me to give the names of the prominent men who took part in the settlement of the strike. I am giving you the men who talked to me. You are asking for my conclusion in a case like that?

Q. I mean who took part, in talking to you?—A. I understood that Mr. Bacon and Mr. Perkins both came as a sequence of conversations with Mr. Pierpont Morgan. I understood that Mr. Root and perhaps Senator Quay had seen Mr. Morgan, but I can not tell you that for certain. I know Senator Quay had seen a number of these men. I know Mr. Root, Mr. Knox, and Mr. Payne saw a number of the big financial men here in New York, and besides Mr. Markle and Mr. Truesdale there were certainly three other coal operators or railroad men whom they saw.

Mr. HINMAN. Thomas and Fowler—Mr. Thomas, of the Erie.

A. I remember Mr. Thomas was there and two others—Mr. Fowler.

Mr. HINMAN. Fowler was the Ontario & Western man.

A. Fowler was; yes.

Q. Mr. Oliphant?—A. Oliphant was there.

Q. Was Underwood there?—A. I do not know, but there were five or six of them there. I do not remember all of them now, and I haven't a doubt, Mr. Wales, that other men called upon me whom I do not remember.

Q. Didn't Mr. Morgan come down with Mr. Bacon?—A. I do not think so.

Q. The papers announced at the time that he did?—A. I think I would remember if Mr. Morgan was there, but that I am not certain of.

Q. Mr. Morgan at that time was regarded as a leading financier of the country?—A. He was.

Q. And that his influence was as powerful in finance as yours was in politics?—A. I think he would have objected to the comparison.

Q. You have a right to object to the comparison now, but I did not intend it in any such sense.—A. If you will put it in this way—that in financial circles he was, in my judgment, as a conclusion of mine——

Q. (interrupting.) I take it.—A. As a conclusion of mine I should say that Mr. Morgan was regarded in financial circles as the greatest financial power of that time.

Q. And that in any important financial matter his word would go further than that of any other man?—A. That was my understanding.

Q. And, you understood he was taking an active interest in the strike?—A. Now, Mr. Wales, I have got to answer that purely from information that I got secondhand. The information that I had at secondhand was that he was taking an active interest in the strike; that he was very much discontented with the attitude of the coal operators, and was also uneasy as to what I was going to do if the coal operators did not act. Now, that may be an entirely erroneous impression on my part, and I would not have given that in answer to any question from Mr. Hinman, but that is as near as I can answer with correctness your question.

Q. I have no doubt but that information in that form—I do not mean in that literal form, but something in that line was given you?—A. Yes.

Q. And wasn't it your impression it was given you by Mr. Bacon?—A. My impression is it was not given by Mr. Bacon, but by a member of my Cabinet, but I would rather not say a member of my Cabinet—well, I have the man in my mind, but I can not be sure. I might say there were several different men.

Q. Isn't it your impression it was Mr. Root?—A. As I told you, sir, I would rather not give the name.

Q. I am only asking your impression.—A. I won't give you my impression, because I am not sure of it.

Q. Have you got the impression that Mr. Root was one of these men?—A. I would not say that he was not and I won't say that he was.

Q. All the way through from the beginning you were more or less in touch with Mr. Mitchell or with your men after October?—A. I talked with Mr. Carroll Wright and the other men and saw Mr. Mitchell, but I had no direct communication with Mr. Mitchell as far as I remember until about the 1st of October. I may not be correct, but that is my memory.

Q. Well, throughout the entire matter—I do not want to misstate it—Mr. Mitchell, with the operators, was perfectly willing to arbitrate these terms before any fair tribunal, as you understood it?—A. Before what?

Q. Before any fair tribunal?—A. I believe that was his attitude, although, I think, specifically—now I have got to state my memory, and it may not be correct—Mr. Mitchell is, fortunately, here and can himself correct if I am misstating.

Q. I object to Mr. Mitchell's corrections of the questions. If he wants to testify let him come on the trial.—A. He has not made any correction.

Q. I do not object to his correction on any grounds with regard to you——A. I am not concerned with the grounds on which you object. I believe that Mr. Mitchell said that they would give me entirely—that they would abide by an arbitration commission which I name, without any qualifications as to who should go on.

Mr. HINMAN. Mr. Mitchell gave you that in writing.

Mr. WALES. If he gave that to you in writing, I would like to have that writing.

Col. ROOSEVELT. I do not think you can have it, Mr. Wales, because I do not think it is in existence. It is a public document and you can get it.

Q. Was it published in the press at that time?—A. I will say that, at any rate, it was a part of the Government reports.

Q. Was it your impression that it was after the 1st of October?—A. My impression was it was about the 1st of October. I believe it was afterwards, but I am not sure.

Q. Now, this conference between the operators and yourself and Mr. Mitchell was called by you?—A. Yes.

Q. You published a written call at that time?—A. Yes.

Q. And what purported to be an official statement from the White House was published in the Tribune; unfortunately, a portion of this paper is worn off, being handled the length of time since it occurred; this is the Tribune of October, sixteenth page?—A. You may be able to find it. Mr. Loeb used to keep a scrapbook.

Q. I think probably you can remember this. This has already been marked Exhibit G. I am perfectly willing a more perfect copy should be used.—A. Mr. Wales, I will tell you I am a tolerably busy man. Of course, be as long as you have to, but be as quick as you can. Go on as quickly as possible, and ask me the question if you can.

Q. Do you remember the official statement of your position, how you called the attention of the operators to the terrible state of affairs, which was published in the press almost universally at that time—October 4?—A. It was given out for universal publication.

Q. And, it appears by the press at that time, the night that occurred at the White House was on a Friday, October 3, 1902?—A. I do not remember surely, but I know it was about that time.

Q. Well, now, in that, all the way through, until quite late in these matters, the coal operators took the stubborn position, did they not?—A. They did.

Q. And that they would not submit these matters to arbitration?—A. They did.

Q. And they took that position before you on the 3d of October?—A. With great emphasis.

Q. Not only with great emphasis, but their position was insulting to the office you held and to you personally, was it not?—A. I felt that that attitude was offensive.

Q. I think so, sir.—A. I did not care a rap; but what I wanted to do was to get the thing done.

Q. Now, did you at the time look through what the papers published as the official statement coming from the White House to know whether they were correct or not?—A. No.

Mr. WALES. Are you willing——

Mr. HINMAN. Get right through with the colonel.

Mr. WALES. I propose to get the facts and the dates.

Col. ROOSEVELT. Go on and ask me the question.

Mr. WALES. I ask him if he will answer that these statements as published officially from the White House may go as evidence? I will not ask anything about it. You can see there is your statement right below there (indicating).

Col. ROOSEVELT. Official statement from the White House. Without being able to answer directly as to that statement, I would myself in any action that I was to state assume that that was a correct official statement.

Mr. WALES. Are you going to raise any objection to that?

Mr. HINMAN. What the colonel has identified there.

Mr. WALES. This is Exhibit D, and I am perfectly willing to have you get a Tribune of that date in perfect preservation.

Col. ROOSEVELT. Mr. Wales, these statements are given out to the newspapers officially from the White House, and published in a large number of reputable papers, and I do not recall an instance where it was not correctly given. That is all I can say.

Q. Mr. Mitchell at that time was perfectly willing to arbitrate?—A. He was.

Q. And do you recall what the subjects were that he wanted submitted to arbitration?—A. No; the particular subjects I do not recall.

Q. Do you recall?—A. I could tell you what my demand was.

Q. What?—A. What my demand was, that the miners should go to work at once at the old wages, and that the wages and other matters in dispute between the parties should be settled by this commission, the findings of which the members should agree in advance to accept.

Q. I am speaking as to what his demands were before you got down to arbitration.—A. They referred to wages. They referred to methods of weighing coal. There were, I think, questions of the miners' laborers that came in. I do not remember. I know the question of weighing came in; wages and methods of weighing coal, etc.

Q. Calculated to benefit the miners?—A. Calculated to benefit the miners.

Q. Now, do you remember sending out on the 6th of October a statement by yourself that you sent to Mr. Mitchell, proposing that the miners go to work and you would endeavor to get the operators to fix these matters? I have got it, if you will give me the time to look—if the other side will consent.—A. I remember it.

Q. Published either the 7th or 8th of October?—A. I do not remember that. I asked, either by letter or in person, of Mr. Mitchell that the miners go to work, stating that I would then endeavor to get action for them. I can not say whether I then said that I would act through the commission with Grover Cleveland at the head or not; but I know that that was the commission through which I intended to act.

Q. You said it was an official document that was sent out from the White House and published in the papers at the time—if the other side consents to that?

Mr. HINMAN. There may have been a statement issued. There was no official document.

Mr. WALES. It was a communication from Col. Roosevelt to John Mitchell.

Mr. HINMAN. You won't have any difficulty in proving what was in the paper.

A. My memory is that the thing came up in a conversation between Mr. Mitchell and myself. My memory is that it came up in a conversation.

Q. Your memory—if the papers published this—and I may be mistaken as to whether Carroll D. Wright took it, but the papers stated that it was sent by you to Mr. Mitchell through Carroll D. Wright; but I may be mistaken in the name—it may have been some other member?—A. I remember that there was such a proposal from me to Mr. Mitchell.

Q. Did you get a telegram from Mr. Mitchell in reply on or about the 8th of October?—A. I do not know. I know that Mr. Mitchell refused.

Q. Well, now, up to that time, had the operators changed their attitude, so far as you know?—A. Not as far as I know.

Q. And up to the time that you got this reply from Mr. Mitchell, had you made any threats to call out the military?—A. Not threats; I never made any threats except exactly as I described them; no public threats of any kind.

Q. They were not public, but did you state to anybody connected with that movement before you got this reply from Mr. Mitchell?—A. Before I got the reply from Mr. Mitchell I had been in consultation with Senator Quay, as I have described it, and I had been in consultation with others.

Q. (Interrupting.) At the time——A. (Interrupting.) Wait a moment, I was continually thinking of alternative plans with the view to meet the shifting needs of the situation as its developments might require. I was thinking of several plans, not any one of which might have to be adopted as the needs of the situation developed.

Q. Did you send out this communication to Mr. Mitchell that I have referred to which, according to the press, was dated October 6, and, if I recall it rightly, the Tribune stated on the 9th that he replied and refused. Did you hope to have him consent when you sent it up?—A. I thought it very unlikely that he would.

Q. I ask to strike that out. I asked you if you hoped he would?—A. And I answer that I thought it very unlikely that he would, but I thought he might, and I answered it that way.

Q. You undoubtedly hoped that he would?—A. I have answered you.

Q. Now, I call your attention to the article in the Tribune of October 9, which states what the demands of Mitchell were that he desired to have arbitrators and ask you if that corresponds to your recollection?—A. I do not remember enough to say yes or no.

Q. Down below here it states "Williamsport, Pa., October 8. Hardly had Mr. Mitchell to-day sent his reply to President Roosevelt in regard to the proposition that the miners return to work while a commission investigates conditions than he received from New York a telegram"—now I simply read this to call your attention to the date—"received a telegram from you and that your proposition was that the miners return to work while a commission investigated conditions." That is correctly stated, is it not?—A. That is correctly stated.

Q. Then your proposition at that time was simply that the miners return to work and that you would appoint a commission or a body to investigate—it was not an arbitration board—it was a body to investigate?—A. It was not an arbitration board. It was the same commission that I have spoken of with Mr. Cleveland at the head, Mr. Kernan, Judge Buffington, Archbishop Spaulding, and two or three others.

Q. Now, it appears that Senator Quay was in New York pretty much all the time from the 1st of October—that is my recollection of it—until after October 9, these transactions between Gov. Odell and Quay and Penrose and Platt on the one side and the operators on the other occurred in New York, and ran along three different days or more, and they finally ended on the 9th, and Senator Quay was in New York most of that time. Now, have you seen Senator Quay during that time?

thorize the Secretary of the Interior to issue patents to certain lands to the town of Myton for cemetery purposes and a water reserve, and the town authorities would like to have these improvements made this summer if possible. It is for that reason I ask for the present consideration of the bill.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 10, after the word "station," to insert "the south half of the northwest quarter, section 30, township 3 south, range 1 west, for cemetery purposes"; so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue patents to the town of Myton, Utah, for the following-described lands, as shown by the plats and records on file with the Commissioner of the General Land Office, for the use and benefit of the inhabitants of said town: The southwest quarter of the southwest quarter, section 19, township 3 south, range 1 west, to be used as the site of a pumping station; the south half of the northwest quarter, section 30, township 3 south, range 1 west, for cemetery purposes; the north half of the northwest quarter, section 30, township 3 south, range 1 west, Uinta base meridian, to be used as a reservoir site and for other purposes incidental thereto in the distribution of water to the inhabitants of said town; blocks 36 and 46 of the town site of Myton, to be used and held for the benefit of the public schools of said town; all that portion of unsubdivided block 1 which lies west of the Duchesne River, to be used as a public common; and all those portions of blocks 1, 3, 4, 5, 7, 8, 9, and 10 which lie east and north of the Duchesne River, to be used as a public park: *Provided*, That if the said town shall at any time permit the said lands hereby granted to be used for any purposes not contemplated by this act the said lands shall revert to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. THOMAS G. PRIOLEAU.

Mr. OVERMAN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 12792) for the relief of Mrs. Thomas G. Prioleau, widow of Thomas G. Prioleau, and I submit a report (No. 616) thereon. I call the attention of the Senator from South Carolina [Mr. TILLMAN] to the report.

Mr. TILLMAN. I ask for the immediate consideration of the bill. It is a House bill, and it should be passed at once.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. JONES. I ask the Senator from North Carolina if the bill gives one year's salary?

Mr. OVERMAN. One year's salary.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETE JELOVAC.

Mr. OVERMAN. From the Committee on Claims I report back favorably without amendment the bill (H. R. 13153) for the relief of Pete Jelovac, another bill of the same kind and in the same form. I submit a report (No. 617) thereon.

Mr. SHAFROTH. This bill is of a similar character to the one which has just been passed, and I ask unanimous consent for its immediate consideration. It has passed the House. It simply pays one year's salary for the injury which was occasioned to the party while working in the Gunnison Tunnel, one of the reclamation projects in the State of Colorado. It proposes to pay him $1,460.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. BURTON. Mr. President, in pursuance of the notice given, I file as a member of the Committee on Commerce a minority report (Rept. No. 599, pt. 2) on House bill 13811, the river and harbor bill. I ask that it be printed.

The VICE PRESIDENT. That action will be taken.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Georgia:

A bill (S. 5986) to prescribe a method of procedure in the condemnation of lands; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 5987) granting an increase of pension to G. H. French; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5988) for the relief of the heirs of S. H. Wilds; to the Committee on Claims.

By Mr. STONE:

A joint resolution (S. J. Res. 166) authorizing the President to designate two officers connected with the Public Health Service to represent the United States at the Sixth International Sanitary Conference of American States, to be held at Montevideo, Uruguay, in December, 1914, and making an appropriation to pay the expenses of said representatives, and for other purposes; to the Committee on Foreign Relations.

FEDERAL TRADE COMMISSION.

Mr. CUMMINS. I present five amendments which I intend to propose to House bill 15613, being the trade-commission bill, and I ask that they be referred to the Committee on the Judiciary. I make this request because the Committee on the Judiciary has under consideration a bill which covers the general subject of these amendments, and I think it is in harmony with the wish of all the members of both committees that these amendments be referred now to the Judiciary Committee.

The VICE PRESIDENT. That action will be taken.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $5,000 for forestry protection, to be expended in cooperation with the State of Oregon, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. POINDEXTER submitted an amendment authorizing the Secretary of Agriculture to enter into a contract for the lease for a period not to exceed 10 years of modern fireproof office accommodations for Government uses, etc., for the purpose of providing adequate space for those bureaus and branches of the Department of Agriculture, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in 1899–1900, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PENROSE submitted an amendment proposing to appropriate $100,000 for the purchase of additional ground for the Frankford Arsenal, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. WEEKS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

Mr. JAMES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

AMENDMENT OF ANTITRUST LAW.

Mr. PENROSE submitted an amendment intended to be proposed by him to the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

THE CARLISLE INDIAN SCHOOL.

Mr. PENROSE. Mr. President, the joint commission of the Congress of the United States to investigate Indian affairs have completed their investigation and it is published in the form of hearings in connection with an investigation of the Carlisle Indian School in Pennsylvania. The matter is closed, the superintendent has been deposed, and the school reorganized; but I have here a statement by the superintendent explaining many matters from his point of view, and in justice to this gentleman and his many friends in Pennsylvania I would ask to have it

printed in some form. I now present it to the Senate and ask that it be referred to the Committee on Printing. I invite the attention of the Senator from Utah [Mr. SMOOT] to the matter and ask him to see that it is brought up for early consideration, so that it may be printed in some form as an act of partial justice to this gentleman, and that his side of the case may have equal publicity with the matter contained in the hearings.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

TESTIMONY OF THEODORE ROOSEVELT.

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD the testimony of Theodore Roosevelt, given on May 27, 1914, in the case of Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America. The testimony discloses very interesting historical data relating to that strike. It is an exact transcript.

The VICE PRESIDENT. Is there objection to the request of the Senator from Missouri?

Mr. TOWNSEND. I did not understand what the Senator from Missouri was asking to have done.

Mr. REED. I asked unanimous consent to have printed in the RECORD the testimony of Theodore Roosevelt in the case named.

Mr. TOWNSEND. I did not hear the case.

The SECRETARY. In the case of Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America.

Mr. TOWNSEND. I do not know what relevancy that has to anything that is pending.

The VICE PRESIDENT. Without objection, it will be printed.

The matter referred to is as follows:

SUPREME COURT, BROOME COUNTY.

Alexander D. Wales, plaintiff, against John P. White, as president of the United Mine Workers of America, defendant, before E. Day Clark, Esq., referee.

NEW YORK, *May 27, 1914—11 a. m.*

Hearing held at the office of the Outlook Co., 287 Fourth Avenue, New York City.

Examination of Hon. Theodore Roosevelt, under order of Albert H. Sewall, Esq., dated April 7, 1914.

Appearances: E. Day Clark, referee; Alexander D. Wales in person; John J. Irving, attorney for United Mine Workers of America, with Senator H. B. Hinman and Roger P. Clark of counsel.

It is stipulated that the oath of the witness be waived.

Theodore Roosevelt, a witness called on behalf of the defendant, testified as follows:

Direct examination by Mr. HINMAN:

Q. Col. Roosevelt, in 1902, at the time when you were President of the United States, the anthracite coal strike, so called, in Pennsylvania was on and was settled in October of that year. What do you know about the causes which lead up to the settlement of that and what part did you take in the settlement of that strike?

Mr. WALES. I have not a particle of objection to the colonel's stating just what happened between him and other parties, giving, if he can, the date of the transactions. The colonel himself probably understands that any conclusion that he may draw would be improper, and require me to draw out on cross-examination facts that he ought to testify to before.

Col. ROOSEVELT. Facts that I ought to—what, sir?

The REFEREE. You go ahead and answer the question in whatever form you wish to, and if he wishes to question you in detail he can.

Mr. WALES. Therefore I can say, if you see fit to give a conclusion, which would not be evidence in court, you would be playing into the hands of the distinguished gentleman on the other side, who desires conclusions and not facts, and I leave that to you. You have a right to answer just what you please so far as legal rules are observed.

The REFEREE. Have you any further objections to the question?

Mr. WALES. I object to the question as it calls for a conclusion—I have no objection whatever—on the contrary, I greatly desire to have the Colonel's detailed statement of what occurred, but I object to any conclusion in the question as improper in form and calls for a conclusion with the hope——

The REFEREE (interrupting). I am not going to take any of these things.

Mr. WALES. I suppose you will take what I say in an objection.

The REFEREE. I will take your legal objection and nothing more.

Mr. WALES. My legal objection is——

The REFEREE. I have it——

Mr. WALES. I have got more—that it calls for a conclusion on transactions that the Senator himself knows that it is improper, and it is an effort to use prestige instead of the facts.

The REFEREE. You go ahead and answer the question in what form you see fit, and then the court will rule on it. You will understand that I can not rule.

Col. ROOSEVELT. I understand in the spring of 1902 a coal strike—a strike came on in the anthracite coal regions. A very little time convinced me that it was a serious strike and full of menace to the country—certainly to all the country east of the Mississippi and north of the Ohio and Potomac.

I began to get into touch with the situation by ordering Carroll D. Wright, who was then the Commissioner of Labor, and possibly one or two other of my subordinates to make investigations and from time to time report to me. I can not give you the dates as to such reports, but I——

Mr. WALES (interrupting). I object to anything based upon these reports; that the reports are the best evidence and should be produced.

Col. ROOSEVELT. One or two of the reports, if I remember, were in writing, and they may have been put into the Anthracite Strike Commission. Four or five of them were verbal and can not be produced.

Mr. WALES. I object to anything but the verbal reports.

Col. ROOSEVELT. We will strike out the written reports, then.

The REFEREE. Answer the questions and I will take the objections.

Col. ROOSEVELT (continuing). These reports showed the seriousness of the situation, both because of the seemingly irreconcilable hostility of the two parties and of the threat of the welfare of the people of the Northeastern States, especially the Seaboard States, in the event of a coal famine occurring in the winter. In consequence I, throughout the summer and early fall, was carefully considering and making plans in my mind as to what I should do in the matter.

In September the situation began to grow acute. Men as conservative as the governor of Massachusetts, the mayor of New York, Seth Low, came to me or wrote to me—I can't tell you which.

I think they came to me to say that action had to be taken or we would be faced with a fuel-and-famine riot, and with untold misery and untold disaster throughout the winter.

I summoned or asked to appear before me—summoned is not the word, really—I asked to appear before me two or three representatives of the railroads and Mr. Mitchell and two or three of his lieutenants.

Mr. WALES. Now, if that summons was in writing I object that the writing is the best evidence, and if you allude——

Col. ROOSEVELT (interrupting). It must have been in writing, because I could not have made the summons in any other way, but I have not the vaguest idea where the writing is.

Mr. WALES. I can give you the New York Tribune of October 4, when I think all the conferences to which you are referring occurred.

Col. ROOSEVELT. I can not give you the exact date, but I should say it was early in October, but I can not give you the exact date. It is possible Mr. Mitchell may remember the exact date.

Mr. HINMAN. The 3d of October.

Col. ROOSEVELT. At that meeting I regarded Mr. Mitchell's attitude as entirely reasonable. I regarded the attitude of the representatives of the coal operators as entirely unreasonable, not only unreasonable but offensive. We parted. The coal operators made public themselves what their attitude had been. It excited much indignation in the country. That is not a conclusion. I am saying that.

Mr. WALES. I have no objection to it whatever.

Col. ROOSEVELT. Because I received countless letters about it, among others a letter from ex-President Cleveland, who was very strong in his denunciation and in his indignation against the attitude taken by the coal operators.

Mr. WALES. I object to that letter. If you can produce the letter—I would be glad to have that letter produced so as to be sure of the date.

Col. ROOSEVELT. Mr. Wales, I will try, if you wish, I will try to learn if that letter can be found.

Mr. WALES. I would like to have that letter produced.

Col. ROOSEVELT. I received hundreds of those letters while I was President, and I can not be sure that I have it.

Mr. WALES. As you can not be sure of the date, I would like to have the letter. I do not doubt but that it corresponds to your statement.

Col. ROOSEVELT. If you will write to Mrs. Cleveland, she will have a copy of the letter or my reply to it, if it is possible.

Mr. WALES. Have you got Mrs. Cleveland's address?

Col. ROOSEVELT. I haven't an idea. I wrote him in response expressing my great pleasure, and asking him to become the head of the commission of arbitration, and he accepted. I at that time was very doubtful whether I would call another meeting of the operators and miners. Dozens of plans of action had been suggested to me. They, some of them, in my judgment, met the situation, and I had made up my mind that I would have to take very drastic action unless the operators and miners agreed themselves to individual action that I felt would meet the situation.

I intended to send in the United States Army to take possession of the coal fields. I only wanted a method of getting the Army in and then I would have run the situation as I thought it ought to be run.

I spoke accordingly to Senator Quay and told him that I did not wish him—to give even to him the details of my plan, but that I was going to take drastic action, and I would guarantee that the people of the eastern seaboard would have coal and have it right away, and I think I also told him that he would help in the action, and that he was perfectly welcome later to vote to impeach me if he ever chose, but that all I wanted him to do was to arrange with the then governor of Pennsylvania, whose name I think was Stone, who, when I gave the signal, would notify me that he was unable to keep order and asking the Federal Government to assist him to maintain order. I told Mr. Quay substantially that, but not the details of what I intended to do.

I then went to Maj. Gen. Scofield and told him that I thought the situation had become such that I might have to interfere to prevent a social war. That in that case I intended and I had the concurrence from the governor of Pennsylvania to send in the Regular Army to notify the miners on the one hand that work was to be resumed, and that I would go to any length necessary to prevent any violation that would interfere with the resumption of the work; and on the other hand to dispossess the operators and run the mines with Gen. Scofield practically as a receiver, having meanwhile this commission with the ex-President, Grover Cleveland, at its head to act as the commission actually appointed to act and decide on the rights of the case, and I said to Gen. Scofield, "You have got to know just what my ideas are," and I called in, and I said, "I am not going to send in any general unless he understands that this will be equivalent to action taken in time of war, and I bid you to pay no heed to any other authority, no heed to a writ from a judge, or anything else excepting my commands," and he said, "I will go in and I will do what you say and I will pay no heed to anything except your orders," and I said, "All right, that is enough."

I was meanwhile being called up by hundreds of people with all kinds of plans. I do not remember one in fifty of the people who were calling me up—sometimes it was over the phone and sometimes it was by letter and sometimes it was by personal interview. Among the people who came to me were naturally men of my own Cabinet. I remember Mr. Root, Mr. Knox, and Mr. Payne were three of the members of the Cabinet who were in close communication with me; although I did not tell any of them my plan, because a council of war never lights, and I thought it a great deal better, if I had to take such action, the Cabinet should not know until I took it. Also, Mr. Hanna came down several times to see me, to speak of the trouble—of the terrible nature of the situation. There were several other men; I have forgotten what men they were. I do not remember whether there were any labor representatives who came to see me or not. I do not remember any of them coming to see me at that time. All of these men had plans.

By Mr. KEY of Ohio: A bill (H. R. 17474) granting an increase of pension to Charles W. Brown; to the Committee on Invalid Pensions.

By Mr. LAFFERTY: A bill (H. R. 17475) for the relief of Arthur Eckerson; to the Committee on Claims.

By Mr. LONERGAN: A bill (H. R. 17476) for the relief of John G. Barnard; to the Committee on Military Affairs.

By Mr. RUBEY: A bill (H. R. 17477) granting an increase of pension to James N. Routh; to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 17478) granting an increase of pension to Annie M. Fallibee; to the Committee on Invalid Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17479) for the relief of John Martin; to the Committee on Military Affairs.

By Mr. J. I. NOLAN: A bill (H. R. 17480) for the relief of Bernhard Bolen; to the Committee on Claims.

By Mr. TAYLOR of Alabama: A bill (H. R. 17481) for the relief of the St. Louis & Cairo Railroad Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolution of the Seattle Chamber of Commerce, concerning certain provisions in the Clayton antitrust bill relating to labor unions and agricultural combinations; to the Committee on the Judiciary.

Also (by request), resolutions of the board of directors of the Merchants' Association of New York, protesting against the enactment of certain legislation which would result in creating class distinction, etc.; to the Committee on the Judiciary.

Also (by request), petition of the Philadelphia Board of Trade, against the adoption of certain provisions in the sundry civil appropriation bill, etc., having to do with exceptions made in favor of any class or classes; to the Committee on Appropriations.

Also (by request), petition signed by H. L. Ayres and others, of McDonald, Pa., urging the passage of the Gillette anti-polygamy amendment; to the Committee on the Judiciary.

Also (by request), resolutions signed by pastors of certain churches in Pittsburgh, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution of the Seattle Commercial Club, urging the necessity of passing water-power legislation at this session; to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of California: Memorial of the California Bankers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of Brotherhood of Blacksmiths of Riverside, Cal., favoring the Hamill bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, petition of Joseph Hambleton and 60 others, of Pasadena, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of sundry citizens of Jacksonville and of the State of Florida, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOHOE: Petition of 50 citizens of Philadelphia, protesting against the Hobson resolution for nation-wide prohibition; to the Committee on Rules.

By Mr. DOUGHTON: Petitions of 350 citizens of Spencer and 86 citizens of Mooresville, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of Manila Merchants' Association, on trade relations between Philippine Islands and the United States and relative to reduction of duty on sugar; to the Committee on Ways and Means.

Also, petition of Philadelphia Board of Trade and the Merchants' Association of New York, protesting against clause in the sundry civil appropriation bill (H. R. 17041) relative to prosecution of labor, etc., organizations under Sherman anti-trust law; to the Committee on Appropriations.

By Mr. KELLY of Pennsylvania: Petitions of Second United Presbyterian Church of Wilkinsburg; Homewood United Presbyterian Church and Verona United Presbyterian Church; Calvary Presbyterian Church, of Wilkinsburg; and First United Presbyterian Church of McKeesport, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of W. H. Grothe and others, of Burlington, Iowa, protesting against national prohibition; to the Committee on Rules.

By Mr. J. R. KNOWLAND: Thirty-five protests against the passage of the prohibition measures now pending in Congress from residents of Oakland, Berkeley, Alameda, Hayward, Richmond, San Francisco, Los Angeles, and Colma, all in the State of California; to the Committee on Rules.

Also, 20 postals from residents of Los Angeles, Long Beach, Bishop, Vallejo, Corona, Hollister, Wallace, and Pacific Grove, all in the State of California, favoring early submission of the prohibition constitutional amendment; to the Committee on Rules.

By Mr. LANGHAM: Petition of Woman's Christian Temperance Union of Miola, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Memorial of Philadelphia Board of Trade, relative to exemption of labor organizations from prosecution under Sherman antitrust law; to the Committee on Appropriations.

Also, memorial of Manila Merchants' Association, protesting against reduction of duty on sugar; to the Committee on Ways and Means.

By Mr. LIEB: Petitions of Ernest Senfer, sr., Charles Mitchell, Edwin Powell, Henry J. Dillman, John Burch, Robert Lake, A. Wilzbaches, G. C. Powell, Anton Riedy, W. L. Becker, William Moore, Joseph A. Mandel, John Buchanan, William Wirtz, George Smith, John Bitsch, W. H. Moore, Pete Bauer, Harry Martin, Henry Magre, Frank J. Dillman, Joseph Strehl, William H. Stock, Arthur H. Yaser, Theodore Wiggers, Chester Bickel, John Rider, Johnie Linzy, Ferd Saner, Fred Schmitt, Fred Hammerstein, William Thomas Judd, Benjamin C. Sachs, George Buchanan, William Wenkener, William R. Lake, W. A. Golden, William M. Smith, Joseph A. Beach, S. T. Barr, Frank K. Behermann, Clarence Fehrenbach, Paul Pensohn, E. M. Mack, C. R. Green, Benjamin F. Schreiber, Walter Foster, James Smith, G. J. Lindenschmidt, John W. Holmes, Edward F. Boesche, Clifton Wilshire, William Wheatley, P. J. Kelly, J. J. Kyle, William Sorell, Joseph Bisk, James H. Whitlow, George J. Hisch, Edward Schmidt, John H. Frunck, Leonard Bickel, Jerome Schaefer, Jim Corbitt, Julius A. Schmidt, Floyd B. Mendows, Fred Klumseler, Buford Watson, Jacob Winder, George Leach, Clinton Powell, James Littrell, Jake Matz, Raymond Bell, Perry Lampton, Peter Schmitz, Elmer Dannenberg, Clinton Powell, Nathaniel Moxley, Ed Greek, George J. Mutschler, John Baer, Richard Peva, Charles Reutter, John Zuber, J. W. Schmitt, Tom Metcalf, Adolph Wingert, Fred Ringwald, Fred King, Harrie Goedde, Charles Maes, Theodore Verges, Louis Rahm, Warner R. Fulling, Edward Ezl, J. K. Taylor, Henry C. Miller, Herman Gruen, F. F. Duber, Lyle Metcalf, Jefferson Tevault, Howard Berson, and Otto Hohl, all of Evansville, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of 40 citizens of Keeseville and citizens of Clinton County, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of William McMahan and others, of St. Lawrence County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Petitions of sundry citizens and Brewery Engineers' Unions, No. 289 and No. 5, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of Philadelphia Board of Trade, protesting against House bill 16586, to amend section 20 of act to regulate commerce, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: Petitions of citizens of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. OGLESBY: Petitions of John H. Cordu, Peter Collins, and about 1,200 other citizens of the twenty-fourth district of New York, favoring the passage of House bill 5139; to the Committee on Reform in the Civil Service.

By Mr. O'LEARY: Petition of citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PADGETT: Petitions of business men of the seventh congressional district of Tennessee, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of T. Walker Davis, of Franklin, Tenn., against national prohibition; to the Committee on Rules.

Also, petitions of citizens of White Bluff and Columbia, Tenn., and Maury and Williamson Counties, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petition of citizens of New York, favoring House bill 5139, the Hamill civil service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. PETERSON: Petitions of citizens of La Fayette and other towns in Indiana, protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Petitions of citizens of the twentieth congressional district and of Menard County, Ill., protesting against national prohibition; to the Committee on Rules.

Also, petition of 87 citizens of the twentieth congressional district of Illinois, favoring the pure-fabric bill; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Christian Endeavor Union of Pike County and citizens of the twentieth congressional district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 103 citizens of Hillsdale, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Petition of the Minnesota District of German Evangelical Synod of North America, against national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petitions of citizens of Utica and the Ministerial Association of Rome, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions of New Bedford (Mass.) Ministerial Union; Quarterly Conference of Allen Street Methodist Episcopal Church of New Bedford, Mass.; Methodist Episcopal Church of Provincetown, Mass.; Women's Home Missionary Society of New Bedford, Mass.; and Christian churches of New England, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of New Bedford, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. WICKERSHAM: Petition of 18 citizens of Skagway and 51 of Juneau, Alaska, favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 25, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name in recognition of Thy supreme right to rule in all our lives. The action of this day, with its thoughts, plans, and purposes, will be the expression of our sense of gratitude to Thee and of our dependence upon Thee. Grant us Thy grace that we may walk uprightly, holding sacred the trust that has been committed to us, and also all living to honor the name of the great God, from whom every good and perfect gift cometh. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

PETITIONS AND MEMORIALS.

Mr. THOMAS. I present a petition from the Good Citizenship League of Canon City, Colo., and a resolution by the members and friends of the First Methodist Church of Canon City, Colo., which I ask may be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CANON CITY, COLO., *June 20, 1914.*

To the Members of the United States Senate:

By a unanimous vote the Good Citizenship League of Canon City, Colo., an organization composed of 100 men whose object is to aid in the enforcement of law, the suppression of vice, the encouragement of Sabbath observance, and the maintaining of generally accepted moral and religious standards, respectfully petition your honorable body to vote for the adoption of the joint resolution known as the Hobson-Sheppard proposed constitutional amendment to prohibit the manufacture, sale, or importation of intoxicating liquors.

J. R. KENNEDY,
Chairman of the Committee.

Attest:

WILLIAM E. SPENCER,
Acting Secretary.

This is to certify that at the conclusion of the morning service at the Methodist Episcopal Church on Sunday, June 21, 1914, the congregation resolved itself into a mass meeting by the election of Mr. J. P. McMillen as chairman and Mr. William E. Spencer as secretary, whereupon the Rev. Louis J. Hole, D. D., introduced the following resolution, which was unanimously adopted by a rising vote:

Memorial to the Congress.

"*Resolved*, That we, the members and friends of the First Methodist Church of Canon City, Colo., assembled in our usual place of worship on Sunday, June 21, A. D. 1914, do solemnly and respectfully petition the Congress of the United States, now in session in Washington, D. C., to adopt the measure now before it known as the Hobson-Sheppard joint resolution, proposing an amendment to the Constitution of the United States to prohibit the manufacture, sale, and importation of intoxicating liquors.

"And we especially and particularly request that our Colorado representatives in Congress, Senator CHARLES S. THOMAS, Senator JOHN F. SHAFROTH, and Representatives EDWARD T. TAYLOR, H. H. SEELDOMRIDGE, EDWARD KEATING, and GUNTER J. KINDEL, vote and use their influence for the adoption of the said measure."

The above resolution represents the sentiment of the 879 members of the church. The secretary was directed to forward a copy of the resolutions to each member of the Colorado congressional delegation.

J. P. MCMILLEN, *Chairman.*

Attest:

WILLIAM E. SPENCER, *Secretary.*

CANON CITY, COLO., *June 21, 1914.*

Mr. CUMMINS presented a petition from the Ottumwa District Epworth League Agency of Iowa, representing a membership of 1,000, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a memorial of Marquette Court, No. 811, of Dubuque, Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, or importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Common Council of Everett, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Dayton, Oreg., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Saco and Freeport, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PENROSE presented a memorial of the Philadelphia Board of Trade of Pennsylvania, remonstrating against the provisions contained in the sundry civil appropriation bill, the so-called Clayton omnibus trust bill, or any other measure in which exceptions are made in favor of any class or classes, which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. OWEN, from the Committee on Banking and Currency, to which was referred the bill (S. 3895) to prevent the use of the mails and of the telegraph and telephone in furtherance of fraudulent and harmful transactions on stock exchanges, reported it with amendments and submitted a report (No. 618) thereon.

Mr. BRYAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

A bill (H. R. 5079) for the relief of Mary Abel (Rept. No. 619); and

A bill (H. R. 2540) for the relief of the estate of Philip Felix Herwig, deceased (Rept. No. 620).

Mr. THOMAS, from the Committee on Public Lands, to which was referred the bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Stout for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west, of the sixth principal meridian, reported it without amendment and submitted a report (No. 622) thereon.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 117) to determine the rights of the State of Colorado and of its citizens in the beneficial uses of waters of the Rio Grande and its tributaries within the boundaries of Colorado, reported it with an amendment and submitted a report (No. 621) thereon.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 6260) for the relief of Hyacinthe Villeneuve, reported it without amendment and submitted a report (No. 623) thereon.

LANDS AT MYTON, UTAH.

Mr. SMOOT. From the Committee on Public Lands I report back favorably with an amendment the bill (S. 5324) to authorize the Secretary of the Interior to issue patents for certain lands to the town of Myton, Utah, and I submit a report (No. 615) thereon. I ask unanimous consent for its immediate consideration. I will simply say that the bill proposes to au-

the money, the money will be appropriated. If the money was appropriated now, it would not help the gentleman.

Mr. BALTZ. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BALTZ. How long would it take the Architect's Office to complete these plans?

Mr. FITZGERALD. I do not know. I did not inquire particularly about this building, but we inquired very carefully into the matter, and in every instance where they stated they would require money and stated the sum that would be required, the committee included that amount in the bill. I understand the number of the gentleman's project is 221, and they must be near it, I would imagine, because I notice in the bill that Duquoin just above it alphabetically is included in the bill, although the site for Duquoin was authorized in 1908 and the building in 1910. There is no question about the need for additional facilities in East St. Louis, and just as soon as the Treasury Department is ready for the money the committee will do its share in furnishing it.

Mr. BALTZ. Mr. Chairman, I am a new Member of the House. I do not know what the purpose of this House is in making authorizations four and five years before plans can be drawn up by the Architect's Office.

Mr. FITZGERALD. That has been the subject of controversy here for a long time. The gentleman has an addition which he desires which they seem to differentiate from a new project. If I were in the gentleman's place, I would insist that the Treasury Department treat the matter as an emergency case; that it ought to be taken up out of its order and plans prepared at once. Then the money would be appropriated.

Mr. BALTZ. Mr Chairman, I want to say to the gentleman that I saw the Supervising Architect, and he told me that those plans could not be reached for the next three years. It seems very strange to me that these authorizations are made so long in advance of the time when the plans can be prepared. It seems to me that some of those authorizations are made for political purposes.

Mr. FITZGERALD. I would not say that; but Members this next year will get authorizations, and before those buildings can be constructed a new crop of Congressmen comes in, and they can not wait until those other buildings are out of the way, but have to look after the needs of their districts, and they get authorizations, and they keep getting authorizations and authorizations until we get alarmed; but as the plans could not be prepared and the money could not be utilized, I hope the amendment will not be agreed to. I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

Fargo, N. Dak., post office and courthouse: For site, $23,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 8, after line 2, insert the following:
"Farmville, Va., post office: For site, $5,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Holland, Mich., post office: For continuation, $24,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 7, insert:
"Hobart, Okla., post office: For site, $10,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 10, after line 9, insert:
"Honey Grove, Tex., post office: For site, $300."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Morristown, Tenn., post office: For completion, $20,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 12, after line 24, insert:
"Moultrie, Ga., post office: For site, $7,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Moundsville, W. Va., post office: For continuation, $56,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 2, insert the following:
"Mount Carmel, Ill., post office: For site, $20,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

New Haven, Conn., post office and courthouse: For continuation, $150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 13, after line 18, insert the following:
"New Orleans, La., customhouse: Toward remodeling, repair, or improvement of the old customhouse and post-office building, including new roof, at a total cost not exceeding $250,000, to provide quarters for customs officials and other Government officers, $100,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Perry, Iowa, post office: For completion, $23,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, after line 23, insert the following: "Phoenixville, Pa., post office: For site, $15,000."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

West Point, Va., post office: For site, $5,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 19, after line 9, insert "West Plains, Mo., post office: For site, $5,000."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to return to page 102 for the purpose of offering an amendment which was overlooked in the heat of battle.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to page 102 for the purpose of offering an amendment. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, what is the amendment? Let us have the amendment read for information.

Mr. FITZGERALD. I will say to the gentleman from Illinois that the gentleman from Illinois [Mr. FOSTER] and Dr. Holmes, of the Bureau of Mines are vitally interested in it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 102, after line 8, insert the following: "Not exceeding 20 per cent of the foregoing sum and not exceeding 20 per cent of the sum for investigation as to causes of mine explosions may be used during the fiscal year 1915 for personal services in the District of Columbia, and for the fiscal year 1916, and annually thereafter estimates shall be submitted specifically for all personal services required permanently and entirely in the Bureau of Mines at Washington, D. C., and previously paid from lump sum or general appropriations."

The CHAIRMAN. Is there objection to returning to page 102 for the purpose of offering the amendment read?

Mr. MANN. I would like to know from some gentleman interested in this. I see my colleague here, the chairman of the Committee on Mines and Mining. Can he tell us why he wants this?

Mr. FOSTER. Yes; certainly. I will do so.

Mr. FITZGERALD. I do not think this is what he wants, but this is what he has taken.

Mr. FOSTER. This is for the purpose of permitting that part of the Bureau of Mines which does experimental work in the District of Columbia—that is, laboratory work to be done here—and under some decision of the Comptroller of the Treasury it has been decided these men had to go out of the city of Washington——

Mr. MANN. That is, that out of the lump-sum appropriation you could not pay for personal services in the District of Columbia unless specified otherwise.

Mr. FOSTER. That is it.

Mr. MANN. Will they need these men in the District?

Mr. FOSTER. They can not get along without them.

Mr. MANN. I remember when we passed an appropriation for the enforcement of the white-slave act in the first place we were in that position here, and they moved their offices over to Baltimore. Could not they do the same thing with the Bureau of Mines?

Mr. FOSTER. They could move over to Pittsburgh.

Mr. FITZGERALD. But that would not be as convenient to the doctor.

Mr. FOSTER. And would not be as economical as having it here, convenient to the other branches of the Government.

Mr. MANN. Considering that if these personal services are had in the District, it will be more convenient for our colleague, Dr. FOSTER, to come in contact with these gentlemen, I will raise no opposition.

Mr. FITZGERALD. There is another reason we expect as a result of this amendment, that hereafter the gentleman from Illinois will conduct himself along those well-known and highly appreciated lines——

Mr. MANN. As he has heretofore. I recognize the gentleman from Illinois, my colleague, Dr. FOSTER, as one of the ablest, most efficient, useful, and valuable Members of the House. I am perfectly willing to give $150,000, if necessary, out of my own pocket. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to; and Mr. UNDERWOOD, having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report the same to the House with sundry amendments, with the recommendations that the amendments be agreed to and that the bill as amended do pass.

Mr. FITZGERALD. Mr. Speaker, I move the previous question on the bill and the amendments thereto to final passage.

The previous question was ordered.

Mr. FITZGERALD. Mr. Speaker, I ask for a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS], adding $100,000 to the appropriation for the Geological Survey.

The SPEAKER pro tempore. The gentleman from New York asks a separate vote on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Is a separate vote demanded on other amendments? [After a pause.] If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

ADJOURNMENT OVER JULY 4.

Mr. MANN. Mr. Speaker, I ask unanimous consent that when the House adjourns on July 3 next, that it adjourn to meet on the following Monday, July 6.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 12235. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p. m.) the House adjourned until Thursday, June 25, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARDY, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 3362) to authorize the Secretary of Commerce, through the Coast and Geodetic Survey and the Bureau of Fisheries to make a survey of natural oyster beds, bars and rocks, and barren bottoms contiguous thereto in waters along the coast of and within the State of Texas, reported the same without amendment, accompanied by a report (No. 898), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill (H. R. 9017) transferring the control and jurisdiction of Alcatraz Island and its buildings thereon from the Department of War to the Department of Labor, reported the same with amendment, accompanied by a report (No. 897), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 10475) for the relief of Eugene A. Freund and Alfred F. Roemmich, reported the same with amendment, accompanied by a report (No. 894), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 5058) for the relief of Gottlieb Schlect and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, reported the same with amendment, accompanied by a report (No. 895), which said bill and report were referred to the Private Calendar.

Mr. O'HAIR, from the Committee on Military Affairs, to which was referred the bill (S. 3761) for the relief of Matthew Logan, reported the same without amendment, accompanied by a report (No. 896), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONTAGUE: A bill (H. R. 17468) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: A bill (H. R. 17469) to appropriate a sum of money for the restoration of the first American monument to George Washington; to the Committee on the Library.

By Mr. DEITRICK: A bill (H. R. 17470) to extend the regulation governing second-class mail matter to include State bulletins relating to candidates for public office; to the Committee on the Post Office and Post Roads.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 554) referring the bill (H. R. 19618) for the relief of the Iowa Indians of Oklahoma to the Court of Claims for a finding of fact and conclusions of law; to the Committee on Indian Affairs.

By Mr. FRANCIS: Resolution (H. Res. 555) authorizing the Committee on Revision of the Laws of the House of Representatives to employ a competent person to assist the committee in codifying, revising, and compiling the Statutes of the United States, and providing compensation therefor; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAWLEY: A bill (H. R. 17471) granting a pension to Maude Nevers Landis; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17472) granting an increase of pension to Nora M. Costine; to the Committee on Pensions.

Also, a bill (H. R. 17473) granting a pension to Kate Carroll; to the Committee on Invalid Pensions.

By Mr. J. R. KNOWLAND: Thirty-five protests against the

By Mr. RAINEY: Petitions of citizens of the twentieth con-

the Rev. Louis J. Hole, D. D., introduced the following resolution, which

"Section 5 changes existing law in providing that in the use of the navigation facilities afforded by the construction of any dam the interests of navigation shall be paramount to the use of the dam for power.

"Section 7 changes existing law in limiting the fine allowed to be imposed to not exceed $1,000; and if the unlawful maintenance and operation shall be such as to require a revocation, the court shall so provide in its decree and may determine the sale of the dam and its appurtenances to persons who must then operate it under the provisions of this act.

"Section 8 is a new paragraph and provides that no dam constructed under this act shall be assigned or transferred except upon the written consent of the Secretary of War unless by a trust deed or a mortgage for financing the business, but that any successor or assignee, through foreclosure of such security, must hold the property subject to all the provisions of this act.

"Section 9 changes existing law in providing that after the expiration of the term of 50 years that such term shall continue until compensation shall be paid to the owner for the fair value of his property.

"Section 10 is new and provides that after the expiration of the term of 50 years the Secretary of War may terminate all rights by giving the owner one year's notice in writing and by taking over the property by the United States or by any person authorized by Congress. In taking over the property the United States or any person authorized by Congress must pay the fair value of the property, including the costs of the works required by the United States, and must assume the contracts for service entered into prior to the receipt of notice of termination, which shall have the approval of the duly constituted public authorities having jurisdiction of public utilities in that territory, provided that these contracts were entered into in good faith and at a reasonable rate. The fair value of the property and the reasonableness and good faith of the contracts shall be determined by an agreement between the Secretary of War and the owners of the property, and in the event of disagreement by proceedings in the district court of the United States having jurisdiction. In determining the value of the property no value shall be allowed for the consent of Congress granted according to this act nor for good will, profit in pending contracts, nor other conditions of current or prospective business.

"Secton 11 is a new section, and provides that all rates for public service shall be just and reasonable and that discriminatory practices shall not be allowed. The bill provides that every rate and practice must be just and reasonable, and every unjust or discriminatory charge is declared to be illegal. Whenever the Secretary of War shall be of the opinion that the rates or services are unjust, upon complaint and hearing he is authorized to prescribe maximum rates and charges, and in case of the violation of the order of the Secretary of War the provisions as to forfeiture apply. For the purpose of rate making the value of the property may be considered in connection with the requirements for the expenditures required by the authorities of the United States. The Secretary of War is further authorized to fix these same conditions as part of his approval of the plans of any other project. This section provides that when any State in which a project is situated provides adequate regulation as to rates, charges, and service, and whenever such shall be established to the satisfaction of the Secretary of War, then the provisions of this section shall not apply. Any State may control the subject, if it will only do its duty. If it fails to regulate, the Secretary of War will regulate.

"Section 12 provides that the grantee shall commence the construction of the dam and accessory works within one year from the date of the approval of his plans, and shall within a further period of three years complete and put into commercial operation such part of the development as the Secretary of War and the Chief of Engineers shall deem necessary to supply the available market. If the dam and accessory works can not be completed within the further period of three years, the Secretary of War and the Chief of Engineers may, if the public interests will be promoted thereby, grant a further extension not exceeding two years; but as to the ultimate development for the service of the public, aside from the dam and accessory works, the Secretary of War and the Chief of Engineers may regulate such ultimate development and require facilities installed within such time as they may prescribe, and the orders of the Secretary of War and the Chief of Engineers shall be complied with in the time specified therein until such ultimate development shall be completed.

"Section 13 provides that the right to alter, amend, or repeal is reserved whenever Congress determines the conditions of consent have been violated.

"Section 14 is a new section authorizing the Secretary of War, with the approval of the Chief of Engineers, to lease to any applicant who has complied with the laws of the State in which the dam may be located any surplus power developed by a dam that is constructed or owned by the United States for the purposes of navigation. In making these leases preference shall be given to the applicant whose plan is approved by any act of Congress or by the Secretary of War and Chief of Engineers as best adapted to the interest of navigation or to conserve the water-power resources of the region. All such leases and the parties thereto and the terms and conditions thereof shall be reported annually to Congress.

"Section 15 is new, and prohibits any dam constructed under this act becoming a part of any trust or combination or entering into any contract to limit the output or distribution of electric power, but provides that current and power may be interchanged with other power companies, so as to facilitate the giving of efficient service. Such interchange to be made under rules and regulations to be prescribed by the Secretary of War.

"Section 17 provides that all requirements of this act shall apply to dams already constructed and in operation."

Mr. MONDELL. Mr. Chairman, I want to assure the gentleman from Illinois that the committee have gone over this matter very carefully. Here is a perfectly good job that might properly be filled by some good, loyal Democrat which is being filled by a civil-service employee. Now, if that is not an outrage, I do not know how you could conjure up or imagine one. Here are the unterrified in countless numbers seeking jobs, hungering for places at the public crib, and a good job that pays well is being filled by a civil-service employee.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. FITZGERALD. Now, just to be honest among ourselves, does not the gentleman from Wyoming really believe, as I believe, that these exempt positions under the Federal Government ought, under a Democratic administration, to have Democrats placed in them?

Mr. MONDELL. Of course, and I am trying to explain that I do.

Mr. FITZGERALD. And under a Republican administration they ought to be filled by Republicans. We agree on that.

Mr. MONDELL. I never disagreed with the gentleman on that proposition at all.

Mr. FITZGERALD. And if we had our way we would put them in.

Mr. MONDELL. I am only pointing out what an outrage it is that the administration refuses to take advantage of this splendid opportunity to give some good, patriotic Democrat, desirous of serving his Government and the people, an opportunity to do it at a good salary.

Mr. FITZGERALD. If this situation continues much longer, my health will be seriously impaired.

Mr. MONDELL. We do not want it to continue. In the interest of the Democratic Party and the public service we ought to put an end to it as soon as possible. [Laughter.]

Mr. MANN. Mr. Chairman, I do not agree with either the gentleman from New York [Mr. FITZGERALD] or the gentleman from Wyoming [Mr. MONDELL] that all places in the Government service not covered by the classification service should be filled by Democrats.

Mr. FITZGERALD. I do not mean all.

Mr. MANN. What I rose for was to commend the President of the United States for some of his appointments. I see the gentleman from Maryland [Mr. COVINGTON] is about to leave the Hall, and I should like to have him wait a moment. I have noticed that from time to time the President has robbed the majority of the present House of some of its brightest lights, and he recently made an appointment which I am sure meets with the hearty approval of every person in this House, including Bull Moose, Republicans, Democrats, Independents, and I believe of everybody in this District.

I desire to express my appreciation of the appointment which the President made when he appointed the gentleman from Maryland [Mr. COVINGTON] to be chief justice of the Supreme Court of the District of Columbia. [Applause.] He might have searched the world over, but could not have found a better man for the place, or any other good place. [Applause.]

Mr. FITZGERALD. And do not forget there are a number of others almost if not quite as good.

Mr. ADAMSON. If there are any more good places, tell him to pass them around, and we will brag on him every time he does it. [Laughter and applause.]

The Clerk resumed and completed the reading of the bill.

The CHAIRMAN. The Clerk will return to the part of the bill which was passed over.

The Clerk read as follows:

UNDER THE TREASURY DEPARTMENT.

PUBLIC BUILDINGS, CONSTRUCTION AND SITES.

For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows:

Mr. FITZGERALD. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 2, in line 5, strike out the word "including"; and in line 6, after the word "buildings," insert the word "severally."

The amendment was agreed to.

The Clerk read as follows:

Alliance, Ohio, post office: For completion, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Are all of the items in this bill in relation to public buildings to carry out authorizations heretofore made?

Mr. FITZGERALD. Yes; and all estimated for, and for the amounts stated to be necessary by the department for work during the ensuing fiscal year.

Mr. MANN. So that the committee has performed nothing more than the ordinary function of making appropriations where estimates have been made under authorization.

Mr. FITZGERALD. Except in two cases, where we did not make the appropriations requested.

Mr. MANN. The committee have done nothing more.

Mr. FITZGERALD. We have simply carried the amounts that the department said were required to carry on the work during the ensuing fiscal year on authorized buildings.

Mr. MANN. When we passed over these items the gentleman suggested that they be passed over because there might be items come in from the department.

Mr. FITZGERALD. I have a number of amendments to offer for estimates which have come in.

Mr. MANN. And in each of those cases the authorization has been made?

Mr. FITZGERALD. Yes; and the department states that it requires for the ensuing fiscal year the sums proposed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Amarillo, Tex., post office and courthouse: For continuation, $15,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, after line 12, insert the following:
"Andalusia, Ala., post office: For site, $5,000."

The amendment was agreed to.

The Clerk read as follows:

Chanute, Kans., post office: For commencement, $18,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, after line 15, insert the following:
"Chariton, Iowa, post office: For site, $5,800."

The amendment was agreed to.

The Clerk read as follows:

Delavan, Wis., post office: For completion, $14,500.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 7, after line 2, insert the following:
"Denver, Colo., post office: The appropriations heretofore or that may hereafter be made for construction shall be available for installation of mailing devices in said building within the present limit of cost therefor."

The amendment was agreed to.

The Clerk read as follows:

Edwardsville, Ill., post office: For completion, $31,000.

Mr. BALTZ. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 7, after line 15, insert the following:
"For an addition to the Federal building at East St. Louis, Ill., $240,000."

Mr. FITZGERALD. To that I reserve a point of order.

Mr. BALTZ. Mr. Chairman, I do not desire to take up the time of the House at any great length in discussing the merits of this amendment. The omnibus public-building bill, which passed March 4, 1913, carried an item of $125,000 for building an addition to the Federal building at East St. Louis, Ill. The Senate raised the amount to $240,000.

The city of East St. Louis is one of the fast-growing cities of this country. The population of that city has quadrupled in the last 20 years. The population in 1890 was a little over 15,000; in 1900 it was nearly 30,000; and in 1910 it was nearly 60,000. At that ratio, in 1920 the city will contain a population of 120,000.

The hearings had upon that proposition disclose the fact that the building was not large enough to carry on the business of the city. I will read from the hearings had upon that proposition, in which the Supervising Architect testifies to this fact.

Mr. WENDEROTH. Mr. Chairman, perhaps it would be well for me to read a letter from the postmaster at East St. Louis, Mr. Merrick, addressed to the First Assistant Postmaster General, under date of January 4, 1913.

Mr. ASHBROOK. Is that the same letter you read yesterday, Mr. COPLEY?

Mr. COPLEY. Yes.

Mr. ASHBROOK. Then, I would think there would be no necessity for reading it.

Mr. WENDEROTH. The department is advised that the following desire space in the building: Civil Service Commission, 1,500 square feet; Department of Commerce and Labor, 500 square feet; Bureau of Animal Industry, 2,000 square feet. The Department of Agriculture states that if the last-named bureau can secure accommodations it will effect a saving of approximately $1,500 per annum in rental. In addition to the above, the following, now located in the building, desire additional space, as noted: Post office, 2,536 square feet; United States courts, 1,028 square feet.

The total additional space desired is, therefore, 7,564 square feet; but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now available—namely, 15,000 square feet instead of 8,214 square feet.

The department's report to the committee of January 18, 1913, was based on additional space of, roughly, 12,000 square feet, to be provided in the extension, at a cost, including changes in and remodeling of present building, etc., of $240,000. This allowance of space provides for the necessary corridors, stairways, etc., and for a reasonable future growth.

The CHAIRMAN. Does not the Bureau of Animal Industry occupy a building down near the stockyards, where they are paying rental? Is that not a branch office?

Mr. WENDEROTH. It is a branch station, or substation, as I understand it.

The CHAIRMAN. Is that down near the stockyards?

Mr. WENDEROTH. Yes, sir.

The CHAIRMAN. And that will be retained?

Mr. WENDEROTH. I understand not.

The CHAIRMAN. Is it not true that the animal-industry business ought to be conducted as near to the stockyards as possible?

Mr. WENDEROTH. According to the letter from the postmaster of East St. Louis, the St. Louis National Stockyards are just across the street from the post office.

The CHAIRMAN. But the stockyards themselves are not?

Mr. WENDEROTH. That I do not know. I could not answer that. Mr. Chairman; I take it from the postmaster's letter that they are. He says the post office at the St. Louis National Stockyards is just across the street. The total additional space desired is 7,564 square feet, but the postmaster estimates that in 10 years' time the business will have grown so that he will require nearly double the amount stated in his report as now occupied, namely, 15,000 square feet.

The CHAIRMAN. In what time?

Mr. WENDEROTH. In 10 years the space required would be nearly double the space now occupied. We have arranged, or suggested, that the building be extended 4,000 square feet, which will relieve the congestion in the post office on the first floor and will furnish the necessary additional space on the second and third floors.

I will not read all the hearings. It seems that the Supervising Architect in his testimony before the Committee on Public Buildings and Grounds says that that building is entirely too small to do the public business.

Now, Mr. Trotter, of the Post Office Department, also testified before the committee, and he said, in answer to a question put by Mr. BARNHART, as follows:

Mr. BARNHART. Did those plans contemplate any contingency for growth in that office?

Mr. TROTTER. I presume they did. They usually plan for a 10 years' growth, but the growth of that office has been abnormal in 10 years. The receipts of that office have increased from $51,261 to $122,621, and in the same period the number of employees, including clerks and carriers, has increased from 36 to 64.

It seems to me that this is conclusive evidence that this appropriation should be made at this time. I know it is the policy of the chairman of the Committee on Appropriations to hold down the appropriation. I stand for economy, but here is a case where it is an urgent necessity to build this addition. The city of East St. Louis is one of the largest railroad centers in this country. It is a great city; it has the largest horse and mule market in the world. It is also a manufacturing city, and within its district is located the St. Louis National Stock Yards. There is nothing to stop its growth, and I hope the chairman of the committee will accept this amendment.

Mr. FITZGERALD. Mr. Chairman, I understand that this item is authorized by law. The committee recommended every appropriation where it would be possible for the Treasury Department to use the money between now and the 4th of next March when the next bill will become a law. Before any money can be used for these buildings it is necessary to prepare the plans. As soon as the plans for the addition are prepared, and the Treasury Department says it is ready for

Mr. FOSTER. That is it.

Mr. MANN. Will they need these men in the District?

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

who knew something about the printing establishment to arrange their copy for them.

Mr. MANN. Certainly; and you cut that out.

Mr. FITZGERALD. That was a wise thing to cut out. I would like to try this once. I have been criticizing these departments——

Mr. MANN. I would like to know more about it before we try it.

Mr. FITZGERALD. You never will know any more about this item than the gentleman does now if we do not change it.

Mr. MANN. But put in a provision providing some other penalty upon them in some way, without fixing it so they have got to do an impossible thing.

Mr. FITZGERALD. The biggest penalty to these men is not to give publicity to their reports. The report is the one thing they look forward to. One of the reasons these reports are not sent to Congress in time is that the department makes the suggestion of the date on which the report of the heads of the departments will be given to the public, and you can not get a copy of their report in advance of the day the newspapers of the country are to carry in blazing headlines the astounding record of the accomplishments and the expression of the hopes of the head of the bureau for the ensuing year.

Mr. MANN. I would say to the gentleman that if I were the head of one of these departments I would be greatly tempted to follow the provisions of this proposition and send my manuscript to the House of Representatives, where it would be ordered printed, as a matter of course, and paid for out of the congressional printing fund, and have that much more money in that department to spend for something else.

Mr. FITZGERALD. But Congress might not print the report.

Mr. MANN. It goes as a matter of course.

Mr. FITZGERALD. It does not go as a matter of course.

Mr. MANN. Every document of that sort that comes here is ordered printed. It does not take the action of the House, even.

Mr. FITZGERALD. It provides it shall not be printed except by express authority of Congress.

Mr. MANN. Certainly. All these things are printed by the express authority of Congress.

I make the point of order, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. This is merely a limitation, not to print them.

The Clerk read as follows:

SEC. 9. Appropriations herein for printing and binding shall not be used for any annual report or the accompanying documents unless the head of each executive department, or other branch of the public service, or the Commissioners of the District of Columbia making such a report shall furnish copy to the Public Printer in the following manner: Copies of the documents accompanying such annual reports on or before the 15th day of October of each year; copies of the annual reports on or before the 15th day of November of each year; and complete revised proofs of the accompanying documents and the annual reports on the 10th and 20th days of November of each year, respectively. The provisions of this section shall not apply to the annual reports of the Smithsonian Institution.

Mr. FITZGERALD. Mr. Chairman, I understand that the Regents do not meet prior to the first Monday in December.

Mr. MANN. That has nothing to do with it.

Mr. FITZGERALD. I say the Regents of the Smithsonian Institution represent that they do not meet before the first Monday in December, and it would be impossible for them to comply with the provision.

Mr. MANN. That has nothing to do with it. They have nothing to do with the printing of the annual report. However, I do not think it ought to be done. If you are going to put it in, you ought to put it in as section 9. Is that the idea?

Mr. FITZGERALD. Yes. Make it section 9.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 12. That it shall not be lawful hereafter to pay to any person, employed in the service of the United States under any general or lump-sum appropriation, any sum additional to the regular compensation received for or attached to any employment held prior to an appointment or designation as acting for or instead of an occupant of any other office or employment. This provision shall not be construed as prohibiting regular and permanent appointments by promotion from lower to higher grades of employments.

Mr. MANN. Mr. Chairman, I reserve a point of order on the section. What does it mean?

Mr. FITZGERALD. We have discovered a situation like this: Where there is a vacancy at the head of an office and the assistant is designated as the acting head he has been paid the compensation of the head of the office.

Mr. MANN. I do not quite get it.

Mr. FITZGERALD. I will give a specific instance. The commissioner of immigration in the city of New York receives compensation of $6,500 a year. The deputy receives $4,500 a year. The deputy is in the classified service. The commissionership has been vacant since the 1st of last July. An order was signed by the head of the department designating the deputy commissioner of immigration as the acting commissioner of immigration, and he is paid at the rate of $6,500 per year.

Mr. MANN. He performs the duties, does he not?

Mr. FITZGERALD. He is performing the duties that would devolve upon him naturally as deputy, but this is the only branch in the entire Government service where anything like that could be done.

Mr. MANN. My recollection is that in the Diplomatic Service it is provided for by law in that very way.

Mr. FITZGERALD. There is a specific provision of law for that purpose. That is where a minister or an ambassador is absent from his post of duty.

Mr. MANN. Would not this provision repeal that law?

Mr. FITZGERALD. No, sir.

Mr. MANN. Why not?

Mr. FITZGERALD. Because the statute specifically provides for that in the Diplomatic Service.

Mr. MANN. For the salary, you mean?

Mr. FITZGERALD. This is only to apply to general lump-sum appropriations. It is only out of such appropriations that the prohibition is made against paying to the deputy the salary of the chief. A short time ago, as the gentleman will recall, there was a vacancy in the office of the Comptroller of the Currency.

Mr. MANN. Yes.

Mr. FITZGERALD. And the deputy acted as Comptroller. He could not receive the compensation.

Mr. MANN. He has not received it, you mean? The gentleman said "he could not."

Mr. FITZGERALD. He has not.

Mr. MANN. But he is trying very hard to.

Mr. FITZGERALD. If he had been in the Immigration Service, paid out of this lump-sum appropriation, he would have received it.

Now, I have received information that there are some other lump appropriations in which, according to the statute, these designations were made, but I have not information sufficiently accurate to state the instances.

Mr. MANN. If the committee has been over this subject carefully, I will withdraw my point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws his point of order.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting the report on the bill amending the general dam act.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing the report referred to. Is there objection?

There was no objection.

Following is the report referred to:

[House Report No. 592, Sixty-third Congress, second session.]

"CONSTRUCTION OF DAMS ACROSS NAVIGABLE WATERS.

"Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 16053:

"The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16053) to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906, as amended by the act approved June 23, 1910, having considered the same, report thereon with a recommendation that it pass.

"Before acting on the subject, as per the bill herewith reported, your committee gave long, thorough, and patient attention to every phase of the subject, considered all the different views and shades of opinion entertained and advanced by many people, who have discussed the question from various angles and viewpoints. Your committee has endeavored to find a true basis or common ground on which those entertaining various and divergent views on minor details might agree, in order that legislation might be secured and progress promoted toward the accomplishment of the purposes of the bill.

"It was not the original intent of those who conceived and framed the general dam act to deal with all water power, nor

all questions affecting water powers, nor was it originally intended to deal with questions affecting water-power sites on the Government public lands, nor with projects promoted by the Government at the expense of the Treasury for the promotion of navigation solely, though incidentally providing in many cases magnificent heads of water for the generation of power and hydroelectricity. There were many thousands of miles of shoaly streams affording sufficient water to maintain navigation if the water could be controlled, canalized, and thrown into slack-water pools. The cost of such work, if undertaken by the Government, to promote navigation only would obviously be prohibitive. No commerce was borne upon the streams or the parts thereof to be affected by such legislation; they were not in condition for navigation, yet the resources of the contiguous country were so abundant as to call for transportation facilities, and those offered by railroads, if any at all, were totally inadequate.

"Many communities needed light, fuel, and power for manufacturing purposes and the electric force and heat to extract from the air elements for fertilizers realized in the manufacture of calcium cyanamid or atmospheric nitrogen. Many other possibilities of profitable commerce appealed to private capital to develop power on those shoaly streams. The lands belonged to private individuals; they were located in States which could charter corporations, authorize development of water power, tax them, and regulate their practices and charges, but those streams were all under the jurisdiction of the United States Government in so far as the right of navigation was concerned. The owners of the land were prohibited by law from obstructing those streams without the consent of Congress. It was to the interest of the public to secure navigation, which the Government could not, or would not, furnish on account of the high cost, and the owners of the property could not develop the water power and promote navigation without the consent of the Government, and would not do so unless the consent of the Government was granted on terms sufficiently attractive to invite capital to invest under the hope of reasonable profit. So the original legislation was framed to accomplish two objects: First and primarily to promote navigation on streams which otherwise would never be navigable. The navigation could be secured by inducing private capital to construct locks and dams in the same manner under the approval and direction of the War Department as they would be constructed by the Government if the Government would do the work at all; and, secondly, to permit the development of the resources and the progress of the industries of the countries through which those streams ran by encouraging the development of possible water power on these streams. Possibly the smallest use to which the water power would be devoted would be the generation and transmission of hydroelectricity, but even the value of that to the public would be incalculable. It is in every respect a successful competitor of all kinds of fuel, as it affords heat for warmth, cooking, and culinary purposes, and light more cheaply, more cleanly, more conveniently, and more safely than can be done by means of any other known element or method.

"Certain patriotic and benevolent persons, whose motives were no doubt good, obviously misunderstood the purposes of the general dam act, confounded it with the interests of the General Government in other respects, confused it with propositions connected with the public domain, and raised objections which have retarded progress and perhaps for many years banished capital from the country which, if encouraged in accordance with the purposes of the general dam act, would have secured the completion of many projects valuable to our people. In fact, a great many of the projects authorized by law have entirely failed on account of opposition, misguided and ill grounded, as we believe. Other projects on which the investors have struggled against a rising tide of criticism and opposition, although in a measure completed, have proven unprofitable because markets have not been found for their light and power. In some cases when the investors sought to create a market by enlarging their plants through other developments they have been defeated in the effort and have thus failed to realize on their investments.

"In reporting this bill to amend the general dam act we have tried faithfully to protect all the interests of the Government in every project for which the consent of Congress may be granted, at the same time imposing such fair and moderate terms and conditions of the consent of Congress as may induce capital to relieve the Government of the expense of promoting navigation by furnishing the capital and constructing the works in the hope of reasonable returns on investments. We conceive the prime consideration of the Government to be the promotion of navigation, and we believe there are streams on which several thousands of miles of navigation can be promoted under the terms of this bill without any expense to the Government. Next to that our care has been to provide that the public shall be treated fairly by the grantees, and we have provided, therefore, for prompt and certain as well as just and reasonable regulation as to rates and practices; and to this end it is provided that if any State in which a project is chartered fails to protect the public by such regulation the Secretary of War shall do so.

"We have not provided for any specific tax upon the business of the enterprise. If the Federal Government should conclude that it is necessary to take away from the States the matter of water power as an object of taxation, we consider that a proper and safe way to do that is for the Ways and Means Committee to report a bill for levying a uniform excise tax upon all water power or hydroelectric development, or upon water-power sites developed or undeveloped. We have deemed that course proper in order to secure a bill that will promise development, which would be entirely prevented by adopting the other course. We have also provided against monopolies and combinations, and provided every precaution to protect not only the Government but the people of the United States in any possible contingency arising from operation of projects under this bill.

"Yielding to the pressure from many directions we have included in the present bill authority for the Secretary of War to accommodate communities and derive some revenue for the Government from projects constructed wholly at the expense of the Government by leasing on satisfactory terms, with proper safeguards, the surplus water not needed for navigation at such projects. For the same reason we have also included a provision permitting the use of public lands for dam projects on terms to be prescribed by the Secretary of War where the structure proposed is to be in a navigable stream, for be it remembered that this bill deals only with portions of streams which are only theoretically navigable, but which could be made navigable, as we believe, under the operation of the legislation proposed.

"Your committee has deemed it proper to print the bill, for convenience of examination and ready understanding, so marked and distinguished as to show the existing law brought forward and the new law proposed by the amendment.

"Your committee will briefly analyze and state, as follows, the new provisions of this bill:

"The bill reforms existing law by collocating and paragraphing all provisions relating to particular parts of the subject, so that it may be more conveniently examined and understood. The changes in existing law are substantially as follows:

"Section 2 provides that at the time of original approval the Secretary of War and the Chief of Engineers shall determine whether or not they shall require the owner, at his expense, to construct a lock as a part of that original project. If not then required, Congress may direct afterwards that a lock shall be installed at public expense, in which case title to land required for construction and power for building, operation, and maintenance may be required to be furnished by the owner of the dam.

"Section 3 changes existing law so that the comprehensive plan required by the Secretary of War and the Chief of Engineers shall consider the use of water for all beneficial purposes, and that plan shall be adopted which best utilizes the water resources of the region.

"Section 4, paragraph (b), changes existing law by providing that the compensation required from the owner of the dam on account of benefits accruing because of headwater improvements, the erection of reservoirs, etc., shall be collected to an amount not exceeding 5 per cent per annum upon the total investment cost of such improvements to the United States, in addition to the annual expenses of maintenance of the headwater improvements, all of which shall be divided among all the dams on the stream receiving benefits from the increased flow, and shall be equitably apportioned among all the beneficiaries.

"Paragraph (c) provides for payment to the United States for the use of any of its lands or property to an amount not exceeding 5 per cent of the value of the lands, as may be fixed by the Secretary of War and the Chief of Engineers. In fixing such charges there shall be considered the benefits to the interests of navigation as well as to the business of the owners of the project.

"Paragraph (d) changes existing law by providing that the United States may exact security for payment of such sums as may be required to restore the condition of the stream as to navigability as existed at the time of the approval of dam proposed, but that as a basis for action the Secretary of War and the Chief of Engineers must determine that navigation is injured by reason of the construction and operation of the dam.

covered into the Treasury of the United States, as provided for the profits accruing from the business authorized in section 6 of the Panama Canal act.

Mr. MANN. Mr. Chairman, I reserve a point of order on section 3. I see that it is proposed to credit to some appropriation, whatever it may be, the proceeds of the sale of all the scrap and also the proceeds of the sale of obsolete and unserviceable supplies and equipment. Why should not that go into miscellaneous receipts?

Mr. FITZGERALD. I think it should ordinarily, but the gentleman from Illinois will remember that a different policy was adopted in regard to the canal. As these materials were all purchased out of the different appropriations, the proceeds from the sale of them is credited back, so that the total appropriations for the canal will not be more than it actually cost.

Mr. MANN. That is all very well, but the canal construction work is done. The locks are finished. Suppose they sell some obsolete material there, and they have a large amount of both material and machinery, what good does it do to credit that in the Treasury to this fund? They have more or less material down there purchased from the French Government, not very much.

Mr. FITZGERALD. Yes; they have considerable.

Mr. MANN. What are you going to credit that to, the original purchase of $40,000,000? There is in the Treasury, and there is no way to get it out without an appropriation. I understand they expect to sell a very large amount of this material.

Mr. FITZGERALD. They do. The cost of all this material is charged to the cost of the canal.

Mr. MANN. Undoubtedly.

Mr. FITZGERALD. And if they sell a part of it, they have saved that much from the total cost.

Mr. MANN. They are entitled when they sell any of it, or transfer it to the Alaska Railroad Commission, to a credit of that amount. They get the benefit of that credit, but you say "credited to the account."

Mr. FITZGERALD. Under this they get the benefit of the proceeds also. They are in the finishing-up stage there.

Mr. MANN. We have machinery there that ought to sell for millions of dollars.

Mr. FITZGERALD. I think not, but it may, however.

Mr. MANN. Of course I do not mean hundreds of millions but millions. Now, does the committee propose to have that brought in and credited to the different items in the appropriation bill?

Mr. FITZGERALD. It has been a continuing appropriation. These appropriations are not affected by the covering-in act.

Mr. MANN. I understand that.

Mr. FITZGERALD. In one way it is a sort of protection for these funds against the possibility of not having sufficient money when Congress is not in session. We have done this on the other material that was sold.

Mr. MANN. That material was sold down there, but I do not think I shall be arbitrary about it. Here is a large amount of material to be sold, and there comes a great temptation, perhaps, to some officer to sell it for a lower price than he would otherwise get in order to credit it to some fund under his control.

Mr. FITZGERALD. This only applies to this year. We have been urged to give them authority to extend it over a period of years and permit the employment of a business concern to handle all this material, but the committee refused to do that.

Mr. MANN. The same people have been to me about that part of it. While this only applies to this year, it may make it more urgent upon some one to sell it this year at a low price, because during this year they get the credit for it. But I do not wish to have anyone think I am in the attitude of criticizing these officials down there, for whom I have the utmost respect and in whom I have the greatest confidence, but I do not think it is a good business proposition.

Mr. FITZGERALD. In the next fiscal year we will practically complete the construction period. Beyond that the uniform policy that has been adopted for the canal I believe should be changed.

Mr. MANN. I feel a little modest on this subject, because yesterday when I took exception to some sort of a proposition I was not able to lead by own side of the House. They voted in favor of gentlemen who gave me nothing but personal abuse, so I feel a little modest about making a point of order against the gentleman's proposition when I can not even take care of my own people.

Mr. FITZGERALD. I heard the gentleman's speech and I knew what was in the bill.

Mr. MANN. So did I. I made the speech and I knew what was in the bill. I withdraw the point of order.

The Clerk read as follows:

SEC. 4. That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government and the Panama Railroad operations on the Isthmus with the functions of receiving, disbursing, and accounting for the funds appropriated for the Panama Canal shall be and is hereby authorized in so far as may be practicable: *Provided*, That separate accounts shall be kept of the transactions under each fund.

Mr. BARTON. Mr. Chairman, I reserve the point of order on the paragraph. I desire to ask the chairman of the committee some questions in respect to it. It seems to me that the following language is ambiguous:

That the consolidation of the functions of receiving, disbursing, and accounting for the funds of the Canal Zone government, etc.

"Functions of accounting" is the language that I desire to direct attention to. In the accounting there are practically two divisions of the government, the administrative accounting, which is done by regular bookkeeping processes in the various administrative offices, by which they may at all times be acquainted with the debits, credits, and balances and of all the moneys under their jurisdiction, and then there is the Treasury accounting, which is done by the Treasury Department here, and, as I understand, a committee of three was sent from the Treasury Department to make a report, and the report was accepted by the Treasury Department, embodying the ideas of the department and of that committee, setting out forms that they would advocate and approve, and this, it seems to me, would put the functions of auditing in the hands of the men who have the disbursement of the money, and take it out of the power of others.

Mr. FITZGERALD. This particular paragraph has reference to this situation. We have at present on the Isthmus two separate organizations, one in connection with the Panama Railroad——

Mr. BARTON. I understand that.

Mr. FITZGERALD. And one in connection with the canal. This is to consolidate those functions as much as possible.

Mr. BARTON. Yes.

Mr. FITZGERALD. And to make one organization. The next paragraph is the one which I think perhaps the gentleman from Nebraska has in mind.

Mr. BARTON. I have some points on the next paragraph, and unless it is amended I expect to make a point of order to it. I think the functions of receiving, disbursing, and accounting mean the Treasury Department of the United States.

Mr. FITZGERALD. That is true; but it is to abolish the two organizations and just have one organization.

Mr. BARTON. Yes. To make this a matter of record, will the gentleman say that this does not in any manner conflict with the authority of the Treasury Department in auditing?

Mr. FITZGERALD. This has nothing whatever to do with it.

Mr. BARTON. That is all I want. I withdraw the point of order.

Mr. MANN. There is a typographic error in the paragraph which should be corrected.

The CHAIRMAN. Yes; that will be corrected, without objection.

There was no objection.

The Clerk read as follows:

SEC. 5. That the collecting officers of the Panama Canal shall render their accounts in such detail, and shall transmit with their accounts to the accounting officers charged with the settlement thereof all such papers, records, and copies relating to their transactions as collectors as shall be prescribed in regulations approved by the President.

Mr. BARTON. Mr. Chairman, I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, let me say to the gentleman from Nebraska that the Comptroller of the Treasury raised the question suggested by the gentleman from Nebraska about this paragraph.

Mr. BARTON. Yes.

Mr. FITZGERALD. After a conference it was suggested that an amendment, which I intend to present, be offered, which obviates the objection that he has. It is to add after the word "President" the following:

And in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act, approved July 31, 1894.

The Dockery Act prescribes certain forms of accounting and puts the methods under the comptroller. I understand that the so-called Warwick committee, which the gentleman has in mind, and the canal officials are working in harmony, and this proposed amendment meets the objections of the Comptroller of the Treasury upon whom, under the law, would fall the duty generally of prescribing forms and methods of accounting.

Mr. BARTON. There is another ambiguous proposition in the language in this section:

Accounting officers charged with the settlement thereof—

And so forth.

What accounting officers? Would the gentleman object to saying "of the Treasury"?

Mr. FITZGERALD. The accounting officers charged with the settlement thereof.

Mr. BARTON. Yes; that is the question.

Mr. FITZGERALD. That is satisfactory—of the Treasury.

Mr. BARTON. If the gentleman will say that, that will satisfy me.

Mr. FITZGERALD. That is what was intended, and I will offer that amendment and also offer the following amendment. I will ask first to offer an amendment to insert after the word "officers," in line 17, the words "of the Treasury."

The CHAIRMAN. The point of order is withdrawn, and the gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 178, line 17, after the word "officers," insert the words "of the Treasury."

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Now, I offer the other amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 178, at the end of line 20, after the word "President," strike out the period and insert the following: "and in his judgment not incompatible with the methods of accounting prescribed in the so-called Dockery Act approved July 31, 1894."

Mr. MANN. Is there a comma after the word "judgment"?

The CHAIRMAN. There is not.

Mr. MANN. There ought to be. I move to insert a comma after the word "judgment."

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

The amendment as amended was agreed to.

The Clerk read as follows:

SEC. 7. That the appropriations herein made for the Panama Canal, other than those for fortifications, or balances thereof, may be available, during the last half of the fiscal year 1915, for expenditure for the purposes indicated by the several titles enumerated in the foregoing section, namely, construction, maintenance, operation, sanitation, and civil government, and be accounted for at the end of that year in such detail or classification, respectively, thereunder as may be determined by the Governor of the Panama Canal, or hereafter required by Congress; and such balances may, on and after January 1, 1915, constitute one fund for expenditure under said respective titles.

Mr. BARTON. Mr. Chairman, I reserve a point of order on this section. The law—Statutes at Large, volume 26, page 413—provides:

SEC. 4. That hereafter all disbursing officers of the United States shall render their accounts quarterly, and the Secretary of the Senate shall render his accounts as heretofore, but the Secretary of the Treasury may direct any or all such accounts to be rendered more frequently when, in his judgment, the public interests require.

Why should this section provide for an annual statement rather than comply with the present law and render the statements quarterly, or oftener if called for by the Treasury Department?

Mr. FITZGERALD. The object of this is——

Mr. BARTON. This section says the funds are to be accounted for at the end of the year, when in every other department they have to make these statements quarterly.

Mr. FITZGERALD. On the completion of the work of construction there will be a balance in the various funds, and the purpose of the language of this provision is that in the last half of the fiscal year 1915 one lumped-sum appropriation may be expended for these purposes. It is to clean up a great construction job, and it does not change in any way the final settlements of account by the auditor, but it is to be consolidated in one fund at the finish of scattered and various funds, so that the work may be cleaned up and ended expeditiously.

Mr. BARTON. Can the gentleman state any reason why that should not be accounted for at the end of each quarter the same as all other Government funds are accounted for?

Mr. FITZGERALD. This does not affect the accounting at the end of each quarter at all.

Mr. BARTON. It does not?

Mr. FITZGERALD. Oh, no; but instead of maintaining these eight funds separately after half the fiscal year they are all made one fund.

Mr. BARTON. And those in authority in the zone are supposed to make quarterly statements the same as the others?

Mr. FITZGERALD. We do not take away any limitation in respect to the quarterly accounting. There is no intention in any way to remove the limitation for accounting.

Mr. BARTON. With that statement, Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. But if there should be any question of that, I will be very glad to make that as specific as it can be made.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 9. That section 196 of the Revised Statutes is amended to read as follows:

"SEC. 196. The head of each executive department or other branch of the public service and the Commissioners of the District of Columbia shall furnish to the Public Printer copies of the documents accompanying their annual reports on or before the 15th day of October of each year and copies of their annual reports on or before the 15th day of November of each year. Complete revised proofs of the accompanying documents and the annual reports shall be returned to the Public Printer on or before the 10th and 20th days of November of each year, respectively. Annual reports which do not conform to the provisions of this section shall be transmitted in manuscript to Congress, accompanied by a full statement explanatory of such failure, and shall not be printed except upon the express authority of Congress."

Mr. MANN. Mr. Chairman, I reserve a point of order upon that section. What does the gentleman expect to accomplish by this?

Mr. FITZGERALD. The purpose is to enable Members of Congress to obtain copies of the annual reports of the various heads of departments some time before the adjournment of Congress.

Mr. MANN. Well, but suppose a head of a department does not furnish a report within the time? He has no penalty put upon him. The Government may be put to the expense of getting out of the Government Printing Office a proof and having it copied in longhand in order to send it to Congress in manuscript, or he may have the printed copy of these documents in his possession, and he can not even use the printed copy he has got, but he must have that reduced in longhand again after it has been reduced from longhand to type.

Mr. FITZGERALD. It does not say that.

Mr. MANN. I do not know what a manuscript copy is, possibly, but it certainly is not a proof. They send the manuscript copy to the Printing Office; it is set up in type, and the manuscript copy is cut up for the benefit of the typesetters. That is gone. They furnish proof copies of it. But that will not do. He has to reduce it to manuscript before he can send it to Congress.

Mr. FITZGERALD. That proof is manuscript.

Mr. MANN. That is not manuscript. Everybody knows the difference.

Mr. FITZGERALD. Oh, no.

Mr. MANN. Everybody knows the difference between manuscript and a proof copy.

Mr. FITZGERALD. I am not a printer.

Mr. MANN. Well, I have been.

Mr. FITZGERALD. I think it will be effective. In short sessions of Congress, as the gentleman from Illinois is aware, by the time the committees preparing appropriation bills have finished their work, the annual reports commence coming in.

Mr. MANN. I am one of the numerous Members of Congress who have these annual reports laid on their desks. I want to say that I go through them all, and I suppose the rest of the Members do. And I cited here that not long ago the law required the Interstate Commerce Commission to present its annual report to Congress on the first Monday of December of each year, and that they never had done it, although it criticized severely in its last annual report other people because they did not furnish their reports in the time required. But it is not done and it is not likely to be done.

Mr. FITZGERALD. But it will be done.

Mr. MANN. Oh, no. Here are a lot of documents to come with the reports. It is not feasible always to have them in at the proper time, and if they were all presented at the Government Printing Office at one time the office could not print them all.

Mr. FITZGERALD. We know these reports do not come in on time, and that they do not come in because the departments do not prepare the manuscripts in time. We got a statement from the Public Printer as to the date when he received his manuscripts and when he sent his proofs back. We got an annual report some time the latter part of May that should have been out in December or earlier.

Mr. MANN. The custom has been in the past where the department sent the manuscripts to the Printing Office, and after they got to the proof reading a man from the Government Printing Office went to the department to assist and read the proof so as to expedite the thing.

Mr. FITZGERALD. That is not what they were there for.

Mr. MANN. And you cut that out.

Mr. FITZGERALD. They went up there ostensibly to arrange these matters. Some of the men of these departments who are preparing manuscripts for printers have such peculiar notions as to how material should be arranged that the Public Printer said he thought it was an advantage to send a man

amendment.

The CHAIRMAN. The Clerk will report the amendment.

pany, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts, and being in excess of the actual damages to the commission, $9,000,000.

Mr. BARTON. Mr. Chairman, I want to inquire about the item of $9,076.21.

Mr. FITZGERALD. The Wheeling Mold & Foundry Co. had some very extensive contracts on the Isthmus; and under the contracts it was provided that there should be certain deductions if the work was not completed within the time fixed. That, I think, was the form in which the first contract was made. The others provided that there should be certain deductions if the work was not completed within the time fixed, provided the Government was put to any expense or suffered any damages as the result of the failure to complete. There was over $100,000 involved in the adjustments, because the first contract was worded a trifle differently from the others. The sum of $9,076.21, which would have been waived because the Government has suffered no damage on account of the delay if the additional provision had been in the first contract, could not be waived; and the officials in charge of the work recommend that these allowances be made, because there was no damage sustained.

Mr. BARTON. That is the point I wanted to make, that it was recommended by the officials there that this reimbursement be made.

Mr. FITZGERALD. Yes; it was recommended by Col. Goethals, and that is the amount that he fixed. I have a letter here that I will ask leave to insert in the RECORD. It will explain the item so that there can be no question about it. I ask unanimous consent, Mr. Chairman, to insert the letter in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

PANAMA CANAL, WASHINGTON OFFICE,
Washington, D. C., May 20, 1914.

Mr. JOHN J. FITZGERALD,
Chairman of the Appropriation Committee,
House of Representatives, United States., Washington, D. C.

SIR: I inclose herewith copy of letter from Col. Goethals, the governor of the Panama Canal, in connection with a request made to you by the Wheeling Mold & Foundry Co., of Wheeling, W. Va., for the insertion in the sundry civil bill of a clause permitting payment to them of approximately $9,000. It is noted that this letter from Col. Goethals commences with quoting a cablegram from the Wheeling Mold & Foundry Co. indicating that the clause was not included in the sundry civil bill, which cable, of course, was incorrect in view of the fact that the sundry civil bill had not yet been reported out of your committee.

In brief, the amount which the governor feels should be paid to the Wheeling Mold & Foundry Co. is $9,076.21, but under the present contracts this amount can not be paid. It is thought that a brief clause could be inserted in the bill to the following effect:

"For payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va., of the sum of $9,076.21, to carry into effect an equitable settlement with that company, which could not be made by reason of the ruling of the Comptroller of the Treasury, this sum having been deducted as liquidated damages on the various contracts and being in excess of the actual damages to the commission."

Very respectfully,

F. C. BOGGS,
Major, Corps of Engineers, United States Army,
Chief of Office.

P. S.—It is noted that I am addressing this letter to you instead of to the chairman of the Senate Appropriation Committee, in view of the fact that it was apparently Col. Goethals's impression that the sundry civil bill had already been reported out of your committee.

W. O. 24633, 26368, 26603-A, 26608-B, 27467, AND 27467-B. RELIEF FROM LIQUIDATED DAMAGES.

CULEBRA, CANAL ZONE, *May 8, 1914.*

Maj. F. C. BOGGS,
United States Army, General Purchasing Officer,
Washington, D. C.

SIR: I am in receipt of the following cablegram from the Wheeling Mold & Foundry Co.:

"Item nine thousand not included sundry bill. We explained Fitzgerald according your instructions. Would you cable him our behalf?"

The matter referred to is set forth in my letter of October 3, 1913, and subsequent correspondence. Briefly reviewed, it is as follows:

The Wheeling Mold & Foundry Co. had six contracts with the Isthmian Canal Commission for fixed irons and machines for moving gates and valves in the locks of the Panama Canal, the total consideration of these contracts amounting to $1,099,298.68. All of these contracts provided for payment of liquidated damages in case of delinquency in time of delivery on the part of the contractor. One of these contracts—for 90 gate-moving machines—provided that any delay which did not cause damage or inconvenience to the Government might be waived by the commission in computing the liquidated damages. The remaining contracts would have contained such a provision had it not been for a ruling of the Comptroller of the Treasury in force at the time such contracts were drawn to the effect that such waiver provision would vitiate the entire liquidated-damage clause and render it impossible to collect damages for delays which did actually cause damage or inconvenience to the Government. This ruling was reversed before the contract for the 90 gate-moving machines was made, and the optional waiver clause was therefore inserted in that contract.

A tabulated statement of the contracts is below:

W. O.	Subject.	Circular No.	Liquidated damages deducted.	Release signed.	Remarks.
24633	Fixed irons for valves, etc.	594	$12,204.46	No.	No waiver clause.
26608	2 cylindrical and Stoney valve machines.	614	2,905.29	No.	Do.
26608-A	18 cylindrical valve machines.	614	3,215.15	No.	Do.
26608-B	111 Stoney valve machine	614	23,058.48	No.	Do.
27467	2 gate-moving machines..	627	2,407.98	No.	Do.
27467-B	90 gate-moving machines.	627	55,427.93	No.	Optional waiver clause

The quotations of the Wheeling Mold & Foundry Co. in all of these contracts were reasonable, and it is especially to be noted that the contracts under W. O. 26608, 26608-A, and 26608-B, which aggregate $735,950.01 were less by a total of about $500,000 than the cost of the same work based on offers made for about one-third of it at a letting attempted some few months earlier. The early bids were rejected, the work readvertised, and given to the Wheeling Mold & Foundry Co. at the above-stated very large saving.

The Wheeling Mold & Foundry Co. was delinquent in time of completion of the different contracts and liquidated damages were assessed against the company, as tabulated above. It protested against the deductions, the principal grounds being that the Government had not suffered damage by reason of delay in completing delivery, and that the Wheeling Mold & Foundry Co. had suffered damage by reason of the Government not making final payment for the machines as promptly as the contract called for. In point of fact, much of the delay in delivery had caused no damage or inconvenience to the Government, and liquidated damages for such delay would have been waived had the contract permitted it. Further, the Government had been necessarily slow in making final inspection and payment for the machines after they arrived on the Isthmus, for reasons beyond its control; and the company had a just and unliquidated claim on that score.

Nevertheless, the Government had suffered to a certain extent by reason of the delay. Taking all circumstances into consideration, and offsetting the contractor's counterclaim on account of delayed payments, it was estimated that out of a total of $102,857.48 assessed as liquidated damages all but an amount of, say, $22,500 could properly be remitted. If the contracts been drawn in the usual form, giving the Government authority to waive delays from which no damage had resulted, settlement would have been effected with the contractors on this basis. There being no such authority in the contracts, however, except in the case of the one for 90 miter gate-moving machines, a supplemental contract was prepared along these lines and submitted to the Comptroller of the Treasury, who, under date of October 9, 1913, ruled against its legality. Through subsequent action by your office, set forth especially in your letters of January 16 and February 4, 1914, and in a decision of the Comptroller of the Treasury dated January 27, 1914, sent under cover of your letter of February 3, 1914, payments were made to the Wheeling Mold & Foundry Co. until the sum remaining withheld from them was reduced from $102,857.48 to $31,576.21, or to a sum greater by $9,076.21 than the sum in which it was estimated that the Isthmian Canal Commission had suffered damage or inconvenience through the delinquency of the contractor.

For relief from payment of this sum of $9,076.21 the Wheeling Mold & Foundry Co. has sought aid from Congress. From the tenor of the cable dispatch quoted in the first paragraph of this letter it appears that the sundry civil bill does not contain the item which the company desired to have included. The company asks that I cable Mr. FITZGERALD on this subject. Such action would, I think, be too late to serve its intended purpose. I believe, however, that this sum should be remitted to the company, and, as heretofore stated, I should have remitted it had it been legally in my power to do so. I therefore request that you take the matter up with the chairman of the Senate committee, which has the bill in charge, in order that during consideration of the bill the committee may have its facts at hand and may be in a position to introduce the item in the bill, should it concur in my opinion that the allowance of this sum to the Wheeling Mold & Foundry Co. is just and reasonable.

Respectfully,

GEO. W. GOETHALS,
Governor.

Mr. FITZGERALD. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

On page 167, in line 13, after the word "elsewhere," insert "; purchase, maintenance, and repair of motor cars, fire-fighting apparatus, towing locomotives, and other motor-propelled vehicles"; and in line 14 strike out the word "Commission" and insert the word "Canal."

The CHAIRMAN. Without objection, the vote on the two amendments will be taken together.

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Seventh. For pay of officers and employees of the department of civil administration, including foremen, subforemen, skilled and unskilled labor, watchmen, messengers, and storekeepers, of the departments of civil administration and law, including those necessarily and temporarily detailed for duty away from the Isthmus, $500,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 169, in line 14, after the word "Isthmus," insert "and for expenses of the official representation of Congress attending the formal opening of the canal."

Mr. FITZGERALD. Mr. Chairman, the canal is to be formally opened some time in March after the adjournment of Congress. It is assumed that some arrangement will be made so that there will be official representation of Congress on that occasion. This will enable whatever expense is connected with it to be paid out of this particular appropriation, which is the one out of which it should be paid.

Mr. MOORE. That would come out of the $500,000 provided for here?

Mr. FITZGERALD. Yes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Twelfth. For material, supplies, equipment, construction and repairs of buildings, medical aid and support of the insane and of indigent persons necessarily stranded while in line of duty and in the employ of the Isthmian Canal Commission from earning a livelihood, and contingent expenses of the department of sanitation on the Isthmus, including not exceeding $75,000 for removal of quarantine station from Quiebra Island to the vicinity of Balboa and for converting the hospital at Colon into a quarantine station and for new equipment for both, $375,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 170, lines 14 and 15, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

Mr. MANN. Mr. Chairman, in connection with that amendment may I ask the gentleman is there any specific appropriation made, or necessary if not made, for the payment of compensation to employees who are injured on the canal work?

Mr. FITZGERALD. The gentleman will find that in lines 4 and 5, on the next page, the paragraph commencing—

The foregoing sums so far as necessary shall be available for * * * payment of claims arising out of injuries or death of employees.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

In all, $20,718,000, the same to be immediately available and to continue available until expended: *Provided*, That all expenditures from the appropriations heretofore, herein, and hereafter made for the construction of the Panama Canal, including any portion of such appropriations which may be used for the construction of dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances, for the purpose of providing coal and other materials, labor, repairs, and supplies, for the construction of office buildings and quarters, and other necessary buildings, exclusive of fortifications and outlines, and exclusive of the amount used for operating and maintaining the canal, and for the permanent organization after the canal is opened for use and operation, may be paid from or reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902, and section 39 of the tariff act approved August 5, 1909.

Mr. MANN. I make a point of order against the proviso.

The CHAIRMAN. The gentleman from Illinois makes a point of order against the proviso. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

Except in cases of emergency or conditions arising subsequent to and unforeseen at the time of submitting the annual estimates to Congress, and except for those employed in connection with the construction of permanent quarters, offices and other necessary buildings, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies, and except for the permanent operating organization under which the compensation of the various positions is limited by section 4 of the Panama Canal act there shall not be employed at any time during the fiscal year 1915 under any of the foregoing appropriations for the Panama Canal any greater number of persons than are specified in the notes submitted, respectively, in connection with the estimates for each of said appropriations in the annual Book of Estimates for said year, nor shall there be paid to any of such persons during that fiscal year any greater rate of compensation than was authorized to be paid to persons occupying the same or like positions on the 1st day of July, 1913; and all employments made or compensation increased because of emergencies or conditions so arising shall be specifically set forth, with the reasons therefor, by the chairman of the commission in his report for the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 173, line 3, strike out the words "chairman of the commission" and insert the word "governor."

The amendment was agreed to.

The Clerk read as follows:

Obstacles—

Two thousand five hundred coils of barbed wire, at $3 each, $7,500.

Mr. HAWLEY. Mr. Chairman, I should like to ask the gentleman in charge of the bill what is the purpose to be served by this barbed wire?

Mr. FITZGERALD. It is to be used for obstacles to prevent the rapid advance of infantry.

Mr. HAWLEY. Like the famous trochas in Cuba during the Spanish War.

Mr. FITZGERALD. To make obstructions to passage.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That all funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the some postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1915, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding $10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; and for the expenses of the subdivisions of the Canal Zone after they are established under section 7 of the Panama Canal act; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission; and to the maintenance of administrative district prisoners: *Provided*, That if the revenues of the Canal Zone government are not sufficient for the purposes herein specified, the necessary part of the amounts appropriated for the departments of civil administration and law, under items 7 and 9, may be used therefor. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1915.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 176, in lines 6 and 7, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What was the amount expended for these purposes at the last date that the gentleman has? Here we make a definite appropriation out of certain receipts, and then say that if those receipts are not enough for the purposes we are authorized to take out of two other items any amount that they may see proper to take. What is the total of these expenditures, if the gentleman has them?

Mr. FITZGERALD. I will state the amount in a moment.

Mr. MANN. The gentleman will recall that there have been efforts made down there to construct some very expensive and unnecessary roads, which progressed at one time far enough to require Col. Goethals, now Gov. Goethals, to set his foot down pretty hard. Of course there is no limitation to the amount they may expend in that way, if they get the head of the government there to approve it.

Mr. FITZGERALD. They actually expended in the civil government in 1913 $81,000. The receipts for 1913 were $212,266.83. The estimated receipts for 1915 are $86,075. They expect a very material falling off next year.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 3. That during the fiscal year 1915 all moneys received by the governor of the Panama Canal from any services rendered or materials and supplies furnished to employees of the United States or of the Panama Railroad Co., to the Panama Railroad Co., to the Canal Zone government, to the Panama Government, and to other departments of the United States Government from hotel and hospital supplies and services; from rentals, wharfage, etc.; from labor, materials, and supplies and other services furnished to vessels and to those unable to obtain similar labor, materials, supplies, and services elsewhere; from the sale of scrap and other by-products of manufacturing and shop operations; from the sale of obsolete and unserviceable material, supplies, and equipment purchased or acquired for the operation, maintenance, protection, sanitation, and government of the canal and Canal Zone; and from exchanges of typewriting, adding, and other machines, shall be credited to the appropriation from which payments for the materials, supplies, labor, or other services were originally made. Moneys heretofore or hereafter received from the sale of material, supplies, and equipment purchased or acquired for the construction of the Panama Canal, after deducting all expenses of assembling, sorting, storing, repairing, and selling such material, supplies, and equipment, which deductions shall be credited to the appropriations from which such expenses are paid, and the moneys received as a reimbursement for the expenditures incurred in constructing waterworks, sewers, and pavements in the cities of Panama and Colon, including interest on such expenditures, excluding payments on account of the expenses for maintenance of such waterworks, sewers, and pavements incurred under agreement with the Panama Government, and otherwise herein disposed of, shall be covered into the Treasury as miscellaneous receipts. After the canal is opened for use and operation the net profits accruing during the fiscal year 1915 from the operations herein authorized shall be

than the ordinary man ought to know about the earth.

Literature; of the National Zoological Park; and the publications of the American Historical Association.

I official connection or affiliation with at least 60,000 people

tions must apportion them to the different periods and that no

more than the apportionment for a particular period can be used in that period.

Mr. FITZGERALD. That is all; and then if there is any unexpended balance from any one period, it may be used in the next period.

Mr. FOSTER. I withdraw the pro forma amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; and

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes.

The message also announced that the President had approved and signed bills of the following titles:

June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

June 16, 1914:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5295. An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes; to the Committee on Public Buildings and Grounds.

S. 5861. An act to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

No money appropriated by this or any other act shall be used for maintaining more than one branch of the Government Printing Office in any one building occupied by any executive department or departments of the Government, nor shall any branch of the Government Printing Office be established hereafter unless specifically authorized by law.

Mr. HOWARD. Mr. Chairman, I reserve the point of order against this paragraph. First, I desire to offer an amendment to it.

Mr. MANN. But the gentleman can not do both. I reserve the point of order on the paragraph.

Mr. HOWARD. I desire to offer an amendment.

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. A point of order is reserved.

Mr. HOWARD. I intended to reserve the point of order myself.

Mr. FITZGERALD. The gentleman can not do both.

Mr. HOWARD. Then I offer the amendment, as the gentleman from Illinois has reserved the point of order, if I may be permitted to do so.

The CHAIRMAN. While the point of order is pending nothing else can be done except to dispose of it.

Mr. MANN. What is the purpose of this provision?

Mr. FITZGERALD. It was ascertained that employees were detailed from the Public Printing Office to the various departments of the Government——

Mr. FOWLER. I demand the regular order.

The CHAIRMAN. The regular order is, Is the point of order made?

Mr. MANN. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 163, after line 8, insert the following: "No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing services in any other branch of the public service of the United States unless such detail be authorized by law.

Mr. MANN. Mr. Chairman, I do not know just what effect that would have even upon Andy Smith.

Mr. FITZGERALD. He is not detailed here.

Mr. MANN. He is detailed here; that is exactly what he is. He is detailed to the Capitol; he is not in the Government Printing Office, but he is detailed to the Capitol.

Mr. FITZGERALD. He is the CONGRESSIONAL RECORD clerk, both by title and appropriation, and this does not affect him.

Mr. MANN. That is all true enough; he is CONGRESSIONAL RECORD clerk, but he is detailed to the Capitol, paid by the Government Printing Office, and I think that amendment will cut him out. He is not the only one.

Mr. FITZGERALD. He is the only one in the category.

Mr. MANN. In the beginning of the last Congress the Democratic side of the House, in a moment of hysterical reform, cut off a number of employees who they said were useless; among them was the printing clerk. Ever since that time we have had, or shortly after that time, we have had a man detailed from the Government Printing Office to do work in part that the printing clerk used to do. I do not know just how we would get along; I suppose it is possible you might get the Democratic side to reverse its action; but it would be with great chagrin on their part if they had to do it. You can not run the House without somebody who has charge of the printing. That is not all. I only give these illustrations because I am familiar with this; I do not know how many others there are in the Government service. Usually at the close of a session of Congress the Committee on Accounts brings in a resolution providing for the employment of additional clerks by the chairman of the Committee on Enrolled Bills, and we allow them, on the supposition that those clerks when employed temporarily are the ones who really make comparisons of enrolled bills; but what they do in fact is usually to employ somebody who does not know proofreading or an enrolled bill from an original copy; and the Public Printing Office details some men, who come up here and read the proof of the enrolled bills so that they may be correctly enrolled. Now, this amendment prohibits all that. In the last Congress there did slip through and was presented to the Speaker, to be signed as enrolled, the public-buildings bill, although it never passed. There were 100 Senate amendments never agreed to by this body. Now, what will happen when it comes to enrolling the sundry civil bill and the legislative bill and various other appropriation bills in the next few days before the 1st of July with nobody permitted to read proof who knows how. Why, what is the purpose of cutting off the right——

Mr. FITZGERALD. These people read proof where they are employed, and——

Mr. MANN. Oh, no; the gentleman is mistaken.

Mr. FITZGERALD. The purpose is to cut off the detail of employees as was disclosed in the departments where they should not be.

Mr. MANN. Well, that is all right; I do not know as to that practice or not, but I know what the effect of this will be. The Public Printing Office people read the proof and make a comparison with the original copy and engrossed bill and conference reports and Senate amendments.

Mr. FITZGERALD. We provide by legislation every year for additional clerks for the Committee on Enrolled Bills.

Mr. MANN. I have said that; but they are not the ones who read the proof and make the comparisons.

Mr. FITZGERALD. Well, they should do it; and if that practice were broken up this money would have to be paid to the people who do the work and not to the men who do nothing.

Mr. MANN. The gentleman again is somewhat in error. We have a very excellent engrossing and enrolling clerk under the present administration of the House.

Mr. FITZGERALD. I am not criticizing him.

Mr. MANN. But, after all, there is a limit to what one or two men can do. Proof is supposed to be read by the Committee on Enrolled Bills, and the same comparison is supposed to be made by the clerk in charge of enrolled bills. But they have to have a detail sometimes from the Printing Office. The gentleman's amendment would prohibit that, and I do not think they ought to do it.

Mr. HOWARD. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield.

Mr. HOWARD. I read the hearings on this particular item, and is it not a fact that all of these men that are detailed at these departments are paid out of the fund of that department?

Mr. FITZGERALD. Mr. Chairman, I would like the attention of the gentleman from Illinois [Mr. MANN]. It would obviate the objection of the gentleman if we would modify the amendment so it would provide that during the last two weeks of the session——

Mr. MANN. Why does not the gentleman put in his amendment the executive departments?

Mr. FITZGERALD. Well, I think it ought to go further than that.

Mr. MANN. Of course, the gentleman knows that you never can tell the last two weeks of a long session of Congress. Now, the situation is right here, that we will have the sundry civil bill, the legislative bill, the Agricultural bill, the naval appropriation bill, and probably the Diplomatic bill, all to be enrolled within possibly 48 hours' time, if they get them along far enough so that these bills become laws by the 1st of July. But you could not say it is the last two weeks of the session, and we could not if we were morally certain now that we were going to adjourn on the 1st of July.

Mr. FITZGERALD. I ask to modify the amendment by inserting the word "executive," so as to make it read "executive branch of the public service."

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to modify his amendment by inserting the word——

Mr. FITZGERALD. Inserting the word "executive" before the word "branch."

The CHAIRMAN. Insert the word "executive" before the word "branch."

Mr. BRYAN. I ask that it be reported.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. GARDNER. Reserving the right to object, I would like to have the amendment reported as it would read if modified.

The CHAIRMAN. The Clerk will report the amendment as it will read if modified.

The Clerk read as follows:

No part of any money appropriated by this act shall be paid to any person employed in the Government Printing Office while detailed for or performing service in any other executive branch of the public service of the United States unless such detail be authorized by law.

The CHAIRMAN. Is there objection to the amendment being so modified? [After a pause.] The Chair hears none.

The question now is on the amendment as modified.

Mr. BRYAN. Mr. Chairman, on this matter I want to ask a question of the chairman of the committee. In some of these executive departments is it not a fact that details are now transferred to help out in emergencies, and that in such cases the expense is borne by the particular department to which such employees are temporarily transferred?

Mr. FITZGERALD. They are charged to the allotment of the printing fund of the department.

Mr. BRYAN. I am not sure, but I think some employees are at times transferred from the Printing Office to the office of the Auditor for the Post Office Department.

Mr. FITZGERALD. They have been in a number of the departments. An investigation was made by the committee, and the committee reached the conclusion that they were merely obtaining clerical service at the expense of their printing allotment instead of value in printing for the service rendered. We want to stop that. All of the departments are given ample clerical service.

Mr. BRYAN. If there were a lot of extra clerks in the Printing Office, it seems to me there would be only economy to permit them to work in other departments in case of an emergency.

Mr. FITZGERALD. Most of the employees aimed at here are not per annum employees. They are paid by the hour. If there is no work, the pay ceases. This is a desirable reform.

Mr. BRYAN. Would it not require also each department to keep the employees of the department up to the maximum number all the time, and tend to increase expenditures on account of keeping the roll up to the maximum?

Mr. FITZGERALD. No.

Mr. BRYAN. I think it would, and I hope you have fully considered the proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The amendment was agreed to.

The Clerk read as follows:

Mail-carrying system: To enable the Public Printer to install mechanical mail conveying apparatus for conveying mail from the mailing section within the Government Printing Office to and through a tunnel from the Government Printing Office to the new city post-office building and to connect with the mail-conveying system of that building, including all necessary appliances and tunneling in the street, $30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I suppose that is subject to a point of order. It looks to me a little bit queer that the Public Printer is the one to have charge of the installation of mail-carrying devices to connect with mail-carrying machinery in the new post office. I supposed the Secretary of the Treasury, probably, or the Supervising Architect, had jurisdiction of the mail-carrying machinery in the new Post Office Building.

Mr. FITZGERALD. This tunnel was under the control of the Public Printer, and an appropriation was given to him, if I recall correctly. This apparatus is to be utilized in the transfer of the public documents from the superintendent of documents to the cars and loading stations, and its installation reduces very perceptibly the force——

Mr. MANN. I am not objecting to the installation of the machinery, but it seemed queer to me that the Public Printer was the one to be authorized to go into the new post office and interfere there with mail-carrying machinery, or even to determine where this should end in the new Post Office Building.

Mr. FITZGERALD. The apparatus starts at the Government Printing Office and goes through the tunnel to the new building, and then they have these carriers in the Post Office Building. The intention is that these will be so built that they will deposit on the other carriers in the Post Office Building. It is not to give any authority to interfere there at all. I think the thing is to be worked out between the two services.

Mr. MANN. I have no doubt that it will be worked out between the two services; yet it would be better to have some one in control in the new Post Office Building, to determine how it would be worked out.

Mr. FITZGERALD. This is the new city Post Office Building.

Mr. MONDELL. This is really an adjunct of the Government Printing Office. It is furnishing them with the means of reaching the post office.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

First. For salaries of officers and employees of the Isthmian Canal Commission, including assistant purchasing and shipping agents, and all other employees in the United States, $150,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the gentleman's amendment?

Mr. FITZGERALD. To change the name of the Panama Canal Commission.

Mr. MANN. To strike out "the Isthmian Canal Commission"?

Mr. FITZGERALD. Yes.

Mr. MANN. I withdraw the point of order. I did not know but that the committee wanted to continue that commission.

The CHAIRMAN. The point of order is withdrawn. The Clerk will report the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The Clerk read as follows:

On page 166, in lines 3 and 4, strike out the words "Isthmian Canal Commission" and insert the words "Panama Canal."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Fifth. For the purchase and delivery of material, supplies, and equipment, including cost of inspecting material and of paying traveling expenses incident thereto, whether on the Isthmus or elsewhere, and such other expenses not in the United States as the commission deems necessary to best promote the construction of the Panama Canal, and such expenses as are incurred in assembling, sorting, storing, repairing, and selling material, supplies, and equipment heretofore or hereafter purchased or acquired for the construction of the Panama Canal, which are unserviceable or no longer needed, including the amount necessary to continue the construction of the two colliers provided for under the act approved June 23, 1913, subject to the limit of cost therein fixed, and including the payment of damages caused to the owners of private lands, or private property of any kind, by reason of the grants contained in the treaty between the United States and the Republic of Panama proclaimed February 26, 1904, or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection therein provided for, whether compromised by agreement between the claimant and the chairman of the commission or allowed by a joint commission, and the payment for land and land under water as authorized in section 3 of the Panama Canal act, for the departments of construction and engineering, quartermaster's, subsistence, disbursements, and examination of accounts, and including also payment to the Wheeling Mold & Foundry Co., of Wheeling, W. Va., of the sum of $9,076.21, to carry into effect an equitable settlement with that com-

pany, which could not be made by reason of the ruling of the Comp-

A tabulated statement of the contracts is below:

The Clerk read as follows:

On page 169, in line 14, after the word "Isthmus," insert "and for

The Clerk read as follows:

Obstacles—

and with his views, as expressed with regard to his preference for Democrats, it is fairly possible, honest man as is the Public agrees with me that he can see no reason for an automobile for a Democrat. That far we go together as brothers. The only

report on the legislative bill to-morrow morning, and that will give the membership of the House an opportunity to pass such

$200. I understand that this is for the benefit of the Smithsonian Institution. Am I correct about that? I will ask the

chairman of the committee. Is this for the aid of the Smithsonian Institute?

Mr. FITZGERALD. No. This is for the Astrophysical Observatory.

Mr. FOWLER. It is in connection with the Smithsonian? Is that true? I understand it is under the supervision of the Smithsonian Institute.

Mr. FITZGERALD. Yes.

Mr. GARDNER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

Mr. GARDNER. To insist on the regular order. The regular order has already been called for. The gentleman must either make his point of order or drop it. He has not made his point of order.

The CHAIRMAN. So far the gentleman has reserved his point of order. Does he make the point of order?

Mr. FOWLER. I am trying to get information.

The CHAIRMAN. Does the gentleman make a point of order?

Mr. FOWLER. If I be required to answer, I do.

The CHAIRMAN. The gentleman from Illinois makes a point of order?

Mr. FOWLER. Yes.

The CHAIRMAN. The Chair desires the gentleman to address himself to the point of order.

Mr. GARDNER. Mr. Chairman, I ask that the gentleman tell what his point of order is, so that we can understand it.

The CHAIRMAN. The Chair has asked the gentleman to state his point of order.

Mr. FOWLER. Mr. Chairman, I will do so. The paragraph carries an appropriation for the Astrophysical Observatory. The same work that is done by the Astrophysical Observatory is done by the Weather Bureau, and an appropriation has been made therefor.

Mr. GARDNER. Mr. Chairman, I raise the point of order that the gentleman has made no point of order.

The CHAIRMAN. The Chair thinks he has.

Mr. GARDNER. I respectfully ask the Chairman what is the point of order made by the gentleman?

The CHAIRMAN. The gentleman has made a point of order against the item which is contained in lines 16 and 17, amounting to $200.

Mr. MURDOCK. The gentleman from Illinois has not stated the ground of his point of order.

Mr. GARDNER. What point of order has the gentleman made? Why is the item out of order?

The CHAIRMAN. The Chair believes the gentleman is endeavoring to state it.

Mr. GARDNER. But he has made no point of order.

The CHAIRMAN. The Chair differs with the gentleman from Massachusetts, and the Chair will hear the gentleman from Illinois.

Mr. GARDNER. Will the Chair state for the benefit of the committee what the point of order is?

The CHAIRMAN. The gentleman from Illinois will please state his point of order, and the Chair will hear him.

Mr. FOWLER. The point of order I am making against this appropriation is that it is a double appropriation for one and the same purpose, whereas there ought not to be carried in any appropriation bill a doubling up of appropriations.

The CHAIRMAN. Is it the contention of the gentleman from Illinois that this appropriation is carried in another part of the bill?

Mr. FOWLER. Yes.

The CHAIRMAN. Does the other item precede or follow the item to which the gentleman now addresses himself?

Mr. FOWLER. I am not so sure that it is carried in this bill, Mr. Chairman; but I am sure that it has been appropriated for.

The CHAIRMAN. Is the gentleman making the point of order that this item is not authorized by law?

Mr. FOWLER. It is not authorized by law, but I was trying to get at a reason for not allowing this appropriation to be carried in this bill; and that reason is because there has already been an appropriation made, under another bureau, for the same purpose, and to make the appropriation here is to make a double appropriation, which ought not to be tolerated by Congress. The only purpose that can be served by this duplicate method of appropriation is to get more money out of the Treasury of the United States, at the whim and caprice of certain designing men, who think they know more about the heavens than the ordinary man ought to know about the earth.

The CHAIRMAN. The Chair is inclined to the opinion that the gentleman's procedure should be by a motion to strike out, rather than by a point of order.

Mr. FOWLER. While there is no authorization for this appropriation, yet I am trying to show another reason whereby it should not be carried in this bill; that is, that it is a duplicate of what has already been provided for.

Mr. FITZGERALD. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FITZGERALD. This is the only place where appropriations for printing are carried for any establishment of the Government. This $200 that these "designing men" are trying to get out of the Treasury is for certain printing for the Astrophysical Observatory, and this is the only place in any bill where appropriations are carried for printing for this institution. The gentleman is mistaken. It is for printing. There is no other item, no other manner, and no other place where money is carried for printing of reports in detail as to the results of the observations.

Mr. FOWLER. Mr. Chairman, there is a lump sum carried for this same purpose in two other appropriation bills. One is for the Smithsonian Institute, a lump sum, and the other is for the Weather Bureau, another lump sum.

The CHAIRMAN. The Chair is of the opinion that the point of order that it is a duplicate appropriation is insufficient.

Mr. FOWLER. Mr. Chairman, there is no authorization under the law, as I understand, for this item.

The CHAIRMAN. It is incumbent upon those who have charge of the bill to produce the law; but the Chair feels, without the act itself being produced, that he is sufficiently familiar with the Smithsonian Institution act to be of the opinion that this is authorized.

Mr. FOWLER. If a lump sum has been appropriated for this work in another bill, then it is not proper to keep this sum in this bill. There has been such a diversity of the use of funds under the "lump-sum" appropriations that it would take the greatest philosopher that ever lived on earth to figure out what was intended by an item in an appropriation bill under the "lump-sum" clause, and I am trying to save my Government the humiliation of such misappropriations.

The CHAIRMAN. The recollection of the Chair is that the blanket appropriation in the Smithsonian Institution act is unlimited. The Chair sympathizes with the object which the gentleman from Illinois has in view, but the Chair is of the opinion that the legal situation is as the Chair has stated it.

Mr. FOWLER. Does the Chair rule that the appropriation here provided for can not be paid out of the original lump-sum appropriation?

The CHAIRMAN. The present occupant of the chair will undertake to decide such matters as come before him in this appropriation bill and will not undertake to go back and revise the rulings on other appropriation bills.

Mr. MANN. If the Chair will permit, the fact is there is no other appropriation which carries a lump-sum appropriation of any kind for the Smithsonian Institution out of which printing is allowed. The gentleman from Illinois is proceeding under an erroneous assumption.

The CHAIRMAN. The Chair will overrule the point of order.

Mr. FOWLER. Mr. Chairman, my colleague is always ready with information, whether it be correct or incorrect; he is familiar, by a long experience of 16 years, with the fact that a system of diverting money from the purpose for which it is appropriated, even in the purchase of automobiles without authority, has been in practice for a long time. Why he should say that I am proceeding under an erroneous idea, with such custom staring him in the face for 16 years, I am led to the mountain of doubt as to the sincerity and purpose of the gentleman in making the criticism. Mr. Chairman, I withdraw the point of order.

Mr. FESS. Mr. Chairman, I did not rise to speak upon the point of order. The appropriation for this item last year was $74,900 and this year $76,200. I think it is perfectly clear that this item for printing is in order, and that the other sum, referred to by the gentleman from Illinois [Mr. FOWLER], is for an entirely different purpose. What I want to call attention to is the work that the Smithsonian Institution is doing. I think it is one of the best, if not the finest, examples of what can be done in the way of research by any single institution in the United States, if not in the world. For years I have been interested in the character of work done by this organization.

I have casually looked over the work of the Smithsonian Institution within the last few years and I find that it has an official connection or affiliation with at least 60,000 people

scattered the world over. I think it has an official connection with every learned society on earth. Its work of research has reached to various parts of the world, in which it initiated investigations. I think through the Smithsonian Institution, largely, Washington has become the greatest scientific center over and beyond any other city in the world, not even excluding Berlin and Paris, both of which are noted as centers of scientific research.

I notice that through the Smithsonian Institution we have had more than 10,000 titles of original research in the time it has existed, from 1846, when, as I remember from reading history, Mr. Smithson made this great bequest. Financially it is one of the most splendid examples of the growth of a fund so bequeathed and protected, for the original gift was only $515,000. To-day it amounts to within $2,500 of $1,000,000, and yet there has been no effort to add to the fund.

Besides that, through the mere matter of governmental exchange, which is practically without expense, there is property in the way of collections that would amount to more than a million dollars. I would have no way of measuring the money value of such collections as are housed there. Besides, there are buildings to house these splendid collections, which probably approach very near a million dollars. The original gift by this Englishman of a half million dollars has grown into one of the most valuable treasures in the world.

The Museum alone in the Smithsonian Institution added to its rare collection over 300,000 specimens last year. The matter handled in the way of books, pamphlets, specimens, and so forth, in the international exchanges alone amounted last year to 600,000 pounds. It seems to me that here is an expenditure of money for the work that is being done, when gauged by its national significance, that is not duplicated in any other single center of scientific activity in this country or in any other. The complete publications, including the contributions to knowledge, the miscellaneous collections, and the annual reports, constitute the best body of knowledge extant. I think largely under the influence of the Smithsonian Institution we have gathered here a group of scholars that no other center has. We need but recall Henry, Baird, Powell, Newcomb, Goode, Langley, and others to realize the stamp of investigator attracted here to the Capital by this opportunity. I think when you recall that the Weather Department, now so prominent and important, was started in the Smithsonian Institution as a mere incident of investigations in the subject of climate, that it has grown into the proportions of a magnificent governmental department, it gives us an idea of what it does. Who can fully measure the work of the Nautical Almanac Office of the Government, inaugurated by Newcomb, or who can estimate the worth of the investigations in geology conducted by Powell? The most recent work of research was that of Langley in demonstrating aerial navigation.

When we remember that splendid Fish Commission, that has attracted attention the world over, the work accomplished there being observed by the biologists of all the world—when we remember that Fish Commission started as a mere division in the Smithsonian Institution some years ago and now has been turned over to the Government as a special department, it gives us some idea of what the Institution is doing. One of the earliest activities of the Institution was the collection of scientific books for the use of collaborators and the public. These books became useful to legislators, and the work was soon transferred to the Government and became the germ of our Library of Congress. Naturally, next to books, objects illustrating human progress are most important. Henry began the collection, which was carried on by Goode and matured in the Museum.

It seems to me that while we are interested in economy, and are justified in keeping down appropriations for needless luxuries as emphasized by the expenditures for automobiles for Government departments, and so on, all of which I am in sympathy with, yet while we talk enthusiastically and almost indignantly, as if the destiny of the Nation hung upon our denial of such accessories, we ought not to pass without notice this splendid institution of research, which comes in this bill immediately after the item for automobiles. This item is for printing the results of investigation of this group of scientific scholars. This item looks to the publication of the annual reports; the publications and bulletins of the National Museum; the publications of the Bureau of American Ethnology, one of the most valuable works of research under the Government; the publications of the Astrophysical Observatory; of the International Exchanges of the International Catalogue of Scientific Literature; of the National Zoological Park; and the publications of the American Historical Association.

Here is a piece of constructive work. I do not believe that there is any other like it in this country. Its nearest approach is the Carnegie Institution for Research. I rose to call attention to it, and to commend the committee for the recognition of the noted work that this splendid center is doing in the way of research.

You are carrying one item of $7,000 for the American Historical Association, that was organized in 1884, and which has given an annual report ever since. To-day those reports constitute a splendid library. Among other most valuable contributions of this association of history students there are certain documents in the American Historical Association publications that are simply beyond estimate, such, for example, as the letters and writing of James K. Polk and the letters and writing of John C. Calhoun and others that would have been totally lost to the scholarship of this country and the students of United States history had it not been for an organization like the American Historical Association. Such valuable writings could not possibly be preserved any other way than by Government assistance, and I desire here and now to compliment the committee for its position in making it possible to continue this good work. [Applause.]

Mr. HAWLEY. Mr. Chairman, may I be permitted to ask the gentleman from New York a question? What is his purpose in respect to continuing the session during the evening?

Mr. FITZGERALD. We are going to try and finish the bill, and I think we can do it without any trouble.

Mr. HAWLEY. It is the intention to continue in session until late to-night?

Mr. FITZGERALD. I think we can finish the bill shortly. I hope so.

The Clerk read as follows:

For the Supreme Court of the United States, $15,000; and the printing for the Supreme Court shall be done by the printer it may employ unless it shall otherwise order.

Mr. BRYAN. Mr. Chairman, I would like to ask the Chairman of the committee why the provision is carried that the printing for the Supreme Court shall be done by the printer that it may employ. Why is not that printing done by the Public Printer?

Mr. FITZGERALD. Mr. Chairman, for a number of years the United States Supreme Court has had a special printer who prints its decisions. The value of advance information of these decisions would be such that they have to take every precaution to prevent any leaks.

Mr. MURDOCK. Did not this provision follow some very important leaks?

Mr. FITZGERALD. Some years ago there were some leaks, and then the Chief Justice requested that this authority be given; and since that time, I understand, there has been no premature information furnished.

Mr. BRYAN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

That no more than an allotment of one-half of the sum hereby appropriated for the public printing and for the public binding shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters the unexpended balances of allotments for preceding quarters may be expended; and no department or Government establishment shall consume in any such period a greater percentage of its allotment than can be lawfully expended during the same period of the whole appropriation.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. Would the chairman of the committee be kind enough to tell us what is meant by the provision commencing on line 16, after the word "expended"—

And no department or Government establishment shall consume in any such period a greater percentage of its allotments than can be lawfully expended during the same period of the whole appropriation?

Mr. FITZGERALD. Mr. Chairman, the whole purpose of this paragraph has been to require the apportionment of the appropriation for printing in the various governmental services so as to prevent appropriations for printing being all used up in the first part of the fiscal year and large deficiencies created and pressure exerted for additional sums because important printing had to be done for which there was no money. This plan has been worked out, and it has been found that under its operation the departments, being compelled to make allotment of their work and distributed over the entire year, that it is one of the most corrective provisions in the prevention of waste and useless expenditure that public printing ever devised.

Mr. COX. It is new, is it not?

Mr. FOSTER. No; it is not new. It simply provides that these executive departments having charge of these appropriations must apportion them to the different periods and that no

Mr. FITZGERALD. Mr. Chairman, I would like the attention of the gentleman from Illinois [Mr. MANN]. It would

ing and to connect with the mail-conveying system of that building, including all necessary appliances and tunneling in the street, $30,000.

Mr. MANN. Mr. Chairman, I move to strike out the last

them when they have no authority in the world to do it and it is not fair to my constituents or your constituents. Now, what

has been inserted in the legislative appropriation bill in the

larly employed in that office, and there are a great many casualties which occur there in the course of the year, and

we talk so much about ought to be put in practice. You might

just as well get an automobile to carry Members backward and forward from the departments to this Capitol, where they are compelled to go, as to give an automobile to the Public Printer to go where he is compelled to go. We would not vote for such a thing for ourselves, and why should we vote for it for subordinate officials in the executive departments? Why is it incumbent upon us to carry the head of a bureau from his home to his office, when we have to walk or ride on a street car and pay our own expenses? Now, I do certainly think when we refuse to appropriate for an automobile for the Speaker of the House, and he heartily approved our course, and yet it seems we are quite content to authorize one or two for a chief of a bureau—I am seriously contending that such an authorization is an abuse within itself, even though it is used only for official purposes, and I hope that the amendment will be adopted, and that never again will we provide these high-power expensive machines, which tend to encourage these gentlemen to think that because they are favored by legislation that they are a preferred class of public servants. I hope, in the interest of Democratic simplicity, we will vote to strike this item from the bill.

Mr. MONDELL. Mr. Chairman, I am very much surprised the gentleman from Georgia and the gentleman from Tennessee should make such a vicious attack upon the chief headsman of the Democratic Party. These gentlemen certainly can not realize the good work this official has done for the Democratic Party——

Mr. HOWARD. I thought the gentleman said "herdsman"; I beg the gentleman's pardon.

Mr. MONDELL. Well, that would apply also. The gentlemen evidently have not heard of the splendid service this gentleman has rendered to the Democratic Party down here in the Printing Office. But before I refer to that I want to talk about this matter of automobiles for a moment.

Mr. COOPER. Two of them.

Mr. MONDELL. There are two electric automobiles. There was an electric when the present Public Printer came into the office which he calls an electric cab. It was old and somewhat out of date, and the Public Printer is not a cheap guy; he is no piker, and he bought one of the best electrics that could be found on the market. It is a $4,000 machine, but the Public Printer got it at a bargain; he paid $2,800 for it.

But, mark you, this Public Printer is an official mindful of the law, and in that he differs from some other public officials who buy automobiles. He bought this automobile, after consulting people high in authority in the administration, out of an appropriation for "electric appliances." [Laughter on the Republican side.] And is not an electric automobile an electric appliance, even though it is likely to be used partly for private purposes? Now, there is another way in which the Public Printer differs from some other public officials. The Public Printer is an honest man, and I do not think that he would deny that this is, to a certain extent, a vehicle used for private and family purposes. It is a swell rig, and the gentleman from Georgia knows, as he says he has seen it recently. It is beautiful, and it is beautifully kept at public expense. I am of the opinion, however, that the Public Printer does have quite a bit of use for an automobile for official business. If we are to deprive officials of automobiles, we should begin with some official having less real official need of a machine than the Public Printer. This Public Printer is a good official, and in addition to being a good official he is a good Democrat. The gentleman from Tennessee [Mr. SIMS] talks about Democratic simplicity. The Public Printer is a Democrat, but he is not so simple as some people might imagine. He was interrogated by members of the committee as to the manner of making promotions down in the Government Printing Office, and he said in reply to a question propounded by the gentleman from Massachusetts [Mr. GILLETT] as to what his method was—

> Why, if a vacancy exists, the preference would be given to a Democrat if he were equally competent.
>
> Mr. GILLETT. In saying that, did you understand that you were representing the administration?
>
> Mr. FORD. No, sir; I was representing the Public Printer.
>
> Mr. GILLETT. And that was your personal view?
>
> And Mr. Ford answered—
>
> Yes, sir.
>
> Mr. GILLETT. You think that is obedient to the civil-service law, do you?
>
> Mr. FORD. I think so, because the Civil Service Commission does not recognize Republicans or Democrats, and neither do I, but I have a sort of preference for the Democrat if he can fill the bill and there is a vacancy existing. If there is no vacancy, then, of course, it is all off.

Of course, it is a matter of judgment with the Public Printer as to whether two or more candidates are equally competent, and with his views, as expressed with regard to his preference for Democrats, it is fairly possible, honest man as is the Public Printer, that a Democrat always gets the benefit of the doubt, and I am surprised at my friend from Georgia, good Democrat as he is, believing in the faithful securing all the jobs, should pick out this one man who has been conspicuous in this respect and complain of him.

Mr. QUIN and Mr. FOWLER rose.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] is recognized.

Mr. QUIN. Mr. Chairman, I noticed what the distinguished gentleman from Wyoming [Mr. MONDELL] had to say about the Democracy of the Public Printer. I am glad we have a Democrat in that office. I am a plain, simple Democrat. I believe the party that is in power ought to hold what jobs there are. I know if I were a Republican and the administration were Republican, I should want to kick the Democrats out, and if I had my way about it there would be a lot of Republicans packing their baggage and getting out of these departments around here. In fact, every postmaster of the United States would be a Democrat. But I do not happen to have my way.

This Public Printer is a Democrat, and a good one. He is a good man, a straight man, and an honest official, who is running that department in a nice way, but I am against this automobile business. I think it is time for this Congress to stop all this tomfoolery of our public officials riding around in great, big automobiles, at the expense of the taxpayers. In fact, sometimes I think you would have two-thousand-dollar men riding in four-thousand-dollar automobiles. The people of this country have to pay the taxes, and if we propose to set the example of extravagance by permitting the officials here to ride at the Government expense in these extravagant automobiles, you will be setting an example that will come up like Banquo's ghost to haunt us.

It is true that a few thousand dollars for this official and that official do not amount to much, but by the time you aggregate it all it will run up into the hundreds of thousands of dollars. There is where the trouble is; and this talk about it being necessary to transfer a little pay roll over here is worse than tomfoolishness. The idea of a few employees of this Government having to have money carried to them in an automobile! I am glad to walk in order to get mine. I think the people of my district are glad to walk up to the desk and get their money. What business have we got to have two automobiles for a public official to transport a little money over to certain employees? I think it is a reflection on the Democracy; and, as one Democrat, I will vote to take the automobiles away from all of them. The Congressmen do not have automobiles furnished to them by the Government, and they ought not to ever want such things at the expense of the people. You pay a street car fare to get to the departments, and when you get there you have to wait an hour sometimes to see anybody. Since I am a Democrat, I want to see men in these positions bearing the manners and methods of Democrats. I want to see the Democrat in Congress, the democrat in nature, the democrat in life, exercise all the functions of his office in a democratic manner. That is the type of Democrat, if the gentleman from Wyoming [Mr. MONDELL] will yield to me, that I want to see in office. And I love to see that type of Republican and Bull Mooser in office; and if your party, sir, ever comes back into power again, I hope that you will have good Republicans who will run their departments economically, wherever they may be. I consider it, when we let these two battleships we sold here yesterday, one of them bearing the name of my own State, the grand old State of Mississippi, go to a foreign Government, perhaps at 30 per cent of their value, as a serious reflection on the economy of this House. It was a scheme to sell these two battleships and put the money into a big dreadnaught and give the Armor Plate Trust some more money out of the pockets of the people of this country. That is what the scheme is. I am afraid that a great many men who voted for it voted for it on sentiment instead of knowing the real issue that is involved. You talk around here about the need for a big Navy, and yet you sell two of your battleships; and a lot of men fell into the trap and let the trusts proceed to plunder the toiling masses of America out of $51,000,000.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. FOWLER. Mr. Chairman, I desire to speak in opposition to the amendment now pending; that is, to strike out the last two words.

Mr. Chairman, as a Democrat, I can not see any use for an automobile for a Democrat. Now, a Republican may see some use for an automobile for a Republican, but the Republican agrees with me that he can see no reason for an automobile for a Democrat. That far we go together as brothers. The only

thing I desire to see is the Republicans get far enough along to see no use for an automobile for a Republican. Now, I do not know just what kind of fiber our Public Printer is made of. It is said he is made of good Democratic fiber. If he is, he stands with me against extravagance and against the purchase of an automobile with public funds. I can not see any reason for the Public Printer having an automobile any more than for the Representative of the twenty-fourth congressional district of Illinois having an automobile.

Mr. BRYAN. Two.

Mr. FOWLER. My good Bull Moose friend from Washington [Mr. BRYAN] says two. And he is a friend of mine, because he is going to vote against this allowance, and I will vote against it, and I want every Member to vote against it.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. FOWLER. Just for a simple question.

Mr. BURKE of South Dakota. Has not the gentleman been here long enough so that he knows that if this item is stricken out of the bill now it will be in the bill when it becomes a law? Does not the gentleman know that?

Mr. FOWLER. I have been a student of that character of legislation for some time, and I am surprised that in America we sometimes have legislation that has not been enacted by a majority of Congress, but put in the bills while in the hands of the conference committee, a committee which had its origin in the necessity of the occasion undoubtedly, but, in my opinion, which has sadly abused the privileges that were originally conferred upon it.

Now, Mr. Chairman, I understand that this good Public Printer has been rendering most valuable services to his country, but I understand also he has been rendering good services to himself and his family by using that magnificent electrical automobile to carry himself, his family, and friends and others to the ball games—a place where no man has a right to go during the hours his Government has a claim upon him for service and duty.

Mr. MANN. Will my colleague yield for a question?

Mr. FOWLER. Yes; for a short, civil question.

Mr. MANN. Does the gentleman know what kind of automobiles these are? Are they Ford machines?

Mr. FOWLER. Oh, no. I understand that the Ford machine is made for common people.

Mr. MANN. I understood that the Public Printer had a number of Ford machines. [Laughter.]

Mr. FOWLER. Oh, yes; that may be. But the machine we are discussing is the cream of machines.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. HOWARD].

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in two minutes.

Mr. MANN. Oh, if the gentleman is going to stay here, we have already had time enough wasted.

Mr. JOHNSON of South Carolina rose.

Mr. FITZGERALD. I am not trying to foreclose anybody, but——

Mr. MANN. If the gentleman is going to stay here to-night, I think we have wasted enough time in talk like this. I am not willing to stay here all night for the purpose of hearing such talk.

Mr. FITZGERALD. I ask unanimous consent, Mr. Chairman, that all debate close in two minutes. I wish to yield two minutes to the gentleman from South Carolina [Mr. JOHNSON].

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that all debate close in two minutes. Is there objection?

Mr. HOWARD. Mr. Chairman——

Mr. FITZGERALD. Then, Mr. Chairman, I move that all debate on the pending amendment close in two minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment close in two minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from South Carolina [Mr. JOHNSON] is recognized for two minutes.

Mr. JOHNSON of South Carolina. Mr. Chairman, I merely want to state to the committee that section 5 of the legislative bill deals with automobiles in all the governmental departments here in Washington. I promised when the legislative bill went to conference that that amendment would be brought back so that the House could have an opportunity to discuss it, to amend it, and to vote on it. I expect to call up the conference report on the legislative bill to-morrow morning, and that will give the membership of the House an opportunity to pass such legislation as may be desirable touching automobiles in all departments of the Government.

Mr. MANN. If we strike this out now?

Mr. JOHNSON of South Carolina. Yes.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

Mr. BARTON. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the Smithsonian Institution: For printing and binding the annual reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution: For the annual reports of the National Museum with general appendixes, and for printing labels and blanks, and for the bulletins and proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half morocco or material not more expensive, scientific books and pamphlets presented to or acquired by the National Museum Library, $37,500; for the annual reports and bulletins of the Bureau of American Ethnology, and for miscellaneous printing and binding for the bureau, $21,000; for miscellaneous printing and binding for the international exchanges, $260; the International Catalogue of Scientific Literature, $150; the National Zoological Park, $200; the Astrophysical Observatory, $200; and for the annual report of the American Historical Association, $7,000; in all, $76,200.

Mr. FESS rose.

Mr. FOWLER. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN (Mr. JOHNSON of Kentucky). The gentleman from Illinois [Mr. FOWLER] reserves a point of order on the paragraph.

Mr. FESS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Ohio [Mr. FESS] moves to strike out the last word. Does the gentleman from Illinois make the point of order or reserve it?

Mr. FOWLER. I have reserved it.

Mr. FITZGERALD. On what page?

Mr. FOWLER. On page 100.

Mr. FESS. Mr. Chairman, may I proceed?

Mr. FITZGERALD. What does the gentleman want? Is a point of order reserved?

Mr. FESS. Yes.

Mr. FITZGERALD. What is it? Who reserved it?

Mr. FOWLER. I reserved the point of order.

Mr. FITZGERALD. I would like to know what the situation is.

The CHAIRMAN. The Chair does not know what it is that the gentleman from Illinois has reserved his point of order for.

Mr. FOWLER. The gentleman from Ohio [Mr. FESS] undoubtedly rose before I did. I wanted to reserve a point of order, and at the same time I wanted to show my respect for the gentleman from Ohio, and for that purpose I was willing to yield the floor to him. The Chair recognized him, and for that reason I have not pressed my desire to be heard.

Mr. FITZGERALD. I demand the regular order, Mr. Chairman. The regular order is the disposition of the point of order. What is the point of order?

The CHAIRMAN. Will the gentleman from Illinois state for the benefit of the Chair what his point of order is?

Mr. FOWLER. Mr. Chairman, I do not desire to take the gentleman from Ohio [Mr. FESS] off the floor at all. I desired to reserve the point of order, in order that I might get some information as to whether there is a duplication in this paragraph as to certain items.

My position is——

Mr. FITZGERALD. Mr. Chairman, I object to the gentleman speaking until the Chair has disposed of the matter. What is the point of order?

Mr. FOWLER. I do not have to answer the gentleman from New York.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] reserves the point of order. The gentleman from Ohio [Mr. FESS] does not wish to speak to the point of order, but to the pro forma amendment of striking out the last word. The regular order is to determine whether or not the paragraph is subject to a point of order. The Chair will hear the gentleman from Illinois.

Mr. FOWLER. Mr. Chairman, in line 16 the paragraph carries an appropriation for the Astrophysical Observatory of $200. I understand that this is for the benefit of the Smithsonian Institution. Am I correct about that? I will ask the

machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery and mailing of the work, $4,463,320.

Mr. HOWARD. Mr. Chairman, I offer an amendment, on page 157, line 16, after the word "care," to insert the words "for the carriage of printing and printing supplies only."

Mr. FITZGERALD. Let the amendment be reported.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. HOWARD:

Page 157, in line 16, amend by inserting, after the word "care," the words "for the carriage of printing and printing supplies only."

Mr. HOWARD. Mr. Chairman, I think this amendment reaches an evil that is being practiced by certain subordinate officials in Washington that ought to be stopped, and that evil is this: I understand that the present Public Printer has at his disposal two magnificent $4,000 electric passenger coupés. One of them is a brand new one, and the other, I think, was handed down to him by the former Public Printer, Mr. Donnelly.

In a former Congress I had occasion to say something about this abuse under the former administration. Lo and behold, it develops that under this administration the Public Printer, not a member of the Cabinet, not having the high official position that members of the Cabinet have, instead of having one magnificent electric vehicle to carry him around he has two; and how he can ride in both of them at the same time I do not know. It is an abuse that the people of the country, my constituents and your constituents, ought not to be made to pay for. He is nothing in the world but the head of a printing establishment; and this Public Printer has no more right to a passenger vehicle to carry him around at Government expense than the Clerk of this House or any other official.

Mr. MONDELL. Will the gentleman yield?

Mr. HOWARD. Yes.

Mr. MONDELL. How did the Public Printer come to get this second $4,000 electric automobile, and out of what appropriation was it paid for?

Mr. HOWARD. The Lord only knows how the Public Printer got it. I should like to know how they all get them; but they do get them, and it is a diversion of the funds from some source or other, as I know there is no direct appropriation made for them. One of the most flagrant and palpable abuses of this privilege is in the War Department; and when I had occasion to say something about it before the Committee on Military Affairs, and it got out here and it was in the RECORD that we knew how flagrantly they were abusing this privilege, whereas they used to have the letters "Q. M. D." on these depot wagons, since this agitation has taken place they have put a little black paint over the red letters "Q. M. D." on these magnificent depot wagons, and now you can no longer identify them.

Now, why has the Public Printer two magnificent electric vehicles for his private convenience at the public expense? Talk about official convenience. He can go anywhere he wants to go or has any business on a street car, and I think the time has arrived when if the Speaker of this House thinks this practice is such an abuse that he refuses to use an automobile other public officials ought not. The Speaker of this House does not use an automobile, although he has a right to do it and there was one handed down to him from Speaker Cannon—he has never used it, and he never will, because he believes, as I believe, that it is not right to use the people's money for such purposes.

Mr. MANN. He has a right to do it, but he has not the automobile.

Mr. HOWARD. That is true. He has not the automobile; but he could have had it and used it, because there was one left him, as I have stated.

Mr. MANN. The gentleman from Georgia and I have a right to ride in automobiles.

Mr. HOWARD. Yes, that is true; but we have not a right to do it at the public expense. Now, I know a little something about electric vehicles, and I know something about what they cost; and I have seen one of these vehicles going around with this gentleman, not on official business, but on purely private and pleasant affairs, and it is unwarranted and it ought to be stopped; and I hope that the gentlemen present will vote for this amendment, so that we can stop the abuse of this privilege. These officials have these vehicles, and they are riding around in them when they have no authority in the world to do it and it is not fair to my constituents or your constituents. Now, what has made the Public Printer so great, the head of the Government Printing Office, that he has got to have two $4,000 automobiles at his beck and call day and night, and two great big buck chauffeurs at his command day and night? I think it is time to stop it. I think it is time to use emphatic language in describing these abuses as they exist. I know this abuse exists, because I have seen it with my own eyes. He has got the coat of arms of the Government Printing Office on these automobiles as big as a soda biscuit, a great big coat of arms of the Government Printing Office on the doors in magnificent colors.

I think the gentleman from New York [Mr. FITZGERALD] will agree with me that this privilege is being abused in this city by officials, not only the higher officials but the little fellows as well. Why, even the veterinary surgeons will be getting to the point where they will want $4,000 or $5,000 automobiles to go out here to see a sick cow at the Soldiers' Home. They have all got to ride. The Cabinet officers, the generals, the captains, the lieutenants, the chiefs of divisions, and all; but, Mr. Chairman, the people who pay for all this show and extravagance have to walk. If you were to kill off all Washington by automobiles, 50 per cent would probably be killed by Government officials driving cars paid for with the people's money.

Now, Mr. Chairman, I have no more criticism for the Public Printer than for any other official. I am simply consistent. I fought this extravagance under the Republican administration, and it is just as reprehensible and subject to criticism under a Democratic administration. I shall continue to pursue this sort of foolish waste of the people's money so long as I remain here, and I hope that a Democratic Congress will have the courage to put a stop to it in every department of the Government.

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not be adopted. There are two electric vehicles for this office. There was one prior to the advent of the present Public Printer, and he has purchased a new machine, the list price of which is $4,000, but it was bought for $2,800, because the owner died shortly after buying it.

These machines are used for a number of purposes. One of them is to carry a sum of between $75,000 and $100,000 from the Treasury Department to the Printing Office to meet the weekly pay roll. These machines are used by a number of employees in connection with the distribution and collection of manuscripts. Whether there is any abuse in connection with the use of them I am not prepared to say. There is pending in the legislative appropriation bill a provision which it is hoped will very largely eliminate the abuse which has resulted from the use of automobiles in the Government service. It has not yet been perfected. It was put on the legislative bill in the Senate. It has not been agreed to because they are at work attempting to perfect it so that it will effectively do its work.

If the amendment of the gentleman from Georgia is adopted, it is difficult to say what its effect will be. I know that they have 4,000 employees there, and it is a serious question to handle the currency from the Treasury Department for the Printing Office on the weekly pay roll.

Mr. HOWARD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HOWARD. That is done four times a month. The taxicab fare, if the disbursing agent would take the trip by cab, would be $2.30. If he has to bring it in an automobile, why could he not hire a cab?

Mr. FITZGERALD. Under the law they are entitled to utilize horses and carriages for strictly official purposes. All the horse-drawn vehicles were dropped from the Government Printing Office service because they had a place where they could put in electrically operated vehicles and charge and store them at a cost insignificant compared to the cost of maintaining horses. I do not know whether there is any abuse connected with the use of these automobiles or not.

Mr. HOWARD. Does the gentleman think, as the economist that he is and guardian of the Treasury as he is shown to be, that there is any justification on the face of the earth for the Public Printer to have two $4,000 electric automobiles at his disposal? Does not the gentleman think he is stretching it powerfully when he gets two? Does not the gentleman think he ought to be modest about it?

Mr. FITZGERALD. My own opinion has been that there is no necessity for two passenger motor vehicles for the Public Printing Office.

Mr. FOSTER. Let me ask the gentleman from New York. The Government Printing Office is a machine shop, where there is a great deal of machinery. They have two physicians regularly employed in that office, and there are a great many casualties which occur there in the course of the year, and

quite a number are taken to the dispensary or to their homes or to a hospital. If they did not have some vehicle to transport them, it would be necessary to hire vehicles outside.

Mr. HOWARD. If the gentleman will yield, I venture the assertion that the new machine they have got is never used for that purpose. In the first place, it is not a rapid machine; it is an electrical machine. It is not a machine that you could put a cot into or anything of that kind. It is a coupé, with the most magnificent trimmings and trappings of any car in Washington except one, and that belongs to the Russian Legation.

Mr. FITZGERALD. As far as the trimmings and trappings are concerned, the car described by the gentleman was bought from an estate at a large discount, because of the sudden decease of the person who had purchased it. I think the character of the car is not a proper subject for criticism.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Under the law, if the Public Printer or any of his subordinates ride in a street car or in a taxicab, that can not be charged up against the Government or the District of Columbia. Am I right?

Mr. FITZGERALD. I think they can. I think those are legitimate disbursements.

Mr. MANN. My opinion is that officials in the District may not employ vehicles for hire and charge it to the Government. Hence, we buy them where we need to use them, even if only once a month, when we might get a taxicab for $2. It is cheaper for the individual but not for the Government; but we buy the automobile and employ the chauffeur.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman from New York a question. Out of what fund has the Public Printer paid for this automobile?

Mr. FITZGERALD. Out of this appropriation; and it was approved by the Joint Committee on Printing of the two Houses which supervised it.

Mr. HAWLEY. When the appropriation was made there was no intention on the part of the committee that an automobile for the Public Printer should be purchased out of it.

Mr. FITZGERALD. No; they have a number of automobiles; they have several trucks. They have more motor vehicles than any other branch of the public service in Washington.

Mr. HAWLEY. The gentleman does not answer my question. I say it was not intended by the Committee on Appropriations, when they made the appropriation out of which this automobile was paid for, that any part of it should be used for such a purpose.

Mr. FITZGERALD. I can not say that myself.

Mr. HAWLEY. The gentleman would know if such was the intention.

Mr. FITZGERALD. My information is that automobiles have been purchased as the result of a decision that was made. The Committee on Appropriations in providing appropriations did not intend that they should be automobiles for official passengers, except where there was such specific and unquestioned language. In the Government Printing Office there was one. They had several teams of horses and wagons.

The Public Printer, I understand, with the approval of the Committee on Printing, sold these driving horses and carriages and purchased this Rauch-Lang car for $2,800, because as they generate their own electrical power at the Printing Office and have the space to store the car, and also have a number of electric trucks, he deemed it more economical to buy that car and keep it in that way than to maintain the horses and carriages.

Mr. HAWLEY. The gentleman knows, and he has so contended for many years, that the control of the expenditure of funds should be in the hands of Congress, and the approval of those expenditures should be made by Congress. I would like to ask the gentleman further if when this appropriation was made out of which this automobile was paid for and the matter was pending before his committee any departmental chief told the gentleman or his committee that part of the money was to be used for the purchase of this automobile?

Mr. FITZGERALD. Mr. Chairman, I do not remember. There was a different man at the head of the Public Printing Office when the appropriation was investigated and when the purchase was made, so that you could not hold one official responsible for the failure of another to call attention to it.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the committee—and particularly the attention of the gentleman from Georgia [Mr. HOWARD] to this paragraph which has been inserted in the legislative appropriation bill in the Senate, and which will be enacted into law in some form. It is intended to eliminate the abuses in connection with the use of motor vehicles in the Government service. That provision is as follows:

No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sum required, the public purposes for which said vehicles are intended, and the officials or employees by whom the same are to be used.

This is a provision which it is believed, with perhaps some modifications, will so regulate these matters as to eliminate the abuses.

Mr. HOWARD. That provision has in it the language "or any other act." I do not see how they can extend it to any other act.

Mr. FITZGERALD. Oh, yes; we can do that. That is why it was put in, so as to apply not only to the appropriations carried in the legislative bill, out of which the heads of the departments are reached, but also to appropriations made in any other bill. For instance, there is one bill reported by a committee, for field service, and an automobile has been purchased out of that, and is being used by the head of a department in this city, and that is an abuse. I think the gentleman and myself are in thorough accord in respect to the matter.

Mr. HOWARD. I want to say to my good friend that I will be perfectly willing to withdraw my amendment or anything of that sort affecting this abuse; but I am as confident as that I am living that that provision which he has just read will never be agreed to, and that some sort of a loophole will be left by which these men can continue this abuse.

Mr. FITZGERALD. The gentleman understands that this is not a provision that was put in by the House?

Mr. HOWARD. It was put in by the Senate?

Mr. FITZGERALD. Yes; and is now being examined by the gentleman from South Carolina [Mr. JOHNSON] and the gentleman from Tennessee [Mr. BYRNS], so that they may be sure that it is so worded that it will not have a loophole in it. This amendment will be adopted in some form, without any question, because we are very glad of this opportunity to adopt it.

Mr. HOWARD. Mr. Chairman, the gentleman from New York I know is heartily in favor of that provision, and as a forerunner of this great reform that ought to have been inaugurated years ago I hope that, in view of the fact that this particular officer, the head of the printing office, has been so immodest as to get two of these $4,000 automobiles, he will accept this amendment striking at him as an indication of what is going to come later for these other men who are guilty of these abuses. I ask unanimous consent to so modify my amendment that it will come in after the word "vehicle," in line 15, in place of after the word "cars," in line 16.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to modify his amendment in the manner indicated. Is there objection?

There was no objection.

Mr. SIMS. Mr. Chairman, I have no doubt but that the gentleman from New York [Mr. FITZGERALD] is perfectly sincere in trying to legislate so as to prevent abuses; but it looks to me that providing for a $4,000 automobile for the Public Printer is in itself an abuse and misuse of public funds. I do not see any need of encouraging any such useless and unnecessary extravagance. I am absolutely surprised to hear it put forth as an argument in favor of an automobile for the Public Printer that they have to carry money out there to pay off the employees once a week, and need a $4,000 automobile to carry it in; just as if the employees would strike if they did not have their pay brought to them in a $4,000 automobile. My opinion is that they will accept their money in any way they can get it. What did they do before they had automobiles in order to pay off the employees? What do you gentlemen do? How is the money brought to the office of the Sergeant at Arms by which the Members of the House are paid? I do not think any of you would resign your seats if you had to accept money that was brought here in something besides an electrically driven machine.

The very fact of authorizing such an instrumentality is an abuse in itself, and I think that the Democratic simplicity that we talk so much about ought to be put in practice. You might

thing I desire to see is the Republicans get far enough along to

legislation as may be desirable touching automobiles in all de-

construed to mean "paragraph" when the bill is being read by paragraphs.

Mr. FITZGERALD. The gentleman has not refreshed his memory on these questions for some time.

The CHAIRMAN. Under general parliamentary law, as the Chair understands it, an amendment does not necessarily have to be germane, but the rule of the House, adopted very early, perhaps at the very beginning, did provide for germaneness, and there is very good reason for it. It is in the interest of orderly procedure not only that they should be germane to the subject matter, but that the amendments proposed should be germane to that portion of the bill to which they are offered. The Chair thinks the amendment is subject to the point of order made by the gentleman from New York [Mr. FITZGERALD], and sustains the point of order.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. FITZGERALD. For what purpose?

Mr. MOORE. I wish to discuss the paragraph—the naturalization paragraph.

Mr. MANN. We have not read that yet.

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Have we not reached page 152?

The CHAIRMAN. We have not.

Mr. MOORE. Then I withdraw my motion.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For compensation, to be fixed by the Secretary of Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Bureau of Naturalization, provided for by the act approved June 29, 1906, as amended by the act approved March 4, 1913 (Stat. L., vol. 37, p. 736), and for their actual necessary traveling expenses while absent from their official stations, including street-car fare on official business at official stations, subject to such rules and regulations as the Secretary of Labor may prescribe; actual necessary traveling expenses of the officers and employees of the Bureau of Naturalization in Washington while absent on official duty outside of the District of Columbia; telegrams, verifications to legal papers, telephone service in offices outside of the District of Columbia; not to exceed $3,800 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; carrying into effect section 13 of the act of June 29, 1906 (34 Stats., p. 606), as amended by the act approved June 25, 1910, including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915; the expenditures from this appropriation shall be made in the manner and under such regulations as the Secretary of Labor may prescribe, $250,000.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. What is the point of order?

Mr. MANN. He reserved it.

Mr. MOORE. Mr. Chairman, last night the distinguished Representative from North Carolina, a member of the Appropriations Committee [Mr. PAGE], made reference to the efforts of some of us to obtain appropriations for the Frankford Arsenal; and in the course of his remarks, assuming that an attack had been made upon the chairman of the committee, the gentleman from New York [Mr. FITZGERALD], he said:

I felt it my duty, Mr. Chairman, not that I think that the gentleman from New York needs anybody to come to his defense in this House, but as a member of the Committee on Appropriations, I felt it was my duty to say that no man can truthfully charge the chairman of the Appropriations Committee with favoring items in the locality in which he lives to the exclusion of the district of any other gentleman in this House.

Whereat there was applause. Later on the gentleman from North Carolina, extolling the gentleman from New York [Mr. FITZGERALD] for abstaining from obtaining any appropriations for the locality near by which he lived, condemned in severe terms those Members of the House who undertook to obtain appropriations for any public work near the districts or within the districts represented by them, and said that during the efforts to obtain appropriations in the earlier part of the day:

It was perfectly apparent to any man who observed the procedure at that time that there was on the floor of the House a cohesion of gentlemen for the purpose of public plunder.

Now, the term "public plunder" might be regarded as a very offensive term, and might, as applied to individual Members of the House, be accepted as a fair subject for a personal explanation. If the gentleman from North Carolina had indicated that Members of the House evidenced a cohesiveness here with a view to private plunder, of course, it would have called immediately for a personal explanation. But the term "public plunder" as used by the gentleman from North Carolina, in the sense that he applied it, may also be interpreted, in a sense, as complimentary. Representatives who in their public capacity here undertake to get what is coming to be known as "public plunder"—that is to say, the securing of appropriations for public works for the districts in which they live, as well as for the general welfare of the country—are not generally to be despised.

Now, I have a very great deal of pride in my acquaintanceship with the gentleman from North Carolina, and I know his public spirit, and I know how he would gladly say a good word for the chairman of the Appropriations Committee if it were necessary. We have evidence of it in the statement made by him last night, when he rose, without suggestion from the chairman, to make his very able defense of him as one Member of this House who would not use his official position to obtain unduly an appropriation for the community in which he lived. Now, it happens that in the bill which we have before us, and in this particular paragraph relating to the naturalization service, tucked away most delightfully on lines 14, 15, and 16, on page 152, close to the bottom of the page, where the ordinary reader might not see it, is this paragraph:

Including an allowance to the clerk of the supreme court for Bronx County, N. Y., for clerical assistance, to be made in the discretion of the Secretary of Labor for the fiscal year 1915.

Here is a case in point. I absolve the gentleman from New York [Mr. FITZGERALD], the chairman of this committee, in deference to the statement of the gentleman from North Carolina [Mr. PAGE], from any personal interest in this paragraph at all. I do not believe the gentleman from New York had anything whatever to do with the inclusion of it in this paragraph relating to the naturalization service. I suspect he knew absolutely nothing about it, because no department chief came before the committee to urge its admission. No Secretary from the President's Cabinet appeared before the committee to ask that allowance should be made in this paragraph for the clerk of the Supreme Court for Bronx County, N. Y., for clerical assistance, even though it be something not conceded to any other clerk of any other supreme court. I assume, therefore, that this provision was put in this bill without the knowledge of the gentleman from New York [Mr. FITZGERALD]. It is subject to a point of order as new legislation, but I shall not make the point. I merely bring the matter to the attention of the committee with the view of showing how it is possible on the great Appropriations Committee for these little items to slip in without the knowledge of the chairman. It may be that his next friend and colleague, the gentleman from North Carolina [Mr. PAGE], may have had some knowledge of the manner in which the supreme court clerk of Bronx County, N. Y., was thus provided for, but not the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, there is nothing in this bill that was put in there without my knowledge. If I found anything in there that I did not know anything about, there would be trouble when we reached it. Under the law this appropriation is to make an allowance to certain State courts to enable them to obtain clerical assistance in naturalization work.

The city of New York is divided into boroughs. Four of the boroughs are coterminous with the counties. The Borough of Brooklyn is coterminous with the county of Kings. The Borough of Richmond is identical with the county of Richmond. The Borough of Queens is identical with the county of Queens. The Borough of Manhattan was formerly coterminous with the county of New York. The Borough of Manhattan and the Borough of The Bronx were included within the county of New York. By legislation the county of New York was subdivided so that the county of New York should consist of the territory within the Borough of Manhattan, and a new county was erected, designated as the county of the Bronx and consisting of the territory within the Borough of The Bronx. It has a population of 600,000.

Under the law the county clerk is the clerk of the supreme court within the county. The allowance for assistants for these naturalization purposes made to the clerk of the county of New York—the supreme court sitting in the county of the Bronx—is independent of that for the office force in New York, and after this year under the existing law it will be possible to make an allowance.

Now, the county of the Bronx was erected and came into existence on the 1st of January. They are collecting fees for naturalizations in the supreme court in Bronx County at the rate of from $12,000 to $14,000 a year. If an entire year has passed during which this had been done, the department could make an allowance of one-half of the collections in excess of $6,000, which would amount to one-half of from $6,000 to $8,000. But the county will have been in existence only six months by the 1st of July, and the collections up to that time are estimated to be $6,800. The department has authority to allow one-half

of $800, or $400, which means that it can make practically no allowance for clerical assistance.

The purpose of this amendment was to permit the department during this fiscal year to make an allowance which would be equivalent to one-half of the estimated receipts above $6,000 a year, and after that it will come under the general law.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MOORE. I think I understand the situation. The gentleman's explanation is perfectly satisfactory to me. I know the growth of business in that district. But I should like to ask the gentleman whether Philadelphia, being coterminous with some other community, just as he says Bronx County is, and the same argument applying, desired to have this same provision made with reference to the Supreme Court in our section; we would have to get a secretary of a department to come before the Committee on Appropriations; or could we have it done merely by going to the chairman and having him do it in this way?

Mr. FITZGERALD. Under the law the gentleman could have it done if he were sufficiently active.

Mr. MOORE. It may be possible that we shall have to have that done.

Mr. FITZGERALD. While, as a matter of fact, it is only about 6 miles from where I live to the county of Bronx, yet there are about 14 Members of Congress with districts between my residence and that county, so that the gentleman can see that this is not vital to me or particularly affects me or my district.

Mr. MOORE. I wish the gentleman to know that that same congestion of naturalization business exists in my State and the same question with regard to the compensation of clerks may arise.

Mr. FITZGERALD. The department has authority to allow the clerk of the court in Philadelphia which has jurisdiction of naturalization cases an amount for clerk hire equal to one-half of the receipts in excess of $6,000.

Mr. MOORE. Is this provision for extra compensation over and above that one-half now authorized by law?

Mr. FITZGERALD. The county has been in existence for only six months. There is no yearly basis on which it can be computed at this time.

Mr. STAFFORD. Mr. Chairman, in reserving the point of order I do not wish to be considered as being a party to the contest or the rivalry between the distinguished gentleman from Pennsylvania [Mr. MOORE] and the distinguished gentleman from New York [Mr. FITZGERALD]. I reserved the point of order to that part of the paragraph which the gentleman from New York has just explained. I understand that it is an emergency provision, and that it will not be continued in the next appropriation bill; that it is merely to tide over existing conditions, because the court has not continued more than a few months.

Now, responding to the suggestion of my friend from Philadelphia [Mr. MOORE], I would say to him, Mr. Chairman, that I consider the courts at Philadelphia very derelict. Unlike the State courts in most other parts of the country, they absolutely refuse to undertake this work of naturalization.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I shall be glad to.

Mr. MOORE. The common pleas courts have refused to do that work, and for a very good reason: The Federal courts were there to do it; and the Federal courts have been doing it to the best of their ability. But the illness and death of a judge and the delay in appointing his successor caused a very great congestion of business.

The gentleman asked me this question before. I believe the common pleas judges of Philadelphia are now considering whether they shall not take up this naturalization business, and I shall certainly help them to do it if possible.

Mr. STAFFORD. In view of the exigencies of the approaching election, does not the gentleman believe it is a public duty on the part of the judges of the courts of common pleas to attempt to relieve the great number of aliens seeking naturalization and awaiting the final disposition of their petitions?

Mr. MOORE. I will answer the gentleman by saying this: I know of certain civil causes which have been pending over there for a long time in which the litigants have been waiting for a decision. They deserve to have their causes decided, and it may be that if this naturalization business were taken over into the business of the common pleas courts it would further delay that business. The litigants in the civil courts are entitled to have their cases adjudicated.

Mr. MANN rose.

Mr. STAFFORD. I yield to the gentleman from Illinois.

Mr. MANN. Under the law and practice is it not true that it is just as much the duty of the State courts to naturalize as it is the duty of the Federal courts?

Mr. STAFFORD. It has always been considered the province of the State courts to do this work, and before we passed this naturalization law the work was done almost exclusively, so far as my State is concerned, in the State courts. In my city to-day more of that work is being done in the State courts than in the Federal courts.

Mr. MANN. Does the gentleman know any other large city in the country where the local courts are so selfish that they will not perform this necessary service to the people?

Mr. STAFFORD. Unless it might be in some other burg in Pennsylvania. Perhaps Pittsburgh may adopt a like policy, but I can not say whether it does or not.

Mr. MOORE. Does the gentleman from Wisconsin know any city in the Union where the naturalization of aliens is so much encouraged as in the city of Chicago?

Mr. STAFFORD. I know that no city in the country has been doing more work in the way of naturalization, as was disclosed in the consideration of the codification bill, than in the State courts in the city of Chicago.

Mr. MANN. Except in the city of New York, which is the largest city in the country. Chicago is the next. Philadelphia at one time was the rival of Chicago, but we have forgotten it.

Mr. STAFFORD. I am speaking of naturalization work performed in the State courts.

Mr. BRYAN. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is demanded. The Clerk will read.

The Clerk read as follows:

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Copyright and patent branch office, Panama-Pacific International Exposition: To defray all the expenses connected with the establishment, equipment, and maintenance (including necessary printing) of the branch office at San Francisco, Cal., provided for in section 2 of the act approved September 18, 1913 (Public, No. 14), $30,000, of which sum $15,000, or so much thereof as may be necessary, shall be expended under the direction of the Commissioner of Patents, and $15,000, or so much thereof as may be necessary, shall be expended under the direction of the Register of Copyrights, each of whom is authorized to pay to the Public Printer the cost of any portion of such printing and binding required for the said branch office which may be ordered by him from the Government Printing Office; to designate from among the employees of the Patent Office and Copyright Office, respectively, such employees as may be actually necessary for the service of the respective divisions of the said branch office, one of the employees so designated from each of said bureaus to act as his disbursing officer; and to select and employ from time to time at San Francisco such additional persons as the exigencies of the work there may require. All persons from the Patent Office and Copyright Office thus designated for service at San Francisco shall receive no compensation other than their regular salaries, but while absent from Washington, D. C., and engaged upon the business of the aforesaid branch office shall be allowed their actual and necessary traveling expenses, together with a per diem allowance in lieu of the cost of subsistence to be fixed by the commissioner or register designating such persons, not to exceed $3 per day.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 153, in line 5, strike out the words "Commissioner of Patents" and insert the words "Secretary of the Interior."

In line 7, strike out the words "Register of Copyrights" and insert the words "Librarian of Congress."

On page 154, in lines 1 and 2, strike out the words "Commissioner or Register" and insert the words "Secretary of the Interior or Librarian of Congress."

The CHAIRMAN. If there be no objection, the vote will be taken on all these amendments at once.

There was no objection.

The amendments were agreed to.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the Supreme Court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures; bicycles, horses, wagons, harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books, and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character;

public official. That was the point at issue, and that was the point on which the House voted. That was the point discussed and then proceeded to tack on legislation, if any gentleman in

ently, at the time that ruling was made, was the Philippine tariff bill. An amendment was agreed to, and shortly there- It was held that the amendment was germane; that while it

changed existing law it reduced the amount appropriated by the bill and was therefore in order.

Mr. MANN. Mr. Chairman, the decision just quoted by the gentleman from Massachusetts has been overruled in the last Congress and in this Congress. I cited not merely the decision in the manual, but I cited the complete proceedings on another occasion, where a similar ruling was made by a previous Chairman, and in the last Congress the Speaker held, after these matters had been discussed at length, that it was not sufficient to merely reduce the amount under the Holman rule, but that the amendment itself had to show on its face that there would be a substantial reduction in the expenditure of the Government. So that ruling is out of date.

What is the proposition now pending? An amendment was offered making a slight reduction in the amount carried in the bill and providing some substantive legislation. I do not undertake to say that after that amendment had been held in order it would have been proper to have offered an amendment changing the amount carried by the amendment, but if it would have been in order to offer an amendment changing the amount, then the House clearly had the opportunity to make that change.

Mr. GARDNER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. GARDNER. Would the House have had an opportunity to change the substantive legislation carried in the amendment?

Mr. MANN. Certainly.

Mr. GARDNER. By a nongermane amendment?

Mr. MANN. No; I assume that the gentleman's amendment would be germane.

Mr. GARDNER. I was trying to find out when the House could have passed another proposition after the gentleman from Louisiana was once recognized on a proposition not germane to his.

Mr. MANN. I may be thickheaded, but I do not know what the gentleman is driving at.

Mr. GARDNER. It is the same question I asked the Chair. The gentleman from Louisiana introduces an amendment containing a substantive proposition of legislation and reducing the amount carried in the bill. Suppose I had wished to introduce a substantive proposition which would affect the amount carried in the paragraph, a proposal in accordance with existing law, but not germane to the proposition offered by the gentleman from Louisiana—at what point could it have been done?

Mr. MANN. Clearly it would have been in order to offer a substitute to the motion of the gentleman from Louisiana and increasing the amount. I still have not understood the gentleman's question. The gentleman talks about offering a nongermane amendment.

Mr. GARDNER. Not germane to the amendment offered by the gentleman from Louisiana.

Mr. MANN. Then it has nothing to do with the bill, because such an amendment would have been germane. The gentleman might offer an amendment declaring that the moon was made of green cheese.

Mr. GARDNER. Is the gentleman from Illinois trying to discuss the question or to confuse the issue?

Mr. MANN. Well, that is in accordance with the assumption that no one uses common sense unless he argues on the side of the gentleman. I do not agree with that proposition either. What is this proposition? If it were in order on that motion, the gentleman from Louisiana could have moved to increase the amount. That was within the control of the House. That is a very plain proposition. If it was not in order at that time to move to increase the amount, then the gentleman's amendment would not have been in order as an amendment to the motion of the gentleman from Louisiana. That is perfectly plain. The gentleman now offers an amendment which is not in order technically, because it proposes to change the amount, $2,650,000, carried in the bill, when there is no such amount carried in the bill at this time.

Mr. GARDNER. Mr. Chairman, will the gentleman yield? I am sure the gentleman does not want to misstate the amendment.

Mr. MANN. I am not misstating it.

Mr. GARDNER. But the gentleman has misstated it.

Mr. MANN. I know the gentleman said "as amended." If the gentleman would not go off half cock, but would wait until he heard a discussion, we would get along better. I did not interrupt either one of these gentlemen, although both talked until I was very tired; and I will not, if they will not interrupt me. The gentleman proposes to insert in place of the amendment, the sum named in the bill—$2,650,000—although there is no such sum named in the bill, and saying "$2,650,000, as amended," means nothing, because that sum is not amended. The bill is amended. If the gentleman's amendment be agreed to, no clerk on earth would know what it meant or how to enroll the bill. Where would the plus-sum amount come in? I would like to ask the gentleman from Massachusetts, if both of these amendments were agreed to, where would it come in? The gentleman did not even propose to insert his proposition at the end of the amendment already agreed to. Where would the amount come in?

Mr. GARDNER. After the figures "$2,650,000," as amended, wherever they were found.

Mr. MANN. But $2,650,000 is not amended. That amount has been stricken out and a new sum has been inserted. Where would the gentleman's amendment come in—at the end of the amendment already agreed to or in the middle of the amendment already agreed to?

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GARDNER. At the end of the figures which now replace $2,650,000. The amendment is clear enough, and I think the engrossing clerk would be intelligent enough to know what it meant.

Mr. MANN. I think the engrossing clerk would not be intelligent enough, because the gentleman himself has now offered an amendment to the amendment already agreed to—to insert in the middle of that amendment a provision—and the gentleman can not find a rule or a ruling anywhere in any book which authorizes him to insert in the middle of an amendment already agreed to a new amendment. The citation which the gentleman gave was that having agreed to an amendment you might provide another amendment to come in at the end of that amendment, and I said when I heard the amendment read that I could not tell where it would come in. The gentleman says he proposes to insert this proposition in the middle of the other amendment. So it is precisely the same thing over again as proposing to change the amount already agreed to and make it a greater amount.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. The Chair is prepared to rule.

Mr. MONDELL. If the Chair will permit me, I am sure the Chair does not get tired listening to gentlemen, even if he does not agree with them, although some gentlemen may. I want to make one suggestion to the Chair. The Chair sustained the point of order made by the gentleman from New York [Mr. FITZGERALD], as he said, from a strictly technical viewpoint. The Chair admitted that such a holding would undoubtedly lead to embarrassment and would render it difficult for the House at times to express its will. I have no quarrel with the decision of the Chair on the strictly technical view that the Chair must have a fixed rule to follow and must not be left to exercise his judgment in every case as to whether or not a rule applies which is somewhat indefinite. Taking that strictly technical view of it, the Chair held good the point of order made by the gentleman from New York. If that be true, it seems to me the Chair must follow the same line of reasoning in further passing on this question.

If he felt that it was necessary to be technical, even though to do so would prevent the House from expressing its view in carrying out its will, certainly it is the duty of the Chair to hold technically when to do so will give the House an opportunity to express its will. There is no question but that the point of order raised by the gentleman from New York prevented the House from passing on the size of this appropriation, for that question was never clearly raised by the amendment offered by the gentleman from Louisiana. The gentleman from California attempted to raise it. The Chair held his amendment out of order on technical grounds. The gentleman from Massachusetts now offers an amendment to increase the amount of the appropriation, but it does not increase it in a way which conflicts with any rule of the House. The gentleman from Illinois [Mr. MANN] did not discuss the question at issue. He discussed the question of the form of the gentleman's amendment. No one has raised the question in regard to its form. There may be some difference of opinion as to where the amendment could be inserted, if adopted, but that is not the point at issue. The question is whether an amendment to increase this appropriation or to amend it be in order, and if the House is ever to have an opportunity to express its will on the amount of this appropriation it must be held in order, although I grant you that it is getting around, plowing around, the former ruling, just as the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] plowed around the ordinary rules of the House by invoking the Holman rule. He did it not with a view of affecting the amount, but with a view of changing a statute. If the House is to have an opportunity to vote on this question at all at any time it must be done in this way.

The CHAIRMAN. As the Chair pointed out before, if there be trouble here, it is the trouble of the rule and not the fault of the Chair. The Holman rule does render it more difficult to reach a particular end perchance under a situation such as has arisen now than would be the case if we had no Holman rule. But we have the Holman rule. That is a part of the rules of the House. It has as much force and vitality as any other rule of the House, and it is the duty of the Chair, whatever his private opinion may be about the Holman rule and its efficacy, to enforce that rule as much as any other. The Chair is not prepared to say that you could not get at the result in any way even with the Holman rule, but if you could not, still that is the rule, and it is the duty of the Chair to enforce the rule.

Now, the amendment proposed by the gentleman from Massachusetts [Mr. GARDNER] is, of course, simply doing by indirection that which admittedly can not be done by direction. It is a very novel form in which to present an amendment of figures, but the Chair thinks clearly it is not in order and therefore sustains the point of order.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Suppose while the amendment of the gentleman from Louisiana [Mr. DUPRÉ] was pending, I had moved to amend his amendment by providing that there should be an increased appropriation, the excess amount to be spent for deporting Chinese under the law, would that have been admissible at that time or any other?

The CHAIRMAN. The Chair will suggest that he prefer not to pass upon that.

Mr. GARDNER. The Chair is not prepared——

The CHAIRMAN. That would be obiter at any rate.

Mr. RAKER. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 150, line 21, after the word "labor," insert "$260,000 and the further and additional sum and amount of."

Mr. FITZGERALD. Mr. Chairman, I make a point of order, and I ask for a ruling.

The CHAIRMAN. To what point does the gentleman offer the amendment?

Mr. FITZGERALD. It is adding $260,000——

The CHAIRMAN. This is the same proposition, and the Chair sustains the point of order.

The Clerk read as follows:

For refund to the Toyo Kisen Kaisha (Oriental Steamship Co.) of amount overpaid to the United States for hospital treatment of two aliens in the Angel Island immigration hospital for the period from July 10 to 24, 1912, $35.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment, on page 151, line 16, after the word "thirty-five," the following, which I offer as a new paragraph:

For an additional appropriation for the miscellaneous objects of the Department of Labor, $260,000.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not germane at this point. We have passed the paragraph to which that appropriation would apply.

Mr. GARDNER. Mr. Chairman, I would like to be heard on the point of order. We have not passed the paragraph; I stopped the Chair as the reading was proceeding to the next paragraph.

Mr. FITZGERALD. An amendment germane to a particular paragraph must be offered at that paragraph. We have passed that point, and the gentleman is too late.

Mr. GARDNER. I ask the Chair's attention to the fact that the subdivisions on page 149 begin "Immigration station." Then comes "Immigration Service." Then comes "Naturalization Service." At the end of the provisions for the Immigration Service and before the beginning of the provision for the Naturalization Service I offered my amendment.

Mr. FITZGERALD. The paragraph to which I called the attention of the Chair contains this language:

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States—

And so on.

Now, lines 10 and 11, page 150, say:

And for all other expenses authorized by said act.

Now, this is the paragraph to which any amendment for the expenses in the enforcement of the immigration laws and the expenses of the Immigration Service are germane, and it is a well-settled matter of procedure in the House that amendments that are germane to a particular part of a bill must be offered to that paragraph and can not be offered at any other place in the bill. The amendment proposed by the gentleman is germane to the paragraph which has been passed by the committee, and not having offered his amendment at that point it is not in order at any other point.

Mr. GARDNER. Mr. Chairman, these subdivisions are perfectly clear. First comes "Immigration stations." The next subdivision reads, "Immigration Service," and at the end of "Immigration Service," if this amendment is held out of order because it does not apply to this particular paragraph, I am going to offer an amendment, as follows:

For additional appropriation, Immigration Service, $260,000.

Now, clearly, if the committee itself in this bill includes all these items under "Immigration Service," it can not possibly be held that such an amendment is not germane to the portion of the bill to which it is offered. That is the rule.

Mr. FITZGERALD. There is no subdivision at all.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken.

Mr. MANN. While there is the heading "Immigration Service" and another heading "Naturalization Service," we passed some time ago the paragraph beginning at the bottom of page 149, which reads:

For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States.

Now, there was the paragraph which carries the expenses of the Immigration Service, less a specific appropriation in the way of a claim, but that is the only place where an amendment relating to the expenses of the Immigration Service or the enforcement of the immigration laws was in order. After that paragraph had been passed we passed a paragraph having legislation authorizing the execution of a lease. Then we passed three paragraphs to pay claims, all four of which, by the way, were subject to the point of order as being claims. Now, the gentleman offers an amendment which is germane to the paragraph under the Immigration Service, but is not germane to any one of the four paragraphs which have been passed by the committee, and the gentleman now seeks to have it come in after these paragraphs. We might just as well say because the Immigration Service is contained in this bill you can offer an amendment at any place in the bill relating to the Immigration Service. The rule is that an amendment, to make it germane to a bill, must be germane to the part of the bill to which it is offered, and the only place where the amendment is germane in this bill, or to the language to enforce the laws regulating the immigration of aliens, is here immediately following the paragraph on that subject.

Mr. GARDNER. I call the Chair's attention to the fact that the rule is that a new paragraph must be germane to that portion of the bill to which it is offered, not to any particular paragraph. Now, the mere fact——

Mr. FITZGERALD. The gentleman is mistaken.

Mr. GARDNER. If the gentleman will read the rule——

Mr. FITZGERALD. I will read the note, page 385 of the Manual:

Under the later practice, an amendment should be germane to the particular paragraph or section to which it is offered.

Mr. GARDNER. It is offered as a new paragraph.

Mr. FITZGERALD. Ah, but there is a paragraph in the bill referring to that subject matter.

The CHAIRMAN. Will the gentleman give the Chair the section rather than the page?

Mr. FITZGERALD. It is section 777. This is the bill which is considered by paragraphs. Some bills are considered by sections. Now, we have in this bill a paragraph carrying the appropriations for all of the expenses incident to enforcing the immigration laws. That paragraph has been passed by.

Mr. GARDNER. This is an additional paragraph, and the gentleman has pointed out the fact that the word "section" is to be taken as the equivalent of the word "paragraph." That is well known. And if the gentleman will read the very next section, it says:

An amendment inserting an additional section should be germane to the portion of the bill to which it is offered.

Now, that is perfectly clear. It has been decided over and over again.

Mr. FITZGERALD. Some bills are considered by paragraphs and some are considered by sections. The gentleman is offering an additional paragraph, not an additional section. We are now on section 1 of the bill, composed of an innumerable number of paragraphs. Now, then, his particular amendment must be offered to the particular paragraph to which it would be germane.

Mr. GARDNER. The gentleman knows very well that is not the case. That word "section," in the ruling, has always been

The CHAIRMAN. Is there objection?
There was no objection.

There are probably thousands of them in this country—

amendment which, in fact, was not, so far as its main purpose given object. Why, the amendment of the gentleman from

Louisiana related to one official. It did not take into consideration this service in all its wide reach at all.

The CHAIRMAN. Will the gentleman from Wyoming permit the Chair to ask a question? There could have been an amendment offered to the amendment proposed by the gentleman from Louisiana [Mr. DUPRÉ]?

Mr. MONDELL. I do not understand.

The CHAIRMAN. There could have been an amendment proposed to the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] changing the amount?

Mr. MONDELL. Not by increasing it, because the Chair ruled that the amendment offered by the gentleman from Illinois [Mr. MANN] to the amendment offered by the gentleman from Louisiana was not in order. The amendment offered by the gentleman from Louisiana came within the rule because it reduced this appropriation. The Chair very properly held that a modification which did not bring the original amendment as thus amended within the Holman rule was out of order, so that there would have been no possible way in which a proposition to increase this appropriation could have been presented to the House as an amendment to the amendment of the gentleman from Louisiana, and considered on its merits.

Mr. MANN. If the gentleman will yield, so that that statement will not go uncontroverted in the RECORD——

Mr. MONDELL. I shall be glad to——

Mr. MANN. I wish to say that the Chair did not rule as the gentleman stated—that the amendment changing the amendment would not be in order. What the Chair ruled was that the amendment must show on its face that there would be a reduction in the expenditure.

Mr. MONDELL. What I meant to say was that the Chair did hold that an amendment modifying the motion of the gentleman from Louisiana in such a way that, had it been offered as an original proposition, it would not have come within the Holman rule, was not in order.

Now, the amendment of the gentleman from California, if offered as an amendment to the motion of the gentleman from Louisiana, would have been held by the Chair to be out of order, because then there would have been no reduction in the amount carried in the bill; and it was by reason of the fact that there was a reduction in the amount carried in the bill involved in the motion of the gentleman from Louisiana that the Chair held that motion to be in order under the Holman rule.

It is true that the motion also reduced the salary of a public official; but I take it that the Chair held that the two things, the two features of the amendment, taken together, brought it within the rule. One was that the amount carried in the bill was reduced. The other was that the salary of an official was reduced. I think if the amount carried in the bill had not been reduced, the Chair would undoubtedly have held that it did not come within the Holman rule.

Now, the gentleman from California proposes to increase the appropriation. Had he offered that as an amendment to the motion of the gentleman from Louisiana, it would have been held out of order, and properly. The proposition therefore is simply this, that while any motion which simply brings the House into a condition of thrashing over old straw, which simply consumes time in discussing a matter that has been discussed and settled, is out of order——

Mr. MANN. Will the gentleman yield for just another question?

Mr. MONDELL. In a moment. It can not, and does not, follow that because a word or a figure, among others, in a bill has been changed by action of the House, having a certain object in view, that word or figure can not be changed when the House proceeds to seriously consider the matter from a different angle for a different purpose.

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Illinois?

Mr. MONDELL. Yes.

Mr. MANN. I understand that the gentleman is contending that the amendment that the House agreed to can now be further amended. Does that proposition apply to all of the amendment, or simply to one part of it? Does the gentleman think that the Chair should agree that an amendment to one word is in order, but an amendment to another word is not in order?

Mr. MONDELL. I do not think that an amendment which attempted to undo what the House did on the real point at issue would be in order, but the real point at issue was not the reduction of the appropriation.

Mr. MANN. Certainly, that was the point at issue.

Mr. MONDELL. The point at issue was the status of a public official. That was the point at issue, and that was the point on which the House voted. That was the point discussed by the gentleman from Louisiana. He did not discuss the question of the reduction of the appropriation for a moment. The House did not consider it for a moment. There was not a Member who voted for the amendment because it reduced the appropriation and there was not a Member who voted against it because it reduced the appropriation.

The CHAIRMAN. So far as the rules of the House were concerned, however, it was only the question of the amount that served as the basis for the ruling.

Mr. MONDELL. Yes; the amount; and the Chair also took into consideration the fact that it reduced the compensation of an official, because the Chair held that when a motion was made that restored that compensation, then the amendment was so modified that it did not come within the rule. The Chair decided that it was in order on the two propositions combined.

The CHAIRMAN. That was the ruling of the Chair.

Mr. MONDELL. I think the Chair was right about it. But the present condition is that the House can not express its judgment with regard to appropriations. If we have that sort of a rule, we ought to amend it. If there is such a ruling, it ought to be overturned.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MANN. Have we any rules of the House under which I can offer an amendment on page 34, changing the amount that has been agreed to?

Mr. MONDELL. I think not.

Mr. MANN. The gentleman's proposition is that we ought at all times to have a method by which the House can express its will.

Mr. MONDELL. Oh, at the time. I grant you that the House, or Members of the House composing the Committee of the Whole at various times, might have modified their views or changed their views or altered their views in regard to a matter, and it would not be proper to go back; otherwise we never would get through with the business.

So far as the point of order made by the gentleman from New York has any force at all, or is in any way founded on logic, it is in the fact that it seeks to prevent the taking up of the time of the House uselessly. But when it is invoked to a point where it prevents the House from expressing its will at the time when a matter is under consideration, it certainly is not logical and it certainly is not consistent with good legislative procedure. The House ought to have an opportunity to express its views on the amounts carried in the bill, and the House has not had an opportunity to do that, and in fact has not attempted to do it until now.

Mr. PETERSON. Mr. Chairman, will the gentleman yield there for a question?

The CHAIRMAN. The Chair is prepared to rule.

Mr. GARDNER. Will the Chair indulge me? I do not want to exhaust his patience.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. If the Chair rules in favor of the point of order made by the gentleman from New York, will the Chair comment on this possible situation? At the time the gentleman from Louisiana was offering his amendment, which incidentally reduced the amount carried in the bill, suppose that I had sought to amend that amendment by a clause relating to some entirely different subject germane to the whole Immigration Service subdivision, and yet not germane to the amendment of the gentleman from Louisiana—let us suppose that my amendment would have raised the total amount carried—obviously my amendment could not have been entertained as an amendment to the amendment of the gentleman from Louisiana, because it would not be germane. How could this committee ever express its opinion on the amendment which I was seeking to offer unless the amendment of the gentleman from Louisiana was voted down?

The CHAIRMAN. The question presented by the gentleman from Massachusetts [Mr. GARDNER] is a very difficult one. The matter is not at all free from difficulty. If it were an entirely original proposition, the Chair is not sure how he should feel constrained to rule. But there are certain precedents here that seem to be in line.

On page 388 of volume 5 of Hinds' Precedents it is stated that—

> Words embodying a distinct substantive proposition being agreed to as an amendment, it is not in order to amend by striking out a part of those words with other words.

Mr. MONDELL. Will the Chairman allow me to suggest that we do not do that in this case?

The CHAIRMAN. The matter under consideration, apparently, at the time that ruling was made, was the Philippine tariff bill. An amendment was agreed to, and shortly there-

after—on January 16, 1906, the proceeding took place—Mr. Parker, of New Jersey, proposed an amendment to strike out the latter portion of an amendment already agreed to, and a succeeding portion of the text, and to insert other words.

The gentleman from Pennsylvania, Mr. Olmsted, whom we all remember as a very clear reasoner and a most excellent presiding officer, ruled as follows:

> The Chair finds that the amendment proposed is to strike out the words, beginning in line 5, page 3, "wholly the growth and product of the United States shall be admitted to the Philippine Islands from the United States free of duty." These words form a part of the amendment to which the committee has already agreed. While the question is not entirely free from doubt, the Chair is of the opinion that the amendment proposing to strike out what the committee has once voted in is not in order.

In February, 1913, at the conclusion of the District of Columbia appropriation bill, Mr. MARTIN, of South Dakota, moved to recommit the bill to the Committee on Appropriations with instructions to strike out a certain amendment agreed to in committee and insert a sinking-fund provision. The gentleman from New York [Mr. FITZGERALD] made the point of order that the House, having just adopted the amendment described, the motion to strike out and insert another was not in order, and the present Speaker of the House sustained that point of order.

Those two decisions are cited here as being in line.

If there had been an amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] simply to reduce the amount, say, $50, and that had carried, the Chair does not presume that it would be insisted by any gentleman that you could now strike that out and insert another set of figures. But simply because the Holman rule was invoked, and in addition to a reduction there was legislation, it is insisted that therefore there ought to be a differentiation in this instance, and that any other ruling will work a hardship. Now, that may be. It may work a hardship. The Chair can see where it may render procedure somewhat cumbersome. Nevertheless that is not the fault of the Chair; but, if there be a fault, it is a fault of the rule itself.

The Chair thinks that to hold otherwise than in accordance with the precedents that have been cited, and the plain reasoning which was suggested by the gentleman from Wyoming that some time there must be an end to these propositions, would be to throw the whole matter over to the arbitrary will of the Chair, and the judgment of the Chair would be appealed to as to what amendment might be offered, rather than a consistent line of rulings. The Chair thinks the safe ruling is to sustain the point of order, notwithstanding the fact that it may work some embarrassment. Accordingly the Chair sustains the point of order made by the gentleman from New York.

Mr. GARDNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Amendment by Mr. GARDNER:
> Page 150, line 21, after the figures "$2,650,000" as amended, add the words "plus $200,000."

Mr. FITZGERALD. I make a point of order against the amendment.

Mr. GARDNER. I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. GARDNER. Of course, this amendment accomplishes the object of the gentleman from California [Mr. RAKER], only in an entirely different way. It takes advantage of a technicality in the rulings, just as the point of order made by the gentleman from New York [Mr. FITZGERALD] takes advantage of a technicality in the rulings. I refer the Chair to page 387 of volume 5 of Hinds' Precedents, section 5764, which reads as follows:

> While it is not in order to strike out a portion of an amendment once agreed to, yet words may be added to the amendment.

That is precisely what I propose to do. Now, the Chairman knows very well that parliamentary rules are purely questions of form. It is the vortex of form into which amendments are drawn. Under parliamentary law it is not so much what you do as how you do it. It is perfectly obvious that the reduction of the amount carried in the amendment of the gentleman from Louisiana [Mr. DUPRÉ] was simply a device to bring the amendment under the Holman rule. This result was accomplished, and in consequence of the success of that device the Chairman held that a legitimate amendment was out of order, and I think held so properly under the rulings; but I think the decisions are wrong. I think the decisions are contrary to common sense. And the question I put to the Chair is this: When the gentleman from Louisiana nominally reduced the sum of $2,650,000 and then proceeded to tack on legislation, if any gentleman in this House had desired to offer an amendment to the amendment proposing quite different legislation and increasing the amount carried in the paragraph, the Chairman would very properly have ruled such motion to be out of order. After the Chairman ruled the gentleman from Louisiana to be in order, if the ruling on the Raker amendment is to hold, it ceased to be possible to offer any amendment not germane to the Dupré amendment. In other words, the moment the gentleman from Louisiana was recognized, if his amendment were agreed to, it would be impossible to consider any proposal, no matter whether in accordance with existing law or not, which affected the amount carried in this paragraph, unless such proposal was germane to the Dupré amendment. So I—trying, as we always do when there seems to be a parliamentary tangle in which common sense is in conflict with the rule—have offered an amendment which I think technically is in order, although by all the laws of common sense, if the amendment of the gentleman from California [Mr. RAKER] ought to have been declared out of order, then my amendment ought to be declared out of order.

Mr. FITZGERALD. Mr. Chairman, I submit that it should be declared out of order and that it is out of order. What is the effect of the amendment? The gentleman from Louisiana offered and had held in order an amendment, because one of its essential features was a reduction of the amount carried by the bill. Any amendment proposed after that was adopted which increased that amount—increased the amount carried by the bill—can not possibly be in order, because the two are inconsistent.

The rulings cited by the gentleman from Massachusetts are not similar to this—a new paragraph and proviso were held in order and amendment adopted. The language that made possible the consideration of the amendment of the gentleman from Louisiana was the fact that it did two things—one to reduce the amount carried by the bill, and the other to reduce the compensation of an official. If this amendment of the gentleman from Massachusetts is to be held in order, an item of the bill will carry a certain amount; the gentleman in order to amend the bill makes the plea that he has reduced the amount carried by the bill and gets the amendment considered in order. Thereafter he immediately strikes out the reduced amount and increases it and adds additional money to increase the amount; and the whole theory, the whole philosophy, of the rules that have been adopted for the protection of the House is completely upset. I think this amendment, if by any possibility it could be held in order, would completely destroy the effectiveness of the rule to protect the House against legislation on appropriation bills.

It must be remembered, too, that the Holman rule is a drastic rule, and it is designed for the purpose of enabling the House to enact legislation, to effect economy, and bring about retrenchment in the public service. If such a procedure as this can be adopted, the effect of the Holman rule will be not to permit consideration of amendments that will effect economies but will bring about a procedure that simply opens the way to legislating upon appropriation bills without any attempt whatever at economy.

Mr. GARDNER. Mr. Chairman, in answer to the statement of the gentleman from New York that the decision I cited is not parallel, I want to say that it is a great deal more parallel than the decision which the Chair cited—I mean the decision of Chairman Olmsted. Mr. Olmsted decided that a certain amendment to the Philippine tariff bill was out of order. He decided that it was out of order because it proposed to strike out an essential part of an amendment already adopted by the House.

The amendment of the gentleman from California [Mr. RAKER] proposes to strike out an unessential part of the amendment adopted. Now, let me comment upon what the gentleman from New York says about the working of the Holman rule. The working of the Holman rule may or may not have been designed to maintain the barrier against general legislation on appropriation bills. I refer the Chair to a decision which I do not think appears in Hinds' Precedents; at least, if it does, I have not found it. It is on page 268 of the Manual for the Fifty-third Congress, first session, one of the Crisp Congresses:

> To an item appropriating for free-delivery service $10,450,000 an amendment was submitted striking out that sum and inserting $10,449,000, to be disbursed in a manner prescribed by a new provision of law.

In other words, the technicality of the reduction of $1,000 was resorted to so as to bring the amendment under the Holman rule, and in that way substantive legislation was made in order. It was held that the amendment was germane; that while it

Mr. RAKER. Just a moment.

quired by the immigration act of 1907. Furthermore, Mr.

and when men are going and coming from work they have to [of men all along the line.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. FITZGERALD. Mr. Chairman, just one moment before the Chair rules on the point of order. I desire to make a brief statement in reference to some of the remarks made about this item. This estimate did include, I think it was, $28,000 for the purpose of increasing compensation of certain employees of the Immigration Service. If the money were appropriated, the department could not increase the compensation, because it is prohibited from doing so under the law, so that the mere fact that money is asked to increase compensation is not always a sufficient reason for giving it. In 1913 the appropriation for the Immigration Service was $2,525,000. An unexpended balance of $30,000 was on hand at the end of that fiscal year, and for that year, 1912, the appropriation was $2,525,000. The estimates were $2,600,000. For 1913 the appropriation was $2,225,000, and the estimate was $2,575,000, and yet although the appropriation was less than the amount requested, there was an unexpended balance of $30,000.

Mr. J. I. NOLAN. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Just one moment.

Mr. GARDNER. Mr. Chairman, will the gentleman yield to me on the question of the unexpended balance?

Mr. FITZGERALD. I yield to the gentleman.

Mr. GARDNER. That was on the 1st day of May, was it not?

Mr. FITZGERALD. I am talking about the fiscal year 1913.

Mr. GARDNER. Oh. I was reading the evidence of Mr. O'Donnell. "The unexpended balance ascertained this morning was approximately $30,000." That statement appears in the hearing of May 1, 1914; but there were then two months left of the present fiscal year.

Mr. FITZGERALD. The unexpended balance for 1913.

Mr. GARDNER. Beginning June 30, 1912?

Mr. FITZGERALD. Yes. For the current year the estimate of $2,620,000, and the committee recommended $2,550,000. I believed when the sundry civil bill was prepared and enacted in the last Congress it was ample to properly perform the work of this service. This House provided in the deficiency bill $95,000 additional, which was $19,000 in excess of the original estimate of the department. For the next year the committee recommended $2,650,000, which is $5,000 more than is given for the current year. Among the estimates presented for the current year there was included the employees in some of these new stations, including the one at Charleston, S. C. I have been to Charleston, S. C. I have seen the station. It is built and finished. It is boarded up, and never had an immigrant in it and it probably never will. No immigrants come there, and yet we have requests for a certain force of men to man and operate that station. I am interested in the Immigration Service——

Mr. GARDNER. Mr. Chairman, will the gentleman yield on that Charleston station?

Mr. FITZGERALD. Yes.

Mr. GARDNER. Was not that at the time when the State of South Carolina was herself importing immigrants into Charleston that that force was asked for there?

Mr. FITZGERALD. A station was established, and I think there was one boatload came over.

Mr. GARDNER. The gentleman is mistaken.

Mr. FITZGERALD. I am not mistaken as to the facts that I have recited. That station was erected, equipped, completed, and it never had an immigrant in it, and it is now actually boarded up, so that nobody can get into it, and it stands out, isolated, a monument——

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. GARDNER. How many years ago was that that it was authorized?

Mr. FITZGERALD. Not a great many years ago. It was a provision put on in the Senate in my time and in the gentleman's time.

Mr. GARDNER. It was before the passage of the act of February 20, 1907, which stopped the State of South Carolina from importing immigrants.

Mr. FITZGERALD. It has been completed within two or three years. This committee recommended what I consider to be ample. I do not think that anyone could justify making the appropriation as requested for this service.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BURNETT. Does not the gentleman think if more appropriations were made, especially for the inspection service, you would get more and better physicians and surgeons and that there would be better inspections at Ellis Island, and fewer insane go into the asylums of the gentleman's own State?

Mr. FITZGERALD. No; because we provide for that inspection, to prevent the insane coming in, in the Public Health Service. The physicians in the Public Health Service make those examinations, and we have provided amply, and in a manner that has been highly satisfactory to the Public Health Service, for the increase of their force last year.

Mr. BURNETT. During the present session of Congress?

Mr. FITZGERALD. Yes; we made an increase in this bill——

Mr. BURNETT. In this bill?

Mr. FITZGERALD. In this bill.

Mr. BURNETT. I wanted to know, because there is great complaint, and the gentleman knows there have been great complaints along that line.

Mr. FITZGERALD. Not only that, but the Committee on Appropriations, in the attempt to secure men who would be competent to detect these mental defectives, put a provision in last year requiring them to select a certain number of physicians who have been specially trained for that purpose, and we had a provision in this year, but it was taken out on the point of order. There is no more important question to the community in which I reside than an efficient inspection in order to eliminate and keep out, as they should be kept out of this country, mental defectives who come from other countries.

Mr. BURNETT. That is not embraced in this appropriation?

Mr. FITZGERALD. It is not out of this appropriation. That service is separate; and I will go as far as anybody would suggest within limits.

Mr. GARDNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARDNER. The gentleman knows that the certificate of the examining medical officer is supposed to be conclusive, and yet the law has been construed in such way that an appeal is taken to the Secretary of Labor in all except extreme cases. Consequently, reports of the medical examiners of the Public Health Service, as a matter of fact, are passed on not merely by a board of inspectors but also often by the Department of Labor itself.

Mr. FITZGERALD. My experience has been that the certificate of the physician is conclusive.

Mr. GARDNER. Excuse me. If the gentleman will allow me to explain exactly what happens, section 10 of the immigration act provides that the certificate of the medical examining officer shall be binding on the board of special inquiry, but in one of the rules of the Bureau of Immigration is inserted the word "solely," construing that word into that particular section of the act. Only in the cases of insanity and certain other mental defectives is the surgeon's certificate binding. As a matter of fact, in the month of October, of which month we have some figures, there were nearly 4,000 persons certified as defective, mentally or physically, by the medical examiner. On appeal a good many more than half of those people were, as a matter of fact, admitted to this country, so that the gentleman will observe that the surgeon's certificate is not binding.

Mr. FITZGERALD. I think most Members have knowledge that persons are certified as physically defective, and it turns out that they are suffering from some ailment that an ordinary slight course of treatment cures, and friends or relatives have them detained at the hospital at their expense, and when they are cured they are admitted. I doubt if the law ever intended that persons of that class should be excluded, but if they had a dangerous or an incurable disease, they should be excluded.

Mr. MOORE. The gentleman from Alabama [Mr. BURNETT] raises a question that is uppermost in the minds of some of us in regard to that kind of immigration. A better inspection at ports of entry, perhaps, would remedy a good deal of this evil of which we complain. I call the attention of the gentleman to the testimony of Mr. O'Donnell, page 1537 of the hearings, in which he explains the need for an appropriation of $172,000 to enforce the white-slave act, and suggests that it would not begin to cover the work that ought to be done in this country. Thus arises the proposition whether we should not put some limitation on the number of inspectors who do this home-guard work elsewhere than at the ports. If these aliens are admitted—aliens who are criminals or unlawfully here—they ought to be stopped at the port. The best inspection work is to be done there. Mr. O'Donnell says in his testimony:

There are probably thousands of them in this country—

Indicating the kind of people they are—

but you could easily spend half a million dollars a year in going after them, and we do not contemplate doing that. It would be too stupendous an undertaking to do it all at once.

Now, we ought to consider to what extent we are going to permit inspectors to go from city to city, and from house of ill fame to house of ill fame, perhaps, to find out whether such people are in this country or not. A great many of them could be apprehended at the ports of entry. It would be better to stop them there rather than go round searching for them after they have been admitted. The question is largely one of administration at the borders and at the ports, and as to this we are entitled to the judgment of the department.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that my amendment be modified by inserting $2,907,100 instead of, as it was before, $2,910,000.

Mr. MANN. The gentleman can not amend it with the point of order pending. If the gentleman would ask to withdraw the amendment, he can do so.

Mr. RAKER. I will not withdraw it, but I thought this might have some bearing on the point of order; and that being the case, I wanted to be sure and relieve the situation, and that then the point of order might be decided.

Mr. MANN. The gentleman could hardly amend an amendment while the point of order is pending.

The CHAIRMAN. Except by unanimous consent.

Mr. RAKER. I see there is no objection to it.

The CHAIRMAN. The gentleman from California asks unanimous consent to modify his amendment——

Mr. RAKER. That is my request.

The CHAIRMAN. By inserting the figures $2,907,100 instead of $2,910,000. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears no objection to its being so modified, and to that amendment as amended the gentleman from New York [Mr. FITZGERALD] makes the point of order.

Mr. MONDELL. Mr. Chairman, I did not understand the amendment. Does the amendment simply reduce the amount?

The CHAIRMAN. Without objection, the Clerk will report the amendment as modified.

The Clerk read as follows:

Page 150, line 21, strike out the figures "$2,650,000" and insert in lieu thereof "$2,907,100."

Mr. MONDELL. Mr. Chairman, I do not now understand the change in the gentleman's amendment.

Mr. RAKER. The change in the amendment eliminates from that lump sum the $2,900 which was provided for in the Dupré amendment.

Mr. MONDELL. As I understand it, Mr. Chairman, the point of order made by the gentleman from New York is that this amount having been modified by the committee another motion to still further modify and change the amount is not in order?

The CHAIRMAN. That is the point of order as the Chair understands it. To state it more explicitly, perhaps, the point of order made by the gentleman from New York [Mr. FITZGERALD] is that the committee having voted to strike out and insert, it is now in order to strike out that which was inserted.

Mr. MONDELL. Well, that is a rather technical statement of the point of order, it seems to me; but, assuming that to be the gentleman's point of order, my notion is that it is not well taken. Now, if there is any logic in that point of order at all, it is on the proposition that there should be an end to amendments affecting a certain feature of the bill. The theory is that the House having taken up and discussed and amended a certain item or feature of the bill, that ought to be the end of it; otherwise amendment after amendment could be offered indefinitely, modifying the language, changing the amounts in an unimportant or trifling way, and much time would thereby be consumed. There can be no other theory as the basis for the gentleman's point of order except that it would prevent delay and filibuster to sustain it. However, the rules of the House should never be so interpreted as to prevent the House from carrying out its will. If amendments are offered which simply consume time and delay business without greatly affecting legislation, they may very properly and should be held out of order. But this is what an adherence to the point of order offered by the gentleman from New York [Mr. FITZGERALD] would lead us to. Let us take the case before the committee.

The gentleman from Louisiana [Mr. DUPRÉ] offered an amendment which, in fact, was not, so far as its main purpose went, intended to affect the amount of the appropriation. He used the Holman rule as a handle to secure a change of existing law. That was the first amendment offered. He was the first gentleman recognized. That was the first opportunity there was to offer an amendment to this item. He made his motion. It is true a motion could then have been made to substitute for the amendment offered by the gentleman from Louisiana an amendment simply increasing the amount of the appropriation. But an amendment offered at that time, of that character, under the circumstances could not in the nature of things have fair consideration before the House, because if the substitute were adopted under the rule now invoked by the gentleman from New York, then the change of law contemplated by the amendment of the gentleman from Louisiana could not have been secured. The House might wish to both increase the appropriation and make the change of law. But if the point of order made by the gentleman from New York is good, there is no possible way in which that could be done.

Now, I grant you, Mr. Chairman, that if any gentleman had offered an amendment simply changing the amount carried in the bill, and that had been debated and voted on, it would have settled that proposition, because that would be the judgment of the House as to the amount carried in the bill. It would be a waste of time, it would simply be giving an opportunity to delay and filibuster to allow other amendments directly on that point. But if a gentleman can be recognized to reduce an appropriation by 1 cent or to increase an appropriation by 1 cent, more or less, coupled with a legislative proposition, and by so doing he can prevent the House, if favorable to the legislative provision, from increasing or decreasing the amount of the appropriation—if that is to be the rule here—it would be very easy, indeed, by offering such amendments to prevent the House from carrying out its will relative to the amount of appropriations.

I have hurriedly glanced at the cases cited by the gentleman from New York. I do not think any of them bear directly on this point. They all of them relate to amendments covering practically the ground of prior amendments, either adopted or rejected. They were perhaps very properly held out of order, because their consideration would simply be thrashing old straw, going over the same old ground again, with possibly some very slight and probably immaterial change.

Mr. MANN. Will the gentleman yield for a question?

Mr. MONDELL. I will.

Mr. MANN. What line would the gentleman draw between the amendments which the Chair would recognize in order and those which the Chair would not recognize in order, to amend an amendment which had already been agreed to—the arbitrary will of the Chair?

Mr. MONDELL. The rule of reason.

Mr. MANN. I am asking the gentleman now, being a very reasonable man, if he can draw that rule of reason? I am sure nobody else in the House can do so.

Mr. MONDELL. I am sure the gentleman from Illinois would have no trouble at all in doing it. I am sure that the present occupant of the chair would have no difficulty in immediately recognizing the difference.

Mr. MANN. Well, the gentleman from Wyoming said that the amendment which reduces an amount 1 cent, if that was agreed to, ought not to prevent further amendments. Now, what would the gentleman say if the amount was reduced $10, or $100,000, or $1,000,000?

Mr. MONDELL. Possibly the gentleman did not clearly understand me. I believe an amendment that either reduced or increased the amount by a single penny, if that was all there was to the amendment or was the important feature of the amendment, would express the will of the House with regard to that proposition. Thereafter there should be no further opportunity to consume time in a discussion of that matter which the House had settled. But when such an amendment, slightly increasing, slightly reducing, carries a substantive legislative proposition, the matter of reduction or increase is incidental; almost immaterial. The gentleman from Louisiana, as a matter of fact, had no real desire, I assume, to reduce this appropriation, but it became essential to reduce it in order to secure the legislation he favored. He secured his legislation. That should not preclude the House from expressing its will as to the amount of appropriation. I again beg to call the Chair's attention to the fact that if that can be done it would be very easy indeed for the Committee on Appropriations to offer amendments carrying legislative provisions acceptable to the House, reducing an appropriation by a few pennies, in order to clinch the matter so as to prevent the House from expressing its will on the main issue of how much we shall appropriate for a given object. Why, the amendment of the gentleman from

this particular appropriation. It has never been reduced, and there is still available for expenditure that half a million dollars, together with the compensation of all the other inspectors and employees paid for out of this appropriation. [Cries of "Vote!" "Vote!"]

Mr. MOORE. Well, apart from the expenses for the enforcement of the immigration laws—and I ask gentlemen not to call for a vote, because, if they do, this business will not go forward expeditiously——

Mr. FITZGERALD. Does the gentleman ask me a question?

Mr. MOORE. I propose to ask the gentleman certain questions for information.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. If the gentleman wishes information, I shall be glad to give it to him.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. GARDNER. Now will the gentleman yield?

Mr. MOORE. Yes.

Mr. GARDNER. The gentleman from Pennsylvania is not the only one who wishes information as to why you have cut the immigration appropriation $260,000.

Mr. FITZGERALD. There has been no cut in the appropriation. There has been an increase in the appropriation. Gentlemen do not distinguish between appropriations and estimates.

Mr. GARDNER. How can the gentleman expect us to distinguish when the gentleman talks about the amount carried in the sundry civil bill last year, and points out that it is $260,000 more this year and does not point to the fact that you had to appropriate $95,000 more?

Mr. FITZGERALD. I have said it three times, and if the gentleman had paid attention he would know that I stated that $95,000 was voted in the deficiency bill that had not been recommended by the Committee on Appropriations, and I charge the gentleman from Pennsylvania [Mr. MOORE] with having voted for it.

Mr. GARDNER. But when you give the figures——

Mr. FITZGERALD. I have given the complete figures. I said that there was carried $2,550,000 in the sundry civil bill and $95,000 in the urgent deficiency bill.

Mr. MOORE. I assure the gentleman from New York that I try to stand by him in not voting against expenditures for things that are not authorized by law, but I challenge the gentleman to find the RECORD showing where I voted as the gentleman charges.

Mr. FITZGERALD. The gentleman yesterday voted for a building that did not exist. That is as near to coming to a challenge as I can cite offhand.

Mr. MOORE. The gentleman gets testy. The gentleman from Pennsylvania rose to ask about a lump-sum appropriation of $2,650,000, upon which the gentleman's committee has not got more than four or five pages of testimony in his thousands of pages of hearings, and then the gentleman from New York finds fault when the gentleman from Pennsylvania comes forward and asks for $17,500 for a building to save lives and property. I challenge the gentleman from New York to show me where the Secretary of Labor appeared before his committee, or where the Commissioner of Immigration appeared before his committee, to justify this enormous expenditure of $2,650,000.

Mr. FITZGERALD. The officials that the gentleman refers to did not appear before our committee, and perhaps that was the reason why the committee was not so hasty in granting the increase requested.

Mr. MOORE. Now, getting down to brass tacks, may I ask the gentleman how much money out of this $2,650,000 is to be spent for inspectors who are to visit the various localities of this country on the comparatively new business of discovering alien procurers and alien prostitutes?

Mr. FITZGERALD. That is a matter of administration. I can not answer that.

Mr. RAKER. The gentleman just made the charge that the Commissioner of Labor and the Commissioner General of Immigration did not appear before the Committee on Appropriations. I want to state to him that the officers who have been appearing for a long time did appear——

Mr. MOORE. Who were they?

Mr. RAKER. Just a moment.

Mr. MOORE. The gentleman has come to the relief of the chairman of the committee. Who were they?

Mr. RAKER. I saw the Commissioner General yesterday, and day before yesterday also, and he said he thought he made a mistake in that he did not personally appear with the Secretary of Labor, and that they would possibly have obtained the full amount on this appropriation bill.

Mr. MOORE. What official is the gentleman talking about?

Mr. RAKER. I am talking about the Commissioner General of Immigration, whom the gentleman says did not see fit to appear.

Mr. MOORE. Then, since the gentleman from New York [Mr. FITZGERALD] does not answer, perhaps the gentleman from California can tell me how many inspectors are to be engaged at this new work.

Mr. RAKER. That is a matter for the chairman of the committee, and I am speaking on another matter.

Mr. MOORE. Upward of $900,000 additional is to be appropriated for additional inspectors. I should like to know how many are to be employed and what the nature of the work is. The gentleman ought to know that.

Mr. FITZGERALD. I stated that I did not know.

Mr. MOORE. I think it is a fair proposition.

Mr. FITZGERALD. I do not know. I can not say any more than that. I am not going to volunteer information when I have not got it, even to satisfy the gentleman from Pennsylvania.

Mr. MOORE. Then the gentleman votes the money of the people in this way because somebody comes from the Department of Labor and asks for it.

Mr. FITZGERALD. No; not exactly.

Mr. MOORE. And the gentleman makes no justification of it; yet when we ask for a building for an arsenal to save money for the Government, the gentleman wants full details.

Mr. FITZGERALD. It is so easy to determine that some things ought not to be granted that it is unnecessary to take up much time with them, particularly the ones advocated by the gentleman from Pennsylvania.

Mr. GARDNER. Mr. Chairman, I desire to oppose the amendment to strike out the last word.

The gentleman says the estimates of the Bureau of Immigration were for $300,000 more than the amount of the last sundry civil bill. That is true; but if he had said that they were $265,000 more than what was actually appropriated last year, he would have made the statement in better form.

Mr. FITZGERALD. I made it in practically that form, but I was not given a chance to do the arithmetic. I said that, in addition to what was carried in the sundry civil bill, $95,000 was carried in the deficiency bill. I did not get a chance to make the subtraction, because nobody can do much talking with the gentleman from Pennsylvania occupying the floor.

Mr. GARDNER. Mr. Chairman, the reason for that deficiency appropriation, which was opposed by the gentleman from New York [Mr. FITZGERALD], who for some reason always opposes appropriations referring to the Immigration Service—the reasons for that appropriation which, he says, he has forgotten were that at New Orleans they had a new immigration station, and at Galveston, Tex., another. Moreover, the Philadelphia station was opened in 1912, in August. All these stations entailed new expenses, and the same is partially true as to Chicago. Then for general Immigration Service they put on a force in the last fiscal year on the Canadian border, with additional employees drawing $14,720, and so on. That was the reason for that $95,000 extra which we gave the Bureau of Immigration in the deficiency bill.

Here is a great, growing service. Congress is appropriating for new stations everywhere, making new requirements all the time, and the gentleman proposes to give that service a beggarly $5,000 more than it had last year.

Mr. O'Donnell, the special immigration inspector, appeared before the Committee on Appropriations. He is very familiar with the details of the service, and he told the committee why the bureau needs $2,910,000. Mr. O'Donnell asked for an increase so that they can raise the pay of watchmen, laborers, and charwomen. Why? Because the watchmen are receiving only $720 to $840 a year, while the customs guards, doing pretty much the same work in another service, are getting from $840 to $1,080 a year. The charwomen get $660 a year, and it is proposed to give them $720.

Mr. O'Donnell says that they have been forced to suspend the payment of hospital expenses to the States for the maintenance of aliens, and so forth. You do not propose to give them enough money to do it. Then the time has come for another census of penal and reformatory and penal institutions as required by the immigration act of 1907. Furthermore, Mr.

O'Donnell declares that the bureau is hampered by lack of funds requisite for the investigations incident to the deportation of persons under the white-slave act. Likewise, the ever-increasing force of inspectors will be cramped in the matter of salaries. I shall not move to raise this amount by $260,000 so as to meet the conservative estimate of the Bureau of Immigration, for the reason that I realize the strength that the gentleman from New York [Mr. FITZGERALD] deservedly has in this committee. I know there are very few Members present. I know there are a number of gentlemen who have not heard the discussion who will come out of the catacombs yonder and pass down the aisle and view the remains and defeat this extra appropriation. Therefore I propose to let the thing go by to the other end of the Capitol and see what may be done there.

Mr. MOORE. I have just found what I desired to find a while ago; and if the gentleman will permit me, I will say now that on page 1541 of the hearings it appears that the number of these inspectors in 1913 was 95, and that it is proposed to increase the number to 199, an increase of 104 in 1915.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. RAKER:

"Page 159, line 21, strike out the figures '$2,650,000' and insert in lieu thereof '$2,907,500.'"

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the committee having already stricken out the figures "2,650,000" and inserted "2,649,000," it is not now in order to strike out that sum and insert some other sum. If the Chair wishes a decision, I have it at hand.

The CHAIRMAN. Without objection, the pro forma amendment is withdrawn.

Mr. RAKER. Now, Mr. Chairman, on the question of a point of order——

Mr. FITZGERALD. If the gentleman from California wants five minutes to discuss the matter, I am willing to reserve the point of order, but I am not willing to let the discussion run on for a considerable period and fritter away time uselessly on this point of order.

The CHAIRMAN. Will the gentleman from New York furnish the Chair with the ruling? Does the gentleman from California desire to discuss the point of order?

Mr. RAKER. I would like to have the point of order reserved.

Mr. FITZGERALD. I want to make some progress with this bill. I will reserve it. I know the point of order is good. If the gentleman wants five minutes to discuss the matter, I have no objection, but I do not want a long discussion.

Mr. RAKER. If such a decision was rendered, it seems that it was weak and inefficient.

Mr. FITZGERALD. Oh, no; the rule is well settled in Jefferson's Manual and by a ruling and determination of the House—that after an amendment striking out and inserting words you can not move to have those inserted words stricken out and something else put in.

Mr. MONDELL. What is the gentleman's point of order?

Mr. FITZGERALD. The committee having already stricken out a sum and inserted another, it is not now in order to strike out what was inserted by the committee and insert something else.

The CHAIRMAN. That the amendment came too late.

Mr. RAKER. Mr. Chairman, I will take the five minutes.

Mr. FITZGERALD. I will reserve the point of order.

Mr. MONDELL. If the point of order is going to be pressed, I should like to be heard on it.

Mr. FITZGERALD. I am not only going to press it but I will furnish the Chair with the ruling and save time in discussing it.

The CHAIRMAN. The gentleman from California is recognized for five minutes.

Mr. RAKER. Mr. Chairman, this is a very important amendment. There are many important matters under the Department of Labor, and the Bureau of Immigration in particular, that ought to be done. While the number of men in the service are not enough in the department at the present time, that is a minor question. One has but to go to the department to-day to see the want of men, not only as electricians but actual assistants, in that department. A man that is acting as engineer, chief electrician, has to act as a night watch. I know that because I have seen it with my own eyes. He has to act as elevator boy, and when men are going and coming from work they have to wait. As I say, these are minor matters. The important matter is furnishing a sufficient amount of money to the Immigration Service to enforce the immigration laws; to thoroughly run down and determine those who are illegally here, those who have entered the country in violation of law; and, second, those who are illegally here under the Chinese-exclusion law, who have come over the border from Canada; and we know they are coming right along. The record shows that they pay from $500 to $1,500 to get across. Some of the smugglers are arrested and convicted. It is the same way with those who come from Old Mexico, and the same is true in regard to the white-slave trade. There ought not to be any parsimony in appropriations to supply a sufficient amount of money to enforce this law properly and legitimately in all of its phases and at all times.

Mr. MOORE. Will the gentleman yield?

Mr. RAKER. Certainly.

Mr. MOORE. I think my colleague will bear me out when I say that I have said publicly in the House and before the committee that I favor a proper inspection system and that I favor stopping this unlawful immigration at the source.

Mr. RAKER. Yes; stop it at the ports, make the best inspection you can, and after you have made the inspection there are those that will come in surreptitiously, those that violate the law and are smuggled in; and we certainly ought not to allow the law to be disregarded and let those people stay here. They ought to be found out and run down, arrested, and deported.

Mr. MOORE. That is all right. Does the gentleman know any reason why those of us who are Members of Congress and members of the Immigration Committee should not ask for information regarding a lump-sum appropriation involving the administration of so large a fund?

Mr. RAKER. The gentleman has full information on the matter, or he can obtain it from the record of the Committee on Appropriations, and he can obtain it from the Bureau of Immigration.

The misfortune about this item is that if the committee had had the full information before it undoubtedly it would have given the $210,000 additional for this work, and the Commissioner General of Immigration realizes now that instead of holding so close to his office and writing some decision and looking over important matters on his files he should have come personally before the committee on this important subject, as he told me yesterday, and says it never will occur again. But this does not justify the refusal of the appropriation. These people under him are good young fellows, but they have not had the experience and do not understand the situation as does the Commissioner General as to all these important subjects involving immigration, and so forth, and the enforcement of the laws on all of these subjects.

Now, we are not taking anything out of the Treasury; we are taking no money from anybody that has been paid in. This Government, in its small charge to those who come into the country, is paying many times the entire expense of the whole Immigration Service, and sufficient money should be appropriated to carry the service with a full force so all the work can be done and the laws fully and properly enforced. And we ought to have enough inspectors, enough money, and enough men at all places to see that every word and letter of our statute, which is certainly insufficient enough as it is, is enforced and to keep those out who are trying to come to this country and take the place of those who are entitled to be here, to take the bread out of the mouths of the men and women and children who are trying to live in this country. They are willing to pay from $500 to $1,500 each to get in on the western coast, and I want to say to you that this Congress ought not to hold back one minute, but it ought to give enough money to see that those people are kept out and that they are sent back home where they belong. It is hard enough to make a living here as it is. Money is hard enough to get without bringing people from other countries who will not even assimilate with our own people, who will not become a part and parcel of the community in which they live, and we ought not to permit them to continue to come in and take the place of our American men and women, to go into the various laundries and hotels and homes and drive the young girls from their employment and from opportunities to make legitimate and honest wages, so that they may hold up their heads and be a part and parcel of this great country. The provisions of the exclusion laws and the immigration laws prohibiting the entering or remaining here are most wholesome, and the only way to make them effective is to have money enough to employ a sufficient number of men all along the line.

The CHAIRMAN. For instance, the reduction of the amount carried in the bill is exactly that amount which the salary is proposed to be reduced. If the amendment of the gentleman from Illinois should prevail, then there would not be in this a sufficient appropriation.

Mr. MANN. Well, this is a lump-sum appropriation of two or three million dollars, as far as that is concerned. Now, I shall not have any controversy with the Chair; I would not, anyhow, if the Chair should hold that the reduction of the amount carried by the bill is not sufficient of itself to make the amendment in order unless the amendment itself shows on its face that it does reduce the amount of expenditure. But if the Chair holds, as the Chair intimated a while ago, that an amendment which reduced the amount carried in the bill made the amendment in order repealing a portion of the statute, why, then, the rest is not anything; but if the Chair modifies his opinion and holds that, the amount carried in the bill being reduced, the amendment itself further on must show that there is an actual reduction in the expenditures, it is quite a different holding and quite a different proposition. I respect the very clear-headed Member of Congress who now presides over the Committee of the Whole House on the state of the Union, and I would like to have this question, if possible, settled, to the extent that Members may know in the future on a ruling whether, if you reduce $5,000 to $4,999, that there is a legislative provision making or repealing law, or whether to do that you have got to show in the balance of the amendment where you save the $1.

Mr. FITZGERALD. If the Chairman will permit, the ruling of the Chair was not stated as the gentleman from Illinois has been arguing. The Chair stated the amendment was in order because it reduced the amount carried in the bill—reduced the salary of the official—and that the language of the amendment doing such a thing was germane to the bill. An appeal was taken from that ruling and the decision of the Chair was sustained, and the decision that was sustained was as announced by the Chair. The committee did not sustain that ruling that this amendment was in order for only the reason given by the Chair. It sustained the decision the Chair had made. Now, if this practice should be followed, and amendments could be offered in order under the rule and then an amendment offered which would modify that in such a way that an amendment would be before the House that would not be in order as an original amendment, that practice would be to break down the rule. The most notable instance we had was the time when the gentleman from Massachusetts asked to call up a privileged resolution providing, if I recall, for the appointment of a committee for the investigation of the procedure of other parliamentary bodies, and when the resolution was called up he moved to strike out part of it, which left it so that it provided for a committee, if I recall correctly, to revise the rules of the House. It was held that that motion destroyed the privileged character of the resolution and such resolutions would not be privileged, and the point of order was sustained against it.

Mr. MONDELL. Mr. Chairman, the Holman rule is a peculiar and unusual rule, and, in a way, out of harmony with the general legislative practice and with other rules relating to amendments. It was adopted for the purpose of making it easy to reduce expenditures. It was adopted in the interest of economy. It was adopted for the purpose of making it possible for anyone to offer an amendment which would actually reduce expenditures and have them in order. Now, having a rule of that character, it should be construed in view of carrying out the object and purposes of the rule. As it is, the rule is subject to abuses. Under the ruling just made by the Chair, which is in harmony with former rulings, any reduction in an amount carried in the bill, if the amendment is germane, makes it in order. That makes it possible to offer amendments within the rule that are really not in harmony with its spirit. Therefore the Chair, following the spirit of the rule, should be very careful not to hold that an amendment that barely comes within the rule may be immediately modified so that it is in a form that would be contrary both to the spirit and to the letter of the rule if it were offered as an original proposition. It seems to me nothing could be clearer than that the Holman rule would be subject to endless abuses if the Chair should hold that an amendment properly coming within the rule may be immediately amended so that the proposition presented, if so presented originally, could not be brought within the rule.

Mr. TALCOTT of New York. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TALCOTT of New York. If the amendment offered by the gentleman from Illinois should prevail, would that render the amendment of the gentleman from Louisiana as amended out of order?

Mr. MANN. Oh, no; it has gone beyond that.

The CHAIRMAN. No; that has already been held in order. A year or two ago—I think during the Sixty-second Congress—the present occupant of the chair presided while the Post Office appropriation bill was being considered in Committee of the Whole, and an amendment was proposed by Mr. Jackson, of Kansas, reducing the amount appropriated for the transportation of mails, as I now remember it, and then adding a proviso that a certain character of mail matter should not be transported through the mails. The Chair, after the matter had been argued and after an examination of the precedents, overruled a point of order made by the gentleman from Tennessee [Mr. MOON], chairman of the Committee on the Post Office and Post Roads, and held that that amendment was in order. It was defeated, however, in the Committee of the Whole, and when the bill came into the House the gentleman from Kansas [Mr. MURDOCK] offered a motion to recommit the bill with instructions to the Post Office Committee to report the same amendment that had been offered in the Committee of the Whole, and the matter then came before the Speaker. It was then more elaborately argued, if anything, than it was before the Committee of the Whole, and the Speaker sustained the point of order, taking a different view than that taken by the chairman, on the ground that while there was technically a reduction in the amount carried by the bill, yet it was so involved—and the Chair is not undertaking now to use the Speaker's words, but simply the reasoning of the Speaker as he remembers it—that the language was so involved that it did not appear from the face of it that it was in fact a real reduction.

So under that ruling by Mr. Speaker CLARK it would seem that there should be a more rigid interpretation of the Holman rule than had been made by the present Chairman or had been made by one or two Speakers previous to the action of the Chair, notably Mr. Speaker Carlisle.

Now, the Chair is hardly prepared to say what he would have held had there been nothing offered except a proposition to reduce the amount, and all this legislation had followed without the final proviso. The Chair is inclined to believe that the safest course on this bill would be to hold that so far as this particular amendment is concerned, anyway, and of course the reasoning would apply to any amendment of similar character, that both those elements had better be present, and the Chair sustains the point of order made by the gentleman from New York [Mr. FITZGERALD].

Mr. JOHNSON of Kentucky. The question is on the motion made by the gentleman from Louisiana?

The CHAIRMAN. Yes; the other has already been disposed of.

Mr. FITZGERALD. I wish to say a word, Mr. Chairman, about the amendment. The purpose of the amendment is to remove the position of commissioner of immigration at New Orleans from the classified service. That is the whole purpose of it. Under the civil-service law the President, by Executive order, can take this position out of the classified service, if he so desires. So far as I am concerned, I am not in favor of changing or modifying the civil-service law in this manner. If it be desirable to take this place out of the classified service, I think it should be done in accordance with law.

Mr. DUPRÉ. Mr. Chairman, this matter is in no sense an assault on the civil-service system. It does not even make a dent in it. It merely undertakes to settle an uncertainty in the rulings of the Civil Service Commission. There have been two decisions rendered by the Civil Service Commission on this point, one to the effect that this position at New Orleans was not within the classified service and another to the effect that it is. Now, with those two differing decisions before us, it is the duty of Congress to settle this matter and to put the commissioners at this port on a parity with commissioners at other ports. There is no reason why there should not be uniformity of administration in this matter, and I trust the amendment will be adopted.

Mr. HARRISON. Mr. Chairman, Mississippi is in the district over which this commissioner of immigration presides. That district is made up of Arkansas, Tennessee, Louisiana, and Mississippi. The intention of the law doubtless was that no exception should be made toward the commissioner of immigration at New Orleans over commissioners at other places. This is the only place where they have construed the law that the commissioner was under the civil service. I recall last year, when the Democrats came into control of the country, various good people applied for the good offices throughout the country, and I had a constituent, like other fellows who have constitu-

ents, who wanted the place, and this party was going to be appointed when the Civil Service Commission ruled that it was under the civil service. They then reversed themselves and held that it was not under the civil service, and about the time the appointment was to be made they reversed themselves again and held it was under the civil service. So, evidently the intention of the law was not to put this place, as by every other place of like character throughout the United States, under the civil service, and for this reason I do not think any discrimination should be made against this particular place by holding it under the civil service and making these other places appointive. I hope the amendment will prevail. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. MURDOCK. Division, Mr. Chairman.

The committee divided; and there were—ayes 54, noes 24.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is announced in the newspapers that the Department of State is quite likely to submit to arbitration the Japanese question, which has troubled Congress and the Senators and Representatives from the Pacific coast for some time. This, I assume, would tend to relieve somewhat the necessity for appropriations for inspection with the view of suppressing Japanese immigration. I notice in the item we now have before us, which carries an appropriation of $2,650,000, that provision is made for a variety of inspectors to be engaged in various lines of employment, with a view of ascertaining whether aliens are in this country without warrant of law, and providing for the cost of their arrest, their detention, and their deportation. Now, I would like to know from the chairman of the committee whether the Department of Labor has asked for any more money this year than it received last year for this purpose?

Mr. FITZGERALD. It has.

Mr. MOORE. Has it asked for approximately $100,000 more than it had last year?

Mr. FITZGERALD. Oh, no. They asked for about $300,000 more than we carried in the sundry civil bill.

Mr. MOORE. How much?

Mr. FITZGERALD. Three hundred and sixty thousand dollars more.

Mr. MOORE. For this particular service of enforcing the immigration laws?

Mr. FITZGERALD. For regulating immigration, and all of the service.

Mr. MOORE. More than $360,000 this year over the expenses of that service last year?

Mr. FITZGERALD. No. The appropriation that was carried in the sundry civil bill was $2,550,000, and the estimates submitted for next year were $2,910,000, and an addition of $95,000 was provided in the deficiency bill for this year.

Mr. MOORE. Was any excess the result of a deficiency in the expenditures of the bureau?

Mr. FITZGERALD. Ninety-five thousand dollars was carried in the deficiency bill, and was claimed to be necessary, and was voted by the House.

Mr. MOORE. Will the gentleman explain why that deficiency existed? What was the cause of it?

Mr. FITZGERALD. I can not explain that. I did not believe it was necessary; but the House voted the item in. You can not expect me to explain something I do not know.

Mr. MOORE. Was it due to the construction of buildings that were necessary to protect the property of the Government, upon which Secretaries and departments have reported favorably to the committee, or was it for the employment of men to go out and do work for the Government?

Mr. FITZGERALD. It was for a good many reasons.

Mr. MOORE. I think the House is entitled to know.

Mr. FITZGERALD. I do not just recall now the reasons given for the deficiency item which the Committee on Appropriations did not recommend, but for which the gentleman from Pennsylvania [Mr. MOORE] voted, and he must have had information upon which he voted.

Mr. MOORE. I think the gentleman from New York is entirely mistaken about my vote.

Mr. FITZGERALD. I think not.

Mr. MOORE. I think I voted with the gentleman on that occasion, if he stood by his committee. I call the attention of the gentleman to the fact that he is extremely particular about certain items that go into the bill and has funds of information about all phases of most questions, but when we come to an appropriation carrying a $95,000 deficiency, he does not have very much information to give to the House concerning it.

Mr. FITZGERALD. I had at the time the deficiency bill was before the House. I think it is unreasonable to expect me to furnish the gentleman, during the consideration of this bill, with all the information that he demands of me to furnish during the consideration of other appropriation bills.

Mr. MOORE. May I ask the gentleman if the Secretary of the Department of Labor appeared before his committee to advocate this increase of appropriation?

Mr. FITZGERALD. No; the Secretary of Labor did not appear before us.

Mr. MOORE. Then the rule which applies to the War Department, which requires that the Secretary of War shall appear to justify a request for the expenditure of money, does not hold with regard to the Secretary of Labor, and the Secretary of Labor need not appear before the Committee on Appropriations?

Mr. FITZGERALD. The conditions, of course, are entirely different. In the first place, there was no estimate for the item about which the gentleman is harping with reference to the Secretary of War, and, in the second place, there was an estimate of the amount required for this particular service. I do not know why the Secretary of Labor did not appear before the committee, but those immediately in charge of the service did appear before the committee.

Mr. MOORE. I have a rather distinct recollection that the gentleman from New York himself said upon the floor when the deficiency bill was up that the Secretary of Labor had authorized certain expenditures without warrant of law. Now, those expenditures apparently have been made up or are to be made up out of this appropriation.

Mr. FITZGERALD. I do not think the gentleman's recollection is accurate, either with regard to the statement I made in reference to this particular appropriation or with regard to the statement I made in reference to any appropriation carried in this bill.

Mr. MOORE. Am I entirely in error when I say that a representative of the Department of Labor did appear before the Committee on Appropriations and did suggest that a part of this appropriation of $2,650,000 should be made to include the deficiency referred to?

Mr. FITZGERALD. Nothing in here has anything to do with any deficiency. This bill is for the service of the fiscal year commencing on the 1st of July, 1914. It is for a future service, not for the service of the past or for the service in the current year. It is only for past and current services that deficiencies are incurred or asked for.

Mr. MOORE. Was it Mr. O'Donnell that appeared before the Committee on Appropriations in behalf of the deficiency? I do not want to harry the gentleman from New York.

Mr. FITZGERALD. Oh, the gentleman is not harrying me. The gentleman is talking to no point. If the gentleman wishes to speak, he can move to strike out the last word. I can not be put on exhibition simply because the gentleman from Pennsylvania wishes to discuss something in the bill or out of it.

Mr. MOORE. I would not seek to embarrass the gentleman in his relations with the Secretary of Labor, nor would I wish to embarrass any other gentleman on this floor in that respect.

Mr. FITZGERALD. The department has asked for $2,910,000 for the next year, and the committee has recommended $2,650,000.

Mr. MOORE. A part of this item is to be used for the purpose of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation. Now, a part of this appropriation is to be spent for that purpose. Can the gentleman tell me how much is to be expended for the deportation of Chinese? I am a member of the Committee on Immigration and Naturalization, and I would like to know.

Mr. FITZGERALD. I can explain that. A few years ago the appropriation for the deportation of Chinese and for the enforcement of the Chinese exclusion act was carried in a separate item. It amounted to $500,000. Then, as all of that money was not expended, if I recall correctly; for a year or two it aggregated about $450,000; and then, at the suggestion of the immigration officials, to the effect that it was not good and economical and efficient administration to maintain a force of inspectors exclusively for Chinese exclusion work, but that the inspectors of the department should be utilized wherever possible in that work, and that better results could thereby be obtained, the appropriation of half a million dollars for the enforcement of the Chinese exclusion act was consolidated with

a very simple process for the gentleman from New York to move

call the roll. Those in favor of dispensing with Calendar

DIPLOMATIC AND CONSULAR BILL.

The SPEAKER. The Hon. WILLIAM G. SHARP, of Ohio, was appointed as one of the conferees on the Diplomatic and Consular appropriation bill. He can not be here, and the Chair appoints Mr. CLINE in his place.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill, and the Clerk will read.

The Clerk read as follows:

IMMIGRATION SERVICE.

For all expenses of the enforcement of the laws regulating immigration of aliens into the United States, including the contract-labor laws; cost of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," and acts amendatory thereof; necessary supplies, including exchange of typewriting machines, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Labor, $2,650,000.

Mr. DUPRÉ. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "$2,650,000" and insert "$2,649,500: *Provided, however*, That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States, shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however*, That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of $2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order.

Mr. DUPRÉ. Mr. Chairman, I will frankly state to the House that the object of this amendment is to put the commissioner of immigration at the port of New Orleans on the same basis as the other commissioners of immigration at other ports of this country. At other ports where immigration stations are located, except at the port of New Orleans, the commissioner is appointed by the President for a term of four years and confirmed by the Senate. In the one case in my home city it is held that this officer comes under the Civil Service Commission and must be named from the classified list. That happens for this reason: That the other commissioners of immigration are provided for in the sundry civil bill of 1894, while the commissioner of immigration at New Orleans was provided for by the act of 1907 for the first time. Under section 34 of that act it provides:

SEC. 34. That the Commissioner General of Immigration, with the approval of the Secretary of Labor, may appoint a commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at their respective ports.

The Civil Service Commission has ruled that the verbiage of section 34, which I have just read, means that this man must be named from the civil-service list. Now, it is not time at this juncture to discuss the question why there should be any difference in the manner of naming this officer at one port from another. The same duties that are discharged at Baltimore or Seattle are discharged at New Orleans, and there is no reason why the one at New Orleans should not be appointed by the President, as the others are. But that does not go to the point of order. I was simply mentioning this as preliminary to the issue.

I take it, Mr. Chairman, that this provision comes under the Holman rule. I do not hold myself out to be a parliamentarian, and I am not here armed with any elaborate precedents on the subject, but I understand the Holman rule to mean that an amendment is in order in the consideration of an appropriation bill if that amendment is germane and if it looks to the retrenchment of public expenditures. In this case I respectfully submit that it does both. The salaries of commissioners of immigration at the respective ports are not set forth in detail by law. A lump sum is appropriated for payment of their salaries, and it is this lump appropriation which I am amending that makes provision in this bill for payment of the salaries of all these officials. Congress, instead of saying that the commissioner of immigration at New York or Philadelphia shall receive a fixed compensation, has seen fit to leave that to the discretion of the Department of Labor. The Department of Labor has in the instant case—the case at New Orleans—according to a letter that I hold in my hand of date June 17, advised me that the salary of the commissioner of immigration at the port of New Orleans is fixed by it at $3,000 per annum. I shall submit the letter to the chairman, if he so desires, though I do not care to incorporate it in the RECORD unless it is insisted on. However, it is subject to the inspection of any Member who desires to look at it.

I propose first, then, in this amendment to reduce the lump sum from $2,650,000, which is appropriated for the immigration service, to $2,649,500; and I further propose to reduce the salary of the man himself, who is to be paid out of this reduced appropriation, from $3,000 to $2,900. There is undoubtedly a retrenchment in the expenditure of the public money. It has frequently been held that it makes no difference how little the proposed amendment undertakes to reduce expenses as long as there is a substantial reduction, a reduction shown on the face of the amendment, then it is in order. In this case, I repeat, I propose a reduction of the lump sum allowed to this service, and out of abundant caution I propose a reduction of the salary to be paid to this particular official.

Now, what remains, then, to bring this amendment within the purview of the Holman rule, except germaneness? It occurs to me that it is essentially germane. It is an amendment offered to the provision for the Immigration Service. It relates to one of the commissioners of that service. It provides for a reduction of his salary. It is true that it makes a change in existing law, but it makes a change in existing law along the line of germaneness. It has been held in a decision here, for instance, that where an appropriation of $500,000 was sought to be made for completion of the park between the Capitol and the Union Station an amendment was in order which provided for the repeal of that law. The gentleman from New York [Mr. FITZGERALD] in charge of the bill made the point of order that the amendment proposed by his colleague [Mr. SISSON] repealing that law was not in order, and the Chairman of the Committee of the Whole, the gentleman from Kentucky [Mr. JOHNSON] held that it came under the Holman rule, because if the law were repealed it would be a reduction in that respect.

Now, what is the difference in this case? If you can repeal a law, if an amendment repealing a law is germane, because it reduces the amount to be expended from the Public Treasury, why is not an amendment germane that proposes to change any such law, not by repealing it but by modifying it in some other way, as long as there is a consequent and necessary reduction if the amendment is agreed to? I trust that the gentleman from New York [Mr. FITZGERALD] will view the matter in that light, but I prefer that the Chair should see the matter in that light, and I respectfully submit it to his consideration. [Applause.]

The CHAIRMAN. Does the gentleman from New York [Mr. FITZGERALD] care to discuss the point of order?

Mr. FITZGERALD. If the Chair will rule on it, I do not care to discuss it.

The CHAIRMAN. The Chair has reexamined the rule commonly known as the Holman rule, and he will read the following portion of it:

No appropriation shall be reported in any general appropriation bill or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, the amendment proposed by the gentleman from Louisiana [Mr. DUPRÉ] reduces the amount carried in the bill. It also reduces the compensation of a person paid out of the Treasury of the United States. So that there is left to the Chair only the question whether or not it is germane.

Mr. MANN. I should like to ask the Chair a question. In reference to the amendment reducing the compensation of the person, of course the amendment goes away beyond that, and, as I understand it, repeals a provision of law.

The CHAIRMAN. It does.

Mr. MANN. May we have that amendment reported again? I think this is a very important ruling.

The CHAIRMAN. If there be no objection, the amendment will be read again.

The Clerk read as follows:

Page 150, at the end of line 21, strike out "$2,650,000" and insert "$2,649,500: *Provided, however*, That the commissioner of immigration to discharge at New Orleans, La., the duties now required of other commissioners of immigration at the respective ports of the United States shall be appointed in the same manner and for the same term as said other commissioners, and shall have the same official status as they; and that section 34 of the immigration act approved February 20, 1907, is hereby repealed in so far as it conflicts with the foregoing provision: *Provided further, however*, That the salary of the said commissioner of immigration at New Orleans, La., shall be reduced the sum of $2,900 per annum."

The CHAIRMAN. The decisions upon this particular rule, as is well known to gentlemen who have examined them with care, are somewhat conflicting. It is easily possible to find precedents to sustain different contentions. It seems to the Chair, however, that the legislation which is proposed in the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ] is germane to the section of this bill that is under consideration. It meets the requirements of the rule in other respects in that it provides a reduction of the amount carried in the bill and a reduction of the compensation of a person paid out of the Treasury of the United States. Entertaining that view, the Chair overrules the point of order. The question is on the amendment.

Mr. MANN. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Illinois appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. MANN. Mr. Chairman, I do not make any controversy with the decision of the Chair. I am very sorry that there are two aspects to the case. I would like to have a ruling of the committee upon the question of whether a reduction of the amount carried by the bill in an amendment is sufficient authority to attach to it a provision repealing a portion of the statute. As the Chair has indicated that in his opinion that is sufficient, I have respectfully taken an appeal in order that the committee might have an opportunity to vote on the proposition.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken.

The committee divided; and there were—ayes 65, noes 5.

So the decision of the Chair stands as the judgment of the committee.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Chairman, there seems to be some question as to the language in the concluding portion of the paragraph. The intention was to reduce the salary to the sum of $2,900 per annum. Some gentlemen seem to think that I desire to reduce the salary of $3,000 by the sum of $2,900 per annum.

The CHAIRMAN. The Chair will state that that is the way the amendment reads.

Mr. DUPRÉ. Mr. Chairman, I ask unanimous consent to modify the amendment so as to make it read that it shall reduce the salary to the sum of $2,900 per annum.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to modify his amendment by inserting the word "to" after the word "reduce" in the next to the last line. Is there objection?

There was no objection, and it was so ordered.

Mr. MANN. Mr. Chairman, I now move to amend the amendment by striking out the latter part of it which proposes a reduction in the salary.

The CHAIRMAN. The gentleman from Illinois offers an amendment striking out the last proviso, which the Clerk will report.

The Clerk read as follows:

Amend, by striking out the proviso which reads as follows: "*Provided further, however*, That the salary of such commissioner of immigration at New Orleans, La., shall be reduced to the sum of $2,900 per annum."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against the amendment. The gentleman can not offer an amendment that is in order under the rule and then by a further amendment so change it that it would not be in order if offered originally in that form.

Mr. ELDER. Mr. Chairman, my understanding is that it is the universal rule that after an amendment is once declared in order it is then in order to offer any amendment to that amendment. Within the last two months there have been two or three rulings of the Chair to exactly that effect—that, after an amendment was once declared to be in order by the Chair, any amendment, whatever it might be, to that amendment was then in order.

The CHAIRMAN. Will the gentleman permit an interruption?

Mr. ELDER. Certainly.

The CHAIRMAN. The Chair has not the precedents on the point before him; but, approaching it purely as a matter of reason, would not the effect of holding in order the amendment proposed by the gentleman from Illinois be to really destroy, logically, the effect of the Holman rule?

Mr. ELDER. Unquestionably.

Mr. MANN. Oh, no.

Mr. ELDER. But I am answering my own view, and the gentleman from Illinois may present his view to the Chair after I am through. In my opinion it does to that extent destroy the rule, because the amendment is held to be in order because it is a reduction of salary. Within the short time that I have been in the House, on other appropriation bills, it has been held that, once an amendment is declared in order by the Chair, it is in order then to offer any amendment to that amendment. To be frank with the Chair, my opinion is that to that extent it does destroy the Holman rule.

The CHAIRMAN. Will the gentleman permit an inquiry?

Mr. ELDER. Certainly.

The CHAIRMAN. If the Chair understands the gentleman correctly, the Chair thinks perhaps the gentleman has a different precedent in mind. It is the rule of the House that if an amendment be proposed which is not in order, but the point of order be not made to it and it remains in to be voted on, then any amendment which is germane, whether it be in order or not, may be offered to that proposition. That is the rule of the House; but this is a somewhat different proposition.

Mr. MANN. Before the Chair decides, I would like to be heard on the point of order.

The CHAIRMAN. Certainly. Assuming, if we may so assume, it would not be in order without the proviso, can you destroy the effect of the Holman rule by that decision? The Chair will hear the gentleman from Illinois.

Mr. MANN. Mr. Chairman, there is no doubt whatever about the rule—that where an amendment is offered to strike out something which would make the whole matter out of order, the motion to strike out is not in order—and if this amendment had been held in order by the Chair solely because it proposes a reduction in salary, it would not be in order after the amendment was pending to entertain a motion to strike out that part, because that would be the part that gave it the privilege of being presented to the House; but the Chair has just ruled that the other part of the amendment which proposes a reduction in the amount of the appropriation carried by the bill made this amendment in order. From that ruling I respectfully appealed to the committee. The committee sustained the decision of the Chair. That was the issue which was presented by the appeal which I took. I voted to sustain the decision of the Chair. I think I should have voted to sustain the decision of the Chair if the Chair had decided the other way. I asked for an appeal because I thought it was desirable to have the House or the Committee of the Whole pass upon this controverted question in order that we might know in the future what the ruling was to be. But the Chair does not hold that this amendment was in order on that ground, and the Committee of the Whole House on the state of the Union does not sustain the decision of the Chair on that ground. It is not necessary now to say it was necessary to reduce the amount of salary in order to make the amendment in order. That being the case, it is in order to strike out the provision reducing the amount of the salary because the amendment was put in order on the ground it reduces the amount carried in the bill.

The CHAIRMAN. Will the gentleman permit a question?

Mr. MANN. Certainly.

The CHAIRMAN. The gentleman from Illinois is correct. The Chair rested his decision upon two points—that it reduced the amount carried in the bill and reduced the amount of salary——

Mr. JOHNSON of Kentucky. And also that it is germane.

The CHAIRMAN. Of course it would not have been in order in any event if it had not been germane, and, being germane, it would not have been in order except by the other two conditions, or at least one of the other two conditions. Now, as a practical proposition, we want to get the common sense of this matter, and I will ask the gentlemen from Illinois if the reduction in the amount carried in the bill and the amount of reduction of the amount in salary are not so intimately interwoven that they substantially constitute one single thing?

Mr. MANN. I think not.

day of June, 1914.

Cadet John Prince Markoe.

Mr. MURDOCK. I reserve the right to object. If Calendar Wednesday is going to be dispensed with, I would like to have it done by a vote.

Mr. MANN. This will not dispose of Calendar Wednesday. This preserves Calendar Wednesday.

Mr. MURDOCK. It disposes of it for the day, and the rule says that Calendar Wednesday shall be disposed of after 10 minutes of debate by a motion.

Mr. MANN. But the trouble about making the motion is that you can not substitute another day for to-day. There would be two Calendar Wednesdays next week, and the bill under consideration to-day would come up next Wednesday. Following that would be the reclamation bill, I would take it. We would not lose any time.

Mr. MURDOCK. It is in the power of the House to dispose of Calendar Wednesday.

Mr. MANN. Oh, yes; but it is not in the power of the House this morning to substitute another Calendar Wednesday.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that next Wednesday is the 1st of July, and there is still undisposed of differences between the two Houses on both the District and the legislative appropriation bills.

Mr. MANN. It is still within the power of the House to dispense with proceedings on Calendar Wednesday If there was sufficient reason for it.

Mr. FITZGERALD. It would take two-thirds vote to dispense with business on both those days.

Mr. MONDELL. Mr. Speaker, reserving the right to object——

Mr. MURDOCK. I still reserve my right.

Mr. MONDELL. In reply to the suggestion of the gentleman from Kansas, some of us who are here are very much interested in the bill which will be taken up to-day relative to campaign expenditures. I want to see it become a law, and the sooner the better. We are also very much interested in the reclamation bill which follows, for the extension of the period of payments, and we can not take any position that could possibly delay or jeopardize the enactment of either of those bills.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, just a moment.

Mr. MURDOCK. Mr. Speaker, I reserve the right to object.

Mr. MONDELL. If the gentleman from Kansas [Mr. MURDOCK] insists on a vote on a motion which does not substitute another day for the day lost, he would put us in a position where we must vote against dispensing with Calendar Wednesday, because by that vote we do not get the other day. If the request of the gentleman from Illinois [Mr. MANN] were granted, we would secure two consecutive days; that would be better than one day now and one day next week.

Mr. MURDOCK. With the Speaker's permission, will the gentleman yield? If the House votes to dispense with Calendar Wednesday, is there any reason why we can not go on with the consideration, as the gentleman from Illinois [Mr. MANN] proposed?

Mr. MONDELL. If anyone can assure us we will get that other day.

Mr. MURDOCK. The gentleman knows that nearly everybody here in the House is to-day in favor of dispensing with Calendar Wednesday, but I would like to see it dispensed with regularly under the rules; that is, by a vote.

Mr. MONDELL. I am not in favor of dispensing with it unless we get an extra day next week—Thursday, as well as Wednesday.

Mr. MURDOCK. If we are going to dispose of it, let it be done regularly and by unanimous consent.

Mr. GARNER. Does the gentleman want to dispense with Calendar Wednesday?

Mr. MURDOCK. Yes.

Mr. GARNER. And the only object is that he wants to establish a record?

Mr. MURDOCK. We had a great deal of trouble in providing for a Calendar Wednesday rule, and finally established the day, and provided that we could dispense with it by a motion after limited debate. The gentleman from Texas [Mr. GARNER] certainly does not mean to say that I was trying to do anything in the line of a "grand-stand play"?

Mr. GARNER. I do not mean to say that, but the gentleman from Kansas [Mr. MURDOCK] seems to have such a respect for Calendar Wednesday that he is not even willing at this stage of the procedure, in order to relieve the country, to dispense with Calendar Wednesday, in order to make his record consistent.

Mr. MURDOCK. No; it is not a matter of consistency. It is a very simple process for the gentleman from New York to move to dispense with Calendar Wednesday, and then, after the vote is taken and Calendar Wednesday is disposed of to-day by a majority vote——

Mr. FITZGERALD. It takes a two-thirds vote——

Mr. MURDOCK (continuing). Yes; by a two-thirds vote, then we can go on with the consideration of the bill. But I would like to see the motion made and voted on and not have it done by unanimous consent.

Mr. RAKER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RAKER. If Calendar Wednesday is disposed of to-day by unanimous consent, and next Thursday is recognized as Calendar Wednesday, we will then have next Wednesday and Thursday for all the business that otherwise would be taken up on to-day and on next Wednesday?

The SPEAKER. Yes.

Mr. RAKER. In the same order and condition?

The SPEAKER. Yes.

Mr. RAKER. So that when we shall have gotten through with the so-called Rucker bill, the reclamation bill could be taken up as if the Rucker bill had been disposed of to-day?

The SPEAKER. Yes.

Mr. ADAMSON. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ADAMSON. Would it not be competent to get out of the trouble if the gentleman from Illinois [Mr. MANN] would modify his request and say that if the House should dispense with Calendar Wednesday to-day, in that event Wednesday and Thursday of next week be substituted?

Mr. MANN. I will not substitute it that way.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to substitute to-morrow week for to-day.

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

Mr. UNDERWOOD. Reserving the right to object, Mr. Speaker, speaking in the time of the gentleman from Kansas [Mr. MURDOCK] in his reservation, I do not think it wise to make any other special order for next week or to set aside a special day for next week. Next Monday we have set apart as a suspension day. That will aid more Members and facilitate the passage of more bills than a calendar day can possibly do, because it brings the bills to the immediate consideration of the House. Next week we have a Calendar Wednesday. That makes two days set apart, and I do not suppose we can get all the appropriation bills through, but those that are in conference and can be considered ought to be passed, every one of them that is possible, next week before the 1st day of July, because——

Mr. MANN. Next Thursday is after the 1st day of July.

Mr. UNDERWOOD. Yes.

The SPEAKER. Wednesday is the 1st day of July.

Mr. UNDERWOOD. They may not be finished then. I do not think it wise to set apart another Calendar Wednesday to interfere with the business of the calendar.

The SPEAKER. Is there objection?

Mr. MURDOCK. I object, Mr. Speaker.

The SPEAKER. The gentleman from Kansas objects, and the question is on the motion of the gentleman from New York [Mr. FITZGERALD] to dispense with Calendar Wednesday to-day.

The question was taken.

The SPEAKER. In the opinion of the Chair——

Mr. WINGO. Mr. Speaker, I demand a division.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] demands a division. Those in favor of dispensing with Calendar Wednesday to-day will rise and stand until they are counted. [After counting.] Sixty-one gentlemen have arisen in the affirmative. The "ayes" will take their seats, and those opposed will rise. [After counting.] Thirty-eight gentlemen have arisen in the negative. On this vote the ayes are 61 and the noes are 38.

Mr. FITZGERALD. I ask for tellers, Mr. Speaker.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands tellers.

Mr. WINGO rose.

The SPEAKER. For what purpose does the gentleman from Arkansas rise?

Mr. WINGO. To make the point of order that there is not a quorum present.

The SPEAKER. The gentleman from Arkansas [Mr. WINGO] makes the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. Those in favor of dispensing with Calendar

Wednesday to-day will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 175, nays 72, answered "present" 6, not voting 180, as follows:

YEAS—175.

Abercrombie	Dent	Holland	Rainey
Adair	Dershem	Houston	Raker
Adamson	Dickinson	Howard	Ranch
Aiken	Difenderfer	Hughes, Ga.	Raybura
Alexander	Dixon	Hull	Reilly, Conn.
Allen	Donohoe	Igoe	Rothermel
Ashbrook	Donovan	Jacoway	Rouse
Aswell	Doolittle	Johnson, Ky.	Ruiey
Bailey	Doughton	Johnson, S. C.	Rucker
Baker	Dupré	Keating	Russell
Baltz	Eider	Kettner	Seldomridge
Barkley	Evans	Kindel	Sims
Bathrick	Falson	Kirkpatrick	Sisson
Beakes	Fergusson	Korbly	Small
Beall, Tex.	Ferris	Lazaro	Smith, Md.
Blackmon	Fess	Lever	Smith, N. Y.
Booher	Finley	Lewis, Pa.	Sparkman
Borchers	Fitzgerald	Lloyd	Stafford
Bowdle	Fitzhenry	Lonergan	Stephens, Miss.
Brockson	Flood, Va.	McClellan	Stephens, Tex.
Broussard	Floyd, Ark.	McCoy	Stone
Brown, N. Y.	Foeler	McDermott	Sumners
Brumbaugh	Fowler	McGillicuddy	Taggart
Buchanan, Tex.	Francis	McKellar	Talbott, Md.
Bulkley	Gallagher	Maguire, Nebr.	Talcott, N. Y.
Burnett	Garner	Metz	Tavenner
Byrnes, S. C.	Garrett, Tenn.	Mitchell	Taylor, Ark.
Byrns, Tenn.	Garrett, Tex.	Montague	Taylor, Colo.
Candler, Miss.	Gill	Moon	Ten Eyck
Caraway	Gilmore	Morrison	Thacher
Carter	Godwin, N. C.	Murray, Mass.	Thompson, Okla.
Casey	Goeke	Murray, Okla.	Townsend
Church	Goodwin, Ark.	Ogleshy	Tribble
Clancy	Graham, Ill.	O'Hair	Underhill
Claypool	Gray	Oldfield	Underwood
Cline	Gregg	O'Leary	Vollmer
Coady	Hamlin	Padgett	Walker
Collier	Hardy	Page, N. C.	Walsh
Connelly, Kans.	Harris	Park	Watson
Connolly, Iowa	Harrison	Peterson	Webb
Conry	Hayden	Post	Williams
Cresser	Heflin	Pou	Wingo
Cullop	Hensley	Quin	Witherspoon
Deitrick	Hill	Ragsdale	

NAYS—72.

Bartholdt	Falconer	Kennedy, Iowa	Plumley
Barton	Farr	Kinkaid, Nebr.	Roberts, Nev.
Bell, Cal.	French	La Follette	Rupley
Britten	Good	Lee, Ga.	Scott
Browne, Wis.	Green, Iowa	Lee, Pa.	Sinnott
Bryan	Greene, Mass.	Lindbergh	Smith, Idaho
Buchanan, Ill.	Hamilton, Mich.	Logue	Stevenson
Campbell	Haugen	McLaughlin	Stephens, Cal.
Cary	Hawley	Mann	Stevens, Minn.
Cooper	Hayes	Mapes	Sutherland
Cox	Helgesen	Mondell	Temple
Cramton	Hinebaugh	Moore	Towner
Curry	Howell	Morgan, Okla.	Treadway
Dauforth	Humphrey, Wash.	Moss, W. Va.	Volstead
Dillon	Johnson, Utah	Murdock	Walters
Drukker	Johnson, Wash.	Nolan, J. I.	Watkins
Edmonds	Kelley, Mich.	Parker	Woodruff
Esch	Kelly, Pa.	Payne	Woods

ANSWERED "PRESENT"—6.

Burke, S. Dak.	Glass	Slemp	Sloan
Burke, Wis.	Prouty		

NOT VOTING—180.

Ainey	Dooling	Helm	McAndrews
Anderson	Doremus	Helvering	McGuire, Okla.
Ansberry	Driscoll	Henry	McKenzie
Anthony	Dunn	Hinds	MacDonald
Austin	Eagan	Hobson	Madden
Avis	Eagle	Hoxworth	Mahan
Barchfeld	Edwards	Hughes, W. Va.	Maher
Barnhart	Estopinal	Hullings	Manahan
Bartlett	Fairchild	Humphreys, Miss.	Martin
Bell, Ga.	Fields	Jones	Merritt
Borland	Fordney	Kahn	Miller
Bradley	Frear	Kelster	Morgan, La.
Brown, W. Va.	Gallivan	Kennedy, Conn.	Morin
Browning	Gard	Kennedy, R. I.	Moss, Ind.
Buckner	Gardner	Kent	Mott
Burgess	George	Key, Ohio	Neeley, Kans.
Burke, Pa.	Gerry	Kiess, Pa.	Neely, W. Va.
Butler	Gillett	Kinkead, N. J.	Nelson
Calder	Gittins	Kitchin	Norton
Callaway	Goldfogle	Knowland, J. R.	O'Brien
Cantor	Gordon	Konop	O'Shaunessy
Cantrill	Gorman	Kreider	Paige, Mass.
Carow	Goulden	Lafferty	Palmer
Carlin	Graham, Pa.	Langham	Patten, N. Y.
Carr	Greene, Vt.	Langley	Patton, Pa.
Chandler, N. Y.	Griest	L. Engle	Peters, Me.
Clark, Fla.	Griffin	Lenroot	Peters, Mass.
Copley	Gudger	Lesher	Phelan
Covington	Guernsey	Levy	Platt
Crisp	Hamill	Lewis, Md.	Porter
Dale	Hamilton, N. Y.	Lieb	Powers
Davenport	Hammond	Lindquist	Reed
Davis	Hardwick	Linthicum	Reilly, Wis.
Decker	Hart	Lobeck	Riordan
Dies	Hay	Loft	Roberts, Mass.
Rogers	Slayden	Stringer	Weaver
Sabath	Smith, J. M. C.	Switzer	Whaley
Saunders	Smith, Minn.	Taylor, Ala.	Whitacre
Scully	Smith, Saml. W.	Taylor, N. Y.	White
Sells	Smith, Tex.	Thomas	Willis
Shackleford	Stanley	Thomson, Ill.	Wilson, Fla.
Sharp	Stedman	Tuttle	Wilson, N. Y.
Sherley	Stephens, Nebr.	Vare	Winslow
Sherwood	Stevens, N. H.	Vaughan	Young, N. Dak.
Shreve	Stout	Wallin	Young, Tex.

So, two-thirds having voted in favor thereof, the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. FIELDS with Mr. LANGLEY.

Mr. BURKE of Wisconsin with Mr. FREAR.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SHERLEY with Mr. GILLETT.

Mr. HENRY with Mr. HINDS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. GLASS with Mr. SLEMP.

Mr. BARNHART with Mr. ANDERSON.

Mr. BORLAND with Mr. ANTHONY.

Mr. BROWN of West Virginia with Mr. AUSTIN.

Mr. BURGESS with Mr. AVIS.

Mr. CALLAWAY with Mr. BARCHFELD.

Mr. CARLIN with Mr. DAVIS.

Mr. CARR with Mr. CHANDLER of New York.

Mr. DECKER with Mr. GUERNSEY.

Mr. DIES with Mr. CALDER.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DRISCOLL with Mr. FAIRCHILD.

Mr. EAGAN with Mr. GRIEST.

Mr. EDWARDS with Mr. HAMILTON of New York.

Mr. ESTOPINAL with Mr. GRAHAM of Pennsylvania.

Mr. GALLIVAN with Mr. HULINGS.

Mr. GARD with Mr. KAHN.

Mr. GOLDFOGLE with Mr. KENNEDY of Rhode Island.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GORMAN with Mr. KREIDER.

Mr. GEORGE with Mr. KEISTER.

Mr. HARDWICK with Mr. MANAHAN.

Mr. HAY with Mr. LANGHAM.

Mr. HELM with Mr. LEWIS of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. KENNEDY of Connecticut with Mr. LAFFERTY.

Mr. KONOP with Mr. MCGUIRE of Oklahoma.

Mr. LESHER with Mr. MCKENZIE.

Mr. LEVY with Mr. POWERS.

Mr. LIEB with Mr. MERRITT.

Mr. LINTHICUM with Mr. MILLER.

Mr. LOBECK with Mr. MORIN.

Mr. MOSS of Indiana with Mr. MOTT.

Mr. NEELEY of Kansas with Mr. NELSON.

Mr. PATTEN of New York with Mr. NORTON.

Mr. PUTNAM with Mr. ROBERTS of Massachusetts.

Mr. REED with Mr. PAIGE of Massachusetts.

Mr. RIORDAN with Mr. PATTON of Pennsylvania.

Mr. SAUNDERS with Mr. PLATT.

Mr. SHACKLEFORD with Mr. PORTER.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SMITH of Texas with Mr. SHREVE.

Mr. STEPHENS of Nebraska with Mr. SELLS.

Mr. STRINGER with Mr. SAMUEL W. SMITH.

Mr. THOMAS with Mr. SWITZER.

Mr. TUTTLE with Mr. THOMSON of Illinois.

Mr. PALMER with Mr. VARE.

Mr. VAUGHAN with Mr. WINSLOW.

Mr. YOUNG of Texas with Mr. AINEY.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. WILSON of New York with Mr. SMITH of Minnesota.

Mr. WEAVER with Mr. SLOAN (ending August 4).

The result of the vote was then announced as above recorded.

The Doorkeeper was directed to open the doors.

Philippine Islands or a whisper of information to transmit to the unfortunate people of Mexico.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr. President, I give notice that to-morrow, at the close of the morning business, I will address the Senate on the bill for the creation of a Federal trade commission.

I now move that the Senate take up for consideration the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes.

The VICE PRESIDENT. The question is on the motion of the Senator from Nevada.

Mr. JONES. I hope the Senator will not make that motion this afternoon. Very few Senators are present at this time. He can make the motion to-morrow. I do not want to have to suggest the absence of a quorum, but I shall feel disposed to do it if the Senator now insists on the motion. I have no objection to the bill being made the unfinished business to-morrow.

Mr. NEWLANDS. Very well, Mr. President. As there is no probability of a quorum being secured, I will renew the motion to-morrow morning.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 25, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 24, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Civil Engineer Frank T. Chambers, with rank of commander, to be a civil engineer in the Navy with rank of captain from the 13th day of June, 1914.

Lieut. Commander John C. Fremont to be a lieutenant commander in the Navy from the 1st day of July, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Edward E. Spafford to be a lieutenant commander in the Navy from the 20th day of December, 1913, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Walter N. Vernou to be a lieutenant commander in the Navy from the 11th day of January, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Lewis Coxe to be a lieutenant commander in the Navy from the 13th day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Frank R. McCrary to be a lieutenant commander in the Navy from the 21st day of February, 1914, to change the date from which he takes rank as previously confirmed.

Lieut. Commander Percy W. Foote to be a lieutenant commander in the Navy from the 10th day of March, 1914, to change the date from which he takes rank as previously confirmed.

Capt. Edward B. Cole to be a captain in the Marine Corps from the 1st day of May, 1914, to change the date from which he takes rank as previously confirmed.

First Lieut. Frederick A. Barker to be a captain in the Marine Corps from the 25th day of February, 1914.

Second Lieut. Allen E. Simon to be a first lieutenant in the Marine Corps from the 17th day of March, 1914.

Ernest F. Slater, a citizen of South Carolina, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 19th day of June, 1914.

Passed Asst. Surg. James S. Woodward to be a surgeon in the Navy from the 20th day of October, 1913.

Passed Asst. Surg. James A. Randall to be a surgeon in the Navy from the 20th day of November, 1913.

Passed Asst. Surg. Charles E. Ryder to be a surgeon in the Navy from the 21st day of January, 1914.

Penn-Gaskell Skillern, jr., a citizen of Pennsylvania, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 15th day of June, 1914.

Clarence W. Ross, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 16th day of June, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 24, 1914.

SECRETARIES OF LEGATIONS.

Sheldon Whitehouse to be secretary of the legation to Greece and Montenegro.

Cyrus E. Wicker to be secretary of the legation at Managua, Nicaragua.

CONSUL GENERAL.

Julius G. Lay to be consul general at Berlin, Germany.

Alfred L. M. Gottschalk to be consul general at Rio de Janeiro, Brazil.

CONSULS.

Charles K. Moser to be consul at Harbin, China.

William L. Jenkins to be consul at Guadeloupe, West Indies.

Charles S. Wimans to be consul at Nuremberg, Bavaria.

SURVEYOR GENERAL.

Henry Gerharz to be surveyor general of Montana.

POSTMASTERS.

GEORGIA.

Thomas E. Brown, Bremen.
R. D. Moore, Jefferson.

ILLINOIS.

S. E. Avey, Mount Morris.
Frank W. Meisenheimer, Ava.

IOWA.

A. R. Miller, Washington.

KANSAS.

John B. Kay, St. John.

TENNESSEE.

E. F. Allen, Ashland City.
Addie D. Bell, Springfield.

VERMONT.

Cornelius Buckley, Barton.
John J. Rock, Ludlow.

APPOINTMENTS IN THE ARMY.

To be second lieutenants.

CORPS OF ENGINEERS.

Cadet William Henry Holcombe.
Cadet James Bell Cress.
Cadet Charles Philip Gross.
Cadet Bernard August Miller.
Cadet Peter Cleary Bullard.
Cadet Brehon Burke Somervell.
Cadet Xenophon Herbert Price.
Cadet Robert Walter Crawford.
Cadet Frederick Snowden Skinner.
Cadet Dabney Otey Elliott.
Cadet Allen Parker Cowgill.
Cadet George Fenn Lewis.
Cadet Harrison Brand, jr.
Cadet Frederick William Herman.
Cadet John Hill Carruth.

CAVALRY ARM.

Cadet Arthur Dow Newman.
Cadet John William Butts.
Cadet Cedric Watterson Lewis.
Cadet Edward Leuffer Nevin Glass.
Cadet Charles Watson Foster.
Cadet Cuyler Llewellyn Clark.
Cadet Clarence Corinth Benson.
Cadet Thomas Henry Rees, jr.
Cadet John Henry Woodberry.
Cadet Walter Woolf Wynne.
Cadet William Abbott Robertson.
Cadet Joseph Bradford Treat.
Cadet Joseph Wilson Byron.
Cadet Warren Philip Jernigan.
Cadet Walter Cyrus Gullion.
Cadet Sylvester De Witt Downs, jr.
Cadet Robert Dyer McDonald.
Cadet Orlando Ward.
Cadet John Prince Markoe.

FIELD ARTILLERY ARM.

Cadet Philip Loomis Thurber.
Cadet William Chester Houghton.

COAST ARTILLERY CORPS.

Cadet Lester Earl Moreton.
Cadet La Rhett Livingston Stuart.
Cadet Alfred Earl Larabee.
Cadet John Adams Brooks, jr.
Cadet Albion Ray Rockwood.
Cadet Frank Lawrence Hoskins.
Cadet John Hamilton Jouett.

INFANTRY ARM.

Cadet Roy Melvin Smyth.
Cadet Cleveland Hill Bandholtz.
Cadet Fritz Philip Lindh.
Cadet Harry Clyde Ingles.
Cadet James Lester Bradley.
Cadet Willis James Tack.
Cadet Floyd Randall Waltz.
Cadet Carl Eugene Fosnes.
Cadet Weldon Williamson Doe.
Cadet Carl Spatz.
Cadet Harold Roe Bull.
Cadet Charles Morton Milliken.
Cadet James Fred Byrom.
Cadet Woodfin Grady Jones.
Cadet Paul Clarence Paschal.
Cadet John Leo Parkinson.
Cadet Rudolph Gwinn Whitten.
Cadet Louis Thomas Byrne.
Cadet Francis Rusher Kerr.
Cadet Francis Marion Brannan.
Cadet William Rutledge Orton.
Cadet Francis Henry Forbes.
Cadet Rufus Sumter Bratton.
Cadet Thomas George Lanphier.
Cadet Jefferson Reese Davenport.
Cadet Benjamin Grant Weir.
Cadet Ralph Royce.
Cadet Harry Milford Brown.
Cadet Thomas Huntington Monroe.
Cadet Roger Burnett Harrison.
Cadet Joseph Webster Allison, jr.

To be additional second lieutenants.

CAVALRY ARM.

Cadet William Ord Ryan.
Cadet Benjamin Fiery Hoge.

FIELD ARTILLERY ARM.

Cadet John Churchill Wyeth.
Cadet Arthur Rhigland Harris.
Cadet John Green Burr.
Cadet John Benjamin Anderson.
Cadet William Edward Burr.

COAST ARTILLERY CORPS.

Cadet Joseph De Moss McCain.
Cadet Eugene Villaret.
Cadet Reiff Hesser Hannum.
Cadet Harold Francis Loomis.
Cadet Leland Harold Stanford.
Cadet James Cooper Waddell.
Cadet Richard Bolles Paddock, jr.
Cadet Charles Carleton Griffith.
Cadet James Byron Haskell.
Cadet James Patrick Hogan.
Cadet Gooding Packard.
Cadet Glenn Preston Anderson.
Cadet Adam Empie Potts.

INFANTRY ARM.

Cadet Frederick Herr.
Cadet Clifford James Mathews.
Cadet Howard Prescott Milligan.
Cadet Frank William Milburn.
Cadet John Warren Weissheimer.
Cadet Isaac Gill, jr.
Cadet John Kennard.
Cadet John Bellinger Thompson.
Cadet Hamner Huston.
Cadet Jens Anderson Doe.
Cadet Sheldon Harley Wheeler.
Cadet Lester Leland Lampert.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 24, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty and most merciful God, the same yesterday, to-day, and forever, we thank Thee for all the blessings of the past and turn to Thee with renewed confidence for the outpouring of Thy spirit which shall enlighten, uphold, and guide us through all the changing scenes of this newborn day. May we hear, receive, and obey in the spirit of the Master. Amen.

The Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. FITZGERALD. Mr. Speaker, I move to dispense with the business in order to-day under the rules.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves to dispense with business in order to-day under the rules.

Mr. FITZGERALD. Mr. Speaker, a week from to-day is the 1st of July, the beginning of the next fiscal year. There are still 53 pages of the sundry civil appropriation bill to be considered. I think if we were to consider the bill to-day and sit at some length, and one or two days more, we could dispose of it before the end of this week. I hope that because of the importance of passing the bill in the House the motion will prevail.

Mr. HAWLEY. Mr. Speaker, I desire to correct the RECORD.

Mr. MANN. Will the gentleman from New York yield?

The SPEAKER. The Chair will attend to the motion of the gentleman from Oregon in a minute, as soon as we get through with this motion.

Mr. MANN. Would it be practicable to substitute next Tuesday for to-day, and then have two Calendar Wednesdays next week?

Mr. FITZGERALD. I could not agree to that.

Mr. MANN. Why not?

Mr. LLOYD. Would it not be better to make it next Thursday instead of next Tuesday?

Mr. MANN. That would be satisfactory to me.

Mr. FITZGERALD. One objection to two days next week is that probably we will want to attempt to commence consideration of the general deficiency bill if we can get this bill finished early enough this week.

Mr. MURDOCK. Is not the House now on Calendar Wednesday and in the midst of the consideration of a measure?

Mr. FITZGERALD. It is; but disposition of that bill to-day is not nearly so important as finishing the consideration of the sundry civil bill at the earliest possible moment.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. I yield.

Mr. STAFFORD. Supplementing the view of the gentleman from New York [Mr. FITZGERALD], I wish to say that the bill under consideration on Calendar Wednesday is largely a codification of existing law, that there is very little new law embodied in the bill as it is presented to the House, and could very well be postponed to some time next week for consideration. I hope the gentleman from Missouri [Mr. RUCKER] will see his way clear to postpone the consideration of the bill.

Mr. RUCKER. Will the gentleman yield?

Mr. STAFFORD. Certainly.

Mr. RUCKER. Mr. Speaker, realizing the importance of action on the sundry civil bill, I have no disposition to oppose the request of the gentleman from New York [Mr. FITZGERALD], provided some fair arrangement can be made. If it could be agreed that the House will set apart next Thursday, as well as next Wednesday, for business that is in order on Calendar Wednesday, so that these little bills may be disposed of, I would have no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent that proceedings under Calendar Wednesday for to-day be dispensed with and that next Thursday be treated as a Calendar Wednesday day in addition to Wednesday.

Mr. ADAMSON. You mean Thursday week?

Mr. MANN. Thursday of next week.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that Thursday of next week be substituted for to-day.

Mr. MURDOCK. Mr. Speaker, I object.

The SPEAKER. The Chair did not understand the gentleman from Kansas.

Wednesday to-day will answer "yes" when their names are

Rogers Slayden Stringer Weaver

NAYS—31.

Ashurst	Cummins	Page	Sterling
Bristow	Dillingham	Perkins	Stone
Bryan	Hitchcock	Poindexter	Thompson
Camden	Jones	Pomerene	Townsend
Chamberlain	Lane	Ransdell	Vardaman
Chilton	Martine, N. J.	Robinson	White
Clapp	Nelson	Sheppard	Works
Crawford	Norris	Shively	

NOT VOTING—46.

Brady	Goff	Lodge	Smith, Mich.
Brandegee	Gronna	McLean	Smith, S. C.
Burleigh	Hollis	Martin, Va.	Smoot
Burton	Hughes	O'Gorman	Stephenson
Catron	Johnson	Oliver	Swanson
Clark, Wyo.	Kenyon	Owen	Tillman
Colt	Kern	Penrose	Walsh
Culberson	La Follette	Root	Warren
du Pont	Lea, Tenn.	Saulsbury	Weeks
Fall	Lee, Md.	Sherman	West
Fletcher	Lewis	Shields	
Gallinger	Lippitt	Simmons	

So the Senate refused to lay Mr. ROBINSON's amendment on the table.

Mr. MYERS. Mr. President, I will simply say, on this main question, that I think this amendment is useless, unfair, unjust, and unreasonable; that it will merely halt work on a great reclamation project in Montana for an indefinite length of time; and do that project incalculable damage, as it can not be halted and resumed again except at a great cost of money.

I hope that the amendment will be defeated.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. MYERS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. SIMMONS]. Not knowing how he would vote on this question, I withhold my vote unless it becomes necessary to make a quorum.

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the Senator from Illinois [Mr. SHERMAN]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire again to announce the necessary absence of my colleague [Mr. SMITH] and his pair with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I announce my pair with the Senator from Wyoming [Mr. CLARK] and the transfer as on the last vote. I vote "nay."

Mr. WILLIAMS. Announcing my pair with the senior Senator from Pennsylvania [Mr. PENROSE], I withhold my vote.

The roll call was concluded.

Mr. CHILTON. I announce my pair and transfer as before and vote "yea."

Mr. THOMAS. I again announce my pair with the Senator from New York [Mr. ROOT], and withhold my vote.

Mr. CHAMBERLAIN. Again transferring my pair to the junior Senator from Maryland [Mr. LEE], I vote "yea."

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. REED. I am paired with the Senator from Michigan [Mr. SMITH].

Mr. WILLIAMS. I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from New Jersey [Mr. HUGHES] and vote "nay."

Mr. OWEN. I am paired with the Senator from New Mexico [Mr. CATRON].

Mr. JAMES. I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from North Carolina [Mr. SIMMONS] and vote "nay."

Mr. OWEN. I understand that if my vote is necessary to make a quorum I have a right to vote. I should like to be informed as to that. I vote "yea."

The VICE PRESIDENT. There is a quorum without the Senator's vote.

Mr. OWEN. Then I withdraw my vote.

Mr. MARTINE of New Jersey. I was requested to announce that the Senator from Delaware [Mr. SAULSBURY] is paired with the Senator from Rhode Island [Mr. COLT]; that the Senator from Texas [Mr. CULBERSON] is paired with the Senator from Delaware [Mr. DU PONT]; that the Senator from New York [Mr. O'GORMAN] is paired with the Senator from New Hampshire [Mr. GALLINGER]; that the Senator from Montana [Mr. WALSH] is paired with the Senator from Rhode Island [Mr. LIPPITT]; and that the Senator from South Carolina [Mr. SMITH] is paired with the Senator from Wisconsin [Mr. STEPHENSON].

The result was announced—*yeas* 29, *nays* 20, as follows:

YEAS—29.

Ashurst	Cummins	Norris	Sterling
Bankhead	Dillingham	Page	Thompson
Bristow	Hitchcock	Perkins	Townsend
Bryan	Hollis	Poindexter	Vardaman
Chamberlain	Jones	Pomerene	White
Chilton	Lane	Ransdell	
Clapp	Martine, N. J.	Robinson	
Crawford	Nelson	Sheppard	

NAYS—20.

Borah	Myers	Shively	Sutherland
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Tillman
James	Pittman	Smith, Md.	Williams
McCumber	Shafroth	Stone	Works

NOT VOTING—47.

Brady	Gallinger	Lodge	Simmons
Brandegee	Goff	McLean	Smith, Mich.
Burleigh	Gronna	Martin, Va.	Smith, S. C.
Burton	Hughes	O'Gorman	Smoot
Camden	Johnson	Oliver	Stephenson
Catron	Kenyon	Owen	Swanson
Clark, Wyo.	Kern	Penrose	Thomas
Colt	La Follette	Reed	Walsh
Culberson	Lea, Tenn.	Root	Warren
du Pont	Lee, Md.	Saulsbury	Weeks
Fall	Lewis	Sherman	West
Fletcher	Lippitt	Shields	

So Mr. ROBINSON's amendment was agreed to.

Mr. GORE. On page 78, following the last amendment adopted this morning, and in relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], I submit an amendment.

The VICE PRESIDENT. To what part of the bill does the Senator from Oklahoma offer the amendment?

Mr. GORE. Following the amendment adopted early in the day in relation to attorneys' fees. The amendment bore relation to the amendment offered by the Senator from Mississippi [Mr. WILLIAMS], which was adopted. I think it ought to follow the amendment in relation to attorneys' fees. It is not a part of that amendment; it is an independent amendment. I offer it to come in at the appropriate place. It is not necessary to indicate the exact line.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the amendment heretofore adopted on page 78:

The Choctaw and Chickasaw Nations are hereby authorized to file a suit in the Court of Claims by their tribal attorneys against the United States within 60 days after the passage of this act for the purpose of ascertaining the amount due said nations from the United States for the land embraced in the "leased district" lying between the ninety-eighth and one hundredth meridians of west longitude and the Canadian and Red Rivers, and the Court of Claims is hereby authorized to ascertain the amount due the Choctaw and Chickasaw Nations upon the principles of justice and regardless of treaty technicalities and to render judgment therefor in favor of the Choctaw and Chickasaw Nations: *Provided*, That judgment shall not be rendered in favor of the Choctaw and Chickasaw Nations for an amount to exceed $1.25 per acre for the land embraced in said "leased district" exclusive of the Cheyenne and Arapahoe country and exclusive of lands allotted to other Indians, and there is hereby appropriated out of any money in the Treasury not otherwise appropriated a sum sufficient to pay the award of the Court of Claims in said suit.

Mr. WILLIAMS. Mr. President, I should like to have some information from the Senator from Oklahoma——

Mr. ASHURST. If the Senator from Mississippi will pardon me a moment——

Mr. WILLIAMS. Certainly.

Mr. ASHURST. I regret that my duty leads me to make a point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. I offer the amendment which I send to the desk and ask that it be read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. After line 2, on page 67, insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the administrator of the estate of John W. West, deceased, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000 and interest thereon at the rate of 5 per cent per annum from May 25, 1883, in full payment of the award made on said date by the commission appointed pursuant to the authority contained in the seventh article of the treaty with the Cherokees of August 6, 1846, and which award was approved by the Secretary of the Interior August 29, 1883, reaffirmed by decision dated September 10, 1884, and again reaffirmed by decision dated April 26, 1886.

Mr. ASHURST. Mr. President, my duty requires me to make a point of order against this amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. STERLING. May I ask with all due deference to the ruling of the Chair as to the ground on which the point of order is made and sustained?

The VICE PRESIDENT. It has been made three times. I believe, during the progress of this bill under the fourth clause of Rule XVI, namely, that it is a private claim offered to a general appropriation bill.

Mr. STERLING. The same point was made when the bill was before the Senate at the last session and as against the point of order the statement was made that it was for the purpose of carrying out the provisions of a treaty and the presiding officer, being the same presiding officer now occupying the chair, overruled the point of order.

The VICE PRESIDENT. There is no question of doubt about that; but the presiding officer rules on the point made by the Senator who raises it, and not on the rules of the Senate. The point then was that it was general legislation, and no attention was called at that time to the fact that it was a private claim. At this time, however, the fourth clause of Rule XVI is invoked, which presents an entirely different question. It is not the business of the presiding officer to hunt reasons for sustaining points of order; it is the business of the Senator making a point of order to state the ground upon which he rests it. The bill is in the Senate and open to further amendment. The question is, Shall the amendments be engrossed, and the bill be read a third time?

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. LANE. Mr. President, there are some facts which pertain to the Indian question which I think, in a general way, are of interest, and to which I wish to call attention briefly.

The Indians are a different type of people from the whites. They have always held their property in common; they are communists, in a way; they are socialists; and for that reason it is hard to teach them to be thrifty. I do not suppose that we shall ever accomplish that.

The Indians of the far west coast have a sort of religion—or a custom, at least—which has been practiced for generations, to this effect: If an Indian succeeded in becoming what was known as a rich man, if he became wealthy, if he acquired a large number of horses or blankets or furs he held what was called a potlatch. He called together all the Indians from all over the country to meet at his camp on a certain day. At that time he gave away everything he had; he stripped himself to his breechcloth, and he went out into the world flat broke and to begin all over again.

As a physician for 40 years I have tried to find the potlatch germ, the potlatch bug. I wanted to secure it in order to inoculate it into the systems of some of the wealthier class of the white people of this country. I think it would be good if we could instil into them some idea of such a distribution. The Indian will never perhaps become a thrifty man; but, under the system by which we, as his guardians, conduct his affairs, it is absolutely impossible for him to get ahead in this world.

For instance, under the items of support and civilization of the Indians which have been carried for years and years and for which hundreds of thousands and millions of dollars have been expended there has been but a modicum, a mere trifle of that money expended either for the support or the civilization of the Indian. It has been used to pay salaries for a lot of gentlemen appointed to administer his affairs. We appropriate money to employ farmers to teach the Indian how to farm, but we give him no lands upon which to farm and no implements with which to farm. That is the general rule, though there are exceptional cases. If you go upon the majority of the reservations of this country you will find a dozen or 20 Indians using the same plow, borrowing one from another. Farming can not be successfully conducted in that way. A white man can not do it, and an Indian can not be justly censured if he does not succeed.

To begin with, the Indian is not a farmer; he never was a farmer. I have been among Indians who still wore their hair to their waists and traveled about in breechcloth and leggins. I never knew an Indian who could farm. He would send his wife out to dig camas and wapato for vegetables, but he lived upon game and fish. The Indian is naturally a hunter and a fisherman. It is hard to make a farmer of him, and with the methods we use we never shall make a farmer of him. The Indian is a good horseman, and I think he would make a good stockman. If we would spend our money in supplying some of the Indians who are fitted for it, such as the Blackfeet and the Indians of the Plains, with horses, he would be very likely to make a success of that or of stock raising. But, above all things, the Indian was a warrior; he liked to hunt and to fight. Here was a great opportunity that this Government has missed for all these years and is missing to-day.

The Indian upon the reservations, through the change in their method of living, by which they have gone out of the tepee and into the house with bad ventilation, is dying of tuberculosis at a rate that is four times as great as the percentage of deaths from that disease among the whites. It is a pitiable condition, for he was a healthy, outdoor human being before he was confined to a house, and if he lived in the old tepee tent to-day he would again be healthy, for the reason that it was the best-devised human habitation that the mind of man ever invented so far as ventilation is concerned. It was built on the plan of the old cupola furnace, by means of which every bit of iron in the world was smelted before the blast furnace was invented, all the circulation of air being out through the top. When he lived in that way he was healthy, also he was a man who loved to hunt and fight; and if this Government had taken advantage of his natural disposition and requisitioned him as a cavalryman, had given him a horse, and made him live as the Arab does, out of doors and in his tepee, and allowed him to carry his family with him, or those who wished to do so—and the majority of them do—we would have had a magnificent body of cavalrymen, the finest in the world, who would be true to the country and who would have loved to fight for it and who would have been particularly adapted to the work. We would have employed him in a service in which he would be useful. I repeat we shall never make a farmer of him.

The Indian is a good pilot. He is a good swift-water man, the best swift-water pilot in the world; whether on the Yukon or Siskiue River, the swiftest water that we have in America, he is the best man that you can put in the pilot house. They read water as they read all other signs of nature, with an intuition that they have inherited from generations down; they read it as no white man can. They have a better eye than a white man has. It has been developed in their centuries of experience, but we do not give him a chance or opportunity to use any of these gifts which God has given him to a degree far in excess of any which we possess, but we pinch him down and place him under restrictions and try to make a farmer of him. It is a mistake.

I am not going to say anything more than that. I merely wished to impress upon the Senate if I could that I think the whole scheme of our management of the affairs of the Indian is a mistake. It is wrong; it is expensive to the Government; it is fatal to the Indians, and we in the Senate through ignorance, not knowing the conditions which prevail among them, are passing much bad legislation, which, in my opinion, later along will come back to vex us in the way of just claims against the Government. A horde of hungry attorneys, who are now trying to get legislation through for some personal benefit, will after a while be here again as the attorneys against the Government to recover claims because of the legislation which they did all they could to secure the passage of at the hands of this body.

I wish to call your attention to some of the facts as they exist—it is pitiful; it is awful; it is almost too bad even to tell—there is, for instance, one tribe which has $800,000 in cash on deposit with the Government, for which, I presume—I do not know—they are entitled to some sort of interest; they have $20,000, or something like that amount, which is paid in their behalf to their agent, to employees of the Indian Bureau for rental of their lands; they have an annuity of some $20 a year due to each individual, and yet last year with all of this income some of those Indians are said to have starved to death; they and their children, poor little consumptive children, dying with that horrible disease, compelled to live on a mixture of flour and potatoes ground up and boiled down in water. One Indian of that tribe wrote an appealing letter to a stockman, which was sent to me, asking his permission and telling him, "You know I am an honest man, for I have never defrauded you, and I ask your permission to allow me to go upon the plains and eat such dead cattle of yours as have died of disease and starvation." These Indians possess property worth millions upon millions of dollars.

There is something wrong, gentlemen, in our administration of these affairs. The fault lies in the scheme, in the plan. It is not due to individual crime or sin, but there is a collective blame upon this Government; and until we purge ourselves of this condition and look into it and give the Indian the employment to which he is adapted and shut off the wretched, dishonest, petty grafting that he is subjected to, I do not see how it can lie in our mouths to go before the world and say that we have a civilization or a lesson to teach to the people of the

Mr. MYERS. I yield to the Senator.

Mr. ROBINSON. I thought when the Senator from Vermont rose that he was about to read a statement on page 240 of the hearings before the Senate committee on this irrigation project, in which this colloquy occurred between the two Senators from Montana.

Mr. MYERS. The junior Senator from Montana [Mr. WALSH] was there as a spectator.

Mr. ROBINSON. He made a very illuminating statement, which I am about to read, with the Senator's permission.

Mr. MYERS. I am always glad to hear anything my colleague says.

Mr. ROBINSON. I read from the hearings:

Senator MYERS. There is a good deal of dissatisfaction expressed with the method of financing the plan on which it has been worked.

Mr. MYERS. That was this year.

Mr. ROBINSON (continuing):

What have you to say about that to the committee?

Senator WALSH. I am not very familiar with the plan that has heretofore been pursued. Of course there is only one plan that can in fairness, as it seems to me, be operated. It is not right at all to make the entire amount that is expended for this work reimbursable out of Indian funds; and, obviously, if all that portion is devoted to the improvement of land of the settlers, it ought to be made reimbursable out of the fund contributed by them, and some equitable basis of distribution ought to be arrived at as between the Indians' land and the settlers' land. So much as is properly assessable to the allotted lands of the Indians may very properly be made reimbursable out of the Indians' funds. As a matter of course it should be. Then so much of it as is properly assessable to the improvement of the lands of the settlers should be charged up against the lands of the settlers and be reimbursable in exactly the same way as the general reclamation fund is reimbursable.

Mr. MYERS. I will say, in answer to that, Mr. President, that I do not deny that it might have been just as well and perhaps better in the beginning to have started this work by taking one-half the money from the reclamation fund or from the General Treasury, if Congress would consent to any such procedure. As the senior Senator from Arkansas [Mr. CLARKE] has stated, Congress never has consented, and he doubts if it ever will consent, to such a plan, but if you could get Congress into a frame of mind to consent to it, I would not dissent from it; but the project has been carried on thus far on the present plan.

My colleague, just before he left here, expressed to me the strongest possible objection to the proviso that was put in by the committee. He said that he knew nothing about it, and that if he had he would have appeared before the committee and protested against it. He said he thought it ought to go out on a point of order or be defeated on a vote, and he hoped it would be. He was in accord with me about it.

As I have said, the Montana delegation was assured that the Indian Bureau would recommend a straight appropriation for this year of $250,000, and we had no idea that any strings would be attached to it. Next year, if any way could be devised to switch it around to meet the objections which have been suggested by the senior Senator from Arkansas [Mr. CLARKE] and Congress could be induced to accept such a plan, we were willing to see if it could be done and to aid in bringing it about; but we think that there ought to be a straight appropriation this year.

This is the one project in the Northwest that everybody is satisfied with and wants pushed. As I have said, there has been no objection and no complaint from the Flathead Indians. Delegations of the Flathead Indians have come down here—not this year, but last year—and urged me to procure larger appropriations to push the prosecution of this work to a speedy conclusion. I have never had a line nor a scratch of a pen nor a letter from a Flathead Indian objecting to this project.

Mr. JONES. Mr. President, I should like to ask the Senator if he does not think the work could be done very much more economically if we would make much larger appropriations?

Mr. MYERS. Yes. Mr. Newell says that at least $600,000 a year ought to be appropriated.

Mr. JONES. All work of that character can be prosecuted more economically if ample appropriations are made as needed.

Mr. MYERS. As I have said, the Indians and the whites are both clamoring to have this work completed. If you halt this work, you do the greatest possible injustice to the Indian, because the Indian has got to get his money back out of the sale of land to the white man; and if the white man does not get water on his land, he can not make his payments. Therefore if you halt this work, the Indian will be the chief sufferer. It is to the interest of both the Indians and the whites to prosecute this work as speedily as possible, and I think this appropriation of $250,000, in all fairness, ought to be made without any handicapping amendment, such as would be likely to halt the work and break it off for this year. Then, if you want, after consulting the Indian Bureau and the Indian Committee, to see if a different scheme can be devised in order that the objection suggested by the senior Senator from Arkansas [Mr. CLARKE] can be overcome, why let us undertake that labor and take plenty of time to it, but this is no time to halt the work on the Flathead Reservation to engage in experiments.

I say that the land is amply good to secure the money, and all the testimony goes to show that. Testimony has been read here by the Senator from Arkansas [Mr. ROBINSON], which he offered himself, showing that the land with water on it is worth from $100 to $500 per acre. Do you have any doubt that land of that character, or land worth from $50 to $100 per acre, is going to fail to bring enough to pay back to the Indians from $4 to $7 an acre and about $30 or $40 an acre, the cost of putting water on the land? I say that there can be no manner of doubt about it. They talk about the white man making a failure. Now, I will tell you why that can not affect the Indian in any way whatever. Let the white man go on the land; let him prove shiftless and thriftless and not able to make his payments; say that he makes two or three payments on the land and two or three payments for the water, but he is always trifling and not much of a farmer; his crops fail; he does not meet his payments. Do you not know that the Government retains as a forfeit the money that he paid, and, if he fails or lapses in any of his payments, the Government keeps what he has paid as a forfeit, and that same land is sold to other purchasers at the full price; so that the Government gets its money for the land, and then it goes into the Indian funds? So there can be no chance of the Government losing, and there can be no chance of the Indian funds losing.

This matter was carefully studied out by men who are careful, conscientious, and scrupulous, and who, I believe, wanted to do what was right. The work has been going along nicely, although with inadequate appropriations, it is true. Everybody wants it hurried along; there has been no complaint in regard to this particular project; and, I say, the sooner it is completed the better for the Indians and for all concerned. I think that the amendment ought to be rejected and that a straight appropriation of $250,000 ought to be made. If there is nobody else who particularly desires to discuss the matter——

Mr. LANE. Mr. President——

Mr. MYERS. I will move that the amendment be laid on the table. I will withhold that motion, if the Senator from Oregon wishes to be heard.

Mr. LANE. Mr. President, I wish to say just a word. The general subject was brought up in the committee, and what attracted my attention to it was that there was said to be a provision in the law of 1907 which restricted the time in which the Indian was allowed to make his improvements upon the land. If he did not make them within a certain time, which was only a few years, I think, he lost his water rights. In the meantime he was furnished no tools and given no means with which to make improvements; so the inevitable result would be that he would lose his water rights. Then this series of questions of the department representatives came about. They recommended the appropriation of $100,000, for the reason, as I understand, that they feared that that was what would happen; and they did not care to go on and spend more money than this, and they offered another proviso by which they would not lose their rights through lack of usage under the State law.

The white man, under the new law which we passed this year, has been granted an extension of time, which makes it a period of 20 years in which to make his payments on the land, and he is allowed from 5 to 7 years to make his improvements. It seemed to me and to the committee that if the Indian's lands were being mortgaged—his dry lands, his hill lands, as well as the bottom lands—and tied up for the cost of this expenditure of money in order to reclaim the land of the whites as well as his own land, he ought to be allowed a reasonable time in which to make his improvements and given an opportunity to do so.

I can quite understand how the Commissioner of Indian Affairs and the Indian Bureau would feel when the entire Montana delegation descended upon them, but when we questioned them they did say that it was unfair to put the whole cost upon the Indians.

Mr. MYERS. Now I make my motion to lay the amendment on the table.

Mr. TOWNSEND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Ransdell	Sutherland
Bristow	Lane	Reed	Thomas
Bryan	McCumber	Robinson	Thompson
Chamberlain	Martine N. J.	Shafroth	Thornton
Chilton	Myers	Sheppard	Tillman
Clapp	Nelson	Shields	Townsend
Clarke, Ark.	Newlands	Shively	Vardaman
Cummins	Norris	Simmons	White
Dillingham	Overman	Smith, Ariz.	Williams
Fletcher	Owen	Smith, Ga.	Works
Gore	Page	Smith, Md.	
Hitchcock	Perkins	Sterling	
James	Pomerene	Stone	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is on the motion of the Senator from Montana [Mr. MYERS] to lay on the table the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. On this question I should like to have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the senior Senator from New Mexico [Mr. FALL]. I transfer that pair to the senior Senator from Virginia [Mr. MARTIN] and will vote. I vote "yea."

Mr. SHIVELY (when Mr. KERN's name was called). I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber. He is paired with the senior Senator from Ohio [Mr. BURTON].

Mr. SHIELDS (when his name was called). I am paired with the senior Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the junior Senator from Georgia [Mr. WEST] and will vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is temporarily detained from the Chamber on important business. I understand he is paired with the junior Senator from Missouri [Mr. REED].

Mr. STONE (when his name was called). I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Virginia [Mr. SWANSON] and will vote. I vote "nay."

Mr. THOMAS (when his name was called). I have a pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence, I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. Not having any transfer, I will withhold my vote.

Mr. WILLIAMS (after having voted in the negative). I inquire whether the senior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE PRESIDENT. He has not.

Mr. WILLIAMS. I have a pair with that Senator, and therefore must withdraw my vote.

Mr. JAMES (after having voted in the affirmative). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the junior Senator from Nevada [Mr. PITTMAN], and will allow my vote to stand.

The result was announced—yeas 18, nays 25, as follows:

YEAS—18.

Camden	McCumber	Reed	Sutherland
Chilton	Martine, N. J.	Shafroth	Thornton
Clarke, Ark.	Myers	Simmons	Tillman
Gore	Newlands	Smith, Ariz.	
James	Overman	Smith, Ga.	

NAYS—25.

Ashurst	Jones	Pomerene	Thompson
Bristow	Lane	Robinson	Townsend
Bryan	Nelson	Sheppard	White
Chamberlain	Norris	Shields	Works
Clapp	Page	Shively	
Cummins	Perkins	Sterling	
Dillingham	Poindexter	Stone	

NOT VOTING—53.

Bankhead	Burton	Culberson	Goff
Borah	Catron	du Pont	Gronna
Brady	Clark, Wyo.	Fall	Hitchcock
Brandegee	Colt	Fletcher	Hollis
Burleigh	Crawford	Gallinger	Hughes
Johnson	McLean	Sanbury	Vardaman
Kenyon	Martin, Va.	Sherman	Walsh
Kern	O'Gorman	Smith, Md.	Warren
La Follette	Oliver	Smith, Mich.	Weeks
Lea, Tenn.	Owen	Smith, S. C.	West
Lee, Md.	Penrose	Smoot	Williams
Lewis	Pittman	Swanson	
Lippitt	Ransdell	Thomas	
Lodge	Root		

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Pittman	Stone
Bankhead	James	Poindexter	Sutherland
Bristow	Jones	Ransdell	Thomas
Bryan	Lane	Reed	Thompson
Camden	McCumber	Robinson	Thornton
Chamberlain	Martine, N. J.	Shafroth	Townsend
Chilton	Myers	Sheppard	Vardaman
Clapp	Nelson	Shields	White
Clarke, Ark.	Newlands	Shively	Williams
Crawford	Norris	Smith, Ariz.	Works
Cummins	Overman	Smith, Ga.	
Dillingham	Page	Smith, Md.	
Gore	Perkins	Sterling	

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

The question is, Shall the amendment proposed by the Senator from Arkansas [Mr. ROBINSON] be laid on the table? Upon that question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I announce my pair as on a former vote, and vote "yea."

Mr. CHAMBERLAIN (when his name was called). Again announcing my pair, I transfer it to the junior Senator from Maryland [Mr. LEE], and will vote. I vote "nay."

Mr. CHILTON (when his name was called). Announcing my pair as on the former vote—on which, I believe, I voted wrongly, not understanding the question—I vote "nay."

Mr. CRAWFORD (when his name was called). I again announce my pair with the senior Senator from Tennessee [Mr. LEA]. Not knowing how he would vote if present, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Illinois [Mr. LEWIS] and will vote. I vote "yea."

Mr. STONE (when his name was called). Announcing my pair and its transfer as on the previous vote, I vote "nay."

Mr. THOMAS (when his name was called). I again announce my pair, and withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "yea."

The roll call was concluded.

Mr. McCUMBER. I wish to announce the unavoidable absence of my colleague [Mr. GRONNA], and to say that he is paired with the senior Senator from Maine [Mr. JOHNSON].

Mr. JAMES (after having voted in the affirmative). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from South Carolina [Mr. TILLMAN] and will allow my vote to stand.

Mr. CLAPP (after having voted in the negative). I inquire whether the senior Senator from North Carolina [Mr. SIMMONS] has voted?

The VICE PRESIDENT. He has not.

Mr. CLAPP. Having a general pair with him, and not knowing how he would vote if present, I withdraw my vote, unless a transfer can be arranged in order to make a quorum.

Mr. HOLLIS. I wish to announce the unavoidable absence of the senior Senator from Maine [Mr. JOHNSON], and to state that he is paired with the junior Senator from North Dakota [Mr. GRONNA].

Mr. CLAPP. In order to make a quorum, notwithstanding my pair, I vote "nay."

Mr. THOMAS. I am informed that my vote is necessary to make a quorum. For that reason I vote "yea."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from Illinois [Mr. SHERMAN] and will vote. I vote "nay."

The result was announced—yeas 19, nays 31, as follows:

YEAS—19.

Bankhead	McCumber	Reed	Sutherland
Borah	Myers	Shafroth	Thomas
Clarke, Ark.	Newlands	Smith, Ariz.	Thornton
Gore	Overman	Smith, Ga.	Williams
James	Pittman	Smith, Md.	

ity of law heretofore enacted in connection with this irrigation project, and the appropriation itself is not sub- was not submitted until after consultation with some authorities

Mr. WORKS. Certainly. They are required to take upon themselves a responsibility that is not imposed upon the white man. There is not any justice at all in that, Mr. President.

Mr. SUTHERLAND. But the Indians are selling their lands, I repeat, at from $4 to $7 an acre, because the white man who buys them relies upon this project not being a failure.

Mr. WORKS. That may be so as to a part of the land, but the ultimate outcome of it is that the Indian will be the loser and the white man will get off scot free.

Mr. MYERS. I should like to interject the suggestion that if it were not for the prospects of getting water, the land would not be worth 50 cents an acre.

Mr. SUTHERLAND. I know that lands have been sold in the Uintah Reservation, Utah, where there is no prospect of irrigation, for as little as 50 cents an acre. They are sold at public auction; they can not be sold even for the Government price of $1.25 an acre; but they are sold at auction at 50 cents an acre. I imagine that the same thing would be the case in this instance. The Indians are engaged in the enterprise in that way of it, and it really puts them in a better financial situation than if they did not advance the money to build these irrigation works.

Mr. CLAPP. Mr. President——

Mr. JONES. I yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, I call the attention of the senior Senator from Arkansas [Mr. CLARKE] to the fact—which also accords with our general experience, I think, in irrigation projects—that you go along to a certain point with one of them, and if you then stop you necessarily entail a great deal of loss. I think that will be admitted by everyone. This expenditure which would be imposed upon the Government outside of the Indian fund would amount to only $125,000.

Mr. CLARKE of Arkansas. It is the precedent which it would establish which makes it objectionable.

Mr. CLAPP. I know it is the precedent to which the Senator objects; but it is not necessarily a precedent, because we are in such a situation that if this is delayed and this appropriation fails, it is going to be an injustice to the Indians; it is going to entail a loss; and it would seem to me that under those circumstances——

Mr. CLARKE of Arkansas. How can it fail? It has passed the House of Representatives and it has passed the Senate. Who is talking about any course of conduct that will ultimately create a condition where it will fail? Who is talking about making it fail?

Mr. CLAPP. If the amendment proposed by the junior Senator from Arkansas [Mr. ROBINSON] prevails, it would then leave this matter to be referred to the Attorney General upon a question involving largely, I take it, the right of the Federal Government with reference to controlling the waters in view of the State laws. The Attorney General might hold that legally the Federal Government could not exercise that jurisdiction over those waters.

Mr. CLARKE of Arkansas. If there is any legitimate doubt about the powers of the Federal Government in dealing with waters on Indian reservations, it ought to be settled.

Mr. CLAPP. That is not the doubt at all; no one will question the right of the Federal Government under the law to provide for irrigation projects upon Indian reservations; but whether in connection with such projects the Federal Government can successfully attempt to give to the Indian beneficiary any right which would not under the State law be vested in a white citizen is a question.

Mr. CLARKE of Arkansas. I take it the right to divert water from Milk River, this very reservation, is res adjudicata. The Supreme Court of the United States has decided that that right exists. Whether or not it is right as a general principle, it is right in that case.

Mr. CLAPP. I know the Supreme Court has made that decision.

Mr. CLARKE of Arkansas. Then why does the Senator inject into this discussion all these doubts which he now enumerates?

Mr. CLAPP. The Attorney General might render a technical opinion in this case that probably under the amendment proposed by the junior Senator from Arkansas would postpone this appropriation.

Mr. CLARKE of Arkansas. All those matters can be worked out in conference.

Mr. CLAPP. Or defeated entirely; and I believe that would be a very great misfortune.

Mr. CLARKE of Arkansas. I do not regard it as any misfortune, because I do not regard it as at all probable. What the amendment requires the Attorney General to determine is as to whether or not the Indian, whose land furnishes the security for this lien, will be benefited by this project. I do not know just exactly what evidence the Attorney General would take into consideration in rendering his opinion. Therefore I do not know what he will decide.

Mr. CLAPP. I think the Senator from Arkansas will find that the amendment goes further than that if he will have it again stated.

Mr. CLARKE of Arkansas. The objection to the amendment proposed by the Senator is that it changes the contract with the white man who purchases Indian lands. You can not make a new contract for a person in his own right; you can do it for a ward, but you can not do it for a person sui juris, as the lawyers call it, without consulting him, without his consent.

Mr. CLAPP. This would not change the contract between the Government and the white settlers at all.

Mr. CLARKE of Arkansas. You intend to impose a lien upon his land that he has not contracted shall go there.

Mr. CLAPP. I beg the Senator's pardon. He has contracted that it shall go there. Every foot of that land is subject to this lien.

Mr. CLARKE of Arkansas. Then you do not need any more legislation.

Mr. CLAPP. If the Senator will bear with me, I wish to say that if the project works out successfully and the land is sold and the lien is enforced, then the Indians will not lose anything.

Mr. MYERS. Mr. President——

Mr. CLAPP. Just a moment. The only change the amendment proposes to make is that, instead of leaving the Indian fund as the insurance for the success of this project, the Federal Government would assume one-half of the risk of the contract. That is the effect of the amendment. It does not change the contract relation with the men upon the lands.

Mr. MYERS. I should merely like to interject a remark here. I am glad to hear the Senator from Minnesota [Mr. CLAPP] make the statement, and make it clear, that there is a lien on the land of these white settlers for the money for carrying out this project, because there has been much said here to lead Senators who are not informed on the subject to believe that the lien was only on the Indian land, and that the white settler was incurring no obligation at all.

Mr. CLARKE of Arkansas. The Senator from Montana [Mr. MYERS] made a very clear, lucid, and satisfactory explanation of that when he occupied the floor some time since. In the last analysis the real security for the money that is being advanced is the land. The Indians are not advancing the money now; they are not immediately the sureties for the repayment of the money; they have no credit; they have no assets outside of the reservation and the fund raised from the sale of surplus lands. It is a mere play upon words to talk about their being the ultimate security for anybody. The actual security for the lien is the land itself, and the actual lender will be the United States Government.

The scheme proposed by the amendment offered by the Senator from Minnesota is an entirely new one. It is objectionable because it will form a precedent in a great number of projects, and it will furnish the basis of appeals that will be constantly made here to make more liberal provision for every other project in the country. We have not discussed it; we do not understand it; we have not time to work it all out in equity and justice this afternoon, and I object to it on that score.

Then, it raises a very serious question as to whether, after a contract has been made and its ultimate limits have been defined by the parties to it acting in their own right, it can be changed by an act of Congress without their consent. I know it can not be. For that reason I think it is best to let this partial appropriation be made just as others have been made. It seems that it will require $4,000,000 more to complete the project; that much of the work necessary to consummate that great undertaking remains to be done hereafter; and it seems to me that if the million and a half already spent is properly safeguarded the additional $250,000 which is sought to be appropriated by this bill can share the same fate; and if it shall hereafter become necessary to modify the laws on this subject of irrigation, we ought to do so systematically and after a full understanding of what we are doing.

Mr. CLAPP. If the Senator from Arkansas will pause a moment, the Senator's first objection, of course, is a valid one if it is persisted in. The amendment does change the policy as to the appropriation itself, but I have no hesitation in saying that it does not change the contract rights of the man upon the land.

Mr. SMITH of Arizona. Mr. President, I ask the Senator from Arkansas, from his long experience, and from the almost endless debate on the proposed amendment, if it is not the only way out of it for the Senate now to pass this bill?

Mr. CLARKE of Arkansas. Yes; right now.

Mr. SMITH of Arizona. And then to take up this other great question in its regular way and dispose of it with justice to both the white man and the Indian in a separate bill?

Mr. CLARKE of Arkansas. Yes.

Mr. SMITH of Arizona. Why not pass the bill now? We have been talking upon these amendments for four or five or six days and making points of order on them at the end of a four-hour debate. I suggest that we proceed with the bill.

Mr. CLARKE of Arkansas. I am entirely agreeable to the suggestion of the Senator from Arizona and will sit down.

Mr. ROBINSON. So far as I am concerned I am entirely ready for a vote upon the amendment.

SEVERAL SENATORS. Vote!

Mr. SUTHERLAND. Mr. President, I think we have been borrowing a great deal of unnecessary trouble about the whole Indian situation in Montana and in these other States. The fact about it is that six years ago we provided for the building of this particular enterprise, and because we provided for it, because we were going to expend upwards of $6,000,000 in building a great irrigation enterprise, white settlers out there were induced to buy lands of the Indians and to pay for those lands a larger sum of money than they would have paid if it had not been for the irrigation project. These white settlers have some rights to be considered. I venture to say that if we had not provided for these irrigation works those lands would not have sold for one-half what they are now selling for. Some of them probably would not have sold, as the Senator from Montana [Mr. MYERS] has said, for more than 50 cents or a dollar an acre.

Now, having brought about that situation, these Indians are benefited, and they will in the end get a very large sum of money in the enhanced price of the lands which they would not have obtained except for the building of this irrigation plant. So that it does not seem to me that they are going to suffer or that we are doing any injustice to them. I think we ought to continue the policy which we have entered upon and make this appropriation of $250,000—and it really ought to be half a million dollars; it would be more economical to appropriate that much and finish this work—but we at least ought to make this appropriation of $250,000 without any restriction or limitation upon it.

Mr. MYERS. Mr. President, I deny that the plan on which this project is being constructed is an unfair one or that it is unjust to the Indians. It was studied out by the Interior Department and the Indian Bureau and adopted by Congress in the beginning, and it has been bowling along smoothly without anyone ever questioning its wisdom or raising any doubt about it. The Indians have never complained, and no complaint was made from other sources until this year. For three years I have sat in the Indian Committee and they have recommended an appropriation of from $250,000 to $400,000 for this project each year, and nobody ever raised any question about the wisdom of the project or suggested any doubt about justice being done to the Indians. Former Senator Curtis, of Kansas, when a Member of the Senate, was a leading and active member of that committee and never opposed liberal appropriations for this project. He never raised any question about justice being done to the Indians, and I reaffirm that there has been no complaint from the Flathead Indians about their not getting their rights under this project.

This is the one project in the West where the Indians and the whites both want large appropriations; they want the work hurried along and prosecuted to a speedy completion. The sooner it is completed and the sooner water is put upon the lands, both of the Indians and the whites, the sooner the whites can pay for their lands and water and the sooner the Indian tribal funds will be reimbursed this money. To adopt any such amendment as is suggested here would cause a cessation of the work which is going on now. The supervising engineer would certainly not permit any more work to go on under this appropriation without waiting to see what the Attorney General is going to do; and if it is stopped at all, it will doubtless be stopped for this year. It costs much money to stop and start again a work like this, and if any hampering amendment is put on the work will doubtless be stopped for one year and not be resumed until next year, if, indeed, it is resumed then.

As I have said, it remained for Mr. Meritt, the Assistant Indian Commissioner, to raise doubt about this project and to instill fear into the minds of some members of the Indian Committee about the wisdom of this course; and yet, notwithstanding that, although Mr. Meritt condemns the system under which the project is being carried on, he went before the Indian Committee of the House and recommended that $100,000 be appropriated for this year under the old system. If he thinks that it is a wrong and vicious system and that the Indians are not getting their rights, then he recommended that $100,000 be spent without the Indians getting their rights. The House committee appropriated $100,000, that being the estimate for this year.

There has been a good deal said about the House only appropriating $100,000. I want to tell something more about that. The Indian Committee did take his estimate and his word and appropriated only $100,000, a mere driblet, the least that has ever been appropriated for this project. When the item was reported out of the committee and before the bill passed the House, my colleague [Mr. WALSH] and our associates in the House, Representatives EVANS and STEWART, were astounded that only $100,000 should be recommended for this project, and all four of us went in a body to the Indian Commissioner to protest against such a small amount being allowed. The Indian Commissioner agreed then to let it go through the House in that way and to recommend to the Senate committee an increase, so as to make the amount $250,000. It is true that he found some fault with the method of procedure, but he said that this year he would recommend to the Senate committee an appropriation of $250,000, and that next year he would try to bring about some changes in the system under which the irrigation work was being constructed, and we agreed to help him in that effort. Then he agreed, as I have said, to recommend an appropriation of $250,000 this year without any restriction or any proviso being attached to it. We left satisfied that $250,000 straight, without any strings attached, would be recommended for this year.

Then, when it came up in the Senate committee and the paragraph was put on which has provoked—and I think justly—such strong objection from Senators from the arid States of the West, I was in the hospital. I went to the hospital feeling sure that $250,000, without qualification, would be recommended by the Indian Commissioner this year and that the committee would take his advice, and I never heard about the proviso which was attached until after the bill had come out of committee into the Senate.

My colleague [Mr. WALSH] was inalterably opposed to that proviso, and expressed himself so to me in unqualified terms, and I have no doubt that if he were here he would be opposed to the pending amendment. My colleague was never invited to appear before the committee, nor to have anything to say about the appropriation, nor about this proviso attached to the appropriation, so that the first that we knew about it, as I have said, was when it came out of the committee.

I claim that it would be unjust and unfair to this project and to the Montana delegation in Congress to incorporate any such handicapping amendment in this bill as is now proposed. I believe such an amendment is likely to halt the work. I believe that a straight appropriation ought to be made this year, and then, as the Senator from Arizona [Mr. SMITH], I think, has suggested, if we want to enact a general law to change the basis of conducting irrigation enterprises in the future, and it can be done without any injustice to anybody, let us go at it in that way.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. MYERS. I yield, as usual, to the Senator from Vermont.

Mr. PAGE. I simply wish to have the Senator's mind refreshed in regard to the view of former Senator Curtis in regard to some of these Montana appropriations.

Mr. MYERS. I will be very glad to hear the Senator. I never heard Senator Curtis say a word against this item:

Mr. PAGE. Here is the record:

Senator MYERS. I would like to ask the gentlemen of the committee a question or two about this—

Referring to this identical project—

Do any of you doubt that the land is worth this money and that it will be reimbursed to the Government? Do you doubt that the security is sufficient?

Senator CURTIS. I do not know anything about this particular tract. I have tried to find your last year's hearing, but did not have time. There is one of these reservations in your State where the property owned by the Indians is not sufficient to reimburse the Government.

Mr. MYERS. Did he say which one it was?

Mr. PAGE. He said:

I do not know which one it is, but there is one of them, because——

Senator MYERS. This certainly is not it.

Senator CURTIS. Because they showed that if you got all the money that the land was appraised at it would not then pay back the amount of money that we had advanced for irrigation.

Mr. MYERS. There is nothing to show that that refers to the Flathead Reservation; and, as a matter of fact, Senator Curtis joined me that year in voting for an appropriation for irrigation work on that reservation of $400,000 without any qualification.

Mr. ROBINSON. Mr. President, if the Senator will yield to me for a moment——

Mr. MYERS. It began about six years ago, and has been appropriating from $200,000 to $400,000 each year for that purpose.

Mr. SUTHERLAND. Of course that ought to be so.

Mr. MYERS. They do.

If I had my way about it, I would put in a provision here simply appropriating this money, and require that whatever part from the project whatever are hypothecated against the chance

that the Indian takes of this being made a successful reclamation project, and the white man takes no chances whatever.

Mr. MYERS. I should like to interrupt the Senator just there. Every Indian has the opportunity to select 80 acres of good irrigable, arable land and an additional amount of grazing land, I think 320 acres. If that is not giving him just as good a chance as the white man I do not know what is. If they do not select 80 acres of bottom land, good farm land, it is their fault.

Mr. ROBINSON. Most of the allotments have already been made, and while the Indians did have such an opportunity, in the course of events it resulted that the Indians in many instances got dry lands that can not be irrigated, and now they are required to hypothecate that land, which can not be benefited, to make good the establishment of this project.

Mr. MYERS. With 80 acres of bottom land, irrigable land——

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. The Senator from Washington has the floor. The Chair does not know to whom he is farming it out.

Mr. ROBINSON. I yield to the Senator from California.

Mr. WORKS. Mr. President, it seems to me that the Senator from Arkansas is not quite correct when he says this project is being financed by the United States Government. It seems to be financed by the Indians. They are required to furnish the security and repay the total amount of this money to the Government.

Mr. ROBINSON. I have stated that the Government first pays it.

Mr. WORKS. You have so stated, but I think the conclusion drawn from the statement is not correct, for I think really the Indian is financing this whole scheme.

Mr. ROBINSON. Undoubtedly; that was the very basis of my contention, that the scheme is not fair and that the system of financing it ought to be changed. It is true the Government first advances the money, and in that sense of the word the Government is financing it. Nevertheless, every dollar of it is reimbursable out of the Indian funds. It means that the entire property of the Flathead Indians, whether it is benefited by this reclamation project or not, stands pledged as a guarantee of the success of the reclamation project. The system is wrong. You would not get a white man standing in the place of these Indians to go into a scheme of this sort as long as time runs.

Mr. WORKS. The Senator says that an agreement was reached by the committee that was entirely inconsistent, as I understand, with the bill as reported from the committee. What became of that agreement?

Mr. ROBINSON. The committee inserted in the bill a provision which sought to protect the rights of the Indians, and that provision went out on a point of order. Then, after conferring with some of my colleagues on the committee, as the Senator will remember, I offered an amendment which took the other horn of the dilemma and sought to have the Indians' rights protected under the laws of Montana. That amendment was defeated. Now I have offered this amendment as the last recourse. It simply provides that before you further commit Congress to the expenditure of Indian moneys to construct this irrigation project, you shall get the advice and opinion of the chief law officer of the Government that the Indians are going to be benefited by it.

Mr. WORKS. That does not relieve the objectionable features of the provision, even if that amendment may be adopted.

Mr. ROBINSON. That is entirely true.

Mr. WORKS. They are still left burdened with the obligation of constructing this whole work.

Mr. ROBINSON. I agree with the Senator from California, but it will require affirmative legislation to change the method of financing this irrigation project, and you can not secure that in this appropriation bill. You must have separate legislation.

Mr. WORKS. Does the Senator mean to say that it is necessary in this appropriation bill to make this amount of money a lien upon the lands of the Indians and compel them to obligate themselves for the total amount in an appropriation bill?

Mr. ROBINSON. Whether I say that or not, when we make this appropriation it does become a lien on the lands of the Indians.

Mr. WORKS. Certainly; but the Senator says that no substantive legislation can go into the bill. Is not that substantive legislation?

Mr. ROBINSON. No; it is not.

Mr. WORKS. Outside of the mere appropriation?

Mr. ROBINSON. This appropriation is made under authority of law heretofore enacted authorizing the construction of this irrigation project, and the appropriation itself is not subject to a point of order. If it were, I unhesitatingly say that in the light that has come to me during this discussion I should make the point of order.

Mr. WORKS. It is perfectly evident that the Senator from Arkansas is right, that this whole proceeding is unjust to the Indians, and that something ought to be done to protect the Indians from that injustice.

Mr. CLAPP. Will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas, it rather strikes me that his amendment does not go to the root of the trouble here.

Mr. ROBINSON. I agree with the Senator that it does not.

Mr. CLAPP. While we perhaps could not on this bill, and it might be difficult at this time to get a provision that would readjust what has gone before, could we not at this time amend this by inserting after the figures "$250,000" on line 18 the words "one-half," so as to read "$250,000, one-half reimbursable in accordance with the provisions of the act of April 4, 1910"; and then after the figures "1910" on line 20 to insert "and the other half to remain and be a lien upon the land not allotted to or taken by Indians," or perhaps some other expression may be used as to the other half, so that as to this particular appropriation we would make one-half of it reimbursable and the other half not reimbursable out of the Indian fund, and to that extent relieve the Indians of insuring the final payment for the work?

The position of the Senator, I think, is right. While it is true that we use this money, and while it is undoubtedly true that this project will probably work out and be successful, and, of course, in that event if it proved successful it would be immaterial, I quite agree with the Senator that as to the half that is taken by white settlers we should advance the money directly and not hold the Indian fund responsible for it.

While I would be glad if we had the time to join with anyone and reach back and readjust the matter up to this point, in the absence of time to do that, this suggestion of mine, beginning with this appropriation, would at least meet the objection as to the amount appropriated against taking out the entire appropriation.

Mr. JONES. That would throw it into conference.

Mr. CLAPP. That would throw it into conference, and I think perhaps in conference the matter could be worked out in detail.

Mr. ROBINSON. The Senator has suggested an amendment which contemplates a change of method of financing this reclamation project?

Mr. CLAPP. Yes.

Mr. ROBINSON. That amendment, like the amendment reported by the Committee on Indian Affairs, would be subject to a point of order.

Mr. CLAPP. I realize, of course, that that amendment would be subject to a point of order; and still I do not know whether it would, either, because it is simply a limitation. We appropriate $250,000 and add to that appropriation a limitation. On the other hand, I rather think, on reflection, that being a mere limitation upon that appropriation, it would not be subject to a point of order. But my suggestion was based on the thought that, it being the general desire here to put the matter in proper shape, there certainly would be no point made against what is manifestly desired by everyone, and that is to begin as soon as we can, at least, to put one-half of this burden upon the land taken by the white settlers.

Mr. ROBINSON. The suggestion offered by the Assistant Commissioner of Indian Affairs, which I read a few moments ago, could be easily framed into an amendment that would change the entire method of financing this irrigation project. There would be but very little trouble about it. We could provide not only that future appropriations which may be made should be reimbursable one half from the Indians and the remaining half from the white settlers, but we could also provide that the funds which have heretofore been charged as reimbursable against the Indians should be credited on their pro rata share of the payments. But the difficulty about that is that it is all subject to a point of order.

Mr. JONES. I think no one would make a point of order against it.

Mr. CLAPP. No one would make the point of order.

Mr. JONES. It would solve the problem. I suggest to the Senator from Arkansas to frame an amendment that would cover that.

Mr. ROBINSON. I shall be very glad to do so if the opportunity is offered. The amendment which I have offered, and it was not submitted until after consultation with some authorities

of the Government, who, while they do not stand sponsor for changing the method of financing this reclamation project, realize that an injustice is being done to the Indians under the present system. My thought is that if we put a limitation upon the appropriation so that we must have the approval of the Attorney General in so far as the rights of the Indians are concerned, if he has any doubt that the Indians are being properly protected he might suggest a way out of the difficulty which would enable us hereafter to provide an adequate remedy.

Mr. CLAPP. Will the Senator from Washington pardon me?

Mr. JONES. Certainly.

Mr. CLAPP. Calling the attention of the Senator from Arkansas to the matter, it seems to me the difficulty with his plan is this: Here we have made large appropriations for this work. While I am not familiar with the details of the work, I am rather inclined to think that there should be made appropriations at this time to carry the work forward.

Mr. ROBINSON. Has the Senator prepared an amendment which he thinks would cover the proposition?

Mr. CLAPP. I want to finish the suggestion. I think it would be unfortunate to delay this work if we can allow the work to go on under a provision that will make a just application of the cost of it, because I do know that it often happens in these works that if you delay them you lose a great deal of that which has been invested in the work.

I may be mistaken, but I do not believe a point of order would be made against it if we could frame an amendment here that would allow the work to go right on and at the same time protect the Indian fund from the burden of an assurance of the success of the work. As to the land taken by the white men, it seems to me it would not be better, with all due deference to the Senator, to refer the matter to the department and possibly hold up this entire work.

Mr. ROBINSON. Mr. President, I am entirely willing to accept that suggestion, and I shall be very glad, if I am assured that no point of order will be made, to submit the amendment.

Mr. CLAPP. I can not assure that, of course, but it is my suggestion to the Senator from Arkansas.

Mr. ROBINSON. I offer this amendment, Mr. President.

The VICE PRESIDENT. There is already one amendment pending.

Mr. CLAPP. I have not offered it. It is more of a suggestion.

Mr. ROBINSON. I suggest to the Senator that he put the amendment which he has suggested in form to be presented to the Senate. I can then——

Mr. CLAPP. I have it here in form, and I will submit it to the consideration of the Senator. As I said, it only begins now. It does not reach back and adjust matters. After the figures "$250,000," page 43, line 18, insert the words "one half," so that it will read:

> Two hundred and fifty thousand dollars, one half reimbursable in accordance with the provisions of the act of April 4, 1910—

That is the old law. Then, after the figures "1910," on line 20, insert the words:

> And the other half to be and remain a lien upon the land not allotted to or taken by Indians.

It might be worded better than that, and in view of the evident acquiescence of the Senator, I suggest that we pass over the amendment for a few moments.

Mr. ROBINSON. I have no objection to that suggestion.

Mr. JONES. Mr. President, I want to make just one or two other suggestions, and then I will be through. I have not read the hearings in reference to this matter. This proposition has been suggested, and the plan which we have just been discussing occurred to me as I heard it discussed as being a proper and fair way to deal with this matter.

Now, in reference to the water-right proposition, from the statement made by the Senator from Montana [Mr. MYERS], it seems to me there really is no question of interference with State laws, or anything of that sort. I should like the attention of the Senator from Utah [Mr. SUTHERLAND] to this particular proposition, because he has given it much more thought than I have. It seems to me, I say, from the statement of the Senator from Montana [Mr. MYERS], that there is no question of interference with State laws here, because he said that the water secured by this work was secured largely by storage or in reservoirs. In other words, the Government, or the Indians, or whoever pays for the work of storing surplus water, and as long as it keeps that in storage—and it can hold it in storage as long as it wants—it is the owner of it, just the same as a man owns a piece of land; and it can distribute the stored-up water just as it sees fit, to whomsoever it sees fit, and upon what terms it sees fit. There is, it seems to me, no interference with State laws or regulations. If the statement is correct that the Government shall furnish water that is largely stored water, that simplifies the matter very much and takes out the suggested interference with the State law.

Mr. CLARKE of Arkansas. Mr. President, I will say to the Senator from Minnesota [Mr. CLAPP] the amendment which he proposes is fundamental. It goes to the entire irrigation movement in the West. Nobody has ever yet heretofore sought a direct appropriation from the United States Treasury for the purpose of constructing these irrigation works. They have what is known as the Reclamation Service out there, made up of contributions by the General Government. That serves as a sort of limitation upon the amount.

If you set a precedent in this particular case of allowing the United States Government to construct these improvements and look to an indefinite time and to an indefinite source when it is utilized and it will be reimbursed, it opens up a phase of it that has not heretofore been discussed. It is too late in the consideration of the bill to do so intelligently and effectively now. There is a great desire that this particular bill should be out of the way, so that some important matters standing behind it may receive consideration, and if no one else makes the point of order against the amendment I will do it myself.

Mr. SUTHERLAND. Mr. President, of course, none of us want to do these Indians any injustice; and it would be a very great injustice if their moneys were used to build an irrigation plant, and the benefit of it should go to the white settlers without any payment on the part of the white settlers for it. But the white settlers will pay for whatever water they use. They are to pay for it, I understand, at the rate of about $40 an acre, the Indians, of course, in one sense, advancing the funds which are necessary to build the irrigation plant to begin with. In other words——

Mr. CLARKE of Arkansas. The Senator is mistaken about that. My colleague says the United States Government furnishes the money.

Mr. SUTHERLAND. That is true. I did not begin quite far enough back. In the first place, the United States Government advances the money. Then it looks, first of all, to the Indians to reimburse the Government for the funds which it has utilized for that purpose. Then, in turn, to the extent of the water that is used by the white settlers, the Indian fund looks to the white settlers for reimbursement. So ultimately the white settlers will pay for the water they get and the Indians will pay for the water they get. The only question is whether in the meantime the Indians will really get any benefit for their advancements. These lands are sold at from four to seven dollars per acre; and I assume that they would not be sold for as much if it were not for the fact that the lands have a prospective water right. That being so, the Indians do get a benefit, and a very great benefit, for their advancements. The Government first advances the money, then the Indians reimburse the Government; and the benefit which the Indians get for the advancement, which is ultimately repaid to them, is that they obtain a bigger price for the land they sell.

Mr. LANE. Mr. President, I should like to call the Senator's attention to the fact that that proposition is very much questioned; in fact, we are informed that as to those lands or similar lands in other reservations of the hilly country which never can be irrigated the price is from $10 to $12 an acre. Four dollars to $7 an acre is no price for land, as everybody knows who has ever been in that portion of the country.

Mr. SUTHERLAND. Of course the price paid for public lands depends upon a variety of circumstances.

Mr. WORKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I will do so in a moment. My understanding is that as to those lands which are now sold at from $4 to $7 an acre that price is obtained because there is provision made for the building of irrigation works. Therefore the white man who purchases the land at that price pays that much because he has a prospective water right for the land. If this irrigation plant were not built at all and were not arranged for, then the lands would not sell for anything like the price for which they have sold. Now I yield to the Senator from California.

Mr. WORKS. But suppose under the terms and the conditions of this appropriation this project should fail, who would be the loser?

Mr. SUTHERLAND. I presume that the Indians would ultimately be the losers.

this particular appropriation. Here is one:

These items—

miner's inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables.

design to say that the reservation is made of enough water to irrigate the lands? There is the whole question, in my mind.

Mr. WORKS. The court does not say, but simply states the facts, and then the conclusion that the Government had the right to reserve the water; but I assume that the Government was dealing with the water actually appropriated and applied to a beneficial use.

Mr. PAGE. Then the language of the court is very misleading, because it says that the court holds that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation and other specified purposes.

Mr. WORKS. Mr. President, I suppose the quantity of water that had already been appropriated by the Indians was regarded by the court as a sufficient quantity. Of course, I am not able to say what was in the mind of the justice who delivered this opinion; but undoubtedly the language used by the court must be confined to the actual conditions that were disclosed in this particular case.

Mr. JONES. Mr. President, I am not going to discuss the legal features of this matter; and while I have tried to pay attention to this debate, and probably ought to know the facts with reference to the lands affected, I confess that I do not know very much about them. If the Senator from Montana will permit me, however, I should like to ask him a few questions, not in a catechising way at all, but simply to get some information.

Mr. MYERS. I shall answer them with great pleasure. I have been stating facts, and had intended to state some more, but I shall be glad to answer any questions that I can.

Mr. JONES. How many acres of land are supposed to be reclaimed by this project for which we are making provision?

Mr. MYERS. I can not tell that right now without taking a good while and going into the testimony before the committee. Perhaps the chairman of the committee or the Senator from Arkansas [Mr. ROBINSON] might be able to tell that. I have not the figures at hand.

Mr. JONES. Do the lands to be reclaimed constitute an Indian reservation?

Mr. MYERS. They do not now.

The PRESIDENT pro tempore. The Chair can inform the Senator from Washington that the Senator from Arkansas [Mr. ROBINSON] stated that the irrigable part of the reservation consisted of about 150,000 acres, one half of which belonged to white people and the other half to the Indians.

Mr. MYERS. I have not yet answered the other question. This land is not now an Indian reservation. It was the Flathead Indian Reservation, on which the Flathead Tribe of Indians resided; but by an agreement with the tribe, into which the tribe entered, and to which it consented, the reservation was thrown open to allotment and settlement. Each Indian was allotted so much land—80 acres of irrigable farming land and a larger quantity of grazing land. The Indians took their allotments first, got the first choice, and got the land they wanted. Then the balance of it was thrown open to settlement by whites upon its purchase at the appraised price of from $4 to $7 an acre, and by legislation of Congress this reclamation project was started in order to put water on the land.

Mr. JONES. The lands that continued Indian lands have all been allotted to the individual Indians, as I understand?

Mr. MYERS. They have all taken their allotments, I think.

Mr. JONES. And the remainder that was formerly part of the reservation has been disposed of to white people?

Mr. MYERS. It is open to disposal. Most of it has been disposed of; not all.

Mr. JONES. But the remainder, then, is still Indian land, to be disposed of to settlers upon their paying the appraised value and complying with the homestead law, I suppose?

Mr. MYERS. Yes; to be disposed of.

Mr. JONES. About half of it has been allotted to the Indians and the other half——

Mr. PAGE. One-third.

Mr. JONES. One-third, the Senator from Vermont tells me.

Mr. MYERS. The Senator from Vermont, I think, is thinking of the amount of land which the Indians have had water put upon. They have had about one-third of the water put upon their lands, as I understand; but from the statement of the Chair, which I now recall to be substantially correct, the Indians got half of the land, and the better half.

Mr. JONES. As I understand, then, Congress some time ago made an appropriation to provide irrigation works to reclaim the lands that had been allotted to the Indians, and also the surplus lands?

Mr. MYERS. It began about six years ago, and has been appropriating from $200,000 to $400,000 each year for that purpose.

Mr. JONES. What is the plan of these irrigation works? Do they consist of reservoirs, or simply diverting canals?

Mr. MYERS. Reservoirs, principally, as a foundation for the storage of water.

Mr. JONES. That is, the water has to be stored in order to make the supply available for these lands?

Mr. MYERS. Yes; for most of them.

Mr. JONES. Most of it has to be stored?

Mr. MYERS. Yes.

Mr. JONES. We have appropriated the money, or part of it, to start this project, but have provided that it should be reimbursable out of the Indian funds. Is that true?

Mr. MYERS. That is true.

Mr. JONES. And all that we have appropriated thus far has been reimbursable out of the Indian funds?

Mr. MYERS. Yes, sir.

Mr. JONES. Of course, it is probably useless to inquire why we did that; but I can see no particular justice in requiring the Indian to put up money to reclaim any land excepting his own, and I do not see the justice of our continuing that.

Mr. MYERS. I will ask the Senator a question. If it is necessary to construct these reservoirs and use the Indians' money for the purpose of storing water to put on the Indians' lands, had they not just as well make it a little larger and store water to put on the lands of the white settlers, when the money which comes in from the sale of the land to white settlers goes to pay for the whole thing?

Mr. JONES. Yes; but why should we say that the money that is expended to reclaim the lands in private ownership shall be a lien upon the funds of the Indians? Why do we not say that we are going to appropriate that money out of the Treasury of the United States, and then, when a private individual gets title to his land, that he has to repay to the Government the amount it cost?

Mr. MYERS. Because the appropriation would have to come out of the reclamation fund.

Mr. JONES. No; it would come out of the Treasury of the United States.

Mr. MYERS. I have never heard anybody advocate that theory before. I have heard all sorts of complaints——

Mr. JONES. I think it is about time it was advocated in a case like this.

Mr. MYERS. I should like to finish my statement. I have heard all sorts of critical comments and complaints and fault-finding with this system, and people have told us a hundred different ways in which it ought to be done, and the only thing they seem to agree about is that they do not want it done in the present way; but I never before heard anybody suggest that the money ought to come or could come directly out of the Treasury of the United States.

I should like to ask the Senator a question. He says he does not know why that was done. Was the Senator in this body six years ago?

Mr. JONES. No; I did not ask why that was done. I know why it was done. I was not in this body six years ago, but I was in the House.

Mr. MYERS. The Senator was in the House six years ago?

Mr. JONES. I was.

Mr. MYERS. Then the Senator ought to know why it was done. I was not here.

Mr. JONES. I do know why it was done. It was done just for the reason, I suppose, that we are continuing it now—because in a way it evades taking it out of the Treasury of the United States and puts it in a sort of way as though Congress was not appropriating any money. That is the reason it was put in that way.

Mr. MYERS. We are appropriating the money now, however, and it goes into the sum total of the appropriations of Congress.

Mr. JONES. I know it; but why not say that it comes out of the Treasury and shall be reimbursable by the white people instead of out of the Indians' money? The Indian is under no obligation to reclaim that land.

I do not blame the Senator for trying to carry on this proposition. I do not criticize him in the least.

Mr. MYERS. The Indians are getting the benefit by getting water on their land. They get the benefit as well as the others.

Mr. JONES. It is all right to let their lands be burdened with the cost of their own reclamation, but do not burden them with the cost of reclaiming the white man's lands. Let the United States Government put up that money out of the Treasury, as we are doing, and instead of saying that it is reimbursable out of Indian funds let us say that the white man shall pay the cost which he ought to pay.

If I had my way about it, I would put in a provision here simply appropriating this money, and require that whatever part

ought to be put against the Indian land should be reimbursed out of the Indian fund and require the white owners to pay the other half.

Mr. MYERS. You can not do that now, because it would be a general appropriation, and it has not been estimated for.

Mr. JONES. We could do it if we would.

Mr. MYERS. I do not believe we could do it this year.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. ROBINSON. I wish to say that the Senator from Washington, to use a proverbial expression, has struck the keynote. By a reference to the hearings before the Senate committee on pages 234 and 235 it will be seen, that the exact policy which he is suggesting was agreed on in the committee; that is, that the matter of financing this reclamation project should be changed so that the Indians should reimburse only one-half of it, and the whites the remaining half, and in this way the increase from $100,000 to $250,000 was made.

Mr. MYERS. Does the Senator say that such an amendment was offered in committee?

Mr. ROBINSON. Yes. It was discussed.

Mr. MYERS. What became of it?

Mr. ROBINSON. I will read the record. I did not want to prolong this debate by further injecting my views into this controversy, but it is an important matter, and it is not by any means terminated with the adoption or rejection of this amendment, because there is involved in this legislation a principle which Congress will be compelled to recognize in the early future. I read from page 234:

Mr. MERITT. This matter has been in my mind for a number of years. Soon after I became the law clerk of the Indian Bureau and had charge of the legislative work of that bureau, I recognized that an injustice was being done to the Flathead Indians. On January 12, 1912, I prepared a memorandum for the then commissioner and set out this condition. That memorandum is found on page 453 of the hearings, and I made a specific recommendation as to what should be done in this case in order that the rights of the Flathead Indians might be protected.

One paragraph of that memorandum reads as follows:

"I wish to call your attention to the fact that under the proposed arrangement the property of the Indians is required to be held as security for the reimbursement of appropriations made by Congress to construct the Flathead irrigation project, which will benefit the white settlers as much as it will benefit the Indians, and the project when completed will irrigate as much land in the ownership of white settlers as allotted to the Indians. In view of this fact, I want to suggest the advisability of Congress making direct appropriations for the construction of this project as a regular irrigation project under the supervision of the Reclamation Service rather than an Indian irrigation project, the Indians to pay their proportionate share of the cost per acre for irrigation, and the money heretofore appropriated by Congress and made reimbursable by the Indians could be considered as part payment of the cost of the irrigation of the Indians' land."

Mr. Chairman, I think that is the equitable solution of this question.

Senator FALL. I want to congratulate you, sir.

Senator GRONNA. So, instead of making it a reimbursable fund, you want it appropriated direct, the same as any other irrigation project?

Mr. MERITT. Yes, sir; and let the money which shall hereafter be reimbursed be credited to the Indians as part payment of this construction charge.

Senator TOWNSEND afterwards took part in that discussion, and I make the statement, from reading the testimony of the hearings before the committee on that subject, that it was agreed by the committee that the method of financing this reclamation project should be changed, so that the Indians should reimburse only for their proportionate share and the whites should reimburse for their proportionate share. If that is not a fair proposition, I am unable to perceive one when it is presented.

Mr. SUTHERLAND. Will the Senator from Washington permit me to ask a question of the Senator from Arkansas?

Mr. JONES. Certainly.

Mr. SUTHERLAND. Do I understand from what the Senator from Arkansas has said that the money that is used to build this irrigation project will be paid entirely out of Indian funds, and that white settlers will get the water without paying anything for the water?

Mr. ROBINSON. Oh, no; that is not it at all.

Mr. SUTHERLAND. What is the situation about that? Of course I think——

Mr. ROBINSON. I do not say——

Mr. MYERS. Just let me interject a remark here. The white settlers pay the cost of putting water upon their land—thirty or forty dollars an acre.

Mr. SUTHERLAND. The white settlers pay their proportionate cost of the irrigation work?

Mr. MYERS. They do; certainly.

Mr. SUTHERLAND. Of course that ought to be so.

Mr. MYERS. They do.

Mr. SUTHERLAND. The Indians ought not to be compelled to pay money for building irrigation work to irrigate the lands of white settlers.

Mr. MYERS. The white settlers have to pay their share before they get title to the land. They must not only pay for the land, but pay the cost of putting water on the land before they can get a patent to the land.

Mr. SUTHERLAND. What becomes of the money which the white settlers pay?

Mr. MYERS. It goes back into the Indian fund from which the money was taken to pay for the work.

Mr. SUTHERLAND. So the white settlers, to the extent of land which they irrigate, pay a just measure?

Mr. MYERS. They do.

Mr. ROBINSON. That is not an entirely correct statement. The correct statement is——

The PRESIDENT pro tempore. The Senator from Washington has the floor. Does he continue to yield?

Mr. JONES. I yield. I am just trying to get the facts in the matter.

Mr. ROBINSON. The correct statement as disclosed in the record is this: The Indians are financing this reclamation project. The Government advances the money out of the Treasury, approximately $6,000,000. While the whites already own half the lands that are to be reclaimed under the project, the Indians are required to reimburse every dollar of it. The whites, of course, if the reclamation project proves profitable, reimburse the Indians.

Mr. MYERS. I should like to answer the Senator right there. The white settler goes up there and buys from the Government a certain quantity of land, say, 80 acres of irrigable land. He signs the papers and enters into a contract with the Government to pay the appraised value of that land, which is from four to seven dollars an acre. We will say that the appraised value in this case is $5 per acre. For 80 acres of land that is $400 he agrees to pay, and also he signs papers to pay the Government the cost of putting water on that land, of which at present the running amount is $40 per acre. We will say it costs $40 per acre. He pays not only for the land, but he pays the Government $40 per acre for putting water on the land. He pays for the land and he pays for the water. I want to ask the Senator where does that money go? I should like——

Mr. ROBINSON. It is reimbursed to the Indian fund, and I have never contended anything else; but I will further answer that by reading the testimony of the assistant commissioner, together with the question the Senator from Montana asked him, on page 234.

Senator MYERS. No; I think it ought to be completed long before the 20 years is up and get back the principal.

Senator FALL. Under the act of Congress they—

Meaning the white settlers—

have 20 years, these white people, to pay it back after it is completed. Let me ask you this question and see if I get this right. We will say this 77,000 acres of land, which goes to the white people, is sold for the maximum, $7 an acre. I understand it is appraised at $4 to $7 an acre. Now, as I understand the proceeds of that $7 an acre go back into this fund to reimburse; is that not it?

Mr. MERITT. Yes, sir.

Senator FALL. Then as a matter of fact, that is Indian land, is it not?

Mr. MERITT. Yes, sir.

Senator FALL. Instead of getting $7 the Indians get only $3.50, because one-half goes to reimburse his cost and one-half goes to the white man to reimburse his cost, so he is really getting $3.50?

Mr. MERITT. The white man ultimately will pay back to the Indian his pro rata share.

Senator FALL. I thought he was going to pay it back to the Reclamation Service or to this fund we appropriated. If we appropriate $500,000 now, one-half of that will be for the benefit of the white man and one-half for the Indian?

Mr. MERITT. And the Indian will have to reimburse the entire $500,000

Mr. MYERS. If the Senator will permit me, he will have to reimburse the Indian fund.

Mr. ROBINSON. I have already stated that ultimately he will have to reimburse the Indian fund.

Senator FALL. And he takes the chance of the white man doing anything?

Mr. MERITT. Yes, sir.

Senator FALL. And then the proceeds of this $7 an acre which the white man pays, one-half of that will be applied in repaying his $250,000 and one-half the Indian's $250,000, so the Indian gets $3.50 an acre instead of $4 to $7 an acre?

Senator LANE. There is another point I wish to bring out, that the majority of the allotments on the Flathead Reservation have been made, and the Indians are held responsible, on dry land which never can be irrigated at all. I should like to call on these gentlemen to explain in regard to that.

Senator MYERS. I should like Mr. Meritt to finish all he has to say.

Now, the fact of the matter is that many of the Indians' allotments are on the dry lands that can not be irrigated. Nevertheless, these lands which can never receive any benefit from the project whatever are hypothecated against the chance

appurtenant to the land, and consequently they would not be

Indians made beneficial use at that particular time, or does it

of the Government, who, while they do not stand sponsor for changing the method of financing this reclamation project, re-

what terms it sees fit. There is, it seems to me, no interference with State laws or regulations. If the statement is correct

case has another important feature connected with it, which is that before Montana was admitted to the Union certain rights

Mr. PAGE. Mr. President——

for the amount of lands to be supplied. The Senator also said that of the lands to be benefited by this scheme, occupied by the whites who purchased their lands, the purchase money, together with the price to be charged to them for their water and water rights, would constitute a fund that would go back into the Treasury to recoup and reimburse the amount of these appropriations. That being the case, and a million and half dollars having been appropriated which will be absolutely lost and worthless if this enterprise is not completed, and in view of the further fact that the decision of the Supreme Court of the United States does in that particular case, according to the Senator's own statement, make a reservation of all waters that are necessary for the Indians, I am unable to perceive why, even if this were a question of law—which I can not for a moment admit—that this amendment would be of any importance whatever.

Mr. PAGE. Mr. President——

Mr. THOMAS. Does the Senator desire to interrupt me?

Mr. PAGE. I rose to say to the Senator that I have not yet heard any reliable authority say that this would be an entire loss of money if we should stop now. The entire project, of course, would not be completed, but $100,000 or $50,000 would probably be sufficient to keep the project going until we can ascertain what may be done to protect the Indians.

Mr. MYERS. I should like to interject a remark at that point and shed a little light upon the subject. The greater part of the million and a half dollars would be lost because the greater part of it has been spent in preliminary work, some in fundamental work, such as foundation work, putting in dams and reservoirs, and simply getting ready to put the water on the land.

Mr. THOMAS. If it be true that this enterprise is going to cost four or five million dollars more—and I do not doubt it—it seems to me that the Government is indulging in a system of false economy in making such a small appropriation as $200,000 for the continuance of the work. It is something that ought to be completed, and completed as soon as possible.

Mr. MYERS. I should like to say at this juncture that both the Indians and the whites are clamoring for larger appropriations and a speedy completion of the project. Mr. Newell, chief engineer of the Reclamation Service, testified that $600,000 a year could be profitably handled and ought to be appropriated to rush the work to completion.

Mr. THOMAS. Now, as a matter of fact, the Reclamation Service and the reclamation fund ought to have been used, in part at least, for the construction of this reservoir.

Mr. MYERS. Certainly.

Mr. THOMAS. To that I fully agree; but, Mr. President, the reclamation fund has been treated very much as the Senator thinks the Indian fund has been treated in the administration of all these reclamation projects. The very heart and core of the reclamation law is involved in the purpose and effort of reclaiming and making cultivable the lands which belong to the Government of the United States, the public domain, in order that citizens may avail themselves of their changed condition to settle upon them and make homes upon them; and yet in what is called the Engle project, down in the southern part of New Mexico, a vast amount of money—the project will cost, before it is completed, $10,000,000—has been deliberately misappropriated—I do not use the term in any offensive or criminal sense—misdirected from its original purpose and diverted to the completion of that huge enterprise, which, when completed, will only reclaim an aggregate of 180,000 acres of land, less than 14,000 acres of which, as I said before, is on the public domain. I presume that it is because of those things, or, rather, because of that particular instance—I can not name any others, although there may be others—that recourse is had upon the Indian funds for the purpose of completing some of these other projects.

Mr. PAGE. Mr. President——

Mr. THOMAS. I yield to the Senator from Vermont.

Mr. PAGE. I think there are a great many things about this matter that I do not know. In fact, they would fill a very large book.

Mr. THOMAS. The things I do not know about it would probably fill another volume.

Mr. PAGE. But, Mr. President, when we want information—and I speak now with reference to the Committee on Indian Affairs—the most natural place in the world for us to go is to the Interior Department, the Bureau of Indian Affairs, the Indian Commissioner. I want to read just two or three quotations from the statements made by the Assistant Commissioner of Indian Affairs to the Committee on Indian Affairs touching this particular appropriation. Here is one:

These items—

Speaking of the several amendments which were thrown out on points of order, the commissioner, or assistant commissioner, said:

These items, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made—

Bear in mind that these provisos were added to half a dozen items.

Mr. THOMAS. Yes.

Mr. PAGE. Now, mark this:

And where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Again:

According to estimates of the Reclamation Service, it will require nearly $3,000,000 to be further appropriated by Congress to complete this project.

Here is another suggestion from the assistant commissioner:

The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

I believe that statement is absolutely correct.

Mr. THOMAS. He might have extended it, with perfect truth, and said that it is one of the most acute problems that all people, red and white, are confronted with in the arid regions of the United States.

Mr. PAGE. He then proceeds to say:

There are dependent upon the solution of this question not only property rights involving millions of dollars but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

The Indian Bureau has been seeking to protect them in the way I have suggested, but unfortunately their suggestions have gone out upon points of order; and that leaves us with the urgent necessity of providing some other relief, and the best we are at this time able to suggest is provided by this amendment offered by the Senator from Arkansas.

Mr. THOMAS. I have the highest opinion of the good purposes and the zeal and the efforts to properly discharge the duties of the position which the present Commissioner of Indian Affairs and his assistants have at all times shown; but I am unable to see how this amendment which has been stricken out on a point of order can in the slightest degree benefit the Indians, whether it is agreed to or not. I regard it as so much waste paper, because you can not initiate a water right in that way for an Indian or for a white man or at all, unless it may be in the particular case to which that decision relates; and there it is needless, because the decision, if it is good law, as it is claimed to be, makes the amendment even there unnecessary.

I do not want to see the Indian funds squandered and misused any more than anyone else does; and I will join the Senator from Vermont at any time and at all times, as long as I am here, in any effort that he sees fit to make toward husbanding the resources of the Indian and seeing to it that they are expended for the Indian and for him alone; but I am unwilling to bring this enterprise to a halt in view of all the information I have been able to obtain concerning it.

Mr. WORKS. Mr. President, the Senator from Vermont [Mr. PAGE] has called attention to the case of Winters *v.* The United States (207 U. S., 564) as bearing upon this question. I think it is only necessary to disclose the facts upon which the suit was based and the opinion rendered to determine that it has no effect upon the question now before the Senate.

It is said in the statement of the case:

This suit was brought by the United States to restrain appellants and others from constructing or maintaining dams or reservoirs on the Milk River, in the State of Montana, or in any other manner preventing the water of the river or its tributaries from flowing to the Fort Belknap Indian Reservation.

So it appears that the action was one between the United States and private individuals who were claiming rights in the waters of the stream.

It is said further in the statement:

In 1889 the United States constructed houses and buildings upon the reservation for the occupancy and residence of the officers in charge of it, and such officers depend entirely for their domestic, culinary, and irrigation purposes upon the water of the river. In the year 1889, and long prior to the acts of the defendants complained of, the United States, through its officers and agents at the reservation, appropriated and took from the river a flow of 1,000 miner's inches, and conducted it to the buildings and premises, used the same for domestic purposes and also for the irrigation of land adjacent to the buildings and premises, and by the use thereof raised crops of grain, grass, and vegetables. Afterwards, but long prior to the acts of the defendants complained of, to wit, on the 5th of July, 1898, the Indians residing on the reservation diverted from the river for the purpose of irrigation a flow of 10,000 miner's inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables.

So it appears that in this case, before Montana became a State, the Government and the Indians had actually appropriated to a beneficial use a large part of the waters of the stream; and it was upon that condition of things that the decision of the court was rendered.

The court, speaking of that condition and the rights of the parties, has this to say:

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union, February 22, 1889 (ch. 180, 25 Stat., 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State, was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the agreement to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be.

That is the particular clause in the decision to which the Senator from Vermont refers and upon which he relies.

That the Government did reserve them we have decided, and for a use which would be necessarily continued through years. This was done May 1, 1888, and it would be extreme to believe that within a year Congress destroyed the reservation and took from the Indians the consideration of their grant, leaving them a barren waste—took from them the means of continuing their old habits, yet did not leave them the power to change to new ones.

The only question there was whether the Government had actually reserved these waters to the use of itself and the Indians by actual appropriation and use of the water, putting it to a beneficial use, and whether, if that reservation had been made, it would be repealed by the mere act of admitting Montana into the Union. The court concludes that the reservation was actually made, and that the admission of the State would not have the effect of setting aside the contract of reservation made with the Indians.

I think there can be no doubt of the correctness of the decision based upon the facts as they are stated in the statement of the case; but that does not reach the question of the rights in the waters of a stream as between the States and the United States. Nobody at the present time will question the fact that as a matter of law the States, and not the United States, are the owners of the water that flows in the streams passing through the States, and that the State has the right and jurisdiction to determine upon what terms and conditions the water shall be taken out of the streams and used by private individuals or others; so that there is really nothing in this decision that affects this question or affects the question of the rights of the States in the water.

Mr. SHAFROTH. Mr. President——

Mr. WORKS. I yield to the Senator from Colorado.

Mr. SHAFROTH. I desire to ask the Senator from California whether that decision is not somewhat similar, at least, to the decisions that have been rendered in my State as to what has been conveyed when a man conveys 160 acres of land without any reference to the water rights upon it. Under the laws of Colorado, if there has been a water right attached to the land, the water right passes as appurtenant to the land by the deed itself. You do not have to mention the water right.

Mr. WORKS. Oh, there is no question about that.

Mr. SHAFROTH. If, however, your water rights are obtained by stock in a company, and it is represented that by virtue of those shares you are entitled to so much water, the conveyance of the land conveys nothing whatever of the water.

Mr. WORKS. No; not unless the water has been actually applied to the land.

Mr. SHAFROTH. In the case of its application to the land there is a difference between the States. In our State, however, you have a right to transfer water. Consequently, they have held in those cases that where the owner of land owns stock in a company, if he conveys the land without referring at all to the water right or to the stock the water does not go; but where he conveys the land to which the water right has attached by reason of appropriation without the intervention of some stock of his own in a company, the water right goes as a part of the conveyance, as appurtenant to the land.

This decision seems to me to be following out that same view, namely, that here was an agreement by which the Indians conveyed this land to the United States, and it was to be held as an Indian reservation; and the question arose there whether, in that conveyance, because of the fact that no water right was mentioned, the Indians did not intend not to reserve any water rights, notwithstanding they had already constructed the ditch and notwithstanding they were using water. It would naturally, under the laws of the State of Colorado, at least, go as appurtenant to the land, and consequently they would not be deprived of it. It seems to me that distinction is clearly presented in that opinion.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. SHAFROTH. Yes, sir.

Mr. PAGE. I have listened to the debate upon this law point with very great interest for several days, and I do not want to prolong the session of the Senate by going further, but I should like to have just one point settled in my mind, and that is, does the Senator believe that this decision as it reads is good law?

Mr. SHAFROTH. No; I am not prepared to say that it is good law or that it is poor law, because, from the facts that the Senator from California has read, the opinion is not contrary to the general principles that were announced in the discussion of this question on Saturday. It is like this: The Government, by reason of its contract with the Indians, made a conveyance to the Indians, as it were; and the question was whether a water right that had already attached went with the conveyance or whether it was excluded by the conveyance. It seems to me that when you consider that they had constructed it for that purpose, and that the land was useless without the water, the court naturally would hold that it was appurtenant to the land, and therefore it would go with the land, just as in the decisions to which I have referred in the State of Colorado, where a man conveys a piece of property upon which there is a ditch constructed, and he has been using water continually, the courts would say to any person who attempted to attack that water right, "You can not do it, because it was conveyed to that party, although it was not expressly mentioned."

Mr. PAGE. Does not the Senator think the Supreme Court attempted to say that water from the Milk River sufficient for the irrigation of these Indian lands was, by an implied reservation, reserved for the benefit of the Indians?

Mr. SHAFROTH. Why, certainly. It does not say all the water; whatever had been appropriated there. You might just as well ask, when I make a conveyance of 160 acres upon which there is an irrigating ditch and I have been drawing water from a regular irrigating ditch and paying for it each year whether or not when I convey that land there is reserved by me the water which goes by that land. The court would say, "No; you could not have done that. You could not have intended that. You must have intended, as a matter of fact, that the water should be conveyed, because the land is not worth much without the water."

Mr. PAGE. But it seems to me the trouble with the Senator's reasoning is that the Supreme Court's decision does not limit the water to whatever may be appropriated, but it says "for the benefit of the Indians of a sufficient amount of water," and so forth.

Mr. SHAFROTH. But when, according to the statement of facts there, 10,000 inches have been used, it does seem to me that it would be naturally implied that it was a part of the agreement that it should go.

Mr. WORKS. Mr. President, there can be no doubt of the correctness of the first proposition advanced by the Senator from Colorado, that where water is actually appropriated and applied to a beneficial use in the irrigation of land it becomes appurtenant to the land, and passes with it upon a conveyance of the land without any reference to the water right.

As to the rights of one holding stock in a water corporation, that is entirely controlled by the State statutes, and the rule differs in the different States.

The Senator from Vermont, however, asks whether this opinion correctly states the law. It does, undoubtedly, as applied to the facts as they are disclosed in the case; but the general statement made by the court that—

The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be—

Must be confined to the facts of this particular case. As a general proposition, it is not good law at all, because the National Government has no right to reserve any of the waters of a stream flowing within a State. This, however, was a case where the waters were flowing through a Territory, under the control and jurisdiction of the National Government; and such a contract was made as entitled the Indians to appropriate the waters, and they were actually appropriated and applied to the lands. Under those conditions, of course, the statement of the court is entirely correct, in my judgment.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas [Mr. ROBINSON].

Mr. PAGE. I should like to ask one more question, and then I will discontinue my remarks. Does the court design to say that the United States has reserved the water of which the Indians made beneficial use at that particular time, or does it

design to say that the reservation is made of enough water to

Mr. JONES. What is the plan of these irrigation works?

ought to be put against the Indian land should be reimbursed

Mr. SUTHERLAND. The Indians ought not to be compelled to pay money for building irrigation work to irrigate the lands

Mr. ROBINSON. I am reading the statement of Senators.
Mr. MYERS. The Senator from Vermont says it.

we are to do that, it is a part of my general argument that we must provide on their reservations a sufficient amount of water to make the reservations reasonably productive in an agricultural way. The subject which arises under the question of the Senator from California presents one of the broader aspects of the problem connected with the Indian Service, one of the great difficulties that is confronting the Indian race.

Mr. WORKS. The question suggested itself to my mind because if the Indians are not going to use this water for beneficial purposes, we may be making another great mistake in the expenditure of millions of dollars for the purpose of storing and appropriating this water for the use of the Indians, who will not use it when they have the privilege of doing so.

Mr. ROBINSON. That is true, Mr. President.

Mr. THOMAS. Mr. President, I am in hearty sympathy with the sentiments which have been so well expressed here upon this subject by the junior Senator from Arkansas [Mr. ROBINSON], but I am unable to agree with him as to the importance or even the expediency of this amendment. If I understand the amendment correctly, it will impose upon the Department of Justice of the Government the duty of reporting not upon a question of law, but upon a question of fact. The amendment seeks to obtain an opinion from the Attorney General of the United States as to whether this appropriation, if expended, is going to inure to the benefit of the Indians. That is purely a question of fact, and not a question of law.

The legal aspects of the situation are, to my mind, perfectly clear, and consequently I am unable to perceive in what way this amendment, even if adopted, can be of any benefit to the Indians or to anybody else.

Mr. WORKS. Mr. President——

Mr. THOMAS. I yield to the Senator from California.

Mr. WORKS. I suppose that if the Attorney General is called upon to give an opinion on this question he will be compelled to investigate the prior appropriations from the beginning to determine, in the first instance, whether there is any surplus water there to be appropriated. It would be an immense undertaking.

Mr. THOMAS. Mr. President, the Senator from California is exactly right. Not only that, but the Attorney General would also have to determine the extent to which flood-water appropriations have been made for the purpose of building this reservoir and the system of irrigation after it shall have been completed.

Mr. PAGE. I wish, before the Senator passes final judgment on this matter, as this is purely a question of fact, he would consider for a moment the attitude of the department with reference to it. It is claimed here in the Senate that under State laws the man who first appropriates has the first and best right to the water. That, I think, is the view of the Senator from Colorado.

Mr. THOMAS. The man who first appropriates to a beneficial use.

Mr. PAGE. Yes; who appropriates to a beneficial use.

Mr. THOMAS. Yes.

Mr. PAGE. The department takes a different view of the matter. They claim that under the Winters case there was an implied reservation of the waters of the Milk River to the extent necessary to irrigate this particular project. I will read the identical language of the Supreme Court. It is found on page 378 of the House hearings:

> The Supreme Court, in the case of Winters v. United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

That, I understand, was the ruling of the entire court, with the exception of one member.

Mr. THOMAS. Under the State law, certainly. Under the State law there is no possible doubt about the correctness of that opinion. If the Senator will read it again, he will discover that there is a recognition of the very principle for which the Senator from Utah was just contending.

Mr. PAGE. I should like to read it again, because I can not see the matter in the light the Senator has suggested.

> The Supreme Court, in the case of Winters v. United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

Note the language of the decision:

> The power of the Government to reserve the water can not be denied.

Mr. THOMAS. I misapprehended the meaning of the Senator.

Mr. PAGE. Let me go a little further, because this particular case has another important feature connected with it, which is, that before Montana was admitted to the Union certain rights existed. I want to read the statement of the Supreme Court upon that point:

> The Supreme Court further said in this case that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

I am not going to try to be more wise than the Supreme Court and say that the court ruled wrongly. I am giving you what the Supreme Court said on this case.

Mr. THOMAS. Mr. President, I am reasonably familiar with that decision, although I have not read it for a good while. That decision does recognize in the Government the right to make a reservation of water from that particular stream for the benefit of the Indians. If that were the only decision of the Supreme Court upon the general subject, there could be no doubt about the effect of it in its application to enterprises of this sort; but, Mr. President, I think I can say without exaggerating that this opinion is an exception to the general line of decisions of the Supreme Court of the United States upon this very important subject which have been made by that court both before and since that decision was handed down.

It is a general principle, and I think it has been fully recognized by all the courts from the earliest days of settlement in the arid regions and in the mining sections of the Union in the West, that rights to water and to the use of water depend upon appropriation and diversion to a beneficial use. That principle has been crystallized into national legislation for many years—ever since the act of 1866—a section relating to the subject being found in the Revised Statutes as early as 1872. Since the decision in the case to which the Senator from Vermont has called my attention, which has been read here during the course of this discussion, and in the two hundred and thirteenth United States, as I remember, the Supreme Court has denied even to the Government itself the right to the use of water needed for general governmental purposes unless that right is acquired by compliance with the laws of the particular State where that decision originated, my general recollection of that case being that the Government had a certain appropriation of water for a military post and needed a greater supply, which it assumed to take by virtue of the sovereign power of the Government. That interfered with the rights of others, and the Supreme Court of the United States went so far as to hold, and to hold properly, that even the Government could not utilize the waters of that stream except by complying with the requirements of the statutes of the State where public ownership of water independent of riparian rights is one of the absolute essentials to settlement, and consequently to community life.

In the case of Kansas against Colorado, a case involving a controversy over water rights between the citizens of those States along the line of the Arkansas Valley and watered by the stream of that name, the United States Government sought to interfere, and based its right of interference upon its ownership of vast stretches of public domain through which the tributaries of the Arkansas River and the river itself in certain parts ran, but the Supreme Court of the United States held that the title to those waters was in the State, subject to appropriation by its citizens for beneficial uses, and that as a consequence the Government could not upon that ground or any other ground assert any interest that gave it the right to intervene in and become a party to that controversy.

Mr. PAGE. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. PAGE. Mr. President, I should like to ask the Senator this question: If by a treaty with the Indians the waters of the Milk River had been especially reserved for them by name, by description, and by boundaries, and to an extent sufficient to irrigate their reservation, and if that treaty was made before Montana was admitted to the Union as a State, does the Senator say that the rights of the State of Montana would be paramount?

Mr. THOMAS. As to that particular treaty and that particular reservation I should hardly say that if it were done before the State was admitted into the Union——

Mr. PAGE. That is the case here.

Mr. THOMAS. Because in the case to which I have referred, the Kansas and Colorado case, the right of the Government in the Territories concerning this question is conceded to be much more extensive and general than in the States of the Union, but the effect——

Mr. PAGE. Mr. President——

Mr. THOMAS. If the Senator will pardon me—the effect would be to limit that decision and the principle announced by the treaty upon which it is founded.

Mr. PAGE. But as I understand, Mr. President, that is the case here. The treaties, as I understand it, referred to one particular river, the Milk River, which supplies the water for the Indians' use on the Flathead Reservation. The court did not say that this reservation was made in terms, but it said that:

> There was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes.

Mr. THOMAS. Yes; the Supreme Court decided in that case that the treaty established that reservation.

Mr. PAGE. Then, does not that take this particular case about which we are talking to-day out of the general law?

Mr. THOMAS. Yes; the particular case here might be taken out of the general law—the general law upon the subject.

Mr. PAGE. That is the point I make, Mr. President.

Mr. THOMAS. But that is not the amendment offered by the Senator from Arkansas. That amendment, as I understand, imposes upon the Attorney General the duty of informing Congress or the Department of the Interior, or both, whether this money, if expended as this bill provides, will inure to the benefit of the Indians. That is merely a question of fact.

Mr. PAGE. May I interrupt the Senator upon that point for a moment?

Mr. THOMAS. Certainly; I am always glad to yield to the Senator.

Mr. PAGE. We have had a long discussion upon this matter in the Senate, in which the most distinguished lawyers in the body have held that this particular decision was wrong.

Mr. THOMAS. As a general proposition, it certainly is wrong, in my humble opinion. As applied to the specific facts in the Milk River case it may not be wrong.

Mr. PAGE. If the Supreme Court has held in the case of the Milk River Reservation that the water rights were, by an implied reservation, held for the benefit of the Flathead Indians, and if the best lawyers in this Senate insist that the Supreme Court has wrongly held, then is there not presented a question of law, as well as of fact?

If the law as interpreted by the Senator from Colorado and other Senators differs from the decisions of the Supreme Court touching the Indians' rights in this matter, then it seems to me the Indian Department, under this amendment, will properly say to the Attorney General: "We want you to study the decisions of the courts carefully and determine whether, under these decisions and purely as a matter of law, the rights of the Indians are or are not sufficiently and properly safeguarded in this matter. We do not want this money spent until we know whether they are or are not protected, and if they are not protected we want their money withheld and covered back into the Treasury."

Mr. THOMAS. Mr. President, the Supreme Court of the United States has already determined the law, according to the Senator's own statement, in so far as it can be determined in that particular case. It is the application of this water after the system has been constructed, and that alone, that can be made the basis for any opinion as to whether the Indian is going to get any benefit from it. It is a matter of fact.

Mr. PAGE. I am not going to debate a legal proposition with the Senator from Colorado; he knows that very well.

Mr. THOMAS. I think the Senator is capable of holding his own with any of us here on a legal proposition.

Mr. PAGE. I simply say that here is a decision of the Supreme Court which the Senator's colleague and other Senators here have criticized, if I remember correctly—if I am wrong, he will correct me—and have intimated was not good law.

Mr. THOMAS. My colleague is a most excellent lawyer, and if he said that, I would be inclined to doubt the wisdom of my own conclusions.

Mr. PAGE. I may be wrong about it; it may have been some other Senator who expressed this opinion; but, be that as it may, some of our learned Senators have declared upon the floor of the Senate during this discussion that, in their judgment, the view of the Supreme Court which I have quoted was not good law. Does it not therefore become a proper matter for the Attorney General to investigate in order that the Indian Department may know whether it can or can not properly go ahead and spend three, four, or five million dollars more of the Indians' money upon this irrigation project?

Mr. THOMAS. There are many decisions which are poor law, but they are nevertheless stare decisis. The decision to which the Senator from Vermont refers may be poor law, but at the same time it may be conclusive of the particular controversy to which it relates, irrespective of whether it appeals to the reasoning powers of the profession generally.

Mr. President, so far as the last statement of the Senator is concerned, I do not think that we are very far apart. I do not believe that it is right—and I am expressing no new opinion upon the subject—to take the money of the Indians for the purpose of building reservoirs for white people. The Senator can not get up any controversy with me on that proposition, and if this were a new question I should hesitate very long before even consenting to consider it; but, if I understand the situation, under previous legislation the water system for this particular tract of land has been provided for and is partially completed, and that other and further appropriations are necessary in order to make it effective. If that is so, that presents a very different proposition to my mind, because I know of no more useless thing in the world, Mr. President, than an uncompleted irrigation system in the arid West.

Mr. PAGE. May I interrupt the Senator?

Mr. THOMAS. Certainly.

Mr. PAGE. It is true, is it not, that here is an irrigation project which has been entered upon and upon which there has been expended, of the Indians' money or of money for which the Indians' lands are mortgaged, more than $1,000,000. The testimony also is that the project will require four or five or six million dollars more.

Mr. MYERS. Mr. President, I should like the Senator to get that correct. There have been a million and a half dollars approximately expended, and it will take about $4,500,000 more to complete the work.

Mr. PAGE. I accept the correction; I stated it as nearly as I could from memory and without looking up the testimony upon this point.

Mr. THOMAS. I may state that these projects always cost from 25 to 100 per cent more than the original estimate.

Mr. PAGE. The matter has been the subject of much debate on the part of the Indian Affairs Committee. They had reasoned like this: "Have we any right to continue with this project and expend three or four or five million dollars more upon it, if the Indian, being unable to make beneficial use of the water, is going to lose his rights? The Indian is taking all the risk. The facts are I believe that up to this date the Indian has only been able to appropriate water on about half as much land as the white man. We have mortgaged the Indians' property for an immense sum, a sum so large that it almost staggers us, and yet we are now proposing to place further mortgages on his lands—mortgages aggregating five or six million dollars. In view of that fact the Commissioner of Indian Affairs was asked, "Can not something be done to safeguard the Indians' rights?" He said, "Yes; there can be something done"; and he prepared amendments to safeguard the Indians' rights in all these propositions. The moment the bill got into the Committee of the Whole those amendments in the form of provisos prepared by the Indian Bureau were all thrown out on points of order.

It is true as to the amendment proposed by the Senator from Arkansas that we asked the Indian Bureau if they could not propose some amendment to safeguard the Indian which would not be obnoxious to a point of order, and the amendment offered by the Senator from Arkansas was hurriedly prepared by officials of the Indian Bureau in response to this suggestion. I do not think they thought it was the best that could be prepared, but they thought that it was not open to a point of order, and therefore was perhaps the best that could be done on the spur of the moment. I sincerely hope that those Senators who believe that it is wrong to spend the Indians' moneys in this way without properly safeguarding his rights will not stand back and say to every proposal we make here for the protection of the Indian, "This way is wrong and that way is wrong." I want positive suggestions offered as to some way to safeguard the Indians' rights; and if no way can be found, then, so far as I am concerned, I prefer that no appropriation be made at this time.

Mr. THOMAS. Mr. President, I had no idea when I took the floor that I would take as much time of the Senate as I have consumed thus far. When last interrupted by the Senator from Vermont, I was about to state that on yesterday the Senator from Montana, in response to a question of mine, said that these water rights, or some water rights for the benefit of the Indians and of the Indian lands, had been secured by the Government through its compliance with the requirements and machinery of the State laws upon that subject.

Mr. MYERS. They have, Mr. President.

Mr. THOMAS. Now, I assume that the Government has so acted that the appropriations by it were sufficient in quantity

So it appears that in this case, before Montana became a

deprived of it. It seems to me that distinction is clearly pre-

Mr. ROBINSON. The statement of any Senator is good for the Senator from Arkansas—the statement of the Senator from Vermont, as the statement of the Senator from Montana—but——

Mr. MYERS. If the Senator is informed of the fact, that is different; but if he merely renders an opinion, it may or may not be good.

Mr. LANE. I have heard that statement by Indians who lived near there, and I have heard that statement made before the committee. I understand that this suit which has been brought by the Conrad Investment Co. for taking the waters——

Mr. MYERS. I want to say, just to show how near right the Senator from Oregon is, that the Conrad Investment Co. is not on the Flathead Reservation; it is not within 400 miles. That is the Blackfeet Reservation.

Mr. LANE. It is the Blackfeet, I know.

Mr. MYERS. We are not discussing the Blackfeet; and now let us have the facts about the Flatheads.

Mr. LANE. That is what I am talking about. I am informed that some complaint exists among the Blackfeet.

Mr. MYERS. If the Blackfeet Indians are stating the troubles on the Flathead Reservation, all right.

Mr. LANE. Anyway, the fact remains that the Indian money is being expended and they are not receiving the benefits.

Mr. MYERS. They are getting all the money back.

Mr. LANE. He is not getting a proper hearing in the case, for the reason that the time is limited and we are giving him no means to buy implements to farm.

Mr. MYERS. There has never been a Flathead Indian who made a complaint that I am aware of. The Flathead Indians write me and send word here that they want this reclamation project hurried up and finished.

Mr. LANE. Then you have the Indians before the commissioner that was here. The Commissioner of Indian Affairs is sustained by the superintendent of the reclamation fund.

Mr. MYERS. If there are any Indians finding fault with this, I should like to have it read.

Mr. ROBINSON. Now, I will read some of the testimony to which I have referred on page 228 of the hearings. This question was asked by Senator LANE.

Mr. MYERS. Of whom?

Mr. ROBINSON. Of Mr. Newell:

Senator LANE. What is that appraised value?

Mr. NEWELL. Four dollars to $7 an acre, I think. They did that with the knowledge and belief that those lands were to be irrigated in the way proposed by Congress. There are literally hundreds, if not thousands, of settlers living there believing thoroughly that Congress will construct a complete irrigation system, not only to the Indian lands, but to their lands, and we have had most pitiable requests, and such requests have doubtless come to you, to expedite the extension of those lands to take in more of the white lands.

Omitting part of the testimony:

Mr. NEWELL. My impression is, Senator, that the water appraisement becomes subject to the land—the cost of the water is appraised to the land irrigated.

Senator FALL. Then this appropriation should read: "One-half to be reimbursable," instead of all reimbursable out of the Indian funds?

Mr. NEWELL. That is technical.

Senator FALL. That would be correct, would it not? It would relieve the Indians of the burden.

* * * * * * *

Senator LANE. What is this land worth after irrigation?

Mr. NEWELL. I would hardly dare to say. I suppose that irrigated and cultivated it is worth in alfalfa at least $100 to $150 an acre, and in fruit, $500 an acre.

Senator LANE. And the Indians get $4 an acre?

Mr. NEWELL. Raw land, before anything is done with it, $4 to $7 an acre.

Senator LANE. How much is raw land under a project like that worth, subject to irrigation?

Mr. NEWELL. With a reasonable certainty of getting water it is worth its full appraised value.

Senator LANE. $4 an acre?

Mr. NEWELL. $7 an acre. If you can not get water it will be worth practically nothing.

Senator LANE. But where you can get water?

Mr. NEWELL. If there is a reasonable certainty, or if contiguous to lands to which water has been supplied, I suppose the raw lands would be worth $40 to $50 an acre. I do not think you could buy them to-day for that.

On page 231:

Senator PAGE. Do you say to us that you fully justify the project or the methods under which it is conducted, the taking of the Indians' money for this great project and letting him take a chance of loss or gain hereafter?

Mr. NEWELL. I think he is taking no more chances——

Senator FALL. He is taking chances of loss and not of gain?

Senator MYERS. How is he taking any chance?

Senator PAGE. He has often protested against it.

Mr. NEWELL. I beg pardon, I never heard of any protest.

Mr. MYERS. I should like to know just where that comes from that the Flathead Indians have often protested. I should like to see one protest.

Mr. ROBINSON. I am reading the statement of Senators.

Mr. MYERS. The Senator from Vermont says it.

Mr. ROBINSON (reading):

Senator LANE. Oh, yes.

Senator PAGE. We have heard protests here within a week.

Mr. NEWELL. Was he really a representative of his people?

Senator PAGE. He said they do not like to have their property there encumbered by these large mortgages without being conferred with; without being consulted. It seems to me they ought to be consulted at least before we mortgage their lands as heavily as they are mortgaged now.

Mr. MYERS. I should like to say at this point, if the Senator will permit me, that there were a lot of Blackfeet Indians down here this spring hanging around the committee rooms all the time, but if there was a Flathead Indian in the city of Washington this year I never heard of it and I never met him.

Mr. ROBINSON. It does not mattter whether there was a Flathead Indian in the city of Washington or not.

Mr. MYERS. I think they were Blackfeet Indians who were making these complaints.

Mr. ROBINSON. A great many delegations of Indians have come here, some regularly authorized representatives and some not, but the fact of the matter is that in view of this record it is difficult to justify the construction of this reclamation project at the expense of the Indians. It means the expenditure before it is completed of $6,000,000.

Now, supporting that statement, I take the testimony of Assistant Commissioner Meritt on page 232 and following:

Mr. MERITT. This Flathead irrigation project is a very large project that is being constructed by the Reclamation Service under contract with the Secretary of the Interior. This project, when completed, will irrigate about 150,000 acres of land.

Senator FALL. That is, the Reclamation Service does the work and the Indian Service pays for it?

Mr. MERITT. Yes, sir; out of appropriations provided by Congress. When this project is completed it will irrigate about 75,000 acres of Indian land and about 75,000 acres of white land.

Now, listen:

The method of financing this project is as follows: Congress makes appropriations out of the Treasury for the construction of this project to be reimbursed out of the funds of the Indians.

Listen. Seventy-five thousand acres of the white man's land and 75,000 acres of the Indians' land, and every dollar that is being expended to construct this work, both for the whites and for the Indians, is being reimbursed in the first instance out of the Indians' fund. Of course, if it proves profitable, it will be reimbursed to the Indians in the end, in so far as the white lands are concerned.

Mr. MYERS. I will say to the Senator there can be no doubt about its being profitable. According to the testimony produced there, water put on the land makes it worth from $100 to $150 an acre. There can not be any doubt about its being profitable.

Mr. ROBINSON. Yes; but the Indians do not get the water.

Mr. MYERS. There is nothing to prevent them from getting their share of water.

Mr. ROBINSON. Just a minute. Under this process of constructing at the expense of the Indians an irrigation project to water the white land and the Indian land, I make the statement that it is my conviction that, while the Indians are paying the entire expense of it, the whites are getting practically the entire benefit of it.

Now, that is not a new condition. It has occurred time and time again before. I expect to submit hereafter some further statements——

Mr. MYERS. Allow me just to submit this statement.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from California?

Mr. ROBINSON. I take great pleasure in yielding to the Senator from California.

Mr. WORKS. As I understand this amendment, it simply allows the Government to expend $100,000 without determining whether the Indians have any rights or not, and after that amount of money is expended we should stop there and get an opinion from the Attorney General as to whether the Indians have any rights or not. What I should like to ask the Senator is whether the inquiry should not be made before we spend the $100,000?

Mr. ROBINSON. I think it should, Mr. President. The same suggestion was made by the Senator from Montana. I shall ask leave to so modify my amendment that no part of this appropriation shall be expended until the chief law officer of the Government says that in his opinion it will accrue to the benefit of the people who pay for it. It is a question of honesty; a question of fairness. I accept the suggestion of the Senator from California.

The PRESIDENT pro tempore. The Senator from Arkansas modifies the amendment proposed by him by striking out the limitation.

Mr. ROBINSON. So as to read as follows: "That no part of this appropriation shall be expended," and so forth, "until," and so forth.

Mr. WORKS. I am quite anxious myself to protect any rights that the Indians have in this water. In that respect I sympathize entirely with the Senator from Arkansas. I think it is going to be a very difficult matter, however. I suggest to the Senator, for the Attorney General to determine the rights of these Indians in waters of the stream in advance, as has been suggested by the Senator from Utah [Mr. SUTHERLAND]. Certainly the authorities dealing with this question should have determined that matter at the time of the initiation of these proceedings, and unless there was water there to be appropriated and proper steps were being taken to that end, the Government should never have expended any money at all. I do not know how much money has been expended there.

Mr. SUTHERLAND. A million dollars.

Mr. WORKS. The Senator from Utah says there has been a million dollars expended on that project. Now that we have spent a million dollars we are talking about stopping here to inquire whether the Indians have any rights in the stream. That is rather a singular condition of things as suggested to my mind.

Mr. ROBINSON. Of course, when that is disclosed it seems to anyone unaccountable that Congress should contemplate spending approximately $5,000,000 more on this project; and it occurs to me, even if we did begin this project without due consideration, before we expend this $5,000,000 of somebody else's money that we are trustees for, and under a sacred obligation to spend for their benefit, we ought to first find out that they are going to get the benefit of it.

Now, then, to show you that this is not a mere fancy upon my part, this is the opinion of representatives of the Bureau of Indian Affairs. The assistant commissioner testified on page 233 as follows:

Senator MYERS. At this point I will ask, was $4 or $5 an acre all the raw land without any water on it was worth? What do you think about that?

Mr. MERITT. If the project is to be financed entirely out of Indian funds I believe it is an injustice to the Indians; that they should get the benefit of the increased value that their money adds to this land, because their money is providing the funds with which to construct the irrigation project and the irrigation project increases the value of the raw lands from $4 to $5 an acre to something like $50 an acre. This situation can not be justified from the Indian standpoint for another reason.

I ask the attention of the Senator from Utah to this statement:

This situation can not be justified from the Indian standpoint for another reason. The Government is advancing the Indian funds to construct an irrigation project and absorbing all the money that they derive from the sale of their land and timber to reimburse the Government for the money advanced. These Indians have been allotted irrigable land; they are without funds with which to make use of the land that has already been allotted to them simply because those funds have to go back into the Treasury to reimburse the Government for the construction of this irrigation project.

This project will cost, when completed, approximately $6,000,000. The Indians of that reservation have ample resources to guarantee to the Government this amount. It is estimated they have resources amounting to more than $13,000,000, but those resources should not be used, in our judgment, in this way.

I believe, and I think the Commissioner of Indian Affairs believes, that this project should be constructed not as an Indian project, but as a reclamation project and permit the Indians to pay their pro rata share of the cost of this project.

Now, we have the case of a doubtful project, according to this testimony, constructed entirely at the Indian's expense, that is reimbursable out of the Indian fund, watering in equal amounts Indian lands and lands belonging to white settlers, 75,000 acres of each class. Why not at least require that one-half of the expense of the construction work shall be paid for out of the reclamation fund and the half which is required to water the Indian lands out of the Indian funds, to be reimbursable?

Mr. MYERS. I should like to answer the Senator's question at this juncture.

Mr. ROBINSON. I take pleasure in yielding to the Senator.

Mr. MYERS. It is because the demand on the reclamation fund for projects now under way is so very great and so pressing that the Reclamation Service claims that it has need for all the money in the reclamation fund and more for projects already started and now under headway, and because, in the opinion of everybody who has investigated this proposition, except Mr. Meritt, this project on the present basis is absolutely safe to the Indians, and they take no chances whatever. The land is there as security for the money. The land is worth all that it is necessary to bring to reimburse the Indians. It would be hard to get the Government to put this under the expenditures of the Reclamation Service, when the Reclamation Service is already hard pressed for funds and when, in the opinion of everybody else who has ever investigated it, it is a sound and safe business proposition on a legitimate basis. The land is worth the money, and if we just go ahead with the project, instead of abandoning it, the Indians will get their money; and they are not complaining. That answers the question.

Mr. LANE. I should like to make just one interjection right there.

Mr. THOMAS. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Arkansas yield?

Mr. ROBINSON. I yield first to the Senator from Oregon.

Mr. LANE. You can get at the outside $7 an acre for the land, and it will be resold for about $40.

Mr. ROBINSON. But when you take into consideration the fact that the Indian is advancing the funds which according to the undisputed testimony of Mr. Newell will make the land worth from $50 to $500 an acre, why should not the Indian be entitled to the increase in value which the use of his funds brings to the lands?

Mr. MYERS. Then, when a man buys a raw product and pays all the raw product is worth and it is manufactured into a superior article, he should also pay for the increased value of the manufacture.

Mr. ROBINSON. I think the illustration of the Senator from Montana is an unfortunate one for him. If the owner of the raw product furnishes the factory and the labor to manufacture the raw material into the manufactured product, I insist that he ought to have the benefits of the increased value of the manufactured product.

Mr. MYERS. The Government of the United States is furnishing to the Indians the raw land. The Indian furnishes nothing.

Mr. ROBINSON. That statement is technically right. The Government first advances the fund and the Indian reimburses it.

Mr. MYERS. The Government of the United States is furnishing the water, and that is what makes the increased value.

Mr. ROBINSON. But the Government of the United States can not furnish water, unless the Senator from Montana has come to my contention that under some circumstances the Government furnishes water.

Mr. MYERS. By appropriation.

Mr. ROBINSON. I now yield to the Senator from Colorado.

Mr. THOMAS. I merely wish to say, Mr. President, in view of the explanation given by the Senator from Montana [Mr. MYERS] of the reason why the reclamation fund should not be used for the purpose of paying the white man's share of this reservoir construction, that the embarrassments are largely due to what I consider the unlawful diversion of $10,000,000 of money from the reclamation fund for the purpose of constructing a dam and reservoir in the southern part of New Mexico with which to reclaim less than 14,000 acres of public land and 180,000 acres of land in all, a large portion of which is for the citizens of the Republic of Mexico.

Mr. MYERS. Of course I can not help that, Mr. President.

Mr. ROBINSON. Supplementing what the Senator from Colorado [Mr. THOMAS] has suggested, I will say that I do not think the Indians on the Flathead Reservation or on any other reservation should be the victims of a mistake in our general reclamation policy

Mr. THOMAS. I fully concur with that opinion of the Senator from Arkansas.

Mr. ROBINSON. Now, Mr. President, I think it is entirely competent and proper before expending this sum, since there is a dispute about it, that Congress ascertain in the best way that it can whether this will redound to the benefit of the people who are to pay for it. There can be no objection to this amendment on the part of anybody who wants to make certain that the Indian will get the benefits which arise from the expenditure of his funds. I submit this question, Mr. President, for the action of the Senate.

Mr. WORKS. I should like to ask the Senator from Arkansas, before he takes his seat, whether he has investigated or knows in any way to what extent the Indians take advantage of the right they have to use water for irrigation purposes; that is to say, to what extent they have become farmers or husbandmen and really use the water that is a land and belongs to them?

Mr. ROBINSON. Mr. President, that is a very important question, and it has been my duty, in connection with others, to look into that somewhat extensively. The Indian is very slow to avail himself of the privilege of using water for irrigation purposes. The Indian is not naturally an agriculturist. The Government, however, has declared its policy in more ways than one of converting the Indians into an agricultural people. If

unless they can get water on it. The allotment has already taken place. The Indians have given up their tribal rights to the land willingly and voluntarily, and have taken 80-acre allotments. As long as water is not put on those 80-acre allotments they are of no benefit to the Indians. The sooner this project is completed, and the more money that is appropriated for it, and the more rapidly it is prosecuted, the sooner the Indians will get water on their lands and be where they can be self-sustaining. If this is cut off now, they are simply up in the air. They can not get their land back, and they can not get their water, and they will be where they will have nothing.

If this is not a good project, it should have been determined long ago; and if they want to stop it now, they will have to throw away over a million dollars which has been already spent on it. This should be an outright appropriation, as has always been the case, or none at all. I want to say that this is a project where there never has been a complaint lodged by a Flathead Indian that he was not getting his right.

Mr. ROBINSON. Mr. President——

Mr. MYERS. I have never had any complaint, and the committee has never had any, so far as I know.

Mr. ROBINSON. Will the Senator from Montana yield to me?

Mr. MYERS. Certainly.

Mr. ROBINSON. I stated yesterday, in reply to a similar statement from the Senator from Montana, that a number of complaints had been made to the Joint Commission to Investigate Indian Affairs. My memory as to the testimony that has been already submitted is not perhaps entirely complete, but I do recall that some testimony was submitted to the effect that the Indians are deprived of any water under this reclamation project until about the 1st of July; that they never get water for their crops until the white settlers have had all the water they want; and that complaint is quite general among the Indians.

That statement was made to me by an Indian who is in the gallery now. It was made to me on yesterday. The testimony, I think, was offered before the joint commission some months ago. The Senator from Oregon [Mr. LANE] is present now and was present when that testimony was offered. The condition which exists on the Flathead Reservation is not different from the condition that prevails on many other reservations where large amounts of money have been already expended, and where much larger amounts must be expended before the works are complete.

I do not like to introduce any amendment here which is objectionable to my friend from Montana; but I am discharging what I believe to be a duty as a Member of this body, and a duty to the Indians of the United States, and that is to see that when we expend large sums of their money we take some precaution to require that the expenditures shall result in benefits to them.

Mr. MYERS. Mr. President, I never heard of any such complaint. At any rate, it has not been made to the Senate Committee on Indian Affairs. If there is any complaint, however, that the Indians do not get their water until the 1st of July, neither this amendment nor any other amendment like it would remedy the situation. That is a matter of which complaint should be made to the Interior Department, to the authorities of the Reclamation Service in charge of this project.

If that is the case, it is in the power of the Secretary of the Interior or the Commissioner of Indian Affairs or the engineer in charge of the Reclamation Service to remedy it. It is something that Congress can not remedy. This amendment would not reach that. If they do not get their water before the 1st of July this amendment would not touch any such complaint. That would be the fault of the Reclamation Service; and if proper complaint is shown and proper proof is made, I believe the chief engineer or the Indian Commissioner, or even the Secretary of the Interior, would investigate and give attention to it and cause it to be remedied.

This amendment, however, is radically wrong. There is no justification for it. No complaint has ever been lodged before Congress or before the Committee on Indian Affairs that would justify it, and I hope it will be defeated.

Mr. SUTHERLAND. Mr. President, of the series of amendments that have been proposed with reference to these water projects, I think perhaps this is the most remarkable of all.

Under the law of Montana, as under the law of all the arid-land States, before anybody can acquire a right to water certain things must be done. There must, first of all, be notice of appropriation. That, I understand, has been given by the Interior Department in these cases. Following the notice, the works which are intended to divert the water must be constructed, and following the construction of the works there must be an application of the water to the land for a beneficial use.

Every one of those steps must be taken before these Indians or anybody else can acquire any right to the water for irrigation purposes in the State of Montana or in any of these other States; so it would be an impossible thing for the Attorney General to find that these Indians have any present right. Whatever rights they have are inchoate in character. They have simply given notice and have begun the preliminary work of constructing these irrigation works. If this appropriation is withheld, or subsequent appropriations are withheld, and the works are never completed, of course the Indians can never acquire a right at all; so the Senator might as well move to strike the appropriation out of the bill altogether. The Attorney General can only reply, as I understand the law, that these Indians have taken the preliminary steps to acquire a water right, and that in order to protect their rights they must have the very appropriation which the Senator's amendment would withhold.

Mr. ROBINSON. Mr. President, will the Senator from Utah yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. Has the Senator read the testimony appearing on page 227 of the hearings before the Senate committee on the present bill? I will address the same question to the Senator from Montana.

Mr. SUTHERLAND. I have read some parts of the hearings. I have not read them all, by any means.

Mr. ROBINSON. Does the Senator know that these lands on the Flathead irrigation project are appraised at from four to seven dollars per acre, and that the white people are purchasing them at that amount? Does the Senator know that?

Mr. SUTHERLAND. I have not read that.

Mr. ROBINSON. I will state to the Senator that that is the undisputed fact, according to Mr. Newell. I want to read a little of the testimony that relates to this subject, to show the Senators just what will be the result of this appropriation if some provision is not made in the bill safeguarding the rights of the Indians.

Mr. SUTHERLAND. Mr. President, I am perfectly willing that the Senator shall read whatever he pleases to read, but no testimony could alter the situation. We are dealing not with a question of fact but with a question of law. If these Indians must comply with a State law in order to secure water rights, we can not alter that situation, whatever the facts may be, by any legislation on the part of Congress.

Mr. ROBINSON. Mr. President, if the situation is such that the Indians can not confirm their water rights, I do not think any Senator will want to go ahead and appropriate $4,000,000 of money to complete this irrigation project, especially if it is known in advance that the benefits of it can not redound to the interest of the Indians. I think we ought to provide some safeguards, and that it is a part of the duty of the Senator from Utah, if he will permit me, as well as part of my duty, to see that while we are incurring all of these expenses on the part of the Indians they shall have some benefit out of this appropriation.

What is going to happen here is what has happened on a great many other reservations where these irrigation projects have been constructed and are being constructed. The circumstances under which the appropriations are made, and the character and condition of the Indians themselves, are such that they lose all rights to the lands; that after the project has been constructed the white people acquire them with the water rights, and the Indians go off of the reservation, and they have paid for substantial benefits which have in this way accrued to white persons.

What is there that is unreasonable about asking the Attorney General of the United States whether he thinks, if we go ahead and spend this Indian money, the Indians will get their water rights? Do you want to make the Indians pay $4,000,000 more if you know in advance, or can ascertain in advance, that the white people are going to get all the benefit of it?

Mr. MYERS. No; I will say that I do not. They will get the water rights, however, and they are getting them, and there never has been a complaint that they were not getting them.

Mr. SUTHERLAND. Mr. President, I think I have the floor.

The VICE PRESIDENT. Yes; the Senator from Utah is entitled to the floor.

Mr. SUTHERLAND. I yielded to the Senator because I thought he desired to propound some interrogatory to me. Has the Senator something he desires to ask me?

Mr. ROBINSON. Yes. What is the objection of the Senator to providing that this appropriation shall not be expended if the Attorney General of the United States declares that in his opinion it will not accrue to the benefit of the Indians?

Mr. SUTHERLAND. Mr. President, the Senator evidently was not listening when I stated the objection a moment ago. It is that we know in advance what the Attorney General must say if he states the law, namely, that these Indians have no present right any more than a like number of white men similarly situated would have a present right. If a number of white men were expending this amount of money for the purpose of finally appropriating water under the laws of Montana, they would have to go ahead and make their investment of money and complete their appropriation under the law; and that is all the Attorney General can say. We know in advance what these Indians have to do in order to acquire this water right. They must complete this work, and if they complete the work and put the water which they have already taken the preliminary steps to appropriate to a beneficial use, then they have a prior right. If they do not do that, then they have no right. We can not give the Indians of Montana by some act of Congress a right to acquire water under the laws of Montana that the ordinary citizens of Montana would not have.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. We have the right to place any limitation we think is reasonable and right on the expenditure of the Indians' money?

Mr. SUTHERLAND. Yes, Mr. President.

Mr. ROBINSON. Does not the Senator from Utah think we ought to place such a limitation on the use of this money as will guarantee that the benefits of it shall accrue to the Indians?

Mr. SUTHERLAND. The Senator from Arkansas is wasting his time in asking me that question. If I thought we ought to pass this amendment, I would not be opposing it; I would be speaking in favor of it. I am saying all the time it is an amendment which ought not to be adopted, because it is an utterly meaningless and futile provision to put into the bill. It can not advance the cause of these Indians one bit.

If it be true that these Indians can not acquire any water rights in Montana, then of course we ought to make no appropriation for them; but we are proceeding upon the theory that the notice has been given; that all the preliminary steps which, if followed up, will ripen into a right have been taken; and in view of that we are making the appropriation. If we are mistaken about that, if they never can acquire any water right at all, then it follows we ought not to make the appropriation.

Mr. LANE. Mr. President, I am informed that these Indians never asked for this irrigation scheme and that they have protested against the expenditure of their money for this purpose; that they have been pressed into it by their guardians, and their land is being held for all of it, while they will receive but a fraction of the benefit. It is a great wrong that is being perpetrated on them. This may not be the way of correcting it, but it ought to be corrected, for the reason that if there is any justice this Government will have to repay these Indians for the money of which they are being defrauded.

Mr. SUTHERLAND. If the Senator feels that way about it he ought to be against this appropriation altogether.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. But it is proposed to attach to it a perfectly absurd and meaningless proviso, and that is what I am complaining about. I do not quarrel with the Senator if he thinks this is an unwise appropriation to make and chooses to vote against it.

Mr. LANE. It is wicked.

Mr. SUTHERLAND. Then the Senator ought to vote against it.

Mr. LANE. I am going to vote against it.

Mr. SUTHERLAND. I understood that the Senator had been in favor of it all the time.

The Attorney General can do no more than report that these Indians at the present moment have an inchoate right to this water, something which the Senate of the United States knows quite as well as the Attorney General, and that if they want to perfect the right and obtain the water for use upon their lands they must expend the money, complete the work, and put the water to a beneficial use. We know all that in advance just as well as if the Attorney General tells us.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield to the Senator.

Mr. WORKS. I am not familiar with the conditions supposed to be affected by this amendment. What does the Senator from Utah understand to be the present status of the Indian right, of his claim to this water?

Mr. SUTHERLAND. I understand it to be this, and I ask the Senator from Montana to correct me if I am not stating it accurately: I understand that the Interior Department, complying with the laws of the State of Montana, has posted the requisite notice that they intend to appropriate for the benefit of these Indian lands certain waters from certain streams; that following that notice they have begun the work of constructing whatever reservoirs or dams or canals are necessary in order to make the appropriation effectual. We have already expended some money in the way of doing that work. About $1,000,000 I think has been appropriated. Now we propose by this item to appropriate additional money to go on with that work. The right of the Indians is the same as the right of the white men would be in that country.

Mr. WORKS. Has there been an actual diversion of the water?

Mr. SUTHERLAND. There has not yet been an actual diversion of the water, but when the works are completed and the water is applied to the land, then, in accordance with the universally recognized law of the arid region, their rights will relate back to the preliminary steps.

Mr. WORKS. Subject to any prior claims.

Mr. SUTHERLAND. Subject to any prior claims, but not subject to any intervening claims. If when this notice was given there was unappropriated water in these streams, the Indian rights will attach whenever they put the water to a beneficial use, provided it is done within a reasonable time.

Mr. WORKS. How are we going to determine whether their money ought to be expended for the purpose of prosecuting that work by any reference to the Attorney General?

Mr. SUTHERLAND. We can not. The Attorney General can reflect no light upon it. The Attorney General can tell us exactly what we know, that they must go ahead and complete their appropriations. We know that. If the Senate thinks it is unwise to expend money because the final appropriation and acquirement of right to the water is doubtful, then we would be justified in refusing the appropriation altogether. We are not justified in making the appropriation and asking the Attorney General for an opinion upon a matter of law which Senators from the arid-land States understand quite as well as the Attorney General.

Mr. ROBINSON. May I ask the Senator a question?

Mr. SUTHERLAND. I was about to yield the floor, but if the Senator desires to ask me a question I yield for that purpose.

Mr. ROBINSON. I will make a statement, and perhaps the Senator from Utah will either confirm it or correct me if it is erroneous.

This is a so-called Indian reclamation project; that is to say, it is being constructed at the expense of the Indians on the Flathead Reservation. The estimated cost of this improvement is $6,000,000. The Assistant Commissioner of Indian Affairs testified before the House committee that in his opinion it ought not to be constructed as an Indian reclamation project at all, but it ought to be constructed as an ordinary reclamation project, and that the Indians ought to be required or permitted to pay their pro rata share of the cost of the project.

I refer to page 233 of the hearings already mentioned—the hearings before the House committee on this bill.

In the same testimony it appears that these lands belonging to the Indians sell for from $4 to $7 an acre, and after they are irrigated they are worth, according to the testimony of Mr. Newell, from $100 to $500 an acre. What is actually going on out there is this: The Indians are building a reclamation project; the lands which they own and which are embraced within the project are being sold at from $4 to $7 an acre; and their money is making these lands which are so sold worth, according to the testimony of Mr. Newell, $100 to $500 an acre, and they are getting practically no benefit from it.

Mr. MYERS. I should like to be permitted to remark at this point, if the Senator please, that from $4 to $7 an acre is all the lands are worth without any water. The water is all that makes the lands worth anything. Before water is put on them they are wholly unproductive to the Indian or anybody else. If it was not for this reclamation project they would all be worth but from $4 to $7 an acre.

Mr. ROBINSON. That is probably true; but here is a reclamation project being constructed against the protest of the Indians.

Mr. MYERS. I should like to ask the Senator where he got that statement. What proof has he of that?

Mr. ROBINSON. The statement was made by the Senator from Vermont [Mr. PAGE] in the hearings I have referred to before the Senate committee, that these Indians had objected, and the statement was repeated by other members of the committee.

Mr. MYERS. It is simply a statement of the Senator from Vermont; but what Indians have ever objected?

had vested that authority in the Federal court, just as I explained the other day that when Congress vests a certain amendment were passed, that they ought to be allowed to share in the tribal estates of the Oklahoma Choctaws.

representing in all a million acres of land.

embarrass the Chickasaws at all.

Mr. OWEN. The Senator misunderstood my observation. I move to strike out the term "Choctaws," so as to omit the Choctaws entirely, and with it to omit the amendment of the Senator from Mississippi, which the Senator from Mississippi thought necessary. That would leave the Chickasaws and Cherokees who were not in this controversy to receive the per capita and leave the Choctaws without any action. It is much better to do that, because this matter may involve the United States in very great loss.

Mr. WILLIAMS. If the committee amendment as it was adopted stands, and if my amendment to the committee amendment as adopted stands, it does not interfere at all with the distribution to the Chickasaws, because the amendment reads:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined—

And so forth.

The Chickasaws will receive their distribution under it as amended, and it is useless to try to make the point that they will be in any degree embarrassed. My amendment does not refer to them in the slightest degree. It says only that the distribution shall not be made to the Choctaws until Congress shall have had, and so forth. The Senator, in other words, would rather get rid of the distribution to the Choctaws in Oklahoma of $100 per capita than to see an opportunity given to the Mississippi Choctaws to have Congress right their wrongs. I am not going that far. I want the Choctaws in Oklahoma to have their distribution, and I want them to have it whenever Congress shall have determined the rights of the Mississippi Choctaws. I am not willing to see adopted the motion now made by the Senator from Oklahoma to strike out the Choctaws in Oklahoma, because I have secured an amendment squinting at giving rights to the Choctaws in Mississippi, and thereby punish the Choctaws in Oklahoma because the Senate has adopted my amendment. The amendment as passed does not affect the Chickasaws at all; it does not affect any tribe of the Five Civilized Tribes except the Choctaws in Oklahoma.

Mr. OWEN. That is why I have moved to strike it out, Mr. President.

Mr. WILLIAMS. Yes; but the Senator, in saying that, went on to say something about leaving it free to be distributed to the Chickasaws. It is free to be distributed to the Chickasaws now, but I do not want the Choctaws in Oklahoma punished because the Senator has seen fit to try to do justice to the Choctaws in Mississippi. I hope the amendment offered by the Senator from Oklahoma will not be adopted.

Mr. OWEN. Mr. President, I insist upon the amendment to strike out of this per capita payment the Choctaws, and to strike out with it all the amendment which the Senator from Mississippi seems to insist upon so urgently. In that way it will leave the payment to the Chickasaws and Cherokees unembarrassed by this controversy over the Choctaw question.

Mr. WILLIAMS. There I want to make a point of order that, in so far as the Senator's amendment is to strike out my amendment to the amendment, it is not in order, because it is precisely the same question which was voted upon by the Senate a moment ago.

The VICE PRESIDENT. As to that part of the amendment the Chair would be compelled to sustain the point of order. There is no way now known to parliamentary law to get rid of this amendment except to reconsider the vote whereby it was adopted.

Mr. OWEN. Mr. President, I move that the Senate reconsider the vote whereby the amendment to the amendment was adopted.

The VICE PRESIDENT. The question is on the reconsideration of the vote whereby what the Chair calls the Williams amendment was adopted.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. Is that in order at this stage? It was moved to reconsider the vote by which the amendment was agreed to in Committee of the Whole and a separate vote was called for upon it in the Senate. That presents the same question over again. I merely put that inquiry to the Chair.

The VICE PRESIDENT. The Chair holds that a motion to reconsider the vote whereby the amendment was adopted is in order.

Mr. WILLIAMS. Very well.

The VICE PRESIDENT. The question is on the motion to reconsider.

Mr. WILLIAMS. In order to have a full Senate present, I suggest the absence of a quorum. A good many Senators have left the Chamber.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Lane	Perkins	Smoot
Bankhead	Lee, Md.	Pittman	Sterling
Bryan	McCumber	Poindexter	Sutherland
Burleigh	Martine, N. J.	Ransdell	Thomas
Camden	Myers	Robinson	Thompson
Chamberlain	Nelson	Shafroth	Thornton
Clapp	Newlands	Sheppard	Vardaman
Clarke, Ark.	Norris	Sherman	Weeks
Crawford	Oliver	Shields	White
Gore	Overman	Simmons	Williams
Hughes	Owen	Smith, Ariz.	Works
James	Page	Smith, Ga.	
Jones	Penrose	Smith, Mich.	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. OWEN. I only ask for a viva voce vote, and will not detain the Senate.

Mr. WILLIAMS. I make the point of order that the Senator from Oklahoma having voted against the proposition on the last roll call can not now move to reconsider.

Mr. OWEN. I withdraw my motion.

The VICE PRESIDENT. The question is, then, Will the Senate concur in the amendment as amended in Committee of the Whole?

The amendment as amended was concurred in.

Mr. GORE. Mr. President, following the amendment of the Senator from Mississippi I send to the desk an amendment, the adoption of which I now move. I think it will be accepted by the chairman of the committee and also by the Senator from Mississippi.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment of Mr. WILLIAMS it is proposed to insert the following:

Unless the consent of the United States shall have previously been given, all contracts made with any person, or persons, now or hereafter applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto, are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both, and lands allotted to such applicants, whether Indians or freedmen, shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under the laws of the United States.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Oklahoma.

Mr. WHITE. Mr. President, I notice from the reading of the amendment that it says certain acts shall "comprise an offense." I suggest that the word "constitute" be substituted for the word "comprise."

Mr. GORE. I ask that the amendment be modified in that way.

The VICE PRESIDENT. Without objection, the amendment will be so modified. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The VICE PRESIDENT. The bill is in the Senate and open to further amendment.

Mr. GORE. I gave notice of another amendment which I would present. It is an amendment which I tendered, as in Committee of the Whole, in relation to the extension of certain payments. I now move the adoption of the amendment in the Senate.

Mr. WILLIAMS. Let us hear the amendment, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the proper place in the bill it is proposed to insert:

The Secretary of the Interior is authorized in his discretion to grant a further extension or extensions of time on the payments described in the act entitled "An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma," approved April 27, 1912: *Provided*, That accrued and unpaid interest shall be treated as principal: *Provided further*, That no payment shall be deferred beyond the time prescribed in the act herein cited and no forfeiture of entry shall be declared except for fraud, and all entries heretofore canceled except for fraud may be reinstated without prejudice.

Mr. ASHURST. Mr. President, so far as I am concerned as the chairman of the committee, I have no objection to the amendment, provided the last sentence is stricken therefrom, following the word "fraud." I do not think it would be fit and proper for the Senate at this time, without further consideration, to revive any claim that has been canceled. I do not know what my future judgment on the question might be, but at this particular time I must insist that lines 2 and 3 on page 2 of the printed amendment be eliminated. I move, therefore, to strike

out the words "and all entries heretofore canceled except for fraud may be reinstated without prejudice."

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Arizona to the amendment of the Senator from Oklahoma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. OWEN. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert in the proper place in the bill the following:

That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901, and the supplemental agreement of June 30, 1902, and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments up to the treaty standard value of allotments of $1,040. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified and prosecuted by the national attorney for the Creek Nation.

Mr. LANE. Mr. President, I should like to ask the Senator if this matter has been considered by the committee or whether it is a new proposition?

Mr. OWEN. Yes; it was considered by the committee and was favorably reported; but as reported it involved some other things. I have a right to offer it in the Senate. I have stricken out the latter part of it and so modified it as to still give the right to these people to be heard in court.

Mr. SMOOT. I notice that this is virtually an amendment that was considered when the bill was before the Senate as in Committee of the Whole. I want to ask the Senator if he reserved the right to offer this amendment in the Senate?

Mr. OWEN. I do not remember as to what the RECORD shows as to that.

Mr. SMOOT. I hardly think the Senator made the reservation.

Mr. OWEN. It is not the same amendment. The amendment that was considered as in Committee of the Whole involved a boundary line of the Creek Nation. That is not in this amendment at all. It also involved certain fees to attorneys, and that is stricken out.

Mr. SMOOT. I noticed the amendment and followed it and I see that all that was in this amendment was in the amendment that was considered when the bill was in Committee of the Whole.

Mr. OWEN. Yes; it is a part——

Mr. SMOOT. And therefore the Senator, to be well within his rights, should have reserved the amendment to offer in the Senate; and if he did not reserve that right then, it is out of order to offer it at this time.

Mr. OWEN. I do not recall whether I did reserve the right or not, but it is not the same amendment. It strikes out the question relating to the boundary line and deals only with the right of these individuals to the equalization of funds; that is all.

Mr. SMOOT. But the amendment is not offered as an amendment to any part of the House bill. Of course the Senator would have a perfect right to do that. This is an amendment of itself, a new subject matter entirely; and, as I state, unless the Senator reserved the right to offer it when the bill was in the Senate, it is clearly out of order at this time, and, as I remember, there was no reservation made by the Senator from Oklahoma.

The VICE PRESIDENT. The Chair understands that this went out on a point of order.

Mr. OWEN. This was involved in that which did go out on a point of order.

The VICE PRESIDENT. Yes; on a point of order. If it went out in the Committee of the Whole on a point of order, the Chair does not well see how it could be reserved for consideration in the Senate, and the Chair thinks that the bill is open to amendment in the Senate.

Mr. OWEN. I offered this form of the amendment in the Committee of the Whole, and withdrew it because I thought the Senator from Oregon [Mr. LANE] was going to make a point of order on it. I afterwards learned that I was mistaken as to his purpose, and he did not make the point of order on it; but I withdrew it, thinking he was going to do so.

Mr. LANE. I do not remember it that way, Mr. President. If my memory serves me right, I did make the point of order against this particular item, and the Senator refers to another item which followed afterwards. If this is just, I have no objection at all to it.

The VICE PRESIDENT. This amendment is now offered to the House text of the bill.

Mr. OWEN. I think it is open to a point of order, if any Senator desires to make it. I hope it will not be made, because these people ought to be allowed to have their day, which they have not had.

Mr. LANE. Not knowing what the circumstances are, and yet having become rather gun shy of a good many of these amendments, I will not make any objection to it, but will give it an opportunity.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBINSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 43, line 20, after the word "expended," it is proposed to insert:

Provided, That not to exceed $100,000 shall be expended under this appropriation unless the Attorney General of the United States shall, after submission to him by the Secretary of the Interior of a request for an opinion, hold affirmatively that in his opinion the Indians, under existing law, are protected and confirmed to their water rights.

Mr. ROBINSON. Mr. President, the amendment is intended to safeguard the water rights of the Indians on this reservation. The Committee on Indian Affairs of the Senate reported a provision which was also intended for that purpose, but the provision went out on a point of order. After much discussion an amendment which I offered on a previous occasion was defeated. That amendment contemplated that the State of Montana should be called upon to protect the water rights of these Indians before this appropriation was fully expended. That amendment was defeated on yesterday.

This amendment merely requires that before the total appropriation shall be expended the opinion of the Attorney General must be obtained by the Secretary of the Interior to the effect that the water rights of these Indians are confirmed and protected. It contemplates that $100,000 of the appropriation may be expended before that requirement is met.

I do not know that I can add anything to what has been said heretofore concerning the necessity of taking some precaution to prevent the benefits of these expenditures of Indian money accruing in the end to white persons. This is certainly an amendment which anyone who wants the rights of the Indians protected might agree to. It merely contemplates that before the greater part of the appropriation shall be expended the opinion of the Attorney General shall be obtained that the benefits will accrue to the Indians.

I submit the matter to the Senate now for such action as it desires to take. I wish to say to the Senate, however, that there is a day of reckoning coming. We can not continue to expend Indian moneys for the benefit of white settlers, and we can not wisely continue to construct these irrigation works without safeguarding the rights of the Indians and seeing that they secure at least a reasonable part of the benefits arising from the appropriations which are made out of their funds.

Mr. MYERS. Mr. President, I think the amendment is unreasonable, illogical, and inconsistent. This is another onslaught on the Flathead reclamation project, which was authorized by this Government 8 or 10 years ago, and no objection was ever made to it until this year. No complaint has ever been made. According to the amendment, if the Attorney General should decide that the rights of the Indians are not properly safeguarded, we are going to throw away $100,000 and spend it without warrant or justification.

Mr. ROBINSON. Yes; but we are going to save the balance of the $4,000,000 which the Senator said yesterday would be necessary to complete the construction of these works.

Mr. MYERS. If this is wrong, then the $100,000 should not be expended.

Mr. ROBINSON. If the Senator objects to that feature of the amendment, I will strike out the provision in regard to the $100,000 and modify it so that it will provide that no part of the appropriation shall be expended until the opinion of the Attorney General has been obtained.

Mr. MYERS. The Senator may modify it in any way he wishes, but I am opposed to it as an onslaught on this reclamation project, which has been authorized by the Government, which has been prosecuted in good faith, which is for the benefit of the Indians as well as the whites; and the Indians are getting their benefits out of it. They were allotted their lands first. They had the choice of the land, and they took the best land. That land, in 80-acre tracts, is of no value to the Indians

penalize them now, to subject them to privation and in many instances to want, is an instance of man's inhumanity to man which no one can justify, least of all to the involuntary wards of this great and generous Government.

Mr. WILLIAMS. Mr. President, once upon a time somebody came to Benjamin Franklin, I believe, and asked him why he did not reply to a certain argument which had just been delivered. He said: "To reply is easy; to silence is impossible."

I have already replied to every point that has just been made by the two Senators from Oklahoma. I have called the attention of the Senate to the fact that they have been using the phrase "Mississippi Choctaws" in an ambiguous sense, calculated to mislead; that when I use the term "Mississippi Choctaws" I am referring to the Choctaws who are now residing in Mississippi; and they get up here and give you a long list of things that have been done for so-called Mississippi Choctaws who are residing in Oklahoma and who are not known by me as Mississippi Choctaws at all. Of course all Choctaws were at one time Mississippi Choctaws, except those who went from Alabama.

Mr. OWEN. The law describes them.

Mr. WILLIAMS. The law describes the Mississippi Choctaws, as far as it describes them in the act of 1902 at all, as I have defined them, to wit, the Choctaws who are in Mississippi. We undertook in 1902 to make provision for those Choctaws who are now in Mississippi, and the Senators keep going back historically to all the legislation that ever was enacted concerning Choctaws who originally lived in Mississippi but afterwards moved to Oklahoma and are living there now. They are there to-day.

Mr. OWEN. We have taken good care of one group after another until we are worn out.

Mr. WILLIAMS. If you have taken good care of one group after another until you are worn out, it would have been better for you to have taken care of all the groups at once. At any rate, the fact is not disputed that a number of them are there now, and they are very much more Indian than the Senator from Oklahoma is, and very much more Indian than anybody here is. They are full-blood Indians, they are half-blood Indians, they are quarter-blood Indians; and I offered yesterday to take care of the full bloods and the half bloods only and let the balance go in an amendment I offered to an amendment offered by the Senator from Arkansas [Mr. CLARKE].

All that we are trying to do is to see to it that the distribution of this fund is not begun—and if it once begins, it will be finished before they are through with it—until these people have had a proper chance. Why, there is nobody who will deny, because the argument of the senior Senator from Oklahoma would stare them in the face if they did, that there were 1,110 of them on the roll pigeonholed down here for eight years; and yet you come up and say they did not move to Oklahoma. Why, they never got any notice that they could move to Oklahoma. They were to be given six months after the final approval of the rolls, and the rolls were not finally approved. Then the bar of the statute of limitations was pleaded against them.

Again and again and again it has been said upon the floor that the Supreme Court of the United States decided that these Choctaws in Mississippi had no rights in Oklahoma unless they had moved there, and yet the fact is that the Supreme Court never decided anything of the sort. The Supreme Court of the United States decided, under the peculiar jurisdiction granted to the Federal courts in the Indian Territory at that time, that Congress had intended to give those courts the final say upon the question, and therefore that the Supreme Court of the United States had no jurisdiction by way of review or on appeal, and the case was sent out because of the lack of jurisdiction. There was a pecularly constructed act in which the Federal courts were given the final say without right of appeal from those Federal courts.

It is not even true that all the Federal courts in Oklahoma decided that way. One of those Federal courts decided that the Mississippi Choctaws—and when I say "Mississippi Choctaws" I mean Choctaws living in Mississippi—had a right independently of removal to the Choctaw Nation; and another, presided over by Judge Clayton, decided that they had none except founded upon their removal. It was from Judge Clayton's decision that the then citizen of Oklahoma, now a Senator from Oklahoma, Mr. ROBERT L. OWEN, took the appeal in the Jack Amos case; and there it was that the Supreme Court decided that under the peculiar wording of that act it had jurisdiction; that no appeal lay to it; that the decision of Judge Clayton was final, and settled the question, on the ground that Congress had vested that authority in the Federal court, just as I explained the other day that when Congress vests a certain authority in the Bureau of Immigration or the Immigration Commissioner to deal with the matter or immigration, or when it vests a certain authority in the Postmaster General to stop the delivery of fraudient mail, for example, the courts refuse to consider the matter any further because the legislative branch seems to have determined that the consideration should stop there.

All that we are asking is just what I have asked before. Reference has been made to a compromise. Why, you would think from that that the Mississippi Choctaws—meaning the Choctaws living in Mississippi—had something to do with some agreement. They never had anything to do with it. It was a compromise between the Government of the United States and the Choctaws living in Oklahoma. The Mississippi Choctaws were left out of consideration and literally cut off.

Now, Mr. President, I am going to earn as far as I can the unbounded gratitude of the Senate by not repeating over and over again what I have already said in answer to arguments which this morning are a mere repetition of what had also previously been said.

Mr. LANE. Mr. President, I wish to say for the information of the Senate that I was acting chairman of the Committee on Indian Affairs when this matter was presented by the junior Senator from Oklahoma [Mr. GORE]. I was not in favor of it then, nor am I now, and I shall vote against it for the reason that it has struck me that here is a payment which if we make, as we are requested to do, will perhaps be building up another one of the claims against the Government, on the ground that there are rights belonging to unrepresented people, just rights which have been ignored, upon which they may hereafter be entitled to found a claim, and the Government and the people of the United States will have to pay this money over again. The fair thing to do will be to first ascertain the standing of all these people, without prejudice to anyone, and pay them what belongs to them.

These great claims which the Government is having to pay and these large attorneys' fees which are being collected are all founded upon mistakes in legislation, due to the fact that Congress passes measures without knowledge of the circumstances.

I may be mistaken, and it may be that the Mississippi Choctaws are not entitled to a cent of this money, yet that has not been clearly demonstrated; and until it is, it seems to me, it is our duty, as independent, unprejudiced representatives of both classes of these claimants, to refrain from making appropriations out of a fund which will be diminished and thereby perhaps deprive honest claimants of their share in the same.

I felt that, in justice to myself and the Senate, I should say that much.

Mr. GORE. Mr. President, I shall impose on the patience of the Senate but one moment longer. I appreciate the importance of those who are engaged in a controversy of this sort to use the same word in the same sense. Otherwise no discussion can proceed intelligently. When I use the term "Mississippi Choctaws" generally, I mean the Choctaw Indians who did not remove to Oklahoma under the treaty of 1830, but who remained in the State of Mississippi and whose descendants are in Mississippi to-day, or in some other State than the State of Oklahoma.

Now, that is what I mean when I use the term "Mississippi Choctaw." When I allude to the allotment of lands to the head of a family under the treaty of 1830, I mean the Mississippi Choctaws who remained in the State of Mississippi. When I speak of the issuance of land scrip to the Mississippi Choctaws, I mean to the Choctaws who remained in the State of Mississippi. When I speak of the distribution of these moneys under the act of 1852 to the Mississippi Choctaws, I mean the red men of that tribe who remained in the State of Mississippi.

Now, then, there is one use of the term which is rather misleading. Under judgments liquidated and distributed in 1889, $417,000 went to the Mississippi Choctaws. Those Mississippi Choctaws did live in the State of Oklahoma, but they received $417,000 on the ground that they were Mississippi Choctaws, and it was money that the Oklahoma Choctaws otherwise would have received.

That is my definition of the term "Mississippi Choctaws." I received a letter yesterday from a man in New York stating that his father was a Choctaw, living in Mississippi in 1830, and that he ought to be allowed to head in on Senator WILLIAMS'S amendment. I have been told, though I can not vouch for the statement, that some 40,000 claimants would protest, if this amendment were passed, that they ought to be allowed to share in the tribal estates of the Oklahoma Choctaws.

There is one other point. The Senator from Mississippi says that the treaties were made and these laws were passed with reference to the Oklahoma Choctaws, and that the Mississippi Choctaws remaining in Mississippi were never consulted. That is entirely true. The Government of the United States never has since 1830 treated the Mississippi Choctaws living in Mississippi as members of the Choctaw Tribe. The Government of the United States negotiated a treaty with the Choctaw Tribe of Indians in 1855. That was with the Choctaw Nation living in Oklahoma. Of course, the Mississippi Choctaws were not taken into account, because the Government did not treat them as Choctaws until and unless they removed. The Government of the United States negotiated a treaty in 1866 with the Choctaw Tribe living in Oklahoma. The General Government took no account of the Choctaws living in Mississippi. It did not consider them as members of the tribe. They are Choctaw Indians, but they are not citizens of the tribe.

Mr. WILLIAMS. If the Senator will pardon me a moment, how can he say that, in view of the fact that the fourteenth article of the Dancing Rabbit treaty of 1830 expressly provided that they should have the privilege of citizenship of the Choctaw Nation?

Mr. GORE. That is true; but plainly that they should remove to Oklahoma in order to enjoy those privileges.

Mr. WILLIAMS. On the contrary, the fourteenth article refers only to those Choctaws remaining in Mississippi, and it is to them that the privileges of Choctaw citizenship are guaranteed.

Mr. GORE. It says these particular Choctaw citizens shall not be deprived; but if they remove, they shall not be allowed to share in the annuities.

Mr. WILLIAMS. That is right.

Mr. GORE. The annuities accrued to those who went at the time, and if these Mississippi Choctaws decided to go later and avail themselves of the privileges of Choctaw citizens they could not have the annuities; but, of course, they should have the land and the other rights which accrued to the citizenship of the tribe.

Mr. WILLIAMS. In other words, the fourteenth article gave them all the privileges of Choctaw citizenship, with this proviso, that if afterwards any of the Indians so designated desired to remove to Oklahoma, then they should not get their share of the annuities; it was to be payable only to those who had removed.

Mr. GORE. Who went at the time.

Mr. WILLIAMS. In every other respect they were citizens of the Choctaw Tribe.

Mr. GORE. Certainly. If they should go to the Oklahoma country, they were denied the right to share in the annuities; but they should have a share of the land and the other property. The purpose was to urge them out of Mississippi. It was a lure held up before their eyes, to get them to leave Mississippi, notwithstanding they should also in the first instance take land, and that in case they did subsequently go they should share all the rights, privileges, and property of the Choctaw Tribe.

Mr. WILLIAMS. If the Senator will pardon one more interruption, I will not bother him any more. The Senator himself is a Mississippian and he knows that, although these people were promised a certain section of land and all that sort of thing, under Ward's administration and subsequent administration, except as to those who went to Oklahoma, very few, indeed, of them ever received anything. Certain chiefs and subchiefs were mentioned in the treaty.

Mr. GORE. There were 1,142 families, I think, if the Senator will pardon me.

Mr. WILLIAMS. I was going to say that certain chiefs and subchiefs were mentioned in the treaty. We know how that always occurs. The chiefs and subchiefs have influence with the tribe to get them to agree to a treaty. Those mentioned in that treaty did receive their land. I have forgotten how many Ward issued patents to, but only a little over 100.

Mr. GORE. I think less than 100.

Mr. WILLIAMS. Although the treaty did say they should receive the land in Mississippi, as a matter of fact they did not receive it, except a few people, less than a hundred in number; that is, those named in the treaty—the chiefs and subchiefs to whom the douceur went.

Mr. GORE. It is true that under Mr. Ward's superintendency, I think, less than 100 received land. That was in 1836 and 1837; but in 1842, in order to rectify his misconduct, a commission went down and enrolled 1,142, representing some 4,000 Indians, who received either land or land scrip or money, representing in all a million acres of land.

Mr. WILLIAMS. They did not stay in Mississippi.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. WILLIAMS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SHIELDS (when his name was called). I have a general pair with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Georgia [Mr. WEST] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I am paired with the senior Senator from Massachusetts [Mr. LODGE]. Unless I can secure a transfer I shall refrain from voting.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED], and withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). I voted, but I neglected to announce my general pair with the senior Senator from Tennessee [Mr. LEA] and the transfer of that pair to the junior Senator from Michigan [Mr. TOWNSEND].

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. THOMAS. I am informed that the Senator from New York [Mr. ROOT], with whom I am paired, and myself are in accord on this question. I will therefore vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. POMERENE. The senior Senator from West Virginia [Mr. CHILTON] is detained from the Chamber on official business. I was requested to announce that he is paired with the Senator from New Mexico [Mr. FALL].

Mr. OWEN (after having voted in the negative). I wish to inquire whether the Senator from Mexico [Mr. CATRON] has voted?

The VICE PRESIDENT. He has not.

Mr. OWEN. I then transfer my pair with that Senator to the Senator from Indiana [Mr. SHIVELY] and allow my vote to stand.

Mr. BANKHEAD. I wish to transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

The result was announced—yeas 33, nays 21, as follows:

YEAS—33.

Bankhead	Martin, Va.	Ransdell	Thornton
Borah	Martine, N. J.	Sherman	Tillman
Bristow	Nelson	Shields	Vardaman
Chamberlain	Norris	Smith, Ariz.	Weeks
Crawford	Oliver	Smoot	Williams
Cummins	Overman	Sterling	Works
Dillingham	Page	Sutherland	
Jones	Penrose	Swanson	
Lane	Perkins	Thomas	

NAYS—21.

Ashurst	James	Owen	Simmons
Bryan	Lee, Md.	Poindexter	Thompson
Camden	Lewis	Pomerene	White
Clarke, Ark.	McCumber	Robinson	
Gore	Myers	Shafroth	
Hughes	Newlands	Sheppard	

NOT VOTING—42.

Brady	Fall	Lea, Tenn.	Smith, Md.
Brandegee	Fletcher	Lippitt	Smith, Mich.
Burleigh	Gallinger	Lodge	Smith, S. C.
Burton	Goff	McLean	Stephenson
Catron	Gronna	O'Gorman	Stone
Chilton	Hitchcock	Pittman	Townsend
Clapp	Hollis	Reed	Walsh
Clark, Wyo.	Johnson	Root	Warren
Colt	Kenyon	Saulsbury	West
Culberson	Kern	Shively	
du Pont	La Follette	Smith, Ga.	

So the amendment to the amendment was agreed to.

The VICE PRESIDENT. The question is on concurring in the amendment as amended.

Mr. OWEN. I move to strike out from the committee amendment the Choctaw Indians, and with it the amendment proposed by the Senator from Mississippi. This is now far more embarrassing to the State of Oklahoma. It will result in very great disorder. I make that motion with a view to eliminating these controverted questions at this time. That will omit the payment to the Choctaws and omit, therefore, the amendment of the Senator from Mississippi.

Mr. WILLIAMS. My amendment as it is worded does not embarrass the Chickasaws at all.

question comes up now upon the committee amendment as amended by my amendment and as amended by a subsequent amendment, so the question comes up upon the entire amendment as twice amended?

The VICE PRESIDENT. The Chair last night, in the hope of expediting business, made a ruling that was perhaps not correct. The Chair announced last night that the vote would be on the amendment of the Senator from Mississippi, and not on the entire amendment, but it is immaterial to the Chair how the vote may be taken. If it is desirable to vote on the entire amendment, the Chair has no interest in it.

Mr. WILLIAMS. I understand that perfectly. I merely wanted to get the status correct. Then, those of us who favor the committee amendment, as amended by my amendment, will, of course, vote "yea."

Mr. OWEN. Mr. President, we desire that the amendment to the committee amendment proposed by the Senator from Mississippi shall be voted on on its own merits, and not that the vote shall come on the committee amendment as amended on the motion of the Senator from Mississippi. That would give us no opportunity at all of passing upon the merits of this proposal to reopen the Choctaw rolls, which the department has opposed reopening for seven years. We want to vote upon the proposition of the Senator from Mississippi, and not upon the joint proposition. I should like to ask the parliamentary status.

The VICE PRESIDENT. The Chair ruled last night that the question was on the amendment of the Senator from Mississippi, not that the Chair ruled correctly, but for the purpose of expediting the business of the Senate. The Chair understood that that was the only question that was in real controversy.

Mr. OWEN. Then, those who wish to support the contention of the Senator from Mississippi should vote "yea," and those desiring to support the Committee on Indian Affairs should vote "nay." Is that correct?

The VICE PRESIDENT. That is the view of the Chair. The Chair thinks, however, that a far better situation would arise if a motion were made to reconsider the vote whereby the amendment of the Senator from Mississippi to the amendment of the committee was agreed to as in Committee of the Whole.

Mr. OWEN. Then, the question now is on the adoption of the amendment proposed by the Senator from Mississippi?

The VICE PRESIDENT. The Chair has stated that the Chair believes that he made an incorrect ruling last night on the motion to lay on the table, but no Senator seemed to object; and the Chair is going to put the question now. Will the Senate concur in the amendment of the Senator from Mississippi to the committee amendment?

Mr. GORE. Mr. President, it is not my purpose to thrash this straw again. I wish to say merely one word in response to the very eloquent and the very pathetic appeal just made by the junior Senator from Mississippi [Mr. VARDAMAN].

I share the sympathy which he expresses for the Mississippi Choctaws, and I feel an equal sympathy and consideration for the Oklahoma Choctaws. It is not necessary to subject the Oklahoma Choctaws to delay or to privation or to suffering on account of any real or imaginary rights which might be alleged in behalf of the Mississippi Choctaws.

I suggested a few days ago that in 1820 and 1830 the white people were moving in large numbers into the State of Mississippi. It was their desire, and it was the desire of the General Government, that the Indians should be removed from the State of Mississippi to some region west of the Mississippi River. In order to consummate that design, in order to get rid of the Indians, a treaty was entered into in 1820 and another one in 1830. The Choctaws ceded a large tract of their land to the United States Government and received in return therefor the territory which they now occupy in the State of Oklahoma. The policy and design of the Government, be it remembered, were to get these Choctaws to leave Mississippi and to remove to the Far West. There were some Indians who would not go West. In order to make provision for them, the treaty stipulated that those who desired to remain in Mississippi and become citizens of the States should receive certain lands—a section of land to the head of a family, a half section to children over 10 years, and a quarter section to children under 10 years.

A number of the Indians qualified under that provision and received the land. More than a million acres of land were given to the Indians who qualified under that provision. Land scrip was issued, capitalized, and afterwards paid in the amount of $372,000 to the Choctaws who remained in Mississippi. In 1889 the Choctaws who neither received land nor scrip nor money in 1852 were given an opportunity to qualify in a court provided for the purpose, and $417,000 was distributed among those Choctaws. Three efforts have been made by the Government of the United States to satisfy any claim and any right on the part of the Choctaw Indians who remained in the State of Mississippi.

On the other hand, a number of Choctaws, subsequent to the first migration, removed to the State of Oklahoma between 1836 and 1892. They were encouraged to go by their brethren in Oklahoma; they were admitted to membership in the tribe; they were allowed to share the property of the tribe; every privilege was accorded to them. But in 1893 the Dawes Commission was created. Now, let it be remembered again that bona fide residence in Oklahoma has always been a condition precedent to membership in that tribe. The treaty itself, the patent itself, conveyed those lands to the Choctaws on condition that they should remove there; in other words, it stipulated that they should have and hold the lands so long as they existed as a nation and lived on the land.

In 1893, as I have said, the Dawes Commission was created with a view to winding up the affairs of these Indians. The Dawes Commission decided that the Mississippi Choctaws who had remained in Mississippi had no right to share in the tribal property of the Oklahoma Choctaws. An appeal was prosecuted from that decision of the commission to the Federal court in Oklahoma, and the Federal court decided that the Mississippi Choctaws remaining in Mississippi had no right to membership in the Oklahoma tribe and had no right to share in their property. An appeal was prosecuted to the Supreme Court of the United States, and the Supreme Court of the United States held that the Choctaws remaining in Mississippi had no right to share in the tribal property in Oklahoma.

Now, two decisions of the Federal court stand here in opposition to the pending amendment; but, Mr. President, notwithstanding those court decisions, in order that they might have their peace, in order that they might come into their own, out of an abounding generosity, the Oklahoma Choctaws in 1902 reopened their rolls and allowed 1,440 and odd Mississippi Choctaws who had removed to the State to be enrolled in the Oklahoma tribe and to share in the tribal property. That act of generosity cost the Oklahoma Choctaws $1,400,000.

But, Mr. President, this matter ought to be closed at some time. It has been pending for 84 years. Thrice has our Government tried to satisfy the Choctaws who remained in Mississippi; the Oklahoma Choctaws have repeatedly opened their doors and encouraged their kinsmen to come to Oklahoma; they encouraged them to come at the cost of $1,400,000. To-day they have $7,500,000 in cash in the Treasury, uncollected balances of $7,100,000, and unsold properties aggregating some $25,000,000 or $30,000,000.

Many of these Indians are, of course, amongst our most intelligent, enlightened, and successful citizens, but there are many full bloods. I had a letter yesterday from a full-blood Choctaw, appealing to Congress and appealing to the Senate to pass this per capita payment of $100. They have had five lean years, five dry years in Oklahoma. It has been a severe time upon many of the whites; imagine the severity upon the Indians, and particularly upon the full bloods. For three years they have had no per capita payment. Last year this proposition went out on account of the opposition of the senior Senator from Mississippi [Mr. WILLIAMS].

Now, since they are asking but for $2,700,000, which would leave $4,800,000 in the Treasury, and a large estate in addition to that, why subject the Oklahoma Choctaws, why subject the full bloods to privation, to hardship, and to actual suffering merely in order to speculate about the rights which, if ever determined in favor of the Mississippi Choctaws, there will be a superabundance of property to liquidate any claim they may possibly establish?

Mr. VARDAMAN. Mr. President, will the Senator yield for a question?

Mr. GORE. I yield.

Mr. VARDAMAN. We were perfectly willing on yesterday and made the proposition to go on and pay the $100 per capita under the terms of the bill provided any disposition whatever was shown to deal fairly with the Mississippi Choctaws, and to ascertain what number of the Mississippi Choctaws were entitled to share in this benefaction. We do not want to delay the payment; I do not at any rate; I should be very glad to have the matter compromised and to let the Choctaws in Oklahoma, who are suffering from five lean years, have the $100 per capita if the Senator from Oklahoma will consent that the law may be so amended that the Secretary of the Interior may institute proceedings to ascertain who of the Mississippi Choctaws are entitled to share in the fund.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Ohio?

Mr. GORE. I do.

Mr. POMERENE. I rose to ask a question of the junior Senator from Mississippi.

Mr. VARDAMAN. I shall be glad to answer it if the Senator from Oklahoma will permit me to do so at this time.

Mr. GORE. With pleasure; yes, sir.

Mr. POMERENE. The Senator from Oklahoma has just given a recital of the various settlements which were made with the Mississippi Choctaws by the United States Government. Does the Senator from Mississippi concede the correctness of that statement?

Mr. VARDAMAN. I concede the correctness of the statement that an effort has been made several times to ascertain who are entitled to share in this fund; but I also concede, and it will not be denied, that when the rolls were closed in 1907 the Indian Commissioner said that he had not had time to complete the investigation; and I also know that there are something like 1,100 Choctaws in Mississippi who stand in relation to this fund equally with those who were permitted to go to Oklahoma and participate in it. Now, we know they are there. We know they are entitled to it in morals. That they have failed to take advantage of the opportunities I confess, but they did so because they did not know their rights, and they had nobody to instruct them as to their rights. I am simply asking now that the Congress give them an opportunity; and if they are not entitled to it under the law and under the treaty, then of course they will not share it.

Mr. POMERENE. Mr. President, as I understood the statement of the Senator from Oklahoma, there was first a grant of land to those Choctaws.

Mr. WILLIAMS. If the Senator will pardon me, there was a promise of land.

Mr. POMERENE. Just let me finish my question.

Mr. WILLIAMS. There was a promise of land, but no land.

Mr. VARDAMAN. No; the Mississippi Choctaws got nothing.

Mr. GORE. They got a million acres of land.

Mr. POMERENE. As I understood, the Senator said that they got either land or land scrip.

Mr. GORE. Yes, sir; over a million acres.

Mr. POMERENE. Then, secondly, I infer that there was some other dissatisfaction, and a certain sum of money was granted to the Mississippi Choctaws. I am simply interested in knowing what the facts are about the matter, and I wanted to know what was the difference between the two propositions.

Mr. VARDAMAN. These people there have all the moral rights that the Mississippi Choctaws had who went to Oklahoma in 1907. They just failed to take advantage of this privilege; that is all. They are there. They deserve it. They are entitled to it. It is theirs.

Mr. POMERENE. Mr. President, do the records show who were the recipients of this land scrip and of this money so that we can ascertain?

Mr. VARDAMAN. I do not think the record shows that any of the Mississippi Choctaws in Mississippi now have ever shared in it at all.

Mr. POMERENE. Is there any way of showing whether or not these Mississippi claimants or their ancestors received this scrip or this money?

Mr. VARDAMAN. I suppose so.

Mr. OWEN. Mr. President, may I answer the Senator from Ohio?

Mr. GORE. I yield to my colleague.

Mr. OWEN. Under the treaty of 1830 a number of Choctaws received lands in Mississippi, estimated by my colleague—and he has recently hunted it up—at a million acres of land. After that Murray & Vroom made a list of those who ought to have been enrolled as fourteenth-article claimants in 1830. There were 4,100 Choctaws who were on the Murray & Vroom roll, and between 1838 and 1855, 3,400 of them moved from Mississippi to Oklahoma. Afterwards, before the Curtis Act of 1898 was passed, 700 more moved, according to the records. Those lists are shown on the muster rolls in the Indian Office. So that of the 4,100 found entitled by Murray & Vroom 4,100 moved.

Since that time, and when the Congress determined to break up the Five Tribes and their government, Congress in 1896 ordered the Dawes Commission to make up these rolls. I represented the Mississippi Choctaws and applied for their enrollment in 1896. The Dawes Commission refused to enroll them, because they had not moved to Oklahoma. I took the matter on appeal to the United States court presided over by Judge Clayton. He decided in the Jack Amos case that because they had not removed he would not enroll them. The matter was then appealed to the Supreme Court, and they held that the decision of Judge Clayton was final under the law.

From 1898 up to 1907, nine years, the Dawes Commission were considering various individual Mississippi Choctaws. They went down to Mississippi in 1898 and made a tentative list of those who appeared to be of Indian blood—a list of 1,900 people, some of them full bloods, some of them half bloods, and some of less degree—but the Dawes Commission reported at the same time that these people could not prove their rights under the fourteenth article of the treaty of 1830, because they could not prove who their ancestors were, and they could not prove that their ancestors had complied with that agreement. That was the roll referred to by the Senator, who said that 1,100 of those never were finally admitted; but after March 10, 1899, when this list was made, the Dawes Commission sent expedition after expedition into Mississippi and elsewhere to consider the individual claims of anyone who could prove himself entitled; and in addition to that the Choctaws and the Chickasaws agreed that they would waive the matter of evidence and would not require them to prove their descent from an ancestor who had complied with the treaty of 1830, but if they could show themselves to be full-blooded Choctaws, and if they would, after being notified that they were so recognized, within six months remove to Oklahoma and live there for three years, they should be enrolled.

Mr. POMERENE. What year was that?

Mr. OWEN. It was in 1902 that this compromise was made of this question. Under that agreement with the Choctaws and the Chickasaws, made an act of Congress and approved by the vote of the Choctaw people and approved by the vote of the Chickasaw people, 1,642 of these people from Mississippi were brought into Oklahoma to divide this property of the Western Choctaws, estimated by my colleague at $1,400,000. Now, after 18 years of effort to close these rolls, after 7 years since the Congress of the United States by an act did close these rolls, the Senators from Mississippi, moved by the activity of some of their citizens, are urging the reopening of these rolls. It means the opening of Pandora's box. The Interior Department has reported against it time and again. We are entitled to our peace, and the committee ought to be supported in this matter.

I hope my colleague will pardon me. I did not know I was going to make a speech.

Mr. GORE. Yes, sir; with pleasure.

I wish to say further to the Senator from Ohio that in 1852 an appropriation was made by Congress of $872,000 to pay the Indians for the latter half of the land scrip which had not been issued. In 1889 the Mississippi Choctaws who had received neither land nor scrip nor money under the act of 1852 were given $417,000. It was distributed among them, some 192 families. I suppose representing a thousand individuals.

Mr. WILLIAMS. May I ask the Senator where those so-called Mississippi Choctaws were at that time?

Mr. GORE. I think the 192 families were in Oklahoma.

Mr. WILLIAMS. Yes; and, as a matter of fact, all of these distributions the Senator is referring to were made to Choctaws in Oklahoma.

Mr. GORE. Oh, no.

Mr. WILLIAMS. Every one of them.

Mr. GORE. The distribution of 1852 was made to Choctaws in Mississippi. It was the land scrip which was given to them on the very condition that they did remain in the State of Mississippi.

This matter has been pending now for 84 years. The General Government has thrice made an effort to satisfy the Mississippi Choctaws who remained in that State. If they have any claim against anybody it is a moral claim only against the Government of the United States.

Mr. OWEN. They have not any claim against the Government.

Mr. GORE. So far as that is concerned, they have no claim against the Government. Twice the courts have decided that they have no right to share in the Oklahoma property. I do not know how many efforts or how many cases there must be, or how long this is to be continued. There have been three efforts by the General Government and two decisions by the court. If it is to be pursued until ultimately they get a decision in their favor, if that policy should be pursued in litigation, there never would be an end to judicial controversies or to controversies of any character.

It would seem that these three efforts on the part of the General Government and these two court decisions, and even subsequently to that the voluntary opening of their roll to the Choctaws at such an enormous expense, ought to show that at least the Oklahoma Choctaws have acted in good faith. To

He seemed to think that Mr. Atkinson was discharged because he lived in Indiana and not because of anything that might be indicated by the letters "N. G." Probably for the purpose of strengthening his rhetoric, he made the statement that when Mr. Atkinson was discharged "he was instructing three tyros in the printer's art appointed by Mr. Benedict, one of them hailing from Georgia, another from Louisiana, and the third from Texas."

My information is that no printer was appointed by Mr. Benedict in the division in which Mr. Atkinson was serving prior to July 1, 1894, and that no printer was ever appointed by Mr. Benedict who was not a member of a regularly organized typographical union, at least as expert in the printer's art as was Mr. Atkinson, and probably less disposed to impose upon the credulity of Representatives in Congress.

Mr. CUMMINGS. Will my friend allow me right there—

Mr. MAGUIRE. My time is very short, and I have much yet to say, but I will be pleased to hear the question of the gentleman from New York.

Mr. CUMMINGS. I want to know if the gentleman does not think that a card from a printer's union is better evidence of competency than a civil-service examination?

Mr. MAGUIRE. No man can become a member of a regular printers' union without being a practical printer; his examination for admission to the union consists of practical tests of his skill in the art of printing; his card is evidence of all that, and is, in my opinion, as satisfactory evidence of his capacity as the certificate of any civil-service board.

The gentleman from Indiana will confer a favor upon the great body of printers who belong to the typographical unions if he will give the names of the three tyros in the printer's art appointed by Mr. Benedict who were being instructed by Mr. Atkinson prior to July 1, 1894. Upon authority which I believe to be absolutely reliable I am authorized to say that the statement is untrue and that the gentleman from Indiana has been imposed upon and grossly deceived by his informant.

The gentleman tells us that Mary E. Gorman was discharged from the Printing Office because she was a plutocrat, and that she was regarded as a plutocrat because, as shown by the memorandum following her name, she was represented as owning two houses and having money at interest. It is quite true that, in reducing the force of employees at the Printing Office, under the imperative necessity imposed by the law and by the outrageous condition in which he found the office, Mr. Benedict did consider the fact that Mary Gorman owned two houses and had money at interest in determining whether she or some equally worthy woman who had no means of support other than her wages as an employee in the Printing Office should be discharged, and that he did give preference to an equally worthy but more needy woman in reducing the force.

Of course the gentleman from Indiana would have discharged the needy woman as unworthy of consideration and would have retained in her stead the woman who owned houses and had money at interest. It is quite probable that no woman would have stood any chance of preferment over Mary Gorman in the gentleman's estimation unless she owned more houses than Mary Gorman owned and had more money at interest.

THE CHARITY THEORY—"HE NEEDED THE PLACE."

The gentleman from Iowa [Mr. Henderson], interrupting the gentleman from Indiana, read from one of these books an entry stating that B. P. Entriken had resigned June 30, 1894. The gentleman from Iowa pronounced the statement that Mr. Entriken had resigned to be false, but I venture to say that Mr. Entriken's resignation was duly filed in the office of the Public Printer.

I say that without investigation, because I can imagine no possible reason for making the entry unless Mr. Entriken had in fact filed his resignation. The call for his resignation was, at that time, a mere courtesy to which Mr. Entriken was not legally entitled. The Public Printer then had absolute power to discharge whomsoever he would without giving any reason for so doing. The civil-service rules were not at that time in force in the Printing Office, and it is quite immaterial whether Mr. Entriken severed his connection with the office by resignation or by discharge. In either case his removal amounted to a discharge, because the call for his resignation was equivalent to a notice of dismissal.

But I call attention to the statement of the gentleman from Iowa, in his behalf, for quite another purpose. In discussing this case the gentleman from Iowa said:

"This man was appointed by Mr. Palmer on my recommendation and promoted until he got $1,400. His wife died, leaving young children on his hands, and he came to me when I was on my back, and I wrote an appeal to the Government Printer and tried to save him. He had been ordered to resign. I told him not to leave his place until he was driven out. Senator Gear, at my request, went personally to see the Government Printer and was insulted and told to 'mind his own business.'"

I am bound to assume, since the gentleman from Iowa states it to be a fact, that when Senator Gear attempted to interfere with his management of the force of the Government Printing Office, and attempted to dictate to him concerning the appointment of employees to serve the Government under him in that department, and attempted to insist upon the retention or reappointment of an employee, not upon any consideration of the interests of the public service, not because the employee was skillful or efficient or industrious or faithful, but because the employee was a friend of a Representative in Congress and was in circumstances entitling him to the charitable consideration of generous-minded people, who had probably told the Public Printer, in accordance with the advice given him by "his influence," that he would "not leave his place until he was driven out," that he—Mr. Benedict—told Senator Gear "to mind his own business."

Of course, I do not approve of the rudeness of that reply, but it seems to me that, under those circumstances, Mr. Benedict was entirely justified in mildly and considerately making that suggestion to the Senator, and that his courage in protecting the interests of the United States Government against the interference and domination of Members of the legislative department of the Government was highly commendable.

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UNJUST ATTACK ON MR. BAKER.

So much for the assaults made upon Public Printer Benedict. The record of his public service is and will ever be a complete and invincible defense against all partisan assaults. The gentleman from Indiana [Mr. Landis], in the course of his denunciation of Mr. Benedict's administration of the Government Printing Office, made an attack upon Mr. Albert Baker, a clerk in that office under Mr. Benedict, which, in my opinion was utterly and absolutely unwarranted and inexcusable. He called him a "hyena" and an "official headsman" in charge of decapitations in the Printing Office, and held him up to ridicule and scorn as a malignant enemy of Republicans in general and of veteran soldiers and soldiers' widows in particular.

Mr. Baker was not an official headsman. He was not in charge of political decapitations in the Printing Office; he had nothing to do with removals or appointments; he had nothing to do with the recommendation or suggestion of removals or appointments. He was assigned to duty as a clerk in Mr. Benedict's office, to do what he was told to do by his superior; to keep such records as he was told to keep. He had neither power nor responsibility beyond this. Mr. Benedict was responsible for all removals and appointments, and when he sought advice concerning removals he sought it from the heads of the different divisions of the Printing Office, and not from the clerks, whose duty began and ended with keeping such records and doing such clerical work as he directed.

Immediately after the assault upon Mr. Baker was made by the gentleman from Indiana, and knowing that the statement made on this floor concerning him, if allowed to pass unchallenged, might be unjustly used to the prejudice of his standing and rights in the service of the Government, I wrote him, asking for a statement of his version of the matters referred to by the gentleman from Indiana, and, in particular, for a full statement of the facts concerning his connection with the dismissal of employees from the Government Printing Office.

On Saturday last I received a letter from Mr. Baker, in which, in a straightforward, manly way, he shows the absolute injustice of the attack made upon him. The letter is as follows:

WASHINGTON, D. C., *January 8, 1898.*

DEAR SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you request the facts in connection with certain statements and deductions made in a speech by Mr. Landis, of Indiana, from records kept by me during Mr. Benedict's administration of the Government Printing Office, and I reply as follows:

Upon Mr. Benedict assuming the duties of Public Printer in May, 1894, he designated me to act as secretary, which position I held until the close of his administration. My services in the Printing Office were continuous from April, 1887, to July 16, 1897, at which time I was transferred from the above-named office to a position in the Treasury Department.

Mr. Landis, in the course of his remarks, states that Mr. Benedict brought me with him; that upon Mr. Palmer's taking charge of the office I was promptly kicked out; that the Civil Service Commission procured my reinstatement for the purpose of transfer to the Treasury Department, where I had a brother, who was chief of a division. The facts are that Mr. Benedict did not bring me with him; that I served three and one-half months under the present administration of the Printing Office; that the records do not show that I was discharged and reinstated for the purpose of transfer; that the Civil Service Commission did not procure my transfer to the Treasury Department, and I never had a brother chief of division in that department.

My duties as secretary did not require me to make discharges or recommendations for discharges, and I deny that part of Mr. Landis's speech wherein he refers to my being the official headsman and making discharges. I will go further: If he can substantiate his statement in a single instance, I will relieve his distress over the fact of my now occupying a position in the classified service by promptly resigning.

In regard to the books kept by me, one of which was produced by Mr. Landis, I will state that they contain the names of every person employed in the Government Printing Office at the time they were made up. The deaths, resignations, discharges, and reinstatements were entered in them from time to time as the reports of the same came on my desk. They are in no sense my personal records, and are only private in so far as the Public Printer desires to keep them. I made very few memorandums in these books, principally in reference to other papers on file in the office. Every notation placed therein of "soldier," "soldier's widow," or "G. A. R." was there not as an indication of a reason for the discharge, but for the benefit of the person opposite whose name placed, and these notations were used by the Public Printer subsequently when making reinstatements.

Of the names read by Mr. Landis, which were gleaned from the three books, I recall 15 of these persons were reinstated by Mr. Benedict, among them being "soldiers" and "soldiers' widows." I am at loss to understand how this fact could have escaped Mr. Landis when looking over the books, as my rule was to record the reinstatement on the same line with the discharge. We will take, for instance, the citation: "James C. Toy, wagon messenger; discharged September 17, 1894; not willing; causes trouble; G. A. R." If I remember right, the Grand Army of the Republic had him reinstated in the office; certainly Mr. Benedict reinstated him because he was a "soldier."

Mr. Benedict, when he took charge of the office, deemed the force of employees in excess of the demands of the service and made reductions. In making dismissals in the divisions in which women were employed I know that it was his desire to retain, all things being equal, the needy women and to dismiss those who were best fitted and able to relinquish their positions.

It would seem that humane action would require that the Public Printer keep the woman who had no means of support other than her position in the office and discharge the woman whose husband was a lawyer and engaged in active practice or the woman who was living with her husband and who was able to support the woman who was well to do and worked simply as a matter of choice and not of necessity.

In conclusion I wish to say that I have endeavored to give you a correct and impartial statement.

I am, with respect, very truly, yours, ALBERT BAKER.

Hon. JAMES G. MAGUIRE,
House of Representatives.

After receiving the letter from Mr. Baker which I have just read I called upon the present Public Printer for the three books to which the gentleman from Indiana [Mr. Landis] referred and from which he quoted in the course of his speech. The Public Printer very courteously and promptly sent the books to me, and I have them before me. I have carefully examined the three books and all the entries contained in them. I have gone through them thoroughly, and I say now that the gentleman from Indiana made a most unwarranted use of them.

They do not in the least tend to show any discrimination whatever against old soldiers or soldiers' widows by Mr. Benedict as Public Printer. On the contrary, an examination of the books shows conclusively that Mr. Benedict discriminated in favor of the old soldiers regardless of their political affiliations, and these very books show violent Republican partisans who were discharged by Mr. Benedict

in reducing the force in the Government Printing Office were reinstated by Mr. Benedict because they were veteran soldiers and in spite of the fact that they were bitter and vindictive Republican partisans.

The records of the Government Printing Office will show that when Mr. Benedict went out of office the last time there was a greater proportion of Union soldiers and soldiers' widows employed in the Government Printing Office than there had ever been before under any previous administration.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On June 22, 1914:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

On June 23, 1914:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

On June 24, 1914:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12945) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 8, 16, 18, and 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 24, and 25, and agree to the same.

CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

JOE J. RUSSELL,
J. A. M. ADAIR,
Managers on the part of the House.

The report was agreed to.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that House bill 12579, the unfinished business, be laid before the Senate and proceeded with.

There being no objection, the Senate resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Page	Smoot
Borah	James	Penrose	Sterling
Bristow	Jones	Perkins	Stone
Bryan	Lane	Pittman	Sutherland
Burleigh	Lee, Md.	Poindexter	Thomas
Camden	McCumber	Pomerene	Thompson
Chamberlain	Martine, N. J.	Reed	Thornton
Chilton	Myers	Saulsbury	Tillman
Clapp	Nelson	Shafroth	Vardaman
Clarke, Ark.	Newlands	Sheppard	Warren
Crawford	Norris	Shields	White
Culberson	O'Gorman	Simmons	Williams
Cummins	Oliver	Smith, Ariz.	Works
Dillingham	Overman	Smith, Ga.	
Gore	Owen	Smith, Mich.	

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. NORRIS. I desire to announce the necessary absence of the junior Senator from Iowa [Mr. KENYON]. I should like to have this announcement stand for the day.

The VICE PRESIDENT. Fifty-eight Senators have answered to the roll call. There is a quorum present. The bill is in the Senate, and the pending question will be stated.

The SECRETARY. The pending question is on the amendment of the committee on page 77, beginning in line 18, as amended by the amendment of Mr. WILLIAMS and the amendment of Mr. ASHURST on behalf of the Committee on Indian Affairs.

Mr. VARDAMAN. Mr. President, this question has been very thoroughly discussed. I am sure the Senate is anxious for a vote. I am going to consume but a very few moments. The question in a nutshell is this: Shall the Mississippi Choctaw Indians be permitted by Congress to share in the fund that has been accumulated by the sale of their lands—in other words, shall these people be given a square deal in the distribution of their own property?

Mr. President, the white man's inhumanity to the red man has been the subject of song and story and sermon since the first pale face put foot upon the Western Hemisphere. The Indian has been plundered; he has been exploited; his interest has been the sport of the speculator and the rapacious lawyer, and his rights have at all times been subordinate to the interests of everybody else. "Perfidious wrongs and immeticable woes" have been his portion since the white man became the ruler of this continent.

The distinguished Senator from Oklahoma [Mr. GORE] a few days ago animadverted upon the great wrong which the Indians had suffered at the hands of the lawyers, referring to the fact that they had paid as high as 23½ per cent to lawyers for the protection of their property rights. That is just treatment, Mr. President, compared with the treatment which is being accorded to the Mississippi Choctaws in this instance; that is at least two-thirds better treatment than these people are here to receive, for it is now proposed to take from them 100 per cent.

I am not going to speak of the genealogy of these people; I do not know whether or not they can prove their claims; but I do know, Mr. President, that they are Choctaw Indians; they are of the bone and flesh and blood of the Indians. Go are to share in the distribution of this fund in the State of Oklahoma. Nor am I asking the Senate to interpret a law; but, on the contrary, I am asking the Senate to write a law which will vouchsafe to these unfortunate people the enjoyment of their rights. As has been well said upon the floor of this Chamber, they have been neglected; they are ignorant; they are illiterate; they are thriftless; they know not their rights; they are not capable of maintaining them if they did; and if their rights are not protected here, they will go on as they have in the past, uncomplaining, and these silent, long-suffering souls of the woods will never be heard from except through the voice of some one else. They are here now through myself and other Senators asking Congress to give them a square deal. Let the law be written so that the interests of these people may be looked after, so that the Secretary of the Interior or agencies to be created by this Government may go and ascertain the facts as to whether or not these are Choctaw Indians, and entitled to share in this benefaction which is awaiting them at the hands of Congress.

I sincerely hope, Mr. President, that when this question shall be voted on Senators will think of the helplessness of these people, and that they will realize that it is only through their action, their votes, that the rights of the Mississippi Choctaws are to be protected.

The Mississippi Choctaw as I know him personally is one of the genuine autochthons of America. He has been changed very little by the white man's civilization. He is practically the same creature described by Pope when he said:

> Lo the poor Indian! Whose untutor'd mind
> Sees God in clouds, or hears him in the wind;
> His soul proud Science never taught to stray
> Far as the solar walk or milky way;
> Yet simple Nature to his hope has giv'n,
> Behind the cloud-topt hill, an humbler heav'n;
> Some safer world in depth of woods embrac'd,
> Some happier island in the wat'ry waste,
> Where slaves once more their native land behold,
> No fiends torment, no Christians thirst for gold.
> To be, contents his natural desire,
> He asks no angel's wing, no seraph's fire;
> But thinks, admitted to that equal sky,
> His faithful dog shall bear him company.

Unless the policy of the Government shall be changed, unless by the vote of the Senate to-day the rights of the Choctaw shall be protected in this bill, his happiness must necessarily be deferred until with his faithful dog he crosses the "cloud-topt hill" and enters the happy hunting ground. I can not believe that your sense of right will permit you to deny these words of the Nation simple justice.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. As I understand—the Chair will correct me if I am wrong—the

By Mr. JAMES:

A bill (S. 5978) to refund to the American Surety Co., of New York, an amount, with interest, paid by it to the United States under protest and to avoid the levy of an execution under a judgment against it, which judgment was subsequently reversed by the Supreme Court of the United States; to the Committee on Claims.

By Mr. GORE:

A bill (S. 5979) to provide for the acquisition of a site and the erection of a public building thereon at Cleveland, Okla.;

A bill (S. 5980) to provide for the acquisition of a site and the erection of a public building thereon at Norman, Okla.;

A bill (S. 5981) to provide for the acquisition of a site and the erection of a public building thereon at Alva, Okla.; and

A bill (S. 5982) to provide for the acquisition of a site and the erection of a public building thereon at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. SHIVELY:

A bill (S. 5983) granting an increase of pension to Samuel L. Cole (with accompanying papers); and

A bill (S. 5984) granting a pension to Margaretha Matthes (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5985) to authorize the Choctaw and Chickasaw Nations to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON:

A joint resolution (S. J. Res. 165) authorizing the President to extend invitations to other nations to send representatives to the International Dry-Farming Congress, to be held at Wichita, Kans., October 7 to 17, inclusive, 1914; to the Committee on Foreign Relations.

PROHIBITION IN THE DISTRICT.

Mr. WORKS. I introduce a bill which I ask may be read. It is a short bill, and I ask that it may be referred to the Committee on the District of Columbia.

The bill (S. 5973) to prohibit the manufacture or sale of intoxicating liquors within the District of Columbia was read the first time by its title, the second time at length, and referred to the Committee on the District of Columbia, as follows:

Be it enacted, etc., That from and after one year after this act takes effect it shall be unlawful to manufacture, barter, sell, or give away any spirituous, vinous, malt, or other intoxicating liquor of any kind within the District of Columbia, or to import the same into said District.

SEC. 2. Any person who shall manufacture, barter, sell, give away, or import any such intoxicating liquors or otherwise violate the provisions of this act shall be guilty of a misdemeanor and be fined not less than fifty nor more than five thousand dollars, or be imprisoned for not less than one nor more than twelve months, or be both fined and imprisoned for each offense, and for a second or subsequent offense such person shall be both fined and imprisoned, and each act of manufacturing, bartering, selling, giving away, or importing such liquors shall, for the purposes of this act, constitute a separate offense.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. WORKS submitted an amendment proposing to appropriate $100,000 to install and maintain an outdoor exhibit at the Panama-California Exposition to be held at San Diego, Cal., in 1915, to illustrate the function and administrative faculty of the Government pertaining to irrigation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

STATUE OF GEORGE WASHINGTON GLICK.

Mr. THOMPSON. I desire to offer a resolution, and I should like to have unanimous consent for its immediate adoption.

Mr. President, there is being placed in Statuary Hall to-day the statue of George Washington Glick. Under the law each State is entitled to place two statues of its distinguished men or women in that famous Hall. About 10 years ago Kansas selected from her citizens as one of the recipients of this honor John James Ingalls, who was formerly a celebrated Member of this body. About one year ago Kansas chose another of her citizens, George Washington Glick, the only Democratic governor the State ever had until the present administration, to receive the same high honor.

As everyone knows, Senator Ingalls was an uncompromising Republican. As is equally well known, Gov. Glick was an uncompromising Democrat. These men lived and died in the same town, Atchison, Kans., and are buried in the same cemetery. It is therefore very fitting that the statues of these eminent sons of Kansas, representing, respectively, two branches of political thought and the two great political parties of this country, should stand side by side in the Hall of Fame.

A prominent place immediately at the right of the entrance leading from Statuary Hall to the House of Representatives has been selected for the statue of Gov. Glick. A place equally important has been selected for the statue of Senator Ingalls, immediately at the left of the same entrance.

Mr. President, I offer the following resolution and ask for its immediate consideration.

The resolution (S. Res. 402) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Kansas of the statue of George Washington Glick, today erected in Statuary Hall in the Capitol, be made the special order for Saturday, July 18, 1914, after the conclusion of the routine business.

NEW YORK, NEW HAVEN & HARTFORD RAILROAD.

Mr. NORRIS submitted the following resolution (S. Res. 403), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the evidence taken by the Interstate Commerce Commission pursuant to Senate resolution No. 260, concerning the financial transactions of the New York, New Haven & Hartford Railroad Co., together with the report of the Interstate Commerce Commission thereon, be printed as a Senate document.

GOVERNMENT PRINTING OFFICE—CIVIL-SERVICE LAWS.

Mr. STONE. Mr. President, some days ago the senior Senator from Ohio [Mr. BURTON], while discussing an item in the legislative, executive, and judicial appropriation bill, made some rather violent criticisms of the administration of the Government Printing Office while Mr. Benedict was at the head of it. This was during the administration of Mr. Cleveland. I had a colloquy with the Senator from Ohio at that time, and I suppose by reason of that both Mr. Benedict and Mr. Albert Baker, who was his secretary, have written me commenting on the statements made by the Senator from Ohio.

The two letters are of the same general tenor and in substance the same. I wish to ask consent to have the letter of Mr. Baker printed in the RECORD. I will not take the time to read it unless some one prefers to have that course taken, but merely ask to have it printed in the RECORD. I will not ask to have the letter of Mr. Benedict printed, for it would be practically a duplication. I selected Mr. Baker's letter for the reason that he was the private secretary, and it was the memorandum book said to have been made by Mr. Baker, from which the Senator from Ohio read, and about which the colloquy I had with him occurred.

I should like to have printed the letter of Mr. Baker, together with some extracts from a speech delivered in the House of Representatives January 11, 1898, by Hon. James G. Maguire, a Representative from the State of California. The extracts are referred to in the letter of Mr. Baker, and I have marked the part I should like to have inserted immediately following Mr. Baker's letter. If there be no objection, I will be glad to have that done.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

NEW YORK, *June 19, 1914.*

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

DEAR SIR: My attention has been called to remarks made by you, on page 10400 of the CONGRESSIONAL RECORD of June 13, during the course of Senator BURTON'S speech. You question the accuracy of some of the statements made by the Senator from Ohio in reference to the past Democratic administration of the Government Printing Office.

I had the honor to be the private secretary to whom Mr. BURTON refers, and your characterization of his information as "trash" was well-warranted; in fact, it was the resurrection of a deliberate misrepresentation of facts and records of the Government Printing Office during the last Cleveland administration made in a speech by Congressman Landis, of Indiana, on the floor of the House January 3, 1898. It proved a boomerang for Landis at that time, and if the true facts were now known in the Senate it would show that Senator BURTON'S source of information was very inaccurate, to say the least.

At the time of the Landis speech I placed in the hands of Hon. James G. Maguire, who was a Congressman at that time from California, the data and facts, and on January 14, 1898, he having obtained the "books" from the Printing Office, replied to the attack made on the former Public Printer and me. Mr. Maguire's speech was eminently satisfactory from a Democratic standpoint, but very disconfirming to Landis, who was shown to have deliberately garbled and misread memoranda purporting to have been made by me.

I am inclosing copy of Mr. Maguire's speech, and have marked that part which refers especially to the list of names read by Senator BURTON; also marked my communication, which was read on the floor of the House during the course of his speech. This letter and the books which Mr. Maguire obtained disclosed that some 15 of the persons named were reinstated by Public Printer Benedict, who had discharged them; that the notations "G. A. R.," "Veteran," "Old soldier," "Soldier's widow," etc., were for the purpose of reinstatement, and that the name, date of discharge, reason for discharge, and reason for reinstatement and date of same were all written on the same line in the books, and could not have been overlooked by Landis except for the purpose of deliberate misrepresentation to the House. All these discharges and reinstatements took place when the civil service did not apply to the Printing Office. The office was classified about one year before the close of President Cleveland's administration.

At the time of the large discharge (some 700), referred to by Senator BURTON as "Bloody Monday," the office was outside of the classified service, and the vacancies caused by this discharge were never filled by the appointment of Democrats, as Mr. Benedict found he was able to run the office and turn out more work with nearly 1,000 less employees than his Republican predecessor. These two large discharges were caused by an error of judgment on the part of President Cleveland in seeking Mr. Palmer, the Republican Public Printer, in office nearly a year and a half under his administration. Mr. Palmer, in order to hang on and curry favor with the dominant party, made during this time some 1,500 appointments when the needs of the service did not require any appointments, which was a direct violation of the law. Many Democrats were included in the large discharges, owing to the fact that the quota from some congressional districts and States was far in excess of any equitable basis.

I assert without fear of contradiction that after the office was placed in the classified service the spirit and letter of the law was strictly enforced during the remainder of the Democratic administration.

Perhaps Senator BURTON was surprised to know that his own party is the greatest offender against the civil service. I have in my possession a list of 75 names, sent to me on October 27, 1899, by the then president of the Civil Service Commission, Mr. Proctor, with the information that all these persons were returned to the Printing Office, from June 27, 1899, to October 25, 1899, under third proviso of rule 9, presidential order of May 29, 1899, which provided that any persons dismissed from the service upon charges of delinquency or misconduct may be reinstated * * without regard to the one-year limit of this rule upon the certification of the proper appointing officer that he has thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." In the case of each of these 75 persons the then Republican Public Printer stated in his requisition to the Civil Service Commission for reinstatement, "I have thoroughly investigated the case and found that the charges upon which the dismissal was based were not true." The facts are that several of these persons voluntarily resigned from the office in 1894 to take up other occupations or employment—in the case of one man who I note has been reinstated by the present Public Printer, and which seems to aggrieve the Senator from Ohio, there could have been no undue vehemence in making such certification to the Civil Service Commission, for this man voluntarily resigned to go with the retiring Public Printer, who had taken up the editorship of a Syracuse newspaper. Then when reappointed Public Printer under President McKinley's first term a deliberate falsification of the records is made in order to get this man back in the office, some four years after his resignation. In most of the remaining 75 names they were removed from the office in a necessary reduction of force and their places not filled during the succeeding years. They were not let out through any misconduct or delinquency, and there was nothing to "thoroughly investigate" along those lines. The 75 names sent me only cover a short period of time. How many in all were juggled into the classified service in this manner?

In conclusion let me state that an examination of the records of the Printing Office will show that most of the employees reduced by Public Printer Ford displaced Democrats when they were promoted, all done at a time when civil service was supposed to govern, and for no other reason than the natural desire of Republican Public Printers to give the better places to their own kind and faith.

I regret the length of this letter, but I desired that you be fully informed of the facts. You might wish to use some of the data that I have furnished, to save future time these old lies may crop up again.

I am, with sincere respect,

Very truly yours, ALBERT BAKER.

SOME "LUCKY HITS."

In the course of his speech, the gentleman from Indiana [Mr. Landis] produced a memorandum book, kept by Mr. Albert Baker as clerk under the Public Printer during Mr. Benedict's administration, and read from that, and from two other similar books kept by Mr. Baker, certain memoranda which he told the House were sample reasons for the discharge of employees by Mr. Baker and Mr. Benedict. Some of the memoranda read by the gentleman did undoubtedly represent reasons for the discharge of persons named. For example, after some of the names the word "drunk" occurs, and after some of the names memoranda of discreditable transactions on the part of the employees occur. In such cases the memoranda undoubtedly advised the Public Printer concerning the character of the employees of whom it referred and aided him in selecting among the employees those whose services could best be spared.

The propriety of dragging such harmless memoranda, made for the advice of the Public Printer alone, from the vaults of the Government Printing Office and publishing them in the CONGRESSIONAL RECORD as permanent and public brands of disgrace upon the unfortunate discharged employees is a question of taste and propriety that must forever rest with the gentleman from Indiana [Mr. Landis] and the present Public Printer, by whom the records were given to the public. I have upon my desk here the three volumes containing the memoranda to which the gentleman from Indiana [Mr. Landis] referred in the course of his speech. I have gone over them carefully. I find that the gentleman has selected some 51 names among many hundreds in these volumes, and I find that he has selected every name after which there was any memorandum that could be, by distortion or perversion, used in this debate to discredit the former Public Printer.

Yet I find upon examination that even that portion of the record published by the gentleman from Indiana in the course of his speech bears upon its face evidence that it can not properly be construed to the meaning given it by the gentleman from Indiana. I find that the gentleman from Indiana in 11 of the cases stated by him has suppressed a part of the memoranda made by Mr. Baker after the names to which he referred and in connection with the memoranda to which he called attention of the House for the purpose of condemning Mr. Benedict. The memoranda that was suppressed shows that Mr. Benedict was extremely liberal in his treatment of old soldiers who were dismissed from the Public Printing Office, even where the cause of dismissal was bitter offensive partisanship. For example, the gentleman read the name of "W. R. Burgess, compositor, discharged June 13, 1894. Trimmer. Joined the Old Dominion Republican Club."

He read that memorandum for the purpose of showing the bitter partisanship of the Public Printer and for the purpose of winning the applause of the Republican place hunters, but it would have spoiled both of his purposes to have read the remainder of the memorandum, which is: "Reappointed June 17, 1895." He read also the name of "Richard M. Calhoun, watchman, discharged June 13, 1894. Active and offensive in politics." But he failed to read the following portion of the same memorandum: "Reinstated July 22, 1896." He read: "Mamie E. Fisher, discharged July 14, 1894. All her folks are solid Republicans." How he came to make the mistake I do not know, unless he was reading from a purported transcript made by some other person whose handwriting was not familiar to him, for in the record the memorandum, very plainly written, is: "All her folks are rabid Republicans."

He also read: "John Green, jr., discharged June 4, 1894. Bitter Republican." In all fairness to this House he should have read the remainder of the memorandum: "Reinstated March 23, 1895." He also read: "James C. Tox, wagon messenger, discharged September 17, 1894. Not willing. Causes trouble. G. A. R." By stopping at that point he elicited the enthusiastic applause of certain Republicans whose patriotism consists always in cutting of Democrats and in eagerness to fasten upon them some charge of prejudice against veteran Union soldiers. They greeted his reading of this memorandum with cries of "Ah!" He read the cabalistic letters with an intonation and expression that reminded me most forcibly of the renowned detective called Fogy Quiller.

In the suggestive manner of his reading of the memorandum I imagined I could hear the creaking voice of that renowned sleuthhound crying, "Ah, ha, says Fogy Quiller, ah, says Fogy Quiller, ah, says Fogy Quiller." I do not suspect the meaning of the letters "G. A. R." when written on a Democrat. He preserved the popularity of that memorandum on the Republican side by suppressing the remainder of it, namely: "Reinstated September 15, 1896. Helper."

I am not prepared to say why he omitted these words, but it does seem to me that, even at the expense of sacrificing some of the Republican applause and of dampening some of the Republican enthusiasm, he should have had the frankness to read the whole of the memorandum or none of it.

He read: "Jona W. Culton, discharged April 1, 1895. Agitator; charges P. P. dishonest and tyrant." But he did not read the remainder of the memorandum, showing that Mr. Culton had been previously discharged and reinstated. He read: "Bertie K. Peters, folder, discharged April 3, 1895. Charged to Texas." But he did not read the remainder of the memorandum: "Reappointed June 17, 1895." He read: "George P. Silence, shifter, discharged March 13, 1895. Anti-Democratic." That was a good place to stop, considering the purposes of the gentleman from Indiana; but in common frankness, even though it might have militated against his purposes, he should have read the remainder of the memorandum: "Reinstated December 2, 1895."

He read: "George McCutcheon discharged April 3, 1895. Veteran and vindictive." That is Mr. Landis's construction of the memorandum, but it is not the memorandum as it is written in the book. The memorandum is, "Veteran (Pa.)—vindictive partisan," a memorandum very different in meaning and containing none of the suggestion of animosity toward the veterans involved in the form adopted and substituted for the language of the memorandum itself by the gentleman from Indiana.

He read: "Mary B. Dunber, feeder, discharged April 18, 1895; boarding house; father discharged before when I was here;" but he did not deem it necessary to read the remainder of the memorandum: "Reinstated January 28, 1896."

He read: "Alice Daly, discharged June 9, 1894. Not needed; daughter in department; soldier's widow." In the memorandum as it appears in the book the words are "Not needy."

Upon concluding the reading, or more properly misreading, of this memorandum, the gentleman from Indiana burst into a flood of superheated eloquence, crying out in the agony of the soul:

"Soldier's widow! Hurled from public place because she was the widow of a soldier. * * * It remained for a hyena, preparing a great Government bureau for a baptism of civil-service reform, to cast opprobrium and brand with condemnation those whom honest men, brave men, and generous men the world over regard as the sainted legion of this Republic."

The statement that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow is not only absolutely unwarranted by anything appearing in the book, but is shown by an examination of the record to be absolutely untrue, and without a shadow of foundation to justify such an inference. The memorandum was made up by Mr. Baker, in accordance with the instructions given him by the Public Printer, to show who the lady was; what her circumstances were, what, if any, relatives belonging to her immediate family were employed in the same or in other departments of the Government service.

In selecting those whom the imperative demands of the law and the interests of the Government required to be discharged in order to reduce the force to the requirements of the service, he preferred to discharge a woman who was not needy and who had a daughter in another department of the public service, drawing a salary from the Government, rather than to discharge an equally good and equally deserving woman who was needy, who depended for the support of herself and perhaps of dependent relatives upon the wages which she received in the Government Printing Office, and who had no daughter or other relative in any department of the Government service.

The gentleman from Indiana may not have understood this, and he may have frankly given us the benefit of his honest judgment when he said that in his opinion, from an examination of this memorandum and an examination of the three books to which he referred, he made the deduction and fully believed that Alice Daly was discharged from the Government Printing Office because she was a soldier's widow. If indeed that was his judgment, he must be acquitted of any motive of injustice to Mr. Benedict in making the statement on the floor, and of any motive to deceive ex-Union soldiers by the publication of that statement in his speech; but if that be his honest judgment from the memorandum and from an examination of the books to which he has referred, his mental sagacity will never interfere with his soul's salvation, for he must then be admitted to come clearly within the well-known exception made by the charitable to the rule that those who do not embrace and retain the true faith can not enter the kingdom of heaven.

The gentleman from Indiana amused the House and encouraged his fellow partisans by reading the following memorandum:

"John F. Atkinson, discharged July 1, 1894. N. G.; lives in Indiana."

Also, petition of 155 citizens of Minoa, N. Y., and sundry citizens of Preble, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petition of the Loyal Workers of the Wesley Adult Bible Class of the Methodist Church of Ocala, Fla., and George Riggin and many other citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. COOPER: Petition of the Beloit (Wis.) Business Men's Association, favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. DICKINSON: Petition of 24 citizens of the sixth district of Missouri, favoring national prohibition; to the Committee on Rules.

By Mr. DIFENDERFER: Petitions of 400 and more citizens of Lansdale, 40 citizens of Rosemont, 210 citizens of Hatboro, sundry voters of Abington Township and Pottstown, 40 citizens of Pleasant Valley, 750 citizens of Newton, 20 citizens of Yardley, 18 citizens of Doilington, 350 citizens of New Hope, 120 citizens of Richboro, 190 citizens of New Britain, sundry citizens of Bucks County, various Baptist, Methodist, and Presbyterian churches of Bristol, 400 citizens of Edgewood Park, and 52 citizens of Fallsington, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of Bucks County, Pa., citizens, favoring passage of House bill 5398, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also petition of sundry citizens of Montgomery County, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petition of the Minnesota district of the German Evangelical Synod of North America against national prohibition; to the Committee on Rules.

By Mr. FALCONER: Memorial of 7,000 clubwomen of the State of Virginia relative to indorsement of President Wilson's Mobile speech relating to acquisition of land by conquest; to the Committee on Foreign Affairs.

By Mr. FITZGERALD: Petition of 34 voters of the State of New York protesting against national prohibition; to the Committee on Rules.

By Mr. FOSTER: Petition of sundry citizens of Mount Carmel, Wabash County, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Coeur d'Alene and Wallace, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of the secretary-treasurer of the building trades department, American Federation of Labor, favoring House bill 5393, for protection of workingmen engaged in building erection in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GERRY: Petitions of Sam. L. Irwin, principal East Greenwich Academy, of East Greenwich; the Roger Williams Association and 29 residents of Rockville; 22 residents of Providence; and Arthur L. Reed, of Oak Lawn, all in the State of Rhode Island, urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Providence (R. I.) Christian Endeavor Union, urging the passage of a bill prohibiting the sale of intoxicating liquors to minors and Indians; to the Committee on Alcoholic Liquor Traffic.

Also, petitions of Henry J. Eltz, Conrad Oinsel, Richard Wischnowsky, Hermann Eckert, and Joseph Fojth all of Cranston, R. I., and Michael Lukowski, Jacob Wartjes, John Grosslin, and Michael J. Kelly, all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petition of the Rhode Island Chapter of the American Institute of Architects, protesting against the passage of House bill 13570, making appropriation for a building for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. GRAHAM of Pennsylvania: Petitions of G. Hauffman and others, of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Thurston and Chehalis Counties, Wash., favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Aberdeen, Tacoma, and Olympia, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. LAFFERTY: Petition of Local No. 28, International Alliance of Theatrical Stage Employees, and Local Union No. 202, Cigar Makers' Union, of Portland Oreg., against national prohibition; to the Committee on Rules.

By Mr. LANCHAM: Petition of the Alaska Woman's Christian Temperance Union, favoring House bill 15430, for prohibition in Alaska; to the Committee on the Territories.

Also, petition of the First Baptist Church of Topeka, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. LEWIS of Maryland: A petition by Mrs. Fannie D. Chase and 29 other citizens of Takoma Park, D. C., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, a petition by George R. Apsley and 38 other citizens of Cumberland, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. McCLELLAN: Petition of 60 citizens of Milton, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MORGAN of Oklahoma: Resolution of the Christian churches of Oklahoma, representing a membership of 45,000 residents of the State in convention assembled, indorsing Congressman Hobson's amendment for national prohibition; to the Committee on Rules.

Also, petition of the Woman's Christian Temperance Union and others of Tonkawa, Okla., indorsing the amendment for national prohibition; to the Committee on Rules.

Also, petition for censorship of motion pictures so far as Federal jurisdiction extends, from R. Colegrove, president Gospel Team, Arapaho, Okla.; to the Committee on Education.

By Mr. O'HAIR: Petitions of sundry citizens of the State of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of the Presbytery of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of Camden (N. Y.) Grange, No. 354, favoring postal ownership of telephones and telegraphs; to the Committee on the Post Office and Post Roads.

Also, petition of the New York Psychiatrical Society, favoring establishment of a department of mental hygiene in the United States Public Health Service (H. R. 10637); to the Committee on Interstate and Foreign Commerce.

By Mr. TAVENNER: Petition of Mr. A. W. Waity, Colchester, Ill., favoring the early adjournment of Congress; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Elmira, Peruville, and Waverly, N. Y., favoring national prohibition; to the Committee on Rules.

SENATE.

WEDNESDAY, *June 24, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thy servants in this great Senate have been called in the order of Thy providence to help administer the affairs of a great nation, to seek out ways to bring properity, to establish order, to execute justice. Paths which lead to the heights where the eternal truth abides are not easy to find amid the conflict of interests. Only by Thine own guidance shall they be enabled to attain to these heights of human justice and of universal right. Grant that this day Thy blessing may abide upon these Thy servants, that they may be in thought and conscience amenable to the Divine influence, and may be led by Thy spirit into such an appreciation of the grave responsibilities and of the high honor of their position that they may find out what is best for all and that which will glorify Thy name in us as a people. We ask for Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, recedes from its disagreement to the amendment of the

Senate No. 71 and agrees to the same, with an amendment, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 28, 29, 33, and 40; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the further conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill, H. R. 12235, an act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. CRAWFORD presented resolutions adopted by the Conference of the Minnesota District of the German-Evangelical Synod of North America, favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Sioux Falls Brewing Co., of South Dakota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a telegram in the nature of a memorial from the Yankton Commercial Association, signed by J. M. Lloyd, secretary, of Yankton, S. Dak., remonstrating against the enactment of discriminatory antitrust legislation, which was referred to the Committee on Interstate Commerce.

Mr. SHERMAN presented a petition of officials of the John Crerar Library, of Chicago, Ill., praying for a congressional investigation of the claims in connection with the discovery of the North Pole, which was referred to the Committee on the Library.

He also presented memorials of sundry citizens of Illinois, remonstrating against any change in the American flag, which were referred to the Committee on the Judiciary.

Mr. WHITE presented a petition of sundry citizens of Alabama, praying for the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

Mr. PERKINS presented a petition of the California Bankers' Association, in convention at Oakland, Cal., praying for the enactment of legislation reducing the rate on first-class postage, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Brotherhood of Blacksmiths of Riverside, Cal., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a telegram in the nature of a memorial from I. Magnin & Co., of San Francisco, Cal., remonstrating against the enactment of the so-called antitrust legislation, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEWIS presented memorials of sundry citizens of Illinois, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Chicago, Ill., praying for the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Kuhlbach, of Fort Wayne; Fred W. Thomas and Lee Alberr, of Indianapolis; Andrew Sock, Charles Calloway, John C. A. Rockatoh, of South Bend; George McAdams, Louis Spurgeon, John Childlers, and 17 other citizens, of Lawrenceburg, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (S. 5204) for the relief of Alice H. Gilson, reported it with amendments and submitted a report (No. 609) thereon.

He also, from the same committee, to which was referred the bill (H. R. 2705) for the relief of David C. McGee, submitted an adverse report (No. 610) thereon, which was agreed to, and the bill was postponed indefinitely.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (H. R. 3041) to carry into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell, reported it without amendment and submitted a report (No. 611) thereon.

Mr. BRYAN, from the Committee on Claims, to which was referred the bill (H. R. 14685) to satisfy certain claims against the Government arising under the Navy Department, reported it with amendments and submitted a report (No. 612) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 770) for the relief of Thomas Coyle and Bridget Coyle and their legal representatives, reported it with an amendment and submitted a report (No. 613) thereon.

Mr. LANE. From the Committee on Claims I report back adversely the bill (S. 489) for the relief of Ellen B. Monahan, and I submit a report (No. 614) thereon. I ask that the bill be placed on the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

ADDRESS BY HON. WILLIAM JENNINGS BRYAN (S. DOC. NO. 523).

Mr. FLETCHER. From the Committee on Printing, to which was referred a copy of an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention held in that State, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 400) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by Mr. OWEN on June 15, 1914, entitled "The People's Law," an address by Hon. William Jennings Bryan, delivered at Columbus, Ohio, March 12, 1912, upon invitation of the constitutional convention, be printed as a Senate document.

DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 524).

Mr. FLETCHER. From the Committee on Printing, to which was referred the annual report of the National Society of Daughters of the American Revolution for the year ended October 11, 1913, I report back favorably a resolution, for which I ask present consideration.

The resolution (S. Res. 401) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Sixteenth Report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1913, transmitted to Congress, pursuant to law, by the Secretary of the Smithsonian Institution, be printed as a Senate document, together with the accompanying illustrations.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CUMMINS:

A bill (S. 5972) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate Commerce.

By Mr. WORKS:

A bill (S. 5974) to prohibit the giving or receiving of tips or other gratuities; to the Committee on Interstate Commerce.

By Mr. CRAWFORD:

A bill (S. 5975) granting an increase of pension to Frank Benoit (with accompanying papers); and

A bill (S. 5976) granting an increase of pension to John S. Perriton (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5977) to authorize Bryan and Albert Henry to construct a bridge across a slough which is a part of the Tennessee River, near Guntersville, Ala.; to the Committee on Commerce.

Mr. SMALL. Mr. Chairman, if the gentleman will pardon me, and I know his knowledge of the subject, I think it is quite a stretch in the interpretation of language to say that the equipment of a building includes the construction of a new building, and having such confidence in the gentleman's knowledge I still maintain that it would be a stretch of interpretation to contend that the $350,000 appropriation in another paragraph could be expended for new construction. We would like to penetrate the heretofore impenetrable armor of the chairman of this committee when an amendment is sought carrying such a modest appropriation as this, and while I can not hope to get his consent, I do hope that he will, as I know he will if he discusses it at all, discuss it upon its merits and not attempt to argue to the committee that it is covered by any lump-sum or existing appropriation already included in the bill.

Mr. Chairman, I hope I have demonstrated to the satisfaction of some of the members of the committee, and I hope to a majority, that this is an important fish station, that it is located in an area which furnishes the largest supply of shad along the Atlantic seaboard, that most valuable food fish, and that any appropriation within reasonable limitation which is intended to increase the efficiency of that station is worthy of the consideration of the committee and of the approval of the Committee of the Whole. [Applause.]

Mr. FITZGERALD. Mr. Chairman, this item is in the same situation as a number of others submitted by the commissioner. Special items are requested for Beaufort, Chickamaw, Louisville, Orangeburg, Duluth, Edenton, and Fairport. The committee increased by $15,000 the general appropriation for maintenance, equipment, and operation of these stations. We left it in the discretion of the Commissioner of Fisheries as to how this money should be expended. We have between 30 and 40 fish-cultural stations in the United States. Thirty-five hundred dollars, requested specifically for this particular station, is 1 per cent of the amount placed at the disposal of the commissioner to maintain and equip and operate all of the stations. Surely much more than 1 per cent is to be expended at Edenton. It unquestionably is an important station. I have come to the conclusion that the fish-cultural stations maintained by the Government perhaps do more real valuable service for the country than anything else maintained by the Federal Government at anything like the same expense. This is merely a question as to whether we should unnecessarily increase the amount to be appropriated. We have treated the bureau very liberally in the general appropriation, and have given it all that we think is necessary. It is hardly fair to select out particular places, some half dozen of these stations, and specifically appropriate sums to be expended at them, to the discrimination of the others. I think the best administration is to treat them all alike and let the department, in the exercise of its discretion, expend the money where it is most imperatively required. For that reason I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. SMALL) there were—ayes 18, noes 40.

Mr. SMALL. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from North Carolina demands tellers. Those in favor of ordering tellers will rise and stand until counted. [After counting.] Eight Members, not a sufficient number, and tellers are denied.

So the amendment was rejected.

Mr. McGILLICUDDY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 148, after line 11, insert a new paragraph as follows:

"For the purchase or construction of a vessel for the fish-cultural station at Booth Bay Harbor, Me., to be available until expended, $4,500."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. McGILLICUDDY. Mr. Chairman, I offer this amendment not only because of my personal knowledge of the condition of the vessel which is now in the service of the Government, but because this vessel has been absolutely condemned by the officials of our own Government.

Not only did the Secretary of Commerce absolutely condemn this vessel before the committee, but two United States inspectors from the Inspection Service have also condemned it after a special examination as being absolutely unseaworthy and unsafe. I simply want to ask the Members of this House how they can ask Government officials and employees to board a steamboat and go out to sea in it when the heads of their own department have condemned it as unseaworthy and unsafe? It seems to me to do such a thing is to be in utter disregard, almost reckless disregard, of the lives of our officials and the employees in this service. I will not take up the time in observations of my own, because this has been very clearly stated by persons in authority, so that there can be no doubt about it. Secretary Redfield appeared before the committee, and in answer to the chairman's question here is what he said about this vessel:

Secretary REDFIELD. Three years ago, or nearly so, I was invited by one of my colleagues to take a trip on the steamer *Gunnet* from my own summer home to a point near Boothbay Harbor, where this vessel is centered. I took that trip, and immediately asked the Commissioner of Fisheries to put in an estimate for the construction of a new vessel on the ground that from my knowledge of this vessel and of the waters she navigates that it was unsafe to continue her in navigation longer. I say very candidly to you that this vessel is not fit for the sea she has to navigate, and that we operate her with danger. She may be at any time caught where she ought not to be. She is an old secondhand yacht. Her former owner has now replaced her by two later vessels. She is too narrow and sharp and too small for the work and is not the type of vessel to be used for that purpose. She has to navigate waters very likely to become extremely dangerous suddenly. I know the vessel, and I can assure you that she is not safe.

Now, there were two inspectors detailed to inspect and examine this very vessel, and without reading all of their report, I will read a part of it. They say:

She has carried away her rudder frequently and on one or two occasions rudder post split down through stern timber, ripping her open, and she was forced to run through the breakers into York Harbor to escape foundering. We believe this brief account of her work may be of value to you, and when it is remembered that she is of the very lightest construction and so sharp as to be almost wedge-shaped forward and cut away aft—having been built for a yacht to be used in summer only—the fact that she is still on top of the water, after the winters spent on this coast, running as we know she has run, is not an evidence of her seaworthiness, but is rather a compliment to the seamanship of her master.

Now, that is the kind of vessel, gentlemen, that you are asking the officials and employees of this Government to go out to sea in, and every time you do it you are unnecessarily asking men to take their lives in their hands by going out in a vessel that is condemned by the heads of your own department. Is there any regard whatever for the lives of our employees in this department?

Mr. FITZGERALD. Well, Mr. Chairman, I do not think the case is as bad as is made out by the gentleman from Maine. The Secretary of Commerce stated that three years ago, on the invitation of one of his colleagues, he had made a trip upon this vessel and it was that experience upon that ship that induced him to recommend the Commissioner of Fisheries at that time to immediately send in estimates for a new vessel. Well, about three years ago this vessel was completely overhauled, a new boiler was put into her, extensive repairs were made to her, and it does not appear whether the Secretary made his trip before or after this extensive overhauling of the vessel. It perhaps might be wise for me to read some more of the report of these inspectors which has been overlooked by the gentleman from Maine:

The *Gunnett* was built in 1890 at Boston, Mass., to be used as a pleasure yacht on inland waters, being afterwards bought by the United States for the Bureau of Fisheries.

This vessel was bought by the bureau after an inspection and examination and determination that it was a suitable vessel for the work of the bureau.

She is 61 feet on the water line, 12 feet 4 inches beam, and draws, with her coal and water aboard, 6 feet 7 inches; gross tonnage 32, net 16.

So she is a fairly respectable sized secondhand yacht. [Reading:]

Her timbers are 2½ inches square, of white oak, spaced 18 inches centers; hull planking of hard pine 11 inches thick, copper fastened; house is a trunk, forming cabin and engine room and including pilot house, as is usual in small yachts of this type, built of ¾-inch stuff, and it was noticed in the cabin that a waterway of tin had been tacked up over one berth to carry the leakage away, as sills and deck are so light they will not hold calking.

In 1911 she had a new boiler, and extensive repairs were made to the hull, which included new stem, and for 12 feet aft stem was refitted and planked. There is no question as to the soundness of her hull.

But the inspector states that he does not think she is a desirable type of vessel to use in this particular kind of work. Well, at different times people are inclined to think vessels are not very seaworthy. I remember some years ago I crossed the Bay of Fundy from Digby in Nova Scotia to St. John in New Brunswick, and after four hours I had a violent conviction that I was on an unseaworthy boat. I expected to see her founder every minute, and the first officer told me it was the worst storm they had had for 10 years. That same old, decrepit, cranky vessel I was certain would founder every minute in the four hours I was compelled to remain on it in crossing the Bay of Fundy is still making two trips daily across that bay.

This yacht, with 2-inch square white oak, copper fastened, well built, a pleasure boat, was acquired by the Bureau of

Fisheries. It can not be possible that they made an investment in a vessel that was absolutely worthless for the work of the bureau. It has been going along and doing its work. Every once in a while the prediction is made that it is very unseaworthy and likely to founder. But that is possible about any boat. And while this may not be a particularly desirable boat upon which any of you gentlemen would make a trip at the invitation of one of your colleagues, the men who navigate the New England coast for a livelihood would not go upon this vessel if it were not seaworthy.

I have never seen this vessel, and I have never been upon it, and it may be it should not be utilized for the purpose for which it is utilized. The Bureau of Fisheries selected this vessel itself. The Committee on Appropriations did not pick it out for the bureau. And only three years ago they spent a very large sum putting a new boiler in it and overhauling it, so as to continue to utilize it in the service. And while I would not urge anybody to take a trip upon it, I can not withdraw the point of order I made against this proposition to appropriate $45,000 to purchase a tug to take its place. I regret it, Mr. Chairman, but in view of my position I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LEVER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

After line 11, on page 148, insert the following:

"For completion of the Orangeburg, S. C., Fisheries Station, including the construction of buildings and ponds, and for equipment, to remain until expended, $20,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

Mr. MANN. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FITZGERALD. It is in order at this point.

Mr. MANN. Is this amendment being offered here the same amendment that the gentleman wished to offer at another place?

The CHAIRMAN. While the gentleman from South Carolina [Mr. LEVER] was out for the moment unanimous consent was given that the gentleman might have opportunity to offer the amendment after line 17.

Mr. MANN. Then the gentleman does not intend to return to offer the amendment at the other place?

Mr. LEVER. No.

The CHAIRMAN. The gentleman is offering this amendment now at this point, instead of after line 17, on page 147.

Mr. LEVER. Yes. And I would like to ask unanimous consent to modify the amendment by striking out the words "to remain until expended."

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to modify the amendment by striking out the words "to remain until expended." Is there objection?

Mr. FITZGERALD. I still reserve a point of order on it.

Mr. LEVER. Mr. Chairman, in 1911 an act of Congress was passed authorizing a fish hatchery in South Carolina. That hatchery was located in Orangeburg County, in my district. Twenty-five thousand dollars was appropriated for it. I learn from conversations with officials of the bureau that that $25,000 has been exhausted absolutely. They have gone to the extent of laying the pipes, constructing the drainage, constructing the superintendent's house, and have excavated a great amount of dirt. The hatchery is in condition now to be completed and to be made available for use to the people of the country. It can not be completed, however, unless sufficient money is given to complete it. The Secretary of Commerce estimates that it will cost $20,000 to complete the hatchery. The amendment that I am proposing seeks to make $20,000 available for that purpose. I do not think that this proposition rests upon the same ground as if it were a new proposition.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. LEVER. I yield.

Mr. MANN. Was the limit of cost in the original act $25,000?

Mr. LEVER. I am not sure about that. I will say to the gentleman from Illinois, but $25,000 was all that was appropriated, and I do not know whether there was any limit as to the cost or not. The proposition was put on in the Senate and not in the House.

Mr. MANN. The gentleman knows that for many years we appropriated $25,000 for a fish hatchery. Does the gentleman know why they can not establish these fish hatcheries for that amount?

Mr. LEVER. I understand in conversations with gentlemen in the Bureau of Fisheries that while what the gentleman says is true, as a matter of fact they have always made their estimates on the basis of $50,000 for this purpose. They tell me that they would need $30,000 really instead of $20,000 to complete this proposition. If it were of the ordinary kind; but conditions at Orangeburg are good, labor is relatively cheap, and they hope to be able to complete it with $20,000, and they have estimated for that amount.

The bill under consideration carries an appropriation of $3,600 to provide the salaries of one fish culturist, one superintendent of buildings, and two laborers at the fish hatchery at Orangeburg. Now, it seems to me, that if you are going to provide salaries for employees to be used at the fish hatchery at Orangeburg, it would be good business and a good investment if you would complete the fish hatchery and give those people something to do. If they are permitted to stay at Orangeburg, as I presume they will be under the language of this bill, we shall be placed in the ridiculous position of providing $3,600 to pay the salaries of men to sit on the bank of a hole and watch the hole, because that is all they have there now.

Mr. HOWARD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. I do.

Mr. HOWARD. Is there any output from this hatchery at all now?

Mr. LEVER. In what respect?

Mr. HOWARD. Are they shipping any fry from this hatchery?

Mr. LEVER. None whatever. There has been nothing done whatever except to lay the foundation of this fish hatchery, to construct the superintendent's building, to prepare the trenches, and lay pipes at the bottom of this hatchery to be covered over with water when completed.

Now, gentlemen of the committee, it seems to me that this is not a proposition for an extravagant expenditure of money. If I thought so I would not be supporting the proposition. I am supporting it in earnest, because we have appropriated $25,000. We have dug out a hole in the ground, and we shall be ready now for business if you will give us just a little bit more money to complete the work, on which we have thus far expended $25,000.

It seems to me that it can not be charged that this is out of line with our policy of economy, because I believe I can see a difference between false economy and real economy or a genuine investment. The people of the United States must be taught to eat fish. Our streams are absolutely filled with fish, and as a people we eat as little fish as any people on the face of the earth.

Now, here is a proposition to encourage this business, and I feel that the circumstances and the facts involved in the case justify the committee in allowing this small appropriation of $20,000.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. CANDLER of Mississippi. You have already expended $25,000 at this place, and unless an additional sum is appropriated this $25,000 that has been expended is absolutely useless?

Mr. LEVER. Yes. If the proposition is not completed by an appropriation now or in the future, we shall have for the $25,000 a few pipes, a few ditches, a $3,000 superintendent's house, and a hole in the ground; that is all.

Mr. CANDLER of Mississippi. Then you have another expense connected with it each year of $3,600 for employees, without having anything for them to do?

Mr. LEVER. Yes; that is what I understand from the item in the bill. This is a good proposition on its merits.

Mr. FITZGERALD. Mr. Chairman, from time to time Congress authorizes the establishment of fish hatcheries and makes appropriations of $25,000 for that purpose. This hatchery was authorized three and one-half years ago, and a fish hatchery can be established at Orangeburg or at any other place for $25,000.

This hatchery has now reached a point where they are practically ready to commence operations. The gentleman from South Carolina [Mr. LEVER] shakes his head. He should read what the Commissioner of Fisheries says. The residence building and the workshops have been completed, tools and appliances have been bought, drains have been laid, ponds have been partly constructed, and to some extent are ready for operation. They will be ready for operation as soon as they have expended what money they have.

Mr. LEVER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. In a moment. This was to be what is known as a pond hatchery. We were to propagate and raise

fry in ponds. Now, some distance from where this hatchery

Mr. LEVER. I have not got it in my hand. The gentleman

propriations in allowing these buildings. He was unkind

I observe that the gentleman from North Carolina [Mr.

it was hatched. They go up the river for spawning purposes. they enter the Columbia River with nets, seines, and gill nets

of Fisheries for the fiscal year 1915. The item in question is in the estimates of appropriations for the fiscal year 1915 under the heading "Department of Commerce Bureau of Fisheries," page 612, and is entitled Fish-Cultural Station, Clackamas, Oreg.—For construction of buildings and improvements to water supply, to be available until used, $15,000.

It is the policy of the bureau to extend the scope and magnitude of its Pacific coast salmon operations. The Clackamas station is one of the most important in point of output, and should be maintained at the highest point of efficiency. The buildings, which were originally constructed of old material used in one of the State hatchery buildings, are inadequate, inconvenient, and dilapidated, and require renewal or extensive repairs. The present spring-water supply should be supplemented by water taken from the Clackamas River, in order that facilities may be provided for rearing a larger number of salmon fry to the fingerling stage before they are liberated in the open waters, in accordance with the policy which the department has adopted with reference to this branch of fish culture. It is also desired to construct a superintendent's residence, this being needed on account of the remote location of the station.

The original station, located on the Clackamas River, came into possession of the United States by donation from the Oregon and Washington Fish Propagating Co., and the buildings and other improvements by purchase from the stream fish commission. The physical changes in the Clackamas River in the vicinity of this station have made it impossible to successfully operate in this locality. The old tract of land is now overgrown with brush and is of no present or prospective value to this bureau. It is therefore proposed to condemn and sell this property.

Very truly, yours,

H. M. SMITH, *Commissioner.*

Mr. O'HAIR. Mr. Chairman, at this point the gentleman from South Carolina [Mr. LEVER] has an amendment which he desires to offer. He was called away and has not yet returned, and I want to ask unanimous consent that his amendment may be offered and considered when he returns.

The CHAIRMAN. The gentleman from Illinois [Mr. O'HAIR] asks unanimous consent that the paragraph on page 147, including lines 16 and 17, may be passed over temporarily, in order that the gentleman from South Carolina [Mr. LEVER] may offer an amendment.

Mr. FITZGERALD. The gentleman from South Carolina spoke to me about that; and if we are to have an understanding to the effect that gentlemen are to have the right to offer amendments, I want to know what they are. I do not want any such misunderstanding as we had to-day.

Mr. O'HAIR. I do not know what it is. I am doing it as a friend of his.

Mr. MANN. I understand the gentleman from South Carolina desires to offer an amendment to the item covering lines 10 and 11, on page 148, in reference to a fish hatchery in his State.

Mr. FITZGERALD. When will the gentleman from South Carolina be back?

Mr. O'HAIR. In a short time.

Mr. FITZGERALD. I have no objection to the gentleman from South Carolina having the right to offer an amendment at that point.

Mr. MANN. It is not an amendment to that paragraph, but an amendment which is to be offered at that point.

Mr. O'HAIR. Mr. Chairman, I ask unanimous consent that the gentleman from South Carolina [Mr. LEVER] may have permission to offer an amendment at the end of line 17, on page 147.

The CHAIRMAN. The gentleman from Illinois [Mr. O'HAIR] asks unanimous consent that the gentleman from South Carolina may have permission to offer an amendment at the end of line 17, on page 147. Is there objection?

There was no objection.

Mr. TAVENNER. Mr. Chairman, I ask unanimous consent to revise and extend my remarks on the arsenal item. I spoke on that item this afternoon, and I neglected to ask permission to revise and extend my remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] asks unanimous consent to revise and extend his remarks in connection with the arsenal item. Is there objection?

There was no objection.

Mr. BRYAN. I make the same request, Mr. Chairman, with respect to the Alaska item.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in connection with the debate on the Alaska item. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Louisville (Ky.) fish hatchery: The Secretary of Commerce is authorized to convey to the board of park commissioners of the city of Louisville, Ky., a right of way 120 feet wide through the property of the United States in Jefferson County, Ky., used as a fish-cultural station and hatchery: *Provided*, That such conveyance of right of way shall not be construed as affecting the right or title of the United States in said property or as in violation of any stipulation or condition in the conveyance of the same to the United States, and on the further condition that the land or right of way to be conveyed hereunder shall be constructed and maintained as a parkway free of any expense to the United States, and that all work thereon shall be such as not to interfere with the operations and efficiency of said fish-cultural station and in a manner satisfactory to the Secretary of Commerce.

Mr. BRYAN. Mr. Chairman, I reserve a point of order on that.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] reserves a point of order on the paragraph.

Mr. BRYAN. There is nothing in this section to show that the land to be conveyed is to be used as a street, and there is no clause requiring it to revert to the Government again if it is not used as a street. There is nothing here that I have been able to find to show that it is a continuation of a street that is 125 feet wide, or whether it is desired to use 40 or 50 feet of it as a street and the rest of it for some other purpose.

I will state to the gentleman that this matter first came up, so far as I have knowledge of it, before the Committee on the Merchant Marine and Fisheries, and the bill was referred to me by the committee to look into, and I saw the gentleman from Kentucky [Mr. SHERLEY]. He had unfortunately been sick and he did not give me much information, but said that he intended to bring it in, perhaps on this bill. I think we ought to have a little information about it.

Mr. FITZGERALD. The committee of which the gentleman is a member reported this identical provision in a bill. They reported it after it had been referred to the Department of Commerce and after it had been favorably reported upon by the Secretary of Commerce.

The situation is this: Three years ago Congress appropriated $25,000 for the establishment of a fish-cultural station in the county of Jefferson, in the State of Kentucky. The State of Kentucky donated the land upon which the station is located. The city of Louisville or the State of Kentucky is building a boulevard running along the river, and it wishes to continue this boulevard through the property donated heretofore by the State to the Federal Government for a fish-cultural station. The provision on page 148 requires, if the gentleman will notice, "that the land or right of way to be conveyed hereunder shall be constructed and maintained as a parkway free of any expense to the United States." The gentleman from Kentucky [Mr. SHERLEY] unfortunately was taken ill, and was compelled to leave the city.

It is a matter in which the people of his district are very keenly interested. The State donated the land. They wish to make this parkway. The committee believe it will improve and enhance the property that has been donated by the Government. It is to be maintained in such a way as will not interfere with the operations of the hatchery and in a manner satisfactory to the Secretary of Commerce; and it was because the Committee on the Merchant Marine and Fisheries, upon the favorable recommendation of the department, had reported this identical language in a bill that the Committee on Appropriations, because of the absence of the gentleman from Kentucky [Mr. SHERLEY], incorporated this provision.

Mr. BRYAN. Is this the identical language of that bill?

Mr. FITZGERALD. That is my recollection.

Mr. BRYAN. Then the bill was evidently amended after I left the committee meeting. It is made better by the amendment.

Mr. FITZGERALD. It is my recollection that we compared the language with the item in the bill reported from that committee.

Mr. BRYAN. Of course, it seems to me this land ought to revert to the Government if it is not used as a street; but it is more safely protected in this language than it was in the bill before the Committee on the Merchant Marine and Fisheries. If no one else cares to make the point of order, I will withdraw it.

Mr. MANN. I reserve the point of order.

Mr. FITZGERALD. As a matter of fact, the provision is not mandatory, and the Secretary of Commerce can require any conditions that he believes to be desirable from the standpoint of the Government.

Mr. MANN. The language used here is—

Authorized to convey * * * a right of way 120 feet wide.

What does that mean? Does it mean to convey the land?

Mr. FITZGERALD. A right of way.

Mr. MANN. To convey an easement?

Mr. FITZGERALD. To convey an easement. A right of way is an easement.

Mr. MANN. Ordinarily a right of way is a mere easement.

Mr. FITZGERALD. I believe that is the intention. The city or county is constructing a boulevard along the river. This is

: be a continuation of it. Otherwise it can not go through the property, but will have to be diverted and go around it.

Mr. MANN. I understand. I have no objection to the purpose of it. Under the law of Kentucky, where the Government obtains land like this, does it not have exclusive jurisdiction over the land? Who would have the jurisdiction?

Mr. FITZGERALD. I do not know. There is a provision in the Revised Statutes which prohibits expenditure by the Government upon any property acquired for any designated purpose unless the State has ceded jurisdiction over it. Whether that applies to fish-cultural stations I am not certain.

Mr. MANN. Does the gentleman know who would have jurisdiction of a criminal act or some other act committed on this right of way? Would it be the State or the Federal Government?

Mr. FITZGERALD. I do not know.

Mr. BRYAN. Can the gentleman explain why it is that he was so particular not to invade the jurisdiction of the Committee on Interstate and Foreign Commerce, represented by the gentleman from Georgia [Mr. ADAMSON] a while ago, while he is willing to waive the question of jurisdiction on a matter of this kind? He does not mind invading the jurisdiction of this other committee.

Mr. FITZGERALD. The gentleman from Kentucky [Mr. SHERLEY] spent probably six months in the preparation of the bill from which this language is taken. He had a favorable recommendation on the bill affecting the hatchery referred to here. Unfortunately, he was taken very seriously ill, and has been compelled to absent himself from the House.

Mr. BRYAN. Of course, the House could go on and pass the bill reported from the Committee on the Merchant Marine and Fisheries, just as the House must pass the bill reported from the Committee on Interstate and Foreign Commerce, or else Alaska will not get the service recommended in that bill.

Mr. FITZGERALD. There is a little difference. This does not take any money out of the Federal Treasury.

Mr. BRYAN. It takes land.

Mr. BYRNS of Tennessee. No; it does not.

Mr. FITZGERALD. There is a difference. This land was donated to the Federal Government by the State of Kentucky. Now they wish to put a beautiful boulevard through it, and it will really be an improvement of our own property. Instead of giving up something, we probably are getting something.

Mr. BRYAN. Then there is the matter of courtesy to the very able and distinguished gentleman from Kentucky [Mr. SHERLEY], who is a member of the Committee on Appropriations and one whom all of us are glad to favor. That is a very imposing feature of the matter.

Mr. FITZGERALD. The gentleman can understand the embarrassments of the chairman of the committee.

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FITZGERALD. I ask unanimous consent that in line 7, page 147, the word "seasons" be changed to "season." It should be in the singular instead of in the plural.

The CHAIRMAN. The gentleman from New York asks unanimous consent to agree to an amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, line 7, strike out the word "seasons" and insert the word "season."

The CHAIRMAN. Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

Woods Hole (Mass.) Station: For repairs to wharfs and for retaining bulkheads, $40,000.

Mr. SMALL. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 148, after line 11, insert as a new paragraph the following: "Edenton (N. C.) Station: For construction and repair of buildings, $3,500."

Mr. SMALL. Mr. Chairman, this amendment seeks this small appropriation exclusively for the construction and repair of buildings at this fish station. I would not disparage other stations by saying that this is the most important station in the country, but in one respect it admittedly is. It is the most important station for the propagation of shad in the whole country. This station is located on a tributary of Albemarle Sound, which is the largest body of fresh water along the Atlantic seaboard. In fact, I think I may safely say that it is the largest body of fresh water in the United States except the Great Lakes. It has the greatest water area for the catch of shad along the Atlantic seaboard. Substantially the bulk of the shad that comes to Washington and the large northern cities during the months of February and March come from this sound and its tributaries of fresh water, and the value of the station has been amply demonstrated within the last six years.

Mr. CLARK of Florida. Do I understand the gentleman to say that this is the largest body of fresh water along the Atlantic seaboard? How large an area is it?

Mr. SMALL. I can not give the number of square miles, but it is 30 miles wide and 40 miles long.

Mr. CLARK of Florida. Lake Okechobee, in Florida, is 40 miles wide and 60 miles long.

Mr. SMALL. Oh, yes; but that is full of stump and cypress.

Mr. CLARK of Florida. No, it is not; it is the greatest lake in the world outside of the Great Lakes.

Mr. BRYAN. Neither of them can compare with Lake Washington.

Mr. SMALL. I am speaking of navigable waters.

Mr. CLARK of Florida. And it is 40 feet deep.

Mr. SMALL. Mr. Chairman, I did not intend to raise any rivalry in regard to which is the largest body of fresh water, and if the gentleman can demonstrate that they have larger bodies of fresh water they are welcome to the honor. But I do stand by the proposition that no body of fresh water in the United States yields so abundantly of the luscious shad as does this. I stand by that and I stand by the value of this station.

About 10 years ago the quantity of shad appreciably diminished, as shown by the catch and shipments. By reason of some wise State legislation, which gave a freer ingress and egress for the migratory fish coming in and out of the ocean inlets giving them a better opportunity to reach these waters for spawning, but primarily on account of the excellent work done by this fish hatchery, the supply of fish in that great section and tributaries has just about reached normal. So that for two seasons millions and millions of shad have been shipped out. As the Commissioner of Fisheries stated in the hearings, it amounts annually to much more than $1,000,000.

Now, Mr. Chairman, I happen to know the conditions at this hatchery. There is only one dwelling there occupied by the superintendent and his family. During the height of the season a large temporary force is employed, and that house is converted substantially into a mess house; not only to the inconvenience of the family, but to the inconvenience of the men there employed. This station is very much in need of a plain, but substantial and commodious mess house.

Then, in addition, about four or five times during recent seasons the capacity of the hatchery has been reached, so that they had to decline eggs for hatching the young shad. In other words, their work was retarded, and this hatchery ought to be enlarged. This appropriation is for two purposes—primarily to enlarge the hatchery; and, secondly, for the construction of a mess house for the men there.

As the learned gentleman from Mississippi [Mr. HARRISON], who is absolutely conversant on the subject, says, it is an important element in the reduction of the cost of living. So that those who love shad or who want them abundant and fresh from these waters in North Carolina, which are maintained largely by this hatchery, ought to vote for this amendment carrying this trifling appropriation. The chairman of the committee can not make the argument against it that it is covered by the much-quoted paragraph in this bill.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. SMALL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SMALL. Mr. Chairman, the gentleman from New York can not make an argument against this proposition by citing this paragraph of $350,000, because this paragraph provides for "maintenance, equipment, and operation," and I am asking for the construction of one building and for the enlargement of the fish hatchery itself which is a work of construction, so that whatever difference of opinion may exist as to the expenditure of this $350,000 between the chairman of the committee and the Commissioner of Fisheries, about which I am not able to express an opinion, there can be no question that this appropriation of $350,000 in another paragraph which has been referred to is not available for the construction of this building.

Mr. FITZGERALD. Oh, the gentleman is mistaken. This mess hall is a part of the equipment of the hatchery. They have never found it necessary to have one as yet, but they are getting a little particular down there and want to eat under a shed.

Mr. LEVER. I understand in conversations with gentlemen

been long realized. In the report of the Alaska Salmon Commission

of expenditure. It rarely recommends, and it should rarely

that vessel. If he has gone on some other vessel and paid first-

sion of the water, game, and fish laws, especially the fish laws,

to the Federal Government, and no matter what disposition Congress might have toward the distribution of fish throughout the country, we have to delegate the power to the Department of Commerce to say whether or not our laws are sufficient for them to go down and deposit a few fish or bullfrog eggs in a lake or stream in our States. Therefore I make a point of order against it.

Mr. FITZGERALD. Mr. Chairman, I wish to say this to the gentleman from Georgia: This has no reference to any existing situation. There have been times when the Department of Commerce, in attempting to carry on the fish-culture operations, was prevented from doing so by the laws of some of the States or by inspectors. This was intended to accomplish two purposes: First, to prevent interference with the Federal officers in maintaining fish-culture stations; and, secondly, to induce States to pass laws that would result in the protection of fish.

This provision reads:

None of the foregoing amounts shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes.

The first condition of the provision is a clear limitation. The second part is legislation, but I do not care to offer part of it. I do not know that it is of a great deal of importance at this time.

Mr. SMALL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. SMALL. I would suggest, if the gentleman will concede it, that the only part of this paragraph which is objectionable is this language:

In which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes.

It seems to me that if that were stricken out there would be no objection to it.

Mr. FITZGERALD. I do not know that it is of enough importance.

Mr. HOWARD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Cold Spring (Ga.) Station: For purchase of land and construction of ponds, to be available until expended, $6,000.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 147, line 17, after line 17, insert the following:
"Fish-cultural station, Clackamas, Oreg.: For construction, equipment, and repair of buildings and increasing and improving the water supply, to be available until used, $15,000."

Mr. FITZGERALD. Mr. Chairman, on that I reserve the point of order.

Mr. HAWLEY. Mr. Chairman, this is a fish-cultural station now in operation and duly authorized. It came into the possession of the Government of the United States from two sources. A private corporation turned over some 16 acres of land on which they had a station and were hatching fish, and the State of Oregon transferred to the Government for a consideration some plant they had. The original location was not well chosen. It did not have adequate water supply or other facilities, so a new location was acquired in another place on the river, and the buildings and equipment of that station were transferred to the new location. They never have had adequate money to equip the station.

At this station they rear the royal Chinook salmon, which is the best of the food fishes, I think, on the Pacific coast; at least it is one of the very best. They raise about 60,000,000 a year to the finger-length stage, which is about 3½ inches, and then turn them loose into the river. They go down the Clackamas into the Willamette and down the Willamette to the Columbia and out into the sea.

The cost of these fishes is very small to the finger-length stage. There is no cheaper food supply than fishes. It costs the Government about 2 cents a hundred to raise these fishes, and they are worth when they return, from three to five years afterwards, on the average about $1 apiece. They have been no charge on the land, no charge on the food supply raised on the land, like cattle or sheep or hogs would be, but are entirely fed and grown in the sea, and when they come back with this increased value, that has been added to them at no expense or burden to the Government or individual owners of land.

This fish-cultural station is not adequate in its present capacity to keep up the supply of these fish. The chinook salmon has a peculiar habit of life. It goes out to the sea when it reaches the stage I have stated, and is gone for from three to five years. It comes back usually to the river from which it went, on which it was hatched. They go up the river for spawning purposes. The Columbia River basin is a very large basin and the river itself is over 1,000 miles long. The fish distribute themselves along that river, seeking gravel beds on which to spawn. Most fishes after they have spawned return to the sea, but this particular fish, when it spawns, if not consumed for food, does not return to the sea and is not available as a food fish for another season, but it is extremely valuable. I think it brings the highest price of all of the food fishes on the Pacific coast. The 60,000,000 fishes raised at present, after the natural casualties they suffer after leaving the hatchery and on their way to and in the ocean, do not come in sufficient numbers to keep up the supply for canning and other purposes. The canneries are extending their operations. The product is sold all over the United States at a reasonable price.

This amount of $15,000 was in the estimate and was submitted to the Committee on Appropriations, and I presume it had their careful consideration. Secretary Redfield was in Oregon last year and visited this station, and in the hearings he speaks very strongly and earnestly in behalf of the station and for this appropriation. Commissioner Smith of the bureau at my request made a statement for me so that I might have it accurately from his own knowledge. He said:

The Clackamas station is one of the most important in point of output, and should be maintained at the highest point of efficiency. The buildings, which were originally constructed of old material used in one of the State hatchery buildings, are inadequate, inconvenient, and dilapidated, and require renewal or expensive repairs.

Now, the fish when they are growing are kept in long boxes as you probably have seen them, and are fed in them. They require a constant influx of fresh water. The present water supply from a spring is not adequate. It must be increased for the use even of the 60,000,000 fishes now raised in each season, and the commissioner says:

The present water supply should be supplemented by water taken from the Clackamas River.

The Clackamas River is a river of pure water coming down from the Cascade Mountains, whose waters are not contaminated and consequently is sufficiently clean and pure for the fish. He further says:

In order that facilities may be provided for raising a larger number of salmon fry to the fingerling stage before they are liberated in the open waters, in accordance with the policy which the department has adopted with reference to this branch of fish culture. It is also desired to construct a superintendent's residence, this being needed on account of the remote location of the station.

The station being about 12 miles from Portland.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. Without objection, it is so ordered. [After a pause.] The Chair hears none.

Mr. HAWLEY. The station is about 12 miles from Portland and about 7 or 8 miles from Oregon City and about 4 or 5 or 6 miles from the nearest little town—Gladstone, so that it requires the presence on the ground of a man in charge of the hatchery, and he ought to have suitable quarters. He further says:

The original station, located on the Clackamas River, came into the possession of the United States by a donation from the Oregon & Washington Fish Propagating Co., and the buildings and other improvements by purchase from the Oregon fish commission. The physical changes of the Clackamas River in the vicinity of this station have made it impossible to successfully operate in this locality. The old tract of land is now overgrown with brush and is of no present or prospective value to this bureau. It is therefore proposed to condemn and sell this property.

That is, the Government received a gift of the old hatchery from the private corporation, with some buildings that they possessed, with 16 acres of valuable land, which has possibilities of water power and for other purposes. Now they propose to sell that. How much it will bring I am not ready to state, but it will bring some considerable sum of money. If that money were available, it would aid in the improvement of this station, but when that is sold it will naturally go into the Treasury as miscellaneous receipts. We are asking now that this old dilapidated building, made out of old buildings, where such a very valuable product is being raised, be repaired and be put in condition, and that the facilities there be somewhat increased, so larger numbers of salmon fry may be hatched, and that part of the money, a little more than the old location would bring, a little larger sum, be appropriated for that purpose.

I think there is no doubt from the bearings had before the Committee on Appropriations and the statement of the commissioner and Mr. Secretary Redfield, and from the statements made to me by the men engaged in the salmon-fishing business out there, that it is a very valuable and important work and its extension necessary. Now, they catch salmon at the moment they enter the Columbia River with nets, seines, and gill nets

and fish traps up the Columbia River from its mouth for 1,000 miles; and a very large number of people at the mouth of the river—about 1,000 fishermen, if I remember correctly—and thousands of fishermen and their families on the river are largely dependent on this fish and make a very good living in the catching of fish in the spring and fall run; and I appeal to the committee and to the chairman of the Committee on Appropriations to let this matter come before the committee on its merits and that we may adopt it. I hope the committee will grant this very modest and very necessary request.

Mr. FITZGERALD. Mr. Chairman, there is at the Clackamas station, according to the Secretary of Commerce, a very fine fish-hatchery station. There is an old station on the river some distance from it, and the committee was requested to authorize the sale of the old station. It was suggested that the property might bring $15,000. Regardless of what the property might bring, the request was made that $15,000 be appropriated to improve the existing station. The committee was anxious to ascertain just how much there was invested now in the present station. What was said of it is this, that it is one of the most valuable stations that the Government has, and upon inquiry it was ascertained that Congress had appropriated $5,000 for the purchase of a site.

Four thousand dollars was expended for that purpose; $1,000 reverted to the Treasury, and some of the buildings were removed and erected there, and then that station has been developed and improved and maintained as all other fish-cultural stations are maintained. We carry in this bill for maintenance, equipment, and operation of the fish-cultural stations of the bureau the sum of $350,000. We increase the appropriation in this bill $10,000 over the appropriation made for the current year. And out of this $350,000 the Bureau of Fisheries can make improvements and furnish equipments at those stations where it is deemed in the opinion of the department to be desirable to do so. Now, this year, although this appropriation is larger, the department submitted a large number of requests for special appropriations for various numbers of these stations. Now, a peculiar condition existed at one of them. At Woods Hole Station, Mass., there was a very extensive wharf, where considerable sums are expended for repairs. It was necessary to make some very extensive repairs, and so as to relieve this general appropriation of $350,000 of the very great demand that would be made upon it if the repairs necessary at Woods Hole Station were made from it, a specific appropriation of $40,000 was made to repair the wharf at that place. If the department is to continue to have this general appropriation, out of which, in its discretion, it can equip, maintain, and improve these stations, it should not ask for specific appropriations for each of the many stations that are maintained, and if it refers to specific appropriations for the improvement and equipment of the stations, then the proper thing to do would be to very materially reduce the lump appropriation of $350,000. The department has ample funds to do whatever is necessary. The committee has not attempted to curtail it. It has built up the Clackamas Station out of the general appropriation. We carry in that appropriation for the next year more than has been carried at any time in its history.

The appropriation for this year is $335,000, and the appropriation is increased $15,000. Before that it was $300,000, and in 1910 it was $275,000. So the committee has liberally increased this general fund out of which the department, with the information before it, could expend the money where most desirable.

I have no sympathy with these suggestions, where some one has a piece of property and has asked to be authorized to sell it and to spend the money for something else. This was one of those instances, and the committee did not recommend it. I do not think we should make these specific appropriations in this way, while responding so liberally to the request of the department for the fund out of which these stations are maintained and equipped. And for that reason I can not favor the amendment and am compelled to press the point of order.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

The CHAIRMAN. Does the gentleman from Oregon wish to be heard on the point of order?

Mr. HAWLEY. I do not. I wish to offer an amendment.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 147, after line 17, insert the following:
"Clackamas (Oreg.) Station: For equipment and repair of buildings and for increasing and improving the water supply, to be available until expended, $10,000."

Mr. FITZGERALD. Mr. Chairman, I renew the point of order.

Mr. HAWLEY. Mr. Chairman——

Mr. FITZGERALD. Well, I will reserve the point of order.

Mr. HAWLEY. In reply to the gentleman's statement a moment ago, when the bill was reported I took the matter of the equipment of this station and its improvement out of the lump-fund appropriation up with the Director of the Bureau of Fisheries, supposing in that lump-fund appropriation the estimate of the Treasury Department of $15,000 had been taken care of. He informed me over the phone that the amount appropriated in the lump fund would afford him no funds at all to make the necessary improvement and the necessary extension.

Mr. FITZGERALD. What are they going to do with all that money?

Mr. HAWLEY. That I can not answer, Mr. Chairman.

Mr. FITZGERALD. Of course, the gentleman knows that all of these departments will encourage Members by such information, in trying to add to the money appropriated for the departments.

Mr. HAWLEY. I can not agree with the gentleman, Mr. Chairman, in impugning the good faith of the Commissioner of Fisheries.

Mr. FITZGERALD. I am not impugning him. I am stating what is a notorious and acknowledged fact.

Mr. HAWLEY. I can not agree to it. I would not impugn his good faith.

Mr. FITZGERALD. I am not asking the gentleman to agree to it.

Mr. HAWLEY. I have no reason to believe he would misstate it to me over the phone. He says it is a valuable fish-hatchery in the work it does and the equipment is not valuable itself.

Mr. FITZGERALD. Why does not he equip it? That is what we give him this $350,000 for. What is he doing with that money? We give it to him to provide these fisheries with equipment, and if he does not do it, we will find out what he does with it.

Mr. HAWLEY. I can not answer the question; I can only state what he said to me when he wrote me the letter at my request.

Now, Mr. Chairman, on the point of order: This is an authorized station. As the chairman has just stated, the construction has been authorized, the purchase of the site has been authorized, and there is maintenance already provided for it in one way in the lump fund and in another way in the appropriation for the statutory roll at the fish-cultural stations. And to increase the expenditure of money does not make the matter subject to a point of order.

Mr. FITZGERALD. It is clearly subject to a point of order. It repeals the covering-in act.

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] says it is according to existing law.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to modify the amendment by eliminating those words "to be available until used."

The CHAIRMAN. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to modify his amendment by eliminating the words "to be available until expended." Without objection, it will be so modified.

Mr. FITZGERALD. Let us vote.

The CHAIRMAN. In that form it is not subject to a point of order. The question is on agreeing to the amendment offered by the gentleman from Oregon [Mr. HAWLEY].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. HAWLEY. Mr. Chairman, I ask for a division.

The CHAIRMAN. The gentleman from Oregon demands a division.

The committee divided; and there were—ayes 18, noes 35.

So the amendment was rejected.

Mr. HAWLEY. Mr. Chairman, I ask unanimous consent to extend my remarks by printing the entire letter.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Following is the letter referred to:

DEPARTMENT OF COMMERCE,
BUREAU OF FISHERIES,
Washington, April 22, 1914.

Hon. W. C. HAWLEY,
House of Representatives, Washington, D. C.

DEAR SIR: I beg to invite your attention to an item of $15,000 submitted to Congress with the estimates of appropriations for the Bureau

and real ships and did a real business. If they could have heard my distinguished friend from Washington, I think if they had stopped at the gentleman's port they would have been afraid to sail out for fear of going to the bottom. We are doing pretty well for the Pacific coast now with $165,000 for those purposes as against $65,000 for the Atlantic and Gulf coasts. I do not think that the constant complaints that come to us about the care of Alaska are well founded. We are doing more for Alaska than any other nation of the world does for any territory which it possesses, and we are doing more for Alaska than this country has ever done at any time for any other Territory that it ever possessed.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Washington [Mr. BRYAN].

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Alaska Service: Pribilof Islands—2 agents and caretakers at $2,000 each, janitor service $480, 2 physicians at $1,500 each, 3 school-teachers at $1,200 each (1 formerly paid from the appropriation "Protecting sea and salmon fisheries of Alaska"), storekeeper $1,800; agent, $2,500; assistant agents—1, $2,000; 1, $1,800; inspector, $1,800; wardens—1, $1,200; 6 at $900 each; in all, $27,580.

Mr. ALEXANDER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. ALEXANDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 138, after line 6, insert the following:

"For the purchase or construction of such vessels and boats as are necessary for use in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, including 1 seagoing vessel, 1 light-draft tug, and 6 motor boats, $100,000."

Mr. FITZGERALD. I reserve a point of order against that, Mr. Chairman.

The CHAIRMAN. The gentleman from New York reserves the point of order against the amendment.

Mr. ALEXANDER. Mr. Chairman, this item was called to my attention by the Secretary of Commerce. He regards it as a very necessary appropriation. It was estimated, as I understand, by the Treasury Department, and is included in the estimates submitted to the Committee on Appropriations.

The Secretary of Commerce is charged, under section 14 of the act of June 26, 1906, an act entitled "An act for the protection and regulation of the fisheries of Alaska," and under section 5 of the act of June 14, 1906, entitled "An act to prohibit aliens from fishing in the waters of Alaska," with the duty of enforcing the provisions of those acts. It is also the duty of the Secretary of Commerce to carry out the provisions of the act of April 21, 1910, for the protection of the fur seals and all other fur-bearing animals of Alaska.

The Secretary of Commerce states:

The salmon, halibut, cod, herring, and other fisheries of Alaska yield an annual product valued at more than $18,000,000. The fur industry of Alaska, exclusive of the fur seal, yields more than half a million dollars annually, and is susceptible of great development. A few details of the salmon fishery of Alaska for the year 1912 illustrate the importance of the industry.

Capital invested	$33,759,295
Persons employed	17,705
Salmon canneries operated	87
Salmon caught	60,938,945
Cases canned (48 1-pound tins to the case)	4,059,021
Initial value of pack	$16,295,420

The tax on the output of the Alaska fisheries in 1912 under the present law yielded $168,888.80. Under the schedule contained in a draft of a proposed law based on hearings recently held by the Senate Committee on Fisheries, these same products, together with a proposed tax on fishing apparatus, would have yielded $218,130.87 in revenue to the Government.

The 87 salmon canneries and the hundreds of fisheries upon which they depend are distributed along several thousand miles of coast from Dixon Entrance on the south to Kotzebue Sound, in the Arctic Ocean, on the north. The fishing season covers a period of two to six months, depending on locality and species.

To enforce the laws and regulations regarding the fisheries the law provides only four fishery agents to cover over 15,000 miles of coast. There are no regular means of transportation or travel in the region where most of the canneries and fisheries are, and for that reason the salmon agents are compelled to use the cannery boats in getting from one cannery or fishery to another. That is to say, when a Government official has to visit any cannery or fishery to see that the law is being properly observed, his only means of transportation is a boat owned and run by the very company or person that may be violating the law. This is clearly wrong, for it places the department under the necessity of asking favors from those against whom it is called upon to enforce the law. I feel sure Congress will recognize that it is improper for either the department or the fishing companies to be subjected to this embarrassment or to the criticism which such a course will certainly call forth and, in fact, has already elicited.

Moreover, the department has no vessel which it can use in patrolling the coasts for the enforcement of the alien fishing law. Recently there has been much complaint of alien halibut fishermen invading the Territorial waters of southeast Alaska, and the Legislature of Alaska has already memorialized Congress on this matter.

The inadequacy of the personnel provided to enable the department to comply with the laws which Congress has enacted for the protection and conservation of the fisheries and fur-bearing animals of Alaska has been long realized. In the report of the Alaska Salmon Commission (H. Doc. No. 477, 58th Cong., 2d sess.) this matter was discussed, and a specific recommendation was made not only for a material increase in the personnel, but also for vessels to be provided for the agents so that their inspection of the fisheries, canneries, and hatcheries might be effective.

An adequate patrol, inspection, and enforcement of the law in all the vast extent of fishery waters in Alaska from a force of only four men, with no regular means of transportation, or without vessels under their control, is impossible. At best the department can now cover only a limited portion of the field; the majority of the fisheries can either not be visited at all or only for a brief period in any one season.

Without going into details, the coast line of Alaska is about 5,000 miles, and these canneries are scattered along the coast. The inspectors provided for by law are expected to inspect those canneries. There is no provision made by law by which the inspectors can go from place to place. They have no boats. They have no means of transportation. They are dependent upon the canneries for the means of transportation from one to the other, and under existing conditions the enforcement of the law is little more than a farce, because if these inspectors are intended to enforce the law they can not depend upon those who may violate the law for the facilities to go from one place to another. If it is their duty—and it is—to inspect these canneries, they should go by Government conveyance, and without notice to the canneries.

They are also required to do certain work in the Pribilof Islands in connection with our seal fisheries there.

The Secretary of Commerce wants Congress to understand that he fully appreciates his duties under the law and the necessity for efficient service, but it will be impossible for him to render this service under existing conditions unless he is provided with the facilities for getting from the mainland to the Pribilof Islands and from point to point on the coast of Alaska.

On yesterday I received a telegram from Dr. E. Lester Jones, Deputy Commissioner of Fisheries, who is now at Juneau, Alaska, on his way to the Pribilof Islands and on an inspection tour in Alaska, as follows:

JUNEAU, ALASKA, *June 21, 1914.*

Hon. J. W. ALEXANDER,
House of Representatives, Washington, D. C.:

The inadequate personnel and lack of transportation facilities for the Alaska fisheries service is forcibly brought home to me. Conditions surprise me, and there is no need more evident than for the new boats and the new men to help protect this vast industry, which to-day is being neglected almost entirely on this account.

E. LESTER JONES.

Now, I should think that this amendment is in order. The law provides that this service shall be performed, and it is necessary for the Secretary of Commerce to be provided with these facilities in order to perform the service.

This matter was called to my attention perhaps because I am chairman of the Committee on the Merchant Marine and Fisheries, and it was called to the attention of the Committee on Appropriations by the Secretary of Commerce and also by myself at his request. I have given it careful investigation, and I feel that this is an appropriation that ought to be made. Provision ought to be made by the Congress for the efficient discharge of the duties enjoined on the Secretary by the law. The fishery and game laws are to be enforced under his supervision. The deputy commissioner of the Bureau of Fisheries is now on his way to the Pribilof Islands, as I have stated, and to get there he must charter a boat to take him from the mainland to the Pribilof Islands. I think we will all agree that the present conditions are not such as should obtain if the Secretary of Commerce is expected to enforce the law.

Mr. FITZGERALD. Mr. Chairman, in the investigations made by the Committee on Appropriations it frequently happens that information is disclosed which furnishes reason for the belief that much legislation if enacted would be very desirable. That committee, however, has jurisdiction only to recommend appropriations in accordance with existing law. The Committee on Appropriations has no jurisdiction to authorize vessels for Government service. It can not recommend that a fleet of vessels be provided for some service in order that it may more adequately perform its duties than if it had no fleet at all. The Committee on the Merchant Marine and Fisheries may have jurisdiction to report legislation to provide facilities for the Bureau of Fisheries. Very likely, if the Committee on Appropriations undertook to assume to recommend appropriations for vessels not authorized, the members of the committee having jurisdiction over that subject would severely criticize the Committee on Appropriations for intruding on their jurisdiction.

I believe that best results are obtained by the Committee on Appropriations not encroaching upon the jurisdiction of other committees. Frequently the committee recommends legislation designed to protect the Treasury, to prevent expenditures of money, to safeguard the public interest against loose methods of expenditure. It rarely recommends, and it should rarely

recommend, legislation designed to open up the channels through which money is more expeditiously sent from the Treasury. Very little consideration was given to this estimate, because the Secretary was informed that if these vessels were not authorized the Committee on Appropriations had no authority to recommend appropriations for them. For this reason they made no inquiry as to the various vessels desired or their cost, or the cost of their operation after they were acquired, or the necessity for the number and character of vessels contemplated in the expenditure of $100,000.

The heads of many departments press upon this committee for appropriations for the extension of services or the enlargement of activities for which there is no authority; and if this committee were to attempt to assume jurisdiction to pass upon all of these questions it would very quickly be engaged in controlling and recommending most of the legislation that could come before Congress. I believe that it is not desirable; and so far as I am able, I do my part to prevent these appropriation bills being made the vehicles for legislation that should originate with some other committee and be enacted upon proper and mature consideration by the House. For that reason I am compelled to insist upon the point of order, on the ground that there is no authority for the acquisition of the vessels proposed.

The CHAIRMAN. Has the gentleman from Missouri [Mr. ALEXANDER] anything to say on the point of order?

Mr. ALEXANDER. No more than this: The law expressly enjoins on the Secretary of Commerce the duty to make these inspections; and I assume that, this being true, the Committee on Appropriations have ample authority to make provision for that service. To say that the Department of Commerce shall inspect the fisheries in Alaska, shall protect the wild game in Alaska, shall protect the seals on the Pribilof Islands, shall provide food for them and transport supplies, and at the same time shall be denied the means by which to discharge that duty without some express authority of law, is something which I can not understand. I think the authority is ample under the existing law.

Mr. FITZGERALD. Suppose the Committee on Appropriations decided that some of these investigations could best be made by means of an aeroplane; does the committee think we could authorize the acquisition and maintenance of an aeroplane?

Mr. ALEXANDER. If the gentleman and his committee thought that was the better means, I think they would.

Mr. FITZGERALD. If that rule were to be adopted, then the Committee on Appropriations would have power that nobody ever contemplated when the rules of this House were prepared. For instance, the customs service must collect the customs revenue; yet a revenue cutter can not be built unless it is specifically authorized. The Department of Commerce has control of the Lighthouse Service, yet a lighthouse tender can not be built or acquired unless it be specifically authorized.

Mr. MANN. How about a customhouse?

Mr. FITZGERALD. Under what plea can it be said that under the rules of the House the Bureau of Fisheries could have an appropriation incorporated in this bill for a vessel to enable the functions of that bureau to be performed if it were not authorized?

The gentleman spoke about telegrams from the deputy commissioner of fisheries. I do not know just how he got up to Juneau, but within a week or two a vessel, chartered by the Department of Commerce to carry supplies to the Pribilof Islands, left Seattle. He probably went on that vessel, and if he did not he was guilty of gross extravagance in engaging passage on some more preferable vessel. If he had gone on that vessel he would have gone directly to the Pribilof Islands with the other employees of the department and have been able to make whatever inspection he believed necessary at that point, and he could return on that vessel when he came back. We are paying about $9,000 or $10,000——

Mr. ALEXANDER. About $20,000.

Mr. FITZGERALD. No; we got this particular vessel for about $9,000 or $10,000. We used to pay $20,000, but we got that one for $9,000 or $10,000.

Mr. ALEXANDER. My information is to the effect that this vessel was chartered at an expense of $20,000.

Mr. FITZGERALD. The gentleman is mistaken. They used to pay $20,000, but they made a special arrangement this year and they got it for $9,000 or $10,000.

There can hardly be any justification for this deputy commissioner of fisheries to go to Alaska for the purpose of going to the Pribilof Islands at this particular time, unless he went on that vessel. If he has gone on some other vessel and paid first-class passage, the department is more careless in the expenditure of some of its appropriations than I believe it to be.

Mr. ALEXANDER. The gentleman has no authority for saying that the deputy commissioner went to Juneau in any other vessel.

Mr. FITZGERALD. I did not. I understood the gentleman to say that he found the need there now in going to the Pribilof Islands. This vessel is chartered to carry supplies to the Pribilof Islands.

Mr. ALEXANDER. I do not know the usual route from Seattle to the Pribilof Islands—whether they would touch at Juneau or not. The telegram was received at Juneau, Alaska, and he is on his way to the Pribilof Islands, and in this chartered vessel, as I understand. I further understand that it was chartered at an expense of $20,000, and that only emphasizes the need of a vessel for the inspection service, without having to charter vessels at such a price.

The CHAIRMAN. The Chair is ready to rule. If this amendment which is offered by the gentleman from Missouri were held in order, it would throw the appropriation bills open to amendment that would be startling almost in their character. The Chair does not think it is in order under the rules of the House, and the Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Edenton (N. C.) Station: Superintendent, $1,500; fish-culturist, $900; two laborers, at $600 each; in all, $3,000.

Mr. SMALL. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 140, line 3, after the figures "$3,600," insert "for construction and repair of buildings, to be available until expended, $3,500."

Mr. FITZGERALD. I reserve a point of order to that. I suggest that such amendments as this properly come in on page 148. If the gentleman is going to offer it, I ask him to offer it there.

Mr. SMALL. Very well; Mr. Chairman, I will withdraw the amendment.

The Clerk read as follows:

Propagation of food fishes: For maintenance, equipment, and operations of the fish-cultural stations of the bureau, the general propagation of food fishes and their distribution, including the movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, temporary labor, and for the propagation and distribution of fresh-water mussels, and the necessary expenses connected therewith, not to exceed $10,000, $350,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I wish to inquire whether the Government has heretofore been engaged in the propagation of mussels.

Mr. FITZGERALD. Yes; this is authorized. It is to take care of the situation at Fairport, Iowa, where these fresh-water mussels are utilized.

Mr. STAFFORD. The gentleman says there is present authorization for this character of work?

Mr. FITZGERALD. Yes.

Mr. ALEXANDER. There was a bill reported from the Committee on the Merchant Marine and Fisheries, Sixtieth Congress, under which this work is being done.

Mr. STAFFORD. I recall that there was some inquiry in regard to that.

Mr. FITZGERALD. This is to propagate the fresh-water mussels which are used in the button industry.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

None of the foregoing amount shall be expended for hatching or planting fish or eggs in any State in which, in the judgment of the Secretary of Commerce, there are not adequate laws for the protection of the fishes, nor in any State in which the United States Commissioner of Fisheries and his duly authorized agents are not accorded full and free right to conduct fish-cultural operations, and all fishing and other operations necessary therefor, in such manner and at such times as is considered necessary and proper by the said commissioner or his agents: *And provided further*, That before any final steps shall have been taken for the construction of any fish-cultural stations that may hereafter be established by Congress, the respective States, through appropriate legislative action, shall accord the United States Commissioner of Fisheries and his duly authorized agents the right to conduct the fish-cultural operations and all operations connected therewith in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding.

Mr. HOWARD. Mr. Chairman, I reserve a point of order to the paragraph. Is not this a new provision?

Mr. FITZGERALD. It is; it is legislation.

Mr. HOWARD. Mr. Chairman, I expect to make a point of order against this provision.

Mr. FITZGERALD. Why not do it now?

Mr. HOWARD. This provision will turn over the supervision of the water, game, and fish laws, especially the fish laws,

you, has already had active attention at our hands.

Secretary.

I hope that gentlemen will not make the point of order, but will let us vote it down here, so far as that is concerned, because the Committee on Appropriations is charged with the fiscal responsibility for this House. That committee gives careful and painstaking consideration to all of these questions, and I do not believe it is the fault of that committee that we have failed to secure this increase in the authorization. But there is a place where it is in order to put this item in this bill. After a bill has been passed by the other body it is in order over there to place it as an amendment on an appropriation bill, and it will come up in an orderly and proper manner, and I hope the distinguished gentlemen who will be the conferees and managers on the part of the House will permit this item to remain in the bill, if the Senate, in its wisdom, sees proper to put it in.

Mr. RAUCH. Mr. Chairman, under the circumstances I feel that we are justified in making a point of order. Therefore, I make the point of order.

The CHAIRMAN (Mr. RUBEY). The Chair sustains the point of order.

The Clerk read as follows:

LIGHTHOUSE SERVICE.

General expenses: For supplies, repairs, maintenance, and incidental expenses of lighthouses and other lights, beacons, buoyage, fog signals, lighting of rivers heretofore authorized to be lighted, light vessels, other aids to navigation, and lighthouse tenders, including the establishment, repair, and improvement of beacons and day marks and purchase of land for same, the establishment of post lights, buoys, submarine signals, and fog signals, the establishment of oil or carbide houses, not to exceed $10,000: *Provided*, That no oil or carbide house erected hereunder shall exceed $550 in cost; construction of necessary outbuildings at a cost not exceeding $200 at any one light station in any fiscal year, the improvements of grounds and buildings connected with light stations and depots, wages of laborers attending post lights, pay of temporary employees and field force while engaged on works of general repair and maintenance, and pay of laborers and mechanics at lighthouse depots; rations and provisions or commutation thereof for keepers of lighthouses, officers and crews of light vessels and tenders, and officials and other authorized persons of the Lighthouse Service on duty on board of such tenders or vessels, and money accruing from commutation for rations and provisions for the above-named persons on board of tenders and light vessels may be paid on proper vouchers to the person having charge of the mess of such vessels, reimbursement under rules prescribed by the Secretary of Commerce of keepers of light stations and masters of light vessels and of lighthouse tenders for rations and provisions and clothing furnished shipwrecked persons who may be temporarily provided for by them, not exceeding in all $5,000 in any fiscal year, fuel and rent of quarters where necessary for keepers of lighthouses, the purchase of land sites for fog signals, the rent of necessary ground for all such lights and beacons as are for temporary use or to mark changeable channels and which in consequence can not be made permanent, the rent of offices, depots, and wharves, traveling expenses, including per diem in lieu of subsistence under rules prescribed by the Secretary of Commerce not to exceed $4 per day, and mileage, library books for light stations and vessels, and technical books and periodicals not exceeding $1,000, and for all other contingent expenses of district offices and depots and for contingent expenses of the office of the Bureau of Lighthouses in Washington, $2,775,000.

Mr. BROWN of New York. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, at the end of line 13, page 130, the following:

"*Provided*, That hereafter employees of the Lighthouse Service who are not now entitled to leave of absence with pay, and who have served 12 consecutive months, shall be given 15 days leave of absence with pay each year: *Provided*, That pro rata leave shall be allowed those serving fractional parts of a year: *Provided further*, That heads of divisions shall have discretion as to the time when the leave shall be granted."

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. BROWN of New York. Mr. Chairman, there are only about 300 men who would be affected—more or less—by this amendment. They are the mechanics in the employ of the Bureau of Lighthouses, and they do the mechanical work that may be necessary from time to time. I think they are the only mechanics in the employ of the United States Government who do general work of this kind for whom vacation allowance is not made. I think in ordinary justice they ought to be included with all of the other mechanics in the navy yards and elsewhere, and receive their pro rata of 15 days' vacation allowance with pay. The Senate has recently passed Senate bill 1262, which so provides. The Secretary of Commerce is strongly in favor of this legislation. I would urge the crowded condition of the calendar as being the chief reason for adopting this amendment at this time.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. I insist upon the point of order. There is a legislative committee that attends to that, presided over by the able gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, I thank the gentleman for his compliment, but the infirmity of that distinguished chairman, which I admit, is that he can not get consideration for as many good bills as he would like.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States, $165,000.

Mr. BRYAN. Mr. Chairman, I move to strike out "$165,000," in line 5, page 132, and insert in lieu thereof "$225,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 132, line 5, strike out "$165,000" and insert "$225,000."

Mr. BRYAN. Mr. Chairman, Secretary Redfield, to whom the Pacific coast owes a very great obligation for the efficient way in which he has taken up the work of the Government on the Pacific coast and has taken up the matter of the proper development of these matters under his department, has especially attempted to impress upon the Appropriations Committee the necessity of an appropriation of $225,000 under this particular item for charting these Alaskan coasts and for wire-dragging these waters in the way suggested by my colleague [Mr. FALCONER], who preceded me a few moments ago, and affording some kind of an assurance to vessels that sail and steam along those coasts against rocks that are uncharted and are menaces to navigation that can not be seen or discovered except by such survey.

If you go on the Atlantic coast you have bells on your towers and bells on your shores and you have buoys on the top of the water and buoys underneath, aids in every direction of every conceivable kind sufficient, it would seem, to protect the ships from all the dangers that menace navigation; but over on the coast of Alaska, where the United States Government owns practically the whole domain, where we are now expending $35,000,000 to build a railroad in order to develop our own property, we have a great deal of trouble in obtaining the right kind of allowance for these necessary purposes. It is true enough that it is necessary to economize, but I believe here is a place where every cent that is put into this development is really retained by the Government in a more emphatic way than on other coasts, and I do not think it is right for Congress to allow these ships to go down continually and repeatedly, and when the Representatives from that section of the country come and tell you about it and tell you what the conditions are, still you hold back on the appropriations that are shown to be so necessary.

The Secretary of Commerce has shown great diligence and great care, and, as I said before, the Pacific coast owes to him a great obligation. When you go to the commercial bodies, the chambers of commerce, and among the people you find that Secretary of Commerce Redfield and his work have the confidence of the people who live out there, for they know that he is trying to do the right thing by the Government's interests in that section, and we think that the Committee on Appropriations ought to have granted the request that he made for the $225,000 allowance in this case. These vessels that make these charts or at least make these surveys are, of course, more or less expensive to keep up, and in the hearings the Secretary has shown that it is simply impossible for him to do the things that ought to be done without such an appropriation. I think that the chairman of the Committee on Appropriations ought for one time to yield to the demands of the department in view of the fact that the Government is undertaking these extra lines of activity in Alaska. Under all the circumstances that section ought to have this necessary appropriation. We have already called the attention of the committee to the fact that vessels are wrecked out there simply because they do not know where it is safe to go; they do not know the rocks or the dangers or where the dangers to navigation exist, and all we want to do is to have the necessary provision and equipment to discover those points and have them charted so the mariner, as he looks at the chart, when he is going up or down that coast, can tell where it is safe to go and where it is not safe to go. Here is an excerpt from the hearings which shows how plainly and earnestly Secretary Redfield presented the matter to the committee:

Secretary REDFIELD. Mr. Chairman, I would like to make a preliminary statement, and Mr. Tittmann will supplement it. The situation in which the Coast and Geodetic Survey finds itself in Alaska is a very unfortunate one. It is called upon to survey a coast which we have spoken of this morning as having 26,000 miles outlying, very dangerous, in which there have been serious disasters within the last five years, involving serious loss of life, with an equipment which is totally inadequate for the purpose and without the apparatus to do the work. I want to be very specific about that, in order that we may lay before you what we had in mind when this estimate was prepared and anticipate a number of questions which should appear here. If there had been provided for Alaska several years ago the wire-drag apparatus, which appears on page 478, and which is included in the $225,000 there appearing—if that apparatus had been used in Gambier Bay, Alaska, we should have saved the steamship *State of California*, with her 32 people. There is no way known of detecting what are known

as pinnacle rocks except by the wire drag, and the coast of Alaska is full of them. It is a formation, I may say, which provides them particularly. The charts show, at the point where the *State of California* struck, ample depth of water. She had been in and out there many times, but this sharp pinnacle rock was entirely unknown and could not be found by any apparatus we then had or have now, and she finally hit it and went to the bottom in a few minutes with 32 people. So that we have not the physical apparatus to make useful there in the best sense the force of men we have.

Within a month I have personally been on board two of the vessels we have, and have examined them from end to end, and have seen a third vessel. Of the two vessels which we are using on that coast for this work one of them is 38 years old and the other 30 years old. Another one is 32 years old and another one is 27 years. They have earned an honorable rest.

The CHAIRMAN. Are they wooden or steel ships?

Secretary REDFIELD. Wooden ships. One of them is a composite, wood over an iron hull. They are most badly equipped; that is to say, specifically, they have no electric-light apparatus of any kind. They are without steering engines and their power is a single-cylinder condensing engine of a type which has been discarded for over a quarter of a century. I personally examined the apparatus, went into the engine room, talked to the engineers, went into the officers' accommodations, and I will say to you that they are not such accommodations as you would yourself be willing to provide if you saw them. They are what was customary 25 years ago. Now, these vessels which are small, one of them 115 feet long and another one 140 feet long, are sent into the roughest seas that we have to survey and are engaged in a service where they must be kept at sea continuously. They are, of course, without wireless apparatus, because they have no electric power. They are very slow. The *Gedney* and the *McArthur* when they are driven hard only make 9 knots an hour.

There is a great waste of time and therefore a waste of money. In the mere going back and forth upon their duties they take a lot more time than they should. In short, the whole service, with one exception, or with two exceptions, is equipped in a way which can only warrant the highest praise for the officers of that service who have made it last as long as it has, and I have rather reproved my friend and associate, Mr. Tittmann, for not having been a little more aggressive in respect of pushing for this longer. I want to say that before the new vessels and the added equipment we ask for can be provided I greatly fear that there may be serious accidents and loss of life on the coast from lack of apparatus, and, secondly, that these vessels will be out of repair before their successors can be built, so that they will be useless. If we succeed in a new vessel it will be in the *Gedney* at, that time the *McArthur* will be 40 years old and the *Gedney* 41 and out of all fitness for the work they are charged with doing. Therefore we have put in, at my request, equipment for wire drag apparatus for the Pacific coast such as we have on the Atlantic, and which is far—I was going to say far worse needed there, although it is needed in both places—and I have put in a request for the vessels which we require to do this work which is of greater urgency than ever before.

I have received the following from the Seattle Commercial Club, which I commend to the consideration of Congress:

The English-speaking world has again been called upon to shudder at the recital of a disastrous wreck in Alaskan waters. For years petition after petition has been presented to the proper authorities requesting aids to navigation, better facilities, and more thorough survey of the inland waters of this the most valuable outside territory of the United States, but with little effect. Each passing year witnesses some disastrous wreck on this coast, which in almost every case is due to the absence of aids to navigation or the fact that the waters have been improperly charted.

Whereas on the morning of August 17 the steamship *State of California* struck a reef in Gambier Bay, southwestern Alaska, and in three minutes went to the bottom, but with the awful death toll of 32 souls as a relic of the direful event; and

Whereas this steamship was traveling over a route not usually covered by steamships, owing to the fact that it was engaged in aiding the industrial development of a frontier section of Alaska, specifically the development of fishing and other industries on Prince of Wales and other important islands of the western coast, whose waters are almost wholly uncharted and where practically no aids to navigation exist; and

Whereas for years past wrecks of all kinds, amounting to millions of dollars, have occurred in the Alaskan Archipelago, resulting in a tremendous financial loss as well as a large number of human lives: Therefore be it

Resolved, That the attention of the Congress of the United States be drawn to this condition and that Senators, Members of Congress representing the State of Washington, and the Delegate in Congress from the Territory of Alaska be requested to bring this matter directly before the House of Representatives, and that they be urged to introduce a bill in those bodies calling for a full investigation; and be it further

Resolved, That the Senators and Representatives and Delegate mentioned above be requested to procure, or have procured, for such investigation full facts regarding the uncharted waters of Alaska from the United States Coast and Geodetic Survey and the Hydrographic Office of the United States Navy, as well as a report covering the need of further aids to navigation from the Bureau of Navigation and the United States Lighthouse Board; and be it further

Resolved, That the Commercial Club of the city of Seattle respectfully request immediate action on the part of the Representatives of the State of Washington in the matter of the above, owing to the urgency of the case and growing importance of Alaska and the steady increase in its shipping and commerce relations.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be agreed to. The request made for this money was not accompanied by information which would enable the committee to grant it. Some of the vessels that are utilized up in Alaskan waters a portion of the year must be laid up for repairs when they come back. They can not be utilized the entire year. Various estimates have been presented as to the cost of certain things, but the entire information furnished the committee was so unsatisfactory that we could not justify an increase of this appropriation at this time, and I hope the amendment will not prevail.

Mr. FALCONER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FALCONER. Did not the Commerce Department present an argument showing that these boats used up in Alaskan waters in the summer months could be used on the California and Oregon coasts?

Mr. FITZGERALD. The unfortunate part of that is that two years ago the committee went into the matter very fully, and after these vessels have finished their work in Alaskan waters and returned to the Pacific coast it is necessary to overhaul them and they are laid up and can not be used on other parts of the Pacific coast during the winter months. The thought of using them on the southern coast of California was an afterthought. It is not possible to take these vessels from Alaska, overhaul them, and send them away south to work during the winter months and then bring them back and send them up to Alaska. It would be a very unprofitable undertaking, and they can not work on the north Pacific coast in the winter months any more than they can in the Alaskan waters.

Mr. FALCONER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. FALCONER. By what methods are you going to survey these coasts?

Mr. FITZGERALD. They are being surveyed. It has been carried on satisfactorily for some years. We appropriate $165,000 a year for this particular work. Of course I know that all of these departments wish to enlarge their activities very much and ask for an increase of almost 50 per cent on this particular appropriation. If that rate were retained throughout all this service the result would be that the cost to the Government would be so great that it would not be justified.

Mr. FALCONER. The United States Coast and Geodetic Survey shows that in 12½ fathoms (75 feet) of water the *California* struck and went down; in 111 fathoms (666 feet) of water the *Mariposa* struck, and the whole bottom of the ship was torn out. The ship *California* had been over that direct route some 16 times. Of course it was a little out of the way. There was nothing there to indicate shallow water.

Mr. FITZGERALD. There is no guarantee that if more extensive surveys had been made in that particular direction they would have discovered these pinnacle rocks at those points. The committee went very exhaustively into the manner in which these surveys are made, and even with the utmost care they are not always likely to discover these pinnacle rocks in the water. But this work is being carried on as expeditiously as it can be justified, in my opinion.

Mr. FALCONER. The dragnet theory suggested by the department would certainly catch these pinnacles. On a stretch of 500 feet of net they will survey something like, if I remember, 3,000 square miles a season.

Mr. FITZGERALD. By the time they cover the Alaska coast in that survey a great many years will go by. We have been working on the Atlantic coast and Gulf coast a great many years. And the result is that we have fairly good results, but no guaranty at all that there are not pinnacle rocks in places that are unknown. Of course, the formation of the coast makes it somewhat dangerous even with a sandy shore and beach, but there is a likelihood of these pinnacle rocks on the shores where there is a rock formation of volcanic origin.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. There is no necessity for increasing the appropriation. I hope it will not be done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN].

Mr. MANN. Mr. Chairman, I sometimes think that all of us ought to at least occasionally remember that no money can be paid out by the General Government until it has first been paid in, and that while we are making special plans for the expenditures of money it is very seldom any of them make a special plea in behalf of the fellow who has to pay the bill.

Here is a proposition where we are now appropriating for the Coast and Geodetic Survey along the entire Atlantic and Gulf coasts, including the Panama Canal, $65,000 a year, and we appropriate for the Pacific coast $165,000 a year. And yet our enthusiastic friends from the Pacific coast are not satisfied. They want to make the world over in a minute. We now appropriate in one year more money for the Pacific coast than we had appropriated altogether for these purposes up to 100 years ago. And we had sailors on the sea and ships on the sea in much greater numbers and importance than we now have them on the Pacific coast. They were real sailors

provide sufficient aids to navigation. Not only is our Government responsible to a great degree for all this loss of property, and with the great losses of underwriters, but it is also responsible for the loss of many lives during the period mentioned in the above list.

Surely the people who travel to and from the great northland, which is occupying so important a place in the public prints at the present time, are entitled to the protection of their home Government. And the men who have invested their money in floating property that the great Alaskan country might be opened up and developed are surely entitled to all the assistance they can possibly get from the Government which gives them the right to engage in this coastwise traffic. Similar protection should be given the insurance people, who make it possible for the transportation men to operate their vessels. Insurance rates on Alaskan hulls would now appear to be as high as the traffic will bear, and yet, notwithstanding the insurance rates charged, it does not require very much figuring to show anyone that underwriters have lost money on Alaska business. The question is a serious one.

Mr. Chairman, the press generally of the West urges action on the Congress, and tends to place the responsibility for future safety upon Congress. I quote from the Morning Tribune, Everett, Wash.:

GOVERNMENT HELD RESPONSIBLE FOR WRECK OF STEAMER "CALIFORNIA"—UNITED STATES GOVERNMENT FAILED TO CHART CORRECTLY ROCK IN GAMBIER BAY—34 LIVES LOST WHEN ILL-FATED SHIP SINKS—DISASTER DECLARED TO HAVE BEEN UNAVOIDABLE UNDER THE CIRCUMSTANCES.

SEATTLE, *September 6.*

Finding that the failure of the Government to chart correctly a portion of Gambier Bay, Alaska, was the direct and only cause of the wreck of the steamship *State of California* in those waters Sunday, August 17; completely exonerating Capt. T. H. Cann, jr., and his associates from any blame in connection with the disaster, and highly complimenting the performance of the officers and the equipment of the ill-fated vessel, the official report of the board of inquiry which, in this city, investigated the wreck, was forwarded yesterday to the Department of Commerce at Washington, D. C.

DISASTER UNAVOIDABLE.

Included in the report was a transcript of all the testimony taken, as well as the findings of the board. Capt. Blon B. Whitney and Capt. Robert A. Turner, Federal marine inspectors, with headquarters in this city, who comprised the board of investigation, united in the final decision on the disaster.

The disaster, as well as the loss of 34 lives, was declared, in their opinion, to have been unavoidable under existing circumstances. Led by the chart to believe that there were 72 feet, or 12 fathoms, of water beneath his vessel, Capt. Cann was entirely justified in assuming that the course was safe, the inspectors decreed.

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NEW SEATTLE CHAMBER OF COMMERCE,
Seattle, Wash., April 7, 1914.

Hon. J. A. FALCONER,
House of Representatives, Washington, D. C.

DEAR SIR: Appropriations have been asked in Congress by the Department of Commerce for the construction of vessels and for increase in the facilities for making a proper survey of the Alaska coast and for wire-drag operations to locate pinnacle rocks, which have in the past caused numerous accidents and the loss of many lives.

Unless the department is enabled to carry out the work proposed, the menace to life and property and to uninterrupted communication will be greater than has been the case in the past, owing to the increase in travel, in the number and size of the vessels employed, and in the quantity of freight coming with the era of railroad development and the opening up of the Territory.

This chamber respectfully appeals to you to use every available opportunity of urging the granting in full of the appropriations recommended. The attached copies of correspondence interchanged between the steamship companies operating in Alaskan waters and the Department of Commerce present details of the situation and its requirements.

Such accidents as that to the *State of California* in Gambier Bay last August, causing the loss of 32 lives, would have been avoided if thorough surveys had been made to locate pinnacle rocks in the main ship channels, where the charts showed great depth of water.

While improvement in the last two years has been made in the way of safeguarding navigation in Alaskan waters, much yet remains to be done. This can only be accomplished by providing the means called for by the Department of Commerce, including, among other things, appropriation of $325,000 for Coast and Geodetic Survey vessels, three of which are intended solely for Alaska and three for economical operation of the wire-drag expeditions in exposed regions.

As pointed out by Secretary Redfield on his recent visit, the Government is about to expend $35,000,000 in building an Alaskan railroad, to begin at tidewater at some port from 1,000 to 1,500 miles north of here. Properly marked navigation courses really constitute the initial link in this great transportation system for the northern Territory.

Furthermore, proper provision for the Geodetic Survey will make it possible to continue crews, which work in northern waters during the summer, at work on necessary surveys on the Sound and along the coast States during the winter, thus overcoming the present rather costly practice of disbanding them in the fall and recruiting new crews in the spring.

We realize that you recognize the vital importance of this subject, but we write this letter for the purpose of bringing it directly to your attention and of placing before you the information herewith transmitted.

Yours, very truly, C. B. YANDELL, *Secretary.*

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DEPARTMENT OF COMMERCE,
OFFICE OF THE SECRETARY,
Washington, December 29, 1913.

DEAR SIR: I am in receipt of your favor of the 26th of November, forwarded through Capt. J. F. Pratt, inspector in Seattle of the United States Coast and Geodetic Survey, transmitted to me by the superintendent of that bureau of this department.

The subject of the communication, which is signed not only by you but by four other steamship companies, is one of the deepest interest to me, and one which, I think you will agree, when the facts are before you, has already had active attention at our hands.

On November 17 I wrote the President thus:

"The need of safeguarding the Alaskan coast is enforced by the loss this season of two important vessels, the *Corwin* and the *State of California*, with serious loss of life. Our estimates call for vessels to finish promptly the survey of the coast and for funds to light it better. The Northwest is greatly concerned, and properly, about it."

To this the President replied, November 18:

"I also hope sincerely that the Congress may be able to afford us the means which we lack of safeguarding the Alaskan coast."

I am sending you separately a copy of my annual report, issued on the 16th instant. Your attention is especially invited to page 11, from which you will see that the matter has been formally placed before Congress.

I quote below so much of a communication dated December 16 from the Superintendent of the Coast and Geodetic Survey as refers to Alaskan matters:

"This bureau is in full accord with the letter of the steamship companies interested in the Alaska trade, dated November 26, 1913, which was forwarded to you with my note of December 13, 1913, in regard to the necessity of examining by the wire drag the lanes of travel followed by the steamships in Alaska. The letter discloses, as was to be expected from such authorities, an appreciation of the difficulties in locating submerged pinnacles.

"For some time this survey had had in mind the urgency of such examinations and the need of accelerating the work in Alaska and increasing the means of rapid chart publication.

"The form of the appropriation for the survey is such that the sum total of the appropriations is divided among separate items. Increases have therefore been improved by you in various scattered items of the appropriation bill which bear directly on increased activity of the survey in Alaska.

"It is perhaps not necessary to mention the items for additional small buildings and extensions and for new lithographic charts.

"The other items involving increases directly or indirectly for the Alaska surveys are as follows:

"Under 'Party expenses, Pacific,' an increase of $60,000 has been submitted. Of this amount the following is intended for the Alaska field work:

For one wire-drag party	$18,000
Additional to increase the efficiency of the 6 Alaska vessels	7,000
Total	25,000

"Of the remaining $35,000, $32,000 is intended for surveys and resurveys on the coasts of California, Oregon, and Washington, including wire-drag work, three vessels in full commission during the winter months, extension of the coast triangulation and chart-revision parties, all of which are matters that should receive immediate attention and are closely related to the maritime commercial necessities of Alaska.

"Under 'Continuing researches in physical hydrography,' etc., an increase of $5,000 has been requested. This amount will be used in increasing the activities for securing better tidal and current information along the coasts. There is an urgent demand for information of this character from mariners on the Pacific coast of the United States and in Alaska.

"Under 'Offshore soundings,' etc., an increase of $5,000 has been submitted. This is about the amount that will be required for the field revision of the Alaska Coast Pilot, including the employment of the necessary experts.

"Under 'For continuing magnetic observations,' etc., an increase of $25,000 has been requested. This is intended to start the work of carrying the triangulation from the Bering Sea, across Alaska to the one hundred and forty-first meridian, and its work that should no longer be delayed. Its completion will be necessary before accurate maps of Alaska can be made, and it will be most valuable in the development of the resources of Alaska.

"Under 'Objects not named,' etc., an increase of $1,000 has been estimated. This is intended to provide funds for plans and specifications for the new vessels for Alaska surveys. Some new language has been inserted in this item making it available for emergency relief in cases of distress in remote regions, such as in the case of the Katmai volcano in 1912, the smallpox epidemic near Fort Yukon, and the more recent case of the shipwrecked passengers and crew of the steamship *Cheanoa*, stuck off the coast of Prince of Wales Island.

"Under 'Pay of necessary employees to man and equip the vessels,' an increase of $22,800 has been requested. This will provide the necessary additional employees for the wire-drag party on the Pacific coast and Alaska, and will enable this service to keep three of the Alaska vessels at work during the winter on much-needed surveys and resurveys on the Pacific coast.

"Under 'Salaries,' an increase of six additional assistants at $2,400 has been submitted. These trained officers are urgently required, and will hardly meet the demands for the wire-drag work, the Yukon triangulation, and for the new vessels estimated for under another head.

"You have approved estimates for six new vessels for the Coast and Geodetic Survey, $525,000, three of which are intended solely for the Alaska surveys and three smaller ones for the more efficient and economical operation of wire-drag operations in the more exposed regions."

In addition to the above the sum of $60,000 is included in our estimates now pending before Congress for additional aids to navigation to be established by the Bureau of Lighthouses, and you will notice on page 114 of the annual report that Congress has already made an appropriation for a light and fog signal at or near Cape St. Elias, Alaska, of $115,000. A bill is now pending in Congress authorizing a lighthouse tender for Alaska at $325,000. This vessel is already authorized at a cost of $250,000, but the service requires a larger ship and we are asking that this amount be increased by $75,000 to $325,000. No appropriation for this is yet made.

We are furthermore requesting of Congress funds sufficient to provide vessels for transporting our salmon agents along the Alaska coast, of which you will find a note at the bottom of page 17.

It is our intention also to strengthen the work of the Steamboat-Inspection Service and that of the Bureau of Navigation in Alaska.

The subject of giving assistance to Alaska commerce, so far as it lies within the power of this department to do it, is one which we regard as of high importance, and the department will be glad to take any proper steps to push the matter to a successful conclusion.

I shall take the liberty of placing your letter within the knowledge of the proper committee of Congress, and I have no doubt they will give same thoughtful consideration.

Yours, truly, WILLIAM C. REDFIELD, *Secretary.*

SEATTLE, *November 26, 1913.*

Hon. WILLIAM C. REDFIELD,
Secretary of Commerce, Washington, D. C.

SIR: On July 14, 1909, the steamship *Ohio*, en route from Seattle to ports in Alaska, struck an uncharted rock in Tongass Narrows, just north of Ketchikan. The charts showed no soundings where she struck under 30 fathoms (180 feet).

On August 13, 1912, the steamship *Mariposa*, while en route from Alaska ports to Seattle, struck an uncharted rock off Point Baker, in Sumner Straits, just west of where the chart shows 111 fathoms (666 feet).

On August 17, 1913, the steamship *State of California*, while leaving Gambier Bay, Alaska, struck an uncharted rock where the chart showed 121 fathoms (75 feet).

In the cases of both the *Ohio* and *Mariposa* there was no serious damage to the vessels, and they were able to proceed on their voyage, but in the case of the *State of California* the ship sank within a few moments after striking and 32 lives were lost.

These rocks are what are known as pinnacle formations, which are peculiar to the waters of southeastern Alaska, and lead where the usual method of survey is followed. Tongass Narrows and Sumner Straits are stretches of water which have been used by vessels since the inception of trade to Alaska. Gambier Bay has been used for the past two years, since a canning industry was started therein. The *State of California* had made 16 trips in and out of the harbor during that time, and there had been several other vessels employed in the trade as well.

These accidents show the prevalence of uncharted rocks in regular channels and the necessity for resurvey work in order to discover these hidden dangers and to better safeguard not only the value of property, but, what is more important, human life. Persons competent to judge, including the local officers of the Coast Survey, express the opinion that the only way in which the presence of pinnacle rocks in the main ship channels can be ascertained is to drag the channels, and this can only be done at a large expense. However, we believe that the large increase in the number of vessels employed and in the number of passengers traveling between the ports of Puget Sound, British Columbia, and southeastern Alaska justify the Government in incurring whatever expense may be necessary to locate these hidden pinnacles. It is the desire of the steamship companies operating in Alaska to urge in every way possible the granting of sufficient appropriation to give the Coast Survey sufficient equipment and funds with which to prosecute this work, and it has arranged, among other things, to send each Congressman a letter showing the larger number of vessels employed in the trade, the increase in their size, the increase in the number of passengers traveling, and setting forth the dangers to ships, ship passengers and cargo are subjected, and urging the necessity of appropriations in such amounts as the department may consider necessary for the proper execution of this work.

The purpose of this letter is to explain to you what the steamship companies have in mind and to respectfully solicit from you suggestions as to what further action we can take toward bringing about the desired result.

Respectfully submitted.

ALASKA STEAMSHIP CO.,
By R. W. BAXTER, *Vice President.*
ALASKA COAST CO.,
By H. F. ALEXANDER, *President.*
HUMBOLDT STEAMSHIP CO.,
By M. KALISH, *Vice President.*
NORTHLAND STEAMSHIP CO.,
By H. C. BRADFORD, *President.*
PACIFIC COAST STEAMSHIP CO.
By J. C. FORD, *President.*

Mr. Chairman, the President urges an adequate appropriation for coast and geodetic surveys here.

The Secretary of Commerce, Mr. Redfield, has a fine appreciation of the benefits to be derived by a thorough submarine charting of Alaska waters, and he recommends the wire-drag device be used to locate the pinnacle peaks that characterize these waters.

While the point of order raised against the pending amendment may be insisted upon, it is to be hoped that this Congress may pass the bill reported out and favorably recommended by the Interstate and Foreign Commerce Committee, of which the distinguished gentleman from Georgia [Mr. ADAMSON] is chairman.

Mr. FITZGERALD. I wish to say this much in reference to this matter: There is a boat authorized, to cost, I think, $250,000. There is no authority for a boat to cost $325,000. Whatever may be the merits of the controversy as to whether a larger or a smaller boat should be built, I am obliged in my capacity as chairman and representing the committee to protect the bill from such amendments.

Mr. BRYAN. Will not the gentleman, when he is aware that there is the chairman of another committee before the House who explains the situation and waives the jurisdiction of his committee, and that every reason of economy and justice and fairness requires this boat to be built—will he not yield an ordinary technical point and permit this amendment to go in?

Mr. FITZGERALD. No. If I did, somebody else is ready to make the point, and I think I had better exercise it myself.

Mr. BRYAN. I think the gentleman from Illinois would waive it.

Mr. FITZGERALD. If the gentleman persuades the gentleman from Illinois to waive it, I would not be surprised if it had some influence on me.

Mr. BRYAN. Then it is up to the gentleman from Illinois. Surely he will not object.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, this appropriation ought not to be made on its merits. A few years ago we were building lighthouse tenders for $150,000 apiece. Then we increased the amount until we got up to $200,000. I made some investigations myself, and concluded that it would take $225,000; and we provided $225,000 for a lighthouse tender. Then we afterwards authorized a lighthouse tender for the Pacific coast for $250,000.

They can build all they need in the way of lighthouse tenders for the Pacific coast and for the Alaskan coast for $250,000, to attend to the lighthouse work and to take care of the aids to navigation on the Alaska coast. But some brilliant gentleman, connected somewhere with the Department of Commerce, concluded that they would like to have a little better boat to sail in—one where there would be less likelihood of turbulence and seasickness from the elements—and so they conceived the idea that they ought to add $75,000 to the $250,000 and build what they call a lighthouse tender for $325,000, under the excuse that they needed it to go to the Pribilof Islands to carry supplies there.

Anyone thoroughly familiar with the duties of a lighthouse tender, outside of the Department of Commerce, ought to know that the lighthouse tender attending to work regularly could not well be used for trips to the Pribilof Islands. Originally the excuse was given that they ought to have a tender to carry supplies from the western coast up to the Pribilof Islands, and also to carry coal down the Yukon River—if that is the name of the river—from the coal fields of Alaska to the Pribilof Islands. A more absurd proposition, as far as the practical use of the lighthouse tender is concerned, I never heard.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SELDOMRIDGE. Does not the gentleman recognize that there might be a demand for a vessel to carry a certain amount of freight for the Government in Alaskan waters that would not be required of a lighthouse tender on the Atlantic coast? The Government has paid $83,000 during the past four years for this purpose.

Mr. MANN. The Government pays out large sums to carry supplies to the Philippine Islands. Perhaps the gentleman from Colorado thinks we ought to build a lighthouse tender to carry freight to the Philippines. There is no connection between a lighthouse tender for taking care of the aids to navigation on the Alaskan coast and carrying coal and other supplies to the Pribilof Islands.

Mr. SELDOMRIDGE. If by the addition of $75,000 to the cost of the vessel we could secure a vessel that would do this work, does not the gentleman think it would be advisable?

Mr. MANN. You can not secure a vessel to do that work. The result would be that you would have a vessel costing $325,000, and instead of doing lighthouse work it would be carrying officials and supplies, mostly officials, between here and the Pribilof Islands and back again. I might get a sail in it, and it might be that my friend from Colorado would get one. But for lighthouse service the $250,000 vessel engaged in attending to the aids of navigation would be worth two of these vessels used a part of their time in going to the Pribilof Islands.

Mr. SELDOMRIDGE. Mr. Chairman, I would like to ask the chairman of the Committee on Interstate and Foreign Commerce, who has looked into this matter, if his committee has not recommended the construction of this vessel?

Mr. ADAMSON. Mr. Chairman, I so stated two or three times a few moments ago on the floor. It appears to be a question of judgment entirely between the distinguished gentleman from Illinois [Mr. MANN] and the Secretary of Commerce. I could readily concede that up to two years ago the gentleman from Illinois knew more about it than the Secretary of Commerce, but for the past 18 months the Secretary of Commerce has been giving exclusive study to these subjects. If the gentleman from Illinois were the Secretary of Commerce, I believe I would lean to his judgment, rather than to another, if the other was a Member of Congress and the leader of the minority, charged with opposition to all measures that come before Congress, which must necessarily divide his attention.

As I understand the Secretary of Commerce, he thinks it would be economical in building a vessel to replace one that was lost a few years ago to build it a little larger, so he could dispense with the necessity for still another vessel; that it might be that one vessel for $325,000 would serve two purposes, instead of having two vessels, to cost in the aggregate $500,000. I have no doubt in the world of the absolute necessity—not only propriety, but necessity—for increasing this authorization to $325,000, but I do not intend to vote for it here.

jurisdiction and in which he may be interested, while insisting that under no circumstances shall I carry in this bill items over which his committee has jurisdiction unless they are authorized by law.

Now, if the bars are to be taken down and the chairman of the Committee on Interstate and Foreign Commerce can exercise discretion regarding the matters which he will recommend, regardless of the jurisdiction of the Committee on Interstate and Foreign Commerce, that is one thing; but I think that the wisest and best and most orderly way to conduct the business of the House is to let the gentleman's committee exercise its jurisdiction and let the Committee on Appropriations recommend appropriations in accordance with the law. Then we shall have much better results.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Georgia?

Mr. FALCONER. I yield.

Mr. ADAMSON. I wish to say, Mr. Chairman, that I am not trying to lead the gentleman from New York. I would not offer any amendment to his bill so long as I am one of the chairmen of the great Democratic committees of this House; but, Mr. Chairman, the gentleman can not plead around an item in that way, because the committee of which I am chairman has done its best to make that authorization. It has reported its own bill, which was objected to on the floor, and it has reported the Senate bill and tried to get consideration of it. We thought we would have consideration for it next Monday, but I find upon inquiry that we are not to have it. I request, inasmuch as we have not been able under the parliamentary situation to get consideration of a bill that ought to pass, that the gentleman from New York recognize the fact that the Senate has passed the bill and the House committee has recommended both bills, and that he is at liberty to offer an amendment to put that item in the bill.

Mr. FITZGERALD. The gentleman must realize that I merely represent our committee. I have no authority to assume the right to offer amendments to this bill that would be subject to points of order, and then, in carrying out the instructions of the committee, raise points of order against amendments that other gentlemen would offer.

Mr. ADAMSON. I only wanted the gentleman to understand that he would not be tramping on anybody's toes if he offers such an amendment.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Washington be extended for five minutes.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FALCONER. I thank the gentleman. Mr. Chairman, I ask that the amendment I offer be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Washington [Mr. FALCONER].

The Clerk read as follows:

Amend, page 128, after line 18, by inserting the following: "For lighthouse tender for Alaskan waters, $325,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. FITZGERALD. I reserve a point of order, Mr. Chairman, until I hear what it is.

The CHAIRMAN. A point of order is reserved.

Mr. FALCONER. Mr. Chairman, the gentleman from the State of Maine [Mr. MCGILLICUDDY] a few moments ago gave something of the history of wrecks on the coast of Maine. I want to say to the Members of the House that Alaskan waters, since the United States Government bought Alaska, have presented a string of wrecks and sea horrors that is very extraordinary.

I have in my hand a list of ships that have been lost since Alaska came into the possession of the United States. Eighty-three ships have been entirely destroyed and wrecked in Alaskan waters in that time, and the value reaches to something like $7,500,000.

The Department of Commerce, having had the matter under consideration, and having had the data presented to it by the chambers of commerce and by the seafaring men of the Pacific coast, recommended an appropriation of $325,000 for a lighthouse tender ship to replace the *America*.

Mr. ESCH. Will the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. ESCH. The vessel to which the gentleman refers was wrecked off the Alaska coast in May, 1912, and this tender is to supplant the one that was lost.

Mr. FALCONER. Mr. Chairman, I desire to place before Congress some facts bearing on the amendment, and also call the attention of the House to the necessity for this and other appropriations in order that some of the dangers now existing may be eliminated.

In 1913 three ships were lost. I am not speaking of those that were partially wrecked, and repaired at an expense of from $5,000 to $25,000 for each ship, but lost in 1913. The *Yukon* sank off Sanak Island. She was worth $170,000. The *State of California* sank in Gambier Bay in 1913, with a loss of 34 lives. The value of that ship was $225,000. The *Curacao* was lost in 1913 off Warm Chuck. She was worth $225,000. I could go on back to the year 1878 and include some 80 ships. It seems to me that the committee having this matter in charge ought to have given more consideration to the dangerous conditions obtaining out there, and have made an appropriation for this lighthouse tender. Anyone who knows anything about the Pacific coast—and I am sure there are many gentlemen on the floor who know as much about it as Pacific coast members—must appreciate the fact that something ought to be done at this session of Congress, and I hope no objection will be raised to the amendment, but that we may have this appropriation.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. FALCONER. Yes; I yield.

Mr. SELDOMRIDGE. I notice in the hearings conducted before the committee that when this matter was presented the Secretary of Commerce inserted in the record a letter which he had written to the gentleman from Illinois with reference to this matter, in which the statement is made that the Government has paid out during the last four years something like $84,000 in the way of charters for vessels to carry supplies to and from the Pribilof Islands, which supplies could be carried on this tender, and that the Government is now paying at the rate of $200 a day as a charter for a private steamer to do work that could be performed by this vessel.

Mr. MANN. Will the gentleman permit me to ask him who is the gentleman from Illinois referred to?

Mr. SELDOMRIDGE. The gentleman from Illinois [Mr. MANN] who is now addressing me.

Mr. MANN. Is that the way the Secretary manufactures evidence, to write a letter to somebody and then get it published in the hearings?

Mr. SELDOMRIDGE. It is published in the hearings.

Mr. MANN. I do not think it adds anything to it. It is news to me.

Mr. FALCONER. As regards this matter, and bearing directly upon it, Secretary Redfield has urged this appropriation; and as the chairman of the Committee on Interstate and Foreign Commerce, the gentleman from Georgia [Mr. ADAMSON], has just said, it is the opinion of the men who have given most consideration to the question that the ship ought to be built and that the appropriation should be made.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. I ask unanimous consent that the gentleman be given five minutes more time.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent that the time of the gentleman from Washington [Mr. FALCONER] be extended five minutes. Is there objection?

There was no objection.

Mr. FALCONER. The people of the country generally, and particularly those who are in direct touch with this question, fail to understand why this great loss of life and property should be continued, when it is due, as is suggested, to the indifference of the Congress.

A most extraordinary seacoast formation obtains in the inside passage to Alaska. And I wish here to read a communication received from the Seattle Commercial Club reciting facts relative to the necessity for some action:

Whereas the club has already gone on record as advocating the plan of immediately sweeping the rocky channel of the coast of Alaska to discover and locate uncharted obstructions to navigation; and

Whereas Congress is asked to appropriate money for a number of new survey boats needed to satisfactorily and completely chart the waters of the Alaska coast.

Five times Congress has been asked to make these appropriations. Four times the request has been ignored. Some action by Congress is expected this year. It would be well to consider the facts in the situation and have them properly placed before Congress, so that whatever action is taken it may be taken intelligently.

The rocky formation of the coast line and the great depth of water in most of the channels and approaches, together with numerous underwater peaks of hills projecting upward sometimes nearly to the surface without showing above, makes it necessary that the position of these underwater peaks be accurately determined and charted for safety to navigation.

The old-time and usual method of learning the depth of water has been to attach a sinker to a long line and by lowering the sinker to the bottom of the water determine the depth by measuring the distance from top of the water to bottom. This method only discloses the depth at the point where the measurement is taken, which may be within 50 feet of the perpendicular side of a rocky peak extending upward to within a few feet of the surface of the water and yet not be discernible, although it be a most dangerous menace to

the safety of ships navigating the sea in that vicinity. All such underwater peaks are discovered by drawing a long line at a graduated depth below the surface of the water along the channels and approaches frequented by shipping, say, 40 feet deep at low water.

The nature of this service is such that a small wire cable, probably one-half inch in diameter and one or more miles in length, suspended from buoys or small boats, with one or two occupants in each, would seem to be most suitable; drawn through the channels and along the routes frequented by shipping, all obstructions rising near enough to the surface of the water would be discovered and promptly marked by buoys placed in the boats for the purpose, and the continuation of the search would be kept up without delay, thus making it possible to cover a space 20 to 50 square miles daily in ordinary summer weather.

The class of shipping best adapted to this service is the 75 to 100 foot power fishing craft, because their power is not sufficient to break the cable if obstructions are met suddenly; they can proceed at a speed of 3 to 5 miles per hour, which is ample; they can carry all the boats and men required to perform the service efficiently under the supervision of officers of the United States Coast and Geodetic Survey or naval officers.

They can easily cover 500 square miles of ocean service monthly, or 3,000 square miles per season of six months yearly; five outfits of two power craft to each could be working at once, making it possible to survey 15,000 square miles of surface waters of the coast yearly for less expense to the Nation than it would cost to build two specially designed crafts, which might, after all, be poorly adapted to the purpose.

The cost for charter of suitable boats and crews would be less than $3,000 per month for each craft, or $18,000 for six months' service of each vessel and crew; 10 vessels (5 outfits) would cost the Nation less than $180,000 for the 3,000 square miles of estimated area of survey.

When the survey for the location of all undiscovered projections into the path of navigation is completed and their position discovered and marked the hydrographic office can complete the service by placing the positions on the charts accurately. Any appropriations for the purpose exceeding in amount the above-named estimates are excessive, since there is plenty of material, both vessels and men, at present available for the purpose: Therefore be it

Resolved, That a letter embodying the terms of this communication be forwarded to Members of Congress from this coast.

OTTE CASE, *Secretary*.

Mr. Chairman, I want to insert an article, inspired by the wreck of the *State of California*, from the Railway and Marine News:

CONGRESS ALONE TO BLAME FOR LATEST ALASKA WRECK—INSUFFICIENT AIDS TO NAVIGATION AND LACK OF PROPER CHARTING RESPONSIBLE FOR LOSS OF 32 PEOPLE—VALUE OF TOTAL LOSSES IN ALASKA WATERS MORE THAN $7,000,000.

The loss of the steamship *State of California* in Gambier Bay on the early morning of August 17, in which 32 lives were lost, has again called the attention of the public to the deplorable condition of Alaska as regards aids to navigation and insufficient charting. At intervals during the past 10 years agitations have been started and the attention of Congress has been called to this very important matter. Congress has been petitioned for appropriations for more and better aids in the district of Alaska, extending from Portland Canal, where the British Columbia coast line terminates, to different ports of call to the eastward as far as Nome and St. Michael. This agitation, made at different times, has borne fruit in a small way, and while Alaskan waters are much better lighted and marked than they were 10 years ago, the increase in these much-needed aids to navigation has not by any means kept pace with the growth in commerce.

A short time ago a separate lighthouse district was established in Alaska, and a lighthouse tender detailed for that duty. This was a step in the right direction, and it was hoped at the time the change was made that Congress would appropriate sufficient money for the establishment of needed lighthouses and other aids. The Lighthouse Board appreciates the needs of Alaska, and the men in charge of the work would like nothing better than to have plenty of funds with which to make needed improvements. The same is true of the Coast and Geodetic Survey. Considering the stretch of coast line in Alaska and the many routes of steamship travel, the equipment for this department of the Government service is woefully inadequate. Instead of operating two or three small survey steamers, the Government should supply a sufficient number to prosecute this work as the commerce of that district demands. If the Coast and Geodetic Survey is short of available talent to carry on this work, the Government could very well afford to send north each summer cadets out of the Naval Academy, who would thus be given some real work and who would gain some very valuable experience. During the summer season many naval vessels are in reserve at Mare Island and at Bremerton, and the young officers attached to these ships could very well be spared to serve in Alaska.

Gambier Bay, the scene of the recent deplorable wreck, was first charted in 1889, and the latest charts were compiled from figures obtained at that time. In the charts a long reef is shown, but not a single buoy marks the location of this dangerous line of rocks. In the case of the *State of California*, it can be stated that the vessel was on her regular course at 8.27 in the morning, and at 8.29 she struck the uncharted rock which ripped out her bottom plates, and at 8.32 the ship disappeared from sight. The oldest Indian living on Gambier Bay never heard of the rock which caused the *State of California* to sink, and snuffing out 32 precious lives.

In Canadian waters, whenever a new cannery is located or a new village grows to the importance of demanding steamship service, that Government's survey boats immediately repair to the scene and secure data for reliable charts. After the survey work is done, the lighthouse department gets busy and places wherever necessary aids to navigation. True, the coast line of Alaska is very much more extensive than that of British Columbia, but, nevertheless, the Coast and Geodetic Survey and the Lighthouse Departments should be given sufficient funds to prosecute work wherever vessels are navigated in these waters.

In an examination of the list of vessels lost in Alaskan waters during a period of years extending from 1878 to date, it is found that the stupendous total of $7,340,000 has been paid out by underwriters for total losses, and a sum nearly as great has been paid out for vessels that have met with disaster, been salved, and restored to their owners.

Railway and Marine News is able to publish in this issue a practically complete list of vessels totally lost in Alaskan waters, the year, where lost, and the value of hull and cargo. This paper published the greater portion of this list in its issue of October 1, 1911, that being the first time such a list had ever been published. This list is republished in this issue and brought up to date, and a perusal of the same should satisfy Members of Congress of the urgent need of assistance and the establishment of lighthouses and other aids to navigation and in a systematic charting of the waters of Alaska.

Name of vessel.	Rig.	Year lost.	Where lost.	Value of hull and cargo.
St. George	Schooner	1878	Kodiak Island	$25,000
Kodiak	do	1878	Geese Island	25,000
Mt. Walhaston	Bark	1879	Arctic	100,000
Vigilant	do	1879	do	100,000
Henrietta	Schooner	1881	St. Lawrence Island	25,000
Saphio	do	1882	Arctic	25,000
Amethyst	Bark	1885	do	50,000
Montana	do	1885	Bristol Bay	50,000
Gazelle	do	1885	Arctic	50,000
Rainier	do	1885	do	50,000
George and Susan	do	1885	do	50,000
Mabel	do	1885	do	50,000
Napoleon	do	1885	Bering Sea	50,000
Clara Light	Schooner	1886	Arctic	10,000
John Carver	Bark	1886	do	50,000
Western Shore	Sloop	1886	Bristol Bay	100,000
Young Phoenix	Bark	1888	Point Barrow	50,000
Jula Ford	do	1888	Karluk	100,000
Ohio	do	1888	Point Hope	25,000
Lucretia	Steamship	1889	Herold Island	50,000
Jas. A. Hamilton	Schooner	1889	Bering Sea	50,000
Ancon	Steamship	1889	Loring	100,000
Silver Wave	Schooner	1890	Point Barrow	10,000
Thomas Pope	Bark	1890	Point Hope	50,000
Forea	Barkentine	1890	Kalgin Island	75,000
Lizzie Williams	do	1890	Tugidak Island	100,000
Orizaba	Steamship	1890	St. Michael	100,000
Oneida	Barkentine	1891	Alaska Gulf	75,000
Wm. Lewis	Steamship	1891	Point Barrow	150,000
Abraham Barker	Bark	1892	Arctic	50,000
Ohio	do	1893	Nunivak Island	25,000
Jacob Howland	do	1895	Strong Island	50,000
Raphael	Sloop	1895	Karluk	40,000
Jas. A. Boreland	Bark	1896	Tugudak Island	100,000
Hidalgo	Brig	1896	Arctic	30,000
Mexico	Steamship	1897	Dixons Entrance	100,000
Jessie Freeman	Barkentine	1897	Point Barrow	50,000
Orca	Steamship	1897	do	100,000
Rosario	Schooner	1897	do	40,000
Navarch	Steamship	1897	Arctic	100,000
Sterling	Sloop	1898	Bristol Bay	100,000
Clara Nevada	Steamship	1898	Lynn Canal	50,000
Britannia	do	1898	Clarence Straits	100,000
Lauradia	do	1899	Bering Sea	150,000
Wildwood	Bark	1899	Bristol Bay	100,000
Mermon	Sloop	1900	Karluk	40,000
Colorado	Brig	1900	Wrangell Narrows	50,000
Hunter	Bark	1900	Bering Sea	50,000
Catherine Sudden	Barkentine	1900	do	50,000
Alaska	Bark	1900	do	25,000
Balaena	Steamship	1902	do	100,000
Chas. D. Lane	do	1902	Nunivak Island	100,000
Discovery	do	1902	Yakutat	50,000
Islander	do	1902	Gastineaux Channel	225,000
Cleveland	do	1903	Bering Sea	75,000
Sadie	do	1903	do	500,000
Star of Russia	Sloop	1905	Chichagoff Island	150,000
Balchutha	Schooner	1904	Geese Island	45,000
Servia	Sloop	1905	Kodiak Island	100,000
Nicholas Thayer	Bark	1906	do	20,000
Oregon	Steamship	1906	Cape Hinchinbrook	200,000
Mariechen	do	1906	Chatham Straits	200,000
Themis	do	1906	Hardigan Reef	120,000
John Currier	Ship	1907	Bristol Bay	100,000
St. Paul	Schooner	1907	Sukhilah Island	25,000
Wm. Baylies	Bark	1907	Arctic	50,000
Lucile	Ship	1908	Uganik	250,000
Star of Bengal	do	1908	Coronation Island	250,000
Saratoga	Steamship	1908	Bushby Island	175,000
Columbia	Ship	1909	Unimak Pass	100,000
Ohio	Steamship	1909	Belkish Narrows	300,000
Quatsino	Brig	1909	Dixons Entrance	30,000
Charger	do	1909	Kartar Bay	25,000
Farallon	Steamship	1910	Ilamna Bay	80,000
Portland	do	1910	Katalla	55,000
Olympia	do	1910	Bligh Island	150,000
Cottage City	do	1911	Seymour Narrows	100,000
Ramona	do	1911	Cape Decision	130,000
Jabez Howes	Ship	1911	Chignik Bay	100,000
Hayden Brown	Bark	1912	Montague Island	10,000
Yukon	Steamship	1913	Sanak Island	170,000
State of California	do	1913	Gambier Bay	225,000
Curacao	do	1913	Warm Chuck	225,000
Total losses				7,340,000

The above list of total losses contains the names of many vessels well known on the Pacific coast. If we were to publish a list of all the vessels that have met with disaster of different kinds in Alaskan waters—vessels that have been repaired and restored to their owners—it would include nearly all the vessels engaged in the Alaskan trade.

While many of the losses in Alaskan waters can be attributed to mistakes of mariners, and from other causes, by far the greater percentage takes of maritime, and from other causes, by far the greater percentage can be charged against the United States Government for failing to

Hon. O. GARDNER,
United States Senate, Washington, D. C.

MY DEAR CONGRESSMAN: On my return from Maine the 12th instant, I found your favor of August 24, to which by message of the 11th you kindly direct my attention. Instructions have been given to the Bureau of Lighthouses to include in their estimates for the fiscal year ending June 30, 1915, $125,000 for the construction of the lightship which was authorized as stated in your favor.

Yours, truly, WILLIAM C. REDFIELD.

So at that time the department through its head recommended as a proper piece of legislation this appropriation which we now ask. At the present time I understand the attitude of the gentlemen to be this: They do not deny the existence of the danger to innocent travelers, they do not deny but that a lightship would overcome this danger; but they say that there are some other projects that they have in mind that are more urgent than this. I know nothing about what those other projects are, but if there are any projects that are more urgent than this, where there are more dangers than there are at this point, it is the duty of the committee not only to pass this appropriation and take care of these dangers, but also to take care of all these other dangers, so that the innocent traveling public can be assured at least of their lives.

Mr. Chairman, I understand they want to try it as it is a little longer. They say they have put this submarine bell there, and they want to see how it will work another year. Suppose in the meantime another steamer, with innocent, precious lives upon it, runs upon that coast and goes to the bottom while you are experimenting with a submarine bell? Remember three vessels have already gone ashore at this point. Do you want to wait for another one to go there to save a paltry $125,000? That is all there is to this proposition. It is a question of life. It is a question of safety for the innocent traveling public. We can not afford to experiment with life and death. I say that you and I can not afford to take that responsibility. When the dangers have been brought home to us and we have full knowledge of them we can not, with our eyes open, fail to exercise this precaution for the safety of the public.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. FITZGERALD. Mr. Chairman, this lightship was authorized in the act approved March 4, 1913. When the Secretary of Commerce and the Commissioner of Lighthouses were before the Committee on Appropriations they said that, although they had submitted the estimates for the money to provide the lightship in accordance with the law, they had done so because it was authorized and had been strongly recommended by the Senators and Representatives from that section of the country, but they were not in favor of the appropriation being made. Monhegan Island has upon it a lighthouse. Two or three miles off from this island is a gas buoy, with a whistle and a submarine bell. In the fall of 1913 an improved gas buoy was placed at this point. The department believes that the aids to navigation now at this point are sufficient. They say that unquestionably a light vessel would be superior to the aids now located there, but that, everything considered, in their opinion, the existing aids are sufficient for the safe navigation of the sea; and they did not recommend the light vessel.

Three vessels were lost in this vicinity, as stated by the gentleman from Maine, but they are not recent disasters. One occurred in 1886 and one in 1902 and one in 1905.

Mr. MONDELL. But there was only one vessel lost.

Mr. FITZGERALD. There were three disasters.

Mr. MONDELL. And the other two went ashore.

Mr. FITZGERALD. My recollection is that one was a total loss. The committee gave a hearing to a former Member of the House—Mr. Littlefield—and the Representative from Maine, Mr. MCGILLICUDDY; to Mr. Gilbert Austin, president of the Eastern Steamship Corporation, of Boston; to Capt. Rawley; and to Capt. Crowley, the general manager and treasurer of the Coastwise Transportation Co. These gentlemen very strongly contended that as a matter of safety the lightship should be built and placed at this point. They contend, for instance, that they can not approach Monhegan Island and locate the buoy as they might at some other point.

The island has precipitous shores, and there is deep water right up to it, and so they can not tell by soundings or by the shoals on the bottom that they are approaching the island. They insist that the submarine bell is of no benefit to them. The chief reason why it is of no benefit is that the vessels which they navigate are not equipped with the apparatus required in order to obtain the warning of the submarine bell. Then, they contend, in addition, that even if their vessels were equipped with this apparatus, still the bell would be very unsatisfactory and unreliable, and that, as stated by the gentleman from Maine, their vessels are not deep-draft vessels and draw only from 9 to 12 feet of water, and one of these captains stated that in his experience satisfactory results have not been so far obtained with the apparatus installed for the purpose of receiving the warnings from the submarine bells upon vessels of light draft; that unless the receiving apparatus be placed quite low, some 20 or 22 feet below the surface of the water, very frequently the warnings were not received.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MCGILLICUDDY. Mr. Chairman, is it not true that they can not use the deep-draft vessels for the reason that they have to run up the rivers where the waters are shoal?

Mr. FITZGERALD. I will make that plain. I ask unanimous consent that my time may be extended for five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his time for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. It was further stated that the company was preparing apparatus or endeavoring to perfect apparatus which, if installed on light-draft vessels, would detect the warning of the submarine bell. Now, as the gentleman from Maine [Mr. MCGILLICUDDY] stated, the representatives of these corporations said that they could not use deep-draft vessels because they visited places where the depth of water was such that the vessel drawing more than 9, 10, or 12 feet could not be taken. I have endeavored, Mr. Chairman, to state comprehensively that which was presented to the committee. The responsible officials of the Government in charge of the Lighthouse Service stated that they were now expending $800,000 a year for the maintenance of light vessels; that it is not desirable to increase the number of these vessels unless it be imperatively demanded; that it costs about $15,000 a year to maintain them; without further knowledge of the situation, that with the existing aids to navigation all the reasonable precautions have been taken by the Government to make navigation of these waters safe. The committee discussed the matter somewhat at length, and finally reached the conclusion that it was compelled at least to place some reliance upon the officials responsible for the administration of this service, and if they were of the opinion that, under all the circumstances, the existing aids were adequate, until they were tried further it would be unwise and unjustifiable to incur the expenditure necessary for building a lightship. The committee therefore acquiesced in the recommendation of the department, and did not include the item in the bill. The committee has all the information in its possession. For the reason stated, I voted in the committee not to make the appropriation for this ship at this time.

Mr. MONDELL. Mr. Chairman, the Members of Congress from the State of Maine and the people interested in shipping there have been very earnest and very anxious in support of the proposition for a lightship off Monhegan Island. Quite a number of gentlemen interested in shipping appeared before the committee and made very complete statements with regard to the matter. Messrs. GUERNSEY and PETERS, of the Maine delegation, have been greatly interested in it and have urged the committee to support it. It is one of that sort of appropriations that we would like to support, and certainly would support if we believed under all the circumstances and conditions we were justified in doing so. Monhegan Island is on the steamer route from Portland to Nova Scotia, from Boston to all Maine points. It is a point of departure. Off Monhegan Island vessels take their course to the north when they are going north and in the other direction going down the coast. There is a first-class lighthouse on Monhegan, and on the island of Manana, immediately adjacent, is a first-class air siren. Some two and a half miles off the island of Manana is a gas buoy, with whistle and submarine bell. The coast and the sea about the island is subject to fogs, as the gentleman from Maine has stated, and those fogs are so dense that it is impossible to get the flash of the lighthouse on Monhegan Island; hence the air siren on Manana and the gas buoy two miles and a half farther out in the direction from which steamers approach coming from the south. There has been some difficulty there. Steamers frequently have to lay by in certain weather. There have been in the last 25 years three serious accidents in that vicinity. I do not recall that any lives were lost, but a good deal of property was destroyed in each case. Within the last year three improvements have been made in the situation.

First, the lighthouse on Monhegan Island has been very greatly improved. Second, the air siren on the island of Manana has been greatly improved and in place of the old buoy 2½ miles out there is a first-class light of 700 candlepower, with a submarine bell. There is a lightship off the port of Portland, I believe. That lightship does not carry a stronger light than

this gas buoy does. Of course the lightship could be equipped with a stronger light, but the new light of this gas buoy is as strong a light as is now carried on the lightship off the port of Portland.

Mr. MCGILLICUDDY. May I interrupt the gentleman there?

Mr. MONDELL. Yes.

Mr. MCGILLICUDDY. It is not altogether the light on the lightship that would be of aid to navigation, but also the lightship locates the sound signals of the bell and it is not dependent upon the motion of the ocean, but is regulated by the crew and consequently would be reliable.

Mr. MONDELL. I realize the fact on a lightship the sound signals would be stronger.

Mr. MANN. They do not have bells on lightships.

Mr. MCGILLICUDDY. Yes; they do.

Mr. MANN. And they are not rung by the crew, either.

Mr. MCGILLICUDDY. They certainly have them.

Mr. MONDELL. A lightship would carry an air siren. This buoy carries a whistle, and it would be possible with a first-class lightship to afford better aid to navigation than they have there now.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have three minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. It costs $125,000 to build a lightship. It costs $15,000 a year to maintain it. The aids to navigation we now have on that coast and in the vicinity of that island are better than we have on our coasts generally, and the committee, much as it is inclined to make the best possible provision for our coasts, hardly felt justified, anxious as they were to meet the views of the gentleman from Maine, in providing for a lightship until we shall have had a longer period of experience and trial of the very excellent aids to navigation which have been recently installed there.

Mr. MCGILLICUDDY. Just a word to the gentleman. This is not so much a matter of interest to the people of Maine as it is to the traveling public from other parts of the country to and from Maine.

Mr. MONDELL. I understand that, and I understand that when the gentleman from Maine is speaking for this project he is speaking in the interests of the people who travel the Maine coast, large numbers of whom come from all up and down the coast and from all over the country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. MCGILLICUDDY].

Mr. MANN. Mr. Chairman, I served for a good many years on the committee that had jurisdiction over aids to navigation, and for a good many years reported to the House all the bills that carried authorization for aids to navigation, which is the only excuse I have for knowing anything about the subject. I think there is no coast anywhere in the world that is better supplied with aids to navigation than the coast of Maine, that State having for many years enjoyed the distinction of having Senator Frye represent them in the Senate, and Senator Frye was chairman of the Senate committee which had jurisdiction over aids to navigation.

We ought to be a little careful about providing a lightship anywhere. The original cost of a lightship upon the ocean is in the neighborhood of $125,000. Probably it will soon be $150,000. If it were only the original cost it would not make so much difference, but the cost of maintenance of a lightship is from $15,000 to $18,000 a year. In most of the places where they now have lightships an acetylene-gas buoy with a bell would answer the purpose just as well as the lightship, and the cost is merely nominal as compared with the cost of a lightship. It may be cheaper now, but you could buy such a gas buoy at from $8,000 to $10,000 a few years ago. I think we used to provide not to exceed $15,000 for two. A few years ago Congress decided, so far as committees could decide, that they would be very chary about providing new lightships on account of the cost of maintenance. Of course, it goes without saying that everywhere the mariners—the men who navigate the ships—would like to have an additional aid to navigation here and there and elsewhere. They pay no taxes, they make no contribution toward the support of the aids to navigation, and practically not anything toward the support of the Government.

Mr. MCGILLICUDDY. But they pay tolls.

Mr. MANN. Through the Panama Canal they pay tolls, or will, much to my regret, so far as the legislation is concerned. But that has nothing to do with this matter. Of course, they want these aids to navigation. And I have repeatedly known it to happen that where the mariners had never thought of an aid to navigation being needed, some of them would start a petition or a letter, urging that an aid to navigation be placed at some particular place, and out of courtesy to the one all the others would insist that it was unsafe to navigate in that locality without the particular aid to navigation being provided, although they had been navigating there practically a lifetime and never dreamed of it before. And I think we ought to be a little cautious before we entail upon the Government a permanent expense of $15,000 to $18,000 a year, when the chances are that a proper buoy at this place would answer all the purposes of a lightship, even if they need anything at all.

Mr. ADAMSON. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. ADAMSON. I know it will be a comfort to him to remind him, after his just tribute to the late Senator Frye, that the interests of Maine have by no means suffered by the death of that distinguished statesman, but that a multitude have arisen in his stead, and every Representative and Senator is wholly alive in securing everything possible in the way of authorization, and getting it.

Mr. MANN. I have no doubt they are still alive and active in urging these things. You can pass the word to any State delegation in this House with reference to anything that some one wants in the State and get every one of them active in favor of the proposition, swearing that the State can not exist and the Government will fall if they do not get them, and yet they never heard of it before.

Mr. MCGILLICUDDY. In answer to that proposition, I want to say that I have been here for three years, and our delegation has never done anything of the kind, and has never asked for anything up to to-night.

Mr. MANN. The gentleman is mistaken. This particular item has been before the House since the gentleman came here.

Mr. MCGILLICUDDY. I say outside of this item.

Mr. MANN. And if he does not know it, he has forgotten.

Mr. MCGILLICUDDY. I say outside of this item.

Mr. MANN. This is not the only item that the gentleman from Maine has been for since he has come here.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MCGILLICUDDY. A division, Mr. Chairman.

The committee divided; and there were—ayes 6, noes 21.

So the amendment was rejected.

The Clerk read as follows:

Alaska, aids to navigation: For the establishment of aids to navigation and improvement of existing aids in Alaska, $60,000.

Mr. FALCONER. Mr. Chairman, I would like to ask the chairman of the committee what consideration was given to the recommendation of the Department of Commerce for a lighthouse tender for Alaska? I understand the Department of Commerce recommended an appropriation of $325,000 for a lighthouse tender for Alaskan waters.

Mr. FITZGERALD. We have no jurisdiction over that. Unless the vessel is authorized by law, we have no right to recommend an appropriation.

Mr. FALCONER. There is an authorization for this lighthouse tender to the extent of $250,000.

Mr. FITZGERALD. The Department of Commerce wants to have the limit of cost increased to $325,000, but this committee has no authority to recommend appropriations for any of these vessels in the absence of legislation previously enacted authorizing them, which legislation belongs to the jurisdiction of the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, I will say that the committee which has jurisdiction voted to increase that authorization and put the bill on the Calendar for Unanimous Consent. It was objected to, and we then put the bill passed by the Senate for the same purpose on the Calendar for Unanimous Consent, and now we have been notified that it will be objected to when next called up. I thought I was going to get recognition to move to suspend the rules on next Monday, but I am now notified that I did get it on the list. I want the chairman of the Committee on Appropriations to understand that, notwithstanding the fact that I earnestly favor the appropriation, I am chairman of one of the great committees of the House, and as such will not move to amend the pending bill, but I suggest to the chairman of the Committee on Appropriations that he has authority to make a motion to increase it.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Georgia can not lead me into offering amendments to this bill for matters not authorized and over which his committee has

Protectory the different shops are highly productive. And there is a very considerable revenue from the output of the shops.

Mr. GOULDEN. Is there no net revenue from the output of these shops? Or are they an actual expense?

Mr. FITZGERALD. There is not a great deal of revenue. They utilize these boys, as I recall, largely in extending the institution itself, for erecting the small buildings, or any buildings they have to erect there. They utilize this boy labor in that way.

Mr. GOULDEN. They have no trade schools in the sense that we have them in the Catholic Protectory?

Mr. FITZGERALD. Not in the sense they have them there.

Mr. GOULDEN. We have bricklaying, plumbing, printing, harness and shoe making, and other trades at the protectory. The boys are equipped and fitted to go out into the world and take care of themselves. In addition to the trade schools we have 250 boys at the Lincolndale Agricultural School, where they become practical farmers, gardeners, and dairymen.

Mr. FITZGERALD. The boys in this institution are small boys, of 12 or 13 years of age. Not many of them are employed in the shops.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

UNDER THE DEPARTMENT OF COMMERCE.

LIGHTHOUSES, BEACONS, FOG SIGNALS, LIGHT VESSELS, AND OTHER WORKS UNDER THE LIGHTHOUSE SERVICE.

Staten Island (N. Y.) Lighthouse Depot: To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., $23,000.

Mr. MOORE. Mr. Chairman——

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves the point of order.

Mr. MANN. I would like to ask the gentleman from New York if all of these three items under the Lighthouse Bureau are provided for by law?

Mr. FITZGERALD. Yes. My recollection is that all the items in the bill under the Lighthouse Department are authorized. There is a great list of estimates, where items were not included because they were not authorized.

Mr. MANN. I withdraw the point of order.

Mr. FITZGERALD. This item is to take the place of the carpenter shop that has already existed.

Mr. MANN. I hold the point of order for a moment, then. Is this carpenter shop authorized by law?

Mr. FITZGERALD. There is a carpenter shop there at present.

Mr. MANN. That is not what I asked the gentleman.

Mr. MONDELL. There is an old carpenter shop, and it is proposed to tear that down and erect a new building.

Mr. FITZGERALD. I do not know that there is any specific provision in any of these bills that authorizes the erection of a new carpenter shop.

Mr. MANN. The gentleman knows that for years they have been seeking to obtain additional buildings at this depot and various other buildings elsewhere, and those matters have been up before the Committee on Interstate and Foreign Commerce, which has jurisdiction of the matter, and that that committee has reported bills and the bills were passed not very long ago making additions to the Lighthouse Service. Now, why does the Committee on Appropriations undertake to stick in an item for an appropriation that is not authorized by law?

Mr. FITZGERALD. The committee is not doing that. This shop is authorized. The first item is No. 1, Staten Island, N. Y., lighthouse depot: To erect a carpenter shop at the general lighthouse depot, Tompkinsville, Staten Island, N. Y., $23,000; and when asked whether this was authorized, Secretary Redfield answered, "Yes, sir." My recollection is that this item was authorized by one of the bills reported from the Committee on Interstate and Foreign Commerce, and was not included last year.

Mr. MANN. On that statement I will withdraw the point of order that I reserved.

Mr. FITZGERALD. The policy of the committee has been not to include any items for the Lighthouse Service for new projects unless they have been specifically authorized by law.

Mr. MANN. That is what I understood.

Mr. FITZGERALD. The Secretary said this was authorized by statute.

Mr. MOORE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE. I would like to ask the chairman of the Committee on Appropriations if he has any special rule for determining the propriety of making appropriations for the construction of buildings? What is the standard fixed which induces the committee to report an item for the construction of a building?

Mr. FITZGERALD. Speaking for myself, with reference to these items that are estimated for, I undertake to get as much information as I can about them and then I exercise my own judgment as to the desirability of recommending appropriations for them. For instance, there were three or four items estimated for the Frankford Arsenal which I deemed necessary and in recommending which I joined with the rest of the committee. There were other items for which we did not join in recommending appropriations.

Mr. MOORE. I was about to refer to those items. I will say to the gentleman from New York, and to contrast them with——

Mr. FITZGERALD. The committee recommended improvements at Frankford Arsenal aggregating $57,000 out of a total estimate of $88,600. That is a large percentage, as a rule.

Mr. MOORE. Did not the committee have before it a statement that there was great danger of explosions, due to the congestion and character of buildings at Frankford Arsenal, and yet did it feel warranted in making recommendations for appropriations for Frankford Arsenal? The appropriations were denied, but when we come to Staten Island, close to New York, it appears that another standard is set up by which we view appropriations favorably. That is to say, the word of Secretary Garrison, the Secretary of War, to the effect that buildings are necessary at Frankford Arsenal because of danger to life and property is not as strong with the committee as Secretary Redfield's opinion appears to be with regard to a carpenter shop on Staten Island, N. Y. We can not seem to get these buildings in Philadelphia, but you can get them in New York. I was just wondering what sort of argument the Secretary of Commerce used in order to make so favorable an impression on the committee. [Laughter.]

Mr. FITZGERALD. The gentleman can get the argument that Secretary Redfield made in the hearings.

Mr. MOORE. The Secretary of War made such recommendations because of the danger to life in Frankford Arsenal—recommendations which the committee did not seem to approve; but——

Mr. FITZGERALD. In this case Secretary Redfield personally visited this depot and made a personal examination, and then came before the Committee on Appropriations and gave the committee the benefit of the information he had obtained. In the instance of the recommendation of the Secretary of War relative to Frankford Arsenal, to which the gentleman refers, there is no information that the Secretary of War ever visited the arsenal or ever made any personal investigation, and he certainly never came before the Committee on Appropriations and suggested the desirability of the buildings about which he wrote letters to somebody else.

Mr. MOORE. When he is at home the Secretary of War lives just across the river from the Frankford Arsenal, and he probably knows all about it.

Mr. FITZGERALD. Let me suggest to the gentleman that, having some knowledge as to the manner in which heads of departments sign letters to be sent to some persons, I do not place quite as much weight upon such communications as do gentlemen who are vitally interested in obtaining appropriations for the things so recommended.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. I wish to say this about the item: The requests for this carpenter shop were made for four or five years on the ground that the conditions there were highly dangerous. The committee refused to recommend the appropriation.

Mr. MOORE. Was it the danger of explosion or because the element of danger of fire entered?

Mr. FITZGERALD. Let me finish this statement. The committee refused to recommend the appropriation because there was no authority for the shop; and then after the law was passed authorizing the construction of this shop, the committee still refused to include the item to construct it, and it was not until the head of the department personally visited the depot and ascertained the conditions at first hand and gave the committee the benefit of that information that the committee could be induced to incorporate it in the bill. The chairman of the committee does not come from the vicinity of this depot—neither is it in his district or his county.

Mr. MOORE. I withdraw that suggestion. Now, will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. A few moments ago the gentleman referred to the great University of Pennsylvania in a tone that did not

half.

economical to utilize these shops. For instance, in the Catholic

Mr. MOORE. Inasmuch as Secretary Redfield has visited Staten Island and has inspected this carpenter shop, and has reported that there is danger of fire and that it would be well to have an appropriation for a new building, would it now be in order for us to induce Secretary Garrison to go to Frankford Arsenal and report that there is danger of an explosion, in order to get a new building?

Mr. FITZGERALD. No; the first thing for the Secretary of War to do would be to submit an estimate in accordance with the law for additional facilities for land at the Frankford Arsenal. The law requires that those estimates shall be included in the annual Book of Estimates, unless they are submitted to carry out some law subsequently enacted by Congress or by reason of the happening of some unusual emergency that could not have been anticipated at the time the annual estimates were submitted. I do not think at this time, at this session, the Secretary of War can bring himself within the law.

Mr. MOORE. It was decidedly to the advantage of Staten Island station to have the Secretary of Commerce visit it and then report to the committee that there was danger of fire because there were shavings in the carpenter shop there.

Mr. FITZGERALD. I think the committee had more confidence in a statement of that kind after a personal visit than it would have when the information was based on the statement of a person who had communicated to an official who had brought it to the attention of some one else.

Mr. HUMPHREY of Washington. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. REILLY of Connecticut. On what subject?

Mr. HUMPHREY of Washington. On the tariff—on the state of the Union.

Mr. REILLY of Connecticut. I object.

The CHAIRMAN. The gentleman from Connecticut objects.

Mr. McGILLICUDDY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Maine offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of line 11, page 128, add the following paragraph:

"Monhegan Island (Me.) light vessel: To erect and equip a light vessel to be placed near Monhegan Island, entrance Penobscot Bay, Me., $125,000."

Mr. MANN. I reserve a point of order on that.

The CHAIRMAN. The gentleman from Illinois reserves a point of order.

Mr. McGILLICUDDY. Mr. Chairman, there is no man in this House who is more in sympathy with the purposes of the Committee on Appropriations to keep these appropriations down to the lowest possible point consistent with the safe and practical transaction of the public business than I am. If this amendment had reference to matters of dollars and cents or property alone, I certainly should not offer it in face of the failure of the committee to insert it in the original bill. But the purpose of this amendment is not dollars and cents or property. The purpose of this amendment is to save human life, and not money alone. The purpose of it is to prevent another of the terrible sea disasters that have so recently shocked the civilized world.

I desire to present very briefly to the committee the facts which make this appropriation an absolute necessity for the purpose of saving the lives of innocent people who travel at sea. Monhegan Island is practically a huge rock rising out of the ocean about 9 miles off the Maine coast. The very nature of its coast makes it absolutely a danger to navigation; but that is not its worst danger. In this section of the North Atlantic coast we have at certain seasons of the year very great banks of fog that rest upon and absolutely envelop this island and the surrounding country. I doubt if there is another place on the Atlantic coast where they have such banks of fog prevalent at certain seasons of the year, of such density, and so absolutely impenetrable. This island is directly in the pathway of navigation, between Boston and Maine and Nova Scotia and all that northeastern country. Now, the only protection to travel and navigation by way of signals is, first, the lighthouse on Monhegan Island. It is a good lighthouse, properly equipped, but the trouble is that in certain months of the year, particularly July, August, and September, the fog banks are so dense that they completely envelop this island, and it is absolutely impossible to see this light.

For that reason the lighthouse in these months is practically useless to navigation. Now, outside of that, and made necessary because of that condition, the only other signal is about 2 or 3 miles out, near a small island called Manana—a buoy and submarine bell. You gentlemen know that a signal of that character is operated by the motion of the ocean. In rough water it operates fairly well, and the buoy and submarine bell, which is about 20 or 25 feet below the surface, operates with pretty fair satisfaction. But the time of dense fog is also the time of calm on that coast, and when it is calm the sea does not move as it does in rough condition, and there are no conditions which cause the bell to ring. The calm always accompanies the fog. If there was wind enough to stir up the sea and cause the bell to ring, it would drive the fog away, but the very fact that the fog is there is almost positive proof of calm weather, and when it is calm there is no sea to cause the bell to ring so that it can be heard.

In many vessels they have an apparatus to receive the sound from the submarine bell. In this particular vicinity the boats are light draft, only about 9 or 9½ feet in depth, and they do not satisfactorily receive, even on the receiving apparatus, the sound from the submarine bell. The result is that as a matter of practical experience the navigator is in a worse condition with the bell during a fog and in the calm than he would be if it was not there at all, because he relies upon it to ring and it does not ring. He does not get the signal and he is misled into the very danger that he is trying to avoid.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. McGILLICUDDY. Now, Mr. Chairman, I have said that this island, with its unusual conditions, is right in the pathway of navigation between Boston and our whole northeastern country. There are 200,000 people every year taken up by that dangerous point in these vessels. The main part of that travel is in the summer months—July, August, and September—and these are the exact months when fog most prevails on that coast.

I know and appreciate the condition in which the Committee on Appropriations finds itself. I believe that the committee realizes this danger that exists there, because already there have been three vessels ran onto this coast, and one of them was a steamer containing between 500 and 600 passengers. The vessel was wrecked, but providentially no lives were lost in that disaster.

Now, as I say, the committee is I know somewhat embarrassed with reference to this situation, because the commissioner of lighthouses, as I understand, has opposed the adoption of this amendment or this appropriation for the building of a light vessel which would overcome all this difficulty and make the place safe. Ordinarily it is natural and proper, of course, that the committee should receive recommendation of the heads of departments, but the trouble in this case is the heads of the department have completely and absolutely changed ground. The last time this measure was up and these dangerous conditions were brought before the committee the Commissioner of Lighthouses and the Secretary of Commerce both agreed with our recommendation and they themselves recommended that this appropriation ought to pass.

Here are their letters:

WASHINGTON, D. C., *May 2, 1912.*

Hon. S. W. GORDON,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to the question of the establishment of a light vessel at Monhegan Island, Me.

I beg to state that the bureau has this day recommended to the department that in view of the urgent representations which have been made by shipping interests the department withdraw its recommendation to Congress that House bill 20422 and Senate bill 5387 be not passed.

It is understood that the department will communicate with the chairmen of the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce recommending that these two bills be passed.

Yours, very truly,
G. R. PUTNAM, *Commissioner.*

DEPARTMENT OF COMMERCE AND LABOR,
Washington, May 3, 1912.

DEAR SIR: Referring to previous correspondence relative to the establishment of a light vessel at Monhegan Island, Me.

In view of the urgent representations which have been made by shipping interests the Department has this day addressed letters to the chairmen of the Senate Committee on Commerce and the House Committee on Interstate and Foreign Commerce withdrawing its recommendation that Senate bill 5387 and House bill 20422 of the present session of Congress be not passed.

After further investigation of the matter, the department concludes that the establishment of a light vessel off Monhegan Island would be of material benefit to navigation, and it has therefore recommended to the two committees mentioned that the bills be passed.

Respectfully,
B. H. CAMIA, *Assistant Secretary.*

land by the War Department during the 15 years that I have ment requires. We have Frankford, Springfield, Watertown,

of water power, an that it cost the Government to develop it league to yield to me for a moment.

Mr. EDMONDS. I yield to the gentleman.

Mr. MOORE. Is it not a fact that the present tract of the Frankford Arsenal is very much of a triangle and makes the river front of practically no service?

Mr. EDMONDS. That is true.

Mr. MOORE. And is it not a fact that the ground that adjoins the arsenal which the gentleman from New York thinks so valueless runs along the river front for a quarter of a mile?

Mr. EDMONDS. Yes. That tract would give the arsenal a water frontage so that they could load ships that might go to the Philippine Islands or anywhere else—the safest kind of transportation.

Mr. TAVENNER. Mr. Chairman, I move to strike out the last word. I am not opposed to needed improvements and extensions at the Frankford Arsenal—I just voted for two of them—but, on the other hand, am enthusiastically in favor of the Government manufacturing its own munitions of war, all of them, including armor plate and battleships, regardless of whether it is done at the Rock Island Arsenal or the Frankford Arsenal or in the Hawaiian Islands, so long as the Government does it itself and takes the profit out of war and the preparation for war.

If I did not have to run for reelection this fall I would surely go to Stockholm, Sweden, to attend the meeting of the Interparliamentary Union for International Peace, to be held in August, and advocate the principle that all nations manufacture their own munitions of war as the most practical step that can be taken in the interest of reduction of armament and international peace. When all profit is taken out of war, the amounts to be carried in the Army and Navy appropriation bills will be decided on the merits of the question as to the needs of the Government from a military standpoint, instead of by the greed of the armor ring, the ammunition ring, and the Shipbuilding Trust.

As to the question of the ability of the Government to manufacture economically at Rock Island Arsenal, I went down to the War Department one day and inquired at which arsenal the Government could do its manufacturing the cheapest, and I was informed that there was no question about it, that the Government can manufacture more cheaply at Rock Island Arsenal than at any other place.

I do not know where the gentlemen who have spoken get their figures as to the cost of power at Rock Island, but in reaching their conclusions they have evidently added all the sums ever spent on the power plant and charged interest on these sums, and they make it appear that the power developed there is very expensive. I may be wrong about it, but I contend the Government does not pay interest on this investment. But even if this power plant has been very costly in the past, I submit that that is no reason, now that the Government has the plant, why it should not take advantage of it.

There are at Rock Island two large stone buildings originally erected for manufacturing purposes at a cost of approximately $400,000 each, which are not now being used except for storage purposes. If Congress will equip these two buildings for manufacturing, it will not cost any additional money for power, because, with the small-arms plant closed down, there is sufficient power not being used to operate plants in these buildings. While I have no objection to the Frankford Arsenal being enlarged, I can hardly see as a business proposition why the Government should buy land in Philadelphia, when it has 896 acres of land at Rock Island and two large stone buildings already there. There is plenty of room to expand there.

Mr. DONOHOE. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. DONOHOE. I want to ask the gentleman, in his argument in favor of the Government manufacturing its own ammunition, where he got his figures?

Mr. TAVENNER. I got them from the Rock Island Arsenal and from the Frankford Arsenal, and I will say that in every Government arsenal the Government is manufacturing at from 20 to 60 per cent below the prices of the private manufacturers. This is only partly due to the efficiency of the arsenals. The real explanation is that the ammunition ring has been gouging the Government; both Army and Navy officers have been permitting private manufacturers to overcharge the Government for munitions of war. The Frankford Arsenal and every Government arsenal is doing work at from 20 to 60 per cent below the prices of the private manufacturers.

The chairman of the great Appropriations Committee, Mr. FITZGERALD, has just stated that when the Government gets ready to centralize the manufacture of its war munitions in one great national military manufacturing plant it will not select Frankford Arsenal; it will not select Springfield Arsenal; it will not select Watertown Arsenal; but that it will select Rock Island Arsenal, where the Government can do its manufacturing the cheapest.

I only wish every Member of this body could come to Rock Island and see what a magnificent property the Government owns there. The tract covers 896 acres of a beautiful rock island in the Mississippi River, every acre a natural park, with beautiful shade trees and stately drives in evidence on every side.

The island is adjacent to the enterprising and thriving cities of Rock Island, Moline, East Moline, and Davenport, which cities have a combined population in excess of 100,000 and in the very heart of one of the most promising manufacturing cities in the Middle West.

The arsenal plant, including buildings, machinery, and so forth, is worth $9,492,329. Approximately $2,500,000 worth of work was turned out of the arsenal last year. On November 30 last 1,569 men were being employed.

I am firmly convinced that this piece of property offers the best site that can be found for the proposed $7,000,000 Government armor-plate factory, and I have introduced a resolution (H. Res. 306) requiring the Secretary of the Navy to carefully consider the advantages of Rock Island before determining upon any other site. I wish to extend an invitation to Members of Congress who may be passing through the fourteenth congressional district, "the garden spot of Illinois," to stop off at Rock Island and meet the commandant, Col. George W. Burr, who will be glad to show you what a magnificent and advantageous site Uncle Sam already has for a great central military manufacturing plant without going to the unnecessary expense of purchasing additional ground elsewhere for this purpose.

I have prepared for the consideration of Chairman PADGETT, of the Naval Affairs Committee, who is to be one of a committee of three to investigate and report on the question of a suitable site for the proposed armor plant, the following rough draft of the principal advantages of Rock Island Arsenal:

"First. Cheap water-power possibilities, the Government owning its own plant in the Mississippi River.

"Second. Its central location geographically, making it convenient to ship the finished product to either the Pacific, Atlantic, or Gulf coast with economy in both time and transportation costs.

"Third. Its strategic location from a military standpoint. Being well in the interior of the country, it would be much safer from attack and possible capture by an enemy in time of war than would a site on or near either coast.

"Fourth. Should coal be needed, there is a great abundance of excellent coal being mined almost at the very door of Rock Island, and it is at the same time convenient to the ore fields of the north.

"Fifth. By utilizing a part of the 896 acres in the Rock Island military tract several hundred thousand dollars which would probably be necessary to purchase a site elsewhere would be saved to the Government.

"Sixth. The advantages of Rock Island as a manufacturing center, as demonstrated by the fact that at the Rock Island Arsenal shops the Government is now manufacturing rifles, field artillery gun carriages, and other war equipment at from 20 to 30 per cent below the prices of private manufacturers. For instance, 3-inch caissons, consisting of a wagon for carrying ammunition chests, are being produced at Rock Island for $1,081, as against a cost of $1,708 when purchased from private manufacturers; 3-inch gun carriages proper—the vehicle on which the gun rests and from which it is fired—are being produced for $2,341, as against the private contractors' price of $3,268, and so forth.

"Seventh. The location of the military tract in the heart of a great manufacturing center, being within 2 miles of Rock Island, Moline, and East Moline, Ill., and Davenport, Iowa, all of which are essentially manufacturing cities, embracing a combined population of more than 100,000 people, affording employment to thousands of mechanics and furnishing an ideal field from which the Government may draw its skilled labor and other help, a very important consideration in such an industrial enterprise as a Government armor plant."

Mr. VARE. Mr. Chairman, as a member of the Committee on Appropriations, I was present a short time ago when a delegation of Philadelphians appeared before that committee and explained in detail the many reasons why the Government should purchase this land. I am very sorry that the chairman of the committee does not seem to be in the Chamber at this time.

Mr. FITZGERALD. Oh, I am here.

Mr. VARE. A few moments ago the gentleman referred to the great University of Pennsylvania in a tone that did not

appear to be that of commending what we regard as one of the greatest educational institutions in the country.

Mr. FITZGERALD. I agree with the gentleman.

Mr. VARE. I want the gentlemen of this House to know that the management of that institution has never at any time taken advantage of our city, State, or National Government. I want the gentlemen to know that that management is comprised of men who have devoted their lives and have given their means to help educational purposes in our section. Under the will of the late Charles Tennig, that institution seems to have control over this land. I want this committee to understand that the great University of Pennsylvania will cooperate with the Government and do its part toward building up the Frankford Arsenal, without any excessive charge for the land, but with a desire to help that great institution. There are two things that ought to govern the minds of this committee in passing upon this question: First, is it necessary; and, second, have you confidence in Secretary Garrison, the Secretary of War? In my opinion, and I believe in the opinion of the committee, the necessity for this extension has been shown, and if that be true, there is only one question left for us to decide and that is, Have we confidence in the business judgment and ability of the Secretary of War? And I believe that the answer of this committee will be that we have.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. MOORE].

The question was taken; and the Chairman announced the noes appeared to have it.

Mr. MOORE. Division, Mr. Chairman.

The committee divided; and there were—ayes 22, noes 44.

Mr. MOORE. Mr. Chairman, it is evident there is no quorum present.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. MOORE. I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Pennsylvania makes the point of order there is no quorum present. The Chair will count.

Mr. MOORE. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Pennsylvania withdraws the point of order.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MANN. Mr. Chairman, a point of order is pending to the last paragraph that was read the other night, at the top of page 128. It was not disposed of.

The CHAIRMAN. What was the point of order?

Mr. MANN. The point of order was reserved to the paragraph at the top of page 128. May I ask the gentleman what is the reason for fixing the rate to be paid for the per capita cost of persons committed from the District of Columbia and maintained at the National Training School for Boys at $4.50 per week?

Mr. FITZGERALD. It developed in the examination that while it was costing $4.50 a week to maintain these boys in the institution, that those committed from the District of Columbia were being charged for at the rate of $3, I think it was.

Mr. MANN. What constitutes the cost of $4.50 a week—what does that cover?

Mr. FITZGERALD. They take everything going into the cost of maintaining the institution and average the per capita cost from that. The average is $234 per year. All overhead expenses are included in the charge, and this is to compel the District boys to be paid for at the actual cost to the institution.

Mr. MANN. Well, this institution is not maintained for the benefit of the District of Columbia, is it?

Mr. FITZGERALD. No; it is not.

Mr. MANN. Is the cost of $4.50 per capita for the boys committed from the District of Columbia?

Mr. FITZGERALD. They say that the per capita cost is $4.50 a week, and they are paid for the District boys $3, I think it is, a week.

Mr. MANN. It seemed to me that $4.50 a week was a rather high cost.

Mr. FITZGERALD. I think so. It is $234 a year, and it includes the maintenance of some stock, school, upkeep of the grounds, and everything else. The only object the committee had in view was that the actual cost of maintaining a boy in that institution should be paid for out of the appropriation for the purpose for the District of Columbia. We pay for the District boys' half, and if they charge less than the actual cost the Federal Government pays a much larger proportion than half.

Mr. MANN. I think they ought to pay the actual cost. I am not so sure we ought to pay the per capita cost figured upon the number of people there, figuring in all sorts of expenses which will be given there by the Government anyhow.

Mr. FITZGERALD. For instance, we made some inquiries as to what they included in the figures that make up the per capita cost. We inquired whether if there were special appropriations for improvements they were included, and they said they were not, but merely the ordinary maintenance charges.

Mr. MANN. How are the boys admitted or committed to this institution?

Mr. FITZGERALD. They are committed by the courts, I understand.

Mr. STAFFORD. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Are there any boys committed from outside the District of Columbia to this institution?

Mr. FITZGERALD. I think so.

Mr. STAFFORD. I think there was something in the hearings disclosing that there were some from the outside.

Mr. FITZGERALD. I understand that the Federal courts can commit to this institution. That is mostly for violations. I am informed, of the postal laws that the Federal courts commit young boys to this institution.

Mr. STAFFORD. As I understand, this is a reformatory school for youths and it is not limited to the District only, but is for youths that are committed for offending any of the Federal laws.

Mr. FITZGERALD. It is a Federal institution and boys committed in the District are sent there.

Mr. STAFFORD. As to the support of those boys sent from outside, who pays for their sustenance?

Mr. FITZGERALD. The United States. They are committed by the Federal courts the same as we provide for Federal prisoners.

Mr. STAFFORD. Why would it not be better if it provides that we should charge the actual cost instead of fixing a certain amount?

Mr. FITZGERALD. The difficulty of it is this, that it would be necessary to wait until the end of the fiscal year to determine what the cost had been. They say from their books it figures $4.50 a week.

Mr. STAFFORD. It is more to charge the District a proportionate part of the expense for maintaining the youths committed from the District?

Mr. FITZGERALD. That is all. For instance, in the District of Columbia bill appropriations have been made for this purpose, half out of the Federal Treasury and half out of the District revenues. Unless they say what it actually cost we supplement from the Federal Treasury the difference.

Mr. GOULDEN. Will the gentleman from New York yield?

Mr. FITZGERALD. I yield.

Mr. GOULDEN. How many boys are in this institution?

Mr. FITZGERALD. There are 371 there, I think.

Mr. GOULDEN. The figures for maintenance are certainly high, gauged by an institution of which I happen to be connected as a manager in the city of New York. It costs $135 a year there. It is known as the Catholic Protectory, with which the gentleman is familiar, one of our best institutions.

Mr. FITZGERALD. The New York protectory is an institution conducted by Brothers of the Christian Schools, and there are 1,500 boys there, and none of the instructors receive compensation.

Mr. GOULDEN. They receive $200 a year, a mere bagatelle, for the splendid services rendered.

Mr. FITZGERALD. Well, under the new arrangement they can manage an institution of that character for a less amount.

Mr. GOULDEN. I believe that the expense of this institution, of nearly twice the amount, is too expensive and should be reduced. However, I will trust the judgment of the committee, and do not believe they would authorize a matter of this character if it was not somewhere near right.

Mr. FITZGERALD. I recall that in the past I thought that 52 or 53 cents a day was somewhat high, but they seemed to need the money they got, and they seemed to use it.

Mr. GOULDEN. Public institutions always can use it. I will say to the gentleman, no matter how large it may be. There is no trouble about that. Now, in the State Soldiers' and Sailors' Home at Bath, N. Y., the cost is about $147 per year for each member, which includes clothing. Of course that does not include schools, as that is not required.

Mr. FITZGERALD. Here they have both schools and shops, and the number of inmates is not so large as to make it most economical to utilize these shops. For instance, in the Catholic

ford Arsenal, and the gentleman from New York indicated that he had not done so.

Now, I have conversed with Gen. Crozier frequently, and I know he desires this land to be purchased. I am informed that estimates have gone to the Committee on Appropriations time and time again for the purchase of that land, and in proof of it I submit a letter from the Secretary of War, Mr. Lindley M. Garrison, to one of the Senators, chairman of the Committee on Public Buildings and Grounds on the other side of the Capitol, in which it is clearly stated that this land ought to be acquired for reasons which I shall read. The Secretary of War says the acquisition of the land is advisable because—

1. To avoid the serious situation which would arise if this property should be purchased by parties who would desire to utilize it for dwellings or factory purposes, since there is no doubt that in case such buildings should be erected upon the property the occupants would object to the experimental firings and other tests involving the use of high explosives which are conducted at the Frankford Arsenal.

2. The utilization of the property for the storage of explosives, so as to remove them a safe distance from the present shop buildings.

3. To utilize the property for the construction of certain storehouses and shop buildings which will undoubtedly be necessary in the expansion of the manufacturing plant at the Frankford Arsenal in the future and for which it would be impossible to secure ground if this piece of property shall irrevocably pass to other uses.

The War Department—

Says the Secretary—

has in the past submitted estimates for the purchase of this property, but I have not repeated the estimate, not because the purchase would not be advantageous, and such as would be made by any efficient corporation in a similar position, but because other needs of the War Department have been so immediately pressing that I have been obliged to let this particular matter rest, although I recognize that in doing so the danger is incurred of the passage of the opportunity to make the purchase advantageously.

The gentleman from New York [Mr. FITZGERALD] seems to have the notion that the value of that land is going to decrease. Why, gradually New York and Philadelphia are getting together; they are building up toward each other; and the Frankford Arsenal is in between. Is land going to become less valuable between those two great cities? Is land going to become less valuable when there are hundreds and thousands of homes and factories in the vicinity?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. The Secretary of War indicates that it would be to the advantage of the Government to buy now. He indicates what most business men would suggest with reference to matters like this—that to wait would mean simply to increase the price that the Government will have to pay some day when it takes that property over. Now, here is an opportunity to take what we can get of it for $100,000. It does not specify that we shall take 25 acres or any particular piece of land, except that it shall adjoin the arsenal, but it does give direction to the Secretary of War to take as much land as he can get advantageously and relieve this situation, at a cost of $100,000. It seems to me that this is a vital amendment to this whole arsenal proposition. We have been treated unfairly at the Frankford Arsenal. The Rock Island Arsenal has been built up, while the appropriations at the Frankford Arsenal have been cut, and the time has come now when the House, in fairness to one of its best institutions and in response to the direct suggestion and recommendations of the Secretary of War, should pass this amendment and put this great profit-making institution of the Government on a solid and a safe basis.

Mr. Chairman, I ask leave to extend my remarks.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. DONOHOE. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LOGUE. Mr. Chairman, I make the same request, to save time.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania [Mr. LOGUE]?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, this matter was before the committee on the 12th of June, and the letter of the Secretary of War, referred to by the gentleman from Pennsylvania [Mr. MOORE] was read at that time. I stated then, and I repeat now—and my recollection has since been refreshed by a very careful search by a very accurate man—that there has been no formal estimate submitted for the purchase of this land by the War Department during the 15 years that I have been a Member of Congress, and the Secretary of War, when he makes the statement that such an estimate has been submitted is making a statement that is inaccurate.

This proposition first came to my attention, as I have already stated, in 1909, when a bill was introduced to appropriate $181,000 to purchase 31½ acres of land and 2½ acres of land outside the bulkhead on the Delaware River. The following year a bill was introduced to appropriate $175,000 to buy the same land. This year a bill was introduced to appropriate $154,000 to purchase 25½ acres of land; 12½ acres have already been taken up in some other way.

In the letter to which the gentleman from Pennsylvania has referred, and which he has just read, the Secretary of War stated that, in his opinion, from $145,000 to $150,000 would be a fair price for the land.

I have a letter in my possession, written by the gentleman from Pennsylvania [Mr. EDMONDS], dated within the last few weeks, in which he said that after conferring with those who now control the land, they would take $125,000 for it; so that the Secretary of War could not have been very well informed, or could not have made very much inquiry when he said that $145,000 would be a fair price.

Now, the department has never formally requested that this land be purchased. We have 896 acres of land at the Rock Island Arsenal. We have two buildings there, each of them practically as large as the House Office Building, utilized for storage purposes alone. We get power there from a water power at about four-tenths of a cent per kilowatt hour.

Mr. MOORE and Mr. DONOHOE rose.

Mr. FITZGERALD. I can not yield.

Mr. MOORE. We are ready for you on that proposition.

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. FITZGERALD. I will not yield to either.

Mr. DONOHOE. Yield to one.

Mr. FITZGERALD. No; I will not yield to either. Perhaps I should be permitted to make a consecutive statement without being jumped at—yes; jumped at—from both sides before I can get a sentence out of my mouth. [Applause.] We can develop power from water power at the Rock Island Arsenal at about four-tenths of a cent per kilowatt hour, and when we have an excess we can sell it.

Mr. MOORE. Mr. Chairman, will the gentleman yield there?

Mr. FITZGERALD. No; I decline to yield.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. MOORE. The gentleman will not tell the history of that.

Mr. FITZGERALD. I knew, and the gentleman from Pennsylvania [Mr. EDMONDS] knew, and other gentlemen from Pennsylvania knew, that this corporation would desire to turn this unremunerative land into money, so that it can invest the money and get some return upon it, and would turn this property over to the Government for $125,000; and now they desire to get $100,000 from the Government and surrender just as little of the 25½ acres as they can do.

This property can not be utilized for residential purposes. It is property that should be utilized for manufacturing purposes. There is great fear on the part of these gentlemen that unless the Government takes this land now, it will lose this great opportunity to enlarge this arsenal. Yet since 1875 the owners of this property have been endeavoring to induce the Government to purchase it and to take it off their hands—not because the Government requires it, not because the Government needs it, but because it is so much easier to dispose of worthless property to the Government than to dispose of it to anyone else when there is no market for it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I will ask unanimous consent that my time be extended five minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FITZGERALD. The Secretary of War said, "I think a fair price would be somewhere between $140,000 and $150,000," so that the amount carried in the bill which is pending should be sufficient to include the cost of condemnation proceedings. And yet the owners of the property—the Pennsylvania Co. of Philadelphia, executor of the estate of Charles Levy—wrote a letter to the gentleman from Pennsylvania [Mr. EDMONDS] that they would take $125,000 for it.

If we were to accept the recommendation of the War Department, we would have appropriated $145,000 to purchase property the owners of which are anxious to dispose of for $125,000. Why should we buy additional land at Philadelphia? We have in our arsenals ample facilities to do what the Government requires. We have Frankford, Springfield, Watertown,

Watervliet, and Rock Island. Rock Island is situated between the two rivers, isolated from great centers of population, at a place where the dangers in manufacturing high explosives can be minimized.

Mr. DONOHOE. Will the gentleman yield for one question there?

Mr. FITZGERALD. Just a minute. The gentleman desires to extend and to build up a plant for the manufacture of high explosives almost in the heart of the city of Philadelphia, where, if unfortunately there should be an accident, the danger to large numbers of innocent persons would be very great. There is no excuse for carrying on these highly dangerous manufacturing operations in such a place. There is no justification to add this land to this place merely so that this institution, the beneficiary of the will of this deceased person, may turn an unremunerative property into a paying investment, and let the Government carry property costing from $100,000 to $125,000 upon the theory that it is needed to enlarge the facilities of this arsenal. Now I yield to the gentleman from Pennsylvania for a question.

Mr. DONOHOE. I know the gentleman does not contend that the Frankford Arsenal is not an economical workshop of the Government.

Mr. FITZGERALD. I have not contended that it is not an economical workshop, because I am one of those who have forced into the appropriation bills provisions that make it possible to utilize the Frankford Arsenal to its full capacity.

Mr. DONOHOE. Three shifts a day?

Mr. FITZGERALD. Yes; three shifts a day, but that is no reason why it should be so enlarged, with this growing population around it, that it will endanger the lives of people in the vicinity. What is the fact? We carry in the fortification bill an appropriation of $1,200,000 for the manufacture of ammunition, and in the Army bill we carry an appropriation of $3,000,000 for the manufacture of ammunition, or $4,200,000 in all. At the same ratio for four years more the reserve ammunition required for the Army will be up to its full amount, and thereafter, instead of appropriating $4,200,000 a year, it will only be necessary to appropriate half a million dollars a year to manufacture ammunition. Then these plants that we now have and that will be busy and fully occupied for the next four years will no longer be required, because we will have gotten up and have kept up to the requirement of the Government.

I have no prejudice in favor of or against any of these arsenals, but if it be necessary to expand our facilities in these arsenals unduly, as a common-sense business proposition, the place to develop and extend and enlarge is not at Watervliet, which is in my State, not at Springfield or Watertown, in Massachusetts, not at Frankford, in the city of Philadelphia, but at Rock Island, a place which is naturally fitted for the manufacturing of these high explosives and dangerous materials. [Applause.] It is naturally fitted for the manufacture of high explosives not only because isolated from centers of population, but because geographically so situated that the shipment of this material east, west, north, or south will be the most economical shipments that can be made. We manufacture now at Frankford Arsenal to ship to San Francisco. Mr. Chairman, this amendment should not be adopted, and I hope it will not be adopted.

Mr. DONOHOE. Mr. Chairman, I move to strike out the last word. I dislike to disagree with the chairman of the Committee on Appropriations, who is usually very accurate, but I want to take exception to some statements that he has made in connection with these two arsenals. The fact that Frankford Arsenal is within the limits of Philadelphia, a city of 1,600,000 inhabitants, should not be regarded as a disadvantage to it. On the other hand, we contend that it is one of its greatest advantages, because it brings the arsenal within the reach of 250,000 skilled mechanics. Again, we hear of water power being produced at four-tenths of a cent per kilowatt hour. That is the price at which the Government sells its surplus water power. And how much surplus water power does our Government sell per annum? It sells $150 worth. What does it cost the Government to produce water power at Rock Island?

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Pennsylvania yield to his colleague?

Mr. MOORE. I just want the gentleman to bring out the water-power facts.

Mr. DONOHOE. Yes; I will do so. The fact that we have free water does not mean that we have cheap water power. The fact that water costs nothing does not prove that we can generate water power at a low price. As a matter of fact, when you consider the investment at Rock Island for the development of water power, all that it cost the Government to develop it and to maintain it since, it is costing us to-day 2.4 cents per kilowatt hour for power at that arsenal.

At Frankford Arsenal it is costing a small fraction over 1 cent a kilowatt-hour to develop power by steam. We can install to-day for $200,000 a steam plant that will develop 2,000 electrical horsepower while Rock Island is getting only 1,600 horsepower from the power plant which cost the Government over a million and a half dollars to develop. Two hundred thousand dollars will cover the installation of a 2,000-horsepower plant.

Mr. FITZGERALD. Will the gentleman yield?

Mr. DONOHOE. Certainly.

Mr. FITZGERALD. Is it the gentleman's contention that we can develop electric power more economically by steam than by water power at Rock Island?

Mr. DONOHOE. I contend that we are doing it at Frankford. I contend that the water power at Rock Island costs 2.4 cents per kilowatt-hour considering the investment made for its development, whereas we develop power at Frankford for 1.008 cents.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. DONOHOE. I get my figures from the War Department. Mr. Chairman, I will not take up the time of the committee on this point any further, as I have already covered the ground rather fully.

Mr. MOORE. Now will the gentleman yield?

Mr. DONOHOE. Certainly.

Mr. MOORE. Does the gentleman recall the estimated value of the property at the Frankford Arsenal?

Mr. DONOHOE. Three and a half million dollars.

Mr. MOORE. And the appropriations for Rock Island up to date, buildings, bridges, water power, and so forth, and from the plant of a defunct dam company—does not that run up to about $9,000,000?

Mr. DONOHOE. It does; yes.

Mr. MOORE. That is the situation; and the Government, which is getting water power so "cheaply" at Rock Island, is actually paying 2¼ cents per kilowatt hour.

Mr. DONOHOE. Yes; it costs five times as much per kilowatt hour as we get for the surplus.

Mr. MOORE. And the Government has made appropriations aggregating $9,000,000 at Rock Island as against the total valuation of $3,500,000 at the Frankford Arsenal for the most productive manufacturing plant of the United States.

Mr. DONOHOE. Yes. Now, one other point—as to the shipping of the goods. Goods can be shipped from the Frankford Arsenal along the coast by water around to Seattle at a lower rate than the freight from Rock Island to the seaboard.

Mr. MOORE. Will the gentleman yield again?

Mr. DONOHOE. Certainly.

Mr. MOORE. Does the gentleman know that the appropriations made for the development of water power at Rock Island since 1896 amount to $1,624,750?

Mr. DONOHOE. I believe the gentleman is correct.

Mr. MOORE. And for extraordinary repairs for the preservation of water power, which sometimes runs out, so that they have to buy it elsewhere, $246,150 since 1888?

Mr. DONOHOE. Yes.

Mr. MOORE. And $1,310,550 has been appropriated by Congress on account of bridges and roads to Rock Island, which totals over $9,000,000 for the purpose of getting this cheap water power that we hear so much about?

Mr. DONOHOE. My colleague is usually very accurate, and I think he is quite so to-day.

Mr. EDMONDS. Mr. Chairman, I would like to have three minutes to answer the remarks of the gentleman from New York. This land belonged to a man by the name of Lennig. It had no connection with his manufactory; it is a piece of ground that he bought that does not touch the ground that he uses for the manufacturing plant. Mr. Lennig intended to leave it to the University of Pennsylvania as part of his residuary estate. He always held the price at $150,000 when anybody asked him about it. He died. The gentlemen who examined the land were connected with the Pennsylvania company for insuring lives. The Pennsylvania company in taking their appraisement of his estate made the price of the ground $150,000, but one of the appraisers objected, and said it was worth less—$125,000. When I called upon them they agreed with me that they would take $125,000 for the land. The estate is in this shape: When the last heir dies, if this land is not sold it goes to the University of Pennsylvania. It is a simple case of necessity that this land should be taken for the benefit of the Frankford Arsenal in accordance with this amendment.

Mr. MOORE. Mr. Chairman, I would like to ask my colleague to yield to me for a moment.

mated for improvements at Frankford Arsenal aggregating recommendations, this House itself would promptly eliminate

The present amendment, offered by my colleague [Mr. MOORE], is directed toward the acquisition of additional land adjacent to the present Frankford Arsenal.

There are many reasons why this amendment should prevail and the opportunity embraced to acquire additional land for the further development of the arsenal. That there will be need for extension in future none will deny, and it may be stated that the acquisition of the land at the present time is absolutely necessary to provide in the near future for the extension of the Frankford Arsenal plans which must necessarily follow.

This arsenal is fortunately located. The acquirement of additional land would give it greater river frontage on the Delaware, affording the Government opportunity for shipment either by rail or water. Located in Philadelphia it has the best labor in the United States to draw from. The transportation facilities assure economy not only in procuring supplies and material, but in the shipment of manufactured goods. Much of its supplies can be obtained from Philadelphia, a great commercial center, and for those that are needed from more distant points excellent railroad and water facilities insure cheap handling.

I have considered to this point only the question of the advantages arising from the location and the necessity for the extension of the tract of land for future development. There are other considerations that come into play, and that show the need for the extension of the arsenal. A very important one is the economy maintained at this arsenal and the great saving to the Government in the manufacture of ammunition. Between July 1, 1912, and April 27, 1913, the cost of manufacture of the output at Frankford Arsenal was $1,900,000, and the same output purchased by the Government under contracts would have cost $2,879,000, showing a saving to the Government of $979,000.

What has been saved between the periods stated has been done in other years and will be accomplished again in future and to a greater extent, if the arsenal is further developed. And an additional and most potent reason for the extension of the Frankford Arsenal is one that should appeal to all. It is the great aid these improvements will be to the safety of the employees. The work carried on is to a degree hazardous and dangerous. There are large buildings in which many people are employed. Near them are located high-explosive shops, and no matter to what degree human skill may go in work such as this accidents will occur, and while misfortune must necessarily follow to the people engaged directly in this dangerous work, the lives of many men and women not so engaged should not be put in danger.

The additional tract of land would furnish sites to a degree isolated from the large shops where the high-explosive work could be carried on with greater safety to the general employees of the arsenal and a lessening of the dangers that exist at the present time.

Therefore, the extension of the plant in question will be for the benefit of the Government on the score of economy. This extension makes necessary the purchase of additional land and associated with the saving to the Government is assured the safety of employees by the removal to a more distant point of the very dangerous and hazardous work now carried on in close proximity to buildings housing hundreds of employees.

I contend, therefore, Mr. Chairman, that the interests of the Government and the welfare and safety of its employees will be furthered and assured by the present acquisition of additional land, and I trust, therefore, that the amendment offered by my colleague will be adopted.

Mr. MONDELL. Mr. Chairman, I have endeavored to be consistent and entirely fair in the matter of these appropriations. I did not vote for the amendment voted on a moment ago because, from the impression that I gained at the hearing, it was not an item that was of immediate and absolute necessity. But I did gain the impression during the hearings that this artillery ammunition storehouse was needed, and needed badly. I think the statement made by Gen. Crozier makes it very clear that there is a condition there that is dangerous, and a condition under which the property of the Government deteriorates, by reason of the fact that there is no storehouse for a certain class of material, and that a condition exists with regard to this material that should not exist, but should be remedied at the earliest possible moment.

This item is for an extension of this arsenal that is badly needed. I regret that the gentleman did not put his amendment in a little different form, and yet there is a little frame building now used to a certain extent for this storage purpose. Therefore I support his amendment, although I do not believe it would have been subject to a point of order and would have been in better form if he had provided absolutely for a new building. That is what would be constructed if this amendment is adopted. It ought to be provided for the safety of the employees and for the preservation and protection of the Government property.

Mr. VARE. Mr. Chairman, it seems to me that if it were possible for the committee to visit the Frankford Arsenal further objection to these appropriations would be withdrawn. Those in our delegation who have had the opportunity of going over this institution, with its three shifts working continuously through the 24 hours, working in a frame building, I am sure are convinced that if the members of this committee had the opportunity to visit the institution and to compare the efficiency of the service there with that in other institutions of similar size, whether private or part of the Government, then the opposition to these great public improvements for the Frankford Arsenal would be withdrawn. This amendment is in order. It simply means to extend existing buildings, and it is for the general benefit of the Government, and tends toward insuring the lives of the employees and the property of the Government. I trust the amendment will be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The question was taken; and on a division (demanded by Mr. DONOHOE and Mr. MOORE) there were—ayes 41, noes 25.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered; and the Chair appointed the gentleman from New York [Mr. FITZGERALD] and the gentleman from Pennsylvania [Mr. DONOHOE] to act as tellers.

The committee again divided; and the tellers reported—ayes 43, noes 23.

So the amendment was agreed to.

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 52, after line 17, insert a new paragraph, as follows:
"For the purchase of land adjoining the Frankford Arsenal, for the extension of the facilities thereof, Philadelphia, Pa., $100,000."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the committee has already disposed of that amendment, and it is not in order to pass upon it at this time. The same amendment was offered and voted down.

Mr. MOORE. Mr. Chairman, the amendment was not offered in this form. The amendment that was offered was in an entirely different form. The gentleman from Pennsylvania [Mr. DONOHOE] offered an amendment against which the point of order was made.

Mr. FITZGERALD. Oh, no.

Mr. MOORE. I beg the gentleman's pardon.

Mr. FITZGERALD. We voted on the question of the purchase of this land.

Mr. MOORE. The amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] contained a provision for condemnation, and the point of order was made against that, and the point of order was sustained.

Mr. FITZGERALD. Mr. Chairman, the committee voted down this amendment to purchase $100,000 worth of this land.

Mr. DONOHOE. Mr. Chairman, I will say to my colleague from Pennsylvania [Mr. MOORE] that I had my amendment modified by unanimous consent, striking out the condemnatory provisions.

Mr. MOORE. I recall the gentleman did; but his amendment did not provide for the extension of the facilities of the arsenal which this amendment does. I have no pride of authorship in this, and I would be very glad to have the gentleman from Pennsylvania [Mr. DONOHOE] offer this amendment, if he cared to do so.

The CHAIRMAN. Has the gentleman from Pennsylvania the RECORD of Friday, June 12, before him?

Mr. MOORE. I do not have it before me, but my recollection is very clear as to the form the amendment took. The gentleman from Pennsylvania [Mr. DONOHOE] offered an amendment which contemplated condemnation. The point of order was made against that, and the gentleman then asked unanimous consent to strike out the provision for condemnation and the amendment went back to a direct appropriation for the purchase of land; but there was no provision in his amendment for the extension of the facilities of the arsenal, which there is in the one I now present.

The CHAIRMAN. On page 10351 of the RECORD of June 12 there appears the following:

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to modify his amendment. The Clerk will report it.

The Clerk read as follows:

"Strike out the words 'for acquirement by condemnation proceedings' and add, on line 17, page 52, the following as a new paragraph:

"'For the purchase of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000.'"

The CHAIRMAN. Is there objection to the amendment being modified as requested by the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 27, noes 32.

Accordingly the amendment was rejected.

The amendment which was rejected was in this form:

For the purchase of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000.

The amendment which is proposed by the gentleman from Pennsylvania [Mr. MOORE] is for the acquiring of land adjoining the existing arsenal property, $100,000.

Mr. MOORE. Mr. Chairman, will the Chair permit me to interrupt him for a moment?

The CHAIRMAN. Certainly.

Mr. MOORE. The Chair has read the amendment as modified by the gentleman from Pennsylvania [Mr. DONOHOE], providing for the purchase of 25 acres of land adjoining the arsenal grounds. That is a provision that is not contained in the amendment I have offered. I have not indicated the quantity of land to be purchased. Objection was made to the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] by the gentleman from New York [Mr. FITZGERALD] upon the ground that the price was not satisfactory.

The CHAIRMAN. Will the gentleman from Pennsylvania permit the Chair in the interest of expedition——

Mr. MOORE. Yes.

The CHAIRMAN. The Chair is with the gentleman from Pennsylvania as to the point of order. The amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] was specific as to where the land should be taken. This amendment offered by the gentleman from Pennsylvania [Mr. MOORE] is not, and the Chair has no possible way of determining where it would be, and so he overrules the point of order made by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I wish to make this point of order, that such an amendment as this was not contemplated in the agreement made at the time these items were passed over. The question of land was settled and determined by the committee. Then it was said that gentlemen wished to offer amendments for other purposes.

If the gentleman thinks he can have a rehearing of the question at this time, it seems to me it is not within the agreement. It is certainly a breach of faith. The question of this purchase of land was disposed of. This amendment will not be passed on by a slim House.

Mr. MOORE. The gentleman charges a breach of faith when there is no breach of faith. When the amendment of the gentleman from Pennsylvania [Mr. DONOHOE] failed because of its specific character and because of the objection of the gentleman from New York, then I devised another amendment which did not specify any particular land except land adjoining the arsenal, which did not specify any particular quantity of land but such land as might be purchased for $100,000. I tried to offer the amendment at the time and it was clearly part of the understanding to permit this matter to go over until Saturday last, and then again to the first day on which the sundry civil bill should be taken up. There was absolutely no breach of faith or of understanding, and the gentleman from New York is entirely in error in that respect.

Mr. LOGUE. Will my colleague yield?

Mr. MOORE. Yes.

Mr. LOGUE. Does the gentleman mean the amendment he is now offering is the same one that was sent up by him to the Clerk's desk when the point of order was made?

Mr. MOORE. Yes; it is the same amendment.

Mr. LOGUE. So it was offered on that day?

Mr. MOORE. Of course, and if the RECORD is consulted it will be found I was on my feet several times. Subsequently the gentleman from Illinois [Mr. MANN], who had indulged in the colloquy, specially stipulated in the understanding with the gentleman from New York—and those two gentlemen frequently have understandings——

Mr. FITZGERALD. There was no such understanding——

Mr. MOORE. And that understanding should be maintained.

Mr. FITZGERALD. There was no understanding that the gentleman's amendment should be offered. The amendments were in reference to items for which estimates had been submitted and which were not recommended by the committee. This matter was discussed and decided unfavorably to the gentleman from Pennsylvania.

The CHAIRMAN. The Chair will state, and the Chair desires to make himself perfectly clear, if the amendment offered by the gentleman from Pennsylvania had shown that it was the same proposition offered by the gentleman from Pennsylvania, Mr. DONOHOE, on a former day, he would without hesitation have sustained the point of order made by the gentleman from New York; but it does not so show, and the Chair has no way of determining how that is. Now, in reference to the other point of order made by the gentleman from New York, the Chair has been trying to find the record of that, and the Chair's recollection is that in its final settlement the request was that the Frankford Arsenal item be passed without prejudice. Now, the Chair's recollection may be at fault about that. It must be in Saturday's RECORD. On the question of fact the Chair is in doubt.

Mr. FITZGERALD. There is no doubt it is the identical amendment, because there is only one tract adjacent to the arsenal that can be purchased.

The CHAIRMAN. That, of course, it is impossible for the Chair, with his limited knowledge, to know.

Mr. MOORE. I make the declaration, to which I hope the gentleman from New York will listen, that I do not know whether $100,000 will buy the 25 acres of land specified in the defeated Donohoe amendment. The gentleman from New York seems to indicate it would be sufficient——

Mr. FITZGERALD. No; I did not; I think that is extravagant.

Mr. MOORE. Well, then, he seemed to indicate it would be extravagant, and some others to think it would not be enough. It might be we could purchase only 10 acres with $100,000. Everyone knows we need more land adjoining that arsenal. We ought to have land adjoining that arsenal, and I have framed this amendment so it will not be specific, as the other amendment was, and so they may have this same money to buy such land as the department wants adjoining the arsenal for the extension of the facilities of that arsenal.

The CHAIRMAN. There is a point of order pending, made by the gentleman from New York [Mr. FITZGERALD]. The agreement which was entered into was on Saturday, June 13, beginning on page 10437 of the RECORD.

Mr. MOORE. I think it was Saturday's RECORD, but I do not have it before me.

The CHAIRMAN. The Chair thinks that it will probably expedite matters more to rule without waiting to look up the RECORD. The Chair, from his recollection of what occurred, overrules the last motion of the gentleman from New York, and the question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I should like to discuss the amendment.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry. Has not the debate on this amendment been exhausted under the five-minute rule?

The CHAIRMAN. It has not. The gentleman from Pennsylvania [Mr. MOORE] has been addressing himself to the point of order.

Mr. MOORE. Mr. Chairman, there is no good excuse for not authorizing the purchase of this land. The Frankford Arsenal is one of the profit-making establishments of the Government. It has proven that Government manufacture can be done much cheaper than it can be done privately. It is shown that within a year it can save upward of a million dollars over and above what would have been paid by the Government for goods purchased from outside manufacturers. It is an institution that ought to be encouraged. It is limited to 62 acres of ground. The other day the gentleman from Illinois [Mr. TAVENNER] offered an amendment on which there was much discussion to increase the appropriation for the manufacture of ammunition at Rock Island to the extent of $225,000. They have over 800 acres out at that arsenal, with plenty of room for expansion and plenty of room for ordnance tests. In this bill the Frankford Arsenal, with its splendid record for service and its splendid record for money-saving, is allotted only $57,000, as against $127,322 for the Rock Island Arsenal. Two hundred and fifty thousand dollars was voted for that arsenal last year, as against $4,000 to the arsenal at Philadelphia. Now we are cramped for room. We have the labor and raw material and cheap fuel cost, and we conclude that our fuel cost is less than that of Rock Island, and I think less than that of any other arsenal in the country. It needs encouragement not only for the protection of the lives of the men who are employed there, but for the expeditious movement of the business of the Government.

The gentleman from New York [Mr. FITZGERALD] indicated that we did not come before the committee in the regular way, with an estimate from the department. I inquired of the gentleman when the matter was up before if Gen. Crozier had not frequently made estimates for the purchase of this land at Frank-

We must remember, too, that the shop buildings at Rock Island Arsenal are heated not by electricity but by a steam plant which requires about 5,000 tons of coal annually at a cost of $12,500. Then there are bridges leading to Rock Island for which Congress has made appropriations since 1869 amounting to over $800,000, besides annual appropriations in recent years of $12,500 for the maintenance of these bridges.

From this it is clear that the alleged advantages of the so-called free water power at Rock Island are largely mythical. In fact, Rock Island Arsenal possesses no economical advantages by reason of its water power when the cost and maintenance charges of that power are considered. And if Rock Island really possessed economical advantages in its water-power plant, which I can not admit, such advantages would be more than offset by its inaccessibility to a large number of skilled artisans, its long distance from the sources of its supplies, and the delay and expense involved in having its products tested at the Government proving grounds at Sandy Hook.

But, Mr. Chairman, I have no desire to minimize the importance or injure the prospects of the Rock Island Arsenal. My aim is merely to correct or remove the misimpressions that gentlemen may have received from the statements of the chairman of the great Committee on Appropriations, Mr. FITZGERALD, whose remarks are always eloquent, always impressive, and usually accurate.

While admitting that the Rock Island plant is well equipped to produce its present lines of manufacture, I still contend that Frankford Arsenal possesses many superior advantages, that those advantages have already resulted in large savings to the Government, and that still greater economies can be effected by the expenditure of a comparatively small sum in the enlargement and improvement of its manufacturing and storage facilities. The failure to further develop this great arsenal on the poor plea that development should be made only where the Government owns land and water power is at least starving, if not killing, the goose that lays the golden eggs.

In the past 10 years the Rock Island Arsenal has received appropriations for repairs and improvements aggregating $975,000, while during the same period the total appropriations for Frankford Arsenal amounted to only $350,000.

Why this difference in the appropriations for two plants the value of whose annual output is practically equal? I do not know; but I might suggest that it was an advantage to the Rock Island Arsenal to have both Democrats and Republicans fighting its battles in Congress, while our arsenal had until recently only one brand of champions. It can not be denied that the claims of Frankford Arsenal have of late been kept well to the front, and I am confident that the efforts now being put forth will soon bear fruit.

Acts of Congress making appropriations for the development of the water power at the Rock Island Arsenal.

Act of June 27, 1866	$100,000
Act of June 8, 1868	80,000
Act of Mar. 3, 1869	150,000
Act of July 15, 1870	200,000
Act of Mar. 3, 1871	200,000
Act of June 10, 1872	110,000
Act of Mar. 3, 1873	18,000
Act of June 23, 1874	5,400
Act of Mar. 3, 1881	50,000
Act of Aug. 7, 1882	100,000
Act of Mar. 3, 1883	20,000
Act of July 7, 1884	18,500
Act of Oct. 2, 1888	275,000
Act of Aug. 30, 1890	101,000
Act of July 1, 1898	45,000
Act of Mar. 3, 1899	21,350
Act of Mar. 3, 1901	120,500
Total	1,624,750

Acts of Congress making appropriations for extraordinary repairs to the Rock Island Arsenal water power.

Act of Oct. 2, 1888	$25,000
Act of Aug. 18, 1894	30,000
Act of Mar. 2, 1895	37,500
Act of June 4, 1897	28,150
Act of June 6, 1900	97,000
Act of May 27, 1908	28,500
Total	246,150

Acts of Congress making appropriations on account of the bridges at the Rock Island Arsenal.

Act of Mar. 2, 1867	$200,000
Act of July 25, 1868	100,000
Act of Mar. 3, 1869	500,000
Act of July 15, 1870	300,000
Act of Mar. 2, 1889	35,000
Act of Mar. 28, 1896	96,000
Act of June 11, 1896	10,200
Act of May 27, 1903	9,350
Act of Mar. 4, 1909	60,000
Total	1,310,550

Mr. FITZGERALD. Mr. Chairman, the department estimated for improvements at Frankford Arsenal aggregating about $72,000. The committee recommended items carrying $57,000. One of the items carried upon the recommendation of the committee is for a high-explosive loading shop and its equipment, to cost $32,000.

This metal storehouse, which has been discussed by the gentleman from Pennsylvania [Mr. DONOHOE], was erected originally for the storage of scrap, but has been utilized for the storage of metals in an unmanufactured shape. Gen. Crozier was asked why he could not use the building that would be abandoned when the high-explosive loading shop provided in this bill should be erected as a storage house, and he said that that could be done. That building will be abandoned, and it should be utilized for some purpose.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. In a second. The committee believed that for the present that building could be utilized for these storage purposes.

Now I yield to the gentleman from Pennsylvania.

Mr. MOORE. Gen. Crozier, in his testimony before the committee, was asked by the chairman, the gentleman from New York [Mr. FITZGERALD]—

Why could not you use this building which you are going to abandon?
Gen. CROZIER. Maybe we shall—that is possible—for scrap.

Mr. FITZGERALD. Well, it is possible for brass or iron or other material.

Mr. MOORE. The gentleman from New York then asked:

For either?

And Gen. Crozier replied:

One objection would be that it is not in such a place where a car can come alongside of it, though we have a railroad track running past the end of it. Of course its inflammable character would not make so much difference then.

Mr. FITZGERALD. Of course.

Mr. MOORE. The gentleman will appreciate that these high explosives are out in the open air. I do not know what the effect of the sun's rays are upon them.

Mr. FITZGERALD. This shop is to be put in an entirely different location. The railroad track runs past the building that is to be abandoned. A car can be brought there and unloaded. There is no siding there, but there is a track that runs through the yard, and the committee believed that it was proper to utilize the building for some purpose rather than simply to destroy it. The committee believed that after it had been abandoned for one use it could be utilized for a storehouse for these materials.

Mr. DONOHOE. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. DONOHOE. I would call the gentleman's attention to these photographs.

Mr. FITZGERALD. I have seen them.

Mr. DONOHOE. I do not know how the chairman arrives at the conclusion that these additional storage facilities are not needed immediately. Several Members of this House have been up there and have seen the crowded condition of this place.

Mr. FITZGERALD. You are going to have a new building there.

Mr. DONOHOE. As a matter of fact, they are going to be called upon to manufacture three times as much material this year as heretofore.

Mr. FITZGERALD. But this storehouse would not be built in time for use this year. That is a high-explosive shop, and those things can be moved out from the present shop to the other shop for storage purposes.

Mr. DONOHOE. It has been widely advertised that more room is urgently needed.

Mr. FITZGERALD. They assumed that this recommendation would become law.

Mr. DONOHOE. Well, the chairman's recommendation is almost equivalent to a law with us.

Mr. FITZGERALD. I would say, Mr. Chairman, that the committee in going over the recommendations for these various arsenals undertook to select those items that were imperatively required and recommended.

For the Frankford Arsenal they provided a high-explosive loading shop and its equipment, magazine protection, and increased facilities for fire protection, including the installation of a motor-driven pump and the construction of a building to contain the same.

If the committee were to recommend every improvement at every place suggested by the department, it would require the appropriation of a sum of money that would stagger the House; and if the committee were to bring in a bill containing all such recommendations, this House itself would promptly eliminate

many of them from the bill. We have recommended those things that are essential at this time for the proper development of the Frankford Arsenal. This abandoned building will be available for storage, and the committee believe they have done all they are justified in doing at this time. I hope the amendment will not be agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The question being taken, the Chairman announced that the ayes appeared to have it.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 43, noes 15.

Mr. FITZGERALD. I ask for tellers.

Tellers were refused, 12 Members, not a sufficient number, seconding the demand.

Mr. FITZGERALD. I make the point of order that there is no quorum present.

Mr. MONDELL. Mr. Chairman, I suggest that that is dilatory.

Mr. DONOHOE. I suggest that that is not in order.

Mr. FITZGERALD. I suggest that it is in order.

The CHAIRMAN. The point of order has not been made before. The gentleman from New York [Mr. FITZGERALD] makes the point of order that there is no quorum present.

Mr. MONDELL. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FITZGERALD. I make the point. The gentleman need not argue about it.

Mr. MONDELL. Very well: I will not argue with the gentleman; but I suggest that the gentleman is delaying the passage of the bill.

The CHAIRMAN. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-nine Members in their seats, and the Chairman is present, making 100. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE]. As many as favor the amendment will rise and stand until they are counted.

The committee divided; and there were—ayes 51, noes 26.

Mr. FITZGERALD. I ask for tellers. Mr. Chairman.

Tellers were ordered; and the Chairman appointed Mr. FITZGERALD and Mr. DONOHOE.

The committee again divided; and the tellers reported—ayes 54, noes 35.

Accordingly the amendment was agreed to.

Mr. DONOHOE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DONOHOE:
Page 52, after line 17, insert the following:
"For extension of artillery storehouse, $17,500."

Mr. DONOHOE. Mr. Chairman, I offered an amendment the other day for this matter, but it was ruled out on a point of order because it provided for a new building. This is for an extension of the artillery ammunition storehouse. I could say nothing on this that I have not said on the proposition for a metal storehouse, and I have said nothing on the latter that I could not say on this. It is urgently needed for the protection of the high-explosive materials at the Frankford Arsenal. If we do not appropriate this small amount, it will be a serious mistake.

Mr. FITZGERALD. Mr. Chairman, there is no such building at the Frankford Arsenal. The gentleman has put his amendment in a form so that even if the money were appropriated it could not be utilized. The other day he offered an amendment to provide for a new building for that purpose. Now, he hopes to get an amendment adopted which, even if adopted, would be of no value, because the money could not be spent. I repeat that the Committee on Appropriations in making recommendations for this arsenal and for the other arsenals picked out the items that were important; that were essential for the proper conduct of the business at these places at this time, and recommended them. I hope that the committee will not adopt this amendment.

Mr. DONOHOE. Will the gentleman yield for one question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. DONOHOE. Does the gentleman contend that there are no facilities for the storage of ammunition?

Mr. FITZGERALD. I contend that there is no such building as that for which the gentleman proposes to appropriate $17,000 for an extension. This House would put itself in a ridiculous position to vote money to extend a building that does not exist. I hope the amendment will not be adopted.

Mr. MOORE. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read the amendment.

Mr. MOORE. Mr. Chairman, I desire to speak on this amendment. I suggest to my colleague from Pennsylvania that he move to strike out the words "for the extension of."

Mr. DONOHOE. I could not do that because it would then be subject to a point of order.

Mr. MOORE. I think the gentleman has a right to offer an amendment for a building.

Mr. DONOHOE. No; my other amendment was ruled out on that ground. This is for the extension of facilities for the storage of ammunition. If the chairman of the committee says there are no facilities at the arsenal for the storage of ammunition, I must be wrong, but I understand there are some limited facilities for such a purpose, and my amendment provides for an extension of those facilities.

Mr. MOORE. We have a statement from the Chief of Ordnance on that point, and if the gentleman insists on the amendment going up as it is, we will have to argue it out on that line. However, Mr. Chairman, we have to have Artillery ammunition at that arsenal. It is stored there in the best way that it can be stored. We have a perfect right to extend the storage facilities as proposed in the amendment, if it is to be considered in its present form. That there is a necessity for the present extension is made clear by the statement of the Chief of Ordnance in advocating the estimate submitted to the committee. The matter came up before the committee in regular order, and the Chief of Ordnance testified that there was great necessity for this extension of facilities. Now, what did the Chief of Ordnance say about it?

Gen. CROZIER. Here [exhibiting] is a plan of the building which it is proposed to erect under this estimate. The dimensions are about 133 by 45 feet. It is also a one-story brick building. As explained by the note, it is intended to be utilized for storing portions of ammunition under manufacture; that is, components of the ammunition under manufacture, ready for assembling in complete rounds, and we also have use for it in storing ammunition which is oftentimes turned in from the service for overhauling. I will not say oftentimes, but once in a while something deteriorates about it, and it is sent back to the arsenal to be overhauled and made anew, and we need a place to put it while it is awaiting overhauling.

The CHAIRMAN. What building do you use for that purpose now?

Gen. CROZIER. There is no building. The components are scattered all around the place, not in any special building. These components oftentimes stand on the floor, where they should not stand—it is not very safe—and oftentimes they are gathered into this little frame loading shop, which is already too small, and where they increase the danger from any accidental explosion which might occur in there. It would be located quite near the new loading shop, so as to form a convenient portion of the artillery manufacturing plant—the site I just pointed out to you as the new position for this artillery loading shop—and across the end here [indicating] will be placed this storage building which I am speaking of now. These buildings [indicating] constitute the artillery ammunition plant of the arsenal, these buildings [indicating] the small-arms manufacturing plant, and this group [indicating] the fire-control instruments plant.

Mr. Chairman, there is a little frame loading shop in existence in which this artillery ammunition is stored. There are other buildings in which it is stored and there is ground upon which it is stored, and it would seem that if there are buildings and grounds upon which this ammunition is stored it is fair to assume that we have the right to extend the storage facilities; that is what the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE] proposes to do. It seems to me the amendment would be in order, taking it as it is, because there is this little frame loading shop, in which artillery ammunition is stored, and also there are other buildings. It is proposed to extend the storage facilities by erecting another building in the nature of an extension, and that brings us under the rule.

Mr. LOGUE. Mr. Chairman, this is a manufacturing plant for artillery ammunition which is not shipped out of the place at once. It is a notorious fact that the product of that arsenal lies around temporarily stored, as stated by my colleague, either in rooms or outside. Storage is a necessary incident to the conduct of this arsenal, and therefore I contend that without the additional words and not arguing against the wording of the amendment we have it substantially established as an existing condition, and providing for it is within the spirit of legislation that we are now considering. Regarding the existing needs of it, I think the argument by the gentleman from Pennsylvania as to the other amendments well establishes this. The photograph that he has exhibited establishes it, and gentlemen who have visited the Frankford Arsenal know the inadequacy of the buildings and the absolute necessity for the one at present in question.

Mr. ADAMSON. The other is the stocks and bonds bill, both of which have passed the House.

The SPEAKER. The Clerk will read the report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (No. 843).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 8, 16, 18, 21.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 22, 23, 24, 25, and agree to the same.

JOE J. RUSSELL,
J. A. M. ADAIR,
Managers on the part of the House.
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. RUSSELL, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill——

Mr. FITZGERALD. Mr. Speaker, pending that motion, I wish to give notice that I will ask the House to sit the same as last night.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] gives notice that he will ask the House to sit to-night until 11 o'clock p. m., or somewhere along there.

Mr. MANN. Not as late as that.

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil bill, with Mr. GARRETT of Tennessee in the chair.

Mr. FITZGERALD. Mr. Chairman, I think under the agreement we made the other day that we now revert to the Frankford Arsenal item, on page 52.

The CHAIRMAN. There is pending a point of order made by the gentleman from Illinois [Mr. MANN], which the Chair is ready to dispose of and rule upon, unless some gentlemen desire to be heard upon it. The Chair will indicate now before anyone is heard, in order that they may have full knowledge, that he is inclined to think this vote should be taken over again.

Mr. DONOHOE. I would ask the Chair what would be the situation in case we had reached the end of a paragraph without any opposition being offered to that paragraph and a Member then made the point of no quorum? Would we have to go back over that paragraph again?

The CHAIRMAN. Not under the practice of the House.

Mr. DONOHOE. Now, Mr. Chairman, this particular item was disposed of by the ruling of the Chair:

The committee divided; and on a division there were—ayes 35, noes 31.

The Chairman said:

On this question the ayes are 35, the noes are 31. The amendment is agreed to.

After that the point of order was made.

The CHAIRMAN. The situation was this: The gentleman from Pennsylvania [Mr. DONOHOE] offered the amendment, and it was voted upon first by a viva voce vote, and then a division was demanded, and it was voted upon by the committee by a division. Upon that vote less than a quorum voted. The Chair announced the result in accordance with the custom which usually prevails in the Committee of the Whole, and immediately after the announcement of the result the gentleman from Illinois [Mr. MANN] made the point that there was no quorum present. A count was immediately taken, which developed that there was no quorum present. Now, the Constitution provides that a majority of each House shall constitute a quorum to do business. The rules of the House provide that 100 shall constitute a quorum in the Committee of the Whole. The Chair believes that either in the House or in the Committee of the Whole where that point is made within a reasonable time, and it develops within a reasonable time, without any effort at filibustering, that there is not a quorum present, there ought to be a quorum pass upon that question of business before the House. The Chair may be wrong about it. The Chair, of course, will entertain an appeal. The Chair does sustain the point of order made by the gentleman from Illinois [Mr. MANN], and the question is on the amendment.

Mr. DONOHOE. Mr. Chairman, before the amendment is voted upon, I think it would be fair that gentlemen who are present now and who were not here when the motion was offered should know something of the circumstances and conditions of the case. I have here, Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, may we have the amendment reported before the gentleman proceeds?

The CHAIRMAN. Without objection, the amendment will be again reported.

The Clerk read as follows:

Page 52, after line 17, insert the following:
"For extension of metal storehouse, $13,500."

Mr. DONOHOE. Mr. Chairman, this appropriation provides for the extension of a metal storehouse at Frankford Arsenal. I have here some photographs that were taken within the last 10 days showing the congested condition with regard to the storage of metals and other materials at the arsenal. I feel that there is scarcely a gentleman present who, if he will look over these photographs, would be unwilling to vote for this amendment, especially when he considers that the Frankford Arsenal saved to the Government last year in the manufacture of small-arms and artillery ammunition almost $2,000,000, considering what the Government would have to pay if they had bought the ammunition on the outside. I have here one view of a loading platform, showing the congestion due to the storage of valuable brass and german-silver scrap. Here is another photograph showing an accumulation of scrap on the platform which should be stored under cover, and hundreds of boxes on the outside exposed to the elements. Another photograph shows the interior of the tin shop, where most of these boxes are made.

The box linings and boxes should be stored in a proper storehouse instead of being stored in the shop where they are made and where there is not room for them. Another view here is the small-arms ammunition boxes, for which there is no room on the inside. Thousands of these boxes, made of metal, are exposed to the elements because of the fact that there is no storage room for them.

Now, the department estimated for two storerooms, but the committee in their wisdom failed to put them in the bill. I am now appealing to the committee to put them in. Here are valuable boxes, costing the Government 60 cents each, stored in the open because of lack of room in the metal ammunition storehouse. Here is also a photograph showing thousands of these boxes outside, exposed to the weather, perhaps rusting.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. DONOHOE. I do.

Mr. GOULDEN. What is the size of the present storehouse?

Mr. DONOHOE. I have not the dimensions.

Mr. GOULDEN. Approximately what is the length and breadth of it?

Mr. DONOHOE. I can not say.

Mr. GOULDEN. It is comparatively small, however?

Mr. DONOHOE. Yes: it is comparatively small. Here are views of the interior of the metal storehouse, showing the present crowded condition, with boxes of valuable material, brass and german silver and other metals, piled up almost to the rafters. Here is another view of the metal storehouse showing very much the same thing.

Now, Mr. Chairman and gentlemen, I trust the members of the committee will consider that Frankford Arsenal is one of the most economical workshops of the Government and provide for this small storehouse that the arsenal urgently and absolutely needs for the protection of the valuable material that is now on the outside exposed to the weather.

Mr. SMALL. Mr. Chairman, will the gentleman yield for a question?

Mr. DONOHOE. Yes.

Mr. SMALL. This is urgently recommended by the department?

Mr. DONOHOE. Yes; it is urgently recommended by the department.

Mr. HOWARD. But it is not recommended by the committee?

Mr. DONOHOE. Mr. Chairman, on June 12, when these items were first reached, several Members of the House pointed out the urgent necessity of acquiring for Frankford Arsenal some 25 acres of adjoining land. Eloquent and, to my mind, convincing arguments were presented by several Representatives in support of my amendment providing $100,000 for the purchase of the land in question. Compared with the Government arsenals at Rock Island, Watervliet, Springfield, and Watertown, it was pointed out that in proportion to the size of its working force, the amount of its annual disbursements, or the value of its manufactured product, Frankford Arsenal is badly hampered for room and has far outgrown in these respects its present area of 63 acres. In short, it was clearly shown that in the interest of the safety of the employees of the arsenal, as well as in the interest of economy and good business policy, the additional land—the last piece available—should be purchased before it is too late.

But a majority of the gentlemen who were present were evidently carried away by the statements of Chairman FITZGERALD, of the Appropriations Committee, who said in substance, first, that the item has not been estimated for by the War Department; second, that it is not necessary to enlarge the facilities of Frankford Arsenal; and, third, that we should not buy land at Frankford when we have unlimited land and abundant water power at Rock Island.

While it is true that the War Department has not recently estimated for the purchase of this land, it is also true that the department did heretofore estimate for it, that it still favors the proposition, and that the item has been left out of the estimates this year, not because it is not deemed advantageous, but "because other needs of the department have been so immediately pressing." Under date of April 14, 1914, Hon. Lindley M. Garrison, Secretary of War, wrote to Senator SWANSON, the chairman of the Committee on Public Buildings and Grounds of the United States Senate, as follows:

DEAR SENATOR: I return herewith the bill (S. 5055) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia.

The principal reasons for the purchase of this property by the Government are as follows:

1. To avoid the serious situation which would arise if this property should be purchased by parties who would desire to utilize it for dwellings or factory purposes, since there is no doubt that in case such buildings should be erected upon the property the occupants would object to the experimental firings and other tests involving the use of high explosives which are conducted at the Frankford Arsenal.

2. The utilization of the property for the storage of explosives so as to remove them a safe distance from the present shop buildings.

3. To utilize the property for the construction of certain storehouses and shop buildings, which will undoubtedly be necessary in the extension of the manufacturing plant at the Frankford Arsenal in the future and for which it would be impossible to secure grounds if this piece of property shall irrevocably pass to other uses.

The War Department has in the past submitted estimates for the purchase of this property, but I have not repeated the estimate; not because the purchase would not be advantageous and such as would be made by any efficient corporation in a similar position, but because other needs of the War Department have been so immediately pressing that I have been obliged to let this particular matter rest, although I recognize that in doing so the danger is incurred of the passage of the opportunity to make the purchase advantageously.

I believe that the land is now practically owned by the University of Pennsylvania, having been left to it as a part of an estate. I think a fair price would be somewhere between $140,000 to $150,000, so that the amount carried in the bill—$154,000—should be sufficient to include the cost of condemnation proceedings should such be necessary, as contemplated by the bill.

Sincerely, yours,
LINDLEY M. GARRISON,
Secretary of War.

This letter indicates how the Secretary of War feels regarding the necessity of purchasing this land and the advisability of increasing the facilities of the Frankford Arsenal. And I have personal knowledge that similar views on the subject are entertained by Gen. Crozier, the Chief of Ordnance, and by other prominent officials of the War Department. Gen. Crozier knows and admits that Frankford Arsenal is one of the most profitable of the Government's manufacturing establishments. In his last annual report the general says of it:

In the manufacture of artillery ammunition and small-arms ammunition at that arsenal a saving of over $1,500,000 was made during the year as compared with what the same ammunition would have cost if procured from private establishments at the best prices which were offered. Also, in the manufacture under contract of these same two classes of ammunition, $400,000 more were paid than it would have cost to make it at the arsenal.

Gen. Crozier, with his long experience in the Ordnance Department, realizes that the economies at Frankford Arsenal are due in large measure to its ideal location within the limits of a great manufacturing city, whose population is now 1,600,000. On January 29 of this year, during the debate on the fortifications bill, I said on this point:

Its location as a manufacturing plant is most favorable. This fact was recognized as far back as 1875, when a board of ordnance officers recommended that the plant be enlarged and that 75 acres of additional land be purchased for that purpose.

Being within the city of Philadelphia, it is easily accessible for 250,000 skilled workmen. It is within 275 miles of the soft-coal fields of Pennsylvania, the source of its fuel supply; within 150 miles of Connecticut, from which it draws its brass for manufacturing; within 57 miles of Bethlehem, Pa., 58 miles of Reading, Pa., and 350 miles of Pittsburgh, Pa., from which points, as well as from Philadelphia, it procures its steel; within 30 miles of Carneys Point, N. J., and 136 miles of Picatinny Arsenal, N. J., from which it gets its explosives for the manufacture of ammunition.

Its shipping facilities are unsurpassed. It has direct railroad connection with the Pennsylvania Railroad, while the other railway lines that enter Philadelphia, the Reading and the Baltimore & Ohio, are within easy reach. In that great railroad center a supply of suitable cars for all purposes is procurable at all times on short notice. * * *

These advantages of location—unrivaled labor market, proximity to supplies, and adequate transportation facilities—are the main factors in the development of the remarkable economies of Frankford Arsenal.

Members of this House who have inspected the plant, including some members of the Committee on Appropriations, are of one mind in favor of the purchase of the adjoining 25 acres of land. On the other hand, the chairman and some other members of the Committee on Appropriations seem to think that it would be unwise to enlarge the Frankford Arsenal while we have plenty of unused land and an abundance of cheap water power at the Rock Island Arsenal. But free land and cheap power would not be sufficient inducement for a sensible manufacturer to abandon a plant that has been paying for itself in profits every 30 months. Almost every argument that has been advanced in support of the proposition that the Government shall manufacture all of its requirements in ammunition is based on economies that have been effected at Frankford Arsenal.

We have heard much about the wonderful water power at Rock Island and how cheaply it is produced. We have also been told that the Government sells to the Moline Water Power Co. surplus power at four-tenths of a cent per kilowatt hour. I find that the Government sells just $150 worth of that power annually, and that when the water is low it buys from the Moline Water Power Co. about $2,000 worth per annum. This latter power is generated by steam and costs 1 cent per kilowatt hour.

The assumption that because we sell power at an unusually low price it is produced cheaply is a false one. I can show from facts and figures that have been carefully gathered from the War Department that it costs the Government much more than four-tenths of a cent per kilowatt hour to produce the power at Rock Island. Indeed, I can show that it costs less per kilowatt hour for power generated by steam at Frankford Arsenal than for power generated by water at Rock Island.

Let us see what the Rock Island water-power plant has cost the Government. On March 2, 1887, Congress authorized the purchase from the Moline Water Power Co. of its title to the water power which it had acquired two years previously. The condition of purchase was that the United States would develop the water power and furnish one-fourth of it to the Moline Water Power Co. free of charge.

Congress has already appropriated for the development of this power $1,624,750; for extraordinary repairs, $246,150, and annually for maintenance, $12,500. The interest at 3 per cent on the cost of development is $48,742, which, with the maintenance charge of $12,500, makes a total annual charge of $61,242.

The maximum power that can be developed by the Rock Island Dam is 1,450 horsepower. I understand that the arsenal requires 1,400 horsepower. Assuming that 1,400 horsepower is taken daily throughout the year, it follows that 2,590,000 kilowatt hours in electrical energy are taken annually from the Rock Island water-power plant. The annual charge for this amount of energy being $61,242, then the cost of a kilowatt hour at Rock Island is over 2.4 cents. At Frankford Arsenal the power is generated by steam at a cost of slightly more than 1 cent, or, to be accurate, 1.008 cents, per kilowatt hour.

There is a general impression that because there is no charge for the water in a water-power plant the cost of the electrical energy derived from such a plant is merely nominal. Some Members of this House are evidently not free from that erroneous notion. As a matter of fact, an up-to-date steam plant having a capacity of 2,000 kilowatts can be installed complete for $200,000. If these figures are correct, as I believe them to be, then it must be admitted that a steam-power plant of 2,000 kilowatt capacity at a cost of $200,000 would have been a much better investment at Rock Island Arsenal than the water-power plant of 1,450 kilowatt capacity that has cost the Government $1,624,750.

Mr. GARD with Mr. KEISTER.

The SPEAKER. The Chair will state for the information of Members that no one has ever applied to the Chair to suspend the rules on that bill.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Wisconsin that there is an order of the House now in existence giving privilege to that water-power bill, and if this request be objected to, the water-power bill would come up on that day, but this would give suspension a preference to the water-power bill. I am in hopes that that bill will come up before that time.

Mr. MURDOCK. The gentleman will remember that the Moon bill has preference.

Mr. UNDERWOOD. Oh, no.

Mr. FALCONER. Mr. Speaker, I would like to ask with reference to the reclamation extension bill. Would there be any objection to its coming up if the other Land Department bills came up?

Mr. UNDERWOOD. I think there is a possibility of the reclamation extension bill coming up before that time.

Mr. BRYAN. That bill may come up to-morrow on the regular call of committees.

Mr. UNDERWOOD. It might. I am not attempting to make any order in reference to what bills shall come up.

Mr. ADAMSON. Mr. Speaker, if the gentleman from Alabama will permit me, I would state that there is no intention at all, if this consent be given, to attempt to call up the bill to amend the general dam act.

Mr. UNDERWOOD. The gentleman means under suspension of the rules?

Mr. ADAMSON. Yes; because it already has been made privileged by consent of the House.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. What will be the regular order of business on Monday next without this special order?

The SPEAKER. It would be an ordinary legislative day; and the gentleman from New York [Mr. FITZGERALD] would have the right of way with his appropriation bill. It is the fifth Monday of the month.

Mr. COOPER. But suppose that bill were passed before Monday, what would be the regular order?

The SPEAKER. The bill the gentleman from Georgia [Mr. ADAMSON] refers to—the dam bill—because that, by unanimous consent, has been made a privileged matter.

Mr. ADAMSON. And some folks have damned it; but I think we will turn it loose when we can get it on the floor.

The SPEAKER. And when this appropriation bill is out of the way, and no conference report or privileged matter is called up, the Chair will recognize the gentleman from Georgia, or some one for him, to call that bill up, because the House gave it a privileged status by unanimous consent three or four weeks ago, and it would have been disposed of long ago if it had not been for that special order that was brought in by the Committee on Rules.

Mr. COOPER. I understood the gentleman from Georgia to say it is not his purpose to take up that bill on next Monday.

Mr. MANN. He could not pass one end of it.

Mr. ADAMSON. I expect to call it up as soon as the sundry civil bill is out of the way.

Mr. COOPER. I understood the gentleman from Georgia to say, a few moments ago, he would not take it up.

Mr. ADAMSON. I will not ask recognition to suspend the rules; no, sir. I will not do that. I have a much better chance the other way.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I want to ask something easy, and that is to lay two bills on the table, because identical bills have already passed the House.

The SPEAKER. What are the numbers?

Mr. ADAMSON. One is H. R. 1922, on the Union Calendar, and the other is H. R. 16133, on the House Calendar. Identical bills have already passed and these ought to be laid on the table.

The SPEAKER. The Clerk will report the bills by title.

The Clerk read as follows:

H. R. 16133. A bill to amend section 20 of an act to regulate commerce.

H. R. 1922. A bill to repeal that part of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved Aug. 24, 1912, which exempts vessels engaged in the coastwise trade from tolls at the Panama Canal.

Mr. ADAMSON. One of those is the canal tolls repeal and the other is the stocks and bonds bill, both of which have passed the House.

Mr. MANN. Has the gentleman got through with the canal tolls repeal now?

Mr. ADAMSON. I do not think the gentleman will ever be able to resurrect that iniquity in the world any more.

Mr. MANN. The next Congress will repeal what has been done this time.

The SPEAKER. Without objection, these two bills will be laid on the table.

There was no objection.

EXTENSION OF REMARKS IN THE RECORD.

Mr. STEPHENS of Nebraska. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Nebraska rise?

Mr. STEPHENS of Nebraska. I rise to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARY. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. MANN. Mr. Speaker, I object.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the naval bill we had under discussion a short time ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks on the naval bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker——

Mr. CONNOLLY of Iowa. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

Mr. MANN. On what? I shall object if gentlemen do not state the subject.

Mr. CONNOLLY of Iowa. On the naval bill, on the battleship question.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. CARY. Mr. Speaker, the gentleman from Illinois did not know I wanted to extend my remarks on the naval bill, and that is why he objected.

The SPEAKER. Each gentleman ought to state on what subject he desires to extend his remarks, and it would save a great deal of trouble. The gentleman from Wisconsin asks unanimous consent to extend his remarks on the naval bill. Is there objection?

Mr. DONOVAN. Mr. Speaker, I ask the privilege of making an announcement of about two sentences. I want to call attention——

Mr. MANN. Mr. Speaker, I object.

Mr. DONOVAN (continuing). To the fact that the gentleman from Ohio [Mr. FESS] is present——

The SPEAKER. The gentleman objects.

Mr. DONOVAN. Who?

The SPEAKER. The gentleman from Illinois. While there is a good membership present the Chair wants to remind Members of two or three of the minor rules. One is that when a gentleman has the floor and another gentleman wants to interrupt him he ought to address the Chair. The reasons for that rule are good. Another one is that Members must not crowd around this desk when the roll is being called. It pesters the clerks and fuddles them so they do not know what they are doing; and the third rule, that is being violated right straight along, is that Members sitting in their seats should not inject remarks into a gentleman's speech. It is not fair or conducive to order. And the fourth, that is violated constantly, is that Members address each other as "you," and so forth, which is prohibited by the rule.

Mr. DONOVAN. Mr. Speaker, what became of my request?

The SPEAKER. The gentleman from Illinois [Mr. MANN] objected to the gentleman's request.

Mr. DONOVAN. The minority leader.

Mr. MANN. The request was not submitted to the House.

The SPEAKER. Is there objection to the request?

Mr. MANN. I objected to the gentleman talking without any attention being paid to his request.

The SPEAKER. Is there objection to the gentleman from Connecticut speaking for two minutes?

Mr. CARY. Mr. Speaker, reserving the right to object, what became of my request?

The SPEAKER. Why, it was granted.

Mr. MANN. No.

The SPEAKER. That is true; it was not.

Mr. MURDOCK. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. MURDOCK. I want to make a statement to the Speaker. The Speaker made a very essential statement here a few minutes ago to the effect that men who interrupt should address the Speaker, and that is true, and yet no man since has addressed the Speaker.

Mr. MANN. The gentleman himself is speaking out of order.

Mr. MURDOCK. Of course I am; I am trying to get in order.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin to extend his remarks on the naval appropriation bill? [After a pause.] The Chair hears none.

Is there objection to the gentleman from Connecticut [Mr. DONOVAN] addressing the House for two minutes? [After a pause.] The Chair hears none. [Applause.]

Mr. DONOVAN. Mr. Speaker, I only wanted to call attention to this fact, that one of the most intellectual Members of this body has put in an appearance to-day at this session. I refer to the college president from Ohio [Mr. FESS]. He very kindly called attention to the attendance of this body before he departed, and after doing it we have not been able to look upon his face until to-day. [Applause.] We hope he will continue to perform the duties pertaining to a Representative in Congress and will not set such a bad example as to hie himself away three weeks at a time, as he has of late. [Laughter.]

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 22.

Whereas the Government of the United States has erected a monument in Hollywood Cemetery at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively—

to the Committee on the Library.

FORTIFICATIONS.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill H. R. 12235—the fortifications appropriation bill—and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] calls up the conference report on the fortifications bill and asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 551).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 3, and 5.

That the House recede from its disagreement to the amendments of the Senate numbered 6, 7, 8, 9, 10, 11, 12, and 13, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,200,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

SWAGAR SHERLEY,
GEO. WHITE,
WM. M. CALDER,
Managers on the part of the House.
N. P. BRYAN,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12235) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendment No. 1: Appropriates $450,000, as proposed by the House, instead of $900,000, as proposed by the Senate, for purchase, manufacture, and test of mountain, field, and siege cannon.

On amendment No. 2: Appropriates $1,200,000, instead of $2,000,000 as proposed by the Senate and $900,000 as proposed by the House, for ammunition for mountain, field, and siege cannon.

On amendment No. 3: Appropriates $45,000, as proposed by the House, instead of $55,000, as proposed by the Senate, for alteration and maintenance of mobile artillery in the United States.

On amendments Nos. 4 and 5, relating to protection, preservation, and repair of fortification in the insular possessions: Appropriates $1,000, instead of $1,500 as proposed by the Senate and $500 as proposed by the House, for the Hawaiian Islands and strikes out the appropriation of $7,000 for the Philippine Islands.

On amendments Nos. 6, 7, and 8, relating to preservation and repair of torpedo structures in the insular possessions: Appropriates $2,000, as proposed by the Senate, instead of $500, as proposed by the House, for the Hawaiian Islands and $1,000, as proposed by the Senate, instead of $750, as proposed by the House, for the Philippine Islands.

On amendments Nos. 9, 10, and 11, relating to reserve equipment in the insular possessions: Appropriates, as proposed by the Senate, $50,000 for the Hawaiian Islands and $100,000 for the Philippine Islands.

On amendments Nos. 12 and 13: Appropriates $1,000, as proposed by the Senate, instead of $750, as proposed by the House, for tools and appliances for maintaining and operating searchlights and electric light and power plants in the Hawaiian Islands.

The bill as passed by the Senate appropriated $6,895,200, which sum exceeded the bill as passed by the House by $1,729,000. In conference the Senate receded from $1,267,500, which makes the bill as agreed upon carry a total of $5,627,700.

SWAGAR SHERLEY,
GEO. WHITE,
WM. M. CALDER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill H. R. 12045—the omnibus pension bill.

The SPEAKER. The gentleman from Missouri calls up the conference report on the bill H. R. 12045, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Seldomridge	Stout	Thacher	Watson
Sinnott	Sutherland	Towner	Webb
Small	Taggart	Tribble	Whaley
Smith, Md.	Talbott, Md.	Tuttle	Williams
Smith, N. Y.	Talcott, N. Y.	Underhill	Wilson, N. Y.
Sparkman	Taylor, Ark.	Underwood	Woodruff
Stephens, Cal.	Taylor, Colo.	Walker	
Stone	Temple	Walters	
	Ten Eyck	Watkins	

ANSWERED "PRESENT"—7.

Adamson	Burke, S. Dak.	Metz	Sloan
Bartlett	Burke, Wis.	Slemp	

NOT VOTING—169.

Ainey	Fordney	L'Engle	Riordan
Anderson	Fowler	Lenroot	Rogers
Anthony	Frear	Levy	Rothermel
Austin	Gallivan	Lewis, Pa.	Saboth
Avis	Gard	Lieb	Scully
Barchfeld	George	Lindquist	Sells
Barnhart	Gerry	Lobeck	Shackleford
Bartholdt	Gillett	Loft	Sharp
Bell, Ga.	Gilmore	McAndrews	Sherley
Borland	Gittins	McGuire, Okla.	Sherwood
Brockson	Glass	McKenzie	Sims
Brown, W. Va.	Goldfogle	MacDonald	Slayden
Browne, Wis.	Gordon	Madden	Smith, Idaho
Browning	Gorman	Mahan	Smith, J. M. C.
Bruckner	Greene, Vt.	Maher	Smith, Minn.
Brumbaugh	Griest	Manahan	Smith, Tex.
Burke, Pa.	Griffin	Martin	Stanley
Butler	Guernsey	Merritt	Stedman
Calder	Hamilton, N. Y.	Miller	Stevens, Minn.
Callaway	Hammond	Mondell	Stevens, N. H.
Cantor	Hardwick	Moon	Stringer
Cantrill	Harrison	Morgan, La.	Switzer
Carew	Hart	Morin	Taylor, Ala.
Carlin	Hay	Moss, W. Va.	Taylor, N. Y.
Carr	Hayden	Mott	Thomas
Chandler, N. Y.	Henry	Neeley, Kans.	Thomson, Ill.
Church	Hinds	Neely, W. Va.	Townsend
Clancy	Hobson	Nelson	Vare
Copley	Howorth	Norton	Vaughan
Crisp	Hughes, W. Va.	O'Brien	Wallin
Dale	Humphreys, Miss.	Oglesby	Walsh
Davenport	Keister	O'Shaunessy	Weaver
Decker	Kennedy, Conn.	Paige, Mass.	Whitacre
Dies	Kennedy, R. I.	Palmer	White
Dooling	Kent	Patten, N. Y.	Willis
Doremus	Kiess, Pa.	Patton, Pa.	Wilson, Fla.
Driscoll	Kinkead, N. J.	Peters, Mass.	Winslow
Drukker	Kitchin	Peters, Me.	Woods
Dunn	Knowland, J. R.	Phelan	Young, N. Dak.
Eagan	Konop	Platt	Young, Tex.
Edwards	Lafferty	Porter	
Fairchild	Langham	Powers	
Fields	Langley	Reed	

So the amendment of Mr. MANN was rejected.

The Clerk announced the following pairs:

For the session:

Mr. FIELDS with Mr. LANGLEY.

Mr. BARTLETT with Mr. BUTLER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BROCKSON with Mr. YOUNG of North Dakota.

Mr. YOUNG of Texas with Mr. WOODS.

Mr. WILSON of Florida with Mr. WINSLOW.

Mr. VAUGHAN with Mr. THOMSON of Illinois.

Mr. TOWNSEND with Mr. SWITZER.

Mr. THOMAS with Mr. SMITH of Minnesota.

Mr. STRINGER with Mr. SELLS.

Mr. SMITH of Texas with Mr. WILLIS.

Mr. SIMS with Mr. SMITH of Idaho.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SHACKLEFORD with Mr. PLATT.

Mr. ROTHERMEL with Mr. PORTER.

Mr. REED with Mr. PATTON of Pennsylvania.

Mr. PHELAN with Mr. PAIGE of Massachusetts.

Mr. PATTEN of New York with Mr. NORTON.

Mr. PALMER with Mr. VARE.

Mr. NEELEY of Kansas with Mr. MOTT.

Mr. MOON with Mr. NELSON.

Mr. LOBECK with Mr. MOSS of West Virginia.

Mr. KONOP with Mr. MONDELL.

Mr. LIEB with Mr. MORIN.

Mr. LEVY with Mr. POWERS.

Mr. KINKEAD of New Jersey with Mr. MILLER.

Mr. KENNEDY of Connecticut with Mr. MERRITT.

Mr. HUMPHREYS of Mississippi with Mr. MCKENZIE.

Mr. HAYDEN with Mr. MCGUIRE of Oklahoma.

Mr. HAY with Mr. LINDQUIST.

Mr. GORMAN with Mr. LEWIS of Pennsylvania.

Mr. GORDON with Mr. LAFFERTY.

Mr. GOLDFOGLE with Mr. LANGHAM.

Mr. GILMORE with Mr. KIESS of Pennsylvania.

Mr. GEORGE with Mr. DUNN.

Mr. GARD with Mr. KEISTER.

Mr. GALLIVAN with Mr. GUERNSEY.

Mr. EDWARDS with Mr. GRIEST.

Mr. DRISCOLL with Mr. CHANDLER of New York.

Mr. DOREMUS with Mr. FORDNEY.

Mr. DIES with Mr. CALDER.

Mr. HARRISON with Mr. BROWNE of Wisconsin.

Mr. DECKER with Mr. BARTHOLDT.

Mr. GERRY with Mr. KENNEDY of Rhode Island.

Mr. CARE with Mr. BARCHFELD.

Mr. CARLIN with Mr. AVIS.

Mr. CANTRILL with Mr. AUSTIN.

Mr. CALLAWAY with Mr. ANDERSON.

Mr. BROWN of West Virginia with Mr. ANTHONY.

Mr. BORLAND with Mr. AINEY.

Mr. BRUMBAUGH with Mr. FAIRCHILD.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GLASS with Mr. SLEMP.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. KITCHIN with Mr. MADDEN.

Mr. HARDWICK with Mr. MANAHAN.

Mr. CANTRILL with Mr. COPLEY.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. HENRY with Mr. HINDS.

Mr. SHERLEY with Mr. GILLETT.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. BARNHART with Mr. DRUKKER.

Until August 4:

Mr. WEAVER with Mr. SLOAN.

On this vote:

Mr. BURKE of Wisconsin (against Mann amendment) with Mr. FREAR (for Mann amendment).

Mr. BURKE of Wisconsin. Mr. Speaker, I desire to be recorded present.

The SPEAKER. Was the gentleman in the Hall and listening?

Mr. BURKE of Wisconsin. I was not.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. BURKE of South Dakota. I desire to inquire if the gentleman from Georgia, Mr. BELL, voted?

The SPEAKER. He is not recorded.

Mr. BURKE of South Dakota. I voted "aye," but I wish to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Tennessee [Mr. PADGETT] to concur in Senate amendment 71, with an amendment.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 124 ayes and 81 noes.

Mr. HENSLEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 175, nays 89, answered "present" 5, not voting 164, as follows:

YEAS—175.

Abercrombie	Deitrick	Hamill	McCoy
Adamson	Dent	Hamilton, Mich.	McDermott
Aiken	Dershem	Harris	McGillicuddy
Allen	Dixon	Harrison	McKellar
Ansberry	Donohoe	Hawley	McLaughlin
Ashbrook	Donovan	Hayden	Mann
Aswell	Doolittle	Hayes	Mitchell
Baker	Dupré	Hedin	Montague
Barkley	Eagle	Hinebaugh	Moore
Bathrick	Elder	Holland	Morgan, Okla.
Beakes	Esch	Houston	Murdock
Bell, Cal.	Estopinal	Hullings	Murray, Mass.
Blackmon	Evans	Hull	Murray, Okla.
Borchers	Falson	Humphrey, Wash.	Nolan, J. I.
Bowdle	Falconer	Johnson, Ky.	O'Hair
Britten	Farr	Johnson, Wash.	Oldfield
Brodbeck	Fergusson	Jones	O'Leary
Broussard	Flood, Va.	Kahn	Padgett
Brown, N. Y.	Finley	Kelly, Pa.	Park
Bryan	Francis	Keliher	Parker
Buchanan, Tex.	French	Key, Ohio	Payne
Bulkley	Gallagher	Kinkaid, Nebr.	Plumley
Burgess	Gardner	Kirkpatrick	Post
Campbell	Garner	Korbly	Pou
Cary	Garrett, Tenn.	Kreider	Ragsdale
Casey	Gill	La Follette	Raker
Church	Godwin, N. C.	Lazaro	Reilly, Conn.
Coady	Goeke	Lee, Ga.	Roberts, Mass.
Connolly, Iowa	Goulden	Lee, Pa.	Roberts, Nev.
Conry	Graham, Ill.	Lesher	Rouse
Cooper	Graham, Pa.	Lilthicum	Rupley
Cullop	Green, Iowa	Logue	Scott
Curry	Greene, Mass.	Lonergan	Seldomridge
Danforth	Gudger	McClellan	Shreve

Sinnott	Stout	Ten Eyck	Walsh
Small	Sutherland	Thacher	Walters
Smith, Md.	Switzer	Towner	Watkins
Smith, N. Y.	Taggart	Treadway	Watson
Smith, Saml. W.	Talbott, Md.	Tribble	Webb
Sparkman	Talcott, N. Y.	Tuttle	Whaley
Stephenson	Tavenner	Underhill	Williams
Stephens, Cal.	Taylor, Ark.	Underwood	Wilson, N. Y.
Stevens, Minn.	Taylor, Colo.	Vollmer	Woodruff
Stone	Temple	Walker	

NAYS—89.

Adair	Difenderfer	Hill	Prouty
Bailey	Dillon	Howard	Quin
Baltz	Doughton	Hughes, Ga.	Rainey
Barton	Drukker	Igoe	Rauch
Beall, Tex.	Edmonds	Jacoway	Rayburn
Booher	Ferris	Johnson, S. C.	Reilly, Wis.
Brumbaugh	Fess	Johnson, Utah	Robey
Buchanan, Ill.	Fitzgerald	Keating	Rucker
Burnett	Fitzhenry	Kelley, Mich.	Russell
Byrnes, S. C.	Floyd, Ark.	Kennedy, Iowa	Sims
Byrns, Tenn.	Foster	Kindel	Sisson
Candler, Miss.	Garrett, Tex.	Lenroot	Stafford
Caraway	Good	Lever	Stephens, Miss.
Carter	Goodwin, Ark.	Lewis, Md.	Stephens, Nebr.
Coppoot	Gray	Lindbergh	Stephens, Tex.
Cline	Gregg	Maguire, Nebr.	Sumners
Collier	Hamlin	Mason	Thompson, Okla.
Connelly, Kans.	Hardy	Miller	Volstead
Cox	Hausen	Mondell	Wingo
Cramton	Helgesen	Morrison	Witherspoon
Crosser	Helm	Moss, Ind.	
Davis	Delvering	Page, N. C.	
Dickinson	Hensley	Peterson	

ANSWERED "PRESENT"—5.

Bartlett	Burke, Wis.	Metz	Sloan
Burke, S. Dak.			

NOT VOTING—164.

Ainey	Fairchild	Lafferty	Porter
Alexander	Fields	Langham	Powers
Anderson	Fordney	Langley	Reed
Anthony	Fowler	L'Engle	Riordan
Austin	Frear	Levy	Rogers
Avis	Gallivan	Lewis, Pa.	Rothermel
Barchfeld	Gard	Lieb	Saboth
Barnhart	George	Lindquist	Saunders
Bartholdt	Gerry	Lloyd	Scully
Bell, Ga.	Gillett	Lobeck	Sells
Borland	Gilmore	Loft	Shackleford
Brockson	Gittins	McAndrews	Sharp
Brown, W. Va.	Glass	McGuire, Okla.	Sherley
Browne, Wis.	Goldfogle	McKenzie	Sherwood
Browning	Gordon	Macdonald	Slayden
Bruckner	Gorman	Madden	Slemp
Burke, Pa.	Greene, Vt.	Mahan	Smith, Idaho
Butler	Griest	Maher	Smith, J. M. C.
Calder	Griffin	Manahan	Smith, Minn.
Callaway	Guernsey	Martin	Smith, Tex.
Cantor	Hamilton, N. Y	Merritt	Stanley
Cantrill	Hammond	Moon	Stedman
Carew	Hardwick	Morgan, La.	Stevens, N. H.
Carlin	Hart	Morin	Stringer
Carr	Hay	Moss, W. Va.	Taylor, Ala.
Chandler, N. Y.	Henry	Mott	Taylor, N. Y.
Clancy	Hinds	Neeley, Kans.	Thomas
Clark, Fla.	Hobson	Neely, W. Va.	Thomson, Ill.
Copley	Howell	Nelson	Townsend
Covington	Howorth	Norton	Vare
Crisp	Hughes, W. Va.	O'Brien	Vaughan
Dale	Humphreys, Miss.	Oglesby	Wallin
Davenport	Keister	O'Shaunessy	Weaver
Decker	Kennedy, Conn.	Paige, Mass.	Whitacre
Dies	Kennedy, R. I.	Palmer	White
Dooling	Kent	Patten, N. Y.	Willis
Doremus	Kiess, Pa.	Patton, Pa.	Wilson, Fla.
Driscoll	Kinkead, N. J	Peters, Mass.	Winslow
Dunn	Kitchin	Peters, Me.	Woods
Eagan	Knowland, J. R.	Phelan	Young, N. Dak.
Edwards	Konop	Platt	Young, Tex.

So the motion of Mr. PADGETT to concur with an amendment was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MCANDREWS with Mr. SUTHERLAND.

Mr. BARNHART with Mr. HOWELL.

Mr. CLARK of Florida with Mr. BROWNE of Wisconsin.

Mr. BURKE of Wisconsin with Mr. FREAR.

On this vote:

Mr. ALEXANDER (for Padgett motion) with Mr. SAUNDERS (against).

The result of the vote was then announced as above recorded.

Mr. PADGETT. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER.

SUSPENSION DAY.

Mr. UNDERWOOD. Mr. Speaker, next Monday is the fifth Monday in the month. It belongs neither to the District Committee nor to the Unanimous Consent Calendar. There are a number of bills where applications have been made to suspend the rules and pass them. I ask unanimous consent that motions to suspend the rules and pass bills may be in order next Monday.

The SPEAKER. The gentleman from Alabama asks unanimous consent that on next Monday motions to suspend the rules shall be in order.

Mr. BURNETT. Reserving the right to object, is not that unanimous-consent day?

Mr. UNDERWOOD. No; it does not belong to anybody.

Mr. MURDOCK. Reserving the right to object, have we had any suspension days this session?

Mr. UNDERWOOD. There have been a good many suspension days, but no suspensions.

Mr. MURDOCK. What are these bills?

Mr. UNDERWOOD. The Speaker has the power of recognition for suspension of the rules, and I am not proposing anybody's bill. I am merely proposing an opportunity for gentlemen who desire to be recognized for suspension of the rules to get a chance to get those bills up.

Mr. MURDOCK. How does recognition come on suspension day?

Mr. UNDERWOOD. That is entirely in the hands of the Speaker.

Mr. MURDOCK. Members who have bills on the calendar who desire to move to suspend the rules to pass those bills must see the Speaker and arrange for recognition?

Mr. UNDERWOOD. That has always been the custom.

Mr. BUCHANAN of Illinois. Does that apply to any bill that is on the calendar?

Mr. UNDERWOOD. Yes.

Mr. FITZGERALD. Mr. Speaker, I will ask the gentleman to couple with his request a proviso that the sundry civil bill be disposed of.

The SPEAKER. What does the gentleman from Alabama say to that?

Mr. UNDERWOOD. Mr. Speaker, I have no desire in the world to interfere with the sundry civil appropriation bill, because I recognize that it is more important than the other bills, and ought to go through. I equally have no doubt that the sundry civil bill will be disposed of by that time, but I will modify my request to that extent that next Monday it may be in order for the Speaker to recognize gentlemen to pass bills under suspension of the rules, not to interfere with the consideration of the sundry civil appropriation bill.

Mr. MURDOCK. Mr. Speaker, the gentleman from Alabama will remember that the rule on suspension is something like this, that suspension of the rules shall be in order twice a month, on the first and third Mondays, preference to be given to committees on one Monday and to membership on the other.

Mr. UNDERWOOD. Yes.

Mr. MURDOCK. How will that rule operate on this fifth Monday?

Mr. UNDERWOOD. Mr. Speaker, my request was not to consider committees or individuals, but to allow the Speaker to recognize either committee or individual suspensions. It takes a two-thirds vote to pass the bills that will come up, and those that will come up will not be partisan measures.

The SPEAKER. The gentleman from Alabama asks unanimous consent that on next Monday, being the fifth Monday in the month and not being claimed especially by either the Committee on the District of Columbia or the Unanimous Consent Calendar, motions to suspend the rules shall be in order, not to interfere with the sundry civil appropriation bill.

Mr. COOPER. Mr. Speaker, reserving the right to object, there will not be notice to the House, will there, of what bills will be called up on that day? There will be no calendar?

Mr. UNDERWOOD. There never is. The Unanimous Consent Calendar has grown so large that it has crowded out motions to suspend the rules. The Speaker has recognized the Unanimous Consent Calendar over motions to suspend the rules, although I believe that it is within the power of the Speaker to recognize motions to suspend the rules in preference to the Unanimous Consent Calendar, if he so desires. The Unanimous Consent Calendar, however, has shoved suspension out of the way, and this will be an opportunity to let Members call up bills that are not of a partisan nature, but are of public moment. Of course, it will require a two-thirds vote to pass any of them.

Mr. COOPER. Is it proposed on Monday to bring up the water-power bill that has been made a special order?

Mr. GARNER. That is with the Speaker.

Mr. UNDERWOOD. I am personally very much interested in the passage of that bill, I will say to the gentleman——

Mr. MANN. But that will not come up under suspension of the rules.

Mr. UNDERWOOD. No.

here present. So I am in favor of this proposition. I am not in favor of selling these battleships and putting the money into the Treasury, because that would be weakening the Navy, and I am not in favor of weakening it. I am not in favor of any proposition that will make the Navy of the United States less effective than it is now. I am not a big Navy advocate, but I do believe that the United States is compelled, in view of existing conditions, to maintain a fairly adequate Navy, and it should be made just as efficacious, just as strong as we possibly can with the means and with the policy we have now with regard to how much money we should expend in the development of our Navy.

Mr. ADAIR. Will the gentleman yield for a question?

Mr. TOWNER. Certainly.

Mr. ADAIR. If these two ships should be sold, how long would it be before a dreadnaught could be built?

Mr. TOWNER. I think about three years.

Mr. ADAIR. Then, for at least three years it would weaken the Navy just that much, would it not?

Mr. TOWNER. The gentleman is entirely correct about that. And if there were such conditions existing as made it unwise for us to weaken our Navy, I would not be in favor of this change or of disposing of the vessels at all.

Mr. FESS. Will the gentleman yield?

Mr. TOWNER. I yield.

Mr. FESS. What is the incident in your mind where you say, if we do not do it now, probably the opportunity will not come to us again?

Mr. TOWNER. For the reason that there is a nation now ready and willing to take these ships at the price that we paid for them. Certainly those circumstances do not ordinarily arise.

Mr. FESS. What is the presumption on the part of Greece, that wants them?

Mr. TOWNER. Because of the fact that she is engaged, or probably soon will be engaged, in war with a nation that has a stronger navy than she has.

Mr. FESS. Is there any danger, with that point of view in our mind, in our transferring these ships to that country?

Mr. TOWNER. Oh, no.

Mr. FESS. Does the protest from Turkey mean anything to you at all?

Mr. TOWNER. The protest from Turkey, as we understand it, is made merely upon the ordinary ground that might exist when any nation would not desire to see a rival nation strengthened. But we have a perfect right to sell to Greece, as we would have a perfect right to sell to Turkey, under existing conditions. We are not violating any international agreement or international right. And certainly the gentleman does not believe for a moment that we are in any danger of any offensive demonstrations against this country by Turkey?

Mr. FESS. No. My point is, Are we undignified by selling at this time, when we know that the reason for the purchase is the acute situation between Turkey and Greece?

Mr. TOWNER. No. I will say to the gentleman; because it is done often, and has been done always. At the commencement of the Spanish-American War we did it. Other nations have frequently done it. They buy ships when they need them, when they think they ought to do so.

Mr. FESS. Will the gentleman yield again?

Mr. TOWNER. Certainly.

Mr. FESS. Suppose that the sale, or the proposition to sell, would be taken as an occasion for Turkey to declare war against Greece, and this is done before we have delivered the ships; can we complete the contract under international law if war has been declared by Turkey?

Mr. TOWNER. Certainly; if the agreement is made prior to the declaration of war.

Mr. FESS. I would say to the gentleman that I am up in the air on this question. I do not know how to vote.

Mr. SAUNDERS. May I ask the gentleman a question?

Mr. TOWNER. Yes.

Mr. SAUNDERS. I understood from what you said to the gentleman from Ohio that you think this country with perfect safety can do without these two ships for three years?

Mr. TOWNER. I certainly think so.

Mr. SAUNDERS. Why do you think that at the end of three years we will have need of an equivalent of these two ships? Why look that far into the future? Where is there any danger to our self-defense that will make it impossible for us to dispense with them for three years?

The SPEAKER. The time of the gentleman has expired.

Mr. WITHERSPOON. Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. PADGETT] how many more speeches he has on his side?

Mr. PADGETT. I understand you have only one, and I expect to have only one.

Mr. WITHERSPOON. You have only one more?

Mr. PADGETT. Yes, sir.

Mr. WITHERSPOON. Then, Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I am disposed, so far as I am concerned, to take the discretion of the President in regard to the sale of these battleships, though I think it were better for the United States not to become engaged in any entangling alliances or to interfere for the purpose of bringing about or preventing war between two European powers. But with me that is not the question involved here.

Ever since I have been a Member of this House I have sought to uphold the dignity and power of the House as against the constant assaults upon it both from the Senate and from the Government departments. [Applause.] If we have two battleships which are now merely old junk, so far as business is concerned, it would be advisable to sell them if we can get a high price for them. If we can sell 50 cents' worth of battleship for $2, as far as the business is concerned it would be advisable to sell. But what I object to in the matter is the lack of confidence on the part of the Navy officers in Congress. If we ought to sell the battleships both as a matter of business and diplomacy, let us sell them and put the money into the Treasury, where it belongs, and then let Congress in its power determine whether that money shall be used to build another battleship or be used for some other purpose. In no other way can we uphold either the dignity or the power of the House of Representatives. We are the body which proposes appropriations, and if we permit a department of the Government to come to us and say, "I have something in my department which I do not need, which I have not much use for, which I will dispose of if you will let me trade it for something else," we have lost our power and degraded our dignity. Why, if this money when deposited ought to be used for the construction of a new battleship—and I do not say it ought not to be so used—allow Congress to determine that fact when it has the money. Why should the department so lack confidence in the House of Representatives that it will not make the sale unless it knows in advance what it can do with that money, and that it can not trust Congress to properly appropriate the money? I think we still have knowledge and wisdom enough in the House of Representatives to know, when the proper time comes, whether we wish to appropriate money for one purpose or to use the same money for another purpose. And unless we uphold our power and our dignity, we might as well resign and be wiped off the face of the map. The amendment which I have proposed would permit, so far as the rest of it is concerned, the sale of these battleships in the discretion of the President and provide that the proceeds of the sale should be paid into the Treasury as miscellaneous receipts, like the proceeds of the sale of everything else which the Government sells.

If we sell Panama Canal material, it is paid into the Treasury as miscellaneous receipts. We may appropriate the money next year for new construction on the canal, but if Col. Goethals had come to Congress and said, "I would like to sell some of these old French machines as junk provided you will let me have the money to buy something else," we would have said to him what we ought to say now to the Navy Department, "You may sell the material and turn the money into the Treasury, and we shall determine what will be done with that money." [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired. The gentleman from Tennessee [Mr. PADGETT] is recognized for 13 minutes.

Mr. PADGETT. Mr. Speaker, I want to say in behalf of the Navy Department that there is no intention on the part of the department to dicker with Congress. The department has simply submitted, as was its duty and its prerogative to do, a plain business proposition, and has asked the approval and the authority of the Congress. They have simply said, "We have an opportunity to sell two ships that are not serviceable to us. They are not adapted to our conditions; they do not fit in with the remainder of our fleet; they are an impediment to the fleet. We can sell them at the original cost, and we ask authority to sell them and to use this money to build another ship."

Now, that is a plain proposition without any dickering or anything of the kind; and the criticism of the gentleman from Illinois [Mr. MANN], I think, grows out of his habit of hunting and finding an opportunity to try to criticize the administration at every opportunity he gets. [Applause on the Democratic side.]

I wish to call attention also to some of the statements of the gentleman from Mississippi [Mr. WITHERSPOON], who can make more peculiar arguments than any man that I have ever seen. [Laughter.] He has argued here before you, time and again and to-day, seriously that a little ship with little guns is better than a big ship with big guns, and he goes on to say that the nations of the world are adopting that policy. I have here the building programs of the nations. Let me call your attention to them. Great Britain is building 14 dreadnaughts, and not a single one of the old-type battleships that the gentleman was talking about. Germany is building 6 dreadnaughts, and not a single one of the battleships.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. PADGETT. Yes; I will yield for a question.

Mr. WITHERSPOON. Will the gentleman state to this House, for instance, that the *Queen Elizabeth*, one of those ships that England is building, has not gotten on her sixteen 6-inch guns?

Mr. PADGETT. Yes; and all of ours have got more than that. I will take up this question with you in a minute.

Mr. WITHERSPOON. We have not any such thing.

Mr. PADGETT. Let us take up one thing at a time. The United States is building five dreadnaughts, and not a single one of the old-type battleships. Japan is building four dreadnaughts, and not one of the old-type battleships. Italy is building seven dreadnaughts, and not one of the old-type battleships. And yet the gentleman from Mississippi comes here before us and argues that the policy of the nations of the world is to build little ships with little guns instead of big ships with big guns. Here are the facts.

Then the gentleman said here that these two ships had four 12-inch guns, and I have forgotten how many—28, I believe it was, he said—of the small guns, and that the dreadnaughts had 12 big guns and no little guns. The gentleman does not investigate. He simply looks at first impressions. Take the *Oklahoma*. That has ten 14-inch guns. It has also twenty-one 5-inch guns. The *Pennsylvania* has twelve 14-inch guns and twenty-two 5-inch guns. The *Texas* has ten 14-inch guns and twenty-one 5-inch guns. And then, besides, the *Oklahoma* has four 3-pounders, the *Pennsylvania* has four 3-pounders, and the *Texas* has four 3-pounders.

Here is a table which shows that every dreadnaught that we have not only has a main battery of big guns but every one of them has a subordinate battery of small guns. Yet the gentleman from Mississippi comes here and states to you and seriously argues that a dreadnaught could fire about so many guns a minute—two, I believe he said, a minute with the big guns—and it would be swamped with the little guns from the other ship. Each one of these dreadnaughts has more little guns, I think, than any of these old-type battleships. They have simply two batteries—first the main battery, and then the subordinate battery for torpedo attacks.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Mississippi?

Mr. PADGETT. Yes; certainly.

Mr. WITHERSPOON. I do not deny the fact that all our battleships, dreadnaughts and every other kind, have a lot of small guns; but do not you know as a fact that these little guns that you are talking about are guns that are put on all the ships for the purpose of satisfying the Committee on Naval Affairs when its members go aboard? [Laughter.]

Mr. PADGETT. Mr. Speaker, I can only answer that question by saying that that statement of the gentleman has as much accuracy in it as any other statement he has made about the Navy. [Renewed laughter.]

Now, Mr. Speaker, I shall detain the House but little longer. Here is a plain business proposition that comes to us at this time, and it is simply this: That we have two ships that do not fit in our program of the Navy. Our dreadnaughts are of 20,000 to 30,000 tons displacement, each carrying 14-inch guns, and here are ships of 13,000 tons, each carrying four 12-inch guns. Our dreadnaughts have a speed of 20 or more knots. These smaller ships are down to between 15 and 16 knots. Here is a proposition to convert these two ships into money, without the loss of a single cent, and get the original cost, and convert the proceeds into a ship up to date, that has more than four times the military and fighting value of either one of these ships, or more than twice the value of both of them combined. [Applause.]

Now, then, the simple question is, we can make this trade now. If we let it go by, the opportunity will not come again, and in a few years the gentleman will be complaining that these ships go into the junk pile. Let us be business men. Let us deal with a business proposition in a business way and sell these ships and get the money and replace them. They say it will take three years yet to build another ship. The sooner we begin building it, the sooner we will have it completed.

The gentleman from Illinois [Mr. MANN] said, "Put the money into the Treasury and then come back next year and authorize the proposition." Here is a proposition to do both in the same amendment—sell the two ships and build a new one.

Mr. Speaker, there is only one other thing to which I wish to call attention. The amendment of the gentleman from Illinois [Mr. MANN] is simply a shrewd proposition designed to kill this whole provision. I ask that his amendment be voted down and that the House concur in the Senate amendment with the amendment which I have sent to the desk, which is simply to sell these ships and use the money to build another one; in other words, to convert these two ships into one that is worth four times as much as either one of them. I ask for a vote.

Mr. HARDY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Texas rise?

Mr. PADGETT. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 64, noes 66.

Mr. WITHERSPOON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 153, answered "present" 7, not voting 169, as follows:

YEAS—104.

Abercrombie	Collop	Hedgesen	Plumley
Aiken	Dalzell	Helm	Prouty
Aswell	Davis	Hensley	Quin
Bailey	Dickinson	Hinebaugh	Rainey
Barton	Diffenderfer	Howard	Raisch
Beall, Tex.	Dillon	Howell	Rothwell
Booher	Donovan	Igoe	Reilly, Wis.
Buchanan, Ill.	Doolittle	Jacoway	Ruby
Buchanan, Tex.	Doughton	Johnson, S. C.	Rucker
Burgess	Edmonds	Johnson, Utah	Russell
Burnett	Faison	Keating	Saunders
Byrnes, S. C.	Ferris	Kelly, Pa.	Shreve
Byrns, Tenn.	Fitzgerald	Kennedy, Iowa	Simon
Candler, Miss.	Fitzhenry	Kindel	Smith, Saml. W.
Caraway	Floyd, Ark.	Kreider	Stafford
Carter	Foster	Lesher	Stephens, Miss.
Casey	Garrett, Tex.	Lever	Stephens, Nebr.
Cary	Good	Lewis, Md.	Stephens, Tex.
Clark, Fla.	Goodwin, Ark.	Lindbergh	Sumners
Claypool	Graham, Pa.	Maguire, Nebr.	Tavenner
Cline	Gray	Mann	Thompson, Okla.
Collier	Green, Iowa	Morgan, Okla.	Treadway
Connelly, Kans.	Gregg	Morrison	Vollmer
Cox	Hamlin	Moss, Ind.	Volstead
Cramton	Hardy	Page, N. C.	Winge
Crosser	Haugen	Peterson	Witherspoon

NAYS—153.

Adair	Dixon	Hawley	McCoy
Alexander	Donohoe	Hayes	McDermott
Allen	Dupré	Hefin	McGillicuddy
Ansberry	Eagle	Helvering	McKellar
Ashbrook	Elder	Hill	McLaughlin
Baker	Esch	Holland	Magee
Baltz	Estopinal	Houston	Mitchell
Barkley	Evans	Hughes, Ga.	Montague
Bathrick	Falconer	Hulings	Moore
Beakes	Farr	Hull	Murdock
Bell, Cal.	Ferguson	Humphrey, Wash	Murray, Mass.
Blackmon	Fess	Johnson, Ky.	Murray, Okla.
Borchers	Finley	Johnson, Wash.	Nolan, J. I.
Bowdle	Flood, Va.	Jones	O'Hair
Britten	Francis	Kahn	Oldfield
Brodbeck	French	Kelley, Mich.	O'Leary
Broussard	Gallagher	Kettner	Padgett
Brown, N. Y.	Gardner	Key, Ohio	Park
Bryan	Garner	Kinkaid, Nebr.	Parker
Buckley	Garrett, Tenn.	Kirkpatrick	Payne
Campbell	Gill	Korbly	Peat
Candy	Godwin, N. C.	La Follette	Pou
Connolly, Iowa	Goeke	Lazaro	Ragsdale
Conry	Goulden	Lee, Ga.	Raker
Cooper	Graham, Ill.	Lee, Pa.	Reilly, Conn.
Covington	Greene, Mass.	Linthicum	Roberts, Mass.
Curry	Godwin	Lloyd	Roberts, Nev.
Dalfrick	Hamill	Logue	Rouse
Dent	Hamilton, Mich.	Lonergan	Rowley
Dershem	Harris	McClellan	Scott

ments made here on the floor of this House by gentlemen. The gentleman from Tennessee asserts one thing, and I assert that it is not true. How do you know which of us is telling the truth? How can you tell who is mistaken? You have no way to tell, and it just shows what I contend—that this matter ought to be referred to the Naval Affairs Committee, who ought to investigate it and report to this House the real facts before you act upon it.

There is another test of the effect that this would have upon our Navy, and this test is said by the experts to be more accurate than the test of the weight of the metal in a broadside. That is the muzzle energy of the guns. As I have said repeatedly, the effect of this proposition would be to exchange eight 12-inch guns on these two ships for twelve 12-inch guns on the dreadnaught we propose to build with the proceeds. In other words, we will gain four 12-inch guns. But these two ships have upon them sixteen 8-inch guns and sixteen 7-inch guns which you would lose. Now, the muzzle energy of those 32 guns is far superior to the muzzle energy of the four 12-inch guns which you would gain.

Mr. Speaker, I will ask you to notify me when I have used all my time except five minutes.

The SPEAKER. The Chair will do that.

Mr. WITHERSPOON. Now, these are the facts with regard to that proposition:

"The fourth effect of the change proposed in the Senate amendment is to greatly lessen the muzzle energy of our fleet; and our naval experts tell us that this is the better test.

"The four 12-inch guns which we would gain by the exchange each have a muzzle energy of 48,984 foot-tons, or a total muzzle energy for the four 195,936 foot-tons; while the sixteen 8-inch guns which we lose each have a muzzle energy of 13,715 foot-tons and the sixteen have a total muzzle energy of 209,440 foot-tons, and the sixteen 7-inch guns, each having a muzzle energy of 8,338 foot-tons, have a total of 133,408, which makes a total muzzle energy for the thirty-two 8 and 7 inch guns of 342,849 foot-tons which we would lose, against the 195,936 foot-tons we would gain. In other words, the proposed change would lessen the muzzle energy of our guns 146,912 foot-tons."

At present the muzzle energy of the entire armored vessels in our fleet is 441,000 foot-tons more than the muzzle energy of the German navy. If you carry out this foolish, silly policy, when you get to the end of it the muzzle energy of our fleet will be 1,722,000 tons less than that of the German navy.

Why do you want to make our Navy so inferior to that of Germany? Can any of you suggest any reason for it? If you can not, I can. I can tell you the reason why they would like to have our Navy inferior to that of Germany. One of the strongest pleas they have made in this whole fight to waste the money of the people on more battleships is that our Navy is inferior to that of Germany. We have shown conclusively that it is superior, and have overthrown that argument. Now, if they can adopt a policy that will make it inferior to that of Germany, you have supplied them with an argument that they have been contending for to waste the people's money.

In number of ships, in number of guns, in weight of metal, in muzzle energy, in every other respect this foolish policy will lessen and decrease the efficiency and power of the American Navy. These are the facts which I have ascertained and which I can prove by any expert in the Navy if you will bring him before the Naval Affairs Committee and let me cross-examine him. How can you reconcile those facts with the contention that we ought to do this thing? There is only one way to reconcile it in accordance with common honesty and patriotism, and that is upon the idea that has been repeated so often, until a great many good people believe it, that the dreadnaught is for some unexplained reason so superior to a battleship that any amount of sacrifice would be justifiable in order to get a dreadnaught.

I want to call your attention to the facts about that. It is a discarded idea, an idea that has been overthrown by naval experts and disproved by facts, as I can show you by the highest authority. The idea of the dreadnaught is that having superior speed it has the power to select the range of the battle at which it will fight, and that it can select a range of battle so distant as to put it out of the reach of the smaller guns of the battleship. So it could destroy a battleship before it could ever get close enough to do it any harm.

Now, there are several facts that I want you to consider in regard to this proposition. In the first place, that is an impossibility, because when the dreadnaught begins to fight at a range of battle beyond the reach of the smaller guns of the battleship it is so far away that it is impossible for it to hit. The experience of war is, the only wars we have had where battleships were engaged, that they had to shoot 100 times in order to hit 7. All these battles from which that fact has been developed were battles fought at such close range that the small guns were effective. Now, if you select the battle range so distant that the small guns can not reach the dreadnaughts, you are going to make the number of hits less than they would be if they fought at close range, as they did in all these battles.

According to the experience of war a dreadnaught would have to shoot 1,400 times to make 100 hits, and it takes 100 hits on an average to destroy a battleship, according to the authorities. The reason why it takes so many hits to destroy a battleship is because the points that the shell must strike in order to destroy it are very small—about 8 per cent of the battleship. The experience is that it takes 100 hits on an average before one of these big shells will hit in the point that will destroy the ship.

Now, take these two facts into consideration—that it must on an average hit 100 times and that it has to shoot 1,400 times to make 100 hits, and the dreadnaught could not do it, because the life of its guns are such that every one would be worn out and useless before it could fire that many shots. The life of one of these big guns is 175 shots. We use them in target practice 12 times a year, and when you have shot them 75 times they are relined, which makes them as good as new. So if we had a war every gun in our Navy would have 100 shots. Now, you take a dreadnaught with 12 guns on it and let them shoot 100 times, and that is all they could shoot if you give them necessary target practice, and that would make 1,200 shots, 200 less than, according to the authorities, is necessary to destroy a ship.

Of course, that will increase with the distance. That would be the effect if there was fighting at close range, but when you put them further away that would enhance it.

The dreadnaught idea is impossible on account of the human vision. You can not shoot with any kind of a gun and hit a thing unless you can see it, and that makes the dreadnaught idea impossible. A naval battle is apt to occur at night when it is dark when you can not see a battleship a mile. What, then, becomes of the theory of the dreadnaught that it can stand off 8 or 9 miles and destroy a battleship? How could it do that at night when you can not see it? Not only at night but in the daytime the fog on the ocean is frequently so dense that a man on a battleship could not see another ship at all until it had got so close to it that there was danger of collision, which frequently happens. Even when there is no fog there is a mist most of the time which makes it impossible to see a battleship at any such distance as this dreadnaught idea assumes. I have spent seven days on the ocean watching the target practice of our Navy and they were shooting at a target 7 miles away.

And I feel perfectly safe in saying that nine-tenths of that time in the daytime they were not able to see the target or the battleship, and had to suspend the shooting on that account. The dreadnaught idea could have no force or place except in those rare periods of time when the atmospheric conditions happen to be such as to enable those on board to take a long range and fight at that distance if their guns were sufficient to carry out that theory. There is the greatest difference of opinion among the highest authorities on this question, and that difference grows out of these two ideas. The idea of the dreadnaught is to strike an enemy's ship near the water line, where, if it perforates the ship and makes a big hole in it, the water will be let in and sink the ship. The idea of the dreadnaught is to destroy the enemy's ship; but there is another way to overcome the enemy without destroying his ship, and it is just as effective as the destruction of the ship, and that is to kill the men, to put his guns out of action, to disorganize his communications, and destroy his firing stations. It is a fact that in every naval battle both in the Russo-Japanese War and in the Spanish-American War every ship that was overcome was defeated in this latter way, and not one of them was destroyed according to the dreadnaught idea. In that war you had no dreadnaughts, but you had battleships, and every battleship had four of these big guns and a much larger number of smaller guns, and you had them side by side to show which was the most effective. In none of those battles did one of the shells from the big guns ever strike the ship at the water line and perforate it so as to let the water in and sink the ship; but every single one that was overcome was overcome by the smaller guns, by killing the men, putting the guns out of action, destroying their communications and firing stations; and the very highest authorities, writing on this subject, as you will see from those I will cite in my speech in the RECORD, say that the easiest way to overcome an enemy is not by destroying the ship, but that it is by killing his men with these small guns and putting the big guns out of action.

Mr. Speaker, how much more time have I remaining?

The SPEAKER pro tempore (Mr. ANSBERRY). Fifteen minutes.

Mr. WITHERSPOON. Mr. Speaker, I wish the Chair would notify me when I have only 5 minutes left. I desire to call attention now to the facts which have convinced the best authorities on this subject that a battleship, armed with a few big guns and a great number of small guns is more effective than the dreadnaught. One of these facts is that there are very few points in a ship where you can so disable it or destroy it. You have either to hit it at the water line where it will let the water in and sink it, or you have to strike the barrels of its guns, or you have to strike a firing station, or destroy its communication, or kill the men. You have got to hit it in some of those points. Those points are very few in a battleship or dreadnaught. The consequence is that you have to fire a great many shells before you can count on hitting it in a vital point. To show the difference between these two ships that we have, the *Idaho* and the *Mississippi*, and the one that we propose to get, these two ships have 40 guns and your dreadnaught will have 12. They have 28 more guns than your dreadnaught. The big guns on your dreadnaught will shoot twice a minute. In other words, these four 12-inch guns that we will gain would shoot 8 times a minute. The 8-inch guns will shoot 6 times a minute, and the 7-inch guns will shoot 8 times a minute, and the thirty-two 7 and 8-inch guns will shoot 224 times in a minute. In other words, they will shoot just 28 shells every time these four guns that you will gain will shoot 1. Therefore, the chance of one of those shells hitting the ship in a vital point is 28 times as great as the chance of the four guns that you are going to gain hitting at a point that will destroy the ship.

If the Members of the House will take the British Navy Annual and read an article from Reginald Custance, on this very question as to whether the dreadnaught or the battleship is the more effective, if you will just take the trouble to read that through, and before you read it you will not make up your mind that you are not going to be convinced, you will be convinced by it. His argument is unanswerable. It is based on facts, and this proposition of ours to dispose of our battleships and convert them into dreadnaughts will be a great mistake. I want to submit this to you. This is not just a matter of argument, it is not just a matter of reason, but it is substantiated by history. Naval warfare shows that in every battle every ship that has been overcome has been overcome by the small guns, and the whole world has now recognized that this dreadnaught idea was a mistake. At the time we began to build dreadnaughts England had 41 battleships armed each with four large guns and a much larger number of small guns. Germany had 20 and we had 25. England has built, I believe, 17 dreadnaughts that are completed. Every one of those dreadnaughts that England has completed was built on this dreadnaught idea of all big guns, and they are armed exclusively with big guns, but every single ship that Great Britain is building to-day is being built on the old battleship idea of having each vessel armed partly with big guns and partly with a much larger number of small guns. Great Britain is not building a single ship on this dreadnaught idea. Take the *Rio de Janeiro*, which is perhaps the most heavily armed ship under construction except the *Pennsylvania*.

That ship has fourteen 12-inch guns and twenty 6-inch guns, and you may get the books and read the description of all the modern ships, and you will find that the world has abandoned this old-fashioned idea of the all-big-gun ship; and yet we are asleep, unconscious of what the world is doing, and we propose to take our battleships and convert them into dreadnaughts, when the world acknowledges that that is a mistake.

Of course we could sell these two battleships, and we could add enough money to what we get to build a battleship that would perhaps be more powerful than both of these that we are going to sell. We can do that. We can do that without selling them. We have plenty of money, and we can build any kind of a ship that we want; but the proposition to sell these two battleships and add enough money to what we get, as the chairman of the committee says, to build a dreadnaught that will be four times as great as these reminds me of the fellow that swapped the $100 horse for a $50 horse even, and then contended that he had made a good trade because he took $100 out of his pocket and with this money and the $50 horse got a better one than he had at first. That is the proposition you have here.

I hope this House will consider this fact, that it is a new proposition which never has been investigated. The committee has never had it up before it. It is a proposition that affects the very vitals of our Navy, and before any such proposition is adopted, I appeal to the Members of this House to give the Committee on Naval Affairs an opportunity to examine into it and find out whether the object of it is to improve our Navy or not, or whether it is to provide a contract for another corporation. [Applause.]

The SPEAKER. Forty minutes of the gentleman's time has expired.

Mr. WITHERSPOON. I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. I would like to inquire how many speeches there are to be on the other side?

Mr. PADGETT. I promised to yield to the gentleman from Iowa [Mr. TOWNER], and I have had a page looking for him, but I can not find him on the floor at present.

Mr. MANN. He was here a moment ago.

Mr. PADGETT. I yield to the gentleman from Illinois [Mr. BRITTEN] one minute.

Mr. BRITTEN. Mr. Speaker, my distinguished friend from Mississippi [Mr. WITHERSPOON] refused to yield to me for a question a few minutes ago. I merely wanted to call the attention of the House to the fact that his entire argument and his entire comparison is based on a ship we do not expect to build. His entire argument is based on a 26,000-ton ship, carrying as its heaviest armament twelve 12-inch guns, which the Navy Department has no intention whatever of building. I wanted to correct the gentleman in regard to that, but he would not permit it.

The SPEAKER. The gentleman from Tennessee has 23 minutes left.

Mr. PADGETT. I yield 10 minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Speaker, the proposition that the House has to consider to-day is a very simple one, and, in my judgment, the House ought not to hesitate to act upon it, and act favorably on the recommendation of the chairman of the committee, and therefore I shall favor and support the amendment which is offered by him. We have the administration saying to the Congress, having considered the matter carefully, that this change ought to be made. It is declared and believed that this is a great opportunity, that a chance is offered us now to materially improve and strengthen the Navy, and why should we hesitate to do this? Is it because we do not want an efficient navy? Is it because we would rather see it weakened than strengthened? I can well understand the attitude of the gentleman from Mississippi; he is not anxious for a strong navy; he is opposed to it, and there are other gentlemen who are opposed to any proposition to strengthen the Navy. I can very easily understand that point of view; but for those of us who believe that this country ought to maintain an adequate navy there ought to be no question regarding it. Are we sufficient in information and in judgment to say that this change ought not to be made?

The gentleman from Mississippi alleges that as a matter of technical policy it is not a good thing to have dreadnaughts; that it is better to have a large number of smaller battleships; but the judgment of the world is otherwise. He says that experts differ. It may be that some experts agree with the position that he takes, but the nations of the world do not so agree. They are building large ships, effective battleships, dreadnaught battleships, because they believe that by that means they can best strengthen their navies. We would be going against the admitted judgment of the world if we would change our policy. If dreadnaughts are a bad policy, we ought not to follow this bad system; if it is a good policy, we ought to strengthen our Navy on this line if we can do so by this action. The Secretary of the Navy says this ought to be done. The naval experts say that this ought to be done. They say this because we will thus obtain one battleship that, in efficiency, as they believe, in the point of strengthening the Navy will make the Navy three times as effective and strong as it will to retain the two battleships. We are told that to this extent it will make our Navy a better and stronger one, and why ought not we to do it? There is no question in my mind but what it is our duty, if we believe that our Navy ought to be strengthened and can be strengthened thus advantageously and cheaply, that we should do it now. Here we have two small battleships that they say are not in consonance with the upbuilding of a harmonious Navy, that we can advantageously dispose of them, that we can thus strengthen it as a whole, and this opportunity comes to us now when we can sell those two old ships for all that they cost us and build a new and better and stronger battleship than any we have now by the expenditure of a very small amount in addition to what we will receive from them. Why should not we do it? You gentlemen in a business of your own would be glad of such a chance, if it were offered, and such an opportunity will not likely occur again. Circumstances such as these do not arise every day.

We have a chance now to do that which will not come to us again probably in the history of the life of any man who is now

done by her rival. It is not a question with them of need, but of number. The other side contends that an adequate Navy means only such ships as our necessities require. If we need one, we should build but one; if we need none, we should build none. Economy should in this respect supplant extravagance, and by following this policy we will better serve the people and abundantly safeguard our country from any foreign or domestic foe. It should not be a question, as it seems to have been and is now with some, how many somebody else has or is building, but how many do we need. That seems to me the better and more logical policy and the one which the people of this country will more readily approve. We can not and should not ignore the voice of the people on this subject. They are deeply interested and must pay every dollar of the cost.

That is the proposition that is involved in this big Navy question. Here are two battleships now we propose to sell, constructed recently, authorized in 1903 and completed in 1908, and already they say they are not fit for service in the Navy at all. What is the reason? Does not this appeal for a better policy, a sounder and more economical policy, in the building of our battleships? Here it is proposed to sell two vessels, two of the naval fleet, and with the proceeds build one. In so doing it is proposed to expend $12,400,000 for the great dreadnaught. True, we are to receive for the two just what they cost and pay out no more for the new one. These two battleships, practically new, are now useless in our fleet, it is asserted. Who is to blame for this? Some one. A great blunder has been made, no doubt about that, and we should know who is responsible for it. Some one has made a mistake in this matter and ought to be held responsible for it. The guilty in this matter should be made to suffer. It will not do to say that improvements have been so great that they have put these great battleships out of commission and they are now obsolete for these reasons. If that argument be true, then it is the strongest reason that could be presented for the adoption of this amendment requiring the sale of the battleships and paying the money into the Treasury, to remain there for future action and perhaps a more profitable use. Twelve million four hundred thousand dollars is a large sum, and one representing much to the people of this Republic. The reason given for the selling of these two battleships at this time should receive the thoughtful consideration of every Member of this House, and that is they are not sufficiently modern to meet the requirements of our great naval fleet. They were completed in 1908, six years ago, and are now out of date. Progress is rapidly working its way in our Navy. The combined cost of the two was about $12,000,000—six millions each. This was a large expenditure, and care should be exercised in expending the people's money—much more, I am compelled to say, than was exercised in this transaction. We should be careful that we do not duplicate the stupendous blunder. That is what it should be called.

Now, Mr. Speaker, if it should be decided that the sum realized from the sale of these two ships, just the amount of the cost to construct them, is to be invested in the construction of a new dreadnaught, when could it be built and ready for use? True, the contract could and doubtless would be let at once, but when would it be built? Not in five years. It is a well-known fact that many great battleships authorized have not been commenced, and will not be for some time yet. Then why authorize what we know can not be built now and not for some time? Where would we build it? The docks and shipyards now have all of this kind of work they can do. Why not wait until it can be built at some yard where they are prepared to build it, and it may be the same can then be constructed on better terms and secure the advantage of improvements, if any are made, in battleship construction? Advantage in prices may be secured. The people should have this advantage. They must pay the bills, and should have every consideration in this regard. Why should it be hurried through now? Haste sometimes makes waste; and from what we already know, our experience in this matter now clearly proves it has occurred here, and may be repeated. Let us not be swept off of our feet by this big Navy propaganda. Much is done to popularize it, but usually by interested parties, who expect to profit thereby. Such persons are most industrious in this regard.

But the proposition of the big Navy, and the only reason, says the chairman of this committee, for the sale of these two vessels is that we want to build another dreadnaught. Why build the dreadnaught? What are we going to do with it? Let it rot at the docks, as a number of others are doing now? Where are we going to use it? When are we going to commence work upon it? Why appropriate the people's money and enter upon this contract until we know the cost of the material and the necessity and the time for building it? If the only reason for the sale of these two ships is to get an excuse to build a new dreadnaught, I do not indorse it, and I do not believe the people of the country will do so. There should be a better reason than that, and I therefore hope the proposition to build the new one will be voted down.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, this trade delights my Yankee soul. How anyone can haggle over it for a minute I do not know. For two battleships which do not fit into our naval plans we are offered nearly enough money to build a superdreadnaught which will exactly meet our requirements. In other words, we are giving something we can not use in return for something which we need.

I know well enough that it is true, as the gentleman says, that the *Idaho* and the *Mississippi* are fine vessels, but they do not fit into our squadrons and we can not use them to advantage. We are mighty lucky to find a customer who will take them off our hands at cost.

Of course it is an open secret that Greece is our customer, and I am exceedingly glad that she is getting two such splendid ships. What a change has come over the spirit of that nation since Byron wrote:

> You have the Pyrrhic dance as yet,
> Where is the Pyrrhic phalanx gone?
> Of two such lessons, why forget
> The nobler and the manlier one?
> You have the letters Cadmus gave—
> Think ye he meant them for a slave?

No; Greece has amply proved that she has not lost her martial spirit. Nobly she broke the chains which galled her, and never again will she be subjugated to that foreign yoke which she threw off in 1821. Perhaps these very battleships may aid her against her former tyrants. Who knows? In any event, the world now knows that the letters Cadmus gave are inherited by a race of freemen.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. BRITTEN].

Mr. BRITTEN. Mr. Speaker, it appears to me that the sale of these two ships should be considered from a purely economic standpoint. I do not think there is a Member of this House who would not vote to increase the efficiency and strength of our Navy if it did not cost our Government a dollar, and that is practically the proposition we have before us. We are increasing the efficiency and strength of our Navy, so far as the *Mississippi* and the *Idaho* are concerned, by 300 per cent, and it will require no additional appropriation by this House. I say "no additional appropriation" advisedly, because there is a difference between the amount of money we are going to get for these two ships and a superdreadnaught costing some $15,000,000. I am told by the Navy Department it is their intention to use guns that have already been manufactured and paid for and are in reserve in our various storehouses for this superdreadnaught when completed, so that it will, in fact, require no additional appropriation.

In other words, we are increasing the efficiency of the Navy, so far as these two ships are concerned, more than 300 per cent at some one's else expense, and that condition is brought about merely through a psychological situation existing in Europe. If it were not for that fact, we could not get $4,000,000 for these ships. Nobody wants them. They would not be any more apt to buy those two ships than they would be to buy our *Indiana* or *Massachusetts* or *Oregon*. In 10 years from now the Navy would be shooting at these two ships in target practice and sinking them out in the ocean.

The complement of these two ships, the *Idaho* and the *Mississippi*, is about 700 men per ship. The complement of a new superdreadnaught, oil-burning, will be about 800 men. We are saving 600 men and a set of officers by an exchange of this kind. That is what it means.

In gun power one superdreadnaught carries twelve 14-inch guns. Both the *Mississippi* and the *Idaho* combined carry only eight big 12-inch guns, so that there is no question about the superiority so far as guns are concerned. In armor a superdreadnaught carries 12 and 14 inch armor, as against 8 and 9 inch armor on the smaller boats. In the matter of speed the smaller boats will average from 15 to 16 knots per hour. A superdreadnaught will average 21 knots per hour. On a rough sea it is doubtful if the guns on the small boats could be used at all, whereas the great tonnage of the superdreadnaught will travel in any sea and give better target practice and better results in firing upon an enemy.

Slow ships can not possibly be assigned to the first line of battle. While I do not agree with some gentlemen on this side of the House in saying that these ships are obsolete—because

they are not obsolete; they are merely misfits in our first line of battle—yet these ships were the last to be appropriated for after we had launched into our policy of building dreadnaughts.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. SMALL] is recognized for five minutes.

Mr. SMALL. Mr. Speaker, it seems to me that this proposition, taken as a whole, is meritorious and ought to be adopted. I refer to the motion of the gentleman from Tennessee [Mr. PADGETT].

The proposition may be divided into two parts. The first is the proposition whether we should sell these ships, the *Idaho* and the *Mississippi*. The reasons that have been stated so clearly by the gentleman from Tennessee [Mr. PADGETT] and the gentleman from Illinois [Mr. BRITTEN], who has just spoken, make the argument for their sale unanswerable. The fact that we are able at all to sell these ships, and at such an advantageous price, arises from an exigency of a foreign power, and may never occur again. There is an opportunity now to sell two ships for their original cost—ships that are not obsolete, and yet for the particular purposes for which they were built they are misfits.

The only argument which I have heard against this sale is that made by the gentleman from Wisconsin [Mr. STAFFORD], who argued that some international complication might result from our giving authority to sell these two ships. In answer to that it may be said that the amendment simply vests discretion in the Chief Executive. Who is there who is unwilling to place entire confidence in the wisdom and in the discretion of the President? He will not violate any of the rules of neutrality or in any way involve this Government in any complication with any foreign Government. If this discretion is vested in him, we may safely rely upon the proposition that such discretion will be exercised wisely and well.

I understand unofficially that it is proposed to sell these ships to the Government of Greece. Some suggestion is made that it will involve us in complications with the Government of Turkey. So far as I am concerned, I am not only willing, but I am glad if this Government, without inviting international complications, can help Greece in maintaining peace and aid her in the struggle which she is making to maintain her independence and her autonomy and her rights.

Mr. Speaker, on the other proposition it is simply contended that if we are to sell these ships and the opportunity is given that we ought to embrace, then what shall we do with the proceeds? Some gentlemen say we should deposit the money in the Treasury to the credit of miscellaneous receipts. The chairman of the Committee on Naval Affairs [Mr. PADGETT] and a large majority of the committee, I understand, say that it ought to be invested in a powerful superdreadnaught. If business can be injected into a discussion of this kind, then, as was well said by the gentleman from Massachusetts [Mr. GARDNER], it is a business proposition which ought not to be ignored.

Mr. WITHERSPOON. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from North Carolina yield to the gentleman from Mississippi?

Mr. SMALL. Yes.

Mr. WITHERSPOON. I understood the gentleman to say that a large majority of the members of the Committee on Naval Affairs agreed with the chairman. How can the gentleman say that when the Committee on Naval Affairs has never had a meeting on this proposition and when this matter was never submitted to it?

Mr. SMALL. Does the gentleman state the contrary?

Mr. WITHERSPOON. I do not know. I do not state anything.

Mr. SMALL. Then I simply repeat what I have heard unofficially. It may or may not be true.

Now, Mr. Chairman, I say if business can be injected into this proposition, it is wise to take this money and invest it in a superdreadnaught. Such a reinvestment fortifies the wisdom of selling them, because if we are to diminish our naval force by the sale of these two ships, then it is wise that we should take the money and invest it in a dreadnaught which would have an efficiency, not alone equal to those two vessels, but three or four times their efficiency.

Mr. WITHERSPOON. Mr. Speaker, this proposition to sell the *Idaho* and the *Mississippi* and to construct another dreadnaught was discussed in part by me when this conference report was up before the House a few days ago. I had just proceeded to demonstrate that the effect of that proposition, if carried out as a policy until we disposed of all the 25 battleships that we have, would be to reduce the number of our ships from 39 to 27. I had also shown that the result of it would be to reduce the number of guns on our armored vessels from 938 to 587, and in those two respects put our Navy in a condition of inferiority to that of the German Navy, whereas now in both of these respects it is largely superior to it.

One of the tests laid down by these naval experts that my friends on the other side profess to go by in all other things is that superiority in a navy is determined by the weight of the metal in a broadside. Now, I want to call the attention of the House to the effect that this policy will have upon our Navy according to that test; and in order that I may give the exact figures I will read the facts in that regard, as you will find them stated in the RECORD of to-day, where I extended my remarks.

If we were to make the proposed exchange, we would, as already suggested, gain four 12-inch guns, and the weight of the metal in a broadside from these four guns is 3,480 pounds; but we would lose sixteen 8-inch guns, whose projectiles weigh 260 pounds each, making 4,160 pounds, and sixteen 7-inch guns, whose projectiles weigh 165 pounds, making 2,640 pounds. In other words, the weight of the metal in a broadside from the thirty-two 8-inch and 7-inch guns which we will lose by the exchange would be 8,800 pounds, or 5,320 pounds more than the weight of the metal in a broadside from the four 12-inch guns which we would gain. And if we were to continue this policy until we shall have sold all of our 25 battleships, and with the proceeds of each two built a dreadnaught, the total weight of the metal in a broadside from all our armored vessels would be reduced 63,840 pounds. The total weight of the metal of a broadside from all our armored vessels is now 45,954 pounds greater than that of the German armored ships; but if this new policy is carried out it will be 17,886 pounds less than that of the German armored vessels. If, therefore, the weight of the metal in a broadside is any measure of naval power, the inevitable effect of the proposed policy will be to transfer the relative superiority of our fleet over the Germans to a condition of decided inferiority.

Mr. BRITTEN. Will the gentleman yield for an inquiry right there, to refresh my memory?

Mr. WITHERSPOON. No, sir; I have not time to yield, and I want to present my views.

Mr. BRITTEN. I merely want to inquire——

Mr. WITHERSPOON. Mr. Speaker, I hope the gentleman will respect my rights when I tell him I decline to yield.

The SPEAKER pro tempore (Mr. GARRETT of Texas). The gentleman declines to yield.

Mr. WITHERSPOON. That comparison is based on the assumption that with the proceeds of these two ships we could build a dreadnaught that would have upon it twelve 12-inch guns, and I make that assumption.

Mr. BRITTEN. The gentleman is in error there.

Mr. WITHERSPOON. Mr. Speaker, I hope the irrepressible gentleman from Illinois will respect my rights on this floor when I tell him I decline to yield.

Mr. BRITTEN. The gentleman wants to be correct about it.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. WITHERSPOON. And if I did want to be corrected, I would never go to such a man as he is.

Mr. BRITTEN. I did not say corrected. I said correct.

The SPEAKER pro tempore. The gentleman from Illinois is out of order.

Mr. WITHERSPOON. I base this comparison upon the assumption that with the proceeds of this sale we could build a dreadnaught with twelve 12-inch guns on it. I make that assumption for the reason that a dreadnaught upon which you could put 12 such guns has exactly the same tonnage as the tonnage of these two ships combined. The tonnage of a ship depends upon its size and the weight of the material in it. That is what determines how much water it will displace, and I feel sure that you could not with the proceeds of the sale of these ships build any dreadnaught that would have a tonnage superior to the combined tonnage of these two.

Now, of course, it is easy to assert, as the gentleman from Tennessee [Mr. PADGETT] has asserted here repeatedly, that you could build a battleship or dreadnaught like the *Pennsylvania*, that has a tonnage of 31,400 tons, or 5,400 tons more than the combined tonnage of these two ships. Anybody can assert that, but I tell you that, in my judgment, it is an impossibility. And this illustrates forcibly the folly of this House undertaking to decide a matter of naval policy, a matter that involves the efficiency and power of the Navy, upon state-

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. STAFFORD. Will the gentleman inform the committee, if it does not violate any confidence, from whom he received the authoritative information that he speaks about?

Mr. PADGETT. The Secretary of the Navy.

Mr. FESS. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman from Ohio.

Mr. FESS. I am interested in whether there is a possibility of any foreign complication. I would like to ask the gentleman whether there is any violation of international law when countries are at peace for a country to sell a war vessel to another nation?

Mr. PADGETT. It would not be a violation of international law in time of peace. This places it within the discretion of the President, and the President would not violate international law.

Mr. FESS. And consequently the protest which I read of in the paper would simply be a mere matter of opinion?

Mr. PADGETT. Yes.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BYRNES of South Carolina. The gentleman stated that these two ships are misfits, and he thinks there is an opportunity to sell them. What is the gentleman's objection to taking the proceeds of the sale and turning them into the Treasury of the United States instead of putting them into another ship?

Mr. PADGETT. The Navy has been charged with these ships in appropriations, and I do not want to take these ships out of the Navy without replacing them with a more valuable ship.

Mr. BYRNES of South Carolina. Is it not equivalent, then, to building three dreadnaughts?

Mr. PADGETT. Yes; but the third one would be built by taking out two and converting them into a better one.

Mr. BYRNES of South Carolina. What is the objection to turning the proceeds into the Treasury and then coming back here and asking Congress whether it wants to build a third dreadnaught?

Mr. PADGETT. That direct question is now before Congress.

Mr. BARTON. Will the gentleman yield?

Mr. PADGETT. I will yield to the gentleman.

Mr. BARTON. As one who does not understand the ships in the Navy as well as members of the committee, I would like to know more in detail as to what is meant by the statement that these two ships are misfits?

Mr. PADGETT. I stated that in the outset. These two ships are 13,000 tons displacement. The dreadnaughts we are now building are 31,000 tons. These two ships have four 12-inch guns. Ships we are now building have twelve 14-inch guns. These ships have an actual speed of somewhere between 15 and 16 knots. The ships we are building now have a speed of more than 20 knots.

These ships can not keep up with the fleet, they can not go along, and if they go by themselves they will be destroyed if they come up with the enemy. To try and carry them with the fleet is to hold the fleet back with them. Then there is another thing: These ships were built with the low free board aft. They are 12 feet lower in the free board than the ships that were built along at the same time and much more than that when compared with the modern ships. The result is that in a rough sea they wash over, and the aft turrets are useless, largely, in a rough sea.

Mr. BARTON. And their fighting efficiency would not be as great as the battleship that it is proposed to build?

Mr. PADGETT. As I stated a moment ago, the dreadnaught that we propose to build is much more efficient. Take 100 as the standard. These two ships have a percentage of 35 and a fraction. The New York has a percentage of 157 and a fraction, and this new ship would be more improved and of better fighting value than the New York. In other words, it would have more than four times the fighting value of either one of these two ships.

Mr. BYRNES of South Carolina. Are there any other misfits that the gentleman knows of in the Navy that we could get rid of while we are in the selling business?

Mr. PADGETT. None that I know of that you would call misfits, but we have some that if we could sell to the same advantage I would advocate selling.

Mr. BYRNES of South Carolina. Has any investigation been made to discover whether we have any more misfits that we could sell?

Mr. PADGETT. There are some that we might sell, but we could not get any purchaser for them.

Mr. BYRNES of South Carolina. What is the objection to allowing the amount that will be obtained from the sale of these ships to remain in the Treasury?

Mr. PADGETT. Simply because we want to build another ship.

Mr. BYRNES of South Carolina. That is the truth?

Mr. PADGETT. That is the plain, unvarnished truth. We want to build another ship and we want to use this money for that purpose. The whole thing is this: If we can swap two old ships for one good ship that is worth four times as much as either one of the old ones, why not make the swap? That is the whole proposition.

Mr. SIMS. Why not build the ship now, regardless of the trade?

Mr. PADGETT. Merely because we have already appropriated for two such ships, and we would have these on our hands, and we have now an opportunity to dispose of them.

Mr. SIMS. That is true; but you have another year in which to appropriate for this, or before this becomes available.

Mr. PADGETT. Yes; but we may not wait that long. Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore. Twenty-three minutes.

Mr. MANN. That is a deadly number.

Mr. PADGETT. I know it is; and I am going to use a few minutes more, and then yield the floor. I want to call attention to the further fact that to man these two ships, the *Idaho* and the *Mississippi*, 755 men each are required, or a total of 1,510 men. On the new ship 970 men would be required. In other words, there would be a saving of 540 men. You have one ship with a fighting value double that of the other two, and you save 540 men to go upon other ships in the Navy. Those men cost at an average of about $31 a month each, and for the year that would amount to something like $180,000. Then, the maintenance of these two ships would exceed the maintenance of the one ship, I am informed by the department, by something like $300,000 a year, so that we would have in addition to these military advantages I have spoken of, with reference to the ships themselves, a saving of over $400,000 a year in the maintenance of the one ship, as compared with the maintenance and upkeep of the two.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. CULLOP. How many ships have we that are smaller than those, and how many that are larger?

Mr. PADGETT. I could not tell the gentleman offhand.

Mr. CULLOP. Approximately?

Mr. PADGETT. I do not remember; but we have several. The *Indiana*, the *Oregon*, and the *Massachusetts* are smaller. I will hand the gentleman the list.

Mr. CULLOP. When were these two ships constructed?

Mr. PADGETT. They were authorized in 1903, and were completed in 1908.

Mr. RAGSDALE. Mr. Speaker, then along the line of the gentleman's argument, there being a saving in the number of men per vessel, and the average cost of the men being some $31 a month each, together with the saving in the maintenance, for the period of time it would take to construct the new ship, in salary and maintenance alone, we would save half the money that is necessary to pay the difference between what we will receive for these obsolete ships and what we will have to pay for the construction of the new modern dreadnaught that it is proposed to construct.

Mr. PADGETT. I have not figured that out. It would save something over $400,000 a year, and there would be a saving of the three years of something over $1,000,000.

Mr. BOOHER. Mr. Speaker, I understood the gentleman to say that these two vessels that we are offering for sale are larger than the *Oregon* and the *Indiana?*

Mr. PADGETT. Yes.

Mr. BOOHER. Why not sell the smaller vessels and keep these two?

Mr. PADGETT. Simply because we could not get a purchaser for them.

Mr. BOOHER. Then, you have tried to sell the smaller ones, and could not do it?

Mr. PADGETT. Unofficially—and I am not speaking officially—I will say that we have tried to get them to take some of the older and smaller ones in lieu of these two, and we are making the best trade we can make, and I think one that will not come to us again in a quarter of a century.

Mr. BOOHER. Would it not be a good thing for our Navy if it did not?

Mr. PADGETT. No; I think not. If I could swap an old suit of clothes that I have worn for the year for a new suit of clothes that was four times better——

Mr. BOOHER. Yes; but you would not wait three years to get the new suit. If you did, what would be your condition during the three years? [Laughter.]

Mr. PADGETT. Oh, I would do as we are doing in the Navy. I would use the other suits. We have an abundance of other suits, and I would use those suits, and I would be willing to wait three years if I could get a new suit that was worth four times as much as the old one.

Mr. METZ. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. METZ. Has the United States Government ever sold a naval vessel before?

Mr. PADGETT. Oh, yes; we have sold a good many of the condemned vessels at public sale, and we have obtained very little for them.

Mr. METZ. But they never sold a vessel to another power to use it as a warship?

Mr. PADGETT. Not that I recall.

Mr. METZ. In other words, the American flag has not gone down and the foreign flag gone up on the same ship.

Mr. PADGETT. We have sold other ships, but what was done after we got rid of them I do not know.

Mr. METZ. We have gone so far in our economy that we have no further sympathy or sentiment in connection with them.

Mr. PADGETT. I now yield the floor and reserve the remainder of my time.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, had further insisted upon its amendments numbered 1, 20, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

NAVAL APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate amendment numbered 33.

The SPEAKER pro tempore (Mr. GARRETT of Texas). The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. WITHERSPOON. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

[Mr. BURNETT addressed the House. See Appendix.]

Mr. WITHERSPOON. Mr. Speaker, I yield eight minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, since the consideration of this proposition last week the atmosphere has cleared considerably. Then it was a matter of vague doubt as to which nation these ships were to be sold. Now it is admitted that the Government intends to sell them to the Government of Greece. A new policy is about to be inaugurated; the Government of the United States is to become a party to entangling alliances abroad; by this act we undertake here to-day to take part in the policy of European affairs. Never before in the history of our Government have we ever so attempted to interfere with the differences between foreign nations as we are in the present instance. It is well recognized that Greece and Turkey are near belligerents. They are on the brink of war, and it is proposed to furnish one of them succor and assistance. If they were actually engaged in war, there would be no question but what it would be regarded as an act of war on the part of our Government to sell ships to either of the contending parties. I have here a well-recognized authority on international law, that by W. E. Hall, and I wish to read to you just a brief sentence that states the essential obligations of a neutral Government in dealing with belligerents.

> The general principle that a mercantile act is not a violation of a state neutrality is pressed too far when it is made to cover the sale of munitions or vessels of war by a state. Trade is not one of the common functions of a government, and an extraordinary motive must be supposed to stimulate an extraordinary act. The nation is exceptionally unfortunate which is forced to get rid of surplus stores precisely at the moment when their purchase is useful to a belligerent.

If it would not be an act of war in selling these war vessels to Greece, then I say certainly it would be an unfriendly act. And because Turkey may be a despised nation in the group of European nations, it is no reason why our Government should tinge its own policy with disrepute by becoming a party to the difficulties existing between Turkey and Greece.

Suppose there existed to-day between China and Japan the same strained relations as between Turkey and Greece, would it for a moment be thought that the Washington administration would think of selling the battleships to China and cast its lot with China in order to give China the balance of equilibrium in the control of the Pacific? Do you not realize that as soon as this Government would undertake that step it would be regarded as an unfriendly act by Japan? Yes, more; it would result in the withdrawal of the ambassadorial representatives of Japan from Washington, and might be considered an act of war by Japan. If it could in that case be considered as an unfriendly act, an act of war, then, I say, why should we, under the existing circumstances, just because Greece and Turkey happen to be insignificant nations and not to be feared, cast our lot with either one of them?

Mr. FESS. Will the gentleman yield?

Mr. STAFFORD. I will.

Mr. FESS. I have read a statement that is supposed to come from the President that this is an act of peace rather than war. Suppose we make the agreement to sell these vessels to Greece, and Turkey declares war, then could we deliver the vessels afterwards?

Mr. STAFFORD. That statement is predicated upon the idea that we are entering upon a determination of foreign questions to ascertain whether the sale of these ships will give to one of the contending nations a preponderating influence in the Aegean Sea. What concern is it to our Government to sell our ships in order to determine the weight of the balance in the determination of the difficulties between Turkey and Greece? Would we consider selling our battleships to either France or Germany if they were in near difficulties, and where it might give an advantage to one nation or the other? The other Government would have the right to consider that an unfriendly act. Better far to keep aloof from participation in the difficulties that confront the Balkan States than to make a good bargain with a nation hard pressed for ships of war. No matter what our feelings are—and personally I believe in the destiny of Greece as the dominating influence in the Aegean—we should maintain that policy of aloofness that even despised Turkey will have no cause for complaint.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Speaker, I would like two minutes more.

Mr. WITHERSPOON. I can not yield any more time to the gentleman. I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I do not think there is any great occasion for the alarm that is expressed by the gentleman from Wisconsin [Mr. STAFFORD] concerning the sale of these ships. This Government has the right to sell its battleships to any country in time of peace wherever it may see fit to do so and can get a suitable price; and that act alone is no declaration of war, and could not be considered as encouraging such nation to declare war. Now, Mr. Speaker, here is a pertinent illustration of the great navy fad which this Government has been indulging in for a number of years. I am in favor of the amendment of the gentleman from Illinois and shall vote for it. I hope to see it adopted, in order that we may sell these two battleships and pay the money into the Public Treasury. I trust we all stand for an adequate Navy. For one I do, and the question hard for me to determine is what is an adequate Navy? It seems that each Member is left to solve the problem without much light to aid him. The term is a broad one, and men radically differ about its meaning.

In this House we have two Members who doubtless represent each extreme on this great question. The distinguished gentleman from Alabama [Mr. HOBSON], who advocates the building of four or five big dreadnaughts every year, and the other, my good friend from Mississippi [Mr. WITHERSPOON], who contends one is sufficient, and each of them claim they stand for an adequate Navy. These two clearly illustrate the diversity of opinion over what should be considered as an adequate Navy. There are no better-informed men on this subject in this House, and the opinion of each is worthy of earnest consideration. The advocates of a large Navy say if some country builds four big dreadnaughts we must go it one better and build five. It seems that with them numbers alone is the controlling consideration and requirements are unworthy of consideration. In this view rivalry is the controlling idea alone. Their position resembles one of the ambitious rivalry of two social leaders in the same neighborhood, if one for the social season provides herself with five new gowns the other must get six, for she must not be out-

way. It is entirely competent for this House to control the application of that money. What authority of law has the

ought to be considered by the Committee on Good Roads.

that is not the case when it comes back on a Senate amendment

Mr. SAUNDERS. It is precisely the same.

Mr. PADGETT. If the Senate amendment comes in on a bill, then it must be germane to that amendment.

Mr. TALBOTT of Maryland. Mr. Speaker, these gentlemen that debate this question lose sight of one thing and forget one thing, and that is that this all pertains to the increase of the Navy. No matter how you get to it, one dreadnaught is worth these two vessels and more, and the Senate attempted by legislation to dispose of two vessels and get one that will be worth more than both of them.

The SPEAKER. Is not this a proposition to diminish the Navy?

Mr. TALBOTT of Maryland. No, sir; not if you provide that this money shall be a Navy fund and shall be used, as this amendment says, for the building of another vessel, indicating the character of it; and the whole amendment looks toward an increase to the Navy. You might just as well ask us to put the money into the Mississippi River. You might just as well ask—and if you had done so nobody would have said it was in order—that the proceeds be used for a public building. You might just as well have asked for a thousand things in this bill, and every one of them would have been out of order, and the Chair would have to so decide.

But not one of them would be more out of order than this proposition of the gentleman from Alabama [Mr. BURNETT]. The money belongs to the Government and is at the disposition of Congress, and if the Congress wanted to do so it could appropriate on some other day for roads. But you are attempting something now that can not be done under the rules of this House. [Applause.]

The SPEAKER. The Chair is ready to rule. There are three propositions pending here. All of them would have been out of order originally in the House. Part of them are in order by reason of this Senate amendment. They all agree to sell these battleships. When we get through selling them, then there is a dispute about what we are going to do with the money.

There are three propositions on that. The gentleman from Tennessee [Mr. PADGETT] wants to build a new battleship, a dreadnaught, or superdreadnaught, or something of the sort. The proposition of the gentleman from Illinois [Mr. MANN] is really to strike out. That is always in order—to strike anything out of anything. Now comes the gentleman from Alabama [Mr. BURNETT] and wants to build wagon roads with this money. It does not make any difference whether building roads by the Government is a good thing or not. It might be a very meritorious proposition—the most meritorious that was ever offered in the House—but it has nothing on earth to do with a naval appropriation bill.

Whether you happen to like a particular ruling or not—that is, a ruling on a particular item—it is very much to be desired that the business of the House be conducted in order. Now, let us see where we are on the road question. The pressure for an appropriation from the Federal Government to build wagon roads became so strong that the House created a Roads Committee. That is how it came to be created—because the pressure for Government aid in building wagon roads was so strong that the House could not resist it. The House created a special committee to take charge of this public wagon-road business, and under the lead of that committee the House authorized an appropriation of $25,000,000 at the beginning of this session, or near the beginning of it. The Chair understands in a roundabout sort of way that the Senate has cut down the amount to $5,000,000, but that does not make any difference. It will have to go to conference.

Now, if you can build roads on the naval appropriation bill, you can take charge of the entire business of the Government under the naval appropriation bill. The point of order is sustained against the substitute of the gentleman from Alabama [Mr. BURNETT], and the question is on the motion of the gentleman from Illinois [Mr. MANN] to strike out.

Mr. MANN. Mr. Speaker, can we have an agreement about the time?

Mr. PADGETT. I think so. What is the suggestion of the gentleman from Illinois as to time? I would like to expedite these proceedings, so far as I am concerned.

Mr. MANN. We might make an agreement such as we made the other day.

Mr. PADGETT. I am willing to stand for an agreement such as we had the other night—that my time be extended to two hours and that I yield one hour of that time to the gentleman from Mississippi [Mr. WITHERSPOON], a member of the committee, and that at the end of that time we vote upon the amendments.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks that his time of one hour be extended to two hours, with the agreement that he yield one hour to the gentleman from Mississippi [Mr. WITHERSPOON], and at the end of two hours the vote shall be taken; that is, unless the debate is closed in less than the two hours. Is there objection? [After a pause.] The Chair hears none. The gentleman from Tennessee [Mr. PADGETT] is recognized for one hour.

Mr. PADGETT. Mr. Speaker, I shall not detain the House very long. This seems to me to be a very clear business proposition when the facts are understood.

I stated the other night, in answer to a question, that these two ships that we are proposing to sell—the *Mississippi* and the *Idaho*—are not worthless or no-account ships. They are good ships of their class, but the class of ships to which they belong is a misfit in our Navy. They are ships of 13,000 tons displacement. They are undersized. They are of slow speed and in maneuvering with the fleet they can not keep up with the rest of the fleet, with the result that in attempting to keep these two ships maneuvering with our fleet we must slow down the whole fleet, and to that extent impair and destroy the efficiency of our whole fleet in order to accommodate and adjust the other ships of the fleet to the capabilities of these two ships. Already in our experience heretofore in trying to make these two ships keep up with the fleet they have broken the main shafts four different times, entailing a great cost to the Government.

I wish to call attention to the further fact that these ships have, each of them, four 12-inch guns, besides smaller guns; but the fighting efficiency of every battleship is determined by its big guns. These ships have, each of them, four 12-inch guns.

On a modern dreadnaught such as the *New York*, the *Texas*, the *Pennsylvania*, or the two that have been authorized at the present session, we would have twelve 14-inch guns. I called attention the other night to the statement that was submitted by Admiral Dewey in reply to some questions I submitted, and which are in the RECORD. Taking the *Delaware*, one of our dreadnaughts, as a standard of 100, the *Idaho* and *Mississippi* combined have a percentage of 35 and a fraction. The *New York* and the *Texas* have a value of 157 and a fraction. Nos. 39, 40, and 41 are more efficient and with better improvements than the *New York* or the *Texas*; so that a ship that would be built with the proceeds of these two ships would have more than double the combined efficiency of the two ships we sell. I have here a memorandum which was sent to me this morning by the Secretary of the Navy, from Admiral Fiske, in which he states that the new ship would have three times the military value of the combined ships, the *Idaho* and the *Mississippi*.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FITZGERALD. Is the gentleman of the opinion that these ships are or are not desirable as a part of our fleet?

Mr. PADGETT. I will state that they are not desirable to maintain if we can substitute better ones in their place.

Mr. FITZGERALD. If we can not substitute them?

Mr. PADGETT. I would not advocate selling them and not replacing the ships.

Mr. FITZGERALD. So that in the opinion of the gentleman from Tennessee these two ships, in spite of all he has said in condemnation of them, are at the present time important factors in our fleet?

Mr. PADGETT. They are of some importance.

Mr. FITZGERALD. Sufficiently important not to be discarded.

Mr. PADGETT. I would not discard them. I have said before, and I repeat now, that they are not useless ships. They are not worthless ships. But let me submit to the gentleman——

Mr. FITZGERALD. The gentleman has answered that question. I want to ask him another. The gentleman's motion authorizes the President to sell these ships on such terms as he may decide?

Mr. PADGETT. At a price not less than the original cost.

Mr. FITZGERALD. And the sale not to be before the 1st of July, 1915——

Mr. PADGETT. Not later than July, 1915.

Mr. FITZGERALD. And after the money is paid into the Treasury there is appropriated out of it by this amendment $4,600,000.

Mr. PADGETT. Four million six hundred and thirty-five thousand dollars.

Mr. FITZGERALD. Now, if we sell these ships upon terms other than for cash, even under the gentleman's amendment, we would have parted with the ships two or three years before

another hand will say, we want to put in the same

they could be replaced by the ship which is to be built, and we would still be in the position of having given up what the gentleman deems to be essential and desirable portions of our fleet for a ship that is to be added to our fleet three years thereafter.

Mr. PADGETT. It would take practically three years. They run from 32 to 36 months.

Mr. FITZGERALD. Then in the meantime, if unfortunately we should get into a difficulty with any foreign nation where our fleet would be essential, we would have given up two ships that would be of service, and by the time we got this ship that is authorized in this amendment the war might be ended, very much to our disaster.

Mr. PADGETT. Well, the gentleman can go down the road and scare up any number of imaginary difficulties of that kind.

Mr. FITZGERALD. I am asking if that is a fact.

Mr. PADGETT. Of course it is a fact that if we should sell the ships we would not have them.

Mr. FITZGERALD. You propose to sell them, so we would not have them.

Mr. PADGETT. But having two ships that are misfits, that do not serve a desirable purpose in our Navy, if we sell them now we can get the original cost for them; but if we keep them, in the natural course of events in a few years they will pass out, and we shall get nothing for them. So I say if we can sell them at the original cost of about $12,000,000 and use that money to replace them with another ship of more than double the combined military value of the two with which we part it is an opportunity that we ought not to lose.

Mr. FITZGERALD. We will put ourselves in a position where for two or three years we shall have disposed of those ships, and will not have them, and we will be waiting for the ship which is to replace them. If that is good policy, it might be a wise thing to negotiate the sale of our entire Navy and provide for better ships to be built in the future.

Mr. PADGETT. No.

Mr. FITZGERALD. So that we might not lose anything by keeping any of them too long. The gentleman would not sell these ships, except to replace them at some time in the future; but under his motion we shall get rid of these ships and wait three years before they can be replaced.

Mr. PADGETT. I do not accept the gentleman's argumentum ad absurdum.

Mr. FITZGERALD. I am asking the gentleman if his own motion does not work out in just that way?

Mr. PADGETT. No; my motion is to sell the ships and build another one.

Mr. FITZGERALD. Yes; but it will be three years before that ship can be built to replace the two which you want to get rid of at once.

Mr. PADGETT. That is true.

Mr. SAUNDERS. I understand, then, the gentleman from Tennessee feels this way about this matter, that world conditions to-day are so satisfactory, and the likelihood of any attack upon us by any nation is so little that we can safely reduce our naval strength by parting with these two ships, and be rid of them for the next three years without any peril or danger to the security of the United States.

Mr. PADGETT. I think we are safe in selling them and taking advantage of this opportunity.

Mr. SAUNDERS. And taking the chances without them for the next three years.

Mr. PADGETT. I think so.

Mr. ALEXANDER. What additional sum is it proposed to put into this new ship, in addition to the proceeds of the sale of the two?

Mr. PADGETT. The new ship would cost between $14,000,000 and $15,000,000, and these two ships would sell in round numbers for $12,000,000.

Mr. ALEXANDER. A difference of about $3,000,000?

Mr. PADGETT. Less than $3,000,000; about $2,500,000, I should say.

Mr. GOULDEN. I should like to ask the distinguished chairman of the Committee on Naval Affairs what was the influencing factor causing the committee to bring in this recommendation, aside from the question of getting rid of two ships that are perhaps somewhat lacking in speed and not up to date as to armament, and so forth? Was there anything else? I might add, if permitted, that I am in favor of the committee's action.

Mr. PADGETT. Nothing that I know of. The matter was submitted by the department to the Senate and the Senate put this on as an amendment.

Mr. GOULDEN. What is the speed of these ships?

Mr. PADGETT. The original speed was 17 knots, but they have depreciated until they are much below that.

Mr. BYRNES of South Carolina. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BYRNES of South Carolina. Does the proposition of the gentleman from Tennessee include specific authority for the construction of this new battleship?

Mr. PADGETT. It does; specific authority.

Mr. BYRNES of South Carolina. In other words, it can be constructed without any further authority from Congress?

Mr. PADGETT. Yes.

Mr. SIMS. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. SIMS. Is it a fact that there is a market for obsolete and misfit ships?

Mr. PADGETT. I understand there is an opportunity to sell these ships at a price not less than their original cost.

Mr. SIMS. Are they to be used for warships by the purchasers?

Mr. PADGETT. I suppose they would be used for that purpose.

Mr. SIMS. Then, does the gentleman think that he can get that price for these ships if they are obsolete and useless?

Mr. PADGETT. I have not said that they were obsolete or useless, but I stated that because of the size and the speed they do not fit into or adjust themselves with the other ships in the Navy.

Mr. SIMS. Why not say they are obsolete and useless and get rid of them?

Mr. PADGETT. To say that they were obsolete and useless would not be the fact. I have stated that they are good ships of their class, but their class does not compare with the classes we have in the Navy at the present time. We can convert them into a ship that will fit into our Navy and be two or three times more efficient and valuable than the two ships would be.

Mr. RAGSDALE. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. RAGSDALE. Is it not a fact that last year or next year we could not find a market to sell these ships on the terms that we can now sell them for?

Mr. PADGETT. That is my information.

Mr. RAGSDALE. Is it not a fact that, as was suggested by the gentleman from Virginia [Mr. SAUNDERS], it is the opinion of the President and the Secretary of the Navy that we should sell these vessels, as we do not need them?

Mr. PADGETT. I am informed that the President heartily recommends and favors this proposition, and he states that there are no international reasons why it should not be done.

Mr. SMITH of New York. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. SMITH of New York. With reference to the question asked by the gentleman from New York [Mr. FITZGERALD], I want to ask whether these two ships would be specially valuable in a conflict with a first-class power?

Mr. PADGETT. They would not. They could be used for port ships around the home ports, but they would not do to go out into the first line.

Mr. SMITH of New York. Therefore the sale of them would not produce a deterioration in our Navy in case of trouble with a first-class power?

Mr. PADGETT. They are classed to-day in the second line and not in the first line.

Mr. HARRISON. Will the gentleman yield?

Mr. PADGETT. Certainly.

Mr. HARRISON. The gentleman has just stated that the President, as reported, urges this proposition, and says that there are no international questions that would prevent it.

Mr. PADGETT. I did not get this from the President, but from a reliable source.

Mr. HARRISON. I saw in this morning's paper that one foreign Government had protested against the sale of these two vessels. May I ask if there is any truth in that statement?

Mr. PADGETT. I am not prepared to answer that yes or no. I do not know as to the correctness or incorrectness of the statement in the paper. I saw it, and it was upon that statement that I made the inquiry and received the information that I have just stated.

Mr. HARRISON. I noticed in the paper also that the sale of these vessels might promote peace among certain nations. Is there any truth in that statement?

Mr. PADGETT. I assume that there is.

Mr. BURNETT. That is on the same theory that we build battleships to secure peace between us and other nations.

Mr. PADGETT. To keep other people from breaking the peace with us.

it is not unreasonable that we should have a naval base somewhere around the Florida coast. It is highly important that there should be a naval station somewhere about

Now, this is only the beginning of this project. We are not taking away from Key West anything that they have. We are

was the other night.

sale of these ships would weaken the Navy without increasing its strength in the future.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. GARRETT of Texas. The title of the bill is making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

Mr. PADGETT. Yes; other germane and pertinent purposes, as it is ruled continually. If the purposes are not germane, they go out. "Other purposes" do not cover anything except pertinent and germane subjects.

Mr. GARRETT of Texas. And if the House should decide to sell these battleships, what objection can the gentleman have to the House also deciding what it shall do with the money, if it does not want to put it into the construction of a new battleship?

Mr. PADGETT. It would then go into the Treasury, and that would be proper; but it would not be pertinent to take up and deal with any question as to whether or not it would go as an addendum to the legislative bill or as an addition to the diplomatic and consular appropriation bill or the Indian appropriation bill. Those are matters that do not in any sense apply to this bill.

Mr. GARRETT of Texas. Would it jeopardize this bill in any way if that were done? Is it a matter of pride to the gentleman, or is it a constitutional question?

Mr. PADGETT. The parliamentary point is that it is not pertinent to this bill; it is not germane to this bill; but I will state to the gentleman and this House at this point that my position is to sell the ships and turn the money into another ship—to exchange these two ships for one that is far better than both of them combined. If that can not be done, I am not in favor of selling the two ships. That makes a clear-cut issue.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. And I will be glad to have the House determine the question upon that basis—to convert these two ships into one ship that has more fighting efficiency and military value than twice the combined military value of these two ships.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I would like to find out if we are being enlightened on the point of order.

Mr. SAUNDERS. Mr. Speaker, I would like to say a word on the point of order.

The SPEAKER. There has not been any very great amount of illumination as yet. Does the gentleman from Virginia desire to be heard?

Mr. SAUNDERS. Mr. Speaker, it might very well be, that when the naval bill itself was before the House it might not be in order for a Member of this House to offer an amendment providing for the sale of battleships, and the use of the proceeds of that sale for the purpose of building roads. The point of order of the gentleman from Tennessee would be very properly directed against that proposition, and would be well taken, but the suggestion that the amendment of the gentleman from Alabama to use the money to be derived from the sale of these battleships, for the purpose of building roads, is not germane to the report of the conference committee, is not well taken. The propriety of this application may be challenged in debate, but it is for this House to determine whether the same should be made. The authority to make disposition of these proceeds, inherently attaches to this body, and once the proceeds are brought into court, so to say, by an amendment which in itself would not originally be in order, we can determine by a further amendment what we shall do with them.

The SPEAKER. Does the gentleman from Virginia think that any proposition to dispose of this matter would be germane?

Mr. SAUNDERS. Just as germane as the proposition to put it into battleships. The very proposition I am advancing is that it is a new matter of law to undertake to sell battleships, and apply the proceeds to the construction of other ships. There is no authority in present law to do this. As soon as this proposition is brought before the House by an amendment, then some other application of that money is entirely within the control of the House. This is substantially a new proposition, a proposition brought before the House by the report of the committee on conference. They propose to sell these battleships.

There is no authority in existing law for that proposition, but they propose to do it. Then they propose to couple with that proposition one to expend this money in some particular way. It is entirely competent for this House to control the application of that money. What authority of law has the gentleman from Tennessee to direct this particular application of these proceeds? He makes the sale in order, by his report. When he makes the sale in order, he is not justified in coming before the House to assert that he can control the application of these proceeds, or in seeking to eliminate by a point of order any effort on the part of this body to direct that application in some other direction. I submit that it is perfectly germane to take the money derived in the above way, and apply it as we see fit.

The SPEAKER. The Chair will ask the gentleman from Virginia this question: Has the Committee on Naval Affairs any sort of jurisdiction over roads?

Mr. SAUNDERS. None; but this House has. We are dealing with an unexpected windfall, so to speak. The committee proposes to secure a large sum of money, by the suggested sale, but they also propose to put their hooks into it, and see that it is applied to one particular purpose. Now, I deny that they can do this. There is no present authority of law for the construction of another battleship. There is no law providing for the sale of battleships, and much less putting the money thus derived, into more battleships. They not only propose to sell two battleships but undertake to deny to this House the authority to determine the application of the proceeds. It is the right of this body to do with that money as it chooses.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. GARRETT of Texas. I want to ask the gentleman if the House has not already, as far as the House is concerned, created a road fund, and would not it be just as well to pass this $15,000,000 to the road fund as to turn it into the Treasury?

Mr. SAUNDERS. Certainly, it would be as wise legislation to do this, as to return this money into the Treasury. I am speaking, however, purely on the parliamentary proposition.

The SPEAKER. The Chair understands that.

Mr. OGLESBY. Will the gentleman yield for a question?

Mr. SAUNDERS. Yes.

Mr. OGLESBY. The committee having this bill under its jurisdiction could offer an amendment to provide for the building of a battleship and its payment out of the Treasury.

Mr. SAUNDERS. Yes.

Mr. OGLESBY. And a Member on this floor could not offer an amendment to the bill providing for the building of good roads, irrespective of the pending amendment.

Mr. SAUNDERS. Oh, no, not at all. That has nothing to do with the situation at all. We have never had an amendment to the naval bill providing for the sale of battleships, per se, and appropriating the proceeds for the building of more ships. This committee is undertaking to do a thing for which there is no authority in law, namely, to sell battleships, and then they propose to limit the application of the proceeds. I maintain that any application that the House chooses to make is germane to this particular proposition. We are not authorized to provide for the unlimited construction of battleships, through the sale of older ships, or if we undertake to sell them, to budge the proceeds of sale, so to say, with some preferred application. We are not proposing to enact a road bill, but providing that a certain fund unexpectedly derived, shall be used for the improvement and construction of highways. The fund is merely set apart, the machinery for its application must be provided hereafter.

Mr. TOWNER. Mr. Speaker, I desire to say a word on the point of order. Certainly the proposition of the gentleman from Virginia is illogical, to say the least. The Speaker very well stated a moment ago that down to a certain point the three propositions are uniform—that is, all of them provide for the disposition or sale of certain vessels of the Navy. The consideration of that question is certainly germane as an amendment to the naval bill. The first proposition for consideration brought in here by the chairman of the committee is for the sale of these vessels and the conversion of the fund into other vessels of the Navy. Both of those propositions are germane to the question which is brought here by the Committee on Naval Affairs. The second proposition arising on the amendment of the gentleman from Illinois consists of two propositions, one for the sale of these battleships and the other for the conversion of the money into the Treasury. Both of those propositions are certainly pertinent and germane to the bill we have now under consideration. Now, coming to the third proposition, what is that? It is for the sale of these battleships, and that far it is germane to the naval bill, but the other proposition is not to do anything connected with the Navy, not a question that is considered properly in the report from the Naval Committee in the bill as presented here, but another entire proposition that ought to be considered by the Committee on Good Roads.

That is entirely a different proposition that has not any reference whatever on the question of the Navy or any proposition in the naval bill. And for that reason it certainly can not be considered as germane to the question that we now have up for consideration.

Mr. BYRNES of South Carolina. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. BYRNES of South Carolina. I desire to know whether an amendment would be in order to the substitute offered by the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to be heard just a moment.

The SPEAKER. The Chair will hear the gentleman.

Mr. BURNETT. Mr. Speaker, as an original proposition my amendment would not be in order, because it would be legislation on an appropriation bill. I think that would be clear. If a point of order had been made against the amendment adopted by the Senate, it would have been sustained. But this is a very different proposition. The committee of conference comes in with a disagreement on the proposition the Senate has put on the bill to sell two battleships and to provide for the expenditure of that money. That is perfectly legitimate without regard to the direction of the expenditure, it seems to me. How is the money to go? Suppose nothing had been said about it? I assume it would have been converted into the Treasury as miscellaneous receipts. But whenever they undertake to give it any direction, whenever they undertake to legislate on an appropriation bill on an amendment coming from the Senate, and we can not then make a point of order against it, it seems to me to be perfectly legitimate, as has been well stated by the gentleman from Virginia [Mr. SAUNDERS], that we have the right to direct the application or give direction to the proceeds of that sale.

It strikes me as a common-sense proposition that when we are proposing to sell Government property in the same law by which we propose to make that sale we can say how the proceeds of that sale are to be applied. That is the whole proposition in this case. Gentlemen have a right to say it shall be directed to the purchase of battleships. If that be true, it is a part of legislation, it is germane because it comes from the Senate as an amendment; and, then, why would not it be just as germane to say the proceeds of sale shall go to build public roads without regard to whether the committee has jurisdiction of the question of the importance of good roads or not? It is simply a plain, common-sense proposition that we order the sale of property and make the direction as to the proceeds of that sale. I do not think there can be any question about the germaneness of the substitute that I have offered.

Mr. SISSON. Mr. Speaker, the proposition as has been stated is as to whether or not the House will sell these battleships. Now, as has been admitted on all sides, this proposition as an original matter could not have been placed in the bill. It would have been subject to a point of order. But once in the bill the question as to how men may vote on the sale of the battleships might be determined absolutely by what disposition would be made of the proceeds. Now, one proposition is that the proceeds shall be put into one battleship. Members might not vote to sell two battleships in order to buy one, but they might vote for the proposition to sell two battleships and put the proceeds into roads, and others to put money into the Treasury to the credit of miscellaneous receipts. So that when the proposition is once in the bill it is Congress and not the committee that should determine what disposition will be made of the fund. Now, if the item had not been placed in the bill, it would have been subject to a point of order, and you would never have had an opportunity to vote on it in the naval bill; but once in the naval bill it is then in order for this House to appropriate that money for any purpose it may see fit to appropriate it.

Mr. SPARKMAN. Why would it not have been originally in order to have offered it as an amendment in the naval appropriation bill when it was in the House?

Mr. SISSON. Because it would have been legislation. There is no law now authorizing the sale of battleships.

Mr. SPARKMAN. Do we get anywhere now by assuming if it is once here we can deal with it in the naval appropriation bill?

Mr. SISSON. Absolutely, because you are not doing otherwise than disposing of the fund that we obtain by virtue of the sale of the ships. Now, the proposition is presented to each Member as to whether or not we sell the ships. One man will say, "Yes; we will sell the ships, because we want to build one." Another man will say, "We do not want to build a ship with it, but we want to put the money into the Treasury," and another man will say, "We want to put it on roads." The whole proposition now is, When you sell the ships, what will you do with the fund?

Mr. SAUNDERS. Will the gentleman yield to me for a brief question?

Mr. SISSON. Yes.

Mr. SAUNDERS. The proposition is whether this is germane to the sale, and not a question of what is germane to the original bill.

Mr. SISSON. Absolutely. That is what I had in mind all the while. It is not a question of whether or not as an original proposition it will be germane on the naval bill. It is on the naval bill now and is germane here, and the only question is whether or not the amendment of the gentleman from Alabama [Mr. BURNETT] is germane to the proposition now in the naval bill. And if it is germane to that item, it is now in order, placed in the bill in the Senate, and now here for the consideration of the House, and it is not a question of whether it would or it would not be in order on the naval bill. It is a question of whether or not this amendment of the gentleman from Alabama is germane and in order on this item. It has become in order by virtue of the fact that it was put on in the Senate and it comes here for the consideration of the House. And the Naval Committee can not now, since they have it in the bill, limit the direction which this money shall go or control the direction which the money shall go. It is for the House to determine what it will do with this fund.

I am extremely anxious that the House should have an opportunity to vote on this proposition. I want the issue to be made fairly and squarely between the improvement of our public roads and the enlargement of the Navy. The American Navy is now one of the strongest and largest in the world, except that of Great Britain. It is costing the American people $140,000,000 annually. If these two battleships—*Mississippi* and *Idaho*—both new, are to be sold, I should be delighted to see this money expended on the public roads of the country. I would like to see the House tested as to whether it wishes to continue to squander millions of dollars on the Navy, or whether it wishes to do the country a real service by expending this money in the building and improvement of country roads.

If this amendment of the gentleman from Alabama [Mr. BURNETT] is in order under the rules in the opinion of the Chair, then this will be the issue presented to the House.

Mr. PADGETT. Mr. Speaker, it occurs to me that the only question that is involved here is whether or not on the naval appropriation bill it is in order to legislate in reference to building roads. Now, an amendment to sell battleships and to use the money is germane upon the naval bill, for it relates to the Navy. It pertains to the increase of the Navy, and the appropriation of the money to build another ship is an increase of the Navy. And it seems to me that the only matter that would be pertinent would be whether the money should go into the Treasury, and remain in the Treasury, or whether it can be appropriated out on the naval bill for naval purposes. To appropriate it for any other purpose would not be germane or pertinent.

Mr. SAUNDERS. Will my friend yield to me a minute?

Mr. PADGETT. In just a moment. The Speaker the other day ruled it was not germane on the naval appropriation bill to provide for the construction of an armor-plate factory. Now, why would it be more germane to appropriate for the building of roads? This is the Government's money; it is a Government ship. We are dealing with the Government's money, and the appropriation is simply a method provided by the Constitution and by the Congress for the disposition of that money, and on the naval bill it is only in order to provide for matters that are germane to the naval bill.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. SAUNDERS. Is it in order on the Naval bill to provide for selling battleships?

Mr. PADGETT. It would not be in the House. It was in the Senate.

Mr. SAUNDERS. It is not in the House, so that when the question is asked whether it is in order on that proposition in this House the answer is it would not be in order.

Mr. PADGETT. In the House it would be a new proposition of legislation, but when it comes back to the House from the Senate it would be in order.

Mr. SAUNDERS. Is not this true as a proposition of parliamentary law, that a proposition that is not in order is now before the House, and it becomes in order to perfect that by a germane amendment?

Mr. PADGETT. If the point of order is waived in the House, it would be in order to perfect it by a germane amendment; but

potent to-day. I therefore hope that, if not in this bill, at least in some [illegible]

preparing this bill, spoke very strongly in favor of this particular work.

Mr. MOORE. How far is Pensacola from Key West?

Mr. SPARKMAN. About 450 or 500 miles.

Mr. MOORE. And how far is Charleston on the other side from Key West?

Mr. SPARKMAN. I should say about 800 miles.

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Georgia [Mr. TRIBBLE].

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] is recognized for three minutes.

Mr. TRIBBLE. Mr. Speaker, the gentleman from Mississippi [Mr. WITHERSPOON] was very unfair to me in charging that I have selfish motives in this matter. I want to say to the gentleman from Mississippi that he lives 200 miles nearer to Key West than I do. I live about 600 miles from Key West station; and so far as sectionalism is concerned, I did not inject that issue into this question.

But I am here to say to you that when the interests of the Philadelphia Navy Yard at League Island are at stake you find present here and active Mr. MOORE and Mr. LEE and other Members from that section, and when the Norfolk Navy Yard is under discussion you find Mr. HOLLAND and Mr. JONES and other Members from Virginia and that section present and active, and when the navy yards on the Pacific coast are under discussion and their interests are at stake you find the Representatives from the Pacific coast here on guard and representing the interests of that section. I want to say to you on the floor of this House to-day that I am not ashamed of the fact that I am from the South, and I am not ashamed of the fact that I represent the interests of the South and the whole Union when I come here and tell you that the navy yard at Pensacola has been wiped out, that the navy yard at New Orleans has been wiped out, and that when the navy yard at Key West is wiped out the last vestige of this class of naval protection on the Gulf coast will be gone.

When the chairman of this committee came before this House two months since and requested that the navy yard at New Orleans be hastily put in order for emergency in case of war with Mexico my attitude on this question was thoroughly and completely vindicated.

I am not here to-day taking a new position. For three years, ever since I have been a member of the Naval Committee, I have stood on the floor of this House and advocated the same position which I take now. I think there is more coast line from Charleston to the Rio Grande than there is from Charleston to Maine. I may be mistaken in that statement, but I do not think I am, and in that whole territory there is not one efficient navy yard. I am not prepared to say how many there are between Charleston and Maine, but I am satisfied there are 10 or 12. I am not raising any sectional question. I am simply pleading for what is right, and pleading for the whole country.

Mr. MOORE. Is the gentleman familiar with the navy yard at New Orleans?

Mr. TRIBBLE. No; I am not, except from such information as I have received as a member of the Committee on Naval Affairs.

Mr. MOORE. The New Orleans Navy Yard is practically out of commission.

Mr. TRIBBLE. That is true, and has been for a number of years.

Mr. MOORE. No very great effort has been made to build up a yard there.

Mr. TRIBBLE. That is true.

Mr. MOORE. Has the gentleman been to Pensacola?

Mr. TRIBBLE. No.

Mr. MOORE. There is practically nothing there.

Mr. TRIBBLE. There is nothing there, so I am informed.

The SPEAKER. The time of the gentleman has expired.

Mr. TRIBBLE. I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. MOORE. I have been at New Orleans and Pensacola, and I want to confirm what the gentleman says. Having visited these stations, and being somewhat familiar with the southern Atlantic coast, it has seemed to me that that section of the country might properly ask to be protected. It has been suggested that in the event of a great naval war the West Indies would be a base of operations for foreign nations. Therefore it is not unreasonable that we should have an adequate naval base somewhere around the Florida coast. It is highly important that there should be a naval station somewhere about the Gulf or at the lower end of the south Atlantic coast line. I am trespassing upon the gentleman's time——

Mr. TRIBBLE. Oh, no; I gladly yield to the gentleman.

Mr. MOORE. The only question in my mind is whether the Navy Department itself has so indorsed or recommended this proposition that the House can act upon it to-day. It seems to me to be evident to any man who visits that section of the country that there ought to be protection there. New Orleans has been neglected. Pensacola is one of the most beautiful stations in the country, but it is now wiped out, so far as active operations are concerned, as the gentleman has said. Charleston is not one of the best equipped yards of the country. Hence there is very little south of Norfolk all the way around to the Mississippi.

Mr. TRIBBLE. As a matter of truth, Key West, Pensacola, and New Orleans have been practically wiped out.

I am not here representing any section of this Union. In a broad and patriotic sense the Representatives from Maine and California are as much interested to-day in the Gulf Coast States as they are in any other section of the Union. From a patriotic standpoint I am as much interested in other sections of the Union as I am in the South. I have never understood why these navy yards on the Gulf coast should be abandoned. I can give no justification for that recommendation of the Navy Department, nor can anyone else.

I do not feel justified in withholding my views simply because some of my colleagues on the committee from the South do not agree with my views on naval policy. No yards have been abandoned elsewhere, and I contend that the yards most needed are the ones selected for abandonment.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has used 25 minutes.

Mr. PADGETT. I yield two minutes to the gentleman from Virginia [Mr. HOLLAND].

Mr. HOLLAND. Mr. Speaker, I simply rise for the purpose of resenting the insinuation made by the distinguished gentleman from Mississippi [Mr. WITHERSPOON] that those of us who have advocated improvements for local yards are actuated by selfish motives. So far as I am concerned, I want nothing for the Virginia yard that is not best for the country and best for the Navy. I want to say to the gentleman from Mississippi that there are other men in this body just as patriotic as he is. There are other men in this body who are broad enough to see the necessity for improvements outside of the limits of their own particular States. [Applause.]

Mr. PADGETT. Mr. Speaker, I want to invite the attention of the House to the facts in this case just for a minute or two, and to get away from the sentimental questions that have been discussed.

In the first place, this matter is not asked for or estimated for by the department. In the second place, we are not abolishing Key West or depriving it of anything that it has. This is the beginning of a project for $1,690,000.

Mr. SPARKMAN. Will the gentleman yield a moment?

Mr. PADGETT. Yes.

Mr. SPARKMAN. When the gentleman says it is not asked for by the department, he means only to say that it has not been estimated for by the department for this bill.

Mr. PADGETT. Yes. It has not been estimated for, and there has been no request for it from the department at this time.

Mr. SPARKMAN. I dare say the gentleman means that there has been no request from the present Secretary of the Navy.

Mr. PADGETT. Yes; that is exactly what I mean.

Mr. SPARKMAN. But I wish to ask, further, if he has recommended against the improvement?

Mr. PADGETT. I will state that we had it up two years ago, when Mr. Meyer submitted it, and we did not favorably report it.

Mr. SPARKMAN. That is not an answer to the question I propounded.

Mr. PADGETT. I know. The gentleman has kept asking me questions——

Mr. SPARKMAN. I do not wish to embarrass my friend at all, but I wish to get the facts before the House.

Mr. PADGETT. I was just stating that fact.

Mr. SPARKMAN. I wished to find out whether there had been any recommendation which had superseded or taken the place of the recommendation made by Secretary Meyer two years ago.

Mr. PADGETT. No; he sent no official communication. I have talked with the Secretary personally, but I do not care to involve any other matter.

Now, this is only the beginning of this project. We are not taking away from Key West anything that they have. We are

declining to go into this project. Gentlemen talk about the fleet gathering at Key West, but the water is so shallow that a battleship or a cruiser can not get within 3 miles of the naval station at Key West. I have a plan showing the proposed breakwater, and the water runs from 5 to 10, 17, 20, and 15 feet, and 20 feet is the deepest water that is inside of the proposed breakwater or artificial harbor. A battleship requires from 33 to 35 feet to go in safety, and this proposition only gives them, at a cost of $1,690,000, a harbor to accommodate submarines and torpedo boats, which does not contemplate a fleet at all—only a proposed dredging to 20 or 22 feet where they can go.

Mr. SPARKMAN. I distinctly stated that I did not refer to battleships going into Key West.

Mr. PADGETT. I was referring to what the gentleman from Georgia said in regard to the fleet assembling there.

Mr. SPARKMAN. I referred mainly to the torpedo fleet and other small naval vessels, which would be of great value there in case of war.

Mr. PADGETT. So that we have before us a proposition to build an artificial harbor where the water runs from 5 to 20 feet and the bulk of it 10 or 15 feet deep, and the proposition is to dredge it, at a cost of $840,000 at least, and then we get only an artificial depth of 20 feet, and we could not get a battleship within 3 miles of it. I could not consent to it in conference, and I ask the House not to consent to it.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to further insist on the disagreement of the House to Senate amendment 33.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 91, noes none.

So the motion was agreed to.

Mr. PADGETT. Mr. Speaker, I ask the House to further insist on its disagreement to Senate amendment No. 40.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 27, line 20, by striking out the figures "$2,897,000" and inserting "$4,140,500."

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement.

The motion was agreed to.

Mr. PADGETT. Now, Mr. Speaker, I move that the House recede and concur in Senate amendment No. 71, with an amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the Senate amendment and then report the amendment offered by the gentleman from Tennessee.

The Clerk read Senate amendment No. 71, as follows:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel or vessels constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriations for the increase of the Navy.

The SPEAKER. The Clerk will now report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Strike out the Senate amendment and in lieu thereof insert the following:

"The President may, in his discretion, direct the sale in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury after said sale. In addition to the two battleships hereinbefore authorized the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of increase of the Navy, construction and machinery, $2,000,000; armor and armament, $2,555,000; and equipment, $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or agreement therefor shall have been made prior to July 1, 1915."

Mr. MANN. Mr. Speaker, I move to amend the motion by striking out of the substitute all after the word "Treasury" down to the proviso at the end of the amendment and insert in lieu thereof the words "as miscellaneous receipts."

Mr. PADGETT. That puts the parliamentary situation as it was the other night.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Amend the amendment by striking out all after the word "Treasury" down to the proviso and insert the words "as miscellaneous receipts."

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois to the amendment of the gentleman from Tennessee.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Would a substitute for that be in order now? I desire to offer a substitute, if it is in order, providing that the money be appropriated for the construction of public roads.

The SPEAKER. As a substitute to the whole of it?

Mr. BURNETT. Yes; to recede and concur with an amendment providing for the sale of the ships and that the money be used for the construction of roads.

Mr. PADGETT. I would reserve a point of order on that. But the gentleman has not offered the amendment.

The SPEAKER. No; he asked if it would be in order to offer such a substitute.

Mr. MANN. It would be subject to a point of order.

The SPEAKER. Let us see what the parliamentary situation is. The Senate proposes an amendment and the gentleman from Tennessee moves to recede and concur with an amendment.

Mr. PADGETT. To recede and concur with an amendment.

The SPEAKER. Yes. That is step No. 1. The gentleman from Illinois then moved an amendment to the Padgett amendment. That is step No. 2. The gentleman from Alabama then proposes to offer a substitute for the whole thing.

Mr. MANN. A substitute for the amendment proposed by the gentleman from Tennessee.

Mr. BURNETT. My substitute would provide for the sale.

The SPEAKER. The Chair understands all three of these gentlemen agree down to a certain point. The Chair is inclined to think that it is in order, and the gentleman from Alabama may send his amendment to the desk.

Mr. MANN. That is, it is in order to offer it.

The SPEAKER. It is in order if it is germane. The Clerk will report the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Mr. BURNETT moves that the House recede and concur in amendment No. 71 with an amendment providing for the appropriation of the money the proceeds of the sale of said battleships to the construction and maintenance of the public roads of the country traversed by rural and star-route mail carriers of the United States.

Mr. PADGETT. Mr. Speaker, I make the point of order that the amendment is not germane. It deals with the subject of roads on the naval appropriation bill.

The SPEAKER. The Chair will hear the gentleman on the point of order. The gentleman from Tennessee, the gentleman from Illinois, and the gentleman from Alabama all agree down to a certain point in their various amendments. The amendment of the gentleman from Tennessee provides that we shall build a new battleship. The amendment of the gentleman from Illinois provides that the money obtained from the sale of the battleships shall be turned into miscellaneous receipts in the Treasury, and the gentleman from Alabama provides that we shall build roads with the money. The Chair will hear the gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, I do not think it is germane and appropriate on a naval appropriation bill to provide in any way, whether the money is in the Treasury or to go into the Treasury, to appropriate it for the construction of roads.

The SPEAKER. Why not?

Mr. PADGETT. Simply because it is not in order. It is an entirely different subject matter. We might as well provide for any other subject.

Mr. TALBOTT of Maryland. It is not in the bill.

Mr. PADGETT. It is not in this bill.

Mr. BARKLEY. Would it not be as germane to appropriate it for roads as to put it in the General Treasury?

Mr. PADGETT. Not at all. That is the place to put it, and then use it for the construction of battleships. That is the matter that is before us; that is pertinent to this bill. It is the construction of ships, and the use of money out of the Treasury for that purpose. We are not dealing in this bill directly or indirectly with the subject of roads.

Mr. RAGSDALE. This bill does not make it mandatory. This bill merely leaves it to the discretion of the President. The gentleman puts this House in the position that we are empowering the President to do a certain thing which he wishes to do and which he probably would not do if he thought the

trance to the Naval Academy, and the House recedes with an amendment by which the candidates are selected in the order

upon such terms as he shall deem proper, of the battleships

After this sea wall is constructed it is contemplated to do some dredging there which, it is said, will increase the depth to some 22 or 23 feet, the purpose being to make it a harbor for the protection not only of Government property but naval and other Government vessels assembling there. Further on the admiral said:

Breakwater protection is absolutely necessary for the good not only of the Navy Department, but for all the other departments of the Government which are interested in this bit of water front.

There was also a board appointed in the spring of last year for the purpose of inspecting the navy yard at Key West and four or five other southern stations and yards. That board made its report in August following its appointment.

On this report, after mentioning the different Government properties at Key West, the board says:

95. The entire water front of the naval station, including the naval piers already constructed, the Lighthouse Establishment pier, and the Army wharf at Fort Taylor, are entirely unprotected from heavy seas from a southerly direction. In fact, these berths are dangerous during heavy weather, except when the wind is blowing from the north to the southeast. During 1909 and 1910 there were two hurricanes when the velocity of the wind reached for a brief time 80 to 100 miles an hour from directions producing the most dangerous conditions to vessels moored or berthed in this locality.

Now, Mr. Speaker, if there could be stronger reasons given for an improvement in the interest of our Naval Establishment or for the improvement of a naval station, I am at a loss to know what they would be.

The SPEAKER. The time of the gentleman has expired.

Mr. PADGETT. I yield the gentleman five minutes additional.

Mr. SPARKMAN. I thank the gentleman. Perhaps I may not use all the time given me. This is a very important station from many viewpoints. Its strategic value is of the very highest. I risk nothing in saying that there is no naval station south of Hampton Roads on the Atlantic or on the entire Gulf coast of more importance, and I doubt if there is one in the whole country of greater value, everything considered, than the naval station at Key West. A fleet assembled there—it need not be battleships, either—could in time of war, by reason of its ability to control the Straits of Florida, protect not only the entire Gulf of Mexico but the Yucatan Channel, and, in connection with the naval station at Guantanamo, protect the Panama Canal as well.

Mr. Speaker, there are few vulnerable points in the United States, including all her possessions. But there are some, and one of them, perhaps the most vulnerable, at the same time one of the greatest importance, is the Panama Canal, costing nearly a half billion of dollars, and cheap enough at that. It is to be among the greatest maritime highways of the world, an important aid to commerce in time of peace, but a source of anxiety and solicitude in time of war. This waterway we must protect at all hazards, and we can not afford to neglect anything that will add to its security, certainly not as important a factor as a naval base, at which a fleet can be assembled with power to control one of the approaches to this canal. Key West furnishes such a station and should be improved, if for no other reason, because of that fact.

Another reason—one which I have just mentioned—is the element of protection this station affords to the commerce of the Gulf of Mexico and the long stretch of coast line from the Straits of Florida around to the Rio Grande, including the many harbors dotting that coast and the navigable rivers flowing into the Gulf, chief among which is that of the great Mississippi.

Mr. Speaker, I have had occasion before to present to this House the importance of the naval station at Key West. When the naval appropriation bill for 1910 was under consideration, speaking of certain other important improvements, the most of which have, I believe, since been made, I said, among other things:

There is no more important highway of commerce than the Straits of Florida. Through it passes nearly all the commerce that goes into or comes out of the Gulf of Mexico, and through it will go a large part of the commerce passing through the Panama Canal when that waterway is completed. Certainly it is important to protect this commerce in time of war, and this can easily be done by making Key West a first-class naval station and using it as a naval base when, if at all, war should come upon us. With an adequate fleet stationed there and scouting vessels patrolling the Straits of Florida it will be impossible for a hostile fleet to pass through without encountering and destroying ours, a thing not likely to happen if we keep on strengthening our Navy, as is proposed in this bill.

From this base we could also easily control the channel between Cuba and Yucatan, and thus protect the commerce of the entire Gulf. Assuredly, then, this strait should be improved as rapidly as possible, for while we hope war will not come, it may do so at any time.

The necessity for these improvements are fully set forth in documents from which I have quoted, and while the first is three years old the same reasons urged then in favor of Key West as a naval base are potent to-day. I therefore hope that, if not in this bill, at least in some measure passed at this session of Congress a substantial appropriation will be made to continue the work there. The station has already cost nearly $2,000,000, while the property secured and owned by the Government at that place is now worth a great deal more, but some of it is liable to depreciate and appropriations already made lost to the Government if something is not done at an early date. It would therefore be the height of folly to postpone further the making of the necessary appropriations to continue this work.

All this I now reiterate. Certainly few, if any, other places can make such a showing from a strategic standpoint, and yet in the face of all this and of the strong recommendation, yes, the urgent appeals of the experts of the Navy Department, the Committee on Naval Affairs hesitates to make the improvement greatly needed in time of peace, but which would be an absolute necessity in time of war.

Now, Mr. Speaker, I do not myself intend to ask for a separate vote on this proposition, because I doubt if it would carry. I do not know that by asking for a separate vote I would embarrass anyone here, but I do not care to do this. Certainly I would not like to embarrass my friend the chairman of the Committee on Naval Affairs. Besides, I always prefer to sustain the committee whenever I can. All I desire to do is to call the attention of the House with that of the committee on conference to the matter, to emphasize, if I may, the importance of this work, so that when the conferees get back into conference they may have my views with whatever of little value, if any, they possess. Mr. Speaker, I believe that is all I desire to say.

Mr. TRIBBLE. Mr. Speaker, will the gentleman from Tennessee yield me 10 minutes?

Mr. PADGETT. Yes, sir.

Mr. TRIBBLE. Mr. Chairman, I will concede that there are many naval stations that should be abolished, but I will not concede that all the naval stations on the Gulf coast should be wiped out by the Navy Department. Pensacola, the deepest-water station in the United States, has been wiped off of the map. Two months ago when it was thought that this country was going to become involved in war with Mexico, the gentleman from Tennessee, representing the Navy Department, came upon the floor of this House and asked that there be resurrected an old appropriation for the New Orleans Navy Yard that had been abandoned several years. New Orleans has been abandoned as a station. When war confronted us the necessity of the station was urgent. It is proposed to take the last station on the Gulf coast. Having wiped out Pensacola and New Orleans, now they propose to also abandon Key West. I do not know the merits of this particular project, but I do know that there is a movement on foot to cripple and destroy this yard.

Mr. Speaker, it is conceded by all naval experts that when we have war it will in all probability be on the Gulf of Mexico and the Caribbean Sea on account of the Panama Canal. And yet we wipe out all of the strategical places on the southern coast of the United States without any consideration of the future whatever, and I do not think it is right. When the American Navy is called upon to protect the southern coast and the Panama Canal there should be a station for repairs near the scene of action. Key West is a splendid navy yard, and, used as a torpedo station, the torpedo fleet can protect that section and can also in a measure protect the Panama Canal from attack through the Gulf route. The Navy Department places much stress on a station at Guantanamo. Did you ever think of the fact that Guantanamo is on foreign territory? Cuba does not belong to the United States. Besides, Guantanamo protects the southern end of Cuba and the southern side of the waters that lead to the Panama Canal. Now, suppose you wipe out Key West. Then the enemy would not undertake to go around the southern end of Cuba by way of Guantanamo, where there is a station being established, to attack the canal, but the enemy would go around the northern end of Cuba unmolested, there being no fleet and no station at Key West, Pensacola, New Orleans, or anywhere else to protect the southern coast and protect the Panama Canal by that route. We should think well before we wipe out all the stations on the southern coast. I am not willing to concede that the chairmen of the committees are always right. I am not willing to yield my convictions and surrender my rights on the floor of this House. Everybody must admit that all the navy yards in the South are being wiped out. None of them are being abandoned anywhere else, and yet, as I said in the beginning, those who are versed in naval affairs say that in case of war the enemy will most surely confront us on the Gulf coast and Caribbean Sea.

Mr. Chairman, I rose only for the purpose of voicing my protest against the policy of the Navy Department to abandon all the navy yards and stations on the Gulf and southern coasts. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. WITHERSPOON. Mr. Speaker, I just wanted to answer the protest of the gentleman from Georgia [Mr. TRIBBLE] and the remarks of the gentleman from Florida [Mr. SPARKMAN]. This idea that you must have a navy yard or naval station at a certain place in order that that territory may be protected is all nonsense. The ocean is so big that you can not put a fleet anywhere that there will not be plenty of room for a hostile fleet to go way around it and get around it without being seen. It is an impossibility to arrange things so that you will have a fleet at every point on the ocean where a hostile fleet can not pass. The truth is the naval experts have explained to the committee that under the conditions that now exist, if we should ever have war with any nation, the first thing the nation's fleet that is at war with us would do would be to hunt our fleet, and it would not make any difference where it was. It would not make any difference whether our fleet was on the Florida coast, at Galveston, on the New England coast, or where it was. The first thing the enemy's fleet would do, according to these naval experts, would be to search the ocean until it found our fleet. It would never try to take any particular port or city, because they are all defended by immense guns, and a hostile fleet attempting to take it would run the risk of having a number of its ships destroyed and others disabled, and therefore be compelled to fight our fleet in a crippled condition. That is the reason given by the experts why we need never have any fear of any naval assault on any part of our coast until the enemy has first destroyed our fleet. And that being so, it is all foolishness to talk about having naval stations and navy yards so thick along every part of the American coast that you could have a fleet ready there to defend that part of the coast against a hostile fleet.

Mr. SPARKMAN. Will the gentleman yield?

Mr. WITHERSPOON. Yes; I will yield.

Mr. SPARKMAN. Do you call naval stations very thick when there is a distance between Charleston, S. C., and Key West, of nearly 1,000 miles?

Mr. WITHERSPOON. Oh, yes; I recall that fact. That is just what ought to be the fact. The truth is we have too many navy yards and too many naval stations.

Mr. SPARKMAN. Possibly up North, but not down South, Mr. Speaker.

Mr. WITHERSPOON. Mr. Speaker, that is the reason we are squandering so many millions of the people's money without any reason. The truth is that this idea of having naval stations on the Mexican coast and the Florida coast, a truth that seems to have been discovered exclusively by my two colleagues from the South, is an erroneous one. Why do not some of these gentlemen from the Pacific coast, or gentlemen from the New England coast discover that? Why can they not see it?

Mr. TRIBBLE. Will the gentleman let me answer?

Mr. WITHERSPOON. Yes; I will yield.

Mr. TRIBBLE. The gentlemen from the other sections of the country are taking good care of the eastern coast and the western coast. We from the South propose to take care of the South.

Mr. WITHERSPOON. They are actuated by the same selfish motives.

Mr. TRIBBLE. I have no selfish motive in Florida whatever.

Mr. WITHERSPOON. I stand, Mr. Speaker, for the American Union, the whole country, and I have no patience with this sectional selfishness that is always trying to raid the Treasury for some section.

Now, I am a southern man, and the gentleman from Georgia [Mr. TRIBBLE] and the gentleman from Florida [Mr. SPARKMAN] have not got in their hearts any love for the South that is stronger and tenderer than the love within my own breast, and if you have got to waste millions of dollars somewhere I would prefer that you waste it down on the Mississippi coast, if it must be wasted. [Laughter.] But I protest against the selfishness that dominates the policy of the American Navy. There is no reason why you should have navy yards scattered from Frenchmans Bay to the Rio Grande, and the argument made here that you ought to have them so that you could have a fleet at every point, ready to defend that point against a hostile attack, has no reason in it.

I have no doubt my friends are sincere. I have no doubt they believe it. But there are a great many things that we believe honestly that we would not believe if it were not for the dominance of selfishness in our hearts. If it were not for the expenditure of money on the southern coast, you would not find southern men asking you to waste money on that coast. [Applause.]

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PADGETT. Mr. Speaker, I yield to the gentleman from Florida [Mr. SPARKMAN] three minutes.

The SPEAKER. The gentleman from Florida is recognized for three minutes.

Mr. SPARKMAN. Mr. Speaker, I wish to disclaim any spirit of selfishness whatever in the remarks I have made or in the position I have taken with reference to this matter. Certainly no political consideration can actuate me, for while Key West is now in my district it will not be in the district I shall represent in the next Congress if I am fortunate enough to be reelected to this body. The State has been redistricted and Key West has been taken out of the district which I have had the honor to represent heretofore, so that I will profit nothing politically or otherwise by the position I am taking. I am doing this in the interest of the whole country, and I trust solely from patriotic motives.

My friend from Mississippi [Mr. WITHERSPOON] seems never to have heard of naval bases, never to have known that there is a necessity for a naval base wherever naval operations are to be had. I have no sectional feeling, Mr. Speaker, but try to look at all matters from a national standpoint. Members of this House know that. For a number of years I have been a member of a committee having to do with the improvement of the rivers and harbors throughout the country, and I think those who have watched my course with reference to those matters will credit me with having been actuated by no feeling of selfishness or sectional considerations, but by a desire to help the whole country.

But, Mr. Speaker, the fact remains that there are many naval stations and navy yards other than that at Key West, some of which it seems to me might well be abolished. But if there is anything in the idea of naval bases, if there is any necessity for naval stations where naval vessels may go in time of stress, or when crippled in action or in any other way, for the purpose of repair, for the purpose of coaling or taking on supplies, then Key West presents the ideal conditions for such a station, a fact that should be recognized by Congress, as it has been by the naval experts.

I believe, Mr. Speaker, that is all I have to say in reply.

Mr. MOORE. Mr. Speaker, will the gentleman from Florida yield to me for a question before he takes his seat?

Mr. SPARKMAN. I will.

Mr. MOORE. I believe, if there was a necessity for a naval base at Key West, it would be a matter of regret to all of us if, when we found that necessity existing, we had no naval base there. I do not regard this proposition as a sectional matter at all. I would like to ask the gentleman what is the opinion of the Navy Department concerning this particular project?

Mr. SPARKMAN. As I said at the outset, Secretary Meyer, in a letter addressed to the Senate Committee on Naval Affairs on December 7, 1912, very strongly recommended the work for which this amendment would provide. He went on in that letter to mention other classes of work which he proposed to do—other improvements which he proposed to make there—but he wanted this work done first, so as to protect the later improvements and other Government interests at that place.

Mr. MOORE. Where is the nearest naval base to that point?

Mr. SPARKMAN. At Charleston, S. C.

Mr. MOORE. Charleston, S. C., which is, perhaps, not one of the best on the Atlantic coast.

Mr. SPARKMAN. There is one also at Pensacola, of course, on the Gulf side.

Mr. MOORE. Then Pensacola is nearest on the Gulf side and Charleston nearest on the Atlantic side?

Mr. SPARKMAN. Yes.

Mr. MOORE. Now, may I ask whether the present Navy Department has expressed itself on this Key West project?

Mr. SPARKMAN. I understand that the present Secretary has not given expression to any views on this subject as yet.

Mr. MOORE. Then the matter really comes up without any special recommendation from the Navy Department as it stands to-day?

Mr. SPARKMAN. No; except the recommendation from Secretary Meyer, which, as I understand, is still pending before the committee. As I am advised, it has not been withdrawn or superseded by any other recommendation.

In addition to that, I wish to say that the Navy board, appointed especially for the purpose of investigating all such matters, recommended very strongly the work for which this amendment provides, and Admiral Stanford, when before the committee at the time it was having hearings for the purpose of

ing privilege. Does the gentleman contemplate having this report go back into conference?

Mr. LEVER. Not at all. Later I am going to present the report with the corrections made in it.

Amendment No. 5: Provides that officers who now perform engineering duty on shore only shall be eligible for any shore

Amendment No. 35: Provides for an appropriation of $600,000 toward the extension of the powder factory at the Naval

Proving Grounds, Indianhead, Md., and the House recedes with an amendment whereby an appropriation of $200,000 is made and a limit of cost of the extension to the powder factory is fixed at $500,000.

Amendment No. 36: Provides for a fuel-oil storage, San Francisco, Cal., to cost $100,000, and for a fuel-oil storage at some point accessible to the oil fields of Texas and Oklahoma, to cost $150,000, and the House recedes with an amendment striking out the provision for oil storage at a point accessible to Texas and Oklahoma.

Amendment No. 37: Is a change of total and makes the whole appropriation "available until expended," and the House recedes with an amendment striking out the words "to be available until expended."

Amendment No. 38: Provides an appropriation of $150,000 for naval disciplinary barracks at Puget Sound, Wash., and Port Royal, S. C., and the House recedes with an amendment reducing the appropriation to $75,000.

Amendment No. 39: Places the Naval Observatory in the appropriation "Repairs and preservation at navy yards and stations" without increasing the appropriation, and the Senate recedes.

Amendment No. 41: Allows the expenditure of $40,000 from the naval hospital fund for the erection of such temporary structures and equipment of the naval hospitals at Mare Island and Puget Sound as may be necessary to relieve the crowded condition of those institutions and make special preparation for the sick of the Navy and visiting fleets at the time of the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 42: Makes appropriation for "Transportation of remains" available until expended, and the Senate recedes.

Amendment No. 43: Provides for an increase of pay of the dental surgeon at the Naval Academy, Annapolis, Md., of $200 per year based upon 15 years' service at this institution as a civilian dentist, and the Senate recedes.

Amendment No. 44: Excludes the men of the Navy that are detailed for duty with the naval militia in being counted in the enlisted strength of the Navy, and the Senate recedes.

Amendment No. 45: Provides that the number of enlisted men of the Navy shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year, and the House recedes with an amendment making the provision apply to the enlisted men of the Marine Corps as well as the Navy.

Amendments Nos. 46, 47, and 48: Provide for an increase in the corps of chaplains in the Navy by allowing 1 chaplain to each 1,250 of the total personnel of the Navy and Marine Corps, which increases the number now allowed by law from 24 to 52, and also provides for a probationary period in the grade of acting chaplain of three years' sea service on board ship before a commission is granted. The amendment provides for no increase in the pay of chaplains, but only increases the number, and the House recedes.

Amendment No. 49: Permits the accounting officers of the Treasury to allow the members of the Nurse Corps the amounts which have been checked against them for commutation of subsistence under the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and the House recedes.

Amendment No. 50: Provides that the amounts credited to the naval supply account from stores, equipage, and supplies turned in from ships be "available until expended," and the Senate recedes.

Amendment No. 51: Provides that the Secretary of the Navy be authorized in his discretion to issue free of cost the national flag used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps whose death occurs while in the service of the United States, upon request, to the relatives of the deceased officer or enlisted man, or, upon request, to the school, patriotic order, or society to which the deceased officer or man belonged, and the House recedes.

Amendment No. 52: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 54: Provides that unobligated and unexpended balances of the appropriation "Steam machinery" shall be "available until expended," and the Senate recedes.

Amendment No. 55: Provides that there may be appointed annually, from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age and who have served not less than one year, 15 enlisted men to the United States Naval Academy, to be selected in the order of merit by competitive examinations prescribed by the Secretary of the Navy, and such men so selected are required to pass the physical and mental examination now required by law for entrance to the Naval Academy, and the House recedes with an amendment by which the candidates are selected in the order of merit as a result of competition in the examination now or hereafter required by law for entrance to the Naval Academy.

Amendment No. 56: Strikes out the provision which provides $200,000 for building slips and equipment in order to equip a navy yard for building a battleship, and the House recedes.

Amendment No. 57: Provides for the submarine boats by lumping the appropriations provided by the House and makes the appropriations available until expended, and the House recedes with an amendment which restricts the speed of the seagoing submarine to not less than 20 knots on the surface.

Amendment No. 58: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 59: Provides that the Secretary of the Navy in estimating the actual cost of a ship built by the Government may deduct from the estimated cost of such ship as built under the appropriation therefor any sums which he deems not to be just to be charged thereto, and the House recedes, with an amendment whereby the various appropriations for the support of the naval establishments may be charged with the overhead charges incident to upkeep and industrial work at navy yards and stations, and the sums so charged to be distributed in accordance with the work done at the various yards and stations so that the cost of work may be determined.

Amendment No. 60: Is a change of verbiage, owing to a previous amendment, without any change in effect, and the House recedes.

Amendment No. 61: Strikes out building slips and equipment under the appropriation "Construction and machinery," and the House recedes.

Amendment No. 62: Strikes out the word "steam," making the appropriation apply to all kinds of machinery as well as steam machinery, and the House recedes.

Amendments Nos. 63, 64, and 65: Make appropriations under "Increase of the Navy" available until expended, and the House recedes.

Amendment No. 66: Provides an appropriation of $8,600 for an correction of acoustics of the United States Naval Academy chapel and auditorium, and the Senate recedes.

Amendment No. 67: Provides for a committee to investigate the cost of the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, and gives said committee authority to send for persons and papers and to administer oaths, and appropriates the sum of $5,000 for the expense of said committee, and the House agreed, with an amendment whereby the committee is to be composed of the chairmen of the Committee on Naval Affairs of the Senate and the House of Representatives, respectively, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant of both 20,000 and 10,000 tons capacity to enable the United States to manufacture its own armor plate and special-treatment steel. The committee is given authority to sit during the recess of Congress and to send for persons and papers and to administer oaths. The sum of $5,000 is appropriated to defray the expenses of the committee; and the Senate recedes from its disagreement to the amendment of the House.

Amendment No. 68: Makes a total "available until expended," and the Senate recedes.

Amendment No. 69: Is a change of total, and the House recedes.

Amendment No. 70: In the paragraph in the House bill which limited all appropriations for the procuring of any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply to procuring them from Government plants, the Senate struck out the requirement that Government plants be "operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants," and the Senate recedes.

Amendment No. 72: Makes all appropriations contained in the bill immediately available, and the Senate recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 28: Navy yard, Norfolk, Va., new dry dock (cost not to exceed $2,000,000), $200,000.

Amendment No. 29: In all, navy yard, Norfolk, Va., $225,000.

Amendment No. 33: Naval station, Key West, Fla.; toward construction of breakwater (limit of contract, $600,000), $100,000.

Amendment No. 40: Change of total.

Amendment No. 71: Provides that the President may, in his discretion, direct the sale in such manner, at such price, and upon such terms as he shall deem proper, of the battleships

Idaho and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for the purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriation for the increase of the Navy; and the Senate recedes.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. MANN. The conference report was not read, but the statement was. On amendment No. 71, in reference to the sale of the battleships, the statement of the conferees is that the Senate recedes.

Mr. PADGETT. That is a mistake in the statement. I had not noticed it in the printed report. That is not in the conference report.

Mr. MANN. It might be a very serious mistake where the conference report is not read and the statement is, and the statement of the conferees is that the Senate recedes from the amendment which is in controversy and from which the Senate does not recede.

Mr. PADGETT. I do not know how that got into the statement of the conferees. I had not noticed it. It is a misprint in some way.

Mr. MANN. I would like to ask the gentleman another question. What is the purpose and what is the effect of amendment No. 5, that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grades to which the Secretary of the Navy may assign them? In that respect the conferees went beyond their jurisdiction, but I did not make the point of order. I would like to know what the effect of it is.

Mr. PADGETT. In the personnel bill of 1899 there were certain officers in the engineer corps when it was amalgamated with the line that were limited to shore duty only in engineering. These men have been working and developing, and the department recommended that they should be allowed to be assigned to any shore duty and not to any sea duty to which they would be capable of being assigned.

Mr. MANN. And it will keep a few more of them on shore?

Mr. PADGETT. These are limited to shore duty, anyway. They can not go to sea by the act of 1899. This is simply to broaden the work to which they can be assigned on shore duty.

Mr. MANN. I suppose it will make more of them if they have to do something else.

Mr. PADGETT. No. They are the same ones. This does not increase the number. The number is decreasing all the while as they get older and retire under the retirement law.

Mr. MANN. Is that true also of the construction corps?

Mr. PADGETT. No. This is to broaden the work of the construction corps. It was to allow the Secretary to use the members of the construction corps in the navy-yard work. There is a shore duty anyway, and they are among the very best qualified men we have, and we inserted it for the purpose of giving the Secretary authority to assign these construction men to industrial work in the navy yards.

Mr. MANN. Do I understand that under the existing law they can not be put at work in reference to construction; that is, actual construction?

Mr. PADGETT. As I understand it, only in the hull department.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House do further insist upon its disagreement to the amendment of the Senate No. 28.

The SPEAKER. The question is on the motion of the gentleman from Tennessee that the House further insist on its disagreement to amendment of the Senate No. 28.

The question was taken; and on a division (demanded by Mr. MANN) there were—yeas 54, noes 1.

So the motion was agreed to.

Mr. PADGETT. Mr. Speaker, amendment numbered 29 is a change of total. I move that the House further insist upon its disagreement to amendment numbered 29.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 29.

The question was taken, and the motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House further insist on its disagreement to Senate amendment numbered 33, naval station, Key West, Fla.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 33.

Mr. PADGETT. Mr. Speaker, the gentleman from Florida [Mr. SPARKMAN] wishes 10 minutes, and I yield that time to the gentleman.

Mr. SPARKMAN. Mr. Speaker, I had hoped that the distinguished chairman of the Committee on Naval Affairs and the House conferees could have seen their way clear ere this to accept the Senate amendment, for, in my judgment, that amendment provides for work very much needed and which ought to be done without any further, or at least without any great, delay. The answer to that statement may be that the Secretary of the Navy has not recommended this appropriation; that is, that the present Secretary has not done so. I wish to say, however, in response, if the claim is made, that Secretary Meyer just before his term of office expired—I think in December, 1912—recommended to the chairman of the House Committee on Naval Affairs in very strong language this very improvement, and since then I have seen nothing coming from the Navy Department recalling or superseding that recommendation. The recommendation of Secretary Meyer is contained in a letter to the chairman of the House Committee on Naval Affairs of December 7, 1912, in which, after stating several different kinds of work which he thought should be done at the naval station at Key West, work which he said was of very great importance, he goes on to say:

Further developments of the naval station and adjacent water front will be of little value unless at least a semi-inclosed basin is provided, not only as a protection against heavy seas and hurricane winds, but to make it possible to retain the dredge depth at piers and along the water front. Under existing conditions storms from a southerly direction carry sand around Fort Taylor, rapidly filling in such areas as have already been dredged.

Now, this work for which the Senate amendment provides, and which the then Secretary thought of very great importance, must be done, he said, before the other necessary works can be undertaken. In other words, they must be held up until the breakwater is completed and the harbor finished. Further on in the same letter he says:

With these harbor improvements assured, the department contemplates the systematic development of the navy yard at Key West for the purposes outlined in paragraph 1 of this letter.

Now, that letter is inserted in the hearings had before the committee last winter when that body was gathering material for the preparation of the naval bill, the one now under consideration. Admiral Stanford, then testifying before the committee, after this letter was produced, and I presume read, further said:

The sea wall and pier has recently been completed by the Navy at a cost of nearly $200,000. Last March there was a depth of water off the face of the wall varying from 3 to 6 and 8 feet. The Navy has also recently completed the construction of marine ways; last March the outer end of the ways was embedded in sand, which made it impracticable to use the ways as expected. There is absolutely no protection at the station against storms from the south or from any western point of the compass, either against the direct force of the wind or from the sea which a storm would produce, and it is necessary for all small craft in time of storm to run for protection to an anchorage 2 or 3 miles distant, which requires that vessels shall constantly maintain steam pressure or that towing craft shall be available for the assistance of vessels which do not have their own steam. This adverse condition not only affects the navy yard, but also other departments of the Government which have property located in the immediate vicinity along a stretch of about 4,800 linear feet of sea front.

There is the War Department (Fort Taylor); the Treasury Department, with its Marine-Hospital Service; the Department of Agriculture has a small area; a pier is used by the Department of Commerce and Labor for lighthouse service; and included in the Navy tract is an area utilized by the Post Office Department for post office and customhouse. All of these departments, with the exception, possibly, of the Weather Bureau, have their small craft that require protection in time of storm and a depth of from 20 to 22 feet of water along the frontage for most efficient service.

Appeals were allowed from the Dawes Commission to the Commissioner of Indian Affairs and the Secretary of the Interior and the Attorney General of the United States, and case after

Whole adopted the amendment of the Senator from Mississippi, and the Chair was about to put the question.

it. The question has arisen, however, several times in the Senate, and it has been decided that amendments made as in Committee of the Whole may be tabled in the Senate.

NEW MEXICO.

Jesse L. Turner, Santa Rita.

NORTH CAROLINA.

J. Otho Lunsford, Durham.

OHIO.

Frank C. Carey, Waynesville.
Mathew H. Darby, Deshler.
Charles B. Dechant, Lebanon.
William F. Gordon, Somerset.
Ambrose E. Hough, Hillsboro.
John S. Hummel, Wilmington.
Thomas Kyer, Jackson.
Isma H. Malick, Van Wert.
John L. Strange, Greenfield.
Charles A. Trinter, Vermilion.
George F. Zeller, Ottawa.

OKLAHOMA.

John H. Anderson, Snyder.
J. P. McLarty, Wilburton.

OREGON.

T. J. Tweedy, Pendleton.
Charles N. Wait, Canby.

PENNSYLVANIA.

B. N. De France, Ellwood City.
Robert M. Foster, State College.
John M. Graham, Volant.
Philip W. Miller, New Freedom.
M. D. Salyards, Pitcairn.
David B. Thomas, New Brighton.
William V. Wirtz, Albion.

TEXAS.

W. F. Julliff, Granbury.

UTAH.

Adelbert K. Huish, Payson.

VERMONT.

Patrick Mahoney, Poultney.
Maurice J. Walshe, White River Junction.

WASHINGTON.

Arthur A. Barnes, Pasco.
S. S. Moritz, Dayton.
Helen R. Whitney, Wapato.
James M. G. Wilson, Waterville.

WYOMING.

J. S. Van Doren, Casper.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 23, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With inexpressible gratitude we bow in Thy holy presence, Father in heaven, for all the blessings vouchsafed unto us, especially for the faith, hope, love, which Thou hast woven into our being; indissoluble ties which bind us to Thee and to all mankind. Strengthen these qualities of soul that all the world may move forward to the ideal civilization in Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, in looking over the conference report on the Agricultural appropriation bill, which is printed in the RECORD of June 22, 1914, I find that the clerks of the two committees have made some errors in reference to page numbers, and in order to save the House confusion, and to aid the enrolling clerk, I ask unanimous consent to withdraw the conference report and the papers in the case.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to withdraw the conference report on the Agricultural appropriation bill because of some arithmetical errors. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, will the gentleman yield for one moment?

Mr. LEVER. Certainly.

Mr. STAFFORD. Mr. Speaker, my attention was called to amendment No. 106, providing for the extension of the franking privilege. Does the gentleman contemplate having this report go back into conference?

Mr. LEVER. Not at all. Later I am going to present the report with the corrections made in it.

Mr. STAFFORD. I think that amendment is subject to a point of order, because the committee went beyond its province.

The SPEAKER. That is a question that will arise when the conference report is up for consideration. Is there objection to the request of the gentleman from South Carolina?

There was no objection, and it was so ordered.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the bill H. R. 14034, the naval appropriation bill, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee calls up the conference report on the naval appropriation bill, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 853).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 58, 60, 61, 62, 63, 64, 65, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "*Provided*, That the Secretary of the Navy is authorized to detail such naval officers, not exceeding four, as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000) $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "For fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "*Provided*, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with amendments as follows: In line 1 of said amendment, after the word "type," insert the following: "to have a surface speed of not less than 20 knots"; in line 5 of said amendment, after the word "expended," strike out the comma, insert a period, and strike out the words "and the" and in lieu thereof insert "The"; in line 10 of said amendment, after the word "said," insert the words "eight or more"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Thereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 1 and 2: Provide for an increase of $104,000 in the appropriation "Contingent, Navy," to provide a fund for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution approved February 15, 1911, and the House recedes.

Amendment No. 3: Provides that tolls shall not be assessed against or collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or returning from the Panama-Pacific International Exposition, provided such vessel has been sent by its Government to attend and participate in said exposition, and the House recedes.

Amendment No. 4: Provides that the Secretary of the Navy be authorized to define and establish suitable anchorage grounds in Hampton Roads and San Francisco Bay for the combined fleets of the United States and foreign Governments which may rendezvous in these waters during their attendance at the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 5: Provides that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them, and the House recedes with an amendment by which officers of the Construction Corps and the officers above named are eligible for any shore duty to which the Secretary of the Navy may assign them.

Amendment No. 6: Increases the appropriation for recruiting from $130,000 to $150,000, and the Senate recedes.

Amendment No. 7: Permits the employment of more than one advertising agency in advertising for recruits, and the House recedes.

Amendments Nos. 8, 9, and 10: Extend to the Revenue-Cutter Service the right of any alien of 21 years of age and upward who may, under existing law, become a citizen of the United States and has served or may hereafter serve for four years in the Revenue-Cutter Service and receive therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, to be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the House recedes.

Amendment No. 11: Increases the appropriation for gunnery exercises from $100,000 to $115,000, and the House recedes.

Amendment No. 12: Provides for the producing of American charts and sailing directions to replace those of foreign production, which now have to be purchased abroad, and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office, and the House recedes with an amendment by striking out said amendment and in lieu thereof providing for the detail of not exceeding four naval officers to the Hydrographic Office.

Amendment No. 13: Provides that the pensions of beneficiaries of the naval home shall be disposed of in the same manner as prescribed for inmates of the soldiers' home, except that in case of death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall escheat to the naval pension fund, subject to certain provisions, and the House recedes.

Amendments Nos. 14, 15, and 16: Make certain appropriations in the Bureau of Ordnance "available until expended," and the Senate recedes.

Amendment No. 17: Makes the appropriations for "torpedoes and appliances" "available until expended." The House recedes with an amendment making that appropriation available until June 30, 1917.

Amendment No. 18: Includes the Naval Observatory in the appropriation "Maintenance, Bureau of Yards and Docks," without increasing the appropriation, and the House recedes.

Amendments Nos. 19 and 20: Strike out the House provisions for building slips and equipment at navy yard, Boston, Mass., to cost $148,000, and the provision whereby the unexpended balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year 1914 is covered back into the Treasury, and provides that the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000, is made available for building slips and equipment at Boston, and the House recedes.

Amendment No. 21: Increases the appropriation to complete Pier D from $12,000 to $25,000, and the House recedes.

Amendment No. 22: Increases the limit of cost of Pier C from $130,000 to $150,000 with no increase in appropriation, and the House recedes.

Amendment No. 23: Provides an appropriation of $8,500 to extend the second floor mold loft in the navy yard, New York, and the House recedes.

Amendment No. 24: Is a change of total and an increase of $21,500.

Amendments Nos. 25 and 26: Provide for a "building slip and equipment" at the Philadelphia Navy Yard to cost $200,000, and the House recedes.

Amendment No. 27: Provides for a fireproof general storehouse, Washington Navy Yard, D. C., cost not to exceed $225,000, with an appropriation of $100,000, and the House recedes.

Amendment No. 30: Increases the appropriation for dredging at navy yard, Charleston, S. C., from $10,000 to $20,000, and the House recedes.

Amendment No. 31: Makes the sum of $207,000 for improvement of hydraulics, Mare Island Straits, "to be immediately available," and provides an appropriation of $20,000 for dredging and diking Mare Island Straits, and the House recedes with an amendment striking out the words "to be immediately available."

Amendment No. 32: Is a change of total.

Amendment No. 35: Provides for an appropriation of $500,000 toward the extension of the powder factory at the Naval

senior Senator from Oklahoma.

had wanted to.

Mr. WILLIAMS. Oh, the language is slightly different, but it means exactly the same thing, and it was intended by me to

State of Mississippi, and there have not been for half a century, except Choctaws. The Pastagoulas have gone the way of the

lost tribes of Israel. The Mobiles moved away very early, and, like the wind, no one knows whither. Neither one of them was ever any great tribe. They were disconnected fragments of tribes and they gathered by the peaceful waters of the Gulf, fishermen for the most part, and when the time came for the clash with the white man they all went. But the Mississippi Choctaw tied himself to the white man's heartstrings by years of service and of friendship and of love, fighting with him side by side with Andrew Jackson and with "Mad Anthony" Wayne. These Mississippi Choctaws stayed, and there were no other Indians in Mississippi when the Dawes Commission sent the subcommittee there. Capt. McKennon knew that. The Dawes Commission knew it.

One other word, Mr. President, and then I shall conclude. Again and again in this debate it has been asserted that the Dawes Commission and the United States Supreme Court approved of the action of Judge Clayton and his decision. Judge Clayton ruled one way and Judge Townsend ruled another, the first that the Mississippi Choctaws must move to have right and the second that they need not. There were two judges of the Federal court out there, and the Supreme Court never did affirm the decision of Judge Clayton. What the Supreme Court said was, "Congress has vested in these Federal courts in the Indian Territory final jurisdiction upon this subject," and that it—the Supreme Court—had no jurisdiction to consider an appeal upon the merits, and therefore the case was dismissed, just as when you go to the Supreme Court from a decision of the Immigration Bureau deporting a Chinaman, the Supreme Court has said "We have no jurisdiction upon this question." Congress has erected an administrative and judicial tribunal having final jurisdiction.

There is a case, Senators—and, by the way, it ought to interest us for another reason, because we do not want tyranny in the United States—where a Chinaman was born in the United States, and left and went to China and came back and was arrested and ordered to be deported. That case was carried to the Supreme Court by a lawyer upon habeas corpus. I have put it in the RECORD once in the Fifty-ninth or Sixtieth Congress in a speech on "Federal usurpation." That court decided that they could not listen to the fact that this man had been born in America and that he had gone to China on a visit, but that because the Immigration Bureau had decided adversely to him—had ordered him deported—and Congress had erected that bureau as an administrative functionary to dispose of such questions, the Supreme Court had no jurisdiction on appeal or in review.

Now, one or the other thing is true. The Senator from Oklahoma—not then Senator from Oklahoma, but plain Mr. OWEN—went on once to show that there had been "underground influences" exercised against these Mississippi Choctaws during the whole history of this procedure. One of the "underground influences" was this act that equipped the Federal court in Oklahoma with power of final decisions without appeal.

Subject to local influences of course these courts were, yet once they decided adversely and decided that the Mississippi Choctaws were compelled to remove, that was final. Subject to local interests and local influences it was given final jurisdiction, and neither the Dawes Commission nor the Supreme Court of the United States had any authority or right under law to sit in judgment upon what they once decided or determined right or wrong.

Now that was in no proper sense a decision on the merit of what had taken place. It was merely a denial of jurisdiction to reconsider or to rehear.

Mr. President, I hope that no argument, public or private, that has been made in connection with this case will blind the eyes of the Congress of the United States or the Senate of the United States to the fact that these poor, illiterate, unbefriended people have no representative here at all except voluntary representatives who help them out of sentiment, and that the Senate of the United States will not permit the beginning to be made of the distributing of these funds in which they have an undeniable interest until they have had a proper hearing in Congress, so that Congress may repeal those parts of past laws which have been unjust to them.

And with that I leave the case with the Senate.

Mr. OWEN. Mr. President, I shall detain the Senate but three minutes.

The Congress of the United States in 1896—18 years ago—directed the Dawes Commission to make up these rolls. That commission worked at the rolls for 11 years. Appeals were allowed from the Dawes Commission to Judge Clayton's court. Appeals were allowed from the Dawes Commission to the Commissioner of Indian Affairs and the Secretary of the Interior and the Attorney General of the United States, and case after case was heard and rereferred to the Dawes Commission. Sometimes as many as three times a case came back to the Interior Department. Finally, upon the prayer of the Five Civilized Tribes and their representatives, the Congress of the United States, after 10 long, tedious years of these hearings, directed the rolls to be permanently closed on the 4th day of March, 1907—seven years ago.

Special consideration was given to the Mississippi Choctaws. I was their attorney. They were permitted to be exempt from the rule of the Curtis Act of 1898, which laid down the rule that no person should be enrolled as a citizen of the Five Civilized Tribes who had not previously to that time established in good faith his residence there. A part of my family were cut off from the Cherokee rolls because they lived in Virginia. I had one brother of a common mother enrolled, while a brother and sister of the same mother were rejected under that rule. It was a just rule however; it was a common-sense rule. But the Mississippi Choctaws had the peculiar privilege of not being bound by that rule until they had a special opportunity to be heard.

This commission was directed by Congress in 1897 to examine into their claims and ascertain what their claims were. They found that unless they had moved to Oklahoma and been identified by a competent tribunal they were not entitled.

Judge Clayton, of the United States court, having special jurisdiction of that case, made the same decision, and the law of Congress, not the law of the Choctaws of the Indian Territory, but the law of Congress, made Judge Clayton's decision on appeal from the Dawes Commission final. The matter went up to the Supreme Court, and the Supreme Court said that under the law the decision was final.

The Dawes Commission was instructed to identify those claims and those rights, and they went to Mississippi in 1898, and on March 10, 1899, they reported out the 1,900 persons whom they had found in Mississippi who appeared of this blood, but they declared these persons could not prove their descent from the fourteenth-article claimants; that they could not prove who their ancestors were; that they could not prove themselves within the rule of the treaty, and upon that report the Secretary of the Interior declined to enroll them as entitled.

The Dawes Commission from 1899 up to 1907 had individual Mississippi Choctaws under consideration from time to time. When the Choctaws and Chickasaws tried to buy their peace with regard to the Mississippi Choctaw question in 1902 they agreed in articles 41, 42, 43, and 44 that they would waive the requirements of evidence as to the full-blood Mississippi Choctaws and would not require them to prove who their fathers were, would not require them to prove that they were entitled under the fourteenth article, because they could not, but would waive that evidence if they would agree that within six months they would remove and establish bona fide residences. Under that rule 1,642 moved from Mississippi into Oklahoma. Attorneys were busy during that period urging these people to move. The Dawes Commission sent runners all over Mississippi to notify them. The Dawes Commission had spent large amounts of money and much energy in trying to get this information to these people and getting them to remove. There are still a few of the Choctaws who love the squirrels of the Yiogehnoughenny, of whom the Senator from Mississippi [Mr. WILLIAMS] so pathetically speaks, and I suppose they never will remove. Perhaps their attachment to the Senator from Mississippi is so great that they would not be willing to cross out of that State and leave it.

But, Mr. President and gentlemen of the Senate, there must come some time when a community of people shall be entitled to their peace. These people had from 1898 to 1907, eleven years, to present their claims, and they were fully heard and the case settled finally on March 4, 1907, and I appeal to the Senate to support the committee and support the Interior Department in not reopening these rolls or lay the foundation where it should be expected that the rolls would be opened hereafter.

Mr. GORE. Mr. President, I discussed this question at some length the other day. I do not intend to impose another tax on the patience or the time of the Senate. I may say that my own time is fleeting at this moment. It is my purpose, if possible, to take the 6 o'clock train if this can be brought to an issue. I do not know the status—whether a motion to disagree or whether a motion to table would be in order.

The VICE PRESIDENT. The Chair is of opinion and the Chair so understood the Senator from Oklahoma to state that the question which he had reserved for a special vote of the Senate is the question whereby the Senate as in Committee of the Whole adopted the amendment of the Senator from Mississippi, and the Chair was about to put the question.

Mr. WILLIAMS. In this connection I wish to make a parliamentary inquiry and possibly a point of order. The Senate in Committee of the Whole having adopted my amendment as an amendment to the committee amendment, and then having adopted the committee amendment as amended, can a motion be made to reconsider or have a separate vote upon my amendment to the amendment without making the motion apply to the entire amendment as amended?

Mr. GORE. If the motion to strike out the amendment of the Senator from Mississippi should be adopted, the Senate would be obliged to vote on a motion to ratify the amendment of the committee made as in Committee of the Whole.

Mr. WILLIAMS. The amendment as amended was subsequently adopted, and of course no one knows whether the Senate would have adopted the amendment of the committee if it had not been amended by my amendment. Therefore it seems to me logical, and I think it is good parliamentary law, that the question must be taken upon the entire amendment as amended, which was adopted. The chances are that the Senate never would have adopted the committee amendment standing by itself without my amendment to it.

Mr. GORE. Mr. President, I think there is no difference between the Senator from Mississippi and myself in regard to the parliamentary status, though we may both be wrong. If the motion to disagree to the Senator's amendment should prevail, it would of course be necessary to adopt the amendment of the committee without that amendment.

Mr. WILLIAMS. That is where the Senator is mistaken. The Senator has a right to a separate vote upon the amendment to the amendment. The amendment remains in the bill unless a separate vote has been demanded upon it.

The VICE PRESIDENT. The Chair is quite satisfied with itself at least.

Mr. WILLIAMS. If the Chair is satisfied with itself I am satisfied with the Chair.

The VICE PRESIDENT. This is the status: The vote will be first on the amendment of the Senator from Mississippi as to whether it shall be agreed to, and if it is not agreed to, then there must be a vote on the committee amendment.

Mr. GORE. That is undoubtedly correct.

Mr. WILLIAMS. As it was before it was amended.

The VICE PRESIDENT. As it was before it was amended.

Mr. WILLIAMS. I think the decision of the Chair is right. I merely made the parliamentary inquiry because I wanted to get the status.

The VICE PRESIDENT. The question will be put by the Chair, Will the Senate agree to the amendment of the Senator from Mississippi made as in Committee of the Whole?

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Lane	Perkins	Sterling
Bankhead	Lee, Md.	Poindexter	Sutherland
Bryan	Martin, Va.	Pomerene	Swanson
Camden	Martine, N. J.	Ransdell	Thomas
Chamberlain	Myers	Robinson	Thompson
Chilton	Nelson	Shafroth	Thornton
Clarke, Ark.	Newlands	Sheppard	Tillman
Dillingham	Norris	Sherman	Vardaman
Gore	Oliver	Shively	West
Hollis	Overman	Smith, Ariz.	White
Hughes	Owen	Smith, Ga.	Williams
James	Page	Smith, Md.	
Jones	Penrose	Smoot	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. GORE. If it be in order, I move to table the amendment of the Senator from Mississippi.

The VICE PRESIDENT. The Chair is of the opinion that it is not in order to table an amendment that has been agreed to as in Committee of the Whole.

Mr. GORE. I confess I was not advised.

Mr. CLARKE of Arkansas. I believe that the necessity for making a decision on that point at this time may be obviated by allowing the vote to come straight on the amendment. The precedents reported in Gilfry's text indicate that, after debate, the Senate decided that an amendment made as in Committee of the Whole can be tabled in the Senate.

Mr. GORE. To obviate any question of order, I withdraw the motion.

Mr. CLARKE of Arkansas. I am sure the Chair is familiar with the rule, but probably has made up his mind not to follow it. The question has arisen, however, several times in the Senate, and it has been decided that amendments made as in Committee of the Whole may be tabled in the Senate.

The VICE PRESIDENT. The Chair in this particular instance has been impressed with this condition of affairs: There was a committee amendment; the Senator from Mississippi moved an amendment to that amendment, which was adopted as in Committee of the Whole. The Chair has not any doubt that the entire amendment can be tabled, if that is what the Senator from Oklahoma wants to do; but the Chair, for the purpose of expediting matters and not as a universal rule to be followed, thought that a vote on this one question would settle the entire subject.

Mr. GORE. To obviate any question, I withdraw the motion.

Mr. CLARKE of Arkansas. With the explanation of the Chair, it is all right.

Mr. WILLIAMS. Mr. President, I very much prefer to have a full attendance of the Senate when this matter is voted upon, and I therefore move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi, that the Senate proceed to the consideration of executive business. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. WILLIAMS. I call for a division.

The VICE PRESIDENT. All in favor of the motion of the Senator from Mississippi, that the Senate proceed to the consideration of executive business, will rise. [A pause.] Those opposed will rise. [A pause.] The ayes have it; and the motion is agreed to.

The Senate thereupon proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 24, 1914, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 23, 1914.

CONSULS.

Wilbur T. Gracey to be consul at Seville, Spain.
Harry G. Seltzer to be consul at Breslau, Germany.

COLLECTOR OF CUSTOMS.

Thomas E. Stucky to be collector of customs for the district of Indiana.

COLLECTOR OF INTERNAL REVENUE.

Joshua W. Miles to be collector of internal revenue for the district of Maryland.

NAVAL OFFICER OF CUSTOMS.

W. Mitchell Digges to be naval officer of customs in the district of Maryland.

POSTMASTERS.

ARKANSAS.

A. P. Massey, Stamps.

COLORADO.

Clifford I. Parsons, Central City.
C. E. Spicer, Edgewater.

CONNECTICUT.

Stephen Charters, Ansonia.
Judson B. Griswold, Ivoryton.
Howard F. Spencer, Higganum.

IDAHO.

E. W. Colton, Malad City.

ILLINOIS.

Otto Baemeister, Toulon.
John P. Harvey, Amboy.
J. O. McDowell, Sumner.
W. P. Stevens, Richmond.

KANSAS.

C. P. Fallis, Luray.
L. E. Waddell, Cottonwood Falls.

MICHIGAN.

Paul W. Segelstrom, Stambaugh.

MISSOURI.

Robert W. Corum, Boonville.
J. J. Thom, Neosho.

NEW JERSEY.

William B. Loudenslager, Atlantic City.

NEW MEXICO.

Jesse L. Turner, Santa Rita.

fairs, but she ought not to have an exclusive influence in that respect, and I do not think the fact that Oklahoma Choctaws can vote while Mississippi Choctaws can not vote ought to have any influence in determining this question.

Here are property rights of men involved, and a local Oklahoma political situation ought not to affect them. It is not right, it is not honest, it is not straight that it should. Then, at this session we have already had either two or three votes upon this proposition, and the Senate has each time voted in favor of maintaining and asserting the rights of the Mississippi Choctaws.

In that connection I wish to say that that phrase has been used with a double meaning in this debate. I did not catch on to it until when I read the CONGRESSIONAL RECORD after the debate last week. The Senators from Oklahoma have used the phrase "Mississippi Choctaws" to cover very much more than the phrase covered when I used it. What I mean by "Mississippi Choctaws" is the Choctaw Indians living in the State of Mississippi, and what these gentlemen meant by it was the Mississippi Choctaws who moved to Oklahoma in 1855 and 1856 and 1857. The senior Senator from Oklahoma said that there were some 3,500 or 4,000 of them out there on the rolls. I said: "Why, at the time Capt. McKennon and I were counting these people to the best of our ability there were not that many of them in the State of Mississippi." It turned out later from the debate that what the Senator meant was a class of people who were classified in Oklahoma as being Mississippi Choctaws because they moved from Mississippi out to Oklahoma in 1855, 1856, and 1857.

Mr. GORE. Mr. President——

Mr. WILLIAMS. Just one moment. Under that clause you could classify every Choctaw in the Indian Territory as a Mississippi Choctaw, because they all moved from Mississippi at some year or other. I now yield to the Senator from Oklahoma.

Mr. GORE. Of course, there were two classes of Mississippi Choctaws.

Mr. WILLIAMS. There is only one class of Mississippi Choctaws, and that is Choctaws living in the State of Mississippi now.

Mr. GORE. I mean in 1830.

Mr. WILLIAMS. Oh, yes.

Mr. GORE. Those who went to Oklahoma at that time were, of course, not to be classified as Mississippi Choctaws in any instance. There were others who went after the first emigration, in 1855, but I do not characterize them as Mississippi Choctaws. Those whom I have in mind are the Indians who are in Mississippi now, and their alleged descendants in the State of Alabama, and extending as far west as California.

I had a letter from some gentleman in New York yesterday stating that his father was a Choctaw in 1830, or his grandfather, or his great-grandfather, and he thought he ought to come in under the Senator's amendment; and I understand there are some 40,000 claimants.

Mr. WILLIAMS. The Senator must pardon me if he is going to make a speech.

Mr. GORE. I thought the Senator was through. I beg his pardon.

Mr. WILLIAMS. I am not talking about those men, and those of you who heard my amendment to the amendment read a moment ago heard me distinctly say "full-blood and half-blood Choctaw Indians." Now, there are a whole lot of white men all over the United States who are willing to swear that they have any sort of blood in them to get a share in a Government largess. I am not talking about them. I am not trying to take care of them. I do not care a continental about them.

These Indians in Mississippi have not any vote. Mississippi has kept up the limitation on the suffrage expressed in the old phrase: "Indians not taxed. They can not vote in Mississippi." As far as I am concerned my political future and my personal interests are not concerned with the matter at all. They are a poor, illiterate people who might be left out of consideration by any politician in the world if he desired. They could not cast five votes in the entire State of Mississippi. They could not control nor influence five votes in the entire State of Mississippi.

The Senator from Arkansas [Mr. CLARKE] says that my amendment is "too wide." Now, let me read both amendments, and let us see if they are too wide.

The first one is in these words, Senators:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma.

Remember there are 1,110 of them, by the testimony of the senior Senator from Oklahoma.

Mr. OWEN. The senior Senator from Oklahoma has given no such testimony.

Mr. WILLIAMS. Oh, well, it was in a brief filed by the senior Senator from Oklahoma.

Mr. OWEN. No, sir; the senior Senator from Oklahoma filed no brief. The senior Senator from Oklahoma sits on this floor as a Senator.

Mr. WILLIAMS. Oh, well, I understand. I mean the man, Robert L. Owen, filed a brief then, and not the Senator.

Mr. OWEN. The Senator has kept referring to "the senior Senator from Oklahoma" in that connection, and it would appear that the Senator representing Oklahoma had made some remarks of that kind.

Mr. WILLIAMS. I did not mean that the Senator, as representing Oklahoma, filed that brief, and nobody so misunderstood me. I meant that the man Robert L. Owen filed it, and the man ROBERT L. OWEN, now a Senator from Oklahoma, made the statement that there are 1,110 of them whose names were pigeonholed here for eight months, and who, after they had gotten out of the pigeonhole, were, of course, barred by the statute of limitations on the eight months' period. There is only one Robert L. Owen.

Mr. OWEN. Mr. President, the Senator ought at the same time to state that the Dawes Commission, during the period from 1898 to 1907, for nine years, was considering the claim of any Mississippi Choctaw who was presented, and recognized all those who could come within the rule.

Mr. WILLIAMS. The Senator from Mississippi did not make that statement, because the Senator from Mississippi did not know that to be the fact. It may be, but the Senator from Mississippi does not know it to be a fact even now.

I understand that when those people went later to have their rights recognized they were met with the fact that they had slept upon their rights over and beyond the eight months that were given them in the original law, although the fact is that during that eight months their claims had been pigeonholed in the city of Washington, and they had never gotten any notice of the fact that they were entitled to be put upon the rolls, and therefore they had never gotten any notice of the fact that they ought to remove to Oklahoma, because the original law of 1902 provided that they were given, I believe it was, six months, or whatever it was—some period, at any rate—within which, after "the final approval of the roll," they could remove to Oklahoma. Here were these men with their claims pigeonholed and no notice given to them at all that their names had been approved, and therefore no opportunity to avail themselves of this condition subsequent, which was to remove to Oklahoma.

So much for that; but the Senator from Arkansas says that the amendment is too wide. I am sorry that he said it. Watch the amendment:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until—

Until when? Is this too wide?

Until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma, and until such of said Mississippi Choctaws as shall be found entitled—

I am putting nobody upon the roll. I am distributing nothing.

Until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

"Found entitled." Is that too wide?

Now let me come to my amendment now proposed to the amendment offered by the Senator from Arkansas. What is that?

And provided further, That the Secretary of the Interior proceed to ascertain who is entitled to be enrolled as Mississippi Choctaws under article 14 of the treaty of 1830—

That is the Dancing Rabbit treaty, negotiated by the second founder—the restorer—of the Democratic Party, Andrew Jackson—

and without reference to any limitation of time fixed by any statute.

Of course that is new legislation, because when you say "without reference to any limitation of time fixed by any statute" it is new legislation. It makes it amenable to the point of order; but the point is whether or not these gentlemen are going to make the point of order. Of course everybody knows that if they do not make it, it will go through all right, and everybody knows that the limitation of six or eight months, whichever it was, to which these people were subjected in the law of 1902, was a thing which was apples to the eye and ashes to the taste, because they never even got notice of the fact that they were entitled to be enrolled, and therefore got no time and no opportunity to remove to Oklahoma if they had wanted to.

Mr. OWEN. Mr. President, may I remind the Senator that the agreement of 1902 authorized them to be notified before they were required to remove, and they had six months after they got the notice.

Mr. WILLIAMS. Yes; but they were to be notified whenever they were entered upon the rolls, and were to have six months after "final approval of the roll"; and then their names were pigeonholed for eight months, and still later they were never entered upon the rolls, but were denied this approval of the approval, and therefore could not be notified, and never were notified.

Now, I want to call attention to another thing in the act of 1902; and unless I am mistaken, as I may be—and if I am, the Senator from Oklahoma will correct me—he and I together drew up that amendment. I had the book here the other day, but it has been taken away. This is the language of it, however, and I can quote it literally:

Provided, That nothing herein contained shall affect the rights of the Mississippi Choctaws.

Mr. OWEN. That was 1898, Mr. President.

Mr. WILLIAMS. No; I beg the Senator's pardon. It was 1902.

Mr. OWEN. No; it was in the Curtis Act of 1898.

Mr. CLARKE of Arkansas. Mr. President, while the Senator from Mississippi is waiting for the book I believe I can make an announcement that will simplify this matter somewhat.

In view of the fact that he has offered that amendment and proposes to open up anew the discussion of the whole Mississippi Choctaw question, I believe I will just withdraw the amendment entirely and allow whatever vote is had in the Senate this afternoon to be upon the adoption or rejection of the amendment offered by him.

Just one word in explanation of why I did it. The Senator's original amendment did not propose any legislation at this time, but outlined a new procedure by which the Mississippi Choctaws should have adjudicated their right to be entered upon the Choctaw rolls. He simply proposed to hold up the entire payment of $100 per capita provided for in these acts. I modified his proposition only to the extent of setting aside a sufficient amount of the $35,000,000 to answer any judgment that might hereafter be established. I did not contemplate, and I do not want to detain the Senate now with any proposition that would precipitate a discussion of the entire Mississippi Choctaw question again, so I withdraw the amendment.

Mr. WILLIAMS. Then, Mr. President, I shall direct myself to the main question. I am very glad the Senator from Arkansas has withdrawn his amendment, and, of course, I will withdraw the amendment to the amendment, because there is left nothing to amend.

I want to settle this matter of dispute between the senior Senator from Oklahoma and myself though, if I can find the part of the act to which I referred, and I think I can. I had it marked here the other day in a copy of the law left upon my desk, but it has been removed.

I have it now. This is the language to which I referred, and this language was agreed upon by Mr. OWEN and myself at that time—

That nothing contained in this act—

This is the act of 1898:

Provided, however, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or the treaties with the United States.

That language I also had inserted and repeated verbally in the act of 1902.

Mr. OWEN. The Senator is mistaken about that, I think.

Mr. WILLIAMS. I am not mistaken. I will try to find it, but I know I am not. I had it here the other day and marked it, but the particular copy of the act which I marked has been taken away.

Here it is. I now read from the act of 1902:

Provided, That nothing in this section shall apply to any person or persons—

I said I had repeated it verbally. It seems now that I repeated only the substance of the act of 1898.

That nothing in this section shall apply to any person or persons making application for enrollment as Mississippi Choctaws for whom provision has herein otherwise been made.

This act contained other provisions referring to the Mississippi Choctaws.

Mr. OWEN. That is very different language, Mr. President, and has a very different meaning.

Mr. WILLIAMS. Oh, the language is slightly different, but it means exactly the same thing, and it was intended by me to mean the same thing. I recall now that I thought it was better than the original language, because the original language was involved in prepositions. One was "laws of and treaties with the United States," and I never liked to have two prepositions applying to one substantive. Otherwise the two clauses are precisely the same in meaning, and were intended to be.

The Senator from Arkansas says that I am trying to punish these Choctaws in Oklahoma for crimes which they have never perpetrated. Haven't they? Are they not refusing right now, and are not all the members of the Oklahoma delegation in the Senate and in the House refusing right now to permit these people in Mississippi to have a real day in court; and are they not pretending to represent the Oklahoma Choctaws when they do it? Was not this agreement entered into between the United States Government and the Choctaw Nation in Oklahoma, in which the Choctaws in Mississippi were left out of consideration entirely and never consulted, an injury done them by the Oklahoma Choctaws? Are you going to tell me that the Choctaws in Oklahoma were not responsible for that agreement? Are you going to tell me that their attorneys, one great firm of whom collected a fee of seven hundred and thirty-odd thousand dollars, I believe, and proudly swore afterwards that they were responsible for all the Indian legislation out there for several years, a firm employed by the Five Civilized Tribes, had nothing to do with it? Of course, they had something to do with it, and they have something to do with it.

My friend from Arkansas, for whom I have a higher personal affection than for almost any man in this body, and who has been kinder and nicer to me than anybody in this body, without exception, tells me that I am trying "to hold up these people." Yes; in a certain sense, of course, I am. I try to be the frankest of human beings, as far as I can be, with my limited intelligence, and what I mean is that I know if these people in Oklahoma and their congressional representatives take the first step to distribute this fund without any regard to the Mississippi Choctaws, they will take the second, and the third, and the fourth, and the fifth, and the sixth, and the tenth, until the fund is exhausted, and we will never have any rights at all.

My friend from Arkansas offered an amendment in which he says that we are to hold back a certain amount of it and estimate what will be needed. That will go this Congress; it might go next Congress, and then the next Congress; then what? The Congress after that, what? After a while we would not have enough to pay both, and then they would just dispense with the proposed provision, you see, and so the Mississippi Choctaws would be left where they were in the first place and are now.

I want the Senate to do these people justice. I hardly know how to express it. It is not exalted justice. It is plain, simple fairness that I am calling upon you to do. I am not calling upon you for any special favors for them. I am simply calling upon you to see to it that between them and their brethren in blood, the only bond of citizenship among uncivilized tribes—and this was a tribal affair when it started—there shall be a fair distribution. That is all. What does my amendment say?

The amendment does not call on you to give them anything. It simply says that this distribution shall not begin, "the provisions of this act shall not be applicable" to members of the Choctaw Nation in Oklahoma, "until Congress" has done what? "Until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls"; that is, the finally approved rolls.

Why, Senators, do you know that after that roll had been pigeonholed here for eight years, it was finally disapproved by the Secretary of the Interior, who at that time I believe was Mr. Hitchcock, without notice to a Mississippi Choctaw in the world, and disapproved upon what grounds? That they had not been able to prove who their grandfathers' grandfathers were; in many cases who their great-grandfathers' great-grandfathers were; and yet there were two classes of these Mississippi Choctaws, one of the full blood, claiming as full bloods and in all ways, and the other of these people claiming as descendants of these patentees who were required to prove who their great-grandfathers' great-grandfathers were; in other words, that their ancestors were patentees. How many of you could prove it?

Oh, the Senator from Oklahoma on yesterday said that the Dawes Commission had 30 days in which to pass upon these people's claims, and that "30 days was entirely too short a period." Too short a period to do what? Too short a period to determine who could prove who were their grandfathers' grandfathers? Maybe so. Yet that, I assert, is not too short a period to determine who were full-blooded Choctaws or were even half-blood Choctaws. There are no other Indians in the State of Mississippi, and there have not been for half a century, except Choctaws. The Pastagoulas have gone the way of the

The question is on the amendment proposed by the Senator from Arkansas [Mr. ROBINSON].

Mr. WHITE. Let the amendment be read, Mr. President.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 43, line 20, after the words "remain available until expended," it is proposed to insert:

Provided, That, except as to maintenance, not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided by legislative enactment that Indian water rights, or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian land, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

The VICE PRESIDENT. The question is on the amendment. [Putting the question.] The noes seem to have it. [A pause.] The noes have it, and the amendment is rejected.

Mr. PAGE. Mr. President, is it too late to ask for a count?

The VICE PRESIDENT. The Chair has announced the result of the vote. The Chair paused at the time for any objection to be made, and heard none.

Mr. ASHURST. Mr. President, I propose the amendment which I send to the desk, and I call the attention of the Senator from Utah [Mr. SUTHERLAND] to it.

The VICE PRESIDENT. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 85, after line 16, it is proposed to insert:

That the Commissioner of Indian Affairs is hereby authorized to negotiate an agreement with the Confederated Bands of the Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement between said Indians and the United States ratified by the act of June 15, 1880 (21 Stats., 199), or under any law, treaty, or agreement, and which has not heretofore been adjudicated, and the said commissioner shall report the result of such negotiations to Congress at the earliest practicable date, and there is, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, or so much thereof as may be necessary, for said purpose.

Mr. SUTHERLAND. Mr. President, the Senator from Arizona directs my attention to this proposed amendment. I know very little about it. I know that some years ago we provided that the claims of the Ute Indians respecting their lands in Colorado should be submitted, I think, to the Court of Claims, and a judgment for a very large amount was rendered in favor of the Indians, which we are now in process of liquidating, at least to some extent. I will ask the Senator from Arizona if this amendment applies to other lands in Colorado?

Mr. ASHURST. The amendment, I should state, was prepared wholly by the Bureau of Indian Affairs. It was transmitted to me yesterday, with a letter addressed to me and signed by the Commissioner of Indian Affairs, which I read:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 20, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have the honor to transmit herewith, for your information and use, a copy of proposed amendment to the Indian appropriation bill, H. R. 12579, concerning the Confederated Bands of Ute Indians, and to respectfully inform you that since our talk this morning I have had a conference with Senators SMOOT and STONE, and that this amendment meets with their approval. Senator SMOOT has agreed to offer the amendment as here stated.

I also respectfully request that the proposed amendment submitted to you yesterday, authorizing the Commissioner of Indian Affairs to negotiate an agreement with the Confederated Bands of Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement ratified by the act of June 15, 1880 (21 Stat., p. 199), to be introduced by Senator SHAFROTH, shall stand as submitted.

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same and desire that they shall be adopted.

Sincerely, yours,

CATO SELLS, *Commissioner.*

JUSTIFICATION.

The purpose of this item is to initiate an affirmative movement looking to the final adjustment and settlement of the claims of the Ute Indians growing out of the agreement between them and the United States entered into in the year 1880.

Under that agreement the Utes ceded approximately 15,000,000 acres of land to the United States in trust with power to dispose of the same. Certain charges against the Utes were to be deducted, and the balance due them was to be held in the Treasury as an interest-bearing trust fund.

By suit in the Court of Claims a partial settlement, covering about half of the ceded lands, was accomplished. The final decree of the court was rendered in 1911.

The remaining portion has not been disposed of and probably will not be for many years, as a considerable part of it is classed as coal lands or contains other valuable minerals. In view of the mineral character of this land exact compliance with the original agreement of 1880 is now impossible. Hence the necessity of some substituted mode of settlement.

The matter has been dragging along for many years, and the Indians are entitled to a settlement. It is also to the interest of the United States in this, as in similar cases, to bring the controversy to a close within a reasonable time to avoid the embarrassments incident to the lapse of time, death of witnesses, and loss of record evidence. Moreover, the work of solving the Indian problem must halt so far as the Utes are concerned until their property is ready to be individualized.

Settlement, through negotiation and agreement, is greatly to be preferred to further litigation, not only for the sake of simplicity and economy in procedure, but for the further reason that a suit at this time and under present laws would only serve to settle liabilities which have accrued since the decree of 1911.

I have not had an opportunity to investigate the treaty referred to, nor have I had an opportunity to examine closely the nature of the claims arising under the act of June 15, 1880. The amendment provides for an appropriation of $5,000, so that the Secretary of the Interior may make an investigation as to what claims, if any, the Confederated Bands of Utes may have.

Mr. SUTHERLAND. Mr. President, I will state to the Senator from Arizona that I shall not interpose any objection to the amendment. It can be dealt with in conference if there is any objection found to it.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arizona.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Page	Smith, Mich.
Borah	James	Perkins	Smoot
Bristow	Jones	Poindexter	Sterling
Bryan	Lane	Ransdell	Sutherland
Camden	Martin, Va.	Reed	Swanson
Chamberlain	Martine, N. J.	Robinson	Thomas
Chilton	Myers	Shafroth	Thompson
Clarke, Ark.	Nelson	Sheppard	Thornton
Culberson	Newlands	Sherman	Townsend
Dillingham	Norris	Shields	Vardaman
Fletcher	Oliver	Smith, Ariz.	White
Gore	Overman	Smith, Ga.	Williams
Hollis	Owen	Smith, Md.	

Mr. MYERS. I wish to announce the necessary absence of my colleague [Mr. WALSH]. This announcement may stand for the day.

Mr. NORRIS. I desire to announce the unavoidable absence of the junior Senator from Iowa [Mr. KENYON]. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. There is a quorum present. The question is on concurring in the amendments made as in Committee of the Whole. If there be no objection, the amendments will be concurred in. The bill is in the Senate and still open to amendment.

Mr. GORE. Mr. President, I give notice that I desire to reserve the amendment offered by the Senator from Mississippi [Mr. WILLIAMS] and agreed to as in Committee of the Whole and, if necessary, the amendment to which it was offered as an amendment.

Mr. CLARKE of Arkansas. I move that all amendments not specially reserved be concurred in en bloc.

Mr. GORE. I have no objection to that.

The VICE PRESIDENT. They have all been concurred in.

Mr. CLARKE of Arkansas. In the Senate?

The VICE PRESIDENT. In the Senate.

Mr. GORE. I gave notice of a reservation.

Mr. CLARKE of Arkansas. It was done very expeditiously.

The VICE PRESIDENT. We are trying to move along.

Mr. CLARKE of Arkansas. It was the intention of the Senator from Oklahoma [Mr. GORE]—and I think he gave notice while the bill was under consideration as in Committee of the Whole—that when the bill reached the Senate he would ask for a separate vote on the amendment relating to the Mississippi Choctaws.

The VICE PRESIDENT. The present occupant of the chair was not in the chair when that notice was given.

Mr. GORE. I think not.

Mr. CLARKE of Arkansas. I move to reconsider the vote by which the amendments were concurred in, for the purpose of allowing a separate vote on the amendment referred to by the Senator from Oklahoma.

The VICE PRESIDENT. Without objection, the vote whereby the amendments made as in Committee of the Whole were concurred in in the Senate will be reconsidered.

Mr. WILLIAMS. I understood the Chair to say "without objection." If it is put in that way, of course that involves unanimous consent, and I shall object.

The VICE PRESIDENT. Then the question is on the motion of the Senator from Arkansas to reconsider the vote whereby the amendments made as in Committee of the Whole were concurred in in the Senate.

The motion was agreed to.

The VICE PRESIDENT. The question now is on concurring in the amendments made as in Committee of the Whole, save the one reserved by the Senator from Oklahoma [Mr. GORE].

The amendments made as in Committee of the Whole, except the one reserved, were concurred in.

The VICE PRESIDENT. The Secretary will state the amendment reserved by the Senator from Oklahoma.

The SECRETARY. The amendment reserved is the amendment of the committee on page 77, beginning with line 18, down to line 10 on page 78, as amended on motion of Mr. WILLIAMS, as follows:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The VICE PRESIDENT. The question is on concurring in the amendment.

Mr. CLARKE of Arkansas. Mr. President, it is a disputed question under our rules as to whether or not a substitute for that amendment would be considered an amendment in the third degree, and, in order to obviate the necessity of wasting any time discussing that parliamentary objection, I take it the proper course would be to vote down the amendment offered by the Senator from Mississippi, and to make it known that an independent provision in the nature of a substitute will be offered that will more equitably respond to the real merits of the controversy raised by that amendment.

This is a dispute between different classes of the Choctaw Indians with reference to their right to be entered upon a certain roll as a precedent condition to the right to participate in the distribution of a large fund now belonging to the Choctaw Nation. So far as the respective rights of the parties to that controversy are concerned, I have no disposition to interfere; but I think my friend from Mississippi has offered an amendment that goes very far beyond any rights that he is authorized at this time to assert. The remedy he proposes is altogether too wide for the mischief that he intends to deal with. The proposition is to appropriate to the Choctaws $100 per capita, so that the aggregate amount involved in the appropriation is about $3,500,000. As I understand, there are about 35,000 Indians——

Mr. GORE. It would amount to about $2,700,000.

Mr. CLARKE of Arkansas. Two million seven hundred thousand dollars, the Senator from Oklahoma says. The fund aggregates $35,000,000. The effect of the amendment offered by the Senator from Mississippi will be to prevent the distribution of any part of that fund until the controversy between the several classes of Choctaws has been settled. The controversy itself between the different classes of Choctaws has been so elaborately discussed here, and it can be so elaborately discussed at any time the senior Senator from Mississippi is present, that I would not care to say anything or do anything that would invite further discussion of it; but the amendment which I expect to offer and the interest which I intend to take in this controversy is due to the fact that a more equitable plan can be adopted, by which the rights of the particular persons in whose behalf the Senator from Mississippi speaks can be preserved without invading the substantial and obvious rights of another and larger class.

The proposition of the Senator is to tie up the entire fund of $35,000,000. Everything that is due to the Choctaws for whom he speaks can be accomplished by setting aside to them a large enough part of the $35,000,000 to answer any claims that they may hereafter be able to establish. By no sort of estimate that can be made will that sum exceed two or three million dollars; and yet the proposition involved in his amendment is that the entire $35,000,000 shall be withheld and rendered inactive, although 35,000 Indians have qualified as being entitled to have their names entered on that roll. They have not personally excluded from the rolls the Mississippi Choctaws, and the adoption of the amendment offered by the Senator from Mississippi will be to penalize that large class of deserving persons for no error, no crime, no wrong which they have perpetrated. The proposition which I intend to offer is a simple proposition to withhold from ultimate distribution a sufficient part of that sum to answer any demands that may hereafter be established in favor of the Mississippi Choctaws.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. CLARKE of Arkansas. I yield to the Senator.

Mr. VARDAMAN. I will ask the Senator from Arkansas if he would consent that his amendment might be so amended as to direct the Secretary of the Interior to proceed to ascertain what number of the Mississippi Choctaws were entitled to share in this fund?

Mr. CLARKE of Arkansas. I should be very glad to do anything of that kind, but it would require legislation hereafter to do it, because if that provision were added to the amendment which I intend to offer it would subject it to a point of order, and the whole thing would go out.

Mr. VARDAMAN. I would suggest to the Senator that if there is a disposition to deal justly with the Mississippi Choctaws I think the Senators would not raise the point of order.

Mr. CLARKE of Arkansas. The question of dealing justly with the Mississippi Choctaws is a very broad question and one that is very elaborately argued. It is now claimed that justice has been done to them and tendered to them repeatedly in the past. That will open up a very wide question. What I seek to do now is to withhold from distribution a sufficient amount of money to satisfy any demands that may hereafter be established in favor of the Mississippi Choctaws, and then to permit these other 35,000 Choctaws to have a partial or potential distribution of the very large fund that has accumulated and is now idle.

I send to the desk the amendment which I will offer when the amendment of the Senator from Mississippi is voted down, as I hope it will be. I ask that it may be read.

The VICE PRESIDENT. The amendment will be read for the information of the Senate.

The SECRETARY. As a substitute, or in lieu of the amendment offered, it is proposed to insert:

Provided, That in making the payments to the Choctaw Nation, provided for in this section, the Secretary of the Interior shall reserve from the gross fund belonging to said nation and under the control of the United States Government a sum sufficient to provide for the payment of such amount as may hereafter be ascertained to be due to the Mississippi Choctaws, in the event the said Choctaws shall be admitted to the citizenship roll of the Choctaw Nation under laws now in existence or hereafter to be enacted. The sum so estimated shall be withheld for distribution pending further action by Congress, and the several payments herein provided for shall be made from such part of said gross fund as may remain after the said sum has been segregated and set aside in accordance with this proviso.

Mr. WILLIAMS. Mr. President, in order to test the sincerity of those who are offering that amendment, I want to amend the amendment by adding to it the following language:

And provided further, That the Secretary of the Interior proceed to ascertain who is entitled to be enrolled as Mississippi Choctaws under article 14 of the treaty of 1830, and without reference to any limitation of time fixed by any statute of the United States.

In that connection I will say that there were 1,110 of these people, in the language of the senior Senator from Oklahoma [Mr. OWEN], whose claims were pigeonholed for eight years and then turned down because they had not complied with an eight months' proviso in the act.

Now, I will read the balance of the amendment which I am offering to the amendment:

If any Choctaw of the full or half blood—

I am confining it to them now. Any white man can tell an Indian of the full or half blood, and there are no Indians in Mississippi, except Choctaws.

If any Choctaw of the full or half blood now residing in Mississippi shall fail or refuse to move to Oklahoma, his allotment shall be sold after 90 days' notice at public auction, and the proceeds of the sale shall be paid to him or his heirs as ascertained under the statutes of the State of Mississippi.

Mr. President, of course I am entirely aware of the fact that the point of order may be made to the amendment to the amendment, and that the point of order would be sustained if made, but I want to test the sincerity of the amendment to which I offer this amendment. I want to demonstrate to the Senate by the fact that the point of order is made, if it shall be made, that there is no desire to do justice to the Mississippi Choctaws.

The Senate of the United States a year ago, upon two or three votes, deliberately after full debate, determined that these people should have justice done to them before we began the work of distributing this Choctaw fund. Do not deceive yourselves a particle. If we once begin the work of distributing this fund those opposing justice to the Mississippi Choctaws will distribute it all before they will ever give the Mississippi Choctaws a chance to be heard in court or anywhere else. That is the resolution of the Oklahoma delegation announced upon the floor of the House of Representatives. Now, I say that Oklahoma sought to have a very large influence in determining Indian af-

other information. I, like the Senator from Vermont, form my own opinion.

Mr. PAGE. I want to thank the Senator from Montana for giving me that praise. I wish, however, to state that I generally, probably always, accepted the word of the commissioner as to facts, but did not always accept his opinions and conclusions.

Mr. MYERS. Now, Mr. President, I shall take a very few minutes more. This project has been going on and Congress has appropriated from $200,000 to $400,000 each year since it started, in no year less than $200,000. I am here to say that the amount appropriated by the House this year—$100,000—was absolutely ridiculous and absurd. If we are not going to appropriate more than $100,000, we had better not appropriate any at all. I think the amount is entirely too small to be of any good effect, and it would simply delay the project. The project was started a number of years ago. It is estimated that it will take between five and six million dollars to complete it. About a million and a quarter or a million and a half have been appropriated. There are about $4,000,000 more necessary. That is my understanding.

If you are going to appropriate $100,000 a year, it will take 40 years to complete it, and the white settlers and the Indians on the project will be dead; and if not dead, they will have been starved out and gone away. It is just like building a house. If you are going to build a house worth $10,000, you might as well talk about spending $50 on it a year and extending the construction over a period of 40 years. The Indians and the white settlers want it completed, and the sooner the better. The sooner it is completed and the land sold the sooner the Indians will get their money back and the white settlers are going to make a living upon it.

Mr. PAGE. There is one further question I should like to ask the Senator: Is it not true that two-thirds of the appropriations of water on this reservation have been made by the whites and only one-third by the Indians, and is it not equally true that every dollar we appropriate becomes a mortgage upon Indian lands?

Mr. MYERS. The latter statement is true, but it will be reimbursed; the land and the timber are there; the Indians will get it back. If the whites have appropriated more water than the Indians, it is simply because there are more white settlers there ready to make farms and who have gone to farming; but I am here to say that there is plenty of water there for all. The Flathead Lake is back of this project, and they can take all the water in the Flathead Lake and all the water in the Flathead River. Here is one case where there is water for all.

Mr. PAGE. I should like to ask the Senator if it was not stated before our committee—I do not recall the name of the witness—that we might as well have dumped the Indian's money into the river as to appropriate it for some of the irrigation projects for which we have appropriated his money or mortgaged his lands?

Mr. MYERS. I do not know but some man said that. Some men would say anything.

Mr. PAGE. Is it not true?

Mr. MYERS. No; I am not that man. I deny it. I know the facts in this case, because I live close to this reclamation project.

I want to ask if you would quit appropriating money for this project? It was started in good faith, and the Indians and the whites supposed it would be prosecuted with reasonable diligence and completed in a few years. White people left their homes back in the old States expecting water to be put on this land in a reasonable time.

I am here to say that however much the white man may suffer, if this is stopped or virtually stopped on account of dribbling, insignificant appropriations, the Indian will be the worst sufferer. This land was allotted to the Indian in tracts of 80 acres, being sold as irrigable land. The Indians had first choice. They took the land along the watercourses, the richest and most fertile, and most accessible, and most easily irrigated. The Indians had 80-acre tracts.

Now, the greater part of the work has been done on this project, putting in the main canal and dams and reservoirs and gathering up the water for distribution. The laterals and community ditches have to be put in yet. Very little so far has been put upon the land, because they have been doing community work so far.

The Indians have 80 acres of land apiece. You virtually stop this appropriation because the State of Montana will not be dictated to by Congress. You either stop the appropriation altogether or just dribble it in insignificant amounts that do no good. There will be a long time in getting water on any of that land, and the Indians will have 80 acres apiece without any water on it, and it is of no account to the Indian; he can not make a living on it.

Mr. TOWNSEND. That will make it necessary for the State of Montana to look after its white citizens.

Mr. MYERS. I do not see how the State of Montana would have anything to look after.

Mr. TOWNSEND. Who would look after the white settlers?

Mr. MYERS. The Senator is certainly mistaken. I am no more interested in the white settlers than in the Indians. I am equally interested in both.

Mr. TOWNSEND. The white settler is getting a large part of the benefit.

Mr. MYERS. Because more of them have taken up land close to and under the ditches.

Mr. TOWNSEND. So in the case the Senator suggests, the cessation of the work of irrigation, it would fall on the white citizens of Montana.

Mr. MYERS. It would fall upon both.

Mr. TOWNSEND. I understood the Senator to say that water had been appropriated by the Government sufficient for all this land.

Mr. MYERS. For this reclamation project, but it can not be put on until ditches have been constructed.

Mr. TOWNSEND. Water has been appropriated by the Federal Government, according to the Senator's statement, sufficient in amount to irrigate that land and project. Now, the proposition here is to provide some way to make it available to the Indians. If it is all available there is no white settler who could be wronged by its use by the Indians.

Mr. MYERS. No.

Mr. TOWNSEND. Then they could not be wronged if they are in good faith proceeding to erect irrigation facilities if it is withheld for a sufficient length of time for the Indians to get it.

Mr. MYERS. The sooner the water is made available, the sooner the Indians will get it, and the sooner the whites will get it.

Mr. TOWNSEND. The Senator understands that this appropriation would never have been increased by the Senate committee, and there never would have been $150,000 more put on the appropriation if they had understood that this recommendation of the Department of the Interior or the Commissioner of Indian Affairs would not be carried out.

Mr. MYERS. I can not say what individual members of the committee were cognizant of. I was not there when the amendment was proposed.

Mr. THOMAS. Mr. President——

Mr. PAGE. Mr. President, I will only take just a moment more. The Senator from Montana will remember that at the time these provisos were added the Assistant Commissioner of Indian Affairs held the floor. He was telling us why he added these provisos. I wish to read just five lines from his statement to the Indian Committee, and I think I will then close what I have to say. Here is his statement:

> The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

Evidently the matter is not as light and inconsequential as the Senator from Montana thinks.

The commissioner, then, makes the following most emphatic and important statement:

> There are dependent upon the solution of this question not only property rights involving millions of dollars, but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

I can not believe Senators ought to brush idly aside these words of the commissioner and say they are all nonsense.

Mr. MYERS. I have not said so.

Mr. PAGE. Perhaps the Senator thinks everything is coming out all right, but the commissioner stated substantially that he consented to the additional $150,000 because he had thrown around the appropriation the especial safeguard which has been thrown out on a point of order.

Mr. MYERS. Did he give one fact as to why that was necessary on the Flathead Reservation?

Mr. PAGE. He says, "This is one of the most critical things before the department." I use his language.

Mr. MYERS. Did he specify the Flathead Reservation or is that only his opinion as to its being one of the most important things?

Mr. PAGE. I simply give his answer.

Mr. MYERS. I yield to the Senator from Colorado.

Mr. THOMAS. I rose for the purpose of securing some information. From what the Senator from Michigan said just now, I get the idea that this appropriation is being made for the purpose of constructing an irrigation system for the benefit of the white settlers.

Mr. MYERS. No; the Indians and the white settlers.

Mr. THOMAS. The Senator from Michigan said——

Mr. MYERS. For Indians and white settlers, both.

Mr. THOMAS. That raises the query in my mind as to whether an appropriation of Indian money should be made for the benefit of anybody but Indians. In other words, is it fair to take Indian funds and build irrigation systems with them?

Mr. WHITE. It is to be a mortgage on the Indian lands.

Mr. THOMAS. I suppose the mortgage will lie upon all the lands.

Mr. MYERS. The Indians on that project have made no objection, and this has been going on for several years. Now, it must either be completed or abandoned, and if abandoned the money invested practically will be wasted. There has been no complaint that I know of on that reservation.

Mr. THOMAS. It is a question of very great importance; if it be true that the Government is appropriating Indian money for the purpose of constructing a system of irrigation for the benefit of white settlers and mortgaging the Indian lands for it, it is not right.

Mr. MYERS. The white settlers must pay finally for the land and for the water, and the Indians get the money back, I will say to the Senator.

Mr. THOMAS. Yes; but who gets the water? The Indians may get their money back, but the white man gets the water.

Mr. MYERS. The Indian gets the water for his land; the white man must pay for what water he gets; and the Indian gets the money back when the white man pays for the water.

Mr. THOMAS. The Senator from Montana says that the white man pays for the water he gets. Does the Senator mean that the system is constructed with the Indian money sufficiently large for both the whites and the Indians?

Mr. MYERS. Yes.

Mr. THOMAS. And that the system is operated in such a way that the Indian gets his water free and the white man pays for his water?

Mr. MYERS. That is my understanding of the matter.

Mr. THOMAS. How is this fund afterwards covered back into the Treasury?

Mr. MYERS. The money is paid back into the tribal fund.

Mr. THOMAS. Yes; but where does it come from?

Mr. MYERS. The Indians sell the land and the water to the white people, and all that the white people pay goes back into the tribal fund.

Mr. WHITE. Does it go to liquidate the debt of the Indians?

Mr. MYERS. It does.

Mr. President, I believe I have said about all I care to say. This project has been going along nicely for a number of years, and there has been no local complaint about it or objection to it that I know of. All the complaint and objection I have heard has come from the Senate Committee on Indian Affairs, and that has been this year. There has been no complaint from the reservation nor from the Indians nor from the whites there. They want larger appropriations; they want the work rushed, and they want it completed. I see no necessity for encumbering this legislation in this manner.

Mr. WHITE. I should like to ask the Senator a question.

Mr. MYERS. Certainly.

Mr. WHITE. Does the amount which the white man pays go to the discharge of the original obligation, or is it simply appropriated for the purpose of maintenance?

Mr. MYERS. I would ask the Senator from Alabama to what original obligation does he refer?

Mr. WHITE. The obligation which we are now creating, as I understand.

Mr. MYERS. It does; it goes to the discharge of the obligation and to the maintenance of the system.

Mr. President, I make the point of order that the amendment is out of order in that it is general legislation on an appropriation bill, and I withhold it until the Senator from Utah [Mr. SUTHERLAND] has been heard.

Mr. SUTHERLAND. Mr. President, I wish merely to say a word in reply to the Senator from Arkansas [Mr. ROBINSON]. The Senator from Arkansas called attention to the constitution of Montana, which I had undertaken to state—I did not know the exact terms of it—but a reading of the provision entirely carries out what I said. It is:

> SEC. 26. The legislative assembly shall not pass local or special laws in any of the following enumerated cases—that is to say—

Then a number of cases are enumerated, at the conclusion of which it is provided:

> In all other cases where a general law can be made applicable no special law shall be enacted.

The Senator from Arkansas says that if the Legislature of Montana should pass a law such as this proposed amendment contemplates, its judgment that the law is not a special law but a general law will be conclusive, whether in fact it is or is not a special law. That would be true under at least some of the authorities if all the legislature did was to pass a special law; that is, if the Legislature of Montana were to pass a law which is apparently special upon its face and there was no general law in existence upon the same subject, then its determination that it was exercising its power properly, according to the decision of some of the courts, would be conclusive, but where there is already upon the statute books a general law which is applicable to the case, the general law itself is an answer to the position of the legislature in passing the special law. That is the rule that is recognized, I think, by all of the authorities. I call attention to the general statement of the doctrine contained in First Sutherland Statutory Construction, at section 131, where it is said:

> If a general law exists which is applicable to a subject, the question whether such a law can be made applicable is resolved. The legislature has by the enactment of a general law practically decided the question. Hence if, while such a general law is in force, a special or local law is passed affecting the same subject and modifying the general law, the question of its validity is judicial; it will be held invalid in the case supposed, for an applicable general law being in existence, it is no longer a question whether such a law can be made applicable, therefore the special or local law is prohibited.

In other words, in that kind of a case it is precisely the same as if the legislature had first of all passed the general irrigation law which they have passed, and then had annexed to it a proviso that as to the Indians or as to any other class of people in Montana a different rule should apply—clearly in that case it would be a special law; and it is no less clearly a special law because it happened to be passed at a subsequent session of the legislature instead of in the form of a proviso to the very act itself at the same session of the legislature.

The Senator from Michigan [Mr. TOWNSEND], who seems to be out of the Chamber just at this moment, asked me, if my statement of the legal proposition was correct, how it happened that in the State of Utah, where we have a similar constitutional provision, we had passed a law for the benefit of these Indians. I answered him that the law of Utah was couched in general terms, but at the moment I could not put my hands upon the provision. I have it now. This provision of the law passed by the Legislature of Utah was passed, it is true, for the benefit of the Indians; it was in consideration of their situation that it was passed; but it, in terms, applies to everybody. This is the provision:

> That the State engineer shall have power, for good cause shown, to extend the time for completion of construction or for application to a beneficial use, but in no case shall extensions of time be made that would place the date of proof of completion of construction and the proof of beneficial use more than 14 years from the date of approval, except that the State engineer shall allow extensions of time during which work was prevented by the operation of law beyond the power of said applicant to avoid.

Under that general law, under which an application could have been made by any white man or by any irrigation company just as well as by the Indians, the Secretary of the Interior, or the head of the Indian Bureau, made the application on behalf of these Indians, and the State engineer, under the law and in response to that application, extended the time within which these Indians could complete their works and appropriate their water until December 1, 1919, which gives them a full period of about 13 years.

So it seems to me, Mr. President, very clearly that this amendment calls upon the Legislature of Montana to pass a law which its constitution in express terms absolutely forbids it to pass.

Mr. MYERS. Mr. President, I urge my point of order.

The VICE PRESIDENT. The Chair is impressed from the statement of the Senator from Utah [Mr. SUTHERLAND] that the amendment does call upon the State of Montana to enact a law which, under its constitution, it has no power to enact; but the present occupant of the Chair has very frequently decided that it is not general legislation for the Senate of the United States to provide how an appropriation shall be expended, when it shall be expended, and under what circumstances it may not be expended. While the Chair believes that Montana can never enact this law, the Chair believes that the Senate of the United States has a perfect right to attach a provision to the appropriation that it shall not be spent until such law is enacted, which practically results, of course, in the appropriation not being expended. The Chair does not believe that the amendment is general legislation, but that it is simply a limitation upon the expenditure of the money. So the Chair overrules the point of order.

What I mean is that plats had been filed in the engineer's office and notices thereby given of constructing irrigation works with capacities that would exhaust the stream eight times over; and I do not believe at that time there were 150,000 acres of land in that valley that were being irrigated. Since that time, although the figures seemed to indicate that the number of cubic feet per second that the prior appropriators were claiming had more than exhausted the stream, yet, as a matter of fact, the appropriation grew. Whenever you appropriate water upon land it makes a more steady flow in the stream; it makes the water go much farther, by reason of the return flow, when you appropriate the water high up on the stream; and we have to-day on the Platte Valley no less than 800,000 acres under cultivation by means of irrigation. The very fact that these economical uses of the water have been improved upon has made the capacity for irrigation in that one valley alone from five to six times as much as it was supposed that it could be.

Now, I have not any doubt, as the Senator from Montana has said, that this stream is sufficient to accommodate all the land that is in that valley. The Platte Valley is a valley which widens out into a plain, and consequently there would not be enough water in the Platte Valley to irrigate everything in eastern Colorado, but in the Milk Valley I understand there is a very limited area. Consequently, if the Indians go and reappropriate it, notwithstanding the fact that they are not quick and avail themselves of the appropriation for beneficial uses, the chances are that there will be ample water for both. If there is not ample water for both, the Indians ought to have it, if they comply with their law, or the white man ought to have it, if he invested his money upon the faith of the fact that there was water there, and he had a right to assume it under the constitution and laws of the State.

Mr. PAGE. Mr. President——

Mr. SHAFROTH. I yield to the Senator.

Mr. PAGE. The Senator says there is plenty of water there, and that nobody is going to have trouble. He understands, of course, that in the consideration of Indian matters we have to go largely to the department for the facts in regard to them. I should like to call attention to a paragraph in Assistant Commissioner Meritt's statement. It is found on page 379 of our hearings. He speaks of the especial proviso in the bill, prepared to protect the Indians—the proviso which has been thrown out on a point of order—and then concludes:

> This item, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made—

Now, mark this—

> and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Mr. SHAFROTH. The Senator understands that these irrigation rights are in the order of their priority, and if the Indian has the first right now and does not avail himself of it and does not complete his work and appropriate the water for beneficial purposes he has not lost his right when there is water in the stream. He becomes invested with a second right, and often a second right becomes nearly as valuable as the first right. For instance, you can see that whenever land has not been irrigated it takes an enormous quantity of water to bring it under cultivation; it takes a greater appropriation. When I went to Colorado 1 inch an acre was what everybody said we must have, and now nobody needs more than half an inch an acre, and in some parts of the State of Colorado it is said that one-fifth of an inch to the acre is sufficient.

Mr. PAGE. Does the Senator realize how much the department says we must hereafter appropriate to complete this irrigation scheme? On page 454 of our 1913 hearings the Senator will find this language:

> According to estimates of the Reclamation Service it will require nearly $3,000,000 to be further appropriated by Congress to complete this project, the money appropriated to be reimbursable out of the proceeds of the sale of land and timber of the Flathead Indians.

Mr. SHAFROTH. Well, if it is a good enterprise, it is all right; and if it is not a good enterprise, do not do it, that is all.

Mr. PAGE. But the Senator says we should safeguard it by some legislation.

Mr. SHAFROTH. I would safeguard them just like I would safeguard an individual. If I go and make a filing upon my land for the purpose of getting water for agricultural purposes, and I am diligent—that is, if within a reasonable time I begin the construction of my ditch, and I keep on with that—it does not do not say you have to do it one year or two years. The courts are pretty liberal. If there is an intention to complete the enterprise, then it is sufficient if in a reasonably fair time it is completed. A person in his individual affairs says, "Yes; I will do that; I will raise the money for this; I will raise the money for the next session; I will raise it for the next session"; and he goes along. What we mean is that there ought to be somebody who will take the place of the individual who owns a ditch or owns an irrigation enterprise, and then the appropriation ought to be made.

Now, if you pass that period and there is a shortage of water, that may be a different proposition.

Mr. PAGE. If I may be allowed a moment further——

Mr. SHAFROTH. Yes.

Mr. PAGE. The department only recommended $100,000 for this scheme.

Mr. SHAFROTH. I am not here to urge an appropriation of $100,000 or $500,000 or a million dollars. I think the appropriation should be sufficient. I know in the State of Colorado we lost a number of enterprises in just exactly the same way. Whenever the Government undertakes anything it should do it with diligence. That has been the experience in my State, at least.

Mr. PAGE. The Senator from Colorado——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. Certainly.

Mr. PAGE. I should like to have the Senator suggest what amendment to this bill he would make in order to meet the statement which Commissioner Meritt makes that unless we protect the Indians they will receive no benefit from these projects. I would like to have him state just what legislation he thinks we ought to have to safeguard the Indians, for unless we can protect them in some way I do not think it right to put another $270,000 mortgage upon their lands.

Mr. SHAFROTH. I do not think that a resolution or declaration in the form of an amendment that will go to the question of power of the Federal Government against the power of the State will do you any good. If your engineers say that this was begun in 1910, say, and that we did $100,000 worth of work on the enterprise that year, and two years after that Congress made an appropriation and put another hundred thousand dollars on it, I would say go on with the appropriation until the project is completed. But if you had begun it 40 years ago and did not do anything for 20 years, and then appropriated ten or fifteen thousand dollars, and in another 10 years' time appropriated another ten or fifteen thousand dollars, I do not think that would be reasonable diligence.

Mr. PAGE. I do not wish to criticize the action of my brother Senators, but I am constrained to say that, so far as my ears tell the story, the arguments of the Senator from Utah, of the Senator from Colorado, and of the Senator from Montana all seem to me to show great solicitude for the rights of the white man. I should like to have the Senators show some solicitude for the rights of the Indian and show us how we may safeguard his interests, for the Assistant Commissioner of Indian Affairs assures us that unless he is safeguarded he is going to lose his rights.

Mr. SHAFROTH. In my State if an Indian or a tribe of Indians had priority of right, the courts would protect them with as much diligence as anyone on earth. There is no doubt about that. If you want to substitute for something that is not diligent and say that periods of 10, 20, 30, or 40 years can elapse and the water can be wasted for that length of time, and that no white citizens can take up that water and apply it to beneficial uses, you are going contrary to the Constitution and you can not avail yourself to any extent of that.

What I want is some officer of the Indian Department to watch these things and say that an appropriation ought to be made; that it is necessary in order to preserve his priority of right. It may be that he will have a fair water right even if it is not preserved, just as I cited in the case of the Platte Valley in my State. A great many appropriations that were made are now considered first-class appropriations.

Mr. PAGE. I still ask the Senator what he would do in this bill to safeguard the Indians' rights, in view of the fact that the department says that something must be done?

Mr. SHAFROTH. I would take the department's word for it, unless you have evidence to the contrary. If the department says it is necessary to have this in order to comply with the laws of Montana and in order to secure this priority of right in the water, I would be in favor of it.

Mr. MYERS. Mr. President, I think this amendment is in every way objectionable. If those who uphold the doctrine of the Winters case are correct, then there is no need for this amendment whatever; it is simply useless legislation.

I firmly believe that any such legislation by the State of Montana as is contemplated by this amendment would be declared unconstitutional. Our constitution says that there shall be no special legislation enacted where there may be general legislation on the subject, or where general legislation would be sufficient, or words to that effect.

The Supreme Court of Montana has never held, as the Senator from Arkansas says the Supreme Court of Arkansas has held, that the legislature may be the one, and the exclusive, judge as to when there may be special legislation, and when under that clause an act of general legislation should apply. I know of no such decision by the Supreme Court of Montana. The Supreme Court of Montana passes upon questions of special legislation; it has always done so; and I believe this will be held to be unconstitutional.

Furthermore, our constitution, as the Senator from Colorado has said, provides that—

> The use of all water now appropriated or that may hereafter be appropriated, for sale, rental, distribution, or other beneficial use, and the right of way over the lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use.

Furthermore, I do not believe that the Legislature of Montana would enact any such legislation or tolerate for an instant the idea of the Federal Government dictating to it what irrigation legislation it should enact. The Legislature of Montana will not meet until next January, anyway, and this money is badly needed on that project between now and then. I do not believe the Legislature of Montana would ever enact any such legislation or submit to the Federal dictation in matters of that character. I for one never shall by my voice consent to it.

Mr. PAGE. Will the Senator yield to me for just a moment?

Mr. MYERS. Certainly.

Mr. PAGE. Does the Senator insist that the State of Montana, either by force of its constitution or by legal enactment, can deprive the United States or the Indians of rights which they possessed prior to the admission of Montana to the Union?

Mr. MYERS. No; I do not claim that. I claim——

Mr. PAGE. Then let me read this from our committee hearings:

> The Supreme Court further said in this case—
>
> That is, the Winters case—
>
> that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

Mr. MYERS. If that applies to this case, then there is no legislation by the Legislature of Montana that is needed or that can have any effect or influence on the matter whatever. I want to say briefly——

Mr. PAGE. Does the Senator say that this does not apply?

Mr. MYERS. I do not admit that it applies to the Flathead Reservation. I would have to read the Flathead treaty before I passed judgment on that question.

Mr. SUTHERLAND. If the Senator from Montana will permit me, that water had already been appropriated. If the Senator will read the statement of facts in the Winters case he will see that the water had been appropriated and put to beneficial use, and so far as that part of the decision is concerned, it simply held that by their treaty, the Government ceding some of their lands, there was reserved this water which they had appropriated. There is a dictum in the case which goes beyond that, I grant you, but it is a dictum purely.

Mr. PAGE. This says the waters of the Milk River, the very project we have before us, can not be diverted so as to prejudice the rights of the Indians.

Mr. SUTHERLAND. Which they had acquired by appropriation.

Mr. MYERS. Mr. President, I wish to add a few more remarks, and then I am going to make a point of order. However, I have no desire to cut off the Senator from Utah [Mr. SUTHERLAND]. I want to hear all he has to say.

Mr. President, this reclamation project was started quite a number of years ago. There was a good deal of talk here about taking the money of the Indians without their consent. The opening of the Flathead Indian Reservation and the settlement and the allotment of these lands to the Indians and the inauguration of this reclamation project was consented to by the Flathead Indians. We are not taking any of their money without their consent. It was started a number of years ago, and it has progressed along nicely with such appropriations as Congress would give year by year up to this time; and I have never heard of any complaint from the Flathead Indians that they were not getting their rights in regard to getting water. None has been made to me.

Mr. ROBINSON. Will the Senator yield to me for a moment?

Mr. MYERS. With pleasure.

Mr. ROBINSON. A statement was made by a witness who lived upon the Blackfeet Reservation that in 21 cases of Indians who had sought to appropriate water rights under a Montana law the authorities held that they could not do that, because the rule in the Winters case applied; that they must get their rights from the Federal Government, and that as to the Flathead Reservation, the same rule had been applied there, and the Indians were unable to get any water to cultivate the land that they were ready to cultivate and wanted to cultivate principally for the reason that the State authorities would not recognize their rights.

Mr. SHAFROTH. Has the Senator a reference to the decision where the court so held?

Mr. ROBINSON. No; I did not refer to a decision. I referred to the statement of a witness who states that in 21 cases the local authorities held that the Indians could not acquire water rights under State laws and absolutely denied their applications. Those applications, however, were on the Blackfeet Reservation. But the witness also made the statement——

Mr. MYERS. The Blackfeet Indian was talking about water on the Flathead Reservation.

Mr. ROBINSON. Yes; but the witness makes the same statement that the same rule applies on the Flathead Reservation; that he personally knows of Indians there who are unable to obtain the water they need, who want to cultivate their land on the reservation. Of course, I have no personal knowledge of the facts stated, but I call them to the attention of the Senator in reply to his statement that there has been no complaint made.

Mr. MYERS. Mr. President, I say again that I have never heard of a complaint by a Flathead Indian that he was not getting his share of water on the Flathead Reservation reclamation project for any of his land. I have never heard of any complaint from them collectively, tribally, through their agents, individually, or in any other way. I know of none who have appeared before the Senate Committee on Indian Affairs nor the House committee. I have had no communications from any Flathead Indians making any such complaint. On the contrary, all the settlers on the Flathead project—the white settlers and the Indians alike—want larger appropriations and they want this rushed.

Now, as to the complaint made by some Blackfeet Indians, it is absurd; it is not in accordance with the law or the fact. He did not know what he was talking about, because you do not have to get any authority to appropriate water in Montana. Anybody—a white man, an Indian, an alien, the State of Montana, or the United States Government—can go and tap a stream in the State of Montana and put water on arid and irrigable land and it is appropriated. That act itself appropriates it, makes it a common-law appropriation, which the courts of the State have recognized.

Mr. ROBINSON. If the Senator will yield to me a moment further——

Mr. MYERS. Certainly.

Mr. ROBINSON. If the reclamation authorities refuse to turn the water upon the land or permit him to receive the water, practically the result to the Indian is the same; he has no water and can not cultivate his land.

Mr. MYERS. He can get his rights in court just the same as the white man, if some official who does not know the law and does not know his duty denies it to him.

Mr. PAGE. Mr. President, I wish to ask the Senator a question. If what he says is true, why is it that Mr. Meritt, the assistant commissioner, in asking for these provisos, of which there are five or six in the bill, closes by this statement:

> This item, we believe, will protect the water rights of Indians on a number of reservations where large appropriations have been made and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Why does the assistant commissioner make this very important and very emphatic statement? He speaks as one who states what he knows.

Mr. MYERS. He states merely his opinion, and probably he was unacquainted with the conditions. I will say in regard to Mr. Meritt, while as a gentleman I highly esteem him, I feel in regard to his opinion a good deal like the Senator from Vermont expressed himself in the committee time and time again. When Mr. Meritt would recommend some things and the balance of us were inclined to take his word for it, the Senator from Vermont would say: "I would like to know more about it than I do. Are you going simply to take Mr. Meritt's word for this? Are you going to take Mr. Meritt's ipse dixit in everything he has said?" The Senator from Vermont called for

Montana a provision of similar import to that which I have referred to, namely, that the right to appropriate water for beneficial purposes shall never be denied to anybody—Indian, or white man, or anybody else.

The Western States, in order to carry out that constitutional provision, have enacted certain laws. They provide that when a man desires to take out water from a stream and lead it to higher ground, and thereby let the water flow upon the irrigable lands below, he must in my State file a plat of his irrigation scheme, together with a description of his right of way, a statement as to the quantity of water he proposes to appropriate, and the time in which he expects to complete his work. He files that in the State engineer's office. That is notice to the world. He gives the point of diversion on the stream, and not only the general course but the specific course of the irrigating ditch. Then, when he does that, he has initiated his right. He gets no right unless he follows it up. He has to follow it up within a reasonable time, in the first place; but if he does follow it up his right to water accrues and begins at the time of the filing with the State engineer. Consequently, there is the initiation of his right. Then he completes his work; he keeps on at it, and if it is a great, big enterprise it may take years for him to accomplish the end. In addition to that, it may be a long time before he can put the water on the land. The courts take all of that into consideration, and in some instances they have said that it is not unreasonable for them to take 10 years to have all the water under the irrigation system applied to the land. It is only by applying the water to the land that the appropriation is complete.

That is true as to Indians as well as to white people. You can not make a discrimination between them. If you do, you will interfere with the rights of somebody else who has started an irrigation scheme. If he goes to the records and finds that no irrigation project has been filed with the State engineer upon a certain stream, or, if a number have been filed, that they do not consume all the water, he then, under his right under the constitution, can file upon that water and can complete his work.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Vermont?

Mr. SHAFROTH. In just a moment. When that occurs the right of a person becomes a vested right in him, and to say that somebody who has not filed or has abandoned his work can come in ahead of him, after he has spent perhaps hundreds of thousands of dollars, is saying something that would be a hardship and that would be wrong.

I now yield to the Senator from Vermont.

Mr. PAGE. I wish to ask the Senator from Colorado whether, conceding all that he says to be true, it is right for us, as the guardians of the Indian, to continue to appropriate this money, thereby placing upon his property mortgage upon mortgage, year after year, and for millions and millions of dollars, when it is practically conceded by the Senator that the Indian may lose the whole or the greater part of the amount appropriated by us and made a charge upon his property?

Mr. SHAFROTH. I will tell the Senator what I think ought to be done. I think there ought to be some officer of the Indian Bureau who will watch these irrigation enterprises and make an appropriation when he finds it is necessary to complete the enterprise, so that its rights may be preserved. The courts are not closed upon that matter in a year or two years. As a matter of fact, if there is good faith manifested, there can be no difficulty about it.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. Yes, sir.

Mr. WHITE. Can we not preserve in this bill the same right that we could preserve by having some agent to make an appropriation?

Mr. SHAFROTH. Why, certainly you can. The only trouble is that the complaint has been made that Congress has not been appropriating the money to do these things, and it ought to do it.

Mr. WHITE. Does not the amendment of the Senator from Vermont have exactly the same effect that the Senator says would be had if an officer were designated to make an appropriation for these Indians?

Mr. SHAFROTH. I do not know about that; but a law, you know, does not administer itself. There has to be some person who will see that it is needed, and report it, and get the necessary appropriation. I will say to the Senator that this same law of the appropriation of water and the abandonment of water applies to the States exactly as it does to the individuals and to the Indians.

Mr. WHITE. One further question, Mr. President.

Mr. SHAFROTH. The State of Colorado has passed laws under which the State itself may file upon the water. It has done so in a number of instances, and it has lost its right because in subsequent years the legislature would not provide the appropriation necessary to complete the work. You might as well say that there ought to be an exception; that the State of Colorado should have a right to do this. It could not interfere with the requirements of its constitution. It would lose its right, and has lost its right.

State Canal No. 2, in the State of Colorado, had an appropriation of $132,000, and every dollar of it went to naught, because the subsequent legislature said: "Well, it will not pay. We will not do it. This is a scheme that it was thought would be of great benefit, but we find that there are many objections to it," and they would not appropriate. Now, to say that subsequent appropriators, who invest hundreds of thousands of dollars, should not be permitted to take that water when the State has practically abandoned it, and that the State should try by some kind of a law to hold that right in perpetuity, would be a wrong to every investor in irrigation enterprises.

I now yield to the Senator from Alabama.

Mr. WHITE. The State of Colorado lost that right by its own law, did it not?

Mr. SHAFROTH. Certainly it did.

Mr. WHITE. As a sovereign the statute would not run against it or time would not run against the State. It would have to abandon it by its own legislation, would it not?

Mr. SHAFROTH. Oh, no, no. It abandons it because there is no compliance with its constitutional provision, and whenever a man does comply with a constitutional provision he acquires the right. Here is the provision which I thought was in this constitution.

Mr. WHITE. One other question before we go to that point. Whose water is this that we are dealing with?

Mr. SHAFROTH. The Supreme Court of the United States has said that it belongs to the States.

Mr. WHITE. Then how are we giving it to the Indians?

Mr. SHAFROTH. You can not give it to the Indians. All of this legislation would be of no avail.

Mr. WHITE. Then why should we appropriate the money?

Mr. SHAFROTH. I am not asking Congress to appropriate the money. I must say that I have as much interest in the Indians and want their rights preserved as much as any man; but it is absurd to say that we shall pass a law here which will recognize that the United States Government could interfere in the matter of appropriation, which is fixed by the constitution of each one of these Western States.

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Montana?

Mr. SHAFROTH. I do.

Mr. MYERS. I will answer the question of the Senator from Alabama by saying that the reason is because the United States Government has recognized the conditions and has already appropriated sufficient water to cover all the lands of both the Indians and the whites on this reservation, and they will all get water for their lands.

Mr. WHITE. One minute, now. Then what right has the United States to appropriate this water, which belongs to the State of Montana?

Mr. MYERS. The United States has just as much right to go into a State and appropriate water as an individual has. It is an individual when it comes to that, and it is done all the time. All the water for our reclamation projects is appropriated by the Government of the United States as it would be by an individual in the first instance.

Mr. SHAFROTH. It is appropriated by filing a plat with the State engineer and complying with the State laws. Every one of these reclamation projects has to do that before any rights can be obtained. That is the initiation of their rights.

Mr. PAGE. Mr. President, may I interrupt the Senator before he proceeds further?

Mr. SHAFROTH. Yes, sir.

Mr. PAGE. The amendment which was introduced this morning was introduced here over the protest rather than with the favor of the Indian Bureau. They insist that the United States already has the right, not only under the Winters case, but because there were treaties with the Indians, which gave them certain rights before the State of Montana was admitted to the Union, rights which can not now be disturbed by anything which Montana can do.

I want to read, if the Senator will allow me—it will take only a moment—what the department said on this point:

> The purpose of this and other similar legislation in this bill is to protect the rights of Indians to water on Indian reservations and on allotted Indian lands held under trust or by other patents containing restrictions on alienation.
>
> To establish more certainly and securely water rights of Indians is a matter of the greatest importance in administering satisfactorily their affairs. On a number of reservations where Indians have been allotted, the land is practically of no value for agricultural purposes without irrigation. Water on these reservations is a vital factor in developing the Indians living thereon so that they may become self-supporting and be raised to a higher standard of civilization.
>
> The Supreme Court, in the case of Winters v. United States (207 U. S., 564), said that "The power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

Mr. SHAFROTH. That is a discussion of the same thing that we had here Saturday afternoon.

Mr. PAGE. Just one sentence more:

> The Supreme Court further said in this case that there was an implied reservation for the benefit of the Indians of a sufficient amount of water from the Milk River for irrigation purposes which was not affected by the subsequent act of February 22, 1889 (25 Stat. L., 676), admitting Montana to the Union, and that the water of the Milk River can not be diverted so as to prejudice the rights of the Indians by settlers on the public lands and those claiming riparian rights on that river.

This is the attitude of the Indian Department. They objected to our referring this matter to the State, as we have proposed to do in this amendment, but we wanted to avoid, if possible, the conflict of law which we have been discussing for the last three or four days, and this amendment was consequently offered.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Alabama?

Mr. SHAFROTH. I yield.

Mr. WHITE. That decision is from the Supreme Court of the United States?

Mr. PAGE. Yes, sir.

Mr. WHITE. When it speaks of the Government impliedly reserving the right of water for Indian lands, it means the Government of the United States reserves it?

Mr. PAGE. Yes, sir.

Mr. WHITE. Then how can it belong to the State of Montana?

Mr. PAGE. The department insists that it does not belong to the State of Montana, and that the United States Government has full power to regulate it, because of certain rights held by the United States or the Indians prior to the admission of Montana to the Union.

Mr. MYERS. I should like to ask the Senator what is the use of this amendment, then?

Mr. SHAFROTH. Mr. President, the Senator from Alabama evidently was not here Saturday afternoon——

Mr. MYERS. I have asked the Senator from Vermont a question. Will the Senator from Colorado yield long enough for him to answer it?

Mr. SHAFROTH. Certainly; I am willing to have the answer given.

Mr. PAGE. Mr. President, I want to go back a moment, if I am to answer that question.

Mr. MYERS. I withdraw the question, then, because it is not fair for me to interrupt the Senator from Colorado for that purpose.

Mr. PAGE. I will take only a minute.

The Committee on Indian Affairs a year ago was asked by the Senator from Montana to increase this appropriation from $200,000 to some $600,000. We then questioned seriously whether the Indian money was not going to be wrongfully taken.

Mr. MYERS. Has any of it been wrongfully taken?

Mr. PAGE. I can not say. I only know that after a long discussion we raised the estimate last year to about $325,000. As the Senator will remember, the discussion last year was quite extended, but this year it was even more so, and the committee were of the belief, as it seemed to me, that a very strong sense of duty was resting upon them to see that no further large increase be permitted in this item unless it could be properly safeguarded. The department estimates for this item this year were $100,000. The House adopted this estimate. The Senator from Montana thereupon came before the Committee on Indian Affairs and asked that we treble the amount. I think he asked for $300,000. A long discussion ensued, in which we raised the question with the commissioner: "Can this money be safeguarded, so that the Indians will not suffer?" He said, "It can be"; and the way he proposed to do it was by adding the several provisos which have all gone out on points of order. In brief, we have destroyed the proposed safeguards but are continuing the very large additional appropriation, which I feel certain the Indian Committee would not have consented to but for the expectation or belief that the safeguards thrown around the appropriation by the proposed provisos would be effective to protect the Indians' rights. Let me repeat and again especially emphasize this very important point, namely, that upon the supposition that the Indians' rights could be safeguarded we raised the department estimates two and a half times to please the Senator from Montana. I think I know that this great increase would not have been agreed to by the Committee on Indian Affairs but for this proviso, which has been ruled out upon a point of order.

Mr. SHAFROTH. Mr. President, the question which is raised here by the Senator from Vermont is the one that was discussed so thoroughly and so long on Saturday. Nearly the entire day was taken up for that purpose. The Senator from Arkansas raised the question by reading a case from the Supreme Court of the United States, in Two hundred and seventh United States Reports. In the discussion of that case it developed that that was a case in which there were some vested rights, and it was claimed by the Senator from Idaho [Mr. BORAH] that it was determined upon that question as to the appropriation which had already been made, but which, it seemed, had not been made in exact compliance with the statute. At that time I cited a case from the State of Colorado to the effect that inasmuch as the right to water is a constitutional right, the legislature can not prevent any person from appropriating water by any legislative enactment. That case was one where, without regard to law, without regard to the statutory provisions as to filing in the State engineer's office, a person had made a head gate in a stream, opened it, conducted the water out, appropriated the water to beneficial uses, and had not even attempted to give notice to the world except by the actual construction of the ditch. The court held that notwithstanding it was not a statutory appropriation of water, yet it was an appropriation under the Constitution, and therefore that a subsequent appropriator could not acquire his rights.

Whether that is true or not, as the Senator from Montana has said—if that is true, as contended by the Senator from Vermont with relation to this decision, what is the use of having any enactment at all? You will find that when the decisions are finally made the people who honestly go and acquire rights to water under the constitutional provisions of these Western States will be entitled to that water; and it is right that they should be entitled to that water; and Congress should be alert to appropriate all the water that is necessary in order to give to the Indians the means of completing their works and appropriating the water to the land. Nobody has any objection to an Indian having this right; nobody has any objection to his getting the priority and preserving the priority; but there is such a thing as an abandonment under the principles of irrigation. I can not go and appropriate water to beneficial uses, and then, after removing the appropriation for beneficial uses, keep that water. If I could, you would not have any such thing as an irrigation system in your State. You would be doing a wrong to the development of the State. You would be doing a wrong to the persons who saw the water in the stream and acquired it, and had a right to take it out.

I want these Indians and all the Indians in every irrigation enterprise protected; but it can not be done by interfering with the general laws of a State. If you do that, you interfere with people who have a right to rely upon conditions, who have a right to appropriate water if they see it going to waste; and consequently, when they appropriate it under the laws of the State they become entitled to it, if the other parties have either abandoned their rights or have never preserved their rights.

That being the case, it seems to me that this amendment can do no good whatever. In the first place, it can not override a constitutional provision. The legislature itself would not have a right to interfere in a case of that kind and make a specific appropriation or reservation of water unless it were actually used for beneficial purposes. If you can do it in one year—or not one year, because they do give a reasonable time—but if you can do it beyond a reasonable time, you can do it for 100 or 200 years, and if you can do it in 1 case you can do it in 100 cases, and thereby you would have the irrigation laws of the Western States absolutely nullified.

Mr. PAGE. Mr. President——

Mr. SHAFROTH. It seems to me, Mr. President, that what we will have to do is to have some one watch the interests of the Indian, secure the money that is necessary to complete their works within the proper time, and thereby preserve their rights; and I for one am perfectly willing to assist in every way possible with respect to that.

In my State, when I first went to Colorado, it was said that the Platte River had been appropriated eight times over.

It expressly provides that two-thirds of this appropriation shall never be expended unless this thing be done by the State legislature.

Mr. ROBINSON. Certainly. Now, let me——

Mr. SUTHERLAND. Wait a moment. We are appropriating the whole amount on the theory that it is necessary to complete this work, and we shall appropriate money hereafter upon the theory that that shall be necessary. Now, we say that, notwithstanding the whole amount is necessary to complete the work, only one-third of it shall be expended, unless this thing is done by the Legislature of Montana.

Mr. ROBINSON. Will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. ROBINSON. Suppose it should be brought to the notice of the Senator and to his knowledge that, as a matter of fact, unless some such legislation is enacted by the State of Montana, the benefits of this appropriation will not accrue to the Indians, but will be indirectly obtained by white persons, would he Senator think it fair to continue the improvement at the Indians' expense?

Mr. SUTHERLAND. If that is going to be the situation, do not make the appropriation at all.

Mr. ROBINSON. I do not concede the Senator's point at all. I concede that the improvement is a great and a beneficial one, and that it ought to be carried forward as speedily as is reasonably practicable, but that the primary consideration is that the benefits of the legislation shall accrue to the Indians. I am not willing to vote Indian money unless I am satisfied that it will be used for the benefit of the Indians.

The Senator has contended very forcefully that nothing the United States can do will preserve to these Indians any water rights whatever; that it all depends upon either the magnanimity or the generosity of the State of Montana in dealing with this subject. If the contention of the Senator from Utah in that particular is correct, it becomes more important to have this limitation upon this appropriation.

Mr. TOWNSEND. Mr. President, will the Senator yield to me for a moment?

Mr. SUTHERLAND. Certainly.

Mr. TOWNSEND. As I understood the suggestion of the Senator from Utah, it was that if two-thirds of this money is withheld this project will never be completed.

Mr. SUTHERLAND. If it is always withheld; yes.

Mr. TOWNSEND. This appropriation is for continuing an existing work. It does not state that it is for completing it. A portion of this irrigation system is already in use. Does the Senator contend that it would be necessarily an evil to maintain the portion of the irrigation system already constructed and withhold any further appropriation for continuing it until the condition provided for in the amendment is complied with? We will have accomplished something for the benefit of the Indians by maintaining the portion of the irrigation system already in use, even if we only expend a third of the amount appropriated in the paragraph, it being calculated that a third—and I think the calculation correct—would be sufficient to meet the present demands of the Indians. In every similar instance in this bill, if we had in mind simply the benefit of the Indians, a third of the amount appropriated would supply the needs of those particular Indians, if they took advantage of it.

Mr. SUTHERLAND. If the Senator from Michigan thinks that we ought not to complete more than a third of these contemplated works, or that portion which a third of the money appropriated under this provision will construct, of course he is right in also thinking that it ought to be limited. I do not know anything about the condition in Montana.

Mr. TOWNSEND. I think, if the Senator please, that in most of these projects—there may be some exceptions, of course—unless we can secure sufficient time to allow the Indians to make beneficial use of this water, a third of this money is all, and perhaps more, than we ought to expend.

Mr. SUTHERLAND. Then we ought to cut down the appropriation to a third.

Mr. TOWNSEND. I think that is true——

Mr. SUTHERLAND. But the legislative situation in this matter is this: We appropriate $250,000 to continue the work of building this irrigation enterprise. We do that, and we must do it, upon the theory that that amount of money is necessary; that ditches and reservoirs and dams which that amount of money will build are necessary. We make the appropriation upon this theory, and then we immediately turn around and say that unless the State of Montana shall enact certain legislation we shall only expend one-third of the amount.

Mr. TOWNSEND. But if the Senator please——

Mr. SUTHERLAND. Of course, the two things are utterly inconsistent. The appropriation is made upon the theory that it is all necessary, and then we put in a proviso which strikes out two-thirds of this necessary appropriation.

Mr. TOWNSEND. I do not believe the Senator is stating it correctly. We did not make an appropriation of $250,000 with the idea that under all conditions that amount is necessary. We increased the amount allowed by the House by $150,000, having in mind the fact that we are going to secure the adoption of a proviso that would allow the Indians to make beneficial use of this water. That proviso goes out on a point of order. The original appropriation was $100,000. We increased it by $150,000, having in mind, as I have said, the fact that we did make another provision, whereby the water could be used by the Indians.

Mr. SUTHERLAND. I did not rise——

Mr. PAGE. May I interrupt the Senator from Utah for just a moment upon the point which the Senator from Michigan makes?

Mr. SUTHERLAND. If the Senator will be brief, I will yield to him.

Mr. PAGE. I want to say to the Senator that the estimate for this appropriation was $100,000, and the House appropriated the amount estimated by the department. The Committee on Indian Affairs of the Senate have been for a long time insisting that these appropriations be cut down unless some proviso could be introduced into the bill to safeguard the rights of the Indians. The assistant commissioner says: "I have arranged that; I have made a proviso that protects the Indians, and with that proviso I am willing that the request of the Senator from Montana shall be agreed to and the appropriation increased from $100,000 to $250,000."

Mr. SUTHERLAND. Well, Mr. President, that is aside from anything that I have been discussing or intended to discuss. If $250,000 is not justified, the Senator from Vermont ought not to vote for it; if $100,000 is all we ought to appropriate, then the Senator from Vermont ought to move to strike out the excessive amount of $150,000.

What I rose primarily, however, to say was that, if I understand the constitution of the State of Montana—and I think it is the same as the constitution of my own State in that respect—this amendment calls upon the Legislature of Montana to enact legislation which the constitution of Montana forbids. The amendment submitted by the Senator from Arkansas [Mr. ROBINSON] provides:

Provided, That except as to maintenance not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided by legislative enactment that Indian water rights, or applications for State permits to appropriate water or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States.

No matter how long it takes the Indians to make beneficial use of the water—50 years or 100 years—the State of Montana is asked to pass legislation which will tie that water up for the use of these Indians whenever they get ready to use it. The constitution of the State, I think, provides—the Senator from Montana can correct me if I am wrong—that no special legislation shall be passed. It is a very good rule; it is a rule which ought to be enforced with reference to Federal legislation as well, because if there is any kind of legislation that is generally objectionable it is special legislation, which carves out of the general rules special exceptions and makes favored classes under the law. That is precisely what this amendment proposes to do.

The State of Montana has a general law providing—and I am only quoting it because, I assume, it is the same as the law in my own State—that in order to secure a right to water for irrigation purposes there shall, first of all, be a notice given of the intended appropriation, specifying the quantity of water to be appropriated, the works to be erected in order to make the appropriation, the land on which the appropriation is to be utilized, and then, after the notice has been given, that must be followed by a construction of the necessary works within a reasonable time, and then the application of the water to the land within a reasonable time. That is the general law of the State of Montana. This amendment proposes that the State of Montana shall make a favored class of these Indians. They are citizens of the United States; their lands have been allotted to them, and they are citizens the same as the white men. The Legislature of the State of Montana has no more power under its constitution to pass an act of this kind than it would have to select a lot of white men in the State and say that their rights shall be incontestable for a hundred years or for 50 years.

Mr. TOWNSEND. Mr. President, I misunderstood the Senator the other day, then, when he was talking about Utah. I

understood him to say that the State of Utah had made special arrangements for the Indians.

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. That the State had extended their rights to 1919.

Mr. SUTHERLAND. But it did so by general law, which provided that anybody could make application to the State engineer, and upon showing a certain state of facts the time could be extended by the State engineer. It was not a law passed saying that Indians alone could do so.

Mr. TOWNSEND. I understood the Senator to say the other day that they paid particular attention to the Indians out there.

Mr. SUTHERLAND. It was passed primarily for the benefit of the Indians, but it was a general law. I read it to the Senator the other day. I am unable to put my hands upon it at this moment but it was a general law. Of course, if we passed a law saying that everybody could have this right to have their water rights held in abeyance and their claims incontestable, then it would not be obnoxious to the provision of the Constitution.

Mr. LANE. Mr. President, I should like to have the Senator explain to me, if he kindly will, whether there is or is not a difference between a white voter or a citizen and the Indian in Montana? Is it not true that the Indian is restricted to the extent that the Government disposes of his land, acts as his guardian, and allows him no privilege in that respect to act for himself? If that is true, in that event is he not entitled to certain exemptions due to the fact that he has certain restrictions placed upon him?

Mr. SUTHERLAND. We thrashed that question out the other day. I think not, so far as water rights are concerned. I think the Indian stands upon exactly the same footing as the white citizen stands, and that there is no difference whatever when it comes to the appropriation of water.

Mr. LANE. I will say, then, for the Senator's information, that in Montana they do not stand on the same terms, for the reason that the Indian is only allowed a limited period of two years, whereas the white settler has been granted a greater length of time, and the Indian is deprived of the means of improving his land, and therefore there is a special injustice being done him.

Mr. SUTHERLAND. The Senator will not find any such statute in Montana as that.

Mr. LANE. We are assured that there is in the act of 1907.

Mr. SUTHERLAND. The Senator will not find, I think, a statute in Montana which provides or contemplates that the Indian shall have only two years to do a certain thing, and that the white man shall have more than two years in which to do it.

Mr. LANE. I refer to the Federal law, the act of 1907, which, I think, makes that provision.

Mr. SUTHERLAND. I do not know anything about the Federal law. All I am saying is that this is clearly special legislation. I think there can not be the slightest doubt about it, and we are by this proviso insisting that the Legislature of Montana shall pass an act which the constitution of Montana expressly forbids it from passing.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SUTHERLAND. I do.

Mr. PAGE. I should like to inquire of the Senator if he is certain that there is a provision in the constitution of the State of Montana which would make this legislation impossible? I have understood that there was none.

Mr. SUTHERLAND. Can the Senator from Montana answer that question?

Mr. MYERS. What is the question?

Mr. SUTHERLAND. Whether or not there is a provision in the constitution of Montana which forbids special legislation?

Mr. MYERS. There is; and I think it is precisely as the Senator from Utah has stated.

Mr. TOWNSEND. Does the Senator from Montana maintain that there are no special laws in his State with regard to the Indians—that no special legislation with reference to the Indians on any subject has been passed in Montana?

Mr. MYERS. I do not believe we have any law on the statute books of Montana which could be characterized to the least extent as special legislation, because it is forbidden by the constitution.

Mr. SHAFROTH. The Senator from Utah has said that there is a constitutional provision which prevents special legislation in the State of Montana. I will state that such a provision exists in the State of Colorado.

Mr. ROBINSON. Mr. President, will the Senator from Colorado yield to permit me to read the provision of the Montana constitution?

Mr. SHAFROTH. Yes, sir.

Mr. ROBINSON. And to make the observation that if it has any application to this controversy, I am unable to see it.

I read from section 26 of the constitution:

The legislative assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: For granting divorces; laying out, opening, altering, or working roads or highways; vacating roads, town plats, streets, alleys—

And so forth.

The section then goes ahead and enumerates perhaps 100 specific cases in which special laws shall not be passed, and then it concludes with the following general declaration:

In all other cases where a general law can be made applicable no special law shall be enacted.

Mr. President, that is exactly the same as the Arkansas constitution, word for word and letter for letter; and in a large number of cases the courts have held that the legislature itself is the sole judge as to whether a general law can be made applicable. Under this provision of the Arkansas constitution the general assembly of that State has enacted five times as many so-called special acts as it has so-called general acts, and not one of them has ever been declared invalid by any court on the theory that it was a violation of that constitutional provision.

Upon an examination of the enumerated cases in which special legislation shall not be enacted, it does not appear that this provision comes within any of those classes; and I think I have shown that it can not come within the general provision which I have read, namely:

In all other cases where a general law can be made applicable no special law shall be enacted—

Because all the courts hold, upon a construction of exactly the same provision in other States, that the legislature itself is the sole judge as to when a general law can be made applicable.

Mr. SUTHERLAND. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Utah?

Mr. SHAFROTH. Yes, sir.

Mr. SUTHERLAND. What does the Senator from Arkansas himself say as to whether or not the general law of Montana with reference to the appropriation of water is applicable to the Indians? I am not asking whether it is burdensome or unjust, but is it applicable?

Mr. ROBINSON. I do not think it is applicable to the case of Indians, for the reasons that I have stated here this evening. I think the general law of Montana is not applicable and should not be applicable, and that a different rule should prevail, and that the rule set forth in the amendment ought to be applied.

Mr. SHAFROTH. Mr. President, the trouble with passing any law such as is contemplated by the Senator here is that it interferes with rights that other people have acquired by virtue of complying with the law, and not only rights given by statutes but rights guaranteed by the Constitution.

The Senator from Utah [Mr. SUTHERLAND] has argued that this is special legislation; but there must be contained within the constitution of Montana another provision, which provides, as in my State, that the right to appropriate water for beneficial purposes shall never be denied. That does not mean, as a matter of fact, that by declaring that water is appropriated for beneficial uses a person can hold it. It means that anybody can come in, and if there is any water that is not used for beneficial purposes, he acquires a right under the constitution to take it. Consequently, if you extend the time of one person who is entitled to that right, it must of necessity interfere with the rights of other persons who have acquired rights by appropriation for beneficial purposes.

I want to see, now, if there is not a provision in this constitution—I know there is in the constitution of Colorado—which says that the right to appropriate water for beneficial purposes shall never be denied; and that applies not only to Indians but to white people or any other people.

The situation with respect to the appropriation of water is simply this: It is necessary to have water upon those lands in order to raise crops. The law as propounded by the supreme court of my State, at least—and that has always been the law, irrespective of any constitutional amendment and irrespective of any statute; it is the law of necessity—is that the land can be put to the best use only by the appropriation of water for beneficial purposes. Consequently, it has been recognized by the Constitution; and you will find in this very constitution of

March 1, 1901, and the supplemental agreement of June 30, 1902, providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of Creek allotments up to the treaty standard value of allotments of $1,040. Said suits shall be begun by petitions filed within six months after the approval of this act and prosecuted by the national attorney for the Creek Nation.

The PRESIDING OFFICER. The Chair inquires of the Senator from Oklahoma whether this is substantially the same amendment that was disposed of this morning on a point of order?

Mr. OWEN. No; it strikes out a group in regard to the boundary line of the Creek Nation, and it also strikes out the matter relating to attorneys' fees.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LANE. I wish to say, with all due deference to the Senator from Oklahoma, that this is new matter and——

Mr. OWEN. I will withdraw the amendment if it is objectionable to the Senator from Oregon.

Mr. LANE. Very well.

The PRESIDING OFFICER. The Senator from Oklahoma withdraws the amendment.

Mr. OWEN. There is a suit pending in the Court of Claims affecting the rights of the Poncas of Oklahoma. It is a suit affecting the Omaha Tribe in Nebraska, and the Poncas of Oklahoma desire the right to intervene in the suit, which the Government authorized by law. I have here a letter of the Commissioner of Indian Affairs approving it. Unless there is given a right at this time it will be impossible for them to appear at all before the court has disposed of the matter. I send the amendment to the desk, with the suggestions of amendment proposed by the Indian Office interlined.

The PRESIDENT pro tempore. The amendment will be read.

Mr. ROBINSON. Mr. President, I desire to offer an amendment, and I should like to have the Senator from Montana [Mr. MYERS] present, as it is a matter, I am informed——

The PRESIDENT pro tempore. That will be presented to the Senate after the amendment offered by the Senator from Oklahoma has been disposed of. The Secretary will read the amendment of the Senator from Oklahoma.

Mr. ROBINSON. I thought the bill was about to be reported to the Senate.

The SECRETARY. Insert in the Oklahoma items the following:

That the Ponca Tribe of Indians, residing in Oklahoma and Nebraska, is hereby authorized and empowered to appear in and be made parties to any suit or suits in the Court of Claims, heretofore instituted, or which may hereafter be begun, under and by virtue of an act of Congress approved June 22, 1910, entitled "An act of Congress authorizing the Omaha Tribe of Indians to submit claims to the Court of Claims," with full rights of appeal as therein provided for other tribes; and the Court of Claims shall thereupon have full jurisdiction, legal and equitable, to hear and determine all rights of the Ponca Indians against the United States and against any other tribe or band of Indians parties thereto, and to decree the fees to be paid to the attorney chosen by the Ponca Indians, under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with existing law, to represent them therein, and his associates, such fees to be paid out of any money which may be found to be due said Indians.

Mr. OWEN. I ask to submit letters from the Bureau of Indian Affairs in justification of this item, and I ask that they be inserted in the Record.

The PRESIDENT pro tempore. In the absence of objection, it will be so ordered.

The letters referred to are as follows:

JUNE 13, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: I have your letter of June 10, 1914, transmitting a copy of an amendment introduced on June 5 (calendar day, June 10), 1914, to the pending Indian appropriation bill (H. R. 12579), the purpose of which is to authorize the Ponca Indians to intervene in any suit now pending in the Court of Claims and filed by the Omaha Tribe. You request that an immediate report be made to the Committee on Indian Affairs on the proposed amendment.

There is inclosed a copy of an amendment introduced on February 21, 1914, which is identical with that of June 5, except as to the last five words in the amendment of June 5. There is also inclosed a copy of departmental report of March 27, 1914. Inasmuch as the department has already submitted a report on the amendment of February 21, I do not suppose you desire a formal report on the second amendment.

Cordially, yours,

CATO SELLS, *Commissioner.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have your letter of March 17, 1914, transmitting a copy of a proposed amendment to the Indian appropriation bill for the fiscal year ending June 30, 1915, H. R. 12579.

The purpose of the amendment is to authorize the Ponca Tribe of Indians in Oklahoma and Nebraska to appear in and be made parties to any suit or suits pending in the Court of Claims filed by the Omaha Tribe of Indians under the act of June 22, 1910 (36 Stat. L., 580).

Senate bill 5169, having this purpose in view, was introduced in the Sixty-second Congress, second session, and a favorable report was submitted thereon by the department under date of February 26, 1912. The Senate Committee on Indian Affairs reported the bill favorably, recommending certain amendments suggested by the department in its letter of February 26, 1912. (See S. Rept. 621, 62d Cong., 2d sess., copy herewith.) The proposed amendment does not conform fully to the provisions of the bill, but would not be objectionable if amended so as to provide for the employment of attorneys with the approval of the Commissioner of Indian Affairs and the Secretary of the Interior as provided by law. It is suggested that the proposed amendment be amended as follows:

"Page 2, line 4, after the word 'Indians,' insert 'under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior in accordance with existing law.'

"Page 2, lines 5 and 6, strike out the words 'funds of the tribe in the Treasury of the United States' and insert in lieu thereof the words 'money which may be found to be due said Indians: *Provided*, That the amount of the attorneys' fees shall not be greater than that named in the approved contract.'"

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

The PRESIDENT pro tempore. Unless there is objection, the amendment offered by the Senator from Oklahoma [Mr. OWEN] will be agreed to. The Chair hears none, and it is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, transmitted resolutions of the House on the life and public services of Hon. TIMOTHY D. SULLIVAN, late a Representative from the State of New York.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortifications and coast-defense purposes, and it was thereupon signed by the President pro tempore.

INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. ROBINSON. Mr. President, I now ask that the Secretary state the amendment that I have sent to the desk.

The PRESIDENT pro tempore. The Secretary will state the amendment offered by the Senator from Arkansas.

The SECRETARY. On page 43, line 20, after the word "expended," it is proposed to insert:

Provided, That except as to maintenance not more than one-third of this amount, nor of any money hereby appropriated for this project, shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights, or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

Mr. ROBINSON. Mr. President, the subject matter of this proposed amendment was discussed at great length in the Senate on last Saturday. It was stated by some Senators that, under the prevailing conditions, large appropriations in some instances have been made out of Indian funds for the construction of irrigation works designed to reclaim Indian lands, and that on account of certain conditions and limitations as to the time when the water rights may be exercised by the Indians the benefits of those appropriations have, in some instances at least, accrued largely to white persons. This amendment is intended to prevent that occurring in connection with the irrigation work to which it applies on the Flathead Reservation, in the State of Montana.

The amendment is in the nature of a limitation upon the appropriation. The Senator from Montana [Mr. MYERS] is interested in this amendment. It is not my purpose now to review the discussion which we had here on last Saturday. I then contended, and presented some authorities to support the contention, that where the United States by treaty with Indians sets aside an Indian reservation for agricultural purposes, and water rights are necessary to carry out the purposes of the treaty, there is an implied reservation of water rights by the Government for the use and benefit of the Indians owning the reservation, and that the Indians could not be deprived of those rights under State laws or by any adversary action under State laws. The Senator from Idaho [Mr. BORAH], the Senators from Utah, and other Senators presented very forcibly and ably

a contrary contention, supported in some authorities, to the effect that the question of water rights is governed almost exclusively, if not exclusively, by State laws.

In this provision we are proposing to make an appropriation of $250,000 for the carrying forward of an Indian irrigation work. This appropriation is reimbursable. As has been disclosed, I think, and shown clearly by the debate which has heretofore taken place on subjects kindred to this, in all probability unless there is some precaution taken by Congress to safeguard the rights of these Indians to water, they will not avail themselves of them within a short time, and until after the water has been appropriated under State laws by white settlers in the State of Montana.

This limitation on the appropriation, I think, is a fair one. It contemplates that the reservation of water rights for the benefit of Indian lands under this irrigation project shall be continued until the expiration of the trust. It provides that not more than one-third of this $250,000 "appropriated for this project, shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights or applications for State permits to appropriate water, or State permits to appropriate water for use on Indian lands, shall be incontestable for nonuse of water during the time said Indian land is held in trust by the United States, and the beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for a permit to appropriate."

This amendment was prepared by the Senator from Vermont [Mr. PAGE], myself, and a representative of the Bureau of Indian Affairs, who is familiar with irrigation laws and irrigation projects. I desire to state, however, that the department is not committed to this. The work that was done by the representative of the bureau was done at the request of the Senator from Vermont and at my request; and I did not mean to imply that the department is bound by this proposed amendment or by anything which it contains.

I hope that the Senator from Montana may, upon an examination of the amendment, find that it is consistent with his view, and that he will agree to it, or at least, raise no objection concerning it.

Mr. MYERS. I should like to ask the Senator from Arkansas a question.

Mr. ROBINSON. I yield to the Senator from Montana for that purpose.

Mr. MYERS. The Senator from Arkansas holds that under the Winters case all necessary water for the irrigation of Indian lands on Indian reservations is reserved. If that be the law, what is the use of this amendment? What good can it serve?

Mr. ROBINSON. If the Senator from Montana will permit me, he has stated entirely too broadly the contention which I made on last Saturday. I held that in the case of a certain reservation, which had been set aside by treaty stipulation between the Indians and the Government for an agricultural Indian reservation, there was an implied reservation of water rights; but the fact that able Senators who are familiar with irrigation laws and irrigation questions present forcibly a contrary contention leads me, from an abundance of caution and a sincere desire to safeguard the rights of the Indians, to present this amendment.

If this amendment is agreed to, then, whether my contention of last Saturday was correct or the contention of the Senator from Idaho [Mr. BORAH] and of the Senators from Utah was correct, the rights of the Indians to water will be conserved.

I take it that no Senator here believes that the Government ought to appropriate the Indians' money to construct irrigation works for the benefit of Indian lands and at the same time to permit such a condition to arise as will prevent the Indians from obtaining the water necessary to cultivate those lands when they get ready and able to cultivate them.

Mr. SUTHERLAND. Mr. President——

Mr. ROBINSON. Just one moment, please. The progress of agriculture among the Indians has been slow; and that has been due to many causes. It is due in part to the fact that the Indian is not naturally, as a race, devoted to the art and science of agriculture; it is due in part to the fact that while irrigation works have been established and the Indian lands have been watered, which could have been possibly cultivated, the Indians have not been supplied with the necessary implements and means of cultivating plots upon them. If now we are going to do a substantial work for the Indians, if we are going to try to make the Indians an agricultural people, we ought, while appropriating large sums of their money, to take such precautions as will preserve to them the necessary water rights. If we are not going to do that, we ought not to make the appropriations and to permit some one else to get the benefit of works constructed at the Indian's expense.

The fact that the Indian is not quick at availing himself of these rights, the fact that he is not a skillful agriculturist, makes it the more our duty, if we are going to try to make him such, when we expend his money for that purpose, to use that intelligence which has come to us from experience and observation during the history of works of this character; and that makes it our duty to see that when these moneys are expended the Indians get the primary benefit of the expenditure.

As I said in the beginning, I do not care to prolong this discussion. This measure has been under consideration for a long while. I regard this as a very important matter; and, as I said a moment ago, I hope that the Senators who feel an interest in it will find it consistent with their duty here to consent to the amendment.

Mr. SUTHERLAND. Mr. President, if I understand the amendment of the Senator from Arkansas [Mr. ROBINSON], it proposes to withhold two-thirds of this appropriation, unless the State shall pass such legislation?

Mr. ROBINSON. Yes.

Mr. SUTHERLAND. Suppose the State declines to do it?

Mr. ROBINSON. Then the appropriation would not be expended without additional legislation.

Mr. SUTHERLAND. Then these irrigation works would never be completed.

Mr. ROBINSON. It would leave it open to Congress, when the attitude of the State of Montana concerning the subject is known, to determine whether or not it will go ahead and expend the Indians' money to create an irrigation work for the benefit of white persons. It will still leave us with that right to withhold the remainder of the appropriation necessary to complete the work. That is the design of the amendment.

Mr. SUTHERLAND. Of course, we can only look at the legislation that is now proposed, and I do not suppose this matter ought to be considered in the light of what Congress may conclude to do at some time in the future. This proposed amendment is, in effect, that these irrigation enterprises shall never be completed unless the State of Montana shall pass the legislation which the Senator from Arkansas [Mr. ROBINSON] thinks it ought to pass.

Mr. ROBINSON. If the Senator will pardon me for an interruption—I believe I have yielded the floor and the Senator from Utah has the floor—I will say that I do not think that that is a correct statement of the proposition. Congress is expending Indian money presumably for Indian benefit, and Congress has the right to place upon the expenditure of that money such limitations as it believes are necessary to carry out the primary purpose of the original legislation.

Mr. SUTHERLAND. It does not help the Senator from Arkansas any if that be conceded. Of course, Congress has the right to put upon the expenditure——

Mr. ROBINSON. Let me ask the Senator from Utah a question.

Mr. SUTHERLAND. Let me finish the sentence. Of course, Congress has the right to put upon the expenditure of the money that it appropriates any limitation which it pleases, at least within proper limits; but that does not alter the situation as I have stated it, that, if this amendment be adopted, the effect of it will be to declare that unless the State of Montana does pass the legislation which the Senator from Arkansas thinks it ought to pass, then these Indian irrigation works will never be completed at all.

Mr. ROBINSON. No; that is not the design. The Senator from Utah is surely too good a lawyer and too clear a reasoner to make that contention. The only effect of that provision is that, if the State of Montana does not pass the legislation contemplated in the amendment, then two-thirds of this appropriation will not be expended for the purpose of completing this improvement.

Mr. SUTHERLAND. That is what I have said—that two-thirds of it would not be expended.

Mr. ROBINSON. It does not mean that the project will never be completed at all.

Mr. SUTHERLAND. Let us read it:

Provided, That, except as to maintenance, not more than one-third of this amount nor of any money hereby appropriated for this project shall be expended until the State of Montana shall have provided, by legislative enactment, that Indian water rights or applications for State permits to appropriate water or State permits to appropriate water for use on Indian lands shall be incontestible for nonuse of water during the time said Indian land is held in trust by the United States, and that beneficial use of water on allotted land made during the time said land is held in trust shall perfect the priority of the water right as of the date of application for permit to appropriate.

It seems to me that this would reach them and confirm a species of doing business which is not what it ought to be.

Mr. GORE. I should like to say to the Senator that the lands embraced in this amendment were purchased from the Indians by the Government of the United States, but out of generosity the Government afterwards consented to sell these lands and give the Indians the proceeds. They have been sold in many instances at very high prices—at $15, $20, and $25 an acre. The sales were conducted at public bidding and the lands were awarded to the highest bidder. While they were not public lands, the purchasers had to conform to the homestead requirements, which, as the Senator knows, are more or less severe in a new country. They have been making improvements, they have been perfecting the title, but, unfortunately, their crops have not enabled them to meet the payments as they accrue. A great many of the payments have already been extended. This is to extend others, in the discretion of the Secretary. The Senator from Oregon has that safeguard and that discretion, at least.

Mr. LANE. How many cases are there to which it applies?

Mr. GORE. I could not state. Some of them have paid out and have made final proof.

Mr. LANE. That is what I thought.

Mr. GORE. Others have not.

Mr. LANE. In my view, this is loose legislation.

Mr. GORE. I know how intensely the Senator from Oregon is devoted to the interests of the Indians, and I am perfectly willing he should make an investigation of this matter.

Mr. LANE. I suggest to the Senator to let us put it out now on a point of order, and let him bring in a bill and have the committee investigate it. The committee can report upon it and it can be passed perhaps in 10 days.

Mr. GORE. I will say to the Senator that I am leaving this afternoon and I will not be back perhaps during the session, and I am afraid to follow that course. The Senator is undoubtedly correct in his contention that this ought to pass as an independent bill, but I do not believe that that could be done at this late stage of the session.

The PRESIDING OFFICER. Does the Senator from Oregon make a point of order against the amendment?

Mr. LANE. I will ask the Senator one question: Is he not willing to trust this legislation in our hands during his absence?

Mr. GORE. I am entirely willing to trust the Senator from Oregon.

Mr. LANE. I make the point of order.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. GORE. On page 68, line 20, before the word "Seminole"—one amendment has already been adopted in that line—I move to strike out "and" and after the word "Seminole" to insert the word "Osage."

The PRESIDING OFFICER. The Senator from Oklahoma proposes an amendment, which the Secretary will read.

The SECRETARY. On page 68, line 20, strike out the first word in the line, "and," and after the word "Seminole" insert the words "and Osage."

Mr. TOWNSEND. May I ask the senior Senator from Oklahoma, who has offered the amendment——

Mr. GORE. That appropriation in this place is for the benefit of certain schools in the Five Civilized Tribes. On account of the exemption of certain lands from taxation the same condition with respect to taxing lands exists in this Osage country, and it seems to me the benefits of the act ought to apply to that country as well as to the others.

I have here a letter from the Superintendent of Education giving the Osage Nation statistics, stating that there are 380,000 acres of homestead allotments in Osage County. These are exempt by law and by patent from taxation. There are 1,335,000 acres of surface allotments. The State contends that those lands are subject to taxation. The Indians contend that they are not subject to taxation. That question has been involved in the courts, I think, ever since statehood, or at least for some years. There are only 4,000 acres of land in Osage County subject to taxation. It simply gives the same benefit. I have a letter here from the assistant commissioner setting forth the facts. There is no reason why the provision of the act should not be extended for the benefit of the Osages.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oklahoma.

The amendment was agreed to.

Mr. STERLING. Mr. President, referring to the committee amendment, beginning on line 3, page 67, to which a point of order was made and sustained, I ask unanimous consent that that amendment be resubmitted to the Senate.

The PRESIDING OFFICER. The Chair did not hear the request of the Senator from South Dakota.

Mr. STERLING. The request is that the amendment be resubmitted to the Senate. The point of order was sustained on the amendment, and I ask unanimous consent now that it be resubmitted.

The PRESIDING OFFICER. The present occupant of the chair does not think the Chair has power to submit an amendment which has been excluded on a point of order.

Mr. STERLING. I offer the following amendment.

The PRESIDING OFFICER. The Senator from South Dakota offers an amendment, which the Secretary will read.

The SECRETARY. On page 67, after line 2, insert the following:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any heir of said John W. West, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested as owner; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun within 30 days after the approval of this act by petition filed by the administrator of the estate and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney within 20 days after service of said suit is made upon him and defend said suit on behalf of the nation; the record heretofore made in the proceedings relating to the award made in favor of said heirs under said claim May 25, 1883, and approved by the Secretary of the Interior, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

The PRESIDING OFFICER. The Chair desires to inquire of the Senator from South Dakota whether this is the same amendment that was excluded upon a point of order?

Mr. STERLING. I was just about to state before the inquiry made by the Presiding Officer that it is substantially the same amendment then offered. I have made some alterations in the amendment, but in substance the amendment is the same. The purpose is to refer the question to the Court of Claims for adjudication.

Mr. THOMAS. I should like to inquire of the Senator from South Dakota before he takes his seat when these claims accrued—how many years ago?

Mr. STERLING. There was an award made on this claim in 1883, in pursuance of a treaty made with the Cherokee Nation, between the Cherokee Nation and the United States. That award has been sustained by two successive decisions of Secretaries of the Interior. Secretary Teller and Secretary Lamar both have sustained it. A bill for a direct appropriation has passed the Senate five times appropriating $5,000. It has been favorably reported on by House committees. I think, four times, and it appeals to me as a most just and meritorious claim.

I will say to the Senator from Colorado, as I said the other day, there ought to be a direct appropriation for the payment of this money, and a bill was introduced for a direct appropriation, but the Committee on Indian Affairs concluded that it should be submitted to the Court of Claims and reported an amendment to that effect.

Mr. THOMAS. If the claim has been allowed and award made upon it and it has been recognized by two Secretaries of the Interior, what is there for the Court of Claims to pass upon and adjudicate?

Mr. STERLING. I hardly know. I will say to the Senator I think there is some little contention as to the identity of the John W. West whose heirs make this claim with the John W. West whose property was taken away back in 1843, when the claim originated.

Mr. THOMAS. The identity of the heir, then, is the only question that has to be reported on.

Mr. STERLING. That is the only question. I do not think there can be any question about that, I will say to the Senator; but surely there should be no objection to a submission of the whole matter to the Court of Claims.

The PRESIDING OFFICER. Unless there is objection, the Chair will submit the amendment to the Senate.

Mr. BRYAN. Mr. President, I feel compelled to raise a point of order that this amendment violates paragraph 4 of Rule XVI. It is a private claim on an appropriation bill. If there is any merit in it, it can as well be presented to the Committee on Claims, and by a resolution it can go from there to the Court of Claims without putting it in an appropriation bill.

Mr. STERLING. Mr. President, I trust the Senator from Florida will withhold his point of order. I would not have introduced the original bill nor now offered this amendment but for the fact that after thorough investigation I deemed it a most meritorious claim. There are other amendments to this same bill subject to the point of order that they are general legislation, but because they are meritorious no objections have been made to them, or if made have been withdrawn. I trust that the Senator will not insist upon his objection now to this amendment.

Mr. BRYAN. That is a pretty strong appeal, but I stand by my objection nevertheless.

The PRESIDING OFFICER. The Senator from Florida makes the point of order, and the Chair, following the precedent set by the regular occupant of the chair, sustains the point of order.

Mr. JONES. After the amendment last adopted on page 90, I desire to offer an amendment.

Mr. GORE. I desire to give notice, if necessary, that the amendment put out on a point of order I will submit in the Senate, and I give notice that I desire to contest the amendment adopted the other day offered by the Senator from Mississippi [Mr. WILLIAMS].

The PRESIDING OFFICER. The Senator from Oklahoma makes an announcement which the Senate will take notice of. The Secretary will report the amendment offered by the Senator from Washington [Mr. JONES].

The SECRETARY. On page 90, in the Washington items, line 18, after the amendment agreed to at that point, insert:

That the conveyance from John Teopil and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands.

Mr. JONES. Mr. President, I will say: I know this amendment is subject to a point of order, but this matter has been referred to the committee and the committee has reported it favorably, and the department also was called upon for a report, and the department recommends it. So I hope that no point of order will be made under those circumstances.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Washington.

The amendment was agreed to.

Mr. JONES. In connection with the amendment I ask that the report of the committee be printed.

The PRESIDING OFFICER. Is there objection to the matter being inserted in the RECORD? The Chair hears none.

The report referred to is as follows:

[Senate Report No. 596, Sixty-third Congress, second session.]

HANNAH ROBINSON.

Mr. LEWIS, from the Committee on Indian Affairs, submitted the following report, to accompany S. 5674:

Your committee, having under investigation S. 5674, "A bill confirming the title of Hannah Robinson to certain lands, and authorizing and directing the issuance of patent therefor," reports the said bill favorably, with the following amendments: In line 12 of the bill strike out the words "Hannah Robinson" and insert after the word "widow," in said line 12, the words "and heirs," so that the proposed measure shall read as follows:

"*Be it enacted, etc.*, That the conveyance from John Teopil and his wife, Susan, to John Robinson of the west half of the southwest quarter of section 26, township 18 north, range 18 east of the Willamette meridian, Washington, made and executed on the 23d day of May, 1903, be, and the same hereby is, approved, ratified, and confirmed, and as an evidence of such conveyance the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent in fee simple for the said described lands to the widow and heirs of John Robinson, deceased, the purchaser of said lands."

The Secretary of the Interior, after a thorough investigation of the case, makes a report to the effect that the legislation proposed is necessary and indispensable to perfection of title in the present rightful owners thereof, and no error arose in the title many years ago the proposed act (S. 5674) is necessary to cure defect in title.

The report of the Interior Department is made a part of this report, and is as follows:

JUNE 9, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR: I have the honor to state that the Assistant Commissioner of Indian Affairs has invited my attention to your letter dated May 27, 1914, transmitting for special report thereon S. 5674 and an amendment intended to be proposed to H. R. 12579, the Indian appropriation bill for the year ending June 30, 1915.

The language of the bill and of the amendment are substantially the same, and have for their purpose the same object, which is that a conveyance made by an Indian, John Teopil, and his wife Susan, to one John Robinson, dated May 23, 1903, covering the west half of the southwest quarter of section 26, township 18 north, range 18 east, of the Willamette meridian, in the State of Washington, be approved, ratified, and confirmed; and as an evidence of such conveyance, that the Secretary of the Interior cause to be issued to Hannah Robinson, widow of John Robinson, deceased, a patent in fee for said land.

The facts in this case are that John Teopil, an Indian, on May 10, 1881, made homestead entry for certain lands in the State of Washington under the act of March 3, 1875 (18 Stat. L., 402-420), and a patent was issued to him on January 25, 1882, under the act of January 18, 1861 (21 Stat. L., 315). The latter act applies only to the Winnebago Indians in Wisconsin, and the issuance of a patent under this act to John Teopil for the homestead in Washington taken up by him was a mistake.

The United States Circuit Court of Appeals, eighth district, in the case of Louis Hemmer et al. v. United States of America, held, April 25, 1913, in effect that land taken up under the act of 1875, supra, was subject to the provisions of that act, i. e., the land was nonalienable for a period of five years from the date of patent. This period of limitation in the case of John Teopil expired in 1887, a patent having issued under date of January 25, 1882. It is the contention of the Government, however, that an entry made under the act of 1875, for which a patent had not issued at the time of the act of July 4, 1884 (23 Stat. L., 76-96), was subject to the provisions of the latter act, in that a 25-year restricted trust patent should be issued, and an appeal has been taken in the case.

The act of 1875 provides for but one patent, which is a fee with restraint on alienation for a period of five years, whereas the act of 1884 cited provides for the issuance of two patents, a trust and a fee.

In view of the above there is doubt as to the validity of the conveyance made by John Teopil to John Robinson, in 1903, and for this reason the heirs of the purchaser, who is now deceased, have asked for the special legislation herein reported on.

I have caused an investigation to be made of this case, and have learned that the Indian actually received the consideration for the land he conveyed to Mr. Robinson, and that it was adequate at the time of sale. I am of opinion that the special legislation is necessary, and I have no objection, therefore, to the enactment of S. 5674, or to the insertion of the amendment in the Indian appropriation bill for the year ending June 30, 1915, provided, however, that the bill be so worded as to provide that the patent in fee be issued to the widow and heirs of John Robinson, deceased. It is respectfully recommended, therefore, that the words "Hannah Robinson," in line 12 of S. 5674, be eliminated and he words "and heirs" be inserted in the same line after the word "widow." If consideration is given to the proposed amendment to H. R. 12579, the same changes should be made in line 10 of the proposed amendment.

If the suggested changes are adopted, the department would be glad to see the legislation given favorable consideration at an early date.

For such use of it as you may desire to make, I am inclosing a copy of this report.

Cordially, yours,

A. A. JONES,
First Assistant Secretary.

Mr. OWEN. I wish to offer the following amendment:

That to carry into effect the agreement between the United States and the Muskogee Nation of Indians ratified by act of Congress approved March 1, 1901, and the supplemental agreement of June 30, 1902, providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of Creek allotments up to the treaty standard value of allotments of $1,040. Said suit shall be begun by petitions filed within six months after the approval of this act, be verified, and prosecuted by the national attorney for the Creek Nation.

There was an item of a similar character, but involving a number of other things, reported by the committee, and it went out on a point of order. I move this amendment now, omitting a number of names that were involved in it and abbreviating it very much, believing that it may meet the approval of the Senate.

The PRESIDING OFFICER. What is the amendment which the Senator offers?

Mr. OWEN. It is on page 73.

The PRESIDING OFFICER. The Senator from Oklahoma will send his amendment to the desk.

Mr. BRYAN. Let me inquire of the Senator from Oklahoma if it is not the purpose of the amendment to establish a private claim?

Mr. OWEN. No; I should not say it was to establish a private claim. It is to give an opportunity to the so-called allottees of the Creek Nation to go into the Court of Claims upon certificates which they have from the Dawes Commission.

Mr. BRYAN. Why does not the Senator——

The PRESIDING OFFICER. Will the Senator from Oklahoma send the proposed amendment to the Secretary's desk, so that the Secretary may report the amendment?

Mr. BRYAN. I am not jealous, as is the chairman of the Committee on Claims, of private claims, but——

Mr. OWEN. This is an Indian matter.

Mr. BRYAN. Such matters ought to go to the committee established by Congress to investigate claims.

Mr. OWEN. If it were really a private claim, I should agree with the Senator, but it is not.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. On page 73, after line 10, insert:

That to carry into effect the agreement between the United States and the Muskogee Nation of Indians ratified by act of Congress approved

here when the hearings were had before the Secretary, but I think that is the attitude they took.

Mr. NORRIS. Mr. President, I should like to inquire from someone who knows—the Senator from Michigan, who has spoken on the subject, or the Senator from Oklahoma, or any other Senator—why it is that there seems to be this bitter opposition to Mr. Mott. What is the matter with Mr. Mott, if anything? What has he done? Has he a duty to perform that is unpleasant or has he failed to do his duty?

Mr. OWEN. Mr. President, the question of Mr. Mott's feuds in Oklahoma does not affect the question as to whether or not these two offices shall be merged into one, to be occupied by some one approved by the Senate of the United States. He never held either one of these offices. He was a probate attorney or, rather, an attorney for the Creek Nation, and in that way took an active interest in some of the probate proceedings.

Mr. NORRIS. I should like to say to the Senator from Oklahoma that it seems to me that this question of Mr. Mott is just as much involved in this amendment as this talk about the agreement of the courts to do or not to do a certain thing or to do something in a certain way.

Mr. OWEN. I agree to that. That is irrelevant. I spoke of that simply because the Senator spoke for an hour and a half, and in that speech he was commenting upon the probate courts of Oklahoma in such a way as to leave a bad impression with regard to those courts, and I felt it my duty to my State to make a comment upon it. That was all. I did it as mildly as I could.

Mr. NORRIS. I have no information whatever with regard to this controversy; but if there is such a condition somewhere that the performance by a judge of his duty is dependent upon some one else being appointed to office, either there is something wrong with the other party or with the judge, one or the other. It may be with Mr. Mott; I do not know. It may be with the court.

Mr. OWEN. Mr. President, the appointment or nonappointment of either one or two men in the positions now occupied by Mr. Kelsey and Mr. Wright has nothing to do with Mr. Mott.

Mr. NORRIS. It may be that it has not any direct connection with these two officials; but it does go to the administration of the laws, it seems to me, in a general way, and that is what we are dealing with to a great extent in this bill.

Mr. OWEN. I hope the Senate will sustain the committee and sustain the department in this matter.

Mr. TOWNSEND. In connection with what the Senator from Nebraska has said, if I have correctly stated the facts that have been disclosed in the record, I think there is a vital relation between the failure to confirm Mr. Mott's contract and the particular proposition which I have asked to strike from the bill. It all goes to the proper administration of the affairs of the Five Civilized Tribes.

If it is true that there was a concerted effort to remove Mr. Mott because he was enforcing the law, because he was bringing big and little criminals to justice; if it is true that the Creek Indians wanted Mr. Mott for their attorney because they knew he would look out for their interests and care for their orphan children; if it is true that the same influences which inserted this provision in the bill instigated the movement to get rid of Mr. Mott and to put in a man who, though he is nominated by the President and confirmed by the Senate, we all know is to be a political appointee; if it is true that there is enough influence out in Oklahoma to swerve the courts and induce them to suggest that a man of proven integrity and ability be set aside because he is too active in protecting the rights of his clients, the Indians, and they succeed, and it is known that the same influence is responsible for the provision in this bill which I am asking to have stricken out; if it is clear, as I think it is, that the motive for removing Mott is the same as the motive for removing the Commissioner of the Five Civilized Tribes, viz, the despoiling the Indian of his property, the relevance of the Mott matter to this amendment is clear and close.

The political influences which have been brought from outside to control the action of the Government's representatives in the administration of Indian affairs have been the curse of the Indian. I say that all of this, if I have read the testimony correctly, and if I heard the witnesses as they intended to be heard, is a part of the same scheme.

The Senator has stated that we are about to close up the affairs of three of these tribes. They are not yet closed up. When they are closed up this vast fund of money will be scattered out in driblets to those one hundred and one thousand Indians. I think it is of the utmost importance that that money shall be distributed properly. If what Moty Tiger says, and if what Mr. Meritt says, is true, namely, that the proposition to close up the affairs has always been delayed by the Oklahoma delegation, it is a suggestion to me that they do not want to kill the goose that lays the golden egg.

I do not object to this money going to the Indians if it belongs to them; not at all. But I want to know that it goes to the Indians. It will not reach them if it filters through political hands. The man whom it is proposed to supplant with a politician is an officer of tried and acknowledged courage, character, and ability. He should not be removed to give place to some political worker.

Mr. OWEN. Nobody has ever questioned the legality of the per capita payments made by these gentlemen. They are made on checks, and made directly, and they have the vouchers for them. No matter who makes the per capita payment, of course it was made under the safeguards of the law. The amount due to the Cherokees was $15 apiece. It is true that there were a large number of them, but I want to remind the Senate that they have been waiting now since 1902. They have been waiting 12 years. We sent the Dawes Commission down there in 1893. It has been 21 years since we sent the Dawes Commission down there to wind up the affairs of these tribes. Does it seem like undue haste on the part of the representatives of Oklahoma to ask for a conclusion of these matters?

Men do not live always. Thousands of these Indians have died without getting their proportionate part; but that has nothing to do with this case. The Senator simply moves to strike out a provision by which the House of Representatives proposed to drop one of these officials and have one man instead of two, at a saving of $25,000. The reasons which were given in the evidence before the committees have justified the committee in retaining it as it is, and I hope the Senate will stand by the committee and by the department.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. GORE. Mr. President, on page 58, after line 8, I desire to offer an amendment, which I send to the desk, and I invite the attention of the chairman of the committee to it.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 58, after line 8, it is proposed to insert:

The Secretary of the Interior is authorized in his discretion to grant a further extension or extensions of time on the payments described in the act entitled "An act authorizing the Secretary of the Interior to subdivide and extend the deferred payments of settlers in the Kiowa-Comanche and Apache ceded lands in Oklahoma," approved April 27, 1912: *Provided*, That accrued and unpaid interest shall be treated as principal: *Provided further*, That no payment shall be deferred beyond the time prescribed in the act herein cited, and no forfeiture of entry shall be declared except for fraud, and all entries heretofore canceled except for fraud may be reinstated without prejudice.

Mr. SMOOT. Mr. President, will the Senator please explain this amendment?

Mr. GORE. Yes, sir.

Some five or six years ago about four or five hundred thousand acres of land were sold in Oklahoma, which was then a Territory, comprising what was known as the Big Pasture, the Wood Reserve, and Pasture No. 3. The lands were appraised by the Government. The appraisement was made when crops were most promising in the surrounding country. The appraisements were high and the lands were sold through competitive bidding. They brought high and remunerative prices, in many instances more than the real value of the land.

The lands have been improved. We have had a series of unfortunate years in Oklahoma—some five dry years. Under the act of April 27, 1912, the Secretary was authorized to divide each of the outstanding payments into two payments. That carried some of the payments forward to 1920. Some of them were carried forward only one or two years.

In view of the short crops in that country, some of these farmers have been unable to make their payments. A great many have made final payments and final proof. Under the act of April 27, 1912, the Secretary must cancel these entries if the payments are not made. He is vested with no discretion whatever. The law is arbitrary and mandatory. Some of these entries have been canceled. Some of the best farmers in my State—and some of them are in my county—have had their entries canceled. Some of them have made as much as $900 or $800 of the payments required, and have constructed improvements worth from $600 to $1,000. Their entries are being canceled.

There is no reason why this amendment should not be adopted. It gives the Secretary discretion to extend the other payments, and allows the accumulated interest to be treated as principal so that it will also bear interest, and it authorizes him to reinstate the canceled entries. It is a meritorious measure that surely ought to be adopted.

Mr. TOWNSEND. Mr. President, may I ask the Senator if this matter was brought before the committee?

Mr. GORE. It was not. I will say to the Senator that two farmers came up here since the bill came in from the committee. The farmers took up a collection, and sent two of their number up here, and they called on me about a week or 10 days ago and presented the matter, and it was so meritorious that I felt that I ought to present it to the Senate. Of course I realize that it is subject to a point of order.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. GORE. I will.

Mr. ASHURST. The same situation obtains with respect to reservations that have been opened in the State of Arizona. I think the legislation is meritorious and proper, if the Senator will strike out lines 2 and 3, on page 2. I do not believe the legislation should go so far as to reinstate entries that have been canceled. I see no objection to granting extensions on those that are now pending.

Mr. GORE. I hope the Senator will not insist upon that, for the reason that if he does some of these farmers who have made the most payments will be hurt the worst. Some of these farmers have already paid from six to eight hundred dollars, and have made improvements valued at from five hundred to a thousand dollars. Their entries have been canceled, really through no fault of their own, but as a result of the unfortunate season. I believe the Secretary at least ought to have the discretion to reinstate these entrymen where there has been no fraud, where strict good faith has prevailed.

I hope the Senator will allow that part of the amendment to remain in, and he can consider it further in conference.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. ROBINSON in the chair). Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. I yield to the Senator from Utah; yes.

Mr. SMOOT. It is a very dangerous thing to legislate, without more information than we have, in the way of reinstating a man who has failed to pay for the lands purchased by him from the Government. I wish to ask the Senator if there are any adverse claimants to any of these lands?

Mr. GORE. No, sir; there are none at all. I will explain to the Senator that these were not entered as public lands. The lands really belonged to the Indians. The Government conducted the sale. There have been no contests whatever. There could not be under the act authorizing the sale.

Mr. SMOOT. I understood that they were Indian lands, and I understood that they were sold as such.

Mr. GORE. Yes. There have been no adverse claims.

Mr. SMOOT. But what I intended to ask the Senator was, Have any of these lands been resold by the Government?

Mr. GORE. No, sir; they have not. Of course that would give rise to a different situation.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Michigan?

Mr. GORE. I yield; but I should like to say, first, that while I feel the force of the observation of the Senator from Utah, this matter was called to my attention only about a week or 10 days ago, I should say. The date of the amendment will indicate the exact time. It was at the urgent solicitation of two actual farmers, who came to Washington in order to request what I believe to be just consideration at the hands of the Government, that I introduced the amendment.

Mr. TOWNSEND. I have noticed in considering the bill that has been before us heretofore there have been many things put into the bills which had not been properly considered. I recall two or three such instances that have a similar bearing upon the amendment proposed now. I do not want to do any injustice to anyone; I am perfectly willing to do what I can; but I feel it incumbent upon me, inasmuch as this is legislation brought up for the first time about which I have had some doubts at least in my own mind to make a point of order.

Mr. GORE. Mr. President, I wish to say to the Senator that if there is any further question which occurs to the Senator I should be glad to present it. This matter ought to have been introduced in regular form, and I have introduced a bill covering the same ground as the amendment, but at this late day in the session I feel that I would not be able to secure the enactment of the bill as an organic law. I may say, if the Secretary of the Interior had been given any discretion as to the cancellation of these entries, I should not insist upon the adoption of this amendment; but the Senator will realize that under the act of 1912 the Secretary has absolutely no discretion. These farmers who have gone upon these lands and converted the raw prairie into a civilized community have done as much for the General Government as the General Government can do for them, and in view of the extremely harsh law stripping the Secretary of all discretion I hope the Senator will not insist upon his point of order.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. GORE. Yes, sir; I do.

Mr. WHITE. Mr. President, I wish to make a suggestion to the Senator from Michigan. It is my desire and my disposition to protect these Indians in their just rights, but it seems to me that if the entrymen obtained what is sought by this amendment, the Government or the Indians can lose nothing; the debt will have to be paid that was contracted to be paid for these lands. I understand that that which has accrued and that which is to accrue will have to be paid before title will be divested from the Government. Therefore the Indian and the Government can not be injured and the entryman who has been subjected to unfortunate conditions in that territory might be saved a great hardship that would be inflicted upon him if the amendment does not prevail.

Mr. TOWNSEND. Mr. President, I would have no objection to that if I were quite clear that we had all the facts before us and that the Senator from Oklahoma had all the facts.

Mr. GORE. Mr. President——

Mr. TOWNSEND. I will yield in just a moment. I recall that just a few years ago we had a proposition to take care of some payments to make extensions. A very plausible case was made out on the floor of the Senate, but there were some conditions there which afterwards appealed to me, as I think they did to the majority, as being not entitled to the consideration of the Senate. It depends much upon the conditions of the sale. For instance, town lots were supposed to be sold at a cash price, and afterwards it was understood that bids were made by some with the understanding that they were to have time on the payment, and thus, perhaps, the bidding was not what it ought to have been. Now, I do not know anything about these cases.

Mr. GORE. Mr. President, I should like to make this suggestion to the Senator: If he will consent that the amendment may go in, I will request the chairman of the committee of conference to abide by the judgment of the Senator from Michigan after he has had an opportunity to investigate it. It is such a strong case, and there are so many reasons why the amendment should be made, I hope the Senator will take that course.

Mr. TOWNSEND. Has the Senator even asked the department about this matter?

Mr. GORE. I have not.

The PRESIDING OFFICER. Does the Senator from Michigan make the point of order?

Mr. WHITE. I wish to make a further suggestion to the Senator from Michigan, if he will yield for that purpose.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. Does he yield to the Senator from Alabama?

Mr. GORE. I do.

Mr. WHITE. Most of the public domain has either been given away or has been sold at a nominal price. The persons who will be affected by this amendment, I understand, bought their lands at a competitive sale, where the land was sold to the highest bidder, and in that way the lands must have brought a reasonably fair price.

Mr. TOWNSEND. The Senator assumes something, and I am going to take for granted that what he says is true; but I, as a member of the committee, feel as though when a matter of this character comes up we ought to know something about it. I do not like this way of legislating on the floor of the Senate, bringing in measures here to do things we do not understand and which may come up to plague us hereafter.

Inasmuch as the two Senators seem to understand it, or think they do at least, I withdraw the point of order.

Mr. GORE. I wish to express profound consideration for the action of the Senator from Michigan. I hope he will investigate it, and if he has the slightest objection after an investigation, that he will convey that to the chairman of the conference committee.

Mr. LANE. Mr. President, I think, so as to make it all right, I will make a point on this legislation. I do not know how far it reaches. I have not that amount of confidence in it which the Senator from Oklahoma has. Perhaps it is for the reason that I am ignorant of it; but it is a species of legislation which is very dangerous. There are lots of old claims down there of different kinds which have been questioned and upon which loans have been made, and the deferred payments have never been made. Whether this applies to them or not, I do not know.

10 years. I left their service satisfied in conscience that I had done my duty, and I left the service with the commendation and indorse-

that there would be some effort to prejudice me in the matter of failing to approve the contract. He had seen me unsinged dragged through

will fight them. That is why I want to keep him in. A lot of both Republicans and Democrats want him out.

Some of these white grafters who have made lots of money out of the Indian are using some of this money now to pay the Indians who can be used this way to hold meetings to pass resolutions against Mr. Mott, so that Congress and the Government will think the Indians want him out. It is this way that they try to fool you.

Now, Mr. Commissioner, I will not say much more. You will know now why I write you. But one other thing I want to say. The full-blood Indian is not like other people. The Great Father has so made him that he can not become as the white man. From the beginning he has lived on from father to son in a simple way. The woods and streams and prairies have all been his to roam about upon. He does not know and can never learn that property has anything but a value for the moment of its use. The freedom of outdoor life has been his for so long that he can not change. He is not able to take on the ways of civilized life, and from a great and powerful people the Creek Tribe is fast going the way of its forefathers, with no increase to keep it up. The land has been divided and much of it has been taken from him. Most every man's hand where he lives is against him, and his real friends are few. Against the white man he is helpless. The younger members of the tribe have now their full inheritance. This is being wasted and destroyed. It may so be that I will be the last chief of this race which is soon to be no more. Before me have been many other chiefs, for so long a time that I do not know, who have served their people as best they could and have passed away. To my people in their last stand against the white man I owe the duty of doing what is right. When I do this I know that I will be doing my duty to my people, to myself, and to those chiefs who have gone before me. As the last of these, should this be, should I not do what will be a credit to them, too? I do not want to be known as the chief who showed that he was afraid to stand up for his people, but the man who had proved he was their friend.

For many years the Government has used the money of the people to help the Indian. This has been done and the Indians have been asked to have the right to say who should be hired by the Government and paid out of this money. All these years the Government, by the use of much money in this way, has not been able to stop the grafting by the white man in Oklahoma. From year to year and one by one the safeguards of the Government have been taken away from the Indian and he has been left alone to deal with his enemies. This has been done because the people of Oklahoma and the men they have sent to Congress have wanted it done and have made the other men in Congress believe that the Indians wanted it done. All this is what has made the Indian in such a bad way to-day. We now want to see if we can't do something for ourselves, and I can not understand why those who have always been against us and who have always fought for the things that have done us the most harm should have anything to say about who we shall hire and pay with our own money to protect us. It is not right, and as chief of my people I stand against it and insist that these men have no word in it.

Mr. Mott has had six contracts hiring him as lawyer for my tribe, and not one time has any Republican from Oklahoma or anywhere else been behind him, and so he has never owed anybody any duty but the people who hired him. He has always said it wasn't the business of any politician to say what lawyer we should hire, so long as the tribe was well served; and I have always felt that way about it, too.

When I ask that this probate work go on and that Mr. Mott, who has served us so long, so well, and so faithfully, be given the right to go on with it, I am doing what I know is right and what I know is for the best. I am a soldier, and fought for four years on the side of the South in the Civil War. I have been in many battles. Never have I run, and I will not run now. The war upon the Indians has been going on for years and years. It looks as though the Indian may get the worst of it in the end. There are few to fight for him. As their chief and their leader, I will not leave them now when they need me. You, as the representative of the chief of a great Government and people, are charged with the duty to help in this fight. I appeal to you for the help which you can give. With good will,

Yours, truly,

MOTT TIGER,

Principal Chief of the Creek Nation.

Interpreted into English by G. W. Grayson, official interpreter to the chief.

Mr. MOTT. Now, Mr. Chairman, the other reference to me was to the effect that the payment of the funds in the Treasury to the credit of the Creek Nation had been delayed because he, Mr. DAVENPORT, suspected that Mr. Mott had an interest in a contract that had been favorably recommended by the Creek council, and executed by the chief, looking to their employment in connection with the deficit to make up the $1,040 under the agreement to equalize the Creek allotments.

In 1908 Mr. Merriflat and Mr. Kappler appeared before a committee of the House on behalf of the individual members of the tribe relative to the equalization of the allotments. I appeared before the committee and heard their representations. After the committee meeting adjourned I made my protest there. I said to them that I thought if they were going to represent the tribe in the matter they ought to have some authority either from the tribe or from the department; that I had no objection to their employment; that I favored the Creek council passing resolutions looking to their employment contingent on their securing a judgment against the Government for the deficit. Senator Butler had been employed by the Creeks in connection with the loyal Creeks' claim, in which they had recently, or some time prior to that, been paid $600,000. Gen. Porter, before his death, went to Senator Butler in connection with this matter, and some of the tribe thought it would be well to include Senator Butler in that contract. So I myself am responsible for the resolution presented to the Creek council favoring the employment of Kappler and Merriflat and Butler and Valle, but I hedged it around with such safeguards that they were to get no compensation whatever except in the event they secured a judgment in favor of the tribe against the Government. They were to have no compensation whatever out of any funds that were in the Treasury, and in no sense were they to receive any compensation unless in the event of a judgment against the Government. If I were attorney for the tribe to-day I would favor a similar contract with anybody.

I want to state to you gentlemen that I have no special feeling and no special resentment in the references made to me.

As I say to you now, I am perfectly content with my situation in the matter. I only ask to be let alone. I bear no resentment toward anybody. I simply do not want and do not think that I should permit a statement to stand in the record of the committee that is prejudicial to me, and I want to say that I think you have accorded me an unusual courtesy in permitting me to make this statement. I appreciate that fully. I have no interest in anything that is on the Indian bill. I have not been in the Capitol this winter. I have not seen a Senator or Member of Congress until I spoke to Senator LA FOLLETTE and another Senator and told them I probably would make a statement here to-day. With that exception, I do not anticipate having any future interest in Indian matters.

Mr. Allen, my successor, is entirely agreeable to me, and if there is anything I can do to further the interest of the tribe or to give him any support I would be glad to do it. I hope the opportunity will not present itself again to make it necessary for me to be called on in connection with this matter, or any other matter. I simply do not want to be left in a light before the committee that is calculated to prejudice and wrong me.

Senator TOWNSEND. I want to ask you a question, Mr. Mott. You mentioned a little while ago in your statement that you had been instrumental in uncovering certain frauds affecting the Indians in Oklahoma. Will you tell us what you did in that respect, and what the situation is?

Mr. MOTT. I think the greatest opposition brought against me was because of a report that I filed here last December a year ago with the department, which the Secretary transmitted to Congress, affecting conditions in the probate courts of that State. The report has been printed in the CONGRESSIONAL RECORD and I think that contributed to the opposition to me and I think the men affected by that report were the ones who were most persistent in their demands on the delegation that I be eliminated. I have filed a great number of suits down there in connection with the Creek town-site frauds against a number of prominent citizens and individuals, and recovered a quarter of a million dollars in money and property, and that brought me much opposition. I filed the celebrated Manchie Tiger case, which resulted in an annulment of all deeds executed by full-blood heirs under a decision of the Supreme Court of the United States, the benefit of which has been the saving of millions in property to the Five Tribes.

It was also instrumental in litigation that nullified the act of Congress declaring certain lands of the Indians in Oklahoma nontaxable; and then, latterly, in the fall—Judge Allen being on the bench as district judge—called a grand jury and gave me an invitation to appear there and offer what testimony I might have against any parties affecting the maladministration of estates under the jurisdiction of the probate courts. I did so, and it resulted in the indictment of a number of prominent attorneys and business men, and I think that intensified the opposition. The chief's letter sets out in full all matters of detail in the way of my services to the tribe.

Senator TOWNSEND. Did you acquire any interest while you were there with the Indians in any of their property?

Mr. MOTT. None whatever. I never owned a foot of dirt in Oklahoma, a town lot, or anything of that kind during my service as their attorney. I never had any interest in any property there.

Senator TOWNSEND. Your contract was terminated with the Indians, was it, or was not approved, rather—the last one?

Mr. MOTT. I beg pardon?

Senator TOWNSEND. Your last contract was not approved by the department?

Mr. MOTT. No, sir; it was not, but since I have been asked that question I want to say this: I have never known a man in my life for whom I entertained a more profound regard than Secretary Lane.

As to the Secretary, I can understand his position about it. The Oklahoma courts had jurisdiction of unrestricted minors' lands and over the estates of lands of full-blood heirs. Certain members of the Oklahoma delegation stood up in my presence in the face of the Secretary and said that if I were not eliminated they, the courts, would not cooperate with the policy of the commissioner in the correction of those abuses that had therefore existed. The department was powerless in the matter. In other words, the situation was simply this, from the standpoint of the delegation: We hold within our grasp the property rights and destiny of thousands of unrestricted babes in swaddling clothes and the property rights of restricted full-blood heirs. The price for their liberation was Mott's head. That was the question. That is what they meant when they said to the Secretary, "If you do not do this, we will not cooperate."

It was once said to a howling mob, "I find no fault in Him, but take Him out and crucify Him." The Secretary of the Interior felt that it was my head or a massacre of babes, and he said, "I find no fault in him; take him; I wash my hands." In the verbiage of this letter, and "commend him for his courage, his ability, and his faithfulness."

I think it will be admitted that an agreement was made by the Commissioner of Indian Affairs with the Oklahoma judges to the effect that those judges would perform the duty which the law imposed upon them in administering justice to the Indians, and especially to the Indian minors. Certain Oklahoma Representatives told the Secretary of the Interior that such agreement would not be carried out by the courts if Mott was retained as attorney for the Creeks. Had Mott been recreant to his duties as attorney for the Indians? The records do not so disclose. On the contrary, the only inference that can be drawn from the opposition to him was that he stood between the Indians and their despoilers. That the department still has some doubts about the ability of the Indians to get justice if left to the State control is evidenced by the provision of the bill which follows the one under discussion. It is this:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in connection with probate matters affecting individual allottees in the Five Civilized Tribes, $85,000.

I am informed that it is the intention of the department to hire probate attorneys for each of these separate tribes, who will handle matters that are properly under the jurisdiction of the courts of Oklahoma. Why should the Federal Government be compelled to hire and pay attorneys for looking after the interests of Indian children in Oklahoma courts more than they should to protect the interests of white children in that State? The very insertion of that item indicates—and I be-

lieve it is true—that the department believes that it is absolutely necessary to make an appropriation for this purpose in order to secure the rights of Indian minors.

Mr. President, the influences which secured the separation of Mr. Mott from Creek service is the same which has removed Mr. Wright and Mr. Kelsey. These gentlemen have been faithful, competent, and honest representatives of the Indians and of the Government. They have blocked, or at least impeded, the course of the spoilsman. The Congress has had no opportunity to speak on the Mott matter; but this provision is our business, and I had hoped the Senate might prevent the mistake now about to be made.

Mr. President, it has been very difficult for me to discuss this matter impassionately and without bitterness. If all the facts connected with Indian affairs could be disclosed, the already blotted record would be more offensive. Some day the truth may be fully disclosed. As for myself, I shall, as far as possible, do my duty to the Indian. I will not knowingly cast unjust reflections upon any man in public or private life; neither will I wink at or cover up any wrong known to me, whoever the offender may be. I realize very fully, I think, how readily false and malicious rumors float in the Indian atmosphere, and I shall not knowingly assist in embarking them; but the way to reward virtue is to punish wrong. This provision ought to be killed.

Mr. President, I realize that I should not occupy more time; but I have made this statement because I believe it was due to the Senate; certainly it was due to me that I should make it before we came to a vote. I ask that the words I have indicated be stricken from the bill.

Mr. NORRIS. Mr. President, before the Senator surrenders the floor, will he allow me to ask him a question?

Mr. TOWNSEND. Gladly.

Mr. NORRIS. I have listened to the latter part of the Senator's remarks with very great interest; and I should like to know, in reference to this board or these employees about whom the Senator has been talking, whether there is a provision in the bill changing conditions so that they will lose their places, and the places be given as a reward for political services?

Mr. TOWNSEND. There is no proposition in this amendment of which I have been speaking except to remove the Commissioner to the Five Civilized Tribes, Mr. Wright, and the superintendent of the Union Agency, Mr. Kelsey, and that those positions shall be consolidated into one, to be filled by some one to be nominated by the President, and confirmed by the Senate.

Mr. NORRIS. Does the Senator desire to convey the idea that the object of such legislation is to legislate these desirable men out of office.

Mr. TOWNSEND. I believe it is.

Mr. NORRIS. What is the proposition in the bill that involves that question?

Mr. TOWNSEND. The proviso, beginning in line 21, page 65, which I have moved to strike out.

Mr. NORRIS. I presume the object of the provision is claimed, at least, to be one of economy, is it not?

Mr. TOWNSEND. I have so stated. That is what the assistant commissioner claims, and I have attempted to show what the facts are in reference to that matter.

Mr. NORRIS. Would the change involve a discharge of the forty-odd employees or just the two principal ones?

Mr. TOWNSEND. Just the two principal ones who have charge of the work.

Mr. NORRIS. I am much obliged to the Senator.

Mr. OWEN. Mr. President, the item which the Senator from Michigan proposes to strike out was considered by the Committee on Indian Affairs of the House and also by the Senate Committee on Indian Affairs, and those committees refused to make the changes which the Senator now advocates, and the reason is very simple. Three of these tribes are about to have their affairs wound up. In the case of the Cherokees, the Creeks, and the Seminoles all that remains to be done is simply to distribute a balance which they have now per capita, so that the affairs of those tribes are practically concluded. There is no longer the need which heretofore existed for these two different offices, as one man can discharge the duties of the service there just as well as is necessary for the protection of the public business. The Senator himself states that this reorganization will make a difference of $25,000 a year, and I think $25,000 is worth saving to the Treasury.

The charge which the Senator makes that it will necessarily retire one of these two men is, of course, true, because if only one man is going to do the work one of the men will have to go out. Whether one of those who is now in office should be given the function which is to be put upon one would be determined by the attitude of the administrative branch of the Government; but I do not think that the Senator is justified in making it appear that this is merely a political matter with a view of giving somebody an office. The Indian Bureau estimates that there will be $25,000 saved.

I am not going to take the time of the Senate to go into a long answer defending Oklahoma and its administration. It was true that there was found a judge in one of the counties who was corrupt, but he was put out of office by the people of Oklahoma. Doubtless there was some corruption, more or less, in some of the other offices; but the judges have all come together and adopted a plan of mutual cooperation and a system of rules by which to prevent any injustice in the administration of the minors' estates. That has been done under the advice and counsel of the Indian Bureau. Oklahoma has done everything in its power to establish good order and justice toward these probate estates. The judges, as I have said, have all come together, and in common counsel with the Commissioner of Indian Affairs have agreed upon rules and regulation, by which to prevent the attorneys taking any advantage in any way.

Mr. TOWNSEND. May I ask the Senator a question there? I referred to that fact, although I did not perhaps elaborate it. Mr. Sells, the commissioner, went out to Oklahoma to meet the judges, to see if they would cooperate with the department; and he had a working scheme with the courts whereby they would give proper care to the Indian cases. Does the Senator deny that it was charged before Mr. Lane by members of the Oklahoma delegation that that arrangement could not be carried out and would not be carried out if Mr. Mott was retained as attorney for the Creek Nation?

Mr. OWEN. I understand that there was a controversy over Mr. Mott. I understand that Mr. Mott was regarded with a good deal of hostility by some of the members of the Oklahoma delegation. I understand that; and I understand that they used every argument they could to defeat him. That, however, does not affect the central question that these courts did come together with the Commissioner of Indian Affairs and did what they could to bring about a good condition of administration, and that is all I was presenting. I am not going into Mr. Mott, nor am I going to discuss Mr. Mott's affairs. I care nothing about that. The only thing is that I do not want the Senator to leave the United States Senate under the impression that the probate courts of Oklahoma are worse than the probate courts of Michigan.

Mr. TOWNSEND. What does the Senator think of the proposition, if it be true, that the courts of Oklahoma have stated that unless a certain man is deposed they will not perform the duties that they have agreed with the Commissioner of Indian Affairs to perform and that under the law they were obligated to perform?

Mr. OWEN. I have no information upon the point suggested by the Senator, and I do not believe it is true.

Mr. TOWNSEND. I wish to say, further, that when Mr. Mott made that statement before the committee the Commissioner of Indian Affairs was sitting at the table in the committee room. Mr. Mott said that the Oklahoma delegation stated the same thing to Secretary Lane in the presence of the commissioner.

Mr. OWEN. By the courts?

Mr. TOWNSEND. No; by the delegation from Oklahoma.

Mr. OWEN. The Senator said the courts said that.

Mr. TOWNSEND. I say, suppose the delegates from Oklahoma told the truth about it, and the judges did say it? It was not denied that they did say it. The delegates stated it as a fact.

Mr. OWEN. I do not know what the testimony is to which the Senator refers; but I do know that the Commissioner of Indian Affairs went down, and these judges met him and agreed upon a plan to protect the interests of minors out there; and I believe they will do it just as well as the probate courts of any of the other States, including the State of Michigan.

Mr. GORE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to his colleague?

Mr. OWEN. I yield.

Mr. GORE. I think I ought to say here that it is my understanding that Secretary Lane wired the probate attorneys of the Creek Nation asking whether they would discharge their duties in the event that Mr. Mott was retained in office, and they answered back that they would, but that they thought the appointment of some one else would contribute to the improvement of the service. I understand that telegram was in the hands of the Secretary of the Interior, and I think that is the attitude taken by the delegation so far as I know. I was not

be done in the name of economy, yet he asks in the same bill that there be $50,000 additional appropriated for administrative purposes, a larger appropriation for administering affairs about to be closed up. Where is the economy of such a proposition? The department has also asked that an appropriation of $85,000 be made by the Government out of its Treasury for the purpose of assisting in administering Indian affairs in the courts of Oklahoma, and it has been allowed. I will refer to this item later.

We are proposing in this bill to distribute among the Choctaw and Chickasaw Nations or Tribes $100 per capita. There are about 41,000 Oklahoma Indians in these two tribes. This means a distribution from this source alone of over $4,000,000 in that State. We are distributing in Oklahoma among the Cherokees $15 per capita, and there are 41,690 of those Indians. This means $600,000 more money in that State.

This is a very large amount of money for distribution in one State. It seems especially large in a campaign year. It becomes a valuable political asset, or may become such. Even a crop failure in Oklahoma can not materially affect the prosperity of that State. This is a more certain crop than those of the field. It does not cost so much to harvest and it is more readily distributed.

There should be every care thrown around the Indian's property in order to protect him against fraud. What the Government owes him and pays to him should be his to enjoy. The political influences which surround the Oklahoma Indians are not right. As further proof of this statement I now desire to refer to another matter, which, while it is not directly and visibly connected with the provision of the bill under consideration, nevertheless it will throw light on the motive or scheme back of it.

Each of the Five Tribes employ a tribal attorney. He is selected by the chief or by a council of the tribe, who enters into a contract with the attorney to serve for a stated term at an agreed salary the Indians in their tribal relations. This contract must be approved by the Secretary of the Interior before it is of binding force. The Secretary may approve or disapprove it, as he chooses.

Some 10 years ago the Creek Nation entered into a contract with one M. L. Mott whereby he became attorney for that nation. He served his clients with great ability and fidelity. It was through his efforts that the frauds against Creek Indians, and especially against minor children, were unearthed. In the performance of his duty to his clients, the Creek Indians, he won their confidence and support, and by that course incurred the hostility of the Oklahoma politicians. When Mr. Mott's contract with the Creeks expired their chief, Moty Tiger, entered into a new contract with him and wrote a letter to the Commissioner of Indian Affairs, Mr. Sells, asking that the contract be approved and giving his reasons for such request. I will insert that letter in the RECORD. This contract was not approved. A Member of the Oklahoma delegation in the House of Representatives appeared before the Senate Committee on Indian Affairs and congratulated the Creek Nation upon the fact that Mott's contract had not been approved. He further stated that Mott had delayed certain payments to the Indians and insinuated that Mott might in some way be interested in certain contracts with the Indians. Mr. Mott, having heard of these statements, came before the committee and asked permission to be heard, which was granted to him. Inasmuch as his statement gives a full and complete history of the proposed contract, the reasons for its disapproval, and reveals the situation, as I believe, in its true light, I quote his testimony as given. I quote from pages 654 to 664, inclusive, of the hearings:

PERSONAL STATEMENT BY MR. M. L. MOTT.

Mr. MOTT. Mr. Chairman, I would like to ask the indulgence of the committee to make a persoual statement.

The CHAIRMAN. You may proceed, Mr. Mott.

Mr. MOTT. I think when the gentleman appears before this committee, either at the instance or upon the courtesy of the committee, and when a statement is made by him that is to the discredit of any citizen of our country, that it will be the pleasure of the committee, not only as individuals but as a body collectively, to give that citizen so discredited an opportunity to be heard.

On last Thursday, during your sittings, a Member of Congress from the other end of the Capitol took occasion to make a personal reference to me. He made the statement that he congratulated the Creek Nation that it had been relieved of my services as its attorney. He congratulated the State of Oklahoma that it had been relieved of my services as attorney for the Creek Tribe of Indians. He further made the statement that the Creek emaulaization payment had been deferred and delayed because of an interest he believed I had in a contract depending upon a contingency in favor of Butler and Vale, and Kappler and Merillat. I want to give an answer to those things. I want the permission of the committee to do it freely. It is a personal matter, as I say, and with your consent I will proceed to make my statement.

I have been attorney for the Creek Tribe of Indians for a period of 10 years. I left their service satisfied in conscience that I had done my duty, and I left the service with the commendation and indorsement of the Secretary of the Interior. The statement that he congratulated the Creeks upon my elimination is an intimation that it was to the tribe's interest that I serve them no longer. My contract as attorney for the Creek Nation terminated on the 14th of January of this year. Prior to that time, on the 15th of January, 1909, I made a contract with the chief of the Creek Nation to represent the Creek Tribe of Indians for three years, not subject to termination for any cause and to continue after the expiration of that three years until the affairs of the tribe were finally closed.

I am a Republican. Upon the success of the last administration it was heralded by the Oklahoma delegation that Mr. Mott must be eliminated in Oklahoma as attorney for the Creek Tribe of Indians. As the time approached for the termination of my contract and the renewal of another, another was made between the chief of the tribe [and he sits over there] and myself. It was evident from the attitude of the department, assuming what the press of the State contained, that my contract would be approved. It was stated that if the Commissioner of Indian Affairs favored the approval of my contract they would go over his head to the Secretary of the Interior. If the Secretary was favorable to the approval of my contract they would go over his head to the President of the United States. If the President of the United States favored the approval of my contract they would come to Congress and enact legislation denying the President and the Secretary of the Interior authority to pay me. Not until two days after my former contract expired did I appear at the department and make any inquiry as to its approval. The commissioner had been in Oklahoma for a month or some time prior to the expiration of that contract. He had familiarized himself with the conditions in that locality. He had full knowledge of my work. He had full knowledge of my efforts on behalf of those people. I was content to leave the situation with the Commissioner of Indian Affairs, for whom and toward whom I have the kindest feelings and hold in the highest esteem. I regarded the relationship as attorney for the Creek Tribe as not a political matter. If it had been I would not have entered into a contract with the present Democratic chief for the continuation of my services. It is a contract between a party and an attorney for services rendered the tribe, paid for out of the tribal money. The demand was made that I be eliminated because I was a Republican. I took the position then that if the department regarded the place as a political one I would not ask for the approval of the contract. The demand of the delegation became so persistent for my elimination that the Commissioner of Indian Affairs passed up the whole question to the Secretary of the Interior. The Secretary of the Interior sent for me and asked me if I objected to an inquiry and a hearing before him affecting the matter of the approval of my contract. I told him I did not. Thereupon he notified the Oklahoma delegation that he would begin and have a hearing in his office on a certain day touching the question of the approval of Mr. Mott's contract.

Now, I want it understood here that in speaking of the Oklahoma delegation I do not speak of it as a whole. I think Senator OWEN and Mr. MCCLEAN and Mr. WEAVER simply contented themselves with indorsing some one else and did not enter into the controversy or make any fight on me in any other way than to make an indorsement of another on political grounds alone.

We had six days' hearings before the Secretary of the Interior and every minute of that time the commissioner sat by his side. The Oklahoma delegation presented every view possible against the approval of my contract as attorney for the Creek Tribe of Indians. They gleaned Oklahoma with a fine-toothed comb from the time I first went there, 10 years ago, and when the hearing closed it was admitted that they had offered nothing that reflected upon me as a man; that reflected upon me in my private life or in my official relation to this tribe. They admitted my ability. They conceded my integrity, and the only thing that they offered was that I was a Republican and that the courts of Oklahoma would not cooperate with the department in the protection of the Indians so long as I was retained as tribal attorney.

The hearing, as I say, lasted six days. Every Democratic member of the Oklahoma delegation, which included all except the three gentlemen I have mentioned, was given full opportunity to offer everything on earth they had and could get against me, and when it was over the Secretary of the Interior turned to them in my presence and stated that they had failed to present anything that reflected on me in any way as heretofore enumerated. Then, as a last desperate stand to defeat that contract, they stated that the Oklahoma courts would not cooperate in the policy of the department to correct the abuses in Oklahoma unless the man, meaning me, who had exposed them, was eliminated. That declaration staggered that great Secretary of the Interior—that the judicial officers of a State, vouched for by Members of Congress, would not enforce the law to protect babes in swaddling clothes unless the man who exposed the crime as having heretofore existed was eliminated.

I have made, in a modest, dignified, and conservative way, criticisms of conditions in Oklahoma, of things that have been done in the Oklahoma courts, but never in my life have I known of any instance where men stood up in the judiciary of their own State and charged with it the putrified degradation that charge did. I felt the force of it myself, but I repelled it in defense of the judiciary that these men condemned, and I do so now. I want it to go down on that record that if the Secretary of the Interior be called on he will make the statement that Mr. Mott's contract was disapproved solely on that one statement, and that alone.

The Secretary of the Interior, when these hearings closed, saw fit to address to the chief of the Creek Tribe, who had entered into a contract with me, a letter with the avowed statement that he could give it whatever publicity he saw fit. Not only did he give the chief a letter, but he also gave me a letter, my dear Senators. I have these letters at home in my office. I had not contemplated being on Capitol Hill this winter. After hearing what had been stated here on last Thursday I called Saturday morning at the Department of the Interior and secured a copy of the Secretary's letter to me. In his letter to the chief of the Creek Nation he says that the estates and interest of the Indians in Oklahoma have been preyed upon by bad lawyers and bad guardians like carrion birds, and the elimination of Mr. Mott is a test to their good faith. In that letter, speaking of me, he says to the chief: "Mr. Mott is an honest man, an able man, and a courageous man."

He likewise addressed a letter to me a few days after the contract with me was disposed of, and with the permission and authority to use it wherever I saw fit, and wherever I saw fit. He no doubt anticipated that there would be some effort to prejudice me in the matter of failure to approve the contract. He had seen me unsinged dragged through

the fire. He knew what was in the fight on me, and at its conclusion he sat down and wrote me the following letter:

WASHINGTON, *February 11, 1914.*

MY DEAR MR. MOTT: Chief Moty Tiger and myself have agreed upon Judge Allen as your successor as attorney for the Creek Nation. The reason for this change is set forth in my letter to the chief, a copy of which is inclosed.

I shall always take pleasure in contemplating the manner in which you conducted yourself during the inquiry here. That you have been honest under difficulties and fearless at all times in doing your duty seems to be admitted even by those to whom you have been most antipathetic.

I am glad to know that you are going to return to Oklahoma, and I trust that by mingling freely with those people they will come to see you as a man of ideals.

Cordially, yours,

FRANKLIN K. LANE.

M. L. MOTT, Esq.,
Washington, D. C.

I hand that letter to the stenographer, and I want to accompany it, by permission of the committee, with a letter from the chief asking for the approval of my contract. Without taking up your time, this letter sets out my connection with the tribe as its attorney and my services and the estimate in which they are held by him. I will ask that the letter of the chief be made a part of my remarks.

The CHAIRMAN. Is there objection to the request of Mr. Mott that certain documents, which he has described, appear in the record of the committee? There being no objection, it is so ordered.

The letter referred to is as follows:

EXECUTIVE OFFICE OF THE CREEK NATION,
Muskogee, Okla., December 30, 1913.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

SIR: Last year, in November, I was in your office in Washington, where the other chiefs and myself were met, and we had a long talk about what should be done about taking care of the children of Indians in Oklahoma. After this talk was over you took me by the hand and told me, through an interpreter, that if I could not understand your language I could feel your hand and know that your heart was beating strong for my people. I believed then that it was settled what should be done to stop the wrongs that have been done to these children. My interpreter also told me that you said I would be made right. I understood that it was the time to make a new contract with my lawyer, so that the work which he and his assistants had been doing could go on and not stop. I made a contract then with Mr. M. L. Mott, who has been the lawyer for my tribe since 1904, and left it with you. Thinking that everything was all settled, I left it with you without a letter, as I thought you would understand it. So much time has passed since then and I have heard nothing about it that I will write a letter to you about it.

You may not have got around to it because you are so busy. The papers say that the Oklahoma men in Congress will not let you approve my contract with Mr. Mott without walking over their dead bodies. I have always thought that when a man hires a lawyer he got one if he could find him who could do the work and who would be true to the men and the people who hired him and paid him. That is what I do when I hire one for myself.

I made a contract with Mr. Mott on January 15, 1913, for one year, and its ends on January 15, 1914. That is only a few days off now, and this new contract I speak about ought to be approved. Ever since early last spring, in planting time, and all through the summer and fall I have heard much talk about getting Mr. Mott out when his time is up and not hiring him again. Lots of people seem to want to get a new man for a lawyer for the tribe. Ever since I have been chief of the Creek people I have heard talk of this kind. But it almost always comes from some one who is also hoping that Congress will make a law to let the Indians sell their land. Such people are white men and part Indians, mostly. It is by these men that the Indians have been made to suffer much in the past, and they do not want the Indians to have anything. They are against him and are glad to see anything done that will make it easier for them to get what the Indian has. Most all the white people in Oklahoma feel that way about it, and many of the mixed bloods do, too. The full bloods and the children can not speak for themselves and do not know what is best for them, and are often misled into thinking that these people—grafters, I call them—are their friends. They get the full blood to say things he does not understand and in this way try to fool the Government at Washington and get more restrictions removed. The Government has always acted as though they thought the full blood could not take care of himself, and has tried to look after him, and this is right. But sometimes these grafters fool the Government, and then it is a sad day for the Indian.

Now, these people want Mr. Mott to go out; they are the ones who have always been against my people. They have always done everything they could to get our property away from us and to make the Government believe that we are able to take care of ourselves. This they know we are not. If these people are trying to fool you into thinking that it will be good for Mr. Mott to be put out and some one put in that they want, it is not right, and I think you ought to know about it. If one of my full-blood friends gets into trouble and needs a lawyer, I do not let him hire a lawyer that is picked out by the fellow who is fighting him, but tell him to get some man who will be his friend. It is the same with me when I hire a lawyer for my people. They are in trouble, and I do not hire a lawyer that is picked out by the ones who are doing so much to make them more trouble, but get one who has been a friend and who will fight for the Indians.

I know Mr. Mott will do this, because he has always done it for nine years. Here are some of the things he has done:

In 1904, just before Mr. Mott was hired the first time, Congress took the restrictions off of the surplus lands of all freedmen citizens of the tribe. In 60 days after this nearly every one of these people who could sell did not have any land or money either. Mr. Mott did not think this was a good thing and made a big fight against any more laws like that; and in 1906 Congress, after they learned the facts from Mr. Mott, passed a law so that full bloods could not sell their land for 25 years, and this law made a deed to lands of Indians who died, when the heir was a full blood, no good without the approval of the Secretary. That was a good law, and if it had not been passed not a full blood in the tribe would have had any land or home to-day, and it would not have been passed had it not been for Mr. Mott.

Then all the lawyers down here thought this law was unconstitutional, and lots of white people and mixed-blood grafters bought the full-blood lands anyway. Mr. Mott thought it was a good law, and after a long fight in the courts got the United States Supreme Court and every judge on it to say that it was constitutional. This saved many millions of dollars to the full blood and made the grafters give up lots of land that they had got deeds for without paying anything to the Indian. This case was Marchie Tiger, a full-blood Creek Indian.

The Supreme Court of Oklahoma said the law was no good. Maybe they thought it was not good for the State to have so much land owned by Indians, and if it had not been for Mr. Mott it would have been like they wanted it.

In 1908, after statehood, Congress listened to the men sent there by the people of Oklahoma and passed a law removing more restrictions and making a lot of the Indian lands subject to taxation by the State. Taxes are awful high in Oklahoma. It seems to cost a lot of money to run the State, and the white man who wanted statehood so much does not seem to be willing to pay what it costs, but wants the Indian to pay, too, after the Government had made a treaty with my people that they would not have to pay these taxes. Mr. Mott told Congress that it was in the Creek treaties that the Indians' homesteads should not be taxable, and tried to keep them from passing this law, but they passed the law anyway. Then right away he went into the courts and stopped the collection of the tax, and after a long time got the Supreme Court of the United States to say that the Indians' homesteads could not be taxed. The Supreme Court of Oklahoma in this case said the land should be taxed, but, like in the other case, they learned that they were wrong about this. The other of the Five Civilized Tribes followed along after the Creek suit was started, and they all profited by this decision. This has saved and will save for the Indians many millions of dollars.

In 1906 Mr. Mott got the department to look into the way town lots in the Creek Nation had been scheduled, and it was found that much trickery had been done and the tribe had been cheated out of much property of great value. He started many suits against a lot of people, and a great many were high up. A lot of these high-up people were indicted for this fraud and did not get out until they showed the court that what they had done was done more than three years before and they could not be punished for it. But Mr. Mott has already collected from these people and turned over for the tribe in money and property more than $200,000. This paid the tribe pretty good, but it made lots of people mad at Mr. Mott, and they have all the time been wanting to get him out where he could not do these things.

This law that was passed by Congress in 1906 said that the Indian children should have their property managed by the probate courts of Oklahoma. When Congress was passing this law Mr. Mott tried hard to get them not to do this and asked to have the Government do this business, and told them that the children would be robbed in the courts of Oklahoma. But they would not listen to him, and so the law was passed.

Then last year, when everybody thought Mr. Mott was through with these things and would not try to do any more for the Indian, he looked into the way the courts and guardians and lawyers handled the children's estates and made a report on it to Congress. The papers in Oklahoma made fun of this at first, but after a while they didn't say so much about it. Mr. Mott showed that it costs about one-fifth of what the estate is worth for the guardians and court to take care of it for the Indian minor, but it only costs about 3 per cent to take care of white folks' children's property. This one-fifth he showed them it cost didn't take in the big waste by stealing of money, buying land and things for more than what they were worth, lending money with nothing behind it to make it good pay, and many other ways to beat the children. He showed Congress that the children had been robbed just like he said they would be. The men from Oklahoma in Congress abused Mr. Mott and said it wasn't so. Then the governor of Oklahoma looked into it and said it was so. So that is why they didn't make so much fun of it afterward. These men in Congress who had said so much against Mr. Mott and his report after a while sent a word to the governor in a telegram and said it was so and asked him to have some laws passed to fix it so it would put them where they could get some more restrictions off of the Indian lands. Such people are white men and part Indians, mostly. It is by these men that the Indians have been made to suffer much in the past, and they do not want the Indians to have anything. They are against him and are glad to see anything done that will make it easier for them to get what the Indian has. Most all the white people in Oklahoma feel that way about it, and many of the mixed bloods do, too. The full bloods and the children can not speak for themselves and do not know what is best for them, and are often misled into thinking that these people—grafters, I call them—are their friends. They get the full blood to say things he does not understand and in this way try to fool the Government at Washington and get more restrictions removed. The Government has always acted as though they thought the full blood could not take care of himself, and has tried to look after him, and this is right. But sometimes these grafters fool the Government, and then it is a sad day for the Indian.

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maining, but that this could as well be performed under the supervision of one official having charge of both tribal and individual Indian affairs as of two.

The remaining lands, if properly advertised and sold, should, in my opinion, realize at least $6,500,000; nor does this include the coal and asphalt deposits; while the amount remaining to be distributed to Creeks, Cherokees, and Seminoles is about $8,000,000. The advisability of leaving work of such magnitude to clerks may be questioned. I invite attention to the fact that in the distribution of about $850,000 to Cherokees in 1897, made by a special agent, different inspectors of the department, including former inspector J. W. Zevely, inspector McLaughlin, and myself, when an inspector prior to being assigned to duty here, were continuously detailed at various times to attend the payments in order to insure their being properly made. Yet, notwithstanding these precautions, the special agent was finally detected in irregularities in connection with the payments, suspended, and subsequently dismissed from the service.

On page 268 Mr. Merritt further states:

"Mr. Chairman: I do not believe that the conditions which have prevailed at Muskogee and among the Five Civilized Tribes during the last 16 years can be justified. We have had appointed to positions in that office politicians from practically half the States of this Union; men have held their positions because they would distribute political patronage to the various Senators and Congressmen. They have gotten their appropriations because they have had certain employees from certain districts who aided them in the past in their work. These employees were appointed largely through the efforts of the officials now in charge of the work at Muskogee. I believe all of those political appointees have been covered under by the civil service. Those men will be protected in their positions, but the department and the Indian Office believe that the efficiency of that work can probably be increased by the appointment of a man who has not been connected with that work in the past. That tribal work should have been wound up several years ago. It is because of politics and these political appointments that has made the Five Civilized Tribes work inefficient, which has strung the work along for a long period of years, when the tribal affairs should have been wound up some time ago."

From these remarks Mr. Merritt seems to have reference to this office, and indicates that the cause of delay in closing the tribal affairs is principally due to inefficiency of political employees, who, as he states, were appointed "largely through the efforts of the officials now in charge of the work at Muskogee."

As the affairs of the restricted individual Indians under the supervision of the superintendent do not pertain to the winding up of tribal affairs, my statements are confined to matters of this office and not those under the supervision of the superintendent Union Agency.

I was appointed to my present position, having been transferred from the position of inspector July 1, 1907, since which time Secretaries Garfield and Ballinger, and also Assistant Secretaries Ryan (subsequently assigned to duty in this office for a period of five years as special assistant to the Secretary), Wilson, Pierce, and Adams, the assistant attorney general of the department, Mr. Woodruff, and other representatives, have visited and inspected the work and procedure of this office. Furthermore, reports to the department, with suggestions concerning the progress of the work, have always been forwarded through the Indian Office for consideration and indorsement, and this office has been guided in all matters by instructions received. Annual reports have also shown the status of tribal work, and, in compliance with instructions, I have in the past appeared before the Senate committee at different times with specific information. Tribal executives and attorneys have also from time to time been consulted, and the records will show that the department has approved of procedure and work accomplished in tribal affairs, including the sale of unallotted lands.

Concerning employees of this office, I beg to state that at the time I assumed charge there were 181 employees, as the records show. Although I had previously not inquired, I have recently ascertained that of this number there were 47 admitted Democrats, 61 Republicans, 56 women, 27 of whom were connected with families considered Democratic and 24 of Republican families. There were also 16 colored janitors or messengers. I was verbally directed by Secretary Garfield to make no changes except in the interest of the service. From that time to the present not a single appointment to positions in this office has been recommended by me outside of the civil-service list of eligibles, or by transfer with the exception of three temporary stenographers and a few temporary employees, lately authorized by Commissioner Sells and approved by the department. As the tribal work has approached completion persons employed have been relieved as circumstances warranted, until at present there are 50 persons employed, all of whom, with the exception of the two or three recent temporary appointees just mentioned, were employed in 1907 and have been retained because they were considered the most efficient, although a number of other people who had rendered highly satisfactory service resigned to accept more desirable employment. Of those now connected with this office, 17 are and always have been considered Democrats, 12 are Republicans, 18 are women, 10 of whom are from Democratic and 8 from Republican families, and there are 3 colored messengers.

Of persons employed in connection with tribal work, including those engaged prior to July, 1907, are Hon. CHARLES CARTER, Congressman, former tribal coal trustee; Hon. H. M. JACOWAY, Congressman from Arkansas; and others have since been elected or have served in positions in Oklahoma as follows:

1 mayor of Muskogee, 1 mayor of Wilburton, 1 mayor of Ardmore, 1 mayor of Purcell (now postmaster), 2 county judges, 3 county surveyors, 1 deputy warden Oklahoma State Penitentiary, 2 district judges, 2 members of State legislature, 2 United States commissioners, 2 city attorneys, 1 master in chancery, 1 justice of the peace, 1 stenographer to Federal judge, 1 city councilman of Muskogee, the present private secretary to Senator OWEN, 1 private secretary to governor, 1 delegate to Oklahoma constitutional convention, 1 clerk United States court, 1 State bank examiner, 12 employees in various other official positions; total, 39.

In addition, 49 are now or have at different times after leaving the service practiced law, all of whom have been members of the Oklahoma bar in good standing.

Of those heretofore and still employed in this office, I venture to assert that there does not exist anywhere in the service a more efficient, faithful, or loyal corps of employees. When necessity required their being called upon to do so they have frequently and willingly worked overtime, and even into the night, to accomplish work in hand in no instance has any employee been faithless to the department or involved in transactions with Indians while employed, or concerned in any scandal either, in official or private life, so far as I am aware.

After an investigation of this office, Inspector James McLaughlin, in a report to the department under date of June 4, 1910, as embodied in a communication from Hon. Samuel Adams, Acting Secretary of the Interior, dated March 9, 1912, to Hon. CHARLES H. BURKE, House of Representatives, and subsequently printed as a public document, stated:

"I have inspected the different branches or divisions of both offices above mentioned and find that the work of the commissioner is confined to undivided property of these tribes up to and including allotment, while the Union Agency has supervision of the affairs of the individual Indian after allotment.

* * * * * * *

"There were no complaints offered against any officer or employee of the department, and in my judgment matters are being attended to and the work in hand pertaining to the winding up of the tribal affairs of the Five Tribes is being expedited as rapidly and promptly as the complicated and existing conditions will permit."

The work in connection with making agreements with the Five Tribes, receiving applications for enrollment, allotting the land, surveying, platting, and disposing of town lots, collecting tribal revenues from an approximate area of 19,000,000 acres of land, disposing of the remaining tribal property, involving the rights of over 101,000 Indians—practically one-third of the Indian population of the United States, intermingled with whom are over 1,000,000 white people—and the contests and litigation which have necessarily ensued, has been more complicated than any other work connected with the Indian Service in the history of the Government, and this the records will show.

The expense of all the work, covering the entire time to June 30, 1912, was $34.95 per capita. This included the making of the agreements from 1893, when the Dawes Commission was first created, receiving applications for citizenship from all parts of the country, aggregating some 250,000, about 101,000 of whom were enrolled; appraising the land and making allotments; the disposition of contests; issuing certificates of allotment and preparing the final allotment deeds, these deeds requiring to be executed by the proper tribal officer, approved by the department, and recorded. As shown by statements heretofore made by officials of the Indian Office in hearings before the House Indian Committee, this expense is less than was first created the same period of allotments on Indian reservations where the same complications and conditions do not exist. The cost of the sale of tribal lands, including 2,157,000 acres, on which $12,000,000 in cash, or $5.182.52 was realized, not including interest on deferred payments, which aggregates to the present time approximately $548,665.53, has been about 4 cents per acre, and this has included the cost of preparing data and records, advertising, adjudicating contests, thereafter receiving remittances, computing interest on deferred payments, preparing records, deeds, etc.

In 1909 the Indian Committee of the House desired information before making further appropriations for the work of the Five Tribes as estimated for by the department, and in compliance with instructions I appeared before the full committee for three days, explaining what had been accomplished, the manner of procedure, and the work yet to be done in connection with tribal affairs. In a printed report of the hearings there appears in part the following:

"The CHAIRMAN (the late Hon. J. S. Sherman, Vice President). We want to know all about the situation down in Oklahoma, so far as it has come under your control or observation, in reference to the affairs of the Five Civilized Tribes, and the necessity for future appropriations, as well as the condition of the work at the present time.

At the conclusion of the hearing appears the following:

"Mr. MARSHALL. You have given us more detailed information than I have ever heard before, and the result is that it leaves an impression upon my mind that it will be practically impossible to close this work up with the money that we have been asked for. It looks to me as if the situation down there will call for more or less money and work of some sort of an organization for years to come.

"Mr. WRIGHT. That is the situation. I think the committee must realize that appropriations must be made in connection with the Five Civilized Tribes for a number of years.

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"Mr. CARTER. At intervals the Committee on Indian Affairs have been providing for this as far as it should be done at a certain time, with the idea of expediting the work and enabling the people to go on with their business. It does not seem that we have ever made appropriations whereby the commission could wind the matter up.

"Mr. WRIGHT. That has been the difficulty in getting through, and on account of the suits that are pending and the additional ones that come up."

Furthermore, the chairman at the same hearing publicly stated in substance that it was apparent from statements presented that the work was being expedited as rapidly as circumstances and complications would permit, considering the interests of the Indians, and the committee, including the present chairman, Mr. STEPHENS, and Congressman CARTER, voted unanimously, I was informed, to appropriate the amounts asked for.

Upon the recommendation of the department the committee also favorably considered and Congress subsequently authorized payments of money in lieu of land to citizens having $50 or less of appraised value of land due them to complete their allotments, there being 76,056 citizens to whom such remnants were due. These persons, although repeatedly requested, had declined to select or accept allotments for such additional land, and the law prohibited the sale of unallotted lands until all allotments were completed. Immediately thereafter payments aggregating $323,849.34 to such Indians were commenced and steps also taken to tabulate and prepare data for the sale of the unallotted lands aggregating 1,787,972 acres, exclusive of 1,289,554 acres of timberlands directed by the department to be offered, and 432,000 acres of coal lands not then authorized by Congress to be sold. These unallotted lands to be sold were in 26,607 separate tracts, containing from 40 to 160 acres each, intermingled and scattered throughout the allotted lands. In 1910 the department authorized and directed that said lands be advertised and sold at not less than certain minimum prices, which were fixed by Secretary Ballinger after his personal visit here. At such sale 588,992 acres were sold, the minimum price required not being realized for the remainder. In 1911 Secretary Fisher directed that the remaining lands in the Choctaw and Chickasaw Nations, aggregating about 1,141,882 acres, be again offered at the same minimum price, although this office suggested that such price be reduced. At such sale 360,555 acres were disposed of. The remaining unallotted lands in the Cherokee, Creek, and Seminole Nations, aggregating about 57,000 acres, were also disposed of, with the exception of a few tracts containing about 2,910 acres, which remained unsold owing to various complications. In 1912 the remaining Choctaw and Chickasaw lands, aggregating 816,826 acres, were again offered at one-half the minimum price, and 697,545 acres were sold. In 1913 practically all of the remaining lands

were offered and sold to the highest bidder without any minimum price, including 94,571 acres withdrawn from the timber area which were offered at a certain minimum price.

In 1912 under direction of the department the timber on 1,278,000 acres of timberlands previously reserved was appraised. This work was completed June 30, 1911, and the timber first advertised in February, 1912, for a period of 90 days. Sealed bids were received and opened on May 1, 1912, which were rejected by the department for the reason that it considered the prices offered were inadequate. Said lands were not authorized by the department to be again offered until October 1, 1913, when they were advertised for 90 days under regulations of the department and offered in January, 1914, at which time approximately 300,000 acres of such lands were sold, no offers being received for the remainder at the minimum prices required. Regulations have recently been approved by the department for the offering of the remaining 967,000 acres to be sold in November next, after which such lands as may not be disposed of at the minimum price required must again be offered at some subsequent date.

It must therefore be evident that these lands could not have been more rapidly disposed of without sacrificing the interests of the Indians and accepting lower prices. The result of these sales has been highly satisfactory to all concerned, and much more realized for the tribes than was anticipated.

The department has at different times favorably considered the numerous applications and earnest requests of Oklahoma Congressmen, and has granted extensions of time for deferred payments due for land sold, the last extension of one year being granted for payments due from November, 1913, to March, 1914, having been authorized September 13, 1913, as recommended by Commissioner Sells. The wisdom of such action can not be questioned, for the reason that payments, due on account of repeated crop failures, have not been able to meet such payments.

The sale of the surface of the coal lands was not authorized by Congress until 1912 and immediately thereafter three men were appointed by the President, and who were unknown to me, to appraise same, but the work of these men was unsatisfactory, and they subsequently resigned. During nearly the entire time of their employment I was in Washington by direction of the department.

The reappraisement of these lands has recently been completed, but the delay in their sale is because of complications in connection with the coal operators relinquishing part of the surface covered by their leases, which was not anticipated by the officials who earlier practicable date, however, has said is now having the earliest personal attention of Commissioner Sells.

In connection with the progress of the sales above mentioned, important and necessary work in connection with disposing of other tribal properties, preparing pay rolls, and making payments of amounts to equalize allotments aggregating about $1,854,980.82 to 78,703 citizens, including Cherokees having over $50 due each, excepting $512,656.96, due to 1,017 restricted Indians, turned over to the superintendent of Union Agency for payment, and completing final office records in connection with allotments and other tribal work have been vigorously prosecuted.

Furthermore, the prolongation of the work pertaining to enrollment of and allotment of lands to the members of the Five Civilized Tribes, and the fact that such work was not long since completed, is due in the main to new legislation and to litigation affecting the lands.

Of the court decisions bearing on this work the most far-reaching are the decisions of the United States Supreme Court in the following cases:

The Red Bird case: Involved claims to enrollment of 3,000 persons as intermarried Cherokees, decided November 3, 1906. Of this number only 286 were finally enrolled. This necessitated the cancellation of all tentative selections made to those who had been denied under this decision and the allotment of land to other citizens; also the appraisement of improvements located thereon, and determination of the owners thereof, under the provisions of the act of Congress of March 2, 1907.

The Goldsby-Allison case: Wherein it was held that the Secretary was without authority to cancel the enrollment of any person without first giving due notice, decided November 30, 1908. This necessitated the restoring of the allotments of several hundred persons whose enrollment had been cancelled and readjustment of allotments of the lands involved which had been allotted to other persons.

The Whitmire case: Involved the rights of 1,720 Cherokee freedmen, decided January 20, 1912. This necessitated the adjustment of numerous allotments that had been made of the lands claimed by these Cherokee freedmen.

The Gritts-Muskrat case: Involved the right of minor Cherokees to enrollment under the provisions of the act of April 26, 1906; decided May 13, 1912. This decision affected the allotments of 5,000 newborn children, which could not be made regular and patents thereto issued until after its rendition.

The acts of Congress of March 3, 1905, and April 26, 1906, which provided for the enrollment of infant children resulted in placing 13,032 new names upon the approved rolls of said nations, of which 5,610 are Cherokees, 3,210 are Choctaws, 909 are Chickasaws, 2,926 are Creeks, and 377 are Seminoles, to whom allotments had to be made.

The Choctaw-Chickasaw Citizenship Court, created under the act of July 1, 1902, to hear and determine the rights to enrollment of persons admitted to citizenship by decisions of the United States court in the Indian Territory under the act of June 10, 1896, was in session until December 31, 1904, and heard and determined the rights of 3,487 claimants to citizenship and rendered decisions holding that practically all such persons were not entitled to enrollment. This involved a vast amount of additional work upon this office.

The Indian appropriation act of April 30, 1908, made provision to investigate all conveyances made by citizens in violation of the terms of existing agreements in the Five Civilized Tribes, and under direction of the department data was compiled for the purpose of instituting suits to set aside conveyances of allotted lands made prior to the time that the Indians were authorized by law to convey. Examination of all conveyances recorded in each of the 40 counties covering a period of two years, or from date of statehood, was made and transcripts of over 300,000 transfers made and checked with the records of this office, with the result that 27,800 cases were reported to the department and subsequently referred to the Department of Justice with request that suits be instituted to set aside such illegal transactions.

On July 22, 1910, the Secretary of the Interior promulgated regulations governing the purchase of land by Choctaw and Chickasaw freedmen under the provisions of the act of Congress of April 26, 1906. Immediately thereafter all of such freedmen entitled to purchase land under said act were notified of their rights and 1,412 applications were received. This involved considerable extra work and required the services of several clerks for at least six months to complete it.

The act of Congress approved May 29, 1908, section 7, authorized the survey of additional town sites on segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, under which provision of law 8 towns and 14 additions to towns were surveyed, platted, and lots appraised and sold. In addition thereto 300 towns had previously been surveyed, platted, appraised, and the lots disposed of.

The act of Congress approved May 27, 1908, authorized the Secretary of the Interior to furnish the various counties in eastern Oklahoma certified copies of all allotment records as affected the title to lands in such counties. This data was prepared at this office and required the constant services of a large number of clerks for a period of five months.

The magnitude of the work originally provided for by Congress through its acts from the creation of the Commission to the Five Civilized Tribes was never fully realized until it was well under way, and Congress has deemed it necessary to enact new legislation from time to time pertaining thereto.

This office also supervises the work of collecting royalty from tribal coal and asphalt leases and the work of the mining trustees of the Choctaw and Chickasaw Nations. There are a total of 109 tribal coal leases, covering 99,800 acres, and 7 asphalt leases, covering 4,960 acres. Under said leases about 3,000,000 tons of coal are mined annually, the royalty amounting to about $240,000. This office also has charge of the work of collecting rentals for the surface of the segregated coal and asphalt lands from about 4,000 occupants, for grazing and farming purposes, amounting to about $80,000 annually.

The annual report of this office for the year ending June 30, 1913, shows that there were received 56,541 communications and mailed out 157,813 letters, circulars, and other papers, and $5,535,878.15 received, all pertaining to tribal matters.

The office of the superintendent, Union Agency, also received in connection with the affairs of individual Indians 148,274 communications, vouchers, remittances, circulars, etc., and mailed 215,544 letters, vouchers, circulars, etc., and received $4,984,181.95. A total of $8,520,080 was therefore received and handled and in turn disbursed or accounted for during the year by the two offices.

Since January 1, 1914, to date there have been received at this office 21,632 letters and 14,703 remittances of money, aggregating $1,485,354, pertaining to tribal affairs.

There also at the present time $4,892,733.82 tribal funds on deposit in 246 banks in Oklahoma, in connection with which this office is required under instructions to receive and forward applications and funds. Interest on these moneys are forwarded direct to banks upon requisition from the Commissioner of Indian Affairs, the interest on which, aggregating $200,000 per annum, is remitted to and accounted for by this office.

I therefore contend that the settlement of tribal affairs has been and is being expedited as rapidly as possible, considering legislation, the continual litigation, and the interest of the Indians in the disposition of their tribal properties. Moreover, it can not be finally completed until further legislation is enacted. Under the circumstances it was impossible that the tribal affairs "should have been wound up several years ago," as intimated, nor has there been any delay on account of the appointment of incompetent and inefficient employees appointed largely through the efforts of the officials now in charge of the work at Muskogee," as alleged.

In 1912 the department called a conference before the Commissioner of Indian Affairs to discuss the advisability of creating a separate agency for the Choctaws and Chickasaws or consolidating this office with that of the Union Agency. At that time there were present Mr. Merritt and Mr. Pollock, representing the department; the principal chiefs and attorneys of the Choctaw and Chickasaw Nations; Mr. Kelsey, superintendent of the Union Agency; and myself. At such conference the subject was exhaustively discussed, and Mr. Merritt insisted that the superintendent of the Union Agency, by reason of the vast amount of detail, the number of Indians, and the extent of territory—which Commissioner Valentine stated was over 10 times more than any other superintendent in the service—was unable to properly supervise the details of his office, and for that reason strongly advocated a separate agency for the Choctaws and Chickasaws.

Mr. Merritt on page 364 of the hearing before the Senate committee makes a personal reference to myself, and states:

"Mr. Wright had no civil-service status until two years ago, when he was covered under by Executive order, and I hardly believe that a point can be made on his position along civil-service lines."

Mr. Merritt is again in error. I was covered into the civil service by Executive order of President Roosevelt in 1906, six years ago. I beg to refer also to my 31 years' continuous service among Indians, as shown by the records of the department, having been reappointed Indian agent among the Sioux in 1893 and promoted in 1896 to the position of inspector by President Cleveland upon the recommendation of Hon. HOKE SMITH, then Secretary of the Interior, now Senator from Georgia. The circumstances in connection with my original appointment in the service in 1883, or the promotions following, or the subsequent civil-service status, have been absolutely without political significance, as can be ascertained.

During all my service with the department I have never attended a political meeting or taken any active part in politics, but have given my entire time to the interest of the service, carrying out instructions of my superiors to the best of my ability.

In conclusion, Mr. Secretary, I desire to state that in this communication I am not seeking to justify conditions which have prevailed at Muskogee, according to Mr. Merritt; I have merely endeavored to submit a statement of facts concerning tribal matters for your consideration in view of those which have been made by Mr. Merritt.

Respectfully,

J. G. WRIGHT, *Commissioner.*

Mr. President, there are many things connected with this which throw some light upon the situation, and which I desire to present to the Senate, or to those Senators who care to hear. The assistant commissioner says that this provision was incorporated in the House bill by a Representative from Oklahoma and supported by the Oklahoma delegation. He further states that the affairs of the Five Civilized Tribes are about to be concluded, and that it will be economy to do away with these two officers and create a new one, that one to be nominated by the President and confirmed by the Senate. He says this is to

man's progress, blocking civilization or modern development. He is an Indian, and men seem to think that the only good Indian is the dead one. If the expressed intention had been to dispose of and exterminate him, it is difficult to imagine more effective means to those ends than the treatment he has received at the hands of the white man.

I have felt since I came to Congress that the Indian, being a ward of the Government and under its charge, should be given the consideration to which his rights and our obligations entitled him. A sense of duty was upon me which I had not felt in unofficial life. I know that he has been neglected. I feel that he has been despoiled of his natural heritage and been made the helpless victim of his guardian. What guardian or trustee of a white person would have been permitted to treat his cestui que trust as this Government has treated its wards? The Indian has been driven from place to place throughout the United States, generally with the idea of locating him in some position where he will not be too much in the way upon land which was thought to be worthless for the white man's use. Later it was found that the lands assigned him were valuable, and again he has been compelled to move on. In cases where he could not be moved farther, the effort has been to divest him of whatever of value he held and render him as small an equivalent as possible. It is this disposition to wrong the Indian that every conscientious man connected with Indian affairs either as legislator or administrator has been trying to combat. This to the man without an Indian constituency is certainly an impersonal task. He must work, if he works at all, from a sense of duty and without hope of personal reward; and if the rights of the Indian are to be preserved and his wrongs requited, it must be through men who believe that the rights of a red man are at least equal to those of the white man.

Mr. OLIVER. Mr. President, I think what the Senator from Michigan is saying is worthy of careful attention on the part of the Senate, and I think it is worthy of a larger audience of Senators. I therefore suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Perkins	Smoot
Bankhead	Jones	Pittman	Sterling
Bristow	Lane	Poindexter	Stone
Bryan	Martin, Va.	Pomerene	Sutherland
Camden	Martine, N. J.	Reed	Thompson
Chamberlain	Myers	Robinson	Thornton
Chilton	Nelson	Sanders	Tillman
Clarke, Ark.	Norris	Shafroth	Townsend
Cummins	O'Gorman	Sheppard	Vardaman
Dillingham	Oliver	Sherman	Warren
Fletcher	Overman	Simes	Weeks
Gore	Owen	Smith, Ga.	White
Hitchcock	Page	Smith, Md.	Williams
Hughes	Penrose	Smith, Mich.	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present. The Senator from Michigan will proceed.

Mr. TOWNSEND. Mr. President, I thank the Senator from Pennsylvania for calling a quorum, but I realize that Senators are not interested in what may be said about the Indian. Outside of Oklahoma he can not vote; he has not large influence, and his interests attract little public attention. I, however, propose to state my views on this particular amendment.

When interrupted I was discussing the situation which maintains throughout the United States and has maintained for some years as to our attitude in reference to the American Indian. I had stated that he had been moved about from place to place, and by almost common consent was considered as a being of an inferior race, the people having lost sight of the fact that he is not an interloper, that he is not an intruder here, but that this is his native land. He is the aborigine, and the paleface is the foreigner. He was here in possession when Columbus discovered America, his native land. In theory we have recognized his prior right, and by statutes have acknowledged that right. Thousands of illustrious examples in letters, in art, in industry, and in statesmanship testify to the fact that he is not of an inferior race, and where he has not been corrupted by the white man he stands as an example to all men of honor and integrity.

This great Indian problem has been complicated by the fact that it has been difficult sometimes to get men of the right understanding, the right training, and the right sympathies to handle it. That the Indian in his native primitive condition is capable of assimilating at once our ideas of government no one will claim. He is the child of the forest and plain, and to the Anglo-Saxon method of civilization he must yield. It is the business of our Government to fit him for the new condition. Necessarily the work of preparing him for citizenship and of preserving his rights must be worked out through governmental agencies. Much of this work must be done among the Indians in the field, and by agents or representatives of the Government. These agents have always been subject to local interests and influences, so much so that I think most men who have given careful study to the matter have concluded that it has been and will continue to be absolutely impossible to secure anything like approximate justice to the Indians if their affairs are left to local representatives. They will reflect the local sentiment, which invariably is in favor of the dominant and against the weaker and less influential race.

The questions, first, of a just and comprehensive plan, and, second, of agencies for carrying out such a plan, are and should be the transcendent ones with the Department of Indian Affairs. The greatest obstacle in the way of proper administration is the spirit of greed and graft which works its ends through unconscionable political influence. The provision in the House bill was intended by its instigators to place the affairs of the Five Civilized Tribes under the supervision of a politician who would be subservient to the advice of men who know what they want.

The tendency of the times has been toward the merit system in public service. In no department of the Government is the civil service more imperatively needed than in the administration of Indian affairs. Fortunately, during all of our experience with the Indians there have been connected with the service some men who were capable and honest. They have generally incurred the ill will and opposition of corrupt Indian exploiters, but they have kept alive the spirit of American duty, and have demonstrated, in a measure at least, the possibilities of development for the American Indian. Such are the men whom it is proposed in the pending bill to legislate out of office. The Indians have confidence in them; the Board of Indian Commissioners commend them for their great efficiency. The Commissioner of Indian Affairs would not think of removing them if he were uninfluenced by Oklahoma politicians.

The Five Civilized Tribes in Oklahoma comprise about 101,000 Indians, approximately one-third of all the Indians in the United States. They are known as the Cherokees, the Seminoles, the Creeks, the Choctaws, and the Chickasaws. I suppose they were called civilized tribes because they attained a civilization of their own, having their separate form of government. That government was effective and in a measure progressive. It is believed by many that their condition under their own government was much better than it has been since the United States compelled them to abandon self-government and to submit to that imposed by the United States.

The affairs of these tribes are now administered in Oklahoma by a commissioner of the Five Civilized Tribes, in the person of Mr. J. G. Wright, and by a superintendent of the Union Agency, a Mr. Kelsey. The duties of the former relate to tribal affairs, and those of the latter to the affairs of individual Indians. These duties are separate and distinct, and if properly done they are all that two honest, capable, and experienced men can perform.

The proposition I have moved to strike from the bill is to abolish these two positions and to create a superintendent of the Five Civilized Tribes, to be appointed by the President, by and with the advice and consent of the Senate. In other words, officers now under the civil service, men of tried and proven ability, are to be supplanted by a man who may be a politician, selected by political influences, which have been ineffectual under present management.

My apprehensions of the wrongs which may result to the Indians from this change in existing law are based upon facts and circumstances developed in the committee hearings, and which seem to me to be closely related. Let us first review the history of this particular provision and the reasons given for its enactment. Members of the Board of Indian Commissioners who had made a personal investigation of the work of Wright and Kelsey were before the committee, and strongly recommended that these men be retained and that their force of inspectors be increased rather than diminished. Their reasons were strong and convincing, and they were men actuated by the highest and most unselfish motives. After their statements the Acting Commissioner of Indian Affairs, Mr. Merritt, was interrogated by the chairman and others of the committee. On pages 363, 364, 367, and 368 is found the following:

The CHAIRMAN. I would like to ask what reason induces the House of Representatives to incorporate this provision? What was the argument? Do you know, Mr. Meritt?

Mr. MERITT. Mr. Chairman, this item was incorporated in the House bill on the recommendation of Representative CARTER, of Oklahoma, and has the support, I understand, of the Oklahoma delegation in Congress. The conditions in western Oklahoma among the Indians of the Five Civilized Tribes justify the legislation that is now in the Indian bill, and I am authorized to state to this committee that the Indian Office and the department are in favor of the legislation now contained in the bill, with two amendments. We shall ask for an increase in the appropriation allowed by the House. The House allowed $150,000, and we shall ask that that amount be increased to $225,000. Probably we can, in view of the consolidation, get along with $200,000, which will be a decrease over last year's appropriation of $30,000 for administrative work. We will also ask that there be incorporated in the bill after the word "that," in line 6, these words: "Effective July 1, 1914," so that it will be clear when these two offices shall be consolidated.

Senator TOWNSEND. Why do you ask to have them consolidated?

Mr. MERITT. Because the Commissioner to the Five Civilized Tribes has been engaged in strictly tribal work, and the superintendent of the Union Agency is engaged in individual Indian work. In addition to those two officials, we have another official at Muskogee, who is at the head of the Indian schools of the Five Civilized Tribes. The Commissioner to the Five Civilized Tribes has been in charge of tribal work for a number of years. Congress has, by direct provisions, required that the tribal work of the Five Civilized Tribes be wound up. This work has slowly continued from year to year over the earnest protest of the Representatives from that State. The tribal work has practically been wound up at this time, except the disposal of the coal lands. The unallotted lands of the different nations have practically all been sold, or will be sold by the 1st of July. We have the affairs of the Cherokee Nation now practically wound up, and they will be wound up by the 1st of July. The tribal affairs of the Seminole Nation are practically wound up, and the affairs of the Creek Nation will be wound up very shortly after the 1st of July if we can procure legislation which will equalize Creek allotments. We have that legislation now in the department already prepared, and we shall ask that that legislation be incorporated in this bill. That will enable us to wind up the tribal affairs of the Creek Nation. The surplus tribal property of the Choctaw and Chickasaw Nations is very largely disposed of, except the coal lands. The surface of those lands will soon be advertised and will be sold this spring or summer. Part of the coal lands has been leased, and that property will continue tribal and the proceeds be used for tribal purposes for a number of years.

* * * * * * *

Senator TOWNSEND. Now, here is an appointment that somebody has suggested. There must have been some reason in somebody's mind why this should be done this way. I do not believe your department originated it.

Mr. MERITT. No, sir; our department did not originate this legislation. It was incorporated in the bill in the House of Representatives; and, I might say, if there is any extended discussion on this item I would be glad if Senator OWEN and Senator GORE could be present. I probably have answered as extensively as I can regarding this matter.

Senator TOWNSEND. Thus far there has not been a word said here that furnishes a sufficient reason for making that change. Now, if you had said to me, if it was true, that you could not get a man to fill this larger position possibly under the civil service, why there might have been some reason for that, but it would seem to me that the very suggestion that we have local representatives here to explain this item shows conclusively the very evil which these gentlemen have anticipated in making this possible change.

Mr. MERITT. Mr. Chairman, I do not believe that the conditions which have prevailed at Muskogee and among the Five Civilized Tribes during the last 10 years would be difficult. We have had appointed to positions in that office politicians from practically half the States of this Union; men have held their positions because they would do private political purposes in the various senatorial and Congressional districts. They have gotten their appropriations because they had certain employees from certain districts who aided them in the past in their work. These employees were appointed largely through the efforts of the officials now in charge of the work at Muskogee. I believe all these political appointees have been covered under the civil service. These men will be protected in their positions, but the department and the Indian Office believe that the efficiency of that work can probably be increased by the appointment of a man who has not been connected with that work in the past. That tribal work should have been wound up several years ago. It is because of politics and those political appointments that has made the Five Civilized Tribes work inefficient, which has strung the work along for a long period of years, when the tribal affairs should have been wound up some time ago.

From this it appears that the provision under discussion was proposed by a Representative from Oklahoma and had the support of the Oklahoma State delegation, that it did not originate in the Indian Office, and that the acting commissioner could not explain it satisfactorily, but requested that the two Senators from Oklahoma be present if there was to be "extended discussion."

It is well to remember this fact in order to understand another matter to which I shall call attention shortly. It should also be remembered that the acting commissioner stated as a reason for this new law that the tribal affairs of these Indians have been about wound up; but they ought under law to be wound up; that the work has slowly continued from year to year "over the earnest protest" of Representatives from Oklahoma. He thinks or states that these affairs should have been wound up years ago, and that they were not was due to political influence exerted by Senators and Representatives through Mr. Wright, now in charge of the tribal matters of these five nations. No one familiar with Indian affairs in Oklahoma will doubt that politicians have exerted their influence, but here is a proposition to make the exercise of that influence more potent. There are, however, serious doubts in my mind as to the accuracy of the acting commissioner's suggestion that Mr. Wright is responsible for any of the political appointments in the Five Civilized Tribes.

After Mr. Meritt made his statement before the committee Commissioner Wright made his report to the Indian Office covering these matters. I received a copy from Commissioner Sells, and I desire to submit it here, as it is a complete and conclusive answer to the alleged reasons for the pending legislation:

MUSKOGEE, OKLA., May 29, 1914.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. LANE: There has recently been forwarded me from the department a printed copy of hearings on the pending Indian appropriation bill before the Senate Committee on Indian Affairs, in which appear discussions of the affairs of the Five Civilized Tribes and the status of the unfinished tribal work.

Hon. E. B. Meritt, Assistant Commissioner of Indian Affairs, appearing before the committee, has made certain observations with reference especially to the tribal work, which indicate that he has been misinformed, and to which I feel the privilege of taking a few exceptions.

I trust I may not be considered as criticizing Mr. Meritt, with whom I have been closely and pleasantly associated since his connection with the service, rather than to say that had he been more accurately informed or more familiar with conditions, I am convinced he would not have made these conclusions.

In view of the facts answer, and as I was not present to correct impressions which may prevail among members of the committee because of statements that might be considered a reflection upon the department, as well as upon this office and myself personally, I feel it incumbent upon me to submit to you the following facts:

On pages 363 and 364, of said hearings, Mr. Meritt is reported to have said in part, as follows:

"The Commissioner to the Five Civilized Tribes has been engaged in strictly tribal work and the superintendent of the Union Agency is engaged in individual Indian work. * * * The Commissioner to the Five Civilized Tribes has been in charge of tribal work for a number of years. Congress has by direct provisions required that the tribal work of the Five Civilized Tribes be wound up. This work has slowly continued from year to year over the earnest protest of the Representatives from that State. The tribal work has practically been wound up at this time except the disposal of the coal lands. The unallotted lands of the different nations have practically all been sold or will be sold by the 1st of July. We have the affairs of the Cherokee Nation now practically wound up, and they will be wound up by the 1st of July. The tribal affairs of the Seminole Nation are practically wound up, and the affairs of the Creek Nation will be wound up very shortly after the 1st of July if we can procure legislation which will equalize Creek allotments. * * * The surplus tribal property of the Choctaw and Chickasaw Nations is very largely disposed of except the coal lands. The surface of those lands will soon be advertised and will be sold this spring or summer. Part of the coal lands has been leased and that property will continue tribal and the proceeds be used for tribal purposes for a number of years."

The tribal affairs of the Cherokee Nation ought to be practically completed by June 30 next, with the exception of distributing approximately $850,000 tribal moneys to 41,000 citizens. The Creek tribal affairs should also be practically disposed of by such time with the exception of the distribution of about $3,500,000 to approximately 17,500 citizens to equalize their allotments when so authorized by Congress. The tribal affairs of the Seminoles are also nearly completed, though under instructions from the department the allotment deeds are not yet all executed. About $1,500,000 tribal moneys have to be distributed or individualized to 3,119 members before the affairs of this tribe can be entirely finished.

In the Choctaw and Chickasaw Nations there remain about 670,000 acres of unallotted timber lands, approximately 25,000 acres of other unallotted lands, and about 400,000 acres of the surface of the segregated coal and asphalt lands yet to be disposed of, together with such land heretofore sold as may not be finally paid for. There have been 2,968,440 acres of tribal lands in these two nations disposed of since 1910, entered in 25,816 separate tracts, for the aggregate amount of approximately $11,500,000, separate ledger accounts being required for each tract; and interest must be computed and amounts received on deferred payments until they are completed, final payments not being due for about two years. Of the lands heretofore sold in the Choctaw and Chickasaw Nations there are 19,275 tracts not yet paid for in full. There are also approximately 2,500 town lots in said nations yet to be disposed of. The tribal coal and asphalt deposits under the segregated coal and asphalt lands can not be disposed of, and therefore the tribal affairs of these nations can not be closed until the sale of the mineral deposits is authorized by Congress.

The final proceeds of all tribal properties of the Choctaw and Chickasaw Nations, including the coal and asphalt, together with amounts on hand, will probably reach twenty or thirty millions of dollars, and these must be distributed per capita or individualized before the tribal affairs can be closed.

In view of these facts, it would seem that Mr. Meritt has not been adequately informed in regard to the unfinished tribal work of these tribes.

The details in connection with the sale of the unallotted lands can not be easily understood, such lands, excepting coal lands, being more or less intermingled with allotted lands; and the work of separating them, tabulating descriptions, preparing maps showing the location of each tract, printing lists of descriptions for each sale, replying to letters of inquiry, furnishing desired information, selling lands at auction, recording sales, issuing receipts to purchasers for the amount paid at time of sale and thereafter opening ledger accounts for each tract purchased, receiving remittances due, together with computing interest thereon; issuing certificates of purchase to purchasers for each sale and upon full payment finally preparing deeds to purchasers, having same executed by the proper tribal officers and approved by the department, and thereafter recording and delivering them, is all work of an exacting character. Moreover, the transfers must finally be noted on all of the various township allotment plats, and checked to insure accuracy and to prevent confusion thereafter in land titles.

In response to a suggestion from a member of the committee during the hearing, that from the annual report of the Commissioner to the Five Civilized Tribes it appeared there was still considerable work to be done, Mr. Meritt states that there is considerable clerical work re

Indian reservations to be made by Executive order, it is directly in conflict with the express policy of the Congress of the United

For the fiscal year 1913 a contract was made with the trustees of the schools of Box Elder County, which provided for payment of tuition

The CHAIRMAN. Do you leave it out of the draft of the bill this time?

Mr. MERITT. Yes, sir.

Mr. SCHANCK. The Indian village of Ak-chin, near Maricopa Station, is one for which we are asking an appropriation of $22,200 for the construction of wells and an irrigation system for a small area at that village, from the general irrigation fund. South of Tucson, distant about 150 miles from the village of Ak-chin, is the Papago Reservation, for which we are asking an appropriation of about $8,000 to construct a temporary pumping plant and to operate it and the one already constructed during the fiscal year, and probably the year following. These two pumping plants will water about 1,000 acres. This $8,000 is also out of the general irrigation fund. In addition to this $8,000, we are asking for the first installment, which is $50,000, for the project on the Papago Reservation south of Tucson, the total project to cost $150,000. The temporary pumping plant is needed pending the time when this large project can be put into use, and this large appropriation is urgently needed at this session of Congress to protect the water rights of the Indians, as these are being rapidly appropriated by the whites. Of the 300 Indians attached to the Papago Reservation, about 600 would be taken care of by the completion of the large project on the Papago Indian Reservation. In addition to these three items for the Papagos, we are asking for $5,000 to operate a well rig, already purchased for drilling wells, to improve the domestic and stock water supply for any so-called nomadic Papago Indians who occupy the territory west of Tucson and south of the Southern Pacific Railroad, covering a large area. In addition, we are asking for a specific appropriation of $35,000 to construct wells and pumping plants at eight villages where surveys have been completed with sufficient accuracy to indicate that water is available for stock purposes, and, in some instances, for a small amount of irrigation. These villages are distant from 40 to 90 miles south and east of the village of Ak-chin, near Maricopa Station, for which the first appropriation is requested in the general irrigation fund.

Mr. CARTER. Are all these Papagos in Arizona?

Mr. SCHANCK. Yes, sir.

Mr. CARTER. How many of them are there?

Mr. SCHANCK. In the allotting work, so far as it has been carried on there, there were allotted approximately 4,000, and I should think about half of the territory they were known to occupy was covered.

Mr. CARTER. How much money all told, by this bill, do you spend in connection with irrigation work for the Papagoes?

Mr. SCHANCK. One hundred and twenty thousand eight hundred dollars.

Mr. CARTER. How many items are there in the bill for the Papagoes? I mean specific items and general items of appropriation, too.

Mr. SCHANCK. Five.

Mr. CARTER. Will you name them in consecutive order in order that we may be enabled to refer to them in the hearings?

Mr. SCHANCK. Eight thousand dollars for the construction and maintenance of pumping plant, canals, and the installation of additional pumping plants on the Papago Reservation near Tucson, Ariz.; in the general irrigation appropriation, an item of $22,200 for the construction of a pumping plant at the village of Ak-chin, near Maricopa Station; specific appropriation item No. 29, carrying an appropriation of $5,000 for water supply for the nomadic Papagoes, which contemplates improving the water supply for any Indians among the nomadic Papagoes; item No. 33, carrying an appropriation of $50,000 for beginning the construction of a permanent irrigation system on the Papago Reservation near Tucson; item No. 35, carrying an appropriation of $35,000 for securing a water supply for stock and, if possible, for irrigation, for eight Papago Indian villages, five of which are on the public domain and three on small reservations in a territory about 60 miles long and 30 miles wide.

Mr. CARTER. That will be a total of $120,800.

Mr. SCHANCK. Yes, sir.

Mr. CARTER. How many of these Papagoes will be beneficiaries of this project?

Mr. SCHANCK. Those that can be definitely determined will be.

Mr. CARTER. I would like to have that information in connection with each amount appropriated.

Mr. SCHANCK. I have prepared a statement of that, and it can appear in the record at this point.

Irrigation systems from general appropriation.

Number benefited:		
Ak-chin village, 105 Indians		$22,200
Papago Reservation, 300 Indians		8,000
Special appropriations:		
Nomadic Papago water supply		5,000
Eight Indian villages (stock, domestic, and irrigation water supply) number of Indians in each:		
Cocklebur	200	
Chin Chiuschu	200	
Quajote	100	
Ko-Opke	75	
Komlith	150	35,000
Santa Rosa	400	
Tabi Mahmell	100	
Anegam	200	
Papago Reservation; permanent irrigation system, number of Indians, 600		50,000
Total for Papagos		120,800

Mr. CARTER. I think it should. Now, you have $8,000 for the Papago Reservation and again $50,000 for the Papago Reservation. Suppose you make an explanation of that.

Mr. SCHANCK. The $8,000 for the Papago Reservation is to operate and maintain the present temporary pumping plant and to install another small pumping plant to care for the crops for the coming year and probably the next year until the large irrigation system can be put into working order.

Mr. CARTER. Then you ask $50,000?

Mr. SCHANCK. The $50,000 appropriation is the first appropriation—

Mr. CARTER (interposing). The first appropriation for what?

Mr. SCHANCK. For the construction of the permanent irrigation system, which will ultimately cost $150,000.

Mr. CARTER. It is not the intention of the Indian Bureau to have any duplications in any of these items of appropriation to be made for special and definite purposes?

Mr. SCHANCK. No, sir; these Indians are most deserving and they will make use of it.

Mr. CARTER. The item of $35,000 is to be used, I notice, for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona. Explain just what you mean by domestic use.

Mr. SCHANCK. Water to drink and to cook with.

Mr. CARTER. Not for stock?

Mr. SCHANCK. Well, stock, too; the three things.

Mr. CARTER. Those are the only purposes for which it is used—cooking, drinking, and for stock?

Mr. SCHANCK. And I think irrigation, where possible.

Mr. CARTER. I think not. I think it could not be used for irrigation purposes.

Mr. SCHANCK. Of course, we do not ordinarily expect to find enough water which would be available for irrigation.

Mr. REED. I think that should be changed so as to include stock and irrigation.

Mr. CARTER. It seems to me it would be pretty hard to defend an item of $35,000 for water simply for domestic uses.

Mr. SCHANCK. For stock purposes; that is the primary object of it.

Mr. CARTER. I think you ought to provide for that in the language of the bill.

Mr. MERITT. I suggest that you incorporate after the words "domestic use," in line 9, the words "and for irrigation purposes."

Mr. CARTER. For irrigation purposes and for stock and domestic use.

Mr. MERITT. Yes; that would be all right.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington [Mr. JONES] will be stated.

The SECRETARY. On page 90, after line 18, it is proposed to insert:

For enabling the Secretary of the Interior to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, $500, reimbursable out of any proceeds arising from the sale or disposition of surplus lands of said reservation or out of any moneys to the credit of the Spokane Indians.

Mr. JONES. Mr. President, I think I should explain this amendment briefly.

The amendment was referred to the committee and the committee referred it to the department. Through the kindness of the chairman, I have a letter from the department reporting upon the amendment. I think that letter sets out clearly the reasons for this amendment and will convince the Senate that it is a meritorious proposition.

I shall not read the letter in full; but the Secretary states that these Indians have approximately $20,000 in the Treasury to their credit, and he says the Commissioner of Indian Affairs has had correspondence with reference to this road work. The commissioner says:

For your information there is inclosed herewith copy of a report received by the commissioner from the superintendent of the Spokane Indian Reservation on the subject.

From the records it appears that the construction of the road across the reservation would be a decided benefit to the Indians. However, owing to the depleted condition of the available funds at the disposal of the service at the present time which might be used in connection with this road work, if Federal aid is to be given the county commissioners in building this highway, a special appropriation will be necessary.

In view of the above facts, it is recommended that the proposed amendment receive favorable consideration.

He incloses with that an extended report from the superintendent in charge, from which I will read just an extract or two. He says:

Until good wagon roads are provided for the Spokane Reservation progress among the Spokane Indians will necessarily be slow because of the lack of transportation facilities for marketing their products, now confined to three indifferent hill roads that during certain seasons are very bad, and at all times require very long hauls for a large majority of the Indians.

The situation, in brief, with reference to this road, is that this reservation is situated in Stevens County, Wash., and there is quite a settlement in a certain locality that can be reached only by crossing the reservation. The county commissioners contemplate building a road to reach this section, crossing the reservation. The county funds are very low; and, furthermore, this road appears to be of very great service and very great benefit to these Indians. Therefore they have asked that there should be some help on the part of the Indians in the construction of the road. The matter was carefully looked into by the superintendent, and he says this:

For the foregoing reasons—

He gives the location of the road, the situation of the Indians, the location of the white people, and the benefits that will accrue from the road, and then he says:

For the foregoing reasons I strongly recommend that some means be found to enable the Spokane Indians to contribute a fair share of money toward the construction of the proposed road, for every public utility that improves conditions among the whites in the vicinity of the reservation will bring the homes of these Indians in closer touch with civilization, while good roads will aid them equally with the whites and hasten the day of their independence.

Unfortunately the Spokanes are practically destitute of tribal funds, although possessing timber resources of nearly one billion feet, this being so isolated at present that it can not be economically or profitably marketed until convenient railway transportation facilities and good wagon roads are provided. * *

In comparison with many other tribes the Spokanes have not fared well at the hands of the Government, though among the most deserving—

I call the attention of the Senate to this language of the superintendent:

In comparison with many other tribes the Spokanes have not fared well at the hands of the Government, though among the most deserving, and a good opportunity is here offered to do a double act of justice by aiding worthy settlers who are struggling against adverse circumstances to develop a most promising section of this new country, at the same time assisting our willing but ignorant red wards in getting on their feet.

If $500 contributed in behalf of the Spokane Indians will assure the building of this road, it will be about the most profitable investment that could be made for them with that amount of money, which would be many times returned in future benefit. It would also go far toward removing a natural and almost excusable prejudice existing in the minds of many good western people against the Indian and his reservation as obstacles in the path of progress.

That is from the superintendent of the reservation. I submit that this small amount, as he says here, would be really of double benefit.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JONES. I ask that I may put in the RECORD, so that the RECORD will show them in full, the letter from the Secretary and the letter from the superintendent.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 27, 1914.

MY DEAR SENATOR: I have received your letter of March 11 submitting for report an amendment proposed by Mr. JONES to H. R. 12579, for an expenditure of $500 to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, to be reimbursed out of any proceeds arising from the sale or disposition of surplus lands on said reservation.

There is approximately $20,000 in the Treasury to the credit of these Indians, derived from the sale of lands belonging to them, but there is no authority of law to use any part thereof except in connection with the allotment, classification, and sale of lands.

The Commissioner of Indian Affairs has had correspondence with reference to this road work. For your information, there is inclosed herewith copy of a report received by the commissioner from the superintendent of the Spokane Indian Reservation on the subject.

From the records it appears that the construction of the road across the reservation would be a decided benefit to the Indians. However, owing to the depleted condition of the available funds at the disposal of the service at the present time which might be used in connection with this road work, if Federal aid is to be given the county commissioners in building this highway, a special appropriation will be necessary.

In view of the above facts, it is recommended that the proposed amendment receive favorable consideration.

Very truly, yours,

A. A. JONES,
First Assistant Secretary.

Hon. HENRY F. ASHHURST,
Chairman Committee on Indian Affairs,
United States Senate.

[Department of the Interior, United States Indian Service. The Spokane Indian Agency, Room 423, Federal Building.]

SPOKANE, WASH., *February 25, 1914.*

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Answering office letter of January 10, 1913, regarding a request for Indian Office assistance in the matter of building a county road across the Spokane Indian Reservation, right of way for which was recently granted by the department to the commissioners of Stevens County, Wash., the following report is submitted:

Until good wagon roads are provided for the Spokane Reservation progress among the Spokane Indians will necessarily be slow because of the lack of transportation facilities for marketing their products, now confined to three indifferent hill roads that during certain seasons are very bad, and at all times require very long hauls for a large majority of the Indians. This road deficiency also prevents, or handicaps, the development of nearly all allotments except those in the immediate vicinity of the present poor roads over which the Indians are obliged to travel with their owner teams. With such a handicap and the poor prospect of better conditions, there is little or no incentive for most of them to do much more than cultivate enough land to furnish them with a bare living. Among intelligent and experienced white pioneers or settlers these obstacles to development would gradually be overcome, but such energy can not be expected from the long dependent red men.

The valley of the Columbia River north of the west end of the Spokane Reservation is very fertile and rapidly being peopled by a fine lot of settlers, practically all of whom have come into the valley with sufficient means to purchase tracts of land that they are vigorously proceeding to develop, but now find themselves unexpectedly in a pocket. Across the river to the west lies the Colville Reservation; eastward is the mountainous divide between the Columbia and Colville Rivers, while to the south the Spokane Reservation is a formidable barrier that must be pierced to enable them to have an outlet to markets on the south side of the river, there being no railroad in the entire territory. To reach these markets at present a long detour must be made from the lower end of the almost water-grade road down the Columbia to the eastward along the reservation boundary lines, thence southward over the hilly, sandy, and rocky road through the reservation to the Nez bridge over the Spokane River near its mouth, all of which entails a real hardship and great loss of time for the settlers, who have not as much time to spare as their red brethren.

The proposed road follows the water grade down the Columbia until it reaches a point a short distance north of the Government town site at the junction of the Columbia and Spokane Rivers, where it diverges to the east, passing along the east and west dividing line between the town site and the Spokane Agency Reserve; thence south by twists and turns to the Nez bridge. This diversion involves a series of steep grades in getting down to the bridge, which could undoubtedly be avoided by crossing the town site nearer the Columbia, over such of the platted streets as may offer a better grade and shorter line of travel.

Stevens County, in which the Spokane Reservation wholly lies, has a very large area, much of which is but thinly settled, and its financial resources are very limited, so much so that it will not be able to construct the proposed road without assistance, owing to an unusual expense that will be necessitated by a lot of rockwork at a point on the reservation known as the Big Rock, where a bluff buts into the river. Excepting at that point construction will not be a difficult matter, and a water grade can be made practically the entire distance across the reservation, affording an easy and scenic line of communication that would be a godsend to these isolated white settlers and of equal or greater benefit to the Indians of the west end; for while only seven allotments would be crossed, all with a minimum amount of damage, that would be more than offset by the resulting increase in their value, a great many other allotments now unimproved would be placed within easy access to the road, thus leading to their occupancy by the allottees or give to them a good rental value, now lacking by reason of their isolation.

Of the seven allotments crossed, two are those of deceased children of an old blind widower, whose nearby allotment will be greatly enhanced in value and bring a fine rental or sale price. Another is that of an intelligent woman to whom a fee-simple patent has been issued. Two others belong to an old man and an old woman, who will be much benefited, for they are unable to make any improvements and are now dependent upon agency assistance. The remaining allotment directly affected is that of a little schoolgirl. Many minors are allotted in that vicinity, their lands not yet fenced, and no development of the property by parents or lessees can be expected until wagon-road facilities, now nonexistant, are provided.

For the foregoing reasons I strongly recommend that some means be found to enable the Spokane Indians to contribute a fair share of money toward the construction of the proposed road, for every public utility that improves conditions among the whites in the vicinity of the reservation will bring the homes of these Indians in closer touch with civilization, while good roads will aid them equally with the whites and hasten the day of their independence.

Unfortunately the Spokanes are practically destitute of tribal funds, although possessing timber resources of nearly 1,000,000,000 feet, this being so isolated at present that it can not be economically or profitably marketed until convenient railway transportation facilities and good wagon roads are provided, so that any sum set aside to assist in the building of this much-needed county project would have to come from the general reimbursable fund or else be specifically appropriated by Congress.

In comparison with many other tribes, the Spokanes have not fared well at the hands of the Government, though among the most deserving, and a good opportunity is here offered to do a double act of justice by adding worthy settlers who are struggling against adverse circumstances to develop a most promising section of this new country, at the same time assisting our willing but ignorant red wards in getting on their feet.

If $500 contributed in behalf of the Spokane Indians will assure the building of this road, it will be about the most profitable investment that could be made for them with that amount of money, which would be many times returned in future benefit. It would also go far toward removing a natural and almost excusable prejudice existing in the minds of many good western people against the Indian and his reservation as obstacles in the path of progress.

I have marked the course of the proposed road across the reservation on the map accompanying the office letter, and this, with the letter from Senator W. L. JONES and its inclosure is herewith returned.

Respectfully,

JOHN McA. WEBSTER,
Superintendent and S. D. A.

Mr. LANE. Mr. President, I wish to have a correction made in the RECORD.

On page 10854, in answer to the Senator from Florida [Mr. BRYAN], I stated that there were something like $300,000 in deficits which had been passed in the Indian appropriation bill of last year. In looking over the statement afterwards I came to the conclusion that there was but $100,000 of those deficits which had not been reported to the Committee on Indian Affairs, the other $200,000 having been reported to that committee, but not to the Senate, so I changed the figures to $100,000. The proof reader, however, read it "$700,000," which is entirely out of line with the facts. It was $100,000. There were about $200,000 of deficits, $100,000 of which was not reported either to the committee or to the Senate, and $200,000 of which, if I remember now, or thereabouts, had been reported to the committee but not to the Senate.

Mr. TOWNSEND. Mr. President, I desire to offer an amendment to the bill. On page 65, after the figures "$200,000" in line 21, I move to strike out all of the proviso down to and including the word "Interior," in line 10, page 66.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, beginning with the word "*Provided*," in line 21, it is proposed to strike out the remainder of line 21, all of lines 22, 23, and 24, on page 65, and all on page 66, down to and including line 10.

Mr. TOWNSEND. Mr. President, this is an amendment which involves, as I believe, a great principle in the management of Indian affairs. There probably is no bill which comes before the Senate which is given less attention and incites less interest generally on the part of Senators than the Indian appropriation bill. I regret that this is so. I believe this condition is due to the fact that the Indian has been regarded throughout the country as an incompetent person, in the way of the white

made large enough to take in nearly the whole State, or else involve the creation of eight separate reservations.

It is certainly impracticable to have eight separate reservations for 1,400 Indians, which, as I understand from the report, is the number of these Indians; and yet the bill anticipates that when these wells are developed in these eight separate settlements, then the lands surrounding them will be constituted into reservations. I say that means either eight separate reservations, if the Indians are widely scattered through that State, or it means one enormous reservation.

It seems to me that the Indian commissioner could more definitely advise Congress as to whether or not the present reservation is sufficiently large; and if not, how much larger it should be made. If the Indians require an additional reservation, he should point out the necessity for and the location of the proposed additional reservation. I do contend that it seems absolutely impracticable to attempt to establish eight separate reservations, as may be done under this provision, in the State of Arizona for the benefit of 1,400 Indians.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I do.

Mr. THOMAS. If the Senator will allow me for a moment to refer him to the CONGRESSIONAL RECORD of yesterday, he will ascertain just what is proposed by the Indian Bureau. The Senator from Michigan [Mr. TOWNSEND], in his remarks yesterday afternoon, read from page 204 of the House hearings, Mr. Meritt being the witness from whose testimony he quoted, as follows:

Senator TOWNSEND. As I understand it, this is a case where the Indians do not own the land. Where are you going to dig the well? The Papagos are living, as I understand, in little villages on land that does not belong to them.

Mr. MERITT. We have created Executive-order reservations in two cases, I believe, and set aside land for these Indians. They are living in villages and we expect to get an Executive-order reservation covering all the land where the work is now in progress.

In other words, the work is in progress in different places and these Executive-order reservations are going to keep up with the progressive sinking of these wells. Of course, as the Senator from Nevada well says, it is obvious that the obtaining of water for the sinking of these wells is going to be followed by the increase of the area of the reservation for these Indians. If the wells are going to be sunk at all, perhaps they should be sunk on the reservation now in existence, and the Indians ought to be made to stay there.

Mr. PITTMAN. And if the reservation is not large enough it should be enlarged.

Mr. THOMAS. The Senator from Arizona [Mr. SMITH] says that it is ample for the number of Indians constituting this tribe, and I have no doubt it is. I have heard no one say that it is too small.

Mr. PITTMAN. If it is a fact that these villages are widely separated——

Mr. THOMAS. The Senator from Arizona says he knows of no such villages; that the villages are mythical.

Mr. PITTMAN. I am assuming that there are eight villages. If they are widely separated, then, it follows that, if they are included in one reservation, it must be an enormous reservation; and if they are made into eight reservations, then it is not an economical management of Indian affairs. I think the whole matter is guesswork.

Mr. SHAFROTH. Mr. President, I want to ask the Senator from Arizona a question. If I recollect aright, in looking at the map of the State of Arizona about one-third of the area of that State is in Indian reservations.

Mr. SMITH of Arizona. One-half of it is in reservations of all kinds.

Mr. SHAFROTH. One-half of it is in reservations of all kinds. Now, how much of that half consists of Indian reservations?

Mr. SMITH of Arizona. I would not be able to answer that offhand. The records show very plainly. I should judge, though, that of the number of these great reservations probably nearly half of them are Indian reservations.

Mr. SHAFROTH. That is, one-quarter of the State of Arizona at the present time is in Indian reservations. Mr. President, I want to call attention to the fact that Congress, after having the experience of a number of years in regard to forest reserves in the United States, passed a law some 10 years ago prohibiting Executive-order forest reservations, and providing that no forest reserve could be established without the consent of Congress. Now, it seems to me that if we are going to allow Indian reservations to be made by Executive order, it is directly in conflict with the express policy of the Congress of the United States in respect to other reservations. It must be remembered that whenever these reservations are established they result in practically locking up the resources of the State. I am opposed to this provision of the bill.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS].

The amendment was agreed to.

The VICE PRESIDENT. The Secretary will now state the amendment heretofore submitted by the Senator from Washington [Mr. JONES].

Mr. STERLING. Mr. President, I rise to ask as to the stage of the proceedings upon the bill. Are we through with the consideration of the committee amendments?

The VICE PRESIDENT. The consideration of committee amendments is completed, except as to two small matters with reference to punctuation.

Mr. STERLING. Before taking up individual amendments, I wish to call attention to the committee amendment beginning with line 3, page 67, which went out the other day on a point of order, and I invite the attention of the junior Senator from Oklahoma [Mr. GORE] to this particular amendment. I desire to know if the point of order made at that time is now insisted upon? I have been assured that the point of order would be withdrawn.

The VICE PRESIDENT. The Chair will not permit a point of order to be withdrawn after it has been sustained. The Chair has some rights.

Mr. STERLING. As to the procedure, Mr. President, I did not have that in mind when I called the matter up. The Chair is, of course, correct.

The VICE PRESIDENT. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 90, after line 18, it is proposed to insert—

Mr. ASHURST. Mr. President, will the Senator from Washington yield to me for a moment?

Mr. JONES. Certainly.

Mr. ASHURST. There are one or two other committee amendments, or rather corrections, that the committee wishes to dispose of.

The first is that on page 6, line 17, the word "thirteen" should read "eleven," so that it will read "nineteen hundred and eleven," instead of "nineteen hundred and thirteen."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 it is proposed to strike out, on line 17, the first word in the line, the word "thirteen," and to insert in lieu thereof the word "eleven."

The amendment was agreed to.

Mr. ASHURST. When the amendment on page 11 was before the Committee of the Whole for consideration, in reply to a question propounded to me by the senior Senator from Utah [Mr. SMOOT], I stated that the unused balance for that fiscal year was $20,500.01, but I was in error. The unused balance is $40,755.62. I ask that the figures "$29,500.01" be stricken out and "$40,755.62" inserted in lieu thereof.

The VICE PRESIDENT. By unanimous consent, the vote whereby the amendment was agreed to will be reconsidered; the amendment will be amended by unanimous consent, as stated by the Senator from Arizona, and the amendment as amended will be agreed to.

Mr. ASHURST. The junior Senator from Utah [Mr. SUTHERLAND] propounded to me on yesterday an inquiry regarding the facts concerning the payment of tuition for Indian children enrolled in the public schools in Box Elder County, Utah. I desire to direct the attention of the Senator from Utah to the following provision on page 8 of the bill:

Provided further, That not more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

I have a letter on this subject from the Commissioner of Indian Affairs, which I ask to incorporate in the RECORD.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 23, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

MY DEAR SENATOR. I have an informal inquiry inviting my attention to the communication presented by Senator SUTHERLAND to the Senate Committee on Indian Affairs concerning payment of tuition for Indian children enrolled in the public schools of Box Elder County, Utah (page 13 of the report; part 1 of the hearings before the Committee on Indian Affairs, United States Senate, on the Indian appropriation bill).

For the fiscal year 1913 a contract was made with the trustees of the schools of Box Elder County, which provided for payment of tuition

of 16 Indian pupils at the rate of $10 per quarter per pupil, and during this year all claims presented under the contract were paid. This contract was not renewed for the fiscal year 1914, because of a decision of the Comptroller of the Treasury, dated October 22, 1913, under which the office was precluded from entering into contracts to pay tuition for Indian children enrolled in public schools where under State law they were entitled to attend free of charge. It is understood that the Indians resident in Utah are so entitled in accordance with the law of that State.

If the question presented be rightly understood, it applies to future contracts with the commissioners of Box Elder County and not to reimbursement for past services, inasmuch as the county was duly advised that it was impracticable to contract with it for the fiscal year 1914 and no contract was, in fact, made. Such future remuneration during the fiscal year 1914 to the public schools for education of Indian children may be authorized if the provision in the Indian appropriation bill in its latest form as reported by the Senate committee, page 8, becomes a law. This provision reads:

"*Provided further*, That no more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools."

Very truly, yours,
CATO SELLS,
Commissioner.

Mr. ASHURST. On page 78, line 10, I move to insert the matter which I send to the desk.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered. The amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 78, after the amendment already agreed to at that place, it is proposed to add the following:

Provided further, That the interest accruing from tribal funds and deposited in banks in the State of Oklahoma may be used as authorized by the act of March 3, 1911, under the direction of the Secretary of the Interior, to defray the expense of per capita payments authorized by Congress.

The VICE PRESIDENT. Is there any objection?

Mr. WILLIAMS. Mr. President, what is the request?

The VICE PRESIDENT. An amendment.

Mr. LANE. I object to it until I learn something about it.

Mr. WILLIAMS. Reserving the right to object, I wish to ask the Senator from Arizona what is the nature of the amendment. Does it affect the Mississippi Choctaws?

Mr. ASHURST. Not at all. I have received a letter from the department requesting the adoption of an amendment to the effect that the interest on tribal funds on deposit in the banks of Oklahoma may be used for the purpose of paying any per capita payments that the law may authorize. I will ask that the amendment may be restated.

Mr. WILLIAMS. That is all right. The Senator's statement is sufficient for me.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ASHURST. Just one more item and I will surrender the floor.

During the discussion of the item to which the Senate refused to agree, being the amendment regarding the Papago Indians, much was said that I feel was erroneous. Of course it was accidentally stated in that way. In order that the Senate and the country may have the departmental views at least I ask that pages 322, 323, 324, 325, and 326 of the House hearings may be incorporated in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Mr. MERITT. The next item reads as follows:

"For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,000."

We offer the following justification for the record:

STATISTICS, 8 PAPAGO VILLAGES.

Census, 1913		1,428
Present irrigable area, undetermined.		
Irrigated area	acres	873.7
Acres under completed project, depends upon water found.		
Acres cultivated by Indians		873.7
Acres cultivated by whites		None.
Value of irrigated land	per acre	$100
Expended to June 30, 1913		Nothing.
Estimate for fiscal year 1915		$35,000
Cost of completed project		$35,000

"The Indians of this territory have had little or no aid from the Government, and are a bright and energetic people, for Indians. Their principal source of revenue is that of stock raising, and this could be made a source of much greater revenue for them if it were not for the fact that the water supply for use of the stock is very limited and hard to obtain. Frequently the feed is ample in a locality, but water is at such a great distance that stock can not subsist. The estimate on this contemplates the sinking of wells, or the improvement of those already constructed, the installation of a pump and small distillate engine, the construction of excavated tanks for domestic and stock water, and the erection of a small structure over the pump and engine."

"There are eight villages which are much in need of these improvements. Others might in the future require the same. The villages included are:

Via-vian, or Cockleburr	200
Chiu-Chiuschu	200
Ko-Opke	200
Tabi-Mahmell	75
Komelih	106
Quajoll	100
Anegam	100
Santa Rosa	200
	400

"As stated before, these Indians have had practically no aid from the Government, and have been a peaceful and inoffensive tribe at all times, and are almost wholly self-supporting at present, but to bring them to a state where they would be really removed from danger of actual starvation there is nothing that can be done so cheaply to add to their income, but not in any sense pauperize them or render them any less industrious. It is the intention to have one thoroughly competent white man to travel from one village to another, to see that these pumping plants are kept in good operating condition.

"The cost of individual pumping plants is estimated as follows:

Sinking well 6 inches diameter, 200 feet, at $5	$1,000
Pump	800
Gas engine	400
Domestic water storage tank	500
Stock water storage tank	750
Structures, buildings for pump, engines, etc	500
Engineering and incidentals	500
Total	4,450

The CHAIRMAN. Your justification gives the names of these towns?

Mr. SCHANCK. Yes, sir.

The CHAIRMAN. And the location of each?

Mr. MERITT. The justification does not show the exact locations. Mr. Chairman, I would like Mr. Schanck to make a statement in regard to this appropriation for the Papago Indians. We are asking for three separate appropriations.

The CHAIRMAN. We would like to have Mr. Schanck's statement in the record.

Mr. SCHANCK. Probably it would be more clearly understood from this map than from a verbal description. The appropriation of $5,000 for the Papago Indians, the same being item No. 35, contemplates the sinking of wells and making other improvements to the water supply of the nomadic Papago villages, as found best by specialists in the field. In addition to this, large areas of the nomadic Papago country have been surveyed, and it has been found feasible to construct at eight villages wells and pumping plants to furnish water for stock, and perhaps in some instances for a small amount of irrigation where the villages have been established for a long time and where it is known that the Indians constantly make their homes. These villages are Via-Vian or Cockleburr, with a population of approximately 200; Chiu Chiuschu, with a population of approximately 200; Ko-opke, with a population of approximately 75; Tabi-Mahmell, with a population of approximately 100; Quajoll, with a population of approximately 100; Anegam, with a population of approximately 200; Santa Rosa, with a population of approximately 400.

Mr. CARTER. You have left out Komelih.

Mr. SCHANCK. Yes; Komelih, with a population of approximately 150.

The CHAIRMAN. How much land do these Indians own around each one of these villages?

Mr. SCHANCK. They own no land; they are on the public domain, except the Chiu Chiuschu village has a reservation.

The CHAIRMAN. How much do they own?

Mr. SCHANCK. It consists approximately of one township. The village of Ko-opke has a reservation around it of approximately 35,000 acres, and the village of Tabi Mahmell has a reservation consisting of 12 sections, I believe.

The CHAIRMAN. And none of the other towns have lands except on the public domain?

Mr. SCHANCK. No, sir; they have occupied and cultivated these lands around the villages as best they can.

The CHAIRMAN. How does the department protect them against white settlers?

Mr. SCHANCK. The department was preparing to protect them by allotting them from the public domain.

The CHAIRMAN. And nothing has been done in that direction?

Mr. SCHANCK. There has been farther east, but under the act of Congress passed last year no money is available for the allotment of lands on the public domain in Arizona and New Mexico. We expect to protect them by putting them in shape so they can cultivate their lands, and, of course, as long as they stay there and cultivate the lands, the present laws prohibit homestead entry or any form of entry upon lands they have been occupied by Indians. They do need more protection, but as yet I believe the Indian Service is hardly able to say in all instances what should be done. We need some of these other appropriations to conduct our investigations to make more definite recommendations as to the future.

The CHAIRMAN. So then, under the present laws, a white man can not go in there and take land that these Indians now occupy?

Mr. SCHANCK. Is not that the fact, Mr. Meritt?

The CHAIRMAN. If it can be shown that the Indians actually occupy the land, are they protected against white settlers?

Mr. MERITT. Mr. Chairman, there was incorporated in connection with the appropriation for allotment work in the last Indian appropriation act a proviso clause which prevented the Indian Bureau from making further allotments on the public domain in the States of New Mexico and Arizona.

The CHAIRMAN. Is that good legislation? Would it be good legislation to leave that out?

Mr. MERITT. I think it is absolutely just and fair to the Papago Indians, as well as to other Indians in those States, that this legislation in the Indian appropriation act this year be omitted. The language in that act that we would like to have omitted in this year's legislation reads as follows:

"*Provided*, That no part of said sum shall be used for the survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona."

That legislation has worked a hardship on these Indians.

106, 107, 108, 128, 129, 130, 131, 133, 134, 135, 138, 139, 140, 141, 145, 157, 162, 163, 164, 165, 166, 170, 171, 172, 173, 174, 175, 181, 184, 188, 199, 200, 201, 209, 210, 213, 214, and 235.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 31, 34, 38, 39, 40, 41, 42, 49, 51, 54, 55, 56, 57, 58, 59, 60, 61, 63, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 100, 102, 103, 109, 126, 132, 136, 142, 143, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 158, 159, 160, 161, 167, 178, 179, 180, 183, 185, 186, 187, 189, 190, 192, 193, 194, 196, 197, 198, 202, 203, 205, 206, 207, 208, 211, 216, 217, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, and 233, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$77,405"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "General Supply Committee: Superintendent of supplies, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for four months, at $75 each per month; in all, $15,850"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$32,520"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "janitor service for the Executive Mansion and Office Building, not to exceed $1,200"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 127, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,150"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$376,620"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: On page 76 of the bill, line 3, strike out the words "Toward the" and insert in lieu thereof the word "For"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,316,890"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 191, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That not to exceed $25,000 of this fund shall be used for the purposes above indicated"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 204, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$463,630"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

The committee of conference have been unable to agree on amendments numbered 1, 20, 28, 29, 30, 33, 43, 47, 48, 52, 76, 78, 79, 85, 101, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 168, 169, 176, 177, 195, 212, 218, 219, 220, and 234.

THOMAS S. MARTIN,
LEE S. OVERMAN,
F. E. WARREN,
Managers on the part of the Senate.

JOSEPH T. JOHNSON,
JOSEPH W. BYRNS,
JAMES W. GOOD,
Managers on the part of the House.

Mr. MARTIN of Virginia. I ask that the conference report may be adopted.

Mr. SHAFROTH. I should like to inquire of the Senator from Virginia as to whether or not the items concerning the assay offices in the West were disagreed to by the Senate conferees and if there has been a yielding to the House conferees on those items?

Mr. MARTIN of Virginia. There has been no yielding. Those items are in disagreement.

Mr. SHAFROTH. They are in disagreement?

Mr. MARTIN of Virginia. In disagreement.

The report was agreed to.

The VICE PRESIDENT. Does the Senator from Virginia move that the Senate further insist on its amendments still in disagreement and request a further conference?

Mr. MARTIN of Virginia. I understand the proper course is for the report to go to the House, and let the request for a further conference come from the House before such a motion is made.

Mr. WARREN. If the Senator from Virginia will permit me, unless there is some request from the House, the usual course is for the Senate to further insist upon its disagreement, request a further conference, and appoint conferees.

Mr. MARTIN of Virginia. I think either course is permissible, and on the suggestion of the Senator I will make the motion. I move that the Senate further insist upon its amendments still in disagreement, request a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees at further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that the Senate proceed to the consideration of House bill 12579, the unfinished business.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The VICE PRESIDENT. The pending question is on the amendment of the Senator from Colorado [Mr. THOMAS], to strike out lines 6, 7, 8, 9, and 10, on page 23, which will be read.

The SECRETARY. The matter proposed to be stricken out by the Senator from Colorado [Mr. THOMAS] reads as follows:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $20,000.

Mr. SMITH of Arizona. Mr. President, that is the amendment on which I addressed the Senate for a few minutes last evening. From the statement made that there are other reservations for the Indians in that county, I concur most heartily in the motion of the Senator from Colorado. I hope the Senate will strike that provision from the bill. I do not think there is any necessity for it. It is purely experimental and doubtful in its wisdom, to say the best of it. I am perfectly familiar not only with the Indians to whom this section applies, but equally so with the country over which they roam. When there is already an enormous Papago reservation within that county, the establishment of others is detrimental, in my judgment, not only to the Indians, but to the white people as well and to the prosperity of that part of the State.

I hope the Senate will strike this provision from the bill.

Mr. TOWNSEND. Mr. President, in view of what the Senator from Arizona [Mr. SMITH] has stated and what was said last evening, I feel as though I ought to make a further statement in reference to this matter.

I, of course, am not personally familiar with the conditions in Arizona and am obliged to rely upon the information which has come to me. I have been informed this morning by a Senator who ought to know that there is no large reservation for these Papago Indians in any part of Arizona; that there is a small executive reservation, and upon that most of these wells are proposed to be dug. In fact, I am informed that those Indians built dwellings there, monuments were erected where they are now located before the city of Tucson was located; that they had been in possession of this land from the time Arizona was recognized as a Territory and even when it was a part of Mexico. The Papago Indians were in this territory first.

I am making this statement, Mr. President, because I wish to give the reasons which actuated me in supporting this measure. My understanding is that these wells are to be dug in order to accommodate the Indians who have never received anything at the hands of the Government, but whom the Government recognizes as being entitled to some consideration; that with the digging of these wells, the furnishing of a limited supply of water which will answer their needs, it shall be made possible for the Indians to live in a civilized manner. It was with this understanding, and before the Senator on yesterday stated on the floor that there was an effort to coerce these Indians into going where they did not wish to go and to locate them on territory other than what they had theretofore occupied, that I supported this proposition.

If it be true that the committee has not been properly informed, if the facts which have been submitted to us are unreliable, it is very difficult for me to know where we are going for our facts. I am not doubting the word of the Senator from Arizona; I have known him too long for that; but I had assumed that it was my duty as a member of the Committee on Indian Affairs to legislate on affairs pertaining to Indians, and that legislation was not to be left to the individual Senators in the various States where these Indians are located. I know that we ought to have their judgment and their information; they are deeply interested, not always alone for the Indians, but for their people as well; and we, acting on these committees and as Members of Congress, are called upon to settle these questions in the interest of a trust which we owe to the Indians.

I have made this statement, Mr. President, because I thought it was due that it should go into the RECORD, for I am very confident that this matter, with others, is going to be investigated and that we are going to ascertain whether we are being deceived by the officers of the Government, whose duty it is to supply information and to give us the facts under their charge, and whether that information is absolutely unreliable.

Mr. THOMAS obtained the floor.

Mr. SMITH of Arizona. Will the Senator from Colorado yield to me just for a second?

Mr. THOMAS. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. Mr. President, I understand that the eight Papago villages referred to in the objectionable paragraph are off the reservation. If they are on the reservation, I would say to the Senator that the provision is all the more objectionable, for the reason I stated on yesterday; that is, if they put these wells on the reservation they have got to go up and tap a water supply, on the underflow of which the city itself exists.

Mr. TOWNSEND. Does the Senator from Arizona refer to Tucson?

Mr. SMITH of Arizona. I refer to Tucson.

Mr. TOWNSEND. May I ask the Senator if it is correct, as I stated a moment ago, that these Indians were located on this particular ground even before Tucson was established, old as that city is?

Mr. SMITH of Arizona. We do not know, because the first man who was able to write the history of that country found both there.

Mr. TOWNSEND. What prior right had Tucson to the water? According to the Senator's own statement, it would necessarily be a limited amount that these Indians could use. Why should they be denied that right?

Mr. SMITH of Arizona. The Indians are not denied the right. We had appropriated the water years before, and the Indians had made no appropriation, nor had the Government done so for them. We are not using the surplus waters; we have gone down to immense depths; we have dug great ditches across a wide valley; we have sunk deep wells and run them by electrical power in order to get water, going above, where the Indians had never dreamed nor the Indian Department had never dreamed that water could be obtained. The city has obtained it at an enormous expense. Now, to say that they can go and sink at their pleasure wells of exactly the same or of a similar kind and cut the underflow, which is as well measured as is the upper flow of the river, and take it away without any investigation at all, is unjust and the Senator must see the injustice of it, without further investigation, under every light in which we can look at it.

I again express my sympathy for these Indians, much more intensely than the Senator can feel, for I see them every day when I am at home; we all feel the same way about them; but we are legislating here or attempting to legislate on a mere conjecture as to whether this will or will not affect the underflow without any investigation whatever. In any event, it is a matter which ought to be investigated, and I will aid the Senator in any effort to see that hereafter, when statements come from any department of this Government purporting to set forth facts, that they shall know that they are facts, so that we can rely with some sort of confidence on their statements.

Mr. THOMAS. Mr. President, I have no doubt that the Indian Bureau has conscientiously and truthfully endeavored to give to the committee all needed information or at least all information in their possession concerning this and kindred items of appropriation. Of course, no man who knows the Senator from Michigan [Mr. TOWNSEND] will doubt for a moment that, in recommending this appropriation, he has done so because he has felt it his duty to do so in view of the information which he has received; but my objection to the paragraph under consideration is fundamental and goes beyond any question of expediency as it may concern this particular tribe of Indians.

The situation, as I understand, may be summarized in this way: The Papago Indians own a reservation in southern Arizona, and as wards of the Nation they are provided for or should be provided for as residents upon that reservation. They are in the habit of leaving the boundaries of their reservation and wandering over other portions of the country, stopping for a while in one place and then in another, but anchoring themselves nowhere in particular. Of course that is of itself a violation of the law. They have no business off their reservation, except as they may be permitted to go under departmental regulations. This appropriation is designed not only to legalize their excursions from the boundaries of their reservation, but to encourage them and to make their absence from it permanent.

Not only so, but it is proposed, according to the testimony of Mr. Meritt, that these eight wells shall be sunk for the benefit of these Indians at any point in southern Arizona which the department may determine to be desirable; and in the event that a successful supply of water is obtained, then by Executive order a new reservation, or a number of new reservations, are to be created for their benefit. I want to protest as emphatically as I know how against the exercise of such a policy either in this particular instance or at all. It is wrong not only to the Indians themselves, not only to the taxpayers of the country, but to the settlers upon the public lands in the State of Arizona. If there is any place outside of the Papago Reservation where water can be secured, it ought to be secured for the white settler who is looking for and generally disappointed in the search for land which is still a part of the public domain upon which he can make his location.

Now, let us trace this thing to its ultimate consequences. The Papago Indians, as I have said, have a reservation. They ought to stay upon that reservation and be supported so long as they do stay upon it; but they are leaving the reservation. The Government is going to sink eight wells for them in as many places; and assuming, now, that the sinking of each well results in the obtaining of a supply of water and that they are at considerable distances from each other, then it is proposed that the President by Executive order shall create a new reservation at each one of these places for these Indians, and thus enlarge the area of land excluded from settlement under the homestead and other laws of the United States designed for the benefit of the white man. It simply means the further contraction of the public domain in the State of Arizona, already contracted because of the creation of so many of these reservations beyond all reasonable limitations.

I assume that there is plenty of land and to spare in the reservation which has already been set apart for these Indians. I assume that if they do not stay upon that reservation they ought to be compelled to do so, and if compulsion proves unsuccessful, then the Government ought to withhold all supplies from them until they become tractable and submit to the powers that are above them.

I predict, Mr. President, that if this precedent is once established it will simply be used for similar practices in other States, to say nothing of Arizona itself. The principle is wrong; the consequences of it are likely to be pernicious; and instead of benefiting the Indian, it is going to prove a serious injury to the State of Arizona. I hope this paragraph will be stricken out.

Mr. PITTMAN. Mr. President, I am a member of the Committee on Indian Affairs, and voted for this provision in the committee at the time it was acted upon; but I believe now that I voted through a misapprehension of the facts. I was under the impression that this appropriation was to develop water on the reservation; but I understand now it is possible that these wells may be dug at eight different places; and if the reservation is made to include them all, it may have to be

By Mr. DUNN: Petitions of sundry citizens of Charlotte, Rochester, and Monroe County, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Memorial of the New York Psycalatrical Society, favoring House bill 16637, relative to work in mental hygiene; to the Committee on Interstate and Foreign Commerce.

By Mr. GOLDFOGLE: Petition of Morris Goldberg and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAY: Petition of the Whitewater Quarterly Meeting of Friends, of Richmond, Ind., favoring constitutional amendment for prohibition; to the Committee on Rules.

Also, petition of sundry citizens of St. Paul, Wayne County, and Shelby County, all in the State of Indiana, protesting against an amendment to the Federal Constitution for national prohibition; to the Committee on Rules.

By Mr. HAMILTON of New York: Petition of sundry citizens of Findley Lake, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HAYES: Petition of sundry citizens of the State of California, favoring the passage of House bill 13305, the standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Presbyterian Sunday School of Monterey, the First Baptist Church and Church Federation of Palo Alto, and the Methodist Episcopal Church of San Lucas, all in the State of California, for censorship of motion pictures by the Government; to the Committee on Education.

By Mr. HULLINGS: Petition of 94 citizens of Kellettville, Forest County, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of 19 voters of Forest County and 118 voters of Ridgway, Elk County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 17372, for the relief of William H. Phillips; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: Petitions of the United Brethren Sunday School and the Oak Grove Union Sunday School, all of Pine Grove, and the Church of God, Suedberg, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of sundry citizens of Sun Prairie, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petitions of Fritz Klenk and other citizens of Long Island City, N. Y., and sundry citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

Also, petition of 150 citizens of Richmond Hill, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. SAMUEL W. SMITH: Petition of various voters of Gregory, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Papers to accompany House bill 17377, for the relief of Lawrence M. Larson; to the Committee on Claims.

By Mr. TOWNER: Petitions of the First Church of Christ, Bedford, Iowa, representing 300 people; the Methodist Episcopal Sunday School, Bedford, Iowa, representing 200 people; the First Baptist Church, Bedford, Iowa, representing 600 people; the First Presbyterian Church, Bedford, Iowa, representing 325 people, favoring the enactment of a national constitutional prohibition amendment; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *June 23, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in the midst of the ample provision Thou hast made for our lives, surrounded by tokens of Thy continued providence. Thou hast given to us ample and abundant harvests. Thou dost give to us the blessing of internal peace. Thou dost inspire us with the highest national ideals. Thou thus hast been calling upon us, appealing to the best within us to lead us upward and onward to the attainment of God's great purpose in us and in our Nation. We thank Thee for the unsullied flag, for what it means, for what it leads to, for what it tokens for the future. Grant us the courage and the character to keep it unsullied and to maintain inviolate the trust that Thou hast committed to our hands. Hear us; guide us this day in the discharge of every duty; give to us a consciousness of fellowship with God. We ask for Jesus' sake. Amen.

The Journal of yesterday's proceedings was read and approved.

LAND AT FORT WASHINGTON, MD.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, calling attention to an item in the sundry civil appropriation act of June 23, 1913, for the purchase of swamp lands, Fort Washington, Md., $350, and owing to delay in acquiring title to the land requests that this amount be reappropriated, which was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Evangelical Lutheran Augustan Synod of North America, in convention assembled at Sycamore, Ill., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Macomb and Meridosia, in the State of Illinois; of Indianapolis, Ind.; of Burlington, Iowa; of Youngstown, Ohio; of Eden Prairie, Minn.; and of Brownsville, Oreg., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented a resolution adopted by Local Branch No. 52, United National Association of Post Office Clerks, of Lincoln, Nebr., favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of the Congregational Ministers' Union, of Chicago, Ill., remonstrating against the passage of the pending immigration bill until a careful study has been made of the oriental and immigration problem, which was ordered to lie on the table.

Mr. WORKS presented a petition of the congregation of the North Pasadena Methodist Church, of Pasadena, Cal., and a telegram in the nature of a petition from the official board and congregation of the Methodist Church, of San Luis Obispo, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Pasadena, Cal., remonstrating against the enactment of legislation to compel the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a resolution adopted by the Association of Congregational Churches and Ministers, of Somerset County, Me., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Parsons, Dennis, Iola, Dighton, and Sabetha, all in the State of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SMITH of Maryland presented petitions of sundry citizens of Tilghman, Bozman, Oxford, Easton, Queenstown, and Stevensville, all in the State of Maryland, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of W. H. Bender, Ray Vaughn, John G. Sanestez, and 36 other citizens of Fort Wayne, and of Peter Hofmann, Edwin Hofmann, Louis Probst, and 28 other citizens of Dearborn and Madison Counties, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Men's Bible Class of the Presbyterian Church of Michigan City, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Braintree, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

FEDERAL BUILDING, HONOLULU, HAWAII.

Mr. WARREN. From the Committee on Public Buildings and Grounds I report back, with amendments, the bill (S. 5285) to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes, and I submit a report (No. 698) thereon. I venture to ask for the immediate consideration of the bill. It costs no money, it is a short measure, and relieves a situation.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments were, on page 1, line 6, before the word "May," to insert "May 30, 1908 (35 Stats., p. 490)"; on page 2, line 14, after the word "title," to insert "or to their successors in interest"; on the same page, line 17, after the word "owners," to insert "or by their successors in interest"; on the same page, line 20, after the word "site," to insert "or to their successors in interest"; on the same page, line 25, after the word "site," to insert "or such enlargement of the present site"; on page 3, line 1, after the word "building," to strike out the word "thereon" and the proviso thereto and insert "heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site and of said building, shall not exceed the total of the limits of the cost heretofore fixed, to wit, $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site or the enlargement of said present site, and the construction of said building upon either the new or the present site," so as to make the bill read:

Be it enacted, etc., That the acts of June 30, 1906 (34 Stats., p. 782); June 30, 1906 (34 Stats., p. 794); May 30, 1908 (35 Stats., p. 490); May 29, 1908 (35 Stats., p. 541); March 4, 1909 (35 Stats., p. 950); June 25, 1910 (36 Stats., p. 636); March 4, 1911 (36 Stats., p. 1375); March 4, 1913 (37 Stats., p. 866); and October 22, 1913, providing for the acquisition of a site, the enlargement thereof, and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, be, and the same are hereby, amended so as to authorize the Secretary of the Treasury, in his discretion, in lieu of enlarging the site heretofore acquired for said building, to reconvey said site by the usual quitclaim deed to the person or persons from whom the United States acquired title, or to their successors in interest, upon the payment to the United States of the price the Government paid for said property, and conditioned upon the payment being first made by said previous owners, or by their successors in interest, of the sum of $55,000 to the person or persons who contributed said sum for the opening and dedication of Bishop Street, adjoining said site, or to their successors in interest; and the Secretary of the Treasury, in his discretion, is hereby authorized to acquire, by purchase, condemnation, or otherwise, a new and conveniently located site of ample area for said authorized building, and to enter into contract, within the limit of cost hereinafter fixed, for the acquisition of such new site, or such enlargement of the present site, and for the erection and completion of the building heretofore authorized: *Provided*, That the cost of the present site, including the enlargement thereof, or of such new site, and of said building shall not exceed the total of the limits of cost heretofore fixed, to wit, $1,325,000: *Provided further*, That all appropriations heretofore made toward the acquisition of the present site and the enlargement thereof and the construction of said building, together with the proceeds of such sale of the present site, are hereby made available toward the acquisition of such new site, or the enlargement of said present site, and the construction of said building upon either the new or the present site.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EX-SOLDIERS AS FOURTH-CLASS POSTMASTERS.

Mr. SMITH of Georgia. From the Committee on Post Offices and Post Roads I report back favorably with an amendment the bill (S. 5861) to amend the postal and civil-service laws, and for other purposes, and I submit a report (No. 697) thereon. It is a bill that covers eight lines, and is intended to permit ex-soldiers to take the examinations for fourth-class postmasters without regard to the age limitation. Many of the examinations will take place next month; and I wish to ask for the immediate consideration of the bill. It was unanimously approved by the Committee on Post Offices and Post Roads.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Post Offices and Post Roads was to strike out all after the enacting clause and to insert:

That all persons with honorable record in the military or naval service in the Civil War, either in the Federal or Confederate Army, or in the Spanish-American War, shall be exempt from any age limitation in the selection of fourth-class postmasters, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WORKS:

A bill (S. 5965) granting an increase of pension to King R. Olmstead (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW (by request):

A bill (S. 5966) to provide for the sale of public lands in western Nebraska and Kansas and eastern Colorado in certain cases, and for other purposes; to the Committee on Public Lands.

By Mr. JAMES (by request):

A bill (S. 5967) amending sections 476, 477, and 440 of the Revised Statutes of the United States; to the Committee on Patents.

By Mr. ROBINSON:

A bill (S. 5968) for the relief of John N. Thompson; to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 5969) for the relief of James Gloster; and

A bill (S. 5970) for the relief of Isaac Bethurum; to the Committee on Military Affairs.

By Mr. NORRIS:

A bill (S. 5971) for the relief of Forrest V. Painter; to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing that so much of the appropriation for the surveying of public lands not to exceed $25,000 be made available to bring up the arrears of office work on returns of surveys in the various surveyors general's offices, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

EXTENSION OF CAPITOL GROUNDS.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 164) for the appointment of a commission to acquire by purchase or condemnation certain land for the extension of the Capitol Grounds, and providing for the payment therefor, which was referred to the Committee on the District of Columbia and ordered to be printed.

GUARANTY OF BANK DEPOSITS (S. DOC. NO. 522).

Mr. HITCHCOCK. I ask unanimous consent to have printed as a Senate document a history of guaranty of bank deposits in certain States, prepared by George H. Shibley for the Senate Committee on Banking and Currency. I will say that this document also includes a statement of the court construction of various States.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the matter will be printed as a Senate document.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. MARTIN of Virginia submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 25, 32, 35, 36, 44, 45, 46, 50, 62, 64, 66, 67, 68, 69, 97, 99, 104, 105,

men or men who have been there any length of time. They come in and go out because the caliber of men at these prisons are offered something better on the outside. I believe the men are entitled to this increase. They have not had a penny increase in salary since 1897. They have asked for this and the warden has recommended it. It is a mere bagatelle, as far as the appropriation is concerned, and guards that are now in the Federal penitentiary are men from all over the United States. They are not all my constituents; they are from practically every State in the Union. I ask that these men be given this little increase, which will satisfy them, and I hope the gentleman from New York will not make the point of order, because the men deserve the increased salary.

Mr. MANN. How many are there at Atlanta?

Mr. HOWARD. I think 56, in all.

Mr. MANN. The bill says $70 a month and the appropriation is $52,080.

Mr. HOWARD. That is at Fort Leavenworth. My recollection is that there are 56 at Atlanta, but I may be mistaken.

Mr. FITZGERALD. Mr. Chairman, there has recently been appointed a gentleman in charge of the Federal prison service, who has some recommendations that the salary of some of the guards of these penitentiaries be increased. The committee hopes at the next session to make some readjustment that I think will satisfy everybody. We can not deal easily with it now, but I hope at the next session we can readjust the matter.

Mr. HOWARD. If the gentleman will remember, I spoke to him once about a graduated scale, based on the length of service, which would amount to about $85 a month, on an average.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For support of the National Training School for Boys, District of Columbia: Superintendent, $2,500; assistant superintendent, $1,500; teachers and assistant teachers, $9,120; chief clerk, $1,000; storekeeper and steward, 900; matron of school, $600; parole officer, $900; office clerk, $720; assistant office clerk, $480; six matrons of families, at $240 each; foremen of, and skilled helpers in industries, $3,800; farmer, $600; assistant farmer, $420; teamster, $360; florist and engineer, at $540 each; shoemaker, $540; baker, $600; tailor, $600; cook, $480; assistant engineer, $420; laundress, $360; dining-room attendant, boys', $360; dining-room attendant, officers', $240; house-maid, $240; seamstress, $240; assistant cook, $300; nurse, $600; watchmen, not to exceed eight in number, $3,360; secretary and treasurer, $900; in all, $34,276.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I would like to know of the chairman of the committee what is the National Training School for Boys?

Mr. FITZGERALD. It is a Federal institution out on the Bladensburg Road, where young boys are committed.

Mr. MURDOCK. Is it what is ordinarily known as a reformatory?

Mr. FITZGERALD. It is a reformatory. It has been in existence 30 or 40 years.

The Clerk read as follows:

On and after June 30, 1914, the per capita cost of persons committed from the District of Columbia and maintained in the National Training School for Boys shall be fixed at a rate not less than $4.50 per week for each person.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. GRAHAM of Pennsylvania. I object.

Mr. FITZGERALD. I want to call the attention of the gentleman from Pennsylvania to the fact that there will be several conference reports to be taken up to-morrow.

Mr. STAFFORD. Will there not have to be a quorum present, when these conference reports are considered?

Mr. FITZGERALD. There will have to be.

Mr. STAFFORD. Then, I think we will only waste time by coming in at 11 o'clock.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 40 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Tuesday, June 23, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions filed in the case of the Hobson Methodist Church, of Davidson County, Tenn., v. The United States (H. Doc. No. 1057); to the Committee on War Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings filed by the court and conclusion in the case of Kate P. McWaters, Margaret McWaters Bell, James H. McWaters, B. P. McWaters, and Moses McWaters, heirs of Moses McWaters, deceased, v. The United States (H. Doc. No. 1058); to the Committee on War Claims and ordered to be printed.

3. A letter from the Secretary of War, transmitting a letter from the Acting Chief of Ordnance, United States Army, explaining the necessity for legislation to perfect the title of certain lands at Springfield Armory, and suggesting form of bill for this purpose (H. Doc. No. 1059); to the Committee on Military Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WEBB, from the Committee on the Judiciary, to which was referred the bill (H. R. 17147) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 861), which said bill and report were referred to the House Calendar.

Mr. LONERGAN, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 16942) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Vineland, N. J., reported the same without amendment, accompanied by a report (No. 863), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWARD, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 246) to authorize the Secretary of War to grant a revocable license for the use of lands adjoining the national cemetery near Nashville, Tenn., for public-road purposes, reported the same without amendment, accompanied by a report (No. 876), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 17102) for the relief of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio, reported the same without amendment, accompanied by a report (No. 864), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16370) for the relief of the Richmond, Fredericksburg & Potomac and Richmond & Petersburg Railroad Connection Co., reported the same without amendment, accompanied by a report (No. 865), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17085) for the relief of the Montgomery & Erie Railway Co., reported the same without amendment, accompanied by a report (No. 866), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 12049) for the relief of William S. Colvin, reported the same without amendment, accompanied by a report (No. 867), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16305) to reimburse Henry Weaver, postmaster at Delmar, Ala., for money and stamps stolen from said post office at Delmar and repaid by him to the Post Office Department, reported the same without amendment, accompanied by a report (No. 868), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14356) to reimburse the postmaster at Tegg, Pa., for money and stamps taken by burglars, reported the same without amendment, accompanied by a report (No. 869), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 12639) to give the Court of Claims jurisdiction to hear and adjudge the claims of the estate of John Frazer, deceased, and of the estate of Zephaniah Kingsley, deceased, reported the same without amendment, accompanied by a report (No. 870), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17028) for the relief of W. W. Taylor, reported the same without amendment, accompanied by a report (No. 871), which said bill and report were referred to the Private Calendar.

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 17086) for the relief of the Goshen & Deckertown Railway Co., reported the same without amendment, accompanied by a report (No. 872), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17074) for the relief of the Paterson & Hudson River Railroad Co., reported the same without amendment, accompanied by a report (No. 873), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 14088) for the relief of Preston B. C. Lucas, reported the same without amendment, accompanied by a report (No. 874), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 7287) for the relief of Edward A. Thompson, reported the same with amendment, accompanied by a report (No. 875), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GOEKE: A bill (H. R. 17421) to amend an act entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers, engaged in interstate commerce, to equip their locomotives with safe and serviceable boilers and appurtenances thereto," approved February 17, 1911; to the Committee on Interstate and Foreign Commerce.

By Mr. WEBB: A bill (H. R. 17422) to amend section 1023 of the Revised Statutes of the United States; to the Committee on the Judiciary.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17423) to enlarge and extend the post-office building at Williamsport, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. STONE: A bill (H. R. 17440) providing for the construction of a bridge across the Illinois & Mississippi Canal, in the State of Illinois; to the Committee on Military Affairs.

By Mr. BURNETT: Joint resolution (H. J. Res. 281) authorizing the President to appoint delegates to attend the Eighth International Congress of the World's Purity Federation, to be held in the city of San Francisco, Cal., July 18 to 24, 1915; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT: A bill (H. R. 17424) for the relief of Hunton Allen; to the Committee on Claims.

By Mr. BORCHERS: A bill (H. R. 17425) granting an increase of pension to Silas P. Rainey; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 17426) granting an increase of pension to Annie Smith; to the Committee on Invalid Pensions.

By Mr. DRISCOLL: A bill (H. R. 17427) for the relief of C. E. Lockwood; to the Committee on Military Affairs.

By Mr. HELVERING: A bill (H. R. 17428) granting an increase of pension to Sophia Frahm; to the Committee on Invalid Pensions.

By Mr. IGOE: A bill (H. R. 17429) granting an increase of pension to Frederick Brinkman; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17430) granting a pension to Daniel Shaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17431) granting an increase of pension to Eliza A. McCormick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17432) granting an increase of pension to Earl H. Wilson; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 17433) for the relief of Amelia R. Dawson; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 17434) granting an increase of pension to Alfred A. Hayden; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 17435) granting a pension to James M. Neighbors; to the Committee on Pensions.

Also, a bill (H. R. 17436) granting a pension to George W. Pierce, alias George W. Comer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17437) granting an increase of pension to Julia C. Barstow; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17438) granting an increase of pension to Georgia Ann Taylor; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 17439) granting an increase of pension to John N. Cook; to the Committee on Invalid Pensions.

By Mr. ROTHERMEL: A joint resolution (H. J. Res. 280) for the relief of the Dorenus Machine Co.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Building Trades Department, American Federation of Labor, favoring passage of House bill 8583, relative to protection of workers on buildings in the District of Columbia; to the Committee on the District of Columbia.

By Mr. BAILEY (by request): Petitions of 520 citizens of Tyrone, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the American National Retail Jewelers' Association, favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of J. M. Murray and others, of The Bronx, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. CALDER: Petitions of sundry citizens and the Bedford and Park Avenue Board of Trade, of Brooklyn, N. Y., relative to chance for Dr. F. A. Cook to present proof that he was first discoverer of North Pole; to the Committee on Naval Affairs.

By Mr. CONNELLY of Kansas: Petitions of 164 citizens of Prairie View, 19 citizens of Russell County, 163 citizens of Natoma, and 50 citizens of Barnard, all in the State of Kansas, for national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens in six counties of the sixth congressional district of Kansas against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Building Trades Department, American Federation of Labor, favoring the passage of House bill 8583, relative to protection of life and limb of workmen on erection of buildings in the District of Columbia; to the Committee on the District of Columbia.

Mr. FITZGERALD. Does not the gentleman know what that means?

Mr. GOOD. I understand this, that if there was a conspiracy, or if members of a labor union entered into a conspiracy, they could be prosecuted through the expenditure of funds supplied in other sections of this bill. But if it were never intended to enforce the Sherman antitrust law against labor organizations, why put in the provision "not in itself unlawful"?

Mr. FITZGERALD. I think the gentleman has indicated what this means. This provision was not prepared by me. It was put in this bill in the House by a very large majority. The House, by a vote of 5 to 1, passed this bill over the veto of President Taft. Everybody understood what was meant. I think the gentleman from Iowa himself voted to pass the bill over President Taft's veto.

Now, the purpose of the language in this bill is not to exempt anybody from prosecution who violates the law, but it is to reserve this particular appropriation for use in prosecuting industrial combinations that are violating the law. It was given to the administration for that purpose, and it ought not to be diverted. It is not only a right of Congress but it is the duty of Congress to limit and restrict in its discretion and judgment the use of appropriations made for various purposes.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield at that point?

Mr. FITZGERALD. Yes.

Mr. MURDOCK. The gentleman from New York will remember that in previous Congresses the discussion on this provision has raged for hours, and largely around those words "not in itself unlawful." Now, I would like to ask the gentleman this question: Is this provision, punctuation and all, the exact provision we passed on previously, which was carried in the sundry civil bill, and which President Taft vetoed?

Mr. FITZGERALD. It is the identical provision.

Mr. MURDOCK. The gentleman from Pennsylvania [Mr. GRAHAM] indicated in his remarks that the words "not in itself unlawful" might relate to the word "combination" in a preceding phrase. The discussions have always brought out the fact that the words "not in itself unlawful" relate to the phrase "or for any act done in furtherance thereof." Is that the understanding of the gentleman?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman permit me just a word?

Mr. FITZGERALD. In a moment.

Mr. GRAHAM of Pennsylvania. My only purpose is to correct a misquotation of what I said.

Mr. MURDOCK. The gentleman from Pennsylvania says that the gentleman from New York is mistaken in understanding what he said.

Mr. FITZGERALD. There are certain laws under which illegal acts done by members of labor organizations could be prosecuted. The attempt has been to bring them within the purview of the Sherman antitrust law under the charge of a conspiracy. A man might do an act which in itself would be perfectly lawful, but which if done by a number of individuals in concert, as a part of a plan or scheme, might be construed to be a conspiracy; and it is for the purpose of preventing the labor organizations from being prosecuted for violations of the Sherman antitrust law by persons employed out of this appropriation that this language was put in.

I have already said that the charge was made that a labor organization in the city of New York, because it had solicited the public officials of the city of New York not to purchase school books published by a certain publishing company, was violating the Sherman antitrust law. An investigation was conducted by the district attorney for the southern district of New York, and the representative of the Attorney General's office stated, when the investigation was started, that specific directions were issued to him that no person employed under this appropriation should be utilized in that investigation. But there are large forces and large sums available to prosecute any violator of the law.

Now, I have read the debate in the Senate when this Sherman antitrust law was under consideration. A number of others have read it, and men seem to draw the conclusion from it that they desire should be the accepted conclusion. But I recall one distinguished Senator made the statement that the Supreme Court could never hold that the Knights of Labor, which was then the great labor organization, would come within the purview of this act.

I think it was Senator Hoar, of Massachusetts, who remarked that he was not sure about such a conclusion; that it was very difficult to predict what the Supreme Court would decide upon any question, and he wished to have no misunderstanding as to what the act meant.

That law was amended in a number of respects, was recommitted to the committee, rewritten, and then brought out and passed. Quite a number of men who were at that time in the Senate and participated in the discussion were under the impression that as finally framed it did not contemplate that labor organizations should be within its provisions. At any rate, the history of this particular appropriation is that it was aimed at and intended to be employed against the industrial combinations that were violating the Sherman antitrust law. There was no complaint that they had not prosecuted labor organizations, but this provision was put in to prevent this force being diverted from the work that Congress specifically intended.

Mr. MURDOCK. The gentleman will remember that in those debates specific mention was made of the farmers' organization known as the Farmers' Alliance.

Mr. FITZGERALD. Yes; the Knights of Labor and the Farmers' Alliance.

Mr. MURDOCK. I wish the gentleman would yield to allow me to say that I misquoted the gentleman from Pennsylvania in regard to those qualifications. He did not s. what I thought he did. I wish to make that statement in justice to him.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

Mr. FITZGERALD. I hope all the amendments of the gentleman from Pennsylvania [Mr. MOORE] will be voted down, as they should be.

Mr. MURDOCK. Let us have them reported.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:

Page 115, beginning with line 16, strike out the following:

"*Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

The CHAIRMAN. The question is on the motion to strike out the provisos which have just been read.

Mr. FITZGERALD. I ask for a division.

The committee divided; and there were—ayes 6, noes 103.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:

Page 115, line 19, after the word "view," insert the following: "The increase of manufactures for domestic consumption, the lowering of the price thereof, or the development of export trade."

The CHAIRMAN. The question is on the amendment.

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 91.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:

Page 115, line 19, after the word "view," insert "the protection of life or property, the promotion of trade or employment."

Mr. JOHNSON of Kentucky. Division!

The committee divided; and there were—ayes 4, noes 93.

Accordingly the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. MOORE:

Page 115, line 19, after the word "view," insert "the welfare of labor, organized and unorganized."

Mr. JOHNSON of Kentucky. Division, Mr. Chairman.

The committee divided; and there were—ayes 4, noes 91.

Accordingly the amendment was rejected.

The Clerk read as follows:

From and after July 1, 1914, it shall be the duty of the United States marshals to pay, under regulations prescribed by the Attorney General, the salaries of all judges of the United States courts, United States district attorneys, their regular assistants, clerks, and messengers, and United States marshals and their deputies.

Mr. MANN. I reserve a point of order on that paragraph. What is the change in the law, where it provides for payment by the marshals?

Mr. FITZGERALD. I was going to suggest that if the point of order was withdrawn I wanted to offer an amendment which is necessary to perfect the paragraph—that is, so the bond will

not be affected. Some of the disbursements are now made from the Attorney General's office and some made by the marshals.

Mr. MANN. That would require the marshals to give a larger bond.

Mr. FITZGERALD. Not necessarily a larger bond, but it would require them to give a bond that would cover this matter.

Mr. MANN. The marshals become the disbursing officers?

Mr. FITZGERALD. They are now to a certain extent.

Mr. MANN. Who pays the judges now?

Mr. FITZGERALD. The department.

Mr. MANN. In what way do they send the money to the marshals for the marshals to pay the judges?

Mr. FITZGERALD. The judges are scattered all over the country and checks are sent all over the country.

Mr. MANN. They now mail the checks to the judges, I assume.

Mr. FITZGERALD. That is my understanding.

Mr. MANN. Does the department say that this will simplify the keeping of books in any way?

Mr. FITZGERALD. The department recommends it very strongly. They say it would save the services of at least one clerk in the Department of Justice, and they think it would be advantageous to have the disbursements made by one officer.

Mr. MANN. Do the marshals pay for their own bond?

Mr. FITZGERALD. Yes.

Mr. MANN. This will make it necessary for the marshals to give a larger bond.

Mr. FITZGERALD. I do not know that it would make them give a larger bond, but it would be necessary that they should give a bond to cover their acts under any duty imposed by this provision.

Mr. MANN. I should think they would necessarily have to give a larger bond if they held a larger sum of money.

Mr. FITZGERALD. I do not know that the amount of money they would handle would be so materially increased as to affect the bond, but this provision should be adopted if the item remains in:

Provided, That every United States marshal operating under a bond executed prior to the passage of this act shall give a bond, effective thereafter, for the faithful performance of duties of his office, including the payment of salaries above mentioned.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 118, after the word "deputies," in line 18, insert the following: "*Provided*, That every United States marshal operating under a bond executed prior to the passage of this act shall give bond, effective thereafter, for the faithful performance of the duties of his office, including the payment of salaries above mentioned."

Mr. MANN. I notice that this provides that after July next the marshal shall make these payments. I take it the marshal will have to furnish a new bond in each case.

Mr. FITZGERALD. The first payment would not be made until August.

Mr. MANN. The marshal will have to furnish a new bond. If the bill does not become a law until the middle of July, and I hope it will by the 1st of July——

Mr. FITZGERALD. I will offer an amendment to cover that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Now, Mr. Chairman, I ask unanimous consent that the word "October" be substituted for that of July in this paragraph, and also in the amendment wherever it occurs.

The CHAIRMAN. The gentleman from New York asks unanimous consent to substitute the word "October" for July in the paragraph and in the amendment. Is there objection?

There was no objection.

The Clerk read as follows:

For clothing, transportation, and traveling expenses, including materials for making clothing at the penitentiary; gratuities for prisoners at release, provided such gratuities shall be furnished to prisoners sentenced for terms of imprisonment of not less than six months, and transportation to place of conviction or place of bona fide residence in the United States, or to such other place within the United States as may be authorized by the Attorney General; for expenses of shipping remains of deceased prisoners to their homes in the United States; for expenses of penitentiary officials while traveling on official duty; for expenses incurred in pursuing and identifying escaped prisoners, and for rewards for their recapture, $25,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In this paragraph it says "gratuities for prisoners at release," while on the preceding page is a provision for discharge gratuities provided by law and transportation to place of conviction, and so forth. Are those two provisions not precisely the same thing?

Mr. FITZGERALD. No; the first item is for United States prisoners who are incarcerated in State institutions, and the other is for those in Federal institutions.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For hospital supplies, medicines, medical and surgical supplies, and all other articles for the care and treatment of sick prisoners; and for expenses of interment of deceased prisoners on the penitentiary reservation, $3,000.

Mr. HOWARD. Mr. Chairman, I would like to offer an amendment at this particular point, to insert a proviso, and as I have not reduced it to writing I will ask the Clerk to take it down, and that I may be permitted to consume five minutes on it. It is to add a proviso at the end of this paragraph, as follows:

Provided, however, That no portion of this appropriation shall be used for operations upon prisoners for clinical purposes.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 124, line 4, after the figures "$3,000," insert the following: "*Provided, however*, That no portion of this appropriation shall be used for operations upon prisoners for clinical purposes."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia [Mr. HOWARD].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. HOWARD. Division!

The committee divided; and there were—ayes 9, noes 37.

Accordingly the amendment was rejected.

The Clerk read as follows:

For salaries: Warden, $4,000; deputy warden, $2,000; chaplains—one $1,500, one $600; physician, $1,600; pharmacist and physician's assistant, $1,000; chief clerk, $1,800; bookkeeper and record clerk, $1,200; stenographer, $900; four clerks, at $900 each; head cook, $1,000; steward and storekeeper, $1,200; superintendent of farm and transportation, $900; three captains of watch, at $1,000 each; guards, at $70 per month each, $52,080; two teamsters, at $600 each; engineer and electrician, $1,500; two assistants, at $1,200 each; in all, $81,480.

Mr. HOWARD. Mr. Chairman, in line 12, I move to strike out "$70" and insert in lieu thereof "$80."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 124, line 12, strike out "$70" and insert "$80."

Mr. FITZGERALD. I reserve a point of order against that.

Mr. HOWARD. Mr. Chairman, I concede that this amendment is subject to a point of order; but I want to call the attention of the committee to this increase, and I hope the committee are willing to concede this small increase in the salary of these guards, and that the gentleman from New York will not insist on the point of order.

As a matter of fact, in some law passed several years ago this salary was fixed at $70 a month, which, of course, would make any change subject to a point of order. I want to state briefly the conditions about it. These guards at the Federal prison—and I am intimately acquainted with only the Atlanta Penitentiary—have responsible duties. They are men of the very highest moral character. They are men above the ordinary intelligence. They ought to be men who know how to handle prisoners. I think the warden would substantiate this statement, as he has repeatedly recommended to the department that the salaries of these guards be increased. Here is the trouble at the Atlanta Penitentiary, and I presume it has been the trouble at Leavenworth, as has been related to me by the gentleman from Kansas [Mr. ANTHONY]: The cost of living has much increased since the salaries of these men were fixed. For instance, take the case of a guard who has a wife and three children. Under the law he has to buy two uniforms a year. He has to pay his house rent. He has to buy schoolbooks. If he is on the morning watch, he must get up at 12 o'clock at night. He must remain on his feet all day long. He is not allowed to sit down even for a minute. He gets absolutely no gratuities from the Government. He even has to pay for the food that he eats inside the prison. Now, here is the trouble, and it has been the trouble at Atlanta.

Just as soon as one of these guards gets intimately acquainted with a squad of prisoners and they understand him and he understands them and their disposition, and they get to liking him, this man will find something better and he will leave. Out of the whole force in Atlanta I do not believe there are over 18 or 19 men in the entire prison that you might term old

Mr. BRYAN. Mr. Chairman, a few minutes ago the gentleman from Pennsylvania [Mr. MOORE] quoted from Theodore Roosevelt.

If there is a word I hate
It is "amalgamate,"

and if there is anything that makes me hate that word more than anything else it is to have a standpatter attempt to quote Theodore Roosevelt on behalf of his principles and ideas. [Applause.]

Mr. MOORE. I can give the gentleman a lot more quotations.

Mr. BRYAN. Well, you have not quoted him in favor of your position yet. It is said that the devil quoted Scripture, and so, when these standpatters get up before this House and attempt to quote Theodore Roosevelt on a proposition of this kind, they make about as much of a success at it as the devil did when he attempted to quote Holy Writ. The proposition before us to-night is this:

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Here is what Theodore Roosevelt said himself when talking in connection with the great anthracite coal strike in Pennsylvania:

"What the miner had to sell—his labor—was a perishable commodity; the labor of to-day, if not sold to-day, was lost forever. Moreover, his labor was not like most commodities, a mere thing, it was part of a living, breathing human being. The workman saw, and all citizens who gave earnest thought to the matter saw, that the labor problem was not only an economic but also a moral, a human problem. Individually the miners were impotent when they sought to enter a wage contract with the great companies; they could make fair terms only by uniting into trade-unions to bargain collectively. The men were forced to cooperate to secure not only their economic but their simple human rights. They, like other workmen, were compelled by the very conditions under which they lived to unite in unions of their industry or trade, and these unions were bound to grow in size, in strength, and in power for good and evil as the industries in which the men were employed grew larger and larger.

"A democracy can be such in fact only if there is some rough approximation to similarity in stature among the men composing it. One of us can deal in our private lives with the grocer or the butcher or the carpenter or the chicken raiser, or if we are the grocer or carpenter or butcher or farmer, we can deal with our customers, because we are all of about the same size. Therefore a simple and poor society can exist as a democracy on a basis of sheer individualism; but a rich and complex industrial society can not so exist, for some individuals, and especially those artificial individuals called corporations, become so very big that the ordinary individual is utterly dwarfed beside them and can not deal with them on terms of equality. It therefore becomes necessary for these ordinary individuals to combine in their turn, first in order to act in their collective capacity through that biggest of all combinations called the Government, and, second, to act, also in their own self-defense, through private combinations, such as farmers' associations and trade-unions."

It is said that "actions speak louder than words," and now I will read from a chronicle of things done by Theodore Roosevelt in answer to the claims of gentlemen on the other side that he did nothing in the way of prosecuting the trusts.

While he was President the New York Times, a Democratic paper, in an editorial of June 22, 1906, telling of what he had done, used these words:

"The Drug Trust has been enjoined, both as an association and as individuals, not to continue in effect retailers' price lists fixed by the manufacturers.

"The Federal sleuths are on the trail of the Gunpowder Trust with explosive intent.

"Against the Fertilizer Trust 80 indictments have been found, and suits are under way to break up an unlawful combination between cottonseed oil mills and phosphate works.

"We need not dwell upon the awful drubbing administered to the Beef Trust, which is about to pass under the discipline of rigid Federal inspection of its products. Furthermore, in Kansas City the other day three great packing concerns, and the very ones that have been so shown up in Chicago, were found guilty by a Federal jury of accepting unlawful rebates from the railroads.

"The Standard Oil Co., the biggest and most formidable of all the trusts, is writhing under Commissioner Garfield's exposure of its monopolistic and forbidden practices, and shivers in daily expectation of a summon to court.

"The Chesapeake & Ohio Railroad Co. was punished for departing from its published freight rates in transporting coal to New England under a contract with the New Haven Road.

"The New York Central Road has been investigated for giving rebates to the wicked Sugar Trust.

"The great and proud Pennsylvania Railroad has been shamed by the Interstate Commerce Commission's disclosure of its promiscuous bribery of its subordinate officials by independent coal operators.

"Then there is the rate bill, which puts all the freight systems of the country under Federal regulation as to their freight charges; which makes pipe lines, sleeping cars, and express companies common carriers, thus bringing them under Government control, and which decrees the divorcement of product and traffic from transportation, making it necessary for the coal roads to part with their mine properties.

"This is a list of achievements with which the most ambitious President might be content, upon which he might be well satisfied to rest his reputation. But it is not enough for Theodore Roosevelt. 'I should dearly love to roast a Quaker,' said Sidney Smith. Being asked by one of his listeners if he had considered that the Quaker would suffer acutely during the process, he replied: 'I have considered everything.' Mr. Roosevelt is now, according to report, resolved not to roast, but to imprison, one great railroad president as an example to the others. All the great railroad presidents have been invited by the Interstate Commerce Commission to come and tell their story and submit to cross-examination. They are summoned by invitation or suggestion, rather than by subpœna, in order that the proceeding may give them no immunity from indictment and the jail. An invitation extended in this spirit is naturally most alluring. At the proffer of these hospitable attentions their bosoms glow with the grateful joy with which the condemned criminal regards the headman sharpening his ax or the pirate's captive watches the crew projecting over the ship's side the plank he is to walk."

So here we have performance, as told at the time by undisputed authority, and Theodore Roosevelt's own words as to his position on these propositions, as against the second-hand reports we have heard.

Mr. Chairman, against the quotation of a standpatter we have the performances of Theodore Roosevelt. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. MONDELL. Mr. Chairman, what the laboring man of this country needs more than exemptions from prosecution under appropriations is an opportunity to labor. The gentleman from Indiana [Mr. GRAY] is much exercised about the right to labor. It is not the right to labor that is troubling the people of this country just now, but it is the want of opportunity to labor. What the farmers of the country need just now is not so much an exemption from prosecution by a Democratic administration as an opportunity to sell their products to the laboring men of the country, who at the present time are unable to secure employment and, therefore, unable to purchase the farmers' products to the extent that they would like to. Not being a lawyer, I have never studied to any very considerable extent the question of whether the framers of the Sherman antitrust law intended or expected that the prohibitions of that law should apply to farmers and labor organizations, but my personal opinion is that the question would never have been raised in the wide world, that no one would ever have imagined that the Sherman antitrust law applied to labor organizations if it had not been for the fact that a Democratic Attorney General, under the Democratic administration of one Grover Cleveland, having concluded that there were no trusts or capitalistic combinations that he could successfully prosecute, proceeded to prosecute organizations of labor. Of course that raised the question at once and settled it so far as the Democratic administration was concerned.

The Sherman antitrust law was a prohibition against labor organizations as such, the Democratic administration decided; it was the only kind of combination that a Democratic administration pursued under the Sherman antitrust law. The gentleman from Pennsylvania [Mr. GRAHAM] wondered why the committee placed in this bill a provision which prohibits the Attorney General from prosecuting innocent people. Why, because, under a Democratic administration, as evidenced by what was done under the Democratic administration of Grover Cleveland, the fact is that is just what they would do if we

did not prohibit them from doing it. They would proceed to prosecute innocent people in labor organizations.

Mr. BARTLETT. And the Republicans would not proceed to prosecute criminals.

Mr. MONDELL. On the contrary, Republican administrations, under Roosevelt and Taft, did successfully prosecute capitalistic organizations. You did prosecute a labor organization down in New Orleans, I believe it was, and your Attorney General said the Sherman antitrust law, so far as it applied to capitalistic organizations, was of no consequence or avail, and he never made an attempt to enforce it. If this were a Republican administration, of course it would not be necessary to have a prohibition of this kind in this bill. Nobody would expect a Republican administration to prosecute innocent men engaged in highly laudable enterprises, but under a Democratic administration it is necessary, after making your appropriation for the enforcement of the Sherman antitrust law, to say that you shall not prosecute innocent people trying to do a proper thing in the interest of the community. [Applause on the Republican side.]

The CHAIRMAN. The gentleman from Wyoming has consumed five minutes.

Mr. MONDELL. Does the gentleman from New York desire me to yield the remaining five minutes of my time?

Mr. FITZGERALD. Let us see these other amendments.

Mr. MONDELL. I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Do we vote first on the motion to strike out the two provisos?

The CHAIRMAN. The Chair would think so, as that is the motion first made.

Mr. FITZGERALD. We will have to perfect the paragraph first. I suggest that the gentleman proceed and explain his amendment.

Mr. MOORE. Mr. Chairman, the purpose of the amendments is this, that whereas it is claimed on the other side of the House that this is not special legislation, although provision is made here to exempt certain organizations, the amendments propose that certain other organizations and individuals shall be exempted. The amendments suggest that there are other people engaged in industry, in trade, in commerce, besides those who belong to labor unions and to farmers' unions. The truth of the matter is that there are more than 30,000,000 of wage earners in the United States, and there are only a little over 2,000,000 of them who are organized. There are 28,000,000 wage earners in the United States whom you Members of Congress represent, and you are their only representatives here. You have been listening to appeals in circulars and listening to orators and representatives of organized labor upon the floor, but apparently you have not considered that there are 28,000,000 of people scattered around in your districts, earning wages—laboring men, honest and true and patriotic—who have no representatives here, unless you represent them. There are millions of farmers in the United States who are not represented in the organizations you propose to exempt. I have suggested in these amendments that you exempt other organizations and individuals than organized labor and that you exempt other kinds of producers and farmers than those who appear to be members of farmers' unions.

Surely you are not here to legislate only for 2,000,000 of organized men while 28,000,000 go by the board without consideration at your hands. Surely you are not here as Representatives of the American people—100,000,000 of them—to legislate for a few men organized in certain farmers' unions that have representatives in Washington to see you every day, when the millions of men who are not represented by these two or three men in Washington have no voice in this House at all. I have offered these amendments to give equal rights to all men; to afford an opportunity to vote for equality before the law for every man who labors, whether he belongs to a union or whether he does not belong. The opportunity is here given to vote to protect labor if it is necessary, to promote trade if you want to do so, to promote domestic commerce if you want to do so, to promote export trade if you want to do so. These are legitimate pursuits, and you are going to exempt those who follow legitimate pursuits.

I would like to follow that a little further, but my friend from Washington [Mr. BRYAN] has indicated that I did not quote correctly when I quoted President Roosevelt. I have as much admiration for his leader as he has. We differed at Chicago, but President Roosevelt had the courage to tell the representatives of labor and Congress that men should be free and equal before the law in the United States. He told them that when Mr. Bryan was endeavoring to bunko labor in 1908. He has held to that right down the line, and I am holding to it now, when you gentlemen are attempting to tell organized labor that you are giving them something when you are really giving them nothing. I am trying to tell you now that there are millions and millions of voters in this land who are not represented in this legislation. You are ignoring them, while you are pretending to satisfy those who are at your heels every day and around your offices during these long sessions. You pretend to give them exemption from prosecution under certain laws, but you are careful to put in that nice little saving clause, that nice little joker, which says they shall be exempt if—if their acts are not unlawful.

Mr. FITZGERALD. Mr. Chairman, it is difficult for me to determine whether the gentleman from Wyoming [Mr. MONDELL] was in favor of this amendment or opposed to it.

Mr. MONDELL. Well, the gentleman will undoubtedly hear me vote when the time comes.

Mr. FITZGERALD. Is there any objection to telling us?

Mr. MONDELL. No; I have not any at all. As a member of the committee I voted to put this provision in the bill. I felt under the Democratic administration it was absolutely necessary to protect these people from the Attorney General. [Applause on the Republican side.]

Mr. FITZGERALD. I thought maybe it was due to the fact that the gentleman from Wyoming voted to pass the sundry civil bill with this provision in it over President Taft's veto on the 4th of March, 1913. [Applause on the Democratic side.] He had seen some light in the November election preceding. [Applause on the Democratic side.] And he voted to pass this amendment over the President's veto. Now, the gentleman from Nebraska [Mr. STOAN] wants to know who is in favor of this provision of exempting the farmers' unions, who has demanded this provision, and he declaimed several times, if I recall correctly, against such a provision. He voted to pass the sundry civil bill with this language in it over President Taft's veto. [Applause on the Democratic side.] What farmers' unions demanded it be incorporated in the bill at this time? Who is insisting it be put in?

Gentlemen now thinking perhaps they see an opportunity to make a little cheap political capital are forgetting their records upon this question. Now, the gentleman from Pennsylvania [Mr. MOORE] is at least consistent. He confessed he is not a lawyer, which accounts probably for the fact he has always opposed this provision. But he does not seem to understand just what it is. The Sherman antitrust law prohibited certain combinations, conspiracies, etc., in restraint of trade. And there have been prosecutions against members of labor organizations on the ground that they were engaged in a conspiracy, or they were part of a combination in restraint of trade. The fact that they were members of an organized body was the gravamen of the evidence. Now, the gentleman from Pennsylvania will not appreciate that because of the fact he wants to prohibit prosecution of all individuals who are not members of an organized body or of any association or any organization on the ground they violate the Sherman antitrust law.

He imagines that one individual can be a combination or a conspiracy in restraint of trade. [Laughter.] These amendments offered by the gentleman from Pennsylvania are intended to completely nullify, not only the effect of this provision, but the effect of the appropriation.

The truth of the matter is, that the gentleman from Pennsylvania has so ingeniously prepared these amendments that, if they were adopted by this committee, not a dollar of this money could be expended for the prosecution of anybody for violation of the Sherman antitrust law. I can understand how a standpat Republican, coming from Pennsylvania, living in the city of Philadelphia, and a staunch advocate of the late standpat President of the United States, would be very glad to tie up this provision in such a way that it could not be utilized to prosecute the men from whom his party expect to get the great campaign contributions this fall. [Applause on the Democratic side.]

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GOOD. I understood the gentleman to say that it was never intended that the Sherman antitrust law should operate against the labor organizations.

Mr. FITZGERALD. I did not say that to-day, but I have said it in the past.

Mr. GOOD. Yes. I want to ask the gentleman, If that is true, what is the necessity of adding the words "not in itself unlawful" to this provision? Why not stop at the word "thereof"?

he is now said by the gentleman from Pennsylvania [Mr. MOORE] to be opposed to this provision.

occupied 20 minutes.

farmers' organizations, and that was because of the fact that

the labor organizations had made the agitation and expected to be exempted. The farmers' organizations were tacked on in that way.

I desire to say, further, with respect to these distinguished statesmen who have passed beyond and who are being constantly quoted as having said that farmers' and labor organizations were to be exempted from the operation of the Sherman antitrust law, that ex-Senator George F. Edmunds, who is still living, and who therefore has a right to speak out of his own memory, who was chairman of the Committee on the Judiciary of the Senate that passed that bill, gave out an interview the other day saying that these organizations were not to be exempted, and while I shall put the interview in full in the RECORD, I desire to read this extract from the statement of Mr. Edmunds, who, perhaps, is the greatest surviving statesman of that time:

Such legislation would be so absolutely unjust and unequal and such a complete reversal of constitutional liberty and equal rights that even discussion of it would seem to be absurd.

I place that opinion of a great constitutional lawyer against the opinion of that other great constitutional lawyer, the gentleman from Georgia [Mr. BARTLETT], for whose opinion generally I have very great respect.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. MOORE. I have not the time.

Mr. BARTLETT. I yielded to the gentleman.

Mr. MOORE. That is very true, and I would be very glad to yield to the gentleman if the gentleman from Georgia could help me, but I have not the time now. Mr. Chairman, I do not believe labor is being assisted by the Democratic Party in the passage of these provisos. I believe the Democratic Party has thrown out an anchor to windward to protect itself when the constitutional question is raised. I believe it has thrown a sop to labor in this proviso, and that it knows, whether the gentleman from Georgia knows it or not, that these provisos are innocuous and mean nothing. If labor is satisfied with this, very well. I have never been afraid to face labor nor to talk to labor leaders face to face, and I believe that labor understands a sop when it sees it, and knows when a party is fooling them. The Democratic Party has been fooling labor, including Samuel Gompers and others. It has been fooling them in the speeches made in this House, in the resolutions passed at Baltimore, and in the provisos put in this sundry civil bill for the second time. You have already put this sop in the antitrust law, even though you do not expect to have it passed at the other end of this Capitol. Why rub it in here?

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I note that within the terms of the amendment proposed by the gentleman from Pennsylvania the second provision to be thrown out is as follows:

Provided further. That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

I call the attention of the committee to the fact that this amendment has been argued now for more than half an hour and there has been but the faintest reference to the second paragraph. On two or three occasions I have asked the sponsors of these provisions what farmers' organizations, the farmers of what community of the United States, represented by whom and before what committee, have asked that this provision be placed in this bill or any similar bill. I come from a purely agricultural district. If I understand the people of my district and the farmers of the United States, representing a larger number of people than are represented in the first exemption provision, they do not ask to be treated differently before the law or before the courts from the people of any other profession. The facts are that this seems to be introduced from time to time as a crutch for the labor-exemption proposition to be limped in upon. The real force of that was demonstrated in the reading of the case of the International Harvester Co. against the State of Missouri by the chairman of the committee. There the court made this distinction in substance, that it would protect labor as against property.

Note you, under the second provision, it is not labor there that is protected, but it is property, the right to control its sale, and the right to combine for sale. So that if there ever was any reason for putting the second provision in and any reason for us to think it would judicially stand, if there is any force in the decision which the gentleman has read which would protect the labor clause, it will not stand on the second provision. That is the farmers' exemption. It was the linking together of these provisions, one valid and the other invalid, which prompted a large number of this House to override the Taft veto involving this question.

Mr. FITZGERALD. If the gentleman will permit, if the gentleman will read that opinion, he will find out that such distinction can be made also— —

Mr. SLOAN. It is not necessary to read it; I heard it read in the dulcet tones of the gentleman. Of course, he read it correctly.

Mr. FITZGERALD. I only read the portion that applied to labor organizations, because that is the only portion which was criticized by the gentleman from Pennsylvania.

Mr. SLOAN. But the gentleman made this decision, or rather the decision made this distinction, and the gentleman challenged special attention to it, that property could not be protected and labor could. They were not put on the same basis. But it is true the farmers' products are on the same basis and ought to be on the same basis as the products of any other man's toil. The farmer is a manufacturer just the same as the man who makes farm implements. It takes an engineer now to be a farmer; it takes an economist and a scientist combined with engineering to be a successful farmer.

The farmers of the United States will insist upon, not exemption, so that they will stand better before the court or that they may have indulgence to commit misdemeanors and crimes in this country, but they do ask that in the legislation of this country they shall have equal treatment. They would rather be not discriminated against by putting their products in free, open competition with the farmers of Argentina, Canada, and Australia for American markets than to give them special indulgence before the courts. They have not consented to trade a doubtful right for free combination for the burdens of free trade in all they produce.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Chairman, there are certain rights which men take along with the right to inhabit the earth. Among those rights is the right to labor and to enjoy the fruits of that labor. This is more than a so-called vested right in property; it is a natural, inherent right of man. It is as sacred to him as the right of habitation itself. It is as vital to his existence as the breath of life. He must have the right to labor in order to live.

And there are certain rights in which man is upheld in a supreme and absolute defense, and in the defense of which he is sustained even to the taking of life—the defense of self, the defense of his person, the defense of his life, the defense of those who by nature are entitled to look to him for protection, and I include the defense of the right to labor in order to live and to support those who are dependent upon him.

Mr. Chairman, there was the time when the laboring man was more independent in the exercise of this right to labor to live than he is to-day. There was a time when every man could say to his employer, "If you do not wish my services, I will go back to the cross-roads, to the village workshop, and I will make a plow, a wagon, or a carriage. I will employ myself and I will sell my product for my wages." But this condition of the laboring man has passed and gone. A great industrial revolution has brought a change and a new order of things. The laboring man as an individual has lost his opportunity to employ himself, his power to claim his right to labor to live. He can only work when others choose to employ him. And when he asks for employment the answer comes back and tells him whether or not he can live. The laboring man to-day finds himself confronted with an organization of employers; he finds himself confronted with a combination of capital; he finds himself confronted with a concentration of industry and control of employment—all standing between him and the right to labor to live and to support those dependent upon him.

This is the plight of the individual laboring man to-day. This is his absolute dependency standing alone. This is his utter helplessness as a single individual.

Under these new and changed industrial conditions union is his only remedy, his only relief, his only defense, his only hope. He must have the right to meet organization with organization. He must have the right to meet combination with combination. He must have the right to meet concentration with concentration. He must have the right to conform to these new and changed industrial conditions. He must have the right to avail himself of these new agencies and instrumentalities of action—these new powers and forces of united effort—in order to claim his right to labor, to live—in order to maintain industrial equilibrium—in order to secure a just and fair apportionment of the fruits of industry and toil.

There is a difference between a labor organization and a trust. There is a difference between a labor organization and a combination in restraint of trade. There is a difference between a labor organization and a monopoly of the resources of human life. There is a difference between an organization for a lawful, natural purpose, and an organization for an unlawful and a criminal purpose. There is a difference between an organization to preserve and safeguard natural inherent rights and an organization to monopolize and prey upon the vital necessities that sustain human life. There is a difference between men organizing for the lawful purpose of securing employment, and to claim the right of all men to labor, to live, and to enjoy the fruits of that labor, and men organizing as a trust, a combination in restraint of trade, a monopoly to control the vital resources of human life, the very inception of which is unlawful, the very existence of which is unlawful, the very continuance and duration of which are unlawful, and the very object and purpose of which is contrary to law and in violation of the natural inherent right of man to live. [Applause.]

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MONDELL. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GRAHAM] is recognized for 10 minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, the discussion of the motion of my colleague from Pennsylvania [Mr. MOORE] has taken a very wide range and a variety of subjects have been discussed which, it seems to me, are not involved in his motion or in its effects.

For instance, the right to labor in order to live—no one is questioning that. I am sure my friend and colleague does not intend to question anything of that sort. The right to labor is outside of this amendment and outside of this question. Again, the discussion of the legal status of labor organizations or farmers' organizations as to whether or not they are criminal is in some respects entirely aside from the legitimate point involved.

This proviso stands in two parts. The first is a provision—

That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof not itself unlawful.

In other words, that proviso declares that no part of this money shall be used to prosecute any organization entered into for any of the purposes named in that part of the proviso, and concludes with the words "not in itself unlawful."

I take it that, reading the paragraph, it would mean that the words "not in itself unlawful" apply to any act performed in the pursuance of the purposes of the combination. The combination itself may not be included in the words "not in itself unlawful."

In the second proviso there are no such words as "not in itself unlawful" appended to it; but it is a direct prohibition of the expenditure of any money in "the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. MOORE. Mr. Chairman, will my colleague yield?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE. Does not that mean, then, that labor organizations are exempted from prosecution for the performance of acts not in themselves unlawful, but that farmers' organizations are exempted regardless of whether their acts are lawful or unlawful?

Mr. GRAHAM of Pennsylvania. Undoubtedly. It has been the law from some of those ancient periods that have been referred to that a combination to raise or depress the price of necessities of life is a criminal combination. The paragraph, therefore, which relates to the farmer has no limitation upon it, but authorizes the exemption from prosecution of every organization formed to maintain prices absolutely and unequivocally. The price to be maintained is entirely within the judgment of the organization.

Mr. MOORE. Will my colleague yield again?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. MOORE. Does not that mean that the farmers' combination may be formed to enhance the prices of food products sold to the worker in the cities, who is exempted only when his acts are lawful, and does it not mean that the prices may be raised on the city workers who work in the mills and who purchase farm supplies and who are held accountable for acts that are unlawful, while the farmers' combinations may go scot free and may still raise the prices on the products sold to the workingmen?

Mr. GRAHAM of Pennsylvania. The maintenance of prices is limited by the words "fair and reasonable," but "fair and reasonable" within the contemplation of the organization; and it means naturally an increase of the price to the consumer, whoever he may be, whether he be rich or poor, whether he be a laboring man or a wealthy man.

When the Clayton antitrust bill was before this House I voted for the amendment called the Webb amendment. I did so, as I stated then, upon the ground that that amendment simply declared that the mere existence of a combination of labor was not forbidden by the Sherman law. In connection with that I furthermore declared that wherever there was an attempt to discriminate and classify the effect that any law should have, so as to direct it against one class and make them criminals, and as to another class, set them free from its operations, my voice and vote would always be raised against such a discrimination and such a distinction. [Applause.] The question that is involved in this proviso, however, is not as broad as that. You are now adopting a bill carrying appropriations for the departments of the Government, one of which is the high office of the Attorney General, a Democrat selected by a Democratic President, and you are saying to him practically, "You must not prosecute innocent people," or else this language of the proviso is meaningless and senseless. Since the Supreme Court has said in the International Harvester case, decided a few weeks ago, that legislative discrimination may lawfully separate between commodities and human toil, then there is a distinction which, if not abused or used arbitrarily, may be followed in legislative enactment, and you have placed all of that and more in the Clayton antitrust law. But this proviso is meant to be a limitation upon expenditures, and not a declaration of fundamental law. There is nothing in the proviso that declares either that this act shall be a crime or that another one shall not be a crime; but it simply says that the man whom your party has intrusted with the administration of these executive functions shall not use this money to prosecute innocent people, for you add to it the words "any act not in itself unlawful." If the act be not in itself unlawful, then why put the restraining hand of your legislation upon the shoulder of your Attorney General and say by this law, "We do not trust you in the execution and enforcement of those laws."

My objection to the paragraph is not either for or against labor. My objection is that these provisos are senseless and inapplicable as they are presented in this appropriation bill, as a restraint upon an executive officer to keep him from attempting to pursue crime. In the last section you describe what might be a common-law conspiracy, and say that he shall use any of these funds to prosecute that.

There should be no proviso limiting the use of the appropriation to any class. It should apply to all classes. If crime is discovered it should be prosecuted, no matter by whom committed.

My friends, when the time comes to legislate, draw your distinction between commodities and labor and I will vote with you upon any sensible statement of the law. When you come by suitable legislation to define what shall be crimes, then is the time to enact what your thought may be upon this subject. But in an appropriation bill, when you are setting apart money for the use of a department, which is to use it to prosecute crime, it is senseless and illogical to put into the bill the words "you shall not use this money to pursue or investigate certain classes." The language of these provisos assumes that the people who are to be exempted from pursuit are engaged in innocent and perfectly lawful things. If so, then why insert this proviso? Can not the prosecution be safely confided to your own Attorney General? Why should it be placed in this appropriation bill, where it can operate only as a restraint upon an executive officer in the present Democratic administration? This bill makes no definition of crime. This bill enacts nothing that will make one thing criminal and exempt another. It simply puts the hand of legislative power upon the shoulder of the Attorney General and says to him, "You must not pursue an investigation along either of these two paths." [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, will the gentleman from New York cede a portion of his time?

Mr. FITZGERALD. There will be only one more speech on this side.

Mr. MONDELL. I yield five minutes to the gentleman from Washington [Mr. BRYAN].

nedities. [Applause.] I do not believe that this appropriation put at the disposal of the administration to prosecute the violators of the Sherman antitrust law, the industrial combinations that were enriching themselves at the expense of the country in violation of the law, should attempt to control or to coerce men combined in organization for the betterment of their condition.

If members of these organizations do violate any law and are subject to any criminal prosecution, there are ample means and ample remedy to reach them in a proper manner. This appropriation in my opinion should be segregated. I rejoice that the committee included this recommendation in the bill and I hope that it will remain in it.

I now yield to the gentleman from Pennsylvania.

Mr. MOORE. The gentleman says that there would be ample remedy to prosecute any member of a union who violated the law. Would that apply to an organization which had its headquarters, say, in Indianapolis but which operated in New York?

Mr. FITZGERALD. I assume so.

Mr. MOORE. Would not it be bound solely by the laws of the State in which the act was committed?

Mr. FITZGERALD. No; because the Department of Justice has just been conducting, if it has not completed, before the grand jury of the southern district of New York, an investigation of the operations of the members of a labor union in the State of New York, the headquarters of which are located in the city of New York. And they were able to do it although it was prohibited from using any person paid out of this fund.

Mr. BARTLETT. Mr. Chairman, I am opposed to this motion of the gentleman from Pennsylvania to strike out these provisions. In the act of 1890 it was not contemplated to embrace organizations of labor, organized for the purpose of bettering their condition or increasing their wages or lessening their hours of labor. We are told by the gentleman from Pennsylvania [Mr. MOORE] that we have cited the testimony of dead witnesses—Senator Hoar, Senator George, and others—in sustaining our position that that act was not intended to apply to such organizations. It was not the intention of Congress when it enacted the law of 1890 to apply that act to labor organizations. It happens to be that the evidence we have produced from those dead witnesses are the words and the language used by the witnesses embalmed in the CONGRESSIONAL RECORD, and in books by the Senator, that have been written by those men who served their country and have passed from the stage of action.

If you gentlemen will read the book written by Mr. Hoar, detailing his experience as a Member of this House and as a Member of the Senate, you will find that Senator Hoar bears testimony to the proposition not only by what he said in the Senate, but also by what he wrote in his book and handed down to posterity—his fame as an author and a great lawyer and a great statesman—concerning the act of 1890, denying that labor organizations were intended to be embraced within the purview of that or intended to be subject to prosecution for violations of the antitrust law. From 1890 to 1902 no money was ever appropriated by Congress for the prosecution of the violators of the antitrust law, and the only money used for prosecutions generally was used for the prosecution of labor organizations. On the other hand, those great organizations that battened and fattened upon the people, and laid a monopolizing hand on commerce, were not only not prosecuted, but were the favorites of the Republican President then in power.

That has been demonstrated time and time again by investigations made by Congress, notably the investigation of the affairs of the United States Steel Corporation. That organization was not only not prosecuted under President Roosevelt, but was granted leave and license to violate the antitrust law and to buy out its only real rival in the manufacture of iron and steel, the Tennessee Coal & Iron Co., and the president of the Santa Fe Railroad was made a cabinet officer in the cabinet of President Roosevelt, although admittedly guilty of violations of the law, and he was left unprosecuted.

EXEMPTION OF LABOR ORGANIZATIONS.

Mr. Roosevelt is said to be not in favor of this. Of course he was not in favor of it, because the men in his favor who violated the Sherman antitrust law were not the labor people, but great captains of industry like Paul Morton and Gary and McCormick and Perkins of the Harvester Trust. They could receive license at his hands and not be prosecuted for the violation of the law, but the laboring organizations formed for the purpose of bettering the conditions of those who labor were the peculiar objects of prosecution at the hands of the Republican administration and at the hands of President Roosevelt. And he is now said by the gentleman from Pennsylvania [Mr. MOORE] to be opposed to this provision.

Mr. Chairman, I am one of those who believe that it is not only our right but our duty to place limitations upon appropriation bills to limit the expenditure of money when we do not desire it to be used in a way we are opposed to. Our forefathers in the English Parliament used it in the days of the tyrannous English kings to force relief from them when they could not get it otherwise, and we find Lord Coke heading a procession of the members of the House of Parliament and going to King Charles to present a petition of right, which is the second great Magna Charta of all English people, and refusing to give to the King the means to carry on the Government until he should consent not to billet soldiers upon the people in time of peace, and until he should grant them the relief demanded by the great English House of Commons. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. BARTLETT. And for one, Mr. Chairman, drawing my inspiration from the history of the race to which I belong, a race which has battled for liberty and transmitted to posterity and to us the free institutions under which we live, and which we ought to preserve, it does not at all frighten me or stay me in the least in carrying out my purpose to say that it is irregular or unlawful by an item on an appropriation bill to limit the power of the Executive in the administration or expenditure of the money that we appropriate. I do not know whether President Wilson will veto this provision or not. I know that President Taft did veto it; but I also know that two-thirds of this House overrode that veto.

From 1874 there had been on the Federal statute books an election law, for the enforcement of which large sums of money had been appropriated. Hundreds and hundreds of thousands of dollars had been appropriated and paid to a man in New York by the name of John A. Davenport, who on the day of election surrounded the polls in New York with his subordinates, and who, on the day of election, placed deputy marshals at the polls in many of the Southern States. Vast sums of money have been appropriated and paid out for that purpose, but when the Democratic House in 1879 came to consider the Army appropriation bill, particularly an item authorizing in certain parts of this country the use of soldiers to gather around and guard the polls, doing what they said was the "enforcement of the law," the Democratic House put on the Army appropriation bill this provision:

> That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

A Democratic House put that upon the bill, and it was carried through the Senate by the aid of Democratic votes. President Hayes vetoed that bill, and we were told then that Democrats in the House and Democrats in the Senate were endeavoring to withhold support from the Army, because the amendment contained not only a prohibition against the use of the Army at the polls but declared that no appropriation in that bill, no money for subsistence, for transportation, salaries, or for any other purpose should be paid to the Army if used as a police force at the polls on the day of election. That was one of the reasons why, as soon as the Democrats got control of both the House and the Senate and we had a Democratic President, one of the first acts of the Democratic House and the Democratic Senate was to eradicate from the statute books those infamous laws that allowed the use of soldiers at the polls on the day of election. And it was by reason of the fact that the Democratic House and the Democrats in the Senate used this power of withholding funds from one of the executive departments that we were relieved from the abuse of the Army and its use as policemen on the day of election.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I ask for five minutes more. Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. BARTLETT. So we have precedents hoary with age, precedents preserved and honored in the history of the English-speaking people, that not only authorize but justify the legislative branch of the Government in placing restrictions upon appropriation bills, so that if the people can get relief in no other way we can get relief from the executive branches of the Government, the President, or others who administer the laws, by

withholding our consent that the money we appropriate shall be used in a way that we do not desire to have it used. Now, the gentleman from Pennsylvania, my good friend [Mr. MOORE], raises a constitutional question. I notice that the Constitution is never in his way unless he wants to use it on some such occasion as this. When the rights of the States are to be trampled down, when Congress is to use a power not granted by the Constitution, he never thinks of it or dreams of it. When I ask him what provision of the Constitution this law violates, he does not even know. I do not blame him. He does not pretend to be a lawyer——

Mr. MOORE. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MOORE. I have always denied that I was a lawyer, but I take it that if anyone will read the preamble to the Constitution and get the spirit of it he will find that it breathes equality

Mr. BARTLETT. Yes; but, Mr. Chairman, there is not a thing in the Constitution or any of its amendments that forbids Congress to pass a law that will exempt from its provisions certain classes. We do it every day. The war-revenue act of 1898 and the income tax law and other laws which we have passed exempt certain classes of people from their provisions. There is no prohibition against Congress passing class legislation. There is a provision in the fourteenth amendment which declares that no State shall deny to anyone the equality of the law, but there is no such restriction against Congress. There is also a provision in the fourteenth amendment that no State shall deprive any person of life, liberty, or property without due process of law, and amendment 5 of the Constitution provides that no person shall be deprived of life, liberty, or property without due process of law, and that private property shall not be taken for public use without just compensation. Since my friend from Pennsylvania [Mr. MOORE] has awakened to the realization that he can sometimes remember that we have a Constitution, I hope he will extend his studies now and find out something that is in the Constitution.

Mr. MOORE. Mr. Chairman, waiving for a moment the question of equal rights under the Constitution, I ask the gentleman if it is not good, well-settled Democratic doctrine that there shall be equal rights to all and special privileges to none?

Mr. BARTLETT. Yes; that is good Democratic doctrine, which my friend and his party have never followed and never invoked except in the interest of great corporations that are wanting to oppress and grind down the people. [Applause on the Democratic side.] You never invoked that in the interest of the laboring man or the farmer. It is only when we undertake to prevent the prosecution of men for that which is no crime, when great combinations of wealth and power have used that prosecution as a means of oppression that you cry "Constitution!" My friend has never yet waked up to a realization that the Constitution was intended for anybody else except the peculiar kind of constituency that he represents. [Applause.]

Mr. ADAMSON. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. ADAMSON. My colleague is such a profound lawyer that I want to ask him a question which I think will enable him to buttress his argument considerably. During the thousand years of English jurisprudence and the preceding thousand years of Roman jurisprudence, in all the legislation as to the corn laws, the cornering of the market, forestalling, regrating, and engrafting, was any such legislation ever directed to production and consumption?

Mr. BARTLETT. Never.

Mr. ADAMSON. Was it not all directed to the speculator and the middleman?

Mr. BARTLETT. Always, and never in the world has brawn and muscle been held to make a monopoly. It was those people who cornered the market, who gathered goods together and undertook to forestall that laws against monopoly were enacted.

Now, Mr. Chairman, I close where I began. I am proud to belong to an English-speaking race that has preserved the right of the Government to always restrain by its limitations the use of money that we furnish it with so that it can not be used except as Congress shall direct. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I want to see if we can not agree on some time for debate on this paragraph. How much time is wanted on that side?

Mr. MONDELL. I think we will want about 50 minutes on this side.

Mr. FITZGERALD. Oh, we can not agree to that.

Mr. MONDELL. Why, the gentleman from Georgia has just occupied 20 minutes.

Mr. BARTLETT. How much time did I occupy, Mr. Chairman?

The CHAIRMAN. The gentleman occupied 15 minutes.

Mr. MONDELL. I think that perhaps we can get along with 25 minutes on this side. The gentleman from Pennsylvania wants 10 minutes, the gentleman from Washington [Mr. BRYAN] 5 minutes, the gentleman from Nebraska 5 minutes, the gentleman from Pennsylvania [Mr. GRAHAM] 5 minutes, and I would like 5 or 10 minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on this paragraph and pending amendments be closed in 40 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this paragraph and pending amendments close in 40 minutes. Is there objection?

Mr. MOORE. Reserving the right to object, I suppose the discussion is to be confined to the motion. I hope the gentleman will not include all amendments.

Mr. FITZGERALD. Yes; I include all amendments. We have had half an hour of discussion on this matter now.

Mr. MONDELL. Is it understood that the Chair will recognize the gentlemen on this side who have been mentioned?

Mr. FITZGERALD. Mr. Chairman, I will ask that the gentleman from Wyoming control 30 minutes and I control 10 minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the paragraph and amendments thereto close in 40 minutes—30 minutes to be controlled by the gentleman from Wyoming and 10 minutes by the gentleman from New York. Is there objection?

Mr. MOORE. Reserving the right to object, I would like to offer some amendments to this paragraph after it is acted upon, and I should like to discuss it for five minutes.

Mr. FITZGERALD. I think it is reasonable to close all debate or we never will get through.

Mr. MOORE. I propose to offer an amendment that affects the substance of the proviso, and I think the amendment ought to be discussed.

Mr. FITZGERALD. The gentleman can offer the amendment before he uses his time.

Mr. MOORE. I have three amendments, and I will offer them now if I can have time, not exceeding 10 minutes, to discuss them.

Mr. FITZGERALD. That would make an hour. I will make it 50 minutes. Mr. Chairman, I ask unanimous consent that all debate on the pending paragraph and amendments thereto be limited to 50 minutes, 35 minutes to be controlled by the gentleman from Wyoming and 15 minutes by myself.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this paragraph and amendments thereto be closed in 50 minutes, 35 minutes to be controlled by the gentleman from Wyoming and 15 minutes by himself. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, in my time I want to offer the following amendment.

The Clerk read as follows:

> Page 115, line 19, after the word "view," insert the following: "The increase of manufactures for domestic consumption, the lowering of the price thereof, or the development of export trade."

Mr. MOORE. Mr. Chairman, I also send the following amendment to the desk to be read.

The Clerk read as follows:

> Page 115, line 19, after the word "view," insert the words: "The protection of life or property, the promotion of trade or employment."

Mr. MOORE. Mr. Chairman, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Page 115, line 19, after the word "view," insert the words "the welfare of labor, organized and unorganized."

Mr. MOORE. Mr. Chairman, I now ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Mr. Chairman, the gentleman from Georgia [Mr. BARTLETT] a little while ago quoted from one of the Senators long since passed away in support of his contention that labor organizations and farmers' unions were to be exempted from the operation of the Sherman antitrust law. The gentleman has been interested in the farmers' unions, but I think it was the gentleman from Georgia, the late Mr. Reddenbery, who introduced the first amendment offered in this House exempting the farmers' organizations, and that was because of the fact that

the labor organizations had made the agitation and expected to

the linking together of these provisions, one valid and the other

There is a difference between a labor organization and a

farm supplies and who [illegible]

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Enforcement of antitrust laws: For the enforcement of antitrust laws, including not exceeding $10,000 for salaries of necessary employees at the seat of government, $300,000: *Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products.

Mr. MOORE. I move to strike out the proviso.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 115, beginning with line 16, strike out the following words: "*Provided, however*, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful: *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products and associations of farmers who cooperate and organize in an effort to and for the purpose to obtain and maintain a fair and reasonable price for their products."

Mr. BARTLETT. A parliamentary inquiry. I understand the gentleman moves to strike out the proviso.

Mr. MOORE. I move to strike out the two provisos which have been read by the Clerk, beginning with line 16 and continuing to the end of the paragraph.

This matter has been fought over in the House before, and if the trust legislation recently passed through the House means anything, this paragraph is unnecessary. The two provisos which we have here have something of a history. If we are to believe the statements of certain of our friends who assume to speak for the organized-labor movement of the United States, they have been contested for for 20 or 25 years. They appear to establish class legislation, and to set aside from the operation of the law certain men who by reason of their exemption would have privileges under the law which are not accorded to other men, contrary to the spirit of the Declaration of Independence, of the Constitution of the United States, and of all that we have ever been taught with regard to the equal rights of men.

Mr. BARTLETT. Will the gentleman point out what part of the Constitution of the United States either of these provisos would contravene?

Mr. MOORE. I think the spirit of the Constitution, as well as the letter of it, provides for the equality of man, so far as the protection of the law is concerned. I call the gentleman's attention to the fourteenth amendment——

Mr. BARTLETT. The fourteenth amendment does not affect Congress. That simply restrains the States.

Mr. MOORE. Oh, I think it establishes a principle believed in by almost everybody in the United States, that before the law all men are equal; and the gentleman from Georgia [Mr. BARTLETT], who is interested in this paragraph, and who has introduced a bill to set aside from the operation of the law certain men engaged in certain kinds of business——

Mr. BARTLETT. I have got the principles of my bill incorporated in the antitrust bill which has passed the House.

Mr. MOORE. If that be true, it is absolutely unnecessary here.

Mr. BARTLETT. But if the gentleman will permit me——

Mr. MOORE. Of course, I have not very much time.

Mr. BARTLETT. I apprehend the gentleman can get more time if he wants it. I was interested in knowing what provision of the Constitution this legislation contravenes. The gentleman suggested the fourteenth amendment, and I suggested——

Mr. MOORE. The gentleman asked for something specific. You will find something in the fourteenth amendment about every man having an equal right to the protection of the law.

Mr. BARTLETT. In the States.

Mr. MOORE. The gentleman will also find a great deal in the preamble——

Mr. BARTLETT. The fourteenth amendment provides that the States shall not deprive anyone of the equal protection of the laws.

Mr. MOORE. I am trying to answer the gentleman's question.

Mr. BARTLETT. The fourteenth amendment simply restrains the States. There is nothing in the Constitution that restrains Congress in this respect.

Mr. MOORE. If the gentleman takes the ground that there is nothing in the Constitution that gives a man protection before the law——

Mr. BARTLETT. I never took any ground of that sort.

Mr. MOORE. I make the statement that this would appear to be class legislation, and that the bill which the gentleman introduced, which is voiced by these provisos, contemplates the exemption of a certain class of our citizens from the operation of laws which apply to other citizens. Either that, or these provisos are innocuous. Now, I was about to say that these provisos have a history. They have been advocated here for a great many years upon the ground that certain organizations ought to be privileged from the operation of the so-called antitrust laws. It has been said that the act of 1890, the Sherman antitrust law, contemplated that farmers' organizations and labor organizations should be excluded from the operation of that act.

It has been so stated on the floor. It is constantly stated in the literature that comes to Members of Congress. These statements are usually attributed to one or two men who are dead—Senator Hoar and Senator Sherman. It happens that Senator Edmonds, of Vermont, one of the great lawyers of these times, one of the great men who had to do with the passage of the Sherman antitrust law, is still alive, and out of his mouth we have it that there was no exemption such as has been suggested contemplated in the passage of this law, and that it would have been absurd to say that Congress intended to pass a law excepting a class of citizens from its operation.

The gentleman from Georgia has his own opinion and I have mine. It should not worry a Member of Congress to go before his constituents and say that he did not vote to except any one man from the operation of the law that he held another to, but that he did stand for equal rights for all men before the law. I think the gentleman from Georgia in advocating the Bartlett bill took the other side—that a few men would thus be picked out of millions of others and made exempt from the operation of the law.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. Mr. Chairman, there is more indefensible talk about this paragraph than any other item in any bill during my service in Congress. This item for the enforcement of the antitrust laws was first inserted in an appropriation bill on the motion of the gentleman from Georgia, Judge BARTLETT.

Mr. BARTLETT. No; it was on motion of the gentleman from New Jersey [Mr. HUGHES].

Mr. FITZGERALD. The gentleman corrects me. It was the gentleman from New Jersey [Mr. HUGHES].

Mr. BARTLETT. I wrote the amendment, but he offered it.

Mr. FITZGERALD. Because the Republican administrations had not been prosecuting trusts that were violating the Sherman antitrust law. The gentleman from Georgia understands that I am talking about the appropriation bill when I say that he was the first one to suggest it.

Mr. BARTLETT. Oh, the gentleman is right about that.

Mr. FITZGERALD. Then it was found out that even after the appropriation was made, and $500,000 was carried in the bill in 1904, practically none of it was used the first year, and it was nearly four or five years before it was used. Then a case or two arose when it was ascertained that there seemed to be more interest in prosecuting labor organizations than the great trusts that were feeling upon the mass of the people. The gentleman from Pennsylvania [Mr. MOORE] grows very indignant because there has been attached to this paragraph a proviso requiring this appropriation to be expended for services in the prosecutions of industrial combinations, railroad combinations that violate the antitrust law, and that it shall not be used in prosecuting labor organizations or farmers' unions that may come within the purview of the law. The purpose was to give no excuse to any administration that it did not have ample funds to vigorously enforce the antitrust law against industrial combinations. The gentleman from Pennsylvania now complains about this action of the House in discriminating, taking one class out of the operation of the law and making it a preferred class. Let me recall to the gentleman from Pennsylvania that during the administration of President Taft there was prepared under the supervision of Attorney General Wickersham, under the immediate supervision of the gentleman from Michigan [Mr. TOWNSEND], now a Senator from that State, what was known as the administration railroad bill, and that bill as reported to this House contained a provision which eliminated the great railroads of the country from the operation of the Sherman antitrust law, and President Taft, and the gentleman from Pennsylvania, and all of the other servile followers of President Taft who are denouncing Members because they limit the appropriation so that it will be utilized for the purposes originally intended, were all anxious

Roosevelt said to him in regard to these efforts to obtain special privileges for special classes of workingmen:

But, understand me, gentlemen, if I ever thought it necessary, if I thought a combination of laborers were doing wrong, I would apply for an injunction against them just as quickly as against so many capitalists.

Mr. BRYAN. But he never said it was wrong to do the things mentioned in this act.

Mr. MOORE. When I get leave to extend my remarks I will put a good deal more in the RECORD that Mr. Roosevelt said, which controverts the statement made by the Progressives that they would give "real exemption to labor" when they came into power. The Democratic Party may not intend to give exemption to labor by this proviso. It may or may not be antitrust legislation. I question whether it is effective, because at the close of the first proviso it takes care of the Democratic Party, if it does not satisfy the labor leaders, by saying that that thing which shall be exempt from the operation of the law "shall not in itself be unlawful." Then what is the use of putting this on the statute books at all? Mr. Roosevelt was not in favor of this kind of legislation.

Mr. Taft vetoed the bill with this paragraph in it when it came before him, and your President, Mr. Woodrow Wilson, held it up for a long time, giving the general public the impression that he did not propose to stand for this legislation; finally he permitted the bill with the exemption clause to pass with a statement to the public which is not of record—a mere statement to the newspapers—that this not being substantive legislation he did not think himself warranted in vetoing the bill. You are now going to send it back to him in the form of substantive legislation, as you lawyers call it, as it appears in the antitrust bill. There is no necessity of sending it back again in this appropriation bill, because this is an innocuous paragraph, if that line "not in itself unlawful" means anything. That may be a sop to labor, but——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. Mr. Chairman, there is more indefensible talk about this paragraph than any other item in any bill during my service in Congress. This item for the enforcement of the antitrust laws was first inserted in an appropriation bill on the motion of the gentleman from Georgia, Judge BARTLETT.

Mr. BARTLETT. No; it was on motion of the gentleman from New Jersey [Mr. HUGHES].

Mr. FITZGERALD. The gentleman corrects me. It was the gentleman from New Jersey [Mr. HUGHES].

Mr. BARTLETT. I wrote the amendment, but he offered it.

Mr. FITZGERALD. Because the Republican administrations had not been prosecuting trusts that were violating the Sherman antitrust law. The gentleman from Georgia understands that I am talking about the appropriation bill when I say that he was the first one to suggest it.

Mr. BARTLETT. Oh, the gentleman is right about that.

Mr. FITZGERALD. Then it was found out that even after the appropriation was made, and $500,000 was carried in the bill in 1904, practically none of it was used the first year, and it was nearly four or five years before it was used. Then a case or two arose when it was ascertained that there seemed to be more interest in prosecuting labor organizations than the great trusts that were feeling upon the mass of the people. The gentleman from Pennsylvania [Mr. MOORE] grows very indignant because there has been attached to this paragraph a proviso requiring this appropriation to be expended for services in the prosecutions of industrial combinations, railroad combinations that violate the antitrust law, and that it shall not be used in prosecuting labor organizations or farmers' unions that may come within the purview of the law. The purpose was to give no excuse to any administration that it did not have ample funds to vigorously enforce the antitrust law against industrial combinations. The gentleman from Pennsylvania now complains about this action of the House in discriminating, taking one class out of the operation of the law and making it a preferred class. Let me recall to the gentleman from Pennsylvania that during the administration of President Taft there was prepared under the supervision of Attorney General Wickersham, under the immediate supervision of the gentleman from Michigan [Mr. TOWNSEND], now a Senator from that State, what was known as the administration railroad bill, and that bill as reported to this House contained a provision which eliminated the great railroads of the country from the operation of the Sherman antitrust law, and President Taft, and the gentleman from Pennsylvania, and all of the other servile followers of President Taft who are denouncing Members because they limit the appropriation so that it will be utilized for the purposes originally intended, were all anxious to have the Sherman antitrust law so amended that it would not affect the great railroads.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STAFFORD. Was not this same provision incorporated in the Clayton antitrust law lately passed by the House?

Mr. BARTLETT. That is correct.

Mr. FITZGERALD. That may be. I do not recall.

Mr. STAFFORD. The gentleman from Georgia and the other Members about the gentleman from New York say that it is.

Mr. FITZGERALD. I assume that it was. I am pointing out the difference in the attitude of gentlemen. They were willing to exempt the railroads of the country from the Sherman antitrust law and yet complain that an appropriation intended for prosecution of great industrial combinations is confined to that purpose. The United States Supreme Court has just handed down a decision in the International Harvester Co. against the State of Missouri, and I desire to quote briefly from the opinion.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. FITZGERALD. The United States Supreme Court has just handed down a decision in International Harvester Co. against Missouri, justifying a statute against the charge of illegal discrimination, and in that case the court said:

In State v. Standard Oil Co. (218 Mo., 1, 370, 372), the Supreme Court held that the antitrust statutes of the State "are limited in their scope and operations to persons and corporations dealing in commodities, and do not include combinations of persons engaged in labor pursuits." And, justifying the statutes against a charge of illegal discrimination, the court further said that "it must be borne in mind that the differentiation between labor and property is so great that they do not belong to the same general classification of rights or things and have never been so recognized by the common law or legislative enactments."

Accepting the construction put upon the statute, but contesting its legality as thus construed, plaintiff in error makes three contentions: (1) The statutes as so construed unreasonably and arbitrarily limit the right of contract; (2) discriminate between the vendors of commodities and the vendors of labor and services; and (3) between vendors and purchasers of commodities.

The Harvester Co. appealed from this judgment on the ground that labor organizations were not included within the scope of the Missouri statute.

Mr. BARTLETT. That they were expressly exempted?

Mr. FITZGERALD. That they were expressly exempted.

Mr. MOORE. Give us the citation.

Mr. FITZGERALD. I have already cited it. It is the case of the International Harvester Co. of America, plaintiffs in error, against the State of Missouri, on the information of the Attorney General. The court further says:

(2) and (3) These contentions may be considered together, both involving a charge of discrimination—the one because the law does not embrace vendors of labor, the other because it does not cover purchasers of commodities as well as vendors of them. Both, therefore, invoke a consideration of the power of classification which may be exerted in the legislation of the State. And we shall presently see that power has very broad range. A classification is not invalid because of simple inequality. We said in Atchison, Topeka & Santa Fe Ry. Co. v. Matthews (174 U. S., 96, 106), by Mr. Justice Brewer, "The very idea of classification is that of inequality, so that it goes without saying that the fact of inequality in no manner determines the matter of constitutionality." Therefore, it may be there is restraint of competition in a combination of laborers and in a combination of purchasers, but that does not demonstrate that legislation which does not include either combination is illegal. Whether it would have been better policy to have made such comprehensive classification it is not our province to decide. In other words, whether a combination of wage earners or purchasers of commodities, called for repression by law under the conditions in the State was for the legislature of the State to determine.

The court further says:

And so in the case at bar. Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinctions made are palpably arbitrary, which we have seen is the condition of judicial review. It is to be remembered that the question presented is of the power of the legislature, not the policy of the exercise of the power. To be able to find fault, therefore, with such policy is not to establish the invalidity of the law based upon it.

Whatever may be the opinion of the gentleman from Pennsylvania, I agree with the court that there is a substantial and vital difference between the regulation of the right of human beings to labor and the dealing in commodities, and I am not willing, whatever may be the opinion of anyone else—and I say it so that there may be no misunderstanding of my position—that the one law without any distinction or difference should not apply to labor, the right to labor, and dealing in com-

Mr. MANN. Why, you can step across it.

Mr. FITZGERALD. It is about a section and a half, nearly 900 acres.

Mr. RAUCH. I have here the expenditures.

Mr. MANN. Let us hear them.

Mr. RAUCH. Salaries, $3,640.

Mr. MANN. I thought so.

Mr. RAUCH. Electric-light service, $250; telephone service, $100; repairs to buildings, $1,200; maintenance, repair and construction of roads, trails and culverts, cutting wood, shoeing animals, planting and harvesting crops, repairs of farm tools, scavenger work, repairs of fences, $1,000; miscellaneous expenses, $310.

Mr. MANN. How are they doing all these things now?

Mr. FITZGERALD. They have the same amount in the deficiency bill of this year. We had to give it to them. The pitiful wail that went up from Oklahoma that the Government property was being destroyed, mutilated, and mistreated, and that some patriotic citizens were serving the Government without pay was too much for us.

Mr. MANN. Here is an appropriation for a park under a treaty with the Indians which we agreed to turn over to the State of Oklahoma. We failed to give it to them. Oklahoma says it will not take it as a gift. They will not accept it; it is not worth taking. Nobody will take it; it is a waif and an orphan in the world. Then we propose to spend $8,000 for maintenance, for building bridges, roads, and trails. There is nothing there.

Mr. FITZGERALD. Oh, yes; there is something there.

Mr. MANN. There is some nasty water there which may be healthy. The local people will not take it; the State will not take it. They want to maintain it at Government expense, purely in the interest of people who keep boarding houses there.

Mr. FITZGERALD. It is a regular gold mine for them.

Mr. MANN. Yes; for the people that keep the houses, and it is a gold mine for the people that draw the salaries.

Mr. FITZGERALD. The gentleman is aware that they took no chances in the appropriation this year.

Mr. MANN. I understand that not having it last year in the sundry civil bill, they got it in a deficiency bill. Then they went to the Senate and got an appropriation in the Agricultural bill.

Mr. FITZGERALD. Then they found out that would put them under the Agriculture Department and they did not like it.

Mr. MANN. I notice, however, that the item was retained in conference on the Agricultural appropriation bill until the day it was to be reached in this House on the sundry civil appropriation bill, and it has not yet been disposed of in the Agricultural bill, for the conference report has not yet been acted upon. I never have seen anyone more careful of their chances than the people who are behind the Platt National Park.

Mr. FITZGERALD. I have, in the case of Sullys Hill Park, in North Dakota. That was put in by the Senate in the Agricultural appropriation bill.

Mr. MANN. I am not familiar with that. The only way to be more careful would be to get this item in three different appropriation bills.

Mr. FITZGERALD. But the Sullys Hill item did not appear in the sundry civil appropriation bill when it was reported to the House, so that it has been retained in the Agricultural appropriation conference report.

Mr. MANN. I will confess my ignorance, for I do not know where Sullys Hill is; but I have heard of the Platt National Park for many years, and I have never heard any good of it.

Mr. FITZGERALD. The gentleman ought to hear the gentlemen from Oklahoma who are temporarily absent.

Mr. MANN. Oh, I have heard the gentlemen from Oklahoma who are temporarily out of the Chamber declare that the State of Oklahoma would not take it as a present.

Mr. PAGE of North Carolina. Mr. Chairman, I move to strike out lines 12 and 13, on page 107.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 107, strike out lines 12 and 13.

Mr. PAGE of North Carolina. Mr. Chairman, I regret that the gentleman from Oklahoma who is interested in this item of the Platt National Park is not present, and it is with some hesitancy that I have made the motion to strike it out in his absence; but as I have on several occasions prior to this time on the floor of the House stated that this is the most indefensible proposition I have ever known in any appropriation bill that is presented to the House of Representatives, and as we have tried repeatedly to give this piece of property to the State of Oklahoma, to the town that it adjoins or to the county in which it lies, and as the authorities will not take it as a gracious gift, I feel that I am quite within my rights in making the motion at this time. I am satisfied that these authorities never will accept that as a gift so long as the National Government makes an appropriation for its maintenance, and believing thoroughly that it is unjustifiable, that it should not be kept in the bill, I make the motion to strike it out.

Mr. SLOAN. Mr. Chairman, it seems to me that this particular park is without a friend on the floor. I have no doubt that the Members from Oklahoma are interested in preserving this park and maintaining its rights. I would like very much to hear the arguments in answer to those that have been made against the appropriation. I therefore ask unanimous consent that this paragraph be passed over without prejudice until tomorrow. It is now half past 7 o'clock and there are not more than 35 Members on the floor.

Mr. MANN. Oh, let us dispose of it now.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to pass over the paragraph without prejudice.

Mr. FITZGERALD. Mr. Chairman, if we pass over these items we will never consider them. I will have to ask that the item be disposed of. Everybody wishes to have matters passed over, but they ought to be considered. I object to passing it over now.

Mr. MONDELL. Mr. Chairman, I hope the amendment will not prevail. As a member of the subcommittee, and as a member of the Committee on Appropriations, I think the committee itself ought to defend the bill that it has reported. I admit that this item perhaps ought not to be in the bill. I admit that the item is not entirely justifiable; but I am surprised that having so large an attendance of the Democratic Members from Oklahoma this afternoon there is not a single solitary one of them here, so far as I can see, to defend the item at this time. Therefore I rise to defend it, not because it is entirely defendable, not because it ought beyond question to be in the bill, but because it is in the bill. The subcommittee reported it to the full committee, and I propose to stand by what we have done.

Mr. BARTLETT. The gentleman is mistaken; there is a gentleman from Oklahoma here.

Mr. MOORE. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MOORE. Some one must have appeared before the committee or the subcommittee urging this appropriation.

Mr. MONDELL. Oh, no; it was estimated for, and we appropriated for it because it was estimated for.

Mr. MOORE. Mr. Chairman——

Mr. BARTLETT. The gentleman from Wyoming has overlooked the fact that there are two Representatives from Oklahoma here.

Mr. MONDELL. Well, some one has sent out a hurry-up call, and the gentlemen from Oklahoma have at last appeared.

Mr. MURRAY of Oklahoma. Mr. Chairman, I feel, in view of what the gentleman has said, since it is now 35 minutes past 7 o'clock p. m., with a continuous session without adjournment, I should state that three Members from the State of Oklahoma were sitting downstairs at the table, Mr. THOMPSON, Mr. CARTER, and myself, eating supper, as we would say at home, when we got word that the committee had reached this item in reference to the Platt Park. Now, I want to say to the gentleman from Wyoming he is not at all in earnest about this matter.

Mr. MONDELL. Why, I am advocating the appropriation. I am the only one who has risen to defend it.

Mr. MURRAY of Oklahoma. Well, then, the gentleman is a gentleman, a scholar, an orator, and a statesman.

Mr. PAGE of North Carolina. Mr. Chairman, for the information of the gentleman, since he has come in after the motion was made, I desire to plead guilty to being the gentleman who moved to strike out this appropriation. Now, if the gentleman will indulge me——

Mr. MURRAY of Oklahoma. I know the gentleman will withdraw it.

Mr. PAGE of North Carolina. If the gentleman will give me one reason why the item should stay in the bill——

Mr. MURRAY of Oklahoma. Well, the first is this, the park costs less to maintain than any park in the United States.

Mr. PAGE of North Carolina. Does the gentleman really give that as a reason?

Mr. MURRAY of Oklahoma. Well, the main reason for it is this: It is more than a park; it is a health resort, and twice as many people visit that park than any other park in the United States, according to the Government records, and if you are going to maintain any park, why not maintain one which the great body of the people visit.

Mr. PAGE of North Carolina. Where do these people come from who visit this park? From the town that adjoins it?

Mr. MURRAY of Oklahoma. From all over the country. The people of North Carolina if they understood——

Mr. PAGE of North Carolina. My information has been the principal good that comes from this was that the town that adjoins it got its water supply furnished it by the Government.

Mr. MURRAY of Oklahoma. Well, every town that gets an appropriation like any town in the gentleman's district is benefited by reason of the appropriation from the Federal Government. Any town, of course, is benefited from any appropriation, and this town, of course, gets its benefit indirectly just like a town down in the gentleman's district.

Mr. PAGE of North Carolina. A direct benefit comes to this particular locality; the indirect benefit is entirely lacking.

Mr. MURRAY of Oklahoma. No; the direct benefit is that same benefit that flows to any people that look for a place for resort and for a playground for the public when men want to get away from business.

Mr. PAGE of North Carolina. Seriously, does not the gentleman think the State of Oklahoma ought to pay for this resort and not the United States?

Mr. MURRAY of Oklahoma. I do not; no, sir.

Mr. PAGE of North Carolina. Well, I know of no other resort of this sort that is maintained——

Mr. MURRAY of Oklahoma. What about the Yellowstone Park?

Mr. PAGE of North Carolina. The gentleman does not put this in the same category?

Mr. CARTER. Did the gentleman from North Carolina ever hear of the Hot Springs, Ark.?

Mr. PAGE of North Carolina. Yes, sir; I have heard of it.

Mr. CARTER. The gentleman says there is no other resort of this sort that is maintained by the Government.

Mr. PAGE of North Carolina. Does the gentleman think it is anything like Hot Springs?

Mr. CARTER. It is the same character of park, exactly.

Mr. PAGE of North Carolina. I have rather too much information, real information, about this appropriation and this proposition for the two gentlemen, one on my left and the other on my right, both from Oklahoma, to enlighten me as to the real merits or demerits of this proposition, and I shall insist upon my amendment.

Mr. THOMPSON of Oklahoma. I hope the gentleman will withdraw his motion.

Mr. MURRAY of Oklahoma. The gentleman does not mean that at all. The gentleman just wants to have a little fun. I am going to leave it to the good sense of the House to vote against the motion of the gentleman to strike out.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. PAGE].

Mr. CARTER. Mr. Chairman, I would like to be heard on this amendment for a moment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. CARTER] is recognized.

Mr. CARTER. Mr. Chairman, this Platt National Park, which has been gone over so often in this House, is a small Government park in Murray County, Okla., in the district represented by my colleagues Mr. THOMPSON and Mr. WEAVER. It is a health resort somewhat similar to Hot Springs, Ark.; perhaps not quite so extensive and elaborate as Hot Springs and not quite so famous in its restitution of the afflicted to health, but nevertheless it is a splendid health resort where a great many people go in the summer months for recreation and health. It was purchased by the Government and set aside at a price, as I recall, of nearly $200,000. There are improvements there now which should be taken care of, and the only thing that this appropriation provides for is for the administration of the park and care of the improvements. I am surprised at my friend from North Carolina [Mr. PAGE]——

Mr. THOMPSON of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. CARTER. Yes; in a moment. I am surprised that my friend from North Carolina [Mr. PAGE], in the discharge of his official duties as a member of the Committee on Appropriations, would want to abandon and let go to wrack a valuable piece of property belonging to the Federal Government.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CARTER. I promised to yield to my colleague [Mr. THOMPSON] first.

Mr. PAGE of North Carolina. The gentleman from North Carolina and other gentlemen have tried to give to the State of Oklahoma this piece of property, and you would not take it. [Laughter.]

Mr. CARTER. After you paid $200,000 for it?

Mr. PAGE of North Carolina. Yes. It is of more value than that.

Mr. CARTER. That is the reason why I criticize the gentleman. He is now so derelict in his duty in guarding the interests of the Government that he would abandon this splendid health resort for a niggardly $8,000.

The gentleman has just read to this side of the House a lecture on economy, and now for the sum of $8,000 he proposes to abandon and leave to rack and ruin of neglect property costing this Government $200,000. I am furthermore surprised at the gentleman for the reason that no opposition was made to this item in the consideration by the Committee on Appropriations, but now, when he found the Members of the Oklahoma delegation temporarily absent from this Chamber, getting their supper, as we all have to do at this time of the evening, he takes advantage of that absence and tries to strike this item from the bill.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I want to say, in answer to the statement of the gentleman from North Carolina [Mr. PAGE], that it is not a local park at all. It serves Kansas and Texas and Arkansas, besides Oklahoma and——

Mr. MURRAY of Oklahoma. And New Mexico.

Mr. THOMPSON of Oklahoma. Yes. As I said a moment ago, more people go to the Platt National Park than go to the Yellowstone Park. We have 12 national parks, and the Platt National Park in Oklahoma entertains more visitors than any other park in the United States, with the exception of the Hot Springs National Park.

Mr. PAGE of North Carolina. Mr. Chairman, if the gentleman will allow me, in view of the fact that this appropriation has recently disappeared from another appropriation bill, and in view of the eloquent plea of the three gentlemen from Oklahoma, I withdraw my amendment. [Applause.]

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

To reimburse the United States the amount due on account of one-half of the per capita cost of maintenance of indigent patients in Freedmen's Hospital from the District of Columbia in excess of the number charged to and paid for by said District during the fiscal years 1906 to 1913, inclusive, there shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $41,209.73, which amount so transferred shall be covered into the Treasury as miscellaneous receipts.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I ask the gentleman in charge of the bill. What does this language mean in that transferred item of the Freedman's Hospital, "There shall be transferred from the revenues of the District of Columbia to the United States, beginning with the fiscal year 1915, the sum of $41,209.73, which amount so transferred shall be covered into the Treasury as miscellaneous receipts"? What does that language, "beginning with the fiscal year 1915," mean?

Mr. RAUCH. It is to make the transfer as of the beginning of the fiscal year 1915.

Mr. MANN. That is not what it says. It does not say "the beginning of the year 1915," but to make the transfer "beginning with the fiscal year 1915." I really do not see what the point to that language is.

Mr. RAUCH. It is intended to mean as of the year 1915.

Mr. MANN. You do not need to have that language at all if the transfer is to be made in the fiscal year 1915, because this bill takes effect then, with the beginning of the fiscal year 1915. I do not think it is material, but that language does not mean anything the way it stands in the bill, unless it is intended to run for a series of years.

Mr. RAUCH. In the event that this bill had become a law in May, for example, we did not want it to become operative until the beginning of the fiscal year. This language was intended to take care of the situation if this bill had passed at an earlier date.

Mr. MANN. Then I should suppose instead of saying—

Beginning with the fiscal year—

You would have said—

With the beginning of the fiscal year.

Mr. MONDELL. Or—

At the beginning of the fiscal year.

that the paragraph contains the phrase "with a view to economic development."

Mr. FITZGERALD. I think Dr. Holmes has shown a very commendable spirit——

these people, should not prohibit the manufacture or importation of whisky into the Territory of Alaska?

Sequoia National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, including the purchase of necessary

land where and under such conditions as the Secretary of the Interior may direct, for ranger station at a cost not exceeding $500; and the Secretary of the Interior is hereby authorized to accept patented lands or rights of way whether over patented or other lands in the Sequoia National Park that may be donated for park purposes, $15,550.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Is this intended to authorize the Secretary of the Interior to purchase land for one ranger station at $500, or for a good many at $500 each? It says:

Including the purchase of necessary land * * * for a ranger station at a cost not exceeding $500.

Does that mean $500 for each station, and authorize various stations, or does it mean for one ranger station?

Mr. FITZGERALD. It means $500 a station.

Mr. MANN. It means only one station?

Mr. FITZGERALD. That is my recollection. I will refresh it, however, in a moment.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement, construction of roads, bridges, fences, and trails, and improvements of roads, $51,000

Mr. BRYAN. I move to strike out the figures "$51,000" and to insert in lieu thereof the figures "$111,208."

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 106, line 25, strike out the figures "$51,000" and insert in lieu thereof "$111,208."

Mr. BRYAN. Mr. Chairman, Mount Rainier Park has really for its asset Mount Rainier, also known as Mount Tacoma, which is the highest mountain in the United States. It is one of the most wonderful parks in the world, but it has not received anything like the consideration by Congress that other parks have received. For instance, there has been a greater trend of tourists into California for summer travel, and this park has been a little bit slower in developing; but the time has come for some kind of recognition to be given to it, and I believe the Committee on Appropriations would do well to accept the estimates that were made: For road construction and improvement, $43,708; survey for north side road, $12,500; construction of south side road, $50,000; construction of new trails, $5,000; making a total of $111,208. I should have added $8,792 for general purposes, making $120,000. If this amendment were adopted and proper recognition were given the park, I am sure that the Government would be spending the money wisely and properly in improving its own property. This mountain and park is a tremendous resource of the people of this country. Our tourists are continually going abroad and are spending large sums of money in seeing Switzerland, the Alps, or the Canadian Rockies or elsewhere. Reaching a height of 14,408 feet, it towers above Mount Shasta, in California (14,162 feet); Mount Hood, in Oregon (11,225 feet); Mount St. Helens (9,697 feet); Mount Adams (12,307 feet); and Mount Baker (10,730 feet). This splendid mountain stands 10,000 feet above its immediate base and covers 100 square miles of territory.

If the Government will do its part toward constructing roads and opening up this splendid park, the people of Washington will do a great deal more. The Mountaineers, a widely known mountain-climbing club, pioneered in ascending the mountain on the eastern side both in 1909 and 1912. This club is planning to circle the entire mountain in the summer of 1915, and will thus further explore the park.

The following letters show the interest taken and the demands of the park and of those public-spirited citizens who, without hope of reward, busy themselves in the interest of the park:

SEATTLE-TACOMA RAINIER NATIONAL PARK COMMITTEE,
Tacoma, Wash., December 3, 1913.

Hon. J. W. BRYAN, M. C.,
House Office Building, Washington, D. C.

MY DEAR MR. BRYAN: Now that the regular session of Congress has begun and the estimates for Rainier National Park have been reported by the Department of the Interior, I am sending you, herewith inclosed, the recommendations and reports that have been made by our committee to the Department of the Interior, for it appears that our recommendations have been approved in every way.

We have not bothered you in the matter of urging our recommendations upon the Department of the Interior, for we felt that a sufficient burden would fall upon you when the estimates came up for committee consideration and, later, when the committee reports were considered in open Congress. Now that department estimates have been reported to Congress, I take the liberty of handing you the data filed by our committee with the Interior Department.

Put in brief, the recommendations of the intercity committee were for the following appropriations to be carried in the 1914 budget:

Road construction and improvement	$43,708
Survey of north-side road	12,500
To begin construction of south-side road	50,000
Construction of new trails	5,000
Total	111,208

To our recommendations as above indicated the department added an item of $8,792 for maintenance and general purposes, this added item making the total requested appropriation $120,000, and it is this sum that the Department of the Interior has recommended.

When Secretary Lane and his principal assistant, Mr. Adolph C. Miller, visited Rainier National Park last August Secretary Lane requested that our committee secure the services of experts in road building and have prepared by them carefully considered recommendations for road construction and maintenance. This we did. Mr. Savage and Mr. Scofield went into the matter at length, and their carefully drawn report was submitted to the department, together with certain other recommendations of our committee. All of our suggestions were carefully drawn with a view to eliminating all unnecessary expenditure, and the members of our committee are exceedingly gratified to know that the officials of the Interior Department approved our report in every way.

I trust that you will have opportunity to read the intercity committee's recommendations and the report made by Mr. Savage and Mr. Scofield. Copies of both of these documents are sent herewith. Comparison with the estimates submitted by the Interior Department will show, I think, that our recommendations were closely followed. We are not advised as to when the park appropriations will come up for committee consideration. I am sending this data so that you may have opportunity to consider it in advance. If there is anything further that you should have in advance of committee hearings, kindly advise, and we will supply it immediately.

Awaiting your instructions in the matter, I beg to remain,

Very truly, yours,

T. H. MARTIN, *Secretary.*

RECOMMENDATIONS FOR ROAD AND TRAIL DEVELOPMENT IN RAINIER NATIONAL PARK, SUBMITTED BY SEATTLE-TACOMA RAINIER NATIONAL PARK COMMITTEE.

To the honorable SECRETARY OF THE INTERIOR,
Washington, D. C.

DEAR SIR: At a meeting of the Seattle-Tacoma Rainier National Park committee, held in the rooms of the New Seattle Chamber of Commerce, Seattle, Friday, October 3, 1913, various plans for road and trail development and maintenance in Rainier National Park were considered. Certain recommendations were decided upon, and these are submitted below. The improvement plans here recommended incorporate, in the judgment of our committee, road and trail development that is absolutely necessary to make the park reasonably accessible to the public.

The Secretary of the Interior visited Rainier National Park on August 15 of the current year. After his inspection of existing roads he conferred with members of our committee and the chief engineer of the State highway commission regarding recommendations that had been submitted to the department for road improvement and maintenance. At the conclusion of this conference the Secretary asked whether or not it would be possible to have the roads inspected by some experienced road builder; this for the purpose of securing the judgment of such a person on the matter of character and extent of work that should be done to complete the roads and maintain them in good condition. Members of our committee who were present promised that such an inspection would be arranged for, and the opinion of a road expert thus obtained submitted in due course to the department. In line with this understanding the intercity committee requested Mr. George Milton Savage and Mr. George Scofield, of Tacoma, both of them men of many years of practical experience in road building, to visit the park and make the investigation and report suggested by the Secretary. This plan was carried out, and a report, signed by both of the gentlemen named, was submitted to the intercity committee under date of September 29. The report was considered at yesterday's meeting of our committee, and is herewith transmitted to the Department of the Interior bearing our full approval.

The investigation made by Mr. Savage and Mr. Scofield was thorough, and their report bearing thereon is very comprehensive. It suggests a carefully considered plan for completing the present system of roads and making them safe. The report suggests the proper treatment of all parts of the road, and machinery best adapted for work of this character, and indicates materials that should be used. Further, the report gives definite estimates of cost for completing all units of the present road system, and recommends that the work outlined cover a period of five years on one of the units, three years on another unit, and one year on a third unit. Cost of all work and necessary equipment for first year is estimated at $43,708.

In line with this report, our committee recommends that the suggested plan be adopted, and that the item of expenditure for 1914 be included in the budget for that year.

A fundamental purpose of the Seattle-Tacoma Rainier National Park committee has been to advocate and work for development plans that would open up and make accessible all sections of the park. The general public has access now only to a limited region on the south side of the park. The beautiful natural parks of the north and east sides are not now accessible to the public for lack of roads. Surveys looking to road construction that will give access to the vast side of the park are now under way, but nothing is being done to provide a way for travel to the beautiful north side parks. Our committee last year recommended appropriation of $25,000 to cover two surveys. An appropriation of $10,000 was made for a survey on the south side, and this survey is now in progress; but no provision was made for the survey recommended on the north side. We therefore urge again that provision be made for a road survey from the forest-reserve line near Fairfax up the Carbon River Valley to the Carbon Glacier, thence to Spray Park and Moraine Park on the north side of the mountain. Approximate location of the road here proposed is indicated on map accompanying this report.

Besides the general desirability of making the beautiful north side parks accessible, there are two very practical reasons that actuate our committee in urging this phase of park development: The Northern Pacific Railway now operates to Fairfax, a point that is very near to the location where the proposed north side road would enter the national park. If the park were made accessible on the north side, as here proposed, the Northern Pacific Railway would immediately become interested in passenger travel to the park. This would greatly increase advertising and the general exploitation of Rainier National Park—an advantage that would result in tremendous benefit to the entire Northwest. More than this, entrance to the north side of the park, as shown by road systems indicated on accompanying map, would greatly shorten travel distances from the entire Puget Sound country to the national park. In view of the broad and general benefits to result from a north side entrance to the park, we respectfully urge that the 1914 budget

carry an item of $12,500 for survey of a north side road, approximate location to be as above indicated.

Congress at the last session appropriated $10,000 for a road survey from a point near Longmire Springs to the eastern boundary of the forest reserve, there to connect with the county road leading west from North Yakima. After this appropriation was made it developed that the State of Washington and the county of Yakima had appropriated funds for the construction of a road from North Yakima through the forest reserve to the eastern boundary of the national park. This State and county road is now partially constructed; indeed, it is available for automobile travel from North Yakima to the summit of the Cascade Mountains, a point within 3 miles of the eastern boundary of the national park. The State and Yakima County jointly have appropriated $85,000 to complete this road to the park boundary, and the work is now under way. Beyond question the road will be completed during 1914. At the conference held with the Secretary of the Interior at the time of his visit to the national park in August, it was pointed out that it would be unnecessary for the Government survey to extend to the eastern boundary of the forest reserve; this because the State was then constructing the road through the forest reserve to the park boundary. Hence it would be necessary for the Government survey to extend only to the eastern boundary of the park, there to connect with the State and county road from North Yakima. For this reason the Government survey, now in progress, is being made from a point near Longmire Springs in a southerly direction, going outside of the park and through the forest reserve to a point in the Cowlitz Valley; thence north up the Chanapokesh Valley, leading along the eastern boundary of the park to a point near the center, where it is proposed to connect the Government road and the State road at the park boundary. This proposed line is indicated on accompanying map. The Government survey is running outside of the national park through the forest reserve in order that elevation of the road may not be greater than 3,000 feet. This point of the road was strongly recommended by Mr. F. E. Weymouth, Government engineer, who made a very careful study of national park topography. Practically all engineers and mountaineers who are acquainted with snow conditions on the mountains agree that it will be necessary for this south side road to run outside of the national park to gain levels that will make the road available for a reasonable portion of the year.

Since the State of Washington and Yakima County have undertaken the construction of a road to the eastern boundary of the national park—this to be completed during 1914—it seems important to our committee that work on the Government road, now being surveyed from a point near Longmire Springs, to connect with the State road at the eastern boundary of the park, be entered upon as soon as the survey is completed and the data thereon ready for submission to contractors. Our committee recommends, therefore, that an item of $50,000 be carried in the 1914 budget; this sum to be used in starting work on the south-side road now being surveyed, the sum appropriated for this purpose to be available as soon as the survey is completed and approved.

To provide access to many desirable points in the national park, and to provide means, as well, for proper fire patrol of the park forests, we recommend that an item of $5,000 be carried in the 1914 budget for construction of new trails.

For reasons stated, our committee strongly recommends the extension of national park boundaries as follows: To include the 3-mile strip of forest reserve along western boundary of park, the 6-mile strip of forest reserve lying north of the park, and enough of the forest reserve on south side of park to incorporate the south-side road, which is now being surveyed. Our first reason for making this recommendation is based upon the fact that the narrow strips of forest reserve inclosed carry many parcels of magnificent timber that should be preserved as an important feature of national park interest. Our second reason for making the recommendation is to the end that the territory through which roads must pass in order to reach the national park be brought under the same departmental authority that deals with the national parks. Under present conditions road construction and maintenance through these forest-reserve strips entail great embarrassment. It has required years of effort to establish a workable plan for creating and maintaining a satisfactory road on the present route through the 3-mile strip of forest reserve lying west of the park. These embarrassing conditions will be obviated if the national park boundaries are extended to include these narrow strips of forest reserve. For the reasons named we strongly recommend that the strips of forest reserve territory indicated be incorporated in the national park.

In the foregoing recommendations we have not touched upon regular park maintenance items. We feel that your department is in position to pass proper judgment on items of this character. Our recommendations bear only upon matters of park development, and the recommendations that we have made are for improvements that we believe to be absolutely necessary for the logical development of the park, to the end that it may be accessible, in a reasonable and proper measure, to the general public.

Respectfully submitted.

ASAHEL CURTIS, *Chairman,*
T. H. MARTIN, *Secretary,*
Seattle-Tacoma Rainier National Park Committee.

TACOMA, WASH., *October 4, 1913.*

I ask to extend my remarks in the RECORD on this subject.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. The estimate submitted by the superintendent of this park was $1,201,000 for improvements for next year. The department estimated $120,000. The appropriation for the current year is $13,400. The largest sum ever appropriated in any one year was $20,000. The committee will understand that neither the superintendent of the park nor the department were at all modest in their requests for the improvements to be made there. The committee recommends the appropriation of $51,000. It has done so after hearing the Army officer in charge of these roads and after considerable investigation and after examining the maps to indicate what was being done. For the benefit of those Members who are familiar with the park I will say that this money will improve and continue the road from the park boundary to the Nisqually Glacier. If that much were done next year it would be a very considerable improvement, and thereafter, I assume, it will be the policy year by year, within a reasonable amount, to carry on the work of opening up this park. There are 207,000 acres in it. The work can not be done very rapidly, but after consultation with a number of Members interested in the matter, this being the particular improvement which is most highly desired and which ought to be made if anything is to be done, the committee recommended $51,000, an increase of $37,600.

Mr. BRYAN. I hope my colleague will permit me to remind him whether he ought to say Mount Rainier or Mount Tacoma.

Mr. FITZGERALD. I think the amount appropriated is all that the gentleman from that section really expected the committee to recommend.

Mr. JOHNSON of Washington. I desire to say that Mount Rainier National Park—I should say Rainier-Tacoma National Park, for that is what we call the mountain out West—is entirely within the district which I have the honor to represent. It is a national park of which we are all very proud. From letters I have received recently I think the citizens of all western Washington are pleased and gratified at what has been done by the Government for the improvement of the park and the roads within it. While we asked for $120,000 in order that we might carry out a general scheme which has been out mind, our people feel that the Committee on Appropriations has been quite liberal, particularly as definite promises are made as to future improvements. The chairman of the committee, the gentleman from New York, gave us extended hearings, and is fully informed as to the plan to carry the State east-and-west road through the great park. To him I desire to say that the people of western Washington are gratified and pleased that through this appropriation of $51,000 the completion of a good, safe road far up into the shows of the most majestic and most beautiful mountain in the United States will be accomplished. Other improvements will follow. I think the chairman of the committee will agree that the delegation from Washington was most reasonable in accepting $51,000 for such a grand mountain.

Mr. BRYAN. Does the gentleman say that the delegation was satisfied with this?

Mr. JOHNSON of Washington. The people of southwestern Washington district realize that they have submitted elaborate plans.

Mr. BRYAN. The gentleman is not opposing my amendment?

Mr. JOHNSON of Washington. Oh, no; I am not opposing the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Mesa Verde National Park, Colo.: For protection and improvement, including the lands within 5 miles of the boundaries of said reservation, which, under the act of June 29, 1906, are to be administered by the same service established for the custodianship of the park, $10,000.

Mr. RAUCH. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 107, strike out all after the word "improvement," in line 2, down to and including the word "park," in line 6.

Mr. RAUCH. Mr. Chairman, I will say that the act referred to has been repealed and that the committee did not have knowledge of it until after the bill was reported. Our jurisdiction is confined to the park.

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

Platt National Park, Okla.: For maintenance, bridging, roads, and trails, $8,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. The gentleman from New York is quite familiar with the Platt National Park as an old proposition. What is the purpose now in reference to it, and can the gentleman tell us whether there is an item in the agricultural bill for it?

Mr. RAUCH. I understand that that item has been stricken out of the agricultural bill by the conferees.

Mr. MANN. The conference report has not yet been acted upon, but it proposes to strike out the item?

Mr. RAUCH. I understand the conference report proposes to strike out the item.

Mr. MANN. How can we spend $8,000 in this park unless they lay down gold dollars one on top of the other?

Mr. RAUCH. The expenditure is for bridges and roads and trails.

here, and that an effort was being made to prevent appropriation bills being considered in order to take up and consider a

Members of the House.

Mr. MANN. Mr. Chairman, will the gentleman yield?

limited funds at the disposal of his bureau in any one year it

So the amendment was lost.

Mr. FARR. Mr. Chairman, I move to increase the amount of the appropriation from $347,000 to $367,000. That will enable the department to use the cars two months more a year.

Mr. FITZGERALD. There is no information of that character before the committee. Let me say to the gentleman that if there ought to be an increase in this sum, the department should first send in a formal request. It can be placed in the bill before it is disposed of in the other body. Both Houses have been fair to the Bureau of Mines. Nobody desires to interfere with their work, but we ought not to proceed upon the theory that the bureau did not ask for all the money it needed.

Mr. FARR. My information is that Dr. Holmes was not in town when the committee made up the bill.

Mr. FITZGERALD. The gentleman is mistaken. Dr. Holmes appeared before the committee, and the committee acted upon the information which he furnished.

Mr. FARR. I do know, Mr. Chairman, that the department would like to be in possession of this amount and to use these cars for the two months that I have mentioned.

Mr. FOSTER. I think, if the gentleman will permit me, that in view of the statements made here that there is no estimate for this additional amount, that the amendment be withdrawn. There is no question in my own mind but that the Bureau of Mines in order to do effective work ought to have this money; and I suggest to the gentleman from Pennsylvania that he withdraw the amendment.

Mr. FARR. Well, Mr. Chairman, in view of the suggestion of the gentleman from Illinois, I withdraw the amendment.

The CHAIRMAN. The gentleman from Pennsylvania withdraws his amendment, and the Clerk will read.

The Clerk read as follows:

For inquiries and investigations concerning the mining, preparation, treatment, and utilization of petroleum and natural gas, with a view to economic development, and conserving resources through the prevention of waste; to inquire into the economic conditions affecting the industry, $25,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York how this money is expended?

Mr. FITZGERALD. This is carried in the bill this year for the first time. In the tapping of gas and oil wells it has been found that there has been a tremendous waste of gas—millions of cubic feet are permitted to blow off before the oil comes up. In some instances where an oil well has been found there has been a great waste of oil before the well has been tapped.

Mr. MURDOCK. But after the well has been tapped then the utilization of petroleum has been very complete. That has been my understanding. I do not think there is any product that is so completely utilized as is petroleum.

Mr. FITZGERALD. The word "petroleum" is used in a generic sense. It includes petroleum and the by-products, but I think this was principally in connection with the waste of gas.

In 1912 the production of natural gas amounted to five hundred and sixty-two thousand million cubic feet, valued at $84,500,000. The estimate is that the waste amounted to about $50,000,000.

Mr. MURDOCK. That is in gas alone?

Mr. FITZGERALD. Dr. Holmes stated that the waste in petroleum would aggregate between $25,000,000 and $35,000,000 a year. When these gushers are found, the lighter oils that are more volatile sometimes go off in gas, and it is to demonstrate the best methods of conserving them.

Mr. MURDOCK. I will say to the chairman that I know, of course, as the gentleman knows, that in the first shooting of a well there is a loss frequently of gas and of oil. Is it the purpose of this paragraph to find ways to prevent that loss at that time? It certainly can not be to utilize petroleum after the petroleum is produced, because the distillates of petroleum now run down to the finest order.

Mr. FITZGERALD. This appropriation is carried in the language of the act authorizing the particular service, but the purpose is to develop and perfect the methods by which the waste of gas and oil will be prevented when wells are tapped. Sometimes men start after oil, and they find a great volume of gas above the oil. They blow the gas all off.

Mr. MURDOCK. And that is lost?

Mr. FITZGERALD. And sometimes they are after gas and they find oil above the gas, and they pay little attention to it; and according to the statement of Dr. Holmes, the waste of both oil and gas reaches nearly $90,000,000 a year. Of course if this gas and oil could be saved, it would very materially affect the price and the value of it in the communities where it is used.

Mr. MURDOCK. I call the gentleman's attention to the fact that the paragraph contains the phrase "with a view to economic development."

Mr. FITZGERALD. That is the language of the organic act. Two years ago a bill was passed through the House lodging the powers in the Bureau of Mines. It occasioned considerable controversy, and this is the language in which the act was passed; and in making the appropriation they asked to have it carried in the language of the act, but from the testimony submitted by Dr. Holmes it was apparent that this money was asked to continue on a larger and more efficient scale the work that had been done to prevent this enormous waste in gas and petroleum and the lighter oils.

Mr. MURDOCK. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For one mine inspector for duty in Alaska, $3,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Do they have any mines in Alaska that this man has anything to do with?

Mr. FITZGERALD. Oh, a great many.

Mr. MANN. What kind of mines does this man inspect?

Mr. FITZGERALD. Gold mines and copper mines and coal mines.

Mr. MANN. Does he inspect placer mines?

Mr. FITZGERALD. There is a statute creating an inspector of mines.

Mr. MANN. I know there is, but at that time it was supposed that they were going to have some mines up there.

Mr. FITZGERALD. In the territories and in Alaska, and this man has been in Alaska and he seems to be a very busy man, and of course they wanted to give him assistance up there.

Mr. MANN. Are there any coal mines up there?

Mr. FITZGERALD. There are coal fields. I am not certain whether there are coal mines or not. They say he is a very busy man. I have never been there and I have never seen him work.

Mr. MANN. I merely repeated the inquiry that I have made every year for years as to whether this man had anything to do, and I have never found anybody from Alaska or out of Alaska who knew whether he had anything to do or not.

Mr. FALCONER. Mr. Chairman, if the gentleman will permit, they are mining 2,000 feet under the sea in Alaska in the Trendwell gold mine, near Sitka.

Mr. FITZGERALD. I understand that there is work up there that requires competent and technical men, and the mines there are inspected and the regulations are enforced by the inspector of mines.

The Clerk read as follows:

Persons employed during the fiscal year 1915 in field work outside of the District of Columbia under the Bureau of Mines may be detailed temporarily for service at Washington, D. C., for purposes only of consultation or in connection with the preparation of results of their field work; all persons so detailed shall be paid in addition to their regular compensation only their actual traveling expenses in going to and returning therefrom; and all details made hereunder, and the purposes of each, during the fiscal year shall be reported in the annual estimates of appropriations to the Sixty-fourth Congress at its first regular session.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. Just what is intended by this paragraph in reference to this service in Washington, and particularly as to that part of it which provides for the payment of the expenses? The provision in here is unusual, and I do not understand it.

Mr. FITZGERALD. They have been detailing these men and they have been drawing not only the traveling expenses, but the per diem while here in Washington. Now, the director of the bureau states that it is very desirable, after the men have made their investigations, to bring them to Washington for consultation and preparation of their report. He thinks that traveling expenses should be paid, but he does not believe that they should be allowed in addition a per diem for subsistence.

Mr. MANN. That is, at present, as I understand it, a man who is on the pay roll at $1,500 a year, if that should be the amount, and he is detailed to Washington and has been employed here two or three months in the wintertime to do work he receives his monthly salary and his traveling expenses to Washington, and then in addition he gets $4 a day while he is here, so that he is getting a salary of $1,500, and he not only gets that salary, but he gets that much more because he happens to have the privilege and pleasure of coming to Washington for a little while.

Mr. FITZGERALD. That is exactly the situation.

Mr. MANN. I see that is there stated and I nearly fell over in a faint at the idea that it was proposed by any department, because that detail business with per diem subsistence is so thoroughly abused by the Government that I did not expect any one would want to inaugurate a reform.

Mr. FITZGERALD. I think Dr. Holmes has shown a very commendable spirit——

Mr. MANN. And if this is the proposition I desire to pay a tribute to him.

Mr. FITZGERALD (continuing). To eliminate an abuse, and I think he should be commended for it.

Mr. MANN. I think so, too. I am afraid he will not be commended for it by the employees under him.

Mr. FITZGERALD. This would enable him to utilize a larger portion of the appropriation to do work of his bureau rather than to swell the amount paid to some employees.

Mr. MANN. I have known single persons, unmarried, in the service of the Government in Washington drawing annual salaries who were detailed to go outside the city to work, practically permanent employment, who received their salary and in addition subsistence allowance all the time that they were away from Washington, although it was just as cheap for them to board where they were as to board in Washington.

Mr. FITZGERALD. Was that during or after campaign time?

Mr. MANN. Well, it had nothing to do with the campaign time. I will say to the gentleman. These persons were not voters, and I have no doubt——

Mr. FITZGERALD. Oh, there is no doubt there has been abuse, as in the acquisition of sites to public buildings. Employees who wanted to visit their homes or relatives or their friends would be detailed to go and investigate a site down in some locality.

Mr. MANN. Now, I do not think the heads of the departments try to do it; far from it. I am not criticizing them for it, but the clerks do work for it.

Mr. FITZGERALD. I think these abuses crept into the law at times without the knowledge of the heads of the departments, although there are heads of departments and heads of departments.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

ALASKA, EXPENSES IN.

Insane of Alaska: For care and custody of persons legally adjudged insane in the Territory of Alaska, including transportation and other expenses, $70,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Why not strike out "the Territory of" and make it in Alaska, like it does everywhere else but under this head.

Mr. FITZGERALD. I think there is one place where the words were overlooked. Mr. Chairman, I move to amend by striking out of line 3 the words "the Territory of."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 101, line 3, strike out the words "the Territory of."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Traffic in intoxicating liquors: For suppression of the traffic in intoxicating liquors among the natives of Alaska, to be expended under the direction of the Secretary of the Interior, $15,000.

Mr. FALCONER. Mr. Chairman, I move to strike out the last word. I desire to ask the chairman of the committee why they find it necessary to appropriate $15,000 for the suppression of the traffic in intoxicating liquors in Alaska? I have not had the advantage of the committee's investigation on that.

Mr. FITZGERALD. We have to do that because depraved white men insist on selling liquor to the natives up there and debauching them. Up to this time we have been carrying $12,000, but the necessity for additional inspectors were shown, and we have recommended an increase of $5,000. The "bootlegger" in Alaska seems to be very active, and the sale of liquor to the natives is the most demoralizing thing that occurs there. Everybody interested in their civilization and advancement is very anxious to eliminate as far as possible this traffic.

Mr. FALCONER. Mr. Chairman, I would like to have five minutes on this subject.

The CHAIRMAN. The gentleman from Washington [Mr. FALCONER] is recognized for five minutes.

Mr. FALCONER. I understand that we have about 65,000 people in the Territory of Alaska, one half of whom are natives and Indians and the other half white, a certain percentage of which, according to the testimony of the gentleman who is chairman of this committee, is "depraved white trash." Since the Government of the United States owns 95 per cent of the Territory of Alaska, and half the population natives and Indians, does it not occur to Members of the House that it is the office of the United States to eliminate whisky from Alaska? Is there any reason why the Government, having 35,000 natives and Indians in Alaska and being under a moral responsibility to protect these people, should not prohibit the manufacture or importation of whisky into the Territory of Alaska?

Now, it occurs to me—and I am not going to object to this item in the bill—that from the economic standpoint and from the standpoint of citizenship we should exclude from the Territory whisky.

Now, we have increased this appropriation $3,000 during the last year. I understand that the very best conditions obtain in Alaska, according to the testimony of some men, and yet we have to pay 50 cents per capita for every white man, whether he be of an average standard of citizenship or a "bootlegger," to keep him from giving to the unsophisticated natives of Alaska fire water which sets them crazy, a brand of liquor, according to the governor of Alaska called "40-rod whisky." I think the remark was made over there in the committee room that a man on taking a drink of this whisky could climb a telegraph pole——

Mr. COX. Backward—— [Laughter.]

Mr. FALCONER. And run up the side of a house. [Laughter.] Or spit in the face of a Kadiac bear. [Laughter.] I want to ask the chairman of the committee if he does not think it would be advisable to eliminate whisky entirely from Alaska? Would it not be advisable for this Congress, from the economic standpoint, to pass a prohibitory bill, providing that no intoxicating liquor be sold in Alaska?

Mr. FITZGERALD. I will say very frankly to the gentleman, expressing my own opinion, that I do not think that sort of legislation leads to satisfactory results, either as to intoxication or as to the sale of liquor. I am not in favor of prohibition laws in the United States or in Alaska. As to what the effect of this whisky is I do not know. I was never up there; I never drank it, and never tried to climb a telegraph pole. [Laughter.]

Mr. WICKERSHAM. Mr. Chairman, if I may be permitted, I will say to the gentleman that most of the bad liquor comes from the State of Washington, from which the gentleman [Mr. FALCONER] hails, and they have to make expenditures of this same kind for the prevention of the sale of liquor to Indians in the State of Washington.

Mr. FITZGERALD. If we could prohibit the manufacture and sale of intoxicating liquors in the State of Washington perhaps not so much of it would go up into Alaska.

Mr. FALCONER. A very healthy condition obtains up there, I understand from the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. I have not taken that position. [Laughter.]

Mr. FALCONER. Then you contend that there is an unsatisfactory condition?

Mr. WICKERSHAM. I have not taken that position, either. [Laughter.]

Mr. FALCONER. Does not the gentleman think it would be advisable to put a statute on the books prohibiting the sale of liquor in Alaska?

Mr. WICKERSHAM. I do not think it ought to extend to Alaska alone, but it should also extend to the State of Washington, from which most of the bad whisky we have in Alaska comes. [Laughter.]

Mr. FALCONER. Well, I can assure the gentleman that we are going to go "dry" in the coming year in the State of Washington, and that no more good whisky will be shipped to Alaska. And then what will happen? Will you still need this appropriation?

Mr. WICKERSHAM. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Alaska [Mr. WICKERSHAM] moves to strike out the last word.

Mr. WICKERSHAM. The situation in Alaska with respect to liquor is better to-day than it has ever been before. Our licenses are issued by the courts, upon petition by the people of the community, and the courts are very strict in the issuance of licenses and the control of saloons in the Territory. There is a class of people coming into Alaska in schooners—smugglers from the gentleman's district—and they bring bad whisky up there with them and peddle it to the natives, and it is for the purpose of catching that class of people from the gentleman's district——

Mr. MANN. No wonder the gentleman from Washington wants prohibition—— [Laughter.]

Mr. WICKERSHAM. That this money is appropriated to catch these whisky peddlers, these "bootleggers," from Puget Sound, who violate the law, and not the people of Alaska. [Applause and laughter.]

The Clerk read as follows:

Sequoia National Park, Cal.: For protection and improvement, construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, including the purchase of necessary

miners as to the means of protection and also in giving information in first-aid work.

States. Whether to do what the gentleman from Illinois proposes requires an increase of 33 per cent over the amount

as to encourage the operator to neglect his responsibility. It is a very fortunate thing that under the encouragement of the

plain of the chairman of a legislative committee that he wanted to take the estimates as forwarded by the executive depart-

ments and appropriate in the amounts asked for without investigation, without taking into account the information obtained by the committee having the matter in charge, and now within an hour we are face to face with a proposition to go beyond the amount asked for in the estimates, the amount asked for by the gentleman who has charge of the work, who is supposed to know how rapidly he can develop the bureau over which he presides, and we are asked to believe that the gentleman from Illinois [Mr. FOSTER], who introduced the amendment, knows more about what ought to be done in this bureau than the gentleman who presides over it; that the gentleman from Pennsylvania [Mr. KELLY] and the other gentleman from Pennsylvania [Mr. FARR] are far more conversant with the work than the people who have in immediate charge the administration of the work and the expenditure of the appropriation. It seems to me it is entirely unreasonable to come in here and ask this committee to increase this appropriation in an amount that has not been suggested by the bureau having in charge the expenditure of the money.

And I want to say in conclusion what I said in the beginning, that I yield to no man on this floor in my sympathy for the Bureau of Mines and the work that it is doing, not only because of the work that it is doing but because of my faith in the man who is administering that particular branch of the Government, not only in his capacity but in his absolute honesty. And I may say, Mr. Chairman, with all his virtues modesty is not one of them, and he usually asks for what he needs, and I suppose in this instance he asked for all he needed.

Mr. RAUCH. Mr. Chairman, I will occupy but just a moment for the purpose of showing that the Committee on Appropriations, and the House of Representatives for that matter, are in complete sympathy with the development of this work. I wish to make the following statement, which appears in different parts of the hearings on mine rescue cars. They have seven cars——

Mr. FOSTER. They have eight.

Mr. RAUCH. During previous years they were operated for only five or six months of the year. "Last year," Dr. Holmes says, "you increased this appropriation so as to enable us to spend $20,000 additional on the work of the mine rescue cars, and as a result we will during this year operate these cars between 8 and 10 months." Now, then, it is impossible to operate any one car 12 months in the year, because it requires about 2 months for repairs. For that reason they asked for an appropriation for an additional car, which the committee provided. He says, "If we had one extra car we could operate the cars for 12 months. Under such a system, instead of having all the cars repaired at one time and giving all the men leaves of absence at one time, these changes could take place at intervals, and effective mine-safety training could go on during every month in the year." So as a matter of fact the Committee on Appropriations has made ample provision according to the plans of the Bureau of Mines for this work to go on each and every day in the year.

Mr. BUCHANAN of Illinois. Mr. Chairman, I think this increase in the appropriation ought to be approved. If the Director of the Bureau of Mines has not asked for sufficient money to carry out what Dr. Holmes has said ought to be done in his report, it seems to me that he has not done his duty. I take it from the remarks made by the chairman of the Committee on Appropriations a few days ago in a colloquy with Mr. MUDOCK, where he pointed out the great need of appropriations for the purpose of protecting human life in mines and elsewhere, that he would raise no objection or withhold his consent on an appropriation of this kind, and due to his efforts District day now has been set aside twice and he has defeated probably for this session of Congress a very meritorious bill for the purpose of protecting human life in the building industries in the District of Columbia. Of course, it is true that building craftsmen in the District of Columbia who live here do not have a vote and therefore have not any influence of that kind to exercise, and in spite of the efforts of a few of their friends we have been unable to secure consideration of that bill. If an earnest effort had been made to consider and pass that bill, it probably would have been done in half an hour. It was set aside by the exercise of his influence, by misleading statements made for the purpose of setting it aside, for many Members coming in here and not knowing just what they were voting on or what it meant when they voted to go into the committee were told that there was nothing of any importance to consider. Also I want to state while I have the floor that the chairman of the Committee on Appropriations in the colloquy with Mr. MUDOCK said in effect, if not in these words, that there was opposition here, and that an effort was being made to prevent appropriation bills being considered in order to take up and consider a bill that only one man wanted and nobody else knew or cared anything about. There are about 500,000 building craftsmen in the United States, and I believe they are all interested in securing the passage of that bill; in fact, I have information that they are interested in securing the passage of this measure, not only due to their sympathy for the protection of life of the building craftsmen working in the District of Columbia, but because they look at this bill probably as a sort of model that they might point to in order to have the different States pass a like measure. Now, I do not say the chairman is responsible for anything for which the whole committee is not responsible.

If the committee is permitting one man to dictate the policy of that committee, then they are all responsible to that extent.

Now, when it is pointed out that there can be more money utilized for the benefit and protection of the lives and health of the miners of the United States, we find that opposition is still there, and the consent of the committee is withheld for that money that is necessary to equip those cars for that purpose.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. BUCHANAN of Illinois. And it seems that that is not the only case where that opposition is shown.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. Mr. Chairman, from time to time the gentleman from Illinois [Mr. BUCHANAN] has made statements that are so grossly inaccurate that if it were not for the fact that some people are likely to imagine that because a man is a Member of Congress he can not make mistakes, I would not pay attention to what is said.

In the performance of my duty as a Member of this House I did to-day what I did two weeks ago—I moved that the House take up the sundry civil appropriation bill. It was not for me to determine what the House should do. It was for the House to determine. And it determined—and, I think, properly and wisely, showing good sense—to proceed with the consideration of this bill. I remained in my seat while the vote was being taken, and when Members who escaped the gentleman from Illinois—who stood at the door—asked me what the vote was about I informed them that it was upon the motion I had made to consider the sundry civil bill, and that it was being antagonized by the gentlemen who desired to take up what is known as the Buchanan bill.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes.

Mr. BUCHANAN of Illinois. Does the gentleman contend that two weeks ago he remained in his seat when the vote was being taken?

Mr. FITZGERALD. I think I did; but I do not recall.

Mr. BUCHANAN of Illinois. I remember very well seeing the gentleman outside speaking to Members as they came in.

Mr. FITZGERALD. If I did go out, I exercised my rights as a Member of the House; and I was more successful, apparently, than was the gentleman from Illinois when he pursued that course to-day.

Mr. BUCHANAN of Illinois. I asked the gentleman from New York what he did two weeks ago to-day?

Mr. FITZGERALD. From the personal standpoint, I should have been very much gratified if the gentleman's motion had prevailed to-day. I happen to have been so unfortunate as to have caught a severe cold in the head, and I have been suffering all day from a severe headache, and my personal comfort and convenience would have led me to hope that the gentleman would have taken the day to consider a bill affecting persons in the District of Columbia.

I have read the bill in which the gentleman is interested—not with any such care as would enable me to determine whether its provision would be subject to criticism; but I have read it. It was introduced in the House on the 25th of September, 1913, and it was reported to the House on the 9th of May, 1914. It was not my fault that this bill lay in the Committee on the District of Columbia for more than eight months, during all of which time Congress was in session. I do not know whether it was the fault of the gentleman from Illinois [Mr. BUCHANAN], although the fact that the committee struck out everything after the enacting clause and reported an entirely different bill would lead me to believe, without comparing the two bills, that perhaps the bill which the gentleman had introduced was not in that perfect form that would have made it satisfactory to the Members of the House.

Mr. MANN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from Illinois?

Mr. FITZGERALD. Yes; I yield.

Mr. MANN. Is the gentleman aware of the fact that that bill was reported to the House some time ago, and was then recommitted to the Committee on the District of Columbia?

Mr. FITZGERALD. No; I was not aware of it.

Mr. MANN. That is the fact.

Mr. FITZGERALD. But I do know that in the month of June——

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield there?

Mr. FITZGERALD. Certainly.

Mr. BUCHANAN of Illinois. Probably the gentleman does not want to make an erroneous statement about the bill.

Mr. FITZGERALD. No; I have no desire to do so.

Mr. BUCHANAN of Illinois. I want to say that the substance of the bill has not been changed.

Mr. FITZGERALD. I have not compared them.

Mr. BUCHANAN of Illinois. The substance has not been changed, except as to the application of it.

Mr. FITZGERALD. I do not want to be unfair to the gentleman, and——

Mr. BUCHANAN of Illinois. It does not make any difference about the unfairness to the gentleman from Illinois, and the fact is that the substance of the bill has not been changed, and there was no change in it at all.

Mr. FITZGERALD. There must have been some difference.

Mr. BUCHANAN of Illinois. The difference was that there was a reference made to building regulations instead of to the statute.

Mr. FITZGERALD. At any rate, in a bill of 14 sections——

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Washington?

Mr. FITZGERALD. I would like to get 5 minutes.

Mr. BRYAN. Does not the gentleman think he ought to go on with this bill? Does not he think he ought to say something about the sundry civil bill?

Mr. FITZGERALD. When a gentleman has made misstatements about me, does not the gentleman think that I should make a statement in reply?

Mr. BRYAN. Mr. Chairman, shortly at this rate we shall get into a wrangle and then we shall get into trouble. [Laughter.] I make the point of order that the gentleman is not discussing the bill.

Mr. FITZGERALD. A short time ago the gentleman complained bitterly of a colleague who would not permit him to make a statement on the floor of the House.

Mr. BRYAN. The gentleman is chairman of a great committee. If he insists on it, I will withdraw the point; but I think the gentleman ought to take a lesson, even from one who does not know as much as he does, and do as I suggest.

Mr. BUCHANAN of Illinois. I want to ask the gentleman to withdraw his point of order, and let the gentleman from New York [Mr. FITZGERALD] finish his criticism.

Mr. FITZGERALD. The only attempt that I know of to take up the bill—and I am not finding fault with anybody—was during this month of June, the last month of the fiscal year. This appropriation bill ought to be enacted into law before the 30th of the month. The failure so to enact it will not be the fault of myself or my associates on the committee. We have done everything we could to press it. We took whatever time was allowed to us.

The gentleman from Illinois [Mr. BUCHANAN] criticizes Members because they wish to make progress with this bill, which affects all of the people of the United States, every branch of the Federal Government, rather than a bill affecting men in the District of Columbia. I did not say that I wanted the sundry civil bill taken up because I desired to appropriate for the Bureau of Mines money that the head of the bureau did not ask. I united in the recommendation to appropriate the money stated by the head of that bureau to be necessary, and I do not believe it is necessary to increase by $113,000 what he says is necessary, and what he asks Congress to give to conduct the bureau.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. KELLY of Pennsylvania. I can not understand why the statement has been repeatedly made that the Director of the Bureau of Mines has not been asking for this amount, when in his own report just issued from the Bureau of Mines he distinctly states that he has been crippled, and that with the limited funds at the disposal of his bureau in any one year it has required three years to prepare an experimental coal mine for this demonstration work.

Mr. FITZGERALD. That was not wholly due to a lack of funds. I repeat what I have said; The request was for $347,000 for these purposes, and that is the amount that the bill carries. With regard to the experimental mine, if I recall correctly, there was first an attempt made to lease a mine to be fitted up, where the actual conditions existing after an explosion took place could be simulated. If I recall correctly, some one finally donated a mine to the Government.

Mr. FOSTER. That is true at Bruceton, Pa. The coal company there gave the Government the use of a property for an experimental mine. All the Government does is, that when it takes coal out of the mine it turns it over to the company.

Mr. FITZGERALD. Yes; but the difficulty in completing those investigations was not because of a lack of funds that were requested and appropriated. In 1912 there was a difference of $50,000 between the amount estimated and the amount appropriated, and it was due to a readjustment of sums under various items. But for the current year 1914 this committee recommended what the Director of Mines requested, and it recommends for next year what he requested. I imagine he knows how much he needs. He has always requested what he required to conduct the service, and this committee has met him and has recommended to the House appropriations that he pointed out as desirable and essential for the work. I do not think we ought to increase this appropriation of $347,000 by $113,000, on the suggestion of some gentleman that the Bureau of Mines ought to spend that much, whether they think they need it or not. I hope the amendment will not prevail.

Mr. MANN. Mr. Chairman, I want to see if I can pour a little oil on the waters. I did not sympathize to the extent of voting with my colleague from Illinois [Mr. BUCHANAN] in opposing to-day or two weeks ago the consideration of the sundry civil bill. I understand, in a way at least, the duties of the chairman of the Committee on Appropriations, and it was the duty of the chairman of the Committee on Appropriations to endeavor to secure the consideration of the sundry civil bill as soon as it could be considered after it was reported to the House. I hope the consideration of it will be such that it will be possible to get it enacted into law by the first of the fiscal year.

I think the chairman of the Committee on Appropriations deserves the respectful and sympathetic consideration of every Member of the House, whether he happens to be fighting him at the time on the pending proposition or not, and I have great regard for the gentleman from New York [Mr. FITZGERALD] in that position. On the other hand, the gentleman from New York [Mr. FITZGERALD] has referred to the bill which my colleague [Mr. BUCHANAN] introduced, in regard to building regulations in the District of Columbia, and he stated that that bill was introduced last September and was reported into the House in May. That bill was reported into the House early in the winter; I do not remember just when. There was some opposition to it as it stood. I do not know just what that opposition was. There were undoubtedly some errors in it, and my colleague Mr. BUCHANAN in a very gracious way said that he was quite willing that the bill should go back to the District Committee and be again considered by that committee in order that if there were any errors in it they might be corrected. The bill was recommitted to the District Committee and was reported into the House early in May. It did not come up on the first District day after it was reported, because the House had another bill under consideration. Since that time there has been no District day in fact, although there have been two District days in theory under the rule.

Now, my colleague, as it is his duty pushing a bill that he believes ought to be passed, has endeavored to secure consideration of it even before the sundry civil bill. The House has not agreed with him. I have said to my colleague to-day privately, and I say it publicly now, that I hope we will soon be able to get his bill before the House. I do not believe there is any opposition to it. I do not believe it will take very long for consideration if it comes before the House; and I am pledged, as far as I am concerned, to do everything I can at the first opportunity to get that bill before the House. Meanwhile I hope that my colleague and the gentleman from New York will call it quits, smile, kiss, and make up, and go on with these other things. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOSTER) there were 23 ayes and 23 noes.

So the amendment was lost.

from Oklahoma [Mr. FERRIS] has already increased one item 33 per cent. He proposes to increase this item 33 per cent. If he come before us for consideration a bill which has already been made privileged, relating to granting franchises for dams and there will be enough legislative matters in which a large num-

THE CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents, and other inquiries and technologic investigations pertinent to the mining industry, $347,000.

Mr. FOSTER. Mr. Chairman, I move to strike out "$347,000" and insert "$460,000."

I do this not because the department has estimated any increase for this particular work, but for the reason that if this additional amount is given it will permit the cars which are now owned by the Government to continue in operation for 12 months in a year, or nearly so. We now have eight cars which are owned and controlled by the Bureau of Mines. These are cars which were purchased a few years ago. They were old Pullman sleepers. They are now in such a condition that they need repair. It will cost about $21,000 to repair seven cars and put them in proper condition to be taken on fast trains and sent to the scenes of mine explosions and wherever else it may be necessary that they should be sent.

This increased appropriation also gives to the Bureau of Mines on these cars a first-aid surgeon, a mining engineer, and a stenographer—instrumentalities essential in the education in this mine rescue work, which should be provided in connection with this work if the work is to be made effective.

There has been a call from the miners all over the country that the Government with its cars should, if possible, get around to these camps and instruct the miners in the particular work of making the mines safer. We hear of the terrible explosions that take place, where possibly hundreds of lives are lost; and the intention of the Bureau of Mines and the object which its officials are seeking to accomplish is to find some way of instructing these miners so as to avoid, if possible, this great loss of life.

The other day we read of a case over in Alberta, Canada, where more than 100 men lost their lives in the mines. A short time ago we also read of a case down in West Virginia, where scores of men lost their lives in an explosion. This is a matter of saving human life. It is not a matter of dollars and cents in this particular, but it is essential that these men should be instructed, so that this terrible loss of life may be avoided. Not only do we see this great loss of life in the mines which occurs now and then, but even from day to day; and I may say there are more lives lost in the course of the year from falling roofs and accidents of that kind that might possibly be avoided than are lost from the explosions that we read so much about in the papers. It is hoped that if these cars are permitted to operate 12 months in the year, properly equipped with men who can give instruction that will be beneficial to these miners, they can in the course of time get around and instruct all the miners in the different camps.

The CHAIRMAN (Mr. HOWARD). The time of the gentleman from Illinois has expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FOSTER. I present this matter to the committee to-day in the hope that they may conclude that in this item something more may be given, not because it has been estimated for but because, in my judgment, it is necessary and will do as much good as any other appropriation made in this bill.

I realize that the Committee on Appropriations has treated the Bureau of Mines with consideration, and I am not here to complain of the committee. I am here only to ask that this appropriation may be made to carry forward this work in a better way, in a quicker way, than it has been carried on in the past.

This work is so important that I wish I could impress on the Members of the House the necessity of adopting the amendment offered. We can afford to do more along these lines of saving human life.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FARR. Mr. Chairman, I hope that the amendment offered by the gentleman from Illinois [Mr. FOSTER] will prevail. In the matter of the mine rescue cars, it will enable the Bureau of Mines to send these cars out among the mining communities once in 4 years, rather than once in 12, as now, which would extend the effective work of instructing the miners as to the means of protection and also in giving information in first-aid work.

I will say for Pennsylvania, notwithstanding the large sum of money—nearly a quarter of a million dollars—that is annually expended there in the mining bureau of that State and in inspectorships for the safety of the men, that the Federal Bureau of Mines has stimulated greatly not only the interest of the corporations and employers but also that of the employees, and with advantage both along the line of safety and health conditions.

I want to present to this House some figures as to the number of miners killed in this country and in Great Britain. In 1910 we employed 725,000 miners in this country. Two thousand eight hundred and forty miners were killed. In Great Britain there were employed in that year 1,032,702 miners. One thousand seven hundred and fifty-four miners lost their lives in that country, as against 2,840 in this country, although this country employed 300,000 fewer miners.

In 1911 the number of miners employed in this country was 728,348, and the number killed was 2,719. In Great Britain for that year 1911 there were employed 1,049,000 miners, and there were 1,232 killed, or less than one-half the number killed in this country, although there were 272,000 more miners employed in Great Britain than here.

I live in a community which mines more coal to-day by several million tons than the entire output of the United States 50 to 30 years ago. I have known hundreds, yes thousands of desolated homes in my district. Thousands of miners who lived in the city of Scranton and the county of Lackawanna in my time have been killed in the mines, leaving thousands of widows and many thousands of helpless orphans. I do not know of any way in which this Congress can do more effective service than by increasing this appropriation, as desired by the gentleman from Illinois [Mr. FOSTER], for the purpose of safeguarding the mine workers and lessening the number of accidents and deaths in that important but most dangerous work.

Mr. MURDOCK. The gentleman stated that this increased appropriation would permit these mine cars to make a trip once in 4 years rather than once in 12 years. What does the gentleman mean by that statement?

Mr. FARR. With the limited number of these mine-rescue cars they can reach the mining communities only about once in 12 years.

Mr. MURDOCK. And with the increased appropriation it would allow them to visit all the mines once in every 4 years?

Mr. FARR. Yes; and the importance of that work will be indicated when I make the statement that over one-half of the miners to-day can not speak or read but little of the English language, and through these mine cars, by way of picture slides, a great deal of practical information can be given to them. [Applause.]

Mr. FITZGERALD. Mr. Chairman, there is no doubt that the work of the Bureau of Mines is very important and of great value. Sympathetic with its work, the Committee on Appropriations recommended all the money it requested for this purpose. In addition to that it increased by some $62,000 the appropriation for the bureau over the amount appropriated for the current year. In one or two items not vitally affecting the safety of the lives of the men engaged in mining the full amount requested was not given. Now, there was no information presented to the committee that any additional sum was necessary or required in this service. The Director of the Bureau of Mines was given all he asked. The purpose of these cars is to go from one mining center to another with instructors and to instruct the men engaged in mining in the use of the safety apparatus, and it is the contention of the director that this work is not a permanent work, but that it is a work of a somewhat temporary character, although in his opinion it will take some years perhaps to cover all of the mining regions as effectively as is desired.

The committee gave all the money that that bureau requested for this purpose. It gave $30,000 additional to enable them to replace the equipment upon the cars. It never contemplated that it would be possible to have cars so that they could operate the entire 12 months. They must be temporarily laid up.

Mr. STEPHENS of Texas. Do any of the States cooperate in this work, or have they paid any money or employed any experts to aid the United States Government in the prevention of these accidents?

Mr. FITZGERALD. Some of the States have mining inspectors and mining bureaus. I think the State of Illinois, perhaps, has the most highly organized and efficient State service of any of the States. Some of the others have State bureaus, but my recollection is that the Bureau of Mines of the Federal Government is not conducted in association with any of the States. Whether to do what the gentleman from Illinois proposes requires an increase of 33 per cent over the amount

requested by the bureau I do not know. I have no information. The committee gave all that the bureau asked. It seems to me that the committee should not increase this appropriation without the bureau at least suggesting that it is necessary for the conduct of its service.

Mr. FOSTER. Would the gentleman be willing to let this go over for the present?

Mr. FITZGERALD. No; I think we ought to dispose of it now.

Mr. KELLY of Pennsylvania. Mr. Speaker, I certainly hope that the amendment offered by the gentleman from Illinois [Mr. FOSTER] will prevail. Here is an opportunity to combine the conservation of human resources and material resources. As a dollar-and-cent proposition it seems to me this amendment is a most profitable investment, and no false plea of economy should prevail against it.

In the report of the Bureau of Mines just issued for the last fiscal year there is a summary of the cause of mine accidents and the waste of life and material involved. It says:

There is no exact measure of the losses from mine accidents and mineral waste, but we may use an approximate measure. If the increasing rate of coal-mine fatalities during 1905, 1906, and 1907—the three years prior to the beginning of this work—had continued throughout the four subsequent years, since Congress began these mine-explosion investigations, the number of fatalities would have been at least 4,000 greater than they have actually been. At approximately the average compensation paid per man in fatal mine accidents of the past few years, this would represent a national loss of $12,000,000 in the four years. On the same basis the 20,000 men killed during the past 10 years in the mines of the United States would mean a loss of more than $100,000,000 in national productiveness. If it is remembered that for every fatal accident there are at least 3 to 5 serious nonfatal accidents, and 12 lesser accidents which incapacitate for one or more days, it will be seen that the actual national loss would have been much larger.

In mineral waste, the national loss is estimated to be not less than $1,000,000 a day. This loss for the most part is not such as may be considered as representing a deferred use of resources, but represents a total permanent loss of national wealth.

One million dollars in material resources wasted every day and a hundred million dollars a year as the dollar-and-cent value of the wasted human resources! To prevent that waste is a conservation devoutly to be wished.

The Bureau of Mines, to my mind, is one of the most important and beneficial bureaus of the Federal Government. In the last few months five different patents have been taken out by engineers of the Bureau of Mines. Every one will be used for the common good without the payment of a dollar, and every one of them will benefit both miners and mine owners. One is a collapsible cage for rescue work, and another is a rescue apparatus carried by persons going into the mines after an explosion. These two inventions alone will mean the saving of untold lives, and, as a dollar-and-cent proposition, will be profitable. We can not afford to handicap this bureau by withholding the funds necessary to permit it to carry on its invaluable work in efficient manner. I sincerely hope that the amendment offered by the gentleman from Illinois will be adopted, because it means a conservation policy of the highest type. [Applause.]

Mr. MONDELL. Mr. Chairman, the gentleman from New York has called the attention of the committee to the fact that the Bureau of Mines has been given all it asked. Had the bureau asked for a larger sum under any of the heads of its expenditures, and given good reasons why such increased sums should be granted, I am sure that the committee would have been inclined to have granted larger sums than have been given.

Mr. KELLY of Pennsylvania. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KELLY of Pennsylvania. Does not the report of the Bureau of Mines explicitly state that they are handicapped because they have not sufficient funds?

Mr. MONDELL. My attention has not been called to any such statement of fact. We know what they did ask; we know that in the hearings they asked for nothing more. The committee is in sympathy with this work of the Bureau of Mines. It is doing a great and splendid work and under good management, but I think even in as important work as this it is altogether possible to appropriate so rapidly as to defeat the very purpose of your appropriation. We all realize the fact that the Federal Government can not become responsible for conditions in all the mines in the country. The most the Federal Government can do and ought to do is to give aid and encouragement and help to better conditions. The responsibility primarily is and must remain on the operator and upon the State in the enactment of legislation along lines which will insure and compel greater safety.

The work of the Bureau of Mines in suggestion and aid is and will be very helpful. But we ought not so to enlarge our work as to encourage the operator to neglect his responsibility. It is a very fortunate thing that under the encouragement of the work the Bureau of Mines operators are generally securing safety apparatus. Under the suggestions of the Bureau of Mines more favorable conditions are being established in the mines of the country. I think we are doing very well when we appropriate all that those in charge of the work desire, and that we have done. I am greatly interested in this work and will vote, as I have, for all that the bureau asks for its work.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. MONDELL. Yes.

Mr. COOPER. In view of what the gentleman from Pennsylvania [Mr. FARR] said about the present cars being able to reach the mines once in 12 years, what does the gentleman say to this language on page 28 in the report of the Director of the Bureau of Mines? And, by the way, on the preceding page—on page 24—there is a statement that the demands made on the bureau both by the Government and the public have from the beginning largely exceeded its facilities, and that these demands have increased much more rapidly than the funds and facilities of the bureau have grown. Then, on page 28, I find the following language, referring to these cars:

The 12 fully manned rescue cars, operated on a schedule such as that outlined above, would reach the million men who labor underground in the United States once in four years' time.

Does not that show right on the face of it that the bureau does want these additional cars?

Mr. MONDELL. I do not think it necessarily does, in view of the fact we gave them all they asked.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I do not think it does, in view of the fact that the bureau did not ask any more than the amount we had given. The gentleman from Wisconsin [Mr. COOPER] knows this, that there is no important and helpful public service of this kind that can not indefinitely and very rapidly extend its work. The bureau should extend its work, but it should extend it in a reasonable and really helpful way. It should secure and equip additional cars, as the necessity of those cars are demonstrated by the work that the cars are now doing.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. COOPER. The gentleman says that they should increase their facilities and extend their work as the necessities demand. But the statement of the bureau in that report is explicit that the demands are clear beyond their facilities; that they ought to have 12 cars in order that at least once in four years they can get to these million of miners and prevent this awful waste of life. It is perfectly plain to me that that is the only interpretation to be put on this annual report, just as was said by the gentleman from Illinois [Mr. FOSTER].

Mr. MONDELL. Oh, we could appropriate a million or two million dollars or five million dollars for this work, and it could be expended in some way, no doubt, but primarily it should be the effort of the Federal Government to encourage the mine operators to take up and carry on this work, and to encourage and insist upon the State legislating so as to compel mine operators to provide safety apparatus and compel conditions of safety.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. PAGE of North Carolina. Mr. Chairman, at one time in my service on the Appropriations Committee I was a member of the subcommittee that prepared the sundry civil appropriation bill, and I have some familiarity with the items appropriated for the Bureau of Mines. Personally, I have been very greatly interested in that bureau, not only because of the work that it is doing toward the conservation of human life and property but, I confess, as well because of a very long and close personal friendship with the gentleman who happens to be the Director of the Bureau of Mines. I am sure that what has been said by other members of the Appropriations Committee as to the attitude of that committee toward this bureau has been sympathetic, and the increased appropriations from year to year are evidence of the fact it has been disposed to increase the activities of this bureau, and the appropriations for the increase of its activities as rapidly as they could be wisely used in the extension of its work. In this instance it has appropriated what was asked for. The Director of the Bureau of Mines is supposed to know the needs and the possibilities of the extension of the work in the bureau over which he presides. Just a little while ago in this committee I had occasion to complain of the chairman of a legislative committee that he wanted to take the estimates as forwarded by the executive depart-

to me, if I owned a large tract of land bearing coal, what the public lands."

Mr. BAKER. I am glad the gentleman made that remark. We are interested in the conservation of the Treasury. We are opposed to turning over water powers amounting to hundreds of thousands of horsepower to the hands of private individuals. [Applause on the Republican side.] This department wants money so that they may send out into the field men to make an examination of the water-power interests of this country.

There are hundreds of water-power cases pending to-day in which there is over a third of a million horsepower involved and hundreds of millions of acres of desert lands, which means hundreds of thousands of dollars to this country, and which means the upbuilding of the West. Instead of allowing the water to flow down to the ocean, as it has done since the beginning of time, it should be utilized for the benefit of man. How are you going to develop it? Are you going to keep it locked up in reserves, or are you going to open it up so that the people may have an opportunity to develop it, to use it if they desire; an opportunity to spend their money in developing not only the water power but the land; that they may conserve the water power and make the streams larger in the summer, to give us more water in the areas adapted for irrigation; that we may hold back this water for the purpose of irrigating those desert, barren lands that have been standing idle and unused for ages?

And at the same time we are building these dams, in order that we may have the opportunity of developing water power. To-day the man who files an application is denied a prompt hearing, is denied his rights—for delay at times means a practical denial of his rights—simply because there is not money enough appropriated for this service to make a prompt and proper examination.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, it might be interesting to the committee to see how this $150,000 has been spent. One would imagine that it was all being expended in the investigation of the matters referred to by the gentleman from California [Mr. BAKER]. If there be that great necessity, it is somewhat astonishing that they should be expending this money, not in the public domain or the public-domain States, but spending it in the Eastern and Southern States. The sum of $21,000 was expended for administration, $14,000 in computation of stream-gauging data, $1,000 for inspection, $16,000 for ground work, $24,500 in utilization of land-classification work. Then in gauging surface waters in Vermont there was expended $900; in Massachusetts, $2,500; in New York, $2,500; in Virginia and Maryland, $500; in the Southeastern States, $4,000; in the Ohio River Valley, $6,000; in Minnesota, $3,500; in Wisconsin, $1,000; in Iowa, $100; in Colorado and Wyoming, $6,000; in Montana and North Dakota, $4,500; in Utah, $4,500; in Nevada, $2,500; in Idaho, $4,500; in Oregon, $4,500; in Washington, $4,500; in California, $4,500; in New Mexico, $4,500; in Arizona, $3,000; in Hawaii, $5,000; contingent expenses, $2,530.

Some of the States have been cooperating in these stream-gauging enterprises. It is easy to understand why $2,500 of this money is spent in the State of New York, when they obtained from the State of New York its cooperation to the extent of $11,500. There is no reason why a dollar of this money should be spent in the State of New York. That State ought to do this work itself. It is amply able to do it. So is Massachusetts. So are these other States. But this desire to have this cooperative arrangement with the States and to have the Geological Survey superintend it results in a diversion of this money to places where it should not be spent. What excuse is there to spend $2,500 in the State of New York, cooperating with that State in gauging the flow of the Hudson River? We have the most valuable watershed, perhaps, in the United States. We have spent $20,000,000 ourselves to obtain it. There is no need of the Federal Government contributing $2,500 to assist the State of New York to find out how much the water flow is and what its water is. There is no necessity for the Federal Government going into States like Massachusetts, Virginia, and Maryland, and other States.

The gentleman says this is only the amount of the estimates for this service. The estimates of money required to conduct the public service during the next fiscal year were $73,681,000 in excess of the estimated revenues of the Government in the next fiscal year. Recently the Secretary of the Treasury pointed out that he had overestimated our revenues by about $20,000,000, so that the estimated sums required to conduct the Government during the next fiscal year are about $100,000,000 over the estimated revenues. This committee did not reduce the appropriation for these services. It continued the amounts that had been carried for a number of years. The gentleman from Oklahoma [Mr. FERRIS] has already increased one item 33 per cent. He proposes to increase this item 33 per cent. If he offers many other amendments, as he promises to do, increasing other items in the same ratio, there will not be many of us on this side of the House in the conduct of the public business in the next Congress. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. I would like two minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. The gentleman from Oklahoma stated that he had endeavored to confer with members of the Committee on Appropriations, and had been unable to do so. I think Members of the House who have from time to time desired to confer about matters in these bills have found no difficulty. I made an appointment to meet a number of members of the Committee on the Public Lands at the committee room one morning, and it was somewhat unfortunate, I suppose, but in the transaction of the public business I was compelled to go early to the White House, and was detained longer than I had anticipated. I reached my office a few minutes before the House convened. It was impossible to go over the matter then, and we agreed that we would meet the next morning. The only gentleman who was present the next morning to go over these matters was the gentleman from California [Mr. KENT]. The gentleman from Oklahoma evidently determined not to appear. I wish to make this statement so that nobody will linger under the impression that the gentleman was denied an opportunity even of conferring as to what the facts actually were.

I have no prejudice for or against any of these services. If I could have my way, it would be very pleasant to recommend all the money every public official, every Member of Congress, and every selfish outside interest desired for one purpose or another. My task would be much easier. It is so much easier and so much more popular to advocate appropriations for service in which our constituents are interested than it is to attempt to take a broad survey of the field and determine without any prejudice or partiality what is required to enable a particular service to be conducted properly.

I believe, and I do not think there is any difference of opinion among the members of the committee who have examined into the matter, that this committee has recommended a sum amply sufficient for this service. A few years ago there was this same agitation to increase this appropriation from $150,000 to $250,000. A member of a political club, of which I am a member in my home district, met me one day while I was there, while the bill was under consideration, and told me that he was about to attend a convention of engineers to be held in the city of Pittsburgh, and he wanted to carry my assurance that I would vote to increase this appropriation so that the engineers of the country would have the benefit of these Government reports in making reports and investigation. I told him that I would not favor the increase, but I would oppose it; that I was of the opinion then—and I entertain the same opinion now—that these moneys should be expended upon the public domain or in the ascertainment of facts in utilization of the waters over which the Federal Government has control and not for the private benefit of individuals, singly or in groups, and not for the purpose of relieving the States of a part of the burdens which properly belonged to them. I hope that the amendment will not prevail. [Applause.]

Mr. LENROOT. Mr. Chairman, I move to strike out the last word. It is very unfortunate that this sudden spasm of economy on the part of the Democratic majority comes upon items where they are of great public necessity, and there is little or none of that desire for economy upon items that could be well dispensed with or postponed until a future time. [Applause.]

The gentleman from North Carolina a few minutes ago said that he expected this side of the House to vote for all the increased appropriations so as to put the Democratic Party in a hole. I want to say to him and to the chairman of the Appropriations Committee that if it had not been for this side of the House standing with him and with his committee a number of times on these and other bills against increases of appropriations that were unnecessary the appropriation bills would have been much larger than they are to-day, and you have the Republican side of the House to thank for the fact that they are not larger than they are.

Now, with reference to this item, the gentleman undertakes to say that this question of water supply, of water power in the States not upon the public domain, is not a matter of public interest. Mr. Chairman, when this bill and the general deficiency bill shall have been completed in this House there will come before us for consideration a bill which has already been made privileged, relating to granting franchises for dams and

water powers on the navigable streams in the United States. They do not relate to the public domain, but they relate to every navigable stream in the United States, whether it be in the East or whether it be in the West. Will the gentleman say that it is not to the interest of the country to know and to have information concerning the water supply and the water power upon these navigable streams? The gentleman refers to the Hudson River, of New York. I do not know anything about the Hudson River, of New York, or as to its water-power capabilities, but I do remember that last session we had before us the question of the Connecticut River, in the State of Connecticut, where they came to this Congress for a franchise for a dam creating water power, and it was defeated by those who were opposed to conservation because there were placed amendments on that bill safeguarding the public interests.

So, Mr. Chairman, when anyone says that this is not a matter of public interest except as it relates to public land, he is ignorant of what is going on with reference to these matters, with reference to the water supply, the control of navigable streams, and the control over our water powers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. FERRIS) there were—ayes 51, noes 53.

Mr. BRYAN. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. FITZGERALD and Mr. FERRIS to act as tellers.

The committee again divided; and the tellers reported—ayes 55, noes 55.

So the amendment was rejected.

The Clerk read as follows:

For continuation of topographic surveys of the public lands that have been or may hereafter be designated as national forests, $75,000.

[Mr. JOHNSON of Washington addressed the committee. See Appendix.]

Mr. GARDNER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD for the purpose of inserting so a tables dealing with immigration.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, I move to strike out the last three words. I would like the attention of the gentleman from New York, the chairman of the committee. Is it the gentleman's intention to sit to-night continuously? I ask this so that gentlemen may be able to make arrangements with respect to it.

Mr. FITZGERALD. I hope the committee will sit right along until late to-night and make as much progress as possible.

Mr. HAWLEY. Did the gentleman say until late to-night or until 8 to-night?

Mr. FITZGERALD. Oh, 11 or 12 o'clock.

Mr. STAFFORD. Mr. Chairman, can we not have some understanding of the hour when we will adjourn, if there be no objection or no recess taken?

Mr. FITZGERALD. Oh, a reasonable hour.

Mr. STAFFORD. Not much later than 9 o'clock?

Mr. FITZGERALD. Oh, I think we will run later than that. It is much harder on me than it is on the gentleman. I think it would be to the convenience and advantage of the House if we could sit some time on this bill for several days and dispose of it. To-morrow the conference report on the naval appropriation bill will be called up, the conference report on the agricultural bill will come in, and there will be a disagreement on the legislative appropriation bill, so that with these conference reports coming before the House it is going to make it difficult to obtain much time to give to this bill, and we should try and dispose of it as soon as possible.

Mr. STAFFORD. There is no disposition on this side not to have an evening session, though I think that 10 o'clock would be considered as late as we ought to sit.

Mr. FITZGERALD. By 10 o'clock everybody may be in such good humor and so fresh that we may dispose of considerable of the bill in an hour or two after that time. Nobody wants to make any engagements after 10 o'clock at night.

Mr. HUMPHREY of Washington. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HUMPHREY of Washington. What does the gentleman think will occupy our time during the rest of the summer after this bill is out of the way?

Mr. FITZGERALD. Why, from the information we get as to the number of bills that are to be given special consideration, there will be enough legislative matters in which a large number of Members are interested to occupy not only the summer but a considerable portion of next winter. The appropriation bills should be disposed of, and it is to the convenience of everybody. Some of the items of this bill naturally will take some time. Members are interested in them and desire to discuss them. We have only disposed of about 80 pages out of 182 pages of the bill.

Mr. HUMPHREY of Washington. In view——

Mr. FITZGERALD. We started three weeks ago, I think, but one week we did not do anything.

Mr. HUMPHREY of Washington. In view of the progress we have been making to-day I will not have any objection to a night session——

Mr. FITZGERALD. I will say to the gentleman from Washington that after the appropriation bills are disposed of and have passed both Houses and are approved by the President I will be very indifferent as to what will occupy the House the balance of the time.

Mr. HUMPHREY of Washington. I will say to the gentleman from New York that after the appropriation bills are disposed of, unless I change my mind, which, of course, is within the bounds of possibility, he will not keep any late hours in this House unless he keeps a quorum.

Mr. STAFFORD. If the gentleman will permit this observation, the roll call disclosed this morning 248 Members present. With the approach of July, does the gentleman think it will be possible even to maintain a quorum here to do any business?

Mr. HUMPHREY of Washington. I do not know; but if we are going to stay in session all summer, that side will maintain a quorum if they do any business.

Mr. MURDOCK. I would like to ask the gentleman from New York a question. At the bottom of page 155 there is an item for the enforcement of the antitrust law. I have been spoken to by many gentlemen as to whether we will reach that item to-night——

Mr. FITZGERALD. I think so.

Mr. MURDOCK. If we do, does the gentleman expect to go ahead with the consideration of that paragraph?

Mr. FITZGERALD. Yes; I expect to go past that item without any discussion.

Mr. MURDOCK. Of course, it will be discussed, and I want to know if the gentleman is going to let that item go over.

Mr. FITZGERALD. I think we ought to take it up. I think one gentleman did intimate he might move to strike it out.

Mr. MURDOCK. I want to be sure of that.

Mr. FITZGERALD. The gentleman recalls what happened two years ago when somebody moved to put it in, and having charge of the bill it was my duty to antagonize it, and the House by a vote of 5 to 1——

Mr. DONOVAN. Mr. Chairman, I want to make an observation about the gentleman from Washington, and I hope he will not go out.

Mr. MURDOCK. I want to be sure about this proposition, and I would like to have the attention of the gentleman from New York. I have had inquiry about this paragraph, and it has been the custom here at times to pass over items. I understand it is not the purpose of the gentleman from New York to pass this item over to-night?

Mr. FITZGERALD. I think not.

Mr. MURDOCK. If he reaches the item he is going to take it up? I wanted to understand it definitely.

Mr. FITZGERALD. It was put in here one night about half past 9.

Mr. MURDOCK. Then I will notify the gentlemen who have asked me. That is what I wanted to know.

Mr. FITZGERALD. I think we ought to get along with the bill.

Mr. MURDOCK. So I understand it is not to be passed over when we reach it?

Mr. DONOVAN. Mr. Chairman, the gentleman from Washington [Mr. HUMPHREY], who is very much interested in conservation, I see has left the room. I believe the gentleman ought to attend to his duties as well as any of us. It was not possible for him in the last week to help make a quorum or raise the question of no quorum, and if everybody had done as the gentleman from Washington did last week the House would be empty. It is a great characteristic of those Members who go out and leave this Chamber after voting for a night session to come in here and raise the question of no quorum, and thereby get it into the RECORD that they are present. The gentleman could not raise, I repeat again, that point of no quorum in the last week, because he had flown the same as the rest of the absentees.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

I hope the amendment will be agreed to. The amendment of the gentleman from Wyoming ought not to be agreed to. It will do no good. It is wholly insufficient.

The growth of this work is phenomenal. I print herewith a portion of the last annual report, which shows how this work has grown. It deserves the attention of Congress, and it deserves it now:

GROWTH OF WORK.

During the last six years the field investigations of the Survey and the office work connected therewith have shown remarkable growth. Notwithstanding the fact that within that period the former technologic branch of the Survey has become an independent organization, the Bureau of Mines, the older bureau is larger now than it was six years ago.

In personnel the net growth since 1907 has been about 37 per cent; in general correspondence the number of incoming letters now exceeds that of 1907 by 43 per cent; the total distribution of reports and maps has increased 23 per cent, the increase in maps sold being even larger, 25 per cent; and the total cash receipts from sales of publications are larger by 60 per cent than in 1907. In the matter of total printed pages in the published reports there has also been a notable increase, though it is impossible to state this exactly by reason of changes in measure of page and size of type.

During this period, however, notwithstanding these gains in every particular that can be stated statistically, there has been a net loss in annual appropriations. The $250,000 appropriated in items under the technologic branch in 1907 has been only in part replaced by increased amounts now appropriated in other items, although the net loss is also in part offset by increased cooperation by the States in the field work of this Federal service. Thus the fact becomes apparent that in spite of a large measure of growth in public demands, as proved by the increase in correspondence and in distribution of publications, especially in publications sold, there has been no increase in the total appropriations available for sustaining the work of this bureau.

If the most recently organized branch of the survey, the land-classification board, is taken, even more noteworthy items of growth can be cited for a single year. With the board's work largely increased in every line of activity, the formal land-classification reports prepared for a single bureau, the Office of Indian Affairs, show for 1912–13 an increase in number of 20 per cent over the previous year. The letters received in the land-classification board increased 32 per cent, and the outgoing letters 70 per cent. It is not surprising that the files of this branch doubled in volume this last year.

The fact that more public work is being performed without corresponding increase in expenditure is unmistakable evidence of efficiency and economy. Efficiency in the public service is the end sought by an increasing number of administrative officers throughout the departmental service. The constant and painstaking effort of responsible chiefs and clerks in all grades is to make the largest returns to the public for the money appropriated by Congress. The motive of public service is often as effective in these kinds of Government work as the incentive of personal gain in private enterprise.

Because of this increasing pressure of official work, overtime service has become almost habitual in many of the divisions of the survey. Of the scientific members of the organization, several will be found working at their desks every evening during the winter, often until midnight, so that many of the geologists and others average at least 10 per cent overtime. In the clerical force, where there is the same devotion to duty, but possibly not the same personal interest in the work, the record is no less creditable in the amount of voluntary and, indeed, volunteered service. In one group of clerks, for instance, the overtime throughout the year averages about 5 per cent; in another group the average is 7 per cent, the extra time reaching 9 per cent in one of the winter months. In another section an extra hour a day is required of the whole force during periods of a week or more when the demands from the public are especially heavy, the time of service showing, for instance, an increase of 20 per cent in a single month. The library is regularly kept open an extra hour during the winter to facilitate its use in connection with the official scientific work.

Another gratifying evidence of devotion to work is furnished in the records of attendance. Usually an average of only two-thirds or less of the total annual leave permissible under the law is taken by survey members, while 10 to 14 per cent is the average sick-leave record (12½ per cent this last year). In the field work of the Geological Survey the men know no official hours; they regulate the length of the working day only by the season, and even after darkness has fallen there may be several hours of accounting and clerical work in the tent before the chief of party or his principal assistants turn in for the night.

In connection, however, with this matter of overtime work and what may be considered a maximum output, it is believed that the limit has been reached and that a crisis now faces the work in charge of this bureau. The activities imposed by Congress upon the Geological Survey have been increasing faster than the appropriations provided therefor, until now it is all too apparent that the organization is undermanned and underequipped. Overtime work under adverse conditions is, as already stated, evidence of enthusiastic loyalty to the public service, but the strain is cumulative and the organization is bound soon to weaken, while both the quality and the quantity of the product must plainly suffer unless more adequate appropriations are voted by Congress. The demand upon the survey for more work can not be checked, but the means to meet the demand can be provided.

Mr. FITZGERALD. Mr. Chairman, whatever the telephonic communications of the gentleman from California, he has obtained no more accurate information than he had volunteered before he resorted to the telephone. Moneys appropriated for geologic surveys have been expended on privately owned land.

Mr. FERRIS. Oh, we do not deny that.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. RAKER. What I meant by that and what the purpose to say was that the department investigates the quantity of coal for the purpose of finding out the amount, but for no private individual.

Mr. FITZGERALD. Mr. Chairman, it would be immaterial to me. If I owned a large tract of land bearing coal, what the peculiar motive that inspired the department was in examining to determine the quality and quantity of coal on my land. All that I should want would be the information. The motive of the survey in doing the work at the expense of the Federal Government would be something that would never concern me at all. These gentlemen are asking that $100,000 be added to this appropriation. If all of the amount recommended by this committee be expended on the public domain, there would be then $20,000 additional to the amount proposed in this amendment expended for this purpose.

I can not agree with gentlemen who contend that it is the duty of the Government or that it is a function of the Government to make investigations upon privately owned properties, particularly so long as there is a crying need to make investigations and determinations upon the public domain. The gentleman from Wyoming is in error in his statement that this item must necessarily be increased $55,000, that if it be not increased the Geological Survey will have $35,000 less than it has during the current year. Certain duties are imposed upon the General Land Office in the classification of lands, and $35,000 is the sum which it sets aside out of its appropriation to do the work. Instead of employing independent persons in the General Land Office to make these investigations it has been turning $35,000 over to the Geological Survey to make the investigations, in the belief that its organization and facilities will enable the work to be done better. Some one has suggested that the committee has reduced the amount 25 per cent. Let me suggest rather that there is a request that the appropriation be increased 33⅓ per cent. If this committee were to act upon such recommendations without any information to justify it, and increase appropriations for various branches of the public service by 33 per cent from statements of the character volunteered to the committee in support of this one, the Federal Treasury would not commence to meet the demands that would be made upon it for these various services.

I believe that the committee has recommended ample funds to enable the Geological Survey to do the work imposed upon it in a proper, effective, and intelligent manner. If it devotes itself to the work which the organic act creating the survey imposes upon it, it will have no difficulty in performing its duties with the appropriations provided in this bill. I hope the amendment will not be agreed to.

It had been a common practice a few years ago for the head of the Geological Survey, as soon as the sundry civil appropriation bill was reported to the House, to start a vigorous canvass of Members who might or might not be affected by the expenditures from these appropriations in their respective districts and to build up an agitation and start a controversy in the House. After a number of years of conflict the Director of the Geological Survey was driven back to his office, where he belonged; but this year he has resorted to the old tactics. He had the members of the Committee on the Public Lands meet, and they held a meeting without the information that was before the Committee on Appropriations, and upon the assurances of the Director of the Geological Survey that the committee had cut his estimates—not refused to increase his appropriation 33 per cent, but cut his estimates—they started a vigorous campaign. Then he sought out gentlemen like the gentleman from Louisiana [Mr. WATKINS], who has money expended in his district, and impresses upon him the necessity of having this appropriation increased. Going from one to another, instead of spending his time performing his public duties in the place set aside for that purpose in the manner intended, he went about giving incomplete information as to what had been done and urged Members for one reason or another to increase this appropriation $100,000. If I believed the appropriation should be made, I should not support it to encourage such indefensible methods on the part of a head of a bureau.

The CHAIRMAN. The time of the gentleman has expired; all time has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced the noes appeared to have it.

On a division (demanded by Mr. FERRIS) there were—ayes 59, noes 38.

Mr. FITZGERALD. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. FITZGERALD and Mr. FERRIS) reported that there were—ayes 60, noes 45.

So the amendment was adopted.

Mr. CURRY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 99, line 17, after the word "surveys," insert the words "of the public lands."

Mr. FERRIS. Mr. Chairman, I reserve a point of order on that.

Mr. MANN. It is not subject to a point of order; there is no debate on it.

Mr. FERRIS. I make the point of order.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. FERRIS. I make the point of order that it is new legislation.

Mr. MANN. What is the point of order?

Mr. FERRIS. The point of order is that it is new legislation and is contrary to existing law.

Mr. MANN. It is not legislation at all; it is a definition of what surveys are—geological surveys of the public lands.

Mr. FERRIS. I do not think the gentleman is right about that.

Mr. MANN. It is the only thing there is authorized under the law to make surveys of.

The CHAIRMAN. The point of order is not sustained, and the question is on the amendment.

The question was taken, and the amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources, $150,000.

Mr. FERRIS. Mr. Chairman, I move to strike out "$150,000" and insert "$200,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 7, strike out the figures "$150,000" and insert "$200,000."

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. There is absolutely no justification for increasing this appropriation. The only excuse is that the Director of the Geological Survey has requested the gentleman from Oklahoma to offer the amendment. There is no information that justifies it. If the committee wishes to increase it for that reason alone it can do so. I would suggest to gentlemen upon this side that they should hesitate somewhat about accepting these amendments offered in this way. We are approaching the time when the country will be scrutinizing very carefully what this House does in the way of appropriations. There has never been any justification for expending more than $150,000 a year for the purpose here stated. It can not be justified now after the statement issued by the Treasury Department for the current year that there will be a deficit in our receipts over our expenditures.

Mr. FERRIS. Mr. Chairman, the gentleman from New York does not keep himself within the facts when he says that the only thing justifying this amendment is a request from the Director of the Geological Survey to me to offer the amendment. On the contrary, the estimates urgently asked for this increase in the appropriation, and the hearings show they are entitled to this increase of appropriation; and the facts that are before the Committee on Public Lands show and make them aware that it is necessary. The floods of the Ohio, and the floods of the Mississippi, and irrigation all over the United States make it necessary that some increased investigation should be made along this line. I do not know what the will of the House may be; but this amendment ought to be made. Year after year for a good many years they have been asking this money be appropriated, and that the country get a benefit of honest, faithful, patriotic surveys that have been made. Year after year they are turned away, and the money is refused them.

I full well appreciate the great strain that comes on the Committee on Appropriations to keep down appropriations. But they have already carved this bill down $23,000,000 below the estimates. There is no use, when we are trying to develop the West, when we are trying to develop water power in the West, when we are trying to revise the mining laws and the mineral laws, and trying to get some development on the withdrawn areas of the West, for the development of that country and the diffusion of the benefits therefrom amongst the people, to pare down and keep cutting down the appropriations necessary for those purposes.

I hope the amendment will be agreed to. I tried to get it inserted in the bill when the bill was pending before the Committee on Appropriations. I tried to appear before the chairman of the Committee on Appropriations, but I was unsuccessful. I have no way of knowing what is reported until the bill comes in on the floor. Then we are confronted with the idea that Members ought not to present amendments.

I confess, Mr. Chairman, I do not rise to such a high ethical standpoint as that. I believe the Members of this House have the right to offer amendments to appropriation bills or any other bills. This body is composed of 436 sovereign Members. I do not think any committee has the right to seclude itself and deny to the other Members of the House the right to offer amendments. And nobody has the right to abuse a Member like a pickpocket for offering amendments. The gentleman from New York [Mr. FITZGERALD] can say what he will and do what he will, but I will offer amendments anyway when I think they are necessary. [Applause on the Republican side.]

Mr. PAGE of North Carolina. Mr. Chairman, the gentleman from Oklahoma [Mr. FERRIS], in his criticism of the Committee on Appropriations, is hardly fair, and certainly he can not express the sentiment on this side of the House touching appropriations. He, no doubt, was greatly elated at the applause that greeted him from the other side of the House, when they are anxious over there to pile up appropriations on a Democratic House of Representatives, and no one can blame them. But we are pledged to some economy, and about the only people, so far as my observation goes up to this time, who are concerned in the Democratic Party's living up to its pledges and carrying out its pledges to the country, are found on the committees of the House which make appropriations and which have information upon which we should appropriate.

So long as gentlemen come into the House and offer amendments to appropriation bills and base those amendments upon estimates made by some department, unless somebody trims the estimates and brings them down within the bounds of the needs of the public service, the appropriations will continue to mount higher and higher every year.

Mr. SMITH of Idaho. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Idaho?

Mr. PAGE of North Carolina. No; I can not yield now.

The CHAIRMAN. The gentleman from North Carolina declines to yield.

Mr. PAGE of North Carolina. It seems to me it is time that gentlemen on this side of the House stand by those committees that are endeavoring to carry out the party's pledges, and it is time that Members and organizations, often on the part of men on this side of the House, should cease to attempt to break up an effort to economize in the expenditure of the public funds. [Applause on the Democratic side.] I think it is time that some one should say it to the Democratic membership of this House; and I say if the gentleman from Oklahoma [Mr. FERRIS], chairman of the Committee on Public Lands, or any other Member as an individual or representing an organization, can come in here and overthrow the recommendations of the committees that have investigated the needs of the public service, then it is time that you dismiss us; then it is time that you dismiss those committees that have supervision of these appropriations, and take the estimates that are sent here by the executive departments of the Government and enact them directly into law. [Applause on the Democratic side.]

Mr. RAKER. Mr. Chairman, this is not a question of raising or lowering the estimates. It is a matter that the entire West is interested in. It is a matter upon which the President of the United States, before his inauguration and since, has said that he was opposed to reservation, but was in favor of conservation. [Applause.] That western country has been tied up for six years.

Mr. PAGE of North Carolina. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from California yield to the gentleman from North Carolina?

Mr. RAKER. Yes; I always do.

Mr. PAGE of North Carolina. Some of us are interested in the conservation of the Public Treasury. You do not seem to be. [Applause.]

Mr. FERRIS. Mr. Chairman, on page 891 of the hearings they were discussing this very proposition as to whether any of this money should be used in private-land States, and this is what the gentleman from Kentucky [Mr. SHERLEY] said:

Mr. SHERLEY. The ownership by the Government of land makes investigation of its land of greater value to them than the investigation of privately owned land only in the sense that it enables the Government better to know what price it ought to receive when selling land; but so far as the development of the mineral resources of the country is concerned, it is just as important to know the resources of privately owned land as Government-owned land.

I will present herewith the hearings before the committee that show the necessity of this appropriation:

GAUGING STREAMS AND DETERMINING WATER SUPPLY OF THE UNITED STATES.

Mr. SHERLEY. The next item is "for gauging streams and determining the water supply of the United States, the investigation of underground currents and artesian wells, and the preparation of reports upon the best methods of utilizing the water resources."

You have for the current year $150,000 and your estimate is for $200,000. What is the condition of your appropriation?

Mr. SMITH. That was the amount of the appropriation 10 years ago and at the present time there are larger demands for this special phase of the work of the Geological Survey than there have been in the past, especially by reason of the land classification work.

Mr. SHERLEY. First, let us get back to my concrete question. What is the condition of the appropriation?

Mr. SMITH. Last year there was an unexpended balance under this appropriation of $1,300; not because we did not need to spend that amount of money, but it is difficult to exactly measure the expenditures under any one of our field appropriations; not to overrun and still to expend the full amount. On that account that is not to be taken as an indication that the money was not needed. Under the appropriation for the present year the unencumbered balance is $7,500, all of which I expect will be taken up at the beginning of the field season.

Mr. SHERLEY. Does all of his money go for salaries?

Mr. SMITH. The reason that the salary list printed in the estimate is in excess of the total appropriation comes from the fact that we cooperate with the various States, especially in the West, and the $150,000 is simply the amount of Federal funds. In making out the salary list account was not taken of the funds from the cooperating States.

Mr. SHERLEY. What is the extent of those contributions?

Mr. SMITH. I will have to insert that. It is in the neighborhood of $130,000. It ranges from about $20,000 received from California down to a few hundred dollars received from States like West Virginia, Wyoming, Connecticut, and Vermont.

Mr. SHERLEY. In the note to the bill you state "contributions from this branch to public-land administration have become large." What is the nature of those contributions?

Mr. SMITH. That comes in connection with the land classification which is now an integral part of the administration of the public lands by the Interior Department.

Mr. SHERLEY. How?

Mr. SMITH. There are two types of classification; that relating to minerals, which is provided for under the appropriation for geologic surveys, and the hydrographic classification under this item. Now, we have several kinds of cases that are put up to us for report. First of all, we have the administration of the enlarged homestead act, which depends upon the designation by the Secretary of the Interior whether the land is irrigable or nonirrigable, that act being applicable to the nonirrigable lands on the public domain; and under that we make reports to the Secretary on the basis of which he designates certain lands as available for entry in 320-acre tracts rather than in 160-acre tracts as under the ordinary homestead. That work has very largely increased this year. It comes to us in the form of petitions from the intending entrymen. These petitions sometimes represent two or three settlers, and in other cases representing 20 or 40 settlers. When this law was passed, back in 1909, the average receipt of petitions of this kind amounted to 15 per month. That increased gradually until 1912 we received on an average 92 per month. Last year we received 300 per month and in the three months of this year we are receiving nearly 500 per month. We have in a similar way increased the rate at which we handle these cases, but not sufficiently to prevent our work getting in arrears. So that at the present time there are something like 1,300 of these cases that are inacted upon, in spite of the fact that last month we acted upon 485 such petitions.

Table showing the accumulation of pending enlarged-homestead petitions.

Year.	Cases received.		Cases acted on.		Accumulation.		Deficit.
	Year.	Per month.	Year.	Per month.	Year.	Per month.	
1909	183	15	119	10	+ 64	5.3	64
1910	231	19	226	19	+ 5	.3	69
1911	347	28	196	16	+ 151	12.6	220
1912	1,101	92	294	25	+ 807	67.0	1,027
1913	3,601	300	3,317	276	+ 284	24.0	1,311
1914[1]	956	478	970	485	− 14	5.5	1,297

[1] Two months.

Designations: The greater part of the designations of nonirrigable lands thus far made was promulgated during the first year after the passage of the act, nearly 160,000,000 acres being designated within six months of its passage. Since that time the areas have varied from year to year, the general tendency being toward a smaller area each year, because of the increased difficulty of separating the irrigable from the nonirrigable lands in the remaining areas. The accompanying table shows the area which has been designated each year since the passage of the act, and in comparison therewith the number of petitions acted on, and the average area designated for each petition upon which action was taken:

Year.	Area designated.	Petitions acted on.	Average area.
	Acres.		*Acres.*
1910	157,175,360		
1911	13,890,399	119	116,451
1912	16,519,013	226	73,092
1913	1,738,038	185	9,347
1914	2,216,712	294	7,539
1913	15,883,281	3,317	4,788
1914[1]	3,965,514	970	4,089

[1] Designated prior to receipt of petitions. [2] Two months.

Mr. SHERLEY. What proportion of your fund is expended in work on public lands in connection with the duties that relate to the administration of the public-land laws?

Mr. SMITH. Of this appropriation of $150,000 we are expending approximately 80 per cent in the public-land States, and this related not only to the administration of the enlarged homestead law but also cases that come up under the water-power and irrigation laws—the statutes of 1901 and 1891. Applications in the one case for water-power permits and in the other case for a reservoir site or right of way easement are referred to the Geological Survey. In some cases they are passed upon on the basis of data already in hand by reason of investigations of other years, and in still other cases they have to be sent to the field and special examinations made.

Mr. SHERLEY. Are requests made from the War Department upon the Geological Survey for data touching the flow of streams in connection with the damming of such streams for water-power purposes?

Mr. SMITH. There are some such cases with reference to streams in the East, and there is a good deal of correspondence with the War Department in that connection. We furnish them data frequently in connection with their administration of the navigable streams, and their offices are supplied with our publications as issued. But in connection with the public lands we have this special demand for intensive work, and here again we have a gradual accumulation of back work. Of the water-power cases which are referred to the Geological Survey, we have accumulated since August, 1912, when the first case of this kind was referred to us from the Secretary's office, 53 water-power cases, which are now pending. The importance of those to the Western States can be measured by the fact that these involve the development of more than 350,000 horse-power and transmission lines over 400 miles in length. We are handling those cases, but you can see that they are important enough so we can not handle them too rapidly, or else the public interests might be endangered.

Mr. SHERLEY. Do you undertake to pass judgment upon the quantity of water that might be impounded at any particular place in connection with irrigation projects?

Mr. SMITH. Yes, sir; and we also pass upon the conflicting claims of irrigation and water power for the occupation of specific sites, and in the matter of irrigation rights we have 121 accumulated cases. That has to do also with the administration of the desert-land law, where the entrymen under that law, as a part of their proof in order to secure title, are required to show that they have through ownership of stock in irrigation companies adequate water to irrigate the land, and we have to pass upon the adequacy of such stock ownership; in other words, whether the company in which they own stock actually has the water that is necessary to put on that land. So that in these matters we are very close to the current development of the West.

Mr. SHERLEY. Now, in the past you have been employed in the gauging of streams irrespective of the relationship of that work with the administration of public-land laws. What are you doing in that connection now?

Mr. SMITH. We are doing less in the Eastern States; not only less than what the citizens of the Eastern States feel should be done, but less than we feel should be done. That came out in connection with the Ohio flood. We made somewhat of a reconnaissance study of that flood situation, and, as a matter of fact, had already under contemplation and partly worked out a thorough investigation of the run-off of the Ohio Basin; but after the Ohio flood we made a further investigation of certain features and issued a report which we believe placed the matter fairly before the public; but that matter deserves a much more thorough investigation than we were able to give and we are not covering the Ohio drainage basin with gauging stations as we did some years past. There is also a considerable demand being made upon us from many of the Southern States not simply in connection with the water-power development in large units, but also in small units.

Mr. SHERLEY. Let us get back to what you are doing rather than to the demands made upon you. What stations are you now maintaining where the gauging of streams is conducted periodically and regularly?

Mr. SMITH. Last year we maintained 1,148 regular gauging stations. Those stations were, in part, conducted by the survey alone, and I should say in small part. Only 77 of them were maintained by the Geological Survey alone; 90 were maintained in cooperation with the Reclamation Service; and 170 with the Forest Service. Of course those were all in the public-land States and on the public land; 42 for the Indian Office; 6 in cooperation with the Army Engineers; and 47 in cooperation with the Weather Bureau.

Mr. SHERLEY. Now, you speak of "in cooperation." What do you mean—that you bear part of the expense, or that the data is made available for your use?

Mr. SMITH. The cost of administration in such cases is largely borne by the survey. We utilize our engineers who are on the ground, and the station itself may be established by one of the cooperating bureaus; and the cost of gauge reading, which is purely a local cost, is maintained by the cooperating bureau. In the case of the Indian Office and the Reclamation Service, all the expense that can be charged up to the individual gauging stations are met by the cooperating bureau. We largely furnish the overhead supervision.

Mr. SHERLEY. You say the Weather Bureau maintains some forty-odd stations?

Mr. SMITH. In cooperation with us. Most of the Weather Bureau stations in the past have been simply for the purpose of recording stage of the river. Of course the purpose of the Geological Survey's gauging

is to provide information regarding the quantity of water flowing past a given point, and in that case the stage of the river is only one factor. We have also to measure the rate of flow and have to know the cross section as well as the stage of the height of the river.

Mr. SHERLEY. There is no reason why both kinds of data should not be secured wherever any gauging is done, is here? It is just a matter of different instruments, and a competent man can do both.

Mr. SMITH. In most cases the same gauge reader and the same gauge can serve both purposes, but there are localities where it is important for the Weather Bureau, in their flood predictions, to have a station on some river at a point which we would not select for the station because it would not be suitable for making quantitative measurements of flow, which is our purpose.

Mr. SHERLEY. While the point selected might not be the one you think most desirable, wherever selected it would be available to obtain data for you?

Mr. SMITH. Yes; if measurements of flow can be made; and in that spirit we are cooperating to avoid duplication, and in some cases we have turned over stations to the Weather Bureau, and, on the other hand, they have turned over certain stations to us.

Mr. SHERLEY. Now, can you put in the record a statement showing just what you are expending, and how, in the gauging of streams proper, and also what is being expended by those other services, and how, so that we may understand what is meant by the cooperation that you speak of in general terms?

Allotments of "stream-gauging" funds, 1913–14.

Item.	Federal.	Cooperative.
Administration	$21,420	.....
Compilation (stream-gauging data)	14,000	.....
Inspection (stream gauging)	1,000	.....
Ground waters	1,800	.....
Utilization (land classification)	24,500	.....
Surface waters:		
Vermont	100	$1,200
Massachusetts	2,250	3,000
New York	2,500	11,500
Virginia and Maryland	500	.....
Southeastern States	4,000	.....
Ohio River Valley	6,000	400
Minnesota	3,500	5,500
Wisconsin	1,000	.....
Iowa	500	500
Colorado and Wyoming	6,000	.....
Montana and North Dakota	4,500	2,000
Utah	4,500	7,500
Nevada	2,500	2,500
Idaho	4,500	7,000
Oregon	4,500	5,000
Washington	4,500	5,000
California	4,500	19,000
New Mexico	4,500	15,000
Arizona	3,000	3,000
Territory of Hawaii	5,000	40,000
Contingent	7,500	.....
Total	150,000	131,100

Mr. SMITH. In the case of the Reclamation and Indian Services, we are simply expending their money for them, $5,500 and $6,000, respectively, although we use the results so obtained and combine them with our results in the compilation of studies representing whole drainage basins.

Mr. SHERLEY. Is there any place where gauging is done by any of these other services where you also maintain an independent station?

Mr. SMITH. I believe I can say at the present time there is absolutely no duplication of that kind by reason of our getting together with the Army engineers and the Weather Bureau, and in some cases the Army engineers, in establishing gauging stations for their own use, have asked our cooperation in the selection of points.

Mr. SHERLEY. You say "in some cases." Is there any case where the Army engineers are maintaining gauges for the measurement of streams where there has not been, as far as possible, a cooperation between them and you, and obtaining from you such scientific data as might be necessary to enable them most efficiently to perform the work for their own needs as well as the needs of your service?

Mr. SMITH. At the present time I should say there was no such case at all. When I say "at the present time," I mean in late years.

Mr. SHERLEY. Now, there are stations where gaugings have been conducted for many years. Have those cases been looked into to see whether there could be a better cooperation or a better system worked out? Have you ever had any meetings with the officials of these other services who control this matter, so as to go over the whole scheme and arrange it in the most efficient manner?

Mr. SMITH. We have had conferences within the past year with the Army engineers and constant correspondence on that matter, so that they know exactly what we are doing and what we want to do, and in return they frequently discuss with us their plans for the purpose of securing any suggestions or modifications. So that I think we have reached the point where there is no duplication of effort. Of course there are certain stations—I think the one at Paducah might be cited as an illustration—which would have no value for us on account of backwater. It is not a good place to determine the quantity of water flowing in the river, although, of course, the Army engineers, like the Weather Bureau, need the records of stage.

Mr. SHERLEY. Is there any place near there where they can obtain the stage and at the same time obtain data which would be of value to you? Has that phase of it been considered?

Mr. SMITH. I think that you would have to go a considerable distance up the river to find just what we want. Once established the maintenance of a gauging station is not an expensive matter, in that it only involves the salary of a gauge reader, with the occasional visit of the engineer to measure the cross section and determine the stream velocity. I should add to that statement as to the distribution of gauging stations that the largest item of all is that of 679 stations which are maintained in cooperation with the various States.

There is also a contribution of 285 stations that are maintained privately, and we get records from various power and irrigation corporations and other interested parties. Those records, of course, are available for our general use.

Mr. RAUCH. You are asking for $200,000 and you get approximately $75,000 from the States—is that right?

Mr. SMITH. Yes, sir. It is stated in my annual report, and I will get the exact amount.

Mr. RAUCH. Your salary roll under this item is how much?

Mr. SMITH. About $153,000.

Mr. RAUCH. Can you in a general way tell us how this difference between the salary roll and the estimated appropriation and the amounts received from the States is to be expended?

Mr. SMITH. We have, for instance, an item of about $14,000 for the transportation of our employees; about $800 for transportation of equipment and supplies, and our subsistence item amounts to $75,000. The subsistence of our animals—that is, in connection with travel—amounts to approximately $1,000, and supplies of various kinds amount to about $4,000. Then we have, by reason of having outside offices, in the West especially, but also in the East, a rent item of $3,300. We maintain offices in San Francisco, Salt Lake City, Denver, St. Paul, Helena, Boise, Tacoma, Portland, Oreg., Santa Fe, Madison, Wis., Atlanta, Albany, and Newport, Ky.

Mr. SHERLEY. Is there any space in public buildings that you could use for offices?

Mr. SMITH. We use public buildings wherever available.

Mr. SHERLEY. What do you mean by that? Do you mean that you actually make requests of the Treasury Department for space?

Mr. SMITH. When we hear of buildings that are planned for or are being built or being completed, we apply for definite space.

Mr. SHERLEY. That is not what I am after, either. San Francisco has a very large public building, and a number of public buildings; did you ever make a request at the Treasury Department for an allotment of space there?

Mr. SMITH. Yes, sir; and we occupy Government building space in San Francisco.

Mr. SHERLEY. But in those places where you do not—where you rent?

Mr. SMITH. In Boise, Helena, and Portland there is no space in Government buildings available for us.

Mr. SHERLEY. Have you ascertained that by inquiry and request, so that a rearrangement might be made to give you space, or have you simply contented yourself with the report of the particular man there that there is no space and then rented?

Mr. SMITH. To the extent that we heard a rumor recently that space was to be vacated in a public building, and while the correspondence showed that such a vacation was only temporary, we did secure the use of that space for the time that it was to be vacated.

Mr. SHERLEY. There are Weather Bureau stations at all of those places, are there not? Are you gauging, are there not?

Mr. SMITH. Those are simply for our district offices. Of course we have many gauging stations, but the most of our gauging stations are not at our headquarters. Those are just places on the rivers, but I suppose that in all of those places where we have district offices there are Weather Bureau offices.

Mr. SHERLEY. Have you ever ascertained whether there was space in those Weather Bureau stations for your men?

Mr. SMITH. I do not know that that point was ever investigated, but knowing, as I do, how adverse the ones in charge of this work are to paying rent, I question very much whether we have missed any opportunity of space in public buildings.

Mr. SHERLEY. I was fearing that you were going to finish your sentence by saying that you know how adverse any department is to have anybody else use any building or space in connection with it.

Mr. SMITH. I think we got good treatment in this case where a bureau was leaving a public building for a matter of a year or so.

Mr. SHERLEY. I gathered from your statement that the demands on the Government are greater than in the year before.

Mr. SMITH. That is true with respect to this public-land work.

Mr. SHERLEY. Is it general?

Mr. SMITH. We are neglecting the eastern work.

Mr. SHERLEY. I am not speaking of your neglect, but of your demands; are the demands greater upon your service now than they were in the year before?

Mr. SMITH. At the present time I am answering letters from various Representatives and Senators from several Southern States explaining why we are not maintaining as many gauging stations as we did six years ago.

Mr. SHERLEY. In order to get a direct answer, are your demands this year greater than they were the year before?

Mr. SMITH. I believe they are.

Mr. SHERLEY. Then, how do you explain the fact that this year you are asking for $200,000 and last year you asked for $300,000?

Mr. SMITH. My estimate as submitted to the Secretary of the Interior this year was $300,000.

The estimate as submitted to the Secretary of the Interior was $300,000, and in this case, as in the case of some other items, it was pared in the Secretary's office.

Mr. SHERLEY. I want to ascertain the fact. I find in connection with a great many of these items that the estimates bear no relationship on earth to the testimony subsequently adduced as to the demands upon the service, and when particularly large requests are made and attention is called to the fact that previously they were not asked, we are told that there was some reason which was not heretofore known.

Mr. SMITH. My estimates were in several cases pared in the Secretary's office as submitted in the final estimates, and the increases over last year's appropriation which are presented to the committee have the hearty indorsement of Secretary Lane, and I think I am expressing his feeling when I say that he is especially anxious that there should be an adequate appropriation for the land-classification work, which is becoming a more and more important part of the work of his department in the administration of the public lands.

Mr. SHERLEY. Are you doing any more work with the same amount of money than heretofore?

Mr. SMITH. I believe I can say that we are cutting our nail cost every year. We are using better methods, and we are getting, especially in this matter of the water resources, better team work from the various engineers by reason of their coming together in conference and each man learning what has proven to be a successful method in somebody else's field. I may say that those conferences of our engineers have been attended by representatives of the other bureaus not only of this country, but each year they have been attended by representatives of the various Government bureaus of Canada. The methods that have been developed by the Geological Survey are really the standard methods for the world, and when I say that I have in mind the fact that the engineers from the various European countries, representing the Governments, come over and study our methods here in Washington.

cerned, they naturally pay for their own examinations, but small owners, who are equally interested in knowing what underlies, can not afford to pay for topographical work or for a geological survey, however rudimentary.

Mr. MURDOCK. Will the gentleman yield?

Mr. KENT. Yes.

Mr. MURDOCK. I listened to the statement of the gentleman from New York [Mr. FITZGERALD] with a great deal of interest, and I would like to hear the gentleman from California explain what benefit there is for a Government survey made geologically of the anthracite coal fields owned by the big interests in Pennsylvania?

Mr. KENT. I should say I think there is no proper interest in doing it except in a general way, except in such terms as would go to show the total resources of the country, what it will produce, and how it should be handled and taxed; but in my opinion the greater portion of the work should be done in the public-land States. There is no doubt there is necessity for certain work to be done in other States. We are expending money now teaching the farmers how to raise hogs, how to protect those hogs from hog cholera; we are sending out farmers' bulletins on all manner of farm topics. Why are we not justified in making topographical surveys, which work—for instance, in the matter of drainage and erosion—leads to the proper use of land that is in private hands, just as we protect hogs and cattle that are in private hands by the furnishing of reliable and disinterested information?

Mr. BRYAN. Will the gentleman yield?

Mr. KENT. Yes.

Mr. BRYAN. I desire to ask the gentleman one thing. Down here in Mississippi, Mr. Smith stated:

> In the drainage work the most detailed work in the East has been done in the State of Mississippi, in the Yazoo Delta, where we met the request of the State for a cooperative survey that cost something like $50 a square mile, and we put up about fifteen and the State between two and three times as much.

Here we have money spent on private lands, but is not that a private work, and is not that money well spent?

Mr. KENT. I yield back the balance of my time.

Mr. HAWLEY. Mr. Chairman, I am interested in this appropriation and the proposed increase solely from the standpoint of its use on the public lands. In that part of the State in which I live there is a mineralized belt that runs from the southwestern to the northeastern corner. It is about 50 miles wide. The mineral does not appear in every part of the belt, but the mineral is scattered all through that section. There are some of the very best agricultural lands that are now open to entry by homesteaders in that section. People come to this locality from every State in the Union seeking homes on the public lands. Agricultural lands are found scattered throughout this belt. For instance, here is a little elevation with a little stream running through that, with a number of streams branching out from it. It is a very well-watered section and this land will make good homes. Immediately after settlers have made their applications to make entry they are met with the proposition that their entry can not be allowed by reason of the fact that the land in some parts of that section is mineral land. They must wait, having their application in suspense, until the department here in Washington has had time and has found the money to send out some persons to investigate that and other entries in the locality. If the entries numbered 10 or 100 it would be a matter of comparatively small moment, but in this section they number many hundreds and thousands, and the settlers are there on the land at an expense, not knowing whether they ought to invest the money brought with them in clearing up the land, in building houses and barns, and making various improvements, and in breaking up the soil and trying to make a crop. They do not know whether, after having expended every dollar they brought with them, it may be decided that the land is mineral and they have no right to enter it. The time between the time a man goes on the land with his wife and children and the time he knows whether he can make a home on it ought to be the least time possible.

He ought not to be held there in suspense. The surface of many of these lands is agricultural land, but down underneath the surface in this belt there may be coal; there are gold and silver and copper. The veins may come in from some surrounding district and run down deep under the soil. But still it may be regarded as so valuable for mining that the land ought to be reserved as mineral land instead of being entered as agricultural land. If the homesteader is to be kept off his land, if the proposing settler is to be denied the land, he ought to know it before he has bankrupted himself in improving the land.

I have taken up the matter with the department time after time, and my files are full of letters of this kind. The homesteaders say, "We are on the land. We have waited two or three years. We do not know whether we can get the land or not. We had $500 or $1,000 or $2,000 when we came into the State. It has largely been consumed on subsistence during this period of waiting." I have sent letters of that kind over to the Geological Survey with a request for an answer. They say it is a matter that they will look into; that they will investigate it as soon as they have men and money to do it.

I have had hundreds of letters like that in the course of my service here, and there are people who have waited two or three or four or five or six or seven years, and their entries are still undetermined. The $100,000 additional that we ask is a moderate sum. Many of these people who went out there and spent half the money that they brought with them, or a greater proportion, finding the delays there so costly, have left that part of the country and have gone into Canada, where they can more speedily determine the question of their right to enter the lands they have selected. They are people of the best blood and brain and brawn, from all sections of the United States; some of them from New York State, and some from South Carolina, and some from Georgia and Illinois and Iowa and Kansas and Nebraska and all the Middle States of the West; and they are there waiting in suspense to know whether that piece of land can be taken by them as a homestead, or whether they will be denied the right to enter it.

I appeal to the House that this is a case of spending money on public land for a public purpose, for work that must be done some time, and it seems to me right and just that it should be done as speedily as possible, so that the poor men who have comparatively small sums of money may be able to use their money on the development of the land and not be kept waiting until it is exhausted on subsistence, and they find themselves without either land or resources. [Applause.]

The CHAIRMAN. The time of the gentleman from Oregon has expired.

Mr. WATKINS. Mr. Chairman, there were two statements made by the gentleman from New York [Mr. FITZGERALD] which, I think, are desirable to notice. One was that the department, in making its estimates, estimated $300,000 as a sufficient sum to cover the work indicated by this item.

Mr. FITZGERALD. I did not say that. I said the estimate was $400,000.

Mr. WATKINS. Then I stand corrected, Mr. Chairman, because I have in my hand a document which shows a necessity for the $400,000. It comes from the Geological Survey. Then the department has estimated this amount of $400,000. The Committee of the Whole is now asked to vote upon the proposition as to whether the Committee on Appropriations shall be sustained in its recommendation that the estimate be cut 25 per cent and reduced down to $300,000.

If it is a fact that the department does not need the $400,000, then as a matter of economy it is our duty to vote for $300,000, as carried in the bill. But if the facts justify the department in asking for the $400,000, then it is our duty to respond to that demand.

The other statement made by the gentleman from New York—and I hope I am not misquoting him on that proposition—was that these investigations were often made, or at least were sometimes made, for powerful individuals and corporations, to the exclusion or detriment of the small holders and the Government. On that question I submit a few facts. In the northwestern part of the State of Louisiana, in the fourth congressional district, which I have the honor to represent, there is one of the largest oil and gas fields in this country. When the first indications pointed to the fact that there were deposits of oil there and gas was discovered in small quantities, the Geological Survey made an investigation on a small scale, and as a result of that investigation millions on top of millions of dollars has been added to the revenues of the people of that section of the country, and incidentally to the revenues of the Government itself, because there were large quantities of public land at that time in that section.

The small landowners, however, were not able on their own account to employ experts to go there. The rich corporations, the great oil companies of this country, went in there to develop those fields, paying their experts $20, $25, $50, and sometimes $100 a day, and they were enabled to a large extent to monopolize these holdings in these oil lands. In a short time, however, the President, by Executive proclamation, prevented the settlement of these lands by homestead entry, and they have been tied up for the last five or six years, so that no settler can enter upon the lands for homestead entry in the whole northwestern part of the State of Louisiana.

If this appropriation were made, the Chief of the Geological Survey could send out his experts there and ascertain on what particular sections, quarter sections, and sixteenth sections these oil indications are, and in this way enable the citizens there who want to settle up these lands to make homestead entries, which they have been debarred from doing during the continuation of that Executive order.

Mr. FOSTER. Can the gentleman inform the committee whether the Geological Survey claims to be able to locate the places where oil is to be found?

Mr. WATKINS. They give indications pointing to certain facts, which enable experts to determine approximately the locality—not definitely or explicitly, but with that degree of certainty which will enable parties to go ahead with their prospects and make investigations; and enormous amounts of oil and gas have been developed from the cursory and superficial surveys made in this section years ago.

Mr. FOSTER. Can the gentleman give the committee any place where they have ever done that?

Mr. WATKINS. I am just giving you that illustration right now. Since that time large fields have been discovered which were not covered by this survey.

The CHAIRMAN. The gentleman's time has expired.

Mr. LENROOT. Mr. Chairman, I trust this amendment will be adopted. With reference to the suggestion that has been made, that the operations of the survey upon private lands are in the interest of large corporations, I wish to say that the truth is exactly the opposite. We ought to provide facilities for the Geological Survey to work upon privately owned lands as well as publicly owned lands, because the benefits of the Geological Survey is not to the great monopolies and trusts, that can employ their own engineers and make their own investigations, but it comes to the little corporation and the little man, who can not employ these $100-a-day men. And when there is development in a certain field it is of great public interest to know the extent of that field and the amount of its resources; and it is right here that the Geological Survey is rendering a great public service on privately owned lands as well as publicly owned lands.

As to the publicly owned lands, Mr. Chairman, I have been sitting all winter as a member of the Committee on the Public Lands, and during this session of Congress that committee has dealt with almost every phase of our mineral resources. During the sittings of that committee we have had before us almost every day the Director of the Geological Survey, Dr. Smith. During all of that time Dr. Smith has shown by his attitude that there is no truth in the intimation that the survey favors large interests, because there has been no man before that committee who has been more earnest or more desirous for the public welfare and the conservation of our national resources still owned by the United States than the Director of the Geological Survey.

As to the many matters that this committee has considered, upon which it has reported bills to this House which are now upon the calendar and will shortly be voted upon, I hope, so far as these matters are concerned, if we have been justified in the past in the expenditures we have made for the Geological Survey—and we have—the work now before the survey would justify not only this increase, but a much larger increase. Therefore, upon both grounds—upon the ground of the necessity of this expenditure upon publicly owned lands and upon the ground of the necessity of this expenditure upon privately owned lands—they are all in the public interest, and this amendment should be adopted.

Mr. MONDELL. Mr. Chairman, I can not support the amendment offered by the gentleman from Oklahoma. I should be willing to increase the item by $50,000, but I do not think a condition exists and I do not think any statements were made before the committee justifying so large an increase as is proposed. There should beyond question be an increase of this item by $35,000. It is necessary to do that in order to keep the appropriation in the same amount that it is at the present time, by reason of the fact that at the present time and for a number of years past the General Land Office has been turning over to the Geological Survey out of its appropriation for the survey of public lands the sum of $35,000. My understanding is that the commissioner has informed the Director of the Geological Survey that he will not make that apportionment the coming fiscal year, and I think he ought not to. I do not believe he is justified or ever was justified in doing it.

Now, this item should be increased by at least $35,000, somewhere between $35,000 and $50,000. In order to retain the item in as large an amount as is now available. It is true that if all the work that gentlemen have outlined and suggested and referred to as needing to be done in the West were done under this item, then it should be increased not $100,000, but $200,000 or $300,000.

The fact is that the ordinary examination of lands of settlers is never made under this item of expenditure. Such examinations are made in the main under the item carried in the bill on page 94, "depredations on the public domain," and so forth, "$475,000." But the Geological Survey has a largely increased and increasing work in the matter of general classifications which is done under this item. At my request and suggestion there was given, and is found on page 896 of our hearings, a statement showing the classified expenditures under this appropriation, showing that 30 per cent approximately of the entire appropriation is used directly and exclusively for land classification. That being the case, it shows there is a very considerable increase in the work of the bureau under this head in the last few years. Work that is done exclusively by the survey under this appropriation includes classification under the enlarged homestead act, classification that will be enlarged and increased if the homestead bill now reported from the Committee on Public Lands becomes a law. All coal classifications are made under this appropriation. So that while all of the work which gentlemen have referred to is not done under this appropriation, a very large amount of very important work is done, and the appropriation ought to be retained at least in the amount which is now available. Unless we increase the item by $35,000 the bureau will not have as much the coming fiscal year as it has available this year.

Should the amendment offered by the gentleman from Oklahoma not be carried, I expect to offer an amendment increasing the item by $50,000.

Mr. FERRIS. Mr. Chairman, just a word. The gentleman from Wyoming very properly calls attention to the fact that if this item be not increased at all the Geological Survey will have $35,000 less this year than it had last year, owing to the fact that the General Land Office has been loaning $35,000 to the Geological Survey, which they will no longer do and can not do. If my amendment is adopted, therefore, it would only give them $65,000 more than they now have. The gentleman from New York, chairman of the Appropriations Committee, in some remarks indicated that the funds in the past had been used for the benefit of private lands. I take it from looking over the hearings that some members of the committee were in favor of that. The gentleman from Kentucky [Mr. SHERLEY] goes on to show—I will not take the time to read it—that sometimes it is very important for the Government to know what is on private land.

The gentleman from New York indicates that some money has been used for the benefit of corporations. I do not know what he refers to or means, but I undertake to say that the Director of the Geological Survey has never expended a cent except for the public interests. He has been before our committee for two months helping us to get out some important legislation, and every time the public interest was at stake he took his position on that side and against the other side. I am sure that a man who is so faithful in helping to prepare bills relating to the public interest would be faithful in the expenditure of this money. I do not think it is right to criticise an officer who has for years and years faithfully and patriotically administered the affairs of his department, to say that because he may or may not have investigated some lands in the anthracite-coal district that thereby it was wrong. Probably it was for the purpose of determining what the amount of coal is in the United States. It has been very important to know what minerals there are in the Territory of Alaska, so that we have spent or are to spend $35,000,000 for a railway up there, and why is it not sufficient to appropriate a few extra dollars to determine what is in the land of the United States? Why not know what is contained in our Nation's granary, so we can intelligently administer the same?

No one is more for economy than I, but to be penny-wise and pound-foolish is not a seductive argument to me.

This money is needed. It ought to have been reported by the committee and avoid this proceeding.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. RAKER. Since this question came up I have called up the Secretary of the Interior and discussed this matter with him. He says the idea that any of this money had been expended for private use anywhere is not carried out by the records of the office.

Mr. FITZGERALD. And he does not know any more about it than the gentleman from California.

The CHAIRMAN. The men from the Eastern States believe this money ought to be spent on the public domain?

Mr. SMITH. The four men who largely influenced the change in policy were Representatives from Iowa, Minnesota, Kentucky, and New York.

These gentlemen were Judge Smith, of Iowa; Mr. Tawney, of Minnesota; Mr. SHERLEY, of Kentucky; and myself. The Committee on Public Lands never was interested, never knew, never had any knowledge of the manner in which these appropriations were being expended. They were expended for the investigation of resources of the anthracite region in Pennsylvania, or private holdings in Tennessee and Kentucky, and to ascertain other resources in the Eastern States for the benefit of private individuals. Because the Director of the Geological Survey could not have the appropriation increased this year, he had declined to increase the recommendation from $300,000 to $400,000 and said that the committee was attempting to prevent the proper investigation of the resources of the United States and the classification of the public domain.

I desire to compel the Director of the Geological Survey to spend this money where the law contemplates that it should be spent, spent on the public domain and not upon private property for the benefit of individuals. If this appropriation be increased, it may increase the amount spent on the public domain, but we will continue the same percentage—40 per cent of $300,000—for the benefit of private interests. I think they should pay for their own investigations. I believe great corporations owning great land holdings, believing that they possess great mineral wealth, should pay for their own investigations of those lands and not have it done at the expense of the Federal Government. If the gentlemen on the Committee on the Public Lands will cooperate with the Committee on Appropriations, this entire $300,000, in addition to the $35,000 paid from the appropriation for the survey of public lands, will be spent on the public domain for the benefit of the homesteader seeking to get his homestead, and will not be spent in the interest of great corporations who are desirous of having their properties investigated and reported upon by officials of the United States at the expense of the United States, so that they may be exploited for their own profit.

These are the facts. I have no desire to prevent these classifications and investigations, but I know what this committee has been struggling against for years. It has been struggling to shake off the grip and the influence and the power of these great interests that have been able to have diverted more than 50 per cent of this appropriation for the investigation of private property, or for investigations not contemplated by the law. If it be made to appear in no uncertain terms that this money must be expended, first, primarily, on the public domain in the interest of the settlers on public lands, there will be ample funds for those who want the lands surveyed, and the private holdings will have to have their surveys made at their own expense.

I hope the committee will not adopt this amendment; to do so will be to encourage the practice that has been followed in the past. We wish to break it up. It is a vicious practice and ought not to be tolerated. The money appropriated for this purpose should be spent where it belongs, upon the public domain. [Applause.]

Mr. RAKER. Mr. Chairman, in addition to what the distinguished gentleman from Oklahoma [Mr. FERRIS] has said, I want to call attention of the committee to the fact that in addition to the examination required of the desert-land entries to determine whether or not there are any minerals, it is the duty to-day, and every final proof requires an investigation in the field of whether or not there are water rights belonging to their lands. They investigate the articles of incorporation. There have been cases pending for five years in which the Geological Survey has gone over it to determine whether or not there are any interests there that should be protected and whether or not the water right belongs to the individual claimant.

In addition to that, the Geological Survey has to go out and determine the character of the land where men are seeking reservoir sites. Men have been held up for three or four years because there was no opportunity for the Geological Survey to go out and make an examination and report to the General Land Office so that they could determine the matter, and they have been held up.

There is a case at hand where a man came to Washington a short time ago, and his claim had been held up three years. There was plenty of water, plenty of land—over 1,000 acres plowed; no water to put on it, because they would not permit him to put in a dam to hold the flood water, which was running to waste, because there was no examination made by the Geological Survey. This man had to go out and expend from $10,000 to $15,000 to buy hay over the country, when he could have raised it on his own ground and improved and developed the country. It was only during the last two or three weeks that he got the thing through.

Now, that thing occurs every day in relation to coal lands. Investigations must be made by the Geological Survey, and land that was sold for $10 an acre a few years ago has brought this Government in one instance in Wyoming nearly a million dollars. After a long investigation surveys in the oil fields of Wyoming and California are being made use of in the Attorney General's Office to the end that the Government interests may be protected and may be maintained so that its vast wealth in oil shall not be turned over to the Southern Pacific, the Santa Fe, and to private individuals that are desirous of gathering up all the oil lands in the country.

It is the same way in regard to the phosphates. This department needs money to make further examination and surveys. The same is true in regard to sodium. Now, I want to tell you that there is nothing that has retarded the general improvement of the public domain in the West as this waiting for examinations—for the want of money to make them, final proofs under the desert land law, applications to have reservoir sites, those desirous of obtaining coal lands legitimately, those who are legitimately trying to get oil lands—than the fact that there is an insufficient amount of money to make the first examination after the people have made applications and expended money, and have irrigated the land in certain instances, so that they may have an opportunity to obtain their patent.

Take one instance in northern California. That is a sample. Men went out and built a large ditch, costing in the neighborhood of $100,000. They got the water on the land, and then some four years later the Government claimed that the water was not of proper quality to irrigate the land. These men were held up during this time, and they have not even had their certificates of purchase issued, let alone their patents.

When the classification of the public lands by the Geological Survey began in 1906 the appropriation items under which the work was then and is now mostly done aggregated $410,000. These two items, both for the current year and as reported by the committee in the pending sundry civil bill, amount to $450,000, a net increase of only $40,000 since 1906. In the past seven or eight years the whole public-land policy has changed. Coal lands belonging to the United States are now sold as coal lands at prices varying with the tonnage and quality of the coal itself. No longer are these valuable lands allowed to be stripped by the Coal Trust or homesteaded by the dummies of those corporations.

In carrying out this new policy each Secretary of the Interior has made larger calls upon the Geological Survey to report on the facts. These facts must be learned in the field by trained engineers. The results of this change in the public-lands policy are large and important; many thousands of acres of coal lands fraudulently entered by the corporation have been restored to the public domain by the General Land Office and Department of Justice, and large damages assessed for coal already mined, on the basis of Geological Survey reports as to the tonnage involved. Suits also are pending against the Southern Pacific for California oil lands, and here again the field data of the Geological Survey have been largely used by the representatives of the Department of Justice.

In the matter of coal-land valuation the cost, including all field surveys and office work, amounts to only a few cents an acre, yet in one Wyoming sale the difference between the selling price per acre under the new valuation policy and $20 an acre, the legal minimum, amounted to a quarter of a million dollars—an appreciable contribution to the reclamation fund, which, however, did not raise the price of the coal to the consumer a single cent. Thus these coal-land surveys are in reality revenue producing, and illustrate the kind of business policy that any private landowner would adopt.

The coal-land work on the public domain is only part of the new burden placed upon the Geological Survey. Other new laws, the enlarged homestead act of 1909 and the withdrawal act of 1910, require action by the Secretary of the Interior and the President, necessitating recommendations by the Director of the Geological Survey based on facts gained through field examinations by geologic and hydraulic engineers. The designations of nonirrigable lands properly opened to 320-acre homestead entries were made in 1909 and 1910 largely on the basis of field data collected by the Geological Survey in its general investigations in the Western States during many years previous. Now, the demand for these designations, a demand that comes directly from the settlers in the West, is increasing by leaps and bounds, and the Geological Survey finds itself unable to keep pace, or at least to materially cut down the arrears in petitions already accumulated. Naturally the petitions that

remain unacted upon are largely those that must wait for more field information, and the Geological Survey needs more money to enable it to put engineers in the field to visit each of the localities where these settlers are asking for an opportunity to enter the lands that they believe come under the terms of the enlarged-homestead act. Since last July 182 such petitions have been received from California and only 116 acted upon, yet the survey is now acting upon nearly twice as many petitions per month as it did a year ago. Congress has written into this law the requirement of a classification. In 1909 the item for water-resource investigations under which this field work is largely done was increased $50,000, but even now it is $50,000 below the $200,000 appropriation made by Congress for 1906 and the three years immediately preceding.

So also with the various irrigation and other right-of-way acts, the Carey Act, and the desert-land act; the accumulated work represents applications by the public, reports on which are needed by the administrative officer of the department, as pointed out to the Appropriations Committee. (See hearings, p. 906.) The pending water-power cases involve over a third of a million horsepower and 400 miles of transmission lines. Has not the West a right to ask prompt action on such matters? There is every reason, however, to believe that the Geological Survey can not move faster without a larger field force.

The mineral-land examinations under the item of geologic surveys are no less important. Millions of acres of the Nation's richest mineral lands await classification by the Geological Survey, not only coal and petroleum lands, but the hardly less important areas of phosphate rock, upon the utilization of which the largest agricultural development of the West will soon depend. This geologic field force needs to be expanded rather than reduced, but unless the appropriation is increased this year there must be an actual reduction by reason of the termination of a transfer of appropriation from the General Land Office for coal-land work. See hearings before the Appropriation Committee, page 887.

The Western States also need prompt reports on their mining districts, and in California there is good reason to believe that both in metals and oil the treasures of the earth are not yet all discovered. The limitation of work by the Federal bureau gives just that much advantage to the big corporations who have their geologists and their engineers serving them to a larger degree each year. The technical bureaus of the Government are in reality the special servants of the general mass of citizens who can not afford to employ experts in private practice, but must depend necessarily on the Federal bureaus for authoritative information.

While the most urgent need of increase in field activities of the Geological Survey is in the West, it is important also that more work be taken up in the Eastern States. This is mentioned in a note in the estimates of appropriations. The demand for resumption of the stream-gauging work in the Southeastern States has been requested by many of the Congressmen from those States and the work is much needed. A similar statement might be made regarding the demand for geologic work in the States of Oklahoma, Texas, and Louisiana, further development of these oil resources being in reality of national importance rather than of merely sectional interest.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FALCONER. Mr. Chairman, I favor the amendment of the gentleman from California.

Mr. DONOVAN. Mr. Chairman, I rise to a point of order. Has not debate on the amendment closed? Debate can be but five minutes under the five-minute rule. The gentleman favors the amendment, and debate on that is exhausted, is it not?

The CHAIRMAN. The Chair will state to the gentleman from Connecticut that he supposes that if the gentleman were not allowed to proceed he would move to strike out the last word. The Chair thought that in the interest of orderly procedure and with a view of expediting the consideration of this bill the gentleman might proceed, so far as the Chair was concerned.

Mr. FALCONER. Mr. Chairman, I move to strike out the last word so as to get by the objection of the gentleman from Connecticut. The gentleman from Illinois [Mr. MANN] a few moments ago asked the gentleman from Oklahoma whether or not this money was being expended, and, if so, how it was being expended. That question occurs to the average man who knows anything about the land question, and it is a perplexing problem to the man who would settle on land. It does seem that very little of this money has been expended judiciously or for the advantage of the public, and yet I believe that the amendment should be adopted. The gentleman from New York [Mr. FITZGERALD], chairman of the committee, laid great stress upon the fact that we ought not to expend 40 per cent or any per cent of this money for private individuals or corporations, that it should be expended on the public lands. It occurs to me, and I think it does to a good many men on the floor, that private corporations do not wait for the United States Government to go out and make a survey of a water power anywhere.

The Great Northern Railroad Co., as an example, at Chelan Falls, Lake Chelan, Wash., developed a magnificent water power and did not wait for the United States Government to get data to guide it. That is to the credit and enterprise of that company. No one blames the Great Northern or any other company. We admire their thrift and enterprise, but I believe we should expend a reasonable amount for the purpose of ascertaining the resources of the country and classifying them.

There is a conspicuous lack of knowledge on the matter of land classification in the West, and it causes much distress. A man files on a piece of land as a homestead. After he has filed on it some prospector comes along and finds a little quartz vein on the land and presents himself at the land office and enters a contest, and then the homesteader has to go to the local office, and after hearings and a decision the case is carried to the Land Department in Washington, and perhaps after several years of contest the homesteader defeats the contester and settles again to his everyday task of improving his holdings, when he is again interrupted by an order withdrawing his land for water-power purposes, resulting in another long grind before the several branches of the department.

Mr. HOWARD. Will the gentleman yield?

Mr. FALCONER. Yes.

Mr. HOWARD. Is not that rather the fault of the law than the lack of appropriations?

Mr. FALCONER. You can not get——

Mr. HOWARD. Is there not some way to determine these contests?

Mr. FALCONER. The idea is to prevent contests by having a more thorough classification. The department ought to know in the outset whether land is agricultural, timber, or mineral land. Thousands of acres of the finest timberland in the country have been taken up under false assumption—and they proved it to the satisfaction of the Government—that it is mineral land. Give the appropriation to the department to do the work and hold the department responsible.

The CHAIRMAN. The time of the gentleman from Washington has expired.

By unanimous consent, Mr. FALCONER was granted leave to extend his remarks in the RECORD.

Mr. FITZGERALD. Mr. Chairman, I would like to see if I can not arrange some time within which to conclude the debate upon this amendment.

Mr. MANN. Mr. Chairman, we would like 15 minutes over here.

Mr. FITZGERALD. Very well. I will ask unanimous consent that debate on the paragraph and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I would like to have two or three minutes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that debate on the paragraph and all amendments thereto be concluded in 33 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KENT. Mr. Chairman, I believe the statement of the chairman of the Committee on Appropriations, the gentleman from New York [Mr. FITZGERALD], was to a certain extent unfair. We can seldom accuse him of unfairness, but he intimated that all of this money that was spent in nonpublic-land States was spent for the benefit of large corporations and monopolies.

Now, as a matter of fact, it is to the interests of our entire country to have a knowledge of the topography, the physical geography, and the mineral resources in all the States, even where all lands are in private ownership. This is for the benefit of every one and especially for the small man's benefit. The large corporations mentioned by the gentleman from New York can afford to pay, but the small fellows can not. The Government, at a small expense, can do what would in the aggregate of private expenditure be a vast expense and almost impossible of accomplishment. As far as the big corporations are con-

Mr. BRYAN. Michigan spent $2,000 and California spent $17,600 and Washington spent $13,760; Michigan does not belong in the same class.

Mr. FITZGERALD. Michigan would not spend any if she could prevent, but would like the Federal Government to do all the work and bear all the expense.

Mr. BRYAN. There are nothing but stump lands in Michigan.

Mr. KELLEY of Michigan. Oh, no; but what I was endeavoring to find out is whether the fund was equitably distributed.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will report the amendment.

The Clerk read as follows:

Amend, in line 16, page 99, after the figures "$350,000," by inserting the following:

"*Provided*, That hereafter all the appropriations for the United States Geological Survey for topographical surveys in the various portions of the United States, for hydraulic surveys, for gauging the streams and the determination of the water resources, and for the reproduction and publications of the results of all such work, except as may be otherwise specifically allotted by law, shall be expended in accordance with a general regulation, approved by the Secretary of the Interior, which shall provide (1) that a sufficient sum shall first be set aside for general administrative expenses, purchase of instruments, maps of interstate areas or others necessary for studies of fundamental problems not local in character, and for expenditures at the discretion of the Secretary to meet emergencies and contingencies; (2) that the balance available for local field surveys shall be divided for expenditure in all States according to an average of two factors: First, the ratio of State to National population, and, second, the ratio of unmapped area in each State to the total unmapped area in the United States: *Provided, however*, That in computing this ratio it shall be the intent to exclude all public lands, national forests, national parks, and Alaska so far as classification is practicable, and provided (3) that an additional equitable allotment shall be made to each State on the basis of the amount of unmapped public lands therein contained, and (4) a second additional fair allotment shall be made to those States which by legislative enactment or otherwise contribute funds for cooperative work in topographic and hydraulic surveys, or which through State organizations make like surveys which are accessible to the Secretary of the Interior and available for the use of the United States Geological Survey. The said general regulation shall, furthermore, provide that (5) in States in which 100 per cent of the area has been topographically mapped with a reasonable degree of accuracy the pro rata allotment shall apply for resurveys only to the extent that the State contributes at least an equal amount; (6) that in any State in which the annual pro rata allotment may be too small for economical work surveys shall be made only when credited allotments, and any State funds provided under cooperative agreement have accumulated to the amount necessary for economical expenditure; (7) that the choice of the area to be mapped in each State and the scale to be employed therein shall be based upon consideration of its harmony with the plan for a general map of the whole United States, warranted expense, and its use for geologic investigations and for local needs; (8) that in States in which there are or may be provided administrative officers charged by law with the direction of the cooperative surveys, these officials shall be consulted, and in the event that said State official requests the construction of maps of a larger scale or greater detail than in the opinion of the Secretary is consistent with the plan of a general topographic map of the entire country, such maps may nevertheless be constructed provided the cooperative State pays the extra expense due to their unusual and special character."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that. It is clearly subject to a point of order, and it is occupying the valuable time of the committee to read it.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Let the amendment be printed in the RECORD.

Mr. FITZGERALD. I have no objection to its being printed in the RECORD.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For geologic surveys in the various portions of the United States, $300,000.

Mr. FERRIS. Mr. Chairman, I move to strike out "$300,000" and insert in lieu thereof "$400,000," on page 99, line 18.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The Clerk read as follows:

Amend, page 99, line 18, by striking out "$300,000" and inserting in lieu thereof "$400,000."

Mr. FERRIS. Mr. Chairman, the proposed increase merely brings the appropriation up to the estimate of the department, and even then it would scarcely be in keeping with the increase of business that has been piled onto the Geological Survey.

For instance there was a time when land was land, and the homesteader, when he went out upon the land, had only to go to the district land office and file on it; but these conditions no longer prevail. Now, when a man seeks to enter a tract of land he first has to determine whether it is mineral or nonmineral, whether it is timbered or nontimbered, whether it is irrigable or nonirrigable land, whether it has or has not power sites, and so forth. The result is that the homesteader has to wait such a time as the Geological Survey can send their men out there and determine the character of the land.

It is poor economy to keep the homesteader waiting until the Geological Survey can get money enough to go out and make the necessary investigation. I appreciate the work of the Committee on Appropriations to pare down expenses and carve estimates, but recently in the West, and in fact in the whole United States, there has been a complete change of sentiment with reference to the methods of entering public lands. For instance, Government inspectors now have to go out and look at each individual tract of land to see to it that valuable coal deposits are not taken up by some homesteader, and, further, to see to it that somebody does not take up 320 acres of land for an enlarged homestead that has water power on it, or coal on it, or timber on it, or other minerals. The conservation people of the country insist that these lands shall be examined, and the Geological Survey has made a strenuous effort to keep in touch with the public sentiment along that line. But they can not do it unless you give them money enough to do the work. A constant pressure is exerted and a constant stream of complaints has come in from chambers of commerce, from homestead settlers' organizations, and from individual homesteaders to the Committee on the Public Lands, asking us to do something about it. The Committee on the Public Lands has no power to appropriate for these surveys. It has no power of appropriation. The only means of the Geological Survey to secure this money is first to suggest to the Interior Department the propriety of estimating for the money they need to run their department.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield right there?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Colorado?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. In addition to the work thrown upon the Geological Survey, do they not also have to make reports on the flow of water in canals under the desert-land entries?

Mr. FERRIS. Yes; but the item for that comes in a little later—further over. The homestead act of 1909, which enlarged the size of the homestead from 160 acres to 320 acres, provides that the land is not entorable at all under the law if it is irrigable from any known source of supply, so that the Geological Survey has to send men out in each instance to determine the character of the land and determine whether there is mineral or timber on it or whether it is irrigable. These facts must be determined, and the department can not do it without money.

I dislike to offer amendments increasing the amounts of appropriation bills, but the department for four or five years has estimated increases for these purposes, and their work has constantly piled up.

Mr. FITZGERALD. The department estimated for only $300,000 in 1913 and 1914.

Mr. FERRIS. I have the figures somewhere. But if the gentleman has the figures correct, I will accept them. Anyway, they estimated for $450,000 in 1913 and you turned them down and gave them only $300,000. This year, in 1914, the Geological Survey asked for $450,000 and the Secretary's office cut the estimate down to $400,000. The estimate as it reached you was for $400,000 and you gave them $300,000. They need the amount of their estimate and deserve it.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Texas?

Mr. FERRIS. Yes.

Mr. GARNER. Does the gentleman say that the Geological Survey asked for $450,000?

Mr. FERRIS. Yes; and the Secretary cut it down to $400,000.

Mr. GARNER. Did they ask for $400,000 this year?

Mr. FERRIS. They asked for $450,000 this year and for $400,000 last year. The department asks for what they feel themselves entitled to and what they actually need. The Committee on Appropriations comes in here with a report cutting them down and paying no attention to their necessities. Other committees, that have given long and extended attention to matters related to public lands and who have examined the matter closely, never know until the bill is reported what has been given. I and other members of the Committee on Public Lands sought to present to the Committee on Appropriations what ought to be done in this regard, but we were not successful in that endeavor, and so the only thing we can do is to come here and ask the House to do what ought to be done, and that is to give the Geological Survey enough money so that they can perform the duties imposed upon them by existing law.

There are many other things that can be said, but committees of settlers and committees of chambers of commerce all over the country are asking that this work be done. It is not a large matter. It is what deserves to be done. We spend millions for all sorts of things, but when it comes to real work and real service the economy howl is heard from afar.

People engaged and interested in conservation of natural resources are making appeals to the Geological Survey to go on and make these investigations, which the survey can not do unless you give it money. I think it is a poor sort of economy to impose upon a department a duty and then withhold from that department the money it needs in the performance of that duty.

I know the chairman of the Committee on Appropriations will in a moment say that these departments ask for more than they are entitled to, and more than they ought to have; but I come back at him and say that after eight years' service on the Committee on Public Lands, and after an intimate acquaintance with the affairs along that line, I know that they do need the money, and the appeals that come to me every day will disclose that fact.

Mr. KENT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from California?

Mr. FERRIS. Yes.

Mr. KENT. I would like to ask the gentleman if he does not think it the part of common sense that our Government should know what its own assets are? That is what I understand is the thing that the Geological Survey is to do.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask for two minutes more.

Mr. MANN. I ask unanimous consent, Mr. Chairman, that the gentleman from Oklahoma may have five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FERRIS. I may not use it all.

Mr. MANN. I wish the gentleman would take time now to tell what they do with this money.

Mr. FERRIS. I can do so in a word. In 1909 the Congress passed this enlarged-homestead bill. That bill provides that lands of a certain character can be entered under the 320-acre law. In other words, they must know whether the lands are nonirrigable from any known source of water supply. The Geological Survey has to go out and determine whether any irrigation is possible from either a subterranean or surface flow of water. It has also to determine whether there is any coal on the land, whether there is any other mineral on the land, whether there is any water power on the land. If so, it is not subject to any form of homestead entry. That is a part of what they do. In addition to that, they go through the other States, and, as has been suggested here and has been shown by the hearings, it is their plan to make topographical and other geological observations to determine whether there is oil, gas, or mineral in any part of the country, in order to let the people know what the country actually has within it. This is work in the public interest. It is good sense to know what is going on with our resources.

Mr. MANN. Is that so where the land has not been withdrawn on account of these objects?

Mr. FERRIS. Absolutely. For example——

Mr. MANN. I mean before it is withdrawn, is that so?

Mr. FERRIS. Absolutely. For instance if to-morrow a homesteader in the State of Montana should apply to the Land Office for an enlarged homestead, the application would not be allowed, but it would be sent to the General Land Office here in Washington and by that office sent to the Geological Survey, and the Geological Survey must have their expert men with expert knowledge go there and determine what that land is, whether it is coal or noncoal, irrigable or nonirrigable, and so forth.

Mr. MANN. If the Geological Survey know that there is no stream within 40 miles, that there is no coal in that neighborhood, and no oil in that part of the country, do they still have to send somebody out there on the ground to see if that is the case?

Mr. FERRIS. The fact that there is no surface indication does not necessarily mean that there is nothing of the kind there.

Mr. MANN. My question was a fair one. Do they have to send out somebody under such circumstances?

Mr. FERRIS. They do.

Mr. MANN. I should think the gentleman's committee would reform that.

Mr. FERRIS. I do not think it ought to be reformed. There was a time when a man could step up to the Land Office and file on land, whether it was agricultural land or whether it was mineral land. That was a mistake then, and it will not be remedied unless we make it possible to correct it.

Mr. MANN. The gentleman stated that that was true as to every individual homestead application.

Mr. FERRIS. Every enlarged homestead application; yes.

Mr. FRENCH. Will the gentleman yield just a moment? I think the chairman of the Public Lands Committee [Mr. FERRIS] did not fully understand the question of the gentleman from Illinois [Mr. MANN].

Mr. MANN. The question was a very plain, simple one.

Mr. FRENCH. It often happens that the department has sufficient data, so that an application can be acted upon promptly, without requiring a specific examination for that particular case.

Mr. FERRIS. Of course, if they have topographical maps and data, or special agents' reports, then they do not have to send somebody there to do the work a second time, but I am assuming that when land has never been examined at all they ought to examine it. Water-power sites have crept away from us, coal lands have slipped through the fingers of the Government, mineral lands have been lost to the Government just because we did not give the Geological Survey enough money to go and find out what the land actually was.

But that is not all. If the public was not interested, the homesteaders themselves are interested, because they are held up for weeks, months, and years awaiting a time when the Federal Government can determine whether the land is subject to entry or not. That condition ought not to continue longer. This bill has been carved down about $23,000,000 below the estimates, and I hope the chairman of the Committee on Appropriations will accept this amendment and let the Geological Survey have what they are entitled to in order to go on with their work.

Mr. GARNER. Will the gentleman yield?

Mr. FERRIS. I yield to the gentleman from Texas.

Mr. GARNER. Is it not the policy of the Government to make topographical maps of the entire United States?

Mr. FERRIS. It is, as far as they can.

Mr. GARNER. If we give them additional money, can they not do that more rapidly?

Mr. FERRIS. Yes.

Mr. GARNER. And if it is an advantage to have this work done, why not let them go on and do it as fast as possible?

Mr. FERRIS. I presume we could not do it all in one year, but this is only asking that the bald, bare, naked estimates be given.

When this work began in 1906, from then until 1909 the work did not amount to anything, but the public pulse of the country has grown until the demands are such that the land must be examined, and we must know what it is before we let it go. I hope the amendment will be agreed to.

Mr. FITZGERALD. Mr. Chairman, I am somewhat surprised that the members of the Committee on the Public Lands, who have taken such an interest in this appropriation, did not go to the trouble of finding how the money was being spent. If they had inquired into the question of how the money appropriated was being expended, perhaps their grievance would have been with the Director of the Geological Survey rather than with the members of the Committee on Appropriations. The sum of $300,000 has been appropriated for this purpose each year since 1911. In 1910 the appropriation was $225,000, and then back for some years it was $200,000.

In addition to the $300,000 carried in this item, the Director of the Geological Survey receives $25,000 from the Commissioner of the General Land Office to make the classifications requested under certain provisions of the law. Up to about four years ago between 60 and 70 per cent of this money was expended outside of the public domain of the United States. It was not expended in ascertaining the character of the public domain or the resources of the Federal Government, but it was expended in making surveys of certain private property for the benefit of great corporations and large interests. Certain members of the Committee on Appropriations, including myself, inquired vigorously into the matter. As a result, we have now succeeded in having arrangements made by which 60 per cent of the amount appropriated is spent on the public domain. If the entire 100 per cent were so expended, there would be no difficulty whatever. During the course of the investigation I asked the Director of the Geological Survey:

Where are your investigations made now? Are all of them on the public domain?

Mr. SMITH. They are distributed all over the United States, but the larger part of the appropriation is expended in the public-land States. About 60 per cent of the appropriation is allotted to geologic work in the public-land States.

The CHAIRMAN. Where is the 40 per cent spent and on what kind of work? How did you get that arrangement of 60 per cent and 40 per cent?

Mr. SMITH. Some years ago the percentage spent in the Eastern States was rather larger than what was spent in the Western States, and I have been influenced by the members of the Appropriations Committee to increase the percentage year by year.

carefully, paying particular attention to the interpretation placed upon said act in said circular by the Commissioner of the General Land Office, and I particularly noted paragraph "B," and I believed that the interpretation placed upon said act in said circular to be the law, and I relied on this circular and believed I had a right to make settlement on said land, and that I would eventually obtain entry of said land when open for entry; and after I settled on the land I was in the land office several times and talked with Henry Smith, register of the land office at Seattle, and I was informed by him that the land on which I had settled was within the grant of the Northern Pacific Railway Co.; and said Smith informed me that there had never been a case to his knowledge where the railroad company had refused to relinquish such land in favor of a settler when requested to do so by the Government, and I believed in and relied on the circular of February 14, 1899, and the advice given to me by Joseph Gregory, the attorney, and the information received from the register and receiver of the land office at Seattle, in making settlement upon and continuing my residence and improvement of the land above mentioned.

Since the date of the settlement I have made said land my home and have lived upon the land continuously, and have constructed improvements thereon of the value of about $1,400; that my improvements consist of a house 18 by 24 feet, woodshed 18 by 20 feet, root house 8 by 10 feet, 36 apple trees, berry bushes of all kinds, and I built about 1 mile of trail and have 1 acre cleared.

After the land was surveyed and open for entry I made homestead application to enter said land, and my entry was rejected by the register and receiver of the land office at Seattle, and I perfected my appeal, and the Department of the Interior has made demand on the Northern Pacific Railroad Co. to relinquish said land in my favor, which said company has declined to do, and now my entry is held for rejection, and I have lost all my time, toil, and money in attempting to acquire this land and now find myself practically destitute because of the erroneous advice, misinformation, and misinterpretation of the law received as set forth by me herein.

G. A. SCHUTHEISS.

Subscribed and sworn to before me this 20th day of May, A. D. 1913.

J. E. ALLISON,
Notary Public in and for the State of Washington, residing at Seattle.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken; and on a division (demanded by Mr. BAYARD) there were—ayes 33, noes 19.

So the amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. The gentleman from New York [Mr. FITZGERALD] I understood to offer some amendment on page 96, lines 18 and 19. I did not hear all the proposed amendments, but it was to strike out the words "except the railroad land grant," and so forth.

Mr. FITZGERALD. I did not propose to offer that amendment, in view of the fact that the paragraph repealing the indefinite appropriation of $100,000 has gone out of the bill.

Mr. HAWLEY. I was inquiring whether the agreement had been acted on.

Mr. FITZGERALD. I did not offer that amendment.

The CHAIRMAN. The Chair will say to the gentleman from Oregon that the amendment was not offered.

Mr. FRENCH. Mr. Chairman, I offer the following amendment I send to the desk.

The Clerk read as follows:

Page 96, line 13, after the word "ninety," insert:
"To surveying public lands included within the primary limit of railway land grants.

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that; there is no authority for the survey.

Mr. FRENCH. Will the gentleman reserve the point of order for a moment?

Mr. FITZGERALD. We have discussed the entire question in connection with the other matter, and the gentleman from Idaho had 10 minutes.

The CHAIRMAN. The agreement was that all debate on the paragraph should be concluded at 20 minutes of 4 o'clock, and the order is sustained.

Mr. BRYAN. I offer the following amendment.

The Clerk read as follows:

Page 96, line 9, after the word "settlers," insert:
"Thereafter in surveying railroad land grants."

Mr. FITZGERALD. Mr. Chairman, I make the same point of order that it is not authorized.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

Abandoned reservations: For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, and any law prior thereto, including a custodian of the ruin of Casa Grande, $10,000.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The paragraph has to do with surveying abandoned reservations, and therefore involves the entire question of surveys. Before we leave the matter that has just been discussed, I want to say a word. As far as I have had anything to do with the matter, it has been with a view of aiding the gentleman from the Northwest and Members to get their lands within land-grant limits surveyed.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. For a question.

Mr. BRYAN. Does the gentleman regard his vote against the $35,000 cut out by the amendment of the gentleman from New York as an aid to us?

Mr. MONDELL. Not a penny of that could be used for the survey of land-grant lands.

Mr. BRYAN. I can not understand why cutting it down helps us.

Mr. MONDELL. It does not help you to have that item increased, because not a dollar can be used for surveys within land grants so long as the continuing appropriation is in force. As long as it is on the statute books you can not use any part of this great fund for the survey of such lands. It was with the view of making all these funds available for land-grant surveys that we propose what the department itself suggested repealing—that old, obsolete, archaic law.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. I can not yield. I have only five minutes. Gentlemen have talked about the reference of the Commissioner of the General Land Office in his letter to the continuing appropriation as a $100,000 appropriation. It is not a $100,000 appropriation. It was depleted by the San Bernardino survey several years ago, so that it is only eighty-odd thousand dollars, and it will be further depleted by the provision of law for $25,000 for clerk hire in the city; so it will leave but $47,000, at the best, that can be utilized, and not another dollar of all these great sums can be used for that purpose. This is the ridiculous position in which we find ourselves. No matter how badly settlers may want to have their lands surveyed within the land-grant limits, they do not come within the preferred class at all, and the gentlemen from the Northwest refuse to allow us to put them in the preferred class.

I am not surprised the gentleman from Idaho [Mr. FRENCH] wanted an amendment under which, in addition to keeping this old appropriation that has been of so little value on the statute books, he wanted to make the other appropriation available for land-grant lands, an appropriation which the commissioner himself says he needs for other surveys.

There are one or two curious statements in the commissioner's letter, a letter which, I grant you, puts the gentlemen from the Northwest in an embarrassing position, and I doubt the propriety of writing letters of that kind to Members of Congress. The position taken is, in effect, that while it is true they have not surveyed much of this land in the past, they are going to do it now, and have many parties in the field, which they will take out if we do not do what they want. The commissioner would not, in my opinion, take these parties out of the field with $735,000 available with which to pay them.

Mr. FRENCH rose.

Mr. MONDELL. I can not yield. He said that $35,000, he understood, was added with the expectation of providing that only this sum could be used for the purpose of surveying land-grant lands. There was no such purpose and there never has been any such purpose at any time. The commissioner is simply misinformed and mistaken in regard to it. We propose to put this item in in such form that all these funds would be available for the survey of land-grant lands. In 1910 I endeavored to make that $100,000 of some real value in the survey of these lands, and it was hoped that by repealing this old, miserable, inadequate, lame, and halting appropriation, largely depleted, and putting the land-grant lands on the same basis as all other lands we could proceed more rapidly with the survey of the 15,000,000 acres of these lands that ought to be surveyed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FRENCH rose.

Mr. FITZGERALD. Mr. Chairman, I shall object to any further discussion of that proposition.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not in order.

Mr. FRENCH. Is there an amendment pending?

The CHAIRMAN. There was an amendment pending, but the pro forma amendment, as the Chair understood, was withdrawn.

Mr. FRENCH. I will move to strike out the last two words.

Mr. MANN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. If the gentleman offers an amendment and then withdraws it, does that preclude another gentleman from offering an amendment?

The CHAIRMAN. It does not.

Mr. MANN. Then, I take it, the amendment is in order.

Mr. FRENCH. Mr. Chairman, I move to strike out the last word. All I want to say is this, in justice to the Commissioner of the General Land Office. I took up the matter with him, and the Commissioner of the General Land Office replied to me. In view of the reference to the propriety of officers of the departments writing letters, this statement is due the Commissioner of the General Land Office. This is a matter that I have had up with him repeatedly, and with regard to which I called on him specifically for information.

Mr. MONDELL. Mr. Chairman, the gentleman is not the only Member of Congress who received those letters. We all received them.

Mr. FITZGERALD. Mr. Chairman, if the Commissioner of the General Land Office or his assistant had taken the trouble to be in the city at the time this matter was under discussion, he would not have found it necessary to resort to the impertinent business of writing letters grossly misstating the fact and misrepresenting the action of the committee.

The Clerk read as follows:

For topographic surveys in various portions of the United States, $350,000.

Mr. KELLEY of Michigan. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee relative to the distribution of this fund for topographic surveys among the several States. I do this because of a letter which I have received from the State geologist of our State. He is a very competent man, and I would like to read to the chairman a portion of the letter which bears on this question. He says:

I inclose herein a copy of a bill which is now before the Committee of the House on Expenditures in the Interior Department—

I do not remember what that bill is. He continues—

This bill seeks to provide an equitable distribution of expenditures for topographic and hydrographic surveys among the several States. Michigan has never received its share of expenditures for topographic surveys. Indeed, there are only four other States in the Union which have so little of this work as has the State of Michigan. I do not believe there has been any conscious discrimination against Michigan by the authorities of the United States Geological Survey, but the unequal, and, in my opinion, inequitable distribution of topographic and hydrographic work under the control of the director is matter for the attention of Congress.

I notice from the hearings that there is a very wide latitude in the amount of money expended in the various portions of the country. For instance, I notice on page 876 of the hearings that last year one State alone received $44,413, about one-sixth of the entire appropriation, and running back as far as 1908 that same State has received in all about $200,000 for topographic surveys.

Mr. FITZGERALD. What State was that?

Mr. KELLEY of Michigan. The State of California. I have no doubt that there is some special reason why that has been done, but it seems to me that perhaps some explanation ought to be made why it is that such a wide latitude exists in the amount apportioned to the various States.

Mr. FALCONER. Is there any reason why there should be any amount of money expended in the State of Michigan for hydrographic surveys?

Mr. KELLEY of Michigan. I am talking about topographic surveys.

Mr. MANN. There is a very great reason why money should be expended for hydrographic surveys in the State of Michigan.

Mr. FALCONER. It occurs to me not so much as where there is vast water power.

Mr. KELLEY of Michigan. So far as the water power of the State of Michigan is concerned, we have 12 great rivers—6 on the west side and 6 on the east—which, when developed, will furnish enough electric power to turn every wheel in the Middle West.

Mr. MANN. Not to mention the Soo.

Mr. FALCONER. Permit me to say to the gentleman that the Columbia River with her tributaries is capable of furnishing one-third of the entire water power of the United States under the best authority given us by the departments of the United States Government, and Michigan, while it does well, is not in a class with Idaho, Montana, Washington, Oregon, or California.

Mr. MANN. Washington water power is in reality; the other is in a dream.

Mr. KELLEY of Michigan. Does the gentleman think one-sixth of this appropriation should be expended in a single State?

Mr. FITZGERALD. No; I do not——

Mr. SLOAN. Will the gentleman yield?

Mr. KELLEY of Michigan. I desire to offer an amendment. Yes; I yield to the gentleman.

Mr. SLOAN. Will the gentleman be willing to fuse and merge the river and harbor appropriation of the State of Michigan with other States and compound the two appropriations for rivers and harbors and this geological appropriation?

Mr. KELLEY of Michigan. Our rivers and harbors contribute to the general welfare of the country.

Mr. SLOAN. I presume this does, too; but would the gentleman be willing to merge the two?

Mr. KELLEY of Michigan. I am only speaking of this particular appropriation. Mr. Chairman, I send to the Clerk's desk an amendment which I desire to offer to this section. I will say before the amendment is read that this is legislation suggested by the State geologist of Michigan, and he says in his letter that the proposed legislation meets the approval of the State geologists of the country.

Mr. FITZGERALD. The State geologists are very kind to be willing to take these funds from the Federal Treasury.

Mr. KELLEY of Michigan. I would like to inquire further from the chairman what is the practice as to requiring the different States to put up an equal amount before any funds can be had from the Federal Government? Is that a uniform practice, or simply insisted upon in certain instances?

Mr. FITZGERALD. Sixty per cent of the appropriation is now expended in public-land States. I am one of those who believe it should all be expended there. In States that are not public-land States, under the guise of doing some Federal work, the Geological Survey makes arrangements with the State officials to make equal contributions. I think the State of New York put up $8,000 to match that $8,000 to do work which in my opinion more properly should be paid for entirely by the State of New York. This work is being done in Michigan, where Michigan contributes $3,000 in order to get $3,000 out of the Federal Treasury, so that the work shall be done under the supervision of the Geological Survey instead of by the State of Michigan. After we have finished surveying the public lands, the public domain of the States, it is time enough to go into these other outside matters. This committee has endeavored to break up and prevent abuses which existed under this appropriation. Some years ago surveys were made primarily, if not entirely, for the use of a corporation that desired to build an electric railway. In one city in the country there was a topographical survey made for the purpose of adjusting and arranging its sewer system. Every municipality and every State in the country is perfectly willing to have the Geological Survey do all the surveying that is essential for the States and municipalities to perform their proper functions, just as many corporations that desire to utilize water power on some streams over which the Federal Government has no jurisdiction are very happy to have the expenses of determining what power can be generated borne by the United States.

I have no doubt that the State geologist—the one in Michigan and probably the one in New York and those in every other State where there is no public domain—have their greedy eyes fastened upon this appropriation. They probably would be very happy to have it all spent in their respective States, but these States are not infant industries. The gentleman represents a prosperous and wealthy State, well able to perform the things that belong to it. He should write the State geologist and tell him that Michigan is not a beggar knocking at the doors of the Federal Treasury. It is perfectly able and its resources are ample to enable it to do all the functions that belong to that State, and it should have no desire to have the Federal Government encroach upon its domain.

Mr. KELLEY of Michigan. What does the gentleman say of the State of California. Is it in the beggar class with $44,000 out of this appropriation?

Mr. FITZGERALD. Thirty thousand dollars of it was public-land business and $13,000 was for the cooperative work against which California matches $17,000, a better proportion than either in New York or Michigan.

Mr. KELLEY of Michigan. Of course that is one year, but during the past six years it has aggregated $200,000 for California.

Mr. FITZGERALD. That is true; but there are public lands there and Michigan has no public lands.

to having lands in the State of Washington that would be subject to taxation, if surveyed, surveyed at an early date.

I took this matter up with the Department of the Interior personally in December, and am in receipt of advices from the department indicating its willingness to cooperate in every possible way in bringing about survey of these lands as rapidly as possible, so that they may be placed on the tax rolls of the State and a revenue therefrom made to accrue to the State.

By my direction, the State tax commission is now working with the assessors of 15 counties in which are lieu and scrip lands which would be subject to taxation, if surveyed, with a view to obtaining the description of these lands. As soon as the list is completed the same will be placed in the hands of the Interior Department with a request that attention be given these lands first

I will be pleased to see that you are furnished with a copy of the list when completed, and desire to thank you for your interest.

Sincerely, yours,

ERNEST LISTER, *Governor.*

(Copy.)

JUNE 17, 1914.

Hon. FRANKLIN K. LANE,
Secretary of the Interior, Washington, D. C.

DEAR MR. LANE: I find that an exception is made in the sundry civil bill (H. R. 17041), page 96, to the appropriation in the matter of railroad land grants.

I have had this matter up with your department frequently during the past year.

Acreage approaching 800,000 in area of valuable land in the State of Washington has for many years escaped taxation because of the fact that the survey has not been made.

The people of the State will accept no excuse for further delay in this matter.

This bill ought to provide for this survey by appropriating sufficient funds to do the work, and if further legislation is required to provide that the cost be assessed against the lands it should certainly be enacted.

We will doubtless continue on this bill Saturday next, and in behalf of the people of the State of Washington, I sincerely hope that your department will look into the matter. I have the honor to be,

Very sincerely,

J. A. FALCONER.

Mr. FALCONER. Mr. Chairman, I held a conversation with Secretary Lane and the commissioner's office on this subject Saturday last, and I know they desire this appropriation, and have a full appreciation of the significance of making the surveys.

Mr. FRENCH. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] has referred to my position on this question in a way that calls upon me to make a further statement. I am rather amazed at the position that the gentleman from Wyoming has taken upon this question, because he has almost always followed a course that was meant for the best interests of all of our Western States. Here, however, the very fact that the amendment offered by the chairman of the Committee on Appropriations to strike down this appropriation of $735,000 to $700,000 carries with it a complete refutation of everything that the gentleman from Wyoming has said and substantiates that which I have said. In other words, the committee here now undertake to throw off $35,000, and demonstrates that under the law as it would have been if the amendment had prevailed that was stricken out on my point of order, that only $35,000 could have been expended in lieu of that for which $100,000 may be expended at this time, in view of the fact that my contention has prevailed.

Mr. Chairman and members of the committee, I am vitally interested in this question. I come from a State that has a vast area of lands embraced within the railroad primary land grants. I am receiving letters from county commissioners of my State telling me that my State alone is losing $75,000 of taxes every year because of the fact that land held either by railroad companies or those concerns that own the lands as a result of these grants are escaping taxation. If these lands can be surveyed, then they will be available for taxation, and under the law, notwithstanding the fact that a grant has been made to a railroad, even notwithstanding the fact that the railroad has complied with conditions of the law and has built its railroad and has received the grant, it may not be subject to taxation upon its lands until the lands themselves shall be surveyed.

The department did make a recommendation, as I understand it, to which the gentleman from Wyoming [Mr. MONDELL] refers, that the old law be repealed; and if this particular bill could have passed several months ago, before the organization of the surveying parties, before they were placed in the field, and if instead of $35,000 there had been included an appropriation of $100,000 for this particular work, then I can see no good that could come from insisting on the old law, but rather I would have given my support to the new proposition. But, members of the committee, this is the condition that is confronting us. Already there are 28 surveying parties in the field. Ten of these surveying parties are in my own State, surveying or beginning the survey of something like half a million acres of land within the primary grant of the Northern Pacific Railroad; and in view of the lateness of the time when this bill will be passed, in view of all the considerations, these surveying parties being in the field, and all that, the department itself is opposed to the particular clause that went out on my point of order.

The gentleman has referred to me as possibly not being familiar with the conditions. I am familiar with the conditions, and if the correspondence of many of my people who themselves are struggling under the increased burden of taxation because of these lands not paying their portion of taxation can have any effect upon me, I ought to be familiar, because I am receiving letters and petitions from them urging speedy relief from this burden through the survey of these lands. Not only that, but I am familiar with the situation through having spent many hours of my time in various offices of the Department of the Interior to do what I could to help to direct the survey and impress upon the department the importance of the survey of these grant lands within my State. In view of what has been said, I want to read a letter addressed to me by the Commissioner of the General Land Office. I purposed to insert a copy of a letter addressed to the chairman of the committee, but that has been inserted upon request of the gentleman from Oklahoma [Mr. FERRIS]. In the letter to me the Commissioner of the General Land Office says:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 11, 1914.

Hon. BURTON L. FRENCH,
House of Representatives.

MY DEAR MR. FRENCH: Relative to the matter of surveys of land within the limits of railroad land grants, about which you called on me a number of times during the past few months, and also concerning which members of your State land board made inquiry in company with you, I beg to call your attention to lines 1 to 12, inclusive, page 98, of the pending sundry civil bill, for the repeal of the $100,000 continuing appropriation for the survey of railroad land grants provided for by the act of March 2, 1895. For your information I inclose herewith copy of my letter of May 27 1914, to the Hon. JOHN J. FITZGERALD, chairman of the House Committee on Appropriations, on the question of the advisability of this repeal.

In addition to the matters stated in said letter, I beg to state that there is now in cash, either in the Treasury or in the hands of special disbursing agents, nearly $100,000 of moneys deposited by various railroad companies on the call of the Secretary of the Interior, under the authority of the act of June 25, 1910 (36 Stat., 854), available for use in conjunction with Government moneys made available under said act of March 2, 1895, supra, in accordance with the decisions of the comptroller, as explained in said inclosed letter. Additional calls have been made on the railroads for sufficient to bring this amount up to $128,000.

There is also available on this date in cash for use in the Treasury or in the hands of disbursing agents, Government moneys appropriated under said act of March 2, 1895, the sum of approximately $70,000, subject to increase, reappropriation, and further use, as provided in said act of March 2, 1895, so that Government moneys will doubtless be available for use in conjunction with all of the said railroad deposits above referred to as rapidly as same is needed for use in the field.

Referring to line 7, page 96, of the sundry civil appropriation bill, you will note that the total amount appropriated for surveys and resurveys of public lands has been increased from $700,000 to $735,000; this is with the understanding, as I am advised, that the amount added shall by amendment on the floor (see exception line 18, p. 96) be made available for surveys within railroad land grants, in lieu of funds now procured by means of said continuing appropriation act of March 2, 1895. All of the said $700,000 is needed to make surveys applied for by settlers and States under the first preference mentioned in the act (lines 8 to 10, p. 96).

Briefly, therefore, under existing conditions there is available for use for the survey of lands within railroad land grants during the present season, or as rapidly as the work can be done, anywhere from $150,000 to $250,000; whereas, if this proposed legislation is enacted, the most that can be expended for this class of surveys during the fiscal year 1915 will be $70,000 (one-half railroad money), with a large balance of railroad money on hand which can not be used.

We are now in the midst of the surveying season. There are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped or very largely curtailed, with the resulting continued exemption of these lands from taxation.

While the committee doubtless considers that there are good and sufficient reasons for the recommendations made, in view of the importance of this legislation, I beg to suggest your serious consideration of its advisability.

Very respectfully,

CLAY TALLMAN,
Commissioner.

Listen to the words of the Commissioner of the General Land Office. He declares he will need $700,000 of the $735,000 for other purposes.

Yet the gentleman from Wyoming [Mr. MONDELL] has said that there would be available nearly three-quarters of a million dollars that could be used for this purpose if the amendment could prevail. If all the moneys appropriated could be diverted to this one purpose, then his statement would be correct; but he knows that the preference right of the settlers, that the preference right of the States under the present law, and the preference claims upon that fund in other ways make it impossible for $700,000 of that $735,000 to be used for this purpose at all, and that instead of three-quarters of a million dollars there would be a paltry $35,000 that could be used for that purpose.

Now, Mr. Chairman, I am opposed to this amendment that the chairman of the committee has offered. It seeks to strike down

$35,000 from the amount that could be expended for the survey of the lands generally.

I shall offer another amendment, on page 96, line 13, to insert, after the word "ninety," the words "surveying public lands included within the primary limits of railway land grants."

If that can be inserted into this first provision, then we will have the right to use any part of the $700,000 that in the discretion of the Secretary of the Interior he may believe can be used for the purpose of surveying any of these lands, the Government owning the alternate sections within the primary grant of the railroads. If this amendment be adopted, it will permit the use of the $35,000 in addition to that which is now available in the irreducible fund. If the amendment does not prevail, then I hope that this amendment may be added in order that the $35,000 may be made available for the further survey of these lands. [Applause.]

Mr. BRYAN. Mr. Chairman, it has not always been the railroads that were to blame in this case, according to the opinion of many who ought to be in position to know. They claim that they have repeatedly put up the money in order to get these surveys made, and that there has been fault here at Washington. Of course I am not going to favor striking down any portion of the appropriation or cutting out $35,000 when the money is needed as badly as it is in connection with this service. Here is the claim of the railway company in reference to the deposit they have made on behalf of this service. I read from a letter from Thomas Cooper, land commissioner, of St. Paul, Minn., to Mr. Howard Elliot, dated St. Paul, Minn., December 6, 1909, as published in the pamphlet which I hold, being the proceedings of the fourteenth annual convention of the county assessors of the State of Washington. As to whether the company is trying to get the remainder of its land grant surveyed, note the following:

We have made application under various acts for the survey of 15,626,161 acres, and have advanced to cover the cost of survey $619,533.60. There is unsurveyed at this date of the total area for which we have made application 6,549,480 acres—odd and even numbered sections—and the company has a credit at this date for moneys advanced of $142,798

They say that they have been depositing money for the survey of this land on the ground that the increased settlement, the use of the land by settlers, would increase business, and that they would be glad to pay the taxes in order to get the land on the market, where it could be settled and brought into use and cultivation.

Then there is this situation that is absolutely appalling: In many cases the settlers have taken pot luck about locating on the lands, believing that they were on the alternate section owned by the Government and on land that they could later homestead, and yet after the surveys, as they come in, it is discovered that they are on the railroad land, just across the line. Now, there are a large number of settlers out there who settled in good faith, believing that they were settling on land under the homestead laws. But they find that it is railroad land and they can not get the railroad to relinquish, and so they are subject to an order to vacate. They will have to abandon their little homes and lose the improvements they have made and the cultivation that they have through their own efforts promoted. They have to abandon all that and lose their investment.

If there is any place where the Government money can be expended for a legitimate purpose, in a legitimate way, where there would be an adequate return, many dollars for one, it is in the surveys of these railroad lands. It not only brings taxes to the State but revenue to the Government. I hope there will be no disposition to cut out this $35,000, and I further hope that the department in considering this situation will push forward and send out more of their surveying parties, spend more of its money for the purpose of surveying this land and putting it in a position where it can be settled, and in a position where it can be placed on the tax rolls so that the railroads will do their part and the settlers will do theirs.

I have had considerable correspondence with the department concerning this proposition. I am sure the fall-down of the Federal authority in the matter of these surveys is inexcusable. Objections are often made to Government ownership and administration on just such grounds. It is a fact that a private corporation would have managed to get the taxes from those lands. The entire chapter is one of inexcusable neglect. I believe the present administration will be free from blame in this if a new policy is really instituted and the lands go on the tax rolls and into settlement and use, for it must be remembered that the alternate section belonging to the Government can not be located for settlement and use until it is surveyed.

Concerning the unfortunate position of many who are on these lands as settlers, believing they would have the right of homestead entry, I am compelled to say that I believe the Government should stand back of these people and insure them against loss. The record shows that these people were assured by circulars, which any reasonable man would rely upon, that they might settle on these lands, and if it should later be discovered that they were on railroad lands that they would be protected, and that the railroad would be required to relinquish their claim. A circular was issued containing the following:

PARAGRAPH 8.

The act makes special provision for instances where, after January 1, 1898, a qualified person in good faith makes settlement, with a view to homestead entry, upon unsurveyed lands within the primary limits of said grant, which upon survey are found to be within an odd-numbered section to which the right of the railroad company has attached by the definite location of its line of road. The purpose of this provision is to afford relief to those who make such settlement before the identification by survey of the lands to which the railroad claimant is entitled. Such settlement claim must be continued and the right of the settler asserted after survey by an application at the local land office, to make homestead entry of the lands settled upon, accompanied by proof of such settlement, and the continued maintenance of the claim. These claimants are not accorded the privilege of taking other lands in lieu of those settled upon, but if the proof submitted is deemed satisfactory the railroad claimant will be requested to relinquish the land embraced in said claims and to take other lands. All the provisions of these regulations are applicable to these lands excepting those pertaining to relinquishments by individual claimants.

Section 23 of said circular provides:

From time to time, and as soon as conveniently may be done, the Commissioner of the General Land Office shall prepare and submit to the Secretary of the Interior duplicate lists describing, according to the smallest legal subdivision, the lands to which there are conflicting claims as described in these regulations, and which the individual claimants have elected to hold; and upon the approval of any such list by the Secretary of the Interior, the Commissioner of the General Land Office will retain one copy thereof in his office and will transmit the other copy thereof to the railroad claimant, with the request that it relinquish its claim to the lands therein described. Every list will be deemed conclusive against the railroad claimant to the extent that it will be required, within 90 days after receipt thereof, to execute and deliver to the Secretary of the Interior a proper relinquishment to the United States of all the lands in said list, or to make satisfactory showing that those not relinquished have been sold or contracted to be sold, or are used or needed for railroad purposes, or are valuable for stone, iron, or coal.

On April 16, 1907, the Interior Department, acting through Secretary Ballinger, wrote a letter that gave these men further reason for feeling secure in their position, as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., April 16, 1907.

Dr. E. E. BECKETT,
555-557 Lumber Exchange, Seattle, Wash.

SIR: Answering your letter of March 16, 1907, respecting settlement of your brother on northwest quarter section 17, township 26 north, range 11 east, Washington, I advise you that said tract is unsurveyed land within the primary limits of the Northern Pacific Railroad grant, upon definite location of December 8, 1884, at which date its right vested; that the temporary withdrawal of the land March 18, 1905, for forest reserve did not affect the company's right; and that the land was released from said reservation July 6, 1905

Now, there are a large number of settlers out there who settled in good faith, believing that they were settling on land under the homestead laws. But they find that it is railroad land and they can not get the railroad to relinquish, and so they are subject to an order to vacate. They will have to abandon their little homes and lose the improvements they have made and the cultivation that they have through their own efforts promoted. They have to abandon all that and lose their investment.

Therefore, if your brother settled upon the land since the definite location of the road, and prior to the survey in the field of the land in question, he may, when the plat of the survey becomes filed in the local land office, submit his homestead application with election under act of July 1, 1898, to retain the land (forms of which will be furnished by the district officers on request), upon which, if found correct, the railroad company will be requested to relinquish its rights to the land.

Very respectfully,

R. A. BALLINGER, *Commissioner.*

I have been deluged with letters and resolutions on behalf of these men, and I would be glad to help them. Various suggestions have been offered; but I see nothing in the way of relief for them except a plain appropriation of the necessary sum by Congress to save them from loss. The following affidavit sets forth in detail some of the facts involved in this matter:

STATE OF WASHINGTON, *County of King, ss:*

I, G. A. Schultheiss, being duly sworn, on oath depose and say that I am a citizen of the United States, of lawful age, and my post-office address is Baring, Wash., and qualified to make homestead entry. I did on the 22d day of May, 1908, make homestead entry on unsurveyed land, which since survey has been described as the northeast quarter of the southeast quarter and lots 7, 8, 9, of section 1, township 26 north, range 10 east, Washington Meridian. That before making settlement on said land, about the latter part of March, 1908, I called to see Joseph Gregory, a land attorney of Seattle, Wash., and I was handed a decision by said Gregory, and was informed by him that the decision was the latest decision of the highest court, and that this decision held that when a settler made settlement on unsurveyed land within the limits of the grant to the Northern Pacific Railroad Co. and that when the land was surveyed and found to be railroad land, that it was mandatory for the railroad company to accept scrip in lieu of the land settled upon; and at that time said Gregory went with me to the land office and showed the aforementioned decision to Frank Twitchell, receiver of the United States Land Office at Seattle, Wash., and at that time said Gregory and Twitchell had some discussion whether the decision applied to the land I was contemplating making settlement upon; and after looking at said decision said Twitchell informed me that there was no such thing as unsurveyed railroad land, and that it all belonged to the Government until patented, and that anybody settling on such land prior to survey would have a prior right over the railroad company. I was given the circular of the General Land Office approved February 14, 1889, containing regulations under the act of July 1, 1898 (30 Stats., 597-620), and I thereafter read said circular most

years were encountered in securing action under the contracts, and after the lands were finally surveyed it was left optional with the companies when they would apply for patent to make the payments necessary to reimburse the fund. It may be stated in a general way that the continuing appropriation act was practically a dead letter until the present direct system of surveys was adopted and the act of June 25, 1910, was passed, under which the Government could demand payment from the companies in advance whenever, in the judgment of the commissioner, it was necessary or desirable that the survey of any particular area be executed.

It is estimated that there remains nearly 16,000,000 acres of unsurveyed land within the primary limits of the railroad grants, but, owing to the fact that only nonmineral odd-numbered sections not reserved at the time the rights of the road attached inured to the companies, it is estimated that the amount of unsurveyed land now inuring to the companies is about 5,000,000 acres; and while, at the present rate of surveying, it will take 10 years to complete such surveys I am confident that under the system of advancing the approval of accounts, arrangements for which have recently been made, funds may be made available much more rapidly than heretofore. If the Congress does not interrupt such work by the repeal of the law, and the only law under which it is possible for the Government to proceed.

I may add that settlements have now been made so that there is now available for the present season's work more than double the amount of money that has been expended under these appropriation acts during any one year for the last five years; and if the plan above outlined for advancing accounts operates as anticipated, this latter amount will be very materially increased, if not doubled.

Considering the grave importance of this matter and the urgent necessity of prompt survey of the balance of the unsurveyed lands within railroad land grants, I most respectfully urge that the repealing act hereinabove referred to be not recommended.

Very respectfully,

CLAY TALLMAN, *Commissioner.*

Mr. FALCONER. Mr. Chairman, there are over 700,000 acres of granted lands in the State of Washington yet unsurveyed, and as the result of their not being surveyed are now untaxed.

It is a hard matter to explain to the average taxpayer in the State of Washington why it is that railroad granted lands should go untaxed while other lands of equal value are surveyed and their owners required to pay taxes. The fault rests somewhere, either with the Congress or with the Department of the Interior. If the Department of the Interior has had for the last 19 years $100,000 annually to be expended in the survey of railroad granted lands, the Department of the Interior ought to be held responsible for the conditions obtaining in the States of Washington, Idaho, Wyoming, and other Western States.

To illustrate the importance of this matter to the taxpayers in my State, I know of sections in the State of Washington that are unsurveyed and untaxed, lined up with and bordering on surveyed and taxed lands, worth probably $100,000. Some of these lands may be worth slightly more, and a great portion of it may be worth less. The feeling in the State of Washington is that somebody is to blame for making the United States Government a holding concern for the owners of these granted lands. I have here in my hand a map of King County, Wash. One-third of its area, I judge from a glance at the map, is unsurveyed and paying no taxes. It represents railroad-land grants.

If we are to accept the statement made by the gentleman from Wyoming [Mr. MONDELL], any part of the $735,000 might be used, but the Commissioner of the Land Office insists that the limit would be $35,000 a year. We are informed by the report of the Commissioner of the General Land Office that there has been expended only $34,000 last year for these surveys. Why did not the Commissioner of the General Land Office expend $100,000?

Mr. MONDELL. The gentleman understands that with the adoption of the provision as intended the entire $735,000 would be expended.

Mr. FALCONER. I understand the commissioner to say that it would be necessary to have $700,000 to carry on other work. That is his statement, made over his own signature, and this would leave only $35,000, as I stated above, for railway land-grant surveys, which is not sufficient. I am in favor of any amendment or any feature of the bill that will provide for the survey of these lands, and there is no man on the floor of the House who can consistently stand up and defend the Land Department during the last 19 years for not expending $100,000 for the survey of the lands. The result has been that millions of dollars that should have been paid into the Public Treasury up to this date are now in the pockets of the owners of these unsurveyed, untaxed lands, and all because this work has not been done.

There may be some excuse for the present Commissioner of the General Land Office and for the present Secretary of the Interior for not making the surveys during last year. It was their first year in office, and it takes some time to organize. But I want to submit the proposition to this House that no taxpayer in the State of Washington will defend the inactivity of previous administrations in the last 19 years for not having this money expended in the survey of railroad lands. Irrespective of party, there is no excuse for it, and you can not explain to the people of my State why these surveys have not been made. If the officials of the Land Department of this administration understand the feeling in the West they will spend every dollar available for this purpose. And I will say, in passing, if the gentleman will permit me, and I will yield in a minute, that the people of our State have much confidence in Secretary Lane, and we believe he will do it. This bill ought to carry a sufficient appropriation, and I urge the continued appropriation of the $100,000.

Mr. FERRIS. Does not the gentleman think he has done well in sending out 28 line parties? There is some justice in the position taken by gentlemen over there, because this is a half-and-half proposition between the Government and the railroads, and until 1910 we had no way of getting the railroads to pay their part.

Mr. FALCONER. Before 1910 there was a way by which the railroads could have been made to advance the money, and Congress did not compel them to do it. The work ought to have been done.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. FALCONER. I ask for one minute more, Mr. Chairman.

Mr. BRYAN. I will give the gentleman one minute of the time allotted to me.

Mr. FALCONER. Now, the railroads have put up $100,000, and it is on deposit. The only difficulty that can now stand in the way is this Congress and the department. Sir, if this appropriation is now made and the surveys are not then ordered and made, the Department of the Interior will continue to be in fault.

The people and the press out in my country have declared that the Government alone is responsible for the delay. The officials of the State are anxious to have these lands placed on the tax rolls; the railroads claim that they are anxious for the surveys, that these lands may come to patent. I hope the Congress will make a sufficient appropriation and that the Land Department under this administration, which seems to have a live Land Department, will be furnished with sufficient money to do this work.

Mr. MONDELL. The gentleman understands that if this point of order is sustained no increase of the amount will be obtainable?

Mr. FALCONER. If the present commissioner does not use more than his predecessor used, he will be subject to criticism. If the indefinite and continuing appropriation of $100,000 annually be retained, it appears to me that Commissioner Tallman will see that it is spent for the benefit of the country by placing these lands on the tax rolls.

Mr. MONDELL. He used $32,000 last year.

Mr. FALCONER. He should have used $100,000.

Mr. Chairman, the expenditure of $100,000 for survey of railroad land grants this fiscal year means that before another year rolls around all this amount and probably much more in taxes assessed will be paid to the county treasurers of the several States. There can be no possible excuse for continued phlegmatic action in this matter. I wish to insert correspondence and press items touching on this important subject. I have given much time to the subject. I urge the continuation of the larger appropriation.

OCTOBER 31, 1913.

Mr. A. A. JONES,
Acting Secretary of the Interior.

DEAR MR. JONES: I have had a number of communications of recent date regarding conditions obtaining in the State of Washington wherein large timberland owners have been holding for the last 10 or 20 years large tracts of timberland in the State of Washington, upon which stands the finest kind of timber in the reserves or in unsurveyed territory. Protests have come urging that the Government should not continue longer to be a holding company for these timber owners in permitting them to have these vast tracts of timber enhancing in value, with all other timber, but having the advantage of paying no taxes.

For instance, there are 700,000 acres, more or less, in the State of Washington held by large timber holders, worth many millions of dollars, on which no taxes are assessed because of the fact that it is not surveyed land. This question has been discussed in every little schoolhouse debate and civic league organization in the State for the last several years, and of recent date the instance of the Northern Pacific Railroad giving to the press a statement that the fault is with the Government and not with the railroad; that the railroad would be very glad, indeed, to get action upon this, even though they had to pay taxes, has caused criticism to be directed toward the department in this what appears to be a matter of favoritism.

Much of this land is very valuable. There are quarter sections that would pay a tax of from $100 to $200 per annum. It makes a big difference to the people of the State of Washington. St. M. & M. scrip has been filed on lands all through our country as has other scrip on land adjoining surveyed lands. I personally know of a number of tracts of this kind up the north fork of the Skykomish, Snohomish County, Wash.

I have been asked to introduce a resolution asking for an investigation, but this will only result in some press notice to myself, and would not help any in results.

I believe in the new order of things; that the administration desires to straighten out some of the irregularities that seem to have attached to the department, and I sincerely hope that early action will be taken in the matter. If it is desired, I shall be glad to send some definite information to the department.

I have the honor to be,

Very sincerely, yours,

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DEPARTMENT OF THE INTERIOR,
Washington, November 11, 1913.

Hon. J. A. FALCONER,
House of Representatives.

MY DEAR MR. FALCONER: I am in receipt of your letter dated October 31, 1913, reporting that you have a number of communications of recent date regarding the alleged holding by grantees, or owners, of large tracts of timberlands in the State of Washington which are not subject to taxation by reason of the fact that they are in reserve, or unsurveyed. Mention is made of the Northern Pacific Railroad Co., and also of certain scrip locations by the St. Paul, Minnesota & Manitoba Railroad Co., and you express the hope that early action will be taken in bringing about the survey of these lands.

In reply I have to state, upon information furnished me by the General Land Office, that in the case of the Northern Pacific Railroad Co. the survey of all the unsurveyed lands that will inure to it within the primary limits of its grants was made possible by the act of June 25, 1910 (36 Stats., 844), which was for the purpose of enabling this department—

"to complete the adjustment of land grants made by Congress and to aid in the construction of railroads, and to subject the lands granted to taxation by States, Territories, and municipal authorities, and railroad corporations required by law to pay the cost of surveying, selecting, or conveying any lands granted to such company or corporation * * *."

Under this authority the company was called upon in 1911 to deposit the sum of $25,987.56, being its estimated share of the cost of making these surveys, and with a like amount advanced from the appropriation of March 2, 1895 (28 Stats., 937), the field work has been prosecuted just as vigorously as the mountainous character of the country and the availability of competent surveyors will permit. At the present time the records of the General Land Office show that the surveys of 18 of these townships have been extended in the field, 5 of which are completed and the plats thereof have been filed in the local land office. With the exception of the said act of June 25, 1910, the General Land Office possesses no legal authority to bring about the survey of unsurveyed lands that may or may not be appropriated under scrip location or otherwise for the prime purpose of subjecting them to taxation. The regular appropriation for the survey of the public lands, under which the survey work is generally carried on, provides:

"This expenditure appropriation preferably shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States" under various acts; "and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations."

The demands arising under the preference class referred to involve practically this entire appropriation and as the lands legally held by the interests referred to by you, including those covered by the St. Paul, Minnesota & Manitoba scrip, are, by the very fact that they are thus appropriated, out of the preference class. They must properly await their survey by other legal means, the initiative of which does not rest with this department.

The fact that there are but 670,000 acres of unsurveyed unappropriated land outside existing reservations in the State of Washington suggests that possibly the 700,000 acres, more or less, referred to as being held by timber interests, worth many millions of dollars, on which no taxes are assessed because of the fact that they are unsurveyed, are probably largely in some form of reservation, most likely national forests, in which case the survey of such lands can only be secured under the condition that they are occupied by bona fide settlers, whose residence antedated the creation of the reservation.

From the foregoing you will readily see that the General Land Office has been, and is, actively engaged in the survey of all unsurveyed lands in the State of Washington that it has legal authority to execute, and that lands left unsurveyed are ineligible under existing laws and regulations.

Very respectfully,

A. A. JONES,
First Assistant Secretary.

———

EVERETT, WASH., *October 3, 1913.*

Hon. J. A. FALCONER,
Washington, D. C.

DEAR SIR: Your letter of recent date regarding ownership of unsurveyed lands in this county duly received. In reply I regret to state that there are no records whatever in my possession that would give you the information that you desire. The records in the assessor's office show the ownership of every foot of surveyed lands in the county; outside of that there is nothing to indicate any ownership. I believe that such corporations as the Weyerhauser, the Northern Pacific Railroad, etc., have such data, but am at a loss to know how to obtain it. I should think the Department of the Interior has all such information and should readily furnish it. As I understand the situation as it stands at present, the only salvation would be to have such lands surveyed so that they may be entered on the assessor's books (tax rolls) and become subject to taxation, or enact a clause to our revenue laws declaring such lands to be subject to taxation though unsurveyed. Am sorry that I am not able to give you some information on this matter. I am in utter darkness as to the ownership of a foot of land in this county outside of what is surveyed. If at any time in the future I may learn of some way that such information may be obtained, I shall certainly let you know of it at once.

Regretting my inability to furnish you with the desired information at this time, I beg leave to remain.

Yours, very truly,

T. D. DAVIES,
County Assessor.

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[From the Seattle Sun, Tuesday, September 22, 1913.]

NORTHERN PACIFIC SAYS UNITED STATES LAND OFFICE IS TO BLAME—DELAY IN SURVEYING PRIMARY GRANT ACREAGE CHARGED BY RAILWAY AND BY TAX ASSESSOR TO RED TAPE.

Although a popular impression prevails that the thousands of unsurveyed, and hence untaxed, acres in the primary grant of the Northern Pacific in this State and county remain so largely through the machinations of the railway, reports of assessors are that the United States Land Office principally is to blame.

County Assessor A. E. Parish has on file in his office copies of letters written to the Land Office by high officials of the Northern Pacific, in these messages the text always was the same—Goads to get the department to hurry the surveys of the Northern Pacific lands, especially in Washington.

In a letter to Howard Elliot, then president of the road, Thomas Cooper, land commissioner of the Northern Pacific, urged the executive to hurry the Government in surveying the lands.

WANT IT SURVEYED.

Cooper wrote: "Instead of trying to escape taxation by delaying surveys, the company has been begging the department for years to hasten surveys, recognizing that the traffic benefits resulting from development following survey was infinitely greater than the tax burden."

Officials of the Northern Pacific assert it is entirely to their interest to have the tracts surveyed as soon as possible, but that the work of the Land Department is so painfully slow they have given up hope of getting it all platted within the past 15 years. They say some requests for surveys made in the past were not acted on by the Government until 10 years after they had been filed.

The county assessors' convention of Washington used to admonish the Northern Pacific at every annual meeting because of its unsurveyed condition. Now resolutions are adopted each year prodding the Land Department for the delays, not the railway. At the last meeting the president was authorized to keep in touch with the Government with a view of hastening the surveys. It is considered probable a similar action will be taken this year. Some persons suggest that if the Government did not put its surveying parties in the field so late in the summer they could accomplish more.

AMOUNT NOT ESTIMATED.

"Looking at the proposition on its face," remarked A. E. Parish, this county's assessor, "one would think the Northern Pacific simply blocked things so it wouldn't have to pay taxes. But a deeper insight dispels this notion. I have investigated the thing thoroughly and can come to but one conclusion—the Northern Pacific is as anxious to get its land surveyed as we are.

"The trouble is all with the Government. It takes time and patience to get our National Land Department to take action on anything. However, it is only fair to say it is improving in this respect. The surveys are being done more quickly. May this tendency increase.

"There is a great amount of railway land in this State untaxed because it's unsurveyed, but not all of it is valuable. A considerable amount of it consists of mountain peaks and rugged cliffs.

"The assessors of the State have conditions will improve steadily. This county is missing a big tax revenue all right because of the unplatted Northern Pacific lands. But some of the unsurveyed territory is wild, rocky land of little value. Just how big a revenue the county would get as a result of all railway land being platted it is not possible to estimate."

———

RAILROAD LANDS NOT TAXED.

The county commissioners of Chehalis County are complaining because of the large amount of Northern Pacific lands in that county which escape all taxation because, while surveyed, the surveys have never been accepted and the patents issued to the company. These lands are included within the limits of the forest reserve, which explains why the surveys have not been accepted.

In an address on Friday to the Washington State Tax Reform League, T. D. Rockefeller, former State tax commissioner, touched on the same subject and informed his hearers that there were between 600,000 and 700,000 acres of such railroad lands which were escaping all taxation because unpatented, the patents being withheld until after surveys were made, and the surveys not being made for reasons best known to the authorities at Washington City.

The title to these lands vested in the company immediately upon the passage of the land-grant act, nearly 50 years ago. The title of the company was placed beyond question by the completion of its line, some 20 years ago. But millions of dollars' worth of the company's lands have never paid a cent of taxes to the State or county for all these years. They have not paid taxes because no patents issue until the lands are surveyed.

The responsibility is not with the company, for years ago it paid to the General Government the estimated cost of surveying these lands. But the department has never authorized the surveys. The reason is believed to be that the progress of surveys has been blocked largely by the political "conservationists." If surveys were extended, the State could identify and recover its own 600,000 acres of school lands tied up in the forest reservations.

Whatever the agency which has blocked these surveys in the past, it would seem that the Washington delegation in Congress should interest itself in having surveys made immediately, that these lands should no longer escape taxation.

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(Copy.)

MARCH 25, 1914.

Hon. ERNEST LISTER,
Governor State of Washington, Olympia, Wash.

MY DEAR GOVERNOR: I have had up with the Department of the Interior the matter of unsurveyed lands in our State that do not pay taxes. I have talked with Mr. A. A. Jones, assistant, and with the Secretary direct, urging them to make recommendations to the Finance Committee and insist on an appropriation sufficient to survey all unsurveyed lands in the State of Washington covered by scrip or otherwise privately owned, for the purpose of assessing and collecting taxes against same.

I wish that I might get all information possible from the land commissioner and any suggestions worth while from the other State officers. I will appreciate it very much if you will have same forwarded to me. The surveyor general might be able to give some information relative to the estimated cost of such a survey per township.

Most sincerely,

J. A. FALCONER.

———

STATE OF WASHINGTON,
OFFICE OF GOVERNOR,
Olympia, April 3, 1914.

Hon. J. A. FALCONER, M. C.,
Washington, D. C.

MY DEAR MR. FALCONER: I beg to acknowledge receipt of your letter of March 25 in relation to the action that has been taken with a view

tleman from Wyoming that the Holman rule provides that this law. This paragraph on which the point of order has been

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate on the pending paragraph and all amendments thereto be concluded in 30 minutes, with the understanding that the gentleman from Idaho [Mr. FRENCH] is to have 10 minutes. Is there objection?

There was no objection, and it was so ordered.

Mr. MONDELL. Mr. Chairman, the department became so thoroughly convinced of the unworkable character of this indefinite appropriation, of how utterly impossible it was to survey the railroad land-grant lands as rapidly as they ought to be surveyed—they became so convinced of the futility of continuing the conduct of this work under that sort of a law that they submitted with their estimates this year a provision for repeal, the very provision we have now before us, or which went out on the point of order. In submitting that they did not ask for an additional amount for surveys. But when the committee proceeds to repeal this provision of the law and make this whole appropriation available for this work we added $35,000 to the bill. I think we might have added more properly, but that is at least as much as they have heretofore used out of this fund in any year in the past except one, and we make available the entire fund for the purpose, $735,000. I have no desire to quarrel with the Commissioner of the General Land Office. He is a good official; he has been disturbed by members of his surveying corps, largely agitated over a question of clerks, which has been provided for elsewhere; he has written some Members that this year we are going to survey all creation. This year, when this appropriation is not only depleted by over $20,000 on account of the San Bernardino survey, but will be depleted $25,000 more in the appropriation which will be secured in the legislative bill. They have 28 parties in the field, the commissioner says, and it is suggested that he will take these parties out of the field unless the continuing appropriation is preserved. Now, I scarcely think the Commissioner of the General Land Office will take the surveying parties out of the field when he has $735,000 available to pay them, and I think it is hardly fair for the commissioner to make that kind of a suggestion after he himself has suggested that this reform ought to be had. I think the committee ought to be given an opportunity to carry it out; and if we can carry it out, we would survey these railroad land-grant lands three times as fast as they have been surveyed in the past. We are anxious to have this great West that ought to have been surveyed years ago surveyed, and the very gentlemen who are the most interested attempt to block the efforts we are making to put these surveying provisions all under one item, so that the commissioner can use his judgment and his discretion and can use this great fund—as much of it as he sees fit—for this purpose. Why continue to go through the miserable maze of red tape which it is necessary to go through now in order to utilize the continuing appropriation, at the end of which we get surveys of a few hundred thousand acres out of 15,000,000. It is my opinion the gentlemen will rue the day they have opposed this change.

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming [Mr. MONDELL] knows about public lands and he knows about surveys, and he ought not to come in here and try to get through an amendment cooked up in the Committee on Appropriations that will absolutely destroy the surveying and the development of the West. The Commissioner of the General Land Office comes forward with a letter, over his own signature, under date of June 11, 1914, and states what havoc this would make if adopted. Let me read the gentleman what he says:

We are now in the midst of the surveying season. There are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped, or very largely curtailed, with the resulting continued exemption of these lands from taxation.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I can not yield to the gentleman; the gentleman has had 15 or 20 minutes, and I have only 5.

Mr. PAGE of North Carolina. Will the gentleman yield to me there?

Mr. FERRIS. Yes.

Mr. PAGE of North Carolina. The gentleman used some expression about the Committee on Appropriations cooking up an amendment. I want to ask the gentleman if that language was not identical with the language submitted by the Land Office itself?

Mr. FERRIS. I do not know about that. Anyway, it was over the protest of the Land Office in a long letter addressed to the chairman and in a long letter addressed to me saying——

Mr. PAGE of North Carolina. This is in verbatim language communicated by the Land Office.

Mr. FERRIS. It may be that. Anyway the Land Office in a letter to the Committee on Appropriations and in a letter to me, both of which I hold in my hand, say that the passage of this legislation will play havoc with surveys in the West. I want to ask the gentleman from Wyoming himself and the other western Members what a nice spectacle it would be at this time if he called out every surveying party in the West? No such thing ought to be countenanced a moment. The gentleman from Wyoming ought not to try to do such a thing.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. I can not yield; the gentleman had 15 or 20 minutes, and I have only 5 minutes.

Mr. MONDELL. I understood that the gentleman asked me in regard to something. Evidently the gentleman does not want to know anything; he does not desire an answer.

Mr. FERRIS. I do not yield to the gentleman, and I would like to be let alone until I can say a word further. I, of course, do not want to be discourteous, but I must preserve one or two of the five minutes for my own use.

The Chairman has justly and righteously, as I believe, held this item to be subject to a point of order, and it has been stricken out. The chairman of the Committee on Appropriations has just offered an amendment which strikes out the $35,000 which was in lieu of the $100,000. I think that is entirely appropriate. The Land Office does not need both appropriations and is not entitled to receive both. The thing that ought to happen has happened; the point of order has been sustained; the objectionable paragraph is stricken out. The gentleman has offered now an amendment to strike out the $35,000, so that the appropriation will be left precisely as it was last year.

There is no use in trying experiments on the General Land Office, and there is no use in playing pranks on the General Land Office—pranks that they do not want played; and the gentleman from Wyoming knows too much about public-land matters and about Land Office matters to bring in such a thing.

I ask unanimous consent, Mr. Chairman, to incorporate a letter from the Commissioner of the General Land Office to myself and one to the chairman of the Committee on Appropriations. Both of them speak for themselves.

The CHAIRMAN (Mr. CONRY). The gentleman from Oklahoma asks unanimous consent to extend his remarks in the RECORD by incorporating the letters named. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, June 11, 1914.

HON. SCOTT FERRIS,
Chairman Committee on Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: In response to your inquiry by phone this morning, as to the probable effect of the provision contained in lines 1 to 12, inclusive, page 98, of the pending sundry civil bill, providing for the repeal of the $100,000 continuing appropriation for the survey of lands within railroad land grants, provided for by act of March 2, 1895, I beg to inclose herewith, for your information, copy of my letter of May 27, 1914, to the Hon. John J. Fitzgerald, chairman of the House Committee on Appropriations, which quite fully explains the situation relative to this matter.

In addition to the matters stated in said letter, I beg to state that there is now in cash, either in the Treasury or in the hands of special disbursing agents, nearly $100,000 of moneys deposited by various railroad companies on the call of the Secretary of the Interior under the authority of the act of June 25, 1910 (36 Stat., 834), available for use in conjunction with Government moneys made available under said act of March 2, 1895, supra, in accordance with the decisions of the comptroller, as explained in said inclosed letter. Additional calls have been made on the railroads for sufficient to bring this amount up to $128,000.

There is also available on this date in cash for use, in the Treasury or in the hands of disbursing agents, Government's moneys appropriated under said act of March 2, 1895, the sum of approximately $70,000, subject to increase, reappropriation and further use, as provided in said act of March 2, 1895, so that Government moneys will doubtless be available for use in conjunction with all of the said railroad deposits, above referred to, as provided for in the act referred to.

Referring to line 7, page 96, of the sundry civil appropriation bill, you will note that the total amount appropriated for surveys and resurveys of public lands has been increased from $700,000 to $735,000; this is with the understanding, as I am advised, that the amount added shall, by amendment on the floor (see exception, line 18, p. 96), be made available for surveys within railroad land grants, in lieu of funds now procured by means of said continuing appropriation act of March 2, 1895. All of the said $700,000 is needed to make surveys applied for by settlers and States under the first preference mentioned in the act (lines 8 to 10, p. 96).

Briefly, therefore, under existing conditions there is available for use for the surveys of lands within railroad land grants during the present season, or as rapidly as the work can be done, anywhere from $150,000 to $250,000, whereas if this proposed legislation is enacted the most that can be expended for this class of surveys during the fiscal year 1915 will be $70,000 (one-half railroad money), with a large balance of railroad money on hand, which can not be used, unless, of course, Congress materially increases the additional direct appropriation and makes same available for the expense of this class of surveys.

We are now in the midst of the surveying season; there are at present 28 line parties surveying within railroad land grants. If the proposed legislation is enacted, this work must be stopped, or very largely

curtailed, with the resulting continued exemption of these lands from taxation.

While the committee doubtless considers that there are good and sufficient reasons for the recommendations made, in view of the importance of this legislation I beg to suggest your serious consideration of its advisability.

Very respectfully,

CLAY TALLMAN,
Commissioner.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, May 27, 1914.

HON. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

MY DEAR MR. FITZGERALD: At the verbal suggestion of Hon. FRANK W. MONDELL, a member of your committee, who called on me yesterday with relation to the matter, I submit the following form of an item to repeal the provisions of the act making an appropriation for surveying the public lands within railroad land grants, generally known as "the continuing appropriation act":

"So much of the provisions of the act of August 18, 1894 (28 Stat., 395), as amended by the act of March 2, 1895 (28 Stat., 937), as provides an appropriation for the survey of lands within railroad land grants and the making of a continuing appropriation is hereby repealed: *Provided*, That surveys heretofore authorized by the Commissioner of the General Land Office may be completed and paid for in the manner provided by law prior to this act."

For the benefit of your committee I will briefly refer to the several acts of Congress requiring the railroads and their successors in interest to pay for the survey, selecting, and conveyance of the lands granted. The act of Congress approved July 2, 1864 (13 Stat., 356), amending the act of July 1, 1862, providing a grant for the Union Pacific Railroad Co., contained this provision, section 21:

"*And be it further enacted*, That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest as the titles shall be required by said company."

The act of Congress approved July 15, 1870, making appropriation for the survey of the public lands within the limits of the land grant to the Northern Pacific Railroad Co. provided:

"That before any land granted to said company by the United States shall be conveyed to any party entitled thereto under any of the acts incorporating or relating to said company there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

Which provisions were followed by the enactment of the general act of July 31, 1876 (19 Stat., 1211), providing:

"That before any land granted to any railroad company by the United States shall be conveyed to such company, or any persons entitled thereto under any of the acts incorporating or relating to said company, unless such company is exempted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or persons in interest."

It will be observed that the three acts are essentially similar, and that they provide for the payment by the companies or their successors in interest of amounts necessary for the cost of surveying, selecting, and patenting the lands granted. It will also be noted that there is no specific provision in any of said acts requiring that the cost of survey shall be divided equally between the Government and the companies; but as the lands granted were in every instance in alternate sections and not in solid blocks, the practice grew up of requiring the railroads to pay for only one-half the cost of surveying the entire area within the granted limits, upon the theory, I presume, that under this method the companies were required to pay for the survey of the lands actually granted, otherwise they would be required to pay not only for the survey of their lands but also for the survey of those belonging to the Government. I have not been able to find in the limited time that I was able to devote in the examination of the matter, that the question has ever been definitely discussed in any decision rendered by this department; but I am advised that it has been the practice of this office, in all instances, to require of the railroads only that they pay for one-half of the total cost of the survey of the lands lying within the granted limits. The Comptroller of the Treasury, under date of April 23, 1895 (Decisions of the Comptroller, p. 400), had under consideration the act of August 18, 1894 (28 Stat., 395), and March 2, 1895 (28 Stat., 937), and said, in speaking of the act of 1894:

"That clause did not, however, provide that there should be appropriated at the same time such reimbursements were made a sum equal and in addition to the amount so reimbursed. As only one-half the amount expended under the appropriation could be reimbursed by the railroad companies, it necessarily followed that the reappropriations would become smaller each time, and would eventually cease, and it was under these circumstances that Congress made the appropriation in the act of March 2, 1895."

The comptroller, continuing, pointed out that the act of 1895 differed from that of 1894 in that it contained the provision that:

"Whenever there shall have been reimbursed and paid into the Treasury of the United States, by the respective companies or parties in interest any part of said appropriation expended for surveys within such grants, there shall be immediately available, out of any money in the Treasury not otherwise appropriated, an amount equal to the amount so reimbursed, and the same shall be available for the survey of the public lands lying within the limits of the railroad land grants made by Congress until all of said lands shall have been surveyed."

and in the more recent decision, rendered June 29, 1912 (18 Dec. Comp., p. 1044), the acting comptroller said:

"The survey of railroad land grants necessarily involves the survey of such sections of the land as are retained by the Government, but the said act of 1910 provides only for the cost of the railroad's share, and expenditures on account of the Government's share must be under other authority of law."

In that decision the comptroller clearly recognizes that the acts of Congress requiring the payment by the companies only require such companies to pay for one-half the cost of surveying the lands within the granted limits. I take it, therefore, that under the practice of the Land Department and the decisions of the comptroller the companies are required to pay for only one-half of the cost of surveying the lands lying within the granted limits.

The act of June 25, 1910 (36 Stat., 834), makes ample provision for the collection by the Government, in advance, of the amounts necessary to pay for the railroads share of surveying the lands within the granted limits, and the acting comptroller, in the decision above cited, holds that the continuing appropriation act of March 2, 1895 (28 Stat., 937), may be used in conjunction with the act of June 25, 1910, or that the moneys appropriated by the continuing act of 1895 are available with those secured from the companies under the act of 1910 for the surveying of the railroad lands and those belonging to the Government within the granted limits. If, however, the Congress should repeal the provisions of the act of 1895, providing for the continuing appropriation, there would be no fund from which the Government could pay its part of the cost of the survey of such lands, and it would be vain to require the companies to make large deposits for their part of the cost when there was no money available to defray the Government's part of such cost. In other words, under existing conditions, unless the Congress provides, by specific appropriation, for the survey of the Government's portion of the lands, the act of June 25, 1910, would be rendered practically inoperative, and the companies would be permitted to go on, as they have for more than 40 years, without the payment of taxes for the support of municipal, county, and State institutions. In speaking of the practices by the railroad companies in avoiding the payment of taxes, the Supreme Court of the United States, in the case of the Northern Pacific Railroad Co. v. Traill County (115 U. S., 600), used this language:

"We are aware of the use being made of this principle by the companies, who, having earned their lands, neglect to pay these costs in order to prevent taxation. This remedy lies with Congress and is of easy application. If that body will take steps to enforce its lien for these costs of survey, by sale of the lands or by forfeiture of title, the Treasury of the United States would soon be reimbursed for its expenses in making the surveys, and the States and Territories in which the lands lay be remitted to their appropriate rights of taxation. The courts can do no more than declare the law as it exists."

Succeeding to the suggestions made by the Supreme Court in the case above cited, Congress, on July 10, 1886, passed the act entitled "An act to provide for taxation of railroad land grants, and for other purposes." This act, in brief, provided that no lands granted to any railroad corporation by any act of Congress shall be exempt from taxation on account of a lien of the Government for the cost of surveying, etc., or because no patent has been issued, but it was further provided that the act should not apply to lands conveyed.

It would seem, therefore, that until the Government has surveyed the lands granted to the various companies, that such lands will not become subject to taxation; and the relief which the foregoing act purported to extend was theoretical rather than real because no provision was made for the survey of the lands, and, as above suggested, the act was especially declared to be inapplicable to unsurveyed lands. Apparently, the first attempt by Congress to repeal the civil was the appropriation of $125,000 for the survey of lands within the limits of railroad land grants made by the act of August 5, 1892 (27 Stat., 370). This act was followed by the act of August 18, 1894, supra, which the comptroller held ineffective because it failed to appropriate an amount equal to that reimbursed by the company. This latter defect was remedied by the continuing appropriation act of 1895. I assume from the request of one member of your committee for a draft of repeal of this appropriation that your committee must have under consideration the question of the advisability of doing away with this continuing appropriation. I can not state too strongly the hope that your committee will not recommend the repeal of this continuing appropriation.

Most liberal grants were made to the various companies to aid them in the construction of their roads. In speaking of the grant made to the Northern Pacific Railroad Co., the Supreme court, in the case of said company v. Traill County, above cited, said:

"The United States made a magnificent grant to this company of lands equal in quantity to forty or fifty thousand square miles, an area as large as an average State of the Union."

Where the companies desire to place their lands on the market, they are enabled to secure the survey of such lands by complying with the provisions of the act of February 27, 1909 (36 Stat., 892), as has been above stated. If the continuing appropriation act of 1895 is repealed, the Government will be without funds or means to secure or compel survey of lands which the company desires to hold for speculative purposes, and which they may keep indefinitely exempt from taxation. In many sections of the West the Government has reserved considerable areas for public purposes. These lands, being owned by the Government, are not subject to taxation; and if no legislation is enacted and reservations are established for the railroad companies, the largest holders of real property, are permitted to retain their lands exempt from taxation, the local authorities will be very much embarrassed in raising the revenues necessary to the support of their institutions.

It may be argued that the Government has not availed itself in a proper manner of the privileges conferred by the continuing appropriation act of 1895, but there are a number of reasons why this has not been done.

The practice has grown up of requiring the different railroad companies affected by the provisions of the act of June 25, 1910, to deposit a sum equivalent to one-half the estimated cost of surveying, selecting, and conveying the odd-numbered sections inuring to the companies, or about one-half of the total estimated cost of surveying the lands involved, the remainder of which was to be drawn from the continuing appropriation, which latter appropriation, in accordance with the act making it applicable, was to be reimbursed in the amount equal to that actually expended from the deposits made by the railroad company affected.

In adjudicating accounts under these interdependent relations, the reimbursement of the continuing appropriation has not heretofore been accomplished as rapidly as funds could be put into use, and consequently surveying activities under those joint appropriations have been restricted to considerable less than would seem to be indicated as possible of accomplishment by reference merely to the amount of the appropriation by the act of March 2, 1895, apportioned as has been necessary among the several land-grant States, according to their respective demands.

Steps are now being taken, however, with the purpose in view of bringing about an earlier reimbursement of the continuing appropriation that has heretofore been accomplished by pursuing a different method of submitting expense accounts of this class, the ultimate effect of which, it is believed, will be to permit the speedier rotation of funds to the end that larger areas of land may be surveyed each season than has heretofore been possible.

Prior to the passage of the act of June 25, 1910, which was practically coincident with the inauguration of the direct system of public-land surveys, previous to which the contract system obtained, delays of

Mr. MONDELL. It is $635,000; and $35,000——

used at all for survey of grant lands. In other words, there

ried about surveys as it is about clerks. The department asked for 16 additional clerks. The House did not see fit to grant them, though I tried to have it done. Some clerks are now being paid out of the railroad land-grant fund, and there is now in the legislative bill an amendment authorizing the department to use $25,000 of this money to pay clerks here in Washington. The gentleman from Idaho tells us that we ought not to repeal the continuing appropriation, because they want to spend that money in surveying lands in his State. If the gentleman can make me understand how you can spend money in paying clerks here in Washington and at the same time pay it out in surveys, then I will agree with him fully. This appropriation was depleted over $20,000 years ago, and it is now to be further depleted under a provision in the legislative bill by $25,000 to pay clerks. That item in the legislative bill should and I think will be agreed to; then if we repeal the continuing appropriation there will be $25,000 of it still available to pay clerks the coming fiscal year, and for the year following we can take care of those clerks directly.

Mr. DONOVAN. I make the point of order that the gentleman is not saying a word about the point of order.

Mr. MONDELL. Gentlemen complain because we propose to give them $735,000 instead of the $35,000 they have been getting for this work.

Mr. RAKER. Will the gentleman yield for a question on the point of order?

Mr. MONDELL. I will.

Mr. DONOVAN. Mr. Chairman, I raise the point of order that the gentleman has not the floor to yield. He is supposed to be addressing the Chair on the point of order. He can not yield the floor. The floor is entirely in the discretion of the Chair.

The CHAIRMAN. The Chair understands the gentleman to yield for a question.

Mr. DONOVAN. How has he got the floor to yield? He has not the right to farm out the time on this floor in discussing a point of order.

The CHAIRMAN. The gentleman from Wyoming yields to the gentleman from California for a question.

Mr. RAKER. I want to ask the gentleman a question. Under the statute, volume 28, page 937, the act of 1895, this fund is provided for. Do I understand the gentleman that even with the amendment, if this act is repealed, it will reduce the expenses of the survey if the work is actually done?

Mr. MONDELL. It saves the appropriation.

Mr. RAKER. One other question: If the survey work is done, will it not require the same amount of expenditure whether it is done under the act of 1895 or whether a new appropriation is made for it in this bill?

Mr. MONDELL. Oh, well, Mr. Chairman, that is not the question which I am discussing.

Mr. RAKER. That is the only question for the Chair to rule upon, whether this reduces expenditures.

The CHAIRMAN. The Chair would like to ask the gentleman a question. The provision against which the point of order is made is not in order unless it reduces the amount of money carried by this bill.

Mr. MONDELL. It will be in order if it reduces the expenditures of the Government under the Holman rule. That has been held time and again.

The CHAIRMAN. The language of the rule is—

Or by the reduction of amounts of money covered by the bill.

Mr. MONDELL. But the Chair has not read the entire rule.

The CHAIRMAN. For the moment the Chair has not, but the Chair wishes to get the point of order stated clearly.

Mr. MONDELL. This repeal does not reduce the amount of money carried in this bill, but it does reduce the expenditures of the Government. It does reduce the money paid by the Government to officials for various classes of work. Therefore, it does come within the Holman rule. I want to call the attention of the Chair to the fact that this provision was passed in 1895, and that it provides for a continuing appropriation for the survey of certain classes of public lands. It was originally $100,000. It is no longer quite that amount. It amounts now to about $80,000. The repeal of that undoubtedly is within the Holman rule, because it reduces expenditures. This sum is used for the payment of parties in the field surveying lands within railroad land-grant limits.

The CHAIRMAN. The Chair will say to the gentleman from Wyoming——

Mr. MONDELL. If the Chair will allow me just a word further—it is used also for the payment of the salaries of certain clerks here in Washington.

The CHAIRMAN. The Chair wants to suggest to the gentleman from Wyoming that the Holman rule provides that this reduction of expenditures must be in one of three ways. There must not only be a reduction of expenditures, but the reduction of expenditures must be such as to reduce the amounts carried by the bill.

Mr. MONDELL. I do not so understand the Holman rule, Mr. Chairman, and I think the Holman rule has never been so interpreted. This does reduce Government expenditures. It does repeal a statute under which officials are paid. If no other provision were made for them, it would reduce the number of the officials of the Government. Therefore it comes clearly under the provisions of the Holman rule. The gentleman from Idaho [Mr. FRENCH], it is true, has talked on both sides of the proposition. He has claimed, on the one hand, that it would reduce largely the amount of land surveyed and the number of people to be paid, and, on the other hand, that it would not. Well, one or the other of those two propositions must be true. It clearly does reduce the expenditures of the Government, reduce the moneys paid to employees of the Government, and if no other provision were made would reduce the number of Government employees, because they are paid directly out of this appropriation. So that it comes not only within the letter, but within the spirit of the Holman rule.

There have been a great many rulings on this point, as the Chair will see if he has had time to look them up. It is not necessary that an item reduce the sum carried in the bill or that the amendment reduce the sum carried in the bill. If that were the only application of the Holman rule, let me suggest to the Chair that the committee itself could never report in a bill an amendment which could come within the Holman rule, because the committee would not do the illogical thing of making an appropriation and then providing in amendment which reduced that same appropriation. So far as appropriation amendments offered by the committee are concerned, they can not in the nature of things increase or decrease the amount carried in an appropriation bill. They must be of a character that reduces governmental expenditures, that reduces the number of officers paid, and the amount of public expenditures. The Chair should recall that the law which we seek to repeal is, as a matter of fact, a part of the surveying legislation of the country. It is as though we carried annually in this bill a permanent provision that in addition to the other appropriations which we make for the survey of other lands we carry this continuing appropriation for land-grant lands. It is not necessary to carry this continuing appropriation in the bill, and yet to all intents and purposes that appropriation is as though it were carried in this bill. The Chairman is aware of the fact that there are many continuing appropriations, that once provided for in an appropriation bill, are then, for the purposes of brevity, dropped from the bill.

The act which we repeal is found on page 937 of volume 28 of the United States Statutes at Large and is carried in the item for the survey of the public lands.

Here we are actually repealing a $100,000 appropriation, which except for the fact that it was made permanent would be carried right along with the paragraph in this bill. It is simply eliminated from it for the purpose of brevity, because it is not necessary to continually reiterate a statement of an appropriation which becomes permanent. If the Committee on Appropriations has no authority to reduce expenditures except by first making an appropriation and then adding to their own bill a provision reducing it—if that is the only way the committee can come under the Holman rule, the Holman rule is a dead letter. The committee comes within the limitation of the rule in the only way the committee can, and that is by reducing expenditures, and there are no end of rulings to the effect that it is not necessary that the amount carried in the bill shall be reduced.

The discussion which was had in regard to the Cavalry regiments when the military bill was under discussion is a case in point. The committee did not reduce any amount in its bill, but it simply changed the law in regard to Cavalry regiments. By changing the law in regard to Cavalry regiments that much money was saved. I do not care to take the time of the Chair, but it seems to me that these decisions are so numerous that there should be no question in regard to them.

Mr. FERRIS. Will the Chair hear me for a moment?

The CHAIRMAN. If the gentleman from Wyoming has concluded.

Mr. MONDELL. For the present I do not care to take up the time of the committee any further.

Mr. FERRIS. Mr. Chairman, the act of March 2, 1895, makes this a continuing appropriation, and does a lot of other things. It is permanent law and has been permanent law since that time. This amendment comes in and seeks to repeal the existing law. This paragraph on which the point of order has been

reserved or been made by the gentleman from Idaho [Mr. FRENCH] does not reduce the expenditures of the Government, does not reduce the number of officers, either on the face of the bill or as a matter of fact. To repeal a section of the law here and put it in on another page does not bring it within the Holman rule. It is not reducing expenditures; it is not reducing the salaries of officers or the officers themselves. I think it is subject to a point of order. The Appropriation Committee brings in an act repealing the law and putting in the provision on another page in language equivalent thereto. It does not bring it within the Holman rule, and I think the point of order well taken, and that it ought to be sustained by the Chair.

The CHAIRMAN. The Chair is ready to rule. There is one thing about which the Chair thinks there is no dispute, and that is that this section against which a point of order is made is new legislation. It is not in order unless it reduces expenditures, and, as the Chair recollects the construction of this rule on many occasions, the retrenchment of expenditures must be such as reduces the amount carried by the bill. But whether that is true or not, it must at least appear that a reduction of expenditures is a necessary result. Now, that must appear in some way from the language of the amendment against which this point of order is made.

Mr. MONDELL. Mr. Chairman, does the Chair have any question on that point? Will he let me read the amendment?

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MONDELL. The statute that we propose to repeal is this:

The sum of $100,000 is hereby appropriated and made a continuing appropriation for the survey of lands within the limits of the railroad land grant—

And so forth.

Now, the last paragraph of the Holman rule is as follows:

Provided, That it shall be in order further to amend such bill upon the report of the committee or any commission authorized by law or the House members of any such commission who have jurisdiction of the subject matter of such amendment, which amendment being germane to the subject matter of the bill shall retrench expenditures.

Now, we are proposing to repeal an appropriation of $100,000. It is presented by the committee having charge of the bill, and it retrenches expenditures by the amount of the repeal.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Page 96, line 7, strike out the figures "$735,000" and insert "$700,000."

Mr. FITZGERALD. Mr. Chairman, the recommendation of $735,000 was upon the understanding that the continuing appropriation would be repealed. Since this provision is taken out of the bill this is to reduce the appropriation to the amount that was agreed upon.

Mr. MONDELL. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York, and I ask unanimous consent that I may discuss this matter for 15 minutes.

Mr. FITZGERALD. Oh, I object.

Mr. MONDELL. It is a rather important measure.

Mr. FITZGERALD. I do not care. I can not make any such concession as that.

Mr. MONDELL. Does the gentleman object to my discussing it for 10 minutes?

Mr. FITZGERALD. What does the gentleman wish to do?

Mr. MONDELL. I wish to discuss this general proposition.

Mr. FITZGERALD. The amendment I offer gives the amount the General Land Office requests.

Mr. MONDELL. I propose to vote with the gentleman on his amendment.

Mr. FITZGERALD. I do not want to have an extended argument upon this amendment.

Mr. MONDELL. Mr. Chairman, this amendment is rather important.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for 10 minutes. Is there objection?

Mr. FITZGERALD. I object for the present. Let the gentleman take the floor for five minutes.

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, as I suggested a moment ago, it is rather discouraging, after endeavoring to remedy an unfortunate condition, to have some gentlemen terrified by departmental letters to a point where they see fit to stand in the way of a reform which has been long needed. I can not understand the position of gentlemen who prefer an indefinite appropriation which has never at any time been utilized to the extent of more than $45,000—generally to less than $35,000—to an appropriation of $735,000, of which all, or such portion as the department may see fit to use, would be available for the purpose in question, and that is the survey of railroad land-grant lands. Let us see where we are in this matter. Away back in 1895 Congress made a continuing appropriation of $100,000 for the survey of lands within railway land-grant limits. Whether Congress really expected that would survey those lands as rapidly as they should be surveyed, I do not know. At any rate, for years the lands within railroad land-grant limits were surveyed very, very slowly. As a matter of fact, they were surveyed only as fast as the railroads wanted them surveyed. There was a great deal of criticism. That criticism came to the western men—to the Committee on Public Lands. One of the reasons why more lands were not surveyed under this appropriation, it was claimed, was because the railroads would not put up their share of the money, they being compelled to pay one-half of the survey. So I introduced and we passed the act of 1895, and we expected under that act to compel the railway companies to put up all of the moneys that would be needed for the survey of any given area within which they owned half the land.

The comptroller interpreted that law to the effect they could only call upon the railroad companies for their half of the cost of a given survey. This was the result: The department would start in in the spring with the idea of surveying certain railway land-grant lands. They would call on the railroads to put up their share. The railroads in good time would do that. Survey parties were sent into the field. It took them the summer season to make the surveys, and it took them some time to write up their field notes. It took anywhere from 2 to 12 months for the plats to be made in the surveyor general's office. They came back here, and it took a month or two for the department to look them over. They then went to the comptroller, and it there took all the way from two to five months to pass upon them, and the comptroller held that until those accounts were completed, the survey accepted, and everything about the transaction closed no money was available out of continuing appropriation. The result was that the sum was not a $100,000 fund in fact. It was a $35,000 fund, and so the complaint was made because at that rate we would not get the lands within railroad land grants surveyed in the next 25 years. We sought a remedy. Everybody having to do with the matter, in an effort to get the red tape down there, shortened up and cut out. An effort was made three years ago to expedite these surveys. Forty-eight thousand dollars was used about the same time these funds were used for the survey of some lands in southern California, where the railroad company owned only one-third of the lands instead of one-half. The result was that the amount of the difference between the amount the railroad company paid and one-half of the survey was permanently lost to this fund, so that the fund is not $100,000, but about $81,000. Last year we authorized the Land Office to use a portion of this fund to pay clerks in the office here. I do not know how much they have used for that purpose. There is now pending in the legislative bill an item authorizing them to use $25,000 of this and another fund for the purpose of paying clerks here in Washington, and I understand that it will be accepted.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, I would like to see if we can not fix upon a time within which to close debate upon this question. I ask unanimous consent that debate on the pending paragraph and all amendments thereto be closed in 25 minutes.

Mr. FRENCH. Mr. Chairman, I desire to have 10 minutes of that time.

Mr. MANN. I suggest to the gentleman from New York that he make that 30 minutes. That will provide the other 5 minutes.

Mr. FITZGERALD. And that will give me none.

Mr. MANN. Then make it 35 minutes.

Mr. FITZGERALD. I think 25 minutes is sufficient, and the gentlemen can say all they want to say in 5 minutes, but I will ask for 30 minutes.

Mr. FRENCH. Mr. Chairman, I shall have to insist upon having 10 minutes, and I shall not grant unanimous consent unless I may have that time.

Mr. FITZGERALD. The gentleman will have to arrange that with the Chair.

Mr. FITZGERALD. Mr. Chairman, the gentleman is mistaken. The trouble is this: In response to a request of the General Land Office the committee, perhaps erroneously, gave $90,000 additional for 1913, because of the extraordinary conditions that it was asserted existed. The Land Office could not possibly expend the money that was given it, and ever since then they have been exerting every effort to have this money made available from year to year so that they might possibly expend what they could not expend in the year in which it was appropriated. I think there is not any necessity or justification for any further increase in this appropriation. It is now more than it has been at any time, with the exception of one year, and it is ample for the legitimate operations of the department.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, $735,000: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied in whole or in part by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and to surveying under such other acts as provide for land grants to the several States and Territories, and such indemnity lands as the several States and Territories may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, except railroad land grants, and other surveys shall include lands adapted to agriculture and lands deemed advisable to survey on account of availability for irrigation or dry farming, lines of reservations, and lands within boundaries of forest reservations. The surveys and resurveys provided for in this appropriation to be made by such competent surveyors as the Secretary of the Interior may select, at such compensation, not exceeding $200 per month each, as he may prescribe except that the Secretary of the Interior may appoint not to exceed two supervisors of surveys, whose compensation shall not exceed $250 per month each, and except in the District of Alaska, where a compensation not exceeding $10 per day may be allowed such surveyors and such per diem allowance, in lieu of subsistence, not exceeding $3, as he may prescribe, and actual necessary expenses for transportation, including necessary sleeping-car fares, said per diem and traveling expenses to be allowed to all surveyors employed hereunder and to such clerks who are competent surveyors who may be detailed to make surveys, resurveys, or examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making, by such competent surveyors, fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the sum of not exceeding 10 per cent of the amount hereby appropriated may be expended by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, for the purchase of metal or other equally durable monuments to be used for public-land survey corners wherever practicable.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that this paragraph and the next paragraph be considered together. If the indefinite appropriation is to be repealed, there are two amendments that should be offered to the pending paragraph. One is, after the word "lands," on page 94, in line 4, to insert "including the proportion to be paid by the United States of the cost of surveying lands within the limits of railroad land grants," and to strike out, in lines 18 and 19, the words "except railroad land grants." These amendments should be adopted if the next succeeding paragraph remains in the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the paragraph read and the succeeding paragraph may be considered together. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I have a letter here from the Commissioner of the General Land Office. First, I will inquire of the gentleman what he hopes to do? The Commissioner of the General Land Office says that we are denying the right to him to carry on surveys, that he has some 28 line parties in the field whom he will have to bring in if this legislation is enacted.

Mr. FITZGERALD. We propose two amendments necessary to perfect the paragraph if the indefinite appropriation is repealed. If the indefinite appropriation be repealed, then the Commissioner of the General Land Office can use such part of the $735,000 for surveying within land grants as he considers necessary. It is more advantageous than the other. We wish to strike out "except railroad land grants," lines 18 and 19, and to insert after the word "lands," in line 4, "including the proportion to be paid by the United States for the cost of surveys of the lands within the limits of railroad land grants."

Mr. FERRIS. Would the gentleman really do that? Although he adds this amendment, he takes away $100,000 and gives $35,000 in its stead; that is what he really does.

Mr. FITZGERALD. No; we do not. He has never been able to use more than $35,000 a year.

Mr. MONDELL. It is $635,000; and $35,000——

Mr. FITZGERALD. He has never been able to use in any one year more than $35,000.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none; and the Clerk will read.

The Clerk read as follows:

The indefinite appropriation for "Surveying within land grants (reimbursable)" made by the act approved March 2, 1895 (28 Stats., pp. 937 and 938), is terminated as an appropriation from and after June 30, 1914, in the same manner and under the same conditions as any annual appropriation for the fiscal year ending June 30, 1914, and any amounts that shall be reimbursed to that appropriation by railroad companies or otherwise under the terms of the act shall thereafter be covered into the Treasury to the credit of miscellaneous receipts.

Mr. FRENCH and Mr. FERRIS. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. FITZGERALD. Mr. Chairman, I ask for a ruling.

The CHAIRMAN. The gentleman from Idaho reserves a point of order.

Mr. FRENCH. I make the point of order that this paragraph is not in order.

Mr. FITZGERALD. Let us have a disposition of it; there is no use wasting time.

Mr. FRENCH. Then I make the point of order.

Mr. MONDELL. I would like to be heard on the point of order.

Mr. FRENCH. I would like to be heard on the point of order.

Mr. MONDELL. I would like to hear the gentleman's point of order before he makes his argument.

The CHAIRMAN. The Chair will ask the gentleman from Idaho to indicate to what portion he makes the point of order.

Mr. FRENCH. Mr. Chairman, the point of order I make is directed against the language on page 98, the paragraph that has been read, and I make the point of order upon the ground that the paragraph is new legislation, that it does not come within the Holman rule, and that it is not a saving of money to the Government. There is and has been for something like 20 years an irreducible or reimbursable fund maintained of $100,000 for the purpose of carrying on certain survey work. The committee, as I understand it, advises that it proposes to make appropriations for the surveys of these lands for which this reimbursable fund has been used. The chairman of the committee has just said there is included in the preceding paragraph an item in excess of that which has been used for any one year for the purpose of survey of grant lands. If we appropriate elsewhere for this survey, it is not a saving of money, but is a transfer of money from one appropriation for the purposes of another item in the bill. Instead of using the money that is always provided for, and to repeal the law making that authorization, this clause or paragraph has been inserted in the bill.

Mr. FALCONER. Will the gentleman yield for a question?

Mr. FRENCH. I will be glad to do so.

Mr. FALCONER. In his discussion of the point of order the gentleman indicates that he is against an increase of expenditures for certain survey purposes; that is, railroad land grants. Do I understand the gentleman to be opposed to spending more in the future than we have in the past on the surveying of railroad land grants?

Mr. FRENCH. The gentleman did not understand me. I think we ought to expend a good many times as much as we have been expending in the past because of the fact that the railroads or their grantees that own these lands to-day are escaping taxation. The lands are increasing in value from year to year, and by following the tardy policy that the Government has been following during the past in the survey of grant lands we are permitting the railroads that own those lands, or their grantees, to receive an increase in value without paying to the States and counties their reasonable proportion of taxation for the support of local institutions.

Mr. FALCONER. Mr. Chairman, I do not find that the gentleman's argument tends to that end. It seems to me that the amendment offered by the gentleman from New York or the committee, on page 96, line 18, together with the amendment offered on page 98, would leave this whole amount of money to be expended at the disposition of the Secretary of the Interior for the purpose of surveying greater tracts of railroad lands than ever before. The State of Washington, more than Idaho or any other State in the Union, suffers from this nontaxable feature. That is the thing we are trying to get at.

Mr. FRENCH. Mr. Chairman, of this item of $735,000 carried on page 96, the Commissioner General of the Land Office has advised me that $700,000 is needed to make surveys applied for by settlers and States under the law and can not be used at all for survey of grant lands. In other words, there

will be left only $35,000 available of the general appropriation for the survey of the lands embraced within land grants. On page 98 we propose to repeal the authorization and the expenditure, not of $35,000 but of an amount almost three times as great, or of $100,000. Now, I say, during the coming year we will expend three times as much by letting the law remain as it has been instead of repealing the law and permitting the Government to proceed with the surveys under the proposed paragraph.

Mr. HAWLEY. Will the gentleman yield?

Mr. FRENCH. I will be glad to.

Mr. HAWLEY. Would the gentleman consider if the language on page 98 is stricken out and the $100,000 available now for use for surveys of lands that railroads have, and for which they are compelled under the law to provide the survey in part, which money is reimbursable to the Government by the railroad company, that if this $100,000 remains it might be used over, and over again in the course of a year and really amount to a much larger appropriation and a very much greater area of railroad land to be surveyed and be subject to taxation than if this item goes out, and all these surveys must be made under the provisions of the item on page 96?

Mr. FRENCH. Undoubtedly.

Mr. MONDELL. Mr. Chairman, will the gentleman yield to me?

Mr. FRENCH. Not at this point. I want to answer the question of the gentleman from Oregon [Mr. HAWLEY]. We have at this time an irreducible fund of nearly $100,000, which at this time is available for grant land survey work. Under the authorization of an act of Congress passed in 1910, the burden was placed upon the railroad companies of depositing money for the purpose of surveying their part of the land, and there is available at this time deposited by the railroads approximately $100,000.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FRENCH. Not at this moment.

The CHAIRMAN. The gentleman declines to yield.

Mr. MONDELL. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MONDELL. The gentleman is discussing the merits of the matter. I have no objection whatever to his discussing the merits of the proposition before the House, but I simply want to have it understood that if he is to discuss the merits of the matter on the withheld point of order, others also may discuss the merits of the matter in the same way. If that is understood, then I shall rather insist on the gentleman discussing the point of order.

Mr. FRENCH. In further answer to the question of the gentleman from Oregon [Mr. HAWLEY], I will say that this $100,000 authorized by law, but which the committee seeks to repeal, represents an amount of money that the Government itself has for carrying on its part of the survey within the primary grants of land to the railroads. The House understands that one-half of the land within the primary grants belongs to the Government and one-half belongs to the railroads, and under the act of Congress passed in 1910, authority was given to the department to call upon the railroads for the amount of money that might be necessary and could be used for the survey of the railroad lands.

Now, the department has done that. There is at this time something like $100,000 upon deposit with the Government that has been advanced by the railroads for the survey of their lands within the primary grants. This amount will be added to the $100,000 authorized by the Government. In other words, we have at this time, as the gentleman from Oregon has just suggested, an amount several times as great as that which would be available if this paragraph should be stricken out and the language of the bill were amended as suggested by the chairman of the Committee on Appropriations. Not only that, but inasmuch as this is a reimbursable fund——

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. DONOVAN. Can the gentleman discuss the merits of the point of order? If the Chair will allow that, when will it end?

The CHAIRMAN. The Chair can only call to order a gentleman when it is shown that he is not speaking in order.

Mr. DONOVAN. But, Mr. Chairman, the gentleman——

The CHAIRMAN. The gentleman must confine his remarks to the point of order.

Mr. DONOVAN. I assume that the gentleman can not discuss the merits, but confine himself to the point of order.

The CHAIRMAN. The Chair will suggest to the gentleman that he confine himself to the point of order.

Mr. FRENCH. Now, if the Committee on Appropriations proposes to give an amount of money for the survey of this work——

Mr. DONOVAN. Mr. Chairman, the gentleman can not do that——

Mr. FRENCH (continuing). Equal to the sum which under this provision it is proposed to strike out, then this does not reduce the expenditures of the Government a single penny. But, on the other hand, as I said in the beginning, it simply provides for the expenditure of money in another way instead of in the way already provided by law.

If the chairman of the Committee on Appropriations means to do that, then my point of order must be sustained. If the committee does not propose to do that, then this paragraph should not be stricken out, for it is imperative that our grant lands be surveyed.

Mr. MONDELL. Mr. Chairman, the gentleman wandered somewhat from the point of order, and if I were to do that—which I do not intend to do for any length of time—it would simply be to say that it is rather discouraging, when one starts out in good faith to endeavor to cure a situation that has been well-nigh unbearable for years, to have the gentlemen who are most interested in having that situation cured arise and attempt to block the reforms which we are trying to carry out.

The gentleman from Idaho [Mr. FRENCH], if he had his way about it, would continue the same miserable, halting, ineffectual policy for the survey of railroad land-grant lands that we have had for the last 10 years. We have, it is true, an indefinite appropriation that at one time amounted to $100,000, but as a matter of fact we have been spending out of it at the rate of only about $30,000 to $35,000 a year.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. In just a moment; and, continuing at that rate, it would take us about 24 years to survey the lands lying within the railroad land-grant limits. It was to cure that condition that we sought to strike at the root of the tree, dispensing with that old law which has not been workable and making this entire appropriation of $735,000 available for that purpose.

Mr. FALCONER. I wanted to ask the gentleman, if the department has not surveyed more lands in the last 10 years when they have had $100,000 to do it and used only $30,000, where does the fault lie?

Mr. MONDELL. I do not know. This indefinite appropriation was provided in 1895.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. DONOVAN. I do not want the gentleman to yield. I submit to the Chair that the gentleman is not talking to the point of order. Will the Chair allow this to run loose all afternoon?

The CHAIRMAN. The Chair can not rule until it develops clearly that the gentleman is not talking to the point of order.

Mr. DONOVAN. According to the ruling of the Chair on the point of order, they have got the floor. Has the Chair been informed of the point of order in this discussion?

The CHAIRMAN. The gentleman will confine his remarks to the point of order.

Mr. MONDELL. Mr. Chairman, I shall endeavor to prove that this appropriation comes under the Holman rule, and I shall do so by calling attention to the fact that after having difficulty for years in securing the survey of these lands it was finally said we were unable to survey them more rapidly because the railroad companies were not compelled to put up their share of the cost. To cure that situation the Committee on the Public Lands reported the bill of 1910, a compulsory bill, compelling the railroad companies to put up their share of the cost of surveys. Instead of getting any better conditions under that compulsory law, we continued along at about the same old rate, spending about $35,000 a year and getting nowhere with a conclusion of these surveys. This year, in submitting the estimates, the department itself asked Congress to repeal this old law. In other words, what these gentlemen are opposing is the very thing that the department in their interest has asked to have done.

Mr. FRENCH. Mr. Chairman, will the gentleman yield at that point?

Mr. MONDELL. Yes.

Mr. FRENCH. Do I understand your position to be the position of the department, or has the department, after making that recommendation, changed its opinion so that it now recommends that the law be not repealed?

Mr. MONDELL. I am going to be entirely frank with the gentleman from Idaho and with the House in regard to that matter. My opinion is that the department is not so much wor-

more damage can be done in that regard. The difference in the work of the Capitol Grounds.

Oregon [Mr. HAWLEY] and was discussed at considerable length, particularly by the gentleman from New York [Mr. FITZGERALD], who argued eloquently and ably against the point of order, which was overruled by the then occupant of the chair, the gentleman from Tennessee [Mr. BYRNS], the Chair basing his ruling by holding that the provision reduced expenses and was therefore in order under the Holman rule.

I wonder why it is that the gentleman from New York now makes a point of order when this provision is offered to the House, which he seems to have omitted in reporting the bill in this Congress. In 1912 the gentleman, then chairman of the Committee on Appropriations, brought this provision in as a part of the bill, and it was adopted by the House. I think every Member on that side voted for it. I wonder why this change of front. This proposition had been recommended and urged upon Congress for many years, but was not adopted until two years ago, when it passed the House under the leadership of the gentleman from New York [Mr. FITZGERALD]. He stated at that time that it would mean a saving of a very considerable sum of money. It will be observed that the amount carried in the amendment is just one-half of the amount that is carried in the bill. The gentleman, referring to these offices of receivers in 1912, said in his remarks:

> The purpose of this provision is to improve the efficiency of the land office and at the same time effect a very considerable economy. This recommendation has been made now for three different years by the Commissioner of the General Land Office, and it has been recommended and approved by the Secretary of the Interior.

Then he said further:

> This provision in the bill is to eliminate useless political officers and to substitute in their place men who are selected with regard to their qualifications for the work and to give them a tenure of office that will promote the efficiency of the administration of the public service.

Then he goes on further and says:

> In a majority of the land-office States it is a notorious fact that 75 per cent of the officials whose places are to be abolished by this provision do not personally perform the duties of their offices, but turn it over to a subordinate.

And he goes on still further:

> Here is an attempt, based upon the recommendation of responsible officials, to place in charge of the administration of these offices competent, efficient men, who will be compelled to discharge the duties of the office and not devolve them upon subordinates, which adds to the expense of the offices. This provision will relieve the office at Washington from considerable expense and trouble, as well as the ordinary field force, and greatly advance the interest of those seeking to secure their patents through these local offices.

Mr. Chairman, I think it is due to the House that the gentleman from New York [Mr. FITZGERALD], who first makes a point of order against this amendment, which was his own product in 1912 and which he defended at that time, should explain what has happened since June 14, 1912, to cause him and his associates on the Committee on Appropriations to come back with the old proposition of providing for receivers, as had been done previously for so many years. If it was a good thing then, why should not that side of the House accept it now and adopt the amendment that I have offered?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I am indebted to the gentleman from South Dakota for reading to the House my remarks of two years ago when this bill was under consideration.

I made the point of order against the amendment because it was impossible to tell, as it was read from the desk, what the amendment contained; but I sent to the desk the provision reported by the Committee on Appropriations two years ago, so that the Chairman could determine by comparison whether the amendment was similar or identical and not be misled as to whether the proposed amendment was in order.

I have not changed my opinion as to the desirability of abolishing certain of these offices. In 1912 I urged it and had the House adopt it, but was compelled to surrender on it to the Senate in order to obtain the reorganization of the customs-service provision, the repeal of the Tarsney Act provision, and the elimination of nearly $5,000,000 out of a total of $6,000,000 added by the Senate. It was the best that could reasonably be expected. The experience had at that time did not lead me to expect or hope for any assistance from the gentleman from South Dakota [Mr. BURKE] or any others on his side if such a provision were reported. I do not know whether the gentleman from South Dakota has changed his views, but for the information of the House so they may be able to weigh impartially the arguments pro and con——

Mr. BURKE of South Dakota. I will say to the gentleman, and perhaps save him the trouble of saying, that I have not changed my position; I was against it then and I am against it now.

Mr. FITZGERALD. I have not changed mine; but since the gentleman read the argument made by me, perhaps it is only fair to the House to read the argument made by the gentleman from South Dakota at that time.

Mr. BURKE of South Dakota. I still stand for that argument.

Mr. FITZGERALD. In opposition to the amendment which he now offers, the gentleman from South Dakota then said:

> Mr. Chairman, I am in favor of the motion of the gentleman from Wyoming [Mr. MONDELL] to strike this provision from the bill, first, because I do not believe that legislation as important as this legislation should be incorporated in an appropriation bill.
>
> It has been suggested that this provision is in order under the Holman rule because it would save expense. In my judgment, Mr. Chairman, it will not save one dollar in the expenses incurred in connection with the administration of the land offices of the country.
>
> I remember only a few years when it was proposed by the Interior Department to discontinue the Indian agents, and to consolidate the position of the school superintendent and the agent in one position, and we were assured if that was done we would save a large sum of money.
>
> Mr. Chairman, we did discontinue agents and substituted the school superintendents, but the experience has been it has not saved expense, but simply has put into the classified service positions that theretofore were filled by appointments made by the President and confirmed by the Senate, and we now have at the Indian agencies of the country agents who are charged with great responsibility, who are in some instances clerks sent out from the Indian Office, who never had seen an Indian until they left the District of Columbia and never had had any practical experience in dealing with Indians.

And further along the same line.

Mr. BURKE of South Dakota. Will the gentleman permit me to ask him, if I did not succeed at that time in convincing him, since he has had an opportunity to read and consider what I said, has he not concluded I was right about it?

Mr. FITZGERALD. No.

Mr. BURKE of South Dakota. And is not that the reason why he now proposes to appropriate for continuing receivers of public moneys?

Mr. FITZGERALD. No; I repeat what I have already said. I have not changed my position. I have not changed my views. I still think as I thought two years ago, that in the interest of efficient and economical administration——

Mr. BURKE of South Dakota. Is the gentleman for the amendment that I have offered?

Mr. FITZGERALD. I can not speak if the gentleman is going to try to speak at the same time. I think, if the reforms proposed were adopted, they would be to the advantage of the Government; but the gentleman continually confuses me with the Committee on Appropriations. I am not, I am only a single member of the committee, and the gentleman from Wyoming [Mr. MONDELL], who bitterly antagonized the provision in the bill two years ago, this year was a member of the subcommittee that prepared the bill, so that it was much more difficult to attempt to reform in any way anything connected with the public-land service than it would have been if he was absent.

Mr. MONDELL. The gentleman from New York admits that I convinced him that his position of two years ago was a mistake?

Mr. FITZGERALD. I will state for the third time, and I hope this will be sufficient, that I have not changed my opinion as to the wisdom of abolishing these offices. I believe we would get better administration and save money. Then I will add further that I think we are not going to abolish them at this time. I believe that the Republicans who strenuously antagonized abolishing these offices when they were still indulging in the vain hope that they might be successful in the national campaign can not in good faith, after they have lost the opportunity to fill the offices, attempt to abolish them. We were willing to take the chances regardless of whether we came into office or not. But the gentleman wished to wait to ascertain whether his own people would remain in office, and if they were he did not wish to reform, but if his party was unsuccessful then he wishes the reformation to proceed.

Mr. BURKE of South Dakota. The gentleman, as I understand, is of the same opinion that he was two years ago, but he anticipates that his associates on that side of the aisle are not of the same opinion, that they have changed while he has not. Is that what I am to understand?

Mr. FITZGERALD. No; I think Members like the gentleman from South Dakota interested in these land office districts, here and elsewhere, are not going to succeed in the abolition of these offices.

Mr. FERRIS. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I ask that all debate on this amendment close in five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on this amendment close in five minutes. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, I shall not indulge in any remarks as to whether it is a good thing to maintain the registers and receivers when the Republicans were in or now while they are out. I will say that the amendment abolishing receivers ought not to be adopted for the reason that under existing law the Secretary of the Interior has the right to abolish these land offices in toto when the business dwindles down and they are no longer needed. In States where the public land has all been taken up the Public Lands Committee has been diligent in abolishing the receiver, and where the office business has dwindled down. The register and receiver of the land office are important officials; they are needed; and the House ought not to sidestep the question whether it is good politics to keep them in or not. It is an economic question. It is not a matter of political jest. The register and the receiver have conducted the land business ever since the country was organized, and they ought to have it until the business dwindles down so that they are not needed. It costs only $500 apiece to retain them; the balance of their fees are fees collected from the settlers and does not cost the Treasury anything. The amendment ought not to be agreed to. It is too important to go on this bill in this way.

Mr. RAKER. Mr. Chairman, while the Chairman recognizes this amendment as being admissible under the Holman rule, I think if we went into a further investigation it would demonstrate that it costs more than it does under the present law.

I want to call attention to the fact that the law provides, in the Revised Statutes, section 2237, that the receivers shall receive a salary of $500. That has been the law for many years.

Mr. FITZGERALD. Read the rest of the provision.

Mr. RAKER. Section 2240, which is some ways from 2237, says that the compensation of the registers and receivers, including salary, fees, and commission, shall in no case exceed the aggregate of $3,000, and that no register or receiver shall receive for the quarter more than the fractional part of such maximum.

Now, this amendment provides for a new officer and that he shall receive $2,000, and he permits the Secretary to put another in charge of the work. Aside from the question of economy, it is taking from the local people the very men that they want there, who have been appointed by the President, with the recommendation of the Secretary of the Interior—two good competent judges to handle the business on the ground. I will guarantee that there is not a Republican Member from a Western State that will vote for this amendment, because he knows that 95 per cent of his people are against this amendment.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. RAKER. No; I can not yield just at this point. I am surprised to hear my friends, who know that 90 per cent of the people in the Western States are against any such provision, advocate this legislation. Why, these people would rise up in arms against such an amendment, in taking from them good, competent judges who now fill these important offices. The gentlemen know that; they know the facts, and they know the condition of the country, and there is no reason or sense in sending employees from the city of Washington out there to do this work. There is no reason for it, no use for it, and I am surprised that my friends who are sent here by the people of the West should at this time try to put on this bill such a piece of legislation. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired. All time has expired. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken, and on a division (demanded by Mr. BURKE of South Dakota) there were 4 ayes and 55 noes.

So the amendment was lost.

The Clerk read as follows:

> Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the exchange of typewriters, $330,000: *Provided*, That this appropriation shall be available for the payment of per diem, in lieu of subsistence, not exceeding $4 per day, of clerks detailed to examine the books and management of district land offices and to assist in the execution of said offices, and in the opening of new land offices and reservations, while on such duty, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided further*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office.

Mr. MONDELL. Mr. Chairman, I move to amend by striking out, in line 10, page 93, the figures "$330,000" and inserting in lieu thereof the figures "$340,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 93, line 10, strike out the figures "$330,000" and insert in lieu thereof the figures "$340,000."

Mr. MONDELL. Mr. Chairman, I hope the chairman of the committee will accept this increase of $10,000 in this item. He will recall that the appropriation for the current year is $320,000, and that we have made a deficiency appropriation of $20,000, making $340,000, the amount to which I now seek to increase the appropriation. The other day I made an investigation of the situation in the General Land Office with regard to this appropriation for clerk hire and incidental expenses in the land offices, and I discovered that up to this time they have made appointments and authorized expenditures which consume all of the $340,000 available for the present fiscal year, except $86.96. There will be just as many land offices the coming fiscal year as there have been during the present fiscal year and are now. The probability is there will be one additional land office at least. I do not believe it possible for the department to reduce its expenditures below the expenditures for the current year without very considerable injury to the public service. I have not asked for the amount of the estimate, which is $350,000, but for the sum available for the current fiscal year. I think I am fairly well acquainted with the conditions under which this fund is expended. I believe it is being expended economically. I feel confident that if we do not give the department this additional $10,000 it will be necessary for them to discharge clerks. They must do it under the law, because they can expend only one-twelfth of the appropriation each month. The chairman will recall that they asked for a deficiency appropriation of $30,000 for the current year. We gave them $20,000. They found it very difficult to keep up with the business of the land offices with the sum we gave them for the current year. Any less sum will certainly have the effect of reducing the force and doing an injury to this very important public service. The local land offices have to do with the local entrymen. It is to the local land office that the entryman goes in the first instance to present his claims for land and to make his proof. If we do not give those offices a sufficient number of clerks and sufficient sums for other expenses, we work a hardship on our people who are seeking homes in the West and who are seeking to develop the West and who are seeking lands under the public-land laws.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. In the fiscal year 1913 there was an increase of $90,000 over the customary appropriation for the contingent expenses of the land offices because of the passage of the three-year homestead and other laws. There was a very large unexpended balance for 1914, the current year. There was appropriated $320,000, the amount requested by the Commissioner of the General Land Office. Some time ago the request was made for a deficiency appropriation of $20,000. It was ascertained that there would be an unexpended balance of $30,000 from the other year, and an attempt was made to get $30,000, although they had requested, if I recall, but $20,000. For the next fiscal year the committee has recommended an increase of $10,000 over the current year, and yet it appears that although they contemplate employing six less clerks than they employed in 1913, they expect to spend over $7,000 more for clerk hire than they did in 1913.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman understands, of course, that this proposed appropriation is $10,000 less than the amount available for the present fiscal year?

Mr. FITZGERALD. It ought to be less than that. I am not certain that it is not somewhat too liberal, but so that there could be no failing off, the committee did recommend $10,000 more than was given for the current fiscal year, and yet despite that fact, despite the fact that those who presented this matter to the Committee on Appropriations disclosed they contemplated using six clerks less next year than they had in 1913, they wanted to expend $7,000 more for 239 clerks than they expended for 244 clerks in 1913. Of course, if the committee desires to give ample funds to enable indiscriminate increases of compensation of these clerks to be made, they ought to vote the additional $10,000. I believe that the service is given ample in the amount recommended by the committee, and I hope that the amendment will not be adopted.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MONDELL. The gentleman is aware of the fact that had it not been for the discharge of a number of clerks, it would have been impossible to have gotten along with the amount available the present fiscal year, and yet we are proposing to give them $10,000 less than is available the present fiscal year for the same or a greater number of clerks than they now have, not taking into consideration the new land office.

sistent application finally won the artist his desire and the Italian entered the Capitol—for life.

His first work was the embellishment of the Agricultural Committee room, the central design being "Cincinnatus at the Plough." George Hazleton in his book on the "National Capital" declares this to be the finest example of mural painting in America. The Senate waiting room next claimed Brumidi's attention, and a few years ago, while visiting in this country, Prince Henry of Prussia said: "This room is the most beautifully decorated one in the world. It is marvelously lovely."

And so Brumidi's brush swept on and on over the walls of the great building, transforming it into a thing of beauty. In the lower corridors he demonstrated an art new to America, skillfully ornamenting the long, narrow halls in arabesque, after the manner of the Vatican loggia, with flowers, fruits, birds, fish, and animals of all kinds and in true colors. A storm of protest was aroused over the introduction of animal life into the wall decoration, but Brumidi ventilated it, and strong in his knowledge of the artists of the Renaissance, he continued to lay all the kingdoms of nature under contribution. The corridors to-day are as fresh and lovely as when first painted and a joy to all who see them.

The dream of the Italian artist's life—he became a naturalized American in later years—was to paint the Dome of the rotunda, and he gave every spare minute to the preparation of cartoons for its adornment. In 1862 the designs, to his immense gratification, were accepted, and at the age of 57 the artist mounted a scaffold 180 feet high and began upon the canopy fresco, which covers nearly 5,000 square feet. A small, specially designed lounge on rollers enabled him to lie flat the greater part of the time and to shoot himself from one part of the overhanging bowl to another as the work progressed.

The subject matter is exquisitely drawn and proportioned and painted with admirable regard to historical facts allegorically portrayed. The colors are flaming, breathing, leaping with life; altogether it is a mighty, a finished and fitting picture for the imposing proportions of the magnificent rotunda. The coloring is little less than astonishing because of the fact that in fresco but nine colors are available, lime in the plaster eating up all the rest.

Completing this undertaking, Brumidi at once commenced the cartoons for the frieze. They were accepted by Congress in 1869, but it was 1878 before that body saw fit to appropriate money for the actual work. The style of execution on the frieze is imitative of sculpture, being ultra-relieve, and represents a series of scenes in the history of the two Americas, beginning with the entry of Cortez into the halls of the Montezumas, 1521, and ending with Gen. Scott's entry into Mexico in 1848.

The frieze is 100 feet from the floor and 250 feet in circumference. It is remarkable that at 74, an age when the generality of men have retired from active business life, the Italian-American wonderworker allowed himself to be drawn up to a scaffold, a sliding affair planned and rigged by himself, which clung like a huge tarantula to the side of the wall, at a height of 100 feet, and there he began the historic frieze.

At first he reached his workshop, as he called it, by means of a spiral stairway leading to the Dome. The stairway passes a balustrade a number of feet above the frieze. This balustrade the aged artist would scale and then descend a ladder to the delicate, apparently insufficient, scaffold beneath. Toward the last, grown silver haired and weak in the service of his adopted country, Brumidi devised a wooden cage, with a chair inside, and seating himself would each morning be hoisted by a system of pulleys to his beloved "shop." When evening shadows made it impossible for him to work longer he would give the signal and be gently let down from the exalted workbench.

In December, 1879, he had a narrow escape from instant death; a misstep on the scaffold caused him to lose his balance, and until rescued by a watchman in the Dome he hung as best he could, clutching a ladder and in a perilous position. Brumidi never recovered from the shock and died in February, 1880.

During the two months he lived, realizing that his own hands would not lead the historic procession around the belt, he worked feverishly at enlarging the frieze cartoons, finishing them only a few days before his death. These cartoons were promptly appropriated by Congress and later used, and neither Brumidi nor his family ever received one cent for them.

In this regard it is interesting to note that while decorating the committee rooms and corridors the artist received $8 a day until Jefferson Davis, who was a great admirer of Brumidi, saw that the amount was increased to $10. The canopy in the dome was the only piece for which he received a lump sum, and for the three years' labor on that $20,000 was paid him. Out of this sum he was forced to pay the assistants who mixed the colors, applied the cartoons, and assisted in small ways under the master's personal direction.

Brumidi's work began with the Cortez subject and ended with Penn's peace treaty. Filippo Costaggini was engaged not long after Brumidi's death to complete the frieze, but the result proved disastrous, critics declare that Brumidi purposely drew his cartoon two scenes short of finishing the frieze, waiting, as it were, for later subjects. Others contend that he calculated to the fraction of an inch the space necessary to be covered.

Be that as it may, Costaggini from the very inception of his own work crowded the cartoons in an abominable and heartbreaking manner; so much so that in some instances figures of importance are unrecognizable from the mass of surrounding matter. Costaggini was openly accused of crowding the cartoons with the idea of adding two scenes of his own—Leland Stanford driving the golden spike at the junction of the Union and Central Pacific Railways, 1869, and President Cleveland touching the button that opened the world's fair at Chicago.

Hawls and avalanches of criticism evidently rattled the newer artist, and forthwith he madly started to spread and separate the remaining figures in a manner that might have been almost ridiculous if the result had not been such an artistic tragedy. But the elasticity came too late, and after using all the Brumidi cartoons a space of about 36 feet was left uncovered. It is this space that Representative SMITH's resolution proposes now to fill.

In 1896 Senator Hansbrough offered a bill to finish the frieze with the Costaggini sketches, but it was not passed. A line row developed, Senator Hawley declaring, says George Hazelton, "that a series of historical paintings without George Washington or Abraham Lincoln, but presenting Grover Cleveland, is not satisfactory." Mr. Hawley also said: "I wonder how a man giving a history of the United States can entirely skip the great war of the Union. I would put on the frieze the apple tree at Appomattox and Grant and Lee shaking hands, with surrounding touches of troops and artillery."

This settled the work of Filipo Costaggini, and since 1889 the frieze has been left to "innocuous desuetude" and the elements, for the frieze is badly stained from a leaky roof, now happily repaired so that no more damage can be done in that regard. The difference in the work of the two Italian artists is too apparent and too unhappy a subject to need delineation. In regard to the absence of George Washington in the frieze the artist probably thought that as the entire subject of the dome canopy represented the beatification of George Washington some other great man or men should be honored in the frieze.

In all probability Mr. SMITH's bill will go through. One amendment at least is certain, because it will be fostered by the Idaho Representative who offered the original resolution. The added frieze will call for the discovery of the north pole and aviation to be depicted. Whether the face of the pole discoverer is to be composite or not Mr. SMITH has not decided. The artist who undertakes to draw designs and cartoons showing the surrender at Appomattox, the Panama Canal, the north pole, and aviation, and present all this in 36 feet of space will have his hands full. But, perhaps, it can be successfully done.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

Mr. BARTHOLDT. One minute. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word merely for the purpose of asking a question. I think this is a highly meritorious proposition, although subject to the point of order. In proposing designs for this vacant space in the Rotunda I notice that the gentleman does not even mention Abraham Lincoln. Does not the gentleman think a frieze representing Abraham Lincoln striking the shackles from 4,000,000 slaves would be a magnificent suggestion?

Mr. SMITH of Idaho. Most assuredly; that would be a very proper subject to be portrayed, if the space would permit. Of course, the commission will have entire charge, and they can determine what to put in there; and if they saw proper to put in a design portraying the great emancipator, they could do so under this provision in connection with the design representing Grant and Lee shaking hands.

Mr. BARTHOLDT. In the gentleman's proposition he does not tie down the commission to any specific design?

Mr. SMITH of Idaho. Not to any special design, except as stated in the proposed amendment.

Mr. BRYAN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. FITZGERALD. But the point of order is sustained.

Mr. BRYAN. The amendment was to strike out the last word. I want to ask the chairman of the committee [Mr. FITZGERALD], while we are on the question of statuary, why he does not bring out the very meritorious bill which he has introduced for the erection of a statue in honor of John Ericsson, the inventor and constructor of the *Monitor*, one of those great men who is entitled to recognition by the Government for actual and stupendous service performed. The chairman of the Committee on Appropriations having introduced that bill, I would have thought it would have been brought out and passed.

Mr. FITZGERALD. Of course the gentleman understands that I have no control over the Committee on the Library, not even being a member.

Mr. BRYAN. But this bill was referred to the Committee on Appropriations.

Mr. FITZGERALD. Oh, no.

Mr. BRYAN. I thought it was.

Mr. FITZGERALD. I tried to do that, but they would not let me.

Mr. BRYAN. I will say to the chairman of the committee that I should like very much to see that bill come out of committee and be passed. Some of the very best and most reliable citizenship of my State has, through resolutions and by letter, called this to my attention, and I am anxious to get an opportunity to vote for that worthy act of appreciation of service rendered.

The Clerk read as follows:

Capitol Grounds: For the care and improvement of the grounds surrounding the Capitol, Senate and House Office Buildings, pay of one clerk, mechanics, gardeners, fertilizers, repairs to pavements, walks, and roadways, $50,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. Mr. Chairman, all of us have observed for several years past the dilapidated condition of the street in front of the Library of Congress, adjoining the Capitol Grounds. Ever since the terminal railway company built its tunnel under the Capitol Grounds that roadway has been in a very dilapidated condition, which is a disgrace to the Government. Yesterday I had occasion to ride over the street car tracks from the Capitol to the Union Station, and I noticed that the tracks were very unsettled. I would like to inquire of the chairman of the committee as to the reason for that poor condition of the street east of the Capitol Grounds.

Mr. FITZGERALD. My recollection is that the railroad tunnel extends under the street, and the settlement has not yet been finished as the result of the falling in of the tunnel and the operation of the trains. Until the settlement is completed it is deemed unwise to attempt to reset the walls and permanently fix it.

Mr. STAFFORD. I would like to say to the gentleman that other parts of the street over this tunnel seem to be in a very good condition. It seems that just in that part tributary to the Capitol Grounds is where this condition has existed for years and years.

Mr. FITZGERALD. It is since the original construction that the pavement has settled. The pavement has settled and has caved very badly. I made inquiries about it, and I ascertained that for some time there would be sufficient continuing settlement to make it unwise to permanently reset the boundary walls and curbing on the Capitol Grounds and make the necessary repairs.

Mr. STAFFORD. Upon whom rests the obligation to put that street in proper condition? Is it the Government, in control of the Capitol Grounds, or the Washington Terminal Co.? I recall that we granted some years ago the right of way to the Washington Terminal Co. to tunnel under these grounds. This street is now in a bad condition and should be repaired. It is an eyesore to thousands and thousands of people who have occasion to visit the Congressional Library.

Mr. FITZGERALD. It would not be worth while to do the work over and over.

Mr. MURDOCK. Has that sinking, which has been gradual, and which has been going on for years and years, affected the House Office Building in any way?

Mr. FITZGERALD. Oh, no. The House Office Building was specially strengthened. Foundations were put in at that point with a view to resisting the effect of any vibration from the operation of the trains.

Mr. MURDOCK. Well, while this subject is up, I would like to ask the gentleman this question: How often is the plaza right here in front of the Capitol paved and who has that in charge?

Mr. FITZGERALD. I do not know how often it is done, but we are making provision here to resurface the plaza east of the Capitol. It looks as if it had been done about 30 years ago.

Mr. MURDOCK. That is what I thought.

Mr. FITZGERALD. It has been urged from time to time. It is under the jurisdiction of the Superintendent of the Capitol, and he has urged it; and in this bill we carry $50,000, which will do the bulk of the resurfacing and make some changes in the drainage system.

Mr. JOHNSON of Kentucky rose.

Mr. STAFFORD. I would be glad to hear the opinion of the chairman of the Committee on the District of Columbia on that point.

Mr. JOHNSON of Kentucky. Mr. Chairman, if the gentleman from New York will pardon me, it is my view and information that the railroads were to repair that street after they had built the tunnel under it. They have repaired it, as I understand, in places, except on the ground owned by the Federal Government. It is also suggested that the railroad is going to ask the Government to give it the Congressional Library over here as a roundhouse—the Government has given it everything else—and it may be very well not to improve this street over there until that has been done, because they will need to tear up the street again when that is done.

Mr. STAFFORD. Then the duty rests upon the Washington Terminal Co. to repair that street and put it in condition?

Mr. JOHNSON of Kentucky. From my information I understand they were required to restore it to its natural and normal condition.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman from New York state whether there is anything in this bill for the repaving of the portion of the Capitol Grounds east of the Capitol, on the east front?

Mr. FITZGERALD. Yes: $50,000.

Mr. BURKE of South Dakota. It needs it very badly.

Mr. STAFFORD. I assume the improvement is not limited to the Plaza to the east. It is all about the Capitol Grounds?

Mr. FITZGERALD. It will not do any more than cover the entrances and the Plaza.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

PUBLIC LANDS SERVICE.

Registers and receivers: For salaries and commissions of registers of district land offices and receivers of public moneys at district land offices, at not exceeding $3,000 per annum each, $540,000.

Mr. BURKE of South Dakota. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Dakota.

The Clerk read as follows:

Amend, page 93, by striking out lines 4, 5, 6, and 7 and inserting in lieu thereof the following:

"Registers: For salaries and commissions of registers of district land offices, at not exceeding $3,000 per annum, $270,000: *Provided*, That the office of receiver of public moneys for land districts from and after the 30th day of June, 1914, is abolished, and all the powers, duties, obligations, and penalties at that time lawfully imposed upon such receivers and upon registers of land offices shall, from and after that date, be exercised by and imposed upon such registers; and such registers shall, in addition to the duties thus imposed, have charge of and attend to the sale of public and Indian lands within their respective districts, as provided by law and official regulation, and shall be accountable under their official bonds for the proceeds of such sales, and for all fees, commissions, and other moneys received by them under any provision of law or official regulation. Instead of the office of receiver of public moneys hereby and herein abolished, the Secretary of the Interior may appoint or designate a chief clerk for any land office, who shall receive such salary, not exceeding $2,000 per annum, payable from the appropriation for contingent expenses of land offices, as the Commissioner of the General Land Office may authorize, and such chief clerk shall perform such duties as may be directed by the registers of the land office for which he is appointed, or by official regulations, including the receipt of moneys, and he shall during the absence of such register or in case of a vacancy in the office of such register, exercise all the powers, perform all the duties, and be subject to all the obligations and penalties imposed upon such register by law or official regulations; but such clerk shall, before entering upon the duties of his office, execute to the United States a bond in such penal sum as the said Secretary may prescribe, with approved security, for the faithful performance of his official duties; and such clerk shall be accountable under his official bond for such proceeds arising from the sale of public or Indian lands within his district, and for such fees, commissions, and other moneys as may come into his hands under any law or official regulation or direction: *Provided*, That all the fees and commissions now allowed by law to both such registers and such receivers shall, after the 30th day of June, 1914, be paid to and accounted for by such registers in the manner prescribed by law and departmental regulations, and in like amounts in which they are now required to be paid to and accounted for by such receivers, but the compensation of such registers shall in no case exceed $3,000 per annum, as now provided by law.

Mr. FITZGERALD. Mr. Chairman, I make a point or order against that.

Mr. BURKE of South Dakota. Mr. Chairman, I would like to have the gentleman make his point of order if he thinks it is subject to a point of order.

Mr. FITZGERALD. It is new legislation. It authorizes a number of things that are not now authorized by law.

Mr. BURKE of South Dakota. I am perfectly willing, Mr. Chairman, to accept the ruling of the Chair without discussing it. I do not care to discuss the point of order. I am perfectly willing to submit the matter without discussion.

Mr. FITZGERALD. I make the point of order, Mr. Chairman, that it is legislation. An attempt is made, I suppose, to bring it within the terms of the Holman rule, but so much other legislation, not now authorized, is added to the provision that it constitutes general legislation, and appears to me to be subject to a point of order.

Mr. RAKER. Mr. Chairman, in addition to what the gentleman from New York said, the statute now provides that the receiver shall receive $500 a year, under the provisions of the legislative act, in the Revised Statutes. This bill adds a new officer to take the place of the receiver, and fixes his salary at $2,000; so that as a matter of fact it is a large increase, on the face of it, over the present law. The receiver gets $500 and commissions that can run up to $3,000 only and no more. Some of these receivers have been getting not over $800, some of them $1,000, some $1,500. It is an ascending and descending scale, according to the work done in the office. But here is a positive change of the statute, fixing a new office, fixing the salary at $2,000 in the place of the $500 fixed by the Revised Statutes of the United States. Clearly that would not come under the Holman rule, because it is an increase all along the line.

The CHAIRMAN. The Chair thinks the amendment is in order under the Holman rule.

Mr. BURKE of South Dakota. Mr. Chairman, I should like to discuss the amendment.

The CHAIRMAN. The gentleman from South Dakota is recognized for five minutes.

Mr. BURKE of South Dakota. I thought possibly, if given sufficient time to think about it, the gentleman from New York [Mr. FITZGERALD] might recall that two years ago, on the 14th day of June, 1912, when the sundry civil appropriation bill was pending, he reported to the House the identical proposition that is involved in my amendment, and therefore I was not surprised when I saw him take the Recorn of that date to the desk so that the Chairman would know how the then occupant of the chair ruled on a point of order made at that time. A point of order was made against the provision by the gentleman from

Mr. FITZGERALD. It is a fact. As long as I can recall Congress has been appropriating for the transportation of applicants. I will refer to the regulations under which transportation is furnished. Paragraph 336 of article 8 of the rules and regulations provides that transportation shall be furnished to members of the home on first admission and to members of the home traveling on official business, to be paid out of the treasury of the branch to which the member is assigned from the funds appropriated for the support of the home under the head of transportation.

Mr. GOULDEN. Mr. Chairman, I shall not interpose any objection to the matter at this time, but I should like to suggest to the Committee on Appropriations, in its hearings on this subject next year, to ascertain why these items, which amount to $20,400, are appropriated for each year, and if it is all expended for the express purpose named.

Mr. FITZGERALD. Well, they are appropriated for pay of transportation of the old soldiers——

Mr. GOULDEN. We understand that.

Mr. FITZGERALD. From their homes to the national home. That has been the policy of the Government. If the policy is to be changed there must be legislation on the subject.

Mr. GOULDEN. That is not the policy of the New York State home, and I do not believe that it should be the policy of Congress.

Mr. FITZGERALD. Well, the State homes are different.

Mr. GOULDEN. I do not see any difference as far as the members of the various homes are concerned. Members in the State homes should stand on an equality with those in the national homes. If the members of the one are required to pay transportation, those in the national homes should do so.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

Battle Mountain Sanitarium, Hot Springs, S. Dak.: For current expenses, including the same objects specified under this head for the Central Branch, $24,000.

For subsistence, including the same objects specified under this head for the Central Branch, $28,000.

Mr. BURKE of South Dakota. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, before the next sundry civil appropriation bill is considered I hope the gentleman from Kansas [Mr. ANTHONY] will either refrain from assailing the management of the national soldiers' homes of the country as a whole, or that he will confine his complaints to the Leavenworth Home, or else be prepared to offer more evidence to sustain his charges than he has produced since this bill has been under consideration.

The gentleman from Tennessee [Mr. AUSTIN] certifies to the satisfactory conditions that obtain in the Mountain Branch located in his district, and that he never has had any complaint from any of its members.

The gentleman from Maine [Mr. GUERNSEY] makes the same statement with reference to the Eastern Branch located in his district. No one from the districts where the other homes are located has made any complaint, and therefore it may be assumed that all is well in these other homes.

Mr. CARY. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. I will.

Mr. CARY. I represent a district in which the Milwaukee Soldiers' Home is located, and I have had a great many complaints from the old soldiers there as to the management and treatment. About a year ago there were over 100 soldiers sick from ptomaine poisoning on account of the meat they had.

Mr. BURKE of South Dakota. Mr. Chairman, this bill has been under consideration for some days and this question has been discussed at considerable length, and this is the first suggestion that there has been any complaint at the Milwaukee Home.

I am not going to express any opinion with reference to the motives that may have inspired the gentleman from Kansas in attacking the board of managers, and for having criticized the administration of the homes generally, including the food, sanitation, and the conduct of the officials. It may be that he is justified in his position, and that he is actuated only by a patriotic spirit in wanting to better and improve conditions so as to add to the comfort of our soldiers who have rendered service to the country in time of need and are now old and broken down and unable to care for themselves.

With reference to the Battle Mountain Sanitarium, located at Hot Springs, S. Dak., now that we have reached the item in the bill making the appropriation for its support, I want to say just a word.

Summarizing what has been said with reference to the charges made by the gentleman from Illinois [Mr. BUCHANAN] in a speech made in the House on April 29 last, it appears that his charges were based largely upon the complaint of three men who had been members of this home for a short period and had been dropped from the rolls. They were not "old soldiers" in the sense that they were veterans of the Civil War, but men who had a brief service during the War with Spain in 1898. One person describes them as follows:

> These men have, no doubt, made trouble for six months or more. They are bright men, not drinking men or men of bad habits in any way; they have studied the Blue Book, the Red Book, and the large printed report of the congressional committee investigating the Sawtelle National Home, in California, a short time ago, hence their dissatisfaction and complaint.

It is said of the one most responsible for the charges:

> He is a frail chap, in the secondary stages of pulmonary tuberculosis, inclined to be fanciful as to his surroundings, reads socialistic literature——

And so forth.

This man is only 47 years of age and is the one referred to by me on Saturday. It appears from his military record that he enlisted at Buffalo, N. Y., in May, 1898, and was discharged there in November of the same year, having been treated in a hospital during his service for ingrowing toenail of the right foot.

Refuting the charges, we have the statement of the governor and treasurer of the home, the president of the board of managers, the inspector general and chief surgeon, and two members of a committee of the Spanish War Veterans' Association, who investigated the charges. In addition is the statement of Gen. S. J. Conklin, a soldier of prominence, who was a member of Battle Mountain Sanitarium on April 29, when the gentleman from Illinois assailed the management of that institution. Gen. Conklin said of the charges read by the gentleman from Illinois as follows:

> The letter which he read is the rottenest thing that I have ever met with. There is not one iota of truth in the whole matter, as will appear if an investigation is ever had.

Finally, there is the letter of Capt. C. V. Gardner, of Piedmont, S. Dak., who served for three years during the Civil War, rising from the ranks to captain of his company. He happens to be the brother of the Hon. Washington Gardner, of Michigan, who served in this House for 12 years with honor and distinction, now commander in chief of the national Grand Army of the Republic. It appears that Capt. Gardner was one of a standing committee of 10 appointed at the last annual encampment of the National Grand Army of the Republic Association to investigate alleged ill treatment of inmates and other wrongdoings by the officials of the homes. He was assigned to the Battle Mountain Sanitarium. He made application for admission to the home ostensibly for treatment, as he says, that he might have an opportunity from personal experience and observation to study conditions as they actually exist. He states that he was assigned to a ward, lived as the other inmates did, ate the same food at the same tables, and obeyed the same rules and regulations of the institution as the other members did; that he remained in the home for a period of nearly a month. He not only refutes the charges made by the three expelled members, but denounces them, and pronounces the quality and quantity of food served, including the cooking and the sanitary conditions, as excellent. He testifies to the high character of the officials and attendants and says that uniform, courteous, and attentive treatment is extended to everyone. He concludes his letter, which is addressed to the gentleman from Illinois, by proposing that he personally inspect the home and states that if he does not find the conditions in all respects as he has described them in his letter he will pay his expenses from Washington to Hot Springs and return. I hope, if the gentleman from Illinois does not accept this proposition, that he will visit the home and make an investigation at his own expense, and that when he has done so, if he finds that he was not justified in the charges that he made in the House on April 29 against this institution and its officials he will retract the same and acknowledge that he was mistaken. [Applause.]

Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For continuing the work of cleaning and repairing works of art in the Capitol, including repairs to frames, under the direction of the Joint Committee on the Library, $1,500.

Mr. SMITH of Idaho. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment after line 17, page 91:

"For the completion of the historical frieze in the Rotunda of the Capitol, by having painted therein suitable designs by an American artist of national reputation, one design representing Grant and Lee

shaking hands at Appomattox, symbolizing the preservation of the Union and a reunited country; another representing a ship passing through the Panama Canal; and another representing the navigation of the air, $10,000: *Provided*, That the President of the Senate, the Speaker of the House of Representatives, and the members of the Committees on the Library of the Senate and the House of Representatives shall constitute a commission to have charge of the completion of said frieze, to determine the compensation competing artists should receive, and to make contracts for the painting of the designs selected.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the amendment that it is new legislation.

Mr. SMITH of Idaho. Mr. Chairman, I desire to discuss the point of order.

Mr. FITZGERALD. Mr. Chairman, I will reserve the point of order for five minutes.

Mr. SMITH of Idaho. Mr. Chairman, the object of this amendment is to provide for the early completion of the historical frieze in the Rotunda of the Capitol.

We point with pride to our magnificent Congressional Library and the splendid Senate and House Office Buildings, but we are ashamed of our unfinished Capitol. For more than 60 years it has remained in an uncompleted condition. I have no doubt that every new Member of Congress who has passed through the Rotunda has been surprised to observe the vacant space in the historical frieze, and visitors always inquire of the guide why it has not been completed. Believing that there is no good reason for not portraying in this unfinished section a few of the important events which have transpired in the last half century, early in the present session I introduced a bill providing for the appointment of a commission consisting of the President of the Senate, the Speaker of the House, and the Committees on the Library in the two branches of Congress to select appropriate designs and to contract for their execution. This bill was referred to the Committee on the Library of the House, but up to date no action has been taken in the matter. A few weeks ago Senator O'GORMAN, of New York, at my request introduced a copy of the resolution in the Senate with the hope that action might be taken there, but so far nothing has been done. It appears to me, Mr. Chairman, that it is very important that this work be completed without delay. Early next spring we are expecting thousands of visitors from foreign countries to the National Capital en route to attend the Panama Exposition in San Francisco, and if this amendment is adopted the work could be completed in the meantime and we would not be compelled to apologize for the unfinished condition of this great building.

In this historical frieze, the first of scenes portraying the history of the New World represents the landing of Columbus; the next the entry of Cortez into the halls of the Montezumas 30 years later; the third scene represents the burial of De Soto in the Mississippi River in 1541; then in order follows Pocahontas saving the life of Capt. John Smith in 1606; the landing of the Pilgrims at Plymouth Rock in 1620; Penn's treaty with the Indians in 1682; the Battle of Lexington in 1775; the Declaration of Independence in 1776; the surrender of Lord Cornwallis in 1781; the death of Tecumseh, 1813; Gen. Scott's entry into the City of Mexico in 1847; and the last event portrayed is the discovery of gold in California in 1848, which was completed by the artist 25 years ago. Since that time work upon this great historical frieze has been suspended.

In my opinion, Mr. Chairman, the events mentioned in the amendment, to be portrayed in this vacant space, are the most important in the Nation's history.

What more important event has transpired in the history of our country than the reuniting of the North and the South after a struggle of four years in civil conflict? It was a fitting recognition of this event after 50 years of peace, which was recently celebrated by the dedication of a monument to the Confederate dead in Arlington.

We all recognize that the building of the Panama Canal is the greatest engineering feat in the world's history. It was constructed by American skill and American money, and the celebration of its completion is a most important event.

The successful construction of a heavier-than-air machine for the navigation of the air was accomplished by Americans, and this important event should also be represented in this great historical frieze.

Mr. Chairman, I ask unanimous consent to incorporate in my remarks an article which appeared in the New York Sun on March 22, 1914, descriptive of this historical frieze and containing brief sketches of the artists who painted them.

The CHAIRMAN. The gentleman from Idaho asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

The article referred to is as follows:

[From the New York Sun, Sunday, March 22, 1914.]

STEPS TAKEN TO COMPLETE THE WORK IN ROTUNDA OF CAPITOL IN WASHINGTON, THE LAST OF THE WONDERFUL FRESCOES ON WHICH CONSTANTIO BRUMIDI WORKED FOR MANY YEARS.

A joint resolution has been introduced in the House of Representatives providing for the completion of the fresco frieze in the rotunda of the Capitol at Washington.

ADDISON T. SMITH, author of the resolution, is serving his first term in Congress. Ordinarily new Members are too intent upon impressing and serving the home folks for the first few years to bother much about unfinished buildings. Mr. SMITH's interest can be readily understood when it is explained that for several years he served as a committee clerk in the Senate. Daily he passed back and forth beneath the unfinished, weather-stained frieze, and a promise he made himself—and has kept—was that if ever seated in either House one of his first moves would be toward the completion of the frieze.

The joint resolution provides that a commission, composed of the President of the Senate, the Speaker of the House, and members of the Committees on the Library of the Senate and House shall be empowered to complete the frieze "by having painted thereon a suitable design by an American artist of national reputation, representing Grant and Lee shaking hands at Appomattox, symbolizing the preservation of the Union and a reunited country, and another suitable design representing the Panama Canal in operation." An appropriation of $10,000 is made for the work.

Probably there has never been a tourist, a student, or other visitor viewing the vast heights and depths, the magnificent distances of one of the most wonderful rooms in the world—the rotunda of the Capitol—who has not marveled at the dilapidated and uncompleted belt or frieze. The average guide is apt to settle the question by explaining that Constantio Brumidi, who designed all and painted one-third of the frieze, fell from his slender, movable scaffold and was instantly killed. This is untrue.

The work has remained unfinished for two reasons: First, no artist, American or foreign born, sufficiently skilled and sympathetic, has been found to complete the frieze; second, the lack of appropriate subject with which to terminate the procession of historical events. To get at the root of the matter it is necessary to go back to the advent of Brumidi and his wonderful art in the Capitol.

Constantio Brumidi is commonly and affectionately spoken of as the Michael Angelo of the Capitol. Little or nothing has been printed of his life and work, both of which are like a romance. Gazetteers, encyclopedias fail even to mention his name. Yet this man caused the white staring walls of the Capitol to blossom forth in beauty and in colors that bid fair to retain their brilliancy, and yet mellow with age, as with the incomparable art of the masters of old.

First, last, and always Brumidi excelled in fresco, a branch of painting that is practically dead; yet he was versatile along all lines of art. In the Capitol alone he is entitled to large consideration as a designer, a decorator, a portrait painter, and frescoist. He studied carefully Italian, Pompeian, Venetian, Moorish, and Egyptian styles, all of which he used in the decoration of corridors and rooms at the Capitol. He lived in Pompeii for nearly two years, immersed in the knowledge to be found there, and one of the committee rooms at the Capitol he decorated in this style.

Real fresco is best understood by the Italian—it is the Italian word for "fresh," and the painting is done in mineral colors, mixed with water and applied to the surface of stucco or plaster, while the surface is sufficiently wet, or fresh, to imbibe and incorporate the colors. In the process of frescoing only as much surface of plaster is prepared at one time as can be finished while it is wet. The picture must progress piecemeal, and there is absolutely no possibility of retouching after once dry.

The French school in mural, decorative work, paints either in oils upon the walls or upon canvas, which is afterward coated with a gluey substance and pressed firmly upon the wall surface until it adheres. This method was employed in the much-talked-of wall decoration at the Library of Congress. There is no comparison between the so-called fresco of that building and the real fresco by Brumidi in the Capitol.

Brumidi was born in Rome on June 20, 1805, of an Italian mother and a Greek father. When very young he evinced a strong taste and propensity for drawing. A teacher was procured and he was admitted as a student at the Academia di San Luca when but 13. It was while at this school that he began the study of fresco, and took up plastic art under Thorwaldsen and sculpture under Canova. At 30 Brumidi had attained sufficient recognition to attract the notice of Pope Gregory XVI, who commissioned him with three other well-known artists of that period—Podesti, Coghiatti, and Capalliti—to restore the Raphael frescoes in the Vatican.

When Pius IX ascended the papal throne Brumidi painted the portrait of that pontiff and it now hangs in the Vatican gallery. The new Pope, well pleased with the work, ordered a replica of himself and presented the young artist with a gold medal.

About this time Brumidi became a captain in the national guards, but continued his work upon the Vatican walls. In 1848 Rossi was assassinated. Pius IX fled to Gaeta, and the soldier Brumidi was ordered to turn the guns of his company upon the people. This he flatly refused to do; his house was surrounded at midnight by a cordon of soldiers, the artist captain dragged from his bed and thrown into prison. After 13 months of prison life Brumidi was released, but with the understanding that he would leave Italy at once and forever.

In 1849 Brumidi bade a last farewell to home and family and sailed for America. His leaving was rendered especially sad by reason of the fact that while confined in prison he became estranged from his wife.

Arriving in New York he had little difficulty in gaining recognition, as is evidenced by the altar piece "The Crucifixion" in St. Stephen's Church here. At the time it was painted it was the largest picture in oils in the United States. Brumidi was afflicted with wanderlust and has left examples of his work throughout the United States and Mexico, principally religious subjects in cathedral and church. On his way to Mexico he visited the Capitol in Washington and there received the inspiration for the great work of his life.

Finishing his work in Mexico Signor Brumidi returned to Washington in 1859 and applied to Gen. Meade, who was at that time in charge of the Capitol, for permission to show what could be accomplished by way of mural decoration in the building. Gen. Meade was not inclined to take any chances and the desired permission was delayed. But per-

POSTMASTERS.

ALABAMA.

C. T. Fitzpatrick, Montgomery.
Robert L. O'Neal, Huntsville.
John B. Tally, jr., Scottsboro.

KENTUCKY.

Robert H. Mayo, Paintsville.
J. M. Turner, Cadiz.

MASSACHUSETTS.

James E. Cadagon, Adams.

NORTH CAROLINA.

O. F. Crowson, Burlington.

VIRGINIA.

Wade H. Lipps, Wise.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 22, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the King of Kings, the Lord of Lords, our God and our Father, dispenser of all good, impart unto us plenteously of the heavenly gifts, that with courage, fortitude, perseverance, and patience we may do the work of this day and be the better prepared to do the work of the morrow, and so fulfill the law and the prophets, and thus grow day by day into the larger life revealed to us in the life and character of Thy Son, Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, June 20, and of Sunday, June 21, were read and approved.

FORTIFICATIONS AT CAPE HENRY.

Mr. BARTLETT. Mr. Speaker, I call up Senate joint resolution 160, a privileged resolution.

The SPEAKER. The Clerk will report the title.

The Clerk read the joint resolution, as follows:

Joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

Resolved, etc., That for procuring title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,000, the same to be immediately available and to remain available until expended, to complete the payment of awards in condemnation proceedings prosecuted by the War Department for the acquisition of land at Cape Henry, Va.

Mr. BARTLETT. Mr. Speaker, I ask that this resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the resolution be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BARTLETT, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

THE MEXICAN SITUATION.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Mexican situation.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD on the Mexican situation. Is there objection?

There was no objection.

Mr. ASWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a resolution of the United Confederate Association, indorsing the President's Mexican policy and the President's reply thereto. It is short.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD by printing the articles referred to.

Mr. MANN. What was the request? I did not hear it.

The SPEAKER. The request is to print a resolution of the United Confederate Veterans' Association, indorsing the President's Mexican policy and the reply thereto.

Mr. MANN. Can we find out what it is from the resolution?

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

VOLCANO IN CALIFORNIA.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the active volcano in California.

Mr. MANN. Would it be in order for the gentleman to extend remarks in the RECORD concerning himself?

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

MINORITY VIEWS ON THE SEAMEN'S BILL.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent to be allowed six days in which to file minority views on the bill S. 136, the seamen's bill.

The SPEAKER. The gentleman from Washington asks unanimous consent for six days to file minority views on the seamen's bill. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering District of Columbia bills.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York makes a preferential motion that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of further considering the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky and Mr. BUCHANAN of Illinois) there were 69 ayes and 43 noes.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 128, nays 115, answered "present" 6, not voting 184, as follows:

YEAS—128.

Abercrombie	Elder	Johnson, Utah	Rayburn
Adair	Estopinal	Jones	Reilly, Conn.
Adamson	Evans	Kennedy, Iowa	Reilly, Wis.
Alexander	Fairchild	Kindel	Scott
Aswell	Faison	Kirkpatrick	Seldomridge
Baker	Fergusson	Kreider	Sims
Barkley	Finley	Lenroot	Sisson
Bartholdt	Fitzgerald	Lever	Slemp
Beall, Tex.	Flood, Va.	McClellan	Sparkman
Blackmon	Floyd, Ark.	McGillicuddy	Stafford
Booher	Gardner	McKellar	Steenerson
Borchers	Garner	McLaughlin	Stephens, Miss.
Broussard	Garrett, Tex.	Maguire, Nebr.	Stephens, Nebr.
Burgess	Godwin, N. C.	Mann	Stephens, Tex.
Byrnes, S. C.	Good	Mondell	Stout
Byrns, Tenn.	Goulden	Montague	Talbott, Md.
Candler, Miss.	Graham, Pa.	Moore	Talcott, N. Y.
Clark, Fla.	Green, Iowa	Morgan, Okla.	Taylor, Colo.
Claypool	Hardy	Morrison	Towner
Cline	Harris	Moss, Ind.	Treadway
Collier	Hay	Murray, Okla.	Tribble
Connelly, Kans.	Hayes	Oglesby	Tuttle
Conry	Helm	Padgett	Underhill
Cox	Helvering	Page, N. C.	Underwood
Danforth	Holland	Park	Vollmer
Deitrick	Houston	Parker	Volstead
Dent	Howell	Payne	Watkins
Dillon	Hughes, Ga.	Post	Watson
Dixon	Hull	Quin	Webb
Donovan	Humphrey, Wash.	Ransdale	Wheeler
Doughton	Jacoway	Rainey	Williams
Dupré	Johnson, S. C.	Rauch	Witherspoon

NAYS—115.

Ashbrook	Doolittle	Hinebaugh	Prouty
Austin	Edwards	Howard	Raker
Bailey	Esch	Hulings	Roberts, Nev.
Baltz	Falconer	Igoe	Rubey
Barton	Farr	Johnson, Ky.	Rucker
Bathrick	Ferris	Johnson, Wash.	Rouse
Beakes	FitzHenry	Kelley, Mich.	Rupley
Bell, Cal.	Foster	Kent	Russell
Bowdle	Fowler	Kettner	Shreve
Britten	Francis	Key, Ohio	Sinnott
Browne, Wis.	French	Kinkaid, Nebr.	Smith, Idaho
Bryan	Gallagher	La Follette	Smith, Saml. W.
Buchanan, Ill.	Gill	Lazaro	Stephens, Cal.
Bulkley	Gocke	Lee, Pa.	Stevens, Minn.
Burke, Wis.	Goodwin, Ark.	Lindbergh	Stone
Campbell	Graham, Ill.	Lloyd	Sumners
Caraway	Gray	Lonergan	Sutherland
Carr	Greene, Mass.	McDermott	Taggart
Carter	Gregg	Mapes	Tavenner
Cary	Hamilton, Mich.	Miller	Taylor, Ark.
Casey	Hamlin	Moon	Temple
Church	Harrison	Moss, W. Va.	Ten Eyck
Condy	Haugen	Murdock	Thompson, Okla.
Cooper	Hawley	Nelson	Townsend
Cramton	Hayden	Nolan, J. I.	Walker
Curry	Heflin	Oldfield	Walsh
Dershem	Helgesen	Peterson	Walters
Dickinson	Hensley	Plumley	Woodruff
Donohoe	Hill	Pou	

ANSWERED "PRESENT"—6.

Allen	Burke, S. Dak.	Metz	Sloan
Bartlett	Fields		

NOT VOTING—184.

Aiken	Eagan	Lafferty	Porter
Ainey	Eagle	Langham	Powers
Anderson	Edmonds	Langley	Reed
Ansberry	Fess	Lee, Ga.	Riordan
Anthony	Fordney	L'Engle	Roberts, Mass.
Avis	Frear	Lesher	Rogers
Batchfeld	Gallivan	Levy	Rothermel
Barnhart	Gard	Lewis, Md.	Sabath
Bell, Ga.	Garrett, Tenn.	Lewis, Pa.	Saunders
Borland	George	Lieb	Scully
Brockson	Gerry	Lindquist	Sells
Brodbeck	Gillett	Linthicum	Shackleford
Brown, N. Y.	Gilmore	Lobeck	Sharp
Brown, W. Va.	Glittine	Loft	Sherley
Browning	Glass	Logue	Sherwood
Buckner	Goldfogle	McAndrews	Slayden
Bumbaugh	Gordon	McCoy	Small
Buchanan, Tex.	Gorman	McGuire, Okla.	Smith, J. M. C.
Burke, Pa.	Greene, Vt.	McKenzie	Smith, Md.
Burnett	Griest	MacDonald	Smith, Minn.
Butler	Griffin	Madden	Smith, N. Y.
Calder	Gudger	Mahan	Smith, Tex.
Callaway	Guernsey	Maher	Stanley
Cantor	Hamill	Manahan	Stedman
Cantrill	Hamilton, N. Y.	Martin	Stevens, N. H.
Carew	Hammond	Merritt	Stringer
Carlin	Hardwick	Mitchell	Switzer
Chandler, N. Y.	Hart	Morgan, La.	Taylor, Ala.
Clancy	Henry	Morin	Taylor, N. Y.
Connolly, Iowa	Hinds	Mott	Thacher
Copley	Hobson	Murray, Mass.	Thomas
Covington	Howarth	Neeley, Kans.	Thomson, Ill.
Crisp	Hughes, W. Va.	Neely, W. Va.	Vare
Crosser	Humphreys, Miss.	Norton	Vaughan
Cullop	Kahn	O'Brien	Wallin
Dale	Keating	O'Hair	Weaver
Davenport	Keister	O'Leary	Whitacre
Davis	Kelly, Pa.	O'Shaunessy	White
Decker	Kennedy, Conn.	Palce, Mass.	Willis
Dies	Kennedy, R. I.	Palmer	Wilson, Fla.
Difenderfer	Kiess, Pa.	Patten, N. Y.	Wilson, N. Y.
Dooling	Kinkead, N. J	Patton, Pa.	Wingo
Doremus	Kitchin	Peters, Mass.	Winslow
Driscoll	Knowland, J. R.	Peters, Me.	Woods
Drukker	Konop	Phelan	Young, N. Dak.
Dunn	Korbly	Platt	Young, Tex.

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. METZ with Mr. WALLIN.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. GARRETT of Tennessee with Mr. GRIEST.

Mr. THOMAS with Mr. WILLIS.

Mr. ALLEN with Mr. FESS.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SHERLEY with Mr. GILLETT.

Mr. WEAVER with Mr. SLOAN (ending August 4).

Mr. HENRY with Mr. HINDS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. FIELDS with Mr. LANGLEY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. CANTRILL with Mr. COPLEY.

Mr. WINGO with Mr. AINEY.

Mr. AIKEN with Mr. ANDERSON.

Mr. YOUNG of Texas with Mr. ANTHONY.

Mr. SMITH of Texas with Mr. AUSTIN.

Mr. BARNHART with Mr. AVIS.

Mr. BORLAND with Mr. CHANDLER of New York.

Mr. DIES with Mr. BARCHFELD.

Mr. BRODBECK with Mr. DAVIS.

Mr. BROWN of West Virginia with Mr. DRUKKER.

Mr. BURNETT with Mr. CALDER.

Mr. CARLIN with Mr. DUNN.

Mr. CONNOLLY of Iowa with Mr. EDMONDS.

Mr. CULLOP with Mr. FREAR.

Mr. DOREMUS with Mr. FORDNEY.

Mr. EAGAN with Mr. GUERNSEY.

Mr. GALLIVAN with Mr. KAHN.

Mr. GEORGE with Mr. KEISTER.

Mr. GILMORE with Mr. KELLY of Pennsylvania.

Mr. GLASS with Mr. KIESS of Pennsylvania.

Mr. GOLDFOGLE with Mr. LAFFERTY.

Mr. GORMAN with Mr. LANGHAM.

Mr. GORDON with Mr. LEWIS of Pennsylvania.

Mr. HARDWICK with Mr. MANAHAN.

Mr. HOBSON with Mr. LINDQUIST.

Mr. HUMPHREYS of Mississippi with Mr. MCGUIRE of Oklahoma.

Mr. KITCHIN with Mr. MADDEN.

Mr. DIFENDERFER with Mr. MCKENZIE.

Mr. LEE of Georgia with Mr. MERRITT.

Mr. LESHER with Mr. MACDONALD.

Mr. LEVY with Mr. MOTT.

Mr. LIEB with Mr. MORIN.

Mr. LINTHICUM with Mr. NORTON.

Mr. MCCOY with Mr. PAIGE of Massachusetts.

Mr. MITCHELL with Mr. ROGERS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. MURRAY of Massachusetts with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. PATTON of Pennsylvania.

Mr. PATTEN of New York with Mr. PLATT.

Mr. REED with Mr. SELLS.

Mr. CALLAWAY with Mr. SMITH of Minnesota.

Mr. ROTHERMEL with Mr. THOMSON of Illinois.

Mr. SHACKLEFORD with Mr. SWITZER.

Mr. SHERWOOD with Mr. WILLIS.

Mr. SMALL with Mr. WINSLOW.

Mr. PALMER with Mr. VARE.

Mr. STRINGER with Mr. POWERS.

Mr. VAUGHAN with Mr. WOODS.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. DECKER with Mr. PORTER.

Mr. METZ. Mr. Speaker, I am paired with the gentleman from New York, Mr. WALLIN, who did not vote. I wish to withdraw my vote of "yea" and answer "present."

The name of Mr. METZ was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, I am paired with the gentleman from Ohio, Mr. FESS. I wish to withdraw my vote of "yea" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill (H. R. 17041), with Mr. POU in the chair.

THE CHAIRMAN. The Clerk will report the pending amendment.

The Clerk read as follows:

Amend, page 84, line 21, by striking out "$46,500" and inserting in lieu thereof "$47,000."

THE CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

For transportation of members of the home, $800.

Mr. GOULDEN. Mr. Chairman, I move to strike out the last word, for the purpose of getting some information from the chairman of the committee. I find a number of items here with regard to payment of transportation of the members of the home. Here is one of $800, and there was one preceding of $2,500, and another of $2,000, in all over $20,000. Is that money refunded in any way?

Mr. FITZGERALD. No; it is not. This is to pay the transportation of applicants for entrance into the various branches.

Mr. GOULDEN. The reason I asked the question is that in the State home with which I have been connected for the last 12 years or more we have a running account of that character, but the money is charged to the individual member and is returned into the funds of the State. I wondered whether that was the case in the national homes; and if not, is all expended?

Mr. FITZGERALD. I do not know why they do not. These soldiers apply for admission to the various branches of the home. If they have not been in the home before, their transportation is paid.

Mr. GOULDEN. In the home with which I am connected, the New York State Soldiers and Sailors' Home, we pay their transportation if the applicant is without funds, but it is charged to them and taken out of any money that may accrue to the member. I know of no reason why the national homes should be conducted in any different manner from the State homes.

Mr. FITZGERALD. In the way the national soldiers' homes are conducted no expense of transportation is attached to a man who applies for admission.

Mr. GOULDEN. Is that simply a rule, or is it the law?

Mr. SMITH of Arizona. On the contrary, there is not one of them on the reservation at all. That is the trouble with them.

Mr. THOMAS. The testimony which the Senator read indicated that it was the purpose of the bureau to secure additional reservations by Executive order.

Mr. TOWNSEND. Yes, sir.

Mr. THOMAS. I am disposed to think that the extent of the reservation at present is ample for their needs, and that it is unfair to the people of Arizona, either by Executive order or otherwise, that this reservation should be extended or any additional reservation created for these people.

Mr. TOWNSEND. I will say to the Senator that my understanding is from this testimony—and I know I am correct about it—that in some of these places it was carried out through Executive order. In some they propose to try to get an order for the location where these Indians now are. I assume they will not be located on these reservations, or they will not be set apart for them, unless it is found to be for the interest of the Indians to have those reservations set apart.

Mr. THOMAS. I have no doubt of that. I have no doubt that the department will sincerely intend to benefit the Indians proposed to be benefited by this measure; but before additional reservations are made for them it should be ascertained whether the same relief can not be extended to them in the domain which they at present own.

From what the Senator from Arizona has said—and we must assume that his personal knowledge of existing conditions there justifies him in speaking with authority—these Indians are not of the character portrayed by Mr. Reed in this testimony. I say that without in the slightest degree intending to reflect on Mr. Reed's purposes or intentions in making the statements he did before the committee. I would be in favor of the expenditure of this money upon the reservation. I am not in favor of expending one dollar outside of the limits of the reservation for any Indian tribe in the United States which has a reservation, because it tends to encourage the excursions of these tribes from their reservations. It not only tends to encourage them, but it legalizes their excursions by subsequent reservations by Executive order to include their new habitations. It is not right, and it is a positive injustice to the western settler, who, under the present system of conservation, has a pretty hard time in finding any land outside of reservations as conditions now are.

For the purpose of expressing my ideas in a motion, I offer as an amendment to the amendment of the Senator from Arizona [Mr. SMITH] a motion to strike out on page 23 lines 6 to 10, inclusive.

Mr. SMITH of Arizona. Mr. President, I am obliged to the Senator from Colorado for saving me the trouble of making the very exposé that he has made of this case.

The Senator from Michigan [Mr. TOWNSEND] speaks of the "7,000 Indians." The trouble is that he does not know the size of the reservation the Indians already have there. He does not seem to know that 50 per cent of the State of Arizona, a reservation as large as the New England States, is withheld forever from taxation by the people. We are left nothing but the absolute desert to go to for the selection of our lands under the bill admitting us as a State. The Indian reservations contain enough land to support 20 times that many white people.

The Senator speaks of these 7,000 Papagos. That is more than there are there, in my judgment, and a lot more. Yet with this immense, mighty reservation you are to let them go out, as you say, and create other reservations in a State already ruined by them, and cut off the State from the possibility of ever getting an acre of land that is worth a nickel. You are to encourage them to leave the magnificent waste of country which has been assigned to them, and go out and select whatever other little spot in the desert a home might be built on and create another reservation there.

If that is true, I join with the Senator from Colorado. If the purpose is to make a reservation of another inch of land in Arizona for any purpose on earth over which the State has no control, I shall certainly vote to strike it from this or any other bill in which it may appear.

I did not know there was any effort to create more reservations. If I had, the Senator need not have anticipated me by his amendment, for I should have offered it myself. It is a revelation to me to find a proposal that they shall leave their reservation, with hundreds and hundreds of acres for every man, woman, and child on it, and go out and create other reservations wherever they can find the possibility of making a home for a white man.

Under the Federal jurisdiction 90 per cent of the valuable land of the State of Arizona is withheld to-day in such reservations. We have nothing to tax except the industry of our people, the cattle, the railroads, and the mines. You have reserved all the best lands, and yet you expect us to maintain a State government, and now you are proposing to take this step.

This is my first knowledge of it. I am surprised that I have not had earlier information that they were going to make some more Indian reservations down in Pima County, Santa Cruz County, Yuma County—every one of them with reservations in it already. You propose to make some more, to let them wander, to let them go out somewhere and say, "We will dig you a well, and we will make another reservation for you," and scatter those reservations, but still withhold the lands from settlement by anybody else. Everyone who knows that country knows that they never selected the worst lands for Indian reservations. They got the very best. The best land in that county to-day is in the Papago Indian Reservation.

I most heartily indorse the motion of the Senator from Colorado to strike out this item from the bill if the purpose is to create a reservation outside of the regular Papago Reservation in Pima County. I withdraw my amendment and accept the amendment offered by the Senator from Colorado.

The VICE PRESIDENT. The amendment of the committee is first in order, it being to the text. It will be stated.

The SECRETARY. The committee proposes, on page 23, line 10, to strike out "$20,000" and insert "$35,600," so as to read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

The VICE PRESIDENT. The question is on the amendment of the committee.

The amendment was rejected.

Mr. THOMAS. I move to strike out the paragraph embracing lines 6, 7, 8, 9, and 10.

Mr. TOWNSEND. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Owen	Smith, Md.
Brady	James	Page	Smoot
Bryan	Jones	Penrose	Sterling
Camden	Lane	Perkins	Sutherland
Catron	Lea, Tenn.	Pittman	Swanson
Chamberlain	Lee, Md.	Poindexter	Thomas
Chilton	Lewis	Ransdell	Thornton
Clapp	Martin, Va.	Robinson	Tillman
Clarke, Ark.	Martine, N. J.	Shafroth	Townsend
Culberson	Myers	Sheppard	Vardaman
Cummins	Newlands	Shively	Warren
Gore	Norris	Simmons	West
Hitchcock	Oliver	Smith, Ariz.	White
Hollis	Overman	Smith, Ga.	Williams

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

EXECUTIVE SESSION.

Mr. CLARKE of Arkansas. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 23, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 22, 1914.

MEMBER OF THE EXCISE BOARD.

Cotter T. Bride, of the District of Columbia, to be a member of the Excise Board for the District of Columbia for a term of three years, beginning July 1, 1914. (A reappointment—term expires by limitation June 30, 1914.)

COLLECTORS OF CUSTOMS.

Rivers McNeill, of Chicago, Ill., to be collector of customs for the district of Chicago, in place of John C. Ames, resigned.

Thomas E. Stucky, of Indianapolis, Ind., to be collector of customs for the district of Indiana, in place of Leopold G. Rothschild, whose term of office expired by limitation March 31, 1914.

UNITED STATES ATTORNEY.

Harry B. Tedrow, of Boulder, Colo., to be United States attorney for the district of Colorado, vice Harry E. Kelly, resigned.

UNITED STATES MARSHALS.

John H. Parker, of Camden, Ark., to be United States marshal for the western district of Arkansas, vice John F. Mayes, whose term has expired.

Andrew Jackson Walls, of Coy, Ark., to be United States marshal for the eastern district of Arkansas, vice Harmon L. Remmel, whose term has expired.

APPOINTMENTS IN THE ARMY.

To be second lieutenants with rank from June 12, 1914.

CORPS OF ENGINEERS.

Cadet William Henry Holcombe.
Cadet James Bell Cress.
Cadet Charles Philip Gross.
Cadet Bernard August Miller.
Cadet Peter Cleary Bullard.
Cadet Brehon Burke Somerell.
Cadet Nenophon Herbert Price.
Cadet Robert Walter Crawford.
Cadet Frederick Snowden Skinner.
Cadet Dabney Otey Elliott.
Cadet Allen Parker Cowgill.
Cadet George Penn Lewis.
Cadet Harrison Brand, jr.
Cadet Frederick William Herman.
Cadet John Hill Carruth.

CAVALRY ARM.

Cadet Arthur Dow Newman.
Cadet John William Butts.
Cadet Cedric Watterson Lewis.
Cadet Edward Loeffler Nevin Glass.
Cadet Charles Watson Foster.
Cadet Cuyler Llewellyn Clark.
Cadet Clarence Corbith Benson.
Cadet Thomas Henry Rees jr.
Cadet John Henry Woodberry.
Cadet Walter Woolf Wynne.
Cadet William Abbott Robertson.
Cadet Joseph Bradford Treat.
Cadet Joseph Wilson Byron.
Cadet Warren Philip Jernigan.
Cadet Walter Cyrus Gallion.
Cadet Sylvester De Witt Downs, jr.
Cadet Robert Dyer McDonald.
Cadet Orlando Ward.
Cadet John Prince Markoe.

FIELD ARTILLERY ARM.

Cadet Philip Loomis Thurber.
Cadet William Chester Houghton.

COAST ARTILLERY CORPS.

Cadet Lester Earl Moreton.
Cadet LeRhett Livingston Stuart.
Cadet Alfred Earl Larabee.
Cadet John Adams Brooks, jr.
Cadet Albion Ray Rockwood.
Cadet Frank Lawrence Hoskins.
Cadet John Hamilton Jouett.

INFANTRY ARM.

Cadet Roy Melvin Smyth.
Cadet Cleveland Hill Randholtz.
Cadet Fritz Philip Lindh.
Cadet Harry Clyde Ingles.
Cadet James Lester Bradley.
Cadet Willis James Tack.
Cadet Floyd Randall Waltz.
Cadet Carl Eugene Foster.
Cadet Weldon Williamson Doe.
Cadet Carl Spatz.
Cadet Harold Roe Bull.
Cadet Charles Morton Milliken.
Cadet James Fred Byron.
Cadet Woodfin Grady Jones.
Cadet Paul Clarence Paschal.
Cadet John Leo Parkinson.
Cadet Rudolph Gwinn Whitten.
Cadet Louis Thomas Byrne.
Cadet Francis Rusher Kerr.
Cadet Francis Marion Brannan.
Cadet William Rutledge Orton.
Cadet Francis Henry Forbes.
Cadet Rufus Sumter Bratton.
Cadet Thomas George Lanphier.
Cadet Jefferson Reese Davenport.
Cadet Benjamin Grant Weir.
Cadet Ralph Royce.
Cadet Harry Milford Brown.
Cadet Thomas Huntington Monroe.
Cadet Roger Burnett Hamilton.
Cadet Joseph Webster Allison, jr.

To be additional second lieutenants with rank from June 12, 1914.

CAVALRY ARM.

Cadet William Ord Ryan.
Cadet Benjamin Fiery Hoge.

FIELD ARTILLERY ARM.

Cadet John Churchill Wyeth.
Cadet Arthur Ringland Harris.
Cadet John Green Burr.
Cadet John Benjamin Anderson.
Cadet William Edward Burr.

COAST ARTILLERY CORPS.

Cadet Joseph DeMoss McCain.
Cadet Eugene Villaret.
Cadet Reiff Hesser Hannum.
Cadet Harold Francis Loomis.
Cadet Leland Harold Stanford.
Cadet James Cooper Waddell.
Cadet Richard Dolles Paddock, jr.
Cadet Charles Carleton Griffith.
Cadet James Byron Haskell.
Cadet James Patrick Hogan.
Cadet Gooding Packard.
Cadet Glenn Preston Anderson.
Cadet Adam Empie Potts.

INFANTRY ARM.

Cadet Frederick Herr.
Cadet Clifford James Mathews.
Cadet Howard Prescott Milligan.
Cadet Frank William Milburn.
Cadet John Warren Weissheimer.
Cadet Isaac Gill, jr.
Cadet John Kennard.
Cadet John Bellinger Thompson.
Cadet Hamner Huston.
Cadet Jens Anderson Doe.
Cadet Sheldon Harley Wheeler.
Cadet Lester Leland Lampert.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 22, 1914.

CONSULS.

Frank Dersdemeyer to be consul at Chemnitz, Germany.

Henry H. Balch to be consul at St. Stephen, New Brunswick, Canada.

George K. Donald to be consul at Maracaibo, Venezuela.

UNITED STATES MARSHALS.

Andrew Jackson Walls to be United States marshal for the eastern district of Arkansas.

John H. Parker to be United States marshal for the western district of Arkansas.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 4, 1914.

Otto Joe Cook.
Alexander Lambert.
George Henry Richardson.
Miley Barton Wesson.
Udo Julius Wile.
Charles Ford.
Albert Rotild Goodman.
Leonard Knight Graves.
George Carleton Kilpatrick.
Adolphus Alfred McDaniel.
Mark Pearson Pentecost.
Marion Ernest Quinn.
Dalton Harris Trepagnier.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. William F. Martin to be lieutenant colonel.
Capt. John McA. Palmer to be major.

FIELD ARTILLERY ARM.

First Lieut. George B. Allin to be captain.
Second Lieut. Frederick W. Stewart to be first lieutenant.

to the Papago people and tell them to leave their reservation and go somewhere else where wells will be dug for them. They would go down to the wells which might be dug and come back, and that would be the end of it, and the cloud of the Indian title would stop anybody else from using the water. It is as much in the interest of the Indian himself as in the interest of the public lands and leaving them open for the occupancy of those who might possibly use them that I suggest the amendment.

Mr. THOMAS. I should like to ask the Senator from Arizona if he does not think that it is bad policy to dig wells for these roving bands of Indians off of their reservation?

Mr. SMITH of Arizona. I do.

Mr. THOMAS. Does it not encourage them to leave their reservation, which they might stay upon if these inducements were not given by the Government?

Mr. SMITH of Arizona. The Senator is exactly right about that, and the reason for my full adherence to what he says is the peculiar nature of this tribe of Indians. They are perfectly peaceful and always have been the friends of the white man. They would stay on their reservation, and work if they had a chance; but when they are permitted, as the Senator suggests, to wander from the reservation and go off into another country where wells have been dug for them, they will do so, only to abandon it the minute it does not become profitable for them to remain there. If it were provided that on the abandonment of these wells by the Indians, the lands on which they are dug should be returned to the public domain, it would make a very material difference in my idea of the matter.

Mr. THOMAS. It would seem to me, at least, Mr. President, to be also a recognition of his right to leave his reservation and to stay off it, which I do not think is wise in legislation. I should prefer to see the item stricken out entirely, in view of what has been said by the Senator from Arizona.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Oregon?

Mr. SMITH of Arizona. Certainly.

Mr. LANE. Mr. President, the facts were presented to the committee in a statement made before the House committee by the Superintendent of Irrigation, and in another statement made to the Senate committee.

Mr. SMITH of Arizona. That is what I was asking for.

Mr. LANE. In the statement to the House committee it was said:

> Mr. SCHANCK. Probably it would be more clearly understood from this map than from a verbal description. The appropriation of $5,000 for the Papago Indians, the same being item No. 35, contemplates the sinking of wells and making other improvements to the water supply of the nomadic Papago villages, as found best by specialists in the field. In addition to this, large areas of the nomadic Papago country have been surveyed, and it has been found feasible to construct at eight villages wells and pumping plants to furnish water for stock, and perhaps in some instances for a small amount of irrigation where the villages have been established for a long time and where it is known that the Indians constantly make their homes. These villages are Va-Vinu or Cocklebur, with a population of approximately 200; Chiu Chiuschu, with a population of approximately 200; Ko-opke, with a population of approximately 75; Tahi-Mohmell, with a population of approximately 100; Quajoit, with a population of approximately 100; Aneguan, with a population of approximately 200; Santa Rosa, with a population of approximately 400.

Mr. THOMAS. Where do they get their water supply now?

Mr. LANE. Here is what he says: He says that these Indians follow the water supply, and when it dries up in the valleys they go up into the mountains with their small herds, and wherever they can find water they make good use of it in their small gardens, and raise produce for their families; that they are poor people, and require this help from the Government to subsist upon. He says:

> They live at their villages on the lower elevations during the season when there is water, either obtained from little reservoirs that they have constructed themselves, or in a very few places such as we have chosen for irrigation purposes where there is water available below; but when it becomes dry and the season of drought comes on they go back to the higher country where there is more water and drive their flocks with them. They are to-day principally living on the product of their flocks, with what little irrigation and with what little farming they can do by what is called the dry-farming methods. They have developed on their own reservation dry-farming methods—methods that Mr. Burbank himself might take notice of.
>
> Diverting a little, I may say that they have raised a bean that can not be raised anywhere else, and which is raised only by them. Our object is to protect their rights.

He said, and repeated to us, that these were a very deserving and an industrious people, who lived in an arid belt of country where it was very hard for them to obtain water, and they have made better use of it than perhaps any other Indians in America.

Mr. SMITH of Arizona. The only trouble about the report read by the Senator from Oregon is that it is not the fact.

Mr. LANE. The Senator understands that I am not the author of it.

Mr. SMITH of Arizona. No; if the Senator had given it on his own information, I would have accepted it as a fact, unquestionably. Now, I do not want to do poor Lo any harm, but the flocks they live on are largely other people's flocks when you get them off the reservation. I do not know of a Papago Indian village in Arizona that has flocks enough to live on for a week; and this thing of their going higher up into the mountains to get water for irrigation is an impossibility. There is not in the whole of southern Arizona a condition which would make that true. They do not go on to these other places and then go up into another mountain hunting up a place to find more water to grow a new bean. They are getting off the reservation because they do not want to live under the rules of it. That is all there is in it. They wander around and stop wherever they please and as long as they please, and whenever they feel like it they go somewhere else, as far from the reservation as they can, and in the late troubles usually into Mexico.

I do not want to strike out the provision entirely, for if we can do anything for these Indians I should like to see it done. I do not believe we can, but I am willing to have the Government try the experiment, but not by whoever wrote this report or gave this testimony, for he does not know what he is talking about.

A beautiful theory hangs around the Indian; and the gentleman living in the East all his life is apt to get very familiar with the extinct tribe of Fenimore Cooper Indians that never did exist, and he immediately forms plans on that theory.

These Indians leave the reservation because they do not want to stay on it. They take no unusual amount of stock with them, because they know that if they are industrious they can find stock in the neighborhood where they are going. When you establish these wells and build these eight villages, my judgment is that not one of them will stay there after the first bad weather comes on or he gets hungry. They leave the reservation constantly.

I am perfectly willing that the Government shall spend money to see if it can develop water that will help these Indians. I know that they have not enough water on their own reservation; but I have noticed that they do not kill themselves trying to cultivate the ground even then, and they are the very best Indians I know.

The water they are now trying to give them has been there for the Government to give to them for the last 50 years; yes, you may say for the last 200 years. The town below them is probably the oldest town in America. Long before Jamestown or Plymouth Rock was heard of the town of Tucson existed. The Indian villages were there then. Now, for the first time, after they have put them all in this great reservation, and it has lain there for years and years, by the expenditure of a million and a half dollars or more, by going very deep across the Santa Cruz Valley and the little stream that runs through it, they have developed enough water to supply a city of 50,000 people, probably. There are twenty-odd thousand there now. The Indian reservation lies above it. Since this deep cutting across and pumping has been found successful, they wished to go in and cut off the water supply of the city. That proposal was struck from the bill. Then we have the other one, that they will send the Indians roving through eight villages. The report from which the Senator from Oregon read very carefully avoids stating the location of any one of those Indian villages. I do not know whether they are in Santa Cruz County, Cochise County, Pima County, or Yuma County, and neither does the man who testified in this report know.

We know that this has been done all over the West—the Indians have been mistreated by a lot of people who did not know how to handle them. Take this thing of educating the Indian, letting him sing a song, throwing him forcibly, if you please, through a schoolhouse, and then, because he can read, thinking you have an elevated citizen.

We all know what becomes of the educated Indian. It is needless for me to say in this presence. Then we go and capture him, virtually with a lariat, and send him off to Pennsylvania and to Hampton, down here, and educate him, to be an Ishmaelite all his life. Then the girl—you can imagine what her fate is. Yet we spend millions of dollars for this sort of foolishness, instead of letting him know how to cultivate an orange, how to plow a field, how to shoe a horse, do the thing in his environment, let the school supply the actual, mechanical knowledge that he should learn, let him grow up to the necessities, and only send to school the boy who wants to go to school.

The Indian will learn these things if you will give him the opportunity; but we turn him into our schools and pay millions

of dollars to educate him. I assert, from an experience of 30 years with him, that I do not believe 30 cents out of any $100 has ever gone, although not as the result of any thievery, in effectuation of the purpose for which the appropriation was made.

I should have asked to strike out of the bill the appropriation for this school in Pennsylvania, but I am not going to detain the Senate longer. I will reserve what I have to say about that matter for some future time and some other appropriation bill. I do want to say, however, that this proposal is of the same character. After persuading the Indian, as we have been for 20 years persuading him, to go on reservations, we are now giving him inducements to go off them. In the northern part they will take Indians off the Navajo Reservation and carry them away down into New Mexico, as the Senator from New Mexico stated the last time an Indian appropriation bill was up, and the agent will induce them to leave the reservation and go out on public lands to make locations, to harass, in a measure, the cattlemen, who have been using the water for years and years before.

I do not like this roving idea, but inasmuch as I have a sympathy for these Indians I am perfectly willing for the Government to make a try. I think the $20,000 the House gave is sufficient. I think we ought not to say that it is to be devoted to any eight Indian villages, but let the appropriation go to any village or any number of villages off of this reservation, so that the $20,000 may demonstrate whether or not they can get permanent water on unoccupied public domain, so that the Indian may possibly have a chance to better his condition.

Mr. TOWNSEND. Mr. President, if I had the same idea of the Indian that the Senator from Arizona has—that he is a hopeless proposition and that our large appropriations for schools is money thrown away—I should perhaps be more discouraged than ever over any prospect of civilization either for whites or blacks or browns. I do not take that view of it, however; and I believe the Government is now starting, practically for the first time along the line of helping the Indian, the man who is entitled to more consideration at the hands of this country than he has ever received. The great West and much of the Middle West was at one time his property, and we have never stood on ceremony when it came to robbing him of it.

I do not care at this time, however, to go into that matter, because I assume that is not the policy of the Government. I simply wish to refer to this particular item, now that I have found the testimony that was taken on the subject. Some parts of the Senator's statement would certainly justify this appropriation. I can not tell now what the argument was for increasing it. I simply have the statement of the assistant commissioner, and I think Mr. Reed, who has charge of Indian irrigation projects.

On page 294 of the hearings, when this matter came up, Mr. Merritt said:

> Mr. Chairman, we would like very much to have our estimate in connection with this item—
>
> Which was $35,000.

These are Papago Indians that we spoke about a few days ago when the school items were considered. These Indians are living under conditions that would be almost impossible for white people to live under. They are very energetic people, and we think with this appropriation we can develop a sufficient water supply for these Indians so that they can become more self-supporting than they are at this time. They are not asking for any gratuity appropriations; they have not heretofore. We would like to aid them to the extent of procuring water for them so that they can make a success of stock raising and small agricultural pursuits.

> The CHAIRMAN. Is this a gratuity appropriation?
>
> Mr. MERRITT. This is a gratuity appropriation; yes, sir.
>
> The CHAIRMAN. How is the water supply to be secured?
>
> Mr. MERRITT. By drilling wells. We have one well dug out in that country at this time. Mr. Reed can explain the details of that.
>
> Senator TOWNSEND. As I understand it, this is a case where the Indians do not own the land. Where are you going to dig the well? The Papagos are living, as I understand, in little villages on land that does not belong to them.
>
> Mr. MERRITT. We have created Executive-order reservations in two cases, I believe, and set aside land for these Indians. They are living in villages and we expect to get an Executive-order reservation covering all the land where the work is now in progress.
>
> Senator TOWNSEND. Do you propose to dig the wells before you get the reservation set aside?
>
> Mr. MERRITT. No, sir. We have had men in that country making surveys. The land heretofore has not been surveyed, and we have data sufficient to enable us to get the land set aside, and we have well-drilling outfits there so that we can furnish these Indians with water.
>
> Senator PAGE. These wells are drilled in the little villages, are they not—the Indian villages around there? I judge that from the hearings.
>
> Mr. MERRITT. Mr. Reed has a map here, and I would be glad to have him answer any questions.
>
> Senator ROBINSON. Where do they get their water supply now?
>
> Mr. MERRITT. From little hand dug wells.
>
> Senator ROBINSON. Is the water supply adequate now?
>
> Mr. MERRITT. It is for domestic purposes only.
>
> Senator ROBINSON. What are you going to use this water supply for?
>
> Mr. REED. To raise some little gardens. These Indians are called the nomadic Papagos. They live at their villages on the lower elevations during the season when there is water, either obtained from little reservoirs that they have constructed themselves or in a very few places such as we have chosen for irrigation purposes where there is water available below, but when it becomes dry and the season of drought comes on they go back to the higher country, where there is more water, and drive their flocks with them. They are to-day principally living on the product of their flocks, with what little irrigation and with what little farming they can do by what is called the dry-farming methods. They have developed on their own reservation dry-farming methods—methods that Mr. Burbank himself might take notice of.
>
> Diverting a little, I may say that they have raised a bean that can not be raised anywhere else and which is raised only by them. Our object is to protect their rights.
>
> There is at the present time another railroad survey made through the southern portion, which, if constructed, would bring the white men there, and he would take those places, probably, that have shallow water, and the Indian, who is just able to exist now, would have his last resources cut off and would probably be a charge upon the Government in a short time.
>
> The reservations have been made, and a few withdrawals, which are indicated on this map. Upon these we could begin work at once. We do not contemplate any large irrigation scheme. If we can get them 2 or 3 acres upon which they can raise something to eat, a few beans and a few other vegetables—they do raise the pumpkin—we will begin there at once. The other place which we have tentatively selected for site would have to be withdrawn. We understand perfectly well that we should not, and will not, expend one cent upon the public domain in developing water or anything of that kind but we have selected those places, and if we should have this appropriation, would take the necessary steps to secure the land and would put these 5,000 Indians, who are now only semibucated, upon a basis where they could still exist, even though the white man might get in.

Senator TOWNSEND. But do you think that this nomadic tribe would stay "put"?

Mr. REED. They never move until they are compelled to.

Mr. SMITH of Arizona. The witness did not answer your question. You asked him a very significant question.

Mr. TOWNSEND. I asked the question:

> But do you think that this nomadic tribe would stay "put"?

His answer was:

> They never move until they are compelled to.

Mr. SMITH of Arizona. Compelled by what?

Mr. TOWNSEND (reading):

> Senator ROBINSON. They are not very nomadic, then?
>
> Mr. REED. That may be a misnomer, but it is a name that has been applied to them.
>
> Senator ROBINSON. If the House item is allowed, what will be the effect on your service there? The House allowed you $20,000, I believe, on that item.
>
> Mr. REED. We asked for $35,000. This is something that we won't lose by the use of the $20,000 because it is made up of a number of units—not one big project. We could utilize the $20,000.
>
> Senator ROBINSON. Would the $35,000 be adequate for all of them?
>
> Mr. REED. The $35,000 would probably develop all the water that we believe, or know, exists to-day.

I asked him this question:

> Is this the tribe that had the hand-dug wells that some one spoke of yesterday?
>
> Mr. REED. I do not know that they have. These are the Indians that are referred to.
>
> Senator TOWNSEND. Is this going to be artesian water, or is it to be pumped—going down a thousand feet or so?
>
> Mr. REED. No, sir; none of the places which we have selected for irrigation supply has a great depth. It is shallow; it lies in what is called in that country a wash that accumulates drainage from thousands and thousands of acres, and is moving on toward this drainage center. We won't attempt to pump water for irrigation 400 feet. We might pump it for stock or domestic use, but not for irrigation.

Mr. President, when the Senator from Arizona first arose, I could only recall in a general way what this item was. I am now satisfied from the testimony of an expert, Mr. Reed, who has been out there and has his well-digging apparatus there, that these 5,000 Indians are entitled to some consideration from the United States. I maintain that they are entitled to a prior consideration at the hands of the United States. No white man is in there now on this particular land. I have no objection to the development going to the extent of $20,000, because we can start it at that, at least, and find out what can be done. In this modest way we are putting it in the hands of this tribe to demonstrate that they are what it has been claimed for them that they are, namely, intelligent, industrious husbandmen; that they know something about raising stock; that they will cultivate their gardens; that they do not leave them unless they are compelled to leave them. Located as they are now, it seems to me this is the least thing Congress can do for these wards.

Mr. THOMAS. Mr. President, before the Senator takes his seat I should like to inquire what is the area of the reservation which the Papago Indians own, or which has been created for them.

Mr. TOWNSEND. I do not know that. I do know that, according to this testimony, they are to occupy nothing except their reservation.

county in which the person resides or in which the property is situated.

I move that the words "and other persons," in line 25, be stricken out.

The SECRETARY. On page 14 of the committee amendment, line 25, strike out the words "and other persons."

Mr. THOMAS. I should like to inquire of the Senator from South Dakota whether the words "or in any other estate or property held in trust by the United States" should not also be stricken out. As it stands it would seem that the purpose of this amendment, the particular effect of the amendment rather, would be to enable the Government to determine the right of any person in any estate or property held in trust by the United States, whether it is property belonging to the Indians or to anyone else.

Mr. STERLING. Mr. President, with the words "and other persons" stricken out, it seems to me that the words "other estate or property held in trust by the United States" would only relate to the property of the Indians or of Indian allottees.

Mr. THOMAS. That is true; but the words to which I call attention in that case have no office whatever to perform. I think they ought to go out.

Mr. STERLING. Mr. President, the Senator from Colorado calls attention, as I understand, to the concluding words in line 26.

Mr. THOMAS. To the words "or in any other estate or property."

Mr. STERLING. I think the words "or in any other estate or property held in trust by the United States" might include property held in trust for Indians other than Indian allottees.

Mr. THOMAS. The words "in any trust or restricted allotment," in line 26, are certainly broad enough to cover any possible claim held by any Indian beneficiary.

Mr. STERLING. I think, Mr. President, the point made by the Senator from Colorado is well taken; and I also move that the words "or in any other estate or property held in trust by the United States," in line 26, on page 14, and in line 1, on page 15, be stricken from the committee amendment.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next committee amendment passed over was, on page 23, in the clause beginning in line 6, to strike out "$20,000" and to insert "$35,600," so as to read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

Mr. ASHURST. Mr. President, my colleague [Mr. SMITH of Arizona], who has been called from the Chamber at this moment, was the Senator who requested that that amendment be passed over. I request that it be passed over for a few moments longer until he shall have returned and that we now recur to the next amendment passed over.

The VICE PRESIDENT. The amendment will be again temporarily passed over.

The next committee amendment passed over was, on page 23, in line 21, after the word "Reservation," to strike out "$15,000" and to insert "$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

The VICE PRESIDENT. The question is on the amendment.

The amendment was agreed to.

Mr. CLAPP. Mr. President, on page 36, in one of the committee amendments there is a provision for a drainage system in the State of Minnesota. It provides that the Secretary of the Interior, in his discretion, may approve the assessments; it leaves the matter entirely with the Secretary of the Interior. Representative MILLER, of the district in which this drainage plant is situated, has been recently up there and has returned. He advises me that while as a rule this assessment would not be anywhere near $1.50 an acre, as provided in this amendment, yet there might be isolated cases where it would mean more than that sum, and if the discretion of the Secretary of the Interior were limited it would, of course, defeat the entire drainage system. In view of the fact that the discretion is vested finally in the Secretary of the Interior, I see no objection to withdrawing the limitation. I therefore ask that the following words in lines 22 and 23, on page 36, of the committee amendment be stricken out:

Provided, That said assessment shall not exceed $1.50 per acre; and.

To do that, of course, it will be necessary to reconsider the vote by which the amendment was agreed to.

The VICE PRESIDENT. Is there objection to the reconsideration of the vote by which this amendment referred to by the Senator from Minnesota was agreed to? The Chair hears none, and it is reconsidered. The amendment proposed by the Senator from Minnesota will now be stated.

The SECRETARY. On page 36, in the committee amendment, on lines 22 and 23, it is proposed to strike out the words: "*Provided*, That said assessment shall not exceed $1.50 per acre; and".

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CLAPP. Mr. President, the senior Senator from Wisconsin [Mr. LA FOLLETTE] has sent me a bill, which he asked to have offered and adopted as an amendment to this bill at the end of the Wisconsin item. The Senator from Wisconsin is unable to be here to-day, being ill. I, therefore, in his behalf offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Minnesota on behalf of the Senator from Wisconsin will be stated.

The SECRETARY. At the end of the Wisconsin items, on page 96, after line 5, it is proposed to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to set apart lots 10, 11, and 12, section 25, township 48 north, range 3 west, on the La Pointe Reservation in Wisconsin, for an Indian town site, and to cause the lands described to be surveyed and platted into suitable lots, streets, and alleys, and to dedicate said streets and alleys and such lots or parcel as may be necessary to public uses, and to cause the lots to be appraised at their real value, exclusive of improvements thereon or adjacent thereto, by a board of three persons, one of whom shall be the United States Indian agent of the La Pointe Agency, one to be appointed by the Secretary of the Interior, and one selected by the Indians of the La Pointe Band of Chippewas, who shall receive such compensation as the Secretary of the Interior may prescribe, to be paid out of the proceeds of the sale of lots sold under this act, and when so surveyed, platted, and appraised, the President may issue patents to the Indians of the said reservation for such lots on the payment by them of the appraised value thereof, on such terms as may be approved by the Secretary of the Interior, and the net proceeds of such sales shall be placed to the credit of the La Pointe Band of Chippewa Indians: *Provided*, That no person shall be authorized to purchase lots on the lands described other than members of said La Pointe Band of Indians, and those now owning permanent improvements there shall have the preference right for six months from the date such lots are offered for sale within which to purchase tracts upon which their improvements are situated, but no lot shall be sold for less than the appraised valuation; but if any person entitled fails to take advantage of this provision, the agent of the La Pointe Agency shall appraise the improvements on the unsold lots, and any member of the La Pointe Band of Chippewas, on the payment to the owner of the appraised value of the improvements, shall have the preference right for six months from the date of such payment to purchase such unsold lot or lots at their appraised value on such terms as may be approved by the Secretary of the Interior: *Provided further*, That any land disposed of hereunder shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress.

SEC. 2. That the northeast quarter of the northeast quarter of section 34, township 48 north, range 3 west, be set aside and dedicated as a burial ground and for such other purposes as may be approved by the Commissioner of Indian Affairs for the use of the members of the La Pointe Band of Indians.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized to reserve, within said town site of Odanah, not exceeding 10 acres for use of the La Pointe and other Chippewa Indians for fair grounds, parks, and other public purposes.

The VICE PRESIDENT. The question is on the amendment.

Mr. OWEN. Has that amendment been approved by the Interior Department?

Mr. CLAPP. I am not certain as to that, but it leaves everything to the Commissioner of Indian Affairs. It relates to the Bad River Indian Reservation. Odanah is the central seat of population of these Indians. We are practically doing away with the reservation. This is to make a sort of a town site there for the Indians. It provides that all these matters shall be subject to the approval of the Commissioner of Indian Affairs. As I have stated, the Senator from Wisconsin is unable to be here this afternoon and he has asked me to offer the bill as an amendment and to ask for its adoption. Knowing what I do of the situation there—I have been there, of course—I see no possible reason why we should not adopt the amendment.

Mr. SMITH of Arizona. I should like to ask the Senator from Minnesota whether or not this bill now offered as an amendment has been referred to the Committee on Indian Affairs or to the department, and whether or not any investigation has been made by either as to the necessity of this legislation? The bill is so long that it is almost impossible to catch its full import by merely hearing it read from the desk. I do not know to what extent it goes or what precedent it might establish.

Mr. CLAPP. The bill, of course, was referred to the Committee on Indian Affairs. I do not now recall whether or not we considered the bill in committee. It relates to one of those

matters about which, it strikes me, there can be no possible question. We are closing up matters on that reservation. I repeat that Odanah is the central seat of population of the Indians there. The agency is there, as are the store and the offices; and as the matter is being closed up, it is desired that these Indians shall have an opportunity to buy some of the lots. They also want a burying ground and a permanent fairground. So that while the bill is somewhat long it is necessary that it should be so. It provides that these lots shall be surveyed; that they shall first be offered to those who occupy them, reference being had to improvements upon them. If they fail to take them after 60 days, then the lots can be offered to other Indians of that tribe.

Mr. SMITH of Arizona. Is the Senator from Minnesota personally acquainted with conditions there?

Mr. CLAPP. I am thoroughly conversant with conditions there.

Mr. SMITH of Arizona. Then I will take the judgment of the Senator from Minnesota, of course.

Mr. CLAPP. There can be no question about it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Minnesota on behalf of the Senator from Wisconsin.

The amendment was agreed to.

Mr. JONES. To come in on page 90, after the word "school," in line 18, I offer the following amendment:

For enabling the Secretary of the Interior to assist the county commissioners of Stevens County, Wash., in the construction of a county road across the Spokane Indian Reservation, $500, reimbursable out of any proceeds arising from the sale or disposition of surplus lands of said reservation or out of any moneys to the credit of the Spokane Indians.

Mr. ASHURST. If the Senator from Washington will pardon me, there is another committee amendment which was reserved, and before we take up the bill for the consideration of individual amendments I ask that the committee amendment which was passed over be considered.

The VICE PRESIDENT. The amendment passed over, referred to by the Senator from Arizona, will be stated.

The SECRETARY. On page 23, line 10, after the word "Arizona," it is proposed to strike out "$20,000" and insert "$35,600," so as to make the paragraph read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,600.

Mr. SMITH of Arizona. Mr. President, I live in close proximity to the Papago Indian Reservation, and I know of no eight Papago villages in southern Arizona; certainly there is no such number within a reasonable distance of that reservation. I do not know whether the purpose of this provision is to establish eight Papago Indian villages or whether the purpose is to provide a water supply for eight Papago Indian villages now on the Papago Reservation, and thus accomplish the object sought to be accomplished by the amendment which has been struck from the bill, giving $50,000 for the purpose of tapping the water flow on which the city of Tucson depends. So I do not like the provision as it stands. I would not object, provided it were amended, in line 9, so as to read:

For the development of a supply of water for domestic use for existing Papago Indian villages situated on the public lands in southern Arizona.

I do not know but that under this provision the Bureau of Indian Affairs might have authority to go to a water supply claimed by a man owning cattle, and proceed there to establish an Indian village. If the provision were made to apply only to existing Papago Indian villages, I should have no objection to it. I should like to ask the chairman of the committee or any member of the committee who happens to have given this particular provision consideration what eight Indian villages are supposed to exist to which this appropriation of $35,600 is to be applied?

Mr. ASHURST. Mr. President, speaking for myself—I have had no opportunity to consult the committee—I have no objection to the amendment proposed by my colleague.

Mr. THOMAS. Mr. President, $35,600 divided among eight villages would be $4,450 per village. I should think that if the proposed amendment is going to be agreed to, it ought to be more definite, and it would be better to strike it out entirely than thus to amend it. There may be only one or two of these villages, in which event the total of $35,600 would be an excessive sum, upon the assumption, of course, that $4,450 per village is adequate for each of the total number of eight, which the bill recites.

Mr. SMOOT. That amount ought to sink a good many wells.

Mr. THOMAS. It would sink a good many wells, as suggested by the Senator from Utah.

Mr. SMITH of Arizona. Mr. President, I will say to the Senator from Colorado that from the regular Papago Reservation, lying on the river above Tucson, certain small bands of nomadic or roaming Indians stray, and do not stay on the reservation at all. They will go off to the foothills of some of the adjoining mountains or to some swale, away from the reservation, and camp there for six or eight months. If there is sufficient rain, they might attempt to raise a few vegetables, but very few; and whenever that location gets dry and does not graze the little stock they take with them, they will move to another place. As I have said, I do not know where the eight Papago Indian villages referred to are; I know of no such number now in existence; the committee does not seem to know of any such number; and it seems to me a pretty wasteful way to attempt to dispose of public money in so indefinite a manner.

Mr. TOWNSEND. Mr. President, I can just recall something that was said by some witness before the committee—perhaps the Assistant Commissioner of Indian Affairs. It appears that the House provided $20,000 for this purpose, which the Senate committee has raised to $35,600. There was nothing said before the committee which I can recall that did not apply simply to the sinking of wells. It was desired to provide for that, and, possibly, for making ponds where the fall of water was sufficient to justify them. The testimony, as presented by the assistant commissioner or some other witness, was, as the Senator has said, that these Indians are rather a roving band, but will live in villages if located on a piece of ground where they can secure water for their stock and for family uses; and that if wells could be dug for them and they could thereby get water, they would probably settle down more permanently. I do not think it was even suggested by anybody that any of this water would be supplied from any of the streams, but it was all to be procured from wells which were to be dug. I think there was some testimony as to the probable depth of the wells—how far they would have to go to get water—and statements as to what had been done in a few similar instances.

Mr. SMITH of Arizona. I am familiar with the condition which the Senator suggests, and I expected the facts to be presented before the committee as the Senator himself remembers them. The difficulty is that you can never confine that particular tribe of Indians to one particular place. If a well is dug at a place where possibly water can be obtained at a reasonable depth, there is no security on earth that the Indians will stay there one month longer than they want to; the well is there, as it can not be moved, and the cattleman or the farmer who might afterwards desire to use it would be deprived of its use on account of the Indian title.

The Papago Indian Reservation is large enough to afford ample room for every Papago Indian. The whole trouble is that an attempt has been made in one of the provisions of this bill to take the water supply upon which the city of Tucson depends and to apply it to the lands of the Indians. I have no doubt in the world that if the Indian Commissioner could get a sensible Indian agent at Tucson, one who had no other purpose than to adjust the water rights between the Indian and the white man, provision could be made—and it ought to be made—whereby the Indians on that reservation could get much more water than they are now getting, without any injury to anybody; but I can not too strongly condemn the attempt to tap the underflow on which the city of Tucson and everybody below the Indian reservation depends. That has been the purpose here; it has been apparent in bill after bill, and has been stricken out by this body every time it has appeared. No effort has been made to catch the upper flow, the surface flow, of the river and help the Indians with it, but now it is proposed to provide a water supply for eight Indian villages, although I do not know where they exist in spite of the fact that I am quite familiar with southern Arizona. I know of two or three little Indian villages and I know of a dozen abandoned places.

Now, to say that this money shall be applied for the benefit of eight Papago Indian villages in southern Arizona—and southern Arizona is about the size of New England—is so indefinite that nobody knows where this roving commission will dig the wells. If they are dug, it will result in dissipating the Papago Indian Reservation at Tucson and scattering the Indians over the whole country, probably interfering with the rights of men who have been grazing cattle on the land for the last 30 years. I want to limit the broad right covered by this provision, and, therefore, I suggest an amendment so as to make the provision read in this way:

For the development of a supply of water for domestic use for existing Papago Indian villages in southern Arizona, situated on the public lands and outside the Papago Indian Reservation.

I do not think they will find as many as eight Papago villages, but this will confine it to the Indian villages now existing, and not give a roving commission to the Indian agent to go

Mr. President, I will say that the Committee on Appropriations have refused to make appropriations for that sort of business; and, as it is general legislation, I raise a point of order.

Mr. OWEN. Before the Senator raises a point of order——

Mr. BRYAN. Let me state the point of order. It is that it is general legislation on an appropriation bill.

Mr. OWEN. Will the Senator withhold it for a moment?

Mr. BRYAN. I will withhold it.

Mr. OWEN. I should like to advise the Senate that that was prepared by the experts of the Department of the Interior or of the Indian Office, and by Dr. Cleveland, of the Efficiency Commission, and it was done with a view to systematizing the accounts of the department.

Mr. BRYAN. Let me read this to the Senator. Mr. FITZGERALD asked Mr. Abbott who appeared:

What value will it be to the Government to know that one sixty-second part of the services of a superintendent during any fiscal year was devoted to the administration of an oil lease, another one forty-fifth part devoted to the work of forestry on the reservation, and another one thirtieth part devoted to school work—of what value will it be to have all of this multiplicity of records to enable you to report all of this and to submit it to Congress, to be thrown into the wastebasket? Is that what this is for?

Mr. ABBOTT. That is what this is for, as I understand it.

Mr. Abbott said:

I will say very frankly that so far as the value of that kind of work to the Indians is concerned, my time so employed would be a dead loss.

The CHAIRMAN. Tell me some individual in whose case it would not be a dead loss.

Mr. ABBOTT. The usefulness of that information would appear when the commissioner goes before the Indian Committee and some member of that committee asks him to show from the records just what percentage of income from sale of timber or oil leases is paid out in administration. He can not tell from present records.

The CHAIRMAN. It would be absolutely worthless. I have been here 14 years, and the information you would communicate to Congress would not be worth $2 a century.

Then the chairman asked him:

There is one other question. Do you know what arrangements, if any, have been made for the employment of persons to do this work, or who are contemplated?

Mr. ABBOTT. Yes, sir.

The CHAIRMAN. Who are they?

Mr. ABBOTT. One was a member of the Cleveland commission who worked for about two years examining the methods of the Indian Office.

Mr. OWEN. Answering the Senator as to the value of these criticisms, the question in the first place not only shows hostility, but the question was so framed as to be absurd. Of course nobody wants to know about the one sixty-second part of a man's time, or the thirty-fifth part of something else, or a fractional part of something else. That is not the meaning of this at all. It is a misinterpretation of it.

Mr. BRYAN. What is the meaning?

Mr. OWEN. The meaning of it is that the classification of the work done through the Indian Office in part should be so systematized that it will permit the President——

Mr. BRYAN. That is not what the witness said.

Mr. OWEN. The witness does not know anything about it. Abbott is not an expert on the matter, and does not pretend to be. If any question were going to be asked at all, it ought to be asked of the man who had prepared this, and not the man to whom Abbott was opposed.

Mr. BRYAN. Abbott was not opposed to him.

Mr. OWEN. He was opposed to this proposal.

Mr. BRYAN. No; he was not. He said the recommendation did not come from the department. He was advocating it.

Mr. LANE. I should like to explain to the Senator from Florida that the information we wished to obtain was such facts which would protect us from doing what we did last year when this body unwittingly put through over $100,000 of deficits which nowhere showed any accounting. The committee were ignorant of it, and they acted on it in good faith, and they were passed as live appropriations. If that kind of business was carried on by bankers or other business concerns, somebody would be under criminal indictment and would walk into the penitentiary. It is for the sake of getting information for the Senate so that they may know what they are doing and act upon that information.

Here is another case. There are two funds, two large sums of money, each amounting to $500,000, belonging to some tribe, of which I can get no record from the Indian Office, although I have been hunting for it for a number of days.

Mr. BRYAN. That is not because of the failure to have such a provision as this.

Mr. LANE. It is because of the failure to have an up-to-date system of accounting in the Indian Office.

Mr. BRYAN. That is not because of failure to have such a provision in the law.

Mr. OWEN. It was because of the failure to have a system of accounting in the Indian Office.

Mr. BRYAN. I raise the point of order against the amendment.

Mr. OWEN. Let me call the attention of the Senator to the language of this proposal. It is to establish a system of bookkeeping which will, in line 19, afford a ready analysis of expenditures—

by appropriation.

That is one class.

By appropriations and allotments—

That is another class—

And by units of the service.

That is a third class.

That does not deal with the number of hours an employee may be engaged. A great many men are employed for certain classes of work.

Mr. BRYAN. I think the Senator is mistaken.

Mr. OWEN. I think the point of order can be made, but it is not justified.

Mr. BRYAN. I make the point of order.

The VICE PRESIDENT. What is the point of order?

Mr. BRYAN. The point of order is that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair overrules the point of order. The amendment has to do with the Indian appropriation bill and the keeping of the accounts of this appropriation.

Mr. BRYAN. Then, upon the merits of the proposition, I desire to submit that the Senate specifically, by section 26 of this bill, repeals section 26 of the appropriation act of last year; for the administration Congress refused to appropriate. It seems to me that the House acted more wisely than the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, at the top of page 101, to strike out section 25, in the following words:

SEC. 25. Section 26 of the Indian appropriation act of June 30, 1913 (Public, No. 4), is hereby repealed.

The amendment was agreed to.

Mr. TOWNSEND. Mr. President, there are some matters to come up of importance, and I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Owen	Smith, Mich.
Borah	Hollis	Page	Smoot
Bristow	James	Perkins	Sterling
Bryan	Jones	Pittman	Sutherland
Camden	Lane	Poindexter	Swanson
Catron	Lea, Tenn.	Ransdell	Thomas
Chamberlain	Martine, N. J.	Reed	Thompson
Chilton	Myers	Saulsbury	Thornton
Clapp	Nelson	Shafroth	Tillman
Clarke, Ark.	Newlands	Sheppard	Townsend
Culberson	Norris	Shively	Vardaman
Cummins	O'Gorman	Smith, Ariz.	West
Dillingham	Oliver	Smith, Ga.	White
Fletcher	Overman	Smith, Md.	Williams

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Delaware [Mr. SAULSBURY] and to state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. HOLLIS. I wish to announce that the Senator from Delaware [Mr. SAULSBURY] is necessarily absent and that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. SHIVELY. I wish to announce the absence of my colleague [Mr. KERN] on important business. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-six Senators have answered to their names. There is a quorum present.

Mr. LANE. Mr. President, if it is a proper time to do so, I would call up the reconsideration of the item on page 80, beginning in line 15, and concluding at line 14 on page 81. I asked that it be passed over in order to have a consultation by telephone with the Commissioner of Indian Affairs in regard to an amendment to it. I would like to have it considered now.

Mr. ASHURST. It will not be necessary to reconsider the amendment. It was passed over.

Mr. LANE. It was passed over. The same appropriation was made for all the other States allowing the Secretary to purchase agricultural implements and seeds.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. There were two more amendments passed over, one on page 25.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, beginning with line 17, the amendment was passed over on the request of the Senator from Oregon [Mr. LANE]. The amendment is to insert, after line 16, on page 25, the following:

For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, $50,000.

Mr. LANE. I withdraw my objection. I have no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The first amendment passed over will be stated.

The SECRETARY. The first amendment passed over is the amendment of the committee, on page 14.

Mr. ASHURST. I ask the attention of the Senator from Minnesota [Mr. CLAPP] with reference to an amendment proposed by him to the committee amendment on page 56. I asked that it might be passed over until I could have a consultation with some other members of the committee. I now ask the Senate to recur to that amendment.

The SECRETARY. On page 56, strike out the House text, beginning on line 13, down to and including line 2, on page 57, and insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Standing Rock Indian Reservation, N. Dak., the said sum to be expended in its purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I want to recur to a committee amendment that was agreed to on page 63. If the chairman of the committee has no objection, I ask unanimous consent for a reconsideration of the vote by which the amendment was agreed to.

Mr. ASHURST. Very well.

Mr. OWEN. I did not hear what the amendment was about.

Mr. SMOOT. It is the amendment on page 63, relative to the Fort Sill School.

Mr. OWEN. I have no objection.

Mr. SMOOT. Beginning on line 15 and ending on line 22.

The SECRETARY. The amendment referred to is on page 63, beginning with line 15. It reads as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of $10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

The VICE PRESIDENT. The motion to reconsider is agreed to, without objection.

Mr. SMOOT. I wish to say to the Senate that when this amendment was under consideration I rose for the purpose of making a point of order against it as obnoxious to Rule XVI, paragraph 4. At that time I knew little about the conditions and little about what were the real merits of the amendment.

This morning I had a very prominent citizen of Washington call at my office and tell me that the item should not be allowed to remain in the bill. He gave me the reasons why it should not be, and I am quite sure that he is perfectly sincere in the position taken by him. As this is a claim against the Government, it should be a claim made direct by way of a bill and should not be placed on an appropriation bill; and for the further fact that my entering a point of order against this item will in no way affect the claim of the Women's Board of Domestic Missions I feel constrained at this time to make a point of order against this item.

The VICE PRESIDENT. Under paragraph 4 of Rule XVI?

Mr. SMOOT. Rule XVI, paragraph 4.

The VICE PRESIDENT. The point of order is sustained.

Mr. OWEN. On pages 73 and 74 an item went out on a point of order, permitting the Muskogee Nation to present its claim to the Court of Claims. In lieu of the item which went out I should like to offer the following, and I hope that no objection will be made to it.

The VICE PRESIDENT. It has been the universal rule since the present occupant of the chair has been here to dispose of committee amendments first.

Mr. OWEN. I thought they had been disposed of.

The VICE PRESIDENT. They have not been disposed of.

Mr. OWEN. I beg pardon.

The VICE PRESIDENT. The next committee amendment passed over will be stated.

The SECRETARY. The committee amendment was passed over on page 14. The committee proposes to strike out beginning with line 11 down to and including line 22, on page 14, and to insert:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment or in any other estate or property held in trust by the United States under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That the Commissioner of Indian Affairs is hereby authorized to use not to exceed $20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians out of the $100,000 appropriated herein: *Provided further*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior there shall be paid by such heirs, or from the estate of such deceased Indian, or deducted from the proceeds from the sale of the land of the deceased allottee, or from any trust funds belonging to the estate of the decedent, the sum of $10, to cover the cost of determining the heirs to the estate of the said deceased allottees, which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior on or before the first Monday in December of all moneys collected and deposited as herein provided: *And provided further*, That the Secretary of the Interior is hereby authorized to require the attendance of witnesses at hearings, upon proper showing by any of the parties to determine the heirs of decedents, held in accordance with section 1 of the act of June 25, 1910 (36 Stats., p. 855), and the amendment of February 14, 1913 (37 Stats., p. 678), under such rules and regulations as he may prescribe.

The VICE PRESIDENT. There was an amendment to this amendment agreed to as in Committee of the Whole, which the Secretary will state.

The SECRETARY. On page 16, line 2, the words "authorized to inquire the," before the word "attendance," were stricken from the bill and the words "directed to compel the" were inserted.

Mr. STERLING. Mr. President, I made a point of order against this amendment on the ground that it was general legislation, but made it, too, because of some objection I felt at the time to this method of determining the heirs of Indian allottees.

Upon reflection, however, and some investigation, I am not disposed to insist on the objection. It may be that under present conditions the method contemplated by the amendment is the better method for determining the heirs.

The VICE PRESIDENT. The point of order is withdrawn?

Mr. STERLING. The point of order is withdrawn.

The VICE PRESIDENT. The question is on the amendment as amended.

Mr. STERLING. Before the question on the amendment is put, I wish to call the attention of the committee to one expression found in line 25, page 14. The amendment reads:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment—

And so forth.

It occurred to me that the words "and other persons" were too broad and comprehensive in this connection and would include other persons than Indian allottees or related in any way to Indian allotments. They might be white persons for whom the United States would hold in trust, for example, and there would be no necessity for determining the heirship of such persons by the Secretary of the Interior. Such heirship should be determined in the ordinary way by the probate court of the

Treasury, and we want it in cash.

sioner of Indian Affairs.

$40,670" and insert "$6,000; in all, $42,670," so as to make the clause read:

SEC. 23. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., including pay of superintendent, $36,670; for general repairs and improvements, $6,000; in all, $42,670.

The amendment was agreed to.

The next amendment was, on page 91, after line 2, after "$6,000," to strike out "in all, $49,450" and insert "for the construction of an employees' building, $15,000; in all, $64,450," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., including pay of superintendent, $43,450; for general repairs and improvements, $6,000; for the construction of an employees' building, $15,000; in all, $64,450: *Provided*, That the appropriation of $2,500 for repairing and rebuilding a barn at the Tomah School, contained in the Indian appropriation act of August 24, 1912 (37 Stat. L., 538), is hereby reappropriated and made immediately available for the purpose for which appropriated.

The amendment was agreed to.

The next amendment was, on page 91, after line 9, to insert:

That within 90 days after the approval of this act a complete roll of the unallotted members of the La Pointe or Bad River Band of Chippewa Indians of the State of Wisconsin, entitled to allotments under existing laws on the Bad River Reservation, shall be made and completed by the Secretary of the Interior with the assistance of a committee of members of said band duly appointed by a general council of the Bad River Band of Chippewa Indians called for that purpose. Immediately thereafter allotments of land (exclusive of the merchantable timber thereon) within said reservation shall be made in conformity with the provisions of the treaty of September 30, 1854 (10 Stats. at L., p. 1109), and subsequent acts of Congress relating thereto, to all persons so enrolled who may be alive at the time of the approval of this act. Patents for allotments made hereunder, subject to the provisions herein relating to the sale of timber and the distribution per capita of the proceeds therefrom, shall issue to the respective allottees without delay, and such patents shall contain a clause reserving to the United States the right to cut and market merchantable timber on the lands so allotted, the proceeds to be disposed of as herein provided. When the merchantable timber has been cut from the lands so allotted, the title to such timber as remains on said lands shall thereupon pass to the respective allottees: *Provided*, That the clause relating to the cutting and marketing of merchantable timber shall be omitted from all patents issued for allotments from which the merchantable timber has been cut and removed at the date of such patent.

That the Secretary of the Interior be, and he hereby is, authorized to sell the merchantable timber on all unallotted lands within the Bad River Indian Reservation, in the State of Wisconsin, under such rules and regulations as he may prescribe; the net proceeds derived therefrom, together with any undistributed proceeds derived from the sale of timber heretofore cut and sold from such lands, shall be distributed per capita and paid to the members of the band enrolled under the provisions of this act, where such members are or may hereafter be adjudged by the Secretary of the Interior competent; and in cases where members have not been adjudged competent by the Secretary of the Interior their shares shall be deposited to their individual credit as individual Indian moneys are now deposited and paid to them, or used for their benefit under the supervision of the Secretary of the Interior: *Provided*, That before approving any contract covering the sale of timber on any of said tribal lands the Secretary of the Interior shall refer the said contract or contracts to the unallotted Indians of the Bad River Band for an expression of their views as to the price, terms, and conditions of sale, in which matter the interests of minors shall be represented by their parents or natural guardians: *Provided*, That of the amount now on hand derived from the sale of tribal timber, at least $500,000 shall be distributed among such allottees enrolled under the provisions of this act where the same are competent, or, where the allottees are incompetent, deposited to their individual credit as individual Indian moneys are now deposited, within 90 days from the date of the approval of the roll by the Secretary of the Interior as herein provided: *Provided further*, That in the event a fair and adequate price is not offered for the merchantable timber on the Bad River Reservation authorized to be sold under the provisions of this act, the Secretary of the Interior may, in his discretion, cause to be built, equipped, and operated a suitable sawmill or sawmills, with appurtenances and necessary buildings, on the Bad River Reservation, for the purpose of manufacturing said merchantable timber into lumber; and he is hereby authorized to use so much of the proceeds from the timber heretofore sold, exclusive of the $500,000 herein authorized to be disposed of, to erect said sawmill or sawmills, said mill or mills to be constructed, operated, and maintained under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

Mr. OWEN. Mr. President, I ask to submit for the RECORD, without reading, a memorandum in explanation of that item.

The VICE PRESIDENT. Without objection, the memorandum will be printed in the RECORD.

The matter referred to is as follows:

WASHINGTON, D. C., *June 18, 1914.*

To the honorable Senate Committee on Indian Affairs:

On page 91 of the Indian appropriation bill as reported to the Senate is an item providing for the allotment of the tribal lands and the sale of the tribal timber on the Bad River Reservation in the State of Wisconsin.

The proposed legislation represents the wishes of a very large majority of the people of our reservation, and has been formulated with great care so as to meet the views of the Indians, the Indian Office, Senator LA FOLLETTE, and our Representative, Mr. LENROOT.

No one has authority from the Indians on our reservation to oppose the passage of this measure, and if anyone assumes to do so it will be a wrongful act.

The Indians kept a delegation in Washington for many weeks at the last session of Congress, and again at the present session, to accomplish the passage of this very legislation.

The allotment of our lands has been postponed since 1904, with great injustice, hardship, and loss to those members of the tribe who have not received allotments. Two rolls have been prepared in vain.

Much timber has had to be removed at a loss on account of damage by fire, and $635,000 is to-day deposited in bank, of which the members entitled to allotment are in sore need, but which they can not enjoy so long as enrollment and allotment are not completed.

Aged members of the tribe have been living in disappointment and distress from year to year, and many have gone to their graves without the benefit of the property which was theirs but for the lack of this legislation. The advantages that they could have enjoyed in their home life, in the education of their children, and in the improvement of their lands have been withheld from them.

We therefore ask the members of the committee to receive this final assurance from us as the duly authorized representatives of the Bad River Band of Chippewas of Wisconsin that no one has authority from our people to oppose this legislation and that the failure of the measure will be a calamity to the Lapointe, or Bad River, Band.

Very respectfully,

Tribal Delegates.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 94, after line 11, to insert:

That the Secretary of the Interior be, and he is hereby, directed to cause an investigation to be made of the condition and tribal rights of the so-called St. Croix Chippewa Indians now residing in the counties of Polk, Burnett, Washburn, and Douglas, State of Wisconsin, and said to be in a destitute condition. That he shall ascertain and report to Congress at the beginning of the next session thereof whether the said Indians belong to the Lake Superior Chippewa of Wisconsin or to the Chippewa of Minnesota; what tribal rights, if any, they have with any band or tribe of Chippewa Indians residing in either Minnesota or Wisconsin; what benefits in land and money they would have received had they removed to a reservation in Wisconsin or had not been excluded from enrollment and allotment with the Chippewa Indians of Minnesota under the provisions of the act approved January 14, 1889 (25 Stat. L., 642). That he shall cause a census and enrollment to be made of the said St. Croix Chippewa, and shall report their actual condition and needs, with such recommendation for their relief as he may deem necessary. That for the purpose of making the said investigation and enrollment and for the immediate relief of such of the said Indians as are now in need of food, clothing, medicines, and other supplies, to be expended under the direction of the Secretary of the Interior, there is hereby appropriated from the Treasury of the United States, out of any moneys not otherwise appropriated, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

The amendment was agreed to.

The next amendment was, under the head of "Wyoming," in section 24, on page 96, after line 22, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Shoshone Reservation, Wyo., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

Mr. CLAPP. Mr. President, before we go further, on page 95, line 6, at the end of the line, the word "relief" is not properly printed.

The VICE PRESIDENT. That is a clerical error, such as the Secretary always corrects. The Secretary will correct it.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 98, line 7, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Wind River Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. WARREN. I make a point of order against the proviso, commencing on line 7 and going to line 16.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 98, after line 21, to insert:

For reimbursing Right Rev. N. S. Thomas, Episcopal bishop of Wyoming, for moneys expended in repairs to buildings on the Wind River Reservation, Wyo., $391.84; and permission is hereby granted the beneficiary to remove a certain barn erected by him upon the reservation.

The amendment was agreed to.

The next amendment was, at the top of page 99, to insert as a new section the following:

SEC. 25. That no appropriation in excess of $5,000 to be paid from Indian funds or which is reimbursable from Indian funds shall be expended by the Secretary of the Interior or by any other officer or agent of the United States, and no new irrigation project to be paid in whole or in part from Indian funds shall be begun until the Indians whose funds it is proposed to use for the purposes mentioned in such appropriations or for such irrigation project shall have been consulted and given a fair opportunity to express in writing their views thereon, either through their duly authorized business committee or through a general council meeting of said Indians: *Provided*, That as to irrigation projects hereafter authorized, no expenditure shall be made until the Commissioner of Indian Affairs shall have determined that the same is approved by a majority of the tribe whose fund is to be charged with said expenditure.

Mr. SMOOT. Mr. President, I should like the Senator having the bill in charge to explain the real object of this amendment.

Mr. TOWNSEND. Mr. President, the object of the amendment is stated, I think, rather clearly, but in the abstract it means that hereafter the Indians whose funds are to be charged with any appropriation in excess of $5,000 shall be consulted.

The commission that visited the Indians during last fall were impressed with one thing perhaps more forcibly than any other, and that was that the Indians complained that they did not know what was going on and that they were never consulted in the management of their own affairs. In years past—and I think the plan is kept up to some extent now—they have had the plan of organizing a council among the Indians, to whom matters affecting the tribe were referred. That has been, where it has been observed, a very wholesome regulation, I think.

We have provided here that all matters affecting the tribal funds involving an expenditure of $5,000 or more shall be submitted to the tribe and that the tribe shall understand that the appropriation is to be made out of their funds. The amendment provides, further, that so far as irrigation projects for the future are concerned any project which is to be organized, established, and maintained out of the funds of the tribe shall not only be submitted to the tribe to which the fund belongs, but a majority of them shall approve it.

The testimony will disclose that several of the projects, notably the Flathead project, never would have been undertaken if they had been first submitted to the Indians. I think it is generally conceded now that the Flathead project never ought to have been undertaken. I think the testimony will disclose that there is about $1,800,000, or perhaps more, either expended or to be expended upon this project in a country where irrigation is of practically no avail whatever and that it was opposed by the Indians. I have been told that the matter was submitted to the tribe when it was first undertaken, but I have also investigated that question, and I find that it was not properly submitted to the tribe.

We have felt that if we are ever going to make them self-supporting, independent, self-respecting citizens these Indians must be given an opportunity to share in the responsibility of their own affairs.

I realize, I think, what the objections to the provision will be. There is a claim, of course, that there will be certain Indians, who perhaps have more influence than others, who will overpersuade the tribe. I am convinced, however, that that is an exaggerated statement. I think as soon as the Indians are aware of the fact that they do have an interest and a voice in the beginning, at least, of these projects, they will manifest an ability which thus far has been undiscovered in many of the tribes. This applies particularly to the Indians on territory which it is proposed to irrigate.

With this provision I think we would obviate any future conditions such as have existed in the past in reference to the overreaching of the Indians in their own projects by the expenditure of their own money.

For these reasons this provision was put in. I believe it is a good thing to put it in. I think it is one of the most wholesome things in the bill. If we have any faith in the Indian, if our object is a sincere one, and we do intend by these large expenditures of money to make the Indian self-supporting and to make him responsible it is about time we commenced doing it. Therefore I have proposed this amendment, after consulting with the Department of the Interior and after consulting with people who have had charge of the Indian and are familiar with his characteristics, believing this is a wholesome provision to include in this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The Secretary proceeded to read the next amendment of the Committee on Indian Affairs, beginning on line 16, page 99.

Mr. OWEN. Mr. President, before the last item is left I should like to suggest that the word "tribal" should precede "funds" on page 99, so that it shall read "Indian tribal funds" wherever the word "funds" occurs. That is what is really meant.

Mr. TOWNSEND. I have no objection to that.

The VICE PRESIDENT. Without objection, the vote whereby the amendment was agreed to will be reconsidered and the word "tribal" inserted before "funds" wherever it appears; and, without objection, the amendment as amended is agreed to.

The next amendment, of the Committee on Indian Affairs was, on page 99, after line 15, to insert as a new section the following:

SEC. 26. On or before the 1st day of July, 1914, the Secretary of the Interior shall cause a system of bookkeeping to be installed in the Bureau of Indian Affairs which will afford a ready analysis of expenditures by appropriations and allotments and by units of the service, showing for each class of work or activity carried on the expenditures for the operation of the service, for repairs and preservation of property, for new and additional property, salaries and wages of employees, and for other expenditures. Provision shall be made by the Secretary of the Interior for further analysis of each of the foregoing classes of expenditures if, in his judgment, he shall deem it advisable. Annually, after July 1, 1915, a detailed statement of expenditures, as hereinbefore described, shall be incorporated in the annual report of the Commissioner of Indian Affairs and transmitted by the Secretary of the Interior to Congress on or before the first Monday in December. Before any appropriation for the Indian Service is obligated or expended the Commissioner of Indian Affairs shall make allotments thereof in conformity with the intent and purpose of this act, and such allotments shall not be altered or modified except with his approval. Thereafter, in submitting estimates for the expenses of the Indian Bureau, the Secretary of the Interior and the Commissioner of Indian Affairs shall omit therefrom all treaty items except perpetual annuities and benefits, for fixed unexpired terms, and in cases where treaty appropriations are to be discontinued under this provision and those appropriations are necessary for the support and civilization of the Indians, there should be estimated gratuity appropriations therefor. There is hereby appropriated $10,000 for the purpose of carrying out the provisions of this section: *Provided*, That the report herein directed shall be in lieu of all other reports required to be made to Congress by the Commissioner of Indian Affairs or the Secretary of the Interior relating to Indian Affairs, except as provided in this act.

Mr. BRYAN. Mr. President, I wish to inquire of the chairman of the committee what is the purpose of section 26?

Mr. ASHURST. In reply to the inquiry of the learned Senator from Florida regarding the effect and purport of section 26 of the bill, I will read from page 62 of the report of the committee on this item:

The amendment provides $10,000, and has in view a more complete and concise system of accounting by the department. This item has been carried in previous appropriation bills, but was not finally made applicable until the present, when the Commissioner of Indian Affairs has requested the amendment in the form proposed. It comprehends the condition of complete and perspicuous accounts at stated intervals, omits treaty items, except perpetual annuities and benefits, for fixed unexpired terms, and in cases where treaty appropriations are to be discontinued under this provision and those appropriations are necessary for the support and civilization of the Indians there shall be estimated gratuity appropriations therefor.

The amendment is recommended by your committee.

Mr. BRYAN. Section 25 of the bill as passed by the House, as I understand, repeals a similar section that found its way into the appropriation bill last year.

Mr. ASHURST. That is true.

Mr. BRYAN. No appropriation, however, was made in the Indian appropriation bill of last year for this cost-accounting system.

Mr. ASHURST. That is true.

Mr. BRYAN. When the Committee on Appropriations was asked to appropriate money to carry out this cost-accounting system it refused to do so, according to the hearing held before the House Committee on Appropriations a few months ago.

Let me ask the Senator how many employees there are as to whom it would be undertaken to find out what proportion of their time was employed in one branch of the service and what proportion was employed in other branches of the service? As I have it here, according to the answer given by the chairman of the House committee, there are 6,228 employees.

Mr. ASHURST. What is the date of that hearing?

Mr. BRYAN. July, 1913.

Mr. ASHURST. I should say that was approximately correct.

Mr. BRYAN. Of what benefit is it to the Committee on Indian Affairs to know what proportion of the employees' time is spent in examining oil leases, what proportion is spent in teaching school, and so forth?

In the hearings before the House committee the representative of the department stated that the request did not come from the department, but from one or two of the members of the Committee on Indian Affairs. According to him, about all that could be accomplished would be to provide places for one or two men to do this work, which would consist in trying to estimate what proportion of the day's work ought to be charged to one activity and what proportion to others.

The matter referred to is as follows:

SOUTHERN UTE INDIAN COUNCIL, GOOD NIGHT HALL,
Ignacio, Colo., April 19, 1914.

SPEECH OF BUCKSKIN CHARLIE, CHIEF.

When I was in Washington, many years ago, with several prominent Indian chiefs, we made a treaty with the Government in regard to giving up some of our lands. This treaty said that we Utes were to receive an annual cash payment as long as a member of our tribe remained alive. Now that the Court of Claims gave us a judgment enlarging that fund, I can not see where the treaty is changed. We have not asked for a change in that treaty, nor were we consulted as to changing that treaty. As it takes two parties to make a treaty, it takes two parties to change the treaty.

We hear that the Indian Office at Washington wants to set that treaty aside, and in place of the money that we received annually it is going to issue cattle or sheep to us instead. Now, we do not want any more cattle than we have. We have no range, and we can not put them on the regular forest reserve, because that range is all taken by the whites. Even the whites are being turned off the forest reserve, because there are too many cattle and sheep there now. Then, again, we Indians can not compete with the whites in raising cattle and, besides that, the whites will steal the cattle from us as they have taken our cattle and horses in the past. We have 160 acres of land each, but of such sagebrush land it requires 40 acres to pasture 1 cow.

Our old people need their money to buy something to eat. How do you think that old people could care for cattle? You say that they can herd them on vacant patches left around their allotments, but there is no vacant land any more; it is all taken up by the whites.

We want to stand by the old treaty; we do not ask to have it changed. We want the principal to stand as before the last judgment was rendered. We do not even ask that this fund be apportioned per capita, because it may be poorly spent and some of the tribe would be without food or clothing in a short time. Some Indians are like some white people around here, they do not know how to care for money.

The treaty was so made that we were to receive the annuity every fall so that we could buy food and clothing for the cold weather. We know that this is our money, because it is the payment for our land that we sold. The Government got it cheap enough, then why do they object to paying the money.

We are all under the Commissioner of Indian Affairs, and we have the right to ask him to help us to get Congress to appropriate the money so that he can pay it to us. Mr. Commissioner, you are paid to take care of us. You should see that the treaty is kept. We are friendly with the whites and have behaved ourselves and have progressed ahead of the rest of the Ute Tribes. Now, for that are you going to put us back with the rest of the Utes who were not so progressive? Is that right?

It is possible that some of our Utes could use a few cows, but they should have the right to buy them when you send us the money. The commissioner has nothing to do with that money. You think that we could get along better if we had cattle. I say no. We have no range. The Navajo Springs Utes have lots of range; they could use cattle, but we are now trying to have small farms, and if we have cattle, how could we feed them, and the result would be that they would die in winter or the whites would take them and sell them to those who could feed them, like they do with our horses. Then we would have no cattle and no money.

We can live nicely with our little farms and our annuity payment in cash. We would not even need an agent. Maybe a few Utes drink or gamble, but don't other Indians and whites have the same trouble? You can't change the nature of Indians so quick as that. We are Indians, and if you let us live our way and give us what is coming to us, we will be all right. We can take care of ourselves.

CHARLES BUCK.

NANICE, COUNCILMAN.

I am satisfied with the cash-annuity payment as it was given to us in the treaty. Our great Chief Ouray made that treaty for us with the Government. We want the cash, and we do not want the cattle that the Government wants to send us. We do not have pasture land enough to keep cattle. It would be too bad to give cattle to old people who have no one to care for them and maybe have some one take the cattle away from them. But with the cash the old people can buy what they need and no one can take it away from them.

We want only the interest money, not the principal. If the commissioner thinks different, he is wrong, and knows nothing about our conditions. Or, if he does, he is not trying to help us. If Mr. Leonard, Mr. Fry, or Mr. Linnen tells the commissioner different, they tell wrong stories, or they get their information in the wrong place.

If you give those Indians cattle and they lose them, as they have lost all their range horses to the whites, they will starve to death.

NANICE.

WEASELSKIN, OR GUS WILLIAMS.

Our chief, Buckskin Charlie, went to Washington, and he knows that the treaty was made, and the money must be in the Treasury. This money is for the sale of our land and coal and timber, and, as it is coming to us, we want it. That money is due every fall. It belongs to us, to the whole tribe, and it should be paid in cash. What right has the commissioner or any of the other men who run the Indian Office to change a treaty that was made 40 years ago, when they had nothing to do with making that treaty. It looks as though you wanted to do us a wrong. We want our money, just as you want yours. We make no objection as how you spend your money. So give us ours and we will take care of it.

I have a herd of sheep and have all kinds of trouble herding them. Just as soon as my sheep leave my allotment, which is not far away, the whites and Mexicans are after me, and kill my dogs and make much trouble for me.

GUS WILLIAMS.

EDWIN CLOUD, COUNCILMAN.

Why do the commissioners want to cut out a treaty that the Government made with our great Chief Ouray? The Washington officers told Ouray, "Here is your money, and we will pay your people every fall." Now we want to stick to that old law, and you have no right to change that law without our consent. We represent Ouray now, as he is dead. We have the same right to that treaty as he had. You did not tell Ouray that after a while we will change that treaty. You did not tell him that after a while you would not give him money, but would change it to cattle, horses, or chickens. No; the money is in the Treasury, and we want it in cash.

Ouray was a great man, as other great men who died and who made treaties, and they can not be broken unless Ouray's people say so.

The white people have so crowded the range that they have no room for their cattle. They quarrel about the range now. How could a little tribe of Indians expect to get a share of the range, and it is out of the question to keep more than one cow to the family on our allotments? Then, we have horses, and must keep pasture and raise feed for them for winter.

EDWIN CLOUD.

NICHOLAS EATON.

I want to know when the Government will pay us for all the coal land they took from us. It is about 17 years since the reservation was thrown open for settlement. We are dying off, and no settlement is made with us. Why do you let us wait so long? Why do you make us hold council meetings and get our white friends around here to help us—yes; fight for us? You act as if you were our enemies and not our friends.

We know that the money is in the Treasury for us, because Ouray made the treaty and the Indian Office has nothing to say about it. The treaty tells how it should be paid. It should be paid in the fall, when we need it. We don't want the cattle, we don't need them, but we do need the money pretty bad. If you don't give us the money, how are we going to live? How are we going to buy something to eat? If we look for meat in the mountains, somebody else will jump onto us.

What does Congress say about the cash payment? Do they think it is wrong for us to get the money? We are here in a big council, and every man here says we want our money, not cattle, and we want Congress to make the commissioner to give us our money. The commissioner thinks we should have cattle, but he is wrong. If he insists on sending the cattle, we will not take them under any condition. That is why we tell Congress how it is with us.

NICHOLAS EATON.

CYRUS GROVE, COUNCILMAN.

The Government is our father, the same as I am the father of my family. The Government can not say, "This is your money, but I will not give it to you." If I as father of my children never gave them anything, what would become of them? Now we ask our father to give us what belongs to us, and we have a right to ask it when we need it. It is all right for our father to take care of our money for us. We are not asking for all the money, just for the interest of it.

The commissioner wants us to have cattle. I have a herd of cattle, and I had so much trouble with the whites on account of them that I got rid of most of them. I do not want to have trouble on account of the cattle. Sometimes I nearly had a fight about the cattle, and in winter they almost starved because I could not buy hay enough for them.

CYRUS GROVE.

JOSEPH PRICE, COUNCILMAN.

We want our money just as the treaty says. That treaty was made by our great chief, Ouray. A long time ago our chief, Ouray, made a treaty with the Government. He made a trade with the Government for the Utes where they gave timber, coal, and land to the whites. We gave a great deal in that treaty, and now that Ouray is dead we have a right to speak for ourselves, and we want the money for that timber, coal, and land.

When all the Utes die, what good is the money to them? What good is the money to us when we are dead? We want it now, while we are alive. We are dying fast enough now, and the money would help us a little and make us happier.

I heard that our friend the commissioner wants to buy cattle for us, but we do not want the cattle. Why don't the commissioner ask us if we want sheep or cattle? He don't. He has it in his mind that we need the cattle, but his mind is mistaken. This is no place for sheep or cattle. Sheep can not live on an allotment a day with horses. When we got the cash we were satisfied, but what was $25 a year? We bought some food and clothing and it soon was gone, but the Government thinks that is a lot and we ought to get rich.

JOSEPH PRICE.

JIM BUSH, COUNCILMAN.

We do not want cattle; the money is due the Utes, and we want the cash. We did not get all the interest so far that is due us. You say the last judgment was for $3,408,611, and it was rendered in February, 1911. Well, 4 per cent of that sum is $136,400 a year, and for two years it is $272,800. Only $260,000 was appropriated, so that is $72,000 short; and you say that all is paid up to date. How do you figure that? We have small allotments and can keep one cow, but that is all; that one cow would not support us.

JAMES BUSH.

JOHN PAUL, COUNCILMAN.

Our father—the Government of the United States is our father, and we know that he has our money, and we think it is right if we ask for it; and we ought to get it. We ought to have it when we need it. I do not think that he can refuse to give it. The Government ought to stick to the treaty. If it wants us to trust the Government, they ought to be honest. If it goes back on its word, how can you expect a poor tribe of Indians to do great things?

JOHN PAUL.

We, the Southern Ute Indians in council assembled this 19th day of April, 1914, were present and listened to our men speak, and know that they speak the truth, and we stand by their ideas and sign our names in acknowledgment thereof.

Thomas Sage, Shoshoni, Alfred Colorado, John Thompson, Nato Chase, Joseph Watts, Dowatte, Alfonso Kuchier, Ben Bean, Peter Eaton, Marine, Marez Washington, Tawache, Sam Bean, Frita Knebler, Bird Red, John Knebler, John Tyler, Max Watts, John Weaver, Peter Spencer, Fred Grant, Antonio Buck, Jacob Box, Amos Eagle.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

Mr. SMOOT. Now, Mr. President, following the amendment just agreed to, I offer the amendment which I send to the desk. I will say to the Senator having the bill in charge that this is the other amendment referred to in the letter from the Commissioner of Indian Affairs.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Following the amendment just agreed to it is proposed to insert:

That the Secretary of the Treasury is hereby authorized and directed to segregate and set apart on the books of the Treasury to the credit of the several bands of Confederated Ute Indians, in proportion to their respective numbers, the trust funds known as "Confederated Bands of Utes 4 per cent fund," appropriated by the act approved March 4, 1913 (37 Stat. L., 934), together with such amounts as may accrue to said fund from the sales of lands under the agreement between said Indians and the United States, ratified by the act approved June 15, 1880 (21 Stat. L., 199); and the Secretary of the Interior is hereby authorized to expend the sum of $125,000 from the portion belonging to the Navajo Springs Band in Colorado for their use and benefit, and the sum of $300,000 from the portion belonging to the Uintah, White River, and the Uncompahgre Ute Indians in Utah for their use and benefit, in such manner and under such rules and regulations as he may prescribe.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 85, line 21, after the words "the sum of," to strike out "$10,000" and insert "$15,000," so as to make the clause read:

To carry into effect the provision of article 9 of the treaty of March 2, 1868 (15 Stat. L., 619), with the Confederated Bands of Ute Indians, for furnishing seeds and agricultural implements, the sum of $15,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 86, line 4, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Uintah Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

So as to make the clause read:

For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, and to maintain existing irrigation systems, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $50,000, to remain available until expended: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Uintah Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SUTHERLAND. Mr. President, I said on Saturday all that I care to say about the general question that is involved in this class of amendments, but I desire to call attention to one fact that distinguishes this reservation from, I think, all the other reservations involved in the bill, and that is that the territory upon which this reservation is situated came to us from Mexico by virtue of the treaty of Guadalupe-Hidalgo, entered into in 1848.

The Indians of Mexico occupied a somewhat different status from that occupied by the Indians of the United States. The rule which was adopted by the colonists and afterwards by the United States Government was that the Indians who roamed over the lands had a title by occupancy, or a right by occupancy, which subsisted until by treaty or purchase the Government of the United States had acquired it. Under the laws of Mexico, originally the Spanish law, the nomadic tribes had no such right. There were two classes of Indians in the territory subject to the Mexican Government. One was the Pueblo Indians, who were recognized as having a right to the soil, while the nomadic Indians, or the so-called "blanket" Indians, under the law of Mexico, had no right to the soil whatsoever. They had no recognized right to the soil over which they roamed any more than had the animals to the lands over which they roamed.

The rule of law is settled beyond question that when a country obtains territory from another by treaty it acquires exactly the title which the ceding nation had. Therefore, we took this territory from Mexico, discharged from any obligation whatever to the Indians. The Indians had absolutely no right and no title, and none passed to them when we acquired the territory. No treaties with reference to this reservation were ever entered into with the Indians. It was simply set apart for their occupancy by an Executive order. Therefore, even if it were true—which I think it is not, as I attempted to show the other day—that in these reservations elsewhere the Indians would have some sort of right to the water by virtue of their right of occupancy of the soil, that doctrine could not apply to the Uintah Reservation, and this forms an additional and very strong reason why this amendment should not be adopted.

I make the point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 86, after line 13, to insert:

To enable the Secretary of the Interior to protect the north abutment of the Government bridge at Myton, Utah, from high water, $200.

Mr. ASHURST. Mr. President, there should be an amendment to this amendment before it is adopted. I move to insert, after "$200," the words "to be immediately available."

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 86, line 16, after the numerals "$200," it is proposed to insert "to be immediately available."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Washington," in section 22, page 87, after line 11, to insert:

For a water supply for 120,000 acres, more or less, of irrigable land allotted to Indians in the so-called Wenatchee and Yakima Indian Reservation in the State of Washington, $100,000, to be covered into the reclamation fund as a first installment on account of the repayment of the cost of constructing storage works to impound the necessary flood waters of the Yakima River to provide annually, at the head gates of the reservation canal, 454,000 acre-feet of stored water and natural flow, or such part thereof as may be necessary, additional to the present available supply of 67,220 acre-feet; and for the construction by the Indian Service of a diversion dam across the Yakima River, and for beginning construction of the enlargement and extension of irrigation for distribution and drainage system on the said reservation, $100,000; in all, $200,000.

That of such water there shall be furnished free at said head gates such quantity of water as the Secretary of the Interior may determine to be sufficient for the irrigation of 40 acres of each allotted tract. Reimbursement shall be made by the landowners of the cost of furnishing water for the remaining lands in such annual payments as the Secretary of the Interior shall prescribe, not to exceed 20 in number, the moneys received to be covered into the Treasury of the United States: *Provided*, That the cost of water right shall be $4 per acre-foot for an annual supply of not exceeding 4.3 acre-feet for each acre of land: *Provided also*, That the entire cost of said diversion works and distribution and drainage system shall be reimbursed by the owners of all lands for which a water supply is herein provided in not to exceed 20 annual payments; and the Secretary of the Interior may fix annual operation and maintenance charges, which shall be paid as he may direct. All charges against Indian allotees herein authorized, unless otherwise paid, may be paid from individual shares in the tribal fund when the same is available for distribution; and if any allottee shall receive patent in fee to his allotment before the amount so charged against him has been paid to the United States, then such amount remaining unpaid shall be and become a lien upon his allotment; and the fact of such lien shall be recited in such patent, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage; and should any Indian sell any part of his allotment, with the approval of the Secretary of the Interior, the amount of any unpaid charge against the land sold shall be and become a first lien thereon, and may be enforced by the Secretary of the Interior by foreclosure as a mortgage, and delivery of water to such land may be refused, within the discretion of the Secretary of the Interior, until such charges are paid: *Provided further*, That no right to water or to the use of any irrigation ditch or other structure on said reservation shall vest or be allowed until the owner of the land to be irrigated as herein provided shall comply with such rules and regulations as the Secretary of the Interior may prescribe; and said Secretary is hereby authorized to prescribe such rules and regulations as he may determine proper for making effective the foregoing conditions, and to require of owners of lands in fee such security for the reimbursement herein required as he may determine necessary, and to refuse delivery of water to any tract of land until the owners thereof shall have complied therewith.

The amendment was agreed to.

The next amendment was, on page 89, line 24, after the word "For," to strike out "extension" and insert "operation," so as to read:

For operation and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000, reimbursable in accordance with the provisions of the act of March 1, 1907.

The amendment was agreed to.

The next amendment was, on page 90, line 3, after the word "seven" to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Yakima Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SMOOT. Mr. President, I make the point of order against the amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

The next amendment of the Committee on Indian Affairs was, under the head of "Wisconsin," in section 23, page 90, line 23, after the word "improvements," to strike out "$4,000; in all,

That, on page 82, lines 4, 5, and 6 be stricken out and the following inserted in lieu thereof:

"General repairs and improvements, $6,000; for the repair of buildings and the purchase of equipment destroyed or damaged by the tornado of June 10, 1914, $10,000; in all, $77,500."

Very truly, yours,

A. A. JONES, *First Assistant Secretary.*

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs, United States Senate.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 82, line 11, after "$6,000," to strike out "in all, $78,750," and insert "for the purchase of 10 acres of land adjoining the school grounds, $3,500; in all, $82,250," so as to make the clause read:

For support and education of 250 Indian pupils at the Indian school at Pierre, S. Dak., including pay of superintendent, $43,750; for new buildings, including equipment, $22,000; for completion of irrigation system, $7,000; for general repairs and improvements, $6,000; for the purchase of 10 acres of land adjoining the school grounds, $3,500; in all, $82,250.

The amendment was agreed to.

The next amendment was, on page 83, line 24, after the word "asylum," to strike out "$35,000" and insert "$40,000," so as to make the clause read:

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees, repairs, improvements, and for necessary expense of transporting insane Indians to and from said asylum, $40,000.

The amendment was agreed to.

The next amendment was, on page 83, after line 24, to insert:

That the Secretary of the Interior is hereby authorized and directed to make an investigation with respect to the necessity and practicability of constructing a wagon road or highway through the Standing Rock Indian Reservation, in Corson County, S. Dak., from a point on the Missouri River north of Pontis, S. Dak., thence in a northwesterly direction to the town of Tatanka, and submit his report thereon to Congress on the first Monday in December, 1914, and the sum of $1,000, or so much thereof as may be necessary, is hereby appropriated for the purposes herein specified.

The amendment was agreed to.

The next amendment was, under the head of "Utah," in section 21, page 84, after line 23, to insert:

For pay of one physician for Indians under the superintendent of the Shivwitz School, Utah, $500.

The amendment was agreed to.

The next amendment was, on page 85, line 3, after the words "the sum of," to strike out "$250,000" and insert "$500,000," and in line 12, after the word "available," to insert "and to remain available until expended," so as to make the clause read:

That the Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $500,000, or so much thereof as may be necessary, of the funds to the credit of the Confederated Bands of Ute Indians, together with the accrued interest thereon appropriated under the act of March 4, 1913 (37 Stat. L., 934), and to use the same for the purpose of promoting civilization and self-support among the said Indians, under such regulations as the Secretary of the Interior may prescribe, said funds to be immediately available and to remain available until expended: *Provided*, That the said Secretary shall report to Congress on the first Monday in December, 1915, a detailed statement as to all moneys expended as provided for herein.

Mr. SMOOT. Mr. President, I move to amend the amendment by striking out, on page 85, from line 1 to line 16, inclusive, and I shall offer two amendments in place of the original text. I now offer the first amendment.

The PRESIDING OFFICER. The question before the Senate at this time in order is the action upon committee amendments.

Mr. SMOOT. Then, Mr. President——

Mr. ASHURST. There is a committee amendment offered in this connection, is there not?

Mr. SMOOT. Of course, I know that; but I do not want the committee amendment to be agreed to, and I understood the chairman of the committee to agree to the amendment that I have offered.

The PRESIDING OFFICER. Is there objection to the amendment being considered at this time?

Mr. OWEN. Let us hear the amendment stated, Mr. President.

The PRESIDING OFFICER. Is there objection to the amendment being considered at this time? The Chair hears none. The amendment will be again stated.

The SECRETARY. On page 85 it is proposed to strike out the clause from line 1 to line 16 inclusive, and to insert:

That the Secretary of the Interior is hereby authorized to use, for the benefit of the Indians of the Confederated Bands of Utes, the accumulated interest on their 4 per cent trust funds accruing up to June 30, 1914, approximating $468,000, arising under the agreement of June 15, 1880 (21 Stats., p. 199), or otherwise, the proportion due the Utes in Utah to be expended or disbursed for their benefit under rules and regulations to be prescribed by the Secretary of the Interior, the proportion due the other Utes of the Confederated Bands to be paid to them per capita in cash or expended under rules and regulations to be prescribed by the Secretary of the Interior. The interest arising on the Confederated Ute trust funds after June 30, 1914, shall be hereafter distributed to them in like manner.

Mr. SMOOT. Mr. President, in explanation of the amendment I wish to state——

The PRESIDING OFFICER. Is there objection to now considering the amendment?

Mr. OWEN. I should like to have the matter explained, Mr. President.

Mr. SMOOT. I shall be glad to explain it.

In explanation of the amendment I desire to state that there is in the Treasury to the credit of the confederated bands of Utes a 4 per cent fund amounting to $3,567,082.17. The accrued interest on this fund up to and including December 31, 1913, was $398,153.42; the interest from January 1 of this year until June 30 of this year will be $71,341.64 in round numbers, making the aggregate interest up to June 30 of this year $469,495. The amendment provides that the amount of $490,000 shall be appropriated. This amount is interest only, and under the agreement made between the Government of the United States and the Indians in 1880, as recited in the amendment, the interest was to be paid to the Indians annually.

There has been a controversy for a great many years as to the amount that was due to these Indians, and, if the Senator will remember, in the Indian appropriation bill of 1913 an amount was appropriated directly, covering judgment in favor of these Indians; or, in other words, the judgment of three million three hundred thousand and some odd dollars, with the accrued interest to June 30, 1914, is the amount I have already named.

That fund, so far as the Utes in Utah are concerned, is desired to be used for the improvement of their lands and the extension of their water rights under the direction of the Secretary of the Interior. I will say, however, in passing that this amendment has been approved by the department and that it is in full accord with the idea of the Commissioner of Indian Affairs as to the future distribution of this fund.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I yield to the Senator.

Mr. GORE. Does not the Senator think it would be a good idea to withhold and defer these payments until the rights of the Mississippi Choctaws to share in the fund can be adjudicated?

Mr. SMOOT. I do not want to get into any dispute, of course, upon that serious question with the Senator from Oklahoma.

Mr. GORE. Their rights are the same.

Mr. SMOOT. I will simply say no in answering that statement.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

Mr. SMOOT. Certainly.

Mr. ASHURST. I have a justification from the department in the shape of a letter, in concluding which the Commissioner of Indian Affairs says:

These two amendments——

Referring to the amendment of the Senator from Utah [Mr. SMOOT] and one intended to be proposed by the Senator from Colorado [Mr. SHAFROTH]—

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same, and desire that they shall be adopted.

Mr. SMOOT. Mr. President, I shall follow the amendment I have offered by the other amendment to which the Commissioner of Indian Affairs refers in that letter.

Mr. OWEN. I observe that the amendment lays down a rule for all future time. Did the Secretary pass upon that?

Mr. SMOOT. He has passed upon it, Mr. President, I will say.

Mr. OWEN. Did the Secretary's letter pass upon the advisability of establishing this rule for all future years?

Mr. ASHURST. I will ask that the letter may be incorporated in the RECORD.

Mr. OWEN. I should like to see it.

Mr. SMOOT. I will say to the Senator that the Commissioner of Indian Affairs has approved it, as he prepared this amendment. I asked the commissioner if it would not be better to change the words "shall be hereafter distributed to them in like manner" so as to read "shall be hereafter distributed to them in annual payments"; but he thought that it would be better to leave the words as the original amendment provided.

Mr. OWEN. Does the letter state what the amendments are?

Mr. SMOOT. I will show the correspondence to the Senator, if he so desires. I have it here.

Mr. OWEN. I shall make no objection to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah to strike out, on page 85, from line 1 to line 16, and to insert the matter which has been read.

Mr. ASHURST. I should like to have the letter of the Commissioner of Indian Affairs and a statement in justification of the amendment go into the RECORD, so that there will be a memorandum of it.

The PRESIDING OFFICER. In the absence of objection, the matter will be inserted in the RECORD.

The matter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE COMMISSIONER OF INDIAN AFFAIRS,
Washington, June 20, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I have the honor to transmit herewith, for your information and use, a copy of proposed amendment to the Indian appropriation bill, H. R. 12579, concerning the Confederated Bands of Ute Indians, and to respectfully inform you that since our talk this morning I have had a conference with Senators SHAFROTH and SMOOT, and that this amendment meets with their approval. Senator SMOOT has agreed to offer the amendment as here stated.

I also respectfully request that the proposed amendment submitted to you yesterday, authorizing the Commissioner of Indian Affairs to negotiate an agreement with the Confederated Bands of Ute Indians for the final adjudication and settlement of all claims and demands of said Indians against the United States arising under the agreement ratified by the act of June 15, 1880 (21 Stat., p. 199), to be introduced by Senator SHAFROTH, shall stand as submitted.

These two amendments not only meet with my hearty approval, but are so desirable that I want to indicate my special interest in same and desire that they shall be adopted.

Sincerely, yours,

CATO SELLS, *Commissioner.*

JUSTIFICATION.

The purpose of this item is to initiate an affirmative movement looking to the final adjustment and settlement of the claims of the Ute Indians growing out of the agreement between them and the United States entered into in the year 1880.

Under that agreement the Utes ceded approximately 15,000,000 acres of land to the United States in trust with power to dispose of the same. Certain charges against the Utes were to be deducted, and the balance due them was to be held in the Treasury as an interest-bearing trust fund.

By suit in the Court of Claims a partial settlement, covering about half of the ceded lands, was accomplished. The final decree of the court was rendered in 1911.

The remaining portion has not been disposed of and probably will not be for many years as a considerable part of it is classed as coal lands or contains other valuable minerals. In view of the mineral character of this land exact compliance with the original agreement of 1880 is now impossible. Hence the necessity of some substituted mode of settlement.

The matter has been dragging along for many years, and the Indians are entitled to a settlement. It is also to the interest of the United States in this, as in similar cases, to bring the controversy to a close within a reasonable time to avoid the embarrassments incident to the lapse of time, death of witnesses, and loss of record evidence. Moreover, the work of solving the Indian problem must halt so far as the Utes are concerned until their property is ready to be individualized.

Settlement, through negotiation and agreement, is greatly to be preferred to further litigation, not only for the sake of simplicity and economy in procedure, but for the further reason that a suit at this time and under present laws would only serve to settle liabilities which have accrued since the decree of 1911.

JUSTIFICATION FOR "$125,000 FROM PORTION BELONGING TO THE NAVAJO SPRINGS BAND, IN COLORADO, FOR THEIR USE AND BENEFIT."

The Navajo Springs Band of Ute Indians are located on a reservation, the development of which and of the Indians themselves must depend mainly on stock raising. It is estimated that there are 500,000 or more acres of grazing lands on which the Indians have approximately 550 head of cattle, 1,050 ponies, 1,250 sheep, and 600 goats. It is readily seen that this is a very inadequate and immaterial amount of stock for the land available for grazing purposes, and it is proposed to use the $125,000 for which appropriation is asked in the purchase of cattle and also in the purchase of stallions and rams for the improvement of their ponies and sheep. This amount expended in this way will not purchase sufficient animals to stock the range to its full capacity, but it will be a start from which it is hoped to build about a stock-raising industry which will provide a vocation as well as maintenance for this band of Indians, and in this way work out the problem of their self-support.

The lands under the Navajo Springs Agency are of practically no account for agricultural purposes, and if these Indians are ever to become self-supporting it must be through the stock-raising industry.

There are, however, sufficient areas of irrigable lands on parts of the reservation which will enable the Indians to provide themselves with small gardens and will offer opportunity to establish homes for them on these small irrigable tracts, but their support must come from the live-stock industry.

By this means of developing the resources of the Indians, it is hoped that the necessity for gratuitous appropriations will be removed and the continued tax on governmental funds finally eliminated.

If this appropriation is not procured this year, it will mean, of course, the delay of another year in inaugurating these plans.

This is merely, of course, appropriating for use of the Indians money which is theirs and is not an appropriation from the Federal Treasury for the benefit of these Indians; it is putting them in the way of helping themselves, and, further, is a proper and sane method of using their funds.

Mr. SHAFROTH. Mr. President, I wish to say a few words in relation to this amendment. I am in favor of it. I will state the circumstances under which I became interested in it, and I shall ask to have printed in the RECORD some communications which caused me to request the changes which have been made, as suggested by the amendment of the Senator from Utah [Mr. SMOOT].

As the original provision of the committee appeared in the bill, it seemed to the Southern Utes of Colorado that they were not well cared for, and I received communications from the chiefs of the Ute Indians, which were confirmed by a council of the Southern Utes, in which they complained about the funds being used for the purpose of buying stock or of improving lands or of constructing irrigation systems, and thereby putting to use money which they thought belonged to them and which should be paid to them.

I found, upon examining the treaty of 1880, that there was an arrangement between the United States and the Ute Indians, by which part of these Indians were to leave the State of Colorado and go over into Utah and part of them were to remain in the State of Colorado. It was also provided that certain of their lands should be sold by the United States Government as ordinary lands of the United States, and that the proceeds should be put into a fund for their use and benefit.

It seems that that policy was pursued for quite a while, but the settlement that the Indians thought ought to be made between the United States and the bands of Ute Indians was not made, and so a suit was instituted before the Court of Claims, which resulted in a judgment in favor of the Indians to the extent of $3,300,000. There have been appropriations made out of that fund every year since. The provision was made that these funds should be kept in the Treasury and should bear interest at the rate of 4 per cent. The amount which has been paid out has been less than the interest, and consequently the amount of interest which the Indians now have to their credit is, as stated in the amendment of the Senator from Utah [Mr. SMOOT], $449,000.

It was thought by the southern Utes that their interest might not be the same as the interest of the Utes in Utah and also the Utes called the Navajo Springs Utes. They, in fact, objected to there being horses or cattle furnished them instead of cash, because they claimed that they could not utilize the former, whereas they thought that the Navajos could, and also that the Uintahs of Utah could.

Following the communications which I received I had a conference with the Commissioner of Indian Affairs, together with other parties, including the Senator from Utah [Mr. SMOOT], and we agreed upon an amendment which was not exactly this amendment, but which afterwards crystallized into this amendment.

This amendment now segregates the fund so that the Utes in Utah will get a segregated part of the total amount of $3,000,000 placed to their credit, according to the number of Indians—a per capita amount—and there will also be placed to the credit of the Southern Ute Indians and the Navajo Springs Indians their proper per capita. Those accounts are to be kept separate, so that there will be a guide in the future for each one of those tribes as to how much money will be coming to them. There has been some change in the language of the amendment as to the authority given the Commissioner of Indian Affairs.

I have read to the Commissioner of Indian Affairs the communications received by me, and he has said that he agrees very largely with the statements set forth, and he thinks that, as to the Southern Utes, it will not be well to arbitrarily force them to take stock or to take anything else but cash. Inasmuch as the amount coming to each one per year is small, and since I am satisfied that the commissioner is going to treat them in a manner which will be satisfactory to them and which will be to their best interests, I have agreed to support the amendment which the Senator from Utah has presented.

I do not wish to read these communications, but I do want them put into the RECORD. The Commissioner of Indian Affairs said that there was great merit in them and that he would bear them in mind in the distribution of the fund. This amendment will afford the Utah Utes an opportunity to complete their irrigation enterprise; it will afford the Navajos an opportunity to have their range stocked; and it will give to the Southern Utes, who protested against the original proposition because it would be of no use to them, the money which they should have, except in some instances where the Commissioner of Indian Affairs believes it is to the best interest of the Indians that they should have certain advances made to them in the shape of stock or horses, or something of that kind.

Now, Mr. President, I ask unanimous consent that the declarations made in the council of the Indians and ratified by them by signature shall be printed in the RECORD as a part of my remarks, without reading.

The VICE PRESIDENT. Without objection, it is so ordered.

as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, on page 49, after line 17, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Flathead Reservation, Mont., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," in section 10, on page 50, after line 19, to strike out:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $60,000; for general repairs and improvements, $4,500; for new laundry building and equipment, $4,000; for repairs and addition to hospital, $4,000; dairy barn, $6,000; in all, $78,500.

And to insert:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $62,300; for general repairs and improvements, $7,500; for new laundry building and equipment, $7,500; for repairs and addition to hospital, $6,000; dairy barn, $6,000; for lavatory annex, $10,000; in all, $99,300.

Mr. NORRIS. My colleague [Mr. HITCHCOCK], who has been called away from the Senate Chamber on official business, intended to offer an amendment to these items and he has left the matter with me. I believe the amendments will appeal to the Senate. In accordance with the understanding I had with him when he left the Chamber, I desire now to move that the amendment of the committee be amended, in line 5, by striking out "$7,500" and inserting "$5,000," that is a reduction of $2,500; on line 7, by striking out "$10,000" and inserting "$4,000," and adding after the semicolon which follows "$10,000," the following, "for girls' industrial building, $5,000," and changing the total from "$99,300" to "$96,300."

I understand that this has been called to the attention of the committee and that it is satisfactory. It means a reduction in the total appropriation for this school of $3,000.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 51, line 5, strike out "$7,500" and insert "$5,000"; in line 7, strike out "$10,000" and insert "$4,500"; and after the numerals "$4,500" and the semicolon, insert "for girls' industrial building, $5,000"; in line 7, in the total, strike out "$99,300" and insert "$96,300," so as to make the amendment of the committee read:

SEC. 10. For support and education of 375 Indian pupils at the Indian school at Genoa, Nebr., including pay of superintendent, $62,300; for general repairs and improvements, $5,000; for new laundry building and equipment, $7,500; for repairs and addition to hospital, $6,000; dairy barn, $6,000; for lavatory annex, $4,500; for girls' industrial building, $5,000; in all, $96,300.

Mr. ASHURST. I merely wish to suggest that it should read "industrial building for girls."

Mr. NORRIS. I think that would be better. I believe that is a good suggestion.

The PRESIDING OFFICER. The amendment to the amendment will be modified. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 51, after line 7, to insert:

For expenses of the Omaha and Winnebago Agencies, including the pay of superintendent and employees not otherwise provided for, $6,040.

Mr. ASHURST. On page 51, line 9, after the word "superintendent," I desire to perfect the same by adding the letter "s," so as to read "superintendents" instead of "superintendent," so as to read:

For expenses of the Omaha and Winnebago Agencies, including the pay of superintendents and employees not otherwise provided for, $6,040.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 51, after line 10, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, under such rules and regulations as he may prescribe, after the assessments made on Sac and Fox tribal lands by drainage district No. 1, in Richardson County, Nebr., shall have been paid, and after the Indians whose allotments are within the drainage district shall have received their proportionate shares of the tribal funds as authorized by the act of May 13, 1910 (36 Stat. L., p. 368), to distribute and pay per capita to the remaining members of the tribe entitled thereto the tribal funds on deposit in the Treasury of the United States to the credit of the Sac and Fox of the Missouri Tribe, under the above act, in the same manner as provided by the act of April 21, 1904 (33 Stat. L., p. 201).

The amendment was agreed to.

The next amendment was, under the head of "Nevada," in section 11, on page 52, line 5, before the words "Indian pupils," to strike out "two hundred and fifty" and insert "three hundred"; in line 6, after the word "superintendent," to strike out "$41,700" and insert "$50,100"; in line 7, after the word "improvements," to strike out "$6,000" and insert "$10,000"; and in line 8, after the words "in all," to strike out "$47,700" and insert "$60,100," so as to make the clause read:

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., including pay of superintendent, $50,100; for general repairs and improvements, $10,000; in all, $60,100.

The amendment was agreed to.

The next amendment was, under the head of "New Mexico," in section 12, on page 52, after line 9, to strike out:

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., including pay of superintendent, $68,600; for general repairs and improvements, $5,000; in all, $73,600.

And insert:

SEC. 12. For support and education of 400 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $68,600; for general repairs and improvements, $8,000; for assembly hall and gymnasium building and equipment, $30,000; in all, $106,600.

The amendment was agreed to.

The next amendment was, on page 52, after line 19, to strike out:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $59,550; for general repairs and improvements, $6,000; for water supply, $1,600; for new dairy barn, $4,000; in all, $67,150.

And insert:

For support and education of 350 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $60,250; for general repairs and improvements, $7,000; for water supply, $1,600; for new dairy barn, $4,000; in all, $72,850.

The amendment was agreed to.

The next amendment was, on page 53, after line 10, to insert:

There is hereby appropriated the sum of $200,000, to be immediately available and to remain available until expended; and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Mescalero Indian Reservation in New Mexico, the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The amendment was agreed to.

The next amendment was, under the head of "New York," in section 13, on page 54, after line 19, to insert:

For expenses of New York Agency, including pay of employees, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "North Dakota," in section 15, on page 55, line 9, after the word "employees," to strike out "$11,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 55, after line 14, to strike out:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., including pay of superintendent, $68,500; for general repairs and improvements, $6,000; in all, $74,500.

And insert:

For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500; for rebuilding dairy barn, $6,000; for general repairs and improvements, $8,000; in all, $82,500.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to strike out:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., including pay of superintendent, $35,200; for general repairs and improvements, $3,000; in all, $38,200.

And insert:

For support and education of 200 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $35,200; for general repairs and improvements, $5,000; for extension of power plant, improvement of water system, and addition to power plant, $15,000; for school building and remodeling of present school building into domestic building, $30,000; in all, $85,200.

The amendment was agreed to.

The next amendment was, on page 56, after line 9, to insert:

To assist members of Turtle Mountain Tribe of Indians in making settlement upon their nonreservation allotments, $25,000.

The amendment was agreed to.

The reading of the bill was continued from line 13 on page 56 to the end of line 2 on page 57, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Standing Rock Indian Reservation, in North Dakota, for the purpose of purchasing cattle for the use of said Indians to enable them to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925: *Provided further*, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed statement as to the expenditure of this fund.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. CLAPP] has offered an amendment to strike out the clause from line 13 on page 56 down to line 2 on page 57 and to insert. That point has now been reached.

Mr. ASHURST. Mr. President, as I said a while ago, to that amendment, so far as I know, there is no objection; but I ask that it shall be passed over until we have an opportunity to consult with the other members of the committee and also with the department.

The PRESIDING OFFICER. The Chair will state to the Senator from Minnesota that the Senator from Arizona asks that the amendment proposed by the Senator from Minnesota be passed over until he can investigate the matter further.

Mr. CLAPP. Very well.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

Mr. CLAPP. Mr. President, just one moment. I do not know how far that might involve a question of good faith. The Senator from South Dakota raised the question with reference to the Montana amendments and the Senator from Nebraska raised a question with reference to another provision.

The PRESIDING OFFICER. That amendment is not in order now anyway, because it is to strike out matter already inserted in the bill.

Mr. CLAPP. The amendment would be in order if it had been reported by the committee.

The PRESIDING OFFICER. Yes; if it were reported by the committee it would be in order.

Mr. CLAPP. I want to absolve the committee from any lack of good faith with absent Senators.

Mr. ASHURST. I share the same view as that of the Senator from Minnesota. Let the amendment go over, at least.

The PRESIDING OFFICER. Without objection, the amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 57, after line 2, to insert:

For a headstone to mark the grave of Scarlet Crow, a Sioux Indian chief, of the Wahpeton Tribe, who was buried March 13, 1897, in the Congressional Cemetery, Washington, D. C., in a grave marked "76-B. A. 22," the sum of $100.

The amendment was agreed to.

The Secretary resumed the reading of the bill, on page 79, line 17.

Mr. LANE. Were there not items of amendment on pages 73, 74, and 75?

The PRESIDING OFFICER. The Chair is informed that all those items went out on points of order.

Mr. LANE. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Oregon," in section 18, page 80, line 5, after "$12,000," to strike out "in all, $114,000" and insert "for addition to assembly hall, $15,000; in all, $129,000," so as to make the clause read:

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., including pay of superintendent, $102,000; for general repairs, additions to buildings, and improvements, $12,000; for addition to assembly hall, $15,000; in all, $129,000.

The amendment was agreed to.

The next amendment was, on page 80, after line 14, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Warm Springs Reservation, Oreg., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund; and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE. I should like to reserve the right to have that item passed over.

The PRESIDING OFFICER. Without objection, the item will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "South Dakota," in section 20, on page 81, after line 20, to strike out:

SEC. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., including pay of superintendent, $61,500; for general repairs and improvements, $6,000; in all, $67,500.

And to insert:

SEC. 20. For support and education of 365 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $61,500; for general repairs and improvements, $8,000, $2,000 of which shall be immediately available; for repairing and enlarging dairy barn, $3,000; in all, $72,500.

Mr. CRAWFORD. Mr. President, the Senator from Minnesota offered an amendment the other day changing the amount of the appropriation providing for an Indian school at Pipestone, Minn. The school at Flandreau, S. Dak., is a few miles distant across the line from Pipestone, and is one of the strong Indian schools. It met with the same accident in the same storm which blew down the buildings at Pipestone, which occurred since the bill passed the other House. The Indian Office has sent a statement, which is in the possession of the chairman of the committee, calling attention to the necessity for making provision in this bill to meet the situation caused by that tornado, and I have prepared an amendment in accordance with the recommendation of the Indian Office, which I will send to the desk and ask to have incorporated into the committee amendment, together with the report from the Indian Office, which I will ask may be printed in the RECORD.

The PRESIDING OFFICER. The amendment proposed by the Senator from South Dakota to the amendment of the committee will be stated.

The SECRETARY. On page 82 it is proposed to strike out lines 4, 5, and 6 and to insert in lieu thereof the following:

General repairs and improvements, $6,000; for the repair of buildings and for the purchase of equipment destroyed or damaged by the tornado of June 10, 1914, $10,000, $3,000 of which shall be immediately available; in all, $77,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. In the absence of objection, the statement referred to by the Senator from South Dakota will be printed in the RECORD. The Chair hears none.

The statement referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 16, 1914.

MY DEAR SENATOR: The Commissioner of Indian Affairs has received the following telegram from Supt. Peirce, of the Flandreau Indian School, Flandreau, S. Dak.:

"JUNE 10, 1914.

"School property struck by tornado this afternoon. No one injured. Ice house and dairy building destroyed, kitchen, bakery, and part of boys' building unroofed, chimneys down, and all buildings more or less damaged. Loss, about $10,000. Three thousand dollars needed immediately in order to care for pupils and continue school."

He has also received from Supt. Mann, of the Pipestone Indian School, Pipestone, Minn., the following telegrams, each dated June 10, the first reporting—

"Two boys, aged 8 and 9 killed by cyclone raging here to-day."

And the second that—

"Large barn, hospital, porches, and outbuilding wrecked in storm to-day. Will require $6,500 to build barn and restore damage. Strongly recommend Congress be urged to appropriate this sum for purpose."

I wish to bring to your attention the urgent necessity of having money provided for the immediate repair of these two schools. They are splendid institutions, each serving a definite purpose in our plan of Indian education, and will be needed for many years. Being right at the close of the fiscal year, practically both schools are without adequate funds to begin a reconstruction of the plants.

I earnestly recommend that H. R. 12579 be amended as follows:

That, on page 82, line 22, after the amount "$3,500," there be stricken out the words "in all, $48,675," and inserted the following:

"Six thousand five hundred dollars for repairs to buildings and the purchase of equipment to replace that destroyed or damaged by the tornado of June 10, 1914; in all, $55,175."

Mr. NORRIS. We can not say——

Mr. CLAPP. If the Senator wants to suggest an amendment, I am willing to vote for it.

Mr. NORRIS. I think the Senator from South Dakota, or preferably the committee, ought to have brought in an amendment here originally to put them all on the same basis. We have here several tribes of Indians, and we are going to start out on the theory that it is a good thing for the Indians to try to induce them to farm, to raise cattle and hogs and stock. We want to get them to do that. We also want to teach them the advisability and the necessity, in fact, of paying back their loans when they borrow money, and so forth—all a laudable purpose, and a very good thing to do.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. In just a moment I will yield to the Senator. That is a policy on which we are starting out. We have five or six different tribes of Indians, and we are going to start on that policy with all these tribes. Some of these Indians have money in their treasury. Some have scarcely anything in their treasury. Regardless of whether they have money or not, however, that is not the reason why some of this money is taken out of the Treasury of the United States and some out of the treasury of the Indian tribes, because in some of these cases where by the committee amendment we have provided that the money shall be loaned by the Treasury of the United States the Indians have more in their treasury than the amount we are appropriating; so that is not the reason why it is done. I take it, therefore, that it is done without any reason.

Mr. LANE. No; I beg the Senator's pardon.

Mr. NORRIS. In one case we take the money out of the Treasury and buy stock and cattle with it, and in the other case we take the money out of the Indian treasury. What is the reason, then?

Mr. LANE. I will tell the Senator the reason. I have been trying to explain it all day. The reason is that some of these Indians' money has been expended in large reclamation projects for which their land has been mortgaged. The white settlers are securing the use of these lands, but the Indian is given only a limited time in which to make use of the water, or he loses his water rights. The Government has never provided him with a harrow, or a plow, or a horse, or anything.

Mr. NORRIS. I understand.

Mr. LANE. This is to allow him to secure tools and implements with which to work his land in order to make a living off it and save him the loss of his water right. In the case of the whites, in the new bill that has been put in here, the Government has allowed to white settlers an extension of time for payment of 20 years, and it has increased the time within which they may make their improvements, for the reason that it was found impossible for the white skilled farmer, with every appliance at his hands, to make these lands remunerative within a period of five years. The Indians, however, are allowed only two or three years. That was the condition, together with the fact that these Indians have been expected to succeed and to become civilized, as we call it, and to become citizens of means, without the Government ever having given them a cent with which to purchase implements with which to till their soil.

Mr. NORRIS. I do not dispute that this is a good thing to do.

Mr. LANE. That is the reason.

Mr. NORRIS. I do not think the Senator has comprehended the distinction I have tried to point out. I am not claiming that this should not be done in any of these cases. The complaint I make is this: For instance, on page 47 we appropriate $100,000 out of the Treasury of the United States for the purpose of having it expended by the Secretary of the Interior in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and so forth. That becomes a revolving fund. When this stock is sold the money goes back into the fund, and is released, and so on until 1924; and then, as it comes in, the Secretary of the Interior will keep it in the fund, and in 1925 the United States Government will be reimbursed.

That is going on the theory, of course, that there will be a profit instead of a loss; and I think there will be. I believe anyone will concede that properly managed, barring accidents and unfortunate investments, in the aggregate there will be a profit, and there will be no loss.

Turn over to page 56, however. There we have a provision in the bill whereby $100,000 is appropriated for a similar purpose for the Standing Rock Indian Reservation in North Dakota; but that $100,000 is taken out of the treasury, not of the United States but of the Indian tribe, and made into a revolving fund in the same way.

Mr. CLAPP. On what page is that?

Mr. NORRIS. Page 56, the one that the Senator himself has been discussing.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. NORRIS. In a moment.

Mr. CLAPP. We can abbreviate this in a moment.

Mr. NORRIS. I hope the Senator will let me proceed until I reach a good period in the course of my remarks. I believe the Senator from Minnesota has well said that the Government would be morally bound where we have taken money out of the treasury of the Indian tribe and used it for this purpose in case loss instead of profit should result in 1925, and we should out of the Treasury of the United States reimburse their treasury with the amount of the loss. That being true, and I believe it is true, we ought not to take any chances, because, as the Senator from South Dakota has well said, Congress in 1925 may take a different view of it, and it would be no argument, with many people at least, conceding that we had a good reason for it, that this money had been invested in an honest purpose in trying to bring about a profit for the Indians in a financial way and proper instruction given them in the advancement that would necessarily be brought about by the care of stock and the raising of crops. I now yield to the Senator from Minnesota.

Mr. CLAPP. Mr. President, to put all this matter at rest, because it does not make a bit of difference—every dollar comes out of the Federal Treasury—I will move to strike out, if the chairman of the committee will adopt it as a committee amendment, on page 56, from line 13 to the bottom line on page 57, and in lieu to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Standing Rock Indian Reservation, N. Dak., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all payments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. NORRIS. That amendment, if adopted, will cure the evil that I have called to the attention of the Senate.

Mr. ASHURST. As far as the chairman has any authority, he will accept the amendment.

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). The amendment before the Senate is the one at the bottom of page 47, beginning at line 17. The amendment suggested by the Senator from Minnesota is to another item of the bill on page 56.

Mr. NORRIS. Of course, we can not adopt the amendment now, but we can go along until we get to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee at the bottom of page 47.

Mr. NORRIS. That is the amendment to which I am giving my attention at the present time. This matter came up incidentally, and I presume will be promptly adopted, since it comes from a member of the committee, when we reach it properly.

I wish to ask the chairman of the committee as to the amendment on page 47. The amendment provides that the Secretary of the Interior shall expend this money "in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support."

In the amendment we have just adopted, beginning at the bottom of page 46 and ending at the top of page 47, which applies to the Northern Cheyenne Indians in the same State where we appropriate $50,000 for a similar purpose, this discretion of investment was not given to the Secretary of the Interior, but he is required in that case to expend all the money for cattle. I should like to have the chairman of the committee explain why this difference is made.

Mr. ASHURST. In answer to the Senator's inquiry, he was doubtless out of the Chamber when I made the statement that the Northern Cheyennes are peculiarly adapted and that their reservation is peculiarly adapted to cattle raising. They follow the pursuit of cattle raising and are inclined thereto. There is no part of the reservation fitted for farming and there is no reclamation project thereon. I read, I think, a part of the hearings disclosing that the Cheyenne Reservation of Indians is peculiarly fitted and fitted only for the raising of cattle.

Hence it appeared to the department and to the committee to be wise to limit it only to the purchase of cattle, but the same conditions will not obtain with respect to the Fort Peck Indians.

Mr. NORRIS. Where they have farming lands.

Mr. ASHURST. Where they have farming land.

Mr. NORRIS. And an irrigation project. I should like to say to the Senator that I anticipated, of course, that answer; yet it seems to me that I ought to call the attention of the Senator from Arizona to the fact that there ought to be, in the case of the Northern Cheyennes, a little discretion left to the Secretary of the Interior. For instance, he is confined entirely to the purchase of cattle. In the other cases there is a very general provision, "and such other purposes as the Secretary of the Interior may deem proper," and so forth. I want to direct the Senator's attention particularly to this: In that country, where the winters are long, in order to make a success of raising cattle I presume there ought to be some shelter. If it does not already exist, and if they do not have shelters, it would be a matter of economy and wise economy, it seems to me, to give the Secretary of the Interior a discretion to use a portion of this money for the purpose of building shelters to protect the cattle that they are raising.

Mr. ASHURST. I appreciate fully the solicitude of the learned Senator, but I will say that in that particular part of the country shelter for cattle is unknown, so I am advised, and the department itself requested that this item read as it does read. It asks that the language employed here be the language which we incorporate into the bill, and neither the department nor the committee knows of any reason why any further provision should be incorporated therein.

Mr. NORRIS. I can hardly conceive how there could be a locality in Montana where a man engaged in cattle raising ought not to have some protection for his cattle in the winter months.

Mr. MYERS. I should like to say to the Senator from Nebraska that shelter for range cattle in that country is unknown. They do not need it. The cattle live in the timber and get through with practically no loss. Any loss is negligible. Of course there may be a milch-cow house now and then, but if that is the case, the Indians can easily go to work and cut logs and put up a barn sufficient to shelter the few milch cows they have.

I would not have any objection to that clause being put in if I could see that it would serve any essential purpose; but I do not believe the conditions require it. That was the opinion of the department and the opinion of the committee. I do not think the conditions would make that essential to this appropriation.

Mr. NORRIS. It struck me that it might be a good idea to give the Secretary authority to invest some of this money in horses. I understand these Indians are experts along that line more than with cattle, and that they might raise them to profit. But I want to say just a word——

Mr. ASHURST. Let me say, in answer to the learned Senator, give the Tongue River statistics, and then he will probably be able better to argue from his premises. The population of the tribe is 1,433 Indians; the area of reservation unallotted is 489,560 acres; agricultural lands, 33,000 acres; grazing lands, 230,000 acres; live stock owned by Indians—horses, 4,000; mares, 3,000; large stallions, 100; cattle 6,200; bulls, 100. In other words, the learned Senator will observe that they have 500 more horses than they have cattle. They have more horses than they now can reasonably employ in the herding and the caring for and the branding of their cattle. The department concluded, and it was the opinion of the committee, that rather than use this appropriation in increasing the horse herds, which are already sufficiently large, the sum should be employed in increasing the number of cattle. That was the reason why it was limited to cattle.

Mr. NORRIS. I appreciate fully what the Senator has said, and yet if a little wider discretion were allowed here and horses were specifically named, as well as cattle, it would not follow that the Secretary of the Interior would have to buy horses. I think the Senator himself earlier to-day in this discussion said something about the Northern Cheyenne Indians being particularly well qualified to raise horses. There is profit in the business, and it seems to me that it would be a good idea to give the Secretary at least the right to furnish the Indians horses if they wanted them.

I wish to say another word about the shelter. I judge from what has been said that up in Montana people live in summer houses and have no stoves; that their houses are not heated, because the temperature is so warm that they have to guard against heat rather than cold, and that the cattle there never do get cold; that it is a warm country, like Florida, and hence the cattle need no shelter. I know that out on the Great Plains for a great many years people raised cattle and let them run over the plains without any shelter. They took a gamble on it, and if there was a blizzard or a storm that was very severe the result has often been that all the cattle practically have been lost. If there is a loss from this particular investment, I have an idea now that it will come about on account of the lack of shelter rather than from any other cause.

Mr. LANE. Mr. President, I wish to correct the Senator from Nebraska. I wish to say for the information of the Senator that there is no loss in that high, dry climate nor in that of our country from lack of shelter. What the cattle die from during a storm is lack of feed. If they can have their hay stacked up at some place where they can have access to it, it is almost a matter of indifference whether they have a shelter or not. They perish from lack of feed when storms drive them forward. They will need more shelter in Florida than up in this portion of Montana. They will suffer greater hardships in the Willamette Valley, Oreg., which is a balmy, soft, damp climate. You would lose more cattle there than on the east side of the Cascade Mountains at an altitude of 3,500 or 4,000 feet, where the temperature falls to 20° below zero, but where it is dry.

There should be a requirement here compelling the Indian Department to buy horses as well as cattle, for it is my opinion that they will do better with horses than cattle. They are more used to handling horses, and a horse will paw through the snow for feed where cattle will starve.

Mr. MYERS. Mr. President, I desire to concur in the delightful description given us by the Senator from Nebraska of the balmy climate of Montana. It doubtless seems very strange to one from the bleak and frigid realms of Nebraska. However, I will say to him that the housing of range cattle in Montana is unknown. It is not done. If they are given plenty of hay and plenty to eat the percentage of loss from death in the winter is inconsequential.

If the cattle were distributed among the Indians in small herds, a dozen or half a dozen to each Indian, and he wants to build barns for the cattle, there is nothing on earth to prevent him from going out into the woods and chopping down trees and getting out logs and building his own barn. He can do that, but if we appropriated money for that purpose it would be encouraging idleness and dependence. If you are going to run cattle in large herds of several thousand it would be impossible to construct shelter for them. It is not done for range cattle. If you are going to divide them and give two or three or half a dozen to each, per capita, then they can go out and cut down trees and build their own barns. It would be useless to vote the money for something that the Indians themselves can do by a little labor.

I appreciate all the suggestions of the Senator from Nebraska and his motives to do what is best, but the department asked for it in this form and really I do not see any use for a change.

Mr. NORRIS. I am very glad to get the information from the Senator from Montana; but I believe he is mistaken when he intimates that the Indians have any burning desire to go out into the timber and chop down trees and build houses.

Mr. MYERS. I did not say they had a desire to do it. I said they could do it; but if we give them money to apply to that purpose they certainly will not do it.

Mr. NORRIS. They could, but they will not. Everybody knows that. I will state the position the Indians up there would then be in. There ought to be a prohibition put in the bill to prohibit any Indians from chopping down any trees on this reservation, because if they get anxious to build barns, as has been intimated, they might get a fever to work hard in chopping down trees and putting up buildings. Suppose they go out and chop down the trees, what would happen? All the cattle would die in the wintertime because they could not get shade; they would be sun-struck. We have to protect the timber so that the cattle will have shade and places to go in the wintertime when it gets so hot in Montana.

The PRESIDING OFFICER. The question is on the amendment.

The amendment was agreed to.

The next amendment was, on page 48, after line 16, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available, and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Blackfeet Reservation, Mont.; the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose

Mr. STERLING. Mr. President, I desire to call attention to two different policies, as it appears to me, found in these appropriations for the benefit of the Indians. One is the policy of direct appropriation out of the general funds in the Treasury for the purpose in one case, that of the Northern Cheyenne Indian, of purchasing cattle, and for the purpose in the case of the Fort Peck Reservation Indians of purchasing stock, seed, vehicles, harness, machinery, tools, and so forth; and for this latter purpose, also, is the appropriation in the Blackfeet Reservation item found on page 48 of the bill.

The other policy is not that of direct appropriation out of the Treasury for the purpose of the civilization and support of the Indians or for the purpose of purchasing cattle, but it is an authorization to take and use so much money that is already in the tribal funds to the credit of the Indians. This is the case in North Dakota, for example.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. THORNTON in the chair). Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. Certainly.

Mr. SMOOT. Does the Senator know whether or not the Fort Peck Indians and also the Blackfeet Indians have a fund in the Treasury?

Mr. STERLING. Not definitely, Mr. President; but I am informed that they have, and I am assuming there is a tribal fund to their credit.

Mr. SMOOT. I will say to the Senator that as soon as I could receive recognition it was my intention to ask that question of the Senator having the bill in charge; but, if the Senator from South Dakota does not object, I would like to ask it right now in connection with his remarks, so that he can discuss that question if he desires to do so, and I can do so afterwards.

Mr. STERLING. Certainly. I will be glad to have the Senator ask the question, although I had intended to ask it myself.

Mr. SMOOT. Then I will ask the Senator having the bill in charge whether or not the Fork Peck Indians at the present time have an amount to their credit in the Treasury?

Mr. ASHURST. The Fort Peck Indians?

Mr. SMOOT. Yes; or the Blackfeet Indians?

Mr. ASHURST. If the Senator will pardon me, I will supply that information in a few moments; I can not do so at this particular time, but will do so just as soon as I am able, which will be very soon.

Mr. STERLING. Mr. President, while the Senator from Arizona is examining the matter, I will call attention to the appropriation on page 56, relating to the Standing Rock Indians of North Dakota. It is not accurate to say that it is an appropriation, but it is an authorization to the Secretary of the Interior—

To withdraw from the Treasury of the United States not to exceed the sum of $100,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Indians on the Standing Rock Indian Reservation, in North Dakota, for the purpose of purchasing cattle for the use of said Indians to enable them to become self-supporting.

This is quite different from the direct appropriation made in those cases to which I have already called attention, and the inquiry of the Senator from Utah as to whether there are tribal funds to the credit of these other tribes is very pertinent indeed.

Now, there is another question to which I should like to call attention. The Standing Rock Reservation is not wholly within North Dakota, but it is partly in South Dakota; it extends into both States; and why should there be the authorization for the use of $100,000 for the Standing Rock Indians in North Dakota and not for those in South Dakota?

Mr. ASHURST and Mr. CLAPP addressed the Chair.

Mr. STERLING. Mr. President, if there are tribal funds to the credit of the Indians mentioned, or to the credit of any of these other tribes, why may not the Secretary of the Interior, as in the case of the Standing Rock Indians, be authorized to expend a portion of those tribal funds in the purchase of cattle or in the purchase of farming implements, seed, and so forth? This is exactly the course followed now by the Secretary of the Interior with reference to the Indians on different reservations in South Dakota. Where an Indian is entitled to a certain pro rata share in the tribal funds the Secretary of the Interior may say to him, "It is the judgment of this department that you should take your pro rata share in stock rather than in money."

Mr. CLAPP. No.

Mr. STERLING. Yes.

Mr. CLAPP. If the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. STERLING. I yield.

Mr. CLAPP. Mr. President, in the first place, the provision to which the Senator refers, on page 56, is a House provision. I could not say why it was limited to the Indians who might live on that portion of the reservation which is in North Dakota. We took that, of course, as we found it.

There are three distinct conditions here. I might say to the Senator that we tried to frame a general provision under which the Secretary of the Interior, where there was a tribal fund in the Treasury, could, within the probable amount of each Indian's share, take out of that fund and advance to the Indian, under the direction and care of the department and its agents, such amount as the Indian might need. That provision went out on a point of order. Then there are these other conditions; in the case of the Minnesota Indians we took the amount out of the tribal funds, limiting it to one-fourth of what each Indian would be entitled to if an apportionment were now made. That provision was made so as to render it absolutely certain that no disposition of the funds would operate to deprive another Indian at some other time of his share in the general fund. Now that amount is advanced to the Indian; it is not loaned to him; it is to be used by the department to buy things for him, such as seed, plows, and harrows, but it goes to him without any return. The other class is where the money is advanced to the Indian in the nature of a loan. In the North Dakota case the amount advanced is a loan and must be repaid by the individual Indian who gets the benefit of it, and when repaid it goes back again into the general fund of the entire tribe. You will find that in lines 21 and 22.

Some of these Indians have no funds, notably, I think, the Fort Peck Indians, although they have a large amount of land which some day, of course, will result in a fund for the tribe; but under the theory upon which we are proceeding it makes no difference whether the money comes out of the Indian funds or out of the General Treasury, because in both cases it is proposed that the individual Indian shall repay that money, and, unquestionably, under the provision on page 56, if the Secretary of the Interior should utilize the funds belonging to the Indians of the Standing Rock Reservation in North Dakota and advance $200 of that fund to John Smith, and John Smith should fail to pay it back, the United States would be under a moral obligation to place that amount again in that fund to the credit of all the Indians of the Standing Rock Reservation in North Dakota. So that in that respect it is immaterial whether we take the money from what we call the general funds of the Nation or take it out of what has been credited to an Indian tribe. They must pay it back in both cases; and in each case, if they fail to pay it back, the United States is the loser, and not the Indian tribe. It would be manifestly unjust to take the money belonging to the Indians of the Standing Rock Reservation in North Dakota as a general fund and loan out $200 to an individual Indian, and then, if he failed to repay it under the terms of his agreement, to charge that loss to the remainder of the Indians, who had no voice in making that loan, no voice in directing the use of the money, and no voice in seeing to it that the money was repaid.

Mr. NORRIS. Is not that just what they do here? Is not that the very thing proposed by this amendment?

Mr. CLAPP. No, sir. Now, one word more. Some of these tribes, while they have property, have no fund from which we could take it even if we wanted to; but in the last analysis it is immaterial, because we take the responsibility of securing the repayment of these loans.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. STERLING. I yield.

Mr. SMOOT. In the hearings before the subcommittee of the House on the Indian appropriation bill, I find the information I asked for, and for the information of the Senator from South Dakota I will state what it is.

The Northern Cheyenne Indians, according to the testimony, have $62,876 of funds to their credit in the Treasury; the Fort Peck Indians have $11,792; the Blackfeet Indians have $295,442; the Flathead Indians have $58,953. So the Senator can see that the Northern Cheyennes have to their credit $12,876 more than this appropriation; the Fort Peck Indians have an appropriation of $100,000, and they only have $11,792 to their credit; the Blackfeet Indians have a credit of $295,442, and we make here a direct appropriation of $100,000 and do not take it from their credit; the Flathead Indians have $58,953, and we appropriate $100,000 for them.

Mr. STERLING. I think that explanation is satisfactory with reference to most of the reservations about which I have inquired. It was a question in my mind largely as to whether

or not there was any considerable fund standing to the credit of the several tribes for which such large appropriations have been made.

I think the Senator from Minnesota is somewhat in error in regard to the construction of the provision on page 56, relative to the authorization of $100,000 for the North Dakota Indians. The proviso is:

Provided, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment and placed into the Treasury to the credit of the said tribe on or before June 30, 1925.

The proviso does not specifically charge the United States with liability for this Indian fund. It might in terms do it, and protect the Indians; but it does not do it.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. STERLING. Yes, sir.

Mr. CLAPP. I did not say that it is done by the terms of the proviso, but I say that by the terms of the proviso the Secretary of the Interior must make rules and regulations for the repayment; and the Government could not possibly stand up against the claim of the Indians for reimbursement. If the Secretary of the Interior took that money and loaned $500 of it to John Smith, a member of that tribe, and he failed to return it, no man could think of justifying a defense. We would be liable, and it makes that money a revolving fund up to 1925. By 1925 it must be all repaid into the funds or treasury of the tribe. We can not support any other interpretation, especially when we take into account the immorality of our taking money from the tribal funds, without the tribe having any voice in the matter, and loaning it to an individual Indian.

I say again that it makes no difference whatever to the Treasury of the United States whether you take the $500 which as a matter of bookkeeping is to the credit of the Indian tribe, or the $500 which as a matter of bookkeeping is in this general revenue fund of the Government. It comes out of the cash on hand in either case; and so long as we are liable to see to it that the money is repaid and put back again in the Indian fund it becomes immaterial.

If this provision had not come in here from the House, we would not have hesitated a moment to have put in the same provision with reference to these Indians; but it was already in here with reference to these Indians, and consequently we left it as it was.

There are some Senators here to-day who were not here the other day, and I want to reiterate what I said then. I do not think we can put the money to better use than advancing it to individual Indians as they seem, to the mind of the agent and under his observation, desirous and competent, lending them a helping hand and teaching them in the fall the necessity of keeping their obligations by paying the notes which are taken for the money. So far as we have tried the matter heretofore it has worked out with most splendid results.

Mr. NORRIS. Mr. President, I am in entire sympathy with the proposition that seems to be contained in the bill with regard to the several appropriations for these various tribes. I do not believe it is right, however, for us to take the money out of the Indian treasury in one case and out of the United States Treasury in the other case; and I do believe there is a good deal of difference between the two propositions, notwithstanding what the Senator from Minnesota has said.

Mr. CLAPP. Mr. President, with the Senator's permission, I should like to ask him a question.

Mr. NORRIS. I yield to the Senator.

Mr. CLAPP. Turning, now, to page 56, beginning with line 13—of course that paragraph remains in the bill unless it is taken out by a Senate amendment. Under that provision, suppose the Secretary of the Interior should loan to individual Indians—and that is what is contemplated, of course—$25,000 on that money. Of course they do not get the money itself, but he makes the arrangement, buys a team, or seed, or something, pays for it, and takes the Indians' notes. Now, at the end of the term ending June 30, 1925, suppose that money was not to be had; suppose it had simply evaporated.

Mr. NORRIS. Suppose they had lost it?

Mr. CLAPP. Yes. Will the Senator insist for one moment that we would not be liable to those Indians for that $25,000?

Mr. NORRIS. I will answer the question, and that is what I rose to do—to point out what I believed to be an inconsistency between the two appropriations. In order to get that money back into the treasury of the Indian tribe, an appropriation by Congress would be required.

Mr. CLAPP. Yes.

Mr. NORRIS. That will be conceded by the Senator from Minnesota, I presume.

Mr. CLAPP. Certainly.

Mr. NORRIS. There is the difference between the two propositions.

Mr. CLAPP. No.

Mr. NORRIS. The Senator is assuming that Congress would appropriate the money. I agree with him when he says it is a moral obligation, but there is no legal obligation involved in it. If we speculate with this money, and lose it, of course we ought to pay it back; but when we come here with an appropriation to pay it back we would be met with all kinds of objections. It would be said: "We used this money in a way that we thought was right; the Indian agent did what he believed to be a good thing, but it turned out to be bad, and they must suffer."

Mr. CLAPP. Mr. President, I can not believe that the time will ever come in this body when, if this provision on page 56 went into effect, and in 1925 we found that we had lost $25,000 of the fund, any Senator would oppose an appropriation to make it good. That is not possible, it seems to me.

Mr. NORRIS. It is possible, Mr. President.

Mr. CLAPP. The Senator concedes at least the moral obligation.

Mr. NORRIS. Why, certainly. My objection to the House provision is that it is not like the amendments brought in by the Senate committee. The Senator himself says there should be no difference. When we take this money and loan it to Indians we ought to run no risk whatever of the Indians losing the money. Now, as to one tribe, we say: "Here is $100,000 appropriated out of the Treasury of the United States that the department is going to use to loan to individuals to buy stock and other things for individual Indians, and put into this revolving fund." Very good. "Here is another tribe of Indians in South Dakota in whose case we are going to take the money out of their treasury and handle it in the same way." The difference is that in one case, if there is a loss, the matter is ended, because it is Federal money that is used, while in the other case, if there is a loss, it requires action by Congress before the Indians can get what they are justly entitled to.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. CLAPP. The committee will not hesitate one moment, I think, if the Senator from South Dakota prefers to have that made a direct appropriation. We can make a direct appropriation of that, but we can not put it on the other basis, taking it out of the funds in each case, because in some of these cases—especially the Fort Peck case—there is practically no money there—$12,000, or thereabouts.

Mr. NORRIS. I understand that. I am not advocating that we should take it out of the Indian treasury.

Mr. CLAPP. If the Senator from South Dakota prefers that this should be a direct appropriation, I, for one, certainly should not oppose it, but should heartily agree to it.

Mr. STERLING. No; I am not quite asking that this be made a direct appropriation, nor expressing a preference as between this direct appropriation and the other, so far as that is concerned, under the conditions which have been stated by the committee with reference to other reservations. The fact that there are scarcely any tribal funds to the credit of some Indian tribes is important.

If the Senator will permit me, however, I appreciate very much what the Senator from Nebraska has said. Granting that there would be a moral obligation on the part of the Government to repay the Indians and make good the Indian fund on account of any losses that might be sustained by reason of bad investments or unforeseen conditions, I am inclined to think that there would be those who would say that the Government is not even under a moral obligation.

Mr. NORRIS. I presume there would.

Mr. CLAPP. Oh, I can not believe that.

Mr. NORRIS. I presume there would.

Mr. STERLING. They would say: "The Secretary of the Interior, in the exercise of his best judgment and discretion, expended this money, thinking it was for the best interests of the Indians. Unfortunately, it has been lost. Under what obligation is the Government to make it good?"

Mr. CLAPP. Upon what theory could we hold an Indian tribe to stand that loss when they had not been consulted? When we authorize the Secretary of the Interior to take funds that are only theoretically, as a matter of bookkeeping, set apart in the Treasury, it is all one lot of money, of course—when we authorize him to take money out of the fund belonging to the Indians and loan it to an individual Indian, I do not believe the time will ever come when a man will stand up in this body and say that the Indians should be subject to that loss.

The statistics show that there are now about 5,000 cattle being grazed on this reservation under a lease. This means that outside interests are reaping the profits that might just as well come to the Indians had they capital with which to stock their reservation.

The statistics show that the Indians own about 7,000 head of horses and mares. Within the last three or four years these Indians, through various kinds of aids, have purchased about 100 stallions, which are now running on the range with their mares. This number is not sufficient hence there is left an unknown number of pony stallions which should be eliminated as soon as funds can be provided for the purchase of better horses.

The purpose of this appropriation is to purchase cattle, so far as it will go, to place upon the range, consume the grass, and thereby bring to the tribe the profits now going to lessees. The success achieved in the past is such as to assure large profits after the Government has been fully reimbursed for any moneys thus appropriated.

It is believed that were it possible to replace all cattle running under lease by those owned by the tribe and by continuing the upbreeding of the horses that within a comparatively short period the tribe can be made self-supporting and thereby eliminate the appropriation of public funds for their support, as has been the custom for several years past.

Statement of tribal assets and liabilities.

	Acres.	Value.	
Unallotted lands:			
Agriculture	33,000	$330,000.00	
Grazing	330,000	1,735,714.00	
Timber	70,000	950,000.00	
Mineral	40,000	400,000.00	
	473,000	3,415,714.00	
Timber, board feet, 300,000,000		600,000.00	
		4,015,714.00	
Tribal funds in Treasury June 30, 1913 (Doc. 328, 63d Cong., 2d sess.)		62,876.67	
			$4,078,590.67
Reimbursable appropriations made to June 30, 1913	$15,000.00		
Repayments by Indians	13,074.83		
		28,074.83	
Expended to June 30, 1913		23,061.76	
Reimbursable to United States			5,013.07
Surplus			4,073,577.60

Entire reservation unallotted. No legislation pending to allot.

As to the fact that it is a revolving fund, I wish simply to say that the results on this particular reservation have been very flattering. The reimbursable appropriations made on this reservation to June 30, 1913, were $15,000; and at the time this estimate was passed upon, which was in October, of the $15,000 these Indians had repaid $13,074.83; and it was stated before the committee that at that time they had probably repaid all of it. Hence, this one revolving appropriation shows very flattering results.

Mr. NORRIS. How long had the other revolving appropriation for these particular Indians been made?

Mr. ASHURST. It had been made in the Indian appropriation act for 1913.

Mr. NORRIS. And within one year all but $2,000 had been repaid?

Mr. ASHURST. That is true. So the returns were very flattering. I might state that these Indians are inclined to cattle raising.

Mr. NORRIS. It seems impossible that they should do that without selling the same cattle.

Mr. ASHURST. They probably purchased breeding cattle and sold them or sold beef or sold hides or something.

Mr. NORRIS. I should like to know whether there have been any appropriations made similar to this one involving quite a number of years; and if so, what has been the result?

Mr. LANE. Mr. President, I will say that this is something which has been tried in the last two years, and that in the southern portion of the Union it has been very successful. They have had, I think, no loss practically, or a very small one.

Mr. ASHURST. That is correct.

Mr. LANE. In regard to the Cheyenne Indians, of whom we are speaking at this time, they are Indians as to whom the Government found it necessary, in order to cut down expenses, to curtail the rations. The Indians have become tubercular. They are living in single-room houses without ventilation, and they are dying at a very rapid rate. They have reduced the rations and cut out the beef and substituted for it flour, which is starchy food. I as a physician advised the department against that. I told them if they wished to rid them of tuberculosis it would not do, that they would die like flies unless they did something for them. Those Indians are in need of food, and we are trying to give them this help so that they can raise their own cattle and have their own beef.

Mr. NORRIS. I should like to say to the Senator from Oregon that I have not made these inquiries in a spirit of criticism.

Mr. LANE. I know that.

Mr. NORRIS. But it struck me that it was a novel arrangement, and I wanted to know whether any system similar to it had been tried.

Mr. LANE. The fact is, it is a novel arrangement.

Mr. NORRIS. It is quite an interesting proposition.

Mr. ASHURST. Mr. President——

Mr. NORRIS. I yield to the Senator from Arizona.

Mr. ASHURST. I wish to say that the statement made by the Senator from Oregon is correct, that the results in all cases regarding these revolving appropriations have been very flattering. Not only have the sums of money advanced been repaid, but they have been repaid with remarkable promptitude.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 47, after line 16, to insert:

There is hereby appropriated the sum of $100,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Reservation, Mont., the said sum to be expended in the purchase of live stock, seed, vehicles, harness, machinery, tools, implements, and other agricultural equipment; and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. THOMAS. I should like to inquire of the Senator having charge of the bill whether any appropriation of a similar character to this has been made heretofore for this identical purpose? It would seem to me to be an extremely generous one—

For the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Peck Reservation, Mont.

If similar sums have been expended for similar purposes, there might be some question as to the wisdom or policy, and whether it has been successful or not successful up to date, would show this appropriation to be desirable or otherwise.

Mr. LANE. I can answer that question. A similar appropriation to this has never been made to the Indians of the Fort Peck Agency, and now it has been inaugurated by the department. I want to say that heretofore we have appropriated money in large sums for so-called civilization and support of the Indians, and it consisted in expending a sum of money in payment of salaries to employees out of which the Indian did not in many cases receive one-quarter of a cent; it was of no good whatever to the Indians. Now, they have adopted a plan which has never been followed before. The Indians have not any plows or harrows or seeds, and they found that if they were given these implements, and we trusted them to go to work and raise a crop, they would do it and refund the money. These Indians on the Fort Peck Reservation have water to irrigate their land, yet I have been told from employees on that reservation that they are not allowed water until after it has been taken out above to irrigate the land of white settlers. By giving these Indians harrows and plows, it is believed they will cultivate the land and will make money, and they will repay it from the crops.

Mr. THOMAS. The Senator says it is the policy to loan them money. I see no provision here which justifies the conclusion that this is a loan.

Mr. LANE. It is a revolving fund.

Mr. ASHURST. Yes; that is correct.

Mr. LANE. It is to be repaid.

Mr. THOMAS. Do I understand that this comes out of the Indian fund and not out of——

Mr. LANE. It is reimbursable.

Mr. ASHURST. It is a gratuity appropriation out of the Treasury, but it does not go to the Indians. The money is under the jurisdiction of a proper bonded official. It is used to purchase these articles of industry, and it is reimbursable in accordance with the manner in which I pointed out a while ago.

I will say, further, in reply to the Senator from Colorado, although it is not necessary, the Senator from Oregon [Mr. LANE] has made a very accurate reply, this is the first time it has been attempted on this reservation, and it has been brought about by reason of the splendid success on these lines that have been procured and achieved on other reservations.

Mr. THOMAS. I notice, Mr. President, that a very large number of the proposed Senate committee amendments are of a character similar to if not identical with this one, and the total amount of appropriations which are added to this bill as amendments for that purpose is very large. I am not so confident about the effect of appropriations of this kind for the civilization of Indians as my friend the Senator from Oregon seems to

be, although I am not at all averse to a proper and appropriate experiment in that direction. In view of the condition of the Public Treasury, the falling revenues of the Government, and the pledge of the Democratic Party to administer the affairs of the Government economically, I must confess that the increase of the total appropriations for Indian purposes and for purposes which are analogous to the main objects of the bill, about 25 per cent in excess of the sum reported from the House——

Mr. ASHURST. Mr. President——

Mr. THOMAS. I yield to the Senator.

Mr. ASHURST. Of all the Senators who have contended for economy, I think the Senator from Colorado justly leads, and he is correct.

Mr. THOMAS. That may be in effort, but not in result. I have not received any results of consequence up to date.

Mr. ASHURST. The items to which the distinguished Senator adverts were incorporated in the bill in pursuance of estimates legally made, according to law, by the department. The committee gave careful, diligent, protracted hearings, and much investigation to these items, and after its protracted hearings incorporated them in the bill in accordance with the estimates.

Mr. THOMAS. I am not, Mr. President, reflecting upon the good faith of the committee—at least, I am not intentionally doing so—and certainly not upon its chairman.

Mr. MYERS. Will the Senator yield to me to make an observation?

Mr. THOMAS. It has acted conscientiously and properly, as it seems to it. I yield to the Senator from Montana.

Mr. MYERS. I want to make just one suggestion. The Government has long been engaged in doling out thousands of dollars to the Indians to feed them and——

Mr. THOMAS. Now it is engaged in doling out hundreds of thousands.

Mr. MYERS. The expenditures under the former system aggregated hundreds of thousands and millions of dollars without any permanent results. The Government now seeks to educate these Indians to become farmers, self-supporting, and to make their own living. Every dollar of this money is reimbursable, and, judging by the past, it will be repaid to the Government, and the Indians will become civilized and become farmers, citizens, and self-sustaining, and will not have to have an annual donation of money doled out to them.

Mr. THOMAS. That is a very beautiful and alluring picture, Mr. President.

Mr. MYERS. That is the theory of the department.

Mr. THOMAS. But I am very much afraid that the Senator, who is a younger man than I am, will not live to see it materialize in actual accomplishment, though I hope he will.

Mr. ASHURST. Will the Senator pardon me for a moment?

Mr. THOMAS. Certainly.

Mr. ASHURST. In further reply to the Senator from Colorado, supplementing what was so well said by the Senator from Montana, I will say that the history of our dealings with the Indians discloses, as the Senator from Montana says, that for years the Government doled out food and blankets. I submit that if you take the wisest and most virtuous man and assure him that whatever comes, rain or shine, there will be doled out to him his blankets and his food, his initiative will be canceled and destroyed, and every reason for endeavor and for progress will have been taken away. Hence the Bureau of Indian Affairs has, after much consideration, concluded, rather than dole out rations to the Indian, to give him the means by which he will become self-supporting.

Mr. MYERS. To lend it to him; it is only a loan.

Mr. ASHURST. It is only a loan; so that he will become instructed in the art of agriculture, how to build houses, how to become a blacksmith, how to breed cattle, and how—slowly, of course, but surely, we hope—to develop into a self-sustaining person, and thus get rid of the miserable, unfortunate ration system. That is the reason of these revolving appropriations.

Mr. THOMAS. Mr. President, I am not criticizing this particular appropriation any more than I am criticizing others of similar character in the bill. The purpose sought to be subserved by these appropriations is unquestionably a good one, and one which does credit to the Indian Bureau, especially in view of the previous methods of the administration in that particular branch of the Interior Department. I do not believe, however, that the prospects of a successful application of these funds for the purposes for which they are designed are very bright, either under a Democratic or a Republican administration. If this money belongs to the Indians, I would see no objection to carrying out the recommendation of the commissioner to the extent to which the fund could be made available; but at this time to make these enormous appropriations—and when I say "enormous," of course, I have reference to the aggregate amount of them—is not justified in view of existing conditions, even though the purpose could be accomplished.

I am not going to make any objection, either by way of points of order or otherwise, to this or to similar appropriations. I merely want to emphasize for one moment a protest against the making of them to the extent that they are made at this time. I think it is wrong; I think it is unwise; I think it is going to react against the present administration. If there ever was a time in the history of this country when economy ought to be practiced, the present is that time; but we are not doing it either in the matter of Indian appropriations or any other appropriations. On the contrary, every bill coming over from the other House that is reported to the Senate from a Senate committee is enormously increased, and that, seemingly, without regard to the condition of the National Treasury.

I do not believe, as I said the other day, in false economy. There are many appropriations that ought to be increased, because they are absolutely essential to the well-being and the necessities of the Government. Where that is not the case, however, I think it would be well for my brethren to call a halt, or at least to go a little slower than seems to have been the case with reference to this and to other large appropriation bills.

Mr. LANE. I wish to say, if I may be allowed—and I shall be through in just a moment——

Mr. THOMAS. I yield the floor to the Senator from Oregon.

Mr. LANE. The Democratic administration owes it to itself to be just; that is its first duty; and only to the extent to which it is just will it make any great reputation for itself or secure the confidence of the people.

This is the first really just item, and perhaps one of the few contained in the bill. A great many of the others are subject to just criticism, but here is an attempt being made to allow the Indian an opportunity to make a living, which has heretofore been denied him by Congress and by the Bureau of Indian Affairs.

I wish to say that I, like the Senator, do not know—and I did not say I did, although the Senator charged me with the statement—whether or not this will succeed. I very much question whether you can make a successful farmer out of an Indian. We have tied up his land, we have expended hundreds of thousands of dollars of his money in building reclamation projects, and given him a limited time in which to make good upon those, and then refused to give him a plow or a harrow or a grubbing hoe to go out upon those projects and cultivate the land. He has been defrauded in the most contemptible manner. The department, I think, has come to the conclusion that if something of this kind is not done and the Indian is not able to extricate himself by some such means as this there will have to be an entire revolution in methods, for the department will no longer be able to stand upon its feet; it is going to fall by its own weight. We owe it to the Indian, and we have owed it to him for years and years. If he is to be forced to farm, if he is to be compelled to make his livelihood by that method or to starve to death or to die of tuberculosis if he does not starve, it is our duty to give him a plow and a harrow and seed with which to farm. Any Democratic doctrine of economy which would deny him the means to become self-supporting under the existing circumstances would be subject to just criticism.

Mr. THOMAS. Mr. President, I quite agree that every inducement should be offered to the Indian to civilize and improve himself; I do not question that. Neither do I raise any issue as to the manner in which the Indian has been treated by the Government heretofore. There are many things, however, which are just which may not for the time being prove to be expedient. I think that in this partular instance one or two of these appropriations, by way of experiment, might well be made, instead of making them all together in this wholesale manner.

There are, I presume, a number of other items which are more subject to criticism than this one, smaller ones, perhaps, and ones which are needless. I notice, for example, appropriations for the building of gymnasiums for Indian schools and kindred items. It may be that Indians need gymnasiums in their schools; I do not believe they do; I do not believe an Indian has any more use for a gymnasium in a school than I have at my time of life for a gymnasium in my residence; but, if they do need them, the appropriations for them ought to come out of the Indian funds. When this bill is considered in its entirety and it is passed and becomes a law, with the addition of nearly $3,000,000 to an original appropriation bill of about $7,000,000, my impression is that we are going to hear from the people about it.

thing that I know nothing about; and it was for that reason that I did not make any particular objection to this item.

Mr. SMOOT. I want to say frankly that if this were a straight appropriation to pay any school district for teaching Indian children whose parents are taxpayers, I certainly should object to the item going in the bill, but upon the explanation of the Senator from Michigan I shall not make a point of order against it.

Mr. LANE. Mr. President, I should like to call the attention of the Senator from Utah to the fact that there are a number of cases where the parents of Indian children are taxpayers, and have been for many years, and yet their children are excluded from the public schools. We have had that matter brought to our attention in a number of cases where the white children objected to these Indian children, and the Indian children not only were not permitted to go to the school in the district in which they paid taxes, but they got no schooling at all. That exists, if it is a matter of any interest.

Mr. SMOOT. Of course, that question is not involved in this amendment.

Mr. LANE. No; but that is the fact.

Mr. SMOOT. It may be a statement of fact.

Mr. LANE. Yes; it is a statement of fact.

Mr. SMOOT. But that, as I say, is not involved in the question now before the Senate.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 4, to insert:

To reimburse the widow of George A. Miller, for expenses incurred by him in defense of a suit arising out of his operations as a special officer engaged in the suppression of the liquor traffic among Indians, $200, or so much thereof as may be necessary.

Mr. SMOOT. I should like to ask the Senator in charge of the bill if he has a statement from the department showing the expenses incurred.

Mr. ASHURST. George A. Miller, so the department reports, was a special officer employed by the Government of the United States in the matter of inspecting and ascertaining if there were any infractions or violations of the law relating to the traffic in intoxicating liquor among the Indians. In the performance of his duty he found it necessary, unfortunately, to shoot another person in self-defense. Both civil and criminal actions were instituted against Mr. Miller in the courts for this act of shooting on his part. The United States district attorney defended this officer in court, and he was successful in both the civil and the criminal courts; but the expenses referred to in the amendment were expenses which, under existing law, could not be borne by the Government, and costs which arose out of the civil and criminal actions that had been brought against him. The Comptroller of the Treasury has held that there are no funds available to meet these expenses. Then the department, in its estimate, further states:

During a portion of Miller's service he was in financial difficulty because of the illness of his wife, and when he died, a short time ago, he left his family without means. The intent of the item is to reimburse the estate for the amount expended by Mr. Miller, both as a matter of law and justice, to assist the widow.

Mr. SMOOT. What I wanted to know was whether the Senator had a statement of those expenses from the department. I ask the question for the reason that this is a personal claim, and, of course, rightfully should have gone to the Claims Committee. I know that that committee in the past, and also now, never makes an appropriation without some statement of the expenses incurred, and I thought perhaps the Senator had the items of expenses. If he has not, I shall say no more.

Mr. ASHURST. No; I have not the specific items making up the amount of $200.

Mr. SMOOT. I will say that I never would have voted for the claim unless I had a statement of the expenses at the beginning.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Indian Affairs was, on page 46, after line 24, to insert:

There is hereby appropriated the sum of $50,000, out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all payments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. NORRIS. Mr. President, I should like to make an inquiry from some member of the committee about that appropriation. If I understand it, it is a sort of revolving appropriation by which these cattle are to be bought and sold, and then the department will use the money to buy some more cattle, and so on until 1924?

Mr. LANE. Yes. I may say that the matter was presented to the committee, and the condition which exists on that reservation is that the lands are not all suited for agricultural purposes, but they are lands upon which they can raise hay. The Indians are in a destitute condition, and have had a serious time; and the department thinks it can make them self-supporting and do great good to them by giving them cattle; and then, with the use of the lands that are irrigable upon which to raise alfalfa to feed the cattle in the winter, that they will do well by putting them in the cattle business. The range there in the spring, summer, and fall is, they say, perhaps the best of any in the United States. They can raise fat cattle there if they can carry them through the winter.

Mr. NORRIS. Where is it located?

Mr. LANE. I can not tell the Senator exactly. It is in the portion of Montana where they put these people a number of years ago. I can not tell the Senator the exact location. It is on the edge of the Rocky Mountains, more toward the south—south of the Flathead country and the Crow country. It is a particularly desirable country for that purpose I am told.

Mr. PAGE. Mr. President, will the Senator yield to me?

Mr. LANE. I will.

Mr. PAGE. I should like to say to the Senator from Nebraska that we have made four distinct appropriations for the State of Montana—$50,000 for the Northern Cheyenne Indians, $100,000 for the Fort Peck Reservation, $100,000 for the Blackfeet Reservation, and $100,000 for the Flathead Reservation.

Mr. NORRIS. I should like to ask the Senator if there are any other appropriations for these other agencies similar to this one?

Mr. PAGE. There may be, Mr. President; but I may say, in regard to that, that the State of Montana is getting more added appropriations over and above what was appropriated by the House than all the other States, or, as I understand, practically as much as all the other States. We not only appropriate $500,000 in addition for the Flathead, Northern Cheyenne, Fort Peck, and Blackfeet Indians, but we also add to the appropriation made by the House $500,000 for irrigation projects, making a million dollars that we add for Montana alone, over and above the appropriation made in the House.

Mr. NORRIS. A portion of this money is reimbursable, however, is it not, and some of it is appropriated out of Indian funds?

Mr. PAGE. It is supposed to be reimbursable; but in the hearings before the committee last year the late Senator from Kansas, Mr. Curtis, who is perhaps more conversant than any other man with matters pertaining to Indian affairs, made the statement that these appropriations were more than the entire value of the land. I think I am right in regard to that. It is substantially correct, at any rate. As I understand the matter, I may say further to the Senator from Nebraska that every one of these added appropriations was recommended by the department upon the supposition that we were going to protect them by the other legislation which provided that the irrigation benefits should not be taken from them for a term of years. Now, all those provisos which protect the Indians have gone out; but we have left in, or seem disposed to leave in, these very large additional appropriations for the irrigation projects.

Mr. NORRIS. Mr. President, I should like to say to the Senator that whether or not there is too much money appropriated for Indians in Montana is something that does not concern me so much. I have no objection to the appropriations going to Montana, even though the Montana Indians would get more than the Indians in any other State, if they are justined by the facts. I am not seeking to draw any State lines.

If there are Indians in Montana who need the money, and it is proper to make the appropriation and there is reason for it, I would favor the appropriation even though it meant that the Indians in Montana would get more money from the Treasury than the Indians in any other State. I do not believe we ought to draw the line in that way.

The Senator, however, has given some information that it seems to me is valuable. I should like to ask him now, in view of what he has said about different provisos protecting the irrigation projects having gone out of the bill, whether he is still in favor of this particular appropriation? Does he believe it is right?

I am asking solely for information. I am not opposing the appropriation, although this revolving concern did strike me as being a peculiar one, and I should like to get the judgment of the Senator on that question.

Mr. PAGE. Mr. President, I think these particular appropriations to aid the Indian to improve along the line of agriculture, making him more of a farmer and less of a hunter and trapper, are wise. I believe we ought to do this; and I am quite willing that in connection with this we shall appropriate very large sums of money for the irrigation of lands, so that he may do this. It must be borne in mind, however, that these separate additions to the bill in behalf of Montana were all predicated by the Commissioner of Indian Affairs on the theory that we were going to protect the Indians by the safeguarding provisions, which have all gone out on points of order.

Mr. NORRIS. The question I ask the Senator is, in view of that fact, does he think this provision ought to remain in the bill?

Mr. PAGE. I rather think it ought to remain in the bill; but, in view of what has been done, I believe we ought now to go back and change the proviso on page 43, where we increased the appropriation for the irrigation project from $100,000 to $250,000. I think we ought to change that, and leave it as it came from the House.

I think we ought to do that or else some assurance ought to be given us by the State of Montana that these large sums to be appropriated out of the Indian fund should be preserved, should be conserved, should be safeguarded and protected in some way; else, if that can not be done, I do not think we ought to make large increased appropriations. The particular appropriation to which the Senator refers I think is a wise one.

Mr. NORRIS. How does the Senator expect to get any guaranty from the State of Montana? The Indians are wards of the Federal Government. I do not see why we should ask Montana to do anything in aid of the Federal Government in support of the Indians any more than we ought to ask any other State.

Mr. PAGE. It has appeared in this discussion that, for instance, the State of Utah has provided by legislative enactment that these rights of the Indians shall be conserved until 1921. Now, if we could attach some proviso here that these appropriations shall not be available until the State of Montana by legislative enactment has done something to protect the Indian, I would be quite satisfied.

Mr. NORRIS. I wish the Senator——

Mr. PAGE. If that can not be done, I should feel that I have not done my duty unless I move to strike out the increased appropriation made by the Senate committee.

Mr. CRAWFORD. Mr. President——

Mr. PAGE. One word. I shall move to strike it out. I do not know that I shall succeed in carrying the motion, but really I have my own idea of duty and unless something can be done by which it can be safeguarded I shall feel it my duty to make that motion.

Mr. CRAWFORD. Mr. President——

Mr. NORRIS. I have the floor, but I will be glad to yield to the Senator from South Dakota.

Mr. CRAWFORD. I do not see the relation between the appropriation on page 47, which is $100,000 for the support and civilization of the Indians of the Fort Peck Reservation, and the appropriation for irrigation work on page 43 in relation to the Flathead Indian Reservation. Why should the amount of this appropriation for the civilization and support of another tribe of Indians, the Blackfeet, for instance, on another reservation be in any way dependent upon the amount appropriated for irrigation work in the Flathead Reservation? It seems to me that they are not connected or correlated.

Mr. PAGE. If the Senator will allow me, I will state that an appropriation had been made not only for the Fort Peck, the Blackfeet, and the Flathead Indians, but also for the Northern Cheyennes, and they are all subject to the same conditions that are attached to the amendment now under consideration.

Mr. LANE. Mr. President, I think the Senator is mistaken in that. I do not understand this to be that kind of an item at all. This is an item for the purchase of live stock—cattle—for the benefit of the Northern Cheyenne Indians.

Mr. CRAWFORD. That is not the one I was discussing.

Mr. LANE. It is the one under discussion.

Mr. MYERS. I should like to ask the Senator from Oregon a question.

Mr. LANE. Just a moment, please. If that is the item which is under consideration, and I think that is what the Senator from Nebraska referred to, I want to say to Senators that there is no irrigation or reclamation scheme in connection with this reservation. They have but a small portion of land which is irrigated, something like 2,500 acres, I understand, and for the reason that it is particularly advantageous for the raising of cattle and horses it is the desire of the Indian Bureau to let them raise cattle and horses. That is about the only source they have for making a livelihood. They are good cattlemen; they are better horsemen. The country is peculiarly adapted to that purpose. It raises good grass. That is all there is to it.

It is a revolving sum, which they are supposed to repay, or if they do not pay it from the sale of their cattle, it would be a claim upon their land. They are Indians whose annuities are practically nil. I do not think they amount to over $2 per capita. They have no farming land, and at this time they are in a destitute condition. It was the judgment of the department that they should be given this opportunity to make a living from horses and cattle from the use of their range, it being their most available resource.

Mr. NORRIS. I think it ought to be said in defense of the statement made by the Senator from Oregon that all this claim that there was any irrigation project involved in this appropriation——

Mr. LANE. It is not in this, I understand.

Mr. NORRIS. But the Senator did say, as I understood him, that the department recommended this appropriation on the theory that and other recommendations regarding irrigation contained in another portion of the bill should be allowed, and inasmuch as those other appropriations and recommendations have been disregarded and thrown out, therefore the question is whether this sum should be allowed.

Mr. LANE. I beg pardon. I think this was put in as an independent item regardless of any irrigation or reclamation project.

Mr. NORRIS. I think we can reach that. I should like to ask the Senator from Oregon if this particular item is to be appropriated for land under irrigation or that can be irrigated?

Mr. LANE. They have something like 2,500 acres, I understand, that can now be irrigated.

Mr. ASHURST. Mr. President——

Mr. NORRIS. I yield to the Senator from Arizona.

Mr. ASHURST. If the Senator will pardon me, it appears to me that there is some misapprehension in regard to this matter. It will be observed that the item we are now considering is for the specific purpose of purchasing cattle, and that the item following to which Senators have adverted is one of the industrial items. This is merely for the purpose of purchasing cattle, and I will read the justification submitted by the Indian Department regarding this item:

"There is hereby appropriated the sum of $50,000 out of any moneys in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be immediately available, for the purpose of purchasing cattle for the benefit of the Northern Cheyenne Indians: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925; and all payments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law."

Mr. Chairman, I submit the following justification for this appropriation:

Tongue River statistics.

Population of tribe		1,433
Area of reservation, unallotted	acres	485,500
Agricultural lands	do	31,000
Grazing lands	do	330,000
Live stock owned by Indians:		
Horses, 4,000	average value	$35.00
Mares, 3,000	do	$35.00
Stallions, large, 100	do	$300.00
Cattle, 6,500	do	$50.00
Bulls, 100	do	$80.00
Grazing permits now running, cattle, 5,000, at per head		$3.35

The Tongue River Indians are not yet allotted. The reservation includes a few thousand acres of very good agricultural lands, providing water therefor can be secured. It has been found difficult and expensive, however, to provide water for these lands.

As a grazing proposition this reservation is one of the very best within or without the Indian country. The grazing lands carry heavy and nutritious feed; there is ample stock water of fine quality; there is good winter protection, and the topography of the country is such that feeding grounds for live stock can be found at about any time in the winter, regardless of the storms. The statistics show that the Indians now own about 6,500 head of cattle. These are the increase of a thousand heifers put on the reservation about eight years ago and another thousand put on about four years ago. Since then market cattle to the value of about $150,000 have been sold.

This success has been achieved largely by reason of the fact that these cattle, while issued to individual Indians, have been held very largely as a tribal herd, thereby protecting them from surreptitious slaughter and injudicious selling. The female stock is all preserved for breeding purposes, and only the matured steers and cullings put on the market. That very great returns have been achieved and can thereafter be achieved is therefore an established fact.

Mr. ASHURST. Mr. President, it was the opinion of the committee that——

Mr. SMOOT. Mr. President, I will ask the Senator from Arizona a question which perhaps will clarify the situation quicker than it can be done by his looking up the record. Is this for the purpose of enrolling a number of Indian children who are not yet upon the rolls?

Mr. ASHURST. That is the purpose of the proposed legislation.

Mr. SMOOT. Then I have not any objection to it.

Mr. TOWNSEND. I think the committee amendment ought to be amended.

Mr. SUTHERLAND. I desire to suggest an amendment to the amendment, in lines 15 and 16, to strike out the words "unallotted," and after the word "reservation," in line 16, to insert "who have not received allotments."

Mr. TOWNSEND. I suggest that the words "who are entitled to receive allotments" should be inserted.

Mr. SUTHERLAND. In the amendment of the committee, on page 45, line 15, before the word "children," I move to strike out the word "unallotted," and in line 16, after the words "Fort Peck Reservation," to insert "who have not received but who are entitled to allotments."

Mr. ASHURST. I hope the amendment will be adopted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 46, to insert:

For payment to the trustees of school district No. 23, Flathead County, Mont., for the tuition of Indian children during the year 1912, $471.60.

Mr. SUTHERLAND. Mr. President, I want to ask the chairman of the committee a question. I received a letter from the county superintendent of schools in Box Elder County, Utah, some time ago, in which it was stated that the Indian Bureau, under some provision or lack of provision of the law, was no longer paying for the tuition of Indian children in that county. I was asked to bring the matter to the attention of the Committee on Indian Affairs, which I did. Can the Senator from Arizona tell me whether the matter was taken care of by the committee in this bill?

Mr. ASHURST. Mr. President, my remembrance, without consulting the record, is that an item somewhat analogous to the one now brought to the attention of the committee by the distinguished Senator from Utah [Mr. SUTHERLAND] was incorporated in the bill; at any rate, it was the intention of the committee to incorporate it in the bill; and if the committee has failed to do so, I trust the Senator from Utah will make the motion at the proper time that it be inserted, because it was the opinion of the committee that it would be wise, just, and equitable legislation.

Mr. SUTHERLAND. Should there not be some general provision, because that situation exists, I think, in quite a number of places in the West?

Mr. ASHURST. As to the advisability of general legislation on the subject, I am not prepared to state. Speaking for myself, I will say that it might be well to so provide, rather than to treat the various cases as individual items; but the committee has not arranged to treat these matters by general legislation, but has dealt with each one severally. The justification for this particular item is found in volume 5 of the hearings, on page 669. The reason for it is that the comptroller recently held that the office was without authority to pay the claims. The claims were, however, held to be just, and hence legislation was asked.

Mr. SUTHERLAND. There are a great many places where Indian families have lands which they have occupied and their children attend the district schools. The Indians themselves pay no taxes in support of the schools, as do the white people, and it has been the custom heretofore—I think until last year—for the Government to pay such tuition.

Mr. ASHURST. The Senator from Utah is correct about that, if my memory serves me accurately.

Mr. SUTHERLAND. There ought to be some general provision in this proposed law which will continue that practice. I am not sufficiently familiar with the general subject to frame the amendment, and I hope the Senator from Arizona will do so before the bill is finally passed.

Mr. NORRIS. Will the Senator from Utah yield to me for a question?

Mr. SUTHERLAND. Yes.

Mr. NORRIS. I should like to know, while this matter is up, why it is that the comptroller had refused to permit the practice—which I understand has been heretofore indulged in—of paying all such items as those without specific legislation. Why was that practice discontinued? Was it because of some prohibitory legislation?

Mr. ASHURST. Mr. President, in reply to the Senator from Nebraska, I will say that I do not know the particular reasons, and I doubt if they were disclosed to the committee, upon which the comptroller predicated his decision. We did not go into that matter. I presume he was fortified from a legal standpoint in his views.

Mr. NORRIS. I assume that he was. I am not complaining about that.

Mr. ASHURST. I do not know his reasons.

Mr. NORRIS. The point I wanted to make, and to which I should like to have the attention of the Senator from Arizona, was this: As I understand, prior to last year it was unnecessary in an appropriation bill to appropriate for these specific items, because the department had authority under general law, as I supposed, to pay such items without a specific appropriation in each particular instance. As I understand, the comptroller has now held that that authority does not exist in the department; and I wanted to know whether this decision was brought about on account of any legislation Congress had passed taking away from the department the authority to make such payments.

Mr. SUTHERLAND. I have a very indistinct recollection about it; but, as I recollect it, there was no appropriation made in the bill of last year for that purpose. It was left out of the bill. In that connection I wish to state that I find on page 8 of the bill a proviso to the general appropriation for the support of Indian day and industrial schools and for other educational and industrial purposes this proviso:

Provided further, That not more than $20,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Perhaps that will take care of it; I am not certain about it; but I inquire whether that is the fact?

Mr. CLAPP. Mr. President, I think that will take care of it, probably; but this situation arises in this way: These provisions come here from the House of Representatives; and, of course, there is a natural disposition, and a worthy one, to keep appropriations down. The departments come to our committee and present cases where it is urged they can not meet all their expenditures with the appropriation in the bill as it comes from the House, and that it is necessary to increase the appropriation or to make special provision; and in order that the increased amount may, without any question, be devoted to specific cases, oftimes the committee, the members feeling that it should be devoted to specific cases, make it specific. That accounts occasionally for an increase on the part of the Senate committee over the amount carried by the House bill for items not covered by a general appropriation, but by a specific appropriation. It is often done in that way.

Mr. NORRIS. Will the Senator from Minnesota yield for a question?

Mr. CLAPP. Certainly.

Mr. NORRIS. I should like to ask the Senator from Minnesota if this particular item was rejected because there was no authority of law for the department to pay it or because of a lack of appropriation? As I understand the Senator from Arizona, the chairman of the committee, this claim was not allowed because there was no authority of law for its allowance.

Mr. CLAPP. Well, there may have been something of that kind in that particular case; I am not familiar with the decision of the comptroller in that regard, and I do not know what constrained him to render the decision making this appropriation necessary.

Mr. ASHURST. Mr. President, if the Senator will yield to me, I will send to the Secretary's desk, and ask to have read, the matter relating to this item, which appears on pages 40 and 41 of the report presented by the Committee on Indian Affairs to accompany the bill. It is a very short and succinct statement of the whole item and the reasons for it.

The VICE PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

PAYMENT TO SCHOOL TRUSTEES, FLATHEAD COUNTY, MONT.

(Bill, p. 46, line 1.)

On March 6, 1913, a contract was approved providing for the payment of the tuition of 25 Flathead Indian pupils in public-school district No. 23 of Flathead County, Mont., for the fiscal year ending June 30, 1912, at the rate of $9 per capita per quarter. Later, when claims were presented under this contract, it appeared that the parents of these children were owners of taxable property, although when the contract was drawn up it was understood in the Indian Office that the parents were not owners of taxable property, and this condition was stated in the contract. The children were permitted to attend the public school during the year on the assumption that the district would receive compensation therefor. When the claim was presented to the Auditor for the Interior Department he took the position that, as the parents were taxpayers, the children were legally entitled to attend the school without tuition; in other words, the contract to pay tuition for the Indian children was null and void, lacking consideration, as the Indian children were entitled to attend the public schools tuition free. The Comptroller of the Treasury later confirmed this decision.

As the enrollment in the public schools was given these children in good faith by the public-school authorities with the understanding that the Indian Office would pay tuition therefor, it is believed that the proposed legislation to reimburse district No. 23, Flathead County, Mont., should be given favorable consideration.

Reports indicate that the parents of these children paid practically no taxes and the public schools should be aided by the payment of this claim.

Mr. MYERS. Mr. President, I think that statement sets forth very clearly and succinctly the reasons of the committee for embodying this amendment in the bill. I have had considerable correspondence about the matter with the department, as well as with the school trustees named. I think it presents a very strong and equitable claim for recognition. The amount is small, and the circumstances in favor of it are very strong and appealing. If there has been no law heretofore for the payment of this class of claims, this will make one. I trust that the amendment will be adopted, because I believe it is entirely right and just and does no wrong to anyone.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. MYERS. Certainly.

Mr. NORRIS. I should like to say to the Senator that I am not opposing this appropriation. The reading of the extract by the Secretary disclosed the ground upon which the decision of the comptroller was made. It occurred to me, however, when this amendment was read that such items ought to be provided for by a general appropriation, rather than by a specific appropriation; in other words, that we ought not to appropriate for every particular instance where Indian children are sent to public schools, as it would be very difficult for us to pass on each individual case. I made an inquiry, with a view of ascertaining whether this particular claim was rejected by the comptroller because of a want of authority of law and whether that would apply to all other cases of a similar nature. It does not appear to me that we ought to here take up each individual instance where Indian children are sent to the public schools and make specific appropriation for each case; but that the department ought to have a fund out of which they can pay such claims.

It seems in this case that the department rejected the claim on a technicality, because the report read by the Secretary seems to indicate that at the time the contract was made the parents of these children had no taxable property, but later on they became possessed of some property upon which they paid a small amount of taxes, and therefore this item could not be paid out of some general lump sum appropriated for that purpose.

Mr. TOWNSEND. Will the Senator from Nebraska yield?

Mr. NORRIS. The Senator from Montana [Mr. MYERS] has the floor. So far as I am concerned, I will be glad to yield.

Mr. MYERS. I think the remarks of the Senator from Nebraska are well made, and they may well be presented to the future consideration of the committee. It would be practically impossible, however, to incorporate in this bill general legislation at this time to cover all such cases, and therefore I trust that the amendment will be adopted.

Mr. CLAPP. Mr. President, will the Senator yield?

Mr. MYERS. With pleasure.

Mr. CLAPP. In my opinion, Mr. President, there ought not to be any general fund out of which claims of this kind may be paid. It develops that in this particular case payment was withheld on account of the parents being taxpayers. It also develops that, while they were technically taxpayers, they were not possessed of very much property, and the justification for this item is that the department having made a contract with the school district, a contract that does not come within the purview of the appropriation on page 8, and it having been made and carried out by the district, it would only be fair to make the appropriation to meet that contract. That is the only justification under the circumstances for this item.

Mr. NORRIS. Mr. President, if the Senator will allow me——

Mr. CLAPP. With pleasure.

Mr. NORRIS. I will say that when I said that I thought a general appropriation ought to be made I perhaps was not specific enough. I myself agree with the Senator from Minnesota that a general appropriation perhaps ought not to be made to apply to cases like this; but what I supposed this case to be before the report was read from the Secretary's desk was one where the parents of the Indian school children were not taxpayers. Such cases as that ought to be paid out of a general fund, I think, appropriated for that purpose.

Mr. CLAPP. They are covered by the appropriation on page 8. The only question in my mind when the Senator made his inquiry was, not remembering or being familiar with the history of this particular case, whether it was one of those cases where there was an additional payment due, which the department felt the appropriation under section 8 would not be sufficient to meet. It does not come within that.

Mr. NORRIS. It was the purpose of my inquiry to develop that. On the face of this appropriation there is nothing to differentiate it from any case that might arise under the general appropriation, and I wanted to know why it was, having made a general appropriation, that we were making a specific appropriation in this case. The explanation was given when the report was read, and it was perfectly satisfactory to me.

Mr. CLAPP. That is true. I am simply stating, as I stated before, that occasionally you will find a specific appropriation within the purview of a general appropriation, made specific because it is desired that it shall be used for that particular object rather than simply to add it en grosse to the general appropriation.

Mr. TOWNSEND. Mr. President, I think there is no trouble about the department being able to pay all the tuition where there is absolutely no question about whether they are Indian children not entitled to the benefits of the school. The item in question here, for instance, is one that has perhaps some equities in it that would entitle it to receive consideration at the hands of the Senate; and yet almost the same argument would hold with equal force against any of the white children whose parents did not happen to be taxpayers in that community. They are entitled to the benefits of that school. They ought to have the benefits of the school. They did have them, probably. This bill was brought in afterwards to compensate that school, largely on the ground that it is a poor district, although the Government had entered into a contract with the district to allow those children to go in there at a stated, stipulated tuition.

Mr. SUTHERLAND. The difference between the case of the Indian children and the white children is that the Indians have the property, but it is exempt from taxation, being held in trust by the United States.

Mr. TOWNSEND. In many cases, however, that is not true. In many cases the Indian property is used for the support of the schools, and the white children get the benefit of that the same as the Indian children do.

I did not object to this particularly, first because there was a contract, and also because it seemed perhaps right under some views of the subject that they should pay; but it is only in those cases where there is a question about it that it comes here in this bill, as I understand. At least no other has been called to my attention. Where it is clearly understood that the Indian child is not entitled under any consideration to the benefits of the school without paying for them, the department pays the tuition.

Mr. CRAWFORD. An appropriation is made.

Mr. TOWNSEND. An appropriation is made for that particular purpose. Now, you can not pass a general statute to cover these other cases, because they are all dependent upon particular circumstances which arise in reference to that school; and the Government has been particularly liberal in granting tuition to the schools to pay for the schooling of the few Indian children who have been to those schools.

Mr. SMOOT. Then I understand the Senator to say that the Indian children, for which this amount is provided, were children of parents who were taxed and paid taxes? I will ask the Senator from Michigan if that is not true?

Mr. TOWNSEND. They paid some taxes. They did not pay very much tax. Perhaps some of them paid no taxes; but they were children who, under the construction of the comptroller, were entitled to the benefits of the school just the same as the white children were, their property being so situated and they living under such relations as entitled them to the benefits of the school.

Mr. SMOOT. There may have been a great many white families there that paid no more taxes than the Indians.

Mr. TOWNSEND. Quite so.

Mr. SMOOT. And it seems to me rather a dangerous proposition to start to make an appropriation here for the year 1912 for Indian children taught in a certain school in Montana who are children of taxpayers.

Mr. TOWNSEND. I desire to say, if the Senator will permit me, that this is a little different from other cases, because the department entered into a contract on the supposition that some of these children were not entitled to the free use of the school. Now, whether they employed extra teachers, and under that representation were induced to hire extra teachers, is some-

tion, flood control, water-power development, cooperation of railways and waterways, and promotion of transfer facilities and sites. Two years ago I succeeded in placing an amendment upon the river and harbor bill in the Senate providing for the skeleton organization covered by this bill, but the amendment was lost in conference because of the opposition of the House conferees. Since then, as the result of conferences with Senator RANSDELL and Senator-elect BROUSSARD, of Louisiana, the bill has been amended by fully recognizing the Mississippi River as a national problem, and the bill now has the active cooperation of these gentlemen, Mr. BROUSSARD having recently introduced it in the House. The bill is now known as the Newlands-Broussard bill.

Early in the present administration the President's attention was called to the bill as a substantial compliance with the Democratic platforms of the past two campaigns, calling in the most specific terms for comprehensive plans, an ample fund, the coordination of the scientific services, and the cooperation of the Nation with the States in the full development and control of our rivers for every useful purpose. The President was much interested and referred the bill to a Cabinet committee consisting of the Secretaries of War, Interior, Agriculture, and Commerce for their study and report. This Cabinet committee is very favorably inclined toward the general lines of the bill, but recommends as a step in the ultimate solution of the problem the adoption of an amendment to the river and harbor bill practically on the lines of the amendment offered by me two years ago and adopted in the Senate. The matter has been the subject of discussion at a Cabinet meeting, and the President approves of this action.

The most important difference between this amendment and the full bill is that it does not carry the large and continuing appropriation for which the advocates of a comprehensive plan of waterway development have been working. It does, however, provide complete machinery for the coordination of the scientific services of the Government, for the study of the problems involved, and for the formulation of plans. The amendment has the approval of the Secretaries of the departments named, as well as of the President, and is acceptable to me as a step in the right direction, although it does not go as far as I had hoped it might be carried. It is my belief that upon such a substantial foundation, with the cordial cooperation of the administration, it will be a question of only a comparatively short time until the problem of how to conserve our water resources will be solved in the best possible way.

I ask that the amendment be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the amendment was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

SEC. —. That a commission, to be known as the river regulation commission, consisting of the Secretary of War, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, two Members of the Senate to be selected by the President of the Senate, and two Members of the House of Representatives to be selected by the Speaker, is hereby created and authorized to investigate questions relating to the development, improvement, regulation, and control of navigation as a part of interstate and foreign commerce, including therein the related questions of irrigation, forestry, fisheries, swamp-land reclamation, clarification of streams, regulation of flow, control of floods, utilization of water power, prevention of soil waste, cooperation of railways and waterways, and promotion of transfer facilities and sites, and to formulate, if practicable, and to report to the Congress comprehensive plans for the development of the waterways and water resources of the country for every useful purpose through cooperation between the United States and the several States, municipalities, communities, corporations, and individuals within the jurisdiction, powers, and rights of each, respectively, assigning to the United States such portion of such development, promotion, regulation, and control, if any, as can be properly undertaken by the United States by virtue of its power to regulate interstate and foreign commerce and by reason of its proprietary interest in the public domain, and to States, municipalities, communities, corporations, and individuals such portion, if any, as properly belongs to their jurisdiction, rights, and interests, with a view to properly apportioning costs and benefits, and with a view to so uniting the plans and works of the United States within its jurisdiction, and of the States and municipalities, respectively, within their jurisdictions, and of corporations, communities, and individuals within their respective powers and rights, as to secure the highest development and utilization of the waterways and water resources of the United States. Such river regulation commission is authorized for the purpose of said investigation and report to bring into coordination and cooperation with the Corps of Engineers of the Army, as a board or boards, the other scientific or constructive services of the United States that relate to the study, development, and control of waterways and water resources and subjects related thereto, and to the development and regulation of interstate and foreign commerce, and to consider as a part of its study of a comprehensive plan the continuance of such a board or of such boards with a view to keeping such services in coordination and cooperation; and such river regulation commission is authorized to appoint as members of such board or boards such engineers, transportation experts, experts in water development, constructors, and other employees as it may deem advisable to appoint and employ in connection with the investigation and the formulation of plans herein authorized and to lease offices. And for the expenses of such investigation, organization, and formulation of plans the sum of $500,000 is hereby appropriated.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. OVERMAN. I move that the Senate insist upon its amendments and agree to the conference ask. I for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to.

The VICE PRESIDENT appointed Mr. OVERMAN, Mr. LEA of Tennessee, and Mr. JONES conferees on the part of the Senate.

INDIAN APPROPRIATIONS.

The VICE PRESIDENT. The morning business is closed.

Mr. ASHURST. I ask unanimous consent that House bill 12579, the unfinished business, be laid befor. the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The Secretary resumed the reading of the bill, on page 43, line 13.

The next amendment of the Committee on Indian Affairs was, on page 43, after the word "estimates," to strike out "$100,000" and insert "$250,000," so as to read:

For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans, and estimates, $250,000, reimbursable in accordance with the provisions of the act of April 4, 1910, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 43, in line 20, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Flathead Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SMOOT. I make a point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 44, line 7, before the word "lands," to strike out "allotted," so as to read:

For continuing the construction of irrigation systems to irrigate the lands of the Indians of the Blackfeet Indian Reservation, in Montana, etc.

Mr. SUTHERLAND. I should like to ask the chairman of the committee what is the purpose of striking out the word "allotted"? Are there lands to be irrigated that are not allotted to the Indians?

Mr. ASHURST. In reply to the question propounded by the distinguished Senator from Utah, I will refer to page 245, part 1, of the Senate committee hearings. The following proceedings are reported as having taken place before the Committee on Indian Affairs:

"For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $50,000, reimbursable in accordance with the provisions of the act of March 1, 1907, and to remain available until expended."

The item is referred to on page 456 of the House hearings.

Mr. MERITT. This is another irrigation project which is being constructed by the Reclamation Service. There was expended on this project up to June 30, 1913, $830,321. It is estimated that it will cost approximately $3,000,000. The project, when completed, will irrigate about 122,000 acres of land, and the present irrigable area amounts to 10,800 acres. There are on this reservation approximately 2,700 Indians.

Senator PAGE. On this you say you agree with the House?

Mr. MERITT. We will be satisfied with the estimates allowed by the House.

Senator MYERS. I should like to have Mr. Newell heard on that.

Then Mr. Newell, the Director of the Reclamation Service, appeared and stated, inter alia, as follows:

Mr. NEWELL. This irrigation system in Montana is immediately south of a large irrigated area in Canada, and immediately north of a large privately irrigated tract, and is one of a series which are being built by the Government and private parties, extending all along the Rocky Mountain front. The appropriations have been from $300,000 down to $150,000 in 1912. As Mr. Meritt has stated, the total cost will be about $3,000,000, and less than $1,000,000 has been appropriated. The foundation has been laid for an extensive irrigation

system for water to be brought on 10,000 more acres, all Indian land. In fact, all the land is Indian land that is to be irrigated. It is all irrigated land that has been allotted, but the Indians have not yet utilized any considerable part of it, as they have not yet accepted the ideas of allotments with alacrity. That is to say, they have not moved onto the lands.

Mr. Newell continues:

If we are to continue these irrigation systems, which seems to be the policy of Congress, the work should be carried on at a greater rate than that proposed of $50,000 which merely amounts to working time. As stated, in the case of the Flathead, if we are to do anything, it ought to be done in an economical and effective manner, and that we should do something I think is testified by the fact that these Indians must be put on a self-supporting basis, must be put on the land, and in that climate the land should be irrigated. I think there are no questions here involved of whites sharing in the expense, because, as I understand it, nearly all the irrigable land is allotted to the Indians, and it is desired to continue the irrigation of those allotments to a point where the tribe can fairly share in them.

Mr. SUTHERLAND. I do not see anything thus far in what the Senator has read which indicates any reason for extending the irrigation to unallotted lands.

Mr. ASHURST. If the Senator will pardon me, with the word "allotted" stricken out it covers all the unallotted lands. With the word "allotted" remaining it would be only for the purpose of irrigating the allotted lands. Some of the Indians have not been allotted their share. If the word "allotted" were permitted to remain, it might be construed that the irrigation project would only be utilized and this provision could only be extended in the matter of irrigating allotted lands. Certain Indians have not had their lands allotted.

Mr. SUTHERLAND. I do not so understand the meaning of the word "allotted." I think the word "allotted" there is descriptive and is applied to the character of the lands to be irrigated. It does not necessarily mean lands which are now allotted. The same expression is used all the way through in all these appropriations.

Mr. ASHURST. It was the opinion of the committee——

Mr. TOWNSEND rose.

Mr. ASHURST. I yield to the Senator from Michigan.

Mr. TOWNSEND. If the Senator from Arizona will permit me, my understanding of the proposition is that the word "allotted" left in and the words in lines 8 and 9 left in would necessarily mean all the irrigable lands of the Indians. By striking it all out you have covered the Indians' land. It was thought that there should be two descriptive titles, each for a separate portion, to comprehend the whole. The committee have stricken out not only "allotted" but the words in lines 8 and 9, which referred to the other lands that were irrigable.

Mr. SUTHERLAND. The policy thus far has always been to provide for the irrigation of lands which were given to the Indians in severalty, not to provide for irrigation on these projects by tribal funds of lands which hereafter may be transferred to the whites. That might result in some embarrassment. If we make an appropriation to irrigate all Indian lands, hereafter a portion of those lands may be sold by the Government, and undoubtedly they will be sold to white settlers, and an embarrassing question perhaps might arise as to whether or not they carry the irrigation rights.

There ought to be some provision in the appropriation which confines the use of the appropriation for irrigation to lands which either now or hereafter are transferred to the Indians in severalty, and the word "allotted," which is used in all these expressions is a descriptive word. It is not a word which fixes a status at the present time, but it will apply to lands which are hereafter allotted to the Indians. However, if we strike it out, then you have a provision for all irrigable Indian lands, irrespective of whether they may or may not hereafter be allotted to the Indians.

Mr. TOWNSEND. The idea that the department had, as I recall it, in view of the discussion which was had before the committee, was that hereafter these lands were going to be used by the Indians; and there seemed to be quite a disposition on the part of the members of the committee to provide for the use of these lands for the Indians themselves; that whether these lands have been allotted or whether they were irrigable and unallotted, belonging to the tribe they should be used for the benefit of the tribe. The proposition was to cover the Indian lands. I myself can see very little difference between leaving both those portions in and striking them out. I would not want to have one stricken out and the other left in, but if one goes out evidently to my mind both should go out, and all the irrigable lands of the Indians of the Blackfeet Reservation would then be subject to the appropriation.

Mr. SUTHERLAND. I presume that in this case, as in all others, an estimate has been made as to how much money will be necessary to provide water for the lands which the Indians will occupy in severalty, and that that estimate does not cover all the Indian lands.

Mr. TOWNSEND. No; it covers what will be needed at this time, $50,000, for the construction of necessary works for putting water on the land.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "Montana," to strike out "and the unallotted irrigable lands to be disposed of under authority of law," so as to read:

For continuing the construction of irrigation systems to irrigate the lands of the Indians of the Blackfeet Indian Reservation, in Montana, including the necessary surveys, plans, and estimates, $50,000, reimbursable in accordance with the provisions of the act of March 1, 1907, and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 44, line 13, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Blackfeet Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. SUTHERLAND. I make a point of order against that proposed amendment.

The VICE PRESIDENT. The point of order is sustained.

The amendment was agreed to.

The next amendment was, on page 45, line 2, after the word "expended," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Peck Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed: *And provided further*, That the Secretary of the Interior is hereby authorized to make allotments in accordance with the provisions of the act of May 30, 1908 (35 Stat., p. 558), to unallotted children on the Fort Peck Reservation as long as any of the surplus lands within said reservation remain undisposed of, such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUTHERLAND. I notice there are two provisos there.

The VICE PRESIDENT. It is a divisible question, if the Senator desires to have it divided.

Mr. SUTHERLAND. I make a point of order against the first proviso down to and including the word "repealed" in line 11.

The VICE PRESIDENT. The point of order is sustained.

Mr. TOWNSEND. The words "and further" should be stricken out if the first proviso goes out.

The SECRETARY. Strike out the words "and further" and begin, with the word "*Provided*," the proviso from line 11 to line 19 on page 45, so as to read:

Provided, That the Secretary of the Interior is hereby authorized to make allotments in accordance with the provisions of the act of May 30, 1908 (35 Stat., p. 558), to unallotted children on the Fort Peck Reservation as long as any of the surplus lands within said reservation remain undisposed of, such allotments to be made under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SUTHERLAND. The words "unallotted children" seem to introduce into the law a new expression. I have heard of "unallotted lands," but I have never heard of "unallotted children." I suppose what is meant is to allot lands to Indian children who have not yet had lands allotted to them.

Mr. ASHURST. The observation of the learned Senator from Utah is eminently correct from a grammatical standpoint, at least.

Mr. SMOOT. I will ask the Senator having charge of the bill if this same provision as to other reservations has not been eliminated by points of order?

Mr. ASHURST. I will say to the honorable Senator from Utah that this is the first time we have met with this provision in the course of the consideration of the bill.

Mr. SMOOT. Will not the Senator from Arizona explain to the Senate as to why this provision is put into the Indian appropriation bill?

Mr. ASHURST. Does the Senator from Utah refer to the matter not stricken out, from line 11 down to line 19, on page 45?

Mr. SMOOT. I refer to the matter beginning in line 12, which reads:

That the Secretary of the Interior is hereby authorized to make allotments——

And so forth.

ternecine strife, his life spells American opportunity.

rise from abject poverty to a high place among the leaders of

quest of the gentleman from New York? [After a pause.] The Chair hears none.

lied upon in favor of those things that were [illegible] His spirit was not that of a warrior trampling and crushing

those who stood in the way of his ambition. On he ventured along the pathway, a bright smile upon his face, a willing hand to help the helpers on their way, and lo, when he reached the river a great multitude are gathered on its bank with rueful countenance, and when the boatman appears to bear him hence, there is still a greater multitude with outstretched hands to greet him on the shore.

Mr. LEVY. Mr. Speaker, I ask unanimous consent that Members may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from New York [Mr. LEVY] asks unanimous consent that Members who have not participated in to-day's ceremonies may have five legislative days in which to extend their remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

The SPEAKER pro tempore. Gentlemen, in accordance with the resolution previously adopted, the House now stands adjourned until 12 o'clock noon to-morrow.

Accordingly (at 1 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Monday, June 22, 1914, at 12 o'clock noon.

SENATE.

MONDAY, *June 22, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we thank Thee for coming more and more out of the shadows into the clear light of day, for the increased knowledge that gives the brighter vision of Thy face, for the uplift of humanity that brings us into closer relationship to Thy great plan and purpose. The motive that Thou dost present to us is the strength of life. The influences of Thy grace are our inspiration. The ideals of Thy word are the glory of all our human endeavor. Grant us Thy grace and wisdom to walk with a clear conscience through the hours of this day. May we find high and holy fellowship with God in the discharge of all our duties. For Christ's sake. Amen.

The Journal of the proceedings of Saturday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The Baptist Church of Beaufort, N. C., against United States (S. Doc. No. 521);

James B. Russell, administrator cum testamento annexo of William L. Hollis, deceased, against United States (S. Doc. No. 520);

Marcus D. Wright, executor of the last will and testament of Thomas G. Wright, deceased, against United States (S. Doc. No. 518); and

The trustees of the Methodist Episcopal Church South of Annandale, Va., against United States (S. Doc. 519).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased; and

S. 4377. An act to provide for the construction of two revenue cutters.

PETITIONS AND MEMORIALS.

Mr. THOMPSON presented a petition of the Epworth League, of Mankato, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Epworth League of the Garvanza Methodist Episcopal Church, of Los Angeles, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. OVERMAN. I present a telegram in the nature of a petition signed by citizens of Rutherfordton, N. C., petitioning Congress to submit an amendment prohibiting importation, manufacture, and sale of intoxicating liquors. I ask that the telegram be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

[Telegram.]

RUTHERFORD, N. C., *June 19, 1914.*

Hon. LEE S. OVERMAN,
United States Senate, Washington, D. C.:

Undersigned petition Congress to submit amendment prohibiting importation, manufacture, and sale of intoxicating liquors.

J. B. CARPENTER.	C. C. REID.
W. A. HARRILL.	C. E. TANNER.
JAMES M. CARSON.	J. D. HUGG.
K. G. CARPENTER.	F. B. RANKIN.
R. R. BLANTON.	J. F. FLACK.
M. O. DICKERSON.	A. R. YELTON.

Mr. PENROSE presented petitions of sundry citizens of Scranton and Philadelphia, in the State of Pennsylvania, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. TILLMAN presented petitions of sundry citizens of Newberry, S. C., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the congregation of the First Baptist Church of Waltham, Mass., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Socialist Club of Attleboro, Mass., and a petition of Local Branch, National Association of Civil Service Employees, of Concord, Mass., praying for the enactment providing for the retirement of civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented the memorials of A. R. Dauth, C. Pilchin, William Wessel, M. A. Jenkins, Henry G. Jacobs, H. Thomas, and 58 other citizens of Fort Wayne, Indianapolis, and Evansville, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. NELSON presented a petition of the Chamber of Commerce of Chattanooga Tenn., praying for the enactment of legislation to regulate bills of lading, etc., which was referred to the Committee on Commerce.

Mr. HUGHES presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Ridgedale and Dickson, in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

ISAAC J. REESE.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (S. 1160) for the relief of Isaac J. Reese, reported it without amendment and submitted a report (No. 606) thereon.

AFFAIRS IN NICARAGUA.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the resolution (S. Res. 396) authorizing the Committee on Foreign Relations to make an inquiry into the transactions of Brown Bros. and Seligman and Speyer & Co. concerning the validity of certain bonds issued by former President Zelaya, of Nicaragua, etc., reported it with an amendment in the nature of a substitute, and moved that it be referred to the Committee to Audit and Control the Contingent Expenses of the Senate, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRYAN:

A bill (S. 5909) to amend an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; to the Committee on Finance.

By Mr. OVERMAN:

A bill (S. 5910) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Shelby, N. C.; and

A bill (S. 5911) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Gastonia, N. C.; to the Committee on Military Affairs.

By Mr. TOWNSEND:

A bill (S. 5912) granting an increase of pension to Melvina Coquillard (with accompanying papers); to the Committee on Pensions.

By Mr. WEST (by request):

A bill (S. 5913) for the relief of the legal representatives of the estate of Benjamin Hamilton, deceased; to the Committee on Claims.

By Mr. SHERMAN:

A bill (S. 5914) granting an increase of pension to William Howard; to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 5915) granting a pension to Bernard Donegan; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 5916) for erecting a suitable monument over the grave of Admiral David D. Porter in Arlington National Cemetery; to the Committee on the Library.

A bill (S. 5917) for the relief of the J. Ellwood Lee Co.; to the Committee on Finance.

A bill (S. 5918) to correct the military record of Isaac Purnell;

A bill (S. 5919) to correct the military record of J. H. Armstrong; and

A bill (S. 5920) granting an honorable discharge to Esau Carson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5921) granting an increase of pension to William P. Fenton;

A bill (S. 5922) granting an increase of pension to Harry J. Corr;

A bill (S. 5923) granting a pension to Caroline Kelly;

A bill (S. 5924) granting a pension to Ellwood I. Beatty;

A bill (S. 5925) granting a pension to Ezra A. Stair;

A bill (S. 5926) granting an increase of pension to Eugene Lenhart;

A bill (S. 5927) granting an increase of pension to Jesse Brown;

A bill (S. 5928) granting an increase of pension to Mary Taylor;

A bill (S. 5929) granting a pension to George C. Jackson;

A bill (S. 5930) granting an increase of pension to John G. Rifenberrick;

A bill (S. 5931) granting an increase of pension to Jeremiah Barnett;

A bill (S. 5932) granting a pension to Patrick Kinny;

A bill (S. 5933) granting an increase of pension to Samuel Frankenberger;

A bill (S. 5934) granting a pension to Joseph Rorke;

A bill (S. 5935) granting an increase of pension to John Billingsley;

A bill (S. 5936) granting an increase of pension to John Taggart;

A bill (S. 5937) granting an increase of pension to E. M. Knorr;

A bill (S. 5938) granting an increase of pension to Henry Wilson;

A bill (S. 5939) granting an increase of pension to Sarah J. Bossert;

A bill (S. 5940) granting an increase of pension to David G. McCullough;

A bill (S. 5941) granting an increase of pension to Grantley L. Weaver;

A bill (S. 5942) granting a pension to John C. Keffer;

A bill (S. 5943) granting an increase of pension to George Hudson;

A bill (S. 5944) granting an increase of pension to W. D. Boyd;

A bill (S. 5945) granting an increase of pension to Cyrus Devore (with accompanying paper);

A bill (S. 5946) granting an increase of pension to George L. Ross (with accompanying papers);

A bill (S. 5947) granting a pension to Lewis R. Meredith (with accompanying papers);

A bill (S. 5948) granting an increase of pension to Cerenious M. Wykoff (with accompanying papers);

A bill (S. 5949) granting an increase of pension to Hugh McDonald (with accompanying paper);

A bill (S. 5950) granting an increase of pension to Alexander Boyd (with accompanying paper);

A bill (S. 5951) granting a pension to Joseph L. Robinson (with accompanying papers);

A bill (S. 5952) granting an increase of pension to Oscar Ernst (with accompanying papers);

A bill (S. 5953) granting an increase of pension to Bentley C. Mercer (with accompanying papers);

A bill (S. 5954) granting an increase of pension to Joseph Artley (with accompanying papers);

A bill (S. 5955) granting an increase of pension to George H. Clark (with accompanying papers); and

A bill (S. 5956) granting an increase of pension to Thomas T. Adams (with accompanying papers); to the Committee on Pensions.

By Mr. RANSDELL:

A bill (S. 5957) to authorize the construction of a bridge across the Sabine River in the States of Louisiana and Texas, about 2 miles west of Hunter, La.; to the Committee on Commerce.

A bill (S. 5958) for the relief of estate of Sophia Brown, deceased, and heirs of Jacob Bezar, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CATRON:

A bill (S. 5959) to amend an act entitled "An act to regulate commerce"; to the Committee on Interstate Commerce.

By Mr. MYERS:

A bill (S. 5960) for the relief of Delilah Siebenaler; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 5961) granting a pension to Harriet J. Weddle; and

A bill (S. 5962) granting an increase of pension to Joseph W. Seaman; to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5963) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps; to the Committee on Naval Affairs.

By Mr. JAMES:

A bill (S. 5964) granting an increase of pension to Amanda F. Powell (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CHAMBERLAIN submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was ordered to lie on the table and be printed.

Mr. RANSDELL submitted an amendment proposing to increase the appropriation for pay and allowances and commutation of quarters for commissioned medical officers and pharmacists, Public Health Service, from $620,888 to $720,888, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment proposing to appropriate $35,000 to construct two tidal indicators in Boston Harbor, Mass., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

NEWLANDS-BROUSSARD RIVER-REGULATION BILL.

Mr. NEWLANDS. Mr. President, I submit an amendment intended to be proposed to the river and harbor appropriation bill, and I desire to make a brief statement in connection therewith.

Ever since 1907 I have been urging the adoption of a river-regulation bill, providing a commission with a fund of $60,000,000 annually for 10 years, for the purpose of promoting the development and control of our rivers in the interest of navigation, and also with a view to the solution of the related questions of irrigation, forestry, fisheries, swamp-land reclama-

factor in life made him a business man in his teens; his power over men, his talent for leadership, his magnetic personality, manifested themselves so early that he was an elected representative of his people as soon as he was a man.

True, he was a politician, and it has become the fashion to deride politicians as the epitome of all that is opposed to the interests of the people. Yet, judged even by the standards of the reformers and uplifters, Representative SULLIVAN was a fine example of success in public life. He represented the people of his district in the State Assembly and Senate and in Congress so well that he broke down all party lines and became the idol of every man, woman, and child. It was said of him that he carried his district around in his pocket. The truth was that he carried his district around in his personality, and it is given to few men to inspire in their friends and neighbors such affectionate devotion, such unbounded loyalty, as was given to him by all the people of his district.

And he deserved it all. Throughout his public life, and in the business life which brought him a competence and showed how well he could succeed in any field, he was ever a man of his word. He was a plain dealer and a truthteller; he hated quibbles and evasions and technicalities; he tried for big things, he achieved big things, and success was dear to him; yet he would rather have failed a thousand times than once go back on his pledged word, the word which was his bond. In his own picturesque language, he was neither a "quitter" nor a "welcher." He was straight and true to the core, and upon that foundation his friends and followers built up their faith and loyalty.

But the most impressive side of his character, and the least known to the general public, was his bigness of heart, his free hand in the distribution of aid to the needy and helpless; his charities were not reported in the newspapers, and he was not a founder of colleges or libraries; yet for many years, in spite of the lack of press agents, he was the big brother and ever-ready friend to hundreds of families and thousands of people; he gave so freely and cheerfully, without question as to the history of the applicant or the use of the largess, that his close associates had to invent schemes to protect him from poverty.

He was thus a man of the people, never found wanting in times of trouble or need, the tried and true friend when the real test of friendship came. He was never much of an orator or talker; he never—

> Walked beside the evening sea,
> And dreamed a dream that could not be.

He was a man of deeds, of friendly acts, of the helping hand to his friends and neighbors; "the still strong man in a blatent land." His attitude toward life can be summed up in those splended lines of Sam Walter Foss—

> Let me live in my house by the side of the road,
> And be a friend to man.

After years of personal association the term "Big Tim," to those privileged to so call him, came to represent all of affection and genuine feeling that could be crowded into a name; and his monument is now in the hearts of countless thousands who mourned his passing as a personal loss.

His end was a pathetic one, and yet such as he would have wished; no trappings or pageants, no "last words" to a tearful accompaniment; he wished to steal away as quietly as he could, without disturbance to the friends whose hearts were overflowing with love for him. He felt that his work was done, and he wanted to pass out unnoticed.

> Some time at eve when the tide is low,
> I shall slip my mooring and sail away,
> With no response to the friendly hail
> Of kindred craft in the busy bay,
> In the silent hush of the twilight pale,
> When the night stoops down to embrace the day,
> And the voices call in the waters' flow—
> Some time at eve when the tide is low,
> I shall slip my mooring and sail away.

Thus quietly did he go; his memory will be no "thistle on the wind of many men's tongues," but a throbbing wound in loving hearts, lasting while life endures.

> Peace to his ashes;
> Honor to his memory.

[Mr. HAMILL addressed the House. See Appendix.]

Mr. GRIFFIN. Mr. Speaker, the House of Representatives, following a sacred custom, pauses on this Sabbath afternoon to render its tribute of respect to the name and memory of the late lamented TIMOTHY D. SULLIVAN, who represented in this Congress the Thirteenth New York District.

Born in New York City of Irish parentage in 1863, at a time when the North and South were engaged in unhappy internecine strife, his life spells American opportunity.

Poverty was his heritage. He made his own way in the business world, and in legislative halls by force of character. He rose from newsboy on the streets of the metropolis to a legislator of prominence in the Empire State, having been a member of the assembly for five years and a member of the State senate for 10 years. He also served in the Fifty-eighth and Fifty-ninth Congresses.

TIMOTHY D. SULLIVAN, affectionately known as "Big Tim" to every man, woman, and child in the Thirteenth New York District, was a postgraduate in the course of practical politics. His word was his bond, his pledge once given ever remained inviolate. He was loyal to his friends, devoted to their interests, unswerving in his party fealty.

He was not a hypocritical, theoretical moral uplifter, but a deep student of human nature, whose heart, early trained in the school of adversity, beat in sympathetic unison with the sufferings of frail humanity. The barefoot newsboy on the streets of Manhattan had known the pang of hunger and the heartache of poverty. In the classroom of experience he learned the wonderful significance of God's injunction, "Feed the hungry, clothe the naked." And when prosperity came he needed no urging to do the Master's bidding.

Christmas Day on the much-maligned, much-misunderstood Bowery, which loved him and which he loved, saw TIMOTHY D. SULLIVAN in his happiest rôle—the almoner of the poor, the comforter of the afflicted. He loved mankind with a love that knew no limitations. His hands were always outstretched to the poor fellow who started life with the odds against him, who fell by the wayside in life's journey to the great beyond.

The words of his Creator, "Let him who is without sin cast the first stone," seemed to be the spirit that guided him in his treatment of those who sinned against society.

He is gone. The poor of New York City have lost a benefactor, the oppressed a champion, the fallen a mediator. He is gone, but his memory still lingers, and ever will, among the poor of the teeming lower East Side, who knew him best and loved him most.

> Leaves have their time to fall,
> And flowers to wither at the north wind's breath,
> And stars to set; but all—
> Thou hast all seasons for thine own, O Death!

Mr. GITTINS. Mr. Speaker, it fell to my lot to make formal announcement here of the death of Hon. TIMOTHY D. SULLIVAN, who had been elected to represent a New York City constituency here in the Fifty-eighth, Fifty-ninth, and Sixty-third Congresses. He had also been four times elected and served four two-year terms in the senate of his native State. It was during my service in the State Senate of New York in 1911 and 1912 that I gained the pleasure and advantage of a somewhat intimate acquaintance with "Big Tim," as everyone called him. The name did not belie the man. It fitted, rather, every faculty of his mind, every phase of his character. It would not have been enough were he called "Pig-Hearted Tim."

Mr. Speaker, one of the great compensations which attend membership in the American House of Representatives is the privilege of meeting and knowing great men, statesmen and leaders of people. I have never met a man in public life anywhere who took deeper hold on my affections than did BIG TIM SULLIVAN. His kind is the rarest kind. Many great minds there are, but few indeed have possessed such a heart. As deep and broad as the ocean was his humanity. He always loved mankind, but he loved it most in its afflictions. He was broad and tolerant. The humble thanks of the poor and afflicted brought more pleasure to his soul than any other worldly thing could give.

To speak of a man as genuine has always seemed to me the highest kind of tribute to personal character. Mr. SULLIVAN was genuine. People may speak of the artistic temperament, the judicial temperament, the legislative temperament, but "Big Tim" personified in his temperament all the cardinal virtues. He was filled with faith, hope, and charity; and with him the greatest of these was charity.

In temper he was as simple as a child, as brave as a lion, as tender as a woman. Candor and courage were marked virtues with him. He loved his country with an intense love, and the welfare of his constituents was his highest aim.

He advocated suffrage for women because, he said, he observed in late years as many women as men on the streets of New York at 6 o'clock in the morning.

I learned to respect him for his native wisdom and his broad learning, acquired in the bitter school of experience. His presence always lent a distinct quality to any conference on political and governmental subjects. He always advanced considerations which otherwise would not receive proper attention. His rise from abject poverty to a high place among the leaders of

men can only be accounted for by crediting him with high qualities of both heart and mind and an industry of uncommon kind. His abstemious life was also a contributory cause. It is not generally known that he never drank liquor nor used tobacco.

For his simple virtue I would paraphrase Leigh Hunt's immortal poem:

> Abou Big Tim (may his tribe increase!)
> Awoke one night from a deep dream of peace,
> And saw, within the moonlight in his room,
> Making it rich, and like a lily in bloom,
> An angel writing in a book of gold;
> Exceeding peace had made Big Tim bold,
> And to the Presence in the room he said,
> "What writest thou?" The vision raised its head,
> And with a look made all of sweet accord,
> Answered, "The names of those who love the Lord."
> "And is mine one?" said Tim. "Nay; not so,"
> Replied the angel. Tim spake more low,
> But cheerily still, and said, "I pray thee, then,
> Write me as one who loves his fellow men."
> The angel wrote and vanished. The next night
> It came again with great awakening light,
> And showed the names whom love of God had blest,
> And lo! Big Tim's name led all the rest.

Mr. CALDER. Mr. Speaker, TIMOTHY D. SULLIVAN was a type of man in the public life in New York City that is fast becoming extinct. Born in that city in 1863 of Irish parentage, he was elected to the New York Assembly when hardly of age. He was subsequently elected to the senate and served for a number of years. He was elected to the Fifty-eighth and Fifty-ninth Congresses, again elected to the State senate, being elected in 1912 to the Sixty-third Congress. He was a comparatively young man; but in the years that he lived there were crowded together many events of a public character with which he had much to do. Congressman SULLIVAN was a natural leader of men. He did not dominate them through fear of his power, but rather through a kindly disposition. He practiced the art of winning his people by treating them kindly and taking care of them in their hour of distress. He had lived among them as a poor boy, grown up among them, knew their needs, and knew how to win their affection and loyalty.

Mr. SULLIVAN was a man of very large influence in the Democratic Party in New York City in that section lying south of Fourteenth Street, a section upon which the Democratic organization depended for its large majorities. Mr. SULLIVAN, through his years of leadership, was always accessible to every human being who lived in his neighborhood. He believed it the duty of a political leader to find employment for his people, to take care of them when they were sick, to bury their dead if their family was without funds; to save the wayward boy from prison and a life of crime when he was arrested for some slight violation of the law—in other words, he stood as the father of his whole community. He never posed as the leader of his party in New York, but rather as one of the group of men who molded the policy of that party. I seldom agreed with Congressman SULLIVAN in any of the public policies he advocated, and have always been on the opposite side politically, but I had a very high regard for his constant consideration of his people, particularly his attitude toward the unfortunate and friendless of our city.

One Christmas Day, without being known, I visited his headquarters in the Bowery in New York City where all the poor and derelicts of the city were gathered for their Christmas dinner. His custom was to give everybody who came a substantial meal, and before they left to provide them with some warm clothing and shoes to protect them from the winter weather. It was a wonderful sight, and I learned then why these men would vote for and with him on any measure, and die for him if asked. He had a kindly smile and was a man of exemplary personal habits. Among the people with whom he lived and by many great charities in the city of New York he will be sorely missed. I am glad to be present to-day and stand in my place to pay my personal tribute to this man who was so suddenly taken away, a man unique and a tower of strength in his day—a master politician of his kind and a big-hearted friend. New York City in his death lost one of its most interesting characters. The Democratic Party lost one of its strongest leaders, and the people of his district, irrespective of party, lost a kind, good, and true friend, and we all lost one of the most likable men who ever became a leader.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to read an address sent here by our colleague, Hon. HARRY HOWARD DALE, of the fourth New York district, who, much to his regret, is unavoidably absent to-day.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. DALE. Mr. Speaker, the House of Representatives meets to-day to pay its final tribute of respect to one of its Members, the Hon. TIMOTHY D. SULLIVAN, who passed away on August 31, in the year 1913. The poor people of the city of New York were shocked to the extreme when the sad news reached them that their dearest friend's eyes had closed in death. Such was TIMOTHY D. SULLIVAN that we gather here to-day to pay tribute to. As a New York boy beginning his life, the struggle being a hard one, he never forgot the fact that he was a member of the common people, and until his death was ever ready and willing to aid and assist them; and therefore this element which goes to make up the great population of the metropolitan city of New York will forever honor the grand characteristics and memory of their noble champion who has answered the inevitable summons.

It was my pleasure to have spent several years in the Legislature of the State of New York with him, which gave me opportunity to personally observe and study him, and I therefore, Mr. Speaker, refer to him by reason of personal knowledge. His great motto always was: "To make success, all men must help each other." The people of the city of New York loved him. Many a heavy heart he gladdened that stood on the shore of despair by his ever-ready willingness, liberality, and charitable instinct. Most of his life was spent in what is known in the city of New York as the Bowery section, and he never forgot the scenes of his boyhood days, always keeping in touch with his people; always prominent in all their gatherings. He loved to associate with them, to greet them with a smile and a hearty grasp of the hand, and in return to receive their loyalty, love, and friendship. The letter carriers, the policemen, the firemen, the old soldiers, the friendless widow, and the homeless girl and boy will miss him, for he was ever their friend. They learned to know his ability and his worth, and they appreciated the faithfulness and devotion with which he served them. His memory will ever remain in the hearts of the people he represented so long and so ably. He was a self-made man. In his boyhood days he sold newspapers on the streets of New York.

Mr. Speaker, keeping that in mind and knowing what a great man he rose to be, it represents a hard and persistent battle. At a very early age, immediately after attaining his majority, he was elected to the Assembly of the State of New York to represent the people of the district where his boyhood days were spent. All that he was, the position that he achieved, was due to his own exertions and honest work. His career, indeed, furnishes a splendid lesson to the youth of this country and goes to show that in this land of the free and land of opportunity, however lowly or humble a boy's origin may be, he may rise to the highest rank and obtain the most exalted station. Of him it can be truly said that there is no stain upon his record and that he will be followed to his grave with the sincere regrets of all with whom he came in contact. Our colleague had an unfailing sense of humor, which smoothed over the rough obstacles of life we encounter on our travels. He was a good story teller; so when we saw him come, how welcome he became, knowing the likelihood of an enlivening conversation. His knowledge of political subjects was large, so that his observations were illuminated by reference to national events and what the great statesmen of the country had said and done in connection therewith, and his quotations were accurate and pertinent. He did not have the ambition for an orator's reputation, but was always ever alert to protect the interests of his people; and he never permitted any matter in which they were interested to be neglected or passed by. He eagerly watched such measures and was ever watchful in securing votes for the side he favored. Thus his great use to his district was known by his people and appreciated handsomely at the polls. He was an incessant worker for his constituents in all directions, so that they loved and honored him.

TIMOTHY D. SULLIVAN was one of the kindest hearted men I ever knew. His grief was extreme for the loss of one he loved, I know, as do many others, the saddening effect upon his life of the death of his cousin, the late Timothy P. Sullivan. He never ceased to grieve over that loss, and I doubt if a day passed thereafter when he did not live over again the charming relations he had been permitted for years to enjoy. It was a blow from which he never recovered, and no doubt was in a large measure responsible for his lingering illness that finally brought him to his end. Mr. Speaker, I could go on for an unlimited period of time dwelling upon the public services he has rendered, his record for honest and intelligent service to not only the people of the Nation, but particularly to the people of the city of New York, which is too well known to be referred to here by me. His influence could always be relied upon in favor of those things that were for the right. His spirit was not that of a warrior trampling and crushing

zens; the First Baptist Church, representing a membership of 190, by C. F. Taylor, its presiding officer, and J. L. Spencer,

passage of the Smith-Hughes motion-picture bill; to the Committee on Education.

TIMOTHY D. SULLIVAN was an uncompromising Democrat. He fought hard and skillfully for his party and never failed in the district wherein he was the idol of his followers to bring success to the Democratic ticket. Yet, withal, his fairness secured for him a host of friends from the ranks of his political adversaries.

He was not an orator who dealt in flowery language and ornate periods, but a logical, practical, and convincing talker who presented his facts clearly in a common-sense way and frequently with commanding power. Had he remained in Congress he might have developed into a useful, working Member. His large legislative experience would have stood him well in hand and his work in committee could have been most useful. There is a mistaken notion prevalent among many of the American people that the best work of Congress is done on the floor and that to be a useful Member one must be found there indulging frequently in spirited debate. They little know that some of the most laborious and serviceable work is done by the earnest, sincere Member of the House in the committee room. And after all, there in the committee room, where the complex problems are first investigated and discussed, and where the difficult task of framing and shaping legislation to be reported to the House, or where bills without merit are to be laid aside, is where the usefulness, the skill, and the ability of a Member is oft put to severe test.

The malady with which Mr. SULLIVAN was stricken unfortunately cut short his career, and in September last we were startled with the intelligence of his pathetic death. The reports published in almost every newspaper in the land sent a shudder of horror through us all. It was the story of a great tragedy, and friend and foe alike in sorrow mourned. Again came vividly and in startling form the lesson we so frequently forget that teaches the uncertainty of human life. The awful story of the tragic death of this man whose district loved him so devotedly cast a gloom all over the locality where he was known so well. The people there mourned as they had never mourned before the loss of any of their neighbors or public men. The terrible news that this man in the prime of life and the height of his career had met with such a fearful fate brought again to the minds of men a realization of how vain after all is this transitory existence.

'Tis the wink of an eye, 'tis the draft of a breath,
From the blossom of health to the paleness of death,
From the gilded saloon to the bier and the shroud,
Oh, why should the spirit of mortal be proud?

Mr. Speaker, the funeral of TIMOTHY D. SULLIVAN was one of the most remarkable in point of attendance of people and in general sorrowing and mourning of a devoted constituency ever witnessed anywhere. For days the body of the deceased lay in the club house on the Bowery, and the scene there of men and women, with saddened faces and tearful eyes, coming and going by the thousands during all the hours and way into the far hours of the night was most inspiring and deeply affecting. As the throngs came and went— the rich, the middle class, and the poor—as the many thousands of those who had been the recipients of SULLIVAN'S benefactions and his kindness cast longing, lingering looks on the face of the man they had loved so well, as they knelt and silently prayed for the repose of his soul and then departed with faces betokening unfeigned sorrow and poignant grief at the loss of him who was in truth their friend, the stoutest heart was moved to tears. The floral tributes coming from every quarter of the city and from other sections of the State, the attendance of men and women and children from far and wide to pay respect to the memory of this man attested the universal popularity of our late colleague whose life, whose career, and death are so full of incident, so dramatic in detail, so fraught with lessons of equal opportunity in this Republic to all.

And those of us who in the sad contemplations of this hour reflect upon the many who have left us to go to the land of shadows and enter the state of a blissful immortality, as we take a retrospect and think of the losses we have suffered in the past we may well say—

Life's shores are shifting
Every year.
And we are seaward drifting
Every year.
Old places, changing, fret us,
The living more forget us,
There are fewer to regret us
Every year.
But the truer life grows nigher
Every year;
Earth's mold on us grows slighter,
And the heavy burdens lighter,
And the dawn immortal brighter.
Every year.

Mr. KAHN. Mr. Speaker, the life and public service of our late colleague, Hon. TIMOTHY D. SULLIVAN, are a shining example of the great possibilities that lie in the path of every American citizen. He was one of the plain people—a true type of his constituents. They looked to him for leadership and advice and always found a sympathetic listener and a willing counselor whenever they applied to him for sympathy or counsel. His was a strong character. He was an apt student in the school of practical experience. He learned to know men as they are, not as the idealists paint them. He became a leader among his fellows because the plain people whom he represented believed in him and had confidence in his judgment.

His goodness of heart and his many deeds of charity made his name a household word in hundreds of the homes of his congressional district. Indeed, his bounty and his charity were known all over the great metropolis in which he was born and grew to man's estate. He was always willing to extend aid to relieve distress and to give help to the needy. His bigness of heart and his love of his fellow man manifested themselves in various benefactions for which he became justly noted. He always found time to give a little attention to those who were less fortunate than he in the struggle for existence. Small wonder, therefore, that when the news of his tragic death was announced in the press of the country there was genuine sorrow for this big-hearted liberal-minded son of the East Side of New York. The thousands who stood with bent head and tearful eyes as his remains were carried to their last resting place attested more eloquently than spoken words the deep affection they had for this simple, rugged type of the self-made American citizen.

Personally, representing in part the city of San Francisco, Cal., and speaking for my constituency, I take this occasion to express the deep sense of obligation and gratitude which I and my constituents feel toward our late colleague. In 1911 the city of San Francisco desired to receive congressional recognition as the place to celebrate the completion of the Panama Canal in 1915. The contest for the honor was a long and hard-fought battle. Mr. SULLIVAN had unbounded confidence in the future of the great West and felt that San Francisco was the logical point at which the exposition in commemoration of the completion of that feat should be celebrated. Without hesitation he threw the weight of his great influence in favor of San Francisco. He was a tower of strength to our cause in that fight. I believe it but justice to his memory to make this brief statement in acknowledgment of the debt of gratitude which we of San Francisco and the Pacific coast owe him.

Mr. TEN EYCK. Mr. Speaker, my late colleague, TIMOTHY D. SULLIVAN, has been called from among us to fill his allotted place in the great to-morrow, without having had an opportunity to fill his last mission which an admiring and loving constituency intrusted to him. His personality will live forever in the hearts of the people in the great East Side of New York until they are called to cross the border to meet him on the other side, and the record of his charitable deeds will be handed down to their children's children as folklore in the community of his birth.

His hearty laugh, his genial manner, and his earnest and sincere loyalty to the people in his neighborhood, together with his deep interest in humanity and human kind, won him their everlasting gratitude, respect, love, and adoration, which all combined compose the bouquet of the human heart.

His parents belonged to that noble race whose love of liberty has caused them to fight on the side of freedom under every flag when it stood for justice and equality of the individual, and that race finally achieved self-government without an armed conflict. The inborn love for his fellowman, which shone out of his radiant face at all times, he inherited from his ancestral lineage.

He was born among the poor in the district that he represented, in the country his parents adopted, and never deserted their interests. He, knowing their wants by intimate contact, saw that they were filled; he was the arbitrator of their disputes, the leader in their pleasures, the champion of their cause, and the idol of their hearts.

They, in turn, honored him with the best gift they had—their franchise, which placed him among us as a Member of the House of Representatives, previously having sent him to the New York Legislature, thus delegating to him their interests in the framing of the laws under which they have to live.

His name is spoken in reverence; his life, which he lived for others, is referred to in terms of the deepest gratitude radiating from the hearts and souls of the poor people of the city in which he lived his life. His death is hallowed by that

true and sincere reverence and sorrow that the poor and lonely can only know.

Mr. CONRY. Mr. Speaker, TIMOTHY DANIEL SULLIVAN was a pioneer, a toiler, a leader in that great field of humanitarian activity that relieved the great East Side of 20 years ago of many of its sorrows, its hardships, and its woes. And we are met here to-day, in accordance with the time-honored custom of this House, to tell the simple story of his struggles for his fellow man, and to pay a well-merited tribute to his noble work and his great personal worth.

He possessed a strikingly attractive and magnetic personality, which enabled him to make and to retain friends. As a leader among men he ruled not with an iron hand but with a sympathetic and disinterested spirit of kindly consideration that impressed the recipient of his favor with the dignity and grandeur of his ingenuous nature. As a man he was ardently beloved by his friends and highly esteemed and honored by all who knew and understood his work. His good deeds and generous nature embraced all mankind and were circumscribed by no mean or narrow distinctions of race, creed, color, or condition in life. He was primarily the friend of the poor and the needy, and scores of the fallen and the outcast were given a new start and a better chance in life by this big-hearted, whole-souled, manly man.

He was always kind, and ever sought to win the confidence of men by sympathy and love. There was not even the semblance of malice in his nature. To him his erring and fallen brothers did not seem entirely depraved, although considered so by society. He believed they were not wholly bad, and that there dwelled deep down in the heart of every man, however unfortunate or misguided, true and God-given promptings and aspirations to the higher and nobler ideals of life. He knew that back of every thought and act were the original forces of heredity, that could be regulated and controlled by environment and circumstances, which furnished the seeds of either good or evil. And through all his days, with sound and stainless heart, he was kind, compassionate, tender, and helpful to the erring.

Born on the East Side, of poor but honest parents, richly endowed with the sterling qualities of good old Irish stock, he spent his infancy and youth amid the struggle and strife of the crowded streets of a great city. His father died, leaving him, at the tender age of 8, in poverty and obscurity, to begin the battle of life for the support of his widowed mother and her helpless children.

His childhood and youth were not passed in the comparatively easy poverty of the country, but in the repressive atmosphere of the grinding, sordid, baleful poverty of the congested districts of a great city. The inspiration of majestic nature in all her varied charms and beauty played very little part in the development of the character and quality of young TIM SULLIVAN. The bright and glorious sunrise, the whisper of the breeze in the forest, the sweet songs of the birds, the ever changing aspects of nature from verdant spring to golden harvest, never came with their mysterious blessings to mellow his young life. But from early childhood, through youth and young manhood, to maturity he found his inspiration in the faces of men and women living, like himself, the lives of hardship and struggle, lives from which the simple struggle for a bare existence sapped all the strength and energy of strong men and taxed to the breaking point the endurance of patient, loyal, devoted, self-sacrificing women. To carry whatever sunshine of human kindness he could find into these lives, to make this eternal and ceaseless battle of the breadwinner struggling for a mere existence a little lighter, became the constant aim and steady purpose of his noble life.

Inspired by a strong and deep-rooted love and solicitude for the welfare of his mother, his restless, ambitious nature craved ardently for work. He became a newsboy, then a bundle boy and a hustler in the newspaper offices of Park Row. His energy, industry, and activity soon won for him rapid advancement and promotion.

He was big, brawny, handsome, good-natured, and generous hearted, and by force of his dominating personality he forged to leadership, even in his childhood. He was the arbiter for his companions in their boyhood disputes, and the invariable justness of his decisions won for him the admiration, the confidence, and the esteem of all who knew him. He had the native wisdom of the untutored philosopher, the common sense of the matured man, and the heart of an innocent child.

He became active in politics, and soon won to his standard the men of the community who were worth while and who believed in his honesty, his loyalty, and his sincerity. He became in steady succession the leader of his district, assemblyman, senator, Congressman. He was elected to every office of honor and distinction to which he aspired by overwhelming majorities. He never knew defeat. His people were as loyal to him as he was to them

So completely had he won their affection and their confidence that there was no honor within the gift of his loyal and devoted people that they would not willingly have bestowed upon him. He was supreme in his district, and his supremacy was built upon the great love he had for the poor, the forsaken, the friendless. He shielded the weak and attacked the strong and gave to every man a square deal.

In business, as in politics, success and prosperity rewarded his genius and industry. His name became prominently associated with business enterprises extending from the Atlantic to the Pacific coast—enterprises through which he accumulated vast wealth. And he always acted in the control of that wealth upon the principle "that no man liveth and no man dieth unto himself alone." Mankind can not value the heritage of a life well lived. We can not all agree as to the life of any man; but if we write their good deeds upon the tablets of our hearts and their faults upon the sands of the seashore, when the waves have washed across the beach we will have stored up ideals for the betterment of mankind.

Stirred by the pathos of human suffering, knowing the pall that falls on every life that is blighted by adversity, knowing the anguish, the sorrow, the tears, the heartaches that lie within the lowly walls of the East Side tenement, this great and generous spirit, with sensibilities keenly alive to human frailty in all its forms, strove with all his power to better the lot of his less fortunate fellow man. Attacked on every side, maligned by those whose selfish interests were best subserved by impugning his lofty motives, assailed by all who preached the doctrine of scientific charity, a species of charity that his generous nature and noble heart could never understand, he wavered not in his steady purpose, but persevered whole-heartes, to the end.

He had no sympathy with the propaganda of scientific charity, but he did possess that serene philosophy that looks on sin as the inherent weakness of human nature and pities those who fall.

He lived a life replete with good and noble deeds, and each day added to the sum of human happiness. By direct giving and personal benefaction he carried happiness into the hearts of more people, relieved more distress, fed more of the hungry, clothed more of the poor, buried more of the unfortunate dead, and gave a new start in life to more of the helpless, the hopeless, the bruised and persecuted children of misfortune than was ever dreamed of in the whole philosophy of scientific charity. And his memory to-day is lovingly enshrined in the hearts of more men, women, and children, more clergymen, judges, lawyers, doctors, merchants, more of the rich, the poor, and the unfortunate, than that of any other public man that has departed this life in the great metropolis in recent times.

The name of this noble soul is a household word in the great throbbing East Side. He battled for the hopes of men. His heart was with the unfortunate. He stood against the onslaughts of greed that preyed upon the lifeblood of the poor. In his beneficent labors for the outcast he did not fear to stand alone. He was brave, generous, loyal, and true, and he will long live in the affectionate regard of the legions of the lowly, who always looked up to him as their protector and their friend.

Mr. GOULDEN. Mr. Speaker, however familiar to us may be the details of the life of our lamented colleague, TIMOTHY D. SULLIVAN, "time does not wither nor custom stale" them; each fresh narration is a "twice-told tale" of fascinating interest and power. The eloquent presentation of the facts of his life to which we have listened only serves to impress us more profoundly than ever with a sense of the man's bigness, and nothing now remains for those of us who knew him personally except to add a touch of color here and there to the portrait of him which has now been painted.

Considering only the externals of his life, the things most in the public eye, the one most impressive thing about him is that he was a self-made man. We hear much of such men in our land, and many are held up for the admiration and emulation of our youth; our democracy is boasted as the nursery of self-made men. But when the elements of family and social influence, hereditary wealth or prerogatives, fortunate circumstances, and good luck are eliminated, little is left of the "self-made" in many of these notable examples.

But analyze Representative SULLIVAN'S life as you will, you can not escape the conclusion that his success, worldly or otherwise, was not due to adventitious aids, but solely and entirely to his native abilities and ambition, to restless energy and creative faculties. His desire to succeed and be an independent

withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

get a quorum. While I believe that the Members should be here to transact public business, yet it is hardly worth while

of Alaska, and the Territories of the United States, or shipped

By Mr. THOMSON of Illinois: A bill (H. R. 17416) granting a pension to George Hauenstein; to the Committee on Pensions.

By Mr. UNDERHILL: A bill (H. R. 17417) granting a pension to Elizabeth Sawyer; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17418) granting a pension to Jacob Schmidt; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17419) granting a pension to Anna C. McCulloch; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17420) granting an increase of pension to Edward Norton; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of 218 citizens of Cincinnati, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Affidavits to accompany a bill (H. R. 17411) granting an increase of pension to Edward A. Bigelow; to the Committee on Invalid Pensions.

By Mr. BRUCKNER: Petition of A. E. Maclean, of Pelham Bay Park, New York City, against national prohibition; to the Committee on Rules.

Also, petitions of the New York State Hotel Association, the Wine and Spirit Traders' Society of the United States, the Wine and Liquor Dealers' Association, and the Central Federated Union, all of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Brunswick-Balke-Collender Co., Chas. W. Leveridge (Inc.), and the Fownes Gloves Co., all of New York City, favoring the passage of the Stevens bill (H. R. 12785); to the Committee on Interstate and Foreign Commerce.

Also, petition of the Women Physicians' Branch of the Political Equality League of Brooklyn, N. Y., and the Woman's Christian Temperance Union of Schenectady, N. Y., favoring the Bristow-Mondell resolution enfranchising women; to the Committee on the Judiciary.

Also, petition of the Chicago Federation of Labor, relative to conditions in the coal fields of Colorado; to the Committee on the Judiciary.

Also, petition of the Scandinavian Independent Progressive League, of Brooklyn, N. Y., favoring memorial to Capt. John Ericsson; to the Committee on the Library.

Also, petition of the New York State Retail Jewelers' Association, favoring passage of the Owen-Goeke bill relative to gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAMTON: Petition of Isaac Ernest and 80 other citizens and members of the Epworth League, of Atkins, Mich.; and resolutions of the Baptist Young People's Union, of Highland Park, Mich., representing 35 people; and the Highland Park Baptist Church, representing 70 people, in favor of the Hobson resolution for national prohibition; to the Committee on Rules.

Also, petition of Ed. J. Courtney, of Port Huron, Mich., favoring the passage of the Stevens standard price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of George Stuart and five other citizens of Grindstone City, Mich., protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Nathan Goettels and others of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Old Age Co. of Lancaster, Pa., favoring passage of House bill 4852, for old-age pensions; to the Committee on Pensions.

By Mr. DERSHEM: Petition of sundry citizens of Vira and Milroy, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of the Western New England Chamber of Commerce, favoring extension of county-agent system to advise farmers; to the Committee on Agriculture.

Also, memorial of the Connecticut Federation of Women's Clubs, favoring the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

Also, petition of Capitol City Lodge, No. 354, of Hartford, Conn., favoring the passage of the Federal locomotive boiler extension law; to the Committee on Interstate and Foreign Commerce.

By Mr. FERGUSSON: Petition of Mrs. Belle Davis, Miss Clara E. Coulter, Miss Effie McAbee, and 19 other citizens; and R. H. Carter, G. M. Harvey, H. B. Phelps, and 18 other citizens; the First Baptist Church, representing a membership of 190, by C. F. Taylor, its presiding officer, and J. L. Spencer, its secretary, all of Raton, N. Mex., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. FRENCH: Petitions of sundry citizens of Grangeville, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GRAY: Papers to accompany a bill (H. R. 17403) granting an increase of pension to Henry C. Tibbetts; to the Committee on Invalid Pensions.

Also, papers to accompany a bill (H. R. 17402) granting a pension to Joseph Myers; to the Committee on Invalid Pensions.

By Mr. HAMILTON of New York: Petition of Charles E. Parks, of Jamestown, N. Y., favoring the passage of the Smith-Hughes national motion-picture commission bill; to the Committee on Education.

Also, petitions of Charles E. Parks, of Jamestown, N. Y., and the First Baptist Church of Willsville, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of various members of the Epworth League of Cobb, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Memorial of the Connecticut Federation of Women's Clubs, favoring the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

By Mr. MOORE: Petitions of sundry citizens of Philadelphia, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petitions of sundry citizens of the thirty-second district of New York, favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Roger Williams Association of Baptist Churches in the State of Rhode Island, and Robinson Wood and others, of Providence, R. I., favoring national prohibition; to the Committee on Rules.

By Mr. PLATT: Petitions of various churches, representing 3,559 citizens of Newburgh, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of Swayne & Hoyte (Inc.) and the Robt. Dollar Co., of San Francisco, Cal., protesting against antitrust legislation; to the Committee on the Judiciary.

Also, letter of the California Association of Electrical Contractors and Dealers, of San Francisco, Cal., favoring House bill 14288, for the purpose of segregating the electrical contract from the general contract on Government work; to the Committee on Public Buildings and Grounds.

By Mr. REILLY of Connecticut: Petition of Capitol City Lodge, No. 354, S. A. of M., favoring passage of the Federal locomotive boiler inspection law; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Norwich (Conn.) Board of Trade, favoring adoption of House resolution 5139; to the Committee on Reform in the Civil Service.

Also, memorial of the Connecticut Federation of Women's Clubs, indorsing the Foster radium bill (H. R. 12741); to the Committee on Ways and Means.

By Mr. SIMS: Petition of 250 citizens of Big Sandy, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of 246 citizens of Madras, Oreg., and 60 citizens of Boyd, Oreg., favoring national prohibition; to the Committee on Rules.

Also, petition of 136 citizens of the second Oregon congressional district, protesting against national prohibition; to the Committee on Rules.

Also, petitions of 16 citizens of Burns, Oreg., and Local Union No. 202, Cigar Makers' Union, of Portland, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida favoring national prohibition; to the Committee on Rules.

Also, petition of Mrs. L. K. Paul, of Clearwater, Fla., favoring equal suffrage for women; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petitions of 605 and more citizens of Graham, Tex., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of Drs. W. T. Hinman, E. M. Sala, and S. D. Hamberg, and others, of Moline, Ill., favoring House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

Also, petition of R. C. Vance, secretary of the American Electrical Engineering Co., of Rock Island, Ill., favoring House bill 14288; to the Committee on Public Buildings and Grounds.

By Mr. TEN EYCK (by request): Petition of Rev. George K. Statham and 24 other citizens of Albany, N. Y., favoring the passage of the Smith-Hughes motion-picture bill; to the Committee on Education.

HOUSE OF REPRESENTATIVES.

SUNDAY, *June 21, 1914.*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. RIORDAN.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou God and Father of us all, we wait on Thy blessing as we assemble here on this peaceful Sabbath day to commemorate the life and deeds of a departed Member of this House; who won by dint of his own efforts the confidence, love, and respect of his fellows and leaves behind him a worthy record as a servant of the people in his State and Nation. Strong of mind, warm of heart, generous to all who sought him, the poor, the needy, the sick, the distressed, the unfortunate, the outcast found in him a sympathetic, tender, and devoted friend.

We thank Thee for the germ of goodness and purity Thou hast imparted unto Thy children, especially for the good which sees, loves, and acts. Such were his virtues. So may we cherish his memory and emulate his virtues.

Comfort his many friends, his dear ones, and bring them at last to share with him the reward of an everlasting life. In the name of Him who taught us life, love, immortality, and how to pray—Our Father who art in heaven. Hallowed be Thy name. Thy kingdom come. Thy will be done in earth, as it is in heaven. Give us this day our daily bread; and forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory, forever. Amen.

APPROVAL OF THE JOURNAL.

The SPEAKER pro tempore. The Clerk will read the Journal of the proceedings of yesterday.

Mr. CONRY. Mr. Speaker, I move to dispense with the reading of the Journal.

The motion was agreed to.

The Journal of the proceedings of yesterday was approved.

THE LATE REPRESENTATIVE TIMOTHY D. SULLIVAN.

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. FITZGERALD, by unanimous consent, *Ordered*, That Sunday, June 21, 1914, be set apart for addresses upon the life, character, and public services of Hon. TIMOTHY D. SULLIVAN, late a Representative from the State of New York.

Mr. GOLDFOGLE. Mr. Speaker, I offer the following resolutions, which I send to the desk and ask to have read.

The Clerk read as follows:

HOUSE RESOLUTION 548.

Resolved, That the business of the House be now suspended, that opportunity be given for tribute to the memory of Hon. TIMOTHY D. SULLIVAN, late a Member of this House from the State of New York.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Resolved, That at the conclusion of to-day's proceedings the House, as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, do stand adjourned.

The SPEAKER pro tempore. The question is on agreeing to the resolutions.

The resolutions were agreed to.

[Mr. FITZGERALD addressed the House. See Appendix.]

Mr. GOLDFOGLE. Mr. Speaker, almost a year has passed since "the Stern Reaper, who gathereth all in whenever in His wisdom he may appoint," laid his dark and icy hand on one of our number, TIMOTHY D. SULLIVAN; and, in accordance with the beautiful and time-honored custom of the House, we pause amid the stress of legislative duties to fittingly pronounce our estimate on the life and character of the distinguished dead.

I rise, sir, to pay my tribute of respect to the memory of our departed colleague, whose life was one of intense interest, filled with varied experiences and marvelous activities.

He was born on February 6, 1863. At the early age of 23, then already popular with the people of his district, he was elected a member of the Assembly of the State of New York, in which he served eight continuous terms, until 1894. He was then chosen a State senator, and continued in the senate until 1903. In 1902 he was elected a Representative in the Fifty-eighth Congress, and reelected to the Fifty-ninth Congress, from which, after a brief service, he resigned to go back to the State senate. He was again chosen a senator, and finally elected by an admiring constituency to the Sixty-third Congress, in which he served until he met his untimely and tragic death.

Timothy D. Sullivan's character was as unique as it was great. From the very hour he reached manhood's estate he became, and continued until his unfortunate death, a prominent figure in the politics of both State and city. As a leader of men he attracted widespread attention, not only of those engaged in public affairs, but of the citizenship generally. No man in our city was better or more widely known than he. No man within his time built up through personal effort and kept throughout the struggles and vicissitudes of political life a larger, stronger, or more faithful and loyal following.

In the State legislature, during the score of years of his service, he was a most influential and frequently a dominating factor. No man in the ordinary walks of private or public life had a larger acquaintance with men of every rank, station, and condition. His friends were countless thousands; not merely in the State, but were to be found throughout the Union. This man, whose influence among the people and in legislative halls was so extensive, whose power in legislature and in party council was so great, whose knowledge of public affairs so diversified, whose keenness of intellect gave him such insight into the intricacies of political affairs as at times made him master of political situations, whose army of friends and devoted followers were numberless, whose name was a household word in his district and the surrounding neighborhood, whose successes in business enterprises as well as in politics followed one another closely, whose liberal generosity, broad charity, and merciful kindness to the needy and the fallen brought cheer to many a heavy heart and sunshine to many a desolate home—this man came from the ranks of the lowly and the humble, for he was born in poverty and reared amid adversity.

Bereft of his father when but a small lad, TIMOTHY in his earliest years had already tasted the cup of sorrow. He became a newsboy, and with the scant earnings from vending papers in the street this ragged, barefooted boy aided in the support of his widowed mother.

I shall never forget the occasion when SULLIVAN, in a public meeting some years ago, spoke in defending himself against an attack made on him in the public prints. It was contrary to his custom to reply to such criticism, but this once he departed from his accustomed way. He referred feelingly to his early training by his aged mother; and this strong, manly man, who had courageously fought many a battle and bravely withstood many a political storm, burst into tears that told more deeply than words can describe the depths of his filial love and the intensity of his sympathetic soul.

He represented part of the East Side of New York City. Its population, comprising people of various nationalities, animated by their love and appreciation of the value of our American institutions, take pride and display keen interest in the men they select for public office. It is a tenement-house district, abounding with myriads of homes of the struggling and toiling masses. It has not the advantages of the more fortunate and wealthy, but it is rich—exceedingly rich—in the possession of a good, honest, intelligent, thrifty and industrious people, the so-called everyday people, who make up the bone and sinew and contribute to the strength and the pride of our citizenship and the welfare of our country.

TIMOTHY D. SULLIVAN was in close sympathy and touch with his people. He mingled with them in the warm spirit of genuine fellowship. The most humble and unfortunate could approach him as readily as those in the higher ranks of life. Kind-hearted and generous to a fault, he never was so happy as when he could relieve the distress of the poor or assist some erring being who in his weakness needed the aid of his fellow man to help him rise again. He understood the frailties of human nature and what temptations in the hour of penury and sorrow and tribulation beset men. He did not, as some do, preach mercy and kindness and forgiveness and then withhold the helping hand to lift up the fallen and penitent that he may regain usefulness and be restored to self-respect. The grief of man or woman, the tear of suffering child, the pitiful entreaty of an erring soul appealed quickly to his gentle and sympathetic nature. His manifold acts of kindness attested that he was in unison with the sentiment expressed by the poet:

> In men whom we condemn as ill,
> I find so much of goodness still;
> In men whom we pronounce divine,
> I find so much of sin and blot,
> I hesitate to draw the line
> Between the two, when God has not.

He had risen to a position of affluence, yet he had always the same plain man of the people. He never forgot he sprang from them and was uplifted by them. He observed one rule for rich and poor alike. He was a man of action and of deeds, and not of words. Indeed—

> He blew no trumpet in the market place,
> Nor in the church with hypocritic face
> Supplied with cant the lack of manly grace.
> Loathing pretense, he did with cheerful will
> What others talked of while their hands stood still.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

Dent | Hart | McKellar | Saunders

Mr. TALBOTT of Maryland with Mr. MERRITT.

NOT VOTING—317.

Adair	Evans	Konop	Rayburn
Adamson	Fairchild	Korbly	Reed
Ainey	Falson	Kreider	Riordan
Alexander	Farr	Lafferty	Roberts, Mass.
Anderson	Fess	La Follette	Rogers
Ansberry	Fields	Langham	Rouse
Anthony	FitzHenry	Langley	Rucker
Ashbrook	Flood, Va.	Lazaro	Sabath
Austin	Floyd, Ark.	Lee, Ga.	Saunders
Avis	Fordney	L'Engle	Scott
Bailey	Fowler	Lenroot	Scully
Baker	Francis	Lesher	Seldomridge
Barchfeld	Frear	Lever	Sells
Barnhart	Gallivan	Lewis, Md.	Shackleford
Bartholdt	Gardner	Lewis, Pa.	Sharp
Battrick	Garner	Lieb	Sherley
Beall, Tex.	Garrett, Tenn.	Lindbergh	Sherwood
Bell, Cal.	Garrett, Tex.	Lindquist	Shreve
Bell, Ga.	George	Linthicum	Sims
Blackmon	Gerry	Lloyd	Sinnott
Borland	Gill	Loft	Sisson
Brockson	Gillett	Logue	Slayden
Brodbeck	Gilmore	Lonergan	Slemp
Broussard	Gittins	McAndrews	Small
Brown, N. Y.	Glass	McClellan	Smith, J. M. C.
Brown, W. Va.	Godwin, N. C.	McCoy	Smith, Md.
Browne, Wis.	Gocke	McDermott	Smith, Minn.
Browning	Goldfogle	McGuire, Okla.	Smith, Saml. W.
Bruckner	Good	McKellar	Smith, Tex.
Brumbaugh	Gordon	McKenzie	Stanley
Buchanan, Ill.	Gorman	MacDonald	Stedman
Butkley	Graham, Pa.	Madden	Steenerson
Burke, Pa.	Green, Iowa	Mahan	Stephens, Nebr.
Burke, S. Dak.	Greene, Mass.	Maher	Stephens, Tex.
Burnett	Greene, Vt.	Manahan	Stevens, N. H.
Butler	Gregg	Mann	Stout
Calder	Griest	Martin	Stringer
Callaway	Griffin	Merritt	Sumners
Campbell	Hamill	Metz	Switzer
Cantor	Hamilton, N. Y.	Miller	Talbott, Md.
Cantrill	Hamlin	Mitchell	Talcott, N. Y.
Caraway	Hammond	Mondell	Taylor, Ala.
Carew	Hardwick	Montague	Taylor, Colo.
Carlin	Harrison	Moon	Taylor, N. Y.
Carter	Hart	Moore	Temple
Casey	Hauzen	Morgan, La.	Thacher
Chandler, N. Y.	Hay	Morin	Thomas
Clancy	Hayden	Morrison	Towner
Claypool	Hayes	Moss, Ind.	Townsend
Coady	Helgesen	Moss, W. Va.	Treadway
Connelly, Kans.	Helvering	Mott	Tribble
Cooper	Henry	Murdock	Tuttle
Copley	Hill	Murray, Mass.	Underhill
Covington	Hinds	Neeley, Kans.	Vare
Cramton	Hinebaugh	Neely, W. Va.	Vaughan
Crisp	Hobson	Nelson	Vollmer
Curry	Howard	Norton	Wallin
Dale	Hoxworth	O'Brien	Walsh
Danforth	Hughes, W. Va.	Oglesby	Walters
Davenport	Hulings	O'Leary	Watkins
Davis	Hull	O'Shaunessy	Watson
Decker	Humphrey, Wash.	Padgett	Weaver
Deitrick	Humphreys, Miss.	Page, N. C.	Webb
Dent	Johnson, S. C.	Palce, Mass.	Whaley
Dies	Johnson, Utah	Park	Whitacre
Difenderfer	Johnson, Wash.	Parker	White
Dillon	Jones	Patten, N. Y.	Williams
Donohoe	Kahn	Patton, Pa.	Willis
Dooling	Keating	Payne	Wilson, Fla.
Doolittle	Keister	Peters, Mass.	Wilson, N. Y.
Doremus	Keller, Mich.	Peters, Me.	Winge
Driscoll	Kelly, Pa.	Phelan	Winslow
Drukker	Kennedy, R. I.	Platt	Witherspoon
Dupré	Kent	Plumley	Woodruff
Eagan	Key, Ohio	Porter	Woods
Eagle	Kiess, Pa.	Post	Young, N. Dak.
Edmonds	Kinkead, N. J.	Powers	Young, Tex.
Esch	Kirkpatrick	Prouty	
Estopinal	Kitchin	Ragsdale	
	Knowland, J. R.	Rainey	

The Clerk announced the following additional pairs:

For the session:

Mr. UNDERWOOD with Mr. MANN.

Until further notice:

Mr. WATKINS with Mr. BARCHFELD.

Mr. ALEXANDER with Mr. ANTHONY.

Mr. ASWELL with Mr. BELL of California.

Mr. BAILEY with Mr. DAVIS.

Mr. HARRISON with Mr. DUNN.

Mr. ASHBROOK with Mr. FORDNEY.

Mr. BLACKMON with Mr. HULINGS.

Mr. ESTOPINAL with Mr. GREENE of Massachusetts.

Mr. KEY of Ohio with Mr. HAUGEN.

Mr. KORBLY with Mr. HAYES.

Mr. MOSS of Indiana with Mr. KAHN.

Mr. TAYLOR of Colorado with Mr. MONDELL.

Mr. FOWLER with Mr. PLUMLEY.

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire whether the gentleman from Illinois, Mr. MANN, voted or not?

The SPEAKER. He did not.

Mr. UNDERWOOD. I voted in the affirmative; but I have a standing pair with the gentleman from Illinois. I desire to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. UNDERWOOD, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A call of the House is ordered. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fairchild	Langley	Reed
Alexander	Fess	Lazaro	Riordan
Anderson	Fields	Lee, Ga.	Roberts, Mass.
Ansberry	FitzHenry	L'Engle	Rogers
Ashbrook	Flood, Va.	Lenroot	Rouse
Austin	Floyd, Ark.	Lesher	Rucker
Avis	Fordney	Lever	Sabath
Baker	Fowler	Levy	Saunders
Barchfeld	Francis	Lewis, Md.	Scott
Barnhart	Frear	Lewis, Pa.	Scully
Bartholdt	Gallivan	Lieb	Seldomridge
Battrick	Gardner	Lindbergh	Sells
Beall, Tex.	Garner	Lindquist	Shackleford
Bell, Cal.	Garrett, Tenn.	Linthicum	Sharp
Bell, Ga.	Garrett, Tex.	Lloyd	Sherley
Blackmon	George	Lobeck	Sherwood
Brockson	Gerry	Loft	Shreve
Brodbeck	Gill	Logue	Sims
Broussard	Gillett	Lonergan	Sinnott
Brown, N. Y.	Glass	McAndrews	Sisson
Brown, W. Va.	Godwin	McClellan	Slayden
Browne, Wis.	Gocke	McCoy	Slemp
Browning	Goldfogle	McDermott	Sloan
Bruckner	Good	McGuire, Okla.	Small
Brumbaugh	Gordon	McKellar	Smith, Md.
Butkley	Gorman	McKenzie	Smith, J. M. C.
Burke, Pa.	Graham, Pa.	McLaughlin	Smith, Minn.
Burnett	Green, Iowa	MacDonald	Smith, Saml. W.
Butler	Greene, Mass.	Madden	Smith, Tex.
Byrnes, S. C.	Greene, Vt.	Mahan	Stanley
Calder	Gregg	Maher	Stedman
Callaway	Griest	Manahan	Steenerson
Campbell	Griffin	Martin	Stephens, Nebr.
Cantor	Hamill	Merritt	Stephens, Tex.
Cantrill	Hamilton, N. Y.	Metz	Stevens, N. H.
Carew	Hamlin	Miller	Stringer
Carlin	Hammond	Mitchell	Sutherland
Carter	Hardwick	Mondell	Switzer
Chandler, N. Y.	Hart	Montague	Talbott, Md.
Clancy	Hay	Moon	Taylor, Ala.
Clark, Fla.	Hayden	Moore	Taylor, Colo.
Claypool	Hayes	Morgan, La.	Taylor, N. Y.
Cline	Helgesen	Morin	Temple
Coady	Henry	Morrison	Thacher
Connelly, Kans.	Hill	Moss, Ind.	Thomas
Cooper	Hinds	Moss, W. Va.	Towner
Copley	Hinebaugh	Mott	Townsend
Covington	Hobson	Murdock	Treadway
Cramton	Howard	Murray, Mass.	Tribble
Crisp	Hoxworth	Neeley, Kans.	Tuttle
Curry	Hughes, W. Va.	Neely, W. Va.	Underhill
Dale	Hulings	Nelson	Vare
Danforth	Hull	Norton	Vaughan
Davenport	Humphrey, Wash.	O'Brien	Volstead
Davis	Humphreys, Miss.	Oglesby	Wallin
Decker	Johnson, Utah	O'Leary	Walsh
Deitrick	Johnson, Wash.	O'Shaunessy	Walters
Dent	Jones	Padgett	Watson
Dershem	Kahn	Page, N. C.	Weaver
Dies	Keating	Palce, Mass.	Webb
Difenderfer	Keister	Parker	Whaley
Dixon	Keller, Mich.	Patten, N. Y.	Whitacre
Donohoe	Kelly, Pa.	Patton, Pa.	White
Dooling	Kennedy, R. I.	Payne	Williams
Doolittle	Key, Ohio	Peters, Me.	Willis
Doremus	Kiess, Pa.	Peters, Mass.	Wilson, Fla.
Driscoll	Kinkead, N. J.	Phelan	Wilson, N. Y.
Drukker	Kirkpatrick	Platt	Winge
Dupré	Kitchin	Plumley	Winslow
Dupré	Knowland, J. R.	Porter	Witherspoon
Eagan	Konop	Post	Woodruff
Edmonds	Korbly	Powers	Woods
Edwards	Kreider	Prouty	Young, N. Dak.
Esch	Lafferty	Ragsdale	Young, Tex.
Estopinal	La Follette	Rainey	
Evans	Langham	Rayburn	

The Clerk having called the roll once, the following occurred:

Mr. STAFFORD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. STAFFORD. Is not the Clerk obliged, under the rules of the House, to call the roll a second time?

The SPEAKER. Not on a call of the House. Maybe the practice has been to call it twice. Perhaps that is true.

Mr. BRYAN. I will ask unanimous consent, Mr. Speaker, to waive the second call.

The SPEAKER. We shall get along more quickly the other way.

At the conclusion of the colloquy the Clerk called the names of the Members who had failed to answer in the first call.

Mr. FITZGERALD. Mr. Speaker, how many are there here?

The SPEAKER. One hundred and twenty-eight.

Mr. FITZGERALD. Mr. Speaker, it is five minutes to 8, with 128 Members present, and more than 100 are required to get a quorum. While I believe that the Members should be here to transact public business, yet it is hardly worth while

to punish the Members who are here by continuing the proceedings. If I thought we could get a quorum to-night I would move to stay. As it is, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Sunday, June 21, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Attorney General submitting a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, which require an appropriation for their payment (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which require an appropriation for payment (H. Doc. No. 1049); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations, the balances of which have been exhausted or carried to surplus fund (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for the acquisition of a site for the post office at Phoenixville, Pa. (H. Doc. No. 1050); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. CARY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16953) prohibiting the sale or keeping for sale, in the District of Columbia, of undrawn cold-storage poultry, reported the same with amendment, accompanied by a report (No. 854), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 15513) for the relief of F. W. Schultz, reported the same without amendment, accompanied by a report (No. 855), which said bill and report were referred to the Private Calendar.

Mr. EVANS, from the Committee on Claims, to which was referred the bill (H. R. 13352) to allow credit in the accounts of Wyllys A. Hedges, special disbursing agent, reported the same without amendment, accompanied by a report (No. 856), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 17110) to reimburse Epps Danley for property lost by him while lightkeeper at East Pascagoula River (Miss.) Light Station, reported the same without amendment, accompanied by a report (No. 857), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 17735) to correct the military record of Sanford F. Timmons, reported the same without amendment, accompanied by a report (No. 858), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16430) for the relief of John Oursler, reported the same without amendment, accompanied by a report (No. 859), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 16228) for the relief of Francis A. Grennen, reported the same with amendment, accompanied by a report (No. 860), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WALKER: A bill (H. R. 17386) to regulate the labeling of cotton fabric sold in the District of Columbia, the District of Alaska, and the Territories of the United States, or shipped in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: A bill (H. R. 17387) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes"; to the Committee on Ways and Means.

By Mr. KETTNER: A bill (H. R. 17388) creating an additional land district in the State of California, embracing lands contained in the county of Imperial, and for other purposes; to the Committee on the Public Lands.

By Mr. RAINEY: A bill (H. R. 17389) to amend the internal-revenue laws; to the Committee on Ways and Means.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17390) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17391) authorizing the Secretary of War to deliver to the village of Kasbeer, Ill., one condemned bronze or brass cannon, with carriage and a suitable outfit of cannon balls; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAKER: A bill (H. R. 17392) granting a pension to Annie M. Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17393) granting a pension to Sarah E. Janss; to the Committee on Invalid Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 17394) granting an increase of pension to Benjamin D. Smith; to the Committee on Invalid Pensions.

By Mr. CASEY: A bill (H. R. 17395) for the relief of the Pennsylvania Millers' Mutual Fire Insurance Co.; to the Committee on Claims.

By Mr. DEITRICK: A bill (H. R. 17396) granting a pension to Chester A. Morang; to the Committee on Pensions.

By Mr. ESTOPINAL: A bill (H. R. 17397) for the relief of Philip St. Seve; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17398) for the relief of Truman R. Peters; to the Committee on Claims.

By Mr. GARD: A bill (H. R. 17399) granting an increase of pension to James L. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17400) to correct the military record of Allen Moore; to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 17401) for the relief of William Rodamer; to the Committee on Military Affairs.

By Mr. GRAY: A bill (H. R. 17402) granting an increase of pension to Joseph Myers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17403) granting an increase of pension to Henry C. Tibbetts; to the Committee on Invalid Pensions.

By Mr. GRIFFIN: A bill (H. R. 17404) reinstating William S. Barriger to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. HILL: A bill (H. R. 17405) granting an increase of pension to Thomas W. Chamness; to the Committee on Invalid Pensions.

By Mr. LONERGAN: A bill (H. R. 17406) for the relief of Henry Watson; to the Committee on Military Affairs.

By Mr. MAHER: A bill (H. R. 17407) granting an increase of pension to Joseph Worden; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 17408) granting a pension to Donna B. Conover; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 17409) to correct the military record of George Andrews; to the Committee on Military Affairs.

By Mr. SINNOTT: A bill (H. R. 17410) for the relief of Leo A. Blevins; to the Committee on Claims.

Also, a bill (H. R. 17411) for the relief of Benjamin F. Johnson; to the Committee on Claims.

Also, a bill (H. R. 17412) for the relief of Walter T. Morris; to the Committee on Claims.

By Mr. STONE: A bill (H. R. 17413) granting an increase of pension to John Throckmorton; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17414) granting a pension to Mary Maguire; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17415) granting an increase of pension to Mary E. Carhart; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 17416) granting a pension to George Hauenstein; to the Committee on Pensions.

appeal is not dilatory.

The SPEAKER. The Chair thinks that he was right in May, when he rendered the last decision about that. Waiving the has been held in order as an orderly proceeding. The Speaker has now decided that it is not in order. Certainly it is in order

be affected one way or the other. If the board of managers,

The committee accordingly rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4377. An act to provide for the construction of two revenue cutters; and

S. 661. An act for the relief of the widow of Thomas B. McClintic, deceased.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WINGO, for three days, on account of important business.

To Mr. LOBECK, indefinitely, on account of illness in his family.

To Mr. DOREMUS, for one week, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. LEVY. Mr. Speaker, I offer the following resolution, which I send to the desk and ask to have read.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

Mr. RAKER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. RAKER. For the purpose of making a request for unanimous consent, and to inform the House that while nothing has erupted here in the House, there is a new volcano in my district——

The SPEAKER. The question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 38, noes 51.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. Evidently there is no quorum present, and the gentleman from Illinois moves that the House do now adjourn.

Mr. LEVY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. My resolution—— [Laughter.]

The SPEAKER. The gentleman will have to get unanimous consent for its consideration.

Mr. LEVY. But it is a motion to adjourn the Congress on a certain date. I offered the resolution before the gentleman from New York made his motion.

The SPEAKER. The motion to adjourn has precedence over the motion of the gentleman from New York [Mr. LEVY].

Mr. LEVY. How does the Chair know? He has not yet heard my resolution read. It is an adjournment resolution.

The SPEAKER. The gentleman just stated that it provided for the adjournment of Congress.

Mr. LEVY. Yes.

The SPEAKER. The motion to adjourn has precedence over any other motion.

Mr. LEVY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEVY. Has it precedence over the resolution of final adjournment of Congress?

The SPEAKER. Of course it has, because it takes a concurrent resolution to adjourn Congress. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 53, noes 40.

Mr. FITZGERALD. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The Chair overrules the point of order. Thirty-four gentlemen have risen in the affirmative, a sufficient number, and the yeas and nays are ordered.

Mr. DONOVAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DONOVAN. What is a sufficient number; one-fifth of the whole number or one-fifth of 100 or one-fifth of what?

The SPEAKER. The gentleman has two things mixed. This is in the House, and a fifth of the Members voting on the last vote in the House can order the yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 50, nays 73, answered "present" 5, not voting 305, as follows:

YEAS—50.

Alexander	Curry	Hawley	Payne
Anthony	Dershem	Hayes	Roberts, Nev.
Barchfeld	Donovan	Howell	Rupley
Barton	Elder	Johnson, Ky.	Smith, Idaho
Bell, Cal.	Esch	Kahn	Stafford
Bowdle	Falconer	Kennedy, Iowa	Stephens, Cal.
Britten	Farr	Kindel	Stephens, Miss.
Bryan	French	McLaughlin	Sutherland
Buchanan, Tex.	Greene, Mass.	Mann	Taylor, Ark.
Caraway	Guernsey	Mapes	Thomson, Ill.
Cary	Hamilton, Mich.	Mondell	Volstead
Church	Hardy	Morgan, Okla.	
Cox	Haugen	Nolan, J. I.	

NAYS—73.

Abercrombie	Crosser	Helvering	Park
Aiken	Cullop	Hensley	Peterson
Aswell	Dixon	Holland	Quin
Bailey	Doughton	Houston	Raker
Baltz	Eagle	Hughes, Ga.	Rauch
Barkley	Edwards	Hull	Reilly, Conn.
Bartlett	Falson	Jacoway	Reilly, Wis.
Beakes	Fergusson	Johnson, S. C.	Russell
Borchers	Ferris	Kennedy, Conn.	Sisne
Burgess	Fitzgerald	Kettner	Taggart
Burke, Wis.	Foster	Lee, Pa.	Tavenner
Byrnes, S. C.	Gallagher	Levy	Ten Eyck
Byrns, Tenn.	Gard	Lobeck	Thompson, Okla.
Candler, Miss.	Gittins	McGillicuddy	Underwood
Carr	Goulden	Maguire, Nebr.	Walker
Cline	Graham, Ill.	Murray, Okla.	Watkins
Collier	Gray	O'Hair	
Connolly, Iowa	Heflin	Oldfield	
Conry	Helm	Palmer	

ANSWERED "PRESENT"—5.

Booher	Hill	Sloan	Stevens, Minn.
Gudger			

NOT VOTING—305.

Adair	Dickinson	Hay	McKenzie
Adamson	Dies	Hayden	MacDonald
Ainey	Difenderfer	Helgesen	Madden
Allen	Dillon	Henry	Mahan
Anderson	Donohoe	Hinds	Maher
Ansberry	Dooling	Hinebaugh	Manahan
Ashbrook	Doolittle	Hobson	Martin
Austin	Doremus	Howard	Merritt
Avis	Driscoll	Howsworth	Metz
Baker	Drukker	Hughes, W. Va.	Miller
Barnhart	Dunn	Hulings	Mitchell
Bartholdt	Dupré	Humphrey, Wash.	Montague
Battrick	Eagan	Humphreys, Miss.	Moon
Beall, Tex.	Edmonds	Igoe	Moore
Bell, Ga.	Estopinal	Johnson, Utah	Morgan, La.
Blackmon	Evans	Johnson, Wash.	Morin
Borland	Fairchild	Jones	Morrison
Brockson	Fess	Keating	Moss, Ind.
Brodbeck	Fields	Keister	Moss, W. Va.
Broussard	Finley	Kelley, Mich.	Mott
Brown, N. Y.	Fitzhenry	Kelly, Pa.	Murdock
Brown, W. Va.	Flood, Va.	Kennedy, R. I.	Murray, Mass.
Browne, Wis.	Floyd, Ark.	Kent	Neely, Kans.
Browning	Fordney	Key, Ohio	Neely, W. Va.
Bruckner	Fowler	Kiess, Pa.	Nelson
Brumbaugh	Francis	Kinkaid, Nebr.	Norton
Buchanan, Ill.	Frear	Kinkead, N. J.	O'Brien
Bulkley	Gallivan	Kirkpatrick	Oglesby
Burke, Pa.	Gardner	Kitchin	O'Leary
Burke, S. Dak.	Garner	Knowland, J. R.	O'Shaunessy
Burnett	Garrett, Tenn.	Konop	Padgett
Butler	Garrett, Tex.	Korbly	Page, N. C.
Calder	George	Kreider	Palmer, Mass.
Callaway	Gerry	Lafferty	Parker
Campbell	Gill	La Follette	Patten, N. Y.
Cantor	Gillett	Langham	Patton, Pa.
Cantrill	Gillmore	Langley	Peters, Mass.
Carew	Glass	Lazaro	Peters, Me.
Carlin	Godwin, N. C.	Lee, Ga.	Phelan
Carter	Gocke	L'Engle	Platt
Casey	Goldfogle	Lenroot	Plumley
Chandler, N. Y.	Good	Lesher	Porter
Clancy	Goodwin, Ark.	Lever	Post
Clark, Fla.	Gordon	Lewis, Md.	Pou
Claypool	Gorman	Lewis, Pa.	Powers
Coady	Graham, Pa.	Lieb	Prouty
Connelly, Kans.	Green, Iowa	Lindbergh	Ragsdale
Cooper	Greene, Vt.	Lindquist	Rainey
Copley	Gregg	Linthicum	Rayburn
Covington	Griest	Lloyd	Reed
Cramton	Griffin	Loft	Riordan
Crisp	Hamill	Logue	Roberts, Mass.
Dale	Hamilton, N. Y.	Lonergan	Rogers
Danforth	Hamlin	McAndrews	Rothermel
Davenport	Hammond	McClellan	Rouse
Davis	Hardwick	McCoy	Ruby
Decker	Harris	McDermott	Rucker
Deitrick	Harrison	McGuire, Okla.	Sabath
Dent	Hart	McKellar	Saunders

Scott	Smith, N. Y.	Taylor, N. Y.	Webb
Scully	Smith, Saml. W.	Temple	Whaley
Seldomridge	Smith, Tex.	Thacher	Whitacre
Sells	Sparkman	Thomas	White
Shackleford	Stanley	Towner	Williams
Sharp	Stedman	Townsend	Willis
Sherley	Steenerson	Treadway	Wilson, Fla.
Sherwood	Stephens, Nebr.	Tribble	Wilson, N. Y.
Shreve	Stephens, Tex.	Tuttle	Wingo
Sims	Stevens, N. H.	Underhill	Winslow
Sinnott	Stout	Vare	Witherspoon
Sisson	Stringer	Vaughan	Woodruff
Slayden	Sumners	Volimer	Woods
Slemp	Switzer	Wallin	Young, N. Dak.
Small	Talbott, Md.	Walsh	Young, Tex.
Smith, J. M. C.	Talcott, N. Y.	Walters	
Smith, Md.	Taylor, Ala.	Watson	
Smith, Minn.	Taylor, Colo.	Weaver	

So the motion to adjourn was not agreed to.

The Clerk announced the following pairs:

From June 18 to June 20, inclusive:

Mr. MORRISON with Mr. HUMPHREY of Washington.

From June 10 to June 22:

Mr. BROWN of New York with Mr. BROWNE of Wisconsin.

Ending August 4:

Mr. WEAVER with Mr. SLOAN.

Until further notice:

Mr. SHERLEY with Mr. GILLETT.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. NEELEY of Kansas with Mr. MURDOCK.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. HINDS with Mr. HENRY.

Mr. MCDERMOTT with Mr. WILLIS.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. FIELDS with Mr. LANGLEY.

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. DAVENPORT with Mr. J. M. C. SMITH.

Mr. ADAIR with Mr. AINEY.

Mr. BARNHART with Mr. AUSTIN.

Mr. BEALL of Texas with Mr. AVIS.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. BRODBECK with Mr. BUTLER.

Mr. BUCHANAN of Illinois with Mr. CALDER.

Mr. BULKLEY with Mr. CAMPBELL.

Mr. BURNETT with Mr. CHANDLER of New York.

Mr. CALLAWAY with Mr. COOPER.

Mr. CANTRILL with Mr. COPLEY.

Mr. CARLIN with Mr. CRAMTON.

Mr. CARTER with Mr. DANFORTH.

Mr. CLARK of Florida with Mr. DAVIS.

Mr. DENT with Mr. DRUKKER.

Mr. DICKINSON with Mr. DUNN.

Mr. DOREMUS with Mr. EDMONDS.

Mr. DOUGHTON with Mr. FORDNEY.

Mr. EAGAN with Mr. FREAR.

Mr. FINLEY with Mr. GOOD.

Mr. FLOOD of Virginia with Mr. GRAHAM of Pennsylvania.

Mr. FLOYD of Arkansas with Mr. GREEN of Iowa.

Mr. GARNER with Mr. GREENE of Vermont.

Mr. GARRETT of Tennessee with Mr. GRIEST.

Mr. GARRETT of Texas with Mr. HELGESEN.

Mr. GLASS with Mr. SLEMP.

Mr. GODWIN of North Carolina with Mr. HINEBAUGH.

Mr. GOODWIN of Arkansas with Mr. HULINGS.

Mr. GORDON with Mr. JOHNSON of Utah.

Mr. GORMAN with Mr. JOHNSON of Washington.

Mr. GREGG with Mr. KEISTER.

Mr. HAMLIN with Mr. KELLEY of Michigan.

Mr. HARDWICK with Mr. KENNEDY of Rhode Island.

Mr. DUPRÉ with Mr. DILLON.

Mr. HARRISON with Mr. KIESS of Pennsylvania.

Mr. HAY with Mr. KINKAID of Nebraska.

Mr. HOWARD with Mr. KREIDER.

Mr. HUMPHREYS of Mississippi with Mr. ANDERSON.

Mr. KITCHIN with Mr. MCKENZIE.

Mr. LAZARO with Mr. LAFFERTY.

Mr. LEE of Georgia with Mr. LA FOLLETTE.

Mr. LEVER with Mr. LEWIS of Pennsylvania.

Mr. LINTHICUM with Mr. LINDQUIST.

Mr. LLOYD with Mr. MCGUIRE of Oklahoma.

Mr. MCKELLAR with Mr. MADDEN.

Mr. MONTAGUE with Mr. MACDONALD.

Mr. MOON with Mr. MANAHAN.

Mr. TALBOTT of Maryland with Mr. MERRITT.

Mr. MORGAN of Louisiana with Mr. MILLER.

Mr. PADGETT with Mr. MOORE.

Mr. PAGE of North Carolina with Mr. MORIN.

Mr. PETERS of Massachusetts with Mr. MOSS of West Virginia.

Mr. PHELAN with Mr. MOTT.

Mr. POU with Mr. NELSON.

Mr. RAGSDALE with Mr. NORTON.

Mr. RAINEY with Mr. PARKER.

Mr. RAYBURN with Mr. PATTON of Pennsylvania.

Mr. ROUSE with Mr. PLATT.

Mr. RUBEY with Mr. PLUMLEY.

Mr. RUCKER with Mr. PORTER.

Mr. SAUNDERS with Mr. PROUTY.

Mr. SHACKLEFORD with Mr. ROBERTS of Massachusetts.

Mr. SHERWOOD with Mr. ROGERS.

Mr. SIMS with Mr. SCOTT.

Mr. SISSON with Mr. SELLS.

Mr. SMALL with Mr. SHREVE.

Mr. SMITH of Texas with Mr. SINNOTT.

Mr. SPARKMAN with Mr. SMITH of Minnesota.

Mr. STEPHENS of Texas with Mr. STEENERSON.

Mr. STRINGER with Mr. POWERS.

Mr. SUMNERS with Mr. SWITZER.

Mr. THACHER with Mr. TEMPLE.

Mr. TOWNSEND with Mr. TOWNER.

Mr. TRIBBLE with Mr. TREADWAY.

Mr. VAUGHAN with Mr. VARE.

Mr. WATSON with Mr. WINSLOW.

Mr. WEBB with Mr. WOODS.

Mr. WHITE with Mr. WALTERS.

Mr. WINGO with Mr. SAMUEL W. SMITH.

Mr. WITHERSPOON with Mr. YOUNG of North Dakota.

Mr. YOUNG of Texas with Mr. WOODRUFF.

For the session:

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Mr. HOBSON with Mr. FAIRCHILD.

The result of the vote was announced as above recorded.

Mr. DONOVAN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. FITZGERALD. I move a call of the House.

The SPEAKER. There is no quorum. The gentleman from New York moves a call of the House.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for a division.

The House divided; and there were—ayes 45, noes 32.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

The SPEAKER. Those who are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Fifty-nine gentlemen have arisen, a sufficient number, and the Clerk will call the roll. Those in favor of ordering a call of the House will, as their names are called, vote yea, and those opposed will vote nay.

The question was taken, and there were—yeas 78, nays 32, answered "present" 6, not voting 317, as follows:

YEAS—78.

Abercrombie	Crosser	Harris	Peterson
Aswell	Cullop	Heflin	Pou
Baltz	Dershem	Hensley	Quin
Barkley	Dickinson	Holland	Raker
Bartlett	Dixon	Houston	Rauch
Beakes	Doughton	Howell	Reilly, Conn.
Borchers	Edwards	Jacoway	Reilly, Wis.
Bowdle	Elder	Johnson, Ky.	Rothermel
Burgess	Fergusson	Kennedy, Conn.	Ruby
Burke, Wis.	Ferris	Kettner	Russell
Byrnes, S. C.	Finley	Kindel	Smith, N. Y.
Byrns, Tenn.	Fitzgerald	Lee, Pa.	Sparkman
Candler, Miss.	Foster	Levy	Sisne
Carr	Gallagher	Lobeck	Taggart
Clark, Fla.	Gard	McGillicuddy	Tavenner
Cline	Goodwin, Ark.	Maguire, Nebr.	Ten Eyck
Collier	Gonden	Murray, Okla.	Thompson, Okla.
Connolly, Iowa	Graham, Ill.	O'Hair	Walker
Conry	Gray	Oldfield	
Cox	Guernsey	Palmer	

NAYS—32.

Aiken	Falconer	Kennedy, Iowa	Smith, Idaho
Barton	French	Kinkaid, Nebr.	Stafford
Britten	Gudger	McLaughlin	Stephens, Cal.
Bryan	Hamilton, Mich.	Mapes	Stephens, Miss.
Buchanan, Tex.	Hawley	Morgan, Okla.	Sutherland
Cary	Helm	Nolan, J. I.	Taylor, Ark.
Church	Hughes, Ga.	Roberts, Nev.	Thomson, Ill.
Donovan	Igoe	Rupley	Volstead

ANSWERING "PRESENT"—6.

Allen	Hardy	Stevens, Minn.	Underwood
Booher	Sloan		

point of order.

Mr. FITZGERALD. But I had reserved the point of order.

12 o'clock to-night to pass the soldiers' homes items, even if we have a quorum.

Mr. FITZGERALD. I hope it will be voted down.

quorum or after a quorum is ascertained, that it affords all

sorts of means for filibustering. The House for some time has frowned on filibustering, and in this case the Chair would rather rely on his own opinion, delivered in May, which was positive and clear, whether right or wrong, than to depend on this vague case that is cited by the gentleman from Illinois. And the Chair sustains the point of order.

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The appeal is dilatory.

Mr. MANN. It is not dilatory, Mr. Speaker. I beg the Speaker's pardon.

The SPEAKER. The Chair decided then, and the Chair holds now, from the situation in which we found ourselves when the gentleman from Illinois started in, that the only thing to do is to go back into the committee.

Mr. MANN. But if the Speaker will hear me for a moment——

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. Here is a case where the unbroken line of precedents is to be reversed, except the one that was made here recently. I have heard this motion made in the House many times while the Speaker has been a Member of the House and while I have been a Member of the House. I have heard it declared in order many times. I have heard it stated many times on the floor that no other business was in order except a motion to adjourn.

The Speaker referred a while ago to a statement that I made at times. I never have stated that a motion to adjourn was not in order at this time.

The SPEAKER. The Chair thinks, as a matter of fact, that that statement of the gentleman is correct.

Mr. MANN. The Speaker has passed upon that. Now, that being the case, the Speaker rendered a decision some time ago which was sustained by the House. I thought when it was rendered, although I was not here, but I read the proceedings, the Speaker was not informed as to the precedents.

Now, if we are to reverse this immemorial custom of the House, why should we not do it upon a roll call in the House? The appeal is not intended as dilatory at all. Let us settle the question. Two precedents will probably settle it.

Mr. UNDERWOOD. Mr. Speaker, if the gentleman from Illinois is through——

Mr. MANN. Yes.

Mr. UNDERWOOD. I would like to call the Speaker's attention to the parliamentary situation. The case that arose when the gentleman from Massachusetts [Mr. GARDNER] made his appeal from the decision of the Chair occurred when the Chair had recognized the gentleman from Massachusetts for the purpose of making a motion to adjourn, and then held it out of order.

Now, in this particular case the gentleman from Illinois [Mr. MANN] arose for the purpose of seeking to make the motion to adjourn. The Speaker did not recognize him for that purpose, and the point of order was made that he was not entitled to recognition for that purpose.

Now, Mr. Speaker, there can be no question but that the question involved in this case is a question of recognition. The Chair has not recognized the gentleman from Illinois for the purpose of moving an adjournment. The Chair might recognize him for that purpose, or he can turn over the gavel to the gentleman from North Carolina [Mr. POU]. Now, there is no appeal and there has never been an appeal in this House on a question of recognition. It is entirely in the discretion of the Speaker, and there is no appeal from that decision, the Speaker having held that the gentleman's motion is not in order and not having recognized him.

Mr. MANN. But the Speaker did recognize him.

Mr. UNDERWOOD. My understanding of the situation is that the Speaker did not.

Mr. MANN. The Speaker did, and the gentleman made a point of order against the motion, and the Chair sustained the point of order.

Mr. UNDERWOOD. The point of order I make is that the Speaker asked the gentleman for what purpose he rose.

Mr. MANN. Oh, no; he did not.

Mr. UNDERWOOD. That is my understanding of the proposition; and the point of order that I made was that the gentleman was not entitled to make the motion at this time. It was purely a question of recognition.

Mr. MANN. If the motion was in order the Speaker could not refuse to recognize, and did not attempt to. If the motion is in order it is a privileged motion. Now, the question is whether the appeal is dilatory. I assure the Speaker that the appeal is not dilatory.

The SPEAKER. The Chair thinks that he was right in May, when he rendered the last decision about that. Waiving the question whether or not the Chair recognized the gentleman to make the motion, you came out of committee to get a quorum—that is what you came out for—to transact the business of the House. Now, if all these other motions are allowable, it simply rigs up a new machine for filibustering.

Mr. MANN. But, Mr. Speaker, no one has claimed that ordinary motions are in order or that ordinary business is in order. That question is not involved.

The SPEAKER. The rule of the House is too plain for controversy, and no Speaker ever ruled on this proposition except the present one.

Mr. MANN. I beg the Speaker's pardon. I have heard every Speaker rule upon it since I have been a Member of the House, and it is in order.

The SPEAKER. If there is such a ruling, it is not recorded.

Mr. MANN. Oh, there are lots of rulings that are not recorded.

The SPEAKER. There is a ruling by a Speaker pro tempore; not a ruling, but a sort of ruling in this way: Somebody moved to adjourn under circumstances similar, and nobody made the point of order, and the motion to adjourn was negatived by the House; and then when the distinguished gentleman from Maine [Mr. HINDS] prepared his Parliamentary Precedents he put it in the headline in the way it is quoted in this footnote to the rule.

The reason of the thing is in favor of no business whatever being transacted after the quorum is ascertained, because otherwise it rigs up a machine, as the Chair stated a while ago, for filibustering and delaying the business of the House. And while the present occupant of the chair does not like very well to quote his own decisions, he does think that the decision of a Speaker of the House for two terms certainly has a binding force over that of a Speaker pro tempore; and the Chair holds, as he held in May, that the only thing that can be done under the circumstances is to go back into Committee of the Whole, and the Chair so orders.

Mr. MANN. Mr. Speaker, has the Chair disposed of the appeal which I made?

The SPEAKER. If you did not have the right to make the motion to adjourn, you have not the right to take an appeal.

Mr. MANN. Oh, yes; that would not follow at all. That is the question at issue.

Mr. MURRAY of Oklahoma. Mr. Speaker, even if the gentleman had the right to make the motion to adjourn, he would not have the right under these circumstances to appeal, because the appeal is of that privileged character which would require a quorum of the House. It is fundamental that you can not violate the written rule, and the written rule is that 100 makes a quorum in Committee of the Whole. If he could appeal, then it would require a quorum of the House, which would violate the written rule of the Committee of the Whole. I think the Chair is entirely right to refuse the appeal.

The SPEAKER. Let us see where we will land, because every Member of this House is interested in orderly procedure. If the Chair entertains the appeal it opens up the way for delay and filibustering. If any gentleman does not like the result of the vote on the appeal, a motion is made to reconsider the vote and a roll call may be had on that. If no quorum answers, a call of the House can be ordered, and so forth.

Mr. MANN. I would not be entitled to recognition for that purpose.

The SPEAKER. Why not?

Mr. MANN. Some gentleman on the other side would be entitled to recognition to move to lay the appeal on the table.

The SPEAKER. There you are.

Mr. MANN. The mere fact that it requires a roll call is no reason why the House should not have the right to decide it.

The SPEAKER. Now, if a quorum fails to vote on the roll call, then you must have a call of the House, and I undertake to say that if the motion of the gentleman from Illinois was entertained he could make motions enough here to keep us until 9 or 10 o'clock to-night.

Mr. MANN. Is that any reason why orderly procedure should not be followed and an appeal allowed when it is in order, Mr. Speaker?

Mr. DONOVAN. Regular order, Mr. Speaker.

The SPEAKER. The regular order is to hear the gentleman, if he wants to proceed, on his point of order.

Mr. DONOVAN. The Speaker has decided to call the gentleman from North Carolina [Mr. POU] to the chair. We ought not to be obliged to listen to this colloquy.

Mr. MANN. If an appeal is in order, Mr. Speaker, what follows does not make any difference. Here for years this motion has been held in order as an orderly proceeding. The Speaker has now decided that it is not in order. Certainly it is in order

for the House, then, on an appeal, to determine whether the recent ruling of the Speaker is the proper ruling or whether the rulings of his predecessors on the subject were proper rulings.

The SPEAKER. But the House has already decided that once.

Mr. MANN. That may be. I understand the House decided that once, but you can not always reverse a long line of precedents by one decision. I want to know what is to be the ruling of the House—not merely of this Speaker, but of Speakers who may follow him.

Mr. UNDERWOOD. Mr. Speaker, if I may say just one word, I think I was in error a moment ago when I said that when the gentleman from Illinois rose to make his motion the Speaker asked him for what purpose he rose. My recollection now, refreshing it, is that the gentleman from Illinois [Mr. MANN] rose without recognition and said: "Mr. Speaker, I move that the House adjourn." As soon as he did so I made the point of order that he was not entitled to be recognized for that purpose. The issue before the Chair was the question of recognition, and there is no appeal on that question and never has been.

The SPEAKER. The House resolves itself into the Committee of the Whole House on the state of the Union, with the gentleman from North Carolina [Mr. POU] in the chair. [Applause on the Democratic side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Pacific Branch, Santa Monica, Cal.: For current expenses, including the same objects specified under this head for the Central Branch, $46,500.

Mr. MANN. Mr. Speaker, I move to strike out "$46,500" and insert "$47,000."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. I suppose the amendment will be reported. We will have that much order, Mr. Chairman, anyhow.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Line 21, page 84, strike out "$46,500" and insert "$47,000."

Mr. MANN. Mr. Chairman, I do not know just what the purpose of the committee was in skinning this down from $47,000 to $46,500. The current appropriation was $47,000. This item covers a great many things in connection with the soldiers' homes. The item in this place refers to the items under the Central Branch. The Central Branch item includes the pay of officers and noncommissioned officers of the home, and their clerks, weighmasters, and orderlies; payments for chaplains, religious instruction, and entertainment for the members of the home; printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, and fire company; for all property and materials purchased for their use; for necessary expenditures for articles of amusement, library books, magazines, papers, pictures, and musical instruments; and for stationery, advertising, legal advice, for payments due heirs of deceased members.

Now, just why the committee thought it its duty to reduce the sum from $27,000 to $26,500 I do not know. I suppose it was because of the condition of the Treasury. Every dollar that the committee can cut off from an appropriation is now considered quite a big sum. They had to skin all of these things. Think of the great Committee on Appropriations in reference to soldiers' homes being so closefisted that it proposes to reduce the appropriation for all these items from $47,000 to $46,500. I wonder they did not make it $46,499. That would have saved one more dollar from the appropriations. Have we come to the point in the history of our country and the Treasury statements where we have to cut off an item of $500 for the support of soldiers' homes, split even thousands, coming from $47,000 down to $46,500? Can not we raise enough money to provide the odd $500? Why, I think the gentleman from New York ought to be able to contribute that out of his own pocket.

Mr. FITZGERALD. Mr. Chairman, the reason is so simple that I am surprised that the gentleman from Illinois should ask it. The appropriation for the current year was $47,000. The estimates were $47,000. When the items were under examination Maj. Harris, the treasurer of the Board of Managers of the Soldiers' Home, was before the Committee on Appropriations, with other members of the board. Taking these items, I said, "The next item is for the Pacific Branch, Santa Monica, Cal. For current expenses the appropriation is $47,000, and you are asking for $47,000." Maj. Harris said, "That can be reduced to $46,500." As those in charge of the homes, responsible for their administration, volunteered the information that upon further consideration they did not require $47,000 but only required $46,500, the committee acquiesced in their recommendation without any thought of whether the Treasury would be affected one way or the other. If the board of managers, instead of reducing the appropriation had submitted information that it was necessary for the proper conduct of the home to increase the appropriation, the committee would have made that recommendation. If there is any criticism to be made for the reduction of this sum, it is not the Democratic Members of Congress that should be criticized but the Republican members of the Board of Managers of the National Soldiers' Home who have requested that the appropriation for this purpose be reduced by $500.

Mr. MONDELL. Mr. Chairman, the committee, in preparing this bill, endeavored to economize as far as it could consistently do so, because it understood the condition of the Treasury and the waning balance in the general fund. They realized our decreasing exports and our increasing imports. They even understood the condition of the gold reserve, a condition which is very clearly indicated in the newspaper clipping which I hold in my hand, showing that since May 1 we have exported $53,000,000 of gold, and that since the beginning of the fiscal year the total export of gold has been $89,000,000.

Mr. DONOVAN. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman is not speaking to the subject matter of any amendment.

Mr. MONDELL. I am discussing the necessity of economy.

Mr. HAMILTON of Michigan. Mr. Chairman, I desire to submit an inquiry.

Mr. MONDELL. I yield to the gentleman.

Mr. SLOAN. I want to ask the gentleman, who speaks of a waning condition of the Treasury, if that is actually the condition or whether it is clearly psychological?

Mr. MONDELL. So far as the balance in the Treasury is concerned, it is an actual dwindling and not psychological.

Mr. HAMILTON of Michigan. I want to ask the gentleman what consideration did we get for the $53,000,000 in gold that we shipped abroad?

Mr. MONDELL. I do not know, we may have caught some foreign articles for the sum.

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman from Wyoming has no right to yield to the gentleman from Michigan without permission of the Chair.

Mr. HAMILTON of Michigan. I addressed the Chair.

Mr. MONDELL. Mr. Chairman, I hope this will not be taken out of my time. I hoped I might have time enough to say, after reading the clipping, that we transferred forty-three millions of gold to the Subtreasury in New York the other day and call attention to the fact that the administration has got so alarmed about the situation that I understand we are now, for the first time in our history, paying the employees of the Government in silver certificates. I understand that on the last pay day in this city the clerks and employees of the Government were paid almost exclusively in silver certificates.

Mr. DONOVAN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Wyoming yield to the gentleman from Connecticut?

Mr. DONOVAN. I do not want him to yield, Mr. Chairman. I insist on the point of order that he is not speaking on the subject matter.

The CHAIRMAN. The Chair thinks the gentleman from Wyoming was reasonably within his rights.

Mr. DONOVAN. Mr. Chairman, if the Chair will say "the gentleman's usual way of being within his rights," I think the Chair would state it correctly. [Laughter.]

Mr. MONDELL. Mr. Chairman, in view of this unfortunate condition of the Treasury, this constantly growing excess of expenditures over receipts, this constant outward flow of gold, this necessity of paying the employees of the Government in silver certificates, in order to maintain a gold reserve—in view of all these facts, the gentleman from Illinois ought to understand that we must save, that we must cut down these appropriation bills, if it is only in the sum of $500.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. DONOVAN. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The question is on the motion of the gentleman from Connecticut that the committee do now rise.

The question was taken; and on a division (demanded by Mr. DONOVAN) there were—ayes 47, noes 43.

Mr. FITZGERALD. Mr. Chairman, I demand tellers.

Tellers were ordered.

Mr. FITZGERALD and Mr. DONOVAN were appointed to act as tellers.

The committee again divided, and the tellers reported ayes 54, noes 46.

So the motion was agreed to.

It would be more satisfactory to me if he could demonstrate that it would be more economical for coal to be burned there. It would eliminate some controversy in the House in the consideration of this bill, and would relieve me of the necessity of burdening myself year after year with additional investigation, additional reports, additional facts to remind Members of the same old story, with no more foundation this year than it had last. The more we investigate it the less justification there is in advocating what he desires. This amendment, Mr. Chairman, is clearly legislation, and I insist on the point of order.

Mr. ANTHONY. Mr. Chairman, I ask for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to address the committee for five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, the reports of these investigators would be very good indeed if it were not for the fact that the board of managers suppresses from them one important fact. In these reports coming to the Committee on Appropriations they state that it will cost from $2.90 to $2.84 per ton for coal at the Leavenworth institution. They carefully suppress the fact that there is a contract on file with the board of managers, which has some years yet to run and which, in the opinion of competent authority, can undoubtedly be enforced, which gives the Government all the coal that it wants at $2.25 a ton. Why do they not take $2.25 a ton, the contract price of coal? That is the nigger in the woodpile. They are dodging the real price at which coal can be secured.

Mr. TAGGART. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TAGGART. Is there any other institution in that whole region, beginning with the Federal prison, the Army post, a combined city of 250,000 people 30 miles from there filled up with manufacturing plants of different kinds, a $10,000,000 oil refinery—is there any other institution except the soldiers' home at Leavenworth that burns oil for fuel?

Mr. ANTHONY. Not a single one, for they all know that it is more economical to burn coal. Now, the gentleman from New York has alluded to a "conspiracy." It is pretty hard to understand where a conspiracy exists on my side of the question, but to anyone who understands the ramifications of New York politics it is not difficult to understand the animus of the gentleman from New York in urging the views of the board. The president of the Board of Managers of the Soldiers' Home happens to be the mainstay of the up-State Republicans of New York State, a spoke in the wheel of this Republican "organization," and the gentleman from New York, chairman of the Committee on Appropriations, is one of the leaders of the Tammany Hall Democracy, and in pursuance of the time-honored combination between these two political elements I do not blame the gentleman for standing as sponsor for that kind of a thing.

Mr. FITZGERALD. Mr. Chairman, gratuitous insults are seldom offered to Members on the floor of the House, and they should not be offered by men who live in glass houses. I am not a member of Tammany Hall. I am not eligible for membership in Tammany Hall. I have been put out of political conventions by Tammany Hall because I was not a member of its organization and was not in sympathy with its action. The gentleman from New York, Mr. Wadsworth, is not in politics so far as I am aware. He served in this House for 20 years with distinction. He was an honorable and is an honorable and reputable citizen.

The trouble with the gentleman from Kansas is, and his grievance is, that I would not in the face of the facts present to the Committee on Appropriations and advocate the burning of coal in the Western Branch of the National Soldiers' Home when one of his relatives was the most largely interested proprietor in the coal mines from which the coal was to come. [Applause.] That explains his persistency in using coal and not oil in this home.

The CHAIRMAN. The Chair thinks the amendment is in order. The question is on the adoption of the amendment.

Mr. STAFFORD. May we have the amendment reported?

Mr. FITZGERALD. Mr. Chairman, I would like to be heard on the point of order. The amendment provides as to thermal units, and certainly that is legislation, for there is no authority for it.

The CHAIRMAN. The Chair will be glad to hear the gentleman on the point of order. The Chair understood that, inasmuch as the gentleman addressed his remarks almost entirely to the merits of the proposition, he did not care to press the point of order.

Mr. FITZGERALD. But I had reserved the point of order.

The CHAIRMAN. That is true.

Mr. FITZGERALD. And I had stated it was clearly legislation. An examination of the amendment discloses that fact. It requires the purchases to be made under certain regulations, which is a limitation upon the power of the department. It is legislation.

The CHAIRMAN. But the Holman rule provides:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject matter of the bill shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. FITZGERALD. How does the amendment in any way come within that rule? If the Chair will examine the amendment, he will see that it does not reduce the compensation of any person paid out of the Treasury of the United States, it does not reduce a salary and it does not reduce the amount carried in the bill.

The CHAIRMAN. That is the point upon which the Chair desired to hear the gentleman.

Mr. FITZGERALD. It specifically requires the purchase of coal to be made under certain regulations, from which the Chair is unable to determine whether it will be an increase or a decrease. It is purely a legislative provision.

Mr. ANTHONY. Mr. Chairman, I think that amendment is purely along the line of economy. It provides that only the cheapest coal shall be purchased, and there is no twisting of the English language that could make it mean anything else.

The CHAIRMAN. The Chair will state to the gentleman from Kansas that if the amendment is in order at all it must be under the following wording of the Holman rule:

Or by the reduction of the amounts of money covered by the bill.

The Chair will say candidly that when he first read the amendment it seemed to him that inasmuch as it provided that these gentlemen should buy this fuel where they could get it the cheapest, that that did reduce the amount of the bill; but as a matter of fact, it does not.

Mr. ANTHONY. How can the Chair explain that in any different way? That is the purpose of the amendment.

The CHAIRMAN. The amount of money carried by the bill remains the same, whether the amendment be adopted or not.

Mr. ANTHONY. Oh, no; if it is determined one way, it will cost the Government more; and if it is determined another way, it will cost the Government less.

The CHAIRMAN. Under the amendment the amount of the appropriation remains the same. It was under that consideration that the Chair at first decided that the amendment was in order. The Chair now decides that the amendment is not in order, and the Clerk will read.

The Clerk read as follows:

For farm, including the same objects specified under this head for the Central Branch, $17,000;

In all, $837,500.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think it is desired to pass another bill to-night, and I suggest to the chairman of the committee that this is Saturday night and it is now half past 5 o'clock.

Mr. FITZGERALD. Mr. Chairman, I think we ought to go ahead a little longer. We could easily sit late to-night. We have not many days left, and the bill ought to go to the Senate as soon as possible.

Mr. MANN. I am perfectly willing to sit late some night next week, but this is Saturday night.

Mr. FITZGERALD. Oh, yes; but it is always Saturday night with the gentleman when my bill is up. The last time the bill was up it was Saturday of last week.

Mr. MANN. That is true.

Mr. FITZGERALD. I think we ought to try and make more progress on the bill. It may be possible to get this bill enacted into law before the last of the fiscal year. I do not know whether it will or not. It can not be enacted unless we sit longer, and I think we ought to stay longer to-night.

Mr. MANN. How far does the gentleman think he ought to read?

Mr. FITZGERALD. Oh, to about page 148.

Mr. MANN. If that is the case, I think we ought to have a quorum present.

Mr. FITZGERALD. I think the House ought to determine whether it is going to stay here or not. I shall not voluntarily ask the House to quit.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present, and suggest that it will take until 12 o'clock to-night to pass the soldiers' homes items, even if we have a quorum.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order that there is no quorum present?

Mr. MANN. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Sixty gentlemen are present, less than a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Aiken	Foss	Kreider	Riordan
Anderson	Fields	Lafferty	Roberts, Mass.
Ansberry	Finley	Langham	Rogers
Ashbrook	Flood, Va.	Langley	Rouse
Avis	Floyd, Ark.	Lee, Ga.	Rucker
Baker	Forney	L'Engle	Sabath
Barchart	Fowler	Lenroot	Saunders
Barnhart	Francis	Lesher	Scott
Bartholdt	Frear	Lewis, Md.	Scully
Bell, Ga.	Gallivan	Lewis, Pa.	Seldomridge
Blackmon	Gardner	Lieb	Sells
Borland	Garner	Lindbergh	Shackleford
Powdle	Garrett, Tenn.	Lindquist	Sharp
Brockson	George	Linthicum	Shelley
Brodbeck	Gerry	Lloyd	Sherwood
Broussard	Gill	Loft	Shreve
Brown, N. Y.	Gillett	Logue	Sims
Brown, W. Va.	Gillmore	Lonergan	Sinnott
Browne, Wis.	Gittins	McAndrews	Sladen
Browning	Glass	McCoy	Slemp
Brueckner	Godwin, N. C.	McDermott	Small
Brumbaugh	Goeke	McGuire, Okla.	Smith, Md.
Buchanan, Ill.	Goldfogle	McKellar	Smith, J. M. C.
Bulkley	Good	McKenzie	Smith, Minn.
Burke, Pa.	Gordon	MacDonald	Smith, N. Y.
Burke, S. Dak.	Gorman	Madden	Smith, Tex.
Burnett	Graham, Pa.	Mahan	Stanley
Butler	Green, Iowa	Maher	Stedman
Calder	Greene, Vt.	Manahan	Steenerson
Callaway	Gregg	Martin	Stephens, Tex.
Cantor	Griest	Merritt	Stevens, N. H.
Cantrill	Griffin	Metz	Stout
Carew	Hamill	Miller	Strauser
Carlin	Hamilton, N. Y.	Mitchell	Switzer
Casey	Hammond	Montague	Talbott, Md.
Chandler, N. Y.	Hardwick	Moore	Talcott, N. Y.
Clancy	Harris	Morgan, La.	Taylor, Ala.
Clark, Fla.	Hart	Morin	Taylor, Colo.
Claypool	Hay	Morrison	Taylor, N. Y.
Coady	Hayden	Moss, W. Va.	Temple
Collier	Hayes	Mott	Thacher
Connolly, Kans.	Helgesen	Murdock	Thomas
Cooley	Henry	Murray, Mass.	Towner
Covington	Hinds	Neely, Kans.	Townsend
Cramton	Hobson	Neely, W. Va.	Treadway
Crisp	Howard	Nelson	Tribble
Dale	Howenstein	Norton	Tuttle
Danforth	Howland	O'Brien	Vare
Davenport	Hughes, W. Va.	Oglesby	Vaughan
Decker	Hullings	O'Leary	Vollmer
Deitrick	Humphrey, Wash.	O'Shaunessy	Wallin
Dent	Humphreys, Miss.	Page, N. C.	Walsh
Dickinson	Igoe	Paige, Mass.	Watson
Dies	Johnson, Utah	Palmer	Weaver
Difenderfer	Johnson, Wash.	Parker	Webb
Dillon	Jones	Patten, N. Y.	Whaley
Donohoe	Keister	Patton, Pa.	Whitacre
Dooling	Kelly, Pa.	Peters, Me.	White
Doremus	Kennedy, Iowa	Peters, Mass.	Willis
Driscoll	Kennedy, R. I.	Phelan	Wilson, Fla.
Drukker	Kent	Platt	Wilson, N. Y.
Dupre	Key, Ohio	Porter	Winge
Dupré	Kiess, Pa.	Post	Winslow
Eagan	Kinkead, N. J.	Powers	Witherspoon
Eagle	Kirkpatrick	Prouty	Woodruff
Edmonds	Kitchin	Rainey	Woods
Elder	Knowland, J. R.	Rayburn	Young, N. Dak.
Esterdinal	Konop	Reed	Young, Tex.
Fairchild	Korbly		

The committee rose; and the Speaker having resumed the chair, Mr. POU, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 162 Members answered to their names; and he reported the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 162 Members answered to their names; and he reports the list of absentees to be entered upon the Journal.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to adjourn is not in order at this time.

The SPEAKER. No motion is in order.

Mr. MANN. I would like to be heard upon the point of order.

Mr. FITZGERALD. I hope it will be voted down.

The SPEAKER. The Chair will hear the gentleman.

Mr. MANN. I call the attention of the Chair to the manual, which is somewhat of a guide in the proceedings of the House. On page 372 the rule is:

Whenever the Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum—which shall consist of 100 Members—the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

The Speaker will find the following note:

After the committee has risen and reported its roll call, a motion to adjourn is in order before direction as to resumption of the session.

Referring to Hinds, volume 4, paragraph 2959. That motion had been made, according to my distinct recollection, many times while both the Speaker and myself have been Members of the House.

It is true, if the motion to adjourn does not prevail and a quorum is not shown, that the failure of a quorum does not prevent the Chair directing that the committee resume its sitting.

Mr. UNDERWOOD. But, Mr. Speaker, I think the question presented by the gentleman from Illinois [Mr. MANN] is practically the same question presented here a short time ago by the gentleman from Massachusetts [Mr. GARDNER], and in which the House sustained the decision of the Chair, and I think after the decision was rendered the Speaker announced to the House that he had reached the conclusion that the proper procedure would have been not to recognize the gentleman for any motion when we went back into the House to report a quorum, and that automatically the committee should resume its session. I think that is the case, Mr. Speaker. There is no reason, if a quorum is shown to be present, why anyone should be recognized for a motion to adjourn or another motion. Because when we go back into the committee it is absolutely in the control of the committee, which is a part of the House, to rise and go back into the House and adjourn if they desire to do so. And I think it is merely a question of recognition in the end as to whether the Speaker will recognize a gentleman to make a motion or whether he will call the Chairman to the chair and allow the committee to resume its session. The correct practice of the House, decided some weeks ago, is for the Chair——

The SPEAKER. Was an appeal taken from the Speaker's decision on that day?

Mr. UNDERWOOD. My recollection is that an appeal was taken, and I moved to lay the appeal on the table, and by an emphatic majority the House laid the appeal on the table; and that there was a roll call on the question when it was before the House.

Mr. MANN. The recognition of the motion to adjourn does not rest with the Speaker. The motion to adjourn is a privileged motion. If it is in order, the Speaker can not refuse to recognize for that motion. It makes recognition itself. It has been ruled many times, Mr. Speaker, both by the present Speaker and by all of his predecessors since this rule has been in force, that the motion to adjourn was the only motion which was in order when the committee rose because of the lack of a quorum. And the reason for it must be manifest, that the House, if it chooses to adjourn, has the right to adjourn and has the right to have a roll call on the motion to adjourn. It is true that a majority of the House changes the rules by vote very often, but that has been the rule from time immemorial.

The SPEAKER. The history of this transaction is that in the first place the precedents are very vague. In the one that the gentleman from Illinois [Mr. MANN] cited there was a motion made to adjourn in a situation similar to the present one, but nobody raised the point. About six weeks ago the point was raised, but before that, on two occasions, when the Chair was inclined to transact some small business that was on the Speaker's table, the gentleman from Illinois himself raised the point that we could not do anything except go back into the committee. About six weeks ago the gentleman from Massachusetts [Mr. GARDNER] made a motion—the Chair thinks it was the motion to adjourn, although he is not sure—but anyhow he made some sort of a motion, and the Chair overruled him and he appealed from the decision of the Chair, and we had a roll call on it, by which the Chair was sustained. While the roll was being called, the Chair had time to study the question. And there is no precedent of very great light on the subject. But the performance that the House went through that evening demonstrated to my mind that if motions of one kind and another be made after the committee rises, for lack of a quorum or after a quorum is ascertained, that it affords all

is practically worthless as a limitation on this expenditure. The wording of the present amendment in the bill is nothing more or less than a fraud on its face. It says, "if it shall appear to the board of managers." Well, it is liable to appear in most any way to "the board of managers." I have offered an amendment which will provide, in substance, that the fuel that shall be used shall be the fuel which will procure the greatest number of thermal units of heat in proportion to its cost. That is the method the War Department and other departments use in purchasing fuel, and if incorporated in this bill will no longer permit the board of managers to dodge the present limitation which is in the bill. There has been a great deal of contention as to which is the cheapest fuel at the Leavenworth Home. I will admit it is not a precise thing; there have been several reports made upon this question, all of them different; and I am just going to read one short extract from the latest report on the subject, because it is the very latest thing from the Bureau of Mines in reference to the question. This is under date of June 10, the present month, and probably later than anything that has been had by the committee on that question. It is signed by Van H. Manning, Assistant Director, and is as follows:

A report to the Director of the Bureau of Mines shows that the Leavenworth plant could probably save from $7,000 to $8,700 per year if properly equipped to burn the most economical coal (Cherokee Mill Run) to be had in their market.

Now, that is an entirely different coal and comes at a distance of 100 miles away from our coal field. I do not care what coal they burn or what fuel they burn, but I want them to burn the most economical fuel. And if the House will adopt this amendment which I have offered, I believe it will settle that much-mooted question for once and all.

Mr. FITZGERALD. Mr. Chairman, this provision in the bill is not effective, and the responsibility can not be placed on the members of the Committee on Appropriations. It is the provision drafted and offered by the gentleman from Kansas [Mr. ANTHONY] himself and accepted by the Committee on Appropriations in order to prevent the expenditure of money for fuel at this home in a way that would neither be economical or just.

Now, there has been a controversy as to whether or not it was more profitable to the Government to utilize coal or oil at the Leavenworth Branch of the National Soldiers' Home. The Board of Managers have contended that it was more economical to burn oil, and that to burn coal economically would require an investment of about $75,000 for new equipment.

The gentleman from Kansas [Mr. ANTHONY] early in the session conferred with me and stated that this controversy had gone on for several years; that it was impossible for us to get an agreement; and that if arrangements would be made to have an investigation by an impartial and disinterested official, get a report and settle this question, it would end this controversy. He suggested that the Bureau of Mines be requested to make such an investigation. I ascertained that the president of the Board of Managers of the Soldiers' Home had requested the Bureau of Mines to make this investigation. We got the report and the report confirms the contention of the board of managers, a report based upon a visit of an inspector from the Bureau of Mines to the Leavenworth Home lasting from February 9 to February 13, inclusive:

Now, let me read from his report:

In preparing the estimates which follow, the fact was kept in mind that there are some 3,000 persons in the institution who are dependent upon the power plant for light, heat, and power, and in large measure for the cooking of the meals. There are two general policies, either of which might be followed in changing the plant so that coal could be used, and estimates are included for each. One is to limit the investment and make the change with the least initial expense, and the other is to install such mechanical equipment as will insure convenience of operation and continuity of service, and at the same time reduce the operating expense.

Estimates are based on a price for oil of $1.1425 per barrel in tank cars f. o. b. the switch at the home, and for coal of $2.86 per long ton in coal bins or storage pit at the home. The above figure for oil is the price being paid this year, and that for coal is the price being paid for Leavenworth coal at the Federal prison in cars f. o. b. their switch. The estimates throughout are based upon the assumption that Leavenworth coal will be used if the change in fuel is made, for the reason that no other coal was offered when proposals were called for on a contract for 12,000 tons for the prison.

Additional boilers and another stack will be necessary if a change of fuel is made. The installation of these boilers will necessitate the removal of the shop at the end of the boiler room, and an additional building is included for this purpose. The estimates for depreciation and maintenance are based only on the additional investment if coal is to be used and on that part of the present plant that would be replaced if the change were made.

And then the estimates are included. The annual operating expenses for coal are $62,000; hand-fired, $71,000; coal stokers, $61,100. The necessary investment in order to burn coal is for coal, hand-fired, $21,100; for coal stokers, $77,200.

Having ascertained that the president of the Board of Managers of the Soldiers' Homes had requested the Bureau of Mines to make such an investigation, it occurred to me that it would be advisable to have another independent investigation made by competent authorities. So under date of March 16, 1914, I addressed a communication to the Secretary of War and requested him to have some official attached to the Inspectors' Department or the Quartermaster Corps of the Army make an investigation of the plant at the Leavenworth Home and report to the committee what it would cost to properly equip the home for the utilization of coal, and whether in his opinion it would be more economical to use coal or oil. Here was another department of the Government that could have no interest in a controversy as to which was the better. The report of the investigation was made, and that report was submitted to the committee, and from that investigation and report it says that changes are necessary to equip the plant for the economical use of coal which would require an expenditure of approximately $75,000. The Bureau of Mines estimated $77,000. And it is stated that two kinds of coal are available—a high grade, which costs $2.54 per ton, and a lower grade, which costs $2.25 per ton. The Bureau of Mines estimated that the coal cost $2.86 per ton, the cost paid by the Leavenworth prison. And in this report it says that, with the investment required, after we would spend $75,000 for the equipment, we would then save by the use of coal $609.50 a year. And the report continues:

The above comparisons are based on the cost of oil as given in the letter of the quartermaster referred to. It is noted that the oil in question costs $1.14 per barrel, which cost, considering the quantity purchased, would seem somewhat high.

The comparisons are also based on the assumption that the coal and oil would be used with the same relative efficiency. As a matter of fact, the experiences of this office has shown that oil-burning installations are operated generally with an increased efficiency over coal of approximately 50 per cent. This corps is paying for oil on the Pacific coast, under present contracts, 50 cents per barrel, as compared with $1.14 paid at Leavenworth (Kans.) Branch of the National Home for Disabled Volunteers. As a general proposition, considering the efficiency with which oil is used and the many advantages as a labor-saving device, it would seem reasonable, even with the low price quoted for coal, that the oil-burning installation should be more economical.

Now, the plant is equipped for the burning of oil. Here are reports from two independent, impartial bureaus of the Government, both of which contend that in order to equip this plant to burn coal it will necessitate an expenditure of at least $75,000, and in the end we would have gained nothing, either in efficiency or economy.

Now, the provision in the bill is—

that no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as fuel can be procured and used more economically.

The board of managers have contended that coal can not be procured and used more economically, and their reiterated statements are now substantiated by the report of the Bureau of Mines and the report of the Quartermaster Department of the War Department.

I hope that the amendment of the gentleman from Kansas [Mr. ANTHONY] will not be adopted, because it is so worded that if enacted it may be impossible to utilize any of the fund at all for fuel, unless we appropriated $75,000 for equipment in the event that coal is to be used.

Mr. ANTHONY. There is no question, Mr. Chairman, that this appropriation for fuel at the Western Branch Home has been the cause of more juggling of figures than has ever before been attempted by any Government board that has looked into such a matter. Some officials have returned reports that have an almost fictitious bearing on the matter, and they have taken the widest liberty in assuming items of cost of coal that absolutely misrepresent the situation.

I want to be frank with the House. I am making this fight for the use of the most economical fuel at that branch primarily because it is in a coal-mining district. There are 1,200 miners employed in the mines immediately adjacent to this institution; and I would be derelict in my duty if I did not appear here on the floor and insist that their product be utilized in the Government institutions near by when it can be purchased by the Government for less money than any other fuel.

The board of managers let the cat out of the bag on this fuel question in the letter that they addressed to the Bureau of Mines asking for this investigation, which, by the way, I have been asking for for a year and could not get anybody to move until recently. At the bottom of the letter to the Bureau of Mines was the simple statement from the president of the board of managers that, "I have instructed the officials at the Western Branch to furnish you all their information and figures," and so forth. It was very kind in them to furnish the figures, and it is true that the deductions made by both of the

investigations that have been had have been based upon figures kindly furnished by the officials of the home.

Now, what do they do? They take an arbitrary cost of the coal there that is anything but correct. They have not used coal at that branch for a good many years. When they did use coal there, this household item was about $87,000. Now, it is about $100,000. That difference represents the increase of cost of oil over coal for fuel.

Furthermore, I am surprised that the Committee on Appropriations allows itself to be bamboozled by the board of managers on this fuel question, as has repeatedly been done.

I want to call the attention of the chairman to a statement made in the hearings, which, on the face of it, will not be borne out by the facts. In the analysis of this household estimate for the Western Branch appears the item for fuel, including gas and oil, also water and electric light, at this Western Branch, $68,000. Last year they expended $63,000 for fuel oil alone, and the combined cost of the gas and electricity and the water at the Leavenworth Home was $25,000, which would leave only $43,000 for the purchase of fuel. Now, how in God's name they can do it under this appropriation is more than I can see and more than the chairman of the Committee on Appropriations can see. But I will tell you how they will do it. They will do it by subterfuge, as they did last year.

Last year, as the gentleman knows, after appearing before his committee and stating that $100,000 would be sufficient for this item of "household," the committee took them at their word. I told the committee at the time that it was not sufficient, that it would cost them more money. But the committee took the word of the board of managers. What does the Inspector of the War Department say in the report that was filed in the House and which has gone to the Committee on Military Affairs? Maj. Jackson, the Assistant Inspector General, calls the attention of the War Department and of the House to the fact that after Congress had appropriated for fuel they came back for a deficiency of $6,000 at the Leavenworth Branch. After you had given them that in the deficiency bill the board of managers raided the post or the posthumous fund and took $8,000 out of that fund. The board of managers misled you.

Mr. COOPER. What did that make the total?

Mr. ANTHONY. It made the total $63,000, whereas in the estimate it shows only about $43,000, on which they said they could get along for fuel.

So I say the statement they make this year is fraudulent. They can not get along with $43,000 for fuel. It is impossible to do that with either coal or oil, and all I am asking Congress is to put a limitation on this appropriation that means something; to compel them to get under the thermal unit system, which is the system now in use in other departments of the Government. Then the board can not resort to any further subterfuge on the matter, but have got to come through straight and clean.

Mr. KELLEY of Michigan. Will the gentleman agree with the chairman of the Committee on Appropriations that it would cost $75,000 to make the change in the heating system?

Mr. ANTHONY. It would cost a considerable amount. I contend it could be done for very much less than that, but the experts have bit on the figure of $75,000 in order to scare off the House, in order to give an excuse to them not to buy coal from the coal miners of my district, but in order to continue to patronize the Standard Oil Co., which has a refinery in Missouri near by. Now, I suppose it is hopeless for me to stand here and continue to plead for this amendment. Probably it will be voted down, as all the rest of them were, but next year when the deficiencies come in under this appropriation I will have the satisfaction of being able to say to the gentleman from New York [Mr. FITZGERALD] that I told him so.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Kansas [Mr. ANTHONY] seems to think that everybody is in a conspiracy against what he desires.

Mr. ANTHONY. I think the gentleman from New York is in a conspiracy to thwart what I desire in reference to the soldiers' homes.

Mr. FITZGERALD. First, the board of managers were doing him an injustice because they would not accept his suggestion as to the use of coal. Then the Bureau of Mines——

Mr. ANTHONY. Does not the Bureau of Mines come to your committee for its annual appropriation, and do you think they would dare to go counter to what the gentleman desires?

Mr. FITZGERALD. I decline to yield to the gentleman. The Bureau of Mines was requested by the board of managers of the homes to make a report, and having found certain things to be facts, they are now in a conspiracy against the gentleman from Kansas. Then the Quartermaster's Department——

Mr. ANTHONY. Does not the Quartermaster's Department come to the gentleman's committee for its appropriations, and would that department dare to return a report contrary to the gentleman?

Mr. FITZGERALD. I decline to yield to the gentleman. The Quartermaster's Department does not come to the Committee on Appropriations for its appropriation but goes to the Committee on Military Affairs, of which the gentleman from Kansas is a member. The Quartermaster's Department makes an investigation and finds certain facts, and those facts are contrary to what the gentleman from Kansas wishes, and so the War Department is in a conspiracy against him. Then, because the Committee on Appropriations accepts the statements made by the representatives of the Bureau of Mines and the Quartermaster's Department in preference to these wild, visionary statements of the gentleman from Kansas, he asserts that the chairman of the committee was bamboozled by these two departments because he accepted what they said instead of accepting these specific, accurate statements of the gentleman from Kansas.

I do not know what the president of the board of managers wrote to the Bureau of Mines, but I do know what I wrote to the Secretary of War; and, so that the gentleman from Kansas will not be indulging in any wild imaginings as to what I had written—my letter is printed in the hearings—and for the benefit of the House, I will read it to show how the Quartermaster's Department was induced to engage in this conspiracy to prevent the coal produced in the gentleman's district being used instead of oil produced outside. I wrote to the Secretary of War, as follows:

MARCH 16, 1914.

Hon. LINDLEY M. GARRISON,
Secretary of War.

DEAR SIR: The Committee on Appropriations of the House of Representatives is desirous of ascertaining the probable cost of installing a coal-burning plant in place of the present oil-burning plant for furnishing heat, light, and power at the Leavenworth (Kans.) Branch of the National Home for Disabled Volunteer Soldiers. Because of the controversy of several years' standing between the authorities of the national home and parties desiring to supply coal for fuel at the Leavenworth Branch it is very desirable on the part of the committee to obtain a report in the premises from some entirely disinterested and capable source, hence the suggestion that your department be invoked to aid in the matter.

I have therefore to request that through the Inspector's Department or the Quartermaster Corps of the Army, or both, you will have the matter carefully inquired into and a report made thereon through you to the committee within the next 30 days. Incidentally, the committee would be pleased to have any information developed by the inquiry as to the relative cost and efficiency, after installation, of using coal or oil for fuel at this branch of the soldiers' home.

Very truly, yours,

(Signed) J. J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives.

A report was made to the Secretary of War by the Chief of the Quartermaster Corps. There was a special reason for requesting a report from the War Department. It has a large Army post at Leavenworth, where this home is established. It is burning coal at that post. If it had any partiality at all, it would not be in favor of a fuel that it is not using itself. It would be likely to attempt to show that it was using the more economical fuel at this large post. It took the figures as to the cost of coal from the amount that it was paying under large contracts made for the supply of coal.

Now, it is unfortunate that it so happens that the expert of the Bureau of Mines, who spent 10 days at the national home, and the representatives of the quartermaster's department, after their investigation, both reached the conclusion arrived at by an engineer in the employ of the board of managers a year or two ago, that it would require $75,000 or $77,000 properly to equip this oil-burning plant so that it could burn coal.

What makes the gentleman from Kansas so irritated is that he promised at the last session of Congress that if an impartial investigation was made by some disinterested officials of the department of the Government, that my statement that it would take $75,000 to make the change would be shown to be so ill founded that I would be ashamed to have made it. Now, I have done the best I can, and if there is any other bureau of the Government that has facilities and information and knowledge that makes it competent to report upon this question which will be acceptable to the gentleman from Kansas, I shall be very happy to make the request upon that bureau to make another investigation. But I will not accept the unsupported assertions of the gentleman from Kansas, who has advocated a system which will provide consumption for about 13,000 tons of coal produced in his district. I can not accept him as an impartial witness against the contention and statements of responsible officials of the Government. I am compelled, with considerable reluctance, to accept the disinterested report of these officials and to antagonize the contention of the gentleman from Kansas.

they never heard a hostile shot, or if so, were far in the rear; and, further, if they are ailing, they are being treated for diseases brought on by dissipation and debauched habits. They are simply "camp followers" and unworthy of the name of American soldiers and a disgrace to the great body of young men who are rightly known as Spanish War veterans.

I doubt not all the 10 homes have a greater or less number of these fellows, whose chief occupation is that of disturbers and faultfinders. I found the sanitarium modern in all respects and treatment the very best.

The food, while plain—as it should be—was most abundant, and the chief of the Waldorf-Astoria could not improve on its preparation and cooking. All foodstuffs are accepted only after inspection by a competent committee, two of whom are doctors, and must comply with pure-food laws. The sanitary conditions are simply perfect from "cellar to garret."

I have found that not only all the officials, but attendants as well, are most courteous and attentive to their varied duties. As to Gov. James A. Mattison, I do not believe in all the country there is a man better qualified in every respect for the position he occupies. He is kindness personified, yet firm in his administration; and the charges you make in your unconsidered—I want to be charitable—speech are so foreign to his nature that they are simply absurd.

It is my good fortune to have known Maj. W. H. Stanley for a number of years. He is a most genial gentleman and the very soul of honor, and if a wrong, by any means possible, occurs in his department, no man would be swifter to right it if in his power to do so.

Should you have any doubt of the truth of these statements, if you will go and investigate for yourself and not find them in all respects as above set forth, I will pay all your expenses from Washington and return. Should you find my contentions correct, I hope you will be big enough and broad enough to acknowledge before all the people of the country that you did a great injustice to the most worthy gentlemen and conscientious officials. It is that "spirit that makes just men perfect."

Yours, truly,

C. V. GARDNER,
Late Captain Company A,
Twenty-ninth Iowa Volunteer Infantry.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. During the remarks of the gentleman from Wyoming [Mr. MONDELL] I was surprised——

Mr. DONOVAN. Now, Mr. Chairman, I am going to make the point of order. The gentleman has already struck out the last word two different times.

The CHAIRMAN. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. ANTHONY. Mr. Chairman, I was astonished to find that the gentleman from Wyoming [Mr. MONDELL] in the remarks he addressed to the committee, questioning the correctness of statements made by other Members in reference to the soldiers' home, should himself have displayed a woeful lack of knowledge, a woeful ignorance in regard to matters upon which he is called upon to legislate in his committee. He assured the House that the inmates of these soldiers' homes were abundantly supplied with fresh vegetables from splendid farms connected with every one of these 10 homes.

It is true that we appropriate in this bill about $152,000 to conduct imaginary farms at these homes, but what do the figures compiled from the report of the board of managers show? They show that out of the $152,000 that we appropriate for these so-called farms there is a net loss in conducting them of $83,000, and that the inmates receive only about $60,000 in value in vegetables from these farms. In other words, these farms are conducted at this loss to the Government of $83,000, which is explained by the board as being expended for the maintenance of the grounds. Yet the members are charged up with the maintenance of these grounds, with the cost of this scenery, in the comparative figures which they furnish Congress, showing how much it costs per annum to maintain a member in one of these homes.

Mr. MONDELL. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. MONDELL. The gentleman knows that the soldiers are not charged up anything on account of these farms; that whatever is produced on the farms is received by them in addition to the ration cost which has been reported.

Mr. ANTHONY. I have stated to the gentleman that the amount Congress appropriates for farms, $152,000, is used in computing the total cost to the Government of maintaining the members per annum. It is shown by figures that the soldiers do not get the amount of $152,000 by $83,000. At some homes, one, the Battle Mountain Home, not a dollar is expended for the cost of a real farm. Every dollar of it is expended for maintenance and grounds.

Mr. MONDELL. That is the home where the gentleman from that district says there is no complaint.

Mr. ANTHONY. It is very natural for gentlemen representing the district where these homes are situated to get up and defend them. The crowning indictment of these homes arises from the fact that at Battle Mountain Sanitarium for instance, supposed to be a home for the cure of tuberculosis, there has not been a single record of a soldier who has been cured at that institution. Whereas at the Government Army sanitarium at Fort Bayard they turn out dozens of men cured of that dread disease every year.

Mr. BURKE of South Dakota. Does the gentleman think that the Member who comes from the district where there is a home, if he wants to serve his own interest, would be upholding the government of a home against the judgment of several hundred members that might be in the institution?

Mr. ANTHONY. At some homes there is very little complaint, while at others the conditions are very bad. Some gentlemen have spoken in defense of their homes, and justly so.

Mr. BURKE of South Dakota. I have confined my statement to the Battle Mountain Sanitarium, which was assailed by these three men and one or two others.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were 12 ayes and 18 noes.

So the amendment was lost.

The Clerk read as follows:

Southern Branch, Hampton, Va.: For current expenses, including the same objects specified under this head for the Central Branch, $46,000.

Mr. ANTHONY. Mr. Chairman, I have been informed that the governor of the Hampton Home draws about $7,000, in all, per annum from the United States Treasury, and that that is made up of his salary as a retired colonel in the Army and also the regular salary of a governor of the soldiers' home. It is a generally accepted rule or a provision of law that wherever a retired Army officer is detailed to active duty he is only allowed to draw, in addition to the retired pay, the amount of difference between the retired pay and the regular pay. Yet the board of managers, for some reason, have allowed the governor of the Hampton Home the full salary of $3,000 in addition to his retired pay.

Mr. FITZGERALD. The retired Army and Navy officers can be assigned to certain military duty, and then they receive full pay. I do not know of any statute that prohibits a retired Army officer receiving civilian compensation. There is a provision in the Revised Statutes that forbids any person receiving a compensation of more than $3,500 from receiving any other additional pay; but I am informed that the comptroller has ruled that the pay of a retired officer of the Army is in the nature of a pension, and that they do not come within this provision.

Mr. ANTHONY. Of course the gentleman knows that a retired officer ordered to active duty simply draws the regular pay, and it seems that the governor of a soldiers' home is merely doing military duty and should not draw any more than the pay of his rank on active duty.

Mr. FITZGERALD. He draws a salary as governor of the home.

Mr. ANTHONY. And he gets quarters and a number of other emoluments. Mr. Chairman, I would like to offer an amendment which I think would correct the abuse. I understand this governor is drawing the full amount of $3,000 salary from the board of managers, in addition to his retired pay from the War Department, and I think the amendment will cure that.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph, to follow line 15, page 83:

"*Provided*, That when a retired Army officer is appointed to an official salaried position by the board of management of the National Home for Disabled Volunteer Soldiers, he shall not be paid by said board of managers out of any appropriation made by this act a greater compensation than that which will equal the difference between the retired pay and the pay he would receive if on the active list of the Army."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against the amendment. I want to ask the gentleman from Kansas this question: Why should that rule apply only to retired officers who may be appointed by the Board of Managers of the National Soldiers' Homes? Why should it be restricted in such a way? If such is to be the policy of the Government, why should the rule not be uniform?

Mr. ANTHONY. Mr. Chairman, I will say to the gentleman that it is my information that it is the general law now, which applies to every other assignment other than to physicians in the national soldiers' homes, the law governing which seems to have been construed by the comptroller as a law unto itself.

Mr. FITZGERALD. Mr. Chairman, I am informed that the law applies only to active service in the Army.

Mr. ANTHONY. I do not see any reason why a Regular Army officer should draw double pay from the Government for doing purely military duty, and this is surely military duty.

Mr. FITZGERALD. Suppose a retired Army officer was appointed head of a department of the Government; should he

receive only what he is entitled to as an officer of his grade on the active list?

Mr. ANTHONY. No; I think perhaps an exception should be made, but in this instance at the Hampton Home he is doing regular military duty. Let me carry the analogy further. If a retired officer of the Army was detailed there as a military instructor to those men, if such could be done, all he could draw would be the difference between his retired pay and his active pay.

Mr. FITZGERALD. Because that would be active military duty.

Mr. ANTHONY. That is all this man is doing.

Mr. FITZGERALD. Oh, no; he is the governor and the administrator of this home. Suppose a retired colonel were appointed Assistant Secretary of the Navy or Assistant Secretary of Agriculture, the same rule should apply to him as would apply to a man appointed governor of one of these homes.

Mr. ANTHONY. Mr. Chairman, to my mind it is bad policy to allow any man to draw two salaries from the Government for doing one duty.

Mr. FITZGERALD. There have been retired Army officers who have been Members of Congress.

Mr. ANTHONY. A retired Army officer is subject to being ordered to active duty by the Government at any time that it can utilize his services. He is not like a man retired on a pension.

Mr. FITZGERALD. But only for military duty.

Mr. ANTHONY. That should be military duty at Hampton Home, and it really is. I think the trouble is that it is construed as a civil duty by the comptroller.

Mr. TAGGART. Mr. Chairman, will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. TAGGART. Does the gentleman's amendment include also retired officers of the Navy?

Mr. ANTHONY. It covers only officers of the Army, because the presumption is that they would detail only officers of the Army, but still it should apply to officers of the Navy.

Mr. TAGGART. Of course this is not a military duty under any department of the Government. It is a civil duty.

Mr. ANTHONY. As the gentleman from California [Mr. KAHN] suggested to me, the language should be "Army, Navy, or Marine Corps."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Kansas.

Mr. FITZGERALD. Mr. Chairman, I make the point of order.

Mr. FOSTER. I think it is a limitation on an appropriation.

Mr. FITZGERALD. I think not.

Mr. FOSTER. Oh, yes. It provides that they shall be paid only so much. I think it is a limitation on an appropriation.

Mr. BARTLETT. Not on the amount carried in this bill.

Mr. FOSTER. It is a limitation on the item carried in this bill.

Mr. ANTHONY. Has the point of order been made against the amendment?

The CHAIRMAN. The Chair understood the gentleman from New York reserved the point of order, but the Chair did not understand that he made the point of order.

Mr. FITZGERALD. Mr. Chairman, I made the point of order.

Mr. ANTHONY. Mr. Chairman, I think the amendment is clearly in order under the Holman rule. It is a limitation, a reduction.

Mr. TAGGART. Is it not manifest on the face of the amendment that it works an economy? It limits the appropriation. It will reduce the amount of expenditure on the bill.

Mr. STAFFORD. Mr. Chairman, if the Chair will indulge me, I wish to refresh his memory on that part of the Holman rule which provides that an amendment shall be in order where it works a reduction of compensation of any person paid out of the Treasury of the United States, and certainly this amendment covers that character of individual and is in order under the Holman rule.

The CHAIRMAN. The point of order is overruled. The question is on the amendment offered by the gentleman from Kansas.

The question was taken.

The CHAIRMAN. The noes appear to have it. The noes have it, and the Clerk will read.

Mr. ANTHONY (from his seat). Mr. Chairman, I ask for a division.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman did not rise to ask for a division, and that he asked for a division after the Chair had announced the result and had directed the Clerk to read. The request comes too late.

Mr. ANTHONY. Mr. Chairman——

Mr. FITZGERALD. Oh, the gentleman never rose out of his seat.

Mr. ANTHONY. The gentleman can not make anything by unfair tactics of that kind.

Mr. FITZGERALD. I am not attempting to gain anything by being unfair; but the gentleman did not rise in time.

Mr. ANTHONY. There is no doubt the amendment will be voted down; and the gentleman might as well allow a division on it.

Mr. FITZGERALD. I make the point of order that the demand for a division came too late.

Mr. ANTHONY. If the gentleman makes the point of order on that, I will make the point of no quorum.

Mr. MANN. While the rules might require a gentleman to rise to make a demand for a division, ordinarily it is done by a gentleman sitting in his seat.

Mr. FITZGERALD. It is too late.

Mr. MANN. The gentleman asked for a division.

Mr. FITZGERALD. Then I beg the gentleman's pardon if the gentleman made it in time.

Mr. MANN. But he made it while he was in his seat.

Mr. ANTHONY. Mr. Chairman, I withdraw the request for a division.

Mr. FITZGERALD. If the gentleman made his demand for a division in time, of course, I did not understand it.

Mr. MANN. The gentleman from Kansas withdraws his request.

Mr. FITZGERALD. It is too late to withdraw.

Mr. STAFFORD. I renew it, Mr. Chairman.

Mr. FITZGERALD. The gentleman can not renew the request. If it was not made in time, he can not renew it.

Mr. STAFFORD. The gentleman from Kansas was in time, and if he withdraws it another Member has the privilege of renewing it, and I renew it.

Mr. FITZGERALD. It is too late for the gentleman from Wisconsin——

Mr. STAFFORD. If the gentleman will bear with me, if the gentleman from Kansas made the demand for a division in time and then subsequently withdraws it, it lies within the power of any Member to renew it.

Mr. MANN. Undoubtedly.

Mr. STAFFORD. And that was my purpose in renewing it.

Mr. MONDELL. Let me suggest the gentleman from Kansas did not make his motion in time. He did not claim he did. The gentleman from New York agreed, if the House by unanimous consent would give an opportunity to make the motion, he should not object, but that does not give the gentleman from Wisconsin an opportunity to make it.

Mr. STAFFORD. The gentleman from Illinois, whom I believe to be a somewhat superior parliamentarian to the gentleman from Wyoming, claims that the gentleman from Kansas was in time.

Mr. MONDELL. I do not understand the gentleman from Illinois to claim anything of the kind.

Mr. STAFFORD. Oh, yes, he did; and if the gentleman did not hear it he is deaf.

Mr. HAMILTON of Michigan. I do not believe in these invidious comparisons.

The Clerk read as follows:

For household, including the same objects specified under this head for the Central Branch, $95,000: *Provided*, That no part of this sum shall be used for fuel oil if it shall appear to the board of managers that coal as a fuel can be procured and used more economically.

Mr. ANTHONY. Mr. Chairman, I desire to offer the following amendment

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the proviso beginning in line 7, on page 84, and insert in lieu thereof the following:

"*Provided*, That such part of this sum as shall be used for fuel shall only be expended for such fuel as can be procured most economically and which will furnish the greatest number of thermal units of heat in proportion to its cost."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on the amendment.

Mr. ANTHONY. Mr. Chairman, in reference to the point of order I think if the provision which this amendment supplants was in order, and has been held in order, that the amendment which I offer is in order. My reason for offering the amendment is that the present provision which provides—

That no part of this sum shall be used for fuel oils if it shall appear to the board of managers that coal as a fuel can be procured and used more economically—

the efficiency of it or the high character of the men who administer its affairs.

Now, I have had occasion also to visit the Southern Branch, located at Hampton, Va., two or three times every year during my service in this House. I know personally the governor of that home, Col. Knox, and the other officers who are associated with him in its administration, and I do not believe there can be truthfully laid a just complaint against the efficient, honest, and faithful management of that home. I think I owe it to the men who are connected with the soldiers' home in Tennessee and the soldiers' home in Virginia to make this statement, in view of the many criticisms that have been made on the floor of this House touching the various soldiers' homes in the United States.

Mr. MONDELL. Mr. Chairman, I do not know to what extent gentlemen who happen to represent districts in which there are soldiers' homes or districts which are adjacent to soldiers' homes may feel called upon to complain on behalf of the inmates of the homes as to the treatment they receive, but certain it is that the inmates themselves make very, very little complaint of their condition. The gentleman from Tennessee [Mr. AUSTIN] has just made a most remarkable statement—that, with regard to the Mountain Branch, near his home, he has never heard a single complaint from an inmate. I imagine it would be very difficult, indeed, to match that condition in any public institution anywhere, particularly when you take into consideration the fact that these men are old, that they are infirm, and that they are at a period of life when trifling matters sometimes seem of great importance to them. There is not an item in this bill that so appeals to our patriotic impulses as these items providing for the care of the old Union soldiers. And I am surprised to hear gentlemen on this side use the language they have used in describing conditions in these homes as being outrageous. It is not true; it never was true; and, least of all, is it true now. These homes are beautiful, spacious, comfortable, well taken care of, and the inmates are well provided for, and in the overwhelming majority of cases they are perfectly content. The board of managers is composed of men of high character, men who served with these veterans, men who are in sympathy with them, and men who would not leave anything undone which would contribute to their comfort. To say that these men limit the fare of these soldiers, deny them proper food, in order that they may make a showing of economy, is to indict them in a way that any man knowing those gentlemen knows is not justified or justifiable. It is true that the sum per day paid for subsistence—simply the cost of food, not including any cost of preparation—does not seem high, but the supplies are bought in large quantities at wholesale, and therefore at a comparatively low price. Furthermore, practically every one of these homes has a large farm. At most of the homes milk and cream are produced from the farm, and they are not included in the cost of the ration.

Those farms produce a large portion of the vegetables used in most of the homes. Those vegetables are not charged up in the cost of the ration, so that as a matter of fact the ration costs very considerably more than is indicated by the price stated as its cost. Not only are these farms well stocked with high-grade cattle, with work horses and implements, but they are of considerable area, capable of producing a considerable portion of the farm products used in the home. We are expending quite a considerable sum for the maintenance of the farms, and not one product of the farms is charged to the cost of the ration. If you add to the cost of the ration the value of all the products produced on the farms and the cost of maintaining the farms, you would find that the cost of the ration would be quite high.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. ANTHONY. The total cost is about $150,000, appropriated for these so-called farms. Does the gentleman know that about $75,000 of that amount is devoted to the maintenance of grounds as scenery and not to the production of vegetables?

Mr. MONDELL. No; I do not know it.

Mr. ANTHONY. That is a fact.

Mr. MONDELL. I do not know anything of the kind. I am not especially well acquainted with these soldiers' homes, but I take it for granted that the money that is spent on these farms is spent economically. I know that a large amount of vegetables are grown.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MONDELL. I take it also that the money is spent in the main for carrying on the work on the farms.

Now, there has been some criticism of the ration, some talk to the effect that there is not a sufficient variety. The gentleman from Wisconsin [Mr. STAFFORD] talked about bologna sausage for supper. Well, if on some one day in the year, or on two days or three days in the year, bologna sausage was on the ration, I assume that it was good bologna sausage, and I have no doubt it was palatable and acceptable. Certainly the gentleman does not want us to understand that that was the only article of food that was served.

Mr. STAFFORD. It is true that they had bread and butterine and coffee, but they had nothing else.

Mr. MANN. The gentleman from Wisconsin is looking for a certain thing which goes with bologna. [Laughter.]

Mr. STAFFORD. They can get the other thing outside.

Mr. MONDELL. I understand it may be popular to make these criticisms. The gentleman may want to appeal to a few disgruntled persons, to the effect that these members of the home are not being well fed, but I prefer to take the word of the members of the homes themselves rather than that of those advocates and champions of them who criticize the bill of fare. I do not propose to stand here and hear the management of these homes for veterans, as malutalned by Congress, challenged unfairly without answering.

Now, this is true with regard to the suppers at those homes—a matter that was discussed before our committee: These men are mostly old. It does not do to feed them heavily on meat for the evening meal. It has been clearly demonstrated that an increase of meat for the evening meal means an increase of a variety of troubles, an increase of the number of men in the hospitals; and, therefore, in order to keep the men healthy and in as good condition as possible, the meat ration is kept small for the evening meal. I suppose that these gentlemen would suggest that we load these veterans with the heaviest kind of meat for the evening meal in order that we may increase the number of those who go to the hospitals.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Does not the gentleman think they are entitled to some vegetables for the noonday meal besides potatoes?

Mr. MONDELL. I have no doubt they are so furnished.

Mr. STAFFORD. That was the only vegetable contained in the bill of fare that was read by the gentleman from New York [Mr. FITZGERALD]. Perhaps that was a fast day.

Mr. MONDELL. Those bills of fare include a variety of vegetables. I have no doubt the bill of fare is satisfactory to the majority of the veterans. I have no objection, so far as I am personally concerned, to having the bill of fare improved if the veterans desire it—to have a greater variety, if they desire it. But I do protest against increasing the appropriation on the ground that these men have not been well cared for and well fed, and that they have not in the overwhelming majority of cases been perfectly content and well satisfied.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. GUERNSEY. Mr. Chairman, I do not know what conditions may exist in other national soldiers' homes, but I do know from personal examination of the home at Togus, Me., near the State capital, that the food served there and the conditions under which it is served are as good as in the best hotels in Washington.

And further than that, that Gen. Joseph Smith, who until recently has been the Maine member on the board of managers of these national homes, and whose reappointment to the board of managers certain interests have been trying to prevent, has taken an unusual personal interest in the soldiers' home at Togus, and has given a great amount of his time for years looking after that home and the interests of the veterans there, making frequent personal visits to them. I know him so well and his love of the work was so great that it would have been impossible in the soldiers' home near Augusta, Me., for any conditions to exist as to foods that were not entirely proper and right.

Gen. Smith made the Maine home his special charge, and he rendered most important and faithful service to the Government and the veterans during his service on the board. I can personally assure this House that the veterans at the Maine home are well cared for and well fed. I have talked with the veterans; I have visited them at the home; I know what they say, and I have never heard a single complaint. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, as stated a few minutes ago, I intended making some further remarks upon the conditions in the Battle Mountain Sanitarium and the management of that institution when the item making the appropriation is reached. The subject of the conditions in the homes generally, however, having been discussed as they have been, I will ask the indulgence of the House to bear with me while I say what I have to say right now, as it will perhaps be more appropriate at this point than further on in the bill.

I think perhaps that some of the antagonism that seems to prevail in the House against the management of these homes is due largely to some remarks made and to the charges that were brought to the attention of the House on the 29th of April by the gentleman from Illinois [Mr. BUCHANAN], wherein he read a statement made by three men who had been dropped from the rolls at the Battle Mountain Sanitarium, in South Dakota.

The gentleman from Kansas [Mr. ANTHONY] on the 9th of the present month, in a speech in the House, made reference to the Battle Mountain Sanitarium, complaining of the conditions in that institution and referring to the charges that had been made by the three men who had been members of that home, who, as he expressed it, "had been given the gate," meaning that they had been dropped from the rolls.

Mr. Chairman, in general debate on this bill I commented somewhat upon the charges contained in the communication which came from these three men, and which were put in the Record by the gentleman from Illinois, and I do not intend to discuss them at any length now, except to say that in the years that I have been in this House and during the time that the Battle Mountain Sanitarium has been in operation in my State I never have received a single complaint from any member of that home, or from any man who had ever been in the home, except the charges that the gentleman from Illinois submitted, copies of which were sent to me.

Some Members of the House undoubtedly labor under the impression that these charges come from some old soldier, some old veteran of the Civil War, some man who had a long and perhaps distinguished military service.

Now, it happens that these charges were principally gotten up by one who had been a member of the home, and I took occasion to look up that man's record. He is 47 years of age. He enlisted in Buffalo, N. Y., in May, 1898. He was discharged in November, 1898, at Buffalo, and he was treated in a hospital during his military service for a period of two days for an ingrowing toenail. That is the record of the man who is the chief sponsor for these charges.

The gentleman from Kansas [Mr. ANTHONY], referring to these charges, on June 9 stated that he had written to a man who had been in that home, who he said was a man he knew and upon whom he could rely, inquiring about these men. That man, in speaking of these men, said in his letter of reply to the gentleman from Kansas:

> In a word, these three men are simply three miserable, wretched, pauperized, impoverished invalids, with a rather exaggerated idea of their surroundings.

Of the man who had the six months' service, at Buffalo, N. Y., in 1898, he said:

> He is a frail chap, in the secondary stages of pulmonary tuberculosis, inclined to be fanciful as to his surroundings, reads socialistic literature, etc.

Mr. Chairman, with reference to these charges and the speech made by the gentleman from Illinois [Mr. BUCHANAN], I want to have read an article from the Hot Springs Star, of May 15, 1914. Hot Springs is the place where the Battle Mountain Sanitarium is located. I invite attention to the reading of the article.

The Clerk read as follows:

THE OTHER SIDE—THE TRUTH ABOUT THE DISCHARGE OF MEMBERS FROM THE BATTLE MOUNTAIN SANITARIUM.

Regarding an unpleasant situation that developed at the Battle Mountain Sanitarium recently, several of the papers of the Northern Hills have been, we think, a little hasty in publishing articles regarding same without first getting the facts in the case. We refer to the discharge of members, James H. Lacy, John H. Yount, and Anthony H. Walich, from the sanitarium.

The matter published by the Gate City Guide, at Rapid City, and the Pioneer-Times, at Deadwood, is a copy of the CONGRESSIONAL RECORD and letters submitted by Congressman BUCHANAN of Illinois to whom these men who were discharged took their case. He, of course, on the floor of the House, seemed to get real bitter and denounced the management of the home here in rather an uncalled-for manner.

Lacy, Yount, and Walich were members of the sanitarium here in the tubercular cottage. As any person in this city will verify, the men at this cottage get the best treatment of any at the sanitarium. Petty troubles were enlarged upon by them until an investigation by the Board resulted.

In Congressman BUCHANAN'S tirade, as well as the letters submitted, he called particular attention to the local management and laid all blame, if there be any, on these men.

A synopsis of all the charges made by the men discharged would be too lengthy, but in substance the chief trouble seems to lay in the free tobacco issued at one time, it being somewhat musty; but as soon as reported, this matter was righted.

Leaving out the minor details, the president of the Board of Managers of the National Home, Maj. James W. Wadsworth, of New York City; Col. James E. Miller, inspector general and chief surgeon; together with a committee composed of Col. N. G. Cockey, of Salina, Kans., and Col. C. F. Jones, of Ohio, representing the Spanish War Veterans' Association, upon their regular tour of inspection, investigated these complaints, and after a fair and impartial hearing made a joint recommendation that Lacy, Yount, and Walich be dropped from the rolls, thus exonerating the local management from all charges referred to in the CONGRESSIONAL RECORD. This investigation was made March 23 of this year. This ought to lead any fair-minded person to a proper conclusion, and that is that the members evidently received their just deserts.

Men in charge of any institution of any importance are always criticized, and of the 500 members at the Battle Mountain Sanitarium there are bound to be some who have an idea that they could conduct it in better shape than men who have devoted their life to this sort of work.

Regarding the food and drugs at the sanitarium, the United States food and drug inspector here last week stated that when it came to criticising it he had no criticism to offer, but that it was a matter of wonderment to him at the high quality and perfect manner in which everything is kept.

Every person in the city has a personal pride in the sanitarium and its set of efficient officers, and when papers in other cities give publicity to unfounded statements, even though they be in the CONGRESSIONAL RECORD, we beg to set the matter right and hope that the Guide and Pioneer-Times will set this matter right with their readers.

Mr. BURKE of South Dakota. Mr. Chairman, I want to add a further testimonial to the high standard that prevails in the Battle Mountain Sanitarium, both as to administration and the conditions generally, and to further refute the unjust charges that were brought to the attention of the House and the country by the publication of the charges that were sent to the gentleman from Illinois [Mr. BUCHANAN] and which appears in the RECORD of April 29. I am going to ask to have read a letter written by a very prominent citizen of South Dakota, a man who had a very distinguished military service in the War of the Rebellion, who rose to the rank of captain, a man who is highly respected and whose word is absolutely good. He happens to be a brother of a gentleman who served in this House with honor and distinction for a period of 12 years, the Hon. Washington Gardner, of Michigan. His name is C. V. Gardner, and before I send the letter which I received only yesterday to the Clerk's desk to be read, I will read the letter accompanying it for the information of the House and to show that he wrote me entirely unsolicited:

PIERMONT, S. DAK., *June 16, 1914.*

Hon. CHARLES H. BURKE, *Washington, D. C.*

MY DEAR MR. BURKE: The inclosed is a copy of a letter I have this day mailed to Hon. FRANK BUCHANAN.

His speech, to say the least, was outrageous, and he ought to make amends for so vile a slander.

With kind personal regards,

Yours, very truly, C. V. GARDNER.

Mr. Chairman, I now send to the Clerk's desk and ask to have read in my time a copy of the letter that Capt. Gardner inclosed, the original having been sent to the gentleman from Illinois [Mr. BUCHANAN], to whom it is addressed.

The Clerk read as follows:

PIERMONT, S. DAK., *June 17, 1914.*

Hon. FRANK BUCHANAN,
Washington, D. C.

DEAR SIR: On my return home, after an absence of some weeks, my attention has been called to a speech made by you and published in the CONGRESSIONAL RECORD of April 29 last, in which you viciously assailed the management and officials of the Battle Mountain Sanitarium, located at Hot Springs, this State. My first thought was one of intense indignation; then, supreme pity, that a gentleman supposed to have the ability to represent in part one of the great States in the Congress, would make such a speech without first trying to ascertain if there was just cause for it, and the alleged complaint in a letter by one Walich, and made a part of your bitter and unjust attack.

Permit me to state that at the last annual encampment of the National Grand Army of the Republic Association, held at Chattanooga, a standing committee of 10, one for each of the national homes, was appointed to investigate alleged ill treatment of inmates and other wrongdoings by the officials of the homes. I was assigned to the Battle Mountain Sanitarium. I made application for admission, ostensibly for treatment, but in reality that I might, from personal experience and observation, study conditions as they actually existed. I was regularly admitted February 5 last and remained until March 2. I was assigned to a ward and lived just as the other inmates, eating the same food at the same tables, and obeying the same rules and regulations of the institution as my comrades did.

It was a pleasant experience and a revelation along many lines. There were at the time of my visit between 400 and 500 inmates.

Being a sanitarium rather than a home, I found men suffering from nearly all diseases and ailments that humanity is heir to—patients in all stages of diseases, from the very sick to those who were physically strong, but were there for treatment of real or imaginary chronic ailments.

I desire to state right here that it is my candid belief that quite a number of the inmates, judging from their physical appearance, movements, and appetites, are there because a too generous Government has supplied them with all the luxuries of a home without money or a price. Men able to work, yet taking the opportunity of having been enlisted as soldiers, live without labor or responsibility. This applies especially to some of the so-called Spanish War veterans.

I do not hesitate to state that if you will look up the record of the man who wrote and those who indorsed that letter you will find that

The only one article of food that I could suggest any improvement in would be the coffee. It is not as strong as we used to get in the Army nor is it just such as I would like now, but the quantity is more than ample. It is served in bowls which hold 8 ounces, about equal to two ordinary cups of coffee. There is no limit to the quantity that a member may have.

The cemetery is beautifully located and neatly kept and contains about 5,000 of our departed comrades. Every six months the Government furnishes markers for the various graves. All the funeral services are military.

As an appendix to this report I am inclosing you a copy of the rules and regulations, which will give you exact knowledge of what the disciplinc requirements are, and also the fire protection, which you will readily observe is a very important matter.

All of which is respectfully submitted.

A. W. SMITH.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last two words. I have listened attentively to the speech of the chairman of the committee, and I am quite surprised that he would rise here with that statement and oppose increasing the estimate as submitted. The bill of fare for Sunday, I agree, would be acceptable to an old soldier, but when they furnish the old soldier with one good meal a week and then pare it down so that they do not give him any vegetables except potatoes at the noonday meal, and when the evening meal consists merely of bologna sausage, bread, butterine, and coffee, it stirs my sympathy, and I rise in protest. I think these old soldiers in their declining years should have something more for their evening meal than bologna sausage, bread, butterine, and coffee. You can not make any argument here that on 22 cents a day, with the high cost of living still prevailing, you can furnish any man or set of men a decent bill of fare. It would not be out of the way to increase this item by 50 per cent. Twenty-five per cent is reasonable, and shame upon any representative of the Grand Army of the Republic who is sent to inspect the conditions who will visé a bill of fare such as was stated by the chairman of the committee. I think it is high time that we should do something for these old soldiers. We vote millions of dollars indiscriminately in pensions, but when you come to provide for their bodily welfare by giving them something fit to eat in their declining years objection is raised upon the ground of economy. I think it is false economy, and that these old soldiers deserve better treatment.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. The gentleman has been in this House for some years.

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And he represents a district which has a soldiers' home in it?

Mr. STAFFORD. I beg the gentleman's pardon. I do not, and never have.

Mr. FITZGERALD. Is there not a branch of the soldiers' home in the gentleman's district?

Mr. STAFFORD. Oh, it is quite a distance away.

Mr. FITZGERALD. How far is it away?

Mr. STAFFORD. It is in the district represented by my colleague, Mr. CARY.

Mr. FITZGERALD. How far away is it from the gentleman's district?

Mr. STAFFORD. The nearest point is 3 miles.

Mr. FITZGERALD. And there is a branch in Milwaukee?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And the gentleman comes from Milwaukee?

Mr. STAFFORD. Yes.

Mr. FITZGERALD. And he has never before, in all the time he has been in this House, raised his voice in criticism of the character of food given these old soldiers in these homes.

Mr. STAFFORD. No; because this is the first time since I have been in the House that this outrageous condition has been called to my attention, and if it had been before I would have taken the floor many, many times and protested.

Mr. FITZGERALD. Mr. Chairman, I will state this, from what I know of this bill of fare, having read it many times, that it is better than the average constituent of the gentleman enjoys from day to day.

Mr. STAFFORD. Oh, it may represent the condition of the bill of fare of the gentleman's constituents, but not the constituents that I represent.

Mr. FITZGERALD. I am speaking particularly of the people of Milwaukee.

Mr. STAFFORD. The gentleman is misrepresenting and knows nothing about the conditions.

Mr. FITZGERALD. I may not; but when the gentleman from Wisconsin undertakes to set his judgment above the judgment of physicians and the judgment of men whose business it is to know how men should be fed scientifically and what is best for them and what is essential for them, he is merely indulging in cheap demagogy, because there is a branch of the National Soldiers' Home in the gentleman's own city.

Mr. STAFFORD. I have never indulged in demagogy near as much as the gentleman from New York has on behalf of appropriations for his navy yard. I have not got the reputation for indulging in demagogy, and it ill becomes the gentleman to make such a statement.

Mr. FITZGERALD. Nevertheless, I make it.

Mr. STAFFORD. I know the gentleman makes many rash statements that he can not back up, as he is accustomed to make on some occasions.

Mr. ANTHONY. Mr. Chairman, I move to strike out the last word. Each year these complaints come to Congress about the inefficiency of the food supply of the military homes, and each year the chairman of the Committee on Appropriations answers the criticisms by fulsome eulogies of the board of managers and by reading a faked-up report on the part of some individual sent to the soldiers' homes, whose expenses are paid for by the board of managers, and who is ribbed up to bring in that kind of a report.

Mr. FITZGERALD. This gentleman to whom I refer——

Mr. ANTHONY. Oh, I know all about how that report was secured, when it was secured, and why. It was secured in advance with the idea of discrediting what I am going to say about this.

Mr. FITZGERALD. And I think it has discredited the gentleman.

Mr. ANTHONY. And I say it as a Member of this House and with personal knowledge of the truth, and I do not intend to have the gentleman come in and offer to the House a faked, trumped-up report of that kind to offset what I say in good faith to the House without telling the House how it was obtained.

Mr. FITZGERALD. This report is made by a man appointed by the commander in chief of the Grand Army of the Republic. He was a colonel in the Civil War and he resides in the gentleman's own State. He was one of the committee appointed by the commander in chief of the Grand Army of the Republic, and if this is a faked, trumped-up report to discredit the gentleman, it does not originate with me.

Washington Gardner was a Member of Congress, and served on that side of the House for many years with the gentleman from Kansas——

Mr. ANTHONY. Mr. Chairman, I have the floor.

Mr. FITZGERALD. And the gentleman knows he would not be a party to any faked-up charge.

Mr. ANTHONY. Will the gentleman permit me to finish my remarks? I want to admit that, as far as Washington Gardner is concerned, he is a fine man, a man who is respected highly, and who served in this House with his colleague, the president of the Board of Managers of the Soldiers' Home, Mr. Wadsworth, who is also a fine, genial gentleman, and who has many friends on the floor of this House, and it is natural Washington Gardner should seek to help out his old colleague, and it is natural the gentleman from New York [Mr. FITZGERALD] seeks to help out his old colleague from New York State, Mr. Wadsworth.

Mr. FITZGERALD. And your Republican colleague; the gentleman must not forget that.

Mr. ANTHONY. I do not care whether he is a Republican or a Democrat. I am pleading for proper treatment of these old soldiers, and if a Republican is responsible for this maladministration I want to say I am horrified and ashamed of it, and I would be glad even to fill these places on the boards with Democrats if they will step in and treat these men as they ought to be treated.

Mr. FITZGERALD. We tried to do it, and that side of the House stepped in and kept it from being done.

Mr. ANTHONY. I want to say further, Mr. Chairman, that there is real cause for the criticisms and complaints of the soldiers' home, and I want to call the attention of the House to a report made by the Senate committee last year when they investigated the California home. Now, what did they report as to the condition of these veterans and the way they were treated? We find that these poor old veterans, most of them survivors of the great War of the Rebellion, in their tottering old age were fed in this manner: A soup plate was put in front of them at noontime. A ration of soup was poured into that plate. The veteran drank it or ate it. In the same dirty plate a ration of meat or potatoes was afterwards placed without even giving them a new plate or washing the old one. They were fed like a drove of hogs; that is the way they were

treated. What did the Senate committee find further? It was admitted by home officials that the milk was watered before it went on the table; that 50 per cent of water was placed in the milk that was given these poor old veterans. What did they find further? They found out that they put 19 pounds of coffee to make 125 gallons of coffee to serve to the veterans, and it was admitted that that was about one-half the amount that should go into the ration. Good coffee well made is the first essential of any ration.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ANTHONY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. Will the gentleman yield for a question?

Mr. ANTHONY. Yes.

Mr. SELDOMRIDGE. I believe the gentleman is honest in the statement he is making to the House in reference to the character of ration provided for these old soldiers and I would like to ask the gentleman this question: On what theory of management do the managers of these homes provide a ration of that character? What is the object in providing a cheap ration? Is it to reduce the expenses of management and secure for themselves a record of economy and judicious management?

Mr. ANTHONY. I think the gentleman is right there. Maj. Wadsworth is unquestionably a good business man, who takes pride in keeping the cost of feeding the men as small as possible, even while wasting money in other directions.

Mr. SELDOMRIDGE. Having experience as a public man, does not he realize the sentiment of the country would justify the most liberal appropriations for the sustenance of the old soldiers?

Mr. ANTHONY. I feel that it should.

Mr. SELDOMRIDGE. Then, let me ask the gentleman this question.

Mr. ANTHONY. I want to say if it were not for the political pull of the president of the board of managers on the floor of the House to-day these men would be better treated and fed, and the pull is on both sides of this Chamber.

Mr. SELDOMRIDGE. Why is the effort, then, to increase the ration so highly resisted? I can not understand why there should be any opposition whatever to an increase in the amount of the ration.

Mr. ANTHONY. It is simply pride—defending themselves from just criticism. Now, let me call the attention of the committee to a condition at the Leavenworth home that immediately preceded the visit of this so-called official visitor which the chairman of the committee has read to you. Here was the condition that prevailed. That committee speaks of what a pleasant place it is and how ideal are the surroundings. Listen to this. Here is a communication in a local paper out there:

Veterans report bedbugs thick; while nursing, he was often called upon by sick patients to kill them.

This is in the hospital, remember, and the local paper published the story.

I take pleasure in thanking you for publishing the story which you did in your issue of September 9. I positively assure you of the truth of same, especially in reference to bedbugs. I will say that a few weeks ago, before the hospital wards and barrack building were fumigated, which has just recently been done, I myself, six weeks ago, was night nurse (male). One of my patients (paralyzed), when I would go to his bed at 12 o'clock to turn him over, I could scrape the bedbugs off his pillow. Many and many's the time he called me to kill them. He had to buy a skullcap to keep them off.

I suppose that after the ladies you mentioned spoke of bedbugs they had to get to work.

And so forth.

Now, what preceded that? Two very estimable ladies in the town went to the hospital at the soldiers' home to see a dying veteran——

Mr. FITZGERALD. Who signed the letter?

Mr. ANTHONY. It is signed, "One Who Knows," an old soldier. He was afraid to sign his own name; if he did, he would not last longer than 30 days at the institution which the gentleman praises so much.

Mr. FITZGERALD. He ought not to remain there at all if he knows of those conditions.

Mr. ANTHONY. I will tell the gentleman a little more. It happened that I was at my home about that time, and two very estimable ladies of the town came to see me, members of the Ladies' Circle of the Grand Army of the Republic. They had paid a visit to the hospital at the Leavenworth home to see a dying veteran there, a man who died shortly thereafter. They were horrified upon going to see this man to find his bed was literally alive with vermin—and remember, gentlemen, this is in one of these institutions so highly praised by the Committee on Appropriations. They came to me and demanded that I make a complaint about it. I took it up before the board and it was denied by the local officials that that condition existed. But it came about that on account of the publicity given the complaint that the hospital was infested with vermin the board was subsequently forced to discharge the chief surgeon and other officials who were responsible for that condition.

The trouble is that these estimable gentlemen on the board do not know how these institutions are being managed. They go there once a year. And I tell you that there are conditions, gentlemen, which prevail at some of the homes which are a shame and a disgrace, and this bedbug incident is just one of them.

Now, to get down to the question of the amendment which I have offered. There is one argument that I am sure the chairman of the Committee on Appropriations can not answer, and that is why it is that the Regular Army home allows 35 cents a day to maintain the veteran soldiers in the home here in Washington, and the gentleman would compel the veteran Volunteer soldiers of these homes provided for by this bill to subsist on 22 cents a day. I am making the effort to give these veteran Volunteer soldiers as good rations as the soldiers of the Regular Army homes, and I think it is no more than just or right that that be done.

Mr. REILLY of Connecticut. Will the gentleman yield?

Mr. ANTHONY. Yes.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ANTHONY] has expired.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last two words.

I shall support the amendment offered by the gentleman from Kansas [Mr. ANTHONY], and I think there is merit in his statement that there should be an increase, in view of the cost in the Soldiers' Home near Washington City. In other words, there should not be such a difference as 10 or 12 cents per day per man between maintaining the soldiers of the Regular Army as against those who served in the Volunteer Army.

Mr. FITZGERALD. What does the gentleman include in the Washington home? Does it not include the service at these buildings?

Mr. ANTHONY. I will say that Gen. Young, the commandant, informed me that they allowed about 35 cents for subsistence of the men in the home and 50 cents for the men in the hospital of the home per day.

Mr. FITZGERALD. That might include all the service?

Mr. ANTHONY. That is subsistence.

Mr. FITZGERALD. The gentleman has indefinite information.

Mr. ANTHONY. I can show the gentleman from the reports that I am correct.

Mr. FITZGERALD. I do not know anything about it.

Mr. ANTHONY. It is the gentleman's business to know when he is preparing these appropriations.

Mr. AUSTIN. I do not believe the gentleman from Kansas could afford to make a misstatement to the House in reference to this matter. We all know he has given it a pretty thorough investigation, for we have constantly heard him deliver speeches on the floor of the House in reference to the alleged abuses in the home located in his own congressional district.

Mr. FITZGERALD. The gentleman's criticism of that home commenced when the board of managers declined to burn coal in that home which was produced in the gentleman's district, at a very greatly increased cost, instead of burning oil. That is when it commenced.

Mr. ANTHONY. The gentleman is right; and I still contend that I am right and the gentleman is wrong.

Mr. AUSTIN. Mr. Chairman, I will continue my remarks. [Laughter.]

Regardless of what was the original motive that prompted the gentleman from Kansas, I am led to believe it resulted in his investigation of this subject, and I have that confidence in him that I am loath to believe he could afford to misrepresent a condition affecting the soldiers' home located in the district he so ably represents. But in this connection I wish to state the home located near Johnson City, known as the Southern Branch, is ably administered by Gov. John T. Smith; and during my service in this House I have never received a complaint from a member or ex-Federal soldier in that home from the district I represent. I know the officers of that home personally, and I have had occasion to visit it and examine the various departments, the mess hall, the barracks, the administration buildings, the hospital, and so forth. There is no just cause for complaint of the efficient, faithful, and honest administration of this home, and I challenge any criticism as to

If that law should be changed, I should be glad to join with the gentleman in having proper legislation enacted; but I have all I can do to perform what work falls legitimately to this committee in connection with the mere appropriation of money, without attempting to suggest what legislation might be proper in many of these respects. In this instance, however, we are merely appropriating in accordance with the law. That is all we have a right to do, and that is what we should do.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn and the Clerk will read.

The Clerk read as follows:

Subsistence: For pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration and the subsistence of civilian employees regularly employed and residing at the branch, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the home, $250,000.

Mr. ANTHONY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in line 6, page 80, the figures "$250,000" and substitute therefor "$263,961.32."

Mr. ANTHONY. Mr. Chairman, of the amount of $250,000 appropriated in this paragraph, the sum of $215,961.30 is the amount actually expended for subsistence, or the feeding of the soldiers at the Dayton Home. Now I think right here is the point where Congress ought to step in and provide sufficient funds, so that these men can be properly subsisted.

The other day I called the attention of the House to the fact that at the Regular Army Soldiers' Home, here in Washington, the War Department is allowing 35 cents a day for the subsistence of its veteran soldiers. That means that they are provided with ample food of great variety, and the men are contented and happy.

At Dayton, Ohio, under the parsimonious management of the board of managers, in their extreme anxiety to cut down the cost of subsistence to the soldiers there to the lowest possible notch, they have screwed it down to 22 cents a day. Perhaps that provides sufficient rough food to maintain a soldier in active service, but it has been demonstrated time and again that it is not sufficient to maintain old men and the feeble and invalid soldiers in these homes. They need a greater and better variety of food. The increase I have provided is 25 per cent in the amount which is allowed, an increase of about $51,000 covering this branch. Instead of being excessive, it will only bring the cost of the ration up to 30 cents a day in the Ohio home, and the same increase should be made for subsistence at all the other branch homes. That is little enough, in comparison with what the Regular Army soldiers are getting in the Regular Army homes. I think the House ought to step in here and do away with the complaints that are coming from the Volunteer homes in regard to the insufficient food supply.

Mr. BURKE of South Dakota. Mr. Chairman, I do not rise to oppose the motion of the gentleman from Kansas [Mr. ANTHONY], as it probably would be desirable to increase the appropriation for subsistence at these homes, and thus improve the standard of living. I do want to comment, though, on his remarks criticizing generally the national soldiers' homes of the country. In a speech in the House on the 9th of the present month he criticized the Battle Mountain Sanitarium, an institution located in the western part of South Dakota. When that item is reached in the bill I intend to submit some further remarks and read some letters and newspaper articles refuting charges that have been made against this institution by the gentleman from Illinois [Mr. BUCHANAN]. Inasmuch as the gentleman has raised the question of insufficient subsistence at these institutions, and states that there is a complaint against the management generally of all the homes, and that they are not properly conducted and provided for, I am going at this point to read a letter from an old soldier, a veteran of the Civil War, a man who had a long military service, who has been a member of the Battle Mountain Sanitarium on two or three occasions. Before doing so, however, I wish to say that I am in sympathy with the suggestion of the gentleman from Kansas [Mr. ANTHONY] that the appropriations for the subsistence of these homes might be materially increased, and ought to be increased, especially so when we consider that at some of them the amount expended, I believe, is as low as 24 cents a day for each member, which hardly seems sufficient to properly provide subsistence for men, especially many who may be invalids, who ought to be well cared for, not only with necessities but with some luxuries, that they are entitled to. With reference to the Battle Mountain Sanitarium, which has been assailed by the gentleman from Kansas, I want to read this letter the old soldier that I have referred to, who resides at Neligh, Nebr., wrote to his home paper:

HIGHLY PRAISED IN LETTER FROM OLD SOLDIER.

BATTLE MOUNTAIN SANITARIUM,
Hot Springs, S. Dak.

The NELIGH REGISTER.

GENTLEMEN: I have just returned from the Battle Mountain Sanitarium at Hot Springs, S. Dak., and will pen a few lines for the benefit of the old soldiers who are afflicted and need to build up. I have nothing to sell, no contribution to ask, but I think it's the finest place I ever knew for a man to regain his former self. The fresh mountain air, the water, and the baths, the kind treatment received, ought to help any afflicted person. In the first place, the men who preside over the institution are as fine a lot as the greatest who preside over our Nation at Washington, and from the governor down to the smallest employee seem to exert themselves to their utmost capacity from the time they enter their duties until the close of day to provide and make the members of the institution comfortable. They have as good doctors as the Government provides and there are no pains spared to make you comfortable. Many go who are able to return to their homes when they have received treatments, while many who from wounds and the long nervous strain have not been able to battle with life. There they have got to remain, but, remember, the official authorities stand ready to receive you with outstretched hands. I think the governor is as fine a man as I ever met; not a word did I hear against the doctors or the men in authority while I was there. I was there 24 days, and my neighbors knew how feeble I was when I went away. They congratulate me on my appearance now, being hardly able to walk when leaving here August 15, returning yesterday. I have been there twice before and received similar results. But I am just a man born of woman and of the "earth earthy," and possess the weakness of clay, and have not the language to express my appreciation of the Battle Mountain Sanitarium under its present management.

Respectfully,

E. W. WRIGHT, *Neligh (Nebr.) Register.*

Mr. FITZGERALD. Mr. Chairman, I hope this amendment will not prevail. However much information the gentleman from Kansas may have about the insufficiency of the subsistence, the officials of the Government charged with the responsibility disclose that the subsistence is sufficient and that these men can be subsisted for the amount which is allowed. It has been the custom of the Committee on Appropriations during my service upon it to appropriate the sum requested for subsistence in all of these homes. They have never made any reduction from the amount estimated unless the board of managers when before the committee indicated that for one reason or another the amount estimated was not necessary.

The current appropriation, according to my recollection, was $260,000 and the estimate for the next year was $255,000. When the estimates were before the committee Mr. Harris said that those estimates had been revised and they only asked for $250,000, and that is what the committee recommend.

Now, here is the per capita cost of subsistence at this branch. Maj. Harris said that the per capita cost of subsistence was $81.20 a year, which is 22.2 cents per day. That is the smallest of any of the branches.

Now, in the report of Maj. W. P. Jackson, inspector general of the National Home for Disabled Soldiers, made from September 8, 1913, to November 29, 1913, he gives the average cost of the raw materials per day, with and without the special diet. Last year these rations cost, on an average, 17.11 cents, 21.67 cents, and 22.54 cents. A ration of 20 cents a day, he says, exclusive of the cost of service, would be ample to supply the first-class feed service to the general mess.

This is the Inspector General of the War Department who makes that statement. I have now, Mr. Chairman, a copy of the report made by A. W. Smith, of Topeka, Kans., under the date of May 16, 1914. It is by Col. A. W. Smith, appointed by Mr. Washington Gardner, a Member of this House for a great many years, well known to many Members, at present commander in chief of the Grand Army of the Republic. Col. Smith made an inspection of the Western Branch, in connection with some statement that had been made as to bad conditions in that branch. He gives a menu of the National Soldiers' Home, Western Branch.

Besides the general mess there is a hospital mess, feeding about 450, and an old men's mess of about 300. These messes, in addition to members cared for, feed a large number of civilian employees.

Reports of investigations made, not by persons partial to the management of the homes but by the persons who are solely interested in the men who live in the homes, have been to the effect that the feed is ample and of the best quality.

These are not young men. They are men advanced in years, afflicted with many ills, suffering from different diseases, and at a stage of life and condition that makes it not an easy matter to manage a home in which there are large numbers of them. So special care is taken to ascertain whether they are treated properly. I believe we should treat them as any reason-

able man would expect. No one expects the Government to have them live in unparalleled luxury, but they should be kept in decency and in comfort, and ample provision should be made for their comfort and happiness. That has been done.

I am not an advocate of the board of managers. I am in a position rather where it is my duty to be their critic, but I think we should not be unfair or unjust in our criticism of public officials in the management of the public business, whether we be in sympathy with them politically or for any other reason.

My investigation leads me to the conclusion that these men are as well cared for as they should be. This committee, on matters of this character of subsistence and other items necessary for the maintenance of the home, acquiesced in the recommendations of those in charge of the homes for money. I think we can not justify an increase by 25 per cent of the money requested for subsistence for one of these homes where no information other than a statement of a Member on the floor that in his opinion the amount appropriated is inadequate.

Mr. FOSTER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. FOSTER. Do I understand the gentleman to say that the committee has given all that was asked for by those in charge of the home?

Mr. FITZGERALD. Yes. The estimate was $255,000, and the board of managers, when appearing on behalf of their appropriation, stated that $250,000 was sufficient. That reduction was due to the fact that there is a perceptible reduction in the number of men in the homes. The committee has always given the amounts requested, and I think that there is nothing more that the committee can be expected to do. Inasmuch as there is much criticism of the subsistence in these homes, I ask unanimous consent to place in the RECORD a report made by Col. Smith of his investigation of the Western Branch, as he was the representative of the Grand Army of the Republic, appointed by the commander in chief of that body.

The CHAIRMAN. The gentleman from New York asks unanimous consent to insert in the RECORD the report indicated. Is there objection?

There was no objection.

The report referred to is as follows:

TOPEKA, KANS., *May 16, 1914.*

Col. CHARLES W. BLODGETT,
25 The Roanoke-Clifton, Cincinnati, Ohio.

DEAR SIR AND FRIEND: Having been appointed by Commander in Chief Gardner as one of the committee to inspect the national soldiers' homes, and in pursuance of instructions received from you as chairman of said committee, I have the honor to report that I visited the Western Branch, located near Leavenworth, Kans., on May 11 and 12. I went without previous announcement, in order that I might find the home in its everyday condition.

Having been a member of the board of managers of the Kansas State soldiers' home at Fort Dodge for several years, I had some practical knowledge of the needs and management of an institution of that character.

I was exceedingly fortunate upon arrival at the national home to find Col. Wadsworth, the Government's inspector, there, who had come to make his semiannual inspection. Like myself, he had come without announcement. He invited me to accompany him on a tour of inspection of the various barracks and buildings of the home. We made a most thorough and minute inspection of every department of the home, its equipment and management.

The site of this home comprises a tract of 640 acres near Leavenworth, Kans. The home consists of over 75 buildings, comprising 17 barracks, mess halls, hospital, library, theater, officers' and civilians' quarters, hotel, power house, ice plant, greenhouse, stables, office buildings, storehouses, chapel, morgue, two band stands, store, electric-car station, etc.

The present membership of this branch is nearly 2,800, of whom about 2,100 were present, the others being absent on passes or furloughs. During the last fiscal year this branch cared for 4,118 different individual soldiers.

About 90 per cent of the members of the home are Civil War veterans, the remainder being soldiers of the Spanish War, Indian campaigns, foreign service, etc.

The general mess hall of this home accommodates about 900 at a sitting, and, on account of the large number, two sittings are required in serving each meal.

It is the custom of the home to prepare the menu or bill of fare for a week in advance, and I here submit the menu for the week I was there:

[Print 12.]

CAPT. CRAMPTON—WESTERN BRANCH, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS—BILL OF FARE FOR WEEK ENDING MAY 16, 1914.

SUNDAY.

10. Breakfast: Fried breakfast bacon, boiled eggs, steamed potatoes, cream gravy, bread, butterine, syrup, coffee.

Dinner: Roast mutton, onion sauce, mashed potatoes, creamed peas, tapioca pudding, bread, butterine, coffee.

Supper: Creamed rice with milk, canned peaches, bread, butterine, syrup, coffee.

MONDAY.

11. Breakfast: German stew, steamed potatoes, apple sauce, bread, butterine, sirup, coffee.

Dinner: Bean soup, boiled beef, steamed potatoes, fruited bread pudding, bread, butterine, coffee.

Supper: Bologna sausage, corn bread, stewed apples, bread, butterine, sirup, coffee.

TUESDAY.

12. Breakfast: Irish stew, stewed figs, bread, butterine, sirup, coffee.

Dinner: Boiled corned beef, creamed potatoes, macaroni and cheese, rice pudding, bread, butterine, coffee.

Supper: Chilli concarne, stewed figs, currant cake, bread, butterine, sirup, coffee.

WEDNESDAY.

13. Breakfast: Corned beef hash, stewed peaches, bread, butterine, sirup, coffee.

Dinner: Beef pot pie, steamed potatoes, boiled navy beans, farina rice pudding, bread, butterine, coffee.

Supper: Boiled hominy, fried bacon, stewed peaches, bread, butterine, sirup, coffee.

THURSDAY.

14. Breakfast: Fried breakfast bacon, steamed potatoes, compote of fruit, bread, butterine, sirup, coffee.

Dinner: Baked pork and beans, creamed potatoes, macaroni and tomatoes, pickles, bread, butterine, and coffee.

Supper: Oatmeal mush and milk, stewed prunes, bread, butterine, sirup, coffee.

FRIDAY.

15. Breakfast: Boiled eggs, steamed potatoes, cream gravy, stewed fruit, bread, butterine, sirup, coffee.

Dinner: Baked halibut, mashed potatoes, stewed tomatoes, peach pie, cheese, bread, butterine, coffee.

Supper: Bologna sausage, peach butter, bread, butterine, sirup, coffee.

SATURDAY.

16. Breakfast: Beef fricassee, steamed potatoes, stewed apricots, bread, butterine, sirup, coffee.

Dinner: Boiled shoulders, brown gravy, boiled potatoes, boiled navy beans, rice pudding, pickles, bread, butterine, coffee.

Supper: Succotash of lima beans and corn, stewed apricots, bread, butterine, sirup, coffee.

H. CRAMPTON,
Commissary of subsistence.

The quality of the food purchased is the best in the market, and it is furnished in ample quantities and sufficient variety and is prepared with skill and care.

We made a thorough inspection of the dining room and the table after the meal had been put upon it and before the inmates were admitted and found that everything upon the table was in first-class shape and of good quality. After the meal another inspection was made, and it was discovered that there was ample upon the table of every kind of food contained upon the bill of fare.

Besides the general mess, there is a hospital mess, feeding about 450, and an old-men's mess, feeding about 300. These messes, in addition to the members cared for, feed a large number of civilian employees.

In order to supply vegetables in season and milk to the various messes a garden of 60 acres is cultivated and a dairy of over 60 cows maintained. In addition to the milk supplied by this dairy, 250 gallons are daily purchased by contract.

The water supply at the home is furnished by the city of Leavenworth and is the same as is furnished at Fort Leavenworth and is as good as the average city water.

AMUSEMENTS.

Amusements are furnished the members of the home free, consisting of motion pictures, baseball games, band concerts, a library containing 9,000 volumes, reading rooms, billiard hall, card room, quoit-pitching grounds, boating, fishing, etc.

The chapel is arranged for both Catholic and Protestant service, and regular religious services are held.

HOSPITAL.

There are 355 patients in the hospital, which is divided into 17 wards. A surgeon in chief and 4 assistant surgeons, with 12 trained nurses and several male nurses, all of whom are at the patients' call, both night and day, are in attendance.

A matron, who looks after the sanitation of the hospital has no superior in any like institution in this country. Everything is supremely clean, and everything is being done for the comfort and welfare of the members that medical science and human sympathy can command.

One ward in the hospital is set apart for tubercular patients, so they are not confined in the same room with patients with other ailments.

The hospital in its management and equipment, in my judgment, is equal to any in the land. The beds are the very best that can be made, and are faultlessly clean. The sanitation of the hospital is absolutely superb. The food supply is such as the doctors recommend for the patients.

We visited the cold-storage plant and found the meats as good as the market affords.

The storehouse is supplied with the best of everything. Evidently it is the policy of the board of managers of the Government to buy nothing that is not first class.

The 17 barracks where the men are quartered were inspected and found to be in first-class condition. Each barrack contains from 140 to 160 men. The barracks are divided into rooms, containing from 20 to 36 men. The inmates are required to keep everything in order in their rooms and themselves clean. One of the noticeable features, when I entered the home and came in contact with the membership, was the clean, healthy condition of the inmates.

I interviewed many as to their treatment and the food supplied and the necessary comforts which would naturally be expected in such a place, and I failed to hear a complaint from any man.

The home has a very extensive laundry and dry-cleaning plant, and no one is permitted to wear dirty clothes. When a uniform becomes soiled it is sent to the dry-cleaning plant where it is put in excellent condition.

The discipline of the home is as humane and lenient as possible to maintain dignity and good order. Gov. Cooke is a man with fine business qualifications, was a good soldier, and is peculiarly adapted for the position he occupies. He is very popular with the inmates.

Having made a thorough investigation, as I formerly stated, of every department of the institution, and having made many inquiries from the inmates as to their treatment and their comfort, etc., I can not see where there is anything lacking to make it an ideal place for an old man to spend his declining years.

see the Members of the House.

at the National Cemetery at Arlington, Va., and in accordance with

Mr. MANN. There is a special law on that subject in reference to New York Harbor, which I have been hoping we might get extended to Chicago Harbor and generally. I have introduced two bills on the subject—one for Chicago Harbor and one general in its provisions.

Mr. STAFFORD. The purpose of my inquiry was that there was a possibility of receiving these services, and I would like to have them extended to my own city and Chicago and other cities.

Mr. MANN. So far as that is concerned, there is a special law authorizing this work to be done.

Mr. STAFFORD. I withdraw the pro forma amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For support of the National Home for Disabled Volunteer Soldiers, as follows:

Central Branch, Dayton, Ohio: Current expenses: For pay of officers and noncommissioned officers of the home, with such exceptions as are hereinafter noted, and their clerks, weighmasters, and orderlies; also payments for chaplains, religious instruction, and entertainment for the members of the home, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, janitors, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the home; for necessary expenditures for articles of amusement, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the home; and for stationery, advertising, legal advice, for payments due heirs of deceased members: *Provided*, That all receipts on account of the effects of deceased members during the fiscal year shall also be available for such payments; and for such other expenditures as can not properly be included under other heads of expenditures, $61,000.

Mr. ANTHONY. Mr. Chairman, I desire to make a point of order against all in line 17, page 79, after the word "*Provided*," and the balance of the paragraph. It is a change of existing law.

Mr. RAUCH. I will say that this is in accordance with existing law, and has been carried in this appropriation bill for a number of years in this exact language. It is not, in the opinion of the committee, subject to a point of order. I think in just a minute or two I can produce the law under which this appropriation is made.

Mr. ANTHONY. I want to make a short statement. The existing law provides for what is called the "post fund"; that is, the amount that is realized from the proceeds from the effects left by deceased members of these homes. As the original law stipulates, that money is to be expended for the benefit of all the members of the home. Heretofore it has been expended largely for the amusement of members of the home, but an abuse has grown up in recent years under this language wherein this money is expended for other purposes than contemplated originally by the law. It has been expended for the purpose of making up shortages and deficiencies in other appropriations. That is the reason I made the polut.

Mr. STAFFORD. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. STAFFORD. Has the gentleman any acquaintance with the administration of this same fund in other branch homes besides the one referred to here—that at Dayton?

Mr. ANTHONY. Yes; I have.

Mr. STAFFORD. Does the gentleman's criticism apply to all the homes?

Mr. ANTHONY. It applies to all the homes. I observe that, reading from the report of the board, they are expending this money for purposes that Congress ought to appropriate for, whereas Congress originally intended that the money realized from deceased members should be used for the amusement or common benefit of their surviving comrades. That was the purpose of the law; but instead of that, and in pursuance of the present policy, the money is used to make up a deficiency of fuel at one time and construct a building at another, and the money is expended without any responsibility to the Congress. I think there may be $150,000 or $200,000 in that post fund now, and the president of the board, under the present condition, is able to take that money and use it for anything he pleases, without consulting Congress or anybody else and without responsibility. I do not think the expenditure is proper.

Mr. FOSTER. Will the gentleman yield?

Mr. ANTHONY. I will.

Mr. FOSTER. Do I understand the gentleman to say that from this fund which is created under this proviso of the bill the governor of a soldiers' home can use money for any purpose he sees fit?

Mr. ANTHONY. The board of managers can do so, and that means that one man, the president of the board, does it.

Mr. FOSTER. Now, as to this money that goes into the fund, he expends that in his judgment for the benefit of the inmates of the home?

Mr. ANTHONY. That was the original idea of the law.

Mr. FOSTER. Can the gentleman give us any idea, or state whether it is true or not that this money is regularly spent for the benefit of these inmates?

Mr. ANTHONY. Very largely it is. For instance, the managers provide amusements, theatricals, baseball games, bands, and things like that for the amusement of the members. That was the original purpose of the expenditure of this money. Now, they have strayed from that so that they expend it for the construction of a building. For instance, the managers of the home can expend $10,000 for the erection of a building for some favored employee, if they want to give him a building.

Mr. FOSTER. Does the gentleman mean a residence?

Mr. ANTHONY. A residence for an official of the home.

Mr. FOSTER. And as high as $10,000?

Mr. ANTHONY. I will not say that exact amount; but he could expend $6,000 or $8,000 or $10,000—along there—perhaps.

Mr. FOSTER. It seems to me a strange thing that this should be permitted.

Mr. ANTHONY. It is.

Mr. FOSTER. Can the gentleman give us some idea of about how much, for instance, for building a residence? Does the gentleman know what they do?

Mr. ANTHONY. There have been no expensive residences constructed at any of the homes in recent years. Those that have been constructed out of this fund are buildings that cost three or four or five thousand dollars.

Mr. FOSTER. Three or four thousand dollars?

Mr. ANTHONY. Yes.

Mr. FOSTER. A building for the use of some official in the home?

Mr. ANTHONY. Some employees of the home.

Mr. FOSTER. Now, this fund is derived from the inmates who die without relatives and have some property, is it not?

Mr. ANTHONY. Yes; it is from the sale of the effects of deceased members who have no heirs.

Mr. FOSTER. Does it also take the accrued pensions?

Mr. ANTHONY. Yes; it takes the accumulated pension as well.

Mr. FOSTER. That is, they take from the soldier a certain amount of his pension, and this goes into the fund, and on his death, if there are no heirs, the money remains in this fund?

Mr. ANTHONY. The gentleman is correct.

Mr. FOSTER. What I supposed this was intended for was to afford some little extra pleasures, and so forth, for the inmates of the home.

Mr. ANTHONY. I will say to the gentleman that that was the original purpose in the creation of this fund, and it was the manner in which the money was originally expended. Now, it is not only expended for construction but the Government inspector, who inspected the Western Branch last year, found that about $8,000 out of the post fund at that branch was expended for the purchase of fuel oil in excess of what was appropriated for by Congress in this bill.

Mr. FOSTER. Can the gentleman give us some idea as to how late or up to what time they have been spending these funds for the building of residences on the grounds, and so forth?

Mr. ANTHONY. I have not the information at hand, but——

Mr. FOSTER. Has it been within the last few years?

Mr. ANTHONY. Yes. It has been within the last few years.

Mr. FOSTER. Did I understand the gentleman to say that they have bought fuel out of this fund?

Mr. ANTHONY. They have. The Government inspector, Maj. Jackson, detailed by the Secretary of War, in his report to Congress called specific attention to the fact that fuel oil to the amount of $8,000 was purchased at the Leavenworth Branch out of the post fund, notwithstanding the fact that the board of managers had already come to Congress for a deficiency of $6,000 in addition to the amount regularly appropriated for that purpose.

Mr. FOSTER. When was that done?

Mr. ANTHONY. That was done last winter.

Mr. FOSTER. That was done in order to keep from coming to Congress for a deficiency?

Mr. ANTHONY. For a second deficiency. In my opinion it is an actual violation of law, for which the officials who did that should be held responsible.

Mr. FOSTER. Is that the same sort of precedent that has been followed for years in reference to this fund?

Mr. ANTHONY. I think the abuse has been going on for a number of years. From the desire of the managers to avoid coming to Congress and asking an increase of certain appropriations they have been raiding this fund and depriving the soldiers of the amusements that that money would purchase.

Mr. FOSTER. So that it started in and has been gradually increasing the misuse of this fund aside from the original intention?

Mr. ANTHONY. Yes. My objection to that is that it is an expenditure of money without any authority of law. I think every dollar of expenditure at these homes should be authorized by Congress. When the money is taken out of the post fund—or the posthumous fund—in this manner Congress knows nothing whatever about it.

Mr. FOSTER. I understand that this proviso proposes to add to these expenses provided above. Is that it?

Mr. ANTHONY. Yes. It authorizes them to make these expenditures.

Mr. FOSTER. But the gentleman's contention is that this fund was created as a fund for the personal benefit of the inmates?

Mr. ANTHONY. I contend that this fund should be used for the common benefit of the men for their amusement, for some extra things for their welfare.

The CHAIRMAN. Will the gentleman from Kansas [Mr. ANTHONY] please indicate the line upon which he makes the point of order?

Mr. ANTHONY. The entire proviso. It controverts the original statute creating the post fund.

The CHAIRMAN. The gentleman would not want to strike out the "$61,000"?

Mr. ANTHONY. No; not the amount of the appropriation, but simply the language of the proviso.

Mr. FITZGERALD. Does the gentleman make a point of order on it?

Mr. ANTHONY. Yes.

Mr. FITZGERALD. On what ground?

The CHAIRMAN. The gentleman from Kansas makes a point of order on the proviso, beginning on line 17, page 79, and ending with the word "expenditures" on line 21.

Mr. ANTHONY. On the ground of its being contrary to existing legislation.

Mr. FITZGERALD. The gentleman from Kansas has been talking about one fund and this refers to an entirely different fund. There is a post fund and a posthumous fund. He has been talking about the post fund. A few years ago the Committee on Appropriations conducted an investigation——

Mr. ANTHONY. Will the gentleman permit a question?

Mr. FITZGERALD. Let me make a statement, please.

Mr. ANTHONY. Is not the post fund an abbreviation of the posthumous fund?

Mr. FITZGERALD. No; it is an entirely different thing. The Committee on Appropriations made an investigation, in which it brought out facts which it believed constituted an abuse of the so-called post fund. My recollection is, for instance, that a memorial arch was erected in honor of a governor of one of the homes at one particular branch.

The post fund originated, if I recall the facts correctly, directly from the canteen. Paragraph 472 of article 15 of the Rules and Regulations for the Organization of the National Home for Disabled Volunteer Soldiers provides how the post fund shall be constituted. The ordinary sources of revenue are the store, the hotels, and the restaurants. The business of these separate establishments is conducted by the superintendent of the post fund under the direction and supervision of the council of administration of the post fund; the net profits of the fund, unless otherwise directed by the board of managers, to be used for the increase of the libraries, the maintenance of bands when appropriations for that object are insufficient, furnishing amusement halls, and such other purposes as will best conduce to the enjoyment of the members of the home. Additional sources of revenue to the post fund are provided for by the acts of July 1, 1902, and June 25, 1910.

Now the posthumous fund under paragraph 405 of article 12——

Mr. STAFFORD. Mr. Chairman, will the gentleman kindly describe that fund again?

Mr. FITZGERALD. It is the posthumous fund. It comprises such money and effects of the deceased members who have not executed the agreement provided for in the act of June 25, 1910, as are found on their persons and in the custody of the surgeon, together with any sum received from the sale of property of such members in the hands of the quartermaster; but it does not include pension money standing to the credit of deceased members. There are two distinct funds—the post fund and the posthumous fund.

Now, the provision in the bill to which the gentleman makes a point of order refers to the proceeds of the sales of effects or receipts on account of the effects of deceased members. Now, in the sundry civil bill approved August 18, 1894, is the following provision:

That the balance of the posthumous fund, including the amount invested in bonds pertaining to that fund, that may be in the hands of the treasurer of any branch of the home on July 1, 1894, shall be transferred to the appropriation for "Current expenses, 1895," of that branch home—

If the Chair will now follow the language of the provision, I will read further—

and thereafter all receipts on account of the effects of deceased members shall be credited to the appropriation for "current expenses" of the fiscal year during which such amounts were received, and all repayments of such amounts shall be made from and charged to the like appropriation for the fiscal year in which such repayments shall be made.

So that the language in the pending bill is strictly in conformity with the law crediting to the appropriation for "current expenses" for the current year the receipts from the sale of the effects of deceased members.

Mr. ANTHONY. I should like to ask the gentleman if he does not think it would be a better business method for Congress to appropriate directly the money required for the expenses of the homes rather than to authorize in this manner the expenditure of money from funds of this kind? Would it not be better to have these special funds go into the General Treasury?

Mr. FITZGERALD. Yes; it would be a good deal better. It would require some changes in connection with the control of certain funds connected with the National Soldiers' Homes; but the gentleman from Kansas [Mr. ANTHONY] is a member of the Committee on Military Affairs, which has jurisdiction over the legislation on these matters, and his inquiry might more properly be raised in that committee rather than addressed to me, because the Committee on Appropriations can only appropriate in accordance with the existing law.

Mr. ANTHONY. I will say to the gentleman that the board of managers have every year been making a report of conditions at the homes, and that report has come to Congress. The Speaker refers that report to the Committee on Military Affairs, of which I am a member, and the report is duly buried there. Nobody ever sees it. This year is the first time in the history of that committee, as I understand it, that that report has ever been brought to the attention of the committee.

Mr. FITZGERALD. That is due to the fact that there has been a change in the House. The report was duly buried in that committee during the 16 years that the gentleman's party was in control of the House; but now, since the Democratic Party has had control of the House, when this report went to the Committee on Military Affairs under the able direction of the distinguished chairman of that committee [Mr. HAY], instead of the report being pigeonholed, as it formerly was, according to the statement of the gentleman from Kansas, that committee has performed its duty of examining that report, and I assume will recommend——

Mr. ANTHONY. Let me say to the gentleman right there——

Mr. FITZGERALD. No; you will not say it right there.

Mr. ANTHONY. I have the floor.

Mr. FITZGERALD. I assume that committee will recommend such legislation as will be appropriate under the circumstances.

Mr. ANTHONY. I have the floor, and yielded to the gentleman.

Mr. FITZGERALD. The gentleman can not stop me in the middle of a sentence. I can not stop in that way.

Mr. ANTHONY. Go ahead and finish up.

Mr. FITZGERALD. I have said all I want to say.

Mr. ANTHONY. The whole trouble lies in the fact that the committee of which the gentleman from New York is the chairman is called upon to appropriate for these institutions, whereas the reports are referred to the Committee on Military Affairs, which has no authority whatever in the premises, no right to make a single appropriation for these homes. The result of this divided authority is found in the business conditions which exist there.

Mr. FITZGERALD. The truth of the matter is that during the years the gentleman from Kansas has been in the House he has never raised his voice in criticism of these matters. Whatever abuses were disclosed in the expenditure of the post funds were not discovered by the gentleman from Kansas, although he was a member of the majority for a number of years.

Mr. ANTHONY. The gentleman has never claimed that they were.

Mr. FITZGERALD. The gentleman was a member of the Committee on Military Affairs, and some things have aroused his activities in this matter. The Committee on Appropriations merely recommend appropriations in accordance with the law.

Mr. BURKE of South Dakota. Did the gentleman have a seat?

Mr. STAFFORD. I did.

Mr. BURKE of South Dakota. How did he obtain it?

Mr. STAFFORD. Through the courtesy of my colleague [Mr. MANN].

Mr. MANN. Mr. Chairman, the committee sent every Member of Congress a statement telling when the ceremonies were to be had and asking whether the Member desired a seat; and if so, how many. I attend to such things, or Mrs. Mann does for me, and I received my seats.

Mr. BURKE of South Dakota. I received the communication that the gentleman from Illinois refers to. There was a statement that a reply must be made by the 4th day of May, and I wrote to the official who it was stated would furnish me a ticket. I think his name was Col. Harts, and his street and number given. I requested that I be furnished with tickets, but I received no response to my communication and did not receive tickets.

Mr. STAFFORD. I am not finding fault with the treatment accorded Members of the House, but I do say that the person who had charge of the exercises ought to have given greater consideration to the second officer in the control of this Government, the Speaker of this House, than to assign him a seat at a distance from the ceremonies in the broiling sun of a hot afternoon. I do not make any complaint at the instance of the Speaker. But from the dignity of the position he occupies, I felt humiliated that the second officer of the Government should be slighted in that manner.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. STAFFORD. Certainly.

Mr. MANN. Does not the gentleman think that the Speaker of this House attending ceremonies of that kind would prefer to have a seat where the other Members of the House were given seats rather than to be segregated and set off by himself in a place of small seating capacity?

Mr. STAFFORD. Mr. Chairman, the great commoner who presides over this House naturally felt more at home where he was, but we were scattered everywhere. Being the second officer in this Government, the Speaker of the House of Representatives, the proper place for him was beside the President and the Secretary of State and the other dignitaries who attended the ceremony. I am asking for information as to who has charge of these ceremonies.

Mr. RAUCH. Mr. Chairman, I will state to the gentleman that the unveiling ceremonies of this memorial to Gen. Grant will be in charge of the War Department.

Mr. STAFFORD. Were the ceremonies in connection with the unveiling of the statue of Commodore Barry under the supervision of the War Department?

Mr. RAUCH. I understand they were.

Mr. MANN. Mr. Chairman, I think these ceremonies are all held under the jurisdiction of the engineer officer in charge of public buildings and grounds in the city of Washington, who is now Col. Harts, one of the best officers in the Army, and a very efficient officer in this capacity, who succeeded Col. Cosby.

Mr. STAFFORD. Does not the gentleman from Illinois believe that the Speaker of this House should have a seat beside the President of the United States and the other dignitaries rather than to be seated in a remote station?

Mr. MANN. Oh, Mr. Chairman, I have noticed all of my life that when it comes to arranging for ceremonies of this kind a great many people who did not get the best seats thought that they or some one else who did not get the best seats—and no one can tell in advance where the best seat will be—was not treated with proper dignity; but, of course, these people endeavor to treat with dignity and great courtesy the Members of Congress. My observation is that on all of these occasions it is the people who are outside of Congress who have the best right to complain, because Members of Congress get the seats—usually the best—and then generally give the ticket to some one else to use.

Mr. STAFFORD. Mr. Chairman, I wish to say that on that occasion, at least, anyone attending those ceremonies would have observed that not one Representative was in the select section which had a canopy over it, but that they were distributed throughout the other two sections in the blazing sun, and the members of the Cabinet, the Diplomatic Corps, the orators of the occasion, and the Senators and their wives were all given, as they should be, special seats in the segregated section.

Mr. HAMILTON of Michigan. Oh, the sun did not blaze on that day.

Mr. FITZGERALD. I am inclined to think that that was done purposely, so that everybody could have an opportunity to see the Members of the House.

Mr. STAFFORD. Oh, we are on display here so much that we do not care to be put in the spotlight.

Mr. FITZGERALD. I was very grateful to receive a ticket, in order that I might by my presence attest the esteem in which I hold the memory of John Barry.

Mr. MANN. The gentleman from New York knows that the gentleman from Wisconsin [Mr. STAFFORD], the House having adjourned early, attended these exercises instead of going to a much more exciting affair, and kicked himself all of the time that he was at the exercises because he was not at the ball game. His feeling in the matter is excusable and perfectly natural.

Mr. STAFFORD. Mr. Chairman, I want to say to my friend that, as I recall, there was no ball game on that afternoon; and if there was, I preferred the unveiling exercises. I had a very good seat; but I do protest against those who had charge of these exercises shunting off into an obscure corner the Speaker of the House of Representatives, and not giving him a preferential seat in the select stand.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry. Are we under the five-minute rule?

The CHAIRMAN. We are.

Mr. DONOVAN. What has become of the watch? [Laughter.]

Mr. FITZGERALD. Do not search me—search the gentleman from Connecticut. [Renewed laughter.]

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. Mr. Chairman, the gentleman understands that where sits McGregor there is the head of the table, and that wherever the honored Speaker of this House sat, that seat, by reason of that fact, was the seat of honor at those ceremonies. I think, therefore, there should be no complaint.

Mr. STAFFORD. We so consider it was the seat of honor when it was occupied by the Speaker, but there was a proper place for the Speaker of this House, and that was in the reserved section.

Mr. FITZGERALD. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 73, line 1, strike out the words "memorial to Gen. Ulysses S. Grant."

Mr. FITZGERALD. That is an unnecessary repetition.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman when these exercises are to take place, as far as is now known?

Mr. FITZGERALD. My recollection is that the statement was made that they would probably be ready for them in September.

Mr. MANN. Of this year?

Mr. FITZGERALD. Yes.

Mr. MANN. I trust that Congress will not be in session at that time, although I had hoped these exercises might occur when Congress was in session.

Mr. FITZGERALD. Mr. Chairman, the statement was made that the contract calls for completion of everything by August 10 of this year, and it is expected that the memorial will be completed then. I therefore assume that the ceremonies will be held in September.

Mr. BRITTEN. Will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. BRITTEN. Does the gentleman think the fence around the Botanic Garden will have been removed by that time?

Mr. FITZGERALD. No; it will not. We do not wish it removed by that time. They expect so very large an attendance upon this unveiling that it is believed to be a desirable thing to have that fence up there in order to facilitate policing arrangements and to control the crowd.

Mr. BRITTEN. However, it is the intention to remove that fence as quickly as possible thereafter?

Mr. FITZGERALD. Yes. About two or three years ago we made four attempts to give it away.

Mr. MANN. Not two or three years ago; it was eight or ten years ago, I guess.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Arlington Memorial Amphitheater: For beginning the construction, under the direction of a commission consisting of the Secretary of War, the Secretary of the Navy, and Superintendent of the United States Capitol Building and Grounds, Ivory G. Kimball, representing the Grand Army of the Republic, and Charles W. Newton, representing the United Spanish War Veterans, of a memorial amphitheater, including a chapel, at the National Cemetery at Arlington, Va., and in accordance with

the plans of Carrere & Hastings, architects, of New York City, adopted by the commission heretofore appointed, $250,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 73, after line 21, insert the following:

"Horseshoe Battle Ground, Ala.: For the erection of a memorial to the men who fought under Gen. Andrew Jackson in the battle at the Horseshoe on the Tallapoosa River, Ala., authorized by the act approved April 2, 1914, $5,000."

Mr. MANN. Mr. Chairman, I reserve a point of order until I can hear the gentleman from Alabama make a nonpartisan speech on this subject.

Mr. FITZGERALD. Mr. Chairman——

Mr. MANN. I said the gentleman from Alabama [Mr. HEFLIN]. I want the gentleman from Alabama to explain this.

Mr. HEFLIN. Mr. Chairman, I always make a nonpartisan speech——

Mr. MANN. On this subject; not any other.

Mr. HEFLIN. Mr. Chairman, I did not think it was necessary to have any further legislation on this subject. A bill was passed through this House and my good nonpartisan friend from Illinois [Mr. MANN] helped me to pass it through the House. It passed the Senate unanimously and was approved by the President, but when we were making ready to lay the cornerstone upon the battle ground at the Horseshoe Bend we discovered that the War Department had ruled that it would take a specific appropriation in one of these appropriation bills and held that the bill which we passed did not specifically appropriate $5,000 for that purpose, and informed me that it would be necessary to get this provision in this bill. They submitted an estimate to the chairman of the Committee on Appropriations asking for this $5,000. It has been approved by the department, the bill has already passed both branches of the Congress and has been approved by the President, and I trust there will be——

Mr. MANN. Mr. Chairman, I withdraw the point of order, although I had hoped the gentleman might tell us the reason for doing this work. I remember his eloquent description before and I thought perhaps he would have added to it somewhat.

Mr. HEFLIN. Well, I do not care to take up the time of the House to repeat things that I said heretofore.

Mr. MANN. I know the gentleman would not repeat.

Mr. HEFLIN. I have some remarks which I am going to submit on that battle ground on the Fourth of July, and I could deliver them here if I had the time, but it would take perhaps an hour and a half to do so, and I will not take up the time of the House now. I appreciate the expressed desire of my friend to hear me on the Battle of the Horseshoe Bend.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

The Secretary of War is authorized, upon finding that the flood conditions which prevailed in the Ohio Valley in March, 1913, destroyed the property of any lessee from the United States of land or water power, or both, on the Muskingum River, or so damaged the same as to prevent the beneficial use of the premises so leased, upon application of the lessee, to terminate the lease as of the date of the destruction or damage of such property of the lessee, or to abate the rental for such time and in such amount as may represent the loss of the beneficial use of the premises so leased because of such flood conditions. Any lessee who shall have paid to the United States any such rental in respect of which relief is hereby authorized shall have the amount so paid refunded by the accounting officers of the Treasury upon a finding by the Secretary of War that he is entitled to the same. The amount necessary to make all such reimbursements, not exceeding $500, is appropriated.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order. I wish to inquire whether there can be any other claims of a like character to those covered by the paragraph under consideration.

Mr. RAUCH. Mr. Chairman, I am informed that those will probably not amount to more than $200, and that these are the only claims of this character.

Mr. STAFFORD. The gentleman recognizes it is a purely private claim and has no place in an appropriation bill, and I was fearful that this might be used as a peg on which to hang a great number of other claims that might amount to a tremendous sum.

Mr. MANN. If the gentleman will permit, it is not quite on all fours with an ordinary private claim. As I understand, the Government owns water power there and the water power was leased. When the flood came it destroyed the buildings of the lessee, and in some places probably destroyed the water power, I suppose, and this proposition is simply to remit the rental of these people whose buildings were destroyed, in connection with the use of the water power, by that flood. They are not making use of the water power now.

Mr. RAUCH. This refunds some rentals they were obliged to pay under the terms of the lease.

Mr. STAFFORD. I was fearful that perhaps it might be used in another body as a handle on which to hang a great many other claims arising through floods when the United States is in no way responsible. That is the purpose of my inquiry. However, I withdraw the point of order, Mr. Chairman, on the assurance of the gentleman from Indiana.

The Clerk read as follows:

Survey of northern and northwestern lakes: For survey of northern and northwestern lakes, Lake Champlain, and the natural navigable waters embraced in the navigation system of the New York canals, including all necessary expenses for preparing, correcting, extending, printing, binding, and issuing charts and bulletins, and of investigating lake levels with a view to their regulation, $125,000.

Mr. SPARKMAN. Mr. Chairman, I reserve the point of order on this paragraph, and I would like to ask the gentleman in charge of the bill at the present time what kind of a survey is this to be?

Mr. RAUCH. Mr. Chairman, I am informed that the old surveys are obsolete, and this is for deep-draft vessels on the lakes. It is a hydrographic survey.

Mr. SPARKMAN. Well, if it is for the purpose of navigation, then there is nothing upon which to base this appropriation. I understand, of course, that there have been items carried in the sundry civil bill for many years, and perhaps in other bills, providing for surveys of the lakes up there, not for the purpose of navigation, however, but for other purposes. Now, I have not any of those old provisions before me, but this provision seems to go a little further than the others, as I recall them, and it seems to me the provision is too much in the nature of a survey in the interests of navigation to be carried in a bill of this kind.

Mr. RAUCH. The gentleman, of course, is aware that this provision has been carried in this way for a number of years?

Mr. SPARKMAN. I understand similar provisions have been in the bill heretofore, but none just like this. I think this goes somewhat further than those heretofore appearing in these bills.

Mr. RAUCH. This is exactly the same as it has been carried heretofore—the same language.

Mr. SPARKMAN. Upon what authority do you base an appropriation of this kind, and what have you been basing them on heretofore?

Mr. MANN. That is precisely the item in the existing law.

Mr. SPARKMAN. Yes; but there has to be some authorization for anything that goes into the sundry civil bill; otherwise, an appropriation is not permissible.

Mr. MANN. This has been under the jurisdiction of this committee for many years. The gentleman will recall that some years ago there was a hot fight in this House as to whether these people had jurisdiction or the Hydrographic Office of the Navy had jurisdiction of these matters, and it was held at that time by the chairman and by the House, after a hot fight, that that item was in order on this bill.

Mr. SPARKMAN. What directed my attention particularly to the provision was the use of the words "Lake Champlain." I did not think they had been embraced in any of the provisions heretofore.

Mr. MANN. That is in the existing law.

Mr. RAUCH. I think this provision would be in order, anyway.

Mr. SPARKMAN. I do not think so, unless there is some existing law on which to base it. But still I take the statement of the gentleman for the fact.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I understand these surveys are limited to the Great Lakes and tributaries, like the Niagara River and the St. Lawrence River?

Mr. RAUCH. That is right.

Mr. STAFFORD. And this does not provide for surveys of lakes exclusively within the State lines?

Mr. RAUCH. That is my information.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For purchase and installation of a boiler on the patrol boat *Scout*, to be expended by and under the direction of the Secretary of War, and to be immediately available, $9,000; in all, $94,260.

Mr. STAFFORD. Mr. Chairman, I wish to move to strike out the last word. I wish to inquire whether in any other city of the country except New York City we make a similar provision for this character of supervision and control?

Mr. RAUCH. We do not. No other city is situated as this one.

Mr. STAFFORD. Why does the National Government undertake work of this character, which it declines to perform in other large maritime cities on the coast?

such conditions.

what some one else has done than they know themselves.

Mr. FITZGERALD. What is this man's business?

Mr. FITZGERALD. No. These boathouses are built on floats.

Mr. MANN. And they would be in the way of a view to the river to anyone walking along there or driving on the Speedway.

Mr. FITZGERALD. No. The roadway along the river is considerably above the level of the river. This practice has been followed in other cities; in the city of New York, for instance, along where the Speedway is built, they have facilities where these boathouses are permitted, and they have a float connecting the boathouses with the land. They are usually small, two-storied buildings where the boats are housed and the upper parts of the buildings are used for the installation of lockers.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. MONDELL. I may be mistaken, but my understanding is that they intended to put these boathouses, or make leases for these boathouses, on the Washington Channel side, not on the Potomac River side.

Mr. MANN. I think it is a bad thing to do, either way, in a public park. Why should we permit people, because they want to use the water—a very laudable desire—to ruin the looks of a park that is maintained there for all the people?

Mr. FITZGERALD. It does not ruin the looks of the park.

Mr. MANN. Oh, I have seen them, and I know they do.

Mr. FITZGERALD. It makes these parks available for purposes that they otherwise would not be available for. Nobody can go down east of the embankment on the Potomac Park unless he takes a vehicle or takes quite a long walk. If the facilities were there for the boathouses, the river could be utilized for boating, and they would add very much to the attractiveness of the place.

Mr. MANN. I do not see how they would add to the attractiveness of the place.

Mr. SELDOMRIDGE. Would these boathouses be similar to those on the Schuylkill River, in Fairmount Park, Philadelphia?

Mr. FITZGERALD. Yes.

Mr. SELDOMRIDGE. They are quite commonly used in parks?

Mr. FITZGERALD. Yes. They add to the attractiveness of the parks.

Mr. MANN. Oh, I have helped to resist this at home so long that resistance is a second nature with me. There are plenty of places for boathouses, without putting them in the park. If they have any place for boathouses, they ought to be owned by the Government as a part of the park system and not be under the control of a club.

Mr. FITZGERALD. This provision merely permits these boathouses to be placed along there. It gives access to the river to a great number of people who wish to utilize it, and it conduces to the health and development of the people. It is along the most highly progressive lines of legislation that may be suggested.

Mr. MANN. It is along the line of progressive legislation that the moment you get a park every personal and special interest wishes to grab it and put up a lot of little, cheap, unsightly buildings. They could not put up a permanent building that would be decent and appropriate and agreeable to look at, because the permits would be revocable at will.

Mr. FITZGERALD. Has the gentleman ever seen a boathouse?

Mr. MANN. Oh, yes. Like the gentleman from New York, I live upon a large body of water.

Mr. FITZGERALD. That is fresh water.

Mr. MANN. Yes; it is fresh water, and good water, too. It it not the filthy liquid that you have around New York Bay. [Laughter.]

Mr. FITZGERALD. The gentleman has not been to New York lately.

Mr. MANN. No; not as lately as the gentleman has.

Mr. STAFFORD. Mr. Chairman, I think if the gentleman were familiar with the character of the buildings referred to by the gentleman from Colorado [Mr. SELDOMRIDGE], for instance, those in Fairmount Park, Philadelphia, he would not interpose any objections to this provision. Coming from a fresh-water country, like myself, he thinks we have no need of those things, because the water there is too rough for rowing; but the denizens of cities like Philadelphia and New York and Boston have many oarsmen and canoeists who have need of such a combination. The character of the buildings that would be used would not be of the character suggested by the gentleman, but would be of the ornate character of those to be seen in New York, Philadelphia, and Boston. They are permanent and built of stone.

Mr. MANN. The permits are revocable at will, and nobody but a crazy man would build a permanent structure there under such conditions.

Mr. STAFFORD. The Chief of Engineers of the Army would be in control, and he would not permit the erection of an unsightly shanty or shack down there at the water front, but would require buildings in harmony with the location.

Mr. MANN. Ever since this park was established everybody has been trying to grab a slice of it. The Smithsonian Institution wants to get a piece of it for an aeronautical laboratory, or something of that kind, and other people want to get the center of it for their private use.

Now, here comes a proposition to take the exterior of it for a boathouse. When a new park is being built everybody wants to get it for their special interest. I think these parks ought to be preserved for the benefit of the people at large, and that exclusive privileges ought not to be given to anybody.

Mr. STAFFORD. This will be for the benefit of the public at large.

Mr. MANN. Not at all.

Mr. STAFFORD. The public can not utilize it without granting this permit to some one.

Mr. FITZGERALD. It has been suggested that permission be given to lay out a tennis court, a baseball diamond, and a golf course.

Mr. MANN. And they wanted to lay out a race course.

Mr. GOULDEN. They have got a race course there now.

Mr. MANN. Oh, no.

Mr. FITZGERALD. No one has yet suggested setting up a merry-go-round, but that might be suggested. The purpose is to provide facilities where people may go and obtain recreation and exercise under proper supervision. Now, rowing in shells is not such a form of recreation that the Government could easily supervise it. Persons must have some training and experience, and it must necessarily be conducted by private clubs. This merely gives them an opportunity to locate their house along the water front. I am in favor of what has been suggested, of making that part of the park a great recreation center for the people of Washington, and to permit no acquisition of exclusive special privileges by any person for selfish purposes.

Mr. MANN. The gentleman knows that there is not in Washington now a single large park where they cater to the man who does not ride, who does not own an automobile.

Mr. STAFFORD. That is the very purpose of this provision.

Mr. FITZGERALD. I speak for those who, like myself, can not afford automobiles.

Mr. STAFFORD. If the gentleman will permit, he is aware that persons who wish to go rowing at their own expense must go away out here to Georgetown to obtain a canoe or boat. This provision will enable the persons whom he describes to be within easy access of the water.

Mr. MANN. I would have it so that the Government owned a boathouse there and rented boats to everybody alike.

Mr. FITZGERALD. That is an entirely different matter.

Mr. STAFFORD. This will permit the association of persons for rowing——

Mr. MANN. To grab up a part of the water front.

Mr. FITZGERALD. What the gentleman from Illinois [Mr. MANN] suggests is an entirely different matter. I have no doubt, in time, provision will be made for a boathouse where any person may be able to go and hire a boat in which it will be safe for a man who does not use a boat more than once in six months——

Mr. MANN. Like the gentleman from New York and myself. We both of us live in cities which have water fronts.

Mr. FITZGERALD. In which it will be safe for such a man to navigate the waters in front of the city of Washington. This is for a different purpose. I would not suggest and would not wish anybody to induce the gentleman from Illinois [Mr. MANN] to make an attempt to go out in a racing shell.

Mr. MANN. Like the gentleman from New York [Mr. FITZGERALD]. I am light-headed enough to float. [Laughter.]

Mr. STAFFORD. The gentleman from Illinois is large enough of girth so that he would float anyway.

Mr. MANN. I would not be weazened, like the gentleman from Wisconsin.

Mr. FITZGERALD. With my knowledge of what has been done in this regard at other places, I think this is a very desirable provision to remain in the bill. However, I desire not to take up too much time on it.

Mr. MONDELL. I think if the gentleman from Illinois [Mr. MANN] would investigate these matters——

Mr. MANN. That remark is entirely unnecessary. I have been over to the park to investigate the matter, and I am sure that the gentleman from Wyoming has not, he not being familiar with bodies of water, anyhow.

Mr. MONDELL. The gentleman always knows more about what some one else has done than they know themselves.

Mr. MANN. That is what every fellow who wants to make an argument throws at me. In this particular case I do know more about it than the gentleman from Wyoming does.

Mr. MONDELL. The gentleman says he knows more about the matter than I do; perhaps so. It so happens that I was at Potomac Park last evening, so that my last visit was quite recent. The gentleman has said that there are plenty of places where boathouses could be built and where boats could be moored, adjacent to Washington. Evidently the gentleman has not investigated that matter, and I have, because I enjoy boating; and I would be very glad to find some place where I could get a boat kept, so that I could have a small boat within easy reach. The fact is, you must either go to Georgetown or else you must go across the river to the vicinity of Alexandria. It is true there is a very limited space down near the old fish market where there is a boat club, but that space is very limited and it is entirely filled up and utilized.

Washington has a magnificent water front. There ought to be a great deal of boating here, very much more than there is. One reason why there is not more is because there never have been satisfactory facilities placed within easy reach where people could keep their boats. Now, this peninsula, reaching out into the river, is peculiarly adapted for that sort of use, and it will in no wise injure it or affect it for other purposes to so use it. It will encourage boating in the city. It will give the gentleman from Lake Michigan an opportunity to keep a boat or hire a boat or secure a boat without going a great distance, and to enjoy a boat on the water adjacent to the city best adapted to boating; and I hope he will not make a point of order.

Mr. MANN. I make the point of order against the item.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Toward the construction of necessary retaining walls in Meridian Hill Park, $25,000.

Mr. MANN. Mr. Chairman, I make a point of order against that item.

Mr. RAUCH. Mr. Chairman, this is an appropriation for a continuation of work necessary to the preservation and upkeep of this park, which was recently bought and paid for by the United States Government. The committee do not think the item is subject to a point of order.

The CHAIRMAN. The Chai. would like to hear the gentleman from Illinois [Mr. MANN].

Mr. MANN. The committee have not produced any authority for this item, and it is necessary to obtain authority. There is no authority that I know of anywhere for an appropriation for these retaining walls. It is the duty of the Committee on Appropriations to furnish the authority, because they propose the item.

Mr. FOSTER. I am not with the Appropriations Committee on this. I should like to see this go out, but I thought, there being a park there, that the improvement should be made.

Mr. MANN. Here is an item for a retaining wall. I make the point of order. It is not my duty to produce authority for it. I can not do that. I do not think there is any authority for it.

The CHAIRMAN. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Telegraph to connect the Capitol with the departments and Government Printing Office. For care and repair of existing lines, $500.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I am curious to know what telegraph lines are owned by the Government connecting the Capitol with the various departments.

Mr. RAUCH. All the departments are connected with each other and with the Government Printing Office.

Mr. STAFFORD. With telegraph or telephone lines?

Mr. RAUCH. I think the Senate has a telegraph line.

Mr. MANN. I think they have abolished it as we have abolished it. This is an old item, and I think ought to go out of the bill.

Mr. RAUCH. I think it is still in operation on the Senate side.

Mr. MANN. It may be in operation from the Government Printing Office very likely. Does the gentleman happen to have a statement showing how much was expended last year? When we abolished the two telegraph clerks which we had on the House side of the Capitol at an expense of $1,000 or $1,200 each, there was a good deal of talk about how inconvenient it would be for Members of Congress. I wonder if anybody here has ever been inconvenienced. I think during my service in the House I never sent or received a telegram in that way, and I wonder if anybody else ever did.

Mr. RAUCH. I can not give the gentleman that information. I never have experienced any inconvenience.

The CHAIRMAN. The pro forma amendment is withdrawn, and the Clerk will read.

The Clerk read as follows:

Commission of Fine Arts: To meet the expenses made necessary by the act approved May 17, 1910, entitled "An act establishing a Commission of Fine Arts," including the purchase of periodicals, maps, and books of reference, to be disbursed, on vouchers approved by the commission, by the officer in charge of public buildings and grounds, who shall be the secretary and shall act as the executive officer of said commission, $5,000.

Mr. FOSTER. Mr. Chairman, I move to strike out the paragraph. This Fine Arts Commission has been in existence a good while. It has been contended that it has cost the Government a great deal of money. I do not know whether the people have realized the benefit from the amount of money that has been expended in the change of plans for the beautifying of Washington or not.

Mr. MANN. The gentleman will remember that the Commission of Fine Arts is not the so-called Burnham Commission that proposed plans for beautifying Washington. This is not that commission.

Mr. FOSTER. No; this has to do with monuments, statues, and public buildings.

Mr. MANN. We passed a law a few years ago, to which reference is made in this paragraph, providing that monuments, statues, and everything of that kind, or plans, should be submitted to the Commission of Fine Arts before they were approved; and they have submitted a lot of things to that commission on the Panama Canal—some of them perhaps profitably and some of them an unnecessary expense to the Government. But if you abolish the appropriation, leaving the law the way it is, it would not be possible to carry into effect many acts of Congress, because the department can not proceed in a good many things until the matters have been submitted and approved by this Commission of Fine Arts; that is, where the approval is called for by specific acts of Congress.

Mr. FOSTER. The law provides that before any statues can be erected they must be submitted to the Fine Arts Commission?

Mr. MANN. That is my recollection.

Mr. FOSTER. So if the appropriation should go out, they could not do the work.

Mr. MANN. They could not do the work. That was the McCall bill, that passed Congress several years ago.

Mr. FOSTER. Then I do not want to interfere with it. Otherwise I would like to see it go out.

Mr. MANN. I was not enthusiastically in favor of the McCall bill when it passed the House three or four years ago, but still it passed Congress after considerable discussion.

Mr. FOSTER. Mr. Chairman, I withdraw the motion.

The Clerk read as follows:

Memorial to Gen. Ulysses S. Grant: For unveiling and dedicating the memorial to Gen. Ulysses S. Grant and for each and every purpose connected therewith, including erecting and taking down viewing stands and putting the grounds in sightly condition, $5,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I want some information for the benefit of the Members of the House as to who has charge of ceremonies attendant on the unveiling of various statues dedicated in the city from time to time. Like a good many Members of the House, about a month ago I attended the unveiling of the statue erected to Commodore John Barry. Personally I had no feeling because I was not given a seat in the reserved section where the Senators and their wives, the diplomats and their wives, and the President and members of the Cabinet were seated, but I did have a feeling of humiliation as a Member of this House to see our great Speaker, second in position in control of this Government, seated with Members away distant from the speaking stand and not given the privilege of a seat with the other dignitaries on the special platform. I think it was a humiliation to the House. I do not say that the Speaker was not thoroughly at home in his surroundings and did not like the seat given him, but I believe it was a slight on this Chamber. The Speaker should not have been assigned a seat remote from the others engaged in the ceremonies on that occasion.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. BURKE of South Dakota. Did I understand the gentleman to say that he was present at the ceremonies?

Mr. STAFFORD. I was, with a great number of other Members of the House. The House adjourned at 2 o'clock in the afternoon for that purpose.

The involuntary and unsolicited reduction in railway rates has gone so far as seriously to threaten the stability of railway wages and railway income. Eighteen hundred and ninety-seven, 15-ton car, New York to Chicago, 10,500 gross. No change in class rates. Produces same to-day.

Chicago to New York—basis rates east Mississippi River and north James, Potomac, and Ohio Rivers.

More than 40 per cent of gross receipts of railways is expended in payment of employees.

Employees—now about $1,100,000,000 per year; 10 years ago were $700,000,000.

The dollar of 1897 will purchase 20 per cent less labor to-day.

An increase in rates for to-day of over 30 per cent would barely give the roads the same earning power they had 15 years ago, and then not make up the unprovided-for depreciation alone, saying nothing of supercession and obsolescence or reasonable advance in facilities.

Fuel represented about 11 per cent of cost of operation 15 years ago, which was about $1 for fuel for each $17.25 of gross earnings, while to-day it takes $1 for fuel for each $12 of gross receipts.

Taxes have increased during past 15 years over 15 per cent.

Increased cost of regulation owing to increased expenses; costs roads $100,000,000 per year, as follows:

1. Preparation and publication of rate schedules.
2. Compilation of statistics.
3. Litigation under regulatory statutes and expenses.
4. Special appliances.
5. Additional employees and wages, and regulation of hours.

Revenue has been reduced by—

1. Regulatory orders.
2. Suggestions with force of orders.
3. Statutory reductions.

New capital costs more to-day than 15 years ago in interest and discounts owing to lack of security, property being mortgaged to limit money found only upon basis of surplus from earning, reached through additional preferred stock, additional common stock, company notes.

Interstate Commerce Commission shows rates declined 1897 to 1907 0.798 to 0.759 mills per ton, 4.89 per cent.

The indirect loss from withdrawal of confidence in American railroad investments would be immeasurable. Such a readjustment would become archaic almost from the outset, because the adjustment of securities based upon the values of to-day might be totally erroneous to-morrow unless the values were made on modern requirements and theories and systematically corrected when the elements of value changed through operation.

Present value depends on the highest practicable use to which a thing may be put.

Now, Mr. Chairman, I want to say under the system we have now in vogue the cost of making the valuation by the Interstate Commerce Commission will cost approximately $25,000,000, and if continued, as proposed, it will take many years. Not alone that, but it will cost equally as large a sum to the railroads of this country, and this eventually will be paid for by the people. It is a great and grave mistake to keep on continuing the system of allowing the Interstate Commerce Commission to hold up the whole country, as it is being held up at the present time, by withholding decisions.

Mr. MANN. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield?

Mr. LEVY. Certainly.

Mr. MANN. I did not understand how much this gentleman says this valuation can be made for by private contract.

Mr. LEVY. My amendment states that it must not exceed $5,197,000. Here is Mr. Rand's estimate. He offers to give a fully protected contract in his statement, which I have placed in the RECORD.

Mr. FITZGERALD. But who would take his estimate?

Mr. LEVY. He offers to give security.

Mr. MANN. But who will accept his opinion?

Mr. LEVY. It will be done under contract through the Interstate Commerce Commission.

Mr. MANN. How can they agree to the contract?

Mr. LEVY. They make up the specifications, and the lowest bidder gives security for faithful performance of his contract.

Mr. MANN. But who will take this man's opinion as to the values?

Mr. LEVY. The values they would get by this means are better than the Interstate Commerce Commission could secure by selecting——

Mr. MANN. But who would know whether they were or not?

Mr. LEVY. The lowest bidder would give ample security.

Mr. MANN. They could get somebody to do it for $1,000,000. I could do it in a few minutes for a good deal less than that; but when you get it, what good is it?

Mr. FITZGERALD. I could do it for $200,000.

Mr. LEVY. It is my purpose to bring before the House the importance of this and see if, in some way or other, we can not avoid this enormous, extravagant expense which will be entailed upon the country for 25 years.

Mr. FITZGERALD. Oh, no.

Mr. LEVY. Under the system proposed, at least 20 years.

Mr. MANN. But what people will accept the valuation? Does the gentleman himself believe he can give a valuation of the railroads in the United States?

Mr. LEVY. The purpose is to take the lowest bidder who is an expert in valuation——

Mr. FITZGERALD. What is this man's business?

Mr. LEVY. He is a financial expert; but I am not indorsing any particular individual. There are many expert accountants and appraisers in this country.

Mr. FITZGERALD. That does not mean anything. I know those fellows.

Mr. LEVY. I am informed Mr. Rand has a great reputation as an expert.

Mr. MANN. How does a financial expert qualify to give the valuation of railroad property?

Mr. LEVY. Because of his ability along that line.

Mr. FITZGERALD. Has he worked for the railroads?

Mr. LEVY. I understand by his references that Mr. Rand has worked for the stockholders, and railroads as well, in many cases. He has been selected by important interests all over the country.

Mr. FITZGERALD. Maybe the railroads are trying to put up a job on us.

Mr. LEVY. My sole object is to correct the evils of the present system, and one that would be more economical and bring the valuation to an early conclusion. The Interstate Commerce Commission is holding the whole country up for two or three years on a decision, whereas many of the courts of this country are not allowed to withhold a decision over 60 days; but the withholding of the present rate decision by the Interstate Commerce Commission has interfered with the prosperity of the whole country. The eastern rates decision should have been decided months ago.

You have given them more power and they are more extravagant than any other department of the Government.

Mr. MANN. We do not agree with that.

Mr. FITZGERALD. We can not let that statement go unchallenged.

Mr. MOORE. Suppose we spent $5,000,000 to obtain the physical valuation of the railroads of the country, does the gentleman think that, even after we obtained it, it would help us to secure a decrease in the cost of living?

Mr. LEVY. I do not. But I want to say that I am not converted to this proposition. I only wanted to bring it before the House and show the importance of it and in comparison with the extravagant system we have now.

Mr. MOORE. Does the gentleman think we ought to spend $5,000,000 at all?

Mr. LEVY. No.

Mr. MOORE. How would it decrease the cost of living?

Mr. LEVY. I only want to say here that the system we are going on at the present time, of holding the whole country up and hitting at the business interests of the country, is disastrous.

Mr. FITZGERALD. Mr. Chairman, this is a matter of very vital importance. If there be a doubt in the mind of any other Member of this House, except my colleague, that this work should be done by contract rather than under the supervision of the Interstate Commerce Commission, I would like to know it. I shall not object to the amendment, if offered, in order that we can get a vote and find out just what the situation is.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. LEVY]? [After a pause.] The Chair hears none.

The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

Mr. MOORE. Mr. Chairman, I have collected some letters and statistics on the subject of the cotton trade, which I would like to extend in the RECORD. And I ask unanimous consent that I may do that.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The Clerk read as follows:

All public spaces resulting from the filling of canals in the original city of Washington not now under the jurisdiction of the Chief of Engineers of the United States Army, except such portions as are included in the navy yard or in actual use as roadways and sidewalks, and except the portions assigned by law to the District of Columbia for use as a property yard and the location of a sewage pumping station, respectively, are placed under the jurisdiction of the Chief of Engineers of the United States Army and shall be laid out as reservations as a part of the park system of the District of Columbia: *Provided*, That in addition to the provision made by section 4 of the act approved July 1, 1898 (Stat. L., vol. 30, p. 570), the Chief of Engineers of the United States Army shall have authority to grant permission to the municipal authorities of the District of Columbia or to any of the executive departments to occupy temporarily spaces derived from original canal locations when required by public necessity or convenience: *Provided further*, That a statement of all permits granted from time to time hereunder shall be annually reported to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Speaker, I reserve a point of order on the paragraph. I do not have much knowledge concerning this matter. As to these public spaces resulting from the filling in of the canals in the original city of Washington, what are they? And if we turn them over to the War Department, why should we then let the War Department turn them over to somebody else?

Mr. FITZGERALD. There are quite a number of these public spaces and they are not under the jurisdiction, apparently, of anyone. The District of Columbia has erected some buildings on some of them, and the Department of Agriculture, I believe, has erected some buildings on other portions. The Engineer Department believed that it was desirable to have control over them by some officials of the Government, and, since they had been utilized in this way, not to interfere with such use as was now being had of them, and if it was desirable to permit other use, to give them authority to grant that use. I think that that portion of the provision is not of importance. It might be wise to reserve the right to Congress to determine whether these spaces should be used or not. But there are a number of them, and they should be in the control of some officials of the Government.

Mr. MANN. As to the spaces which are now not occupied by any branch of the public service, either the District or otherwise, I do not see any objection to turning them over to the War Department. But I would not then give the War Department authority to turn them over to somebody else. If they are made a part of the parks, why should they not remain a part of the parks? The gentleman says that some of these spaces are now being occupied by the buildings of the Agricultural Department. There is no exception in here as to the Agricultural Department, I notice.

Mr. FITZGERALD. I was mistaken about the Agricultural Department. The buildings I had in mind are in another place. These are the spaces specifically occupied now.

Mr. MANN. Where were the canals, if I may expose my ignorance and thereby get information?

Mr. FITZGERALD. I would have difficulty in describing them unless I could point them out on a map to the gentleman. There is one here to the west of the Capitol, if I recall——

Mr. MANN. That was the old Tiber River that ran down there.

Mr. FITZGERALD. No; it was the canal.

Mr. GOULDEN. I remember the canal very well. It ran through where the Botanic Garden is and down through the Mall, and then down to the river.

Mr. MANN. That was the old river.

Mr. FITZGERALD. What was known as the James Creek Canal ran down there.

Mr. MANN. According to that, if the gentleman is correct, it would turn over the Botanic Garden to the War Department.

Mr. FITZGERALD. No.

Mr. MANN. That is what this would do.

Mr. FITZGERALD. No; it would not, because the Botanic Garden does not occupy a portion of the spaces that have been filled in.

Mr. MANN. Well, the Botanic Garden is there. I do not think it occupies the space, but the gentlemen have testified that it did.

Mr. FITZGERALD. I did not say that it ran through where the Botanic Garden is.

Mr. MANN. It is public property all the way across there. The old Tiber River ran through the Botanic Garden space. I do not think that is where the canal was, but I do not know.

Mr. PAGE of North Carolina. If the gentleman will permit me, I had occasion to run across what was said to have been this filled-in canal, and it ran from just about the foot of Capitol Hill, at this southwest corner, down almost parallel with South Capitol Street, and there is an appropriation in the District bill of this year to pave across some broken spaces. How long it has been built in I do not know, and I was told by the engineer of the District that that was the location of this canal that is now being discussed here.

Mr. MANN. How could that canal down here west of the Capitol get down into the navy yard?

Mr. PAGE of North Carolina. I can not explain to the gentleman how it got there unless it had a very circuitous route and went into the Anacostia River somewhere in the locality.

Mr. FITZGERALD. The statement was made that the purpose of these canals was originally to bring stone to the Capitol. And these spaces, wherever the canals were—these unoccupied spaces—do exist, and I think it is desirable to put them under the authority of some one. As to whether it is wise to permit the War Department to give these temporary permits, it may be a matter——

Mr. MANN. I do not think that is wise. I make the point of order on the proviso commencing in line 14 of the paragraph.

Mr. FITZGERALD. It is subject to a point of order.

Mr. MANN. I make the point of order on the proviso.

Mr. FITZGERALD. If the gentleman would move to strike it out there would be no opposition.

Mr. MANN. There is no question about its being subject to a point of order, commencing with the word "provided" in line 22 and running down to the end of line 25.

Mr. FITZGERALD. If the gentleman will withdraw the point of order, I will move to strike that language out.

Mr. MANN. Very well. I withdraw the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to strike out all after the word "Columbia," in line 14, to the end of the paragraph.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves to strike out the proviso from line 14 to the end of the paragraph. The question is on agreeing to that motion.

The motion was agreed to.

Mr. TRIBBLE. Mr. Chairman, I ask the privilege of extending my remarks in the RECORD.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Potomac Park is made a part of the park system of the District of Columbia under the exclusive charge and control of the Chief of Engineers of the United States Army, and subject to the provisions of section 6 of the act approved July 1, 1898 (Stat. L., vol. 30, p. 570).

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I did not get time to look it up, but will the gentleman be kind enough to tell us what are the provisions of the act of July 1, 1898?

Mr. FITZGERALD. It refers generally to the parking system of the District. It places all reservations over a certain area under the jurisdiction of the War Department, and the President, if I recall correctly, is authorized to make certain rules and regulations for the control of the parks, to which certain penalties attach, and it was desired to bring the Potomac Park within the purview of that act.

Mr. MANN. I supposed the Potomac Park was already under the authority of the President to make regulations.

Mr. FITZGERALD. It is; but this act defines the parking system and authorizes these regulations as to penalties, and this item is to prevent nuisances and abuses in connection with the parks.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will read.

The Clerk read as follows:

The Chief of Engineers is authorized to permit, at his discretion, boat clubs to erect, maintain, and occupy boat houses in the portion of Potomac Park east of the railroad embankment, and to provide and maintain landing and mooring facilities along the water front; all such permits to be revocable at will by the Chief of Engineers and to be conditioned upon the payment of such periodical rates of compensation as may be fixed by him; all sums collected hereunder shall be paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the revenues of the District of Columbia: *Provided*, That the said structures and facilities shall be located, built, and altered only in accordance with such plans and specifications as may be approved by the Chief of Engineers, and that the Chief of Engineers may make and enforce such regulations for the maintenance, occupation, and use of said structures and facilities as he may deem proper: *Provided further*, That a statement of all permits granted from time to time hereunder shall be annually reported to Congress at the beginning of each regular session thereof.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] reserves a point of order on the paragraph.

Mr. MANN. I would like to ask whether it is the intention under this provision to permit buildings to be erected on the portion of Potomac Park lying east of the railroad, along the northern side of that park?

Mr. FITZGERALD. East of the railroad embankment?

Mr. MANN. East of the railroad on the northern side of the park, on the water front there, or the inlet, or whatever it is.

Mr. FITZGERALD. On the south side.

Mr. MANN. The south side is along the Potomac River.

Mr. FITZGERALD. That is the place.

Mr. MANN. The highway runs along there.

Mr. FITZGERALD. These boathouses, if I understand correctly, are not to be built on——

Mr. MANN. I think the intention would be to put the houses on the north side in the so-called Washington Channel.

not control the appropriations for building roads in forest reserves, and I think it is clearly subject to a point of order.

Mr. MONDELL. The gentleman insists that because we are beginning the widening of the road that therefore it is a new project.

The CHAIRMAN (Mr. HAY). Assuming that it is a work in progress, does that give jurisdiction to the Committee on Appropriations necessarily?

Mr. MONDELL. I assume that the committee retains jurisdiction of the works that it builds, unless there is some legislation which deprives them of that jurisdiction. This committee has provided every dollar that has been used for building and the repair of the road. The item that we just passed provides $7,500 for the repair of the road.

The CHAIRMAN. But the point of order was not made against that item.

Mr. MONDELL. There is no other department of the Government that has jurisdiction. The fact that the road is within the forest reserve does not necessarily give the Agricultural Department jurisdiction by any manner of means. We have many public works in forest reserves not under the jurisdiction of the Agricultural Department.

Mr. MANN. Mr. Chairman, I would like to be heard a moment on the point of order. While my colleague refers to this as a new project, and in one sense that is true, no one questions, I believe, that this is for the repair and improvement of a road in existence. The item is in order on some bills so far as its being a work in progress is concerned, and the question, I take it, that is bothering the Chair is whether this item is in order on this bill or on the Agricultural appropriation bill. If this were an item for the construction of the new road in the forest reserves, the item would be in order, if at all, on the Agricultural appropriation bill, which carries appropriations for improvements in the forest reserves. The Chair will remember, first, that this road was in existence before the forest reserve was created, under the jurisdiction of the War Department, as an approach to the park. Not only that, but it is now under the jurisdiction of the War Department, not under the jurisdiction of the Agricultural Department or the Forest Service.

The CHAIRMAN. How is it under the jurisdiction of the War Department when all the forest reserves are under the jurisdiction of the Department of Agriculture?

Mr. MANN. It is under the jurisdiction of the War Department, as a matter of fact, first, because we make an appropriation, and have for years, for the maintenance of this particular road. Not only is that appropriation carried in this bill, but it is carried in the current law. It has been carried in the law for years, an appropriation for the maintenance of a road in the forest reserve leading out of the park from the east boundary. That is in the current bill, it is in the current law, and it has been carried for years. That maintenance is under the jurisdiction of the War Department. The Chair asks how that could be. This road was constructed before the forest reserve was created, when the land was a part of the public domain, and under the jurisdiction of the War Department, and was retained under the jurisdiction of the War Department when the forest reserve was created. The creation of the forest reserve by a proclamation of the President did not change the jurisdiction of the War Department over this road as an adjunct to the Yellowstone National Park.

The CHAIRMAN. Did the proclamation of the President creating this forest reserve except this road?

Mr. MANN. Probably not.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. MANN. No. I do not want to be diverted from the point of order. That is all I want to argue. Whatever may be the theory of it, the War Department retained jurisdiction of that road. The jurisdiction was not taken away, as a matter of fact, nor as a matter of law, in my opinion, by the order of the President creating a forest reserve with certain exterior boundary limits. Congress, then, has repeatedly asserted that the jurisdiction over this road remained in the War Department by making an appropriation for the maintenance of the road by the War Department.

The Chair will readily see that you could not in the Agricultural appropriation bill make any appropriation for this road to be expended by the War Department; that is, it would be subject to a point of order. The agricultural appropriation bill can not carry an item for the War Department to expend, and we would be placed in this attitude if the Chair should sustain the point of order: First, we make an appropriation for the repair and maintenance of the road to be expended by the War Department. That is not only in the law, but that is in the bill, and that would be the effect. The War Department maintains the road, and when it comes to widening the road, which is a form of repair of the road, if this should be carried in the Agricultural appropriation bill, that would be done by the Forest Service, and there would be two jurisdictions over this road. The Forest Service has never exercised jurisdiction over this road. I think it would require a positive statute to change the jurisdiction of the road from the War Department to the Agricultural Department. The road, to begin with, was an adjunct of the Yellowstone National Park. That authority has not been changed, and for years Congress has recognized the jurisdiction of the War Department over this road by making an appropriation for its maintenance, and it has never recognized the jurisdiction of the Forest Service over the road.

Mr. MONDELL. They have declined to accept the jurisdiction.

Mr. MANN. I do not think they would have authority to accept the jurisdiction. There are many pieces of property in forest reserves that do not belong to the Government. The Government does not undertake to determine when it creates a forest reserve by order of the President that all the land included within the exterior limits of the forest reserve belong to the Government. There are many pieces of property in all these forest reserves which belong to private individuals, and even hamlets, villages, perhaps, are within the exterior limits of the forest reserves. The jurisdiction of this road was not changed from the War Department to the Agricultural Department by the order creating the forest reserves; and since Congress has repeatedly recognized the jurisdiction of the War Department and the War Department is now engaged in maintaining jurisdiction over this road by order of Congress, that is where the jurisdiction rests, as it seems to me.

Mr. FOSTER. Mr. Chairman, I want to say just one word. The gentleman from Wyoming [Mr. MONDELL] endeavored to recognize the fact that this did belong to the forest reserve, because he attempted to get an item in the appropriation bill for the Agricultural Department to build a certain bridge, as stated by him awhile ago.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. MONDELL. The gentleman entirely misunderstood me. I said nothing of the kind. I said I traveled over a part of this road a couple of years ago, and that we came to a bad bridge, and that we asked the forest officer there present——

Mr. FOSTER. Was not that the bridge the gentleman tried to get an appropriation for when the Agricultural bill was up for consideration?

Mr. MONDELL. It was not. I have not tried to get an appropriation for a bridge that I have not gotten. This was a bridge over a small stream. The forest officer was there, and we asked him if he could not use some of the forest funds and put that bridge in repair so that we could get across it, and he said he had no jurisdiction.

Mr. FOSTER. Then, Mr. Chairman, I withdraw the statement. When this forest reserve was created by proclamation of the President, it is very likely that these roads and trails all went along with the forest reserve, and if it is necessary to build this road through the forest reserve from Cody to the eastern boundary of the Yellowstone Park, it is an easy thing for the Agricultural Committee to make this appropriation to build it, and an attempt to put it on this bill and change the jurisdiction of the Agricultural Committee over the appropriation for forest reserves, it seems to me, is out of order.

Mr. RAKER. Mr. Speaker, I would like to say a couple of words on the point of order.

The CHAIRMAN (Mr. HAY). The Chair is ready to rule. It is very clear to the Chair that the forest reserves of the United States are under the jurisdiction of the Agricultural Department, and therefore that any appropriation, speaking generally, made for the purpose of improving forest reserves should be made by the Committee on Agriculture, and that the Committee on Appropriations has not jurisdiction over such appropriations; but in this case it is stated, and not contradicted, that for many years the War Department has had control of this road, that the control has not been disputed by anyone, that the Department of Agriculture has not undertaken to exercise any control over it, and that the road itself has been kept up by the War Department by appropriations made in this bill. Under the circumstances, and applying it to this case alone, the Chair is of opinion that the point of order is not well taken and therefore overrules it.

Mr. LEVY. Mr. Chairman, I ask unanimous consent to return to page 49 and to offer the following amendment as a substitute.

The CHAIRMAN (Mr. POU). The gentleman from New York asks unanimous consent to return to page 49. Is there objection?

Mr. FITZGERALD. For what purpose?

Mr. LEVY. To offer a substitute for that section.

Mr. FITZGERALD. Let us hear it read first.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out lines 16 to 24, inclusive, on page 49, and insert in lieu thereof the following:

"Valuation of property of carriers: The Interstate Commerce Commission is hereby directed to advertise for bids from financial experts for the purpose of carrying out the objects of the act providing for a valuation of the several classes of property of carriers subject to the act to regulate commerce and amendments thereto, and to secure information concerning their stocks, bonds, and other securities, and to award the contract to the lowest bidder. Said valuation shall be completed within four years and shall not exceed $5,197,000; and to enable said commission to carry out the provisions of this section there is hereby appropriated $1,000,000."

Mr. FITZGERALD. I will reserve the right to object for five minutes.

Mr. LEVY. Mr. Chairman, the reason I offer this is that the appropriation in the item contained in this bill is some $1,000,000. I have here an estimate made by a very distinguished expert in railroad values, and he asked me to submit the following estimates to you. That estimate is as follows:

NEW YORK, N. Y., *February 24, 1914.*

Hon. JEFFERSON M. LEVY,
Washington, D. C.

DEAR MR. LEVY: I respectfully request you to submit to Congress the following proposition on my behalf:

That upon a duly authorized and executed contract I will value the United States railroads and carry out the provisions therefor of the Federal valuation act, which passed the House of Representatives December 5, 1912, the Senate, with amendments, February 24, 1913, and was approved March 1, 1913, entitled "Enabling Interstate Commerce Commission to value property of common carriers and prescribing certain methods of procedure; in the physical valuation and securing information concerning their stocks and bonds and boards of directors, amending an act to regulate commerce approved February 4, 1887, by adding thereto a section known as section 19a."

The valuation of each property to show, as required by act March 1, 1913

Original cost to date.
Cost of reproduction new.
Cost of reproduction less depreciation, with analysis of methods with reasons for differences.
Other values and elements, if any, with analysis of methods with reasons for differences.
Original cost, lands, rights of way, terminals, owned or used at time of dedication, and present value.
Original and present cost condemnation damages or purchase in excess of original cost or present value.
And show in addition to requirements of act—
Potentialities.
Going value, whether decreasing or increasing.
Possibilities.
Probabilities.
Strategetic value, if any, of location.
Strategetic relationship to competitors.
Strategetic relationship to general and specific commodities carried.
Show as required by act March 1, 1913—
Properties held for purposes other than those of common carrier, original cost and present value, with analysis of each and reasons for differences.
History and organization of present and previous or subsidiary corporations.
(In the matter of histories of railroads, I now have the most complete data extant; in many instances more complete records of their individual acts than the companies themselves.)
Increases and decreases of stocks, bonds, and other securities, and moneys received upon syndicating, banking, and financial arrangements.
Net earnings.
Gross earnings.
Expenditures of all moneys and purposes for which same were expended.
In regard to stocks and bonds, will show exactly properties upon which they were a lien and the precedence of such lien, that is, first, second, third, or other lien.
In regard to expenditures in operation, will separate actual expense of operation from expenditures for betterments, additions, replacements, and specify expenditures for repairs and expenditures chargeable to depreciation. (Much of the data for this work I now have on hand.)
Further, in regard to the active stocks and bonds, I can show in detail those which have become obsolete or worthless through acts of corporations, and which, through corporate acts, such stocks or bonds should not enter into the cost or value of a specific company.
Show as required by act March 1, 1913:
Amount and value of any aid, gift, grant, or right of way or donation to any carrier or previous corporation, by the Government of the United States, or any State, county, municipality, individuals, associations, or corporations.
Any grant of land to any carrier or previous corporation by the Government of the United States, or any State, county, or municipality, and the amount of money derived from the sale of any portion of such grants, and the value of any unsold portion thereof at time acquired and present time.
Also value of any concession and allowance made by such common carrier to the Government of the United States, or to any State, county, or municipality, in consideration of such aid, gift, grant, or donation.
All facts, data, and records used to be in the form of legal evidence, adapted to each valuation in an orderly and classified manner, so that they can be availed of at any time in the future upon any required date or upon the hearings upon tentative values subject to review.
From the facts deduced, reconstruct the present method of accounting promulgated by the Interstate Commerce Commission and formulate a modern, up-to-date, and comprehensive system of accounting under the provisions of section 20 of the act to regulate commerce, so that the books and records of a railroad will show from the trial balances, as reports rendered to the Interstate Commerce Commission, the actual and real status of each company, and from which the tangible and intangible values may at all times and at any time in the future be deduced.

All of this work and valuation to be begun within 60 days from date of signing and execution of contract and finished within from 3 to 4 years from date of beginning, for the sum of $5,197,000, to be paid $100,000 upon execution of contract and balance in monthly installments, as work progresses, with 10 per cent reserve until last payment is due, such sums when so paid to be in full for the work above referred to.

I further agree to give a reasonable and fair bond as security for the faithful and full completion of the work.

I will also further agree that in all matters of assistants—adaptation being equal—to give preference to the available skill, first, in the Army and Navy; second, in the civil service lists; third, to the general American public, reserving the right of choice and determination of the most efficient skill required in the different departments, and also reserving the right of instant removal for want of skill or efficiency or the discovery of lack of high moral character, so that when the work is finished the Government will have a corps of assistants of the highest skill and qualifications in matters of railroad valuation and knowledge.

Very respectfully,

E. C. M. RAND.

BRIEF OF FEDERAL VALUATION ACT—H. R. 22593.

Passed House of Representatives December 5, 1912.
Passed Senate with amendments February 24, 1913.
Approved March 1, 1913.
Enabling Interstate Commerce Commission to value property of common carriers and prescribing certain methods of procedure.
Physical valuation and securing information concerning their stocks and bonds and boards of directors.
Amending an act to regulate commerce approved February 4, 1887, by adding thereto a new section, known as section 19a.
First. Each piece of property: Original cost to date; cost of reproduction new; cost of reproduction, less depreciation, with analysis of methods, with reasons for differences. Other values and elements, if any, with analysis of methods, with reasons for differences.
Second. Original cost of lands, rights of way, and terminals owned or used at time of dedication and present value. Original and present cost of condemnation damages or purchase in excess of original cost or present value.
(Can give, in addition—going value, potentialities, possibilities, probabilities, strategetic relationship to competitors, strategetic relationship to general and specific commodities carried.)
Third. Property held for purposes other than those of common carrier. Original cost and present value, with analysis of each and reasons for differences.
Fourth. History and organization present and previous corporations. Increases and decreases stocks, bonds, and other securities and moneys received. Upon syndicating, banking, and financial arrangements. Net earnings. Gross earnings. Expenditures of all moneys and purposes; same expended.
(Can give in detail properties upon which stocks and bonds are or have been liens upon; stocks and bonds which have been forfeited by foreclosure or otherwise.)
Fifth. Amount and value of any aid, gift, grant, or right of way or donation to any carrier or previous corporation by the United States Government or any State, county, municipality, individuals, associations, or corporations.
Any grants of land to any carrier or previous corporation by the United States Government or any State, county, municipality, and the amount of money derived from the sale of any portion of such grants and the value of any unsold portion thereof at time (acquired) and at present time.
Also the value of any concession and allowance made by such common carrier to the United States Government or to any State, county, or municipality in consideration of such aid, gift, grant, or donation.
Paragraph 9. Commission from or proscribed. Method of procedure. Form in which result shall be submitted. Classification of elements that constitute ascertained value.
Investigation shall show value in whole and separately, value each State, Territory, and District of Columbia classified in detail.
Paragraph 10. Commerce 60 days after approval and reported as progressed to Congress, beginning each session thereafter, until completed.
Paragraph 11. Coiner pursuant to commission or its agents from time to time as required maps, profiles, contracts, reports of engineers, other documents, records, papers, or copies of any or all.
Free access to agents; cooperate and aid.
Paragraph 12. Commission keep informed as to extensions and improvements or other changes in condition. From time to time revise and correct and revise and correct valuations.
Paragraph 13. Carriers' report as commission requires.
Paragraph 14. Thirty days' notice when tentative valuation is completed and before such valuation shall become final by registered letter to carrier, Attorney General of the United States, governor of the State, and such additional parties as the commission may prescribe, and allow 30 days in which to file protest. If no protest, valuation becomes final.
Paragraph 15. If protest, then hearing. Final determination, prima facie evidence in Interstate Commerce Commission proceedings.
Paragraph 16. If in trial—Interstate Commerce Commission—court refer to Interstate Commerce Commission to hear and determine question value and report back to court.
Paragraph 17. Applies to receivers and operating trustees; forfeit $500 each offense.
Paragraph 18. Attorney General at request of Interstate Commerce Commission to prosecute and secure writs of mandamus.
Paragraph 19. Amending title as at beginning.

MEMORANDUM OF PARAGRAPHS IN RE ANSWERING FEDERAL-VALUATION ARGUMENTS.

Is the appreciation of commodities the depreciation of money?
Changes in rates of wages for substantially all kinds of labor and in prices of most commodities has materially altered the purchasing power of money.
Railway rates have not been adjusted to this diminished value of money.

Mr. MONDELL. It is an outlet from Yellowstone Park in the direction of Cody. It is the outlet to the Chicago, Burlington & Quincy Railroad.

Mr. GOULDEN. It is a connection between the railroad at Cody or some other station and the Yellowstone Park?

Mr. MONDELL. This road does not extend to within 30 miles of the railroad. It extends only to the boundary of the forest reserve. There are about 30 miles of road that is outside of the forest reserve maintained by the local people.

Mr. GOULDEN. There is a road leading from the railroad station to the terminal of this road, as I understand it?

Mr. MONDELL. Yes; a good one.

Mr. FOSTER. Mr. Chairman, I believe that while it is true that when this road was built this land was not in the forest reserve, still it is now a part of the forest reserve and under the control of the Agricultural Department, and is not a part of the parking system.

Mr. MONDELL. Let me make a suggestion to my friend before he proposes his point of order. I do not think the point of order is good. But, assuming that it is, the Forest Service has no money to repair this road. It is a road that, so far as the Forest Service is concerned, is of little value to them. It is not the kind of road that they build. They build roads leading across the reserves, having value in connection with forest matters. They would not repair this road if you gave them the opportunity to do so. They have not any desire to repair it. They need their money for expenditure elsewhere. I am sure the gentleman from Illinois has no desire to allow this road to get into a condition where it can not be used, because it is one of the very important entrances to the park. So far as the people of Wyoming are concerned, we would be perfectly willing to have the Forest Service take care of the road, if they had the money to do it or were disposed to. They are not disposed to spend any money on the road, and they have no money available to spend on the road. They need whatever small sums they have elsewhere, for roads leading across the forest reserves or leading from ranger station to ranger station.

Mr. FOSTER. Mr. Chairman, I think that this is not a matter that comes within the jurisdiction of the national parks, and I do not believe that that item has any place in the bill providing appropriations for parks.

Mr. FITZGERALD. Mr. Chairman, if the gentleman from Illinois will permit me, I think the Agricultural appropriation bill carries about half a million dollars for roads in the forest reserves. The roads that are built by the Forest Service, however, are roads that are essential for the proper maintenance of the forest reserves.

Mr. FOSTER. Oh, not entirely so. I think the gentleman will recall that many of these roads are built through the forest reserves for the convenience of the people who go through them when it is necessary for them to do so, and also for the purpose of enabling the officials of the Forest Service to go through them. The Government built these roads so that the people may go over them.

Mr. FITZGERALD. No. The appropriations are to enable the Forest Service to build such roads and trails as are necessary for the proper maintenance of the forest reserves. But this road from Cody to the eastern entrance to the park is the road that goes from one of the railroad stations through a forest reserve into the park. If it were put in such condition that automobiles could be used on it, persons can go from Cody to the eastern entrance of the park to the belt line in one day. The road now is not in very satisfactory shape. There has been a dispute for some time as to whether the Forest Service should improve and maintain it or whether it should be maintained as part of the expenses of the Yellowstone National Park.

In the item on page 62 there is included $7,500 for the maintenance of the road in the forest reserve leading out of the park at the east boundary, which is this road, and not to exceed $2,500 for maintenance of the road in the forest reserve leading out from the south boundary. These roads are to be considered as a part of the roads of the park system, and the cost should be charged to the expense of maintaining the park. It is contended—and I think correctly—that the Forest Service is not justified in spending the money that would be necessary to put them in proper shape out of this appropriation.

This is a question of making available roads in the park. After some discussion it was thought advisable to include this item in order to put the road in proper shape. Perhaps it will not cost so much to maintain it hereafter.

Mr. FOSTER. Does the Forest Service have control of this reserve, or does the parking system have control?

Mr. FITZGERALD. The War Department, under the language of the other appropriation, maintains it.

The CHAIRMAN. Does the gentleman from Illinois [Mr. FOSTER] make a point of order?

Mr. FOSTER. Yes; I make a point of order.

Mr. MONDELL. Before discussing the point of order, Mr. Chairman, I would like to know what the point of order is.

Mr. FOSTER. The point of order is that this road through the forest reserve is not a part of the parking system, and that the roads of the Forest Service are under the control of the Agricultural Department. This attempts to build roads through the forest reserve, which is not a part of the parking system.

Mr. MONDELL. Mr. Chairman, that is not a very clear point of order.

The CHAIRMAN. The Chair will ask the gentleman from Wyoming whether the Committee on Appropriations has any jurisdiction over the forest reserves?

Mr. MONDELL. The Committee on Appropriations has jurisdiction over this road, and I want to lay down two propositions in regard to it.

Mr. FOSTER. They have no jurisdiction over the forest reserves.

Mr. MONDELL. If the gentleman will allow me, I would like to quote a few facts as against the gentleman's fancy.

Mr. FOSTER. The gentleman may have some fancies himself.

Mr. MONDELL. This is a work in progress; it is an item to finish a work in progress, undertaken and carried on wholly by and under the War Department, now under the supervision of the War Department, always under the supervision of the War Department, never undertaken by the Agricultural Department, and never at any moment under the supervision of the Agricultural Department.

This East, or Cody, Road was first provided for in an appropriation carried in the sundry civil bill in connection with park appropriations, providing for its construction by the War Department by the same officers as constructed the roads within the park. My recollection is that that first appropriation was made some eight or nine years ago. It was carried continuously until the road was completed. It was carried in the same item as the park appropriation, the construction item. In other words, the item was for roads within the Yellowstone Park so much, a certain portion of which was to be used for the construction of the East, or Cody, Road. The road was constructed in that way.

Every one of the park appropriations since the road was completed has carried, as the present appropriation carries, in the item preceding this, a provision in connection with the park appropriation for maintaining this road. The current appropriation bill is as follows:

Yellowstone National Park: For maintenance, repair, and improvements, $125,000, of which sum $75,000 shall be immediately available, including not to exceed $15,000 for the maintenance of the road in the forest reserve leading out of the park from the east boundary.

That is the existing, current law. That is the way that item has been carried for years.

Now, we have inaugurated some extensive work of improvement in connection with the park roads. That is the work of widening them so as to make them available for motor-drawn vehicles.

Mr. HAMILTON of Michigan. Will the gentleman yield?

Mr. MONDELL. As soon as I get through with this statement.

Mr. HAMILTON of Michigan. I thank the gentleman.

Mr. MONDELL. And in connection with that enlarging work we have this item that relates to this park road, the part of it that is in the forest reserve and outside of the park.

Now, I will yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. Simply for my own information I want to ask the gentleman if there has grown up a system by which the Federal Government undertakes to construct roads for the State of Wyoming running to the park, calling it a park system, and the Government standing the expense? If so, how long has the Government been doing that?

Mr. MONDELL. Oh, no; there has not any such system as that grown up. I want to call the attention of the gentleman to the fact that the Yellowstone National Park——

Mr. HAMILTON of Michigan. I know about the Yellowstone National Park.

Mr. MONDELL. Every acre of it that amounts to anything is within the State of Wyoming.

Mr. HAMILTON of Michigan. Exactly. We all know that.

Mr. MONDELL. It is a part of the State of Wyoming.

Mr. HAMILTON of Michigan. Yes; but it is a Government reservation, within the jurisdiction of the Government. As I understand, you have an extension of the highways out into the State of Wyoming, which would properly be under the control and supervision of the State of Wyoming, but a system has

grown up there by which the Federal Government has maintained these roads for the State of Wyoming.

Mr. MONDELL. Of course the gentleman is mistaken; that is all.

Mr. HAMILTON of Michigan. I should like to know about it.

Mr. MONDELL. This East Road, so called, is about half in the forest reserve and half in the park. It leaves the main park system at the outlet of the Yellowstone Lake, passes over the divide via Sylvan Lake, down Jones Creek, to the boundary of the park, and continues down the north fork of the Shoshone through the forest reserve. The only part that the Government has built is the part in the park and in the forest reserve. There is no part of it outside of the forest reserve. I will say for the information of the gentleman from Michigan [Mr. HAMILTON] that no States in the West build roads within forest reserves if they can help it. They get no taxes from forest reserves. They receive no income from forest reserves. As far as they are concerned, forest reserves are absolutely unremunerative.

Mr. HAMILTON of Michigan. Are all these roads across forest reserves?

Mr. MONDELL. The road that the gentleman from Illinois [Mr. FOSTER] has made his point of order on, some 29 miles of it, is on a forest reserve.

Mr. HAMILTON of Michigan. I was only thinking how convenient it would be for a State, if it has within its borders a Federal park or reservation, simply to have the reservation roads extended out into the State.

Mr. MONDELL. If they will open that forest reserve and give it to the State of Wyoming, we will not ask anybody to build any roads; but it strikes me that the gentleman from Michigan is rather straining a point when he insists first that our lands shall be kept in perpetual reservation, so that we receive no income from them, and then that we shall build roads over them.

Mr. HAMILTON of Michigan. I was just thinking of the other States.

Mr. MONDELL. That is far from the point.

The CHAIRMAN. The Chair desires to ask the gentleman from Wyoming whether this appropriation is to be spent wholly within the forest reserve?

Mr. MONDELL. This particular item is to be spent wholly in the forest reserve, as the item which preceded it is to be spent also on a particular section of road. In other words, in this widening of the roads of the park system we have indicated the particular part of the roads which we wanted widened. But the important matter is this: That this is a work in progress; that this road was built by the military officers. It was built by the War Department, and has always been repaired by the War Department under appropriations carried in this bill, and the repairs for this particular road are in the item which precedes this, which is an item that embraces the park roads, all of them, so that it is and has been recognized as a part of the park system.

Now, it happens that this particular section of this particular approach is in a forest reserve, the upper end of the road being in the park; but the fact that the land over which the road is built happens to have been included in a forest reserve, a part of it, since the road was built, does not alter the fact that it is a road built with appropriations carried in this bill, built by the War Department, built by the same officers who have built the park roads, built with the same organization, built with the same tools, built at the same time, and always continued under the jurisdiction of the park officers. It has never been under the jurisdiction of any other department of the Government.

It does not seem to me, Mr. Chairman, that there could be any sort of question in regard to it. If this goes out on a point of order, there are items in this bill for areas or parks entirely surrounded by a forest reserve that must go out. That does not change the situation in regard to this road. If the theory of the gentleman from Illinois were correct, then all it is necessary to do to abolish an approach to a national park which has been built by the War Department and is maintained by the War Department as a part of the park system, is to establish a forest reserve. We know that the forest-reserve officials will not care to take charge of a road of that kind if authorized to do it. The only way they could take charge of this road would be by specific authorization, which would require a change of law to put it under their jurisdiction. Assuming that they wanted it, they have no funds to widen this road.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. I understand this appropriation is for the improvement of a road entirely within the boundaries of the forest reserve outside of the national park.

Mr. MONDELL. Yes.

Mr. RAKER. And it is solely under the Government supervision and control?

Mr. MONDELL. Absolutely.

Mr. RAKER. Then it seems to me that the Government ought to improve those roads, in order to have the approach into the national park.

Mr. MONDELL. The point of the gentleman from Illinois [Mr. FOSTER], so far as he has made any point at all, I assume to be that inasmuch as the road is within the forest reserve, therefore we can not appropriate for it on this bill. If that were true, there are other appropriations carried in this bill that would go out on a point of order. Without regard to the location of the road, it was built in connection with the park system by the officials of the War Department, by the same organization that built the other park roads, and it is being maintained by the park appropriation. The only reason why this particular item was segregated is that we are segregating all these items for widening these roads.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. I would like to say to the gentleman that when you expend the money for maintaining the park, and the county and State expend money building good roads outside, the Government ought to build good roads on the intervening territory over the forest reserves. The Government has absolute jurisdiction of the forest reserves, and they ought to put these roads in shape, so that the people can have the use of it and get into the park. It is absolutely necessary, so that the people can have the benefit of it.

Mr. MONDELL. The gentleman knows that the people of Wyoming do not use the road to any considerable extent. It is a tourists' road.

Mr. RAKER. Yes; I had the pleasure of going over the road, and also the roads in Oregon, and the Government ought to put the roads in shape so that the people can get into the park.

Mr. FOSTER. Yes; but the Government ought to do it in the right way.

Mr. MONDELL. As far as the people's interest is concerned, it would be immaterial to them whether the money was spent by the Forestry Bureau or spent out of the appropriation made in this bill. It would make a great deal of difference to the forestry officers, because they have no funds with which to build and repair roads like this.

I appealed to the Forestry Service two years ago when a bridge on this road got into such a condition of disrepair that it was dangerous. I appealed to the local forestry officers, and they said, in the first place, they had not any funds; and, in the second place, it was not the sort of a road that they built and repaired; and, in the third place, they had no jurisdiction over the road; that the War Department had a crew up there at work, and it was for them to make the repairs.

Mr. BARTON. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BARTON. The suggestion was made by the gentleman from Michigan that the appropriation was more for the benefit of the people of Wyoming. I would like to ask the gentleman this question: I find an item of $211,000 for the improvement of the harbor at Marquette, Mich. Does not the gentleman think that the people would profit more by the building and widening of this road than they would by this harbor improvement?

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. FOSTER. Mr. Chairman, the hearings disclosed the fact that when the chairman of the committee asked Capt. Knight in reference to this item he answered that this was a new item; that it had never been in any of the bills before. Then he described the road running from the eastern boundary of the park through the forest reserve toward Cody. The length of the road is 28 miles and the estimated cost $56,000. So the $20,000 now being appropriated, according to the testimony, was a part of the beginning of the widening of this road and never had been in the bill before. Therefore it is only the beginning of a new project, this widening of the road, so as to make it possible to travel from Cody to the park with automobiles. That is the history of the transaction, as outlined before the Committee on Appropriations. It will cost $2,000 a mile. This was the beginning, so that it seems to me clearly that it is not a continuing project. It is a different proposition entirely in the forest reserve, and the Committee on Appropriations does

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 61, line 12, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BARTON. Mr. Chairman, I would like to ask the gentleman from New York the reason for that amendment, which is similar to the one agreed to in the paragraph preceding?

Mr. FITZGERALD. Mr. Chairman, a year or two ago it was provided that as vacancies in the office of civilian commissioners in these parks occurred they should not be thereafter filled. When the commissions go out of existence the duties devolve upon the War Department. Vacancies have occurred in some of the commissions and there are not three commissioners, and it is thought advisable to strike out the provision for three commissioners.

Mr. BARTON. The gentleman leaves in the words "civilian commissioners"?

Mr. FITZGERALD. Yes; and propose to strike out the word "three."

Mr. BARTON. Will that increase or decrease the number?

Mr. FITZGERALD. The number can not be increased, but in some instances where the vacancies occur there will be less than three.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services, expenses, and labor; purchase and preparation of tablets and gun carriages and placing them in position; and all other expenses incidental to the foregoing, $50,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 62, line 1, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; compensation of three civilian commissioners; engineer and clerk, labor, iron gun carriages, mounting of siege guns, memorials, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys; roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; and other necessary expenses, $42,200.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 62, in line 8, strike out the word "three."

Mr. MOORE. Mr. Chairman, may I ask the gentleman from New York what his purpose is in striking out the number of civilian commissioners? He has already done so in the case of Gettysburg, and now he applies it to the Vicksburg National Park.

Mr. FITZGERALD. As I have already stated, a provision was enacted last year or the year before providing that vacancies in civilian commissioners should not be filled, and as the commissions go out of existence their duties are devolved upon the War Department. Some vacancies have occurred in some of the commissions, so there are no longer three commissioners, and it was deemed advisable to strike out the word "three" and just provide for civilian commissioners.

Mr. MOORE. This would not affect those now in office?

Mr. FITZGERALD. It does not affect those in office and does not in any way affect the number except as by operation of the law the number is reduced.

Mr. MOORE. I think it is due to say as to the Gettysburg Commission, about which I know something, that perhaps it is unexcelled in the matter of competency and patriotism, and that it has done wonderfully efficient work.

Mr. FITZGERALD. It does not affect anybody who is a member of the commission at all.

Mr. MANN. May I ask the gentleman why does he provide an engineer at Vicksburg and not at the other parks? That seems to be a new proposition.

Mr. FITZGERALD. As I recall, at Vicksburg the grounds are much less advanced than at the other parks, and this man has charge of this work, and the two places are combined, and he acts as both clerk and engineer.

Mr. MANN. Have we had this man there before under the appropriations heretofore made?

Mr. FITZGERALD. They had an engineer and a clerk and they dispensed with one position, and this man acts in both capacities.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For widening to not exceeding 18 feet and improving surface of roads and for building bridges and culverts, from the belt-line road to the western border; from the Thumb Station to the southern border; and from the Lake Hotel Station to the eastern border, all within Yellowstone National Park, to make such roads suitable and safe for animal-drawn and motor-propelled vehicles, $75,000.

Mr. FOSTER. Mr. Chairman, I notice in this paragraph just read that there is a new provision, saying that these roads shall be built not exceeding 18 feet wide, suitable and safe for automobiles and other vehicles. I want to know what is the reason this item was put in that provision, "not exceeding 18 feet"?

Mr. FITZGERALD. It developed that the roads were being built about 30 feet wide, and the committee believed that roads 18 feet wide were sufficient, and that we should not go to the expense of building roads as wide as 30 feet.

Mr. FOSTER. It is simply a matter of economy?

Mr. FITZGERALD. For instance, the standard road in the State of New York is 16 feet wide. There are reasons why the roads in the Yellowstone Park should be somewhat wider, but to build 25, 50, 70, or 75 miles of road 30 feet in width seemed to the committee to be unnecessary, and we desired to put that limitation.

Mr. FOSTER. All right.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. The committee deemed it wise in connection with this item to limit the width of the road to 18 feet. I am not altogether certain but what it will be found that that is rather narrow in some places on these roads, but it came out in the hearings or developed in the hearings that the road leading to the west entrance was being widened to a width of 30 feet, and the committee believed that was an unnecessary and excessive width, and that if these roads were generally widened to a width of 30 feet the cost would be so great that Congress would not be inclined to continue the work. If it shall develop that there are places on these roads where they should be widened to a greater width than 18 feet, that can be provided for hereafter; therefore I did not insist on my objection to this limitation in width, because, as a matter of fact, most of the roads are not being constructed to a width in excess of 18 feet and a large portion of the construction is 16 feet.

Mr. STAFFORD. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STAFFORD. Can the gentleman inform the committee as to the width of the roads already established where they are around curves and the like? My recollection is that more than 18 feet is absolutely necessary. We all recognize that 18 feet is adequate for a straight course, but where there are sudden turns, as there are many instances in the Yellowstone National Park, it would be necessary to have a much wider road to insure safety.

Mr. MONDELL. I think the gentleman is correct, and that was the thought I had in mind. However, the committee was of the opinion that there was a disposition on the part of the engineers to widen all the roads to an unnecessary width, and that 18 feet was as wide a road as would be necessary—at least in the straight stretches. Even under this limitation I suppose the engineer would be entirely justified in widening the roads on the turns.

Mr. STAFFORD. But does not this provision, as the gentleman reads it, absolutely limit the construction to 18 feet, whether on turns or whether it is on straight stretches? There is no exception at all made under this provision.

Mr. MONDELL. There are places where the roads come together, junctures, turns, and curves, where, I think, the engineer could very properly assume that that was an exceptional case; but in any event the road foundation can be made wider than 18 feet. We are not completing this work absolutely, and if after working under this appropriation for a year it shall develop that we have unwisely limited the width of the road we can remedy that. In the meantime this provision, as I say, does not prevent the engineer from making such foundations wider than this.

Mr. STAFFORD. The engineer would be guilty of direct violation of the provision if he attempted to evade it in the manner suggested by the gentleman.

Mr. MONDELL. Nothing of the kind. On the contrary, there are roads, so far as the grading is concerned, and so far as the foundation of the roads is concerned, that are, I presume, 40, or even 50, feet wide in the park. Under this limitation the engineer would not be expected to put the finish to the road beyond 18 feet.

Mr. STAFFORD. If he laid the foundation, I believe the gentleman will agree——

The CHAIRMAN. The time of the gentleman from Wyoming [Mr. MONDELL] has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. I will say frankly to the gentleman that, personally having a very considerable interest in Yellowstone Park, I was not anxious to have this language inserted in the bill. The committee was inclined to insist on it, and as far as the major portion of the roads is concerned it is wide enough.

Mr. STAFFORD. I am surprised that he is approving it.

Mr. MONDELL. I only agreed to it because it seemed to the committee that there was a disposition on the part of the engineers to widen the roads at some points unnecessarily.

Mr. STEVENS of Minnesota. May I ask the gentleman a question?

Mr. MONDELL. Yes.

Mr. STEVENS of Minnesota. To what extent have motor vehicles been introduced in the park, and what difference will such introduction make as to the width of these roadways?

Mr. MONDELL. Motor vehicles have not been introduced into the park at all except as regards a country road in the northwest corner of the park in Idaho that is no part of the park system. This widening of the roads is for the purpose of putting them in condition so that they can be utilized for motor vehicles, it being the opinion of the officers in charge that it would be unsafe to allow motor vehicles on the present roads without widening. This is the second appropriation, I believe, for widening the roads. I think last year's appropriation was the first under a plan for the widening of the present roads sufficient to make them safe for both motor and horse-drawn vehicles.

Mr. FITZGERALD. If the gentleman will permit me, the authorization to widen and improve these roads for motor-propelled vehicles only applies to those roads which lead from the outside of the park, the boundaries of the park, to certain points on the belt line.

Mr. STEVENS of Minnesota. Then, may I ask, before motor vehicles can be allowed in the park the whole system of roadways must be widened?

Mr. FITZGERALD. Yes. It is estimated it will cost something over $2,000,000. We have restricted the work that is being done so that persons can go from the place from which they start and into the park by automobiles and reach certain stations. Then, if they wish to go around the park, they can go around in horse-drawn vehicles.

Mr. MONDELL. It is true that while up to this time no provision has been made for the widening of the main circuit, these appropriations for the widening of the approaches, when they shall have been used and the roads shall have been so widened, will make it possible to reach the belt line with automobiles over any of the roads from the outside. Now, there will be no difficulty after that is done in having regulations established under which motor vehicles could go from point to point on the belt line at a time when carriages are not going over the roads. In other words, motor vehicles could very properly be allowed to go from point to point on the belt line at night or early in the morning, at a time when the horse-drawn vehicles are not on the roads.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MONDELL. This appropriation when used is expected to put the roads leading into the park in such condition that motor vehicles can reach the belt-line system from any direction over which there is a road. Thereafter we can either continue widening the roads, or if that is not done, or until it is done—it will be entirely practicable, and I hope it will be done—provide by regulation to allow motor vehicles to pass over the roads at a time when horse-drawn vehicles are not using them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For widening to not exceeding 18 feet and improving the surface of roads and for building bridges and culverts, in the forest reserve leading out of the park from the east boundary, to make such roads suitable and safe for animal-drawn and motor propelled vehicles, $20,000.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on this paragraph.

Mr. MONDELL. The gentleman knows that the paragraph is not subject to a point of order.

Mr. FOSTER. I do not know that. We have not had a decision from the Chair yet.

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. FOSTER. Mr. Chairman, I will get a little information first. This is a provision for widening the roads in a forest reserve?

Mr. MONDELL. Will the gentleman allow me to make a brief statement in regard to the matter?

Mr. FOSTER. Can the gentleman answer the question? Is that a fact?

Mr. MONDELL. It is.

Mr. FOSTER. That by this bill you are taking away from the Agricultural Department the right to control roads and build roads and are putting it in this bill?

Mr. MONDELL. We are not taking anything. We are just continuing our jurisdiction.

Mr. FOSTER. Continuing your jurisdiction? You mean extending it.

Mr. MONDELL. I do not mean extending it. I mean just what I say. This road, the East Road, or Cody Road, as it is known, was built out of appropriations carried in the sundry civil bill. It has always been maintained out of appropriations carried in that bill. The item which precedes this has a provision for ordinary repairs for the road. This is simply an item for the widening of that approach as we have widened other approaches. This road was built as a part of the park system out of appropriations carried in this bill, and has always been a part of the park system.

Mr. FOSTER. This provides for widening the roads and building bridges in the forest reserve, which is not a part of the parking system.

Mr. MONDELL. It is true that this road is in the forest reserve; but it is also true that this road was built as a part of the park system, and a part of that was done before this land was in the forest reserve. It is a road started years ago, built from appropriations carried in this bill, and no other appropriations have ever been made for it; no other funds have ever been used either for its construction or repair other than the funds carried in connection with the park item in the sundry civil bill.

Mr. FOSTER. This, though, is a new item in the bill here?

Mr. MONDELL. It is only a new item in the sense that it is for the widening of this road as distinguished from the ordinary repair of the road; it is a new item just as the preceding item was a new item last year.

Mr. HAMILTON of Michigan. Mr. Chairman, may I ask the gentleman a question?

Mr. MONDELL. Yes.

Mr. HAMILTON of Michigan. The gentleman speaks of this road being within the park system. Does he mean it is within the area of the park?

Mr. MONDELL. No; it is not.

Mr. HAMILTON of Michigan. Then it is outside of the park proper?

Mr. MONDELL. It is.

Mr. HAMILTON of Michigan. And it is within the forest reserve?

Mr. MONDELL. It is. But there are two roads leading into the park which are partly within the forest reserve and which have always been carried in the sundry civil appropriation bill in connection with park items. One of them is the road leading from the south, from the Thumb to Jackson Lake. The other is the road leading from the east boundary down the North Fork of the Shoshone. It happens to be in a forest reserve; but that does not change or alter the fact that it is a road built out of park appropriations and maintained always from those appropriations.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. GOULDEN. These roads are exclusively in the forest reserve?

Mr. MONDELL. A part of this particular road is in the forest reserve and a part of it is in the park.

Mr. GOULDEN. And it is intended as an outlet from Yellowstone Park to where?

Secretary of the Treasury to supply medicines and a doctor for one revenue cutter.

W. C. ADAMSON,
T. W. SIMS,
F. C. STEVENS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. POU in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. MOORE. Mr. Chairman, when the House adjourned on Saturday last it was with the understanding that the first matter to be taken up this morning would be the item in relation to the Frankford Arsenal, which was passed over.

Mr. FITZGERALD. That question can not come up this morning. There is a point of order pending, and the chairman, the gentleman from Tennessee, is absent.

Mr. MANN. The gentleman from Pennsylvania had the right to offer an amendment.

Mr. FITZGERALD. We want to dispose of the whole matter at once. I think it ought to go over until the gentleman from Tennessee comes back.

Mr. MOORE. A number of us have waited over until the gentleman from New York returned to his bill in order that this matter might be taken up, the point of order pending, as the gentleman recalls.

Mr. FITZGERALD. The matter has been passed over, and I will call it up as soon as the gentleman from Tennessee returns.

Mr. MOORE. The gentleman from Illinois made a suggestion that an amendment was to be offered and the gentleman from New York incorporated that in his motion.

Mr. FITZGERALD. We did make an arrangement to accommodate the gentleman from Pennsylvania. I do not think we ought to take the matter up until the point of order is decided.

Mr. MANN. The point of order only relates to one amendment.

Mr. FITZGERALD. That amendment is to provide a certain amount of money for the Frankford Arsenal, and the gentleman from Pennsylvania wishes to offer an amendment providing additional money, and we ought to settle them all at one time.

Mr. MOORE. The gentleman understands that we do not want to lose the right to offer an amendment.

Mr. FITZGERALD. Oh, no; we made the agreement that would protect the right of the gentleman from Pennsylvania to offer an amendment.

Mr. MOORE. What is the proposition of the gentleman from New York?

Mr. FITZGERALD. The gentleman from Tennessee is temporarily absent——

Mr. MOORE. And therefore can not decide the point of order.

Mr. FITZGERALD. And when he returns and gentlemen who are interested are all here we can call the matter up.

Mr. MOORE. And we will not lose the right to offer such amendments as we desire?

Mr. FITZGERALD. No; the understanding is that you have the right to offer further amendments.

Mr. MOORE. Do I understand that the whole matter will go over until Tuesday next?

Mr. FITZGERALD. Until the next day we take the bill up, some day next week.

Mr. MOORE. I am prepared to go on with the Frankford matter now.

Mr. FITZGERALD. I prefer to have the matter all settled at one time.

Mr. MOORE. I will ask the gentleman this as a matter of general convenience. We have waited patiently here according to the agreement of last Saturday. Can we have an understanding that it will be taken up on Monday or Tuesday morning? If the gentleman says it will come up on Tuesday morning, that will relieve the situation.

Mr. FITZGERALD. We will take it up when the gentleman from Tennessee returns.

Mr. MOORE. Does the gentleman intend to press the further consideration of the bill on Monday?

Mr. FITZGERALD. I shall move for consideration of the bill whenever it is in order.

Mr. MOORE. Notwithstanding Monday is District day, according to the calendar?

Mr. FITZGERALD. That is a matter for the House. I shall make the motion, and the House can decide for itself. I intend to move the consideration of this bill at every opportunity. This fiscal year ends in about 10 days. If the House does not want to progress rapidly, the responsibility is upon the House.

Mr. MOORE. Then, we are given notice to be prepared on Monday, Tuesday, or Wednesday?

Mr. FITZGERALD. I give no notice of any kind except that I want to proceed with the bill as rapidly as possible.

Mr. MANN. The gentleman from New York knows that, as a matter of right, we should return to this matter this morning.

Mr. FITZGERALD. I do not think the gentleman has a right to return to it at this time.

Mr. MANN. It was only passed over for the day, but of course it does not make any difference.

Mr. FITZGERALD. The gentleman from North Carolina now in the chair would hardly care to dispose of the pending amendment until the point of order is disposed of, and no further amendment is in order at that place.

Mr. MANN. I think it is in order.

Mr. FITZGERALD. I think not, with the point of order pending.

Mr. MANN. It was a matter passed over for the convenience of the chairman, and the agreement was that we should return to it the first day thereafter.

Mr. FITZGERALD. The belief was that this bill would be under consideration last Tuesday, but it was shut out because of the conference report on the naval bill.

Mr. DONOHOE. Might we not have an understanding that in case the gentleman from Tennessee [Mr. GARRETT] is in the chair on Tuesday next we can go back to this item?

Mr. FITZGERALD. I will ask the House to return to it as soon as the gentleman from Tennessee returns, whether it be Tuesday or not.

Mr. MOORE. We have been here three or four days, waiting patiently, while the chairman of the committee has been away.

Mr. FITZGERALD. Oh, my absences are so infrequent that when I am absent it is conspicuous, which can not be said of the gentleman from Pennsylvania.

Mr. MOORE. Can we have a definite arrangement that this will be taken up on Tuesday morning?

Mr. FITZGERALD. If the gentleman from Tennessee is in the chair, and the House considers the bill on Monday, I may call it up on Monday.

Mr. MOORE. The gentleman having been absent for three or four days for his own convenience is not inclined to consult the convenience of others.

Mr. FITZGERALD. Mr. Chairman, the gentleman's statement is so unfounded and unjust that I wish to say that this arrangement was made for his accommodation and not for mine.

Mr. MOORE. Oh, I beg the gentleman's pardon. He did not make the arrangement for me.

Mr. FITZGERALD. Because he desired to leave the city last Saturday, while I remained here to perform my public duties.

Mr. MOORE. Oh, that is not the fact. The RECORD will disclose the request did not come from me.

Mr. FITZGERALD. Mr. Chairman, I ask the Clerk to read the bill.

Mr. MANN. Mr. Chairman, on Saturday last this item was passed over until Tuesday, or the first day that the House resumed consideration of this bill. That was the order and agreement by unanimous consent. The Chairman of the Committee of the Whole now being temporarily absent, and there being a point of order reserved, of course the present occupant of the chair will not care to pass upon the point of order; but under the circumstances the gentleman from New York [Mr. FITZGERALD] ought also to consult the convenience of other Members. I notified the gentleman from Pennsylvania [Mr. MOORE] yesterday that under the unanimous-consent agreement the Frankford Arsenal matter would come up to-day, and that I

supposed the point of order and the amendment would be passed over because of the temporary absence of the gentleman from Tennessee [Mr. GARRETT]. I think the gentleman from New York ought to be reasonable about it. What is the objection to saying it will be taken up next Tuesday?

Mr. FITZGERALD. Mr. Chairman, I do not know whether the House will determine to proceed on this bill on Monday or not, but if it does, and the gentleman from Tennessee [Mr. GARRETT] is in the chair, I shall ask that the matter be disposed of at that time. If it has to go over until Tuesday, I will ask that it go over until Tuesday.

Mr. MANN. What is the objection to agreeing now that it will come on Tuesday?

Mr. FITZGERALD. If the gentlemen desire it to go over until Tuesday, I have no objection.

Mr. MOORE. That is all we ask.

Mr. FITZGERALD. Perhaps the bill may be disposed of before Tuesday. That will be my hope.

Mr. MANN. I think the gentleman is indulging in a vain hope.

Mr. FITZGERALD. Mr. Chairman, I am satisfied that if go over until Tuesday, if that will accommodate these gentlemen who are anxious to leave.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL MILITARY PARKS.

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; compensation and expenses of three civilian commissioners, maps, surveys, clerical and other assistance, including $300 for necessary clerical labor under direction of the chairman of the commission, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; roads and their maintenance; purchase of small tracts of lands heretofore authorized by law; in all, $57,060.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 61, line 2, strike out the word "three."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRYAN. Mr. Chairman, I have here a matter referring to this entire bill, which will only take one or two minutes' time of the committee. I refer to an article published in the Plate Printer, the official organ of the International Steel and Copper Plate Printers' Union of North America, a subordinate body of the American Federation of Labor, which I desire to read, as follows:

"JAMES C. COURTS—A PUBLIC SERVANT THE VALUE OF WHOSE SERVICES ARE KNOWN OF ALL MEN—HE IS MODEST, PATIENT, KIND, AND COURTEOUS—THE APPROPRIATIONS COMMITTEE, SINCE IT WAS SET UP, IN 1865, HAS HAD BUT TWO CLERKS—SERVED UNDER RANDALL, HOLMAN, SAYERS, CANNON, HEMENWAY, TAWNEY, AND FITZGERALD.

"If we were asked the question, What man, among the hundreds of thousands in the Government service, is indispensable in his position? our first thought would be of James C. Courts, clerk of the Committee on Appropriations of the House of Representatives. Many men, including hundreds of Representatives, have had the same thought regarding Mr. Courts. Time has well demonstrated that no man's services are indispensable; but it is a truth which no man will dispute, that there is not in the Government service to-day a more valuable public servant than the subject of this sketch. And if his compensation were gauged relatively to his value to the Government his salary would be the topnotcher of all those on its pay rolls.

"Mr. Courts was born in the Trinity River country of Texas. When but a boy he moved to Tennessee. He studied law, and the supreme court of that State gave him a certificate admitting him to the bar.

"In 1877 John D. C. Atkins, of Tennessee, was chairman of the Committee on Appropriations. Knowing young Courts's ability, he made him assistant clerk of that committee. The clerk at the time was Robert J. Stevens, of California. He was appointed to that position by Thaddeus Stevens in 1865. Although he bore the same name as the first chairman of the committee, the two were not relatives. Mr. Stevens resigned in 1883, and Mr. Courts succeeded to the clerkship. He has held the position for 31 years. Mr. Stevens and himself are the only clerks the committee has had since its foundation.

"The committee was first constituted in 1865, and Thaddeus Stevens was named as chairman. Prior to that year the appropriations, with some few exceptions, were made by the Committee on Ways and Means. In the same year another new committee, that on Banking and Currency, was constituted. To this committee was given jurisdiction over all questions of banking and currency. Such questions had hitherto belonged to the Ways and Means Committee. At the same time, all the great appropriation bills were given to the new Appropriations Committee. In 1880 the Committee on Agriculture was given jurisdiction over the appropriations for that department. In 1886 the Committees on Military Affairs, Naval Affairs, Post Offices and Post Roads, Foreign Affairs, and Indian Affairs were given charge of their respective appropriation bills.

"Prior to 1865 the Government did not have a fiscal year, and there was great looseness in appropriations, so much so that it was always a difficult matter to determine just what were the Government's responsibilities regarding them.

"A notable case in point was an act passed during the war granting bounty to Volunteer soldiers who reenlisted. That was a continuing, indefinite appropriation, and the Treasury honored all claims under it until 1874. In that year Chairman Garfield put through Congress what was called the "covering-in act," and ever since all appropriations have been made for the fiscal years named.

"Prior to 1874 when Congress authorized the construction of a public building the Treasury honored all demands on that account over a series of years until the building was completed.

"Samuel J. Randall was chairman of the committee when Mr. Courts succeeded to the clerkship. He has therefore served under Chairmen Randall, Holman, Cannon (twice), Sayres, Hemenway, Tawney, and Fitzgerald.

"Mr. Courts is modest, patient, courteous, and faithful to duty. These are characteristics of his nature. His fund of knowledge regarding the details of legislation is seemingly inexhaustible. Thousands of Representatives and persons having business with the Appropriations Committee during the past 30 years would attest that they never went in vain to Mr. Courts for information. They would also with one voice declare that his patience, his courtesy, his kindness were never failing.

"Observe him from the gallery as he sits beside a chairman of the committee during the long hours, days, and weeks when the House is considering appropriation bills. A chairman is asked some question regarding some item in the bill. Oftentimes the chairman has not the information at hand. He inclines his head to the clerk beside him, and Mr. Courts in a low voice, not audible in the galleries, gives the desired and correct information. The chairman apparently, to one not a close observer, gives the information without a hitch, as though he had possessed it all the while. This happens scores of times during the consideration of any appropriation bill.

"And so it has been for more than 30 years. Congresses may come and Congresses may go, but James C. Courts stays on forever. The political complexion of the House affects not his tenure. There is not enough political influence in the United States to oust him from his office. That truth tells the story of the value of his services to the Government."

Mr. PAYNE. Mr. Chairman, I am very glad to join with the gentleman from Washington in the tribute that he has paid to a faithful servant of this House whom I have known personally during all of my service here. I can testify to the truth of every word that is stated in his praise in the newspaper article which the gentleman has just read.

But I rose also to pay another tribute this morning. My esteemed and honored colleague, Mr. GOULDEN, has paid a tribute to a resident and citizen of my own town, Clinton Dougall MacDougall. When the gentleman from New York was paying that tribute I was absent from the House attending the last rites to Gen. MacDougall at Arlington. I knew Gen. MacDougall as a young man, as a soldier, and I have known his career since, both in the political and in the business world. I want to indorse everything that his comrade, Mr. GOULDEN, has said. He was an honored citizen of my own town, a faithful soldier—nay, more than that, a brilliant soldier, who never knew fear, who maintained strict discipline, although a volunteer soldier without experience when he went into the Army, a man who rose high on the rolls of the Army during the War of the Rebellion. He was one of the best soldiers that the Republic has produced. He was in many battles and was wounded severely at times, but his unfaltering courage never wavered. He was always true to duty on the field of battle. He had a successful career in Congress prior to my coming here, and I rise to pay this tribute to one of my old friends. [Applause.]

The Clerk read as follows:

Shiloh National Military Park: For continuing the work of establishing a national military park on the battle field of Shiloh, Tenn.; compensation of three civilian commissioners; secretary; clerical and other services; labor; historical tablets; maps and surveys; roads; purchase and transportation of supplies and materials; office and other necessary expenses, $25,800.

statute, as above, on this point, Senate bill 5809, which I urgently commend to the attention of the Senate, not only the Democrats but the Republicans as well, because it is equally important to honest Republicans as to honest Democrats that a majority of the Republicans should be permitted to nominate candidates acceptable to a majority of their party members, as it is to the Democrats to have the right to nominate candidates acceptable to a majority of their members.

I remind the Senate that the preferential ballot was adopted by both branches of Congress in the Federal reserve act, section 4, for the selection of the directors of the 12 Federal reserve banks, and this system is perfectly well understood by the country.

CORRUPT PRACTICES.

Fourth, I have also had drawn in like manner Senate bill 5864, to define corrupt practices in connection with campaigns for the nomination or election of United States Senators and Congressmen, and to provide punishment therefor. I believe that every Senator will agree, whether he be Democrat or Republican or Progressive, in the importance of having the nominations and elections of the Congressmen and Senators free from corrupt practices.

These and other steps are obviously necessary to carry out the pledge of the Democratic national platform at Baltimore, in which the Democratic Party offered itself to the country as "*an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.*"

PRESIDENTIAL PRIMARY.

I think we should provide for the nomination of candidates for the Presidency and the Vice Presidency by the preferential primary ballot, and that proper statutes should be drawn and enacted covering this point along the line recommended by the President in his annual message last December.

The Democratic platform upon this point declared:

The movement toward more popular government should be promoted through legislation in each State which will permit the expression of the electors for national candidates at *presidential primaries*.

In order to have uniformity in the 48 States, Congress should lay down a few fundamental rules, which would be a minimum condition imposed upon the States in this legislation. At present Congress requires the States to conform to certain rules in selecting Senators, and the constitutionality of the imposition upon the States of a reasonable requirement in regard to this matter will not be denied, since it is the practice of a hundred years.

The State primaries on presidential, senatorial, and congressional candidates could be ordered to take place the second Tuesday in June, beginning in 1916, and the national convention authorized and required to meet within 30 days thereafter for the sole purpose of ratifying the primaries and writing the platforms.

The conventions should consist of nominees for Congress, for the Senate, and of hold-over Senators not defeated in the primaries.

The Federal Government within its sphere is as sovereign as are the States within their sphere, and the Federal Government can and should by statute indicate the minimum requirements that should be provided by the laws of the several States in perfecting the right of the Federal Government to have its officers nominated and elected by a majority of the people, safeguarded against fraud and corruption. If the minimum requirements are not provided by the State law, then the Federal requirement should apply, as in the case of the recent statute for the election of Senators.

If the Democratic Party now in power leaves the country under the machine-rule system, with the door wide open to fraudulent practices in nominating and electing Senators and Members of Congress, after its solemn promise to the American people and after it has been trusted with power by the American people, for the chief purpose of controlling the special interests and the vicious alliance between corrupt business and corrupt politics, it will undoubtedly receive severe condemnation for violating these vital promises so intimately affecting integrity of government.

I submit, therefore, the following resolution and ask that it be referred to the Committee on Privileges and Elections:

Senate resolution 399.

Whereas the party now in power appealed to the American people in 1912 upon the following statement:

"The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected"; and

Whereas it is the sincere desire of all patriotic men of every party to terminate corruption in government: Therefore be it

Resolved, That the Committee on Privileges and Elections prepare the bills necessary to more strictly control corruption, fraud, and machine politics in the nomination and election of the officers of the United States, and to enable the people to have authoritative knowledge with regard to the claims of candidates.

Mr. SMOOT. I understand the Senator has offered that resolution and has asked that it be referred to the Committee on Privileges and Elections.

Mr. OWEN. I ask its reference to the Committee on Privileges and Elections.

The PRESIDING OFFICER. If there is no objection the resolution will be referred to the Committee on Privileges and Elections.

Mr. WILLIAMS. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, June 22, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 20, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou great Father soul, above all, through all, in us all; make dominant Thy spirit within us, that we may climb the mount of transfiguration for the moment and behold with wondering eyes the glorified Christ, the finished product, the paragon of human perfection, that we may descend into the valley with renewed faith and confidence, working the works of righteousness with eager hearts and willing hands, looking forward to that perfection for which we all long, which, in the dispensation of Thy providence, waits on the faithful; in Christ the Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CLERK PRO TEMPORE.

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,
CLERK'S OFFICE,
Washington, D. C., June 20, 1914.

Mr. SPEAKER: Desiring to be temporarily absent from my office for a short time, I hereby designate Mr. D. K. Hempstead, an official in my office, to act for me and in my stead in any and all official matters that may require the official action of the Clerk of the House of Representatives during my temporary absence.

Very respectfully,
SOUTH TRIMBLE,
Clerk of the House of Representatives.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14634) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, had still further insisted upon its amendments Nos. 28, 29, 33, 40, and 71, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased.

SPEAKER PRO TEMPORE AT SUNDAY SESSION.

The SPEAKER. The Chair designates the gentleman from New York [Mr. RIORDAN] to preside to-morrow at the memorial services for the late Representative SULLIVAN.

ORDER OF BUSINESS.

Mr. POU. Mr. Speaker, I ask unanimous consent for the present consideration of the special order which I ask the Clerk to report.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Ordered, That on Tuesday, June 23, 1914, the House stand in recess from 5 o'clock until 8 o'clock p. m.; that the House shall continue in session from 8 p. m. until not later than 11 p. m. During such session it shall be in order to consider in the House, as in Committee of the Whole, bills on the Private Calendar to which there is no objection. The consideration of said calendar shall begin with No. 244 thereon, continuing to the end, after which other bills on said calendar may likewise be considered by unanimous consent.

The SPEAKER. Is there objection to the present consideration of this order?

Mr. MANN. I object.

Mr. FITZGERALD. I expect to ask the House to sit nights until the sundry civil bill is disposed of. Next week is the last week of the fiscal year, and I shall object to any request for any other order.

The SPEAKER. The gentleman from Illinois objects, and the gentleman from New York gives notice that he wishes the House to sit at night until the sundry civil bill is finished.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12945) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

Mr. MANN. I desire to reserve a point of order, and to ask the gentleman if there is a statement.

Mr. RUSSELL. There is no statement. It has not been customary——

Mr. MANN. Then I make the point of order that it is not in order to call it up.

The SPEAKER. What is the point of order based on?

Mr. MANN. There is no statement with the conference report. The rule requires that a conference report and statement of the House conferees shall be printed in the RECORD.

The SPEAKER. There is no question in the world about that.

Mr. RUSSELL. It has not been customary for a long time to file statements with the conference report on these pension bills. The clerk of the committee has been making up these reports, and he has not made up any statements to go with them.

The SPEAKER. Nevertheless, it is the rule that a statement must be printed.

Mr. MANN. I have several times called attention to the fact that there were no statements with these conference reports.

Mr. RUSSELL. I withdraw the report.

BRIG. GEN. CLINTON D. M'DOUGALL.

Mr. GOULDEN. Mr. Speaker, I ask unanimous consent to address the House for two minutes to pay a brief tribute to a former Member of this House, a distinguished soldier of the Republic, who was buried this morning in Arlington, the late Clinton D. MacDougall.

The SPEAKER. The gentleman from New York ask: unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. GOULDEN. Mr. Speaker, to-day in beautiful Arlington Cemetery was laid to rest the body of a brave and heroic soldier of the Republic, an able lawmaker, a loyal citizen, Brig. Gen. Clinton D. MacDougall, of Auburn, N. Y. He served gallantly from 1861 to 1865, and as colonel of the One hundred and eleventh New York Volunteers was wounded at Gettysburg and in several other battles of the Civil War.

Though born and reared in Scotland, he was an ardent, loyal citizen of the country of his adoption. He served with distinction in the Forty-third and Forty-fourth Congresses from the thirty-sixth New York district, represented by the Hon. Sereno E. Payne, the oldest Member of the House in point of service.

For many years Gen. MacDougall had been the president of the board of trustees of the Soldiers' and Sailors' Home at Bath, in that State. He served his adopted country well and faithfully in many positions, and his memory will ever live in the hearts of a grateful people.

It is a special privilege and honor, as a comrade, to pay this brief tribute to one of the Nation's brave defenders and distinguished patriots. [Applause.]

WIDOW OF THOMAS B. M'CLINTIC.

Mr. POU. Mr. Speaker, I call up the conference report on the bill (S. 661) for the relief of the widow of Thomas B. McClintic, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up a conference report on the bill indicated by him and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The report and statement are as follows:

CONFERENCE REPORT (NO. 855).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill.

EDWD. W. POU,
LUTHER W. MOTT,
Managers on the part of the House.

N. P. BRYAN,
THOMAS S. MARTIN,
COE I. CRAWFORD,
Managers on the part of the Senate.

STATEMENT.

The House of Representatives receded from its amendments to pay this widow $2,880 for salary and allowances for one year, and agreed to the bill as passed by the Senate allowing the claimant salary and allowances for two years, or $5,760.

EDWD. W. POU,
LUTHER W. MOTT.

Mr. POU. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. MANN) there were—ayes 58, noes 11.

So the conference report was agreed to.

REVENUE CUTTERS.

Mr. ADAMSON. Mr. Speaker, I call up the conference report on the bill S. 4377, the revenue-cutter bill, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the bill S. 4377, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The report and statement are as follows:

CONFERENCE REPORT (NO. 859).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 4377, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to amendment No. 3 made by the House to the bill and agree to House amendment No. 3; and that the Senate recede from its disagreement to House amendments Nos. 1 and 2 and agree to the same.

W. C. ADAMSON,
T. W. SIMS,
F. C. STEVENS,
Managers on the part of the House.

J. H. BANKHEAD,
KNUTE NELSON,
Managers on the part of the Senate.

STATEMENT.

The Senate passed the bill providing four revenue cutters, the House amended the bill, striking out two of them, inserting amendment No. 3, authorizing the Secretary of the Treasury to supply one revenue cutter with medicines and a physician. The Senate concurred in the first two amendments and concurred in the third amendment with an amendment substantially providing for the same two vessels which the House had stricken out in amendments Nos. 1 and 2. The House disagreed to the Senate amendment to House amendment No. 3 and asked for a conference, to which the Senate agreed, but in doing so used language which might be construed as disagreeing to all three of the House amendments. Therefore the conferees have deemed it proper to use language in their report which expressly agrees to all three of the House amendments, while the Senate expressly recedes from its amendment to the House amendment No. 3 and agrees to the same, so as to leave the bill as it was returned by the House to the Senate, striking out two of the cutters, leaving two authorized, and authorizing the

Mr. SUTHERLAND. This legislation will not help him. Suppose that we were to pass an act of Congress with all due solemnity to-day that the Senator from Vermont should have the right in the State of Vermont to appropriate the water of some particular stream and turn it out of the stream and use it upon his land, would it give the Senator any right?

Mr. PAGE. The Senator does not get my point.

Mr. SUTHERLAND. Yes, I do.

Mr. PAGE. The point is, In the name of all that is good, shall we keep on taking the money to build these projects?

Mr. SUTHERLAND. I had answered that. We are building these projects because we think the agents of the Government of the United States who have these matters in control will be sufficiently diligent to secure the rights of the Indians precisely the same as white people are compelled to secure their rights in these States.

Mr. PAGE. As a matter of fact, I want to say to the Senator——

Mr. SUTHERLAND. Let me say to the Senator it is perfectly futile for us by a piece of legislation to attempt to confer upon an Indian a right which he does not have under the law of the State. We can no more confer a right upon the Indian to get something that he has not a right to get under the law of the State than we can confer the same right upon a white man.

Mr. PAGE. But the poor Indian is not here to say, "You shall not put your hand down into my pocket and take my money." He is not here to say, "You shall not mortgage my farm and then within three years deprive me of all." He is not here to defend himself, and I appeal to the Senator as a friend of the Indian to stand up and say we are not doing a good thing if we permit his farm to be mortgaged.

Mr. SUTHERLAND. All I am saying is that we can not do him any good by this legislation.

Mr. PAGE. Then we should not legislate.

Mr. SUTHERLAND. We can not do him any good by this amendment. We can do him good by appropriating money and building irrigation works and appropriating water, but it must be done under the law of the State. We can not create the right; in other words, we can not extend his rights under the laws of the State.

Mr. PAGE. The Senator said that has been done in one State. Why has that not been the condition in other States?

Mr. SUTHERLAND. I have answered that question. I say the amendment is not necessary in my own State, and so far as Montana and Idaho are concerned the Senator from Vermont must fight out that question with the Senators from those States. I am not going to discuss it.

Mr. PAGE. That is what I am trying to do.

Mr. SUTHERLAND. Now, just a word with reference to what this would result in if it has any effect at all. There is no limitation as to the amount of water which is to be reserved and no limitation as to the length of time the right will exist without the Indian doing anything to carry it into operation. Therefore we may have this situation, and it will be an actual situation if it could apply to the Uintah Reservation. Here is a stream of water rising upon that reservation and flowing out of the reservation to land to be occupied by settlers. The water is being appropriated by these white settlers clear away from the reservation all the time. At the end of 50 years, when some of the descendants of these Indians finally conclude that they want to divert some water from this stream in what was a former part of the reservation, can they divert it and take it from the white man and his successor in interest who has been utilizing it for 50 years? Is that the intent of the legislation? Is that the effect of it? If it has any effect at all, it might result in exactly that sort of a situation.

So, take another stream which rises out of the reservation and flows entirely through it. It rises up in Wyoming and flows through a part of Utah into the reservation and out of the reservation again. Suppose in the meantime during the next 50 years the Indians are not utilizing the water which has been reserved to them or attempted to be reserved on this reservation. White settlers above divert the water and utilize it. White settlers below divert it and use it. At the end of 25 or 30 or 50 years these Indians suddenly conclude that they want to cultivate some land there. Should they be permitted to take these rights from the white men? If the white men are not willing to take rights of that character that are subject to be put an end to in the way I have indicated, is that stream to be perpetually dedicated to idleness during all the years to come by this sort of legislation?

We say that this water is reserved to the Indians. We do not require that they utilize it at any time, and therefore we dedicate it perpetually to waste until the Indians use it unless those white people are willing to make an appropriation subject to having it taken by the Indians for their land, their own land to be rendered valueless whenever the Indian gets ready to do it.

Mr. PAGE. Mr. President, I will take but a moment of time. Here is the opinion of Mr. Meritt, the law clerk of the department. I want again to read what he says about the law.

Mr. SUTHERLAND. I hope the Senator will be brief, because I will yield the floor in a moment, and let him take all the time he wants.

Mr. PAGE. Mr. Meritt says:

According to estimates of the Reclamation Service——

Mr. SUTHERLAND. From what page is the Senator reading?

Mr. PAGE. Page 454 of the 1913 hearings:

According to estimates of the Reclamation Service it will require nearly $3,000,000 to be further appropriated by Congress to complete this project, the money appropriated to be reimbursable out of the proceeds of the sale of land and timber of the Flathead Indians.

Here we are going to ask the Indian to mortgage his land and his timber, for a $3,000,000 project has already been appropriated, and then you state the law is, that if a white man is quicker than an Indian and can appropriate that water quicker than he can, the Indian loses his right. Why do you take the Indian's money unless you can protect him?

Mr. SUTHERLAND. Mr. President, all these rights have been initiated already. The Government of the United States has filed upon these waters for the benefit of the Indians. In my own State they have a clear right, at any time up to the year 1919, to put it to a beneficial use. The effect of the action of the legislature of my State is to permit the Government of the United States to file a caveat upon those waters which will last for 13 years.

Mr. PAGE. Do they do that also in Montana? We are talking about Montana now.

Mr. SUTHERLAND. I have already said to the Senator that I will not discuss Montana.

Mr. PAGE. But Montana is the State we are now legislating for.

Mr. SUTHERLAND. Very well; the Senator must discuss that matter with the Senator from Montana, who knows about it. I do not know what the laws of Montana provide on the subject.

Mr. President, just another reference and then I am through. It was suggested by somebody when we were discussing this question the other day that a citizen of Utah or any of these other States would have no right to initiate a water claim upon a reservation. This claim was made in my own State some years ago. In 1902, when some citizens of that State initiated a water claim upon the Uintah Reservation, in what is called the Strawberry Valley, the question arose as to whether they had a right to initiate a claim upon these waters within the reservation. I argued the case for them before the district judge, and he held that they did have a right to do it; that the waters were subject to the jurisdiction of the State the same as waters upon any other part of the public domain; and that right was initiated and the work was done by them. It was finally turned over by the citizens, and the great Strawberry Valley project is built upon that filing. The Government of the United States, upon the filing made by these citizens upon the reservation, has spent more than a million dollars in building a reservoir and other works under the reclamation act.

The question finally came—not in that particular case, but in another case—to the supreme court of the State. The case is reported in Thirty-seventh Utah. I read from page 217. The court said:

It is now well settled and recognized that there is a distinction between initiating or acquiring a right to the use of unappropriated public waters on public domain and a right or interest in or to the public lands themselves, and that the former is not dependent upon the latter. To initiate and acquire a right in and to the use of unappropriated public water, whether on the public domain or within a reservation or elsewhere, is dependent upon the laws or customs of the State in which such water is found. Property in and to the use of unappropriated waters of a stream or spring or lake on the public domain or within a reservation—

And this was within the Indian reservation—

or within a reservation, may be acquired for a beneficial purpose by mere appropriation, and the first appropriator, to the extent of his appropriation when completed and established, is the owner as against all the world. In order that the appropriator may be entitled to the use of such water, it is not essential that he should have located or taken possession of any tract or parcel of the public domain bordering upon the stream or lake from which the appropriation is made, or that he even have an interest in or to the lands proposed to be irrigated if such be the beneficial purpose of the appropriation. An appropriation may be made of such water for the irrigation of lands not situated upon or near the stream or lake from which it is taken, and the water may be conducted by means of ditches or channels, or otherwise, across the intervening public lands, to irrigate lands possessed by the appropriator or others, or he may sell and dispose of the water thus conducted to others to use it for a beneficial purpose on claims or lands possessed or owned by them, or in which they have an interest and upon which the water may be and is applied for a beneficial purpose. These views are discussed and enlarged upon by Mr. Kinney in his work on Irrigation (chs. 6, 7) and by Mr. Farnham in his work on Waters and Water Rights (vol. 3, ch. 22). And it also has been held that a valid water right may be acquired even though there had been no compliance with the statute regulating the appropriation of unappropriated public waters, where the unappropriated water was actually diverted by means of a ditch or canal or otherwise and applied to a beneficial use before the inception of any adverse statutory claim. (Murray v. Tingley, 29 Mont., 269; 50 Pac., 723, and cases there referred to.)

I come to the concluding part of it, on page 219, which reads:

We have no doubt that unappropriated public water on a reservation or on the public domain is subject to appropriation, and may be appropriated for a beneficial purpose, though the appropriator has not, when his application is filed with the State engineer, a present right in or to the lands along the stream from which the water is proposed to be diverted, or in or to the lands proposed to be irrigated by him. In this respect the appropriation of unappropriated public water on a reservation and the location of a mining claim or other lands on or within a reservation rest on different foundations, and are controlled by different principles. The one is a proper subject of rightful acquisition. The other is not.

That is, the power to acquire the water upon the reservation is a proper subject, while the right to acquire a mine upon the reservation is not.

An appropriation made of such waters will be protected—

Now, I ask the Senator from Vermont to listen to this:

An appropriation made of such waters will be protected—

Mind you this is an appropriation of water upon this very reservation, the Uintah Indian Reservation—

An appropriation made of such waters will be protected, even as against the Government of the United States. The location of mining claims or the taking up of lands on or within a reservation is void and of no effect, because the ores or lands sought to be taken, or acquired, are not then subject to private ownership or acquisition.

That is a clear and emphatic decision in favor of the contention which I am making.

I also call attention, and then I am through, to the fact that in 1886, when we first began the work of constructing for the Indians canals and reservoirs, Congress itself threshed out the subject. The Senator from Minnesota [Mr. CLAPP] will remember the discussion which took place in the committee. I remember that Senator Teller was also a member of the committee at that time, a lawyer of great ability with very pronounced views upon these western questions. The then Commissioner of Indian Affairs insisted that we should undertake then to reserve these rights, and the whole matter was discussed pro and con before the committee. The Senator from Minnesota heard the discussion, I believe, and will bear me out in what I am saying. Even Mr. Roosevelt, the then President, took some hand in the matter and attempted to have a different form of legislation, but that committee after full consideration finally wrote into that law this language:

Provided, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto.

There could not be a more unequivocal recognition of the limitation upon the power of the United States to initiate these water rights than that. It is expressly recognized with reference to this very enterprise that the water must be appropriated under the laws of the State of Utah.

Mr. SMOOT. Mr. President, I make the point of order against the amendment that is now under discussion that it is general legislation upon an appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. Mr. President, I rise for the purpose of making a motion, but I will yield for a short time to the Senator from Oklahoma.

DUTY AND OPPORTUNITY OF THE PRESENT RULING MAJORITY IN CONGRESS.

Mr. OWEN. Mr. President, the Democratic national platform includes the following pledge:

We call attention to the fact that the Democratic Party's demand for a return to a rule of the people, expressed in the national platform four years ago, has now become the accepted doctrine of a large majority of the electors. We again remind the country that only by the larger exercise of the reserved power of the people can they protect themselves from the misuse of delegated power and the usurpation of governmental instrumentalities by special interests. For this reason the national convention insisted upon the overthrow of Cannonism and the inauguration of a system by which the United States Senators could be elected by direct vote. The Democratic Party offers itself to the country as an agency through which the complete overthrow and extirpation of corruption, fraud, and machine rule in American politics can be effected.

No plank in the Democratic platform was of greater importance than the pledge to overthrow corruption, fraud, and machine rule in politics. Machine rule and corruption in party government has been the bane of both the Republican and Democratic Parties and one of the greatest difficulties in the way of perfecting true and honest democratic government.

The means by which machine rule and corruption have accomplished their sinister designs are perfectly well understood, and the remedy is perfectly well understood by students of government.

The Democratic Party, and the members of the Republican party as well, should join with enthusiasm in eliminating corruption and machine rule. The Republican Party was born in half by machine rule in Chicago in 1912. No Senator on this floor, I believe, would venture to say that he thought it a wise policy to permit in any way machine rule, fraud, or corruption in our election machinery. But no individual seems to feel charged with the responsibility of preparing the necessary measure and urging its passage which will make effective the right of the people to express themselves freely and to have authoritative knowledge of the claims of the candidates and of measures and have their will made effective.

I propose, therefore, a resolution charging the Committee on Privileges and Elections with this duty, in the hope that it may meet with the sympathetic cooperation not only of all Democrats, but of all the Republican and Progressive Senators as well.

To facilitate those reforms I have prepared and submit herewith four proposed bills.

CAMPAIGN CONTRIBUTIONS AND EXPENDITURES.

First. The first law requiring important amendment is the law preventing private individuals from contributing unlimited amounts of money in the campaigns relating to the Presidency and to the Members of Congress and Senators. I have had this statute carefully examined and prepared by one of the ablest experts in the United States on this question, Mr. George H. Shibley, and I have introduced it and had it referred to the Committee on Privileges and Elections, Senate bill 5810.

The present law permits any amount of contribution to be made and expended by private persons in relation to these elections and permits intrastate committees the liberty of doing as they please with regard to the nomination and election of Senators and Congressmen, without any conditions being imposed by the Federal law. The plan which I have proposed is to lay down a minimum of requirements in the way of contributions and expenditures by corporations, committees, or individuals; and if passed, this bill will have an important effect upon diminishing fraud in the election of Congressmen and Senators, and would have an important effect on overthrowing machine rule and corruption.

PUBLICITY PAMPHLETS.

Second. In order to enable the people to have knowledge of the claims of the candidates or the public measures upon which they vote there should be a public pamphlet issued at Government expense and delivered by Government Postal Service to the hands of each citizen, giving proper space to each candidate and to each measure voted on. In like manner, I have had prepared and submitted a bill, Senate bill 5865, covering this subject. This bill would permit a man without wealth to make the race for the Senate, and also for Congress, and would place his claims before every voter. The bill proposes a partial contribution, so as to prevent irresponsible candidates entering the field.

PREFERENTIAL BALLOT.

Third. I propose a preferential ballot in order to prevent minority or plurality nominations, which is the most important instrument in the hands of the machine politicians, who have always a highly organized, militant minority under their control, led by captains and lieutenants. They divide the unorganized but more honest majority into three or four or more groups by bringing out a number of unsophisticated candidates, each of whom can command a popular following because of individual merit, and with an organized minority of 20 to 30 per cent of the voters, aided by selfish interests and by fraud, the machine can put over its plurality nomination and win the party nomination and then demand party allegiance and party loyalty in support of their unfairly minority-nominated candidate.

The preferential ballot automatically coheres a majority of electors in favor of the candidate most acceptable to the majority and destroys the plurality nomination, which, as I have stated, is the chief agency of the political machine. The Democratic Party can not make effective its platform pledge unless it disarms the political machine. I have had prepared a suitable

be established, a reasonable time may go far beyond that. It depends upon the circumstances of each case.

All that the Government of the United States is obliged to do is what any corporation would be obliged to do in a similar situation, namely, to do its work with reasonable diligence, complete the canals, the reservoirs, the dams, if there are any, within a reasonable time and make the application of the water within a reasonable time.

It has been held repeatedly that it is not even necessary, when the water is taken out, to apply it to the entire tract of land the first year. A settler may take up 160 acres, and after he has completed his ditch the first year he may be able to apply it only to 5 acres. That is not the measure of his right. The next year he can apply it to an additional 5 acres, and the next year to an additional 10 acres, if that is all he can reasonably do; and he can continue to apply the water until he has redeemed his entire 160 acres, all of this being done within a reasonable time, having in mind, as I have said, the circumstances of each individual case, his right will relate back to the time when the initial steps were taken.

Mr. LANE. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Oregon.

Mr. LANE. I wish to say to the Senator that that was the very wrong we were trying to remove. Under the law of 1905 the Indians were allowed but three years within which to make their improvements upon the land and to bring it under cultivation after they had brought the water to it; and they were not then given by the Government—through the neglect, of course, of their guardian—the means, the tools, and the implements with which to bring it under cultivation. They were absolutely shut out. That was what we were trying to remedy.

Mr. SUTHERLAND. I know nothing about the conditions in Montana, but in my own State there is a provision that the appropriation must be completed within a reasonable time, and there is a limitation upon that, as I remember, of five years. The State legislature recognized the fact that in this great enterprise that would not be a sufficient time, and by act of the legislature we have extended it until the year 1919. The work was begun in 1906, and although the citizens of the State, the water corporations of the State, must in any event complete their appropriations within 5 years, we have so amended our law that the Indians may have 13 years within which to do it; and that time will not expire, as I say, until 1919.

Mr. PAGE. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Vermont.

Mr. PAGE. It seems to me the suggestion just made is a very happy solution of this matter. Does not the Senator think it might be proper to add to these amendments here, if points of order are not made against them and they are allowed to remain, a provision that these appropriations shall not be made unless the State, through its legislature, shall provide that the Indian shall have so many years in which to make his beneficial use?

Mr. SUTHERLAND. I should not like to pass upon that question. It is not necessary to be done in the case of my own State.

Mr. PAGE. The Senator says his own State has provided in that way.

Mr. SUTHERLAND. My own State has done that.

Mr. PAGE. So that is all right. Now, why not let the other States that want this do the same thing?

Mr. SUTHERLAND. I should prefer to have the Senators from those States determine that matter. I am not familiar with their laws. They may have done it.

Mr. PAGE. My idea is that there is no question about these amendments being open to points of order; but then we come back to the other proposition. The State of Montana, for instance, is asking that we add $500,000 to the appropriation made by the House. Does the Senator think that we, as legislators, are doing our duty by the Indians if we add these appropriations unless we protect them by saying that they shall not be granted unless some protection is given to the Indians?

Mr. SUTHERLAND. I will say to the Senator from Vermont that if I felt that in the end these Indians were going to lose their water I certainly would not appropriate money to build works; but I can only speak of the situation in my own State. The people of Utah are quite as careful of the rights of the Indian as the Congress of the United States, and they have been far more careful of their rights in times past than Congress has been.

Mr. PAGE. Mr. President, I should like to call the attention of the Senator from Montana to what I am about to say.

Mr. SUTHERLAND. I hope the Senator will let me complete what I was going to say about this matter before he does that.

Mr. PAGE. Just one word, and then I will. The Senator from Montana, you will bear in mind, has just introduced an amendment that provides, substantially, that unless they make their improvements within three years the right shall lapse. The Senator from Utah says that in his State the Indians have 13 years; and still Montana is asking that we add to the appropriation to the extent of half a million dollars.

Mr. SUTHERLAND. I should like to complete what I have to say upon this question, and I shall be very brief. I do not want to undertake to settle for Montana what should be done in that State.

As it seems to me, the question involved here is, after all, a comparatively simple one. The rule of the common law was that the water of a stream should be permitted to run in its accustomed channel. Under the common law—and that is the rule in all of the Eastern States to-day—an owner of land can not divert the water for the purpose of irrigating his land or leading it away from the channel of the stream. It is true that the riparian proprietor may utilize the water to a certain limited extent for the purpose of flooding his meadows and for other purposes, but it must be returned to the channel.

That rule of the common law was found to be entirely inapplicable to the conditions in the arid-land States, because crops could not be grown simply by the fall of the rain. That rule of the common law originated in England and was adopted in this country because the conditions were such that it was not necessary to resort to artificial irrigation. The rain which fell from the heavens took care of the crops. In the arid section, however, when it was discovered that the rainfall was wholly insufficient, and that water must be diverted from the streams in order to grow crops, the courts at a very early day held that the rule of the common law, being entirely inapplicable, ceased to have any existence. Indeed, that was based upon a larger and more general rule of the common law itself, namely, that the reason of the rule ceasing, the rule itself ceases. So they held that the reason of the common-law rule having ceased in the arid-land region, the rule itself ceased.

The Supreme Court of the United States has held repeatedly that in the absence of local laws or local customs which prior to the adoption of the statutes had the force of laws, the rule of the common law applies. So far as the public lands of the United States are concerned, the United States is a proprietor, the same as any individual is a proprietor. In the absence of any rule of the State to the contrary, the United States would have a right to rest upon the common-law rule that the water should run as it had been accustomed to running.

Now, if the United States or an Indian tribe or an individual within a State seeks any other rule than the common law—that is, seeks the right to divert the water and consume it in the irrigation of land—he can not resort to any law of the United States, nor to the rule of the common law, because the rule of the common law is against him. He must go to the State law; and the State, having the right to say that the common law in that respect shall be departed from and appropriation for a beneficial use take its place, has the right to condition its exercise. Therefore, if the United States or an Indian tribe undertakes to appropriate water in derogation of the rule of the common law and in conformity to the law of the State, the law of the State must be complied with because the law of the State is the measure of the right.

Mr. PAGE. And under the law of the State, or under the common law, is it true that the man who first makes appropriation of this water holds it?

Mr. SUTHERLAND. Under the law of the State, the man who first appropriates it and puts it to a beneficial use.

Mr. PAGE. That is the statement made by the Senator from Idaho this afternoon.

Mr. SUTHERLAND. That is a correct statement.

Mr. SHAFROTH. Not under the common law.

Mr. SUTHERLAND. Not under the common law. The common law did not recognize the right at all. As the Senator from New Mexico [Mr. CATRON] says, that was really the common law of these arid-land States, because, as I say, the old rule was departed from in pursuance of the controlling rule, that the reason of the rule ceasing, the rule itself ceases.

The Senator from Colorado [Mr. SHAFROTH] calls my attention to a recent decision of the Supreme Court in Two hundred and thirteenth United States, the case of Boquillas Land & Cattle Co. against Curtis, the syllabus of which reads:

Under section 3198, Revised Statutes of Arizona of 1887, the common-law doctrine of riparian rights does not now obtain in that Territory, and, as held by the supreme court of the Territory, the doctrine of appropriation was recognized and to some extent in force prior to and since 1833 in the State of Sonora, now a part of that Territory.

Confirmation of an estate does not enlarge it, and where the original Mexican title did not carry riparian rights, the mere confirmation thereof by the United States does not give such rights to the confirmee.

The rule is laid down and the limit of the authority of the United States in matters of this kind is nowhere more clearly stated than in One hundred and seventy-fourth United States, from which the Senator from Idaho read. Let me repeat a sentence or two from that case.

That was a decision by Mr. Justice Brewer, who, by the way, dissented in the Winters case. I may say not only that Justice Brewer was one of the greatest judges who has ever sat upon that bench, and one of the greatest of the judges who sat upon it at the time he occupied it, but no judge has ever sat upon that bench who was so familiar with western questions as Mr. Justice Brewer. He was a judge upon the bench in Kansas for many years, and in Colorado, a circuit judge holding court in Colorado, trying upon the circuit these irrigation cases and mining cases; and it is no secret that the bench turned to Justice Brewer as an authority upon irrigation and mining questions whenever such cases came before the Supreme Court. He speaks with peculiar authority upon matters of this kind. He dissented, as I say, in the Winters case.

Justice Brewer, in the Rio Grande case (174 U. S.), after calling attention to the rule of the common law which I have stated, says:

While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether this power to change the common-law rule and permit any specific and separate appropriation of the waters of a stream belongs also to the legislature of a Territory, we do not deem it necessary for the purposes of this case to inquire.

He proceeds:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized.

And, of course, when the court states that two limitations must be recognized, the converse of that naturally follows that only the two will be recognized.

First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream—

Now, to what? Not to divert the water for purposes of irrigation; not to take it up and consume the corpus of the water as irrigation renders necessary, but—

to the continued flow of its waters; so far, at least, as may be necessary for the beneficial uses of the Government property.

It is not stated in very precise terms, but whatever the right may be it is not a right to divert water; it is a right to the continued flow of the water.

But the thing which is sought to be reserved here is not the right to the continued flow of the water, so far as that may be necessary, in the language of this case, for the beneficial use of the Government property or the Indian property, but it is a proposition to reserve the water for irrigation purposes; that is, to reserve the water under the rule laid down by the State laws. It is a direct recognition of the rule of the State, and not the rule of the common law or the rule announced by this case.

Of course, if the United States relies upon the local law—a State law—it must act in accordance with the conditions of the local law. If the State has the power to confer the right to appropriate water in derogation of the common law, it of course has the lesser power to condition the exercise of that right in any way it pleases; and when the United States relies upon that right conferred by the State to appropriate water in derogation of the rule of the common law, it must accept the conditions which the local law has imposed.

Mr. SHAFROTH. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to state to the Senator, as references have been made to decisions to the effect that a State has the right to change the mode of appropriation to that of riparian ownership, the legislature, of course, has no such right, but it must be done by a constitutional amendment of the State. That is the only way by which it can be done.

Mr. SUTHERLAND. Yes. The other limitation which this case announced is one that I need not read. It is simply the right to protect the navigability of the streams. Of course, that right arises from an express provision of the Constitution of the United States. That is a right which exists under the commerce clause of the Constitution.

Mr. PAGE. May I interrupt the Senator?

Mr. SUTHERLAND. I yield to the Senator from Vermont.

Mr. PAGE. I want to say that this matter was brought before the Committee on Indian Affairs, and on page 378 of the hearing we have the law given by the law officer of the Bureau of Indian Affairs. I do not want to take up the time of the Senate in reading it, but——

Mr. SUTHERLAND. What law does the Senator refer to?

Mr. PAGE. Let me read it, and the Senator will see:

The climatic and physical conditions are such that this project—

Referring to the Fort Hall project—

has given considerable trouble and anxiety since its construction. Moving sands, weeds, and animals in the summer and ice in the winter have given more than the usual amount of trouble and expense, but it is hoped that with the proper seasoning of the structures and an increase in farming some of these difficulties will disappear or at least become less.

Referring to the proviso clause regarding water rights, I wish to say:

The purpose of this and other similar legislation in this bill is to protect the rights of Indians to water on Indian reservations and on allotted Indian lands held under trust or by other patents containing restrictions on alienation.

To establish more certainly and securely water rights of Indians is a matter of the greatest importance in administering satisfactorily their affairs. On a number of reservations where Indians have been allotted the land is practically of no value for agricultural purposes without irrigation. Water on these reservations is a vital factor in developing the Indians living thereon, so that they may become self-supporting and be raised to a higher standard of civilization.

The Supreme Court, in the case of Winters v. United States (207 U. S., 564), said that "the power of the Government to reserve waters and exempt them from appropriation under the State laws is not denied, and could not be."

I will take only a moment. Here is the law given with citations. Then we come to the conclusion:

I have quoted the laws referred to and shown the money expended on the reservations named—

Three million three hundred and twenty-one thousand five hundred and twenty-three dollars and eighty cents—

in order to indicate the great importance of the matter under consideration and the necessity of conserving the water rights of Indians on the large number of Indian reservations throughout the United States.

The Indian water-right situation is one of the most acute and important questions relating to Indian matters now before the Indian Bureau.

So they emphasize that in the strongest possible way as one of the most acute and important questions before the bureau at this time.

There are dependent upon the solution of this question not only property rights involving millions of dollars, but the success or failure, prosperity or poverty, of thousands of Indians who are the wards of the Government and whose interests it is the duty of the Indian Bureau to protect.

The CHAIRMAN. Why do you add this provision which materially modifies the law which has existed heretofore?

That is the provision we are talking about.

Mr. MERRITT. We are asking that this proviso clause be incorporated in the bill in connection with a number of irrigation projects for the reason that we find it necessary if the water rights of the Indians are to be protected. Congress has appropriated in a number of cases a large amount of money for irrigation projects on various reservations and has required that those appropriations be made reimbursable out of the funds of Indians. States have passed certain laws which make it desirable, in certain cases, that the water be made beneficial use of by the Indians; otherwise the Indians stand a chance of losing their water rights or else taking their water-rights status to the courts for determination. This item, we believe, will protect the water rights of the Indians on a number of reservations where large appropriations have been made, and where, if they lose their water rights, they will receive no benefit from the irrigation projects heretofore constructed.

Mr. SUTHERLAND. I have read all that before. The quotation that is made from the Winters case is a correct statement, but it is one of those unfortunate statements that sometimes courts, and the highest courts, lapse into. It is "a mere dictum." It was not involved in the case. Two cases are cited as authority for the proposition by the court which do not bear out the statement. One of the cases is the one from which I have just been reading, and which clearly does not bear out any such statement as that. It has not the remotest connection with it. The other is a case that has not yet been referred to, a case in One hundred and ninety-eighth United States, which involves the fishery rights of the Indians. That was a case arising either in Oregon or Washington, I have forgotten for the moment which, where the Indians had entered into a treaty with the Government by which they ceded certain lands, but the treaty expressly stipulated that it reserved their rights of fishery. It was held, and properly held, that under that treaty the reservation was effectual; that they still continued to have the right to fish upon the stream. That is obviously a very different thing from this matter of utilizing the waters of a stream. So neither of those cases will bear out the statement of the court, and, moreover, the statement, as I have said, is a mere dictum.

Mr. PAGE. Conceding that the Senator from Utah is absolutely correct in regard to the law we have before us, the caution is given by the Indian Commissioner that the Indians are liable to lose what they are putting into these lands. If that is true, if these waters which have been impounded for the benefit of the Indians may be diverted at any time to the first man to make a beneficial use of them, are we doing right by the Indians to continue to appropriate millions of dollars every year when the commissioner tells us those rights are liable to be taken away from them?

applies it to a beneficial use. It is not necessary that he keep off the public lands or that he refrain from interfering with the water that flows over the public lands. The National Government as a proprietor is in the same position as any individual, and must yield to the laws of the State the same as must an individual.

I will take a moment to read from some of the decisions upon this question briefly. I would not detain the Senate if it were not for the fact that this is a matter of more than ordinary concern to us:

The United States have no constitutional capacity to exercise municipal jurisdiction, sovereignty, or eminent domain, within the limits of the State or elsewhere, except in cases in which it is expressly granted.

The Supreme Court further says:

First, the shores of navigable waters and the soils under them were not granted by the Constitution to the United States and were reserved to the States respectively. Second, the new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third, the right of the United States to the public lands and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land in controversy in this case.

Again, the court says in Martin v. Lessees (16 Pet., 410):

When the Revolution took place the people of each State became themselves sovereign, and in that character held the absolute right to all their navigable waters and the soils under them for their own common use, subject only to rights since surrendered by the Constitution to the General Government.

Says the Supreme Court in Seventh Howard:

It is not questioned that land within a State purchased by the United States as a mere proprietor and not reserved or appropriated to any special purpose might be liable to condemnation for streets or highways like the land of other proprietors under the rights of eminent domain.

* * * * * * *

Every State in the Union comes, and must come, in on the same basis as every other State. The State has the absolute right to control the game and the manner of hunting the same within the State. The admission of a Territory to statehood abrogates the terms of a treaty with Indians as to the right to hunt upon the public lands. The sovereign rights of the State can not be taken away by treaty or act of Congress.

In Two hundred and sixth United States the Supreme Court says:

In other words, the determination of the rights of the two States inter se in regard to the flow of waters in the Arkansas River is subordinate to the superior right on the part of the National Government to control the whole system of reclamation of arid lands. That involves the question whether the reclamation of arid lands is one of the powers granted to the General Government.

* * * * * * *

Clearly, it does not grant to Congress any legislative control over the States, and must, so far as they are concerned, be limited to authority over the property belonging to the United States within their limits.

During the discussion of one of these cases before the Supreme Court Mr. Justice White, now Chief Justice, said from the bench in a colloquy with one of the attorneys:

You constantly talk about the public lands. When you speak of the public arid lands, are you deducting from the fact that they are public lands a governmental right or power in Congress? Do you suppose if there are 100 acres of public land in a State, the existence of that public land in the State invests Congress as a Government with the power to destroy the law of the State because it owns land in the State which an individual would not have?

That states the matter, Mr. President, in a nutshell. The fact that the National Government owns lands in a State does not empower the National Government to interfere with the laws of the State in any respect whatever. The land is subject to the control of the State just the same as it would be if it belonged to any other proprietor.

Mr. SUTHERLAND. Mr. President, in that connection, will the Senator from Idaho permit me to suggest, in support of what he is saying, that whenever we provide for the erection of a public building in one of the States the State government has absolute control over it, unless we have procured from the State the cession of jurisdiction?

Mr. BORAH. The Supreme Court said in another case:

But it is useless to pursue the inquiry further in this direction. It is enough for the purposes of this case that each State has full jurisdiction over the lands within its borders, including the beds of streams and other waters.

Now, with reference to the right of individuals to appropriate the waters of public streams flowing over public lands, I will not stop to read, but I desire to put in the RECORD the statutes of 1866 and 1877.

Mr. TOWNSEND. What statutes?

Mr. BORAH. United States statutes.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The matter referred to is as follows:

SEC. 9. And be it further enacted, that whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals, for the purposes aforesaid, is hereby acknowledged and confirmed: *Provided, however*, That whenever, after the passage of this act, any person or persons shall, in the construction of any ditch or canal, injure or damage the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

This statute, after providing for the sale of desert lands and the appropriation of water for the reclamation of the same, declares that "all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights."

Mr. BORAH. The constitution of the State of Idaho provides on this subject as follows:

APPROPRIATION OF WATER—PRIORITIES.

SEC. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district those using the water for mining purposes or milling purposes connected with mining shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section 14 of article 1, of this constitution.

The doctrine of prior appropriation has been established in our State by the constitution.

As I have said, I am not familiar with the Montana situation, but, so far as the Fort Hall situation is concerned, the parties went upon a public stream, complied with the State law, appropriated the water, diverted it from the stream, put it into a reservoir, and took it from the reservoir and put it upon the public lands. Whatever rights they have there they claim by virtue of having complied with the State law. They conceded the jurisdiction of the State, and, having conceded the jurisdiction of the State, having secured whatever rights they had by virtue of having complied with the laws of the State, enjoying all they do enjoy because of the laws of the State, I think it will not be seriously contended that, so far as that right is concerned, it is not subject in all its ramifications and the effects of distribution to the laws of the State.

Mr. WILLIAMS. Mr. President, I wish to ask unanimous consent to withdraw a point of order which I made. I offered an amendment to the committee amendment, on page 73, from line 6 to line 10. The Senator from Oklahoma made a point of order upon my amendment, and then I made a point of order upon the committee amendment to which it was an amendment.

I have been looking into the matter, and I believe the committee amendment is a meritorious one, as was my amendment to it, and I do not think I ought to defeat one meritorious thing because somebody else, by a point of order, has defeated another meritorious thing.

I therefore ask unanimous consent to withdraw the point of order I made to the committee amendment, on page 73, lines 6 to 10, inclusive.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. The proper way, of course, if we are going to do it in violation of the rule, would be to reconsider the vote by which the point of order was sustained.

Mr. NORRIS. It was not sustained by a vote.

Mr. WILLIAMS. I can not move to reconsider a ruling of the Chair. I have just taken stock of the question, and I have found out that I have no right to withdraw it, because it has been passed upon and has gone out of the bill; that I can not even do it by unanimous consent after we get back into the Senate out of the Committee of the Whole, and the only way to do it is to get unanimous consent in Committee of the Whole.

Mr. SMOOT. I thought the Senator referred to the amendment which was offered by the Senator and referred to the Senate and voted upon by the Senate.

Mr. WILLIAMS. Oh, no; this is in another part of the bill, and this amendment went out altogether upon the ruling of the Chair on the point of order. There was no reference of the matter to the Senate at all.

I ask that consent.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. TOWNSEND. If I understood the ruling of the Chair on that subject—I may have misunderstood him—he took out the amendment prior to that also. I take it the request applies also to that?

Mr. WILLIAMS. No, Mr. President; my request for unanimous consent applied only to what I have mentioned.

Mr. TOWNSEND. Yes; but my point is that the amendment just before this also went out with it. If I understood the Chair correctly, he said both went out together.

Mr. WILLIAMS. No; somebody else made a point of order on the balance of it.

The PRESIDING OFFICER. The question is on agreeing to the amendment, the point of order to which was withdrawn, which will be stated.

The SECRETARY. On page 73, the paragraph beginning on line 6 and ending with line 10 on that page, reading as follows:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

The amendment was agreed to.

Mr. SMOOT and Mr. SUTHERLAND addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. SMOOT. Mr. President, I rose for the purpose of entering a point of order against the amendment which has been discussed this afternoon; but if my colleague desires to address the Senate I will withhold it.

Mr. SUTHERLAND. I wish to say something on this question before we finally pass away from it; but there are several other amendments.

The PRESIDING OFFICER. Does the Chair understand that the senior Senator from Utah yields to his colleague?

Mr. SMOOT. I yield for that purpose.

Mr. SUTHERLAND. I am not at all particular whether I say what I have to say now or later on some of the other amendments.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SUTHERLAND. I yield to the Senator.

Mr. OWEN. I do not want to interrupt the Senator nor break in on the thread of his discourse. I understood that I should be recognized after the Senator from Utah, but I understand he yielded to his colleague.

The PRESIDING OFFICER. Yes.

Mr. OWEN. So I will ask permission to be recognized after the Senator from Utah.

The PRESIDING OFFICER. That certainly will be done.

Mr. SUTHERLAND. Mr. President, in this discussion we have rather lost sight of the language of the proposed amendment. It is:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed.

I do not know exactly how this reservation was created. I know that some of the reservations in Montana are what are called treaty reservations; that is, they were created under the terms of a treaty entered into between the United States and the Indians. Other reservations to which this same amendment is directed were created by Executive orders. That was the case with reference to the Uintah Reservation in my own State. That reservation was created in 1864 by an Executive order issued by President Lincoln.

The position of the Senator from Arkansas [Mr. ROBINSON] seems to be that no matter how the reservation was created the United States has the power to reserve these waters from the operation of the laws of the States. Whatever construction may be given to the decision of the Supreme Court in the Winters case, it certainly does not go to that extent, because it dealt with a reservation that was created by a treaty, and the full extent to which the decision of the Supreme Court can by any possibility go is to hold that under that treaty there was an implied reservation of the waters, which would be in legal effect the same as though it had been expressly reserved.

Mr. ROBINSON. Mr. President——

Mr. SUTHERLAND. I yield to the Senator from Arkansas.

Mr. ROBINSON. I stated in the beginning of my remarks that the Winters case applied to such reservations as were created by treaty or agreement stipulations between the Government and the Indians, and that it might be that that doctrine would not apply to other reservations, but that a different doctrine would apply. I made that statement distinctly.

Mr. SUTHERLAND. The same amendment, however, is found with reference to the Uintah Reservation, which, as I say, was created by an Executive order and is not a treaty reservation at all. However that may be, the amendment ought not to be put upon the appropriations for any of these reservations.

What is it that this amendment proposes to do? It proposes, first of all, to reserve waters so far as they may be necessary for irrigation purposes, and, further, to provide that the failure of any Indian or Indians to use the waters for a beneficial purpose shall not in any manner defeat his or her right to the same.

Either the Indians upon that reservation have a superior right to this water or they have not, as I suggested to the Senator from Vermont. If they have a superior right, that is a right which can not be added to by any act of Congress. It is a right which exists independently of any act of Congress. So, in that view of it, this amendment is absolutely needless. If, on the other hand, they have no right superior to that of any other resident or citizen of the State of Montana, then no act of Congress can confer it upon them. In that view of the matter, while the amendment is inoperative, it is mischievous, because it attempts to assert a power upon the part of Congress which it does not possess, and is likely to come up hereafter as an embarrassing circumstance in any contentions which may arise between different claimants. In either view, it ought not to be adopted as an amendment to the bill.

Mr. TOWNSEND. Mr. President, will the Senator yield for a question?

Mr. SUTHERLAND. Yes.

Mr. TOWNSEND. The Senator is more familiar than I am with these irrigation projects. Is it not an act of declaration of intention to make beneficial use of the land in an Indian reservation when the Government constructs an irrigating plant for the purpose of irrigating that particular tract of land? What further notice must be given that there is an intention to apply it to that particular use on that reservation?

Mr. SUTHERLAND. That would depend upon the law of the State. In the absence of a law to the contrary, no notice at all would be required. It would simply be necessary that the appropriator should begin his work of appropriation, follow it up with reasonable diligence, and make an application of the water to his land and to a beneficial use within a reasonable time. That was the law of all the arid-land States.

Mr. TOWNSEND. Of course, in every one of the cases where this provision is attached there had been an appropriation made by the Government, and I assume that they had complied with the laws of the State up to that point; at least that they had a right to do what they did in making the appropriation and constructing the irrigation plant. That provision was intended, if I understood it correctly, that if anything should happen so that this water which had been appropriated or which had been impounded, which had been provided for through the appropriation, should not be within a certain time or within any particular time applied to the reservation for which it was appropriated the Indian should not lose his right under it. Now, do I understand the Senator to say that the Federal Government—the Congress of the United States—has no right to prepare for such an emergency as that?

Mr. SUTHERLAND. I have not the slightest doubt about it in my own mind. Of course I may be mistaken; but I was going on to discuss that very matter.

Mr. TOWNSEND. Then I want to say this, in order that the Senator may discuss it if he thinks it worth while: It seems to me it has been a most serious mistake on the part of the Government to expend the amount of money it has expended in the construction of irrigation projects at the expense of the Indians, if in the end the only people or largely the only people who are going to get the advantage of it are white people who have simply taken advantage of this investment of the Indians.

Mr. SUTHERLAND. If it turned out in that way the Senator would be quite correct; it would be a mistake, or at least a partial mistake, and at any rate it would be most unfortunate. There is, however, no necessity of its turning out in that way. What is a reasonable time within which to complete the works and to put the water to beneficial use depends upon circumstances. If a single individual is appropriating water for a 10-acre tract of land from a nearby stream, three months might be a reasonable time and anything beyond that an unreasonable time. In the case of an enterprise involving several thousand acres of land and bringing water from a remote distance, two years might be a reasonable time. In a case of this kind, where hundreds of rights are involved, where an immense tract of land is involved, and where a large irrigation plant must

proposition as to the source to which he must go in order to get this additional privilege and to get this additional right.

Mr. SHAFROTH. In line with what the Senator has stated I should like to make an observation, and that is that the power of the Government over a stream in a State in order to protect the navigability of the waters below is a negative or a veto power, in order to prevent something; but it can not create anything by virtue of any law which it may attempt to exercise over the stream of a State. In other words, even in the construction of a bridge across a navigable stream, the United States Congress can not provide that a bridge shall be constructed; it can give its consent to the construction of a bridge, but you have also to get the consent of the State in order to construct the bridge. The power of the Government, therefore, is simply negative.

Mr. BORAH. The Senator is quite correct. The court in this case, on which Senators rely, further says:

> While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether this power to change the common-law rule and permit any specific and separate appropriation of the waters of a stream belongs also to the legislature of a Territory we do not deem it necessary for the purposes of this case to inquire.

But this was a territorial instance which came under the Two hundred and seventh United States in the Winters case:

> Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized.

These are the ones to which the Senator from Arkansas called attention:

> First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream.

You notice that they are not discussing the doctrine of prior appropriation there, but of the riparian owner, a man who has land bordering upon a stream. The court says that the Government of the United States, without its consent, can not be deprived of its riparian rights, and I will call attention in a few moments to some statutes which I think the court was overlooking at the time; but I accept that proposition nevertheless, and I do not quarrel with it, so far as the questions now being discussed are concerned.

Mr. ROBINSON. Mr. President, just a minute. Would the Senator hold that the United States would have to make an appropriation of the waters for beneficial use of land they own and that the appropriation would have to be made under the State laws? I think the courts hold otherwise.

Mr. BORAH. Mr. President——

Mr. SHAFROTH. I will state to the Senator——

Mr. BORAH. I do not think the courts do hold otherwise. The fact is that the practice of the United States has been universal in all these reclamation projects to go upon the stream and appropriate the water. I can not put my finger on a Federal decision, but there have been two decisions sustaining the doctrine of prior appropriation between the Government and the individual, the same as between two individuals; but in all instances the Senator will find that the United States Government has never taken the chance of claiming anything by virtue of its being a government; but it has gone upon the stream the same as the individual and appropriated the water when it was desired for the purpose of irrigating its land.

Mr. SHAFROTH. Mr. President, I will state to the Senator from Arkansas that the very act creating the reclamation fund provided specifically that the rights of the States with respect to irrigation should be observed in the construction of the dams and reservoirs under that act.

Mr. ROBINSON. Certainly, that is true; but if the United States owns the land through which a stream flows, it would not be, in my judgment, compelled, in the absence of an act of Congress—of course, Congress could require it—but otherwise it would not be compelled to make an appropriation under the State law. I think the courts have so held, and I think I shall be able to show that.

Mr. TOWNSEND. Mr. President, in this connection I wish to make a suggestion. Suppose, as in this case or in some other cases, the Government has, with the consent of the State or without it, established a reservation and has erected irrigation works by the use of the money of the Indians, and a reservoir is established there, what right would the Government have over the water there impounded?

Mr. BORAH. It has just the same right precisely, in my judgment, as if the water had been diverted from the flowing streams of the States or water which otherwise would be the subject of appropriation. If it is not water which by a natural reservoir rises and can not be taken off the land except by trespassing upon it, if it is an ordinary instance of impounding water which has been gathered up somewhere, the only right the Government would have would be the same right as an individual. The Government would have to show that it had appropriated this water, and that it had used reasonable diligence to apply it to a beneficial use or was preparing to apply it to a beneficial use within such time as the court would say was the usual limit.

Mr. TOWNSEND. So that the Government would have no more right, no more authority, over that impounded water than it would have over any stream if it had not gone to the expense of constructing the work?

Mr. BORAH. Exactly. The Senator can see that the Government of the United States could protect itself.

It is said here that the Indians are powerless to protect themselves. The Government of the United States can go upon these streams and protect all Indian reservations by appropriation of water and by providing for its application and use, with all reasonable diligence, and protect the Indians just as fully and completely, in my judgment, as an individual may protect himself in regard to this matter. If the Government sits idly by and does not try to protect the Indian, the Indian, as a ward, may lose; but there is no reason why the Government should sit idly by and not do these things; there is no reason why a State should be ravaged because the Government fails to do its duty.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. ROBINSON. I asked the Senator from Idaho a while ago whether he thought if the Government owned land and desired to make a beneficial use of the waters thereon it would have to appropriate the waters under a State law, and the answer was made by a number of Senators that that was the universal custom, implying that it was obligatory upon the Government to do that. I want to call the Senator's attention on that point to a case which I had in mind, but could not cite at the time I asked him the question. It is cited, however, in the Winters case, on page 747 of One hundred and forty-third Federal Reporter. In that decision the court, in the Winters case, used this language:

> In Story v. Woolverton (Mont., 78 Pac., 589); where the Government had abandoned a military reservation and passed an act granting to the State of Montana a portion thereof, and there subsequently arose a question of water rights between the parties to the suit, the court, in discussing the statutory requirement governing the acquisition of water rights by appropriations made by individuals.

The court then quotes the following language:

> Prior to the time of settlement upon the lands in question, and prior to the appropriation of the waters of Bear Creek by anyone, both the land and the water were the property of the Government. When the Government established the reservation, it owned both the land included therein and all the water running in the various near-by streams to which it had not yielded title. It was therefore unnecessary for the Government to "appropriate" the water.

The Government already owned it, and all it had to do was to take it and use it.

Mr. BORAH. That was a decision of the Supreme Court of the State of Montana?

Mr. ROBINSON. Yes, sir.

Mr. BORAH. Of course, in one sense that decision would be perfectly correct. Under that decision prior to appropriation any citizen could have gone upon that stream and appropriated that water as against the Government. That has been decided too often, I think, to admit of discussion.

Mr. ROBINSON. The doctrine in this case is that, since the Government owns the land and the water, it does not have to go to the State under State laws to use its water, but can take and use it by virtue of its proprietorship.

Mr. SHAFROTH. I think, if the Senator will look into the facts of that case, he will find that the United States Government did not comply with the terms of the statute with respect to filing upon the water.

Mr. ROBINSON. Certainly.

Mr. SHAFROTH. And on that account they were attempting a contest with the United States to take the water.

Mr. ROBINSON. And the court held they did not have a proprietary right.

Mr. SHAFROTH. There is no conflict in that theory with the theory for which the Senator from Idaho is contending. It is just like the decision which the Senator quoted to the Senator from Idaho, namely, that actual appropriation is the test; priority of appropriation is priority of right; and even if a proprietor does not comply with the State laws with respect to filing his plats and things of that kind, if he appropriates the

water he gets it, no matter if a subsequent appropriator should comply with the exact terms of the statute.

Mr. ROBINSON. Will the Senator allow me to reply to his last statement?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BORAH. I do.

Mr. ROBINSON. Just one further word. I wish to say that the doctrine of prior appropriation under State law does not apply in a case of that kind. I refer the Senator from Colorado to a case which has been cited by both the Senator from Idaho and myself, that of the Conrad Investment Co. against the United States (161 Fed. Rep., p. 832). We there find this language:

> The lands within these reservations are dry and arid, and require the diversion of waters from the streams to make them productive and suitable for agricultural, stock-raising, and domestic purposes. What amount of water will be required for these purposes may not be determined with absolute accuracy at this time; but the policy of the Government to reserve whatever water of Birch Creek may be reasonably necessary not only for present uses, but for future requirements, is clearly within the terms of the treaties as construed by the Supreme Court in the Winters case.

That shows, Mr. President, if I may be pardoned just a further brief statement, that in cases of this kind involving Indian reservations—certainly where treaties exist fixing the rights of the parties—the Government impliedly reserves whatever amount of water is reasonably necessary both for present and future uses; and it follows, as a matter of course, that the doctrine of prior appropriation can not apply, because otherwise there would be no necessity for the reservation.

Now, I also call attention to the fact that in the same decision from which the Senator from Iowa quoted a while ago, on page 181, the court quoted approvingly the following language from a decision of the court:

> The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be. (United States v. Rio Grande Ditch & Irrigation Co. (174 U. S., 690, 702; 19 Sup. Ct., 770; 43 L. Ed., 1136); United States v. Winans (198 U. S., 371; 25 Sup. Ct., 662; 49 L. Ed., 1089).) That the Government did reserve them, we have decided, and for a use which would be necessarily continued through years.

> The result of a reservation of water by the Government is to exempt the water from appropriation under State law, so that when the time comes that the Indians need these waters for the irrigation of their land, they will have them in spite of the fact that under State laws appropriations of water have been going on.

Mr. SHAFROTH. Will the Senator yield to me for a minute?

Mr. ROBINSON. I have concluded all I desire to say.

Mr. SHAFROTH. I think, if the Senator will examine those cases, he will find that the facts do not bear out the construction which he is placing upon the decisions. It is true that where a large irrigation enterprise is undertaken it often takes many years to complete it, and that appropriation of the water is reserved for it may be 10 years, it may be 15 years, it depends upon the magnitude of the work very largely; but if the Senator will examine the authorities, I am confident he will find that there has been a failure to comply with some statutory regulation, some regulation with respect to filing upon the water or with relation to filing in the office of the State engineer a plat of the irrigation enterprise, and that that does not conflict with nor abrogate the right of the first appropriator; in other words, they hold that statutory provisions can not abrogate the right given in State constitutions to appropriate water and that priority of appropriation is priority of right in its use.

Mr. MYERS. Mr. President, I trust the Senator will yield to me to interject this observation: The Senator from Arkansas, I understand, read a decision a while ago to the effect that the United States Government could in Montana take water out of streams and put it on land owned by the United States Government without going through the formula of making a statutory appropriation. I merely wanted to observe that that gets the Senator nowhere and proves nothing, because the United States Government in doing that is doing no more than any individual resident of Montana can do. Any resident of Montana who owns land which is arid and which needs water to make it productive and who wishes to cultivate it can take water out of any stream and put it upon that land without the scratch of a pen in compliance with the statutory provisions for appropriation. The laws of Montana recognize common-law appropriations according to custom and usage, and the United States Government did no more than any individual citizen can do.

Mr. ROBINSON. Let me suggest, in reply to what the Senator from Montana has said, that that is all true; but I cited that case as bearing upon the effect of the reservation of water by the Government. If the Government reserved the water from appropriation under State laws, and had the power to use the water without appropriating it under the State laws, it follows, as a matter of course, that whenever the Government wants to do so it can take that water and use it, having reserved it from appropriation under the State law.

Mr. MYERS. I did not catch all the Senator read. There was no question of regulation in the case he read, was there?

Mr. ROBINSON. There was not in that case, but I thought I had previously established the doctrine, as decided in the Winters case, that the effect of setting aside an Indian reserve was to reserve the water necessary for irrigation purposes, and the effect of the reservation was to exempt the water from appropriation under State laws; and if then, according to the case which I cited and which the Senator has just been discussing, the Government can use the water without appropriation under the State law, it follows, as a matter of course, that the effect of the reservation is to withhold it from all appropriation.

Mr. MYERS. Any citizen may do the same thing; so, I repeat, that I do not see that there is any differentiation there.

Mr. ROBINSON. No citizen can reserve water rights in the sense that the Government reserves water rights for these Indians by the treaty.

Mr. BORAH. Mr. President, the case which the Senator from Arkansas cited a few moments ago simply goes to the extent of making the Government the first appropriator on that stream, and nothing more; and, as the Senator from Montana says, any individual can go upon that stream and reserve those rights in precisely the same way. If he began the construction of his ditch or provided any method or means of diverting the water and had actually diverted it, that amount of water was reserved to him, and any more was reserved to him which he had shown the capacity to take out and put upon his land, provided he used reasonable diligence.

Some time ago, when I was diverted, I was calling attention to the case to which the Senator has just adverted in connection with the Winters case. I refer to the case in One hundred and seventy-fourth United States. Let me read another paragraph from it:

> Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable water courses of the country even against any State action.

That, Mr. President, is the authority upon which the court relies in the Winters case, and the authority upon which the court relies in the Winters case bases its decision upon the interstate-commerce clause of the Constitution giving Congress power over interstate commerce and thereby the power to keep open the stream over which that commerce may flow; and nobody, of course, is contending against that proposition.

Now, Mr. President, let us come back to the original principles for one moment. I think that I am familiar enough with the views of the Senator from Arkansas upon some questions to present two or three propositions on which he will agree with me. The first is this, that when the colonies seceded from Great Britain they were the sole and exclusive owners of the waters and all the streams which flowed within their borders. There was nobody else to own them; they belonged exclusively to the States and were subject alone to their sovereignty. Will the Senator tell me under what provision of the Constitution those waters were transferred to the National Government? How did they get there? If the National Government owns and controls the waters of the States, under what provision of the National Constitution does it do so? As has been said by the Supreme Court time and time again, the waters of the streams belong to the States and are subject to their control; and no provision of the National Constitution ever transferred any right over them save and except that of keeping the streams open for navigation for the purposes of commerce.

The second proposition that I will state to the Senator is, that the National Government owns its public land wholly and solely as a proprietor; not as a sovereign, but solely and alone as Jones or Smith or anyone else owns land as proprietor. In a proprietary capacity the National Government can not add to its proprietorship its sovereign power. Therefore the National Government in my State, owning its public lands, stands in the same position as any other proprietor; it has the same rights. If it is in a State where the common-law doctrine of riparian rights prevails, it may insist upon waters flowing by its lands as they were wont to flow. If it is in a State where the doctrine of prior appropriation obtains, any individual may go upon a stream, although it flows over the public lands, and appropriate every particle of the water in the stream, if he

pose they become severed from the public lands, and that no subsequent law or sale should be construed to embrace or operate upon them.

In Kinney on Irrigation, section 124, the author said:

"The term 'public domain' in its broadest sense comprehends all lands and waters in the possession or ownership of the United States, and including lands owned by the several States, as distinguished from lands possessed by private individuals or corporations. The term 'public lands' only embodies such lands as are subject to the sale or other disposition by the United States under general laws. It is a well-settled principle that land once reserved by the Government or appropriated for any special purpose ceases to be a part of the public lands, and in all grants or proclamations declaring public lands open to settlement the portion already reserved is always excepted, though the exception is not specifically mentioned."

In the application of these principles to military reservations, see Wilcox v. Jackson (13 Pet., 498, 513; 10 L. Ed., 264). In Leavenworth R. R. Co. v. United States (92 U. S., 733, 742, 745, 747; 23 L. Ed., 634) the court, in discussing the question whether certain lands granted to the railroad company conveyed lands which had previously been reserved for the Indians, said:

"As long ago as the Cherokee Nation v. Georgia (5 Pet., 1; 8 L. Ed., 25), this court said that the Indians are acknowledged to have the unquestionable right to the lands they occupy until it shall be extinguished by a voluntary cession to the Government; and recently, in United States v. Cook (19 Wall., 591; 22 L. Ed., 210), that right was declared to be as sacred as the title of the United States to the fee. * * * With the ultimate fee vested in the United States, coupled with the exclusive privilege of buying that right, the Indians were safe against intrusion, if the Government discharged its duty to them. * * * We are not without authority that the general words of this grant do not include an Indian reservation."

After quoting from Wilcox v. Jackson, supra, the court said that the rule therein announced "applies with more force to Indian than to military reservations. The latter are the absolute property of the Government. In the former other rights are vested. Congress can not be supposed to grant them by a subsequent law general in its terms. Specific language leaving no room for doubt as to the legislative will is required for such a purpose. * * * The treaty reserved them as much to one as to the other of the contracting parties. Both were interested therein and had title thereto. In one sense they were reserved to the Indians, but in another and broader sense to the United States for the use of the Indians. Every tract set apart for special uses is reserved to the Government to enable it to enforce them." In United States v. Carpenter (111 U. S., 347, 349; 4 Sup. Ct., 435, 436; 28 L. Ed., 451), where the court held that the location of land scrip upon lands reserved for Indians under the provisions of a treaty with an Indian tribe, and the issue of a patent therefor, are void, Mr. Justice Field, in delivering the opinion of the court, said:

"It matters not whether the land had been surveyed or not, the treaty was notice that a part of the quarry could be retained by the Government, and that the whole might be for the use of the Indians. This purpose and the stipulation of the United States could not be defeated by the action of any officers of the Land Department."

In Missouri, etc., Railway Co. v. Roberts (152 U. S., 114, 118; 14 Sup. Ct., 496, 498; 38 L. Ed., 377) the court, in discussing the general question, said:

"It has always been held that the occupancy of lands set apart by statute or treaty with them—the Indians—for their use can not be disturbed by claimants under other grants of the Government not indicating its intention, either in express terms or by the uses to which the lands are to be applied, to change the possession of the lands. And the setting apart by statute or treaty with them of lands for their occupancy is held to be of itself a withdrawal of their character as public lands."

In United States v. Rio Grande Irrigation Co. (174 U. S., 690, 702; 19 Sup. Ct., 770, 774; 43 L. Ed., 1136) the court, in considering the congressional legislation which recognizes and sanctions the right to appropriate water and defines the operative effect of this legislation, and limits and confines it to the public lands, among other things, said:

"The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. (Quoting the language of Chancellor Kent, 3 Kent Com., sec. 439.) While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise. * * * Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress, a State can not by its legislation destroy the right of the United States, as the owner of lands bordering on a stream, to the continued flow of its waters, so far at least as may be necessary for the beneficial uses of the Government property; second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States."

These rules are distinctly recognized and approved in the subsequent case of Gutierres v. Albuquerque Land Co. (188 U. S., 545, 554; 23 Sup. Ct., 338; 47 L. Ed., 588).

The views which we have expressed are conclusive upon the questions herein involved, and render it unnecessary for us to review the statutes and decisions of the courts of Montana upon the questions pertaining to the rights of appropriation, as distinguished from the rules of the common law as to riparian rights.

In conclusion, we are of opinion that the court below did not err in holding that "when the Indians made the treaty granting rights to the United States they reserved the right to use the waters of Milk River, at least to an extent reasonably necessary to irrigate their lands. The right so reserved continues to exist against the United States and its grantees, as well as against the State and its grantees."

The order appealed from is affirmed, with costs.

Mr. BORAH. Mr. President, the proposition which has been presented is in some respects one of universal concern to all the arid-land States, and if any precedent were going to be established it would be worthy of the consideration of all Senators in arid States to consider it gravely before it should have their approval.

So far as the situation in my State is concerned, I do not know of any injury which is likely to follow to the Indian by reason of the failure to put in this amendment, even if the amendment would have any legal worth after inserted. There may be other places where that would be true with which I am not familiar. The proposition which they seek to establish here would create this kind of a precedent: That Congress could, in effect, distribute the waters flowing in a stream of the arid-land States.

If the Winters case does go to the extent to which the Senator from Arkansas believes it goes, it would, in my judgment, override a number of decisions which the court had theretofore rendered, and it would be in the teeth of decisions which the Supreme Court has since rendered.

On the other hand, if I understand the facts of the Winters case correctly, it can be harmonized with the contention which the Senators from the arid-land States make. If we will look back of the opinion into the pleading and ascertain what the facts were, we will find that the Winters case does not necessarily establish a new or an exceptional doctrince such as is supposed on the part of those who have just read it. Now let us see. The complaint in that case said:

In 1889 the United States constructed houses and buildings upon the reservation for the occupancy and residence of the officers in charge of it, and such officers depend entirely for their domestic, culinary, and irrigation purposes upon the water of the river.

The Senator from Colorado put a question which touched the heart of this controversy, and that is whether there was not some question of priority here.

In the year 1889 and long prior to the acts of the defendants complained of the United States, through its officers and agents at the reservation, appropriated and took from the river a flow of 1,000 miner's inches, and conducted it to the buildings and premises, used the same for domestic purposes and also for the irrigation of land adjacent to the buildings and premises, and by the use thereof raised crops of grain, grass, and vegetables.

Now, there had been an actual appropriation upon the part of the United States by and for the Indians under the law of prior appropriation, which obtains in the arid-land States. No one contends here that there may not be an appropriation upon the part or on behalf of the Indian under the law and doctrine of prior appropriation the same as is permitted for the white man. No one contends that you can deprive the Indian of the right to go upon the stream in the State where his land is situated and make his appropriation from the stream under the laws of the State or in accordance with the doctrine of private appropriation.

Afterwards—

Now, mind you, that was a thousand inches—

Afterwards, but long prior to the acts of the defendants complained of, to wit, on the 5th day of July, 1898, the Indians residing on the reservation diverted from the river for the purpose of irrigation a flow of 10,000 miners' inches of water to and upon divers and extensive tracts of land, aggregating in amount about 30,000 acres, and raised upon said lands crops of grain, grass, and vegetables. And ever since 1880 and July, 1898, the United States and the Indians have diverted and used the waters of the river in the manner and for the purposes mentioned, and the United States "has been enabled by means thereof to train, encourage, and accustom large numbers of Indians residing upon the said reservation to habits of industry and to promote their civilization and improvement." It is alleged with detail that all of the waters of the river are necessary for all those purposes and the purposes for which the reservation was created, and that in furthering and advancing the civilization and improvement of the Indians, and to encourage habits of industry and thrift among them, it is essential and necessary that all of the waters of the river flow down the channel uninterruptedly and undiminished in quantity and undeteriorated in quality.

What do we have here upon which to base the decision of the Supreme Court in the Winters case?

I was reading from the Winters case the facts as they are disclosed in Two hundred and seventh United States, pages 566 and 567. Of course, the Senator from Arkansas, able lawyer that he is, knows that the court decides a case upon the facts which are before the court and the decision must be interpreted and construed in the light of the facts which are before the court.

Now, what have we in this case? We have this situation: A reservation had been created by treaty. The Indians had gone upon the reservation and the United States through its officers and through the action upon the part of the Indians had gone upon the public streams, had diverted the water, had applied it to beneficial use, and was claiming the water by virtue of prior appropriation. No one contends that that was not the law with reference to the Indians the same as it is with reference to the white man.

As the Senator from Colorado said, there is another principle which adheres which justifies this decision, and that is that having gone upon the stream, having given your notice of appropriation, having constructed your canal and given evidence of your good faith, the court always permits any reasonable time within which to complete your appropriations. If you show that you originally intended to appropriate a certain

amount of water and that you have land which will ultimately be covered by that water, and your diligence and your activity are sustained by the facts, the court will protect you from the date of the first effort to appropriate to the full extent which is necessary to irrigate your land.

Mr. SHAFROTH. I should like to state to the Senator that we had a test in the State of Colorado upon what is termed the procedure of appropriating water. It arose in a case where a ditch did not comply in any respect with the prescribed statutory provision relating to the filing with the State of the plat of the ditch to appropriate water. The supreme court of that State in a contest as against an irrigation enterprise that did file held that the person who appropriated the water in the first instance would be protected in his right absolutely, notwithstanding he had not complied with the statutory provision in relation to the manner in which it should be taken out; that it was the appropriation of the water which controlled.

Mr. BORAH. I recognize that principle; and when you examine the facts upon which this case was determined, while some of the language of the opinion I confess would lead one to believe that a rather exceptional doctrine had been stated, we must take into consideration the fact that the court was really considering the facts relative to a contest between two appropriators.

Mr. BRADY. Mr. President, I should like to ask my colleague if he does not believe that if in the case he is now discussing the defendant had been a white man the evidence as submitted would justify the defendant, in this case the Indian, in the use of the water for beneficial purposes?

Mr. BORAH. In other words, as I understand my colleague's question, this matter would have been no different if it had been between white men upon both sides.

Mr. BRADY. That is what I intended to ask my colleague.

Mr. BORAH. Let me read further. There is more in this statement of facts, which shows that it does not fall outside of the general rule when you come to measure the decision by the rule of facts stated in the complaint. The court goes on to say:

It is alleged that "notwithstanding the riparian and other rights of the United States and the Indians to the uninterrupted flow of the waters of the river the defendants in the year 1900 wrongfully entered upon the river and its tributaries above the points of the diversion of the waters of the river by the United States and the Indians, built large and substantial dams and reservoirs, and by means of canals and ditches and waterways have diverted the waters of the river from its channel, and have deprived the United States and the Indians of the use thereof. And this diversion of the water it is alleged, has continued until the present time, to the irreparable injury of the United States, for which there is no adequate remedy at law.

The Senators from the arid-land States recognize that that is nothing but an ordinary complaint with reference to a contest between prior appropriators. If the Senator from Arkansas will bear with me a moment, they have not set up here in the complaint a treaty right; they have not set up here a contract right. They have alleged that they went upon the stream and diverted and appropriated the water and applied it to a beneficial use, and upon that they based their right of action, and upon no other state of facts could the court have sustained it without an obiter dictum, because there were no other facts before the court.

It seems that this turns not upon the question of the original grant or the original contract, but upon the question whether or not the Indians having appropriated this water afterwards ceded away the right, an entirely different proposition from the one suggested by the fact that they were relying upon their original contracts. As I understand it, this reservation was a large reservation, and after a time the Indians ceded away certain of their lands, and the question was whether or not they had not ceded away these water rights. The court said it could not be presumed that they had intended to cede away their water rights, having diverted the water and applied it to a beneficial use.

But there is still another proposition. The court says in the opinion—and I read upon page 577 in support of its contention—that it relied upon the case of the United States v. The Rio Grande Bridge & Irrigation Co. (174 U. S., 690).

Let us turn back for a moment to One hundred and seventy-fourth United States and see what it says. We shall find again that this authority is not in conflict with the contention made here that the State controls the water of the State.

Mr. ROBINSON. Will the Senator yield to me for a question?

Mr. BORAH. I yield.

Mr. ROBINSON. I have before me a part of the decision to which the Senator refers. I want to call his attention to the fact that in that case the court uses the following expression:

Although this power of changing the common-law rule—

Referred to a while ago by the Senator from Utah [Mr. SUTHERLAND]—

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream, to the continued flow of its waters; so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States.

Mr. BORAH. I accede to both those propositions, although I desire to say that as to the first proposition I think it has been modified by subsequent decisions or, rather, it has been made clear as to the meaning of the court.

Mr. ROBINSON. It was quoted approvingly in the Winters case—

Mr. BORAH. Exactly.

Mr. ROBINSON. By the circuit court of appeals.

Mr. BORAH. Now, let us take this case, if you please, as a whole and see what it says. The syllabus says:

The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. But every State has the power, within its dominion, to change this rule—

And that is reasserted in the Colorado case, in Two hundred and sixth—

and permit the appropriation of the flowing waters for such purposes as it deems wise. Whether a Territory has this right is not decided.

Turning to the body of the opinion, we find that the court says:

The bill further charges that the purpose is to obtain control of the entire flow of the river and divert and use it for irrigation and supplying waters for municipal and manufacturing uses; that, by reason of the porous soil, the dry atmosphere, and consequent rapid evaporation, but little water thus taken from the river and distributed over the surface of the earth will ever be returned to the river, and that this appropriation of the waters will so deplete and prevent the flow of water through the channel of the river below the dam as to seriously obstruct the navigable capacity of the river throughout its entire course, even to its mouth.

I invite the Senator's attention to the fact that this case in the complaint in the statement of facts was based upon the proposition that this diversion would destroy the navigability of the river, and therefore it invoked the power of Congress, which is recognized as the legitimate power, to preserve the stream for navigable purposes and to prevent its destruction for that purpose. No one doubts, I presume, that Congress may protect a navigable stream from a diversion of the waters so as to preserve its navigability. That was the bone of contention or the gravamen of the charge in One hundred and seventy-fourth United States. The court further says:

The bill charges that such appropriation of the entire flow will seriously obstruct the navigability of the river from the place of the dam to the mouth of the stream.

Then the court says:

The unquestioned rule of the common law was that every riparian owner was entitled to the continued natural flow of the stream. It is enough, without other citations or quotations, to quote the language of Chancellor Kent (3 Kent Com., sec. 439).

But, mind you, you are not here relying upon the doctrine of riparian rights. You are relying upon the doctrine of prior appropriation and the right of the Indian to go upon the stream and secure his right under the State law. If he had no right other than that of an owner of the land, all he could do would be to insist that the waters should continue to flow as they had theretofore flowed. All he could insist was that they continue to pass by his holdings as they had hitherto done. That was the doctrine of riparian rights. He could not take the water from the stream and divert it and spread it over hundreds and thousands of acres of land. You abandon that proposition and go to the other proposition, which has no foundation save and except in the laws of the respective arid-land States. You claim your right of prior appropriation under the State law.

The Indian in the case to which I have reference—I do not know how the other cases are—went upon the stream, appropriated the water, impounded it, and claimed his right under the laws of the State of Idaho. Can he then, or anyone else, turn around and deny the source from which he claims his right? He is not claiming any right here by virtue of a treaty, but by reason of the doctrine that is found in the constitution of my State. No one denies that he has a right to avail himself of all the privileges of any other citizen or any other party who desires to go upon the stream and claim this right.

So far as I am concerned, if I were dealing with the matter in a State I would give him an additional privilege for the very reasons which had been advanced here by the Senator from Arkansas and others. It is true that he is not as agile and so quick to protect his right or is not prepared to do so with as full means as a white man. But that does not change the

implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State was repealed by the act of admission." But to establish this repeal counsel rely substantially upon the same argument that they advance against the intention of the agreement to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied and could not be. The United States v. The Rio Grande Ditch & Irrigation Co. (174 U. S., 690, 702; United States v. Winans, 198 U. S., 371). That the Government did reserve them we have decided, and for a use which would be necessarily continued through years. This was done May 1, 1888, and it would be extreme to believe that within a year Congress destroyed the reservation and took from the Indians the consideration of their grant, leaving them a barren waste—took from them the means of continuing their old habits, yet did not leave them the power to change to new ones.

Appellants' argument upon the incidental repeal of the agreement by the admission of Montana into the Union and the power over the waters of Milk River which the State thereby acquired to dispose of them under its laws is elaborate and able, but our construction of the agreement and its effect make it unnecessary to answer the argument in detail. For the same reason we have not discussed the doctrine of riparian rights urged by the Government.

Decree affirmed.

Mr. Justice Brewer dissents.

United States Reports, 207, pages 574-578.

WINTERS ET AL. v. UNITED STATES.

(Circuit Court of Appeals, Ninth Circuit. Feb. 5, 1906.)

No. 1243.

1. INDIANS—TREATIES—RESERVATIONS—WATER FOR IRRIGATION.

Act May 1, 1888, c. 213, 25 Stat., 114, art. 2, reduced the size of the Montana Indian Reservation under an agreement providing for Congressional donations in order to enable the Indians to become self-supporting as a pastoral and agricultural people. By the treaty the Indians ceded and relinquished their rights to certain lands that they reserved; the reservation being described as beginning at a point in the middle of the main channel of Milk River opposite the mouth of Snake Creek, thence south to a point, thence east, thence in a northerly direction, in a direct line, to a point in the middle channel of Milk River; thence up the Milk River, in the middle of the main channel thereof, to the place of beginning, etc. Held that the land reserved to the Indians being barren and worthless for agricultural purposes without irrigation, the treaty so confirmed should be construed as reserving for the use and benefit of the Indians residing on the reservation a portion of the waters of the Milk River for the irrigation of the reservation lands.

2. WATERS AND WATERCOURSES—APPROPRIATIONS OF WATER—DESERT-LAND LAW—PUBLIC RIGHTS.

A portion of the waters of Milk River having been impliedly reserved for the benefit of Indians cultivating the Fort Belknap Indian Reservation by the treaties with such Indians, grantees of public lands outside of the reservation could not acquire the exclusive right to appropriate all the waters of the river for irrigation under the desert-land act (act of Congress, March 3, 1877, ch. 107, 19 Stat., 377, as amended by act of Congress, March 3, 1891, ch. 561, 26 Stat., 1096), authorizing appropriation by such owners of water for irrigation "subject to existing rights."

3. SAME—WATERS SUBJECT TO APPROPRIATION.

Desert-land act (act Cong. Mar. 3, 1877, ch. 107, 19 Stat., 377, as amended by act Cong. Mar. 3, 1891, ch. 561, 26 Stat., 1096), authorizing the appropriation of waters of holders of land acquired under such acts, applies only to waters of the United States.

Appeal from the Circuit Court of the United States for the District of Montana;

"This is an appeal taken from an order secured by appellee (complainant in the court below) enjoining appellants (defendants in the court below) from interfering in any manner with the use of 5,000 inches of the waters of Milk River in the State of Montana. The order was made by the court upon a hearing under a rule to show cause why the preliminary injunction should not be granted. The suit involves the right of the appellee and of the Indians residing upon the Fort Belknap Indian Reservation to the use of the waters of Milk River for useful and beneficial purposes. This Indian reservation was established by the treaty or convention between the Government of the United States and the Indians May 1, 1888 (25 Stat., 113-125, ch. 213). Appellee's complaint is quite lengthy, as are also the affidavits and statements presented by the appellants at the hearing. We shall endeavor to condense the facts derived from the pleadings and evidence and make a general reference to the statutes and treaties bearing upon the issues raised herein. The Indian reservation comprises an area of about 1,400 square miles, embracing about 1,000,000 acres of land, the greater portion of which is grazing land, "well adapted to stock raising." (Act June 10, 1896, ch. 398, 29 Stat., 351.) There, however, some portions thereof that are suitable for agriculture, and of these portions "approximately about 30,000 acres are susceptible of irrigation with the waters of Milk River. There is but little water to be found upon the reservation itself, and this scarcity of water "renders the pursuit of agriculture difficult and uncertain." (29 Stat., 351, ch. 398.) The center of Milk River is the northern boundary line of the reserve throughout its entire width, and this stream is the only source of supply for the various uses of the Government and the Indians at the agency, and for irrigation purposes generally on the reserve. Since 1889 and 1890 a portion of the waters of the stream have been continuously used by the Government and the Indians for household, domestic, and irrigating purposes, at and near the agency proper, and this is the only source of supply from which to satisfy their requirements and necessities at that place. Since the year 1898 water has been taken from Milk River by means of a canal and used on the reservation for the purpose of irrigating the cultivable lands susceptible of irrigation with the waters of that stream. As alleged in the complaint, "approximately 5,000 acres of land are being irrigated upon said reservation for the purpose of producing thereon crops of hay, grass, grain, and vegetables with the waters diverted by means of said canal and lateral ditches distributing said waters from said canal over the lands. This canal has a carrying capacity of at least 5,000 inches of water, and such amount of water is required for the present needs and requirements of the Government and the Indians for household, domestic, agricultural, and irrigating purposes on said reserve. Besides, stock raising, principally horses and cattle, has always been and is now extensively carried on by the Indians everywhere on the reserve. "The main reliance of these Indians for self-support is to be found in cattle raising." (29 Stat., 351, ch. 398.) And the stock ranging and feeding in the northern portion of the reserve all along the channel of the stream, from the eastern to the western limits of the reserve, must depend principally upon Milk River for drinking water. At the time of the institution of this suit no water reached any part of the reservation, the same having been diverted by the appellants.

"Prior to the enactment of any law recognizing the right of appropriation to the waters on the public lands of all of the country within the State of Montana was Indian country. By the provisions of article 4 of the treaty of October 17, 1855 proclaimed April 25, 1856, there was established and reserved to the Fort Belknap Indians, and other Indian tribes, lands and for their home and abiding place, nearly all that part of the State lying north of the Missel Shell River, and extending from the crest of the main range of the Rocky Mountains eastward, approximately to what is now the western boundary line of the Fort Peck Indian Reservation. (Revision of Indian Treaties, p. 7; 11 Stat., 658.) By the terms and provisions of this treaty the Fort Belknap Indians reserved to themselves the "uninterrupted privileges of hunting, fishing, and gathering fruit, grazing animals, curing meat, and dressing robes." (Article 3 of treaty, 11 Stat., 657.) The territory which was so set apart and reserved to them at that time embraced the channel and the waters of Milk River from its source to its mouth lying wholly in the confines of the United States. This continued to be the abode of these Indians until 1874, at which time their territory was reduced so as to embrace nearly all that part of Montana lying to the north of the Missouri River, and extending from the Rocky Mountains eastward to the Dakota boundary line, including Milk River. (Act of Apr. 15, 1874, ch. 96, 18 Stat., 28.) The tract so set apart remained Indian country and the Indian reservation of these Indians until 1888, at which time the present Fort Belknap Indian Reservation was carved out of the larger reserve established in 1874 as their "permanent home," with the center of Milk River as the northern boundary line of the reservation, and which is now its northern boundary line. The diversion of the waters from the appropriation claimed by them, but they claim the right to divert the waters of Milk River on the ground that the waters of the stream in question were legally and properly appropriated by them and each of them for useful and beneficial purposes under the laws of the State of Montana authorizing the appropriation of the waters of the streams within that State for household, domestic, agricultural, irrigating and other proper purposes as the same are sanctioned by custom, and ascertained by the Federal laws. Their rights to the water are based upon the appropriation of the waters, and the rights relied upon and asserted by them are those, and those only, that inure to appropriators of water under the Federal laws.

"The proofs show that the individual appellants are owners of different quantities of land acquired by them under the desert-land laws of the United States; that their title to a large portion of the lands was obtained from the Government of the United States under said laws. Others had settled upon and applied to enter the land claimed by them under the desert-land laws. Some of them had appropriated different quantities of water from the West Fork of Milk River and others from the North Fork of Milk River, and all claim that at the time the waters were appropriated and diverted by them the lands along the bank of said stream above the point of said diversions were unappropriated public lands. Large amounts of money, exceeding over $100,000, had been expended by them in diverting the water and in making other improvements on their lands. The acquisition of their lands under the desert-land laws and appropriations of water were made during the years 1895, 1900, and 1903. That in all said acts they relied upon the land laws of the United States and upon the rights granted to appropriators of water for the purpose of reclaiming desert lands; made entries under the land laws of the United States for the lands held by them, respectively, and diverted and appropriated the waters of the West Fork and North Fork of Milk River, outside of the limits of the Indian reservation, and the appropriations were made on the lands which were known at the time of settlement upon the extinguishment of the rights of the Indians thereto. All of the lands owned or claimed by appellants, as well as the land owned by appellee and occupied by the Indians, under the treaty with the Government, are dry and arid, and crops can not be grown thereon without sufficient water to irrigate the same. Unless water is obtained, the lands and homes of the respective parties would be rendered valueless and useless.

"First, are our conclusions as follows: 1. The said circuit court erred in holding that by the treaty made and entered into the 1st day of May, 1888, between the United States and the Indians residing upon the Fort Belknap Indian Reservation, there was reserved to the said Indians the right to the use of the waters of Milk River to an extent reasonably necessary to irrigate the lands included in the reserve created by the said treaty, and that by the said treaty there was reserved to the said Indians the right to the use of said waters at all. (2) The said circuit court erred in holding that the reservation of the waters of Milk River, if any, contained in the treaty of May 1, 1888, entered into by the United States, to the Indians residing on the Fort Belknap Reservation, was binding upon respondents or any of them so as to affect the rights of the respondents to the use of the waters of the tributaries of said Milk River based upon acts of appropriation done and had in pursuance to the laws of the United States, the laws of the State of Montana and decisions of its courts, and the customs of the country. (3) The said circuit court erred in holding that the rights of the Indians living upon said reservation to the use of the waters of Milk River were superior to the rights of the respondents or either of them, for the reason that the proof showed affirmatively and without contradiction that the respondents and each of them had diverted, appropriated, and applied to a useful purpose the waters of the said river or its tributaries, according to the laws of the United States, the laws of the State of Montana and decisions of its courts, and customs of the country to the extent claimed by them, and there was no proof showing that there had ever been an appropriation of the said waters according to the said laws, decisions, and customs of the said waters or any thereof according to the said laws, decisions, and customs by the said Indians, or on their behalf. (4) The said circuit court erred in holding that the Indians residing upon said reservation, or the United States for their use and benefit, were entitled as against these respondents or either of them to the prior right to the use of 5,000 inches of the waters of Milk River, or to the prior right to the use of the said waters at all."

B. Platt Carpenter, E. C. Day, Stephen Carpenter, James A. Walsh, C. C. Newman, and R. E. O'Keefe, for appellants.

Carl Rasch, United States attorney, and Edward E. Cushman, special Assistant Attorney General.

Before Gilbert and Ross, circuit judges, and Hawley, district judge.

Hawley, district judge, after making the foregoing statement, delivered the opinion of the court:

The first, and in our opinion the most important, question to be determined in this case is in relation to the construction and true interpretation of the treaty of May 1, 1888, between the Government of the United States and the Indian tribes therein mentioned. What rights, if any, did the Indians obtain by virtue of their consent to the terms of the treaty as ratified? The solution of the Indians and the rights held by them under the prior treaties must be considered. What were the inducements which caused them to give up their abiding places under the original conditions which existed, and to cede and relinquish to the Government some of the rights and privileges which they had previously enjoyed? Their former homes and abiding places, their hunting grounds, and their rights of fishing in the streams and lands over which they roamed were not voluntarily abandoned, were not surrendered to the Government without consideration, or without an object or purpose on their part. The territory over which they previously had occupancy and dominion was very large. They were evidently induced by the commissioners representing the Government to relinquish the greater portion of the vast territory over which they claimed control and had possession by the promise of the Government to aid them with money, and to furnish them with stock and farming implements whereby they could better their condition in life. The act to ratify and confirm an agreement" with the several tribes of Indians in Montana, "and for other purposes" (act May 1, 1888, ch. 213, 25 Stat., 113 et seq.), of itself clearly specifies the causes which induced the Indians to make the change. "Whereas the reservation set apart by the act of Congress approved April 15, 1874, for the use and occupancy of the Indians named in the act, is wholly out of proportion to the number of Indians occupying the same, and greatly in excess of their present or prospective wants, and whereas the said Indians are desirous of disposing of so much thereof as they do not require, in order to obtain the means and enable them to become self-supporting, as a pastoral and agricultural people, and to educate their children in the paths of civilization," the agreements were entered into. It was for that purpose, and other reasons mentioned, the different articles of the treaty, that the Indians ceded and relinquished to the United States "all their right, title, and interest in and to all the lands embraced within the aforesaid * * * reservation, wherein specifically set apart and reserved as separate reservations for them, and do severally agree to accept and occupy the separate reservations to which they are herein assigned as their permanent homes." (25 Stat., 114, ch. 213, art. 2.) In consideration of the foregoing and the relinquishment of "United States" they hereby agrees to advance and expend annually, for the period of 10 years after the ratification of this agreement, "sums of money amounting to $450,000, in the purchase of breeding cattle, farming implements, and other stock, goods, clothing, subsistence, agricultural and mechanical implements * * * in assisting the Indians to build houses and inclose their farms, and in any other respect to promote their civilization, comfort, and improvement; *Provided*, That in the employment of officers, artisans, and laborers preference shall in all cases be given to Indians residing on the reservation who are well qualified for such position." (25 Stat., 114, ch. 213, art. 3.) In order to encourage habits of industry and reward labor, it is further understood and agreed that in the giving out or distribution of cattle or other stock, goods, clothing, subsistence, and agricultural implements, as provided for in article 3, preference shall be given to Indians who endeavor by honest industry to support themselves, and especially to those who in good faith undertake the cultivation of the soil or engage in pastoral pursuits as a means of obtaining a livelihood, that the distribution of these articles will be made from time to time as shall best promote the objects specified."

In connection with the provisions and terms of the articles of the treaty to which we have made reference, attention is called to the boundaries of the Fort Belknap Reservation:

"Beginning at a point in the middle of the main channel of Milk River opposite the mouth of Snake Creek, thence due south to a point in the crest of the main range; thence following the southern crest of said mountains; * * * thence in a northerly direction in a direct line to a point in the middle of the main channel of Milk River opposite the mouth of Peoples Creek; thence up Milk River, in the middle of the main channel thereof, to the place of beginning."

Now we have the basis from which to determine whether or not the Indians were, by the terms of the treaty, given any right on the reserve, which they accepted, to use the waters of Milk River and which to irrigate their lands, so as to enable them to cultivate the soil on the lands of the Government set apart to them for the purposes mentioned in the treaty. The waters of the stream are not included in the reservation. They are, however, occupants of the land which was by the Government set apart and reserved for their occupation and use. The title to the lands is still in the Government. The contention of appellants is that if Congress, under the treaty, declared the land to which the rights of the Indians had been extinguished to be a part of the public domain, the water of the river and other sources, unless expressly reserved, became subject to appropriation under the terms of the act of Congress of March 3, 1877 (ch. 107, 19 Stat., 377), as amended March 3, 1891 (26 Stat., 1096, ch. 561), and that the Government did not reserve any right to the waters of Milk River which it or the Indians can assert against appellants, who appropriated the waters on the public domain, or to any of the water that flows through or past lands owned by the Government.

To quote the language of counsel:

"The Government, having the absolute title and right to dispose of all its lands, including the lands within the Fort Belknap Indian reservation, had authority to grant the right of appropriating water upon those lands and upon the reservation; and the reservation or restriction having been made, the Government can not now, after those defendants have accepted the grant, acquired vested rights, and expended a large amount of money in improvements upon the lands, enjoin them from using the waters which they have appropriated."

We are of opinion that, when all the facts, circumstances, conditions, and surroundings of the Indians at the time the treaty was entered into are considered, it can not judicially be said that no portion of the waters of Milk River was reserved by the terms of the treaty for the use and benefit of the Indians residing upon the reservation. Such a construction would be in violation of the true intent and meaning of the terms of the treaty. We must presume that the Government and the Indians, in agreeing to the terms of the treaty, acted in the utmost good faith toward each other; that they both understood its meaning, purpose, and object; that they knew that "the soil could not be cultivated" without the use of water to "irrigate the same." Why was the northern boundary of the reservation located "in the middle of Milk River" unless it was for the purpose of reserving the right to the Indians to the use of said water for irrigation, as well as for other purposes?

It is admitted by appellants that "the irrigation and cultivation of the Indian lands is a policy of the Indian Department." The Indians in their untutored and uneducated minds might not have known the exact meaning of the word "irrigation" had it been used in the treaty, but in their wild, and to some extent uncivilized, condition they knew the use of forests, of lands, and of water. If they were to grass cattle and cultivate the soil, they knew it could not be done successfully without the use of water. They knew, as well as the officers of the Government, where the boundaries of their reservation were, and that their rights, under the terms of the treaty, extended to the middle of the channel of Milk River, and believed they had as much right to the water as to the land included in the boundaries for their permanent home for the uses and purposes of the agreement made with the Government. The signing of the treaty was not an idle ceremony. The absence of the words "to irrigate their lands" did not abrogate and destroy their rights as guaranteed by the terms of the treaty. We are of opinion that it was the intention of the treaty to reserve sufficient waters of Milk River, as was said by the court below, "to insure to the Indians the means wherewith to irrigate their farms," and that it was so understood by the respective parties to the treaty at the time it was signed.

It is true that in the treaty of June 10, 1896 (29 Stat., 351, ch. 398), reference is made in article 5 to a scarcity of water which renders the pursuit of agriculture "difficult and uncertain"; yet it will be observed that article 2 of that treaty appropriates certain sums of money for divers purposes, among others, "to inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement." In arriving at this conclusion we have followed the rules that should govern the courts in the construction of treaties made by the Government with the Indians.

In Jones v. Meehan (175 U. S., 1, 11; 20 Sup. Ct., 1, 5; 44 L. Ed. 49) the court said:

"In construing any treaty between the United States and an Indian tribe, it must always "be borne in mind that the negotiations for the treaty are conducted on the part of the United States, an enlightened and powerful nation, by representatives skilled in diplomacy, masters of a written language, understanding the modes and forms of creating the various technical estates known to their law, and assisted by an interpreter employed by them who can be trusted, at least so far as by them and in their own language, that the Indians, on the other hand, are a weak and dependent people, who have no written language and are wholly unfamiliar with all the forms of land transfer and conveyance, and whose only knowledge of the terms in which the treaty is framed is that imparted to them by the interpreter employed by the United States; and that the treaty must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians. (Worcester v. Georgia, 6 Pet., 515, 8 L. Ed., 483; The Kansas Indians, 5 Wall., 737, 760, 18 L. Ed., 667; Choctaw Nation v. United States, 119 U. S., 1, 27, 28; 7 Sup. Ct., 75; 30 L. Ed., 306.)"

To accept the contention of appellants' counsel would certainly be, as was said by Mr. Justice McKenna in United States v. Winans (198 U. S., 371, 380; 25 Sup. Ct., 662, 664; 49 L. Ed., 1089), "an important outcome to negotiations and a convention, which seemed to promise more and give the word of the Nation for more. And, we have said, we will construe a treaty with the Indians as "they understood it, and 'as justice and reason demand in all cases where power is exerted by the strong over those to whom they owe care and protection, and counterpoise the inequality 'by the superior justice which looks only to the substance of the right without regard to technical rules.'"

It is undoubtedly true, as claimed by appellants, that the grants of the Government for lands bounded on streams and other waters without any reservation or restriction of terms are to be construed, as to their effect, according to the law of the State in which the lands lie. It was so held in Hardin v. Jordan (140 U. S., 371, 381; 11 Sup. Ct., 808, 836; 35 L. Ed., 428). See also Whitaker v. McBride (197 U. S., 510, 512; 25 Sup. Ct., 530; 49 L. Ed., 857); and authorities there cited. It is also true, as appellants claim, that the desert-land acts upon which they rely recognize the doctrine of appropriation of water under State laws; but this right of appropriation can only be asserted "subject to existing rights." The language of the proviso in the act of 1877 is:

"That the right to the use of water by the person so conducting the same on or to any tract of desert land * * * shall depend upon bona fide prior appropriation * * * necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights."

The appropriations by appellants from the tributaries of Milk River were made with notice of and subject to the "existing rights" of the Government and of the Indians on the reservation. Kinney on Irrigation, section 143. In Story v. Brennan (178 Fed., 849), where the Government had abandoned a military reservation and passed an act granting to the State of Montana a portion thereof, and there subsequently arose a controversy over rights between the parties to the suit, the court, in discussing the statutory requirement governing the acquisition of water rights by appropriations, made by individuals, said:

"Prior to the time of settlement upon the lands in question, and prior to the appropriation of the waters of Bear Creek by anyone, both the land and the water were the property of the Government. When the Government established the reservation, it owned both the land included therein and all the water running in the various near-by streams to which it had not yielded title. It was therefore unnecessary for the Government to 'appropriate' the water. It owned it already. All it had to do was to take it and use it."

It necessarily follows from the conclusions we have reached as to the proper interpretation of the treaty that the appellants did not acquire any exclusive or superior right to all the waters of Milk River by virtue of the appropriation of said waters under desert-land act, March 3, 1877 (ch. 107, 19 Stat., 377), as amended by act March 3, 1891 (26 Stat., 1096, ch. 561; 1 Supp. Rev. Stat., 137). The law is well settled that the doctrine of appropriation under said statutes, which is recognized and protected by section 2339 of the Revised Statutes (U. S. Comp. St., 1901, p. 1437), applies only to public lands and waters of the United States. Sturr v. Beck (133 U. S., 541; 10 Sup. Ct., 350; 33 L. Ed., 761). Smith v. Denoff (24 Mont., 70; 60 Pac., 398; 81 Am. St. Rep., 408). Cruse v. McCauley (C. C. 1) (96 Fed., 369, 374, 374). And it is equally well settled that when the lands of the Government have been legally appropriated or reserved for any pur-

be his proposition as to the legal and proper manner of determining how much water should be reserved at or near the head of these long streams that flow through many States?

to any considerable extent through prior appropriation, because they are not far enough advanced in the art of agriculture to reduce the water to a continuous use, and the water of the public streams that

same language as that now presented to the Senate by the Supreme Court of the United States, and held by that court not to be a controlling consideration.

Mr. SUTHERLAND. Mr. President——

Mr. ROBINSON. I yield to the Senator from Utah.

Mr. SUTHERLAND. The Senator from Arkansas, I take it, believes that the Indians upon any of these reservations that have been made have the right to divert all of the water from the stream or streams if it is necessary to irrigate their land?

Mr. ROBINSON. Oh, no; I do not state the proposition so broadly as that. If the Senator will permit me, I will answer his question in the language of the Supreme Court. That body, in deciding the case I have already referred to—and I will say that it is strongly supported in doctrine by a number of other cases—holds that it is not within the power of the States to deprive the Indians of water which has been reserved to them under treaties between the Indians and the United States, and that when the United States makes an Indian reservation for agricultural purposes it reserves a portion of the waters for the irrigation of the reservation lands.

Now, there is no decision as to the amount of waters which are reserved. There is considerable indefiniteness about it, and I would not undertake now to pass upon what the court would say was the extent of the reservation in these treaties. I do say, however, that the limitation which has been inserted in this provision by the Commissioner of Indian Affairs, namely, the water "necessary to supply for domestic, stock-watering, and irrigation purposes," is a reasonable limitation.

Mr. SUTHERLAND. That is exactly the question I put to the Senator. I think perhaps the Senator did not hear the latter part of it, and therefore I repeat the question:

Does the Senator from Arkansas believe that the Indians upon these reservations have the right to divert from the stream or streams upon the reservation all of the water, if all of it be necessary for their use, for domestic, stock-watering, and irrigation purposes?

Mr. ROBINSON. Mr. President, that is a question that is not involved in this controversy. That is an academic question; it is a hypothetical question, and I would not care to answer a question of that sort in categorical terms. I would not care to say "yes" or "no," because I do not think it would throw any light on this controversy. I will say, however, that I think the Indians on the Fort Belknap Reservation ought to have reserved for them enough water for cooking and laundry purposes, and to water their stock, and to cultivate the small acreage of land which they will probably cultivate in the next 20 or 25 years; and that, I think, is what is sought to be accomplished by this proviso.

Mr. SUTHERLAND. Suppose all of it be necessary for that purpose; then have they a right to divert it all? That is the question I put to the Senator.

Mr. ROBINSON. I should think they would.

Mr. SUTHERLAND. The Senator thinks they would?

Mr. ROBINSON. However, I am not willing that the Senator shall ask me a question which I have stated is hypothetical in connection with the discussion I am now making, and secure from me an answer which he thinks is erroneous, and then proceed to correct my answer.

Mr. SUTHERLAND. No; I do not think the Senator's answer is erroneous, if we assume the accuracy of the Senator's premises. I think the Senator is quite logical in saying what he does.

Mr. ROBINSON. Now, as the Senator has asked me some questions, may I ask him one?

Mr. SUTHERLAND. I was going to ask the Senator a question if he will permit me to do so.

Mr. ROBINSON. Yes; but I think I will take my turn now and ask you a question. Will the Senator from Utah tell me whether he thinks it is sound doctrine that when the Government of the United States enters into a treaty with the Indians, taking from them a cession of a part of their lands as a part of the consideration of the treaty, and agreeing with them that a certain area of land shall be held and owned by them for agricultural and other kindred purposes, there is no implied obligation on the part of the United States to provide sufficient water to make those lands reasonably useful for agriculture? Does the Senator stand for the doctrine that the United States has no obligation to provide water for those lands?

Mr. SUTHERLAND. Mr. President, I think it has not.

Mr. ROBINSON. I mean, of course, in the natural streams. I do not mean in artificial channels.

Mr. SUTHERLAND. I think it is not a question of the power of the United States at all. The question I was going to ask the Senator next will disclose my position, perhaps.

Mr. ROBINSON. I can not hear the Senator distinctly.

Mr. SUTHERLAND. I say, I think it is a matter wholly outside the powers of the United States Government. The question whether or not the water shall be diverted from the stream and the corpus of it consumed in irrigating lands is a question for the State.

The question I want to put to the Senator is this: The rule of the common law, of course, is that water runs and must be permitted to run as it has been wont to run. That is the doctrine of riparian rights. Under the common law water can not be led away from its channel and consumed upon the land. It must be permitted to flow in its accustomed channel. Now, if these Indians in Montana or elsewhere have the right to divert water from the streams in derogation of the common-law rule, where do they get the right? Is it not from the statute of the State, which has enacted a rule different from the rule of the common law? And if it is under the State statute that they get the right, in exercising the right must they not comply with the conditions of the statute, one of the conditions of the statute being that the water shall be put to a beneficial use within a reasonable time?

Mr. ROBINSON. I think I have already shown that as to Indians that doctrine is correct only in part, and that a doctrine which is paramount to it is that the United States has such an interest in and a control over waters flowing through lands which it owns, through a territory which it controls, that when it enters into an obligation with these Indians to assist them in becoming an agricultural people by reserving lands for them it also reserves for them such part of the waters which it controls as may be reasonably necessary to carry out the treaty.

Mr. SUTHERLAND. But the question is, What does it reserve? Can the United States reserve any more or greater right than the Indians have? That right, in the absence of some local rule to the contrary, is to permit the water to run uninterrupted through their lands, not to divert it.

Mr. ROBINSON. I admitted in the beginning that the subject is not without difficulties. I admit now that by the reservation of indefinite quantities of water for the benefit of Indians, development in localities may be embarrassed or hindered; but I do believe that Senators who are interested in this subject have exaggerated the detrimental effects of this provision and have overlooked the very wholesome and beneficial design of it.

Mr. MYERS. Mr. President, I should like to ask the Senator one more question.

Mr. ROBINSON. I take pleasure in yielding to the Senator from Montana.

Mr. MYERS. Conceding that the Winters case applies to this proposition, and that it is the law that sufficient water for the use of the Indians in this reservation is reserved by law, and the Senator claiming that Congress has the jurisdiction to legislate on the subject, does the Senator think the Indians ought to have that reservation forever, time without end, without Congress adopting some reasonable rule and regulation with which they must comply in order to exercise the rights conferred by the Supreme Court in that case?

Mr. ROBINSON. No; I think the Senator answers his own question, because to give any other answer I would have to make an unreasonable answer according to his hypothesis, and I certainly do not intend to do that. I think every right, to be exercised, must be exercised within reasonable limitations, and I do not stand for the doctrine of forever locking up these waters or forever holding these reservations in the possession of the Indians; but I do stand for the doctrine that whenever we expend the money of the Indians for the construction of Indian irrigation works, we ought not to put a limitation in the legislation authorizing them which in the very nature of things will deprive the Indians of benefits under the appropriation and divert those benefits to white settlers, who are quicker and readier and more capable of grasping those benefits. Now, as to what a reasonable limitation would be——

Mr. SHAFROTH. May I ask the Senator——

Mr. ROBINSON. I hardly think three years a sufficient length of time, and I will tell you why. You can not make farmers out of those Indians, and nobody expects to do so, inside of three years. You are doing two works at the same time. You are giving the Indian an opportunity and at the same time you are trying to teach him to avail himself of that opportunity. If you were dealing with white persons, a limitation of three years would perhaps be reasonable, but my attention has been called to the fact that there has been a limitation sometimes as much as 20 years as to white persons.

Mr. MYERS. I do not know of any.

Mr. ROBINSON. There is no justification for putting a shorter limitation on an Indian, who is less qualified to exercise

such privileges or enjoy such rights, than you put upon a white man. I yield to the Senator from Colorado.

Mr. SHAFROTH. I should like to ask the Senator whether in the Winters case it was a question between persons who had already appropriated the water, or whether it was a question as between those who desired to file upon and appropriate the water? While the Senator is looking it up, I will state to him that the law in the West, particularly in the State of Colorado, does not fix a limit as to the time the appropriation shall actually be applied to the land. The spirit of the law of irrigation is that you can file a plat of your irrigation enterprise in the office of the State engineer, and you can begin the construction of your work, and the right of your water dates from the time of the filing of your plat, provided you, within a reasonable time, appropriate the water which is set forth in the declaration that you make at the time of the filing of the plat. Now, as to what is a reasonable time, there has never been a fixed time designated.

Mr. ROBINSON. If the Senator will permit me, the idea of the Senator from Montana is to fix a limit of three years; and I think, in view of the circumstances and in view of the fact that we are dealing with Indians who are not agricultural people and are not ready to avail themselves of that right, the limitation is too brief.

Mr. SHAFROTH. Is the enterprise already entered upon and the work constructed?

Mr. ROBINSON. Yes.

Mr. SHAFROTH. And the question is as to applying the water to the land?

Mr. ROBINSON. Yes; availing themselves of the water right. I think the reservoir has been completed. Has it not?

Mr. MYERS. I think so.

Mr. ROBINSON. The appropriation is for the maintenance and repair of the Milk River irrigation system on the Fort Belknap Reservation?

Mr. SHAFROTH. Has the Senator looked to see whether that was a case as between parties who had already appropriated water, as to whether it was the junior appropriator or the senior appropriator, or whether it was the inception of the matter before any right whatever had accrued?

Mr. ROBINSON. This Winters case does not apply, as I said in the beginning, to every Indian reservation. It sets forth the general doctrine which is a principle of law that I think applies to many reservations. But it would make no difference, as far as the right of the Indian lands to the water is concerned, whether the controversy arose through some one who had actually appropriated or some one seeking to appropriate, because the doctrine of the case is that it could not be diverted to their detriment.

Mr. SHAFROTH. Still you recognize that failure on their part, with an unreasonable limitation of time, would vitiate their right.

Mr. ROBINSON. I recognize this fact. The whole subject of irrigation in its practical aspect, of course, presents many and serious difficulties. I recognize the further fact that in asserting the doctrine in the Winters case you are confronted with the difficulty suggested by the Senator from Wyoming and the Senator from Montana, and that is that unless there is some limitation upon the time when this right may be availed of, it may constitute an embarrassment to the development of the whole community, and a needless embarrassment at that.

I recognize all that, but I am saying that it is fair and right that Congress should seek to preserve a water supply for these Indians for the purposes set forth in this bill. It is apparent to anyone here that the total water available for irrigation will not be appropriated by those Indians. This contemplates the reservation of only a supply for domestic purposes, stock watering, and for irrigation purposes, and the area to be irrigated in the most hopeful view for the Indian will be small; that provision would be reasonably construed. There is no legal or definite limitation upon the time in which water reserved for Indian lands must be used, yet at the same time all laws must have a reasonable construction, and for my part—now, Senators, hear me—for my part I would rather err in favor of the Indian than err against him, and that is the conclusion of the argument with me.

Mr. LANE. I should like to suggest to the Senator from Arkansas that in these cases the appropriations for the Indians call for but a minor portion of the water in the particular instances I know of, and that, on the other hand, they are allowed only three years under the law, and are given no manner of implements or means to make use even of this minor appropriation. There is the injustice of it.

Mr. MYERS. I should like to suggest that the bill carries hundreds of thousands of dollars for the benefit of Indians in that respect. It is loaded with provisions giving them tools and implements.

Mr. LANE. That is a separate appropriation. The object here is to relieve a condition which has been found to be deleterious and which would bring ruin upon the Indians.

Mr. ROBINSON. I ask to have inserted at the close of my remarks a copy of the opinion of the Supreme Court (207 U. S.) in the Winters case. There is no clear statement of facts in that case, but the circuit court of appeals, in One hundred and forty-third Federal Reporter, page 740, makes a definite and very clear statement of the facts involved in the Winters case. I wish to insert that along with the opinion in the case.

The matter referred to is as follows:

Mr. Justice McKenna, after making the foregoing statement, delivered the opinion of the court.

The question of jurisdiction is presented by the United States. Five of the defendants named in the bill failed to answer, and a decree pro confesso was taken against them. The other defendants, appellants here, after the affirmance by the circuit court of appeals of the interlocutory injunction, filed a joint and several answer. On this answer and the bill the case was heard and a decree entered against all of the defendants. From that decree the appellants here appealed to the circuit court of appeals without joining therein the other defendants. The contention is that the circuit court of appeals had no jurisdiction and that this court has none, because the five defaulting defendants had such interest in the case and decree that they should have joined in the appeal, or proceedings should have been taken against them in the nature of summons and severance or its equivalent.

The rule which requires the parties to a judgment or decree to join in an appeal or writ of error or be detached from the right by some proper proceeding or by their renunciation is firmly established. But the rule only applies to joint judgments or decrees. In other words, when the interest of a defendant is separate from that of other defendants he may appeal without them. Does the case at bar come within the rule? The bill does not distinguish the acts of the defendants, but it does not necessarily imply that there was between them, in the diversion of the waters of Milk River concert of action or union of interest. The answer to the bill is joint and several, and in effect avers separate rights, interests, and action on the part of the defendants. In other words, whatever rights were asserted or admission of acts done by any one defendant had no dependence upon or relation to the acts of any other defendant in the appropriation or diversion of the water. If trespassers at all, they were separate trespassers. Joinder in one suit did not necessarily identify them. Besides, the defendants other than appellants defaulted. A decree pro confesso was entered against them, and thereafter, according to equity rule 19, the cause was required to proceed ex parte and the matter of the bill decreed by the court. Thomson v. Wooster (114 U. S. 104). The decree was in due course made absolute, and granting that it might have been appealed from by the defaulting defendants, they would have been, as said in Thomson v. Wooster, absolutely barred and precluded from questioning its correctness, unless on the face of the bill it appeared manifest that it was erroneous and improperly granted. Their rights, therefore, were entirely different from those of the appellants; they were naked trespassers, and conceded by their default the rights of the United States and the Indians and were in no position to resist the prayer of the bill. But the appellants justified by counter rights and submitted those rights for judgment. There is nothing, therefore, in common between appellant and the other defendants. The motion to dismiss is denied and we proceed to the merits.

The case, as we view it, turns on the agreement of May, 1888, resulting in the creation of Fort Belknap Reservation. In the construction of this agreement there are certain elements to be considered that are prominent and significant. The reservation was a part of a very much larger tract which the Indians had the right to occupy and use, and which was adequate for the habits and wants of a nomadic and uncivilized people. It was the policy of the Government, it was the desire of the Indians, to change those habits and to become a pastoral and civilized people. If they should become such, the original tract was too extensive, but a smaller tract would be inadequate without a change of conditions. The lands were arid and, without irrigation, were practically valueless. And yet, it is contended, the means of irrigation were deliberately given up by the Indians and deliberately accepted by the Government. The lands ceded were, it is true, also arid; and some argument may be urged, and is urged, that with their cession there was the cession of the waters, without which they would be valueless, and "civilized communities could not be established thereon." And this, it is further contended, the Indians knew, and yet made no reservation of the waters. We realize that there is a conflict of implications, but that which makes for the retention of the waters is of greater force than that which makes for their cession. The Indians had command of the lands and the waters—command of all their beneficial use, whether kept for hunting "and grazing roving herds of stock" or turned to agriculture and the arts of civilization. Did they give up all this? Did they reduce the area of their occupation and give up the waters which made it valuable or adequate? And even regarding the allegation of the answer as true, that there are springs and streams on the reservation flowing about 2,900 inches of water, the inquiries are pertinent. If it were possible to believe affirmative answers, we might also believe that the Indians were awed by the power of the Government or deceived by its negotiators. Neither view is possible. The Government is asserting the rights of the Indians. But extremes need not be taken into account. By a rule of interpretation of agreements and treaties with the Indians, ambiguities occurring will be resolved from the standpoint of the Indians. And the rule should certainly be applied to determine between two inferences, one of which would support the purpose of the agreement and the other impair or defeat it. On account of their relations to the Government, it can not be supposed that the Indians were alert to exclude by formal words every inference which might militate against or defeat the declared purpose of themselves and the Government, even if it could be supposed that they had the intelligence to foresee the "double sense" which might some time be urged against them.

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union February 22, 1889 (ch. 180, 25 Stat. 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or

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benefit of the Indians, it impliedly reserves for those Indians enough water to make those lands productive; that is, conceding in the beginning that it is the design of the treaty to promote agriculture among the Indians. I have also said that that reservation is paramount to any actual appropriation of the water under the laws of the State or Territory in which the stream flows. I do not know that I shall read the entire decision; it is a very long one and a very interesting one; but I will read——

Mr. SMITH of Arizona. Who decided that case?

Mr. ROBINSON. The Supreme Court of the United States decided it.

Mr. SMITH of Arizona. Who wrote the opinion?

Mr. ROBINSON. Mr. Justice McKenna wrote the decision. I will ask to insert the entire opinion as a part of my remarks, but unless some Senator wants to hear it all, I will only read the syllabus or such parts of it as I think are germane:

In view of all the circumstances of the transaction this court holds that there was an implied reservation in the agreement of May 1, 1888 (25 Stats., 124), with the Gros Ventre Indians and other Indians establishing the Fort Belknap Reservation, of a sufficient amount of water from the Milk River for irrigation purposes, which was not affected by the subsequent act of February 22, 1889 (25 Stats., 676), admitting Montana to the Union, and that the water of that river can not be diverted so as to prejudice this right of the Indians by settlers on the public lands or those claiming riparian rights on that river.

That is a clear assertion of the doctrine.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. ROBINSON. I do.

Mr. SUTHERLAND. Was that a unanimous decision?

Mr. ROBINSON. I think one justice dissented.

Mr. SUTHERLAND. Justice Brewer dissented, did he not?

Mr. ROBINSON. Mr. Justice Brewer dissented. Otherwise the opinion was unanimous.

The Circuit Court of Appeals of the Ninth Circuit, in passing upon the same case, on February 5, 1906, used this language. I read from the syllabus:

Held, That the land reserved to the Indians being barren and worthless for agricultural purposes without irrigation, the treaty so confirmed should be construed as reserving for the use and benefit of the Indians residing on the reservation a portion of the waters of the Milk River for the irrigation of the reservation lands.

Upon the other proposition—that is, as to whether this reservation on the part of the Government, implied reservation though it be, is superior to the actual appropriation of the waters for beneficial use under State laws—I call attention to another feature of the decision:

The Government of the United States has the power to reserve waters of a river flowing through a Territory and exempt them from appropriation under the laws of the State which that Territory afterwards becomes.

Briefly stated, then, since the Winters case the doctrine has become generally accepted and is at least fairly well established that when the United States by treaty sets aside an Indian reservation for agricultural or stock-raising purposes it also impliedly sets aside sufficient water, if there be so much in the streams flowing through or upon the reservation, to carry out the primary purposes of the treaty, and that even though the Indians are slow—and they are always slow—in using their water. If you make it merely a question of practical or beneficial use of the water, the white man will always beat them to it, as he has beaten them to it in the past.

The doctrine of prior appropriation means that practically all of the waters available for use on Indian reservations where there is not a sufficiency for all lands will be used by the white man and the Indian's land will become useless. If you are to protect the rights of the Indians, you may work some little hardship upon your white citizens by reserving to the Indian lands a sufficient amount of water to make them useful. You can not apply a limitation of two or three years, because the Indians are not quick to avail themselves of benefits of this sort.

We are now engaged in a great effort to stimulate the spirit of agriculture among the Indians. As a rule Indian tribes are not devoted to agriculture, and, just as indicated in the illustration which I have cited in the State of Washington, if you permit white people to take waters that justly belong to Indian lands you will be making gratuity appropriations to compensate the Indians for water of which they have been wrongfully deprived by prior appropriation under State laws.

Mr. WARREN. Mr. President——

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. WARREN. I should like to ask the Senator what would be his proposition as to the legal and proper manner of determining how much water should be reserved at or near the head of these long streams that flow through many States?

Mr. ROBINSON. I will not undertake to determine that. I am discussing now another proposition.

Mr. WARREN. That is a matter that enters very largely into the consideration of this question.

Mr. ROBINSON. I realize that the Senator presents a difficult question.

Mr. SMITH of Arizona. Did not the case quoted by the Senator go up when they were Territories and not States?

Mr. ROBINSON. No.

Mr. SMITH of Arizona. Those things occurred while Washington was a Territory, according to the Senator's statement.

Mr. ROBINSON. That makes no difference.

Mr. SMITH of Arizona. It does make a difference under the Constitution.

Mr. ROBINSON. If the Senator will permit me to state my own conclusion with regard to the matter——

Mr. SMITH of Arizona. I am simply asking the Senator a question.

Mr. ROBINSON. I think the doctrine of the Winters case is that whenever the Government creates an agricultural Indian reservation, the lands of which must be irrigated to profitably cultivate, under a treaty or agreement with the Indians it impliedly reserves water for the use of that reservation, and that you can not, under State laws, deprive the reservation of that water.

Mr. SMITH of Arizona. That is all right. Now, how about an executive-order reservation, which most of these are, where there is no treaty at all with the Indians?

Mr. ROBINSON. Of course, Mr. President, the water rights as to any particular reservation would depend in part, at least, upon the terms whereby the reservation was created. If it is a treaty or an agreement reservation, as in many cases, the terms of the agreement would govern; but if the reservation is established for the purpose of improving agriculture among the Indians, the doctrine of that case, as set forth by the highest court in this land, is that you can not deprive the Indian of the primary benefits of his agreement by appropriating his waters to actual use.

Mr. SMITH of Arizona. If the Senator will permit one more question, would that apply to any other nationality except Indians? Suppose this was a grant to a lot of Americans under the same terms, in the case of an executive-order reservation, which is what the great majority of these cases are. Scarcely any of them come under the Senator's case, according to the facts stated. Suppose that that agreement——

Mr. ROBINSON. Mr. President——

Mr. SMITH of Arizona. Will the Senator permit me to finish my question?

Mr. ROBINSON. I thought the Senator had finished.

Mr. SMITH of Arizona. No; I have not even come to the question yet.

Mr. ROBINSON. All right; go ahead.

Mr. SMITH of Arizona. I was asking, Does this peculiar right rest inherently in an Indian, as different from a Mexican or an American, if he should do the same thing? Suppose it was a lot of Americans in favor of whom this had been made. Would not the same argument in the Winters case say that under that power of Congress in a State, having under the Constitution all rights to all the water, and under the constitutions of these States, as well as the United States, having exclusive ownership of them, the same thing would apply to Americans who went there, because they were not industrious, and it would hold as long as you are claiming it should hold in the Indian case? I am simply testing the position the Senator holds, or that he claims the opinion holds.

Mr. ROBINSON. The Senator has already asked me about fifty questions in one.

Mr. SMITH of Arizona. Would that apply to Mexicans under similar conditions?

Mr. ROBINSON. Mr. President, the Supreme Court and the courts of the United States have recognized some difference in these rules as applied to Indians, who are the wards of the Government, and citizens of another class. There has been no determination as to rights as between Indians and Mexicans, and I shall not attempt to do so, because no Mexican right is involved in any subject that I am discussing or that is even remotely under consideration.

The circuit court of appeals in 1908, in confirming an opinion of the lower court, used this language, as reported in One hundred and sixty-first Federal Reporter, at page 829, the Conrad Investment Co. case:

Manifestly, the Indians can not be expected to acquire water rights to any considerable extent through prior appropriation, because they are not far enough advanced in the art of agriculture to reduce the water to a continuous use, and the water of the public streams that

they shall finally need depends largely upon their progress in this art. The Government, however, being their guardian—

There is the doctrine that I have already laid down to the Senator from Arizona. The Government does recognize a higher obligation, if you please, to one of its wards than it does to one of its ordinary citizens—

The Government, however, being their guardian, has a most important trust to perform in this relation—that is so to conserve the waters of such streams as traverse or border the reserve as to supply the Indians fully in their probable or, I may say, even possible future needs when they have ultimately secured their allotments in severalty.

Mr. SMITH of Arizona. In answer to that argument, then, it is so high that it overrides the hundreds of decisions of the Supreme Court of the United States? That obligation is so high that it overrides the Constitution of the United States?

Mr. ROBINSON. Oh, no, Mr. President. I can not yield further to that kind of an argument. The Senator from Arizona can take his own time to belittle the arguments I am undertaking to make.

Mr. SMITH of Arizona. I did not know it was worrying the Senator.

Mr. ROBINSON. It does not worry me in the least; but I will be frank with the Senator from Arizona. I do not think such an observation as that elucidates or illuminates this question, but I recognize his right to make it in his own time.

Mr. SMITH of Arizona. I was simply suggesting the Constitution; that is all.

Mr. ROBINSON. I do not think it is fair——

Mr. MYERS. Mr. President, may I ask the Senator a question?

Mr. ROBINSON. Just a moment. I want to answer the last statement of the Senator from Arizona. I do not think it is fair for the Senator from Arizona to say that a decision like that which I have read overrides the Constitution of the United States and all the decisions of the Supreme Court of the United States. I think that decision is founded in reason and in justice; and if you read the history of this country, and if you study the history of these irrigation projects—my colleague from Michigan will confirm me and the Senator from Oregon will confirm me—you will find that under the operations of these irrigation projects, constructed in many instances on Indian reservations at Indian expense, the principal benefits of those projects have gone to white men.

I ask the Senator from Michigan now if his experience in the investigation of that subject does not confirm my statement?

Mr. TOWNSEND. Absolutely so.

Mr. ROBINSON. I ask the Senator from Oregon the same question.

Mr. LANE. Unquestionably.

Mr. ROBINSON. Now, Mr. President, I repeat that it does not lie in the mouth of any Senator here to denounce a doctrine such as that asserted in the Conrad Investment Co. case, declaring the Indians to be wards of the Government, declaring it to be the duty of the Government to see that its agreements with the Indians are kept and are carried out in good faith, as overriding the Constitution of the United States and the decisions of the Supreme Court of the United States.

I now yield to the Senator from Montana.

Mr. MYERS. Mr. President, acknowledging the validity of the decision in the Winters case, and that case applying to the Fort Belknap Reservation, the same reservation to which this paragraph of the bill applies, if, as the Senator from Arkansas says, it is impossible under that decision for the State of Montana or any of its white citizens to take any of the water of the Milk River to the detriment of the Indians, and this amendment merely saying "such water as is needed by the Indians is hereby reserved," what lots of weight or efficiency does this amendment add to the law?

Mr. ROBINSON. I will show the Senator. I cited an illustration awhile ago where legally the Indians on the Yakima Indian Reservation were entitled to sufficient water from the Yakima River to irrigate their reservation. The public generally in the State of Washington understood, however, that those who got the water first, and actually applied it to practical use, had a paramount or a prior right to any claim that the Indians might have, and so they appropriated all of that water. One benefit of this provision is to put white settlers on notice that the lands reserved for the Indians on that reservation will have enough water to make them profitable and to carry out the purposes of the reservation. If that notice had been given in the State of Washington, the Government of the United States would have been saved a gratuity appropriation of perhaps a million and a half dollars that we are now called on to make, not because any wrong was done, except that the white settlers had appropriated to actual use all of the waters, including that impliedly reserved by treaty to the Indians, and we either had to take the waters away from the white settlers or make an appropriation to provide water for the Indians, and we are doing the latter thing.

Mr. MYERS. Mr. President, one other question, if the Senator please.

Mr. ROBINSON. Yes; I yield with pleasure.

Mr. MYERS. Speaking of notice, what notice is the white settler going to get of how much or what quantity of water is to be reserved indefinitely, without any limit, by this provision?

Mr. ROBINSON. The question which the Senator from Montana asks is analogous to the question which was asked me a moment ago by some Senator on the other side, I think, or perhaps by the Senator from Arizona. It is impossible to determine in advance just what the amount of this water will be; and that was one of the arguments which was used prior to the Winters case, and in the argument of the Winters case, to discredit the right of the Indians; but the point is that those who take water from the streams which flow upon that reservation take it with notice that it is subject to a prior right whenever exercised by the Indians themselves. That is as definite a statement of it as I can make.

Mr. WARREN. Mr. President, I will state that I am the Senator who asked the Senator from Arkansas that question.

Mr. ROBINSON. Yes; it was the Senator from Wyoming.

Mr. WARREN. The Senator did not answer it, and I doubt if any Senator can answer it.

Mr. ROBINSON. It can not be definitely answered.

Mr. WARREN. For instance, take a reservation at the head of a stream, the waters of which flow through perhaps 20 States or 10 States, and the rights are identical in the entire length of stream and extend all the way. The policy which the Senator advocates would simply lock up and play dog in the manger with the entire irrigation water supply of the country. The United States had better pay tenfold over in such exceptional cases as the Senator has stated was the amount paid in Washington than undertake to paralyze the entire country subject to irrigation and reclamation by retaining and tying up all of the water and keeping it unused.

Mr. ROBINSON. Mr. President, that argument is forceful, but it was made in the Winters case in almost the exact language which the Senator from Wyoming has used, and I must admit that it is supported with some reason and logic; but the court decides—and I believe the decision is right, notwithstanding the difficulties that arise out of the question—that the paramount duty of the Government is to keep faith with the people who are under their control, their wards, the Indians.

Mr. WARREN. Does the Senator think, although that may be a decision of the court, that we ought to add fuel to the flame by tying up still stronger than it is already tied up our entire irrigation country?

Mr. ROBINSON. I will be frank with the Senator from Wyoming. I think that whenever a controversy arises between an Indian and a white man as to water rights, and the legal right is with the Indian, Congress ought not to exercise its great powers to divest him of that right. I think the Indian is exceedingly fortunate if he gets what he is entitled to, and I think the history of our dealings with the Indians shows that to be true.

Mr. WARREN. It is not a matter of divesting; but are we to wait two or three hundred years to know whether or not this water is to be used?

Mr. ROBINSON. Oh, no.

Mr. WARREN. That is the point. There has got to be some end and some determination somewhere as to what the water rights are.

Mr. ROBINSON. They made exactly that same argument in the Winters case, and made it with great force, as the Senator will see on page 570. It was a part of the brief of those who opposed the rights of the Indians.

Mr. WARREN. I will say very frankly that I never read the Winters case and do not remember that I ever heard of it until the Senator brought it up to-day; so if my argument is along the same line, if the gentlemen who preceded me and who gave their attention to the case used the same language, I have not plagiarized, because I never read it.

Mr. ROBINSON. Oh, no; I hope the Senator did not think I implied that. If anything I have said implied that the Senator had plagiarized anything, I am very unfortunate in my expressions.

Mr. WARREN. Oh, no; I did not mean that the Senator had implied that.

Mr. ROBINSON. I meant to say that whatever force that argument might have it has been considered in almost the

Mr. PAGE. Certainly. He has stated that it is absolutely essential to protect the Indian.

Mr. BRADY. Was that the Commissioner of Indian Affairs or the Assistant Commissioner of Indian Affairs?

Mr. PAGE. It was the assistant commissioner; but I want to say in regard to that, that the commissioner was with us a part of the time. I am not sure whether he was with us at the particular time when this proposition was considered or not.

Mr. BRADY. Did the Senator from Vermont ever hear the Commissioner of Indian Affairs say that that paragraph ought to be in the bill?

Mr. PAGE. Mr. President, I can not say that I ever did; but when the Commissioner of Indian Affairs comes to us and says, "I can not be with you; I leave with you the Assistant Commissioner of Indian Affairs," then the Assistant Commissioner of Indian Affairs, as I understand, speaks not only for the Commissioner of Indian Affairs but he speaks for the Secretary of the Interior and for the law department of the Department of the Interior. As I understand it, Mr. Meritt, the assistant commissioner, has been the law officer of the Indian Department for several years.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. BRADY. I can not agree with the Senator from Vermont that the Assistant Commissioner of Indian Affairs always speaks for the Secretary of the Interior or for the Commissioner of Indian Affairs. I believe that the Commissioner of Indian Affairs and the Secretary of the Interior understand irrigation law well enough to know that it would be useless to put such a provision in the bill. I have not discussed the matter with either of them, but I do know enough about irrigation law to make the statement that we can not change the laws of a State.

I am as much in favor of protecting the Indians as the Senator from Vermont can possibly be; I want to help them in every way I can; but the way to help them is to have this money expended in putting water on these Indian reservations to a beneficial use, for if you do not put it to a beneficial use they can not hold it, and there is no law that can be passed by the Congress that could enable the State to permit them to hold it.

I want to call the Senator's attention to the fact that the Indians on the Fort Hall Reservation in Idaho have been provided not only with what water they need but with more water than they need. The discussion came up the other day in a manner that called my attention to a fact that I thought the Commissioner of Indian Affairs ought to be advised of, for I believe he is honestly endeavoring to do what is best for the Indian and for the Government. I wrote him a letter after the Senate adjourned, telling him the conditions in the Fort Hall Indian Reservation. I have his reply here, and I am going to ask the Secretary to read it. It states that there is more water there than the Indians can use, and that it ought to be sold. I should be in favor of that if it were not for contravening our own laws in passing a bill authorizing him to sell it so that the Government can get back some of the money that they have advanced. In all these cases this money is to be returned by the whites when they pay for the water and it is to be reimbursed to the Government.

The clause which the Senator read from the Montana item said that the money was to be reimbursed, that the white people were to pay it back, and that the Government was to be reimbursed for the construction of the canals. I fully agree with the Senator that we ought to be overly cautious in order to protect the Indian along the very lines that he suggests, but often these canals are built, unless you put water on the land, and unless you furnish these appropriations where necessary to construct the canals to put the water on the land, the Indians will suffer from the very fact that there is no law that will protect them from losing the water. Now, I want at this time to ask the Secretary to read the letter which I wrote to the Commissioner of Indian Affairs and his reply.

Mr. PAGE. Mr. President, before the letter is read I want to make one suggestion to the Senator, and that is to say that we are dealing with this bill; we are not dealing with conditions or circumstances which he suggests may exist; we are not dealing with any proposed change in the law which he says had better be made. I am taking this bill just as it reads, and saying that my objection to the bill is that before we increase these appropriations to such an inordinate amount we should know that they are going to be available for the benefit of the Indians. I will now be glad to hear the letter read.

Mr. BRADY. Mr. President, I believe the Senator is absolutely right about that. I agree with him, but I want to call the Senator's attention to just one point, and I want him to give it careful consideration, and that is that these appropriations for maintaining canals or putting water on the land through a canal that is constructed must be made or the Indians will lose their rights. Where the canals are constructed the laterals must be built so that the water can be carried out over the sand. If it is not done, the Indians can not put the water to beneficial use. If a new canal is to be constructed, then the committee is justified in scrutinizing the item just as closely as it can, and if the very best reasons for it are not shown it should not be constructed, for there is no question that many times the Indian does not receive the value for the money that is charged up to him for canal construction, and that should not be so. I should like to have the Secretary read the letter written by me to the Commissioner of Indian Affairs and the reply of the commissioner.

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. PAGE. I yield for the purpose of having the correspondence read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

JUNE 18, 1914.

Hon. CATO SELLS,
Commissioner of Indian Affairs, Washington, D. C.

MY DEAR MR. COMMISSIONER: During the consideration of the Indian appropriation bill in the Senate yesterday and to-day the question arose as to the conditions existing on the Fort Hall Indian Reservation relative to the irrigated lands, and there was a point of order raised against an amendment offered by the committee reserving the Indians the right to the water to be used on their lands, whether they used it or not. While I did not raise the point of order, I think you will agree with me that the Presiding Officer was right in deciding that the point of order should be sustained. This incident has brought to my mind a question to which I have given considerable thought.

Under the constitution and laws of the State of Idaho water, when appropriated for irrigation purposes, must be put to beneficial use, and if not put to beneficial use within a reasonable time any citizen of the State can appropriate the unused water and, by putting the same to beneficial use, obtain clear and good title to the same. If I understand the conditions correctly, you have an appropriation on the Snake River of about 600 second-feet, which equals 30,000 inches of flowing water per second, the same being sufficient to irrigate, according to the usual estimates of the Government, about 48,000 acres of land. In addition to this you have for the use and benefit of the Fort Hall Indian Reservation a reservoir located on the Blackfoot River about 24 miles above the Indian reservation. This reservoir covers an area of about 15,000 acres and has a capacity of about 200,000 acre-feet. However, the flow of the river does not always fill this reservoir and, as I understand it, the average amount supplied by the river is not less than 163,000 acre-feet, and my judgment is that in an average year it will be sufficient to fill the reservoir.

On the Blackfoot River below this reservoir there are some prior water rights, consisting of water rights appropriated by farmers and the water decreed by the court for their benefit and use. The amount of these decreed rights, as I understand it, is about 232.78 cubic feet of water per second, which is equivalent to 41,481.49 acre-feet. On a basis of 163,000 acre-feet, which is certainly the minimum, this leaves 121,419.5 acre-feet as available reservoir capacity, which on a basis of 3 acre-feet per acre of land irrigated will irrigate approximately 40,506 acres of land. Therefore, you have sufficient water, if these figures are correct, to irrigate 88,506.6 acres of land.

Under the laws of Idaho and every other State where irrigation laws are in force the law and the rule is that water must be put to beneficial use and that no citizen or corporation can hold more water than is necessary to irrigate the specific lands for which the same was appropriated. This being the case, it seems to me that it would be good business for the Government to sell the water that it can never use, and from the proceeds reimburse the Government for a part of the money that has been spent in the construction of irrigation works and reservoirs.

I do not desire to be presumptious in this matter, but feel it my duty to call your attention to it, for I am convinced that if the Government does not take this course in time this surplus water, that can never be used on the lands for which it was appropriated, will be appropriated by some individual or corporation, and the Government will receive no benefit whatever from the same.

Very truly, yours,

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 19, 1914.

MY DEAR SENATOR BRADY: Replying to your letter of June 18, as to the conditions existing on the Fort Hall Indian Reservation relative to the irrigated lands and water supply, I transmit herewith draft of an amendment to the Indian appropriation bill, which I suggest as proper for introducing at this session of Congress.

Apparently there is more water now available in the reservoir and natural flow-water rights in the Snake River for this project than can be economically distributed by the system of canals as constructed, and it is believed that authority of Congress should be given to sell whatever surplus of such water may be available for sale.

Cordially, yours,

CATO SELLS, *Commissioner.*

Mr. BRADY. Mr. President——

Mr. PAGE. Mr. President, I did not yield the floor, except for the reading of the letters.

Mr. TOWNSEND. Mr. President, may I ask the Senator from Idaho a question in connection with the correspondence which has been read?

Mr. PAGE. I yield to the Senator.

Mr. TOWNSEND. As I understand, in the letter the Senator wrote he suggested that the United States should sell this water. Does the Senator maintain that the United States has the right to sell the water and yet has no right to impose restrictions or conditions as to its use?

Mr. BRADY. They would have the right in case nobody objected to it. In this case they have a reservoir to sell also. I want in some way, if it is possible, for the Government to get back its money from the sale of the surplus water, if it can.

Mr. TOWNSEND. Does the Senator think that the Government has a legal right to sell that surplus water?

Mr. BRADY. The Government has appropriated the water and built a reservoir, and if the Government desires to sell it to somebody who wants to use it for a beneficial purpose, and nobody objects, the Government can do it.

Mr. TOWNSEND. It does not make any difference, so far as the legal right is concerned, whether there is objection or not, does it?

Mr. BRADY. If the title would pass, I do not think there would be any question but what the title would be good whether anybody objected or not, if the purchaser immediately put the water to a beneficial use.

Mr. TOWNSEND. Does the Senator think the Government could pass a good title?

Mr. BRADY. In this instance the Government has made a proper and legal appropriation, has constructed a reservoir and impounded the water. I believe that the Government could sell an interest in the reservoir, and the Government could pass good title to the property.

Mr. SMOOT. Mr. President, if the Senator from Vermont will allow me——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Utah?

Mr. PAGE. I wish to say that I was rather careless when the junior Senator from Arkansas [Mr. ROBINSON] attempted to interrupt me, and I want to surrender the floor to him now, because I ought to have done so some time ago.

Mr. SMOOT. The Senator can not surrender the floor to anybody.

Mr. PAGE. I mean I yield the floor for the purpose of allowing the Senator from Arkansas to make some remarks, if I may be permitted to do so.

Mr. SMOOT. I merely desire to say a word to the Senator from Idaho, which perhaps may save time in the consideration of this bill. If the Senator from Idaho does not offer the amendment that is suggested in the letter of the Commissioner of Indian Affairs and refers it to the committee and the committee offers it, I am going to make a point of order against it in any event, because, Mr. President, the United States and no one else has any right to sell water which they have appropriated, and the only way in which they can acquire legal title to it is by beneficial use.

Mr. ROBINSON and Mr. LANE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Vermont yield?

Mr. PAGE. I yield to the junior Senator from Arkansas.

Mr. ROBINSON. Mr. President, many of the Senators who have already spoken on this question are much more familiar with the subject of irrigation than am I. I believe, however, that there is a very important principle involved in this proviso and that it is effective to preserve the rights of the Indians on the various reservations to which it may be applied. I think there is a misapprehension as to the rights and power of the Federal Government in the reservation of waters flowing through territory of the United States and over lands which may constitute Indian reservations.

Prior to the decision in the Winters case, in Two hundred and seventh United States Supreme Court Reports, the opinion seemed to prevail, so far as I can tell, among lawyers generally and especially among lawyers in the West that the doctrine of prior appropriation governed exclusively or almost exclusively in the determination of water rights. The decision in the Winters case constituted an epoch in the history of Indian affairs in the United States, in that it suggested a way whereby, if Congress is prompt in acting, valuable rights which might otherwise be lost to the Indians may be preserved to them.

The Winters case lays down this doctrine—and I call the attention of Senators, especially those from the West, to it, although doubtless they are familiar with it—that the United States in setting aside by treaty for the use and benefit of the Indians reservations to be used for the raising of stock and for agricultural purposes impliedly reserved a sufficient amount of water flowing in the streams that pass through the reservation to carry out the primary purpose of its agreement with the Indians, and, second, that that reservation of water is prior and paramount to the actual appropriation of water under State and Territorial laws.

Mr. President, I am aware of the fact that this is a very far-reaching doctrine and a very important one, but if the decision in the Winters case is sustained it means that if Congress wants to carry out its agreements with the Indians whereby these reservations were set apart in order that they might become an agricultural people and advance to a high state of civilization it can by proper action reserve a sufficient amount of water to accomplish that purpose.

If the reservation of water is effective the States under their laws can not deprive the Indians of the right to this water, because the same is exempted from appropriation; but it is also true that the most complicated questions arise in such cases, questions of far-reaching importance. I will disclose by an illustration that when water has been actually diverted under State laws, even though it has been reserved by treaty for the benefit of lands on Indian reservations, when it is wrongfully appropriated under those laws——

Mr. WARREN. In order that we may follow the Senator—I am not familiar with the decision—I will ask the Senator, when was it made and where did the case arise?

Mr. ROBINSON. It was decided January 6, 1908, by the Supreme Court of the United States. I am going to read from it.

Mr. WARREN. Where did the cause of action arise?

Mr. ROBINSON. It was an appeal case from Montana and affected the waters of the Milk River in Montana. If I am permitted to do so, I will take just a little time to go into this subject, but before doing that I want to give the illustration which is familiar to the members of the joint commission created to investigate Indian affairs.

During the last session Congress appointed a joint commission, composed of four members, of which the Senator from Michigan [Mr. TOWNSEND] was a member, I being the other representative on the part of the Senate, and two Members of the House, to work out some sort of an adjustment of the controversies that had arisen over water rights on the Yakima Reservation, in the State of Washington. Briefly stated, the facts under which that controversy arose were these: Many years ago the United States set aside a reservation, known as the Yakima Indian Reservation, in the State of Washington, for the benefit of the Yakima Indians and certain associated tribes. The Yakimas ceded a large territory to the United States. It was declared in the treaty that it was the purpose of the treaty to encourage agriculture among the Indians. With the passing of time, white persons settled on the other bank of the Yakima River and began to appropriate the waters of that river. Large irrigation projects were established under the laws of the United States, until the entire water flow of the Yakima River, which was the principal irrigation stream touching the Yakima Indian Reservation, had been actually appropriated under the laws of the State of Washington.

In the meantime it had become apparent that the waters of that river were not sufficient to supply the demands of the reservation and of the white users on lands off the reservation. Conflicts arose and litigation occurred in the courts of the State of Washington, and the controversy, as is known to Senators who are present, became one of the bitterest and most difficult that has arisen in connection with the irrigation projects of the United States. This commission was empowered to investigate that matter. Until the decision in the Winters case it was almost universally contended that the prior appropriation of these waters and their application to actual beneficial use under the laws of the State of Washington gave the white settler the prior right to the water; but, applying the decision in the Winters case, it was found that as a matter of equity, if not as a matter of law, when that reservation was set aside there was an implied reservation of enough water flowing in the Yakima River to irrigate the lands of the Indians on the Yakima Reservation. That theory is supported by the doctrine in the Winters case. Nevertheless, practically all of the water having been diverted for use by white settlers on nonreservation lands, we are now in this bill, as the result of that investigation and in an attempt to adjust that controversy, entering upon a policy of making gratuity appropriations which contemplate large sums for the purpose of reimbursing the Indians for the waters that were wrongfully taken from them under the laws of the State of Washington.

I have said that the Supreme Court of the United States has decided in the Winters case that whenever the Government by treaty with the Indians makes a reservation of land for the

whole, Mr. President.

an amendment that has already been accepted by the Senate

States. All laws and parts of laws in conflict herewith are hereby repealed.

Mr. MYERS. I offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Montana offers the following amendment to the committee amendment.

The SECRETARY. Amend by inserting, after the words "United States," in line 11, page 43:

If exercised within three years from the date of the proclamation of the President opening said reservation to settlement.

Mr. PAGE. Mr. President, this amendment on page 43 is in the exact language of amendments which have been made at the suggestion of the Commissioner of Indian Affairs in three or four or perhaps a half dozen points in the bill. At the time this matter came before the Committee on Indian Affairs in the House the question was raised as to why this provision was put in. I read from the Indian appropriation bill hearings, commencing on page 379. Mr. Meritt, the Assistant Commissioner of Indian Affairs, said:

Congress has passed in these cases laws extending the State laws for beneficial use to irrigation projects, and it is for the purpose of repealing all those laws so that the Indians will not be required to make beneficial use in accordance with the State laws or else lose their water rights under these projects.

If it is true as is claimed by those who insist upon this amendment that the Federal Government can pay out several hundred thousand dollars to impound waters for the benefit of an Indian reservation, and then pay out millions upon millions of dollars to build irrigating ditches to complete irrigation projects, and if within five years the Indians have not availed themselves of its beneficial use the white man may take the water and carry it elsewhere outside the reservation—I say, if it is true that that is the condition of affairs with reference to these irrigation projects, then I believe we should oppose the very large increases that have been made by the Senate Committee on Indian Affairs to the appropriations made in the House until such time as this matter can be put upon some basis that will safeguard the Indians.

I remember that in the Senate discussions a day or two ago the Senator from Montana [Mr. MYERS] demurred to a statement made by the chairman of the Committee on Indian Affairs, the Senator from Arizona [Mr. ASHURST], when he said that these amendments had received the unanimous approval of the Indian Affairs Committee. I have no doubt the Senator states his belief about that, but if he had been present—he was in the hospital, I think—he would have known that this matter was brought up repeatedly in the committee, and that it was the unanimous sentiment of the committee that these large appropriations should not be continued unless the Indians were safeguarded substantially in the manner suggested by the amendment under discussion. It may be well to go back to the hearings had in the Senate Committee on Indian Affairs last year for a moment. I think last year we increased the appropriation for this item above the sum named in the bill as it came from the House something like a half million dollars, and all the time we were acting upon the supposition that the Indian was fully protected.

On page 272 of the hearing, under date of February 8, 1913, I find in the report the following:

Senator MYERS. When you come down to the merits of the matter, I wish I could in some way portray the situation out there.

Remember that the Senator was speaking of these appropriations for the irrigation of Montana Indian lands. I continue:

Senator MYERS. I want to indorse all that Senator Dixon has said, and to say a good deal more if possible. I will not say a good deal more, because you have not the time.

That Flathead Reservation is right in my part of the State. I am frequently on it, and I am thoroughly familiar with it. I live close to it, as well as Senator Dixon, and I am getting letters from people every day—reputable people, whom I can not doubt and who know the situation—portraying the situation there. The circumstances are that when that reservation was thrown open there was some promise on the part of the Government to put water on it at an early day, and those promises induced people to buy those lands and make the first payment; to break up housekeeping in the other States and move out there and go on the 80-acre tracts. The 80-acre tracts are worth nothing without water on them, and the Government led people to believe that water would be put on them. It is all reimbursable.

I want the Senate to especially note that in all these discussions it is apparent that nobody was speaking for the Indian. It was always the white man who was the subject of chiefest solicitude before that committee. I continue to quote from the hearings:

Senator PAGE. Why do you understand the House cut it down?

Senator MYERS. The Secretary of the Interior made it $250,000; but Mr. Newell, the reclamation officer, and the men on the ground who know what they are talking about, state that it ought to be $625,000.

* * * * * * *

The CHAIRMAN. Do you desire to postpone consideration of this matter until Senator Dixon comes into the room?

Senator MYERS. Yes, sir; if you are going to do anything with it. It is his amendment.

The CHAIRMAN. Or shall I submit it to the committee now?

Senator MYERS. I would like to ask the gentlemen of the committee a question or two about this. Do any of you doubt that the land is worth this money and that it will be reimbursed to the Government? Do you doubt that the security is sufficient?

Senator CURTIS——

I want to say here that Senator Curtis was quite often the court of final appeal in discussions before our Committee on Indian Affairs, because he had been on that committee for a great many years, was himself, I believe, a half or a fourth blood Indian, knew about all the treaties, and when he expressed an opinion it had great weight with the committee. Here is what he said at that time:

Senator CURTIS. I do not know anything about this particular tract. I have tried to find your last year's hearing, but did not have time. There is one of these reservations in your State where the property owned by the Indians is not sufficient to reimburse the Government. I do not know which one it is, but there is one of them, because——

Senator MYERS. This certainly is not it.

Senator CURTIS. Because they showed that if you got all the money that the land was appraised at it would not then pay back the amount of money that we had advanced for irrigation.

Bear in mind, Mr. President, that we are mortgaging the Indian lands for these irrigation schemes, when a Senator Curtis says, with reference to some of them, "if you get all the money the lands were appraised at it would not pay back the amount of money that we had advanced for irrigation."

I want to say here that we have repeatedly had the statements made before the Committee on Indian Affairs that some of these irrigation ditches had been allowed to fill up, to become almost worthless, and yet year after year we are asked to increase these appropriations substantially as they are increased in this bill. As you see on page 43 of the bill before us the House provision called for only $100,000, but we are proposing to increase the sum to $250,000, and yet when you come to safeguarding the Indians by the amendment proposed by the Indian Bureau we are met by a proposal from the Senator from Idaho that the amendment go out on a point of order.

My insistence is that if we are going to rule out this protective clause on a point of order, we do not want to make the increase from $100,000 to $250,000 on this particular appropriation and hundreds and hundreds of thousands of dollars on other appropriations in this bill for irrigation projects in the one State of Montana. I think we have added half a million dollars in this State alone to what the House provisions called for for irrigation.

These appropriations may not be wrong if we will protect the Indians' rights, but, in my judgment, Mr. President, we are not doing this. We substantially say to the Indian "You must be a farmer. You must make beneficial use of this water." The Indian says, "I have no money; I have no horses; I have no wagons; I have no plows. Help me to the wherewith and I will do it." Our reply to him is substantially this: "No, sir; we are going to tie your hands. We will not give you anything to work with; and yet if you do not make beneficial use of this water within three years—that is the amendment offered by the Senator from Montana [Mr. MYERS]—your rights under these irrigation projects may be taken away from you."

Mr. SUTHERLAND. Does the Senator from Vermont think that the Indians upon these reservations have a preferential right to the water?

Mr. PAGE. Mr. President, I am not a lawyer and prefer not to express legal opinions, but I would like to read just a paragraph from the hearings. Congressman CARTER, the Indian Congressman from Oklahoma, asked Assistant Commissioner of Indian Affairs Meritt touching this particular amendment, and his reply was:

That is a general item that we are incorporating in connection with a number of these items. Congress has passed in these cases laws extending the State laws for beneficial use to irrigation projects, and it is for the purpose of repealing all those laws so that the Indians will not be required to make beneficial use in accordance with the State laws or else lose their water rights under these projects.

Mr. SUTHERLAND. The Senator has not quite answered my question. My question was whether the Senator from Vermont thought the Indians upon these reservations had a preferential right to the water?

Mr. ROBINSON. Mr. President, will the Senator from Vermont yield to me for a moment to attempt to answer the question of the Senator from Utah?

Mr. PAGE. Mr. President, I shall be very glad to do so, because I am not a lawyer and I am glad the Senator from Arkansas desires to come to my relief.

Mr. SUTHERLAND. If the Senator will permit me, the answer of the Senator from Arkansas alone might not answer the purpose I had in my mind. I desired to ascertain, if I could, what is the state of mind of the Senator from Vermont upon this question.

Vey to the Bismarck Water Supply Co., a corporation organized and

his or her right thereto while said land is held in

Mr. PAGE. Then let me answer before the Senator from Arkansas makes a statement.

Mr. SUTHERLAND. I wanted to understand whether he thought the Indians had a preferential right.

Mr. PAGE. Some law has been submitted to me which would tend to show this, but whether it is a good or bad law I do not know. In volume 207 of the United States Reports——

Mr. SUTHERLAND. That is the Winters case?

Mr. PAGE. It is the Winters case.

Mr. SUTHERLAND. I am familiar with that case.

Mr. PAGE. It says:

The Government of the United States has the power to reserve waters of a river flowing through a Territory and exempt them from appropriation under the laws of the State which that Territory afterwards becomes.

Mr. SUTHERLAND. Well, now——

Mr. PAGE. I only give that for what it is worth. We have been led to believe that the Federal Government has a right to take care of the Indians. If it has not, we want to know it now, so as to better safeguard the matter.

Mr. SUTHERLAND. I shall take occasion some time before this debate is ended to discuss that case; but still the Senator from Vermont has not replied to my question. Does the Senator from Vermont think the Indians have a preferential right?

Mr. PAGE. I want to say to the Senator from Utah that I decline to be catechised as a lawyer, because I am not a lawyer; I am simply giving the business view of the matter as it presents itself to me.

Mr. SUTHERLAND. Of course it does not require the training of a lawyer for the Senator to make up his mind as to whether or not a right exists.

Mr. PAGE. I have been led to believe by the statement of the assistant commissioner, backed, as I understood, by the opinions of the attorneys of the Interior Department, that the Federal Government has the right to take care of the Indians in the way provided in this bill.

Mr. SUTHERLAND. What I was going to suggest to the Senator from Vermont, if he had answered my question, was that either these Indians have a preferential right to this water or they have not—one or the other. If they have a right, no statute can take it away from them; and if they have no right whatever, no statute can confer it upon them. So, as it seems to me, in either view of the situation this provision is of no value; it is of no consequence. That was the only suggestion that I desired at this time to make to the Senator.

Mr. PAGE. I thank the Senator for his suggestion. I have no doubt that his law is good, for I respect the Senator's legal abilities very highly. I come at the matter, however, in this way: If the law gives the State the right to take this water away from the Indian, then I do not want to continue year after year to take the Indian's money and put it into these irrigation projects.

I want to read a little further from the hearings upon that point, because I am very deeply interested in this matter.

Mr. SMITH of Arizona. Before the Senator reads the matter to which he refers will he permit me to make a suggestion in answer to his last proposition?

Mr. PAGE. I will.

Mr. SMITH of Arizona. The attitude which we assume is very plain. It is that the Federal Government has no control or power or right over non-navigable streams in a State. The States own such streams by the very constitutions of the States. So the Federal Government's attempt to controvert the right of a State or the right of the people of a State as to the use of water is perfectly futile. Congress could not succeed in doing it if it tried to do so.

Mr. PAGE. Mr. President, I should like to interrogate the Senator from Arizona for a moment, as he has made a very pertinent suggestion.

Let us admit that the Senator's law is absolutely correct; I am not questioning that at all, for he is a lawyer, and I am not; but I desire to ask him if he would like to have us, as a Senate or as a Congress, appropriate the Indian's money when in one year, two years, or three years the States can step in and take away from the Indian the value which has been paid for with his money?

Mr. SMITH of Arizona. I do not think there is a man on this floor or on the floor of any other respectable body who would desire to do anything of that kind. Certainly I should not.

Mr. PAGE. That is what we are doing, are we not?

Mr. SMITH of Arizona. I think not, for it is reimbursable to the Indian, where the white man uses it it has to be reimbursed. Water being the life of those people, it can not stand idle for all time, dedicated to me or to anybody else. That would be contrary to the constitution of every one of the arid States. You would hold it up here; the interpretation you would put upon it by your action would be to reservoir this water and keep it there perpetually if some Indian did not take it. The law of the State would not permit such a thing; and the people who live there never would submit to it.

Mr. PAGE. Has the Senator from Arizona read this bill sufficiently to know that in one State alone, the State of Montana, the increase of appropriation by the Senate Committee on Indian Affairs has been half a million dollars over and above the House provision in the bill.

Mr. SMITH of Arizona. That might be; and yet that might not be half enough, and it might be twice too much.

Mr. MYERS. May I ask the Senator from Vermont a question for information?

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Montana?

Mr. PAGE. Certainly.

Mr. MYERS. Does the Senator begrudge that appropriation if it goes to a good use? How much would he cut it down?

Mr. PAGE. I believe it is my duty to oppose to the extent of my ability any increase over the House provisions if the Indian's rights can not be safeguarded.

Mr. MYERS. I ask the Senator if he can cite one instance where that has been the case heretofore in Montana?

Mr. PAGE. I simply say that in this matter I am guided by the opinions of the Indian Department. That department and its attorneys have said that this proviso was necessary to protect the Indian. Let me read it, for I want the Senate fully to understand just what we are discussing here:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States.

This is a precaution which the Indian Department says is necessary. Can I consistently and conscientiously stand here and say that I will approve the increase in the appropriation about which we are now talking, from $100,000 to $250,000, in the face of the statement of the department that this proviso is necessary to protect the Indian? Are we doing our duty as guardians of the Indian if we consent to the use of his money in this lavish manner when we know that he is liable to be deprived of the benefits resulting from these expenditures?

Mr. MYERS. Will the Senator from Vermont again yield to me?

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Vermont yield?

Mr. PAGE. I first yield to the Senator from Montana, because he was first to ask me to yield.

Mr. MYERS. We have not yet reached the paragraph where there is an increase from $100,000 to $250,000. That paragraph is not the one now under discussion. The insignificant sum of $20,000 is proposed to be allowed for prosecuting the great reclamation project on the Fort Belknap Reservation. There is not one cent of increase provided for in this paragraph.

Mr. PAGE. If the Senator from Montana will take the trouble to examine the bill, he will find that the very language, commencing on line 3 and ending in line 12, on page 43, is repeated on line 21 of the same page.

Mr. MYERS. We have not yet reached that.

Mr. PAGE. It is being repeated in practically every one of these irrigation clauses in this appropriation bill, because the Commissioner of Indian Affairs insists that it is necessary to put these provisions into every one of the paragraphs.

Mr. MYERS. I am talking about the pending paragraph now. What would the Senator do about that $20,000 where there is no increase? Would he take it away from them?

Mr. PAGE. I took up this feature of the bill at the very first point when we reached it. The Senator from Idaho gave notice yesterday that he would make the point of order on this proviso. I simply say that, if that point of order is to be made, then I do not want to increase the appropriations for irrigation purposes until some way is found to safeguard the Indian.

Mr. BRADY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. With pleasure.

Mr. BRADY. Did I understand the Senator from Vermont to say that the Commissioner of Indian Affairs had recommended this particular paragraph?

if made in the Committee of the Whole, for the determination of the Senate, as an amendment may be reserved for determination in the Senate. The Chair has no doubt that the Senator from Colorado can reserve the point of order for the Senate, but what it amounts to the Chair is unable to determine, because the point of order has been once overruled.

Mr. THOMAS. I reserve the right to make the point of order against this particular amendment when the bill comes into the Senate. I refer to the amendment on page 77.

Mr. ASHURST. Mr. President, I ask the attention of the Senator from Mississippi to this: At the end of the amendment offered by him yesterday, and which was adopted, on behalf of the committee I propose the amendment, which I send to the desk, to the committee amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of the amendment of the Senator from Mississippi heretofore agreed to, it is proposed to insert the following words:

Unless the consent of the United States shall have previously been given, all contracts made with any person or persons now applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine of not exceeding $500 or imprisonment for not exceeding six months, or both.

Mr. JONES. Mr. President, I wish to suggest that the amendment as amended was agreed to. I do not see how another amendment can be offered without reconsideration.

The VICE PRESIDENT. Is there any suggestion of a point of order?

Mr. WILLIAMS. Mr. President, I have read the amendment offered by the Senator from Arizona, and it seems to me it is all right. It reads in this way:

Unless the consent of the United States shall have previously been given all contracts made with any person or persons now applicants for enrollment as citizens in the Five Civilized Tribes for compensation for services in relation thereto are hereby declared to be void and of no effect, and the collection or receipt of any moneys from any such applicants for citizenship shall comprise an offense against the laws of the United States, punishable by a fine—

And so on.

The point of doubt that arises in my mind about it is this—and I want to suggest a method of curing it, which I think will be accepted by the Senator from Arizona: It declares these contracts to be void and of no effect. There is some doubt about our right to do that. In the act of 1902 certain language appears which I shall ask the Senator to add to his amendment, so that if that should fail because of unconstitutionality this will hang. That language was as follows:

Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, unless approved by the Secretary of the Interior.

I put in those words, "unless previously approved by the Secretary of the Interior."

Mr. ASHURST. So far as I have any authority so to do——

Mr. GORE. Mr. President, that is the point about which all this controversy touching enormous fees has revolved—the power of the Secretary to approve these contracts—and Congress on two different occasions has deliberately decided that it requires the previous approval of Congress in the one instance or the previous approval of the United States in the other. Now, no man can penetrate the future far enough to tell what might happen, and I do not want any single officer of this Government given this authority.

Mr. WILLIAMS. Mr. President, will the Senator from Oklahoma permit an interruption for a moment?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I added to that language in the law of 1902, for the purpose of keeping in with the spirit of the amendment offered by the Senator from Arizona, the language:

Unless previously approved by the Secretary of the Interior.

I am perfectly willing, however, to strike that out, and then it will read as the Secretary will now read it; that is to say, that the land shall go on unencumbered by any debt, deed, contract, or otherwise made previously to that time.

Mr. GORE. That is it; make it absolute.

Mr. WILLIAMS. That will make it absolute.

The VICE PRESIDENT. But there is a parliamentary situation here. This amendment as amended has been adopted in Committee of the Whole, and now it is proposed to amend an amendment that has been adopted in Committee of the Whole.

Mr. ASHURST. I ask unanimous consent that the matter be reconsidered for this purpose.

Mr. WILLIAMS. I thought we were still in Committee of the Whole, Mr. President.

The VICE PRESIDENT. We are in Committee of the Whole, but the amendment has once been adopted.

Mr. WILLIAMS. Then we will have to get unanimous consent to go back to it, that is all.

Mr. GORE. I understand this is an amendment to the bill.

The VICE PRESIDENT. There was a motion made to reconsider, and a motion to lay the motion to reconsider on the table was agreed to. The Chair is compelled to decide that there can not be two motions to reconsider.

Mr. WILLIAMS. The Chair is clearly right.

Mr. VARDAMAN. Mr. President, could it not be adopted by unanimous consent? I do not think there is a Senator upon the floor who would object to it. I ask that it be added by unanimous consent.

Mr. TOWNSEND. Mr. President, I am not yet familiar with that amendment. I have been trying to get into my mind just exactly what it purports to do, and before I will consent to it I should like to know exactly what the proposition is that is before the Senate.

Mr. ASHURST. Mr. President, as was disclosed yesterday during the debate, and as the Senator from Michigan well knows, because he is a valued and faithful member of the Committee on Indian Affairs, and as all of the Senators know, a large number of persons, composed in part of lawyers, in some of the cities of the Southwest have been very assiduously engaged from time to time in the matter of seeking out Indians, either full bloods or quarter bloods or whatever they might be, and getting contracts from them ranging all the way from 15 to as high as 40 per cent, to be paid to the attorney in the event that he secures a judgment for any money or property against the United States. The object of the amendment is to provide that no contract that may be secured with an Indian shall be of any validity unless it is approved in advance by the Interior Department or by the United States Government, and that any property or moneys that may come to an Indian by virtue of any allotment or otherwise shall not be subject to any lien or subject to any charge for any fee.

I need not make any extended remarks on the subject of the abuse. It is so flagrant that it seems to me legislation dealing with it ought to be provided.

The distinguished Senator from Michigan will remember that in the Indian appropriation act last year the Committee on Indian Affairs, after much discussion, added this provision:

No contract made with any Indian where such contract relates to tribal funds or property in the hands of the United States shall be valid, nor shall any payment for services rendered in relation thereto be made, unless the consent of the United States has previously been given.

Mr. TOWNSEND. Does the Senator mean by "United States" the Secretary of the Interior?

Mr. ASHURST. No; the legislation of last year provided "unless the consent of the United States has previously been given," leaving it to the Congress of the United States to give the consent.

Mr. WHITE. Mr. President, I heartily agree with the intention of the amendment. I do not think that the country can be worse afflicted than with scavenger lawyers who are out scouring the country to get cases. They do not deserve anything. They do not get any credit at the hands of the profession for any such conduct, and they are not entitled to any consideration at the hands of the public.

I want to ask the Senator from Arizona one question, however, and that question I am induced to ask by what was said by the Senator from Mississippi. The Senator from Mississippi seems to think that Congress has not power to invalidate these contracts. That, I think, would be true if the contract was made with a person sui juris, but is it true with reference to an Indian?

Mr. ASHURST. It is my judgment, as a matter of law, that a contract made with an Indian who has not yet severed his tribal relations with respect to property that is in trust by the United States would not be valid, and in the case of such a contract Congress would have full jurisdiction to invalidate it.

Mr. WHITE. Or impose any condition it pleases upon its appropriation of either lands or money?

Mr. ASHURST. Yes, sir; manifestly.

Mr. WHITE. If that is true, it occurs to me that the amendment of the Senator from Mississippi would not be necessary, though I do not object to it.

Mr. ASHURST. I think the amendment of the Senator from Mississippi is salutary and necessary. I think it is a wise amendment.

The VICE PRESIDENT. Is there any objection to the amendment?

Mr. JONES. Mr. President, I do not see how we can amend an amendment that has already been accepted by the Senate

without reconsidering it. The chairman of the committee can offer this amendment in the Senate and there will then be no parliamentary situation to prevent it. Unless the amendment he proposes to amend is reconsidered I make a point of order that the amendment will not be in order.

The VICE PRESIDENT. The amendment is not in order if there is the least objection to it. There is objection made.

Mr. GORE. I should like to inquire if the amendment offered by the Senator from Arizona can not be offered as an amendment to the bill?

The VICE PRESIDENT. It may be offered in the Senate.

Mr. GORE. I mean in Committee of the Whole. I know no rule of the Senate which precludes a Senator from offering any amendment to a bill that is pending in the Senate.

The VICE PRESIDENT. There is no rule of the Senate which precludes it, but it is not offered as an amendment to the bill. It is offered as an amendment to the amendment.

Mr. GORE. That would obviously be out of order. I suggest to the Senator from Arizona that he offer his amendment as an amendment to the bill to be inserted at this place.

Mr. ASHURST. I can not do that at this time when we are considering only committee amendments.

Mr. GORE. Very well, if the rule is that way. I did not know it was the rule.

Mr. ASHURST. I withdraw the amendment, and will offer it at another time. Before we pass from Oklahoma, I think there is one more item reserved.

Mr. OWEN. I call the attention of the Senator from North Dakota to the John West item, which went out on a point of order. I think if he would present it that there would be no point of order made against it.

Mr. CRAWFORD. I will ask the chairman of the committee, as I was absent from the Chamber for a little while, whether the item under South Dakota has been reached yet?

Mr. ASHURST. I will say to the Senator from South Dakota that it has not been reached yet.

Mr. CRAWFORD. I want to offer an amendment to that.

Mr. ASHURST. I ask that the amendment on page 60 be agreed to.

The VICE PRESIDENT. It will be read.

The SECRETARY. On page 60 the committee report to strike out line 14 to line 11 on page 61, the following words:

That the fourteenth paragraph of section 18 of the Indian appropriation act approved August 24, 1912 (37 Stats. L., pp. 533, 534), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians who are members of the Band of Mexican Kickapoo Indians residing in the Republic of Mexico, covering individual Indian moneys now on deposit to the credit of such Indians, or in any manner under the control of the superintendent of the Shawnee Indian School and other officers of the Interior Department or which may hereafter be deposited with or come under the control of the Department of the Interior or its representatives, except such moneys as may belong to members of said band who are under 18 years of age and the feeble-minded Indian known as Paw-kaw-kah, in which cases such moneys shall be paid to the proper custodians of the members of said band who are under 18 years of age, and the said Paw-kaw-kah."

And to insert:

That part of the act of Congress approved June 21, 1906 (34 Stats. L., p. 363), reading as follows: "All restrictions as to sale and encumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee;" be, and the same is hereby, repealed, and the trust period on the lands allotted to said Indians now held in trust is hereby extended for 10 years from the date of the expiration of the present trust period on said lands, and the further sale of any of the lands allotted to or inherited by the Mexican Kickapoo Indians shall not be permitted without specific authority of Congress.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Mr. President, as it will be necessary for me to leave the Chamber in a short time I will ask the permission of the Senator in charge of the bill that I may offer an amendment of which I spoke to him and to which I have his consent, to be inserted on page 55, after line 14. I ask that the amendment be read. It is short, except the description of the land.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 55, after line 14, insert:

The Secretary of the Interior is hereby authorized to grant and convey to the Bismarck Water Supply Co., a corporation organized and existing under the laws of the State of West Virginia, an easement or right of way for use for a pumping station and for other necessary buildings, railroad tracks, mains, water pipes, and wells on lands appertaining to the Indian school, Bismarck, N. Dak., for the purpose of pumping water from the Missouri River to its reservoir and to supply its patrons with water, such grant to be made upon such conditions as the Secretary of the Interior shall prescribe, and such easement to continue so long as used for the aforesaid purposes; the said easement to cover the following described lands, to wit:

That part of lot 3 of section 31, township 139, range 80 west of the fifth principal meridian, in the county of Burleigh, in the State of North Dakota, bounded and described as follows: Beginning at a point 50 feet easterly from the smaller spur track of the Northern Pacific Railway Co., running along the easterly side of the warehouse of the said railway company, and 1,075 feet southeasterly from the north line of said lot 3, said distance being measured parallel to or concentric with the aforesaid spur track and 50 feet easterly therefrom; thence northwesterly, parallel to or concentric with aforesaid track and 50 feet easterly therefrom, 260 feet; thence north 3° 55' west 198.5 feet; thence along the southwesterly right-of-way line of the main track of the Northern Pacific Railway Co. 169.4 feet; thence south 13° 40' east 314 feet, to the point of beginning; said tract of land containing 1.3 acres, more or less.

Mr. McCUMBER. Mr. President, I will briefly, in explanation of this amendment, state that the Bismarck Water Co. buildings for the operation of its waterworks were located on land purchased from the Northern Pacific very near the Northern Pacific bridge crossing the Missouri. A few years ago it was found—or, at least, it was thought—that the intake pipe at that particular point was more or less responsible for a settling of the abutment of the bridge. Therefore the Northern Pacific made an arrangement with the water company to convey it other land and to remove its buildings and structure a few hundred feet down the river. Subsequent to that, and after the tract had been agreed upon, the Northern Pacific conveyed the tract of land to the United States for the purpose of an Indian school. It was in two separate tracts. It made the reservation in one of the tracts granted, but failed, through inadvertence, to make the reservation in the other tract. Therefore this amendment is offered for the purpose of granting the easement over an acre and two-tenths, I think it is, approximately, for the use of the water company, upon such terms as may be fixed by the Secretary of the Interior.

The PRESIDING OFFICER. This not being a committee amendment, it can only be considered at the present time by unanimous consent. Is there objection? The Chair hears none. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER].

The amendment was agreed to.

Mr. ASHURST. I ask now to recur to the Montana items on page 42.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The next amendment was, under the head of "Montana," in section 9, page 42, line 16, after the word "employees," to strike out "$12,000" and insert "$15,000," so as to make the clause read:

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $15,000.

The amendment was agreed to.

The next amendment was, on page 42, line 19, after the word "employees," to strike out "$30,000" and insert "$35,000," so as to make the clause read:

For support and civilization of Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

The amendment was agreed to.

The next amendment was, on page 42, line 22, after the word "employees," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

For support and civilization of Indians at Blackfeet Agency, Mont., including pay of employees, $20,000.

The amendment was agreed to.

The next amendment was, on page 43, line 2, after the date "1910," to insert "*Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United States. All laws and parts of laws in conflict herewith are hereby repealed," so as to make the clause read:

For maintenance and operation, including repairs, of the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $20,000, reimbursable in accordance with the provisions of the act of April 4, 1910: *Provided*, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Belknap Reservation or set aside for administrative purposes within said reservation, is hereby reserved; and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto while said land is held in trust by the United

said that he could not finish the roll, and that there were others who should be included?

Mr. OWEN. Yes; and Congress did not agree to change the law. The Interior Department found at that time quite a number of cases which they did not have full opportunity to carefully consider and review under all of the regular processes which the department follows, yet I remind the Senator that for 10 years these cases had been being heard; many of them had been heard by the Interior Department and sent back to the Dawes Commission, then sent back to the Interior Department, and then again sent back to the Dawes Commission, and were before the Secretary for a third time.

Mr. VARDAMAN. But, Mr. President, I want to ask the Senator from Oklahoma if, as the guardian of these unfortunate people, if there are any people in Mississippi who are entitled to share in this benefaction, he does not feel that the Congress is morally bound to ascertain that fact and to permit them to so share?

Mr. OWEN. Mr. President, Congress has taken the most extreme pains by beginning in 1896 and only closing after 10 years of hearings——

Mr. VARDAMAN. As a matter of fact——

Mr. OWEN. Just a moment; let me answer. This Congress authorized the Dawes Commission to make up its rolls in 1896. The Dawes Commission was instructed in 1897 to report on the rights of the Mississippi Choctaws. The Dawes Commission made a report that those Indians were not entitled to rights unless they moved to the western country, established a residence there, and proved that they were descendants of the fourteenth-article claimants. Judge Clayton held the same thing in effect, and he was authorized by Congress to pass upon it. The Supreme Court confirmed the Clayton decision in a group of cases—the Stephens case. After 10 years the Interior Department finally closed those rolls under the instruction of Congress, and the 400 whom we ask to have enrolled are simply those whom the department, after 7 years of inquiry, since that time—from 1907 to 1914—say they believe are equitably entitled.

Mr. VARDAMAN. Is the Senator willing for them to be enrolled?

Mr. OWEN. Yes.

Mr. VARDAMAN. Well, the Senator is not sure, but I am certain that there are others in Mississippi, and probably elsewhere, that are entitled to the same consideration at the hands of Congress that the persons are entitled to who are included in this amendment.

Mr. OWEN. Mr. President, there are a hundred thousand Indian people in Oklahoma who are entitled to their peace. They have left this matter in the hands of the United States to distribute this property among them. From 1896 to 1907—11 years—these questions of citizenship were before the authorities, and finally Congress closed these rolls. Is it any wonder that the people down there do not want this Pandora's box opened, to open the matter widely to anybody on earth who claims to be of some Indian extraction, to come in and demand a part of that estate now, when the Indians have no longer any organized method by which to resist it, when they have no longer attorneys, with suitable expenses provided, representing them and paid to take care of their interests, and when perjury and fraud may be successfully used against them? It would be a ruinous thing to do; it would be grossly unjust to over a hundred thousand Indians to reopen these rolls now. The Secretary of the Interior and the Commissioner of Indian Affairs have repeatedly and steadfastly since 1907 refused to recommend it, but have recommended the contrary. I appeal to the Senate to give Oklahoma and its Indian people the peace they are legally and morally entitled to.

Mr. WILLIAMS. Mr. President, I shall not detain the Senate long, because I shall certainly not run over the whole ground that was run over a year ago and also upon yesterday.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. WILLIAMS. Yes.

Mr. CLAPP. It strikes me the Senator's amendment is subject to this criticism: The provision made in the paragraph, from line 11, page 72, to line 5, page 73, and from lines 6 to 10, on page 73, in both cases, inclusive, are cases which the committee has gone over and is prepared to recommend specific action—in the one case to submit it to the commissioner for determination, and in the other case to take fifty-odd names enumerated on the list in the document referred to and enroll them.

Mr. WILLIAMS. I assure the Senator that, so far as the committee is concerned, there is no difference between the two cases, except that the committee chose to consider one and chose not to consider the other. This amendment of mine was offered May 18, 1914, and referred to the Committee on Indian Affairs.

Mr. CLAPP. That is true. The committee went over this matter for I do not know how long; I know I spent days upon it myself; and now the Senator proposes not simply to refer the subject for consideration and determination but to place the Mississippi Choctaws in the same category with those covered by the paragraph from lines 6 to 10 by a direction to enroll them. I should certainly, under those circumstances, feel constrained to vote against the Senator's amendment.

Mr. WILLIAMS. The Senator is mistaken about that.

Mr. CLAPP. I borrowed the amendment from the Secretary and read it, and that was my reading of it.

Mr. WILLIAMS. The committee amendment reads:

The Secretary of the Interior is hereby authorized to enroll—

And so forth.

My amendment says that—

And the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled.

Mr. CLAPP. Yes.

Mr. WILLIAMS. Wait a moment. That refers to the 1,100 men to whom the junior Senator from Oklahoma [Mr. OWEN] referred in his brief, as shown on page 3981 of the CONGRESSIONAL RECORD of February 20, 1914, which I quoted yesterday. The names of these 1,100 men were pigeonholed in the Department of the Interior for eight years, as he himself says, and as he thinks, by some underhand opposition; he can not understand it except in that way. The Senator from Oklahoma states further in his brief:

The report—

Referring to the Dawes Commission report submitting the names of 1,100 Mississippi Choctaws—

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, without notice or warning, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Choctaw.

The remainder of my amendment does not go that far. It reads:

And he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled.

They are to be full-blood Choctaws. There is not any trouble about identifying full bloods. The Senator will agree with me about that. Then, the only part of it which is left in doubt is this that I am about to read:

And all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "treaty of Dancing Rabbit Creek."

This last class can not be enrolled until they can satisfactorily establish their descent. In connection with that, I may say that we might entirely ignore that provision, because very few, if any, of them can satisfactorily prove who their grandfathers and great-grandfathers were.

Mr. CLAPP. The Senator evidently does not catch my point, which is that the Senator's amendment proposes not to refer the matter, as we have in the amendment from line 11, page 72, to line 5, page 73, but to place these names in the same category with the names covered by the amendment from lines 6 to 10, on page 73—that is, without further consideration the Secretary must enroll them. I, for one, can not vote for that amendment.

Mr. WILLIAMS. I catch the Senator's point now.

Mr. OWEN. Mr. President, I shall reserve the right to make a point of order against the amendment of the Senator from Mississippi.

Mr. WILLIAMS. Then, Mr. President, I reserve the right to make a point of order against the amendment to which it is an amendment. Both must fall or both must stand.

Mr. OWEN. Then I make the point of order now, Mr. President.

Mr. WILLIAMS. Mr. President, the committee amendment is this:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

My amendment is:

And the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls—

Certain other Indians, to wit—

all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission

dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled.

It is self-evident that, if my amendment is out of order, the amendment to which it is an amendment is also out of order. They both have exactly the same object in view. I therefore make the point of order against the committee amendment.

Mr. CLAPP. Mr. President, of course I shall not debate the point of order; it is not debatable; but it is an unfortunate fact that here is one group of Indians whose names have been sent in and whom everybody is agreed should be enrolled.

Mr. WILLIAMS. I do not want any point of order made; I would rather not make it, and if the Senator from Oklahoma will withdraw his point of order, I will withdraw mine.

Mr. OWEN. I will not withdraw it.

Mr. CLAPP. That is not what I am talking about. Then, here is another group as to whom everybody concedes the question should be submitted to the Commissioner of Indian Affairs; but every time that we try to get justice done to the group in the second paragraph or to submit the claims of the Indians covered by the first paragraph, the proposition is made to add a further provision, to which, of course, the Representatives from Oklahoma can not consent.

Mr. WILLIAMS. If the Senator will pardon me a moment, I was just engaged in reforming my amendment to meet the views of the Senator from Minnesota, for I think that one point he made was a good one, and that I ought to heed it—when the Senator from Oklahoma made the point of order. Then I made the point of order to the committee amendment as well. If there is any fault in the matter of not permitting any of these people to get a hearing, it is not mine.

Mr. CLAPP. Well, what seems to me unfair is that one Indian, whose right is absolutely unquestioned anywhere, should be barred unless there is attached to his right the condition precedent of admitting another Indian to enrollment, about whose right there may be very serious question. I do not believe that one man's right in dealing with the Government, where it is at the mercy of those who administer the Government, should be made dependent upon the question of whether or not another man is able to secure his right.

Mr. TOWNSEND. Mr. President, may I not ask the Senator from Mississippi to offer his amendment as a separate paragraph? Is he not willing to do that?

Mr. WILLIAMS. No, Mr. President; I am not, for the very simple reason—the Senator sees the parliamentary situation as well as I do—that if I do that I shall then be forced to make a point of order to the committee amendment, or else I shall be forced to pass it without making it and allow it to be adopted, and then submit my amendment to a point of order; and, of course, it will go out on a point of order, and so will the committee amendment.

Mr. TOWNSEND. Has the Senator stopped to consider that possibly putting out the other matter on a point of order will not be objectionable to the Senator who makes the point of order to the amendment of the Senator from Mississippi? We have had a good deal of work in trying to get this matter consummated up to this time, and I confess that personally I have been in sympathy with having the matter of the right to be enrolled determined. I can not vote myself for the proposition offered by the Senator from Mississippi now, although I am in sympathy with the determination of that fact.

Mr. WILLIAMS. If the Senator from Oklahoma had not interrupted me, I was going to modify the amendment so as to meet this point. I think the Senator from Minnesota is right. I ought not to ask that these people be placed upon the rolls right now. I ought to ask simply that the matter be sent to the Secretary to be considered, with the qualification that, in considering it, he should consider no lapse of time in previous laws whereby they are barred.

Mr. TOWNSEND. The point I am trying to make to the Senator is that the fact that he insists that this shall be a part of that committee amendment, the former amendment which has been adopted, or that both shall go out, will not bring about the result that he desires, because, as I say, I think possibly the Senator who will make the point of order to the amendment of the Senator from Mississippi had just as soon have the other amendment go out. Therefore, it seems to me, nothing, possibly, can be accomplished except the defeat of both amendments.

Mr. WILLIAMS. I ask unanimous consent that the point of order be withheld for a moment. I think perhaps we can arrive at a conclusion that will suit all.

I ask the attention of the Senator from Oklahoma, the Senator from Minnesota, and the Senator from Michigan. I am willing, if Senators are willing, to offer this amendment at the end of line 5 instead of at the end of line 10, on page 73, and have it read, as follows:

Provided, That the Secretary of the Interior is hereby authorized and directed to consider and determine the claims to enrollment on said citizenship rolls of all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21—

And have it read just like it does now down to the end, and then add this—

and he shall determine their rights regardless of any limitations as to the time for their assertion hitherto fixed in any statute.

If the Senator will agree to withdraw his point of order, I will agree to withdraw my point of order to the language of the committee amendment; and by putting it in the other place, and changing the language to that extent, it will obviate the objections of the Senator from Michigan.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. At any rate, before that is done, and before the point of order is made—because I want the point of order to be made to the amendment as I now offer it—I ask to modify the amendment as follows:

After the words "directed to," in line 2 of the amendment, insert the words "consider and determine the claims to"; strike out the word "enroll" and insert "enrollment"; after the word "rolls," in line 2, insert "of"; and at the end of it insert the language which I a moment ago dictated to the Secretary.

It is as much subject to a point of order, of course, after that as it was before, but I want it to read in that way because I think that is fair. I think the criticism of the Senator from Minnesota in that respect was just.

Mr. OWEN. Mr. President, the United States made a contract with the Choctaws and Chickasaws west by which the United States obtained the consent of the Choctaws and Chickasaws to give up their tribal governments, to give up their legislatures and their courts and their officers, to become part of a new State, and to distribute their property. The Indians consented with very great reluctance; but as a part of the consideration there was an agreement to have a distribution of their property and to have the rolls made up and concluded.

I should regard it as a breach of faith with these people—I think it would involve the United States in a very large claim, amounting to millions of dollars, which they would bring against the United States and demand to be repaid out of the Treasury of the United States—if we should pass any such arbitrary act. For that reason I can not consent to it, and I can not make a compromise which would lead to it.

I should be glad to enroll these 400 people who have been found by the department equitably entitled to enrollment; but if the Senator imposes the condition that they shall go out unless I consent to something which I do not think is right, I shall be obliged to yield to the conditions I find confronting me.

Mr. WILLIAMS. Then, I make the point of order that the language in the lines from 6 to 10, on page 73, is new legislation upon an appropriation bill, and there is a law upon the statute books closing the enrollment, and any reopening of it at all is new legislation.

The VICE PRESIDENT. Both points of order will be sustained. Is there any appeal from the ruling of the Chair? The Chair also sustains the point of order as to the succeeding paragraph. Is there any appeal from the ruling of the Chair?

Mr. THOMAS. Mr. President, is it in order at this time to make a point of order to the amendment on page 77, down to and including line 10, on page 78? If it is, I desire to make it, on the ground that it is not germane or relevant to the subject matter contained in the bill, nor is it an amendment to any item or clause of the bill to which it directly relates, and besides, it is general legislation.

The VICE PRESIDENT. It has been agreed to.

Mr. GORE. Mr. President, I may say to the Senator from Colorado that both points of order were presented. The Chair held that it was not general legislation, and the Senate held, by a vote of 40 to 15, that it was germane. It has already been agreed to by the Senate.

Mr. THOMAS. If it has been disposed of, then I wish to inquire whether I can make the point of order after the bill comes into the Senate?

The VICE PRESIDENT. It is going to be the ruling of the Chair as now constituted, if it happens to be occupied by the present occupant of the Chair—and it might as well be stated now for future information—that points of order must be made in the Committee of the Whole before amendments are agreed to, and if not made in the Committee of the Whole they can not be made in the Senate. The Chair believes, however, that under the rules of the Senate points of order may be reserved,

in line 6 and ending in line 10, by adding at the end of line 10 the following proviso:

Provided, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment.

Mr. WILLIAMS. Mr. President, I do not desire to take the time of the Senate to any great extent, except to explain the amendment. If this amendment is adopted, it will be to do in connection with this particular Senate amendment just what we did on page 73 and just what we did finally to the other Senate amendment on page 78. It is to conserve the rights of the Mississippi Choctaws in the same manner here as the Senate has conserved them on page 78.

I hope the amendment will be adopted.

Mr. NORRIS. I wish to ask the Senator from Mississippi what is the necessity of having this amendment adopted here if it applies to the same Indians to whom the other amendment of the Senator applied?

Mr. WILLIAMS. The other was a matter of distribution and this is a matter of enrollment.

Mr. NORRIS. It applies to the same Indians, does it not?

Mr. WILLIAMS. The committee amendment to which I offer this amendment is an amendment which opens up the rolls for the purpose of placing upon them the persons enumerated in Senate Document No. 478 of the Sixty-third Congress, second session.

Mr. NORRIS. I understand that.

Mr. WILLIAMS. My amendment is, if that is to be done, then to place also upon these rolls these Mississippi Choctaws who were enrolled by Capt. McKennon and the Dawes Commission.

Mr. NORRIS. I want to ask the Senator a question. I understood that the amendment he offered yesterday, and which was agreed to, provided that this distribution could not take place until the Mississippi Choctaws had been enrolled. Is that true?

Mr. WILLIAMS. That is true; but that was a matter of distribution. Now, this is a matter of enrollment with a view to future distribution. Does the Senator understand it?

Mr. NORRIS. As I understand the amendment the Senator offered yesterday, it would necessitate the enrollment of these same Indians that the Senator now seeks to enroll.

Mr. WILLIAMS. No; unfortunately it would not. It would merely prevent the distribution until they were enrolled, but it does not enforce the enrollment.

Mr. OWEN. This amendment would enroll them.

Mr. WILLIAMS. I say if we are going to open up the rolls in order to put these people upon it, I want to put my people upon it.

Mr. NORRIS. I think the Senator's argument yesterday was mostly based on his proposition that the Mississippi Choctaws ought to be enrolled.

Mr. WILLIAMS. Yes; and that there ought not to be any distribution of the fund until they are enrolled, so that they can have their share of it. Now, here is a proposition to enroll certain persons not thus far enrolled, and to that I offer an amendment to enroll these people.

Mr. NORRIS. This amendment, then, is the real meat of the contention made by the Senator from Mississippi?

Mr. WILLIAMS. It is a part of it. The other related to the holding back of the distribution until they were enrolled. Now, this provides that they shall be enrolled, provided these other people are enrolled.

Mr. OWEN. Mr. President, the Committee on Indian Affairs has never passed upon this proposition of the Senator from Mississippi, and I think I will be justified in saying that the Committee on Indian Affairs would not adopt such a provision, because the evidence does not justify it and because the Secretary of the Interior in report after report for seven years has strongly opposed the reopening of these rolls.

It is true that in 1898, 16 years ago, the Dawes Commission made a visit to Mississippi and spent about 30 days. In that time they made a schedule of people who came before them and whom they believed to be Indians. Upon that list were one thousand nine hundred and odd people. The Dawes Commission reported that those people who came before them could not furnish the proof which was necessary to establish their right under the fourteenth article of the treaty of 1830; that they could not prove who their ancestors were; that they could not prove that they were fourteenth-article claimants; and upon that report the Secretary of the Interior refused to recognize them.

Obviously in 30 days it would be impossible to pass upon 1,900 cases. But afterwards, under the instruction of Congress, up to the year 1907, for nine long years after that report was made, the Dawes Commission patiently examined case after case upon a review of the 1898 schedule, and finally listed 1,642 persons as Mississippi Choctaws, people who had been invited from 1830 to come West and had refused.

Mr. NORRIS. I want to propound a question to the Senator, and I ask it for the purpose of getting information. I am not well informed.

Mr. OWEN. I will be glad to give any information I can.

Mr. NORRIS. Is there any question as to whether these Mississippi Indians are members of the Choctaw Tribe? Is that question controverted?

Mr. OWEN. Of course, it is controverted. They are not members of the tribe. They are not entitled to membership in the tribe. Those who are entitled under the laws have already been admitted, amounting to 1,642 persons by the completed roll of 1907.

Mr. NORRIS. Does the Senator contend that these 1,600 and more are not properly members of the tribe?

Mr. OWEN. They are properly members. There were 1,642 who complied with the terms of the act of Congress of 1902.

Mr. NORRIS. They are still in Mississippi?

Mr. OWEN. No, sir; they are in Oklahoma.

Mr. NORRIS. The point I wanted to inform myself on was in relation to the Indians who are still in Mississippi.

Mr. OWEN. There were some Choctaw Indians, or those of Choctaw blood who remained in Mississippi, who did not move to Oklahoma under the law of 1902, which required them to do so if they wanted to become citizens. The people who remained in Mississippi having failed and refused to comply with the conditions imposed by the act of 1902 have no legal right, and I insist that they have no moral right, because they have been invited, they and their ancestors were invited, from 1830 down to 1907 to move into Oklahoma, where they might join the Choctaw people west, and they could not under the Choctaw law and under the United States law enjoy such rights, even if full-blood Choctaws, unless they did remove before March 4, 1907.

Mr. NORRIS. I gathered the idea from the debate that took place yesterday that in a technical legal sense they probably were not members of the tribe. I want to ask the Senator if these Mississippi Indians called the Mississippi Choctaws had removed to Oklahoma would they have been entitled to enrollment? In other words, is there any other reason why they are not entitled to enrollment except the fact that they remained in Mississippi?

Mr. OWEN. Yes. They would not only have been obliged to move into Oklahoma, but they would have been obliged also to prove that they were full-blood Mississippi Choctaws and descendants of fourteenth-article claimants of 1830, and they would have had to live for three years upon the land, and would have had to furnish proof within four years to the Dawes Commission that they had complied with those conditions.

Mr. NORRIS. On one of those propositions which the Senator has laid down, namely, that they would have had to prove that they were full-blood Choctaws, is there any evidence or is the Senator himself aware as to what the facts are in regard to that particular proposition? Are they Choctaws?

Mr. OWEN. I do not know the individuals who remained in Mississippi; I suppose that there might be some who were full-blood Choctaws in that country. But I will have to explain to the Senator that the agreement of 1902, by which this controversy of long standing was settled, related to property distribution involving very large values, and the Choctaws and Chickasaws west who had the legal right to these values were not willing to permit people to come in without a legal right, and the Mississippi Choctaws were unable to furnish any proof that would bring them within the rule. The compromise was effected, the western Choctaws buying their peace by waiving the legal evidence on condition of the above-named proposals being strictly observed.

Mr. VARDAMAN. Mr. President——

Mr. OWEN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I should like to suggest to the Senator, in view of his answer to the Senator from Nebraska, that the Choctaws in Mississippi made no effort to make proof. I understand that, as a matter of fact, a great many of them knew nothing in the world about the invitation to go to the Indian Territory. When the Senator says they failed to make proof, the point we make is that those people are very illiterate, a thriftless people without ambition, and a great many of them, I dare say, did not know anything about it. There is no evidence that these people ever undertook to make any proof of their lineage.

Mr. OWEN. Mr. President, the Dawes Commission published notices in the papers all over Mississippi in 1898. They sent runners out through Mississippi to see these people and call upon them. There were numerous attorneys who were interested in getting these people on the rolls and who were busy, therefore, to try to get them before the Dawes Commission. Every effort that could be made was made to get them there. That was done first in 1898, and it was continued during 1900, 1901, 1902, 1903, 1904, 1905, 1906, up to 1907, and up to 1907 some of them were finally admitted, but those admitted were required by this compromise with the Choctaws and Chickasaws who lived west to conform to certain reasonable conditions.

I thought at the time that the conditions were rather hard, because they were required to move within six months. They were required to live there for three years. They were required to furnish the proof of such removal. But the Dawes Commission recognizing what the Senator from Mississippi [Mr. VARDAMAN] says to be true, that they were ignorant people, took great pains to have their clerks look them up, to look after them and ascertain what the facts were, and it resulted in the enrollment of 1,642, amounting to property right estimated somewhere between $10,000,000 to $15,000,000.

Now, the question comes up as to their moral right. I suppose no one pretends they have any legal right. It is obvious that they have no legal right, because the treaty right which they claim, or which is claimed for them under the fourteenth article of the treaty of 1830, was passed upon by Judge Clayton, of the United States court, having special jurisdiction in that regard, and he held that unless they had complied with the requirements and had moved and established residence they were not entitled, and he passed against their claim under the fourteenth article. It was passed on also by the Dawes Commission, acting as a special tribunal under the act of Congress of March 3, 1897. They found also that they were not entitled to citizenship in the Choctaw Nation unless they had removed and unless they should furnish proof that they were lineal descendants of fourteenth-article claimants. The nineteenth-article claimants, though full-blood Mississippi Choctaws, or the descendants of the nineteenth-article claimants of the treaty of 1830 had no right to citizenship whatever.

Mr. NORRIS. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. NORRIS. As tending to throw just a little light on the moral obligation, if any had existed, I want to ask the Senator what the facts were in regard to the property of the Choctaws who remained in Mississippi. Did they have property given to them?

Mr. OWEN. Yes.

Mr. NORRIS. They had allotments of land?

Mr. OWEN. Yes; 640 acres for an adult; they had 320 acres for a child over 10 years of age and 160 acres for a child under 10 years of age.

Mr. NORRIS. I got an idea yesterday, from what was said here, that while that order was under a law passed by Congress, in fact it was never carried out—at least in full.

Mr. OWEN. It was not carried out in full, but the omission was corrected after that failure by Murray & Vroom giving land scrip to those who previously had not received land allotments.

Mr. NORRIS. Did these Indians in reality get any benefit from that or was it of such a nature that speculators got hold of the scrip and really deprived the Indians of it? I have been told by the Senators from Mississippi that these Indians are very poor, that they have no property, and that their cases are really pitiable. The idea struck me that before we attempt to give them a distribution of the property that is to go to the other members of the tribe, who, I understand, are very wealthy and have lots of property, we ought to ascertain as far as the moral obligation is concerned whether they have once been supplied with their share of the property and whether they have lost it or whether it has been taken away from them on account of the negligence of the Government; and if so, whether it ought not to be an obligation of the Government to take care of them rather than the other members of the tribe. I should like to get any light the Senator may be able to give me on that question.

Mr. OWEN. Murray & Vroom were charged by the United States with the duty of giving them this sum. They ascertained who the Indians were; they gave each his part—one-half of it in Mississippi, and they agreed to give the other half to them in Oklahoma when they moved. That led to an immigration to Oklahoma of all those who were found entitled by Murray & Vroom. Murray & Vroom found 4,100, and the muster roll shows that 3,400 moved prior to 1855 of the Murray & Vroom group and 728, I believe it was, afterwards moved, making something over 4,100—about 4,128, who afterwards moved, so that all of those who were found by Murray & Vroom to be entitled as fourteenth-article claimants appeared to have moved to Oklahoma. The rule of the Five Civilized Tribes is that when a man abandons his citizenship, abandons his residence with a particular tribe and moves, he becomes an alien, he ceases to be a member of the tribe, and he must be readmitted by order of the tribe. That is in the constitution of the Cherokee Nation, and that has been the practice in the other tribes. So they would readmit, if they wanted to, but they did that as an act of grace and not as a legal right under the Indian communal law, which they recognized and under which they lived. So that of the number that Murray & Vroom recognized—4,100—it appears that all of them moved over to Oklahoma.

There were a lot of the nineteenth-article claimants, full-blood Mississippi Choctaws, who did not have any right recognized or claimed by anybody. These full-blood Choctaws did not claim to have any right of citizenship. They got large grants of land; they did not claim any citizenship in Oklahoma. Yet the Senator from Mississippi makes a sweeping claim for all persons of Choctaw blood without discrimination. Obviously it was necessary for the Government of the United States within some reasonable time to determine who should be the people to whom the allotments should be made.

The Dawes Commission in 1893—21 years ago—were instructed to go and arrange a distribution of these Indian lands and properties, to make agreements with these people for that purpose. In 1896—18 years ago—the Dawes Commission was instructed by an act of Congress, which I read here yesterday, to make up the roll of citizenship. That roll was by act of Congress absolutely terminated on the 4th of March, 1907, after 11 years of controversy. Congress by that act declared that the roll should be permanently closed as of that date.

We now move to put on the roll about 400 people, because since that time, from 1907 to 1914, the department found about 400 people whom they thought were equitably entitled. The Senator from Mississippi [Mr. WILLIAMS] takes advantage of our liberality in asking to have these people put on who have apparently an equitable right—and that is the language of the report, "apparently an equitable right"—our liberality in offering to put these Indians on the rolls and asking that this amendment should go on is taken advantage of by the Senator from Mississippi to ask a wholesale reopening of the rolls, to ask that all the 1,910 people who were put upon the rejected schedule of 1898 by the Dawes Commission, 16 years ago, be enrolled and to otherwise reopen the rolls.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the junior Senator from Mississippi?

Mr. OWEN. I shall do so in just a moment. The senior Senator from Mississippi [Mr. WILLIAMS] now asks to let nearly 2,000 people be put on the rolls, although the Dawes Commission, the Commissioner of Indian Affairs, and the Secretary of the Interior have scrutinized that rejected schedule and found there were a number of people who are on that schedule who ought not to be put on the roll. Now I yield to the junior Senator from Mississippi.

Mr. VARDAMAN. I ask the Senator did the Dawes Commission approve of adding to the rolls those that he proposes to enroll?

Mr. OWEN. Yes, sir; in part.

Mr. VARDAMAN. Did the Dawes Commission state that they were entitled to be enrolled?

Mr. OWEN. Yes, sir; in part.

Mr. VARDAMAN. Why is it that that has been delayed so long?

Mr. OWEN. The list, of course, includes a great many different kinds of people. I can not from my personal knowledge of it tell exactly what the action severally was, but the department, passing upon these cases, either had to disapprove or approve them. It disapproved some; some came in too late; that is, after the Dawes Commission had approved the enrollment and there were quite a few that came in too late for the department to act upon their cases.

Mr. VARDAMAN. Is it not a fact that in 1907, just at the close of the rolls, the Secretary of the Interior transmitted a letter to Congress, urging that the time be extended, because he

Mr. THOMAS. Well, it must be a calamity to the civilized world to know that a few workmen somewhere have been benefited. For my part, I am very glad of it.

Mr. SMOOT. As between the workmen of another country and the workmen of America, I prefer to have the workmen of America receive the benefit.

Mr. THOMAS. So do I, Mr. President; but I think if the Senator, whose knowledge of statistics is much greater than mine, had cared to do so, he could have furnished us some facts concerning the multitude of foreigners who are coming over here upon every vessel which sails from a European port, thus escaping from that prosperous condition which is there now so prevalent, that he may engage in competition with our workmen here. Is is somewhat surprising to me, if our unsatisfactory situation, commercially speaking, has resulted in so much benefit to the workmen of Europe, that they should still crowd our shores in such large numbers, aggravating our own labor problems here and reducing opportunity for securing that amount of work which is still left to us. Industrial conditions, Mr. President, are not satisfactory anywhere, but are quite as good here as elsewhere.

Mr. OWEN. Mr. President, I think there is no difficulty in accounting for the present condition of the country. Three groups of men having their headquarters in New York have been shown, through interlocking directorates and interlocking control, to have the direction of approximately $22,000,000,000 of property, and practically to have the control over nearly every railway in the country and every one of the great industrials. Those men can forbid the railroads to buy rails, to buy steel cars, to buy railroad frogs and switches, to buy lumber, and to buy crossties; those men can put out of employment thousands and tens of thousands of men; those men can constrict credits in the districts of Representatives who are to be elected in the fall and in the States of Senators who are to be elected in the fall; they can by their power make hard times in districts where they want to have a change and where they want to defeat those in sympathy with a correction of those conditions, whether those candidates be Democrats or progressive Republicans.

Mr. SMOOT. Mr. President, will the Senator yield?

Mr. OWEN. I yield to the Senator.

Mr. SMOOT. Mr. President, the Senator's argument does not answer any statement whatever that I made. If these men in New York have made hard times, and if they have restricted credits—and I do not say that they have or that they have not done so—but, if they have, I call the Senator's attention to the fact that the importations for the month of April, 1914, were over $30,000,000 more than the importations for the month of April, 1913, and the importations for the month of May, 1914, were $29,900,000 more than they were for the month of May, 1913; so that, if the prosperous times had continued, there is no telling what the increased importations might have been.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from North Dakota?

Mr. OWEN. I yield to the Senator.

Mr. McCUMBER. I rise to a point of order, which is that the pending question before the Senate is not debatable.

The VICE PRESIDENT. The point of order is well taken. The pending question is on the motion of the junior Senator from Mississippi [Mr. VARDAMAN] to lay on the table the motion of the senior Senator from Oklahoma [Mr. GORE] to reconsider the vote whereby the amendment of the committee on page 77, beginning in line 18, as amended on motion of the senior Senator from Mississippi [Mr. WILLIAMS] was agreed to. The yeas and nays have been ordered, and the Secretary will call the roll.

Mr. GORE. I think that perhaps I made the motion to reconsider not the vote which I had in mind; and, with the consent of the junior Senator from Mississippi, I will withdraw that motion to reconsider and move to reconsider the vote by which the amendment to the committee amendment was adopted.

The VICE PRESIDENT. The question is to lay on the table the motion to reconsider the vote whereby the amended amendment was agreed to. It can not be otherwise.

Mr. GORE. Very well.

The VICE PRESIDENT. The Secretary will call the roll.

Mr. WILLIAMS. As I understand, the vote to be taken is on the motion to lay on the table, is it not?

The VICE PRESIDENT. The vote about to be taken is on the motion to lay on the table the motion to reconsider.

The Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "yea."

Mr. DILLINGHAM (when his name was called). I have a pair with the senior Senator from Maryland [Mr. SMITH], who is absent, and I therefore withhold my vote.

Mr. FLETCHER (when his name was called). I am paired with the junior Senator from Wyoming [Mr. WARREN]. As I do not know how he would vote on this question if present, I withhold my vote.

Mr. OLIVER (when his name was called). I have a general pair with the senior Senator from Oregon [Mr. CHAMBERLAIN], which I transfer to the junior Senator from Maine [Mr. BURLEIGH] and vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce—and I will let this announcement stand for the day—that my colleague [Mr. OVERMAN] is absent on account of illness in his family.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN], who is unavoidably absent. I transfer that pair to the Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Indiana [Mr. KERN] and vote "nay."

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED] and therefore withhold my vote.

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence, I withhold my vote.

Mr. WEEKS (when his name was called). I inquire if the senior Senator from Kentucky [Mr. JAMES] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. WEEKS. I have a general pair with that Senator, and therefore withhold my vote.

I wish to announce that my colleague [Mr. LODGE], who is absent, has a general pair with the senior Senator from Georgia [Mr. SMITH]. I should like to have that statement stand for the day.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business, and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. WEEKS. I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and vote. I vote "yea."

Mr. GOFF. I should like to inquire if the senior Senator from Alabama [Mr. BANKHEAD] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. GOFF. Then I withhold my vote, having a general pair with that Senator.

Mr. CHILTON. I announce my pair with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of Georgia. I desire to transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and vote. I vote "nay."

The result was announced—yeas 21, nays 23, as follows:

YEAS—21.

Catron	Norris	Sterling	Weeks
Crawford	Oliver	Sutherland	West
Hitchcock	Perkins	Swanson	Williams
Hollis	Sherman	Thornton	
Lane	Smith, Ariz.	Townsend	
McCumber	Smoot	Vardaman	

NAYS—23.

Ashurst	Lewis	Pomerene	Smith, Ga.
Bryan	Martine, N. J.	Robinson	Stone
Clarke, Ark.	Myers	Saulsbury	Thompson
Gore	Newlands	Shafroth	Tillman
Hughes	Owen	Shepard	White
Jones	Page	Simmons	

NOT VOTING—52.

Bankhead	Camden	Cummins	Gronna
Borah	Chamberlain	Dillingham	James
Brady	Chilton	du Pont	Johnson
Brandegee	Clapp	Fall	Kenyon
Bristow	Clark, Wyo.	Fletcher	Kern
Burleigh	Colt	Gallinger	La Follette
Burton	Culberson	Goff	Lea, Tenn.

Lee, Md	O'Gorman	Reed	Smith, S. C.
Lippitt	Overman	Root	Stephenson
Lodge	Penrose	Shields	Thomas
McLean	Pittman	Shively	Walsh
Martin, Va.	Pomerene	Smith, Md.	Warren
Nelson	Ransdell	Smith, Mich.	Works

The VICE PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Stone
Borah	Hollis	Perkins	Sutherland
Brady	Hughes	Pomerene	Swanson
Bristow	Jones	Reed	Thomas
Bryan	Lane	Robinson	Thompson
Camden	Lewis	Saulsbury	Thornton
Catron	McCumber	Shafroth	Tillman
Chilton	Martine, N. J.	Sheppard	Townsend
Clapp	Myers	Sherman	Vardaman
Clark, Ark.	Nelson	Simmons	Weeks
Crawford	Norris	Smith, Ariz.	West
Cummins	O'Gorman	Smith, Ga.	White
Dillingham	Oliver	Smoot	Williams
Goff	Owen	Sterling	

Mr. LANE. I wish again to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

The VICE PRESIDENT. Fifty-five Senators have answered to the roll call. There is a quorum present.

The question recurs on the motion of the junior Senator from Mississippi [Mr. VARDAMAN] to lay on the table the motion of the senior Senator from Oklahoma [Mr. OWEN] to reconsider the vote by which the amendment of the committee on page 77, beginning on line 18, as amended on the motion of the senior Senator from Mississippi [Mr. WILLIAMS], was agreed to. On that the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LANE (when Mr. CHAMBERLAIN's name was called). I wish again to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. CHILTON (when his name was called). I make the same announcement as on the former roll call in regard to my pair.

Mr. DILLINGHAM (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. SMITH] and withhold my vote.

Mr. O'GORMAN (when his name was called). I am paired with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I am compelled to withhold my vote.

Mr. OLIVER (when his name was called). Again announcing the transfer of my pair with the senior Senator from Oregon [Mr. CHAMBERLAIN] to the junior Senator from Maine [Mr. BURLEIGH], I vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will vote. I vote "yea."

Mr. SAULSBURY (when his name was called). I make the same transfer as heretofore announced and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In his absence I withhold my vote.

Mr. WEEKS (when his name was called). I transfer my pair with the senior Senator from Kentucky [Mr. JAMES] to the senior Senator from Ohio [Mr. BURTON] and will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). I have a general pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I have received information from his colleague to the effect that if he were present he would vote as I shall vote. I therefore feel at liberty to vote and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. In view of the announcement made by the Senator from Mississippi [Mr. WILLIAMS], I transfer my pair with the senior Senator from Maryland [Mr. SMITH] to the senior Senator from Pennsylvania [Mr. PENROSE] and will vote. I vote "yea."

Mr. STONE. I transfer my pair with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. RANSDELL] and will vote. I vote "nay."

Mr. SMITH of Georgia (after having voted in the negative). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Maryland [Mr. LEE] and will allow my vote to stand.

Mr. SMOOT. I wish to announce that the senior Senator from Connecticut [Mr. BRANDEGEE] is paired with the junior Senator from Tennessee [Mr. SHIELDS], and that the junior Senator from North Dakota [Mr. GRONNA] is paired with the senior Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 27, nays 26, as follows:

YEAS—27.

Bankhead	Hitchcock	Perkins	Thornton
Bristow	Hollis	Sherman	Townsend
Catron	Lane	Smith, Ariz.	Vardaman
Crawford	McCumber	Smoot	Weeks
Cummins	Nelson	Sterling	West
Dillingham	Norris	Sutherland	Williams
Goff	Oliver	Swanson	

NAYS—26.

Ashurst	Hughes	Pittman	Smith, Ga.
Brady	Jones	Pomerene	Stone
Bryan	Lewis	Robinson	Thompson
Camden	Martine, N. J.	Saulsbury	Tillman
Clapp	Myers	Shafroth	White
Clarke, Ark.	Owen	Sheppard	
Gore	Page	Simmons	

NOT VOTING—43.

Borah	Fletcher	Lodge	Shields
Brandegee	Gallinger	McLean	Shively
Burleigh	Gronna	Martin, Va.	Smith, Md.
Burton	James	Newlands	Smith, Mich.
Chamberlain	Johnson	O'Gorman	Smith, S. C.
Chilton	Kenyon	Overman	Stephenson
Clark, Wyo.	Kern	Penrose	Thomas
Colt	La Follette	Pomerene	Walsh
Culberson	Lea, Tenn.	Ransdell	Warren
du Pont	Lee, Md.	Reed	Works
Fall	Lippitt	Root	

So the motion to reconsider was laid on the table.

The VICE PRESIDENT. Does the Senator from Arizona desire to go back to the items relating to Montana or to continue the further reading of the bill?

Mr. ASHURST. Have all of the Oklahoma items been finished?

The VICE PRESIDENT. They have been finished.

Mr. ASHURST. I was not aware that the amendment on pages 72 and 73 had been agreed to.

The VICE PRESIDENT. No; that has not been agreed to.

Mr. CLARKE of Arkansas. Mr. President, my recollection is that there was a certain amendment reserved at the instance of the junior Senator from Iowa [Mr. KENYON]. That Senator interposed a point of order against part of the amendment. I think it is also true that the junior Senator from South Dakota [Mr. STERLING] reserved a point of order. It may possibly be they were disposed of while I was out of the Chamber.

Mr. STERLING. Mr. President, the point of order was made to the amendment beginning on line 11, page 72, and extending to line 20, on page 75. The amendment involves different propositions and is separable. I therefore withdraw the point of order so far as the first two paragraphs are concerned—the paragraphs beginning with line 11, on page 72, and extending to and including line 10, on page 73.

The VICE PRESIDENT. The question is, then, on agreeing to the first of the amendments.

The amendment was agreed to.

The SECRETARY. On page 73, beginning with line 6, the Committee on Indian Affairs report to insert:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. What is the point of order to the next paragraph?

Mr. STERLING. The point of order is that it is general legislation.

The VICE PRESIDENT. Where does it begin, the Chair inquires?

Mr. CLAPP. On page 75, line 11.

The VICE PRESIDENT. It seems that the Senate, as in Committee of the Whole, has just agreed to an amendment, on page 73, embodied in lines 6 to 10, inclusive, but the Chair is now informed that the Senator from Mississippi [Mr. WILLIAMS] had an amendment pending to the amendment.

Mr. WILLIAMS. I had offered an amendment to that part of the bill, but I understood a point of order had been made against the part of the bill to which my amendment applied, and that the point of order had been sustained and it had gone out. I understand now that the point of order has been withdrawn, and it has never been decided upon. That being the case, I offer the amendment which the Secretary will read.

The VICE PRESIDENT. The vote whereby the amendment was adopted will be reconsidered unanimously, unless there is objection. The amendment proposed to the amendment by the Senator from Mississippi will be read.

The SECRETARY. The Senator from Mississippi [Mr. WILLIAMS] offers to amend the amendment on page 73, beginning

of San Francisco; the Schaw Batcher Co. Pipe Works, of Sacramento; the Paraffine Paint Co., of San Francisco; the Pacific States Savings & Loan Co., of San Francisco; the California Barrel Co., of San Francisco; the Dunham, Carrigan & Hayden Co., of San Francisco; Williams, Dimond & Co., of San Francisco; the Northwestern Red Wood Co., of Willitts; Sherwood & Sherwood, of San Francisco; M. J. Fontana, of San Francisco; Swayne & Hoyt, the Robert Dollar Co., and the Griffith Durney Co., of San Francisco; and the Chamber of Commerce of San Diego, all in the State of California, remonstrating against the enactment of the so-called antitrust legislation, which were referred to the Committee on the Judiciary.

SHAWNEE AND DELAWARE INDIANS.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1033) for the relief of certain Shawnee and Delaware Indians, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SWANSON:

A bill (S. 5902) for the relief of Nancy P. Moore; to the Committee on Claims.

By Mr. BRADY:

A bill (S. 5903) for the relief of Lawrence M. Larson (with accompanying papers); to the Committee on Claims.

By Mr. HUGHES:

A bill (S. 5904) granting a pension to Adolph Gross; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5905) granting an increase of pension to Charles Gustoson (with accompanying papers); to the Committee on Pensions.

By Mr. STONE:

A bill (S. 5906) for the relief of Lloyd C. Stark; to the Committee on Naval Affairs.

By Mr. SHERMAN:

A bill (S. 5907) granting an increase of pension to John R. Snook; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5908) to provide a direct, truthful, and inexpensive means of communication between the voters and candidates for nomination and election to certain Federal offices, and to provide publicity for amendments to the Federal Constitution, submitted by Congress, and the reasons for and against their adoption; to the Committee on Privileges and Elections.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. THORNTON submitted an amendment proposing to appropriate $100,000 for the purchase and construction of such vessels and boats as may be necessary for use in connection with the enforcement of the laws and regulations for the protection of the fisheries and fur-bearing animals of Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate $50,000 for the acquisition of a site and the commencement of a post-office building at Norton, Va., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment proposing to increase the appropriation for education in Alaska from $200,000 to $250,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WEEKS submitted an amendment providing for the reopening and adjustment of the claim of the State of Massachusetts for expenses incurred and paid for interest and premium on bonds issued for coast defense, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MYERS submitted an amendment relative to the termination of the indefinite appropriation for "surveying within land grants (reimbursable)" made by the act approved March 2, 1885, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. SWANSON submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. BRISTOW submitted an amendment intended to be proposed by him to the bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was ordered to lie on the table and be printed.

TRAFFIC IN OPIUM.

Mr. POMERENE. I give notice that I shall offer an amendment to the bill (H. R. 6282) to provide for the registration of with collectors of internal revenue, and to impose a special tax upon, all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes. I ask that it may be printed in the RECORD for the information of Senators.

The VICE PRESIDENT. And lie on the table?

Mr. POMERENE. Yes; and that it lie on the table. I suggest that it be read.

The VICE PRESIDENT. It will be read.

The amendment was read, ordered to lie on the table, and to be printed, as follows:

On page 3, after the sixth line, insert:

"*Provided further*, That this act shall not apply to physicians and surgeons regularly licensed to practice their profession in the State, Territory, or District where they reside, who may prescribe, dispense, or administer said drugs in good faith; nor to nurses or attendants who may dispense or administer in like good faith said drugs under the direction of a physician or surgeon regularly licensed and given in good faith as aforesaid.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I ask that Senate bill 4160, to create an interstate trade commission, to define its powers and duties, and for other purposes, being Calendar No. 504, be taken from the calendar, as I wish to substitute therefor House bill No. 15613. I desire to give notice that immediately upon the disposition of the Indian appropriation bill I shall ask the Senate to proceed with the consideration of the bill.

The VICE PRESIDENT. Without objection, the request of the Senator from Nevada is granted and Senate bill 4160 will be taken from the calendar and postponed indefinitely.

IMPORTS AND EXPORTS.

Mr. SMOOT obtained the floor.

Mr. CLAPP. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Goff	Oliver	Smith, Mich.
Borah	Gore	Owen	Smoot
Brady	Hitchcock	Page	Sterling
Bristow	Hollis	Perkins	Sutherland
Bryan	Hughes	Pittman	Swanson
Burleigh	Jones	Pomerene	Thomas
Camden	La Follette	Reed	Thompson
Catron	Lane	Robinson	Thornton
Chilton	Lewis	Saulsbury	Tillman
Clapp	McCumber	Shafroth	Townsend
Clarke, Ark.	Martin, Va.	Sheppard	Vardaman
Crawford	Martine, N. J.	Sherman	Warren
Culberson	Myers	Shively	Weeks
Cummins	Nelson	Simmons	West
Dillingham	Norris	Smith, Ariz.	White
Fletcher	O'Gorman	Smith, Ga.	Williams

Mr. CAMDEN. My colleague [Mr. JAMES] is absent on official business. He is paired with the Senator from Massachusetts [Mr. WEEKS].

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN].

Mr. HOLLIS. I wish to announce the absence of the Senator from Maine [Mr. JOHNSON]. He is paired with the Senator from North Dakota [Mr. GRONNA].

Mr. SHIVELY. I desire to announce the absence of my colleague [Mr. KERN] on important business. I desire that this announcement shall stand for all roll calls to-day.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SIMMONS. I wish to announce the absence of my colleague [Mr. OVERMAN] on account of sickness in his family.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. I will let this announcement stand for the day.

Mr. CUMMINS. I desire to announce the absence of my colleague [Mr. KENYON]. I make the announcement for the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, a month ago to-day I called the attention of the Senate to the imports and exports for the month of April, 1914. I desire now to occupy about five minutes of the time of the Senate in calling attention to the imports and exports for the month of May, 1914.

The total imports for May, 1914, were $163,637,386. For May, 1913, they were $133,723,713, or an increase of importations for the month of May, 1914, over the month of May, 1913, of $29,913,673.

The total domestic exports in May, 1914, were $157,406,572, a decrease of $33,649,228 compared with the month of May, 1913.

Taking the imports and exports together, they show a loss to our commerce for the month of May of this year as compared with May, 1913, of $63,562,901.

I call the attention of the Senate to the statement I made in the Senate one month ago, showing a loss for that month, taking imports and exports together, of $63,800,849, a little more than for the month of May this year.

For April and May the loss amounts to $127,453,750. The $29,913,673 increase in our imports means idleness for thousands of our workmen. The $29,913,673 increase of imports of goods simply takes the place of that many goods made by American workmen.

From to-day's statement of the United States Treasury at the close of business June 18, 1914, received this morning, I see the revenues from customs receipts for June to that date were $14,753,811.23, and for the corresponding month and date of the fiscal year 1913 they were only $13,734,195.54, or an increase of $1,019,615.69, notwithstanding the great decrease in the rate of duties charged as compared with a year ago.

The month of June is in a fair way of making a worse showing than either April or May of this year.

I also call attention to the amount and increased percentage of importations of certain lines of goods ready for consumption during the month of April, 1914, as compared with the month of April, 1913. Mr. President, I shall not stop to read it, but I ask that it be printed in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

Imports of merchandise in April, 1914, compared with April, 1913.

Products.	1914, values.	1913, values.	Increase.	Increase, per cent.
Aluminum, manufactures of	$120,981	$102,472	$18,509	18
Automobiles, parts of	94,838	24,997	69,841	279
Watches, and parts of	289,185	225,165	64,020	28
Clocks, and parts of	73,542	62,601	10,961	17
Cloths, cotton	1,003,548	690,083	313,465	45
Lace and lace articles	2,096,096	1,027,188	1,068,848	104
Stockings	353,825	239,674	114,151	47
All other knit goods	340,434	41,690	298,744	716
Yarns, linen	98,278	62,216	36,062	57
Fruits and nuts	4,720,536	3,851,220	869,316	22
Glass and glassware	685,185	578,201	106,984	18
Cutlery	262,242	136,157	126,085	92
Leather and tanned skins	1,632,597	759,737	872,860	114
Gloves, leather	537,791	427,056	110,735	26
Linoleum	212,069	132,661	79,408	59
Paper, and manufactures of	2,250,180	1,795,320	454,860	25
Perfumery, toilet articles	206,076	194,984	12,092	6
Seeds	1,123,868	558,754	565,114	103
Silks, and manufactures of	11,094,793	2,212,941	8,881,852	401
Vegetables	1,292,044	734,414	557,630	71
Wool:				
Class 1	6,583,569	1,658,168	4,925,401	296
Class 2	445,869	215,504	230,365	106
Class 3	1,799,657	969,440	830,217	85
Woolen cloths	1,292,786	297,533	1,025,253	398
Dress goods	321,061	226,871	94,190	42
Wearing apparel	124,996	90,684	34,312	37
All other imports of wool	1,616,989	416,294	1,200,695	288
Totals	40,653,585	17,691,945	22,961,640	129

Mr. SMOOT. In this connection I simply want to call attention to some of the increases. For instance, lace and lace articles, 104 per cent; leather and tanned skins, 114 per cent; silk and manufactures of silk, 401 per cent; woolen cloths, 398 per cent. I shall not continue further, but will simply say that the average increase on goods ready for consumption in the items named is 129 per cent for the month of April.

In this connection I wish also to read an article found in the Washington Post this morning, dated New York, June 19.

[From the Washington Post, June 20, 1914.]

FORTY-THREE MILLION DOLLARS SENT NEW YORK—SHIPMENT OF UNITED STATES TREASURY GOLD IS TO REPLACE METAL LATELY EXPORTED.

NEW YORK, *June 19.*

Guards of the United States Express Co., armed with repeating rifles and automatic revolvers, have delivered $43,000,000 to the Subtreasury in this city in the last week. The gold, in bars and coin, came from other branches of the United States Treasury, and constituted the greatest transfer of the precious metal ever made between Subtreasuries. The last of the gold came in over the Lehigh Valley Railroad Thursday morning. It was contained in five express cars, each bearing $5,000,000.

These transfers of gold by the Government were promoted by the fact that for the last six weeks the country has been losing gold to Europe on a large scale. Since May 1, $55,000,000 has gone out, and since the beginning of the year a total of $63,000,000.

Mr. President, considering the imports and exports, there is no wonder that gold exportation should be taking place, and if there is not a change before many months in the amount of increased imports and the amount of decreased exports, we may well wonder what is going to happen to our finances in the near future. It can not be otherwise than detrimental. We can not have this amount of trade running against us without some disastrous results.

I simply call this to the attention of the Senate now, because there was some question raised in the Senate when I heretofore called attention to the imports and exports for the month of April, and it was then contended that it merely happened for that month.

Mr. HOLLIS. Mr. President, I desire to say a word about the outflow of gold. The movement of gold is a very delicate matter that is governed entirely by the rate of exchange. When any foreign country is willing to pay a small fraction of 1 per cent more for the use of gold, they can draw it from us. The reason that is ascribed by the best economists for the present outflow of gold is that foreign investors and security holders have become so frightened at the disclosures regarding the New York, New Haven & Hartford Railroad, and at the frauds that were perpetrated in the St. Louis & San Francisco Railroad deal, that they are dumping over our securities and are sending them back to this country. We therefore have to send the gold abroad to pay for them.

The VICE PRESIDENT. Morning business is closed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I ask unanimous consent that the unfinished business be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

Mr. SIMMONS. Mr. President, I was not in the Chamber when the Senator from Utah [Mr. SMOOT] began his statement. I came in after he had probably been on the floor some little time and came in at the request of some Senators who sent for me. I did not hear distinctly a part of the statement of the Senator from Utah after I came in. I do not therefore feel at this time that I am called upon to make any response. I will, however, read the RECORD to-morrow morning, and if there is anything in the statement of the Senator to which I desire to refer I shall do so later.

Mr. SMOOT. I wish to say to the Senator from North Carolina that the figures from which I quoted are figures received from the department this morning. More than likely the Senator from North Carolina will also receive the same figures at his office in his mail to-day.

Mr. THOMAS. Mr. President, the Senator from Utah has taken a very melancholy view of our commercial conditions and has indulged in some forebodings as to the consequences of a continuation of the decreases in imports and exports. Of course the depression which exists in the United States, which the Senator attributes to the condition of business as outlined in his figures, means a corresponding prosperity in other countries which have benefited by these conditions. I should like to ask the Senator what particular country of the Old World is basking in the sunshine of that prosperity and progress and indicative of the conditions there as reflected from the bad conditions here?

Mr. SMOOT. Mr. President, in answer to the Senator from Colorado, I will say that the report from the Treasury Department does not show from what countries this extra $29,000,000 worth of goods were imported; but from whatever countries they were imported the foreign workmen had just that much more work than they would have had if they had not been imported into this country.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 255) authorizing the Secretary of State to extend invitations to other nations to send representatives to the International Dry-Farming Congress to be held at Wichita, Kans., October 7 to 17, inclusive, 1914, reported the same with amendment, accompanied by a report (No. 848), which said joint resolution and report were referred to the House Calendar.

Mr. TAYLOR of Colorado, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 124) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts under the reclamation acts, and for other purposes, reported the same with amendment, accompanied by a report (No. 851), which said bill and report were referred to the House Calendar.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea, reported the same with amendment, accompanied by a report (No. 852), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 2903) for the relief of Judd McKelvey, reported the same without amendment, accompanied by a report (No. 849), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3817) authorizing the issuance of a patent to James Gunning for lot 2, section 32, township 29 north, range 39 east, Montana, reported the same without amendment, accompanied by a report (No. 850), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 13825) for the relief of the heirs of Marianne Sainte Ana Schrepper; Committee on the Public Lands discharged, and referred to the Committee on Claims.

A bill (H. R. 10808) granting a pension to Michael Grace; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEPHENS of California: A bill (H. R. 17360) to acquire a site and for the erection and completion thereon of a public building in the city of Santa Monica, Cal.; to the Committee on Public Buildings and Grounds.

By Mr. MAHER: A bill (H. R. 17361) to regulate the wages of mechanics and laborers employed in or under any and all departments of the Government; to the Committee on Labor.

By Mr. PARK: A bill (H. R. 17362) to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BYRNES of South Carolina: A bill (H. R. 17363) relating to the use of the mails in effecting insurance on persons and property, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. BROWNE of Wisconsin: A bill (H. R. 17364) providing for the payment of pensions monthly; to the Committee on Invalid Pensions.

By Mr. LEVY: Resolution (H. Res. 547) directing the Committee on Foreign Affairs to investigate the payment of $19,000,000 and $250,000 annuity to the Republic of Panama as provided for in the convention ratified February 25, 1904, to ascertain if any portion of said moneys should belong to the United States of Colombia, etc.; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17365) granting an increase of pension to Millie Rowe; to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 17366) for the relief of Alonzo C. Jones; to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 17367) for the relief of John S. Rhoads; to the Committee on Military Affairs.

Also, a bill (H. R. 17368) for the relief of Eleazer Briggs, alias Alonzo Welsh; to the Committee on Military Affairs.

By Mr. GUDGER: A bill (H. R. 17369) granting a pension to I. M. Johnson; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 17370) granting an increase of pension to Claude A. Holder; to the Committee on Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17371) for the relief of William McCutcheon; to the Committee on Military Affairs.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17372) granting a pension to William H. Phillips; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17373) granting a pension to George Baldwin; to the Committee on Invalid Pensions.

By Mr. PETERS of Massachusetts: A bill (H. R. 17374) granting a pension to Eva S. Long; to the Committee on Pensions.

By Mr. PETERSON: A bill (H. R. 17375) granting a pension to Mary R. Hill; to the Committee on Invalid Pensions.

By Mr. RIORDAN: A bill (H. R. 17376) granting an increase of pension to Emma B. Hubbard; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17377) for the relief of Lawrence M. Larson; to the Committee on Claims.

By Mr. SMITH of Maryland: A bill (H. R. 17378) granting a pension to Ida V. Stephens; to the Committee on Pensions.

Also, a bill (H. R. 17379) granting a pension to Mary Mueller; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17380) for the relief of Michael S. Shannon, John W. Connelly, Henry P. Graham, and Daniel O'Lone; to the Committee on Claims.

By Mr. TAGGART: A bill (H. R. 17381) granting a pension to William H. Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17382) granting a pension to Alonzo J. Mayo; to the Committee on Pensions.

By Mr. TALCOTT of New York: A bill (H. R. 17383) granting a pension to Catherine Woods; to the Committee on Pensions.

By Mr. TEN EYCK: A bill (H. R. 17384) granting an increase of pension to Mary E. Carhart; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17385) for the relief of James Conerty; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Petition of sundry citizens of Haviland, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petitions of 13 citizens of Ewan and Mullica Hill, 707 citizens of Wenonah, and 11,000 citizens of Gloucester County, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petition of 30 citizens of Huron, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. CLARK of Florida: Petitions of W. T. Belcher, George D. Sullivan, and sundry other citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Bedford and Park Avenue Board of Trade, of Brooklyn, N. Y., relative to chance for Frederick A. Cook to present proof of first discoverer of North Pole; to the Committee on Naval Affairs.

By Mr. GILMORE: Petition of Lodge No. 914, International Association of Machinists, favoring passage of bill to promote safety of employees and travelers upon railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Massachusetts: Petition of 30 citizens of Westport, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of Mrs. H. M. Brown and other citizens, of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Memorial of the Seventh Ward Woman's Christian Temperance Union, of Tacoma, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. KIESS of Pennsylvania: Petitions of sundry citizens of the fifteenth congressional district of Pennsylvania and sundry citizens of Mansfield, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petitions of John Mohl, Ernest Mohl, and Jacob Diehl, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of the American National Retail Jewelers' Association of Neenah, Wis., favoring the passage of the Owen-Goeke bills (H. R. 2972; S. 1556), to eliminate time guaranties on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. McCLELLAN: Protest of W. H. Palmer, Philmont, August Schmack, and 10 other residents of Hudson, N. Y., against national prohibition; to the Committee on Rules.

Also, telegrams from C. A. Van Deusen and 12 other residents of Hudson, N. Y., against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of sundry citizens of Canton, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOON: Petition of R. P. Buckner and others of Chattanooga, Tenn., against national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Memorial of various teachers of Pittsburg County, Okla., favoring national prohibition; to the Committee on Rules.

Also, petitions of 100 citizens of Carmen, 250 citizens of Woodward, and 200 citizens of Bristow, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of the Liquid Carbonic Co. of America, of Los Angeles, Cal., protesting against the passage of national prohibition resolution; to the Committee on Rules.

Also, memorial of the Federal Civil Service Employees' Association of the port of San Francisco, Cal., favoring passage of House bill 12055; to the Committee on Labor.

By Mr. RIORDAN: Papers to accompany House bill 10808, for relief of Michael Grace; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: Petitions of the Union Sunday School of Corral, Idaho, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Letter from the Albers Bros. Milling Co., of Los Angeles, Cal., favoring an amendment to the proposed mixed-flour law; to the Committee on Interstate and Foreign Commerce.

Also, petition signed by Mrs. Myrtle R. Harper and 10 other citizens of Los Angeles; resolution of Hollywood Presbyterian Christian Endeavor Society; petition signed by Walter R. Hoff and 10 other citizens of Los Angeles; petition signed by Nancy, Pleasant, and May Bolen; petitions signed by Lyle M. Ostrom and 54 other citizens of Los Angeles; letters signed by Mrs. Margaret Bush, Mrs. Rebecca Lee, M. M. Welch, and James Gillespie, all of Los Angeles; letter from John Mukens, president San Pedro Dry Federation, all in the State of California, favoring national prohibition amendment; to the Committee on Rules.

Also, individual petitions from Byron P. Brockway and 22 other citizens of Los Angeles, Cal., and letter from E. E. Wild, Los Angeles, Cal., manager Liquid Carbonic Co., protesting against national prohibition amendment; to the Committee on Rules.

Also, resolution of the San Francisco (Cal.) Chamber of Commerce, opposing House bill 1873, the anti-injunction bill; to the Committee on the Judiciary.

By Mr. TAVENNER: Petition of Shallberg Bros. of Moline, Ill., relative to passage of House bill 15997, relative to eliminating from section 2 paragraph relating to sale of mines; to the Committee on Mines and Mining.

By Mr. TEN EYCK (by request): Petitions of J. D. Felt and Mrs. Hannah Wideman, of Troy and Voorheesville, N. Y., respectively, favoring the passage of the Hobson resolution; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of New York State, favoring passage of the McLean-Weeks bill for protection of migratory birds; to the Committee on Agriculture.

By Mr. WEAVER: Petition of J. W. Kincaid and many other citizens of Wynnewood, Okla., favoring national prohibition; to the Committee on Rules.

Also, petition of W. S. Defard and 27 other citizens of Oklahoma City, Okla., protesting against national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *June 20, 1914.*

The Senate met at 12 o'clock m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee desiring to hold Thee first in our plans and purposes and passions of life. We desire to enter into more complete fellowship with Thee and lift our hearts that we may be instructed in Thy way. We would hold Thy name above the prize of fame or fortune, above our love for country, above our desire of life. We would glorify Thy name. We pray that we may enter this day into such perfect and complete subjection to Thy will as that Thy law will be the law of our lives and Thy spirit our constant inspiration. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas McGhatic, deceased.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4377) to provide for the construction of four revenue cutters.

PETITIONS AND MEMORIALS.

Mr. NELSON presented resolutions adopted by the Lumbermen's Club of Memphis, Tenn., favoring the adoption of certain amendments to the bill relating to navigation of vessels, bills of lading, etc., which were referred to the Committee on Commerce.

Mr. OLIVER presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the enactment of legislation amending section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Lebanon County (Pa.) Medical Society, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

He also presented a petition of Council No. 763, Order of Independent Americans, of Nuremberg, Pa., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Council of the Borough of Coatesville, Pa., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against any further extension of the parcel-post system, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of sundry citizens of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented memorials of the Board of Trade and the Chamber of Commerce of San Francisco; the Merchants' Association of Fresno; the Shipowners' Association of San Francisco; the Hawaiian Commercial & Sugar Co., of San Francisco; the Fruit Growers' Association of San Francisco; the Charles Nelson Co., of San Francisco; Levi Strauss & Co.,

Lever	Oldfield	Ruhey	Ten Eyck
Levy	Page, N. C.	Rucker	Thompson, Okla.
Linthicum	Palmer	Russell	Townsend
Lloyd	Park	Sims	Tribble
Logue	Post	Sisson	Underwood
Lonergan	Pou	Smith, N. Y.	Vollmer
McClellan	Quin	Sparkman	Walker
McCoy	Ragsdale	Stephens, Miss.	Watkins
McGillicuddy	Rainey	Stephens, Nebr.	Watson
Maguire, Nebr.	Raker	Stephens, Tex.	Weaver
Maher	Rauch	Stone	Williams
Mitchell	Rayburn	Summers	Wingo
Nolan, J. I.	Reilly, Conn.	Tavenner	Witherspoon
O'Hair	Riordan	Taylor, Ark.	

NAYS—98.

Anthony	Edmonds	Kless, Pa.	Scott
Austin	Esch	Kindel	Sells
Barchfeld	Estopinal	Kinkaid, Nebr.	Shreve
Bartholdt	Evans	La Follette	Sinnott
Bartlett	Falconer	Lenroot	Slemp
Barton	Farr	Lindbergh	Sloan
Bell, Cal.	French	Lobeck	Small
Bowdle	Glass	McKenzie	Smith, Idaho
Britten	Good	McLaughlin	Smith, Saml. W
Broussard	Green, Iowa	Mann	Stafford
Brown, W. Va.	Greene, Mass.	Mapes	Steenerson
Browne, Wis.	Guernsey	Miller	Stephens, Cal.
Burke, S. Dak.	Hamilton, Mich.	Mondell	Stout
Burke, Wis.	Hammond	Moore	Sutherland
Calder	Haugen	Morgan, Okla.	Switzer
Campbell	Hawley	Moss, Ind.	Talcott, N. Y.
Cary	Hayes	Mott	Temple
Chandler, N. Y.	Helgesen	Nelson	Thomson, Ill.
Cooper	Hinebaugh	Patton, Pa.	Towner
Cramton	Howell	Payne	Underhill
Curry	Johnson, Utah	Platt	Volstead
Davis	Johnson, Wash.	Plumley	Walters
Dillon	Kelley, Mich.	Roberts, Mass.	Woodruff
Drukker	Kennedy, Iowa	Roberts, Nev.	
Dupré	Kent	Rogers	

ANSWERED "PRESENT"—22.

Aiken	Cline	Padgett	Seldomridge
Allen	Cox	Peterson	Stevens, Minn.
Booher	Hardy	Reilly, Wis.	Taylor, Ala.
Bulkley	McKellar	Rouse	Taylor, Colo.
Church	Moon	Rupley	
Clark, Fla.	Murray, Okla.	Saunders	

NOT VOTING—166.

Adamson	Finley	Lafferty	Prouty
Ainey	Fitzgerald	Langham	Reed
Anderson	FitzHenry	Langley	Rothermel
Ansberry	Fordney	Lee, Ga.	Sabath
Avis	Frear	L'Engle	Scully
Bailey	Gallivan	Lewis, Md.	Shackleford
Barnhart	Gardner	Lewis, Pa.	Sharp
Beall, Tex.	Garrett, Tenn.	Lieb	Sherley
Bell, Ga.	George	Lindquist	Sherwood
Blackmon	Gerry	Loft	Slayden
Borland	Gillett	McAndrews	Smith, J. M. C.
Brodbeck	Gordon	McDermott	Smith, Md.
Brown, N. Y.	Gorman	McGuire, Okla.	Smith, Minn.
Browning	Goulden	MacDonald	Smith, Tex.
Bruckner	Graham, Pa.	Madden	Stanley
Brumbaugh	Greene, Vt.	Mahan	Stedman
Burke, Pa.	Gregg	Manahan	Stevens, N. H.
Butler	Griest	Martin	Stringer
Byrnes, S. C.	Griffin	Merritt	Taggart
Byrns, Tenn.	Hamilton, N. Y.	Metz	Talbott, Md.
Callaway	Hardwick	Montague	Taylor, N. Y.
Caulor	Hart	Morgan, La.	Thacher
Cantrill	Henry	Morin	Thomas
Carew	Hinds	Morrison	Treadway
Carlin	Hobson	Moss, W. Va.	Tuttle
Clancy	Hoxworth	Murdock	Vare
Conry	Hughes, W. Va.	Murray, Mass.	Vaughan
Copley	Hullings	Neeley, Kans.	Wallin
Covington	Humphrey, Wash.	Neely, W. Va.	Walsh
Crisp	Humphreys, Miss.	Norton	Webb
Dale	Johnson, Ky.	O'Brien	Whaley
Danforth	Johnson, S. C.	Ogleshy	Whitacre
Davenport	Jones	O'Leary	White
Decker	Kahn	O'Shaunessy	Willis
Dies	Keister	Paige, Mass.	Wilson, Fla.
Difenderfer	Kennedy, R. I.	Parker	Wilson, N. Y.
Dooling	Kinkead, N. J.	Patten, N. Y.	Winslow
Dunn	Kitchin	Peters, Mass.	Woods
Dyer	Knowland, J. R.	Peters, Me.	Young, N. Dak.
Fairchild	Konop	Phelan	Young, Tex.
Fess	Korbly	Porter	
Fields	Kreider	Powers	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. CLINE (for resolution) with Mr. J. M. C. SMITH (against).

Mr. TALBOTT of Maryland (for resolution) with Mr. KENNEDY of Rhode Island (against).

Mr. GALLIVAN (for resolution) with Mr. LANGHAM (against).

Mr. MORGAN of Louisiana (for resolution) with Mr. GREENE of Vermont (against).

Mr. BROODBECK (for resolution) with Mr. GARDNER (against).

Mr. PETERSON (for resolution) with Mr. DANFORTH (against).

Mr. LEWIS of Maryland (for resolution) with Mr. VARE (against).

Mr. RUPLEY (for resolution) with Mr. GRAHAM of Pennsylvania (against).

Mr. CLARK of Florida (for resolution) with Mr. KREIDER (against).

Mr. COX (for resolution) with Mr. BUTLER (against).

Mr. TAYLOR of Colorado (for resolution) with Mr. KAHN (against).

Mr. GRIFFIN (for resolution) with Mr. TAYLOR of New York (against).

Mr. SELDOMRIDGE (for resolution) with Mr. MOSS of West Virginia (against).

Mr. HARDY (for resolution) with Mr. AVIS (against).

Mr. ROUSE (for resolution) with Mr. MADDEN (against).

Mr. BLACKMON (for resolution) with Mr. BULKLEY (against).

Mr. GOULDEN (for resolution) with Mr. PAIGE of Massachusetts (against).

Mr. BELL of Georgia (for resolution) with Mr. GRIEST (against).

Mr. REILLY of Wisconsin (for resolution) with Mr. FREAR (against).

Mr. MURRAY of Oklahoma (for resolution) with Mr. HULINGS (against).

Mr. BOOHER (for resolution) with Mr. TREADWAY (against).

Mr. CARLIN (for resolution) with Mr. WINSLOW (against).

Until further notice:

Mr. AIKEN with Mr. FORDNEY.

Mr. RUPLEY. Mr. Speaker, I desire to inquire whether Mr. GRAHAM of Pennsylvania voted.

The SPEAKER. He is not recorded.

Mr. RUPLEY. Then, Mr. Speaker, I desire to change from "aye" to "present."

The name of Mr. RUPLEY was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to change my vote from "aye" to "present."

The name of Mr. BOOHER was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will report the second resolution.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 548.

Resolved, That Michael J. Gill was duly elected a Representative in the Sixty-third Congress of the United States as a Representative from the twelfth district of the State of Missouri, and is entitled to a seat therein.

The SPEAKER. The gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 108, answered "present" 26, not voting 174, as follows:

YEAS—125.

Abercrombie	Donohoe	Helm	Rainey
Adair	Donovan	Helvering	Raker
Alexander	Doremus	Hensley	Rayburn
Ashbrook	Driscoll	Hill	Reilly, Conn.
Aswell	Eagan	Houston	Riordan
Baker	Eagle	Hughes, Ga.	Ruley
Baltz	Falson	Hull	Rucker
Barkley	Ferris	Igoe	Russell
Bathrick	FitzHenry	Jacoway	Sisson
Beall, Tex.	Flood, Va.	Keating	Smith, Md.
Borchers	Floyd, Ark.	Kennedy, Conn.	Smith, N. Y.
Brockson	Foster	Key, Ohio	Sparkman
Bryan	Fowler	Kirkpatrick	Stephens, Miss.
Buchanan, Ill.	Francis	Lazaro	Stephens, Nebr.
Buchanan, Tex.	Gallagher	Lee, Pa.	Stephens, Tex.
Burgess	Garner	Lesher	Stone
Candler, Miss.	Garrett, Tex.	Levy	Sumners
Caraway	Gillmore	Lloyd	Tavenner
Carr	Gittins	Logue	Taylor, Ark.
Casey	Godwin, N. C.	Lonergan	Ten Eyck
Claypool	Goeke	McCoy	Thompson, Okla.
Candy	Goldfogle	McGillicuddy	Townsend
Collier	Goodwin, Ark.	Maguire, Nebr.	Underwood
Connelly, Kans.	Graham, Ill.	Maher	Vollmer
Connolly, Iowa	Gray	Mitchell	Walker
Crosser	Gudger	O'Hair	Watson
Cullop	Hamill	Oldfield	Williams
Deitrick	Hamlin	Palmer	Wingo
Dent	Harris	Park	Witherspoon
Dershem	Harrison	Pou	
Dickinson	Hayden	Quin	
Dixon	Heflin	Ragsdale	

NAYS—108.

Anthony	Britten	Cooper	Edwards
Austin	Broussard	Cramton	Esch
Barchfeld	Brown, W. Va.	Curry	Falconer
Bartholdt	Burke, S. Dak.	Davis	Farr
Bartlett	Burke, Wis.	Dillon	French
Barton	Burnett	Doolittle	Gard
Beakes	Calder	Doughton	Glass
Bell, Cal.	Campbell	Dupré	Good
Bowdle	Chandler, N. Y.	Edmonds	Green, Iowa

Greene, Mass.	Kless, Pa.	Nelson	Smith, Idaho
Guernsey	Kindel	Nolan, J. I.	Smith, Saml. W.
Hamilton, Mich.	Kinkaid, Nebr.	Page, N. C.	Stafford
Hammond	La Follette	Patton, Pa.	Steenerson
Haugen	Lenroot	Payne	Stephens, Cal.
Hawley	Lindbergh	Platt	Stout
Hayes	Linthicum	Plumley	Sutherland
Helgesen	McClellan	Roberts, Mass.	Switzer
Hinebaugh	McKenzie	Roberts, Nev.	Talcott, N. Y.
Howard	McLaughlin	Rogers	Temple
Howell	Mann	Saunders	Thomson, Ill.
Johnson, Utah	Mapes	Sells	Towner
Johnson, Wash.	Miller	Shreve	Tribble
Kelley, Mich.	Mondell	Sims	Underhill
Kelly, Pa.	Moore	Sinnott	Volstead
Kennedy, Iowa	Morgan, Okla.	Slemp	Walters
Kent	Moss, Ind.	Sloan	Watkins
Kettner	Mott	Small	Woodruff

VOTING "PRESENT"—26.

Aiken	Church	Holland	Rouse
Allen	Clark, Fla.	Lever	Rupley
Blackmon	Cline	McKellar	Seldomridge
Booher	Cox	Moon	Stevens, Minn.
Browne, Wis.	Elder	Murray, Okla.	Taylor, Ala.
Byrns, Tenn.	Fergusson	Padgett	
Cary	Hardy	Reilly, Wis.	

NOT VOTING—174.

Adamson	Finley	Langley	Rauch
Ainey	Fitzgerald	Lee, Ga.	Reed
Anderson	Fordney	L'Engle	Rothermel
Ansberry	Frear	Lewis, Md.	Sabath
Avis	Gallivan	Lewis, Pa.	Scott
Bailey	Gardner	Lieb	Scully
Barnhart	Garrett, Tenn.	Lindquist	Shackleford
Bell, Ga.	George	Lobeck	Sharp
Borland	Gerry	Loft	Sherley
Brodbeck	Gillett	McAndrews	Sherwood
Brown, N. Y.	Gordon	McDermott	Slayden
Browning	Gorman	McGuire, Okla.	Smith, J. M. C.
Bruckner	Goulden	MacDonald	Smith, Minn.
Brumbaugh	Graham, Pa.	Madden	Smith, Tex.
Burke, Pa.	Greene, Vt.	Mahan	Stanley
Butler	Gregg	Manahan	Stedman
Byrnes, S. C.	Griest	Martin	Stevens, N. H.
Byrns, Tenn.	Griffin	Merritt	Stringer
Callaway	Hamilton, N. Y.	Metz	Taggart
Cantor	Hardwick	Montague	Talbott, Md.
Cantrill	Hart	Morgan, La.	Taylor, Colo.
Carew	Hay	Morin	Taylor, N. Y.
Carlin	Henry	Morrison	Thacher
Carter	Hinds	Moss, W. Va.	Thomas
Clancy	Hobson	Murdock	Treadway
Conry	Hoxworth	Murray, Mass.	Tuttle
Copley	Hughes, W. Va.	Neeley, Kans.	Vare
Covington	Hullings	Neely, W. Va.	Vaughan
Crisp	Humphrey, Wash.	Norton	Wallin
Dale	Humphreys, Miss.	O'Brien	Walsh
Danforth	Johnson, Ky.	Ogleshy	Weaver
Davenport	Johnson, S. C.	O'Leary	Webb
Decker	Jones	O'Shaunessy	Whaley
Dies	Kahn	Paige, Mass.	Whitacre
Difenderfer	Keister	Parker	White
Dooling	Kennedy, R. I.	Patten, N. Y.	Willis
Drukker	Kinkead, N. J.	Peters, Mass.	Wilson, Fla.
Dunn	Kitchin	Peters, Me.	Wilson, N. Y.
Dyer	Knowland, J. R.	Peterson	Winslow
Estopinal	Konop	Phelan	Woods
Evans	Korbly	Porter	Young, N. Dak.
Fairchild	Kreider	Post	Young, Tex.
Fess	Lafferty	Powers	
Fields	Langham	Prouty	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. LEWIS of Maryland (for resolution) with Mr. VARE (against).

Mr. RUPLEY (for resolution) with Mr. GRAHAM of Pennsylvania (against).

Mr. CLARK of Florida (for resolution) with Mr. KREIDER (against).

Mr. COX (for resolution) with Mr. BUTLER (against).

Mr. GRIFFIN (for resolution) with Mr. TAYLOR of New York (against).

Mr. SELDOMRIDGE (for resolution) with Mr. MOSS of West Virginia (against).

Mr. HARDY (for resolution) with Mr. AVIS (against).

Mr. ROUSE (for resolution) with Mr. MADDEN (against).

Mr. BLACKMON (for resolution) with Mr. BULKLEY (against).

Mr. GOULDEN (for resolution) with Mr. PAIGE of Massachusetts (against).

Mr. BELL of Georgia (for resolution) with Mr. GRIEST (against).

Mr. REILLY of Wisconsin (for resolution) with Mr. FREAR (against).

Mr. MURRAY of Oklahoma (for resolution) with Mr. HULINGS (against).

Mr. BOOHER (for resolution) with Mr. TREADWAY (against).

Mr. CARLIN (for resolution) with Mr. WINSLOW (against).

Mr. CLINE (for resolution) with Mr. J. M. C. SMITH (against).

Mr. TALBOTT of Maryland (for resolution) with Mr. KENNEDY of Rhode Island (against).

Mr. GALLIVAN (for resolution) with Mr. LANGHAM (against).

Mr. MORGAN of Louisiana (for resolution) with Mr. GREENE of Vermont (against).

Mr. BROODBECK (for resolution) with Mr. GARDNER (against).

Mr. PETERSON (for resolution) with Mr. DANFORTH (against).

Until further notice:

Mr. GREGG with Mr. KAHN.

Mr. BAILEY with Mr. DRUKKER.

Mr. BORLAND with Mr. SCOTT.

Mr. SHACKLEFORD with Mr. CARY.

Mr. RUPLEY. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. RUPLEY. Has Mr. GRAHAM of Pennsylvania voted?

The SPEAKER. He has not.

Mr. RUPLEY. Then, I desire to vote "present."

The name of Mr. RUPLEY was called, and he answered "Present."

Mr. BLACKMON. Mr. Speaker, how did the gentleman from Ohio, Mr. BULKLEY, vote?

The SPEAKER. He did not vote.

Mr. BLACKMON. Then, Mr. Speaker, I desire to change my vote from "yea" to "present."

The name of Mr. BLACKMON was called, and he answered "Present."

Mr. FERGUSSON. Mr. Speaker, how am I recorded?

The SPEAKER. In the affirmative.

Mr. FERGUSSON. I wish to withdraw my vote and vote "present."

The name of Mr. FERGUSSON was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, did the gentleman from Massachusetts, Mr. TREADWAY, vote?

The SPEAKER. He did not.

Mr. BOOHER. I have a pair with the gentleman, and I wish to withdraw my vote of "yea" and vote "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. LEVER. Mr. Speaker, I desire to change my vote from "nay" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. LEVER was called, and he answered "Present."

Mr. AIKEN. Mr. Speaker, I desire also to change my vote from "nay" to "present."

The SPEAKER. The Clerk will call the gentleman's name.

The name of Mr. AIKEN was called, and he answered "Present."

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BROWN of West Virginia, for one week, on account of important business.

To Mr. WEAVER, indefinitely, on account of important business.

SWEARING IN OF A MEMBER.

Hon. MICHAEL J. GILL, Representative of the twelfth congressional district of Missouri, accompanied by Mr. LLOYD, appeared at the bar of the House and took the oath of office.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Saturday, June 20, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of George F. W. Holman v. The United States (H. Doc. No. 1044); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of William Lee Darling v. The United States (H. Doc. No. 1045); to the Committee on Claims and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting report on the old customhouse building at New Orleans, La., made at the direction of the Supervising Architect, by the superintendent of construction in charge of the new post-office building, and commending the estimate as submitted (H. Doc. No. 1046); to the Committee on Appropriations and ordered to be printed.

requested it when I introduced it.

[Democratic side.]

for such purpose, and the expense incurred in taking said testimony and carrying out the provisions of this resolution shall be paid out of the contingent fund of the House on vouchers certified as correct by the chairman of said committee.

Now, Mr. Speaker, had that resolution——

Mr. RUCKER. Mr. Speaker, a parliamentary inquiry.

Mr. GOLDFOGLE. I decline to yield.

The SPEAKER. The gentleman from Missouri can not take the gentleman from New York off his feet by a parliamentary inquiry.

Mr. RUCKER. I simply wanted to ask if his time had expired.

Mr. GOLDFOGLE. Mr. Speaker, I proposed that resolution in the interest of which I believed to be justice and fair play. I had asked the committee to recommend it for adoption to the House. That was on April 2. Mr. Dyer had offered to stipulate to limit himself in the taking of his proofs to 30 days, though he did not ask that the contestant be limited at all. The burden of proof had shifted to the contestee; and though we had reached in committee a vote on the precincts, it still seemed to me fair that the contestee should be accorded an opportunity to prove, if he could, within fair limit of time, the true state of the vote in the seven several precincts from which the returns were eliminated.

In the case of Mitchell against Walsh, decided in the Fifty-fourth Congress, it was declared that—

The House of Representatives, with its broad and limitless powers respecting the settlement of contested-election cases, is only desirous of arriving at the truth. While it will not depart from wise and well-settled rules of law, it will not hedge itself about with technical rules which may do manifest wrong.

Mr. Speaker, had my suggestion made to the committee been acceded to and the resolution been adopted by the House, we would have been enabled to reach before now probably the very stage we have now reached. The case could have been concluded by this time anyway. Dissenting, as I do, from the decision which denied Mr. Dyer's motion for a privilege I thought he ought to have, I may, however, reaffirm that the falsity of the returns by the judges and clerks of elections is clearly disclosed; and should the House, in the exercise of its judgment, conclude that further time should not be allowed the contestee to give additional evidence, it follows that, according to the findings and conclusions reached by a majority of the committee, that Mr. Dyer was not elected a Member of the House. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on the resolution reported by the minority of the committee.

Mr. MANN. Mr. Speaker, I ask to have the resolution read.

The SPEAKER. The Clerk will report the minority resolution.

The Clerk read as follows:

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill v. Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence, in connection with testimony heretofore taken, make its report to the House, with its recommendations, within 30 days after the adoption of this resolution.

Mr. ELDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ELDER. I would like to ask whether the majority resolution is divisible or not?

The SPEAKER. Yes; but we have not got to that yet.

Mr. ELDER. Another inquiry is, If the first resolution of the majority should be adopted and the second one rejected, would that leave the seat vacant?

The SPEAKER. It would leave the seat vacant.

Mr. RUCKER. Mr. Speaker, I move the previous question on the resolutions and the substitute.

Mr. GOLDFOGLE. The order of the House fixes that.

Mr. RUCKER. The previous question was not ordered.

Mr. GOLDFOGLE. It was tantamount to ordering the previous question.

The SPEAKER. The Chair thinks not. The gentleman from Missouri moves the previous question on all the resolutions.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the resolution of the minority, which has just been read.

Mr. MANN. On that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 136, answered "present" 23, not voting 167, as follows:

YEAS—107.

Aiken	Esch	Kindel	Saunders
Anthony	Estopinal	Kinkaid, Nebr.	Scott
Austin	Evans	La Follette	Sells
Barchfeld	Falconer	Lenroot	Shreve
Bartholdt	Farr	Levy	Sinnott
Bartlett	French	Lindbergh	Slemp
Barton	Glass	Linthicum	Sloan
Beakes	Good	Lobeck	Small
Bell, Cal.	Green, Iowa	McKenzie	Smith, Idaho
Bowdle	Greene, Mass.	McLaughlin	Smith, Saml. W.
Britten	Guernsey	Mann	Stafford
Brown, W. Va.	Hamilton, Mich.	Mapes	Stevenson
Burke, S. Dak.	Haugen	Miller	Stephens, Cal.
Burke, Wis.	Hawley	Mondell	Stone
Burnett	Hayes	Moore	Sutherland
Calder	Helgesen	Morgan, Okla.	Switzer
Campbell	Hinebaugh	Moss, Ind.	Talcott, N. Y.
Cary	Howard	Mott	Temple
Chandler, N. Y.	Howell	Nelson	Ten Eyck
Cooper	Johnson, Utah	Padgett	Thomson, Ill.
Cramton	Johnson, Wash.	Patton, Pa.	Towner
Curry	Kahn	Payne	Townsend
Davis	Kelley, Mich	Platt	Underhill
Dillon	Kennedy, Iowa	Plumley	Volstead
Drukker	Kent	Roberts, Mass.	Walters
Dupré	Kettner	Roberts, Nev.	Woodruff
Edmonds	Kless, Pa.	Rogers	

NAYS—136.

Abercrombie	Donovan	Hayden	Post
Adair	Doolittle	Heflin	Pou
Alexander	Doremus	Helm	Quin
Ashbrook	Doughton	Hensley	Ragsdale
Aswell	Driscoll	Hill	Rainey
Baker	Eagan	Houston	Raker
Baltz	Eagle	Hughes, Ga.	Rauch
Barkley	Edwards	Hull	Rayburn
Bathrick	Elder	Igoe	Reilly, Conn.
Beall, Tex.	Falson	Jacoway	Riordan
Borchers	Fergusson	Keating	Ruley
Brockson	Ferris	Kelly, Pa.	Rucker
Bryan	Flood, Va.	Kennedy, Conn.	Russell
Buchanan, Ill.	Floyd, Ark.	Key, Ohio	Sisson
Buchanan, Tex.	Foster	Kirkpatrick	Smith, N. Y.
Burgess	Fowler	Lazaro	Sparkman
Candler, Miss.	Francis	Lee, Pa.	Stephens, Miss.
Caraway	Gallagher	Lesher	Stephens, Nebr.
Carr	Gard	Lever	Stephens, Tex.
Carter	Garner	Lloyd	Stout
Casey	Garrett, Tex.	Loeme	Sumners
Claypool	Gilmore	Lonergan	Tavenner
Coady	Gittins	McClellan	Taylor, Ark.
Collier	Godwin, N. C.	McCoy	Taylor, Colo.
Connelly, Kans.	Goeke	McGillicuddy	Thomson, Okla.
Connolly, Iowa	Goodwin, Ark.	Maguire, Nebr.	Tribble
Crosser	Graham, Ill.	Maher	Underwood
Cullop	Gray	Mitchell	Vollmer
Dalzell	Gudger	Nolan, J. I.	Walker
Dent	Hamill	O'Hair	Watson
Dershem	Hamlin	Oldfield	Weaver
Dickinson	Hammond	Page, N. C.	Williams
Dixon	Harris	Palmer	Winco
Donohoe	Harrison	Park	Witherspoon

ANSWERED "PRESENT"—23.

Allen	Cox	Morrison	Seldomridge
Booher	Goldfogle	Murray, Okla.	Sims
Browne, Wis.	Hardy	Peterson	Stevens, Minn.
Bulkley	Hay	Reilly, Wis.	Taylor, Ala.
Clark, Fla.	Holland	Rouse	Watkins
Cline	Moon	Rupley	

NOT VOTING—167.

Adamson	Dies	Hughes, W. Va.	Metz
Ainey	Difenderfer	Hulings	Montague
Anderson	Dooling	Humphrey, Wash	Morgan, La.
Ansberry	Dunn	Humphreys, Miss	Morin
Avis	Dyer	Johnson, Ky.	Moss, W. Va.
Bailey	Fairchild	Johnson S. C.	Murdock
Barnhart	Fess	Jones	Murray, Mass.
Bell, Ga.	Fields	Keister	Neeley, Kans.
Blackmon	Finley	Kennedy, R. I.	Neely, W. Va.
Borland	Fitzgerald	Kinkead, N. J.	Norton
Bradbeck	Fitzhenry	Kitchin	O'Brien
Broussard	Fordney	Knowland, J. R.	Ogleby
Brown, N. Y.	Freer	Konop	O'Leary
Browning	Gallivan	Korbly	O'Shaunessy
Bruckner	Gardner	Kreider	Paige, Mass.
Brumbaugh	Garrett, Tenn.	Lafferty	Parker
Burke, Pa.	George	Langham	Patten, N. Y.
Butler	Gerry	Lansley	Peters, Mass.
Byrnes, S. C.	Gillett	Lee, Ga.	Peters, Me.
Byrns, Tenn.	Gordon	L'Engle	Phelan
Callaway	Gorman	Lewis, Md.	Porter
Cantor	Goulden	Lewis, Pa.	Powers
Cantrill	Graham, Pa.	Lieb	Prouty
Carew	Greene, Vt.	Lindquist	Reed
Carlin	Gregg	Loft	Rothermel
Church	Griest	McAndrews	Sabath
Clancy	Griffin	McDermott	Scully
Conry	Hamilton, N. Y.	McGuire, Okla.	Shackleford
Copley	Hardwick	McKellar	Sharp
Covington	Hart	MacDonald	Sherley
Crisp	Helvering	Madden	Sherwood
Dale	Henry	Mahan	Slayden
Danforth	Hinds	Manahan	Smith, J. M. C.
Davenport	Hobson	Martin	Smith, Md.
Decker	Hoxworth	Merritt	Smith, Minn.

Smith, Tex.	Taylor, N. Y.	Wallin	Wilson, Fla.
Stanley	Thacher	Walsh	Wilson, N. Y.
Stedman	Thomas	Webb	Winslow
Stevens, N. H.	Treadway	Whaley	Woods
Stringer	Tuttle	Whitacre	Young, N. Dak.
Taggart	Vare	White	Young, Tex.
Talbott, Md.	Vaughan	Willis	

So the resolution was rejected.

The Clerk announced the following pairs:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. HOBSON with Mr. FAIRCHILD.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. NEELEY of Kansas with Mr. MURDOCK.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. HINDS with Mr. HENRY.

Mr. MCDERMOTT with Mr. WILLIS.

Mr. TUTTLE with Mr. GILLETT.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. LANGLEY with Mr. FIELDS.

Mr. WATKINS with Mr. FORDNEY.

Mr. MURRAY of Massachusetts with Mr. NORTON.

Mr. LEE of Georgia with Mr. MORIN.

Mr. KITCHIN with Mr. PROUTY.

Mr. HUMPHREYS of Mississippi with Mr. MACDONALD.

Mr. HARDWICK with Mr. MANAHAN.

Mr. GARRETT of Tennessee with Mr. MCGUIRE of Oklahoma.

Mr. SHERWOOD with Mr. PORTER.

Mr. FITZGERALD with Mr. MERRITT.

Mr. FINLEY with Mr. LINDQUIST.

Mr. WEBB with Mr. LEWIS of Pennsylvania.

Mr. CANTRILL with Mr. KEISTER.

Mr. YOUNG of Texas with Mr. COPLEY.

Mr. CALLAWAY with Mr. LAFFERTY.

Mr. BYRNS of Tennessee with Mr. DUNN.

Mr. BYRNES of South Carolina with Mr. ANDERSON.

Mr. MONTAGUE with Mr. AINEY.

Mr. SMITH of Texas with Mr. PARKER.

Mr. PATTEN of New York with Mr. POWERS.

Mr. THOMAS of Kentucky with Mr. SMITH of Minnesota.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Commencing June 18, ending June 20, inclusive:

Mr. MORRISON with Mr. HUMPHREY of Washington.

Commencing June 10, ending June 22:

Mr. BROWN of New York with Mr. BROWNE of Wisconsin.

On this vote:

Mr. J. M. C. SMITH (for substitute) with Mr. CLINE (against).

Mr. KENNEDY of Rhode Island (for substitute) with Mr. TALBOTT of Maryland (against).

Mr. LANGHAM (for substitute) with Mr. GALLIVAN (against).

Mr. GREENE of Vermont (for substitute) with Mr. MORGAN of Louisiana (against).

Mr. GARDNER (for substitute) with Mr. BRODBECK (against).

Mr. DANFORTH (for substitute) with Mr. PETERSON (against).

Mr. VARE (for substitute) with Mr. LEWIS of Maryland (against).

Mr. GRAHAM of Pennsylvania (for substitute) with Mr. RUPLEY (against).

Mr. KREIDER (for substitute) with Mr. CLARK of Florida (against).

Mr. BUTLER (for substitute) with Mr. COX (against).

Mr. TAYLOR of New York (for substitute) with Mr. GRIFFIN (against).

Mr. MOSS of West Virginia (for substitute) with Mr. SELDOMRIDGE (against).

Mr. AVIS (for substitute) with Mr. HARDY (against).

Mr. MADDEN (for substitute) with Mr. ROUSE (against).

Mr. BULKLEY (for subsitute) with Mr. BLACKMON (against).

Mr. PAIGE of Massachusetts (for substitute) with Mr. GOULDEN (against).

Mr. GRIEST (for substitute) with Mr. BELL of Georgia (against).

Mr. FREAR (for substitute) with Mr. REILLY of Wisconsin (against).

Mr. HULINGS (for substitute) with Mr. MURRAY of Oklahoma (against).

Mr. TREADWAY (for substitute) with Mr. BOOHER (against).

Mr. WINSLOW (for substitute) with Mr. CARLIN (against).

Mr. MURRAY of Oklahoma. Mr. Speaker, I desire to know if the gentleman from Pennsylvania, Mr. HULINGS, voted?

The SPEAKER. He did not.

Mr. MURRAY of Oklahoma. Then I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. MURRAY of Oklahoma was called, and he answered "Present."

Mr. ROUSE. Mr. Speaker, I voted "nay." I am paired with the gentleman from Illinois, Mr. MADDEN. I desire to withdraw that vote and answer "present."

The name of Mr. ROUSE was called, and he answered "Present."

Mr. HARDY. Mr. Speaker, did the gentleman from West Virginia, Mr. AVIS, vote?

The SPEAKER. He did not.

Mr. HARDY. Mr. Speaker, I am paired with the gentleman. I voted "nay." I wish to withdraw that and answer "present."

The name of Mr. HARDY was called, and he answered "Present."

Mr. BOOHER. Mr. Speaker, is the gentleman from Massachusetts, Mr. TREADWAY, recorded?

The SPEAKER. He is not recorded.

Mr. BOOHER. Mr. Speaker, I wish to withdraw my vote of "nay" and answer "present," as I am paired with the gentleman.

The name of Mr. BOOHER was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, did the gentleman from Ohio, Mr. FESS, vote?

The SPEAKER. He is not recorded.

Mr. ALLEN. Mr. Speaker, I am paired with the gentleman. I therefore desire to withdraw my vote of "yea" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

Mr. CLINE. Mr. Speaker, did the gentleman from Michigan, Mr. J. M. C. SMITH, vote?

The SPEAKER. He did not.

Mr. CLINE. Mr. Speaker, I am paired with the gentleman, and I desire to withdraw my vote of nay and answer "present."

The name of Mr. CLINE was called, and he answered "Present."

Mr. REILLY of Wisconsin. Mr. Speaker, did the gentleman from Wisconsin, Mr. FREAR, vote?

The SPEAKER. He did not.

Mr. REILLY of Wisconsin. Mr. Speaker, I am paired with the gentleman. I desire to withdraw my vote of nay and answer "present."

The name of Mr. REILLY of Wisconsin was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The question now recurs on the resolution offered by the majority.

Mr. MANN. Mr. Speaker, I ask a division of the question.

The SPEAKER. The gentleman from Illinois demands a division of the question, and the vote will first be taken on the first resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 548.

Resolved, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and is not entitled to a seat therein.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 98, answered "present" 22, not voting 106, as follows:

YEAS—147.

Abercrombie	Coady	Ferris	Hay
Adair	Collier	Flood, Va.	Hayden
Alexander	Connelly, Kans.	Floyd, Ark.	Heflin
Ashbrook	Connolly, Iowa	Foster	Helm
Aswell	Crosser	Fowler	Helvering
Baker	Cullop	Francis	Hensley
Baltz	Deitrick	Gallagher	Hill
Barkley	Dent	Gard	Holland
Bathrick	Dershem	Garner	Houston
Beaks	Dickinson	Garrett, Tex.	Howard
Borchers	Dixon	Gilmore	Hughes, Ga.
Brockson	Donohoe	Gittins	Hull
Bryan	Donovan	Godwin, N. C.	Igoe
Buchanan, Ill.	Doolittle	Goeke	Jacoway
Buchanan, Tex.	Doremus	Goldfogle	Keating
Burgess	Doughton	Goodwin, Ark.	Kelly, Pa.
Burnett	Driscoll	Graham, Ill.	Kennedy, Conn.
Candler, Miss.	Eagan	Gray	Kettner
Caraway	Eagle	Gudger	Key, Ohio
Carr	Edwards	Hamill	Kirkpatrick
Carter	Elder	Hamlin	Lazaro
Casey	Falson	Harris	Lee, Pa.
Claypool	Fergusson	Harrison	Lesher

Mr. MANN. Well, Mr. Speaker, I will yield back the balance of my time, but I take a minute, however, to say that I hope the Democratic Members of this House, with their two-thirds majority, will for a moment forget their partisanship and deal fairly with the contestee. Let us find out how the voters voted in these precincts. If they voted for Dyer, he is entitled to the seat; if they voted for Gill, there is no one on this side of the House who will raise a finger against seating the contestant. You can afford to be fair. Will you? [Applause.]

Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The gentleman yields back one minute and a quarter.

Mr. McKENZIE. Mr. Speaker, I yield half a minute to the gentleman from Georgia [Mr. HOWARD].

Mr. HOWARD. Mr. Speaker, I desire in this half minute to introduce and have pending an amendment to the committee resolution.

The SPEAKER. The Clerk will read the amendment for information.

Mr. HOWARD. The majority committee resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and that Michael J. Gill was not elected a Representative in the Sixty-third Congress of the United States from the twelfth district of the State of Missouri; and that on account of fraud and corruption practiced in the election in said district the seat is declared vacant.

Mr. McKENZIE. Mr. Speaker, was that read in my time?

The SPEAKER. Of course it was.

Mr. McKENZIE. I simply wish to state to the membership of the House that this resolution was offered on the individual responsibility of the gentleman from Georgia [Mr. HOWARD], who simply asked me for the time in which to introduce it. I did not know the contents of the amendment.

The SPEAKER. It was this way: If the gentleman from Illinois yielded to the gentleman to offer an amendment, that is one thing; and if he yielded to him for debate, it is an entirely different proposition. But what the Chair understands the gentleman from Illinois is doing is to disclaim any responsibility for the amendment.

Mr. HOWARD. Mr. Speaker, if the Chair will permit me, I do not want to be misunderstood. I asked permission to introduce the amendment because of the fact that the previous question would probably be asked for, and I simply wanted that amendment pending as an amendment to the majority resolution. I introduced it on my own responsibility, and the gentleman from Illinois [Mr. McKENZIE] has nothing to do with it.

Mr. MANN. Mr. Speaker, a parliamentary inquiry, if I may make it.

The SPEAKER. The gentleman will state it.

Mr. MANN. The majority resolution consists of two parts. If the substitute offered by the minority should not be agreed to and a separate vote should be had on the two parts of the majority resolution, and that part unseating Mr. Dyer should prevail and that part seating Mr. Gill should not prevail, would the result be that the seat would be left vacant?

The SPEAKER. It would be, in the judgment of the Chair. It would have precisely the effect of the amendment just offered by the gentleman from Georgia [Mr. HOWARD].

Mr. McKENZIE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McKENZIE. The offering of this substitute resolution by the gentleman from Georgia [Mr. HOWARD] will not in any way affect the taking of the vote on the substitute resolution offered by the committee, will it?

The SPEAKER. It would happen in this way: If the amendment of the gentleman from Georgia should be voted on and should prevail, there would not be any sort of sense in doing anything else. If the House declared the seat vacant, that would be the end of it.

Mr. McKENZIE. Mr. Speaker, I certainly did not yield time to the gentleman from Georgia for the purpose of offering the resolution to be voted upon instead of the resolution we have pending offered by the minority of the committee.

The SPEAKER. The trouble is, it seems to the Chair at first blush as though you had already done it.

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOWARD. I would like to inquire of the Chair if the introduction of my amendment to the majority resolution would not come in between the vote on the minority resolution and the resolution as offered by the majority of the committee? I so requested it when I introduced it.

The SPEAKER. The rule is as old as the hills that you perfect the original before you vote on the substitute. So if that is in order, your amendment would be voted upon before the minority substitute.

Mr. HOWARD. Then, Mr. Speaker, under the circumstances, to be perfectly fair to the other side, I ask to withdraw my amendment.

The SPEAKER. The gentleman from Georgia withdraws his amendment.

Mr. GOLDFOGLE. Mr. Speaker, how much time have I?

The SPEAKER. The gentleman from New York has 18 minutes.

Mr. GOLDFOGLE. Mr. Speaker, I yield four minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for four minutes.

Mr. GOLDFOGLE. I yield to the gentleman five minutes.

Mr. RUPLEY. Mr. Speaker and gentlemen of the House, before this case reaches a vote I desire to touch upon several of the high points as brought out before your committee—fraud on the inside on the part of the election officers; Republican judges and Democratic judges and Republican clerks and Democratic clerks tampering with ballots, marking and scratching ballots in 15 precincts of the 17 precincts of the fifth ward of the twelfth congressional district of Missouri.

Only two precincts, the sixth and the twelfth, were without fraud. All the other districts showed fraud on the part of the election officers. If I understood the full force of the amendment offered by the gentleman from Georgia [Mr. HOWARD], he had in mind that the fraud was so colossal, was so mammoth, in the fifth ward of that congressional district that no election had occurred, and that no one—neither Mr. Gill nor Mr. Dyer—was elected to represent the twelfth district of Missouri.

But what are the facts? In all the other wards of this congressional district the returns showed that Michael J. Gill had a plurality of over 600, and it was necessary to count the 15 election precincts of the fifth ward in order to give Hon. L. C. Dyer a plurality. So that if the gentleman from Georgia [Mr. HOWARD] was moved by reason of the existence of fraud, and if it is desired to eliminate fraud in declaring a seat vacant in this House, he has established a case beyond any doubt for Michael J. Gill, because outside of this ward Michael J. Gill was elected by more than 600 votes. [Applause on the Democratic side.]

So I am going to appeal to the Democrats on this side in asking you to join with all the members of this Committee on Elections in giving force to the conclusion reached by that committee, representing this side, elected by this House, to represent the Democrats, six in number—Judge GOLDFOGLE; Judge WATSON, of Virginia; Judge SMITH, of Texas; Congressman KENNEDY, of Connecticut; Congressman MORGAN, of Louisiana; Congressman WHITACRE, of Ohio. After a number of meetings and after reading more than 2,000 pages of testimony, we reached the conclusion, taking up precinct by precinct, that at least seven precincts of this ward should be rejected.

We were not governed by proof of fraud alone, nor by the fact that there were electors that scratched out Gill's name and wrote in Dyer's name, but by the fact that the election officers themselves on their count had returned more votes for Dyer than we found in the ballot boxes when the ballot boxes were opened. [Applause on the Democratic side.]

Now, if I know anything of regularity of proceedings—and we have just had a discourse here from that eminent gentleman from Illinois [Mr. MANN], the leader on the Republican side, on the question of regularity—I have found, as a member of an election committee, how difficult it is to bring all the facts adduced before a committee to the floor of this House and have them fairly presented here in nine hours allotted to a debate. We had much more of this fraud, of this taint of fraud, of this irregularity of this colossal character where neither you nor any member of your committee could separate the good ballots from the fraudulent ballots.

Now, you say it is an easy matter to go back to St. Louis and examine these ballots, because when an elector votes his ballot is numbered. But you forget that under the Missouri system of voting by separate ballots it is a very easy matter to substitute one ballot for another ballot and to give it the number. You are asking us, after these months—nearly 20—to go back and identify the electors. We may bring in a ballot, and we may bring in a man, and that man may say he is John Smith, and it may be that according to the roll he voted this particular ballot; but how is your committee to know in a ward like this that this particular individual John Smith is the individual who voted that particular ballot? [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. GOLDFOGLE. I yield two minutes more to the gentleman, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania is recognized for two minutes more.

Mr. SWITZER rose.

The SPEAKER. For what purpose does the gentleman from Ohio rise?

Mr. SWITZER. Does the gentleman yield?

Mr. RUPLEY. I do for a short question.

Mr. SWITZER. Is it the opinion of the gentleman that this election commission of the city of St. Louis is a crooked body—that it is dishonest?

Mr. RUPLEY. Certainly not.

Mr. SWITZER. They have charge of these ballots, have they not?

Mr. RUPLEY. They have; and permit me to continue that in this particular district the voters lived in many boarding houses and hotels, and paid 10 cents a night for beds in tiers, and they are asking us to find these electors. [Laughter.] And I want to say to you, furthermore, that from the evidence within the covers of those two large volumes of testimony, on my oath as a Member of this body, I believe that in that business district, composed of wholesale houses and of office buildings, they have not more than 1,000 legally qualified electors. [Applause on the Democratic side.]

Just a short time ago, I believe in 1910, that district showed 1,600 more electors than in the election of 1912. It is a floating population, a levee district. They are moving about, on the boats on the river. They come into that city on the freight trains. They are the scourings of the earth that reach that particular district—the seventh ward of the city of St. Louis. If you vote for this minority resolution you are going to impose upon us an impossible task. [Applause on the Democratic side.]

Now, permit me to say that if you accomplish this you eliminate a number of precincts reeking with as much fraud as these seven precincts, and nearly the same in kind, quality, and quantity.

This resolution is limited in its scope. We are to do what?

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill against Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 of the fifth ward of the city of St. Louis, with particular reference—

Only with particular reference—

as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters, and that the said committee, after it has taken and considered this additional evidence in connection with testimony heretofore taken, make its report to the House with its recommendations within 30 days after the adoption of this resolution.

The SPEAKER. The time of the gentleman has again expired.

Mr. GOLDFOGLE. I yield to the gentleman one minute more.

Mr. RUPLEY. In many of these precincts ballots were missing. Are we to go out there and find the ballots? Would the resolution cover that? In many precincts Socialist votes were substituted for Democratic votes—Socialist votes were given to Democrats.

So I could go on and show to you many of the evidences of fraud brought out before this committee.

And now, in closing, let me say that the majority of this committee, with all the facts before them and answering to their consciences after full deliberation, decided, by a vote of seven to two, that L. C. Dyer was not elected to this Congress and that Michael J. Gill was elected. L. C. Dyer has been here nearly 15 months. He has secured the emoluments of the office. He has had his secretary and the secretary's pay. He has had the frank of a Member of Congress. The office is nearly stripped by the time we reach a vote.

Mr. GOLDFOGLE. Mr. Speaker, I ask unanimous consent of the House that those who have spoken have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent that all gentlemen who have spoken have leave to extend their remarks on this subject. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized for 10 minutes.

Mr. GOLDFOGLE. Mr. Speaker, in the few minutes remaining I shall not attempt to review the testimony in this case. Indeed, it is quite unnecessary to review it, because, from the arguments that have been made on the floor for and against the committee report, it would seem evident that the membership of this House are quite well informed of the general trend of the testimony, and I think this House has at this time a very clear idea of what is contended for on both sides of the question.

It has been conceded by the contestee's side that there was some fraud practiced in the twelfth congressional district, and it is quite clear that returns were falsified. After a consideration of all the facts and circumstances developed by the testimony, the authorities applicable to the case made it compulsory upon the committee to direct the elimination of certain of the returns. Indeed, that the committee were required so to act was conceded by some of those who spoke on behalf of the contestee. That the contestant made a prima facie case has been practically conceded. When, on the 12th day of March of this year, a tentative vote was taken, it appeared that a majority of the committee favored the elimination of the returns from the seven precincts. On the very next day, the 13th day of March, the contestee served upon the chairman of the committee a notice of motion for leave to take further testimony. Now, this committee acted with great expedition in this case; for if you turn to the hearings you will find that those hearings began in the middle of December of this session. According to the regular procedure of the House the testimony in a contested-election case does not reach the committee until the so-called long or regular session of Congress, and in accordance with that procedure the testimony did not come to the committee until December, 1913, and the hearings were begun in that month. So that you will notice the great expedition with which the chairman of the committee acted.

As I said, in March the committee had reached a stage when a tentative vote was taken, and on the 24 day of April, on which day a meeting of the committee was held, the question came up on the motion made by the contestee.

Allusion has been made to the dissent that I entered against the decision of the committee. I regret I had to disagree with a majority of my Democratic colleagues on the committee, but I am still of the opinion I was right. The rule is quite clearly stated in the case of Featherston against Cate which was decided in the Fifty-first Congress. It is stated in Hinds' Precedents:

The rejection of the return does not necessarily leave the vote actually cast in the precinct uncounted. If only declares that the returns, having been shown to be false, shall not be taken as true, and the parties are thrown back upon such other evidence as it may be in their power to produce in order to show how many votes were cast and for whom, so that the entire vote, if sufficient pains be taken and means be at hand, may be shown, and not a single one lost, notwithstanding the falsity of the return.

That, Mr. Speaker, is the rule; and following that rule I dissented from the decision of the committee, because I concluded it was only fair and just that the contestee should have the right to offer evidence——

Mr. RUCKER. Will the gentleman yield?

Mr. GOLDFOGLE. Certainly; for a question.

Mr. RUCKER. You joined with the committee in making this report, did you not?

Mr. GOLDFOGLE. I am explaining my dissent——

Mr. RUCKER. You joined with the committee in the making of the report, did you not? And if you joined with the committee, why do you not stand up for the report?

Mr. GOLDFOGLE. But if you will look at the report you will see that there is an express notation of my dissent.

Mr. RUCKER. Did you not join in the report?

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. I trust the gentleman will not take up the few minutes I have remaining.

Mr. RUCKER. I do not like to have you make a speech against your report.

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. No; I can not yield further. I would love to yield, but I can not.

The SPEAKER. The gentleman declines to yield.

Mr. GOLDFOGLE. Now, I want to say that after Mr. Dyer's motion was voted down I offered a resolution in that committee, and I desire to state the form of the resolution I offered, because it was according to what I conceive to be precedents established in the House.

The resolution which I asked the committee to recommend to this House for adoption was as follows:

Resolved, That the Committee on Elections No. 3 is hereby authorized and empowered to take such testimony as it shall deem necessary to the determination of the question of fact in the said contested case of Gill against Dyer, and shall have power to send for all such persons, ballots, and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking such testimony, which may be taken before said committee or any subcommittee thereof, or any person selected by said committee

ticket all the time; and I believe that when you eliminate the fraudulent vote he is entitled to a seat in this House, and the evidence submitted in this case bears out my statement.

The SPEAKER. The time of the gentleman from Alabama has again expired.

Mr. GOLDFOGLE. I yield one more minute to the gentleman.

Mr. HEFLIN. Mr. Speaker, I believe that the greatest surprise that has come to Mr. Dyer—and he is a good, clever fellow—is that he has not been turned out of this House long ago. He is a very clever gentleman, but we are trying this case on its merits. The judges representing the majority of the committee are positive, in their judgment, that from all the evidence Mr. Dyer is not entitled to a seat in this House, but that Mr. Gill has been duly and constitutionally elected from that district a Representative in this body; and, so far as I am concerned, I shall cast my vote to sustain the action of these able and worthy gentlemen who constitute the majority of that committee. [Applause on the Democratic side.]

Mr. McKENZIE. Mr. Speaker, I yield one minute to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, in reply to what the gentleman from Alabama [Mr. HEFLIN] has just said, I want to read from the record in this case the testimony given under oath by Mr. Dyer, a brother of the contestee, a man 51 years of age, publisher of a magazine in St. Louis, concerning a conversation that he had with this contestant, Mr. Gill—testimony which the contestant, Gill, has never denied under oath anywhere:

Q. Now state what was said by Mr. Gill to you or in your presence on the subject.—A. I noticed the ballots there on account of my brother being made a contestant in this matter, and I just thought I would see Gill and speak to him; that is, as I was at the city hall, and I saw him inside, and the election commissioners' office was locked up; that is, the doors were shut, rather. Nobody was allowed in there, I understand, except men that were inside.

Q. You mean inside of the office?—A. Yes; so I walked up to the window, and I saw Senator Vest's son, Alec Vest. I said to Alec, "You interested in this contest?" He said, "No; I am just up here." Election Commissioner Spencer came to the window and spoke to me. I said to Spencer, "Tell Gill to come here to the window, I want to speak to him. See whether he knows me." He came there, and I spoke to him. I said, "What is the matter, Gill? You seem to be in trouble here." He said, "Yes." I said, "You voted for Dyer. You ought to be friendly with us," and so forth and so on. He said, "Well, you are the one that gave that news to the Kinney crowd." I said, "No." "Well," he said, "it don't make any difference. I am not going to admit it now, but I may admit it in Washington when they take the contest on there, and I will tell the Election Committee at that time, probably, if I do admit it, of having voted for Dyer, the kind of fellow Kinney is, the reason why I voted against him."

That is testimony in this case given under oath, and the contestant has never under oath denied it. It is true that in his speech to-day he did appeal to Robert Emmet and to the Lord, neither of whom, however, was a witness in this case. [Laughter and applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. GOLDFOGLE. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I shall not try to make an elaborate argument in this case in two minutes. There is one phase of it to which I want to call attention. Mr. Gill's Democracy has been called into question here on the ground that he did not vote the Democratic ticket two years prior to the election at which he was a candidate.

I have known the contestant, Mr. Gill, since 1892. When I first knew Mr. Gill he was canvassing the State of Illinois for the Democratic ticket. John P. Altgeld was then the head of the ticket, and was elected governor of that State. Mr. Gill himself was a candidate for the State legislature from a Republican district. He was elected to the legislature, and it was during that campaign and during his service in the legislature, which meets in my home town, that I first became acquainted with him. No man in that body stood higher than he for conscientious performance of his duty and rectitude in every respect, as well as for Democracy, which, of course, is included under the term "rectitude." [Applause on the Democratic side.] The evidence, the undisputed evidence, here is that many tickets in the election which is now being contested were tampered with; that names were scratched out and other names written in without any warrant whatever. It is pretty clear that that condition did not come about in this ward in two years, and if it existed at this election, is it not fair to presume that it existed at the election before and that Mr. Gill's vote was tampered with and the name of Mr. Dyer written in then as it was written in in the case before us? And in view of the acknowledged rectitude of the man, his high character, his high standing, vouched for by those who know him, his statement on the floor and in the record that he did not cast that vote, absolutely convinces my mind, and I have not the least doubt that his statement here is the truth, and that the point made against him now is being made to prejudice his case with Democrats in the House; that it is not entitled to and should not have any weight whatever. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois kindly use some of his time now?

Mr. McKENZIE. I yield two minutes to the gentleman from Illinois [Mr. THOMSON].

Mr. THOMSON of Illinois. Mr. Speaker, as always, I was interested in the remarks of the gentleman from Alabama [Mr. HEFLIN]. Unfortunately, he seemed not to have any judgment of his own on this proposition, but he appealed to his colleagues on the other side to stand by the judgment of those on the committee who submitted the majority report. Much as I respect the opinion of my Progressive colleague [Mr. RUPLEY], a member of the committee, I shall not vote for the resolution suggested by the majority report which Mr. RUPLEY has recommended in concurrence with the others on the majority. It seems to me, Mr. Speaker, that the real question before us now is whether or not the proposition to give 30 days' time to secure further evidence in this case is a reasonable proposition. When the burden of proof was shifted, quoting from the chairman of the committee, from the contestant to the contestee, the contestee, according to the record, immediately offered to secure testimony which he claimed would convince the committee, and to secure it within 30 days. That offer has not been made now for the first time, but it was made some months ago, and it has been good ever since. The majority of the committee would throw out the entire vote in some six or seven precincts in the fifth ward. They would throw out something like 1,534 votes, some of which have been completely confirmed by those who cast them, men who appeared before the committee as witnesses and confirmed their ballots. Now, the authorities that are cited by the majority in sustaining that recommendation are not in point. There is a difference between all of those cases and the case in question, in that in this jurisdiction in Missouri there is not what you can call a secret ballot. It is possible to summon each voter in these precincts before the committee and produce the ballot cast at the election in his name. He can then be asked whether that ballot shows the vote which he cast for Member of Congress correctly and as he voted it. In this way the vote in these precincts can be verified and this is what the contestee requested be done, and he asked but 30 days in which to do it.

It is proposed by the majority of the committee to deny that reasonable request and instead to throw out entirely the vote of these precincts. In the case of some of these precincts they are basing that recommendation on testimony which does not call in question more than three or four votes in the whole precinct. Such a course is preposterous. They recommend throwing out over 1,500 votes on evidence affecting slightly over 1 per cent of them.

The contestant went through the fifth ward with a fine-tooth comb in search of witnesses to prove his charges. He produced 54 witnesses, and of that number who appeared before the committee only 18 testified that their ballots had been changed.

Those ballots have been thrown out, and properly so, but why throw out all the others cast in those precincts, when every voter can be put on the witness stand and can be shown the ballot bearing his number and can give the same testimony with reference to it, namely, whether the vote shown on the ballot as being cast for the candidate for Congress is correct and as he voted it? Where it is possible to produce such evidence it should be produced. The authorities on election contest cases do not sustain the disregard of all votes in a precinct where it is possible to separate the bad or fraudulent votes from those which are valid and good. It is possible to do that in this case. To refuse to do so is the rankest kind of injustice.

Mr. GOLDFOGLE. Mr. Speaker, I yield three minutes to the gentleman from Florida [Mr. CLARK].

Mr. CLARK of Florida. Mr. Speaker, this is a very serious problem which confronts this House of Representatives. I am fearful that gentlemen have traveled far afield in their arguments. The seat of Mr. Dyer, the sitting Member, is contested by Mr. Gill. The record in this case, stated briefly, shows that the contestant established by indubitable proof, admitted upon all sides, that fraud was perpetrated in these special precincts mentioned. It is claimed that Mr. Dyer did not participate in that fraud, and I believe that there is no claim that he did, but, Mr. Speaker, if he is the beneficiary of the fraud, the result is just the same, so far as the contestant is concerned, as though Mr. Dyer himself participated in and engineered that fraud. I have been taught that the receiver of stolen goods is just as guilty as the party who actually committed the larceny.

Here is a case, Mr. Speaker, where a gentleman is occupying a seat upon this floor as a result of admitted fraud, a fraud sufficient to change the result; but he is not to be ousted because it is said that the contestant voted at one time against a Democratic nominee. If that were a crime, then every gentleman on the other side of the aisle would be in the penitentiary to-day. [Laughter and applause.] I have never heard before, and I am certainly amazed to hear from Republican sources, that to scratch a Democratic ticket is a crime. Some of us believe it, some of us have preached that as being the correct doctrine; and I am glad that I have lived to see the day when the Republican representation in this American Congress stands upon this floor and proclaims to all the world that to scratch a Democratic ticket is a crime sufficient to deprive a man of membership here.

Now, Mr. Speaker, I want to say that fraud was committed, no matter by whom. It is said that the sitting Member made a fair request of the committee. That is true; but he waited until the evidence was in, the arguments made, the verdict rendered, and when he saw it was against him, then he made the demand. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Speaker, I would like to inquire how much time I have remaining?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. McKENZIE. I would like to inquire of the gentleman from New York how many speeches he has.

Mr. GOLDFOGLE. Mr. Speaker, how much time have I remaining?

The SPEAKER. Eighteen minutes.

Mr. GOLDFOGLE. I think the gentleman had better occupy some of his time now. I may reserve some of my time.

Mr. McKENZIE. Mr. Speaker, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN]. [Applause.]

The SPEAKER. The gentleman from Illinois is recognized for 15 minutes.

Mr. MANN. Mr. Speaker, I came into the Congress in the Fifty-fifth Congress, having been elected in 1896. I went on the Committee on Elections No. 1 and served on that committee 12 years, 6 years as the chairman of it. There are several very eminent Members on the Democratic side of the House now in the House who can testify to the fairness of that committee; but I found when I came into the Congress a bitter and intense feeling on the Republican side of the House against the Democratic contestees, growing out of the fact that in the Fifty-third Congress the Democrats had unseated Mr. Joy, of St. Louis, in a case where the Republicans were firmly of the opinion that the unseating was wholly unjustified.

I remember that in the Fifty-fourth Congress, although I was not a Member of it, the Committee on Elections was changed from one committee to three committees, so that it might fire out Democrats a little faster to carry out the feeling of resentment and reprisal on the part of the Republican membership because of the infamy of the Democratic side of the House in the Joy case from St. Louis. When I came into the House I was told by some of the old Republican Members that we were justified, because of the Joy case, in turning any Democrat out of the House. While there may have been justification for it, I did not feel that that was the proper spirit in which to approach election cases, and I did all that was within my power for years to have these contests settled upon the evidence; fairly considered, without regard to partisanship. I believe the present case will have about the same result, if the contestee is turned out, on the Republican majority in the next House as the turning out of Mr. Joy in the Fifty-third Congress had. [Applause on the Republican side.] Every Republican Member of this House believes, after giving a great deal of consideration to the evidence, that there is no justification whatever for unseating Mr. Dyer and seating Mr. Gill. [Applause on the Republican side.] What are the facts in the case, very briefly?

They have a bipartisan election commission in St. Louis which elects the judges and clerks of election, two Democrats and two Republicans, and in each precinct they have two Democratic judges, two Republican judges, one Democratic clerk, and one Republican clerk, I believe—three on each side. These officials in the precinct are named by the bipartisan election commission, but they are named, in the main, and in this case were named, upon the recommendation of the respective political organizations—the Republican judges and clerks upon the recommendation of the Republican committeemen and the Democratic judges and clerks upon the recommendation of the regular Democratic committeemen, named before the contest which is involved here really arose.

There is no pretense that the Republicans entered into a conspiracy for the purpose of depriving Democrats of votes or of counting the votes fraudulently. The officers were selected by the regular organization. It developed in the course of the campaign that Mr. Gill had voted two years before for Mr. Dyer as against Mr. Kinney, who had been the Democratic candidate. Mr. Kinney was a strong man in this ward—the fifth ward of St. Louis. He was the idol and the boss of that Democratic ward. He had been the Democratic candidate for Congress. Whether Mr. Gill voted against him or not—though I notice he did not deny the statement to-day—it makes no difference, because the new Democratic organization—Mr. Kinney having died and his friends being in power—believed that Mr. Gill had voted against Kinney. Kinney's friends were up in arms. The judges and clerks had been selected before this was made known. Does anyone here believe that a majority of the Democratic judges and clerks, selected by the Democratic organization, voted against Mr. Gill and for Mr. Dyer, and that nobody else in the ward felt that way? It is impossible to suppose that the Democratic organization, as shown by the clerks and judges, was against Gill and for Dyer, and that all the rest of the Democrats in the ward were the other way. They were that way because that was the sentiment of the Democratic organization of the ward. I know enough about city politics—and I hope you do—to know that when the Democratic organization or the Republican organization is strong one way or the other in a ward like this it has a great deal of influence and great effect. In this case the word was passed down the line from the Democratic committeemen to knife Mr. Gill. They did not care anything about Dyer. They were not interested in him. They did not care whether he came to Congress or went to hades. The only thing they were interested in was punishing Mr. Gill, because he had knifed Mr. Kinney two years before. They did what you and I would do. The law of reprisal is one of the strongest motives which influence the conduct of man. We turned out Democrats, I am sorry to say, following the Joy case because of the law of reprisal, and when it was discovered that Mr. Gill had knifed Mr. Kinney, the idol of his ward, his friends, following the law of reprisal, said, "Very well; we will do the same. We will knife Mr. Gill." And they did. Who doubts it? Maybe they went too far. I do not know whether they committed fraud in counting the votes or not. I know that judges of election, after an all-day session, frequently make mistakes. I never have seen the time when judges of election strictly followed the law anywhere in reference to the counting of ballots.

They say because there were Democratic votes shown for Dyer, therefore that is reason for assuming fraud. Why, in the last election I ran on the Taft ticket. Mr. Taft received in the neighborhood of 10,000 votes in my district. That number of votes would not have elected me. I received over 20,000, and I do not doubt that there are many precincts in my district where the Republican judges, the Progressive judges, and the Democratic judges, and the clerks all voted for Mr. MANN. If they had not, I would not be here. [Applause on the Republican side.] And I think they showed good judgment. [Laughter.]

Mr. RUCKER. I would not enter into a controversy with the gentleman on that question at all.

Mr. MANN. Now, what are we asking? The Committee on Elections has found in seven of these precincts that there was fraud and that the vote ought to be thrown out. Nobody could tell in advance what the finding would be. There was no allegation in the pleading asking in the first place that these returns should be thrown out. There was a recount of the ballot had, and it was discovered that the returns and the ballots did not agree. That is the main reason offered by the committee for throwing out the returns. They may be justified in that; I do not undertake to say. But it was their duty and the duty of the Committee on Elections, under all the precedents of this House, when they determined without it being declared in the pleading to discard the returns from these seven precincts, to ask the House for permission to take testimony as to how the voters actually did vote. It was not within the power of the contestee to do it then. He could not determine then to take testimony. There was no warrant of law for him to take testimony at that time, and there has not been for more than a year. But when the Committee on Elections say that in their opinion the returns from these seven precincts should be discarded, justice and precedent both require that we find out how the voters actually did vote. I have seen cases repeatedly in this House, before my committee, where it was evident that some fraud had been committed. We declined to turn out the Democratic Member because, unless we took the testimony of people who had actually voted, we would be electing the Member of Congress.

The SPEAKER. The Chair will inform the gentleman that 15 minutes have expired.

cincts that they throw out, Mr. Dyer needs only a majority of 68 in order to entitle him to a seat in this House.

Now, is it not fair to say that of the votes, regardless of the count of the judges, regardless of any conspiracy on the part of the judges, Mr. Dyer will receive the same proportion in those 7 precincts that he did out of the 10? Would anyone say that that is not fair?

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. I would like to have one minute more.

Mr. McKENZIE. I yield to the gentleman one minute.

Mr. LENROOT. Of course not, because the fact is that in these 7 precincts, where these friends of Tom Kinney were so active, Mr. Dyer's proportion would be much larger than in the 10 precincts that the committee says are free from fraud; and applying that same proportion, instead of giving Mr. Dyer a majority of 67 it will give him a majority of more than 200.

And, my friends upon that side, if you will throw partisanship aside, if you will take this case and consider it as you would if you were sitting upon the bench, or as you would if you were sitting as jurors in a jury box, I insist you would have to come to that conclusion, that upon this showing, made by the majority of the committee itself, Mr. Dyer is entitled to his seat upon the votes shown.

But they do not ask that. They ask only that which the chairman of the committee himself asked last March, namely, that this committee should be empowered to proceed and take further testimony, in order that further facts may be shown; and that is asking little enough. [Applause.]

The SPEAKER. The time of the gentleman from Wisconsin has expired.

Mr. McKENZIE. Mr. Speaker, may I inquire how the time stands?

The SPEAKER. The gentleman from Illinois [Mr. McKENZIE] has 23 minutes, and the gentleman from New York has 55.

Mr. McKENZIE. I ask that the gentleman from New York use some time.

Mr. GOLDFOGLE. I yield 15 minutes to the gentleman from Missouri [Mr. DICKINSON].

The SPEAKER. The gentleman from Missouri [Mr. DICKINSON] is recognized for 15 minutes.

Mr. DICKINSON. Mr. Speaker, I knew Tom Kinney. I served in the Missouri Senate with Tom Kinney. He and I were personal friends. I knew him well enough to believe that if Tom Kinney had been alive at the time that this election was held and this crime was committed against the contestant, Mr. Gill, the things done, the frauds committed, would never have been committed with the knowledge or consent of Tom Kinney.

Kinney had a contest pending in this House against the contestee, Mr. Dyer, and in his contest he made charges of wrongs perpetrated against him. Some of them have been referred to by the distinguished Member from Missouri, my colleague, Mr. RUCKER. Additional charges were made by Tom Kinney to the effect that hundreds of negro votes were brought into St. Louis in the interest of Mr. Dyer, and that Mr. Dyer became the beneficiary thereof.

The death of Kinney ended that contest. After he had died a conspiracy was entered into to defeat the present contestant, Mr. Gill, who ran against Mr. Dyer.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield for just a question?

Mr. DICKINSON. Just for a question.

Mr. McKENZIE. I would like to ask the gentleman if he means that the contest between Kinney and Dyer was ended by the death of Kinney, or did not Congress act upon it prior to the death of Mr. Kinney, seating Mr. Dyer unanimously?

Mr. DICKINSON. Well, I gave it according to my recollection. But that is not very material.

Here in this contest the majority of this committee have said in their report not one unkindly word against Mr. Dyer, and there is no disposition here on the part of anyone to attack Mr. Dyer. He, however, is the beneficiary of a wrong so infamous, so notorious, and so fully known that the act, immediately after the wrong was known, became public property, and those who have violated the law of Missouri have robbed by their returns Michael J. Gill of his seat. So far as their action was concerned, these parties were indicted and arrested and prosecution was commenced.

Michael J. Gill has been guilty of no wrong. He was attacked at this election by these judges and clerks seeking to defraud him of his seat. Michael J. Gill stands before this body absolutely clean. No man stands higher in the city of St. Louis or in Missouri than Michael J. Gill. First, he has been honored by his party as the nominee for Congress. He stated here in your presence to-day that the Democracy of the district in which Dr. BARTHOLDT lives honored him with the nomination, and so strong was this man in the hearts and in the affections of those people that he ran far ahead in his district. He afterwards was nominated in the twelfth district, and the contest was between Gill and Dyer. Mr. Gill was nominated because of his high character and standing; nominated in a Democratic district, and he lost his certificate of election in a district that had approximately a thousand Democratic majority. The returns gave approximately a thousand majority, I believe, to Mr. Dyer.

Now, this conspiracy and wrong did not extend throughout the entire congressional district. Men who commit wrongs against the ballot box select some limited territory in which to do their devilish deeds. In that way they are easier of concealment. It is not claimed here that Mr. Gill lost those wards and that district by the mere scratching of Gill's name and the writing in of the name of Mr. Dyer by the act of the voters. It it admitted, it is known, that at least a large per cent of them were the deliberate act of the judges and clerks. Everybody knows it to be true that they have wronged Gill, wronged the honest voters, wronged the great city of St. Louis and the people of Missouri. Ah, they say that when these men were arrested and tried one of them, and they say the worst one, was cleared the other day. They defeated Gill, as far as withholding from him the certificate by their own deliberate wrong.

The same gang were able to prevent the conviction of the men who had been a party to this wrong; and now they come here and hope in this body to get a third approval in Congress by confusing the issue, asking this body to turn down the majority report of seven men who have carefully gone over the entire testimony. It is in evidence that Gill has all the time been pressing for an early hearing and decision of this case. The contestee has sought by every effort to delay and put off the decision. He and his friends appeal for further delay. They ask it of this body of Congressmen, who have not read the evidence except to a limited extent, but who have merely read the reports. The majority report in favor of seating Mr. Gill has been kindly to Mr. Dyer. It might well have been written in stronger language and been justified. The case of Mr. Dyer has been presented by the minority in the very strongest possible manner, and he comes before this House in the most favorable attitude.

Ah, they say this case ought not to be tried along partisan lines. It does not come well from those who in other cases have seen fit for partisan reasons to wipe out much larger majorities in the past. I know the timidity of some gentlemen on this side who respond to the appeal, "Let us not be partisan here," and now and then on this side of the House there are some gentlemen, who in their zeal to be fair, bend the other way and lend their hands and voice to put the seal of approval upon as outrageous a fraud as was ever committed in the city of St. Louis. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. Will the gentleman from Illinois [Mr. McKENZIE] use some time?

Mr. McKENZIE. I will ask the gentleman from New York to use some of his time.

Mr. GOLDFOGLE. I prefer to continue the order heretofore followed.

Mr. McKENZIE. The gentleman from New York has a great deal more time than we have on this side.

Mr. HEFLIN. How does the time stand?

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has 40 minutes, and the gentleman from Illinois [Mr. McKENZIE] has 23 minutes.

Mr. GOLDFOGLE. I yield five minutes to the gentleman from Illinois [Mr. FOWLER].

The SPEAKER. The gentleman from Illinois [Mr. FOWLER] is recognized for five minutes. [Applause.]

Mr. FOWLER. Mr. Speaker, this question is one which ought to appeal to the highest honor of every Member of this House. I would not cast my vote or my influence for the purpose of doing a wrong to either the contestant or the contestee if I knew it. I rise more for the purpose of giving testimony to what I do know about the character and fitness of the contestant than for any other purpose. In 1893 in the Illinois Legislature I met a blue-eyed boy just old enough to become a member of that legislature. I served with him in that House for nine months, and I say without any fear whatever of contradiction that no member of that body won in the hearts of the members of that legislature a higher place for

honor, integrity, and devotion to Democratic principles than did Michael Gill. [Applause on the Democratic side.]

I have followed that young man from his early inception into politics, and I never have heard a word against that high and noble record which he won in the Illinois Legislature. He was one of the cleanest men in that body. He was one of the most devoted to the duties of the legislature. He was one of the most persistent in hunting down fraud and standing up in his manly courage for decent legislation. I went to the home of that young man in Alton during that session of the legislature. I went to where he had worked as a private in the ranks of that great body of men who stand around heated furnaces for long hours, where he formerly earned his living as a glass blower in the sweat of his face. That young man has come before this body, in my opinion, as clean-handed as any man ever came before a court or a jury, presenting his case for a hearing. I desire, Mr. Speaker, to speak for this young man and to say for him that if any wrong was done in the election of 1912, in my opinion, it was not done by Michael Gill or by his permission. It is admitted that fraud was perpetrated in the fifth ward of the twelfth district of Missouri. A principle of law is that fraud vitiates everything, and if that ward has committed fraud against Gill or against Dyer it ought to be discarded and not taken into consideration in making up our verdict on the fairness of that election. If fraud is as rank in the fifth ward of this district it ought to be disfranchised. If any good men live in this ward, they ought to be disfranchised for remaining in it.

I have read most of the evidence. I have read both of the reports, and I have come to the conclusion that if these reports and that evidence be true, the very same hand that changed the vote of Michael Gill against Tom Kinney changed the vote of other honest men who cast their votes for Michael Gill in 1912 and placed them on the other side of the poll in favor of his opponent. Such conduct can not and ought not to be tolerated. Let us be clean and stand for clean men in Congress, elected by the ballots of clean men. Fairness in elections can not be preserved without punishing those who commit frauds at the polls. [Applause.]

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. GOLDFOGLE. Now, I trust the gentleman from Illinois [Mr. McKENZIE] will use some of his time.

Mr. McKENZIE. I yield five minutes to the gentleman from Georgia [Mr. HOWARD].

[Mr. HOWARD addressed the House. See Appendix.]

Mr. GOLDFOGLE. Mr. Speaker, I yield seven minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. RUCKER. Mr. Speaker, can I ask the gentleman from New York, chairman of the committee, a question?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Missouri?

Mr. GOLDFOGLE. What is it?

Mr. RUCKER. Can not the gentleman give the gentleman from Alabama [Mr. HEFLIN] 10 minutes?

Mr. GOLDFOGLE. I am trying to do the best I can by all the Members. If the gentleman from Missouri can carve out the time for me, I will be exceedingly grateful.

Mr. RUCKER. I could carve it out so as to divide it up among those who wanted to sustain your report.

The SPEAKER. Both gentlemen are out of order.

Mr. HEFLIN. Mr. Speaker and gentlemen of the House, some of the ablest lawyers in this House have investigated this case. One of them is not only an able lawyer, but he is one of the ablest judges in public life to-day. I refer to the gentleman from Virginia, Judge WATSON. [Applause.] There is no man in my acquaintance in service here that I would rather follow in a matter of this kind, no man more conscientious and painstaking, than this able and distinguished gentleman; and after investigating this case for months, analyzing every feature of it, he has reached the deliberate judgment that this man Dyer is not entitled to his seat, and that this man Gill is entitled to the seat. [Applause.]

Back of him in that position is Judge SMITH, of Texas, and Mr. WHITACRE, of Ohio. These men have investigated every phase of this case, and it is their judgment that there was so much corruption in the seven precincts, that by throwing out the rotten, corrupted, and illegal vote this man Gill is clearly entitled to his seat. [Applause.]

Gentlemen, what are you going to do in this case? You are going to do one of two things—declare Mr. Gill entitled to the seat or declare the seat vacant. I will not vote to declare the seat vacant, but I will vote to sustain the judgment of the committee of this House in the matter. [Applause.] If you take the judgment of the committee, which eliminates the fraudulent and corrupted vote, Gill is entitled to the seat by 67 majority of the honest votes cast all over the unquestioned territory of the entire district. [Applause.]

Gentlemen talk about depriving the people of a sovereign State of the right to a Representative in this House, when this Republican who has come here upon a certificate based on fraudulent returns now asks the House for time that he failed to ask the committee for until it rendered judgment in his face and against him on facts that he and the contestant had submitted.

What would have been the course of a court under these circumstances? The moment Mr. Gill made the showing that he did, making out a prima facie case, the burden of proof shifted, and what did Mr. Dyer do? Did he ask for more time? No; he rested his case and waited for the judgment of the committee on the whole case as submitted by himself and the contestant, Mr. Gill.

Then, when the committee did finally act, what did he say? Why, he said "I want more time." This demand for more time is now really amusing to me. It is a Republican trick for delay. [Applause on the Democratic side.] If that district elected a man, and in my judgment it did, this man Gill is entitled to that seat. But some of the Republicans tell us that he scratched a Democratic ticket on one occasion. Mr. Speaker, this is the first time during my service in this House that I have ever found Republicans pleading for Democratic regularity and exercising guardianship over the Democratic Party. [Applause and laughter.]

Mr. Gill made a statement in the House to-day, and what did he say? He practically asked God Almighty to strike him down if he had ever voted anything but the Democratic ticket. [Applause.] He says now in private conversation and everywhere else that he never scratched the Democratic nominee, Mr. Kinney, and that he has always voted the Democratic ticket; but gentlemen are appealing to this side now to give them a little more time over there, not because of newly discovered evidence—oh, no—but in order to give Mr. Dyer time to discover evidence. He could have obtained time at the hands of the committee or from the House if he had requested it in good faith and in due time.

Mr. COOPER rose.

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Wisconsin?

Mr. HEFLIN. I can not yield at this time. He could have obtained time, but he did not seem to want time until the committee had finally decided the case. What are we to do gentlemen—declare the seat vacant? No. Let us have the courage to stand by the expressed judgment of the majority of this committee. [Applause on the Democratic side.]

First, the testimony shows that the election laws of Missouri were disregarded by the judges and the clerks of election in those precincts. Second, the testimony shows that the judges deliberately counted hundreds of votes for Dyer that were cast for Gill, as shown in the recount. Third, the testimony shows that ballots cast for Gill were scratched and Dyer's name inserted and counted for Dyer. When Gill closed his case he had made a case that would have made it the duty of the court to throw out the returns from the wards in question. Dyer was represented by able counsel. It was his duty to overcome the case made by the contestant, and he was not prevented from doing so for want of time. [Applause.]

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. GOLDFOGLE. Mr. Speaker, I yield two minutes to the gentleman from Alabama.

Mr. HEFLIN. Mr. Speaker, as I said a moment ago, if he had lacked time, he could have secured it from the House, but he did not ask for it; and why did he not? Mr. Dyer was represented by able counsel, but he never discussed the need of further time to introduce additional testimony until the committee had decided the case against him. He now asks for a new trial and a continuance, not upon the ground of newly discovered evidence, but we are confronted with the ridiculous situation of the contestee wanting time to go out and hunt up evidence. All this is for delay. [Applause.] I want to know what he was doing from October, 1913, till March, 1914. Why did he not ask for time then?

It is stated here that this man Gill has expended what little money he had getting up his evidence and presenting his case to the committee. He is an honest Democrat and a poor man pleading for justice at the hands of this House; and in conclusion, Mr. Speaker, I desire to say that I think I am as nonpartisan as any man in this House, and I vote the Democratic ticket with unerring precision all the time [applause], and I am sure, from the testimony, that this man Gill votes the Democratic

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feman from that ward, promptly denied. Gill said nothing further, and Fitzsimmons said to him, "The best thing I could say about it,

Mr. McKENZIE. Mr. Speaker, I yield one minute more to the gentleman.

indicated, to clear up the point to the satisfaction of the mem-

Mr. BOOHER. Mr. Speaker, I do not think it is worth while to discuss the question of fraud in this case, because the

report of the majority and minority of the Committee on Elections admits the fraud, and say that fraud was committed in certain precincts, and the minority of the committee are asking for an opportunity to disprove that the fraud was sufficient to vitiate the election in these certain precincts. Now, this fraud is admitted, so that the argument of our friend from Missouri [Mr. BARTHOLDT] that the action of the judges in the questioned precincts was a mistake falls. My friends, their action was not a mistake, it was not considered so by a single member of your Committee on Elections, but it was considered fraudulent conduct or the committee never would have been asked to go down there and take testimony to disprove it.

Mr. BARTHOLDT. Will the gentleman yield for a question?

Mr. BOOHER. Just for a question.

Mr. BARTHOLDT. How did the jury consider that which has just been sitting on this case?

Mr. BOOHER. I do not know; I am not familiar with that case. I am not responsible for what juries do. We are not going to decide this case by what a jury did. I understand that the point made yesterday about that case before a jury that the ballots were exhibited to the jury and they saw the numbers and that they compared them with the poll book is not borne out by the facts. The decision of the Supreme Court of the State of Missouri that allowed those ballots to be shown was that the numbers should not be shown, and before these ballots were exhibited to the jury, I am told, there was a piece of paper pasted over the ballot so that nobody could see what the number was.

Now, that was done in order to secure the secrecy of the ballot, and nobody was permitted to compare the ballots with the poll books to see how anyone had voted. I am not going to discuss that question. If the defense was made in that case, as I understand, yesterday, then it is an impeachment of the election board of the city of St. Louis. The board of elections in St. Louis appointed these judges, believing them to be honest and efficient, and not the scoundrels they proved themselves to be. We are told the defense in that case was that if these ballots were changed from the original count, they were changed by the contestant in this case and his attorneys when the recount was made. Now, the man who made that statement before a jury or before this House knew that neither the contestant nor his lawyers could touch one of those ballots. The election commissioners read the names off of these ballots and the clerks appointed by the election board made a tally, and the contestant or his lawyers or the contestee or his lawyers, who were present, could not touch a ballot or handle them in any way. Why bring that up in this case? Now, in reference to the story about Mr. Gill having voted for Mr. Kinney, I say there is not a word of testimony in all this record, in all the hearings they have had, that Mr. Gill did so. All of it is hearsay from start to finish. Here is the start of it. Now, this man Egan, who commended these judges to be appointed, testified:

Q. How did you come to learn this fact that he had not done so?—

That is, that Gill voted against Kinney—

A. Well, the first that I learned of it was through this man that I spoke of, Canty. He told me he had met a fellow——

Q. You learned it from Canty?—A. From the customhouse, that had told him that he had heard about Mr. Gill scratching Kinney.

Now, three or four times throughout the record, throughout the testimony, it appears that is the way the information got out, and in spite of the denials made by Mr. Gill in public speeches in St. Louis, the denials published in the newspapers, his denial made in the record in this case, which was read yesterday, and his denial this morning, gentlemen talk about that, and if these denials in this case and the source of information are not sufficient to condemn it, then I do not know how you can condemn a statement of that sort. Now, my good friend from Missouri stated that the action of the election officers in the disputed precincts in their count were mistakes. Was it a mistake when these election judges violated every provision of the State statute of Missouri in regard to the count of votes? I am going to put in the RECORD the section of the statute, and it is as follows:

SEC. 6224. Vote, how canvassed: The judges of election shall first count the whole number of ballots in the box. If the ballots shall be found to exceed the number of names entered upon each of the poll books, they shall reject the ballots, if any, found folded inside of a ballot; and if the ballots and the poll list do not agree after such rejection, they shall reject all ballots not numbered, and no ballot not so numbered shall be counted. The ballots so rejected shall be inclosed in an envelope marked "rejected ballots," and returned with the ballot boxes to the election commissioners; and the ballots or poll lists agreeing or being made to agree in this way, the board shall proceed to count the votes in the following manner: Said judges shall open the ballots and place those which contain the same names together, so that the several kinds shall be in separate piles, or on separate files. Each of the judges shall examine the separate files which are, or are supposed to be, alike, and exclude from such files any which may have a name or any erasure or in any manner shall be different from the other of such file. One of said judges shall then take one file of the kind of ballots which contain the same name and count them by the tens, carefully examining each name on each of said ballots. Such judge shall then pass the 10 ballots aforesaid to other judges, who shall count them in the same manner and call the names of the persons named in the 10 ballots and the offices for which they are designated, and the poll clerks shall tally 10 votes for each of such persons. When they shall have gone through such file of ballots containing the same names by tens in that way, and when the clerk shall have tallied all the votes by tens for each of said persons, they shall then take up the next pile of ballots containing the same names and shall count them by tens in the same way, and shall call the names of the persons named in said ballots and the offices for which they are designated, and the clerks shall tally the vote by tens for each of said persons in the same manner. When the counting of each file of ballots which contain the same names shall be completed, the clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice. The said judges shall then canvass the other kind of ballots which do not correspond, these containing names partly from one kind of ballots and partly from another, being those usually called "split tickets," and those from which the names of the persons proper to be voted for on such ballots had been omitted or erased, usually called "scratched tickets." They shall be canvassed separately by the judges, and each name called out to the clerks and the office for which it is designated, and the clerks making tally of the same. When all ballots are canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the number, one of them shall announce in a loud voice the number of votes received by each candidate on each of the kinds of ballots containing his name. (Laws 1903, p. 170.)

From the evidence in this case every one of these election officers guilty of this fraud ought to be in the penitentiary from the day they are convicted until their last hour has come on this earth. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GOLDFOGLE. I yield five minutes additional to the gentleman from Missouri.

Mr. BOOHER. There is nothing that could go so far to destroy this Government as corrupt elections, and I do not care whether the man is a Democrat or a Republican. An election judge who will falsify the count is not fit to run at large in this country, but he ought to be in the penitentiary. Now, turn to the record the election officers made. I merely want to call my good friend's attention to it—he is a Republican. In the ninth precinct 63 ballots for alleged illiterates were made up by Edward J. Maurer, Democratic judge, in plain violation of the law, which requires that the illiterate voter shall be sworn, and he admits he never swore one of these men. Why, the law says that these judges shall be appointed for their intelligence, knowledge of the law, and their supposed honesty.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. BOOHER. No; the gentleman would not yield to me, and the gentleman will have to take his own medicine.

Oh, yes; it was a mistake. W. H. Gibbons testified that—

No oath was administered to those whose ballots were prepared by Mr. Maurer. Upon opening the ballot box Maurer and Byrne, Democratic judges, handled and counted the Democratic ballots.

This witness also testified that when Maurer and Byrne completed the tally they had not given contestant a single vote.

Now, listen, Members of Congress:

Whereupon witness informed them that they must give him 1 vote, as witness himself voted for contestant.

Now, that was a Republican judge. They had not given him a single vote, and yet one of the judges had voted for him.

Now, what did these dutiful judges do? Listen:

Witness glanced casually at a few of the Democratic ballots and saw 3 votes for Gill, whereupon Maurer said, "All right, give him 3."

A mistake, was it not? I want to read you what this Congress has decided time and again in regard to cases of this kind. The brief says further:

Witness did not go through the whole pile of ballots to see if there were more for Gill, explaining that it was getting so late he wished to hurry away. Oscar Hanserman, Republican judge, testified that no oath was administered to illiterates, as required by law, but that Mauer, Democratic judge, would fix up the ballot and put it into the box, without asking the voter how he desired to vote.

A mistake, was it not? Is it possible that Members of this House will by their vote justify that kind of a fraud? If this is not sufficient to throw out the poll, how would you throw out a poll? There is not a respectable court on earth that would hesitate for a moment on a contest in court to throw out that entire poll. Men go in and vote, the judge takes the ticket and does not ask them how they want to vote, but scratches it and puts it in the ballot box.

And there was Judge Bishop's ticket. They did not dare miscount it. They did not number it. These election officers were not poor, ignorant fellows. They knew the law, and they knew that the Supreme Court of the State of Missouri had decided that a ballot found in the box without a number on the back of the ballot was a fraudulent vote and could not be counted for anybody, and they did not dare change Judge Bishop's vote, and so they put it in the box without numbering it

It was not counted and could not be counted. They say these were honest fellows!

Another accident in this long chapter of accidents:

Thus, James Thomas desired to vote a straight Democratic ticket and did not scratch Michael J. Gill. His ballot shows the name of Michael J. Gill scratched with no name written in.

They did not have time to write in the name even. And a remarkable thing is that 73 of them show, in one precinct, the handwriting of one man, and did not put Mr. Dyer's initials on any one of them. They wrote "Dyer."

Now, I acquit Mr. Dyer of any wrong in this matter. But it was done in his interest and he must pay the penalty for what these fellows did.

Mr. McKENZIE. I would like to ask the gentleman from Missouri [Mr. BOOHER] if it is not perfectly legal to simply write the name "Dyer" on a ballot without the initials?

Mr. BOOHER. No; it is not perfectly legal.

Mr. McKENZIE. Has it not been so held?

Mr. BOOHER. No; the courts have held that such ballots might be counted, but they have never held that they ought to be counted. If there was another man running by that name for the same office.

Fraud, misconduct, and willful disregard for the election laws, tampering with ballots, substituting the will of precinct election officials for the will of the voters, and deliberate conspiracy against contestant is so plainly evident that not the slightest faith or credence can be placed in the return of the judges and clerks. Rejection of the entire votes of these precincts is fully sanctioned by the authorities.

The following quotations from the authorities governing contested-election cases in this House shows clearly that the law is with the majority report:

While it is well established that mere neglect to perform directory requirements of the law or performance in a mistaken manner where there is no bad faith, no harm accrued, will not justify the rejection of an entire poll it is equally well settled that where the proceedings are so tarnished by fraudulent, or negligent, or improper conduct on the part of the officers, that the result of the election is rendered unreliable, the entire returns will be rejected and the parties left to make such proof as they may of votes legally cast for them. (Covode v. Foster, 41st Cong., 2 Bart, 602.)

Where it was clearly shown that the contestant received 170 votes and the return only gave him 143 votes, and there was other evidence tending to show actual tampering with the ballot box the return was set aside. (McCrary on Election, 377. Washburn v. Voorhees, 2 Bart, 54.)

And it is truthfully said in Thompson v. Ewing that the whole conduct of election officers may, though actual fraud be not apparent, amount to such gross and culpable negligence, such a disregard of their official duties as to render their doings unintelligible or unworthy of credence and their action unreliable for any purpose. (McCrary on Election, 382, 383. Weaver v. Given, id. 140. Gibbons v. Stewart, 2 Brewst., 1.)

The law is that where fraud is proved to have been committed by the officers of an election in conducting the election no reliance can be placed upon any of their acts, and their return must be rejected as wholly unreliable. (Finley v. Walls, 44th Cong., Smith, 359.)

Fraud can rarely, if ever, be proved by direct evidence, and the rule is that whenever a sufficient number of circumstances which point to its existence are clearly established a prima facie case of its existence is made, and if this case is not met with explanation or contradiction it becomes conclusive. (Mitchell v. Walsh, 54th Cong., Rept. 1819.)

Returns from precincts where it was proved that more voters voted for contestant than were returned for him were rejected, and only the votes proved allinde counted. (Wise v. Young, 56th Cong., Rept. 186.)

The SPEAKER. The time of the gentleman has again expired.

Mr. GOLDFOGLE. Will the gentleman from Illinois [Mr. McKENZIE] use some of his time?

Mr. McKENZIE. I yield five minutes to the gentleman from North Carolina [Mr. SMALL].

Mr. SMALL. Mr. Speaker, one can only make a brief statement within the time granted to me, and that I shall only attempt to do. I have reached the conclusion in my capacity as a trier of this case that I could not vote for the resolution embodied in the report of the majority, and will briefly state my reasons.

The sitting Member comes here as the result of the election machinery of the State of Missouri, under the authority of the State, and is prima facie entitled to his seat. The burden is upon the contestant to show that he is not so entitled, and that burden under the evidence of this case rests upon the contestant up to this time. And the question to be determined is whether, with that burden upon him, he has removed the presumption of the validity of the election of the sitting Member, Mr. Dyer. The majority report attempts to overcome that presumption by setting aside the entire poll in seven election precincts of the fifth ward of this congressional district, and by doing so thereby reach a result giving the contestant 67 majority. In order for them to have done so they should have resorted to every possible method in order to have so purged the returns as to show that the contestant was elected or that the election was so tainted with fraud that it was impossible to arrive at a result.

In the minority report are some very interesting figures which bear upon this phase of it. In these seven precincts there were 1,537 votes cast. Of these, 231 were scattering, and in 75 of them the name of Mr. Gill was stricken out, and there was no vote at all. Deducting 231, leaves 1,306 votes, and deducting the vote—406—which the contestant will not deny that he received, because it appears upon the recount, leaves 900 votes. There were 388 straight Republican ballots on which Dyer was voted for. This leaves 512 votes to be explained or investigated in these seven precincts. Those 512 were Democratic ballots which had Gill's name scratched, and of these the name of Dyer was written thereon in substitution on 437. There were 75 of these ballots simply scratched and no name substituted. These 512 votes were subject to investigation and attack by the contestant, but only 54 were examined, and only 18 of these contradicted their ballot. In other words, the contestant only sought to attack 54 of these alleged fraudulent ballots and succeeded only as to 18 ballots.

Now, it was incumbent upon the contestant in the case of these 512 voters, whose ballots could be plainly identified—voters who could be located and presumably could be brought forth to testify—to interrogate them as to the manner of their vote and as to whether the ballots which appeared to be the ballots cast by them represented the vote which they intended to cast. Now, that is practicable. It was not only incumbent upon the contestant, but it was his duty to seek those votes, which are the only ones which are contested, in order to satisfy the committee and satisfy this House that he received a sufficient number of them to have himself declared elected. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. McKENZIE. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, in five minutes one can not more than touch one or two of the many important phases of this case, and I shall only attempt to touch two. One, and first, as to the question of whether or not the contestant, Mr. Gill, voted for "Tom" Kinney or scratched "Tom" Kinney's name, and voted for Mr. Dyer. The contestant has been heard upon this floor to-day. He discussed that subject. He quoted very eloquently from Robert Emmet, but this House is ignorant as to whether he did vote for Mr. Dyer or whether he scratched Mr. Kinney's name. He did not tell us. Now, it is not important, so far as this case is concerned, whether he did or not, except that if, appearing before us as he has, this House to-day believes he did vote for Mr. Dyer and against Mr. Kinney, it is fair to assume that the voters of this fifth ward in question came to the same conclusion that this House must have come to, and that is that he bolted his party ticket. And that being so, we have reason enough and excuse enough for the vote that was shown in this fifth ward, giving Mr. Dyer an overwhelming majority.

Now, the mere fact that he voted for Mr. Dyer would not have counted against him in that ward any more than it would in any ward or the ward of any of you. But when he went into that ward afterwards in the primary fight and secured the assistance of Egan and of Kinney upon the claim that he was the friend of Tom Kinney and voted for him, when he had not so voted, and get their assistance under false pretenses, is it to be wondered at that those men did everything in their power to defeat him at the November election following, just as I would have done, just as you would have done, just as any man with a drop of red blood in his veins would have done?

Now, assuming that in six of these election precincts fraud has been shown—and I will assume that—that the returns were fraudulent in six of the precincts, inasmuch as it is admitted by all that Mr. Dyer is innocent of that fraud and was not a party to it in any way, it is agreed by both sides that unless that fraud was of such a character that we can not determine which of these men received a majority of the votes, unless it was so mingled that we can come to no conclusion, then only must we throw out these precincts. But assuming that the returns were fraudulent, if we can still ascertain whether Mr. Dyer had a majority, and, if he did, whether it was sufficient to overcome that of Mr. Gill—if we can ascertain that and come to that conclusion, it is agreed upon both sides that, whatever the fraud may have been on the part of these judges, it can not affect the result, and Mr. Dyer still should be seated. There is no question upon that.

The question is, What do these facts show? The majority of the committee thinks that as to 10 of the 17 precincts there was no fraud. The majority of the committee finds that as to those precincts Mr. Dyer's conceded majority is 599; that is, out of one-half of the votes in this fifth ward they concede Mr. Dyer has a majority of 599. Now, as to the balance, these 7 pre-

Mr. AUSTIN. Just for a question.
Mr. RUCKER. Then I will yield. Make it short.

death of Tom Kinney? Do you really think so? [illegible] Kinney was a good man. I am willing to admit it. I have no

the declaration, that he never voted for a Republican in his life. That is enough to establish his Democracy and refute the charge against him. I say to you gentlemen of the House, in my judgment the wrongs we complain of were not accidental; they were deliberately perpetrated. [Applause.]

The SPEAKER. The time of the gentleman has again expired.

Mr. MCKENZIE. Mr. Speaker, how much time is there remaining on both sides?

The SPEAKER. The gentleman from New York has 60 minutes remaining, and the gentleman from Illinois has 52 minutes remaining.

Mr. MCKENZIE. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. SHREVE].

Mr. SHREVE. Mr. Speaker, in the short time allotted me I can only refer to some of the more important features of the case.

The contested-election case of Gill against Dyer is being considered without regard to party affiliation and will bring the members of all parties together on common ground, for the reason that the seat of a sitting Member in Congress is involved who in no way was connected with the alleged fraud or conspiracy. This fact was recognized by the majority of the committee, who, in their report, say:

The voluminous testimony in the case, comprising 2,205 pages of closely printed matter and a multitude of exhibits, was given careful reading, searching attention, and painstaking consideration, in view of the fact that no charge of misconduct or impropriety attaches to Mr. Dyer personally, that he was not a participant in the conspiracies, irregularities, or frauds which gave rise to this contest, and has served as an honorable Member of this House, the discharge of the serious and important duty of this committee was rendered the more difficult.

In the consideration of the evidence, listening to the arguments of the parties to the contest and their counsel, and an examination of their briefs, it is clearly evident that the real cause for the defeat of Gill can also be found in the report of the majority on page 5, which says:

The conclusion at which the committee has thus arrived is strengthened by the fact, contended for by the contestant and deduced from the evidence, that some of the judges and clerks of election entertained what might well be called a political factional antagonism against Gill for what they conceived he had done as a voter in the election of 1910. In that election Thomas Kinney was the Democratic candidate and Mr. Dyer the Republican candidate for Congress in the twelfth district of Missouri. Dyer was declared elected and took his seat. Kinney contested the election. Subsequently, and in 1912 Gill was nominated as the Democratic candidate for Congress, receiving Kinney's support at the primaries. While this Kinney-Dyer contest was in progress a recount of the ballots was had.

An examination of Gill's ballot revealed the fact that he had scratched Kinney and voted for Dyer. Thomas Kinney died before the disclosure was made, and Michael E. Kinney, his brother, succeeded him in the Democratic leadership of the ward. Gill was called before the congressional committee of the ward to make an explanation of his scratched ballot. He stated that there must have been some mistake. That explanation was not accepted, and Kinney and his brother-in-law, Thomas Egan, Democratic committeeman for the fifth ward, thereupon made known to their followers that they were strongly opposed to Gill's election and desired his defeat.

See page 59 of hearings.

Now, let us examine the evidence offered before the committee:

Those two pages—

And so forth.

Those two pages of the record, 2084 and 2079, gentlemen, show very plainly that in the November, 1910, election, when Kinney ran as the Democratic candidate for Congress, that Gill scratched Thomas E. Kinney's name, the Democratic candidate, and voted for the Republican candidate.

When this information reached Michael Kinney, a brother of Senator Thomas E. Kinney, and who had recently died, Michael Kinney and his friends immediately stated that with this corroborative proof of Gill's duplicity and deceit in their possession that they would not under any circumstances support Gill for election.

So at Michael Kinney's request a meeting of the Democratic congressional committee for the twelfth district was called at once, the members of this committee being, ex officio, also the members of the Democratic city central committee for the seven wards and parts of wards comprising the district. This meeting was held about two weeks before the November election at the Democratic headquarters, and six of the seven committeemen attended, only Daly, of the seventeenth ward, being absent. Thomas Egan, of the fifth, and John Clooney, of the sixteenth, from whom Kinney had gotten the records showing Gill's vote, were both there. By invitation of the committee Kinney remained at the meeting, and Gill was present by request.

Kinney asked Gill if he had ever voted for any Republicans, and was answered that he had voted "for maybe five or six for minor offices." Asked if he had voted for the congressional nominee, Kinney—two years ago—said that he thought that he had. The records showing his vote were then shown to Gill by Kinney, who asked Gill if he had not voted for Dyer. Gill answered that he thought "it was a mistake." All present then looked at the records, and Gill said, "I still say it is a mistake," but would not say "yes" or "no" whether he voted for Dyer. Kinney then asked Gill if he had taken any interest in the election two years ago. Gill answered that "it was an off year," but that he "went around and made a couple of speeches." Kinney asked him where, and he said "in Fitzsimmons's ward"—the 6[illegible]enth—which statement Fitzsimmons, who was present as committeeman from that ward, promptly denied. Gill said nothing further, and Fitzsimmons said to him, "The best thing I could say about it, you ought to withdraw from the ticket"; but Gill said he would not withdraw. Then Griffin, a member of the twenty-third ward and chairman of the committee, got up and said: "Tom Kinney had a great following in his ward; he was well liked down there, and this talk and record here is bound to get to the people down there, and they surely are not going to vote for a man who voted against Tom Kinney; the people would not vote for a man who had voted against Tom Kinney."

Griffin also asked Gill to withdraw, in which request he was joined by Rice, the committeeman from the seventh ward, but Gill still refused to withdraw. The testimony in detail covering what happened at this meeting is set out in the record on the pages referred to on page 10 of brief of contestee.

However, the minority of the committee draw an entirely different conclusion and dissent to the finding of the majority of the committee. The minority contend that there was no intended fraud or conspiracy on the part of anyone in the fifth ward or elsewhere in the twelfth congressional district of Missouri to defeat Gill and elect Dyer. It was simply a psychological condition of mind that existed in the fifth ward. The strange and complex people, residing largely in boarding houses, lodging houses, and tenements, honestly believed that they had a serious grievance against the contestant in this case. They were extremely wrought up in their belief that Gill had "knifed" their leader, Kinney.

Tom Kinney said:

"I don't know how he (Gill) got as many votes as he did; he must have stolen them." And (p. 1193) "I knew we had enough to beat him, and that is all I was concerned with." And (p. 1192):

"Q. You testified that you had a hundred or more people at your meeting when you gave out the words to defeat Mr. Gill?—A. We did, we had more than that; we had one that went about 500, after we gave the same order out at one of our regular meetings."

Other witnesses also testify that they had plenty of votes to defeat Gill long before the election. State Senator Michael Kinney, whose brother Gill scratched two years before, testified, at page 1250:

"Just as soon as that report (of Gill scratching Kinney in 1910) went out, why it was around—they were up in arms—everybody that met me and asked me, I told them about it * * *. The story was circulated; if Dyer was good enough for Gill to vote for two years ago, he was good enough for them to vote for this year * * *. I voted for Dyer, the first Republican I ever did vote for, and I hope it will be the last."

Other witnesses to the preelection uprising against Gill are Judge Bishop (above mentioned), now Democratic assistant circuit attorney, who said (p. 318): "It was felised all through the ward; had been for some little time before the election." And Thomas Burke, a voter (p. 422), said: "I just told him (the judge) to scratch Mr. Gill's name * * * I had my mind made up"—because Gill had "double-crossed" the Democratic ticket two years before. And (p. 423) Burke testified further:

"Q. Did that seem to be the unanimous feeling up there?—A. Yes."

This was in precinct 17, which the majority would throw out, on testimony, about only 4 contradicted ballots out of 200 cast.

Then William Hoppe, another voter and not an election official, though active in the ward, testified (p. 1301):

"Q. So that there was a general or widespread feeling among the Democrats, as far as your knowledge extended?—A. The whole ward and outside the ward, any place you go to."

So the word went over the district, and the very thing happened that has happened many times before, that a wrong, real or fancied, has caused people to vote against one supposed to be the wrongdoer.

Again, referring to the report of the majority, on page 7, the committee says:

After the committee in the month of March last had taken a tentative vote on the question what, if any, precinct returns should be rejected, and a majority had expressed their views favorable to the proposition that the polls of the seven precincts mentioned ought to be set aside, the contestee, Mr. Dyer, applied in writing to the committee for leave to give further testimony to show what votes were actually cast for him and for Mr. Gill, respectively, in these excluded precincts. After hearing the contestee, the committee denied the application, the chairman of the committee and Messrs. MCKENZIE and SHANNON dissenting. A motion by the chairman that the committee recommend to the House the adoption of a resolution authorizing and empowering the committee to take such further testimony as it shall deem necessary to the determination of the questions of fact in this contest, either by it or by subcommittee, was likewise denied.

As has already been stated, there was a recount of the votes under the laws of the State of Missouri, and the contestant had received the benefit of all of the errors made by the judges in counting the ballots, and it is held by the minority that the case should rest there as regards this feature of the contest.

The majority failing to concur in our contention leads us to feel that the request of Mr. Dyer to take further testimony should have been granted. This contention was concurred in by the distinguished chairman of the committee, who made a motion to have the Committee on Elections take this further testimony. This was also voted down, as set forth in the majority report. Chairman GOLDFOGLE has seen distinguished service as a judge in New York City and has served with distinction as a Member of this House for 25 years, and the fact that he took the position that he did on this request shows that it was reasonable and just and ought in fairness to be granted. The House should, without question, overrule the majority in this request and order the committee to take further testimony, as indicated, to clear up the point to the satisfaction of the membership of this House, and that no injustice be done to Mr. Dyer.

Now, what is the excuse given in the majority report for the denying of this request of Mr. Dyer to take further testimony? The report says it would leave Mr. Dyer in office during the time it would take to allow him to examine the witnesses in question; that he would be drawing the pay, and so forth. But it is not denied that Mr. Dyer's request was for only 30 days, the expense to be borne by him, and in case he did not get the testimony to satisfy the committee that he (Dyer) was elected, then he (Dyer) would forfeit all pay as a Member of the House. In view, therefore, of these facts, the excuse given by the majority report is not entitled to consideration.

Now, I would like to say a word about the character of the officials and how they were selected. First, there has been an impression or intimation that these officials were selected about the time of this contest, about the time it was first discovered, and that Gill was charged with knifing the Democratic ticket. As a matter of fact, this meeting was, as will be seen by the evidence, called two weeks prior to the election. Here is what Mr. Blevins, the able counsel for the contestant, has to say on the subject:

Mr. SMITH. I understand the charge is made that those election officers were selected because they were for Dyer and against Gill?

Mr. BLEVINS. Oh, no. They would not have been appointed if the election board had known that they were not straight party men; they would not have been appointed at all, because my late associate, Mr. Jamison, who is now general counsel of the M., K. & T. Railway Co., was a member of the election board and was at the time these judges and clerks were appointed, and they all made a fair showing that they were straight party men, or they never would have been appointed.

* * * * * * *

Mr. MCKENZIE. Mr. Blevins, will you permit me a question right there?

Mr. BLEVINS. Certainly.

Mr. MCKENZIE. When are these judges and clerks of election recommended—at what time?

Mr. BLEVINS. Well, they are recommended—under the law they are appointed for two years.

Mr. DYER. Ninety days before the election.

Mr. BLEVINS. Ninety days before the election, and they hold over until after the election, until about 90 days before the following election; but, as a matter of fact, vacancies occurred right along to almost the very day of the election, and to fill them appointments were being made constantly right up to the time of election.

Mr. MCKENZIE. May I ask you another question?

Mr. BLEVINS. Yes, sir.

Mr. MCKENZIE. In order that we may get something clear in our minds, when was this meeting held by the Democratic congressional committee in which Mr. Gill was present and the question of his having voted against some of the Democratic candidates at previous elections brought up and discussed? When was that meeting held?

Mr. BLEVINS. I understand that there was said to be some sort of a meeting of that kind held by the members of the committee a week or ten days before the election.

Mr. MCKENZIE. That was long after the recommendations had been made for judges and clerks?

Mr. BLEVINS. Oh, yes. Probably there may have been a few judges and clerks recommended and appointed after that, but very few.

Now, gentlemen, that completely disproves the idea that these election officers were appointed after the fact had become known or that it was noised about in regard to Mr. Gill's conduct at the previous election.

Mr. COOPER. Will the gentleman yield?

Mr. SHREVE. I will.

Mr. COOPER. I understand it to have been claimed on the part of the contestant here that there was a conspiracy among the judges, and that they were appointed in pursuance of that conspiracy in order to wreak a vengeance on Gill because he had voted for Kinney. As a matter of fact, these judges were appointed a long time before anybody knew or even claimed that Gill had voted for the Republican candidate?

Mr. SHREVE. That is absolutely correct.

Mr. COOPER. That is an exceedingly important point and disproves the whole argument.

Mr. SHREVE. Mr. Speaker, this completely dispels the theory that has been injected into this case, that these men were appointed at about the time it was learned that Mr. Gill bolted the Democratic ticket. As a matter of fact, these men were selected 90 days before that time. Even the contestant himself comes before you and tells you of the high character and standing of these men who comprise this election board. These men were selected because they were straight party men. We must stop and consider the class of people from whom these selections have to be made. They may be poor, but they are honest. They may be unable to read and write, but they are honest; and they might not be able to run up the figures with such mathematical accuracy as some other men, but they are still honest. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has again expired.

Mr. MCKENZIE. Mr. Speaker, I yield one minute more to the gentleman.

Mr. SHREVE. Mr. Speaker, take the case as it stands today, and the very inconsistencies which you find in the records go to prove that there was no conspiracy. Every lawyer who has had experience in the criminal side of the courts knows that when a criminal starts out to do a piece of work he does a better job than was done anywhere in this district. The court in St. Louis has already purged the second district, and so all we ask of you to-day is to let us go back and take the testimony of those other 412 men; let us determine whether they scratched their ballots or whether they did not. It is only fair and reasonable to do that, and I trust and sincerely hope and believe that this body will take this fair and impartial view of this case and that we will be allowed to take additional testimony. [Applause.]

Mr. KEATING. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. FLOYD of Arkansas). The gentleman will state it.

Mr. KEATING. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. GOLDFOGLE. Mr. Speaker, I trust the gentleman from Colorado will not insist upon that. It was understood yesterday that there were to be no points of no quorum made.

Mr. KEATING. Mr. Speaker, I will say to the gentleman that this discussion is very important and that these arguments should be heard by the jury.

Mr. GOLDFOGLE. I agree with the gentleman in that respect; but, as a matter of fact, when the Members come in and answer to their names, they will go right out again.

The SPEAKER pro tempore. The gentleman from Colorado makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Fess	Korbly	Reed
Ainey	Fields	Kreider	Reilly, Conn.
Anderson	Finley	Lafferty	Riordan
Ansberry	Fitzgerald	Langham	Rothermel
Avis	Fordney	Langley	Sabath
Baller	Fowler	Lee, Ga.	Scully
Barchfeld	Frear	L'Engle	Shackleford
Barkley	Gallivan	Lewis, Md.	Sharp
Barnhart	Gard	Lewis, Pa.	Sherley
Bell, Ga.	Gardner	Lieb	Sherwood
Blackmon	Garrett, Tenn.	Lindquist	Sisson
Borland	George	Lloyd	Slayden
Brodbeck	Gerry	Loft	Smith, Md.
Brown, N. Y.	Gillett	McAndrews	Smith, J. M. C.
Browning	Gillmore	McCoy	Smith, Minn.
Bruckner	Goeke	McDermott	Smith, Tex.
Brumbaugh	Gordon	McGuire, Okla.	Stanley
Bulkley	Gorman	MacDonald	Stedman
Burke, Pa.	Goulden	Madden	Stephens, Tex.
Burnett	Graham, Pa.	Mahan	Stevens, N. H.
Butler	Greene, Vt.	Maher	Stringer
Calder	Gregg	Manahan	Talbott, Md.
Callaway	Griest	Martin	Talcott, N. Y.
Campbell	Griffin	Merritt	Taylor, N. Y.
Cantor	Gudger	Metz	Thacher
Cantrill	Hamill	Montague	Thomas
Carew	Hamilton, N. Y.	Morgan, La.	Townsend
Carlin	Hardwick	Morin	Treadway
Cary	Hart	Moss, W. Va.	Tuttle
Chandler, N. Y.	Hayden	Moss, Ind.	Underwood
Church	Hayes	Murdock	Vare
Clancy	Helm	Murray, Mass.	Vaughan
Claypool	Henry	Neeley, Kans.	Vollmer
Collier	Hinds	Neely, W. Va.	Wallin
Conry	Hobson	Nelson	Walsh
Copley	Hoxworth	Norton	Watkins
Covington	Hughes, W. Va.	O'Brien	Whaley
Crisp	Hulings	O'Leary	Whitacre
Dale	Humphrey, Wash.	O'Shaunessy	White
Danforth	Humphreys, Miss.	Paige, Mass.	Willis
Davenport	Jones	Parker	Wilson, Fla.
Decker	Kahn	Patten, N. Y.	Wilson, N. Y.
Dies	Keister	Peters, Me.	Winslow
Difenderfer	Kennedy, R. I.	Peters, Mass.	Woods
Dwight	Key, Ohio	Phelan	Young, N. Dak.
Doremus	Kinkead, N. J.	Plumley	Young, Tex.
Dunn	Kitchin	Porter	
Estopinal	Knowland, J. R.	Powers	
Fairchild	Konop	Rainey	

The SPEAKER. On this vote 240 Members have responded to their names—a quorum.

Mr. FOSTER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors. The gentleman from Missouri [Mr. BOOHER] is recognized for five minutes.

Mr. BOOHER. Mr. Speaker, I do not think it is worth while to discuss the question of fraud in this case, because the

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tickets, and when they do that the Democrats in Congress arrogate to themselves the right of correcting the will of the people. Such usurpation is bound to be resented by the honest voters of this country, and I trust there will be enough self-respecting Democrats on this floor to make such an outrage impossible. [Applause.]

Mr. GOLDFOGLE. Mr. Speaker, I yield to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER. Mr. Speaker, in addition to the evidences of fraud so clearly and vividly portrayed yesterday by the distinguished gentleman from Virginia [Mr. WATSON], I want to suggest that this House and every man in it who has served here during the last 10 or 12 years has other proof, strong, irresistible, convincing proof, that fraud was committed in the fifth ward of St. Louis at the election held in November, 1912. I unhesitatingly give it as my judgment that there has not been an honest congressional election held in the fifth ward in St. Louis in 12 years. And it is not Republicans that are at fault, nor is it Progressives, nor is it Democrats.

The shameful conditions, so long existing, due to the facts that the community there has been and is blighted by the political boss described by the gentleman from Missouri [Mr. BARTHOLDT], and is populated by a lot of miserable underlings who are subservient to the will of the boss. Three times has the seat of one Democrat from that district been challenged since I have been a Member of this House. Twice the occupant of that seat was ejected and driven in shame from this House, although he came here with apparently six or seven thousand majority of the votes to his credit. In his third contest, by reason of a promise that he would never run again, as I understand, he was permitted to hold his seat, which no doubt would have been taken from him, and justly so in all likelihood, if he had not made that promise. That man was followed by another Democrat, whose seat was also challenged for frauds committed in the fifth ward, and he by the vote of this House was driven from this Chamber. I am not certain as to whether the next gentleman's seat was challenged or not; but I do know that the present sitting Member, Mr. Dyer, had his seat challenged in the Sixty-second Congress by Mr. Thomas E. Kinney. That contest never was decided by the House, for the reason the contestant, Mr. Kinney, died before it was reached. And now Michael J. Gill contests the seat of the sitting Member from that district, Mr. Dyer, making at least six contests in 14 years from that district, and in every one of them fraud was charged and fraud was proven to have been perpetrated by the political bosses who dominated those precincts. My colleague [Mr. BARTHOLDT] refers to these same bosses as the "idols" of the people.

The distinguished gentleman from Virginia [Mr. SAUNDERS] took the floor a few minutes ago and by his argument succeeded in convincing me that he is of that class of "doubting Thomases" who must put his finger in the wounded side and must see and examine the pierced hand before he can or will believe. He is such a great lawyer, so rigid and judicious in all his views, that he spurns the judgment of his colleagues who constitute the committee that investigated and reported this election contest, though that committee is composed of able and distinguished lawyers, who are justly recognized for their ability and integrity and whose seats have never been contested. There are gentlemen here, perhaps, whose seats have been challenged and against whom adverse reports have been made by a Republican committee of a Republican House, but which adverse reports were subsequently, for some reason, by the action of a Republican House, recommitted to the Republican committee, and there the contest was permitted to sleep the sleep that knows no waking. We find a gentleman here insisting on abstract propositions of law and demanding abstract proofs which he knows or ought to know, from the very nature of things, can not be produced. He must remember that recently, in his own State, a man suffered the extreme penalty of the law upon circumstantial evidence. Oh, the gentleman would have us prove all of these things by direct, conclusive evidence, which, as a lawyer, he knows, and every gentleman who advocates the proposition knows, is impossible. Fraud is seldom proven by direct and positive evidence. It ought not to be required in cases like this.

Mr. AUSTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri yield to the gentleman from Tennessee?

Mr. RUCKER. I regret I have not the time to yield. But I will not now seem to be discourteous to the gentleman. I yield.

Mr. AUSTIN. Just for a question.

Mr. RUCKER. Then I will yield. Make it short.

Mr. AUSTIN. I will ask the gentleman to explain to the House what he thinks about the acquittal of those same election officers by a jury in St. Louis, Mo.?

Mr. RUCKER. Oh, the gentleman from Missouri, Mr. Dyer, was frank enough yesterday to say that although the ballots were exhibited it was impossible to identify the voters, because under the order of the Supreme Court of Missouri the trial judge was instructed that the ballots must be pasted on a cardboard, so that the number on the ballot corresponding to the voter's number on the poll book could not be seen; and hence nobody could tell who cast a given ballot which was assailed, and, besides, the State had to rely for its evidence very largely upon the very scoundrels who perpetrated the fraud in its effort to establish fraud. The gentleman knows that there could not be a conviction under such circumstances. However, I do not want to be diverted to the discussion of that question——

Mr. COOPER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield to the gentleman from Wisconsin?

Mr. RUCKER. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. RUCKER. Gentlemen argue that a reason for this great slump of votes in the fifth ward is found in the wondrous power and personal influence of Thomas E. Kinney, a man strong among his fellows, a hard-working man, a man who sprang from the humble walks of life, and who, by uprightness of character and fidelity to duty, won and held the esteem and friendship of the voters of the fifth ward. They say he was a just and true man. Well, Mr. Speaker, I want to reply that in the last congressional election the people had a chance to vote for such a man in the person of Mr. Gill, a man who has earned his livelihood by the dripping of sweat from his brow as he bent over the workbench, a man who, even during the pendency of this contest, has gone to the neighboring town of Alexandria, Va., and there worked over a heated furnace blowing glass, in order to earn by his daily toil the dollars necessary to support his devoted wife and the children God has given him.

I appeal to you for justice and fairness to such a man, a man whom Dr. BARTHOLDT truly says is honorable and decent, and everybody who knows him knows this to be true. They say the wondrous influence of Thomas Kinney over the minds and actions of men, and which lost none of its power when Kinney died, was put in action by Mike Kinney in order to avenge the alleged wrong that Gill had done Tom Kinney, and that influence took the votes from Gill.

Let me call your attention to the fact that in the twelfth congressional district of Missouri, outside of the fifth ward, Mr. Gill received within 10 per cent of the number of votes cast for the Democratic candidate for governor. The shortage of votes suffered by Mr. Gill, outside of the fifth ward, possibly measures the influence of the great power over men that was held and exercised by Tom Kinney. It may be that that 10 per cent does reflect his power; but I say to you that when it comes to the fifth ward—that one ward which has given so much trouble, that has been so productive of election contests, which has cost the people so much in dollars and cents; that one ward against which more fraud has been charged and proven than in any other district in the whole United States—in that ward the slump of more than 60 per cent of the vote represents the perfidy, the shame, and the corruption of those judges and clerks of election. I am a Missourian, and I will talk plainly. I have no respect for men such as most of those judges and clerks are, nor do I fear them. Consider all this dodging around as to how these judges and clerks were appointed. The gentleman from Missouri [Mr. BARTHOLDT] a moment ago said, in effect, that they were appointed in order to revenge the wrongs done some one. Upon whose recommendation were they appointed? The brother-in-law of Tom Kinney, that man Egan, that man who shamelessly and arrogantly boasted that the judges and clerks "know their business"; that it was not necessary to see them all because "they know their business" recommended them. Oh, yes; they do know their master's voice; they were subservient to the superior will and the superior minds of this political boss, who succeeded the "idol" who they say sprang from obscurity into local political power and prestige in that community, and they did the bidding of their new boss. Justice and decency will be unknown in that community until all bosses are dethroned and shorn of power.

But let me say, do you Republicans think—and let me ask the same question of my Democratic friends—that these frauds that have been committed and these outrageous things that have been shown here are the result of influences that survived the death of Tom Kinney? Do you really think so? They tell us Kinney was a good man. I am willing to admit it. I have no

harsh word for him. I assume he was a good man, because all of Mr. Dyer's friends say he was. Under the law, from time immemorial, it has been held in all jurisdictions in enlightened civilization that statements made by one in extremity are admissible in evidence, though not under oath, because made in the presence of death. Hear what Mr. Kinney said about Mr. Dyer just a short time before this contest began. Kinney, whose contest was unsettled at the time he died, said in specification 47 against Mr. Dyer—and he had a whole book of charges against his friend Mr. Dyer, this splendid young man, against whom I have no word of complaint. Mr. Kinney charged—

That in said congressional district there were a large number of voters who were legally and lawfully registered and entitled to vote at said election who had expressed and declared their intention of voting for contestant at said election and were using all lawful and honorable means at their command to assist contestant—

That is, Kinney—

but contestee—

That is, Dyer—

who was a member of Gov. Hadley's staff—

A Republican governor of Missouri, the last we will ever have—

took offense at the action of such voters in supporting contestant, informed them of his official position, and threatened and bullied a large number of such persons by threatening them with arrest and locking them up in jail.

That is what Tom Kinney said about Mr. Dyer. He said that he, Mr. Dyer, had police officers of the city of St. Louis following around after people who were supposed to be his friends; that a Republican politician who owned a saloon—

directed such police officers to take such voters to headquarters of contestee—

To Mr. Dyer's headquarters—

and that he, the said contestee, arrogantly, insolently, and unlawfully interrogated and cross-examined such voters, and demanded to know the reason why they were working against him, and threatened them with being arrested, put in jail, and prosecuted.

In another place he charged that Mr. Dyer had detectives following his friends, and so forth.

Gentlemen of the House, that is what Tom Kinney said of Mr. Dyer just before he bade this world farewell. He never retracted these grave accusations. He left them as a part of the permanent record of this House. He said solemnly that Mr. Dyer was guilty of all those odious things; and yet, in the twinkling of an eye, as soon as Tom Kinney's spirit had taken its flight to the God who gave it, the whole atmosphere changed, and with a rumbling noise we find it going forth, surging throughout the district, in the hearts of all voters, that this man Gill betrayed Kinney, and therefore, according to the edict of the boss, it was agreed, "We will betray the Democracy of the district. We will not only vote against Gill for his alleged offense; we will not only do that, but we will take this herd of voters, body and soul, and deliver them into the camp of the Republican Party." Great God, you know that is not true! It is true, perhaps, that when a man does you wrong, when a man has betrayed you, your friends may resent it to the extent of scratching his name from the ballot; but a man who has ever pronounced the name of Democracy and received approval from on high will not be guilty of such a horrible thing as voting the Republican ticket, even in passion and for revenge, and it is nonsense to say he will. [Applause on the Democratic side.] Why should a man blight his political hopes by doing such an unrighteous act as that? [Laughter and applause on the Democratic side.]

But, they tell us, that is exactly what was done by some of these election fiends, these men whose only province in life is to do the bidding of superiors—these wharf rats, if you please. I want to say in passing that I have no doubt there are good men there; some good men who vote the Republican ticket and the Progressive ticket, and many good men who vote the Democratic ticket. But you can not make me believe they would commit such a heinous political sin. The gentleman from Virginia [Mr. SAUNDERS], who has returned to the room, is unable, with all his legal ability and astuteness, to make me agree to his contention, that we must in contested election cases prove our case as you would have to prove a murder case. He can not make anyone believe that. You do not have to prove grounds of contest beyond a reasonable doubt. When we show fraud on the rampage, fraud here and there; when we find fraud running over the district and permeating this precinct and that precinct; when we find evidences of it here and yonder; when we discover its loathsome presence in the polling place; when we find those who were sworn to obey and support the majesty of the law of that great State becoming willing tools in the hands of men who are bent on destroying the hopes and ambitions of men; when we find all these things the law of reason and justice, of decency and integrity, of purity and honor, demand that—when fraud has so permeated the election and returns and so controlled the conduct of those charged with conducting the election as to make it impossible for mortal man to separate the good from the bad, impossible to determine how many votes were honestly cast for one or the other—our duty is to cast all the polluted ballots aside.

The SPEAKER. The time of the gentleman has expired.

Mr. RUCKER. May I have five minutes more?

Mr. GOLDFOGLE. I yield to the gentleman from Missouri five minutes more.

Mr. RUCKER. Let me appeal to this House as a citizen of Missouri, and not alone in behalf of Mike Gill, for the Lord knows he can go back to the blast furnace and again blow glass to earn a living for his wife and children if this House so decrees. It is not for him only that I plead, but in part for the imperial State of Missouri, whose escutcheon has been tarnished by the oft-repeated criminal practices and conduct of political bosses in the fifth ward of St. Louis. I appeal to you by your votes to-day to do as the Republican Party did when it was in power, and say to those people back there that before any man can sit on this floor to represent that great district of Missouri he must come with the majority of votes cast for him outside of the fifth ward, until such time as public sentiment, decency, honesty, and integrity shall crystallize and drive the political boss into hiding and permit honest men in that community to have an opportunity to cast their votes as their judgment directs and have them honestly counted as cast. I appeal to you in behalf of the State of Missouri. I appeal to you in behalf of the purity of elections everywhere. And you, my Republican friends—the Lord knows you have done wrong often enough—I take this opportunity to warn you. Now is the day and time for repentance. I appeal to you to cast a vote here in harmony with your best judgment. Did you really think Jim Butler, with 8,000 majority, practiced fraud, and for that reason vote against him? If so, cast a vote to-day to repudiate fraud and justify the action of the Democracy of the twelfth district in choosing the Representative of their choice. The distinguished lawyer from the great old Commonwealth, the mother of States and of Presidents, tells you that a special reason ought to be shown before we vote to cast out these fraudulent votes and give Mr. Gill the seat to which he was elected. He makes the specious plea that conclusive proofs must be offered. He advises that we go back to Missouri and take evidence again. We did not do that in other cases. I say to this House we have no right to hold another election in the twelfth district of Missouri at the suggestion of the gentleman who does not even claim the record before the House entitles him to hold the seat he has so long held without just warrant for doing so.

Mr. ANTHONY. Will the gentleman yield?

Mr. RUCKER. Make your question very short, please.

Mr. ANTHONY. Did the gentleman vote to unseat Jim Butler?

Mr. RUCKER. I think I did not.

Mr. MANN. I know you did not.

Mr. RUCKER. I will accept your statement and admit you are right. But, Mr. Speaker, it is always right to vote against Republicans when any question of politics is involved. Suppose, however, I voted wrong then, will you retaliate by voting wrong to-day?

Mr. MANN. No; I will not; but the gentleman will a second time, though. [Applause on the Republican side.]

Mr. RUCKER. I am inclined to think the gentleman has previously made up his mind to do that which his conscience may hereafter upbraid him for doing. I hope he will vote right once, but fear he will not. But I care not. I appeal to those whom I believe will do the right. I appeal to you gentlemen, and I tell you these things which the gentleman from Virginia says may have happened accidentally did not happen accidentally. The thief does not run his hand in your pocket accidentally; he does it deliberately. Did those judges and clerks make false returns accidentally, did they? You know they did not. I do not believe that the true version has been given. I do not believe this wrong was done Mike Gill because Tom Kinney understood and believed that Gill had voted against him. I believe it is the result of a conspiracy to elect a Republican Member of Congress and a Democratic State senator. Gill is a good Democrat, an honest, conscientious man, and he has stated in this solemn presence, his future at stake, with every aspiration and ambition of his life dependent upon the action of this House—he has stood here and told you in the presence of his God, invoking the presence of his sainted mother to witness

There was no objection.

Mr. HARDY. I have but little more to say. Gentlemen, the whole evidence in this case is not familiar to many of us. It was gone over week after week and month after month by the Committee on Elections. That committee looked into the faces of the witnesses, having them all before them, and examined and cross-examined them, and the Democratic and Progressive members of that committee come as a unit before you and tell you that as to those seven boxes the judges of the election were so rotten and corrupt they could not believe them. Will you, because a little sympathy and prejudice has been injected into this case by the charge that Gill voted against the nominee, which he denies, overthrow the deliberate judgment of your committee, who are as honest men as we are?

I took the opportunity to ask, in talking to an old friend of mine, whom I know, "What kind of a man is Gill?" and he replied, "He is as clean as you are." I do not know how clean I am, but I know how clean I think I am. I know if that statement is true, Gill did not vote against Kinney and then lie about it. And when a clean man comes before you, the thing to do is not to eject him on the ground that he was a traitor when he denies it. And when you have got the proof of the treachery of the officers of election, who made the charge and who are guilty of all sorts of fraud, as proven here, how much credit would you give to the fact that they showed a ticket with Kinney's name scratched and Dyer's written in two or three years ago? They put up the same kind of a job on Kinney then that they put up on Gill now. It is the same kind of thing. I want to say, gentlemen, that if ever a case was rotten and reeking with corruption, if ever an election fraud deserved the stamp of the disapproval of the Democratic Party placed on it, it is in this case. I do not blame Dyer, but it was the little petty men, maneuvering with the political tricksters of that ward, who perpetrated the fraud—who, perhaps, could not do anything straight if they wanted to do so. Kinney's brother, running for the senate, traded for his own benefit, or was traded for, and got 300 votes for himself, while Dyer got votes on the other side. If there had been only a trading of votes, the validity of the election would not be affected; but if the judges were so corrupt that no faith in the verity of their returns can be had, then those returns must be rejected. In my judgment, these officers of election, in order to carry out their political trade, so falsified the ballots and the returns that there is no truth in them. The whole thing is corrupt, and corruption must not be allowed to triumph. Let it be forever known that such election officers can not elect men to Congress.

Mr. MANN. Mr. Speaker, I yield to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I hope I may be permitted to present my argument without interruption, as my time is limited.

I have no feeling in this case whatever. I am fond of the sitting Member, my colleague Mr. Dyer, because he has proven a useful Member and an able representative of the people of his district. I also like the contestant. Before he moved into the twelfth district he was a resident of mine and ran for Congress against me. He acted honorably and decently in that campaign, and certainly I want to do him justice.

This contest differs materially from the many previous ones that have come from the twelfth congressional district of Missouri.

Mr. RUCKER. How many have we had from there? Can you tell?

Mr. BARTHOLDT. I do not wish to be interrupted.

Mr. RUCKER. Will the gentleman answer that one question?

Mr. BARTHOLDT. I will ask the privilege to continue, because I have only a limited time.

Heretofore these contests were mostly based on charges of irregularities and frauds preferred by Republicans against Democrats, while in this instance the Democratic contestant brings charges of this character exclusively against the election officials and voters of his own party. It is, in other words, the result of a feud in the Democratic Party, of a contest between two Democratic factions, one led by contestant and the other by the Democratic boss of the fifth ward of St. Louis, Michael E. Kinney. Not a single Republican vote is questioned or challenged, and no blame whatever attaches to the contestee, my colleague Mr. Dyer. This is frankly admitted by the majority of the committee who state in their report—

> That no charge of misconduct or impropriety attaches to Mr. Dyer personally; that he was not a participant in the conspiracies, irregularities, or frauds which gave rise to this contest, and has served as an honorable Member of this House.

At the outset, then, it must be put down as an incontrovertible fact that if frauds were committed at the election which resulted in the return of my colleague to Congress they were Democratic frauds perpetrated exclusively by adherents of that party. The majority report therefore and every Democratic vote cast for that report in this House is a distinct indictment against Democrats.

Before I proceed to tell the House what I know as a Representative of St. Louis of the Democratic family feud to which I have referred let me briefly analyze the majority report to ascertain what these alleged frauds consist of. It is claimed that the Democratic judges and clerks of election in seven precincts of the fifth ward had entered into a conspiracy to defeat their own party candidate and had accomplished this purpose in the first place by false counts and, secondly, by scratching contestant's name and inserting that of contestee on ballots in the hands of alleged illiterate voters, many of whom, it is asserted, were really not illiterate. Contestant's case rests entirely on these allegations. Now, let us see. Who are those judges and clerks? Are they representatives of the dominant faction or of a political ring? No; they are official appointees of a bipartisan board of election commissioners selected for a term of years upon the recommendation of the party central committee. This fact certainly does not support the theory of a conspiracy, and, what is more, there is nothing in the evidence to support it. It is true that discrepancies were discovered between the original count and the official recount of the ballots, but, considering the intellectual caliber of these election judges and the totally unaccustomed and difficult task they had to perform during 22 or 24 consecutive hours, these discrepancies might have been unintentional mistakes just as easily as a result of a conspiracy to defraud. If the latter, would these judges not have guarded against detection, knowing that an official recount would be had, by making the tally sheets correspond with the ballots? And how will the majority reconcile their theory with the fact that in several of the seven suspicious precincts which they propose to throw out contestee actually gained votes on the official recount? In other words, he had been credited with less votes by the judges than he was entitled to. Does that look as if the poll judges had been in a conspiracy to count him in? The fact is, Mr. Speaker, that what the majority of the committee mistakes for a conspiracy was simply a consensus of political opinion among certain Democrats to the effect that their candidate for Congress should be beaten because they had found him to be disloyal to their party candidate at the previous election. I shall refer to that more fully later on.

The second ground on which the majority base their decision is the manner and extent to which the Democratic judges of election in the seven precincts heretofore mentioned assisted illiterate voters of their own party in the preparation of their ballots. The assumption of contestant, accepted by the majority, is that these judges usurped the rights of the voters by substituting Dyer's name for Gill's on the ballots, and it is further assumed that they did this whether or not called upon to assist in the preparation of the ballots. It was incumbent on the contestant to substantiate this charge by irrefutable evidence. In this, however, he has utterly failed, and his whole case has collapsed right here. So weak and unsatisfactory was the evidence adduced by contestant on this point that the majority of the committee, endeavoring to shift the burden of proof in the last minute, asked the contestee why he had not furnished proof to the contrary, but when he asked for an opportunity to do so, offering to adduce the evidence within 30 days, the majority, by a vote, denied him this opportunity. It is proper to state in this connection that there was one Democrat on the committee who refused to lend his hand to this palpable denial of justice. It was the distinguished gentleman from New York, the honorable chairman of the committee, Judge GOLDFOGLE. He had seen distinguished service on the bench and, acting as a judge rather than a partisan, was determined to administer evenhanded justice in this case. As mentioned in the majority report he did not only vote in favor of allowing contestee to furnish the lacking evidence, but afterwards made a motion himself to have the committee take "such further testimony as it shall deem necessary to the determination of the questions of fact." But this motion, too, was voted down, although in the very precedent which the majority cite in justification of their action (Giddings v. Clark, in the Forty-second Congress), it is laid down as a rule that the right to take further testimony shall be granted to a sitting Member if thereby he would be enabled "to obtain such material evidence as will establish his right to the seat." This is exactly the case here.

Although I hold that on the evidence presented the House should here and now decide this contest in favor of the sitting Member, I shall willingly assent to the taking of further testimony, because, in my judgment, this would enable every fair-

minded Member of this House to come to the same conclusion. In fact, if ever the rule just cited should find application it is in this case. And this brings me back to the evidence now before us.

The total vote cast in the seven precincts of the fifth ward—the vote in all other parts of the district being unchallenged—was 1,537, which, according to the official recount, were distributed as follows: Dyer, 825; Gill, 406; Progressive, Socialist, and scattering, 231; and "no vote," 75. There is no complaint as to the 231 for the Progressive, Socialist, and so forth, so we can deduct those from the total of 1,537, leaving 1,306. Of these the contestant received 406, which, naturally, he does not challenge; hence, taking off 406 from 1,306, we have left 900 votes to further analyze. Now, the contestant complained only of Democratic ballots cast in those seven precincts; hence we should deduct as absolutely unchallenged the 388 Republican ballots, which will leave a balance of 512 votes to explain—the difference between 1,025 undisputed by contestant and 1,537, the total vote in these precincts. "These 512 votes," says the minority report, "constitute the entire number of Democratic ballots in these precincts which had Gill's name scratched." On 437 of these Dyer's name was written underneath, while on 75 Gill was scratched, but no name substituted. As the 75 were counted for neither one nor the other of the candidates, the whole controversy reduces itself to the question of the reliability of 437 votes. It was the sole matter to be decided by the committee. And how did they decide it? By throwing out all of the 437 ballots? Oh, no. Even of these votes, they knew, there are too many whose integrity and correctness had already been established to risk awarding the seat to the contestant on such a showing. Therefore, to be on the safe side they decided to throw out all the 1,537 votes cast in all the seven precincts, the 1,100 honest ones together with the 437 whose reliability has been questioned, and by doing so they succeeded in squeezing out a majority of just 67 for contestant. The excuse given for this attempted wrong is that the returns from all those seven precincts were—I quote the language of the majority report—"so tainted with fraud that they must be considered as utterly unreliable," a statement which is refuted even by the known facts. If 1,100 ballots out of 1,537 are conceded by both sides to be straight and honest votes, unreliability can, at the most, be asserted against the balance, namely, the 437, but not against all 1,537. Yet the committee asks this House in all seriousness to disfranchise 1,100 citizens the integrity of whose votes no one has called in question. It is in your power, gentlemen, to accede to this demand, but the only possible excuse you will have for it is that contestant is a Democrat, and that the Democratic majority can do what it pleases.

I could rest the case right here, but let us see about those 437 ballots which are alleged to be tainted. They are Democratic ballots, as I said before, on which Gill's name was scratched and Dyer's written in. We are not without evidence as to those ballots. It was the duty of contestant, as I said before, to submit evidence as to every one of them. He had the names and addresses of all these voters, and more than that, he knew from the recount and the poll books how each had voted and what Democrats had scratched him. The record shows that before he started to subpœna witnesses he circularized the whole ward with letters asking for information from those who had voted against him, and how many did he finally subpœna as witnesses? A total of 56. And what about the other 381 who had scratched him? We do not know, the committee does not know; in fact, nobody knows, except perhaps Mr. Gill, and he will not tell us. But I ask you are we not justified in concluding that the reason why contestant did not summon them as witnesses was that their answers did not suit him? And what about those 56? Why 24 confirmed their ballots, 14 were uncertain, and 18 contradicted their ballots. If the same relation held good throughout all the seven precincts, and we deducted all the contradicted ballots from the majority for contestee, he would still have a majority of several hundred votes. In the absence of actual evidence this would be the only fair way of reaching a conclusion. But what the committee and the House should insist upon is the evidence. To throw out 1,537 votes upon testimony questioning about 1 per cent of them would, as is justly pointed out in the minority report, be a grosser fraud than any supposed to have been perpetrated at the polls.

To make a case the majority points out that voters were not sworn as to their illiteracy. That is true; but ever since the Supreme Court of Missouri has decided that the statute requiring oaths is only directory, oaths have not been administered in any St. Louis elections, and the judges frankly testified to this fact. Why so many voters were assisted, even some who were not really illiterates, is lucidly set forth in the minority report. To scratch a ballot correctly, everyone will admit, requires more than a mere ability to write your name.

The more ignorant voters—and that class naturally abounds in a cheap lodging-house ward like the fifth—did not know how to scratch, yet they wanted to get even with Gill because of his party disloyalty to Thomas Kinney, who had been their leader and friend. Hence they asked the judges to assist them from fear that if unassisted they might invalidate their ballots. The scratching was usually done by the same judge in each polling place in accordance with an old practice whereby Democratic judges assist Democratic voters and Republican judges Republican voters. This accounts for the fact that so many of the scratched ballots show the same handwriting in each precinct. The judges frankly admitted this to be a fact, and made no attempt at concealment.

So much for the minor facts in the case. I say minor facts, because the thing of real importance and which alone furnishes an ample explanation for Mr. Gill's defeat I have so far touched only slightly. It was not a conspiracy of the election officials, but a state of mind of the voters of the district, and especially of the fifth ward. The majority in their report admit it and other speakers have referred to it, but as a St. Louisian I can testify to it from a knowledge of the local situation. The contestant had incurred the enmity of a powerful element in the Democratic Party, because in the 1910 election he had scratched the Democratic candidate for Congress, the late Thomas Kinney, and had voted for Dyer. Tom Kinney, as he was familiarly called, was the Tim Sullivan of the fifth ward. He had befriended the poor and needy and was always willing to help those in trouble. In a ward where there are so many of this class you may imagine what this means, especially when you remember that this very class is as strong in their affection as in their enmity. Tom quite naturally became a political leader by whom they swore, and after his death his memory became sacred to them, and they naturally transferred their allegiance to his brother, Michael, who, politically, stepped into Tom's shoes. When it became known in St. Louis that Gill had knifed Tom Kinney there was not a Democrat who was willing to bet a dollar on his election. The consensus of opinion was that "his goose was cooked." In order to save the day, the congressional committee was called together and in formal meeting demanded his withdrawal from the ticket, several committeemen informing him that there was no chance of his election.

It is unnecessary to go further, Mr. Chairman, except to record the result which was that the contestee ran behind his ticket in every ward of the district and lost the fifth ward altogether. In that ward meetings had been called in which the word was passed around to defeat Gill, and considering all the circumstances it is surprising that he received as many votes as he did. That he was fairly and squarely beaten by Democrats refusing him their support will be corroborated by prominent leaders of the St. Louis Democracy, and it may, indeed, be said that he has no one but himself to blame.

Reverting to the charge of conspiracy among the Democratic election officials, let me ask what reason could they possibly have to defeat their own party candidate, except that he had proved unworthy of their friendship? They had loyally supported him at the primaries, but as soon as they had discovered that he had deceived them with his professions of friendship and admiration of Tom Kinney, they had a double reason to turn against him, one being that he had knifed their erstwhile leader, and the other that he had, not to use the short and ugly word, posed as his friend. Instead of a conspiracy to defraud, it was a more or less concerted action dictated by honest convictions, and while these men, typical as they are of the population of the ward, might be very plain people, their example of indignant resentment of political duplicity, in my judgment, deserves high commendation rather than criticism from every standpoint of good morals. A St. Louis jury, it seems, has just indorsed this view by acquitting one of these election judges who had been indicted as a result of the Dyer-Gill contest. It was the first, and will no doubt be the last, of these trials, for it is to be presumed that the prosecuting attorney had selected the strongest case to secure a conviction.

My conclusions are that contestant has failed utterly to establish by evidence his right to the seat now occupied by my colleague Mr. Dyer. If such evidence is available he has not adduced it. As it is known that he did address the 437 Democrats who scratched his name, the only logical conclusion is that the answers of at least 383 were not only not satisfactory to him but were favorable to contestee. Under these circumstances, not to allow contestee an opportunity to procure this testimony will amount to a denial of justice and to a determination, on the part of the majority of this House, to oust a Republican, right or wrong. The only other construction that could be placed on such a verdict will be that, in the opinion of the majority, Democratic voters have no right to scratch their

the voters themselves and which were scratched by the inspectors?

Mr. SAUNDERS. Undoubtedly. I will discuss that phase of the case later. In this connection I wish to answer the question of the gentleman from North Carolina. The precincts in this ward were of course disconnected precincts, and the fraud and wrongdoing in one precinct, can not be imputed to the officials in another. Under the law of Missouri the ballots are numbered, so that in the case of a contest you can trace down, and ascertain the ballot cast by a particular individual. It appears that in precinct 17, three votes for Gill were improperly marked for Dyer, but the inquiry into illegal marking goes no further, though it was competent to take the testimony of all the voters, voting scratched ballots. It appears further that at this precinct one judge scratched 37 ballots, but that in itself does not indicate fraud.

Doubtless the local politicians who were interested in defeating Mr. Gill, instructed the voters as they went in, to ask for this particular judge. It happens frequently in elections where there is no suspicion of fraud, that one judge marks many more tickets than do the others. It further appears that at some time during the election day, the watchers were ordered from the polls by the judges of election, but were afterwards readmitted on the order of the election commissioners. See report, pages 4-5. Upon the foregoing facts as to this precinct, as they appear in the report, the committee rejected the entire precinct. Plainly as to this precinct the facts do not justify the rejection of the returns, and the elimination of the entire vote cast.

In this connection the following precedents are cited: The return should be rejected only when it is so tainted with fraud, or misconduct of the election officials that the truth can not be deduced from it. (2 H., p. 151.) In the case of Goodwin v. Cobb, in which it appeared that great frauds had been committed at certain precincts, the votes of certain properly entitled voters were received, and the others rejected. (1 H., p. 721.) In other words the illegal votes and the misconduct of the officials, did not cause the exclusion of the legal voters. An entire poll should not be rejected when it is possible to purge it of illegal votes. (2 H., sec. 880.) Although the fraud in a district may be extensive, the House prefers to purge the returns rather than declare the seat vacant. (2 H., sec. 1103, sec. 1095, sec. 1080.) The recount at precinct 17 practically agreed with the original count, and gave Dyer 62 majority. Accepting the statements of the report, the evidence cited to justify the exclusion of this precinct, is certainly far from satisfactory. If this precinct had been counted, even excluding the others, Gill's ascertained majority would have been about 11.

Mr. POST. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. POST. I want to ask the gentleman if under the laws of Missouri, in the event this case should be sent back for further testimony, a committee of this Congress could compel the voter to tell how he voted?

Mr. SAUNDERS. Yes. I imagine there would be no trouble about that. The testimony of a number of these voters has already been taken.

Mr. POST. Under the law of Missouri?

Mr. SAUNDERS. No statute of a State can limit the power of the House of Representatives in dealing with the election of its own Members.

Mr. POST. I desire to ask the gentleman another question.

Mr. SAUNDERS. I do not wish to be discourteous to my friend but I can not yield further. I have only two or three minutes remaining. The proposition submitted in the views of the minority, is as follows:

Resolved, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill v. Hon. L. C. Dyer, touching the election of November 5, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17, of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts, which had Michael J. Gill's name scratched, were the correct votes of the voters in question, or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence, in connection with testimony heretofore taken, make its report to the House, with its recommendations, within 30 days after the adoption of this resolution.

Mr. POST. Unless the committee was able to compel the voter to tell how he voted, how could it be done?

Mr. SAUNDERS. It appears that a number of witnesses have deposed as to their ballots. The contestee takes his chances in this respect. If with the opportunity afforded, he is unable to make good his title to his seat, clouded as it is by the misconduct of the election officials, he will be the loser. This House at least, will have done its full duty, and omitted no effort to arrive at the very right of this controversy.

The statement of Mr. Dyer's offer to the committee, is found in the views of the minority, on page 10, to the effect that if he was given 30 days, in which to take the additional testimony, the expense to be borne by him, he would forfeit all pay as a Member of the House, in the event he failed to secure such testimony as would satisfy the committee, that he was entitled to his seat. Should the House hesitate to afford the time to take this testimony, having in mind that the votes cast at the excluded precincts amounted to over 1,500? Undoubtedly many of these votes were honestly cast for Gill, and many for Dyer. Who can determine with the material before him, what is the proportion of fraudulent votes to be excluded, and the proportion of legal votes to be credited respectively to the contestant, and contestee? At least the effort should be made to determine, as best we can, by the testimony of the voters themselves, how and for whom their votes were actually cast.

The contestee will have to take the testimony of Democrats to show that they scratched a Democratic ballot, in favor of a Republican candidate, so that the burden will be altogether upon him. This leave to take further testimony has been given in many cases. Such a case was that of Hopkins v. Kendall (2 H., p. 636). In that case after the committee had been considering the same for quite a while, it asked for and obtained from the House, authority for the parties to take additional testimony, necessary for the proper determination of the issue. With the facts now before us, we will merely give our best guess as to the candidate receiving the majority of the legal vote in this congressional district. This case should not be determined by guessing. We need more light to reach a proper conclusion, and the effort, at least, to secure this light, should be made.

I desire in this connection to call the attention of the House to the case of Jackson v. Smith (1 H., p. 711). In that case the committee not having the evidence necessary to enable it to reach an intelligent conclusion, asked for, and obtained authority from the House to take such testimony, as it deemed necessary to the determination of the questions of fact.

Mr. POST and Mr. BOOHER rose.

The SPEAKER. To whom does the gentleman yield?

Mr. SAUNDERS. Mr. Speaker, will the gentleman from Illinois yield me five minutes more?

Mr. McKENZIE. I can yield the gentleman five minutes more.

Mr. SAUNDERS. Then, Mr. Speaker, I yield to the gentleman from Missouri [Mr. BOOHER].

Mr. BOOHER. Mr. Speaker, I will not take up the gentleman's time, as his time is so short.

Mr. SAUNDERS. Then I yield to the gentleman from Ohio [Mr. POST].

Mr. POST. Mr. Speaker, I want to ask if the contestee has requested the committee having his case under consideration to grant him the privilege of taking further testimony?

Mr. SAUNDERS. He did, as appears from the report on page 7.

Mr. POST. How long ago was that?

Mr. SAUNDERS. In March of this year. If the committee had afforded this authority at that time, all of the testimony now so much desired would be before us, to be passed upon according to its value.

Mr. WATSON. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. I have only a few minutes more, and wish to pursue my argument uninterruptedly.

Mr. WATSON. I know the gentleman does not want to make an erroneous impression.

Mr. SAUNDERS. Oh, no. I do not. I do not want to get my facts mixed.

Mr. WATSON. As a matter of fact, no application was ever made to the election committee until after it had reached a conclusion.

Mr. SAUNDERS. I have not stated anything to the contrary.

Mr. WATSON. And the case was tried and decided.

Mr. SAUNDERS. That statement does not make an issue between us. Why does my friend inject a statement of that sort? I have not said anything to the contrary. I merely said that the request was made to the elections committee, and it ought to have been granted then, just as we ought to grant it, now that it is made to us.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. GOLDFOGLE. When the application was made by Mr. Dyer to the committee the committee had only expressed itself tentatively. That is to say, it had taken a tentative vote.

Mr. SAUNDERS. I do no care a straw about that. I do not care if the committee had solemnly arrived at its conclusion. This matter is now before us as a body of judges, and the question is whether there is enough evidence in the record to enable us to declare that according to the very right of this case, Mr. Dyer ought to be unseated, and Mr. Gill seated? If this evidence is insufficient for a just conclusion, and additional evidence that will aid us to reach such a conclusion, may be secured within a reasonable time, then the opportunity at least, should be given to secure it.

The public interests will not suffer, the cause of justice will not be impaired, by affording the opportunity to procure this much-needed testimony. The standing of this House will be raised in the minds of all fair-minded people, should we make known by our action that we are willing to put forth every reasonable effort to reach a decision of this case on its merits, to decide it as judges, and not as partisans. [Applause.] Mr. Speaker, as I have said you can prove any proposition out of the election cases, provided you go back far enough. The attitude of the partisans of other days, toward the disposition of the ordinary election case, was summed up in the flippant remark of old Thad Stevens, referring to a pending contest: "Which one of these damn rascals, is ours." [Applause.] We have measurably gotten away from that attitude. We are doing better. The election reports of the last 10 years show that when this House was in the control of the Republicans, they did full justice to many Democratic contestees. [Applause.] I see before me to-day more than one honored Member of this body whose case was tried before a Republican committee, and who retained his seat by the finding of that committee, when a partisan attitude would have afforded an adverse report on purely technical grounds. We can do one of two things with the case before us. Primarily the opportunity should be extended to take the additional testimony suggested as necessary, by the imperfect state of the record. Secondarily, should the House decide to refuse the request for this extension, and determine to act upon the present record, its action should be limited to declaring the seat in issue to be vacant. This will be in accord with the case cited, and with the further case of McDuffie against Davidson, in which the House after rejecting a number of precincts, declined to seat the contestant on the ground asserted in his behalf, namely that with these precincts excluded, he had a majority in the remainder. Whatever may be done with this case, we should seek to avoid even the suspicion of injustice. I believe in the square deal, everywhere, at all times, and under all circumstances, but somehow I believe that with respect to controversies of this character, there should be in some peculiar, special, and exceptional degree the application of such a deal, whatever may be the politics of the body which tries the issue. [Loud applause.]

Mr. GOLDFOGLE. Mr. Speaker, I yield now seven minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, if the report of the majority of this committee is merely taking advantage of a technical error or a technical wrong, and seeks to seat a Democrat on a mere technicality, as stated by the gentleman from Virginia [Mr. SAUNDERS], then I want the Democrats of this House all to vote to reject that report. But if it contains evidence that shows that a substantial and real crime has been committed by the officers holding the election of such a character as renders it impossible to find what was the true vote cast by the voters, then it is absolutely right to reject these boxes in the seven precincts which have been thrown out by the committee in their report, and I want to reject them, and if the result of that rejection is the election of Gill I want Gill seated. On this point they say that Gill, the contestant, has the burden of proof. I grant it. Let us see whether he sustains it. In precinct 2 Judge Bishop's case comes to my mind. His testimony is sufficient to satisfy any nonprejudiced mind that he voted ticket No. 56, and that ticket was marked and numbered and placed in the ballot box, but when the recount came that ticket could not be found, but a pretended ballot, unscratched and unnumbered, was there, and the contestee says this was Judge Bishop's ticket. Read his testimony and see. He knew his ticket was numbered, and he remembered because he asked the officer at the time, "What is the number on my ticket?" and then took his book out and put on the stub No. 56, but 56 was not found. These corrupt officers did not dare to have Judge Bishop's vote come up scratched, because he was a first-class man and had been active for the whole straight ticket, so his ticket was lost. But that is not all in reference to precinct No. 2. The judges of election in precinct No. 2 made returns in which they gave Gill 5 votes and they gave Dyer 199. The recount, had on demand of Gill, showed that Gill received 73 and Dyer 106, and, according to the statement made by the gentleman from Virginia [Mr. SAUNDERS] a moment ago, he must be willing to throw out that box. He said if as many as 50 fraudulent votes are found in a box that box ought to be rejected. There are more than 50 fraudulent votes shown in this box. I have not got time to go over all of them, but I want to call attention to only a few salient points. That was in precinct No. 2. Has the contestant sustained the burden there? What about precinct No. 9. In the testimony on page 517, I believe, we find this evidence: A certain witness, who was a Republican judge of election, testified that when Maurer and Byrne completed the tally they had not given contestant a single vote, whereupon witness informed them that they must give him one vote, as witness himself voted for contestant. Witness glanced casually at a few of the Democratic ballots and saw three votes for Gill, whereupon Maurer said, "All right, give him three." That is precinct No. 9. Is the burden of proof sustained? Does not that show sufficient corruption to render the returns in that case worthless? Do you as sensible men believe that credence should be given to the returns of officers who make such a sham of their position? In precinct 2 there was a proven fraud of giving Gill 70 votes too few and Dyer 94 votes too many, even using the doctored ballots fixed up by the corrupt election officers.

In precinct 9 they were going to count Gill no single vote when a casual glance shows that there were 3 on the first bunch of the ballots right at hand when such a count was challenged. Now, let me say this. What has created some favor in this Chamber in behalf of Mr. Dyer was the charge that Gill had scratched Kinney and had gone to Kinney's friends after he was dead and told them he had befriended Kinney, and in that way gotten their support in the primary, and that after that Kinney's friends had discovered that it was false. It has been repeatedly stated on this floor by gentlemen arguing this case that Gill never denied scratching Kinney and voting for Dyer; and yet the gentleman from Connecticut [Mr. KENNEDY] yesterday evening late, from the testimony before the committee, read the evidence which showed that he had denied it. There, notwithstanding the statements of speakers on this floor, is the evidence before the committee. I will tell you what I think about that former contest. I think that former case in which Kinney was contesting the election of Dyer was as rotten as this. I think when Gill cast a vote in that election that the same class of officers of election took and scratched the ballot and put in Dyer's name, and elected Dyer then just as they are trying to elect him now. Who would have any regard for such officers and such judges of election——

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. HARDY. No; I have not the time.

When the committee found that character of officials making returns, and in whom they could not place any confidence, it was then either one of two things—either to throw out the returns or go back down there and hold the election over. Now, do you believe it was the function or the place of this committee to go back down to St. Louis and try to gather up all the voters who voted in that box? I admit that many of them actually did scratch Gill and wrote in Dyer. Here we find the judges of election falsifying the record, and we absolutely know that you can not go to a precinct in any place in the United States months afterwards and find out just how the vote was.

It was one of two things, to deny the people of that district the right of representation on this floor or to throw out those four, or five, or six, or seven rotten places; and this committee tells you they did not throw out all the rotten ones, but the rottenest. In discussing precincts 2 and 9 I have not tried to select the rottenest of the seven precincts rejected by the committee. I do not know about the others so well, but I know about 2 and 9. No man honestly wanting to arrive at a just conclusion would allow those returns to figure in the result of an election. And now, I ask, should the committee have granted contestant's request and gone back to hold that election over? They had fifty-and-odd voters of that precinct before them, and many of them were not certain how they voted. How could the committee have found out? By examining all of them? There were a few positive and a great many uncertain. How could they have found out how the vote was cast? Gentlemen, it is absolutely absurd, and I do not believe such a proposition as was sought to be maintained in this case has ever been acted on anywhere. It would have been absurd for this committee to have said that they would go down there and hold this investigation 18 months after this election was over. When the proposition was made, too, the adjournment of Congress was, we believed, only a short time away.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARDY. Mr. Speaker, I ask for three minutes more.

The SPEAKER. Is there objection?

ments, as best we can, and in large measure, upon what is thus presented, grope our way to a conclusion, unaided by those personal investigations, so essential to a determination upon the merits. This being so, we should err on the side of caution in reaching a conclusion, and omit nothing that will enable us to arrive at the very right of the controversy.

I have been through this case, so far as I have been able to do so. I have examined both the majority and the minority reports, and subjected them to a careful comparison. In large measure, I have examined the precedents, and in this connection, I will say that so far as contested-election precedents are concerned, you can prove anything by them. They constitute a history of extensive wrongdoing, a history which acquits neither one of the great parties of fault. [Applause.] In referring to these precedents I will content myself with those citations which contain the fundamental principles that appeal to the sense of justice innate in every man. All will agree that the principles hereafter to be cited are sound, not because they have been announced by a partisan committee in some particular case, but because, as I have said, they appeal to our fundamental sense of justice, and are recognized as axiomatic.

The first proposition that I ask this House to consider is this, that the possibility of grave injustice is always present, when it is proposed to reject bodily the entire return of election officials.

It has been well stated in Second Hinds, page 127, that the entire poll is not to be rejected, except after the fullest attempt to purge it of illegal votes, and to ascertain the real vote by all possible means. The innocent should not be made to suffer with the guilty, and nothing short of the impossibility of ascertaining for whom the majority of the votes were given, ought to vacate an election. (American Laws of Elections, section 304, 2 Hinds, p. 134.) When an entire poll is rejected on the ground of fraud, or misconduct on the part of the election officials, such, for instance, as manipulating the returns, or tampering with the ballots, the candidates suffer, and the public interests suffer, for the misconduct of officials over whom the voters have no control. If the ballots of properly entitled voters have become intermingled with fraudulent ballots dishonestly inserted by corrupt officials, diligent effort should be made to eliminate the fraudulent additions, and thus preserve the rights of the honest voters who constitute the residuum. Another authority states this principle as follows: The election should be set aside only when it is impossible from any evidence, in reach, to ascertain the true result. (2 Hinds, p. 151.) The doctrine of throwing out entire returns for fraud of the election officials while tolerable in theory, is most unhappy in application, if nothing further is done to eliminate the fraud, and thus arrive at the true result.

No effort ought to be spared on the part of the committee, or of this House, to secure those facts which will enable an intelligent judgment to be formed. After reading both the majority and minority reports, I am prepared to say that accepting their statements, as to what occurred at the precincts under investigation, the record does not afford sufficient evidence to enable us as judges, to determine whether Dyer, or Gill was elected. Misconduct on the part of the judges is fully proved, but in large part the effect of this misconduct has been corrected by the recount, leaving only the improperly manipulated ballots to be corrected, or excluded. No sufficient effort has been made to do this, and as there were confessedly a number of honest ballots cast for both Gill, and Dyer in the excluded polls, this House is unable to determine who, on the whole, received a majority of the honest votes in the congressional district, and is unable therefore to determine who was elected. The committee rejected the returns from seven precincts, as follows: The second, third, fourth, fifth, ninth, fourteenth, and seventeenth. As a result of this action, a large number of properly entitled voters, who cast their ballots for the candidate of their choice, have been disfranchised. It must be admitted, even by those who contend for the exclusion of these polls, that the excluded votes, were in large measure the votes of citizens who voted as they intended to vote, and whose ballots have not been tampered with. This must be true, because the record shows that a large proportion of the ballots must have been scratched by deliberate choice, and in such cases when the name of Gill was replaced by that of Dyer, it was not the corrupt act of another, but the direct act of the voter, or of an election official acting under his directions.

I do not take issue with the gentlemen who assert that when a return is so tainted with fraud, or misconduct of the election officials, that the truth can not be deduced therefrom, the same must be rejected. That is undoubtedly true. The precedents to this effect, are as old as the hills. But permit me to call your attention to the fact that there is an essential difference between rejecting a return, and rejecting a poll. The return is merely the primary evidence as to how the voters voted. When a return is rejected, legal votes are not thereby lost, for they may be proven by secondary evidence. The voters may be called as witnesses (2 H., p. 202). There are numerous precedents for this proposition. In the case of Wise v. Young (2 H., p. 654) the returns were rejected, but the testimony of over 5,000 voters was taken to prove that they voted for the contestant. To the same effect, Waddill v. Wise (2 H., p. 470), and Thorp v. Epes (2 H., p. 644). Nor will I take issue with the proposition that the evidence of false counting at most of the above precincts is so strong, that it vitiates and overthrows the value to be attached to the return of the election officials. The errors in the count at the above precincts, save precinct 14, are too serious to be attributed to honest error. I am willing to agree that in five of the above precincts there is no possibility of an honest count having been made in the first instance.

But may I call the attention of this great appellate court before which this matter is now in issue, to the fact that these errors which have been corrected by the recount, may be relied upon to show that in large measure, the wrongdoing of the election officials was confined to manipulating the returns. If, in the first instance, these officials had falsified to any considerable extent the individual ballots, to secure the result desired, there would have been no occasion to falsify the count, for the count would have conformed to the ballots as changed by the judges. Hence the recount having in all likelihood eliminated the major portion of the fraud, it furnishes the greater reason therefore for taking the evidence of the voters, in the effort to arrive at the true result at these precincts.

Permit me to call your attention to another fact in this connection. If the suggestion of scratching creates in your mind the idea that there was fraud at those precincts, that idea is largely repelled by the fact that the evidence amply shows that an angry state of mind on the part of many Democrats at those precincts, not only made scratching likely, but even inevitable. These incensed and angry Democrats were determined to scratch Gill, because they believed that he had scratched the Democratic candidate at the previous congressional election. I am not going to charge Mr. Gill with having actually scratched that candidate. It is unnecessary to take up that controversy. While the report is to that effect, it is a matter of indifference for the purposes of this case, whether the charge is well, or ill, founded.

The material fact is that the Democratic voters of those wards firmly believed that Gill was guilty of this imputed wrongdoing. All parties are agreed on that point. All agree that the brother of the former Democratic candidate for Congress, the ward committeeman, and other friends of the dead man, firmly believed that Mr. Gill had scratched Kinney when he was a candidate for Congress. Hence this deeply rooted belief on their part furnishes ample explanation of the activity of the Democrats of those precincts, in their effort to take revenge upon Gill for his supposed defection to their former idol.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. SAUNDERS. I will yield for a question.

Mr. HARDY. Did I understand the gentleman to say that a wrong count of 50 votes would be sufficient in the gentleman's judgment to hold the judges corrupt, and to throw out the returns?

Mr. SAUNDERS. I say that errors in the count, where the errors were as great as they were shown to be at some of these precincts, would justify the committee in rejecting the returns, but would not justify the committee, or this House, in refusing to make inquiry by proper evidence aliunde, as to how the voters at those precincts actually did vote. [Applause.] I think that is a sufficiently clear statement of the situation. I wish to say that in scores of election cases this inquiry has been made. Time and time again returns have been rejected and the contestant seated by this body, because the evidence aliunde, satisfied the committee that a majority of the honest votes had been cast in his favor.

I wish to call the attention of the House to another fact: It is argued, in opposition to, the request that opportunity be given to take additional testimony, that such a course would be useless and futile, on the ground that the voters are so ignorant and illiterate, that their testimony would furnish no aid to an intelligent conclusion. Yet it is stated in the report, as an evidence of wrongdoing on the part of the judges at certain precincts, that the judges at these precincts marked the ballots of a large number of voters who were not illiterate. The two statements can not stand together, and both be true. Certainly

the testimony of these literate voters might be taken. [Applause on the Republican side.]

Mr. WATSON. May I interrupt the gentleman?

Mr. SAUNDERS. Yes; I have not very much time. I am not averse as a rule to being interrupted, but it is very hard to make a connected argument in 15, or 20 minutes, when you yield for interruptions.

The SPEAKER. Does the gentleman yield?

Mr. SAUNDERS. Of course I yield to my colleague.

Mr. WATSON. I would be very much obliged to the gentleman if he would point out anything in the majority report of this committee which states that all the people in that ward were illiterate.

Mr. SAUNDERS. Oh, I never said that.

Mr. WATSON. Of course——

Mr. SAUNDERS. I said that the argument advanced was that this inquiry would be futile, on the ground of the ignorance and illiteracy of the voters. It does not seem to me that I ought to be interrupted by my colleague's inquiry, when I made such a clear statement of my position. I never said that the report stated that all the people in the ward were illiterate. I said that the argument had been made that this inquiry into the actual vote of the electors would be futile on account of the illiterate character of the people of those wards. That is certainly the argument that has been made on the floor.

Further I called the attention of the House to the fact that the report makes the charge against the judges that at more than one precinct, they had marked the ballots of people who were able to sign their names to the register, and who were therefore not illiterate. That in full was the statement that I made. If therefore, Mr. Speaker, the argument is made that fraud is to be presumed because so many Democratic ballots were scratched in favor of the Republican candidate—and I will admit that standing alone and unexplained that fact might create a suspicion of wrongdoing—bear in mind that the likely explanation of this scratching is to be found, not in the imputed rascality of the election officials, but in the inflamed state of mind of the Democratic voters of that ward toward Gill.

Whether or not that hostile attitude was justified, is not material. If it existed, and both reports fully show that it did, then it furnishes an explanation of the scratching that is entirely consistent with an honest conduct of the election in this particular. The testimony of one of the active antagonists of Gill is to the effect that the word to defeat Gill was passed around at a meeting at which 500 people were in attendance. (See record, p. 1192.) Burke, another witness, testifies that the local feeling against Gill seemed unanimous. (See record, p. 423.) This witness states that he had his mind made up to scratch Gill, because the latter had "double-crossed," the Democratic ticket two years before.

I wish to say another thing, and the truth of it will be recognized by every man to whom I speak, because you have all had experience as candidates, and that is that nothing enrages the average party voter to the same extent, or is more likely to turn him against the candidate of his party, than an apparently well-sustained charge that this candidate has been guilty of treachery to some former party candidate. Whatever may be said about the character of the population in the precincts in question, it is none the less true that it is precisely in a population of that character that the fires of prejudice burn the fiercest, and the flames of party wrath are the more readily kindled, against a man who is accused, and in their judgment, convicted, of having knifed a former idol.

Mr. PALMER. Will the gentleman yield?

Mr. SAUNDERS. I am sorry, but I can not yield now. Take such a population, not altogether illiterate, but a rude, rough population, a democratic population, because this is a Democratic ward, and it is among such party voters, and party workers, that our own experience in party matters tells us, that the suggestion of wrongdoing against a former Democratic candidate would run like wildfire. If these people were satisfied that the man then asking their ballots, had voted against the Democratic candidate, two years before, and voted for the then Republican candidate, that fact would furnish sufficient ground for them to say: "If Dyer two years ago was good enough for Gill, Dyer to-day is good enough for me." That was just exactly what they did say. Michael Kinney testifies (p. 1910) that the "story was circulated that if Dyer was good enough for Gill to vote for two years before, he was good enough for them to vote for this year."

I refer to this, why? Merely to show that the record furnishes a valid and sufficient explanation why ballots were scratched, and why it was to be expected that ballots would be scratched, in the precincts which have been rejected by the report of the committee. This explanation supports the bona fides of the scratched ballots.

I have already called the attention of the House to the fact that while the rejection of entire returns may be tolerable in theory, it is often most unhappy, and productive of injustice in application. The innocent and the guilty suffer alike for the wrongdoing of others. We are not concerned so much in this case with Mr. Dyer, or Mr. Gill, as we are concerned to do justice. If the state of the record is such, that it is insufficient for a just conclusion, then we should exercise the power afforded by law, to secure the evidence which will enable us to arrive at the very right of the controversy.

Mr. WEBB. Will the gentleman yield?

Mr. SAUNDERS. I do not like to yield at this point. I have very little time.

Mr. WEBB. I am in sympathy with the gentleman's argument, but I wanted to ask him a question about precinct 17.

Mr. SAUNDERS. I intend to discuss precinct 17, in the progress of my remarks, and point out the weakness of so much of the report as relates to this particular precinct.

While it is perfectly true as a matter of law, that upon a proper state of facts a committee may reject the returns of a poll, and while it is further true that the committee was justified in rejecting the returns from at least six of the seven precincts rejected, yet it does not follow as a universal proposition that when you reject a return, you are justified in seating the candidate who has the majority in the remaining precincts.

Many years ago at a time when election committees were far more partisan than they are to-day, this House decided an election contest from South Carolina. The entire poll of the city of Charleston was rejected by the committee, and that rejection was sustained by the House. With Charleston rejected, the contestant had a clear majority in the other precincts of the district. Was the contestant seated? Not at all. The committee concluded, and very properly, that while the evidence of fraud and wrongdoing at Charleston was so overwhelming that no value could be attached to the returns, they could not determine what proportion of the undoubted legal vote of the city had been cast respectively for the contestant, and the contestee. Hence they could not determine whether on the whole, the contestant, or the contestee, received a majority of the legal vote of the district. This being so, the House unseated the contestee, but did not seat the contestant. The seat was declared vacant. See the case of Buttz v. Mackay (12 H., p. 163), the syllabus of which is as follows: Gross frauds perpetrated in such a way as to show connivance of election officers, caused the rejection of the returns of all the precincts of a city. One-third of the votes of a district being rejected, the House did not seat contestant, but declared the seat vacant.

The principle upon which this was done is manifest. The committee being unable to determine how many of the votes cast in Charleston which were legal, were cast for the contestant, and how many for the contestee, was not justified, in that state of uncertainty in declaring that the contestant had received a majority of the legal votes. A report seating him, would have been tantamount to such a declaration.

There are many precedents to the above effect, and many to the contrary. As I have said, you can prove anything by the precedents in election cases.

Is there a Member of this House who has listened to the arguments for the majority and minority reports, who has any doubt that many of the votes in the rejected polls, were honestly cast for Gill? Have you any doubt that many of the votes at these precincts were honestly cast for Dyer? Have you any doubt that many of the ballots in the rejected precincts were scratched either by the voter, or by the judge in conformity with the direction of the voter, and were therefore honest votes, representing the choice of those voters, in the exercise of free volition?

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. McKENZIE. Mr. Speaker, does the gentleman want more time?

Mr. SAUNDERS. I would like to have a few minutes more time.

Mr. McKENZIE. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. SAUNDERS. When you reject these polls bodily, what happens?

Mr. OGLESBY. Mr. Speaker, will the gentleman yield?

Mr. SAUNDERS. Yes.

Mr. OGLESBY. For a question for information. In the judgment of the gentleman, would it have been possible to ascertain by investigation what proportion of those votes and which of those votes which were scratched were scratched by

Metz	Patten, N. Y.	Smith, Md.	Thompson, Okla.
Mondell	Peters, Me.	Smith, J. M. C.	Treadway
Montague	Peters, Mass.	Smith, Saml. W.	Tribble
Moon	Phelan	Smith, Minn.	Tuttle
Morgan, La.	Porter	Smith, N. Y.	Vaughan
Morin	Pou	Smith, Tex.	Vollmer
Moss, Ind.	Powers	Stanley	Walker
Moss, W. Va.	Reed	Stedman	Wallin
Murdock	Reilly, Conn.	Stephens, Nebr.	Walsh
Murray, Mass.	Riordan	Stephens, Tex	Whitacre
Neeley, Kans.	Roberts, Mass.	Stevens, N. H.	White
Neely, W. Va.	Sabath	Stringer	Willis
Norton	Scully	Talbott, Md.	Wilson, Fla.
O'Brien	Shackleford	Taylor, Ala.	Wilson, N. Y.
O'Leary	Sharp	Taylor, Colo.	Winslow
O'Shaunessy	Sherley	Taylor, N. Y.	Woods
Paige, Mass.	Sherwood	Thacher	Young, N. Dak.
Parker	Slayden	Thomas	Young, Tex.

The SPEAKER. On this vote 233 Members, a quorum, have answered to their names.

Mr. FOSTER. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

CHANGE OF REFERENCE.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to rerefer H. R. 13825 to the Committee on Claims, by direction of the Committee on Public Lands. It undoubtedly belongs to that committee.

The SPEAKER. Where is it now?

Mr. FERRIS. It is before the Public Lands Committee.

The SPEAKER. Is it a public bill or a private bill?

Mr. FERRIS. It is a private bill.

The SPEAKER. It is not necessary to have unanimous consent to do that.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, had agreed to the conference asked for by the House, and had appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN as the conferees on the part of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, be taken from the Speaker's table, the Senate amendments disagreed to, and a conference asked for.

The SPEAKER. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to have the Diplomatic and Consular appropriation bill taken from the Speaker's table, to disagree to all Senate amendments, and ask for a conference. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Chair announces the following conferees: Mr. FLOOD of Virginia, Mr. SHARP, and Mr. COOPER.

CONTESTED ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, Mr. Michael J. Gill, the contestant, has submitted a request to the Committee on Elections which I now convey to this House. He desires to be heard, and I yield to him five minutes, if it be in order.

Mr. MANN. The gentleman from Iowa [Mr. SCOTT] had the floor a moment ago.

The SPEAKER. The gentleman from Iowa had the floor when the point of order was made. The Chair recognizes the gentleman from Iowa.

Mr. MANN. There will be no objection to the request of Mr. Gill.

Mr. GOLDFOGLE. Mr. Speaker, I understand the gentleman from Illinois to say he has no objection to hearing Mr. Gill.

The SPEAKER. It does not make any difference whether anybody makes any objection, the gentleman has a right to make a speech.

Mr. SCOTT. I am perfectly willing to yield.

The SPEAKER. The gentleman from Iowa is recognized for 15 minutes.

Mr. SCOTT. Mr. Speaker, I have not the honor to be a member of the Committee on Elections, and profess no intimate familiarity with the testimony which has been taken in this case. However, when the reports of the majority and minority were laid upon my desk I took occasion to examine them somewhat carefully and to ascertain, if possible, just what questions were to be submitted to this House. I was struck somewhat with the peculiarity of the minority report, and I was interested in the discussion of the gentleman from Virginia [Mr. WATSON] yesterday afternoon when he commented upon its form. It seems to me that the correct solution of the question that is presented to this House by the minority report does not require an intimate familiarity with the evidence that has been taken. It seems to me that a great deal has been said in debate here that goes wide of the real question that is to be submitted to this House, and that is whether or not the contestee is entitled to have his request respected for permission to take testimony.

In the report of the majority it is shown conclusively that Mr. Dyer had 349 plurality over Mr. Gill, so on the face of the returns, if the returns are to be respected, there is no question as to his title to his seat. The majority undertake, however, to overcome that conceded plurality by the invocation of a principle of law. They say that because, at the close of all the evidence, they are justified in drawing the inference that the judges and clerks of election were guilty of fraud and conspiracy. Under the law the burden of proof in this case shifts to the contestee, and he is obligated to show that, notwithstanding that fraud and conspiracy, there were sufficient votes cast at the election in 1912 to elect him over Mr. Gill. Now, that presents a very interesting legal question, a question of the burden of proof in this case, and this case should be determined upon the question of the burden of proof. If the burden of proof rests upon the contestant in this case from the beginning to end, then it is clear that Mr. Dyer is entitled to his seat.

If the burden of proof has shifted and rests upon Mr. Dyer to go out into the fifth ward and bring in the voters to show that a majority of all the voters of that district voted for him, then there may be some question as to his right to a seat on this floor. One of the fundamental principles of the common-law practice, and that practice is made applicable by the statute of the United States to the case which we are considering to-day, is that when fraud or conspiracy is relied upon it must be laid forth in the pleadings specifically and particularly. One of the other fundamental principles of legal procedure is that the burden of proof in a trial rests upon the contestant, or the plaintiff, and that it never shifts except in response to an issue tendered by the pleadings. Therefore if we are to observe legal procedure, under the law of the land which protects Mr. Gill's title, we must hold that the contestant in this case bear the burden which the law places upon him.

Now, when those matters had occurred to me, it seemed to me logical, it seemed to be necessary, that I first turn to see what issue had been tendered in this case by the contestant, and I turned to the notice of contest; I turned to that pleading required by the statutes of the United States to set forth the ground particularly and specifically upon which the contestant relies, because here was a case where fraud and conspiracy upon the part of the judges of election were relied upon for the purpose of nullifying the solemn returns of that body and casting the burden of proof upon Mr. Dyer. I was astonished when I examined that notice to find that neither the word "fraud" nor the word "conspiracy" could be found anywhere within its four corners. I was astonished to see that nowhere within that entire instrument was there a single charge made against either the judges or the clerks of election. I was astonished to realize that no such issue was presented in the pleadings as the contestant now assumes to stand upon; but that notice, that pleading, drawn and filed by the contestant, fastened the burden of proof by its very terms upon him from the beginning to the end of this case. And that burden can not shift under the law until he, after discovering the fraud and conspiracy, applies to the committee or to the House for leave to amend.

Mr. POST. Will the gentleman yield?

The SPEAKER. Will the gentleman from Iowa [Mr. SCOTT] yield to the gentleman from Ohio?

Mr. SCOTT. Not now. When he has done that, then the tribunal before which he appears fixes the terms, and the terms are fixed in such a way as will do justice to both parties. Then the contestee will not be out of his right to meet the prima facie case that is to be made in response to the new issue that is to be tendered. Because when that amendment is made, when the specific charge of fraud or conspiracy on the part of the judges of election is tendered, the contestee must be ready to go out into the wards among the electors and bring them in to meet the prima facie case made. Because under that rule of law the contestant only has to make a prima facie case, and he may do it with one or two witnesses, and then sit back and rest and say to the contestee, "Now the burden is upon you; go forth and get your testimony."

Now, the very reason that lies behind these rules of procedure to which I have referred is that that can not justly be done after all the evidence is closed, after the day has passed when the contestee has his opportunity to meet that new issue. When that notice was filed they failed to charge fraud and conspiracy upon the part of the judges of election. And I want to make the point here that there is a distinction between the charge of fraud made against an outsider which never shifts the burden of proof and a charge of fraud against the election officials. It is only when you attack the integrity of the tribunal that the burden of proof is shifted. Now, that was not done. Here is the condition which confronts this House: A contestant comes in at the close of all the evidence—and mark the statement of the learned chairman of the committee yesterday as he stood upon the floor when he said only after a most careful examination of all the evidence did they come to that conclusion, referring to the question of fraud and conspiracy upon the part of the judges of election. Only, then, after all the testimony was taken did they come to that conclusion. Then was the first time that they undertook to shift the burden of proof to Mr. Dyer. Then was the first notice he had officially upon this record that he was required to go out into the wards and subpœna all those voters, because upon the pleading adopted and filed in this case by the contestant he proclaimed the burden of proof assumed by himself throughout the entire trial. The precedents in this House make clear the distinction between illegality, unlawful action, and fraud upon the part of judges of election. The mere plea of illegality, illegal votes, illegal or erroneous counting, does not shift the burden of proof. You must by an allegation of direct moral turpitude attack the integrity of the tribunal, and that even yet has not been done. There was but one way, I say, that the contestant could do that, and it was at the time when he first discovered the fraud and the conspiracy, if there was such, upon the part of the judges of election, and that was to apply for leave to amend and ask the terms to be fixed.

But if we are to respect the recommendation of the majority of the committee in this case, we must at the end of the trial shift the burden of proof, nunc pro tunc, as we say, giving no opportunity to Mr. Dyer to meet the charge. Under these circumstances there seems to me but one of two courses which this House should pursue—either seat Mr. Dyer directly or grant his request to take more evidence.

Mr. BOOHER. The minority of the committee do not ask that Mr. Dyer be seated?

Mr. SCOTT. The act of the committee does not control the discretion of this House. If the contestant was not able to make a case under the law, it is the duty of this House to seat him, unless in the exercise of our full discretion the House may see fit to grant further time to take testimony.

Mr. BOOHER. Is not the fact reasonably deducible from the report of the minority of this committee that the minority of the committee found there was fraud committed there, and they want an opportunity to go there and prove it was not sufficient to unseat the contestee? Is not that the object of the minority of the committee?

Mr. SCOTT. It may be there was fraud, but the point I make is that Mr. Dyer has the legal right and opportunity to go forth and get the testimony and disprove that fraud, if it was fraud, or show that it did not operate to change the result of the election.

Mr. BOOHER. Why did not the contestee in this case make this proof in the year and three months in which he had the opportunity to do it?

Mr. SCOTT. Because the contestant laid down the pleading which would govern the rule of conduct of this House whereby he assumed the burden of proof, and all that. [Applause on the Republican side.]

Mr. BOOHER. Now, upon that proposition the committee disagreed with the gentleman from Iowa, and I agree with the committee. That is the difference.

Mr. SCOTT. That is a matter upon which each individual Member of this House must entertain his own opinion.

Mr. BOOHER. Certainly; I agree with the gentleman on that.

Mr. SCOTT. But I simply state my views, my understanding of the law in this case, after a brief investigation of two or three days' time, hoping, if I am right, that the membership of this House may accept whatever statement which I may make that appeals to them.

I yield back the balance of my time.

Mr. GOLDFOGLE. Mr. Speaker, I ask leave to yield five minutes to the contestant in this case, Mr. Gill.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] asks leave to yield five minutes to the contestant in this case. Without objection, the contestant, Mr. Gill, is recognized for five minutes.

There was no objection.

Mr. GILL. Mr. Speaker and gentlemen of the House of Representatives of the United States, I did not care to say a word upon this question, but have concluded, after the remarks of yesterday, that it would be advisable that I do so. I have always been willing to leave the question with the high-minded men who had the contest under consideration. I was willing to let those men render a verdict and pass it up to you men, that you might put it to the test of your reasoning—your best reasoning—and form an intelligent conclusion, and whatever that conclusion should be I would accept it as a good American citizen. [Applause.]

I have stayed off the floor of this House; I have not bothered the Members on that side at all; not a one of you. I have appealed to very few of you on this side. I am willing that the question should be settled upon its merits. I do not believe in abuse. Abuse gets nobody anything in this world. My attorneys, as high-class men as God ever put life into, were accused yesterday on the floor of this House by the contestee, or at least he intimated that they were the ones that tampered with the ballots in this case. What a pity. The election commissioners in St. Louis are a body of men composed of Democrats and Republicans, and their employees are also equally divided; and I say to you gentlemen here this morning that nobody was permitted to touch those ballots excepting those employees and the commissioners themselves.

Now, there is a question about my votes. I say this to you, paraphrasing the language of Robert Emmet when he appealed to his judges, if the souls of the faithful departed have anything in common with those in this transitory life, then I ask you, my beloved mother, who has long since gone to the world beyond, to appeal to Almighty God to look down in my heart and there, if there ever was a thought in my mind that deviated from the principles of Democracy or ever supported a Republican for office I hope it will exhibit itself here on my face, so that you men on the Democratic side will be not deceived. [Applause.]

It is true you will find in the record that I said I scratched a few Democrats. The question was put to me bluntly and quickly, and I knew I had scratched, but I did not know whom; but after thought I find that there were four or five men running for the United States Senatorship on the Democratic ticket, and in order to make that ballot legal it was necessary for me to scratch about four of them.

Mr. RUCKER. And vote for one?

Mr. GILL. Yes; and vote for one. So that if you find it in the record that I scratched a Democrat, that is what I had in mind when I said so.

Another thing I want to say to you here this morning: Emphasis was put upon the fact that the postmaster in the city of St. Louis, appointed by the President of the United States, had told me so-and-so, and that I was guilty, and that he was going to vote against me. I ask you men to take this statement, that the postmaster in the city of St. Louis never testified in this case, and he never told me any such a thing as the contestee remarked yesterday; never.

There are men in this House who have known me for 25 years, and I have been a consistent, honest, hard-working Democrat, and never took a dollar in my life for the effort I put forth. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired. If nobody wants to speak——

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois [Mr. MCKENZIE] use some time now?

Mr. MCKENZIE. I yield 20 minutes, Mr. Speaker, to the gentleman from Virginia [Mr. SAUNDERS].

The SPEAKER. The gentleman from Virginia [Mr. SAUNDERS] is recognized for 20 minutes.

Mr. SAUNDERS. Mr. Speaker, I am always oppressed with a feeling of dissatisfaction, when confronted with an election case, and required to render a decision upon the merits, without adequate opportunity of investigation. We should deal with these cases as judges, not as partisans. What judge, what supreme court, would determine a case upon the argument of counsel, without any inquiry on its part into the facts contained in the record, or the questions of law presented in the briefs of counsel? And yet that is practically what we are compelled to do with respect to these election controversies. They are investigated in the first instance by committees of the House, who dig into the law, and make their explorations into the testimony. The members of these committees often reach different conclusions, and later they come before us, and present these conclusions in oral arguments. We follow these argu-

from Nevada [Mr. NEWLANDS] and vote "nay."

Secretary will call the roll of absentees.

21, 1914.

2, 1914.

MISSOURI.

Robert W. Corum to be postmaster at Boonville, Mo., in place of Edward J. Garthoffner. Incumbent's commission expired June 10, 1914.

John W. Davis to be postmaster at Platte City, Mo., in place of William T. Clements. Incumbent's commission expired April 15, 1914.

J. J. Thom to be postmaster at Neosho, Mo., in place of Alexander F. Karbe. Incumbent's commission expired June 6, 1914.

NEBRASKA.

Fred W. Matthews to be postmaster at Rising City, Nebr., in place of Truman A. Robey, resigned.

J. S. Myers to be postmaster at Grant, Nebr., in place of Ezra C. Hoffman. Incumbent's commission expired January 11, 1914.

John H. O'Kane to be postmaster at Gothenburg, Nebr., in place of Henry C. Booker. Incumbent's commission expired April 6, 1914.

NEW JERSEY.

William B. Loudenslager to be postmaster at Atlantic City, N. J., in place of Harvey Thomas, resigned.

NEW MEXICO.

Jesse L. Turner to be postmaster at Santa Rita, N. Mex., in place of Walter P. Wilkinson, resigned.

NEW YORK.

James O. Murphy to be postmaster at Orchard Park, N. Y. Office became presidential October 1, 1912.

Cyrus Tompkins to be postmaster at Hopewell Junction, N. Y., in place of J. W. Van Tassell, deceased.

NORTH CAROLINA.

O. F. Crowson to be postmaster at Burlington, N. C., in place of Finley L. Williamson, resigned.

J. Otho Lunsford to be postmaster at Durham, N. C., in place of Jesse A. Giles. Incumbent's commission expired May 17, 1914.

OKLAHOMA.

John H. Anderson to be postmaster at Snyder, Okla., in place of W. M. Allison. Incumbent's commission expires June 21, 1914.

J. P. McLarty to be postmaster at Wilburton, Okla., in place of Logan G. Hysmith. Incumbent's commission expired May 31, 1914.

OREGON.

T. J. Tweedy to be postmaster at Pendleton, Oreg., in place of James T. Brown, resigned.

Charles N. Walt to be postmaster at Canby, Oreg., in place of Adam H. Knight, resigned.

PENNSYLVANIA.

Jacob T. Born to be postmaster at Wilmerding, Pa., in place of Harry D. Patch. Incumbent's commission expired March 30, 1914.

M. E. Brown to be postmaster at Blairsville, Pa., in place of Edgar J. Graff. Incumbent's commission expired April 20, 1914.

Thomas P. Delaney to be postmaster at Castle Shannon, Pa. Office became presidential April 1, 1914.

B. N. De France to be postmaster at Ellwood City, Pa., in place of James E. Butler, deceased.

John M. Graham to be postmaster at Volant, Pa., in place of Frank B. Moorhead. Incumbent's commission expired January 10, 1914.

Robert M. Foster to be postmaster at State College, Pa., in place of Philip D. Foster. Incumbent's commission expired February 16, 1914.

William H. Hartman to be postmaster at Bentleyville, Pa., in place of Loretta N. Young. Incumbent's commission expires June 21, 1914.

Daniel P. Johnson to be postmaster at Lansford, Pa., in place of Nathan Tanner. Incumbent's commission expired March 5, 1914.

Charles E. Knecht to be postmaster at Nazareth, Pa., in place of Oscar D. Schaeffer, removed.

Thomas P. Logan to be postmaster at Midland, Pa., in place of John W. Ramsey, removed.

Blake W. McCracken to be postmaster at Mahaffey, Pa., in place of William W. McQuown, resigned.

Joseph A. McLain to be postmaster at Fredericktown, Pa. Office became presidential January 1, 1914.

Thomas S. Moreland to be postmaster at Jamestown, Pa., in place of John D. Dennison. Incumbent's commission expired March 22, 1914.

M. D. Salyards to be postmaster at Pitcairn, Pa., in place of Alexander C. Evans. Incumbent's commission expired March 8, 1914.

Karl Smith to be postmaster at Sharpsville, Pa., in place of Frederick H. Bartleson. Incumbent's commission expired March 22, 1914.

John A. Stief to be postmaster at Ashland, Pa., in place of Mary C. Patterson. Incumbent's commission expired May 19, 1914.

William V. Wirtz to be postmaster at Albion, Pa., in place of Harley J. Barns. Incumbent's commission expired February 25, 1914.

John M. Zimmerman to be postmaster at Greensburg, Pa., in place of R. A. Fulton Lyon. Incumbent's commission expired April 29, 1914.

TENNESSEE.

E. F. Allen to be postmaster at Ashland City, Tenn., in place of William J. Shivers. Incumbent's commission expired April 4, 1914.

TEXAS.

W. F. Juliff to be postmaster at Granbury, Tex., in place of Henry Zweifel. Incumbent's commission expires June 20, 1914.

WYOMING.

J. S. Van Doren to be postmaster at Casper, Wyo., in place of Lizzie McDonald, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 19, 1914.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

WILLIAM G. SHARP to be ambassador extraordinary and plenipotentiary to France.

SURVEYOR GENERAL.

John B. McGauran to be surveyor general of Colorado.

UNITED STATES MARSHAL.

E. R. Moore, United States marshal, northern district of Iowa.

POSTMASTERS.

ILLINOIS.

Edward Coryn, Moline.

MAINE.

Charles M. Richardson, Waterville.

NEW MEXICO.

W. S. Gilliam, Mesilla Park.
Ella B. Taylor, Aztec.

NEW YORK.

J. Frank Dimon, Riverhead.
Minnie C. Fellows, Scarsdale.
Peter Marcinkowski, jr., Wallkill.
Bessie Sullivan, Lisbon.

REJECTION.

Executive nomination rejected June 19, 1914.

James A. Lawson to be postmaster at Danville, Va.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 19, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art the center from whom all pure conceptions, worthy thoughts, and kindly deeds flow, so move our hearts that with clearer vision, holier intent and purpose, we may move forward unperturbed. For if Thou art with us, who can be against us? Thus may we think Thy thoughts and act in consonance with Thy purposes, that Thy will may be done in us to the good of all mankind. In Christ Jesus, our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONTESTED-ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, I call up the privileged report on the contested-election case of Michael J. Gill against L. C. Dyer.

Mr. DUPRÉ. Mr. Speaker, I desire to submit a request for unanimous consent. My colleague, the gentleman from Louisiana [Mr. MORGAN], is a member of the Committee on Elections

No. 3, which considered the Gill-Dyer case. He has been called home, and before leaving he prepared some remarks, which he asked me to have incorporated in the RECORD. I ask unanimous consent that he may be permitted to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Louisiana [Mr. DUPRÉ] asks unanimous consent that he may have printed in the RECORD some remarks prepared by his colleague, the gentleman from Louisiana [Mr. MORGAN], on the Gill-Dyer case. Is there objection?

There was no objection.

Mr. GOLDFOGLE. Mr. Speaker, I now yield five minutes more to the gentleman from Pennsylvania [Mr. RUPLEY].

Mr. RUPLEY. Mr. Speaker, last evening the House adjourned when I was in the midst of the recital of the fraud alleged in the second precinct of the fifth ward, and I had reached No. 5 allegation of fraud in the second precinct, where the judges and the clerks returned 199 votes for Mr. Dyer and 5 for Mr. Gill; and in this precinct, when the ballots were examined on the recount, it was found that Mr. Dyer had received only 106 votes while Mr. Gill had received 73. Judge Bishop's ballot, which was straight Democratic, was not found in the box when the recount was made. (Record, pp. 75, 1926, 333, 348.)

Eichholz, a voter, testified that he wanted to vote the straight Democratic ticket, and repeatedly called for one, but that one of the judges interfered. He refused, however, to scratch Gill's name. When his ballot, 173, was examined on the recount Gill's name was scratched and Dyer's written in.

Mr. Speaker, it is impossible of performance for this committee to go to St. Louis or for the contestee to bring before this committee the electors who voted those ballots, notwithstanding the ballots can be identified. The testimony in this case, from beginning to end, shows that when the witnesses were called and the ballots corresponding with the ballots they cast disclosed by reference to the rolls of the election officer shown them, they would examine the ballot and reply, "I am not certain this is my ballot." Under the election laws of the State of Missouri it is not a difficult trick to substitute for the legal ballot an illegal ballot and give it the same number. These electors in their testimony again and again said, "This ballot contains Mr. Gill's name scratched and Mr. Dyer's name written in; we voted the straight Democratic ballot." I challenge the contestee to carry out what he offers by the report of the minority and the resolution they have framed; and it should be remembered that this contestee from the very day of the filing of the notice of contest had notice of the fraud alleged, and upon the recount taken within a few months after the election also had notice that the election officers had tampered with the ballots and made a fraudulent return. From that time until Mr. [illegible] when he asked this committee to make a virtual recount of the ballots, the contestee knew of the character, quantity, and quality of the fraud alleged, and now, at this late day, when the passage of this minority resolution will result in the contestee filling the full term of his office, the minority on the committee asks that we agree to a resolution which, in the judgment of your committee, on a 7 to 2 vote, will accomplish nothing.

Precinct No. 4 returned—132 Dyer, 49 Gill; recount, Dyer 110, Gill 68. Precinct No. 5 returned—186 Dyer, 23 Gill; recount shows, Dyer 148, Gill 51. Ninth precinct returned—183 Dyer, 3 Gill; recount, Dyer 149, Gill 14. Fourteenth precinct returned—148 Dyer, 68 Gill; recount gives, Dyer 128 and Gill 71. The committee also set aside precinct No. 3, where the returns were—67 Dyer and 49 Gill; recount shows, Dyer 72 and Gill 82. In rejecting these precincts Mr. Dyer loses his plurality of 340 votes and Mr. Gill gains a plurality of 67 votes. Precinct No. 7 should have been set aside for the following reasons:

First. All the judges and clerks voted for Mr. Dyer.

Second. Fourteen ballots not returned.

Third. Ballots scratched and Dyer written in in same handwriting, affecting 72 Democrat ballots as scratched against Gill.

As Mr. Dyer received the vote of this precinct and Mr. Gill's plurality was 67, it should have been increased 144, making a total plurality of 221. The condition in the seventh precinct is found in all precincts in this ward, except the sixth and twelfth, and your committee could have reached this same decision through all the precincts, to a greater or less degree, thus increasing Mr. Gill's plurality by many hundred votes.

This action is taken in accord with well-established principles and precedents, to wit:

When the result in any precinct has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents, as well as the evident requirements of truth, not only sanction but call for the rejection of the entire poll when stamped with the characteristics here shown. Washburn v. Vorhees (2 Bartlett Cont. Cases, 581).

And the same principle in this case you find decide in Dodge v. Brooks, Thirty-ninth Congress (2 Bart., 78 Rowell's Dig., 203); Finley v. Walls, in Forty-fourth Congress (Smith, 389; Rowell's Dig., 711), wherein the law is clearly stated:

Where fraud is proved to have been committed by the officers of an election no reliance can be placed upon any of their acts, and their return must be rejected as wholly unreliable. The party claiming under the election must prove the actual vote in some other way.

In Bisbee v. Finley in the Forty-seventh Congress (Rowell's Digest, 716), it was held that—

Any considerable number of votes proved for one candidate in excess of the number returned for him has always been regarded as evidence of fraud and a legitimate method of impeaching the return.

Also Aldrich v. Robbins, Fifty-fourth Congress (Rowell's Digest, 718), Aldrich and Underwood in same Congress, Wise v. Young, Fifty-fifth Congress (Hinds' Precedents, 650), and other cases.

Cases relied upon in the minority report are all along the line where evidence of fraud is not sufficient to overthrow returns. Contestant charged in this case that in a large number of precincts ballots cast for him were fraudulently counted by election officers for contestee. This charge the committee found to be correct, but in many precincts not sufficient to overthrow the returns. In Walker against Rhea in the Fifty-sixth Congress the committee reported frauds and irregular practices in interest of the contestee, but that they fell short of being sufficient to change the result.

This is also found true of a Virginia case in the Fifty-seventh Congress, which case is very similar to Gill against Dyer which shows colossal fraud in nearly all of the 17 precincts of the fifth ward, fraudulent returns, scratched ballots, willful and deliberate participation in these frauds by election officers, assistance to voters in marking ballots, voting without oath as to illiteracy as required by Missouri law, leaving ballot box unguarded, ejecting watchers from polling places, signing the election returns before the vote was counted and polls closed, filling in vote without its being verified with the count, one election officer marking more than 50 ballots for electors, and so forth. In other words, plain fraud was rampant inside the voting places in the fifth ward of the twelfth congressional district of Missouri in 1912, the place where a candidate's rights are supposed to be safeguarded.

Your committee by a 9 to 2 vote declared after a careful and deliberate examination of this case and under their oaths of office that Hon. L. C. Dyer was not elected to a seat in the American Congress from the twelfth Missouri district, and that Michael J. Gill was elected and should be given his seat.

Mr. McKENZIE. Mr. Speaker, I yield 15 minutes to the gentleman from Iowa [Mr. SCOTT].

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. FOSTER. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Cary	Garrett, Tenn.	Johnson, S. C.
Aiken	Candy	George	Jones
Alney	Connolly, Iowa	Gerry	Keister
Anderson	Conry	Gillett	Kennedy, Conn.
Ansberry	Cooper	Girdins	Kennedy, R. I.
Anthony	Copley	Glass	Kindel
Ashbrook	Covington	Good	Kinkead, N. J.
Ayis	Crisp	Gordon	Kitchin
Bailey	Curry	Gorman	Knowland, J. R.
Barchfeld	Dale	Goulden	Konop
Barnhart	Danforth	Graham, Pa.	Korbly
Bell, Ga.	Davenport	Greene, Vt.	Kreider
Borland	Davis	Gregg	Lafferty
Bradley	Decker	Griest	Langham
Brown, N. Y.	Deitrick	Griffin	Langley
Browne, Wis.	Dies	Gudger	Lee, Ga.
Browning	Diffenderffer	Guernsey	L'Engle
Bruckner	Doolling	Hamill	Levy
Brumbaugh	Driscoll	Hamilton, N. Y.	Lewis, Pa.
Bulkley	Dunn	Hardwick	Lieb
Burke, Pa.	Dupré	Harrison	Lindquist
Butler	Eagle	Hart	Linthicum
Byrnes, S. C.	Edmonds	Haugen	Loft
Byrns, Tenn.	Fairchild	Helm	McAndrews
Calder	Fess	Henry	McDermott
Callaway	Fields	Hinds	McGuire, Okla.
Candler, Miss.	Finley	Hobson	MacDonald
Cantor	Fitzgerald	Hoxworth	Madden
Cantrill	Fordney	Hughes, W. Va.	Mahan
Carew	Frear	Hollings	Manahan
Carlin	Gallivan	Humphrey, Wash.	Martin
Carter	Gardner	Humphreys, Miss.	Merritt

Mr. OWEN. It is limited to cases under $100.

Mr. PAGE. Mr. President, it seems to me that the last proviso, commencing on line 6, page 79, and continuing down to line 16, is not good legislation. I think it is legislation that is open to a point of order.

Mr. OWEN. If the Senator objects to that part, he might move to amend the amendment by striking out that portion, and there will be no objection made, so far as the Senators from Oklahoma are concerned.

Mr. PAGE. Then I move to strike out that portion of the amendment just read included between line 7, on page 79, after the word "appointed," down to and including the word "Interior," in line 16.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 79 in the committee amendment strike out the additional proviso beginning in line 7 and ending in line 16.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Vermont to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. GORE. Mr. President, recurring to the vote taken a few moments ago on the amendment offered by the senior Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee, I wish to say it was my purpose, before the Chair announced the result, to ask for the yeas and nays in case the amendment to the amendment prevailed. Failing in that, I wish to prefer this request. It is the purpose of the Senate today to adjourn until Monday. I have made my arrangements to leave to-morrow, and I can not be here when the amendment finally comes up in the Senate. There will be a roll call on the amendment in the Senate after the bill has been reported to the Senate. I wish to ask unanimous consent that that yea-and-nay vote may be had now, without waiting until the bill comes into the Senate. If the Senate will grant this request, I will appreciate it.

Mr. VARDAMAN. I doubt if the Senator can do that.

The VICE PRESIDENT. The Chair would be glad to accommodate the Senator from Oklahoma if under any known principle of parliamentary law it could be done, but there does not seem to be any.

Mr. GORE. I am not asking the Chair as a matter of accommodation to do it; I am simply asking unanimous consent, because the only point is whether a yea-and-nay vote shall be taken now or when the bill comes into the Senate. I will state to the Senator from Mississippi that it is the purpose of the Senate to adjourn from to-day until Monday; I have made my arrangements to leave the city, and I can not remain until the amendment is voted on in the Senate. There will be a yea-and-nay vote on the amendment, and I was wondering if the Senate would not consent to take a yea-and-nay vote now rather than wait until the bill is reported to the Senate.

Mr. WILLIAMS. Provided it were not taken again in the Senate?

Mr. GORE. I have no objection to that proviso.

Mr. VARDAMAN. That can not be done until after the bill has been reported to the Senate.

Mr. WILLIAMS. I can not see how it can be done. If it is impossible for me to add that much to the agreement, then it is impossible for me to give unanimous consent.

Mr. ASHURST. I call for the regular order.

Mr. GORE. I move to reconsider the vote by which the amendment was adopted.

The VICE PRESIDENT. That will raise the question. The Senator from Oklahoma moves to reconsider the vote whereby the amendment was agreed to.

Mr. VARDAMAN. I move to lay that motion on the table.

The VICE PRESIDENT. The Senator from Mississippi moves to lay the motion of the Senator from Oklahoma to reconsider on the table.

Mr. OWEN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote.

Mr. CLAPP (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence I would not feel like voting unless my vote should become necessary to make a quorum.

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I inquire whether the Senator from Arkansas [Mr. CLARKE] has voted?

The VICE PRESIDENT. He has not.

Mr. SUTHERLAND. I have a pair with that Senator, which I transfer to the Senator from Ohio [Mr. BURTON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. He is not in the Chamber, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). Making the same announcement with regard to my pair and my transfer that I made upon the last roll call, I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I withhold my vote, because of a pair with the senior Senator from Maryland [Mr. SMITH], who is not present.

Mr. THOMAS. I transfer my pair with the Senator from New York [Mr. ROOT] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Indiana [Mr. KERN], and vote "yea."

The result was announced—yeas 21, nays 19, as follows:

YEAS—21.

Borah	McCumber	Smith, Ariz.	Townsend
Bristow	Martin, Va.	Smoot	Vardaman
Catron	Nelson	Sterling	Williams
Chamberlain	Norris	Sutherland	
Cummins	Ransdell	Swanson	
Lane	Shively	Thornton	

NAYS—19.

Ashurst	Hollis	Page	Stone
Brady	Jones	Robinson	Thomas
Bryan	Martine, N. J.	Shafroth	Thompson
Camden	Myers	Sheppard	White
Gore	Owen	Smith, Ga.	

NOT VOTING—56.

Bankhead	Fletcher	Lippitt	Saulsbury
Brandegee	Gallinger	Lodge	Sherman
Burleigh	Goff	McLean	Shields
Burton	Gronna	Newlands	Simmons
Chilton	Hitchcock	O'Gorman	Smith, Md.
Clapp	Hughes	Oliver	Smith, Mich.
Clark, Wyo.	James	Overman	Smith, S. C.
Clarke, Ark.	Johnson	Penrose	Stephenson
Colt	Kenyon	Perkins	Tillman
Crawford	Kern	Pittman	Walsh
Culberson	La Follette	Poindexter	Warren
Dillingham	Lea, Tenn.	Pomerene	Weeks
du Pont	Lee, Md.	Reed	West
Fall	Lewis	Root	Works

The VICE PRESIDENT. On the question to lay the motion to reconsider on the table, the yeas are 21 and the nays are 19, a quorum not having voted.

Mr. GORE. I move that the Senate adjourn.

Mr. WILLIAMS. Before the Senate adjourns I want to raise a point of order and submit it to the Chair. Before the Senator from Oklahoma [Mr. GORE] made his motion to reconsider the amendment offered by me the amendment had been adopted and the amendment as amended had passed the Senate. The query is whether the Senator can move to reconsider as to my amendment to the amendment without first moving to reconsider the amendment as amended. I do not think he can.

The VICE PRESIDENT. The rules provide that no business can be done except to put the question to adjourn; but the Chair will state, for the information of the Senator from Mississippi, that the motion to reconsider is to reconsider the amendment as amended.

Mr. WILLIAMS. Then I was misinformed.

The VICE PRESIDENT. The question is on the motion to adjourn. [Putting the question.] The noes seem to have it.

Mr. WARREN. I call for a division, Mr. President.

The VICE PRESIDENT. Those in favor of the motion will rise and stand until counted. [A pause.] Those opposed will rise and stand until counted. [A pause.] The motion to adjourn is lost. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Norris	Stone
Borah	Gore	Owen	Swanson
Bristow	Hollis	Page	Thomas
Bryan	Jones	Ransdell	Thompson
Camden	Lane	Robinson	Thornton
Catron	McCumber	Sheppard	Townsend
Chamberlain	Martin, Va.	Shively	Vardaman
Chilton	Martine, N. J.	Smith, Ariz.	Warren
Clapp	Myers	Smith, Ga.	White
Cummins	Nelson	Smoot	

Mr. CHILTON. The Senator from New Mexico [Mr. FALL] is necessarily absent from the session of the Senate.

The VICE PRESIDENT. Thirty-nine Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. SHAFROTH, Mr. STERLING, Mr. TILLMAN, and Mr. WILLIAMS answered to their names when called.

Mr. MARTIN of Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 20, 1914, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 19, 1914.

SECRETARIES OF LEGATIONS.

Sheldon Whitehouse, of New York, now secretary of the legation at Managua, to be secretary of the legation of the United States of America to Greece and Montenegro, vice Frederic Ogden de Billier, appointed secretary of the legation at La Paz.

Cyrus F. Wicker, of New York, now secretary of the legation at Panama, to be secretary of the legation of the United States of America at Managua, Nicaragua, vice Sheldon Whitehouse, nominated to be secretary of the legation to Greece and Montenegro.

CONSULS.

Frank Deedmeyer, of Alabama, now consul at Prague, to be consul of the United States of America at Chemnitz, Germany, vice Thomas H. Norton, resigned.

Wilbur T. Gracey, of California, now consul at Progreso, to be consul of the United States of America at Seville, Spain, vice Charles S. Winans, nominated to be consul at Nuremberg.

Charles K. Moser, of Virginia, now consul at Colombo, to be consul of the United States of America at Harbin, China, vice Southard P. Warner, deceased.

Charles S. Winans, of Michigan, now consul at Seville, to be consul of the United States of America at Nuremberg, Bavaria, vice George N. Ifft, appointed consul at St. Gall.

Henry H. Balch, of Madison, Ala., to be consul of the United States of America at St. Stephen, New Brunswick, Canada, vice Charles A. McCullough, deceased.

George K. Donald, of Mobile, Ala., to be consul of the United States of America at Maracaibo, Venezuela, vice John K. Baxter, resigned.

William L. Jenkins, of Gwynedd, Pa., to be consul of the United States of America at Guadeloupe, West Indies, vice Frank Anderson Henry, appointed consul at Puerto Plata.

George S. Messersmith, of Dover, Del., to be consul of the United States of America at Fort Erie, Ontario, Canada, vice Horace J. Harvey, resigned.

Harry G. Seltzer, of Hamburg, Pa., to be consul of the United States at Breslau, Germany, vice Herman L. Spahr, appointed consul at Montevideo.

CONSULS GENERAL.

Robert P. Skinner, of Ohio, now consul general at Berlin, to be consul general of the United States of America at London, England, vice John L. Griffiths, deceased.

Julius G. Lay, of the District of Columbia, now consul general at Rio de Janeiro, to be consul general of the United States of America at Berlin, Germany, vice Robert P. Skinner, nominated to be consul general at London.

Alfred L. M. Gottschalk, of New York, now consul general at large, to be consul general of the United States of America at Rio de Janeiro, Brazil, vice Julius G. Lay, nominated to be consul general at Berlin.

RECEIVER OF PUBLIC MONEYS.

Albert T. Forse, of Keeler, Cal., to be receiver of public moneys at Independence, Cal., vice Vivian L. Jones, resigned.

POSTMASTERS.

ALABAMA.

C. T. Fitzpatrick to be postmaster at Montgomery, Ala., in place of Joseph P. Dimmick. Incumbent's commission expires June 21, 1914.

John B. Tally, jr., to be postmaster at Scottsboro, Ala., in place of Albert N. Holland. Incumbent's commission expires June 21, 1914.

ARKANSAS.

A. P. Massey to be postmaster at Stamps, Ark., in place of John R. Greenwood. Incumbent's commission expired February 22, 1914.

COLORADO.

Clifford I. Parsons to be postmaster at Central City, Colo., in place of M. K. Sullivan. Incumbent's commission expired April 21, 1914.

C. E. Spicer to be postmaster at Edgewater, Colo., in place of Frank H. Miller, removed.

CONNECTICUT.

Stephen Charters to be postmaster at Ansonia, Conn., in place of Frederick L. Gaylord. Incumbent's commission expired January 17, 1914.

Judson B. Griswold to be postmaster at Ivoryton, Conn., in place of George B. French. Incumbent's commission expired December 20, 1913.

John F. Penders to be postmaster at Meriden, Conn., in place of Henry Dryburst. Incumbent's commission expires June 20, 1914.

Howard F. Spencer to be postmaster at Higganum, Conn., in place of Edward D. Gilbert, deceased.

IDAHO.

E. W. Colton to be postmaster at Malad City, Idaho, in place of Uther Jones, resigned.

ILLINOIS.

Otto Baemeister to be postmaster at Toulon, Ill., in place of Chester B. Claybaugh. Incumbent's commission expired April 29, 1914.

John Coveny to be postmaster at Elizabeth, Ill., in place of William L. McKenzie. Incumbent's commission expired March 28, 1914.

F. O. Grissom to be postmaster at Kinmundy, Ill., in place of John F. Donovan, resigned.

John P. Harvey to be postmaster at Amboy, Ill., in place of George A. Lyman. Incumbent's commission expired April 25, 1914.

J. O. McDowell to be postmaster at Sumner, Ill., in place of John Culbertson, resigned.

Frank G. Pierski to be postmaster at La Salle, Ill., in place of William T. Bedford, resigned.

W. P. Stevens to be postmaster at Richmond, Ill., in place of James V. Aldrich, deceased.

IOWA.

J. H. Pettibone to be postmaster at Burlington, Iowa, in place of William W. Copeland. Incumbent's commission expired April 6, 1914.

KANSAS.

C. P. Fallis to be postmaster at Luray, Kans., in place of J. M. Van Scoyoc, resigned.

Henry R. Honey to be postmaster at Mankato, Kans., in place of E. D. George, removed.

L. E. Waddell to be postmaster at Cottonwood Falls, Kans., in place of June B. Smith. Incumbent's commission expired March 31, 1912.

KENTUCKY.

Robert H. Mayo to be postmaster at Paintsville, Ky., in place of Lloyd Clay. Incumbent's commission expired March 7, 1914.

J. M. Turner to be postmaster at Cadiz, Ky., in place of George P. Thomas, resigned.

MAINE.

F. A. Pitts to be postmaster at Damariscotta, Me., in place of George H. Weeks, deceased.

Charles M. Richardson to be postmaster at Waterville, Me., in place of Perham S. Heald. Incumbent's commission expired June 2, 1914.

MARYLAND.

John H. Blades to be postmaster at Pocomoke City, Md., in place of H. Clay Powell. Incumbent's commission expired May 2, 1914.

MASSACHUSETTS.

William F. Murray to be postmaster at Boston, Mass., in place of Edward C. Mansfield, resigned.

MICHIGAN.

Salem F. Kennedy to be postmaster at Lakeview, Mich., in place of Scott Swartout. Incumbent's commission expired June 13, 1914.

Paul W. Segelstrom to be postmaster at Stambaugh, Mich., in place of John Farley, deceased.

MINNESOTA.

Daniel J. Harrington to be postmaster at Chisholm, Minn., in place of George L. Train. Incumbent's commission expired June 2, 1914.

Patrick McCabe to be postmaster at Proctor, Minn., in place of Cora Wilson. Incumbent's commission expired June 2, 1914.

Charles Reinholdson to be postmaster at Sandstone, Minn., in place of Albert S. Webb. Incumbent's commission expired June 2, 1914.

the representatives of the Choctaws and Chickasaws with their power to prevent action by Congress in distributing this property unless the representatives of the Choctaws and Chickasaws will make further concessions to them.

Respectfully submitted.

P. J. HURLEY,
Attorney for the Choctaw Nation.
RECORD BOND,
Attorney for the Chickasaw Nation.

Mr. ASHURST. Mr. President, I call for a vote on the pending question.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Mississippi to the amendment proposed by the committee.

Mr. SMOOT. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Page	Thomas
Borah	Hollis	Pittman	Thornton
Brady	Jones	Robinson	Tillman
Bristow	Lane	Shafroth	Townsend
Bryan	Lee, Md.	Sheppard	Vardaman
Camden	McCumber	Shively	Warren
Catron	Martin, Va.	Smith, Ariz.	West
Chamberlain	Martine, N. J.	Smith, Md.	White
Clapp	Myers	Smoot	Williams
Clarke, Ark.	Norris	Sterling	
Dillingham	Owen	Swanson	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the junior Senator from North Carolina [Mr. OVERMAN] on official business, and his pair with the senior Senator from California [Mr. PERKINS].

Mr. SHIVELY. I desire to announce the absence of my colleague [Mr. KERN] on important business.

Mr. CHAMBERLAIN. I have been requested to announce that the senior Senator from North Carolina [Mr. SIMMONS] is unavoidably absent on official business, and that he is paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. HOLLIS. I desire to announce that the senior Senator from Maine [Mr. JOHNSON] is necessarily absent, and is paired with the junior Senator from North Dakota [Mr. GRONNA].

The VICE PRESIDENT. Forty-two Senators have answered to their names. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary proceeded to call the names of absent Senators.

Mr. VARDAMAN. Mr. President, as it is quite obvious that we shall not have a quorum before 5 o'clock, I move that the Senate adjourn.

Mr. ASHURST. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WILLIAMS (when his name was called). Repeating the announcement made upon the last roll call of my pair and its transfer, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I have a pair with the senior Senator from New Mexico [Mr. FALL], but under its terms I have a right to vote. I vote "nay."

The result was announced—yeas 2, nays 48, as follows:

YEAS—2.

Bristow Vardaman

NAYS—48.

Ashurst	Gore	Page	Stone
Borah	Hollis	Pittman	Sutherland
Brady	Hughes	Ransdell	Swanson
Bryan	Jones	Robinson	Thomas
Catron	Lane	Shafroth	Thompson
Chamberlain	Lee, Md.	Sheppard	Thornton
Chilton	McCumber	Shively	Tillman
Clapp	Martine, N. J.	Smith, Ariz.	Townsend
Clarke, Ark.	Myers	Smith, Ga.	Warren
Cummins	Nelson	Smith, Md.	West
Dillingham	Norris	Smoot	White
Fletcher	O'Gorman	Sterling	Williams

NOT VOTING—46.

Bankhead	Goff	McLean	Saulsbury
Brandegee	Gronna	Martin, Va.	Sherman
Burleigh	Hitchcock	Newlands	Shields
Burton	James	Oliver	Simmons
Camden	Johnson	Overman	Smith, Mich.
Clark, Wyo.	Kenyon	Owen	Smith, S. C.
Colt	Kern	Penrose	Stephenson
Crawford	La Follette	Perkins	Walsh
Culberson	Lea, Tenn.	Poindexter	Weeks
du Pont	Lewis	Pomerene	Works
Fall	Lippitt	Reed	
Gallinger	Lodge	Root	

So the Senate refused to adjourn.

The VICE PRESIDENT. The roll call having disclosed the presence of a quorum, the question is——

Mr. GORE. Mr. President, I wish to make just one statement in explanation of the judgment referred to by the senior Senator from Mississippi [Mr. WILLIAMS].

In the case of the Choctaw Nation against The United States he referred to the judgment as aggregating $8,000,000. It is true that the gross finding aggregated $8,000,000, but there were countercharges and deductions for expenses of the removal of Indians, and so forth, aggregating $5,000,000. The net judgment was $2,985,000. Of that, $417,000 went to 191 families of Mississippi Choctaws who did not receive lands, but who subsequently removed to the Indian Territory.

Mr. ASHURST. I call for the question.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi [Mr. WILLIAMS] to the amendment of the committee. All in favor of the amendment will say "aye." [After a pause.]

Mr. OWEN. Mr. President, I wish to move to table the amendment to the amendment.

The VICE PRESIDENT. If that is the purpose, the Chair will be compelled to rule that it is too late now.

Mr. OWEN. I do not insist upon it.

The VICE PRESIDENT. All those opposed to the amendment to the amendment will say "no." [After a pause.] The Chair is unable to decide. All in favor of the amendment to the amendment will rise. [After a pause.] Those opposed will rise. [After a pause.] The amendment to the amendment is agreed to. The question now is on agreeing to the amendment of the committee as amended.

Mr. GORE and Mr. OWEN called for the yeas and nays.

Mr. SMOOT. The Senators can not call for the yeas and nays now, after the result of the vote has been announced.

Mr. GORE. Mr. President, we could not have any way of knowing whether we have a quorum or not. I was trying to secure recognition before the result of the vote was announced, but I did not quite succeed in doing so.

The VICE PRESIDENT. The Chair does not believe the yeas and nays can now be called for. There was an opportunity for it and a division. The question is on agreeing to the amendment of the committee as amended.

Mr. ASHURST. Mr. President, before the question is put on the adoption of the amendment as amended I desire to move the following amendment, to be inserted after the last word of the recently adopted amendment to the amendment:

Provided further, That the interest accruing from tribal funds and deposited in the banks in the State of Oklahoma may be used as authorized by the act of March 3, 1911, under the direction of the Secretary of the Interior, to defray the expense of per capita payments authorized by Congress.

Mr. OWEN. Mr. President, reserving the right to raise a point against the amendment, I make no objection at this time.

Mr. ASHURST. I withdraw the amendment to the amendment.

The VICE PRESIDENT. The amendment to the amendment being withdrawn, the question is upon agreeing to the amendment as amended. [Putting the question.] The Chair is of the opinion that the amendment is rejected.

Mr. OWEN. Let us have a rising vote

Mr. NORRIS. I call for the yeas and nays.

Mr. OWEN. I call for a division.

The VICE PRESIDENT. All in favor of the amendment as amended will rise. [After a pause.] Those opposed to the amendment as amended will rise. [After a pause.] There is no doubt that the amendment as amended is agreed to.

Mr. CLAPP. Do I understand that the Chair has announced the adoption of the amendment as amended?

The VICE PRESIDENT. Yes.

Mr. CLAPP. At this juncture I am going to ask the chairman, in behalf of the committee, to offer an amendment on page 32. It appears that there has been a cyclone or tornado at Pipestone, Minn., at which the buildings were badly damaged and two of the pupils were injured. The department asks to strike out, in line 22 of page 32, the words "in all" and the figures "$48,675" and to insert "$6,500 for repairs on buildings and purchase of equipment to replace that destroyed or damaged by tornado on June 10, 1914; in all, $55,175."

Of course there can be no objection to this amendment.

Mr. VARDAMAN. Let the amendment be read. We did not hear it in this part of the Chamber.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 32, under the heading "Minnesota," strike out the words "in all" and the figures "$48,675" and insert "$6,500 for repairs on buildings and purchase of equipment to replace that destroyed or damaged by tornado on June 10, 1914; in all, $55,175."

Mr. TOWNSEND. I understand that the department has called attention to this item?

Mr. CLAPP. Yes; the department has called the attention of the chairman of the committee to it.

Mr. THOMAS. If the buildings have been destroyed by tornado, should not the appropriation of $6,000, in line 21, for general repairs and improvements be stricken out?

Mr. CLAPP. No; that is to cover the general repairs and improvements. The department thinks there should be a general clause appropriating $6,500 for repairs and purchase of equipment without limitation.

Mr. THOMAS. That would make $12,500 in all.

Mr. CLAPP. Exactly; but the item of $6,000 has already been placed in the bill for contemplated repairs.

Mr. THOMAS. For repairs upon buildings that have been destroyed by tornado?

Mr. CLAPP. The department does not know just what buildings were destroyed or the extent of repairs, and asks for $6,500 under the general provision of repairs and purchase of equipment to replace that destroyed or damaged by the tornado. There can be no objection to it, it seems to me.

Mr. THOMAS. It seems that the appropriation now proposed covers something already in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 78, after line 10, to insert:

For the salaries and expenses of not to exceed six oil and gas inspectors, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

Mr. ASHURST. I move to amend the amendment on page 78, line 12, by inserting after the word "inspectors" the words "in addition to those now employed."

The amendment to the amendment was agreed to.

Mr. THOMAS. I think I will make a point of order against the amendment that it is general legislation and is not germane or relevant to the subject matter of the bill.

Mr. ASHURST. I do not wish, of course, to discuss the point of order, but I wish to have read a letter addressed to the chairman of the committee from the honorable Secretary of the Interior urging this amendment and showing the necessity for the same.

The VICE PRESIDENT. That would not settle the question as to whether it is general legislation or not.

Mr. ASHURST. I ask unanimous consent that the letter be inserted in the RECORD.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 7, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR: I am much concerned about the extensive and unnecessary waste of natural gas and the loss in the value of the oil production from the inflow of underground water on the Indian lands and adjacent private lands in the State of Oklahoma, and I am writing to ask attention to these problems in connection with your consideration of the Indian appropriation bill now before your committee.

This department has had three men investigating these subjects during the past year, and their investigations have brought out the following facts:

(1) That there is a constant and unnecessary waste of natural gas from the Indian lands and adjacent private land in the State of Oklahoma, which during the year 1913 is estimated to have reached not less than 200,000,000,000 cubic feet of gas.

That with the average price of natural gas to the consumer in Oklahoma during 1912 about 7.6 cents per 1,000 cubic feet, this means an economic loss to the people of that State during this one year equivalent to not less than $16,000,000, according to reports by the Bureau of Mines. It is estimated that at least 30 per cent of this waste occurred on restricted Indian lands.

(2) That in addition to the waste of natural gas, the oil resources on Indian lands in Oklahoma are being seriously damaged through the inflow of underground water from oil wells penetrating the oil-bearing strata, and which water is not being properly imprisoned within its own strata, and is being allowed to penetrate the oil-bearing strata and to reduce the value of the oil, not only by driving the oil back from the wells, but is further mixing with the oil, so that in the case of pumping wells an increasingly large quantity of water must be brought to the surface in order that the oil may be secured.

This situation as to both oil and gas in Oklahoma not only involves this loss to the Indians, but it is discreditable to our national intelligence.

The Indian Office of the department as now organized has no adequate inspection force with which it can prevent this embarrassing and wasteful situation. To adequately meet this situation in such manner as will both protect the interests of the Indian landowners and also save for the use of the people of Oklahoma these invaluable oil and gas resources, it will require an inspection force of six men, whose combined salaries and expenses will not exceed $25,000 per annum, to bring about this saving of more than one-quarter of a million dollars for the members of the Five Civilized Tribes. The present waste of gas is so inexcusable and is such a serious detriment to the interests of the tribes, as well as to the people of the State of Oklahoma, that I can not too strongly urge that your committee make provision for such an inspection force in the pending Indian appropriation bill.

I am attaching herewith a draft of amendment which will accomplish this purpose. I believe that an adequate inspection force, organized under these provisions, will mean a net saving to the Indians of the Five Civilized Tribes for some years to come of not less than $200,000 per annum, and I believe the good results to come from such an inspection will be of far greater service to the people of Oklahoma and to the country at large in connection with the practical conservation for present-day use of the oil and gas resources of that State.

Cordially, yours,

FRANKLIN K. LANE.

The VICE PRESIDENT. The Chair is of opinion that the point of order is not well taken. It is not general legislation; it has to do exclusively with the lands of the Five Civilized Tribes. On the point of order that it is not germane to the bill the Chair understands the rule to be that that question shall be submitted to the Senate. The question is whether the amendment is germane.

Mr. SUTHERLAND. Let the amendment be read.

The VICE PRESIDENT. The Secretary will read the amendment as amended.

The Secretary read as follows:

For the salaries and expenses of not to exceed six oil and gas inspectors, in addition to those now employed, under the direction of the Secretary of the Interior, to supervise oil and gas mining operations on allotted lands leased by members of the Five Civilized Tribes from which restrictions have not been removed, and to conduct investigations with a view to the prevention of waste, $25,000, to be immediately available.

The VICE PRESIDENT. The question is, Is the amendment germane?

Mr. ASHURST. The question is not debatable, and I do not wish to debate it, but I wish to have the letter from the Secretary of the Interior read.

The VICE PRESIDENT. It must be decided without debate. [Putting the question.] The ayes have it. The Senate decides that the amendment is germane. The question in on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 78, after line 17, to insert:

That in all payments hereafter made by any officer of the United States to heirs of deceased citizens of any of the Five Civilized Tribes in Oklahoma of tribal or other funds, the Commissioner of Indian Affairs, under such rules and regulations as he may prescribe, shall cause to be heard and determined the question of heirship, and the findings so made shall be final and conclusive, and thereupon he may cause to be paid to such persons as may be found to be the heirs of any deceased allottee, under such rules, regulations, and restrictions as he may prescribe, the distributive share to which the allottee would, if living, be entitled: *Provided*, That all payments due deceased allottees may be made to the legally appointed administrator or executor of the estate of such deceased allottee in cases where an executor or administrator has been appointed: *Provided further*, That if no legal guardian is appointed all amounts of $100 or less due living minors may be paid to the natural guardian, and all sums in excess of such amount shall be paid to the legal guardian, but in case no legal guardian is appointed such money may be held or deposited in some solvent National or State bank in Oklahoma for the benefit of such minors. All such deposits and disbursements shall be made in accordance with rules and regulations prescribed by the Commissioner of Indian Affairs and approved by the Secretary of the Interior.

Mr. SUTHERLAND. I should like to ask the chairman of the committee if the amendment contemplates that the Commissioner of Indian Affairs shall exclusively determine the question of heirship.

Mr. ASHURST. In reply to the question propounded by the Senator from Utah I will state that the amendment the Senator will observe carries no appropriation, but is authority to the Commissioner of Indian Affairs to determine questions of heirship as to per capita payments.

Mr. SUTHERLAND. That is a question which is usually determined by the court when it involves citizens of a State.

Mr. OWEN. May I make a suggestion to the Senator from Utah?

Mr. SUTHERLAND. If the Senator will pardon me just a moment, I understand these Indians now have become citizens of the United States, and it seems to me that a question of this character ought to be relegated to the courts.

Mr. OWEN. The reason for the amendment is that some of these per capita payments, as in the case of the Cherokees, are only $15, and to require heirship to be proved up in these small matters would cost more than the amount distributed. It relates to per capita payments; that is all it does relate to; payments made by any officer of the United States to the heirs of deceased citizens of any of the Five Tribes of tribal or other funds. They are distributing these funds from time to time by per capita payments, and if they have to go into court and hire a lawyer and pay him $50 and pay the expenses of probating it will cost more than the amount of the distribution itself.

Mr. SUTHERLAND. I did not follow the reading of the amendment very carefully.

Mr. OWEN. It relates to distribution.

Mr. SUTHERLAND. It is limited to a small amount?

Mr. WILLIAMS. Did they get a red cent?

it was provided that no person claiming to be an Indian should be recognized as an Indian belonging to the Five Tribes unless he had previously to that time moved into the tribe where he claimed citizenship and established bona fide residence. That was obviously necessary for the protection of the Choctaw Indians against tens of thousands of people who had a trace of Indian blood and who would otherwise claim to be Indians in order to enjoy the rights of citizenship. That was the long-debated, well-considered Curtis Act of June 28, 1898. The Mississippi Choctaws had an exception made in their favor, that if they moved before the completion of the final rolls—March 4, 1907—they might nevertheless be entitled to the rights of citizenship. So they had from that time, June 28, 1898, until March 4, 1907, nine years in which to move, but the Indians, for whom this eloquent plea is being made, did not avail themselves of it. It is stated in their behalf that they were poor and did not have the means to remove, but they had nine years at least in which to move, if they wanted to move, and, since they walk from one end of Mississippi to the other without the slightest difficulty, if they were really anxious to go they could just as well have easily walked to Oklahoma without any more trouble.

Mr. CLARKE of Arkansas. And we appropriated $20,000 for the purpose of assisting them in removing.

Mr. OWEN. Yes; the Government appropriated $20,000 to help move them, and many private individuals provided them money in the hope of renting lands from them—in the hope of getting a fee out of them, in all sorts of ways—so that finally there were a good many who moved—nearly 2,000. When the Dawes Commission reported that they were not entitled to enjoy the benefits of citizenship unless they did move, Congress instructed the Dawes Commission to identify the people who had a right to move, and they tried to do so. They went down to Mississippi and found that the Choctaws there had kept no family records; that they had not kept the patronymic names; but each man had a Choctaw name and each woman had a Choctaw name, and these names were so confused that persons who claimed to have the right to be called Mississippi Choctaws and descendants of fourteenth-article claimants could not prove, in the first place, that their fathers were enrolled by Murray & Vroom or by Ward; and they could not prove, in the second place, that they were the lineal descendants of such persons; and the Dawes Commission therefore made their report, and said:

> We find that they can not do this, and therefore we have done the best we could; and we here submit a roll of 1,900 people whom we think are of Indian blood.

That country was full of runners going out and telling the Indians to "come in and be enrolled, because you have got a chance to be admitted to citizenship in the Choctaw Nation, and it is of great value to you." As the Senator from Mississippi says, there were a lot of attorneys urging these people to come forward and be enrolled, and 1,900 of them were enrolled.

Mr. WHITE. The lawyers were trying mainly to enroll them, were they not?

Mr. OWEN. Yes; the lawyers were trying to get fees out of it, and therefore they were strenuously trying to get all these people enrolled.

Mr. WILLIAMS. The report of the Indian Bureau shows that 1,440 were enrolled.

Mr. OWEN. That is wrong, because there were over 1,900. I know better than the alleged report. I know what the true report is. There were over 1,900. The Secretary of the Interior refused to enroll them, however, because he said the report of the Dawes Commission acknowledged on its face that there was no evidence that justified it; that it was only guesswork. They might have been of Creek origin; they might have been of any of the tribes of the Mobile Basin. There are a good many Indian tribes there. They might have been Choctaws, descendants of nineteenth-article Choctaws; they might not have been Choctaws; they might have been Chickasaws. They speak the same language, practically.

So these poor people were in a very weak position. They were not able to furnish the necessary proof, and I sympathized with them; but when the Choctaws and Chickasaws came to make the final agreement of 1902 they said to the United States: "We will agree to waive this legal evidence as to those who are full-blood Indians of Choctaw blood, waive the fact that they may be nineteenth-article claimants and all other doubts, provided they will move within six months and establish bona fide residence in the Choctaw-Chickasaw country." Under sections 41, 42, 43, and 44 of the Choctaw agreement of 1902 there were 1,642 of these Indians recorded as citizens of the Choctaw Nation, and they are now on those rolls and enjoying all the rights of other citizens of the Choctaw Nation, regardless of the fact that they could not prove themselves descendants of the fourteenth-article claimants or that their ancestors had ever been recognized as entitled under the fourteenth article. Murray & Vroom reported 4,100 of these Indians entitled under the fourteenth article, and 4,128 moved west before 1889. The recent list shows 1,642 additional names put upon that roll, making nearly 6,000 of these Indians on the Choctaw rolls west under color of the fourteenth article.

Now, nobody pretends that any Mississippi Choctaw who, after all of this urging from 1830 down to this date of 1907, has refused to remove, or has not removed for any reason, has a legal right to citizenship; but the time has come when it can not be asserted justly, I think, that he has any real moral right, because the Government has been inviting him to remove since 1830, and obviously the promise to the Choctaws and Chickasaws west that they should have a distribution of their lands and of their property and that the money should be paid to them individually can not be carried out until you fix a common denominator. You must know how many people there are to whom this land and property shall be distributed.

The Government, therefore, having authorized the Dawes Commission in 1896, 18 years ago, to make up these rolls, and the Dawes Commission having spent 10 years making the rolls, the Congress of the United States finally, in 1906, passed an act declaring that no one should be put upon these rolls after March 4, 1907. I want to call the attention of the Senate to that law:

Provided, That the rolls of the tribes affected by this act—

That is, the Five Tribes—

> shall be fully completed on or before the 4th day of March, 1907; and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after that date.

It has been claimed that some of these people who had been agitating a claim for citizenship during the preceding 10 years were not given the right of appeal to the Secretary of the Interior at the last minute of March 4, 1907, that they came up too late. To meet that claim the Interior Department made a careful investigation and has reported about three or four hundred people who seemed to be equitably entitled to enrollment. The Oklahoma delegation has requested that those people be enrolled, and a provision has been put upon this bill providing for their enrollment.

Mr. WILLIAMS. I should like to ask the Senator a question there. Does that number embrace the 1,100 and some odd Mississippi Choctaws of whom the Senator spoke, whose claims have been sent up here, who were enrolled by the Dawes Commission, and their enrollment pigeonholed here?

Mr. OWEN. The Senator is confusing the report of the Dawes Commission of 1898, which was presented without evidence, and which was entirely rejected. A large number of people on that rejected list were enrolled afterwards as full-blood Choctaws and are on the rolls and are in Oklahoma now.

Mr. WILLIAMS. The 1,100 to whom the Senator refers?

Mr. OWEN. There is no such roll as the 1,100 roll. The Senator will have to look that up, because there is no such roll.

Mr. WILLIAMS. I read just a moment ago a part of the Senator's brief, in which he mentioned, I think, 1,100.

Mr. OWEN. There were about 1,900 in the schedule of March 10, 1898.

Mr. WILLIAMS. I thought the Senator said, in that brief, 1,100; but whatever the number is, they are not recommended to be put upon the roll now, are they, by the committee?

Mr. OWEN. A large number of them are included in the 1,642 I have just mentioned, who were put on the final rolls of 1907.

Mr. WILLIAMS. Does the Senator remember how many?

Mr. OWEN. I do not remember just the number; I suppose something over a thousand. That is just a broad guess.

Mr. WILLIAMS. I did not know that any were.

Mr. OWEN. Oh, yes; there were large numbers; all of those who were willing to remove and comply with the conditions and who were full bloods.

The question of moral right comes down to this: Have these Mississippi Choctaws, even if they are full-blood Indians, who were unable to prove that they are descendants of the fourteenth-article claimants—because it must be remembered that the descendants from the nineteenth-article claimants of the Mississippi Choctaws are not entitled; it is only the descendants of the fourteenth-article claimants that could by any possibility claim—have persons of the full Choctaw blood who have been invited from 1830 down to 1907 to remove, and who have refused or evaded or not cared to remove, a right now to say that the obligations of the United States, entered into nearly 20 years ago, with the Choctaws and Chickasaws, west, for the distribution of their property, shall not be carried out until they

are put upon the roll? Have they a moral right to make that claim?

I think they have not. I think they have neither a moral right nor a legal right.

I ask permission to print, at the end of my speech, a brief statement on this subject by the attorneys of the Choctaw and Chickasaw Nations, west.

The VICE PRESIDENT. Without objection, the request of the Senator from Oklahoma will be granted.

The matter referred to is as follows:

THE ALLEGED CLAIM OF MISSISSIPPI CHOCTAWS TO CHOCTAW CITIZENSHIP.

A group of attorneys with large contingent fees are pressing the alleged claim of alleged Mississippi Choctaws to citizenship in the Choctaw Nation and vigorously lobbying in their interest.

This case is simple and easy to understand.

Every person entitled as a Mississippi Choctaw has been enrolled by the Dawes Commission, approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and the matter was settled conclusively and finally by act of Congress with the approval of the President of the United States as of March 4, 1907. (Stats., 1907.)

By the treaty of 1830, article 3, the Choctaws agreed to remove to the Choctaw country west. (7 Stat. L., 335.)

By article 14 certain Choctaws reserved for themselves the privilege of becoming citizens of Mississippi without relinquishing the right to remove to the Choctaw Nation west and thereby acquire citizenship in the Choctaw Nation (7 Stat. L., 335.)

The number of the fourteenth article claimants was determined by Murray and Vroom under act of Congress of August 23, 1842. (5 Stats., 513.) They ascertained the number amounted to 1,153 adults, and including their children amounted to 3,885, and 143 families who received patents, making a total of about 4,110 persons. (See H. Doc. 808, 61st Cong., 2d sess.)

The emigration between 1858 and 1855, shown by the muster rolls of emigrating Choctaws in the office of the Commissioner of Indian Affairs, shows that more than 3,400 Choctaws removed to the Indian Territory and that they were paid for the land relinquished by them under the fourteenth article and were paid in the Choctaw Nation west. (See Muster Rolls, Indian Office, by Douglas Cooper, U. S. Indian agent.)

Many of the 700 remaining Choctaws subsequently emigrated, leaving very few, if any, fourteenth-article claimants. Some of the Mississippi Choctaws having gone west and exhausted their right to remove under the fourteenth article, moved back and intermingled with other Indians of Creek, Chickasaw, and of other bloods, so it is no longer possible to tell what the blood is. Some are mixed with negro and white blood.

Up to 1889 the Choctaws west freely admitted to citizenship those whom they knew to be of Choctaw blood and who actually complied with the condition of bona fide residence. On March 4, 1890, Congress sent the Dawes Commission to negotiate agreements for winding up the affairs of the Five Civilized Tribes.

On October 16, 1895, the General Council of the Choctaw Nation passed a general law requiring all persons claiming the right to citizenship in the Choctaw Nation west to file their petitions on or before November 15, 1895, or be forever barred. (Laws of the Choctaw Nation, session 1895 and 1896.) This law was obligatory upon the United States officers subsequently charged with perfecting those rolls under act of Congress June 10, 1896, requiring the Dawes Commission to recognize the tribal law. (See 29 Stat. L., p. 321; see also Eastern Band of Cherokees v. United States, 117 U. S., 288.)

In 1897 Congress passed an act authorizing the purging of the rolls.

In 1898 the Curtis Act was passed, providing for abolishing of tribal governments, subdividing the tribal land, completing the rolls, with the following provision:

> "No person shall be enrolled who has not heretofore removed and in good faith settled in the nation in which he claims citizenship: *Provided, however*, That nothing contained in this act shall be so construed as to militate against any rights or privileges which the Mississippi Choctaws may have under the laws of or treaties with the United States."

Congress thus recognized the general principle that prior residence was essential to citizenship (reserving the status of the Mississippi Choctaws temporarily pending adjustment), and this rule has been rigidly enforced by both the tribal and Federal authorities, to wit, that no person should be enrolled who had not satisfactorily established residence prior to the grant of citizenship.

In July, 1896, Jack Amos and 97 other Mississippi Choctaws appealed to the Dawes Commission for enrollment as Choctaw citizens of the full blood residing in Mississippi. On December 1, 1896, the Dawes Commission rejected the claim of Jack Amos and other Mississippi Choctaws by blood, on the ground that they were not residents of the Choctaw country west. This decision was appealed to the United States district court for the central district of Indian Territory, and the court sustained the Dawes Commission in an elaborate opinion entitled "Jack Amos v. The Choctaw Nation" (Rept. of Commission to Five Civilized Tribes, 1899, p. 92), in which Judge Clayton held as follows:

> "Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrived at the conclusion that the privilege of a Choctaw citizen" was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the land conveyed to him and to his people, and there, the only spot upon earth where he could do so, renew his relations with his people and enjoy all the privileges of a Choctaw citizen, except to participate in the annuities."

He held, in effect, that those who had not so removed were barred by failure to remove.

This decision of Judge Clayton was virtually affirmed by the Supreme Court of the United States, which held that the act of Congress gave final jurisdiction to the district court and that the act itself was constitutional. (See Stephens v. Cherokee Nation, 174 U. S. Rep., p. 445.) In the Supreme Court of the United States the matter was expressly argued in the case of Emma Nabors and others, appellants, against the Choctaw Nation, appellee, at the same time with the Stephens case, October term, 1898.

Notwithstanding this decision by the Dawes Commission, subsequently affirmed by the United States district court and the Supreme Court of the United States, the attorneys of the Mississippi Choctaws, having a large contingent fee, urged upon Congress to authorize the Dawes Commission to make a special finding, and in the Senate, on February 26, 1897 (CONGRESSIONAL RECORD, 2237), it was provided by an amendment of the Indian appropriation bill, as follows:

> "That the commission appointed to negotiate with the Five Civilized Tribes in the Indian Territory shall examine and report to Congress whether the Mississippi Choctaws, under their treaty, are not entitled to all the rights of Choctaw citizenship except an interest in the Choctaw annuities." (30 Stats. L., 83.)

Thereupon the Dawes Commission rendered their decision, and held (H. Doc. 274, 55th Cong., 2d sess., Feb. 2, 1898) that the Mississippi Choctaws had "the right at any time to remove to the Indian Territory and, joining their brethren there, claim participation in all the privileges of Choctaw citizens save participation in their annuities; still, if any person presents himself, claiming this right, he must be required by some tribunal to prove the fact that he is a descendant of some one of those Indians who originally availed themselves of and conformed themselves to the requirements of the fourteenth article of the treaty of 1830."

On June 28, 1898, Congress directed the Dawes Commission "to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830," and to report to the Secretary of the Interior.

The Dawes Commission made its report on identification, March 10, 1899, using the following language:

> "The commission therefore, finding it impossible to trace the full-blood Choctaws now residing in the State of Mississippi bearing an English name with any degree of certainty to his ancestors bearing Indian names, and to establish the fact that such ancestor had complied the duty of signifying to the United States agent within the limited period their intention and desire to remain and become citizens of the States, has believed it to be its duty to report the names of all full-blood Choctaw Indians who might appear before it in said State for identification as Mississippi Choctaws, and it accordingly makes such report, having taken the names and identification of each of such persons and prepared a schedule of them from the data obtained by the commission recently within said State, which schedule accompanies this report as a part hereof."

The commission further stated (report of Dawes Commission, 1899, p. 78, last paragraph):

> "It is impossible to trace descendants now bearing English names to ancestors bearing Indian names, upon whom was imposed the duty of complying with the treaty at that time, and to connect persons now living with the fulfillment of the requirements of the provisions of article 14 of said treaty."

The Secretary of the Interior declined to approve this work, based upon the confessed lack of evidence, and subsequently disapproved this schedule, which contained, in fact, the names of many who were confessedly not full bloods.

Congress, on May 31, 1900, enacted the following:

> "*Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior to make settlement within the Choctaw and Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by such United States commission and by the Secretary of the Interior as Choctaws entitled to allotment." (31 Stat L., 221.)

No person claiming citizenship in the Cherokee Tribe, in the Creek Tribe, in the Seminole Tribe who had not, previous to the Curtis Act of June 28, 1898, established bona fide residence was admitted citizenship, but in the case of the Mississippi Choctaws the extraordinary opportunity was given them on May 31, 1900, to remove to the Choctaw country and establish residence and duly identify themselves until an additional right was granted them under the Choctaw supplemental agreement, with the consent of the Choctaws and Chickasaws of July 1, 1902, which waived legal proof of the identification, but upon certain specified conditions.

The Choctaws and Chickasaws who owned the Choctaw and Chickasaw country west adjusted this whole controversy with the United States by sections 41, 42, 43, and 44, in which the Choctaws and Chickasaws waived their right to demand legal proof of compliance with the fourteenth article of the treaty of 1830 by any person claiming citizenship under that article, and waived the proof further required by a descendant of such person that he should demonstrate by legal proof his lineal descent from such ancestor who had so complied with the fourteenth article.

It must be remembered the Dawes Commission held explicitly that the claimants under the fourteenth article could not furnish this proof.

Except for this great generosity on the part of the Choctaws and Chickasaws in waiving proof of descent from a fourteenth article claimant, practically none of these claimants could have been enrolled. As it was, it was agreed by section 41 that all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians, whether of the full or mixed blood, who received a patent of land under the said fourteenth article of the said treaty of 1830, who had actually removed to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, should be deemed to be Mississippi Choctaws entitled to admission as citizens of the Choctaw Nation, on the express condition, however, that they should within a limited time remove to the Choctaw-Chickasaw country and establish and maintain bona fide residence.

The Choctaws and Chickasaws bought their peace by this concession, waiving their right to demand legal evidence on the part of such persons and thus ended a strenuous contest of six years with the attorneys of the Mississippi Choctaws. This settlement was confirmed by Congress July 1, 1902, as a final settlement of this controversy, now 12 years ago.

An organized lobby is now engaged under large contingent fees trying to tear down the settlement of this controversy of 1902 by appealing to members of Congress from Mississippi, Alabama, and Louisiana, in which some persons who claim to have Choctaw blood still reside.

The Choctaws in 1897 agreed with the United States to wind up their tribal affairs, and the United States pledged them a prompt settlement, a distribution of their lands, and a division of the proceeds derived from the sale of the residue. The Choctaw-Chickasaw rolls and the rolls of the Five Tribes were finally closed by Congress April 26, 1906, as of March 4, 1907—over seven years ago. Every Choctaw and Chickasaw has received his allotment, and a large part of the residue has been sold. It is now over 15 years since Congress agreed with the Choctaws and Chickasaws to make this distribution, and the lobby representing the Mississippi Choctaws are now urging Congress to hold up the distribution of this property as a means of extorting from the Choctaws and Chickasaws further concessions, and they openly threaten

Which I have just read—

shall not lose the privilege of a Choctaw citizen, but if they ever remove—

"But if they ever remove"—

are not to be entitled to any portion of the Choctaw annuity.

That is where the annuity comes in.

Mr. OWEN. I can state this case in five minutes, if I am permitted to do so. It is perfectly simple and easy. The Government tried to get these people to move west in 1820. They tried again to get them to move west in 1830; but there was a certain portion of them who would not move, and the fourteenth article of the treaty of that year, just read by the Senator from Mississippi, was construed by Judge Clayton, the United States district judge having authority from Congress on this very matter. In rendering his decision he said:

To permit men with, perchance, but a strain of Choctaw blood in their veins, who 65 years ago broke away from their kindred and their nation and during that time, or most of it, have been exercising the rights of citizenship and doing homage to the sovereignty of another nation, who have borne none of the burdens of this nation and have become strangers to the people, to reach forth their hands from their distant and alien home and lay hold of a part of the public domain, the common property of the people, and appropriate to their own use, would be unjust and inequitable.

It is therefore the opinion of the court that absent Mississippi Choctaws are not entitled to be enrolled as citizens of the Choctaw Nation.

During the various years from 1820 to 1830 and thereafter the Government tried to get these people to remove. The Senator from Mississippi justly stated that the agent, Ward did not make the proper register of the fourteenth-article claimants; he made no adequate register at all, but Murray and Vroom were sent there by the Government of the United States immediately afterwards to remedy Ward's neglect, and they registered 4,100 of these people, giving each of them certain scrip entitling them to land. The western Choctaws got no scrip.

Mr. WHITE. When was that?

Mr. OWEN. That was between 1842 and 1855, when this distribution was made, and a great many of these Mississippi Choctaws then moved to the Indian Territory. The muster rolls of the Indian Office show that 3,400 out of the 4,100 registered by Murray & Vroom moved to the Indian Territory; afterwards over 700 more moved; so that ultimately the total number of those who moved, according to the muster rolls, was shown to be 4,128.

The western Choctaws from time to time passed resolutions inviting the Mississippi Choctaws to come to the Indian Territory. From 1830 to 1889, before the tribal government was broken up by the United States, the Choctaws desired to enlarge their number; they wanted to be of more consequence as a nation; they were not then jealous of the disposition of their property, and they therefore repeatedly invited the Mississippi Choctaws to join them, and even as late as 1889 they memorialized the Government of the United States and asked the Government to help to move the Mississippi Choctaws.

When the United States determined to break up the tribal government in 1893, it sent out the Dawes Commission, headed by Senator Dawes. That was in 1893—21 years ago. The Government thereafter, in 1906, passed an act directing the Dawes Commission to make up these rolls. I have the law here, and it will only take a moment to read it, and I should like to call the attention of the Senate to it. The Dawes Commission were instructed in 1896 as follows:

That the said commission, after the expiration of six months, shall cause a complete roll of citizenship of each of said nations to be made up from their records, and add thereto the names of citizens whose right may be conferred under this act, and said rolls shall be and are hereby made rolls of citizenship of said nations or tribes, subject however, to the determination of the United States courts as provided herein.

That was in 1896—18 years ago—and attorneys have been trying to get the Mississippi Choctaws on the rolls every since. Many were enrolled prior to 1907 on the final rolls who moved to and established residence in the Indian Territory or Oklahoma.

Mr. WHITE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. WHITE. Did the act creating the Dawes Commission make any reference to the Mississippi Choctaws at all?

Mr. OWEN. I was going to explain that. Immediately afterwards, in 1897, the Dawes Commission were instructed to pass upon the rights of the Mississippi Choctaws, and they made a report in 1897 taking the same view of the fourteenth article of the treaty of 1830 that was taken by Judge Clayton in his decision. Judge Clayton's opinion of the Mississippi Choctaw case went to the United States Supreme Court in the so-called Stephens case, and the court held broadly that the decisions of the lower courts were final under the terms of the act, and therefore that the decision rendered by Judge Clayton was final.

Mr. WILLIAMS. In other words, that they had no jurisdiction.

Mr. OWEN. Yes; they had no jurisdiction to set that decision aside. The Supreme Court had jurisdiction to declare Clayton's decision final, and did so. The Dawes Commission, in an independent statement which they sent to Congress, made the same declaration as that made by Judge Clayton. They were a tribunal expressly authorized by Congress to declare the rights of the Mississippi Choctaws. I will not pause to read that decision; it is to the same effect as Judge Clayton's opinion, and is based upon common sense, because the Mississippi Choctaws had voluntarily, deliberately, and willfully separated themselves from the other members of the nation because they refused to move in 1830.

Mr. WHITE. Mr. President——

Mr. OWEN. I yield to the Senator.

Mr. WHITE. Were they not treated with up to that time as a tribe, and by this severance were not the tribal relations destroyed?

Mr. OWEN. Well, they were to the extent that they took up citizenship in Mississippi.

Mr. WHITE. Were not these Indians treated with by the National Government as a tribe rather than as individuals?

Mr. OWEN. Yes; they were treated with as a tribe, with certain expressed exceptions. The treaty made with the tribe dealt with individuals by the grant in the tribal agreements of certain individual rights; for instance, they gave the chiefs certain particular lands and certain particular rights.

Mr. WHITE. That was simply a grant of land in severalty.

Mr. OWEN. Yes; that is what that was.

Mr. WHITE. Did they treat with them as individuals at all?

Mr. OWEN. No; they did not. Only with them as a tribe.

Mr. WILLIAMS. The treaty expressly said that the Mississippi Choctaws were to be treated as citizens of the Choctaw Nation.

Mr. OWEN. The Indians unwilling to go West were so numerous and powerful that Greenwood Le Flore, representing them, said that the treaty could not be made without their consent and that their consent could only be obtained by putting in the fourteenth article.

Mr. WHITE. That gave them the right to take land in severalty in Mississippi.

Mr. OWEN. Yes; it did.

Mr. WHITE. And they took it.

Mr. OWEN. They took it, they sold it, and enjoyed the benefits of it.

Mr. WILLIAMS. It not only gave them the right to take lands in severalty, but it also recognized their citizenship in the Choctaw Nation.

Mr. OWEN. I have already called attention to that language.

Mr. WILLIAMS. But the Senator from Alabama did not understand it.

Mr. OWEN. The United States court and the Dawes Commission, which was appointed by Congress as a special tribunal to pass on the matter, both held that unless the Mississippi Choctaws had removed they were not entitled to citizenship.

Mr. SWANSON. Will the Senator permit me to ask him a question?

Mr. OWEN. Certainly.

Mr. SWANSON. I should like to have a little elucidation of the statement that there went into the treasury of the Choctaws in Oklahoma $8,000,000 on account of the injury done the Choctaws in Mississippi.

Mr. OWEN. Not one dollar went into the treasury of the Choctaws in Oklahoma on any such account—not one cent.

Mr. WILLIAMS. Where did it go?

Mr. OWEN. The records, of course, show it went to the individual claimants and in expenses. The Mississippi Choctaws who in 1830 refused to move were invited time after time up to 1889 by the western Choctaws to come West; and after 1889, when the United States negotiated an agreement with these people in 1897–98 and in 1901–2, there were a series of agreements, the final agreement being in 1902.

Mr. WHITE. Was not the real consideration of the agreement between the Government and the Choctaws and Chickasaws the removal of the Indians from Mississippi to Oklahoma?

Mr. OWEN. Yes; but an exception was made in the interest of those who wanted to remain in Mississippi.

Mr. WHITE. That was a grant of land in severalty, was it not?

Mr. OWEN. Yes; it was a grant in severalty, of 640 acres to each adult, 320 acres to children over 10 years, and 160 acres to children under 10 years. In the so-called Curtis Act of 1898,

taws, while I would give it to them out of the funds of the tribe. I make that statement for this reason, in part, because in 1881, I think it was, the Oklahoma Choctaw Indians sued the United States for moneys due the tribe they left back in Mississippi about 1831.

What he meant, of course, was the citizens of the tribe left back there in Mississippi:

They based their suit—

Now listen to this, Senators—

They based their suit on injuries done to the Mississippi Choctaws in Mississippi and not to the Choctaws that had moved out into Oklahoma. The suit went to the Supreme Court of the United States, and an $8,000,000 verdict was rendered in favor of the Choctaws in Oklahoma.

On account of the injuries done to the Choctaws in Mississippi remember—

That went into the funds of the tribe. It is there now, less the expense incurred in that piece of litigation, and is it right—

He said—

to saddle upon the Government of the United States and upon the Treasury the payment of this money when the Oklahoma Choctaws got that money in that way—

About $8,000,000 of it—

and it is now in the funds of the tribe?

He goes on:

The Mississippi Choctaws that I have pleaded for in the bill that I have introduced have never received one cent of that money that is now in the coffers of the funds of the Choctaw Nation. And I want to say it will be a living compliment to the gentleman from Missouri [Mr. RUSSELL], the gentleman from Minnesota [Mr. MILLER], and the gentleman from New York [Mr. SMITH], who were on the Indian Affairs Committee in this House in the Sixty-second Congress that they went into exhaustive hearings on this question in considering my bill, and they reported unanimously.

Note "unanimously," Mr. President.

There was not a single Representative from Oklahoma on the subcommittee, you see, hence no opposition in a so patently just a case, and so they reported unanimously in favor of reopening the rolls in order to give, and to the extent of giving, the Mississippi Choctaws some of these rights for which I plead here and Representative HARRISON pleaded then.

Mr. SWANSON. Mr. President, will the Senator permit me to ask him a question, merely for information?

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Virginia?

Mr. WILLIAMS. I do.

Mr. SWANSON. I desire to ask the Senator from Mississippi a question for information, so that I may know how to vote on this proposition. As I understand the proposition of the Senator from Mississippi the Choctaws in Oklahoma got $8,000,000 for damages done to and claims made in behalf of the Choctaws in Mississippi, and they do not want to pay damages to the people who were injured?

Mr. WILLIAMS. That particular transaction is not at issue in this amendment of mine; but I am reciting it merely as a specimen of the manner in which the Mississippi Choctaws have been dealt with. They got $8,000,000 out of the United States, put it into the fund out in Oklahoma, and the poor Mississippi Choctaws I reckon never knew, most of them, that any suit had been carried on in their behalf. This is a new thing to me. I find it in a speech made by my colleague [Mr. HARRISON] in the House of Representatives. I knew of a great many mean things that had been done to these Indians, but I did not know until this morning that they had been treated quite as meanly as this.

Mr. OWEN. I do not believe the Senator from Mississippi wants to misstate the matter, of course.

Mr. WILLIAMS. Why, certainly not; not voluntarily.

Mr. OWEN. No. The amount of the judgment to which the Senator refers was less than $3,000,000, to start in with; but while it is true that it related to various citizens, people who might have been called Mississippi Choctaws, Murray & Vroom found that there were 4,100 of those people, and the muster rolls showed that 3,400 removed from Mississippi to the Indian Territory, and afterwards that there were over 700 more who removed. So that more than the number that Murray & Vroom found have since that time been transferred to Oklahoma. It is only because of the increase of population that there are any remaining at all.

Mr. WILLIAMS. Then the 4,000 Mississippi Choctaws who went to Oklahoma went, according to the statement of the junior Senator from Oklahoma [Mr. GORE], prior to 1855, and therefore, of course, this matter of 1881 did not relate to them.

Mr. OWEN. Yes; it did.

Mr. WILLIAMS. It did? Well, how much of it did the Mississippi Choctaws of Mississippi ever get?

Mr. OWEN. I do not know about that.

Mr. WILLIAMS. Did they get a red cent?

Mr. OWEN. They got all they were entitled to, I suppose.

Mr. WILLIAMS. Oh, now, do not suppose it. I presume my colleague in the other House looked into it, and he is a mighty careful man. As a fact, not a Mississippi Choctaw in Mississippi ever got a cent. If any Mississippi Choctaws got anything, it was the so-called "Mississippi Choctaws" who were living in Oklahoma and had been living there, or in what we used to call the Indian Territory, probably ever since 1855 and 1856.

Mr. GORE. That claim originated or was first preferred, I think, in 1858 or 1859. In fact, the Senate once adjudicated the claim.

Mr. OWEN. In 1855.

Mr. GORE. The Senate adjudicated the claim in 1859 or 1860.

Mr. OWEN. It was under the treaty of 1855.

Mr. GORE. When the Senate rendered its award?

Mr. OWEN. Yes.

Mr. GORE. And I think that related to lands which the Choctaws had transferred to the Government in Mississippi, the final payment, as I understand, for them.

Mr. WILLIAMS. I have never read the case.

Mr. OWEN. It has no bearing on this matter, however.

Mr. WILLIAMS. It has this bearing upon it: It is a part of the general scheme; it was just what the Senator said in that brief. It is a proof of the insidious or "underhand" influence that has been operating all the time, as the senior Senator from Oklahoma has so well said, to rob the Mississippi Choctaws; it is a part of it. This is one of those cases where you can not make out very much of a legal case by a statute, but where, as a justice of the peace once said, "The statute itself air rotten"; and where Congress, being honest, just, and right, ought to remedy the deficiencies of the statute. That is what I am trying to have done.

Mr. OWEN. Mr. President, this is not really a very involved matter. The United States in 1820 undertook to get the Choctaws to remove from Mississippi to the Indian Territory, and made a treaty with them of that date. Afterwards the United States made another treaty in 1830, inviting them again to remove. There were quite a good many Mississippi Choctaws then living in Mississippi who were not willing to go to Indian Territory, but their chief, Greenwood Le Flore, who negotiated the treaty of 1830, agreed with the Government that if the fourteenth article were introduced in that treaty the treaty would be made. The fourteenth article was introduced in the treaty. It provided that the head of a family might have 640 acres of land in Mississippi and other members of his family 320 acres and 160 acres by age. It provided also that those Indians refusing to go West might become citizens of the State of Mississippi, and they remained there with the understanding that they would be citizens of Mississippi; but it was provided that if they desired to remain they should not lose the right of a Choctaw citizen, but if they ever removed they should not have any right to the Choctaw annuities.

The question as to the meaning of this language was passed on by the United States court. I read a few moments ago from Judge Clayton's decision of 1897, but I will just quote a few words more from his decision, showing that this very fourteenth article was definitely passed upon by this court of competent and special jurisdiction. He gives the reasons at considerable length which led to that decision; and the decision is substantially just, because if a people desire to be members of a community, obviously they ought to be willing to make themselves a part of the community by living with the community.

Mr. WILLIAMS. Mr. President, before the Senator goes on, if I understood him a moment ago——

Mr. OWEN. I wish the Senator would let me finish my argument; I am not going to occupy over 5 or 10 minutes.

Mr. WILLIAMS. But in connection with the fourteenth article, I want to read that language, because the Senator, if I understood him, is mistaken about it.

Mr. OWEN. Very well, let the Senator read it.

Mr. WILLIAMS. The Senator says that if they removed, they were not to lose the rights of Choctaw citizenship. On the contrary, it says:

If they reside upon said lands, intending to become citizens of the States—

They would not reside there after they were removed, of course——

Mr. OWEN. I wish the Senator would read the section.

Mr. WILLIAMS. I am reading it—

If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article—

that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever,

There is an affidavit which was made on the 6th day of November, 1911. You understand that these contracts taken by Powell have no connection with these others.

Mr. CANTWELL. Not on the Mississippi Choctaw work.

Mr. CARTER. Was he in your employ?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. Was Robert Fortune?

Mr. CANTWELL. Robert Fortune helped Turner on some of the Freedmen's contracts.

Mr. CARTER. Are any of those gentlemen Indians?

Mr. CANTWELL. No, sir; not that I know of. I do not know Robert Fortune at all. Turner is a negro.

Mr. CARTER. How about Powell?

Mr. CANTWELL. Powell claims to be an Indian.

Mr. CARTER. What do you think about it?

Mr. CANTWELL. My opinion of the Indian would be very much lessened if Powell is an Indian. That is all I can say from what I have seen of him. When I wrote him a letter, which I think any white man or any Indian would have considered a generous letter, he simply used it to hurt the cause, I thought.

Mr. CARTER. Robert Fortune is a colored man, and for a number of years was a deputy marshal in the Indian Territory.

Mr. CANTWELL. I do not know him.

Mr. CARTER. Did you have anyone else at that time working for you in this matter?

Mr. CANTWELL. Except Conerly; no, sir.

Mr. CARTER. Conerly was employed since that time?

Mr. CANTWELL. Conerly was employed in the beginning, but with Powell.

* * * * * * *

Mr. HURLEY. I would like to ask Mr. Cantwell if he knows whether these gentlemen are connected with the company or syndicate that now holds the Mississippi Choctaw contracts. He has spoken of Mr. Harris Masterson, of Houston, Tex., and Mr. E. L. Hulbert?

Mr. CANTWELL. Mr. E. L. Hulbert.

Mr. HURLEY. Is Mr. W. A. Smith, of Houston, Tex., also a director of the company?

Mr. CANTWELL. My recollection, Mr. Hurley, is that Mr. Smith is the secretary of the company. That is my recollection.

Mr. HURLEY. Mr. J. B. Crews, your partner or former partner——

Mr. CANTWELL (interposing). It is T. B. Crews.

Mr. HURLEY. And yourself, Mr. H. J. Cantwell——

Mr. CANTWELL (interposing). Yes, sir.

Mr. HURLEY. That constitutes the board of directors of the company, does it not?

Mr. CANTWELL. Not now, because I resigned as a director for the purpose of giving them the control of the directory in Texas when they might have meetings.

Mr. HURLEY. Do you know whether or not the following-named persons are the principal stockholders of the company: Mr. H. J. Cantwell, Mr. T. B. Crews, both of St. Louis; Mr. Clifford Green, of El Campo, Tex.; Mr. S. L. Hurlbut, of El Campo, Tex.; Mr. H. Masterson, of Houston, Tex.; J. H. Gavenan, of Galveston, Tex.; H. Gavenan, of Galveston, Tex.; L. Bryan, of Houston, Tex.; J. J. Sweeney and W. H. Gill, of Houston, Tex.?

Mr. CANTWELL. That is my recollection, Mr. Hurley. I think all of those gentlemen are stockholders in that company.

Mr. HURLEY. Now, state what connection, if any, Mr. C. B. Molling, or C. B. Molling & Co., of Houston, Tex., has with this company that has all these Mississippi Choctaw contracts.

Mr. CANTWELL. I do not recollect his name. Possibly he may be a stockholder.

Mr. HURLEY. You do not know whether or not he is authorized to sell stocks or shares in the company that is holding these contracts?

Mr. CANTWELL. Mr. Hurley, any man who owns a certificate of stock in a corporation is entitled to sell his own shares. There is not any sold by the company, so far as the company is concerned, but if he has a certificate of stock he can sell it.

Mr. CARTER. Mr. Cantwell, the organization of this company is founded upon——

Mr. CANTWELL (interposing). Whatever fees——

Mr. CARTER (continuing). The value of the contracts?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. And unless these people are enrolled the stock is valueless?

Mr. CANTWELL. Absolutely.

Mr. CARTER. Then you and your stockholders are in just exactly the same attitude with relation to aiding these people to be enrolled as the firm of Mansfield, McMurray & Cornish was in endeavoring to keep the people off the roll?

Mr. CANTWELL. Except that we do not occupy a fiduciary relation—there is no question about that.

Mr. HURLEY. I want to ask you about the statements in this communication. I am reading now from a letter from Mr. C. B. Molling, dated Houston, Tex., June 12, 1911:

"It is estimated that each Indian's share of the estate is worth $8,000. The attorneys' contracts call for 30 per cent of this, or $2,400, of which we are to get one-half, or $1,200. We are organizing a syndicate to take over 1,000 of these contracts at $25 per contract. We will not accept subscriptions for less than 20 contracts, or $500. The estimated value of 20 contracts, if we win, will be approximately $24,000, or a profit of $23,500 upon each $500 invested."

Mr. CANTWELL. I never saw the article nor authorized any such statement as that. I never saw any such letter, and I have no knowledge of any such letter being sent. I can not imagine why it should have been sent or who could have sent it.

Mr. CARTER. For the information of Mr Cantwell I will tell him that the letter was sent to me by a former Congressman, with the suggestion that I had better look into the matter.

* * * * * * *

Mr. BOND. Was this corporation organized before you acquired the contracts or after?

Mr. CANTWELL. That corporation was organized after we acquired quite a number of contracts.

Mr. BOND. The relation of attorney and client exists between you and these Indian claimants, does it not?

Mr. CANTWELL. Yes, sir.

Mr. BOND. How many of these claimants came to you and employed you as an attorney of their own volition?

Mr. CANTWELL. Of our own volition——

Mr. BOND (interposing). How many of them came to you of their own volition?

Mr. CANTWELL. I should say probably 250 or 300.

Mr. BOND. Then, how many——

Mr. CANTWELL (interposing). That I had never heard of before—maybe 500.

Mr. BOND. Did they come to St. Louis and employ you at your office?

Mr. CANTWELL. No, sir; by correspondence.

Mr. BOND. Then how many did you acquire by solicitation or by hiring agents?

Mr. CANTWELL. All the rest of them.

* * * * * * *

EXHIBIT C.

CONTRACT BETWEEN J. F. M'MURRAY AND R. P. FORD.

This memorandum will show that I, J. F. McMurray, an attorney at law of McAlester, Okla., having made certain contracts with members of the Choctaw and Chickasaw Tribes of Indians to settle all claims against the United States, including the "leased district," and to represent said tribes in the sale of all remaining tribal property, and desiring the assistance of 30 leading citizens of said tribes to successfully carry out the terms of said contracts and secure to said members the best results in said claims and property, do hereby employ and associate with me in said work, for the purpose of assisting me in carrying out the terms of said contracts and getting the best results from same, 30 members of the Choctaw and Chickasaw Tribes.

Each of the parties so employed hereby agrees to devote himself to all work necessary to carry out the terms of said contracts to a successful termination and to hold himself in readiness to carry out any suggestion made by said McMurray not inconsistent with his own personal business.

Said McMurray for a valuable consideration hereby transfers, sets over, and assigns to the said 30 parties hereinafter named one-half of all amounts realized by him out of said contract after paying all expenses connected with the prosecution of said work under the said contracts, and it is hereby agreed that said McMurray's expenses under this contract up to and including the present date is $30,000; said amounts to be paid over to said parties at the time received by said McMurray and divided equally between the parties hereto named.

For and in consideration of said transfer each of said parties hereby pays in cash to said McMurray the sum of $500 and agrees to pay any other sum necessary to carry out the work of said contracts not to exceed $500 for each person.

All parties to this contract hereby sign our names and agree to all the terms mentioned therein this November 18, 1912.

J. F. MCMURRAY.
R. P. FORD.

Mr. WILLIAMS. Mr. President, the adoption of this amendment need not lead to any delay and will not lead to any delay, but, on the contrary, will hurry up things by hastening the consideration of pending bills to do justice to the Mississippi Choctaws. It may delay this particular $100-apiece distribution for a few days or a few months, but a separate bill can be introduced. All that is necessary to stop delay upon this matter is for the Senator from Oklahoma and his colleagues in both Houses to stop delaying legislation in behalf of the Mississippi Choctaws.

There is now a subcommittee of the Committee on Indian Affairs of the House of Representatives dealing with a bill introduced by Representative HARRISON, of Mississippi, who represents the Mississippi district in which most of the Mississippi Choctaws reside. That bill is before a subcommittee of the Committee on Indian Affairs of the House, and that bill can be reported out any day whenever that subcommittee is ready, and one of the Oklahoma Representatives is chairman of that subcommittee. We are merely trying to force consideration for our people, and then all of us all together can move to the final distribution and settlement.

Now, if the Senator does not want any delay, let him and his colleague from Oklahoma quit throwing obstructions in the way of legislation in behalf of the Mississippi Choctaws. Independent legislation has been introduced, and it is being delayed and held up, and wherever it is we find that the opposition comes from Oklahoma. It does not come from anywhere else. Oklahoma being peculiarly the Indian State of the Union, it is very natural that she would have imi ense influence in connection with Indian affairs. She has exerted it. She has overexerted it—overdone it. So much for that.

Now, another thing, Mr. President. The Senator speaks of reopening the rolls. This amendment does not reopen any rolls, except just this far, that this money shall not be distributed until these people have been heard and the opportunity has been given Congress to act upon their case; that is all.

The senior Senator from Oklahoma showed a disposition a moment ago to question what I was saying, because I said this was the first step in a scheme to exhaust the entire funds of the Choctaws and then to throw the burden upon the Treasury of the United States of doing justice to the Mississippi Choctaws.

Here is a bill, H. R. 10066, a House bill introduced by a Representative from Oklahoma [Mr. MURRAY] to do that very thing. It provides that a commission to be known as the Mississippi Choctaw homes commission, to consist of certain parties, be provided to determine those people's rights under the fourteenth article of the Dancing Rabbit treaty, and that said commission shall be assigned interpreters, agents, and so forth, and then that said commission is authorized to select a tract of land in the State of Mississippi.

I stop to wonder if the man who drew this bill up knew how little public land we have left in the State of Mississippi, and

Mr. CARTER. Do you not think that giving him this letter from a firm of lawyers like yourself and Mr. Crews might give a certain standing to the matter?

Mr. CANTWELL. No, sir; I do not think that was the occasion for getting out this circular.

Mr. CARTER. How long was Powell in your employ?

Mr. CANTWELL. Until February, 1912.

Mr. CARTER. Was Milton Turner in your employ?

how absolutely worthless what little we have left is—land that nobody would have. There is no other sort. But the bill goes on to provide that if not feasible to purchase the same in that State, it may be purchased in any other State in quantity sufficient to give to each Mississippi Choctaw a home of sufficient "acreage and fertility."

Now, mark the close of it. I quote:

That there is hereby appropriated for the purposes of this act, out of any funds of *the United States* not otherwise appropriated, a sufficient sum for the accomplishment of the purposes of this act.

Mr. President, there is nobody who knows better than the senior Senator from Oklahoma how these people have been treated. I have heard him use words of righteous indignation about it. But the chief difference between a Choctaw in Mississippi and a Choctaw in Oklahoma is that a Choctaw in Mississippi has no vote and a Choctaw in Oklahoma has.

In a brief drawn up and filed some time ago the senior Senator from Oklahoma, representing the Mississippi Choctaws at that time, used this absolutely true language:

It will thus be seen that there was secured underhand opposition to the Mississippi Choctaws, because it must be remembered that this rule of identification, made by the Dawes Commission on March 10, 1899, and submitted by report to the Secretary of the Interior, was pigeonholed for eight years and then disapproved without notice.

That is the language of the senior Senator from Oklahoma [Mr. OWEN].

That is the roll where over 1,100 Mississippi Choctaws went before the Dawes Commission and proved their right to be enrolled, and when that list came up here it was never put on the final rolls of the tribe.

Why not? Mr. President, echo answers, Why? The senior Senator then proceeds in the same brief:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless.

And they are.

The report referred to is in behalf of the full-blood Mississippi Choctaws. Every word of this is true. The Senator from Oklahoma stated this, but it is true independently of who had stated it:

The report declares that the Mississippi Choctaws were poor, ignorant, and helpless. This report in behalf of the full-blood Mississippi Choctaws, signed by the Dawes Commission, was disapproved eight years later by Mr. Secretary Hitchcock, on March 4, 1907, *without notice or warning*, so that no person upon this roll ever knew for eight years whether he was so far identified as to be entitled to remove as an identified Choctaw, and finally the entire schedule was rejected without notice.

And finally the entire scheme was rejected without notice. There were not only pitfalls in the law, but pitfalls in the administration of the law. Eleven hundred of them were found to be entitled to go upon the rolls, were kept eight years without notice, and then finally cut out because they did not move in time.

It is the senior Senator from Oklahoma who said all that.

Mr. President, the junior Senator from Oklahoma says that I place these people's case, and that it rests, entirely upon consanguinity. I did not. I placed it partially upon that ground and partially upon the ground of the solemn word of a solemn treaty, which in express language says that they shall have "the privileges of citizens of the Choctaw Nation." The claim rests upon both grounds. But if it had rested only on either ground, it would have been a sufficient foundation.

The Senator speaks of the claims attorneys who would get in their bloody work. I do not doubt it. They have already gotten it in on all the tribes in Oklahoma, and I expect if these people of mine got any chances at all these Indian claims lawyers will try to get the lion's share of it.

But that is easily enough cured, and nobody knows it better than the Senator. In the act of 1902 there was a clause, and I will come to it after a minute——

Mr. OWEN. Of 1900.

Mr. WILLIAMS. Of 1902.

Mr. OWEN. Of 1900, I think.

Mr. WILLIAMS. There was one in 1902 providing that these lands, which at that time were to be distributed in severalty, should go without charge of any description flowing out of mortgage, deed, or contract. You can cut out these scoundrels very easily. What do we do every day in connection with pension claims? We prescribe just how much the lawyer shall get. We do not leave him to deal with necessitous, ignorant people, and by unconscionable bargaining to rob them. Nor ought it to be done here.

Unless my recollection is at fault it was at my instance that the clause in the law of 1902 was placed there, because I knew that the thing that is going on now was going on then, because these Choctaws had been writing to me from that part of the State of Mississippi in which they dwelt, or having others write me for them, asking me about entering into contracts to give the Cotton Development Co., and firms of lawyers here and there, 50 per cent or other outrageous proportions of their lands, in case they succeeded, and I wrote to the poor people every day, and I said, "You do not need any lawyer at all. If I can save you I can save you, and if I can not I can not; but you do not need a lawyer now, at any rate. You may need a lawyer later in your country, but not here. Wait until we put upon the statute books the law that gives you an undoubted right, and then there will be time enough to employ a lawyer if your claim is disputed; and a lawyer in Oklahoma," or in the Indian Territory, as it then was. In spite of that, these poor, helpless, ignorant people nearly all went on and signed thousands of these unconscionable contracts. That is not all. The Indians in Oklahoma did it, too. It is easy enough to stop it if anybody wants to stop it. I believe here is that clause I referred to in the law of 1902. Yes; here it is:

Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act.

That is the language there and we can put it in any law when all have had a chance to be heard and all is ready to be closed up with justice to all, and I shall be more than pleased to see it done. I think if there is anything in the world I dislike more than another—I had almost said "hate," but I do not believe I hate anybody longer than 24 hours—but if there is anything I dislike more than another it is one of these galloping-around lawyers with agents getting illiterate people to sign up contracts of useless employment on contingent fees in order that he may live upon their sweat. The Senator from Oklahoma can not outdo me in stopping that. So all he said in that connection goes for naught in this discussion.

The junior Senator from Oklahoma gave the number of Indians who are on these rolls. He is mistaken in the number. The Commissioner of the Indian Office says in a report to the House, in discussing the Mississippi Choctaws:

The total number of persons—

Now, I ask the Senator from Oklahoma to mark the language—

The total number of persons entitled as Mississippi Choctaws was 2,534, but only 1,445 were finally enrolled.

The Senator's colleague can tell him how that happened. The rolls containing their names were pigeonholed, lost for eight years, and in spite of all that we are not disposed to do them justice.

I have already called your attention to the bill which was introduced by one of the Representatives from Oklahoma, Mr. MURRAY. There is another man from Oklahoma in the House of Representatives that I love very much for very many reasons. He would not do anything that he thought was wrong. I suppose he thinks he is representing the interests of his constituents, and many think provided they are representing their constituents that everything is all right. He was asked if he had not introduced a bill of this sort. I see him before me. He said:

Mr. CARTER. No. I introduced a bill directing the Secretary of the Interior to investigate the condition of the Mississippi Choctaws, with a view of seeing if it was practicable and just for the Federal Government to provide homes for them on the public domain.

That is exactly the Murray bill. He goes on, however, to say that whatever glory he may have had in that respect it was taken away from him by one of my colleagues in the other House, who introduced the same bill in his own name.

The junior Senator from Oklahoma [Mr. GORE] has to-day made the argument that whatever wrongs these people have suffered, they ought to be indemnified for out of the United States Treasury. Well, I answer that by saying if they are not entitled to rights as Choctaws they have not any rights at all. I fear that if they have no rights as Choctaws growing out of their citizenship in the Choctaw Nation and as coparceners with the Choctaws in Oklahoma before the tribal relations were abolished, then they have no rights of any description.

I am inclined to agree with the Senator's colleague [Mr. OWEN] about that; but suppose the junior Senator from Oklahoma is right, that the Mississippi Choctaws have rights against both the Choctaw Nation and the United States Government, what justice is there in making the white people of the United States pay because they did not receive their rights as Choctaws?

That is not all, Mr. President. Drawing a picture a while ago of how these people have been treated, I forgot something that I want to bring to the attention of the Senate. My colleague in the other House [Mr. HARRISON], representing the district in which most of these Choctaws live, during the debate in the House said:

You and your colleagues from Oklahoma would go into the Treasury of this country and take out the money to give to the Mississippi Choc-

their own money is lying idle in the Treasury, is rusting in the Treasury. Is that justice to the Choctaw? Is that justice to the Chickasaw? Can this Government, can this Congress, justify such inhuman, barbaric treatment toward the involuntary wards of the Government?

The best way to inculcate an observance of contracts and treaties on the part of the Indian is for the Government itself to keep its word, to keep its faith inviolate with these Indians.

Mr. President, I need hardly say here to reenforce the justice of the pending committee amendment that we have been unfortunate enough in Oklahoma to have experienced five lean years. Our crops have been reduced. The basis of credit has been reduced, especially on the part of those whose landed property is restricted.

I might say in passing to illustrate this fact that the wheat crop in Oklahoma in 1912 was 23,500,000 bushels. In 1913 it was 18,500,000 bushels. In 1912 the oat crop was 22,000,000 bushels, in 1913 it was 17,000,000 bushels. In 1912 the corn crop was 101,800,000 bushels. Last year it was 52,500,000 bushels. In 1912 our cotton crop was 1,021,000 bales, and last year it was only 820,000 bales.

This has been a misfortune to the State, it has been a misfortune to the people of the State, and most of all has it oppressed those who can not make adequate use of their credit. Yet this pittance is to be denied to the Oklahoma Chickasaws and Choctaws in order that the Mississippi Choctaws, who have no right, who have no just claim against the Oklahoma Indians, may be given time to assert an imaginary right against the Oklahoma Chickasaws and Choctaws and to share in the property they now hold.

Mr. President, it seems to me that the voice of justice pleads loudly and pleads eloquently against the pending amendment offered by the Senator from Mississippi, and pleads with equal eloquence for justice to the Oklahoma Chickasaws and Choctaws and for the adoption of the amendment wisely reported by the Committee on Indian Affairs. I trust that the Senate will reject the pending amendment offered by the Senator from Mississippi and will heartily indorse and adopt the amendment reported by the Committee on Indian Affairs.

The matter requested to be printed is as follows:

EXHIBIT A.

MISSISSIPPI CHOCTAW CONTRACT.

This agreement, made this 5th day of September, 1910, by and between Louis Joseph Ryan, now residing at the town of Biloxi, in the county of Harrison, State of Mississippi, party of the first part, and Thomas B. Crews and Harry J. Cantwell, jointly, parties of the second part, witnesseth:

That, whereas the party of the first part is entitled, as a Mississippi Choctaw or as a descendant of a Mississippi Choctaw, under the laws of the United States, to certain rights in the distribution of the tribal property of the Choctaw-Chickasaw Indian Tribe in Oklahoma; and

Whereas the party of the first part has been heretofore denied enrollment or has had no opportunity to make application for proper enrollment in said rolls as a Mississippi Choctaw; and

Whereas it is necessary that the party of the first part shall secure the lawful professional services of attorneys for the purpose of presenting such evidence as the party of the first part may have of his status and right as a Mississippi Choctaw or a descendant of a Mississippi Choctaw, so entitled to the rights aforesaid, and for other necessary legal services in establishing and securing his rights in the premises; and

Whereas the party of the first part is without any means or funds to compensate such attorneys and counsel;

Now, therefore, the premises considered, the parties of the second part jointly agree:

First. To represent the party of the first part as attorneys and counsel in presenting to the Interior Department such lawful evidence as the party of the first part may collect to establish the facts of his pedigree and status, and such other facts as may be necessary to establish the right claimed.

Second. To represent as attorneys the party of the first part in all legal proceedings before any court, commission, or department of the Government of the United States or the State of Oklahoma, wherever and whenever such right may be properly and legally tried.

Third. To present before the committees of Congress proper legal argument in support of the right so claimed or in support of any measure tending to provide a remedy for the right so claimed.

Fourth. To furnish party of the first part necessary information for the purpose of enabling him to select to the best advantage any lands that he may be entitled to by reason of said right.

Fifth. To collect all sums of money, lands, and property that may properly be collected, selected, and received hereafter by reason of said right, and to faithfully pay over and account to said party of the first part for all such sums of money and property after deducting the compensation hereinafter provided for.

In consideration of the premises and the agreement of the parties of the second part as aforesaid, and of services heretofore rendered by them, the party of the first part contracts and agrees to pay and assign, transfer, and convey to the parties of the second part 30 per cent of all sums of money, lands, and property that may be received by reason of the right claimed, and hereby irrevocably appoints the parties of the second part his true and lawful attorneys in fact, to do any and all acts in his name, place, and stead as fully and completely as he might do in person in and about the subject matter of this agreement, and to execute such receipts, discharges, and releases as the party of the first part might lawfully do, hereby ratifying and confirming all that his said attorneys in fact and in law may do in the premises.

The party of the first part hereby revokes all powers of attorney, if any, heretofore made by him to any person or persons whomsoever, touching said rights or interests, and requests that the Interior Department of the United States recognize the parties of the second part as his exclusive agents and attorneys in the premises.

And it is hereby specifically agreed that the appointment herein of Thomas B. Crews and Harry J. Cantwell is joint, and that in the event of the death of either the survivor shall succeed to all rights and benefits of this agreement, and shall perform all of the duties hereunder.

It is further agreed that by reason of the legal services rendered prior to and at the signing of this agreement, in advising the party of the first part as to his legal rights, and in consideration of the services heretofore rendered by A. P. Powell before the committees of Congress in presenting the claims of the class of persons to which the party of the first part belongs, said parties of the second part having compensated said A. P. Powell therefor, and in further consideration of the absolute agreement herein of the parties of the second part to perform the services herein, that the powers herein granted are powers coupled with an interest; and it is agreed that the parties of the second part may jointly designate, substitute, and appoint, in writing, any competent attorney or attorneys at law to assist in the performance of the duties of the parties of the second part hereunder, and to clothe said person or persons with all the powers herein granted to the parties of the second part, the parties of the second part hereby guaranteeing the efficiency and integrity of any and all persons who may be thus appointed, it being distinctly understood that the compensation of such persons for such assistance shall not be paid by the party of the first part.

It is further understood and agreed that, in the event it becomes necessary under any law now existing or hereafter enacted, that this contract shall be approved by the Secretary of the Interior; then, in that event, the Secretary of the Interior may, in his discretion, modify the terms of this contract as to the compensation to be paid the parties of the second part, without invalidating this contract, and said contract as modified by said Secretary of the Interior shall be binding upon the parties hereto, provided always that the compensation fixed by the Secretary of the Interior shall in no event exceed the percentage above stated.

Executed in duplicate.

In witness whereof the parties hereto have hereunto set their hands the day and year first above written.

Signed and delivered in presence of:

_____.
_____.

State of ____, county of ____, ss.

Before me, _____, a _____, in and for said county and State, on this ____ day of ____, 191—, personally appeared _____ and _____, to me known to be the identical person who executed the within and foregoing instrument, and acknowledged to me that ____ executed the same as _____ free and voluntary act and deed for the uses and purposes therein set forth.

In witness whereof I have hereunto set my hand and official seal at said county the day and year last above written.

_____.
_____.

EXHIBIT B.

[Extract from hearings before a subcommittee of the House Committee on Indian Affairs on June 4, 1914.]

Mr. CARTER (interposing). Right along that line, how many contracts have you with these people?

Mr. CANTWELL. I have in all, contracts with 4,200 persons.

Mr. CARTER. What compensation do those contracts provide?

Mr. CANTWELL. They provide that the fee shall be fixed by act of Congress or subject to change by act of Congress and by the Secretary of the Interior. They provide for from 25 per cent to 35 per cent. A part of them provide for 35 per cent.

Mr. POST. If these 4,000 persons were enrolled as citiens of the Choctaw Nation and if they were entitled to all of the emoluments that you claim for them, what would be the aggregate amount coming to them?

Mr. CANTWELL. They are not claiming under this bill the distributions which were made per capita that they did not go out there to be identified for; that is, those cash distributions that were made during the time the tribe was in existence of lease money or of the net proceeds of them. They are simply equitably entitled to them, but they are claiming instead of the lands that those now on the rolls have gotten or this bill provides that they shall get a full and equal quantity of land at twice the nominal appraised value. That amounts, so far as these lands go, to about $2,000 apiece. It would amount to an equal distribution if awarded those rights——

Mr. POST (interposing). What do you estimate that to be?

Mr. CANTWELL. The estimates vary. Everyone now on the rolls has gotten his 320 acres at a nominal appraisement, and those lands are in many cases worth $100 an acre to-day. There would probably be, at a low estimate, $25,000,000 or $30,000,000 worth of property left; that is, at the very lowest estimate.

Mr. CARTER. I have here what purports to be a copy of a contract, printed with the name of Cantwell and Crews on it, which contains the following provision:

"Fifth. To collect and receive all sums of money, lands, and property that may lawfully be collected, selected, and received by reason of said rights hereafter, and to faithfully pay over and account to the party of the first part for all such sums of money, lands, and property after deducting the compensation herein provided for."

* * * * * * *

Mr. CARTER. I notice here an affidavit by A. P. Powell, in which he sets out, I believe, that he has taken through Milton J. Turner, Robert L. Fortune, and others contracts for about 2,300 people. He states in that affidavit that he has taken 2,300 of these contracts and turned them over to Cantwell & Crews.

Mr. CANTWELL. I do not know what the contents of that affidavit are, but that is probably true. If that is what he says, that is probably true. I think, if you desire any information in regard to those contracts—I only want to say this to you, that we had some difficulty with Mr. Powell. Mr. Powell was sent to Mississippi under a salary of $150 per month and expenses to take these contracts for our firm. He charged in his expenses for notary fees and everything else. We learned that he was charging some of these people small sums of money, and I got him to St. Louis and asked him about it and jacked him up about it. Then we bought Powell's interest entirely out. There is an affidavit which was made on the 6th day of November, 1911. You understand that these contracts taken by Powell have no connection with these others.

Mr. CARTER. Let us see what it is. Do you say that this provision, authorizing you to collect and receive all sums of money, lands, and property that may lawfully be collected, etc., is not in your contract with the Mississippi Choctaws?

Mr. CANTWELL. I will send you an exact copy of the contract with the Mississippi Choctaws. I believe there was a copy of the form furnished in that investigation of Indian contracts made by the committee, but if there is not I will send you a copy of it.

Mr. CARTER. Now, then, Mr Cantwell, I notice that Mr. Powell testifies to having turned over about 4,200 contracts with Mississippi Choctaws to Crews & Cantwell. Then another gentleman states that he has turned over—I have not that affidavit here with me—but he states that he has turned over to Crews & Cantwell about 1,300 contracts with Mississippi Choctaws in addition to the ones turned over by Powell. That was a gentleman by the name of Luke W. Conerly, of Gulfport, Miss.

* * * * * * *

Mr. CANTWELL. If the committee desires, I have all the contracts, except about 400 which are in the possession of Mr. Luke W. Conerly, of Gulfport, Miss., in a safe deposit in Washington, with a memorandum of the evidence made by each claimant, and they are open to the inspection of the committee at any time.

Mr. CARTER. Mr. Powell says that he charged each applicant from $1.25 to $2.50.

He says: "After the 4,000 were registered, more applicants came in, and I charged them $1.25 each. I made this charge because the money that had been advanced by Crews, Cantwell, and Hulbert was exhausted, and they refused to put up any more money for taking applications. This charge by me was to cover expenses of continuing the work of getting applications. I sent all these claims that I was making a charge for to Crews and Cantwell. I went from Bay St. Louis to Washington to see Mr. Cantwell, and he tried to get Hulbert to put up more money, and Hulbert notified me at Jackson, Miss., that he had put up $7,000, and that we had to take proof of the same, and that he was willing to put up the $7,000 for that purpose. He has not put it up yet."

Then he says: "I went to Monticello and took applications for Crews and Cantwell and charged $2.50 each there. I took about 100 names there. I took a few names at Biloxi and charge $1.25 for each applicant there. These claims were for Crews and Cantwell. I also visited Meridian and took about 88 applications there for Crews and Cantwell, but for which no charge was made."

Mr. CANTWELL. I want to say unqualifiedly and as strongly as I can say it that if Mr. Powell or anybody else says that we ever authorized him to charge $2.50 and knew he was charging $2.50, or any sum whatever, for any of these contracts, he is an unmitigated perjurer. Never, with our consent, was there one dollar of money charged; and, furthermore, as this affidavit which I submit to you shows, when we discovered that he had done it, we paid Powell a large sum of money to get rid of him.

Mr. CARTER. When did you sever the connection?

Mr. CANTWELL. This circular which was sent out on the 16th of February, 1912, shows our full connection with Mr. Powell.

Mr. CARTER. Does it show the date?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. Do you know what the date is?

Mr. CANTWELL. Some time in January or February, 1912.

Mr. CARTER. That was after the time he had made this affidavit. This was on April 27, 1911.

Mr. CANTWELL. He is an unmitigated liar if he ever says that any charge was ever made, because he charged us with all the expenses and we got vouchers for them. Our instructions to him were not under any circumstances to permit anybody to pay him anything. I would like to have this made a part of the record.

Mr. CARTER. Yes, sir. Since the time that you severed connection with him you have not authorized him in any way to act for you or Mr. Crews?

Mr. CANTWELL. No, sir.

Mr. CARTER. Has he continued to take contracts?

Mr. CANTWELL. I do not know who he has taken contracts for. I understand he has been down to Mississippi. The only contracts taken for us were contracts taken by Mr. Luke W. Conerly, at Gulfport, Miss.

Mr. CARTER. He is your agent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. He is still continuing to take contracts?

Mr. CANTWELL. I believe so.

Mr. CARTER. When you separated from Mr. Powell, did you give him any letter of recommendation?

Mr. CANTWELL. Yes, sir; I committed the unpardonable folly of writing a letter to Powell—he is a very peculiar human being, you know, very active—in which I complimented him for staying here and keeping open the Mississippi Choctaw matters. He and Nichols, as you know, stayed around in this Capitol and haunted everybody for months and months when practically everybody in Oklahoma and Mississippi had given up hope, and I wrote a letter to Powell which gave Powell entirely too much credit and which he immediately had lithographed. He changed one part of it, one sentence in the original copy, and spread it all over Mississippi. There is nothing in that to be ashamed of except that I was probably too generous in giving him something to which he was not entitled.

Mr. CARTER. You found out at the time you made this settlement and turned him off that he was a man of bad repute?

Mr. CANTWELL. At the time we made this settlement?

Mr. CARTER. Yes, sir.

Mr. CANTWELL. Mr. Carter, after we made that settlement with Mr. Powell and engaged Mr. Conerly, Powell, I was afraid, would go down to Mississippi and go to taking contracts. I was afraid that we could not keep him quiet. I did not want him to take any more contracts. I agreed to pay Powell a small salary if he would go down there and stay there under the direction of Conerly. After we bought him out, simply to dispose of him, we agreed to pay him $50 or $60 a month.

Mr. CARTER. So he did work for you after that?

Mr. CANTWELL. No; he went down there, with the understanding that he was not to take any contracts at all.

Mr. CARTER. But was to draw a salary?

Mr. CANTWELL. Yes, sir. He telegraphed me from some point down there that the deal was off, and the next day he went to taking contracts.

Mr. CARTER. On his own hook?

Mr. CANTWELL. On his own hook, I suppose. I got out this circular. That was the occasion for getting out this circular.

Mr. CARTER. Do you not think that giving him this letter from a firm of lawyers like yourself and Mr. Crews might give a certain standing that would enable him to take contracts that he could not possibly have gotten without that letter?

Mr. CANTWELL. I am inclined to think that that is probably true.

* * * * * * *

Mr. CARTER. How much does the Harrison bill provide shall be paid to each claimant?

Mr. CANTWELL. Double the appraised allotment.

Mr. CARTER. Two thousand and eighty dollars?

Mr. CANTWELL. Approximately.

Mr. CARTER. It is stated here that 9,558 of these contracts are controlled by Crews & Cantwell. Without regard to whether that is or is not true, a calculation of 9,558 multiplied by $2,000 would be $19,116,000, and if the fees set out in your contracts were paid to you, you would get about one-third of that sum. Some of them are 30 per cent and some 35 per cent?

Mr. CANTWELL. I do not think there are any 35 per cent.

Mr. CARTER. This one here is 35 per cent.

Mr. CANTWELL. That is not a Mississippi Choctaw contract.

Mr. CARTER. It provides for the enrollment of the people?

Mr. CANTWELL. Yes, sir; but that would include freedmen and all.

Mr. CARTER. That would aggregate a fee of $6,358,000. That would be a great deal more than Mansfield, McMurray & Cornish ever dreamed of, and their fee of $750,000 seemed excessive.

Mr. CANTWELL. That presupposes that all are going to be enrolled. In the next place, it includes in your estimate a great many people who are not Mississippi Choctaws, who could be eliminated from consideration.

Mr. CARTER. If they were enrolled, they would be entitled to the same consideration?

* * * * * * *

Have you hypothecated any of those contracts?

Mr. CANTWELL. No; I have hypothecated none of these contracts. There has never been a hypothecation of any of those contracts, so far as we are concerned. There are some gentlemen in Texas who are interested with us in those contracts and in what sum may be recovered who have advanced money for taking those contracts and have agreed to advance some money for the necessary expenses whenever we get an opportunity to be heard.

Mr. CARTER. How much have they advanced?

Mr. CANTWELL. They have advanced altogether—I do not know the exact figures, but it is probably $15,000.

Mr. CARTER. What security did they take?

Mr. CANTWELL. They took no agreement from us that they should have an interest in whatever we might recover.

Mr. CARTER. That would practically be a hypothecation?

Mr. CANTWELL. That is not hypothecation; it is a declaration that they shall receive a certain proportion.

Mr. CARTER. How much are they to receive for financing it?

Mr. CANTWELL. My recollection is that in the case of the Mississippi Choctaws it is 60 per cent, whatever it may be.

Mr. CARTER. Whatever your fee is?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. What is the name of the concern that is financing these contracts?

Mr. CANTWELL. It was incorporated by these people under this agreement and called the Texas-Oklahoma Investment Co.

Mr. CARTER. Who compose the corporation?

Mr. CANTWELL. A number of gentlemen in Houston, Tex.; friends of Mr. Harris Masterson.

Mr. CARTER. Do you know any of the other names?

Mr. CANTWELL. I do not know any except Mr. Masterson and Mr. Hulbert.

Mr. CARTER. Are those the only people you have negotiated with concerning these contracts for the purpose of raising money?

Mr. CANTWELL. Those are the only people with whom we have ever signed a contract assigning any interest called the Texas-Oklahoma Investment Co.

Mr. CARTER. Did you have any business with a fellow named C. B. Moiling in Ohio?

Mr. CANTWELL. No, sir.

Mr. CARTER. With Mr. Dechant?

Mr. CANTWELL. No, sir.

Mr. CARTER. Did you have any correspondence with him?

Mr. CANTWELL. No, sir. He may be a stockholder in the Texas-Oklahoma Investment Co. He may have sold his stock to somebody else, but so far as my knowledge goes——

Mr. CARTER (interposing). It was an organized stock company?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. And the stock was sold?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. What is the capital?

Mr. CANTWELL. I think the capital is $100,000.

Mr. CARTER. What was the capitalization based upon?

Mr. CANTWELL. It was based on the assignment of the contract.

Mr. CARTER. What was the relative value between the capitalization and the fee?

Mr. CANTWELL. There was an agreement to put up $25,000, and to give Mr. Crews and myself 40 per cent of the stock. In other words, the contracts were assigned to the Texas-Oklahoma Investment Co.; they agreed to provide a fund of $25,000.

Mr. CARTER. And you take 60 per cent?

Mr. CANTWELL. Forty per cent.

Mr. CARTER. And they 60 per cent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. They to pay in $25,000 for the 60 per cent?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. Then there has been really $25,000 paid instead of $15,000?

Mr. CANTWELL. You asked how much had been spent.

Mr. CARTER. There is still $10,000 paid in?

Mr. CANTWELL. Yes, sir.

Mr. CARTER. And they were to have 40 per cent?

Mr. CANTWELL. Sixty per cent.

Mr. CARTER. Then, for $25,000, if these contracts should go through, they would expect to realize $3,802,000?

Mr. CANTWELL. Of course, Mr. CARTER. I have not speculated on anything of that sort. When the time comes it will be found, of course, that a great many of these people are not entitled to rights. We probably will determine that ourselves.

* * * * * * *

Mr. CARTER. How long was Powell in your employ?

Mr. CANTWELL. Until February, 1912.

Mr. CARTER. Was Milton Turner in your employ?

Mr. GORE. Mr. President, I think it is the last clause in the fourteenth article cited by the Senator and quoted by him, to the effect that they should not lose their privileges as Choctaw citizens, but it expressly provided that those who should remove should not share the annuities; that they shall enjoy other privileges; that they shall have a right to share in other property as citizens of the Choctaw Nation. But upon what condition were the privileges of citizenship to be enjoyed, and by what class of Mississippi Choctaws? By those who removed. That is the language of the treaty.

Mr. President, the second article of the Dancing Rabbit treaty provides that the section of country now held by the Chickasaw and Choctaw Tribes should be conveyed to those tribes, to have and to hold so long as they exist as a nation and live on it. The patent issued in pursuance of that treaty to the Chickasaw and Choctaw Tribes followed that language and conveyed that splendid region to the Chickasaws and Choctaws, to have and to hold so long as they exist as a nation and live on it.

Now, Mr. President, to show the further generosity of the Oklahoma Choctaws under the Curtis Act, under the Atoka agreement of 1898, provision was made for the allotment of land to the Indians and the final winding up of the affairs of the tribe. It is true, as suggested by the Senator, that a number of Indians were identified as Mississippi Choctaws remaining in Mississippi. It is my recollection that there were some 2,500 all told, but subsequent to the Atoka agreement in 1902 a provision, out of abundant generosity, was inserted to the effect that the Mississippi full-blood Choctaws who should remove to the Choctaw Nation within six months should be entitled to enrollment and should be entitled to citizenship under the original terms of the treaty and should live upon the land.

Mr. President, that was not mere nominal generosity. It was not a mere show of justice and of liberality toward their kinsmen. Under that tempting offer some 1,485 Mississippi Choctaws forsook their original home and wended their way to the land of the fair god in the present State of Oklahoma.

Mr. WILLIAMS. How many did the Senator say?

Mr. GORE. I think the number was 1,485, and it cost the Oklahoma Chickasaws and Choctaws $15,000,000. That was the price of their generosity. They opened their homes, they opened their rolls, they shared their lands, they shared their patrimony with their brethren who showed sufficient interest in the new home to transfer their residence to it at the splendid price of $15,000,000.

Yet the Senator from Mississippi suggests that the Oklahoma Choctaws have been measly, stingy, niggardly with their clansmen who were shortsighted enough to remain in the good old State of Mississippi.

Mr. President, the Choctaws and Chickasaws, it is true, have a magnificent patrimony. They have on hand in the Treasury $7,500,000 in cash; they have outstanding uncollected balances of $7,100,000. They have segregated coal land worth at least $30,000,000.

That, sir, has been a tempting bribe to many enterprising lawyers in this country. If but those rolls could be opened, if but the Mississippi Choctaws could be placed upon those rolls, if but these attorneys could share the lands and the money accruing to their clients, what a magnificent fortune it would be.

Mr. President, there is one firm of attorneys in the city of St. Louis who have secured, according to the report of a Government inspector, 9,500 contracts with Mississippi Choctaws and 2,300 contracts with alleged Choctaw and Chickasaw "freedmen"—negroes. According to the testimony of one of those attorneys he held 4,200 contracts. According to the information gathered by the Government inspector he had, all told, 9,500 contracts.

Sir, there is a bill pending in another place to secure each one of these Indians who shall make proof of blood under the act $2,080. The contract, and I have a copy of it here, calls for 30 per cent of all the land and all the moneys which shall be taken away from the Oklahoma Choctaws and transferred to the Mississippi Choctaws. If they realize their golden dream the possible fee would amount to $6,000,000.

That is not all. They have organized a syndicate known as the Texas & Oklahoma Investment Co. It is chartered in the State of Texas with a capital stock of $100,000. A firm of lawyers holds 40 per cent of the stock, and the investors, the promoters, the speculators, those who would plunder the Oklahoma Choctaws, hold 60 per cent of the stock.

I have here an extract from a letter written by one of these parties, in which he says that it is estimated that each Indian claim will be worth $8,000. This is an advertisement. He says that his contracts are for 30 per cent of the amounts which might be realized. This, he says, will be $2,400 in each case. He says that he is not selling less than 20 contracts in a lot, at $25 each. He adds significantly that on 20 contracts you would realize $22,500 net profit on an investment of only $500.

Now, Mr. President, you can see the shadow of the wolf lurking around the tents and the tepees of these Oklahoma Choctaws, if these attorneys for the Mississippi Choctaws should consummate their piracy on the Oklahoma Choctaws. I shall ask leave to print a portion of the statement, contracts, and so forth, of this firm of attorneys of St. Louis as a part of my remarks, so that the Senate can appreciate the avarice and the cupidity which has impelled these men, as a pack of wolves, to prey upon these Indians.

The PRESIDENT pro tempore. Without objection, the matter will be inserted. The Chair hears none.

Mr. GORE. I may add that there are 2,300 freedmen contracts.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. GORE. I do.

Mr. WHITE. How did these Indians find these lawyers?

Mr. GORE. I am delighted to have the Senator ask that question.

Mr. WHITE. Did the lawyers go among the Indians?

Mr. GORE. I have just referred to the freedmen's contracts numbering 2,300. The firm of Crews & Cantwell hired J. Milton Turner, a negro lawyer, to rustle, and he rustled. He got a good many of the 2,300 contracts.

Bob Fortune, a well-known negro out in Oklahoma, was another rustler. He also rustled around and got a good many of these 2,300 freedmen contracts. There was one other negro in the woodpile whose name I do not now happen to remember. In Mississippi they also had emissaries who were conspicuous not only for their activity but for their success. There was one agent, A. P. Powell, retains marks of African ancestry, who was operating in Mississippi, and he got, I believe, 4,200 contracts from the Mississippi Choctaws in that State. I have a statement here showing that one Luke Ward Conerly, of Gulfport, Miss., had on the 27th of last month 1,800 of these luscious plums ready to throw into the lap of Messrs. Crews & Cantwell. He had previously assisted in transferring 1,300 contracts from one Matthews to Crews & Cantwell; and I may add that he had helped to secure, I believe 2,358 other contracts in his patriotic endeavors to serve the interests of the Mississippi Choctaws and to share the property of the Oklahoma Choctaws and incidentally to realize to Crews & Cantwell 30 per cent on each and every allotment secured to the Mississippi Choctaws. I think in some cases, perhaps of extraordinary difficulty, the fee was 35 per cent.

I believe that the solicitation of business is not regarded as in accord with the very highest ethics and propriety of the legal profession. Perhaps they might plead the character not the color of their emissaries in extenuation of their activities.

Now, sir, based upon the representation of the Texas Investment Co., if they could realize on these 9,500 contracts it would aggregate a little more than $18,000,000—$18,000,000 attorneys' fees to secure the Mississippi Choctaws their pretended rights under the Dancing Rabbit treaty.

I think in the history of mankind, in the history of Indian fees, greater enterprise and greater cupidity have never been made manifest amongst the sons of men.

It is true that if the pending amendment reported by the committee should be adopted, there would be an abundant balance of the estate left to meet all just claims which might ever arise against the Chickasaws and Choctaws.

The amendment calls for $100 per capita to these Indians. It would leave in the Treasury about $5,000,000 in cash belonging to these two tribes, to say nothing of the uncollected balance of $7,000,000, and the segregated coal lands which are yet to be sold and will probably bring some $25,000,000 or $30,000,000.

Mr. President are we to deny justice to the Oklahoma Choctaws and Chickasaws in order that these attorneys can realize on their investments, or, rather, upon their activities? These Oklahoma Choctaws and Chickasaws need this money. They need it now. It is their money; the Government is their guardian; the Indian is the ward. These Indians are dying, as in the course of nature all must die. They are passing to the happy hunting ground. They ought to be allowed to come into their own, to enjoy their property, to enjoy this money while they yet live to provide the necessaries and comforts of life. It will be of slight service when they are on the other side of the sod. Monuments and inscriptions are quite as unserviceable to an Indian as to his pale-faced brother.

These Indians are obliged now when their property is unavailable for use as a basis of credit to borrow money, and in many instances they are paying high rates of interest, while

The PRESIDENT pro tempore. The Chair begs the Senator's pardon.

Mr. GORE. Under that act some $732,000 were paid to the Mississippi Choctaws who elected to remain in the State and who took lands in Mississippi in lieu of the promised land in the present State of Oklahoma.

Between 1836 and 1855 some 4,000 Mississippi Choctaws removed from Mississippi to the Indian Territory. They were admitted to citizenship in the Choctaw Nation; they are on the rolls to-day, and they are participating in the tribal property of the nation.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I should like to ask the Senator between what two years that was.

Mr. GORE. Between 1836 and 1855.

Mr. WILLIAMS. Was it only 4,000 Mississippi Choctaws to whom the senior Senator from Oklahoma was referring?

Mr. GORE. I do not know.

Mr. OWEN. Yes.

Mr. GORE. I assumed so, but I did not know.

Mr WILLIAMS. If that is the case, then the senio: Senator from Oklahoma and I are both right. If he referred to 4,000 Mississippi Choctaws being on the rolls who had removed there prior to 1855, I would not for a moment dispute that statement. I thought the Senator referred to the Mississippi Choctaws who had removed there since 1902 and had gotten upon the rolls.

Mr. OWEN. No, no.

Mr. WILLIAMS. I thought that must be a mistake, as there were only about 2,200 or 2,300 of them in the State.

Mr. GORE. My purpose in making the observation is this: The Senator from Mississippi has argued that membership in a tribe or a clan is dependent upon blood, upon consanguinity, and not upon any legal rights or enactment.

Now, sir, that may have been true in times of antiquity; that may have been true among the families and tribes and clans of ancient Greece and Rome; that may have been true among the Iroquois. Indeed, sir, it may have been true among the Chickasaws and Choctaws prior to the coming of the white man, and even subsequently to the coming of the white man so far as they themselves, their constitution and customs, were concerned.

It does not follow, however, that in their dealings with the Government of the United States mere blood is sufficient to constitute membership in a tribe. Indeed, sir, it is not sufficient to constitute membership in any of the Five Civilized Tribes.

That one point is overlooked by many humane and philanthropic people. It raises the strangest sort of anomaly, which they can not reconcile with their sense of justice; but, Mr. President, bona fide residence among the Five Civilized Tribes was a condition precedent to membership in those tribes or in those nations. It often happened that in the case of full brothers one may be upon the Indian rolls and the other may not, and it turns upon the point of residence.

I remember most distinctly a case in point. One of the best friends I ever had was a Choctaw Indian—Calvin Meek. I could say of him, as Anthony said of Caesar, "He was my friend, faithful and just to me." He died some four or five years ago. He left a widow and five helpless and dependent children. His full brother is on the Choctaw rolls to-day, is a citizen of that nation, secured an allotment, and secures all the benefits and distributions of tribal funds. The Indian blood of his brother, Calvin Meek, was never challenged. No one disputed that he was an Indian by blood, but he filed his application for citizenship while he was a resident of the State of Missouri. He filed his application 30 days before he removed to the Indian Territory. His brother removed to the Indian Territory before filing, and upon that point turned the decision of the two cases. Calvin Meek was held not to be eligible to membership because he had severed his relations with the tribe and adopted the customs of the white man. His brother, a resident of the Choctaw country, maintaining his relationship with the tribe, was a member of the nation, and was entitled to share its tribal property.

There never has been a Chickasaw Indian or a Choctaw Indian admitted to the rolls of either tribe who was not a bona fide resident of the Chickasaw and Choctaw Nations in Oklahoma. This is an unvarying rule, and it never has been departed from; but from 1855 down to about 1890 Choctaw Indians removed to Oklahoma from time to time. They were welcomed by their brethren of the West. They were adopted into the tribe, and to-day they are upon the rolls of the tribe.

In 1889 the Choctaw Council passed a memorial requesting the Government of the United States to prevail upon their brethren in Mississippi to transfer their residence from that State to the Indian Territory. In 1891 the Choctaw Council passed a resolution creating a commission to visit the State of Mississippi, to visit their kinsmen in their old home, and prevail upon them to remove to the Indian Territory, and to share the fortunes of their families and tribes who had already moved toward the setting sun. They have greeted them with open arms. Not only that, sir, but in some instances they defrayed the expenses of those who removed from Mississippi to Oklahoma, and in certain instances they defrayed the expenses of those who had removed to the Indian Territory while they were becoming adjusted to their new homes and their new environments.

This has not been a policy of exclusion on the part of the Oklahoma Choctaws. Those who came and became bona fide citizens or residents became members of the tribe. That was a condition essential to citizenship in the tribe. I think there is no exception to that universal rule.

In 1893, 21 years ago, the Dawes Commission was created by Congress. A former distinguished Member of this body was appointed as its first chairman. That commission investigated the rights and the claims of the Mississippi Choctaws remaining in Mississippi to enrollment in the Indian Territory, and that legally constituted commission decided that the Mississippi Choctaws had no right to enrollment. They insisted upon that immemorial requirement, that of residence in the nation.

The decision of the Dawes Commission was challenged. Under the law the Indians had a right to appeal to the Federal courts in the Indian Territory. Jack Amos and others prosecuted an appeal from the decision of the Dawes Commission to the Federal court presided over by Judge Clayton. In a very able and, I might say, a very eloquent decision Judge Clayton decided that the Mississippi Choctaws remaining in Mississippi had no legal right to citizenship in the Choctaw Nation or to enrollment as citizens of the tribe.

That is the decision of the court. It is authoritative. Amos prosecuted an appeal from the decision of Judge Clayton to the Supreme Court of the United States, and despairing of success he suffered the case to be dismissed, and it never came to final judgment in the Supreme Court. He was represented by able and distinguished counsel. I infer, however, from the suggestion of my colleague that in a subsequent case, the Stephens case, the question was decided by the Supreme Court in accordance with Judge Clayton's decision.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to his colleague?

Mr. GORE. I yield.

Mr. OWEN. The Mississippi Choctaw case was argued in the Stephens case, and the Supreme Court held that the decision of Judge Clayton in that whole class of cases was final.

Mr. GORE. The Stephens case and the Amos case were companion—related cases?

Mr. OWEN. Yes.

Mr. WILLIAMS. Those decisions applied to those people who were claiming that their ancestors had received patents.

Mr. OWEN. The decisions which were ratified by the Supreme Court were to the effect that the legislation authorizing final judgment to be rendered by the United States District Court of the Indian Territory gave conclusive and final jurisdiction, and that their decision under the law was conclusive.

Mr. WILLIAMS. I understand; but the decision of the lower court went off upon the ground that these people had not proven that they were descended from the people who had received these patents.

Mr. OWEN. No; it went——

Mr. GORE. It was on the ground that they were not bona fide residents of the nation.

Mr. OWEN. I have here the language of Judge Clayton:

> Adopting these rules in the interpretation of article 14 of the treaty of 1830, I arrive at the conclusion that the "privilege of a Choctaw citizen" therein reserved to those Choctaws who shall remain, thereby separating themselves, it may be forever, from their brethren and their nation, becoming citizens of another sovereignty and aliens of their own, situated so that it would be impossible, while in Mississippi, to receive or enjoy any of the rights of Choctaw citizenship, was the right to renounce his allegiance to the Commonwealth of Mississippi, move upon the lands conveyed to him and his people, and there, the only spot on earth where he could do so, renew his relations with his people and enjoy all of the privileges of a Choctaw citizen except to participate in the annuities.

And then he held that those who had not done so were not entitled.

Mr. WILLIAMS. Notwithstanding the fact that article 14 says it relates to the Choctaws who remain in Mississippi.

Mr. OWEN. He was passing on article 14.

Mr. WILLIAMS. And it says that it relates to the Choctaws who remain in Mississippi.

the way, to leave nothing to the M[illegible] law, and still fool him with the idea that he w[illegible] Choctaw, wh[illegible]inst the United States Treasury; and I d[illegible] full blood. [illegible] would have a claim in the court of [illegible] Having been juggled in this matter [illegible] until th[illegible] very well have a right in the court of [illegible] appeal to the generosity of the United States to restore him some of the money which he had lost.

Mr. OWEN. Mr. President, I remind the Senator from Mississippi that they were urged by the United States and by the Choctaws in the West for over 75 years to go West, and those who have not done so have remained in Mississippi in spite of that.

Mr. WILLIAMS. Oh, yes; I understand they were "urged to go West"; they were urged to leave the Leaf and Pearl River bottoms and the Youghiogheny and the hunting grounds there and to go out to Oklahoma, but they did not want to go.

Mr. OWEN. Oklahoma is a better place.

Mr. WILLIAMS. And they very properly said, "We prefer to stay here; every right that we have grows out of the fact that we are Choctaws; and it does not grow out of the fact of residence in Oklahoma at all. The provisions of article 14 of the Dancing Rabbit treaty expressly say that we shall have all the privileges of a citizen of the Choctaw Nation except those things which, from the very nature of them, we can not have," which I have already outlined.

The Senator from Oklahoma surely never ate a Youghiogheny squirrel.

Mr. OWEN. I am willing to.

Mr. WILLIAMS. And he never ate one of those channel cat out of the streams of that part of Mississippi, and he never went fishing up about Lake Burnside, or he would not say that a sensible Indian could be appealed to to leave that country to go to Oklahoma, unless his right to something in Oklahoma was adjudicated and determined before he moved. That is what I thought I had secured for him. But, Mr. President, outside of that, the Mississippi Choctaw had no way of going there except when he was a well-to-do Choctaw. The poor ones had no way of going; they could not pay their way; and, even after I got an appropriation to help them, they were faced with this question, which each one asked himself, "What am I to do after I get to Oklahoma while I am waiting for the courts out there to deal with my case—starve? They do not want me there anyhow; how do I know they will even give me work?"

Mr. OWEN. Mr. President, I remind the Senator that the courts out there did deal with these cases, and in the Jack Amos case held that unless the Indians had removed they were not entitled to citizenship there.

Mr. WILLIAMS. I have already referred to that.

Mr. OWEN. Judge Clayton so held, and the Supreme Court confirmed his opinion; so that I do not think the Senator ought to continue to argue that they have the rights of citizenship without their moving, after the courts have decided it.

Mr. WILLIAMS. Mr. President, that has devolved upon them in consequence of this act of 1912, which was a distinct illustration of bad faith upon the part of this Government. I inquire of the Senator from Oklahoma to what supreme court he refers?

Mr. OWEN. The Supreme Court of the United States in the Stephens case.

Mr. WILLIAMS. Yes, under the act of 1902 and the peculiar constitution of that peculiar court; but there is something a little higher in this world than the bare technicalities of the law, Mr. President, especially a law with pitfalls all through it.

Mr. President, there was a committee of the House, presided over by Mr. RUSSELL, to which was referred the bill H. R. 19213, which was a bill for the purpose of providing a method for the Mississippi Choctaws to be enrolled if entitled to be. That committee reported:

> First. That a considerable number of Indians not enrolled are entitled to the benefits of Choctaw citizenship.
> Second. That members of the following two classes are entitled to such benefits:
> (a) All full-blood Choctaws.
> (b) All mixed-blood Choctaws, who can prove descent from an ancestor who received or was entitled to receive a patent to lands under article 14 of the treaty of 1830.

You can just cast that last or B class out, because none of them can prove it, or very few. Some of them can. There was Greenwood Le Flore's family, for example, who remained there and became very cultured people and large slaveholders and large landholders and built "Malmaison," their country house, in Le Flore County, a fine old mansion, which the President pro tempore may possibly have seen; but, as a rule, these people can not prove that.

> Third. That the Secretary of the Interior be requested to furnish this committee, from records in his possession or under his control, and within nine months from the date hereof, a list of those who comprise the two above-named classes and who are not enrolled as Choctaws.

I wanted to find—and I will find later, though I think it will not be disputed—a statement made in the other House where it was confessed that the object was to exhaust this fund. I say that because you will hear the argument made that, even if this legislation is passed without reserving the right of the Mississippi Choctaws, there will be plenty left for them. That argument has been made every time—that there will be plenty left; and yet the idea is to go through the fund little by little until there is nothing of it left.

Mr. OWEN. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I do.

Mr. OWEN. How much does the balance of the property undistributed amount to?

Mr. WILLIAMS. I do not know what the balance of the property undistributed now amounts to, but I know that if you go on for many years more with this game that you sought to go on with last year and that you are seeking to go on with this year there will not be any left.

Mr. OWEN. It is estimated at $35,000,000, and this sum will amount to about $3,500,000.

Mr. WILLIAMS. That may be true; but if you take off $3,000,000 at a slice now, as a starter, and more each year, it will not last long.

Mr. OWEN. Oh, well, I take it the Senator ought not to make that argument beyond its legitimate bearing; and when I call his attention to the fact that there is $35,000,000 of property and only three and a half million dollars taken his argument entirely loses its force.

Mr. WILLIAMS. It does not lose its force. Here is a letter from an Oklahoma Representative in the House dealing with the subject, part of which I will read:

> You doubtless know that the only legislation necessary for a winding up of tribal affairs is a provision for a per capita distribution of our funds. This amendment is the first step on the last lap of a final settlement, and we expect to try to provide for these payments every year, *so that all the funds may be distributed* just as they are collected. Points of order, petitions, and every other possible opposition will be urged against this amendment, and the sentiment of our people should be made known.

So I have a perfect right to say that this question is not to be considered solely upon its aspects as a $3,000,000 appropriation here and now, but upon its aspects as a first step in a scheme which is intended to exhaust the fund.

This very dear friend of mine, whom I hold in a place close to my heart, being asked in debate in the House if he meant that, said:

> I admit everything in that letter, and I admit that I am going to try to do everything that letter sets forth.

Mr. President, I do not know what more I can add to this. As the Senator from Oklahoma has intimated, Congress has passed a law, a court has construed that law, and the Supreme Court has upheld that law—or, rather, has ruled that it had no jurisdiction to consider an appeal from the peculiarly constituted lower court's construction of the law and the treaty. I am not contending here that the Mississippi Choctaws, in the face of all that legislation and in the face of these decisions, have any right here that is enforceable in a court of law, but I am trying to get the legislative branch of this Government to change that law which was enacted against them and construed against them.

So far as the construction of the court was concerned, I hardly see how the Supreme Court could have come to any other conclusion, unless it had taken the position that that law could not set aside the treaty without the consent of the Mississippi Choctaws—a point which seems not to have been mooted. I am not talking now, however—and I can not be thrown off the right scent—about what are their rights in court to-day. I am talking about what their rights ought to be. I am trying to get a lot of men who love justice, or are supposed to love it, to help me change the law so that they can get their rights. I say that more shameful pages never were written in any history than those recording the manner in which these people have been treated, and it is no justification of it to say that they were treated in that way by law or by agreement between the United States and the Oklahoma Choctaws, who profit by the agreement.

What is Federal law? Why, it is the voice of the Congress of the United States with the President's signature of approval

on it. If one man had gone out and done these people this great injustice there might be some excuse made for it; but those who represent a great Nation have done it, and what I am appealing to you to do is to undo it. No amount of talk about what courts have decided or what Congress did in 1902 or the jurisdiction on appeal of the Supreme Court under a peculiar statute constituting a still more peculiar court can affect the proposition. If this committee amendment in the bill is in order, then this restriction upon it sought to be made by my amendment is likewise in order.

Mr. GORE. Mr. President, many of my most reputable and honorable constituents are members of the Chickasaw and Choctaw Tribes of Indians. I therefore share the high admiration which has been expressed by the Senator from Mississippi for these immemorial tribes.

I may say, too, that I share the sentiment which he expresses in behalf of this tribe on account of the fact that their early history was identified with the State of Mississippi. I myself am a native of the old Choctaw territory in the State of Mississippi. In my childhood I used to find arrowheads upon their former hunting grounds. It is but natural that I should feel an interest in the Choctaws, whether they have remained in Mississippi or whether, pursuing a wiser course, they have removed to Oklahoma. I am willing—nay, I should insist—that the General Government mete out justice to the Choctaws, whether they reside in Mississippi, their original haunts, or in Oklahoma, their adopted home; but, sir, I am not willing that this Government should be generous toward the Mississippi Choctaws at the expense of the Oklahoma Choctaws.

This Government, sir, must be just to the Oklahoma Choctaws before it can be generous to the Mississippi Choctaws. If there be any right on the part of the Mississippi Choctaws, if there be any obligation in their favor, it must be a moral obligation or claim against the Government of the United States and not either a moral or a legal claim against the Oklahoma Choctaws.

Mr. WILLIAMS. Mr. President, will the Senator permit an interruption?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I just wanted to be sure that I understood the Senator. Did he say that there must be a claim against the United States and not against the Choctaw fund?

Mr. GORE. I say, if the Mississippi Choctaws have any right or any claim——

Mr. WILLIAMS. It is against the United States?

Mr. GORE. Yes, sir.

Mr. WILLIAMS. I just wanted to be certain of that, because the Senator's colleague a moment ago seemed to think it was absolutely absurd that they could have any.

Mr. GORE. I made it entirely conditional and contingent, and I stated that it was a moral claim, not a legal claim. I do not know but that there might be some moral claim against the General Government; not, however, a legal claim.

I shall proceed to show that if there be any obligation it must exist against the General Government, and not against the Choctaws of Oklahoma; and I shall also show, before I conclude, that there is a syndicate or organization of lawyers who have been for years attempting to reopen the Choctaw and Chickasaw rolls in order that they might realize a golden fortune out of that contingency.

It is true that under the Dancing Rabbit Creek and other treaties the Choctaws agreed to remove westward of the Mississippi. They exchanged 15,000,000 acres of land in Mississippi for a large section of territory now comprised in the State of Oklahoma—over 15,000,000 acres. All who desired to remove westward were permitted to remove westward; but the treaty stipulated that if any of the Choctaws desired to remain in Mississippi and become citizens of the States they should be entitled to certain allotments of land. Each head of a family, I believe, was entitled to a section of land. Every child over 10 years of age was entitled to a half section of land. Every child under 10 years of age was entitled to a quarter section of land.

That was a pretty generous dower in behalf of those Choctaws who should elect to remain in Mississippi. It is perhaps true—I have no occasion to deny it—that Mr. Ward, who was acting as Indian agent for the Government, encouraged the removal of Indians from Mississippi to Oklahoma, and discouraged the registration of those Indians who intended to remain in Mississippi. Those who desired to remain in the State of Mississippi were required to register, in order to constitute a list for the allotment of the lands provided by the treaty. Under Mr. Ward's conduct, or misconduct, I think only 142 heads of families were registered, but the Government of the United States made an effort to atone for the conduct of Mr. Ward. In 1842 an investigation was made, and it was ascertained that more than 1,100 Indians, heads of families, had elected to remain in Mississippi, the whole number, children and all, aggregating more than 4,000. The Government then enacted a law to carry out its obligations to those Mississippi Choctaws. It provided, under the act of 1842, for the issuance of scrip to each and every one of those Indians, in accordance with the Dancing Rabbit Creek treaty.

The PRESIDENT pro tempore. Will the Senator suspend a moment, to permit the Chair to address an inquiry to him?

Mr. GORE. Yes, sir.

The PRESIDENT pro tempore. It is the desire, both of the Vice President and the President pro tempore, that the Vice President shall resume the chair within a very short time. Is it the intention of the Senator to interpose a point of order to the amendment offered by the Senator from Mississippi to the committee amendment?

Mr. GORE. Yes, sir.

The PRESIDENT pro tempore. If it is, the Chair will dispose of it at this time, if the Senator will suspend.

Mr. GORE. Very well.

The PRESIDENT pro tempore. The principal purpose of the amendment offered by the committee is to direct a per capita payment of a given sum to certain Indians, the fund to be disbursed being a trust fund, the property of the Indians, and now in the custody of the United States. It provides for an unconditional present payment. The purpose of the amendment offered by the Senator from Mississippi is to make the payment conditional upon the happening of a certain event. The Chair holds that if it is competent for Congress to pass the main proposition for partial payment at this time it is also competent for Congress to annex any condition it may see proper. The condition proposed in the amendment of the Senator from Mississippi is entirely germane and entirely proper if the Congress sees fit to adopt it. The point of order is therefore overruled.

Mr. GORE. Mr. President, I should like to make just one observation before the Chair makes his final ruling. The Senator from Mississippi [Mr. WILLIAMS], just before he sat down, said that we pleaded the existing law in behalf of the Oklahoma Choctaws and against the Mississippi Choctaws. He said: "That is the law." He said: "What I want to do is to change the law." It seems to me that statement on the part of the Senator——

The PRESIDENT pro tempore. This does not go to that point. It simply goes to the right of Congress to exercise a conditional delay of the main proposition.

Congress could omit the entire proposition, and if it can do that it can do less. It can make it depend upon certain events that may occur in the future. It might make it depend upon the lapse of a period of time. Besides that, the amendment of the Senator from Mississippi does not include all of the tribes named in the amendment of the committee.

The Chair is quite satisfied with his ruling. It is not the result of hasty consideration. The matter was called to his attention on last evening, and he gave it some consideration, and he is satisfied to stand on the ruling he has announced.

The amendment is in order, and the question is on its adoption. The Senator from Oklahoma may proceed.

Mr. GORE. Mr. President, as I was saying when the Chair raised this question, the General Government passed an act in 1842 under which land scrip was issued to the Mississippi Choctaws remaining in that State. Scrip for one-half the land was issued in that year.

In 1845 the Government changed its policy. It enacted a law under which no further scrip was issued, but under which the value of the scrip, estimated at $1.25 an acre for the land represented, was capitalized, and upon that capitalization the Mississippi Choctaws remaining in Mississippi were paid 5 per cent interest.

That policy continued until 1852, when the Government of the United States again changed its policy. It decided to pay off the capitalized value of the land scrip previously issued, and the act of that year appropriated $872,000 for the payment of the Mississippi Choctaws.

The PRESIDENT pro tempore. All of those things may be very good reasons why the amendment should not be adopted, but they do not constitute a reason why it should not be considered.

Mr. GORE. I am not discussing the point of order.

The PRESIDENT pro tempore. The Chair thought the Senator was doing so. The Chair begs the Senator's pardon. He thought the Senator was addressing his remarks to the Chair.

Mr. GORE. I am not discussing the ruling of the Chair. I am discussing the merits of the Senator's amendment.

Mr. OWEN. It is right.

(Note by Mr. WILLIAMS: Evidently the Senator from Oklahoma and I, as will hereinafter appear, were using the phrase "Mississippi Choctaws" in two different senses. I meant Choctaws living in Mississippi in 1902, he, Choctaws who had lived in Mississippi prior to 1855 and who had left that State and gone to Oklahoma in the fifties—1855, 1856, and 1857—before the war.)

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the junior Senator from Oklahoma?

Mr. WILLIAMS. I yield to the Senator, if he wishes to ask a question.

Mr. GORE. I wish to suggest to the Senator from Mississippi that the attorneys now representing those who claim to be descendants of Mississippi Choctaws, and who desire a share of the estate of the Oklahoma Choctaws, claim that there are some 40,000 descendants of the Mississippi Choctaws.

Mr. WILLIAMS. Oh, Mr. President, now I understand what the Senators from Oklahoma mean. They are talking about Indians who used to be Mississippi Choctaws decades ago or about the white people who are running around loose with about a sixteenth or a thirty-second of Indian blood in them who want to get in, I reckon. I am talking about full-blood Choctaws living in Mississippi in 1902.

Mr. GORE. The Senator from Mississippi misunderstands my observation. The Indians alluded to by my colleague [Mr. OWEN] were actual Indians, who actually removed from Mississippi to Oklahoma, who are now members of the Choctaw Tribe, and who are enjoying the benefits and properties of that tribe. There are attorneys who are insisting that there are some 40,000 persons eligible to qualify as Choctaws who are entirely willing to share in the estate of the Oklahoma Choctaws.

Mr. WILLIAMS. Yes; and to swear that they had Indian ancestors.

Mr. GORE. Yes.

Mr. WILLIAMS. I am not talking about them, nor am I trying to get anything for them. Let me show you the next deadfall in this act. It is provided:

> Applications for enrollment as Mississippi Choctaws and applications to have land set apart to them as such must be made personally—

Must be made personally—

> before the Commission of the Five Civilized Tribes.

A man in Mississippi to appear personally in Oklahoma to find out if he has any rights.

Mr. President, I know these people well. They lead simple lives; they are hunters and fishermen. They can be prevailed on now and then to go out and do job work. As I said here upon the floor of the Senate once before, you can hire a man in Mississippi to go and split you 10,000 rails. If a negro comes in and tells you he has got those rails piled up in the woods, you had better go out and count them first; if a white man tells you so, you had better, as a rule, count them; but if a Choctaw Indian comes and tells you he has them there, he has them; you need not count them. He pays his debts. Sometimes he is a long time about it, because he is a long time getting the money, but if he lives he pays his debts. He lives an honest and simple life, and here is the United States Government requiring him to appear personally before somebody across the river, and requiring him, moreover, to prove who his grandfather's grandfather was, and half the Senate could not do that; that is, to the satisfaction of a court.

There were two classes of them—this act makes a clear distinction—first, the full bloods, and, secondly, the others, whether of full or of mixed blood. The act goes on to say who is "a descendant of those receiving patents to lands under said treaty." There is not a page upon the history of our dealings with the Indians that is more shameful than the page which records the manner in which the Choctaw Indians have been dealt with by the United States Government.

In the Dancing Rabbit treaty itself there was a provision that a qualified agent of the United States should go down there, that that man should see these Indians, that they should "signify their intention" to the agent "within six months from the ratification of this treaty," and that they should "thereupon be entitled to reservations" of various lands within six months afterwards. The United States Government sent down there a notorious drunkard, who stayed drunk the whole six months, and did not give an opportunity to one-twentieth of the Mississippi Choctaws ever to "signify" any "intention" of any description. I will ask the Senator from Oklahoma does he remember his name?

Mr. OWEN. His name was Ward.

Mr. WILLIAMS. Yes; his name was Ward. It is a notorious historical fact that he had to be afterwards recalled. Meanwhile the six [illegible] expired, because the United States through its [illegible] in Mississippi in the controversy, its representative in [illegible] more than drunk.

When [illegible] to carry out [illegible] there most of the Indians lost out because [illegible] provided [illegible] the treaty had elapsed.

Senators, I [illegible] your time unnecessarily, because last year [illegible] whole matter—at that time there was a full attendance of the Senate—and the Senate agreed with me and disagreed with the committee; but there are parts of it that I want to dwell upon.

I think that the Chair yesterday made a mistake in holding that this provision of this bill was in pursuance of a treaty; it is in violation of a treaty. Technically it may be in pursuance of the law of 1902 to a large extent, but it is in violation of a higher law that, unless set aside by the consent of the Mississippi Choctaws, ought to control, and that is the treaty. But however that may be, I have so much more respect for the parliamentary opinion of the present occupant of the chair than I have for my own that I did not appeal from it, and did not make any fight upon it. It was in clash, however, with the decision that was given last year upon the same point. The fourteenth article of the treaty is this, if you please:

> When allotments as herein provided—

This is part of the law—

> 14. When allotments as herein provided have been made to all citizens and freedmen, the residue of lands not herein reserved or otherwise disposed of, if any there be, shall be sold at public auction under rules and regulations and on terms to be prescribed by the Secretary of the Interior, and so much of the proceeds as may be necessary for equalizing allotments shall be used for that purpose, and the balance shall be paid into the Treasury of the United States to the credit—

Of whom?—

> of the Choctaws and Chickasaws—

Not the Choctaws in Oklahoma alone—

> and distributed per capita as other funds of the tribes.

That does not say the Choctaws in Oklahoma alone, but it says:

> When allotments as herein provided have been made to all citizens and freedmen.

Another clause of this law says—I will read it in a moment—that when all charges upon the fund have been satisfied—the Speaker of the House held that the word "charges" meant fees, attorneys' fees, and charges of that sort. I think that was rather a narrow meaning to give it. There are 1,080 of these people enrolled by Capt. McKennon entitled to their share under this law as full-blood Mississippi Choctaws who are standing out yet without any recognition of any description, and it can not be said, I think, that there has been a "final approval" or adjustment until their claims have been determined. Section 17 of that law reads:

> SEC. 17. That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear on the finally approved rolls of the respective tribes, such distribution to be made under the rules and regulations to be prescribed by the Secretary of the Interior.

My contention is that the United States Government, as a great and honest Government, ought not to make final the approval of these rolls until these people have had a proper chance.

Mr. LANE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. WILLIAMS. I do.

Mr. LANE. I should like to ask the Senator from Mississippi a question. If the Government pays out this money to the Oklahoma Choctaws, and the Mississippi Choctaws are entitled to their proportionate share of it, does not that become a valid claim against the Government which at some time it will have to pay?

Mr. WILLIAMS. There has been a bill already introduced in the House to pay the Mississippi Choctaws, unless I am misinformed.

Mr. OWEN. Mr. President, a bill may be introduced in the House for any purpose whatever, but these claims have no more right against the United States than if they were absolutely without any foundation whatever.

Mr. WILLIAMS. I did not say they had. I am not prepared now to give an opinion on that subject.

Mr. OWEN. I do not believe the Senator could really contend that they have.

Mr. WILLIAMS. No; I did not say they had; but the object is very plain: It is to distribute this fund, to get it out of

There were two classes of people entitled to benefits under this. One was the full-blood Mississippi Choctaw, who had to prove simply that he was a Choctaw of full blood.

Mr. OWEN. And moved.

Mr. WILLIAMS. He was not to move until the lapse of a certain time after the final approval of the roll—now, mark that—six months after the final approval of the roll "and the ratification of the agreement," to which he was never a party, affecting his rights between the United States Government and the Choctaws in Oklahoma. Of course all this involved his having knowledge that his enrollment had been approved. I deny that any such notice was ever really given him, and I assert and will later prove that as to eleven hundred of them; they were simply pigeonholed, to use the language of the senior Senator from Oklahoma. Now, there was a second class, namely, those whose ancestors had obtained patents under a clause of article 14 of the Dancing Rabbit treaty.

And then, Mr. President, what did they do with those men of this class? Fishermen, hunters, illiterates from generation to generation, this great Government called upon them to trace their pedigree back to 1830. Half the white men who are educated can not do it.

Mr. WEST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. I do.

Mr. WEST. Why did they put such rigid requirements on the statute book?

Mr. WILLIAMS. Oh, I think I can tell you. Because their brethren in Oklahoma knew that the more any Choctaws residing outside of Oklahoma got of what was coming to the Choctaw Nation the less they would get. That is why.

Mr. OWEN. The United States did it.

Mr. WILLIAMS. Yes; the United States through committees and through Congress did it, and Oklahoma Choctaw influence and their paid attorneys for them won out.

As I was going to say, and I am giving the history of it, I got an appropriation of $20,000 to help bring these people out to Oklahoma.

Now, mind you, under what I have just read you they were not to move necessarily until six months after the final approval of the rolls, but in the meanwhile the matter was carried into some courts out there, and some lawyers out there were paid so much for keeping off and getting off names from the rolls. The Senator from Oklahoma will admit, I believe, that there was a contract to that effect by the Choctaw Nation in Oklahoma with a firm of lawyers who were to receive so much per for every name that they kept off the final enrollment, and these lawyers went to work and they kept off these men that Capt. McKennon had enrolled and had identified as full blood Choctaws.

They kept them off and got them off by procedure before a peculiarly constituted court from whom no appeal could lie. Appeal was sought to the Dawes Commission and to the Supreme Court of the United States. The latter decided that it had no jurisdiction to consider the appeal—that the decision of this peculiarly constituted court as instituted by our law was final. What influences secured the peculiar institution of that court? Again echo answers.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I yield.

Mr. GORE. I think the Senator from Mississippi is in error with reference to the time and the character of the contract; I have no more sympathy with the contract than has he; but the contract did not stipulate a certain per cent for each one kept off the rolls; it did stipulate 9 per cent for each and every court citizen who should be put off the roll, the court citizens being alleged Indians who had been admitted to enrollment and to citizenship by the Federal courts of the Indian Territory. The contract, as I recall, related exclusively to court citizens, and stipulated that the attorney should receive 9 per cent of what would have gone to each of those citizens who should be removed from the rolls, they having been already placed on the rolls by the court.

Mr. WILLIAMS. I think I will come to that later, unless I forget it. I think the contract to all, and the Senator admits it, applied to those whose names had been placed on the rolls as the consequence and result of trial in and decree of Federal courts, not peculiarly constituted.

I have here somewhere a part of that contract. I do not think I am mistaken broadly in the statement I have made, which was that the attorneys received so much "per." I am not criticising those people for that. Human nature generally is controlled by self-interest, and when there is a common fund and a certain number of people who would be entitled to distribution under it can increase their share by keeping other people out, I reckon that until God recreates human nature, or until it developes itself to a higher plane, they will proceed to hire lawyers to do it; and that is what they did in this case.

There were these full-blood Choctaws—for the present I am not talking about any others—and no man living denies that they are full-blood Choctaws; no man living, with any knowledge of law, denies that they are citizens of the Choctaw Nation—regardless of where they live—by consanguinity and blood; no man living will deny that the fourteenth article of the Dancing Rabbit treaty said they were to have all the privileges of Choctaw citizens, except that they were not to share in that annuity, and that from the nature of it they could not share in the distribution of the lump sum.

What is the object of this opposition to the amendment I offer and this attempt to distribute this fund solely to Choctaws in Oklahoma? One of the dearest friends I have in the House of Representatives and from Oklahoma has already publicly avowed on the floor there what its object is. It is little by little to distribute this fund until there will be nothing left. Meanwhile these people in Mississippi, friends of the white man, who never raised a tomahawk against him, who fought the other Indians for us, who followed Mad Anthony Wayne in his fight against the northern tribes, have knocked year after year at the doors of Congress and can not get consideration from its committees. It is openly avowed that it is intended little by little to distribute all of this Choctaw fund until there is nothing left of it and therefore nothing left for the Mississippi Choctaws to get; and it is advised that instead of attempting to get what is due him on this bill there should be a separate bill for his relief passed. A bill has been introduced by one of those gentlemen from Oklahoma in the other House, and that bill for the relief of the Mississippi Choctaw is to relieve him out of the Treasury of the United States later on.

Mr. President, here is that annuity business to which I referred, which was an annuity of $20,000 for 20 years, to which the Choctaws remaining in Mississippi were not entitled. Then there follow some provisions in the Dancing Rabbit treaty about money to be devoted to the erection of schools and schoolhouses and the payment of teachers in the Indian Territory, to which they were to remove. These provisions, of course, by their very nature could not apply to the Mississippi Choctaws because the Mississippi Choctaws could not send their children to school in the Indian Territory. In every other respect these people were parties to this treaty, and there was no moral right under the sun for Congress by any law of its own making, without consulting them in any respect, to deprive them of their rights under that treaty. Not even though it were by agreement with—or a better word would be collusion with—the Oklahoma Choctaws.

That is not all. At one time a claim of the Mississippi Choctaws grew up against this Government until I believe it amounted to about $8,000,000. That was paid. The amount was $8,000,000, but about $5,000,000 were deducted to cover various expenses, leaving $3,000,000. It was a claim growing out of what the Government owed the Mississippi Choctaws. Where do you reckon it went? It went to the Choctaws in the Indian Territory, and the Mississippi Choctaws never saw it.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I do.

Mr. OWEN. I want to remind the Senator from Mississippi that Murray & Vroom found 4,100 of these claims as shown on the muster rolls, and 3,400 of them went to Oklahoma.

Mr. WILLIAMS. From Mississippi?

Mr. OWEN. Yes.

Mr. WILLIAMS. I did not know there were that many in the State.

Mr. OWEN. There were 4,100, and 3,400 went to Oklahoma at that time.

Mr. WILLIAMS. What became of them?

Mr. OWEN. They are there yet; those who have not moved back.

Mr. WILLIAMS. Yes; and are not enrolled.

Mr. OWEN. Yes; they are on the rolls.

Mr. WILLIAMS. That is news to me. I do not think there ever were 4,000 Mississippi Choctaws in Mississippi. At the time Capt. McKennon and I were considering this matter the e timate made was somewhere between 1,600 and 2,500. Where does the Senator from Oklahoma get that information?

Mr. OWEN. From the muster rolls of the Indian Office.

Mr. WILLIAMS. Well, then, it must be right.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On June 18, 1914:

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

On June 19, 1914:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey; and

S. 2226. An act for the relief of Joel J. Parker.

INDIAN APPROPRIATIONS.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 12579.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. On page 77, after line 17, the Committee on Indian Affairs proposes to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The senior Senator from Mississippi [Mr. WILLIAMS] proposes to add at the end of the amendment the following proviso:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw Nation in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi to the amendment of the committee.

Mr. WILLIAMS. Mr. President, we went all through this debate a year ago. The Senate disagreed with the committee and adopted the amendment which I at that time offered. Then the committee, being determined that the amendment should not go through, made a point of order against the committee amendment as amended, and it went out of the bill, and now we have here to go over the whole thing again.

Mr. President, in 1830 there lived in the State of Mississippi a tribe of Indians known as the Choctaws. Unlike every other tribe of Indians in the United States, they had never had a quarrel with the English-speaking white man. No tomahawk had ever been raised by them against the American pioneers who settled that country. They were the friends of the English-speaking white settlers at all times. They fought for them and with them against Frenchmen and Spaniards. They fought with "Mad Anthony" Wayne.

About that year it was thought desirable to get them to remove, if they would, west of the Mississippi River. It was under Gen. Jackson's guidance and counsel that this was done. We entered into a treaty with them known as the Dancing Rabbit treaty, so named after the creek upon the banks of which the treaty was entered into.

Mr. President, it is a principle of universal law that citizenship in a savage tribe is not a matter of residence, but it is a matter of consanguinity, of blood relationship. It is interesting to go back and discover that this has once been the case with all people who have ever lived, not American Indians alone. I once investigated the points or resemblance between the tribal constitution of the Iroquois Indians, the "Indians of the Long House," and the early tribal institutions of Athens and of Rome. To be a citizen in any of them you had to be a member of the tribe by blood or adoption; place of residence had nothing to do with it. It is perfectly wonderful how far the institutions of all in their early stages agree in this respect. Citizenship everywhere originally was a matter of kinship. To be a member of the tribe in blood made one a citizen of the tribe, or, as we call it when we refer to the tribes of Indians in America, a citizen of "the nation."

I dwell upon this a moment for the purpose of laying down the fundamental principle that a Choctaw is a Choctaw, independently of the fact whether he dwells in Mississippi or whether he dwells in Oklahoma; that a Choctaw is a citizen of the Choctaw Nation, independently of the fact whether he dwells in Oklahoma or in Mississippi; and I do it for the further purpose of calling your attention to the fact that the Dancing Rabbit treaty recognized that truth.

The Dancing Rabbit treaty went on to say that provided these people would move west of the Mississippi River a certain lump sum should be appropriated for their benefit, part of it for schoolhouses and school teachers and part for other purposes, and that certain annuities should be instituted, to be shared by those of them who went west of the Mississippi River. In addition to that there was the usual provision for giving the chiefs certain favors—so much land, and all that. In all our treaties with the Indians it has been found necessary to give special favors to the chiefs and subchiefs—men of influence—to induce them to influence the others.

Some of the Choctaws in Mississippi did not want to go west of the Mississippi River, and some of their chiefs did not want to go west—Mooshalatubbee, Greenwood Le Flore, and some of the balance of them. It became necessary in this treaty to provide for those Mississippi Choctaws who declined to go and who were not willing to go, the object of the Government of the United States being to secure the land and be able to sell the land to white settlers; and in so far as the land in Mississippi was to be given to Indians there, to give it out by metes and bounds in individual ownership—in severalty, as we call it.

The consequence was that the Choctaw Indians going west of the Mississippi River became entitled to their proportionate share of this lump sum and their proportionate share of these annuities; but by article 14 of the Dancing Rabbit treaty the Choctaws who remained in Mississippi were specially recognized as having "all the privileges of citizens of the Choctaw Nation." This article 14 had to be inserted in order to secure any treaty at all. It was the sine qua non. Greenwood Le Flore insisted on it. It was admitted on all sides that unless those who chose to remain in Mississippi were to retain their Choctaw citizenship and receive the other advantages of article 14 there could be no treaty.

Mr. President, the Dancing Rabbit treaty can be found in the United States Statutes at Large, volume 7, "Indian Treaties from 1778 to 1842." I shall not undertake to read the treaty, of course; it is too much; but it is a treaty of "perpetual friendship, cession, and limit." It recites that one of the objects of it is "that the Choctaws may live under their own laws at peace with the United States and the State of Mississippi," and that therefore they have determined to sell their lands east of the Mississippi and have agreed to the following treaty. Why did they put in and at peace "with the State of Mississippi," except because there was no promise for all to go and no duty that all should go, and because many would remain in Mississippi?

Another portion of it is that which cedes to the United States the land which the Choctaws then owned as a Choctaw reservation within the State of Mississippi, Mississippi having extended her laws to all residents of the State.

Article 14, which is the important article, upon which I dwell, reads as follows:

Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty——

Mr. OWEN. What page is that?

Mr. WILLIAMS. It is on page 335, the fourteenth article of the Dancing Rabbit treaty. By the way, I will say in this connection the Senator from Oklahoma [Mr. OWEN] was the first man in the world who ever called my attention to this particular article of this particular treaty. I continue the reading—

and he or she shall thereupon be entitled to a reservation of one section of 640 acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over 10 years of age, and a quarter section to such child as may be under 10 years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it.

Now, Senators, mark you—

Persons who claim under this article shall not lose the privilege of a Choctaw citizen; but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

Now, that cuts them out of the annuity alone; cuts them out of it, even if they subsequently removed to what afterwards became known as the Indian Territory. In all other respects, remaining in Mississippi, if they so elected, they are guaranteed "the privileges of a Choctaw citizen." Meanwhile they had already been cut out of the lump sum, which was a sum devoted to the purpose of removing the Choctaws west and of schooling them there, and so forth. Of course, those who did not remove to the west of the river obtained, from the very nature of the case, no part of the lump sum. In every other respect the Mississippi Choctaws were a party to this treaty, as Choctaw citizens; and neither the United States nor the United States in conjunction with the Choctaws in Oklahoma, or in the old Indian Territory, had any right to change their rights under the treaty without the consent of the Mississippi Choctaws. They certainly never had any right to change it by engrafting upon it provisions which would cut out the Mississippi Choctaws from their express right under the Dancing Rabbit treaty. This is a fortiori true when you remember that just in so far as the Choctaws in Mississippi were cut out the fellow citizens in Oklahoma were benefited. Certainly a party of adverse interest to them could not represent them and waive their rights.

I had a long fight in the House of Representatives upon this question. I won the fight. The Committee on Indian Affairs there, upon which at that time was the late Vice President, Mr. Sherman, and the former Senator from Kansas, Mr. Curtis, and others, saw the justice of the claim of the Mississippi Choctaws, and it was provided that they should have the rights which were claimed for them.

But upon the legislation I found afterwards an insidious amendment that I did not know was there, and which provided that in order to have their rights they must remove to Oklahoma. The Mississippi Choctaws could no more move to Oklahoma than they could fly, because they for the most part did not have any money to move with, unless they walked, and, if they walked, had nothing to eat while walking.

Mr. OWEN. Was he doing well in Mississippi?

Mr. WILLIAMS. The Senator asks me if he was doing well in Mississippi. Yes; after his fashion he was doing very well. The Mississippi Choctaw in Mississippi, according to his idea, was in a very happy condition. He was in 1830, but he never was a money-maker, he never possessed a white man's love of money.

By the way, I want to pay tribute right here to the Choctaws in the State of Mississippi. This treaty you see looks to their becoming citizens of Mississippi, but Mississippi never permitted them to vote. She excepted from the ballot "Indians not taxed." But they lived there. They have lived, as their ancestors had, along the valley of the Pearl and the Leaf and the Youghiogheny. With squirrels, wild turkey, ducks, bear, and fish the Indians in Mississippi did not have to die to go to the "happy hunting grounds." He had them right there.

Now, the amendment referred to required these people to move to Oklahoma. So I afterwards secured an appropriation of $20,000, I think it was, to help them remove. But I found that, though I procured this appropriation of $20,000 to help them move, in the first place the sum was not sufficient, and in the next place that they had nothing to do and no way to make a living after they got to Oklahoma; they would have starved when they got there.

I and others interested in their welfare and their future afterwards prevailed upon the Dawes Commission to send a subcommittee to the State of Mississippi in order to identify the Mississippi Choctaws and put them upon the roll. That committee was headed by Capt. McKennon, of Arkansas. They came to Mississippi and went into the counties of Jasper and Newton and Le Flore and Leake and Neshoba, and Smith and Scott, and they gave notice, and the Mississippi Choctaws came up to be identified, and quite a number of them were identified and were placed by that subcommittee of the Dawes Commission upon the roll. Mr. President, there was no trouble in identifying full-blood Choctaw Indians. There were not any other sort of Indians in south and central Mississippi. The members of no other tribe ever remained in that section. Very few others ever lived in it, and they, small tribes right along the seacoast, had long since disappeared. Capt. McKennon did good work, and did it in a kindly spirit. A great number of the Indians came up and were put upon his roll. I am not certain of the number right now, but I think it was about 2,400.

Now, then, after he has acted for the Dawes Commission, has identified these people as Mississippi Choctaws, then the matter is brought into court in Oklahoma somehow or other and those rolls are not approved of.

Mr. OWEN. Mr. President——

Mr. WILLIAMS. Wait a minute. Then, furthermore, somehow or other when those rolls get here to Washington they do not receive the final approval of the Secretary of the Interior as to over eleven hundred of these men—unmistakable Choctaws of the full and half blood. Now, why? Not because they were not Choctaws. Nobody will say that. Capt. McKennon knew an Indian when he saw him; he knew him from a white man. These were full bloods and half bloods. Now, I yield to the Senator from Oklahoma.

Mr. OWEN. I wanted to remind the Senator that in the report which Capt. McKennon made subsequent to the list referred to by the Senator they were not put on the rolls because Capt. McKennon in his report said he found it was impossible for the persons of Indian blood to prove their descent. They had no family records; they had no records of 1830; and they could not prove their descent. He made that report, and that was the basis upon which that roll was afterwards disapproved by the Secretary of the Interior.

Mr. WILLIAMS. I understand that, Mr. President. I will come to that right now, though that was not the connection of the argument where I intended to bring it in. Here was a law that was passed by Congress in that connection in 1902. It shows that there were two classes of these people reported on by Capt. McKennon—Choctaws who were to be enrolled as of the full blood and Choctaws of mixed blood entitled by virtue of descent from patentees. But let me read it all to give the connection.

All persons duly identified by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495), as Mississippi Choctaws entitled to benefits under article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, may, at any time within six months after the date of their identification as Mississippi Choctaws by the said commission, make bona fide settlement—

Now, this was a waiver of the requisition of going to Oklahoma before identification—

make bona fide settlement within the Choctaw-Chickasaw country, and upon proof of such settlement to such commission within one year after the date of their said identification as Mississippi Choctaws shall be enrolled by such commission as Mississippi Choctaws, entitled to allotment as herein provided for citizens of the tribes, subject to the special provisions herein provided as to Mississippi Choctaws, and said enrollment shall be final when approved by the Secretary of the Interior.

Then this language was put in. It goes on:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement—

Now, mark this, the pitfalls in it, and how carefully they were placed there:

The application of no person for identification as a Mississippi Choctaw shall be received by said commission after six months subsequent to the date of the final ratification of this agreement, and in the disposition of such applications *all full-blood Mississippi Choctaw Indians* and *the descendants of any Mississippi Choctaw Indians, whether of full or mixed blood, who received a patent to land* under the said fourteenth article of the said treaty of 1830, who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June 28, 1898, shall be deemed to be Mississippi Choctaws, entitled to benefits under article 14 of the said treaty of September 27, 1830, and to identification as such by said commission—

The treaty referred to by date is the Dancing Rabbit treaty.

But—

Now, mark you this—

But this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant—

Now, mark it. To the advantage of what sort of an applicant?

And shall not be invoked by or operate to the advantage of any applicant *who is not a Mississippi Choctaw of the full blood*—

That is, Mississippi Choctaws of the full blood. That class could "invoke" it, and it could "operate" to their advantage. They could be identified without proving descent. How? By the eye of any man who knew an Indian when he saw him and had common sense.

It was the other class who could be identified only by proof of descent who must have been solely referred to in that part of Capt. McKennon's report referred to by the senior Senator from Oklahoma in his interruption of a moment ago.

The Mississippi Choctaws of full blood are taken out of this exception. There were two classes of these men. I continue to read the law of 1902—

or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said commission shall be upon a separate roll,

sary to enter a southern State. Small forces of Great Britain, France, Germany, and of other nations, associated with a larger American force and under unquestioned American leadership, might make such a joint intervention without infringing the Monroe doctrine.

If it does not violate the Monroe doctrine for European powers to protect their rights by bombarding southern ports from warships, it is difficult to see how the policy is violated when foreign nations protect their rights by landing troops. If it is certain that the troops are to be removed after the wrongs have been corrected. If a concerted action by warships in which we do not join and over which we have no control is no violation of the doctrine, how can it be a violation of it to have a concerted action of troops in which the United States takes the leading part?

If the whole expedition were under the command of an American general, as the whole Chinese expedition was under that of Field Marshal Count von Waldersee, it seems exceedingly unlikely that any portion of this command would be able to remain on southern territory, if the American officer commanding the expedition deemed it advisable to withdraw.

The current idea that Mr. Olney and Mr. Hay expanded the Monroe doctrine to mean that the United States must alone settle all internal affairs of America without interference by or suggestions from European powers is not sound. The doctrine never meant anything like that. It meant precisely what Monroe said in his message. Mr. Olney's dictum that we are practically sovereign on this continent was gratuitous, as are the efforts of later Secretaries of State to make the doctrine vague and general. We are under no obligations to accept them.

There is no more reason why the United States should accept these modern theories as definitions of the Monroe doctrine than there is reason for our accepting those of Polk and Grant as properly illustrative of it. President Polk suggested that we ought to seize Yucatan, because under the Monroe doctrine we were bound to take over any territory that a European power might be tempted to annex; and that was the theory adopted by Grant when he wished to seize the eastern end of the island of Santo Domingo. It was a novel and ingenious conception of the Monroe doctrine, but not one likely to appeal to us; as though one should say to his neighbor: "A highwayman may take your purse, and therefore to prevent that misfortune I shall take it myself." A piece of irresistible logic!

There can be no doubt that a concert of the powers to police all disorderly places of the world is an advance. It shows that the human race is beginning to move vaguely as a unit and to consider the welfare of all. That it may lead to universal peace, to a sort of federation of all peoples, is a hope not entirely of the fancy. Every concerted move, then, looking to the welfare of all is to be encouraged. The joint action of civilized nations carries more weight and incurs less antagonism than that of a single power. It is the force of united national opinion. As a man is more influenced by the concerted act of his neighbors than by the act of one, so a nation must be more impressed by the joint act of all the great powers about her.

THE NATION NOT BOUND BY HERESIES.

If the United States should be of the opinion, then, that it would be wise for all the powers interested to intervene at any time in southern affairs for the purpose of establishing order and protecting the lives and property of foreigners, it can be done under the dominating leadership of this country without affecting the Monroe doctrine.

The fact can not be overlooked, however, that this policy is not accurately understood by the people. Unfortunately the conception of it is uncertain. The general impression is that we have forbidden any armed European foot to touch, under any pretext, the soil of a South American State. This is a foolish, dangerous, and profoundly erroneous idea. That is not the Monroe doctrine—it is a heresy superimposed on it; but it is widely believed and is the current opinion of the average citizen.

Therefore it must be recognized that if in the beginning the administration had undertaken to negotiate joint intervention of all the powers in Mexico, it would have been subjected to the gravest criticism. Those opposed would have marshaled a vast patriotic sentiment. A popular appeal would have been made to patriotic motives. The administration would have been charged with the abandonment of American ideals and a surrender to European domination.

All this criticism might have had no base in reality, but it may very well be doubted whether any administration would dare to undertake the experiment of stemming such a current of misunderstanding. It might be that a great executive, sufficiently in the confidence of the whole people, would have been able to go forward with it, and so to clearly define the limitations of the Monroe doctrine that the people would have been able to see that no national policy of this country would be violated by such a course.

Looking at the situation from all quarters, however, one must admit that the undertaking would have been extremely doubtful. Old wars, especially with Great Britain, have left their heritage of bitterness. Emigrants from oppressed countries have brought with them their sentiment against the dominion of monarchies. Any policy that would seem to conciliate or invite a joint action of European nations on this continent would inflame this sentiment.

This sentiment is anachronistic and a pressure against a federation of the human race, but it exists and must be reckoned with. Even the great peace movement that Count Mouravieff inaugurated on the 24th of August, 1898, at the direction of the Emperor of Russia, has from time to time in this country been opposed by this sentiment. The pressure of it was so great that the representatives of the United States declined to sign the twenty-seventh article of the convention for the pacific settlement of international disputes, except with the reservation that nothing therein contained should be construed to imply a relinquishment by the United States of America of our traditional attitude toward purely American questions—thereby excluding the United States from the obligation of submitting any American question concerning this continent to The Hague Court.

If the Chinese and Japanese had excluded any Asiatic question, and European powers any continental question, international questions to be settled by arbitration would have been difficult to find.

However, if any administration were powerful enough to substitute in the public mind the actual Monroe doctrine for the current Monroe heresy, the joint intervention of all powers, when such a course might become necessary in South American affairs, could be had without violation of any American ideal.

We have seen that the United States could hardly permit foreign powers to intervene in southern States exclusive of ourselves—not because the Monroe doctrine would be thereby violated, but because it might be violated by the refusal of some one of the powers to withdraw its forces after the necessity for them has passed. And we have seen that the United States, dominating a concerted movement of the powers, could intervene in southern States without violating the Monroe doctrine, but at the peril of rousing a great sentiment that might destroy the administration which undertook it.

A measure to avoid the pressure of this false sentiment lies in the plan of settling disputes on this continent through the mediation of American Governments only, and the recent efforts along that line are a decided advance. Such stable Governments as Argentina, Brazil, and Chile could very well join with the United States in maintaining order where it is necessary, and to protect the lives and property of foreigners. Such a cooperation of American powers with the United States could, of course, in no way affect the Monroe doctrine or any American tradition. It is probable also that it would provoke less resentment on the part of the American State so entered than if the invasion were by European troops.

It is by no means a mere fancy that we shall be able in time to effect a confederation of southern States which, with the cooperation of the United States, shall undertake to settle all American disputes without the intervention of any European power. This would be an ideal solution of the difficulties on this hemisphere. A good deal has been done toward such cooperation, and it may be accomplished. It is an end well worth every reasonable effort.

It must be admitted, however, that to make such cooperation permanently effective we must get rid of the sentiment against us in the south; we must get rid of the heresy of a protectorate and the unsolicited elaborations of the Monroe doctrine gratuitously made by some of our officials—the idea that we sit as a sort of overlord, and that all southern States must maintain the kind of government we think is suited to them, or the sort of civilization we deem advisable. We should have to make it clear that we take the Monroe doctrine to mean precisely what it does mean.

It is proper to remember that if the United States were to effect a permanent working cooperation with the South American Governments for the purpose of settling disputes on this continent, the Monroe doctrine would in no sense be violated; but the modern acceptance of it, usually attributed to Olney and Hay, that there is an obligation on the United States to settle the internal affairs of America herself, without interference and suggestions from any other power, is false. It never was the Monroe doctrine, and it can not be taken to be the Monroe doctrine to-day, except by the use of that elastic construction for which our courts are famous.

THE EGOTISM OF MR. SEWARD.

This brings us to the inquiry as to whether the United States is, in fact, under any obligation to take any active course toward a southern Government unless our national honor is involved or our citizens are in peril. The foreign notion that because the United States declines to permit a European power to colonize any part of America, or to land troops for the purpose of oppressing any South American State, or impose its system on it, we are thereby under obligation to police southern countries is error.

By the maintenance of the Monroe doctrine this country does not undertake to establish order in any South American country, or to collect the debts of any foreign power, or to force any administration to meet its obligations.

Our traditions do not obligate us to send an invading army into any South American State unless our own national honor demands it. We have not undertaken, as Mr. Roosevelt has pointed out, to protect any southern State from the result of its wrongdoing. We undertake to protect it only from foreign colonization and from being forced to adopt a form of government suggested or imposed on it by a European power.

Thus we stood calmly aside and allowed England, Germany, and Italy to bombard the ports of Venezuela; and before that, in 1861, outrages on foreigners became so flagrant in Mexico that they led to a treaty of joint intervention. Great Britain, Spain, and France felt it necessary to intervene. Later Great Britain and Spain withdrew their troops, but Louis Napoleon remained. Afterwards the United States pressed France to withdraw her troops, which was finally done.

It seems strange that Mr. Seward, in presenting the request of the United States, made no mention of the Monroe doctrine. It has been explained that this arose from the egotism of that official, who took himself to be an authority as great as Monroe and his Cabinet.

At any rate, since the Monroe doctrine was announced and accepted, European nations have interfered in southern States for the purpose of protecting the rights of their citizens and their property, and we have felt it our duty to object only when there was danger that these foreign powers would remain on American soil.

Our only reason for putting the customhouse of Santo Domingo under American control was the fear that if European powers undertook that control they would never withdraw from the island. Mr. Roosevelt explained it as follows:

"Our own Government has always refused to enforce such contractual obligations on behalf of its citizens by an appeal to arms. It is much to be wished that all foreign Governments would take the same view. But they do not; and in consequence we are liable at any time to be brought face to face with disagreeable alternatives.

"On the one hand, this country would certainly decline to go to war to prevent a foreign Government from collecting a just debt; on the other hand, it is very inadvisable to permit any foreign power to take possession even temporarily, of the customhouses of an American Republic in order to enforce the payment of its obligations, for such temporary occupation might turn into a permanent occupation."

When citizens of a country are in danger or national honor requires it, however, a Government must act swiftly and with firmness.

An insult to the flag may seem a slight thing to go to war about, but it must be remembered that the flag is the emblem of the nation's honor, and insults to it can not be overlooked. A high and formal courtesy is insisted on by all nations claiming the respect of the world.

No matter what the final result of affairs in Mexico may be, it is certain that our relations with other nations, especially the southern Republics, will be in some degree affected. If our intercourse with these Governments is ultimately to become more friendly, and if in the end some plan of efficient and permanent cooperation is likely to be evolved, it will be a distinct advance in diplomatic relations on this continent. Whatever the final result may be, however, we must in the end make our conception of the Monroe doctrine, as an American policy, clearer and more definite.

It is therefore of the first importance that the people shall have a correct understanding of the exact limitations of this doctrine. Governments are influenced by the pressure of public opinion, and this public opinion must be intelligent if the policy of the administration is to be farsighted and wise.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. Mr. President, when I presented to the Senate the report of the Committee on Commerce on the river and harbor bill I announced that I should ask the Senate to take up the bill for consideration on Monday next. Since that time a number of Senators have indicated to me a desire for a longer time in which to examine the rather voluminous report, embracing several hundred pages, a copy of which I hold in my hand. In deference to the wishes of these Senators, I shall not ask to take up the bill on Monday, but I give notice that I shall ask to take it up on Thursday of next week.

Mr. SMITH of Michigan. Mr. President, we could not understand the Senator from North Carolina. If I caught what he said in his closing sentence, it was that he would ask to take up the bill on Thursday next.

Mr. SIMMONS. Yes; I said that when I submitted the report to the Senate I made a statement to the effect that I would call it up on Monday next.

Mr. SMITH of Michigan. Yes.

Mr. SIMMONS. But that, in deference to the wishes of certain Senators for a longer time in which to examine the report, I would not call it up until Thursday next.

Mr. SMITH of Michigan. Then it is the intention of the Senator to call it up on Thursday?

Mr. SIMMONS. Yes.

NAVAL APPROPRIATIONS.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6, 14, 15, 16, 18, 39, 42, 43, 44, 50, 54, 66, 68, 70, and 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 41, 46, 47, 48, 49, 51, 52, 56, 58, 60, 61, 62, 63, 64, 65, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following: "*Provided*, That the Secretary of the Navy is authorized to detail such naval officers not exceeding four as may be necessary to the Hydrographic Office"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee of conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment after the word "men" insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the proviso in said amendment and in lieu thereof insert the following: "*Provided*, That such appointments shall be made in the order of merit from candidates who have in competition with each other passed the mental examination now or hereafter required by law for entrance to the Naval Academy, and who passed the physical examination required before entrance under existing law"; and the Senate agree to the same.

That the House recede from its disagreement of the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In line 1 of said amendment after the word "type" insert the following: "to have a surface speed of not less than 20 knots."

In line 5 of said amendment after the word "expended" strike out the comma and insert a period, and strike out the words "and the" and in lieu thereof insert "The."

In line 10 of said amendment after the word "said" insert the words "eight or more"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 67, and agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 40, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

The report was agreed to.

Mr. SWANSON. I move that the Senate further insist upon its amendments, ask a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

WIDOW OF THOMAS B. M'CLINTIC.

Mr. BRYAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 661) for the relief of the widow of Thomas B. McClintic, deceased, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments to the said bill.

N. P. BRYAN,
THOMAS S. MARTIN,
COE I. CRAWFORD,
Managers on the part of the Senate.

EDW. W. POU,
LUTHER U. MOTT,
Managers on the part of the House.

The report was agreed to.

dence, R. I., the privileges of section 1 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, reported it without amendment.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 10345) for the relief of C. M. Hammond, reported it without amendment and submitted a report (No. 604) thereon.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (S. 4005) for the relief of John J. Muehlcisen, reported adversely thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. WEST, from the Committee on Military Affairs, to which was referred the bill (H. R. 4744) to authorize the appointment of John W. Hyatt to the grade of second lieutenant in the Army, reported it without amendment and submitted a report (No. 605) thereon.

GOLD HILL CONSOLIDATED CO.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back with amendments Senate resolution 394 authorizing a special committee to investigate the use of the Senate committee stationery in the promotion of the Gold Hill Consolidated Co., submitted by the Senator from North Carolina [Mr. OVERMAN] on the 15th instant. I ask unanimous consent for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

The amendments were, on page 1, line 1, after the word "That," to strike out "a special committee of five Members of the Senate be appointed by the President of the Senate, and that said committee" and insert "the Committee on Privileges and Elections or any subcommittee thereof"; on page 2, line 6, after the word "stenographers," to insert "at not to exceed $1 per printed page"; and in line 13, after the word "thereof," to insert "no witnesses to be paid except when subpœnaed," so as to make the resolution read:

Resolved, That the Committee on Privileges and Elections or any subcommittee thereof is hereby empowered and directed to make a thorough and complete investigation into the use of stationery of the United States Senate Committee on the Census and the United States Senate Committee on Rules in the promotion of the so-called Gold Hill Consolidated Co., and of the sending of an employee of the United States Treasury to make an investigation of and report upon the property of said company, and any other matters touching upon or relating to the use of property of the United States or employees of the United States Government in connection with the promotion or business of said Gold Hill Consolidated Co. Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress, to require by subpœnas or otherwise the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from any of the departments or bureaus of the Government; to employ stenographers at not to exceed $1 per printed page to take and make a record of all evidence taken by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound. The chairman of the committee, or any of the members thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee or the chairman of any subcommittee thereof, no witnesses to be paid except when subpœnaed. All hearings by and before said committee, or any subcommittee thereof, shall be open to the public. The expenses of such investigation shall be paid for out of the fund for contingent expenses of the Senate.

The amendments were agreed to.

The resolution as amended was agreed to.

L. W. JONES.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 388, submitted by the Senator from South Carolina [Mr. TILLMAN] on the 11th instant, reported it favorably without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the contingent fund of the Senate the sum of $16 to L. W. Jones, for services as assistant clerk to the Committee on Naval Affairs, from June 1 to June 4, inclusive.

THE COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 383, submitted by the Senator from New Hampshire [Mr. GALLINGER] on the 29th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to E. W. Lillard 60 days' salary at the rate of $2,220 per annum; to Rella M. Lane, 60 days' salary at the rate of $1,440 per annum; and to Ephraim S. Lillard, 60 days' salary at the rate of $1,200 per annum; the same being for services as clerk, assistant clerk, and messenger, respectively, to the Committee on Revolutionary Claims, for 60 days from May 27, 1914.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 5900) granting a pension to Laura C. Bailey; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 5901) granting an increase of pension to David Frank; to the Committee on Pensions.

By Mr. SHERMAN:

A joint resolution (S. J. Res. 164) for the appointment of a commission to acquire by purchase or condemnation certain land for the extension of the Capitol grounds, and providing for the payment therefor; to the Committee on the District of Columbia.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. MARTINE of New Jersey submitted an amendment proposing to appropriate $90,000 for the purchase by the United States of the right to use the method patented by Louis Gathmann for drying smokeless powder, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. JONES submitted an amendment proposing to appropriate $15,000 for the purchase of that portion of the block whereon the United States courthouse and jail now stand in the city of Fairbanks, Alaska., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—THOMAS S. MURRAY.

On motion of Mr. THOMPSON, it was

Ordered, That the papers in the case of Thomas S. Murray, S. 2044, Sixty-second Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

AFFAIRS IN NICARAGUA.

Mr. O'GORMAN. I have received a telegram from Brown Bros. & Co. and J. & W. Seligman & Co., of New York, which I desire to have read.

There being no objection, the telegram was read, as follows:

[Telegram.]

NEW YORK, *June 18, 1914.*

Hon. JAMES A. O'GORMAN,

Senate Chamber, Washington, D. C.:

We have telegraphed to the Hon. BENJAMIN F. SHIVELY, chairman of Foreign Relations Committee, as follows:

"Our attention has been called to newspaper reports of a resolution introduced by Senator SMITH of Michigan in the United States Senate directing the Committee on Foreign Relations, or any subcommittee thereof, to inquire into certain transactions between the Republic of Nicaragua and Messrs. Brown Bros. & Co. and J. & W. Seligman & Co. and Speyer & Co. The preamble of the resolution makes certain positive statements, every one of which, so far as it relates to the undersigned, is incorrect. Said incorrect statements are as follows:

"'Speyer & Co. are not associated with Brown Bros. & Co. and J. & W. Seligman & Co. in their Nicaraguan transactions.

"'Earnest H. Wands was not designated as financial agent of the Republic of Nicaragua in the interest of said Brown Bros. & Co. and Seligman, having been designated as financial agent before the bankers had any relations with Nicaragua; in fact, the bankers met Mr. Wands for the first time when, as financial agent of Nicaragua, he, on behalf of Nicaragua, negotiated with them.'

"Neither Brown Bros. & Co. nor J. & W. Seligman & Co. ever bought any of the bonds of the Republic of Nicaragua at a low price or at any other price, and have not made and do not stand to make any profit through their redemption. They never owned and do not now own any bonds of the Republic of Nicaragua. What the bankers did was as follows: On behalf of Nicaragua they negotiated with the council of foreign bondholders in London, Lord Avebury, president, and J. P. Cooper, Esq., secretary, representing the holders of the bonds of 1909 of the Republic of Nicaragua and managed to arrange for the Republic a reduction of the rate of interest on said bonds from 6 per cent to 5 per cent, and also secured for the Republic of Nicaragua the release of certain security pledged to the bondholders, as well as the release to Nicaragua of £379,049 4s. 2d. cash withheld in London by the original purchasers of the bonds. They also secured for the Republic a reduction in the redemption price of the bonds. For none of these services was any charge made by the bankers. The only connection of Mr. Wands with this matter was that on behalf of Nicaragua he went to Paris for the purpose of securing the assent of the French bondholders to this arrangement, so advantageous to Nicaragua.

"The railroad of Nicaragua has not been sold to the bankers below its actual value. In the first place, only 51 of the shares of the railroad were sold to the bankers, the remainder being retained by Nicaragua; and, secondly, the price paid, so far from being below its actual value, is, in the light of earnings, above the actual value of the road. The railroad has paid no dividend since the stock was bought.

"The bankers have not secured profits of any kind through compelling the Republic of Nicaragua to redeem any of its bonds. The bankers never owned and do not now own any of said bonds. Furthermore, they have made no profit on any of their transactions with Nicaragua. They have charged 6 per cent interest on their advances, and no commission, except one of $7,550 on one particular advance. A very large proportion of said advances amounting to $1,000,000 still remains unpaid. They have bought 51 per cent of the railroad and 51 per cent of the bank, to the future enhancement in the value of which they must look for any possible profit.

"Generally speaking, the bankers have not only not brought reproach upon the American Government, as charged, but, on the contrary, they have, without compensation, put through in Nicaragua a creditable piece of constructive financing. They have aided Nicaragua to adjust its foreign debt at a reduced rate of interest. They have assisted Nicaragua in settling its disordered currency. They have aided Nicaragua in improving the collection of its customs of revenues, which have largely increased in consequence. They have greatly improved the condition and operation of the railroad of Nicaragua. For the purpose of making the above possible, they have loaned large sums to Nicaragua from time to time, and have purchased 51 per cent of the stock of its national railroad and 51 per cent of its national bank. The bankers have received no dividends on the shares, either of the railroad or the bank, and neither enterprise is at present in a condition to declare dividends.

"The entire program and the manner of its execution we respectfully suggest reflect credit on American banking methods. We think it unfortunate that baseless accusations should have been made to discredit American business men and their methods.

"The members of our firms and their books are at the disposal of your committee for any investigation you may desire to make in this matter."

As New York Senator, familiar with our reputation, we think you should be apprised of the facts.

BROWN BROS. & CO.
J. & W. SELIGMAN & CO.

Mr. SMITH of Michigan. Mr. President, I introduced the resolution to which that telegram refers after very careful consideration and a thorough investigation into Nicaraguan affairs, so far as they are controlled and directed by the bankers who send this telegram to the Senator from New York.

I have no disposition at all to enter into any controversy with these gentlemen concerning the subject about which they have advised the Senate. I will say, however, that the indebtedness of the Republic of Nicaragua, funded from time to time and made the basis for supervision and liquidation by Brown Bros. and Seligman, reflects no credit upon this Government, upon the Government of Nicaragua, or upon the bankers having this matter in charge.

The issue is now squarely made by their communication to the Senator from New York, who is also a member of the Committee on Foreign Relations, and it is the duty of the Senate to take up that issue and to investigate it carefully. I feel that the Committee on Foreign Relations, which has jurisdiction over the resolution, will take that course.

The only answer I desire to make to the telegram is this: Standing in my place, and with my responsibility to the country as an American Senator, I allege that the indebtedness sought to be validated and imposed upon the Republic of Nicaragua is, in the main, fictitious and fraudulent and ought not to receive the approval of the American Government.

Saying that much, I request that the telegram offered by the Senator from New York shall be sent to the Committee on Foreign Relations for consideration in connection with the resolution of investigation now pending there.

The PRESIDING OFFICER. Without objection, the communication will be referred to the Committee on Foreign Relations.

Mr. WILLIAMS. Mr. President, as somewhat cognate to this matter, I ask unanimous consent to have published in the RECORD an article entitled "Our Continental Policy," by Melville Davisson Post. It deals with the Monroe doctrine in its relationship to European connection with South America, and especially with reference to the present condition in Mexico.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

The matter referred to is as follows:

OUR CONTINENTAL POLICY.

[By Melville Davisson Post.]

The situation in Mexico brings the Monroe doctrine forward out of the region of academic speculation. We have had much discussion of the doctrine and its application to the various courses the United States was advised to follow before our decisive step at Vera Cruz; but the air has not been cleared. Confusion, for the most part, results from failure to recognize the precise limitations of this policy—to differentiate what President Monroe defined it to be from the vague notion of a continental protectorate so insistently in the public mind.

There can be no greater hardship than to live under indefinite laws. The greatest safeguard of the citizen is that the laws shall be so certainly defined that no question can arise about their meaning. There is a like peril when national policies are not certain. If we are to consider the term "Monroe doctrine" to be synonymous with the terms "national honor" and "general welfare," or the like, then it is simply out of the question to undertake to say how any policy may affect it. Those latter are terms that change with education, ideals, and public sentiment. No man can say what our conception of national honor or public welfare may be; therefore no man can say what acts of foreign nations may be taken to contravene these vague ideals.

If, however, we define the Monroe doctrine to mean that no land on this continent shall be considered as subject to foreign colonization, and that no foreign nation is to be permitted to impose its system on any American State—that is to say, no land of any American State shall be taken by any European power, and every American State shall be permitted to work out its own governmental policy independent of European intervention—then we have established a measure we may apply accurately to any proposed national act.

THE ARMY OF THE ALLIES AT PEKING.

The United States was urged in the beginning to regard Mexico as in a condition similar to that of China during the Boxer rebellion—a country in a condition of internal chaos, with no responsible government, and with the lives and property of foreigners at the mercy of flying squadrons of bandits. The President was advised to call a conference of the powers of Europe and march on the city of Mexico as we marched on Peking.

It was pointed out that this armed intervention in China was accomplished as a concerted action and without any grave clash between the different authorities. In the march on Peking there were Japanese, Russians, British, Americans, Germans, and French. This force was, without difficulty, put under the general command of the highest foreign officer in China, who at that time happened to be Field Marshal Count von Waldersee.

The legations besieged in Peking were relieved; order was restored and maintained until China was able to guarantee the general safety, and then the troops were withdrawn. China was impressed by the fact that the nations of the earth were determined to put down anarchy wherever it might appear, and to insist on some form of orderly government everywhere in the world.

In the beginning certain authorities urged the United States to take precisely this course with Mexico. There were subjects of all the great powers in Mexico; their lives and property were in jeopardy. And it was pointed out that these nations should be as willing to care for their unofficial subjects as they would be for the personnel of official legations; and consequently the same duty devolved on them to restore order in Mexico as to restore it in China. It was further indicated that if one nation should act alone—for instance, the United States—all patriotic Mexicans might resent it; but they could not resent allied intervention.

If Mexico were a country unaffected by the Monroe doctrine, or what it is imagined to be, this course might have been undertaken long ago; but the Monroe doctrine was generally considered to stand in the way of such a plan. It is interesting to consider just how far this position is tenable.

Mr. Roosevelt said to Congress, in discussing the Monroe doctrine:

"We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of an acquisition of territory by any non-American power."

And, again, he said to the Fifty-ninth Congress:

"Moreover, we must make it evident that we do not intend to permit the Monroe doctrine to be used by any nation on this continent as a shield to protect it from the consequences of its misdeeds against foreign nations. If a Republic to the south of us commits a tort against a foreign nation, such as an outrage against a citizen of that nation, then the Monroe doctrine does not force us to interfere to prevent punishment of the tort—save to see that the punishment does not assume the form of territorial occupation in any shape."

And Mr. Olney said, during the Venezuelan controversy: "If (the Monroe doctrine) does not relieve any American State from its obligations as fixed by international law, or prevent any European power directly interested from enforcing such obligations and from inflicting a merited punishment for the breach of them."

Mr. Roosevelt was clearly of the opinion that southern States could not use our policy to protect them from European powers if they flagrantly outraged the rights of any foreign nation. It therefore happened that he did not consider the Monroe doctrine to be involved when the ports of Venezuela were bombarded by German, English, and Italian warships.

He took the position that if any southern States refused to follow the usual customs of civilization in their foreign relations, they must suffer for that defiance, and that so long as territory of the State was not actually taken our policy was not involved, no matter how severely the offending American State was punished for its misdeeds.

It is therefore certain that, so far as the Monroe doctrine is concerned, European nations have the right to punish southern States for gross violation of the ordinary humane customs of civilization, and they have the right to protect their citizens and their property. The main point is that European nations shall not occupy the territory of those States. We seem to have made a distinction: their ports may be bombarded, but marines ought not to be landed—the idea being that the Monroe doctrine would not be violated by the landing of troops in southern States, but that European nations, having once occupied territory of an American State for a rightful purpose, might remain for a wrongful purpose. And to continue to occupy territory would be a violation of the Monroe doctrine.

Some years ago European nations were about to seize the customhouse of the Dominican Republic. The United States undertook to act for them, and took charge of the customhouse of that Government, on the theory that if Santo Domingo were once occupied by European powers it might continue to be occupied by them. A permanent occupation of the territory of any southern State would be a violation of the Monroe doctrine, and would call for our interference.

The landing of European troops on the soil of a southern State is not regarded by us as a violation of the doctrine, but as a thing that may lead to a violation of it. It is not the act that contravenes our policy, but the probable result that may contravene it.

INTERVENTION UNDER AMERICAN LEADERSHIP.

It seems therefore clear that if foreign powers, independent of the United States, were to undertake to make a concerted march into the interior of a South American State, we might be forced to protest against it on the precedent of Santo Domingo—that is to say, on account of the fear that the Monroe doctrine might be involved by the refusal of some one of the powers to withdraw its troops. If the United States, however, were assured that these forces would be withdrawn and that no permanent occupation of the territory of the southern State could result, then the Monroe doctrine would not be drawn into the question. It would be no more involved than it was involved by the bombardment of Venezuela.

How could the United States be certain that the powers would withdraw their troops? It would seem that if the United States should lend in any required intervention, and the whole expedition should be under the leadership of a superior American officer, as the Chinese expedition was under the leadership of Field Marshal Count von Waldersee, the difficulty would be removed.

It appears practically certain that the powers could make no valid objection to a plan of this character if they should ever find it neces-

By Mr. SELLS: A bill (H. R. 17353) granting a pension to Henry Garfield Clemons; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17354) granting an increase of pension to John Bailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17355) granting an increase of pension to David P. Boyd; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17356) for the relief of James D. McCall; to the Committee on Claims.

By Mr. TAYLOR of Arkansas: A bill (H. R. 17357) to correct the military record of Andrew J. Flanders; to the Committee on Military Affairs.

By Mr. TOWNSEND: A bill (H. R. 17358) for the relief of Edward A. Shave; to the Committee on Military Affairs.

By Mr. WEAVER: A bill (H. R. 17359) granting an increase of pension to Thomas H. Glenn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of the Methodist Church of Newberry, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of the Woman's Christian Temperance Union of Artesia, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. CHURCH: Petitions of 500 citizens of the seventh congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of the Second Congregational Church of Putnam, Conn., favoring establishment of an international tribunal for the adjudication of international differences; to the Committee on Foreign Affairs.

Also, petition of R. J. Drew, of Bridgeport, Conn., against national prohibition; to the Committee on Rules.

Also, petition of 289 citizens of Ridgefield, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of P. E. Chapman, of St. Louis, Mo., favoring House bill 14288, to separate electric contracts from a general contract on Government work; to the Committee on Public Buildings and Grounds.

Also, petition of the Emerson Electric Manufacturing Co., of St. Louis, Mo., favoring House bill 17305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: Petition of the seventh district convention of the Illinois Christian Missionary Society, favoring bill to grant to the several States a vote on the prohibition amendment; to the Committee on the Judiciary.

By Mr. GARDNER: Resolution from the Essex County (Mass.) Woman's Christian Temperance Union, favoring the passage of the amendment to the Constitution prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition from the Lynn Woman's Christian Temperance Union, No. 1, favoring he passage of the constitutional amendment prohibiting the manufacture, sale, or importation of intoxicating liquors; to the Committee on Rules.

Also, petition of sundry citizens of Newburyport, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GOOD: Petition of various business men of Lisbon, Mount Vernon, Bennett, and Letts, all in the State of Iowa, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Roger Williams Association of Baptist Churches, in the State of Rhode Island, favoring national prohibition; to the Committee on Rules.

By Mr. KINKEAD of New Jersey: Petition of sundry citizens of the eighth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

By Mr. LA FOLLETTE: Petition of sundry citizens of the third congressional district of Washington, against national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of sundry citizens of Willsboro, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Petition of the Charles Nelson Co., the Shipowners' Association of the Pacific Coast, the Denham, Carrigan & Hayden Co., and the California Barrel Co., all of San Francisco, Cal., protesting against antitrust legislation; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Memorial of the Massachusetts Medical Society, relative to provision for mental examination of arriving immigrants; to the Committee on Immigration and Naturalization.

By Mr. SINNOTT: Petition of the second Oregon district, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of the second Oregon congressional district, protesting against passage of House bill 7826, Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of the second Oregon congressional district, favoring passage of House bill 12928, to amend postal laws, etc.; to the Committee on the Post Office and Post Roads.

By Mr. SMITH of Texas: Petition of Division No. 192, Brotherhood of Locomotive Engineers of El Paso, the El Paso Chamber of Commerce, and the Dallas Chamber of Commerce, all of Texas, asking that action be deferred on the Moon bill (H. R. 17042), regulating pay for transportation of United States mails; to the Committee on the Post Office and Post Roads.

Also, petition of H. H. Rotchford, of Paint Rock, Tex., favoring postponement of legislation affecting business; to the Committee on the Judiciary.

By Mr. STEPHENS of Texas: Petitions of various merchants of Denton, Garza, Decatur, Bridgeport, Lewisville, Chico, St. Jo, Iowa Park, Byers, Nocona, Jacksboro, Henrietta, Bowie, Alvord, Wichita Falls, Valley View, Gainesville, Graham, and Petrolia, all in the State of Texas, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. TAVENNER: Petition of A. Winstein and others, of Viola, Ill., protesting against the passage of House bill 7826, Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of C. A. Park and others, of Viola, Ill., favoring the passage of House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the Trinity Electric Co., of Moline, Ill., favoring the passage of House bill 14288, relative to United States Government work; to the Committee on Public Buildings and Grounds.

By Mr. THACHER: Petitions of sundry citizens of New Bedford, Mass., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Chambre de Commerce Franco-Americaine, of New Bedford, Mass., protesting against reduction of letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TREADWAY: Petition of the Board of Trade of Springfield, Mass., against the provision in House bill 17041 that no part of a certain appropriation may be used in the prosecution of any organization or individual for entering into a combination for increased wages, etc.; to the Committee on Appropriations.

Also, petitions of sundry citizens of the first congressional district of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Montour Falls, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WEAVER: Memorial of 180 teachers at the Normal Institute of Pittsburg, Okla., and R. P. Wett and many others, of Temple, Okla., favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 19, 1914.*

The Senate met at 12 o'clock m.

Rev. George H. Williams, of the city of Washington, offered the following prayer:

Almighty God, our heavenly Father, we thank Thee for Thy loving kindness that has followed us all the days of our lives, for Thy leadership through the years that are past, and for this blessed privilege of meeting in the midst of these favorable surroundings, again to offer unto Thee our prayers in the name of Him who loved us and died for us.

Our heavenly Father, our fathers trusted Thee and Thou didst deliver them. They declared that there was no real government unless it was founded upon a strong moral basis. They with this faith laid deep and strong the foundations of this glorious Republic. We thank Thee, heavenly Father, for their faith, and we praise Thee that this great and magnificent superstructure is still, in its beauty and loveliness, ours. We thank Thee for the great privileges and the great advantages that we have for civil and religious liberty.

And, our Father, as we look upon this great structure and as we remember that it is from the cooperation of God with man, its erection makes us feel like one of old to exclaim, "What hath God wrought!" We pray that Thou wilt bless us, that

Thou wilt pardon us all our sins, and that Thou wilt lead us in the way of Thy commandments. And when our work on earth is done may we hear that welcome plaudit, "Well done!" We ask all in the name of our Lord Jesus Christ. Amen.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hitchcock	Page	Smoot
Brady	Hollis	Perkins	Sterling
Bristow	Johnson	Pittman	Stone
Bryan	Jones	Pomerene	Sutherland
Burleigh	Kenyon	Ransdell	Swanson
Catron	La Follette	Reed	Thomas
Chamberlain	Lane	Saulsbury	Thompson
Chilton	McCumber	Sheppard	Thornton
Clapp	Martine, N. J.	Sherman	Tillman
Clarke, Ark.	Myers	Shively	Warren
Culberson	Nelson	Simmons	Weeks
Cummins	Norris	Smith, Ga.	West
Dillingham	O'Gorman	Smith, Md.	White
du Pont	Owen	Smith, Mich.	Williams

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL] and his pair with me.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER], the senior Senator from Massachusetts [Mr. LODGE], and the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. MYERS. I will announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SIMMONS. I desire to announce the unavoidable absence of my colleague [Mr. OVERMAN].

The PRESIDENT pro tempore. Fifty-six Senators having answered to their names, a quorum of the Senate is present. The Secretary will read the Journal of the proceedings of the last session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

EXECUTIVE SESSION.

Mr. SWANSON. I desire to submit a conference report on the naval appropriation bill.

The PRESIDENT pro tempore. Let the Chair make an inquiry. The present occupant of the chair was not in the chair last evening, but he was advised that a unanimous-consent agreement was entered into that immediately upon the reading of the Journal to-day the Senate would proceed to consider in executive session a certain nomination.

Mr. SHIVELY. Yes, Mr. President; and I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I ask the Senator to withhold that for just one moment. There are some resolutions to present from the Committee to Audit and Control the Contingent Expenses of the Senate, especially one——

The PRESIDENT pro tempore. The Chair will state to the Senator from Mississippi that that can not be done under the existing unanimous-consent agreement. The Sergeant at Arms will clear the galleries and close the doors.

The Senate proceeded to the consideration of executive business. After 1 hour and 30 minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. SHARP, and Mr. COOPER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER (Mr. POMERENE in the chair) presented a telegram from the Chamber of Commerce of Honolulu, which was read and referred to the Committee on Appropriations, as follows:

[Telegram.]

HONOLULU, *June 18, 1914.*

The VICE PRESIDENT, *Washington:*

Salaries governor certify fixed by law. Living expenses here higher than mainland. Hope Appropriation Committee report reducing salaries may not be adopted.

CHAMBER OF COMMERCE OF HONOLULU.

The PRESIDING OFFICER presented a telegram from William J. Spencer, secretary-treasurer of the executive council of the Building Trades Department, which was read and referred to the Committee on the Judiciary, as follows:

[Telegram.]

ATLANTIC CITY, N. J., *June 18, 1914.*

Hon. THOMAS R. MARSHALL,
President United States Senate, Washington, D. C.:

Executive council of the Building Trades Department, representing 400,000 building operatives, has this day instructed the undersigned to advise you of our unqualified indorsement of House bill No. 15657, which has for its purpose the relief of voluntary organizations of wageworkers from the interpretation the United States courts have placed upon the Sherman antitrust law.

WILLIAM J. SPENCER,
Secretary-Treasurer Building Trades Department.

The PRESIDING OFFICER presented a petition of the New York Yearly Meeting of the Religious Society of Friends, of Union Springs, N. Y., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of sundry citizens of Cascade and Chinook, in the State of Montana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented memorials of Fred King, Harris Goeddé, Leonard Beckel, and 27 other citizens of Evansville, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Glenis Valley and Center, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. ROBINSON presented petitions of sundry citizens of Arkansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Arkansas, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 603) accompanied by a bill (S. 5899) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 262. Samuel H. Portz.
S. 270. Harold L. Clifton.
S. 654. Mary P. McIntire.
S. 831. Joseph A. Mason.
S. 855. Patrick Moore.
S. 1562. William E. Monroe.
S. 1779. Thomas Harrison.
S. 3127. Linnie C. Hawkins.
S. 3181. John E. Tevendale.
S. 3301. Louis M. Smith.
S. 3518. James D. Setliff.
S. 3559. Clarence McMillan.
S. 3770. John Ritter.
S. 3905. Perdita L. MacVean.
S. 4198. Edward Flannery.
S. 4363. Richard C. Freeman.
S. 4885. Philip H. Chambers.
S. 4928. Lettie Viloit.
S. 4938. Josephine Green.
S. 4939. Jennie Farley.
S. 4940. Margaret Cecilia Donavan.
S. 4974. George W. Mason.
S. 4975. Benjamin Girdner.
S. 5140. Jacob D. Cook.
S. 5265. Joseph Frick.
S. 5401. Harry D. Hogan.
S. 5407. Ida M. Smith.
S. 5444. Susan J. Cantrell.
S. 5490. Marvel J. Nash.
S. 5557. Dora D. Walker.
S. 5579. Albert V. Wallis.
S. 5580. Emma B. Hubbard.
S. 5631. Theodore Hansen.
S. 5710. George W. Cameron.
S. 5715. Jen Rody Chauncey.
S. 5724. Ray W. Burkdoll.
S. 5749. Frank Stemm.
S. 5870. Carlton Meredith.

Mr. HUGHES, from the Committee on Finance, to which was referred the bill (H. R. 11245) extending to the port of Provi-

Mr. HARDY. Will the gentleman yield for one question?
Mr. KENNEDY of Connecticut. I will.

in this precinct? They were there on the table in the presence of these election officials that had taken their oath to count

over Mr. Gill to 349 votes. No evidence, no explanation, is presented on the part of the contestee for these acts of the election board, except that they sat from 6 a. m. election day to 6 a. m. the following day after election. This seems peculiar, as in these precincts of the fifth ward there were only some 300 electors in each precinct, and there were six judges to count and return the vote.

It is testified voters were furnished lead pencils in booths for the purpose of scratching Gill and voting Dyer, although the recount shows that a great deal of this scratching was done in ink, writing in names, as in the case of Dyer—in ink.

Now, nearly 20 months after election Hon. L. C. Dyer asks that an examination of five or six hundred electors, who, it is alleged, cut their ballots in the election of 1912, be made.

The contestee himself has to say in his briefs and arguments that—

It should be remembered that the fifth ward is not one of the fine residence districts of St. Louis. One of the "river wards," it is a compact territory lying in the most congested part of the city, containing within its limits, on the one hand, practically all of the large office and public buildings, hotels and stores, and many factories and warehouses (in which very few voters live); and, on the other hand, practically all of the cheap hotels, so-called rooming or lodging houses—such as are found in every large city—and many tenement houses, boarding houses and unpretentious homes, including the so-called "levee district" with its large colored population. The record is full of detailed testimony covering these conditions, especially with reference to the number and character of the lodging and rooming houses in the first, second, third, and fourth precincts, filled with men only, who for the most part live upon small and often irregular incomes. These men are not outcasts, tramps, or vagrants, but as a class they are poor in purse and poorly educated, many being wholly illiterate, and many others barely able to write their own names. In the typical house of this class single beds or cots—often "double-decked"—for men are arranged in rows on each dormitory floor. In the "Home Hotel" alone 100 men slept nightly on one floor—with no partitions—at 10 cents each.

In the evidence offered by contestant it is shown that he sent a letter to every voter in the fifth ward within 30 days after the election, in which he asked certain questions, among others, "Did you vote for Gill?" Six hundred of these letters were returned marked by the post-office authorities, "Unable to deliver." From other replies received he secured his witnesses. At this late date the resolution of the minority report asks Election Committee No. 3 to go to St. Louis and secure evidence as to these scratched ballots. Your committee denied this motion, believing a sitting Member after all these months should have been able to satisfy the committee that an extension of time was necessary, inasmuch as every facility was at his command to prove his case, and already the testimony comprises 2,205 closely printed pages, together with the exhibits.

All testimony tends to prove, as do the exhibits, that fraud was consummated by the election officers in this ward. The contestee himself admits that the electors were poorly educated, illiterate, unable to write their own names, and so forth.

It is a very hard matter to prove fraud by direct evidence. The rule is—

That whenever a sufficient number of independent circumstances which point to its existence are clearly established, a prima facie case of its existence is made, and if this is not met by explanation or contradiction it becomes conclusive.

I have shown the recount in the twelfth congressional district of Missouri gave the Hon. L. C. Dyer a plurality of 349. The committee, by its resolution, declares that L. C. Dyer, from the twelfth Missouri district, is not entitled to a seat in the Sixty-third Congress, and that Michael J. Gill is the duly elected Representative, and is entitled to a seat therein. The committee set aside seven precincts in the fifth ward, namely: Precinct 2, which returns, by original count, gave Dyer 199 and Gill 5; recount gave Dyer 106, Gill 73.

Now, I refer to this precinct because Morrisey, the judge of elections, who was tried in the circuit court of the city of St. Louis, was from this precinct. Here I have a number of reasons, alleged and supported by the testimony, for the setting aside of the election returns from the second precinct of the fifth ward.

First, all the judges and clerks voted for Dyer.

Second, Gill's name was scratched on 63 ballots and Dyer's name written on 60 of them. See page 75 of photographic exhibit.

The committee had before them photographs of all the scratched ballots cast in the 17 precincts of the fifth ward.

Third, judges and clerks openly traded votes. That is in support of the allegation of a bipartisan compact in the second precinct. Judges and clerks openly traded votes, Republican judges and clerks voting for Kinney for State senate, and the Democratic judges and clerks voting for Dyer for Congress. See pages 390, 1390, 1041, 342, 1918, 1935, and 1941.

Mr. McKENZIE. Will my colleague yield right there?
Mr. RUPLEY. I will.

Mr. McKENZIE. Was it not admitted by counsel for contestant, when the question was put to him in regard to the trading of votes, that there was nothing criminal connected with that sort of a proceeding, and did he not admit that there was not?

Mr. RUPLEY. I will admit that electors and even judges and clerks may agree among themselves to vote for Democrats or Republicans, but I am sufficiently wise about elections to know that when that is true, and when Mr. Kinney secures his majority for the State senate from the fifth ward and Mr. Dyer secures his majority to Congress from the same ward, that some agreement, some understanding is being carried out; and it is general among about 15 precincts of the 17; and I want to say the quality and kind of fraud was the same in 15 of the 17 precincts, and only two of them were clean and clear of this kind and quality of fraud. But the committee saw fit to throw out 7 of the 15 precincts. In my judgment, a number of the other 8 precincts should have been thrown out. But giving the contestee the benefit of all doubt, we selected and threw out those that showed the grossest fraud, and left stand to his credit the remainder, and he is using that fact now in stating that but 40 witnesses were questioned, and these 40 witnesses he confined to these 7 precincts, and that only 18 testified that their ballots were scratched, and the others voted straight Democratic ballots. But, recollect, over 100 electors testified from these 8 other precincts, where the quality and kind of fraud is about the same as in the seven eliminated by this committee, and the judges and clerks of election supported this bipartisan compact that was carried out openly and publicly by the judges and clerks of the second precinct.

Mr. LOBECK. Do you mean to tell me that in throwing out these precincts you did not examine into the question whether there were any honest votes cast there?

Mr. RUPLEY. The rule of law, as laid down in the principles and precedents is that when the election officers on the inside mark the ballots, scratch the ballots, tamper with the ballots so that you are unable to separate the good ballots and the legally cast ballots from the fraudulent ballots it is the duty of your committee to throw out all the ballots of those precincts. That is the duty of the committee when that is disclosed, and I am one of this committee, elected by this House.

Mr. LOBECK. But in this election here you could identify every ballot with every voter, could you not, because they are numbered? It is not a secret ballot.

Mr. RUPLEY. Well——

Mr. LOBECK. Then you could identify every honest ballot cast there, and by your report you are disfranchising men who voted honestly and whose ballots were cast straight.

Mr. RUPLEY. On the face of the argument——

Mr. LOBECK. That is not fair, and any American citizen is entitled to have his honest vote counted, I do not care what kind of a district he lives in. If an honest vote is cast, and by the record you can prove it, according to your own admission, that vote is entitled to be counted.

Mr. RUPLEY. Permit me to answer that. On the face of it that appears to be very patent and plain.

Mr. LOBECK. It has been true in all election cases that I have had experience in.

Mr. RUPLEY. On the face of it, as the gentleman is appealing to your fairness, if we were able to go to Missouri and to pick out these electors and to identify these ballots, so that on the one side we could lay the Gill ballots and on the other side the Dyer ballots, and then could determine by counting them whether Mr. Gill or Mr. Dyer was elected, that would be the thing to do.

And we have here this equation in the case. We have not been able to find electors in the fifth ward; more than 500 were missing 30 days after the election. But if they were all there and we called them before us, the testimony shows that the witnesses were not certain of their ballots. The ballot marked 5 in precinct 5 would be shown an elector, and he would take it, and the table prepared and the list of all the electors showed that he cast the ballot. They would say, "This is your ballot," and elector after elector testified that he was not certain that was his ballot. Elector after elector testified that he was not certain that he scratched Gill's name and put Dyer's in, while a number testified that they did not scratch Gill's name and insert Dyer's, and that that ballot was not theirs. I ask you how the committee, under those conditions, could go to St. Louis and determine and separate the wheat from the chaff—the Gill ballots from the Dyer ballots?

Mr. SWITZER. Will the gentleman yield?
Mr. RUPLEY. I will.
Mr. SWITZER. Does the record show that Gill or anyone else issued subpoenas or any process through any committee, or

in the fifth ward at St. Louis for a Member of Congress was
732 for Mr. Dyer; the recount reduced Mr. Dyer's plurality

in any other way to bring these persons before some notary to give testimony? All you have is that the postal cards were returned, and you say they were not in the city.

Mr. RUPLEY. No; I do not know that he did. It was impossible to serve the warrant for the arrest of Morissey for about five months after the election.

Mr. SWITZER. You say they were not in the city because the postmaster returned the cards. Do you claim that is a justification for saying these people were not in the city and were not voters at the time?

Mr. RUPLEY. I am only the servant of this body, elected to this committee, and I of course will carry out your will; that is within your power; but I say that in my judgment it will be impossible for this committee to take the poll after you send us to St. Louis.

Mr. HARDY. Will the gentleman yield?
Mr. RUPLEY. Certainly.

Mr. HARDY. Does the history of any contest in any case heretofore show that there has been an effort by any committee of this House to have a reelection, to take the votes all over again of all the electors in any precinct where there are 1,000 or 1,500?

Mr. RUPLEY. I have carefully gone over the precedents established here in the Congress of the United States, and I find no case supporting Mr. Dyer in his contention before this House. Not a single case. The cases before the committee were cases where they brought the witnesses before the committee had decided on the contest before them

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HULINGS, for a few days, on account of a death in his son-in-law's family.

To Mr. GARRETT of Tennessee, indefinitely, on account of illness in family.

To Mr. VAUGHAN, indefinitely.

WITHDRAWAL OF PAPERS.

Mr. FOSTER, by unanimous consent, was given leave to withdraw from the files of the House without leaving copies papers in the case of G. W. Irvin, Sixty-third Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. GOLDFOGLE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Friday, June 19, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimates of appropriations required by several departments of the Government for the service of the fiscal years ending June 30, 1914 and 1915, and for prior years (H. Doc. No. 1043), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 4651) to authorize the Secretary of the Treasury to sell certain land to the trustees of the charity fund of Star in the East Lodge, of Old Town, Me., reported the same with amendment, accompanied by a report (No. 846), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Arkansas, from the Committee on the Public Lands, to which was referred the bill (H. R. 4266) granting patents to certain lands to the legal heirs of W. F. Nichols, reported the same without amendment, accompanied by a report (No. 847), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEVENS of Minnesota: A bill (H. R. 17327) to provide revenue for the Government by levying a uniform excise tax on all persons, companies, corporations, or other associations operating power plants for the generation of hydroelectric energy or other form of water power for commercial use; to the Committee on Ways and Means.

By Mr. ALEXANDER: A bill (H. R. 17328) to regulate carriers by water engaged in the foreign and interstate commerce of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. MOSS of Indiana: A bill (H. R. 17329) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. UNDERWOOD: A bill (H. R. 17330) to authorize the sale and disposal of an island in the Coosa River in the State of Alabama; to the Committee on the Public Lands.

By Mr. HARRISON: Resolution (H. Res. 546) to print 40,000 copies of the report of the Committee on Reform in Legal Procedure of the American Institute of Criminal Law and Criminology, appointed to investigate and make a study of criminal procedure in England, known as Senate Document No. 495, Sixty-third Congress, second session; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 17331) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Robert Ehle from one site to another in Congressional Cemetery, District of Columbia; to the Committee on the District of Columbia.

By Mr. BARNHART: A bill (H. R. 17332) granting an increase of pension to Le Roy Rogers; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 17333) granting an increase of pension to Martha Sims; to the Committee on Invalid Pensions.

By Mr. BRODBECK: A bill (H. R. 17334) for the relief of Peter Gouker; to the Committee on Military Affairs.

By Mr. FAIRR: A bill (H. R. 17335) granting a pension to Perry B. Bowman; to the Committee on Pensions.

Also, a bill (H. R. 17336) granting a pension to Hayden E. Evans; to the Committee on Pensions.

Also, a bill (H. R. 17337) granting a pension to Daniel Miles; to the Committee on Pensions.

Also, a bill (H. R. 17338) granting an increase of pension to James J. Dougher; to the Committee on Pensions.

Also, a bill (H. R. 17339) granting an increase of pension to Maria F. Weed; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17340) for the relief of the widow of William H. Thomas; to the Committee on Military Affairs.

By Mr. FRENCH: A bill (H. R. 17341) for the relief of S. H. McLean; to the Committee on Indian Affairs.

By Mr. HART: A bill (H. R. 17342) granting an increase of pension to James McCormick; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 17343) for the relief of Charles L. Pritchard; to the Committee on Claims.

By Mr. HENSLEY: A bill (H. R. 17344) granting an increase of pension to James Johnson; to the Committee on Invalid Pensions.

By Mr. HOWELL: A bill (H. R. 17345) for the relief of Charles A. Mace; to the Committee on Claims.

Also, a bill (H. R. 17346) for the relief of Albert Tuft; to the Committee on Claims.

Also, a bill (H. R. 17347) for the relief of David H. Williams; to the Committee on Claims.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17348) granting a pension to John J. Coughlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17349) granting an increase of pension to Ellen Dillan; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 17350) for the relief of J. H. Bolen; to the Committee on Claims.

By Mr. DEITRICK: A bill (H. R. 17351) granting a pension to Robert G. Phinney; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 17352) for the relief of the legal representatives of Nathaniel Boyden and Oliver H. Dockery; to the Committee on Claims.

of election scratched Mr. Gill, and that in one precinct only two of the judges, and in another four, voted for Mr. Gill.

Mr. BARKLEY. Was the original ballot cast at that election put in the record?

before the committee that the voters in that district, hundreds of them, were rovers; that they were transients; that they were traveling from city to city and impossible to locate 18 months after election. What argument is advanced for the purpose of sending this case back to the committee? It has been decided by a former Congress that it was a very dangerous precedent to establish and a very dangerous course to pursue—that after votes had been cast one year and a half or a little over to have the voter testify just how he voted or have the case reopened.

The committee based its denial of the motion, amongst other grounds, on the authority of the report of the Elections Committee in the case of Giddings against Clark, which was decided in the Forty-second Congress (Smith, 91). In that case the committee said:

> It must be borne in mind that the party now asking an extension is the sitting Member. He is now, and has been during a large part of the term, exercising the functions and receiving the emoluments of the office in question. In a litigation of this character the thing in controversy grows daily less, and does not, as in most ordinary lawsuits, remain intact to be recovered by the successful party in the end. In this particular case the extension asked for would be very nearly equivalent to a final decision of the case in favor of the sitting Member upon the merits.
>
> We are now near the close of the second session of the Congress. If the parties are to be sent back to Texas to take further testimony, of course no further action can be taken until the opening of the third and last session, which is of but 90 days' duration, and would be necessarily far spent before a final decision could be reached. It does not follow from these considerations that a sitting Member can in no case be allowed an extension after the time allowed by law for taking testimony expires; but your committee think it does follow that no such extension should ever be granted to a sitting Member unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat, or that by reason of the fault or misconduct of the contestant he has been unable to prepare his case. (McCrary on Elections, 4th ed., p. 332.)

Mr. SWITZER. Will the gentleman yield for just one question?

Mr. KENNEDY of Connecticut. Yes.

Mr. SWITZER. Do the proceedings of the committee show that a member of it undertook to put in copies of indictments at St. Louis, Mo., in the record?

Mr. KENNEDY of Connecticut. That was in the hearings before the committee.

Mr. SWITZER. Does it show that a Member himself did undertake to have them inserted?

Mr. KENNEDY of Connecticut. He offered the indictments.

Mr. SWITZER. Was it offered by either side, both sides being present by counsel?

Mr. KENNEDY of Connecticut. That is my impression, sir.

Mr. SWITZER. That is what I want to find out.

Mr. KENNEDY of Connecticut. And I objected to the indictments being offered as evidence before the committee.

Mr. RUPLEY. Mr. Speaker——

Mr. SWITZER. A member of the committee undertook to do that?

Mr. RUPLEY. Mr. Speaker, will the gentleman from Connecticut yield——

Mr. KENNEDY of Connecticut. I will.

Mr. RUPLEY. To answer that question? I desire to answer the question of the gentleman from Ohio. The indictments were brought in by the attorney for the contestant and laid on the table in the committee room—copies of the indictments—and then I made a motion that those indictments be admitted in evidence.

Mr. SWITZER. Was the other side represented?

Mr. RUPLEY. They were present at the time; Mr. Dyer was present himself at the time.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. KENNEDY of Connecticut. Yes, sir.

Mr. JOHNSON of South Carolina. What did the gentleman read from when he first began to address the House?

Mr. KENNEDY of Connecticut. I read from the statement before the committee.

Mr. JOHNSON of South Carolina. Was that testimony taken in St. Louis, Mo., or was it an argument before the committee here?

Mr. KENNEDY of Connecticut. It was a statement before the committee.

Mr. JOHNSON of South Carolina. When the case was argued?

Mr. KENNEDY of Connecticut. Oh, yes; when the case was argued.

Mr. JOHNSON of South Carolina. It is not part of the testimony in the case?

Mr. KENNEDY of Connecticut. Oh, no.

Mr. HARDY. Will the gentleman yield for one question?

Mr. KENNEDY of Connecticut. I will.

Mr. HARDY. I have not read over all the testimony, of course. Is there any evidence before the gentleman's committee contradicting the alleged facts that upon a recount these great differences were shown in more than one of these precincts? For instance, where Mr. Gill was given 5 and on a recount showed he was entitled to 73, and where Mr. Dyer was given one hundred and ninety-odd votes the recount showed he actually only got 106? Was there anything offered to disprove those facts?

Mr. KENNEDY of Connecticut. No.

Mr. HARDY. Were those substantially admitted facts; was there any contradiction of the facts before the committee?

Mr. KENNEDY of Connecticut. They were admitted, and there was no contradiction of the facts.

Mr. HARDY. So that the proposition made late in the contest was not to contradict these false returns or show these false returns were not made, but to go back and retake the vote as it was cast—virtually to have the election over?

Mr. KENNEDY of Connecticut. Yes; that is the situation.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield?

Mr. KENNEDY of Connecticut. I will, but somebody will have to extend my time.

The SPEAKER pro tempore (Mr. FOSTER). The gentleman has five minutes remaining.

Mr. KENNEDY of Connecticut. I yield to the gentleman.

Mr. GRAHAM of Pennsylvania. I do not desire to take up the gentleman's time, if he has not enough, but in connection with the suggestion made by the gentleman about the contest—the second count or the recount, as it is called, was it necessary that the contestant should take any steps—did not the recount show he was elected, and therefore he had nothing to contest? Is not that so?

Mr. KENNEDY of Connecticut. No.

Mr. GRAHAM of Pennsylvania. The recount does not show him elected?

Mr. KENNEDY of Connecticut. On the face of the returns.

Mr. GRAHAM of Pennsylvania. That is what I meant.

Mr. KENNEDY of Connecticut. In several of the wards of the city there was a conspiracy formed knowingly by the Republicans and the crooked Democratic officials that had taken their oath to perform their duty——

Mr. McKENZIE. Will my colleague on the committee yield?

Mr. DONOVAN. Mr. Chairman, I protest. The gentleman has hardly had five minutes of his time. This is an outrage. He either should be entitled to time, or not be entitled to it.

Mr. STAFFORD. I do not think it is for the gentleman from Connecticut [Mr. DONOVAN] to determine to whom the gentleman shall yield.

The SPEAKER pro tempore. The Chair will endeavor to protect the gentleman from Connecticut [Mr. KENNEDY].

Mr. McKENZIE. I simply desire to ask my colleague if he will kindly cite the page in the record where there is one scintilla of evidence to substantiate the statement which is made by him?

Mr. KENNEDY of Connecticut. There is. You turn to page 470 of the first volume, and to what does the witness testify? He testifies that in the counting of the ballot in a certain precinct they could not find a ballot for Mr. Gill.

And one man there—I think his name was Housmann—said: "I know there is one there, because I voted for him."

Mr. McKENZIE. Will the gentleman pardon me?

Mr. KENNEDY of Connecticut. Wait until I get through, and I will yield. Another official that was keeping tally said: "Yes; I know you did, and I think a couple of others did. Give him three." And that is all they gave him, right under the eyes of Republican and Democratic officials, and now you call that a fair election. If you turn to page 470 of the first volume, you will find that there.

Mr. McKENZIE. If the gentleman will pardon me, I will yield him a minute of my time. Is it not a fact that that testimony was the testimony of the Republican judge or clerk—a Republican official? Consequently, he could not have been in the conspiracy.

Mr. KENNEDY of Connecticut. I understood he was in the conspiracy, because he is the judge who turned around and said, "I know there is one who voted for him," and the fellow keeping the tally sheet said, "I know he has three, and we will give him three." Think of it; in a fair election for a Representative to this House, claiming that he is entitled to his seat, and that he will resign if he is not, in which he has one hundred and ninety and odd votes cast for himself in one precinct and five for Mr. Gill. In the presence of these officials, where were those seventy-odd votes that the court found for Mr. Gill in this precinct? They were there on the table in the presence of these election officials that had taken their oath to count

those ballots fairly. Did they do it? No. Who says so? The court says so.

Mr. McKENZIE. Now, Mr. Speaker, if my colleague will yield, I will grant him another minute.

The SPEAKER pro tempore. Will the gentleman yield?

Mr. KENNEDY of Connecticut. I can not yield just now.

Mr. McKENZIE. I would like to have the gentleman point out in this book which I hand him, on page 470, the evidence.

The SPEAKER pro tempore. The gentleman from Connecticut declines to yield.

Mr. McKENZIE. Mr. Speaker, I was going to give him the time.

Mr. KENNEDY of Connecticut. Well, I will find it for you. But very evidently you know it is there, because you say it was a Republican official. You told this House so. [Laughter.]

In another ward or precinct in a recount of the votes there was a difference of 50 or 60. It was so that Mr. Dyer's vote was reduced over 200 and Mr. Gill's was increased over 170.

I assume that every gentleman here has had something to do with politics, and I want to ask you this question in all seriousness: If you have a certain section of your district carved off, and there are 102 election judges and inspectors and clerks there, and 52 of those are appointed by the Democratic congressional and county organization——

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. KENNEDY of Connecticut. I will ask the chairman if he will grant me more time.

Mr. GOLDFOGLE. Mr. Speaker, I yield 5 minutes more to the gentleman.

Mr. DONOVAN. Mr. Speaker, I ask unanimous consent that he may have 10 minutes more.

The SPEAKER pro tempore. The Chair begs to state to the gentleman from Connecticut that the time is in the control of the Member from New York [Mr. GOLDFOGLE]——

Mr. DONOVAN. Could he not get it by unanimous consent?

The SPEAKER pro tempore (continuing). And the gentleman from Illinois [Mr. McKENZIE].

Mr. DONOVAN. Could it not be done by unanimous consent, Mr. Speaker?

The SPEAKER pro tempore. The Chair will state the request of the gentleman from Connecticut [Mr. DONOVAN] that his colleague may have 10 minutes more. Is there objection?

Mr. STAFFORD. Mr. Speaker, the chairman can yield him time if he wishes, as he has more time to yield. Therefore I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. STAFFORD] objects.

Mr. KENNEDY of Connecticut. Fifty-two of these officials have taken their oath to watch over the interests of their respective parties. And in that whole ward only 14 officials out of 37 lifted a finger or gave any advice or made any suggestion or made any attempt to see that the Democratic candidate for Congress had an opportunity to be elected in accordance with the law. Thirty-seven of those officials voted against him. Three of those officials in a certain precinct, after the ballot box was closed, in the presence of three Republican officials, put everybody out of the room and attempted to count those votes. It was only when the Democratic managers went down to the office of the commissioner of elections and received an order from him that the public was permitted to go in there and see that those votes were counted fairly.

Those ballots were in the hands of six officials, who voted against Mr. Gill, for one hour and a half. Does any man here think for one moment that those ballots were counted fairly? Was there not an opportunity to manipulate them? Was there not an opportunity to do that which the voters did not intend should be done with the ballots?

In another ward—I forget the page of the record, but the gentlemen can find it; it is in the second volume of the evidence—a man was a hotel keeper, as he said, and had been keeping a hotel for three months. He was one of the election judges. What did he do? He suggested that the challengers should be put out of the voting place, and every man there who was an official was in favor of Mr. Dyer for Congress, and it was only when they went to the election commissioners' office and received an order there that those challengers had an opportunity to represent their respective parties.

Now, there is the situation. If you think it was a fair election; if you think it was a correct method for securing a fair count and for having an honest ballot cast; if you think it is not necessary to have elections conducted according to law, why, of course, you will seat Mr. Dyer. But if you think the election held on November 6, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17 in the fifth ward at St. Louis for a Member of Congress was corrupt, ballots tampered with, illegal ballots cast, and a conspiracy formed by the election officials you will vote to sustain the committee report. If you believe the election officials betrayed their official trust and did that which every corrupt election official would do and has done in the past; if you want to have clean elections in the fifth ward of St. Louis, you will seat Mr. Michael J. Gill as a Member of this House, who was honestly elected, and not vote for this request to send this case back to the committee to take evidence in St. Louis. [Applause on the Democratic side.]

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois [Mr. McKENZIE] use some of his time now?

Mr. McKENZIE. I would like to ask the gentleman from New York [Mr. GOLDFOGLE] to use some of his time now. We are not ready to go ahead to-night. I would like to inquire, Mr. Speaker, how the time stands up to this point?

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] has 2 hours and 25 minutes and the gentleman from Illinois [Mr. McKENZIE] has 2 hours and 43 minutes.

Mr. GOLDFOGLE. I yield now, Mr. Speaker, 20 minutes to the gentleman from Pennsylvania [Mr. RUPLEY].

The SPEAKER. The gentleman from Pennsylvania [Mr. RUPLEY] is recognized for 20 minutes.

Mr. RUPLEY. Mr. Speaker, the contested-election case of Michael J. Gill against L. C. Dyer for the seat from the twelfth congressional district was brought and conducted according to the rules of the Committee on Elections and the statutes in relation to contested elections.

The notice of contest was filed and served on contestee, and he served his answer on contestant. Contestant began taking testimony Monday, January 13, 1913, by authority of an act of Congress, and consumed the entire time legally allotted to him. He examined nearly 150 witnesses, electors of the seventeenth precinct in the fifth ward in the city of St. Louis, Mo. Mr. Dyer examined about 40 witnesses and consumed only a small portion of the time allowed him by the act. In rebuttal no effort was made to explain or contradict the frauds alleged in the notice of contest and afterwards proven by the ballots offered and the disclosures made by the recount of fraudulent returns made by the election officers. His attorneys used about half of the time at his disposal in the examination of witnesses, many of whom did not reside in the twelfth congressional district, in an effort to justify his so-called "knifing" of Mr. Gill and evading and avoiding the charges of fraud; not endeavoring to show by judges or clerks of election that no frauds were perpetrated against Mr. Gill; did not subpœna Republicans or Progressives or challengers who were present or who cast ballots or knew of cuts, to combat testimony of Michael J. Gill, to wit, documentary evidence in shape of scratched ballots; return of count showing great discrepancy in return of election officers; marked ballots by officers of election, contrary to the election laws of Missouri; leaving ballot boxes unguarded; election officers generally agreeing to vote for Dyer, a Republican, cutting Gill, a Democrat, and voting for Kinney for State senator, a Democrat, as against Kramer, a Republican, and voting for Kiehl, Republican candidate for mayor, and against Dickman, a Democrat.

Evidence in the case shows bipartisan agreement and deal and every effort made to solicit voters to carry out a bipartisan compact consummated by election officers on election day inside the voting places. In this connection the evidence shows, volume 2, page 1165, in testimony of Thomas Egan, that judges and clerks in a number of precincts were given directions to scratch Gill and Dickman. Returns show bipartisan agreement carried out. Returns of ballots from fifth ward show Dyer, Republican, Gill, Democrat, and that Kiehl, Republican candidate for sheriff, over Dickman, Democratic candidate, and that Kinney, Democratic candidate for State senator, had an increased vote of 300 over any other Democrat in the ward, thus showing the operation of the bipartisan agreement entered into.

Kinney, the candidate for State senator, is the political boss in this ward. In the fifth ward, twelfth congressional district, Missouri, there are 17 precincts. Each has three Republican and three Democratic judges and clerks, and these are recommended for appointment by the political organization—in this case a bipartisan one—accounting for the character of the boards, as shown by the testimony.

The election officers made their return 2,213 for Dyer and 815 for Gill. The official recount secured by the contestant under an act of Congress disclosed that Mr. Dyer had 2,009 votes and Mr. Gill 994, showing a discrepancy of 383 votes. Mr. Dyer's vote as a Republican from the twelfth Missouri district was 11,981, Mr. Gill's total vote was 11,248, or a plurality of 732 for Mr. Dyer; the recount reduced Mr. Dyer's plurality

"Q. Did he ask you who you wanted to write in?—A. No, sir."

And (p. 306) "I told him to cut out Gill and put L. C. Dyer in the ticket."

But the majority propose to throw out this vote, with the precinct.

Bruce W. Casterline, precinct 17, testified (p. 400) that he voted for Dyer, yet the majority, by throwing out this precinct, seek to deprive Mr. Dyer of this proven vote.

William Myers, also in precinct 17, testified (p. 407): I told him (the judge)—he had a pencil, I didn't have any—I told him, "scratch Gill and write Dyer below it." Yet the majority throw out this established vote in rejecting this precinct.

Henry Williams, also in precinct 17, colored, testified (p. 418) that he was "a little under the influence of liquor that day * * * There was two men on the Republican ticket—that is, Dyer and Howard Sidener—I voted for them, and he put my slip in the box * * * he fixed it up all right, just as I told him to." The majority would take this established vote from Mr. Dyer by throwing out the whole precinct.

Then, Bartley Burke and Thomas Burke, in the same precinct 17, testify that they voted against Gill and for Dyer (pp. 421, 426); they did not know how to scratch, and asked the judge to do so for them. By throwing out the precinct, the majority would also deprive Mr. Dyer of these proven Democratic votes.

These are simply typical of the array of voters who came in to testify frankly that they had scratched Mr. Gill and voted for Dyer in these disputed precincts. It therefore seems that there is no room for conjecture; that the vote as returned should be corrected, in so far as the evidence shows any possible errors, but that in the face of this mass of testimony corroborating the returns, it would be unconscionable to throw out seven precincts, from which some 2 per cent of the voters have been examined as to their ballots, and about 1 per cent have impeached the official returns. To do so is certainly a new rule in congressional election contests.

The utter needlessness of fraud makes it hard to believe that there was any concerted movement at the instance of the party leaders. Gill ran behind his ticket in every ward, there being seven wards in the district, and he himself concedes the election to have been regular in all except this one ward; he ran behind his ticket in the ward in which he resides. The general Democratic uprising against him in the fifth ward was noised throughout the city two weeks before election. The vote for the Democratic candidate for governor compares with contestant's vote, as follows:

	Ward—						
	5	6	7	15	16	17	23
Major	2,047	1,517	1,929	1,768	2,008	1,841	1,818
Gill	691	1,454	1,849	1,682	1,919	1,783	1,747

That he should fall far behind in the fifth ward particularly was to have been expected long before the election from the revelation of his having scratched two years before the then congressional candidate who resided there, of whom the ward committeeman testified, at page 1194, "the man that would scratch Tom Kinney would have a hell of a lot of nerve to try to run on a Democratic ticket * * * I don't know how he (Gill) got as many votes as he did; he must have stolen them." And (p. 1193) "I knew we had enough to beat him, and that is all I was concerned with." And (p. 1192):

"Q. You testified that you had a hundred or more people at your meeting when you gave out the words to defeat Mr. Gill?—A. We did; we had more than that; we had one that went about 500; after we gave the same order out at one of our regular meetings."

Other witnesses also testify that they had plenty of votes to defeat Gill long before the election. State Senator Michael Kinney, whose brother Gill scratched two years before, testified at page 1256:

"Just as soon as that report (of Gill scratching Kinney in 1910) went out, why it was around; they were up in arms; everybody that met me and asked me, I told them about it. * * * The story was circulated if Dyer was good enough for Gill to vote for two years ago, he was good enough for them to vote for this year. * * * I voted for Dyer—the first Republican I ever did vote for, and I hope it will be the last."

The majority report, by throwing out Michael Kinney's precinct (the seventeenth), would deprive the contestee of that man's vote and of others of like sort who confirm their ballots. We do not believe that the precedents justify throwing out a vote proven to be correct, whatever view may be taken of others left to inference and conjecture.

Other witnesses to the preelection uprising against Gill are Judge Bishop (above mentioned), now Democratic assistant circuit attorney, who said (p. 318): "It was noised all through the ward; had been for some little time before the election." And Thomas Burke, a voter (p. 422), said: "I just told him (the judge) to scratch Mr. Gill's name * * * I had my mind made up"—because Gill had "double-crossed" the Democratic ticket two years before. And (p. 423) Burke testified further:

"Q. Did that seem to be the unanimous feeling up there?—A. Yes."

This was in precinct 17, which the majority would throw out, on testimony about only 4 contradicted ballots out of 200 cast.

Then William Hoppe, another voter and not an election official, though active in the ward, testified (p. 1301):

"Q. So that there was a general or widespread feeling among the Democrats, as far as your knowledge extended?—A. The whole ward and outside the ward, any place you go to."

Gentlemen, that is the kind of testimony upon which you and I would rely. Yet my distinguished friend the gentleman from Virginia [Mr. WATSON] says that the testimony of a few men establishes fraud. Gentlemen, the testimony of these voters in this election affect only their own vote.

We in this record showed by the evidence of judges and clerks and by voters that the election was carried on decently and in order, and in only one case in all of these precincts was there the least semblance of trouble, and that was in the seventeenth precinct, where some challengers were ordered out by the judges of election, and the judges testified why they ordered them out. It was because the challengers got into an argument and quarreled among themselves and disturbed the election. The judges of election are responsible for the honest and orderly conduct of an election in a polling place, and they have the right to order out the challengers or anybody else if they are creating a disturbance. But the testimony shows that there were policemen in that polling place, as in every other polling place in this ward on that election day, and that they stayed there all the time, so that if anything was done that was wrong those men would have seen it.

Now, gentlemen, that is the testimony as covering these voting witnesses. Why should we not take the testimony of those Democrats whose ballots showed that Gill was scratched? There are not so many of them, gentlemen; there are only 426 now, after eliminating those who have already testified. We know their names and their addresses, and we know where they can be located; and we know, gentlemen, that every single one of them will go upon the witness stand and, in my judgment, affirm his ballot.

Why do I know it? Because I say that the contestant, as shown in this record, made a personal canvass of the whole ward and saw every one of these men, and found out whether or not he scratched him, or whether some crooked judge did it; and having done this, he could not afford to put them all on the witness stand, and he put on only the few that he did put on, I have reason to believe, and so does any reasonable man, because these men were the only ones he could possibly count on.

The contestant, Gill, was not elected, and, gentlemen, by all that is honest and true, my certificate of election, after taking off every questionable vote, is as clear as that of any other gentleman in this House, and if it were not so I would not be here to-day.

The minority can submit only one resolution as a substitute for those of the majority. I contend now, as I contended before the Committee on Elections, that this additional testimony should be taken to clear up the doubt in the minds of that committee. When did I ask the Committee on Elections to let me take testimony of these 425 men in dispute? Was it yesterday or a month ago? No. I asked it in a written communication addressed to the chairman of the committee on the 13th day of March, 1914. I asked for 30 days. I asked to take this testimony under the same rules of taking testimony in election-contest cases and at my own expense, and I made in my statement in that written request that if I did not secure the testimony satisfactorily to the majority of the committee, showing that they were wrong in their tentative vote, I would decline to accept any pay for the time consumed in taking that testimony.

That fact is not in dispute, and the chairman himself will tell you it is true. Gentlemen, have I done anything to show that I have not been willing to meet the issue? Have I not done my full duty in trying to find out if anything is wrong? I do not want any fraudulent vote, and there is not a man living to-day who can say that I ever asked, sought, or tried by any means on earth to obtain a fraudulent vote, either for myself or for anyone else.

Let us take the testimony of these 400 men, and we will convince even the members of the committee who are reasonable men—and almost all of them are—beyond any possible doubt that they are in error. My friend Mr. WATSON, who represents in part one of the greatest States in this Union, a State that I love, because my good and noble father was born there, has told you that there are no precedents for taking testimony in a case like this after it has been closed. I cite here a case which is cited in the minority report, a case similar to this, for taking testimony; and if you will examine it, you will find it is almost exactly parallel to this. It is the case of Hopkins against Kendall, in the Fifty-fourth Congress.

In that case the difference between the majority and minority of the committee arose as to whether the vote of the whole county should be rejected or whether the contestant should simply be credited with the number of votes actually shown to have been lost to him by the fraud. The majority of the committee found that 79 votes were lost to the contestant, and as this number was not sufficient to overcome the returned plurality of the sitting Member (his plurality being 253 votes), the majority concluded that the sitting Member was entitled to his seat. The minority contended for the rejection of the entire vote of the county. In this case my plurality, after crediting the contestant with every vote that he was shown to be possibly entitled to in the official recount of the ballots, was 350. As shown above, Mr. Gill took the testimony of 54 witnesses in these seven precincts, and only 18 of them impeached their ballots; hence the most under the showing made by the contestant that he would be entitled to would be 18, which, taken off of my plurality of 350, would still leave my plurality 332. In

that case—Hopkins against Kendall—the majority concluded that the sitting Member was entitled to his seat, but the minority contended for the rejection of the entire vote of the county. The controversy therefore was the same in that case as in this; fraud was charged in both cases to have been committed by election officials. In order to obtain the best possible testimony as to what was the exact and correct vote in that case, that chairman of the Elections Committee, Mr. William H. Moody, of Massachusetts—afterwards Justice of the Supreme Court of the United States—reported to the House a resolution authorizing the committee to take further testimony upon the matters in dispute. Mr. Moody presented this resolution to the House on June 6, 1896. The resolution was adopted, further testimony was taken, and on February 17, 1897, the House adopted the minority report for the majority report.

This shows that the taking of further testimony in that case, similar in all respects to this one, had the result of changing the decision of the Committee on Elections, because the committee itself recommended to the House that the minority report be substituted for the majority report. It is true that that case was decided near the end of the Congress, but justice was apparently done, because the committee changed its report after taking further testimony. I could cite numerous cases similar and where similar action was taken by the House. The question that the House wants to decide is whether or not the contestant or myself was rightfully elected. Whether I retain my seat for a longer period because of this further search for testimony is immaterial as compared with having complete justice done. The burden of proof was upon the contestant to prove his case. I claim that the record fails to disclose that he has proven his case. The majority, at its meeting in March last, when tentative votes were taken upon eliminating entire precincts, indicated that in their belief the contestant had shifted the burden of proof from the contestant to myself. If that was a fact, then I should at least have an opportunity to sustain that burden and furnish additional testimony. My letter to the chairman of the committee on March 13 last stated in detail how, when, and in what way I could secure the testimony that was vital, as indicated by the tentative votes of the committee. To deprive me of that opportunity is doing me a great injustice, as indicated by the decisions in previous cases similar to this one.

Gentlemen, there are other numerous cases cited in Hinds' Precedents and in the books that guide us in these matters. When the gentleman says, therefore, that there is no precedent for it, he is certainly mistaken as to the prior rulings of the House along the line indicated. It will not take very long to do this. Would not you and would not I and would not the Committee on Elections feel better after knowing whether or not these men did scratch Gill, or whether the judges of election did it without their knowledge? They have never been asked this question. Only 56 out of 1,537 have been asked the question. More of them have said that they scratched Mr. Gill than have testified the other way, and those witnesses were put upon the stand by Mr. Gill himself. Gentlemen, what is the further law covering these matters? I find other cases which have been before the House that are practically similar to this. I find a case from the State of Virginia, the case of Walker v. Rhea (Rept. No. 2566, Fifty-sixth Congress). There was a case where the Democratic candidate ran 1,751 votes ahead of the Democratic candidate for President, who is the present Secretary of State, Mr. Bryan. The Democratic candidate in that district ran 1,751 votes ahead of the Democratic candidate for President. In the contest from that district this was cited as one evidence of fraud, but the committee brushed it aside and said it was no evidence of fraud that a candidate ran ahead of his ticket. In this fifth ward I was not the only candidate who ran ahead of the ticket there.

I want to say to my friend Mr. WATSON and others who have referred to it that the record itself shows that the Republican candidate for sheriff in that same election ran up practically with me, only 50 or 60 votes different. He got 2,131, and the Democratic candidate for sheriff in that ward got 945 votes. Democrats voted against the Democratic candidate for sheriff for the same reason that they voted against the Democratic candidate for Congress. Both had been against their candidate for Congress in the previous election.

Now, gentlemen, you may say what you please about there being such a number of Democrats who scratched the Democratic candidate, but this ward is different from most of the places from which you come. It is a ward down in the heart of the city, in the business district, where 23 or 24 great banks and trust companies are located. There are great office buildings and great factories in that ward. The voters live in small houses along the river front, and in the cheap dwellings, lodging houses, tenements, and so forth. Thomas E. Kinney was their leader, and you can only describe him by saying that he had the same kind of a following in that portion of the city of St. Louis that Tim Sullivan had with a portion of the Democratic Party in the city of New York. This man Kinney rose from a newspaper boy. He came from the slums. He became a leader in his ward; he became a representative of the ward for eight years in the city assembly, and then for eight years a member of the Missouri State Senate, and it was through his efforts that some splendid laws were enacted for the poor people of St. Louis. He stood well among these people. They loved him, and they were willing to show their love for him even in death by working and voting against a man whom they had found out had been false to him, false to Kinney when he was hardly cold in death.

Gill came down to the fifth ward and asked Michael Kinney, now State senator, for this ward's support for the nomination for Congress. They claim that Gill represented to them that he had been a great friend of Tom Kinney, supported him in his race for Congress, loved and admired him, and that he wanted to be the same kind of a legislator for the poor people that Kinney had been. They went out and supported him. What does the record show? Running in a ward where he was never known before, Gill got 924 votes as against 251 for Arnold, an able lawyer of St. Louis. After this splendid showing of Kinney's friends for Gill at the primaries, there is further evidence in the record that only three or four weeks after this, when it was found out that Gill never was Kinney's friend and never supported him, they did not vote for him but against him.

Now, the record shows that he made no effort to disprove the charge and never would take oath that he did not vote as charged. Was there any crime committed by these Democrats in their going out and voting against a man that the record shows was false to his representations to them? What would you have done, gentlemen; what would anyone have done under those circumstances? You might have done it a little more intelligently; but, gentlemen, you must take into consideration the conditions in this ward, the class of men that live there, and the fact that these judges of election are called to the polling places at 6 o'clock in the morning and have to sit there until 7 o'clock at night, until the polls close; then count up and make returns. Now, with this ballot and all of these constitutional amendments—eight or nine of them—these men were there all night, and some of them until noon the next day, before they returned their books to the commissioner's office. Not alone in that ward, but all over the city. Now, gentlemen, you can take elections in your own district, and I warrant that you will find mistakes here and there. You will find where some men have been credited with more than they should have, but not done fraudulently. In this case, if you look over the recount made by the contestant himself, you will find that I gained votes in a number of these precincts myself. If men wanted to help me, certainly they would have given me what I was entitled to in the first instance.

Now I come to my request to the Election Committee on March 13, 1914. They met on March 12, and one of the members of the committee talked without permission of the committee to a member of the press. He told this representative of the press about their tentative vote in which they were going to throw Dyer out. The press man talked it around, and I heard about it. The next morning I wrote a letter, a copy of which I have, to Mr. GOLDFOGLE, setting forth in detail how I could prove the falsity of the charge as to fraud in the seven precincts in question. I stated how I could get the testimony of these voter witnesses, and I say to you, as I said to him, that I would bring the testimony here and present it to the Election Committee and cause them to change their views, and if I could not I would not ask you for one minute to hear the case anew. I will resign if I can not convince the committee of this House that they are in error in recommending that these votes be all thrown out.

Gentlemen, I have a responsibility in this, as you have. I have been given a certificate of election, and when I received the notice of a contest I selected for my counsel two of the best and ablest lawyers in the city of St. Louis—one of them, Franklin Miller, a Democrat all his life and the other, Albert Chandler, a Progressive—and I told these men that I wanted nothing but what was right. I said "You go up and watch the recount, and if you think I was not elected let me know at once and I will not go any further." I told them the same thing when the contestant started to take voter witnesses testimony, and that has been my attitude all through the contest.

My own counsel was selected without regard to politics, and there is no politics in this case. I do not want to be here for the money involved while this testimony is being taken, but I

Mr. RUCKER. Mr. Speaker, I will surrender a part of the time that the gentleman from New York was to yield to me.

Mr. GOLDFOGLE. Mr. Speaker, I yield 10 minutes to the gentleman from Virginia.

Mr. WATSON. Mr. Speaker, I thank the gentleman from Missouri. The minority report recites the fact that this was done in two other cases, the case of Hopkins against Kendall, in the tenth Kentucky district, and of Jackson against Smith, in the first Maryland district. I have examined both of those cases, and I find that they present no parallel to this case. This House, at the instance of the Committee on Elections and at its unanimous request, and before any judgment was rendered in the Hopkins and Kendall case, permitted the committee to take further testimony in order to decide that case. In the case of Jackson against Smith the Committee on Privileges and Elections reported to the body that the testimony was insufficient to enable it to enter a judgment, and asked that it be permitted further time in which to take testimony; and I want to say to this House that that further time never eventuated, and that that case was never decided.

The gentleman from Iowa [Mr. TOWNER] asked what the attitude of the committee is toward the evidence in this case. The committee can not believe these returns. The committee can not separate the good from the bad. The election officers could not separate them, and they made a mistake as to one-third of them. The attitude of the committee is that with these violations of the statute law of Missouri, with these falsifications staring them in the face, no man is wise enough to put his hand on those ballot boxes and tell which ballot represents the will of the voter and which misrepresents it. The case answers to the requirement of the gentleman from Illinois [Mr. MCKENZIE], because it does affect the result. It elects one man in this case and sends another one from your midst. This fraud is bold; it is patent; it is not denied by the minority members of the committee; it is seen of all men; and we come here to tell you that you can not accept it as a basis on which to found a title of a Member to a seat in this body. Hence, we say, reject these returns; and while I need not stop to refer to the adjudicated cases in which that precedent has been established and that doctrine expounded, I undertake to say, as a lawyer, that in no textbook, in no court decision, aye, in no decision of this body, can there be found precedent for accepting returns where the fraud is so glaring as to affect the whole, so that you can not separate the good from the bad. So the attitude of the committee is that they ought to be rejected, because you can not rely on them, because they do not state the truth, and because they stand for nothing.

What is the alternative suggested by the other side? They want the precedent established that although you have set up fraud by a thousand badges and proven it beyond reasonable doubt, yet because you disfranchise the good voter as well as the bad, you ought to go back to St. Louis and hold an inquest some 18 months after the event to find out how these people voted in that election. Gentlemen, we think that is useless; we think it is impracticable; and I might go further and say we think it is impossible. In the first place, I very much doubt whether under the statute law of Missouri, which is the law under which we act in respect to this matter, a committee of this body could compel a single voter in Missouri to testify how he voted unless he chose to testify. The case to which I referred this morning—decided in 1911—held that the voter would be permitted to testify how he voted; but it has not been held in Missouri that the voter could be compelled to testify how he voted. In the first place, then, if you went there to try to take the testimony of these many citizens, you would be confronted, doubtless, with the situation that they were not willing to testify, and there you would be at the end of your rope; but suppose they were willing to testify, what knowledge would you gain? These people live in what is known as the levee district in St. Louis, along the river front. It is a district of tenement houses inhabited by people of nomadic habits and without means for the most part. In large measure they are illiterate. The testimony shows that within a few weeks after the election many of them did not remember for whom they voted. What assurance could this House feel that after the lapse of 18 months and the passing of other elections, they could remember in the first place for whom they voted; and, in the next place, there in St. Louis subjected to all of the local influences that could be brought to bear, who knows what they would be willing to tell; how they voted in an election for the unlawful conduct of which perhaps their friends and neighbors were being prosecuted?

In addition to that, if 800 of them were not to be located by the contestant in this case when he served his notice of contest, what possible assurance is there that we could locate them now after nearly two years have gone by? I undertake to say that never in the history of this body has such a proposition been made to it. I undertake to say that if we attempted to go there the result would be futile and that instead of the inquiry resulting in additional satisfaction upon these points you would find it had been only a partial one and that the result would at best be left in doubt.

One other point in this matter and I am through. The minority members of this committee would have this House believe that because the contestant had voted against Thomas E. Kinney for Congress in 1910, therefore a thousand people of the character and circumstances I have described—people without fixed habitation and friendships—had felt so much resentment in consequence of that fact that they had turned around to a man, deserted their party, scratched the Democratic nominee, and voted for the Republican ticket. In the days of chivalry one blast of Roderick's horn was said to have brought a thousand from the Highlands——

The SPEAKER pro tempore. The time of the gentleman from Virginia has again expired.

Mr. GOLDFOGLE. Mr. Speaker, I will ask the gentleman from Illinois to use some of his time.

Mr. MCKENZIE. Mr. Speaker, I yield to the gentleman from Missouri [Mr. DYER]. [Applause.]

Mr. DYER. Mr. Speaker and gentlemen of the House, I take the floor with evident embarrassment because of the personal interest I have in this case; but, gentlemen, I value and prize more highly my good name, such as I have, than I do any seat in even this the greatest legislative body in the world, and I feel it is my duty to assist you, as little or as much as I can, in the discharge of the duty which you all must realize is one of the most important duties that comes to Representatives in this great body. When this election occurred in November, 1912, and it was complained of by the contestant, the gentleman who was my opponent upon the Democratic ticket, that he had been defrauded of votes in the fifth ward, and when complaints were published by him in the newspapers, and even when it was said that he would ask indictments of election officials, I stated then in the public press—and that statement has held good ever since—that if he or anybody could show that I had been elected by fraudulent votes that I would refuse to accept the certificate of election; and not only that, but I would pay out of my own private earnings $100 for every conviction they could obtain of election officials. [Applause on the Republican side.] That statement was made and published in the public press. I have been ready and willing to carry out that promise to this day. Some men were indicted, and those indictments were brought here to Washington by the contestant and have been paraded here among the membership of this House. Those were brought before the Committee on Elections, although every man who knows law and justice and right knows that that had no part in this case, because they were not a part of the record, but they were put in the brief of the contestant as a part of his argument referring to the indictments returned against officials involved in these fifth-ward election precincts. I have a copy of the indictment here. I did not bring it into the case; it was brought into the case by the contestant by bringing these indictments here. I protested to his counsel that it was unfair to try to influence Members of the House by something that does not appear in the record in any place at all.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. DYER. I can not yield to the gentleman; I have not the time.

The SPEAKER pro tempore (Mr. CANTOR). The gentleman declines to yield.

Mr. GOLDFOGLE. I want to ask the gentleman whether, in justice to the chairman of the committee, at least, it is not a fact we excluded those indictments, and the chairman indicated that they were not admissible in evidence?

Mr. DYER. I know that the gentleman from Pennsylvania [Mr. RUPLEY] at the hearing of the committee in December, 1913, rose in his place as a member of that committee and offered in evidence these indictments and asked that they be considered as evidence of fraud in this election. I know it was done, and I do not know that they were ever excluded or were not considered, because I have never received any official information otherwise, and the hearings do not disclose that it was excluded from consideration. But, gentlemen, in fairness to all mankind, in justice to everybody, I have secured here copies of these indictments certified by the proper officials. After a long time these cases were finally brought to trial, but an effort, in my judgment, has been made to delay these indictments until this election case could be disposed of, so as to prejudice your mind against a just and proper verdict, which you should render in this case; but, thank God, from whom justice does come, one of these cases was finally forced to trial week before last. These men were indicted jointly, and when the case came up for trial the men indicted asked for a severance, and the circuit attorney of the city of St. Louis selected to try the case of Daniel Morrisey as a case which was the strongest case he had.

The circuit attorney of the city of St. Louis, Mo., is a distinguished, honorable, public official, a Democrat in politics, a man who has been judge and presided over the circuit court of that city. He has some eight assistants in his office, and he took charge of that case personally, so that no one might say that a vigorous prosecution was not had. He prosecuted it personally, and a jury was brought in, and this case submitted to them. The ballot boxes were opened, and every ballot cast in the second precinct of the fifth ward was brought and laid before those jurors and the results showed to them, and they were examined in detail. This second precinct of the fifth ward is where they say fraud was committed with such glaringness. That is the worst one of which complaint is made, and, gentlemen, here is the indictment charging that these judges made a false account and a false return. They were tried upon it in the criminal courts of St. Louis, and here is the verdict of the jury to whom this case was submitted after four days of trial upon that charge, and the verdict was not guilty on the charge of fraudulent counting and returning in that case. [Applause on the Republican side.] Is not that some evidence? Here are men who saw every ballot, who examined every ballot personally; every one was laid before them, and nobody kept anything from the jury. They saw whether the ballots were accurate or false. And I might add that the judge or the court who sat in that case was Judge Jones, a lawyer and a distinguished Democratic official of the city of St. Louis. The counsel who defended Daniel Morrisey were Democratic members of the bar of St. Louis, and he was acquitted. His defense was that if any fraudulent alterations of the ballots were made they were not made in the polling places but by the contestant and the attorneys and counsel for the contestant when they made a recount in the election commissioners' office. I now read you from the St. Louis Republic of Wednesday, June 10, 1914. It is as follows:

MORRISEY SET FREE IN VOTE FRAUD CASE.

Daniel Morrisey, judge of election in the second precinct of the fifth ward at the fall elections of 1912, on trial in Judge Jones's court on a charge of making false count and return of ballots, was found not guilty by the jury at 9.30 o'clock last night.

The trial had been in progress three days. Morrisey contended that any discrepancy between the count as made by the judges and the recount made at the election commissioners' office in the Gill-Dyer contest was due to the ballots having been tampered with by outsiders prior to or during the recount.

There is a man, gentlemen, acquitted from the charge of fraud, and yet you would, on the testimony of a little over a dozen witnesses, deprive 1,537 voters in this ward of the right of franchise. Now, what appeared in this recount of the ballots by the election commissioners of the city of St. Louis? When the contestant filed his notice of contest he had a notary public serve subpœnas upon the commissioners of election, a bipartisan board, of the city of St. Louis, and which board selected every judge and every clerk who served in this election that is complained of, and selected them upon their responsibility, on their authority under the law; and they did not in any instance have to accept any recommendations from anybody. Those men, simply for the purpose of discharging a responsible duty, selected these men themselves, after the closest scrutiny and inquiry possible. They had to select these men in the precinct where they lived. They had to get as good men as they could, but they could not get any better than lived in the precinct. You, gentlemen, should take the trouble to look over the recount which is set up by the contestant. I want to say to you that in our desire to be fair in every way we have credited the contestant with every vote that his own testimony in the recount showed that he had gained, and after doing that we still have left a plurality of 350. After crediting him with every vote that the recount showed that he might possibly be entitled to, we have left, gentlemen, that number—350.

And, now, what has been shown to take away these 350 votes? Some dozen or so witnesses, voters, came in after the contestant had canvassed the fifth ward by letter and in person, and from the copy of the poll books he had the name and address of every man in the fifth ward who had voted at that election. He knew where they lived; he knew whether they voted the Democratic ticket or not and whether they had scratched him or not. As I have said, he canvassed that ward for witnesses to prove that he had been illegally defeated, and after doing it, of these entire 1,537 voters of these precincts he subpœnaed 56, by whom he attempts to prove his case. And it has already been shown to you, gentlemen, that a majority of these 56 that he subpœnaed himself, after this canvass, testified that they had voted against him, and they said why they had done so.

I want to read to you, gentlemen, if I have the time, what some of these voters testified to. Here is witness after witness called by him, who said they voted against him and testified why they voted against him. Even before the election, according to the testimony in the record, the present postmaster of the city of St. Louis, Mr. Colin Selph, appointed by President Wilson, stated that he told Mr. Gill, "you are guilty, and you will be beaten." This is found at page 3903 of the record.

Now, gentlemen, these 56 witnesses are from the different precincts. These 56 witnesses that he found in all of these precincts testified as follows: In the second precinct he subpœnaed 4 witnesses, and 3 of them swore that they scratched him and said why. One impeached his ballot. You can find, gentlemen, some men after every election, if they are scratching, who, when they are brought to the bar and put under test and are charged with voting against their own party ticket, will swear that they did not, however truthful they may be otherwise. And they found this small number. In the second precinct they want to throw out all of those votes because 1 man out of 204 men swore he did not scratch Gill, although his ballot indicated he had.

Mr. RUCKER. Mr. Speaker——

The SPEAKER pro tempore. Will the gentleman yield?

Mr. DYER. Certainly. I will yield to my colleague.

Mr. RUCKER. I thought possibly the gentleman made a statement which he did not intend. Did I understand you to say that Mr. Selph, the present postmaster of St. Louis, testified in this case? I understand, as a matter of fact, there is a mistake about that, and that Mr. Selph did not testify at all.

Mr. DYER. It is in the record, I will say to my colleague, and the page of the record is given in the report.

Now, gentlemen, they want to throw out those 204 votes in the second precinct because one man impeached his ballot. In addition to that, what? In the recount made by the contestant it showed that he gained votes and I lost votes. Was he not credited with every one of them? Did not we credit him with them? And has not the verdict of 12 men been unanimously rendered that there was no fraud with the ballots before them, which none of you gentlemen have seen? You have only seen some ballots paraded around here which were photographic copies. And I want to say to you that that kind of testimony is not worth anything. In the first place, nobody was subpœnaed by the contestant—that is, put upon the stand—to swear as to any similarity of handwriting, or forgery, or anything of that kind. He did subpœna a man, an expert in handwriting, but he did not put that man upon the stand when he came to examine these ballots. So that testimony, gentlemen, is not worth anything, except for the purpose of being used, as these indictments were used, to try to prejudice Members of this great House against an honest discharge of their sworn duty.

Gentlemen, here is the testimony of some of Gill's own witnesses:

Charles Kohl, precinct 2 (p. 394), "I know I scratched this guy that is making a big roar about nothing. If I didn't I hope I may drop dead." Yet the majority would throw out his vote.

Frank Biggs, precinct 3, testified (p. 772) that he also scratched Gill and wrote in Dyer. Why reject this vote?

Fred Farnsworth, precinct 4, testified (p. 197) that he asked a judge to prepare his ballot because the booths were occupied and he had no pencil, directing the judge to scratch Gill and write in Dyer. Yet the majority propose to throw out this ballot with the rest of the precinct.

W. B. Jameson, precinct 4, testified (p. 2151) that as it was dark in the booth and he had no pencil, he asked a judge to scratch his ballot, marking out Gill and inserting Dyer. Yet the majority, in throwing out the precinct, would reject this proven ballot.

Edward Johnson, precinct 9, testified (p. 498) that the election judge of whom he asked assistance "didn't say nothing at all about scratching"—this in a precinct which the majority throw out. He voted for Dyer (p. 499); yet the majority would take away this vote by throwing out the precinct.

Emmett Brown, precinct 9, testified (p. 2126) that he scratched the Progressive candidate and voted for Dyer. The majority would rob Mr. Dyer of this vote by throwing out the precinct.

William Kinney, precinct 14 (p. 310), testified to scratching Gill and writing in Dyer. The majority would deprive contestee of this vote by throwing out this precinct.

George Wilcox, precinct 14 (pp. 305, 306), testified as follows:

"Q. Now, what questions were asked you when you came in?—A. He only said 'Good morning' to me; that is all.

"Q. What questions were asked you by the judges and clerks, if any?—A. Well, I asked the judge how to write out the ballot.

"Q. Did they ask you where you lived?—A. Yes, sir.

"Q. And your name?—A. Yes, sir.

"Q. And then they did what?—A. I didn't know how to write out the ballot; I asked for a Democratic judge. He asked me what names I wanted to scratch out.

"Q. Did he ask you anything else?—A. No, sir.

The contestee, Mr. Dyer, has served in this House for a number of years. His record, so far as I have been able to learn, has been an honorable one. In this case, however, we should disregard all personalities, being governed solely by the facts and the law, endeavoring to do but one thing—justice.

The SPEAKER pro tempore. Does the gentleman yield back the balance of his time?

Mr. McKENZIE. I control it.

Mr. GOLDFOGLE. Mr. Speaker, I now yield 30 minutes to the gentleman from Virginia [Mr. WATSON].

The SPEAKER pro tempore. The gentleman from Virginia [Mr. WATSON] is recognized for 30 minutes.

Mr. WATSON. Mr. Speaker, there are now in this House 290 Democratic Members—two-thirds of this body. If there were the inclination, there is no necessity for this election case being considered from a party standpoint. It is a somewhat ungracious undertaking to have to deal with a question vitally concerning the personal interests of a Member of this body who occupies so respectable a station in its estimation as the gentleman from Missouri, Mr. Dyer.

I regret the circumstance that the report of your committee has, unfortunately, divided along political lines. The report of the committee is united in by the six Democratic members and the one Progressive member, and the minority report is signed by the two Republican members. I take occasion to say that in my own personal association in this House there are hardly any two Members of the body with whom my personal relations are more pleasant than with the two gentlemen who have signed this minority report, and they have my sincere respect and admiration.

This case is in many respects unique; not, I would say to the gentleman from New Jersey [Mr. MCCOY], in the respect in which he regarded it, but it is unique in this, that your committee reports that the sitting Member is not entitled to his seat, and according to precedents you would have expected the minority to report that the sitting Member was entitled to his seat. There is no such finding on their part. You do not find in the report of the minority one single suggestion that it has dissented from the conclusions of the committee. You do not find in that report any recommendation that this House ought to accept the returns from those seven precincts in issue; but you find that instead of deciding the question that has been submitted to them the minority members come here and ask that you shall go back to St. Louis and take further testimony in order to ascertain what is the proper result in this case. So that the issue now presented to this House is whether or not you have sufficient testimony upon which to make up a judgment or whether you shall postpone a decision at this time and submit to another inquest in the city of St. Louis.

Now, gentlemen, in the time allotted to me for the discussion of this case, the record of which covers over 2,000 pages of closely printed matter, it can not be expected that I undertake to expound the details of this testimony. I find myself in a situation where I can only address myself to the high points in the case, so to speak, the salient features of the record. Your committee has said that in the fifth ward of St. Louis it has found fraud of a bold and glaring character. And what are the insignia, what the badges of fraud by which they have been led to this conclusion?

In the first place, gentlemen of the House, this is a Democratic ward, notwithstanding the fact that the chairman of the committee declined to give it that character. Every other name on the Democratic ticket in this election, with the exception of the Congressman and the sheriff, received substantially 2,000 votes, while every Republican candidate in that ward except for those two offices received substantially 1,000 votes. That was true of the presidential electors, true of the candidate for governor, for the court of appeals, for warehouse commissioner, and so on throughout the list; but when you come to the name of the Congressman you find that the sitting Member, Mr. Dyer, is credited with having received two thousand two hundred and odd votes, when nobody else in his party except the candidate for sheriff received more than a thousand; and you find that out of 1,991 Democratic ballots in that ward Mr. Gill, the candidate for Congress, had his name scratched off of 997 of them, and Mr. Dyer, the sitting Member, had his name inserted upon 888 of them.

That does not mean anything by itself. You might say it was a most remarkable change of public sentiment. You might say that this Republican candidate was the most popular Republican that ever ran in a Democratic district, and that the Democratic candidate was the most unpopular man who ever ran before the people, but it would not necessarily mean fraud.

I present to you now the second badge by which we are to be guided in this case. There were 102 election officers in that ward—51 Democrats and 51 Republicans. Every one of them, but 14, voted for the sitting Member, the Republican candidate. That does not mean anything by itself. They might have changed their minds on account of the popularity of this Republican in a Democratic ward and the unpopularity of the Democratic candidate. It has been stated to you that they were appointed by a nonpartisan board of election commissioners, and that is a fact; but the record in this case discloses that they were appointed on the nomination of the Democratic committeeman from that ward, and who was that committeeman? Thomas Egan, the brother-in-law of Thomas E. Kinney, a former candidate for Congress against the sitting Member.

Now, gentlemen, here are all your scratched ballots. Here are all your election officers owing their places to the recommendation of one man, and that man unfriendly to the contestant in this case. But that does not mean anything by itself, gentlemen may say.

Now, what are the other circumstances in connection with that election for us to take into account? I stand before you to assert from this record that there was not a single direction of the statute law of Missouri which was complied with by these election officers in the conduct of this election in many precincts of that ward.

The law of Missouri said that an illiterate voter who asked for assistance should be sworn as to his inability to fix his ticket. Not a single man throughout the limits of this ward who asked for assistance was sworn as to his inability.

Mr. McKENZIE. Mr. Speaker, will my colleague yield on this point, that the election officers were appointed on the recommendation of the committeemen in the wards? If my colleague can cite me to any part of the record showing any evidence on that point, I will certainly be under obligations to him, because I have been unable to find anything in the record. It was a mere statement of counsel, as I remember it.

Mr. WATSON. Mr. Speaker, I can not stop to put my finger on the name of the witness who testified in that regard, but I pledge myself to the gentleman that before this discussion is finished I will find and show to him the name of the witness who stated that the committeeman in that ward nominated the election officers.

I was saying, gentlemen, that not a single illiterate voter was sworn as to his illiteracy or his inability to fix his ballot. The statute law of Missouri requires that when a man asks for assistance in fixing his ballot he shall be assisted by the election officers acting in a body, in the presence of one another and in his presence. The testimony in this record discloses the fact that judges of election took the voters into the booths, where they had no right to be, and out of the presence of the rest of the election officers assisted them in the preparation of their ballots.

The law of Missouri requires that every single election officer shall assist in counting the ballots, that it shall be the work of each and all. In many of the precincts of this ward the Democratic ballots were turned over to the Democratic election officers and the Republican ballots were turned over to the Republican election officers, and in several instances only one man did the counting, and there was no attempt to make the count by all the election officers.

The law of Missouri provides for a secret ballot, but notwithstanding that the voters in some places were permitted to bring into the polls cards from the outside for the purpose of informing the election officers on the inside how they should be voted.

Now, gentlemen, any one of these things by itself might be considered inconsequential. I mention these circumstances for the purpose of pressing upon your attention the fact that if there was a statutory requirement of the State of Missouri which these people complied with, I have been unable to find it in this record.

Mr. TRIBBLE. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. TRIBBLE. You say that in seven precincts of this ward the Republican candidate ran ahead of his ticket?

Mr. WATSON. In every precinct.

Mr. TRIBBLE. I was just going to ask about that. In the seven precincts that were thrown out, what was his majority over his associates? It was seven or eight hundred, was it not, out of 2,000?

Mr. WATSON. Gentlemen, in round numbers the Republican candidate for Congress received two-thirds of the votes of that ward, and his associates on the ticket received one-third.

Mr. TRIBBLE. How did he run in the other precincts you did not throw out? Did he run ahead of his ticket or run behind it?

Mr. WATSON. I would say to the gentleman in passing that I consider that practically every precinct in this ward excepting two is almost in the same predicament.

Mr. TRIBBLE. But you did not throw them all out?

Mr. WATSON. We did not.

Mr. DICKINSON. Mr. Speaker, may I ask a question here?

Mr. WATSON. Yes.

Mr. DICKINSON. In the other wards how did Mr. Gill, the contestant, run? Did he run up to or ahead of his ticket?

Mr. WATSON. Outside of the fifth ward Mr. Gill ran along with his ticket; got just about as many votes as anybody else did.

Mr. DICKINSON. But in this ward——

Mr. WATSON. In this ward he ran behind, getting one-third as against two-thirds.

Mr. DICKINSON. That is where the complaint is made and that is where fraud is charged?

Mr. WATSON. Yes.

Mr. JOHNSON of South Carolina. Did I understand the gentleman a moment ago to say that he thinks the election was unfairly conducted in all the precincts of that ward?

Mr. WATSON. I will answer that in a moment.

Mr. JOHNSON of South Carolina. How many of them were thrown out?

Mr. WATSON. The committee eliminated seven.

Mr. JOHNSON of South Carolina. How many were there in all?

Mr. DICKINSON. Seventeen in all. There were two of them in which no question was raised.

Mr. GOODWIN of Arkansas. The gentleman has spoken of certain insignia—certain badges that might be taken account of—which he says, standing alone, are not conclusive. The gentleman has been diverted from his argument by interruptions. He has overlooked one fact which I think, possibly, he did not intend to overlook. I have not had time to read the testimony in this case, but I have understood that one man probably made most of the many erasures that were made, scratching out the name of the contestant and writing in the name of the contestee.

Mr. WATSON. That is true, sir. I am coming to that. Now, gentlemen, when we come to the ballots, this is what we find. There are five precincts in this ward—2, 4, 5, 14, and 9—which by themselves would change the result of this election. In these five precincts there were 918 ballots cast, and when the returns were opened and recounted it was found that 336 of these 918 ballots had been counted wrong. Mr. Dyer had been given 207 votes more than he was entitled to and Mr. Gill had been given 129 fewer votes than he was entitled to. In other words, more than one-third, or 36.6 per cent, was returned by the election officers for Dyer that he was not entitled to.

When the ballots were examined—and I invite your attention to the sample copies exhibited before the House—it was found that in most instances one man at the precinct did the scratching. Not only one man, because my colleague from Illinois has stated that perhaps they properly selected one man to do it, but he had the same pen every time, and not only that, but he held it in the same position, and he himself probably occupied the same position every time.

But that testimony is not enough to quiet the conscience of the minority members of this committee and to justify them in eliminating these returns. They are not satisfied with circumstantial evidence; they want positive proof that the ballot was tampered with after it went into the box. Fortunately for this case we have positive proof. I can not stop now to enumerate all the witnesses who have been called to testify on this point, but I want to say that Judge Bishop, a distinguished member of the bar and at the present time assistant district attorney, testified that he voted at his precinct the straight Democratic ticket. When they came to examine the ballots at that precinct, although his number was recorded on the poll book and his name on the registration book, and his ballot marked 56, when they came to look into the box, lo and behold, it was gone. Now, my friend from Illinois [Mr. MCKENZIE] would account for that on the ground that somebody found on the floor a straight Democratic ticket that might have been his.

Mr. McKENZIE. It was in the box.

Mr. WATSON. Well, in the box. I want to call your attention to the fact that it is necessary at every turn to have some accident to account for the remarkable situation that exists.

Mr. TOWNER. Will the gentleman yield?

Mr. WATSON. I will.

Mr. TOWNER. I have not heard it stated what position the majority took in regard to the question of fraud. Did it take the position that the mere circumstance of fraud was sufficient justification for throwing out the entire vote of the precinct, or did they take the position that it must be such as to invalidate or change the result?

Mr. WATSON. I will answer the gentleman when I come to that point.

Mr. COOPER. Will the gentleman yield?

Mr. WATSON. Yes.

Mr. COOPER. In relation to the incident of Judge Bishop, to which the gentleman has just referred, I see in the minority report this statement, and I would like to have the gentleman's answer to it. It says:

> Judge Bishop, precinct 2, whose ballot the majority say "was missing," testified that he voted a straight Democratic ticket. "I can't say now that I saw the number indorsed on the ballot or saw anybody write on the back of the ballot at the time" (p. 512). He saw the ballot go into the box. He was voter No. 56; no ticket No. 56 was found; but all the other numbers were found, and one straight Democratic ballot was found unnumbered, and had been counted for Gill. This was undoubtedly Bishop's ballot.

There is no positive testimony that his vote was numbered, and then follows the statement I have read from the report.

That seems to meet the case exactly.

Mr. WATSON. That may account for that ballot. I can not recall at this moment all the testimony on that particular point.

Now, when we come to Father McGuire, a Catholic priest, a gentleman of intelligence, he voted at another precinct, and his ballot was marked. He testified that he did not scratch Gill's name off; but when we examine the ballot box and the ballot comes out, Gill's name was eliminated entirely and Dyer's name written in place of it. When we come to John Flannery, a contractor and builder, the same thing happened. To Walter Pfeiffer, a retired business man, the same thing happened. When we come to A. D. Stahl, a stock dealer, the same thing happened. The same thing is true about Theodore Tompkins and A. B. Walker and many others whose names it is unnecessary to mention—we find the same state of facts. These people whose names I have mentioned were people of intelligence, people of character, literate, who could fix their own tickets, and yet though the election officers were relieved of the duty of fixing their ballots when they came out of the box they were found to have been tampered with and the name of Gill scratched and the name of Dyer written thereon.

Now, gentlemen, these are some of the circumstances connected with this case. Can any reasonable man suppose that these things could have happened by accident? Can anybody place any confidence in the integrity of these returns, with these indicia of fraud stamped on their face?

I heard some gentlemen state in this debate that only 18 witnesses had testified that their ballots had been changed after they went into the ballot box. Well, if 18 true and intelligent men can not prove a fact, I will ask gentlemen of this House how many witnesses they would require to establish a fact? The truth of the gospel and the history of Jesus Christ rest on the testimony of four Apostles. But here are 18 men—lawyers, doctors, priests, men of character and substance in the community—who come and tell you that they have been wronged, and yet Members stand up and say that they want more testimony. Now, the gentleman from Iowa [Mr. TOWNER] asked what is the committee going to do.

The minority members of this committee do not ask you gentlemen to accept these returns. They do not say that any man in this House should hold title to his seat on such a state of facts as these. They come and ask you to take further testimony. And when was that application made? It was made after long months had elapsed, after all of the testimony had closed, the contestee not requesting one more day further time. Your committee had sat in judgment, had come to a conclusion, and had tentatively pronounced that judgment, and then the application was made. After the judgment is made up and the verdict rendered the cry is raised that more time must be taken, that other testimony should be brought in. I want to say to this House that while I do not pretend to have examined all of the contested cases which have been adjudicated at its bar, yet I do not believe there is a case on record where, after the pleadings were made up, after the argument was delivered and the case decided, it was ever reopened for the taking of further testimony and practically for a new trial.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. RUCKER. Mr. Speaker, would the gentleman like to have some more time?

Mr. WATSON. Yes.

Mr. GOLDFOGLE. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. RUCKER. Will that be time enough?

Mr. WATSON. I would like to have a little bit more.

On the question of irregularities and the violation of directory statutes I quote the following from the same brief:

Where an officer of election testified that he had marked certain ballots for illiterates wrong, and these ballots were thrown out for irregularity, the committee counted them, saying: "It is well settled that an elector can not lose his right to vote by the mistake of one of the election officers. If the voter himself made the mistake, the ballot should not be counted, but where he depends upon an officer whose duty it is to assist him in the preparation of his ballot, and the officer, through ignorance or design, fails to mark the ballot properly, it should be counted." (Brown v. Swanson, 55th Cong., Rept. 1076, p. 8.) "Evidence which might have been sufficient to put the voter to his explanation, if challenged at the polls, is not deemed sufficient to prove a vote illegal after it has been admitted. Something more is then required to prove it illegal than to throw doubt upon it." (Goodling v. Wilson, 42d Cong., Smith, 82.) "Our election laws must necessarily be administered by men who are not familiar with the construction of statutes, and all that we have a right to expect are good faith in their acts and a substantial compliance with the requirements of the law." (Ingersoll v. Naylor, 26th Cong., 1 Bart., 35.) "Elections should not be set aside for want of mere form for innocent or unintentional irregularities." (Reid v. Julian, 41st Cong., 2 Bart., 830.) The violation of directory provisions of the law, if no fraud be shown to have resulted therefrom, can not vitiate an election. "The voter is not to be deprived of his right and the citizens are not to lose the result of an election fairly held because of some unimportant omission of form, from the neglect, carelessness, or ignorance of some election officer, or the failure to carry out some unimportant direction of the law." (Richardson v. Rainey, 45th Cong., 1 Ells., 230.) "Regulations may be merely directory, and if the officer of election or the voter does not follow them, it does not necessarily vitiate the vote when deposited and received." (Lowe v. Wheeler, 47th Cong., 2 Ells., 97.) "Votes fairly and honestly given ought not to be lost or set aside for any mistake of any of the returning officers." (Colden v. Sharpe, 17th Cong., C. and H., 371.) Where the judges in 12 precincts adjourned for dinner—contrary to the election law—the committee unanimously held that this alone would not vitiate the election, it not appearing in this case that any person was deprived of his vote by reason of the adjournment; they did not "feel warranted in depriving so large a number of electors of their votes on account of this unintentional and, in this case, harmless error of their officers." (Delano v. Morgan, 40th Cong., 2 Bart., 172.) And where the law required the votes to be counted one at a time from the box, and they were instead spread upon a table and assorted and counted by fives, it was held that this was a mere irregularity, and should not void the election in the absence of any evidence of fraud or corruption. (Hurd v. Romeis, 49th Cong., Mobley, 424.)

We assume that no one will question the rule of law that the burden of proof is upon the contestant to make out his case, especially under a complaint such as contestant makes in this case, and I do not think that I can state it more forcibly than it is set forth in the contestee's brief, as follows:

The burden of proof is upon contestant. The distinction between the controversy at the polls and that before the committee is manifest. At the polls the voter is a party. When the polls are closed and the election is made the right of the party elected is complete. He is entitled to the returns, and when he is admitted to his seat there is no known principle by which he can be rejected except upon affirmative proof of a defect in his title. Whoever seeks to oust him must accomplish it by proving a case. The difficulties in his path can form no possible reason why the committee should meet him half way. The rule of reason requires that he should fully make out his case, even though it involve the proof of a negative. (New Jersey case, 26th Cong., 1 Bart., 26.) The returned Member is presumed to have been duly elected. This presumption should be maintained unless repelled by conclusive evidence. (Hiscoe v. Finley (minority rept.), 47th Cong., 2 Ells., 205.) The burden of proof is always upon the contestant or the party attacking the official returns. The presumption is that the officers charged by law with the duty of ascertaining and declaring the result have discharged that duty faithfully. (Bromberg v. Haralson, 44th Cong., Smith, 357.)

After a careful consideration of the questions involved in this case, I felt fully convinced that the contestant had failed to make a case, and, in my judgment, his petition should have been dismissed. But the majority of the committee differed from me and my Republican colleague, and, I might add, from the chairman of the committee, Judge GOLDFOGLE, and decided to throw out the 7 precincts we have been discussing, which would give Mr. Gill a plurality of 67 votes, and upon that showing determined to recommend the unseating of Mr. Dyer and the seating of Mr. Gill. We protested against the disregarding of the vote in these precincts and insisted that it was incumbent upon contestant, under his complaint, to purge the vote, as the burden was upon him. However, when this was refused and the burden shifted to the contestee, we felt that he should be entitled to the opportunity of taking the additional testimony necessary to determine the question of the validity of the votes in these precincts. In this contention, as I have said before, we were joined by the chairman of the committee, who offered the resolution directing that further testimony be taken in this matter. In this we were overruled by the majority in the face of well-established precedents, such as in the Alabama election case of Threet against Clarke, Fifty-first Congress, and found in Hinds' Precedents, volume 2, pages 466–469, and also Rowell 1, chapter 181. I quote from this decision:

If the results at all these polls were, as alleged by contestant, tainted by fraud and corruption to such an extent that the polls should be excluded, he has failed, in the opinion of your committee, to exercise that diligence which the law asks of every suitor before granting him the relief prayed for. Bearing in mind that the character and tendency of the proof is very similar in all these precincts, the contestant might reasonably have been expected to have, at least in one or a few of them, called in the body of the voters of the precinct and established his claim of fraud, if fraud existed, beyond question. He does not even pretend to have made an effort to do so in this contest.

In that Alabama case, from the report of which the above is taken, the charges made were substantially the same as here. Substantially the same number of witnesses were called from the different precincts complained of as in this case, and the Committee on Elections in that case reported to the House, which report was sustained by the House, to the effect that proof of fraud was not sustained by the testimony of two to five witnesses in each precinct, but that the body of voters should have been subpœnaed. In this case the contestant, Gill, knew the names and addresses of all the voters complained of, and there is no excuse for his not having taken their testimony. The burden of proof was on him to disprove the certified results of the election and the official recount.

Other decisions, bearing out the rule in the Alabama case referred to, are Walker v. Rhea, a Virginia case, Fifty-sixth Congress, report No. 2566. This was also in many respects similar to the present case, yet the committee in that case made a report, sustained by the House, adverse to the contestant. Their report was, in part, as follows:

The printed testimony in the case comprised about 3,000 pages and brought in vast detail before the committee the evidence relating to the charges of the contestant and the counterchargeS of contestee.

The case was most elaborately and ably argued for about two weeks before the committee, and was then considered for many weeks with the greatest care.

The conclusion arrived at as a consequence of the committee's investigation is that, while the evidence shows that there were frauds and irregularities practiced, chiefly in the interest of the contestee, they fall very far short of being sufficient to justify a change in the result of the election.

Again, we have a Virginia case in the next, the Fifty-seventh Congress, a contest between the same parties. In that case we have one particular similarity to this case, in that the Democratic candidate for Congress ran considerably ahead of the presidential candidate (Bryan). The committee's report in that case said in part:

The fact that on the face of the returns contestee received 1,731 more votes than contestant, and McKinley 1,500 more than Bryan, is not, in the judgment of your committee, sufficient reason to justify that such result was accomplished by fraud. After a careful examination of the record your committee does not find such affirmative and positive evidence of fraud or mistakes on the part of the election officers as will overcome contestee's certified majority or justify it setting aside the election.

It must be borne in mind also that this case (Gill v. Dyer) is different from that of all other cases cited by us and by the majority report, in that no charge is made that Mr. Dyer or his party was in any way connected with any alleged wrongdoing or fraud.

A decision on all fours with the present case was that of Hopkins against Kendall, Fifty-fourth Congress, referred to above. In that case the difference between the majority and minority of the committee arose as to whether the vote of the whole county should be rejected or whether the contestant should simply be credited with the number of votes actually shown to have been lost to him by the fraud. The majority of the committee found that 79 votes were lost to the contestant, and as this number was not sufficient to overcome the returned plurality of the sitting Member (his plurality being 253 votes), the majority concluded that the sitting Member was entitled to his seat. The minority contended for the rejection of the entire vote of the county. In this case Mr. Dyer's plurality, after crediting the contestant with every vote that he was shown to be possibly entitled to in the official recount of the ballots, was 350. As shown above, Mr. Gill took the testimony of 56 witnesses in these seven precincts, and less than 50 per cent impeached their ballots. In that case (Hopkins v. Kendall) the majority concluded that the sitting Member was entitled to his seat, but the minority contended for the rejection of the entire vote of the county. The controversy therefore was the same in that case as in this; fraud was charged in both cases to have been committed by election officials. In order to obtain the best possible testimony as to what was the exact and correct vote in that case, that chairman of the Elections Committee, Mr. William H. Moody, of Massachusetts (afterwards Justice of the Supreme Court of the United States), reported to the House a resolution authorizing the committee to take further testimony upon the matters in dispute. Mr. Moody presented this resolution to the House on June 6, 1896. The resolution was adopted, further testimony was taken, and on February 17, 1897, the House adopted the minority report for the majority report.

This shows that the taking of further testimony in that case, similar in all respects to this one, had the result of changing the decision of the Committee on Elections, because the committee

itself recommended to the House that the minority report be substituted for the majority report. It is true that that case was decided near the end of the Congress, but justice was apparently done, because the committee changed its report after taking further testimony. We could cite numerous cases similar and where similar action was taken by the House. The question that the House wants to decide is whether or not the contestant or the contestee was rightfully elected. Whether the contestee retains his seat for a longer period because of this further search for testimony is immaterial as compared with having complete justice done. The burden of proof was upon the contestant to prove his case. We claim that the record fails to disclose that he has proven his case.

The majority of the committee based its denial to permit the contestee to take such additional testimony on the report of the Elections Committee in the case of Giddings against Clark, which was decided in the Forty-second Congress (Smith, 91). I quote the following extract from the report of the committee in that case and cited in the majority report in this case:

It must be borne in mind that the party now asking an extension is the sitting Member. He is now, and has been during a large part of the term, exercising the functions and receiving the emoluments of the office in question. In a litigation of this character the thing in controversy grows daily less, and does not, as in most ordinary lawsuits, remain intact to be recovered by the successful party in the end. In this particular case the extension asked for would be very nearly equivalent to a final decision of the case in favor of the sitting Member upon the merits.

We are now near the close of the second session of the Congress. If the parties are to be sent back to Texas to take further testimony, of course no further action can be taken until the opening of the third and last session, which is of but 90 days' duration, and would be necessarily far spent before a final decision could be reached. It does not follow from these considerations that a sitting Member can in no case be allowed an extension after the time allowed by law for taking testimony expires; but your committee think it does follow that no such extension should ever be granted to a sitting Member unless it clearly appears that by the exercise of great diligence he has been unable to procure his testimony, and that he is able, if an extension be granted, to obtain such material evidence as will establish his right to the seat, or that by reason of the fault or misconduct of the contestant he has been unable to prepare his case. (McCrary on Elections, 4th ed., p. 332.)

We of the minority feel that the case just cited does not establish a precedent that ought to be followed in this case. Surely the contestee was justified in relying on the rules of law and the precedents long established, that it is incumbent on the contestant in cases such as this to establish his case by showing that a sufficient number of votes were taken from him as a result of the alleged irregularities to defeat him. This contestant makes no claim to have shown, but relies on the disregarding of the votes in their entirety in the precincts which he alleges were tainted with fraud. The contestee met every charge raised by the contestant and felt that that was all that could be required of him, and that the rule that where the party has been guilty of negligence in taking testimony does not apply to him in this case, for until the committee decided to disregard the votes in the seven precincts heretofore mentioned it was not incumbent upon him to subpœna the body of the voters in those precincts, that burden rightfully resting upon the contestant. Therefore we feel that, since the committee has seen fit to reverse the order of making proof, as a matter of simple justice Mr. Dyer should be granted this privilege. But it is said by those contending for the contestant that it would require time, and the sitting Member is enjoying all the privileges and emoluments of the office while this additional testimony is being taken. True. But is that any argument when the truth in this matter is involved? The contestee only asks for 30 days in which to take this additional testimony, and can we, who are asked to pass upon this very important question, refuse this request and pass upon the case blindly, which we are compelled to do, for no man knows whether any of the 437 votes involved in this dispute are dishonest votes, and the only evidence of their validity is locked up in the breasts of the voters themselves. We know who they are. Shall we ask them to disclose the truth, or shall we blindly guess, as suggested by the contestant? It is true the goddess of justice is said to be blind; but does that justify us in shutting our eye, to the truth in this case when the facts may be brought out so that we can see them clearly? Let me appeal to you, my colleagues, not to be a party to such a proceeding. Let us get the facts by the taking of this additional testimony, which will demonstrate beyond any question who was elected in this district, and we can all stand together for the right. I would not be so insistent upon this were it not for the utter failure of the contestant to furnish the evidence which was so easily obtainable. Take, for an example, the second precinct. There were, as I remember the evidence, 34 ballots marked by the same hand. Why did he not subpœna those 34 men and clear up to the satisfaction of all as to whether or not those 34 ballots were fraudulently marked? That would have been easy to do. What is the excuse for subpœnaing only 4 men, 3 of whom confirmed their ballots?

Take one other charge made by counsel for contestant, for instance, to illustrate the weakness of his claims, that of conspiracy between the committeeman, Egan, and the judges of election. How absurd this charge appears when we remember that these judges were appointed by the election commissioners, a bipartisan board, and when we remember the further fact that the organization in this ward threw practically their full strength to Mr. Gill at the primaries, at which time his treachery to Tom Kinney was unknown to them. And how feeble the charge of conspiracy among the judges in the several precincts when we remember that many of the 51 Democratic judges and clerks voted for Mr. Gill, and even in these 7 precincts, in 4 out of the 7, part of the judges voted for Mr. Gill. Surely these men were not in a conspiracy. And as the record conclusively shows that whatever was done by the judges in these several precincts was done in the open, before all the other judges and clerks, watchers, and challengers, and such voters as might have happened to be in the voting place at the time.

In conclusion let me ask, What remains of all the charges upon which we are asked to unseat Mr. Dyer and seat Mr. Gill? Forsooth, the judges fail to administer an oral affidavit to the illiterate voters and to a number of unfortunate and poorly educated voters who asked and received assistance from the judges in scratching their ballots, and that there were some irregularities in the return made by the judges. In the recount the contestant was given the benefit of all the errors made in the count by the judges, which disposes of that. So practically all that remains upon which to hang his case is that the judges technically violated the law by aiding voters in scratching their ballots, notwithstanding the evidence that such scratching was done in a frank and open manner in accordance with the custom long practiced in this ward, and I doubt not in the other wards of the city of St. Louis.

The truth about it is that the contestant and his counsel have magnified molehills until they appear to them to be mountains, and I regret to say that some of the members of the committee have been led to believe that they are really mountains and that harmless omissions of conduct on the part of the officials and the exercise of their lawful privileges by the voters in this ward have been magnified into crimes and conspiracies.

Is it a crime, or are men guilty of conspiracy, who deliberately undertake, as these men did in the open, to defeat a candidate on their ticket whom they believe to have been guilty of treachery and duplicity to a friend? We think not, for if such were the rule of law I fear most of us would be conspirators at heart. And surely it comes in poor taste from one who has been guilty of such conduct to charge his fellow men with shortcomings, as the contestant has done in this case. To my mind the result in the fifth ward in question was the most natural thing in the world, and had these fifth ward Democrats not resented the treachery which they believed Gill perpetrated on their best friend, Tom Kinney, once the little newsboy of the ward, but afterwards the leader and champion of all the people of that ward, they would have been unworthy of the name of friends.

The slogan of the campaign in this ward was, "If Dyer was good enough for Gill to vote for two years ago, he is good enough for us to vote for now." Are these men censurable for this fight against the man whom they had believed had wronged their best friend? He that hath no friends let him answer. To my mind the man who strikes my friend strikes me. We are human. These fifth ward Democrats were very much human.

Mr. Speaker and gentlemen of the House, if Mr. Dyer or his Republican friends had been implicated in this fifth ward fight against Gill, or if money had been used in corruptly bribing voters or election officials, or any of the many crooked practices often resorted to in political contests where the will of the people is sought to be overturned had been followed, I would feel differently about this case. I have no time nor use for the man who will willfully corrupt the electorate in our country, and there is no punishment under our law too severe for him. But these things do not apply in this case. It is admitted by contestant and his counsel that Mr. Dyer was in no way responsible for what happened in the fifth ward, and there is not a particle of evidence in the record to show that any money was used or any other illegal means to bring about the result. It was done by the organization in the Democratic Party in that ward appealing personally to the voters to vote against Gill, which they had a perfect legal and moral right to do.

Mr. Speaker, I am done. It is not incumbent upon me to dwell upon the personality of either of the parties to this contest.

voted against Mr. Gill and for Mr. Dyer? They freely and frankly admitted on the witness stand that they did so, testifying as frankly in regard to this as they did to all their other acts connected with this election, claiming no exemptions under the rules of evidence, fully convinced that in scratching Mr. Gill they were simply exercising their privilege as American citizens.

I shall now quote from the minority report in giving an analysis of the body of the vote cast in these precincts:

The official recount of these seven precincts by the board of election commissioners of the city of St. Louis shows that Dyer received 825; Gill, 406; Progressive, Socialist, and scattering, 231; and no vote, 75. There is no complaint as to these 231 for the Progressive, Socialist, etc., so we can take those off the total vote of these seven precincts—1,537—which leaves 1,306. Of this 1,306 the contestant received 406, which, of course, he claims belongs to him, so let us take this 406 off of the 1,306 as votes not questioned by the majority report nor by the contestant himself. This makes 657 of these 1,537 correct according to the contestant himself. We have left 900 of these 1,537 votes to further analyze.

Now, the contestant complained only of Democratic ballots cast in these seven precincts. There were 388 straight Republican ballots cast in these seven precincts, and on which Dyer was voted for as per official recount and set out in detail in the record. Add these 388 votes to the 657 already shown to be undisputed and we have a total of 1,025 that are admitted by the contestant to be correct. This leaves a balance of 512 votes to explain in these seven precincts—the difference between 1,025 undisputed by contestant and 1,537, the total vote in these precincts. These 512 constitute the entire number of Democratic ballots in these precincts that had Gill's name scratched. Of these 512, 437 had Gill's name scratched and Dyer's name written underneath. The balance of these 512 ballots, 75, had Gill's name scratched but no name was written underneath. So we get down to the crux of the situation. It is as to the reliability of these 512 Democratic ballots, 437 of which are credited to Dyer and the other 75 to no one put down in the "no vote" column by the election commissioners in the official recount. What evidence have we in the record as to these 512 votes? The contestant subpoenaed a total of 56 out of these 512 to testify, and the testimony of all these 56 witnesses is set out in detail in the record. It shows that of the 56 witnesses put on the witness stand by the contestant himself more than 50 per cent confirmed their ballots. It must also be noted in this connection that the contestant knew what the ballots showed as to each of these 512, as well as to each of the 1,537, when he started out to canvass the precincts to find witnesses who would help his case. He knew this because he obtained all this information from the recount of the ballots and from the copy of the poll book. * * * He also knew from the same source what Democrats—those using Democratic ballots—had scratched him; he knew their names and addresses and could go and ask them about it. Then it should be remembered, and the record so shows, that the contestant circularized the whole ward with letters asking for information from all voters who appeared from the ballot recount to have voted against him. It is manifest, therefore, that his subpoenaing so few voters could have been for only one reason, that only these few gave him any hopes of their being dissatisfied with the returns. For the majority to think of throwing out 1,537 votes under the circumstances upon testimony questioning about 50 per cent of them seems to require a grosser fraud to be perpetrated here than any supposable at the polls.

In their report the majority named 11 voters as questioning their ballots, and it may be considered whether among 1,537 it might not be easily possible anywhere to get a dozen or more to deny some months afterwards that they had scratched their tickets.

I submit to the membership of this House whether or not under the long-established precedents in cases of this character that the contestant by presenting the testimony of the small number of witnesses mentioned is entitled to the relief sought. Is it possible that anyone can seriously contend that he has established his case by proving conclusively that he was defeated at the election in question by the so-called fraud and conspiracy of the voters and election officials in these seven precincts? We maintain that the record does not sustain his contention and that in fact the testimony furnished by the witnesses is weak to say the least.

Let us briefly notice the testimony of a few of the contestant's "star" witnesses:

Andrew Eichholz, precinct 2, who the majority say was "interfered with," testified (p. 398) "I told him (the judge) I wanted assistance." Then the witness was asked by the election judge as to his desire about voting the prohibition ticket and about the "school business"—a matter also on the ballot—and says, "He told me about that, and I signed for that; and he told me, he said 'Here, here is a man below here don't amount to anything. If you want to scratch him?' I said 'yes.' I said 'scratch him,' and he scratched him for me" (p. 400).

This may have been pernicious activity, and it may not.

Judge Bishop, precinct 2, whose ballot the majority say "was missing," testified that he voted a straight Democratic ticket, "I can't say now that I saw the number indorsed on the ballot or saw anybody write on the back of the ballot at the time" (p. 312). He saw the ballot go into the box. He was voter No. 56; no ticket No. 56 was found; but all the other numbers were found, and one straight Democratic ballot was found, unnumbered, and had been counted for Gill. This was undoubtedly Bishop's ballot.

Certainly there was no harm there, and to say that ballot 56 was "missing," without explanation, is hardly a fair presentation to the Congress as the triers of the facts.

Charles A. Hanson, precinct 3, of whom the majority say the judge folded his ballot "and put it in the box," testified (p. 784), "he handed me the ballot back and I went and dropped it into the ballot box." It is not clear whether this witness asked for assistance or not (p. 777). "Then I went to work on the end of that table, and I went and seen one of the clerks, who told me if I don't know how to fix a ballot or make a ballot one of the judges would show me how, and I went back there with the ballots and he went and took one of the ballots and marked some names out and put some other names in, I believe."

The fact that the judge told him not to let the other judges or clerks see it was perfectly proper. It certainly shows that there was no joint action or conspiracy among these officials in this precinct. And the voter took the ticket and cast the ballot himself. He is a street peddler of shoe strings and his testimony is that of a defective.

Andrew B. Walker, precinct 5, of whom the majority say he "cast a straight Democratic ticket" and testified that he was sure that he voted for Gill, yet an examination of his ballot discloses the fact that Gill's name was scratched, with no other written in, says (pp. 558, 559), "I might have scratched some of the names, but I didn't write any in—I might have erased, but I never written in anything."

"Q. You haven't paid much attention to it from that day to this, have you?—A. No; I have not. Hardly thought about it."

I wish to say before passing to another phase of the case that the testimony of Judge Bishop, and, by the way, I consider him perhaps the most distinguished witness who testified in this case, in regard to his ballot discloses no fraud, inasmuch as there was a Democratic ballot unnumbered found in the box corresponding to his, which undoubtedly was an error on the part of the election judge in not numbering it. But I wish to cite a few sentences of his testimony to confirm our contention in this case, which testimony will be found on page 313 of the record:

Q. You have been very active in the canvass, urging people to vote the straight ticket?—A. Straight ticket from top to bottom, sideways, upside down, and every way, both in the fifth and fourth wards, and particularly in the fifth.

Q. May I inquire, Judge, why particularly in the fifth?—A. That was my ward, my bailiwick, and I understood there was some dissatisfaction there with two of the candidates.

Q. What two, Judge?—A. Gill and Dieckmann.

Q. It is a fact you know there was a good deal of dissatisfaction there, don't you, Judge?—A. I heard a good deal expressed, much to my disgust.

From the testimony of this judge it is evident to all that the people of the fifth ward, especially the Democrats, were determined to vote against Mr. Gill, and knowing the class of voters in that ward it can be readily understood that a dignified judge would not be the man who could keep them in line to vote the Democratic ticket under the circumstances. And it might be said, in addition, that if these election officials were conspiring together to fraudulently defeat the will of the people, a man learned in the law, such as this judge, would be the last man on earth with whose ballot such alleged conspirators would recklessly tamper.

Mr. TRIBBLE. Mr. Speaker, will the gentleman yield there?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Georgia?

Mr. McKENZIE. I regret I can not yield. I must hurry on.

Mr. TRIBBLE. I wanted to ask you about that marked ticket.

Mr. McKENZIE. Now, before passing to another feature of this case, I wish to cite a few more figures to show the injustice of disregarding the entire vote in these 7 precincts. By throwing out these precincts, we find that Mr. Dyer's plurality of 350 in the district is obliterated and a plurality of 67 in favor of Mr. Gill is shown. In these 7 precincts Mr. Gill received 406 straight Democratic votes and Mr. Dyer 388 Republican votes. Standing on these votes alone, Mr. Gill would have a majority of 18 over Dyer in these 7 precincts. Disregarding all scratched ballots and scattering votes in these precincts, and considering only the straight Democratic and Republican ballots as a part of the vote of the district and adding the 18 votes to the 67 which Mr. Gill would have over Dyer, a plurality of 85 appears. Now let us reason a little further. In these 7 precincts, as we have shown before, there were 437 votes on which Mr. Gill's name was scratched and Mr. Dyer's name written in. Is it reasonable to presume that there were not at least 85 of these 437 ballots that were honestly scratched? We contend that these ballots should all be counted, but admitting that some of the voters, few in number, however, have stated that they did not scratch their ballots, the motive for so testifying we will not discuss further than to say this, that Mr. Gill, having full knowledge of every man whose ballot was scratched, and having gone over the district with a "fine-toothed comb" in search of witnesses who would bolster up his case, called in 56 to testify, out of these 7 precincts, and, as we have stated before, of these preferred witnesses, when put under oath, a majority of them confirmed their ballots. Less than 50 per cent of these selected witnesses, therefore, impeached their ballots, so it can be readily assumed, had all these voters been placed upon the stand to give testimony, Mr. Gill's 85 plurality would have been overturned and Mr. Dyer's election conclusively confirmed. The farcical character of contestant's claims in this case, and the ridiculous thing the Members of this House are asked to do in throwing out these 7 precincts, can not be better illustrated than simply stating the fact that in the second precinct, which was considered one of the worst, from contestant's standpoint, 4 votes

were summoned out of a total Republican and Democratic vote of 179, and of these 4 voters 3 confirmed their ballots and 1 impeached his. Would any reasonable man contend that on this showing the entire vote in this precinct should be disregarded? Surely not. To do so would make a farce out of the election.

The evidence in the other six precincts is of a very similar character, and to disregard the precincts mentioned on the testimony furnished by contestant is, in our judgment, wholly unwarranted, the result of which would be to overthrow the will of the voters, disfranchise honest men, and perpetuate an outrage which would be a disgrace to our Government. Under such a course of procedure the certificate of election would be no protection to a Member in this body from the attack of anyone who might desire to contest his seat on the ground of fraud, claiming that he could establish the same on the testimony of a few witnesses. Thanks to the wisdom of the men who have occupied seats in this body in the past, no such course has been permitted.

This contest has been tried by the contestant on the theory that all that is necessary for a contestant to show, in order to have the entire vote of the territory in question disregarded, is to show that a few errors in the count have been made and to procure a few witnesses who would impeach their ballots, no matter what the plea in the complaint. We maintain that this ground is untenable, and especially in a case where the contestee or those representing him are in no way charged or implicated in the designated irregularities. We maintain that where fraud is not specifically charged in an election it is incumbent upon the one contesting to prove that he was defeated on account of fraud or conspiracy, and that the showing of a prima facie case is not sufficient, and whole precincts should not be disregarded on account of such charge; and that in no case shall the entire vote be disregarded if it is possible to ascertain the truth and separate the good votes from the bad, which could easily have been done in this case.

The majority of the committee, in support of its report, cites the case of Noyes v. Rockwell, Fifty-second Congresss (Rowell's Dig., 716), from which they quote the following language:

Fraud can rarely, if ever, be proved by direct evidence; and the rule is that whenever a sufficient number of independent circumstances which point to its existence are clearly established a prima facie case of its existence is made, and if this is not met by explanation or contradiction it becomes conclusive.

There is no doubt that this is the correct rule of law, but it is not applicable to this case, for the acts mentioned have certainly been explained in detail in the record by numerous witnesses, and that the very acts charged as fraudulent were, as a matter of fact, performed in good faith in the open light of day, and therefore plainly not fraudulent.

Mr. BOOHER. Mr. Speaker, will the gentleman permit me to ask him a question right there?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. McKENZIE. If it is only a short question, I will yield.

Mr. BOOHER. Has the gentleman examined the statute of the State of Missouri governing the counting of ballots in the city of St. Louis, prescribing the manner in which the counting is to be done?

Mr. McKENZIE. I can not answer as to that.

Mr. BOOHER. Now, suppose the judges in these precincts wholly disobeyed the command of the statute and did not count the ballots in that way. Would that be any evidence of fraud?

Mr. McKENZIE. How is that?

Mr. BOOHER. I say, suppose the judges of election disregarded the manner of counting the ballots as prescribed by law. Would it be any evidence of fraud?

Mr. McKENZIE. If they disregarded it?

Mr. BOOHER. Yes.

Mr. McKENZIE. I will say that, standing alone, that would not be an evidence of fraud.

Mr. BOOHER. I do not want to take the gentleman's time, but——

Mr. McKENZIE. The gentleman can argue that in his own time. I can not yield for an argument.

They also cite the case of Washburn v. Voorhees (2 Bartlett Cont. Cases, p. 508):

When the result in any precinct has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass. The precedents, as well as the evident requirements of truth, not only sanction but call for the rejection of the entire poll when stamped with the characteristics here shown.

And in that case the Elections Committee further declared:

Indeed, the proposition is too plain to admit of dispute. To hold as true that which is so false and fraudulent that the truth can not be deduced therefrom, is to hold to an absurdity. The rule here laid down is none other than the postulate that that which is false can not be true. In adopting this rule the committee do not lose sight of the danger which may attend its application. Wholesome and salutary, not less than necessary, in its proper use, it is extremely liable to abuse. Heated partisanship and blind prejudice, as well as indifferent investigation, may under its cover work great injustice. It is not to be forgotten or omitted if the case calls for its application. If the fraud be clearly shown to exist to such an extent as to satisfy the mind that the return does not show the truth, and no evidence is furnished by either party to a contest, and no investigation of the committee enable them to deduce the truth therefrom, then no alternative is left but to reject such a return. To use it under such a state of facts, is to use as true that which is shown to be false.

We maintain that this case, like the one cited above, is not in point in this contention. Can any man contend that the truth is not deducible in all of these precincts, and that under the complaint the burden of proof was not on contestant? All that is necessary to demonstrate conclusively the truth of this poll would be to put the body of the voters on the witness stand, and in this particular case there was no difficulty in the way of this procedure on account of the fact that each voter's name and address, together with the number of his ballot, could be found on the poll book, and after the recount had the contestant knew exactly whose ballots on which the name of Gill had been scratched off and Dyer written on.

In support of this contention I desire to quote the following from contestee's brief:

A questioned precinct should not be rejected if its illegal votes can be separated. The rule is well settled that the whole vote of a precinct should not be thrown out on account of illegal votes having been cast if it be practicable to ascertain the number of illegal votes and the person for whom cast, in order to reject them and leave the legal votes to be counted. Legal votes are not to be thrown out in order to get rid of illegal votes unless necessity requires it as the only means of preventing the consummation of a fraud upon the ballot box. (Barnes v. Adams, 41st Cong., 2 Bart., 770.) The exclusion of an entire poll is the very last resort, and it must never be done where there is any rational means by which the illegal votes can be eliminated. (LeMoyne v. Farwell, 44th Cong., Smith, 411, 422). An entire poll should never be rejected unless it is impossible to ascertain the result. The proper course is not to reject the return and allow each party to prove the legal votes but to require the parties to prove the illegal votes and reject those. (Goode v. Foster (minority report), 41st Cong., 2 Bart., 613.) The entire vote of a precinct should not be rejected simply because certain votes are shown to be corrupt by reason of bribery. (Lentz v. Tompkins, 57th Cong., 2 Hinds' Prec., 705.)

The contestant and his counsel have not contended in this case that they have shown that a sufficient number of votes were tainted to change the result, but have asserted that inasmuch as they have shown what they allege to be fraud that on that ground all the votes should be rejected. This, we contend, is not the law in this case, and on this point we quote the following from contestee's brief, which is directly in point, in view of the fact that contestee is not implicated in any of the alleged fraud:

If fraud is shown, but contestee is not connected with it, it must affect enough votes to change the result to warrant unseating him. Thus where there was fraud and bribery on behalf of contestee, but there was no proof to connect him with it or showing that it affected enough votes to change the result, the committee reported for contestee. (Evans v. Turner, 56th Cong., Rept. 198.) Where a number of voters, considerably larger than the number returned for contestant, testified that they voted for him and there were circumstances suspicious of fraud, the minority held that the returns should not be rejected if the circumstances could be explained in any way consistent with the innocence of the election officers, saying, "Fraud when charged must be proved and never can legally be presumed from mere suspicious circumstances, however strong they may be deemed. A mere discrepancy between the number of votes returned and the tally lists, or the number that may afterwards be proved to have been cast, has never been considered as evidence of fraud at all tending to affect the validity of the election, and if it should be held to have that effect, no election could be sustained." (Washburn v. Voorhees, 39th Cong., 2 Bart., 70.)

On the question of fraud I wish to further quote from contestee's brief as follows:

Fraud is not to be presumed. In the absence of anything to rebut it the presumption must be in favor of the correctness of the record kept by the officers of the election and of their return. "Fraud is not presumed" is a maxim not only of law but of justice. The means of knowledge, the facilities for accuracy, the impossibility of inattention, and the responsibilities connected with the failure to discharge their duty all unite to secure a credence to the acts of the officers which can not be justly accorded to the acts of others. (Little v. Robbins, 31st Cong., 1 Bart., 140.) The presumption that the sworn officers of the law have done their duty must obtain until the contrary clearly appears. (Boynton v. Loring, 46th Cong., 1 Ells., 350.) If a person votes at an election, his vote is presumed under the law to be legal until the contrary be proven in a legal way for the reasons: First, that the acts of an officer or officers of an election within the scope of their authority are presumed to be correct and honest until the contrary is made to appear, and therefore that they, as such officers, would not receive an illegal vote. Second, that the presumption is always against the commission of a fraudulent or illegal act, and, therefore, that a man would not cast an illegal vote. (Finley v. Hiskee, 45th Cong., 1 Ells., 93.) Unfair conduct on the part of election officers and suspicious circumstances do not justify overturning a majority not destroyed by testimony. (Spears v. Burnett, 57th Cong., 2 Hinds' Prec., 693; Frost v. Metcalfe, 45th Cong., 1 Ells., 290; McDuffie v. Davidson, 50th Cong., Mobley, 581.)

Mr. DICKINSON. Mr. Speaker, may I make an inquiry?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. DICKINSON. I want to say, Mr. Speaker, I do not want to consume very much time. It will take me——

Mr. McKENZIE. I can not yield to the gentleman at this time.

Mr. DICKINSON. Just one question.

Mr. McKENZIE. Very well, sir.

Mr. DICKINSON. You refer to the instructions to the voters to scratch the man who had voted against "Tom" Kinney. "Tom" Kinney and I were in the Missouri Senate together, and he is all right. So far as the result is concerned, practically, they deliberately scratched him when they cast the vote. But is not there abundance of evidence that the ballots were scratched and changed after the votes were cast?

Mr. McKENZIE. No, sir; you have not read the record.

Mr. DICKINSON. I have read it, and that is the fact.

Mr. McKENZIE. To further illustrate the sentiment of the voters, I quote further from the testimony of Committeeman Eagan (p. 1192, record):

Q. Did you vote at that election, Mr. Eagan?—A. Sure: I voted at that election.
Q. I believe you stated that you voted against Mr. Gill and Mr. Dickmann?—A. I did.
Q. And you are the principal officer of the Democratic Party within your ward?—A. I am; I am the committeeman of the ward.
Q. And one of the several members of the congressional committee of the twelfth congressional district?—A. Yes, sir. I didn't figure myself voting against a Democrat when I voted against them two.
Q. You consider a man, then, who scratches a Democratic candidate for Congressman is not a Democrat?—A. He isn't a Democrat.

The record is full of evidence tending to show the resentment of the organization in the ward against Gill and the efforts made by the members of the organization to defeat him at the polls. In this connection I wish to say that it is difficult for one not familiar with political organiations in a large city to understand the power of the organization in a matter of this character, but to one at all familiar with political organization and organization methods it is a simple matter. An organization such as the one in question extends down from the ward leader to the precinct captains or committeemen, and through them to those known as the workers, whose business it is to keep in touch with the voters. So it can be readily understood in this case that after the meetings were held and the organization men told by the leaders to pass the word along the line to vote against Gill for the reason alleged, the great mass of the Democratic voters, or at least those considered as organization Democrats, received the "tip" and, like good organization Democrats, were ready when election day came to carry out the program, and the result demonstrated the truth of the testimony of one witness who testified that practically all in the ward were organization men.

Thus far, at least, even Mr. Gill could not charge these men with doing anything not warranted by law. They were simply exercising their rights as American citizens.

Now, let us see what was done on election day in this ward. In accordance with the law, the polls were manned in each precinct by two Democratic and two Republican judges, one Republican clerk, and one Democratic clerk, besides challengers and watchers. The evidence discloses no disturbance of any consequence at any of the polling places on that day.

After a somewhat elaborate argument of this case before the committee, the majority of the committee decided to disregard the returns from the following precincts in said ward, to wit, the second, third, fourth, fifth, ninth, fourteenth, and seventeenth, which action would give Mr. Gill a plurality of 67 votes.

This action was taken by the majority of the committee on the ground that the election officers in these precincts had been guilty of illegal conduct and that their actions were sufficient to warrant the committee in presuming that the result attained could only have been brought about by conspiracy and fraud, and that the returns, on account of such presumption, were unworthy of credit, and therefore it was impossible to determine the number of legal votes cast, and, on the theory that when the result has been shown to be so tainted with fraud that the truth can not be deducible therefrom, then it should never be permitted to form a part of the canvass, and which is in accordance with the claims of the contestant's counsel that he was defeated by fraud, notwithstanding no specific charge as to the election officials or those particular precincts is set forth in contestant's complaint. In this conclusion the minority refused to concur, maintaining what we believe to be the true legal theory in cases where fraud is charged and that the returns made by the election officials are unreliable, that it is incumbent upon the party questioning the result to call in the body of the voters in at least a part of the precincts in question to establish his claim of fraud, if fraud existed, unless specific acts are particularly pleaded. The minority at the time such action was taken by the majority contended that inasmuch as their decision to disregard the returns from these seven precincts thereby relieved the contestant of a plain requirement under the law in establishing his case under the complaint and throwing the burden upon the contestee, that he, the contestee, therefore should have an opportunity to take the testimony of the body of the voters in these precincts; and it may be well to say at this point that the contestee appeared before the committee and volunteered to have this testimony taken at his own expense; and in this contention the members of the minority were joined by the chairman of the committee, Judge GOLDFOGLE, who offered a resolution directing the committee to take this further testimony, which would have settled this case beyond any dispute.

Mr. DICKINSON. May I ask a question?

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. McKENZIE. Just for a short question.

Mr. DICKINSON. I notice this suggestion that you take from their testimony. Let me ask whether it appeared in the testimony before the committee that on behalf of Mr. Gill postal cards were sent to 800 supposed voters and were returned "Not found"? Now, do you purpose to take the testimony of those 800 who were supposed to have voted for Mr. Dyer, or were supposed to have voted at that election; and if you could not find them then, can you find them in order to take their testimony if you postpone this case?

Mr. McKENZIE. Yes, sir; I think that we would have no trouble about that. Mr. Gill would not be looking for them, but we would be looking for them, and the officers would be looking for them. I think they would be ready to come in and tell the truth.

That you may understand that the contention of the minority in this respect was not an unreasonable one, I simply wish to say, in passing, at this time that the votes of only a little more than 400 voters were involved, and the names of these voters are all known, a fact made possible by the peculiar law in force in the State of Missouri for the identification of the vote of each individual voter.

Returning to the question of fraud and conspiracy on the part of the election officials in these seven precincts, alleged by counsel for contestant, let us examine the particular acts and conduct of these officials which is held by the majority to amount to fraud and conspiracy. What are the charges? They are: That illiterate voters were assisted by the judges without being first sworn as to their inability to mark their ballots; that voters were assisted who were not illiterates; that only Democratic judges assisted Democrats and Republican judges assisted Republicans; that the Democratic ballots were counted only by Democratic judges and the Republican ballots by Republican judges; that some ballots were marked in the booth by the judges instead of in the presence of the other officials; that a large number of ballots in certain precincts were scratched by the same hand; that the count of the ballots in some of the precincts was so far from correct that it could not have been a mistake, but was done wrongfully and willfully.

Let us analyze these various charges in the light of the testimony and the facts and see how serious they are, keeping in mind that these election officials were not educated and skilled in the character of the work they were required to perform, but were men selected from the respective wards in which they lived, and in many cases were laboring men.

First, as to the charge that illiterate voters were aided in marking their ballots without first having been sworn as to their illiteracy. This charge is true; but it is evident from the testimony in this case that such has been the custom in this ward, many of the election officials seeming to be under the impression that the affidavit required by law was only administered for the purpose of registration. But whether or not that is true, it has been held by the Supreme Court of the State of Missouri that this statute is directory and does not void the election. (See case of Hope v. Flentge, 140 Mo., 1, c. 403.)

Next, as to the charges that voters were assisted in marking their ballots who were not illiterates and that invariably Democratic judges rendered such assistance to Democratic voters and Republican judges to Republican voters. These charges are also true; but, in our judgment, the services rendered by the judges was in good faith and only in such cases where requests for assistance were made by the voters. We feel, however, that further explanation of this conduct on the part of the judges and the voters should be made in order to meet the

charge that such conduct was fraudulent and tended to defeat the contestant.

By common consent of the judges it was understood that when a Republican voter desired assistance he should be assisted by a judge of his own party, and in case of a Democratic voter he should have assistance from a Democratic judge, the failure to administer the oath in all such cases being founded on the same reason mentioned in our reference to illiterate voters.

It is true that in these precincts many voters who had signed their names to the registration lists prior to the election were assisted in voting, and this, contestant alleges, was a violation of the law and was done for the purpose of fraudulently defeating him. Now, let us apply the rule of everyday common sense to the situation in these precincts and see whether or not any real wrong was perpetrated, keeping in mind that in these precincts the body of the voters were common laboring people of different nationalities, many of them colored.

Every man in this House knows from practical experience that many men can with difficulty sign their names when it is required, but it takes a long stretch of the imagination to come to the conclusion that every man who can sign his name could vote a scratched ballot. To vote the straight ticket of any party in the State of Missouri is a very simple performance. All that is required is to be able to select the party ticket from the bundle of ballots handed the voter by the judges, and this he could perhaps do by being able to designate the words in large letters at the top of the ballot, "Democratic ticket," then fold up the ballot and return it to the judges. But in the case of the voter wishing to vote a scratched ballot, as the majority of the Democratic voters in these precincts evidently desired to do at the time in question, it was a very different proposition. He would be compelled to distinguish the name of the candidate on the ballot whom he wished to scratch, scratch the name, and write in the name below of the candidate for whom he desired to vote.

For instance, there is a Democratic ballot [exhibiting]. He would have to look down along the ballot until he found the man's name, and scratch that out, and on the line write the name of the man for whom he wished to vote.

Mr. TRIBBLE. Now, the name of the Republican candidate for Congress did not appear on the Democratic ticket, then?

Mr. McKENZIE. No, sir. You have the blanket ballot in your State.

Mr. TRIBBLE. You have to scratch the man's name out there and write the other man's name in with pen or pencil for whom you want to vote?

Mr. McKENZIE. Yes, sir. I might say that in the State of Missouri they do not have the blanket ballot. Each party ticket is printed on a separate sheet of paper.

When we consider these facts and then the further fact that these voters had been asked to scratch Gill and vote for Dyer, there is nothing strange that so many of them, wishing to vote for the Republican, unhesitatingly asked assistance from the judges to be certain of making no mistakes, and it is no reflection upon these laboring men, for it is a well-known fact that many people fairly well educated in a general way hesitate to attempt to scratch a ballot at an election, and very frequently when they do attempt it make such mistakes as to invalidate their ballots.

The foregoing statements explain in themselves the reason why such a large number of ballots in certain of these precincts show Gill's name scratched and Dyer's written in by the same hands, the result being simply due to the fact that under the custom of Democratic judges aiding Democratic voters and the further custom that election officials usually divide up the work, one judge looking after a certain part of the work exclusively, and so forth.

Mr. TRIBBLE. Will the gentleman yield on that question? Will the gentleman tell me about how many names appeared on each one of those tickets?

Mr. McKENZIE. No; I can not.

Mr. TRIBBLE. Was it a long ticket or a short ticket?

Mr. McKENZIE. The one that I have here is a sample.

Mr. TRIBBLE. Is that the ticket there?

Mr. McKENZIE. Yes, sir; that is a sample.

The charge that the ballots in these several precincts were not counted by all of the judges, but that the Democratic ballots were counted only by Democratic judges, which action was not in strict compliance with the law, worked to the disadvantage of the contestant is without much force in my judgment. I have no doubt in my mind that this provision of the election law of the State of Missouri was violated in every precinct, if the fact were known, and that such violation worked no hardship upon anyone, for it is not reasonable to presume that each one of the four judges in a precinct should examine and count every ballot cast. Certainly we have a right to presume something upon the integrity and fidelity of the election officials.

It is true that the recount in some of these precincts showed grave errors in the count made by some of the judges, but whether or not those were honest errors or the result of a deliberate intent to defraud cuts but little figure in this case, for the contestant has been given the benefit of all votes to which he was entitled by the recount; and it certainly would be an injustice to Mr. Dyer and an imposition upon the honest voters of these precincts to disregard the entire return on account of the carelessness or even criminal negligence of two or three judges of the election.

It must be borne in mind that the marking of the ballots by the judges and the counting of the ballots by them was done in the open and in the presence of all the judges and clerks, besides the watchers and challengers of the respective parties. These facts are substantiated by practically all of the witnesses, and certainly no complaint was made at any of the voting precincts except by one man by the name of Vaughn, who made the statement that at the precinct where he voted one of the Democratic judges was wrongfully directing voters and marking their ballots. At this point I want to call your attention specifically to the fact that when a ballot is scratched by one of the election officials in aiding a voter, the scratching must be done not in the voting booth, but on the table in the presence of all the officials.

So much for the charges of fraud and conspiracy in these precincts, argued by counsel, but not pleaded by contestant. Now let us briefly consider the result.

Mr. MOORE. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. McKENZIE. I do.

Mr. MOORE. Does the voter have an opportunity to see a sample ballot before he asks for the ballot he votes?

Mr. McKENZIE. Well, I presume he would not see it in a polling place, but I presume they have them on the outside.

Mr. MOORE. The ordinary voter coming in the way the gentleman indicates, seeking assistance in marking his ballot, would have handed to him for the first time by the judge the ballot he desired?

Mr. McKENZIE. He would have six ballots handed him in this instance.

Mr. MOORE. All containing a long line of names, and in the event he desired to make a change such as he might have desired in this instance, he would not have seen anything previously from which he could quickly designate the name he wanted to strike off, and therefore would have to ask assistance?

Mr. McKENZIE. I imagine it would be very confusing.

Mr. MOORE. Would not that count very much for the desire of a man who wanted to change his vote, to seek assistance?

Mr. McKENZIE. There is no doubt in my mind about it.

Mr. RUCKER. Under the law of Missouri, before the election the official ballot is published in every county and city in the State for some days, so that everybody can familiarize themselves with it.

Mr. MOORE. In a ward like this fifth ward, I assume, very many of the voters would not follow that matter very closely.

Mr. RUCKER. I rather think, from the returns from that ward, that the voters did not have very much opportunity to look into it.

Mr. MOORE. That is permissible, I assume.

Mr. BRYAN. Mr. Speaker, I would like to ask the gentleman from Illinois a question.

The SPEAKER pro tempore. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. McKENZIE. Yes.

Mr. BRYAN. The gentleman said, as I understood him, that the scratches on the ballot had to be made in the open, before the judges at the table, and the ballots can not be altered in secret.

Mr. McKENZIE. The voter himself can do that.

Mr. BRYAN. It is only in the case of illiterate voters that the ballot can be altered by the judges?

Mr. McKENZIE. Yes. All told there were cast 1,537 ballots in these seven precincts, and an analysis of these ballots show that of the election officers in the second precinct all voted for Dyer; in the third, four voted for Dyer; in the fourth, all; in the fifth, five; in the ninth, five; in the fourteenth, all; in the seventeenth, five. Surely no one will contend that the three Republican officials in each of these precincts were guilty of any wrongdoing in voting for the Republican candidates, including Mr. Dyer; and is there anything strange in the fact, in the light of the testimony, that many of the Democratic judges

Every effect has its cause; this case is no exception. Let us investigate.

In this ward, with its majestic office buildings and princely hotels, where the transient visitor abides, overshadowing the squalid and dingy tenement houses where dwell the lowly; with its warehouses, saloons, and sporting resorts; with a population made up of all races and nationalities, a great number of whom were illiterate; in this ward, with its striking contrasts of wealth and poverty, with its unbroken tumult of commerce and the never-ending struggle of the poor, Thomas E. Kinney was born. His origin was from among the poor and lowly. From boyhood he was acquainted with the struggles of the unfortunate of a great city. An active, intelligent boy, but without the advantages of wealth and education, he early became interested in politics, and by untiring effort he was instrumental in building up in his home ward a strong Democratic political organization, of which he became the leader. As the years came and went his power and influence grew. He was elected a number of times to the St. Louis House of Delegates, and later twice elected to the State senate, in which body he was instrumental in having enacted a number of laws tending to ameliorate the condition of the laboring classes whom he represented. In 1910 he was the Democratic nominee for Congress against the contestee, but was defeated. He contested the election and soon thereafter died. His brother, Michael Kinney, who had been committeeman for 14 years, succeeded him as ward leader, and Thomas Eagan was elected committeeman for the ward. At the 1912 primary Michael Kinney was nominated for the State senate, and the contestant, Mr. Gill, received the nomination to Congress, being very materially aided in this contest by the Democratic organization in this ward on the ground that he had been a friend of Thomas E. Kinney in his contest for Congress with Mr. Dyer in 1910.

In the contest of Kinney against Dyer there was a recount of the ballots, and, as I have stated, the law of the State of Missouri is such that each voter's ballot can be identified, and the ballot cast by the contestant, Michael J. Gill, at that election was no exception, and as another evidence that he who practices duplicity or deception will sooner or later pay the penalty of his perfidy, Mr. Gill was confronted with the charge that he, while pretending to be the friend of Tom Kinney, had in fact been a traitor to him and had voted against him and for Mr. Dyer, as evidenced by his ballot. When this fact became known in the fifth ward a short time before election, and the friends of Thomas Kinney realized that their champion and idol had been knifed by Mr. Gill, they at once determined that steps should be taken to establish the truth or falsity of the charge.

Let us see how these fifth-ward Democrats proceeded in this matter. Did they emulate the example of Mr. Gill, who had smiled upon the candidacy of Tom Kinney while in the presence of he or his friends, only to stab him in the seclusion of the voting booth, where he felt assured his infidelity would never be discovered? Did they decide simply upon rumor to attempt stealthily and fraudulently to overthrow Gill? Did they resort to ways that are dark and means that are corrupt to accomplish their purpose? Far from it; and be it said to the eternal credit of those plain fifth-ward Democrats, they proceeded in an orderly and honorable way.

When the charge became known that Gill had knifed Kinney and voted for Dyer—and, bear in mind, this charge was not made by Mr. Dyer or his Republican friends, but by a Democrat who claimed to know the facts—a meeting of the congressional committee was called, at which meeting Mr. Gill was confronted with the charge. He did not squarely deny the charge, but said that there must be some mistake in the record, a copy of which was presented to him. In view of the disclosure he was asked by some to resign from the ticket. This he declined to do.

The friends of Kinney in the fifth ward, who included practically all of the organization, were by this time thoroughly aroused, firmly believing that Gill was guilty of treachery; and it is a matter of no consequence whether he was or was not guilty; they thought him guilty and determined to fight and defeat him at the polls.

Mr. BOOHER. Will the gentleman yield for a question?

Mr. McKENZIE. I will.

Mr. BOOHER. Suppose that statement is correct; did that justify, and does the gentleman assume to justify, the action of the election board in returning for Mr. Dyer in one precinct 199 votes and for Mr. Gill 5 votes, when on the recount Mr. Dyer received 106 votes and Mr. Gill 73?

Mr. McKENZIE. No, sir; it did not justify that, and the gentleman from Missouri can not lead me into any conflict on that.

Mr. BOOHER. No; I would not attempt to.

Mr. McKENZIE. Because, if that were done, certainly those men should be punished.

Mr. BOOHER. The gentleman does not think they made that mistake innocently, does he?

Mr. McKENZIE. It might be.

Mr. BOOHER. Will the gentleman permit one more question——

Mr. McKENZIE. Remember, they lived in St. Louis. [Laughter.]

Mr. BOOHER. And it is a Republican city. Now will the gentleman permit me to just read him one statement?

Mr. McKENZIE. I can not do that.

Mr. BOOHER. In answer to the——

Mr. McKENZIE. Read it in your own time.

Mr. BOOHER. I have not got any.

Mr. McKENZIE. I can not allow the gentleman to read.

Mr. TRIBBLE. I would like to ask the gentleman a question for my own information. Is it a fact these managers to which the gentleman from Missouri refers have been indicted by the courts?

Mr. BOOHER. They are indicted, sir.

Mr. TRIBBLE. I ask if they have been tried?

Mr. McKENZIE. I want to say in reply to that, that one of the outfit, as I understand it, to which he refers, was indicted, I presume, as a part of the propaganda to unseat Mr. Dyer, and that he had his trial a few days ago. He was prosecuted by a Democratic prosecuting attorney before a Democratic judge, and I assume before a Democratic jury, and was acquitted.

Mr. BOOHER. Now, will not the gentleman say there that he was acquitted because the court said they could not in a trial open the ballot boxes and exhibit the ballots?

Mr. RUCKER. Will the gentleman yield just a moment?

Mr. McKENZIE. I would like to yield to the gentleman, but I can not take the time.

Mr. RUCKER. I want to say to the gentleman that I believe he is mistaken as to the politics of the court and of the sheriff who summoned the jury. But in that connection will not the gentleman tell us where those three or four judges and clerks of election are that went into hiding immediately after the election, and who have not yet been arrested?

Mr. McKENZIE. I want to say to the gentleman from Missouri I think that that is an unfair interrogatory, because there is not a scintilla of evidence in the record showing that any of these judges or voters are in hiding.

Mr. RUCKER. I supposed the gentleman had gone outside the record to make the statement he made a while ago. I do not know that that was in the record, but I say it is a fact.

Mr. McKENZIE. I saw that his colleague went outside of the record, and I had to go outside of the record.

Mr. BOOHER. It was the gentleman from Georgia [Mr. TRIBBLE] who made the inquiry.

Mr. TRIBBLE. Since the gentleman refers to me, I would like to say to the gentleman from Missouri that I think everything material should be brought out in this case. There is an allegation here by the gentleman from Missouri, who brought this issue before the House, and I simply ask for information, if these men had fraudulently made returns, and, if that was so, I wanted to know whether or not they had been indicted. I did not know. The gentleman on the floor responded by saying they had been indicted and had been acquitted. It seems to me it is material. I am anxious to do right by both parties, and I want the facts.

Mr. McKENZIE. Now, let us observe the mode of procedure to bring about the defeat of Gill. A meeting was held of the workers and the word given out—not on the quiet but openly—to go out and defeat Gill; and in support of this fact I quote from the testimony of the ward committeeman (p. 1194, record):

> The man that would scratch Tom Kinney would have a hell of a lot of nerve to try to run on the Democratic ticket. I don't know how he (Gill) got as many votes as he did.

And again (p. 1192, record):

> Q. You testified that you had a hundred or more people at your meeting when you gave out the word to defeat Mr. Gill?
>
> A. We did; we had more than that; we had one that went about 500, after we gave the same order out at one of our regular meetings.

The committeeman further testified that he instructed the precinct committeemen and workers to direct the voters to scratch Gill on election day. Thus in this open manner was the fight made in the fifth ward—not in the dark, not by corrupt means, not in underhand conspiracy, but by a determined and aboveboard conflict by men who had been life-long Democrats, they being convinced of the righteousness of an effort to defeat one whom they believed had wronged their best friend.

should be denied, and hence the application being denied the only thing left for the committee to determine was what the vote would be with the seven precincts eliminated, and it would stand as follows in the fifth ward:

For Dyer	1,185
For Gill	586
Dyer over Gill in the fifth ward	599
Gill's plurality in district outside of fifth ward	666
Deducting Dyer's plurality in the fifth ward with the 7 precincts eliminated leaves Gill in the congressional district a plurality of	67

In consequence of which the committee reported the resolutions now before the House. I now yield——

Mr. HULINGS. Will the gentleman permit——

Mr. GOLDFOGLE. Not now.

Mr. CRAMTON. Will the gentleman yield?

Mr. GOLDFOGLE. I prefer to yield to my colleague on the committee, and I now yield——

Mr. CRAMTON. It is very brief.

Mr. GOLDFOGLE (continuing). Twenty minutes to the gentleman from Virginia [Mr. WATSON].

Mr. WATSON. Mr. Speaker, if the Chair will indulge me for a moment, I desire to state I did not expect the gentleman to yield to me until some one had spoken on the other side.

Mr. GOLDFOGLE. Mr. Speaker, I withdraw the yielding. I think the gentleman from Virginia is right, because I think the other side ought to have the opportunity to be now heard.

Mr. CRAMTON. Will the gentleman yield for a brief question? The gentleman has just said——

Mr. GOLDFOGLE. Mr. Speaker, I shall take the floor again perhaps for a very few moments at the close, and then the gentleman can ask his question.

Mr. CRAMTON. It is just a question of fact.

Mr. GOLDFOGLE. Mr. Speaker, I reserve the balance of my time.

Mr. McKENZIE. Mr. Speaker and gentlemen of the House, it is my purpose to discuss this matter calmly and to try to convince you of the justice of the request of the contestee to be permitted to take the testimony in question.

The matter of determining the right of a Member to hold his seat in the House of Representatives is one of such vital importance to the Member whose privilege is questioned that we ought, in passing upon the case, to give it our most earnest and careful consideration, far removing from us all partisan prejudice and bias, having but one purpose in view—that being the doing of justice.

For myself I am sure, in the consideration of this case before our committee and at this time, I have no partisan feeling and bear no ill will toward the contestant. We have been unable to bring in a unanimous report in this case, due to the fact that we reason from different premises, and therefore are unable to agree upon the law as applied to the facts in the case, upon which there is but little dispute.

It must be conceded at the outset that this is a unique case and perhaps has no parallel in all the contested cases presented to this body in that the contestee, Mr. Dyer, is not charged with any wrongdoing, and that if the conduct of the voters and election officials complained of by the contestant were reprehensible such acts complained of were not in any way chargeable to Mr. Dyer or his political friends in the Republican Party, but that the wrongs and frauds, if wrongs and frauds there were, in the conduct of this election are chargeable wholly to the men in Mr. Gill's own party, and which fact is frankly and freely admitted by the leading men in the Democratic Party, against whom contestant makes the charge of defeating him.

Mr. Speaker and gentlemen of the House, the contention of the majority of the committee in this case is that in a territory nominally Democratic, but which gave an overwhelming majority for the Republican candidate, Mr. Dyer, coupled with the conduct of some of the election officials, as shown by the testimony, at once raises the presumption of conspiracy and fraud.

We of the minority of the committee, in the light of the facts as shown by the testimony, are forced to the conclusion that any return from the disputed territory which did not carry with it a repudiation of the contestant would have been contrary to reason and the usual conduct of human affairs and would have at once raised the presumption that the will of the voters had been frustrated and that fraud must have been practiced. Thus we widely differ. To our mind many of the instances cited simply show the real intention of the voters and the customary conduct of election officials and which do not per se indicate fraud and criminal conspiracy. The majority of the committee have construed such conduct as being evidence of criminal and fraudulent intent on the part of the voters and election officials.

We of the minority emphatically hold that the contestant has failed to make out such a case as would justify the House in unseating the contestee. We concede he has shown that certain election officials were guilty of conduct not warranted by law; but that such conduct was of a character that would change the result of the election as expressed by the returns is not borne out by the evidence. We of the minority have maintained that it was incumbent upon the contestant to prove his contention that he was elected and that it is not the province of the committee or the House to supply by assumption that which the contestant could have proven beyond any question if his contentions are sound.

Mr. Speaker, in order that the contentions of the minority of the committee may be fully understood, I purpose to discuss at some length the law and the facts pertinent to this case, and, first, I wish to call attention to some of the provisions of the law in the State of Missouri relative to the holding of elections. Under the law of Missouri a general registration of the voters is required before an election. In the city of St. Louis the election officials are appointed by the election commissioners, a bipartisan board, an equal number in each precinct being selected from the two leading political parties, and these judges and clerks must be residents of the precincts in which they serve. The law further provides that the judges of election may assist illiterate voters, but in such cases the law provides that an oath shall be administered to the voter as to his illiteracy or inability to mark his ballot. It further provides that in counting the ballots each judge shall count them. Each party ballot is printed on a separate sheet of paper, as is also each proposition submitted to be voted on amending the constitution. The voter is handed a bundle containing one of each of the different party ballots and also one of each of the propositions submitted at that election, from which to make his selection. The ballot is numbered and the corresponding number placed opposite the voter's name on the poll book, thereby identifying each voter's ballot. I make this statement of the law in order that you may keep the provisions in mind as we proceed with the argument.

Mr. WINGO. Will the gentleman yield at that point?

Mr. McKENZIE. I do.

Mr. WINGO. As I understand, the ballot has to correspond with the number in the poll book in the voter's name?

Mr. McKENZIE. Yes.

Mr. WINGO. Is that number written on the ballot?

Mr. McKENZIE. Yes, sir.

Mr. WINGO. So that on a subsequent recount those who are making the recount can take the number on the ballot and refer to the poll book and see how any particular man voted?

Mr. McKENZIE. Yes, sir.

Mr. WINGO. That is the fact.

Mr. McKENZIE. Yes, sir.

Mr. TRIBBLE. If the gentleman will permit, did I understand the gentleman to say one of the election managers is required to count each ballot?

Mr. McKENZIE. That is the law; each judge shall count the ballot.

I now desire to call your attention to the geographical location of this particular congressional district. This district lies wholly within the city of St. Louis, and is composed of the fifth, sixth, seventh, sixteenth, seventeenth, and parts of the fifteenth and twenty-third wards. The controversy in this case is confined to the fifth ward, and, as we set out in the minority report, it is one of the "river wards." It is a compact territory, lying in the most congested part of the city, containing within its limits, on the one hand, practically all the large office and public buildings, hotels, stores, and many factories and warehouses, in which very few voters live, and, on the other hand, practically all the cheap hotels, rooming or lodging houses—such as are found in every large city—and many tenement houses, boarding houses, and unpretentious homes, including the so-called "levee district," with its colored population. This ward is divided into 17 precincts; and of the votes returned by the election officials in this ward at the election of 1912 Mr. Dyer received 2,213 and Mr. Gill 815, and on a recount had of the ballots Mr. Dyer received 2,009 votes and Mr. Gill 994. The vote on all the other candidates at this election in the ward was approximately two to one in favor of the Democratic candidates.

Why did Gill meet with such disastrous defeat in this ward? There must have been a reason for this. What was that reason, and how was the result accomplished? Was it a natural result or was the result brought about by conspiracy and fraud?

Mr. GREEN of Iowa. I understood the gentleman to state that the election judges were appointed by the committeemen. Under the laws of Missouri are they not appointed by the election commissioners?

Mr. BOOHER. Oh, no; I will tell the gentleman how it is. We do not have election commissioners in any place except Kansas City and St. Louis. The chairmen of the various committees hand in the names. The Republican committee select a certain number of names and give them to the election commission. The Democratic committee do the same, and from the two major parties the judges of election may be selected by the election commission.

Mr. GREEN of Iowa. Then the commissioners, in fact, appoint them?

Mr. BOOHER. Yes; they select them on the recommendation of the committeemen of the political parties.

Mr. GREEN of Iowa. They are not obliged to do anything of the sort?

Mr. BOOHER. Yes.

Mr. DYER. The election commissioners of the city of St. Louis, the bipartisan board, have the selection of the judges and clerks of election for the city of St. Louis. The Democratic commissioners select the Democratic judges and clerks of election and the Republicans select theirs, and no one can compel them to select anybody else. They receive recommendations from the committees, but they do not always follow those recommendations by any means.

Mr. BOOHER. After an examination of the statute governing elections in the city of St. Louis, I find the gentleman from Missouri [Mr. DYER] has stated correctly the manner in which the appointment of election officers is made.

Does not the State law of Missouri say that these committees in the city of St. Louis shall select the names and send them to the election commissioners?

Mr. DYER. Absolutely not, I will say to my colleague.

Mr. BOOHER. And from that list the judges are appointed? They may for good cause reject any of those names, but there must be a hearing, and they must be rejected for good cause.

Mr. DYER. The gentleman is mistaken about that.

Mr. BOOHER. I will get the law.

Mr. LOBECK. Will the gentleman yield?

Mr. GOLDFOGLE. Not now. I want to say something at this point without being interrupted.

When the committee concluded the returns were false and fraudulent—and that conclusion was arrived at only after reading the testimony and giving very careful consideration to the briefs—when the committee concluded that the law required the elimination of the returns from the seven precincts, somehow it was given out that the committee had taken, as they really did take, a tentative vote on the question of the elimination of the returns. When I said that the committee had concluded, I meant they had tentatively only reached a conclusion. Then an application was immediately made by the contestee for leave to take testimony to show the true state of the vote in the precincts that the committee by tentative vote indicated should be excluded. The application was heard and considered, and the committee by a majority vote denied the application of the contestee.

I am here only as the organ of the committee. As its chairman I represent it to bring the views of the majority to the House; but following the statement in the report I want to say that there was a difference of opinion as to whether the application should have been granted or not. The committee's report states the facts with reference to that division of opinion. I was one who dissented from the action of the majority of the committee. I took the view that inasmuch as the burden of proof shifted to the contestee when the returns were eliminated, it was but proper to give the contestee the privilege and opportunity within limited time to present evidence with respect to the votes cast for him and for the contestant. But the majority of the committee differed with me and my two colleagues, Messrs. MCKENZIE and SHREVE, and so I am here as the organ of the committee to present their views.

Mr. WATSON. Mr. Speaker, may I interrupt the gentleman a moment?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Virginia?

Mr. GOLDFOGLE. With pleasure.

Mr. WATSON. May I ask the chairman of the committee whether he would be willing to sign a report stating that the incumbent was not entitled to his seat on this floor, and that the contestant was entitled to his seat, simply because a majority of the committee asked him to do it?

Mr. GOLDFOGLE. Certainly not; but the chairman of the committee would abide the judgment of the House respecting the action of the committee in denying the motion of the contestee. If that decision is affirmed by the House, then there will be only one thing to pass on, and that is on the vote in the congressional district eliminating the rejected precincts. In other words, if the House affirms the action of the committee, notwithstanding my dissent, to which I have referred, then it would appear Gill is entitled to the seat and not Mr. Dyer.

Mr. COOPER. Will the gentleman yield?

Mr. GOLDFOGLE. Certainly.

Mr. COOPER. If the gentleman were the contestee in this case, would he think, on the facts and the law as he understands the law applicable to the facts, that the House would do justice if it should declare that the gentleman from New York was not entitled to his seat?

Mr. GOLDFOGLE. I am stating the facts in as fair a way as I think it possible to state them. The gentleman from Wisconsin, who served with me on the Committee on Elections, is thoroughly competent to judge for himself what the law is and what the facts are in the case.

Mr. COOPER. I am competent to judge from what I know of the gentleman's character and the way he answers my question that he thinks Mr. Dyer ought to keep his seat.

Mr. GOLDFOGLE. The gentleman from Wisconsin ought not to credit me with statements I have not made. I want to pay the gentleman the compliment of saying that his skill as a lawyer and his ability exhibited here and in the Committee on Elections heretofore convince me he does not need instruction from anyone as to what the law requires. I do mean to say distinctly, and I wish to repeat it, that in my mind there is not a question about the fraudulent character of the returns, and there is not a question in my mind that under the law as it obtained in election cases these returns had to be eliminated. The question that was passed on in the committee on the motion of Mr. Dyer and on my motion, as stated in the committee report, is for this House fairly to determine.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. GOLDFOGLE. With pleasure.

Mr. KELLEY of Michigan. I take it from what the gentleman from New York has said that in his judgment the House should adopt the resolution presented by the minority.

Mr. GOLDFOGLE. The gentleman from Michigan is in error; I said no such thing.

Mr. BRYAN. Which resolution does the gentleman believe ought to be adopted?

Mr. GOLDFOGLE. If the gentleman will allow me to go on, I think he will have no difficulty in determining.

Mr. MCKENZIE. Mr. Speaker, I do not think it is fair to interrogate a member of the committee in this way.

Mr. MCCOY. Will the gentleman from New York yield?

Mr. GOLDFOGLE. I will yield to the gentleman from New Jersey.

Mr. MCCOY. Does the gentleman propose to argue the legal proposition of throwing out all the votes of the precincts, or has he in his argument said all that he wants to say upon that point?

Mr. GOLDFOGLE. I may want to say something in regard to it later. In my mind, after examining the authorities, I concluded that the facts in connection with these returns justified the majority of the committee in eliminating the precincts.

Mr. MCCOY. Eliminating all the votes in the seven precincts. On that point I would like to ask the gentleman a question. Is there any precedent covering a case in which it appears that the contestant in the previous congressional election voted against his party ticket?

Mr. GOLDFOGLE. I do not know of any.

Mr. MCCOY. In other words, does not the fact in this particular case that it was discovered that the contestant had at a previous election voted against his party ticket make this case entirely different from any case that has come before the House or been reported at any time?

Mr. GOLDFOGLE. I do not recall any case that showed that peculiar phase.

Mr. MCCOY. Is not that the difference between this case and others, so that on the question of throwing out all the votes of the precincts it ought to be taken into consideration that these votes that were counted for Mr. Dyer were probably honestly cast and honestly counted because there was a good reason why Democrats from that district should vote for a Republican?

Mr. GOLDFOGLE. They could not have been honestly counted. The gentleman from New Jersey, I think, will realize the fact that if on opening the ballots and finding they were tampered with, and fraudulently altered, and finds such a wonderful discrepancy as is disclosed by the table printed in the report, would not the gentleman say these returns are so inaccurate and unreliable that under the authorities they should be rejected?

Mr. MCCOY. I am asking if this case is not differentiated from the others by the one fact that exists in this case, and, so far as I know, did not exist in any of the other cases—that the contestant had voted against his party ticket the year before, and therefore it made a different situation, at any rate so far as making it perfectly proper to grant the request of Mr. Dyer that he be permitted to show by actual examination of the other ballots what the fact was?

Mr. GOLDFOGLE. The gentleman must judge for himself, if he differs with the majority of the committee.

Mr. MCCOY. I was asking whether there is any real precedent for this case based on the facts?

Mr. GOLDFOGLE. I have already answered that that particular phase does not appear in any other reported case I have found, but the gentleman from New Jersey will realize that each case must stand on its own bottom, and we do not always have two cases exactly alike.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. GOLDFOGLE. I will yield to the gentleman.

Mr. THOMSON of Illinois. I would like to ask a question on the facts. As I understand it, there is not what we call a secret ballot under the Missouri law.

Mr. GOLDFOGLE. That has been fully stated here.

Mr. THOMSON of Illinois. If it was permitted to take further testimony as to these precincts in controversy it would be possible to subpoena every voter there and compare his testimony as he might give it with his ballot, and in that respect is this case not vitally different from any of the cases that were referred to by the chairman of the committee a few minutes ago as precedents?

Mr. GOLDFOGLE. The gentleman asks the same question as did the gentleman from New Jersey, and of course I should make the same reply.

Mr. THOMSON of Illinois. Just one moment.

Mr. GOLDFOGLE. Mr. Speaker, if the gentleman will pardon me, I desire to conclude very soon, because if I do not I shall do injustice to others who desire to speak.

Mr. THOMSON of Illinois. But I ask a question of facts, whether any of those precedents have that feature present?

Mr. GOLDFOGLE. I have already said that there were none that we could find. There may be some in the books, but we have not found any.

Mr. COOPER. Mr. Speaker, I take it from the reply which the gentleman from New York made to the gentleman from New Jersey [Mr. MCCOY] that it is admitted in this case that the contestant, Mr. Gill, a year ago or more, voted against the Democratic nominee?

Mr. GOLDFOGLE. The facts have already been stated in regard to the statement made by Egan and by Kinney and their followers.

Mr. COOPER. And that was generally known by the Democratic electors in that district?

Mr. GOLDFOGLE. It was stated to them.

Mr. COOPER. Would the gentleman, then, think it surprising under all the circumstances that a considerable number of Democrats would not vote for a Democrat that bolted his own party ticket the year before?

Mr. GOLDFOGLE. Looking over the history of the contests that have come from that portion of St. Louis, nothing would surprise me.

Mr. MITCHELL. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. MITCHELL. Mr. Speaker, I would like to call the attention of the gentleman to page 3 of his report. It there says:

> In the second precinct all the judges and clerks of election voted for Dyer. They returned 199 votes for Dyer and 5 votes for Gill, while the ballots on the recount disclosed that Dyer only had 106 votes and Gill had 73 votes.

I think that is a very important statement.

Mr. GOLDFOGLE. But it is a fact.

Mr. MITCHELL. I would like to have the gentleman elaborate more upon that.

Mr. GOLDFOGLE. What more can I elaborate than that we found this abnormal discrepancy that could not possibly have foundation in sincerity or truth.

Mr. MITCHELL. I agree with the gentleman, but was it a Democratic precinct?

Mr. GOLDFOGLE. I do not know. I think it was.

Mr. MCCOY. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Certainly.

Mr. MCCOY. Then, was not the fraud, whatever it was, corrected by the recount?

Mr. GOLDFOGLE. No. I am very glad the gentleman from New Jersey asked that question, because that question really was one the committee was called upon carefully to consider. If that had been all, if there had been only these discrepancies, the committee would probably not have reached the conclusion it did, and perhaps the committee, from whose decision I dissented, might not have reached the conclusion to deny the application of the contestee to give further evidence; but do you not see there were other facts in connection with the votes in those seven precincts? There is the case of tampering with the ballots; there is the case of manipulation of the ballots; there is the case of the seventeenth precinct, where, though there is not much discrepancy between the return and the recount, there is the exclusion of the judges and the clerks from the polling places, without the slightest reason; and there is the evidence of men who say that they cast straight ballots, and these ballots are found to be scratched. In this combination of facts and circumstances you find evidence of fraud, and you can not get away from the fact that these returns are, within the language of the authorities, so utterly unreliable that they must be excluded.

Mr. MCCOY. Is it not a fact that testimony was taken in regard to 54 ballots, as to whether the voter had really voted the particular ballot, and that in only 18 of them out of 54 did the voter stand up and testify that his ballot had been manipulated or tampered with, or that he had not voted it?

Mr. GOLDFOGLE. Just the exact number I do not recall. The committee's report, which the gentleman from New Jersey has, I believe, carefully read, states the names of the witnesses who proved that their ballots had been tampered with and altered. I desire to add before I conclude that it is not claimed or charged that Mr. Dyer in any way, personally, participated in the fraud. No charge of personal misconduct attaches to him. But though he had no knowledge of the fraud, yet if fraud was committed and the returns tainted with it, the duty of the committee was plain, and in pursuance of that duty it rejected the returns and submits the matter to the House for the dispassionate judgment of its Members.

Mr. MCKENZIE. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. MCKENZIE. I want to ask the gentleman from New York in regard to his statement that the challengers and watchers were excluded from the polls, and so forth.

Mr. GOLDFOGLE. That is so, is it not?

Mr. MCKENZIE. Is it not a fact that the evidence in the record discloses that in only one precinct did that occur, and that the commissioners of election were immediately notified and that they came to the polling place and instructed the judges they must permit those men to remain in there, and the men were permitted to come in and remain there until the polls were closed?

Mr. GOLDFOGLE. I said nearly half an hour ago that these challengers and watchers were only readmitted when the commissioners of election came and ordered their readmission.

Mr. MCKENZIE. But that occurred in only one precinct?

Mr. GOLDFOGLE. I think that is so.

Mr. FALCONER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Just for a question.

Mr. FALCONER. At whose solicitation were these 56 witnesses referred to by the gentleman from New Jersey [Mr. MCCOY] brought before the committee? In other words, were they supposed to be Dyer witnesses or Gill witnesses?

Mr. GOLDFOGLE. Well, Gill introduced witnesses to show fraud.

Mr. FALCONER. As I understand, out of 54 only 18 swore to fraud.

Mr. GOLDFOGLE. Oh, I think there are more; those that we state in our report had their ballots manipulated. I do not know that, but the gentleman can figure it out from the report. I think I have taken longer than I intended.

Mr. HULINGS. Will the gentleman yield for a question?

Mr. GOLDFOGLE. For a question.

Mr. HULINGS. Is there no way to purge this ballot except by throwing out the whole affair? Are not the circumstances such and the law such in the State of Missouri that it would be possible by an examination there to discover who did cast legal ballots and who did not?

Mr. GOLDFOGLE. I think I have answered that question. I have told the gentleman that, in the judgment of a majority of the committee, the application of the contestee was refused. I have told the gentleman so far as the chairman of the committee is concerned he dissented and that two others dissented, but that the committee thought, for reasons that appear in the report, as well as for other reasons some members of the committee may wish to state, that the application made by Mr. Dyer

Mr. LINTHICUM. I notice you say that Vortriede wrote Dyer's name on 37 ballots of the seventeenth precinct, and that 4 of those were found to be illiterate, but that the other 33 you did not find were illiterate or physically disabled? Is that correct

Mr. GOLDFOGLE. Yes; in an absence of testimony on that point.

Mr. LINTHICUM. The question I had in mind was this: If you found 4 of them to be illiterate and went into it that deep, why did you not go into it deep enough to find whether the other 33 were illiterate or physically disabled?

Mr. GOLDFOGLE. I said when we opened the case that the testimony was exceedingly voluminous, and I apprehend that the taking of that mass of testimony comprising two thousand and odd pages, must have consumed all the time that the statute provides for the taking of testimony in the preliminary stages of a contest.

Mr. LINTHICUM. But in your report you presume 33 to be illegally cast, because you threw them out. Why would not you conclude they were legally cast? Why would not that be the presumption?

Mr. GOLDFOGLE. If there is any presumption that follows, it would rather be the presumption of illegality, for the reason that the statute of Missouri providing that in order for the voter to be assisted he shall make oath to the fact that he is illiterate or is so physically disabled as to require assistance was uniformly disregarded and violated. The committee found from the testimony that in these seven precincts, as in some other precincts of the fifth ward, there was a general disregard of the statute.

Now, the gentlemen have asked as to how this combination between the judges and the clerks of election on both the political sides came about. The conclusion at which the committee arrived, that there was this, which by some has been called "unholy alliance," and by the majority of the committee called a fraudulent combination, is strengthened when the motive is considered that was behind the making of the false returns.

In 1910 Mr. Dyer and one Thomas Kinney were candidates for Representative in Congress. Mr. Gill was a voter in the congressional district, and he voted at the election in 1910. Now, Thomas Kinney was an influential Democratic leader in the fifth ward, and when Mr. Dyer was declared elected Kinney entered a contest, and pending that a recount of the ballots was had. Kinney evidently concluded that he would not again be a candidate for Congress, and Mr. Gill was nominated at the primaries. There were two candidates for the Democratic nomination—one Judge Arnold and Mr. Gill—and Gill appealed, as the evidence shows, to his friends and others, among them Thomas Kinney——

Mr. ELDER. Just a question there. Was it Thomas Kinney or his brother?

Mr. GOLDFOGLE. It was Thomas Kinney.

Mr. ELDER. As I understand, the Kinney who was a candidate at the previous election died.

Mr. GOLDFOGLE. Thomas Kinney was a candidate at the election in 1910.

Mr. ELDER. Did he not die?

Mr. GOLDFOGLE. If the gentleman will allow me to continue the statement——

Mr. ELDER. I do not want to interrupt you.

Mr. GOLDFOGLE. If I am constantly interrupted I can not get at the facts.

Mr. ELDER. I do not want to interrupt you, but I absolutely understood a different condition of facts.

Mr. GOLDFOGLE. So Gill was nominated. Thomas Kinney died. Michael Kinney succeeded him, and Thomas Egan, the brother-in-law of Michael Kinney, became the Democratic committeeman of the ward. Rumor had it that Gill had scratched Kinney in the 1910 election and voted for Dyer. Some question arose as to that. Michael Kinney at first doubted the truth of the rumor, but became convinced of the fact afterwards. A recount of the ballot had been had. The ballot of Mr. Gill was identified in the way that I have already indicated that ballots could be identified, and it was found that Thomas Kinney's name was scratched and the name of Mr. Dyer had been inserted.

Now, then, Gill was requested to appear at a committee meeting in the fifth ward and explain that circumstance, and the committee not feeling that his explanation was satisfactory, Michael Kinney and his brother-in-law, Egan—Michael Kinney was then occupying a seat in the State senate, and Egan then a committeeman—went about actively to secure the defeat of Gill.

Mr. McCOY. Will the gentleman yield, Mr. Speaker?

Mr. GOLDFOGLE. In a moment, if the gentleman will pardon me.

Mr. McCOY. I just want to ask a question in that connection. At that meeting at which Gill appeared and explained that ballot, was he not asked to retire and let some one else be nominated on the ticket?

Mr. GOLDFOGLE. There is evidence on that point.

Mr. McCOY. Is not the evidence to that effect?

Mr. GOLDFOGLE. I do not recall that the evidence is precisely to that effect, but there is evidence to indicate that that fact is so.

Mr. McCOY. Was it not stated at the summing up by Mr. Dyer before your committee that that was the fact, and that his statement was not in any way controverted by the attorney for Mr. Gill?

Mr. GOLDFOGLE. The gentleman from New Jersey is right. Now, there is no denial that Kinney and Egan passed the word along to do everything that lay in man's power to secure the defeat of Gill. Naturally, of course, Michael, the surviving brother of "Tom," felt vengeful against Gill.

Mr. McCOY. Mr. Speaker——

Mr. GOLDFOGLE. And the inspectors of election doubtless concluded that they were going to please Kinney and Egan.

Mr. McCOY. Now, Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. They were going to please them, even if they had to falsify the reports.

The SPEAKER pro tempore. Will the gentleman from New York yield to the gentleman from New Jersey?

Mr. McCOY. I dislike to interrupt the gentleman, but——

Mr. GOLDFOGLE. I yield to the gentleman.

Mr. McCOY. On the statement of fact I would just like to ask a question. Did not Mr. Dyer state in summing up before the committee, and did not his statement go unchallenged to the effect that Michael Kinney stated he disliked to take any part in the matter, because it affected his brother, and that he did not take any part in it, and that it was Egan only that passed the word along that Gill should be defeated?

Mr. GOLDFOGLE. Well, reading through the testimony and carefully considering it, the committee concluded that both of these men combined—and they do not deny it—to bring about Gill's defeat. I repeat that it was in consequence of this factional strife and the activity that was manifested by both Egan and Kinney that the inspectors—and I regret that I have to so severely criticize the Democratic inspectors, but it is nevertheless the fact—the Democratic inspectors concluded one way to bring about the defeat of Gill was to make up the returns in the way already stated, and the Republican inspectors, of course, concluded it was a good thing to accept the fruits of that fraud. So evidently both combined and made up these fraudulent returns.

Mr. BURKE of Wisconsin. Mr. Speaker——

Mr. McKENZIE. Will my colleague yield?

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. GOLDFOGLE. I yield first to my colleague on the committee [Mr. McKENZIE].

Mr. McKENZIE. I desire to ask my colleague if there is anything in the record of this case that would warrant the last statement that he has made, that the Republican and Democratic inspectors had anything to do with the making up of these returns?

Mr. GOLDFOGLE. Well, I would not like to say they did an affirmative act. It may be that they simply closed their eyes when their eyes should have been opened, and with closed eyes and open hands accepted what the Democrats tendered.

Mr. McKENZIE. Mr. Speaker, will my colleague yield to one other question while he is on that point?

Mr. GOLDFOGLE. Yes.

Mr. McKENZIE. Is there any evidence in the record anywhere by any witness tending to show that there was a combination between the Republican judges and the Democratic judges?

Mr. GOLDFOGLE. Not in express direct testimony. Of course the gentleman from Illinois, being an excellent lawyer, with a long experience at the bar, will bear me out in the proposition that it does not necessarily require positive direct testimony to establish a fact. Circumstances linked unto circumstances strong enough to warrant a reasonable and a prudent man to conclude that a thing existed will establish the fact. I think my colleague from Illinois will grant that that proposition is correct.

Mr. BURKE of Wisconsin. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GOLDFOGLE. I yield.

Mr. BURKE of Wisconsin. I would like to ask the gentleman this question: Has the contestant, Mr. Gill, in any place in the testimony, under oath denied that he voted against the Democratic nominee, Thomas Kinney, in 1910? Has he denied that under oath?

Mr. GOLDFOGLE. I will speak of the facts called for by the gentleman's inquiry. When Gill was before the committee—at any rate, at some time while the question was being raised as to whether Gill scratched Kinney and voted for Dyer—Gill said when his ballot was examined that there must be some mistake.

Mr. BURKE of Wisconsin. But that was not under oath?

Mr. GOLDFOGLE. No; there was no express denial.

Mr. CARLIN and Mr. HOWARD rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. GOLDFOGLE. I will yield to the one who was formerly on my committee, the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. What is the political history of this district? Is it a Republican district or a Democratic district?

Mr. GOLDFOGLE. The history of that district, I think, will be found in a number of cases that have come before this House. That district has always given a lot of trouble to the House—Republican and Democratic.

Mr. CARLIN. But that does not answer my question. I was trying to ascertain whether or not the district is Republican or Democratic; whether the record discloses that fact.

Mr. GOLDFOGLE. The district, I think it fair to say, is normally Democratic.

Mr. HOWARD. Now, Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Georgia?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. I want to ask the gentleman from New York if there is any testimony before the committee as to who called these ballots? Was it the Democratic manager or the Republican manager?

Mr. GOLDFOGLE. The Democratic ballots were passed over to the Democratic judges.

Mr. HOWARD. And the Republican ballots were passed over to the Republican managers?

Mr. GOLDFOGLE. I presume that is the way it was done.

Mr. HOWARD. There was no such thing as one man calling the ballot and laying it aside and the talesman recording it?

Mr. GOLDFOGLE. I can not answer as to that.

Mr. RAKER. Mr. Speaker, will the gentleman yield for one question?

Mr. GOLDFOGLE. Yes.

Mr. RAKER. Senator Kinney, the candidate for Congress, died. His brother and Egan were interested in defeating Gill and electing Dyer. Is that right?

Mr. GOLDFOGLE. That is right.

Mr. RAKER. Now, is there any evidence before the committee showing that these men—Egan and Kinney—had any influence in those precincts over the voters there?

Mr. GOLDFOGLE. Oh, undoubtedly. They had considerable influence. Tom Kinney—that is conceded by both contestant and contestee—was a great power in the fifth ward. He had been in close touch with the people of the district, a district made up of a very much mixed population, and Michael Kinney presumably had more or less of that kind of influence after his brother's death.

Mr. RAKER. One more question, and then I shall be through. Is there any evidence before the committee that Kinney, the brother of the deceased candidate, and Egan brought this to the notice of the voters of that district?

Mr. GOLDFOGLE. They say that they did. That is the evidence. They say that they went from house to house and informed different people that the conditions I referred to existed.

Mr. RAKER. And asked them to vote against Gill?

Mr. GOLDFOGLE. Yes; and asked them to vote against Gill. There is also evidence that they informed the judges of election. The judges of election knew of this, and there must be something to account for this remarkable discrepancy that you notice—not in one precinct, not in two, but in six precincts, at least, of the fifth ward. For instance, we note a remarkable discrepancy in the second precinct. We may say that is a mistake, or that only those judges in the second precinct had concluded to make an inaccurate return. But when you find six precincts all exhibiting the same kind of discrepancies, and when you find that those returns had been made up without regard to truth, then what conclusion will you reach in regard to the proposition that an unlawful combination existed? These many judges in these six precincts must have had one mind, and that one mind in all human probability was controlled by some master mind.

Mr. LEE of Pennsylvania. Will the gentleman kindly state if he has any evidence as to who had the election officers appointed in that particular ward?

Mr. GOLDFOGLE. I have already said that the representatives of the organization had them appointed.

Mr. LEE of Pennsylvania. Who were the representatives of the organization?

Mr. GOLDFOGLE. Well, in the fifth ward, I presume, it was Egan, because he was the committeeman. If it was not Egan, it was Kinney. I am not certain which. But the organization, controlled by Kinney and Egan, had the Democratic judges and clerks no doubt appointed.

Mr. ALLEN. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from New York yield to the gentleman from Ohio?

Mr. GOLDFOGLE. Yes.

Mr. ALLEN. Is there anything in the record to show that there were any other candidates on the Democratic ticket considerably scratched?

Mr. GOLDFOGLE. There were other candidates upon the ticket here, and in some instances they were scratched. I have already stated, if the gentleman took note, that some witnesses testified that although they scratched others on the Democratic ticket they did not scratch Gill, and then the ballots of those men disclose the scratching of Gill, and in some instances the writing in of the name of Dyer.

Mr. ALLEN. As to a great many of these ballots upon which Gill's name was scratched, was not the name of the Democratic candidate for sheriff also scratched?

Mr. GOLDFOGLE. Oh, there were names of candidates for judges and sheriffs and others scratched.

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. I yield to the gentleman from Illinois.

Mr. McKENZIE. I know my colleague wants to be absolutely fair.

Mr. GOLDFOGLE. Absolutely fair; and I will say to the gentleman from Illinois that I believe this case, as all election cases, ought to be decided in a calm, deliberate, judicial way and not in any partisan spirit, and to that end I willingly yield for the gentleman to make a statement.

Mr. McKENZIE. I agree with the gentleman from New York fully; but in regard to the gentleman's statement about the judges of election having been influenced by the committeemen, Mr. Egan and Mr. Michael Kinney, is there any testimony in the record that would warrant the statement that Mr. Egan or Mr. Kinney had instructed these judges, or talked with them about what they should do with the ballots in making up the returns?

Mr. GOLDFOGLE. The conclusion is deducible from all the proven facts.

Mr. McKENZIE. Does the record show it?

Mr. GOLDFOGLE. The conclusion is deducible from the facts and circumstances that either they had been instructed, or else they were doing a thing which they conceived would be very pleasing to the powers that were, namely, the Kinney organization, to bring about Gill's defeat. My colleague on the committee, Judge WATSON, points out to me testimony at page 1166 of the record. It is said in the reply brief of the contestant:

> Egan, in his testimony, said that he did not have to instruct the judges and clerks of election in the fifth ward; that—
>
> And now I quote from words in the record—
>
> they understood anyhow what to do—to vote against him and help any of the parties that did not know how.

That is the testimony.

Mr. HAMILTON of Michigan. May I ask the gentleman a question?

Mr. GREEN of Iowa. I want to ask the gentleman a question.

Mr. GOLDFOGLE. At page 1189, Egan, in his testimony, says:

> Q. How many of the judges and clerks did you invite to that meeting?
>
> A. Never invited any of the judges and clerks. We never bothered with the judges and clerks at all. They knew what to do themselves.

Mr. GREEN of Iowa. Now will the gentleman yield?

Mr. GOLDFOGLE. I yield with pleasure to the gentleman from Iowa.

Mr. GREEN of Iowa. I think the gentleman inadvertently made a statement that is incorrect, although I may be mistaken in regard to it.

Mr. GOLDFOGLE. If I am in error I will be only too well pleased to withdraw my statement.

that ballots cast for all the Democratic candidates were found on examination to have been tampered with and altered.

Then the committee found other circumstances to establish fraud. We find, for instance, in the seventeenth precinct that the challengers and watchers, who were lawfully in the polling place, were, without rhyme or reason, excluded from that polling place and not readmitted until the commissioners of election, who had been sent for, ordered their readmittance. That, of course, is a most suspicious circumstance taken in connection with all the other testimony in the case.

In that seventeenth precinct, Albert C. Ross, a voter, cast a straight Democratic ticket. His testimony is positive and unqualified that he voted for Gill, yet when you come to examine his ballot you find that Gill's name is scratched from it.

Charles Phillips voted a scratched ticket, but while he did that, he is positive he voted for Gill. He had scratched other Democratic candidates on the Democratic ticket, but he is positive that he voted for Gill. When you come to examine his ballot you discover that Gill's name has been scratched. So in the case of a voter named Stahl, who voted a straight Democratic ticket, and the testimony shows that Gill's name was scratched on it.

Another significant fact in connection with the conditions existing in the seventeenth precinct is that one of the Democratic judges of election wrote Dyer's name on 37 of the scratched ballots, and although 4 of that number were illiterates there is not a scintilla of proof in the case to show that the other 33 voters needed assistance either as illiterates or as physically disabled.

The law of Missouri permits a voter, if illiterate or physically disabled, to have the assistance of the judges of election, and to have one of the judges in the presence of the others write in the ballot the name of the candidate the voter desires to vote for. There is evidence in the case to show that men who were not illiterates came there, yet their ballots are scratched and names written on the ballot for these men.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. GOLDFOGLE. Yes.

Mr. BARTLETT. What does the Missouri law provide as to such ballots; that is, where they are written by the judge at the request of the voter, although the man may not be in the excepted class? As I understand, there were 37 scratched ballots.

Mr. GOLDFOGLE. In the seventeenth precinct.

Mr. BARTLETT. And Dyer's name was written on 37 ballots and only 4 of them were illiterate.

Mr. GOLDFOGLE. The evidence shows 4 were illiterate, and the evidence as to illiteracy or physical disability is lacking as to the other 33.

Mr. BARTLETT. And so you throw out the 37 votes?

Mr. GOLDFOGLE. The committee threw out the entire precinct, but what the gentleman from Georgia refers to is only one piece of the evidence on which the finding of fraud is predicated.

Mr. BARTLETT. Does not the gentleman think there should be some evidence as to the other 33 ballots? You have 4 illiterates, but you have no evidence as to the other 33.

Mr. GOLDFOGLE. There is no evidence on that point.

Mr. RUPLEY. Will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. RUPLEY. In answer to the gentleman from Georgia [Mr. BARTLETT] the gentleman from New York failed to state that the officers failed to subscribe to the affidavits.

Mr. GOLDFOGLE. Yes; the evidence is complete on that subject, not only in these seven precincts that the committee threw out but in other precincts, too, the condition to which the gentleman from Pennsylvania alludes existed, namely, men went into the polling places and the judges wrote the names of candidates upon the ballot, and they scratched the names from the ballot regardless of the statute which provides that the voter, in order to have assistance, shall make oath that he is illiterate or physically disabled. I think that answers the question. I now yield to the gentleman from Michigan.

Mr. KELLEY of Michigan. Mr. Speaker, do I understand that, under the laws of the State of Missouri, it is possible to ascertain how a particular elector voted by examining the ballots afterwards?

Mr. GOLDFOGLE. Yes. I am glad the gentleman from Michigan asked that question. The ballot, as given to the voter when he goes into the polling place, has the names of the candidates for the respective offices printed on it. There is a line underneath the printed name. The ballots are numbered, and the numbers are preserved on the stubs——

Mr. BOOHER. Oh, no.

Mr. GOLDFOGLE. I meant to say the number is recorded on the poll books. When a recount takes place, you can, by comparing the number of the ballot with the number recorded in the book ascertain who cast that ballot. In other words, there is not that secrecy preserved that would be preserved, in my State, the State of New York, where there is an absolute secrecy of the ballot, as I think there ought to be; but in Missouri it will be observed that when you come to open the ballots you can identify the voters with their ballots and ascertain by evidence whether the ballot was scratched by the voter or whether it was written on by some one else.

Mr. BOOHER. Mr. Speaker, will the gentleman yield for a moment?

Mr. GOLDFOGLE. Yes.

Mr. BOOHER. The gentleman said there was not absolute secrecy of the ballot in Missouri.

Mr. GOLDFOGLE. There is not.

Mr. BOOHER. It is absolutely a secret ballot. After the judges of the election have examined and counted the votes the ballots are put into the ballot boxes and the ballot boxes are locked and sealed and deposited in the city of St. Louis with the election commissioners. The ballots are then kept for one year, and if no contest has been brought they are destroyed, and the ballot box can not be opened under any circumstances, except under an order of the court or where a committee of Congress opens them in a contested-election case.

Mr. GOLDFOGLE. The gentleman is right so far as he has gone, and I am also right. We are both right. In other words, when the ballots are opened, either by direction of the commissioners or the court, or whoever has authority to direct a recount, or if they are opened by direction of this House, the secrecy of the ballot is destroyed, for you can identify that ballot with the voter, tell who voted it, and ascertain on investigation whether it was properly or improperly scratched.

Mr. BOOHER. There is no question about that.

Mr. PALMER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. PALMER. The gentleman has referred to ballots on which the name of Mr. Gill was scratched. I will ask him how, under the law of Missouri, a voter may scratch his ballot. How is it done?

Mr. GOLDFOGLE. The voter may draw a line through the name of the candidate, and then, if he chooses to vote for some one else, write underneath the printed name so scratched the name of the one for whom he desires to vote.

Mr. PALMER. Can he do it by marking a cross opposite the printed name of the other candidate?

Mr. GOLDFOGLE. That is not the way it is done.

Mr. PALMER. It was done by writing in the name?

Mr. GOLDFOGLE. It was done by writing in the name.

Mr. PALMER. In these precincts in which there were a large number of scratched ballots, Mr. Gill's name having been scratched, was there any evidence to show any similarity of handwriting in the name of Mr. Dyer being written on the ballot?

Mr. GOLDFOGLE. There was.

Mr. PALMER. Was it shown that there was similarity?

Mr. GOLDFOGLE. Yes; that was attempted to be accounted for, however.

Mr. PALMER. Were the voters themselves examined as to whether they had written the name of Mr. Dyer?

Mr. GOLDFOGLE. Some of them were, but not all.

Mr. PALMER. And there is evidence on that subject?

Mr. GOLDFOGLE. There is some evidence on that subject.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. RAKER. Mr. Speaker, I have read the report of the committee and the views of the minority, in addition to listening to what has been said by the gentleman in regard to the secrecy of the ballot in Missouri, as far as it goes, and as it is in his State. Take the Missouri ballot, with the stub and the man's name on the stub and his name on the ballot——

Mr. GOLDFOGLE. His name is not on a stub. It is in a book, and the number is recorded in the poll book.

Mr. RAKER. Very well. There is a record to show the ballot the man cast.

Mr. GOLDFOGLE. Yes.

Mr. RAKER. When that ballot is taken out upon a contest in the courts of Missouri or here in Congress, is the man who cast the ballot competent to testify or permitted to testify in regard to how he voted that ballot? That is not so in our State, and I do not think it ought to be so. I want to know how it is in Missouri.

Mr. GOLDFOGLE. We are not fully advised what the courts of Missouri have decided with reference to the right to call for the statement of the voter as to how he voted, but there is

authority to justify the reception of evidence of the voter who is willing to testify for whom he voted.

Mr. RAKER. Was the question raised before the committee, or is there any question about it, that when the voter is brought before the committee or the court, and this ballot is handed to him as his ballot, he may testify that that is his ballot, and may also testify as to the method and mode and condition in which it was in when he cast it?

Mr. GOLDFOGLE. In the hearings before the committee there no question was raised as to that. Had such question been raised I think the committee would have considered it and passed on it, but no question was raised before our committee with reference to that.

Mr. RAKER. I understood 12 of these men were brought before the committee and testified—or at least I so take it from the report—as to the condition of the ballot when they deposited it in the box. I want to know whether your committee considered that testimony of those voters after they had marked their ballot and put it in the box and then came before the notary when the evidence was taken?

Mr. GOLDFOGLE. Does the gentleman mean whether our committee considered the admissibility of that testimony?

Mr. RAKER. Yes; and whether the committee considered it in rendering its report?

Mr. GOLDFOGLE. No question was raised by counsel as to that, and of course we were not called upon to pass upon it.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. GOLDFOGLE. Yes.

Mr. ALEXANDER. There is no question of the right of the party whose ballot is in question to testify in that particular under the laws of the State of Missouri?

Mr. GOLDFOGLE. As to whether he can be compelled to testify, that is quite another question.

Mr. RAKER. That is what I am asking.

Mr. ALEXANDER. Where he is brought as a witness and asked to testify as to whether or not his ballot, at the time it is accepted in the contest, is in the same condition it was when he cast it, he is qualified to testify as to the facts.

Mr. RAKER. In other words, is he, under the law of Missouri, compelled to testify if he is brought before the court?

Mr. ALEXANDER. I do not recall that question has ever been raised.

Mr. WATSON. Might I be permitted to state this——

Mr. GOLDFOGLE. I yield to my colleague on the committee [Mr. WATSON].

Mr. WATSON. I would say to the gentleman from California that the Missouri courts have passed incidently upon that question, but without having the exact point before it. If I may so express it, they have expounded it obiter dicta, and have settled the question in that way.

Mr. RAKER. Which way?

Mr. WATSON. In the case of The State v. Taylor (220 Mo., 618), decided in 1909, a case in which election officers were attempted to be prosecuted for their fraudulent acts in an election, the Supreme Court of Missouri held that while the ballot boxes were permitted to be opened and ballots inspected only in case of a contested election; and if it was desired to open the boxes and inspect the ballots in aid of a prosecution for frauds committed by election officers, in making false and fraudulent returns, it could be done only by amending the constitution. In Two hundred and thirty-eighth Missouri, page 561, in the case of Gant against Brown, decided in 1911, the court held, overruling a long line of decisions which guaranteed the secrecy of the ballot, that—

> Not only are the ballots and poll books competent, but a witness may testify as to how he voted, as tending to show fraud or no fraud.

The court declined to say that a witness was compellable to testify, but simply said that he was competent to testify.

Mr. DICKINSON. May I ask the gentleman from New York——

Mr. GOLDFOGLE. Now, Mr. Speaker, I have the floor.

Mr. DICKINSON. Will not the gentleman permit me——

Mr. GOLDFOGLE. If the gentleman from Missouri will kindly allow me to complete my statement of facts. I do not want to take up too much time, lest I deprive others of the opportunity they desire to speak.

Mr. DICKINSON. But in the interest of——

Mr. GOLDFOGLE. If the gentleman will pardon me until I finish. I do not like to take up too much time myself. I want to yield time to other gentlemen, and if I am so frequently interrupted with reference to what the decisions of Missouri are, that do not play much part in this case, I am afraid that the gentlemen to whom I would like to yield will not get as much time as I would like to yield them.

Mr. BARTLETT. Will the gentleman permit a question as bearing on the facts in the case?

Mr. GOLDFOGLE. I yield to the gentleman from Georgia.

Mr. BARTLETT. I understood the gentleman to say in the seventeenth precinct five of the judges and clerks voted for Dyer——

Mr. GOLDFOGLE. So in every precinct.

Mr. BARTLETT. Five of them were shown to have voted for Dyer—three Republicans and two Democrats—and one Democrat not voting at all; is that right?

Mr. GOLDFOGLE. That is not clear in my mind. The fact is that five voted; the gentleman is right so far.

Mr. BARTLETT. Who appointed these judges of election and how were they divided up? Who were the Democrats suggested to the judges—who suggested them? Did not the candidate of the Democratic Party have the right to suggest——

Mr. GOLDFOGLE. The gentleman means the candidate for Congress?

Mr. BARTLETT. Yes.

Mr. GOLDFOGLE. No; the candidate does not suggest, so far as we know. The respective political parties through their representatives suggest names and the election authorities appoint so that the respective political parties have equal representation.

Mr. BARTLETT. Not the candidate on the Democratic ticket, but those judges were suggested by the organization of the party to which he belonged.

Mr. GOLDFOGLE. Undoubtedly.

Mr. HOWARD. Will the gentleman yield for a question as to fact?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. In the summing up of these districts, in this particular fifth ward, in the fourth precinct, the official returns showed 181 votes for both Dyer and Gill?

Mr. GOLDFOGLE. In the fourth ward, the gentleman says?

Mr. HOWARD. In the fourth precinct—132 for Dyer and 49 for Gill. The recount showed 110 for Dyer and 68 for Gill?

Mr. GOLDFOGLE. Yes.

Mr. HOWARD. There were two other candidates, and a recount of the official returns showed no difference in the ballots cast for those two candidates.

Mr. GOLDFOGLE. The gentleman has reference to the labor and socialistic candidates?

Mr. HOWARD. Yes. Now, the difference between the official returns and the recount showed a difference between 172 and 181 ballots, or 9 ballots. Were there ballots thrown out or not counted to account for this discrepancy of nine between the recount and the official returns?

Mr. GOLDFOGLE. The thing that we found on that point is the wide discrepancy, namely, that this abnormal discrepancy exists which you can not account for except on the theory, when you consider the entire testimony in the case and the peculiar conditions existing in those six precincts, that there a combination was formed for the purpose of making up these inaccurate and fraudulent returns.

Mr. RAKER. Will the gentleman yield for one question for information I desire to get?

Mr. GOLDFOGLE. I yield.

Mr. RAKER. I understand from the statement made and from the record that the election officers are appointed by a competent qualified authority under the laws of the State of Missouri. That is right, is it not?

Mr. GOLDFOGLE. They are appointed by due authority.

Mr. RAKER. Now, they appointed so many Democrats and so many Republicans.

Mr. GOLDFOGLE. Yes; three Democrats and three Republicans.

Mr. RAKER. Now, does the gentleman in his report here contend or hold it as a legal proposition that because all of the Republicans and all of the Democrats voted for the Republican nominee that that is evidence of fraud or collusion?

Mr. GOLDFOGLE. Decidedly not.

Mr. RAKER. All right, then.

Mr. GOLDFOGLE. Decidedly not; but the fact was stated by me for the committee in order that later on I may make clear just how that combination or why the combination was probably formed. The gentleman will pardon me for not yielding further until——

Mr. LINTHICUM. May I ask a question?

Mr. GOLDFOGLE. I can not resist the gentleman from Maryland.

Langley	Montague	Reilly, Conn.	Thacher
L'Engle	Morgan, La.	Riordan	Thomas
Lesher	Morin	Rothermel	Towner
Lewis, Md.	Moss, W. Va.	Sabath	Treadway
Lewis, Pa.	Murdock	Scully	Tuttle
Lieb	Murray, Mass.	Shackleford	Vare
Lindquist	Nedley, Kans.	Sharp	Vaughan
Loft	Neely, W. Va.	Sherley	Walker
Logue	Norton	Sherwood	Wallin
Lonergan	O'Brien	Slayden	Walsh
McAndrews	O'Shaunessy	Slemp	Webb
McDermott	Paige, Mass.	Smith, Md.	Whitacre
McGuire, Okla.	Parker	Smith, J. M. C.	White
MacDonald	Patten, N. Y.	Smith, Minn.	Willis
Madden	Peters, Me.	Smith, Tex.	Wilson, Fla.
Mahan	Peters, Mass.	Stanley	Wilson, N. Y.
Maher	Phelan	Stevens, Minn.	Winslow
Manahan	Porter	Stevens, N. H.	Woods
Martin	Post	Stout	Young, N. Dak.
Merritt	Powers	Stringer	Young, Tex.
Metz	Rainey	Taylor, Ala.	
Miller	Reed	Ten Eyck	

The SPEAKER. On this vote 263 Members—a quorum—have responded to their names.

Mr. UNDERWOOD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that further proceedings under the call be dispensed with. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. The Clerk will read the report.

Mr. MANN. Well, Mr. Speaker, the resolution has not been read.

The SPEAKER. The Clerk will read the resolution.

The Clerk read as follows:

Page 8 of the report, the committee recommends the adoption of the following resolution:

House resolution 548.

"*Resolved*, That L. C. Dyer was not elected a Representative in the Sixty-third Congress from the twelfth district of the State of Missouri, and is not entitled to a seat therein.

"*Resolved*, That Michael J. Gill was duly elected a Representative in the Sixty-third Congress of the United States as a Representative from the twelfth district of the State of Missouri, and is entitled to a seat therein."

Mr. McKENZIE. Mr. Speaker, I ask that the resolution submitted by the minority of the committee be read as a substitute.

The SPEAKER. The Clerk will read the substitute resolution.

The Clerk read as follows:

Page 17 of the report, the minority of the committee recommends the adoption of the following resolution:

"*Resolved*, That the Committee on Elections No. 3, or a subcommittee thereof, be instructed to take additional testimony in the contested-election case of Michael J. Gill v. Hon. L. C. Dyer, touching the election of November 3, 1912, in precincts 2, 3, 4, 5, 9, 14, and 17, of the fifth ward of the city of St. Louis, with particular reference as to whether or not the Democratic ballots in those precincts which had Michael J. Gill's name scratched were the correct votes of the voters in question, or whether some person or persons had fraudulently scratched the name of the said Gill without the knowledge and consent of the said voters; and that the said committee, after it has taken and considered this additional evidence in connection with testimony heretofore taken, makes its report to the House, with its recommendations, within 30 days after the adoption of this resolution."

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized.

Mr. GOLDFOGLE. Mr. Speaker, this contest arises——

Mr. McKENZIE. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. GOLDFOGLE. Certainly.

Mr. McKENZIE. I would like to ascertain whether or not we can agree upon time for debate of the resolutions.

Mr. GOLDFOGLE. What does the gentleman from Illinois suggest?

Mr. McKENZIE. Well, we would like to have five hours on this side.

Mr. GOLDFOGLE. Of course we on this side should not wish to have less. That would carry us to when?

Mr. McKENZIE. We could go on to-morrow. There are a number of gentlemen who desire to be heard on this matter. It is a very important case. There are quite a number of Members who want to be heard on it, and I think they ought to have an opportunity.

Mr. GOLDFOGLE. Well, I should imagine if the gentleman would take three hours he would probably have enough.

Mr. MANN. No; that is not enough.

Mr. McKENZIE. That would carry it over until to-morrow, and we might just as well take up the day.

Mr. GOLDFOGLE. Well, suppose we say four hours to a side.

Mr. McKENZIE. Mr. Speaker, I can not consent to that. If we have five hours to a side, we will reach a vote to-morrow, and these two days have been set aside to consider this matter.

Mr. MANN. Suppose you make it five hours' debate to a side, and ask unanimous consent to meet to-morrow at 11 o'clock in the morning.

Mr. GOLDFOGLE. I shall not oppose meeting to-morrow at 11 o'clock, if that is agreeable to the membership of the House.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. We ought to be able to vote on this resolution to-day. If you fix a reasonable time for debate, we could have a vote by 5 o'clock this afternoon.

Mr. MANN rose.

The SPEAKER. To whom does the gentleman yield?

Mr. GOLDFOGLE. I will yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Suppose the gentleman from New York make a request to that effect, that the debate be limited to 10 hours, 5 hours to be controlled by himself and 5 hours to be controlled by the gentleman from Illinois [Mr. McKENZIE], and that the House meet at 11 o'clock to-morrow morning.

Mr. GOLDFOGLE. I am inclined to think if it were 4 hours to a side we would get along better, and I make that request.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Texas?

Mr. GOLDFOGLE. Yes.

Mr. GARNER. If the gentleman agrees to even 4 hours to a side, that would make it 8 hours. As soon as the agreement is entered into gentlemen will leave the Hall. A great many Members will not stay here for the debate, and if anyone, from time to time, wants to make a point of no quorum, it would add 3 or 4 hours to the time consumed; so that about 14 hours would be consumed in securing 10 hours' debate, and that would run us over until day after to-morrow. I am opposed to that. I want it understood, if there is an agreement upon a certain time, that we should come to a vote not later than a certain hour to-morrow afternoon.

Mr. DICKINSON. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise? Does the gentleman from New York yield?

Mr. GOLDFOGLE. Yes; for a question.

Mr. DICKINSON. Why can you not conclude this contest and debate to-day, instead of putting it over for two days? There is no good reason, in my judgment, why this contest should not be concluded to-day. It ought to be ended. It does not need four hours to a side.

Mr. GOLDFOGLE. I will answer the gentleman from Missouri. The testimony in this case comprises two large volumes of closely printed matter. The briefs submitted to the committee, which were carefully considered, are voluminous. I can readily understand that considerable time must necessarily be occupied in the debate, if we intend to consider the evidence and the points of law in connection therewith. While, of course, I have my opinion, and every member of the Committee on Elections has his opinion, yet, in view of the fact that this large mass of testimony could not possibly have been read by the general membership of the House, I think it is but fair, if we are to consider the case in the judicial way in which contests ought to be considered, that reasonable debate on this side and on the other ought to be accorded.

Mr. MANN. Mr. Speaker, will the gentleman from New York permit me to suggest that in my experience in the House I do not recall any case where there was less than five hours' debate on a side, and in a number of cases, in addition, the question of consideration was raised, which took an additional length of time. We did not raise the question of consideration on this matter, because we thought we should thereby get more time for debate.

Mr. GOLDFOGLE. I want to say, Mr. Speaker, that my recollection agrees with that of the gentleman from Illinois.

The SPEAKER. The Chair would like to inquire if the gentleman from New York has any requests to make?

Mr. GOLDFOGLE. I have. I ask unanimous consent that the debate be limited to four hours on a side, the time on one side to be controlled by myself and on the other by the gentleman from Illinois [Mr. McKENZIE].

Mr. MANN. I ask the gentleman if he will not make it five hours on a side?

Mr. DICKINSON. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. With pleasure.

Mr. DICKINSON. Is this contest so unusual that it requires a longer time than other contests, to the extent that it should last for two days instead of one?

Mr. GOLDFOGLE. The gentleman from Missouri, if he was listening, undoubtedly understood that the recollection of the gentleman from Illinois [Mr. MANN] and the recollection of myself were in perfect accord. I recall the contests of years ago. I remember contests arising from congressional districts in St. Louis and, I think, from this particular district in St. Louis, and each of them took two days.

Mr. DICKINSON. And the gentleman thinks this ought to take two days?

Mr. MANN. I think there has never been a case where they had less than five hours on a side.

Mr. PALMER. McLean against Bowman took a good deal less than that.

Mr. BRYAN. And the MacDonald case.

Mr. GOLDFOGLE. I desire to modify my request. I ask that the debate be limited to nine hours, one half the time to be controlled by myself, the other half to be controlled by the gentleman from Illinois [Mr. McKENZIE], and that when this House adjourns this afternoon it adjourn to meet to-morrow morning at 11 o'clock.

Mr. MANN. All right.

The SPEAKER. The gentleman from New York asks unanimous consent that the debate on this question be limited to nine hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. McKENZIE], and that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning. Is there objection?

Mr GARNER. Mr. Speaker, can we not have a gentleman's agreement that there will be no question raised as to a quorum during the debate.

Mr. MANN. Mr. Speaker, we did not make the point of no quorum this morning. No one can tell what may arise. We have no desire to be obstreperous about the matter. We are perfectly willing to have the debate go ahead.

Mr. FOSTER. I want to ask the gentleman from New York a question.

The SPEAKER. Does the gentleman yield?

Mr. GOLDFOGLE. I will yield.

Mr. FOSTER. Will the gentleman couple with that a request that the final vote come upon these resolutions before we adjourn to-morrow, so that this case may not go over until Saturday?

Mr. MANN. I do not think that would be proper. The House might want to adjourn for some reason. Some Member might die, or something.

Mr. FOSTER. Nobody would object under those circumstances.

Mr. MANN. You can not tell.

The SPEAKER. What does the gentleman from New York say to the request of the gentleman from Illinois [Mr. FOSTER]?

Mr. GOLDFOGLE. I want to say to the gentleman from Illinois that I am quite anxious that this case close to-morrow, and I am inclined to think from what I have heard that the other side are agreeable to that; but I do not know what may transpire, and do not like to bind myself.

Mr. FOSTER. If anything unusual should occur before that time comes to-morrow, there would be no trouble in arranging it.

Mr. MANN. But the House is quite able to sit here. It does not have to adjourn.

Mr. FOSTER. The gentleman from Illinois remembers that it is sometimes difficult to get a quorum and keep it here at night.

Mr. McKENZIE. Mr. Speaker, I hope my colleague will not insist on his suggestion. I can assure him that those of us on this side who have charge of this matter will not make points of no quorum and we will not obstruct the progress of this discussion in any way, and we will do our very best to bring this vote to-morrow afternoon.

Mr. FOSTER. With that understanding I shall not insist.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. GOLDFOGLE], that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning, this debate not to exceed nine hours, one half the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. McKENZIE].

There was no objection.

The SPEAKER. The gentleman from New York [Mr. GOLDFOGLE] is recognized for four and one-half hours.

Mr. GOLDFOGLE. Mr. Speaker, the contest in this case arises in the twelfth congressional district of the State of Missouri. That district is located in the city of St. Louis. It is composed of the fifth, sixth, seventh, sixteenth, and seventeenth wards and part of the fifteenth and twenty-third wards of that city.

There are no questions arising with regard to votes cast in the congressional district except only those in the fifth ward, and so we shall not be called upon to deal with any matter that relates to the congressional district outside of that ward.

At the election held in 1912 the returns from the entire congressional district gave to the contestee, Mr. Dyer, 11,981 votes and to the contestant, Michael J. Gill, 11,249 votes.

There are 17 election precincts in the fifth ward, and the conceded plurality for Gill in the territory outside of that ward was 636.

In those 17 precincts of the fifth ward the original returns gave to Mr. Dyer 2,213 and to Mr. Gill 815.

Some time after the returns were filed an application was made for a recount, and under the laws of Missouri a recount was had. That recount showed figures which indicated practically that the returns from at least seven precincts in the fifth ward were fraudulently made up. The recount gave Dyer a total of 2,009 and Gill a total of 994.

In the report of the committee, which I trust the Members have read, will be found a table showing the number of votes credited to the respective parties by the original returns and the number of votes credited to the respective parties by the recount in the several precincts. I propose now to confine my attention to the seven precincts that the committee, by a majority vote, found were tainted with fraud.

The second precinct gave to Dyer by the original return 199 and to Gill 5. On the recount it was ascertained that Dyer had only 106, while Gill had 73.

In the third precinct Dyer was credited with 67 and Gill with 49, while the recount showed that Dyer had 72 and Gill 82.

In the fourth precinct the original returns credited Dyer with 122 and Gill with 49, while the recount showed that Dyer had 110 and Gill 68.

Mr. BROCKSON. Will the gentleman yield?

Mr. GOLDFOGLE. Unless the gentleman has some very important question with reference to the precinct returns, I should prefer to continue stating the discrepancies between the original returns and the recount in these seven precincts.

Mr. BROCKSON. I consider it important; I do not know how the gentleman may consider it. I want to know if it appears in the hearings how these discrepancies occurred? For instance, the gentleman says one return showed 132, and on the recount it showed a little over 100.

Mr. GOLDFOGLE. I shall endeavor to discuss that phase at the proper time. In the fifth precinct the original returns gave Dyer 186 and Gill 23, while on the recount Dyer had 148 and Gill 57.

In the ninth precinct the returns gave Dyer 183 and Gill 3, while the recount gave to Dyer 139 and Gill 14.

In the fourteenth precinct the original returns show Dyer to have 148 votes and Gill 68, while the recount discloses that Dyer had only 128 and Gill 71.

So far as the seventeenth precinct is concerned, there was slight discrepancy, and I prefer to treat the seventeenth precinct by itself a little later on. Now, the great discrepancy in the figures, this great difference between the votes credited to the parties on the returns and on the recount, justified in connection with the other evidence, under the authorities applying to election cases, the rejection of the returns from these seven precincts. We find that all the Democratic and Republican judges of elections in the second precinct voted for Dyer. In the fourth precinct all the judges and clerks voted for Dyer. In the fifth precinct five judges and clerks voted for Dyer, and so in the ninth precinct. In the fourteenth district all the judges and clerks voted for Dyer, and in the seventeenth five of the judges and clerks voted for Dyer.

So that the committee find that in the precincts in which the committee found fraud to exist there was a combination between the Republican and the Democratic judges to make up the returns, as I have already stated to the House.

That is not all. The testimony shows that voters in these precincts, and the report mentions these voters by name, cast straight Democratic ballots, and when on the recount their ballots were examined, lo and behold, the name of Gill appears scratched and the name of Dyer inserted!

Now, that occurred in most of these precincts to which I have had reference. Picture, gentlemen, the Democratic and Republican judges combining and voting for the Republican candidate, making returns which on a recount were clearly shown to be false, and then, in connection with that, take the testimony that the committee found worthy of credence, showing

The result of the vote is as follows:

YEAS—39.

Brady	Cummins	Lewis	Shively
Brandegee	Gallinger	Lodge	Smith, Mich.
Bristow	Goff	McCumber	Smoot
Burleigh	Hollis	Martine, N. J.	Sterling
Burton	Hughes	Nelson	Thomas
Catron	Johnson	Norris	Thompson
Chilton	Kenyon	Page	Walsh
Clapp	Kern	Pomerene	Warren
Clark, Wyo.	La Follette	Lane	Weeks
Crawford	Lane	Saulsbury	

NAYS—24.

Bankhead	Lee, Md.	Reed	Smith, Ga.
Bryan	Newlands	Robinson	Smith, S. C.
Fletcher	Overman	Sheppard	Thornton
Gore	Owen	Shields	Vardaman
James	Pittman	Simmons	West
Lea, Tenn.	Ransdell	Smith, Ariz.	Williams

Mr. SHIVELY. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 19, 1914, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 18, 1914.

SURVEYOR GENERAL.

Henry Gerharz, of Billings, Mont., to be surveyor general of Montana, vice Jerome G. Locke, resigned.

RECEIVER OF PUBLIC MONEYS.

Francis H. Selhorst, of Glenwood Springs, Colo., to be receiver of public moneys at Glenwood Springs, Colo., vice William E. Wallace, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 16, 1914.

Charles Ford, of Illinois.
Albert Rotlid Goodman, of Oregon.
Leonard Knight Graves, of New York.
George Carleton Kilpatrick, of Florida.
Adolphus Alfred McDaniel, of Texas.
Mark Pearson Pentecost, of Georgia.
Marion Ernest Quina, of Florida.
Dalton Harris Trepagnier, of Louisiana.

APPOINTMENT AND PROMOTION IN THE NAVY.

Cecil S. O'Brien, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 9th day of June, 1914.

Gunner John J. Chausey to be a chief gunner in the Navy from the 3d day of February, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1914.

POSTMASTERS.

MICHIGAN.

N. D. Campbell, Gwinn.
George W. Manion, Alpena.

MISSISSIPPI.

Felicie L. Delmas, Pascagoula.

NEBRASKA.

Henry C. Burritt, Shelby.
R. W. Davis, Wolbach.
John C. Dullaghan, Rushville.
Lyman H. Eastman, Campbell.
Edward P. Griess, Sutton.
Ward C. Higley, Wauneta.
Arthur G. Schoeneck, Scribner.
Charles H. Short, Ainsworth.
Frances Wisner, Bayard.

NEW JERSEY.

Clarence D. Garis, Phillipsburg.
John J. O'Hanlon, South Orange.

VIRGINIA.

A. S. Hamilton, Warrenton.

WEST VIRGINIA.

Grover F. Hedges, Spencer.
W. E. Wood, Elk Horn.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 18, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We thank Thee, infinite spirit, our heavenly Father, for all the great and good men and women who, with unselfish devotion, guided by the light of heaven, have lived and wrought for the betterment of mankind and have stamped their characters upon the pillars of their respective ages.

Rich are we by inheritance, but we shall prove recreant to our trust if we do not increase and multiply our possessions in all that makes for righteousness, truth, and justice. Thus may we hear and obey the better angels of our nature and leave behind us something noble, something great, something that will live to bless mankind. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4577) to provide for the construction of four revenue cutters.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, had disagreed to amendment of the House to the amendment of the Senate No. 67, had agreed to a further conference asked for by the House, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate

The message also announced that the Senate had agreed to the amendment of the House to bill of the following title:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.;

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.; and

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 15279, the legislative, executive, and judicial appropriation bill, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are certain amendments to this bill which I think ought not to be agreed to without giving the House an opportunity to vote upon them if the Senate should insist upon them. They are: Amendment No. 1, which relates to mileage; amendment No. 20, which relates to purchase of automobiles; amendment 30, which

relates to mileage; also amendment 43, which relates to an assistant to the Secretary of State——

Mr. JOHNSON of South Carolina. Assistant to the Secretary of the Treasury, is it not?

Mr. MANN. To the Secretary of State; and amendment No. 48, which relates to an assistant to the Secretary of the Treasury. Amendment No. 78, which relates to increase of pay of the Commissioner of Internal Revenue; amendments 212, 220, and 234, relating to different matters, which I think ought not to be agreed to unless the House has an opportunity to vote upon them; and then there are certain amendments, Nos. 107 to 124, inclusive, as to assay offices, in which I am not specially interested, but I think certain gentlemen would like to have opportunity at some time to move to agree to those amendments.

Mr. JOHNSON of South Carolina. That is the Children's Bureau?

Mr. MANN. No; that is the assay offices.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say in response to the gentleman from Illinois that the House conferees would not feel justified in yielding to the Senate amendments with respect to mileage or to automobiles or to the new places created in the two departments, and the assay offices; but upon the amendments made by the Senate to the bill with respect to the Children's Bureau, I think that the judgment of the House was so clearly demonstrated in the passage of the bill through the House that it would be better to accept the Senate amendment, because it puts it in better shape than the House left it.

Mr. MANN. I entirely agree with the gentleman about that.

Mr. JOHNSON of South Carolina. And I will take this occasion to say that the Committee on Appropriations was governed by the law in bringing in the bill in the first instance and had no feeling about the matter and was not disposed to be niggardly toward the Children's Bureau; it was simply a construction of the law.

Mr. MANN. Well, among these amendments which I named by number, without describing what they were, was the one concerning commercial attachés to be appointed by the Secretary of Commerce, amendment No. 212, and the amendment increasing the rate of compensation for the annual rental for the building for the Department of Commerce. I think I would want to have a vote in the House on that if the Senate amendments were to be agreed to.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to say for the House conferees that it would not be our purpose to do otherwise than to carry out the wishes of the House on material amendments, but I do not want to bring back into the House every little difference between the two Houses, but where the matter is material, I think that we would like to have the judgment of the House.

Mr. MANN. Well, of course, we could get a vote on these amendments before going to conference.

Mr. JOHNSON of South Carolina. Certainly.

Mr. MANN. But I have no desire to obstruct the conferees.

Mr. JOHNSON of South Carolina. I will say that the item for commercial attachés was in the bill when it was first reported to the House, but it went out on a point of order. I think if there is any objection to the amendment at all, it is to that part of it which takes it out of the civil service and not to the provision making the appropriation.

Mr. MANN. Undoubtedly, I think that would be the point.

Mr. HARRISON. The gentleman does not understand the sentiment of the House is against this item of commercial attachés?

Mr. JOHNSON of South Carolina. I think the House is in favor of the appropriation, but there are Members who are opposed to taking the employees out of the civil service.

Mr. GARNER. We who are opposed to taking these people through the civil service were at first perfectly willing to have a vote on that proposition.

Mr. JOHNSON of South Carolina. I think I would like to have the judgment of the House on the amendment.

Mr. MANN. I think we ought to have the judgment of the House on amendment numbered 234, section 5, which is one of the amendments I named.

Mr. JOHNSON of South Carolina. That is in regard to the maintenance and upkeep of automobiles.

Mr. MANN. Well, automobiles or horse-drawn vehicles or anything else, except walking.

Mr. FOSTER. What number is that?

Mr. MANN. Two hundred and thirty-four; it is next to the last page.

Mr. GARNER. Is the gentleman from Illinois alarmed as to the ability of the present officials to get around over the District and take care of affairs without having automobiles or conveyances of any kind?

Mr. MANN. Well, this does not relate to District officials; it relates to everybody in the Government service and involves the question of the form of appropriation hereafter.

Mr. FOSTER. I think we ought to have a vote on that amendment.

Mr. JOHNSON of South Carolina. Those are all the matters the gentleman from Illinois [Mr. MANN] referred to, I believe, Mr. Speaker.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

Mr. JOHNSON of South Carolina. Certainly.

Mr. BARTLETT. There is an amendment, No. 176, which puts back into the bill an office that went out on a point of order, and a very useless office, too. It is that of Assistant Commissioner of Indian Affairs, who shall act as chief clerk.

Mr. JOHNSON of South Carolina. Do you want a separate vote on that?

Mr. BARTLETT. Yes.

Mr. COX. Mr. Speaker, the gentleman from Illinois mentioned one amendment, to which the gentleman from South Carolina [Mr. JOHNSON] did not respond, and that is as to the increase of the salary of the Commissioner of Internal Revenue. I take it, however, you would give the House an opportunity to vote on it?

Mr. JOHNSON of South Carolina. I did not notice that the gentleman from Illinois [Mr. MANN] referred to that particular amendment.

Mr. MANN. I did.

Mr. JOHNSON of South Carolina. I want to say, and I did say, in reply to the gentleman from Illinois [Mr. MANN] that I do not want to bring all the amendments back here. I want the conferees to make some progress, but wherever a matter is material I want the Members of the House to vote on them.

Mr. MANN. There are 235 amendments, and we have not enumerated many. We leave without question nearly everything to settle in the conference, if the conferees are able to do so.

Mr. JOHNSON of South Carolina. Anything that I find out the Members generally want to vote on I will bring back.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina [Mr. JOHNSON]? [After a pause.] The Chair hears none.

The SPEAKER announced the following conferees: Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD.

CONTESTED ELECTION CASE—MICHAEL J. GILL AGAINST L. C. DYER.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3 and agreeable to the announcement made by the Speaker some time ago, I call up the privileged report on the contested election case of Michael J. Gill against L. C. Dyer.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House Calendar No. 117. Michael J. Gill v. L. C. Dyer.

Mr. GOLDFOGLE. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point that there is no quorum present. The Chair will count. [After counting.] One hundred and sixty-one gentlemen are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adamson	Cantrill	Fess	Hardwick
Aiken	Carew	Fields	Hayes
Alney	Carlin	Finley	Henry
Anderson	Clark, Fla.	Fitzgerald	Hinds
Ansberry	Conry	Fordney	Hobson
Anthony	Copley	Freer	Hoxworth
Austin	Covington	Gallagher	Hughes, W. Va.
Avis	Crisp	Gallivan	Humphrey, Wash.
Bailey	Dale	Gardner	Humphreys, Miss.
Barnhart	Danforth	George	Jones
Bell, Ga.	Davenport	Gerry	Keister
Borland	Davis	Gillett	Kennedy, R. I.
Brodbeck	Decker	Glass	Kindel
Brown, N. Y.	Dickinson	Gordon	Kinkead, N. J.
Browne, Wis.	Dies	Gorman	Kitchin
Browning	Difenderfer	Goulden	Knowland, J. R.
Bruckner	Dooling	Greene, Vt.	Konop
Bulkley	Driscoll	Green	Korbly
Burke, Pa.	Dunn	Gritzner	Lafferty
Calder	Edwards	Hamill	La Follette
Callaway	Fairchild	Hamilton, N. Y.	Langham

NOMINATIONS.

Executive nominations received by the Senate June 18, 1914.

SURVEYOR GENERAL.

Henry Gerharz, of Billings, Mont., to be surveyor general of Montana, vice Jerome G. Locke, resigned.

RECEIVER OF PUBLIC MONEYS.

Francis H. Selhorst, of Glenwood Springs, Colo., to be receiver of public moneys at Glenwood Springs, Colo., vice William E. Wallace, term expired.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from June 16, 1914.

Charles Ford, of Illinois.
Albert Rotlid Goodman, of Oregon.
Leonard Knight Graves, of New York.
George Carleton Kilpatrick, of Florida.
Adolphus Alfred McDaniel, of Texas.
Mark Pearson Pentecost, of Georgia.
Marion Ernest Quina, of Florida.
Dalton Harris Trepagnier, of Louisiana.

APPOINTMENT AND PROMOTION IN THE NAVY.

Cecil S. O'Brien, a citizen of Indiana, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 9th day of June, 1914.

Gunner John J. Clausey to be a chief gunner in the Navy from the 3d day of February, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 18, 1914.

POSTMASTERS.

MICHIGAN.

N. D. Campbell, Gwinn.
George W. Manion, Alpena.

MISSISSIPPI.

Felicie L. Delmas, Pascagoula.

NEBRASKA.

Henry C. Burritt, Shelby.
R. W. Davis, Wolbach.
John C. Dullaghan, Rushville.
Lyman H. Eastman, Campbell.
Edward P. Griess, Sutton.
Ward C. Higley, Wauneta.
Arthur G. Schoeneck, Scribner.
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John J. O'Hanlon, South Orange.

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A. S. Hamilton, Warrenton.

WEST VIRGINIA.

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W. E. Wood, Elk Horn.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4377) to provide for the construction of four revenue cutters.

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The SPEAKER. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, to disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, there are certain amendments to this bill which I think ought not to be agreed to without giving the House an opportunity to vote upon them if the Senate should insist upon them. They are: Amendment No. 1, which relates to mileage; amendment No. 20, which relates to purchase of automobiles; amendment 30, which

nction he should take. He now overrules the point of order. It seems that the proposition contained in the amendment affects trust funds held by the Government as trustee, and they never can be used in any way without authority derived from Congress. The amendment is not objectionable on the ground that it is general legislation, because it is a kind of legislation necessary to make the trust effective by affording the trustee that permission that the sovereign alone can give. It is not general legislation in any sense. It is the kind of legislation that is necessary to give the consent of the sovereign trustee which controls the ultimate disposition of the trust fund. It is not objectionable under the fourth clause of Rule XVI, because it is an amendment that is to carry out the provisions of an existing law. The Chair will hold that the point of order is not well taken.

Mr. WILLIAMS. Then I offer the amendment which I have sent to the desk.

Mr. KENYON. Just for the sake of the RECORD——

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. KENYON. I do not expect to convince the Chair at all, but I should like to call the attention of the Chair to the fact that a similar provision was inserted in the Indian appropriation bill, as it has been each year, on February 25, 1913, as will be found in the CONGRESSIONAL RECORD, on page 4006.

Senator LODGE interposed a question of order against a similar provision on the appropriation bill of that year—that it was new legislation and not germane to the bill under the rules of the Senate. The question was submitted to the Senate, and by a vote of 57 to 34 it was decided that it was not in order on the bill. On June 18——

The PRESIDENT pro tempore. The question as to whether or not the amendment is germane to the bill is not for the decision of the Chair, but for that of the Senate. If the Senator insists upon the point that the amendment is not germane, that question must be submitted to the Senate.

Mr. KENYON. One further suggestion. On June 18, 1913, the Vice President—I assume it was the Vice President—held that a similar provision inserted in the Indian appropriation bill was not germane to the bill under the rules of the Senate. That is found in the CONGRESSIONAL RECORD of June 18, 1913, page 3386.

I ask that the question as to whether or not the amendment is germane be submitted to the Senate, if the Chair holds that it is proper.

The PRESIDENT pro tempore. It is proper. The Senator from Iowa having raised the question as to whether or not the amendment in question is germane to the bill, it becomes the duty of the Chair to submit the matter to the Senate.

Mr. NELSON. Let the paragraph be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the paragraph.

The SECRETARY. It is the paragraph commencing on page 77, line 18, and running down to line 10, on page 78.

Mr. GORE. Mr. President, my recollection is that on the last Indian appropriation bill that question was submitted to the Senate, and the Senate decided it was in order; that it was germane.

Mr. WILLIAMS. No; it was decided that it was not.

Mr. GORE. I think the Senator from Mississippi is mistaken.

Mr. WILLIAMS. I remember when this exact point was up.

Mr. OWEN. I have the matter here, if I may call the attention of the Chair to it. It was decided by the Vice President that the amendment was not germane, and there was no appeal taken to the Senate.

The PRESIDENT pro tempore. Under the rules of the Senate, the question as to whether or not any proposition is germane is exclusively for the decision of the Senate.

Mr. OWEN. A Senator has the right to appeal to the Senate on the question of whether or not an amendment is germane under the rules. I believe the Chair has so held.

The PRESIDENT pro tempore. The rule under which the Senate must proceed reads:

2. No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

If the present occupant of the chair could decide the question, he would do so in accord with what he thought was right. Having no jurisdiction to deal with it at all, the question is submitted to the only tribunal that can pass on it. The question is, Is the amendment germane to the bill? [Putting the question.] The noes appear to have it.

Mr. BORAH and Mr. OWEN called for a division.

The PRESIDENT pro tempore. A division is called for.

Mr. OWEN. I call for a quorum.

The PRESIDENT pro tempore. The Senator from Oklahoma suggests the absence of a quorum. The Chair doubts whether in the midst of taking a vote that can be done.

Mr. SMOOT. I think the call can not be made when the Senate is dividing.

The PRESIDENT pro tempore. That procedure need not be strictly adhered to unless we are bound to do it under some existing rule, and the Chair knows of no rule which requires it to be done. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Sterling
Borah	James	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Camden	Kenyon	Ransdell	Thornton
Catron	Lane	Reed	Tillman
Chamberlain	McCumber	Robinson	Townsend
Chilton	Martine, N. J.	Shafroth	Vardaman
Clapp	Myers	Shively	Warren
Clarke, Ark.	Nelson	Smith, Ga.	White
Crawford	Norris	Smith, Md.	Williams
Fletcher	O'Gorman	Smith, Mich.	
Gore	Overman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL], with whom I am paired, is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. The call of the roll discloses the absence of a quorum. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. POMERENE, Mr. LEE of Maryland, Mr. SHERMAN, Mr. SHEPPARD, Mr. SMITH of Arizona, Mr. STONE, Mr. BRISTOW, and Mr. BRADY entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present. Several Senators have come into the Chamber since the pending question was raised. The Chair will therefore restate it. Incidental to that, however, the Chair will ask the Secretary to read the item in dispute, which appears on page 77, beginning at line 18.

The SECRETARY. On page 77, after line 17, the committee propose to insert the following:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee Tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

The PRESIDENT pro tempore. The Senator from Iowa [Mr. KENYON] raises the question as to the relevancy of this amendment to the pending bill. Under the rules of the Senate all questions of relevancy of proposed amendments to a pending bill are to be submitted to the Senate and decided without debate. That question is now submitted to the Senate. [Putting the question.] The Chair is in doubt.

Mr. VARDAMAN. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], but I understand if he were present he would vote as I intend to vote. Therefore I will take the liberty of voting. I vote "yea."

Mr. JAMES. I transfer my general pair with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Illinois [Mr. LEWIS] and vote "yea."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA], which I transfer to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. SMITH of Arizona (when Mr. STONE's name was called). The Senator from Missouri [Mr. STONE] is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SHAFROTH (when the name of Mr. THOMAS was called). I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I inadvertently voted without stating my pair. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS], and allow my vote to stand.

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. CHAMBERLAIN. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from New Jersey [Mr. HUGHES], and vote "yea."

Mr. SMOOT. I desire to announce the following pairs:

The Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN], the Senator from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS], the Senator from Ohio [Mr. BURTON] with the Senator from Indiana [Mr. KERN], the Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS], the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], and the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY].

The result was announced—yeas 40, nays 15, as follows:

YEAS—40.

Ashurst	Gore	Norris	Sheppard
Bryan	Hitchcock	Overman	Shively
Camden	James	Owen	Smith, Ariz.
Catron	Johnson	Page	Smith, Ga.
Chamberlain	Jones	Perkins	Smith, Md.
Chilton	Lane	Pittman	Swanson
Clapp	Lee, Md.	Pomerene	Thornton
Clarke, Ark.	McCumber	Ransdell	Tillman
Dillingham	Martine, N. J.	Robinson	Warren
Fletcher	Myers	Shafroth	White

NAYS—15.

Borah	Kenyon	Smith, Mich.	Townsend
Brady	Nelson	Smoot	Vardaman
Bristow	Reed	Sterling	Williams
Crawford	Sherman	Sutherland	

NOT VOTING—41.

Bankhead	Goff	Martin, Va.	Stephenson
Brandegee	Gronna	Newlands	Stone
Burleigh	Hollis	O'Gorman	Thomas
Burton	Hughes	Oliver	Thompson
Clark, Wyo.	Kern	Penrose	Walsh
Colt	La Follette	Poindexter	Weeks
Culberson	Lea, Tenn.	Root	West
Cummins	Lewis	Saulsbury	Works
du Pont	Lippitt	Shields	
Fall	Lodge	Simmons	
Gallinger	McLean	Smith, S. C.	

So the Senate decided the amendment to be germane to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

Mr. WILLIAMS. I ask that the amendment to the amendment, which I have already sent to the desk, be stated.

The PRESIDENT pro tempore. The Senator from Mississippi proposes an amendment to the committee amendment, which the Secretary will state.

The SECRETARY. On page 78, line 10, after the word "Indians," it is proposed to amend the amendment by inserting the following proviso:

Provided, however, That the provisions of this act shall not be applicable to the members of the Choctaw and Chickasaw Nations in Oklahoma until Congress shall have determined the rights of the Mississippi Choctaws whose names do not appear upon the approved rolls of the Choctaws in Oklahoma and until such of said Mississippi Choctaws as shall be found entitled to enrollment have been placed upon the rolls of citizenship of the Choctaw Nation.

Mr. WILLIAMS. I ask that the words "and Chickasaw Nations" be stricken out and the word "Nation" inserted. I did not know they were in the amendment.

The PRESIDENT pro tempore. The Senator asks that his amendment to the amendment may be modified by striking therefrom the words "and Chickasaw Nations" and inserting "Nation." In the absence of objection, the amendment will be modified accordingly.

Mr. WILLIAMS. I wish to ask the Senator from Arizona in charge of the bill if he thinks we will probably finish the bill this afternoon before we go into executive session, because if he does not think so I should like to have this matter go over until to-morrow. I have a little neuralgia in one of my eyes, and I hope to feel better to-morrow; but if the Senator thinks we can finish the bill this evening I will go ahead.

Mr. ASHURST. In reply to the Senator from Mississippi, I will say that there is no possibility or hope of finishing the bill this afternoon.

Mr. WILLIAMS. Then I ask that the amendment go over until to-morrow.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. I yield.

Mr. GORE. I wish to state to the Senator from Mississippi that I desire to interpose a point of order against the amendment which he has just offered, and possibly that might obviate any necessity of debate.

Mr. WILLIAMS. The point of order can go over with the amendment. Let the point of order be considered as entered, and let the entire matter go over until to-morrow.

Mr. GORE. I am perfectly willing that that course be pursued, if it will accommodate the Senator.

The PRESIDENT pro tempore. Without objection, the consideration of the amendment will be postponed until to-morrow. The Chair hears none, and it is so ordered.

Mr. REED. If it is not objectionable to the Senator in charge of the bill, I should like to move an executive session at this time in order that we may have time enough to transact pending executive business.

Mr. ASHURST. Very well.

EXECUTIVE SESSION.

Mr. REED. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 15 minutes spent in executive session the doors were reopened.

LEGISLATIVE APPROPRIATIONS.

The PRESIDING OFFICER (Mr. POMERENE in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. MARTIN of Virginia, Mr. OVERMAN, and Mr. WARREN conferees on the part of the Senate.

HOUSE BILL AND JOINT RESOLUTION REFERRED.

H. R. 15578. An act to codify, revise, and amend the laws relating to the judiciary, was read twice by its title and referred to the Committee on the Revision of the Laws.

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914, was read twice by its title and referred to the Committee on Pensions.

CONFIRMATION OF ROBERT H. TERRELL.

Mr. GORE. I ask that the injunction of secrecy be removed from my vote cast on the confirmation of Robert H. Terrell to be a judge in the municipal court.

The PRESIDING OFFICER. Without objection, the request of the Senator from Oklahoma will be granted.

Mr. WILLIAMS. I ask that the injunction of secrecy be removed from my vote cast on the confirmation of Judge Terrell.

Mr. JONES. I ask unanimous consent that the injunction of secrecy be removed from the vote of the Senate taken April 24, 1914, on the confirmation of Robert H. Terrell to be a judge of the Municipal Court of the District of Columbia, and that the vote be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWNSEND. Mr. President, I was in hopes that the Senator from Vermont would not raise that point. It will make it necessary for me to oppose wherever possible any distribution of the fund or any portion of the fund of this tribe of Indians. Here are some Indians who were found by the agents of the department to be entitled to enrollment. Their names were not acted upon before the times fixed by the statute for the closing of the rolls. They were on their way to the department; they were entitled to recognition; and they are as legally or as morally entitled to go on the rolls as the names that were on them. It was agreed when this and similar matters were before the committee that those names which had been certified as being entitled to enrollment and reported by Mr. Pollock——

Mr. CRAWFORD. Will the Senator permit me? The Senator is talking about the enrollment of Indians as members of the Five Civilized Tribes of Indians on page 72.

Mr. TOWNSEND. It is a part of the Five Civilized Tribes. It is one tribe, the Creek Nation. The Senator from Vermont has made a point of order which applies directly to the Creeks.

Mr. CRAWFORD. Are they those who were on their way?

Mr. TOWNSEND. Many of those were on their way to the department and were entitled to the enrollment.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Vermont?

Mr. TOWNSEND. Certainly.

Mr. PAGE. I am in entire accord with what the Senator from Michigan has just stated. I believe that the enrollment should be completed by the addition of further names, and if that enrollment is completed it is very doubtful whether the sum of $800 will be left for distribution to each one. That being the case and because of the very reasons the Senator has stated, I think we should not legislate at this time to appropriate the $800.

Mr. TOWNSEND. Mr. President, it was shown before the committee that there are funds sufficient, but if there are not sufficient funds for that purpose it is all the more reason why there should be no further distribution of the funds of this or any other tribe so long as there is an incomplete enrollment. The time will come, in my judgment, when some of the gentlemen—not in the Senate, but attorneys outside—who are now interested in closing the rolls and keeping these men off will be quite as active in pressing bills before the Senate asking that the Indians who have been kept off the rolls shall be given what they are legally, or at least equitably, entitled to.

I do not care to open these rolls; I have tried to avoid that as best I could, but I have felt since I have been a member of the Committee on Indian Affairs that these Indians should be cared for.

As I said, it was agreed before the committee, as I understood it, that if these designated Indians whose title had been passed upon and recommended by the agents of the department as entitled to enrollment could go on this list and share in the distribution of the tribal funds as they were given out from time to time, at least the apparent defect in the enrollment would be cured, because, I repeat, these names have been passed upon by the department, and simply through the fact that the day fixed by statute passed while some of these names were already in the department but before they could be acted upon, these men ought not to be defrauded of their rights to this division of the tribal funds.

I say I am sorry the Senator from Vermont felt it was necessary to make the point of order against this item, because I am very confident that if it was known that these names were not going on the list there would have been no distribution of tribal funds. It seems to me it is quite time that we had this matter settled properly and equitably.

The PRESIDENT pro tempore. The Chair, as at present advised, is inclined to believe that the matter from line 6 to line 10 is separable from the preceding matter. It reads:

The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated—

Referring, of course, to that which has gone before—

the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.

Mr. OWEN. Mr. President, I have in my hand the document referred to, containing a letter of April 24, 1914, from the office of the Secretary of the Interior, to this effect:

DEPARTMENT OF THE INTERIOR,
Washington, April 24, 1914.

Hon. ROBERT L. OWEN,
United States Senate.

MY DEAR SENATOR: In response to your request of April 22, I am inclosing herewith a list of the names of persons who, upon the investigation heretofore made, have been found apparently equitably entitled to enrollment on the rolls of the various tribes composing the Five Civilized Tribes of Oklahoma. The data as to each of these names have heretofore been submitted to the Committee on Indian Affairs of the Senate, and may be found in Senate Document No. 1139, Sixty-third Congress, third session.

This list contains the names of all those whom the department has found equitably entitled to enrollment, omitting, as suggested, the names of new-born Choctaw freedmen.

Very truly, yours,
A. A. JONES,
First Assistant Secretary.

In the Choctaw and Chickasaw country there is quite a large number of claims, four or five thousand—I do not know the number—varying according to the estimates that are made. In the Choctaw and Chickasaw country that contention has been raised, but as far as these people are concerned, since the department has found them entitled, and since the attorneys representing the United States are willing to have them enrolled, I should not think anyone would agree to have these people kept off when they have the right to be enrolled. I hope the Senator from Vermont will not press his point of order.

Mr. PAGE. Mr. President, I am not objecting to any enrollment that the department thinks ought to be made. The point I make is this: We provide here for the payment of $800 to each such person. I will read the provision at line 25, on page 72:

The sum of $800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he—

The Commissioner of Indian Affairs—

may prescribe.

I have been informed by those who have made a study of this matter—and perhaps I may say that in the last Congress a very valuable member of the Committee on Indian Affairs, who is now away, discussed this matter somewhat at length—and the information I have is that there is, in addition to the names referred to in Document No. 478, just referred to by the Senator from Oklahoma, another large number who claim to be entitled to allotments.

I confess my mind is not very clear in regard to the different Indian nations in Oklahoma; but if we are to make an appropriation of a certain sum, it seems to me we ought to safeguard the Treasury so that later on, if there are so many added allottees, it will not make the sum in the Treasury belonging to the tribe insufficient and the Federal Treasury be obliged to take funds not belonging to the Indians. I say I think we ought to safeguard the Treasury against that possibility.

At present I am not sufficiently conversant with the facts to say that we do that under this bill. Indeed, I rather think we do not do it. That was my purpose in raising the point of order.

I do not want, in any event, to take issue with the Senator from Michigan [Mr. TOWNSEND] about this matter, because he and I have thought very nearly alike in all the hearings and consideration of the bill in the committee. If he says that, in his judgment, I ought to withdraw the point of order, I am rather inclined to do it, although I wish I might have some further light before I consent to withdraw it.

The PRESIDENT pro tempore. It will be necessary for the Chair to know whether the Senator withdraws the point of order before he knows what action to take.

Mr. TOWNSEND. I will say to the Senator from Vermont there can be no possible question, if the information which has been presented to the committee is correct as to the condition of the treasury of this tribe, that the tribe will have something over $2,000,000 when this payment has been made. That at least has been the testimony. I had no thought that this question could possibly have been raised. It was not stated before the committee.

Mr. PAGE. I withdraw the point of order.

Mr. STERLING. Mr. President, there seems to me some uncertainty among Senators in regard to the wisdom of this proposed legislation. The Senator from Michigan, I understand, is not quite satisfied as to the provision, and although the Senator from Vermont has withdrawn the point of order, I renew it. I make the point of order that it is general legislation.

Mr. OWEN. I hope the Senator from South Dakota will withhold the point of order until we can further consider it. I ask that we pass over the amendment for the present.

The PRESIDENT pro tempore. That request is addressed entirely to the Senator from South Dakota. It is subject to what he says.

Mr. OWEN. Will the Senator from South Dakota consent to pass it over for the present?

Mr. STERLING. I will consent to that course.

The PRESIDENT pro tempore. The item will be passed over at the request of the Senator from Oklahoma and with the consent of the Senator from South Dakota. Does that include

raised before the commission appointed to arbitrate and make year ending June 30, 1915: *Provided*, That this appropriation shall not

of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements

on page 73, may be wise legislation, and I do not care to make a point against those six lines. I think they are independent.

all the matter which appears in the bill from line 11, on page 72, down to and including line 26, on page 75?

Mr. TOWNSEND. Yes, sir.

The PRESIDENT pro tempore. The whole amendment will be passed over.

Mr. NELSON. I understood the objection was limited by the Senator from Vermont, and, in the first instance, it extended down to line 5, on page 73, and that the rest is undisposed of.

Mr. PAGE. I gave notice that I would raise the point of order as to the balance of the amendment from line 11, on page 73, to line 26, on page 75, and I give notice that I will do that when we return to the amendment, unless I have some light that I do not have now.

Mr. WILLIAMS. Mr. President, a parliamentary inquiry. I want to know how much has been passed over, because I have an amendment which I wish to offer.

The PRESIDENT pro tempore. To this matter?

Mr. WILLIAMS. Yes; and I want to see whether that part is included in the point of order.

The PRESIDENT pro tempore. To what extent does the Senator intend that his point of order shall apply? All the matter which appears from page 72, line 11, down to and including line 26, on page 75, seems to be associated and covers the same general topic. Is the point of order directed against the whole provision?

Mr. STERLING. Yes, sir.

Mr. WILLIAMS. That being the case, I desire to offer an amendment and let it be pending and go over with the entire subject matter.

The PRESIDENT pro tempore. The Chair has not passed on the point of order, but the amendment to the amendment can be entertained.

Mr. WILLIAMS. I want to offer it now and have it read and pending at the proper place, and I will let it go over with the entire subject matter to which it refers.

The PRESIDENT pro tempore. The amendment to the amendment will be read.

The SECRETARY. At the end of line 10, page 73, the Senator from Mississippi [Mr. WILLIAMS] proposes to insert the following proviso:

Provided, That the Secretary of the Interior is further authorized and directed to enroll on said citizenship rolls all persons identified as Mississippi Choctaws by the Commission to the Five Civilized Tribes under the provisions of section 21 of the act of Congress approved June 28, 1898, in the roll and report of said commission dated March 10, 1899, and in subsequent reports of said commission, which persons have not heretofore been finally enrolled; and he shall also enroll all full-blood Mississippi Choctaws not heretofore enrolled, and all persons who may satisfactorily establish their rights as descendants of Choctaws to whom privileges were guaranteed by the provisions of articles 14 and 19 of the treaty of 1830, known as the "Treaty of Dancing Rabbit Creek."

The PRESIDENT pro tempore. The amendment to the amendment will lie on the table until we reach the amendment of the committee in the further consideration of the bill. The next amendment will be stated.

The next amendment was, on page 77, after line 4, to insert:

That the Commissioner of Indian Affairs is hereby authorized to permit the principal chief of the Creek Nation to call a special session of the national council of said nation, and for said purpose there is hereby appropriated, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of $10,000, or so much thereof as may be necessary, to pay the mileage and per diem of members and other incidental expenses of such council meeting upon the approval of the Commissioner of Indian Affairs: *Provided*, That the Commissioner of Indian Affairs shall fix the time for calling said session of the council, the length of time said council may remain in session, and the amount that shall be allowed members attending.

The amendment was agreed to.

The next amendment was, on page 77, after line 17, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to make a per capita payment to the enrolled members of the Choctaw, Chickasaw, and Cherokee tribes of Indians of Oklahoma entitled under existing law to share in the funds of their respective tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, said payment not to exceed, in the case of the Choctaws and Chickasaws, $100 per capita, and in the case of the Cherokees, not to exceed $15 per capita, and all said payments to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

Mr. KENYON. I think this amendment is subject to the same point of order that was made by the Senator from South Dakota [Mr. STERLING], but I should like to have some explanation of it.

The PRESIDENT pro tempore. Is there any Senator who is inclined to enlighten the Senator from Iowa?

Mr. OWEN. Mr. President, the Five Civilized Tribes made agreements with the United States which took the form finally

of statutes of the United States. They passed as statutes with the Choctaws, Chickasaws, Creeks, and Cherokees. Under that statute provision it was agreed that as these funds arose from the sale of their lands they should be distributed. There is only about $50 left to be distributed to the Cherokees. In the case of the Choctaws and Chickasaws they have property undistributed that will probably amount to between $35,000,000 and $40,000,000—a very large sum. There are, I suppose, about 30,000 of the Choctaws and Chickasaws, and at $100 apiece it would take about $3,000,000. If there were allowed the claims of those now demanding the reopening of the rolls, even to the extent of three or four or five thousand people, it would make no substantial difference, because there will be an abundant Choctaw and Chickasaw fund to meet any of such claims.

Mr. KENYON. Are there not a large number who are seeking to have the rolls reopened?

Mr. OWEN. Yes.

Mr. KENYON. Then, if there was not enough money for their share, that would become a claim against the Government?

Mr. OWEN. There is enough for any claim that they might have. That is what I was explaining to the Senator. The Senator from Michigan [Mr. TOWNSEND] knows the amount, and he knows the number of Choctaws and Chickasaws, being very familiar with the matter.

Mr. KENYON. It occurred to me that in all these provisions there is that danger if the rolls should be opened.

Mr. OWEN. The rolls never will be opened; never in the world.

Mr. KENYON. There are a good many people who think they will be.

Mr. OWEN. I know they have that apprehension, but they will never be opened.

Mr. KENYON. There are a good many Indians trying to have them opened.

Mr. OWEN. There are a good many people claiming that they should be opened, and who are trying to do it through their attorneys.

The statutes requiring the distribution of this fund to these people are very plain. This amendment is merely carrying out an existing law, and in pursuance of existing law these funds pass into the Treasury of the United States as trust funds and can not be disposed of except by consent of Congress. So Congress must direct the distributions that are made.

It therefore would not be subject to a point of order, as the other items are obviously subject to a point of order. Being in pursuance of a statute law and carrying out an existing agreement with the Indians, under the statute law it is not, I take it, subject to a point of order.

Mr. WILLIAMS. To what statute does the Senator refer?

Mr. OWEN. I refer to the statute of 1902.

Mr. KENYON. I will make the point of order that the provision commencing with line 18, page 77, and extending to line 11, page 78, is new legislation, and that it is not germane to the subject of this bill.

Mr. TOWNSEND. Mr. President, I should like to ask to have this item passed over temporarily. I am perfectly willing that it shall be disposed of this afternoon if the Oklahoma items are disposed of, but it will make some difference with me as to what is done with certain other items, because I think they are all related. I therefore ask that this item be passed now without a decision of the question raised.

Mr. OWEN. I shall be glad to have it passed over.

Mr. WILLIAMS. Before that is done, I have an amendment which I want to offer as a proviso.

The PRESIDENT pro tempore. This practice of reserving matters for future consideration is becoming a real evil. It ought not to be extended to the present situation. The Chair does not see any reason for withholding to a future day a decision on the point of order raised by the Senator from Iowa.

Mr. WILLIAMS. I expect that point of order will have to be argued to some extent.

The PRESIDENT pro tempore. That depends on whether there is an appeal from the decision of the Chair. This appeal may be argued, but there is no great danger of consuming much time in arguing the point of order itself.

Mr. WILLIAMS. I mean, if the Chair wants some enlightenment a whole lot of Senators are prepared to try to give it to him under the exercise of a wise discretion of the Chair which permits discussion. But before entertaining the request of the Senator from Michigan, what I rose for is to offer an amendment which is connected with the matter which he wants to have passed over. I ask that it be read and go over with the subject matter.

The PRESIDENT pro tempore. The Chair is not disposed to invite debate on the point of order to remove doubts as to what

This legislation has been before Congress for many years. It was before every Congress between the Forty-eighth and the Fifty-fourth Congress inclusive of those two Congresses. It has been reported on favorably by House committees four different times. A bill making a direct appropriation for the payment of the award has passed the Senate five times. It seems to me it has been determined here often enough that the United States owes this just debt, and surely the least Congress can do is, as provided by the proposed legislation, to let the Court of Claims determine the justice and the equity of the matter.

I wish to call attention to the report of the House committee on this bill, made in January, 1913, and to a few statements contained in that report. The House committee says:

> This judgment or award, final and conclusive under the treaty and binding upon all parties, has never been paid. The doctrine of res adjudicata clearly applies to this award, whether considered from a judicial, executive, or legislative point of view. That doctrine amounts simply to this, that a cause of action once finally determined between the parties on the merits by a competent tribunal can not afterwards be litigated by a new proceeding either before the same or any other tribunal (100 Mass., 409); it is a general principle that a decision by a court of competent jurisdiction of matters put in issue by the pleadings is binding and conclusive upon all other courts of concurrent power and between the parties and their privies (168 U. S., 48); and it is a principle of public policy as well as a matter of private right (34 N. J. Eq., 535).
>
> The rate of interest fixed in the bill, namely, 5 per cent per annum, is the same rate allowed the Cherokee Nation on its claims against the United States Government, arising in part out of the same treaty, by the Supreme Court of the United States in Cherokee Nation v. United States (202 U. S., 101), wherein the court allowed interest from the date the Government took the property of the Cherokee Nation.
>
> The United States was a party to the treaty. It guaranteed fulfilment of the treaty provisions. The commission was appointed pursuant to the terms of the treaty. The award was regularly made. By the terms of the treaty it was a finality. The Government of the United States can not now shirk its responsibility, particularly as two Secretaries of the Interior—the officer of this Government whose duty it is to supervise such matters, and men whose legal ability and fairness all men must concede—examined into the award with care and approved it in all respects. The Government of the United States is in honor bound to see that this award is paid.

I wish to say that I myself, before presenting a bill for an appropriation to pay this award, something more than a year ago, investigated the evidence thoroughly, and from the investigation made I think the findings of the Secretaries of the Interior fully justified.

The report further says:

> There has been no negligence on the part of the claimants in prosecuting their claim. They are not in fault. The delay in the payment of the award has been due to the failure of the House of Representatives to concur in legislation directing its payment, which has frequently come before it for action. On account of the long delay, for which Congress alone is responsible, your committee urges action at this session in order that the beneficiaries—Cherokee Indians—who have already waited for justice at our hands for many years, may no longer be subjected to the injustice which they have so long endured.

Mr. President, this matter ought not to be required to go to the Court of Claims. It ought to be settled, after this long delay and after this long course of injustice on the part of the United States, as against these heirs. It ought to be settled by a direct appropriation of so much money to pay the claim. The committee, however, has seen fit to provide for its reference to the Court of Claims, and it seems to me that is the very least we can do.

I hope the point of order will not be insisted upon.

Mr. GORE. Mr. President, I entirely agree with the Senator that this claim has been presented to Congress time and time again. The Chair has heard me discuss this proposition, I think, every session since I came to the Senate, and undoubtedly to his heart's discontent.

The original treaty under which this claim is sought to be presented provided that claims on the part of Western Cherokees could be presented. John W. West was an Eastern Cherokee. His brother, Buford West, was a Western Cherokee. John W. West never had any right even to start to present a claim of this character. He was disqualified under the express terms of the treaty. It granted permission to Western Cherokees to present claims. John W. West was an Eastern Cherokee. He never had any right in court or in Congress. This is one of those persistent claims that drags itself into the Senate whenever the Indian appropriation bill comes up for consideration.

The pending amendment undertakes to confer jurisdiction upon the Court of Claims to determine the rights in the premises. I have made a thorough investigation of the matter, and I do not think John W. West has any rights. I do not think he has any right to be heard, because the treaty was unequivocal in its terms.

Mr. STERLING. Permit me to say that these questions were raised before the commission appointed to arbitrate and make an award, and were again urged before the Secretaries of the Interior. It seems to me that ought to be decisive.

Mr. GORE. Mr. President, I ought to have said that John W. West's descendants qualified and drew their portion of the money as Eastern Cherokees.

The PRESIDENT pro tempore. The Senator from South Dakota makes a much stronger case in his argument than is made by the amendment. The amendment treats this as an unliquidated demand, and proposes to confer jurisdiction upon the Court of Claims to adjudicate the fact of liability and the extent of it. The amendment also waives the statute of limitations in this instance, and is obviously subject to the point of order that it is general legislation and a provision for the payment of an unliquidated private claim, as well, in violation of clause 4 of Rule XVI. If the claimant had proceeded upon his original award made under the authority of the existing statute in presenting his claim against this particular tribe of Indians, whose funds are held and controlled by the United States, the matter might present a different aspect and raise a different question.

Subdivision 4 of Rule XVI says:

> No amendment the object of which is to provide for a private claim shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

In the form in which it appears in the bill the amendment is subject to a point of order.

Mr. STERLING. I simply wish to suggest, before the President pro tempore rules, that the bill contemplates an appropriation for the payment of any judgment that may be rendered by the Court of Claims.

The PRESIDENT pro tempore. That is the very point. The claimant abandons the adjudicated claim and turns it over to the court to decide upon the equities of the matter, whether or not the first adjudication was right. He asserts his claim at large, as the lawyers say, reopens the whole thing, and makes a mere claim out of what otherwise would be an adjudication.

In the form in which it appears in the bill the item is subject to a point of order, and the point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 10, after the word "improvements," to strike out "$7,000" and insert "$15,000," and in line 11, after "$15,000," to strike out "in all, $12,000," and insert "in all, $50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements," so as to make the clause read:

> For the support, continuance, and maintenance of the Cherokee Orphan Training School, near Tahlequah, Okla., for the orphan Indian children of the Five Civilized Tribes belonging to the restricted class, to be conducted as an industrial school under the direction of the Secretary of the Interior, $35,000; for repairs and improvements, $15,000; in all, $50,000: *Provided*, That any unexpended funds heretofore appropriated for this school for the fiscal year 1914 may be used during said year for the purchase of additional land, not to exceed 80 acres, repairs, and improvements.

Mr. SMOOT. Mr. President, I should like to ask the Senator what additional land is necessary? Where is the 80 additional acres of land located that they speak of purchasing?

Mr. OWEN. It is right near the school. They have only 40 acres, I believe, and they want to get 80 acres more, so as to have gardens adjacent to the school. It is outside of the 40 acres reserved.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. On line 16, page 68, after the figures "$275,000," obviously there is an error in the bill. The words "is hereby appropriated" should be inserted, so that it will read:

> The sum of $275,000 is hereby appropriated—

And so forth. I move that amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On line 16, after the numerals "$275,000," it is proposed to insert "is hereby appropriated."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 68, line 19, after the word "Chickasaw," to insert "Quapaw," so as to make the clause read:

> The sum of $275,000, to be expended in the discretion of the Secretary of the Interior, under rules and regulations to be prescribed by him, in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, Quapaw, and Seminole Nations in Oklahoma, during the fiscal year ending June 30, 1915: *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act limiting the expenditure of money to educate children of less than one-fourth Indian blood.

Mr. GORE. I move—and I assume the Senator from Arizona will accept the amendment—that the word "Quapaw," in line 19, page 68, be stricken out, and that after the word "Nations," in line 20, the words "and the Quapaw Agency" be inserted.

The words "Quapaw Nation" do not describe the community in question. The official designation is "Quapaw Agency."

The PRESIDENT pro tempore. The question, first, is on the amendment proposed by the committee.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will now state the amendment proposed by the Senator from Oklahoma.

The SECRETARY. After the words "Seminole Nations," in line 20, page 68, it is proposed to insert "and the Quapaw Agency."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 69, to insert:

> That section 9 of the act of May 27, 1908 (35 Stat. L., p. 312), be, and the same is hereby, amended as follows: By adding, after the word "allottee" in line 6 of said section, the following: "*Provided*, That no sale of inherited lands by heirs who are full-blood Indians shall be approved by the judge of the county court without giving at least three weeks' notice in some newspaper of general circulation published and printed in the county in which said land is situated that an application for such sale is pending, a copy of which notice shall be sent by registered mail at least three weeks before such sale is made to the United States Indian superintendent at Muskogee: *Provided further*, That upon the day fixed for such sale the judge of the county court may, in his discretion, accept the highest bid offered for such land and approve a conveyance by the heirs to such purchaser, or refuse to accept any bid offered: *Provided further*, That upon the approval of any sale of inherited land by full-blood heirs the judge of the county court shall require the purchase price to be paid into court or to the United States Indian superintendent, and such officers shall jointly supervise and control the proceeds derived from such sale of such land and shall pay the same to the heirs in such amounts, at such times, and under such rules and regulations as they may prescribe: *Provided further*, That the judge of the county court and the United States Indian superintendent shall have power and authority to expend such funds in the improvement of the lands of such heirs, in the purchase of stock or farming implements, or for such other use or purpose as they deem most beneficial to such heirs."

Mr. OWEN. Mr. President, I find that there is serious objection on the part of the people of Oklahoma to that item. I moved it myself in the first place in the committee, and, with the consent of the chairman, I make a point of order against it.

The PRESIDENT pro tempore. What matter does the Senator intend to include in his point of order?

Mr. OWEN. The matter beginning on line 1, page 69, and going down to and including line 5 on page 70.

The PRESIDENT pro tempore. Does the chairman of the committee desire to be heard on the point of order?

Mr. ASHURST. I do not, Mr. President.

The PRESIDENT pro tempore. On what ground does the Senator make the point of order?

Mr. OWEN. On the ground that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. SMOOT. I should like to ask the Senator having the bill in charge if that provision has met the approval of the Commissioner of Indian Affairs.

Mr. OWEN. It has.

Mr. ASHURST. It has, Mr. President.

Mr. OWEN. I move to strike out the word "also," in line 25, and to insert "hereby."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, page 70, line 25, before the word "appropriated," strike out "also" and insert "hereby."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 71, line 11, after the word "property," to insert "including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That $10,000 of the amount above appropriated shall be immediately available," so as to read:

> That the Secretary of the Interior be, and he is hereby, authorized to use not exceeding $40,000 of the proceeds of sales of unallotted lands and other tribal property belonging to any of the Five Civilized Tribes for payment of salaries of employees and other expenses of advertising and sale in connection with the further sales of such tribal lands and property, including the advertising and sale of the land within the segregated coal and asphalt area of the Choctaw and Chickasaw Nations, or of the surface thereof as provided for in the act of Congress approved February 19, 1912 (37 U. S. Stat. L., p. 67), and of the improvements thereon: *Provided*, That $10,000 of the amount above appropriated shall be immediately available: *Provided further*, That not to exceed $10,000 of such amount may be used in connection with the collection of rents of unallotted lands and tribal buildings.

Mr. PAGE. Commencing on page 72, line 12, that is legislation which I do not think ought to be enacted at this time.

The PRESIDENT pro tempore. We have not reached that yet. We have not passed upon the particular amendment before the Senate.

Mr. PAGE. I wish to give notice now that after that amendment has been read I shall raise a point of order, and I should like to have the Chair give especial attention to the reading so as to decide on the point of order when the Secretary has concluded the reading of the amendment, commencing at line 11, on page 72, and concluding at line 26, on page 75.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting line 12 to line 19 on page 71.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 72, after line 10, to insert:

> That the Commissioner of Indian Affairs is hereby authorized and directed to consider and determine the claims to enrollment as citizens of the Creek (Muskogee) Nation of Indians of the 64 persons whose names are contained in the list prepared by W. C. Pollock, assistant attorney for the Interior Department, bearing date of January 15, 1912, and which names appear in Senate Document No. 1120, Sixty-second Congress, third session, at pages 45 to 52, inclusive; and the said Commissioner of Indian Affairs is directed to enroll all such persons as he may adjudge to be citizens of the Creek Nation, and when so enrolled there shall be paid to each and every such person, out of any funds in the Treasury of the United States to the credit of the Creek Nation, the sum of $800 in lieu of an allotment of land, said payment to be subject to such restrictions, rules, and regulations as he may prescribe, and hereafter such enrolled citizens shall share alike with all other citizens of the said nation in the distribution of tribal funds, and shall be entitled to all other benefits accruing to the members of said tribe.
>
> The Secretary of the Interior is hereby authorized to enroll on the proper respective rolls of the Five Civilized Tribes, as indicated, the persons enumerated in Senate Document No. 478, Sixty-third Congress, second session.
>
> That to carry into effect the agreement between the United States and the Muskogee (Creek) Nation of Indians ratified by act of Congress approved March 1, 1901 (31 Stats., p. 861), and the supplemental agreement of June 30, 1902 (32 Stats., p. 500), and other laws and treaties providing for a minimum allotment to each Creek citizen whose name has been placed on the roll by the Government of the United States under authority of said agreements and laws, of the standard value of $1,040; and in order that the claim of said citizens of the Creek Nation who have received allotments in land and money of a less value than the standard allotment of 160 acres of the standard value of $1,040 might be determined and finally adjudicated, jurisdiction is hereby conferred, upon the Court of Claims, with right of appeal as in other cases, to hear, determine, and render final judgment against the United States for such amount, if any, as may be found due by the United States, and as may be necessary to equalize all of such allotments up to the treaty standard value of allotments of $1,040; also to hear, determine, and render final judgment, with right of appeal as herein provided, in the matter of the claim of the Muskogee (Creek) Nation against the United States based on alleged errors in the survey of the boundary of said nation, and any other Creek lands in townships 11 and 12 north, range 6 east, that may have been erroneously taken and disposed of by the United States without compensation therefor; and the actions herein authorized may be brought in the name of the Muskogee (Creek) Nation and against the United States. Said suits shall be begun by petitions filed within six months after the approval of this act, which petitions shall be verified by the principal chief of said nation or the national attorney for said nation, and said suit or suits shall be prosecuted by the national attorney for the Creek Nation and by attorney or attorneys, if any, employed by said nation or tribe, or its duly authorized representatives or individual members of said tribe, to prosecute said claims: *Provided*, That no attorney shall be authorized to represent said nation, or individual members of said nation, by reason of any contract or agreement made with the tribe or members thereof unless such contract of employment shall have been, subsequent to the passage of this act, approved by the Commissioner of Indian Affairs and the Secretary of the Interior: *And provided further*, That in the event of the employment of additional attorneys, as herein set out, the said attorney or attorneys shall not be paid out of any funds now to the credit of the Creek Nation, but his or their fee shall be fixed by the Commissioner of Indian Affairs and the Secretary of the Interior after final judgment, but in no event to exceed $15,000 in each case and in event of a recovery, and shall then be taxed and paid as other costs of the actions in which such attorney or attorneys may be authorized to appear.
>
> The money accruing under any judgment or judgments rendered under this act shall be distributed by the Secretary of the Interior to the persons entitled to participate therein under such rules and regulations as he may prescribe, payment to minors and restricted Indians to be subject to the conditions affecting the payments of funds derived from the sale of restricted lands. To effect a speedy settlement of the affairs of the Creek Nation said suits shall be advanced for hearing by the Court of Claims and by the Supreme Court if the same shall be appealed.

Mr. PAGE. At this point I raise a point of order on the part of the amendment from line 11, on page 72, to line 5, on page 73, ending with the words "accruing to the members of said tribe." I think it is general legislation.

The PRESIDENT pro tempore. The whole amendment is an entire proposition, is it not?

Mr. PAGE. I think the lines following, from line 6 to line 10, on page 73, may be wise legislation, and I do not care to make a point against those six lines. I think they are independent.

Mr. CRAWFORD. I am going to do this—and I am not going to do it with this particular case in view, but I am going to do it in order to emphasize the fact that we are outrageously unfair in these cases. I am going to make a point of order against the amendment unless the amount is cut down to $2,000.

Mr. OWEN. Then I will move that it be cut down to $2,000.

Mr. CLAPP. I suggest that the Senator from South Dakota, instead of putting it in the alternative, move, first, to amend by striking out $5,000 and inserting $2,000, and if it is not amended the point of order can be made.

Mr. CRAWFORD. In one way I do not like to do that.

Mr. OWEN. Then I will make the motion.

Mr. CLAPP. I move to amend the amendment by striking out "$5,000" and inserting "$2,000."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the amendment reported by the committee on page 64, line 6, after the words "sum of," it is proposed to strike out "$5,000" and to insert "$2,000."

Mr. JONES. Mr. President, I am not going to oppose this amendment; I merely want to emphasize what the Senator from South Dakota [Mr. CRAWFORD] has said with reference to the enforcement of the rule laid down by the law and which the Committee on Claims has been following. The Senator from Minnesota [Mr. CLAPP] says that Congress has granted carte blanche to settle such claims, and that is true; but when claimants come to the committee the committee holds them to that law and does not grant them any other relief. For instance, I have the cases of two men who were killed at the navy yard at Bremerton, Wash. According to the report of the department, the accident by which they lost their lives was the result of the negligence of the Government. The widows of those men each got a year's pay. They then came to the committee, but the committee said, "We will not allow them anything at all."

Mr. CLAPP. Will the Senator pardon an inquiry?

Mr. JONES. Certainly.

Mr. CLAPP. I had supposed that the statute simply applied where a case was adjusted by a department. In such case, as a general shield of protection, we fixed the amount at a year's salary; but if you give the widow of a man who was killed under circumstances where she would be entitled to recover greater damages if the action were against private parties only $1,200, or a year's salary, you establish a lower rate of recovery than any State of this Union.

Mr. JONES. I think that is right; that is what the committee does, and that is what Congress is doing all the time. The claims of these parties were rejected. I think the rule established, taking it as a hard and fast rule, is unfair and unjust. We ought to treat these cases in Congress, as nearly as we can, alike. I do not think that $2,000 is anything too much in this case; and yet I think that where a man loses his life by the negligence of the Government his widow is more entitled to a larger compensation from the Government than is the widow in this case, because this man assumed the risk of his employment, and that, no doubt, was taken into consideration when his salary was fixed. There was no negligence on the part of the Government, and he knew he was likely to engender hatred and ill will and to suffer in consequence. Here are two cases that I have just mentioned where, according to the report of the Navy Department, the men lost their lives through the negligence of the Government itself and through no negligence on their part. One of them, I think, was getting $2.50 a day; and yet all the committee says is, "This widow having gotten the amount allowed her by the statute, we can allow her nothing more." As the Senator from South Dakota says, I do think Congress ought to use more discrimination in these matters and try to treat these people as nearly alike as possible.

Mr. SUTHERLAND. Mr. President, claims of this character, which are constantly passing, emphasize the necessity of having a general compensation law. The Government of the United States ought to pay its employees who are injured and pay the dependents of those who are killed in its service precisely the same as various State governments compel private employers to pay. The difficulty with passing items of this kind is that they beget legislation by emotion instead of in accordance with any sort of a fixed rule. I remember a short time ago we had a claim up here of some poor girl who had sustained an injury, and the committee brought in a bill appropriating some $3,500 or $4,000, as I recall, but the emotions of Senators were stirred up by the appeals made on the floor and the amount was increased to six or seven thousand dollars.

Then an emotional appeal was made in the other House in that case, and the amount was increased still more—I have forgotten the final amount which was appropriated. I think that we ought not to make appropriations of this character at all. I think we ought to pass a general law, under which whenever an injury is sustained or whenever an employee is killed a certain definite sum shall be paid, so that we shall not be paying $1,200 in one case, $5,000 in another case, and $10,000 in another case. Under the law to which the Senator calls attention, as I understand, this widow would receive $1,200. That is wholly inadequate. She ought to receive, and every widow in a case of this kind ought to receive, compensation far in excess of that; but so long as we have a statute of that kind under which the great majority of dependents are compelled to accept compensation, we ought not to make a special appropriation in one particular case.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. CLAPP] to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 9, to insert:

That the Secretary of the Interior is hereby authorized and directed to sell to the State of Oklahoma for military purposes the following tract of land situate in Pittsburg County, Okla., to wit: The east half of the east half of the east half of the west half of section 9, the east half of section 9, the west half of the west half of section 10, the west half of the east half of the west half of section 10, the west half of the east half of the east half of the west half of section 10, township 5 north, range 14 east of the Indian base and meridian, being 640 acres, more or less, according to the Government survey thereof: *Provided, however*, That the said land shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President under authority of the act of Congress approved February 19, 1912, entitled "An act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations, and for other purposes:" *And provided further*, That the coal or asphalt on or under said lands is hereby reserved, and the Secretary of the Interior is instructed to expressly reserve the same in preparing conveyance thereof: *And provided further*, That this authorization shall lapse and expire by operation of law unless the said appraised price of said land shall be tendered to the Secretary of the Interior in behalf of the State of Oklahoma within six months from the date of the approval of this act by the President.

Mr. PAGE. Mr. President, I should like to ask either of the Senators from Oklahoma if this amendment should not somewhere show that we are legislating about Indian lands. There is nothing in the amendment to show that, although it is to be presumed, this being an Indian appropriation bill, that it does. Should it not so state, however?

Mr. OWEN. It states that on page 65, line 1, where reference is made to the act to provide for the sale of the surface of the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations. It is Indian land, of course, under that.

Mr. PAGE. This amendment simply says that the land "shall be sold for cash at the appraised price fixed thereupon by the appraisers appointed by the President" under the authority of the act.

Mr. OWEN. That is the act dealing with the segregated coal and asphalt Indian lands.

Mr. PAGE. But should it not be a little more specific and say where the money received for these lands shall go? Is there under the law a place where it would go without any specification in the amendment?

Mr. OWEN. It would go without saying; yes. This being the Indians' land, it would go to the Indians' credit.

Mr. PAGE. I have no doubt that a point of order would lie against this amendment, but I do not wish to make it.

Mr. OWEN. Any amendment the Senator may suggest upon that line will be acceptable. I do not think it is really necessary, however.

Mr. PAGE. I wish to say that so far as the State of Oklahoma is concerned this bill contains a great deal of general legislation. There is some of it that, I think, I should very seriously oppose under any conditions, and I do not know but I shall have to interpose points of order later.

Mr. OWEN. I agree with the Senator that that is true; but it is also true that the Indian appropriation bill has been used as a vehicle for legislating for that part of the country because we have such a large number there, and it is so difficult to pass independent bills. The Senator, of course, is familiar with that practice.

Mr. PAGE. To what tribe does this land belong?

Mr. OWEN. The Choctaws and Chickasaws.

Mr. PAGE. The Senator says the appropriation bill has been oftentimes used as a vehicle for legislation of this kind?

Mr. OWEN. Yes.

Mr. PAGE. The Senator will remember that we had a long hearing as to the distribution of certain money which belonged to the Indians. I believe the amount was $800. It is in the bill somewhere.

Mr. OWEN. Yes.

Mr. PAGE. If I remember correctly—and if I am incorrect, I hope the Senator will correct me—the claim was made that if hereafter we were obliged to add to the enrollment the names of as many Indians as it was insisted should be enrolled, there would not be $800 each to be distributed.

Mr. OWEN. I will say to the Senator that that related to another tribe entirely—the Creek Tribe.

Mr. PAGE. All of this legislation, it seems to me, is important. So far as I am concerned, I have, at least, tried to do my duty about it, but I have not been quite satisfied that it ought to pass. It may be right and it may be wrong, but I have not seen evidence convincing me as to the wisdom of all of this legislation. Is there not so much of it, and is it not so important, that the provisions of this bill for the State of Oklahoma ought to be put in one general bill and considered outside of the Indian appropriation bill?

Mr. OWEN. Of course the Senator knows that that is impossible. This item simply permits the State of Oklahoma to acquire, for military purposes, a piece of this land at the appraised value. There is nothing extraordinary about it. There is nothing involved about it.

Mr. PAGE. I said that as to this item, although I was quite clear that it was open to a point of order. I would not make it; but in running through the bill it seems to me I have found so much general legislation——

Mr. OWEN. Oh, well, it is true, as the Senator says, that we are obliged to rely upon the Indian appropriation bill for such items as are not objected to. If they are objected to, they go out.

Mr. PAGE. I make no point of order as to this item.

Mr. OWEN. Anyone can strike them out, I take it.

Mr. ASHURST. Referring to this amendment, in line 12, page 64, after the word "the," I move to insert the words "surface of the," so as to read:

For military purposes, the surface of the following tract of land.

The amendment to the amendment was agreed to.

Mr. WHITE. Mr. President, I should like to suggest an amendment there. I move to insert, after the words "coal and asphalt," the words "and other minerals."

Mr. ASHURST. There is no objection to that.

Mr. OWEN. It is only coal and asphalt lands that are reserved.

Mr. CLAPP. Those words are used in describing the title of the act on page 65, line 2.

Mr. OWEN. It applies only to the coal and asphalt lands of the Choctaws and Chickasaws.

The PRESIDENT pro tempore. What disposition does the Senator desire to make of his amendment? Does he abandon it?

Mr. WHITE. Yes; since I have acquired from members of the committee information that I did not possess before.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended on motion of the Senator from Arizona.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 65, after line 11, to insert:

That the Secretary of the Treasury is hereby authorized to pay out of any moneys in the Treasury not otherwise appropriated the sum of $65.50 to William Volz, in settlement of his account for horse hire furnished the agency physician at Ouray, June 23 to October 21, 1905.

The amendment was agreed to.

The next amendment was under the subhead "Five Civilized Tribes," in section 17, on page 65, line 21, after the word "employees," to strike out "$150,000" and insert "$200,000," and, in the same line, after the word "That," to insert "effective July 1, 1914," so as to make the clause read:

SEC. 17. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $200,000: *Provided*, That, effective July 1, 1914, the offices of the Commissioner of the Five Civilized Tribes and superintendent of Union Agency, in Oklahoma, be, and the same are hereby, abolished, and in lieu thereof there shall be appointed by the President, by and with the advice and consent of the Senate, a superintendent for the Five Civilized Tribes, with his office located in the State of Oklahoma, at a salary of $5,000 per annum, and said superintendent shall exercise the authority and perform the duties now exercised by the Commissioner to the Five Civilized Tribes and the superintendent of the Union Agency, with authority to reorganize the department and to eliminate all unnecessary clerks, subject to the approval of the Secretary of the Interior.

Mr. TOWNSEND. Mr. President, if my understanding is correct, the adoption of this amendment does not carry with it the section, and amendments to the bill other than the committee amendments will be in order later.

The PRESIDENT pro tempore. The Senator can move to amend at this time the amendment of the committee.

Mr. TOWNSEND. I do not care to amend the amendment.

The PRESIDENT pro tempore. Amendments offered by individual Senators will be entertained after the committee amendments have been disposed of.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 66, after line 15, to insert:

That the principal chief of the Cherokee Nation, with the approval of the Secretary of the Interior, is hereby authorized to convey to the Dwight Mission School, on Sallisaw Creek, Okla., 26 acres of land heretofore set aside in accordance with the provisions of section 24 of the Cherokee agreement approved July 1, 1902 (32 Stats. L., pp. 716, 720), for the use of such school for missionary and educational purposes, and now being occupied and used by the said Dwight Mission School, and the Secretary of the Interior is authorized to accept in payment therefor $10 per acre.

The amendment was agreed to.

The next amendment was, on page 67, after line 2, to insert:

That full legal and equitable jurisdiction, without regard to lapse of time, is hereby conferred upon the Court of Claims to hear, determine, and adjudicate, as justice and equity shall require, all claims against the Cherokee Nation by the estate of John W. West, deceased, or by the heirs or any lien of said estate, and particularly the claim of the said estate and the heirs thereof against the said Cherokee Nation for the deprivation of the said John W. West, deceased, his estate and his heirs, of the beneficial use of certain property, wherein it is alleged that the said John W. West was interested; and any judgment rendered under this act against said nation shall be paid to the administrator of the estate of John W. West, deceased, out of any funds standing to the credit of said nation, and the amount necessary to pay any such judgment is hereby appropriated out of any money of the Cherokee Nation under control of, or held in trust by, the United States. Suit shall be begun, within 30 days after the approval of this act, by petition filed by the administrator of the estate, and service thereof shall be made on the principal chief of the Cherokee Nation, who shall appear by attorney, within 20 days after service of said suit is made upon him, and defend said suit on behalf of the nation; the record heretofore made in the case, together with any material evidence on file with the Department of the Interior pertaining to said claim, shall be considered by the court, and the Secretary of the Interior is directed to transmit to said court all such records in his department.

Mr. GORE. I make a point of order against the amendment. It is general legislation. It undertakes to confer jurisdiction upon the Court of Claims in a case where it does not have jurisdiction.

Mr. STERLING. Mr. President, I trust the Senator from Oklahoma will withhold his point of order on this amendment for a time, until I can call the attention of Senators to some matters connected with it.

Mr. GORE. Mr. President, I have no objection to passing the amendment for the present. I can not agree to withhold the point of order, however. I ask that it may be passed for the present.

The PRESIDENT pro tempore. The Senator from Oklahoma states that he will not withhold the point of order, but that he will suspend his remarks at this time in order that the Senator from South Dakota may make a statement concerning it. The Senator may proceed.

Mr. GORE. Mr. President, I meant to pass the consideration of the amendment for the present.

The PRESIDENT pro tempore. Does the Senator from Oklahoma present unconditionally a point of order against the amendment?

Mr. GORE. If there is no other recourse, I do.

The PRESIDENT pro tempore. The Chair will hear the Senator from South Dakota. The point of order is not debatable, but the Chair has discretion to hear him.

Mr. STERLING. I wish to say that the basis of this proposed legislation is an award made in 1883, whereby the heirs of John W. West, deceased, were to be paid the sum of $5,000, with such interest thereon as should be deemed just and equitable. That award was made in pursuance of a treaty between the United States Government and the Cherokee Nation, whereby certain damages claimed by the heirs of John W. West were to be determined. The arbitrators were a representative selected by the Cherokee Nation and a representative of the United States, selected by the Secretary of the Interior.

The award was approved by the Secretary of the Interior; it was afterwards contested; but on a full hearing before Secretary of the Interior Teller the award was affirmed. A rehearing on the award for the payment of $5,000 with interest was afterwards had before Secretary Lamar, and the previous decision was reaffirmed. This was in 1886. So the award determined in 1883 has been reaffirmed by two successive decisions of Secretaries of the Interior; and according to this award the Government of the United States has been owing, since the time of the award, anyhow, to the heirs of John W. West the sum of $5,000 with interest.

Mr. KENYON. I should like to ask the Senator if this amount of $10,000 comes out of the Indian fund or out of the Treasury of the United States.

Mr. ASHURST. It is a gratuity appropriation. It comes out of the Treasury of the United States.

I ask the attention of the Senator from Utah [Mr. SMOOT]. I wish to recur to the Fort Sill matter, which begins on line 19, page 62. Referring to that item, I have now a few data submitted by the Indian Bureau, which I will ask the Secretary to read.

The PRESIDENT pro tempore. Unless there is objection, the Secretary will read.

The Secretary read as follows:

LAWTON PROJECT,
Fort Sill, May 29, 1914.

The proposed legislation is intended to authorize the inclusion of the lands of the Indian school reserve in the Lawton project.

On April 13, 1914, the chief engineer addressed a report to the commissioner, in which he considers the project from the points of engineering feasibility, water supply, needs of irrigation, requirements of Indian lands, legal condition, and human element.

The city of Lawton constructed a dam on Medicine Bluff Creek for the purpose of supplying water for domestic, manufacturing, and other city purposes. This dam lies about 12 miles from the city and has a present capacity of about 14,000 acre-feet. This provides considerably more water than is required by the city and enough to irrigate from 2,500 to 3,000 acres. About 600 acres of Indian land are so located as to be irrigable from the oroposed system, and the legislation proposed authorizes the commissioner to contract for water rights for this amount; operation and maintenance charges are not to be assessed against Indian lands prior to completion of the lateral system.

The proposition is believed to be a favorable one, and was favorably reported to the Secretary under date of April 29, 1914, and to Senator ASHURST on the same date.

In view of the fact that no payments are to be required of landowners for construction of the reservoir, in which storage capacity for this project has been donated by the city of Lawton, and that the payments for the diversion and distribution system will not be due until after completion thereof and promulgation of the customary public notices, no present appropriation is contemplated. The reports indicate the feasibility of the project, provided the Indian lands may be included and bear their proportionate share of the cost. It is not desired that any of the Indian lands be disposed of, but that they be reserved for the use and benefit of the Indian school and whatever other enterprises may be on the reservation.

Mr. SMOOT. I thank the Senator for the information, and based upon that——

The PRESIDENT pro tempore. Does the Senator request that that item be taken up at this time?

Mr. SMOOT. The chairman of the committee requested it.

Mr. ASHURST. I made that request.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Senator will proceed.

Mr. SMOOT. Upon the information contained in the letter, I move to amend the amendment by striking out the following words in lines 23, 24, and 25, on page 62:

For the irrigation of not to exceed 2,500 acres of Indian and private lands.

So that it would read:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School reservation in the State of Oklahoma, within the proposed Lawton reclamation project, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project.

Mr. OWEN. That is all right.

Mr. ASHURST. So far as I have authority to do it, the committee approves of the adoption of the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment was, on page 63, after line 22, to insert:

That the Secretary of the Interior is hereby authorized to expend the sum of $16,500 from Chickasaw tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation.

Mr. CRAWFORD. I ask the chairman of the committee if there is any report on that proposition? I should like to hear what has been said in regard to it.

Mr. ASHURST. I refer to page 550, volume 2, of the hearings before the Senate committee, under the head of "Hargrove or Ardmore College, Oklahoma," where this occurs:

Mr. MERITT. The commissioner asked me to request that this item be incorporated in the bill:

"The Secretary of the Interior is hereby authorized to expend the sum of $16,500 from the Cherokee tribal funds for the purchase of the property known as Hargrove College or Ardmore College, situated at Ardmore, Okla., to be reserved and used as a boarding school for the Chickasaw Nation."

I have the following justification for this item:

"Accompanying this is a proposed item authorizing the Secretary of the Interior to expend the sum of $16,500 of Chickasaw tribal funds for the purchase of the Hargrove College property at Ardmore, Okla. It is intended to continue at this place the tribal school heretofore known as Bloomfield Seminary. Bloomfield Seminary has been at Hendrix, situated upon a tract of land reserved for school purposes by act of July 1, 1902 (32 Stat. L., 641). Recently the main building at Bloomfield was destroyed by fire. Insurance thereon will probably be collected to the amount of approximately $15,000.

"The matter of the purchase of the Hargrove property, to be used in lieu of the old property, has been carefully investigated and is a very desirable proposition, both financially and for other reasons. The buildings are substantial and can be put in first-class condition by the expenditure of a small amount for plumbing and incidental repairs. If this purchase can be consummated, the Bloomfield property will be sold and the proceeds deposited to the credit of the tribes. It will cost the service at least $16,500 to replace the main building at Bloomfield if it be compelled to continue the school there."

The assistant commissioner continues:

The Bloomfield buildings were recently destroyed by fire, as stated in the justification, and the commissioner would like to have this item incorporated in the bill.

The PRESIDENT pro tempore. Unless there is objection, the amendment will be agreed to. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 64, after line 3, to insert:

That the Secretary of the Treasury is hereby authorized to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Robert Leo Bowman, widow of Robert Leo Bowman, late deputy special officer for the suppression of the liquor traffic among Indians, who was killed while in the performance of his duty.

Mr. CRAWFORD. Mr. President, I do not care to be constantly interfering with these items, but there is a matter which, it seems to me, ought to go in the list with that class of employees' claims which are provided for by statute under which the Committee on Claims is acting very frequently, upon which it makes reports to the Senate, and upon which appropriations are based, under the statute which provides for compensation for personal injuries and deaths in cases of employees, regulated by the salary received. I should like to know why a claim for a death loss is put in this bill without being referred to the regular Committee on Claims, which entirely ignores the provisions of that statute and comes in here without any action such as usually is taken in these cases? It is not fair for a claim to come before the Committee on Claims and a widow to receive on account of the death of her husband one year's salary which her husband was earning, which may have been only $1,200 a year, under that statute, and then put a claim in here for $5,000 for the death of a special deputy. I do not know how long he was special deputy; I do not know what salary or compensation he got or who employed him or what the particular nature of his service was, and yet in this appropriation bill is a lump sum of $5,000 to his widow. I should like to have some information in regard to the claim and as to the reason for putting claims of this kind into a general Indian appropriation bill.

Mr. ASHURST. Mr. President, I can well appreciate the desire of the Senator from South Dakota to keep the Indian appropriation bill and all other appropriation bills free from claims. That is proper; but I will say that this belongs to a distinct class of claims, it occupies a peculiar relation.

Here is a claim which grows out of these facts: The man was murdered while in the actual discharge of his duty in enforcing the laws prohibiting the sale of intoxicating liquors to the Indians. He was shot and seriously and mortally injured. He lingered some time, and then died. In view of the fact that he was in the actual discharge of his duties with respect to the laws prohibiting traffic in intoxicating liquor among the Indians, the committee was of the opinion that it was a just and proper claim, and that the Committee on Indian Affairs, while it attempted in every possible way to prevent the placing of claims on the bill, felt that this occupied a peculiar position, as I said before, and was entitled to be put on the bill.

Mr. CRAWFORD and Mr. WHITE addressed the Chair.

The PRESIDENT pro tempore. The Senator from Arizona is entitled to the floor.

Mr. ASHURST. I yield to the Senator from South Dakota.

Mr. CRAWFORD. I think in every case where the Committee on Claims has recognized a personal-injury claim, a claim for damages growing out of the death of an employee, the accident or the damage must have occurred while the person was engaged in the line of duty at the time it occurred. This is no exception in that respect; such claims are all of that character. In those cases we follow a certain rule, which might give the widow of a deceased employee only one-fifth of what is proposed to be paid here to the widow of this man. It is not fair. If we are going to depart from that rule in one case, we ought to abandon it entirely, and let each case go it alone. How much compensation was this man getting?

Mr. ASHURST. He was getting $100 per month.

Mr. CRAWFORD. Very well. Then his salary amounted to $1,200 a year. If his death had occurred down here in the gun factory or had happened to an operative on the Isthmus of Panama or in one of the Government buildings, the widow would get $1,200. Here is this man who was engaged in enforcing the laws in the liquor traffic among the Indians, and it is proposed to give his widow a lump sum of $5,000. It is not fair to put an item like that into this bill granting $5,000 in this case, and to follow the statute in other cases.

Mr. CLAPP. Mr. President, will the Senator from South Dakota pardon an interruption?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. The fact that led the committee to give this consideration to this matter was that where a man is injured through the carelessness of others in the breaking of machinery, in explosions and such accidents, there may possibly be an element of negligence on his part, and always the negligence of some one which results in the accident which leads to the killing. In this case it was not negligence, but it was the overt, positive, premeditated act of those against whom he was trying to enforce the law. So there could be no possible question of his negligence.

Mr. CRAWFORD. If the Senator will permit me there, then there was absolutely no element of negligence so far as the Government is chargeable with it.

Mr. CLAPP. Not at all. It is upon the same principle that we make contributions to men who lose their lives in the service of the country; of course, upon a broader field, perhaps a more patriotic field; but there is that difference between a case where a man is killed by those who are resisting the enforcement of the law and where a man is killed by accident that is attributable, perhaps, in some cases in a greater or less degree to the negligence of some one.

Mr. CRAWFORD. Well, Mr. President——

Mr. CLAPP. Just one moment more, if I am not trespassing on the Senator's good nature——

Mr. CRAWFORD. Not at all.

Mr. CLAPP. This grew out of the performance of his duty by this man in the Indian Service, in a matter that was peculiarly within the purview of the Indian Office, with which, of course, primarily the Committee on Indian Affairs deals. The committee felt that they might put that item upon the bill, although, of course, ordinary claims, unless they be claims against the Indian funds, should go to the Committee on Claims. If the Senator feels that this is too much, I hope, instead of making a point of order against the amendment, he will seek to have the amendment modified to meet his views, for the Senator knows that it is just about useless to talk of this woman getting anything at all unless she gets it on this bill.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Alabama?

Mr. CRAWFORD. Just a moment, if the Senator will pardon me——

Mr. WHITE. I simply want to ask the Senator from Minnesota a question.

Mr. CRAWFORD. I yield to the Senator from Alabama.

Mr. WHITE. Does this claim differ from the case of any other marshal or deputy marshal who was killed in the enforcement of the law?

Mr. CLAPP. Not at all, except, perhaps, in the circumstances of the killing. The service was the same. He was there enforcing the law.

Mr. WHITE. Then, would not this be showing favoritism to the widow of this officer who lost his life in the discharge of his duty as against the compensation which we allow to the widows of other officers who have lost their lives in the discharge of their duties?

Mr. CLAPP. Since I have been in the Senate, I think in every instance where a man has been killed in the discharge of his duty in enforcing the laws in the Indian country, we have made provision for his widow and children on Indian appropriation bills, and we have usually fixed the sum at $5,000.

The Committee on Claims, of which the Senator from South Dakota [Mr. CRAWFORD] was formerly chairman, established a rule or perhaps secured the enactment of a statute——

Mr. CRAWFORD. It is a statute.

Mr. CLAPP. That widows shall only receive the equivalent of one year's wages or salary, whichever you may call it, of their husbands. This would not be an unusual thing, so far as making some reparation is concerned. The only question is, first, whether the item should be in the Indian appropriation bill, and, secondly, as to the amount that should be appropriated.

Mr. CRAWFORD. Mr. President, my feeling about this is simply one of being somewhere near fair in the treatment of all claimants. The Government has never undertaken to put itself in the position of the ordinary employer of labor, liable for negligence, as a railroad company is liable for negligence, in the case of its employees. It would open a pretty wide door if the Government should undertake to assume a liability like that, and the Government has never done so. The States have never done so; counties have never done so; and there is not a rule of law anywhere that fixes a liability upon sovereignty for damages of that character.

The attitude of the Government has been fixed by statute, and since that statute was passed claims are settled under it without coming to Congress at all. Claims for damages occurring before that act was passed have come to Congress, been referred to the Committee on Claims, been investigated, reported upon, and appropriations made allowing relief, exactly the same as if they had occurred subsequent to the enactment of that statute. Hundreds of cases from the Isthmus of Panama, involving engineers, brakemen, and trainmen employed in connection with the construction of the Panama Canal, where accidents occurred before the enactment of the statute, have been paid by appropriations upon the same basis as they would have been adjusted had they occurred after the enactment of that statute. Such cases have come from every direction.

In this case, if this man was getting $1,200 a year, under that statute his widow would get $1,200; and over and over again——

Mr. CLAPP. May I ask the Senator a question there?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. I am not familiar with that statute, but, as I understand, under that statute the claimants do not have to ask Congress or any court for relief.

Mr. CRAWFORD. The heads of the departments can adjust the claims.

Mr. CLAPP. Yes; and consequently a general, broad limitation was put in the statute; but that does not apply to Congress in dealing with individual cases. I can understand that if Congress is going to issue a license ad libitum, under certain rules of course, for the settlement of claims for injury or death, leaving nothing for Congress to do, but simply turning the case over to the departments, it might very well establish a lower level of compensation for damages than it would in individual cases.

Mr. President, I never heard of this man. We are taking a good deal of time in what may seem a small matter; yet it is a vital matter to the widow, of course, and I simply desire to ask the Senator, in case he can not agree to let the amendment go as it has been reported, instead of making a point of order against it to seek to amend the amendment by providing an amount that he thinks is fair and proper.

Mr. CRAWFORD. I will say to the Senator that I appreciate as keenly as anyone can—because of the opportunity I have had to witness hardships in similar cases—the cruelty of long delay. Where dependent members of a family have a claim of this character, if they are to get relief at all, they ought to be afforded prompt relief; and I have no feeling or desire to do anything here that will delay giving this woman some relief, but I do insist that if we are going to make exceptions, as we are proposing to do in this case by paying one widow for the loss of her husband $5,000, we ought to repeal the statute and get away from the practice of paying other poor women with dependent children, where the head of the family was receiving $100 a month or $600 a year of $1,500 a year, a sum equal simply to one year's compensation. We have treated that statute as binding, and we have been following it; and now here comes a woman, whose husband lost his life through absolutely no negligence on the part of the Government, who was in the same position as a deputy marshal who might, in undertaking to make an arrest, be shot down. If we are going to take cases of this kind and appropriate $5,000 in a lump sum to the widow we are being outrageously unfair to other claimants, and on that account I protest against the allowance of this sum in this way in this bill. I do not like to cut it out absolutely.

Mr. OWEN. I should like to suggest to the Senator that the particular kind of service in which this man was engaged is extrahazardous. A good many men have been killed in the service while engaged in suppressing the liquor traffic on Indian reservations.

Mr. CRAWFORD. I will say to the Senator that, while that is true, every deputy marshal and every marshal and every engineer who is riding in his cab is also taking his life in his hands. This man was not any better than they are, and we pay their widows, in case they are killed, one year's compensation, but propose to give this widow $5,000.

Mr. OWEN. I was only making that suggestion to the Senator to indicate the reasonableness of giving some inducement to men to render that service which is an extrahazardous service.

The PRESIDENT pro tempore. The Senator from Iowa will be good enough to state the proposition again, so that the Chair may understand it.

Mr. KENYON. I will state the point of order I make. I make the point of order on the amendment commencing at line 12, page 61, down to and including the word "repealed." In line 4, page 62. I make the point of order that it is new legislation attached to an appropriation bill. I call the attention of the Chair to the fact that the entire amendment proceeds to line 10, on page 62. The question I suggest is whether the point of order may be made to a part of the amendment, or must it be made to all the amendment?

The PRESIDENT pro tempore. It is separable. It is distinct, so that it can be separated for a vote upon request. The Chair would hold that that could be made.

Mr. ASHURST. I regret that the distinguished Senator from Iowa should make a point of order against the committee amendment on page 61, down to line 11 on page 62.

Mr. KENYON. No; it is to and including the word "repealed" on line 4.

Mr. ASHURST. I will merely take time enough to say that this item alone was the subject of nearly two weeks' discussion by the committee. Tomes of testimony were taken. If the distinguished Senator from Iowa understood how carefully the committee tried to guard the rights of the Indians and how essential this legislation is to protect the Indians, the Senator would be the last one to think of making a point of order upon it.

Mr. ROBINSON. Will the Senator from Iowa yield to me for a brief statement?

Mr. KENYON. I will.

The PRESIDENT pro tempore. The point of order is not subject to debate except at the request of the Chair, but the Chair will be glad to hear his colleague.

Mr. ROBINSON. I do not wish to speak on the point of order. I wish to address the Senate for just a moment on the merits.

Mr. KENYON. I made the suggestion for another Senator who desires to raise the question. If the amendment can be passed until a later stage in the consideration of the bill, we can then return to it.

Mr. ROBINSON. I have no objection.

The PRESIDENT pro tempore. A request of that kind will be submitted to the Senate. The Senator from Iowa asks that this amendment may be passed over for the present. Unless there is objection, such will be the order. The Chair hears none. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 62, after line 18, to insert:

That the Commissioner of Indian Affairs be, and he is hereby, authorized to contract for water rights for the irrigation of 600 acres of land, more or less, in the Fort Sill Indian School Reservation in the State of Oklahoma, within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands, upon the same terms and conditions as those prescribed for the acquisition of water rights for other lands to be irrigated by said project: *Provided*, That operation and maintenance charges shall not be assessed against said Indian land prior to completion of the lateral system so as to provide for actual delivery of water thereto, and the project shall include lateral construction for the Indian lands down to each legal subdivision thereof equal in area to the size of the farm unit for lands in private ownership within said project.

Mr. SMOOT. I think there ought to be some explanation of this amendment, particularly the part of the amendment beginning in line 23, following the word "Oklahoma," wherein it says:

Within the proposed Lawton reclamation project, for the irrigation of not to exceed 2,500 acres of Indian and private lands.

Mr. ASHURST. I will refer to the letter of the department as soon as I have it at hand, if the Senator will pardon me.

Mr. SMOOT. The Senator will notice that the Commissioner of Indian Affairs is "authorized to contract for water rights for the irrigation of 600 acres of land, more or less." That is found at the beginning, in lines 20 and 21, on page 62.

Mr. ASHURST. The words "more or less" are well defined in law. That would be within a reasonable limitation of 600 acres; but there is no objection to striking out the words "more or less."

Mr. SMOOT. The Senator interrupted me or I would have gone on and told him what the point is. After the word "Oklahoma," in line 22, we find the words:

Within the proposed Lawton reclamation project for the irrigation of not to exceed 2,500 acres of Indian and private lands.

I should like——

Mr. OWEN. That might go out without any objection, I should think.

Mr. SMOOT. If the Senator from Arizona has the letter he spoke of, I should like to have it read, because I can not see the connection between the two.

Mr. OWEN. Those words might as well go out.

Mr. ASHURST. While there would be no objection to their going out, I will say that they are very proper here. The letter will be obtained at the earliest possible moment, and when that letter is read the Senator will perceive, I think, that it is a very proper amendment.

Mr. SMOOT. I do not see why we should authorize the Commissioner of Indian Affairs to contract for water rights for the irrigation of 600 acres of land in this reclamation project and then provide for the irrigation of not to exceed 2,500 acres of Indian and private lands. What right have we to say how many acres the project shall water or what the area shall be? I suppose that has already been determined. But I shall wait until the Senator has the letter.

Mr. ASHURST. Let the amendment be passed over until I get the letter.

Mr. SMOOT. I ask that it may go over.

The PRESIDENT pro tempore. Unless there is objection, the item will be passed over.

The next amendment was, on page 63, after line 9, to insert:

For the purchase of certain articles of furniture originally bought from personal funds by Mr. Gabe Parker while superintendent of the Armstrong Academy, Oklahoma, and since used by that school, $286, to be paid for from Choctaw funds.

The amendment was agreed to.

The next amendment was, on page 63, after line 14, to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Women's Board of Domestic Missions, Reformed Church in America, the sum of $10,000 for mission and school buildings built by them on the Fort Sill Military Reserve, Okla., for the use of the Apache Indians and rendered useless on account of the removal of said Indians to the Mescalero Indian Reservation in New Mexico.

Mr. SMOOT. There may be some good reason for an amendment of this kind to an appropriation bill, but I do not understand it. If there is any claim against the Government, it seems to me it ought to be made in the shape of a claim and go before the Claims Committee and be passed upon; and if there is any justice in the claim, we ought to pay it; but to bring in on an appropriation bill here a provision of this kind, it seems to me, is out of place. I say that with due deference to the judgment of the committee. I should like to ask the Senator from Arizona if there is any reason why this personal claim should be inserted in the appropriation bill. The Senator knows we have a rule against items of this kind.

Mr. ASHURST. I will advert to page 548, volume 2, of the hearings before the Committee on Indian Affairs:

RELIEF OF THE WOMAN'S BOARD OF DOMESTIC MISSIONS, REFORMED CHURCH OF AMERICA.

* * * * * * *

Statement of Mr. Meritt, assistant commissioner:

Mr. MERITT. We have another item that might well go in this bill. It was introduced in the House by Representative FERRIS and has received the favorable recommendation of the department. It is a bill for the relief of the Woman's Board of Domestic Missions, Reformed Church, in America. The item is as follows:

Then the item was read.

The department submitted the following report in regard to this matter. This is a department letter, which is dated March 18, 1914——

Senator CLAPP. I do not think it is necessary to read that to the committee. I move that the item be allowed.

It seemed to the committee, without further reading, that it was a just and proper claim. As to the propriety of putting it on this bill Senators may have a difference of opinion. It seemed to the committee just and proper and no objection was offered. It was discussed at some length.

I will read further from the statement of the assistant commissioner:

Mr. MERITT. I might say that this church organization has been doing missionary work among the Fort Sill Indians for a number of years. They have constructed certain buildings there, and because of the fact that the Indians have been removed from the reservation those buildings are no longer of any use to this mission. This Fort Sill property has been turned over to the War Department. This church wishes to reinvest the money derived from these mission buildings for mission-work purposes at Mescalero Reservation, N. Mex.

Mr. CLAPP. If the Senator from Utah will pardon me——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Gladly, Mr. President.

Mr. CLAPP. There is a good deal of force in what the Senator says, but the committee regarded it somewhat in the light of claims where reservations are abandoned and eliminated as reservations and different denominations have put buildings upon the ground. We usually provide in the Indian appropriation bill for granting a small amount of land—40 or 80 acres, it may be—to the particular denomination that put the building there.

Mr. SMOOT. I understand that.

Mr. CLAPP. Of course, strictly speaking, probably all such matters ought to go to the Committee on Claims, but this was so nearly analogous to that class of cases that the committee having all the information before it and the commissioner appearing before the committee, we thought that perhaps there would be no serious objection to dealing with it in the bill instead of sending it to the Committee on Claims.

Mr. SMOOT. Mr. President, I believe the Senator will admit that this is rather a dangerous precedent to set. If we are going to pay for every church building on every reservation that may be abandoned hereafter, well and good; we could pay for this; but it does seem to me that if we pass this item and compel the Government to pay $10,000 for this school building it will be looked upon in the future as a precedent and will always be pointed to as a thing that the Government should do.

Mr. CLAPP. I was not directing my remarks so much to the wisdom of paying for the property; I was, rather, justifying the action of the committee in dealing with it instead of sending it to the Committee on Claims, it being, although the reverse of the operation, somewhat in the nature of recognizing a certain claim where they put buildings on reservations and granted them a small quantity of land with it. That goes rather to the merits of the case. Of course, it is for the Senate to decide the question.

Mr. SMOOT. If this item was not for a church, I would not hesitate a minute to make a point of order against it. It is not proper and it is not right to put a claim against the Government on an appropriation bill.

Mr. OWEN. Will the Senator pardon me for just a moment?

Mr. SMOOT. Certainly.

Mr. OWEN. Of course the Senator raises no question about the merits of it, but only as to its place on this bill?

Mr. SMOOT. I really do not know whether there is merit in it or not.

Mr. OWEN. It has been reported on favorably by the department and has that justification. The facts are that after this missionary board established these buildings upon an Indian reservation the Government, without consulting them, moved the Indians away. It was done after these people had put the buildings there for missionary purposes among the Indians. These women desire to transfer the buildings to the Mescalero Agency, where the Indians have been sent by the department. The Government has simply removed the people who were being served by this missionary society, and since it deals with an Indian reservation the Commissioner of Indian Affairs took it up with the Committee on Indian Affairs for that reason. That is all there is about it.

Mr. CRAWFORD. Mr. President——

Mr. SMOOT. I yield to the Senator from South Dakota.

Mr. CRAWFORD. There are a number of cases—I remember we had them several times in the Committee on Claims—where private citizens went on military reservations and put up a building for a store, a photograph gallery, or something of that kind, and did it largely at their own risk, and afterwards the Government abandoned the fort. Unless the Government in some way appropriated that property and used the material or derived some benefit from it by appropriation, I know we declined to grant the claimant anything for his property.

Mr. OWEN. I hope the Senator——

Mr. CRAWFORD. If the Senator will just let me finish the thought, it seems to me a little remarkable. Even with a church they are sometimes enthusiastic and a little visionary, and they will establish schools and different things where they have not used very good judgment about it, and sometimes commit serious errors in expending more money than they ought to spend for buildings, making them too expensive and too large. If when some accidental change occurs the Government is to take over the property and pay for it, where it has had no responsibility and made no use of it, and does not have any use for it, I think it is going too far, whether it is church property or some other property. It does not look to me as being at all a proper use to make of the Government funds.

The PRESIDENT pro tempore. Does the Senator make a point of order?

Mr. CRAWFORD. The Senator from Utah has the floor. I should be inclined to do so unless he makes the point.

Mr. SMOOT. I wish to say to the Senator that I look forward to the time when these Indian reservations will all be abandoned; and if we undertake now to pay $10,000 for a church that was established upon this particular reservation——

Mr. OWEN. It is a school.

Mr. SMOOT. Well, the principle is the same. If we undertake to pay $10,000 for a school that has been established on this Indian reservation because of the fact that it has been abandoned, it will follow, as day follows night——

Mr. OWEN. I do not think the Senator can say it was abandoned when the Government moved the Indians from the place where those people had erected a school. They did not abandon it; the Government took the Indians away.

Mr. SMOOT. That is true, Mr. President; but did the Government ask them to come there and establish the school?

Mr. OWEN. The Government has always invited missionaries to undertake to teach civilization and Christianity to the Indians.

Mr. SMOOT. And very properly, too.

Mr. OWEN. I do not think they ought to be put on a level with those who are there conducting stores for profit. They are conducting it without any profit, doing it purely for an altruistic purpose. It is their purpose and desire to help the Indians, and they receive no recompense for it. Because it dealt with an Indian reservation it was stated by the Commissioner of Indian Affairs to the committee that it should be placed in this bill, which I think is orderly enough.

Mr. SMOOT. I want also to state, as has been so well stated by the Senator from South Dakota, that in the Claims Committee there have been dozens of claims made for buildings that have been established upon military reservations, and the committee has refused at all times to report one of those bills. They have had not only stores but different buildings on military reservations, some for religious purposes, and the Claims Committee of the Senate and also of the House has universally decided not to pay such claims.

Mr. ASHURST. Will the Senator yield to me a moment?

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. I do.

Mr. ASHURST. I think the Senate should also be in possession of this information. It will be observed from the reading of the amendment, on line 18, page 63, that it is not only a church but school buildings. The War Department now has charge and possession of these buildings, and this item, as the hearings disclosed, has not only been approved by the Interior Department, but by the War Department as well. That was, of course, persuasive on the committee.

Mr. SMOOT. I have noticed wherever there has been a reservation abandoned in any part of the country it will not be more than one or two years before there has been a bill introduced in Congress giving the buildings upon the reservation for some State purpose, and no objection has ever been made. The Government of the United States has willingly given them for State purposes. The Government, I take it for granted, will never receive any benefit from these buildings. I do not think the Government will ever get a cent out of them, as far as that is concerned.

Mr. President, I know the item should not be here, but, as I stated, I am not going now to make a point of order against it.

The PRESIDENT pro tempore. The Senator from Utah declines to make a point of order. The question is on the adoption of the amendment.

Mr. SUTHERLAND. I should like to ask a question about it. Where will the title to these buildings rest after we make this appropriation? Is it intended that the title shall vest in the Government of the United States?

Mr. ASHURST. In the Government of the United States.

Mr. SUTHERLAND. Does the Government of the United States own the land upon which these buildings were constructed?

Mr. ASHURST. The buildings are upon a military reservation belonging to the United States of America.

Mr. SUTHERLAND. The church or the mission had no title whatever to the land?

Mr. OWEN. No.

Mr. ASHURST. That is my understanding.

Mr. SUTHERLAND. Should there not be some provision in the amendment providing that the title of the buildings should pass?

Mr. ASHURST. That would be a very salutary provision, as far as I can see.

Mr. SUTHERLAND. They were put there under the license of the Government, I take it. This is simply an appropriation, and there is no transfer of title apparently. I simply suggest that to the Senator.

Mr. ASHURST. That is a good suggestion, and will be given attention.

The PRESIDENT pro tempore. Unless there is objection to the amendment, it will be agreed to. The Chair hears none, and it is agreed to.

right of way and definite location of proposed drainage ditches made under the laws of the State of Minnesota upon the tribal and allotted lands of the Fond du Lac Indian Reservation, Minn., in Carlton County Judicial ditch No. 1. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to pay the amount assessed against said allotted and tribal lands: *Provided*, That said assessment shall not exceed $1.50 per acre; and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $13,080, to be immediately available, the said sum to be reimbursable, in the discretion of the Secretary of the Interior, from any funds belonging to the individual allottees or their heirs or any funds belonging to the tribe subject to be prorated, which are now or may hereafter be under his charge. That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve deeds for right of way from such said allottees or their heirs as may be necessary to permit the construction and maintenance of said drainage ditch upon the payment of adequate damages therefor. That in the event a patent in fee shall be issued for any Indian land within this district before the United States shall have been wholly reimbursed as herein provided, the amount remaining unpaid shall become a first lien on the land, and the facts of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against such land as herein provided, shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions hereof into full force and effect.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

That the sum of $1,500, or so much thereof as may be necessary, of the tribal funds of the Chippewa Indians of Minnesota is hereby appropriated to pay the expenses of the general council of said tribe to be held at Bemidji, Minn., the second Tuesday in July, 1914.

The amendment was agreed to.

The next amendment was, on page 38, line 8, after the words "the sum of," to strike out "$50,000" and insert "$75,000," and in line 15, after the word "maintaining," to strike out "two hospitals, one to be located either on the Red Lake or Leech Lake Reservation and one to be located on the Fond du Lac Reservation," and insert "three hospitals, to be located on the Chippewa Reservation in Minnesota," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $75,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of constructing, equipping, and maintaining three hospitals, to be located on the Chippewa Reservation in Minnesota, the sites to be selected by the Secretary of the Interior, for the use and benefit of the Chippewa Indians in Minnesota.

The amendment was agreed to.

The next amendment was, on page 38, after line 21, to insert:

That the Commissioner of Indian Affairs is hereby authorized to use for or advance to individual Chippewa Indians in the State of Minnesota entitled to participate in the permanent fund of the Chippewa Indians of Minnesota out of such fund such sum or sums as he may deem necessary or advisable from time to time, except that such sums so advanced to any one of said Indians shall not in the aggregate exceed one-fourth of the amount which would now be coming to said Indian under a pro rata distribution of said permanent fund: *Provided*, That any money received hereunder by any member of said tribe, or used for his or her benefit, shall be deducted from the share of said member in the permanent fund of the said Chippewa Indians in Minnesota to which he or she would be entitled.

The amendment was agreed to.

The next amendment was, on page 40, after line 7, to insert:

That the Secretary of the Interior is hereby authorized to sell the merchantable timber on the Red Lake Reservation, in the State of Minnesota, subject to the following limitations: The term "merchantable timber" within the meaning of this act shall include white, Norway, and jack pine, spruce, tamarack, cedar, elm, oak, birch, poplar, and basswood, but shall not include maple and ash. On that part of said reservation comprising the peninsula between upper and lower Red Lake lying west of the present east line of said reservation and north of Battle River only the dead and down and not exceeding 25 per cent of the standing timber shall be sold, and each tree to be cut shall first be marked by a forest officer. On the balance of the reservation all the merchantable timber may be sold, except that on tracts where white and Norway pine and spruce may be growing not less than 10 per cent thereof shall be left for reforestation. All lumbering hereunder shall be according to approved forestry methods and such rules and regulations not inconsistent herewith as the Secretary of the Interior may prescribe. Not more than 30,000,000 feet board measure in the aggregate shall be sold in any one year.

All saw timber shall be scaled on the bank by the Scribner decimal C-rule, and full scale shall be allowed for all timber that will saw out No. 3 lumber or better.

The following are the minimum stumpage prices at which any of the timber on said reservation may be sold: White pine, $10 per thousand feet; Norway pine, $8 per thousand feet; spruce, $5 per thousand feet; cordwood, 50 cents per cord; pulp wood, $1 per cord; poles 20 to 25 feet in length, 10 cents each; poles 25 to 30 feet in length, 15 cents each; poles 30 to 50 feet in length, 2 cents per running foot; fence posts 3 inches at top, 1 cent each; fence posts 4 inches at top, 2 cents each; and fence posts above 4 inches at the top, 3 cents each; ties of all kinds, 5 cents each for No. 2 and 8 cents each for No. 1; piling, 3 cents per running foot. All ties, posts, and piling sold shall be counted and graded, and pulp wood and bolt wood shall be measured up to the standard cord.

The proceeds from such sales shall be deposited in the Treasury of the United States to the credit of the Indians owning the timber, and thereafter, in the discretion of the Secretary of the Interior, used for the benefit of the Indians of the said Red Lake Reservation, in such manner as he may direct.

Mr. PAGE. Mr. President, as I understand, the parties who are asking for the legislation contained in the amendment beginning on page 40, line 8, and going down to and including line 4 on page 42, are willing that it shall go out on a point of order, and I make that point.

Mr. ASHURST. Do I understand that the Senator from Vermont makes a point of order against that amendment?

Mr. PAGE. Yes, sir.

Mr. CLAPP. There is, of course, no question but that it is subject to a point of order.

Mr. ASHURST. Every Senator is bound to confess that the point of order is well taken. There is no opposition to it.

Mr. NELSON. I have no objection to the point of order being sustained.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The point of order is sustained.

Mr. ASHURST. In order that I may not be under a misapprehension, the point of order, of course, does not run against, and is not intended to apply to, lines 5, 6, 7, 8, 9, and 10, on page 42?

Mr. CLAPP. No.

Mr. PAGE. No point of order was raised as to those lines.

The PRESIDING OFFICER. Will the Senator from Vermont state the ground of his point of order, so that the RECORD may show it?

Mr. PAGE. It is new legislation. I would not have raised the point of order but for the fact that the two Senators from Minnesota are willing that the amendment shall go out upon a point of order, and so I have raised it. There is no question of its being obnoxious to a point of order.

The PRESIDING OFFICER. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 42, after line 4, to insert:

No appropriation of the tribal funds of Indians in Minnesota in excess of $5,000 shall be available until such expenditure has been duly approved by the tribe of Indians whose funds are to be expended, by a majority vote, cast in a regular election, and the authenticated result thereof certified to the Secretary of the Interior.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, at the suggestion of the chairman of the committee, and for the convenience of the Senator from Oklahoma [Mr. GORE], I ask unanimous consent that the items relating to Oklahoma be next considered. The Senator from Oklahoma is compelled to leave the city in a short time, and is anxious that these items shall be considered before he has to go.

The PRESIDING OFFICER. Unless there is objection, the request of the Senator from Arkansas will be granted. The Chair hears none, and the Secretary will read as requested.

Mr. CLAPP. Before we proceed with that part of the bill, Mr. President, do I understand that the amendment beginning with line 5 and ending with line 10, inclusive, on page 42, was adopted?

The PRESIDING OFFICER. It has been agreed to.

The reading of the bill was resumed, beginning with line 8 on page 57.

The next amendment of the Committee on Indian Affairs was, under the head of "Oklahoma," in section 16, page 58, line 22, after "$7,000," to strike out "in all, $93,250" and insert "for new buildings, $18,000; in all, $111,250," so as to make the clause read:

For support and education of 500 Indian pupils at the Indian School at Chilocco, Okla., including pay of superintendent, $86,250; for general repairs and improvements, $7,000; for new buildings, $18,000; in all, $111,250.

The amendment was agreed to.

The next amendment was, on page 58, after line 23, to insert:

For the purpose of acquiring sites for school buildings on restricted Indian lands under the jurisdiction of the Quapaw Agency, Okla., the Secretary of the Interior is hereby authorized, in his discretion, to remove the restrictions as to alienation from not to exceed 5 acres of any Indian allotment, original or inherited, held under the jurisdiction of said Quapaw Agency, and to permit the sale thereof under such terms and conditions as he may deem advisable, whenever necessary to enable the trustees of a school district to acquire a site for a school building: *Provided*, That where the allotment is held under a trust patent he may cause a patent in fee for the purchased tract to be issued to the trustees of the school board: *Provided further*, That when said land is no longer needed for school purposes it shall revert to the allottee to whom it belonged, or his heirs, and the restrictions as to alienation shall again apply, which condition shall be incorporated in the patent in fee when issued for such lands as are held under trust patents.

Mr. PAGE. Mr. President, I should like to ask the Senator from Oklahoma if he thinks the provisions of this section can be carried out without the consent of the Indian allottee?

Mr. OWEN. No; I think the consent of the Indian will have to be obtained always.

Mr. PAGE. There is no proviso to that effect in the amendment.

Mr. OWEN. It removes the restriction as to alienation. Unless the Indian gives his consent, however, of course it could not be alienated. In line 2, page 59, it says "to remove the restrictions." That only permits the Indian to alienate; it does not alienate the lands without his consent. His consent, of course, is required.

On page 59, line 2, the Senator will see the words "to remove the restrictions." That only means that the restriction of the present law, which makes it impossible for the transfer to be made, would be removed in the Secretary's discretion; but, of course, the Indian would have to give his deed for the land in order to dispose of it.

Mr. PAGE. As I looked over the amendment it seemed to me that the matter was left to the agency to decide about that, and that it made no provision for the consent of the Indian allottee.

Mr. OWEN. It only removes the restriction; that is all. The Senator will see the words to which I refer on page 59, line 2.

Mr. ROBINSON. Mr. President, supplementing what the Senator from Oklahoma has said, the amendment merely enables the Indian to convey these lands that are desired for school sites where the owner is under restriction. It does not, of course, compel him to do so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 60, after line 2, to insert:

For pay of employees at the Sac and Fox Agency, Okla., not otherwise provided for, $2,000.

The amendment was agreed to.

The next amendment was, on page 60, after line 4, to insert:

For pay of employees at the Seneca Agency not otherwise provided for, $1,500.

Mr. PAGE. Mr. President, I can not understand why the pay of employees at some agencies is especially provided for here. On page 13, line 8, we make a general provision in which we say:

For transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

Then we insert here a specific appropriation of $1,500 over and above that. I should like to know why we destroy the symmetry of the bill by doing that.

Mr. ASHURST. Mr. President, the Senator will recall that yesterday the same question arose; and I then adverted to page 14 of the bill, I think, which contains a provision that wherever a specific appropriation is made the general appropriation for civilization and support of the Indians shall not obtain. I think the Senator will remember that provision, which will be found on page 14 of the bill.

Mr. PAGE. But the point I want to ascertain is why it is necessary to introduce at this point in the bill a measure to provide for paying the employees of a certain agency; when on page 13 we appropriate a lump sum of $125,000 for this very purpose.

Mr. ASHURST. The Senator was present during the hearings held by the committee, and I think took part in that discussion. I shall be very glad, if he will pardon me a moment, to refresh his memory on this point.

Mr. PAGE. I do not care to take the time of the Senate to discuss the matter.

Mr. ASHURST. The Senator is entitled to the information.

Mr. PAGE. It seems to me, however, that when we have a lump sum it is not a happy feature of the bill to introduce a special feature of this kind.

Mr. ASHURST. The Senator adverts to the provision on page 60 which reads as follows:

For pay of employees at the Sac and Fox Agency, Okla., not otherwise provided for, $2,000.

Mr. PAGE. No; I referred to lines 5 and 6.

Mr. ASHURST. Yes; and lines 5 and 6:

For pay of employees at the Seneca Agency not otherwise provided for, $1,500.

The amount estimated in each instance is as set out in the bill. Hence we begin the discussion by disclosing that the Interior Department has requested this in its Book of Estimates. The same amount was appropriated in the last bill, and there is an unexpended balance of $2.

The Indian population is 657. The present appropriation is made to cover the salaries of three employees, but it has been found necessary to employ temporary help from time to time to keep the work up to date. The increase will be used to provide such additional help as is required and for increases in the remuneration of faithful and efficient employees.

Such salaries as the appropriations heretofore allowed admit of are not sufficient to enable us—

The Interior Department—

to retain efficient employees.

This reservation—

Speaking of the Sac and Fox—

This reservation was created by treaty, and of the area within the former reservation 87,683 acres were allotted to 548 Indians. The residue was opened to settlement by proclamation of September 18, 1891, except about 800 acres, which were reserved for school and agency purposes. There are no remaining tribal lands on this reservation.

Mr. PAGE. I do not seem to make myself understood by the chairman. The point is that we make a special provision for employees at one agency, whereas on page 13, from line 3 to line 13, we make a general provision that covers all the agencies, as I understand it. Why should we make a special provision of $1,500 for this particular agency?

Mr. ASHURST. I will advert to the House hearings on the items for the pay of Seneca Indians in Oklahoma:

This is $1,000 more than the amount allowed for the fiscal year 1914. The appropriation is being used to pay salaries of two clerks, while an additional employee is being paid a salary of $840 per annum from the appropriation for general expenses of the bureau, this position being essential to the proper handling of the affairs of the Indians.

I ask the especial attention of the Senator from Vermont to this point:

The additional amount requested is for the purpose of relieving the general appropriation and for making small, well-deserved promotions in the salaries of other employees.

Indian population: Seneca, 497; Eastern Shawnee, 129; Ottawa, 274; Peoria-Miami, 355; Wyandot, 449; total, 1,614.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. PAGE. Mr. President, I dislike to take the time of the Senate in discussing the introduction of this particular item here. I think it is wrong. I think it ought to go in the general clause, but I will make no objection to it.

The amendment was agreed to.

The next amendment was, on page 60, after line 13, to strike out:

That the fourteenth paragraph of section 18 of the Indian appropriation act approved August 24, 1912 (37 Stat. L., pp. 533 and 534), be, and the same is hereby, amended to read as follows:

"That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to cause to be delivered to the persons entitled thereto, under such rules and regulations as he may prescribe, checks payable to the order of individual Indians who are members of the Band of Mexican Kickapoo Indians residing in the Republic of Mexico, covering individual Indian moneys now on deposit to the credit of such Indians, or in any manner under the control of the superintendent of the Shawnee Indian School and other officers of the Interior Department or which may hereafter be deposited with or come under the control of the Department of the Interior or its representatives, except such moneys as may belong to members of said band who are under 18 years of age and the feeble-minded Indian known as Paw-kaw-kah, in which cases such moneys shall be paid to the proper custodians of the members of said band who are under 18 years of age, and the said Paw-kaw-kah."

And to insert:

That part of the act of Congress approved June 21, 1906 (34 Stat. L., p. 263), reading as follows: "All restrictions as to sale and encumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land, in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restriction for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee," be, and the same is hereby, repealed, and the trust period on the lands allotted to said Indians now held in trust is hereby extended for 10 years from the date of the expiration of the present trust period on said lands, and the further sale of any of the lands allotted to or inherited by the Mexican Kickapoo Indians shall not be permitted without specific authority of Congress.

Mr. KENYON. Mr. President, I desire to make a parliamentary inquiry of the Chair. Would a point of order to the amendment be in order if it did not go to the entire amendment. I wanted to make a point of order on the amendment down to and including the word "repealed," in line 4, on page 62, as the balance is, I believe, a good provision.

Mechanics' supplies	$62
Cleaning and toilet supplies	1,714
Wearing apparel	8,546
Forage	1,926
Provisions	21,255
Equipment	14,551
Construction and repairs	11,598
Medicinal supplies	654
Water	1,301
Ice	607
Seed	229
Miscellaneous expenses	75

Statistical statement for year ending June 30, 1913.

Value of school plant	$299,573
Number of buildings	66
Number of employees	67
Total salaries	$51,695
Average attendance of pupils	655
Enrollment of pupils	797
Capacity of school	750
Cost of education, maintenance, per capita	$194
Area of school lands ... acres	987
Value of the products of the school for the year	$19,773

The Senator will observe that $30,000——

Mr. BORAH. Yes; for a gymnasium.

Mr. ASHURST. The Senator adverts to the $30,000 for a gymnasium, which I had not quite reached. If the Senator will pardon me, I will read from page 126 the following from one of the hearings had before the Committee on Indian Affairs. The Senator from Kansas [Mr. THOMPSON] presented an amendment providing for $40,000 for a gymnasium. Mr. Meritt, the assistant commissioner, said:

In our estimates we ask for $30,000 for a gymnasium building and equipment at the Haskell Institute. The House omitted this item from the bill passed by the House. We also asked for general repairs and improvements, $13,500, and the House allowed us $11,000. We feel that we can construct a suitable gymnasium building and equip it properly to meet sufficiently the needs of that school for $30,000, but we do need that additional $2,500 for general repairs and improvements of the other buildings. We have a large number of buildings at this school.

The Senator will remember that I read there are 66 buildings. It is one of the largest nonreservation schools in the Indian Service. The school is doing——

Mr. BORAH. May I ask the Senator a question? I notice an estimate there as to the cost of a gymnasium; but are there any facts there presented or was there anything presented to the committee showing why we should spend $30,000 for a gymnasium?

Mr. ASHURST. If the Senator will pardon me——

The PRESIDENT pro tempore. May the Chair also address an inquiry to the Senator from Arizona? The Senator read the recommendation of Mr. Meritt, the Assistant Commissioner of Indian Affairs. Was his suggestion transmitted to the Secretary of the Interior and by him concreted in a definite estimate of this amount as a necessary expenditure?

Mr. ASHURST. Replying to the question propounded to me by the Chair, I will state that I intended to say that this item is included in the Book of Estimates, which contains all the necessary items of appropriation estimated by the Secretary of the Treasury.

The PRESIDENT pro tempore. Was it indorsed by the head of the Interior Department?

Mr. ASHURST. Oh, certainly. The Interior Department included this item in the estimates.

The PRESIDENT pro tempore. That might very easily be confounded with the suggestion of the assistant commissioner. What the Chair desires definitely to understand is whether the Secretary of the Interior, in his estimate of the necessary expenses of conducting the bureau, included that item of $30,000?

Mr. ASHURST. I answer the question, yes; and in reply to the distinguished Senator from Idaho [Mr. BORAH]. I will proceed to read all of the testimony from the hearings that were had before the Committee on Indian Affairs in relation to this subject. Of course I can give to the Senator and the Senate only such information as I possess; and all I possess is what I gleaned at the hearings and from the reports. So, if the Senator will permit me, I will continue to read from the hearings. Mr. Meritt said:

It is one of the largest nonreservation schools in the Indian Service. The school is doing good work, but they are in serious need of a gymnasium. We have Mr. Peairs here, who lives at Lawrence, and he was superintendent of that school for a number of years, and he can tell you of the urgent need for this gymnasium. We feel, however, it should not be over our estimate of $30,000.

Senator LANE. Where will the money come from?

Mr. MERITT. It will be a gratuity appropriation by the Government.

The CHAIRMAN. Is there any objection to the item of $30,000 for the gymnasium at Haskell, and raising the other item to $2,500?

Mr. BORAH. Mr. President, do I understand that the Senate Committee on Indian Affairs has approved of this item of $30,000 as a gratuity from the Government for the building of a gymnasium?

Mr. ASHURST. The Senate committee has done so.

Mr. BORAH. That is astonishing in view of the economy which is being practiced.

Mr. ASHURST. I notice the absence of several Senators who appeared before the committee to urge these appropriations. The Senator from Kansas [Mr. THOMPSON] in the discussion of this item states as follows:

Senator THOMPSON. We have nothing there but a basement; and only about 40 can get in there at a time out of 700.

There was some further discussion of the subject by other Senators, which I will not weary the Senate by reading at this time.

Mr. BORAH. Mr. President, I inquire whether the Senator from Arizona has concluded?

Mr. ASHURST. I have concluded, unless the Senator from Idaho wishes to have me read further from what was stated before the committee.

Mr. BORAH. No; the statement made with reference to the necessity of this gymnasium is very full and very conclusive; the necessity of it seems unquestioned; and I am not permitted to criticize the economical tendencies of the committee by reason of allowing it.

Mr. ASHURST. Of course, the committee is profoundly gratified to have the approval of this item by the distinguished Senator from Idaho.

Mr. BORAH. I desire to say there was some mental reservation.

The PRESIDENT pro tempore. Unless there is objection, the amendment is agreed to. The Chair hears none.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Michigan," on page 31, after line 16, to strike out section 7, as follows:

SEC. 7. For support and education of 325 Indian pupils at the Indian school, Mount Pleasant, Mich., including pay of superintendent, $56,275; for general repairs and improvements, $5,000; in all, $61,275.

And to insert:

SEC. 7. For support and education of 350 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $60,450; for general repairs and improvements, $6,000; for gymnasium and manual training buildings and equipment, $25,000; in all, $91,450.

Mr. KENYON. Mr. President, might I inquire of the chairman of the committee as to the gymnasium covered by this appropriation? The House of Representatives does not seem to have been partial to gymnasiums, but the Senate committee seems to have put them in in all of these instances.

Mr. TOWNSEND. Mr. President——

Mr. ASHURST. I yield to the Senator from Michigan, Mr. President.

Mr. TOWNSEND. Mr. President, this is an item that was estimated for last year by the Interior Department. We have a very prosperous school, considering all the conditions, at Mount Pleasant, Mich. There are in that school about 400 students. There are of Indian children in the State of Michigan who are entitled to school benefits about 1,400. This building is needed. They have absolutely nothing that can be used for this purpose. The department has recommended that it should be erected.

As is known, we have long winters in Michigan. A gymnasium, a physical exercising room, has come to be a very essential part of school work, and in this particular instance we need this building, because it was discovered by the committee that visited the Indian reservations of the country last year that where the schools are provided with such accommodations, where they have these things which are so near and so dear to the Indian heart, they are more attractive and the schools are better attended. I repeat that this is an essential part of the educational work practically of all schools, but especially of the Indian schools.

This school is being maintained in Mount Pleasant, where there are white schools, and these Indians are doing very favorable work in comparison with the white children, who have all the advantages which this bill seeks to provide in part for the Indian children.

It is true that the House left out this provision, but it left out many other provisions which were inserted in this bill by the Senate committee, and which the Commissioner of Indian Affairs or his representative argued were absolutely essential to the proper conduct of these educational institutions.

We have but the one school in Michigan for fourteen hundred Indian children. There ought to be more than 400 in that school, but they can not all be accommodated in the buildings which now exist. We are making provision for some extension of this building for this gymnasium, which is a manual training school; properly it is more of a manual training school than what we understand the ordinary gymnasium to be; although it is a place for physical exercises, it is also a manual training building. In that building these Indians, it is believed, will get great advantages.

When the bill was pending last year before the committee I did not urge this amendment so strongly, because I did not know for myself what the conditions at Mount Pleasant were. I have since made myself personally acquainted with the conditions there, and I say, without hesitation, that this building is essential to the highest usefulness which can be obtained from that school

Mr. BORAH. Mr. President, the explanation of the Senator from Michigan is satisfactory, but I notice that since we eliminated the item on page 30 and refused to pay the honest debts of the United States to its citizens because of the fact that we were anxious to protect the funds of the Indians and practice economy, we have already appropriated in the next two pages $65,000 for gymnasium buildings and equipment. I suppose they are provided in contemplation of a possible war with Mexico, with the idea of getting ready.

Mr. KENYON. Mr. President, I should like to inquire of the Senator from Michigan if he knows how many gymnasiums are provided for in this bill? Are they only provided in a few places or are they generally provided where Indian schools are located?

Mr. TOWNSEND. I am not prepared to answer that question, but I think there is no building of this kind provided for in the bill that is not needed and that is not actually a necessity for the school work in connection with the training of the Indians. I think all the practical educators connected with the work, not simply the men who have charge of the institution at Mount Pleasant, but those at the Haskell Institute and at other places; in fact, every man who has investigated Indian school work has recognized that manual-training work is one of the absolute necessities of Indian education. I repeat that I can not tell how many such buildings there are provided in this bill, but I do not think there are very many, because very many of these institutions throughout the United States have already been equipped with gymnasiums and manual training buildings, as they are called.

Mr. ASHURST. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. LEWIS in the chair). Does the Senator from Michigan yield to the Senator from Arizona?

Mr. TOWNSEND. I yield to the Senator.

Mr. ASHURST. I feel, in justice to the committee, as well as in justice to the Senate itself, which is entitled to and should have this information——

Mr. KENYON. Mr. President, does not the Senator feel, in making an explanation to the Senate, that there should be more than 12 Senators present? I suggest the absence of a quorum before the Senator proceeds.

The PRESIDING OFFICER. The suggestion of the absence of a quorum having been made, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Owen	Smith, Mich.
Borah	Hughes	Page	Sunset
Brady	James	Perkins	Sterling
Bristow	Johnson	Pittman	Stone
Bryan	Jones	Ransdell	Sutherland
Burleigh	Kenyon	Reed	Swanson
Camden	Lane	Robinson	Thompson
Catron	Lee, Md.	Saulsbury	Thornton
Chamberlain	Lewis	Shafroth	Tillman
Clapp	Martine, N. J.	Sheppard	Townsend
Crawford	Myers	Sherman	Vardaman
Cummins	Nelson	Shively	White
Dillingham	Norris	Smith, Ariz.	Williams
Fletcher	O'Gorman	Smith, Ga.	
Gore	Overman	Smith, Md.	

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE], of the junior Senator from Massachusetts [Mr. WEEKS], and of the senior Senator from New Hampshire [Mr. GALLINGER].

The PRESIDING OFFICER. Fifty-eight Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment reported by the committee on page 31.

The amendment was agreed to

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in section 7, on page 32, after line 2, to insert:

For pay of expenses of the Mackinac Agency, including pay of employees not otherwise provided for, $2,400; for purchase of site and construction of agency building, $1,200; in all, $3,600.

The amendment was agreed to.

The next amendment was, on page 32, after line 6, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay to Joseph Bradley, attorney in fact for the Saginaw, Swan Creek, and Black River Bands of Chippewa Indians, Michigan, the balance of $30.65 in the Treasury and due these Indians under the provisions of article 2 of the treaty of August 2, 1855 (11 Stat. L., p. 633): *Provided, however*, That he shall before receiving the said sum execute as attorney in fact on behalf of these Indians a receipt in full therefor.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," in section 8, at the top of page 33, to insert:

For the payment of high-school teachers at White Earth, Minn., for instruction open to the children of the Chippewa Indians in the State of Minnesota, $6,000, or so much thereof as may be necessary, to be used under rules to be prescribed by the Commissioner of Indian Affairs: *Provided*, That not to exceed $1,000 of this sum may be used to continue the education of boys appointed under the provisions of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1914," approved June 30, 1913.

The amendment was agreed to.

The next amendment was, on page 33, line 16, after the words "the sum of," to strike out "$215,000" and insert "$173,500"; in line 25, after the word "exceed," to strike out "$50,000" and insert "$20,000"; on page 34, line 2, after the words "Mille Lacs Indians," to insert "to whom allotments have not heretofore been made"; and in line 9, after the word "amended," to insert: "*Provided further*, That $8,500 of this amount, or so much thereof as may be necessary, may be expended in the removal of Chippewa Indian bodies from the burial grounds in the vicinity of Wisconsin Point, Wis., and their reinterment in an established cemetery in the city of Superior; said amount to cover markers for each grave or one monument, as may be found most suitable; and for the removal and suitable burial and marking of the graves of Indian bodies at Mille Lacs, Gull Lake, and Sandy Lake, Minn.," so as to make the clause read:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $173,500, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act: *Provided*, That not to exceed $20,000 of this amount may be used in the purchase of lands for homeless nonremoval Mille Lacs Indians, to whom allotments have not heretofore been made, to be immediately available and to remain available until expended, said lands to be held in trust and may be allotted to said Indians, in the discretion of the Secretary of the Interior, subject to the provisions of the act of February 8, 1887 (24 Stat. L., p. 388, as amended): *Provided further*, That $8,500 of this amount, or so much thereof as may be necessary, may be expended in the removal of Chippewa Indian bodies from the burial grounds in the vicinity of Wisconsin Point, Wis., and their reinterment in an established cemetery in the city of Superior; said amount to cover markers for each grave or one monument, as may be found most suitable; and for the removal and suitable burial and marking of the graves of Indian bodies at Mille Lacs, Gull Lake, and Sandy Lake, Minn.

The amendment was agreed to.

Then the next amendment was, at the top of page 35, to insert:

That the building at Bena, Minn., is hereby granted to the village of Bena to be used as a schoolhouse, together with so much land as the Secretary of the Interior may determine, not exceeding 3 acres, and the Secretary of the Interior is hereby authorized to convey said property by a deed: *Provided*, That the children of the Chippewa Indians of Minnesota shall have access at all times to the school maintained therein.

The amendment was agreed to.

The next amendment was, on page 35, line 20, after the word "Minnesota," to insert "*Provided*, That any persons who are bona fide residing upon said land shall not be required to remove therefrom except upon terms approved by the Commissioner of Indian Affairs," so as to make the clause read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to the Northern Minnesota Conference of the Methodist Episcopal Church a patent in fee to lot 1, section 19, township 65 north, range 21 west of the fourth principal meridian, State of Minnesota: *Provided*, That any persons who are bona fide residing upon said land shall not be required to remove therefrom except upon terms approved by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, on page 35, after line 23, to insert:

That the sum of $1,500, or so much thereof as may be necessary, is hereby appropriated from the tribal funds of the Chippewa Indians of the State of Minnesota now in the Treasury, to pay the expenses incurred by the delegations of Chippewa Indians who visited Washington, D. C., on business for said Chippewas and who were elected by the councils of March 25, 1911, and December 30, 1912, and also for the expenses of the duly elected delegates who attended the general council of the Chippewas of Minnesota, held at Cass Lake, Minn., on May 6, 7, 8, and 9, 1913. Said sum of $1,500 shall become immediately available upon the passage of this act.

The amendment was agreed to.

The next amendment was, on page 36, after line 12, to insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to approve the assessments, together with maps showing

Mr. SMITH of Arizona. I hesitate to disagree with my friend from Arkansas.

Mr. ROBINSON. The Senator need not hesitate if he thinks he is right and I am wrong.

Mr. SMITH of Arizona. I think, from my experience of quite a number of years in these matters, that the greatest farce in the United States Government is the hope it holds out by a reference of claims to the Court of Claims for a finding. If the citizens of whom the Senator from Idaho speaks have had their homes overflowed and their property taken away by the construction of a reservoir by the Government, the Government has all the facts that it can give to the court, or that the court can ever give to the Senate; and if the matter is worthy of reference to the court it is worthy of judgment.

Taking a specific case, a little while ago the Government of the United States concluded to broaden the line between the United States and Mexico in the town of Nogales, and it issued a simple order, taking down men's stores and residences for 60 feet. That was 15 or 20 years ago. The matter was referred to the Court of Claims, and they made a finding on it, ridiculously small, taking in nothing in the world except the mere improvements on the land.

Mr. ROBINSON. Mr. President, will the Senator from Arizona yield to me?

Mr. SMITH of Arizona. I shall conclude in a sentence, if the Senator will bear with me.

Mr. ROBINSON. Very well; go ahead.

Mr. SMITH of Arizona. That was found by the Court of Claims. You may now and then get it passed through this body, and now and then through the other body, and for years and years the same thing goes on. We know what ultimately becomes of the case. It is continued in the name of their executors or administrators or personal representatives.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON. I yield to the Senator from Mississippi for a moment, for an explanation.

Mr. WILLIAMS. I know the Senator from Arkansas does not want my position to be misunderstood. I either expressed myself awkwardly, and perhaps too emphatically—I do not remember now just what words I used—or else he misunderstood me. The position I take is that whenever the Government of the United States does grant to anybody the right to sue it, that right ought to extend to a decree.

Mr. ROBINSON. Now will the Senator from Mississippi yield to me?

Mr. WILLIAMS. Let me finish this sentence.

Mr. ROBINSON. All right.

Mr. WILLIAMS. I am not taking the general position that we ought to put upon the statute books a statute giving everybody the right, at any time, to sue the United States Government, but simply that when the right is extended it should be a complete right; it should be a right to sue to a decree, and not merely to send to a commission, to submit back to itself, one of the parties in interest, the question whether or not it will pay its debts.

Mr. ROBINSON. Mr. President, the United States Congress has the right to use any of its agencies, any of the creatures of the Government, for the purpose of ascertaining facts which may reflect upon its own action; and the United States Congress has used the Court of Claims for that purpose from the time of its creation. In view of the fact that the department of the Government intrusted with the payment of these claims and authorized to pay them if found just, has found that they are not properly payable, I can not understand why the Senator from Mississippi insists upon making an exception of this peculiar class of claims, and still leaving the many other claims that come before Congress to be passed upon as questions of fact by the Court of Claims.

This is a matter that I believe ought to be determined as a question of fact by the Court of Claims, so that Congress can act intelligently. You will be flooded with applications for the reference to the Court of Claims of claims of this character if the court is authorized to pass judgment in cases of this sort. This will become a precedent of a very dangerous and damaging character. Congress has the power of appropriation. From the beginning of this Government it has been made the guardian of the purse strings, and it is a poor answer in this case for the Senator from Arizona [Mr. SMITH] and the Senator from Mississippi [Mr. WILLIAMS] to denounce Congress, by saying it has not done its duty in promptly paying claims that ought to have been paid. It is proper that the representatives of the people should retain control of the purse strings.

I might just as well say now that even if the Senator from Connecticut withdraws his point of order and if this amendment prevails the point of order will be made and the whole provision will go out of the bill.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator from Arkansas a question. Was this irrigation project built by the Reclamation Service or from Indian funds?

Mr. ROBINSON. It was built for the benefit of the Indians, I think, under the supervision of the Bureau of Indian Affairs. I will ask the Senator from Idaho.

Mr. BORAH. Yes.

Mr. HITCHCOCK. In that case did the bureau have any power to pay damages?

Mr. ROBINSON. Under an act of Congress already passed.

Mr. HITCHCOCK. Where work is done by the Reclamation Service?

Mr. ROBINSON. No; there was an act of Congress passed authorizing the Bureau of Indian Affairs to settle all those claims, and the bureau settled all that ought to be settled and refused to pay Wenchell and the other parties named in the list held by the Senator from Idaho. Then they presented an amendment to the Committee on Indian Affairs and asked us to give the Court of Claims jurisdiction to try out the matter and pass judgment against the Government. We decided after careful consideration of the matter that it would be better to let the Court of Claims find what the facts are and then ourselves retain control and jurisdiction of it.

Mr. WEST. Were these claimants turned down after a thorough investigation by the department?

Mr. ROBINSON. I do not know how thorough the investigation was.

Mr. BORAH. I hope the Senator will not use the word "thorough."

Mr. ROBINSON. I do not want to preclude any rights these parties may have by expressing an opinion as to the justice or injustice of the action of the Department of the Interior or the Bureau of Indian Affairs in passing upon their claims. The fact is that the department had the power to pay the claims if it found they were just. It did not pay the claims, but refused to pay them on the theory that they were not properly payable under the act which had been passed.

Mr. BORAH. I understand the Senator from Vermont made a point of order on the amendment. If so, of course it would be hardly worth while to detain the Senate longer; but I do want to ask the Senator from Arkansas a question. Here are some 30 people who have these claims. They will not exceed, my colleague thinks, $30,000. I will say they will not exceed, at the outside, $45,000. The Senator knows from his observation and from the statement which he made a while ago that to put in a provision here for a finding of fact is practically to deny these people justice. They will be lucky, indeed, if they ever get anything at all, unless the court is authorized to render judgment.

Mr. ROBINSON. I do not admit anything of the kind. The same committee that reports this provision will, when the findings of fact have been made, have jurisdiction to report an appropriation to pay them.

Mr. BORAH. It will have jurisdiction, Mr. President, but the archives over there are full of claims which have been reported favorably wherein citizens have just claims against the Government, and there has never been an appropriation made for them.

Mr. ROBINSON. Why make an exception of this peculiar claim and take it out of the class of the many claims which have come before Congress? Why not treat them all alike and pay them when found to be just? That is the very point I am making.

Mr. BORAH. Of course this thing of referring claims to the Court of Claims for a finding of fact has become almost a scandal. It is like the entrance to Dante's Inferno—the person who goes into that process leaves hope behind. There are only a very few instances where they are paid, and those are instances where people have such large claims that they can constantly be upon attendance of Congress and look after them and have the claims allowed after finding of facts has been made. Small claims such as are here represented are generally put into the archives and pass into oblivion.

Now, I know the Senator does not want to do these people an injustice. If the Court of Claims finds in their favor, then you have this position before Congress: You have the judgment of the court that men have a just claim for having given up their homes and their possessions for the benefit of the Government. Why not give judgment and let them have it to go elsewhere

and purchase possibly a place of habitation in lieu of the one which they lost?

Mr. ROBINSON. Replying to what the Senator from Idaho has said, an argument such as he makes applies to every claim that has ever been presented to Congress and every claim that ever will be presented to Congress. I admit there is much force in the contention that when the sovereign divests itself of its peculiar characteristics and goes into business it ought to deal upon the same plane that citizens deal upon; but I suggest to the Senator from Idaho and to the Senator from Mississippi that this case is one which peculiarly calls for a safeguarding of the rights of the public by Congress, because of the very fact that one creature of Congress has already passed on these claims and found them unjust.

We all know that the Court of Claims in making findings of fact passes upon many questions, and one subject which the Senator from Idaho might think would preclude the whole subject might to my mind be of comparatively small importance. So, for that reason, I think Congress ought to set the precedent in this bill of giving the Court of Claims power to pass judgment against the United States for damages or alleged damages that may have accrued to white citizens by reason of its operations through the Bureau of Indian Affairs. If you do not do that—mark my words—instead of appropriating ten or twelve million dollars for the alleged benefit of the Indians of the United States you will in the next two years have claims presented here annually to the amount of many million dollars.

Mr. BORAH. Mr. President, if there are just claims due——

Mr. ROBINSON. The principal point is the difficulty in ascertaining what is a just claim.

Mr. BORAH. Mr. President——

Mr. ROBINSON. Congress, in making appropriations, is charged with the duty of passing upon that very question.

Mr. BORAH. Suppose, Mr. President——

Mr. ROBINSON. I submit to the Senator from Idaho, in reply to what he said about the forlornness of hope of these people, if they are merely given a finding of fact with the same diligence with which he is presenting their case now, he will be presenting their case when the finding of fact has been made, and he will be asking for an appropriation; but if the finding of fact is unfavorable, perhaps he will be deterred from doing that.

Mr. BORAH. There is a limitation to human life and also to public office. I do not know that these people will be living or that I will be here.

Mr. ROBINSON. If the Senator from Idaho is proud of that observation, I must reply that it does not, to my mind, reflect credit upon my own intelligence that he should find it necessary to communicate that sort of a statement to the Senate in this debate.

Mr. BORAH. I regret to have fallen in the estimation of the Senator from Arkansas. If the Senator from Arkansas has not concluded, I will wait until he does conclude.

Mr. ROBINSON. Very well; I think perhaps that would be the best course for the Senator from Idaho to pursue, in view of the fact that he has sought to remind me of the truth that there is a limit to human life and human endurance.

Mr. LEWIS. Mr. President, if I may be permitted to interrupt the Senator from Arkansas, the distinguished Senator from Idaho is no doubt referring possibly to the Democratic situation which will subsequently arise touching his own State and not to the Senator from Arkansas.

Mr. BORAH. No, Mr. President; if the Senator from Arkansas will permit me, what I meant was this: I had a letter from one of these settlers the other day who is 80 years of age. That was floating in my mind when I said that there was a limit to human life. The other proposition was that the Senator from Idaho has only four years to serve, and he could not get any bill through in four years after the Court of Claims made a finding of fact in that time, judging by past precedents. I was speaking sincerely and not in jest.

Mr. ROBINSON. Mr. President, the interest of the Government of the United States and of the Treasury of the United States requires that we exercise some caution in this particular. If the matter were limited to the claims of the constituents of the Senator from Idaho, it would be another question, but we are setting a precedent here which has not been made heretofore. We are establishing the right of claimants in a general appropriation act to recover for alleged damages accruing to them by reason of the Government constructing irrigation works for the benefit of Indians. We all know, those of us who are lawyers, that it is not every claim which is presented that is just. We all know that the rights of the Government are not always carefully protected in litigation of this character. I do not mean to reflect upon anybody or to criticize any courts, but I am simply stating what is known to be a fact and what has led to investing the Court of Claims with jurisdiction principally to determine questions of fact. Congress can be trusted to make this appropriation if it is a just one. I suggest to the Senator from Idaho that this is the first time that I, as a member of the committee, have ascertained that the provision in the bill was not acceptable to either of the Senators from Idaho.

The PRESIDENT pro tempore. Let the Chair ask his colleague a question. Is it not a fact that those alleged claims could be referred to the Court of Claims now under the Tucker Act if they had any foundation?

Mr. ROBINSON. I think so.

The PRESIDENT pro tempore. Then the adoption of this provision would simply be a reenactment of existing law?

Mr. ROBINSON. I think that would be the effect of it. I think it is perfectly proper for the committee to refer a matter to the Court of Claims for a finding of fact. I am bound to admit that the whole item is subject to the point of order, and with my view of the matter if a point of order is made I shall surrender the floor.

The PRESIDENT pro tempore. Does the Senator make a point of order before he takes his seat?

Mr. ROBINSON. I make the point of order.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. BORAH. May I ask a question. Does the point of order go to the amendment which I offered or to the entire item?

The PRESIDENT pro tempore. It includes the entire item under the section of Rule XVI, and that is wholly regardless of the merit of the claim.

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

Of course this is not to carry out a provision of existing law, and, if it were admissible otherwise, that is a specific condition in the rule. The next amendment of the committee will be stated.

The next amendment was, on page 30, after line 15, to insert:

For pay of employees at the Nez Perce Agency, $5,500.

The amendment was agreed to.

The next amendment was, on page 30, after line 16, to insert:

To reimburse M. D. Colcrove, superintendent of the Coeur d'Alene Agency, for expenses incurred in connection with the retention of an Indian charged with murder, $6.

The amendment was agreed to.

The next amendment was, on page 30, after line 19, to insert:

IOWA.

For expenses of the Sac and Fox Agency, Iowa, including pay of employees not otherwise provided for, $1,000.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in section 6, on page 30, after line 23, to strike out:

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., including pay of superintendent, $127,750; for general repairs and improvements, $11,000; in all, $138,750.

The amendment was agreed to.

The next amendment was, on page 31, after line 3, to insert:

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvement, $13,500; for gymnasium building and equipment, $30,000; in all, $171,250.

Mr. BORAH. I should like to have a little explanation by the Senator in charge of the bill as to section 6. What is this estimate of $127,750? This situation is becoming interesting.

Mr. ASHURST. The item to which the distinguished Senator from Idaho adverts reads:

For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvement, $13,500; for gymnasium building and equipment, $30,000; in all, $171,250.

This provision in the bill is in accordance with an estimate made by the department. The Senate Committee on Indian Affairs has not increased the amount estimated by the department, and the justification for the same is as follows—that is to say, it is required for the following purposes, which will serve as an analysis of the expenditure:

Salary and wages	$49,399
Traveling expenses	86
Telegraph and telephone services	234

There are some fractional cents in each instance, but I omit them—

Heat, light, and power (service)	$5,015
Miscellaneous material	3,624
Stationery	102
Fuel	16,099

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the junior Senator from Idaho yield to his colleague?

Mr. BRADY. I yield to my colleague.

Mr. BORAH. Mr. President, I did not understand that my colleague was objecting to or discussing the pending amendment; he was simply referring to some remarks which were made by the Senator from Oregon [Mr. LANE] as to the treatment which the Indians had received on the Fort Hall Indian Reservation. We are not either of us desirous of objecting to or detaining the Senate upon the pending amendment. I understand it is satisfactory to both Senators from Idaho.

Mr. BRADY. Not only that, but I am very much in favor of it.

Mr. ROBINSON. Then I will merely suggest that we proceed with the consideration of the bill. In view of the statement of the Senator from Idaho I have no further remarks to make.

The PRESIDENT pro tempore. The Chair will state that under the rules of the Senate the widest latitude is allowed for debate and a Senator may proceed as he may desire.

Mr. BRADY. Mr. President, I want to say a word relative to the pending amendment. I fully agree with the Senator from Arkansas [Mr. ROBINSON] that a great amount of the Indians' money has been diverted exactly as he says it has been, and I for one am in hearty sympathy with everything he has said relative to that matter. More than that, I believe that the only way that you can have the Indian lands improved and their rights saved to the Indians is to adopt the amendment offered by the committee enabling them to go on and to improve their property. You must buy teams and implements for them; you will have to send men to show them how to plow and plant and cultivate their crops. There is a large per cent of the Indians, in spite of the reflections that have been cast upon them, who will plow and plant and harvest if a man is sent to show them how to do it and how to follow the crop until it is harvested and marketed and see that the Indian receives a fair price for what he raises. When the Indian is once shown how to perform a task, ever after you will find him doing the same thing of his own accord. By proper management and by carrying out the plan suggested by the committee, teaching the Indians the proper manner of farming and of marketing and economy in the handling of their affairs, you will do more good, or fully as much good, for the Indians as you will by appropriating money for the benefit of the white farmers of the United States, and it is our duty to those engaged in agricultural pursuits whenever we can consistently do so. I hope the amendment making an appropriation of $50,000 to assist the Indians on the Fort Hall Reservation in their agricultural pursuits will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee on page 29. Unless there is objection, it will be adopted. The Chair hears none, and it is so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 30, after line 4, to insert:

> That the Court of Claims be, and it is hereby, authorized and empowered to investigate the claims for damages to the lands held under possessory claims of Nells Anderson, William Winchell, and others in whose behalf a petition or petitions may be filed, in said court for damages alleged to have been caused by the construction of a reservoir for storing water for the purpose of irrigating lands on the Fort Hall Reservation, in Idaho, and those ceded by the Indians of said reservation, and to make findings of fact as to each or any of said claims and the amount of damages, if any, due said claimants.

Mr. BORAH. Mr. President, I want to offer an amendment to that amendment by moving to strike out all after the word "reservation," in line 13, page 30, and to insert in lieu thereof the following:

> And to render judgment in favor of any or each of said claimants for the amount of damages so ascertained.

The PRESIDENT pro tempore. The amendment to the amendment will be stated to the Senate.

The SECRETARY. In the amendment reported by the committee, on page 30, beginning in line 13, it is proposed to strike out the words "and to make findings of fact as to each or any of said claims, and the amount of damages, if any, due said claimants," and to insert "and to render judgment in favor of any or each of said claimants for the amount of damages so ascertained."

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. I yield.

Mr. PAGE. Mr. President, I never had a very good opinion of this amendment as it read before the amendment suggested by the Senator from Idaho. If I understand it, the purpose of his amendment is to refer these claims to the Court of Claims and give that court the power to render judgment thereon. When I first examined the amendment I thought it applied simply to claims of Nells Anderson and William Winchell, but upon reading it further I find that it applies to "others in whose behalf a petition or petitions may be filed." When we add to the amendment as reported by the committee the amendment of the Senator from Idaho, it seems to me that we make it clearly open to a point of order under section 4 of Rule XVI, and I am constrained to make the point of order that it is obnoxious to that rule, which reads:

> No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill—

And so forth.

Mr. BORAH. Mr. President, just a word before the point of order is ruled upon. If the Senator wants to insist upon the point of order, I will say a word about that in a few moments; but will the Chair bear with me for a moment? I yielded to the Senator, as I supposed, for a question. I did not suppose I was yielding for the purpose of a point of order.

I wish to say, in behalf of the amendment which I have offered, that these claims are based upon the proposition that in taking this reservoir site and condemning the property certain land and certain possessions of these settlers were taken by the Government, and therefore they have certain claims against the Government. In the act of 1909, I think, provision was made by which the amount of these claims should be ascertained. The department sent some one out there at a time when it was almost impossible to ascertain the amount of the damages during that time of the year. The settlement offered by the department was not satisfactory to the settlers, and therefore they have asked that this matter be referred to the Court of Claims. The amendment which was offered in the first instance by my colleague provided for the reference of the matter to the Court of Claims with the power on the part of the Court of Claims to render judgment, but the committee changed it to a power simply to make findings of fact.

I wish to say to the Senator from Vermont that these people have actually lost their holdings. They have actually lost their property. The damages are due. They have accrued. I think the point of order of the Senator might just as well be made as to have the amendment go in as it is here. There are claims over here in the department where the facts have been found for 20 years, and the parties never have been paid. It simply amounts to denying them in an easy sort of way; it is chloroforming them for a time with the delusion that they are going to get their money, but they do not get it one time in twenty.

These people are poor people. They have not the means to come here and see that an appropriation is made and attend to it from year to year. I think the Senator ought to withdraw his point of order and permit the Court of Claims to investigate this matter and to render judgment. If there is nothing due to them, nothing will be paid. If there is anything due, certainly these people who have lost their possessions, their homes, ought to be paid for what the Government has actually taken from them.

Mr. WHITE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Alabama?

Mr. BORAH. I yield.

Mr. WHITE. In what way did they lose their homes?

Mr. BORAH. Their lands and their possessions and improvements were overflowed by the reservoir which the Government built.

Mr. WHITE. How much do the claims amount to?

Mr. BORAH. The Senator from Vermont [Mr. PAGE] referred to the fact that there are only two mentioned here. I have here, I think, the names of all the claimants, and in my opinion the outside figure—and I take this statement from those who are quite familiar with the situation—would not amount, for all of them combined, to over $45,000. Their holdings were small, but of course they were all they had. They would amount to a thousand dollars or fifteen hundred dollars apiece.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. The Senator from Idaho has already yielded to the Senator from Alabama.

Mr. CLAPP. Was it not about $28,000 in gross? The thought was running in my mind that it was about $28,000.

Mr. BRADY. Mr. President, I do not think the total will exceed about $30,000.

Mr. BORAH. I may have it too high. I would rather have it too high than too low; but I have the names of all the parties here—

> Mrs. James Heatley and children, Abe Anderson, David Anderson, Nells Anderson, Chris. Wittlatich, W. H. Chester, William Williams, Fred Larsen, James W. Chester, Grant E. Barney, Joseph Nelson, John Swank, Mrs. Mattie M. Clement, Peter Anderson, Fred A. Rogers, George E. Tolmie, George W. Strong, Ira H. Hogan, Mrs. Donald Tolmie, Francis M. Merrell, jr., Charles C. Dewitt, John Boyd, Mrs. Abe C. Anderson, Lewis S. Pond, and L. S. Marriott—

Less than 30 in all.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I yield.

Mr. WILLIAMS. Before the Senator from Idaho goes to that subject, if I understand this matter—and I am asking for information—it was practically a taking of private property without compensation, and in morals, if not in strict law, a violation of the provision of the Constitution which prevents that. What the Senator is seeking is to have an agency of the Federal Government itself, a court of the Federal Government, which surely the Federal Government can trust or ought to be able to trust, to decide between it and these claimants——

Mr. BORAH. That is precisely the situation.

Mr. WILLIAMS. To find the damage, if any exists, whether it is a total taking or a partial taking, and to give a decree in accordance with the facts. The Federal Government will be represented at that trial by the Department of Justice under the law of the United States.

That being the case, I hope, with the Senator from Idaho, that the point of order will not be made, and that the Senate may be enabled to consider the matter upon its merits.

Mr. BORAH. Of course I have not anything more to say if the Senator insists upon the point of order; but I am satisfied that if the Senator knew the situation and really understood the loss which is bound to accrue to these people, he would not deprive them of their rights in this way.

Mr. LEWIS. Mr. President——

The PRESIDENT pro tempore. The point of order is not debatable. Wholly regardless of the merits of the claim or the justice of the demand, the provision has no place in this bill.

Mr. PAGE. Mr. President, before the Chair passes upon the point of order I should like to know more about the facts of the matter. Perhaps I may withdraw the point of order. Would it be proper for us——

The PRESIDENT pro tempore. The Senator can not have it pending and withdraw it both. Which does the Senator do?

Mr. PAGE. I withhold the point of order.

The PRESIDENT pro tempore. Then the amendment will be adopted, unless there is objection.

Mr. ROBINSON. I object. I desire to discuss the amendment.

The PRESIDENT pro tempore. The Chair will state the amendment and then the Senator can discuss it. The question is on the adoption of the amendment offered by the Senator from Idaho to the amendment of the committee.

Mr. ROBINSON. Mr. President, a subcommittee of the Committee on Indian Affairs of the Senate was appointed to consider this item, consisting of the Senator from Minnesota [Mr. CLAPP], myself, and another Member whom I do not now recall; I believe the Senator from Nevada [Mr. PITTMAN]. We reached the conclusion after very careful consideration of the subject that the matter ought to be passed to the Court of Claims for a finding of fact, and then that Congress should pass upon the matter and determine whether or not, upon the finding of fact, an appropriation should be made to meet the demands of these parties.

In reply to what the Senator from Mississippi [Mr. WILLIAMS] has said, I will say that the Court of Claims, in passing upon cases referred to it, in the great majority of cases merely makes findings of fact. There are now in the archives of this Government thousands of cases of findings of fact that are favorable to the claimants wherein no appropriations have been made, Congress reserving its right to pass upon the findings of fact as made by the court and determine whether or not an appropriation should be made to pay the claims.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON. I decline to yield just now.

This is peculiarly a case where the Senate ought to know what it is doing before it authorizes a judgment. Here is a case of local persons, in the immediate vicinity of an improvement that has been made by the Government for the benefit of the Indians, who claim that they ought to have damages against the Government for the construction of the improvement. It is upon the disputed question of fact that the department, already having authority to pay these claims if it believes they ought to be paid, has refused to pay them. Therefore the subcommittee of the Committee on Indian Affairs, in the exercise of the caution which I believe ought to be exercised peculiarly in cases of this kind, has sought to refer the matter to the Court of Claims for a finding of fact.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. ROBINSON. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I simply want to say that of course I am acquainted with the facts stated by the Senator from Arkansas. There are hundreds if not thousands of cases which have been referred by Congress to the Court of Claims for a finding where the Court of Claims has made a favorable finding of fact, and then those claims have come back here to be handled about from session to session and probably never be paid. The very worst debt payer that I know of is these United States of America.

If the Senator from Arkansas will pardon me just one moment for a digression, I remember once, when I was a Member of the House, having referred to me as a member of a subcommittee a claim growing out of the old Spanish grants in Florida and the damages done the settlers there back in 1819. In going over those papers I found that Daniel Webster had passed upon them, and had made a report to the effect that the United States owed the money and ought to pay it. I found that Marcy, afterwards Secretary of State, had once passed upon it and had made the same report. I filed with the papers a report of mine, to go to the subcommittee, saying that as far as I was concerned I had been thoroughly through the papers and thought the United States owed the debt; that it was an honest debt. Three or four years afterwards I got a communication asking me if I knew whatever became of those papers. That had gone on for generations.

If the United States Government can not afford to trust its own court, where it is represented by counsel and has an opportunity to cross-examine witnesses, it ought to be able to do it. The very thing mentioned by the Senator from Arkansas is the thing that was resting in my mind when I said what I did a moment ago, and it accentuates it. I should like to see all cases sent to the Court of Claims sent there for a decree. If this Government is going to be honest, it ought to grant to the citizens of the United States the right to sue it, and it ought to stand up for the right and abide by the decree of its own courts.

Mr. ROBINSON. Mr. President, the logic of the position assumed by the Senator from Mississippi is that the peculiar protection which inheres in sovereignty, guaranteeing to this Nation the right of exemption from suit by its citizens except by its own consent, should be abolished. I wish to say to the Senator from Mississippi that I do not believe he has seriously considered the position he has taken.

Mr. WILLIAMS. I did not say that.

Mr. ROBINSON. I maintain, Mr. President, that the position which the Senator from Mississippi has taken, carried to its logical conclusion, means that any citizen of the United States having a claim against the Government ought to have the right to sue it, and to take judgment against the Government if he can recover judgment in the courts of the country. The argument that he makes can lead to no other conclusion than that.

I do not believe that is a sound argument. I believe if you throw open the floodgates to litigation against the United States, the inevitable result will be that millions upon multiplied millions of dollars will be taken from the Treasury upon claims that never ought to be presented, much less to be paid.

I say to you, Mr. President, in view of the fact that there are disputed questions of fact, in view of the fact that the Department of the Interior already has the power and the right to pay these claims if it believes they ought to be paid, and in view of the fact that it has refused to pay them because it believes they ought not to be paid, we are going far enough when we extend to these claimants the same right that we have extended to claimants from the State of the Senator from Mississippi—the right to go into the Court of Claims and establish the facts at issue—and still leave to Congress the power of making the appropriation without being precluded by a judgment of the court.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Arizona?

Mr. ROBINSON. I yield to the Senator from Arizona.

INDIAN APPROPRIATIONS.

The PRESIDENT pro tempore. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. ASHURST. I ask that the Senate proceed to the consideration of House bill 12579, the Indian appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The PRESIDENT pro tempore. The pending question is on the amendment reported by the Committee on Indian Affairs to insert certain matter on page 29 of the bill. It will be read.

The SECRETARY. On page 29, after line 4, the committee reports to insert:

> There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Fort Hall Reservation, Idaho, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE. Mr. President, in justice to the Senator from Idaho [Mr. BORAH] and to myself, I wish to call attention to a certain portion of the hearings which were taken before the subcommittee of the House Committee on Indian Affairs which relates to the subject which was under discussion yesterday, namely, the Fort Hall Reservation.

The Senator seemed to think at that time that there might have been something personal in my remarks. There was nothing of the sort intended by me. It was the general condition which prevails to which I referred. About this particular instance I was not so well informed as I was upon some others, but I find on reading the report of the hearings that when this project was brought up, Mr. CARTER, a Member of the House, brought out a statement from Mr. Reed, who is the superintendent of irrigation for all these reclamation projects in relation to it. For the information of the Senate, I should like to say to those who are interested in the matter that when a reclamation scheme is applied to land of Indians all of his lands become responsible for the payment of the cost of the same. The expense for the irrigation of bottom lands which are cultivable is placed on all the lands of the entire reserve and becomes a lien upon it, a claim upon it for which it is held for the repayment of the expenditure necessary to bring water upon that portion of the land which can be irrigated.

In the matter of the Fort Hall project it seems there was something like $800,000 expended, a portion of which, as near as I can ascertain, perhaps all of which, was reimbursable to the Government from the sale of the Indian lands. Mr. CARTER, who took an interest, asked some questions of Mr. Reed, who is the superintendent of irrigation. Mr. CARTER said:

> I notice that in your justification you state that there are 35,000 acres which may be irrigated, and that there are now irrigated by Indians 3,300 acres, by whites 5,800 acres, and leased 183 acres. I want to ask you how you manage to calculate the cost of the water furnished to the whites? What kind of a division do you make, in other words?
>
> Mr. REED. You mean as to the first charge, the charge for construction?
>
> Mr. CARTER. I mean as to all charges. I want to understand how you have an irrigation project which the bureau seems to be putting into operation and which goes to Indians and white people. I want some information about how you adjust those matters.

This is interesting, Senators, to all of you, whether you appreciate it at this time or not.

> Mr. REED. The maintenance and operating charges are adjusted according to the acreage; the construction charges in this particular case were fixed by Congress for the white men.
>
> Mr. CARTER. You do not charge the Indians for maintenance and construction unless they have tribal funds?
>
> Mr. REED. We have charged against the Indians a portion of the charges, but we do not collect from them at the present time; it comes out of the appropriation made by Congress.
>
> Mr. CARTER. But the white men you do charge?
>
> Mr. REED. Yes, sir.
>
> Mr. CARTER. And they pay their money for their part of the construction of the project?
>
> Mr. REED. Well, they do and they do not. The act of Congress of March 1, 1907—

That was the act which we attempted to cure with the provision which was ruled out yesterday. Mr. Reed said—

> I think, fixed the amount that the white men should pay on the ceded strip, which is a little less than one-third of what it actually cost.
>
> Mr. CARTER. The white men only pay one-third of the actual cost?
>
> Mr. REED. Yes, sir.
>
> Mr. CARTER. Then by this project we are giving to the white men two-thirds of the value of the irrigation project?
>
> Mr. REED. Yes, sir.
>
> Mr. CARTER. So we are practicing paternalism for them pretty nearly as directly as we are for the Indians?
>
> Mr. REED. You are in that particular case.

That is the general condition which prevails, and it was an injustice which I have protested against ever since my attention has been drawn to Indian affairs. As a member of the committee I have protested against it in committee. I have stated that no honest man could wittingly afford to be a party to it. He did himself an injustice if he was connected with affairs intrusted to him if they were carried on in such a manner. The Indians have no vote, nor no voice in the matter; they are gone; perhaps nothing that we can do will save them; but there is a miserable lack of self-respect in robbing a person who is down. It is repellant.

The Indians of this country are down; they are down upon their backs and the white man is astride them and is at work taking from them everything they have. I do not know that we can save anything for them, but I do not want to be a party to further taking from them what little they have left.

It was no reflection upon the Senator from Idaho or his State but in relation to the general system that I made my protest yesterday. It does not obtain perhaps so badly in Idaho as it does in other States, yet the land of the Indians, after being reclaimed at their expense, is to be sold at $6 an acre, and, in addition to the cost of construction, which amounts to something like $18 an acre, and that land is worth several times that amount. In many places the Indians are compelled to let go of their land under the law of 1907 if they do not make use of it within a period less than they can possibly make use of it, for $7 an acre, land the like of which irrigated and in the possession of white men sells at from $40 to $80 and $100 an acre. That was the condition that I referred to. There was not anything personal in my contention.

Mr. BRADY. Mr. President, I fully agree with the Senator from Oregon [Mr. LANE] that the Indians have not in all cases received the fair treatment they should have received at the hands of the Government, but I want to say for the Senator's information and for the information of the Senate that the Indians on the Fort Hall Reservation have received absolutely fair treatment, with the exception of the usual extravagant manner of construction followed by the Government. I do not mean to say that this extravagance is intentional. It is caused by the fact that there is so much to do and the field covered is so large that it is impossible under existing conditions to render efficient service.

The Senator from Oregon speaks about the water being sold to the white settlers adjoining the Fort Hall Indian Reservation at $6 an acre. That is quite true; but let me offer a word of explanation to the Senate as to how that happened. In the early days it did not cost so much to get water out of the river as it now does. At that time we did not have to build expensive dams; we did not have to build reservoirs; but we would simply throw a wing dam out in the river where there was a riffle or where the water was shallow, turn the water into a canal, and run it down on the land. The first canal on the Fort Hall Reservation was built to carry 30,000 inches of water, which is sufficient to irrigate about 35,000 acres of land. There was 15,000 inches of that water, which is sufficient to irrigate about 18,000 acres of land, turned into the canal and used, or supposed to be used, by the Indians. It was used by the Indians for several years. Then this bill was introduced into Congress and became a law and the white settlers were sold a portion of that water at $6 an acre.

The Government paid $90,000 for that canal, carrying 15,000 inches of water, which was less than $5 an acre, which they sold to the settlers at $6 an acre, and the white settlers paid a reasonable proportion of the cost of that canal at that time. The records of the department will show that 15,000 inches of water for the use of the Fort Hall Reservation were in the canal when the same was purchased for $90,000. Then the Government concluded that they wanted to bring under water the whole 35,000 acres of the Indian reservation which is susceptible of irrigation. That is the time when the construction of the reservoir on the Blackfoot River was undertaken, and they spent something like $800,000 in building the reservoir which would provide the water for the Indian lands; but even with all extravagance in construction it has been and will be wonderfully beneficial for the Indians if you go on and carry

out the plan of the committee, deal justly and fairly with them, and permit them to put their lands under cultivation.

Just a word as to the cost of the construction of that canal. I have been building irrigation canals for 20 years. I know something about the cost of such work and have no hesitation in saying that the canal and reservoir system cost much more than it should have cost. That being the case, who is it that is robbing the Indians—the citizens of Idaho or the Interior Department? They are not being robbed; it is simply mismanagement. There is no question but the people of Idaho had nothing to do with the contract between the Government and the Indians or the men who constructed the canal, and are in no way responsible for mistakes that have been made. I do not accuse the present administration of having any part in that, for they were not in power at the time; but I do say, with the Senator from Oregon, that everything that is done for the Indians is done at about one and a half or twice the cost of what it should be done for. You can not and should not blame the people of the West for the shortcomings of Government officials. You should find some way to make the department construct canals for something near the limit for which they can be constructed by private individuals.

Relative to the value of this land, the Senator from Oregon says that there are 35,000 acres to be brought under cultivation for the Indians. The last part of the system cost about $800,000; 35,000 acres of that land, with water on it, can be sold in a reasonable time for $1,750,000, and the purchaser will make 25 per cent profit. Therefore the Indians, if their rights are protected and the water is put to beneficial use, have made very good money, even with this extravagant manner of handling the work. I offer these suggestions so that you may know that if the Indians have been robbed on the Fort Hall or on any other Indian reservation it has not been done by the people of the West.

A word now as to maintenance. For the maintenance of these canals on 5,900 acres in the irrigation for the white settlers of the 10,000 acres that have been set apart and settled on as homesteads the people on the canals pay to the Government their proportion of the maintenance. They pay there some years as high as a dollar an acre, and other years they pay 50 cents an acre. The amount paid is the actual cost of maintenance and operation, and is as estimated by the department; they do not even have a voice in saying how much it shall be; but the department figures up how much it is going to cost to deliver the water and sets the price, and the people pay it before the water is turned into the canals. Therefore I think there is no reasonable connection between the price that it costs the Indians and the amount that the white settler has to pay for maintenance, for it is an entirely separate transaction. The white people pay all the Government asks or requires them to pay, and have nothing whatever to do with the canal on the reservation.

All these things very plainly carry out a thought, that what we need in the Department of Indian Affairs, and not only in the Department of Indian Affairs but in every other department of the Government, is proper economical management along business lines. I am not criticizing the department; they are probably doing the best they can under the circumstances; but we should all do our part toward having our governmental affairs conducted along business lines.

There is no reason in the world why the Government of the United States should not build an irrigation canal within from 20 to 25 per cent at least of what it would cost a private individual; there is no reason why the settlers under the reclamation projects should be compelled to pay 50 to 100 per cent more than the cost of their work really should be; there is no reason why the white settler should be compelled to pay for an automobile for some superintendent of irrigation to ride over the country and tell the farmer when he can have water and when he can not, while the farmer's children are going barefooted to school.

The Senator from Oregon talks about injustice to the Indians of the West. I want to say to the Senate that the Indians of the West are treated much better than are many of the whites under some of the Government irrigation projects. I know people on reclamation irrigation projects in Idaho who have been waiting for water from 8 to 10 years. I know people who are living on projects in Idaho who, when the water is not in the canal, have to carry the water for domestic use in buckets or haul it in barrels for from 6 to 8 miles, and yet the Government will put water on one piece of land and let it soak down on another piece of land; but when a man has paid his $50 an acre for it and the land becomes water-logged so that he can not use it, the Government's agents advise him that it can not take the water off; that it was only paid for putting it on; and that the farmer will have to go to Congress for relief. While they are doing this the farmer is enduring all kinds of hardships, and yet Senators will plead for the Indian and will not raise their voice for the relief of the hard-working farmer on the irrigated farms of the West, who are enduring unnecessary hardships in blazing the way as pioneers.

Now, I want to ask you men from the East whether or not the Indians of the West deserve any better protection than is due the white people of the West? This condition of affairs exists just exactly the same relative to the Reclamation Service as it does relative to the Indian Service. What you want to do, and what you should do, is to somehow or in some way so plan that these works can be constructed at reasonable cost and without unreasonable delay.

Mr. ROBINSON. Will the Senator from Idaho yield to me for a question?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arkansas?

Mr. BRADY. I yield to the Senator from Arkansas.

Mr. ROBINSON. What item is the Senator from Idaho now discussing? Is the Senator from Idaho discussing the item proposing to appropriate $50,000 for the purchase of implements, and so forth, on the Fort Hall Reservation?

Mr. BRADY. I was replying to the criticism of the Senator from Oregon [Mr. LANE] relative to a position taken by the two Senators from Idaho yesterday concerning the striking out of a part of the amendment.

Mr. ROBINSON. Mr. President, I was not present when that item was considered. It has been disposed of, as I understand.

Mr. BRADY. Yes, sir.

Mr. ROBINSON. The pending item is the appropriation of $50,000 for the purchase of seed, implements, live stock, and so forth, to enable the Fort Hall Indians to cultivate their lands. I should like to proceed with the consideration of the items of the bill that have not yet been disposed of. However, I want to say to the Senator from Idaho, in all fairness, that an investigation of the expenditures of Indian money for irrigation purposes disclosed the fact that those expenditures have not always resulted largely in benefit to the Indians. The testimony which has been taken before a joint commission of Congress appointed for the purpose of investigating those matters in connection with Indian affairs disclosed the fact that, from one reason or another, enormous amounts of Indian funds have been appropriated for the construction of irrigation works when the direct result and benefit of those works have accrued to white persons rather than to Indians.

It is not material, perhaps, whether it is due entirely to the inattention or inefficiency on the part of the Bureau of Indian Affairs or to other causes. The material consideration is that hereafter when Indian moneys are expended for irrigation purposes Indians and Indian lands shall be the principal beneficiaries.

Whether waters which are available for irrigation purposes can be acquired solely under the State laws or whether when the streams run through Indian lands or Indian reservations the Federal Government has some right of control is a question of law about which a conflict has been and is waging, and will continue to be waged for many years yet to come; but the testimony which has been taken and the statements of employees of the Bureau of Indian Affairs disclose the fact that under the system that has heretofore prevailed a large part of the appropriations which have been made from Indian funds have accrued to the benefit of white persons, and the provision which was stricken out upon a point of order yesterday was intended to prevent that from occurring hereafter.

Mr. BORAH. Mr. President——

Mr. ROBINSON. I yield to the Senator from Idaho.

The PRESIDENT pro tempore. The junior Senator from Idaho [Mr. BRADY] has the floor. He yielded to the Senator from Arkansas for a question, which has been somewhat amplified.

Mr. ROBINSON. Mr. President, will the Senator from Idaho kindly yield to me for just one further statement?

Mr. BRADY. I yield to the Senator.

Mr. ROBINSON. The point of order has been made against this provision; it has gone out of the bill, and perhaps I should not have been diverted from a discussion of the item under consideration to something that has already become history. I want to proceed now, if the Senator will permit me, to discuss——

Mr. BRADY. I will, if the Senator will quit discussing the item that has been eliminated from the bill.

Mr. ROBINSON. I want to proceed now to discuss the item under consideration on page 29 of the bill.

enacted pursuant to the seventeenth amendment to the Constitution of the United States and effective June 16, 1914.

I do hereby appoint JOHNSON N. CAMDEN, of the city of Versailles, county of Woodford, and State of Kentucky, who is duly qualified thereunto, a Senator of the United States from the State of Kentucky, to fill the vacancy occasioned by the death of WILLIAM O. BRADLEY on the 23d day of May, 1914, to hold said office and exercise the functions and privileges appertaining thereto until the November election, 1914, as prescribed in the said act of the General Assembly of the Commonwealth of Kentucky, approved the 17th day of March, 1914, hereinabove referred to.

In testimony whereof I have caused this certificate to issue and the seal of the Commonwealth to be hereunto affixed. Done at Frankfort the 16th day of June, A. D. 1914, and the one hundred and twenty-third year of the Commonwealth.

[SEAL.] JAMES B. MCCREARY.

By the governor:

C. F. CRECELIUS,
Secretary of State.

The PRESIDENT pro tempore. The credentials will be placed on file.

Mr. JAMES. Mr. CAMDEN is present and ready to take the oath of office.

The PRESIDENT pro tempore. The Senator from Kentucky will escort his colleague to the desk, and the oath prescribed by law will be administered to him.

Mr. CAMDEN was escorted to the Vice President's desk by Mr. JAMES, and, the oath prescribed by law having been administered to him, he took his seat in the Senate.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Speed S. Fry and Thomas J. Fry, sole heirs of Speed S. Fry, deceased, v. United States (S. Doc. No. 516);

Robert B. Houghan v. United States (S. Doc. No. 515);

Benjamin F. Monroe v. United States (S. Doc. No. 508);

Charles Robinson v. United States (S. Doc. No. 509);

Lewis Macord v. United States (S. Doc. No. 510);

George W. Mooney, son of Thomas Mooney, deceased, v. United States (S. Doc. No. 511);

Josephine E. Brown, widow (remarried) of Frederick H. Tyler, deceased, v. United States (S. Doc. No. 512);

Henry L. Howison v. United States (S. Doc. No. 513);

Anna M. Hare, daughter and sole heir of Francis G. Albright, v. United States (S. Doc. No. 514); and

Mary R. Law, widow of Homer L. Law, v. United States (S. Doc. No. 517).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, requests a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. GOOD managers at the conference on the part of the House.

The message also announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 15578. An act to codify, revise, and amend the laws relating to the judiciary; and

H. J. Res. 279. Joint resolution to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 533. An act to consolidate certain forest lands in the Ochoco National Forest, Oreg.;

S. 4053. An act for the relief of the Atlantic Coast Line Railroad Co.;

S. 5147. An act to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.;

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. FLETCHER presented a memorial of Local Union No. 248, Cigar Makers' International Union of America, of Jacksonville, Fla., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Boston, New Bedford, Lawrence, Worcester, Dedham, Lowell, Pittsfield, Holyoke, and Springfield, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the municipal council of Gloucester; of the City Council of Woburn; of the Common Council of Malden; and of William McKinley Camp, No. 26, United Spanish War Veterans, of Gloucester, all in the State of Massachusetts, praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented petitions of Local Grange No. 186, Patrons of Husbandry, of Fitchburg; of Nies Club of the Stanton Avenue Methodist Episcopal Church, of Dorchester; of the Woman's Christian Temperance Union of Neponset; and of sundry citizens of Fitchburg, Newburyport, West Brookfield, Lynn, Framingham, Boston, Marblehead, Dorchester, Auburndale, Mattapan, and Roslindale, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Chambre de Commerce Franco-Americaine, of New Bedford, Mass., remonstrating against a reduction in the rate of letter postage and favoring the betterment of the postal system, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Board of Trade of Springfield, Mass., remonstrating against proposed injurious discrimination against business contained in pending legislation before Congress, and urging the postponement of this legislation until the next session of Congress, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Massachusetts State Medical Society, praying for the enactment of legislation to provide for the mental examination of immigrants by physicians in the Public Health Service well trained in the diagnosis of insanity and mental defects, which was referred to the Committee on Immigration.

He also (for Mr. LODGE) presented a petition of Local Grange, Patrons of Husbandry, of Fitchburg, Mass., and a petition of sundry citizens of Sheffield, Mass., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also (for Mr. LODGE) presented petitions of the City Council of Malden, of the Business Men's Association of Wakefield, and of the Municipal Council of Gloucester, all in the State of Massachusetts, praying for the enactment of legislation to grant pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented the petition of D. Mitchell, G. M. Weber, Arthur Ford, and 226 other citizens of the State of Indiana, praying for national recognition of the services of Dr. Frederick Cook in his polar efforts, which was referred to the Committee on the Library.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Pittsford, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the congregation of the Second Congregational Church of Newcastle, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. KENYON presented memorials of sundry citizens of Sioux City and Dubuque, in the State of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Cedar Rapids, Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importa-

tion of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Common Council of the city of Council Bluffs, Iowa, favoring the enactment of legislation to provide for the retirement of superannuated civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. PERKINS presented a petition of the congregation of the North Pasadena Methodist Church, of Pasadena, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying that an appropriation of $15,000 be made for the Victor Valley reclamation project, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Metal Trades Council of San Francisco, Cal., remonstrating against the proposed increase in the number of apprentices at the Mare Island Navy Yard, which was referred to the Committee on Naval Affairs.

Mr. JOHNSON presented a petition of the Maine State Association of the National Association of Letter Carriers, praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

RIVER AND HARBOR APPROPRIATIONS.

Mr. SIMMONS. On behalf of the Committee on Commerce I report back favorably with amendments the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of public works on rivers and harbors, and for other purposes, and I submit a report (No. 599) thereon.

Mr. BURTON. Mr. President, I desire to file a minority report on the bill. I should like to ask the Senator from North Carolina when the majority report will be printed and available for examination?

Mr. SIMMONS. The advance copy has already been printed, and I think probably it will be received from the printer to-day.

Mr. BURTON. I should like to have a couple of days after the print is available in which to file a minority report.

Mr. SIMMONS. I will state to the Senator from Ohio that it is not my purpose to call up the bill for consideration before Monday. The Senator will have ample time in which to file the views of the minority.

The PRESIDENT pro tempore. Permission will be granted to the Senator from Ohio in accordance with his request, unless there is objection. The Chair hears none. The bill will go to the calendar.

JOHN R. NORRIS.

Mr. STERLING, from the Committee on Public Lands, to which was referred the bill (H. R. 1580) for the relief of John R. Norris, reported it without amendment and submitted a report (No. 602) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 5885) to incorporate the Chamber of Commerce of the United States of America; to the Committee on the Judiciary.

A bill (S. 5886) granting an increase of pension to James A. Lyons; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5887) to authorize the sale and disposal of an island in the Coosa River, in the State of Alabama; to the Committee on Public Lands.

By Mr. BORAH:

A bill (S. 5888) for the relief of Albert E. Magoffin; to the Committee on Claims.

A bill (S. 5889) granting an increase of pension to Benjamin Williams (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 5890) to provide, because of strategical requirements and in order largely to augment the Federal revenue, for the earliest achievable completion, at the least practicable cost, of the improvement of the channel in the Upper Bay and of the Harlem Kills and of the Harlem River, all in the port of New York; to the Committee on Commerce.

By Mr. SHIVELY:

A bill (S. 5891) granting an increase of pension to Clara B. Randall (with accompanying papers); to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5892) to provide for the acquisition of a site and the erection of a public building thereon at Elk City, Okla.;

A bill (S. 5893) to provide for the acquisition of a site and the erection of a public building thereon at Vinita, Okla.; and

A bill (S. 5894) to provide for the acquisition of a site and the erection of a public building thereon at Clinton, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. DILLINGHAM:

A bill (S. 5895) granting an increase of pension to Ezra W. Conant (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5896) for the relief of Joseph C. Casley; to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5897) granting a pension to Reelia Dwelley; and

A bill (S. 5898) granting an increase of pension to Susan J. Flye (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $60,000 for aids to navigation in Alaskan waters, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $18,000 for three lithographic presses, $525,000 for six new vessels, including equipment, and $225,000 for surveys and necessary resurveys of coasts on the Pacific Ocean under the jurisdiction of the United States Coast and Geodetic Survey, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $110,000 for protecting the seal fisheries of Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $107,500 for the protection and improvement of Mount Rainier National Park, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $12,500 for survey for a road from the national forest line near Fairfax up the Carbon River Valley and Carbon Glacier, thence to Spray Park and Moraine Park, in Mount Rainier National Park, Wash., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the cost of the lighthouse tender provided for by the act of March 4, 1913, from $250,000 to $325,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. Mr. President, I desire to offer the following resolution, pursuant to the notice I gave on yesterday, and I ask that it be referred to the Committee on Rules.

The PRESIDENT pro tempore. The notice having been read, it will be considered as having been read at this time, and Senate resolution 398 will be referred to the Committee on Rules, in accordance with the request of the Senator from Washington, unless there is objection. The Chair hears none.

EMPLOYES OF SENATORS AND SENATE COMMITTEES.

Mr. JONES. In this connection I desire to introduce a joint resolution relating to the same subject matter, which I ask may be referred to the Committee on Rules.

The joint resolution (S. J. Res. 163) providing for employees to Senators and Senate committees, fixing their compensation, commencing with the beginning of the Sixty-fourth Congress, was read twice by its title and referred to the Committee on Rules.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 16, 1914, approved and signed the following act:

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the legislative, executive, and judicial appropriation bill, disagree to the Senate amendments thereto, and ask for a conference.

Mr. MANN. Mr. Speaker, I will ask the gentleman to postpone his request until the morning. I have not yet had an opportunity to examine the bill.

Mr. JOHNSON of South Carolina. Very well, Mr. Speaker, I withdraw the request.

ADJOURNMENT.

Mr. RUCKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Thursday, June 18, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War submitting a supplemental estimate of appropriation required by the War Department for the service of the first six months of the fiscal year beginning July 1, 1914, for transporting and caring for interned Mexican soldiers and military refugees (H. Doc. No. 1040); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War reporting the claim of the Independent Fish & Oyster Co., of Port O'Connor, Tex., which has been considered, adjusted, and settled, on account of damage for which vessels of the War Department were responsible (H. Doc. No. 1041); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of Agriculture in connection with the estimate of appropriation for the payment of the sum of $600 to the heirs of Anton Bucar (H. Doc. No. 1042); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GUDGER, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 3176) to increase the limit of cost of the public building at Bangor, Me., reported the same without amendment, accompanied by a report (No. 844), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SISSON: A bill (H. R. 17309) to amend section 3 of the act of Congress approved February 28, 1898, entitled "An act in relation to taxes and tax sales in the District of Columbia"; to the Committee on the District of Columbia.

By Mr. HUGHES of Georgia: A bill (H. R. 17310) to provide for the publication of textbooks for the use of State school systems; to the Committee on Education.

By Mr. PADGETT: A bill (H. R. 17311) to secure uniformity in the award of medals of honor and rewards for distinguished service in the Army, Navy, and Marine Corps; to the Committee on Naval Affairs.

By Mr. ROBERTS of Nevada: A bill (H. R. 17326) providing for the establishment of a bureau of psychology at Washington, D. C.; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17312) granting an increase of pension to Ella Day; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Texas: A bill (H. R. 17313) for the relief of the legal representatives of O. M. Roberts; to the Committee on Claims.

By Mr. EDWARDS: A bill (H. R. 17314) for the relief of the heirs of Samuel H. Haddon, deceased; to the Committee on War Claims.

By Mr. GALLAGHER: A bill (H. R. 17315) granting an increase of pension to Francis A. Baldwin; to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 17316) granting a pension to Belle Covell; to the Committee on Invalid Pensions.

By Mr. JACOWAY: A bill (H. R. 17317) for the relief of James Shook; to the Committee on Military Affairs.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17318) granting an increase of pension to Nathaniel V. Sylvester; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17319) for the relief of Andrew Castle, alias Andrew Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 17320) for the relief of James Halloran; to the Committee on Military Affairs.

By Mr KIESS of Pennsylvania: A bill (H. R. 17321) granting an increase of pension to Edwin R. Allen; to the Committee on Invalid Pensions.

By Mr. MERRITT: A bill (H. R. 17322) granting an increase of pension to Robert Taylor; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 17323) for the relief of the heirs of Sherman P. Todd; to the Committee on War Claims.

By Mr. PETERS of Massachusetts: A bill (H. R. 17324) granting a pension to Edward F. Connors; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17325) authorizing the Secretary of the Interior to grant patent to E. M. Palmer for certain lands in the State of Colorado; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the pastor of the Maryland Avenue Church and of the president of the Eckington Woman's Christian Temperance Union, of Washington, D. C., favoring national prohibition; to the Committee on Rules.

Also (by request), resolution signed by the pastor of the United Presbyterian Church of Burlington, Iowa, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BAILEY: Petitions of G. S. Wilt, E. C. Lingenfelter, S. H. Womer, L. A. Shaw, Samuel Wilt, J. F. Echard, H. E. Shaw, A. P. Shaw, W. O. Wilt, Charles E. Leighty, Charles F. Martz, H. G. Hite, Aaron Ritchey, A. E. Cove, C. E. Helsel, G. C. Glaylett, Frank Stornbaugh, J. A. Stonelarch, W. O. Over, S. C. Burger, and Clarence Diehl, all of Duncansville, Pa.; F. S. Wilt, of Newry, Pa.; David Horlett, R. B. Long, Joseph Mobley, John N. Ritchey, B. F. Long, J. M. Over, Jerry Ritchey, W. F. Mosel, and Jonas Ritchey, all of Blue Knob, Pa.; John C. Ritchey, Arvel Ritchey, Leeander Ritchey, W. G. Stornbaugh, and Joseph Stornbaugh, all of Puritan, Pa.; M. L. Wilt, J. M. Curtis, A. S. Snowberger, W. H. Mattern, E. W. States, George H. Sell, H. W. Burket, George H. Thompson, C. E. Curtis, O. H. Harpster, T. A. Trout, and H. R. McCreary, all of East Freedom, Pa.; and J. H. Smith, of McKees Gap, Pa., for national prohibition; to the Committee on Rules.

By Mr. GARNER: Petition of the executive committee of the Cattle Raisers' Association of Texas, favoring Cummins bill to prohibit railroads from limiting their liability by prescribing the value of live stock shipped; to the Committee on Interstate and Foreign Commerce.

By Mr. GUERNSEY: Petition of 100 citizens of Fort Fairfield, 75 citizens of Orrington, 150 citizens of Milo, and 72 citizens of Greenville, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of D. Heiner, favoring House bill 17067, for relief of settlers along the Union Pacific Railroad; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Memorial of the Tacoma (Wash.) Association of Credit Men, favoring passage of the Stevens bill (H. R. 13305); to the Committee on Interstate and Foreign Commerce.

By Mr. KETTNER: Petitions of the Baptist, Christian, and Friends Churches and the Woman's Christian Temperance Union, of Holtville, Cal., and various voters of El Center and Seeley, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. KINKAID of Nebraska: Petition of sundry citizens of Brown County, Nebr., favoring House bill 12923, the Federal loan act; to the Committee on Banking and Currency.

Also, petition of sundry citizens of North Platte, Nebr., favoring the Sabbath-observance bill; to the Committee on the District of Columbia.

Also, petitions of sundry citizens of Chadron, Napoleon, Sidney, Mitchell, St. Paul, Gering, North Loup, Cella, and Dawson County, and General Baptist Church, of Elsmere, all in the State of Nebraska, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Custer County, Nebr., against Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. LEWIS of Maryland: Petition of the Young People's Society of Christian Endeavor of the Central Methodist Protestant Church, of Libertytown, Md., favoring national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of the Barden Electric & Machinery Co., of Houston, Tex., favoring passage of House bill 14288, relating to electrical contracts for Government work; to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: Petition of Local No. 6, Metal Polishers, Buffers, and Platers' Union, of Chicago, Ill., favoring passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. McGILLICUDDY: Resolutions of the Somerset County Sunday School Association; the Quarterly Conference of Monument Square Methodist Episcopal Church, of Camden; the Woman's Christian Temperance Union of Houlton; the South Paris Baptist Church, of South Paris; the Woman's Christian Temperance Union of Camden, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of the official board of the First Methodist Episcopal Church of Saranac Lake, N. Y., favoring House bill 14895, to establish Federal censorship of motion pictures; to the Committee on Education.

Also, petition of the Epworth League of the Methodist Episcopal Church of Keeseville, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MILLER: Petitions of sundry citizens of St. Louis, Itasca, and Carlton Counties, all in the State of Minnesota, protesting against national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petition of the New York State Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petitions of sundry citizens of Queens County, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. PAYNE: Petition of sundry voters of Italy and Marion, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from the United States Customs Inspectors' Association, of San Francisco, Cal., favoring House bill 15764, fixing salaries of inspectors of customs; to the Committee on Ways and Means.

Also, letter from the Chamber of Commerce of San Francisco, Cal., protesting against House bill 15657, the Clayton antitrust bill; to the Committee on the Judiciary.

Also, letter from the American National Retail Jewelers' Association, favoring House bill 2972, to eliminate time guaranties in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, resolutions from the San Francisco Metal Trades Council, of San Francisco, Cal., protesting against the present system of allowing a large number of apprentices in the War and Navy Departments; to the Committee on Labor.

Also, letter from the Albers Bros. Milling Co., of San Francisco, Cal., favoring the Rainey amendment to the mixed-flour bill; to the Committee on Interstate and Foreign Commerce.

Also, letters from Euphema Roff, of Ceciliville, Cal., and Rufus Poole, of Pacific, Cal., favoring the placing of fourth-class postmasters on a salary basis; to the Committee on the Post Office and Post Roads.

By Mr. ROBERTS of Nevada: Petition of Mrs. I. F. Wiseman and Mrs. A. H. Wiseman, in behalf of 13 members of the Woman's Christian Temperance Union of Clover Valley, Wells, Nev., favoring the passage of House joint resolution 168 and Senate joint resolutions 88 and 50, for national prohibition; to the Committee on Rules.

By Mr. SAUNDERS: Petition of 150 citizens of Ridgeway, Va., and 225 citizens of Darwell, Va., favoring national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petitions of sundry citizens of Salida, 225 citizens of Las Animas, and 200 citizens of Eads, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the Metal Trades Council of San Francisco, Cal., protesting against increase of apprentices at Mare Island Navy Yard, Cal., and other navy yards; to the Committee on Naval Affairs.

Also, petition of the Los Angeles (Cal.) Chamber of Commerce, approving appropriation for distribution of the water and power from the Mohave River; to the Committee on Rivers and Harbors.

By Mr. UNDERHILL: Petition of sundry citizens, favoring the passage of Senate bill 4941 and House bill 14895, for the appointment of a national motion-picture commission; to the Committee on Education.

Also, petitions of sundry citizens of Hornell, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Odessa, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of C. L. Wieneke and 287 other citizens of Iowa, in favor of House bill 5308, to compel mail-order houses to contribute their portion of funds in the development of the local community; to the Committee on Ways and Means.

By Mr. WHITACRE: Petition of the Canton (Ohio) District Conference of the Methodist Episcopal Church and sundry citizens of Ellsworth and Rosemont, Ohio, favoring national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 18, 1914.*

The Senate met at 12 o'clock m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

Great Jehovah, God of nations, God of our fathers, realizing that no man should enter upon any great or important undertaking without first invoking the aid of Deity, we ask Thy presence with and Thy blessing upon Thy servants as they are met in this important capacity this day. Bless, we pray Thee, every agency for the uplift of the race and for the solution of the intricate and perplexing problems of the social fabric. Grant, we pray, Thy favor upon all who nobly strive not only in the personal conflicts of life but in those things which are community-wide, nation-wide, world-wide in interest and importance, in clearness of vision, sympathy of heart, faith to be Utopian, courage to dare, and strength to do. Through Jesus Christ our Lord.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM KENTUCKY.

Mr. JAMES. Mr. President, I present the credentials of Hon. JOHNSON N. CAMDEN, appointed a Senator from Kentucky to fill in part the unexpired term of the late Senator WILLIAM O. BRADLEY. I ask that they may be read.

The PRESIDENT pro tempore. The credentials will be read by the Secretary.

The Secretary read as follows:

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT.

To the Senate of the United States:

Whereas the death of Hon. WILLIAM O. BRADLEY causes a vacancy to exist in the office of United States Senator from the State of Kentucky for the term ending with March 3, 1915,

I, James B. McCreary, governor of the Commonwealth of Kentucky, by authority of the Constitution of the United States and the act of the General Assembly of the Commonwealth of Kentucky approved March 17, 1914, hereby designate and appoint Hon. JOHNSON N. CAMDEN, of the county of Woodford, this State, to the office of Senator in the Congress of the United States, vice Hon. WILLIAM O. BRADLEY, deceased, to hold said office and exercise the functions and privileges appertaining thereto until the November election, 1914, as prescribed in the said act of the General Assembly of the Commonwealth of Kentucky, approved the 17th day of March, 1914, hereinabove referred to.

In testimony whereof I have caused this certificate to issue and the seal of the Commonwealth of Kentucky to be hereunto affixed. Done at Frankfort, the capital, this 16th day of June, A. D. 1914, the one hundred and twenty-third year of the Commonwealth, and of the independence of the United States the one hundred and thirty-eighth.

[SEAL.] JAMES B. MCCREARY.

By the governor:

C. F. CRECELIUS,
Secretary of State.

COMMONWEALTH OF KENTUCKY,
EXECUTIVE DEPARTMENT.

To the Hon. THOMAS R. MARSHALL,
President of the Senate of the United States:

This is to certify that by virtue of the authority vested in me as governor of the Commonwealth of Kentucky by the act of the general assembly of said Commonwealth approved the 17th day of March, 1914,

should come here and be forced to face a situation like that when he ought to have his way clearly outlined before him?

Mr. BARTLETT. Mr. Chairman, I want to state my objections to this bill, if I am permitted to do so briefly.

The State of Georgia has a most efficient law upon the subject of the publication of campaign expenses. It provides—

Likewise all candidates for Congress or for the State senate shall, within said 20 days after the holding of said election or primary election at which they shall be candidates, file with the clerk of the superior court of each of the several counties composing said congressional senatorial district, respectively, an itemized statement, under oath, of all campaign expenses incurred by them, showing the amount of money expended in such campaign, the purposes for which it was used, and the source from which it was derived, and shall, in addition, at the same time, publish in some one or more newspapers having a general circulation in such district or districts said sworn statement.

That applies to the primary election and also to the general election.

I had prepared to undertake to show that this bill, in so far as it attempts to regulate the primary elections of Senators and Members of the House, has no foundation to stand upon, by reason of the fact that Congress has no authority to interfere in the local elections, so far as primaries are concerned.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Of course I will yield.

Mr. RUCKER. Does the gentleman find any single provision here with reference to controlling a primary election or any other kind of an election.

Mr. BARTLETT. I do not mean that the bill proposes to control. I meant "to regulate" the amount of expenditure and provide for publicity. But while I mean that, if it is true that Congress has the right to regulate the amount of expenses in a primary election, it has the right to control that election; and the only reason why you have a right to regulate the expenses of a primary election is based on the ground that Congress has some power over a primary election to regulate or control it. That must be the only reason; because if you say you do not control it, what authority have you under the Constitution to interfere in any way with the primary election?

If you have not a right to control it, what right have you to regulate the amount of expenditure in a primary election? If you do not get your power from the Constitution to regulate it, what right have you to interfere with it in any manner at all? Would you say you could prescribe the expenditures in an election of governor? No; because you have no control over the election of governor. You assume to regulate the expenditures in the primary and in the election of Congressmen because Congress has the power under the Constitution to regulate the elections of Congressmen and Senators, and a primary is but an election. That is the source of your authority, and it is the only basis upon which it is founded.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RUCKER. The gentleman conceding the power of Congress, and it being for a very laudable purpose, why does the gentleman object to it?

Mr. BARTLETT. I have not conceded the power of Congress in the matter of primaries. I never have done that.

Mr. RUCKER. I thought you did concede it.

Mr. BARTLETT. I do not. If I did, I would find no ground upon which to base my objection, except the matter of policy.

Mr. RUCKER. I understood the gentleman's objection was simply on the ground of wisdom, as to whether it was advisable.

Mr. BARTLETT. Oh, no; the gentleman misunderstood me.

Mr. RUCKER. Then, the gentleman says Congress has no such power?

Mr. BARTLETT. I do say that Congress has no such power, and on one occasion I undertook to voice that view and give my reasons.

Mr. RUCKER. That being true, of course any law we pass would be unconstitutional and void.

Mr. BARTLETT. I think so.

Mr. RUCKER. And the gentleman, no doubt, will undertake to test it in the courts.

Mr. BARTLETT. I do not know that I will.

Mr. RUCKER. The gentleman being so bitterly opposed to it, and it being such a hardship on the people of the State, it seems to me it would be logical to test it.

Mr. BARTLETT. I do not know whether I shall ever have occasion to test it in court. The case may never arise. I complied with the law, which I believed to be unconstitutional, by filing with the Clerk an itemized statement of my expenses; because, however objectionable the law might be to me, or however much I might believe it to be unconstitutional, I do not desire to have a case made against me in order to test it. A man might believe a law to be unconstitutional and yet not violate it. I say a law that undertakes to interfere with our primaries is absolutely unconstitutional and void. I do not believe Congress has the power to do it. I believe the States exercise the power of regulating primaries and passing laws with reference to the expenditures in that regard solely in the exercise of the police power of the States and no other, and such have been the decisions of the courts where the question has been tested.

Mr. RUCKER. I do not want to annoy the gentleman, but if he will allow me to ask a question I shall be glad to do it.

Mr. BARTLETT. I always allow the gentleman to ask me questions.

Mr. RUCKER. Does the gentleman concede that Congress has the power to require statements of the kind we require at the general elections when Members of Congress are elected?

Mr. BARTLETT. I do not.

Mr. RUCKER. The gentleman thinks Congress has nothing at all to do with the elections?

Mr. BARTLETT. I think it has not.

Mr. RUCKER. Of course, if the gentleman feels that way about it——

Mr. BARTLETT. Now, I know that opinion is not sustained by the three cases I have cited. I do not believe that Congress has the right to interfere with an election of a Congressman either to regulate the election or the qualifications of electors, but that belongs to the States.

Mr. RUCKER. This bill does not undertake to regulate the election.

Mr. BRYAN. Does the gentleman believe that the State has the power to charge filing fees for the running of a man for a national office?

Mr. BARTLETT. I do not know what that is; the gentleman means in the primaries?

Mr. BRYAN. Yes; running for Congress.

Mr. BARTLETT. I do not know what the filing fees are. I say that the primary election for Congressman or Senator is not an election over which Congress has any power to regulate or control in any manner, either by prescribing the amount of money to be expended or saying what shall be done or shall not be done. Now, I have some decisions on this subject.

In Ledgerwood v. Pitts (122 Tenn.), a case involving the constitutionality of a primary law and which has heretofore been referred to in this debate, it is said:

The first inquiry, therefore, presented for our examination is whether or not these provisions of the Constitution have any application at all to primary elections. Admittedly no such thing could have been in contemplation by the framers of the Constitution when they came to formulate the election and suffrage clauses of that instrument, for at that time no such thing as a primary election had ever been suggested. The object of this modern invention of political parties is primarily for the purpose of permitting and requiring the entire electorate of that party to participate in the nomination of candidates for political office. The plan is simply a substitution for the caucus or convention. It is true, as stated, it is a part of the political machinery that starts the candidate on his way, and the political party is thereby enabled to crystallize and concentrate its vote on that particular candidate who is chosen as the representative, and expositor pro tem., of their political views, but the limitations and safeguards of the Constitution apply exclusively to the final election when the officer is chosen in the mode required by the Constitution.

The court in this opinion, in regard to the weight of authority on this question, says:

The right of the legislature to require that nominations shall be by primary and to prescribe additional qualifications for the voters participating in the same has been recognized by the weight of authority in the States of the Union. (Runge v. Anderson (100 Wis., 533); State ex rel. McCarthy v. Moore (97 Minn., 308); State v. Drexel (74 Nebr., 770); Hopper v. Stack (69 N. J. Law, 335); Healey et al. v. Wipf (8. Dak., 117 N. W., 531); Griffin v. Geeser (78 Kans., 668); Walling v. Lanadon (15 Idaho, 282); State v. Nichols (50 Wash., 508).)

In the case of State v. Felton (77 Ohio Stat., 577) the primary-election law of that State was attacked because the qualifications of electors therein were different from those entitled to vote in constitutional elections. The court said:

If this contention is sound, then every elector has the constitutional right to vote at the primary election of every party. If the election is one at which merely the candidates of a party are to be selected, it can not be an objection that electors who do not belong to that party are not permitted to take part. That was one of the evils that the legislation was intended to prevent, and, as to the test prescribed for determining an elector's partisanship, it is impossible to conceive of a political party without the possession by its members of some qualifications, and the test prescribed by the statute is the usual one and is not unreasonable.

But a primary election held merely to name the candidates of a political party is not an election within the meaning of this section of the constitution. That section refers to an election of officers, and not the nomination of candidates.

And so I might fill the RECORD with decision after decision showing that it is the right of the State to regulate primaries

as to the amount of money that shall be expended, and that it is within the police powers of the State and nothing else.

So far as this bill proposes to require, as the present law does, that you shall file the amount of your expenditures and the sums paid out in the election, I am content myself to vote against the bill, as I did in the original instance.

It will not do to say a thing is demanded in order to prevent corrupt practices in former elections. Every State in the Union, I believe, with rare exceptions, has made ample provision to protect the primary and election in the matter of expenditure of money. I know how great has been the evil of the expenditure of large amounts of money in the election of Representatives and Senators. Satisfied as I am that this bill and the law now on the statute books and this one which is to extend it as a complement to it has no authority under the fundamental law under which we live, I am opposed to it and shall vote against it.

When the time comes I shall undertake, in my feeble way, to take from this bill every reference to primary elections in a State. A man may be a candidate in a primary election or in the convention and never be a candidate before the people for Congress. It is not an election, says this authority.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RUCKER. Is it not true that a great many gentlemen are candidates in the primary and are virtually elected, getting ten times as many votes as they do in the election?

Mr. BARTLETT. That is true; but that does not justify Congress in exercising a power that does not exist. Because in certain parts of the country a primary is virtually an election, because there is no opposing candidate, does not give Congress the right to exercise any such authority. That grows out of the fact that there is no organized Republican or Democratic Party in that particular district.

Mr. RUCKER. I understand the gentleman's attitude is that Congress has no control over the nomination or election——

Mr. BARTLETT. That is my position and has been all the time. I do not agree with the proposition that the election law of 1874 was the exercise of a constitutional law by Congress. I agree with the dissenting judges in the One hundred and tenth and One hundredth United States in the case from Virginia. Congress had no right to interfere with the election of Congressmen.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. RUCKER. Mr. Chairman, I yield two minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, it happens that I am not personally concerned with the question of primary elections, except as primary elections are in most cases a part of the machinery whereby Members reach this body. I, as an independent, shall run under nomination by petition, as provided in the law of my State, and as would be provided as a possibility under any enlightened system.

My election as an independent Member of this House has left me free to act exactly in accordance with my best thought and my conscience in all matters before us. I have been free to do all in my power to aid this administration in the great policies with which I am in harmony, and equally free to dissent if such dissent seemed clearly the line of my duty. Without political ambition, desirous of being useful, proud of my district, and enjoying the fellowship of the Members of this House, I am frankly anxious to secure a reelection.

Mr. Chairman, at this time, and apropos of this bill, I shall take the opportunity to state the California situation as found in the Federal and State election laws.

Mr. Chairman, there seems an unnecessary conflict between the Federal law and the laws of the States concerning the election of Members of Congress. Under the Federal law candidates are permitted unlimited expenditure for circulars and postage and for the general purpose of furnishing information to the people. This is along the line of the best public policy, for without publicity, without knowledge on the part of the voter of the platform, aims, intentions, and record of the candidate, no intelligent judgment can be obtained. The election law of the State of California, unfortunately, is in opposition to this enlightened theory. A candidate for Congress is permitted under a recently revised California law to expend a total of only $750 for all purposes, whether contributed by himself or contributed by others. To conduct a campaign from Washington under such conditions, in the face of malicious and hostile newspapers, is practically impossible without using the privilege of communicating with the constituent as a matter of official business.

I have always decried the use of the franking privilege at election times, whether for campaign purposes or for purposes of information. Those who have contributed to my previous campaigns have lawfully paid for printing and postage, and have even placed stamps on my congressional speeches when sent out at election time. But under existing conditions, due to new State legislation, I find a necessity for the use of this congressional privilege. My district contains nearly 40,000 square miles, and a total vote of upward of 100,000. While I am in Washington attending to official business it is being flooded with malicious falsehoods emanating from certain editors and from other malefactors whose hostility I am proud to have incurred. An opponent and his backers are equally busy in circulating misinformation, and unless I am given opportunity for full publicity, I shall find myself handicapped and not helped by the fact of my absence from the district in pursuance of my sworn duty to the district and the Nation. It is for this reason that I have complied with the post-office regulations in regard to a statement of my official acts in the House of Representatives. It is for this reason that I make this statement concerning the State law and my use of the postal frank, in order to show my constituents why I am forced to do something that I have not done heretofore—that is, to take advantage of the franking privilege at this time.

If not inconsonant with the law of California, I shall see to it that the Government shall be reimbursed for the cost of sending out my official communication.

I shall leave to others the interminable argument as to the rights of the States. One thing is sure, and that is that Congress is the sole and final judge of its membership, and it is obvious to me that that judgment should be so hedged about as to protect a Member from contest who, as a successful candidate, has complied with Federal law.

Congress should definitely assert its constitutional rights and should declare what may and what may not be done, so that uniformity of conditions may prevail in every State in the Union.

Mr. RUCKER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CULLOP, as Speaker pro tempore, having taken the Chair, Mr. HOUSTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 8428) respecting publicity of campaign contributions and had come to no resolution thereon.

CRIMINAL PROCEDURE IN ENGLAND.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to have printed and placed in the document room to the credit of Members 20,000 copies of Senate Document No. 495, being the report of the committee on reform in legal procedure of the American Institute of Criminal Law and Criminology, appointed to investigate and make a study of criminal procedure in England. To print 20,000 copies of this document will cost $213. There are none in the document room now. There were 400 copies there, but they were quickly exhausted. I trust no one will object.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, these could not be placed in the document room to the credit of Members. I make this suggestion to the gentleman from Mississippi. We have finally come to the point where the Senate now refers printing requests, in the main, to the Committee on Printing, whereas the Senate used to order anything printed. It seems to me that, since the Senate has reformed in respect to this matter, the House ought not to run loose, and that all of these requests ought to be put in the form of resolutions and referred to the Committee on Printing. I hope the gentleman will do that, and make the request for 40,000 instead of 20,000.

Mr. HARRISON. Does the gentleman object?

Mr. MANN. Certainly, I do.

The SPEAKER pro tempore. The gentleman from Illinois objects.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5574. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States; to the Committee on the Judiciary.

process of construction and manufacturing conditions in that splendid city on the banks of the Wabash, as follows:

TERRE HAUTE, IND.

Fifty miles of paved streets in 1914 (only 26 now).

New buildings.

Miller Parrott Baking Co	$200,000
Deming Hotel	500,000
International Harvester Co	100,000
Barbydt Theater Co	75,000
John T. Beasley, theater	50,000
Sam M. Young, airdome	20,000
Rose Polytechnic Institute	500,000
City school	60,000

FACTORIES RUNNING FULL.

Standard Wheel Co.
Turner Glass Co.
Terre Haute Vitrified Brick Co. (day and night).
American Clay Co.
National Drain Tile Co.
Gartland Foundry Co.
Vigo Clay Co.
Terre Haute Malleable & Manufacturing Co.
American Playground & Swing Device Co.
Greenburg Iron Co.
Proz Manufacturing Co.
Chicago Tie Preserving Co.
Home Packing & Ice Co.
Terre Haute Paper Co.
Valentine & Co.
Louden Packing Co.

This is a splendid showing and the best refutation that can be made of the great calamity howl pulled off almost daily by the gentleman from Washington. This showing speaks well for the administration of Woodrow Wilson and the Democratic Congress.

Now, for the edification of the gentleman from Washington, the great national calamity howler, I call his attention to the following editorial from the Indianapolis Star of June 13, a Republican paper with very strong Bull Moose tendencies, stating the business conditions in the city of Indianapolis, which are not altogether in harmony with those of the distinguished gentleman from Washington. It is as follows:

NO HARD TIMES HERE.

Whatever may be the status, psychological or otherwise, in some parts of the country, there is nothing wrong with business in Indianapolis. That this is the busiest, best city in the country is apparent to anyone having knowledge of local conditions.

The degree of prosperity that is being shared by the business men of the city is unprecedented and real. It is not in their minds nor proclaimed in the hope of creating an impression elsewhere. It is of the substantial kind that produces optimism and is reflected in the tax returns.

A representative of one of the large grocery concerns of the city admitted before the board of review that the business of his corporation is the best in its history. The officer of a hardware company confirmed that showing as applying to his line of business. The furniture dealers were given an increase in their appraisements for taxation purposes, as they, too, were willing to concede that they are enjoying prosperity. There are few, if any, other places on the map in which there is so much of the spirit of content and hope as in Indianapolis at present.

The builders of the city are busy. Real estate is advancing in price and the demand is good. The trolley lines that radiate from Indianapolis are bringing in each day 18,000 shoppers to help to swell the tide of local traffic. They come from prosperous communities that are looking forward to a record harvest.

The good fortune of Indianapolis and Indiana regarding the crop outlook is not unique. Unless something unforeseen and unlikely happens within the next few weeks, this country will receive many billions of new wealth from its soil. It is idle to fear even psychological depression anywhere in the United States with all that money in sight.

In addition to that I will also insert an article from the Gary Evening Times of Monday, June 15, showing the splendid condition of the banks and business in that thriving city in Indiana, which is as follows:

BANKS ARE IN SPLENDID SHAPE—EAST CHICAGO, CALUMET, AND INDIANA HARBOR INSTITUTIONS PROSPERING.

"The banks of East Chicago, Calumet, and Indiana Harbor are just in the best shape they ever were in their history," said a banker to a Times representative this morning, "and the utmost confidence may be had in them."

Not any of the banks had a penny in the Chicago banks which have suspended.

The banks of East Chicago, the First National and the East Chicago Bank; the First Calumet, of Calumet; the Citizens' Trust; Indiana Harbor National; and the First State Trust & Savings, all of Indiana Harbor, are enjoying their usual prosperity, as their statements show, and their affairs are wisely and judiciously administered.

Mr. HUMPHREY of Washington. What about the steel industry in that city?

Mr. CULLOP. The steel industry of that city is not in the condition that the great calamity howler from the State of Washington tries to have the country believe. If the gentleman will take the pains to read the report from the manufacturing industries of this country the last week he will see that there is a decided improvement in the condition, and they are immeuesely better than they were in the fall of 1907 under a high tariff and under a Republican administration. [Applause on the Democratic side.]

Does the gentleman from Washington know of the conditions of the steel industry? If he did, he would not make that inquiry. Does he not know that steel in the Birmingham district is now, under a Democratic tariff, selling for $10.50 per ton, when under a Republican high tariff it has sold as low as $7.50 per ton? The Democratic Party will not suffer any time or place when its policies are placed in comparison with stand-pat Republican policies. I say now for the benefit of the gentleman from Washington that Democratic policies are all right the country over, except when they come in contact with a monopolist or some one who espouses the cause of special privilege, and the gentleman from Washington now seems to have a corner on that particular business. Now, the truth is, the gentleman apologized to his people for the Payne-Aldrich tariff bill when in 1910 they had raised the tariff on shingles and the price had gone down, that they had reduced the tariff on coal and coal had gone up. He then was trying to appease the wrath of the people of his State, aroused over the passage of that odious measure; and now he has resorted to howling calamity over the passage of the Underwood bill to withdraw their recollection from the great injury done his people in the passage of the Payne bill by his party and with his help. The truth is, the industries of his State and his people have not yet recovered from the great injury done them in the enactment of that legislation. The conditions now will improve in his State and prosperity will attend the business of his people.

In January, 1908, when we had a high tariff, the highest but one tariff bill the country had ever known, over 413,000 idle freight cars were standing on the various sidetracks of the different railroads of the country, with their wheels rusting to the rails, as a result of Republican policies. No such condition as that exists to-day. Every product produced upon the farm is as high, if not higher, than ever known, and is commanding a ready sale in the markets of the country, with abundance of money to buy it at top-notch prices, and the railroads are not furnishing the transportation to carry people's products from the farm and the factory to the markets. This is a splendid showing for the Democratic Party. Woodrow Wilson's administration is a success, and is so conceded by all, save the owners of special privilege and those who speak for them. No Democrat need fear a comparison of this administration with any Republican administration the country has ever had.

The condition of this country is all right. The gentleman never knew hard times or panic upon rising prices or high prices, such as rule the markets of to-day. Panics occur under falling prices. The commodities of the mill, of the farm, and of the factory, are commanding the very best prices possible at this time. Wheat, corn, beef, and pork are high. It is only about a year ago, Mr. Chairman, when the gentleman from Washington [Mr. HUMPHREY] was shedding crocodile tears for the sheep and wool industries of this country. He prophesied then that the woolen industries would go out of existence. Free wool would ruin them. And yet to-day wool, free of duty, is higher in this country than it has been at any time in 25 years, except only upon two occasions. It is higher in the State of Washington to-day, it is higher in the State of Oregon to-day, it is higher in the State of Wyoming, where the biggest shepherd of the world lives, and it is higher in every State in this Union than it was when we had the Payne tariff duties in force in this country. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman——

Mr. MANN. Do you want to go ahead now?

Mr. BARTLETT. I do not particularly care to.

Mr. MANN. Some of us, it seems, were here pretty late last night.

Mr. BARTLETT. The gentleman from Missouri [Mr. RUCKER] has charge of this bill.

Mr. MANN. We were here pretty late last night.

Mr. RUCKER. Let the gentleman from Georgia get through with his speech.

Mr. MANN. He does not wish to go ahead now.

Mr. BARTLETT. Mr. Chairman, I am ready to go ahead.

Mr. MANN. All right; go ahead.

The CHAIRMAN (Mr. HENSLEY). The gentleman from Georgia [Mr. BARTLETT] is recognized for 25 minutes.

Mr. BARTLETT. Mr. Chairman, I realize the fact that there are very few Members present, and doubtless what I have to say, even if the House were full, would not fall upon listening or appreciative ears.

I am as much in favor of pure elections as anybody. My State long since has provided by law for the regulation of primary elections, and enacted a much more efficacious, stringent, and efficient law than this or any proposed in Congress. I

realize that under the decisions Congress may have the power to regulate the expenditures of money by candidates for Congress in the elections held for Congressmen and now for United States Senators, though I do not assent to it that that is the law. I do not believe it is a wise policy for Congress, however, to exercise any such authority, even if it possesses it; and when the bill was considered in 1910 which is now upon the statute book I undertook to voice my objection to that kind of a law and my objections to it. I am opposed to this bill because I do not believe Congress has any power to interfere in any way with the nomination of candidates for Members of the House or candidates for the United States Senate or to prescribe any rules governing them.

Mr. MANN. Will the gentleman yield to a question, not to answer it now, but later on, possibly?

Mr. BARTLETT. Of course I will.

Mr. MANN. One of the Members of the House told me the other day that he was informed by his lawyer, and an able lawyer, that the national law, in that lawyer's opinion, in reference to campaign contributions, fixing the amount, overrode any State law on that subject.

Mr. BARTLETT. Yes.

Mr. MANN. In other words, the national law, having been passed, was exclusive as to the amount. If the gentleman has time, I wish he would give his opinion as to that.

Mr. BARTLETT. I can answer the gentleman as to my own views upon that subject at once. I do not think Congress has the power to regulate by law the amount that a candidate for Congress shall expend either in the primary or in the election, but if it does have the power and exercises it, then that power is exclusive, so far as the States are concerned. And I believe if Congress has the power it would be as in the case of the election law passed in 1874, where it held in re Selbold and in re Yarborough, two cases, one in the One hundred and tenth United States and the other in the One hundredth United States, as I now recall, and in the case of Riens, a case from Virginia, where they construed the election law of 1874, which provided for the presence of the United States marshals and inspectors at election for Congressmen being held at the same time that the election for State officers were concerned, that as to election of Congressmen the laws of the United States on that subject were supreme and controlled. Those are cases in which the Supreme Court of the United States has decided that although the election of Congressmen was held at the same time the State election was held for governor and other State officers and county officers, yet the law of the United States as to the election of Congressmen was supreme, and the election for Congressmen had to be held in accordance with the laws of the United States, so far as that is concerned.

As a lawyer, I do not doubt at all that if the Congress has the power to regulate the primary elections for Congressmen and for Senators, if the point is ever raised, the law of Congress will be held to be supreme and superior to that of the States in the matter, provided, of course, the law is upheld as constitutional.

Mr. MAPES. Will the gentleman yield?

Mr. BARTLETT. I will.

Mr. MAPES. In that connection, would the provision in the Federal law which provides that no candidate can expend any amount in excess of the amount allowed under the law of the State where the candidate resides make the State law supplementary to this Federal statute, in the gentleman's opinion?

Mr. BARTLETT. I think if Congress has the power at all to regulate it, which I deny, by reason of the fact that it is an election of a United States Senator and Member of the United States Congress, wherever they come in conflict, the law of Congress would be supreme.

Mr. MAPES. But the gentleman understands——

Mr. BARTLETT. And this very act, in section 16, provides that it "shall not be construed to annul or vitiate the laws of any State not directly in conflict therewith." This very bill is based upon the proposition that the laws of the States shall be complied with if they are not in conflict with this law. Your very bill says so.

Mr. MAPES. I was assuming for the moment in my question that the construction of those who say that this law could supersede the State law was correct, and on that assumption I was asking if the gentleman thinks that this provision, on page 12, which says that no candidate can expend any amount in excess of that allowed by the State law, would be enforced under that construction.

Mr. BARTLETT. Does this bill say that?

Mr. MAPES. Yes; on page 12 it says that.

Mr. TAYLOR of Arkansas. What line?

Mr. MAPES. Beginning with line 7, it says:

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides.

Mr. BARTLETT. Yes; but you follow that with the proviso that he may expend $5,000.

Mr. MAPES. No; he may spend $5,000 if there is not a smaller limit fixed under the State law.

Mr. BARTLETT. Yes; but you do not say so. You say he shall comply with the laws of the State, but afterwards you provide that he may spend $5,000.

Mr. MAPES. No; we do not. We say he can spend $5,000 if the State law allows him to do that.

Mr. BARTLETT. I do not think this qualification contains that.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MOORE. Does not the clause referred to by the gentleman from Michigan [Mr. MAPES] mean that if the State of Georgia, for example, provides that a candidate for Congress shall not spend more than $1,000, then he can not expend $5,000 which is provided here as the Federal limit?

Mr. BARTLETT. I do not think it can be construed in that way.

Mr. MOORE. That is what it seems to say. I wish the gentleman would read it a little more carefully. It says, commencing with line 7 of page 12:

No candidate for Representative in Congress or for Senator of the United States shall give, contribute, expend, use, or promise, or cause to be given, contributed, expended, used, or promised, in procuring his nomination and election, any sum in the aggregate in excess of the amount which he may lawfully give, contribute, expend, or promise under the laws of the State in which he resides.

Mr. BARTLETT. You say that, but then you go on and say—

Provided, That no candidate for Representative in Congress shall give, contribute, expend, use, or promise any sum in the aggregate exceeding $5,000 in any campaign for his nomination and election.

Mr. MOORE. Would not that bring him in conflict with the State law?

Mr. BARTLETT. Yes.

Mr. MOORE. If the State law says he could spend $500 or $1,000, and he really did expend $5,000, would he not be brought in conflict with the State law, where the national law provides $5,000 as the limit?

Mr. BARTLETT. If he were indicted for expending more than the State law permitted he could plead this proviso in his own behalf.

Mr. RUCKER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. RUCKER. Suppose the State of Missouri should provide that a candidate for Congress could spend $10,000. This says he could spend only $5,000. This would govern, would it not?

Mr. BARTLETT. Yes.

Mr. RUCKER. This law says that in no State can any candidate spend more than he could lawfully expend under the laws of that State, and in any event not more than $5,000?

Mr. BARTLETT. Yes.

Mr. MANN. Have we the authority to fix the amount over the State statute?

Mr. BARTLETT. Well, Mr. Chairman, in answer to that, I may say that this dialogue simply shows what a wide field of uncertainty this bill opens up. I do not myself think, when it comes to a primary election, that we have any right to interfere with it at all.

Mr. MOORE. Will the gentleman permit one more question?

Mr. BARTLETT. Yes.

Mr. MOORE. The law of a State, say, provides that the candidate shall not spend more than $500, and the Federal law provides that he shall not spend more than $5,000. Suppose he spends $2,500, and a contest ensues on the ground that he has spent more than the State law permits. What would the effect of that contest be when he arrives here?

Mr. BARTLETT. If he were a Republican, and there was a Republican majority here, he would probably be seated; and, on the other hand, if he were a Democrat and there was a Democratic majority here, he would probably be seated.

Mr. MOORE. And would there be a legal reason assigned here in the case?

Mr. BARTLETT. Oh, contested-election cases are not decided here on legal reasons. They depend on whose man it is and to which side he belongs.

Mr. MOORE. The gentleman agrees that there should be some rule about it, and that it is unfortunate that a candidate

Mr. COX. That is the very query in my mind. Is the language expressed in this section broad enough?

Mr. RUCKER. It seems so. Let me read it to the gentleman:

And if any person thus named as a candidate——

Mr. COX. Named as a candidate?

Mr. RUCKER. Yes.

Mr. COX. As a candidate for nomination or election?

Mr. RUCKER. This language has reference to what precedes it, and it follows language which expressly provides that the gentleman from Indiana [Mr. Cox] and myself, and every other gentleman who becomes a candidate, shall, when filing our statements, give the name of our opponents. And then it says the person "thus named," and so forth.

Mr. COX. In section 9?

Mr. RUCKER. No; in this very section.

Mr. COX. Section 11 refers back to section 9?

Mr. RUCKER. Well, I think the gentleman is right. I do not think there is any question as to the proper construction of these words.

Mr. COX. I wish the gentleman would give that some study, because, in my judgment, I think it is a very important provision.

Mr. RUCKER. I quite agree to that, but I think the language clear.

Mr. COX. I think the language ought to be clear and explicit, and broad enough to include every man who is mentioned in section 9 as being a candidate.

Mr. RUCKER. I do not see how it is possible to frame language stronger than this.

Mr. COX. I wish it could be made a little plainer.

Mr. RUCKER. It requires every candidate for Congress to give the name, address, and Federal district in which his opponent or opponents, either for nomination or election, resides. And then it says if any person thus named as a candidate fails to comply with the law, and so forth.

Mr. COX. Suppose, as an illustration, that in my district there are half a dozen candidates for Congress struggling for the nomination. That is to say, they are all candidates up to the time the primary election is held, but from that time on there is only one candidate?

Mr. RUCKER. The others have all been candidates prior to that time.

Mr. COX. Is it the gentleman's idea that this language is strong enough to go back prior to the primaries?

Mr. RUCKER. My judgment is that it is absolutely strong enough to do so because it says so.

Mr. GARNER. Mr. Chairman, if the gentleman from Missouri will permit—a little out of order—is it the gentleman's intention to have a vote on this bill to-day?

Mr. RUCKER. It is not. Mr. Chairman, there are several other features of the bill that I have not been able to discuss, because I have yielded more time to inquiries than I anticipated; but I believe the gentleman from Wisconsin desired to ask me a question.

Mr. STAFFORD. Yes; I desired to have you clear up a little ambiguity as to some of the language. In section 9 of the bill you exempt the Representatives and Senators from reporting and permit, without any limit, money paid for travel, subsistence, stationery and postage, writing or printing and distributing letters, circulars, and posters, and for telegraph and telephone service. From my experience with campaigning the great bulk of expense is of that character, and yet you lift the requirement from Members to make any return of that character of expenditures. A candidate might expend $100,000 efficiently in these modes to reach voters, and he would have every advantage over another not so rich.

Mr. RUCKER. I am familiar with the language and will give the gentleman my opinion. The criticism of the gentleman is a just one, but in the opinion of the committee we did not think we ought to legislate along a line which would prevent any man from honestly reaching the judgment or the intelligence of the people. If he wants to do it through printed letters and circulars and is able to pay for them, he has that advantage over a man who can not pay for them. It is a condition that we did not create and which we can not equalize.

Mr. STAFFORD. Then what is the use of placing any limit on campaign expenditures at all? It is a premium gives to the rich man who has the facilities and the means to pay for circulars and postage and use these methods susceptible to gain an election. The rich man would have every advantage over the rest of us.

Mr. RUCKER. The advantage of placing a limit of expenditures on anybody is to see to it that money is not used to debauch the citizenship of the country, but we do not fix a limit for the purpose of preventing a man from coming in contact with his neighbors. I believe that any method or means which enables a man to present his views on public questions—his attitude on the great questions of the day to the public—to the voters—is commendable and ought to be encouraged rather than discouraged, and the committee and the Congress in the existing law has placed a well-defined line of demarcation between those acts which tend to enlighten the judgment of men and those things which tend to debauch men.

Mr. STAFFORD. Then why does the gentleman except advertisement in newspapers?

Mr. RUCKER. Because the rich man under the pretense of making a present to a man for printing $5 worth of matter might give him $5,000 and thus in reality buy a plant and get the support of a newspaper, and to prevent such conduct as that we require him to swear how much he paid for newspaper notices.

Mr. STAFFORD. There is nothing in this bill to prevent a man buying out a newspaper and having the newspaper boost him, and I know of plenty of instances where that has been done.

Mr. RUCKER. The gentleman's argument is unanswerable. I confess the statute against larceny has no deterrent effect at all on the thief except as fear of punishment may restrain him. This statute has no effect on a man who will so stultify and degrade himself as to do an abominable thing and then swear that he did not do it.

Mr. MANN. I would like to ask the gentleman two questions, if I may. I do not know how much time it will take.

Mr. RUCKER. I would be glad to answer any question that the gentleman asks me, if I can, but I am afraid I have already used too much time.

Mr. MANN. What good does it do to pass a bill of this sort, where there is no penalty, so far as the membership in the House is concerned, where it is perfectly evident that a man who has been a prominent candidate for Congress is indicted and can not be convicted, no matter whether he is guilty or not?

Mr. RUCKER. Assuming the premises of the gentleman to be true, I think it would be a piece of useless nonsense, but I can not concede that the gentleman's premises are good.

Mr. MANN. The gentleman is willing to admit it has no effect here in the House?

Mr. RUCKER. No. I will not admit as far as that.

Mr. MANN. The gentleman is willing to admit that the House itself has set a precedent?

Mr. RUCKER. I will go this far, that at a time when this law was in its transitory period, when even the Members of the House themselves who helped make the law were hardly conscious of its existence, this House was exceedingly generous in voting to excuse gentlemen who grossly violated it, but I will say now that I believe that a different rule will prevail, and if gentlemen fail to comply with this law in the future and the officers of this House do their duty, the Federal district attorney, whose duty it is to prosecute, will have official notice of the fact. I believe that the penalty that stares them in the face at home with the public sentiment which I believe is crystallizing and developing in the House so hereafter enforce these publicity laws, will make gentlemen respond to them and obey them.

Mr. MANN. I do not believe you can convict a man of crime which has no criminality, as far as its moral aspect is concerned, because he has not complied with specific provisions of a statutory law like this, who is a partisan, following a partisan campaign, where his partisan constituents will be on the jury.

Mr. RUCKER. I do not believe that partisanship enters into it much, because I stood here one day feebly trying to sustain the supremacy of this law, and I noticed that all of the gentlemen on that side voted with the gentlemen on this side to ignore the law.

Mr. COX. I want to say to the gentleman that there was one on this side who did not.

Mr. RUCKER. I do not mean all.

Mr. MANN. I do not know what incident the gentleman refers to. I never voted to ignore the law.

Mr. RUCKER. I did not say the gentleman did.

Mr. MANN. And this side never did

Mr. RUCKER. But the vote in effect ignored the law.

Mr. MANN. The House seated a Member of Congress who had not complied with the law and thereby gave notice that it would not require a compliance with the law. That was a case where a man had not been a previous Member and was not familiar with the law.

Mr. RUCKER. I believe the time is coming when this House, as a matter of respect for itself and as a matter of obligation

to the people, will see to it that men who want to sit on this floor comply with the laws we make.

Mr. BRYAN. Mr. Chairman, in the case where that gentleman was seated it ought to be remembered that he was not seated until after the man who claimed the seat in opposition to him had abandoned it and admitted that the majority of the people had voted for the Member who was seated by this House.

Mr. RUCKER. Mr. Chairman, I desire to yield 10 minutes, now, to the gentleman from Georgia [Mr. BARTLETT].

Mr. MAPES. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a few days ago my good friend, the distinguished gentleman from Indiana, Judge CULLOP, filed some newspaper clippings to show the prosperity that was now abroad in the land, the psychological panic not having yet reached him. I regret that the gentleman is not present in the Chamber at this moment, but among other clippings that he filed was one from the Terre Haute Tribune which referred to the North Baltimore Glass Co. and the great prosperity that that company was now enjoying under a Democratic tariff. At the same time he filed a clipping from one of the papers on the Pacific coast. I knew that the gentleman did not know anything about the conditions on the Pacific coast, but I presumed that he did know something about the conditions in his own State.

However, I wrote to the president of the North Baltimore Bottle Glass Co. and called his attention to the item that the distinguished gentleman from Indiana inserted in the RECORD. I hold in my hand a reply from the president of that company, and I want to read it to the House. I think they will find it an interesting statement.

The letter is as follows:

TERRE HAUTE, IND., June 12, 1914.

Hon. W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: Your letter of the 10th instant is at hand, and if the statement from the Terre Haute Tribune relating to the present activity in our plant was placed in the RECORD by Hon. W. A. CULLOP for the purpose of showing "general prosperity," it is certainly very misleading. We are extremely busy in our plant owing only to the time of year, or season, at hand. We manufacture principally soda-water, soft-drink, and beer bottles, and at the approach of summer there is invariably a great demand for bottles of this kind so as to prepare in the trade for the summer months, all glass factories suspending operations in July and August.

The tariff on our particular line of goods has not been changed.

My distinguished friend from Indiana, of course, inadvertently overlooked that. I am glad he has come into the Hall.

If there had been any reduction on this line, all industries of our kind would have been compelled to suspend operations owing to the fact that we work union labor and are in close competition with the cheap labor of Germany and other foreign countries.

I hope the gentleman heard that sentence.

Until the recent approach of warm weather our business has been extremely dull, suffering in sympathy with all other lines of trade, but at present we are only enjoying a season of activity due entirely to the time of year at hand. A number of plants in our line, however, have suspended operations, even at the present time, and we regret to say that the prospects for fall business do not look at all encouraging.

Answering the last paragraph of your letter as to how our business compares at present with what it was in June, 1913 and 1912, we can only reiterate that we are always in full blast in the months of May and June, and that for many years past, due to the approach of the summer season, we are always fully sold up on our production at this time, but our entire season's business for this year will show a considerable falling off from that of the former two years.

Trusting I have covered your inquiries, I am,

Yours, very truly,

THE NORTH BALTIMORE BOTTLE GLASS CO.,
A. L. PFAU, *President.*

Now, on the same subject the distinguished gentleman from Illinois [Mr. MANN] has handed me another letter since I came into the Hall from the National Window Glass Workers of Cleveland, Ohio, signed by the president of that organization. I will not take the time to read all of the letter, but I will read a paragraph or two, and I will ask to insert it in the RECORD.

The letter is as follows:

NATIONAL WINDOW GLASS WORKERS,
Cleveland, Ohio, June 12, 1914.

Hon. JAMES R. MANN,
House Office Building, Washington, D. C.

DEAR SIR: I note by the issue of the CONGRESSIONAL RECORD, under date of the 6th instant, that permission was given to the Hon. WILLIAM A. CULLOP, of Indiana, to insert a statement referring to glass which was printed by the Terre Haute Tribune. In referring to the article, Mr. CULLOP states that some of the largest window-glass factories in the United States are located in the city of Terre Haute and that they are in a most prosperous condition. I fail to understand how Mr. CULLOP could have made such a serious blunder. The fact of the matter is that the glass factories operating at Terre Haute produce green and amber bottles, this branch of the glass industry being as foreign to the window-glass industry as is the manufacture of steel and iron.

To the above I wish to add that the window-glass industry of this country is not at the present time in a highly prosperous condition. There is but very little demand. The manufacturers for the most part are carrying their production of the past four months. Jobbers are not buying in normal quantities expecting that the Belgian manufacturers will reduce their selling prices to such a point that foreign glass can be bought for less than the domestic product. The Belgians have already reduced their discounts to Pacific coast buyers, the American manufacturer being compelled to make radical reductions in his selling prices in order to meet the foreign competition. I fear for the welfare of our members if the American manufacturers are forced to make a general announcement to the trade of such prices as are at present prevailing on the Pacific coast.

During the past winter I have had an opportunity to study the method of production prevailing in Belgium and to compare the items of cost that enter into the manufacturing of a box of glass in that country as against the items of cost that enter into the production of glass in this country, and I do not hesitate to state that with the single exception of fuel the Belgian manufacturers have an overwhelming advantage because of the following reasons:

First. A continuous system of production is followed out, the skilled workmen being employed on Mondays, no holidays of any nature being observed.

Second. The skilled and unskilled labor cost is much cheaper than in this country. The skilled workman receives 37 per cent less in wages for producing 57 per cent more glass. Unskilled labor employed around factories is paid from about 50 per cent to 80 per cent less than unskilled labor in this country.

Third. The raw material charges are much less than in this country. Salt cake costs $6.50 per ton, as against $13 in this country.

Lumber, $15 and $20, as against $24 in this country.

Sand, 75 cents per ton; coal per ton in this country ranges from $1 to $1.85.

The principal advantage, however, possessed by the Belgian manufacturers lies in the fact that their skilled labor is satisfied with much less than we expect and that they work longer hours per day and on Sundays and days we consider as holidays.

We had knowledge of the above conditions before the present tariff rate became effective, and at the hearings of the Ways and Means Committee endeavored to convince the members of that committee that radical reductions of the tariff rates would be injurious to the window-glass industry. The data that we submitted, however, was, I presume, considered inaccurate, and a reduction of 45 per cent in the tariff rates followed, under which arrangement importations for the past six months, commencing with October, 1913, and ending with the month of March, 1914, have increased 26 per cent, and the valuation of the product 39 per cent in excess of the amount and valuation of importations for the corresponding months during the previous year.

I expect to be in Washington within the next few days, and, if you are not too busy, will appreciate meeting you.

Yours, respectfully,

J. M. NEENAN, *President.*

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. May I have two minutes more?

Mr. MAPES. I yield two minutes additional to the gentleman.

Mr. HUMPHREY of Washington. That is what the president of this labor organization thinks of the situation of glass manufacturing, and I want to compliment my distinguished friend from Indiana for the contribution that he has added to the prosperity of the country, to the Democratic psychological prosperity of the country, and I trust he will insert some more clippings in the RECORD of that character. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the letter in full.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington? [After a pause.] The Chair hears none. The time of the gentleman has expired.

Mr. RUCKER. Mr. Chairman, I promised to yield 20 minutes to the gentleman from Georgia, but I find I used 57 minutes——

The CHAIRMAN. The gentleman used 53 minutes.

Mr. RUCKER. But the gentleman from Michigan has very kindly agreed to yield 15 minutes.

Mr. MAPES. I yield the gentleman 15 minutes.

Mr. RUCKER. And I yield the gentleman from Georgia 30 minutes.

Mr. BARTLETT. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, it is always amusing to hear the great calamity howler from the State of Washington [Mr. HUMPHREY]. If anybody has done overtime in the way of human exertion to cry panic in this country or to alarm labor and deprecate business conditions in this country, it has certainly been the gentleman from the State of Washington. He is daily on the job, and works at it early and late. He surely does overtime. I read the article from the Terre Haute Tribune referred to by the gentleman from Washington, and I have been advised since I put it in the RECORD by one of the best-informed men in that thriving Indiana city that it states the fact about the conditions of the glass-factory business in that city. Since that time I have conversed with a gentleman well informed from that city, and he has informed me that it is not only the condition of the glass manufacturing of Terre Haute but of every other manufacturing business in the city of Terre Haute.

Now, for the information of the gentleman from Washington I will call his attention to some of the improvements now in

with the law, while he who fails to comply with the law by serving a duplicate of his statement on his opponent would be guilty, unless his opponent is unknown to him.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. SELDOMRIDGE. Did the committee take into consideration this matter of filing with the secretary of state in the State in which the congressional district is located, where they might be seen, as well as in Washington?

Mr. RUCKER. I will say to the gentleman the committee did discuss that matter, and it has been discussed quite fully—more, I will say, at a prior date when this bill was under consideration. The question of filing the statement with the county clerk or the recorder of deeds of the county in which the candidate may reside, or with the secretary of state of the State in which he resides, was then discussed, but I very much doubt if we have power to compel those State or county officers to comply with a statute of this kind.

Mr. SELDOMRIDGE. Will the gentleman yield again?

Mr. RUCKER. Yes.

Mr. SELDOMRIDGE. Could we not require it to be filed in the Federal court, with the clerk of the United States court?

Mr. RUCKER. Yes; but when you come to the Federal courts you have so many of them—sometimes two or three in one district—and it would likely prove confusing and certainly would be very inconvenient. I am strongly of opinion that the plan proposed in the bill will prove more satisfactory.

Mr. HAMLIN. I want to ask the gentleman a question for information, because I know he thoroughly understands the bill. The language says:

And deliver a duplicate of such statement to each of his opponents for such nomination or election if such opponents and their addresses are known.

What will be regarded as a delivery? Can it be done in person or can it be done by mail?

Mr. RUCKER. That is the same question asked me by the gentleman from Missouri [Mr. DICKINSON] a while ago.

Mr. HAMLIN. I did not catch it.

Mr. RUCKER. Further on in the bill the gentleman will observe that the same section that requires the filing of the statement with the Clerk of the House provides that the deposit in the post office shall be deemed a filing. The same provision is in the bill with regard to the duplicate. It may be sent by mail.

Mr. HAMLIN. In other words, the same provision that applies to filing with the Clerk applies to the candidates?

Mr. RUCKER. It can be delivered in person, but a deposit of it in the post office, registered and addressed to his opponent, is deemed a delivery of the duplicate.

Mr. STAFFORD. Is it not the desire of the gentleman to have Members withhold from questioning him about provisions under the various sections until he closes?

Mr. RUCKER. I did so request, but I will yield to the gentleman if he wishes to ask a question.

Mr. STAFFORD. I do not wish to do so now.

Mr. RUCKER. Section 10 of this act is one paragraph of section 8 of the existing law. Section 8 of the existing law deals with two absolutely different propositions, different phases of the question, and the committee simply divided that into two sections. It does not change existing law. Sections 11 and 12 of this act are new sections. And I expect in order to discuss them I had better read them. Before reading, however, I want to answer the gentleman from Kansas [Mr. CAMPBELL] now.

Mr. CAMPBELL. Let me state my question. The question I ask is whether or not the amount of money that may be expended by a candidate for United States Senator, for example, is still limited, as under the old law?

Mr. RUCKER. Identically.

Mr. CAMPBELL. Now, I have just been wondering if in a campaign in a special election for United States Senator—if the State is as large as Missouri—the poor man would have any chance at all with one who had been a candidate for United States Senator through the newspapers and had been spending his money liberally for years with a view of some time or other becoming a candidate for United States Senator. The poor man has absolutely no chance now in a whip-cracker campaign or a short campaign for United States Senator, and it just occurred to me that he was barred in two ways—first, by the amount of money that might be spent and, second, by not being permitted to spend enough money to make the campaign——

Mr. RUCKER. Do you think $10,000 is too much or too little?

Mr. CAMPBELL. My contention is that men are spending to-day without making report to anybody. They are spending more money—far more—than $10,000 to be elected to the United States Senate—spending their own money, and doing it liberally—two or three years in advance, as they must do to become acquainted now in a State-wide campaign for United States Senator.

Mr. POST. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Ohio?

Mr. RUCKER. I will.

Mr. POST. I want to suggest to the gentleman from Kansas [Mr. CAMPBELL] that our past history discloses that in any event a poor man has very poor show to get to the United States Senate.

Mr. COX. Will the gentleman yield for a question?

Mr. RUCKER. I have never answered those other questions yet, but I will try to keep them all in mind.

Mr. COX. I would like to have the gentleman's construction on part of section 11, at the top of page 14. I will read it, and see if I can make myself plain:

And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Now, just what does that language mean, in the gentleman's opinion? Is that language broad enough so that it would require the Clerk of the House or the Secretary of the Senate to certify the names of all the candidates for Congress and candidates for the United States Senate to the district court, or is it confined, under this section, directly to the nominees, to the candidates at the election, either for the House of Representatives or for the Senate? What is the gentleman's construction of it, if he catches my question?

Mr. RUCKER. The gentleman will pardon me for one minute, because I have had two other questions asked me.

Mr. COX. All right.

Mr. RUCKER. In answer to the gentleman from Kansas, first, because he first inquired, I do not know whether anybody intends to make a whip-cracker fight in his section or not.

Mr. CAMPBELL. It would be impossible for me to make a long campaign or short campaign for United States Senator under the present laws.

Mr. RUCKER. I would say that these amounts were placed in the bill not by the House but by the Senate. There is a historical feature to it that I would be betraying confidence to talk about. I want to say to you now that I solicit the earnest support of every man here who believes in publicity and beg of him to stand with me and see if we can again enact this limitation of amount that may be expended into law. There are two views of the matter. On the floor of the House at this minute are gentlemen who think the amount $5,000 which may be expended by a candidate for the House is entirely too much. I myself am one of those. I insisted on a much lower limit.

But let me say to you that there are other gentlemen just as good as the gentleman from Kansas [Mr. CAMPBELL] and myself—and we are among the best [laughter]—who believe that the amount $5,000 is too small. I can say, without violating confidence, that in the Senate of the United States Senators say it is unfair and unreasonable to permit a candidate for Senator in a great State like New York or Pennsylvania to spend only $10,000 and permit a candidate in a small State like Kansas to spend the same amount. This matter will be thrashed out in another forum.

I want to say to you in all seriousness that I hope that either the wisdom of the House and the wisdom of the Senate combined or determined public sentiment will so crystallize as to enable us to hold these figures down to the limit at present fixed.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes; I yield to the gentleman.

Mr. CAMPBELL. Do you limit the time within which money may be expended in a canvass for United States Senator or Representative?

Mr. RUCKER. From the time he becomes a candidate.

Mr. CAMPBELL. I know men who will be candidates for United States Senator four years from now.

Mr. RUCKER. Do they admit it?

Mr. CAMPBELL. Their friends know that they are spending from twenty to thirty thousand dollars this year in getting acquainted in the State.

Mr. RUCKER. That is very hard to deal with. If the gentleman, with his great ingenuity, could conceive of some language that would reach these conditions and bring about a

condition of purity in the ballot box in Kansas, I would be glad to join him in an effort to enact it into law.

Mr. CAMPBELL. The fact is that the present law simply bars a poor fellow, like the gentleman from Missouri or myself, and gives a rich man, who has plenty of money and leisure, freedom to pave his way to a United States Senatorship through governorships and other offices, and to spend his own money freely without giving any account of it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. I do.

Mr. MANN. I would like to ask the gentleman if there is anything in the law to prevent a gentleman from Kansas who is a candidate four years from now from including all his expenses from now until the time he is nominated and elected?

Mr. RUCKER. I am satisfied the gentleman from Kansas is quite free to spend any money he likes along that line.

Mr. BOOHER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to his colleague?

Mr. RUCKER. Yes.

Mr. BOOHER. This bill permits candidates for Congress to expend $5,000. Now, does the gentleman think that is fair, when in his district, under our State law, he is limited to about $700? I am limited in my district to $672. I can not spend any more money. That is the truth about it.

Mr. RUCKER. I think I catch the point of the gentleman's question.

Mr. BOOHER. I wanted to know why should this figure be fixed as high as $5,000. How do you arrive at that? Upon what basis do you figure it?

Mr. RUCKER. I have just said that it was written in the law by the Senate. I myself think that $2,500 is ample. But I will say to the gentleman that we can not always tell about these things. In some localities and some parts of the country much more money can be lawfully expended, without debauching anybody, than is needed to be expended elsewhere.

Now, with respect to my own district, I have been nominated and elected many times when I did not spend, all told, more than $200. If I said "many times," I mean more than once. I do not want to discuss how many times, because I understand that is a live issue in my district now. [Laughter.] Under the law of my State, if I spend more than $630 in my district for nomination and election I would be declared to be unworthy to enter that door, because I would come here as a violator of the law. And I will say to the gentleman from Kansas [Mr. CAMPBELL] that I have not violated the law and do not intend to.

Mr. BOOHER. Why would it not be a good thing to fix the amount in here that a man can spend and base it upon our Missouri law?

Mr. RUCKER. I would like to put something in this bill that would make my good friend from Georgia [Mr. BARTLETT] like this bill better than he now does. We leave something for the States to do. We allow the States to fix a lower limit, and if the States do not do so, we in the State of Missouri will be content with the sum that is fixed in neighboring States.

Mr. WICKERSHAM. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Alaska?

Mr. RUCKER. Yes.

Mr. WICKERSHAM. I wish to inquire if the provisions of this bill will apply to an election in the Territory of Alaska for Delegate to Congress?

Mr. RUCKER. Well, a Delegate is not specifically named, I believe.

Mr. WICKERSHAM. I believe it ought to reach our election.

Mr. RUCKER. It ought to. I believe it ought to be but I do not believe it is specifically named. I thank the gentleman for calling my attention to the matter.

Mr. DICKINSON. Mr. Chairman, will my colleague yield?

Mr. RUCKER. Yes.

Mr. DICKINSON. I note that a duplicate is required to be delivered to an opponent. I suppose that is for the purpose of publicity, for the purpose of giving the opponent an opportunity to examine it and criticize it and to expose it if it is not a true copy.

Now, have you considered the thought of requiring a duplicate copy to be filed with the secretary of the State instead of being delivered to the individual? Would not that give more publicity? The opponent, then, knowing what the law is, can readily secure a copy, or anybody else could secure it; and has not Congress the same right to make that requirement as to make the requirement that it is to be delivered to the Clerk?

Mr. RUCKER. I will say to the gentleman that I think the provisions of the pending bill are much better and in the end will give more publicity.

Now, I have already consumed more time than I ought to. How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used 26 minutes.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for an inquiry?

Mr. RUCKER. I will.

Mr. TOWNER. Regarding section 1, I notice that section 1 still retains the language that was used in the old provision of the law which limits the application of the terms of this act to committees which shall operate in two or more States. Did the committee consider that as being best to be retained? In other words, did the committee come to the conclusion that it was best to limit the application of it only to the great national committees?

Mr. RUCKER. The committee thought so; yes. But I will say I do not believe that we could have substantial publicity or effective publicity in any other way. I do not believe we could obtain what the gentleman would like to obtain through the medium of State or congressional or county committees.

Mr. TOWNER. A congressional committee in any congressional district may expend any amount of money and not make any accounting of it——

Mr. RUCKER. That is true, under this law.

Mr. TOWNER. So far as the provisions of this law are concerned.

Mr. RUCKER. But under the State law——

Mr. TOWNER. Ah, but if the State law does not provide for it, if the State law is silent upon the question, then there is no provision requiring publicity.

Mr. RUCKER. Let me say to my friend the gentleman from Iowa that we are attempting to do here what the States can not do; and in seeking to make friends for this bill and to remove every possible objectionable feature, we have left it for the States of Georgia and Iowa to do some things which this law does not attempt to do; but if the States will take up this question and do as much in the direction of securing publicity, and in that way the purity of elections, as the National Government has done, I believe the time will come at no distant day when we shall hear less of the demoralizing influences of money used in political campaigns than we have heard in the past.

Mr. TOWNER. Let me suggest to the gentleman that we are now endeavoring as a Congress to secure the purity of the election of Congressmen, and that really the States, as States, have nothing whatever to do with that; and yet we have left open the most prolific source of corruption that I know of in the election of Members of Congress. I think the national committees never—I will not say never, but almost never, and certainly very rarely, if ever—have gone into a district and corrupted it, although money has been sent into the district from all over the United States and there used by local committees and local interests.

Mr. RUCKER. I think the gentleman's conclusion is very likely correct; but if the gentleman will bear with me for a moment, I will say that if the national committee will comply with this law, and if then the State will do its duty, we can put an end to all that. But you can not do it until we do have State cooperation, in my judgment. I would be glad to do it. I would say to the gentleman from Iowa, or any other gentleman here, that no man can go further than I am willing to go to give absolute, free, full publicity, and, as far as it is possible for men to do it, to so guard and control elections as to rid them of every impurity.

Mr. COX. Will the gentleman give the committee the benefit of his construction of section 11, as I propounded the question a moment ago?

Mr. RUCKER. As I understood the question the gentleman asked some time ago, he wanted to know about the language at the top of page 14:

And if any person thus named as a candidate for nomination or election to any office referred to in said section 9 shall fail, neglect, or refuse to file any statement therein required, it shall be the duty of the Clerk of the House of Representatives or the Secretary of the Senate, as the case may be, within 30 days after such statement or statements should have been filed, to certify that fact to the district attorney of the United States for the Federal judicial district in which said candidate resides.

Mr. COX. Yes.

Mr. RUCKER. I think beyond question it is the intention of that language to include everybody who was a candidate for nomination or election.

money both in the primary and in the election of Members of

to print public documents, and if the amount allowed for con-

Mr. BARTLETT. Yes.

objection? [After a pause.] The Chair hears none.

Mr. MANN. Let us see if we can agree on general debate.

Mr. RUCKER. Very well. What does the gentleman say on that point?

Mr. MANN. We would like one hour on this side.

Mr. RUCKER. To be frank with the gentleman, no Member has spoken to me about time on this side, but I think an hour on a side will be sufficient. Mr. Chairman, I ask unanimous consent that general debate on this bill may be limited to two hours, one hour to be controlled by the gentleman from Michigan [Mr. MAPES], and the other hour by myself.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that general debate on this bill be limited to not exceeding two hours, one hour to be controlled by himself and one hour by the gentleman from Michigan [Mr. MAPES], and at the end of two hours the general debate shall end. Is there objection?

Mr. TRIBBLE. Reserving the right to object, I want to ask the gentleman if there is any new legislation in the bill not already in force?

Mr. RUCKER. Yes.

Mr. TRIBBLE. In what sections?

Mr. RUCKER. Some in all the sections. The report sets it out very thoroughly. There is no new principle involved.

Mr. TRIBBLE. I did not see any new principle involved in it, and I did not see any reason why the House should stop and debate a bill two hours that has no new legislation in it.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I have ascertained that there are probably two or three gentlemen on this side who may want some time, and who are opposed to the bill.

Mr. MANN. How much time does the gentleman want?

Mr. BARTLETT. The gentleman from Florida wants 10 minutes, the gentleman from Louisiana 10 minutes, and I will be satisfied with 10 minutes myself.

Mr. RUCKER. I will give the gentleman 20 minutes if the gentleman from Illinois will give him 10 minutes out of our time.

Mr. MANN. That will be satisfactory.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that general debate shall not exceed two hours, one hour to be controlled by himself and one hour by the gentleman from Michigan [Mr. MAPES], and at the end of that time the bill shall be considered under the five-minute rule. Is there objection?

Mr. TOWNER. Reserving the right to object, I would like to suggest that general debate will run beyond 6 o'clock. Is it the idea that the gentleman will take up the bill under the five-minute rule at the end of that time?

Mr. RUCKER. Oh, no; not to-day.

Mr. TAYLOR of Colorado. Reserving the right to object, the next committee under the call is the Committee on Irrigation of Arid Lands, and we have one or two bills. I would like to ask if there is any possibility of our reaching them this evening?

Mr. RUCKER. I do not think so.

Mr. GARNER. May I ask, being interested in the calendar as we go along, how long this bill is liable to occupy the time of the committee?

Mr. RUCKER. This is the only bill we have, and after the general debate is over the bill will be considered under the five-minute rule next Wednesday. I think we should finish it in two or three hours under the five-minute rule.

Mr. GARNER. And we may finish it this afternoon.

Mr. RUCKER. It might not be impossible.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. The House will resolve itself into Committee of the Whole House on the state of the Union, and the gentleman from Tennessee [Mr. HOUSTON] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. HOUSTON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8428, of which the Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

Mr. RUCKER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. RUCKER. Mr. Chairman, I would like to be notified at the end of 30 minutes. Mr. Chairman, I feel that I ought to make a brief statement of this bill and what it contains to the House, and in the beginning I want to invite each gentleman present, if he will do so, to read the committee's report which accompanies the bill. I really believe the report filed with this bill gives a clearer statement of what the bill contains and the amendments that are proposed than any statement I can make.

In the beginning I want to ask to be permitted to proceed for a few minutes without interruption until I can state briefly the salient features of the bill. After that I will gladly yield to interruptions and will try to answer any question which any gentleman may see fit to propound to me.

I will deal with the bill by sections. The only change made in section 1 is in line 16, where the word "Senators" is inserted. That, as it has already appeared to your minds, is for the purpose of adjusting this bill to the present mode of electing Senators. At the time the present law was enacted Senators were elected in the old way by legislatures.

Section 2 inserts the word "payment" and the words "or promised," which do not change the effect or the intent of the present law except to make it clearer and broader.

Section 3 is a new section.

Its purpose is to limit the amount of money a "political committee" may use or expend for campaign purposes in any State to a sum not "in excess of or greater than the aggregate amount contributed to such committee by actual residents of such State," with a proviso that this section "shall not be construed to limit the amount which such political committee may expend" for campaign speakers and their expenses, printing and distributing literature, and the cost of newspaper advertisements, and so forth.

No attempt is here made, nor in any part of this bill, to limit the expenditure of money used in an effort to reach the judgment of electors. Appeal to the minds and judgment of men by political parties and candidates for political office is commendable and is encouraged by every section and provision of this bill. But the objectionable and vicious practice, sometimes indulged in, of collecting large campaign funds in the great money centers and carting them into other States to demoralize, corrupt, and debauch the electorate and thereby destroy the safety and purity of the ballot box is a crime against public morals which can not be too harshly denounced or too soon prohibited. If the enactment and enforcement of this section will cure this evil, it will have fully accomplished its purpose and will meet the hearty approval of every voter whose vote can not be purchased with money.

I should say section 3 of this bill is the direct result of the action of the Senate in passing Senate bill 192, introduced by Senator CLAPP of Minnesota. The phraseology of the bill, Senate bill 192, is not exactly the same as section 3 of this bill, but without reading it I venture the assertion, which I think is true, that it covers the same evil sought to be removed, the effort being to prevent great political committees, like the national committee or the congressional campaign committee, from accumulating vast sums of money and taking that money into close or doubtful States or districts and there using it on the eve of election. In order to prevent that practice, which has become an abuse, the Senate of the United States passed the bill to which I refer limiting the power of committees, and we incorporated the principle of the Senate bill in this bill by providing that these great committees shall not use in any one State a larger sum of money than has actually been contributed to such committees by bona fide citizens of that particular State. Further on in the bill an amendment is proposed which will require the secretary or treasurer of these great committees, in keeping accounts of moneys contributed for campaign purposes, to keep the amounts by States, so that at a glance the officer in charge and having the distribution of these funds can determine how much money has been contributed by Missouri or by Georgia or by Illinois or by Michigan, and the amount contributed to the committee by the citizens of those States limits the amount which the committee may expend in the particular State, except that the committees are unlimited in the amount of expenditure necessary to defray the expense of those who actually participate in campaigns, campaign speakers and trains to carry them, and so forth, or for newspapers carrying advertisements.

It occurred to me, and to the committee having this matter in charge, that it would be better to crystallize the principle enunciated in the bill as introduced in the Senate by Senator CLAPP into a section of this bill, so as to have in a concrete form all of these laws governing the expenditure of money in political campaigns and requiring publicity of the same.

Section 4 is existing law without any change whatever.

Section 5 is substantially existing law. There are one or two verbal changes made, but none that would effect any change of moment.

Section 6 of this bill, which is section 5 of current law, is amended in line 21 so as to make it clear that political committees must file statements under oath showing the receipts and expenditures of such committees in connection with special elections held to fill vacancies and in case of general elections in any one State for the election of candidates for Senators or Representatives if such committee shall participate in such election. Making that statement a little more in detail, I call the attention of the committee to this fact: In the course of time vacancies occur which require special elections in certain districts or States. I say "States" because Senators are now elected in the States. Under the law as it stands to-day it is doubtful if its provisions reach the great campaign committees, the political committees, and require any accounting of their connection with or participation in special elections, elections held in any one district or State, for the purpose of filling vacancies in the office of a Representative or Senator of the United States. To make it perfectly clear, and I think to accomplish a great good, the committee added an amendment to existing law which provides that when these great committees actually participate in special elections, or in elections held in only one State, they must account for the money received and contributed and used in connection with that election. If they have no participation in the election they are not required to file any statement under this law.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. RUCKER. Yes.

Mr. CAMPBELL. Does the bill limit the amount that may be expended for the election of a United States Senator or a Representative in Congress, as was done under the law passed two years ago?

Mr. RUCKER. Mr. Chairman, I will say to the gentleman the provision he refers to is not the section I am now discussing; but, answering the inquiry, as I am glad to do, will say the law is left unchanged in that regard.

Mr. CAMPBELL. In the case of a poor man making a canvass for the office of United States Senator——

Mr. RUCKER. I will ask the gentleman from Kansas, if he will, to kindly defer his questions until I reach the appropriate section.

Mr. CAMPBELL. Very well, I will very gladly await the gentleman's convenience.

Mr. RUCKER. Mr. Chairman, section 7 of this act is section 6 of the present law, with some changes suggested. The only change of moment that is made is the one that is made necessary in order to make this section articulate with section 3, which I have just now discussed, that being the section which limits the amount the committee can send to any State to the amount contributed by citizens of that State.

Mr. HAMLIN. Mr. Chairman, will the gentleman yield for a question?

Mr. RUCKER. Yes.

Mr. HAMLIN. Mr. Chairman, is there anything in the bill that would prevent a citizen from one State contributing to the campaign fund in another State through a local citizen? To get at what I am trying to illustrate, take an election in Missouri, for instance. Is there anything to prevent a citizen of New York, using that as an illustration, contributing thousands of dollars to a campaign fund in Missouri, provided that citizen does it through some local citizen in Missouri?

Mr. RUCKER. Mr. Chairman, I will say frankly to the gentleman that all law may be evaded.

Mr. HAMLIN. I know that.

Mr. RUCKER. And I take it if a citizen living in another State should send to the gentleman, my colleague—but I prefer to say should send to me—a sum of money to contribute to a political committee, and I should contribute it in my own name to that committee, the committee not knowing the fact that wrong is being perpetrated, the sum thus contributed would be entered as a contribution from a citizen of Missouri and would be considered in determining the amount such committee might lawfully expend in Missouri.

Mr. HAMLIN. That being true, it raises this query in my mind: Is section 3 very valuable on that account? I am heartily in favor of the principle of it, but is it not very easy to evade?

Mr. RUCKER. I do not think it is very easy to evade. If the gentleman will pardon me for digressing for a moment, I believe the idea of trying to purchase the electorate of this country is becoming so unpopular that men in one State can scarcely find a man in another State to act as a medium through which they can expend their filthy lucre for the purpose of debauching the citizenship of the State. And I believe that publicity of itself is in a measure a guaranty of the protection that the American people must have and will have and which will ultimately purify the ballot box in our country. [Applause.] Section 8 of this is section 7 of current law practically unchanged. Now we come to section 9, which is section 8 of the existing law. In addition to transposing a few words without changing the meaning and omitting the word "indorsed," this section substantially amends the corresponding section of the law now in force by requiring candidates for Senator and Representative, in addition to filing their statements of campaign expenses with the Secretary of the Senate and the Clerk of the House, as the case may be, to deliver a duplicate of such statement to each of his opponents for such nomination or election, if such opponent and his address are known.

The purpose of this change is apparent; its wisdom will not be questioned. Publicity is the end sought. By this amendment to existing law it is sought to give publicity in the community most concerned and at a time when it will do the most good. Each candidate will be given a duplicate of the sworn statement of his adversary containing all the details of receipts and expenditures required by law, and will thus be in condition to scrutinize and condemn the acts of his opponent before the election if it appears that either Federal or State law has been violated. The existing law, as every gentleman present knows, requires each candidate for Senator and for Representative, at certain periods, before and after the nominating primary or convention and before and after the general election, to file certain detailed statements containing information specifically required by the law with the Clerk of the House or the Secretary of the Senate, as the case may be.

Mr. DICKINSON. Will the gentleman yield for a question?

Mr. RUCKER. I will.

Mr. DICKINSON. May I inquire, without having read the section very closely, has the gentleman made any specific provision for the manner in which this copy shall be delivered to the opponent?

Mr. RUCKER. If the gentleman will pardon me, I will ask of him what I did of the gentleman from Kansas—that he withhold his question for a moment, and then I will answer. A little later I will be glad to submit to an interruption.

Mr. DICKINSON. All right.

Mr. RUCKER. Under existing law these statements are filed here in Washington. Now, it is true in near-by States that gives reasonably good publicity, but in States as remote from the National Capital as the State of Kansas, in the far West, or the State of Missouri, in the very heart of this great country of ours, but also remote from the National Capital, the publicity we get is of questionable value. In other words, the law requires that not more than 15 nor less than 10 days before election these statements must be filed, and obviously, and for good reasons, we provide that the deposit of these statements at the proper time in a post office, duly addressed and registered, shall be considered a filing.

Now, the statement may be mailed, which is the equivalent to filing, 10 days before the election; but coming from California, or from Maine, or from Florida, or any other remote part of the United States, it requires 2 or 3 days in which to reach here, and then news of any valuable character requires several days to reach back again. Hence, before tidings can get from a distant part of the country to Washington and then be communicated back, the 10 days have expired, the election has been held, and, hence, the publicity is of no avail, and only because it comes too late. This amendment which the committee proposes seeks to remedy that condition by providing and requiring that when the candidate prepares his statement for the purpose of sending to the Secretary of the Senate or the Clerk of the House he shall prepare a duplicate of that statement, which he must serve on his opponent, or opponents, if there are more than one, if they and their addresses are known. Lest I forget, let me say here now that it seems strange to suggest that one may not know his opponent, because most of us do know our opponents, and know their addresses; but that language is inserted deliberately, because of the fact that in some congressional districts in the United States, especially in the great cities, it frequently happens that candidates do not know who their opponents are, as gentlemen on the floor have told me, and hence to require them to serve a duplicate of their statements on their opponents, not knowing who they are, would, of course, be requiring an impossibility at their hands and subject them to criminal penalties when they have no chance of obeying the law. So we use this language to meet the condition suggested. It certainly can do no harm, as those of us who know our opponent and know his address must comply

my hands much valuable data on the waterways of the country, their possibilities which are now latent, and authoritative utterances that are of great value.

I hope some day to see the waterways of this country improved and teem with traffic as they do in Germany and other foreign countries. This result, in my opinion, can not be brought about until the railways and waterway lines work together for the common good. The interests of all transportation lines in the country are selfish and measured by the stockholders' dividends. Under such conditions it will be impossible to achieve any material results, no matter how many millions are sunk into the waterways of the country. Foreign countries have succeeded, but in those countries, generally speaking, public ownership or thoroughgoing public control of the whole transportation system has existed.

Differing methods of transportation on our inland waters will follow the profitable use of such waters. We are today seeking to stimulate navigation by blowing a stream of golden oxygen into the lungs of a dying traffic. A gold dope needle has punctured the waterway veins of the country year after year until the country has become converted to the drug-fiend habit. That habit undermines honest waterway legislation and is wasteful. I believe contributions should be afforded worthy projects promoted by communities for actual navigation purposes. Such contributions and the entire systematizing of the waterways of the country should be undertaken by a public body composed of capable, independent officials.

Mr. Speaker, I have concluded with these few observations because it is a mistake to tear down even a bad system without offering something better in its place.

The first step is to defeat the 1914 bill and the next is to demand an investigation into the present system and influences behind the pork barrel, to some of which I have alluded. It is a big fight and possibly a long one, but I can not believe it is a hopeless one. The press of the country is being aroused to the situation. It reflects the common understanding of the character of the pork barrel. We can not longer ignore demands that an investigation be had. It ought to be thorough, and if so, we shall have no more demoralizing waterway pork barrels, but improvements will be conducted sanely, coordinated by a comprehensive scheme wherever conditions warrant, and one-fifth of the present wasted millions will then bring substantial and permanent results.

Mr. Speaker, I have offered a resolution of investigation, which has been smothered by the committee, but which, I believe, has teeth in it provided it is ever adopted, and nothing is impossible if it is right in its purposes and is strongly pressed.

The SPEAKER pro tempore. The Clerk will call the roll of committees.

The Clerk proceeded with the call of committees.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

Mr. RUCKER (when the Committee on the Election of President, Vice President, and Representatives in Congress was called). Mr. Speaker, by direction of the Committee on the Election of President, Vice President, and Representatives in Congress, I call up the bill H. R. 8428.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] calls up the bill H. R. 8428, which the Clerk will report.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8428) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States, limiting the amount of campaign expenses, and for other purposes.

Mr. BARTLETT. Mr. Chairman, a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BARTLETT. The point of order is that this bill should be upon the Union Calendar. Or, at least, the point of order is that it should be considered in the Committee of the Whole House on the state of the Union, because it sets in motion a train of matters which eventually lead to a charge upon the Treasury.

Mr. RUCKER. Mr. Speaker, in answer to that I think the gentleman is clearly mistaken. I am not conscious of a single proposition or principle in the bill that will lead to any expenditure whatever on the part of the Government.

Mr. BARTLETT. Mr. Speaker, will the Chair hear me for a moment?

The SPEAKER pro tempore. The Chair will hear the gentleman from Georgia on the point of order.

Mr. BARTLETT. Mr. Speaker, it is true that the bill amends, or proposes to amend, the law already in existence, which provides for regulating the expenditure of money and reporting the money both in the primary and in the election of Members of Congress and Members of the Senate. If that is all that it did, it would not be subject to the criticism that I make upon it, namely, that it can not be considered in the House, but must be considered in the Committee of the Whole House on the state of the Union, because it will eventually lead to a charge upon the Treasury. If the Chair will indulge me, I shall undertake to show from the bill itself that it does that. In order that I may be correct in my statements——

The SPEAKER pro tempore. If the gentleman from Georgia will permit, the Chair would like the gentleman to point out what provision in the bill he contends will ultimately entail a charge upon the Public Treasury.

Mr. BARTLETT. I surely would not ask the Chair to sustain me if I were unable to do so. I lay down the proposition, Mr. Speaker, that we all are aware that any bill may be considered in the Committee of the Whole House on the state of the Union upon the motion of the House to do so; that all bills which either raise revenue or ultimately in any way lead to a charge upon the Treasury must be, under the rules, considered in the Committee of the Whole House on the state of the Union, no matter how small that charge may be. It must be done. That proposition is sustained by section 844 of the Manual, contained on pages 372 and 373, and especially on page 374, as the Chair will notice if he will turn to it.

The SPEAKER pro tempore. On what page?

Mr. BARTLETT. Page 374.

Now, I want to lay down the principle before I call the attention of the Chair to the sections of the bill which I think bring themselves within the provisions of the rule. Hinds' Precedents, volume 4, section 4827, gives many instances and, in the particular case I refer to, a concrete example of what must be considered in the Committee of the Whole House on the state of the Union. I think the Chair will find upon reading those that they contain the very principle that I assert.

Now, I call the Chair's attention to certain provisions of this bill. There are section 12——

The SPEAKER pro tempore. Will the gentleman permit a question there, for the information of the Chair?

Mr. BARTLETT. Yes; of course.

The SPEAKER pro tempore. Does the mere passage of a law in aid of a criminal statute, which would cost the people something to enforce it, make such a bill a bill that would come under the rule, so that it would have to be considered by the Committee of the Whole House on the state of the Union?

Mr. BARTLETT. Not at all; and that is not the case with respect to this bill. I would not make the point of order if that were the only proposition in the bill. I am not in the position that the Chair thinks I am in. I am not occupying the position that the Chair thinks I am occupying, and I will undertake to demonstrate it.

Section 12 of this bill provides, amongst other things—

SEC. 12. That the Clerk of the House and the Secretary of the Senate shall, on or before the 15th day of January next after any general or special election for Representative in Congress or Senator of the United States, report to the House and Senate, respectively, the name of each candidate for nomination or election to such office who has filed statements as required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate and the total amount of campaign expenses paid or promised by him or by any one for him, as shown by such statements; also, the name of each candidate for such nomination or election, as shown by the files of his office or otherwise ascertained, whether nominated or elected or not, who has failed, neglected, or refused to file any or all of the statements required by this act, giving his place of residence and the congressional district or State, as the case may be, in which he was such candidate, as shown by said files or otherwise ascertained. The report required by this section shall be printed as a public document.

That is one proposition that I propose to call to the attention of the House. Now, the Clerk of the House is burdened with the expense and trouble of either doing it himself or paying somebody for doing it, and if he does it himself somebody has got to pay him for it out of his salary. He has got to have clerks to do it. Not only that, but the report required to be made by this section shall be printed as a public document. Will not the printing of this report as a public document ultimately entail some sort of an expense, however small it may be, upon the Public Treasury? It is not now required to be printed under any law, and if we pass this bill and require the Clerk to keep this record and report it to the House, and not only that, but require it to be printed as a public document, some appropriation of money must be made to print it. Public documents are not printed at the Government Printing Office without expense to the Government.

The expense may be defrayed out of the general printing fund, but an estimate is made before the Committee on Appropriations at each session as to the amount of money required to print public documents, and if the amount allowed for congressional printing is not sufficient application is made to Congress, through the Secretary of the Treasury, to appropriate more money for that purpose. And when you enact a new law which requires the Clerk of the House to make this report and requires the Public Printer to print something that is not now printed you have got to provide money in order to print it.

If the Chair will read carefully the section of the manual that I have referred to, he will see that Speaker Cannon held, in the case of a proposition offered by Mr. Brick, of Indiana, to provide that certain men should be placed upon certain retired lists or rolls that they were not then upon, that if the bill put in motion a certain train of circumstances which ultimately would lead to an appropriation of money which would be a charge upon the Treasury, no matter how small, then it was the duty of the House to consider that bill in Committee of the Whole.

The Chair will find that is section 4827, at the top of the page, on the right-hand side, if he has the section now in hand. So that we have here a bill which does not simply do what the Chair asked me if it did; it does not simply amend the criminal law in making it a crime for a candidate for Congress or for the Senate and House to fail to do certain things or comply with certain requirements, but we have here a law which requires the Clerk to keep a record. He must have the means to keep a record. He must have a record. He must have books in which to keep the record. He must have clerks; and, finally, when the report is made to this House, it become the imperative duty of the House to have it printed as a public document. The Chair can not say that that will not entail some sort of expense, that that does not inaugurate a system, that that does not put in motion a certain train of circumstances which will ultimately lead to a charge upon the Treasury, no matter how small or infinitesimal. I do not know that I am correct in the statement I am now going to make, but, as I understand it, the Clerk of the House and the Secretary of the Senate are directed under certain circumstances to forward to the opposing candidate a copy of these returns. Am I correct about that?

Mr. RUCKER. You are not.

Mr. BARTLETT. Then I will not make any remarks on that. Anyhow, in another part of the bill—section 6; I will not read all of it—it provides what the treasurer of every political committee shall do, and it says that it shall be his duty to—

File in the office of the Clerk of the House of Representatives, at Washington, D. C., with said Clerk, an itemized detailed statement; and on each sixth day thereafter, until such election, said treasurer shall file with said Clerk a supplemental itemized detailed statement. Each of said statements shall conform to the requirements of the following section of this act, except that the supplemental statements herein required need not contain any item of which publicity is given in a previous statement. Each of said statements shall be full and complete, and shall be signed and sworn to by said treasurer.

It shall also be the duty of said treasurer to file a similar statement with said Clerk within 30 days after such election, such final statement also to be signed and sworn to by said treasurer and to conform to the requirements of the following section of this act. The statements so filed with the Clerk of the House shall be preserved by him for 15 months and shall be a part of the public records of his office and shall be open to public inspection.

Now, Mr. Chairman, we all know that the present law has entailed expense upon the Government. We know that there are prepared by the Clerk certain printed forms and statements, one furnished to each candidate, not only to a Member of Congress but to each candidate for nomination and in the election; certain printed forms and statements—first, those before election and those after election; first, those before the primary and then those after the primary. But even if there was any doubt about that, I will call the attention of the Chair to section 844 of the Manual, discussing paragraph 3 of Rule XXIII:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made—

And so forth—

shall be first considered in a Committee of the Whole, and a point of order under this rule shall be good at any time before the consideration of the bill has commenced.

Consulting those precedents, which it is not necessary to read, I call the attention of the Chair to this:

But where a bill sets in motion a train of circumstances destined ultimately to involve certain expenditures, it must be considered in Committee of the Whole.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. BARTLETT. Surely.

Mr. MANN. The gentleman will admit, of course, that there are many bills which may be placed on the House Calendar and passed?

Mr. BARTLETT. Yes.

Mr. MANN. If passed, these bills must be printed, under the law—first, as separate laws; second, as a part of the session laws; third, as a part of the laws of the Congress; and fourth, eventually as a part of the supplement to the Revised Statutes. This is done at the expense of the Government.

Mr. BARTLETT. Yes.

Mr. MANN. Now, does the fact that when the House passes a House Calendar bill it must be printed at the expense of the Government render it a Union Calendar bill?

Mr. BARTLETT. No. The gentleman knows what my answer is to that; and the reason for that is because the estimates are submitted and appropriations are made in a bill which must be and is considered in Committee of the Whole, the appropriation bill making the appropriations for that sort of expenditure.

Mr. MANN. Is not that true about the printing of the report in this case?

Mr. BARTLETT. Not at all.

Mr. MANN. Oh, yes.

Mr. BARTLETT. Because those House calendar bills do not contain any provision which upon its face shows that it will require an expenditure. A bill which does not upon its face show that it will require an expenditure need not be considered in the Committee of the Whole. Of course I know it is like carrying coals to Newcastle for me to tell the gentleman anything that is in the Manual, because he knows more about it than I do; but the gentleman knows I state the rule correctly——

Mr. MANN. The gentleman undoubtedly does.

Mr. BARTLETT. That if a bill upon its face does not show that it is to carry an expenditure of money or provide for an expenditure of money it is not subject to this point of order, although it may, after it has passed, require some expenditure of money. But this bill upon its face carries a requirement that it shall be printed as a public document, which necessarily will require an expenditure of money.

Mr. MANN. When I rose to interrupt the gentleman he was discussing that part in relation to the filing of reports with the Clerk.

Mr. BARTLETT. Yes.

Mr. MANN. Now, how does that on its face require an expenditure?

Mr. BARTLETT. I think probably on its face that does not sustain me on that particular point. I never undertake to argue anything that I do not believe. I always undertake to be frank with the House and everybody else in any position I take. I do not desire to take any position which I do not believe to be tenable.

Now, if the Chair will indulge me just a moment, I will read from section 4827 of Hinds' Precedents, volume 4:

A bill which sets in motion a train of circumstances destined ultimately to involve certain expenditure must be considered in Committee of the Whole.

On December 12, 1904, during the call of committees for the consideration of business on the House Calendar, Mr. Abraham L. Brick, of Illinois, from the Committee on Naval Affairs, called up the bill (H. R. 3586) to provide for the retirement of petty officers and enlisted men of the Navy, which provided:

"*Be it enacted, etc.*, That in computing the necessary 30 years' time for the retirement of petty officers and enlisted men of the Navy all service in the Army, Navy, or Marine Corps shall be credited."

Mr. Sereno E. Payne, of New York, made a point of order that the bill properly belonged on the Union and not the House Calendar.

The Speaker held:

"The Chair must sustain the point of order. It seems to the Chair that, upon the face of it, it makes a change of existing law, that this bill provides for an additional charge upon the Treasury not now made by law. The Chair must take notice that if these men go upon the retired list others will fill their places, and by the terms of the bill they are to go upon the retired list by virtue of their service in the Army or the Marine Corps, as well as their service in the Navy, the law now being that they must serve 30 years' time in the Navy, as the Chair understands, before they can go on the retired list. It seems to the Chair that, upon the face of it, it makes a charge upon the Treasury and should receive consideration in the Committee of the Whole House on the state of the Union. The bill will be referred to the Union Calendar."

Mr. MANN. Will the gentleman from Georgia yield to me to make a request?

Mr. BARTLETT. I will.

Mr. MANN. Mr. Chairman, I ask unanimous consent that this bill be transferred from the House Calendar to the Union Calendar, and that we proceed to consider it now.

Mr. BARTLETT. I have no objection to that. That is my point, and I have no other purpose to gain.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the bill H. R. 8428 be transferred from the House Calendar, where it is now pending, to the Union Calendar, and that it be considered at once. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Let us see if we can agree on general debate.

ests, and Presidents Arthur and Cleveland vetoed rivers and harbors bills.

But, notwithstanding these vetoes, projects for the benefit of local and individual interests have been carried through with other measures and have been undertaken at the public expense. Some such are now under contract and in the course of construction, and, whether approved by the United States engineers or not, are so classed, and millions of the public money have been expended on them.

Furthermore, it is a fact which can not be successfully denied, that such projects, essentially and indisputably for the benefit of local and individual interests, are in many instances the inciting motive to the activity of individuals and localities throughout the country, whose influence and cooperation have been combined to create the unanimity of sentiment heretofore referred to and to swell the demand which is intended to bear down upon Congress as a whole and upon individual Senators and Representatives with irresistible power.

Moreover, it is a melancholy fact that no river and harbor bill can be passed by Congress under the existing system and conditions which does not contain so great a number of private and local projects and require sums so large that if known by the people they could not be safely allowed or defended by any one political party alone in control of legislation.

PRESIDENT ARTHUR'S VETO.

Some of these unfortunate features of river and harbor legislation were pointed out by President Arthur in his veto of August 1, 1882, as follows:

"My principal objection to the bill is that it contains appropriations for the purposes not for common defense or general welfare, which do not promote commerce among the States. These provisions, on the contrary, are entirely for the benefit of particular localities in which it is proposed to make the improvements. I regard such appropriation of the public money as beyond the powers given by the Constitution to Congress and the President.

"I feel more bound to withhold my signature from the bill because of the peculiar evils which manifestly result from this infraction of the Constitution. Appropriations of this nature, to be devoted purely to local objects, tends to an increase in number and amount. As the people of one State find that money, to raise which they in common with the whole country are taxed, is to be expended for local improvements in another State, they demand similar benefits for themselves, and it is not unnatural that they should seek to indemnify themselves for such use of the public funds by securing appropriations for similar improvements in their own neighborhood. Thus, as the bill becomes more objectionable it secures more support. This result is invariable and necessarily follows a neglect to observe the constitutional limitations imposed upon the lawmaking power."

Nothing could more forcibly demonstrate the correctness of President Arthur's statement than the fact that Congress promptly passed the bill over his veto.

PRESIDENT CLEVELAND'S VETO.

President Cleveland in vetoing a similar bill on May 29, 1896, with equal courage and patriotic purpose pointed out like objections, as follows:

"Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in aid of individual interests.

"On the face of the bill it appears that not a few of the alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishments have been entered upon. * * *

"To the extent that the appropriations contained in this bill are instigated by private interests and promote local or individual projects their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors and that the extent to which they are realized may furnish an estimate of the value of governmental care.

"I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality, and not the allowance of unfair favoritism."

PRESIDENT JACKSON'S VETO.

In vetoing a bill providing for internal improvements President Jackson said, in part, May 27, 1830:

"I am not able to view it in any other light than as a measure of purely local character, or, if it can be considered national, that no further distinction between the appropriate duties of the General and State Governments need be attempted, for there can be no local interest that may not with equal propriety be denominated national."

Then, after pointing out and discussing the national achievements and the national destiny for the elevation of mankind, President Jackson said:

"A course of policy destined to witness events like these can not be benefited by a legislation which tolerates a scramble for appropriations that have no relation to any general system of improvement and whose good effects must of necessity be very limited. In the best view of these appropriations the abuses to which they lead far exceed the good they are capable of promoting.

* * * * * * *

"This subject has been one of much—and I may add painful—reflection to me. It has bearings that are well calculated to exert a powerful influence upon our hitherto prosperous system of government and which on some accounts may even excite despondency in the breast of an American citizen."

PRESIDENT JACKSON'S VERIFIED PROPHECY.

Then denying the power of Congress to appropriate public money for the local or private benefit, and in urging consideration of a constitutional amendment on the subject, President Jackson said:

"This is the more necessary in order that they may be equitable among the several States, promote harmony between different sections of the Union and their representatives, preserve other parts of the Constitution from being undermined by the exercise of doubtful powers or the too great extension of those which are not so, and protect the whole subject against the deleterious influence of combinations to carry by concert measures which, considered by themselves, might meet but little countenance."

Such declarations, which are only illustrative of many more which might be quoted of some of our illustrious Presidents, and the evidence which the context of rivers and harbors bills give, and the records and reports of the chief engineers of the War Department furnish would leave no doubt in the mind of any American citizen conversant with them whose judgment is not warped and whose conscience is not stilled by personal interest that we are confronted by a most serious problem. Upon the threshold of the adoption of a policy under which more than a billion dollars to be expended within the coming few years for improvements of the national waterways, it must command everywhere the attention and best efforts of all those who have concern for the true welfare of the country, including the Senators and Representatives in Congress, if we shall prevent a most dangerous multiplication of serious abuses to which the widely conceded merits of the general proposition will make the National Treasury more easily the prey.

Nothing in the foregoing remarks or in what follows should be construed as in criticism of any officer, department, or bureau of the Government, past or present. The faults which have been pointed out in the past by the Presidents of the United States, and by others, and which still menace the public welfare, in connection with river and harbor bills are due to a system which has grown with the country, and which is responsible for the fact referred to by President Arthur: "Thus as the bill becomes more objectionable it secures more support."

HOW THE PORK BARREL GROWS.

The evolution of river and harbor legislation has been rapid in recent years. In 1870, $2,000,000 were appropriated in the river and harbor bill, the largest up to that time. In 1882 the bill that was passed over President Arthur's veto was for nearly $19,000,000. In 1896 nearly $30,000,000 were appropriated, but in that year the amount appropriated and authorized, including the direct appropriations and the contracts for future expenditures, was about $80,000,000. In 1907 the appropriations and amounts authorized for future expenditures were $87,013,432.

The space allowed to a report of this kind forbids us to analyze recent bills separately, and it is not necessary to show that their faults were the same and as great as those in the days of Jackson, Arthur, Cleveland, and other Presidents. It is enough to know that in the bill of 1907 one item of over a million dollars, palpably for a local project, although thoroughly exposed and denounced in the public press while the bill was pending, had not a voice against it in the House of Representatives. How many other items of like character the bill of 1907 contained we are not informed. But it is not far from the truth to assume that this was not the only one to be condemned, and that such items were probably so numerous that to have cut them all out would have lost so many votes for the bill as to cause its defeat. This is the logical and practical result of the prevailing system, and, if the assumption be not correct, it is difficult to understand why, when the item referred to was announced on the floor of the House and objections demanded, silence prevailed and the item passed.

WHERE THE RESPONSIBILITY RESTS.

If the system is responsible for such unwarranted drafts upon the Public Treasury for private or local objects, the system must be wrong. If rivers and harbors bills can not be passed without such abuses, the system should be changed, and that quickly, for the conditions could hardly be more demoralizing. In the interest of the general proposition some change should be made and responsibility located. The responsibility can not be laid to the Committee on Rivers and Harbors, for that committee but reflects the demands of the individual Members, and the committee must make the best of a very difficult situation. Neither can the responsibility be laid to the Secretary of War, who for many years has been nominally in charge of the expenditures under river and harbor bills. Nor can the responsibility be laid to the Chief of Engineers nor the Board of Engineers, whose approval is supposed to be necessary for all projects undertaken, because items disapproved by them are sometimes approved by Congress, owing to the system.

PROPER FUNCTIONS OF ARMY ENGINEERS.

This raises the further question whether or not the officers of the Corps of Engineers of the Army are qualified, by training, by experience, by education, by the traditions and circumstances of their service, and their personal and official environment, to pass upon the merits of projects proposed, except as to their technical engineering aspects. Without any disparagement of the Corps of Engineers, it may be said—and has been said—that they are an exclusive set of educated gentlemen selected from among the graduates of the West Point Military Academy and assigned to the various districts in charge of the corps under the Chief of Engineers. Transfers from district to district may be made at any time; and in many instances a project from its inception to its completion will be under the charge of many different engineers for brief periods. Every new project is nominally examined and reported upon by the engineer in charge of the district where it is located. Such examinations are intended to reveal not only the practical engineering and construction possibilities of the project, but its bearing and merits in relation to the commercial interests of the country. New projects of national importance are almost without exception initiated by the commercial interests in, or having an interest in, the commerce of the district; sometimes by commercial interests along the entire coast of the country or along a river that passes through several States. In preparing his reports the engineer seldom takes the testimony of such interests, although in most cases they are far better qualified than any other persons to give information as to the necessity or otherwise of the project.

The question also arises whether, in anticipation of the contemplated great expansion of public construction projects, the present Corps of Engineers of the United States Army is sufficient in number to give the needed professional supervision that would be required?

The total number of officers of all grades in the Corps of Engineers is 169; and it may be stated that the corps consists exclusively of officers. Of this number 49 are serving with the Battalions of Engineers which constitute a part of the line of the Army; and there are now 19 graduates in the lower grade of second lieutenants. Some of the older officers, by reason of having reached the age limit, will probably soon be retired. Others have leave of absence or are employed upon local, State, or municipal work, while Maj. Goethals is engaged upon the Panama Canal. So that at the present time something less than 100 members of the corps are in this service. The vacancies are to be filled only by appointment from among the graduates of West Point, and these are necessarily young men without experience. When it is considered that the city of New York alone in its various municipal departments employs between 2,500 and 3,000 graduated engineers, it would seem that the Corps of Engineers of the United States Army would be quite overwhelmed, even as supervising officers, by the work incident to the rivers and harbors improvements contemplated in the near future.

A CHIEF OF ENGINEERS AT $5,500 PER YEAR DETERMINES THE ITEMS IN THE $83,000,000 PORK BARREL.

There is another very important feature of this service. Engineering talent of the highest order is coming more and more into demand with every year as the construction of private, corporation, municipal, and State works become more numerous, comprehensive, and imperative. The rewards of engineering talent in civilian life far exceed the pay of even the Chief of Engineers of the Corps of Engineers, or $5,500 per year; colonel, $3,500; lieutenant colonel, $3,000; major, $2,500. To these amounts 10 per cent is added after 5 years' service; 20 per cent after 10 years; 30 per cent after 15 years; and 40 per cent after 20 years' service. Commutation of quarters and other allowances, for maintenance, servants, etc., materially increase the pay above indicated in the several grades. Hence, as the demand for engineering talent increases in civilian fields of activity the most capable and experienced members of the Corps of Engineers will be tempted into private life, to the serious disadvantage of the Government and the demoralization of the United States engineering service.

It may be answered that, as we are informed, during the past 25 years there have been only 10 resignations from the Engineer Corps. But as evidence that resignations will be much more frequent in the future we direct attention to the fact that three of such resignations were handed in since January 1, 1906, viz, Maj. Cassius E. Gillette, May 26, 1906; Maj. Eugene W. Van C. Lucas, January 1, 1906, and Capt. Robert P. Johnson, September 17, 1906.

It may be further said in response that civilian engineers may be employed and are employed on the national river and harbor work, and that is true. During the year 1907 there were 174 such so employed, but, if we are correctly informed, these were mainly in subordinate and clerical occupations and at prodigious rates of compensation.

WEAKNESS OF PRESENT SYSTEM.

We can but briefly refer to some of these.

The Secretary of War is nominally charged with the expenditure of the moneys appropriated for the rivers and harbors improvement. It can be readily conceived how much or how little time and thought, for instance, the present most illustrious, capable, resourceful, and energetic Secretary of War has been able to give in the past year to the measures provided in the bill of 1907, and to the other measures under his "direction," as provided by law.

In his annual reports for the years 1904, 1905, and 1906 he has devoted an average of 29 lines a year to the subject of river and harbor improvements, excepting the tabulated statements of appropriations, expenditures, and balances. This is not referred to as in any sense a reflection upon the Secretary of War, but as showing how practically impossible it is for him to give this important branch of the Government's activities the attention it should have. The consequence is that practically the entire subject is in actual charge of the Chief of Engineers and the Corps of Engineers. We have already sufficiently referred to this corps.

The War Department is essentially a military establishment in charge of this construction work, which in no way relates to the primary functions of the department. We are informed that the military authorities of neither France, Germany, nor England have anything to do with rivers and harbors improvements, limiting their work in such countries to that purely of a military character, such as fortifications. The chambers of commerce, which are official and semi-official organizations, in most instances handle the major part of the work. The minister of public works primarily has jurisdiction over the improvements and passes upon the merits of the proposed enterprise. Instead of the legislative body of the country appropriating specific amounts for the projects, the municipality or chamber of commerce is authorized to make a loan, which is guaranteed by the Government, and a portion of this, depending upon the character of the improvement and its strict national importance, is subscribed by the Government.

It is unnecessary here to indicate or even to suggest the outline of such proposed new system for the prosecution of public works. That is a matter of detail which can have careful attention hereafter, and there are doubtless other matters which could be entrusted to such department and with propriety and advantage to the public service by relieving departments now overburdened.

We believe that such new department, suitably constituted and equipped, would be the instrument which by properly investigating projects and defining their national or local character would eliminate the evil of the logroll'ne scrambles for appropriations, and insure for those projects which would be approved their proper construction under competent engineers selected from civilian members of the engineering profession, while relieving the Government from the embarrassment which it will almost certainly experience, such as have been referred to herein.

Respectfully submitted.

S. V. V. HUNTINGTON, *Chairman;*
CHARLES H. PATRICK,
EDWARD H. CONNELIS,
W. S. ARMSTRONG,
THOMAS F. MAIN.

Special Committee on National Rivers and Harbors Improvement, New York Board of Trade and Transportation.

The foregoing report was submitted at the monthly meeting of the New York Board of Trade and Transportation, held this day, January 8, 1908, a printed complete copy being in the hands of every member.

Col. Charles H. Patrick offered the following resolution:

"*Resolved*, That the report submitted by the committee of this board on rivers and harbors improvement be received, and the committee be requested to take such steps as it may deem proper to secure the creation of a national department of public works, with the power to print said report and such supplementary statements on the subject as it may approve, and to send same to such persons and organizations as it may direct."

The resolution was seconded by Hon. Charles A. Schieren, Mr. William H. Gibson, Mr. Calvin Tomkins, Mr. G. Waldo Smith, Mr. John H. Washburn, Mr. Thomas F. Main, Mr. W. S. Armstrong, and Mr. F. H. Stillman, each of whom spoke in favor of the proposition to create a national department of public works.

The resolution was unanimously adopted.

A true copy.

WILLIAM MCCARROLL, *President.*

Attest:

FRANK S. GARDNER, *Secretary.*

Mr. Speaker, under the rules of the House only limited debate is afforded many important bills. If the rules permitted, I should be pleased to discuss this river and harbor question as exhaustively as physical endurance would permit, not for the purpose of self-aggrandizement, but, so far as my humble efforts might avail, to focus public attention upon the measure. I would be pleased to take up hundreds of worthless projects and to show how the Government's money, the people's money, is being squandered. From the little rivulets in New Jersey and North Carolina and Florida to the numerous big wasteful projects of Texas, many of which reach into seven figures and total many millions of dollars; from the $21,000,000 that goes into the Mississippi and the Ohio canalization projects down through the 1914 bill to the many harbor projects for the exclusive use of railway and steamship interests, where no open piers are provided—all of these should be renovated in Congress.

One of the greatest services performed by any Member of either House in many years was that rendered by Senator Carter when he talked to death the rivers and harbors bill over a decade ago. He served his country well by saving many millions that were about to be wasted. True, the bills have continued to grow larger with each succeeding year, until now the stupendous 1914 bill staggers all belief that the people will longer submit to such gross imposition.

Carter's greatest service to the country lay in his successful effort in calling attention to the "humbug and steal," as the bill was characterized in that debate. He focused the eyes of the country upon the humbug, but he did not seek to do more than defeat the bill. Had he then demanded an investigation into the whole debased legislative system he might have saved to this generation scores of wasted millions, now stored away in the 1914 pork barrel; he might have saved us the humiliation which comes with conscious weakness of a bad cause to be defended. These things Carter failed to do. He made a heroic stand, he won a fight single-handed, but he did not win a final victory. It was only temporary success. It was spectacular because it was won single-handed, but it was not a well-organized battle, in which all the forces were used effectively toward a common end. Without detracting from the tremendous fight waged by Carter on the floor, he failed to marshal to the cause other Senators of equal ability and high purpose whose aid would have given lasting vitality to the fight, and it needs lasting vitality to win a lasting victory. Never in the recent history of this country has Congress been so free from the domination of special interests. Strong men have been found who act upon convictions of right and wrong, unaffected by personal considerations. I am now referring more particularly to the great legislative body in which Carter won his fight. Never before was there better opportunity to win a lasting victory than now. Concerted effort will focus public attention on the evil pork barrel, which stands out conspicuously a shining mark of legislative disgrace.

No man can perform a greater public service than by aiding in such a fight. Without depreciating the importance of the Panama tolls fight, it was largely a mock battle, so far as the subsidy question was involved. If the railroads or the steamship lines were involved, nothing was proven on either side. In the pork barrel we have the goods on both. I have furnished proof of railway contributions toward the passage of the Ransdell-Humphreys bill, and have shown the direct monetary interest of many railway companies in the water transportation companies and water terminals. The exclusive franchises and monopolies through ownership or lease have been proven by Government authority, which has been quoted. The greatest Government subsidy ever known in all history is being extended to the railways and other monopolies that control our harbor terminals and both water and rail transportation companies. No resulting benefits are afforded the people. Not one cent of freight reduction is granted when hundreds of thousands and millions are poured into harbors for the exclusive benefit of trans-Atlantic vessels flying a foreign flag or for their affiliated railway connections. Thirty, thirty-five and forty foot depths are being dredged out all along the coast for huge liners. The Government pays the subsidy. It foots the bills and every year the bills amount to many times the total tolls of all classes which will be paid at the Panama Canal.

Mr. Speaker, the reports of the Commissioner of Corporations on waterways in four volumes would furnish a strong-lunged, fearless man ammunition to sink the 1914 bill.

The report of the Army engineers for 1913, filled with cold, hard facts that puncture rosy-colored balloons which sail through every page of the bill under the misnomer of "improvements," is an invaluable adjunct to the truth concerning the 1914 pork barrel.

House documents and Senate documents covering the different projects are to be had for the asking, and, as I have demonstrated beyond a doubt, they give facts that can not be met, defended, or excused. Mr. Speaker, during the investigations pursued as to the contents of the pork barrel, there has come to

shipping that may care to use public terminals, nor should one dollar be expended by the Government except where actual navigation exists. Flimsy veiled efforts to secure moneys from the Government under the guise of reducing freight rates would no longer be possible, and shippers and localities would present their claims before the proper forum—the railway commissions—as I pointed out in my remarks of March 26.

In the administration of a comprehensive law a strong commission possessing the confidence of the people should be established. Its recommendations should be attached with accompanying conditions to every appropriation of money from the Government Treasury. Army engineers should be relegated to the position they ought properly to occupy, that of technical experts on engineering, not on commercial problems. To-day they are supreme, but subject to all the political influences that bristle throughout the engineers' reports. They ought to be in fact subordinates, not superiors, in the determination of Government contributions.

Mr. Speaker, I have not attempted to cover the field presented by this great question, which, in my judgment, is not alone one of national economy but a problem that encompasses the whole field of legislative honesty, of infinitely more importance than the matter of dollars and cents.

The greatest and most vicious "pork-barrel" disgrace ever fastened on any political administration is now pending in the Senate. We are all responsible for its existence, and it is not for any political party to cast the first stone.

The whole system of graft should be uprooted and an honest, clean legislative program adopted. It is not a hopeless task. I am only seeking to point the way and realize that I am an unimportant factor in whatever eventually may be accomplished. I have not sought to lay out a definite program. I have not tried to array one class of States against another or one set of interests against another. The problem is too big for such petty methods and calls for broad-minded men who in the past have thrown off the yoke of railway servitude which once dominated legislative halls and which to-day is the secret moving cause in the formation and passage of the 1914 infamous $93,000,000 "pork barrel."

Mr. Speaker, I have been asked to make a statement as to the proposed increase in the river and harbor bill recommended by the Senate committee. The amount stated aggregates $10,352,600, in addition to the items approved by the House for rivers and harbors for 1914, the House appropriations being $43,289,004 cash, $32,897,871 for new projects begun, and also $6,990,000 contained in the sundry civil bill, amounting to $83,176,875, and to this amount the Senate committee proposes to add $10,352,600, as stated, making a grand total of $93,529,475.

Mr. Speaker, I shall not discuss the action taken by a committee from a coordinate body, because I understand it is a time-honored parliamentary custom to refrain from so doing; neither will I presume upon the indulgence of the House to the extent invited by the field for discussion. However, no prohibition in principle nor ethics exists against an analysis of a few items mentioned in the press reports, and I believe the importance of laying before the House in advance the particulars concerning several proposals that must eventually go to conference counterbalances any pretended delicacy over parliamentary ethics. For that reason I shall briefly point out a few facts that to me seem worthy of consideration and which ought to be refused concurrence if placed in the bill. I do not attempt to discuss other items that to me appear questionable, but give a few facts evidenced by the engineers' reports concerning several vicious items, in my judgment, that should be stricken from the bill.

IMPROVING HARBOR, BRIDGEPORT, CONN., $178,300.

On what theory of public use such an appropriation can be justified passes comprehension when the following statement as to harbor conditions at Bridgeport are considered. Between oil companies and the New Haven, the city appears to be between Satan and the deep sea, with no chance to get to the sea without paying tolls. I quote from page 70 of the report of the Commissioner of Corporations, 1910, part 3:

A few years ago—about 1905—the Pure Oil Co., which ships by water wherever possible, contemplated the acquisition of a wharf or wharf site at Bridgeport, Conn., but gave up the project because of the control of practically the entire water front by the New York, New Haven & Hartford Railroad and its subsidiary boat lines. A site was afterwards bought at East Providence.

A small independent steamboat company complains of a "very uncertain privilege at Bridgeport." An officer of this company explains the situation as follows:

"The New York, New Haven & Hartford Railroad owns the whole river front on the city side of the river, and we lease a landing from them and pay more for it than we can afford to, and we never know where we are going to make a landing—sometimes at the upper end of the city, sometimes at the lower part of the city, and another time halfway between, and our passengers never know where to look for us; it is also very annoying to shippers of freight and handicaps our business."

CHESAPEAKE & DELAWARE CANAL, $2,250,000.

I devoted some little space to the first item of $1,300,000 for this project when up for consideration in the House on March 24, as appears from pages 5419 to 5421 of the RECORD. The increase of $950,000 is more objectionable than in the original form, although this is but a bagatelle of the burden to be eventually saddled upon the Government by the purchase of this bankrupt canal. Practically every bankrupt waterway is now seeking to unload onto the Government, and this concern seems sure to succeed. Notwithstanding the eventual cost of the canal has been estimated at $20,000,000 and its annual maintenance will be a heavy burden, we are confronted with a project to help out Philadelphia railroads and shipping companies in the second city of the country that has 1,400 feet of open piers out of a 7-mile frontage. Baltimore is slightly better, because the dredging companies center there, but the proposal is to give to these two cities gratis a $20,621,323 proposition when it gets its full depth. (Angus report, p. 8.) Baltimore, with 558,485 population, and Philadelphia, with 1,549,008 population, ask for this canal, without adequate public wharves and without contribution. The canal stock is worthless, its bonds worth 50 to 60 cents on the dollar before a prospect of a real sale hove in sight. Stockholders and interested steamboat men and willing engineers all urge its purchase.

The railway and shipping interests of Philadelphia that have strangled the city's water front want this purchase made, but 9,999 citizens out of every 10,000 in Baltimore and Philadelphia's combined 2,000,000 population have no use for the canal and are unconcerned over its purchase, for which they will indirectly have to pay their share with every other taxpayer; and its ultimate cost equals $1 on the average for the head of every family in the country.

The Angus commission said of this project (p. 8) that for a distance of approximately 7,000 feet the borings indicated quicksand that will require "special and costly treatment by revetment or otherwise to insure stable conditions."

When it is realized that powerful political interests are enlisted in the effort to force the canal's purchase on the Government and that the railway interests and dredging interests of Baltimore and Philadelphia have shown no violent prejudice to the proposition, it appears a hopeless task to protest; but if Philadelphia and Baltimore interests want to buy and dredge this canal, then those interests should persuade those great cities to buy it and not unload the bankrupt proposition upon the Government.

HARBOR OF REFUGE, CAPE LOOKOUT, $1,826,600.

For two or three centuries the little craft that formerly swept the Atlantic coast were unprotected and sailed the North Carolina coast without fear. Since the railways have taken control of the coastwise trade and a few great steamships remain, a relic of the wonderful shipping trade of another century, it is now found necessary to spend nearly $2,000,000 at a point far removed from any large port. Ships avoid Hatteras and Lookout, and always will; but dredging companies and railways that must be built out to this "project," and other interests, not all nonpolitical, are pushing this form of ship subsidy onto a reluctant people. It is one of the 26 pieces of pork apportioned to North Carolina in the 1914 barrel.

PENSACOLA AND MOBILE WATERWAY, $800,000—MOBILE BAY TO MISSISSIPPI RIVER, $400,000.

Neither of these projects are found under the titles given in the engineers' reports for 1913. Just why they should be left out of the bill that originates in the House is also singular. Mobile Bay receives $125,000 under the regular bill and Mobile bar gets $20,000, but the influences behind waterway projects are past finding out. It is just such items as the above that failed to get recognition in the House bill, bad as it is, that invite an investigation into the character of projects and the influences behind them.

BLACK WARRIOR, WARRIOR, AND TOMBIGBEE, $750,000.

Just how this three-quarters of a million is to be spent does not appear, but the "pork barrel" is inviting, and it is not much of a raise from $500,000, as the item passed the House, to $750,000, as it is expected to be returned.

The Black Warrior and the Warrior Rivers are one and the same, excepting that the color line is drawn after the river reaches Tuscaloosa. The engineers' report for 1913, on page 2148, gives the appropriations for the present project at $9,151,295.54, which indicates that the Warriors' fiercest and most successful battles since 1884 have been waged against the guardians of the Government Treasury.

From the engineers' report, excluding logs and staves, which could be floated, and stone, apparently used for Government construction, the lockages showed the following freight traffic for the fiscal year ending June 30, 1913:

	Tons.
Lock 4	10,353
Lock 5	6,624
Lock 6	6,923
Lock 7	6,750
Lock 8	6,278
Lock 9	5,170
Lock 10	6,142
Lock 11	5,995
Lock 12	5,968
Lock 13	2,002
Lock 14	1,837
Lock 15	1,353

The foregoing averages about 5,450 tons to the lock, or 18 tons per day for 300 days. Lock 1 averaged higher, but three-fourths of the lockages were for logs and lumber that could have been floated. And for floating 18 tons per day through the locks the Government paid $122,009.05. (P. 2158, report 1913.) To this should be added interest at 3 per cent on $9,151,295, amounting to $274,537.

Other services at Lock 1 should be included, and possibly other traffic occurred on the river, but when the sum of $750,000 additional for 1914 is added to the $9,151,295 already expended it would seem that $396,546 annual charges for carrying 5,450 tons of freight ought to be sufficient even for a colored warrior.

To offset any other advantages received from these improvements it might be well to estimate 4 per cent loss in depreciation, a modest estimate, that would add to the eventual governmental expense over $350,000 annually. As an evidence of the methods of preparing engineers' reports it is interesting to note that in computing the amount of commerce handled on the Black Warrior the amounts carried through each lock are added together to ascertain the total. In other words, the same boat would be counted separately whenever it showed up at the several locks. In conclusion, it might be urged that $9,151,295 is a good deal of money.

RED RIVER, $2,548,377.

I will pass over the Brazos $250,000 item, that has been a sink hole for many years, and $100,000 for the Red River, which has swallowed up $2,548,377, involves an annual cost of maintenance of $100,000, and, as stated by me in a discussion of this project on March 24, appearing on page 5423 of the RECORD, cost the Government $93 per ton of freight in 1908. I am unable to give the subsidy for 1913, but in its ascertainment interest on the investment should be added to the $100,000 annual maintenance expense to ascertain what a monumental piece of extravagance is contained in this project which is now added to the bill according to press reports. A letter just received speaks the truth of this statement:

KIOMATIA PLANTERS' CO.,
Kiomatia, Red River County, Tex., June 13, 1914.

Hon. Mr. FREAR, M. C.,
Washington, D. C.

DEAR SIR: In the June 6 edition of the Saturday Evening Post the first article in the editorials is one with reference to yourself and your proposed investigation of the waste of the public money on rivers and harbors.

Allow me to congratulate you on the step you have taken, and wish you great success in your much-needed probe.

As a Red River planter, one who has spent 20 years on Red River, allow me to say (and it is the consensus of opinion of all my neighbors) that the improvement (?) of Red River this high up by snag boats is not only a farce, but actually detrimental to navigation—were such a thing possible—and to the land on the banks of the river. It is even a joke among the crews of the snag boats themselves. I will not go into figures and dates as to the number of boats navigating Red River, amount of money spent on it, etc., as you have all these at hand. But as for the good it does, I can speak. There has not been a boat (except a snag boat) on the river here in six years, and the last one was a booster boat that went to Shreveport to prove that Red River was navigable this high up, and it went down on the biggest rise we have had since 1843. The crews of these snag boats quit at 4 p. m., giving them four hours before dark in which to lay around and hunt up negro women and shoot craps.

I wish you to know that this plantation has actually suffered from the work of the Government snag boats.

These snag boats are all right in their places, but this Simple Simon business of SHEPPARD'S is the limit.

I understand the work on the Trinity is even more foolish and wasteful of money.

If this matter is of interest to you, I will gladly get you up some more facts. At any rate, I would be pleased to have you keep me posted as to the headway you are making in this line.

I am, very respectfully, yours,

GEORGE T. WRIGHT.

OUACHITA RIVER, $664,000.

Like the Black Warrior, that dropped the color line when it reached a certain fork of the river, the Sneezing River adopts the name of Black River at Trinity. (Engineers' Rept., 1913, p. 842.) To those who are used to dealing in millions when discussing crooked creeks, it will not prove alarming to note that this "project" is to cost $4,876,654.35. Even the exact cent has been determined that is to be thrown into this river of color, indicating the Ethiopian is not in the woodpile but in the creek.

On page 2322 of the 1913 engineers' report, after deducting logs and lumber that would float without help, we have a net traffic of 18,222 tons a year, which is probably as inaccurate as other estimates that have been pointed out. To ascertain the cost of this subsidy per ton it is only necessary to add interest on the total cost, at approximately $150,000, to the annual maintenance charge, hereafter to be determined. The interest alone will amount to a $14 per ton subsidy, in round numbers, and the present existing charge for maintenance of $31,500 helps to boost the cost of this freight, over 2,000 tons of which is cement. In a note the summary of expenditures, on page 2325—significant figures—says:

Lock and Dam No. 8. This lock and dam is located at Franklin Shoals, Ark. It was completed, and has been ready for operation since October 1, 1912. During the portion of the fiscal year from that date to June 30, 1913, the lock and dam was properly cared for, but was not required for use, as there was no navigation in the river below during low stages.

Again, on the same page, it states:

No commerce passed through these locks and dams during the fiscal year June 30, 1913.

What can be said to fitly express an opinion of this stream, which gets $664,000 in 1914, through the generosity of gentlemen not located at this end of the Capitol? I trust I am keeping within parliamentary bounds when I say that there is no need of developing gold mines in North Carolina or in Arkansas as long as North Carolina preserves its 26 projects in the 1914 bill, and Arkansas gets a few more projects like the Red, the Sneezing, the Saline, the Arkansas, the White, the Black, the Cache, the St. Francis, and other leads that connect directly with bags of gold located in the Federal Treasury.

Mr. Speaker, I am unable to discuss the numerous increases proposed in the 1914 House pork-barrel bill by another legislative branch of the Government. To anyone interested in studying the viciousness inherent in the entire measure I recommend an investigation of the Tennessee River item, which was bad enough when it left the House at $550,000, but which now reaches the sum of $930,000.

I shall not discuss further the class of increases placed on a bill that was filled with objectionable items before it left the House. To find that such a transparent fraud has apologists in men of high standing, connected with advancing the economic policies of this administration, seems to explain some of the strange processes of reasoning which have been given to the country in justification of these policies.

Mr. Speaker, some of these suggestions were offered in my remarks of March 24. Since that date I have been brought into contact with ex-Army engineers and other important factors, all interested in solving the waterways problem, which has now descended into a disreputable pork-barrel grab. Recently there came to my hands a careful analysis of the weakness of the present system. It further contains the illuminating opinions of several Presidents who have vetoed such bills in the past. Believing it may add to the general fund of information on this important subject, and that its recommendations are worthy of careful consideration, I append as a part of my remarks a report from the special committee on rivers and harbors to the New York Board of Trade:

SHOULD A NATIONAL DEPARTMENT OF PUBLIC WORKS BE CREATED?

NEW YORK, *January 5, 1906.*

To the New York Board of Trade and Transportation:

It is claimed by those who advocate practically unlimited appropriations by Congress for rivers and harbors improvement that there is no other proposition before the people of the United States upon which so much unanimity of sentiment exists as that the rivers and harbors of the country which it would be practical to improve within a limit of cost not prohibitive and with a relative benefit to national commerce should be improved.

The organized movement in behalf of unprecedented and practically unlimited appropriations has seemingly gained much favor throughout the land; so much so, in fact, that it must soon command everywhere the attention and best efforts of those who have concern for the true welfare of the country, including the Senators and Representatives in Congress, to guard against the very serious abuses to which the widely conceded merits of the general proposition will make the National Treasury more easily the prey.

The messages and vetoes of nearly all the Presidents of the United States since the time of Jefferson give unimpeachable evidence that practically every general river and harbor bill has contained appropriations for many projects which were essentially and indisputably designed to benefit local and individual interests.

President Madison vetoed such a bill upon the constitutional ground that Congress has no power to divert the money from the National Treasury for improvements within the States which were not essentially national. For similar reason President Monroe withheld his approval from like measures, and Presidents Jackson, Tyler, Polk, and Pierce made many emphatic vetoes. In more recent years President Grant vetoed a bill appropriating the public money for private inter-

Murray Street on North River there are 21 piers, and all but 6 of these are owned by private interests, mainly railroads. While private interests own the piers in this latter section, the city over a considerable portion of the distance owns the bulkhead. The Long Island Railroad Co. (Pennsylvania system) owns extensive water-front properties on Newtown Creek and on East River in that vicinity. The Pennsylvania Railroad Co. owns considerable property at Sixty-fifth Street, Brooklyn, where freight terminals are under construction. The Pennsylvania Railroad Co. also owns a freight station adjoining the Brooklyn eastern district terminal. The New York, New Haven & Hartford Railroad has extensive yards on the Harlem River and at Port Morris on the East River, and nearly all the railroads entering New York have freight terminals in this neighborhood. The Baltimore & Ohio Railroad has its terminals on the north shore of Staten Island. The Delaware, Lackawanna & Western Railroad Co., through its control of the Harlem Transfer Co., has valuable terminals on the Harlem River. The railroad has also acquired the properties of the Brooklyn Dock & Terminal Co. and the Brooklyn Warehouse & Dry Dock Co., which comprises dry docks, slips, bridges, warehouses, etc.

DOCK AND TERMINAL COMPANIES.

Most of the Brooklyn water front south of the Brooklyn Bridge is owned by three dock concerns, namely, the New York Dock Co., the estate of William Beard (Erin Basin), and the Bush Terminal Co. The American Dock & Trust Co. owns property on Staten Island.

More significant than the foregoing is the following extract from the same report, found on page 6:

Although New York City thus owns a very large portion of the important frontage and of the wharves as well, it has greatly reduced its own practical control thereof by a system of long-term leases for such wharves. Unlike many other ports, New York has in general followed the policy of making its water front a substantial source of net revenue. The city revenue from leased wharves in 1908 was $3,440,940. Of approximately 200 leases in force in December, 1908, 158 of them were for 10 years or more. Of these 138, 62 were for from 10 and under 20 years, 47 were for 20 and under 30 years, and 49 were for 30 years or more, some of the most desirable property being leased for 50 years. As a result of this lease system, there are very few "open piers"; that is, piers not exclusively controlled by particular interests, and available for general traffic, tramp vessels, or transients. At present (1910) there is only one pier and one-half of another "open" on the North River between the Battery (the lower end of Manhattan Island) and Thirtieth Street. There are but six on the East River between the Battery and Corlears Hook (Grand Street). There are only two "open piers" in Brooklyn, with part of five others and six "open" bulkhead landings. At the present time there are but two piers reserved for canal boats. There is only one "open pier" on Staten Island. In this important matter of open piers New York is in marked contrast to San Francisco, described later.

The long leases of city piers are held mainly by steamship companies and railroads.

This policy of long leases for revenue as opposed to the policy of "open piers" for the development of water traffic is a broad question to be determined by each particular locality. The present commissioner of docks and ferries seems to have determined upon a change, or at least a modification of this policy. In July, 1910, the lease expired on Pier 1, near the Battery, and instead of again leasing this property it was thrown open to general wharfage for local sound and river steamers. If this action can be taken as the beginning of a policy, to consider primarily the needs of water traffic rather than the securing of revenue, it is a significant and important step.

NEW YORK'S GIGANTIC MONOPOLY.

From the foregoing it will be observed that the greatest port in the world is controlled by a gigantic monopoly. The railroads and private interests own many miles that are for their exclusive use, and the city owns many miles more, but the municipal piers are leased to railways, private companies, or individuals, and so become as much a part of the monopoly as are the private piers. If my conclusion is wrong, I shall be glad to be corrected; but if these statements are correct, it becomes a matter of interest to the taxpayers of the country, from Maine to California, to know just where the public comes in by this operation. Why are Government moneys launched into the bays of New York and all other great harbors to accommodate monster liners, when New York City gets the rentals or the added conveniences are for the benefit of transportation companies that exclusively own their terminals and render no account to the General Government? In other words, why does not the Government pay for building the Pennsylvania Railway tunnel or contribute toward terminals for the New Haven Railroad, as long as it dredges out a harbor for the convenience of vessels operated by the New Haven Railway and possessing exclusive terminals along the southern New England shore that prevent competition?

Mr. Speaker, I believe if the present method of Government aid is to be extended to ports along the coast, New York is entitled to a liberal share of aid; but I do believe that if its landings have been monopolized by private interests and the city has capitalized and monopolized its own holdings by leases to private interests, then New York and every other city similarly situated should be made to contribute liberally to benefits created for that monopoly.

It is hard to understand just why Minnesota or Iowa should contribute to New York Harbor if the benefit is for strictly local corporations; and with equal truth it must be urged that New York ought not to contribute to a Mississippi River pork barrel that benefits nobody and is a notorious waste of money under the system now employed.

In the sundry civil bill before us an appropriation is made for $500,000 for harbor work at Providence. Just where the Government's interest comes in is not apparent.

Referring to page 66 of the commissioner's report, volume 3, 1910, we are informed that—

Practically all the wharves at Providence belong to private parties, including railroad and trading corporations. The city owns a small wharf just below the Point Street Bridge which it leases for a lumber wharf; and it also has a small wharf which is used by the various city departments. There are no open piers in Providence.

It is interesting to note from the 1913 engineers' report that the Government has spent on old projects $1,859,480, and new projects are adopted that will add $827,800 more. Hitched on to one of these projects, like a codicil to a will, is a provision that no improvements are to be made above "Fields Point" until the city provides adequate public terminals.

CONTROL OF WATER TERMINALS.

From what has been already noted under specific ports it is apparent that a large amount of water terminal frontage is everywhere controlled by railroads. While much of this control is undoubtedly necessary and commercially advantageous, nevertheless it is to be remembered that at present the rail and water systems are often in vigorous competition. The control by one system of the terminals upon which a rival system is dependent is therefore of serious importance. Furthermore, railroad frontage in central parts of a congested harbor fequently means that though traffic is crowding upon local traffic, and that the two prime harbor functions, "commercial" and "industrial," are unnecessarily in conflict, because of unsatisfactory harbor organization. For these reasons there is summarized below the general situation as regards such railroad control:

Railroads control a large amount of water terminals directly or through subsidiary concerns. The Boston & Maine Railroad controls much water frontage at Portland, Me., and at Boston. The control of the New York, New Haven & Hartford over water traffic on Long Island Sound is partly based on its control of a large amount of terminal frontage. Its control of water terminals is especially prominent at Portland (Me.), Boston, Fall River, Providence, New London, the Connecticut River, New Haven, Bridgeport (Conn.), New York, Philadelphia, and Norfolk (Va.). The Pennsylvania Railroad owns or controls much water terminal property at New York, Jersey City, Baltimore, Chesapeake Bay points, Buffalo, Erie (Pa.), and at and near Cleveland; the New York Central system at New York City, Jersey City, the Hudson River, Chicago, Cleveland, and Buffalo; the Southern Pacific system at New Orleans, Galveston, Oakland, Portland (Oreg.), Astoria (Oreg.), Hoboken, and New York; the Northern Pacific at Seattle and Tacoma; the Atlantic Coast Line at Tampa, Norfolk, and various Virginia ports; the Southern Railway at Norfolk, Mobile, Charleston, and Jacksonville; the Baltimore & Ohio at Philadelphia, Baltimore, and Washington; the Seaboard Air Line at Portsmouth (Va.); the Louisville & Nashville at Mobile and Pensacola, as well as at various points on the Ohio River; and the Illinois Central at Savannah, New Orleans, and Chicago. Also the so-called coal roads have important holdings in the harbors of New York, Jersey City, Philadelphia, Norfolk, and along the coast of New Jersey and Pennsylvania, as well as on the Hudson River.

Along the Mississippi River system the railroad ownership is important, not so much in active use of water terminals as in a general ownership of river frontage, which results in a passive obstruction to its proper use for water traffic. This is especially noticeable at Pittsburgh, Cincinnati, Louisville, Cairo, St. Louis, Memphis, and Vicksburg. In a number of the smaller river ports all river traffic must cross rail lines in order to reach the town. By far the greater part of the navigable portions of the Mississippi and Ohio Rivers is paralleled on one and often on both banks by various railroad systems. Their tracks and trestles often present serious obstacles to the proper use of the banks for water traffic.

The report, volume 3, is filled with startling facts concerning the absence of public piers or wharves at hundreds of places that have been liberally supplied with Government money. Of New London, Conn., it says:

Of the 4 or 5 miles of frontage on the Thames River at New London the city owns practically nothing.

Hartford owns a park along the water, but the balance of the water frontage is owned by the New Haven Railroad and other companies. The same is true of Long Island Sound. Page 70:

At Portland, Me., the water front is all private, about one-half of it owned by railroads. At Bangor the frontage is nine-tenths private and much of it railroad holdings.

Most of the important New Haven frontage is railroad owned, and this is even more true of Bridgeport, Conn. On the Hudson River, the Albany frontage is chiefly private, much of it railroad. At Troy, N. Y., the city owns only narrow street ends. The Hudson River frontage in general at the chief cities is mainly private, being largely held by steamship lines, railroads, and industrials. The frontage of Burlington, on Lake Champlain, is nearly all railroad. At Trenton, N. J., the city owns none of the frontage on tidewater. Philadelphia owns less than 8 per cent of the developed Delaware River frontage, and its holdings are mainly narrow and practically unavailable street ends. The city has 10 general piers on the Delaware, but only 1,400 feet, or about the length of two or three large vessels, is all the wharfage not leased or privately owned out of nearly

7 miles of the developed Delaware River frontage. An interesting statement is that—

All but one of the trans-Atlantic steamship lines use the railway terminals.

Continuing, the commissioner says, page 10:

The Philadelphia situation has long been one of almost complete absence of public control of the water terminals and of dominance of water terminals by railroads, affecting unfavorably general water traffic as distinguished from exclusive water lines affiliated with railroads.

The commissioner avers that the city is trying to get away from the general private and railroad control of its water terminals.

An appropriation of $1,000,000 for the Delaware River and an additional $1,000,000 for additional contracts, or $2,000,000, is in the 1914 bill. The amount expended on the lower Delaware River prior to the adoption of the existing project reached $10,176,002, and the existing project, which provides for deepening the channel to 35 feet, and other improvements, amount to $10,920,000 more, or $21,096,000 for the Delaware River below the city. (Pp. 306 and 307, engineers' report, 1913.)

The foregoing does not cover any part of the $8,000,000 Delaware & Chesapeake Canal project, for which $2,250,000 is carried by the 1914 river and harbor bill.

POWERFUL INFLUENCES AT WORK.

Mr. Speaker, I have briefly noted some of the interests affected and influences operating in the passage of the 1914 bill. No man can discount their power, for they are all powerful, and while it may seem a hopeless task to present any argument that will affect the passage of the 1914 river and harbor bill or of any future bill, I do not feel that the effort is completely wasted.

In reviewing a few of the business interests that are concerned in the bill's passage we can not overlook the many waterways associations throughout the country nor the influential membership possessed by these associations, both elsewhere and upon the floors of Congress. As suggested by different press articles, if any railway interests were represented upon this floor as in former years, a speedy investigation would be had of measures seeking to benefit such special interests. The waterways associations are composed of high-minded, able men, as a class, who are interested in different projects because of their belief in some benefit to accrue.

It would be useless to set my judgment against that of such able men, and yet when a waterways association raises $150,000 secretly through contributions largely from railways to push along some particular project, when it seeks to sandbag business men into forcing northern Congressmen into line, as shown by other waterways journals quoted in my remarks of June 2, pages 9689-9697 of the RECORD, surely we have a right to inquire whether or not the aims and methods of such associations are selfish or for the public good. When a national waterways congress proposes to squander $50,000,000 annually without regard to merit, as claimed by the New York Board of Trade, when it becomes a "logrolling" or "mutual-bribery" association in the judgment of this great commercial body, surely we may pause to inquire its purposes. When another great association resolves and demands that Congress appropriate money for certain projects reaching into millions of dollars and we learn that the officials and members include members of the Rivers and Harbors Committee of the House and influential Representatives upon the floor, it may seem hopeless to express disagreement as to the methods and policies employed. and I say this with the highest respect for such Members individually and collectively. Yet, Mr. Speaker, I do not believe that all this power behind the $83,000,000 pork barrel of 1914 will be able to push the barrel into law, provided the weapon of publicity can be turned onto these projects, which aggregate more than ever before in the history of the country. What a spectacle is presented when we seek to buy a bankrupt canal, whose stock is valueless, its bonds worth 50 cents on the dollar, all in order to contribute to the benefit of transportation companies that own practically all the terminal facilities in two large cities and for the self-interest of dredging contractors that have their headquarters within a short distance of the project and of the National Capital.

I am not discussing the merits of the proposition which is destined, according to early estimates, to reach $20,000,000 for a 35-foot canal, or almost as much as has been placed in the Delaware. Who can doubt that with the present powerful influences back of the project the next step will be to extend its size and depth for the convenience of the transportation companies that have terminals on the railway wharves of Philadelphia and Baltimore, according to the commissioner's report?

Mr. Speaker, I have heretofore, in the RECORD of March 24, taken up many of the projects contained in the 1914 bill and have given what I believed to be a correct analysis of projects as shown by the engineers' reports. In the RECORD of June 2 I have tried to give the best judgment of different authorities as to the Mississippi River project which now gets $10,500,000 in the bill before the Senate. Therein I showed that after an expenditure of $144,000,000 in that river we had lost 80 per cent of our former river traffic.

The Missouri $20,000,000 project for 13,000 tons of annual freight, aside from sand and gravel, has also been discussed, and in the RECORD for June 8 I gave additional arguments against the passage of the bill, including the $64,000,000 Ohio River canalization scheme. I have here tried to briefly outline some of the additional influences behind the bill and to show generally that private interests ranging from fertilizer factories to real-estate projects and dredging concerns are back of all such bills.

Mr. Speaker, from the facts that I have endeavored to place before the House, and through the House to the country, it must be clear to every unprejudiced mind—

First. That the railways own or control, through their business affiliations, the greater part of the waterways transportation of the country and exercise a virtual monopoly.

Second. The foreign steamship lines not controlled by the railways have contractual and shipping relations closely identifying their interests with those of the railways.

Third. The individual competitive waterway lines are few, and invite close inspection as to their affiliation and control.

Fourth. Practically all the waterway terminals in many of the large cities of the country are owned or controlled by the railways or waterway lines that are independent and part of the monopoly.

Fifth. The municipal wharves and piers of the country are small in number, usually leased to private interests or individuals, and are negligible in proportion to other terminals.

Sixth. The railroads are contributing to the support of certain waterway projects and directly toward the activities of certain associations.

Seventh. Representatives are hoodwinked into believing they are getting some especial favors from the Government Treasury by small local grafts, usually instigated by the dredging companies or local interests, and embodied into the bill to secure aid in pushing the "barrel."

Eighth. River and harbor improvements are primarily for the benefit of the railway monopoly or of a great shipping monopoly, and are not for the benefit of the public at large.

Seventh. Not one taxpayer in a thousand is benefited one penny by Government contributions, either by reduced freight rates, a lowered cost of living, or even indirectly by any added comforts or conveniences.

Ninth. The active agents of the monopolies are the dredging associations, the waterway associations, and the localities and their Representatives who imagine that in some indefinite way the "pork" is being distributed to such localities.

Tenth. Congress is the "jumping jack" that opens the Treasury doors to these selfish monopolies whenever the division of spoils occurs between the constituent parts of the railway and shipping monopoly.

Eleventh. The waterways associations, dredging associations, and other interests, open or secret, are strands to the string that pulls the "jumping jack" and secures a continuous golden stream from the United States Treasury.

Twelfth. That the whole scheme of river and harbor improvements by the Government is a fraud and a graft, grown infinitely more vicious than in the old days when it was denounced on the floor of the Senate as a humbug and a steal. It is a national disgrace, stultifying Members who are compelled to bow to the "pork barrel's" mandate, and it tends to undermine legislative honesty in dealing with other questions of national importance.

Mr. Speaker, I realize that these are serious statements. I do not claim to subscribe to nor observe any higher code of morals than other Members, but I am confident I can prove every statement made, and in that confidence I introduced resolutions of investigation which have been smothered in the committee.

A sane, intelligent system of waterways improvements should be thoroughly investigated and agreed upon by an impartial board, unaffected by political or business influences. No community, large or small, should be recognized unless a local contribution is required. This largely removes the present incentive of trying to get something for nothing. No community, large or small, should be given Government aid until a sufficient number of open piers exist to accommodate all independent lines of

The annual reports of the Mississippi River Commission informed the Congress of the commission's plan of river improvement by the inauguration and construction of the levee system, and practically all of the acts of Congress making appropriations for the improvement of the Mississippi River from Cairo to the Head of Passes approved the river commission's plan of improvement, and provided that the appropriations for the improvement of the river for navigation from Cairo to the Head of Passes should be in accordance with the plans of the river commission which had been reported to Congress.

* * * * * * *

Another view of this matter and the change effected by the construction of the levee system can be obtained by referring to the fact that before the construction of the levee system the high waters of the river periodically flowed over 29,790 square miles and had a free flow from Cairo without continuous obstruction on either side of the river to the Gulf of Mexico. Since the construction of the levee system 26,569 square miles are protected by the levees composing said levee system. In other words, before the construction of the levee system the high waters flowed over 29,790 square miles of territory, and since the construction of said levee system the high waters are obstructed and compelled to flow over a territory of only 3,221 square miles, showing that the high waters are now compelled to flow over a territory approximately one-tenth as large as that over which it flowed before being obstructed and diverted by levee construction. Instead of flowing as formerly over this large territory in a thin sheet, the high waters are now compelled to flow over a smaller territory in a much thicker sheet, or to a greater depth, and the space being only one-tenth as large, the lands lying adjacent to the river, where no levees have been constructed, are flooded much more frequently than before levee construction, for the reason that it requires less water to flow them, and the construction of levees on both sides of the river, north of their lands, and on the west side of the river in front of their lands, brings more water down the main channel than flowed there formerly.

* * * * * * *

As stated by the Mississippi River Commission in its report for 1910, "the situation (of these east-bank citizens) is pathetic and distressing in the highest degree. That these people should be condemned to perpetual inundation without possibility of relief or redress for the sake of an improvement from which their fellow citizens are enjoying great benefits is intolerable to any man's sense of justice," and "the lives of the landowners are passing away and hope deferred is making their hearts sick."

* * * * * * *

The United States Court of Claims was created and given certain general jurisdiction for the relief of citizens and "to afford assistance and relief to Congress and the executive departments in the investigation of claims and demands against the Government," and ever since it was created Congress has from time to time frequently given it additional jurisdiction in special cases to further relieve Congress or an executive department, and at the same time give relief to citizens who had grievances against the Government, and who under the first amendment to the Constitution are guaranteed the right to petition the Congress for the redress of their grievances.

Precedents for giving the Court of Claims additional jurisdiction in special cases are numerous, and some of them will be found in the Statutes at Large as follows: Eighteenth Statutes at Large, pages 506, 507; Twenty-fifth Statutes at Large, page 1010.

And this widespread calamity, brought about by the Mississippi River Commission experiments in aid of navigation, is a fit conclusion to the wasted millions expended in harnessing a river that is 70 miles wide and 70 feet deep at Vicksburg during flood periods. When will Congress and the country wake up to an understanding of a situation to be made worse when the $150,000 secret railway fund used for the passage of the $60,000,000 Runsdell-Humphreys bill performs its secret mission through Congress?

In this connection I quote the opinion of the St. Louis Republic on the necessity for local contributions in order to invite confidence in the Mississippi River project:

[From the St. Louis (Mo.) Republic, June 11, 1914.]

TO ANSWER THE CRITICS.

When Representative FREAR, of Wisconsin, attacked the appropriation for the improvement of the Mississippi, Missouri, and Ohio Rivers he stated truthfully that the sums spent on these rivers are enormously disproportionate to their use as navigable streams. If it were not for the flood protection which levee building affords, the claims of the Mississippi River country for river improvement would be woefully weak, and all the country could continue to ask why millions should be spent on improving rivers when nobody uses them, with no fear of a satisfactory reply. They know the river was used in other days; they know that other rivers less adapted to navigation than the Ohio or the Mississippi carry vast tonnages in competition with railroads, and in that situation they doubt if improvements would cause them to be used.

The best possible answer which the people along the Mississippi can give to that line of argument is to go about their own share of improvement so as to make what they already have usable. That share consists in the building of modern terminals with money-saving devices for handling freight so that all the economy of cheap river transportation shall not be eaten up in freight handling.

When that is done a visible demonstration can be made of the error of Representative FREAR when he declared that all the money spent on the rivers and all that is to be spent will never win back the traffic that the railroads took away from them. A demonstration can also be made to the country at large that money spent on the Mississippi and its tributaries will mean cheaper transportation, the relief of railroad congestion, and more prosperity.

RAILROADS CONTROL NAVIGATION.

Mr. Speaker, I have thus far endeavored to show that the railways were behind some of these projects, and are particularly in evidence with the Mississippi River $60,000,000 project. Just why they are interested in the $150,000 secret fund an investigation would disclose, but I believe this contribution is one of the smallest that has been disclosed. The mouse that was seen in the House recently occupied many columns of space in the daily newspapers, but gray rats never get a line when they slink into darkness down around the foundations of the Capitol Building. So, too, items amounting to a few hundred dollars occupy the time of the House and space in the press, when a salacious turn can be given to the news story, whereas a $93,000,000 "pork barrel" raid on the Treasury fails to get a line of criticism from many highly respectable journals of the day. With their combined help the "pork barrel" would be blown out of existence, because it will never stand the searchlight of publicity.

The gray rat of the railroad connection with the river and harbor "pork barrel" rests with self-interest, and interests of the country are more concerned with good, fat appropriations than the railroads of the country.

Mr. Speaker, the railroads own many of the steamship and barge lines of the country. They are so closely allied with some of the remaining steamship companies through traffic agreements and other contracts that the railroads have become a controlling factor in the subject of waterway transportation. I quote from the statistics which appear in the report of the Commissioner of Corporations on Transportation by Water in the United States (pt. 4, Dec. 23, 1912):

The extensive water traffic between New York City and the New England ports is almost completely controlled by a single railroad—the New York, New Haven & Hartford (New Haven system)—or by the Eastern Steamship Corporation, in which the New Haven system is at present a considerable stockholder, though claiming to have no voice in the management. The only line from New York to Portland, Me., is owned by the Eastern Steamship Corporation, and this is true of the only direct water line from New York to Boston. In the Long Island Sound traffic all the regular lines are controlled by the New Haven system, except five companies, with only a few small boats, and two of these are controlled by other railroads—one of the Central Vermont Transportation Co., a subsidiary of the Central Vermont Railway, and the other the Montauk Steamboat Co. (Ltd.), controlled by the Pennsylvania Railroad. The New Haven system, moreover, owns a majority of the stock of the Merchants & Miners' Transportation Co., itself a shipping merger, operating, among other services, lines between Boston and Philadelphia and between Boston and Newport News, Norfolk, and Baltimore. No other steamship line operates between Boston and the ports named.

Most of the steamship interests of the New Haven system are held by an intermediary holding company, the New England Navigation Co.

Between New York and Norfolk there is only one steamship line, the Old Dominion Steamboat Co., and a controlling interest in this is owned by five railroads—the Atlantic Coast Line, the Southern Railway, the Seaboard Air Line, the Chesapeake & Ohio, and the Norfolk & Western.

Between New York and Savannah there is only one steamship line, the Ocean Steamship Co. of Savannah. This is owned by the Central of Georgia Railway, control of which is held by the Illinois Central. About one-fifth of the latter's stock, in turn, is owned by the Union Pacific Railroad.

Between New York and New Orleans there is now only one steamship line, that of the Southern Pacific Co., which long ago bought up two formerly competing lines. A working control of the Southern Pacific Co. has for years been held by the Union Pacific Railroad, but this has recently been declared illegal by the Supreme Court of the United States.

Between New York and Galveston there are two water lines. One of these is a railroad-owned line (Southern Pacific), while the other, the Mallory Line, is owned by a shipping consolidation, the Atlantic, Gulf & West Indies Steamship Lines. This consolidation also owns the Texas City Steamship Co., operating between New York and Texas City, which on through traffic is virtually a part of the port of Galveston. The acquisition of this line was preceded by a severe rate war.

The principal local lines on Chesapeake Bay and its numerous tributaries are owned by the Pennsylvania Railroad Co., through railroad subsidiaries, while the three through lines between Baltimore and Norfolk are also under railroad control.

Again, nearly all the important anthracite coal fleets engaged in the North Atlantic coastwise trade are owned by the few great anthracite railroads.

On the Great Lakes all the important through passenger and package-freight lines are owned by railroads. In the local package-freight traffic there are a large number of independent water carriers. In the transportation of bulk freight, other than grain, such as ore, coal, and lumber, the railroad bulk lines have practically no part. Several of the principal Lake fleets handling these products, however, are under the control of important industrial concerns, the largest being that of the Pittsburgh Steamship Co., controlled by the United States Steel Corporation.

On the Mississippi River system steamboat lines have largely succumbed to railroad competition or to natural difficulties. Most of the few remaining packet lines are independent of railroads, but are usually feeble competitors. The principal item of traffic to-day on the Ohio and Mississippi Rivers is bituminous coal, and the great bulk of through traffic in this commodity is handled by a single industrial consolidation, the Monongahela River Consolidated Coal & Coke Co., a controlling interest in which is, in turn, owned by the Pittsburgh Coal Co.

On the Pacific coast independent steamship lines are a much more important factor in domestic coastwise traffic. Several important water lines, however, including the Pacific Mail Steamship Co., chiefly engaged in foreign trade, and the San Francisco & Portland Steamship Co., are controlled by the Union Pacific-Southern Pacific Railroad system. The Southern Pacific Co. also controls a fleet of oil vessels belonging to the Associated Oil Co., in which it owns a majority stock interest. There are also other water lines under railroad control.

Considering only water lines directly operated or in which railroads own a majority of the stock, and excluding harbor craft, this report shows that 20 railroads control steam vessels engaged exclusively in domestic trade of approximately 610,000 gross tonnage and line barges with about 200,000 gross tons, or a grand total of 810,000 gross tons. The tonnage of the New Haven system is the largest, aggregating a little over 200,000 gross tons, of which 156,500 tons is in steam vessels

and 43,600 tons in barges and miscellaneous craft. Next in importance is the Union Pacific-Southern Pacific, with a grand total, excluding tonnage engaged in foreign trade, of over 150,000 gross tons. The Pennsylvania Railroad Co.'s water lines have 68,500 gross tons in steamers and 8,500 tons in barges; the New York Central over 50,000 gross tons; the Central of Georgia Railway over 40,000 gross tons.

The total capitalization of water lines controlled by these railroads—this not covering holding companies and several very important unincorporated services—aggregates $53,339,375 in stock and $31,263,887 in bonded debt. Of the stock $40,223,800 and of the bonds $19,211,137 are owned by 18 railroads or their subsidiaries. In most instances railroads own practically all the stock of the separately incorporated water lines which they control. Important exceptions are the Pacific Mail, in which the Southern Pacific owns only a trifle over one-half the $26,000,000 stock, and the Merchants & Miners' Transportation Co., in which the New York, New Haven & Hartford Railroad owns only a bare majority interest. Instances where railroads own stock in a water line, but less than a majority interest, are comparatively few.

Of the regular line traffic on the Atlantic and Gulf coasts not controlled by railroads, the great bulk, as stated, is controlled by two important consolidations—the Atlantic, Gulf & West Indies Steamship Lines and the Eastern Steamship Corporation. With few exceptions, the constituent companies of these consolidations had been subsidiaries of an earlier merger—the Consolidated Steamship Lines—which collapsed shortly after its formation in 1907.

The larger of these consolidations—the Atlantic, Gulf & West Indies Steamship Lines, a holding company—controls, chiefly through subsidiaries, 72 vessels exclusive of barges, lighters, and other craft. Nearly one-third of this tonnage, however—that of the New York & Cuba Mail Steamship Co. (Ward Line)—is engaged in foreign trade with the West Indies and Mexico. The domestic lines owned by this consolidation are the Clyde Steamship Co., with 54,700 gross tons; Mallory Steamship Co., 46,500 gross tons; New York & Porto Rico Steamship Co. (of Maine), 337,100 gross tons; Texas City Steamship Co., 13,300 gross tons; and the Southern Steamship Co., 6,200 gross tons. In addition there are a few subsidiary terminal or lighterage companies. The issued capital stock of the Atlantic, Gulf & West Indies Steamship Lines is $39,984,400; its bonded indebtedness is $12,623,000, and that of its subsidiary companies $17,432,000.

Except for railroad-owned lines and services to Porto Rico, there is hardly a competing line of importance operating between the domestic ports served by the Atlantic, Gulf & West Indies Steamship Lines.

PURPOSE OF CONTROL OF WATER LINES.

In acquiring their extensive control over domestic water carriers, railroads have had in general three purposes: First, to eliminate the competition of water carriers; second, to obtain an entrance into territory tributary to their rail lines; and, third, to secure valuable feeders, mainly local lines.

In the case of the New Haven system all these purposes are apparent. For some time past the New Haven system has pursued a determined policy of suppressing any effective competition on Long Island Sound; several, at least, of its recent acquisitions must be regarded as due to this policy. On the other hand, some of its earlier acquisitions came about largely as an incident to the merger of different railroad properties into the present system. Control of the Merchants & Miners' Transportation Co. is claimed by New Haven interests to have been sought in order to secure direct access to southern territory. However, elimination of competition was also an important factor.

Can any sensible man fail to recognize the interest possessed by the railways of the country, as well as by a few independent steamship lines, in securing liberal appropriations from the Government for various projects? These companies exercise an exclusive right to carry passengers on water as they do on land, and I desire to present another side light to show that the Government has an equal legal right, as a matter of practical results, to build a railway and present it to a private company for operation as it has for dredging out the average waterway or harbor.

In other words, all the talk against subsidizing shipping interests appears to be the merest "buncombe" when we realize that we have been subsidizing the railway and shipping interests from the day the first land grant was given and the first shovelful taken from the rivers and harbors of the country at Government expense, over a half century ago, down to the 1914 pork barrel of $93,000,000, which is the most notorious of all and represents a combined push by all the interested factors.

ANOTHER MONOPOLY.

One of the most interesting documents published by the Commissioner of Corporations is that relating to water terminals and found in part 3 of Transportation by Water in the United States, issued in 1910.

Not only do the railroads own the shipping, but they also own the terminals. Where they do not own the terminals, the piers are usually owned exclusively by private companies that exclude all other craft from the landing. In other words, when New York gets a liberal appropriation from the Government it is not the public that gets the benefit. Of course there are many piers and landings owned or controlled by the city of New York, but these are not public by any means. Father Knickerbocker is a thrifty old man who turns an honest penny whenever opportunity affords. If you would find just how far he is making money out of the water traffic, all that is necessary to do is to get a copy of the annual report of the city of New York on the department of docks and ferries.

On page 12 of the report for 1912 the commissioner of docks writes as follows:

RENTAL POLICY.

In my annual report for 1911 I made special note of the necessity for publicity in making of leases, and the granting of permits, and for a definite rental policy on the part of the city.

In the granting of leases and permits I believe it should become the fixed policy of this department that all applications, and their consideration and discussion, should be given full publicity; this publicity to be safeguarded by the privilege of public hearing in the department's board room for any applicant or protestant who is dissatisfied or who requests such hearing to bring out all facts relating to the privilege under consideration. The stenographic minutes of these hearings should be on the public files of the department and accessible to all those interested. Much discretionary powers in these matters must always be vested for business efficiency in the commissioner of docks, and such procedure will not only safeguard against an abuse of this power, but also in turn safeguard the commissioner and the administration from unjust criticism. During the past year the determination of the general policy governing the matter of rentals for leases and privileges has been the subject of further conferences between the deputy comptroller and myself. We were appointed a committee by the commissioners of the sinking fund to consider the matter. The fundamental principle to be decided is whether such a general policy should be based on the assumption that all leases should be sold at public auction to the highest bidder, such leases as may be arranged for by direct negotiation to be considered an exception to this rule, or whether the commissioner of docks should first assemble all the facts relative to the lease under consideration and then recommend to the commissioners of the sinking fund either the terms and conditions of the proposed lease and the appraised rental, or that the lease should be sold at public auction to the highest bidder; such recommendation of course, subject to the final determination of the sinking fund commission. The committee anticipates an issuance of its report with recommendations on these general principles and other considerations appertaining thereto early in 1913.

In order that the number of penalties received from dock rentals and other privileges may be appreciated I briefly quote from page 53 of the same New York City report:

Statement of the revenues and disbursements of the department of docks and ferries for the year ending Dec. 31, 1912.

REVENUE.		
1. Amount of accrued rents uncollected Dec. 31, 1912, as per report for the year ending on that date	$16,929.20	
Less claims sent to corporation counsel for collection	12.50	
		$16,916.70
2. Rents accrued during the year 1912 from leased city wharf property and for land under water covered by wharf improvements erected by permission of the department	4,240,510.08	
3. Wharfage collected within the year from unleased city wharf property	261,082.61	
		4,501,592.69
4. Leases of ferry franchises and city wharf property used for ferry purposes		244,404.20
5. Receipts from operation of municipal ferry (Staten Island) traffic	759,365.70	
6. Receipts from operation of municipal ferry (Staten Island) privileges	92,431.16	
		851,796.86
7. Receipts from operation of municipal ferry (39th St., South Brooklyn) traffic	185,101.72	
8. Receipts from operation of municipal ferry (39th St., South Brooklyn) privileges	5,204.23	
		190,305.95
9. Miscellaneous receipts		18,596.24
10. Claims for unpaid rents placed in hands of corporation counsel prior to Dec. 31, 1911, collected during the year 1912		3.75
Total		5,823,708.39

PIERS ARE PROFITABLE.

Of the above amount, only $4,501,592.69 is credited strictly to leasing of wharves and wharfage, but on page 68 of the report it is learned that within about 40 years the city has gathered in $80,058,877.98, during all of which time the Government has been putting into the harbor countless millions of dollars. Government aid should be extended to secure navigation; but what relation does the navigation of New York Harbor bear to the general public when a thousand lessees are given the exclusive use of the public wharves and piers?

The Pennsylvania Railroad pays about $25,000 a year for land under water and many thousands of dollars more for other privileges and has the exclusive control of its own piers. The New Haven, New Jersey Central, Erie, West Shore, and other railways have exclusive rights to wharves. In fact, so far as I have been able to ascertain, the navigation business becomes a close corporation dependent upon the leases in force. Tramp steamers are trespassers and strange vessels interlopers unless they can arrange with some lessee for landing rights. Objectionable competition can not be carried on in the public interest.

In order to get the full significance of the city docks, which are leased, and railroad docks, which are exclusive, I quote briefly from page 72 of the report of the Commissioner of Corporations:

From West Seventieth Street down North River to the Battery and up East River to East Forty-second Street there are approximately 180 piers, not including ferry slips, of which number the city owns about 150 and partly owns from 5 to 10 others.

RAILROAD OWNERSHIP.

The New York Central & Hudson River Railroad Co. owns and occupies the entire North River frontage between West Sixtieth and West Seventy-second Streets, except street ends. Between the Battery and

the editorial rooms to offset his apology for the 1914 barrel. He decided on May 1 last to make another struggle with publicity. In order to earn the $150,000 contributed by railways and other great corporate agencies I have already quoted, Mr. Fox gives to the world the following information in a news item which he is reported to have sent broadcast throughout the country. I quote from the journal Modern Farming of May 1, as follows:

[From Modern Farming, New Orleans, La., May 1, 1914.]

RIVER PROTECTION.

The Mississippi River Levee Association has been doing effective work in its efforts to get the great Mississippi River problem understood by the people of the Nation, so that it can be treated as a definite and specific problem.

Mr. John A. Fox, the secretary-manager of the association, was recently in New York in conference with a number of the leading magazine publishers, and succeeded in awakening a great deal of interest among them in regard to this great national undertaking. Mr. Arthur Page, the editor of World's Work, was especially interested, and through his great magazine he is going to assist the people of the Delta in getting their project before the United States. He has delegated Mr. George Marvin, a forceful and efficient special writer, to make a trip throughout the entire Delta in order to visit all of the cities and gather such information as will be necessary to present the matter clearly and logically in a series of five or six articles. Mr. Marvin was in Washington with Mr. Fox the latter part of last month, and left on April 27 for an extended trip throughout the Delta. He expects to start at Cape Girardeau and come down the river gradually, so as to visit every city and community and obtain all the facts regarding the levees, the bank revetments, channel improvement, development of the back country dependent upon the levees, and in fact everything that will enable him to place the case squarely before the people.

Mr. Fox has given him letters of introduction to parties all along the thousand miles, and asks that the people of every city along the line do everything in their power to help Mr. Marvin in securing his data and information. These articles, appearing in such a magazine as World's Work, will be of the greatest benefit to the Delta country, and Mr. Marvin has had a great deal of experience as a war correspondent in the Far East, and knows how to handle this great subject from a human interest point of view.

He comes to the valley with an open mind, entirely unprejudiced regarding one system or another, and it will not be his mission to say how the matter shall be solved. He will simply gather all the facts in the case and present them clearly and forcefully, leaving the matter of the solution to the technical boards of engineers. His articles will prove conclusively to the American people that this great Mississippi River problem is a national one and that the cause is too great for the work to be undertaken by the people directly affected alone. He will be able to show that the protection of 20,000,000 acres of land in the heart of the country will be the means of adding an enormous output to its cotton crop, and he will also be able to show that the amount lost each year in damages by the floods is far more than sufficient to complete the entire levee system and revet the banks, so as to prevent these disasters.

No better publicity opportunity has come to the people of the Delta than will be given through World's Work, and it behooves everyone from Cape Girardeau to the Gulf to cooperate in the fullest manner with Mr. Marvin when he makes his trip and to assist him in getting all of the data that he needs.

We have learned that the Saturday Evening Post speaks its opinions fearlessly to its 2,000,000 readers. Other great magazines have with equal courage denounced the 1914 "pork barrel," and I hasten to disprove any unwarranted inference contained in Mr. John A. Fox's published statement by inserting at this point an editorial from the June, 1914, number of the World's Work:

"PORK BARRELS" AND PUBLIC CONFIDENCE.

Representative JAMES A. FREAR, of the tenth district of Wisconsin, recently sent the following letter to the World's Work:

"I am sending to you, under separate cover, a copy of the CONGRESSIONAL RECORD containing my criticisms of the $43,000,000 river and harbor appropriation bill for 1914, which, in fact, is a $76,000,000 proposition.

"It is vicious in character, in my judgment is nine-tenths bad, and ought to be defeated. It has passed the House, may pass the Senate within the next two or three weeks, and I am writing you in hope that through publicity of its contents the President will veto it. I have no personal interest in the matter, but the bill ought to be defeated. Publicity based upon the facts presented will bring this result about. You speak to many thousands. As a matter of public responsibility, will you do your share?

"Very truly, yours,

"JAMES A. FREAR.

"P. S.—Your article on the 'pork barrel' three or four years ago attracted my attention to the subject."

This bill and all its immediate predecessors are "pork-barrel" bills, which means that the appropriations are urged by Members of Congress because they feel that the expenditure of money in their districts will be popular, and, despite the fact that in many instances, perhaps most instances, there is no possibility that the traffic on the rivers will justify the expense of "improving" them. The bills are passed because they give "pork" to enough districts to get a majority for the bill.

There are plenty of legitimate river and harbor expenditures, but they are not distributed in as many congressional districts as are the illegitimate ones, and with the present system of river and harbor legislation the illegitimate projects get much of the money which ought to be spent for useful improvements or not spent at all.

It is a good sign that there is an opposition to "pork-barrel" methods growing up in Congress, for if Congress could stop passing such measures (either with or without the hope of having the President veto them) it would not only save the Public Treasury a tremendous amount of money, but it would do a far more important service by removing one of the most corrupting influences in our national politics, and it would give the public an opportunity to place in Congress the confidence which of late years has been given to the Executive.

Mr. Speaker, I confidently hope and believe the $93,000,000 notorious pork barrel of 1914, the worst in the history of the country, is doomed to defeat; and if so, these two magazines from which I have quoted, the Saturday Evening Post and the World's Work, will be entitled to their full share of praise in bringing about the result. They reflect sentiments expressed in many publications which have come to my hands, and they speak the judgment of an outraged public.

MR. FOX, THE SECRETARY AND MANAGER.

Mr. Fox has indirectly performed a great public service to the American people. He has collected $150,000, and possibly much more; my resolution of investigation would disclose the facts. His contributions are from eight railroads, the International Harvester Co., and other influential corporations. He is able to boost the 1914 pork barrel by several columns of publicity on "What is not in the barrel." He proposes to secure the aid of an "unprejudiced writer," who is to boost the Mississippi River $60,000,000 project in five or six articles. He is the manager of the association which I showed in my remarks of June 3, based on the testimony of a prominent waterways publication, is engaged in sandbagging northern business men to support his vicious measure.

Mr. John A. Fox is a power, as I am prepared to show if an investigation can be had, and he is seeking by every possible means to force Congress to approve his $60,000,000 proposition; but, thank God, Mr. Fox does not control the editorial utterances of great public journals which denounce corrupt efforts to raid the Federal Treasury.

Mr. Speaker, what a spectacle is presented to the country when eight railroads, now pounding away at the doors of the Interstate Commerce Commission for higher freight rates, are disclosed to be secret contributors to a five-year secret corruption fund, raised to filch $60,000,000 out of the Government.

Another startling fact stands out in this connection. Whether Mr. Fox has any great power over legislative action will only be disclosed by a thorough investigation, but through some unexplained influence we are informed that $1,000,000 is to be added to the $9,500,000 which the 1914 pork barrel carried through the House for the Mississippi River, and $9,000,000 of this amount goes into the Mississippi south of St. Louis. The total Mississippi River traffic, according to Government engineers' reports, does not reach one-half that of the city of Milwaukee, in my own State. The entire commerce on the 3,000 miles of river from St. Paul to the Gulf does not amount to one-tenth of the 41,000,000 tons handled at the Superior-Duluth Harbor, at the north border of my State. After an expenditure of $144,000,000 the Mississippi River traffic has dwindled down to less than 20 per cent of what it was 25 years ago. That is the record according to Government reports.

"RECLAMATION" NOW THE CRY.

Mr. Speaker, under the new cry of "reclamation" the $60,000,000 Mississippi River scheme, ridiculed alike by rivermen and waterway experts the country over, is now seeking the limelight in five or six articles not yet prepared by an "unprejudiced" writer assigned to the job through the solicitation of Mr. Fox.

At their April meeting the Mississippi River Commission, composed of several $3,000 men, demanded that $12,000,000 be placed in its hands by Congress next year for distribution. The commission is running riot with the Treasury. It is ruining the water front of Vicksburg and Memphis and many other localities, as I showed in my remarks of June 3 and as I propose to show by the commission's own admission. With this remarkable record to its credit we are now asked by the 1914 bill as amended to raise their salaries.

THE MISSISSIPPI COMMISSION.

Two increases are to be added to the $9,500,000 Mississippi River item. One is an increase in the salaries of the commissioners who disburse the money and determine its use; the other is to raise the 1914 item to $10,500,000. I do not set my judgment against that of the commission, but I propose to show by its own admission that the commission is not only irresponsible in the making of such expenditures, but it is incompetent by its own confession to aid navigation or protect the people for whom it is said this money is to be used if we can divert the funds constitutionally. I have discussed the Mississippi River before and shown that with all its logs, sand, and gravel, which compose a large percentage of its remaining traffic, also including frequent duplications which by some hocus-pocus is countenanced by Government engineers, as I have shown, the reports only indicate about 3,500,000 tons of freight on the entire 4,000 miles of the river, or less than one-half that of the single port of Milwaukee, or less than one-tenth of the traffic at the Superior-Duluth Harbor, on

the borders of my own State. For this comparatively negligible traffic in logs, sand, gravel, and other cheap freight we are to spend $10,500,000 in 1914. I have also shown to the House before by Government reports that the river traffic has decreased 80 per cent within the past 25 years and that nothing is to be shown for the $144,000,000 sunk in the Mississippi by the Government beyond wasted Government work and money to save 20 per cent of a once thriving commerce.

The following indictment of waste and incompetency is now lodged against the commission and Congress by House bill 13581, which was on the calendar this week. It presents the most surprising confession of idiotic mismanagement of Government funds intrusted to the commission's care that can be offered. The bill seeks to give landowners along the Mississippi whose lands have been overflowed through criminal incompetence of the commission the right to bring action against the Government for recovery of damages. The spectacle of a commission asking the Government to pay damages caused by its engineering blunders is an admission of stupidity either on the part of the commission or of Congress, or both, that call for the services of an alienist. It is hard to determine which is most at fault—an incompetent commission or a legislative body that does not know the difference and seeks to cover up its own ignorance of conditions by raising the salaries of this reckless, wasteful congressional agent.

An extract from the committee's report, submitted by a Mississippi member of the committee, relates the story at some length; but the facts should be placed in the RECORD to call attention to the incompetence and lack of judgment of a commission about to spend $10,500,000 in its own sweet way and time and to get a salary raise for the wonderful record it has made and is making. I commend to the careful reading of every Member of Congress a thoughtful consideration of this report. Bearing in mind that the total appropriations for the Mississippi now reach $144,000,000, that we are pouring ten millions into the river annually, and that the estimates show hundreds of millions will continue to go into this same thirsty river, also keeping in mind that the river traffic has not responded to this mighty subsidy, but has practically disappeared, as I have repeatedly shown from the reports, and with these matters forcibly presented to us by present conditions, does it not seem deplorable that Congress will continue to give several $3,000-a-year men the absolute control and wasteful disbursement of countless millions? What are we thinking about as to our own responsibility to our constituents and to the country? How can we excuse or explain this monstrous waste of Government funds?

The story is not half told, as will be discovered from the committee report. That report proves conclusively that the whole project is a farce and a fraud. It explains clearly why waterway experts are holding up the commission to derision and condemning Congress for inaction. It explains why hard-headed rivermen who know the Mississippi from St. Paul to the Gulf are denouncing the foolhardy proceeding that is being foisted on the people by this commission.

NAVIGATION HAS DISAPPEARED.

Navigation is lost beyond recovery while these experts have been experimenting in levee building. Now we discover that through their unscientific and unbusinesslike work they have ruined the water fronts of cities, flooded the homes of helpless people, wasted not only the Government money but millions of dollars worth of property of people living adjacent to the river, and for all this the members of the commission demand that Congress pay the damages caused by their own blundering, and, further, as a mark of especial appreciation, that we raise their salaries. Even the glitter of 26 projects for a single State, even the promise of unfinished "pork" for some particular State ought to no longer blind our eyes to our own responsibility. Read the full report, because, although it relates to an expenditure of millions of dollars on one hand to accomplish millions of dollars in ruin and desolation on the other, I can only quote a brief extract to show our own shortcomings and our public responsibility for these wicked, wasteful conditions:

[House Report No. 390, Sixty-third Congress, second session.]

RELIEF OF CERTAIN LANDOWNERS ON THE EAST BANK OF THE MISSISSIPPI RIVER.

Mr. STEPHENS of Mississippi, from the Committee on Claims, submitted the following report to accompany H. R. 13581:

The Committee on Claims, to whom was referred the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department, refers the claims of the landowners in these counties to a court for adjudication.

The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 12, 1910 (see Laws of Mississippi, 1910, p. 109, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

In the first session of the Sixty-first Congress a similar bill (H. R. 6467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

"*There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission.* * * * *At the same time the United States has been benefited by the general improvement of the river for navigation.*"—

The foregoing statement is painfully weak and the latter part absolutely disproved by the loss of 80 per cent of the Mississippi River traffic, as shown by Government reports.)

And after further stating the facts as to the damage to the east-bank lands in these counties, on the question of the relief provided in said bill for the landowners, said:

"It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such course is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation."

Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

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Prior to the construction of the levee system along the Mississippi River, which commenced a few years after the Mississippi River Commission was created in 1879, the high waters of the river spread out in a thin sheet over a territory from Cairo to Vicksburg, 25 to 70 miles wide, the narrowest place being at Helena, Ark., where it was approximately 25 miles wide; that is, from the foothills in Arkansas on the west to the foothills in Mississippi on the east—but at Arkansas City the high waters spread over a territory 70 miles wide.

At Vicksburg the high waters spread in a thin sheet over the territory between the foothills south of Vicksburg, on the east, to the Ouachita River, on the west; that is, over a territory 70 miles in width. From Vicksburg south the territory over which the high waters flowed narrowed, and at Natchez had a width of approximately 30 miles; that is, from the foothills in Mississippi, on the east, to Harrisonburg on the Boeuf River, on the west. From Natchez to Baton Rouge the high waters flowed over a territory approximately 40 miles wide; that is, the foothills in Mississippi continued as the eastern boundary, and the high waters spread out in a thin sheet over all the land extending from said foothills west into Louisiana as far as Catahoula on the north and to Bayou Cocodrie and Bayou Teche, west east of Opelousas, and was approximately 40 miles wide. From Baton Rouge south to the Gulf of Mexico the high waters flowed over a territory approximately 40 miles wide, the bulk of said territory being south and west of the main channel of the river. From the above it will be seen that prior to the construction of the levee system by the Government the high waters of the river spread out in a thin sheet over territory from 25 to 70 miles wide, or over a territory having an average width of about 40 miles.

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In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought from Cairo, south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current much more forceful and destructive than before levee construction on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills and the main channel of the river, from Vicksburg to Baton Rouge, have been destroyed and the landowners driven from their homes, their houses, cabins, and other improvements washed from their foundations and destroyed, and their land in some instances covered with sand and gravel to a depth of from 6 inches to 10 feet, and in other instances the waves and currents of the high waters have washed gullies in their lands to a depth of from 3 to 15 feet, thereby destroying said lands for all agricultural purposes.

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The river commission for the fourth time, in its annual report for 1910, at page 2937–2938, calls the attention of Congress to the destruction of the east-bank lands in these counties as a result of the construction of the levee system, and in very strong language states the facts and makes recommendations for the relief of the owners thereof. Practically all the river commission has said in its annual reports hereinbefore mentioned relative to the destruction of the east-bank lands in these counties, as a result of the construction of the levee system, is restated in House Document No. 1010, Sixty-second Congress, third session, a report made by that commission, after investigating the claims of the east-bank landowners, the destruction of said lands as a result of the construction of the levee system, and a survey of said lands as required by a provision of the river and harbor act approved July 25, 1912, appropriating $30,000 for such investigation and survey of said lands.

The river commission's report for 1910 states that the east-bank lands in these counties are "permanently inundated" as a result of the construction of the levee system to improve the river for navigation, and this last report, set out in House Document No. 1010, on page 12, paragraph 84, states:

"The land embraced in these basins is in places covered with willow, a material that would be valuable for use in the work of river improvement, and in such cases it is desirable that the ownership should be in the United States. In fact, the earlier reports of the commission recommend that such lands be acquired for that purpose."

The annual reports of the Mississippi River Commission informed

the editorial rooms to offset his apology for the 1914 barrel. He decided on May 1 last to make another struggle with publicity. In order to earn the $150,000 contributed by railways and other great corporate agencies I have already quoted, Mr. Fox gives to the world the following information in a news item which he is reported to have sent broadcast throughout the country. I quote from the journal Modern Farming of May 1, as follows:

[From Modern Farming, New Orleans, La., May 1, 1914.]

RIVER PROTECTION.

The Mississippi River Levee Association has been doing effective work in its efforts to get the great Mississippi River problem understood by the people of the Nation, so that it can be treated as a definite and specific problem.

Mr. John A. Fox, the secretary-manager of the association, was recently in New York in conference with a number of the leading magazine publishers, and succeeded in awakening a great deal of interest among them in regard to this great national undertaking. Mr. Arthur Page, the editor of World's Work, was especially interested, and through his great magazine he is going to assist the people of the Delta in getting their project before the United States. He has delegated Mr. George Marvin, a forceful and efficient special writer, to make a trip throughout the entire Delta in order to visit all of the cities and gather such information as will be necessary to present the matter clearly and logically in a series of five or six articles. Mr. Marvin was in Washington with Mr. Fox the latter part of last month, and left on April 27 for an extended trip throughout the Delta. He expects to start at Cape Girardeau and come down the river gradually, so as to visit every city and community and obtain all the facts regarding the levees, the bank revetments, channel improvement, development of the back country dependent upon the levees, and in fact everything that will enable him to place the case squarely before the people.

Mr. Fox has given him letters of introduction to parties all along the thousand miles, and asks that the people of every city along the line do everything in their power to help Mr. Marvin in securing his data and information. These articles, appearing in such a magazine as World's Work, will be of the greatest benefit to the Delta country, and Mr. Marvin has had a great deal of experience as a war correspondent in the Far East, and knows how to handle this great subject from a human interest point of view.

He comes to the valley with an open mind, entirely unprejudiced recarding one system or another, and it will not be his mission to say how the matter shall be solved. He will simply gather all the facts in the case and present them clearly and forcefully, leaving the matter of the solution to the technical boards of engineers. His articles will prove conclusively to the American people that this great Mississippi River problem is a national one and that the cause is too great for the work to be undertaken by the people directly affected alone. He will be able to show that the protection of 20,000,000 acres of land in the heart of the country will be the means of adding an enormous output to its cotton crop, and he will also be able to show that the amount lost each year in damages by the floods is far more than sufficient to complete the entire levee system and revet the banks, so as to prevent these disasters.

No better publicity opportunity has come to the people of the Delta than will be given through World's Work, and it behooves everyone from Cape Girardeau to the Gulf to cooperate in the fullest manner with Mr. Marvin when he makes his trip and to assist him in getting all of the data that he needs.

We have learned that the Saturday Evening Post speaks its opinions fearlessly to its 2,000,000 readers. Other great magazines have with equal courage denounced the 1914 "pork barrel," and I hasten to disprove any unwarranted inference contained in Mr. John A. Fox's published statement by inserting at this point an editorial from the June, 1914, number of the World's Work:

"PORK BARRELS" AND PUBLIC CONFIDENCE.

Representative JAMES A. FREAR, of the tenth district of Wisconsin, recently sent the following letter to the World's Work:

"I am sending to you, under separate cover, a copy of the CONGRESSIONAL RECORD containing my criticisms of the $43,000,000 river and harbor appropriation bill for 1914, which, in fact, is a $76,000,000 proposition.

"It is vicious in character, in my judgment is nine-tenths bad, and ought to be defeated. It has passed the House, may pass the Senate within the next two or three weeks, and I am writing you in hope that through publicity of its contents the President will veto it. I have no personal interest in the matter, but the bill ought to be defeated. Publicity based upon the facts presented will bring this result about. You speak to many thousands. As a matter of public responsibility, will you do your share?

"Very truly, yours,

"JAMES A. FREAR.

"P. S.—Your article on the 'pork barrel' three or four years ago attracted my attention to the subject."

This bill and all its immediate predecessors are "pork-barrel" bills, which means that the appropriations are urged by Members of Congress because they feel that the expenditure of money in their districts will be popular, and, despite the fact that in many instances, perhaps most instances, there is no possibility that the traffic on the rivers will justify the expense of "improving" them. The bills are passed because they give "pork" to enough districts to get a majority for the bill.

There are plenty of legitimate river and harbor expenditures, but they are not distributed in as many congressional districts as are the illegitimate ones, and with the present system of river and harbor legislation the illegitimate projects get much of the money which ought to be spent for useful improvements or not spent at all.

It is a good sign that there is an opposition to "pork-barrel" methods growing up in Congress, for if Congress could stop passing such measures (either with or without the hope of having the President veto them) it would not only save the Public Treasury a tremendous amount of money, but it would do a far more important service by removing one of the most corrupting influences in our national politics, and it would give the public an opportunity to place in Congress the confidence which of late years has been given to the Executive.

Mr. Speaker, I confidently hope and believe the $43,000,000 notorious pork barrel of 1914, the worst in the history of the country, is doomed to defeat; and if so, these two magazines from which I have quoted, the Saturday Evening Post and the World's Work, will be entitled to their full share of praise in bringing about the result. They reflect sentiments expressed in many publications which have come to my hands, and they speak the judgment of an outraged public.

MR. FOX, THE SECRETARY AND MANAGER.

Mr. Fox has indirectly performed a great public service to the American people. He has collected $150,000, and possibly much more; my resolution of investigation would disclose the facts. His contributions are from eight railroads, the International Harvester Co., and other influential corporations. He is able to boost the 1914 pork barrel by several columns of publicity on "What is not in the barrel." He proposes to secure the aid of an "unprejudiced writer," who is to boost the Mississippi River $60,000,000 project in five or six articles. He is the manager of the association which I showed in my remarks of June 3, based on the testimony of a prominent waterways publication, is engaged in sandbagging northern business men to support his vicious measure.

Mr. John A. Fox is a power, as I am prepared to show if an investigation can be had, and he is seeking by every possible means to force Congress to approve his $60,000,000 proposition; but, thank God, Mr. Fox does not control the editorial utterances of great public journals which denounce corrupt efforts to raid the Federal Treasury.

Mr. Speaker, what a spectacle is presented to the country when eight railroads, now pounding away at the doors of the Interstate Commerce Commission for higher freight rates, are disclosed to be secret contributors to a five-year secret corruption fund, raised to filch $60,000,000 out of the Government.

Another startling fact stands out in this connection. Whether Mr. Fox has any great power over legislative action will only be disclosed by a thorough investigation, but through some unexplained influence we are informed that $1,000,000 is to be added to the $9,500,000 which the 1914 pork barrel carried through the House for the Mississippi River, and $9,000,000 of this amount goes into the Mississippi south of St. Louis. The total Mississippi River traffic, according to Government engineers' reports, does not reach one-half that of the city of Milwaukee, in my own State. The entire commerce on the 3,000 miles of river from St. Paul to the Gulf does not amount to one-tenth of the 43,000,000 tons handled at the Superior-Duluth Harbor, at the north border of my State. After an expenditure of $144,000,000 the Mississippi River traffic has dwindled down to less than 20 per cent of what it was 25 years ago. That is the record according to Government reports.

"RECLAMATION" NOW THE CRY.

Mr. Speaker, under the new cry of "reclamation" the $60,000,000 Mississippi River scheme, ridiculed alike by rivermen and waterway experts the country over, is now seeking the limelight in five or six articles not yet prepared by an "unprejudiced" writer assigned to the job through the solicitation of Mr. Fox.

At their April meeting the Mississippi River Commission, composed of several $3,000 men, demanded that $12,000,000 be placed in its hands by Congress next year for distribution. The commission is running riot with the Treasury, it is ruining the water front of Vicksburg and Memphis and many other localities, as I showed in my remarks of June 3 and as I propose to show by the commission's own admission. With this remarkable record to its credit we are now asked by the 1914 bill as amended to raise their salaries.

THE MISSISSIPPI COMMISSION.

Two increases are to be added to the $9,500,000 Mississippi River item. One is an increase in the salaries of the commissioners who disburse the money and determine its use; the other is to raise the 1914 item to $10,500,000. I do not set my judgment against that of the commission, but I propose to show by its own admission that the commission is not only irresponsible in the making of such expenditures, but it is incompetent by its own confession to aid navigation or protect the people for whom it is said this money is to be used if we can divert the funds constitutionally. I have discussed the Mississippi River before and shown that with all its logs, sand, and gravel, which compose a large percentage of its remaining traffic, also including frequent duplications which by some hocus-pocus is countenanced by Government engineers, as I have shown, the reports only indicate about 3,500,000 tons of freight on the entire 4,000 miles of the river, or less than one-half that of the single port of Milwaukee, or less than one-tenth of the traffic at the Superior-Duluth Harbor, on

the borders of my own State. For this comparatively negligible traffic in logs, sand, gravel, and other cheap freight we are to spend $10,500,000 in 1914. I have also shown to the House before by Government reports that the river traffic has decreased 80 per cent within the past 25 years and that nothing is to be shown for the $144,000,000 sunk in the Mississippi by the Government beyond wasted Government work and money to save 20 per cent of a once thriving commerce.

The following indictment of waste and incompetency is now lodged against the commission and Congress by House bill 13581, which was on the calendar this week. It presents the most surprising confession of idiotic mismanagement of Government funds intrusted to the commission's care that can be offered. The bill seeks to give landowners along the Mississippi whose lands have been overflowed through criminal incompetence of the commission the right to bring action against the Government for recovery of damages. The spectacle of a commission asking the Government to pay damages caused by its engineering blunders is an admission of stupidity either on the part of the commission or of Congress, or both, that call for the services of an alienist. It is hard to determine which is most at fault—an incompetent commission or a legislative body that does not know the difference and seeks to cover up its own ignorance of conditions by raising the salaries of this reckless, wasteful congressional agent.

An extract from the committee's report, submitted by a Mississippi member of the committee, relates the story at some length; but the facts should be placed in the RECORD to call attention to the incompetence and lack of judgment of a commission about to spend $10,500,000 in its own sweet way and time and to get a salary raise for the wonderful record it has made and is making. I commend to the careful reading of every Member of Congress a thoughtful consideration of this report. Bearing in mind that the total appropriations for the Mississippi now reach $144,000,000, that we are pouring ten millions into the river annually, and that the estimates show hundreds of millions will continue to go into this same thirsty river, also keeping in mind that the river traffic has not responded to this mighty subsidy, but has practically disappeared, as I have repeatedly shown from the reports, and with these matters forcibly presented to us by present conditions, does it not seem deplorable that Congress will continue to give several $3,000-a-year men the absolute control and wasteful disbursement of countless millions? What are we thinking about as to our own responsibility to our constituents and to the country? How can we excuse or explain this monstrous waste of Government funds?

The story is not half told, as will be discovered from the committee report. That report proves conclusively that the whole project is a farce and a fraud. It explains clearly why waterway experts are holding up the commission to derision and condemning Congress for inaction. It explains why hard-headed rivermen who know the Mississippi from St. Paul to the Gulf are denouncing the foolhardy proceeding that is being foisted on the people by this commission.

NAVIGATION HAS DISAPPEARED.

Navigation is lost beyond recovery while these experts have been experimenting in levee building. Now we discover that through their unscientific and unbusinesslike work they have ruined the water fronts of cities, flooded the homes of helpless people, wasted not only the Government money but millions of dollars worth of property of people living adjacent to the river, and for all this the members of the commission demand that Congress pay the damages caused by their own blundering, and, further, as a mark of especial appreciation, that we raise their salaries. Even the glitter of 26 projects for a single State cover the promise of unlimited "pork" for some particular State ought to no longer blind our eyes to our own responsibility. Read the full report, because, although it relates to an expenditure of millions of dollars on one hand to accomplish millions of dollars in ruin and desolation on the other, I can only quote a brief extract to show our own shortcomings and our public responsibility for these wicked, wasteful conditions:

[House Report No. 390, Sixty-third Congress, second session.]

RELIEF OF CERTAIN LANDOWNERS ON THE EAST BANK OF THE MISSISSIPPI RIVER.

Mr. STEPHENS of Mississippi, from the Committee on Claims, submitted the following report to accompany H. R. 13581:

The Committee on Claims, to whom was referred the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana, having considered the same, report thereon with a recommendation that it do pass.

The bill under consideration carries no appropriation, but as recommended by the river commission and officers of the War Department, refers the claims of the landowners in these counties to a court for adjudication.

The relief sought by this bill is the legislation prayed for by joint resolution No. 14, which passed the Legislature of the State of Mississippi and was approved by Gov. Noel on February 12, 1910 (see Laws of Mississippi, 1910, p. 103, ch. 363), and by another joint resolution which passed the legislature of that State by a unanimous vote last June. Both of these resolutions memorialized Congress, and especially the Representatives in Congress from Mississippi, to enact legislation similar to that set out in the bill under consideration.

In the first session of the Sixty first Congress a similar bill (H. R. 9467) was referred to this committee, and by the committee referred to the War Department, and by that department to the Mississippi River Commission for report. That commission, on April 1, 1910, in returning said bill to the War Department, reported as follows:

*"There is no doubt that the lands and other property referred to in the bill have been more or less damaged by the construction of the levees along the lower Mississippi River which have been built in recent years under the direction of the Mississippi River Commission. * * * At the same time the United States has been benefited by the general improvement of the river for navigation."*

The foregoing statement is pitifully weak and the latter part absolutely disproved by the loss of 80 per cent of the Mississippi River traffic, as shown by Government reports.)

And after further stating the facts as to the damage to the east-bank lands in these counties, on the question of the relief provided in said bill for the landowners, said:

"It would be desirable to have some court or special commission do this, if possible, as a matter of justice to everybody; and if such court is to act at all, it seems just and equitable that it should consider the cases of all landowners affected, without reference to any time limitation."

Said House Document 1010 is a report made by the Mississippi River Commission in accordance with a provision of the river and harbor act approved July 25, 1912, which appropriated $30,000 for the purpose of investigating the claims of these landowners and to survey said lands.

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Prior to the construction of the levee system along the Mississippi River, which commenced a few years after the Mississippi River Commission was created in 1879, the high waters of the river spread out in a thin sheet over a territory from Cairo to Vicksburg, 25 to 70 miles wide, the narrowest place being at Helena, Ark., where it was approximately 25 miles wide—that is, from the foothills in Arkansas on the west to the foothills in Mississippi on the east—but at Arkansas City the high waters spread over a territory 70 miles wide.

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In addition to these obstructions to the free flow of the high waters of the river south of Vicksburg, the high waters are brought down from Cairo, south, diverted from their natural course, and confined between two lines of levees, as before stated, to the mouth of the Yazoo River, over a territory only about one-twelfth as wide as that over which the high waters flowed before levee construction, and at Brunswick, just north of the mouth of the Yazoo River, these diverted and confined waters are turned loose in volume much greater and with a current more forceful and destructive than before levee construction on the land in these counties lying between the foothills east of the river and the line of levees west of the river, with the result that said lands on the east bank of the river between the foothills and the main channel of the river, from Vicksburg to Baton Rouge, have been destroyed and the landowners driven from their homes, their houses, cabins, and other improvements washed from their foundations and destroyed, and their land in some instances covered with sand and gravel to a depth of from 6 inches to 10 feet, and in other instances the waves and currents of the high waters have washed gullies in their lands to a depth of from 3 to 15 feet, thereby destroying said lands for all agricultural purposes.

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$320,000,000 to $350,000,000; but no effort is made to ascertain or verify the necessity of such projects and plans.

The organization, while advocating and demanding enormous and unprecedented appropriations from the Public Treasury, thus cleverly attempts to avoid all the responsibilities for its proper and honest expenditure. Another advantage to them of this policy is that they avoid all dissensions among themselves over the questions of merit as to the projects proposed. They welcome to the support of their cause everybody who wants an appropriation from the Treasury, and none is repulsed. The wonder is their numbers are not larger.

This fact should somewhat allay the fears of the taxpayers of the country as to the result, and as actually less than 5 per cent of the commercial organizations of the country have espoused the cause, or less than one-sixth as many organizations as demanded the passage of railroad-rate legislation, not including as many more agricultural societies, the movement has thus far failed to develop enough strength to make it dangerous.

It is manifest that such a plan should appeal strongly to many localities whose natural conditions are forbidding and unattractive to commerce and whose commerce is consequently small. It is quite within reasonable expectation that the people of such localities would be encouraged to hope or believe that by uniting to swell the demand for larger appropriations enough might be drawn from the Treasury to satisfy the demands of more necessitous projects and leave them a little by way of reward for their help and to encourage them to continue their "interest and cooperation." Every congressional district thus enlisted would deliver one additional vote in Congress for the blanket proposition.

Nearly every Congressman is charged with procuring an appropriation for some project in his district. The approval of his constituency and often his reelection depends upon his success in getting an appropriation. He can not question the merits of the project for which such demands are made upon him. He may know that the project has no just claim upon the room of the Committee on Rivers and Harbors until he has worried a promise from the chairman. Thus the chairman of the committee has his troubles. It is a most Herculean task to sift out the bad and decide upon the merits of the numerous propositions which are brought to his attention. It requires most patient, painstaking study on his part to inform himself and to make sure that he is not imposed upon, and he must have extraordinary discretion, tact, and courage to put off importunate Congressmen and select projects which investigation has convinced him are unworthy. Necessary projects must be passed for the good of the country and votes must be had to pass them. Frequently the price of a needed vote or several votes is the recognition of a project which would not otherwise have any consideration, and to get the important projects through the sacrifice is made, and so the bill is loaded. When the bill comes into the House with such items on it there is no one to object, because few if any of the Members know about the individual items. Even when occasionally a particularly objectionable item has been singled out for criticism in the newspapers, there is none to protest against it on the floor, because each Member must have his particular appropriation and it is understood that if the bill is to pass it must stand pat or fall as a whole. When one part of its structure is withdrawn, the harmony of the situation is gone and disintegration sets in.

The policy of the National Rivers and Harbors Congress would make the task no easier for the chairman of the Rivers and Harbors Committee. There would be more money to go around, but if the Rivers and Harbors Congress should succeed in their plan "to arouse public interest—they should have said 'cupidity'—to such an extent that a united demand, coming from all sections of the country," would develop new schemes of improvement before unheard of, the demands upon him for unworthy projects would be increased far out of proportion to the worthy ones, and so the difficulties would be aggravated.

ORGANIZED FOR MUTUAL BRIBERY.

It would foster beyond all previous experience the most pernicious of all methods of procuring legislation, known as "logrolling," a species of mutual bribery among those actively interested already too much in evidence for the health of public morals and the interests of the taxpaying public.

The present system may not be ideal, but the responsibility and power imposed in the important office of chairman of the House Committee on Rivers and Harbors develops in the incumbent a conservatism and care for the public weal which establishes conditions and works out the problems in a way which it would be difficult to improve upon. The country has been in recent years especially fortunate in this respect. Mistakes may have been made. Some projects may have been for a time neglected which should have been more rapidly progressed, and some may have received more recognition than their importance would seem to warrant, but a proper appreciation of the difficulties of the office would foster a spirit of charity and compel commendation instead of criticism.

In conclusion, we desire to make our position clear. As an organization we have done much for the improvement of the water transportation. We may stand upon our record as to that and will not swerve from our faith in the future; but we are opposed to the plans of the National Rivers and Harbors Congress, and urge on the business interests of the country to consider carefully the evils of the system which would result from its success.

It is the duty and should be the care of the exponent organizations throughout the country to guard at all times the public interests of the city, state, and Nation with unswerving integrity of purpose, and to encourage by every means at their command the highest possible standard of action in all the affairs of our public life. They can not, without doing an injury to the body politic, shift from their own shoulders to others any responsibility which they themselves should assume. They can not, without giving conscientious and painstaking study and consideration, indorse important projects and measures or accept and vaguely defined policies, and to leave to others the working of them out to a conclusion without danger of harm. The conditions inherent in our public life are such that the gravest dangers attend and menace the interests of the people at each step from the initiation and promotion to the consummation of all public measures and works under every branch of our Government. These conditions make easier the evasion of individual responsibility and discourage the expression of opposition to measures which appeal to the individual conscience as wrong. They foster cupidity and encourage duplicity and fraud, and where the objects in view depend for success upon access to the Public Treasury the moral resistance is relaxed.

We therefore view with apprehension this systematic propaganda by influential men and organizations, which our experience and judgment tells us, unless checked by the more conservative elements of the people, will ultimately lead to the wildest extravagance and waste of the public moneys which has ever marked our history.

REFUSES TO JOIN A LOGROLLING ORGANIZATION.

Your committee therefore recommends that the New York Board of Transportation and Trade decline the request to become a member of the National Rivers and Harbors Congress.

While expressing our disapproval of the methods of the National Rivers and Harbors Congress we have great pleasure in commending the action of President Roosevelt in appointing on the 14th of the present month the Inland Waterways Commission, whose duty will be to report a comprehensive plan for the improvement and control of the river systems of the United States. The President in his letter of appointment to the members of the commission, who have been manifestly selected for their eminent qualifications and fitness for the duty imposed, outlines at length his views, which are patriotic, broad, and comprehensive. The appointment of the Inland Waterways Commission is, to our minds, a first important step in the right direction, which gives promise of the development of a national plan, taking knowledge of all river improvements which should properly be nationalized, and eliminating the elements of danger to which we have hereinbefore referred.

Upon such a plan, which will indicate in advance what the improvements are contemplated, what they will accomplish for the welfare of the country, and what they will cost, all the organizations of the country should unite.

Respectfully submitted.

S. V. V. HUNTINGTON, *Chairman*,
W. S. ARMSTRONG,
CHAS. H. PATRICK,
EUGENE H. CONKLIN,
THOS. F. MAGG,
Special Committee.

The foregoing report was unanimously adopted by the New York Board of Trade and Transportation March 27, 1907.

A true copy.
Attest:

FRANK S. GARDNER, *Secretary.*

Based on such data and other information there presented, I urged the passage of my resolution of investigation, which was presented to the House about six weeks ago, but which has had no hearings and will be smothered in the committee. Such resolutions were as follows:

House concurrent resolution 38.

Whereas many millions of dollars of public moneys are annually wasted on our rivers and an absence of businesslike methods is being pursued by the Government in carrying on river and harbor improvements, the following facts are submitted as a preamble in support of this resolution:

That on March 17, 1914, the chairman of the Rivers and Harbors Committee stated to the House as follows: "Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and carrying out of which, it is said by competent engineers, would cost billions of dollars";

That river and harbor appropriations have increased approximately 500 per cent, whereas navigation on rivers has decreased 80 per cent, as shown by the following Government data: Appropriations for rivers and harbors: 1875 to 1894 (20 years), $187,000,000; 1894 to 1914 (20 years), $784,425,000; 1911 to 1914 (4 years), $184,345,000. The following tonnage traffic is reported from the city of St. Louis: Missouri River, 1890, 31,385 tons; 1906, 6,050 tons; loss, 80 per cent. Lower Mississippi, 1890, 765,880 tons; 1906, 141,575 tons; loss, 81 per cent;

That commerce on practically all inland waterways, excepting the Great Lakes, has greatly decreased and often been driven from the rivers by railway competition;

That the interstate Commerce Commission and railway commissions of the several States have general powers to reduce railway freight rates wherever conditions warrant and to prevent increase wherever reduction has once been made;

That the river and harbor bill for 1914 as passed by the House appropriates or authorizes an expenditure of $43,289,004, in addition to $32,505,871 in new projects begun and to be maintained by continuing appropriations from future Congresses, in all calling for a proposed expenditure of $76,184,875. To this vast amount, judging from past experience, will be added from $4,000,000 to $5,000,000 before the bill is returned from the Senate;

That the adopted projects which we are obligated to complete, including those embraced in the 1914 bill, involve a future expenditure of $305,500,000;

That in addition thereto the Army engineers have recommended 93 new projects which will require a further expenditure of $92,500,000 whenever Congress can be prevailed upon to make such appropriations;

That 120 additional surveys are authorized by the 1914 bill as it passed the House, which will require an indefinite amount for such projects, possibly reaching $100,000,000, judging from the average last noted;

That to these extravagant expenditures will eventually be added billions of dollars, according to the opinion of the chairman of the Rivers and Harbors Committee of the House, whenever men of national repute now advocating and supporting other projects can secure their adoption;

That the 1914 bill as it passed the House appropriated $9,500,000 for the Mississippi River, 86 per cent of which is to be expended on the lower river, notwithstanding its commerce decreased over 80 per cent during the past 20 years;

That the Mississippi River Commission on April 14, 1914, at St. Louis, recommended to Congress a further appropriation of $12,000,000 for the Mississippi River for next year;

That the 1914 bill as it passed the House appropriates $2,000,000 for the lower Missouri River, between Kansas City and the Mississippi, which appropriation is part of a $20,000,000 project for that portion of the river, notwithstanding traffic is negligible and actual commerce is alleged to have cost the Government approximately $100 per ton for 1912;

That the 1914 bill as it passed the House appropriates $5,000,000 for canalizing near the Ohio River, a $64,000,000 project, comprehending 63 locks, but no part of the open-river service. Canal freight for 1912 is alleged to have cost the Government over $35 per ton, after allowing full railway-freight rates for coal traffic;

That after spending many millions of dollars on the Coosa, Trinity, Brazos, and Red Rivers, these projects are now alleged to be of no practicable benefit whatever;

That the intracoastal waterways project, present and postponed, as reported by Government engineers, involves a past, present, and proposed expenditure, with many connecting links not included, of $96,321,000;

That this system includes the construction of new canals of doubtful value, the purchase, through the 1914 bill, of a bankrupt canal proposition the stock of which is shown to be worthless; of projects that propose to especially benefit certain communities to the injury of others, and projects which it is alleged will drive legitimate private waterway ventures into bankruptcy;

That the 1914 bill as passed by the House contains appropriations for projects where the expenditure, according to engineers' reports, is exclusively for local private business interests and not for use by the general public;

That the 1914 bill as passed by the House contains appropriations for creeks which, according to the accompanying engineers' reports, are dry for eight months in the year;

That the 1914 bill as passed by the House contains appropriations for creeks involving in a single instance an appropriation of $750,000, wherein it is alleged the engineers' report was reversed after real estate speculators had brought political pressure to bear in such case;

That the 1914 bill does not carry appropriations for the full amount required to complete projects as asked for by engineers in many cases, thereby preventing the Government from entering into proper or profitable contracts until full appropriations are made;

That the 1914 bill is open to all the objections urged by President Taft against the 1910 bill for the last-mentioned reasons, and contains wasteful appropriations amounting to many millions of dollars: Therefore for the foregoing reasons it is—

Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and as soon as practicable report to Congress the following information:

First. The character and amount of proposed expenditures by the Government now being advocated and supported "by men of national repute," as stated on the floor of the House, the adoption and carrying out of which will cost billions of dollars.

Second. The character and value to the general public of projects to which the Government's obligations amount to over $305,000,000.

Third. The character and value to the general public of 93 new projects recommended by Army engineers, but not yet adopted by Congress, which will require a further expenditure of $92,500,000.

Fourth. The character and value to the general public of 120 new surveys authorized by the 1914 bill as it passed the House, which will require an indefinite amount reaching to over $100,000,000, based on average last noted, providing such projects are recommended by the Army engineers.

Fifth. To report all river or harbor projects begun and afterwards abandoned by the Government within the past 40 years, together with all expenditures so wasted and reasons for such abandonment.

Sixth. To report as to the truth or falsity of the statement made upon the floor of the Senate that "the whole scheme of river improvement is a humbug and a steal," and to report further as to the truth or falsity of statements made during debate in the House that the river and harbor bill for 1914 as it passed the House is a fraud upon the people, a pork-barrel raid upon the Federal Treasury, approximating in its scope an expenditure of over $76,000,000, and more vicious in character than any of its predecessors.

Seventh. To investigate and report all active influences urging the adoption of the Mississippi River reclamation, the Ohio River canalization, the Delaware & Chesapeake Canal, and other projects contained in the 1914 bill as it passed the House, together with the names of all organizations, companies, individuals, or hired lobbyists now actively engaged in urging such projects.

Eighth. To report fully as to the Mississippi River reclamation project, its probable cost, local benefits to be conferred and value of any lands to be reclaimed; the ownership of such lands; the contributions exacted from adjoining States, municipalities, or individual interests, if any; the injuries to Memphis, Vicksburg, and other communities alleged on the floor of the House to have been caused by ill-advised engineering projects; and, further, to report as to the permanence of the reclamation project and probable value compared with Government expenditures required.

Ninth. To investigate and report as to the desirability of having the Government take over the Chesapeake & Delaware Canal at double its actual value fixed by the House committee; to report whether the canal company stock is worthless and its bonds valued at only 50 cents on the dollar, as stated on the floor of the House; to report whether this canal project can be completed for $10,514,290, as estimated by Army engineers; to report whether such amount includes the Government contribution of $450,000, made about 90 years ago, and accumulated interest and dividends wrongfully withheld during that period; and to report further whether or not the project is to be taken over for the especial benefit of canal bondholders and shipping interests of Baltimore and Philadelphia. In making such investigation the commission is directed to not limit its hearings to stock and bond holders of the canal company, or to local political influences or interested shipping interests of Baltimore or Philadelphia.

Tenth. To report further upon river and harbor projects now under consideration are for the benefit of strictly private business interests without corresponding benefits to the general public, and the influences that secured such projects for such interests.

Eleventh. To report what proportionate benefits should occasion contributions, and to what extent, from local communities, particularly where improvements are of strictly local value and of no material aid to navigation.

Twelfth. To report the financial policy or absence of policy pursued by the Government as to rivers and harbors during the past 40 years; benefits that have accrued to the public through improved river navigation and increased river traffic, if any, resulting from such improvements, together with all further available information on the subject that may be had, together with such recommendations based thereon as may be found proper to make in the premises, having particular reference to the following information:

Thirteenth. To report the practicability of taking away from the Chief of Army Engineers the exclusive right and power of determining the commercial necessity of river and harbor projects and leaving with the Army Engineers' Bureau the single question of technical engineering work.

Fourteenth. To report the practicability of turning over to the Interstate Commerce Commission or to the Department of Commerce all river and harbor improvements, with full power to exercise all the duties now imposed upon the Army Engineering Bureau, excepting such duties as strictly pertain to civil engineering.

Again, on June 8, I secured the floor for a half hour, and presented additional data, particularly on the Ohio canalization project, which receives $5,000,000 in the river and harbor bill as it passed the House and $4,176,000 in the sundry civil bill now before the House, or a total of $9,176,000 for Ohio canalization in 1914, apart from $350,000 for open-channel work. After discussing at some length the merits or demerits of the 1914 pork barrel, I quoted from the Baltimore platform these nuggets of political wisdom and promise:

WHAT DID THESE PROMISES MEAN?

We call the attention of the patriotic citizens of our country to the record of economy and constructive legislation of the Democratic House of Representatives.

* * * * * * *

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses.

* * * * * * *

We demand a return to that simplicity and economy which benefits a democratic government

Mr. Speaker, when reading the honeyed words in the light of river and harbor performances, it was my privilege to have as auditors throughout that discussion the distinguished gentleman from Alabama [Mr. UNDERWOOD] and the equally distinguished chairman of the Appropriations Committee [Mr. FITZGERALD], and the House waited in vain for any refutation of the criticisms lodged against the bill.

Mr. Speaker, I realize the only way to defeat this bill is by giving publicity to its objectionable character. It does not require further analysis of vicious items to condemn the whole 1914 pork-barrel proposition, but in order to present a more complete history of the bill and its environment, for the benefit of those interested in the subject, I desire to address myself to a few additional influences apart from those mentioned in my remarks of June 3, influences which are to-day secretly urging along the passage of the bill.

I pause here for a few moments to invite attention to the powerful connections possessed by the supporters of the Humphreys-Ransdell $60,000,000 Mississippi River appropriation bill, which is being managed, according to his own modest admission, by Mr. John Fox, its secretary.

While it is hard to understand by what influences the supporters of the $60,000,000 Mississippi bill and the apologists for the 1914 pork barrel get space in the leading magazines of the country, I am in a position to prove the high stand taken by editorial writers as a class on these great publications. Recently one of the authors of the Ransdell-Humphreys bill wrote an apology for the 1914 rivers and harbors bill, which was inserted in the CONGRESSIONAL RECORD by his collaborator on the bill. In the next issue the Saturday Evening Post urged editorially that the investigation which I have asked the House to prosecute be had.

The editorial is short, and I venture to again quote the request which has been made to Congress by this magazine, which numbers over 2,000,000 weekly readers:

[From the Saturday Evening Post, Philadelphia, Pa., June 6, 1914.]

THE PEOPLE WANT TO KNOW.

Congress appropriates thirty-five or forty million dollars a year for improvement of rivers and harbors. The bills are passed on the time-honored pork barrel plan. That the expenditures involve huge waste of public funds, and that a considerable part of them is nothing better than graft in an especially obnoxious form, is commonly believed.

If it were generally accepted that such misuse of money derived from the general public obtained in any other field—say, in the railroad field—Congress would immediately order an investigation. Congressman FRANK proposes in a concurrent resolution that the House shall order a thorough investigation by the Interstate Commerce Commission of river and harbor expenditures. An investigation by a body independent of Congress would be better, but the Interstate Commerce Commission is acceptable.

We feel warranted in assuring Congress that the public would like to know approximately how much of the hundred and fifty millions or upward that has been spent on river and harbor improvements in the last five years has resulted in any tangible public benefit, approximately how much has been wasted, and about how much represents a form of political graft.

We say this without prejudice. A great part of the expenditure may have been quite justified by tangible public benefits resulting from it. The waste may be inconsiderable. But people generally believe that an important portion of the hundred and fifty millions or upward is just a tapping of the public till for the political benefit of individual Congressmen.

Surely that circumstance requires an authoritative investigation. Congress commands extensive resources for investigating. Let it employ them in this case at home.

The industrious manager of the Mississippi River Levee Association, Mr. John A. Fox, was not content with his Saturday Evening Post venture, which brought a righteous demand from

another over the division of work, and each one complaining that the association is a failure because it does not give to each one all the work that he feels is his due, each member forgetting that the association simply undertook this duty because it was forced upon it, and because other agencies to do that work had failed, and because the operators on the Atlantic coast refused to enter into proper arrangements for dividing work amongst them and preferred to load this work upon the association, a work for which the latter was unfitted, for which it was never intended or formed, and the only excuse for foisting this measure upon it was apparently the dredging operators failed to appreciate that this kind of work was done in other lines of business by special pools organized for no other purpose and specially organized for that purpose alone.

It is time that all thoughtful men in this association pause and consider whether the association is to blame for failing to perform a task entirely beyond its powers or resources, and also whether it would be well for the association to reject this burden and relegate it to proper agencies and take up the duties for which it was organized.

We think it is time that this be done and this bone of contention removed from the midst of our association and the members once more united and working along the lines of common interest. Little of the real value of this association has been demonstrated or developed of recent years and much disagreement and bitterness has come between the members in that time, and all because the association has neglected its real duties and buried itself with false ones. The former would bind its members more firmly together, whereas the latter simply disintegrates our ranks.

It is certainly time that this "Jonah" be thrown overboard and left to the tender mercies of some sufficient "whale" or "pool" and the association be permitted to again bend to its task and resume its long interrupted voyage.

In presenting these views to the members, your board feel that they are simply pointing out the pitfall into which this association has become entangled, and which has retarded its growth and usefulness for some years and has brought upon it an immense amount of work foreign to its proper duties. Much of the dissatisfaction has been due to this very cause, and members have been alienated whose assistance was of the greatest value to us. We have seen the camel crowd into our tent and force out everything else, and it is time that this fruitless and thankless task, which was put upon the association, be now put off, and the department created for the allotment and apportionment of dredging work and contracts be abandoned and all rules pertaining thereto be repealed.

The association should, on the other hand, favor the creation of pools in each district formed upon the lines of other successful business arrangements of like character.

The association as a whole will then confine itself to legitimate business of acquiring work and promoting the resources of members for doing work, leaving to the separate pools the business of dividing up that work at good prices.

TO THROW ALL RESOURCES ON PROJECTS.

We count in this association the membership and influence of every man engaged in the business; each one has something of value to us in the way of ideas, talent, energy, or influence, and it is the work of the association and its proper object and function to use these various factors for the benefit of the whole membership, and to throw upon any desired point the full resources of the association. In this way and by turning its steps in the right direction and with the full confidence and cooperation which it would then have from all its members, there no longer being any grounds for contention or rivalry amongst one another, when once this department of allotment was abandoned, the association will once more resume its proper place and perform many duties of the highest use and importance to its members.

The cost of its work would be distributed, and no member would have any cause for regretting that he was enrolled in its ranks.

If these views meet with your approval, your board would earnestly urge that, at least for a time, the district commission and all rules pertaining thereto be abrogated and discontinued; that the board of directors be instructed to arrange and appoint a series of committees, chosen of their own ranks, as well as from the entire membership, giving to each committee certain specified duties, which will include all matters which it is to the interest of the association to have promoted and studied. These committees should report from time to time to the board of directors, and the latter, being a representative body from all parts of the coast, would be most efficient in taking up and promoting all suggestions and measures requiring action.

No expense should be incurred by the committees, except as specially authorized by the directors from time to time and in cases where the necessity for such expenditures is apparent.

The board should organize a bureau of information, which would furnish to each member at regular intervals a synopsis of what is going on in the way of dredging operations on the coast, improvements in machinery or methods of doing work, with descriptions of such improvements, locations, etc., and the general work being done by and through committees and in the board of directors; this and such other additional information as may suggest itself.

This bureau should be in charge of a competent man, whose business is to procure and intelligently transmit matters of interest.

The question of insurance has never been adequately considered, and some measure should be taken up and carefully considered, so that a general scheme of insurance could be devised to secure some reduction of the large premium now paid by members to the insurance companies. Very little, if any, work of this kind has been done in our business, and it is believed that a system of employment of representative agents for our insurance would be found profitable and a great saving.

DREDGERS NEGLECTED THE PORK BARREL.

The lack of association methods and the failure to use the means in our hands for the general good was forcibly illustrated recently in the river and harbor bill, where absolutely no effort was made by the association to procure any amendment to the bill or any provision inserted therein for its benefit.

It also appears in the case recently of certain collisions which occurred in the Savannah River, where the law at present provides that a dredge occupying a channel in navigable waters is doing so at its peril, and no damages resulting to the said dredge can be recovered. These and a great many instances could be cited to show the neglect that general interest of dredging men is receiving at this time and emphasizes the necessity for proper action by the association, to wit, such as this one was intended to be and should be.

Your board of directors desire to assure this association and its members that they have devoted their best efforts, during the year just ended, to a consideration of all matters affecting the interests and business of those for whom they have acted. They have appreciated that the duties which they assumed in accepting the offices of directors, required them to give the necessary time to consideration of the matters intrusted to them, and they looked over the entire field of cooperative work, and have determined that the association could be made of great value to the members if conducted on the lines heretofore specified

They are also of the opinion that the work which the association has been attempting to do, namely, the allotment of work among members, has been entirely contrary to the spirit of this organization, and has proven a stumbling block in all its efforts to promote the general interests of its members. We feel that by means of thorough reforms in our methods, such as has been outlined, that the organization will rapidly add to its membership, and soon include all the operators on the Atlantic and Gulf coasts; that there will no longer be any reason why anyone engaged in the business should not join with us in our efforts to promote the business and encourage the giving of work by those having it in their power to do so, as well as the many other features which have been touched upon in this our report.

The board have held meetings on the second Wednesday of every month except the months of July and August, during which latter months the constitution provides a recess shall be taken, and the meetings have been well attended.

BOARD IS TO WORK FOR PORK BARRELS.

Your board feels regret that the river and harbor bill has failed of passage, and considers it all the more important that the association should be organized for the purpose of adding its influence to urging work by municipal organizations and bodies, and doing all in their power to create offerings of work in the various ports of entry and harbors. It is only by persistent effort that the loss entailed upon us by the failure of the harbor bill can in any way be compensated for. Your board further wishes to emphasize their regret that the annual banquet of the association has been allowed to go by default for two or three years. These entertainments do not entail any serious expense upon the association, but they do create the greatest possible prestige for our business in the estimation of those whose favor it is to our advantage to gain. Influential public men and men of business affairs having to do with transportation companies and steamship lines are entertained by us on these occasions with the greatest possible benefit to our business. Municipal officers, heads of departments, Members of Congress and of legislatures and their favor and interest is legitimately gained and has been found to be of the greatest value when circumstances required it. The expense of our entertainment is wisely expended, and brings an adequate return for every dollar so spent.

We might also add that the occasion also affords an opportunity for members to meet on holiday terms, and encourages in every way good fellowship and kindly feelings among them. It is therefore to be hoped that in another year this banquet will be again a feature of the association.

The work of the association has been so largely confined to the burdensome details of allotment and district commission work during the past year that very little of general interest has developed.

We have done the best we could with the allotment problem, and have done even better than an association of this kind could have been expected to do; but we hope that the whole matter will be relegated to other agencies, and the efforts of this association left untrammeled for the coming year to perform the duties for which it is properly fitted.

All of which is respectfully submitted.

Dated New York, March 13, 1901.

BOARD OF DIRECTORS.
By FRANK A. FURST, *President.*

SECRETARY'S OFFICE,
New York City, April 25, 1901.

DEAR SIR: The Atlantic and Gulf Coast Dredge Owners' Association cordially tender to you an invitation to join them in their work of promoting the interests of dredging men upon the Atlantic coast.

It has been the object of this association during the 18 years of existence to provide a means of acquaintance and intercourse amongst men engaged in the same kind of business, to promote good fellowship amongst them, and encourage all movements that will provide work and stimulate large undertakings in the improvement of waterways.

The association has been of great assistance to its members in these respects, and is the only organization existing among dredging operators having these objects in view. By assembling together operators from all points on the coast the combined talent, energy, resources, and influence of the various members, coupled with the long experience of the association, is placed at the disposal of the members for the ultimate benefit of each, and for the promotion of measures for their interest.

The association further aims at promoting social intercourse between operators and customers and influential men by its annual banquets, and with great success in the past. It does not hinder or control any operator in his business or in the prices he may obtain for his work, but leaves all individual matters of that character to the members themselves, without interference, seeking to advance the interests of each member through general features which build up and improve the general business in which all are engaged, and where these matters can be fully discussed and acted upon when necessary.

Your consideration is therefore cordially requested and your application for membership will be met with the fullest explanation of our work. The expense of membership is reasonable.

Hoping to hear from you, I am,
Very truly, yours,

JOHN F. CLARK,
Clerk of the Board.

By order of the board.

Mr. Speaker, if the report I have presented is authentic, and such an organization as this exists, having for its purpose the advancement of "pork barrels" through Congress for the mutual interest and benefit of its members, it is time that an investigation of such secret influences was had.

As bearing upon this proposition I offer for consideration a short clipping which purports to have been taken from the Atlantic Deep Waterways Bulletin of 1913:

THE PRESIDENT GETS A GOOD JOB.

Frank A. Furst, president of the Maryland Dredging Co., was one of the principal figures at the annual meeting of the Dredge Owners' Protective Association, of which he is president, held in New York last month.

Mr. Furst's company is digging the canal across Cape Cod, which is a link in the chain of waterways along the Atlantic coast. In addition the Maryland Dredging Co. is draining the Everglades of Florida. Mr. Furst spoke of both of these projects before the association, and told some very interesting stories in connection with the difficulties encountered in the Everglades project.

Will it be reasonably questioned that a committee might get at some interesting facts regarding influences behind "pork barrels" if possessed of authority to subpena witnesses for that purpose? It must be admitted that sufficient information has been offered on which to base proceedings, and there is more that may be had when the committee reports out my resolution for investigation and provides the machinery for its conduct.

Consider the interest possessed by the dredgers in this bill. Take the Norfolk-to-Beaufort canal project, which calls for $5,400,000. Practically all of this money is to be spent for dredging, as nearly as can be ascertained from the engineers' report. It is a rich plum worth having, although no substantial navigation warranting anything like such expenditure is promised by a dismal canal running out through the North Carolina swamps. Few people live there, and few people will live there for many years to come; but $5,400,000 spent on a dredging proposition close to Baltimore, where some of the contracts will certainly be secured, is a proposition which may account for the activities of gentlemen who work together for mutual advantage. Another project closer home is no doubt receiving much attention from the Baltimore dredging concern.

The Chesapeake & Delaware Canal proposition is included in the 1914 bill. In my humble judgment this is one of the most vicious measures in the bill, but its passage has been a foregone conclusion ever since the interests in Philadelphia and Baltimore began pulling for it. The House appropriated $1,300,000 with which to buy the canal, and at that time I protested, ineffectually of course, against the appropriation, claiming it did not contain the real amount involved in the purchase. At the time the bill was before the House it was admitted on the floor that the stock was worthless, the bonds worth only 50 cents on a dollar, and that the canal was a bad proposition from every point of view, so far as the public interest is concerned.

However, the Senate committee held its sessions, calling before it interested stockholders and interested shippers, with the Baltimore dredgers and contractors hovering in the background. Based on the report of that committee we are now informed by the press that the canal is to be purchased by the Government for $2,500,000, and thereafter a dredging proposition will be undertaken, which, according to the Angus report, will eventually amount to $20,000,000. That report sets forth 7,000 feet of bottomless quicksand which will be encountered by the dredgers, but the Federal Treasury ought to be able to last as long as the quicksand, providing the taxpayers of the country are willing to put up for this project.

In order that the New York dredgers may not be forgotten by this neighborhood affair at Baltimore and Philadelphia, a further program includes a canal to be built across New Jersey by the Government, which by coincidence will also cost $20,000,000. The builders of the 1914 "barrel" did not have the audacity to push the New Jersey project and the Baltimore project at the same time, but they are both on the program, which fact will be encouraging and interesting, although understood long ago by the dredging concerns of these two great cities.

I am not attributing to dredgers and contractors different motives from those which govern men generally. They desire fat contracts. The agreement shows an effort to obtain an equitable division. It further shows how united influence should be exerted back of the rivers and harbors proposition. The dredgers are not anxious to have the Government put through more than they can handle, and with the existing projects added to the $1,800,000 Cape Lookout project included in the 26 projects owned by North Carolina, they ought to be kept reasonably busy.

Mr. Speaker, during several days in March last, when the rivers and harbors bill for 1914 was before the House I sought to amend the bill by striking out a few of its most pernicious items, aggregating many millions of dollars. The RECORD for March 24, pages 5410 to 5431, contains some data on which such amendments were offered. Therein I endeavored to set forth a few of the objectionable items and to expose to the House the viciousness of the whole system of rivers and harbors appropriations.

RAILROAD CONTRIBUTIONS.

Thereafter, on June 2, on pages 9689 to 9697 of the RECORD, appear my remarks before the House wherein I pointed out secret efforts to influence Congress on river and harbor bills, from subscriptions of money to the use of threats against business men. At that time I presented the following subscriptions, running for five years, taken from what purported to be a photographic copy of a typewritten statement made by John A. Fox, secretary and manager of the Mississippi Levee Association:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

Southern Railway Co.	$1,000
Mobile & Ohio R. R.	1,000
Frisco R. R.	1,000
Missouri Pacific R. R.	1,000
Chi. R. I. & Pac. R. R.	1,000
St. Louis & So. West. R.	1,000
Illinois Central	1,000
Y. & M. V.	2,000
Chi. Mill. & Lumber Co.	1,000
Caldwell & Smith, Memphis	1,000
International Harvester Co.	1,000

Assurance has been given of other substantial amounts.

As I have before stated, on June 3 I called the attention of the House to contributions made by eight railways for the purpose of aiding in the passage of a river pork barrel. It will be remembered that contributions approximating $150,000 for the five-year period were given in the RECORD, and it was further shown that $40,000 of this amount was guaranteed by eight railroads for the purpose of influencing Congress to pass the bill. At that time I asked why an investigation was not had of this remarkable situation, and I further demanded in my resolution that all interests engaged in lobbying through such bills should be compelled to come out in the open.

On June 3 I also quoted from a prominent waterways journal in reference to the efforts of business men in the South to compel the business men of Pennsylvania and other Eastern States to line up for the Mississippi bill. The covert threat contained in such correspondence was disclosed by a leading waterways journal, which I also gave to the House in a further effort to secure the investigation into the secret influences behind the bill. Is it not a matter of some importance to the country that Congress is subject to such influences, secret and unknown, excepting as disclosed through accidental agencies, and yet we refuse to ascertain the methods pursued by such influences?

Is it not surprising that an appropriation of $9,500,000 is made to the Mississippi River in the 1914 bill, when the navigation has diminished 80 per cent during the last quarter of a century? Is it not surprising that, according to newspaper reports, another $1,000,000 is now to be added to the 1914 Mississippi River item, making $10,500,000 for that project contained in the 1914 pork barrel, or approximately $3 per ton for every ton of commerce carried on the river in 1912, including a large proportion of gravel and sand, which weighs heavily in traffic reports?

In my remarks of June 3 I made reference to a report of the New York Board of Trade and Transportation, which had refused to join hands with the association now boosting the Mississippi River bill, because of the fact that the association was a log-rolling concern founded on "mutual bribery." I have been asked to give in full this report, which was made by the New York board after a careful investigation into the methods of the National Rivers and Harbors Congress. Believing that a report coming from one of the highest trade bodies of the world is of especial importance at this time, particularly as it relates to a proposal to fleck $50,000,000 annually from the Federal Treasury, I herewith present the report containing its refusal to indorse what it denominates to be a mutual bribery organization:

THE NATIONAL RIVERS AND HARBORS CONGRESS.

NEW YORK, *March 27, 1907.*

To the New York Board of Trade and Transportation:

The undersigned special committee, appointed to consider the policy that this board should adopt toward the national rivers and harbors congress, reports as follows:

The National Rivers and Harbors Congress is an alliance of individuals, firms and corporations, waterway associations, and other organizations. It has a president, an executive committee, and a secretary-treasurer. The members of the association pay annual dues. Its object, as stated in its circulars, is "to arouse public interest to such an extent that a united demand, coming from all sections of the country for regular and adequate rivers and harbors appropriations, will induce Congress to provide an annual river and harbor bill of $50,000,000."

The New York Board of Trade and Transportation is invited and urged to become a member of the National Rivers and Harbors Congress.

The chairman of your committee personally conferred with a representative of the organization and has been fully informed of its purposes and methods. Its whole work, as stated in the objects quoted, is to be directed toward making an effective demand upon Congress for appropriations. Its policy is that no specific projects of public improvement shall be individually indorsed by the organization. A general indorsement is given to all projects heretofore approved by the United States engineers, and the completion of which would require from

cealed by the engineers' reports of public interests to be served but others, like the fertilizer factories, are not afraid of the limelight.

In the $123,700 Curtis Bay proposition for dredging to a 35-foot depth, covered by House Document No. 37, we are confronted with commercial items of 25,000 tons of fertilizer, at $20 per ton; 35,000 tons of fertilizer, at $25 per ton; 70,000 tons of fertilizer, at $17.50 a ton, and are solemnly told that this freight and other low-grade freight, including Standard Oil products, can not be carried out to sea satisfactorily by the 30-foot channel now existing in the bay. Curtis Bay has at present a great mystery occupying the columns of the daily papers because of a recent sensational death, but another mystery that might be easily unearthed through investigation is presented from the significant fact that the said bay is adjacent to Baltimore. The center of the dredging companies' activities is also at Baltimore, and although $255,000 has already been spent by the Government on Curtis Bay an additional $123,700 would be of some service not only to the fertilizing trade, but incidentally to local dredging concerns.

REAL-ESTATE PROJECTS INCLUDED.

The 1914 bill bristles with items that are inserted in the "barrel" for private or local interests, some of which I pointed out to the House in my discussions of March 24, found in the RECORD on pages 5410 to 5431. I am only able to discuss briefly one other class of private interests that are thinly cloaked in several items which have come to my attention.

A letter to the engineers is quoted in House Document No. 137, which shows up the $47,000 Kissimmee Creek fraud. This creek, it will be remembered, is shown by the engineers' reports to be dry for periods varying from five to eight months in a single year. The letter comes from an ex-Congressman:

KISSIMMEE, FLA., *March 27, 1909.*

DEAR SIR: The tract of land I mentioned to you is Fort Gardner lands, 25,339 acres, and is owned, by recent purchase, by E. W. Bowen & Co., Delphi, Ind. These lands lie between Lakes Cypress, Hatchineha, and Kissimmee, and on the east side of the Kissimmee River, and about 35 miles south of this place—the nearest shipping point.

At the present time they have our county surveyor engaged in running lines and staking it off into 40-acre lots for sale to settlers from the North and West. At the same time they are having levels established for a system of irrigation and drainage. The great bulk of these lands is admirably adapted to truck farming and will no doubt be rapidly taken up by actual settlers as soon as transportation facilities become adequate and permanent. The work now being done and to be done is with the reasonable expectation that the waterways will be improved so as to give an all-the-year-round channel of 3 feet or more.

As you no doubt have learned by personal inspection, there are hundreds of thousands of acres of similar lands, comprising the Kissimmee Valley, lying ready for the plow when the time comes that its products can be sent to market with reasonable transportation facilities.

Very respectfully, yours,

G. F. KUNZ.

Formerly Representative, Twenty-eighth Pennsylvania District, in the Fifty-second and Fifty-third Congresses.

Another project that is strictly for local interests and smacks strongly of a real-estate venture is the item of $733,000 for the Oklawaha River, Fla.

In the RECORD for March 21 appears this colloquy with the distinguished chairman of the Rivers and Harbors Committee:

Mr. SPARKMAN. Mr. Chairman, what did the gentleman say the gentleman from Florida had?

Mr. FREAR. I said the gentleman from Florida had an instance of an appropriation of which he spoke yesterday, an appropriation of over $700,000, I believe, to bring products a distance of 100 miles—oranges, for instance, and things like that—down a small stream to the St. Johns River.

Mr. SPARKMAN. The gentleman refers to the Oklawaha River.

Mr. FREAR. I did not know before yesterday that it was in the gentleman's district.

Mr. SPARKMAN. The gentleman has about stated the facts.

Mr. FREAR. I desire to be correct. I am trying to state only facts.

A PARTICULARLY VICIOUS ITEM.

The foregoing colloquy relates to the demands of orange growers for a $733,000 appropriation for a crooked creek that does not boast of a regular boat service. It surely is not for the benefit of the general public, but is a project for a few parties living near the stream, because on March 23 appears the further discussion:

Mr. MURDOCK. Is there railroad transportation there to-day?

Mr. SPARKMAN. Oh, yes; there are two railroads traversing the section.

To further indicate real-estate and private interests to be served I quote further from the RECORD of March 23:

The only influence that ever put this project over after it was turned down by the engineers is that of a political character, disclosed by letters quoted in House Document 514.

From Florida's real-estate projects to Port Aransas, on the Texas coast, which absorbs $2,525,000, in the project including $800,000 in the 1914 bill, private real-estate interests crop out at every bend of the river and every page of the bill. Returning to New Jersey, it will be discovered that the State of a New Freedom and fertilizer factories is energetically to the front. It is hard to ascertain precisely where "improvements" are being made by the Government engineers, and, although I believe no part of the Newark Meadows project is included in the 1914 appropriation for the Passaic appearing in the sundry civil bill, it is well to know that the New Jersey Terminal Dock Co. owns 33,000 acres in that vicinity. It is also instructive to read the following letter relating to a New Jersey project found in House Document No. 1076, Sixty-second Congress:

LETTER OF RICHARD C. JENKINSON, OF R. C. JENKINSON & CO.

NEWARK, N. J., *December 2, 1910.*

Col. WILLIAM T. ROSSELL,
Corps of Engineers, New York.

MY DEAR COLONEL: You will remember me as a friend of Gen. J. W. Barlow, to whom I am glad to refer you as to my sanity.

I was delighted to hear you put to Mr. James M. Reilly, the secretary of the board of trade, the question about the meadow canal, and as this is a scheme to sell land—almost useless land—to the city of Newark at high prices I have opposed it to the limit of my power.

I wrote a paper on it, and also wrote a series of questions up to the promoters, which they have never been able to answer to the satisfaction of the taxpayers of Newark.

In spite of the fear that I may be thought presuming I am sending to you a copy of these, asking that at your leisure you do me the honor of reading them.

Yours, truly, RICHARD C. JENKINSON.

The significant part of this proposed project lies in the fact that the engineers' report shows it was vigorously urged by three Representatives in Congress.

It may have been a worthy project, but we can not fail to recall the code of waterways legislation found in the utterances of the gentleman who declares, on page 13 of the February, 1914, number of Waterways and Commerce:

New Jersey has too long been neglected in the distribution of the "pork barrel." It is time that the House of Representatives should learn of the inadequate care bestowed upon the rivers and harbors of New Jersey for the last 15 years.

To this should be added a postscript that the fertilizer factories and real-estate projects are not being wholly neglected.

A brief comparison between increasing lake and decreasing river traffic is significant:

Water traffic, 1913.

	Tons.
Ohio River (Eng. Rept., 1913, p. 981)	8,618,360
Upper Mississippi (Eng. Rept., 1913, p. 900)	1,830,264
Lower Mississippi (the lower Mississippi has decreased since 1906, but data is not available; Comm. Corp., 1906, p. 307)	1,719,893
Missouri (Eng. Rept., 1913, p. 941)	249,599
Total (for 3 greatest rivers)	12,418,125
Loss, 21 per cent in 6 years	
Duluth-Superior (average haul, 831 miles; Eng. Rept., 1913, p. 1062)	41,474,776
Milwaukee (Eng. Rept., 1913, p. 1103)	7,779,025
Chicago (Eng. Rept., 1913, p. 1117)	3,664,745
Total three ports' tonnage	52,919,146

Engineer's note to page 1117 states:

The harbor works, while having added about 5,000,000 tons to the river commerce, are now needed mainly to prevent a further loss of the remaining tonnage.

From the foregoing it appears that three lake harbors, two bordering on my own State, have over four times the combined commerce of the three greatest rivers in the country. The Duluth-Superior Harbor has over three times the river commerce. The Milwaukee Harbor equals the Mississippi and Missouri combined.

Appropriations are as follows for 1914:

Ohio River Canal (river and harbor and sundry civil bills)	$9,176,000
Ohio open river (river and harbor bill)	350,000
Mississippi River (river and harbor bill)	9,500,000
Missouri River (river and harbor bill)	2,000,000
Three river appropriations, year 1914	21,026,000

Duluth-Superior and Milwaukee Harbors receive nothing for 1914. Chicago receives $98,170, through river and harbor and sundry civil bills. The three river projects contemplate: Mississippi, $275,000,000; Missouri, $20,000,000; Ohio, $64,000,000; total, $359,000,000.

	Tons.
Ohio, 1905	13,163,656
Ohio, 1912	8,618,396
Total	4,545,260

Decrease, 34 per cent in six years.

Canal, 1906, 1,343,904 tons; amount, $11,427,784.

All but 132,189 tons low-class freight.

Of Missouri River tonnage from Kansas City to mouth (p. 2449), 1913:

	Tons.	
Sand and gravel	185,110	= $158,000
Upper gravel tier	171,240	= 64,489
	13,870	222,489

Mr. Speaker, permit me to give a further brief illustration of the bill's character before I address myself to influences now potent throughout the country which are behind the bill and behind all other bills of like character. An examination of the 1914 measure, for illustration, will show that probably four-fifths of all the congressional districts in the country and four-fifths of all the States have projects which are provided for by the bill. Some of these are shown by the engineers' reports to be good, but many of them are shown by the same reports to be questionable, while others are vicious and ought to sink the barrel.

NORTH CAROLINA'S 26 PROJECTS.

Take North Carolina for illustration. It enjoys the top notch of appropriations. Twenty-five different projects for that State were embodied in the river and harbor bills which passed the House, carrying in aggregate about $1,500,000. One of these projects contemplates an eventual expenditure by the Government of $5,400,000 on a canal that lost over half its traffic between 1909 and 1912, according to the latest Government data. Notwithstanding the proverbial duplications and other inaccuracies found in the data furnished by the engineers, over half of that canal traffic consisted of logs, piling, and lumber that has been floated along the streams during the past century. For every ton of traffic, exclusive of logs and lumber, shipped on that canal in 1912, 1,000 tons were shipped from the Superior-Duluth Harbor, on the border of my home State. This canal gets $800,000 in the 1914 bill, and will eventually get $5,400,000 for a project which would never have been possible to project unaided by political influence.

Added to these 25 projects that go to North Carolina, we are now informed that $1,826,600 has just been added to the House bill and is going into a harbor of refuge at Cape Lookout. When no navigation can be found the compass of the barrel includes worthless canals that are taken over by the Government, and now a harbor of refuge, at an aggregate cost with the canal amounting to over $7,000,000, is found in the 1914 bill. Again North Carolina maintains its proud supremacy in the 1914 bill among the sisterhood of States by totaling 26 different projects.

If time permitted, I would address myself briefly to these two projects just mentioned; but I believe a statement of the facts will be sufficient to put every Member on inquiry. It is passing strange that now, when the coastwise trade is being carried on by large vessels largely owned by great railway systems, we are called upon to waste $1,826,600 on the bleak, deserted North Carolina coast, shunned alike by seamen and by people generally. I have explained my own knowledge of actual conditions along that coast from having lived there while in Government employ and, further, by reason of information received from men familiar with the facts.

Returning to the remaining 24 North Carolina projects, we meet with the old familiar North East River, that, after swallowing up $38,375, has secured a depth of 1 inch in the channel at the head of navigation. It may be remembered that the engineers' report further shows that this project is to help out two or three fertilizer factories farther down the river. A brief discussion was given this river during the debate, when I presented House Document 1356, Sixty-second Congress, and the Army engineers' report for 1913.

Then, there is the familiar Scuppernong, down in North Carolina, that gets $33,800 for snagging, and Deep Creek, which the engineer estimated carries an annual commerce reaching possibly 2,000 tons, according to House Document 1362, Sixty-second Congress. Then, too, there is Lumber Creek, another of the 26 petty projects which the Board of Engineers refused to recommend, but was finally fixed up by Gen. Bixby, who overruled the findings of the board, for suggestive reasons.

Bennett Creek, which, according to the reports of engineers, varied 2 feet with the wind, will be remembered because Newbegun Creek, another of the 26 North Carolina projects, varies 4 feet when the wind blows up that creek. All these projects were referred to in the discussion and conditions presented in my remarks of March 24, found on pages 5413–5415 of the CONGRESSIONAL RECORD.

OTHER INTERESTING PROJECTS.

If time permitted, I would be pleased to present the facts shown by the engineers' reports concerning Fishing Creek and Contentnia Creek and Smiths Creek and Swift Creek and Shallotte Creek, and other creeks found among the 26 North Carolina projects contained in the 1914—but time prevents.

Need I suggest, Mr. Speaker, that it may be hard for anyone especially interested in 26 projects contained in the 1914 pork barrel, or even in a lesser number of projects, to completely disassociate himself from 26 hungry mouths of creeks and canals, all pleading for Government money. I do not criticize anyone for being so unconsciously influenced, but I do believe that 26 different projects—or, in fact, any large number of projects—belonging to any one State when found in the 1914 barrel would cast a glitter of golden sunshine upon the rest of the $93,000,000 contained in that same barrel, irrespective of its objectionable size and odor.

If time permits, I will be glad to refer to several of the items contained in the bill which have been added since it left the House; but I now desire to call your attention to another phase of the question which is, in my judgment, of far greater consequence to the country at large and of vastly more importance in its far-reaching influence.

Mr. Speaker, I am not now discussing the demerits of the lower Mississippi River "humbug and steal" which was considered in my remarks on June 3, but an effort has been made to show the character of organizations and to give reasons why Congress should inquire as to influences behind the bill. It would seem to me that I have furnished enough information to at least arouse Congress, here or at the other end of the Capitol, to demand an inquiry; but be that as it may, I am persuaded that the best way to secure results is to keep adding to the fund of information, which might be quickly enlarged if we should subpœna witnesses as proposed in my resolution.

In order to offer further inducements toward securing such an investigation, I desire to present to the House a report, with accompanying letter, which comes to me from an authoritative source and which illuminates to a remarkable degree some of the influences, secret in character, that are to be found pushing the pork barrel:

REPORT OF THE BOARD OF DIRECTORS OF THE ATLANTIC AND GULF COAST DREDGE OWNERS' ASSOCIATION, MARCH 13, 1901.

To the Atlantic and Gulf Coast Dredge Owners' Association.

GENTLEMEN: In accordance with the constitution, rules, and by-laws of this association, your board of directors, through your president, present for your consideration herewith their report for the year ending February 13, 1901, adding thereto such recommendations and suggestions as your board have considered during the past year.

The year just closing the eighteenth year of the association and the years since its organization have been marked by constant and faithful effort to promote, through the means of general work and enterprise, everything that will make for the good of every operator enrolled in its membership. Measures have been constantly brought to our attention and every effort made to uplift our business and protect it in all proper and legitimate channels.

These efforts have been more or less successful, but always along the line of an earnest endeavor to conserve the real interests of our business.

During the past year your board have especially taken up for consideration the question of its department for fixing prices on work and the allotment of work through the commissioners of that department, and have carefully studied the problems which present themselves in connection with that line of work.

The department in question was not originally contemplated by the founders of this association, nor was it intended as any part of the work for which the association was formed.

The organization had its origin in the recognized desire of many operators in the dredging business for effective cooperation in many important fields of work, where the general interests of their business had long been neglected. It was felt by the progressive men who had invested large amounts of capital in this business that an organization of operators could be effected by the Atlantic coast, whose duty and object would be the closer affiliation of operators, and the combination of the talent and energy in the business for the promotion by all lawful means for the advancement of their business, and to present a united front, supported by united resources, to meet and overcome any and all obstacles then existing or thereafter appearing.

IN UNION THERE IS STRENGTH.

It was the old and tried principle, to wit, "In union there is strength" and "A house divided against itself falls," and the keynote of all successful organizations must be that very same principle. Following this rule, the effort of this association should have been confined entirely to meeting and overcoming obstacles which come from without—fighting the common enemy, so to speak. This would mean the promotion of all measures for urging public bodies to undertake public improvements in submarine work, compelling the enactment of reasonable laws governing our work, and the repeal of obnoxious and vexatious laws; experiments in all branches of machinery and devices used in our business, and a general department for furnishing to each member information desired by him regarding any particular work, or concerning which other members may have knowledge, giving in every way to each member the fullest possible data regarding dredging operations on the coast and the history of each piece of work.

So many measures of general interest and value are included in the work that could be successfully performed by an association to the advantage of its members, and so much can be done in the way of promoting good fellowship amongst them by means of this organization, and also by entertaining prominent and influential men at its banquets and through special committees that enumeration here of all these different and important measures is unnecessary.

Any thoughtful man who is engaged in our business can readily see how important it is that an efficient organization of operators should be maintained to promote measures of general interest and value.

QUARRELING OVER SPOILS.

Some years after the organization was effected an element entered into its work which has almost crowded out all features of general work and has practically turned the association, which was originally formed for general benefits only, into a special organization for the distribution of work and apportionment of contracts. Starting, as it did, in the desire to combine against outsiders, it has ended in combining against itself; and instead of its members standing together to promote the business of dredging in all its general and important details, as the above mentioned, we behold a spectacle of members quarreling one with

the cost of maintenance and the cost of depreciation, the Government could build a railroad on both sides of the Ohio River and carry all the freight along its banks. That would be a good investment, but I believe $64,000,000 is being wasted on a worthless canal. I believe the railroad in Alaska, to which the gentleman refers, will be a success because of the freight it will carry, while the project for the canalization of the Ohio River will never be successful, according to engineers' reports which I have submitted.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. SWITZER rose.

The SPEAKER pro tempore. Does the gentleman, before the request for unanimous consent is put, yield to the gentleman from Ohio [Mr. SWITZER]?

Mr. FREAR. Certainly.

Mr. SWITZER. All I want to do is to ask unanimous consent to extend my remarks.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SWITZER] and the gentleman from Wisconsin [Mr. FREAR] each asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FREAR. Mr. Speaker, before yielding the floor, I again offer to answer any questions, as I did here the other day on two or three occasions, when every floor leader of the House of Representatives sat through my remarks. I shall be very glad to answer the gentleman from Missouri [Mr. BOOHER] and to discuss his $20,000,000 Missouri River project if the House will give me the opportunity.

Mr. BOOHER. It is the only time the gentleman has offered to reply to a question.

Mr. FREAR. Will the gentleman permit me to call his attention to the fact that the RECORD disproves that entirely?

Mr. Speaker, I have been asked to premise my remarks with a restatement of appropriations made in recent years for rivers and harbors. Such statement was presented with my remarks appearing in the RECORD for March 24, on page 5410, and as it is brief I reinsert. Rivers and harbors are cared for in the regular pork-barrel bill and also in the sundry civil bill, which latter bill, now before us, carries $6,990,000 for 1914.

The following appropriations were made prior to 1914:

RAPID GROWTH OF EXPENDITURES.

Notwithstanding the great decrease in navigation on inland waters, apart from traffic on the Great Lakes, river and harbor appropriations have increased in inverse proportion, as appears from the following statement:

River and harbor appropriations, 1875–1913.

1875	$5,218,000.00
1876	6,643,517.50
1877	5,015,000.00
1878	None made.
1879	8,201,700.00
1880	7,846,600.00
1881	8,951,500.00
1882	11,441,300.00
1883	18,738,875.00
1884	None made.
1885	13,949,200.00
1886	None made.
1887	14,473,900.00
1888	None made.
1889	22,397,616.90
1890	None made.
1891	25,126,295.00
1892	2,951,200.00
1893	21,968,218.00
1894	14,166,155.00
1895	20,015,180.00
1896	11,462,115.00
1897	16,244,147.00
1898	20,832,412.91
1899	14,627,440.56
1900	25,110,038.94
1901	16,285,605.75
1902	7,046,927.00
1903	32,540,199.50
1904	20,233,150.00
1905	10,872,200.00
1906	28,729,067.41
1907	17,254,050.04
1908	43,500,815.00
1909	18,092,945.00
1910	29,190,264.00
1911	49,380,541.50
1912	40,559,620.50
1913	51,115,880.00

In arriving at the actual amount spent and obligations incurred by Congress in 1914, according to the river and harbor bill as it passed the House, the future obligations incurred by the House for which initial appropriations are made, the amounts added, as announced by Senator SIMMONS, of North Carolina, in the bill reported out of the Senate committee, and the amounts contained in the sundry civil bill, now before the House, we find the total to be as follows for 1914:

House, cash appropriations, river and harbor bill	$43,289,004
House, future obligations, river and harbor bill	22,867,871
House, sundry civil bill	6,990,000
Senate increases to the river and harbor bill	10,352,600
Total	93,529,475

This amount is subject to further increases before both bills are returned to the House.

The 1913 Report of the Chief of Engineers, page 30, states total river and harbor appropriations to that time for all purposes aggregated $789,288,614.45. It is difficult to ascertain the exact proportion of this amount that has been poured into the rivers of the country, but one river, the Mississippi, pleads guilty to having received $144,000,000, as nearly as can be determined. Neither should it be overlooked at the outset that the rivers of the country, according to Government statistics which I have heretofore quoted, have lost 80 per cent of their traffic within the past 25 years. This statement does not apply to Great Lakes traffic, nor is accurate data available as to the Ohio River. From the engineers' reports, to which I have referred heretofore, the Ohio lost 34 per cent of its traffic from 1905 to 1912. I present this side of the ledger in order to show what it has cost the Government during a half century of wasteful giving to lose 80 per cent of its river traffic. The engineers' tables from which these deductions are made were set forth in my remarks contained in the RECORD for April 10 last.

Before addressing myself to the influences behind the 1914 bill I desire to add that Report No. 300, part 1, Sixty-third Congress, second session, prepared by the House committee on the 1914 bill, further states that when that bill passed the House the Government was obligated to appropriate in the future $305,500,000 for adopted projects for which initial appropriations had been made (p. 5). Other future obligations are mentioned in that report, but the most significant statement made in connection with the bill came from Chairman SPARKMAN in his address on March 17, when he said:

PROJECTS COSTING BILLIONS OF DOLLARS.

But what of the cost? That is another pertinent question. Of course it is difficult, Mr. Chairman, for us to determine now or for anyone to say just what the future cost will be, and yet I believe that unless we are to embark upon some wild scheme of waterway improvement not connected—or, if connected at all, very remotely—with legitimate river and harbor work—I say unless we are to embark upon some such wild scheme I believe it is possible to approximate within reasonable bounds the cost of river and harbor improvement in this country within the next 25 years. Of course, if we enter upon other works having no direct or necessary relation to navigation, there is no telling where we will land. Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and the carrying out of which, it is said by competent engineers, would cost billions of dollars. But assuming we are to pursue a safe and sane policy such as we have been pursuing for the past several decades, then I believe it is easy, or at least it is not very difficult, to approximate within reasonable bounds as to what the Government will be called upon to expend in the near future, by which I mean in the next quarter of a century.

We have on the books to-day, including those taken on in this bill, about $300,000,000 of projects, $150,000,000, in round figures, or half of it, being for four rivers—the Mississippi, the Ohio, the Missouri, and the East River in New York, the last named, however, only requiring about $13,000,000 to complete. The work on these four streams, if the plans laid down by the engineers are followed, is to extend over a period ranging from 8 to 25 years; perhaps a little beyond that. The other $150,000,000 will likely be required during the next 8 years; that is, if the plans of the engineers are carried out. Of course there will be other projects; but we must remember that there are yet other projects still on hand and yet to be considered. There were before our committee about $500,000,000 of projects submitted within the past two years besides the $38,000,000 we have adopted in this bill. I do not know that all of those will meet with favorable consideration in the future; the chances are they will not; but if they should all be adopted, the amount, including those adopted or recommended in this bill, will reach $350,000,000.

Mr. Speaker, request was made and granted to the gentleman from Ohio [Mr. SWITZER] for unanimous consent to answer statements I have made to the House on one of the large projects relating to the Ohio River. It is a matter of regret that time can not be accorded every Member to discuss these projects, and I welcome a full understanding of every project which has been criticized. **If any misstatement of fact has occurred, it is unintentional and I am ready to accept any correction offered from official data. In the several discussions held I have endeavored to support every statement of fact with undisputable data taken from the engineers' reports.**

In ascertaining the amount of river traffic such data is unreliable because of reasons given by the engineers of many duplications of the same identical freight. I have pointed out this weakness in several instances, but ordinarily, for purposes of computation, have accepted the engineers' reports, irrespective of tonnage, distance, character of freight, and probable

duplications. The conclusions drawn from such data have appeared to me more than just to the bill's apologists, and in no case have I been governed by any conscious prejudice because of locality or other extraneous influence.

If many Members agreed with all my conclusions, we would have no river and harbor bill drawn along the lines of the 1914 bill; but I believe, from statements made to me by many Members, that the controlling desire is to preserve local projects demanded by constituents, even at the cost of supporting others that are unworthy.

It is a locality bill in every sense, and the appeal for its support is not based on the general good to be derived from the bill, but from personal interest possessed by the individual Member in the individual project.

Whatever may be said in excuse of the bill, either here or elsewhere, every well-informed Member understands this to be a fact.

Corrections in any misstatement will be welcomed at all times, because I have no interest to serve excepting that represented by every other Member of the House.

CONSTITUTIONALITY IN DOUBT.

The subject has many angles that are of decided interest, ranging from the questionable constitutionality of diverting public funds for local and oftentimes private use to the justification for its use on different projects. When water transportation companies are owned by or closely related to railway systems, the right of the Government to aid such companies where the transportation is so monopolized can not be justified. Where water-transportation companies exclusively control and monopolize the waterway or service, Government aid to the monopoly is equally objectionable. Where the harbor facilities are monopolized by private interests, whether corporate or otherwise, the Government is serving no apparent public use in improving that harbor. Where the municipality owns the harbor rights, but leases all available wharves for the benefit of the city exchequer, the monopoly is no less exclusive. Contributions from localities in rare cases ought to be changed to contributions with rare exceptions.

To pull down and not present any constructive substitute would be unwise and of no avail. The defeat of the 1914 bill at this session is only to meet the same bill at the next session. Greedy constituents, hungry dredging companies, interested transportation companies, and numerous other powerful influences will always be at work as long as the present system prevails. Until that system is changed no lasting improvement will result. Under present conditions no amendment can be passed striking out objectionable items, no matter how vicious or inexcusable. The barrel must stand as built or it is liable to fall to pieces.

To propose any specific bill or law changing the system would be both presumptuous and futile on my part. Any definite plan should be carefully worked out before its passage could be safely urged. Whether the Interstate Commerce Commission or some other independent strong board should have the control of the river and harbor work is a matter for consideration. No scheme can be devised that is weaker than the merry-go-round now existing between the Congressman's survey, the engineer's report, the Congressman's project, the engineer's approval, and the Congressman's appropriation carried out by the engineering department.

A cursory examination of reports shows politics, political pull, and political plunder surrounding the bill, with the Engineer Department made the instrument which unlocks all the combinations. That department should be relegated back to engineering work. At the present time it is supposed to serve as a buffer to the pork-barrel grab; but every intelligent Member knows that when the engineers refuse to favor a scheme, however worthless, political pull generally overturns all scientific difficulties standing in the way. Engineers and engineering departments are dependent upon the favor and influence of those whose case they judge. Think of a judge trying to preserve an impartial state of mind when the litigant before him can make or unmake his future.

The engineers should do engineering work, and the board having jurisdiction of the rivers and harbors work should be removed as far as possible from political pressure.

No law can be passed bringing about this desired result until a thorough public investigation is had, opening wide the present corrupting system. When the searchlight is let in on the barrel and the influences behind the barrel are known, some change will be made in conditions; but to defeat the 1914 bill, or any other bill, and be content with results, is to lop off one tentacle of the octopus.

Neither will it avail anything to defeat the bill temporarily, and thereupon seek to pass a bill changing the system. To defeat the bill is necessary; but the only chance to permanently smash it is by an investigation such as I have demanded. It will come some day, because corrupt things have no place in a representative body, and soon the end must come. The domination of railway influences in this body was supreme a dozen years ago. The controlling influence of monopoly has not long been thrown off, but it has been thrown off, and for all time. The pork barrel is a relic of railway domination and of monopoly control, with this added dangerous element, it offers a pretext that appeals to the community that gets the "improvement."

VICIOUS 1914 PROJECTS.

Mr. Speaker, special interests have a directing hand in framing river and harbor bills, if we are to judge from the Government reports. Fertilizer factories, oil interests, and real-estate projects are all vitally interested in the 1914 bill. The engineers' reports (House Document No. 43, Sixty-third Congress) show that after spending $65,647 for Matawan Creek, N. J., this year we are putting into that same creek a $72,000 appropriation to benefit several factories. In support of this statement I quote from the RECORD of March 21 last:

Mr. FREAR. That is the kind of a harbor we are to appropriate $72,000 for, after spending $65,000 in order to serve, as the report apparently indicates, several manufacturers or people who have fertilizing establishments. I ask if that is correct?

Mr. SCULLY. That is correct.

Mr. FREAR. If that is so, then I offer the following amendment which I send to the Clerk's desk.

The Clerk read as follows:

"Page 10, strike out all of lines 3, 4, 5, and 6."

Amendment rejected.

Mr. SCULLY is a member of the Rivers and Harbors Committee from New Jersey.

Shoal Harbor and Compton Creek, N. J., caught the spirit of 1914, and, after an expenditure of $48,401.27, this project gets in the 1914 bill $50,800. No public docks are located on the project, according to the engineers' report, but House Document No. 40, Sixty-third Congress, shows a private dock in existence which belongs to J. H. Smith & Co., manufacturers of fertilizer and fish oil although its facilities are not open to the public. A new fertilizing plant has been built; and this $50,800 is to be spent, according to the engineers' report, for these fertilizing factories.

New Jersey has several luscious slices of "pork" in the 1914 "barrel," and is also demanding $20,000,000 from the Government for a canal from its mosquito district to the stream once crossed in a rowboat by the Father of our Country.

Returning to fertilizer factories in New Jersey and elsewhere, those industries disclose a spirit of activity that rivals the dredgers' organization, or Mr. Fox's best efforts, because all are of the same "state of mind," resulting from the psychology of the 1914 "pork barrel." When an item for $38,375 was reached for Northeast Cape Fear River, N. C., I referred to the 1913 engineers' report, and informed the House that we had already expended $32,050 on this North Carolina creek in order to secure a depth of 1 inch of water at the head of navigation and 5 inches 15 miles down the river. Then to show the absolute folly of this one of North Carolina's 25 projects, questionable and otherwise, in the 1914 bill, I gave to the House on March 23 the following additional particulars taken from the RECORD:

Mr. MUDOCK. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Yes.

Mr. MUDOCK. Does the gentleman mean to say that the only people who will be benefited by this expenditure of $38,375 are private fertilizer companies?

Mr. FREAR. Three fertilizer companies, says the report of the engineer. Of course it is a mighty good thing to have someone here to get those things through Congress, if you want to vote them, but it does seem to me there ought to be a limit to the character of appropriations that are made by this Congress or any other Congress, and I call on the gentlemen on the other side, who have made professions of economy in their platform, to explain the necessity for this appropriation, and to show a better record than is being made on this appropriation bill.

Mr. CALLAWAY. Mr. Chairman, will the gentleman yield?

Mr. FREAR. Certainly.

Mr. CALLAWAY. Does the gentleman not think that possibly the fertilizer companies with whom we were dealing last Saturday dealt with the fertilizer companies of North Carolina and South Carolina, and that they will deal with the fertilizer companies all the way around the coast?

Mr. FREAR. Well, in some way or other fertilization has had a wonderful effect on the growth of the appropriations here. I move to strike out the paragraph.

Amendment overruled.

Mr. Speaker, I am endeavoring to point out the pressure exerted by private interests in filching Government money from the Treasury and can only offer a limited number of items, although the 1914 bill has many such. A few are skillfully con-

ought to be a good reason why we should speedily complete canalizing the Ohio.

The gentleman forgets that at the time he voted $35,000,000 to improve the railway systems of Alaska he did so with the record of the hearings on that bill disclosing that the annual tonnage on nearly all of Alaska's railways had so decreased from the time of their installation that the revenues therefrom failed longer to pay their operating expenses, and in many instances was insufficient to pay the taxes thereon.

I believe that it is shown that one railway had escaped the hands of a receiver, but it was further shown that this railway was supported by the combined wealth of the Guggenheim family. If a decreasing railway traffic in Alaska is a sufficient reason for voting $35,000,000 as an initial relief for the railways of that Territory, why is not a decreasing river traffic a sufficient reason to vote a few millions for the improvement of the Ohio?

Mr. BRYAN. Will the gentleman yield?

Mr. SWITZER. I will.

Mr. BRYAN. I will ask if the gentleman can not defend the Ohio Valley without attempting to bring in Alaska and attempting to insult Alaska and her resources?

Mr. SWITZER. I yielded for a question. I did not understand that the gentleman wanted to interject remarks into my speech.

Mr. BRYAN. That is a question I asked—if you can not defend the Ohio River without insulting Alaska and her resources?

Mr. SWITZER. Ohio has been insulted by a Representative who voted for and supported the Alaskan bill.

Now, Mr. Speaker, I will confine myself to my subject, and thereby probably get through sooner:

The volume of the future railway traffic of Alaska is purely a speculative proposition. Its total white population is about 36,000, scattered in mere handfuls over an area of 600,000 square miles. There must be an immense immigration to that region before any substantial increased railway traffic there can be hoped for.

Compare the Alaska situation with the Ohio Valley, if you please. Three million people reside upon and near the banks of the Ohio. A large part of eight great States, containing more than one-fourth of the population of the Nation, are drained by this stream and its tributaries. Upward of 200,000 coal diggers mine the bituminous coal of this region. Thousands and thousands are engaged in the immense lumber industries carried on within the confines of this district. The thousands and thousands of coke ovens and hundreds of manufacturing plants of every description and character give employment to hundreds of thousands of men. At the head of this stream lies the great Pittsburgh and Wheeling manufacturing district, which alone initiate a tonnage for transportation running up into the hundreds of millions of tons. There is no need of a further immigration to this region for the purpose of operating the immense industries to which I have just referred, especially during this era of business and industrial depression. The tonnage of this region is already created, an actual reality, and not an Alaskan dream, not a psychological apparition. It is well known as the greatest industrial region in the world. In order to increase the annual tonnage carried on the Ohio River it is only necessary to divert a few million tons from the railways to the water.

But when the increased prosperity arrives that we anticipate upon the opening of the Panama Canal there will be a still larger demand for an efficient water route from Pittsburgh to New Orleans to meet the increased demands for additional distribution facilities.

The Ohio River, and in its crippled condition, in the past, as borne out by statistics, has been a great factor in compelling the railways paralleling it to reduce their freight rates and keep the same at a reasonable figure. The benefits already accruing to the people of this region and the Nation can not be calculated.

I desire to state at this point that in using the Alaskan proposition as an illustration in this talk I do not want to be understood as impugning the motives of any Congressman who voted for the Alaskan bill or that I am censuring the people of Alaska for seeking financial assistance from the Government. On the other hand, I desire to congratulate the people of Alaska for exercising their good judgment in sending to Congress their present able and capable Delegate [Mr. WICKERSHAM], who has, single handed and alone and without assistance from any source other than a few words of encouragement uttered by the President from the throne, succeeded in landing for his constituency the largest donation his people will probably receive in scores of years to come.

But I feel that it ill becomes any Representative who has voted for the proposed stupendous internal improvement in Alaska to now object to further appropriations to complete a great internal waterway improvement, nearly half completed, in the very heart of the Nation. [Applause.]

Since the clearing up of the country and possible changes in climatic conditions, which in the past 25 years have rendered the navigable flow of the Ohio so uncertain as to destroy the trade once built up by the numerous steamers that at one time plied on the waters of this stream, and which has greatly jeopardized the lives of the employees of coal companies and their property while in transit on its waters, it is impossible for those engaged in river navigation to build up and hold a trade sufficient to defray the expenses of navigation and numerous losses.

Years ago the people of the Ohio Valley, believing that the canalization of this stream securing a depth of 9 feet the year around would enable steamboat lines to make regular trips from Pittsburgh to Wheeling, Cincinnati, Louisville, and Cairo and maintain a definite schedule of time for arrivals, and that thereby a large passenger and freight trade could be built up and maintained by such lines and a water route 1,000 miles long, paralleling numerous railway routes, could be thus maintained for the certain transportation, especially of the heavy commodities—coal and iron—at the lowest cost anywhere in the world, petitioned Congress to embark in the present project for improving the Ohio.

Congress appointed a special board of Army engineers to investigate the proposition, and this board, after a preliminary survey of the stream and making a thorough investigation of the whole matter, and after their work had been inspected and supervised by the Board of Engineers of Rivers and Harbors, and extensive hearings held at all the important points along the Ohio River, reported in favor of the present project. The report contains the following comment:

> In making this recommendation the board realizes that it is suggesting a plan for river improvement on a scale not heretofore attempted in this country, but it believes that there will probably be in the near future a popular demand for the improvement of several streams on such scale. On account of the large commercial development of its shores and its connection with the lower Mississippi, now maintained in a navigable condition, the Ohio River is, in the opinion of the board, the one river of all others most likely to justify such work.

The scheme recommended and adopted by Congress purposes the construction of 64 locks and dams from Pittsburgh to Cairo at an estimated cost of $64,000,000. I believe that 7 of these locks and dams have been completed, 26 are now in the process of construction, and that there are 22 or 23 as yet untouched. The original scheme was to complete the project within 12 years, and, if carried out, the construction of the remainder of the proposed dams must be commenced within the next three or four years, as it will require some three or four years to erect the large dams in the lower part of the stream. One-third of the $64,000,000 has been appropriated and expended, and now, at a time when nearly one-half of the work has been completed, up rises the gentleman from Wisconsin, who says that we ought to stop and leave that vast amount of stone and concrete work which we have placed in the Ohio River as a monument to the stupidity and ignorance of the millions of people who inhabit the Ohio Valley, as well as to the Congresses which appropriated the money for such construction.

It will be impossible to at this time predict what increased tonnage will accrue by reason of the canalization of the stream. The work so far done, standing by itself, would be of little value—like a long chain, its strength is not much greater than its weakest link—all the locks and dams will have to be constructed and available for operation before we can begin to compute its possibilities.

Mr. FREAR. Will the gentleman pardon me for a correction?

Mr. SWITZER. Mr. Speaker, I decline to yield.

The SPEAKER. The gentleman from Ohio declines to yield.

Mr. FREAR. I wish to make a correction in my own figures. They should be 41 instead of 29, according to the reports of the engineers for 1912.

Mr. SWITZER. The gentleman from Wisconsin boasts of the annual 41,000,000 tonnage of the Duluth Harbor, but he should bear in mind that the tonnage of his harbor would dwindle into insignificance were it not for the Soo Canal, which was constructed by the Government at millions of dollars of expense. The tonnage of the Soo Canal last year is estimated at 72,000,000 tons; the first few years after its opening it was only from four to ten million tons per year. By annual appropriations of millions of dollars on the part of the Government the gentleman from Wisconsin is able to have coal transported from the ports on Lake Erie to Duluth and Superior for 30

to 35 cents a ton, and by reason of these immense expenditures on the part of the Government the people of his State and of Michigan and Minnesota are enabled to market throughout Ohio, Pennsylvania, and West Virginia their millions and millions of tons of iron ore, some of which goes to make up his 41,000,000 tonnage for the Duluth Harbor. The gentleman from Wisconsin, of course, makes no complaint of the immense benefits his State receives and enjoys by reason of the expenditure of millions of dollars on the Great Lakes and their connecting links.

He and his constituents want the coal of the Ohio River Valley just as cheap as they can get it, and they must have an exceedingly cheap freight rate for the long haulage necessary to market their iron ore. But when it comes to providing cheap transportation facilities for the great Pittsburgh and Wheeling manufacturing district, which initiates annually hundreds of millions of tons of freight and which has been hampered during the past years of great Republican prosperity by a serious railway traffic congestion, he does not see his way clear to vote a few million dollars to provide a permanent water route from Pittsburgh down the Ohio and Mississippi Rivers to enable a great consuming region of Wisconsin's products to find a market for its products on the Pacific coast and in the Orient.

If this selfish spirit prevailed to any considerable extent among Members of Congress, improvement of our inland waterways would come to a standstill and the progress of our country be seriously retarded. But, happily for the Nation, the overwhelming majority of this body desire to make it possible to transport coal and iron and the innumerable products of iron 2,000 miles down the Ohio and Mississippi at an expense not exceeding 50 cents a ton.

The gentleman from Wisconsin seems to be charmed by the tone of certain articles recently appearing in newspapers and magazines approving his attack on the river and harbor bill. After three years of service as a Member of Congress, I have come to regard many of such performances as being of a self-serving character. The Congressman finding his name in print in a newspaper or magazine of large circulation feels himself highly complimented, and scarcely ever fails in turn to compliment the magazine or newspaper, and in this way they establish a sort of "mutual admiration society." The gentleman states that the Saturday Evening Post demands an investigation. In reply to this, I desire to say that the Ohio River project has been thoroughly investigated by a special Board of Army Engineers and by a Board of Engineers of Rivers and Harbors, and that extensive hearings were held by the Rivers and Harbors Committee of several Congresses before it was adopted.

The gentleman states that enough money has already been expended on the Mississippi River to build a railroad on both sides of the stream from Minneapolis to the river's mouth. I beg to state that if there had not been exercised some control over the waters of the Mississippi River in the past that it would have been impossible to have constructed hundreds and hundreds of miles of the railways now traversing the Mississippi Delta. And, in fact, there would have been no use to have built hundreds and hundreds of miles of the railways we find there to-day, as the region which now supports them would still be a dismal swamp. One of the strongest advocates for governmental control of the waters of the Mississippi who came before the Rivers and Harbors Committee at this session of Congress was the president of the Iron Mountain Railroad—Mr. Bush, of St. Louis, Mo.

How many miles of the 3,700 miles of railway in the delta would be there to-day if the Government had failed to make the expenditures referred to by the gentleman from Wisconsin, and the people of the Mississippi delta had not contributed $67,000,000 of their own money in this effort to properly control the waters of the river? If these expenditures had not been made, it is doubtful whether there would have been exceeding 1,500,000 acres of land in cultivation, of the 3,500,000 acres being cultivated there to-day.

If the present project for controlling the waters of the Mississippi is carried out, it is estimated that 12,500,000 acres of land of the 16,000,000 of waste land of the delta to-day will be capable of cultivation and its fertility and productiveness will be unsurpassed any place in the world.

The gentleman from Wisconsin fails to see the yearly increase of hundreds of millions of dollars to the assets of the Nation, and which will finally run into the billions, accruing from the expenditures on the Mississippi River.

If he is sorely troubled as to the future tonnage transportation on the lower Mississippi, we of the Ohio Valley assure him that upon the proper canalization of the Ohio River there will be a continuous procession of coal fleets from that industrial region coursing their way down the Mississippi River, and that numerous water craft will be found continually going to and fro from the mouth of the Ohio to the mouth of the Mississippi. [Applause.]

Mr. FREAR. Mr. Speaker, I ask unanimous consent to speak for a few minutes, in reply to the gentleman from Ohio, who has just spoken.

The SPEAKER pro tempore. The gentleman from Wisconsin asks unanimous consent to speak. Is there objection?

Mr. BOOHER. Mr. Speaker, reserving the right to object, the gentleman has already made two long speeches upon this subject, and he refused to yield to an interruption on either one of those times. He was asked by three or four members of the Committee on Rivers and Harbors if he would yield to an interruption, and he refused to do so.

Mr. FREAR. Pardon me; on what day did this occur?

Mr. BOOHER. I do not recall now on what days you made your speeches. I think that two-thirds of the members of the Committee on Rivers and Harbors asked you to yield to interruptions, and you refused to do so, even to answer a question that might be asked. However, so many of my friends think that I ought not to object, I will not do so now.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. FREAR. It is immaterial to me, Mr. Speaker, whether the gentleman from Missouri raises an objection or not. I think I shall be able to get into the RECORD without his aid.

I am here to-day against the doctor's orders. I understood an answer was to be offered to comments I have made on the Ohio River canalization scheme. I expect the gentleman from Ohio [Mr. SWITZER] could not say anything else than what he has just presented, and it will read well to his constituents if they do not know the other side of the case. When he goes before his constituents with the statement which he has made here, if he should ask them how many people in Ohio are receiving one cent's worth of benefit from this Ohio River canal, he will find he can count them on his fingers. I wish he would bring that record back here to the House.

Mr. Speaker, I have discussed the Ohio River at two different times, based upon the engineers' reports, not upon theory or upon generalizations which characterize statements just made by the gentleman from Ohio. Those engineers' reports can not be successfully denied. I can only speak of the Ohio River briefly now, but the engineers' report says that in the case of the Ohio River 34 per cent of the tonnage has been lost between 1905 and 1912, or in seven years, and this data I have quoted and given you the page on which it is contained in the record. The reports have shown further that the total traffic on the Ohio was 13,000,000 tons in 1905, 11,000,000 tons in 1906, 8,000,000 tons and a little over in 1912, and of that 8,000,000 only about 10 per cent went through the canal at Louisville.

Mr. SPARKMAN. I would like to make the suggestion that the statistics for 1912 only covered nine months.

Mr. FREAR. Assuming that to be true—and I accept the statement of the gentleman—that is true practically every time, because there are three months of the year——

Mr. SWITZER. Will the gentleman yield? Does not the gentleman know the river has not yet been canalized?

Mr. FREAR. Mr. Speaker, I know that a number of locks have been constructed, and I have read the engineers' reports very thoroughly. I have satisfied myself as fully as has the gentleman. I am prepared to show that only about 1 per cent of high-grade freight to-day, as I have stated in my remarks, goes through the canal system of the Ohio River, and that freight costs the Government $45 per ton. We are confronted with this fact here, that $5,000,000 has been appropriated in the 1914 river and harbor bill for the canalization of the Ohio River. In this sundry civil bill before us to-day $4,176,000 is added, and that does not include the $350,000 which goes into open-river channel improvements. I have no fears if anyone will make an investigation of this subject but that he will come to one conclusion, except where he has some venture of his own which he is anxious to put through with this bill. I say this in all kindness to every Member of this House.

I have avoided personalities and I will continue to do so, because I realize the pressure brought to bear on individual Members. I have no criticism to make against any Member, and I care not who criticizes me. I believe I am doing my duty, no matter what inference the gentleman from Ohio may draw as to my motives. My motives are sincere, and I think my course will be approved before I have been long in this House. With the appropriation now asked for this canalization scheme, with

as this measure now stands it is the most important and beneficial codification which has been made. I do not think there is a solitary amendment placed in the bill but that can be readily enacted into law. I do not think it will be necessary when the bill gets into the House to ask for a separate vote on a single amendment.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. This section is the repealing section, and one of the statutes that this section involves is the statute in reference to the arrest of seamen. I am going to speak for a minute on this feature here. I did not quite finish before. Here is the plank in the Democratic platform which I referred to and wanted to read a while ago. Now, while you are repealing the statute, I hope that the Democratic membership will conclude to keep it repealed. Here is the sacred text of Democracy. Will not you Democrats heed it?

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion in violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

"Such laws are un-American." How can the Democratic Party escape conviction on the charge of itself being un-American if it enacts this law for arresting seamen for deserting, which it has so plainly declared is an un-American law?

Mr. Chairman, I say that is not politics; that is the Constitution of the United States that the platform referred to, and it pledges the party to repeal those statutes. What good is it if you repeal it as you are doing in this pending section and reenact it in stronger terms? Of course, we all agree with what the gentleman from Illinois [Mr. MANN] said a moment ago. We have learned during our intimate relationship with the chairman of the committee, Judge WATKINS, to love him, because he is worthy of our love and confidence and respect for his ability and the way that he has done things during the consideration of this bill. That is all right. We join with the gentleman from Illinois in all that; but can not I ask the gentleman from Louisiana to reconsider his objection, to revert to that section and obey this plank in the platform of the Democratic Party, and not let the records show that he, the chairman of one of the great Democratic committees of this House, opposes the repeal of the law the party pledges itself to repeal? You did pledge yourself to repeal this law, and the seamen of this country and the friends of the seamen of this country and just men everywhere are demanding that the Democratic Party do it; but it is more than probable that this is going to be the only statute passed this year which will involve this subject, and yet you are enacting the "un-American," "unconstitutional" law all over again.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. MANN. As I understand, the Democratic platform promised a repeal of the act providing for the arrest of seamen.

Mr. BRYAN. That is what I read from their platform.

Mr. MANN. Is not that being complied with by this repeal provision? Is there anything in the platform respecting the enactment of a new law?

Mr. BRYAN. Oh, yes; that is another case of molasses to catch flies.

Mr. MANN. Is not that the way the rest of the platform is construed?

Mr. STEPHENS of Texas. Mr. Chairman, does the gentleman believe that we can repeal a treaty here to-day?

Mr. BRYAN. Oh, no. I merely ask that you repeal a law and enact a new one.

Mr. STEPHENS of Texas. Is not this law founded on treaties upon this language:

SEC. 373. On application of a consul or vice consul of any foreign Government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such Government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, United States commissioner, justice, or other magistrate having competent power, to issue warrants to cause such person to be arrested for examination.

Is not this act based on treaties with foreign Governments, and would the gentleman violate those treaties, and can we now abrogate treaties of that kind?

Mr. BRYAN. Mr. Chairman, the platform especially took up that question of the treaty, and a lot of campaign orators out there on the Pacific coast, speaking for the Democratic nominees against their opponents, urged that the Democratic Party was not going to be bound by any such treaties as that, and they read the platform for proof. The platform says such laws are un-American and unconstitutional; therefore they are void. Of course we have the right to abrogate and ignore such treaties.

The CHAIRMAN. The time of the gentleman from Washington has expired.

The Clerk read as follows:

SEC. 341. This act shall take effect and be in force on and after January 1, 1915.

Mr. BOOHER. Mr. Chairman, I move to strike out the last word. I want to extend my thanks and the thanks of the Democratic side of this House to the leader of the Progressive Party of the Republican side of the House for the great interest that he takes in the welfare of the Democratic Party.

Mr. BRYAN. I beg the gentleman's pardon, but the leader is not present.

Mr. BOOHER. Without the gentleman's sympathy, and without the gentleman's aid, I am inclined to think the Democratic Party would go to ruin, and I am sure it would go to ruin if it followed his advice very much. The gentleman in his first statement of this plank in the platform led the House to believe that the platform applied to the deserters from the Army and the Navy of the United States, and that the Democratic Party in its platform had pledged itself to repeal all laws for the arrest of deserters. When he now reads it he finds that it does not apply to deserters at all, but that it applies only to seamen who are arrested and taken off vessels because they have violated a contract, and the party declared itself in favor of the repeal of such laws, and this law we have just passed repeals that.

Mr. BRYAN. I hope the gentleman will yield to me long enough to deny that I made that statement. I made no such statement with reference to deserters of the Army and the Navy.

Mr. BOOHER. The gentleman said deserters, and he did not qualify it at all, and that word is broad enough to cover them all.

I want to say to the gentleman from Washington that he will have all that he can attend to if he attends to the wants and needs of the Progressive Party in this country. He need not come over to advise us. I would rather take the advice from the leaders on this side of the House. I think they are better qualified to give disinterested advice to Democrats.

Mr. BRYAN. But I read from the gentleman's own platform.

Mr. BOOHER. I shall not attempt to advise the gentleman or any members of the Progressive Party. They have their leaders, and should follow their advice. I shall not take or accept the construction put upon any plank of the Democratic platform by the gentleman from Washington, because I do not think he is broad enough in his exposition of these matters to give the planks of anybody's platform except the Progressive platform the true meaning that should be attached to them, and he could not give the true meaning of that platform, because it covers everything in the earth above and the sea below, and it means nothing after you have read or considered it. The gentleman ought to construe his own party platform and ought to look after the interests of his own party and let Democrats look after the interests of the Democratic Party.

The legislation that the gentleman favors has already passed this Democratic House, and we hope to see it become a law before the end of the Sixty-third Congress.

Mr. STEENERSON. Mr. Chairman, it seems to me the gentleman from Washington [Mr. BRYAN] is correct in saying this bill violates the Democratic platform. The Democratic platform was framed with a view to indorsing the seamen's bill which was passed in the Sixty-first Congress and which is now, I believe, on the calendar, which seeks to abolish involuntary servitude at sea and abolishes the arrest of seamen on foreign vessels and their return to those vessels for compulsory service. That undoubtedly is intended to be repealed by the seamen's bill, and the treaties which require such legislation are expressly abrogated in that seamen's bill. And when we here reenact that legislation it is in the direct teeth of the Democratic platform, and I think the gentleman from Missouri, who made this motion to strike out the last word, is mistaken when he says it does not violate it. The plank of the Democratic platform for 1912 in reference to this subject reads as follows:

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

That had reference to sections 15 and 16 of the seamen's bill then pending, and which failed because not approved by President Taft, which read as follows:

SEC. 15. That section 5280 of the Revised Statutes of the United States be, and is hereby, repealed, and that section 4081 be amended by adding at the end thereof the following proviso: "*Provided*, That this section and the foregoing sections 4079 and 4080 shall in no case be held or construed to require or authorize the arrest, imprisonment, or delivering up of any deserter or deserting seaman to the vessel from which he has deserted, unless the application in writing required thereby shall allege, and on examination it be made to appear, that such deserter or deserting seaman has been guilty on board of such vessel of some act or omission which is a criminal offense under the laws of the foreign nation to which such vessel belongs, other than having withdrawn, or being about to withdraw, himself from the control and discipline of the master and officers of the vessel." That all treaties in conflict with this act be, and are hereby, abrogated, and the President of the United States is required at once to so notify every nation having any such treaty.

SEC. 16. That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

The section we are about to reenact is as follows:

SEC. 373. On application of a consul or vice consul of any foreign Government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such Government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, United States commissioner, justice, or other magistrate having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested, not being a citizen of the United States, shall be delivered up to the consul or vice consul, to be sent back to the dominions of any such Government; or, on the request and at the expense of the consul or vice consul, shall be detained until the consul or vice consul finds an opportunity to send him back to the dominion of any such Government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense his surrender may be delayed until the tribunal before which the case shall be depending or may be cognizable, shall have pronounced its sentence and such sentence shall have been carried into effect.

Now, this is clearly the proper time to carry out the platform pledge referred to, and if you fail to do so it will be up to you to explain.

Mr. WATKINS. Mr. Chairman, I understand all the pro forma amendments have been disposed of.

The CHAIRMAN. They have been withdrawn.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and Mr. CULLOP having resumed the chair as Speaker pro tempore, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15578, and had directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WATKINS. Mr. Speaker, I move the previous question on the passage of the bill and all amendments thereto.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. MANN. Mr. Speaker, I make the point of order there is no quorum present.

Mr. CLARK of Florida. Will the gentleman withhold that for just a moment?

Mr. MANN. I will.

Mr. CLARK of Florida. I just want to ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD on this bill which has just been passed.

The SPEAKER pro tempore. The gentleman from Florida asks unanimous consent to extend his remarks in the RECORD on the bill just passed. Is there objection? [After a pause.] The Chair hears none.

Mr. STEENERSON. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BRYAN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BOOHER. Mr. Speaker, I make the same request.

Mr. STEPHENS of Texas. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. SWITZER] may address the House for 25 minutes.

Mr. WATSON. Mr. Speaker, let me make an inquiry first. I understand that the motion to reconsider and lay on the table was agreed to?

The SPEAKER pro tempore. Yes; it has been disposed of. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Ohio [Mr. SWITZER] may be permitted to address the House for 25 minutes. Is there objection?

Mr. RUCKER. Will the gentleman permit a question? There is another bill to be taken up; so I suggest to the gentleman from Illinois that the gentleman from Ohio can get all the time he wants, if that will be satisfactory.

Mr. MANN. That is a House Calendar bill and not a Union Calendar bill. I did not know the gentleman was in the Chamber, or I would not have suggested that there was no quorum present, which I withheld. I suggest to the gentleman this is a House Calendar bill, and the gentleman would not get time.

Mr. RUCKER. He can get time the same way he can get it now. I will say to the gentleman I am anxious to get on with this bill, but I am not objecting to it and I have not objected to it.

The SPEAKER pro tempore. Is there objection?

Mr. RUCKER. The only point I want to make is this: The gentleman from Illinois will recognize that I want the floor this evening on another bill of importance.

Mr. MANN. The gentleman's committee is on the call next, I think. I have no objection to the gentleman proceeding with his bill.

Mr. RUCKER. I have no objection, then.

Mr. MANN. In fact, I started to make a point of no quorum in order to get the gentleman here, not knowing he was here.

Mr. RUCKER. I want to keep the gentleman in a good humor, and I will yield to almost any suggestion he makes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and the gentleman from Ohio [Mr. SWITZER] is recognized for 25 minutes.

Mr. SWITZER. Mr. Speaker, on June 8 the gentleman from Wisconsin [Mr. FREAR] reiterated his oft-repeated charge that the rivers and harbors bill passed by the House at this session, as well as river and harbor bills passed by previous Congresses, were purely "pork-barrel" affairs, and that the Ohio and Mississippi Rivers were about to obtain more than a fair share of the proposed appropriations.

His tirade impugned the motives of the members of the Ohio Valley Improvement Association and the numerous voluntarily organized societies, composed of thousands and thousands of representative citizens throughout the length and breadth of our land, having for their purposes waterway improvement, and indicted the good faith of that large body of representative citizens from the Mississippi Valley who appeared before the Rivers and Harbors Committee of the House at this session, headed by ex-Senator Percy, of Mississippi, and the Hon. Luke Wright, of Memphis, Tenn., and the Hon. T. C. Catchings, of Mississippi, formerly a Member of this House for 16 years and a former chairman of the House Committee on Rivers and Harbors. In other words, he held out to the country that the people of the Ohio and Mississippi Valleys were the monumental grafters of the century—a most remarkable charge to be made by a Representative of this body who recently voted to take $35,000,000 of the people's money up to Alaska and blow it in on a wild-cat expedition in that land of ice and snow.

The gentleman seemed to be swift to vote $35,000,000 to assist the Alaskan coal miner in securing cheap transportation facilities for his product to the Pacific coast, but he is unalterably opposed to voting a dollar to assist Alaska's only formidable competitor, the great bituminous coal region tapped by the Ohio River and its numerous tributaries, to enable it to obtain cheap facilities for transporting its product to the Pacific coast.

He gives as a reason for refusing an appropriation for the further improvement of the Ohio River the fact that the yearly tonnage transported on this stream has decreased something like 4,000,000 in the last nine years. It seems to me that this

places for election. You complained that it would be the end of State rights and permit the Federal Government to send the Army into the States to control your elections with the bayonet; and your impetuous leader from Alabama, Capt. HOBSON, then declared that "the integrity, the prosperity, and the perpetuity of the United States depend more upon safeguarding the principle of local self-government in the individual States than upon any other principle of government."

But now comes the gallant captain with another constitutional amendment by which he proposes to have the Federal Government go into every State and city and town and regulate their domestic affairs. Capt. HOBSON goes a little further than some of you, but he represents the new centralizing theory of the Democratic Party, especially to employ Federal power in meddling with the business and industry and domestic life of the people. You forget all your old State rights doctrine when you are in control here. You boast that your President has set business free, and we admit that he has set millions of men free from daily labor and the wages that went with that labor. He has built a gallows higher than Haman's and has hanged prosperity. He has assumed the leadership of the Democratic Party, in legislative halls as well as in the Executive office, and has here set aside your own chosen leaders to command the caucus, with invisible government. He has made the Congress of the United States his stenographic corps to write into law what he dictates, and in this he has his eye only on his own old ideas, formulated in the privacy of his study, without taking a comprehensive view of the United States. You and your President have lost sight of the idea of a "government of the people, for the people, and by the people."

There are at the present time 289 Democrats in the House and one vacancy in a Democratic district—Judge Clayton—which will return a Democrat.

On the basis of 290 Democrats, the Democratic majority over all is 145.

A quorum of the Democratic caucus is 146, and a majority of that caucus—74—has the power to make a caucus decree. Several times in this and the last Congress a bare quorum transacted business in the caucus, and it is said that on several occasions business was transacted without a quorum. Anyhow, 74 members, a majority of a quorum, have the power and have exercised it of decreeing what shall be the legislative program and in what form bills shall come before the House. The action of this majority of a quorum in a Democratic caucus absolutely binds the other 216 Democratic members, except the few who, for constitutional reasons or because of promises made to their constituents, as in the cases of the Louisiana Members respecting sugar and Mr. SISSON, of Mississippi, on the currency bill, refused to be bound. The southern Democrats have 35 chairmanships, including Maryland, one of the South Atlantic States.

You were in favor of free silver to put up the farmer's prices and in favor of free trade to put them down. You destroyed the sugar industry of Louisiana and Texas by putting sugar on the free list, because you said it was an artificial and not a legitimate industry and should not be fostered by the Government; yet you appropriate $100,000 in the Agricultural bill to encourage cattle raising and cereal production in the sugar-growing sections of the South.

The Clayton antitrust bill just passed by the House does more to disturb the business activities of the country than any other legislation which has been considered by this or any other Congress during my recollection.

It will be noted that the industrial and financial interests of the North, where the greatest development along these lines has taken place, had no part in the preparation of the legislation which so vitally affects these interests; that no representative of either the Democratic or Republican Parties from north of Mason and Dixon's line was permitted to assist in the preparation of the Clayton antitrust bill. The section of the country represented in Congress by men having experience in business and understanding the country's business needs was ignored in the preparation of this bill, and the subcommittee of the Judiciary Committee which framed the bill consisted of three southern Democrats—Clayton, of Eufaula, Ala.; CARLIN, of Alexandria, Va.; and FLOYD, of Yellville, Ark. Whoever heard of any business being done at either of these places, and is it any wonder that the business of the country is paralyzed with the legislation to regulate it coming from such a source? [Applause on the Republican side.]

Mr. CLARK of Florida. Mr. Chairman, permit me to say that the greatest man who ever made a track upon the earth, who brought more of happiness and of blessing to mankind than any other person who ever trod the earth, did not come from the busy marts of trade. He did not come from New York or Chicago, but He came from Nazareth. The great men in every period of the history of the world, who have wrought mightily for the interests of mankind, have come from the rural districts, the places where people get near to nature and to nature's God. These men have come from the Eufaulas and Alexandrias and Yellvilles of the earth, not from the Chicagos, where the Lorimers hold sway, where a nation has been made to blush with shame and the Senate of the United States has been compelled by the force of the facts to expel from its membership a Senator, coming not from Eufaula, not from Alexandria, not from Yellville, but from Chicago, where they do things, where business is transacted, where the people know how to transact business, and where they make a business of politics and a business of government, and where their patriotism is measured by the dollars and cents flowing into their pockets. Yes, this Democratic Congress has seen fit not to go to Chicago, not to go to the places where Lorimers are produced, but to go to the places where the great heart of the people finds sympathy among those who are reared there, where the people who come from these rural spots have an eye to the interests of the people of the country and not to the dollar changers, not to the money changers, whom Christ scourged from the temple, but out in the rural land where nature smiles, where the people are in constant touch with nature and nature's God. The Democratic Party is proud of that record, Mr. Chairman. We are glad that we went to that region, and not to the soiled streets of Chicago to get these men. [Applause on the Democratic side.]

If the gentleman from Illinois [Mr. MADDEN] will only lift up his eyes from the mud and mire of Chicago and look across the country toward the vine-clad hills of old Virginia, he will see that the rural surroundings at Monticello contributed to the wealth of the Nation the matchless mentality of Thomas Jefferson. If he will only read the history of his country, he will learn that when the Republic was in extremis the eyes of the people were turned toward Abraham Lincoln, the rail splitter of rural Illinois, and not toward some Lorimer of State Street or Michigan Avenue in the great city of Chicago. When the armies of the Union needed a real general, they selected Ulysses S. Grant, the product of a tanyard; and when the soldiers of the Southern Confederacy desired a chieftain of approved ability and great military genius, they selected Robert E. Lee, born, reared, and educated amid pastoral scenes familiar to every country boy in America.

Ah, Mr. Chairman, I would advise my friend from Illinois [Mr. MADDEN] to read the history of his own country and learn that the great majority of the men who have builded and defended this Republic came from the rural districts. Yes; the Democratic Party is proud of the Eufaulas, the Alexandrias, and the Yellvilles which mark its pathway as it has journeyed in its mission to bless mankind. The Democratic Party has never become tainted with the slime of "big business" as it is conducted in the Chicagos of the land by the financial Lorimers who dominate the Republican Party. The Democratic Party is essentially rural; living, breathing, and having its existence near to nature and to nature's God, and drinking deep from the spring of pure and undefiled freedom.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. MANN. What became of the amendment?

The CHAIRMAN. The amendment offered by the gentleman from Maryland [Mr. LEWIS] was agreed to.

Mr. MANN. There was an amendment pending.

Mr. WATKINS. There is an amendment pending. The last amendment offered has not been voted on.

Mr. MANN. On page 180, line 18.

The CHAIRMAN. The amendment striking out Porto Rico?

Mr. WATKINS. Yes.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 364. It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person as shall be authorized, in the name and on behalf of such foreign Government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign Government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape.

Mr. WATKINS. Mr. Chairman, there is a typographical error in line 15, page 187. The letter "c" is omitted from the word "crime." I ask unanimous consent to correct the error.

The CHAIRMAN. If there be no objection, the correction indicated by the gentleman from Louisiana will be made in print.

There was no objection.

The Clerk read as follows:

SEC. 376. In all cases where the laws of the United States provide that fugitives from justice shall be delivered up, the chief justice of the Supreme Court of the District of Columbia, or, in case of the illness, absence, or other disability of the chief justice, or when any such application shall be certified to him by the chief justice, any associate justice of said court, shall cause to be apprehended and delivered up such fugitive from justice who shall be found within the District, in the same manner and under the same regulations as the executive authorities of the several States are required to do by the provisions of sections 371 and 372 of this chapter; and all the executive and judicial officers are required to obey the lawful precepts or other process issued for that purpose, and to aid and assist in such delivery.

Mr. BRYAN. Mr. Chairman, I ask to revert to section 373.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to section 373. Is there objection?

Mr. WATKINS. If it is anything of sufficient importance to justify it, I shall not object; but unless I know the reason for it, and I think it of sufficient importance to justify returning to the section, I shall have to object to it.

Mr. BRYAN. Then I ask the gentleman to yield to me five minutes.

Mr. WATKINS. I will reserve the right to object, and let the gentleman proceed for five minutes.

Mr. MONDELL. Is this the same gentleman who was demanding the regular order a few minutes ago?

Mr. MANN. I understand the gentleman from Washington has decided not to make any point of order against himself.

Mr. BRYAN. I should like to proceed for five minutes, if the gentleman will permit.

Mr. MANN. I am not going to object.

Mr. STAFFORD. We have only four pages to read before reaching the end of the bill, and the gentleman stated a few minutes ago that he was very desirous to reach the end of the bill. I do not think he ought to change his mind.

Mr. BRYAN. I am surprised that the gentleman from Wisconsin should object to the matter I am going to refer to.

Mr. STAFFORD. If it is something important, I shall not object.

Mr. BRYAN. I am about to proceed now to give the Democratic Party an opportunity to obey its platform, a section of it written in the most direct and plain terms that could possibly be conceived by any gentleman, no matter how great a platform writer he might be.

Section 373 of this bill provides for the arrest of parties who desert from ships. The platform of the Democratic Party is as absolutely against laws permitting the arrest of individuals for desertion as any platform that has ever been written. That plank of the Democratic platform of 1912 reads as follows:

MERCHANT MARINE.

We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury. We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and we favor the repeal of all laws and the abrogation of such of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion or with violation of their contract of service.

The platform says that such arrests are in violation of the Constitution and ought not to be permitted, and pledges the Democratic Party to enact laws against arresting men merely because they do not want to serve the master of a particular ship any longer.

Mr. PLATT. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. PLATT. The gentleman from Washington knows that during the recent discussion of the Democratic platform it was said that it was adopted late at night, when the convention was demoralized.

Mr. BRYAN. This was not adopted late at night, when the convention was demoralized, because it was a proposition considered thoroughly and repeatedly in this House, and the Democratic Party has gone on record against providing means for arresting men who do not want any longer to serve on a particular ship and exercise their constitutional right of quitting that employment.

The seamen's bill that was introduced by a Member of this House, Mr. Wilson, now Secretary of Labor, was passed here, and later on that same bill was used by Senator LA FOLLETTE as a basis of the present pending seamen's bill, which passed the Senate about eight months ago, known as Senate bill 136. I understand that the Committee on Merchant Marine and Fisheries, of which I am a member, is going to report that bill in here for consideration some time, possibly before we adjourn. According to statements that have been made, it will be reported before adjournment, unless we adjourn in a big hurry.

I think this section ought to be stricken out, and if the gentleman wants to aid the Democratic Party in keeping its platform pledges, they will strike out this law which provides that a man who does not want to work for another man may be arrested and compelled to do that service. They come across the ocean under contracts and conditions that involve peonage and every kind of a contract that can be conceived of to destroy their self-respect and take away their constitutional rights, and Democrats, recognizing the views of the people of the country, have adopted a platform, and I hope that this committee will now consent to strike this section out, thereby redeeming solemn pledges made in good faith and relied upon by the public.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. SELDOMRIDGE. Is not the gentleman talking into the air, because this statute is based on treaties with foreign Governments?

Mr. BRYAN. The platform does not respect foreign treaties. It says that these treaties must be eliminated. We are not to have treaties with foreign countries that will permit citizens to be arrested because they do not want to work for Jones or on a particular ship, and that compels them to work on that particular ship. Such treaties the platform promises to abrogate. It says they are unconstitutional, therefore, of course, void. I say to you that this is an important proposition and one on which the whole country has been stirred up. When you reenact this section, you have a positive, binding reenactment of this old law relative to the desertion of seamen that is, as I have already said, a plain, palpable, unmistakable violation of your platform; and not only that, but a violation of the principles of human right and human liberty. Your own platform says this. The public conscience of the people and of the rank and file of the Democratic Party of this country compelled the Baltimore convention to put this into its platform.

You are about to reenact a legislative outrage that the people have denounced and you have solemnly promised to abrogate.

Mr. WATKINS. Mr. Chairman, I recognize and appreciate the solicitude of the gentleman from Washington, a member of another political party, for the welfare of the Democratic Party. We have endeavored as far as possible to eliminate all politics from this bill and to eliminate politics from the discussion of the bill. Having passed over that section, and in view of the fact that the bill which the gentleman speaks of will be presented at this session of Congress, which will grant the relief, I object to returning to the section.

The Clerk, proceeding with the reading of the bill, read section 380.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do so for the purpose of saying a word with reference to this bill generally. I do not remember how many Calendar Wednesdays have been devoted to the consideration of this bill. I was not in favor myself of taking up the bill at the time that consideration was commenced, because of the length of time that it would take, but hoped that the bill might be disposed of in some other way. However, our friend, the gentleman from Louisiana, had his way about it at the time, and has kept the bill before the House on Calendar Wednesday. I think I voice the sentiment of the House and the Members of the House in congratulating the gentleman from Louisiana for the method in which he has handled the bill, and thank him for the able and courteous treatment that he has accorded to all the Members of the House, and the very intelligent consideration he has given to the bill in the House, as well as before it was brought into the House. [Applause.]

Mr. WATKINS. Mr. Chairman, I take this opportunity of thanking the gentleman from Illinois for his kind expressions. I wish to state that the various amendments offered by the membership on the other side of the House, which have been accepted and incorporated in the bill, have been greatly to the benefit of the measure. I particularly take this occasion to thank the gentleman from Illinois for various suggestions he has made, which have been extremely valuable. Naturally there were provisions overlooked in the preparation of a bill of this magnitude and the gentleman from Illinois, with his usual diligence and research, has been able to add valuable suggestions and render material assistance in the consideration of the bill. I am glad of the opportunity to express myself. I would have done the same thing if the gentleman had not taken occasion to say what he has. It was my intention to thank the gentleman from Illinois and the membership on that side of the House for the faithful efforts they have made to improve the bill as originally reported to the House. I believe

being questioned, he finds himself confronted by being told there has never been any decision in the courts of the State that en-

for these household goods, and in the course of the suit I should dig up the old statute of the State of Washington and should

Maryland it he will not kindly withdraw his objection. This I grab.

The CHAIRMAN. Does the gentleman from Louisiana desire to offer his amendment now?

Mr. WATKINS. Yes, sir. I thought the gentleman from Washington desired to address the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 179, line 22, after the word "court," strike out the words "of the Territory."

Mr. WATKINS. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. What is that?

Mr. WATKINS. The expression there, "Territory of Porto Rico," should be corrected. Everywhere "Porto Rico" is used without using the words "Territory of."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, there is another committee amendment which I wish to offer.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

The Clerk read as follows:

Page 179, line 23, after the word "Hawaii," strike out the word "or," and insert after the words "Porto Rico" the following, "or the Canal Zone."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I have another committee amendment.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Page 180, line 18, after the word "Hawaii," strike out the words "or Porto Rico" and insert in lieu thereof the words "or the Canal Zone."

Mr. MANN. Do you strike out "Porto Rico"?

Mr. WATKINS. My attention was called off when the amendment was read. I ask that it be read again.

The CHAIRMAN. Without objection, the amendment will be read again.

The Clerk read as follows:

Page 180, line 18, after the word "Hawaii," strike out the words "or Porto Rico" and insert in lieu thereof the words "or the Canal Zone."

Mr. MANN. You do not want to strike out "Porto Rico"?

Mr. WATKINS. Yes; because under the law those appeals must be taken direct to the Supreme Court of the United States. There is no court of appeals designated to which those appeals from Porto Rico would go. The law relating to Porto Rico provides expressly that these cases shall go direct to the Supreme Court of the United States.

Mr. MANN. As to Porto Rico?

Mr. WATKINS. Yes.

Mr. MANN. Is that true of the United States district court of Porto Rico? I thought that was part of the New York district.

Mr. WATKINS. All appeals in Porto Rico go direct to the United States Supreme Court regardless of what court they originate in. That is the information I have from the law clerk for the Bureau of Insular Affairs, under the War Department.

Mr. MANN. If the gentleman is sure, all right.

Mr. WATKINS. That is my information.

Mr. MANN. I was under the impression that they took appeals from the United States district court of Porto Rico to the New York Court of Appeals.

Mr. WATKINS. The information I have received is from authoritative sources.

Mr. MANN. Very well.

Mr. MADDEN. Mr. Chairman, while we are considering the revision of the Civil Code, I think it would be appropriate to call the attention of the House and of the country to the methods adopted by the Democratic Party in its legislation. I ask unanimous consent that I may be permitted to talk out of order, so that I may express my views on the subject; or, if there is any objection to that, I will yield the floor and ask permission to extend my remarks in the RECORD. I would expect to do that, anyway.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] asks unanimous consent to proceed for five minutes. Is there objection?

Mr. MANN. He asks for five minutes, and also to extend his remarks.

The CHAIRMAN. The gentleman from Illinois asks permission to address the House for five minutes and to extend his remarks in the RECORD, and to talk regardless of the amendment before the House. Is there objection?

Mr. BRYAN. I have no objection, Mr. Chairman; but I want to urge that after this I am going to pursue the policy of calling for the regular order as much as I can, so as to permit the conclusion of this bill. Of course, I have no objection to the gentleman speaking.

Mr. MADDEN. I am going out of town.

Mr. CLARK of Florida. Mr. Chairman, reserving the right to object, I wish the gentleman would couple with that the request that some gentleman on this side may have five minutes in which to speak out of order, if he wishes.

Mr. MADDEN. I have no objection to that at all; but would it be proper that I should ask it?

Mr. CLARK of Florida. Well, I make the request in conjunction with it.

The CHAIRMAN. The gentleman from Florida asks to modify the request so as to include the request that some Member on that side of the House may also have a like amount of time to speak out of order.

Mr. BRYAN. I shall not object, with the understanding that if a request is made for more time than that I shall object. I want to get this bill through.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, "a government of the people, for the people, and by the people." No simpler definition was ever given of our Government than that from the lips of the immortal Lincoln, and none has been more quoted by Americans of all party affiliations and all respectable political opinions. You gentlemen on that side of the House are as fond of quoting this sentiment of the great emancipator as are we on this side, and I think you believe in it in the abstract as sincerely as we do. We also all believe in government by majorities, and we follow that law in this House, except when revolution charges the atmosphere and there is an opportunity to form alliances to defeat the majority.

Four years ago we had such a revolution in this House, and there followed a new policy, fathered by that new majority, of electing committees by the House instead of permitting the Speaker to perform that service for the House as its chief servant. We are now operating under that new policy, and our honored Speaker has become the moderator over our deliberations instead of the great majority leader, for which he is so well qualified, as was demonstrated by his tact and courage and generalship when he led the minority and by an alliance with the insurgents on this side took command in the most successful revolution we have ever had in the House. That revolution was in the name of greater individual liberty and responsibility for the Representatives, and the overthrow of bossism and Cæsarism in the organization of the House. There were then sounded many eulogies on the new system of government of the House, and there are still some—not many, but some—Members of the majority who still defend it as a great reform, but we have had manifestations here, even on the majority side, of dissatisfaction and complaint that the individual freedom and responsibility for the Representative has not come into full realization; that caucus rule has suppressed that individualism even more than did the power of the Speaker and the Committee on Rules in the older days of "Cannonism."

I propose to discuss one phase of this new control. I am not opposed to caucus rule on political questions, and I have no criticism of the plan of the majority party in settling its political policies in caucus. I would do the same. But the caucus is supposed to represent the majority of the party, and the majority of Democrats ought to be able to declare the party policy to be followed in legislation. It may be that it does, for I have no means of knowing how you vote in caucus, except from the complaints I hear from those who have not been able to control, and I have heard complaints from so many Democrats of caucus rule and presidential dictation that I have wondered where the caucus votes came from that controlled.

This is a great country, with nearly 100,000,000 people, and they have 435 Representatives on this floor to transact their business. You of the majority have 290 of these Representatives, while we of the opposition—Republicans, Progressive Republicans, and Progressives—have only one-half that number. The Democrats on this floor come from every part of the Union more generally than ever before. Only the States of Vermont, Idaho, Nevada, North Dakota, South Dakota, Wyoming, Utah, Oregon, and Washington, are without Democratic Representatives here. So the legislation of this House, by the Democratic majority, ought to fairly represent the whole country. Does it?

The Census Office, in its last abstract of the population, divides the country into three grand divisions—the North, the South, and the West. The North includes New England, the North Atlantic, the East North Central, and the West North Central divisions extending from Maine and New Jersey to the Rocky Mountains, taking in 21 States. The South includes the South Atlantic, East South Central, and West South Central divisions, with 16 States. The West includes the Mountain and Pacific divisions, with 11 States. The 21 States here given as North had, in 1910, 55,757,115 population, with 32,669,705 given as urban and 23,087,410 as rural (the rural population being that outside of cities of 2,500). The 16 States given as South, including all the old Southern States and Oklahoma, had 29,389,330 population, divided as 6,623,838 urban and 22,765,492 as rural. The 11 Western States had 9,825,821 population, divided into 3,329,840 urban and 3,495,981 rural. This grouping and these figures are those of the Census Office—not mine.

From them it will be seen that the North had nearly 10,000,000 more urban than rural population, the South more than three times as much rural population as urban, and the West 166,000 more rural than urban. In the South the rural population still dominates in the proportion it did in the whole country 50 years ago. The North and the West have changed in the character of population. I do not complain of the condition in either section of the country. The dominance of the rural may be a good thing in the South, and it might be better if it also dominated in the North, but it does not. We must deal with conditions as they are, not as we would have them. We are here to represent the people, whether they live in town or country, whether they are in the shops or on the farms. This obligation ought to rest on Democrats and Republicans alike. But does it? You have 290 Members here, and from these three grand divisions of the country I have named, there are 154 Democrats from the North, 125 from the South, and 11 from the West. You have adopted the policy and the rule of electing the committees of this House, and how have you done it?

The Democrats from the South are not in the majority, but they control and dominate the legislative machinery of the House. They have the chairmanships of all the great committees with the exception of those on Appropriations and Invalid Pensions. The able gentleman from New York [Mr. FITZGERALD] is chairman of the Committee on Appropriations, and the old war veteran, Gen. SHERWOOD, is chairman of the Committee on Invalid Pensions. I might add that my friend and colleague, Dr. FOSTER, is chairman of the Committee on Mines and Mining. The Committee on Appropriations prepares the appropriation bills to meet the necessary expenses of the Government, without which it must stop, and it has done its work well, but no man in the House has more often warned us of the extravagance of the majority of the House, in spending the people's money, than the gentleman from New York.

The other great committees which report appropriations, which might be called desirable rather than necessary, have southern men for chairmen. They have the chairmanships of the Committees on Agriculture, Foreign Affairs, Rivers and Harbors, Military Affairs, Naval Affairs, Post Office and Post Roads, and Indian Affairs, which handle appropriation bills, and they have the chairmanships of the Committees on Ways and Means; Banking and Currency; Coinage, Weights, and Measures; District of Columbia; Census; Claims; Education; Immigration and Naturalization; Patents; Public Lands; Insular Affairs; Public Buildings and Grounds; Judiciary; Revision of the Laws; Territories; Interstate and Foreign Commerce; and Rules. Southern men are chairmen of 25 of the 58 committees of this House, and they are the most important committees in preparing the legislation and controlling the machinery of the House. How did they get them under this rule of electing committees and by the votes of the majority in the Democratic caucus?

The North has the Speaker, but he is not a czar, not even a member of the board of directors who control the business of the House. The South, with considerably less than a majority in the Democratic caucus, managed to pick most of the plums. They are able, experienced, and honorable gentlemen, but they do not represent the majority of the majority under this new order of selecting committees, and they represent less than one-third of the whole population. With the exception of the genial and able majority leader, they represent the rural population of the country. Mr. UNDERWOOD represents a great industrial city, but I had to get a gazetteer to locate the homes of the other great Democratic leaders from the South who sit at the head of the great committees of the House.

So you gentlemen of the South have come back into your father's house with more power than you ever had, not only to direct the House but to control the majority of the House with a minority membership of that majority. You also have control in the Senate, with southern men sitting at the head of all the great committees, except those on Military Affairs, Pensions, Public Lands, Indian Affairs, Interstate Commerce, and Territories. You also have a southern man for President, elected from New Jersey, it is true, but with all the ideals of the South and the lack of experience and interest, I sometimes feel, with the teeming urban population of the North. In his Cabinet are four southern men, in control of the Treasury Department, the Navy Department, the Department of Justice, and the Post Office Department. Then we may add Mr. Bryan as another member of the Cabinet who is distinctly rural in all his tastes and understandings.

Your party still looks to the old ideas of legislating for the people who live in the country, and yet you were perfectly willing to sacrifice the farmers of the North and West by striking down the tariff on all their products. You were willing to try to reduce the cost of living for our northern cities by taking it out of the northern farmers.

You have, however, shown great interest in the work and condition of the farmers of the South and Southwest. With the chairman of the Committee on Agriculture in the House from South Carolina and that in the Senate from Oklahoma, it is perhaps natural that there should be more attention given to the crying needs of the farmers of the southern section than to those of the North in the Agricultural appropriation bill, and that we should now be appropriating millions of dollars to destroy the boll weevil, the cigarette beetle, the prairie dog, and the snapping turtle—some one suggested in the Senate. We had a filibuster here because the bill for rural credit banking had not been put on the program. Here we have been for months talking about how we can help the farmers of the country, when the estimates of population by the Census Office indicate that 40 per cent of the American people live in cities of more than 2,500 and 40 per cent live in cities of more than 8,000.

My own city of Chicago has a larger population than that of any State in the South, except Texas. New York has more people than have a half dozen States in the South, and there are more people living in cities of more than 100,000 than can be found in all the States of this ruling section of the country. And yet the policy of the Democratic Party here has been to legislate for the rural population and against the people who live and work in cities and help to maintain this Government. You have gone on the theory that the man who has his home in the city is living off the farmers, that there is no legitimate trade except from the tail gate of a farmer's wagon, and that the man who seeks any other safety for his money than an old stocking is trying to corner the money of the people. You are anxious to improve the condition of the farmers, but you leave the men in the shops to take care of themselves and compete with all the world.

You are frightened by the word "subsidy" except when it gets into the Agricultural appropriation bill. You are fearful that the railroads may earn dividends, and you are willing to build railroads at Government expense in Alaska and wagon roads in every country district to facilitate the rural delivery of the mails, which is now costing many millions more than its revenues. Your sense of proportion is not fully developed to enable you to appreciate the full meaning of "a government of the people, for the people, and by the people." Your leaders live in the rural districts, and they see only the country and its products, forgetting that the manufactured product of this country is double in value that of the agricultural product. The chairman of the Senate Committee on Agriculture the other day asserted that the farmers of this country paid 70 per cent of the cost of the Federal Government, when any child knows that the people in the cities pay the great bulk of the customs tax—if it is paid by the consumers, as you say—and that they pay three-fourths of the internal revenue, the corporation tax, and the income tax. You are still living in the past, but the country has grown, and the city man now has a right to some consideration from Congress. He has been going along supporting his own municipal government and contributing the larger share of the cost of State and Federal Government, and he has not complained; but the time is here when he will send men to Congress who will have a broader view of a government of the people, and not simply legislation for the rural districts.

Only a year ago you gentlemen from the South were almost stampeded from the constitutional amendment for the election of Senators by the people when the Bristow amendment appeared to continue the control of Congress over the times and

question of procedure only.

or constitutionality is rarely raised by the plaintiff. It is rarely raised by the suit brought in any technical language for that

Congress pass an act saying that in all suits involving the validity of a State statute the question of its validity shall be

suit to set aside the statute or to qualify it by those about it would affect financially. That has been an abuse which de-

mands this kind of remedy. The State courts are as safe as the Federal courts in the hearing of a lawsuit. In the Federal court the judge is responsible to nobody; appointed for life, he does not feel the responsibility that a judge holding office for a fixed term feels. I hope to see the day when there will not be a life tenure of office in this great Republic of ours. It is a remarkable fact that in a certain class of cases the decisions have been by the nisi prius court against the validity of the State statute by the Federal courts, and it is equally as remarkable that the cases have been almost uniformly reversed by the Supreme Court of the United States. Doubtless the result would have been different in the nisi prius courts in this class of cases if the opinion of the highest court of the State on the question had been first taken.

Mr. BOOHER. Will the gentleman kindly yield?

Mr. CULLOP. I will.

Mr. BOOHER. Will the gentleman kindly tell the committee in what State the Federal court has taken jurisdiction of damages under the 2-cent law?

Mr. CULLOP. I did not speak of damage suits.

Mr. BOOHER. Well, to recover.

Mr. CULLOP. A suit was brought to set aside a statute of that kind in the gentleman's State, because, as they alleged, it was a confiscation of their property. The Federal court downed the statute and the Supreme Court of the United States reversed the decision.

Mr. BOOHER. I did not understand the gentleman; I thought he was referring to suits brought since the Federal courts upheld the validity of State laws.

Mr. CULLOP. Oh, in some instances they had to go to the Supreme Court of the United States to get their statutes upheld. Such was the case in your State. This amendment lets them only go from the supreme court of the State, the highest court of the State, to the Supreme Court of the United States, and have no trial in the first instance in the Federal courts of the district.

Mr. LOGUE. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. LOGUE. Just at that point, suppose a suit is instituted by A against B properly in the United States court, and in the course of the trial of the case the question of the validity of a State statute arose. Would that question be transferred to the Federal court until after the State supreme court had passed upon it and the parties ousted from court until such was done?

Mr. CULLOP. It would, and it ought to be, because if they brought that suit or filed an answer to it the attorneys well knew that question was involved.

Mr. LOGUE. Will the gentleman yield again?

Mr. CULLOP. If they did not, they were incompetent in the discharge of their duties, and every lawyer knows it. Certainly I yield to the gentleman.

Mr. LOGUE. Suppose that question was a contested one and did not develop until the trial was on and was upheld in the first instance, would the case then go to trial and have the party ousted at the end?

Mr. CULLOP. Oh, it does not apply to how the Federal court decided the question; it denies that right until it has been passed upon by the highest court of the State. Then the court would make an order finding that the jurisdiction belonged to the State court, if it was an original question, and the parties would go to the State court, as the law provided, because a judgment rendered in a court without jurisdiction under all the law is absolutely null and void, and there is no dispute, I take it, about the law upon that proposition. It is a nullity, and the courts and the elementary authorities so lay it down. Let every State statute receive its initial construction and its first construction by the highest court of the State wherein the statute was passed, and if either party is aggrieved, then they can appeal to the Supreme Court of the United States. That is the purpose of this amendment; that is the object it has in view; and can any man say to his constituents but what that statute is absolutely right, fair, and just to all parties? It will break up the abuses that have existed for many years in this class of cases and inaugurate a uniform procedure on this important subject.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LOGUE. Mr. Chairman, the vice of the amendment, to my mind, becomes more apparent. A, a resident of Pennsylvania, brings his action in a United States court by reason of diverse citizenship, and during the determination of the question of fact, the constitutionality of a law of a distant State being questioned, he finds himself confronted by being told there has never been any decision in the courts of the State that enacted the law as to its validity, and its validity is now raised for the first time, and to carry out the contention of the gentleman from Indiana the plaintiff would then have his action dismissed, and he would be told to stop and wait until perhaps the State of Washington had determined that question, or he would be obligated to travel from Pennsylvania out into the State of Washington to have the question determined as to the constitutionality of an act which collaterally came into question and have it brought to the supreme court of that State.

Mr. HULINGS. Will the gentleman yield?

Mr. LOGUE. I will.

Mr. HULINGS. In that regard, suppose the litigants are citizens of different States? How would the citizens of Pennsylvania go out to Washington and get the decision of the court there as to what the Washington statute is?

Mr. LOGUE. That is the condition the law would bring about.

Mr. HULINGS. And if he would have to go to the State court, how would the Pennsylvanian get process on the man in Washington?

Mr. LOGUE. The defendant might be a resident of the State of Washington, the plaintiff a resident of Pennsylvania, and required to go out to Washington to have determined a legal question, and therefore might be in the strange position that there would be no question that he could raise that he had no case before the court; that it does not decide abstract questions, and that it is only in a real case when they have a real proposition before them that——

Mr. BRYAN. Will the gentleman yield?

Mr. LOGUE. Yes.

Mr. BRYAN. Suppose the question involved matters of different State jurisdiction and you go to Washington and begin your suit under the Federal law, then suppose the defendant would ask for a transfer to the Federal court because it involves matters outside the jurisdiction of the State of Washington and he should plead that under the statute he had the right to transfer his case to the Federal court because it was outside the jurisdiction of the State, where would he ever go for an adjudication?

Mr. LOGUE. That is another condition that would arise.

Mr. CULLOP. Will the gentleman yield there?

Mr. LOGUE. For a question.

Mr. CULLOP. In answer to the gentleman from Washington I would say that there is no State statute that authorizes the transfer of cases from the State to the Federal court—that is, a Federal statute—and, answering him, that would be a case in which the jurisdiction would be in the State court.

Mr. BRYAN. The gentleman knows the proceeding for a transfer from the State to the Federal court.

Mr. CULLOP. That is a Federal statute, and they have a right to appeal at any time.

Mr. BRYAN. But you are not appealing.

Mr. LOGUE. Let us illustrate it in another way. Take the case where process was served properly by the aggrieved party in the State of Pennsylvania and the constitutionality of the act of the State of Washington was raised. It would stop the suit and end it and compel the citizen of the State of Pennsylvania to travel all the way out to the State of Washington, and perhaps there be met by diverse citizenship being asserted after he got to the State of Washington and then trotted back to the Federal court again, and with the Federal court being denied the right to pass on the question under this amendment.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there?

Mr. LOGUE. Yes, sir.

Mr. CULLOP. In the very instance you mention, the man would have to go to the State of Washington to get jurisdiction in the Federal court.

Mr. LOGUE. Oh, no. Suppose under the statute of the State of Pennsylvania, and under the rules of practice, that I can get service in the State of Pennsylvania upon a foreign corporation doing business there, and that foreign corporation then presents its petition to transfer it to the United States court by reason of diverse citizenship, it goes there——

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BRYAN. Mr. Chairman, suppose the State of Washington should get into some sort of jealousies with the State of Indiana, and we should pass a statute out there prohibiting the importation of household goods into the State of Washington from the State of Indiana without paying tariff tax to the State. Of course, it would be unconstitutional. But suppose I should buy some household goods of the gentleman from Indiana and he should ship them to me, and he should sue me for the money for these household goods, and in the course of the suit I should dig up the old statute of the State of Washington and should

show him that the law prohibited him from transporting those goods there and provided that the goods are to be confiscated, would the gentleman want to be denied the right to plead his rights under the Constitution? The Federal court might be the only place he could sue, but he would be prohibited from pleading unconstitutionality of that statute in the Federal court. The case would thereby be thrown out of court and no adjudication be permitted.

Mr. CULLOP. Will the gentleman permit me?

Mr. BRYAN. Yes.

Mr. CULLOP. The very case you are putting shows the reason why you have to go to the Federal court.

Mr. BRYAN. I recognize you have a right to go to the Federal court.

Mr. CULLOP. Wherever a Federal question is raised they have a right to go to the Federal court, but this only provides the manner in which they shall go there.

Mr. BRYAN. This statute of the State of Washington in that case would be violative of the Federal Constitution, and of all places where it ought to be taken up and considered it is in the Federal court.

Mr. CULLOP. Mr. Chairman, I desire to ask a modification of the amendment as follows.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to modify his amendment. Is there objection?

Mr. LEWIS of Maryland. Mr. Chairman, I feel constrained to object. There has been one modification, and I can see only danger from modifying it.

Mr. WATKINS. Mr. Chairman, I wish to be recognized on the gentleman's amendment. The verbiage of the amendment seems largely to have been lost sight of in the discussion we have had. The purpose the author of the amendment had in introducing the amendment was to take away from the United States courts original jurisdiction in certain cases and place that original jurisdiction in the State courts. It is a fact that in his efforts to have this amendment inserted in this particular place in the codification of the laws he has referred to the right of appeal in such cases, but that is not the real object. That is not the purpose of this amendment. If this amendment carries——

Mr. GREEN of Iowa. Will the gentleman yield right there for a suggestion?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. Is it not a fact that in most cases covered by this provision an appeal could not be taken because they are criminal cases?

Mr. WATKINS. There are many cases. The only purpose of passing this law which is incorporated in this amendment is to take away from the United States courts the jurisdiction and place the right in the State courts to try such cases. Laws can not be repealed by implication, by innuendo, by inference; but if this is passed, it would have the effect of repealing numbers of United States statutes, because the verbiage of it carries with it that effect. It is in direct contravention of not only the law which has been referred to here in this argument, where the citizen of one State has the right to go into the United States court in another State and bring suit, but many other statutes of the United States grant that same right, and we would repeal statute after statute of the United States giving the parties the right to go into the United States court and assert their right where the question was involved as to the validity of any statute of any State. And on that account, being in the wrong place in the statute, it not coming in line with procedure, and being out of harmony with other provisions here being enacted, I can not resist the temptation of making these few remarks in opposition to the amendment, not because I am opposed to the idea which the gentleman seeks to have incorporated into the law, and for which he made a very vigorous effort in another part of this revision, and which was voted down. The House voted down the proposition when it was offered in another place, and the House is now being called upon to vote on the same proposition, in effect, substantially the same thing, which was voted down a few days ago.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEWIS of Maryland. The gentleman from Louisiana was referring to the amendment of the gentleman from Indiana [Mr. CULLOP], of course?

Mr. WATKINS. Certainly.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asked unanimous consent to modify his amendment, which the Chair believes was objected to.

Mr. CULLOP. I will ask, Mr. Chairman, the gentleman from Maryland if he will not kindly withdraw his objection. This is an important matter. The chairman of the committee says he is in sympathy with such legislation, as I understand it. Now, it will not hurt the section to which it is made a proviso.

Mr. LEWIS of Maryland. Mr. Chairman, in answer to the gentleman from Indiana [Mr. CULLOP], I appeal to him to take his turn at the bat at another place and time, and not perhaps destroy this amendment, which is of grave importance to the laboring people of this country, which will give them the right to go to the Supreme Court with their litigation when stricken down by the courts of the State. I appeal to him to withhold his amendment until he has worked it out in a rational manner, in order that Members may treat the subject as it deserves to be said on its merits.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. CULLOP. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 8, noes 21.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Maryland [Mr. LEWIS].

Mr. TOWNER. Mr. Chairman, I desire to be heard on the amendment offered by the gentleman from Maryland. The gentleman from Maryland made a very true statement when he told the committee that this was not by any means a new subject. The amendment, in substance, has been approved by both State associations and the National Bar Association many times. So true is that, Mr. Chairman, that they have recommended that action should be taken in direct accordance and almost the language of the amendment which has been offered by the gentleman from Maryland. After all, Mr. Chairman, the question presented is a very simple proposition. It is merely this, that the right of appeal should exist in this case, as it does in all others, on behalf of the aggrieved party, whoever he may be. That when the decision has been rendered against the plaintiff in a case he shall have the same right of review on appeal that the defendant has and vice versa. That is certainly a rule of equity and of justice. The rule that limits the right of appeal, or the provision of the statute that limits the right of appeal to only one party in the controversy, is certainly anomalous and indefensible. If it has existed for so long, it is a reproach to us, and not a reason why we should not change it.

There have been enumerated instances given and stated in which wrongs have been committed, or in which, rather, the remedy of the wrong that has been committed has been lost, because of this provision of the statute. Let us change it now, Mr. Chairman, as everybody who has given the subject proper consideration admits we ought to do. Let us change it in accordance with common sense, in accordance with the views of jurists, in accordance with the views of the bar of the United States, in accordance with the views of everyone who has given the subject any consideration and believes in justice in the administration of our courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. LEWIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. DILLON and Mr. HUMPHREY of Washington rose.

Mr. WATKINS. Mr. Chairman, I already had an amendment pending at the desk, which I had deferred until this last amendment had been disposed of.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 144, line 3, after the word "appeal," strike out "or such an abstract or statement thereof as is provided for in the next ensuing section."

Mr. WATKINS. This, Mr. Chairman, is simply for the purpose of correcting the language there, because there is no next ensuing section now in the bill dealing with abstract of testimony on appeal.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I believe the gentleman over there wanted to offer an amendment to that section.

Mr. DILLON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD concerning a section of this bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREY of Washington. Mr. Chairman, I want to be recognized when the Clerk reaches the close of the paragraph.

further action, if any, may be taken. And in many of these

ing a longer session this year than is customary. A few years ago we hoped that we might be able, by the creation of the

respect.

of these cases only changes in the law

amendment, and it treats of appeals from the State courts to

the Supreme Court of the United States, the controlling subject embraced in his amendment.

The fact that an amendment to an amendment enlarges only the scope, but is of the same subject matter, does not make it obnoxious to the original amendment. All this amendment does is to control the original jurisdiction in a certain class of cases. It treats of the subject of appeals, just as the original amendment treats, and the fact that it enlarges the subject, which is the gist of the original amendment, which is the crux of the whole subject treated of, does not make it obnoxious to the original amendment, but it is in line with and treats of the identical subject matter treated of by the gentleman in the original amendment, and I contend that it is germane and that it is not subject to the point of order made by the gentleman from Maryland; and I think if the Chair will take the trouble to look up the rulings on the Clayton bill the Chair will find a precedent that sustains the position I am taking here upon this subject, except that the amendment in the case in which the precedent was made will be found to have been more foreign to the subject than the one now in question. That was almost identically the same point of order raised, and the Chairman of the Committee of the Whole, the gentleman from Tennessee [Mr. HULL], held that it was in order.

Mr. WATKINS. Mr. Chairman, on the point of order I will state that we are now under the title of procedure and regulating the appeals to the upper courts from the lower courts under that heading. The amendment of the gentleman from Indiana [Mr. CULLOP], referring, as it does, to the original jurisdiction of the court, should have come under the judicial code, and the features which he asks to have incorporated in this amendment should have come under section 237, regulating the original jurisdiction of courts. It is clearly not germane to this section.

Mr. CULLOP. Is not the whole subject matter embraced in the amendment of the gentleman from Maryland [Mr. LEWIS] a question of jurisdiction and nothing else? He has offered it to confer jurisdiction in a class of cases in which the court now has no jurisdiction. It is a jurisdictional question and nothing else, and his amendment treats only of jurisdictional matters and nothing else.

Mr. WATKINS. Mr. Chairman, if that is a question, I should like to have an opportunity to answer it.

Mr. CULLOP. Certainly.

Mr. WATKINS. Mr. Chairman, when this proposition was first raised, on last Wednesday, I intimated then that if it remained in the form in which it then stood I would raise a point of order against it, and I deferred it until this Wednesday for the purpose of placing it in such shape that it might, by a strained construction, be placed under the head of procedure. The way this amendment is now worded it can be construed under the head of procedure, and has been allowed to go under the head of procedure, under which we are operating, because the language of it is such as to allow that kind of strained construction of it; but the amendment of the gentleman from Indiana [Mr. CULLOP] clearly refers to the original jurisdiction of a court, which is dealt with under the Judicial Code, which has already been passed and is now operative under the laws of the country.

Mr. CULLOP. Will the gentleman from Louisiana permit a question there?

Mr. WATKINS. Certainly.

Mr. CULLOP. This is a new section, is it not?

Mr. WATKINS. Yes.

Mr. CULLOP. Has not the Chair held that a new section can be offered at any place in the bill?

Mr. WATKINS. It can be offered at any place in the bill if it is germane to the bill; but this is not germane to the bill. It is not in this bill. This particular section is under the head of procedure, and is not under the head of jurisdiction at all.

Mr. CULLOP. But this is a new section, and we can insert it at any place.

Mr. WATKINS. It is not germane to any part of this chapter.

Mr. CULLOP. Oh, that is immaterial, I will say to the gentleman from Louisiana.

Mr. TOWNER. Mr. Chairman, speaking to the point of order, I desire to call attention to the fact that evidently the main subject of the amendment offered by the gentleman from Indiana [Mr. CULLOP] is to determine the jurisdiction of courts regarding certain matters. That is not involved in the question before us. That is not involved in the original section that we are now considering. That is not the subject that is under consideration in any form. As the gentleman from Louisiana [Mr. WATKINS] says, the provision of the bill has reference to a question of procedure only.

Mr. CULLOP. Will the gentleman permit a question?

Mr. TOWNER. In just a moment. And because the gentleman has linked with his proposition regarding the original jurisdiction of certain courts a question regarding the procedure on appeal, it would not make it germane. He could not bring in extraneous and foreign matters in that form and make it germane.

Mr. CULLOP. Now will the gentleman yield?

Mr. TOWNER. Yes.

Mr. CULLOP. Is not the whole purport and object of the amendment offered by the gentleman from Maryland to give jurisdiction to the Supreme Court of the United States in cases in which it now has no jurisdiction? Is not that the whole object?

Mr. TOWNER. If that was true—and it is not exactly true—your amendment would still not be germane, because your proposition involves the jurisdiction of the State courts, something very remote from the procedure of the courts of the United States or of the Supreme Court of the United States. Let me say further, if the gentleman is acting in good faith—and I have no doubt he is acting in good faith regarding his proposition—it must be more carefully worked out than he has done by the amendment suggested here. It could not by any possibility be operative in the form in which it is now offered. If the gentleman desires in good faith legislation of that kind, I suggest that it had better be offered in some independent form, so that it may be considered as such. I think there is no provision in this bill to which it can be considered as germane. It certainly could not be germane to the section that we now have under consideration.

The CHAIRMAN. The Chair is of the impression that this amendment is not clear and that the gentleman from Indiana wrote it hastily. It says:

Provided, That in any suit to test the validity of any State statute original jurisdiction in all such suits in the courts of the State.

Mr. CULLOP. I omitted the words "shall be," but I called the Clerk's attention to that fact.

The CHAIRMAN. Then the concluding sentence of the amendment reads: "The highest court of said State to the Supreme of the United States."

Mr. CULLOP. An appeal may lie from the highest court of the State to the Supreme Court of the United States. The word "Court" should be inserted after the word "Supreme." I was obliged to write the amendment hurriedly.

The CHAIRMAN. The Chair is in some doubt as to whether the point of order should be sustained or not. It is true that this amendment offered by the gentleman from Maryland is with reference to the appeal from the State court to the Supreme Court of the United States, and we are considering a chapter bearing upon that subject, while the amendment offered by the gentleman from Indiana does in fact modify the law as to jurisdiction. At the same time the amendment provides for an appeal from the decision of the State supreme court to the Supreme Court of the United States. The Chair is rather of the opinion that he can not rule this out on a point of order, although it might be more properly placed in some other part of the Federal statute. The Chair is disposed to overrule the point of order and submit the matter to the committee.

Mr. LEWIS of Maryland. Mr. Chairman, I would like to be heard on the merits of the proviso.

The CHAIRMAN. The gentleman from Maryland is recognized.

Mr. LEWIS of Maryland. Mr. Chairman, I have a good deal of sympathy with the suggestion in the amendment offered by the gentleman from Indiana. I am biased enough in favor of State jurisdiction to think the State courts should be the first to pass upon the constitutionality of their own statutes; but I wish to suggest to the lawyers in this House that if such a limit on Federal jurisdiction is desired, that this proviso is utterly inadequate to accomplish it. Instead of introducing a definition of jurisdiction on the line thought of, it would introduce confusion impossible to master, I am afraid.

Now, I make this suggestion to the lawyers of the House. It is very well for a man on the street to say and for the newspapers to say in regard to some lawsuit, "Oh, that lawsuit was brought to test the constitutionality of the statute." As lawyers we know that there has never been, as a technical fact, as a fact of the forum, a suit brought to test the constitutionality of a statute. The allegations are that the defendant has failed to discharge certain duties. The allegations on the part of the plaintiff are not that the act is unconstitutional, that its constitutionality is in controversy, with a prayer that the court determine whether the act is constitutional or not. The question of constitutionality is rarely raised by the plaintiff. It is rarely raised by the suit brought in any technical language for that

purpose. It is raised by the defendant, after he is dragged into court by way of defense. The language of the proviso is as inadequate to change that institution as it would be to accomplish a change of some rule of this House.

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LOGUE. Mr. Chairman, I want to call attention to the fact that the amendment is absolutely meaningless and gets nowhere:

Provided, That in a suit to test the validity of any State statute original jurisdiction in all such suits shall be in the courts of the State and an appeal—

And so forth.

I know of no case where the court will entertain jurisdiction merely for the purpose of testing the validity or constitutionality of an act of the assembly. If we presented a petition or instituted a proceeding that was merely presented to the court in the line of determining whether or not an act was constitutional or not, we would be reminded by almost every State court and every Federal court not to bring mooted questions before them, but to bring before them some real and substantial question wherein that point was raised. Therefore we would never have the application of this amendment, and it would be merely adding words.

I again call attention to the amendment, "provided in any suit to test the validity of any State statute." Suits are not brought for that purpose. Suits are brought either for the enforcement of rights or for the prevention of wrongs, and incidentally the question of the constitutionality of an act comes in. So that even if we adopted such an amendment, it would be to a degree meaningless, because it would be strictly interpreted and strictly held, when we sought to apply it, that the original suit was not brought for the purpose of upholding or overthrowing the constitutionality of an act, and therefore nothing would be accomplished by it. As it is worded at the present time, you would never have your action brought for such purpose, and collaterally it might be contended that the question could not be raised because the act strictly restricted it.

Mr. SCOTT. Mr. Chairman, it strikes me that the amendment offered by the gentleman from Indiana presents a very anomalous case. I take it that all will agree readily that Congress has no power or authority to confer or control the jurisdiction of State courts any more than a State legislature has over the jurisdiction of the Federal court, so that this amendment, if it means anything, merely curtails the jurisdiction of the lower Federal courts in cases mentioned. Inasmuch as the Supreme Court of the United States is a court of appeals only and has no original jurisdiction, and inasmuch as Congress can not control or confer original jurisdiction upon any State court, with this amendment agreed to, where would your original jurisdiction be so far as Federal law is concerned? There would be none.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. Yes.

Mr. GREEN of Iowa. I do not understand what my colleague means by inquiring where the original jurisdiction would be. For the commencement of these actions?

Mr. SCOTT. If such a statute could be passed which would relieve the present inferior Federal courts of original jurisdiction in this class of cases, and as we know Congress has no power to confer it upon the State courts, where would there be any valid Federal law providing where to begin your case?

Mr. GREEN of Iowa. Oh, I beg my colleague's pardon. I misunderstood him.

Mr. CULLOP. Mr. Chairman, surely the gentleman from Iowa does not insist upon the contention that he has raised. Surely he does not insist that Congress has not the power to invest State courts with jurisdiction of any case. If that is true, if the position of the gentleman is correct, Congress has made a wonderful spectacle of itself in a great many instances for a great many years. Time after time it has done just what we are attempting now, and it has always stood the test.

Mr. Chairman, Congress has the power, as long as it does not infringe upon any provision of the Constitution, to confer the jurisdiction of any lawsuit where it pleases. It is supreme in that matter, and it has the power to say that the Federal courts shall or shall not have jurisdiction of any case, and designate the particular court, and, if it sees fit, deny jurisdiction to others. No gentleman on this floor will controvert that proposition. If he does, he does it in the face of the overwhelming weight of authority upon that proposition. Why can not Congress pass an act saying that in all suits involving the validity of a State statute the question of its validity shall be first passed upon by the State courts before the Supreme Court of the United States or any Federal court shall have jurisdiction of the subject matter?

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. MANN. Does the gentleman think this amendment does that?

Mr. CULLOP. I do not only think it, but I am quite certain of it; but I am willing to have the language modified in that respect; if it does not, I want it certain, plain, and specific.

Mr. MANN. I am merely asking the gentleman's opinion.

Mr. CULLOP. I will say to the gentleman that I think the subject might be more clearly expressed in language than I have expressed it. I wrote it very hastily, because the time was running. I am going to suggest that it be modified, and that it state that in all suits wherein the validity of a State statute is involved the original jurisdiction shall be in the State courts, and an appeal will lie. That will meet the objection of the gentleman from Pennsylvania, who seems to be not only splitting a hair, but a whole armful of them.

Mr. MANN. Mr. Chairman, will the gentleman yield for a further question?

Mr. CULLOP. Yes.

Mr. MANN. The gentleman would not contend, I take it, that Congress had the authority to give to a State court the power to determine the validity of a State statute?

Mr. CULLOP. I do not think I understand the gentleman's question.

Mr. MANN. We have power over the jurisdiction of the Federal courts, but the gentleman would not contend that Congress has power to give to a State court jurisdiction over the validity of a State statute?

Mr. CULLOP. Oh, I will say to the gentleman that the State court already has that jurisdiction. It is a power they already have.

Mr. MANN. That is it.

Mr. CULLOP. But this is only a provision defining the way in which the testing of a State statute can come into the Federal courts—the mode of procedure.

Mr. MANN. I was seeking to ascertain what the gentleman's point was, whether what he was after was to remove the present jurisdiction of the Federal courts in reference to State statutes. The gentleman's amendment apparently endeavors to affirmatively confer jurisdiction upon the State courts to determine the validity of State statutes. Of course, we have not that power. We have the power to refuse jurisdiction to the Federal courts.

Mr. CULLOP. Mr. Chairman, I will say to the gentleman on that proposition that he has misapprehended the language of my amendment. It is only suspending the jurisdiction of the Federal courts on such questions until the State courts have passed on the question.

Mr. MANN. I have read it since the gentleman has.

Mr. CULLOP. It provides original jurisdiction shall only be in the State courts, in order to let the highest court of the State pass on the question first.

Mr. MANN. I beg the gentleman's pardon, but that is not the gentleman's amendment.

Mr. CULLOP. There is where we differ. The proposition is this: I do not think that in the gentleman's amendment city ordinances ought to be included, but I do think that this amendment to the amendment which I have offered ought to be adopted here. It is a well-known rule of statutory construction that the construction of the highest court of the State as to whether a State statute is valid or not is controlling on the Federal courts; and there has been a disposition, and I think one subject to criticism, though some other gentlemen may not, on the part of certain litigants, in order to avoid the decision of the State court in the construction of a State statute, to run in the first instance into the Federal courts to get a construction.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. That has been done in every instance to avoid the construction of the highest court of the State upon that statute, and notably the kind of cases is warrant for the statement I am making. In nearly every 2-cent fare law passed by any State legislature, before the ink could dry upon the paper upon which the statute was printed and it was declared to be in effect, there has been a hurry to the Federal courts to bring suit to set aside the statute or to qualify it by those whom it would affect financially. That has been an abuse which de-

sometimes goes to the question of peace and order in the mining addition.

right of appeal and not in this bill. The provision under which we are operating at this time does not relate to the right of appeal, but to the mode of procedure in the court. And it is under this proposition that the amendment is offered, and it is not germane to that part of the law or those provisions of the law which we are incorporating into law at this time, and for that reason it was not put in the bill. That is, not put in under the title of procedure or anywhere else in the bill which we are now offering for passage. In view of the fact, however, that it is a law which should be passed; in view of the fact that we are now dealing with the question of appeal—and it relates to the right of appeal—and in further view of the fact that this provision which should have been incorporated in section 237 of the Judicial Code approved March 3, 1911, did not contain this provision, I will not interpose any objection to the passage of it at this time, although it is not in harmony or in line with the remainder of the chapter under which we are now operating.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman who introduced the amendment a question about this. Is not this already the law?

Mr. LEWIS of Maryland. No.

Mr. CULLOP. I see that you state in this amendment—

Where the highest court of a State by its final judgment on appeal had adjudged any provision or provisions of a State constitution or statute, or any municipal ordinances, to be in contravention of the Constitution of the United States or any statute or treaty thereof.

Would not a judgment of that kind be raising a Federal question?

Mr. LEWIS of Maryland. No.

Mr. CULLOP. Why can you not take that, then, on to the Supreme Court of the United States?

Mr. LEWIS of Maryland. Because the statute giving the right of appeal in those cases, and passed in 1789, restricts appeals to those instances where the decision has been in favor of the Federal contention and denies appeals where the State courts have decided adversely to the State contention, it being assumed that the State courts can be relied upon to protect the statutes of their own States. In 1789 the State courts had a bias as for the State statutes, but that feeling certainly does not exist at this date.

Mr. SCOTT. Will the gentleman yield?

Mr. CULLOP. I yield to the gentleman from Iowa.

Mr. SCOTT. I want to ask the gentleman from Maryland a question, as to whether or not it is his opinion that the reason behind the present form of the statute is that it calls upon the Supreme Court of the United States to enforce the Federal law? In other words, to protect the right of the citizen under the Constitution of the United States, whereas to permit the adverse or other side to appeal it would be to call on the Supreme Court of the United States to enforce State law. Is not that the reason behind the distinction?

Mr. LEWIS of Maryland. It may be a debatable proposition, sir; but my view is as stated. If a State court comes to an erroneous conclusion about the Federal right of a man who has sued me, and has decided adversely to me, that State court has as much deprived me of my Federal rights when it errs as it would in cases otherwise determined. In other words, both parties have equal rights to a correct interpretation of the Federal contention.

Mr. SCOTT. But does not the Constitution of the United States guarantee enforcement of the State laws or rights under the State laws?

Mr. LEWIS of Maryland. No; it impliedly guarantees that the Federal Constitution shall not be applied to nullify State legislation except in proper cases; but this appeal allowed by this amendment implies that where the State court has nullified a State statute under the pretense of Federal conflict, if the Supreme Court thinks that the State has not trespassed upon the Federal authority the Supreme Court shall have power to say so, and to protect me in my Federal right, because I have a Federal right to the protection of State laws which the State really has the power to pass.

Mr. GREEN of Iowa. Will the gentleman from Indiana [Mr. CULLOP] allow me to make a statement in reply to my colleague?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. I call my colleague's attention to the fact that this provision does not in any way make the Supreme Court of the United States responsible for the enforcement of the State law. In fact, it does not provide for any enforcement of the State law on the part of the Federal Supreme Court. It provides only for the determination of the principles of the Constitution in that court and affirmance or reversal of the State court; but it leaves to rules and regulations, which will be established by the Federal court, the question of what further action, if any, may be taken. And in many of these cases, as I said before, no action can be taken beyond a simple reversal or affirmance.

The SPEAKER. The time of the gentleman has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, I would like now to say to the gentleman from Maryland that I agree with him on his amendment, but I would like to have it go further and incorporate the subject matter embraced in my amendment. Wherever there is a suit brought to test the validity of a State statute I think the original jurisdiction ought to be confined to the State courts, and the Federal courts not have jurisdiction until the highest court of the State has had an opportunity to pass upon its validity and construe the provision. The State courts should have the first say, as we sometimes call it.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. I do not just understand the gentleman. That is just what this provides. It is only where the decision is made by the court of last resort that this section applies.

Mr. CULLOP. Ah, the gentleman is badly mistaken. The gentleman will observe this, that there can be brought under this statute an original suit in the Federal court to test validity of a State statute without first bringing suit in the State court, and having the highest court of the State construe its statutory provisions, and this procedure we assert is wrong.

Mr. GREEN of Iowa. Where does the gentleman get that out of this provision?

Mr. CULLOP. This only provides that appeals may be taken from the State court where the highest court of the State has passed upon the question and one or the other of the parties feel aggrieved, whereas heretofore it was only in certain contingencies appeals from courts of last resort of the States could be taken to the Federal courts. It is to cure this evil the amendment of the gentleman from Maryland applies; but the amendment I have offered goes much further, and provides that in all suits where the validity of any State statute is involved the question must first be passed upon by the State court of last resort before the Federal courts can take jurisdiction of such question. In other words, State courts must first pass upon the validity of State statutes before the Federal courts can do so. It further authorizes an appeal by the aggrieved party from decision of the question by State courts of last resort to the Supreme Court of the United States. As the law now is, a suit involving the validity of a State statute may be brought in the first instance in the Federal courts and determined before the highest courts of the State have an opportunity to construe it or pass upon it. I hope I have now made its purpose plain to the gentleman from Iowa.

Now, there is nothing in the amendment of the gentleman from Maryland that confines such a suit in its original jurisdiction to the State courts. For aught that appears in his amendment, a suit can be brought in the Federal court in the first instance to test the validity of the statute of a State. Now, then, my amendment applies to that subject.

Mr. GREEN of Iowa. You are correct about that.

Mr. CULLOP. Now, what I am asking is the enactment of some legislation for jurisdiction in the first instance of a suit to test the validity of a State statute, to be brought in the first instance in the State courts, and the Federal court shall not have original jurisdiction for that purpose, and then an appeal may be made from the decision of the supreme court of the State on that question to the Supreme Court of the United States.

Now, that is for this reason: It is the well-settled rule of statutory construction that the construction which the highest court of a State puts upon the statute of such State shall be controlling if it can possibly be reconciled under well-settled rules of construction by the Federal court reviewing the same. Now, we have known of a number of abuses in this country in the Federal courts for the want of some statute of the kind I have suggested. I think it is almost universally accepted that there ought to be legislation of some kind upon this question to avoid the recurrence of this abuse, and I will ask the gentleman from Maryland [Mr. LEWIS] if he would be willing that I should offer an amendment to the pending amendment providing that in all suits to test the validity of a State statute original jurisdiction shall be in State courts and an appeal shall then lie from the highest court of the State to the Supreme Court of the United States. This would rectify the existing evil in this respect.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. CULLOP. Certainly.

Mr. GREEN of Iowa. Does not the gentleman see some constitutional difficulty in the way of limiting the jurisdiction to the State courts in the first instance?

Mr. CULLOP. None.

Mr. GREEN of Iowa. I might say also that such a statute as that which the gentleman proposes would be in direct conflict with the statute that we have on the books now.

Mr. CULLOP. The purpose is simply to get rid of that statute and put a new one in its place. There is no constitutional objection to this, to what I propose; none whatever. This Congress has the right to confer jurisdiction in any of these cases on the State courts by a statute, and lodge the jurisdiction in any court as it may see fit. There is nothing to prevent it. Congress has the power if it sees fit to use it. Take the employers' liability act for an illustration. It provides that the Federal courts only have concurrent jurisdiction with the State courts in suits under that act. Congress had the power to pass such a law. It has the power to prescribe the jurisdiction in this matter, as provided by the amendment I have offered. The law as it exists now is injurious to the people of the country who are compelled to resort to litigation to determine such important questions in that a nonresident is procured for jurisdictional purposes, so that there will be a diversity of citizenship, and the suit is brought in the Federal court to test the validity of a State statute, when it ought to be brought in the State court and an opportunity given to the supreme court of that State to first pass upon it, before the Federal court is resorted to. This method would be the better and fairer one.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. I ask one minute in which to offer an amendment.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for one minute more, in which to offer an amendment. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, I offer the following amendment, to amend the amendment offered by the gentleman from Maryland [Mr. LEWIS], after the word "prescribed," by inserting the words "*Provided*, That in any suit brought to test the validity of the statute of any State, original jurisdiction shall be in the State courts, and an appeal permitted from the supreme court of such State to the Supreme Court of the United States."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

Mr. CULLOP. I will write it out, Mr. Chairman, and send it to the desk.

Mr. LEWIS of Maryland. Mr. Chairman, I wish to say, as courteously as possible, that I think this amendment is entirely incongruous with the amendment that I proposed. If I understand the gentleman's proposition, I think I may suggest that it is not worked out at all in the proviso that is offered, and it would require a great deal of time and painstaking care to work it out in conformity with the law. I therefore make a point of order to the proviso.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] makes a point of order against the amendment offered by the gentleman from Indiana.

Mr. STAFFORD. Mr. Chairman, he can not make a point of order against it until it has been reported. It has not been reported yet.

The CHAIRMAN. It has been offered informally, and it will be put in writing in a moment.

Mr. TOWNER. Mr. Chairman, is the matter before the Chairman for consideration on the point of order?

The CHAIRMAN. Strictly speaking, the Chair thinks not. The amendment is now being prepared by the gentleman from Indiana [Mr. CULLOP]. The Clerk is not certain that he heard it correctly as stated by the gentleman from Indiana.

Mr. MANN. Mr. Chairman, I doubt very much the desirability of agreeing to this amendment, for two reasons. First, I think that any change in the law which confers additional jurisdiction upon the Supreme Court ought to be very carefully considered by the Judiciary Committee, so that we will be quite certain that the law means what it apparently says. My observation is that hastily drawn statutes—even those drawn by so distinguished gentlemen as the gentleman from Iowa [Mr. GREEN] and the gentleman from Maryland [Mr. LEWIS]—are often provocative of great discussion and many decisions. Second, the Supreme Court of the United States, I believe, is having a longer session this year than is customary. A few years ago we hoped that we might be able, by the creation of the courts of appeal, to permit the Supreme Court of the United States to keep practically up to date with its business. We have gone on since then and added to the jurisdiction of the Supreme Court; and not only that, but we have given preference to a certain class of cases until an ordinary citizen having a case before the Supreme Court now has to wait for quite a number of years before he can have his case disposed of, and the delay in justice is often a denial of justice.

Now, here is a proposition to permit the Supreme Court of the United States to pass upon every city, village, county, hamlet, and township ordinance, practically.

Mr. LEWIS of Maryland. They do it now.

Mr. MANN. Oh, no; they do not do it now.

Mr. LEWIS of Maryland. They do it for one side of the litigants' table.

Mr. MANN. Under the existing law the Supreme Court can pass upon the question where the State court has decided that the act of the legislature or the State constitution is not in conflict with the Constitution of the United States. But here is a proposition now to take the other side, so that, whichever way the court decides, you can bring the case to the Supreme Court of the United States. There are a great number of municipal ordinances being constantly passed in the various municipalities of the United States where some lawyer contests the validity of the ordinance on the ground that it conflicts with the Constitution of the United States, and especially with the fourteenth amendment.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. In just a second. Now, whichever way the court decides, under this provision, it will decide that question—ordinarily it must decide it if it comes—and bring the case to the Supreme Court of the United States.

Mr. TOWNER. Does the gentleman by any logical course of reasoning support the contention that the right of appeal ought to exist when the court has decided the case only one way and should not exist when the court has decided it the other way?

Mr. MANN. Well, my friend from Iowa would seem to endeavor to impugn the common sense of the Congress which first put the provision in the law and that of every Congress since then which permits it to remain in the law. It seems to me it is quite logical to permit the Supreme Court of the United States to review the case in one instance, where it may be presumed that the State supreme court is biased in behalf of the provisions of the State, and not in the case where the supreme court of the State decides against the provisions of the State. The cases are quite different, just as much so as when you permit a citizen of a different State to sue in the Federal court, but it is stronger in that case than this.

Mr. CULLOP. I ask to have my amendment reported.

Mr. LENROOT. I should like to be recognized in my own right later.

The CHAIRMAN. The amendment offered by the gentleman from Indiana [Mr. CULLOP] will now be reported.

The Clerk read as follows:

Amend the amendment by adding at the end the following:

"*Provided*, That in any suit to test the validity of any State statute original jurisdiction in all such suits in the courts of the State, and an appeal shall lie from the highest court of said State to the Supreme of the United States."

Mr. LEWIS of Maryland. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Maryland [Mr. LEWIS] makes a point of order against the amendment.

Mr. CULLOP. On that I want to be heard.

The CHAIRMAN. The Chair will hear the gentleman from Indiana on the point of order.

Mr. CULLOP. Mr. Chairman, I should like to have the gentleman from Maryland state the point of order on which he relies.

Mr. LEWIS of Maryland. The point of order relied on is this: The section as proposed deals distinctly with rights of appeal from State courts of last resort to the Supreme Court of the United States, a distinct proposition of law and fact. The amendment proposed by the gentleman from Indiana [Mr. CULLOP] deals with a wholly different set of circumstances, namely, those conditions which are to determine the right of original jurisdiction in courts of nisi prius character. We are dealing with legal propositions as distinct as it is possible to fancy.

Mr. CULLOP. Mr. Chairman, the fact that the amendment offered to the amendment deals with the original jurisdiction of these cases only enlarges the scope of the gentleman's amendment, and it treats of appeals from the State courts to

Mr. LEWIS of Maryland. Strike out the new section and make it a new paragraph.

Mr. MANN. Add it to the end of section 270.

Mr. WATKINS. Mr. Chairman, section 270 and several sections refer to the procedure on appeal. Section 270A which is offered, as a matter of fact, is a separate and distinct proposition. It does not relate to procedure at all.

Mr. MANN. It does not belong in the bill; but if it is to be put in, it ought to be put in in the right way.

Mr. WATKINS. I shall object to its being put in as a part of section 270, because that relates to the manner of appeal and not to the right of appeal. I prefer it should go in as an independent section. Otherwise it would have the appearance that the committee had agreed to a right of appeal in a section where there was only provision made for the remedy by way of procedure.

Mr. MANN. Under the practice of parliamentary bodies like this it is the duty of the clerk when enrolling the bill to number the sections consecutively, disregarding any numbers that we put in, and if that was done it would disorganize the entire bill.

Mr. WATKINS. Then he would give this the number of 271.

Mr. MANN. True, but what I mean is this: The gentleman's bill in one section refers specifically to another section.

Mr. WATKINS. That is true, but it does not happen to be so this time.

Mr. MANN. I do not know whether it happens to be so in the balance of the sections.

Mr. WATKINS. The second amendment I have is to correct a defect of that kind.

Mr. MANN. That would disorganize the whole thing. If this is to be inserted, it should be inserted as a part of this section. It belongs in another law entirely.

Mr. LEWIS of Maryland. Inasmuch as the chairman of the committee objects and has another view I will let it stand as a new section.

Mr. MANN. It will be a great annoyance to the clerks whose duty it is to engross the bill with sections numbered consecutively. While we sometimes insert in a law by amendment section 270a, it is never done as an original proposition.

Mr. LEWIS of Maryland. Mr. Chairman, some explanation ought to be made to the House of the significance of this amendment. Lawyers will understand that appeals now from the State courts to the Federal courts where the Federal Constitution or statutes have been appealed to are restricted to those cases where the State court has decided against the contention that the act of the legislature is invalid under the Federal Constitution. It was put there to protect, of course, the supremacy of the Federal law, and ample privilege is given a State and litigants to secure their rights under the Federal law by appeal to the Federal court.

In modern times, however, especially since the war, it has happened—and with great frequency and in a very serious way—that the courts have held their own State statutes invalid as violative of the Federal Constitution. In such cases no appeal is allowable to the Supreme Court, the appeal being restricted to the decisions which are made the other way. It so happens that some of the most important legislation of the States, especially in respect to the relations of employers and employees, has been struck down by the State courts on the argument that such legislation was violative of the Federal Constitution, and in such instances no appeals could be taken to save the State law. I have in mind three classes of cases, all of them of the gravest importance. One of them relates to statutes frequently passed by States with reference to weekly pay or semimonthly pay days. In my own State statutes of that kind have been held violative of the Federal Constitution, and yet recently, in a case that could go to the United States Supreme Court from the State of New York, that court has held that such statutes were not violative of the Federal Constitution. There are other instances involving the so-called company or pluck-me stores, and those State statutes have been struck down by State courts on Federal grounds, and no access has been possible to the Supreme Court of the United States to get its view about that line of legislation.

The CHAIRMAN. The time of the gentleman from Maryland has expired.

Mr. LEWIS of Maryland. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Now, Mr. Chairman, that very kind of legislation—it is not too much to say, legislation intended to break up the pluck-me, or company-store, system—sometimes goes to the question of peace and order in the mining industry, and my own hope and my own confidence is that if the Supreme Court of the United States could be appealed to in respect to that line of legislation, it would take a different view from what the State courts took of the subject 35 years ago. Adjudication in the States is now, however, predicated on the precedents of a bygone age upon that subject.

There is another question that goes to human nature itself. It is the compensation laws which are being passed by the respective States. One State court, at least, has held such compensation laws to be violative of the principles of the Federal Constitution, and no appeal can be taken to the Supreme Court of the United States in such a case. I do not believe there are five men in the House to-day who believe that the Supreme Court, in our age, would hold such an act unconstitutional; and yet there is presented a situation where, if that precedent be followed in 40 or more States on that most important of all subjects, we might find ourselves unable to emulate the civilization of the rest of the world and effectuate the plainest dictates of justice and humanity. This amendment is designed to give appeals to the Supreme Court of the United States only in those instances where a State statute, a section of a State constitution, or a municipal ordinance predicated upon State sovereignty has been nullified by the State courts, in order that the highest court in the land may determine whether indeed and in truth such statute, constitutional amendment, or municipal ordinance does in fact contravene the Federal Constitution.

I may say, Mr. Chairman, that there is no opposition to this amendment in any direction. The American Bar Association has declared in favor of it. I am informed that ex-President Taft has recently visited the Capitol and appeared before the Judiciary Committee of this House in advocacy of it.

Mr. GREEN of Iowa. Mr. Chairman, I heartily concur in all that has been said by the gentleman from Maryland [Mr. LEWIS] as to the necessity and propriety of this amendment so far as its purposes are concerned. I had something to do with the drafting of it, in assisting the gentleman from Maryland as to the form——

Mr. LEWIS of Maryland. Mr. Chairman, if the gentleman will permit, I wish to make admission that the gentleman from Iowa himself drafted this provision.

Mr. MADDEN. Surprising that you [Mr. GREEN of Iowa] should agree to the amendment after you had drawn it!

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Illinois [Mr. MADDEN] is unnecessarily sarcastic. I was talking about the purposes of the amendment and not with reference to its form; but I wish to say something with reference to the language of the amendment. In drafting the amendment I endeavored as far as possible to follow the language which had heretofore been used in other provisions with reference to similar matters. The amendment as originally drawn used the words "in conflict with the Constitution of the United States." I took the words "in contravention of the Constitution of the United States" from a somewhat similar provision with reference to the courts of the District of Columbia, which seem to be the only courts from which appeal may lie with reference to decision upon State constitutions or State statutes, which have been held to be invalid as in contravention of the Constitution of the United States. The word "reexamine" as used in the provision that such judgment or decree may be "reexamined and reversed or affirmed by the Supreme Court" is found in the converse of this statute in the Judicial Code, the provisions of which the gentleman from Maryland has already stated. That provides that where it is decided that any statute is valid under the Constitution of the United States, an appeal may be taken from such a decision. The proposed amendment is simply the converse of that statute. A suggestion has been made with reference to an amendment to the amendment in order to make it conform to similar statutes—that after the words "United States," in the last line, the words be inserted, "upon writ of error," so that the amendment will then read:

Reversed or affirmed by the Supreme Court of the United States, upon writ of error.

This suggestion was made by my colleague, Judge TOWNER, and I am inclined to think that the suggestion is a good one. In drafting this amendment, I borrowed a portion of the language from page 153 of the bill in section 295, and I observe that the language there is:

Reexamined, reversed, or affirmed by the Supreme Court of the United States, upon writ of error, under such rules and regulations as the court may prescribe.

Mr. LEWIS of Maryland. Does the gentleman propose that addition?

Mr. GREEN of Iowa. I think it would be well to make that addition.

Mr. LEWIS of Maryland. I am willing to accept it. I think it is completive of the sense of the amendment.

Mr. GREEN of Iowa. Then when I close, I shall ask unanimous consent that it be inserted.

There is one explanation that is probably necessary with reference to the terms of this amendment. The House will observe that there is no provision as to what action shall be taken when the case is reversed or affirmed, but that is left to the Supreme Court to prescribe by rules and regulations. Nearly all of the cases which can be considered under this amendment will be criminal cases and, of course, if the Supreme Court should reverse the decision of the State court no action could be taken in the way of remanding the case to the lower court and ordering that decision or judgment to be set aside, because the judgment would be one which released the defendant and discharged him under the indictment or information, as the case might be. It is intended by this provision that the decision of the Supreme Court will, however, be a precedent for future decisions in the State court, which it is assumed will be governed by whatever the Supreme Court of the United States may decide in the matter. It was thought best for that reason, instead of making any provision as to what order or subsequent proceedings should be had after the case has been reversed or affirmed, to simply provide that the court itself, the Supreme Court of the United States, might make rules and regulations in reference thereto which would be applicable to any class of cases that came before it under the amendment, whether civil or criminal, and whether the result was an affirmation or a reversal of the lower court.

Now, Mr. Chairman, I will ask unanimous consent that there be inserted in the amendment, the gentleman proposing the amendment having consented thereto, after the words "United States" in the last line, the words "upon writ of error," so that the last clause will read: "reversed or affirmed by the Supreme Court of the United States upon writ of error under such rules as said court may prescribe."

Mr. MANN. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Yes.

Mr. MANN. The existing law that permits review by the Supreme Court of the United States of decisions of the State courts relating to State constitutions or statutes, does that also include municipal ordinances?

Mr. GREEN of Iowa. It would apply to municipal ordinances.

The CHAIRMAN. The gentleman from Iowa asks unanimous consent to modify the amendment in the manner suggested. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, further, in answer to the question of the gentleman from Illinois, I would say that the provision in the Judicial Code of the existing law would apply to a similar case where a municipal ordinance was involved and the State court decided that it was not in contravention with the Constitution of the United States. This is section 237 of the Judicial Code, which I have in my hand.

Mr. MANN. What is the provision as to this language? Does the language include municipal ordinances?

Mr. GREEN of Iowa. It does not specify municipal ordinances by using those words, but it says:

SEC. 237. A final judgment or decree in any suit in the highest court of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of or an authority exercised under the United States and the decision is against their validity, or where is drawn in question the validity of a statute of or an authority exercised under any State on the ground of their being repugnant to the Constitution, treaties, or laws of the United States and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution or any treaty or statute of or commission held or authority exercised under the United States and the decision is against the title, right, privilege, or immunity especially set up or claimed by either party under such Constitution, treaty, statute, commission, or authority may be reexamined and reversed or affirmed in the Supreme Court upon a writ of error, etc.

This would cover cases involving municipal ordinances.

Mr. MANN. Now, that having been the law for many years, and it being now suggested or proposed that the converse be taken as a case for appeal, why is not the same language used here instead of putting in entirely different language, which will require a lot of court construction?

Mr. GREEN of Iowa. The language which has been used in this amendment is not new, but is all found in some of the provisions of our Judicial Code and the bill which we have before the House. The reason that different language is used in this amendment is because the cases covered thereby can not be reviewed in the same manner or, I should say, with the same effect as the cases which are covered by section 237 of the Judicial Code. In the cases covered by that section proceedings will be had after the decision in the United States Supreme Court or in the same manner as in ordinary cases; but in the cases covered by this provision, as I said before, nine out of ten will be criminal cases, and the procedure can not be the same. This necessitated some changes. I will say also that section 237 seemed to me to be unnecessarily involved. I undertook to simplify.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. GREEN of Iowa. Mr. Chairman, I would ask for one minute more.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none.

Mr. STEPHENS of Texas. The question is this: In our State we have a court of criminal appeals and the supreme court, the supreme court having jurisdiction of civil cases and the court of criminal appeals of criminal cases. Will this apply to criminal cases from the court of criminal appeals?

Mr. GREEN of Iowa. It would in certain cases if it was the court of last resort.

Mr. STEPHENS of Texas. That is the court of last resort for criminal cases and the supreme court is the court of last resort for civil cases. We have an intermediate court known as the court of civil appeals that is composed of three judges, and on constitutional questions and questions where one judge dissents appeal can go to the supreme court. Now, could one of these cases coming from the court of civil appeals go to the Supreme Court of the United States under the gentleman's amendment?

Mr. GREEN of Iowa. The only case that could go to the Supreme Court of the United States would be where the party desiring to take the appeal has exhausted his remedy entirely in the State courts.

Mr. STEPHENS of Texas. In that event he could go?

Mr. GREEN of Iowa. Yes.

Mr. STEPHENS of Texas. And if they had a case where they had not appealed where they are entitled to it, on a constitutional question or where one of the judges dissented, they would be without a remedy, and justly so, I think.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

Mr. MOORE. Mr. Chairman——

Mr. LEWIS of Maryland. I yield to the gentleman from Pennsylvania [Mr. MOORE] for a question.

Mr. MOORE. The gentleman from Maryland said that in a great many instances injustice had arisen because we did not have such a provision as this in the code. Can the gentleman in plain English, not in legal language, give us an instance where such an injustice has been worked because of this lack of the right of appeal?

Mr. LEWIS of Maryland. Perhaps the gentleman was not present——

Mr. MOORE. I was present. I mean some individual case where the wrong is done.

Mr. LEWIS of Maryland. I can give two cases from my own State. Legislation there designed to break up the "pluck-me-store" system was declared invalid by our highest court, and also legislation in regard to a two-week pay law.

Mr. MOORE. Was there a desire in those cases, after the Maryland courts had determined them, to take them higher?

Mr. LEWIS of Maryland. There was. In one case I was counsel, and was only prevented from taking appeal because of the fact that it could not be taken.

Mr. MOORE. Does a lack of uniformity in State decisions arise from failure to have this provision?

Mr. LEWIS of Maryland. It would tend to arise. I think our Maryland courts were restrained on that subject by decisions rendered 20 or 30 years ago.

Mr. MOORE. Then a remedy might lie in the legislature.

Mr. LEWIS of Maryland. There is no remedy in the State legislature. The remedy is here in Congress, because unless appeal is given State sovereignty can be hopelessly stricken down by a State court.

Mr. MOORE. And from your point of view that is the end of it?

Mr. LEWIS of Maryland. That is the end of it.

Mr. WATKINS. Mr. Chairman, I wish to say, as far as the enactment of this provision of the law is concerned, it is my individual opinion, and not that of the Committee on Revision of the Laws, that it is important. The Committee on Revision of the Laws has not had an opportunity to pass formally upon it during the presentation and consideration of this bill, because of the fact that it appropriately belongs in the judicial code which was approved on March 3, 1911, which code gives the

Mr. LANE. Then, Mr. President, I should like to address the Chair upon the bill.

motion of the support and civilization of the Indians. You will find in the bill many items of the kind which appropriate

The PRESIDENT pro tempore. The Senator from Idaho [Mr. BRADY] was taken from the floor rather abruptly, and if it pleases the Senator from Washington to yield to his friend from Idaho the Chair will recognize the junior Senator from Idaho.

Mr. JONES. Certainly.

Mr. BRADY. Mr. President, I wish to say a word relative to the treatment of the Indians on the Fort Hall Indian Reservation. I do not think anyone can complain of the treatment they have received, either at the hands of the Government or at the hands of the people of the State. The 45,000 acres of land they have would not be worth over a dollar and a quarter an acre without water, whereas to-day it is worth from $75 to $100 an acre with the water on it; so it is very easy to figure what profit the Indians will make by properly cultivating the land.

I do not wish to be understood as in any way antagonizing the rights of the Indians on this reservation. On the other hand, I want to help them in every way I can. While I realize, as any man conversant with the irrigation laws and usages must realize, that this amendment would not have any effect if we agreed to it, I do not propose to direct my attention to that amendment. I do want to say, however, that the committee is taking the right course to enable the Indians to apply this water to beneficial use. The very things that you have done in your committee, if they are carried out, will enable every Indian on the reservation to prove up with his water, having put it to beneficial use.

There are 20,000 acres of that water as to which there is no question at this time in my mind that it is attached to the land. The only question is in regard to the water in the reservoir. If you go on and complete your canal and place it in shape so that the Indians can use the water, and then adopt the section that you have here, allowing $50,000 to be paid to buy tools and teams and facilities with which to farm, you will find that they will go on and improve their farms.

There are many intelligent Indians on this reservation. There must be 25 or 30 young men and young women there who are graduates of Carlisle University. They have a school on that reservation with over 400 pupils, I believe, in attendance. They are becoming civilized and trying to improve themselves. The people in the community want to help them and help them improve themselves. I want to say that I am very heartily in favor of this appropriation to enable them to do so.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. JONES. Mr. President, the Senator from Oregon suggested a moment ago that the Indians have been treated very badly by Congress. I have an idea that this occurred by reason of legislation being considered without anybody being present, as this legislation is largely being considered. I feel satisfied that if more Members of the Senate were present they would know more about conditions in the West and they would know more about the rights of the States to the water in the different streams, and then, instead of taking their views from the department upon these legislative matters, they would be able to get along better and get better legislation.

We have only 15 or 20 Members present here now. I think the amendment ought to be considered by a quorum, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Page	Sterling
Borah	Jones	Perkins	Sutherland
Brady	Kenyon	Shafroth	Swanson
Bryan	Lane	Sheppard	Thompson
Catron	Myers	Shively	Thornton
Clapp	Nelson	Smith, Ariz.	Tillman
Clarke, Ark.	Norris	Smoot	Townsend
Crawford	Owen	Stephenson	White

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. MYERS. I announce that my colleague [Mr. WALSH] is necessarily absent. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

The PRESIDENT pro tempore. Thirty-two Senators have answered to their names. There is not a quorum of the Senate present. What is the pleasure of the Senators who are present?

Mr. JAMES. I desire to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY]. I will state that he is paired with the Senator from Rhode Island [Mr. COLT].

Mr. BRYAN. I move that the absentees be called.

The PRESIDENT pro tempore. There are just two motions which can be made. One is a motion to request the attendance of absent Senators and the other is a motion to adjourn.

Mr. JAMES. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will furnish the Sergeant at Arms with a list of absent Senators.

Mr. BURTON, Mr. WILLIAMS, Mr. BRISTOW, Mr. LEE of Maryland, Mr. GORE, and Mr. JOHNSON entered the Chamber and answered to their names.

Mr. TOWNSEND. I move that the Senate adjourn. We have been trying to get a quorum for some time.

The PRESIDENT pro tempore. The Senator from Michigan moves that the Senate do now adjourn. [Putting the question.] The noes seem to have it.

Mr. SUTHERLAND. I ask for a division.

The motion was agreed to, there being, on a division—ayes 14, noes 12.

Mr. OWEN. I call for a vote by yeas and nays.

The PRESIDENT pro tempore. The Senate is not in session. It stands adjourned until to-morrow at 12 o'clock.

The Senate thereupon (at 8 o'clock and 34 minutes p. m.) adjourned until to-morrow, Thursday, June 18, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 17, 1914.*

The House met at 12 o'clock noon, and was called to order by Mr. CULLOP as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Great God our Father, as time sweeps on in its ceaseless flow, draw us day by day, by grace divine, a little nearer to Thee; a little nearer to our better self; a little nearer to those we love; a little nearer to each other and the world of mankind; a little nearer to the toiling millions; a little nearer to the sorrowing, the unfortunate, the man down and out, that the Christ spirit may have its perfect work in our hearts, and faith, hope, and love be ever in the ascendancy; to the glory and honor of Thee, O God our Father. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. If there be no objection, the Journal as read will stand approved.

Mr. MANN. Reserving the right to object, I notice that all through the Journal it is stated that the gentleman from Tennessee [Mr. PADGETT] moved to disagree to the various amendments and ask for a further conference with the Senate. As a matter of fact, that was not done, and that would not be proper under our procedure. After the various amendments had been disagreed to, the gentleman from Tennessee [Mr. PADGETT] at the end made a motion to ask for a further conference, and the Journal so states.

Where an amendment is disagreed to, it is not customary to ask for a further conference on each amendment. I think the Journal ought to be corrected to show that the motion was not made until after all the amendments had been disagreed to, where the motion really was made.

The SPEAKER pro tempore. If there be no objection, the Journal will be corrected as suggested by the gentleman from Illinois.

JOHN K. LOWRY.

Mr. LOBECK. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 279) to amend an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2, 1914.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The joint resolution was read, as follows:

Whereas by an error in printing the bill reported by the House Committee on Invalid Pensions upon H. R. 11390, approved May 2, 1914 (Private, No. 22), the designation of the military service of one John K. Lowry, late of Company F, Forty-sixth Regiment, Ohio Volunteer Infantry, was changed to read Company K of said regiment: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the paragraph in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war," approved May 2,

1914 (Private, No. 22, 63d Cong.), granting an increase of pension to one John K. Lowry, be corrected and amended so as to read as follows:

"The name of John K. Lowry, late of Company F, Forty-sixth Regiment, Ohio Volunteer Infantry, and pay him a pension of $40 per month in lieu of that he is now receiving."

The SPEAKER pro tempore. Is there objection to the present consideration of the joint resolution?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15762. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

The message also announced that the President had approved and signed bills and joint resolution of the following titles:

On June 4, 1914:

S. 2869. An act providing a temporary method of conducting the nomination and election of United States Senators.

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and to disagree to the Senate amendments and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. MANN. Reserving the right to object, is not the gentleman willing to let that go over until to-morrow morning, and in the meantime have the bill printed with the Senate amendments numbered?

Mr. FLOOD of Virginia. There is no particular hurry about it. I do not want the bill to go to the Committee on Foreign Affairs. I want it to remain on the Speaker's table.

Mr. MANN. That is all right.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. FLOOD] withdraws his request.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHERWOOD, for two weeks, on account of important business.

CALENDAR WEDNESDAY.

The SPEAKER pro tempore. This being Calendar Wednesday, the House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, which is the unfinished business.

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, before that is done, I should like to present a conference report, to be printed under the rule.

The SPEAKER pro tempore. This is Calendar Wednesday, and that can only be done by unanimous consent.

Mr. RUSSELL. I ask unanimous consent that the conference report on the bill (H. R. 12015) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war may be presented and printed in the RECORD under the rule.

The SPEAKER pro tempore. Is there objection?

There was no objection.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER pro tempore. This being Calendar Wednesday, the House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, with Mr. RUSSELL in the chair.

Mr. WATKINS. Mr. Chairman, section 13 of the bill was passed over temporarily in order that certain information might be obtained. On the following Wednesday the information was produced and the section was then finally passed. The RECORD, however, I have been informed, fails to show that action, and I want to be certain that the RECORD shows that section 13 was passed.

The CHAIRMAN. If there be no objection, the RECORD will so state.

Mr. WATKINS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 79, line 14, strike out the section and insert in lieu the following new section:

"SEC. 137. Copies of the organization certificates of any national banking association or of any Federal reserve bank, duly certified by the Comptroller of the Currency and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the incorporation of the association or of the Federal reserve bank, as the case may be, and every matter which could be proved by the production of the original certificates."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Chairman, section 273 was passed temporarily on account of an amendment which was offered by the gentleman from Maryland. I ask that before the amendment is submitted we return to section 270, because the amendment which was offered by the gentleman from Maryland to section 273 is not germane to section 273. I ask that we return to section 270 to give the gentleman from Maryland an opportunity to withdraw his amendment to 273 and offer it to section 270.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to return to section 270 for the purpose of permitting the gentleman from Maryland to offer an amendment that he heretofore offered to section 273. Is there objection? [After a pause.] The Chair hears none.

Mr. LEWIS of Maryland. Mr. Chairman, I desire to withdraw the amendment that I offered last Wednesday to section 273.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. LEWIS of Maryland. Now I will offer the amendment to section 270, to be known as section 270a.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After section 270, on page 142, insert as a new section, 270a:

"In all cases of proceedings wherein the court of last resort of any State has by final judgment or decree adjudged any provision or provisions of a State constitution or statute or any municipal ordnance to be in contravention of the Constitution of the United States, or any statute or treaty thereof, such judgment or decree may be reexamined and reversed or affirmed by the Supreme Court of the United States under such rules as said court may prescribe."

Mr. MANN. Will the gentleman yield?

Mr. LEWIS of Maryland. Yes.

Mr. MANN. I suggest to the gentleman that it is rather awkward in enacting a law to number a section 270A. It would have the same effect if he added it to section 270.

Mr. LEWIS of Maryland. The suggestion was made that it would be clearer as section 270A.

Mr. MANN. We sometimes insert it in an old law, but the chances are that before we get through the sections will be renumbered consecutively, as required by the rules of Congress. As changing the number of sections might be awkward, I think it would be safer to make it a part of section 270.

for in this bill, then it will own that reservoir and all the water in it, and it will have the right to rent it out if it so wishes or to keep it in the reservoir if it is desired to do so. Although part of that water has been put to a beneficial use, all of it has not been for the reason that a great number of canals have not been completed, and you will find that the Commissioner of Indian Affairs recommended this increase to $40,000 for the purpose of building these canals. The main canals are built, but they want to build laterals leading to the farms, so that the Indians can put this water to a beneficial use. Therefore I think this particular reservation is in better shape than almost any of the reservations in the western country.

Mr. TOWNSEND. May I ask the Senator what portion of the water provided by this appropriation is going to the Indians and what proportion to the whites?

Mr. BRADY. About 45,000 acres will go to the Indians and about 10,000 acres have been sold to the whites. What the whites have does not come in under this head at all. That has been provided for and has been put to a beneficial use.

Mr. TOWNSEND. Does the Senator mean to say that no part of this appropriation will be used for the benefit of the white settlers?

Mr. BRADY. My understanding is that it is all to be used on the Indian reservation. This is simply, as I understand, to carry out the recommendation of the commissioner to complete the canal and get it in shape so that it will deliver the water.

Mr. TOWNSEND. That was not my understanding.

Mr. PAGE. I hope the Senator from Idaho will be able to give me an explanation of this matter before it comes up later. At present we are considering the committee amendments, and therefore I suppose an amendment to strike out the first four lines, beginning with line 10 on page 28, would not be in order at this time. Unless I am satisfied, however, that fair and reasonable protection is offered to the Indians, I shall move at the proper time to strike out the entire appropriation, because I believe the assistant commissioner is correct when he says that the lands of these Indians, or their rights to the irrigation project, are lapsing from time to time because they are unable to make beneficial use of them.

Mr. BORAH. Mr. President, the Senator's remark reminds me of what is constantly happening here with reference to the western country. Senators come here from these States who live in close touch with the situation. They know all about it. They are supposed to know the interests of their States and their people, and yet they are constantly overridden in their judgment and in their views by some clerk in the department.

The Commissioner of Indian Affairs can not possibly know as much about this matter as the people who come here and represent this part of the country. There is no one upon the floor who will undertake to support the proposition that you can, by act of Congress, take away the right of a State to control its affairs with reference to its water.

Mr. LANE. Mr. President——

Mr. BRADY. I yield to the Senator from Oregon.

Mr. LANE. I should like, in order to throw a little light on this subject, to read what was brought out at the hearings before the Committee on Indian Affairs when this matter was under consideration.

The PRESIDENT pro tempore. Before the Senator reads, let the Chair inform himself as to what is actually pending and in what parliamentary form. What action does the senior Senator from Idaho desire the Senate to take in connection with this proviso?

Mr. BORAH. When I began to discuss it I said that I should raise the point of order to the effect that it was general legislation.

The PRESIDENT pro tempore. Does the Senator present that point at this time?

Mr. BORAH. Yes

The PRESIDENT pro tempore. The point of order will be sustained.

Mr. LANE. Mr. President, I asked the Senator not to do that until there was a thorough understanding of this matter, for the reason that this goes far and reaches into the heart of the bill. I should like to have Senators thoroughly understand the matter before the Senator from Idaho raises the point of order, for it is going to have a very disastrous effect, if not upon those Indians particularly, upon other Indians who are similarly situated.

The PRESIDENT pro tempore. The matter has been disposed of. The Chair can not consent to have it debated any further.

Mr. LANE. Then, Mr. President, I should like to address the Chair upon the bill.

The PRESIDENT pro tempore. When we reach an amendment which is subject to debate the Senator will be recognized. Debate is not in order on a point of order under our rules. The Secretary will continue the reading of the bill. We will reach another amendment in a moment, and then the Senator can address himself to it.

Mr. MYERS. If the Senator from Oregon is not recognized, I should like to be recognized.

The PRESIDENT pro tempore. The Chair feels under an obligation to recognize the Senator from Oregon as soon as we reach an amendment that is debatable.

Mr. MYERS. I rise to a question of personal privilege, then.

The PRESIDENT pro tempore. The Chair is disposed to be very liberal in regard to debate. The Senator from Oregon will be recognized. The Senator has the floor.

Mr. MYERS. If the Senator from Oregon wishes to discuss anything, I do not want to take him from the floor, but I thought he was not ready.

Mr. LANE. I was entirely ready. Of course, if it is out of order for me to say anything about the bill——

The PRESIDENT pro tempore. No; it is not. The Senator can say anything he wants to say, but there must be some proposition pending before the Senate.

Mr. MYERS. Then I wish to yield to the Senator from Oregon.

Mr. LANE. I wish to ask——

The PRESIDENT pro tempore. The Senator will please suspend until the Secretary can state the next amendment.

Mr. LANE. Very well.

The PRESIDENT pro tempore. Then the Senator can proceed in the usual way.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 29, after line 4, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self support among the Indians residing and having tribal rights on the Fort Hall Reservation, Idaho, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925, and all repayments to this fund made on or before June 30, 1924 are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924; and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

Mr. LANE obtained the floor.

Mr. MYERS. Mr. President, may I interrupt the Senator for a minute?

Mr. LANE. Yes.

Mr. MYERS. I will ask, before the Senate launches into a general discussion of the bill, if I may make a personal statement of about a dozen words?

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Montana?

Mr. LANE. I yield; but I was not about to precipitate myself into a general discussion of the bill. However, I yield.

Mr. MYERS. Mr. President, in regard to the amendment which has just been ruled out by the Chair on a point of order made by the Senator from Idaho [Mr. BORAH], I wish to say that I have the honor of being a member of the Committee on Indian Affairs, and I wish at this time to enter my dissent to the announcement made by the chairman of the committee upon the floor of the Senate a short time ago as to the unanimity of opinion of the committee upon the legal phase of the amendment stated by the chairman.

I was not able to be present at the meeting of the committee when that amendment or any like amendment was adopted by the committee. If I had been present, I would have dissented at that time. I now take occasion to dissent from the legal doctrine announced by the chairman of the committee from the floor a short time ago as the unanimous opinion of the committee. I do not hold that opinion. I adhere to the opinion announced by the Senator from Idaho [Mr. BORAH].

Mr. LANE. Mr. President, I am not a lawyer, and so I would not know whether the provision drawn by the committee was a legal one or not. I am a physician, however, and if it were brought up to me to prescribe for it I could fix it very quickly so that it would not be so deleterious to the patient.

Here is an item under consideration which calls for the promotion of the support and civilization of the Indians. You will find in the bill many items of the kind which appropriate

a great deal of money for the support and civilization of the Indians throughout the country. I wish to say for your information that not one-tenth of the money, probably not one one-hundredth portion of it, is expended for any such purpose at all. It is expended for the payment of the salaries of employees. So far as concerns supporting or civilizing the Indian, he is advancing backward rapidly under that process, and he receives no benefit from it.

There was another item in this irrigation plan, where, at Fort Hall, Idaho, there had been $800,000 spent upon an irrigation or reclamation scheme, the most, if not all, of which, I think, was reimbursable out of the Indians' funds; and yet, under a law which Congress passed without thinking about it, without intending to do any harm, without having looked into it, I feel quite sure he was circumscribed in his time of improvement of the land so that he lost his rights in the water, and, through that, any value to the land. It is a pitiful condition, and this body ought to change it.

If this law is not properly drawn in a manner to protect the interests of the whites and do justice by them, all that the Indians are asking and all that the committee wishes is to do justice, and it was all they were attempting to do. Under this scheme in Idaho I notice that the whites are using fully as much land, if not more land, than the Indians. They are not losing any rights under the law; and yet the Indian, whose land is mortgaged for the improvement, who made the entire improvement and put it in there for the benefit of all, is tied up with certain conditions under which he must lose his land through the fact that the law circumscribes him as to time, and the department, which is his guardian, does not give him the implements with which to work the land. He is tied, bound, and helpless, and it is inevitable that he should lose the land.

I do not think the Senator from Idaho wishes to do that. I assure him that I do not wish to do any injustice to the homesteader in Idaho, and I will go as far as he dare go to protect his rights; but at the same time I expect him to walk alongside of me and help to protect the Indian's rights and not see him literally robbed of his property.

I would not so much mind going out, if it was necessary, and helping hold up a bank or a train or obtaining money for the whites in some high-toned way; but I draw the line on taking it from the helpless and the poor and the sick and the unfortunate. I do not stand for that. If a man is able to fight his own battles and comes up and fights them in a fair way, I do not mind fighting with him; but when it comes to robbing children, the helpless, and the pitiful folks who have not enough to eat, the Government ought to be in a bigger business than that, and the United States Senate, too; and I protest against it.

Mr. BORAH. Mr. President, I trust the Senator will calm himself. There have been no Indians robbed on the Fort Hall Reservation.

Mr. LANE. They are cinched to a finish.

Mr. BORAH. The Senator from Oregon will not be able to point the Senator from Idaho to a single instance in which an Indian on that reservation has been robbed or injured.

Mr. LANE. Then they are an exception.

Mr. BORAH. In that respect they are like the Senator from Oregon—they are an exception. I think I know precisely the situation, and I am not joining any scheme of robbery or injustice to the Indians. When the Senator from Oregon makes the broad assertion he makes it without any foundation whatever in fact.

Mr. LANE. Mr. President, I am not reflecting upon the Senator from Idaho. I was reflecting upon the action in the past in regard to handling these Indian funds. I wish to assure the Senator from Idaho that I was not reflecting on him or on any other Senator. I want to make that clear.

Mr. BORAH. When the Senator from Oregon or anyone else talks about robbery as to matters which I am urging, I want him to be specific.

Mr. LANE. I will be specific, Mr. President.

Mr. BORAH. Then, if the Senator has anything to be specific about, let him make it so now.

Mr. LANE. The commissioner says the money of the Indians in Idaho has been expended principally for the benefit of the whites.

Mr. BORAH. That is, in my judgment, a mistake.

Mr. LANE. That is the statement of the Commissioner of Indian Affairs.

Mr. BORAH. I can not believe the commissioner intended such inferences as the Senator draws. We are perfectly familiar with the facts there. The Indians have been fully, generously, and well protected. I have never heard a complaint, and some of them are quite intelligent.

Mr. SMOOT. Mr. President, this is no new subject, although it has never been undertaken to be reached by legislation before.

When Mr. Leupp was Commissioner of Indian Affairs, when the question arose as to the Indians' rights in regard to the water upon the Uintah Indian Reservation in my own State, I remember well that the commissioner then undertook to take the position that the Government, as the guardian of the Indians, was not compelled to file upon the water in the State; that the water arose in the Indian reservation, and as it arose in the Indian reservation it belonged to that reservation and belonged to the Indians after the reservation was made. That position was disputed, and the commissioner was told that the best thing for him to do was to look up the law and see whether there was any way for the Indians in any State to secure a right to water unless it was under the laws of the State. After that examination the commissioner decided that the only way an Indian could secure a water right in any State was by an appropriation and beneficial use. They appropriated the waters for the Indians on the Uintah Indian Reservation, and they have spent now some $750,000 in the way of building laterals and watercourses through all of the different sections of land held by Indians on that reservation.

Before that irrigation system was completed the time had elapsed for the beneficial use of water under the laws of the State of Utah. What did the Indian Commissioner do? He came to me, as one of the Senators from that State, and I believe to my colleague, also, and asked us to ask the governor of our State if he would not use his influence with the legislature of our State to secure an extension of the time for five years, in order that the Indians might make beneficial use of that water, as the irrigation system was not completed. Our legislature did not hesitate a minute. Among the very first acts of the legislature during that session was the passage of a law extending for five years the time for the Indians upon the Uintah Indian Reservation to make beneficial use of that water. That time, Mr. President, is not out yet.

I have not any doubt but that there never will be a legislature in the State of Utah that will not take care of the Indians and protect their rights as much as any man in Congress. No Indian in the State of Utah has suffered; no Indian has been robbed; no Indian will be, because the people will see that they are protected in their interests. They will go more than half-way. I will say to the Senator.

Mr. LANE. I should like to call the Senator's attention to this statement. I asked the assistant commissioner:

How much have you spent on this Fort Hall irrigation scheme?

He said:

We have spent $800,000. We spent about $770,000 up to June 30, 1913.

Senator LANE. When was it started?

Mr MERITT. About five or six years ago.

Senator LANE. How long have the Indians to run now before they lose their water rights?

Mr. MERITT. We have a provision in this item to protect their water rights, if we can get it adopted by the committee.

Senator LANE. I notice by the statistics there that the whites have under cultivation about twice as much as the Indians. Is that land leased to them by the Indians?

Mr. MERITT. That is a project that we were discussing the other day where the whites got their land irrigated for something like $6 an acre under a law passed by Congress. The Senator from that State was somewhat successful in getting very favorable legislation for his constituents.

Mr. SMOOT. I wish to say to the Senator that Mr. Meritt does not know what he is talking about when he says that under this provision the Indians secure any rights whatever to any running stream in any State of the Union. The only way that can be secured is by appropriation and by a beneficial use. That has been held so often by the courts of the land and the Supreme Court that I did not think there was a Senator who would question it for a moment.

Now, Mr. President, what is this provision here for?

The PRESIDENT pro tempore. The provision is not now before the Senate.

Mr. SMOOT. We are discussing the amendment that is before the Senate.

The PRESIDENT pro tempore. No; that amendment has gone out on a point of order, and it will stay out until the ruling of the Chair is reversed by the action of the Senate.

Mr. SMOOT. Mr. President, we are not losing any time at all, because there are four or five other amendments with exactly the same object and in identically the same words. I suppose the Chair will rule, and rule properly, that every one of them shall go out. For that reason I shall not say anything more at this time.

Mr. JONES and Mr. BRADY addressed the Chair.

committee will be stated.

Mr. CLAPP. It went the way of many another bill.

settlers to locate thereon. It was nothing but common justice and well within legal right and power of the Government to provide by law that the waters upon what had previously been that reservation should belong to the Indian, and that by reason of a failure, default, or a neglect on his part, he should lose none of his rights, for the obvious reason that an Indian is incompetent to make a proper and legal appropriation of water——

Mr. SUTHERLAND. Mr. President——

Mr. ASHURST. Just one moment, until I finish this thought, which is that while the various States may do as they see fit with respect to the waters under their control—and all the waters are under their control except navigable streams and waters wholly within an Indian reservation—the waters wholly upon an Indian reservation are under the jurisdiction of the United States.

Mr. SUTHERLAND and Mr. MYERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arizona yield, and to whom?

Mr. ASHURST. The Senator from Utah [Mr. SUTHERLAND] first rose, and I yield to him, and then, of course, I shall yield to the Senator from Montana [Mr. MYERS].

Mr. SUTHERLAND. This water, as I understand, is running water.

Mr. ASHURST. It is running water at times; yes.

Mr. SUTHERLAND. It is in a stream which runs off the reservation to some other part of the State, does it not?

Mr. ASHURST. As to this particular reservation, I confess I am unable to say, but there are instances where it does and some where it does not.

Mr. SUTHERLAND. On page 86 the same sort of an amendment is made as to the appropriation in my own State as to the Uintah Reservation. I am familiar with the situation there, and I know the water there is running water, and that it runs off the reservation somewhere else. Does not the Senator from Arizona recognize the fact——

Mr. BRADY. Mr. President——

Mr. SUTHERLAND. Just a moment—that such waters are absolutely under the control of the State, that appropriation of the water must be made under the laws of the State for a beneficial use, and that they must be put to a beneficial use? That is the law of the Western States.

Mr. ASHURST. In answer to that question, I will say, given an Indian reservation, the moment it is created an Indian reservation, if it is properly and legally done, it is withdrawn from the domain of public lands.

Mr. SUTHERLAND. It does not withdraw the running waters; that is an impossibility.

Mr. ASHURST. That is a difference of legal opinion.

Mr. SUTHERLAND. How can you withdraw a thing that by its very nature runs off the reservation?

Mr. ASHURST. Of course the waters that have left the reservation and have entered into or upon the public land in our Western States belong to and are under the exclusive control of the State.

Mr. SUTHERLAND. Let me ask the Senator this question, then: Suppose we pass this legislation, reserving the waters upon this reservation to the Indians, and that the white settlers outside of the reservation appropriate the water under the law of the State, does the Senator think that this legislation would give the Indians a right to that water as against the white settlers, the citizens of the State, who had appropriated the same water outside of the reservation?

Mr. ASHURST. The appropriation by the white settlers presupposes that the waters have not theretofore been by lawful authority appropriated for another purpose.

Mr. SUTHERLAND. But, I say, suppose that we pass this legislation, two years from now or five years from now—because under this provision the reservation of the water for the Indians is apparently for all time to come—the Indians still have not put the water to a beneficial use, and some citizen in Idaho outside of the reservation appropriates the water. The Senator is a lawyer and is familiar with the laws relating to the waters in the various arid-land States. What would the Senator say as to the kind of title the citizen would have who had appropriated water outside of the reservation under the laws of the State?

Mr. ASHURST. The citizen who made the appropriation would have the right to have the water which he thus appropriated, so long as he applied it to a useful and beneficial purpose, come down to him undiminished in quantity and unpolluted in quality.

Mr. SUTHERLAND. He would have a better right under the laws of the State of Idaho than the Indians would have under this law of the United States, would he not?

Mr. ASHURST. How is that?

Mr. SUTHERLAND. The citizen appropriating the water in Idaho under the laws of Idaho would have a better right to it than the Indian, whose rights were attempted to be reserved by this law of the United States, would he not?

Mr. ASHURST. He would have a better right to it if he went out upon the public domain and located, appropriated, and turned to a beneficial use water that was theretofore previously unappropriated. The point in this legislation is this: It was the intention of the committee—and I might say this legislation was drafted and prepared by the Indian Bureau—to preserve and protect, for the benefit of the particular Indians, all the waters which are upon or rise in that particular reservation and have not been previously appropriated.

Mr. SUTHERLAND. Well, Mr. President, if the Senator will permit me, I should like to call his attention to——

Mr. BORAH. Will the Senator allow me just a moment?

Mr. SUTHERLAND. Yes.

Mr. BORAH. It seems to me, Mr. President, that the Senator from Arizona in stating the proposition demonstrates the uselessness and the ineffectiveness of this provision, for this reason: Unless this water is subject to appropriation by the citizens of the State, unless some one could go in and establish a priority of use to this water, then this provision is not necessary. If it is on an Indian reservation and belongs to the land as an appurtenant to the land, and so forth, then this act is not needed. This provision contemplates that a citizen may go there and appropriate that water. If a citizen does go and appropriate the water under the State law, then this provision will be wholly ineffective to protect the Indians, if the water is subject to appropriation at all; in other words, the citizen may take it, and this provision can not prevent his doing so.

Mr. ASHURST. Will the Senator state that a citizen or other person may go upon an Indian reservation now and make a lawful appropriation of water?

Mr. BORAH. If the water has not been appropriated, he may establish his priority to the use of the water, and simply because it is running across an Indian reservation does not prevent his doing so.

Mr. ASHURST. I lay it down that a person may not go upon an Indian reservation and appropriate water without the consent of the Interior Department.

Mr. BORAH. Well, Mr. President——

Mr. ASHURST. Assuming that my premise is correct, that an individual may not appropriate water upon an Indian reservation, for the obvious reason that it has previously been appropriated for another purpose, it was the intention of the committee, however impotent our work may appear, to preserve that status, so that after the reservation was opened and the lands were sold and the general public acquired them, under no guise or disguise could anything thereafter happen whereby a lapse on the part of the Indian—who obviously can not take care of himself in many instances—could cause him to lose the water that he possessed while he was living upon the reservation in tribal relations with the other Indians.

Mr. LANE. Mr. President, I should like to say that it went further than that, for the reason that the law under which the reclamation scheme was established gave the Indians a certain and definitely limited time in which to make use of the water, that time in some cases not being over two years. The Senator knows as well as I do, for we both come from sections of the country where land is irrigated, that that is not sufficient time for an Indian, a white man, or anyone else, and it was to cure that defect in the previous law which circumscribed the time in which he could apply it that this provision has been adopted.

Mr. SMITH of Arizona. Mr. President——

Mr. BORAH. Just a moment, and then I will yield to the Senator from Arizona.

Mr. President, I am not, in one sense, very anxious about this provision, for the reason that I regard it as wholly ineffective in so far as it relates to the waters of the State of Idaho, but I think it a bad precedent to undertake legislation of this character. I think it is unwise to attempt to do that which we have no power to do, because it is more calculated to mislead the Indian than it is to benefit him. The waters which flow in the State of Idaho, which rise in and pass over land in the State of Idaho, are subject to distribution by the laws of that State, and the laws of that State alone. The United States itself, if it wants to acquire water for the purpose of a Government reclamation project, must go upon the stream and comply with the statutes of the State of Idaho. The Government itself can not get a foot of water in that State except by complying with the laws of that State. It has been decided too often to make it necessary to recall it here, even if I had the time to do so, that the waters belong to the State and are subject to the

laws of the State, to be disposed of only by the laws of the State.

The only interest in the world that the National Government has in water is in navigable streams, to keep the streams open for navigable and commercial purposes, and nothing else. For all other purposes it is exclusively within the jurisdiction of the State. If these Indians are to be protected, they can not be protected by an act of Congress in regard to this matter. We are doing a vain and delusive thing. They must get and hold their water rights under State laws, and I object to this effort to establish a precedent to the effect that Congress may dispose of or distribute the waters within the State.

Mr. ASHURST. Does the Senator from Idaho believe that the Legislature of the State of Idaho has plenary power over the water on Indian reservations?

Mr. BORAH. I have no doubt about it, Mr. President; and I can bring the authorities here to the Senator that the question of an Indian reservation cuts no figure in the proposition at all, unless it be an instance where there is a spring upon a piece of land, the water of which does not leave the land, but belongs to and is appurtenant to the land, as it were. But the flowing public streams are subject to State laws as to appropriation of the waters. Water flowing in a stream or water which belongs to a public stream of the State is subject to the control of the State, notwithstanding the fact that it may flow over or rise upon an Indian reservation.

Mr. ASHURST. Assuming that all the waters falling on an Indian reservation are conserved upon and stored upon an Indian reservation, does the Senator think that then Congress would have the power to deal with that water?

Mr. BORAH. Congress might be able to deal with that, because that would come under the rule which I have just stated, where waters are impounded and where they never leave the reservation or can not leave the reservation, where they are a part of the land and appurtenant to it, as it were, but this is a different proposition.

Mr. ASHURST. This legislation contemplates just the case I have last mentioned.

Mr. BORAH. Here is a reservoir which is fed by a public stream. You can not impound the waters of that public stream and hold them there. The white settlers of the State are entitled to have that water when no one else is using it. That is the law of the State of Idaho. It is provided in the State constitution, and again provided by the State statutes, that water can not be appropriated except it be applied to a beneficial use; and when it ceases to be applied to a beneficial use, it reverts again to the public and is subject again to appropriation. It is one of the wisest laws that was ever enacted, and it grew out of the necessity which the pioneer found when he entered the great arid regions of the West.

Mr. PAGE. Mr. President——

Mr. BORAH. Just a moment. I am not willing, without a word of protest at least, that it shall be assumed here that Congress can dispose of the waters of the State. It is a vital question to us in the West, and, while this is not a large matter—that is, not a matter of tremendous scope—yet how easy it would be in some instances for the Congress of the United States to tie up the streams of some of the Western States if they did get control over this water.

Mr. PAGE. Mr. President, I should like to ask the Senator from Idaho a question just to aid me in determining how I shall vote in regard to this whole paragraph. It is true, I think, as has been said by the chairman of the committee, that the Assistant Commissioner of Indian Affairs came before us and stated that we had been appropriating money for several years for these irrigation projects, and that the Indians were protected by a proviso that they should have a given time within which to make beneficial use of the water under the irrigation projects. The question arose as to whether we should continue these appropriations. You will observe that we increased the appropriation in this instance from $20,000 to $40,000. I want to ask the Senator from Idaho whether he thinks we ought to continue these appropriations if it is a fact that the Indian is to receive no benefit from them, simply because under a State statute, not having made beneficial use and not being able to make beneficial use of the water, his right lapses? Should we pass these appropriations unless we can protect the Indians?

This appropriation is qualified by the proviso to which the Senator has referred, and there are several similar appropriations for irrigation projects in this bill accompanied with a proviso that the Indian shall not lose his right after a certain time.

Mr. BORAH. Mr. President, the Senator from Vermont understands that the Indians already have appropriated a vast amount of water rights and are using them. This irrigation system must be kept up for those who have water rights and are availing themselves of them and who will avail themselves of their rights under the laws of the States. This appropriation is just as necessary, in my judgment, without the proviso as it is with it, because this is not a proposition where there are no rights yet acquired and where no water has been appropriated by the Indians, but it is an instance in which a vast amount of water has already been appropriated and where the Indians are irrigating their lands and farming. The irrigation system must be kept up for that purpose.

Mr. PAGE. But, as I understand, Mr. President, the Indian's money has been taken for these irrigation projects and if now by force of law he is soon to lose all the benefits because he has not made beneficial use, it seems to me a great hardship will be worked on him. As has been well said by the Senator from Oregon [Mr. LANE], the Indian has not been able to make that beneficial use; he has not been able to farm the different sections which he owns, although he might use this water if he had the means to buy implements and cattle and horses. That being the case, unless I see some further light in regard to this matter and unless I am satisfied that the Indian's rights there are not going to lapse I must refuse to vote for this appropriation entirely.

Mr. BORAH. Any rights the Indian has can not lapse. What you are trying to do is to preserve a right which he does not possess.

Mr. PAGE. It certainly can not do any harm to have this proviso, which has been suggested by the department, incorporated in the bill. Like provisos have been attached to probably half a dozen similar appropriations in this bill.

Mr. BRADY and Mr. SMITH of Arizona addressed the Chair.

The PRESIDENT pro tempore. The senior Senator from Idaho [Mr. BORAH] has the floor.

Mr. LANE. I should like to say for the information of the Senator——

Mr. BRADY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. I yield.

Mr. BRADY. Mr. President, I am very familiar with the Fort Hall Indian Reservation. I built most of the canals on that reservation about 15 years ago, and have kept in close touch with the situation relative to the water on the reservation during all those 15 years. While I heartily agree with my colleague [Mr. BORAH] relative to the proviso, I am fully convinced that no law we could pass would in any way affect the use of the water rights, yet I will say something that I know the chairman of the committee and the other members of the committee will be glad to hear, and that is that there is no danger of the Indians losing their water rights on the Fort Hall Indian Reservation if they continue the same line of work that they have been doing.

Three hundred feet of this water is taken from the Snake River by canals leading to the reservation. That is sufficient to irrigate about 20,000 acres of land. Some of the Indians have been using that water for 12 or 14 years, and others for only 8 or 9 years; but they have used all of that 300 feet of water. It has been put to a beneficial use, and has been awarded to the Indians by the courts, so that there is no question about their right to that water.

Mr. PAGE. May I interrupt the Senator to say that the Assistant Commissioner of Indian Affairs distinctly stated before our committee that the Indians were losing their rights and that it was to protect the Indians' rights that this proviso was inserted? I believe I should say that I think the proviso is subject to a point of order, but when you speak of the rights of the Indians not lapsing——

Mr. BRADY. I have not finished, Mr. President.

Mr. PAGE. I beg the Senator's pardon.

Mr. BRADY. I was simply speaking of the water that has been proved up on from the Snake River. There was not sufficient water derived from the Snake River to irrigate the remainder of the 40,000 or 45,000 acres of land in the reservation which the Indians still retain and hold. The Government created what is known as the Blackfoot Reservoir, about 24 miles above the Indian reservation, at the head of the Blackfoot River, in a splendid watershed, and they there impounded sufficient water to irrigate the remainder of the 45,000 acres.

That land was purchased by the Government, and there is a provision in this bill for some small amount of damages still unpaid. When the Government pays the damages provided

ment standpoint. It is a poisoned chalice that I am afraid will be returned to our own lips at some other time by somebody else. We are traveling along rapidly toward State socialism. Every indication of the time is in that direction. That is the universal trend.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. WILLIAMS. Yes.

Mr. CLAPP. Of course, I appreciate the drift of the Senator's argument; every student of the times realizes the trend; but here, it seems to me, there is a plain line of demarcation. The ordinary citizen is not the ward of the Government; the Government is the ward of the citizen; but under the relation we sustain to the Indian the condition is reversed, and the Indian is the ward under any theory of Government that we might attempt to evolve.

Mr. WILLIAMS. I appreciate that.

Mr. CLAPP. That being true, there being that plain line of demarcation it seems to me, whenever the time comes to meet this incoming wave, anyone can plant himself upon that line of demarcation.

Mr. WILLIAMS. In answer to that I will say I do not think the reply meets the objection. If I were a guardian of a lot of children I would not consider that it justified me in taking my own children's money to help them. I might take my own money as a mere matter of generosity. This money in the United States Treasury is not the money of the Indians; it is the money of the children of the Republic.

I want to do the very thing that the Senator wants to do, and I think maybe it can be done in some other way. I think, for example, if you were to make these Indians of the Colorado River and Yuma Reservations an appropriation of so many dollars to the tribe, to be used in this way, and put it upon the ground of a restitution from this Government to the Indians, not to a particular Indian, and then if you were to allow the individual Indians to draw this money out of what had then become a tribal fund, you avoid the precedent; you fix it so that a precedent can not be pleaded. You know very well we have owed those Indians more than that; we have taken more than that away from them.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. WILLIAMS. I yield to the Senator from Alabama.

Mr. WHITE. Is not that a mere means of accomplishing the same end?

Mr. WILLIAMS. Absolutely, and avoiding the precedent.

Mr. WHITE. Have we not already the precedent? These Indians are esteemed and held as the wards of the Nation. They have always been held that way, and, like a great many other wards, they have been robbed.

Mr. WILLIAMS. Yes; they have been.

Mr. WHITE. Now, then, if they are the wards of the Nation, should they not be treated as we treat the wards of the State and the Nation, and do we not treat the wards of the State and the Nation in just this way when we appropriate from the public treasuries money to educate the children of the State and Nation?

Mr. WILLIAMS. Oh, no. In that case the man who pays the money receives the benefit. I shall not vote against the amendment, Mr. President, finally, but I merely wanted to warn Congress against precedents of this description.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ASHURST. Mr. President, it was my intention to make a somewhat short reply to the arguments which have been made. I felt that I ought to say something. But so much was said, and so well said, by other Senators on the subject, especially by the Senator from Minnesota [Mr. CLAPP], that I see no occasion for me to make any further explanation. However, I do want to say that the Senator from Arkansas [Mr. ROBINSON], the Senator from Minnesota [Mr. CLAPP], and the Senator from Michigan [Mr. TOWNSEND], and other Senators gave especial attention for months to this question of revolving appropriations.

Briefly, in reply to the Senator from Alabama [Mr. WHITE], who asked if the committee considered this item, I wish to say that not only had that policy been considered by the committee diligently for months but the great policy as to how to deal with the question had been considered for years.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, on page 25, after line 9, to insert:

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., p. 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos and Fort Apache Indian Reservations an appropriation for the construction of two bridges on the San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 25, after line 16, to insert:

For investigation recommended by the Board of Engineer Officers of the United States Army, as set forth in paragraph 217 of their report to the Secretary of War on February 14, 1914, House Document No. 791, Sixty-third Congress, second session, and report as to the supply of the legally available water, acreage available for irrigation and titles thereto, the maximum and minimum estimated cost of the San Carlos irrigation project, including dam and necessary canals, ditches, and laterals, with recommendations and reasons therefor and the probable cost of adjudicating the water rights along the Gila River necessary thereto, and to take the steps necessary to prevent the vesting of any water rights in addition to those, if any, now existing until further action by Congress, $50,000.

Mr. LANE. I ask the chairman of the committee if there is any time fixed for this report to be made and how long he thinks it will take? It seems that work has been going on upon this project now for two years, and in the meantime the settlers and the Indians have become discouraged and are being forced to the wall. Should there not be fixed a definite date for the report to be brought in by this board?

Mr. ASHURST. I entirely agree with the suggestion of the Senator from Oregon. I hope he will move an amendment to the amendment to that effect.

Mr. LANE. I will ask that the amendment may go over until I can consult with the Senator.

Mr. SMOOT. I, too, ask that the amendment may go over.

The PRESIDING OFFICER. Without objection, the amendment will be passed over for the time being.

The next amendment was, under the head of "California," in section 3, page 26, line 9, after the word "employees," to strike out "$42,000" and insert "$50,000," so as to make the clause read:

For support and civilization of Indians in California, including pay of employees, $50,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 12, after the word "Indians," to strike out "$10,000" and insert "$20,000," so as to make the clause read:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, $20,000, to be immediately available and to remain available until expended, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

The amendment was agreed to.

The next amendment was, on page 26, line 17, before the words "Indian pupils," to strike out "twenty-five" and insert "fifty"; in line 18, after the word "superintendent," to strike out "$104,000" and insert "$109,400"; in line 19, after the word "improvements," to strike out "$10,000" and insert "$20,000"; and in line 20, after the words "in all," to strike out "$114,000" and insert "$129,400," so as to make the clause read:

For support and education of 650 Indian pupils at the Sherman Institute, Riverside, Cal., including pay of superintendent, $109,400; for general repairs and improvements, $20,000; in all, $129,400.

The amendment was agreed to.

The next amendment was, on page 27, line 1, after the word "hundred," to insert "and twenty-five," and in line 2, after the word "superintendent," to strike out "$16,400; for repairs and improvements, $3,600; in all, $20,000" and insert "and for repairs and improvements, $25,000," so as to make the clause read:

For support and education of 125 Indian pupils at the Fort Bidwell Indian School, Cal., including pay of superintendent, and for repairs and improvements, $25,000.

The amendment was agreed to.

The next amendment was, on page 27, after line 9, to insert:

The Secretary of the Treasury is hereby authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the sum of $5,000 to Mrs. Alay Stanley, widow of Will H. Stanley, late superintendent of the Sherman Indian School in California, who lost his life in the discharge of his duty. Also to pay for medical and other necessary expenses, including funeral and administration expenses incurred in connection with the death of said Will H. Stanley and the shooting of Seiso Serrano, Indian policeman, $1,000, or so much thereof as may be necessary.

Mr. SMOOT. I wish to ask the Senator from Arizona if a bill for this same item has not passed the Senate, and whether it was a House bill or a Senate bill?

Mr. CLAPP. I can answer the question. It was a Senate bill, not a House bill.

Mr. SMOOT. Does the Senator know what became of it in the House?

Mr. CLAPP. It went the way of many another bill.

The amendment was agreed to.

The next amendment was, under the head of "Idaho," in section 5, page 28, after line 4, to insert:

For new buildings and their proper equipment at the sanatorium at Fort Lapwai, Idaho, including the purchase of improvements on land to be deeded to the Government by the school board of district No. 57, State of Idaho, $40,000.

The amendment was agreed to.

The next amendment was, on page 28, line 11, after the word "system," to strike out "$20,000" and insert "$40,000," so as to read:

For maintenance and operation of the Fort Hall irrigation system, $40,000, reimbursable to the United States out of any funds of the Indians occupying the Fort Hall Reservation now or hereafter available.

The amendment was agreed to.

The next amendment was, on page 28, line 13, after the word "available," to insert:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes, land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation, is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. BORAH. Mr. President, I desire to raise a point of order upon the amendment, beginning with the word "Provided."

Mr. LANE. Before the Senator raises a point of order I should like to make a statement to him about the amendment. It would be very disastrous if this provision should go out of the bill. It would mean utter ruin to a lot of poor, helpless people who are wards and over whom the Government has absolute control and has exercised it, which Government, through Congress and this Senate, is a party to the transaction. The transaction is as wicked a one as was ever practiced on a helpless individual, whereon Congress has circumscribed the rights of these Indians, taken their money to put water upon the land, or, rather, made their land responsible for the expenditures, and then has given them two or three years in which to put that land under cultivation, and has failed, as guardian in charge of their funds should have done, to pay out one cent for the purchase of a plow, or a harrow, or a team, or a wagon, or a pound of seed. It has left them barehanded upon the land. It would take a white man from 5 to 20 years to make the improvements on that kind of land with all the money he could borrow and every agricultural implement he could get. I ask the Senator not to raise the point of order.

Mr. BORAH. There is nothing of that kind going to happen, Mr. President. Is the Senator referring to the amendment on page 28?

Mr. LANE. I am referring to the condition that it is intended to cover in Montana. I do not know whether it applies to the Fort Hall Reservation, but it applies to so many of them that I assume this is one of the number.

Mr. BORAH. This is the provision:

Provided, That the use of so much water as may be necessary to supply for domestic, stock-watering, and irrigation purposes land allotted or to be allotted to Indians on the Fort Hall Reservation or set aside for administrative purposes within said reservation is hereby reserved, and the failure of any individual Indian or Indians to make beneficial use of such water shall not operate in any manner to defeat his or her right thereto. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. President, the Government of the United States has no control over the water rights of the State of Idaho. Those water rights must be controlled by the State laws and are controlled by the State laws. If the Indians are entitled to this water upon these lands, they must comply with the State laws in order to get the water. This is an attempt to do, in the first place, what we ought not to do even if we had the power to do it; and, in the second place, it is attempting to do what we have not the power to do—that is, to control the manner of securing water rights and reserving water rights upon lands within the State. I do not know of the condition of affairs with reference to Fort Hall to which the Senator refers. I do not know of any Indian being wronged; but if so, this is not the way to protect him, for it will not protect him if his right is contested.

Mr. LANE. I think that it applies to Fort Hall as well as to other reservations. There is the difference between the case as it applies to the white man and to the Indian; they are not upon equal terms. The white citizen, the farmer, is a free agent, while the Indian is a ward. The white settler can procure means; he can borrow money or furnish his own capital, go to work upon his land and improve it within a certain fixed time, as set forth by the laws of the State of Idaho or of Montana or of any other State; but the Indian, I repeat, is a ward; he has no independent means, but only such money as is doled out to him by the Federal Government. The Indians have in some cases millions of dollars' worth of property and hundreds of thousands of dollars in the Treasury, but they are not allowed to draw one cent of it. The Government furnishes them no means whatever with which to improve his land and then holds them to a fixed time in which to make good their title to the water right, and they are inevitably bound to lose it. That is what this provision was intended to remedy.

Mr. BORAH. This provision would not protect the Indian.

Mr. LANE. But it is an attempt to do so.

Mr. BORAH. It is an attempt to mislead the Indian as to his rights and to persuade him to believe that he can rest upon his oars and still reserve his rights.

Mr. LANE. No.

Mr. BORAH. The Indian can not rest upon his oars nor Congress can not provide that he shall reserve this water, because the State of Idaho disposes of the water within its boundaries.

Mr. LANE. I wish, in answer to that, to say that it is not intended that the Indian should rest upon his oars; but this bill contains in addition to that a provision by which the Indian Bureau is allowed to advance the Indian money with which to put in his crop and to purchase the necessary tools and agricultural implements, which he repays from a revolving fund. In that way it is trying to help him in this condition where, under the law passed by Congress, he would be inevitably bound to lose his land unless we do something for his relief, and this is an attempt to do that.

Mr. BORAH. It is a perfectly futile attempt.

Mr. TOWNSEND. I wish to ask the Senator a question. I do not believe I quite understand his position in reference to this water. Here is an appropriation made out of the Indian's money for the purpose of maintaining and operating an irrigation system. This appropriation could not, or ought not, to be made out of the Indian's money, unless it were for the benefit of the Indian. Now, it is supposable that there are some benefits which are accruing to the Indian from the use of his money which was expended on this project. The object of this amendment, as I understand it, is to make it possible for those Indians to take advantage of the water which their money had conserved and stored and provided for distribution. Unless we do have some provision in the bill whereby some time can be granted, of course the Indian would have no right and would derive no benefit from the expenditure of his own money.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. BORAH. I yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, regarding the act of March 3, 1907, as was pointed out, I believe, by the Senator from Oregon [Mr. LANE], however honest the intention of the legislators, however much they might have tried to protect the Indians, it has become obvious at least to the Bureau of Indian Affairs and to the Committee on Indian Affairs that a flagrant and a grave injustice has been perpetrated upon certain Indians in the Northwest—I do not recall that it was upon these Indians—by the passage of that act; in other words, the application of that law works about as follows: The money belonging to the Indians derived from the sale of their lands was set apart for the purpose of constructing irrigation and reclamation projects. The Indian lands were liable to pay for the same, but the lands of the white settlers were not so liable. If the Indian lapsed, if he made failure or default in the payment, he lost his rights to the land and to the water, but the white settlers stood no chance to lose; in other words, it is a case of where the Indian stood to lose and the white settler did not. This amendment, I realize, is probably going to provoke much discussion, but the committee was unanimously of the opinion that it is sound, wise, just, and salutary legislation.

I enter with considerable trepidation into any argument with the distinguished Senator from Idaho [Mr. BORAH], because he is one of the soundest lawyers not only in the Senate but in the Nation. It is, however, the opinion of the committee, if I have permission to speak for them, that upon Indian reservations the timber, the water wholly thereon, excluding navigable streams of course, unless there has been some specific reservation made in the treaty or in the Executive proclamation or in the legislation reserving the waters to the Government, belong to the Indians who occupy and own the reservation. The committee were unanimously of the opinion that this legislation was wise and salutary in this, that where an Indian reservation was opened and the sale of land to the general public was conducted, the moneys—and I ask the especial attention of the Senator from Idaho to this point—derived from the sale of Indian lands were applied to the construction of an irrigation project, which incidentally or, for its main purpose, permitted

Here is an Indian, in the first place, who has a little land. He wants to buy a team of horses. The first question the agent would have to consider would be, Is it likely that the man will make good use of those horses? Then the next question would be where to get the horses and what price it would be wise and just and fair to the Indian to pay for the horses. That discretion is all vested in the agent necessarily. We can not prescribe it in the law, of course.

Mr. WHITE. Then the agent is necessarily the guardian of the Indian?

Mr. CLAPP. The agent to that extent becomes the guardian of the Indian, of course.

Mr. WHITE. Is any power of control over the agent exercised by anyone?

Mr. CLAPP. Of course he is subject to the control of the Indian Office, which in turn is subject to the control of the Secretary of the Interior; but you can not divest the matter of that feature. It would not do simply to distribute $50,000 equally among the Indians of this tribe. Some of them are not thrifty. Some of them would not work. Some of them would make very improper use of the money and would lose it.

Mr. WHITE. I am looking to the protection of the Indian rather than the protection of the Government.

Mr. CLAPP. Yes.

Mr. WHITE. My questions are along that line.

Mr. CLAPP. The protection the Indian has—and it is the only protection we can give here—is in the character, the integrity, the fidelity of the agent.

Mr. WHITE. What has experience shown along that line in dealing with these matters?

Mr. CLAPP. As I said a while ago, in two cases here, one of $15,000, I think every dollar was repaid the first year. In the other case, the Tongue River case, there was not a single delinquent the first year.

Mr. WHITE. That is rather telling us what the Indian does. I want to know——

Mr. CLAPP. That result was reached because the agent was right there, and when the Indian harvests the agent is there to remind him of his debt. These Indians primarily knew nothing of the obligation of a debt. The agent has to be there, and of course a great deal depends upon the agent.

Mr WHITE. Has experience shown that the Indian is improving at all, that he is becoming so advanced that ultimately he will not need the help of this guardian?

Mr. CLAPP. Why, certainly. One of these cases showed that the second year, I think, two-thirds of the fund was put out again among other Indians, it having served its purpose the first year with the Indians to whom it was distributed or for whom it was used.

One thing is certain, however, this is the practical way to deal with the Indian. Here is the Indian. He knows little of toil. He knows nothing of the obligations of debt. A dollar is nothing to him, and he has no dollar with which to buy his seed or his plow. The agent buys the seed and the plow for him out of this fund. The agent is there to see that he makes as good use as he can be induced to make of the plow or the seed. Then the agent is there in the fall to remind the Indian that this note is due to the Government, and should be paid back.

Mr. WHITE. One other question. If the note is not paid, as I understand, the land is subject to sale for its payment?

Mr. CLAPP. Oh, no; it has nothing at all to do with the land. There is no lien on the land.

Mr. WHITE. How is the Government secured in the payment of the money that it advances?

Mr. CLAPP. The Government is secured in this way: If the Indian succeeds and gets a crop, the agent, being there cooperating with the Indian in a suggestive way, induces the Indian to recognize this obligation and pay the note.

Of course this whole plan is subject to the contingencies of some loss. Some of these Indians will not make good. In that case there is a loss to the Government.

Mr. WHITE. Then whether or not the Government will be repaid depends entirely on whether the Indian makes the money?

Mr. CLAPP. Exactly. It is the best trial in the world.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. CLAPP. Yes, sir; with pleasure.

Mr. PAGE. I think the suggestions made by the Senator from Alabama are exceedingly wise. I want to say to him that in making up this appropriation bill it has been easy for one who has been thoughtful in the direction in which he seems to be thoughtful to see in the legislation a disposition to place the assets of the Indian where they will become the easy prey of the bad white men who surround the Indian.

One bill now before the Committee on Indian Affairs seeks, as it seems to me, although I may be wrong about it, to consolidate the different funds of the different Indians and place those funds in local banks where the Indians reside, or near where they reside, and then give to the local Indian agents the power to say how much and when, and under what conditions, that money may be drawn out by the Indian.

It is pretty easy to see that the Indian agent is surrounded by men who are seeking to get hold of the Indian's money; and if they can become sufficiently potential with the agent, there is great danger that he would authorize the Indian to draw his funds from the local bank where they were deposited, and spend or use them as he sees fit. That he would oftentimes be quickly separated from his money can hardly be doubted.

To that class of legislation I have been decidedly opposed. I think it is wrong, and I hope it may never be permitted. I think, however, as the Senator from Minnesota [Mr. CLAPP] has said, that the use of a part of the Indian's money or perhaps the use of the Government's money to aid the Indian in the purchase of the materials with which to carry on his farming is probably the best way of solving this problem for the present. I believe, too, as he has said, that there is no one now who can as well oversee this matter as the Indian agent. I would suggest to the Senator from Alabama, however, that the temptation of the Indian agent is not anywhere near so great where he is paying out this money for a horse or a cow or a wagon as it would be were he to authorize the Indian to take the money from the bank where it was deposited to his credit and spend it as he pleased.

I make these remarks because I see the bent of the Senator's mind; and I hope that in the future, as these matters come up from time to time, he would give some consideration to what seems to me to be the purpose of a certain element, to get the money of the Indian into the hands of the local bank, where one Indian agent may control it, only to be drawn out and squandered in a very brief period.

Mr. WILLIAMS and Mr. WHITE addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Vermont yield, and to whom?

Mr. PAGE. I yield first to the Senator from Mississippi.

Mr. WILLIAMS. I should like to ask the Senator whether this money comes out of the Indian fund or out of the United States Treasury.

Mr. CLAPP. No, no; I will explain why it does not in a moment.

Mr. PAGE. I now yield to the Senator from Alabama.

Mr. WILLIAMS. One further remark in that connection. I do not see very well how we could refuse the same accommodation to a white man, if it comes out of the United States Treasury.

Mr. CLAPP. I will explain that matter in a moment—or, at least, I will try to do so.

Mr. PAGE. If I have the floor, I yield now to the Senator from Alabama.

Mr. CLAPP. I want to continue my answer to the Senator from Mississippi when the Senator from Vermont is through.

Mr. WHITE. I was induced to ask these questions solely with a view of protecting the Indian. I felt very sure that the Government itself would be protected; or, if it lost some money in developing the Indian, it could well afford to lose it. But what I wanted to accomplish was protection to the Indian, and I was led to make these inquiries from what occurred in other sections, as I gather it from history.

The Indians in my country were allowed to enter valuable tracts of land, but the Indian never received the benefit of those lands. The white man usually selected the lands for him, and then immediately became the purchaser from the Indian. In that way, as I gather from history, as stated, rather than from experience, the Indian has not always been protected; and yet we have had Indian agents where these things occurred. I wanted to ascertain if the committee had really given this part of the subject thorough consideration.

Mr. CLAPP. Of course, the committee did. The committee recognizes that we have to depend on some one.

Mr. PAGE rose.

Mr. CLAPP. I yield to the Senator from Vermont.

Mr. PAGE. In regard to what the Senator from Mississippi has said, that he can not quite see why there are any good reasons for extending this aid to the Indian when you do not extend it to the white man, I think he forgets that quite too often the Indian has no one to speak for him here in our National Congress. We find even in this bill more or less legislation which takes rights from the Indian when, in my judgment, we

should safeguard those rights. We should submit proposed legislation to the Indian and allow him to say whether he wants this or that thing done. But we do not do it. It is wrong. I think we ought to regard ourselves—and I am sure the Senator from Mississippi does—as the guardian of the Indian. We owe him a duty, and we can not discharge that duty unless we stand here and legislate for him in such a way as to protect him in the best possible manner.

I wish to urge upon the Senator from Mississippi and the Senator from Alabama that they study this bill as we proceed with it and see if we have not in many cases legislated in such a way that the Indian is not fully protected. That constitutes mainly such objection as I have to the bill. The bill as a whole is good. It has been very carefully wrought out by the Committee on Indian Affairs. There were not as many members of the committee present during its consideration as I think ought to have been on so important a bill, but I think that those who were there tried to give their best thought to the bill.

Mr. CLAPP. Mr. President, I wish to address an answer to the Senator from Mississippi, but I call attention first to one suggestion of the Senator from Vermont. In this bill we have inserted a provision, certainly as to Minnesota, that no appropriation from an Indian fund in excess of $5,000 shall become effective until submitted to a council of the Indians. This, of course, is a matter of progress. It was not done formerly.

I will state the reason why we do not use the Indian's money under this proposed plan. We had a provision in the bill, which went out, I think, on a point of order, that where a tribe had a fund or an Indian had money to his credit—it would almost universally be a tribal fund—the department might estimate the amount that would probably come to each Indian, and within that estimate the department could advance to the Indian money to be used for these purposes.

This provision contemplates loaning money to an Indian who has no money; or if he has money, it is not his money that is loaned. We did not feel that we would be justified in taking money from an Indian fund and loaning it to an individual Indian, because it must be confessed that there is a possibility here of the loss of the loan, and we as a Government should take that risk upon ourselves. If we are going to loan this money to Indians, we should loan our money and not loan some other Indian's money to an Indian other than the one to whom it belongs.

Of course the last inquiry of the Senator is a most pertinent one, and yet there is a vast difference, it seems to me, between lending this helping hand to Indians and to white people. I am rather in sympathy with the general, broad view of the Senator from Mississippi against the idea of the Government being paternal. I am pretty nearly ready to subscribe to Mr. Tilden's great maxim, that that which the individual can do he should do, and that which the State can do it should do. But these Indians occupy a peculiar relation to us. Up to a short time ago but very few of them knew anything at all of civilization. We used to make treaties with them, where we would solemnly agree, in the old poetic language of the treaty, so long as grass grew and wind blew, that we never would invade that reservation for settlement by the white man; but, of course, the onrushing tide of the American people to the West resulted in the ignoring of those treaties. Time and again reservations were diminished; time and again the Indians were removed off to distant reservations, until there came a time when it seemed as though the wise thing to do was to divide the reservations and make an allotment to each Indian of 60 or 160 acres, or different quantities, according to the character of the land and the climate where the allotments were made.

As a result, that began to individualize the Indians. Now you have an Indian no longer in the possession of the old hunting ground, where he could hunt and trap and fish and take care of himself and family. You have thrown him suddenly into the environment of the individual or citizen without any training, without any assistance, and that we pleaded as a justification for holding out, through the Government, a helping hand to the Indian, when we would not, of course, recognize that principle generally in government.

Mr. WILLIAMS. Mr. President, I, of course, recognize the fact that we have assumed toward the Indian the relationship of guardian and ward, and that has been going on since the beginning of the history of the United States. In fact, it started before that in some of the older States. But I am a little afraid that this is a precedent which may some day return to plague us. One never knows how small a thing may be pointed back to at some time in the future.

This money comes out of the United States Treasury. It is the money collected by taxing the people of the United States. Whether the Indian be a ward or not, a guardian in managing a ward's affairs pays out of the ward's fund; he does not pay out of somebody else's funds. If at some time in a time of distress white men should come up to the Congress of the United States and say, "We do not ask you to give us money, but we ask you to give us a mule, we ask you to give us a horse, we ask you to give us a plow, we ask you to give us a harrow, we ask you to give us what is necessary to cultivate land"——

Mr. CLARKE of Arkansas. What about the "40 acres and a mule" that we use to hear down in Mississippi?

Mr. WILLIAMS. We reply to them, "We can not do that; we can not take the money of the people collected by taxation and give it to you for the purpose of enabling you to make a success with your farm. If we begin that once we will have to give saws and hammers and adzes and planes to the carpenter; we will have to give anvils and other things to the blacksmith; we will have to carry it all through our society." You go on and tell such a man how that is wrong, that it violates every principle. You tell him that there was a time lately after the war when that sort of cry about 40 acres and a mule, as has been suggested by the Senator from Arkansas, was in the air. You go back still further in the history of the world and tell him how the Roman people were absolutely pauperized and ceased to be the great people of Rome and became a mere howling populace by the free distribution of corn on the part of the government, and how it is the duty of the citizen to support the Government and not the duty of the Government to support the citizen. After you are all through with it, after you have made your argument in the best way that you can, impregnable as it is, based upon sound governmental as well as sound ethical principles and sound social principles, he turns around to you and says, "Yes, but I find that at a certain time you did do this identical thing for the Indian; you took the money out of the Treasury; and the Indian did not put any of it there even, and I have put some in." Now, what is the answer to be made to him?

Mr. OWEN. Mr. President——

Mr. WILLIAMS. There is absolutely none.

Mr. CLAPP. I think there is.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. WILLIAMS. Yes.

Mr. OWEN. Let me appeal to the Senator from Mississippi and call the Senator's attention to the fact that these poor, dependent Indian people are regarded as the wards of the United States.

Mr. WILLIAMS. I just said that.

Mr. OWEN. That puts them in a different class from the others.

Mr. WILLIAMS. That is what I explained also. When I am a man's guardian I take care of him out of the estate to which the ward has a right and a title.

Mr. OWEN. Suppose that the ward had no estate?

Mr. WILLIAMS. The American people have robbed the Indians from the beginning of time, and they have committed torts against them that constitute a page of shame.

Mr. OWEN. Does not that justify some retributive justice?

Mr. WILLIAMS. That would justify going to work and investigating and finding out and making an indemnity, not in the shape of a loan to the Indians, but an indemnity to the Indians themselves. For example, there are Indians in my own State who have been treated with a degree of injustice that cries to heaven. I have been crying to heaven for them upon this floor, and there is no justice thus far. But that does not come down to this point. Here is an individual Indian. It is not the Indians tribally; it is not our Government making restitution to the Indians generally, as I doubt not it might well do; but it is just saying to an individual Indian, "I will advance you this much."

Mr. LANE. I should like to make a suggestion to the Senator that he should take into consideration the fact that the Government has expended a large sum of money, which has been made a charge upon Indian lands in some cases, and then has given the Indian a limited period in which to make use of that land and not a cent or a tool to do it with.

Mr. WILLIAMS. I understand. I heard the Senator a moment ago. That is absolutely an iniquity; there is no doubt about that. But to say to a man, "Here is so much land that you may have; I will give you two years to make the first payment in," when you know at the very time that the man is utterly powerless to exploit the land or to use it in any way, is holding out apples to his eyes and giving him ashes upon his tongue.

But all that is beside this question. I am not arguing this from the Indian standpoint; I am arguing it from the Govern-

department. This has been characterized as a revolving fund. It was the subject of much discussion, thought, and investigation by the committee. The method has been considered at some length by the Indian Bureau, and it has been deemed to be a wise one. When Indian tribes have land, our experience discloses to us that the mere possession of land is not sufficient to develop them into persons who become self-supporting. This is to create a fund out of which appropriations may be made for the purpose of leveling their lands, plowing them, tilling them, raising crops, building houses, purchasing machinery, and purchasing cattle; that the fund appropriated shall become a lien on the land; and that when the fund is repaid, as provision is made in the act for the repayment, the land being in the meantime held as security, that that same fund which is repaid into the Treasury of the United States shall again be used for a similar purpose.

Mr. SMOOT. Mr. President, I have noticed, of course, that this money is to be paid to the Indians for certain enumerated purposes "under such regulations as the Secretary of the Interior may prescribe." I suppose those regulations relate to the security which the Government will take for the money advanced?

Mr. ASHURST. That would be one of the regulations. Now, relating to this particular item, I wish to read a short excerpt from the recommendation submitted to the committee by the Commissioner of Indian Affairs:

We are asking in this item for a reimbursable appropriation of $50,000 for the Indians of the Colorado River and Yuma Reservations in Arizona and California. The Government has constructed irrigation projects for these Indians, and they have now at their disposal valuable irrigable lands, but they are without means to begin cultivating those lands. It requires money to level the land, and these Indians also need agricultural equipment. Every dollar of this money will be reimbursed to the Government, and it is simply a loan to these Indians based on good security, because they have valuable surplus lands, and the appropriation is simply to enable them to become self-supporting. In support of this item, I would like to submit the following justification:

Statistics, Colorado River Reservation.

Indian population	486
Acreage of reservation area	240,640
Acreage of agricultural land	100,160
Acreage of grazing land	85,000
Acreage allotted lands	4,800
Acreage under ditch	4,800
Acreage cultivated by Indians	638
Acreage irrigated	450
Live stock:	
Horses	210
Mares	227
Stallions, pony	31
Cows and heifers	143
Bulls	9
Steers	106

So the fund will be used for the purpose, not of dealing them out rations but to cope in a large way with this Indian problem—I might use those words in the nomenclature of Indian affairs, for the "Indian problem" is the great problem that is before us, as to how we shall develop the Indians into becoming self-supporting. This has been deemed. I will not say the best way, for the committee can not arrogate to itself all knowledge and wisdom, but it is a good way, the money being secured by the lands themselves.

Mr. SMOOT. The only fear I have respecting this provision is that unless many of the Indians are of a different character from white men, if the money is available to the Indian and he has to put up his land as security, I am afraid that in the end perhaps he will be liable to lose his land. I want to say to the Senator having the bill in charge that I believe the Indians ought to be assisted; I think that if conditions are such as stated by the Senator, it would be well for Congress to make the appropriations direct, and then see if they could not, by direct regulation and by putting one or two competent men there who are familiar with the methods of irrigating and cultivating land, help the Indians in their experiments. The Indian who does not particularly care for work would not make application for the money, but he might feel that if he could get the money he would get it and use it, perhaps, not all in the cultivation of his land, but partly for that purpose, and then he would perhaps find himself mortgaged, and it would be impossible for him at the end of the 5 years or 10 years, or whatever length of time it is, to pay. All I was thinking about was the protection of the Indians.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SMOOT. I do.

Mr. OWEN. I felt some doubt about whether this revolving fund would be repaid. In order to ascertain what reason we had for judging as to the future in regard to that I requested that a report be made upon such revolving funds as had heretofore been used, so as to see whether or not under their administration these funds were really in good faith paid back. I was much surprised and much gratified to find that the department had a most favorable experience with them; that the Indians had shown integrity in regard to these matters and industry, and had done very well indeed with regard to the repayment; so that from the history of the transactions in the department it appears that no reasonable doubt should be entertained that the money will actually be paid back in good faith and constitute a revolving fund that will serve other Indians in the same way, teaching them the lesson of self-support.

Mr. SMOOT. It is a splendid idea, Mr. President, if it can be successfully carried out.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SMOOT. Certainly.

Mr. CLAPP. I do not think the Senator appreciates the plan that is adopted. I notice he referred to repayment at the end of 10 years. This provision does not contemplate a loan for 10 years; it contemplates that for 10 years the money that is paid back may be loaned to other Indians. The plan has been simply to loan them money for one year. The money does not go to the Indian at all. The agent buys the horses and seed, or whatever is to be purchased, and takes the Indian's note for the amount, the Indian making the payment.

This plan works to the advantage of the Indian, and I am going to speak of it because we have adopted it to some extent in this bill. In the first place, it makes it possible for the department, where an Indian requires assistance of this kind, to lend him a helping hand; and, in the second place, it teaches the Indian what the white man had to learn many generations ago—the importance of keeping his obligations; that when he borrows a dollar he must repay that dollar.

Last year, on the passage of the Indian appropriation bill, as will be seen on page 2097 of the CONGRESSIONAL RECORD, I submitted a summary of the work of the department up to that time under this provision. In one case I think every dollar was repaid the first year, but in the other cases there had not been such a prompt payment.

If it is properly managed, this method is the solution of the individualizing and development of the Indian by lending him this helping hand under the direction of the agent. The money does not go to the Indian; he can not squander it. The only danger is that the agent might purchase things that possibly might not be necessary, but we have got to take some chance in everything. The agent is right there with the Indian in the fall, and when the harvest comes he sees to it that the Indian repays the money. The provision is designed to individualize the Indian, to help the Indian, and, above all, to teach the Indian the necessity of business methods.

I will say, frankly, we have provided considerable sums in this bill to be used along that line. We did it because of the excellent success that has attended the same experiment in preceding years. As I have said, a summary of what has been accomplished will be found on page 2097 of the CONGRESSIONAL RECORD, part 3, volume 50, Sixty-third Congress, first session.

Mr. LANE. Mr. President, I should like to say, for the further information of Senators, that there is another condition which has brought about this method of appropriating money, and that is this: All along in the history of the Indian in the past there has been appropriated by Congress, out of funds belonging to the Government and out of funds which were reimbursable from the Indian's property, hundreds of thousands of dollars for his support and civilization. We all know that the Indian has made a failure as a farmer. For some reason he has not advanced as the white man has in that line, and it has been a problem as to what to do for him. In investigating the matter the Indian Committee and the commission appointed to look into Indian affairs has found this condition to exist—and it exists at this time all over the United States—and that is that the Indian has been allotted in severalty lands to which in some cases water has been brought for irrigation purposes at his expense. In this way he has had turned over to him tracts amounting to from 40 to 160 acres, and in some cases the terms have been that if the Indian did not utilize the water and cultivate the land within a certain specified period of time, in one instance not to exceed two years, he forfeited his water right and any advantage he might receive from the land.

What else did we do for him? We did not give him a penny with which to buy a plow, or a harrow, or a grubbing hoe, or anything at all with which to work the land. We hired farmers to go out and teach him how to farm, but we furnished him nothing with which to farm. He was left with his bare hands. The white man could not make a success under such circumstances. When irrigable land is being broken to cultivation and water is put upon it, it has been found that the white man,

with every facility at his command, is not able to bring that ground under subjection in 5 years, and a bill now pending before Congress gives him an additional grant of time, making it 20 years; but the Indian was only allowed 2 years, and was not even given a mattock. Consequently he failed to make good.

This provision was put in the bill so that the Government might buy some seed, which it did not do before, and furnish the Indians with plows and implements with which to cultivate the land. This is a reformation long overdue. The Indian has lost his land and his property through what seems to have been a policy, probably not adopted with the intention of ruining him, but which has actually resulted in his degradation and in his financial ruin. This fund is designed to buy the Indian plows and harrows and seed and to hire men to go and teach him how to put the seed in or to let him have an opportunity to plant it himself.

Mr. SMOOT. Mr. President, referring to what the Senator from Minnesota [Mr. CLAPP] has said, that the repayments were not to be made in 10 years, but were to be made in 1 year, I believe if the Indian is capable of paying back the money in 10 annual installments he is doing well. I think that if he can possibly pay it in that length of time, he is doing even better than a great many white men have done in our reclamation projects, and I would not object if the time were extended to 10 years. Of course the amount returned would be small if each Indian availed himself of the 10 years in which to make payment, but the Indian must be a very industrious farmer and he must be a most prosperous one if he can, in less than 10 years, save out of his earnings upon the farm sufficient money to pay for the amount that is advanced to him by the Government for farm machinery, for seed, and for stock. If he can do that, Mr. President, he is doing mighty well.

Mr. CLAPP. Mr. President, if the Senator will pardon me——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Utah yield to the Senator from Minnesota?

Mr. SMOOT. Certainly.

Mr. CLAPP. As showing the success of this method I will state that on the Tongue River Reservation there was not a single beneficiary of the fund who was delinquent under the terms of the agreement.

Mr. SMOOT. What was the agreement?

Mr. CLAPP. I think it was all to be paid the first year. These sums are not large. I think it is a mistake to advance too much.

Mr. SMOOT. Oh, so do I.

Mr. CLAPP. One Indian wants seed, another Indian perhaps needs a cow, another a plow. On the Belknap Reservation, where it was $15,000, if I remember correctly, that was all paid.

It must be said that when you consider that you are dealing with people who never have been taught the necessity of paying debts, it has worked out wonderfully well. Of course there will be cases of delinquency; there is no doubt of that; but I really believe it is the most vital legislation we have ever enacted for the Indian, and especially if the individual agent is the right kind of a man to stay right next to the Indian and help him.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Arizona?

Mr. SMOOT. Certainly.

Mr. SMITH of Arizona. I wish to ask the Senator from Minnesota the conditions surrounding those Indians. I apprehend they are very different from the conditions surrounding those on the Colorado River.

Mr. CLAPP. Why, of course they are different; and the consequence is that the department in dealing with those on the Colorado River will have to exercise more care, advance less money, and be more attentive to the Indians in seeing that it is paid back. The Indian problem must be largely a matter of personal equation between the agent and the individual Indian, and upon the agent must depend very largely the development of the Indian as we individualize him.

Mr. SMITH of Arizona. If the Senator will pardon me further, the condition of the Indians on the Colorado River Reservation is that they have not enough water, as I understand. It seems to me it would be well if this provision looked toward the development of water instead of providing such a large amount for the purchase of tools, equipment, and seed where, in my judgment, they have not the opportunity to raise good crops, even if the equipment is given to them, without more water being supplied to them.

They have an immense reservation there, capable of being made the best in the United States, in my judgment, and yet nothing seems to be done toward the development of water to an extent that will justify a $50,000 appropriation for the purchase of things to put in land where there is no water with which to cultivate it. Of course, I am in favor of doing anything on earth that can be done for them.

Mr. CLAPP. Of course, we have made, or at least suppose we have made, the necessary appropriations for water, if water can be developed there. That is an appropriation pure and simple. This is not an appropriation for the Indian. One of the prime objects of this particular feature is that while you are helping the Indian, at the same time you are teaching him the value of a dollar, and teaching him that every dollar he runs in debt for he must sooner or later pay back. It is a loan to him. Now, we do not make a loan to them for irrigation. We make an appropriation for that.

Of course, you have to depend somewhat on the Indian. It is not to be supposed that the department, as anxious as every one is first to do his duty, and secondly, to avoid the loss of prestige in bad management, is going to advance money to an Indian to buy seed if the Indian has no place where he could raise a crop with the seed. You must trust the administration of the fund to them.

Mr. SMITH of Arizona. If the Senator will bear with me further, I do not claim to know all about these Indians; but from what I have observed and what I have been told by those who live with them on the very reservation I have referred to, these Indians, even if you give them these things, are still members of a tribe, and there is where the personal equation of which the Senator speaks looms up more largely. Then we have to see that the appropriation is given only to the Indian who will raise a crop. If that is done, there will be something in it; but if you distribute it——

Mr. CLAPP. Mr. President, it is not designed to be a distribution. We place so much money in the hands——

Mr. SMITH of Arizona. It is a distribution, but the Senator does not comprehend me. You may find 1 in 50 of the tribe that would take charge of this appropriation and go right to work. The balance of them would not.

Mr. CLAPP. Then they would not get any of it.

Mr. SMITH of Arizona. That is the very point, whether they will or not. If the distribution is to be made with that sort of a limitation, only to those who in good faith will apply it to the land, that limitation on it would relieve the fear I entertain of making mistakes in giving it to them.

Mr. CLAPP. That is the limitation. In the first place, this is not $50,000 to be distributed per capita among these Indians; but here is a particular Indian, and in that respect it makes no difference whether the tribal relation has ceased or not. He shows a little evidence of thrift. He wants some seed, or he wants a cow, or a horse, or a plow. This money is an open fund out of which the department, through its agent there, can buy this cow, or buy this plow, or buy this seed for him. No Indian gets a dollar of it unless the agent at least believes the Indian is actuated by a sense of thrift. It is elastic to that extent. It does seem to me, in the light of the experience we have had heretofore, that we have every warrant for enlarging the sphere of this particular form of activity and relationship to the Indian.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. CLAPP. Certainly.

Mr. WHITE. I will ask the Senator from Minnesota what guaranty we have that the Indian will get what he wants? Does he determine what he will buy, or is that determined by the agent?

Mr. CLAPP. That, of course, must rest with the agent. Somewhere in all this work in our relation to the Indian we have the personal equation of the agent, who, of course, reflects in a measure the spirit of the department under which he serves. He would be false to his duty if he bought cattle or horses for an Indian who had no use for them or if he bought seed for an Indian who had no land. There is one point where he takes his chances on whether or not, in his estimate of that Indian's make-up, the Indian will in good faith earnestly go ahead and make the best use of the benefit that is bestowed upon him. There the agent necessarily, every time he takes a new man, projects himself into the zone of experiment; and, of course, there is that much experiment involved in it.

Mr. WHITE. Another question. Who determines the price that shall be paid for these articles?

Mr. CLAPP. The agent.

Mr. WHITE. From whom does the agent make the purchase?

Mr. SMITH of Arizona. Wherever he pleases.

Mr. CLAPP. Why, he makes it wherever it seems best to make it. We can not regulate that.

over. Is there objection? The Chair hears none, and it is so ordered.

The SECRETARY. The pending question on the bill is, on page 19, where the committee proposes to insert, after line 11, the following paragraph:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. SMOOT. Mr. President, may I ask the Senator what other funds have been made available for this purpose, and if any, how much?

Mr. ASHURST. Mr. President, I shall be very glad to supply the Senator with the information. I read from page 331 of the House hearings the justification for this item, offered by the Commissioner of Indian Affairs, as follows:

The Papago school population is estimated to be 1,220. It is thought that, including all nonreservation members of the tribe, the number is considerably larger, and the Government has never provided any home schools for this tribe except one day school, with a capacity of 40. A mission school with a capacity of 150 has during recent years been maintained and operated by the Government. This makes a total Government home school capacity of 190 pupils. There are several mission schools on or near the reservation, and quite a number of children attend nonreservation schools. However, it is estimated that between 800 and 1,000 Papago children of school age are entirely without school facilities.

The Papagos live in villages; therefore it will be feasible and advisable to provide school facilities for them by building day schools. This will make it possible to provide school facilities for all of these children at very much less expense than where the conditions make boarding schools necessary. The maintenance expense will likewise be very small comparatively. There are probably 12 to 15 Papago villages where good day schools can be maintained.

There is no previous estimate.

Proceeding to read further from the justification:

These Indians are a very worthy class of people and ask no assistance from the Government except that school facilities be provided. This item of $50,000 should be included in the bill this year in order that the Papago children may not longer be permitted to grow up in ignorance.

Mr. SMOOT. What I asked the Senator was the amount of the appropriation. This is a direct appropriation of $50,000, and it says:

This amount to be in addition to any other funds available for that purpose.

What other funds are available for that purpose, and how much?

Mr. ASHURST. At this time I am not able to say that there are any funds available, except in the general language used at the beginning of the section, where, referring to Arizona and New Mexico, it says, "for support and civilization." The Senator will remember that those words have been defined to be apt words, and the Commissioner of Indian Affairs, in his judgment, distributes this sum for civilization and support in accordance with the needs, requirements, and necessities of each particular tribe.

Mr. SMOOT. I suppose the amount here referred to is some lump-sum appropriation, and I thought perhaps the Senator knew just exactly the amount that would go to these particular Indians.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Vermont?

Mr. SMOOT. Certainly.

Mr. PAGE. The Senator from Utah is correct. He will find at the bottom of page 7:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, $1,500,000.

I wish to say to the Senator from Utah that this particular paragraph relating to the Papago Tribe was quite fully discussed by the Committee on Indian Affairs, and I believe the committee were absolutely unanimous in the view that this clause is a proper one.

Mr. SMOOT. I am not objecting to the appropriation for the purpose of educating the children of the Papago Tribe, but I was trying to get at whether this is an undue amount to appropriate, taking into consideration that they have a part of a fund appropriated already, namely, a million and a half dollars. If there are 150 children of that tribe, it would cost about $325 per child. In addition to that, I wanted to learn, if possible, how much they get out of the lump sum, so as to see about how much it would cost per year to educate each child of the tribe.

Mr. ASHURST. While it might appear that it would be an excessive sum for this particular tribe of Indians, that is only an apparent disclosure. It is not really an excessive amount. The committee were of the opinion, as to the appropriation referred to at the top of page 8 of the bill—$1,500,000—none of that money would be used in cases where there was a specific appropriation made like the one now under discussion. It was also the opinion of the committee that this is not an excessive sum. A good deal of discussion was had in relation to the item, and it was resolved by the committee that it is not an excessive sum.

Mr. SMITH of Arizona. If my colleague will permit me——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. The Papago Indians live on the Papago Reservation in Arizona, but they are scattered. Quite a number of them live on the reservation, and then quite a number are nomadic, wandering divisions of the tribe that will go off and seek for water and make a home for a season on some mountain or some place in the desert where they can find enough water near by to raise a small crop.

I apprehend that with this appropriation, in addition to the lump sum, they can get hardly enough by a proper division among all the Indians for the support of the Papagos. I imagine that some effort is being made to take care of these Indian villages that are scattered around, where they can easily have schools for a season and thus have some of the advantages that are given to the tribe.

Mr. SMOOT. I will say that I have not any objections to the amount from what already has been said. I will not object to the item.

Mr. ASHURST. I appreciate the force——

The PRESIDENT pro tempore. In the further consideration of this bill the Chair will give notice that there will not be a strict observance of the rule which requires a Senator to ask permission before he interrupts. These colloquies are enlightening and they amount to an exchange of information, and it would take more time to obtain consent than to get the information when it seems to be asked in good faith and not for the purpose of delay. So if the Chair does not interpose on every occasion it will not be due to the fact that he does not understand that in proper cases it is the duty of the Chair to do so. Of course, it will be limited to one Senator speaking at a time; the reporters must take down what Senators say. With that explanation of his conduct, the Chair will recognize the Senator from Arizona.

Mr. ASHURST. I may not have been considerate in regard to my interruptions, and I wish to apologize to the Chair. I wish, however, before I take my seat to ask Senators to observe the language on page 8, lines 16, 17, and 18, of the bill, in which it is specifically stated that no part of the appropriation of $1,500,000 "shall be used for the support of Indian day and industrial schools where specific appropriation is made."

Mr. LA FOLLETTE. Mr. President, I think the Senator from Utah [Mr. SMOOT] misunderstood the statement of the Senator from Arizona [Mr. ASHURST] as to the number of children of school age in this tribe. If the statement was made by the Senator from Arizona as understood by the Senator from Utah and communicated to me by him, I want to correct it. The Papago school population is estimated at 1,220 and not 150.

Mr. ASHURST. Yes, sir; 1,220.

Mr. SMOOT. I may have misunderstood the Senator in what he said, but I understood him to say that 150 and 40 more would be 190. I say I would have no objection to the item even if there were 190 on the explanation that has been made.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 20, line 4, after the word "expended," to strike out "reimbursable to the United States by the Indians having tribal rights on said reservation and to remain a charge and lien upon the lands and funds belonging to said Indians until paid," so as to make the clause read:

For the construction of a bridge across the Moencopi Wash on the Western Navajo Indian Reservation, Ariz., $6,000, or so much thereof as may be necessary, to be immediately available and to remain available until expended.

The amendment was agreed to.

The next amendment was, on page 20, after line 19, to insert:

The Secretary of the Interior is hereby authorized to set aside and reserve as a school farm for the Fort Yuma Indian School the west half of the northwest quarter and the west half of the southwest quarter of section 24, township 16 south, range 22 east, San Bernardino meridian.

The amendment was agreed to.

The next amendment was, at the top of page 21, to insert:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed the sum of $25,000, and in no event more than one-third of the sum that may be necessary for the construction of a bridge across the Colorado River at or near Topock, in the State of Arizona, to be expended under the direction of

the Secretary of the Interior: *Provided*, That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the State of California satisfactory guaranties of the payment, by the said States, of at least two-thirds of the cost of said bridge; and that the proper authorities of the said States assume full responsibility for, and will at all times maintain and repair said bridge and the approaches thereto: *And provided further*, That the bridge shall be built in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

Mr. ASHURST. I move an amendment to the amendment. In line 10, where the words "State of California" occur, before the word "State," I move to insert the words "county of San Bernardino, in the" so as to read:

That no part of the money herein appropriated shall be expended until the Secretary of the Interior shall have obtained from the proper authorities of the State of Arizona and the county of San Bernardino, in the State of California, satisfactory guaranties of the payment—

And so forth.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 21, after line 19, to strike out:

That the Secretary of the Interior is hereby authorized and directed to make an investigation of the conditions on the Fort Mohave Indian Reservation, in Arizona, with respect to the necessity of constructing a bridge across the Colorado River, near said reservation, and to cause surveys, plans, and reports to be made, together with an estimated limit of cost for the construction of a suitable bridge across said river, and also to ascertain from a council of the members of said tribe whether the Indians of said reservation are willing that the proportion of the cost of said bridge which the Secretary of the Interior may determine to be properly chargeable to them shall be reimbursable from any funds which are now or may hereafter be placed to the credit of said tribe in the Treasury, and submit his report thereon to Congress on the first Monday in December, 1914; and the sum of $1,000, or so much thereof as may be necessary is hereby appropriated for the purpose herein authorized.

The amendment was agreed to.

The next amendment was, on page 22, after line 12, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in conformity with a provision contained in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000, and to remain available until expended: *Provided*, That the total cost of this project shall not exceed $150,000.

Mr. SMITH of Arizona. Mr. President, I wish to make a mere statement of the facts in this case. I think this particular item should go out, and I believe I can convince the Senate that a mistake was made by the committee.

If this item is permitted to remain in the bill, it will take away the water supply of the city of Tucson, a city of over 20,000 people. We get our water from an underflow. We have developed it by going deep and raising the water, and we are using that water for city purposes and also for irrigation. We started that long before the Papago Indians ever thought of getting any water for any purpose.

I have telegrams here that I will not detain the Senate to read from the mayor and from the chamber of commerce stating that the proposed scheme takes away the water from the city of Tucson. I have looked at the plans that they propose to use, and while they go higher up above the Indian reservation, where the mountains crowd the valley they cut across and take the whole underflow of the valley. It would leave a perfect desert around the city, where there are now 10,000 acres in cultivation, and it would take away the water supply of the town.

I have defeated this item two or three times before the committee. It got in this time, as I understand, on statements made that it did not interfere with the flow, but I assure the Senate that it does interfere with it, for I know the plan, and I know the ground as well as I know this Senate Chamber.

I move to strike out the item from the bill—that is, I ask the Senate to disagree to the amendment.

Mr. WILLIAMS. In connection with this amendment I desire to ask the Senator from Arizona a question. Has this work already been entered upon and has money already been expended under it?

Mr. ASHURST. No; the only money expended was the appropriation made to pay for the expense of ascertaining the feasibility and propriety of the project. The work has not been entered upon.

Mr. WILLIAMS. It seems to me when we irrigate these Indian lands the charge ought to be against the Indian fund, and not against the Treasury of the United States.

Mr. SMITH of Arizona. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to his colleague?

Mr. ASHURST. I yield.

Mr. SMITH of Arizona. I am acquainted with this matter, and I have just explained it to the Senate. I ask the Senate to disagree to the amendment on the ground that the proposition would take all the water from the city of Tucson. It really amounts to taking the whole underground flow. I want the Senate to disagree to the amendment, and I would be very glad to have that done as early as possible.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The next amendment was, on page 23, line 10, after the word "Arizona," to strike out "$20,000" and insert "$35,000," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development of a supply of water for domestic use for eight Papago Indian villages in southern Arizona, $35,000.

Mr. SMITH of Arizona. I do not like this amendment.

Mr. ASHURST. Let the item, beginning at line 6, on page 23, down to and including line 10, go over until I confer with my colleague.

The PRESIDENT pro tempore. The amendment will be passed over temporarily unless there is objection. The Chair hears none.

The next amendment was, on page 23, line 21, after the words "Navajo Reservation," to strike out "$15,000" and insert "$50,000," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, $50,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

Mr. LANE. I reserve the right to offer an amendment to this amendment, if it can be reserved at this time.

The PRESIDENT pro tempore. The Senator from Oregon will state his amendment, and we will determine what can be done when we find out what it is.

Mr. LANE. There is an item which ought to be stricken out, I guess, although I am not entirely informed concerning it. It has to do with lands other than agricultural, and, in a way, would affect a large amount of mineral lands. I should like to have it go over until I can take the matter up with the chairman of the committee and see if he will not agree to some change in it.

The PRESIDENT pro tempore. If the Senator will indicate just what provision of the bill he desires to have passed over for the present, the Chair will submit his request to the Senate.

Mr. LANE. That is the last item which was read on page 23, lines 20 to 24, inclusive.

The PRESIDENT pro tempore. The Senator from Oregon asks that the provision indicated by him may be passed over temporarily. Is there objection? The Chair hears none. The reading of the bill will be resumed.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, at the top of page 24, to insert:

For the purchase of lands for the use and benefit of Indians under the jurisdiction of the superintendent of the Camp Verde Indian School, Ariz., $20,000, to be immediately available and to remain available until expended: *Provided*, That the lands purchased for said Indians shall be held in trust and be subject to the provisions of the general allotment act of February 8, 1887 (24 Stat. L., 388), as amended.

The amendment was agreed to.

The next amendment was, on page 24, after line 9, to insert:

There is hereby appropriated the sum of $50,000, to be immediately available and to remain available until expended, and the Secretary of the Interior is authorized to use this money, or so much thereof as may be necessary, under such regulations as he may prescribe, for the promotion of civilization and self-support among the Indians residing and having tribal rights on the Colorado River and Yuma Reservations, the said sum to be expended in the purchase of seed, live stock, vehicles, harness, machinery, tools, implements, and other agricultural equipment, and for such other purposes as the Secretary of the Interior may deem proper in promoting their civilization and self-support: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925 and all repayments to this fund made on or before June 30, 1924, are hereby reappropriated for the same purpose as the original fund, and the entire fund, including such repayments, shall remain available until June 30, 1924, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1924, shall be covered into the Treasury, and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law.

The PRESIDENT pro tempore. Unless there is objection the amendment will be agreed to.

Mr. SMOOT. Mr. President, I hardly caught the full meaning of the amendment as read. I wish to ask the Senator having the bill in charge to explain the amendment.

Mr. ASHURST. Mr. President, I am aware that this is somewhat of a departure from previous methods employed in the

tained, I take it for granted that even if there should exist a difference of opinion as to the specific case between different presiding officers presiding in the Committee of the Whole and the Senate, respectively, that the one would not assume to overrule the other in the particular case. As a matter of comity among presiding officers the ruling would be permitted to stand so far as that identical instance is concerned, notwithstanding these casual occupants of the chair should differ in opinion as to the rule.

Mr. SHEPPARD. It seemed to me to be so clear that the matter stands just as the Chair has stated it that I believed it essential to have the Senate pass on it by resolution, after the ruling the other day by the Senator from Kentucky [Mr. JAMES].

The PRESIDENT pro tempore. We can get the matter up at some time by informally submitting it to the Senate when it is presented, and thus take the judgment of the Senate on the disputed question involved.

No objection having been interposed, the resolution will be referred to the Committee on Rules.

STANDING COMMITTEES OF THE SENATE.

Mr. JONES. I desire to give notice that on to-morrow I shall submit an amendment to Rule XXV in the nature of a substitute providing for a reorganization of the standing committees of the Senate, to take effect at the beginning of the Sixty-fourth Congress, so that said rule shall read as follows:

XXV.

1. Beginning with the Sixty-fourth Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

COMMITTEES OF THE FIRST CLASS.

A Committee on Appropriations.
A Committee on Commerce.
A Committee on the District of Columbia.
A Committee on Finance.
A Committee on Foreign Relations.
A Committee on Interstate Commerce.
A Committee on the Judiciary.
A Committee on Banking and Currency.
A Committee on Public Lands.

The foregoing committees shall consist of not to exceed 11 members each, and shall be so constituted that each Member of the Senate shall be a member of one of said committees and no more.

COMMITTEES OF THE SECOND CLASS.

A Committee on Agriculture and Forestry.
A Committee on Rules.
A Committee on the Census.
A Committee on Civil Service and Retrenchment.
A Committee on Claims.
A Committee on Education and Labor.
A Committee on Insular Affairs.
A Committee on Immigration.
A Committee on Naval Affairs.
A Committee on Pensions.
A Committee on Post Offices and Post Roads.
A Committee on Printing, which shall have power to act jointly with the same committee of the House of Representatives.
A Committee on Engrossed and Enrolled Bills, which shall have power to act jointly with a similar committee or committees of the House of Representatives, and which, or some member of which, shall examine all bills or joint resolutions which shall have passed the Senate or both Houses, to see that the same are correctly engrossed or enrolled, and, when signed by the Speaker of the House and the President of the Senate, shall present the same forthwith, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.
A Committee on Public Buildings and Grounds, which shall have power to act jointly with a similar committee of the House of Representatives.
A Committee on Audit and Control of the Contingent Expenses of the Senate, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

The foregoing committees of the second class shall consist of not to exceed 13 members and no Senator shall be placed upon more than two of said committees at the same time.

2. The aforesaid committees shall continue and have the power to act until their successors are appointed.

PRICES OF OIL.

Mr. OWEN. I submit a short memorial from citizens of Tulsa, Okla., which I desire to have printed in the RECORD, together with certain data bearing upon the relative prices of Oklahoma oil and oil in other parts of the country.

There being no objection, the matter was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

TULSA, OKLA., *June 6, 1914.*

To WOODROW WILSON,
President of the United States; and
To the CONGRESS OF THE UNITED STATES:

The vital welfare of the independent oil producers and the independent refiners and consumers of the Nation imperatively demands that all pipe line companies be made common carriers and that they be adequately divorced from oil-producing interests; and we beg your most urgent consideration of our appeal for earliest possible relief.

DAVID J. KELLEY.
O. K. EYSENBACH.
F. M. AIKEN.
JOHN RAY.
CHAS. T. WILSON.
J. A. EVANS.
L. L. HUTCHISON.
A. E. WATTS.
C. J. WRIGHTSMAN.
JOHN A. STEEL.
LITCHFIELD & SULLIVAN.
H. F. SINCLAIR.
H. N. GREIS.
E. R. KEMP.
J. H. MARKHAM, Jr.
C. N. HASKELL.
(And many others.)

Crude oil prices.

	Per barrel, April, 1914.	Per barrel, June 4, 1914.
Pennsylvania	$2.00	$1.80
Ohio, North Lima	1.40	1.19
Illinois	1.45	1.15
Oklahoma:		
Cushing	1.05	.75
Healdton	.70	.50

Compared to Pennsylvania, at $2 per barrel, the Cushing oil is worth $1.85 per barrel and the Healdton oil is worth $1.50 per barrel, on the authority of Dr. Allen, chief chemist of the Bureau of Mines.

The Healdton oil is bringing but 33⅓ per cent of its market value acknowledged and fixed by the Standard Oil monopoly as fair in Pennsylvania.

The great wrong is obvious.

Will Congress give the remedy?

TULSA, OKLA., *June 10, 1914.*

Senator ROBERT L. OWEN,
Washington, D. C.:

Dr. Allen, chief chemist Bureau of Mines, just reported to corporation commission that on basis of $2 per barrel for Pennsylvania oil, Cushing worth $1.85; Healdton, $1.50. Carroll, of Commerce Bureau, in Washington, says 8 cents per barrel reasonable transportation cost from Tulsa to Gulf points.

C. J. WRIGHTSMAN.

OKLAHOMA OIL AN EQUAL OF EAST HIGH GRADE—COMPARATIVE RUNS OF PENNSYLVANIA AND CUSHING OILS SHOW THEM PRACTICALLY ON A PAR—FIGURES ARE INDISPUTABLE—NEWS CORRESPONDENT FURNISHES HERE MOST INTERESTING ITEM TO OKLAHOMA PRODUCERS SEEN IN MANY MONTHS.

TULSA, OKLA., *June 2, 1914.*

MID-CONTINENT OIL NEWS,
Okmulgee, Okla.

GENTLEMEN: One of the Pennsylvania refiners to whom the writer has been shipping Cushing crude oil has had a comparative run of 100 gallons Cushing crude and 100 gallons (approximately 2.4 barrels) of Pennsylvania crude oil. The runs were made by a laboratory which is recognized as the highest authority in the United States on tests of oils, including crude and all grades of refined and lubricating oils, waxes, residium, etc.

The test is made in an experimental still and is taken in 20 units of 5 per cent each. The test of the 20 units are as follows:

MAY 22, 1914.

DEAR SIR: We have had comparative runs made by the ——— of the Pennsylvania crude we are now running and of the Cushing crude gotten through you.

The tests of the 5 per cent units are as follows:

	Gravity.		Gravity.
Crude oil, Cushing	41.8	Pennsylvania	44.2
No. 1, 5 per cent unit Cushing	80.1	Pennsylvania	80.5
No. 2, 5 per cent unit Cushing	72.0	Pennsylvania	70.5
No. 3, 5 per cent unit Cushing	67.0	Pennsylvania	66.1
No. 4, 5 per cent unit Cushing	62.0	Pennsylvania	60.1
No. 5, 5 per cent unit Cushing	57.2	Pennsylvania	55.5
No. 6, 5 per cent unit Cushing	55.5	Pennsylvania	53.8
No. 7, 5 per cent unit Cushing	52.3	Pennsylvania	52.0
No. 8, 5 per cent unit Cushing	49.5	Pennsylvania	50.0
No. 9, 5 per cent unit Cushing	46.7	Pennsylvania	47.7
No. 10, 5 per cent unit Cushing	44.1	Pennsylvania	45.7
No. 11, 5 per cent unit Cushing	42.0	Pennsylvania	43.0
No. 12, 5 per cent unit Cushing	40.2	Pennsylvania	41.6
No. 13, 5 per cent unit Cushing	38.3	Pennsylvania	40.5
No. 14, 5 per cent unit Cushing	37.1	Pennsylvania	38.8
No. 15, 5 per cent unit Cushing	34.5	Pennsylvania	37.6
No. 16, 5 per cent unit Cushing	32.1	Pennsylvania	36.8
No. 17, 5 per cent unit Cushing	29.0	Pennsylvania	34.0
No. 18, 5 per cent unit Cushing	27.0	Pennsylvania	32.3
No. 19, 3¼ per cent unit Cushing	24.8	Pennsylvania (9½ per cent)	29.7
No. 20, 3¼ per cent unit Cushing asphalt.			

100 per cent unit Cushing, 33⅓ per cent Pennsylvania.

The first trace of color appears in Cushing unit No. 11 and Pennsylvania unit No. 12.

The color of the Cushing units darkens much more rapidly than the Pennsylvania units, Cushing crude No. 17 being about association No. 5, while Pennsylvania unit No. 17 is about association No. 2.

The first traces of paraffin at 70 temperature appear in the Cushing unit No. 17 and in the Pennsylvania unit No. 16.

The last three units from Cushing are exceedingly dark, while the darkest of any of the Pennsylvania units is about the color of commercial vaseline.

Three and one-half per cent asphalt in the Cushing crude was a hard, dry product.

The above report was given the writer with the understanding that neither the name of the refiner nor the laboratory making the test be used. The entire matter, however, is absolutely reliable, and originals are in my possession. Following the above comparative test this same refiner, under date of May 28, 1914, made a comparison of the market

value of the products and by-products contained in the two crudes and writes as follows:

Yours of May 25.

As near as I could figure the value of the products from Pennsylvania and Cushing crude, based on the comparative run made by the figures, would be as follows:

PENNSYLVANIA OIL.

Gasoline	66.2 gravity, 25 gallons, at 12 cents		$8.60
Turp. subt	51.0 gravity, 15 gallons, at 8½ cents		1.28
Kerosene	45.7 gravity, 15 gallons, at 5 cents		.75
300 oil	40.5 gravity, 15 gallons, at 5 cents		.75
Gas oils neut	35.5 gravity, 12 gallons, at 4½ cents		.54
Vis. neut	31 gravity, 8 gallons, at 12 cents		.96
S. R. cyl. stock	25 gravity, 8 gallons, at 12 cents		.96
Refined parf. wax	2 gallons, at 25 cents		.50
	100		8.74
5 per cent gallonage loss in manufacture			.44
Total value of products			8.30

CUSHING OIL.

Gasoline	65.7 gravity, 30 gallons, at 12 cents		$8.60
Turp. subt	48.2 gravity, 20 gallons, at 8½ cents		1.70
Kerosene	40.1 gravity, 15 gallons, at 3 cents		.45
Gas oil	34.6 gravity, 15 gallons, at 2 cents		.30
Vis. neut	28 gravity 10 gallons, at 10 cents		1.00
S. R. cyl. stock	24 gravity, 6 gallons, at 8 cents		.48
Refined parf. wax	½ gallon, at 25 cents		.13
Asphalt	3¼ gallons, at 6 cents		.21
	100		7.87
5 per cent gallonage loss in manufacture			.39
Total value of products			7.48

You will note from the above figures that the products from 100 gallons of Pennsylvania oil only exceed in value the products of a like number of gallons of Cushing crude oil by $2 cents, or, in other words, of Pennsylvania oil from a refining standpoint, is worth only approximately 10 per cent more than the Cushing oil, although at the present time with Cushing oil selling at 75 cents and Pennsylvania oil at $1.90 at the wells, price of Pennsylvania oil is over two and a half times that of Cushing oil.

Yours, very truly,

———

The above comparative estimate of the value of the products contained in the crudes referred to is really in favor of Pennsylvania oil, the comparison being made by a Pennsylvania refiner, being thoroughly familiar with his own product and not so with the products of Oklahoma crude, which would naturally leave the comparison slightly in favor of the Pennsylvania products.

For instance, kerosene, you will observe, is figured at 40.1 gravity at 3 cents per gallon, against 45.7 gravity (Pennsylvania) at 5 cents per gallon. In this connection I might add, the Consumers' Refining Co. at Cushing, oil running oils from the Wheeler & Layton sands, before the discovery of the Bartlesville sand in the Cushing field, have been making a 47-gravity, 150 degrees, water-white oil (kerosene of the highest grade) would raise the value of kerosene from Cushing crude from 1 to 1½ cents per gallon.

Furthermore, take the viscus neutrals from Cushing oil. From "viscus neutrals" is derived all the various engine and machine gasoline and automobile oils, etc. While the flash and fire test of Pennsylvania viscus neutrals are somewhat, though slightly, higher than those from the Oklahoma oils, the viscosity as well as the cold test of Oklahoma viscus neutrals, are noticeably better, and such oils are therefore of about the same value. Therefore, according to the above report, figuring market values from either Oklahoma or Pennsylvania shipping points, freight rates considered, the value of the products from both crudes are about on a par. In fact, when the above results of the comparative runs were sent me, a letter accompanying said test stated in part: "You will readily see that Pennsylvania crude is worth but very little, if any, more than Cushing."

Cushing crude, I firmly believe, represents about the average value of Oklahoma oils, while the crude from the Bartlesville sand is of slightly higher gravity (41.8) than most other oils produced in the older Oklahoma fields. There is found in various fields crude of from 30 to 42 gravity of much better color than Cushing, and while slightly lower in gasoline and kerosene contents, the base or heavier oils are of considerably greater value.

The writer has observed these oils at the wells and from different sands in the entire field and within the boundaries of, say, Muskogee, Henryetta, Okmulgee, and Tulsa, and is of the firm opinion that oils produced within the said boundaries are of as great, and likely greater, refining value than is Cushing crude.

Should any interested party, refiner, or producer doubt the reliability of the above report, I would be pleased to furnish *proof*, but as before stated, the names of said refiner and laboratory must be withheld from publication and with good and sufficient reasons.

Yours, very truly,

LEO KAUFMAN.

CONSTRUCTION OF REVENUE CUTTERS.

Mr. BANKHEAD submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4077) to provide for the construction of four revenue cutters, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to amendment numbered 3 made by the House to the bill and agree to House amendment numbered 3; and that the Senate recede from its disagreement to House amendments numbered 1 and 2 and agree to the same.

Strike out "four" and insert "two" in title of bill.

J. H. BANKHEAD,
KNUTE NELSON,
Managers on the part of the Senate.

W. C. ADAMSON,
T. J. SIMS,
F. C. STEVENS,
Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., which was, on page 2, line 1, to strike out "a sufficient sum, not to exceed $400," and insert "the sum of $292.45."

Mr. SIMMONS. I move that the Senate concur in the House amendment.

The motion was agreed to.

NAVAL APPROPRIATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, recediug from its disagreement to the amendments of the Senate numbered 34 and 53 to the bill and agreeing to the same; receding from its disagreement to the amendment of the Senate numbered 67 and agreeing to the same with an amendment, in which it requested the concurrence of the Senate insisting upon its amendment to the amendment of the Senate numbered 67; further insisting upon its disagreement to the residue of the amendments and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate further insist upon its amendments, disagree to the amendment of the House to the amendment of the Senate numbered 67, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees at the further conference on the part of the Senate.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The SECRETARY. The pending question is on the amendment on page 19.

The PRESIDENT pro tempore. The Secretary will suspend at that point.

On yesterday, when this bill was under consideration, the Senator from Vermont [Mr. PAGE] said:

Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The amendment involved being an item making an appropriation of $100,000 for the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior.

Mr. SMOOT. What page is that?

The PRESIDENT pro tempore. It is at the bottom of page 14, all of page 15, and part of page 16.

The Chair regards that, the item having been estimated for by the department as an absolutely necessary and legitimate expense, the qualifying language which follows is only such as is calculated to give intelligent direction to the manner in which the fund shall be expended, and under the precedents of the Senate it is not subject to a point of order. The point of order is, accordingly, overruled.

The question is on agreeing to the amendment.

Mr. STERLING. Mr. President, I ask that this amendment may be passed over for the present.

The PRESIDENT pro tempore. The Senator from South Dakota asks that the amendment may be temporarily passed

sailors of said war, reported it with amendments and submitted a report (No. 601) thereon.

Mr. TOWNSEND, from the Committee on Post Offices and Post Roads, to which was referred the bill (H. R. 15987) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance, which was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5875) granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington, and repealing an act entitled "An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation in the State of Washington," approved August 9, 1912; to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 5876) to remove the charge of desertion on the first enlistment of Samuel Spencer Carr; to the Committee on Military Affairs.

A bill (S. 5877) granting an increase of pension to Frank Knitter (with accompanying papers);

A bill (S. 5878) granting an increase of pension to Stephen D. Mitchell (with accompanying papers); and

A bill (S. 5879) granting an increase of pension to Paul Phillips (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5880) authorizing the Secretary of War, in his discretion, to deliver to the city of Terre Haute, in the county of Vigo, State of Indiana, three condemned bronze or brass field-pieces, with their carriages; to the Committee on Military Affairs.

By Mr. HUGHES:

A bill (S. 5881) providing for the refund of duties collected on flax-preparatory machines, parts, and accessories, such as described in the act of Congress approved February 7, 1913, imported subsequently to August 5, 1909, and prior to January 1, 1911; to the Committee on Finance.

By Mr. CHAMBERLAIN:

A bill (S. 5882) granting an increase of pension to William R. Stevens (with accompanying papers); and

A bill (S. 5883) granting a pension to Anna B. Ross (with accompanying papers); to the Committee on Pensions.

By Mr. DILLINGHAM:

A joint resolution (S. J. Res. 162) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MILEAGE OF MEMBERS OF CONGRESS.

By Mr. SHEPPARD:

A bill (S. 5884) amending an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes," by reducing mileage from 20 cents to 5 cents per mile.

The PRESIDENT pro tempore. The Chair supposes the bill should be referred to the Committee on Privileges and Elections. Unless there is objection, it will be so referred.

Mr. SMOOT. I did not understand to which committee the Chair referred the bill.

The PRESIDENT pro tempore. To the Committee on Privileges and Elections. The Chair thought that committee was more appropriate, but the bill can be referred to any committee the Senator may desire.

Mr. SMOOT. I think the bill ought to go to the Committee on the Judiciary or to the Committee on Appropriations.

The PRESIDENT pro tempore. The Chair sees no reason for referring the bill to the Judiciary Committee; but if the Senator moves that the bill be referred to that committee or to the Committee on Appropriations, the question will be put.

Mr. SMOOT. The subject matter is under the jurisdiction of the Committee on Appropriations.

The PRESIDENT pro tempore. The bill does not propose to appropriate any money, but simply to fix the rate of mileage.

Mr. SMOOT. I am aware of that.

Mr. McCUMBER. I move that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the bill be referred to the Committee on the Judiciary. [Putting the question.] The ayes seem to have it.

Mr. KENYON. On that question I call for the yeas and nays.

Mr. SMITH of Georgia. What is the question, Mr. President?

The PRESIDENT pro tempore. The question is on referring the bill introduced by the Senator from Texas [Mr. SHEPPARD] to the Committee on the Judiciary. The bill proposes to reduce the mileage of Members of Congress from 20 cents to 5 cents per mile. The Senator from North Dakota [Mr. McCUMBER] moves that the bill be referred to the Committee on the Judiciary. On that question the Senator from Iowa [Mr. KENYON] has called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], and in his absence I withhold my vote.

Mr. CHILTON (when his name was called). I have a pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Nevada [Mr. PITTMAN] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], who is absent. I understand that if he were present he would vote "yea." I so record myself. I vote "yea."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. SMOOT. I desire to announce the pair of the Senator from Wyoming [Mr. WARREN] with the Senator from Florida [Mr. FLETCHER], of the Senator from Connecticut [Mr. BRANDEGEE] with the junior Senator from Tennessee [Mr. SHIELDS], of the Senator from Maine [Mr. BURLEIGH] with the Senator from Virginia [Mr. MARTIN], of the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SALISBURY], of the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON], of the Senator from West Virginia [Mr. GOFF] with the Senator from Alabama [Mr. BANKHEAD], of the Senator from Rhode Island [Mr. LIPPITT] with the Senator from Montana [Mr. WALSH], of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH], of the Senator from Connecticut [Mr. McLEAN] with the Senator from Montana [Mr. MYERS], of the Senator from New York [Mr. ROOT] with the Senator from Colorado [Mr. THOMAS], and of the Senator from Massachusetts [Mr. WEEKS] with the junior Senator from Kentucky [Mr. JAMES].

Mr. SMITH of Georgia. While I have in one sense a general pair with the senior Senator from Massachusetts [Mr. LODGE], I have quite a full understanding with him as to the measures to which he wishes the pair to apply. On ordinary measures of this kind he expressed the desire that I should act as I saw fit, without regard to the pair, and he will exercise the same discretion on his part in my absence. I am sure it would be his pleasure for me to vote in this instance, and I vote "nay."

Mr. SHAFROTH. I desire to announce the necessary absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. CRAWFORD (after having voted in the affirmative). I inquire if the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. CRAWFORD. Then I will withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 13, nays 36, as follows:

YEAS—13.

Borah	Dillingham	Nelson	White
Bristow	Johnson	Reed	
Burton	McCumber	Smoot	
Catron	Martine, N. J.	Sutherland	

NAYS—36.

Ashurst	Kenyon	Shafroth	Stone
Bryan	La Follette	Sheppard	Swanson
Chilton	Lane	Shively	Thompson
Clapp	Lee, Md.	Simmons	Thornton
Clarke, Ark.	Norris	Smith, Ariz.	Tillman
Cummins	Overman	Smith, Ga.	Townsend
Gore	Owen	Smith, Mich.	Vardaman
Hughes	Page	Stephenson	West
Jones	Perkins	Sterling	Williams

NOT VOTING—46.

Bankhead	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hitchcock	O'Gorman	Smith, Md.
Chamberlain	Hollis	Oliver	Smith, S. C.
Clark, Wyo.	James	Penrose	Thomas
Colt	Kern	Pittman	Walsh
Crawford	Lea, Tenn.	Pomerene	Warren
Culberson	Lewis	Poindexter	Weeks
du Pont	Lippitt	Ransdell	Works
Fall	Lodge	Robinson	
Fletcher	McLean	Root	

So the Senate refused to refer the bill to the Committee on the Judiciary.

Mr. SMOOT. I move that the bill be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. The Senator from Utah moves that the bill be referred to the Committee on Appropriations. Is there objection?

Mr. KENYON. I object. I understood the Chair to say that the bill would be referred to the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is where the Chair thinks it would appropriately go.

Mr. KENYON. A parliamentary inquiry, Mr. President. If the motion of the Senator from Utah is defeated, will this bill not then go to the Committee on Privileges and Elections without motion?

The PRESIDENT pro tempore. The Chair presumes that would be the effect of defeating the pending motion. The question is on the motion of the Senator from Utah [Mr. SMOOT] to refer the bill to the Committee on Appropriations. [Putting the question.] By the sound the noes appear to have it.

Mr. SMOOT. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is the demand seconded? [A pause.] The matter is so doubtful that the Chair will give the Senator the benefit of the doubt, and direct the Secretary to call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as to my pair and its transfer as on the previous vote, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH], I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN. Transferring my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Indiana [Mr. KERN], I vote "nay."

Mr. STONE (after having voted in the affirmative). I should have stated when I voted what I now desire to state, that I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Nevada [Mr. PITTMAN], and allow my vote to stand.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. JOHNSON. Again announcing my pair with the junior Senator from North Dakota [Mr. GRONNA], I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. FLETCHER. I have a pair with the Senator from Wyoming [Mr. WARREN]. I transfer that pair to the junior Senator from Illinois [Mr. LEWIS] and vote "nay."

Mr. O'GORMAN. I again announce my general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and withhold my vote.

Mr. DILLINGHAM. Because of my pair with the senior Senator from Maryland [Mr. SMITH] I withhold my vote.

Mr. CRAWFORD. I again announce my pair with the senior Senator from Tennessee [Mr. LEA], who has not voted, and withhold my vote.

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "yea."

The result was announced—yeas 25, nays 26, as follows:

YEAS—25.

Bankhead	Johnson	Shively	Thornton
Bristow	McCumber	Simmons	Tillman
Burton	Martine, N. J.	Smith, Ariz.	West
Catron	Nelson	Smoot	White
Clapp	O'Gorman	Stephenson	
Clarke, Ark.	Reed	Stone	
Hitchcock	Shafroth	Sutherland	

NAYS—26.

Bryan	Jones	Owen	Swanson
Chamberlain	Kenyon	Page	Thompson
Chilton	La Follette	Perkins	Townsend
Cummins	Lane	Sheppard	Vardaman
Fletcher	Lee, Md.	Smith, Ga.	Williams
Gore	Norris	Smith, Mich.	
Hughes	Overman	Sterling	

NOT VOTING—44.

Ashurst	Fall	McLean	Root
Borah	Gallinger	Martin, Va.	Saulsbury
Brady	Goff	Myers	Sherman
Brandegee	Gronna	Newlands	Shields
Burleigh	Hollis	Oliver	Smith, Md.
Clark, Wyo.	James	Penrose	Smith, S. C.
Colt	Kern	Pittman	Thomas
Crawford	Lea, Tenn.	Poindexter	Walsh
Culberson	Lewis	Pomerene	Warren
Dillingham	Lippitt	Ransdell	Weeks
du Pont	Lodge	Robinson	Works

So the Senate refused to refer the bill to the Committee on Appropriations.

The PRESIDENT pro tempore. Unless there is objection, the Chair will refer the bill to the Committee on Privileges and Elections.

Mr. OVERMAN. I move that the bill be referred to the Committee on Privileges and Elections, where the Chair has already indicated that it should be referred.

The PRESIDENT pro tempore. No motion is necessary for that purpose. That reference has been made.

OMNIBUS CLAIMS BILL.

Mr. STONE submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

PROPOSED RULE RELATIVE TO POINTS OF ORDER.

Mr. SHEPPARD. I submit a resolution, which I send to the desk and ask that it be read.

The resolution (S. Res. 397) was read, as follows:

Resolved, That it is the sense of the Senate that the failure to raise points of order in reference to any measure in the Committee of the Whole does not prevent their consideration when a measure has passed from the Committee of the Whole into the Senate.

Mr. SHEPPARD. Mr. President, I wish to say in reference to the resolution that I consider the question it raises one of the most important questions that can come before the Senate; and I should like the Senate to pass on it independently, at a time when it is not complicated with the consideration of any other question. I am unwilling to have the ruling of the Chair the other day stand—the ruling that failure to raise a point of order in the Committee of the Whole precludes its being raised in the Senate.

I therefore ask for the reference of the resolution at this time, and will discuss it later.

The PRESIDENT pro tempore. Under the rule, the resolution will lie over for one day. Is it the intention of the Senator to have it referred to the Committee on Rules?

Mr. SHEPPARD. That is my intention.

The PRESIDENT pro tempore. That may be done by unanimous consent. Is there objection? The Chair hears none.

The Chair will state, however, that it is not the universal custom among presiding officers to hold in such a way as to make necessary the adoption of this resolution. The present occupant of the chair has looked into the matter somewhat, and he thinks a distinct error was made by the Presiding Officer who recently made the ruling referred to by the Senator from Texas. The plain language of the first clause of Rule XV is that all bills and amendments must be considered as in the Committee of the Whole, and when thereafter these are reported to the Senate that the amendments shall again be considered. If the word "considered" is a limitation upon the power to make a point of order after the bill or amendment has been reported to the Senate, it is obviously a like limitation upon the power to make a point of order in the Committee of the Whole.

If the question shall arise during my brief occupancy of the chair, I shall not hesitate to hold that a point of order can be presented in the Senate, even though it may not have been urged in the Committee of the Whole. In the event such a point had been raised in Committee of the Whole and overruled or sus-

Also, petition of Charles P. Halsted, of New York City, favoring passage of the Smith-Hughes bill (H. R. 14859) for a national motion-picture commission; to the Committee on Education.

By Mr. CARY: Petition of the American National Retail Jewelers' Association, favoring the passage of the Owen-Goeke bill (H. R. 2972) relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. CHURCH: Petition of 500 citizens of the seventh congressional district of California, against national prohibition; to the Committee on Rules.

By Mr. DANFORTH: Petitions of the Woman's Christian Temperance Union of Wyoming County; W. R. Wakeman, of Dalton; C. E. Paul, of Attica; Dr. C. O. Sayres and 33 others, of Rochester, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petitions of George Schneider and 62 others, of Rochester; O. F. Lieders and 8 others, of Conesus Lake; Peter F. Heid, of Lincoln Park; Philip J. McCarron and 8 others, of Scottsville; R. S. Brainard and 56 others, of Medina, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petitions of sundry citizens of Parkston, Milltown, Mitchell, Ethan, Dimock, Delmont, Corsica, Olivet, Menno, Freeman, Hitchcock, Lesterville, Yankton, Platte, White Owl, Geddes, Sioux Falls, Mission Hill, Wheeler, Academy, Lucas, Utica, Tripp, Armour, Stickney, Marion, Viborg, Alpena, and Mount Vernon, all in the State of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755) in the Treasury Department of the United States; to the Committee on Banking and Currency.

Also, petitions of 330 citizens of Lyndon, Kans., and 65 citizens of Osage City, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. FERGUSSON: Petition of a prohibition union mass meeting of the Methodist, Baptist, Presbyterian, and Christian Churches of Elida, N. Mex., signed by J. Pope Smith, chairman, and A. J. Crow, secretary, favoring national prohibition; to the Committee on Rules.

Also, petition of Amado Landavazo, Juan D. Landovazo, Juan C. Chavez, and 17 other Spanish-American citizens of Magdalena, N. Mex., and vicinity, favoring the immediate enactment of national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of sundry citizens of Campello, Mass., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. HART: Petitions of 134 citizens of the sixth congressional district of New Jersey, against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Englewood and Hackensack, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of Dallas Commercial Club, of Dallas, Polk County, Oreg., protesting against passage of all bills to regulate business in their present form; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Pierce and Thurston Counties, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of International Coopers' Union, No. 15, of Chicago, Ill., favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MERRITT: Petitions of sundry citizens of Franklin County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. MOORE: Memorial of the United American Protestant Association of Pennsylvania, protesting against the repeal of the fourteenth and fifteenth amendments to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. O'LEARY: Petition of Piel Bros., of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

Also, petition of Washington Jackson and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of 45 citizens of Morrill, 190 citizens of Fairfield, 12 citizens of Knox, 44 citizens of Monroe, and 15 citizens of Searsport, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of the New Haven (Conn.) Trades Council, protesting against national prohibition; to the Committee on Rules.

Also, petition of 80 citizens of New Haven, Conn., favoring national prohibition; to the Committee on Rules.

By Mr. ROBERTS of Nevada: Petition of citizens of Gerlach and Bonnie Clare, in Nevada, protesting against national prohibition; to the Committee on Rules.

By Mr. SINNOTT: Petition of Mother Bickerdyke Circle, No. 22, Ladies of the Grand Army of the Republic, of Milton, Oreg., protesting against any change in the American flag; to the Committee on the Judiciary.

By Mr. SLOAN: Petitions of 11 citizens of Shelby, 3 citizens of Friend, 1 citizen of Deshler, the United Brethren Church of Seward, the Methodist Church of Seward, the Congregational Church of Seward, the Epworth League of the Methodist Church of Seward, and the Presbyterian Church of Colon, all in the State of Nebraska, for constitutional prohibition amendment; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of 75 citizens of Oxford, Fla., and sundry citizens of Dunnellon, Fla., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of various members of the Broadway Presbyterian Church Woman's Missionary Society, at Rock Island, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. WEAVER: Petitions of sundry citizens of Cleveland County, Yale, Perkins, Bethany, Pottawatomie, Britton, Crescent, Stratford, Oklahoma City, and Noble, and various Christian churches, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. WHITACRE: Papers in support of a bill for the relief of Michael Deady; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *June 17, 1914.*

The Senate met at 12 o'clock m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

Glorious Lord God, infinite, eternal, unchangeable in Thy being, wisdom, power, holiness, justice, goodness, truth, in Thy name we are assembled, and in Thy name we desire to proceed with all our deliberations. Grant us, we pray Thee, Thy holy favor at this and at all times. Give us a reasonable, religious, and holy hope in Thee for counsel and for direction. Give us a sufficiency of Thy Divine grace that we may live holy lives, lives that shall constrain Thy love, lives that shall command Thy blessing, lives that shall count for good.

Bless all men and all nations. Save us, O God, from the poison of selfishness. May we not live alone for ourselves. Those blessings which we desire for ourselves may we also desire for all men, and with this lofty conception of duty may we, O God, enter into the spirit, the experience, and the exercise of the true evangel. May we realize that he who would find life must be willing to lose it. May we as individuals and as a Nation be willing to conduct ourselves in the spirit of the Nazarene. Above all, may we to ourselves be true. Then it must follow, as the night the day, we can not be false to any man. Sanctify us through Thy truth and eternally save us. And unto Thee will we give all praise eternally. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. LA FOLLETTE. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Wisconsin suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Nelson	Smith, Mich.
Bankhead	Dillingham	Norris	Smoot
Borah	Fletcher	O'Gorman	Stephenson
Brady	Gore	Overman	Sterling
Bristow	Hitchcock	Owen	Sutherland
Bryan	Hughes	Page	Swanson
Burleigh	James	Perkins	Thompson
Burton	Johnson	Pomerene	Thornton
Catron	Jones	Reed	Tillman
Chamberlain	Kenyon	Shafroth	Townsend
Chilton	La Follette	Sheppard	Vardaman
Clapp	Lee, Md.	Shively	White
Clarke, Ark.	McCumber	Smith, Ariz.	Williams
Culberson	Martine, N. J.	Smith, Ga.	

Mr. SMITH of Georgia. I wish to announce that the Senator from Indiana [Mr. KERN] is necessarily absent from the city and will necessarily be absent until next week.

Mr. SWANSON. I desire to announce that my colleague [Mr. MARTIN of Virginia] is unavoidably detained from the Senate to-day. He is paired with the junior Senator from Maine [Mr. BURLEIGH]. This announcement will stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and also the senior Senator from Massachusetts [Mr. LODGE]. Both Senators have general pairs.

Mr. CHILTON. I wish to announce for the day that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. He is paired.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the annual report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14634) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; recedes from its disagreement to the amendments of the Senate Nos. 34 and 53 to the bill and agrees to the same; recedes from its disagreement to the amendment of the Senate No. 67 and agrees to the same with an amendment, in which it requested the concurrence of the Senate; insists upon its amendment to the amendment of the Senate No. 67; further insists upon its disagreement to the residue of the amendments; requests a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGITT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minneapolis, Walnut Grove, Beaver Creek, and Brandon, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Duluth, St. Paul, and Minneapolis, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 615, International Association of Machinists, of Proctor, Minn., praying for the enactment of legislation to provide for the complete inspection of locomotives and their appurtenances, which was referred to the Committee on Interstate Commerce.

He also presented the petition of W. J. McLeod, of Slayton, Minn., praying that strictly mutual building and loan associations be exempted from regulations governing interstate corporations, which was ordered to lie on the table.

Mr. THORNTON presented petitions of sundry citizens of Phillips Bluff and Kinder, in the State of Louisiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Martinsville, La., praying for the enactment of legislation to grant pensions to all widows of soldiers and sailors of the Civil War, etc., which was referred to the Committee on Pensions.

Mr. HITCHCOCK presented a memorial of the Hotel Men's Association, of Omaha, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Department Encampment of the Grand Army of the Republic, Department of Nebraska, favoring the acquisition by purchase by the Government of the battle field of Bull Run, which was referred to the Committee on Military Affairs.

Mr. SHEPPARD. I send to the desk a resolution in the shape of a petition and ask that it be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

WACO, TEX., *June 10, 1914.*

To the United States Senate and House of Representatives:

Resolved, That we are in hearty favor of national constitutional prohibition, and will do all in our power to secure the adoption of an amendment to the Constitution forever prohibiting the sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States in accordance with the joint resolution introduced in the House of Representatives by Congressman RICHMOND PEARSON HOBSON and in the Senate by United States Senator MORRIS SHEPPARD.

Adopted by the World-Wide Baraca and Philathea Union Convention held in WACO, TEX., representing 1,000,000 people.

MARSHALL A. HUDSON, *President.*

Mr. SHEPPARD presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. JONES. I am receiving a number of letters and telegrams asking for a postponement of the proposed antitrust legislation—not enough to indicate any conspiracy or concerted action, but representing the sentiment of the business people of the State of Washington. I have one telegram—I will not burden the RECORD with the others—from the Chamber of Commerce of Seattle, which I ask may be read.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none. The Secretary will read the memorial.

The Secretary read as follows:

[Telegram.]

SEATTLE, WASH., *June 16, 1914.*

Hon. W. L. JONES,
United States Senate, Washington, D. C.:

Among prudent business men the opinion is held very generally that there are provisions in the Clayton antitrust bill which, if enacted into law, would harass and seriously injure the business and industries of the country. We respectfully submit that a bill like this, designed to regulate the vast, varied, and complex business of 100,000,000 enterprising people should not be hastily drawn up or enacted. Therefore we earnestly urge you to support Senator SAULSBURY's resolution postponing the Clayton antitrust bill until next winter. In the meantime the trade commission to be created could be gathering information that would be of great assistance to the Senate in forming a wise and well-considered measure in aid of the Sherman law. If the additional time were taken to consider the bill more deliberately, as in the case of the currency bill, it is believed that the purpose of Congress to prevent monopoly and unfair business practices, while leaving honest business and industry of every kind a fair field, with no favors to be be asked or granted, would result in a law that would clear away the barriers of doubt, uncertainty, and apprehension which are to-day the principal obstacles to an abounding prosperity in every line of activity.

SEATTLE CHAMBER OF COMMERCE,
J. E. CHILBERG, *President.*
C. B. YANDELL, *Secretary.*

The PRESIDENT pro tempore. The memorials presented by the Senator from Washington will be referred to the Committee on Interstate Commerce.

Mr. CLAPP presented a memorial of the Rotary Club of Duluth, Minn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against the enactment of the so-called antitrust bill, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against the enactment of further legislation during this session of Congress for the regulation and control of business, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Chamber of Commerce of Wilmington, Del., remonstrating against Government ownership of telephones, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (S. 1293) to correct the military record of Harrison H. Hollowell, reported it with amendments and submitted a report (No. 600) thereon.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15692) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and

Washington [Mr. HUMPHREY] made the point of order that there was no quorum present. Now, the gentleman from Mississippi has 48 minutes remaining, and the gentleman from Tennessee has 50.

Mr. BRITTEN. Suppose those two gentlemen use up that time and some other Member on the floor is recognized?

Mr. MANN. He will not be.

Mr. BRITTEN. Would he be entitled to an hour?

The SPEAKER. If the two gentlemen named use up their time and nobody moves the previous question, then any gentleman who got the floor would be entitled to an hour, ad infinitum.

Mr. BRITTEN. I do not yet understand how those two gentlemen were named for the hour apiece.

The SPEAKER. Why, the gentleman from Tennessee [Mr. PADGETT] rose and addressed the Chair, and he is entitled to prior recognition under the practices of the House; so the Chair recognized him for 1 hour. He used 10 minutes of his time and sat down, and reserved the other 50 minutes. The next gentleman up was a member of the committee on the other side of the question, Mr. WITHERSPOON, and under the practice the Chair recognized him for an hour. He used 12 minutes of his time, and would have used the rest in some way, either by continuing to speak himself or yielding to somebody else; but the gentleman from Washington [Mr. HUMPHREY] impinged with his point of order that no quorum was present, and of course that broke up the speech making, and we have been trying to get a quorum ever since. Now, when we do get a quorum, the gentleman from Mississippi [Mr. WITHERSPOON] has the right to the floor to finish his hour. When he gets through, if the gentleman from Tennessee [Mr. PADGETT] desires to use his 50 minutes he will have the right to do it; or, if he waives the right temporarily, the Chair will recognize some one else for an hour.

Mr. BRITTEN. Then that "some one else" is entitled to an hour's general debate?

The SPEAKER. Anybody who can get the eye of the Speaker and recognition from him. But the gentleman from Tennessee has the right to move the previous question any time within his hour; and, as a matter of practice, they usually reserve one minute out of their time.

Mr. BRITTEN. Then there still is no definite agreement for the general debate?

The SPEAKER. Not a particle. So far as the present situation is concerned, if they ever get a quorum, they can debate it until Christmas.

The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. Two hundred and eighteen Members, a quorum, have answered to their names.

Mr. PADGETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Tennessee moves to dispense with further proceedings under the call. The question is on agreeing to the motion of the gentleman from Tennessee.

The motion was agreed to.

The SPEAKER. The proceedings under the call are dispensed with. The Doorkeeper will open the doors.

Mr. MANN. Will the gentleman from Tennessee yield to me?

Mr. PADGETT. Yes.

Mr. MANN. Mr. Speaker, I desire to withdraw the amendment I offered to the amendment of the gentleman from Tennessee [Mr. PADGETT]. I understand he desires to withdraw his motion.

The SPEAKER. Without objection, the gentleman from Illinois withdraws his amendment.

There was no objection.

Mr. PADGETT. Mr. Speaker, I withdraw the motion made by myself.

The SPEAKER. The gentleman from Tennessee withdraws the motion that he made, that the House recede from its disagreement to the Senate amendment numbered 71 and concur in the same with an amendment.

Mr. PADGETT. I now move, Mr. Speaker, that the House further insist upon its disagreement to the amendment number 71 of the Senate.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to amendment numbered 71. The question is on agreeing to that motion.

The motion was agreed to.

Mr. WITHERSPOON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Mississippi [Mr. WITHERSPOON] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PADGETT. Mr Speaker, I move that the House ask for a further conference with the Senate upon the amendments.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Were there not some amendments of the Senate that were agreed to, with amendments?

Mr. PADGETT. Yes, sir.

Mr. MANN. I suppose, then, that the House should insist upon its amendments to the Senate amendments?

Mr. PADGETT. Yes.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to certain amendments of the Senate and ask for a conference.

Mr. PADGETT. There are certain amendments that the House has concurred in. It does not embrace those.

Mr. MANN. I understand that the gentleman's motion is that the House insist upon its amendments to the Senate amendments which were agreed to with amendments.

The SPEAKER. The gentleman from Tennessee moves that the House insist upon its amendments to the Senate amendments which were agreed to with amendments. The question is on agreeing to the motion of the gentleman from Tennessee.

The motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House ask for a further conference.

The SPEAKER. The gentleman from Tennessee moves that the House ask for a further conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request which the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *June 16, 1914.*

MY DEAR MR. SPEAKER: I respectfully request indefinite leave of absence on account of business.

Very sincerely, yours, FRANK L. GREENE

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

EXTENSION OF REMARKS.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin [Mr. CARY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. CURRY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. Mr. Speaker, I desire to extend my remarks in the RECORD by inserting an address delivered by the Secretary of the Interior, Mr. Franklin K. Lane, on the American flag.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks by having printed in the RECORD an address on the American flag by Secretary Lane. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. PADGETT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 17, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusion filed in the case of the trustees of the Beaverdam Baptist Church, of Marlboro County, S. C., v. The United States (H. Doc. No. 1039); to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars thereto named, as follows:

Mr. SUMNERS, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 11822) to acquire, by purchase, condemnation, or otherwise, additional land for the post office, courthouse, and customhouse in the city of Richmond, Va., reported the same with amendment, accompanied by a report (No. 840), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM of Illinois, from the Committee on the Public Lands, to which was referred the bill (H. R. 16673) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes, reported the same without amendment, accompanied by a report (No. 842), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. NEELY of West Virginia, from the Committee on the Public Lands, to which was referred the bill (S. 388) for the relief of Ella O. Richardson, reported the same without amendment, accompanied by a report (No. 841), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DUPRÉ: A bill (H. R. 17281) relative to the commissioner of immigration at the port of New Orleans, La.; to the Committee on Immigration and Naturalization.

By Mr. MOSS of Indiana: A bill (H. R. 17285) to donate certain condemned cannon to the city of Terre Haute, Ind.; to the Committee on Military Affairs.

By Mr. WICKERSHAM: A bill (H. R. 17286) to empower the legislature of Alaska to tax railroads and railway property; to the Committee on the Territories.

By Mr. McKELLAR: A bill (H. R. 17308) to relinquish, release, and quitclaim to the trustees of the Hatchie Coon Hunting and Fishing Club title to certain lands in Poinsett County, Ark.; to the Committee on the Public Lands.

By Mr. TAGGART: A resolution (H. Res. 545) to make privileged House joint resolution 241; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BATHRICK: A bill (H. R. 17287) granting a pension to Alexander Bradley; to the Committee on Pensions.

By Mr. BOOHER: A bill (H. R. 17288) granting an increase of pension to Mary J. White; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 17289) granting a pension to Robert L. McDonald; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17290) granting an increase of pension to Saturnino Baca; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17291) granting an increase of pension to Napoleon Tulip; to the Committee on Pensions.

Also, a bill (H. R. 17292) for the relief of Francisco Giron, heir of Nicolas Giron, deceased; to the Committee on Claims.

By Mr. GARRETT of Tennessee: A bill (H. R. 17293) granting an increase of pension to Hudson J. Martin; to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 17294) granting a pension to Grover C. Jackson; to the Committee on Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17295) granting an increase of pension to Frederick F. Callender; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 17296) granting an increase of pension to Benjamin F. Blackburn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17297) granting an increase of pension to Laura A. Peters; to the Committee on Invalid Pensions.

By Mr. KALANIANAOLE: A bill (H. R. 17298) for the relief of Karen S. Sorenson and James Lyle; to the Committee on Claims.

By Mr. PARKER: A bill (H. R. 17299) granting a pension to Julia Wright; to the Committee on Invalid Pensions.

By Mr. STONE: A bill (H. R. 17300) granting an increase of pension to John G. Corbett; to the Committee on Invalid Pensions.

By Mr. SWITZER: A bill (H. R. 17301) granting an increase of pension to John J. Betts; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 17302) granting an increase of pension to Cynthia A. Embry; to the Committee on Pensions.

Also, a bill (H. R. 17303) granting an increase of pension to Harvey J. Fisher; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17304) granting a pension to Mary L. Bach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17305) granting a pension to Harrison Brainard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17306) for the relief of Peter T. Coons; to the Committee on Military Affairs.

By Mr. WHITACRE: A bill (H. R. 17307) granting an increase of pension to Michael Deady; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of the Mount Pleasant Congregational Church and Christian Endeavor Society and the Strauss Memorial Christian Church, all of Washington, D. C., favoring national prohibition; to the Committee on Rules.

By Mr. ANTHONY: Petitions of 75 citizens of Holton, Kans., and 240 citizens of Oakland, Kans., favoring national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of sundry citizens of Huntingdon County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ: Petition of sundry citizens of East St. Louis, Ill., favoring passage of House bill 12740, the machinists' wage bill; to the Committee on Labor.

By Mr. BELL of California: Memorial of the Los Angeles Chamber of Commerce, favoring an appropriation of $150,000 for the Victor Valley reclamation project; to the Committee on Irrigation of Arid Lands.

Also, petitions of James H. Lash and 300 others, and Rev. Dr. McKee and 800 others, of Pasadena; Mrs. M. J. Townsend and 110 others, of Whittier; Dr. L. J. Otis and 45 others, of Norwalk; and Harry McWhinney and 25 others, of Artesia, all in the State of California, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the National Foreign Trade Convention, relative to extending our foreign trade; to the Committee on Interstate and Foreign Commerce.

Also, petitions of the Proessler & Hasslacher Chemical Co., Jacob Ruppert, Eugene Leslie, the Hotel Association of New York City, and H. B. Baker Linen Co., all in the State of New York; the International Union of the United Brewery Workmen, of Cincinnati, Ohio; and the Davenport (Iowa) Malt & Grain Co., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Lord's Day Alliance of the United States, protesting against section 6 of House bill 12928, relative to Sunday work for postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of the American Association of Foreign Language Newspapers, relative to bill affecting the brothers and sisters of those killed at Vera Cruz; to the Committee on Foreign Affairs.

By Mr. BURKE of South Dakota: Petition of the executive committee of the South Dakota Abstracters' Association, against certain sections of House bill 12585, to establish national farm-land banks; to the Committee on Banking and Currency.

By Mr. CALDER: Petitions of sundry citizens of Kings County, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Congress Club of Kings County, N. Y., favoring exemption of American vessels from tolls through Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of various voters of the sixth congressional district of New York, favoring national prohibition; to the Committee on Rules.

During the calling of the roll.

Mr. BRYAN. Mr. Speaker, I move that the House do now adjourn. I move that further proceedings under the call be dispensed with.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] moves that further proceedings be dispensed with under the call.

Mr. PADGETT. Mr. Speaker, in lieu of that I move that the Speaker issue his warrants for the arrest of absent Members and bring them to the House.

Mr. BRYAN. Mr. Speaker, I make the point of order that the gentleman from Tennessee [Mr. PADGETT] can not make a motion in lieu of a motion.

The SPEAKER. Upon which one of his motions does the gentleman from Washington stand? He made two at once, or two so close together that they sounded like one—to adjourn, and to dispense with further proceedings under the call.

Mr. BRYAN. I will stand on the motion to adjourn, Mr. Speaker. If that does not work I will stand on the other. [Laughter.]

Mr. McCOY rose.

The SPEAKER. For what purpose does the gentleman from New Jersey rise?

Mr. McCOY. To make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. McCOY. The Speaker has just stated that the gentleman from Washington [Mr. BRYAN] made two motions.

The SPEAKER. He tried to make two.

Mr. McCOY. As a matter of fact, he did make two. Now, does not one of them nullify the other?

The SPEAKER. One was out of order and the Chair is inclined to think the other is in order.

Mr. BRYAN. I made a motion to adjourn.

Mr. FITZGERALD. That motion must be seconded.

The SPEAKER. The motion must be seconded by a majority of those present. That was the point that the gentleman from South Carolina [Mr. JOHNSON] had in his mind some time ago, but it did not apply to the situation that we then had, though it applies to the situation that we have now. Those in favor of seconding the motion to adjourn will rise and stand until they are counted. The rule provides that the motion must be seconded by a count of the Speaker. It is a very peculiar rule, and the Chair will read it. It provides:

> If those voting on the question and those who are present and decline to vote shall together make a majority of the House, the Speaker shall declare that a quorum is constituted and the pending question shall be decided as the majority of those voting shall appear. And thereupon further proceedings under the call shall be considered as dispensed with. At any time after the roll call has been completed the Speaker may entertain a motion to adjourn, if seconded by a majority of those present, to be ascertained by actual count by the Speaker, and if the House adjourns all proceedings under this section shall be vacated.

Those in favor of seconding the motion of the gentleman from Washington will rise——

Mr. BRYAN. It is a good chance to get home, is it not, Mr. Speaker?

The SPEAKER. It is not in order. Those in favor of seconding the motion of the gentleman will rise, and stand until they are counted.

Mr. KINDEL. Is that to adjourn this meeting, Mr. Speaker?

The SPEAKER. Of course, it is to adjourn.

Mr. PALMER. Sine die.

Mr. KINDEL. Then I am in favor of adjourning.

The SPEAKER. The Chair will count. [After counting.] Sixteen gentlemen have risen, to second the motion to adjourn. The Chair will now count the gentlemen present, to see if that constitutes a majority.

Mr. PALMER. The other side, Mr. Speaker.

The SPEAKER. There is no other side. [After counting.] One hundred and six Members are present, and 16 are not a majority. The House declines to adjourn, and the motion of the gentleman from Tennessee [Mr. PADGETT] is in order, that the Speaker issue warrants for the arrest of absent Members. The question is on agreeing to the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

Mr. BRYAN. A parliamentary inquiry, Mr. Speaker. Will that cause any of my colleagues from the State of Washington to be arrested?

The SPEAKER. If they are absent and the Sergeant at Arms finds them, it will.

Mr. SLOAN. Mr. Speaker, a parliamentary inquiry. Will it be in order to grant immunity from arrest to the aged and decrepit Members of this body?

The SPEAKER. Not until they are brought in here.

Mr. SWITZER. Mr. Speaker, I should like to renew my request to address the House for 20 minutes, in answer to the speech made by the gentleman from Wisconsin [Mr. FREAR].

The SPEAKER. The gentleman can not do that until we get a quorum.

Mr. GARRETT of Tennessee. I suggest to the gentleman from Ohio that while it is true he can not, under the rules of the House, get unanimous consent to speak, there is absolutely nothing to prevent his speaking. But I do not know whether the gentleman's speech could go into the RECORD if it were made under the circumstances.

The SPEAKER. The Chair does not think it ought to go into the RECORD.

Mr. GARRETT of Tennessee. It is very doubtful whether it would or not.

The SPEAKER. Toward the end of the first session, after I was elected Speaker, there were several speeches made in just such a situation as this, but I directed the Official Reporter to leave them out of the RECORD. I do not believe speeches made when the House is without a quorum ought to be printed in the RECORD.

Mr. ASHBROOK. Mr. Speaker, a parliamentary inquiry. If no Member present objects to my colleague, Mr. SWITZER, making a speech at this time, will his speech be allowed to go into the RECORD?

The SPEAKER. The Chair thinks not. The rule provides that when the absence of a quorum is developed only two things can be done. One of them is to adjourn, and the other is to order a call of the House. Of course all the incidental motions that go with a call of the House are permissible, but nothing else is. Now, sometimes, toward the end of the session, when we have been waiting for conference reports and run out of anything to do, then, by a sort of common agreement, for the amusement of the Members or to keep them awake, speeches have been made, but that practice was run into the ground here once, and I ordered the Official Reporter not to print the speeches in the RECORD.

Mr. ASHBROOK. I should like to say, further, that my colleague [Mr. SWITZER] has a speech that he wishes to make, and probably will make at some time, and there will be no time wasted if he is allowed to speak at this time.

The SPEAKER. The Chair understands; but the business of the Chair is to enforce the rules of the House. That is what the Speaker is here for.

Mr. SLOAN. Mr. Speaker, I move that the warrant just issued by the Speaker for the arrest of absentees be recalled, and that proceedings under the call be dispensed with.

The SPEAKER. That is not in order. The only motion in order in the situation in which we now are is the motion to adjourn.

Mr. SLOAN. Is that in order?

The SPEAKER. Of course, it is in order, if it is seconded by a majority of the Members present.

Mr. SLOAN. Then, Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Nebraska moves that the House do now adjourn. Those in favor of seconding that motion will rise and stand until they are counted. [After counting.] Twenty-two Members have risen to second the motion. The Chair will count the Members present to see if 22 are a majority of them. [After counting.] Seventy-two Members present. Twenty-two are not a majority of 72; and the motion to adjourn fails.

Mr. ELDER. Mr. Speaker, will a motion to adjourn be in order at this time?

The SPEAKER pro tempore (Mr. FINLEY). It is.

Mr. ELDER. Mr. Speaker, I move that the House do now adjourn.

Mr. BUTLER. Mr. Speaker, that motion has to be seconded.

The SPEAKER pro tempore. The gentleman from Louisiana moves that the House do now adjourn. All in favor of seconding the motion of the gentleman from Louisiana will rise and stand until counted. [After counting.] Forty Members have risen to second the motion. All gentlemen will now be seated and the Chair will count those present. [After counting.] Sixty-nine Members present, so the motion to adjourn is seconded.

The question is on the motion of the gentleman from Louisiana that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 33, noes 44.

So the motion to adjourn was rejected.

The SPEAKER resumed the chair.

Mr. ELDER. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from Louisiana demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Thirty-two Members have risen, not a sufficient number, and tellers are refused.

Mr. ELDER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ELDER. Where a count has developed only 69 Members present, how many does it take to demand tellers?

The SPEAKER. It takes one-fifth of a quorum of the House to order tellers, and one-fifth of a quorum of the House is 44. Tellers are refused.

Mr. MADDEN. Mr. Speaker, would it be in order to move to dispense with further proceedings under the call?

The SPEAKER. It would not.

Mr. QUIN. Mr. Speaker, I move that the House do now adjourn.

Mr. BARKLEY. I make the point of order, Mr. Speaker, that that motion is dilatory.

The SPEAKER. The Chair thinks the motion is dilatory.

Mr. JOHNSON of Washington. Mr. Speaker, would it be in order for me to make a few remarks?

The SPEAKER pro tempore (Mr. WEAVER). It would not; the only motion in order is a motion to adjourn.

Mr. JOHNSON of Washington. I want to make some remarks as to the number of Members of the Sixty-third Congress who have been here continuously since April 7 of last year without returning to their homes.

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose.

Mr. HULINGS. Mr. Speaker, for satisfactory reasons that I can explain I would like to ask leave of absence for a few hours.

The SPEAKER. The Chair thinks that no business is in order at this time.

Mr. HULINGS. I make a motion that I be excused.

The SPEAKER. The Chair thinks the motion is not in order.

Mr. BRYAN. Mr. Speaker, the gentleman from Pennsylvania is ill, and I move that he be excused.

The SPEAKER. The gentleman from Pennsylvania has the absolute right to walk out of the door and go home. There is no provision in the rule for leave of absence.

Mr. MANN. Will the Speaker allow me to call his attention to a footnote on page 325 of the manual:

> During a call less than a quorum may revoke leaves of absence and excuse a Member from attendance, but they may not grant leaves of absence.

The SPEAKER. That is not this case.

Mr. MANN. This is to excuse a Member from attendance.

The SPEAKER. The Chair stated that the gentleman from Pennsylvania had the right to leave. The footnote reads:

> During the call less than a quorum may revoke leaves of absence and excuse Members from attendance, but may not grant leaves of absence.

Mr. MANN. I think probably that refers to the case where the Member has not come in.

The SPEAKER. The Chair thinks so, too. If the gentleman from Pennsylvania is sick, he has a perfect right to go home.

Mr. HAWLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAWLEY. The rule on page 325 of the manual says:

> And those for whom no sufficient excuse is made may, by order of the majority of those present, be sent for and arrested wherever they may be found by officers to be appointed by the Sergeant at Arms for that purpose and their attendance secured and retained.

I desire to inquire if the attendance of those who have reported are being retained by the proper authority?

The SPEAKER. The Chair can not answer that question; that is for the Doorkeeper.

Mr. HAWLEY. The rule further says:

> And the House shall determine upon what condition they shall be discharged.

I desire to ask if the Members who have been arrested and brought in are in the custody of the House?

The SPEAKER. Technically they are. The rule further provides that if a man comes in voluntarily he is not under arrest. But every Member that the Sergeant at Arms brings in is technically under arrest. When the Chair first came here, years ago, he has seen them harnessed up and put through all sorts of performances, but all that has disappeared with the lapse of years.

Mr. HAWLEY. Is it not the duty of the Sergeant at Arms to make a report to the House?

Mr. MANN. If the Sergeant at Arms notifies a Member to come in and does not arrest him, but he drops in, he is not under arrest.

The SPEAKER. The truth about it is, answering the gentleman's inquiry further, the matter of arresting Members on such an occasion is in rather a hazy condition, as far as the decisions go, and always has been. The Chair has no sort of doubt that it is perfectly competent for the House to punish Members who have to be brought in by the Sergeant at Arms.

Mr. HAWLEY. Mr. Speaker, if I may make a further parliamentary inquiry, the real purpose of my making this inquiry is this: If there is no method of retaining Members here when brought in, they may come in and go out, and some one may make a point of order and we will be without a quorum again.

The SPEAKER. That is exactly the truth, and the Chair has seen as many as a dozen men come in here at one time on a call of the House, with their overcoats on and hats in their hands, and walk out without sitting down. They answered to their names and they go right out again. That is the practice, whatever the rule is.

Mr. MANN. I suppose the Speaker remembers on one occasion when they tried to prevent a Member from Texas going out, he kicked the door down?

The SPEAKER. The Chair was not here, but he remembers about that historical incident very well.

Mr. FOSTER. Mr. Speaker, once a quorum is secured the doors are opened and Members can go out.

Mr. MANN. The doors are locked.

Mr. FOSTER. But when a quorum is announced, then the doors are opened and a Member can make a point of order of no quorum within 15 minutes afterwards or at whatever time he wishes.

Mr. MANN. All of which reminds one that you can lead a horse to water, but you can not make him drink.

Mr. FOSTER. That is right.

Mr. BRYAN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] moves that the House do now adjourn.

Mr. MANN. Mr. Speaker, it takes a second.

The SPEAKER. That is what the Chair was going to say. Those in favor of seconding the motion will rise and stand until they can be counted. [After counting.] Twenty-one gentlemen have risen to second the motion to adjourn. The Chair will count to see how many are here. [After counting.] Twenty-one gentlemen voted to second the motion and there are 105 Members in the Hall, not a sufficient number.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. How many do we lack now of having a quorum?

The SPEAKER. We lack about 20.

Mr. BRYAN. How can we lack about 20 when the Speaker has only counted——

The SPEAKER. They are all around in the lobby and the cloak rooms. The Chair announced that there were 105 Members in the Hall.

Mr. BRITTEN. Mr. Speaker, a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. BRITTEN. I would like to inquire of the Speaker if the time for general debate has been definitely decided upon on this question?

The SPEAKER. Yes; that was decided upon along about 5 o'clock.

Mr. BRITTEN. It was my understanding at that time that no agreement had been reached. The gentleman from Washington [Mr. HUMPHREY] was about to object, and then the result was obtained in a different way; but no definite time for general debate was agreed upon, I think.

The SPEAKER. Oh, yes; it was. Two hours were agreed upon.

Mr. BRYAN. I do not think the gentleman from Illinois [Mr. BRITTEN] ought to make that reference to my colleague during his absence.

The SPEAKER. The Chair wants to get at the straight of the inquiry of the gentleman.

Mr. BRITTEN. I want to know if the time for general debate has been positively fixed.

The SPEAKER. The Chair will state how it was. They could not get an agreement. There are two or three ways of doing a thing in this life. So the gentleman from Tennessee [Mr. PADGETT] was recognized for one hour, and then he used about 10 minutes of his time, reserved the rest, and sat down. He was entitled to an hour, of course. Then the gentleman from Mississippi [Mr. WITHERSPOON] was recognized for an hour. He used 12 minutes of his time, and the gentleman from

the efficiency of the Navy.

on that theory.

you would gain four 12-inch guns, but in doing that you will lose sixteen 8-inch guns and sixteen 7-inch guns, or 32 of those guns. The question is whether or not you could afford to give up thirty-two 8-inch and 7-inch guns for four 12-inch guns. That is the proposition. I say, when you do it you lessen the efficiency and power of the Navy in every respect. In the first place, you start out by lessening the number of guns. You exchange 40 for 12, and you lessen the number of guns by 28 on this one transaction, and if you were to continue that policy until you had disposed of all 25 of our battleships, getting in their stead 12 dreadnaughts, then you would have reduced the number of guns on our armored vessels from 926 to 578. We now have 89 more guns on our armored vessels than Germany has, but if you adopt this policy and carry it through, then we would have on our armored vessels 259 guns less than Germany has. You would thereby change from a condition of superiority in number of guns by 89 to a condition of inferiority to the extent of 259. That is the first effect of it. We now have 9 more armored vessels than Germany has. If you were to continue this policy until you dispose of all of our battleships, then we would have three less than Germany.

Mr. HUMPHREY of Washington. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore (Mr. WILLIAMS). Evidently there is no quorum present.

Mr. PADGETT. Mr. Speaker, I move a call of the House.

Mr. BRITTEN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Illinois that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. PADGETT) there were—ayes 23, noes 27.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand tellers.

The SPEAKER pro tempore. All in favor of ordering tellers will rise and stand until counted. [After counting.] Ten gentlemen have arisen; not a sufficient number.

So the motion to adjourn was rejected.

Mr. WOODRUFF. I move a call of the House.

Mr. PADGETT. Mr. Speaker, I have already made a motion that there be a call of the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Tennessee for a call of the House.

The question was taken; and on a division there were—ayes 31, noes 31.

So the motion was rejected.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FOSTER. Division, Mr. Speaker.

The House divided; and there were—ayes 31, noes 31.

So the motion was lost.

Mr. PADGETT. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from Tennessee moves a call of the House.

The question was taken, and the Speaker pro tempore announced the noes seemed to have it.

Mr. PADGETT. Division, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Tennessee demands a division.

The House again divided; and there were—ayes 34, noes 37.

So the motion was rejected.

Mr. PADGETT. Mr. Speaker, I make the point of order there is no quorum present.

Mr. MANN. Mr. Speaker, that can not be done——

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

Mr. JONES. Mr. Speaker, I make the point of order that that motion is dilatory.

The SPEAKER. The gentleman from Tennessee makes the point of order there is no quorum present.

Mr. MANN. Mr. Speaker, it does not require a quorum to order a call of the House.

The SPEAKER. The Chairs knows it does not, but——

Mr. MANN. The point of no quorum was made some time ago, and the Chair declared that there was no quorum present, and that point has been sustained.

The SPEAKER. The present occupant of the Chair did not happen to be in the chair. [Cries of "Regular order!"]

Mr. MANN. There is nothing to do except either to adjourn or order a call of the House.

Mr. BRYAN. Mr. Speaker, I call for the regular order.

The SPEAKER. The gentleman from South Carolina moves to adjourn.

Mr. JONES. Mr. Speaker, I make the point of order that that is dilatory. We have voted on that motion twice already.

Mr. MANN. Mr. Speaker, it is plain it is not dilatory, because the House can only do one of two things when it finds itself without a quorum—order a call of the House or adjourn.

Mr. JONES. Mr. Speaker, this is the third time the motion has been made.

Mr. MANN. But the House has declined to order a call of the House, and the only other motion in order is to adjourn.

Mr. LEVER. Mr. Speaker, there has been an intervening motion.

The SPEAKER. The gentleman from Tennessee would have a perfect right to move a call of the House.

Mr. LEVER. He did move it.

The SPEAKER. The Chair knows he moved it, and it was voted down.

Mr. MANN. A motion to adjourn must be in order.

The SPEAKER. Yes; that is the only motion pending. You can not move two calls of the House twice immediately following each other, the Chair would think.

Mr. JOHNSON of South Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOHNSON of South Carolina. When there develops a lack of a quorum and a motion to adjourn is voted down, is not there a special rule that the motion is again to be voted upon?

The SPEAKER. No; there is no such rule as that.

Mr. JOHNSON of Kentucky. There are only two motions in order, either to adjourn or a call of the House.

The SPEAKER. There are only two motions—one when the House finds itself without a quorum——

Mr. JOHNSON of South Carolina. It must be seconded by a majority on a rising vote.

The SPEAKER. To do what?

Mr. JOHNSON of South Carolina. When the motion has been voted down——

The SPEAKER. That is where you get a quorum.

Mr. STAFFORD. Regular order!

The SPEAKER. The question is on the motion to adjourn.

The question was taken, and the Speaker announced the noes seemed to have it.

Mr. LEVER. Division, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina demands a division.

The House divided; and there were—ayes 39, noes 35.

Mr. PADGETT. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. Thirty-two gentlemen have arisen in the affirmative, a sufficient number, and the yeas and nays are ordered.

The question was taken; and there were—yeas 32, nays 110, answered "present" 5, not voting 285, as follows:

YEAS—32.

Bathrick	Fields	Kinkaid, Nebr.	Quin
Beall, Tex.	French	La Follette	Ragsdale
Bell, Cal.	Godwin, N. C.	Lever	Rogers
Buchanan, Tex.	Gudger	Lobeck	Seldomridge
Cooper	Hammond	Maguire, Nebr.	Sloan
Cramton	Hardy	Mapes	Stafford
Davis	Haugen	Morgan, Okla.	Sutherland
Edwards	Johnson, Ky.	Platt	Witherspoon

NAYS—110.

Abercrombie	Callop	Jacoway	Rauch
Adair	Curry	Jelkson, S. C.	Reilly, Conn.
Ashbrook	Dixon	Johnson, Wash.	Roberts, Mass.
Baker	Donohoe	Jones	Roberts, Nev.
Baltz	Donovan	Keating	Rouse
Barkley	Doolittle	Kennedy, Iowa	Rubey
Barton	Doughton	Kreider	Russell
Beakes	Estopinal	Lee, Ga.	Sinnott
Blackmon	Falson	Lee, Pa.	Smith, N. Y.
Borchers	Ferris	Lesher	Stephens, Cal.
Britten	Finley	Lindbergh	Stephens, Tex.
Brockson	Fitzgerald	Lloyd	Stone
Brodbeck	Flood, Va.	Logue	Taggart
Bryan	Foster	McClellan	Tavenner
Buchanan, Ill.	Gard	McCoy	Taylor, Ark.
Bulkley	Garrett, Tenn.	McGillicuddy	Taylor, N. Y.
Burgess	Gittins	Mitchell	Temple
Burke, Wis.	Glass	Moon	Thompson, Okla.
Byrns, Tenn.	Goodwin, Ark.	Moore	Tuttle
Candler, Miss.	Graham, Ill.	Murray, Okla.	Vare
Caraway	Gray	O'Hair	Vollmer
Cary	Greene, Vt.	Oldfield	Watkins
Condy	Hamilton, Mich.	Padgett	Watson
Collier	Harris	Page, N. C.	Weaver
Connelly, Kans.	Hayden	Park	Williams
Connolly, Iowa	Hensley	Pou	Woodruff
Cox	Holland	Rainey	
Crosser	Howard	Raker	

ANSWERED "PRESENT"—5.

Burke, S. Dak.	Cline	Mann	Walters
Butler			

NOT VOTING—285.

Adamson	Evans	Kiess, Pa.	Reed
Aiken	Fairchild	Kindel	Reilly, Wis.
Ainey	Falconer	Kinkead, N. J.	Riordan
Alexander	Farr	Kirkpatrick	Rothermel
Allen	Ferguson	Kitchin	Rucker
Anderson	Fess	Knowland, J. R.	Rupley
Ansberry	FitzHenry	Konop	Sabath
Anthony	Floyd, Ark.	Korbly	Saunders
Aswell	Fordney	Lafferty	Scott
Austin	Fowler	Langham	Scully
Avis	Francis	Langley	Sells
Bailey	Frear	Lazaro	Shackleford
Barchfeld	Gallagher	L'Engle	Sharp
Barnhart	Gallivan	Lenroot	Sherley
Bartholdt	Gardner	Levy	Sherwood
Bartlett	Garner	Lewis, Md.	Shreve
Bell, Ga.	Garrett, Tex.	Lewis, Pa.	Sims
Booher	George	Lieb	Sisson
Borland	Gerry	Lindquist	Slemp
Bowdle	Gillett	Linthicum	Small
Broussard	Gilmore	Loft	Smith, Idaho
Brown, N. Y.	Goeke	Lonergan	Smith, J. M. C.
Brown, W. Va.	Goldfogle	McAndrews	Smith, Md.
Browne, Wis.	Good	McDermott	Smith, Minn.
Browning	Gordon	McGuire, Okla.	Smith, Saml. W.
Bruckner	Gorman	McKellar	Smith, Tex.
Brumbaugh	Goulden	McKenzie	Sparkman
Burke, Pa.	Graham, Pa.	McLaughlin	Stanley
Burnett	Green, Iowa	Macdonald	Stedman
Byrnes, S. C.	Greene, Mass.	Madden	Steenerson
Calder	Gregg	Mahan	Stephens, Miss.
Callaway	Griest	Maher	Stephens, Nebr.
Campbell	Griffin	Manahan	Stevens, Minn.
Cantor	Guernsey	Martin	Stevens, N. H.
Cantrill	Hamill	Merritt	Stout
Carew	Hamilton, N. Y.	Metz	Stringer
Carlin	Hamlin	Miller	Sumners
Carr	Hardwick	Mondell	Switzer
Carter	Harrison	Montague	Talbott, Md.
Casey	Hart	Morgan, La.	Talcott, N. Y.
Chandler, N. Y.	Hawley	Morin	Taylor, Ala.
Church	Hay	Morrison	Taylor, Colo.
Clancy	Hayes	Moss, Ind.	Ten Eyck
Clark, Fla.	Heflin	Moss, W. Va.	Thacher
Claypool	Helgesen	Mott	Thomas
Conry	Helm	Murdock	Thomson, Ill.
Copley	Helvering	Murray, Mass.	Towner
Covington	Henry	Neeley, Kans.	Townsend
Crisp	Hill	Neely, W. Va.	Treadway
Dale	Hinds	Nelson	Tribble
Danforth	Hinebaugh	Nolan, J. I.	Underhill
Davenport	Hobson	Norton	Underwood
Decker	Houston	O'Brien	Vaughan
Deitrick	Howell	Oglesby	Volstead
Dent	Howworth	O'Leary	Walker
Dershem	Hughes, Ga.	O'Shaunessy	Wallin
Dickinson	Hughes, W. Va.	Paige, Mass.	Walsh
Dies	Hulings	Palmer	Webb
Difenderfer	Hull	Parker	Whaley
Dillon	Humphrey, Wash.	Patten, N. Y.	Whitacre
Dooling	Humphreys, Miss.	Patton, Pa.	White
Doremus	Igoe	Payne	Willis
Driscoll	Johnson, Utah	Peters, Mass.	Wilson, Fla.
Drukker	Kahn	Peters, Me.	Wilson, N. Y.
Dunn	Keister	Peterson	Wingo
Dupré	Kelley, Mich.	Phelan	Winslow
Dyer	Kelly, Pa.	Plumley	Woods
Eagan	Kennedy, Conn.	Porter	Young, N. Dak.
Eagle	Kennedy, R. I.	Post	Young, Tex.
Edmonds	Kent	Powers	
Elder	Kettner	Prouty	
Esch	Key, Ohio	Rayburn	

So the motion to adjourn was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. AIKEN with Mr. AUSTIN.

Mr. ALEXANDER with Mr. AVIS.

Mr. BUCHANAN of Illinois with Mr. CAMPBELL.

Mr. HAMLIN with Mr. CHANDLER of New York.

Mr. BURNETT with Mr. DANFORTH.

Mr. CARLIN with Mr. DILLON.

Mr. CASEY with Mr. ESCH.

Mr. CLARK of Florida with Mr. FAIRCHILD.

Mr. CLAYPOOL with Mr. FALCONER.

Mr. CONRY with Mr. FORDNEY.

Mr. DEITRICK with Mr. FREAR.

Mr. DENT with Mr. GOOD.

Mr. DOREMUS with Mr. GREEN of Iowa.

Mr. DUPRÉ with Mr. GREENE of Massachusetts.

Mr. GARNER with Mr. GUERNSEY.

Mr. GARRETT of Texas with Mr. HAWLEY.

Mr. GOEKE with Mr. HELGESEN.

Mr. HARRISON with Mr. HINEBAUGH.

Mr. HEFLIN with Mr. HOWELL.

Mr. HOUSTON with Mr. HUMPHREY of Washington.

Mr. HUGHES of Georgia with Mr. JOHNSON of Utah.

Mr. HULL with Mr. KAHN.

Mr. MCKELLAR with Mr. KELLEY of Michigan.

Mr. MONTAGUE with Mr. MONDELL.

Mr. MORGAN of Louisiana with Mr. KELLY of Pennsylvania.

Mr. PALMER with Mr. MCLAUGHLIN.

Mr. PETERS of Massachusetts with Mr. MADDEN.

Mr. RAYBURN with Mr. MOSS of West Virginia.

Mr. RUCKER with Mr. NELSON.

Mr. SIMS with Mr. J. I. NOLAN.

Mr. SISSON with Mr. SCOTT.

Mr. SMALL with Mr. SAMUEL W. SMITH.

Mr. STEDMAN with Mr. STEENERSON.

Mr. STEPHENS of Mississippi with Mr. SWITZER.

Mr. SUMNERS with Mr. THOMSON of Illinois.

Mr. TALBOTT of Maryland with Mr. TOWNER.

Mr. TAYLOR of Colorado with Mr. SELLS.

Mr. WALKER with Mr. SLEMP.

Mr. WHALEY with Mr. SMITH of Idaho.

Mr. MANN. Mr. Speaker, I voted "nay," but I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote and be recorded as "present."

The SPEAKER. The Clerk will call the name of the gentleman.

The name of Mr. MANN was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, I am paired with the gentleman from Georgia, Mr. BARTLETT, and I would like to know whether he voted or not?

The SPEAKER. He is not recorded.

Mr. BUTLER. Then I will have to withdraw my vote. I voted "nay," and I would like to vote "present."

The name of Mr. BUTLER was called, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PADGETT. Mr. Speaker, the roll discloses the lack of a quorum, and I move a call of the House.

The SPEAKER. The gentleman from Tennessee moves a call of the House, as the vote discloses that there is no quorum present.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. MANN. The doors were locked an hour ago.

The SPEAKER. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Edmonds	Kinkaid, Nebr.	Phelan
Aiken	Falconer	Kinkead, N. J.	Platt
Ainey	Farr	Kirkpatrick	Plumley
Anderson	Fess	Kitchin	Porter
Ansberry	FitzHenry	Knowland, J. R.	Powers
Anthony	Floyd, Ark.	Konop	Prouty
Avis	Francis	Korbly	Rayburn
Bailey	Frear	Lafferty	Reed
Barchfeld	Gallagher	Langham	Riordan
Barnhart	Gallivan	Langley	Rothermel
Bartholdt	Gardner	L'Engle	Sabath
Beall, Tex.	Garner	Lever	Scully
Bell, Ga.	Garrett, Tex.	Levy	Seldomridge
Borland	George	Lewis, Pa.	Shackleford
Bowdle	Gillett	Lieb	Sharp
Broussard	Goldfogle	Lindquist	Sherley
Brown, N. Y.	Good	Linthicum	Shreve
Brown, W. Va.	Gordon	Loft	Sims
Browne, Wis.	Gorman	Lonergan	Sisson
Browning	Goulden	McAndrews	Slemp
Bruckner	Graham, Ill.	McClellan	Smith, J. M. C.
Brumbaugh	Graham, Pa.	McDermott	Smith, Saml. W.
Buchanan, Tex.	Greene, Mass.	McGuire, Okla.	Smith, Minn.
Burke, Pa.	Greene	Macdonald	Smith, Tex.
Burnett	Griest	Mahan	Stanley
Calder	Griffin	Maher	Stephens, Miss.
Callaway	Hamill	Manahan	Stephens, Nebr.
Campbell	Hamilton, N. Y.	Martin	Stephens, Tex.
Cantor	Hardwick	Merritt	Stevens, N. H.
Cantrill	Hardy	Metz	Stringer
Carew	Hart	Miller	Sumners
Carlin	Hay	Montague	Taylor, Ala.
Carter	Hayes	Morgan, La.	Taylor, Colo.
Casey	Helgesen	Morin	Thacher
Church	Helvering	Morrison	Thomas
Clancy	Henry	Moss, W. Va.	Thomson, Ill.
Connelly, Kans.	Hill	Murdock	Townsend
Conry	Hinds	Murray, Mass	Treadway
Cooper	Hinebaugh	Neeley, Kans.	Underhill
Copley	Hobson	Neely, W. Va.	Underwood
Covington	Howard	Nelson	Vaughan
Crisp	Howell	Nolan, J. I.	Wallin
Dale	Howworth	Norton	Walsh
Danforth	Hughes, Ga.	O'Brien	Whaley
Davenport	Hughes, W. Va.	Oglesby	White
Decker	Humphrey, Wash	O'Hair	Willis
Dershem	Humphreys, Miss.	O'Leary	Wilson, Fla.
Dies	Igoe	O'Shaunessy	Wilson, N. Y.
Difenderfer	Johnson, Utah	Paige, Mass.	Winslow
Dooling	Keister	Parker	Woods
Drukker	Kennedy, R. I.	Patten, N. Y.	Young, N. Dak.
Dunn	Kent	Payne	Young, Tex.
Dyer	Key, Ohio	Peters, Me.	
Eagan	Kiess, Pa.	Peters, Mass.	

Mr. PADGETT. It is not a question of germaneness.

Mr. FITZGERALD. Let us get the money.

The SPEAKER. The gentleman from Tennessee is recognized for one hour, unless there is an agreement made.

Mr. STAFFORD. The gentleman, I understood, has made another request, Mr. Speaker.

Mr. MANN. It is easy enough for the gentleman from Tennessee. The objection which has been made does not amount to anything. The gentleman's request does not amount to a great deal. If he occupies his hour and yields time, the minute he takes his seat the gentleman from Mississippi [Mr. WITHERSPOON] will be recognized for an hour. Two hours are provided for.

The SPEAKER. The gentleman from Tennessee is recognized for one hour.

Mr. PADGETT. Mr. Speaker, I shall not occupy a great deal of time just at this time in explaining this matter. There is no complication about it. The proposition is to sell the two ships and use the money to build a much better one.

The gentleman from Illinois [Mr. MADDEN] was making some criticism of the two ships, stating that they were poor ships, and so forth. That is not correct. They are very good ships of their class. The gentleman from Illinois stated that they were authorized in 1908 and completed two years later. That was erroneous. They were authorized in 1903 and completed in 1906. These two ships have each a displacement of 13,000 tons. They are undersized, but they are good ships of their class. It is true that they have a low freeboard aft, so that in high seas the waves wash over the rear part of the ship.

Mr. BUCHANAN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. BUCHANAN of Illinois. At what price is it proposed to sell them?

Mr. PADGETT. At not less than the original cost.

Mr. BUCHANAN of Illinois. What was the original cost?

Mr. PADGETT. The *Idaho* cost $5,895,000 in round figures. The other vessel—the *Mississippi*—cost $5,832,000, or slightly more than that.

Mr. BUCHANAN of Illinois. Is it the proposition to sell them at cost price for cash?

Mr. PADGETT. It does not say "for cash." It says "upon such terms as the President may negotiate," but it provides that the price shall not be less than the original cost.

Mr. FITZGERALD. We might get an international lawsuit on some pretty poor promissory notes. [Laughter.]

Mr. PADGETT. I presume they will be sold for cash.

Each of these ships has four 12-inch guns. The proposal was to construct, in lieu of these two ships, one ship similar to the ones authorized in the bill, which would be of about 31,000 tons displacement, that would carry twelve 14-inch guns.

In the statement that was submitted in the argument on the battleship question, when we had the bill first under consideration in the House, I submitted a letter from Admiral Dewey in which he gave a statement of the relative military value and efficiency of the different types or classes of ships. The *Delaware* was taken as the standard of military value and efficiency of the dreadnaught class and was placed at 100. The *New York* was placed at the value of 157. The *Idaho* and the *Mississippi* are placed at a value of 35. I leave off the fractions. So that the ship authorized in lieu of these two ships, which shall have twelve 14-inch guns, instead of eight 12-inch guns upon the two, would have a great fighting efficiency than four of the ships, the others having 35; or four times 35 is less than 157.

Now, that is the whole proposition. We propose to substitute for these two ships that we have had for several years a new ship of double the fighting value of the two ships combined, and for the two ships that we thus dispose of we shall get the original cost price.

Mr. HENSLEY. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HENSLEY. About how long, in the gentleman's judgment, will it take to construct this better ship that he speaks of?

Mr. PADGETT. They run from 32 months to 36 months in construction.

Mr. HENSLEY. At any rate we will not need these two vessels within that length of time.

Mr. PADGETT. I do not know whether we would need them or not. Of course the sale of them would to that extent diminish the fighting efficiency of the existing Navy.

Mr. HENSLEY. You have already stated that they are efficient, and good fighting vessels.

Mr. PADGETT. Of their class, they are; yes.

Mr. HENSLEY. And you are striking down to that extent the efficiency of the Navy.

Mr. PADGETT. It would to that extent temporarily reduce the fighting force of the Navy.

Mr. HENSLEY. And for something near three years we would be out of the use of these two vessels.

Mr. PADGETT. Yes.

Mr. HENSLEY. Then you think we have an efficient Navy at this time, which will enable us to do that with safety?

Mr. PADGETT. Oh, I have stated the facts as to the efficiency of our Navy quite often, in the presence of the gentleman and of the House.

Mr. HENSLEY. That is true, is it not, without any quibbling?

Mr. PADGETT. We have a good Navy; yes.

Mr. TAYLOR of Colorado. I want to ask the gentleman if the material out of which these ships are built has not increased in value and if the prices have not gone up very much in the last few years?

Mr. PADGETT. I do not know what the relative value is, but we have had the use of them all this time.

Mr. TAYLOR of Colorado. What is the object of any foreign nation buying them if they do not think they are getting a good bargain?

Mr. PADGETT. I suppose their necessities impel them.

Mr. TAYLOR of Colorado. Have they any war on hand over there?

Mr. PADGETT. That is a matter that I am not prepared to discuss.

Mr. STAFFORD. Can the gentleman inform the House whether there have been any negotiations made for the purchase of these ships by any foreign Government?

Mr. PADGETT. I can not say. I have no information.

Mr. STAFFORD. Is there any information that any negotiations have been undertaken?

Mr. PADGETT. Nothing except what I have seen in the press.

Mr. STAFFORD. What is that?

Mr. PADGETT. I have seen in the press the statement that one of the foreign nations wanted to buy them.

Mr. STAFFORD. Was that Greece?

Mr. PADGETT. That is what I saw suggested in the press.

Mr. STAFFORD. And we also read in the press that Greece is on the threshold of a war with the Ottoman Empire.

Mr. PADGETT. Yes.

Mr. STAFFORD. Does the gentleman think it is good ethics for our Government to be a party to a transaction of this kind, with a belligerent, just about the time it is entering into a warfare with another nation?

Mr. PADGETT. As to whether there is any threatened war or not, I do not know.

Mr. JONES. It might prevent a war.

Mr. PADGETT. It might prevent a war if they were prepared.

Mr. STAFFORD. I think there is no question whatsoever that these ships are intended to be used in belligerent operations. In that event would not the Ottoman Empire have a good ground of complaint against this Government if we sold these vessels at this time?

Mr. PADGETT. None whatever, if hostilities have not been declared.

Mr. STAFFORD. Oh, the ethics are just as bad, even though hostilities have not been declared.

Mr. PADGETT. Oh, no. The international relations are entirely different.

Mr. FOSTER. If these are not good ships, does not the gentleman think we are more likely to get into trouble for working a confidence game on some foreign Government?

Mr. PADGETT. They are good ships of their class.

Mr. STAFFORD. I would rather uphold the dignity of our Government and its reputation for fair treatment than adopt a standard of double-dealing with foreign nations.

Mr. FOSTER. If the gentleman thinks they are good ships, does he not believe we ought to keep them?

Mr. PADGETT. I said they are good ships of their class, but with the proceeds of the sale we could practically build a ship that would be worth double the value of the two ships combined. The progress in shipbuilding has been so great that we could double the fighting value.

Mr. FOSTER. Can the gentleman from Tennessee give us some information as to this story that has been going around the newspapers that probably the airships will finally be so perfected that the great dreadnaughts will not be effective on the water and that they will have to get out of the way and keep under cover?

Mr. PADGETT. I do not know of any nation that is acting on that theory.

Mr. FOSTER. And that the fighting will be between airships, and not between dreadnaughts?

Mr. PADGETT. I do not know of any such theory that prevails anywhere.

Mr. HARDY. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HARDY. As I understand, these two ships cost about $5,800,000 each.

Mr. PADGETT. Yes; slightly more.

Mr. HARDY. But together they cost about eleven millions and a half.

Mr. PADGETT. Nearly twelve millions.

Mr. HARDY. What will the new ship cost?

Mr. PADGETT. Between $14,000,000 and $15,000,000.

Mr. HARDY. Then the ultimate outcome of the amendment would be to increase the naval building program some four or five million dollars.

Mr. PADGETT. Not at this time; it would involve an additional expenditure later on—about three years from now.

Mr. HARDY. That is to say, it would provide for the ultimate expenditure of $4,000,000 more than the bill now carries.

Mr. PADGETT. Between three and four million dollars.

Mr. HARDY. Would that include the equipment?

Mr. PADGETT. Everything complete.

Mr. HARDY. Does this price include the guns of these ships?

Mr. PADGETT. Yes; hull, machinery, armor, and armament. Now, Mr. Speaker, I reserve the remainder of my time.

EXPLORATION FOR AND DISPOSITION OF COAL, OIL, GAS, ETC.

Mr. TAYLOR of Colorado. Mr. Speaker, by permission of the gentleman from Tennessee, I want to ask unanimous consent to file minority views on the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas potassium, or sodium. (H. Rept. 668, pt. 2.)

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Minority views on H. R. 16136, to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium.

The SPEAKER. The gentleman from Colorado asks leave to file minority views on the bill H. R. 16136. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 15279. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy; and

H. R. 15280. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

The Committee on Enrolled Bills report that this day they have presented to the President of the United States, for his approval, the following bill:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses;

S. 2576. An act for the relief of John Q. Adams; and

S. 55. An act for the relief of Daniel Hampton.

NAVAL APPROPRIATION BILL.

The SPEAKER. The gentleman from Mississippi is recognized for one hour.

Mr. WITHERSPOON. Mr. Speaker, I will ask the Speaker to call my attention after I have used 30 minutes.

Mr. Speaker, this is a novel proposition. As I understand it, it is a new invention for the purpose of squandering the public funds, and I am opposed to issuing any patent on it. [Laughter.] Now, we passed a bill through the House providing for the construction of two more battleships. The Senate has concurred with us. I explained to this House the best I could when the bill was under consideration that there were six corporations in the United States equipped to build battleships; that it takes three years to construct a battleship and that, therefore, it is necessary to authorize two every year in order to give each one of these corporations a job all the time.

We authorized all that was necessary to keep the Government pets going, and if the House had just let it alone you never would have heard of selling any battleships and constructing a third one. But we made a great mistake by amending the bill so as to provide that one of these two battleships should be constructed in a Government navy yard. When you did that, you did not leave enough to go around. [Laughter.] Consequently it became necessary to devise some kind of a scheme by which all of these corporations would have a job on a battleship all the time. This amendment before you answers the demand.

Now, the effect of this amendment if adopted, if you decide to sell the two of our battleships and with the proceeds build a dreadnaught, there are two effects which will follow from it. One is that the construction of this third dreadnaught is going to afford much profit to the corporation that builds it.

As I pointed out here before, the graft in the armor plate alone on a battleship is over a million dollars, to say nothing of the shells and the powder and all the other things. It is absolutely unnecessary for me to argue to you that one effect of our selling two battleships and building another dreadnaught is going to be to increase the profits of the trust. The other effect of it is going to be a decrease and a lessening of the efficiency and power of the Navy in every respect. These are the two effects of it.

In the first place, it is going to lessen the number of our battleships. When you start out on this policy of selling 2 of our 39 battleships and with the proceeds constructing a third one, when you get through with the 25 battleships under that kind of a policy, then you will have instead of 39 but 27 battleships left. And you will have 12 less than Germany has now. That is the effect of it if the policy is adopted and started on with reference to the number of ships, and whenever they can get the number of our battleships less than the number in the German Navy, then you will hear such a clamor as you never heard before for the construction of more ships, because we have not as many as Germany.

Take next the number of guns. The *Mississippi* and the *Idaho* each has four 12-inch guns, each of them has eight 8-inch guns and eight 7-inch guns, making 40 guns on the two ships. It is proposed to sell those two ships with 40 guns on them and to substitute therefor one ship with 12 guns.

The chairman in his remarks a few moments ago stated that you were going to have twelve 14-inch guns. That is an utter impossibility. You can not have any such thing as that. Of course you can take the proceeds of these two battleships when you sell them and add enough money to that to get any sort of a ship you want, but that is not a fair way to present it. A fair way to consider this question is whether or not, when you sell these two ships and get in their stead another ship that costs the same amount of money, you have lost or gained by the transaction. If you were to build a dreadnaught that would carry twelve 14-inch guns, you would have to build one with a tonnage of 31,400; you would have to build one that would cost $17,000,000, and of course you can add five or six million dollars to the proceeds of these two battleships if you can sell them at cost and build that kind of a ship, but the fair thing for us to consider is what we can get for the money that these ships will sell for, whether we will get something more valuable or less valuable than these two ships. In my judgment the very best you could do with these would be to build a dreadnaught like the *Arkansas*. As stated to you here, the tonnage of each of these ships is 13,000, or together their tonnage is 26,000. The *Arkansas* is the only ship we have that has a tonnage exactly equal to both of these—26,000—and that is the very best ship you could get with the proceeds of the sale of these two.

The *Arkansas* has twelve 12-inch guns, and if you could succeed in exchanging these two ships for one like the *Arkansas*, then you would have exchanged eight 12-inch guns on these two ships for twelve 12-inch guns on the *Arkansas*. In other words,

The SPEAKER. The gentleman from Tennessee moves to recede and concur in the Senate amendment with an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the Senate amendment and in lieu thereof insert the following:

"The President may, in his discretion, direct the sale in such manner, at such price not less than the original cost price and upon such terms as he may deem proper, of the two battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall be deposited by the Secretary of the Navy in the Treasury. After said sale, in addition to the two battleships hereinbefore authorized the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost exclusive of armor and armament not to exceed $7,800,000. Out of the money when so deposited in the Treasury there is hereby appropriated toward the construction of said battleship on account of increase of the Navy: Construction and machinery, $2,000,000; armor and armament, $2,535,000, and equipment, $100,000: *Provided*, That no vessel shall be sold under this authorization unless such sale or the agreement therefor, shall have been made prior to July 1, 1915."

Mr. MANN. Mr. Speaker, I move to amend the amendment, if that is in order—and if it is not I will ask for a division of the question—by striking out all after the word "Treasury," in line 7 of the amendment, down to the word "*Provided*," in the fourth line from the bottom.

Mr. PADGETT. Mr. Speaker, may I ask the gentleman a question in connection with that so that we can simplify the matter here. If the House does not approve of the amendment for the sale in the form in which it is offered, the department does not desire to sell the ships.

Mr. MANN. That is not for the department to say. This is a matter of conferring discretion upon the President. The department is not Congress yet.

Mr. PADGETT. That is true.

Mr. MANN. The President is, but the department is not.

Mr. PADGETT. I was just stating what the views of the department were. The department does not desire to make the sale unless the other ship should take the place of the two that are sold.

Mr. MANN. That is a matter for discussion. I want the amendment reported.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I suggest that the Clerk report the language that I propose to strike out.

The SPEAKER. Very well. The Clerk will report the language proposed to be stricken out of the amendment of the gentleman from Tennessee by the amendment proposed by the gentleman from Illinois.

The Clerk read as follows:

Strike out from the amendment the following: "After said sale, in addition to the two battleships hereinbefore authorized, the President is hereby authorized to have constructed a first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000. Out of the money, when so deposited in the Treasury, there is hereby appropriated toward the construction of said battleship on account of 'increase of the Navy': 'construction and machinery,' $2,000,000; 'armor and armament,' $2,535,000; and 'equipment,' $100,000."

The SPEAKER. The amendment of the gentleman from Illinois simply strikes out the battleship to be built and proceeds with the sale.

Mr. PADGETT. Mr. Speaker, I desire to reserve the point of order and ask the Speaker if a motion of that kind is in order?

The SPEAKER. Why is it not in order?

Mr. PADGETT. I do not know. I ask the Speaker.

The SPEAKER. The Chair will hear the gentleman from Illinois.

Mr. MANN. Why is it not in order? The gentleman has not made the point of order.

The SPEAKER. He has made the point of order that it is not in order.

Mr. MANN. What is the point of order?

The SPEAKER. That it is not germane, the Chair would suppose.

Mr. MANN. It is germane, because it seeks to strike out a part of his own amendment.

Mr. GARRETT of Tennessee. Mr. Speaker, if the Chair will permit, the original motion is to recede and concur with an amendment, and this is an amendment to strike out a part of that amendment.

Mr. FITZGERALD. Here is a ruling, Mr. Speaker, to be found in section 777 of the manual:

Hence an amendment simply striking out words already in a bill may not be ruled out as not germane. (Vol. 5, sec. 5805, Hinds' Precedents.)

Mr. PADGETT. It is not a question of germaneness.

Mr. FITZGERALD. Then what is the point of order?

The SPEAKER. What is the point of order if it is not that?

Mr. PADGETT. The point of order is that it is not in order to move to strike out a part of a motion to concur with an amendment.

Mr. MANN. Of course, Mr. Speaker, it is in order one way or the other. I think it is in order now, but, if it is not, all I have to do is to demand a division of the question to recede and concur, and then as soon as the House recedes it will be in order without question. I think it is in order now, but I know it would be in order then.

The SPEAKER. The Chair can not understand why it is not in order to strike out part of a proposition before a vote is taken upon it. It has been ruled on that way time after time, and the point of order is overruled.

Mr. FITZGERALD. Mr. Speaker, what is the gentleman's amendment?

Mr. MANN. The amendment was to strike out all after the provision depositing the money in the Treasury down to the proviso at the end of the amendment.

Mr. FITZGERALD. I suggest that the gentleman add a provision that it be inserted in the Treasury as miscellaneous receipts.

Mr. MANN. I suppose that would be the case anyway.

Mr. FITZGERALD. I am not sure, and it will not hurt the amendment.

Mr. MANN. I am perfectly willing to strike out and insert in lieu thereof the words "as miscellaneous receipts."

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Strike out all after the word "Treasury," in line 7 of the amendment, down to and including the figures "$100,000," and insert the words "as miscellaneous receipts."

Mr. MADDEN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MADDEN] rise?

Mr. MADDEN. Nobody has the floor to speak on this amendment, so I thought I would like to get a chance to tell what I thought about it.

The SPEAKER. The gentleman from Tennessee has control of the time.

Mr. MADDEN. Will the gentleman from Tennessee yield me five minutes?

Mr. PADGETT. Yes; I yield the gentleman five minutes.

Mr. MADDEN. Mr. Speaker, I do not see any reason why we should offer these battleships for sale. All the inquiries I have been able to make as to why they are being offered for sale lead me to this conclusion. In the first place, there was a great mistake in the character of the ships built when these two ships were built, it is said. Some say they are obsolete. Some one says they never were any good; that they did not fit in any place, not even in the water [laughter]; that they have no place in our system of navy; that they were the last ships built before the dreadnaught was introduced. That they are obsolete I can not understand, for they were only authorized in 1903. They were not constructed until two years later, and they are only 6 years of age. If they ever were any good, they ought to be good now. Why we want to sell a ship that we built only four years ago I can not understand. If the ships were not properly built, we ought to find out who is to blame for it. If they were not properly designed, we ought to find out who is to blame for that. We claim that our naval constructors are the best constructors in the world, that our naval designers are the best there are. It is evident somebody has made a great mistake. If these ships have either been properly designed or properly constructed, why do we sell the ships or offer them for sale? Who knows? Does the chairman of the Committee on Naval Affairs know, and is he willing to tell why? I ask the chairman of the Committee on Naval Affairs why these ships are being offered for sale. What is the matter with them? Why are not they good for us? Did we understand our business when we built them or were the designers at fault? Is the Navy being run as it ought to be, or is it only a species of extravagance about which the people of the United States ought to know something?

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. FITZGERALD. If it be a fact that these two battleships are of no value to us, would it not be good policy to sell them and get what they are worth—what they cost?

Mr. MADDEN. It may be good policy for us to find out whether they are of any value or not. If they are not, it is good policy for us to find out why and who is to blame.

Mr. FITZGERALD. Let us get the money.

Mr. MADDEN. We are constantly priding ourselves upon our great efficiency in the construction and maintenance and operation of a navy, and yet we are advertising ourselves to all the world as unequal to the occasion. We authorized the ships in 1903; we built those ships in 1908, and before half the year 1914 is out we say to the world that these ships are no longer qualified for a place in the American Navy; that they are obsolete; that they do not fit in the scheme; that they are not the ships we need; that we have spent our money in vain; that we have squandered the public money recklessly in attempting to build ships to suit the whim of some man in the Navy who pretends to be an expert. I ask the gentleman from Tennessee, the chairman of the committee, if he will not be kind enough to tell the House what is the matter with the ships, why we offer them for sale, how much they cost us, why we can not use them, how much we have spent on them for repairs, who designed them, under whose direction they were built, and why we made a great mistake in the building of ships that have no place in the American Navy? Let somebody answer.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. I wonder if we can not secure some agreement in reference to debate on this proposition. I doubt whether we can get through to-night, but if gentlemen want to sit——

Mr. PADGETT. Can not we finish to-night?

Mr. FITZGERALD. I hope so, I want to work on the sundry civil bill to-night for four or five hours and I expect to have a night session to-night.

Mr. MANN. There are several gentlemen who want to be heard. The gentleman from Mississippi [Mr. WITHERSPOON] would like to have a half hour, and I think he ought to have it, and there are some other gentlemen here who want to be heard on this proposition.

Mr. PADGETT. I would like for us to try to finish it to-night. We can not take it up Thursday or Friday, because those days are already set apart, and to-morrow is Calendar Wednesday. I would like to finish it to-night. I would be willing to ask unanimous consent that I be granted two hours time, and I will yield one hour of it to the gentleman from Mississippi [Mr. WITHERSPOON] for control on that side, and use one hour on my side, I to have control of the time.

Mr. FOSTER. I would say to the gentleman from Tennessee that my colleague from Illinois [Mr. TAVENNER] has an amendment which he desires to offer. Would he be permitted to offer that in that time and have it pending?

Mr. PADGETT. If it would be in order. There is already an amendment.

Mr. FOSTER. The substitute would not be in order until the amendment of the gentleman from Illinois would first be dispensed with.

Mr. PADGETT. The substitute would take out the amendment.

Mr. FOSTER. I will ask the gentleman from Tennessee if he would permit at this time that my colleague should have the right to offer an amendment as a substitute, which would be voted on after the amendment of the gentleman from Illinois [Mr. MANN]?

Mr. PADGETT. I am willing for him to offer his substitute now and let it be pending.

Mr. TAVENNER. Then, Mr. Speaker, I desire to offer the following substitute to the amendment of the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Provided, That if the Secretary of the Navy is unable to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for, at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and $4,000,000 of the sum utilized from the sale of such battleships is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Mr. MANN. I make the point of order that the amendment is not germane to any of the propositions pending.

Mr. TAVENNER. The only difference is whether he should use the money to buy battleships or an armor-plate factory. I want to make a correction in that amendment and use the word "realize" instead of "utilize."

Mr. MANN. Change it in any way you want and it would not be germane.

Mr. TAVENNER. The only difference would be between the words "battleship" and "armor plant." If it is germane to buy a battleship, it is germane to buy an armor plant.

Mr. MANN. No; it is not. The gentleman might as well say that on a proposition in the House to construct battleships it would be in order to offer an amendment to construct an armor plant. It is foolish to argue it.

The SPEAKER. The point of order is sustained.

Mr. MANN. Now, can we agree upon the time?

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that my time may be extended two hours, with the statement that I will yield one hour of that time to the gentleman from Mississippi [Mr. WITHERSPOON].

Mr. MANN. That you have two hours' time?

Mr. PADGETT. Two hours' time, and that I yield one hour of that to the gentleman from Mississippi [Mr. WITHERSPOON].

The SPEAKER. The gentleman from Tennessee asks unanimous consent that his time shall be extended for two hours, with the agreement that he yield one hour of the time to the gentleman from Mississippi [Mr. WITHERSPOON]. Is there objection?

Mr. DUPRÉ. Reserving the right to object, I desire to inquire how much of the hour he has used thus far?

Mr. PADGETT. I mean two hours from now.

The SPEAKER. That will not be included in the two hours. Is there objection?

Mr. HUMPHREY of Washington. Reserving the right to object, I wanted to ask whether it was intended to go on with this discussion now or not?

The SPEAKER. The Chair can not tell. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, unless I get information on that point I shall object. I would like to know whether it is the intention to continue in session now?

Mr. PADGETT. That is my expectation and hope.

Mr. HUMPHREY of Washington. If you are going to continue to run on this evening, I shall object.

Mr. RAKER. Before the gentleman objects, will he not yield to a question? Would it not be satisfactory to the gentleman from Washington if the time be extended two hours and a half?

Mr. HUMPHREY of Washington. I have no objection to the extension of the time, but I want to ascertain whether they are going to vote to-night or not?

Mr. BUTLER. Yes.

Mr. HUMPHREY of Washington. I see no reason why we should stay here.

The SPEAKER. Is there objection?

Mr. HUMPHREY of Washington. Mr. Speaker, I am going to object if we are going to insist on a vote to-night.

Mr. MANN. Do not do that.

Mr. HUMPHREY of Washington. I do not see any reason why we should stay here and devote our time, these long hours, to a session when we know we are going to stay here all summer. You gentlemen have received your orders and are going to obey them.

Mr. PADGETT. It is necessary to have this bill passed and become a law before July 1.

Mr. FITZGERALD. We are anxious to pass something soon the gentleman is interested in himself, and I hope he will not object.

Mr. HUMPHREY of Washington. What was the gentleman's remark?

Mr. FITZGERALD. I say we are anxious to pass something in which the gentleman himself is likely to be interested, and the more quickly we dispose of the naval appropriation bill the more quickly we will accommodate him.

Mr. HUMPHREY of Washington. I do not see that I am going to be especially accommodated.

Mr. PADGETT. It is not this bill; it is the other bill.

Mr. HUMPHREY of Washington. At the same time I can not see any reason why we should be in session these long hours. It will not be a long time now until we are around here adjourning three days at a time, waiting for the Senate to get through with the business it has on hand, and men situated as I am will have to stay here all summer. I object.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] objects.

Mr. HUMPHREY of Washington. If they can agree to vote at some other time, I shall not object to staying here.

Mr. PADGETT. Mr. Speaker, I wish to make a short statement at this time relative to this proposition. I will submit a request for unanimous consent and see if that can be agreed to. I ask unanimous consent that when we adjourn to-night, if we shall adjourn before the completion of this conference report—and this is the last amendment. I believe, undisposed of—we may complete the conference report to-morrow morning, commencing at 11 o'clock.

Mr. FITZGERALD. We expect to do work to-night after the gentleman has finished with his conference report. He will be finished before 8 o'clock.

Mr. PADGETT. We fixed the limit of speed as to one, and by putting them in grouping it is supposed by the department they can get one extra submarine out of the little accumulations saved from each one of the separate classes.

Mr. STAFFORD. But Congress waives the limitation of expenditure by lumping the entire amount into a $5,000,000 item.

Mr. PADGETT. It has all been calculated and was submitted regularly in the estimates. It does not increase the amount, and they expect to secure an extra submarine by the savings, as I said, from these different classes.

Mr. STAFFORD. There would not be any extra savings to the Government. There would be only the utilization of the additional money that would lap over from the expenditure of these other separate items.

Mr. PADGETT. These that came over would go into the next appropriation bill.

Mr. STAFFORD. They would go back into the Treasury.

Mr. PADGETT. They would not go back into the Treasury.

Mr. STAFFORD. Take, for instance, as provided in the House bill, where you provide for a sea-going submarine torpedo boat not to exceed $1,100,000 and three coast-defense submarine boats, in an amount not exceeding the aggregate of $1,800,000, and four submarines not exceeding an aggregate of $1,500,000. There is a limitation of cost. Here you have no limitation whatsoever on cost.

Mr. PADGETT. Upon separate groups, and we brought those groups together and put the same limitation upon the sum total.

Mr. STAFFORD. I beg the gentleman's pardon, but there is no limitation on the expenditure in the provision as provided by the Senate.

Mr. ROBERTS of Massachusetts. There is limitation in line 8, on page 59.

Mr. STAFFORD. Line 8 reads:

And the sum of $1,825,000 is hereby appropriated for said purpose.

That is no limitation on the amount that may be expended for any submarine.

Mr. ROBERTS of Massachusetts. Not for any particular one. That is true.

Mr. STAFFORD. The department may expend any amount for any one?

Mr. MANN. They have to build eight for that sum of money.

Mr. STAFFORD. Oh, yes; they may have to build eight.

Mr. ROBERTS of Massachusetts. And they hope to get one more.

Mr. PADGETT. They hope to get nine.

Mr. STAFFORD. They may build seven, but for a small amount, and one at an extreme amount. There is no limitation in this paragraph. It is a departure from the policy of segregation.

The SPEAKER. The question is on the motion of the gentleman from Tennessee [Mr. PADGETT] to further insist on the House disagreement to Senate amendments Nos. 57, 63, 64, and 65.

The motion was agreed to.

Mr. PADGETT. Mr. Speaker, I move to further insist on disagreement to amendment No. 68.

The SPEAKER. The Clerk will report amendment No. 68.

The Clerk read as follows:

Page 63 of the bill, line 12, after the word "authorized," to insert the words "to be available until expended."

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves that the House insist on its disagreement to Senate amendment No. 68.

The motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment numbered 67.

The Clerk read as follows:

Amendment No. 67: Page 62, line 6, insert the following:

"A committee is hereby authorized to be appointed, to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available."

Mr. PADGETT. Mr. Speaker, I move to recede and concur with an amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] moves to recede from the disagreement of the House to the Senate amendment numbered 67, and concur with an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer to be selected by the Secretary of the Navy, to investigate and report, at the next regular session of Congress, upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

Mr. TAVENNER. Mr. Speaker, I wish to offer the following amendment as a substitute for the one offered by the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The gentleman will send it up to the desk.

Mr. MANN. Well, Mr. Speaker, the amendment of the gentleman from Tennessee is not in a shape where it can be amended yet. The gentleman from Tennessee has offered a motion to recede and concur with an amendment.

The SPEAKER. Yes. Does the gentleman raise a point of order?

Mr. MANN. I will not yet. I want to see first.

The SPEAKER. If the gentleman is going to do it, he had better do it now.

Mr. PADGETT. Reserving a point of order, Mr. Speaker, I understood the gentleman from Illinois [Mr. TAVENNER] wanted to offer his amendment in order to have it voted upon as an amendment to my amendment, and not as a substitute, because his is very imperfect. I understood he wanted to offer it as an amendment to the amendment which I offered.

Mr. TAVENNER. My intention, Mr. Speaker, was to have the House recede from Senate amendment numbered 67 and then concur with the amendment which I have just sent to the desk.

The SPEAKER. Yes; but the gentleman from Tennessee made the motion.

Mr. TAVENNER. I now offer my amendment as a substitute for that of the gentleman from Tennessee.

Mr. PADGETT. I make a point of order against it as a substitute.

The SPEAKER. The Clerk will read it for the information of the Speaker and the House.

The Clerk read as follows:

Provided, That if the Secretary of the Navy is unable to procure, by contract, armor of the best quality for any or all vessels heretofore or herein provided for, at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

The SPEAKER. The Chair will hear the gentleman from Tennessee on his point of order.

Mr. PADGETT. I do not care to argue it, Mr. Speaker; but it occurs to me that I having made a motion to recede and concur with an amendment, the gentleman from Illinois could not offer a substitute.

Mr. MANN. In the first place, the amendment offered by my colleague from Illinois [Mr. TAVENNER] is not germane to the Senate amendment.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Amendment No. 67: Page 62, line 6, insert the following:

"A committee is hereby authorized to be appointed, to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary

tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available."

The SPEAKER. Does the gentleman from Illinois [Mr. TAVENNER] desire to be heard?

Mr. TAVENNER. Mr. Speaker, I only desire a ruling on that. Then if it is ruled out on a point of order, I will offer it in another form.

Mr. MANN. Mr. Speaker, it seems to me perfectly plain that the amendment offered by my colleague is not germane to the Senate amendment, or to the amendment offered by the gentleman from Tennessee [Mr. PADGETT], which is practically the same as the Senate amendment.

The Senate amendment proposes a committee to make an investigation. That is all there is to that proposition. The amendment offered by my colleague directs the construction of an armor-plate factory, and makes an appropriation for that purpose.

The rulings have been quite consistent upon the subject. In the manual, at the bottom of page——

The SPEAKER. The Chair does not care to hear the gentleman. The amendment is out of order.

Mr. TAVENNER. Mr. Speaker, I wish to offer that as an amendment to the one of the gentleman from Tennessee [Mr. PADGETT] by adding it at the end of his amendment.

Mr. MANN. Well, I make the point of order that that is not in order. I supposed that was what he was doing before.

Mr. TAVENNER. The amendment itself is not germane. This same amendment was ruled out in the House, on the ground that it was not germane. Mine is as germane as the other one.

The SPEAKER. But the situation is different from what it was then; and, in addition to that, it does not help out the amendment of the gentleman from Illinois in any way.

Mr. TAVENNER. How is it that one amendment which does not get any result is germane, and another amendment which does get a result is not germane?

Mr. MANN. The gentleman ought to remember that we can not make a point of order in the House against a Senate amendment. That is something beyond our power. We can not strike out the Senate amendment by making a point of order in the House. An amendment that comes from the Senate must be in order, and is in order here, no matter whether it was in order in the Senate or not.

The SPEAKER. The Chair does not think the amendment of the gentleman from Illinois [Mr. TAVENNER] is germane. The proposition that the Senate and the conferees were driving at was to have an investigation to find out whether this thing ought to be done, and the proposition of the gentleman from Illinois [Mr. TAVENNER] is to cut all that out and direct the Secretary of the Navy to do this thing at a cost of $4,000,000. The Chair does not think it is germane.

Mr. TAVENNER. My amendment does not necessarily provide for the building of this armor plant, and it does not prevent the investigation. It is simply added on at the end of that.

The SPEAKER. Yes; but the proposition of the conferees and the Senate is to have an investigation.

Mr. TAVENNER. I do not interfere with that investigation.

The SPEAKER. No; but the gentleman proposes an entirely new thing:

Provided, That if the Secretary of the Navy is unable to procure, by contract, armor of the best quality for any or all vessels heretofore or herein provided for at a price which in his judgment is reasonable and equitable, he is hereby directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings, and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Now, that proposition may be very desirable in itself. As a matter of fact, the Chair has thought for years that it ought to be done. But that has nothing in the world to do with this parliamentary question.

Mr. HARDY. Will the Speaker permit a suggestion along that line?

The SPEAKER. Yes.

Mr. HARDY. It seems to me that the amendment offered by the gentleman from Illinois [Mr. TAVENNER] may be germane to the amendment of the Senate in this way: That if the investigation provided for by the Senate amendment should show as a matter of fact that the prices demanded by contractors were unreasonable, then this amendment of the gentleman from Illinois [Mr. TAVENNER] would authorize, as a result of the amendment put on by the Senate and the investigation under it, that further steps be taken when that investigation authorized by the Senate amendment showed that the prices asked were unreasonable, if such should be the case.

The SPEAKER. But the trouble about that is that the Senate amendment provides for one thing. This amendment of the gentleman from Illinois [Mr. TAVENNER] provides for an entirely different thing. You might just as well have provided that the cost of all the machinery shall be thus and so.

Mr. HARDY. Mr. Speaker, perhaps the gentleman's amendment is not worded just as it should be, but the Senate amendment provides for a certain investigation, and this amendment is intended to provide that if the investigation shows that the prices for armor plate are unreasonable the Secretary shall have the right to establish an armor-plate factory.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDY. Yes.

Mr. MANN. Assuming the investigation is made and report made to Congress recommending an armor-plate factory, does the gentleman think it would be in order on an appropriation bill to insert an item appropriating for it without having legislation to that effect?

Mr. HARDY. My idea is, as stated by the gentleman from Illinois [Mr. TAVENNER], that the Senate amendment was ruled out as improper in the House.

Mr. MANN. Oh, no; it never was in the House.

Mr. HARDY. It was so stated a moment ago.

Mr. MANN. I know, but that was a misapprehension.

Mr. HARDY. It was stated that it was ruled out as not germane. But now as it comes in as a Senate amendment it is not subject to a point of order. Now, if the amendment is germane to the amendment of the Senate it would not be subject to a point of order.

Mr. MANN. Of course not if it is germane, but it is not.

Mr. HARDY. It seems to me that if the investigation authorized by the Senate amendment shall show that the prices are unreasonable, then this would be germane.

Mr. ROBERTS of Massachusetts. Will the gentleman yield?

The SPEAKER. The gentleman from Texas misapprehends what the Senate amendment is.

Mr. HARDY. Is it not an investigation to inquire into the cost of armor plate?

The SPEAKER. No; it is an investigation to select a suitable site for an armor-plate factory, and so forth. It does not say a word about the reasonable cost of armor plate.

Mr. ROBERTS of Massachusetts. Mr. Speaker, if I may be permitted, the gentleman from Texas seems to think that the Senate amendment provides for an investigation as to the reasonable price per ton of armor plate.

The SPEAKER. That is what the Chair was trying to explain. That seems to be in the mind of the gentleman from Texas, but the Senate amendment has reference to a site for an armor plant, and so forth. It has nothing to do with investigating the reasonableness of the present cost of armor plate, and the amendment that has been submitted by the gentleman from Illinois [Mr. TAVENNER] has entirely to do with the building of a factory.

Mr. HARDY. I thought that the Senate amendment contemplated an investigation as to the cost of armor plate, but I see that it does not.

The SPEAKER. The point of order is sustained, and the question is on receding and concurring in the Senate amendment with an amendment which the gentleman from Tennessee offers.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report Senate amendment 71.

The Clerk read as follows:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1916; *Provided further*, That any vessel or vessels constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriations for the increase of the Navy.

Mr. PADGETT. Mr. Speaker, I move to recede and concur with an amendment.

Mr. WITHERSPOON. I would like to know how it was that there was any existing need of a dry dock there and that that corporation was the first one to discover it?

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 10 minutes.

Mr. BRYAN. Will the gentleman yield to me for one question?

Mr. PADGETT. I yield for a question.

Mr. BRYAN. This proposed act provides that the contract shall begin and run from the completion of the dock. Now, it will take two or three years to complete the dock; and I would like to know what becomes of the ships that go through the Panama Canal before the dry dock is finished?

Then, further, the gentleman from California [Mr. CURRY] says that in two or three years they will have that mud dug out, and the Mare Island yard will be ready for the dock. Inasmuch as this can not be finished for three years, and the Panama Exposition will be over and the mud will be gone, why not wait and build the dock at the Mare Island yard?

Mr. PADGETT. Mr. Speaker, I am not submitting the proposition from my viewpoint in connection with the Panama Canal. I think it is a good business proposition, and that it is well for the Government to have an extra dock there, even if it goes ahead contemporaneously and builds one at Mare Island. There is a coast there of 4,300 miles, with a dock at each end and no dock between; and I think it would be a good business proposition to induce these parties to build it, when they propose to build it and let us use it at less than half of what it would cost us in interest on the investment and maintenance of the dock.

Mr. HELGESEN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. HELGESEN. As I understand, the Government agrees to pay $50,000 a year to this corporation whether it uses the dock or not?

Mr. PADGETT. Yes; but it proposes to use it. The contract stipulates that it shall pay a minimum of $50,000 a year.

Mr. HELGESEN. But it also states that it has prior and paramount rights only in time of war, and the gentleman from California [Mr. KAHN] says that there is going to be so much commercial business that they can not even take care of that. If the Government has no paramount rights in time of peace, they can shut the Government out and draw $50,000 a year just the same.

Mr. PADGETT. No; they could not refuse to let us use it and claim payment for it. As I remember it, the contract provides that the Government shall have the first right of using it with this reservation—that if there is a ship in the dock in the time of peace, the Government can not require the ship to be put out within a certain time, but in time of war it can require the ship to be put out immediately.

Mr. HELGESEN. If any such contract is entered into, it may be all right, but as this reads the Government has the prior right only in time of war.

Mr. PADGETT. Of course all of the details are not specified in this amendment.

I move the previous question on the motion, Mr. Speaker.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Tennessee to recede from the House disagreement to Senate amendment No. 53 and concur in the same.

The question was taken; and on a division (demanded by Mr. BRYAN) there were—ayes 65, noes 28.

Mr. BRYAN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas 138, nays 94, answered "present" 6, not voting 195, as follows:

YEAS—138.

Austin	Carr	Estopinal	Green, Iowa
Avis	Cary	Evans	Greene, Mass.
Baker	Casey	Fairchild	Greene, Vt.
Barton	Chandler, N. Y.	Falson	Guernsey
Bathrick	Church	Fordney	Hamilton, Mich.
Beakes	Condy	Foster	Hammond
Bell, Cal.	Cooper	Francis	Hart
Borchers	Cramton	Frear	Hawley
Bowdle	Curry	French	Hayden
Britten	Danforth	Gard	Hinebaugh
Brodbeck	Davis	Garner	Houston
Buchanan, Ill.	Deitrick	Garrett, Tex.	Howell
Bulkley	Donohoe	Gerry	Hull
Burgess	Doremus	Gilmore	Humphrey, Wash.
Burke, Wis.	Dupré	Godwin, N. C.	Johnson, Utah
Butler	Eagle	Good	Johnson, Wash.
Campbell	Esch	Graham, Ill.	Jones
Kahn	Madden	Raker	Stone
Kelley, Mich.	Maguire, Nebr.	Roberts, Mass.	Sutherland
Kelly, Pa.	Mapes	Roberts, Nev.	Switzer
Kennedy, Iowa	Mitchell	Rogers	Talbott, Md.
Kent	Mondell	Russell	Talcott, N. Y.
Kreider	Moore	Scott	Taylor, N. Y.
La Follette	Morgan, Okla.	Seldomridge	Temple
Lee, Pa.	Morrison	Sells	Thomson, Ill.
Lenroot	Moss, Ind.	Sinnott	Towner
Lesher	Moss, W. Va.	Slemp	Tuttle
Lindbergh	Murray, Okla.	Sloan	Underhill
Lobeck	Nolan, J. I.	Small	Vare
Logue	O'Hair	Smith, Idaho	Walker
McClellan	Padgett	Smith, N. Y.	Whaley
McCoy	Palmer	Smith, Saml. W.	Williams
McGillicuddy	Platt	Stafford	Woodruff
McKellar	Pou	Steenerson	
McLaughlin	Ragsdale	Stephens, Cal.	

NAYS—94.

Abercrombie	Donovan	Heflin	Ruber
Aiken	Doolittle	Helgesen	Rucker
Alexander	Doughton	Hensley	Saunders
Aswell	Edwards	Hill	Sherwood
Raltz	Elder	Howard	Sims
Barkley	Falconer	Hughes, Ga.	Sisson
Bartlett	Ferguson	Jacoway	Stedman
Beall, Tex.	Ferris	Johnson, Ky.	Stephens, Miss.
Blackmon	Fields	Johnson, S. C.	Stephens, Nebr.
Bryan	Finley	Key, Ohio	Stephens, Tex.
Buchanan, Tex.	Fitzgerald	Kirkpatrick	Sumners
Burnett	Flood, Va.	Lazaro	Taggart
Byrns, Tenn.	Floyd, Ark.	Lloyd	Taverner
Candler, Miss.	Fowler	Moon	Taylor, Ark.
Caraway	Garrett, Tenn.	Nelson	Taylor, Colo.
Carlin	Glass	Page, N. C.	Thompson, Okla.
Connelly, Kans.	Gocke	Park	Tribble
Cox	Goodwin, Ark.	Peterson	Vollmer
Crosser	Gray	Quin	Watkins
Cullop	Gudger	Ralney	Watson
Dent	Hamlin	Rauch	Weaver
Dickinson	Hardy	Rayburn	Witherspoon
Dillon	Harris	Reilly, Wis.	
Dixon	Harrison	Rouse	

ANSWERED "PRESENT"—6.

Allen	Burke, S. Dak.	Mann	Walters
Booher	Cline		

NOT VOTING—195.

Adair	Eagan	Lafferty	Porter
Adamson	Edmonds	Langham	Post
Almey	Farr	Langley	Powers
Anderson	Fess	Lee, Ga.	Prouty
Ansberry	Fitzhenry	L'Engle	Reed
Anthony	Gallagher	Lever	Reilly, Conn.
Ashbrook	Gallivan	Levy	Riordan
Bailey	Gardner	Lewis, Md.	Rothermel
Barchfeld	George	Lewis, Pa.	Rupley
Barnhart	Gillett	Lieb	Sabath
Bartholdt	Gittins	Lindquist	Scully
Bell, Ga.	Goldfogle	Linthicum	Shackleford
Borland	Gordon	Loft	Sharp
Brockson	Gorman	Lonergan	Shelley
Broussard	Goulden	McAndrews	Shreve
Brown, N. Y.	Graham, Pa.	McDermott	Slayden
Brown, W. Va.	Gregg	McGuire, Okla.	Smith, J. M. C.
Browne, Wis.	Griest	McKenzie	Smith, Md.
Browning	Griffin	MacDonald	Smith, Minn.
Bruckner	Hamill	Mahan	Smith, Tex.
Brumbaugh	Hamilton, N. Y.	Maher	Sparkman
Burke, Pa.	Hardwick	Manahan	Stanley
Byrnes, S. C.	Haugen	Martin	Stevens, Minn.
Calder	Hay	Merritt	Stevens, N. H.
Callaway	Hayes	Metz	Stout
Cantor	Helm	Miller	Stringer
Cantrill	Helvering	Montague	Taylor, Ala.
Carew	Henry	Morgan, La.	Ten Eyck
Carter	Hinds	Morin	Thacher
Clancy	Holson	Mott	Thomas
Clark, Fla.	Holland	Murdock	Townsend
Claypool	Howarth	Murray, Mass.	Treadway
Collier	Hughes, W. Va.	Neeley, Kans.	Underwood
Connolly, Iowa	Hulings	Neely, W. Va.	Vaughan
Conry	Humphreys, Miss.	Norton	Volstead
Copley	Igoe	O'Brien	Wallin
Covington	Keating	Oglesby	Walsh
Crisp	Keister	Oldfield	Webb
Dale	Kennedy, Conn.	O'Leary	Whitacre
Davenport	Kennedy, R. I.	O'Shaunessy	White
Decker	Kettner	Paige, Mass.	Willis
Dershem	Kless, Pa.	Parker	Wilson, Fla.
Dies	Kindel	Patten, N. Y.	Wilson, N. Y.
Difenderfer	Kinkaid, Nebr.	Patton, Pa.	Winn
DoolING	Kinkead, N. J.	Payne	Winslow
Driscoll	Kitchin	Peters, Mass.	Woods
Drukker	Knowland, J. R.	Peters, Me.	Young, N. Dak.
Dunn	Konop	Phelan	Young, Tex.
Dyer	Korbly	Plumley	

So the motion to recede and concur was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. LINTHICUM with Mr. EDMONDS.

Mr. ADAIR with Mr. PLUMLEY.

Mr. ASHBROOK with Mr. HAUGEN.

Mr. CONNOLLY of Iowa with Mr. ANTHONY.

Mr. KONOP with Mr. HULINGS.

Mr. GEORGE with Mr. MCGUIRE of Oklahoma.

Mr. LEE of Georgia with Mr. VOLSTEAD.

Mr. SPARKMAN with Mr. WOODS.

Mr. POST with Mr. BARCHFELD.

Mr. SMITH of Maryland with Mr. MORIN.

Mr. BYRNES of South Carolina with Mr. DRUKKER.

Mr. BOOHER. Mr. Chairman, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to change my vote of "no" and answer "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. WALTERS. Mr. Speaker, I voted "aye." I am paired with the gentleman from Pennsylvania, Mr. DERSHEM. I desire to withdraw my vote and answer "present."

The name of Mr. WALTERS was called, and he answered "Present."

Mr. CLINE. Mr. Speaker, I am paired with the gentleman from Michigan, Mr. J. M. C. SMITH. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. CLINE was called, and he answered "Present."

Mr. ALLEN. Mr. Speaker, I am paired with Mr. FESS. I desire to withdraw my vote of "no" and answer "present."

The name of Mr. ALLEN was called, and he answered "Present."

Mr. BURKE of South Dakota. Mr. Speaker, I desire to know if the gentleman from Georgia, Mr. BELL, has voted.

The SPEAKER. He is not recorded.

Mr. BURKE of South Dakota. Then I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. Burke of South Dakota was called, and he answered "Present."

Mr. MANN. Mr. Speaker, under my pair with the gentleman from Alabama, Mr. UNDERWOOD, I desire to withdraw my vote of "aye" and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and the Clerk will report amendment numbered 57.

Mr. PADGETT. Mr. Speaker, before that I would like to ask unanimous consent to correct a typographical error in line 20, on page 40. The word "vessel" should be "vessels." It should be in the plural.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 40, line 20, strike out the word "vessel" and insert the word "vessels."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report amendment numbered 57.

The Clerk read as follows:

Amendment No. 57, page 58, of the printed bill. Strike out all of lines 16 to 25, on page 58, and all of lines 1 to 5, on page 59, and insert the following:

"Eight or more submarines, one to be of seagoing type, seven or more to be of coast and harbor defense type; to cost not in exceeding the aggregate $4,460,000, and the sum of $1,825,000 is hereby appropriated for said purpose, to be available until expended, and the appropriation made in the naval act approved March 4, 1913, 'Wrecking pontoon: For construction or purchase of a testing and wrecking pontoon for submarines, to be available until expended, $300,000,' is hereby made available until expended for the construction of said submarine boats."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 57.

Mr. MANN. Mr. Speaker, I ask unanimous consent that amendments Nos. 57, 63, 64, and 65 may be disposed of together.

Mr. PADGETT. And 68?

Mr. MANN. No; not 68.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that amendments Nos. 57, 63, 64, and 65 be considered together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment No. 63.

The Clerk read as follows:

Amendment No. 63: Page 60 of the printed bill, line 24, after the word "authorized," insert the words "to be available until expended."

Amendment No. 64: Page 61, line 3, after the word "authorized," insert the words "to be available until expended."

Amendment No. 65: Page 61, line 7, after the word "authorized," insert the words "to be available until expended."

Mr. MANN. Mr. Speaker, will the gentleman yield?

The SPEAKER. The gentleman's motion applies to all of them?

Mr. PADGETT. Yes, sir.

Mr. MANN. As I understand amendment 57 there is not very much difference between the House provision, which is stricken out by the amendment of the Senate, and the provision which is inserted by the Senate except as to the question of making the appropriations available until expended.

Mr. PADGETT. That is all that is in disagreement.

Mr. MANN. May I ask the gentleman if these four amendments all contain the same provision, "available until expended?"

Mr. PADGETT. Yes, sir.

Mr. MANN. As I understand the proposition, and if the gentleman can give me the information it should be interesting to the House, what has been the practice about these appropriations for increase of the Navy as to making them available until expended?

Mr. PADGETT. It has been the uniform custom they should be available until expended.

Mr. MANN. Under the law would not they be available until expended in every case where a contract is made or an obligation incurred?

Mr. PADGETT. Where the department builds in a navy yard it is not, but it would be under a contract; and it has been the uniform custom and practice that this part of the bill should be available until expended, and it is a matter of economy of the estimates that it should be. And I will state to the gentleman that the reason the conferees left it in disagreement was because when the bill was sent to conference the statement was made by myself upon the floor that I should insist upon the language being restored with reference to "available until expended" in the other parts of the bill and failed to call attention to the distinction between the administrative part and this portion of the bill relating to increase of the Navy. I did not want to come into the House with a conference report concluding this without first stating to the House the difference between these two——

Mr. MANN. And the gentleman expects, when the bill goes back to conference, notwithstanding his motion, that the probabilities are the House conferees will agree to make these items——

Mr. PADGETT. Available until expended.

Mr. MANN. Available until expended. These increases of the Navy items. If these four items are agreed to, there is no occasion for the conferees agreeing to amendment No. 68, is there?

Mr. PADGETT. No; except that it has usually been carried in the bill; that is all.

Mr. MANN. Well, I do not quite see the purpose of making two items each available until expended and then, after having done that, adding another item and saying that both of them shall be available until expended.

Mr. PADGETT. There is no necessity for No. 68 if the others remain in.

Mr. STAFFORD. Will the gentleman yield?

Mr. ROBERTS of Massachusetts. Will the chairman of the committee yield?

Mr. PADGETT. Yes, sir.

Mr. ROBERTS of Massachusetts. As I understand the chairman of the committee, he anticipates that the House conferees will agree to the verblage of the Senate making these four items available until expended?

Mr. PADGETT. Yes, sir; that has been the custom.

Mr. ROBERTS of Massachusetts. That having been the procedure, or, rather, the language of the appropriation bill for many years in the past?

Mr. PADGETT. Yes, sir.

Mr. ROBERTS of Massachusetts. If that is the thought in the mind of the chairman of the committee, I would offer the suggestion that instead of further insisting on disagreement he move to recede and concur in the Senate amendments.

Mr. PADGETT. There is no necessity for that now, because some of these amendments involve other questions.

Mr. STAFFORD. Will the gentleman yield?

Mr. PADGETT. Before agreeing to it, I wanted an opportunity to make this statement to the House, and I kept it in disagreement so that I could make the statement to the House. I yield to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. As I understand from the statement of the gentleman, he prefers the phraseology of the Senate amendment rather than the separate provisions as provided by the House?

Mr. PADGETT. With reference to submarines?

Mr. STAFFORD. Submarines.

Mr. PADGETT. Yes, sir.

Mr. STAFFORD. The House committee placed a limitation upon the amount to be expended for three different kinds of submarines, and yet you are abandoning that limitation and leaving it to the department to have leeway to expend any amount.

Mr. KAHN. Not at all. The gentleman knows that no such intention was expressed by me.

Mr. FOSTER. The gentleman said that probably in six years they would not want the contract.

Mr. KAHN. I said that in six years they would not want the contract, and the reason would be simply that in the meantime the Government would build its own dock. As a matter of fact, the Government at the present time is having the channel dredged between Mare Island Navy Yard and the deep waters of the Bay of San Francisco. There is a depth of some thirty-odd feet of water there now, and I think the largest of our dreadnaughts can get to Mare Island at the present time without very much difficulty. But there is always a possibility of the shoaling of the channel.

Now, the Government is endeavoring to construct a series of jetties and breakwaters that will keep that channel constantly clear. I am satisfied that it is going to work out successfully, and I am satisfied that the department will recommend to Congress within the next two years the enactment of a provision to construct a 1,000-foot dry dock on Mare Island. It will take three or four years at any rate for the dock to be completed after it has been begun, so that by that time this contract will have expired. This is only a temporary arrangement. To my mind it is absolutely necessary, because there is such a great distance, to the north, between San Francisco Bay and Puget Sound—946 miles, and the distance, as I said before, in the southerly directions is 3,500 miles. There should be a dry dock on San Francisco Bay large enough to take care of the greatest of our dreadnaughts.

Mr. FOSTER. I am not saying that we ought not to have a dry dock at Mare Island Navy Yard, nor am I saying that this may not be a good contract, for I am inclined to think it is. But I suggest to the gentlemen from California, in their enthusiasm for this contract, that it may mean in a few years' time that we shall have a private contract, which, when the balance of the country wants to build a dry dock for the Government, will enable those interested to say, "Here is a private company with a dry dock on its hands," and a better contract can be secured with the private company.

Mr. KAHN. Mr. Speaker, I think the gentleman is borrowing trouble.

Mr. FOSTER. It is no trouble to me at all. I am just suggesting to my enthusiastic friend from California what he may be getting into.

Mr. KAHN. So far as our senior eagerness for the contract is concerned it is simply for this reason: It is proposed to send our fleet through the Panama Canal soon after its opening. According to the newspapers here the President of the United States intends to lead the battleship fleet of the United States through the canal on board the *Oregon*. Nearly every maritime nation in the world will participate in the great naval parade that will pass through the canal at that time. After our battleship fleet enters the Pacific Ocean it will probably be the purpose of the Navy Department to keep the fleet in the Pacific for some years to come. I do not think there is any doubt on that score. Therefore it is essential that proper docking facilities should be afforded the vessels of that fleet while they are on the Pacific coast.

The SPEAKER. The time of the gentleman from California has expired.

Mr. RAKER. Mr. Speaker, will the gentleman yield to me a little time?

Mr. PADGETT. Yes, sir.

The SPEAKER. How much time?

Mr. RAKER. I want five minutes after I have asked a few questions. [Laughter.]

Mr. CURRY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from California rise?

Mr. CURRY. I rise to ask the gentleman if he will yield one moment?

Mr. RAKER. I can not yield to my friend just at this time. Did the Committee on Naval Affairs have before it plans and petitions for the building of a dry dock for vessels at the south end of Mare Island by citizens of Vallejo, who say that there is 43 feet of water there?

Mr. PADGETT. We had the matter before us in a general way, but we did not take up the question particularly, because we want the channel between that deep water in the bay protected; nor is the department prepared at this time to consider the advisability of constructing a dry dock at all.

Mr. RAKER. Yes. Now, the channel south of Mare Island is 6 or 8 feet deeper than the Golden Gate entrance, and has never been bothered by shoaling—that is, the entrance of the Golden Gate proper. What I want to ask is this: Whether or not the making of this contract is an interim design for the defeat of the project for a dry dock at Mare Island?

Mr. PADGETT. It is not the intention of the officials of the department or the intention of the committee to supplant the Mare Island dock, but to have available an extra or surplus dock there, and to meet the contingencies that may arise until the Government determines to build a dock at Mare Island.

Mr. RAKER. Another question. This provision here allows them 24 months in which to complete their dry dock?

Mr. PADGETT. Yes.

Mr. RAKER. How long has this company, the Union Iron Works, been trying to get this contract?

Mr. PADGETT. For 18 months or two years; I do not remember exactly.

Mr. RAKER. Have they made any effort at all, or proceeded in any way, shape, or form to construct the dry dock up to the present time?

Mr. PADGETT. No, sir; they are applying this matter, and I had a letter from the attorney of the company, stating that if the proposition was not agreed to the company would modify its plans and build a smaller dock.

Mr. RAKER. So it could not be used for the large dreadnaughts?

Mr. PADGETT. That was the information I had; that they would build a smaller dock.

Mr. BRYAN. Will the gentleman yield?

Mr. RAKER. Yes; to the gentleman from Washington.

Mr. BRYAN. A while ago the gentleman, in answer to a question of the gentleman from California [Mr. KAHN] as to repairs, suggested that no repairs would not be done in this dock.

Mr. PADGETT. The Secretary stated to me that it was the purpose to use the dock for the cleaning and usual overhauling of ships, which is done by the ship's crew. Whenever a ship goes into one of our own docks the crew does the cleaning and ordinary repairing. He stated that if the ship was so disabled as to require major repairs it would be sent to our own dock at Bremerton.

Mr. BRYAN. The gentleman knows that they do not discover exactly what a ship needs until they dock it.

Mr. PADGETT. They might not discover minor things, but they would discover any substantial thing.

Mr. BRYAN. Does the gentleman take the position that if after going into this dock they discovered that major repairs were necessary they would then pack up and leave that dock and go to Puget Sound to be repaired?

Mr. PADGETT. No, sir; because the officer in command of a ship would not go in there with that ignorance. He would know whether his ship needed major repairs, or whether only minor repairs were to be done, which could be done by the ship's crew.

Mr. BRYAN. It is suggested that it is 3,000 miles from Balboa Docks at the Panama Canal up to San Francisco.

Mr. PADGETT. It is stated by the gentleman from California [Mr. J. I. NOLAN] to be 3,500 miles.

Mr. BRYAN. And one of those dreadnaughts has to go that 3,500 miles before it gets to California. The gentleman knows that the Puget Sound yard is the rendezvous for the big ships, and must be until Mare Island is able to dock them. Now, they have got to go on to Puget Sound to get to their home port, their rendezvous. Does the gentleman think that being able to go 3,000 miles, a farther cruise of 900 or 1,000 miles is a matter to be considered in connection with this docking, in view of the fact that our territory extends clear to the end of the Aleutian Islands and Alaska?

Mr. PADGETT. Nine hundred miles might be a very important factor if a ship was in trouble.

Mr. BRYAN. We have not had a ship in that kind of trouble in the last 20 years.

Mr. PADGETT. That may be; but we might have trouble that would be very different from conditions in the last 20 years.

Mr. RAKER. Supposing the small ships that can now dock at Mare Island need docking; they will go to Mare Island and dock and be repaired there just as now, without docking at the place provided for in this bill.

Mr. PADGETT. Certainly.

Mr. RAKER. May I ask the gentleman this further question? Is it not the intention of the department and the intention of the committee that this shall be a temporary expedient, and the proposed dry dock at Mare Island is now under consideration by the department and the committee for construction later.

Mr. PADGETT. The department has expressed its intention not to let this supplant permanently the dock at Mare Island. The committee have not formally expressed any opinion

that this is a splendid business proposition and an opportunity overboard and say, "We haven't any more use for you"?

one way or the other, because we have not taken any action in reference to future events.

Mr. RAKER. But that is the position that the department takes with the committee?

Mr. PADGETT. Yes.

Mr. RAKER. With that statement the temporary dock will not interfere with the building of a permanent and sufficiently large dock at Mare Island within a few years. The preparation and work will not be delayed at Mare Island as I understand it. This will be all right if thus carried out.

Mr. CURRY. If the gentleman will yield, I would like to answer two questions that have been propounded.

Mr. PADGETT. I yield to the gentleman three minutes.

Mr. CURRY. I only want two minutes. As to whether or not the entering into this contract would result in the failure of the Government in the future to construct a Government dry dock in San Francisco Bay, I was assured by the Secretary of the Navy that this contract was a temporary affair and would in no manner militate against the Government finally constructing a dry dock at the Mare Island Navy Yard, and that such dry dock would be constructed, or at least that he would recommend such dry-dock construction, provided the dredging on the channel proved adequate and permanent. We know that it will, and, so far as the Mare Island Navy Yard is concerned, we are not opposing this contract at all.

There was another question asked in reference to Mr. Howard Holmes's report on available sites for a dreadnaught dry dock at the Mare Island Navy Yard. I personally filed a copy of the report and the plans and estimates of Mr. Howard Holmes with the Committee on Naval Affairs, and also filed a copy with the Secretary of the Navy. One copy of that report is now in the hands of the Secretary of the Navy and one copy in the hands of the Naval Affairs Committee. According to that report there are four available sites and, as my colleague [Mr. RAKER] says, there is always 43 feet of water at low tide at the southern end of the island. There is now 36 feet of water at high tide right in front of the Mare Island Navy Yard, and there will soon be 40 feet.

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 18 minutes left.

Mr. FITZGERALD. Mr. Speaker, this proposed contract provides that we shall pay this company $50,000 a year.

Mr. PADGETT. Yes.

Mr. FITZGERALD. How is that sum arrived at?

Mr. PADGETT. It was the result of the negotiations of the department with the Union Iron Works, and submitted in the proposals by the department.

Mr. FITZGERALD. I know. But suppose we do not use the dock at all; are we to pay $50,000 a year?

Mr. PADGETT. Yes; we agree to do a minimum of $50,000 a year for a period not exceeding six years—I presume, as an inducement——

Mr. FITZGERALD. Under the prices fixed, how many ships will that dock each year?

Mr. PADGETT. Ordinarily, at the usual run of the year, I should say about 32 or 33.

Mr. FITZGERALD. We only have 36 or 37 in commission. You can not dock them all.

Mr. PADGETT. They are docked twice a year, usually.

Mr. BRYAN. How can you dock 20 ships out there when you have none?

Mr. PADGETT. If we do not have ships enough, we will pay $50,000 anyway. That is the minimum.

Mr. FITZGERALD. That is it. When the Senate passed this bill, before it was inserted as an amendment, it struck out the word "less" and made the bill read "not more than $50,000." Under this provision we may pay more than $50,000.

Mr. PADGETT. This fixes the contract at $50,000, neither more nor less. Here is a subsequent clause that if an emergency should arise and we should do more than $50,000 worth of work they should have the right to do it at the contract price per ton. But I will state to the gentleman that when the Senate changed the word "less" to "more" it was not according to the stipulations of the submitted contract between the department and the company, and the company notified the department that upon the Senate language they would not undertake to build the dock.

Mr. FITZGERALD. I was present in the Senate when it was done, and there was no objection to the amendment.

Mr. PADGETT. That is true.

Mr. FITZGERALD. The discussion showed that it was a pretty good thing for the company to have the Government pay two and a half per cent on the cost of this dock for six years, regardless of whether the use we got out of the dock was worth $50,000 or not. It seemed so much like a subsidy, that has been universally denounced by some of my colleagues, that I was surprised to find that anybody on this side of the House should advocate such a subsidy.

Mr. PADGETT. I do not regard it as a subsidy. I regard it as a business contract.

Mr. FITZGERALD. A business contract would be paying so much for the use by the ship and not guaranteeing a certain return on the investment.

Mr. PADGETT. We agreed to pay so much per ton for docking, and we agreed to do a minimum amount of business.

Mr. BRITTEN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRITTEN. Is it not a fact the only dock on the Pacific coast capable of docking a battleship, the one at Bremerton, has been in use more than 90 per cent of the time since it has been in commission during the last fiscal year?

Mr. PADGETT. I have not looked to see.

Mr. BRITTEN. It is a fact that the large dock at Bremerton has been in use more than 90 per cent of the time since its construction during the last fiscal year ending June 30, 1914.

Mr. BRYAN. The gentleman does not recognize the fact that there are two docks at Bremerton.

Mr. BRITTEN. I do; I am speaking of the large dock.

Mr. BRYAN. There has been no ship placed in the large dock that could not have been placed in the other dock. We have no battleships there, they only send out little tugs there.

Mr. BRITTEN. I will say to the gentleman that the big dock has been in use 90 per cent of the time since it was completed during the fiscal year ending June 30, 1914.

Mr. FITZGERALD. That statement may be accurate for they may have put two or three small boats into the large dock at one time. The gentleman from Washington states that there has not been a ship docked there in the large dock that could not have been put in the smaller one.

Mr. BRYAN. Nothing larger than one of these six battleships that went out there.

Mr. BRITTEN. The truth of the matter is that the dock has been in use practically all the time since it was constructed. Does it not stand to reason that with the opening of the Panama Canal we will need another dock on the coast?

Mr. PADGETT. I think the gentleman can reason that out as well as I can.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WITHERSPOON. Is it not a fact that the first we ever heard of the dry-dock proposition on the Pacific coast it came to us in the shape of a written proposal from the corporation?

Mr. PADGETT. It came to us submitted by Secretary Meyer.

Mr. WITHERSPOON. It was a written proposition they made to Secretary Meyer, and he submitted it to us.

Mr. PADGETT. Yes.

Mr. WITHERSPOON. Before the Navy Department or any officer of the Navy imagined that there was any reason for a dry dock there this corporation had suggested it. Is not that a fact?

Mr. PADGETT. I am not advised about that.

Mr. WITHERSPOON. The gentleman knows it to be the fact that the first knowledge, as far as the Naval Committee was concerned, came from this corporation.

Mr. PADGETT. All I know is that it came from Secretary of the Navy Meyer. Whether Secretary Meyer suggested it to them, or they to him, or some party suggested it to both, I do not know. All I know is that it came to our committee submitted by Secretary Meyer.

Mr. WITHERSPOON. Does not the gentleman know that it did not come in any other shape except a proposition from this corporation? It did not show that Secretary Meyer had ever suggested it to them, but it came in the shape of a proposition from them and Secretary Meyer submitted it to us with a recommendation that we accept their proposal. In other words, they proposed it to him.

Mr. PADGETT. It came in the form of what they were willing to do. I do not know whether they initiated it or Secretary Meyer initiated it or some one on the outside initiated it.

Mr. WITHERSPOON. The man that initiates a thing is the one that makes the proposition.

Mr. PADGETT. I do not know how it was—Secretary Meyer might have talked with them and suggested that we needed a dock, and they might have said that they were willing to do it. That is all speculation on my part; I do not know who initiated it.

Mr. PADGETT. Mr. Speaker, I yield the gentleman three minutes more.

Mr. BRYAN. Then, when you get down there, you can not repair the ship, you can not do the work solely with the dock; but you have then, in addition to this expenditure, to arrange and use the electric current of the Union Iron Works.

You have to use the tools, you have to use the crane that goes around the dock, you have to use all the facilities that are part of the yard. A dry dock of itself can do nothing. You can not repair a ship, you can not even paint a ship without additional equipment. A dry dock is part and parcel of a navy yard and you have to use the whole thing, and the dock has to be adequately equipped for it. The dock at Puget Sound is as large as there is in the country.

On the Atlantic side you have two docks, one at Norfolk, and one at New York. Here you have practically all of the fleet on the Atlantic seaboard. We are not going to have, at any time soon under the unit-fleet arrangement that prevails, the whole fleet in the Pacific as you now have in the Atlantic. The fleet will dock at Panama and at Puget Sound and ships that can go to Mare Island will be docked there, and if Mare Island yard is found adequate and the channel is deep enough a new adequate dock will be constructed there. For the life of me I can not see why this Government should go to work and subsidize—and talk about ship subsidy—go to work and subsidize a dry dock for the commercial interests of San Francisco to the tune of $50,000 a year, and all at the expense of the legitimate business of the Puget Sound yard. Fifty thousand dollars is the minimum. As I understand the contract calls for 6 cents per ton per day, which is $1,800 a day for one of these 30,000-ton ships. And yet the amount of $50,000 is given. We can patronize that to the extent of $1,000,000 a year under this contract and deprive Puget Sound of doing its legitimate repair work, its legitimate dockage, and it makes a great magnificent dry dock that cost the Government over $3,000,000 a year at Puget Sound entirely worthless or, at least, takes away from it the business that should go to it. I hope that the Congress will refuse to thus subsidize a private company and vote in favor of its own dock. I appeal to the friends of the Puget Sound yard to stand by it, and in thus standing by the Puget Sound yard Members will be standing by the Government and saving the taxpayers money in a tremendous amount.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. J. I. NOLAN].

Mr. J. I. NOLAN. Mr. Speaker, I am in favor of the motion of the chairman of the Committee on Naval Affairs. The gentleman from Washington [Mr. BRYAN] made the statement that it is only 30 miles from San Francisco, where this proposed dock is to be established, to the nearest navy yard where we have a dock. I want to call the attention of the House to this fact. It is only 30 miles to Mare Island, but the dock at the Mare Island yard will not take in the dreadnaught. It is 3,500 miles to Panama from San Francisco. It is 900 miles from San Francisco to the Puget Sound Navy Yard. If we get one of the dreadnaughts in the Bay of San Francisco we have got to have a dock 1,000 feet long. If we have to send it to Bremerton, it is 900 miles. Now, this is not a selfish proposition. This contract with the Union Iron Works has been recommended by former Secretary of the Navy Meyer, and has been recommended strongly by Secretary Daniels, and the idea is this: It will take between $2,000,000 and $3,000,000 to construct a private dock. Fifty thousand dollars a year is about 2½ per cent interest on an investment of $2,000,000. It is not a profitable proposition to the Union Iron Works to put it up for the Government alone. Of course, they are going to get commercial dockage. They will need that when the Panama Canal opens, and so will the United States need a dock in the waters of San Francisco Bay, or in the near vicinity, when the Panama Canal is opened. You could not keep a war vessel beyond a given period and you would have to send it 3,500 miles to Panama or send it 900 miles to Bremerton to be docked and get the benefit of the dock established there. Now, the gentleman representing the Bremerton district can not be blamed for looking after his yard. It is a question as to keeping a fleet on the Pacific, and if they are going to have that fleet of dreadnaughts split in half and send half of it, 41 of them, we ought then to have one-half of them on the Pacific, and Bremerton will take care of her share and San Francisco Bay will take care of her share, and Panama will take care of her share, and the Hawaiian Islands will get their share of these dreadnaughts.

Now, in San Francisco Bay you must have a dock 1,000 feet long to take care of these dreadnaughts. They can dock at Mare Island everything with the exception of the dreadnaughts, and, as I understand, we enter into this contract until such time as we understand what the needs of the Navy are in the vicinity of San Francisco as far as the dockage of our vessels are concerned. I think this is a good proposition for the Government. If we are going to allow the question of contracting with a private concern to enter into it, why, we might as well say once for all that we will do all of our new work as well as repair work in a Government yard. I am in favor of that method of doing the Government work, and this provision only takes care of the dockage of our vessels until we can build our own dock in the Bay of San Francisco. It is only a matter of an expenditure until we can have before us all the information and determine the size and dimensions of the dock necessary in San Francisco Bay. I trust, Mr. Speaker, the recommendation of Secretary Meyer, the recommendation of Secretary Daniels, and the recommendation of the Committee on Naval Affairs will prevail and that the House will adopt this section of the conference report.

Mr. HELGESEN. Will the gentleman yield?

Mr. J. I. NOLAN. Yes.

Mr. HELGESEN. Will the gentleman tell us why it is when the Government pays a bonus of $50,000 a year it is upon the consideration that they shall receive prior rights only in time of war? Why should not they receive prior rights in time of peace so they could bring their dreadnaughts in there and have them repaired before commercial vessels?

Mr. J. I. NOLAN. I suppose the consideration in time of war is to make it specific, but I do not see any reason why they should not in time of peace. The contract, when signed, will specify conditions that will adequately protect our rights in time of peace as well as in time of war.

Mr. HELGESEN. Then why not strike out "In time of war" and give the Government preferential right at any time?

Mr. J. I. NOLAN. I did not yield to the gentleman from Washington.

Mr. BRYAN. I spoke, anyhow.

Mr. J. I. NOLAN. I am only arguing——

The SPEAKER. The time of the gentleman from California [Mr. J. I. NOLAN] has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I am rather surprised at the attitude of my friend from the State of Washington [Mr. BRYAN] in this matter. When the effort was made to construct a navy yard and a dry dock at Bremerton the Representatives from Washington had the earnest support of the Members from the State of California, because we felt that there was need of a dry dock and a navy yard in that section of the Pacific coast. There is no question but that there is need of a dry dock on San Francisco Bay to take care of the superdreadnaughts that are being constructed. There is no such dry dock between Panama and Puget Sound. The gentleman from Washington [Mr. BRYAN] refers to the dry dock at Pearl Harbor. Pearl Harbor is 2,200 miles away from San Francisco Bay. These superdreadnaughts cost between $12,000,000 and $15,000,000 each. The time may come when such a dreadnaught would have to be brought into a dry dock without delay so as to save her for the Government. To be compelled to dock her 3,500 miles in one direction or 946 miles in another direction, or 2,200 miles in another direction, might result in a total loss for the Government of such a battleship before she could reach a dry dock.

Now, this proposition contained in the pending amendment is from a private concern. It is the same concern that constructed the battleship *Oregon*. It is the same concern that constructed the *Olympia*, the flagship of Admiral Dewey at the battle of Manila Bay. It is the same concern that constructed the *San Francisco*, which is now doing excellent work in the waters of Vera Cruz. It is the same concern that constructed the *Charleston*, the *Ohio*, the *Wisconsin*, and quite a large number of other splendid vessels in our Navy. The time will come, probably, when the Government will construct its own dry dock on the Bay of San Francisco. It ought to construct its own dry dock there, but there has been a question about the depth of water leading to the navy yard at Mare Island. I am satisfied that it will be easily demonstrated that you can always find enough water in the channel to Mare Island to enable the largest of our battleships to go there, but there has been some dispute about it that has delayed the construction of a Government dry dock on San Francisco Bay of sufficient size to accommodate the largest battleships of our fleet.

This contemplated dry dock is absolutely necessary in view of the early opening of the Panama Canal and the passage into the Pacific Ocean of the great battleship fleet of this country. The builders of this dock have made a very liberal offer to the Government. There is no question in my mind but that it is their purpose, and, in fact, Mr. MacGregor, the president of the company, told me comparatively recently that it is the purpose

of the company to give the Government every facility to dock its vessels and to give them the first call at all times.

I sincerely hope, Mr. Chairman, that the motion of the gentleman from Tennessee, the chairman of the committee, will prevail, and that this provision will be concurred in.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from California [Mr. CURRY].

Mr. CURRY. Mr. Speaker, I hope the motion of the chairman of the committee will prevail. The Mare Island Navy Yard can dock at the present time any of the ships of war with the exception of the two largest-sized dreadnaughts. Last year she docked 75 ships at a cost of about $28,000, but she can not dock a dreadnaught. The closest place to San Francisco that a dreadnaught can be docked, which is at Bremerton, is nearly a thousand miles away. There is no question but that a dreadnaught dry dock should be constructed in the Bay of San Francisco. The Secretary of the Navy has told me that the department is not at the present time prepared to locate and construct a dry dock at the Mare Island Navy Yard, but hopes to be able to do so in the near future. I believe the contract price proposed to be entered into with the Union Iron Works is a good thing for the Government and will not be extraordinarily profitable for the Union Iron Works, but will give them a chance to go ahead now and construct a large dry dock that will care for the dreadnaughts not only in our own Navy but the ships of the other navies that will be in San Francisco Bay next year and the year after. If I thought it was an attempt on the part of the department to encourage the construction of a dreadnaught dry dock by private parties to the exclusion hereafter of the construction of such a dry dock by the Government, I would not be in favor of it, but I feel absolutely certain that the best thing that we can do for the Navy at the present time is to enter into this contract with the Union Iron Works. Of course, in my opinion, the Government would be justified in constructing a dreadnaught dry dock at the Mare Island Navy Yard immediately, and ought to do so, but the Navy Department will not recommend the construction of such a dock at the yard until after the dredging work being done on the channel shall have been completed and tested, and therefore I am in favor of the motion of the chairman of the committee as a temporary expediency.

Mr. FOSTER. Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. PADGETT] if he thinks by entering into this contract in reference to the dry dock in California it will mean the repair of these ships in the private yard?

Mr. PADGETT. I have a letter from the Secretary of the Navy stating it will not. I intended to bring it here with me, but I find it has been mislaid. He wrote me since the bill was referred to conference the other day that such was not the purpose or the expectation.

Mr. FOSTER. Or would not likely be done?

Mr. PADGETT. Yes, sir.

Mr. FOSTER. Now, another thing. Does the gentleman believe that entering into this contract for six years with this company in California means that in the future the Government will not likely build a dry dock on the coast?

Mr. PADGETT. I understand that the Secretary of the Navy contemplates that if the work of the dredging and diking of the river there is successful, as it is now thought it will be, that some time in the future a proposition will be submitted to Congress to build a dock at the Mare Island yard.

Mr. FOSTER. Does the gentleman believe, or does it look to him, that it will finally come to this: That, having entered into an agreement here with a private company, it will mean that in the future it will be claimed that we have a good contract with this private company, and that we never will build a Government dock where it might be needed in California, and that the gentlemen from California, who are now so much in favor of this proposition, will inside of a few years be coming here and trying to let loose of it?

Mr. KAHN. Will the gentleman yield?

Mr. PADGETT. Mr. Speaker——

Mr. FOSTER. I do not know whether it will be the same gentleman or not, but some one else.

The SPEAKER. To whom does the gentleman from Illinois [Mr. FOSTER] yield?

Mr. KAHN. Will the gentleman allow me to answer the question?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from California?

Mr. FOSTER. I have not the time, Mr. Speaker.

Mr. PADGETT. In answer to the gentleman's question, I do not think it would have that effect. I think that ultimately the Government will want to build a dock at Mare Island. I think that this is a splendid business proposition and an opportunity that rarely occurs to the Government. It is over 4,600 miles between the two docks we have on the Pacific Ocean—the one at Bremerton, 300 miles north of San Francisco, and the other one at Balboa, the Pacific end of the canal, which is 3,500 miles, as stated here on the floor, south of San Francisco; and then at Pearl Harbor we are building one, which is 2,100 miles out in mid-ocean. Here is a proposal that this company will build this dock, of the largest capacity, at their own cost, at a cost of not less than $2,000,000, if we will agree to patronize it for a period of not exceeding six years, at a cost of $50,000 a year, the docking to be at the commercial rates, and specified in the proposal for the contract submitted, which is a low rate, and lower than the Government to-day charges commercial institutions for docking their ships in the Government dry docks.

Mr. FOSTER. Will the gentleman permit a question?

Mr. PADGETT. Yes.

Mr. FOSTER. He has been in the House for a great many years, and has it not been the experience of the gentleman and of nearly every other Member of the House, when he calls to mind this, that whenever we enter into these private contracts it was almost impossible to ever get rid of one of them, and that in the case with this dry dock in California it may mean that we will probably be years and years trying to get rid of a private contract, where we might get a Government dry dock which would serve the purposes better than will be served by this private company?

Eventually we may enter into this sort of a contract where we shall be doing the repairs and the work on these ships in private yards out there instead of in a Government yard. If that would be true, I should very much oppose it.

Mr. PADGETT. I think not.

Mr. FOSTER. I would like to have the gentleman from Tennessee answer.

Mr. PADGETT. I think not. I want to state that it occurs to me that this is a very advantageous proposal. A dry dock of these dimensions would cost the Government not less than $2,000,000. The interest at 3 per cent alone on the investment would be $60,000 a year. The maintenance of the dock would add a number of thousand dollars. The operation of the dock, the letting in of the water, and the pumping out of the water would cost a great deal. The lighting of it would cost something. The power for operating the machinery of the dock incident to vessels going in and out would cost a considerable sum. So that we would be getting for $50,000 a year what would cost us, if it were our own dock, perhaps $100,000.

Mr. FOSTER. Let me ask the gentleman this question: He has had long experience on the Committee on Naval Affairs and the very argument that he has made now may be quoted in a few years from now as the reason why we ought to keep up our contract with this private company. I believe that is just the argument that might be made, and the distinguished chairman of the Committee on Naval Affairs, whether he is in Congress at that time or not, will have his words quoted here to show that it is cheaper to get this service performed in a private yard than to build a Government dry dock and repair our ships by our own people in our own yard. I hope this may be only a temporary arrangement and no contract will be fastened on the Government that we can not get rid of.

Mr. KAHN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. KAHN. The gentleman from Illinois [Mr. FOSTER] seems to lose sight of the fact that this dock is not being built exclusively for Government work. It is being built for commercial work largely. At the end of six years I doubt if the company will want to continue this contract, because with the opening of the Panama Canal the shipping on the Pacific coast undoubtedly will have increased very materially, and while the Government will have the first call for the use of the dock under this contract for six years, there is no doubt in my mind but that the Government will have to have its own dock at Mare Island to take care of its largest battleships.

Mr. FOSTER. Does the gentleman call to mind cases where these private-contract companies usually give up Government contracts of that kind?

Mr. KAHN. This company is building only one dock. One dock will not be sufficient, in my judgment, in six years from now, after the Panama Canal shall have been opened, to take care of the business that will be given to the dry docks on the coast.

Mr. FOSTER. Does the gentleman think that if we enter into a contract with this company for the first six years of its existence, and then, after we have helped it to start in and get on in the world financially, and after we have protected this "infant industry" for six years, it will throw the Government overboard and say, "We haven't any more use for you"?

Tellers were refused. 16 Members, not a sufficient number, rising to second the demand.

The SPEAKER. The question recurs on the motion of the gentleman from Tennessee [Mr. PADGETT] to further insist on the disagreement of the House.

Mr. MANN. The vote just taken was equivalent to a disagreement.

The SPEAKER. Yes; that is true. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 29: Page 34, line 10, after the figures "$450,000," insert the words "in all, navy yard, Norfolk, Va., $225,000."

Mr. PADGETT. I move that the House further insist upon its disagreement to that amendment.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 29.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 33: Page 26, after line 2, insert the following: "Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to amendment numbered 33.

The SPEAKER. The gentleman from Tennessee moves that the House further insist on its disagreement to Senate amendment numbered 33.

The question was taken, and the Speaker announced that the ayes appeared to have it.

The question was taken; and on a division (demanded by Mr. MANN) there were 57 ayes and 7 noes.

So the motion was agreed to.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read amendment numbered 34, as follows:

After line 11, page 26, insert:

"The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500."

Mr. PADGETT. Mr. Speaker, I move that the House recede and concur in this amendment.

The SPEAKER. The gentleman from Tennessee moves that the House recede from its disagreement to Senate amendment 34 and concur in the same.

The question was taken; and on a division (demanded by Mr. PADGETT) there were 43 ayes and 25 noes.

Mr. WITHERSPOON. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken, and there were—yeas 136, nays 111, answered "present" 5, not voting 181, as follows:

YEAS—136.

Alexander	Edmonds	Kennedy, Iowa	Roberts, Mass.
Austin	Esch	Kent	Roberts, Nev.
Avis	Estopinal	Kreider	Rogers
Baker	Fairchild	La Follette	Scott
Barchfeld	Falconer	Lee, Ga.	Seldomridge
Bathrick	Ferguson	Lee, Pa.	Sells
Bell, Cal.	Finley	Lenroot	Sinnott
Britten	Fitzgerald	Lever	Siemp
Brodbeck	Fordney	Lewis, Md.	Sloan
Bryan	French	Lindbergh	Small
Burgess	Gerry	Lobeck	Smith, Idaho
Burke, Wis.	Gittins	Logue	Smith, N. Y.
Butler	Godwin, N. C.	McClellan	Smith, Saml. W.
Campbell	Good	McCoy	Sparkman
Carlin	Green, Iowa	McDermott	Stafford
Carr	Greene, Mass.	McGillicuddy	Stedman
Cary	Guernsey	McGuire, Okla.	Steenerson
Casey	Hamilton, Mich.	McLaughlin	Stephens, Cal.
Chandler, N. Y.	Hammond	Mapes	Stephens, Nebr.
Clark, Fla.	Hart	Mitchell	Sutherland
Coady	Hauzen	Moon	Switzer
Conry	Hawley	Moore	Talbott, Md.
Cooper	Helgesen	Morrison	Talcott, N. Y.
Cramton	Hinebaugh	Moss, W. Va.	Temple
Curry	Holland	Nelson	Thomson, Ill.
Danforth	Houston	Nolan, J. I.	Towner
Deitrick	Howell	Oglesby	Tuttle
Donohoe	Hulings	O'Hair	Vare
Doolittle	Humphrey, Wash.	Padgett	Volstead
Doremus	Johnson, Wash.	Palmer	Watkins
Driscoll	Jones	Platt	Watson
Drukker	Kahn	Pou	Whaley
Dupré	Kelley, Mich.	Raker	Williams
Eagle	Kennedy, Conn.	Reilly, Conn.	Woodruff

NAYS—111.

Abercrombie	Beakes	Byrnes, S. C.	Cox
Adair	Beall, Tex.	Byrns, Tenn.	Crosser
Aiken	Blackmon	Candler, Miss.	Cullop
Ashbrook	Borchers	Caraway	Dent
Aswell	Brockson	Claypool	Dickinson
Baltz	Buchanan, Ill.	Collier	Dillon
Barkley	Buchanan, Tex.	Connelly, Kans.	Dixon
Barton	Burnett	Connolly, Iowa	Donovan
Donghton	Gray	McKellar	Russell
Edwards	Hamlin	Madden	Sims
Elder	Hardy	Maguire, Nebr.	Sisson
Evans	Harris	Morgan, Okla.	Smith, Md.
Faison	Harrison	Moss, Ind.	Stephens, Miss.
Ferris	Heflin	Murray, Okla.	Stone
Fields	Hensley	Oldfield	Sumners
Flo d, Va.	Hill	Page, N. C.	Taggart
Floyd, Ark.	Howard	Park	Tavenner
Foster	Hughes, Ga.	Peterson	Taylor, Ark.
Fowler	Hull	Post	Taylor, Colo.
Freer	Johnson, Ky.	Quin	Taylor, N. Y.
Gard	Johnson, S. C.	Rainsdale	Thompson, Okla.
Garner	Kelly, Pa.	Rainey	Tribble
Garrett, Tenn.	Key, Ohio	Raueh	Underhill
Garrett, Tex.	Kindel	Rayburn	Vollmer
Glass	Kirkpatrick	Reilly, Wis.	Walker
Goeke	Lazaro	Rouse	Weaver
Goodwin, Ark.	Lesher	Ruhey	Witherspoon
Graham, Ill.	Lloyd	Rucker	

ANSWERED "PRESENT"—5.

Allen	Mann	Stevens, Minn.	Walters
Booher			

NOT VOTING—181.

Adamson	Fess	Korbly	Prouty
Ainey	FitzHenry	Lafferty	Reed
Anderson	Francis	Langham	Riordan
Ansberry	Gallagher	Langley	Rothermel
Anthony	Gallivan	L'Engle	Rupley
Bailey	Gardner	Levy	Sabath
Barnhart	George	Lewis, Pa.	Saunders
Bartholdt	Gillett	Lieb	Scully
Bartlett	Gilmore	Lindquist	Shackleford
Bell, Ga.	Goldfogle	Linthicum	Sharp
Borland	Gordon	Loft	Sherley
Bowdle	Gorman	Lonergan	Sherwood
Broussard	Goulden	McAndrews	Shreve
Brown, N. Y.	Graham, Pa.	McKenzie	Slayden
Brown, W. Va.	Greene, Vt.	MacDonald	Smith, J. M. C.
Browne, Wis.	Gregg	Mahan	Smith, Minn.
Browning	Griest	Maher	Smith, Tex.
Bruckner	Griffin	Manahan	Stanley
Brumbaugh	Gudger	Martin	Stephens, Tex.
Buikley	Hamill	Merritt	Stevens, N. H.
Burke, Pa.	Hamilton, N. Y.	Metz	Stout
Burke, S. Dak.	Hardwick	Miller	Stringer
Calder	Hay	Mondell	Taylor, Ala.
Callaway	Hayden	Montague	Ten Eyck
Cantor	Hayes	Morgan, La.	Thacher
Cantrill	Helm	Morin	Thomas
Carew	Helvering	Mott	Townsend
Carter	Henry	Murdock	Treadway
Church	Hinds	Murray, Mass.	Underwood
Clancy	Hobson	Neeley, Kans.	Vaughan
Cline	Hoxworth	Neely, W. Va.	Wallin
Copley	Hughes, W. Va.	Norton	Walsh
Covington	Humphreys, Miss.	O'Brien	Webb
Crisp	Igoe	O'Leary	Whitacre
Dale	Jacoway	O'Shaunessy	White
Davenport	Johnson, Utah	Palge, Mass.	Willis
Davis	Keating	Parker	Wilson, Fla.
Decker	Keister	Patten, N. Y.	Wilson, N. Y.
Dershem	Kennedy, R. I.	Patton, Pa.	Winzo
Dies	Kettner	Payne	Winslow
Difenderfer	Kiess, Pa.	Peters, Mass.	Woods
Dooling	Kinkaid, Nebr.	Peters, Me.	Young, N. Dak.
Dunn	Kinkead, N. J.	Phelan	Young, Tex.
Dyer	Kitchin	Plumley	
Eagan	Knowland, J. R.	Porter	
Farr	Konop	Powers	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. UNDERWOOD with Mr. MANN.

Mr. METZ with Mr WALLIN.

Mr. SCULLY with Mr. BROWNING.

Until further notice:

Mr. BELL of Georgia with Mr. BURKE of South Dakota.

Mr. McDERMOTT with Mr. WILLIS.

Mr. HINDS with Mr. HENRY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. ALLEN with Mr. FESS.

Mr. MORGAN of Louisiana with Mr. GREENE of Vermont.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. BAILEY with Mr. LANGLEY.

Mr. BARNHART with Mr. AINEY.

Mr. WILSON of Florida with Mr. ANDERSON.

Mr. BARTLETT with Mr. ANTHONY.

Mr. CALLAWAY with Mr. BARTHOLDT.

Mr. SHERLEY with Mr. GILLETT.

Mr. CARTER with Mr. DAVIS.

Mr. MURRAY of Massachusetts with Mr. DYER.

Mr. PHELAN with Mr. FARR.

Mr. DECKER with Mr. GRIEST.

Mr. DIES with Mr. GRAHAM of Pennsylvania.

Mr. YOUNG of Texas with Mr. HAYES.

Mr. CLINE with Mr. DAVENPORT.

Mr. FRANCIS with Mr. JOHNSON of Utah.

Mr. GALLAGHER with Mr. KENNEDY of Rhode Island.

Mr. GALLIVAN with Mr. KIESS of Pennsylvania.

Mr. GORDON with Mr. KINKAID of Nebraska.

Mr. GORMAN with Mr. LAFFERTY.

Mr. GREGG with Mr. LANGHAM.

Mr. HARDWICK with Mr. LEWIS of Pennsylvania.

Mr. HAY with Mr. LINDQUIST.

Mr. HELM with Mr. MCKENZIE.

Mr. HELVERING with Mr. MACDONALD.

Mr. HOBSON with Mr. MANAHAN.

Mr. HUMPHREYS of Mississippi with Mr. MERRITT.

Mr. IGOE with Mr. MILLER.

Mr. KITCHIN with Mr. PAYNE.

Mr. LIEB with Mr. MOTT.

Mr. LONERGAN with Mr. MORIN.

Mr. MONTAGUE with Mr. MONDELL.

Mr. NEELEY of Kansas with Mr. MURDOCK.

Mr. PATTEN of New York with Mr. CALDER.

Mr. REED with Mr. COPLEY.

Mr. RIORDAN with Mr. MORTON.

Mr. SAUNDERS with Mr. PETERS of Maine.

Mr. SHACKLEFORD with Mr. PLUMLEY.

Mr. SHERWOOD with Mr. PORTER.

Mr. CANTRILL with Mr. PROUTY.

Mr. STEPHENS of Texas with Mr. SHREVE.

Mr. STRINGER with Mr. WINSLOW.

Mr. THACHER with Mr. RUPLEY.

Mr. THOMAS with Mr. SMITH of Minnesota.

Mr. VAUGHAN with Mr. YOUNG of North Dakota.

Mr. WEBB with Mr. PAIGE of Massachusetts.

Mr. WHITE with Mr. PARKER.

Mr. GOLDFOGLE with Mr. PATTON of Pennsylvania.

Mr. LEVY with Mr. POWERS.

Mr. SMITH of Texas with Mr. KEISTER.

Mr. CLINE with Mr. J. M. C. SMITH.

Mr. BOOHER with Mr. TREADWAY.

Mr. BROWN of New York with Mr. BROWNE of Wisconsin (from June 10 to June 22).

Mr. DERSHEM with Mr. WALTERS (from June 12 to June 19).

Mr. BOOHER. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the negative.

Mr. BOOHER. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. TREADWAY. I desire to withdraw my vote of "nay" and answer "present."

The name of Mr. BOOHER was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, whom I understand did not vote. I voted "yea." I desire to withdraw that vote and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

Mr. WALTERS. Mr. Speaker, I voted "yea." I have a pair with the gentleman from Pennsylvania, Mr. DERSHEM. I desire to withdraw my vote and be recorded "present."

The name of Mr. WALTERS was called, and he answered "Present."

The result of the vote was announced as above recorded.

A quorum being present, the doors were opened.

On motion of Mr. PADGETT, a motion to reconsider the vote on the motion to recede and concur was laid on the table.

The SPEAKER. The Clerk will report amendment No. 40.

Mr. PADGETT. Mr. Speaker, that is the mere changing of a total.

The Clerk read as follows:

Page 27, line 20, change the total from "$2,897,000" to "$4,140,500."

Mr. PADGETT. Mr. Speaker, I move that the House do further insist on its disagreement to Senate amendment No. 40.

The motion was agreed to.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report amendment No. 53.

The Clerk read as follows:

Page 39, line 25, after the figures "$958,100," insert the following: ": *Provided further*, That the Secretary of the Navy is hereby authorized to enter into contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates, and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessels docked at a rate of charge not greater than price stipulated in said contract.

Mr. PADGETT. Mr. Speaker, I move that the House recede from its disagreement to Senate amendment No. 53 and concur in the same.

Mr. BRYAN. Mr. Speaker, I will ask the gentleman from Tennessee to yield me five minutes, as I desire to be heard in opposition to the motion.

Mr. PADGETT. Mr. Speaker, I yield the gentleman from Washington five minutes.

Mr. BRYAN. Mr. Speaker, we have here a proposition to make a contract with a private plant for the docking of vessels on the Pacific coast. We have out there an arrangement, or adequate arrangements are being perfected, at Panama, and then we have at Puget Sound an arrangement for docking the larger vessels. We have the Mare Island Navy Yard and we are going to have the Pearl Harbor dock and yard. The purpose of this is to expend $50,000 a year as a minimum for six years and pay it over to the Charles M. Schwab plant, the Union Iron Works, for this private purpose, or at least to this private enterprise. I believe that is wrong. I believe it is bad policy. I believe it will be a bad precedent to establish. The Puget Sound yard is the rendezvous now for the largest ships. It is true we have no large ships out there at this time, no real battleships, but it is provided that when battleships do come, they are supposed to make the Puget Sound yard their home port. We are equipped for it, and under the special estimates and plans of the Navy Department, a dock of the largest magnitude was provided at Puget Sound. If big battleships go out there, they have to go to that home port occasionally for fuel and supplies, so that there is no reason why they will be caught all of a sudden at San Francisco and have to be docked immediately. There is no reason why we should enter into a contract with a private plant when we have a dock of our own that is available. As was suggested by the gentleman from Alabama [Mr. UNDERWOOD] the other day, if you arrange for the docking of these ships there, then as soon as a ship is docked, you learn that it needs repairs. No one knows what a ship needs, what kind of repairs it is going to need, until it is taken out of the water and examined, and then comes the repairs at this private yard, and if you do that the Government yard is idle. There is no question about equipment, there is no question about the Government yards being prepared for this, but it is purely a question of arranging here with this private plant. It is said that the Mare Island yard is later going to qualify for these ships, so that a large dock can be built there.

If that ever does happen, that will be all right, and we will have a Government dock; but as far as this arrangement of $50,000 a year for six years, with a private dock, is concerned, I am opposed to it, and I do not believe that this House ought for one minute to stand for that kind of a proposition.

I do not believe that this House ought to expend the money that is given for naval expenditure in docking ships in private yards. As far as accommodations are concerned, I understand Boston has recently built a dry dock of this kind. The people have built it. The commercial interests of San Francisco are going to be compelled to have one of these mammoth dry docks. They must have it because the big ships, the leviathans of the ocean, that come into San Francisco carrying the commerce of the sea, must be docked, and they must have an adequate dock, but why the Government of the United States should furnish the money I can not understand, and after furnishing the money why we should require that our own docks, our own Government yards, shall be left idle is so absurd as to be entirely out of the question, as far as I can see.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. BRYAN. Yes.

Mr. COX. How far is it from the place where this private concern is to the nearest Government dock?

Mr. BRYAN. I understand it is about 30 miles to the Mare Island yard. It is suggested that the hands, the men who work at the Mare Island yard, would do this work. That is absurd, because if you take men from the Mare Island yard down to San Francisco in a launch or a Government boat, you will spend the greater portion of the day going and coming.

The SPEAKER. The time of the gentleman from Washington has expired.

Mr. BRYAN. Mr. Speaker, I ask the gentleman to yield me three minutes more.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HOLLAND. May I ask the gentleman from Tennessee to yield me a little more time?

Mr. PADGETT. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. HOLLAND. I regret, Mr. Speaker, I will not have time to discuss this question fully. Some objections have been made to the location of the dock at Norfolk that are not real objections, but mere pretexts for opposing the improvement. Suffice it to say, the General Board of the Navy knew what the exact conditions of this yard were when they recommended that a new dry dock should be built there. You must, therefore, reach one of two conclusions, either that these conditions will be satisfactory to meet all the requirements of the Navy when the dock is completed, or else that the members of the General Board are incompetent and ought to be removed from office. Certainly they would not recommend Norfolk as a fit and suitable place at which to locate the dock unless they honestly believed it.

Mr. LEE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. HOLLAND. I have not time to yield. I have not time sufficient to go into the matter fully now. Is a new dry dock needed at Norfolk?

My friend from Mississippi [Mr. WITHERSPOON] asked me if I wished to build a dry dock at any point unless it was necessary. I wish to say to him that if he will follow the advice which a majority of this committee seem to have followed in making other appropriations in this bill he will reach the conclusion that a dry dock at Norfolk is necessary. Why, all the experts——

Mr. WITHERSPOON. Mr. Speaker——

Mr. HOLLAND. One minute. I can not yield.

Mr. WITHERSPOON. You should not misrepresent a man.

Mr. HOLLAND. I do not wish to do so, and will not intentionally.

Mr. WITHERSPOON. I do not want you to misrepresent me.

Mr. HOLLAND. All the experts of the Navy, without exception, have recommended the dry dock at Norfolk, and have declared that a new dry dock is needed there. The Board of Inspection for Shore Stations in its recent report declared that the most important improvement needed at the Norfolk yard, and the one which should be provided at the earliest possible time, is a new dry dock of the largest dimensions. The General Board of the Navy has declared that a new dry dock at this station is one of the Navy's needs.

The Assistant Secretary of the Navy, Mr. Roosevelt, has said:

> The necessity for this dock has been strongly represented to me by the General Board of the Navy and by all the experts and authorities of the Navy Department.

The Secretary of the Navy, Mr. Daniels, has declared:

> I would not have urged this action upon Congress were I not convinced that it was a real military necessity that ought to be made available as soon as possible.

Now, my friend from Mississippi [Mr. WITHERSPOON] says that no dry dock is needed there. Possibly he will say that it is not needed because one of the dry docks at Norfolk was occupied only 278 days last year. It is true that the docks are not occupied every day in the year, but that is no proof that the docking facilities at the yard are adequate. If my friend were a surgeon and had a hospital with only three rooms in it, he would add no more until every single one of those rooms were occupied every day in the year by patients, although he might be called upon repeatedly during the year to turn patients away for lack of room.

The disabled warship *Vermont* was recently docked at the Norfolk yard. The battleship *Delaware*, which convoyed the *Vermont* to Norfolk, was found to need examination. There was only one dock there in which the *Delaware* could be docked, and that was occupied by the *Vermont*. It was necessary to undock the *Vermont* before any repairs on it had been made and dock the *Delaware*. In the meantime the *Louisiana* and the *New Hampshire* had reached the station, and it was necessary to delay the docking of these warships until the repairs on the *Delaware* could be completed. Just the same situation is liable to occur at any time. Injuries to ships requiring prompt dockings are also liable to occur at any time. Such delays might be dangerous, although unavoidable.

It must also be remembered that the large dock now there may be damaged at any time and may have to be repaired, or that it may have to be used for a considerable time by some ship undergoing extensive repairs. What facilities would you then have at the yard for the actual needs of the fleet? Can you say that it is not wise to provide for such contingencies? The experts of the Navy say that such a dock is needed at this yard. They know more about the needs of the Navy than we do. They have studied these questions carefully and have reached this conclusion after the most painstaking investigation. They have given their best years to the service of the Navy, and are supposed to recommend what, in their judgment, is best for the Navy. Their experience makes them safe advisers. Shall we take their advice or follow the advice of the committee? I believe it is safest to follow the advice of the naval experts and authorities. [Applause.]

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. HOLLAND. Mr. Speaker, I ask permission to revise and extend my remarks.

The SPEAKER. The gentleman from Virginia [Mr. HOLLAND] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEE of Pennsylvania. Mr. Speaker, will the gentleman from Tennessee kindly yield to me half a minute?

Mr. PADGETT. I will yield to the gentleman half a minute for a question.

Mr. LEE of Pennsylvania. I would like the gentleman from Virginia [Mr. HOLLAND] to state to the House where they would locate the proposed dock at Norfolk?

Mr. HOLLAND. I am not a naval expert, Mr. Speaker. That will be left to the experts of the Navy.

The SPEAKER. The time of the gentleman from Pennsylvania has expired. The half minute is up.

Mr. PADGETT. I yield five minutes to the gentleman from Mississippi [Mr. WITHERSPOON].

The SPEAKER. The gentleman from Mississippi [Mr. WITHERSPOON] is recognized for five minutes.

Mr. WITHERSPOON. Mr. Speaker, I am opposed to this dry dock, because there is absolutely no necessity for it, and everybody who has ever studied the American Navy and knows the conditions and the facts surrounding it would be forced to admit that we do not need it. The only effect and use of it is to squander $3,000,000 of the people's money.

Now I want to state a few facts to you about it. Last year the Committee on Naval Affairs visited every navy yard and every naval station from Panama to Frenchmans Bay. We saw every dry dock on the Atlantic coast. My recollection is that every one of them was vacant, every one of them was absolutely idle, so far as battleships were concerned. There was not one in use at the time by a battleship, and there are about 20 such docks, I believe. However, in one dry dock there were a couple of old target frames that had been injured and had been put in there for repair. In another one there were a couple of destroyers that were being repaired, and in still another one there was one small battleship that was being painted. All the balance of them were idle and useless.

When some of these fellows appeared before the Naval Committee, who were urging us to squander $3,000,000 at Norfolk and $3,000,000 at Philadelphia and everywhere else, I asked them how it happened that when the Committee on Naval Affairs visited these dry docks they were not being used. One of them said, "Well, you just happened to be there at a time when they were not using them." [Laughter.]

Mr. HOLLAND. Mr. Speaker, will my friend permit an interruption?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Virginia?

Mr. WITHERSPOON. Yes; I yield to the gentleman.

Mr. HOLLAND. Will you be kind enough to tell the House how many days the present dry docks at Norfolk are occupied during the year?

Mr. WITHERSPOON. No; but I can tell the House that they are vacant a large part of the time.

Mr. HOLLAND. Now, Mr. Speaker——

Mr. WITHERSPOON. Wait a minute; I can not yield further.

The SPEAKER. The gentleman declines to yield further.

Mr. WITHERSPOON. Now, the facts are given by the naval experts that it takes 25 hours to dock a battleship and take it out of the dry dock. We have 39 battleships. The Norfolk dock is large enough to dock any battleship we have, and every battleship in the Navy can be docked at Norfolk in 40 days. We have three other dry docks that are large enough to dock the largest battleship that we have besides Norfolk, and a great many other smaller docks. I believe they all amount to about 20.

I talked to a very intelligent naval officer about that. I asked him to explain to me why they had so many dry docks when they were idle and not used.

Mr. MADDEN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Mississippi yield to the gentleman from Illinois?

Mr. WITHERSPOON. Yes.

Mr. MADDEN. I just wondered whether it would not be wise to have a lot of docks, even if we never used them, so that we could use them when we wanted to use them in case of need.

Mr. WITHERSPOON. That is not involved here. We have already got 20. Why do you want to squander $3,000,000 more for another one?

Mr. MADDEN. I am not saying what I would do.

Mr. WITHERSPOON. Well, you made a suggestion that meant that.

Now, I asked a naval officer who knows what he is talking about to tell me how many dry docks, in his judgment, it would take to do all the work of the American Navy; how many it would take to serve every ship we have got; and he said six would be the greatest abundance.

This dry-dock business is just like all the other sinister features of this Navy—it is to squander the public funds. We do not need any more dry docks. We have already got more than we can use; and if you will take the tables furnished in the report of the Secretary, you will see that our dry docks are idle at every navy yard that we have during a large part of the time.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

The SPEAKER. The gentleman from Illinois [Mr. MADDEN] is recognized for five minutes.

Mr. MADDEN. Mr. Speaker, I do not know anything at all about the merits of this particular dry dock; but I think the gentleman from Mississippi [Mr. WITHERSPOON] ought to be corrected in some of the statements that he made.

To begin with, the gentleman stated that it took just 25 hours to dock a battleship and take it from the dock. That may be true; but the fair assumption is that a battleship does not go into dry dock merely to go in and be taken out; that she goes into a dry dock for a given purpose; and it is not safe to assume that she can be taken out in 25 hours.

Now, the fact that we were not repairing ships in the dry docks when the gentleman saw the docks is not evidence that we do not need the docks. It would be wise to have them, even if we never had to use them at all. It would be an evidence of the proper navigation of the ships if the ships were never called upon to be put into the docks. But if perchance a condition arose when a ship had to be docked, and we had no dock, we would be in a rather awkward predicament.

Now, I am not particularly concerned with the question as to how many docks we have and what use we have for them or whether there is any merit in the proposition before the House; but I do want to call attention to the fact that if we are to have a Navy, dry docks are essential; and the less we are required to use a dry dock the better it is for the American people. The fact that we are not using our dry docks at any particular season of the year is only another evidence of the fact that the ships are in a condition where they do not have to be repaired. And to say that because the dry docks were not being used at a particular time, that is a reason why we should have no dry docks, does not appeal to me, and would not appeal to the people of America.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. MADDEN. Surely.

Mr. WITHERSPOON. Did you understand me to say that we did not need any dry docks?

Mr. PADGETT. I understood the gentleman to say that we had more dry docks than we need.

Mr. WITHERSPOON. Yes. Now, I want to ask you this question.

Mr. MADDEN. Surely.

Mr. WITHERSPOON. We have 380 ships in the American Navy and about 20 dry docks. Can you tell this House that there has ever been one single day in the history of the Navy when the present number of dry docks has not been sufficient to serve every ship? Do you know of any instance of that kind?

Mr. MADDEN. I am not arguing that question at all. I am not pretending to say that I know anything about the merits of the case before the House. I am simply endeavoring to show the fallacy of the statement made by the gentleman from Mississippi [Mr. WITHERSPOON], that because a dry dock was not in use when he visited it, therefore we do not need a dry dock.

Mr. LEE of Pennsylvania. May I ask the gentleman a question?

Mr. MADDEN. Certainly.

Mr. LEE of Pennsylvania. Do you advocate this amendment?

Mr. MADDEN. I just said to the House that I did not pretend to know anything about the merits of this particular amendment.

Mr. LEE of Pennsylvania. I should like to know how the gentleman stands on this question?

Mr. MADDEN. I will tell the gentleman when the time comes for me to vote.

Mr. LEE of Pennsylvania. Then I can not ask the gentleman the question I wanted to ask him.

Mr. MADDEN. But I will simply say it is to the great advantage of the American people to have the dry docks unused the greater portion of the time, and yet it is a great advantage to have the dry docks ready to use when we need them.

Mr. PADGETT. Mr. Speaker, I shall detain the House for but a few minutes. I occupy a little singular position with reference to this matter. The gentleman from Virginia [Mr. HOLLAND], in a good-humored way, seemed to criticize the Committee on Naval Affairs of the House for not reporting this provision. I desire to be entirely frank with him and with other Members. I can not agree to all the statements that have been made here, particularly the statement that we do not need dry docks in the Navy. We do need some, and they are very important to have. Personally I was in favor of the Norfolk dry dock. The committee were overwhelmingly in favor of the Philadelphia dry dock, and if the matter had been submitted to the House committee they would have voted in favor of the Philadelphia dry dock being placed in the bill. The matter was kept out——

Mr. HOLLAND. I would like to ask the gentleman whether any dry docks other than the dry dock at the Norfolk Navy Yard have been recommended, either by the naval experts or the Navy Department, to the gentleman's committee?

Mr. PADGETT. I do not remember any now. The Navy Department very earnestly insisted upon the Norfolk dock, but the committee were going to put in the Philadelphia dock. In order that there might be none at all in the bill, the committee decided not to report any provision for docks at all, and the House committee made no recommendation.

The Senate committee have put in a provision for the Norfolk dock. I did not feel, in good faith to the committee or to the majority of the committee who were opposed to the Norfolk dock, that I could agree to it in conference. Again, the House had not considered the matter, and I felt that it was a matter of such importance that it should not be agreed to in conference.

I want to say further that the committee having taken the action it did, I felt that we could pass the whole matter over at this session of Congress, and therefore I have made the motion to further insist upon our disagreement.

Mr. LEE of Pennsylvania. I want to ask the chairman of the committee, was it not on account of the naval bill carrying so much money at this time that the committee voted not to have a dry dock at either place?

Mr. PADGETT. Yes; I said we left it out. There were other things in the bill that we regarded as more important, and we left out the provision for both docks, and I have made the motion to further insist upon our disagreement. The gentleman from Virginia [Mr. HOLLAND] moves to recede and concur.

Mr. BRYAN. Will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRYAN. In reference to the statement of the gentleman from Mississippi [Mr. WITHERSPOON] that six dry docks would be a great abundance for the Navy, and that a naval officer made that statement, does the gentleman think it necessary to explain that to the House?

Mr. PADGETT. I disagree with that conclusion. I think we do not have to use a dock every day of the year, but if we have a disabled ship we want a dock in that neighborhood to take care of it. It might be very necessary in an emergency.

The SPEAKER. The question is on the motion of the gentleman from Virginia [Mr. HOLLAND] to recede from the House disagreement to Senate amendment numbered 28 and concur in the same.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. HOLLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 32, noes 71.

Mr. HOLLAND. Mr. Speaker, I ask for tellers.

Mr. MANN. Mr. Speaker, I ask for a separate vote on amendments Nos. 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, 71, and 12.

Mr. FOSTER. Does the gentleman include 72?

Mr. MANN. Twelve and 18.

Mr. BRYAN. That is all I wanted, Mr. Speaker.

Mr. FITZGERALD. Thirty-nine goes with 18.

Mr. MANN. Yes; and 39.

Mr. FOSTER. And 72?

Mr. MANN. Oh, the Senate receded on that.

Mr. TAVENNER. Mr. Speaker, I ask for a separate vote on amendment No. 67.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a separate vote on amendments Nos. 28, 29, 33, 34, 39, 40, 53, 57, 63, 64, 65, 68, 71, 12, and 18 and the gentleman from Illinois [Mr. TAVENNER] asks for a separate vote on amendment No. 67.

Mr. TAVENNER. Mr. Speaker I desire to affer a preferential motion.

The SPEAKER. The time has not yet arrived for that. The question is on the motion of the gentleman from Tennessee to disagree to the Senate amendments, except those that have been named by the Chair, and ask for a further conference.

The question was taken, and the motion was agreed to.

Mr. MOORE. Mr. Speaker, I would inquire whether it is now in order to ask that there be a separate vote on amendment No. 59?

The SPEAKER. That amendment has been disagreed to in the motion just agreed to. The Clerk will report amendment No. 12, on which a separate vote is demanded by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Page 12, amendment No. 12, after the figures "$90,000," in line 1, insert the following:

"*Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad; and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office."

Mr. PADGETT. Mr. Speaker, I move to recede from the disagreement of the House to Senate amendment No. 12 and agree to the same with an amendment, by adding, in line 7, after the word "officers," the words "not exceeding five."

The SPEAKER. The Clerk will report the amendment suggested by the gentleman from Tennessee.

The Clerk read as follows:

Page 12, line 7, after the word "officers," insert the words "not exceeding five."

The SPEAKER. No; the Chair will state the motion. The question is on the motion of the gentleman from Tennessee to recede from the disagreement of the House to Senate amendment No. 12 and to agree to the same with the amendment which has just been reported by the Clerk.

Mr. FITZGERALD. Mr. Speaker, I will ask the gentleman from Tennessee to yield me a few minutes on that.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I hope the motion of the gentleman from Tennessee will not prevail. A few years ago it was ascertained that the Hydrographic Office was a place where a number of naval officers were very comfortably assigned for shore duty. As a result of the investigation that was made a limitation was placed in the law prohibiting the detailing of more than two naval officers to the Hydrographic Office. There has been a continued attempt to increase the number of men assigned there. The Senate proposed that there should be no limit at all upon the number of naval officers assigned to the Hydrographic Office. It is now proposed that there shall be not exceeding five. The appropriations for the Hydrographic Office are carried in the legislative bill. Ninety thousand dollars has been carried in the naval appropriation bill to pay for the work of the Navy in connection with the soundings in places away from the United States so as to prevent a conflict between the Hydrographic Office and the Coast and Geodetic Survey. We have been purchasing, as all other nations purchase, our sailing directions and charts issued by similar offices of other nations. If the purpose of this amendment is, as it is expressed, to prepare, by survey or otherwise, these charts and sailing directions that we are now purchasing, it needs the establishment of a vast system of observation and report that will enable the information to be kept current as to the condition of various channels and coasts.

We maintain some such system as that in this country, and we have reports made by navigators of merchant vessels to the Hydrographic Office in order to keep our charts and sailing directions up to date. It would take a sum that can not be readily computed to organize such a force and to obtain such information from places beyond the jurisdiction of the United States. It seems to me that it would be the height of folly to propose that we should attempt to reproduce these foreign sailing charts and sailing directions in such a manner.

If it were merely the production by photolithographic process of charts that might be purchased, it would be one thing; but to do as the amendment provides, by survey or otherwise reproduce these charts, would be to start us upon a line of work that will very largely increase our expenditures and will make practically impossible, in my opinion, the obtaining of charts that are desired. The British Admiralty relies upon the sailing charts and sailing directions issued by this Government for the coasts of the United States. We rely upon the work of other nations. In time of war not only will they be withheld, but all the aids to navigation will be eliminated as far as possible, so as to prevent foreign navies entering in safety our harbors or invading our waters. I hope this motion will not prevail.

Mr. PADGETT. Mr. Speaker, I want to state under existing law the Hydrographic Office have on detail two naval officers. This provision allows an increase to five, an addition of three. I want to call attention of the House to a memorandum which I have, which is as follows:

MEMORANDUM TO ACCOMPANY PROPOSED AMENDMENT TO NAVAL APPROPRIATION BILL IN RE DETAIL OF OFFICERS TO THE HYDROGRAPHIC OFFICE.

HYDROGRAPHIC OFFICE,
Washington, D. C., April 28, 1914.

The legislative, executive, and judicial bill, enacted June, 1910, restricted the number of naval officers detailed or employed in the Hydrographic Office to two, the number detailed to duty at the time of passage of this act being eight. It is impossible, with this reduced number of naval officers, to properly carry on the work of that office.

The following work had to be stopped as a result of the reduction in number of officers: Old sailing directions requiring revision; compilation of new sailing directions (43 different volumes being purchased abroad); compilation of station catalogues of charts; and inspection of branch hydrographic offices.

The following work can not be properly supervised on account of lack of officers: Ocean surveying, chart drafting, chart correction, chart printing, and chart issue.

In general, much of the work fails to receive proper superintendence and supervision, and the administration work suffers from the hydrographer's attention being necessarily directed too much to details.

The naval bill appropriates under "Ocean and lake surveys," $90,000, enabling the Hydrographic Office to produce metallic chart plates of oceans and harbors of the world to replace such foreign charts as now have to be purchased abroad. To properly carry out this work, it is absolutely essential that the Hydrographic Office should have a proper complement, or at least a sufficiency of officers.

The work of the Hydrographic Office has been crippled as a result of the reduction of naval officers on duty to two in the following respects:

It has been necessary to put one officer in charge of two divisions of said office (such as the Division of Sailing Directions and the Division of Chart Supply). There has had been heretofore assigned an officer to each main division of the office. A single officer in charge of more than one division is physically unable to give the personal attention and supervision required to any one of them to produce the best results from either.

The compilation of new volumes of sailing directions for the coasts of the West Indies, east and west coasts of Mexico, Central America, and South America has been greatly delayed, due to the lack of officers to edit them. And a further consequence of this lack of officers has made it necessary to purchase from the British Admiralty copies of 43 different publications of sailing directions covering various parts of the world not covered by American publications, and which are absolutely necessary for the safe navigation of the vessels of our Navy and merchant marine.

It is absolutely necessary that these British Admiralty publications be replaced by publications from this office covering the same parts of the world, since in war time it might be impossible to procure them at all, and would be absolutely impossible to procure them on short notice when outfitting our vessels. Congress has already appropriated for the reproduction in this office of all British Admiralty charts, and it is fully as necessary that the necessary officers should be assigned this office to reproduce and edit the British Admiralty sailing directions.

The system of inspection of branch hydrographic offices and the incidental instruction of officers of the naval militia in the use of charts and in navigation generally had to be given up, as there was no officer available for this duty.

There being but two officers in the Hydrographic Office, the hydrographer had to take up details of work, which seriously interfered with the time he should have devoted to the administration of the office. There being but two officers on duty, it was impracticable for either one of them to get the usual vacation in the summer, and if either had been taken sick there would have been no one to have taken up his work.

The work of the Hydrographic Office is essentially technical and naval in character, and for that office to maintain its well-earned reputation it is necessary that there should be an adequate number of officers assigned to duty therein. In spite of every effort to maintain the standard of its work, if errors have not crept in it is due largely to good luck rather than to a sufficiency of force.

The assignment of additional officers to duty in the Hydrographic Office will enable a greater output of work, an ability to meet the need of the Navy and mercantile marine, and will involve not a cent of additional expense to the Government.

The Senate adopted an amendment for an indefinite detail. The conference committee reported a limitation of five, restricting the increase to three, which is clearly demanded, and I hope that the motion will be agreed to.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the next amendment.

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to the amendment.

The SPEAKER. The gentleman from Tennessee moves that the House further insist upon its disagreement to the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 79, noes 0.

So the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Page 21, line 19, after the word "docks," insert the words "and Naval Observatory."

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that amendments Nos. 18 and 39 be considered together, as both affect the same thing.

The SPEAKER. What are the numbers?

Mr. FITZGERALD. Eighteen and thirty-nine.

The SPEAKER. The gentleman from New York asks unanimous consent that amendments Nos. 18 and 39 be voted on together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report amendment No. 39.

The Clerk read as follows:

Page 27, at the beginning of line 16, insert the words "and Naval Observatory."

Mr. PADGETT. Mr. Speaker, in view of the indication of the wishes of the House, I move that the House further insist upon its disagreement to these two amendments.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. Is the gentleman satisfied with the disposition of the House?

Mr. PADGETT. I am.

The question was taken, and the motion was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment No. 28, page 24, line 4, after the word "Virginia," strike out the word "repairs," and insert "new dry dock (cost not to exceed $3,000,000), $200,000; repairs."

Mr. PADGETT. Mr. Speaker, I move that the House further insist upon its disagreement to amendment No. 28.

Mr. HOLLAND. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOLLAND. Mr. Speaker, I move that the House recede and concur in Senate amendment No. 28.

The SPEAKER. The gentleman from Virginia [Mr. HOLLAND] moves that the House recede from its disagreement to Senate amendment No. 28 and concur in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HOLLAND. Division, Mr. Speaker.

Mr. MANN. Does the gentleman want to be heard?

Mr. HOLLAND. I made the motion to recede and concur, and I would like to discuss that motion.

The SPEAKER. The gentleman has an hour in which to discuss it if he wishes to do so.

Mr. PADGETT. I have the time.

Mr. HOLLAND. I would like to discuss the motion.

Mr. PADGETT. How much time does the gentleman want?

Mr. HOLLAND. It will not take very long.

Mr. PADGETT. Ten minutes?

Mr. HOLLAND. I will try to finish in 10 minutes.

Mr. PADGETT. I yield the gentleman 10 minutes.

Mr. HOLLAND. Mr. Speaker, I regret I should feel that the House Committee on Naval Affairs has been hardly fair with the Norfolk Navy Yard. I am not going to attribute it to any political or sectional consideration. I would regret to believe that it was due in any sense to the fact that Virginia has no representative on the committee while Massachusetts and New York each has one member and Pennsylvania certainly three, if not four. I do not know the reason for this apparent discrimination against the Norfolk Navy Yard. I do know, however, that the Committee on Naval Affairs has substantially followed every recommendation of the department as to Boston, as to New York, and as to Philadelphia, and has substantially ignored every recommendation of the department as to the Norfolk Navy Yard. One of the items included by the Secretary of the Navy in the estimates submitted by him for the current year was an initial appropriation of $200,000 for a dry dock at the Norfolk Navy Yard. That recommendation of the Navy Department the House Committee on Naval Affairs declined to follow. When the bill went to the Senate it was so amended as to include this item. I believe that the amendment is just and fair and should be concurred in.

By whom, Mr. Speaker, has this dry dock been recommended? In 1911 the Joint Army and Navy Board reported to Secretary Meyer that additional docking facilities ought to be made at the Norfolk yard. In his annual report for the year 1912 Secretary Meyer asked that provision be made for one additional dock on the Atlantic coast and one additional dock on the Pacific coast. He made no recommendation as to the place, but I am reliably informed that both he and Secretary Winthrop favored the location of this dock at Norfolk.

The General Board of the Navy has for the past four years repeatedly urged the construction of a new dry dock at Norfolk. The Board of Inspection for Shore Stations, composed of Admiral Edwards and other distinguished naval experts, only recently reported that additional docking facilities were needed at Norfolk. The Chief of the Bureau of Construction and Repair, the Chief of the Bureau of Yards and Docks, and, in fact, all the naval experts, without a single exception, so far as I can now recall, have recommended that a new dry dock should be located at the Norfolk Navy Yard. The Assistant Secretary of the Navy, Mr. Roosevelt, has expressed himself strongly in favor of it. The Secretary of the Navy, Mr. Daniels, has declared that the location of a new dry dock at Norfolk is a military necessity. These constitute the naval experts and authorities of the department. Not one of them, so far as I can recall, lives in my district or in my State. They can therefore have no local interest or local bias in this proposition. They are the men upon whom we rely for advice as to all matters affecting the Navy. They are the men upon whom we depend in time of war. They are the men that we hold responsible for the condition of the Navy, the condition of the navy yards, and the condition of our ships. They are the men upon whose recommendation and upon whose advice every single item of appropriation in this bill has been made.

Now, if we are willing to follow the recommendations of the experts and the authorities of the Navy Department as to all other yards, why should we not also be willing to follow them as to the Norfolk yard?

Mr. Speaker, why was Norfolk selected as the place at which this new dry dock should be built? In the first place, the Norfolk Navy Yard, with Hampton Roads, possesses all the requirements for a great navy yard and a great naval base. The Norfolk yard is superior to all other yards on the Atlantic coast. That, Mr. Speaker, is not my statement. It is the statement of a joint Army and Navy board, made in its report to Secretary Meyer.

Mr. WITHERSPOON. Will the gentleman yield for a question?

The SPEAKER. Will the gentleman yield?

Mr. HOLLAND. Just for a question.

Mr. WITHERSPOON. That is all I want.

Mr. HOLLAND. I have only a few minutes.

Mr. WITHERSPOON. I just wanted to ask a question.

Mr. HOLLAND. Very well.

Mr. WITHERSPOON. You stated this was a fine place for a navy-yard dry dock. Do you think we ought to have one because it is a fine place for it——

Mr. HOLLAND. Not at all.

Mr. WITHERSPOON. Wait a minute, until I ask you the question. Or do you think we ought to build a dry dock there when it is necessary?

Mr. HOLLAND. I think, Mr. Speaker, that a dry dock ought to be built there when it is necessary, and I believe it is necessary now. I wish to say further that the Norfolk yard was recommended because more naval ships and vessels visit this yard for repairs and necessary dockings and Hampton Roads for coal, ammunition and supplies than visit all the other yards on the Atlantic coast combined. In 1912, 1,137 naval vessels visited Boston, Philadelphia, and New York, and 1,304 visited Norfolk and Hampton Roads. In 1913, 914 vessels visited Boston, New York, and Philadelphia, and 1,392 visited Norfolk and Hampton Roads. This yard was also recommended because Hampton Roads is the naval rendezvous for the fleet. The fleet's southern drill grounds are near the Capes. Vessels pass and repass it in going to and returning from all points south of Hatteras. Vessels in distress on the Atlantic coast invariably seek this yard because it is easiest to reach. During the years ending in August last there were docked at this yard 144 naval ships and vessels. There were docked at the other yards on the Atlantic coast, including New York, Boston, and Philadelphia, only 187. More than 40 per cent of all the ships and vessels of the Navy are docked at this yard.

Mr. TRIBBLE. Does the gentleman mean to tell this House that the committee has not given these chaplains additional authority and given them $5,000 a year salary?

Mr. PADGETT. No, sir.

Mr. TRIBBLE. Then you have changed it since it was before the Naval Committee?

Mr. PADGETT. We did not change it in the House. We left the rank and pay the same as they have been all the time. We simply increased the number.

Mr. TRIBBLE. If I understand you, then you have materially improved the bill since the House struck it out. Did not Admiral Blue say he thought chaplains should have no rank whatever?

Mr. PADGETT. He said he did not think the chaplains ought to have rank, but they have had rank ever since 1842.

Mr. TRIBBLE. I will ask the gentleman if Secretary Daniels did not make a statement to the same effect—that he did not think they ought to have rank?

Mr. PADGETT. Secretary Daniels said if it was an original proposition he did not think chaplains, doctors, and various others should have rank in the Navy; but they have had it for generations, and we are not attempting to interfere with that. We have left all that just the same, and have simply increased the number.

Mr. HOWARD. I do not think they ought to have naval rank, giving them official authority.

Mr. TRIBBLE. The bill before the House reads as follows:

The total number of chaplains and acting chaplains herein authorized, 10 per cent thereof shall have the rank of captain in the Navy, 20 per cent the rank of commander, 20 per cent the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants, junior grade.

Mr. Chairman, a chaplain who has been located at Washington Navy Yard, where every man knows there is no necessity of placing a chaplain, stated before the Naval Committee as follows:

The chaplain asks for no favor; he simply asks only for a fair chance to do his work, and that which is essential to his position in the Navy, rank, pay, and allowances up to and including the grade of captain. The chaplain is now deprived of the pay of his rank in the grades of commander and captain.

Mr. Chairman, please note the importance this chaplain places on the word "rank." For the word "rank" insert the word "authority," as the words are synonymous in the Army and Navy. Now, Mr. Chairman, following that statement, which truly explains this bill, I read you the Constitution of the United States, which says:

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.

I contend that what I have said about giving chaplains rank and authority is justified by the Constitution. When this question was being considered before the Naval Committee I made the following statement:

Mr. TRIBBLE. We do not have at other colleges where young men are brought together such religious services provided, and I do not see why the United States Government should undertake to provide the religion of the people. I have been raised in Sunday schools and churches and have been taught to go to church all my life, and I expect to keep it up. I am here to help provide fighting forces, but I think churches of the country ought to take care of the religious part of it. I am perfectly willing to provide chaplains aboard ships, who should have no rank and authority, but I shall resist any other movement on the floor of the House.

When the provision was considered in the House, it went out on my motion, but it was replaced in the bill in the Senate. I am pleased to see this House return the bill to conference without accepting the Senate amendment. Admiral Blue is one of the best officers of the Navy—reared in South Carolina. He appeared first before the Naval Committee and was questioned closely by the committee in regard to chaplains. I will read part of his statement:

Admiral BLUE. I have never believed in military rank for chaplains. I believe that the term "chaplain" ought to be a rank in itself, and not qualified by a military rank or title. A chaplain should bear the same relation toward the officers and crew of the ship that a priest or pastor of a church bears toward his congregation. The idea of military rank is, to my mind, inconsistent with such a relation. In the British Navy a chaplain has no military rank.

Mr. ROBERTS. Is not that commission more for the purpose of fixing his pay and status?

Mr. TALBOTT. You could do that without giving him rank.

Admiral BLUE. The status of a chaplain is well understood in all military services and there is no question as to the consideration and respect given him on account of his cloth and high calling. It needs no military rank to fix it. The pay could be based on length of service. A chaplain has no military authority.

Mr. STEPHENS. Would he be given any more respect aboard a battleship if his rank were higher?

Admiral BLUE. I do not think so. I think the question of military rank should be left out. I do not wish to speak in derogation of our chaplains generally, but I have seen in the past some of them who do what we call "stand on rank"; and rank, of course, especially high rank, is conducive of a spirit of superiority, which is incompatible with a proper relationship between a clergyman and his congregation. A chaplain should, of course, have dignity, but not such as to lessen the mutual sympathy that should exist between him and the crew.

Mr. ROBERTS. Does the rank of captain carry the pay of captain?

Admiral BLUE. It does; it is the same thing.

Mr. Chairman, I feel that I have done my full duty on this question. It was not my purpose to inject denominational questions, nor have I done so. No reasonable man can criticize anything I have said. Being a member of the Naval Committee, I felt called upon to present the facts before the House, and my remarks have been entirely based on the written record. I did not raise the question, nor did I make the record; but, Mr. Chairman, I have planted myself squarely on the Constitution and no man has assailed that position.

Mr. PADGETT. How much time have I remaining?

The SPEAKER. Seven minutes.

Mr. PADGETT. I yield five minutes——

Mr. MOORE. Will the gentleman reserve one minute for me?

Mr. PADGETT. I will reserve one minute for the gentleman from Pennsylvania, and five minutes——

Mr. HENSLEY. I should like to ask the gentleman a question or two. I want to inquire about the item concerning Pearl Harbor.

Mr. PADGETT. That is not in conference. That is before the House.

Mr. TRIBBLE. I want to ask the gentleman one question.

Mr. PADGETT. I yield to the gentleman from Georgia, a member of the committee.

Mr. TRIBBLE. The gentleman has just said that there were 32 religious denominations who appeared before the Naval Committee to ask for this change.

Mr. PADGETT. I said the representatives of 32 denominations.

Mr. TRIBBLE. There were three men who appeared before the Naval Committee. Is not that a fact?

Mr. PADGETT. No; there were half a dozen.

Mr. TRIBBLE. And one of those men purported to represent 31 religious denominations?

Mr. PADGETT. Yes; and he had his credentials.

Mr. TRIBBLE. Who gave these credentials to him, the naval chaplains?

Mr. PADGETT. No; the Confederated Council of the Churches of Christ in America is the organization of which he is the official secretary.

The SPEAKER. The gentleman is not going to have any five minutes to yield——

Mr. PADGETT. How much time have I now?

The SPEAKER. Six minutes.

Mr. PADGETT. I yield four minutes to the gentleman from Illinois [Mr. TAVENNER].

Mr. TAVENNER. Mr. Speaker, even if I am the only Member to do so, I intend to vote against the adoption of this conference report, because it provides for an investigation of the cost of an armor plant instead of providing for the plant itself. An armor plant will save to the people from $3,000,000 to $5,000,000 annually; an investigation only will leave the Government still at the mercy of the armor ring and save nothing. There have been nine investigations of the cost of armor, one of the inquiries having been made only last year. Whenever the sentiment of the country has been in favor of a Government armor plant, Congress has provided only for an investigation. All the armor manufacturers want to do is to escape a Government armor plant for the present and they will always be able to take care of it for the future.

The first investigation was in 1896. Secretary of the Navy Herbert and a board of naval officers investigated the cost of armor, and they reported that armor could be manufactured for $247 a ton. Ten years later there was another investigation by four different officers and boards, and they reported that the average cost of a ton of armor was $230. The average of nine official estimates as to the cost of manufacturing a ton of armor is $247. We have bought 192,000 tons of armor, and have paid an average of $441.42 a ton, or about $209 a ton more than nine official investigators have reported that it would cost to manufacture armor. If we can have this conference report rejected, we will get the first opportunity this House has ever had to vote on the proposition of a Government armor factory.

If we can vote the conference report down, I intend to offer this amendment:

Provided, That if the Secretary of the Navy is unable to procure by contract armor of the best quality for any or all vessels heretofore or herein provided for at a price which, in his judgment, is reasonable and equitable, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor and gun forgings; and the sum of $4,000,000 is hereby appropriated toward the erection of said factory and the purchase of a site therefor.

Now, that is the same provision that was in the naval appropriation bill for 1900, and it gave the Secretary of the Navy, if he could not obtain a square deal from the armor-plate manufacturers, the authority to manufacture armor. What was the result? Why, it saved the Government millions of dollars.

The price of armor plate had been $658 in 1893, and Senator TILLMAN, by fighting this price, finally got it down to $413. When this provision was put in the naval bill, the Secretary of the Navy was able to demand a square deal from the armor-plate people, and they ultimately reduced the price from $413.42 in 1900 to $345.92 in 1906, which is the lowest price we have ever had. When that provision was not continued in the naval bill, the moral effect of the provision wore off, and the companies gradually have been increasing the price ever since 1906, until now it has got up to $454.

Mr. Speaker, I believe that the Secretary of the Navy, Josephus Daniels, who is the first Secretary of the Navy, in my opinion, who has ever shown complete independence of the armor ring, should have what he asked for—an armor plant—instead of an additional unnecessary investigation. Here is what the Secretary of the Navy asks. He does not ask for an investigation, but, in his last annual report, he says:

I desire to recommend the passage at the earliest moment of a sufficient appropriation to begin the construction of a Government armor plant to relieve a situation which, in my estimation, is intolerable and at total variance with the principle of economy in spending Government money.

Now, while the armor-plate manufacturers were selling armor plate for $249 a ton to Russia, they were selling it to the United States for $616 a ton. We do not owe the armor-plate manufacturers anything. We have thrown them $140,000,000 and more, and Mr. Carnegie has himself said that he has made millionaires out of 43 men.

So there must be huge profits in the armor-plate business; and, now that the Government has generously permitted a considerable colony of steel manufacturers to lay up sufficient millions to keep the wolf from their doors through the remainder of their days as a reward for their thrift and genius, Congress should, instead of creating a fresh colony of steel magnates at the expense of the people, seriously begin to think of saving some of these millions to the American taxpayers.

I hope that the Members will take advantage of the first opportunity that we have had to vote on an armor-plate amendment, which, however, does not provide for an armor-plate factory unless they do not give the Secretary a fair and equitable price. There will not be a factory built unless they refuse to give the Secretary of the Navy a fair price; and if they do not, there ought to be a factory built. I believe that this amendment, if adopted, would save the Government millions of dollars a year, whether we build the plant or not, by the mere fact that the Secretary of the Navy has the right to establish a plant if he can not obtain fair treatment. I agree with the Secretary of the Navy, who says that if we build a plant and put a padlock on its doors as soon as it is completed, and never operate it, it will save to the people its entire cost simply by enabling him to get a fair and reasonable price from the manufacturers of armor plate. Now, as I have said, there have been nine investigations; and I hope that the House will vote this conference report down and give us a chance to vote on this amendment. [Applause.]

Mr. PADGETT. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has three minutes.

Mr. PADGETT. I yield one minute to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Speaker, I am sorry I can not agree with the gentleman from Illinois [Mr. TAVENNER] as to the troubles which seem to afflict him. I can not quite agree that everybody has been robbing everybody else. I can not agree that all the business men of this country are the thieves that modern critics would seem to make them out to be. I do not believe the War Department is corrupt as has been intimated. I do not believe that the Chief of the Bureau of Ordnance has been such a crook as might be inferred from what has been said here in debate. I do not believe that amendment 59, which gives direction to the Secretary of the Navy to adjust his figures minus overhead charges on battleships so as to put private yards out of business, ought to be passed, as indicated; nor do I believe that amendment 67, which proposes to erect a Government armor-plate factory should be passed if the purpose of it is to put outside armor-plate manufacturers out of business. Independent shipyards and independent armor-plate factories have their uses. I believe a man who makes an investment in a business which employs labor and serves the Government as well, ought to have a show for his white alley, just as the man who is aggrieved ought to have the right to go into court for justice or protection. Men who have the capital, invest millions in shipyards and armor-plate factories and apparently they are encouraged to do so, but after they have done so the Government proposes to enter into competition with them, and by this legislation would give the Secretary of the Navy the power, in his discretion, to mark down charges for the construction of a battleship in a Government plant, to such an extent that all competition would be out of the question. [Applause.]

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. I ask leave to extend my remarks briefly.

The SPEAKER. Is there objection?

There was no objection.

Mr. MOORE. I do not contend that Federal provision for shipbuilding or the making of armor plate might not promote a healthy competition, but I believe if the Government in any competition with private manufacturers has the right to mark off certain overhead charges it will not only have the power to control competition but it may eventually destroy it. No shipbuilding plant can be started without money, nor can any armor-plate factory, and where the work is intermittent some allowance must be made for the carrying charges of the plant. I question whether it would be a good thing for the Government to build all of its own ships or all of its own armor plate. The Government should receive fair treatment from shipbuilders and armor-plate manufacturers, and if it is too weak to obtain fair treatment in this respect it is a grave question whether, so far as the people are concerned, it would do any better by setting up business on its own account and throwing out of employment the thousands of men who are now engaged in independent enterprises. It has been said with respect to one or two battleships recently built by the Government that they cost more than if they had been built in private yards. It is generally believed that Government construction of ships is more expensive than if built by independent yards. Those yards have to be fully equipped and must carry maintenance and overhead charges in order to fulfill Government contracts, even though the latter are not continuous. If the Government, entering into competition with such yards, is to be permitted to bid so that maintenance of plant, heat, light, power, and attendance, inspection, oversight, and regular salaried officers and men impressed into the service are to be checked off because they are paid for out of separate appropriations, it is plain that independent builders having to carry all these expenses would soon be eliminated, while the public would be deceived as to the kind of economy thus attempted.

Mr. PADGETT. Mr. Speaker, the statement was made some time ago that this amendment was intended to provide berths and shore stations for naval officers. I want to state that the increase is only three; the present law provides for two and this authorizes an increase to five because we are seven years behind in our work.

Now, Mr. Speaker, I move the previous question on the adoption of the conference report.

The SPEAKER. The gentleman from Tennessee moves the previous question.

The question was taken; and the previous question was ordered.

Mr. FOWLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOWLER. Must this report be voted upon as a whole or can it be segregated?

The SPEAKER. It is to be voted upon as a unit.

Mr. MANN. Mr. Speaker, what became of the point of order that was made by the gentleman from Illinois?

SEVERAL MEMBERS. He withdrew it.

The SPEAKER. The gentleman from Illinois never made any point of order. He reserved the right to make a point of order and then withdrew the reservation. The question is on the conference report.

The question was taken; and on a division there were 27 ayes and 81 noes.

So the conference report was not agreed to.

Mr. PADGETT. Mr. Speaker, I move that the House further insist on its disagreement to all the Senate amendments and ask for a conference.

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry. There are certain amendments on which no agreement was reached Will the passing of this motion in any way affect the status of those amendments on which there has been no agreement or interfere in any way with the agreement the chairman of the committee made the other day that we would have a separate vote on these amendments on which no agreement has been made?

The SPEAKER. This motion has nothing to do with that.

charges?

the Government should decide to establish an armor-plate plant

tice? What change will be made if this amendment were enacted into law over what it now does?

Mr. PADGETT. Under the present practice, on account of rulings of the Department of Justice and the Comptroller of the Treasury, there are certain overhead charges which can not be charged to specific appropriations that are made for support and maintenance of the different bureaus.

Mr. MANN. How are these charges paid? If they can not be paid, how are they paid, and what are they paid out of?

Mr. PADGETT. They are paid out of the increase of the Navy for new construction.

Mr. MANN. They are charged to something.

Mr. PADGETT. For instance, they take and estimate the cost of the light and charge a certain percentage of that, a certain percentage of the heat and the power and transportation and various things, and charge that to the ship out of the increase of the Navy. They do not charge it up to the different appropriations made for the bureaus, except in case of repairs to ships.

Mr. MANN. Well, they must charge it to something, because they can not pay it without having the appropriation. Now, here is an appropriation for the increase of the Navy, torpedo boats; increase of the Navy, equipment; increase of the Navy, armor and armament; for instance, carried in this bill. These overhead charges are paid out of those appropriations, are they not?

Mr. PADGETT. So I understand; yes, sir.

Mr. MANN. They must be charged to that, and charged to something now. How will that practice be changed?

Mr. PADGETT. It will be changed by the Secretary ascertaining, as nearly as he can, what is the exact cost on account of the building of that ship, and charge only what the ship occasioned in the increase of these overhead charges, instead of a percentage of the whole overhead charges of the yard.

Mr. MANN. Well, that is just as clear as mud to me. Is this a change that is recommended by the accounting officers?

Mr. PADGETT. Yes, sir.

Mr. MANN. The paymaster?

Mr. PADGETT. Yes, sir.

Mr. MANN. I wish the gentleman would yield me five minutes.

Mr. PADGETT. Yes, sir.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, there were 72 amendments proposed by the Senate to this bill. It seems to me that the House conferees were a little easy when they went into conference, because I notice that on 37 of these 72 amendments the House promptly receded in the conference. On 12 the Senate receded, and of the 12 where the Senate receded 6 of them were where the Senate had proposed to make the appropriation available indefinitely and the House had proposed to make it available for a certain fixed time. So that on practically all of the amendments which amounted to anything at all, which covered anything that could possibly be in dispute, the Senate had its own way, and the House receded except as to the 12 amendments which were brought back into the House, and a number of those are simply as to whether the appropriation shall be made available indefinitely. On some of the amendments outside of the 37 the House conferees receded with amendments. For instance, there is a provision for the appointment of a committee on the subject of the manufacture of armor plate. The Senate had proposed the appointment of a committee to consist of one member to be named by the Senate chairman of the Committee on Naval Affairs, one member to be named by the House chairman of the Committee on Naval Affairs, and one member to be named by the Navy Department. The gentlemen on the conference committee, consisting practically, or very largely, of the chairman of the Senate Committee on Naval Affairs and the chairman of the House Committee on Naval Affairs, changed this amendment so that they would not name members of this committee, but would themselves be the members of the committee. I suppose out of due modesty they did not wish to name themselves. Now, this committee is to report at the next session of Congress. Of course, we know that the Senator and the Member of the House, the chairmen of these committees, will be pretty well engaged this year, and will not have very much time to devote to this purpose, and practically the committee will be constituted of the one person in the Navy named by the Secretary of the Navy, which is granting a quite broad power to the Navy Department in reference to a matter of this importance.

There are other provisions, one of which has already been referred to, in reference to the Hydrographic Office. It is seriously proposed that we, instead of purchasing sailing charts and sailing directions, shall produce and prepare, by the survey or otherwise, all of our sailing charts and sailing directions. What an idiotic thing it would be if Great Britain would refuse to purchase our sailing charts and our sailing directions in reference to our own coast. How foolish it would seem if France and Germany should send surveyors or somebody over here to survey our coast and make sailing directions in reference to those matters. And yet it is proposed, solely for the purpose of providing shore duty for additional naval officers, to add to the number of naval officers who will engage in preparing these hydrographic charts.

The gentleman from South Carolina [Mr. JOHNSON] has called attention to amendment No. 18, for general maintenance of yards and docks, $1,000,000, and the Senate has added an amendment to that to insert "the Naval Observatory." Now, nobody can tell what it will cost to maintain the Naval Observatory under this provision. For years we have been trying to put some limitation upon the Naval Observatory, which ought to be taken out entirely from the control of the Navy Department and transferred to one of the other departments of the Government. The Naval Observatory has nothing to do with the Navy, and yet here is a proposition, in spite of all that has been done for years, to limit the cost there and to require Congress to make specific appropriations for it—to give to the Navy Department $1,600,000 to use as it pleases at the Naval Observatory. I think it is a scandalous way to appropriate. [Applause.]

Mr. PADGETT. Mr. Speaker, this part with reference to the Naval Observatory I wish to say is not increased one cent under the appropriation. It is the same appropriation that has been carried for years, and is to carry all the items that it has heretofore carried, and out of this appropriation all that has heretofore been paid will have to be paid for—the maintenance of the Bureau of Yards and Docks, for general maintenance of yards and docks, and then we just simply added to it the Naval Observatory and make the appropriation the same, and make that fund pay all of the others and this also.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. BYRNS of Tennessee. Does the gentleman mean to say that the appropriation has been carried in this manner in naval appropriation bills which have heretofore passed Congress?

Mr. PADGETT. I said the appropriation in this bill is just the same as it has been all the time, and we have just included in it the Naval Observatory, requiring out of this same fund to be paid what it has always paid and the Naval Observatory in addition.

Mr. BYRNS of Tennessee. And by adding that proviso the gentleman has given the authorities the right to use, if they desire, $1,600,000 for the Naval Observatory without any limitation at all.

Mr. PADGETT. We have not done anything of the kind.

Mr. BYRNS of Tennessee. Let me ask the gentleman this question: Is there any limitation on the use of any portion of this fund so far as the Naval Observatory is concerned?

Mr. PADGETT. There is nothing expressed here, and nothing, so far as that is concerned, has been carried heretofore. Heretofore there was nothing limiting the appropriation for maps, or models, or drawings, or purchase and repair of fire engines; nothing limiting it for fire apparatus or for machinery or for the purchase and maintenance of horses and driving teams. The Navy Department had this sum for all these purposes, and we have simply added to these purposes the Naval Observatory, the maintenance and care of the grounds.

Mr. BYRNS of Tennessee. Now, will the gentleman yield to this question?

Mr. PADGETT. Yes.

Mr. BYRNS of Tennessee. In view of the fact that the legislative bill, which passed this House, granted every dollar that the Naval Observatory asked for by way of repairs and preservation, why have the conferees seen fit to add a provision in this bill giving the Naval Observatory unlimited funds for the same purpose?

Mr. PADGETT. You did not provide for that. This says:

For general maintenance of yards and docks and Naval Observatory, namely: For books, maps, models, and drawings; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of horses and driving teams; carts, timber wheels, and all vehicles, including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards; tools and repair of the same; stationery; furniture for Government houses and offices in navy yards and naval stations; coal and other fuel; candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and fire apparatus and plants; incidental labor at navy yards; water tax, tolls, and ferriage; pay of watchmen in navy yards; awnings and packing boxes; and for pay of employees on leave, $1,600,000.

In other words, the whole maintenance of these things in these establishments throughout the length and breadth of the Navy has been cared for, and must be cared for, out of this appropriation.

Mr. BYRNS of Tennessee. Let me read to the gentleman a provision in the legislative bill in regard to the Naval Observatory:

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor.

Now, if that does not cover the same things contained in this bill, I am unable to understand the difference between the language.

Mr. PADGETT. It is not, and that has been carried in your bill for years, and this bill has carried this identical language for years, and the only thing we have added to it is the Naval Observatory as an incumbrance on the appropriation.

Mr. BYRNS of Tennessee. And that is the only complaint we offer.

Mr. FITZGERALD. Can the gentleman state the amount of the unexpended balance left over last year from the maintenance appropriation for yards and docks?

Mr. PADGETT. I do not remember.

Mr. FITZGERALD. It was $110,000; so that if that language—"Naval Observatory"—had been included in that paragraph last year, after paying all the charges for maintenance of yards and docks, they could have expended $110,000 for the maintenance of the Naval Observatory.

Another thing: This is the appropriation out of which the Navy Department has been buying certain automobiles, is it not?

Mr. PADGETT. I have not heard of it.

Mr. FITZGERALD. If the gentleman had read the report of information furnished to Congress at the request of the Senate committee, he would have ascertained.

Mr. PADGETT. I have not seen the report.

Mr. FITZGERALD. It is a very voluminous one. For instance, at the navy yard here at Washington they have certain automobile delivery trucks which carry subsistence supplies purchased by naval officers from the commissary and deliver them to their houses in town. Now, if the Naval Observatory is included in this appropriation there is nothing to prevent the superintendent of that observatory from having purchased for him as a matter of convenience between the observatory and the city an automobile for his use, just as an automobile has been purchased for the personal use of the Secretary of War out of the appropriation for transportation of the Army, to be used in the city of Washington.

Mr. PADGETT. I think not, because it says here "including motor-propelled vehicles for freight-carrying purposes only for use in the navy yards," and it limits the motor-propelled vehicles for freight purposes in the navy yards.

Mr. FITZGERALD. Now, the purpose of this is to give more money for the Naval Observatory than has been specifically provided in the legislative bill, is it not?

Mr. PADGETT. I think not.

Mr. FITZGERALD. Then why is it included here?

Mr. PADGETT. So that it can be accounted for under yards and docks and go under the supervision of that bureau.

Mr. FITZGERALD. It should not be under that bureau, because two years ago I addressed a communication to every prominent astronomer in the United States connected with every institution of learning, and every one of them agreed that the Naval Observatory, in order to be effective and have any standing at all in the scientific world, should be taken out of the Navy Department and put either in the Smithsonian Institution or in some other institution wholly devoted to scientific purposes. To put the Naval Observatory under the Bureau of Yards and Docks would be a farce of the worst character.

Mr. PADGETT. The maintenance of its property ought to be under yards and docks.

Mr. FITZGERALD. No; the maintenance of its property ought to be under the officials who maintain and control it. Some independent bureau official should have nothing to do with its maintenance.

Mr. TAVENNER and Mr. JOHNSON of Washington rose.

The SPEAKER. To whom does the gentleman yield?

Mr. PADGETT. How much time have I left, Mr. Speaker?

The SPEAKER. The gentleman has 16 minutes.

Mr. PADGETT. I yield a minute to the gentleman from Washington [Mr. JOHNSON].

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] is recognized for one minute.

Mr. JOHNSON of Washington. Mr. Speaker, I desire to ask the gentleman from Tennessee for a little more detailed information respecting amendments 46, 47, and 48, in relation to chaplains in the Navy. I have a number of circulars here, which seem to be based on statements made in the hearings. I would like to have some information concerning the increased number, also concerning the rank——

Mr. PADGETT. The number of chaplains in the Navy was fixed in 1842 and has not been increased since. The House committee reported out the provision that has been put in the conference report. It went out in the House on a point of order and was inserted in the Senate, and the conferees agreed to it.

I will say to the gentleman that every Protestant denomination in the United States has indorsed and approved and asked for the incorporation of this amendment. I will state also that the Catholic Church has indorsed and approved it. There has been no sectional or partisan or religious bias or feeling on the matter at all. All the churches are cooperating upon it. The representatives of 31 of the Protestant churches and the Catholic representative, and the Episcopalian representative who was not in the 31 that I mentioned, appeared before our committee and unanimously joined in the request and approved it.

I will state further that since that time the General Assembly of the Northern Presbyterian Church, the General Assembly of the Southern Presbyterian Church, and the General Conference of the Methodist Episcopal Church adopted resolutions indorsing and approving this legislation and asking for its enactment.

Mr. JOHNSON of Washington. One question more. These circulars seemed to indicate that the Secretary of the Navy, Mr. Daniels, in his report asked the Naval Committee of the House for 24 welfare secretaries, and said he would not advise any rank for chaplains and for the religious officers and workers, and so on.

Mr. PADGETT. The Secretary asked for an increase of chaplains and also asked for 24—I believe it was—welfare secretaries. The committee reported the provision with reference to the chaplains, but did not approve that for welfare secretaries.

As Bishop Lawrence, of Massachusetts, suggested before the committee, enlisted men of the ship can well be used. Deserving, worthy young men already in the service can be used to better advantage.

Mr. JOHNSON of Washington. This circular also says that Rear Admiral Victor Blue opposed giving such high rank and authority to the chaplains, and——

Mr. PADGETT. We do not change the rank. We leave it just as it has been since time immemorial.

Mr. HOWARD. Is there any provision in the naval regulations requiring an enlisted man who has a certain religious belief to attend the services on board ship? For illustration, is there any provision that requires a member of the Catholic Church to attend a Presbyterian meeting or a Presbyterian to attend a Catholic meeting or vice versa?

Mr. PADGETT. Since the gentleman talked with me personally I have made some inquiry, and I was informed that there are no compulsory regulations.

Mr. HOWARD. As I understand, every enlisted man in the Navy is allowed to worship God according to the dictates of his own conscience and heart.

Mr. PADGETT. I so understand it.

Mr. HOWARD. And there is no enforcement of attendance upon religious services?

Mr. PADGETT. I understand the men are allowed freedom of choice.

Mr. TRIBBLE. I will ask the gentleman if the chaplain does not make his own regulations relating to religious service, and does not the gentleman know that he does?

Mr. PADGETT. No; there are certain regulations made by the department.

Mr. TRIBBLE. Will the gentleman produce any departmental regulations or any regulations made by anybody except the chaplain?

Mr. PADGETT. The chaplain conducts his service on board ship as any other minister would, but the chaplains are under naval regulations as well as other officers.

Mr. TRIBBLE. The private and subordinate officers are under the control of superior officers, and they should be, but there should be no ranking and superior officer who could encroach upon the religious freedom of the enlisted men. Will the gentleman tell this House how many religious denominations have passed resolutions against this bill?

Mr. PADGETT. I have not heard of any.

Mr. TRIBBLE. You have not? I have.

Mr. PADGETT. No, sir.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. Mr. Speaker, I reserve a point of order on the conference report. On amendment 59, on page 60 of the bill, the conferees agreed to an amendment in lieu of the amendment proposed by the Senate. I desire to get the chairman of the committee to explain the meaning of this change which has been proposed by the conferees on this amendment of the Senate.

Mr. PADGETT. Mr. Speaker, in the present management——

The SPEAKER. Let the Chair get the matter straightened out as to time. The gentleman from Illinois is not making the point of order?

Mr. FOSTER. Mr. Speaker, I reserve the point of order.

The SPEAKER. Yes; but what good does it do to reserve the point of order unless the gentleman has one?

Mr. FOSTER. I may have one.

The SPEAKER. What is the point of order, the Chair desires to know?

Mr. FOSTER. Mr. Speaker, I was waiting until we had an explanation from the chairman of the committee. The language is quite different, and I may not make the point of order after I have heard the chairman of the committee.

The SPEAKER. The gentleman from Tennessee has an hour. The point of order is one thing, but interrogating the gentleman from Tennessee as to the meaning of certain language in the conference report is another. The gentleman from Illinois, however, will not be cut out of his right to make the point of order. The hour of the gentleman from Tennessee begins to run now.

Mr. PADGETT. Mr. Speaker, I was going to suggest that the time would not run out of my hour on the point of order?

The SPEAKER. No; the argument about the point of order will not be taken out of the gentleman's hour, but answering questions as to the meaning of the language is taken out of the hour.

Mr. PADGETT. Very well. Mr. Speaker, in the present management of the navy yards, in the construction of battleships in the navy yards, it is believed that too much of the overhead charges is charged to the construction of the ship. This is an effort to arrive as near as possible at the exact overhead charges that should be charged to a ship. Under certain rulings of the Department of Justice and the Comptroller of the Treasury various overhead charges can not be charged to specific appropriations that are made to the various bureaus, and the language that is in the bill in the Senate amendment does not accomplish the purpose for which it was intended, and gave the Secretary entirely too much power and discretion, in the opinion of the conferees on the part of the House, allowing him to charge just what he pleased and to refrain from charging what he pleased, and to fix no rule of action so far as charging or declining to charge is concerned.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. FITZGERALD. What does this amendment propose to do?

Mr. PADGETT. Mr. Speaker, this amendment proposes that hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to the upkeep and to industrial work at the navy yards and stations. For instance, to illustrate, it takes so much to maintain the navy yards, whether there is a battleship building there or not. Light, heat, power, transportation, and various general charges that are known under the general head of overhead charges amount to so much, but suppose a battleship is directed to be constructed in one of the navy yards. Assuming that conditions were the same and that construction of the battleship added so much additional to these overhead charges, we feel that the amount that should be charged to the battleship would be the amount of increase incident to the construction of the ship, and not a percentage of the whole charge of overhead charges in the navy yard. As it is now, they charge against the construction of the ship a certain percentage, arbitrarily fixed, of light, and a certain percentage, arbitrarily fixed, of transportation, of heat, and of power, and of all these matters. This amendment is to allow them to distribute these overhead charges to the several appropriations, so that the construction of the battleship would be chargeable only with the amount to be ascertained with which it should be charged. I think this is very beneficial legislation. It is done for the purpose of enabling the department to reach a more just and fair and equitable distribution of the overhead charges.

Mr. FOSTER. Mr. Speaker, let me ask the gentleman this: In his judgment does he believe the Navy Department will do this, and that the construction of battleships within the navy yards will not have to bear an extra burden of overhead charges?

Mr. PADGETT. Mr. Speaker, I will say to the gentleman very frankly that this is intended by the Secretary of the Navy to enable him to reduce the overhead charges on the construction of battleships, so that the charges will not be so great, and that a portion of these charges that are now charged to the construction of the battleship may be distributed to the several appropriations of the different bureaus.

Mr. FOSTER. And not charged to the construction of the battleship?

Mr. PADGETT. No.

Mr. FOSTER. So that if this amendment be adopted, the effect would be to charge only the actual amounts to the battleship?

Mr. PADGETT. And it is to enable the Secretary to do that that this is put in.

Mr. DUPRÉ. Mr. Speaker, as a matter of fact, is it not only a matter of bookkeeping?

Mr. PADGETT. It is more than a matter of bookkeeping. Of course, it is a matter of bookkeeping, but it is intended to place the charges where they properly belong, and under the method that is now pursued it charges to the construction of the battleship too much of the overhead charges and too little to the other appropriations in the work in the navy yard.

Mr. DUPRÉ. What is the ultimate effect on the Public Treasury?

Mr. PADGETT. Of course, the Treasury would pay the sapie, but the Treasury does not want it shown that it costs so much to construct a battleship in a navy yard, when, as a matter of fact, the charge shown is exorbitant.

Mr. FOSTER. Mr. Speaker, in view of the explanation of the gentleman from Tennessee, chairman of the committee, I shall not make the point of order I reserved.

Mr. MOORE. Will the gentleman yield?

Mr. PADGETT. Yes; I will yield for a question.

Mr. MOORE. I may want to ask two questions, if the gentleman pleases, on this point the gentleman from Illinois has raised. The purpose of this amendment is to enable the Secretary of the Navy to so adjust the figures for the construction of a battleship that he will not have to charge against construction of a particular ship certain overhead charges that are in the nature of permanent charges?

Mr. PADGETT. And should not be borne by that particular ship.

Mr. MOORE. Yes; and the effect would be to reduce the cost of a ship so far as the direct shipbuilding appropriation was concerned?

Mr. PADGETT. Yes.

Mr. MOORE. In contrast to the figures presented by the independent shipyards, perhaps the Government has suffered in that charges may have been made against the construction of a battleship, including heat, light, and so forth, and the salaries of certain permanent officers attached to the department, and certain other overhead charges that would raise the price of the ship itself?

Mr. PADGETT. That is the belief of the department and the Secretary, and the purpose of this amendment is to remedy that defect and allow a proper distribution of the overhead charges.

Mr. MOORE. If we were to establish a shipbuilding yard at the Pensacola Navy Yard, for instance, we would erect building ways, with other facilities for building ships. Entering into the nature of overhead charges, we would erect buildings and other facilities, and we would have to employ labor to maintain them. The gentleman desires by the amendment to relieve a particular ship of that kind of a charge?

Now, may not that account somewhat for the cost of maintaining an independent shipyard or an armor-plate establishment which receives periodical orders from the Government? You build a ship once in a while, and you are going to relieve the construction of that ship of the overhead charges which are still being paid by the Government. You propose in this bill also to establish a Government armor-plate factory. May it not be that if you do not want to make armor plate all the year or only a few months you will find yourself carrying a very large institution and being charged with labor and construction and overhead costs that are now being maintained by armor-plate establishments?

Mr. PADGETT. I assume that if the Government establishes an armor-plate factory, it will operate it practically the whole year, and such a condition as the gentleman states will not exist.

Mr. MOORE. If I may be allowed to ask this question now, it will save asking it when the armor-plate item comes up. If the Government should decide to establish an armor-plate plant

at a cost of ten, twelve, or fourteen million dollars, which it probably would cost, would it not then be in exactly the same position in regard to overhead expense that individual operators are to-day—the Government would have to maintain a complete plant every year and all the year, with all the expense attached to it, although it might have an opportunity to use it only once in a while when we build a battleship?

Mr. PADGETT. I presume that the Government would run it all the year, and if it did not, it would discharge the force.

Mr. MOORE. Would not the overhead charges continue just the same, though we only build a battleship once in a while?

Mr. PADGETT. That is a matter to be determined upon. I suppose if we manufacture armor plate we would manufacture it in good faith.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. JOHNSON of South Carolina. I want to ask the gentleman what reason there was on page 27, amendment 39, for adding an appropriation for repairs to the Naval Observatory in the item of navy yards and docks?

Mr. FITZGERALD. Also amendment 18 for the maintenance of the Bureau of Yards and Docks.

Mr. PADGETT. That is included in two places in the bill. It was suggested by the accounting officers that it would be proper to insert it here so that it would be explicit in the bill. It has been heretofore paid for under this appropriation.

Mr. FITZGERALD. The gentleman is mistaken; it is a specific appropriation included in the legislative bill. The gentleman has included an appropriation of over a million dollars.

Mr. PADGETT. This appropriation for buildings and grounds has been carried heretofore in the naval bill.

Mr. FITZGERALD. There was a specific appropriation to clean up the naval grounds and observatory of $5,000. The appropriation for repairs to the buildings is a specific appropriation carried in the legislative bill. The legislative bill has always made an appropriation for repairs in the Naval Observatory buildings, fixtures, fences, and other matters.

Mr. PADGETT. I will call the gentleman's attention to the language of the act of last year.

Mr. FITZGERALD. Oh, yes; you had $5,000 for cleaning up the grounds.

Mr. PADGETT. And for the upkeep of the grounds.

Mr. FITZGERALD. That is the first time; and now you appropriate in two places without any limitation on the amount that may be expended, one an appropriation of $1,600,000 and the other $1,100,000.

Mr. JOHNSON of South Carolina. Will the gentleman yield me five minutes?

Mr. PADGETT. Yes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I want to call attention to the fact that the legislative bill provides for the Naval Observatory. We have given in the legislative bill every dollar that was estimated for by the Navy Department for the upkeep and maintenance and repairs of the Naval Observatory. This naval appropriation bill, by the amendments adopted by the Senate and agreed to in conference, transfers the Naval Observatory to a lump-sum appropriation which is for yards and docks, and that appropriation is more than a million of dollars, and there is no limitation whatever in this amendment as to what amount can be used in Washington.

Now, this trouble has existed for a number of years, and in 1910, in order that there might not be any encroaching of one committee's jurisdiction upon the other committee, there was written into the legislative bill, with the consent of Mr. Foss, who was at that time the chairman of the Committee on Naval Affairs, this provision on page 98 of the legislative bill:

> No part of any appropriation made for the naval service shall be expended for any of the purposes herein provided for or on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus as herein expressly authorized.

In addition to having provided in the legislative bill every dollar that the Navy Department asked for for the Naval Observatory we also provided on pages 92 and 93 for all the money that was asked for for the Hydrographic Office, yet they have given in the Senate, in amendment No. 12 of the naval bill, an appropriation of $90,000 which is made available in the Hydrographic Office here in Washington.

Mr. PADGETT. That is for ships which make hydrographic surveys and none of it is for the local office here. It is for hydrographic surveys, and so forth, and then the rest is for purchase of nautical books, charts, and sailing directions.

Mr. JOHNSON of South Carolina. All of which we provide for.

Mr. PADGETT. No; the gentlemen do not. This has been in every bill for years. We have not increased it a single penny.

Mr. FITZGERALD. It never carried this proviso which is on page 12. It increases the amount available for the expenditure for the preparation of charts for the Hydrographic Office for which provision is made in the legislative bill.

Mr. JOHNSON of South Carolina. I want to say to the House we have not cut the Navy Department one dollar in its estimates for the Hydrographic Office. We gave it every dollar they asked for. Now, the evil of this kind of appropriation is this: If you permit one department to go to the legislative committee and ask for a given sum of money and the legislative committee grants that sum of money and that department then goes to the Committee on Naval Affairs and asks that they may be allowed to use a lump-sum appropriation for the same purpose, you can never keep any track upon the expenditures of that department. All of the expense ought to be in one bill or the other.

The SPEAKER. The time of the gentleman has expired.

Mr. PADGETT. Mr. Speaker, replying to the gentleman's statement in reference to this I desire to say this $90,000 has been carried in the bill time out of mind. We have not added one cent to it. It is limited to the same purpose, except that we add this proviso:

> *Provided*, That as much of this appropriation as practicable shall be used in producing and preparing, by survey or otherwise, American charts and sailing directions to replace those of foreign production which now have to be purchased abroad.

In other words, we are dependent absolutely upon the British Admiralty for our charts and sailing directions, and this permits the use of money that has heretofore been appropriated and is carried in this bill to be used in making our own sailing directions and not be dependent upon buying them from the British Admiralty.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. Yes, sir.

Mr. FITZGERALD. Does not every maritime nation in the world purchase sailing charts and directions prepared by other countries of their own coasts? Do not we sell to Great Britain, the British Admiralty, the sailing charts and sailing directions of the United States?

Mr. PADGETT. Yes; we sell our coast-line charts.

Mr. FITZGERALD. And we purchase them from all these other nations.

Mr. PADGETT. Those are not our coastwise——

Mr. FITZGERALD. Otherwise we would be compelled to send a vessel to make a survey of many coasts in order to obtain the information required. We must perfect a system of naval maritime observations and reports in order to get information about changes that are made from time to time. In addition to that, the gentleman did not read all of that proviso. He did not read the part that provides:

> And for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office.

Mr. PADGETT. Not exceeding five.

Mr. FITZGERALD. There is a limitation now upon the number.

Mr. PADGETT. It is limited to two. We have increased it to five, for the simple reason we are seven years behind in our work in preparing sailing directions, and we have now authorized an increase of the present law from two to five.

Mr. FITZGERALD. When did we become seven years behind?

Mr. PADGETT. We had that information. It has been going along, and that is the report that comes to us.

Mr. FITZGERALD. I have been in the Hydrographic Office and examined it and heard from the officials in charge of it, and I have never heard the suggestion that they were seven years behind in the preparation of our charts and sailing directions, and whoever furnished that information drew very vividly upon his overheated imagination.

Mr. PADGETT. I should say not. Capt. Washington came to see me personally and also filed with us a letter, and he stated to me personally that we were seven years behind in the preparation of our sailing directions, and that is why we authorized an increase; nothing indefinite, but from two to five, a whole increase of three.

Mr. MANN. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. MANN. If I may return to amendment numbered 59, which was discussed a moment ago, but we could not hear very well what was said on that side of the House. How is the phraseology of this amendment as compared with existing prac-

cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and submitted by the accompanying report on the amendments of the Senate, namely:

Amendments Nos. 1 and 2: Provide for an increase of $104,000 in the appropriation "Contingent, Navy," to provide a fund for entertaining the officers and crews of foreign fleets which may be sent to attend and participate in the Panama-Pacific International Exposition in consequence of the invitation of the President of the United States, extended in pursuance of the authority contained in the joint resolution approved February 15, 1911, and the House recedes.

Amendment No. 3: Provides that tolls shall not be assessed against or collected from any war vessel of any foreign nation which may pass through the Panama Canal en route to or returning from the Panama-Pacific International Exposition, provided such vessel has been sent by its Government to attend and participate in said exposition, and the House recedes.

Amendment No. 4: Provides that the Secretary of the Navy be authorized to define and establish suitable anchorage grounds in Hampton Roads and San Francisco Bay for the combined fleets of the United States and foreign Governments which may rendezvous in these waters during their attendance at the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 5: Provides that officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them, and the House recedes, with an amendment by which officers of the construction corps and the officers above named are eligible for any shore duty to which the Secretary of the Navy may assign them.

Amendment No. 6: Increases the appropriation for recruiting from $130,000 to $150,000, and the Senate recedes.

Amendment No. 7: Permits the employment of more than one advertising agency in advertising for recruits, and the House recedes.

Amendments Nos. 8, 9, and 10: Extend to the Revenue-Cutter Service the right of any alien of 21 years of age and upward who may, under existing law, become a citizen of the United States and has served or may hereafter serve for four years in the Revenue-Cutter Service and receive therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment, to be admitted to become a citizen of the United States upon his petition without any previous declaration of his intention to become such, and without proof of residence on shore, and the House recedes.

Amendment No. 11: Increases the appropriation for gunnery exercises from $100,000 to $115,000, and the House recedes.

Amendment No. 12: Provides for the producing of American charts and sailing directions to replace those of foreign production which now have to be purchased abroad, and for this purpose the Secretary of the Navy is authorized to detail such naval officers as may be necessary to the Hydrographic Office. The House recedes with an amendment restricting the number of officers to be detailed to that office to not exceed five.

Amendment No. 13: Provides that the pensions of beneficiaries of the naval home shall be disposed of in the same manner as prescribed for inmates of the soldiers' home, except that in case of the death of any beneficiary leaving no heirs at law nor next of kin any pension due him shall escheat to the naval pension fund, subject to certain provisions, and the House recedes.

Amendments Nos. 14, 15, and 16: Make certain appropriations in the Bureau of Ordnance "available until expended," and the Senate recedes.

Amendment No. 17: Makes the appropriations for "torpedoes and appliances" "available until expended." The House recedes with an amendment making that appropriation available until June 30, 1917.

Amendment No. 18: Includes the Naval Observatory in the appropriation "Maintenance, Bureau of Yards and Docks," without increasing the appropriation, and the House recedes.

Amendments Nos. 19 and 20: Strike out the House provisions for building slips and equipment at navy yard, Boston, Mass., to cost $148,000, and the provision whereby the unexpended balance under the appropriation "Marine barracks, Boston, Mass., for the fiscal year 1914 is covered back into the Treasury, and provides that the unobligated balance under the appropriation "Marine barracks, Boston, Mass.," for the fiscal year ending June 30, 1914, not exceeding $148,000 is made available for building slips and equipment at Boston, and the House recedes.

Amendment No. 21: Increases the appropriation to complete Pier D from $12,000 to $25,000, and the House recedes.

Amendment No. 22: Increases the limit of cost of Pier C from $130,000 to $150,000, with no increase in the appropriation, and the House recedes.

Amendment No. 23: Provides an appropriation of $8,500 to extend the second floor mold loft in the navy yard, New York, and the House recedes.

Amendment No. 24: Is a change of total and an increase of $21,500.

Amendment No. 27: Provides for a fireproof general storehouse, Washington Navy Yard, D. C., cost not to exceed $225,000, with an appropriation of $100,000, and the House recedes.

Amendment No. 30: Increases the appropriation for dredging at navy yard, Charleston, S. C., from $10,000 to $20,000, and the House recedes.

Amendment No. 31: Makes the sum of $207,000 for improvement of hydraulics, Mare Island Straits, "to be immediately available," and provides an appropriation of $20,000 for dredging and diking Mare Island Straits, and the House recedes with an amendment striking out the words "to be immediately available."

Amendment No. 32: Is a change of total.

Amendment No. 35: Provides for an appropriation of $500,000 toward the extension of the powder factory at the Naval Proving Ground, Indianhead, Md., and the House recedes with an amendment whereby an appropriation of $200,000 is made and a limit of cost of the extension to the powder factory is fixed at $500,000.

Amendment No. 36: Provides for a fuel-oil storage, San Francisco, Cal., to cost $100,000, and for a fuel-oil storage at some point accessible to the oil fields of Texas and Oklahoma, to cost $150,000, and the House recedes with an amendment striking out the provision for oil storage at a point accessible to Texas and Oklahoma.

Amendment No. 37: Is a change of total and makes the whole appropriation "available until expended," and the House recedes with an amendment striking out the words "to be available until expended."

Amendment No. 38: Provides an appropriation of $150,000 for naval disciplinary barracks at Puget Sound, Wash., and Port Royal, S. C., and the House recedes with an amendment reducing the appropriation to $75,000.

Amendment No. 39: Places the Naval Observatory in the appropriation "Repairs and preservation at navy yards and stations," without increasing the appropriation, and the House recedes.

Amendment No. 41: Allows the expenditure of $40,000 from the naval hospital fund for the erection of such temporary structures and equipment of the naval hospitals at Mare Island and Puget Sound as may be necessary to relieve the crowded condition of those institutions and make special preparation for the sick of the Navy and visiting fleets at the time of the Panama-Pacific International Exposition, and the House recedes.

Amendment No. 42: Makes appropriation for "Transportation of remains" available until expended, and the Senate recedes.

Amendment No. 43: Provides for an increase of pay of the dental surgeon at the Naval Academy, Annapolis, Md., of $200 per year based upon 15 years' service at this institution as a civilian dentist, and the Senate recedes.

Amendment No. 44: Excludes the men of the Navy that are detailed for duty with the Naval Militia in being counted in the enlisted strength of the Navy, and the Senate recedes.

Amendment No. 45: Provides that the number of enlisted men of the Navy shall be construed to mean the daily average number of enlisted men in the naval service during the fiscal year, and the House recedes with an amendment making the provision apply to the enlisted men of the Marine Corps as well as the Navy.

Amendments Nos. 46, 47, and 48: Provide for an increase in the Corps of Chaplains in the Navy by allowing 1 chaplain to each 1,250 of the total personnel of the Navy and Marine Corps, which increases the number now allowed by law from 24 to 52 and also provides for a probationary period in the grade of acting chaplain of three years' sea service on board ship before a commission is granted. The amendment provides for no increase in the pay of chaplains, but only increases the number, and the House recedes.

Amendment No. 49: Permits the accounting officers of the Treasury to allow the members of the Nurse Corps the amounts which have been checked against them for commutation of subsistence under the decisions of the comptroller dated December 21, 1912, and April 29, 1913, and the House recedes.

Amendment No. 50: Provides that the amounts credited to the Naval Supply Account from stores, equipage, and supplies turned in from ships be "available until expended," and the Senate recedes.

Amendment No. 51: Provides that the Secretary of the Navy be authorized in his discretion to issue free of cost the national flag used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps, whose death occurs while in the service of the United States, upon request, to the relatives of the deceased officer or enlisted man, or, upon request, to the school, patriotic order, or society to which the deceased officer or man belonged, and the House recedes.

Amendment No. 52: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 54: Provides that unobligated and unexpended balances of the appropriation "Steam machinery" shall be "available until expended," and the Senate recedes.

Amendment No. 55: Provides that there may be appointed annually from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age, and who have served not less than one year, 15 enlisted men to the United States Naval Academy, to be selected in the order of merit by competitive examinations prescribed by the Secretary of the Navy, and such men so selected are required to pass the physical and mental examination now required by law for entrance to the Naval Academy, and the House recedes.

Amendment No. 56: Strikes out the provision which provides $200,000 for building slips and equipment in order to equip a navy yard for building a battleship, and the House recedes.

Amendment No. 58: Is a change of verbiage without any change of effect, and the House recedes.

Amendment No. 59: Provides that the Secretary of the Navy in estimating the actual cost of a ship built by the Government may deduct from the estimated cost of such ship as built under the appropriation therefor any sums which he deems not to be just to be charged thereto, and the House recedes with an amendment whereby the various appropriations for the support of the naval establishments may be charged with the overhead charges incident to upkeep and industrial work at navy yards and stations, and the sums so charged to be distributed in accordance with the work done at the various yards and stations so that the cost of work may be determined.

Amendment No. 60: Is a change of verbiage, owing to a previous amendment, without any change in effect, and the House recedes.

Amendment No. 61: Strikes out building slips and equipment under the appropriation "Construction and machinery," and the House recedes.

Amendment No. 62: Strikes out the word "steam," making the appropriation apply to all kinds of machinery as well as steam machinery, and the House recedes.

Amendment No. 66: Provides an appropriation of $8,000 for the correction of acoustics of the United States Naval Academy chapel and auditorium, and the Senate recedes.

Amendment No. 67: Provides for a committee to investigate the cost of the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, and gives said committee authority to send for persons and papers and to administer oaths, and appropriates the sum of $5,000 for the expense of said committee, and the House recedes with an amendment whereby the committee is to be composed of the chairmen of the Committee on Naval Affairs of the Senate and the House of Representatives, respectively, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant of both 20,000 and 10,000 tons capacity to enable the United States to manufacture its own armor plate and special-treatment steel. The committee is given authority to sit during the recess of Congress and to send for persons and papers and to administer oaths. The sum of $5,000 is appropriated to defray the expenses of the committee.

Amendment No. 69: Is a change of total, and the House recedes.

Amendment No. 70: In the paragraph in the House bill which limited all appropriations for the procuring of any vessels, armament, articles, or materials, which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, to procuring them from Government plants, the Senate struck out the requirement that Government plants be "operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants," and the Senate recedes.

Amendment No. 72: Makes all appropriations contained in the bill immediately available, and the Senate recedes.

The committee of conference has been unable to agree on the following amendments:

Amendment No. 28: Navy yard, Norfolk, Va. New dry dock (cost not to exceed $3,000,000), $200,000.

Amendment No. 29: In all, navy yard, Norfolk, Va., $225,000.

Amendment No. 33: Naval station, Key West, Fla.: Toward construction of breakwater (limit of contract, $600,000), $100,000.

Amendment No. 34: The limit of cost of the dry dock at the naval station, Pearl Harbor, Hawaii, is hereby increased to $4,986,500.

Amendment No. 40: Change of total.

Amendment No. 53: *Provided further*, That the Secretary of the Navy is hereby authorized to enter into a contract for the use by the Government of dry docks at Hunters Point, San Francisco, Cal., one of which docks shall be capable of docking the largest vessel that can be passed through the locks of the Panama Canal, for a period not to exceed six years from completion of such dock, at a compensation of $50,000 per annum during said period of six years, the right of the Government to the use of said docks in time of war to be prior and paramount: *Provided*, That the construction of the large dock shall be undertaken immediately upon entering into this contract and shall be completed within 24 months thereafter: *And provided further*, That said contract shall provide for docking rates not in excess of commercial rates and for such other conditions as may be prescribed by the Secretary of the Navy prior to entering into such contract: *And provided further*, That in the event, during the said contract period of six years, the necessities of the fleet require the docking of vessels which will necessitate a charge greater than $50,000 per annum, the Secretary of the Navy is authorized to have said vessel docked at a rate of charge not greater than price stipulated in said contract.

Amendments Nos. 57, 63, 64, 65, and 68 are amendments making appropriations under "Increase of the Navy," "available until expended."

Amendment No. 71: The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for the purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriation for the increase of the Navy.

L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

Mr. FOSTER. Mr. Speaker, I desire to reserve a point of order on the conference report.

IOWA.

Edmund Abart, Dow City.
John L. Devine, Livermore.
Cora A. Hidlebaugh, Bagley.
Jacob B. Powers, Murray.

KANSAS.

W. T. S. Gridlith, Westphalia.
Alice W. Lee, Glen Elder.
Anna B. Marshall, La Cygne.
W. R. Martin, Wathena.

MAINE.

Otha H. Jellison, Bar Harbor.
John E. Murphy, Hallowell.
Willie B. Parlin, Machias.
Dennis Sheehan, Houlton.

MONTANA.

Anna D'G. Hough, Bridger.
John T. Murphy, Boulder.

NEVADA.

Lee M. Boyce, East Ely.

NEW JERSEY.

Benjamin F. Apgar, Hampton.
Thomas F. Dolan, Sayreville.
T. Harry Obert, Pleasantville.

NORTH CAROLINA.

Robert H. Davis, Louisburg.
R. R. Ross, Ashboro.

NORTH DAKOTA.

Paul Keller, Hebron.
Thomas Regan, Larimore.
Zora Svendsgaard, Bowdon.

OHIO.

R. J. Baxter, Conneaut.
W. F. J. Dehn, Struthers.
Thomas W. Fahnestock, Versailles.

OKLAHOMA.

H. S. Blair, Drumright.
Monroe Moore, Lamont.
Omer Schnoebelen, Mooreland.
Thomas P. Stone, Custer.
Eugenia F. Turner, Krebs.
D. R. Wright, Taloga.

PENNSYLVANIA.

Stanley Dropeski, Nanticoke.

SOUTH DAKOTA.

William Galvin, Sturgis.
George E. McAllister, Frankfort.

TEXAS.

J. W. Hall, Crockett.

VERMONT.

Burton E. Bailey, Montpelier.
W. J. O'Neill, Waterbury.

WEST VIRGINIA.

L. W. Bartlett, Buckhannon.

WYOMING.

William E. Landau, Torrington.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 16, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, we would praise, magnify, and hallow Thy holy name, in the purity of our thoughts, in deeds sublime, by the rectitude of our behavior, in the manifold duties and relationships of life, that we may be worthy recipients of Thy care and protection, and thus hasten the coming of Thy kingdom, that peace, joy, and righteousness may fill the earth, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates the gentleman from Indiana [Mr. CULLOP] to preside to-morrow as Speaker pro tempore.

FEDERAL AND STATE ELECTION LAWS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD briefly on the conflict between the Federal and State election laws.

The SPEAKER. The gentleman from California [Mr. KENT] asks unanimous consent to extend his remarks in the RECORD on the conflict between Federal and State election laws. Is there objection?

There was no objection.

OHIO RIVER.

Mr. SWITZER. Mr. Speaker, a week ago last Tuesday the gentleman from Wisconsin [Mr. FREAR] was given 20 minutes in which to address the House. I desire permission to address the House for 20 minutes in reply to his unwarranted and vicious assault on certain items in the river and harbor bill appropriating money for the improvement of the Ohio River.

The SPEAKER. The gentleman from Ohio [Mr. SWITZER] asks unanimous consent to address the House for 20 minutes on certain features of the river and harbor bill. Is there objection?

Mr. SWITZER. I have never made such a request of the House before.

Mr. FITZGERALD. While the sundry civil appropriation bill is before the House I shall have to object.

The SPEAKER. The gentleman from New York objects.

GRAZING HOMESTEAD BILL.

Mr. FERGUSSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the 640-acre grazing homestead bill, as applied to the arid lands of the West.

The SPEAKER. The gentleman from New Mexico [Mr. FERGUSSON] asks unanimous consent to extend his remarks in the RECORD on the 640-acre homestead grazing bill. Is there objection?

There was no objection.

KENTUCKY.

Mr. BARKLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an editorial from this morning's Washington Post with reference to Kentucky.

The SPEAKER. The gentleman from Kentucky [Mr. BARKLEY] asks unanimous consent to extend his remarks in the RECORD by printing an editorial from this morning's Washington Post about the chivalry and beauty of Kentucky. Is there objection?

There was no objection.

The editorial referred to is as follows:

THE HUMAN BREED IN KENTUCKY.

A eugenic law in Kentucky? Impossible! There must be some mistake in the announcement that Kentucky is worried over its human breed, and has enacted a law which requires candidates for matrimony to give full and satisfactory particulars as to their physical condition before a license will be granted.

Matters have come to a pretty pass if the State of handsome men and beautiful women must take measures to keep up the standard of perfection. What must be the conditions in other States, if the chivalry and beauty of the Blue Grass State are decadent?

No new-fangled law was necessary to make the manhood and womanhood of Kentucky great. Nature alone, working in the Eden known to mortals as Kentucky, developed a superb race. The men were mighty of thew, tall, impetuous in love and war, gifted alike for the forum or the field, carrying all before them. And the women—ah, the women of Kentucky! Poetry and tradition wove around them a halo of romance through which their beauty and charm shed a radiance that enraptured all mankind.

If Kentucky thinks she can improve upon the splendid type of humanity she has developed, she is vainly trying to gild refined gold and paint the lily. Let well enough alone, Kentucky! Repeal this foolish law, which stands as an admission that humankind in Kentucky is on the down grade. Stick to the old standards, and thus remain the envy of your sister States, which would be happy, indeed, to share the fame already achieved by Kentucky in rearing brave men and lovely women.

EULOGIES ON THE LATE REPRESENTATIVE KONIG.

Mr. COADY. Mr. Speaker, I ask unanimous consent that Sunday, June 28, be set apart for eulogies on the late Representative KONIG, of Maryland, and that there be a session of the House on that day for that purpose.

The SPEAKER. The gentleman from Maryland [Mr. COADY] asks unanimous consent that on Sunday, June 28, 1914, there be a session of the House for the purpose of paying eulogies on the life, character, and public services of the late Representative KONIG. Is their objection?

Mr. MANN. At the regular hour?

The SPEAKER. At 12 o'clock noon. Is there objection?

There was no objection.

CORRECTION OF RECORD.

Mr. ROGERS. Mr. Speaker, on May 28 last the House granted me an indefinite leave of absence on account of the

serious illness of my father. That illness has had a fatal termination, and I have just returned to the House.

On June 5 the Clayton antitrust bill came to a vote. On page 9911 of the CONGRESSIONAL RECORD I am recorded as paired against the bill. I had not then had an opportunity to study the bill or to follow the debate, and the pair was made without my knowledge and evidently under a misapprehension. I was paired with the gentleman from Pennsylvania [Mr. DONOHOE], and I should not like to embarrass him in any way; but, if it is possible, I should like to be relieved from that pair, because I am inclined to think, after such study as I have since been able to give to the measure, that I should have voted for it.

The SPEAKER. The statement of the gentleman will go into the RECORD, of course. The Chair is of the opinion, just guessing at it, that it is too late to correct the RECORD of that date.

Mr. ROGERS. I supposed that any time within 10 days or 2 weeks would not be too late to correct the permanent RECORD.

The SPEAKER. If there be no objection, the correction will be made both in the RECORD and Journal.

Mr. ROGERS. I desire to make a further correction in the RECORD. The vote on the Rayburn bill to regulate the issue of railway stocks and bonds immediately followed the vote on the Clayton antitrust bill just referred to. It appears upon the page of the RECORD which has already been cited. At the close of the vote on the Rayburn bill two pairs are listed under the caption: "The Clerk announced the following additional pairs." My name does not appear as one of those separately paired on the Rayburn bill, and I feared that in view of the use of the word "additional" there might be an implication that I was paired against the Rayburn bill as well as—though in error, as above stated—against the Clayton bill.

The SPEAKER. Oh, no. If a pair is general, it carries no implication whatever.

Mr. ROGERS. The previous pair was not general. It was specifically, though mistakenly, a pair against the Clayton bill, and under the language of the RECORD there is, I think, some ground for the inference that a pair against the Rayburn bill also was intended. As I should certainly have voted for the Rayburn bill, I desire to clear away any possible uncertainty upon the point.

Then, on June 8, there was a call of the House, and on that call, on page 10030 of the CONGRESSIONAL RECORD, I was not recorded as among those who then failed to answer to their names. I should like to be recorded as absent, because I was in fact absent, and indeed have only to-day returned to the House. [Applause.]

The SPEAKER. If there be no objection, the correction will be made.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted—

To Mr. DIES, indefinitely, on account of illness.

To Mr. STRINGER, indefinitely, on account of important business.

To Mr. BELL of Georgia, for one week, on account of important business.

To Mr. WINGO, indefinitely, on account of illness.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the naval appropriation bill, and I ask unanimous consent that the statement of the conferees may be read in lieu of the report.

The SPEAKER. The gentleman from Tennessee calls up the conference report on the bill H. R. 14034, the naval appropriation bill, and asks unanimous consent that the statement of the conferees may be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 828).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000," and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each; and the estimated annual

wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

Resolved, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved December 11, 1828.

I want to say further that the governor of Illinois, taking the position that these lands in equity belonged to the people who made them valuable by settlement, absolutely advised the people of that State not to pay any royalty to the Federal Government.

It seems to me that in view of the fact that many years elapsed before the detrimental leasing system was repealed we ought to go into the matter only after the most careful deliberation. The reason the leasing system for mines will not pay is because men will not put money into expensive machinery so necessary to develop the mines unless they own the title to the mines. That we are going to have a leasing system under this provision that will prove a resource to the Indians is something that I think will not be justified in view of the experience we have had in the past. In other words, a leasing system is one that never has produced revenue to the Government, and never can produce revenue, because of the fact that the men will not develop the leased mines in the same manner that they will develop their own lands. That being the case, instead of it being a matter of profit to the Indians, and instead of it being a matter of great income to them, we shall find that it will be a loss to them if you take into consideration the expenditures necessary to be made.

Some people have said, "Why, Colorado has a coal-leasing law." It has a coal-leasing law, but what has been the experience in Colorado? Only 3 per cent of the coal lands of Colorado have been leased. Operators do not want to lease the land. They know it takes an enormous amount of money to develop a coal mine. They have to procure expensive hoisting apparatus and machinery to extract the coal. They have to build a railroad to the mine. People are not going to put in those large sums of money unless they own title to the land. For these reasons only 3 per cent of the coal lands of the State of Colorado have been leased, and only one-half of that amount has been actually developed or is being developed. That is the experience we have had there.

Take the grazing lands belonging to the State of Colorado. They have been leased at about 5 cents an acre per annum, and yet those lands sell very readily for $6, $7, and $8 an acre. Five cents an acre is less than 1 per cent upon the value of the lands, and that is not as much as the amount which the State, county, and schools would receive by imposing taxes upon the land. How can the State, county, and schools maintain good government if large areas are exempted from taxation? Our State can not perform the functions that are required of us by the National Constitution unless we have a right to tax those lands, and that can only be done by the Government continuing the policy contemplated by the Constitution of disposing of, instead of holding in perpetuity, the same.

Mr. President, this is a general leasing clause in an appropriation bill, and ought not to have been in here at all. If we are going to adopt the leasing system, it ought to be in a general bill reported to the Senate. I want to say, however, that it is not right that we should have one system as to the Indian lands and another system as to our public lands. In other words, we should pay to the Indians exactly the same amount that we pay to our own Treasury for the same character of lands, and on that account the system ought to be uniform. If the system does not pay, and the Indians are charged with a sum for administering it, then it is not right to the Indians. If it pays by not having any charges at all for administration, and the Indians get more money than the General Government gets out of similar classes of lands, then it seems to me they get too much. Consequently, the system should be under a general law, and the rights of the Indians ought to be identical with the rights of the citizens of the United States with relation to the disposal of the public lands.

Mr. SUTHERLAND. I submit the point of order.

The PRESIDENT pro tempore. The concession made by the chairman of the committee relieves the Chair of the embarrassment of running amuck on this bill. Points of order have been presented very frequently this afternoon, and in nearly every instance they seem to have been well taken.

The Chair will agree with his friend the Senator from Arizona and sustain the point of order.

The Secretary will continue the reading of the bill.

Mr. STERLING. Mr. President, before proceeding with the items relating to the several States I should like to call attention again to the amendment beginning on page 14, line 24. I know the committee has adopted that amendment, but I am reminded of the fact that a good while ago I received pretty vigorous protests against the system of determining heirship among the Indians provided by the act of June 25, 1910, and I should like to have some little time to consider the objections I have received.

The PRESIDENT pro tempore. The Chair will state to the Senator that a point of order has been presented in opposition to that amendment, and the Chair has withheld judgment on it until to-morrow. In the meantime the Senator can follow it up.

Mr. STERLING. Very well. I was not aware of that.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, under the head of "Arizona and New Mexico," in section 2, page 19, after line 11, to insert:

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Mr. PAGE. Mr. President, I should like to ask the chairman of the committee if there has not been a mistake made in the preparation of this bill in making, as we do, an appropriation, on page 7, line 25, as follows:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including the support and education of deaf and dumb and blind Indian children, $1,500,000.

And then saying, as we do here—

To enable the Secretary of the Interior to provide school facilities for the children of the Papago Tribe of Indians in Arizona, the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated out of any funds in the Treasury not otherwise appropriated, this amount to be in addition to any other funds available for that purpose.

Should not those different appropriations for the same purpose be assembled in one part of the bill?

Mr. ASHURST. They are not in connection with reservations, and this is a special item.

Mr. SMITH of Arizona. They are not conflicting.

Mr. ASHURST. They are not conflicting, and this is a special item estimated for by the department.

Mr. PAGE. I approve of the appropriation; I do not object to that at all; but it seems to me in reading the bill that you should say, in the paragraph commencing at the bottom of page 7, "including $50,000," adding to the amount of that appropriation the special appropriation for the Papago Indians.

Mr. ASHURST. With due respect to the observation made by the Senator, there may be some force in it, but I think after the investigation of our hearings he will find that the department wished it this way for its own convenience, and that taking it all together it will be more appropriate in this form.

Mr. SMITH of Arizona. In that connection I will ask, as I was not here when the consideration of the bill was begun, being detained at one of the departments on official business, what provision, if any, is made in the bill for the isolation of Indians suffering from tuberculosis and trachoma?

Mr. ASHURST. Mr. President, if my colleague will indulge me, I will ask the Senator from Arkansas [Mr. ROBINSON] to answer that question. I should like, however, to make one preliminary observation.

In the Indian appropriation bill that was passed last year some $25,000 was appropriated for the purpose of holding hearings and making an investigation as to the health and other features of the Indians. That committee, composed of the Senator from Arkansas [Mr. ROBINSON], the Senator from Oregon [Mr. LANE], the Senator from Michigan [Mr. TOWNSEND], and three Members of the House of Representatives, proceeded to a large number of reservations, and held hearings; and the result of their work can not be commended too highly. In fact, I am very certain that when the Senate learns of the vast value of their work to the Indians and to the general public, the Senate will feel under a special obligation to the committee.

I will ask the Senator from Arkansas to answer the question asked by my colleague.

Mr. SMITH of Arizona. Before the Senator proceeds I wish to call attention to the point I have in my mind. It is that great numbers of the Papago Indians, for whose benefit this $50,000 is appropriated, are suffering from the disease of the eye called trachoma. I have had quite a number of letters

from a most estimable lady, Mrs. Wright, in the town of Tucson, and quite a number of citizens of the city, touching the necessity of an appropriation for a hospital that will isolate and take care of the patients or the children so affected. It is getting into the city schools. By reason of the free access of the Indian children suffering from the disease it is making its appearance in the public schools, and very naturally creates great alarm among our people.

I was expecting to find somewhere in this bill a direct appropriation for a hospital, properly isolated, about the city of Tucson, which has some twenty-odd thousand inhabitants, and the Indian reservation lying 8 or 10 miles away. If such a hospital is not provided in the bill I hope the Senator can show me that there is some provision in the bill whereby it can be built, or this isolation properly made.

Mr. ROBINSON. Mr. President, on page 6, lines 6 to 25, and page 7, lines 1 to 19, are contained the provisions relating to the relief of distress and the treatment of disease among the Indians. Those provisions have already been approved by the committee. The item carries $310,000 for the general purpose of relieving distress and disease among the Indians. Of that $310,000, not to exceed $100,000 may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma, and no hospital to be constructed shall cost more than $12,500. The sum is made immediately available, and the hospitals are to be constructed in the open market.

The joint commission, which made some investigations into health conditions among the Indians, found that both tuberculosis and trachoma are alarmingly prevalent among the Indians throughout the United States. In some localities practically all of certain tribes are afflicted with trachoma. In the case of some of the tribes as high as 40 or 50 per cent are afflicted with tuberculosis. The conditions are alarming.

After very careful consideration of the matter, we concluded that the best way to inaugurate a movement for the eradication of these diseases among the Indians was to provide for inexpensive hospitals where the Indians might be received for treatment, and for this purpose $100,000 is made available. Of course, it will be inadequate to provide hospitals for all reservations where they are needed, but it is the beginning of a work which must be extended in the future.

The bill contains the following proviso:

That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

I have here an itemized statement of the manner in which this $310,000 may be expended. The Bureau of Indian Affairs has gone into the subject somewhat carefully. The amount of $100,000, which is available for the construction of camp hospitals for the treatment of trachoma and tuberculosis, as I have already stated, will not begin to provide a sufficient fund to construct the necessary hospitals; but the bureau thought perhaps that was all that could be profitably expended during the next year; and it is contemplated by the committee that these appropriations shall be extended as the circumstances and necessities require.

Mr. SMITH of Arizona. Mr. President, I appreciate the labor of the committee, and especially the Senator from Arkansas himself, in this humane effort to relieve suffering; but situated as these poor Papago Indians are, near one of the largest cities in our State, I had hoped a direct appropriation might be made on account of the prevalence of the disease and the danger of its dissemination, and that a real hospital might be built.

Here is a large city and a short distance from it a very large Indian reservation. The Indians are constantly coming to town, and people are constantly driving, in their business, through the Indian reservation. I had hoped that the bill would be found to contain somewhere an item that would permit the construction of a permanent hospital, costing, say, twenty or twenty-five thousand dollars, that would stand for a good length of time. These mere open tents will do no good at all.

I will ask the Senator before he proceeds whether or not, under this appropriation, he thinks the Secretary of the Interior or the Commissioner of Indian Affairs, or whoever manages it, could build a more permanent hospital wherever he thought the exigency was greater?

Mr. ROBINSON. Mr. President, under the provision contained in the bill, the Secretary of the Interior or the Commissioner of Indian Affairs may construct these camp or pavilion hospitals at such places as in their discretion they should be constructed.

There is, however, a limitation in this bill that no hospital to be constructed shall cost more than $12,500. That provision was inserted in the bill after very careful consideration of the committee. We thought it best; and it was the view of the members of the committee who had had personal experience in the treatment of tuberculosis, including the distinguished Senator from Oregon [Mr. LANE], that it is best under all the circumstances to provide as many hospitals as practicable, and make them just as inexpensive for the present as circumstances will permit, so that the treatment may be brought as speedily as possible to the thousands of Indians of the United States who are suffering, and the many who are dying, from this dread plague.

HOUR OF DAILY MEETING.

On motion of Mr. KERN, it WAS

Ordered, That the hour of daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 17, 1914, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 16, 1914.

RECEIVER OF PUBLIC MONEYS.

Mrs. Grace B. Caukin, of Sonoma, Cal., to be receiver of public moneys at San Francisco, Cal., vice John J. Deane, term expired.

REGISTER OF THE LAND OFFICE.

John B. Sanford, of Ukiah, Cal., to be register of the land office at San Francisco, Cal., vice Truman G. Daniells, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 16, 1914.

COLLECTOR OF CUSTOMS.

Malcolm Argyle Franklin, to be collector of customs for the district of Hawaii.

UNITED STATES ATTORNEY.

Clarence Merritt to be United States attorney for the eastern district of Texas.

POSTMASTERS.

ALABAMA.

Z. E. Bellah, Oneonta.
R. E. Burnett, Greenville.
Thomas E. Hill, Troy.
H. G. Williams, Gordo.

ARKANSAS.

Sam R. Carpenter, Arkadelphia.
Lucy C. Dollarhide, Foreman.
Jefferson D. Hatley, Berryville.
John A. Marr, Prescott.
William P. Williams, Nashville.

CALIFORNIA.

James D. O'Connell, National City.
H. P. Moffitt, Oilfields.
Mattie F. Shepard, Auburn.

COLORADO.

Lydia J. McGee, Pagosa Springs.
Edward O. Russell, Manzanola.

CONNECTICUT.

Willis B. Judd, Bethel.
Edward L. Roberts, Canaan.

FLORIDA.

Lester Windsor, Winterhaven.

GEORGIA.

John W. Clark, Augusta.

INDIANA.

Burton Cassaday, West Terre Haute.
Charles F. Gerber, jr., Cannelton.
Bertram W. Pickhardt, Huntingburg.
R. F. Schneider, Montpelier.
Levi L. Simons, Warren.

Creek Nation from January 15 to February 18, 1914, inclusive, and Utah has investigated.

retarding the development of our State and depriving our Commonwealth of its just and constitutional rights.

Not only that, but the Republican Party adopted a clause in its State platform which denounced the Government's policy with respect to forest reserves and the leasing system.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Kansas?

Mr. SHAFROTH. Yes; I yield to the Senator.

Mr. BRISTOW. Do I understand that the Senator is using a quotation from the Democratic platform as an argument for the adoption or against the adoption of a measure?

Mr. SHAFROTH. I am quoting the platform as an expression of the sentiment of the people out there, and I have no doubt that that is the sentiment which prevails there.

Mr. BRISTOW. Well, was that plank put in inadvertently or purposely?

Mr. SHAFROTH. I think it was put in purposely, because it has been adopted by four or five successive conventions and it is expressed in clear language.

Mr. BRISTOW. Does the Senator think that that plank ought to be carried out ungrudgingly or grudgingly?

Mr. SHAFROTH. Well, it depends upon what is the character of the plank. The Senator must remember that the one to which he refers had some other clauses in it, which were to the effect—but there is no use going into a question which we have been discussing here so long. I am trying to show——

Mr. BRISTOW. Mr. President, I understand that that is one of the planks which the Senator thinks ought to be obeyed.

Mr. SHAFROTH. There are no contradictory provisions in this platform, none whatever; there is nothing here that indicates that there was any different sentiment in the Democratic Party or in the Republican Party, because that party adopted a similar plank, and I have no doubt that in other Western States there are contained in Republican Party platforms declarations against a leasing system.

Mr. BRISTOW. Mr. President, am I to understand, then, that that is one of the planks that is not contradicted by any of the others?

Mr. SHAFROTH. It is not contradicted in the slightest by any of the others.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Nebraska?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. I wish to ask the Senator whether that was a State platform or a national platform?

Mr. SHAFROTH. A State platform.

Mr. NORRIS. Of Colorado?

Mr. SHAFROTH. Yes, sir. Now, Mr. President, I want to put into the RECORD, without reading, a joint resolution of the General Assembly of the State of Colorado, which was approved by the governor of that State on March 8, 1913, and which expresses the views of that legislature with respect to the legislation as to the public domain contemplated at that time, and which is still being pressed in the various committees of Congress. I will not read it, because it is somewhat lengthy, but I should like to have it go into the RECORD.

The PRESIDENT pro tempore. Unless there is objection, permission is granted. The Chair hears none.

The matter referred to is as follows:

HOUSE JOINT MEMORIAL NO. 5, PASSED BY THE NINETEENTH GENERAL ASSEMBLY OF THE STATE OF COLORADO.

PUBLIC DOMAIN.

To Hon. Woodrow Wilson, President United States of America, and the Congress of the United States:

Your memorialist, the General Assembly of the State of Colorado, respectfully represents that under the present Federal policy of control of the public domain the following conditions obtain:

1. The people of Colorado are in favor of conservation in the meaning of prevention of waste and monopoly, but are unalterably opposed to it in the definition of preserving our lands and resources in their present state for future generations.

We agree that these natural resources belong to all the people, but this ownership is not now different from what it always has been, namely, subject to the right of the citizen to acquire the same under liberal laws to the extent necessary to satisfactory settlement and the building of permanent homes.

2. It has been charged that the Western States have failed in the past to do their duty in the conservation of these resources, but those who make these charges utterly fail to consider that any unlawful acquisition or waste was committed under Federal laws and on public lands, and that the States, having no control, were powerless to prevent it. They also fail to recognize the fact that the amount of lands unlawfully acquired was a mere trifle compared with that lawfully acquired by bona fide settlers and others.

3. The older States have had, and still have, the benefits arising from private acquisition of all the public lands within their boundaries, receiving revenue therefrom through taxation and otherwise, and it is therefore a great injustice that they should now seek to impose upon the Western States obstructions and burdens with which they themselves did not have to contend.

4. We deny that it is right or advisable for the Federal Government to retain the title to and lease the public lands for any purpose, as the history of the country shows that in 1807 Congress authorized the War Department to lease the lead mines in the territory afterwards embraced in the States of Missouri, Indiana, Illinois, Wisconsin, and Iowa, reserving to the United States a royalty of one-sixth of the product.

This system was vigorously opposed by the residents of the region involved from the very beginning, and after a few years trial the Missouri Legislature and the governor of Illinois protested against it. Presidents Polk and Fillmore urged its abandonment. The Secretary of War condemned it, saying that the benefit to the Government bore "no just proportion to the injury done to the country, first by retarding the settlement of the country, and second by the demoralizing influence of the system."

Year after year congressional Committees on Public Lands reported against it. One of these reports concluded as follows:

"When the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States. This pledge, your committee believes, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge."

5. For nearly 40 years this controversy was waged with increasing intensity until 1846, when an act was passed directing the sale of these lands.

This condemned and discarded policy is now sought to be resurrected, and in pursuance thereof, there have been withdrawn forest, coal, oil, phosphate, and power-site lands, aggregating in Colorado over 21,000,000 acres, equal to 33 per cent of the total area of the State; together with similar amounts in other Western States, so that, in all, the area thus withdrawn is greater than the combined area of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Pennsylvania, both Virginias, Ohio, Kentucky, Indiana, and Illinois, and thus nearly 250,000,000 acres are now and have been for several years practically out of reach of individual enterprise or taxation for the support of State government. This obstructive policy is a departure from the policy of the past 50 years and in violation of the rights of these States, as provided in their enabling acts admitting them into the Union, their constitutions and the fundamental principles on which the Union of the States is predicated.

The idea that the leasing of the forests and other public lands for grazing purposes to stockmen, reserving to the settler and miner a right to enter them, will give the latter adequate protection is a fallacy, for the reason that it is obvious that such entries will necessarily interfere with the proper handling of stock. Where a stockman has 1,000 acres or more under such a lease, and a homesteader should undertake to enter 160 or 320 acres of the best of it, it is a certainty that the stockman would in every way not positively unlawful discourage the settler, unless we credit the stockman with less than ordinary sense of self-protection. And it is equally certain that he would succeed in preventing the entry, even if he had to buy the settler off.

The inevitable result of such leases will be to substantially end homesteading and mining on the public lands.

6. We assert that the States are vested with the right to control the waters within their respective borders—subject only to the right of the Federal Government to protect navigation on those streams that are navigable—to dispose of them to those who will use them for beneficial purposes, and that all returns therefrom, direct or indirect, justly belong to the States and not to the Federal Government.

7. Reclamation of arid lands, when undertaken by the United States Government, should in all cases recognize the rights of the States to control the waters within their borders, and should also recognize the equitable rights of its water users and other competitive projects and those of private enterprises.

These projects and enterprises should not be made by officers of the Reclamation Service an excuse for the refusal to approve of rights of way and occupancy of lands under private irrigation projects; such delays seriously obstruct private enterprises and the development and improvement of lands belonging to the States, and we ask that any such refusals be revoked.

We further ask that the Reclamation Service take immediate steps looking toward the early completion of all projects now under way within this State, in order that early settlement under these projects may take place.

8. The rapid descent and general character of mountain streams gives such endless opportunities for water plants that any monopoly of the same is physically impossible. Indeed, this idea is growing rapidly that the small power plant is the coming one. When water has served its purpose for one power plant it continues its descent. It is not consumed nor does it vanish. Its volume is as great after as before, and therefore but a little lower down in the mountains another power plant may be constructed, and so on, while the stream shall last.

These delays have seriously obstructed not only these private projects, but have also interfered with the irrigation and improvement of several hundred thousand acres of land belonging to the State of Colorado and granted under the laws of the United States for the purpose of improvement and sale by the State.

We ask that these unlawful refusals be promptly revoked and further delays forbidden.

9. We recognize that some good has been accomplished by the Forest Service, yet at the same time its cost has been many times greater than its benefits. It has materially hindered the settlement and development of the country, chiefly because of the hard and fast rules made at Washington by chiefs unfamiliar with actual conditions and administered by subordinates, many of whom are equally unfamiliar with such conditions.

As to the scientific forestry promised, it is only necessary to refer to the reports of the Forester to show that his management in many respects is most unscientific. His reports show that billions of feet of timber in the natural forests are overripe, decaying and decayed, and are an actual fire menace to the remainder, and ought to be cut. Yet the high prices he asks and the rules and regulations enforced are greatly restricting sales and cutting.

We urge that a committee, congressional or otherwise, be immediately appointed to visit Colorado and investigate the conditions referred to above and report on the same. It seems necessary to have the committee pursue its investigation on the ground, as few of those who suffer by the methods in force would be able to advance the expenses of a trip to Washington. Besides, an actual view of many of

these things will disclose features which it would be difficult to make clear by testimony.

10. An unjust discrimination is made between grazing and other agricultural lands. The major portion of this State is composed of what is termed grazing lands, and grazing is the greatest agricultural crop known and the most indispensable. All lands at present chiefly valuable for grazing should be as freely open to entry as are "farm" lands, but in sufficient quantities to support families. More than three-fourths of our present cultivated area was originally located as pasture, and it was largely through this privilege that our present cultivated area was developed.

There is hardly an acre of grazing land on the plains that will not ultimately become agricultural lands with the development of storage of water and the economical use thereof.

11. Nearly all of our metalliferous lands have been included in the forest reserves, since which time not a single important mining camp has been opened. The unwarranted interference by the Forest Service is largely responsible for the failing off of millions of dollars in the annual metal output. The man who is willing to put his labor and money into the development of a mining claim is the person best fitted to classify the land, and should be permitted to acquire it.

We venture the assertion that if 40 years ago the forest reserves had been established, neither Leadville nor Cripple Creek nor a score of other mining camps would have been discovered or developed.

Although our lands are of great variety, they are open to entry for but few purposes and in limited quantities. For instance, a piece of land can not be taken merely for a home.

12. In Territorial days Congress gave us the water of our natural streams and confirmed that right in the acceptance of our State constitution. Certain Federal bureaus are trying to take away that right by denying rights of way over the public domain. The contention of Federal authority, as in the case of the Eagle dam, for the first storage of water at the lower end of the streams instead of at the source of supply, would prevent the repeated use of water for power and irrigation upstream, would uselessly deprive large areas of development, and would therefore be contrary to the principle of "the best use," as demonstrated by the experience of more than half a century.

The diversion and use of water when streams are high equalize the flow, furnish a better supply of water during the dry season, and by lessening floods save the lives and property on the rivers below.

Special agents are permitted to protest against the validity of entries without any knowledge of facts relating thereto. They should be required to make their objections at the time of final proof, that the entryman might face his accusers.

13. The courts should be opened to land disputes, that citizens may be afforded an opportunity to enforce their rights instead of the system now in vogue of determination through star-chamber proceedings by administrative officers.

14. Under the express terms of the enabling act, Colorado was admitted to the Union on an equal footing in all respects whatsoever with the original States. To be on an equal footing we must have the power to tax the land and other property within the State, for without that power we can not maintain State and local governments and institutions. The present policy of the Federal Government is to place our lands and resources on a revenue basis, paying taxes in the form of royalties into the Federal Treasury, thereby seriously interfering with the means of supporting our newly growing institutions. The effect of the present policy is to permit local taxation only upon farm and city and town lands now privately owned. This might be less objectionable in Iowa or Illinois, where practically all of the land is tillable. More than half of the area of Colorado is not tillable under any known method, but is composed of mineral, grazing, and timbered areas, which take the place of farm lands, and which are just as expensive to govern, if not more so, than are the farm lands. The entry, therefore, which withdraws these from taxation is a serious handicap to the State.

While our resources are of great variety, they are not naturally ready for use. On the average there has been a dollar in expense for every dollar in precious metals taken from the mountains, and the value of our lands is measured by the labor required for their irrigation and development. Without the value the presence and industry of our people have added to them, there is not a dollar's worth of value in any of our natural resources. Every dollar, therefore, charged in the form of royalty on the products of these resources is a tax on human toil.

We can not hope to secure the best settlement of our lands nor development of our resources upon a tenantry basis. The man who is permitted to lease lands cheaply for grazing will try to keep them for pasture.

15. There is but one-third of our area on the tax rolls, with extraordinary educational requirements to equip our people to meet mining, industrial, irrigation, and other agricultural development. We must therefore increase the taxable area to include all the lands if every portion of the State shall bear its just share of this burden.

A large part of our territory is included in the Louisiana Purchase, in the treaty ratifying which it is decreed:

"The inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

If this provision were complied with the present bureaucratic government over large areas of our State would be impossible. Is there any reason why people who must live in and do business with the said reservations should be deprived of the same rights and privileges enjoyed by the citizens of the older States; and what reason is there to suppose that forests can not be grown and protected or monopolies prevented under the republican form of government?

The incentive of ownership is necessary to secure the best development of our mineral territory, and we can not expect the best citizenship unless people are permitted to own their own homes, no matter in what business they engage.

The private-owned land in the State is scattered promiscuously amongst the Federal-owned land, and there can be no hope of harmonious action or good feeling through the intermingled double jurisdiction over our territory.

The Government purposes, as a landlord, to go into almost every kind of business within the State on untaxed property in competition with private-owned and taxed property. The public business does not need to pay expenses, but the owner of the private property must pay taxes to make up the loss of his Federal competitor. The Federal Government engaging in business as a proprietor must necessarily occupy a contractual relation with the citizen under which the Government may enforce its contract against the citizen, whereas the citizen may not enforce his contract against the Government.

Under the present administration of the forest reserves the Government acknowledges the moral right of the State to tax the property by returning to the State 25 per cent of the proceeds from sales, rentals, and special privileges. It assumes the right, however, to dictate the disposition of this rebate by decreeing that it shall go to the support of roads and schools, two popular purposes, but ignoring the necessity of the State to protect in the courts the very lives of those living upon Federal-owned property and the necessity for the maintenance of educational, charitable, and penal institutions by the State.

16. The continued withdrawal of our lands and resources from entry and placing them upon a revenue basis to pay royalties into the Federal Treasury means their control by Congress, and that Texas, which never had any public lands, would in the House of Representatives have four times the legislative power over our territory that we ourselves could exert, and that New York, which has no public domain, would have ten times the legislative power over our territory that we ourselves possess, and that, too, without any adequate knowledge of local conditions and necessities.

The double jurisdiction over the territory of the State has led to strong opposition to Federal officials, against whose orders and rules there is no recourse in the courts, and employees of the Federal bureaus defending their position have been constantly doing missionary work in behalf of the general principle of Federal control of our lands and resources.

The Forest Service, for instance, through its numerous employees, has been able to enlist the eastern press in praise of its work and to create a sentiment against the West.

The Federal Constitution declares: "The United States shall guarantee to each State in the Union a republican form of government"—not a republican form of government over part of the State, but over it all. Certainly no one can contend that a republican form of government exists under the bureaucratic control already in force over a large part of our territory, and sought to be enforced over two-thirds of our area, with its arbitrary rules and regulations enforceable at the pleasure of the bureau with discretionary power, with its natural antagonism to State laws and State control, with a long list of special privileges to enlist support, and with all the evils, therefore, of a system of favoritism.

"Republicanism and bureaucracy are incompatible existences." (Century Encyclopedia.)

Our laws and customs are built upon experience, and our people are better acquainted with local conditions and necessities, and are more interested in building the State aright than are the people of the East. If there is fear of monopolization, Congress, in the act of cession, could provide effective means for reversion of title to the State whenever monopoly is attempted. The administration of our public lands and resources should be under the jurisdiction of Secretaries of the Interior and Agriculture, familiar from experience with the local situation, in order that it may be for the settlement of our lands, the development of our institutions, and the betterment of social conditions.

17. We therefore earnestly request, under existing or more appropriate laws, such an administration as will secure the settlement of our public lands and the development of our resources, placing them upon the tax rolls, with effective provisions against monopolization and waste. We ask for no advantage or privilege not enjoyed by the older States, but feel we have a right to insist that we be placed on an equal footing in all respects whatsoever with the original States to own and use our lands and resources to build our State and support its government and institutions.

O. C. SKINNER,
Speaker House of Representatives.
STEPHEN R. FITZGERALD,
President of Senate.

Approved March 8, 1913, at 1.49 p. m.

ELIAS M. AMMONS,
Governor State of Colorado.

Mr. SHAFROTH. Mr. President, the legislatures and political parties of the Western States have been petitioning the Senate and House of Representatives and petitioning the President of the United States for years and years against the policy of leasing the public domain, and similar protests were made with relation to the leasing system which was adopted in 1807. That system provided for the leasing of the lead mines of the United States upon the theory that lead was a munition of war, and that the United States must in some way get hold of a large quantity of it, and it was thought that by a leasing system they could do so. The people of the States affected, through their legislatures and through their governors, protested time and again against the imposition of the leasing system upon them, and I want to read one protest, which is in the form of a memorial, addressed to the Senate and House of Representatives of the United States by the Legislature of the State of Missouri. It reads:

A MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral upon which no mineral has ever yet been found—

And I will state that of the lands that have been set aside for coal lands in recent years only a short time ago 3,000,000 acres, I understand, were returned to the public domain because it was found that they had been set aside erroneously—

and we believe that the retention of those lands by the General Government will be against the interest of the Union and a material injury to the best interest of our State, in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your

practicable way the resources of the Indians, both tribal and individual, in promoting and completing their civilization and economic independence.

"It is my fixed purpose to bring about the speedy individualizing of the Indians, and to this end I shall devote my best efforts."

* * * * * * *

That Secretary Lane found the man to whom the commissionership would be an opportunity and not a job is clear from Mr. Sells's refusal to accept an important and more lucrative post in another branch of the Government service. Commenting on this, the New Republic said:

"Cato Sells, Commissioner of Indian Affairs, has the most difficult, annoying, nerve-racking, heart-eating job in the United States. He did not apply for the job or any other job. He was 'drafted' into the service as a public duty. He gets a salary of $5,000 per year.

"Recently the Interstate Commerce Commission, in quest of a high-grade man to put at the head of the work of making a physical valuation of the railways of the United States, offered the post to Mr. Sells at a salary of $7,500, a comparatively easy and comfortable position.

"Did this offer of comparative ease and $2,500 addition to the salary attract Mr. Sells? Not a bit. Three hundred thousand Indians were looking to him to relieve them from the results of a hideous maladministration and from a network of accumulated abuses. He had entered upon the task; it had taken a grip upon his heart and life that no offer of ease or increased salary could shake.

"And the squeals and howls of rage and pain that are going up from grafters and thieves around Indian reservations indicate that there is 'something doing.'

"Long live Cato Sells, and may he have the physical strength to carry out his program—a program that wrecked the health of two commissioners who honestly undertook the task."

It is understood that when Mr. Sells declined the first tender of this position a second offer was made with materially increased salary. His sense of duty and an appreciation of his opportunity were stronger than the selfish thought of material gain.

As a result of Mr. Sells's brief tenure of office, the standard of efficiency and honesty has been raised throughout the Indian Service, both in Washington and in the field. The work he has set out to do, however, is by no means completed. The big things, those demanding urgent consideration, are being disposed of as quickly as possible. When they are well under way other matters will, we believe, receive proper attention. What has been thus far done is a good indication of what may be expected in a general cleaning up of every part of the Indian Service.

It should not be overlooked, however, that Commissioner Sells's firm determination to preserve the vast resources of the Indian in land, timber, coal, and oil must sooner or later develop great disappointment and bitter opposition from selfish interests; and it is highly important that the true friends of an honest and efficient administration shall strongly support him in his patriotic and fearless course.

Our observation indicates that there has been developed a general feeling of confidence in Mr. Sells's ability, integrity, and courage on the part of the public and the press; and Congress, for the first time within our knowledge of Indian affairs, seems to be in sympathy with the commissioner and willing to grant the necessary appropriations to carry on the work.

Commissioner Sells has established a new mark in Indian administration, and his influence for good can never be eradicated. He has elevated the service to a plane from which he would not recede if he could, and from which he could not recede if he would. He has set the pace, and whoever may follow him—in the far distant future, we hope—will of necessity be compelled to live up to those established ideals or suffer by comparison.

The PRESIDENT pro tempore. Does the Chair understand the Senator to approve the statement of the Senator from Utah that the salary now allowed was in point of fact fixed in the act creating the office?

Mr. ASHURST. I have not had access to the books.

Mr. ROBINSON. My recollection is that the act creating the office fixed the salary at $5,000.

Mr. SMOOT. I will turn to the act.

The PRESIDENT pro tempore. That is disposed of on the statement of the Senator from Arkansas.

Mr. CLAPP. Mr. President, while the Chair has disposed of this question, I feel constrained to say that I hope the Committee on Appropriations will at the proper time take up the matter. I do not believe in discussing salaries when we compare one office with another. It is a limitation upon discussion. But I do believe that the Commissioner of Indian Affairs should receive not less than $6,000 a year at least. The work has grown immensely in proportion as we eliminate the tribal relations and annuities and take up the personal equation of the individual Indian. That makes an immense amount of work, an immense amount of responsibility, and I do not believe the present salary is large enough. I hope the committee will at the proper time take up the subject.

The PRESIDENT pro tempore. The Secretary will proceed with the bill. The next amendment will be stated.

The next amendment was, on page 17, after line 9, to insert:

That $1,500, or as much thereof as may be necessary, is hereby appropriated, to be expended for the relief and for clearing the title to the lands owned or possessed by the Chettimanchi Band of Indians of Louisiana, and for the purchase of such lands as may be necessary to put them on a self-supporting basis: *Provided*, That the Secretary of the Interior may, in his discretion, require that the legal title to all property purchased, or the title to which is to be cleared, with the funds hereby appropriated shall be in the name of the United States, for the use and benefit of said Indians.

The amendment was agreed to.

The next amendment was, on page 17, after line 19, to insert:

That the Secretary of the Interior is hereby authorized to pay, out of any money in the Treasury of the United States belonging to the Creek Nation, to M. L. Mott, the sum of $472.22 for services rendered the Creek Nation from January 15 to February 18, 1914, inclusive, and $210.20 as reimbursement for actual expenses incurred in connection therewith.

The amendment was agreed to.

The next amendment was, on page 18, after line 2, to insert:

That the Secretary of the Interior be, and he is hereby, authorized to lease for mining, grazing, and agricultural purposes unallotted lands within Indian reservations established by act of Congress or Executive order in such quantities and upon such terms and conditions and under such regulations as he may prescribe, and may expend the proceeds received in the purchase of live stock for the benefit of the tribe occupying the reservation leased, or for such other industrial or beneficial purposes, not inconsistent with existing law or treaty provisions, as the Secretary of the Interior may direct: *Provided*, That no grazing lease shall be for a period to exceed 5 years and no agricultural or mining lease for a period to exceed 10 years: *Provided*, That this provision shall not apply to the Five Civilized Tribes or the Osage Nation of Indians: *Provided further*, That the Secretary of the Interior shall submit to Congress on the first Monday of each December a detailed report of his action hereunder.

Mr. SUTHERLAND. Mr. President, we have in the general law a provision, I think passed in the early nineties, providing for the leasing for mining and other purposes of lands which the Indians have bought and paid for. That statute received a pretty broad construction. It was held under it that it not only applied to lands such as those of some of the Five Civilized Tribes, which actually had been bought and paid for with money, but that it applied to treaty lands, and I think it was held to apply to lands which had been set aside by Congress as well.

But however that may be, the operations of the department under that statute led to a good deal of scandal. I remember that in my own State the Uintah Reservation then was unopened, and the Secretary of the Interior granted to certain individuals a sort of roving commission to go out there and discover mines and then lease them. One set of individuals was incorporated under the name of the Raven Mining Co. and another under the name of the Florence Mining Co. They located some lands and obtained leases to them and began to operate them. They were, by reason of their close connection with the Indians, able to prevent the opening of that reservation for a great many years. Time and time again we came to Congress in an effort to secure the opening of that reservation, and we found ourselves always blocked by the attitude of the Indians, who had been influenced by these mining operators; and it was not until 1892 or 1893, I think—I was in the House at the time—that we finally succeeded in opening the reservation. Then in order to open the reservation we had to concede some rights to these mining operators which I always felt we ought not to have conceded.

I think the effect of this amendment, if it extends the operations of that law, will be in the same direction. I think these reservations ought to be opened up to settlement just as rapidly as possible; that those of them which contain lands that are suitable for cultivation ought to be settled upon and cultivated, and the lands should be allotted to the Indians and the tribal system and the reservation system and the ration system broken up and ended forever. We are never going to make responsible individuals of the Indians until that is done.

This makes the Indian a sort of a landlord, with some white men engaged in mining and in raising cattle as his tenants. I think it is a bad system. I think the Indian is just as incapable of development under that kind of a system as is the white man. He ought to be put upon his own responsibility as an individual just as soon as possible and compelled as rapidly as possible to work out his own salvation, as the white man is compelled to do.

All this sort of legislation tends to perpetuate the reservation system, it tends to perpetuate the tribal system and the ration system. Every time my attention has been called to it I have opposed amendments of this kind. I think it is open to the point of order that it is general legislation, and I shall make that point.

Mr. ASHURST. Will the Senator withhold the point of order for a brief statement?

Mr. SUTHERLAND. Certainly.

The PRESIDENT pro tempore. The Chair will be very glad to hear what the Senator from Arizona, the chairman of the committee, has to say.

Mr. ASHURST. Mr. President, I presume that out of frankness, which is common and proper here, I am bound to confess that the point of order is well taken as far as I know.

The Senator from Utah [Mr. SUTHERLAND] states, however, that he believes the effect of the legislation would be to perpetuate in some way the ration system. The Senator points out an abuse that he wishes to eliminate, and very properly so, but in the opinion of the committee this legislation would tend to remove the abuses against which the learned Senator from Utah has inveighed.

For this reason, Mr. President, it must be obvious to Senators that from time to time it is becoming more difficult to open reservations for reasons that I need not go into at this time. The pressure upon western Senators by their constituents is great for the opening of Indian reservations. Western Senators are only human and are naturally and properly impressed, and so bills are introduced and passed to open Indian reservations. On many of the Indian reservations there are extensive and valuable deposits of the base metals, the rare metals, and the precious metals that during our lifetime, in all probability, will not be worked by the Indians themselves.

Senators have spoken eloquently of the propriety and advisability of teaching the Indian to become self-supporting. It was the intention of the committee and the belief of the department that if under certain safeguards and proper regulations certain mining properties in Indian reservations could be leased a royalty might be obtained and money thereby derived which would then be at the disposal of the Secretary of the Interior, which he could use at his discretion, as he saw fit, to purchase cattle for the Indians, to teach them how to breed them, how to use machinery, how to farm, how to become self-supporting; and that would, in a large measure, tend to reduce the gratuitous appropriations which we make here in Congress.

Speaking for myself, I regret that the point of order has been made. I know, however, that the Senator who has made it has in view the same purpose which the committee has—the improvement of the condition of the Indians; but I believe that the point of order, if sustained, will ultimately result in no good to the Indian, but to his injury.

Mr. SMITH of Arizona. Mr. President, I regret that the Senator from Utah [Mr. SUTHERLAND] made the point of order, and I should like him to recall it, if certain amendments can be inserted in this measure.

Take the Apache Indian Reservation in Arizona, for instance. The Apache has—I will not venture to say how much—land that is used for grazing purposes. The Indians get the benefit from that use, and the persons grazing the land get the benefit from it, especially so when the drought years come, and water is scarcer almost everywhere else than it is on the Indian reservation. It adds to the income of the Indians to the extent of whatever is paid.

I am, however, heartily opposed to the word "mining" being in the provision, and I would myself make the point of order against it rather than see it left in the bill. I contend—and I shall subsequently address the Senate at greater length on the matter when we have no appropriation bill before us—that in an Executive-order reservation the right of the miner to pursue his calling is just as open as on any other piece of public land. I do not want his right foreclosed by the suggestion of the right of the department to lease mining lands within an Executive-order reservation. In all Indian reservations where the title does not pass to the Indian by act of Congress the miner's right to the discovery of metal in lands belonging to the United States still remains. Those lands have never passed from under the acts originally dedicating them and holding them for the people. They differ somewhat from other lands, and in a measure are like the crown lands of other countries.

Therefore this provision in the bill giving the right to lease mining lands in an Indian reservation especially applies in those cases where the Indians have all the agricultural lands they need. It has been the habit in former administrations to extend these reservations without sense or reason into a mining country and then to put the mines desired to be developed within an Indian reservation, in order that they may place a tax, an impost, a duty, and a burden upon them. The same thing now is going on in the Parker Indian Reservation. They have extended it for miles and miles away from any possible farming land. They have got land enough to give four times the number of Indians the usual allotment of such lands. They have extended the reservation clear into the mountains over the mining claims that have been there since 1865—they have been there always, I presume—but since 1865, at least, they have been worked. Those miners have been turned away by a reservation newly created by an Executive order including their property. They can not proceed with their work; they can not sell their claims; they can do nothing with them. When you add to the rights of the Secretary of the Interior the right to lease mining lands in an Executive order reservation, you simply are dedicating land within the Indian reservation to everlasting silence, for nobody is going to work mines under any such provision or any such limitation as to time.

Mr. SHAFROTH. Mr. President, I heard only a part of the speech of the Senator from Arizona [Mr. ASHURST] with relation to the benefit which the Indians would receive from such a leasing clause as that in the bill; but I want to call his attention to the fact that we have tried the leasing system in the United States with lead mines, and that the records show there was four times as much expended by the Government in supervision, for agents, and for officers to administer that system as was collected by reason of royalties upon the lead extracted from the the mines, and the royalties were placed, I think, at one-eighth of the amount of the product.

Not only has that been the experience of the United States in that instance, but there has been an experience in reference to a policy which is right now in operation, which seems to me ought to convince anyone of its futility. We have what is called a forest-reserve system. Under that system there has been established the leasing, practically, of those lands by the imposition of what is called a grazing tax. That has been going on for 20 years. In addition to that, in all those reserves there has been sales of timber, and the proceeds have been put into the fund; yet, notwithstanding that fact, every year there is a deficit in the fund; every year the Congress of the United States has to appropriate millions of dollars in order to sustain the forestry system. How long is that going to continue? Are not those the best illustrations that a royalty system is unwise and inadvisable with relation to either mines or to grazing?

I want to call attention to the forestry figures for the year 1913, for I happened to come across them the other day. The amount received for the fiscal year ending June 30, 1913, from the sale of timber was $1,341,337.63; from grazing, $1,607,739.51; and from special uses, $118,012.73; making a total of $2,467,090.07. The total amount expended for the service was $5,442,000; and this year, in the appropriation bill which passed only a short time ago, I noticed that there was carried $5,558,255 for the Forestry Service. The difficulty in ever making the system pay arises from the fact that to increase the royalty or tax exacts from the people of the Rocky Mountain States additional burdens, which the people of the States of the East never paid, and violates the provision of the enabling act of each State, which reads that "the State, when formed, shall be admitted into the Union upon an equal footing with the original States in all respects whatsoever."

Should not that teach us that we can not make a system of leasing pay? We know that the leasing system in the case of the lead mines of Missouri, Illinois, Wisconsin, Iowa, and Arkansas was tested for 40 years, and Senator Thomas H. Benton, of Missouri, made speech after speech in this body showing that the leasing system was very obnoxious to the people of his State and that it did not pay, but it took him nearly 25 years of his political career to get that law repealed.

I want to call attention to the fact that the people of the West who live in or near forest reserves—and it will be so as to people who live under a leasing system—do not regard the inspectors, the agents, and the foresters who come around as their friends. There is a natural antagonism between an agent or a landlord and a tenant. There always has been antagonistic feeling between them, and in a case where the Government is the landlord you will find that the antagonism between the tenants and those who administer the estates will be even greater than it is between private individuals. Why? Because the Government is more exacting than a private landlord. The agent of the Government will not waive provisions of the lease; he will be afraid of criticism upon the part of either some enemy to the party in power or to the bureau which has the matter in charge, and, consequently, he will refuse to waive the provisions of the lease; whereas a private owner is not subject to criticism; he can do anything that he desires with his own land; he can waive a provision without any impropriety whatever being suggested. Therefore you will find that the exactions upon the part of the Government are a great deal more severe than the exactions upon the part of private individuals. Difficulties have existed in all countries between landlords and tenants. The one which has existed in Ireland, it seems to me, ought to teach people that the relation of landlord and tenant is not desirable, and it is even worse as between the Government and tenants.

Mr. President, we have continually had difficulties in the western country on account of the various policies of the administrations with respect to forest reserves. The sentiment in those States as voiced by declarations in party platforms has been almost unanimous against a leasing system. I want to read you a provision that was contained in the Colorado State Democratic platform in 1912 with respect to a leasing system. It says:

We denounce the policy of the Republican administration which, having retarded our development, now proposes to withdraw all the remaining agricultural, grazing, and mineral public lands from all forms of entry, with the expressed determination of imposing upon the West a permanent bureaucratic rule and Federal leasing system of all the Government resources within our borders and thereby disastrously

Mr. SMOOT. Mr. President——

Mr. ROBINSON. If the Senator from Utah will yield to me, I will state in addition to the suggestion which the Chair has made that the Committee on Indian Affairs has directed that a bill increasing the salary to $7,500 shall be reported. It would therefore seem to me that the point of order would not lie.

I wish, however, to make a brief statement with regard to the reasons for the increase. Ordinarily I do not believe in increasing salaries. The Senator from Arizona, the chairman in charge of the bill, the Senator from Oklahoma, and other Senators have presented very fully and forcibly the extent of the duties that are discharged by this officer, the large amount of property which he has control of, the more than 300,000 Indians in the United States under his jurisdiction, and the approximately 8,000 employees who are engaged in the service of the Government under the Indian Bureau. In view of all these circumstances and the further fact that we now have in the service an eminent gentleman who, so far as he has been able within the limited time which he has served the Government, has sought to reorganize it and has extended the activities of the bureau and vitalized it, I believe this appropriation should be made and the increase should be accorded.

Mr. SMOOT. Mr. President, I want to call particular attention to the wording of the amendment.

The PRESIDENT pro tempore. Let the Chair ask the Senator from Utah if he knows whether under a former statutory enactment the present salary exists, or was it fixed by an item in an appropriation bill?

Mr. SMOOT. The salary is fixed by statute at $5,000, and we appropriate that sum every year.

The PRESIDENT pro tempore. By the statute creating the office?

Mr. SMOOT. By the statute creating the office.

The PRESIDENT pro tempore. Is that circumstance admitted by those who insist on the increase of salary? If so, it is easily disposed of, and the Chair sustains the point of order.

Mr. SMOOT. I was also going to call the attention of the Chair to the fact that this amendment also says that $2,500 is hereby appropriated——

The PRESIDENT pro tempore. There is nothing difficult about the addition of $2,500, because that is to pay for services already rendered and is a mere private claim and is not admissible to this bill at all. The point of order raised by the Senator from Utah is sustained as to the whole item.

Mr. ASHURST. Although the point of order has been sustained, I wish to incorporate in the RECORD at this time an article written by M. K. Sniffen, secretary of the Indian Rights Association, entitled "A man and his opportunity," being a résumé of the work and duties and responsibilities of the Indian Commissioner.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A MAN AND HIS OPPORTUNITY.

(By M. K. Sniffen, secretary Indian Rights Association.)

We have frequently been asked for an opinion regarding the administration of Hon. Cato Sells, the present Commissioner of Indian Affairs. Heretofore we have stated to all such inquiries that we believed the outlook for improved conditions under his management was more hopeful than it had been for many years. Before making any public statement on the subject, however, we preferred to wait until Commissioner Sells had demonstrated his worth. He has been actively in charge of the Indian Bureau for nine months, and his administration has therefore passed the experimental stage. During that time we have had abundant opportunity to closely observe the man and his methods, and we feel that it is now possible for us to give a mature, unbiased review of Mr. Sells's stewardship as an answer to the question: "What do you think of the present commissioner"? Unfortunately, there has been much occasion to criticize the Indian Bureau's management in the past, and it is a satisfaction to praise where that is possible—to give credit to whom credit is due. It affords us peculiar pleasure to submit for the information of our members and friends the following sketch of Commissioner Sells's masterful work, and also to record our thanks to President Wilson and Secretary Lane for putting the "right man in the right place."

* * * * * * *

When the present administration came into power on March 4, 1913, there was a feeling of deep concern by the friends of the red man as to the kind of man who would be selected for the post of Commissioner of Indian Affairs. This feeling was further intensified by our investigation of the record of a number of those who were seeking "to land the job," for it developed that in this group the "undesirable class" was decidedly conspicuous and aggressive.

THE PROMISE.

On March 15, 1913, a large delegation of the executive committee of the Indian Rights Association was granted a most courteous hearing by President Wilson and Secretary Lane, of the Interior Department, when attention was called to the importance of selecting a commissioner who would command the respect of the entire country. Our committee was assured that the best man obtainable would be selected. President Wilson said he wanted for the place "a man of affairs, because he has millions to administer; a man of imagination, that he may have sympathy for the Indian; and, above all, a man with the fear of God in his heart."

Secretary Lane tersely expressed the same thought when he said he wanted a "big man" for the place, one to whom it "would not be a job, but an opportunity."

THE FULFILLMENT.

This interview took place in March, but it was not until June that the place was filled by the appointment of Hon. Cato Sells, of Cleburne, Tex. To indicate the care exercised by Secretary Lane in selecting the present commissioner, it is interesting to state that before Mr. Sells was appointed his record was thoroughly investigated from the time he was 20 years old; he was literally "weighed in the balance" and not found wanting.

Mr. Sells brought to his office a well-rounded equipment probably never possessed by any former commissioner—that of lawyer, business man, and agriculturist—fully qualifying him to handle the bureau's various ramifications which involve every phase of human life and necessarily draw upon such an equipment every day in the proper performance of the duties of the office.

First of all, he is "a man of affairs," having served as mayor of La Porte, Iowa, when he was but 22 years old; two terms as county attorney; and as United States attorney under President Cleveland. Although active and successful in his profession, he became deeply interested in stock raising and farming, and for years was a member of the board of trustees of the Iowa Agricultural College, Ames, Iowa. In 1907 he moved to Texas and was successful in the banking business. In that connection he took such an active interest in developing the resources of the State that he was a member of practically every important agricultural board in Texas.

As to the qualities of imagination and sympathy, they are evident from the broad and humane way in which Commissioner Sells has been grasping situations and developing plans for the benefit and advancement of the Indian in a material and moral way. He has shown that he has that other requirement specified by the President—"the fear of God in his heart"—by "hewing to the line," and adopting methods that will have a salutary and lasting effect.

As was well stated by some Washington correspondent in commenting on Mr. Sells's administration:

"The job of Indian Commissioner with him is a business proposition. He answered an Ambassador call when he came the journey, for he had retired from active business and had planned to settle down in Texas, the State he has lived in ever since he left Iowa after a brilliant career as a United States attorney.

"Secretary Lane let it be known that he wanted a man of ability, not a job seeker; a man of red blood and purpose, not a weakling. He heard of Sells and his fight against pension grafters in the Middle West, and he found that Sells was indeed a regular fighting man, with ability, altruism, and that's how to-day Secretary Lane has a man on the job of Indian affairs 14 hours a day, and that's why a new era is dawning in Oklahoma and the other Indian States."

* * * * * * *

Commissioner Sells entered upon the duties of his office with no preconceived notions. He announced no policies, but began a thorough inventory of his "plant," with its 6,000 employees, and a careful survey of the whole field.

One of the first things that impressed him was the great value to the Indians of their grazing tracts. The breaking up of the big ranges in Texas and other States has practically eliminated stock raising on an extensive scale. The best and largest tracts available for cattle and sheep are on the Indian reservation, from which the Indian has received but small returns. Heretofore those advantages have been leased at a small annual rental to white men, who have grown rich, while the owners either remained stationary or actually retrograded.

Commissioner Sells believed that these natural advantages should be used for the benefit of the Indian owners. Within 10 days after taking his office Commissioner Sells inaugurated a stock census. The result showed, as against magnificent opportunities, a very poor equipment—bulls and stallions of low grade and too old for use. The sheep situation was similar. Useless gray stallions by the thousand were grazing on the ranges and bringing no return to the Indians.

The first real work of Commissioner Sells in this connection was to reduce the old "he stuff," and to purchase a sufficient number of good stallions, bulls, and rams to secure the best result with the "she stuff," both in the case of tribal and individual ownership; in short, to build up the Indian stock wherever money was available for such purposes. For the Crow Reservation alone $450,000 has been expended for 9,250 white-faced Hereford bulls, and steers.

As a result of this plan there is now going on a process of upbuilding and equalizing the Indian stock and eliminating that which is bringing no return. As rapidly as circumstances will permit, the various reservation ranges will be stocked to the maximum limit with Indian cattle. If this can be done, not only will thousands of red men soon be in the industrious and self-supporting class, but they will be an important factor in helping to avert a meat famine, threatened by the white man's diminishing herds.

Where grazing leases are now made to white men, they are always on a competitive basis and for short terms. A revocable clause is part of the lease, to avoid overstocking the ranges and also to provide for the natural increase of the Indian herds. This plan under proper management should not take many years to make the Indian the American cattle king.

* * * * * * *

Much is being planned for the Indians' industrial development by Commissioner Sells along practical lines. The value and necessity for "reimbursable funds" have been recognized in the past, but the amount heretofore granted by Congress (never exceeding $100,000 per annum) has been wholly insufficient. Commissioner Sells, with his broad experience in scientific agriculture and stock raising, believes in doing things in a way that will secure definite results, and he asked Congress for a reimbursable fund of $900,000 to use in cases where the Indians have no tribal money that can be applied for their benefit.

There has undoubtedly been in the past an indefensible, one-sided, unbusinesslike conception of the Indians' needs in various quarters. Extensive and expensive irrigation systems have been built on reservations, the Indians given individual tracts of land, and then left absolutely without any means for developing them. An irrigation system for the Blackfeet Reservation, Mont., was authorized by Congress at a cost of $6,000,000 to be charged against these Indians. As their tribal property is only valued at $5,000,000, they will, under the scheme, be in debt to the Government for $1,000,000. The people mostly to be benefited by this are white men, who are to be allowed 15 years in which to pay for the improvement. By this plan their lands are brought

under an irrigation system at the Indians' expense. Meanwhile, the Indian is without any means with which to develop his allotment and make beneficial use of the water in time to escape the forfeiture provision.

The Uintah and Ouray Reservation in Utah was also brought under a reclamation project. It is 80 miles from a railroad. The Indians were placed on raw land with no equipment for breaking and improving it, but under obligation to get the water on their individual holdings within a few years or forfeit their water rights. This is expecting something that no white man would do under similar circumstances. Yet some people wonder why the Indian does not progress more rapidly toward self-support.

These instances are cited to show some of the situations with which the commissioner is dealing in an effort to hold for the Indian what he has, and also to indicate why a large reimbursable fund is absolutely necessary if the best results are to be accomplished. By its judicious use Commissioner Sells could help such people to secure farming implements, horses, and cattle, so necessary for agriculture; to build up comfortable and sanitary homes; to utilize their own timber and other resources which heretofore has been impossible.

Commissioner Sells is determined to bring about a radical and speedy change in the present unsatisfactory agricultural, stock, and industrial conditions generally existing throughout the Indian country. Instructions have been sent to all reservations that "every Indian Service farmer shall give his time to actual farming and under no circumstances shall he continue, as so generally has been done, making the office work the first consideration and the promoting of the farm work of the Indians secondary. These things must be primary." Superintendents are also directed to devote the major part of their time to field work, in order that they may come in direct contact with the Indians and know actual conditions and stimulate individual effort. Heretofore the majority of reservation superintendents have devoted three-fourths or more of their time to office duties, much of which can be performed by clerks. The commissioner contends that "reservation employees should know the Indians and their condition, understand their condition, and substantially aid them in their forward march toward self-support and equipment for citizenship."

Another important question calling for vigorous attention on the part of Commissioner Sells was the probate situation in Oklahoma. This is summarized in a statement made by the commissioner to the Denver Times, in part as follows:

"The Indian children of Oklahoma are the richest average children in the United States; however, it is a lamentable fact that they have less statutory protection there than in any other State. In each of the 40 counties in eastern Oklahoma there are now pending from $60 to 1,500 probate estates, about $5 per cent of which are Indian children's estates.

"I have recently discovered that its costs about 3 per cent to settle a white child's estate and that it costs more than 20 per cent to settle the estate of an Indian child. This is the result of guardians having been appointed without regard to their equipment and the acceptance of bondsmen many times wholly insolvent.

"Enormous fees have been charged by attorneys and unconscionable fees by guardians, together with indefensible expenditures of their funds, which has frequently resulted in the dissipation of their entire property.

"It is not an uncommon thing when an Indian child reaches his majority to find that his guardian has absconded and that his bondsmen are wholly financially irresponsible. It is my determined intention to reform this indefensible condition, and to this end I have recently appointed a number of probate attorneys who will give their whole time under my direction to this work. I am now submitting a number of cases to the grand juries in Oklahoma looking toward the indictment and criminal prosecution of those who have embezzled funds.

"Last week we secured a ruling from one of the courts of Oklahoma, holding a guardian and his bondsmen responsible where the Indian children's lands have been sold for a grossly inadequate consideration. It is my great desire to cooperate with the State authorities, and particularly with the county judges, in effecting these results, and I have every reason to believe that this cooperation will be perfectly arranged and carried out."

Mr. Sells visited Oklahoma for a personal conference on this subject with the tribal attorneys, probate attorneys, field clerks, and county judges. In the past there was always a feeling of antagonism between the Oklahoma people and the Washington authorities. It was in no sense that cooperation was practically impossible. As a result of the commissioner's trip a spirit of cooperation was developed, and there is now a disposition on the part of Oklahomans to accept the attitude of the Government and a desire to reform conditions. As a result of these conferences a set of uniform rules governing probate cases was adopted by the county judges that are more complete than any statute of the United States. The outlook is very promising for a "clean up" and an elevation of the Oklahoma standard and an improvement in conditions that will be an everlasting credit to the administration and gratifying to everyone interested in Indian affairs. A complete reorganization has been effected, a good system adopted, and hearty cooperation of the county judges with the Federal Government has been established. Incidentally it is interesting to note that since Commissioner Sells visited Oklahoma there have been several convictions and sentences to the penitentiary for those charged with robbing the Indian minor children.

Before his trip to Oklahoma Commissioner Sells asked Congress for $50,000 for probate attorneys. Upon his return to Washington he appeared before the Indian Committee of the House and asked for more money. The amount was increased to $85,000 for this purpose—an indication of the forceful and convincing manner in which the commissioner presents to the Congress the needs of his bureau and the confidence his statements inspire.

The firmness and determination of Commissioner Sells to do things on business principles is indicated in his handling the oil situation in Oklahoma, where many leases had been made covering Indian lands. Heretofore the lessees had been allowed to do practically as they pleased; departmental regulations were ignored, which resulted in an enormous waste of gas. One company which held a lease on a Creek Indian allotment, had been warned of its violation of these regulations, but that produced no effect. Commissioner Sells thereupon imposed a fine of $1,000 on this company, and indicated very forcibly that failure on the part of others to respect their agreements would invite a cancellation of their leases.

Commissioner Sells's reorganization of the Indian Bureau has been the work of a genius. When he took charge it was fully torn by faction and strife. The personal ambition of a few people had produced a demoralized and chaotic condition, which often resulted in the bureau's real purpose—the welfare of the Indian—being lost sight of. The effect of this was not confined to Washington, but had spread throughout the field service. It was truly a "house divided against itself." By the use of tact and judgment, Mr. Sells has developed in the bureau a spirit of loyalty, harmony, and hearty cooperation that has not existed for a long time, if ever before. The employees were literally inspired by the magnetic personality of their chief; his activity and enthusiasm were contagious, and the responsiveness in efficiency has been little short of marvelous. The commissioner has aimed to so adjust matters that there would be no round pegs in square holes, and to assign the clerks to work that was not only congenial but to which they were adapted. As a result, the work is now nearer up to date than at any time in the bureau's history. This has been brought about by increased efficiency, by system, and the loyalty of the subordinates who willingly worked nights as well as days in keeping with the pace set by Mr. Sells. It is unreasonable, however, to expect them to do this indefinitely, and additional clerical help should be provided by Congress.

One noticeable improvement is in handling what are known as individual Indian moneys. Formerly when a request for authority to draw on these funds came in from the field, weeks and months elapsed before it was acted upon. Now, in most cases, these requests are disposed of the same day they reach the bureau, and reach the reservations within a week or 10 days after the original mailing date.

Another important advance step is shown in the reorganization of the inspection force. Commissioner Sells secured for his chief inspector Mr. E. B. Linnes, formerly attached to the office of the Secretary of the Interior. Mr. Linnes's long and honorable record for honesty and efficiency in the Government service is of itself a guaranty that hereafter the bureau's inspection force will not be "weak in the head, weak eyed, and hard of hearing." The commissioner desires to substantially strengthen his inspection force by the appointment of a few specially equipped, high-grade, and dependable confidential men who can be relied upon to help in the work of "cleaning up" the service—men who will not be handicapped by previous personal friendship for the officials to be investigated. The Treasury and other departments have a secret-service corps, but nowhere is it more needed than in the Indian Service. It is believed that in the near future numerous changes will be made in the personnel of the service, which will greatly improve its efficiency.

In selecting Mr. E. B. Meritt as assistant commissioner Mr. Sells secured a man of honesty, efficiency, experience, and courage. Mr. Meritt's record in the Indian Bureau proves that he is thoroughly dependable; his fearless and practically single-handed fight to prevent a corporation from securing the San Carlos Dam site will long be remembered. The commissioner can leave his office, whenever occasion requires it, with no fear that his confidence will be abused, and with the assurance that his plans will be loyally and wisely adhered to by Mr. Meritt.

Commissioner Sells does not regard his post as a job, but an opportunity to help a race of over 300,000, whose property interests are valued at $900,000,000; and he has been seeking in every possible way to imbue his subordinates with the same thought—to emphasize the human side of the bureau's work. He believes in getting his workers together for conference as a means of promoting a clear understanding and unity of effort. He called into Washington every supervisor in the service and met with them twice a day for one week. They returned to their respective posts with new hope and ambition to accomplish things; to spread the spirit of cooperation throughout the entire field.

Commissioner Sells spent two days at Denver in conference with the liquor-suppression staff to organize a systematic procedure to secure the best results. The good effect of these personal relations with his subordinates are apparent in every direction.

Mr. Sells is a keen, intelligent listener, and has but little to say for publication. He believes in doing things rather than talking about them, and his actions tell their own story. When he does talk on a public occasion his remarks are forceful and direct, with a ring of sincerity about them. At the conference of Indian supervisors held recently in Washington Mr. Sells made an address, from which the following is taken:

"I believe that the greatest present menace to the American Indian is whisky. It does more to destroy his constitution and invite the ravages of disease than anything else. It does more to demoralize him as a man and frequently as a woman. It does more to make him an easy prey to the unscrupulous than everything else combined. If I say nothing more to you to-night that leaves an impression, let it be this thought: Let us save the American Indian from the curse of whisky.

"We have a force of men engaged in the suppression of the liquor traffic. That is their special business. But it is my business, and it is your business, to do everything we can, without injecting ourselves offensively into the work of others or assuming a duty that is not properly ours, to create an atmosphere and suggest conditions that will be helpful in this respect, and, above all, to be a personal influence, inviting the Indian to banish liquor, rather than to be guilty of anything that may cause him to look upon one of us as a justification for doing that which leads him to the destruction caused by the use of whisky.

"There is nothing that could induce me, since I have taken the oath of office as Commissioner of Indian Affairs, to touch a single drop of any sort of intoxicating liquor, and this regardless of my attitude on the prohibition question.

"As a matter of good faith to our treaty relationships, to legislative enactments, to the Congress, which appropriates $100,000 a year for the suppression of the liquor traffic among the Indians, we should do everything reasonably within our power to justify this appropriation and insure the best results obtainable. This accomplished, we have laid a substantial foundation for all of our work in solving the Indian problem, and made a long step forward looking toward their equipment for the responsibilities of citizenship."

The nearest approach of Commissioner Sells to announcing any policy is given at the close of his first annual report, in which he says:

"I am emphasizing in every possible way the industrial education of the Indian pupils and the industrial development of the Indian population generally, and every effort is being made to improve the efficiency of the employees of the Indian Service, in order to accomplish more successfully the work in hand.

"I am also emphasizing the need of and doing everything possible to obtain for the Indians more sanitary homes, more adequate school facilities for the Indian children, to supply sick Indians with medical attention, and to take precautionary methods to prevent disease, to adjust more equitably the cost of irrigation projects constructed with reimbursable funds, to make larger use of the timber resources of the Indians for their industrial and social advancement, to take advantage of the extensive grazing land of the Indians and to build up tribal herds, as well as to promote among the individual Indians a larger, more profitable cattle, sheep, and horse industry, and to utilize in every

animals, machinery, tools, implements, and other equipment necessary to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of all moneys appropriated for the purpose of encouraging industry among Indians.

The amendment was agreed to.

The next amendment was, on page 17, after line 3, to insert:

That from and after the passage of this act the Commissioner of Indian Affairs shall receive a salary of $7,500 per annum; and the sum of $2,500 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to carry out the provisions of this act during the fiscal year ending June 30, 1914.

Mr. PAGE. Mr. President, I believe the Commissioner of Indian Affairs should have an advance on the salary of $5,000, which he is now getting. I felt very certain at the time this matter was before our committee, however, that in increasing his salary to $7,500 we were making so important a change that it might interfere with the salaries in many different departments of the Government service and I urged $6,000 as the proper sum. I am going to move to amend by striking out "$7,500," in line 5, and inserting "$6,000" in place of it.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. The Senator from Vermont moves to amend the committee amendment by striking out the amount "$7,500" and inserting in lieu thereof "$6,000."

Mr. ASHURST. Mr. President, I certainly shall not weary the Senate by any lengthy discussion of the subject.

I can well appreciate the desire of Senators to avoid raising the salaries of officials generally; but I respectfully submit, with regard to the office of Commissioner of Indian Affairs, that it might be called *sui generis*. There is no other office that is entirely analogous to the position of Commissioner of Indian Affairs, for this reason: As is well known, the Commissioner of Indian Affairs is a trustee for over $1,000,000,000 worth of property. He has under his jurisdiction over 8,000 employees. In addition to that, he is not only dealing with questions of policy as affecting land and personal property, but he is dealing with over 300,000 persons, large numbers of whom are incompetent and require the special care and solicitude of one who has much experience in the business world.

Many worthy and able men might be qualified for Senator, or governor, or for various positions, but it requires a peculiar skill and large experience in dealing with human nature in its plastic and mobile form to become a successful Commissioner of Indian Affairs.

Mr. NORRIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Nebraska?

Mr. ASHURST. I yield to the Senator.

Mr. NORRIS. As I understand the language of this paragraph, it not only provides that the salary shall be increased in the future, but it provides for the payment of a back salary at an increased rate. Is not that the proper construction? It provides for the payment of an increased salary for nearly a year past.

The PRESIDENT pro tempore. That is what the amendment says on its face.

Mr. NORRIS. Conceding what the Senator said to be true—and I am inclined to follow his judgment—I wanted to inquire whether he thought it was proper legislation to have the increase apply to the year that is past.

Mr. ASHURST. As a general proposition, Mr. President, I would not favor such legislation; but familiar as I am and must be and ought to be with the duties required of this official, I unhesitatingly say that a man who faithfully and efficiently performs the duties of the office of Commissioner of Indian Affairs is poorly paid at $10,000 a year. As I said before, he is not only dealing with a billion dollars' worth of property that is increasing in value from year to year, and dealing with 8,000 employees, but he is dealing with over 300,000 incompetent persons whom he is trying to develop into citizens.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. I yield to the Senator.

Mr. KENYON. I call the Senator's attention to the fact that in the bill we have just passed, the legislative bill, the salary of the commissioner is fixed at $5,000, and an appropriation of that amount is made for his salary, and that is the present salary.

Mr. ASHURST. Yes.

Mr. KENYON. We would then have two appropriations—one of $7,500 for his salary and one of $5,000 for his salary.

Mr. ASHURST. The last legislation on the subject would be that which would govern, unless the two were in absolute conflict.

Mr. NORRIS. This does not appropriate $7,500. It appropriates only $2,500 for the present year. It is strictly and only a proposition of legislation.

Mr. KENYON. I presume it would be subject to a point of order as legislation.

Mr. ASHURST. The legislative bill appropriates $5,000. This simply increases the salary by the sum of $2,500. There is no conflict that I can see, and no double appropriation.

Mr. SMOOT. Mr. President, I wish to say to the Senator that this question was before the Committee on Appropriations. It was proposed before the Appropriations Committee when the legislative bill was before it. It was considered in the House, and they had hearings upon it. The Senator from Oklahoma [Mr. OWEN] appeared before the committee in behalf of it, and the proposed increase to $7,500 was voted on in the Appropriations Committee and was refused.

I think this is a very, very unwise way of increasing salaries. Salaries should be provided for in the legislative bill. The salary of the Commissioner of Indian Affairs is provided for in that bill, which passed this body only yesterday.

I sincerely trust the amendment of the committee will not prevail.

Mr. ASHURST. Mr. President, I wish to supplement my statement by reading part of a letter written by the Secretary of the Interior, Hon. Franklin K. Lane, under date of April 13, 1914, addressed to me. He says:

MY DEAR SENATOR: Referring to the bill 4164—

That was a substantive bill to increase the salary of the honorable Commissioner of Indian Affairs—

I am very heartily in favor of an increase in the salary of the Commissioner of Indian Affairs as proposed in that bill, and of the provision found in section 3 providing for the appointment of three men who shall do certain work—

And so forth. I need not read all the letter. Sufficient it is to say that the Committee on Indian Affairs has ordered reported to the Senate a substantive bill, independent of this provision, increasing the salary to $7,500 a year. The committee was almost unanimous in its expression of opinion that the salary should be increased; that the burden of work laid upon the official who performs the functions and duties of the office of Commissioner of Indian Affairs is a great burden and a great duty.

I could lay before the Senate, if I thought it proper and best, a vast amount of information giving the detailed work that is required in these 150 reservations. Here is a commissioner who must keep in constant touch with over 149 reservations, I believe, or agencies, situated in various parts of the country. It requires a man of great executive ability faithfully to perform those duties.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Utah?

Mr. ASHURST. I yield to the Senator.

Mr. SUTHERLAND. Have the duties of the Commissioner of Indian Affairs increased lately?

Mr. ASHURST. Oh, vastly in the last seven or eight years, and they are increasing from time to time. If the Senator will pardon me a moment——

Mr. SUTHERLAND. I had supposed they had really decreased, because we are giving up these reservations.

Mr. ASHURST. The very reverse is true. They have increased during the last decade to an enormous degree.

For instance, in the year 1902 77,000 letters were received by the Indian Office, which, to conduct its correspondence, had 132 employees; but in 1911, or nine years later, 209,000 letters were received, and there were 227 employees. In other words, the volume of correspondence has increased almost threefold, whereas the number of employees has not increased twofold.

Not only has the correspondence increased threefold, but the work itself has increased threefold. I should like to direct the attention of the Senator from Utah to this fact. He knows it, of course, but I will make the observation that the Indian Office is getting away from the ration system. It is attempting in every place and at every proper opportunity to teach the Indian how to earn his subsistence himself, how to farm, how to breed cattle, how to use improved machinery; and I am within proper bounds when I say that the work of this department has increased threefold in 10 years.

Mr. SUTHERLAND. Mr. President, may I ask the Senator another question?

Mr. ASHURST. Yes, sir.

Mr. SUTHERLAND. The circuit judges of the United States, who preside over the circuit courts of appeals, receive salaries of $7,000 per annum each. Does the Senator think the Commissioner of Indian Affairs should receive a greater salary than one of those judges?

Mr. ASHURST. I should be very happy indeed to vote for a bill increasing the salaries of the judges of circuit courts and the judges of the Supreme Court of the United States. I think it is one of the reproaches of our Government that the judges of the Supreme Court and of the circuit courts are paid such small salaries; but the fact that we do not, or seemingly are unable, to increase the salaries of the circuit judges is no reason why I or any other Senator should decline to increase the salary of an officer who, in our judgment, ought to have his salary increased.

Mr. SHEPPARD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Texas?

Mr. ASHURST. I do.

Mr. SHEPPARD. I simply wish to suggest that the work of the Commissioner of Indian Affairs has grown to such an extent that the commissioner not only devotes all his days but half his nights to the work. There is not a more devoted man in the public service.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the senior Senator from Utah?

Mr. ASHURST. I yield.

Mr. SMOOT. I know the Senator wants to act properly and rightly in this matter, and I am going to call attention at this time to one of the great reasons why the salary of the Commissioner of Indian Affairs was not increased.

I have before me the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1915. I will commence right with the Interior Department. What do we find? The Commissioner of the General Land Office, $5,000; the Commissioner of the Indian Office, $5,000; the Commissioner of the Pension Office, $5,000; the Commissioner of the Patent Office, $5,000.

I want to say that $5,000 is the salary of the head of each of these bureaus in the departments of our Government. I recognize the fact that the present Indian Commissioner is a splendid official. He is attending to his business as well as any man, perhaps, could possibly attend to it. I have no criticism of him in any way; but I want the Senate to understand that the Commissioner of the General Land Office, drawing $5,000, has, I believe, more letters—aye, twice as many letters—pass over his table every day as the Commissioner of Indian Affairs. There is an office the salary of which should be increased if the salary of the head of any bureau in this Government should be increased. The business has increased by leaps and bounds.

I want to say to the Senator that it would not be right for us to increase the salary of the Commissioner of Indian Affairs and leave the Commissioner of the General Land Office in that same identical department at what it is.

Mr. President, I feel that so keenly that I can not let it pass. I would rather have an appropriation made direct in the general deficiency appropriation bill or in the sundry civil appropriation bill for whatever the Senate felt like they wanted to pay the Commissioner of Indian Affairs for the exceedingly heavy work that he has had to perform this year. A thousand times better that, Mr. President, than here to add in an Indian appropriation bill an increase of salary, which of course means that hereafter the Commissioner of Indian Affairs in the Interior Department shall have $7,500 and the head of every other bureau in the department shall have only $5,000. It is not right; and it should not be done.

It is for that purpose, Mr. President, that I intend to make a point of order against the amendment. The Senator from Oklahoma [Mr. OWEN] desires before I make the point of order to submit some remarks and I shall withhold it.

The PRESIDENT pro tempore. Does the Senator from Arizona yield the floor?

Mr. ASHURST. I yield.

Mr. OWEN. Mr. President, I think the Commissioner of Indian Affairs ought to have this increase. The Government of the United States has obtained the services of a man who in private life can earn from $15,000 to $20,000 a year. He has earned that sum in private life as a practicing attorney. He was solicited to take this position. He was not an office seeker. He was requested by the administration to take this office in order that he might improve its management. Since he has taken it he has worked from 12 to 15 hours a day. He is always at his desk at night. It is a uniform practice on his part not only to work during the day but to work at night as well, and he has made great improvements in the methods of the department.

Moreover, the suggestion was made to him by those who solicited him to take this position that doubtless Congress would be willing to recognize the extraordinary service which he could bring to the department, and he had some reason to believe therefore that his sacrifice would be appreciated.

I know, of course, there are many men seeking office who would regard it as a great opportunity to get a position of this kind and who are willing to make the sacrifices, too; but I think under all the circumstances and in view of the enormous property which he must supervise and which he ought to bring into some productive form he ought to be encouraged to stay and do this work.

Mr. SHEPPARD. Mr. President, I wish to suggest that a short while ago the present commissioner was offered a position in another department of the Government at $7,500 a year, but his devotion to this particular work is such that he declined it.

Mr. OWEN. The property which is within the management of the Commissioner of Indian Affairs is not only of very great value, amounting to over a thousand million dollars, but a large part of it is unproductive. If this property were made productive by proper management; if the Indians who, in the State of Washington, for instance, have large areas of timberlands were taught there as they have been taught in Wisconsin to develop their own timber and learn to be self-supporting and to use the opportunities they have under wise direction, they would make themselves thoroughly self-supporting, and they would take the tax off the Government which now will be found in this appropriation bill in various ways. The Commissioner of Indian Affairs is endeavoring to accomplish that end.

I think that the amendment proposes a very small reward for him, and that he should be allowed a sufficient amount on which to live decently while he is performing this public labor.

I hope that at least the suggestion made by the Senator from Vermont [Mr. PAGE] will prevail, and that, even if we do not increase it, as is proposed, it may be increased to $6,000.

Mr. SMOOT. I want to say to the Senator that——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. Certainly.

Mr. SMOOT. I think this is absolutely the wrong way. This same question was considered by the Committee on Appropriations of the House, and they had hearings on it. We had it before the Committee on Appropriations of this body, and it was voted upon there after all the reasons for an increase had been given.

Mr. OWEN. If the Senator will permit me, I should like to observe that in the Committee on Appropriations the members of the committee have no familiarity with the administration of Indian affairs. We have not the opportunity of seeing the infinite number of details with which the Commissioner of Indian Affairs has to deal. That committee simply passed upon the matter in that way after probably a hearing of 5 or 10 minutes or some such time. Really I do not think it is quite fair to the commissioner to use that as a precedent.

Mr. SMOOT. I will say this to the Senator, and I suppose the other members of the subcommittee of the Committee on Appropriations will bear me out. The Senator from Florida [Mr. BRYAN] was present when we had this matter under consideration. We went into it very thoroughly. All that could be said for it I believe was said.

Mr. President, I wish to say to the Senator from Oklahoma that I dislike to make the point of order against the proposed increase in the salary of Mr. Sells; I know what his work is; but this is not the proper way to legislate.

Mr. ROBINSON. Mr. President, before the Senator from Utah insists on his point of order, I should like to make a brief suggestion.

Mr. SMOOT. Very well; I withhold it.

The PRESIDENT pro tempore. Let the Chair state to his colleague that the Chair would like to have him address himself briefly to the point of order on this proposition to increase of salary. This view has occurred to the Chair heretofore. If the salary was fixed by the statute creating the office, independent of an appropriation bill, it can not be changed by an item in an appropriation bill. If the salary now drawn by the Commissioner of Indian Affairs depends for its existence on an item in an appropriation bill similar to this, the question would be somewhat enlarged. In that case the Senate might fix the salary as it might see proper to do.

ters away from the agency where they can stay among the

And so forth.

Mr. CLAPP. Mr. President, cases are arising all the time where Indians, although they have funds, may suffer for the want of medicine and medical care, of food, and of shelter, and it does seem to me that some such provision as this is advisable. If we have made it too broad, that is another matter; but there ought to be some authority vested in the commissioner, through the Secretary of course, so that in such cases he can use the funds standing to the credit of the Indians for the benefit of the Indians.

Mr. TOWNSEND. The Senator from Arizona, as I understand, has moved to strike out from lines 25 and 26 the words descriptive of the Indians in whose behalf such authority may be exercised. That leaves it so that funds can be paid to any Indian.

Mr. CLAPP. The amendment offered by the Senator from Arizona has been presented because on page 14 we added a proviso:

Provided, That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian——

Mr. TOWNSEND. "Such Indian." What Indian?

Mr. CLAPP. Any Indian—

competent or incompetent, independently of whether or not application shall be made for his or her share of such funds.

If Senators will bear with me a moment, I desire to express one other thought and then I will conclude as to this particular phase of the matter. There are Indians who have amounts standing to their credit in tribal funds which it is easy to ascertain. The sums due the individual Indian from such tribal funds will under no contingency ever be less than at this time. We have provided in this bill several funds appropriated by the Government which can be used to buy horses or seed or to help build a house for the Indian, taking his note and providing for its payment under a system which, so far as we have gone, has proven very efficient. Where the Indian has money standing to his credit as a part of the tribal funds, it occurred to the commissioner, and I think to some of the rest of us, that instead of taking the Government money and loaning it to that Indian, without even a special limitation as to what his share would be, he might have money advanced to him under the protection of the Indian Office, and of course under the personal supervision of the agent. I think the Senator is correct that the amendment is subject to the point of order if it is pressed.

Mr. PAGE. Mr. President, the Senator well knows that in our discussions before the committee, if I may refer to them, there were many of us who believed that the slideway down to the Indians' money was very well oiled for the white man. I for one believed that we were removing some necessary safeguards. Now, you will observe the great care with which this amendment was written. At the beginning of the section it authorizes the Secretary of the Interior "to pay any Indian who is blind, crippled, aged, needy and destitute, or helpless his or her share," and so forth; but at the end of the section it is provided:

That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian, competent or incompetent, independently of whether or not application shall be made for his or her share of such funds.

I want to add just a word before I insist upon my point of order. The Committee on Indian Affairs has been obliged to sit on a great many of these important matters with only 1, 2, or 3 present out of the 15 members constituting the committee. I have personally sat in that committee while hearings were being had for two hours when I was the only member of the committee in the room. A motion was made and carried in that committee that any member of the committee might instruct another member to vote for him. I insisted to the best of my ability that that was a bad way to legislate on an important appropriation bill. If Senators will take pains to read this bill carefully, they will find that we have legislated upon pretty much everything in the decalogue.

I insist on my point of order, Mr. President.

The PRESIDENT pro tempore. Does any member of the Committee on Indian Affairs desire to be heard on the point of order?

Mr. ASHURST. Mr. President, in reply to the observations made by the distinguished Senator from Vermont [Mr. PAGE], I wish first to say that the committee had the bill under consideration a little over two months—two months and some ten days.

The Senator states that there were occasions upon which he was present for two hours while hearings were going on and no one else was present. I very well remember that, and the committee is under great obligations to him for that service.

The committee spent some 12 or 14 days investigating what might be called the Kickapoo item in this bill. The hearings were very protracted, and one witness testified some three or four days. The committee did the Senator from Vermont the honor to ask him to sit and listen to the hearings and see that the stenographer recorded what the witness said.

I wish, however, to make another observation, to the effect that no legislation was incorporated in this bill except by a quorum. It is true that the committee, by a roll-call vote, ordered the chairman to count the vote of an absent member on a particular subject when that member in writing indicated that he wished his vote counted in a particular way. Whether that be good or bad is open for discussion, but that is the record.

The remark of the distinguished Senator might indicate that there was a lack of diligence or patience in the work of this committee. I am a very new Member of the Senate, but I must not permit that remark to go unchallenged, because never in my experience have I seen a body of men who were more assiduous, more anxious to do the just and proper thing, than the Committee on Indian Affairs. I know that each and every member of the committee, including the distinguished junior Senator from Vermont—who was nearly always, if not always, present—neglected the work of other important committees. They were obliged, if they will pardon me for saying so, to be absent when other important committees were calling for their presence; and they sat from day to day for a period of nearly two months, trying with the light before them to bring out the best bill that could be brought out and brought to the Senate.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Vermont?

Mr. ASHURST. In just a moment.

In regard to this item, I wish to say that the identical legislation which was incorporated in the bill passed the House of Representatives on May 5, 1914. Whether or not that would render it invulnerable to a point of order I leave for older and more experienced men to say. I might state for the information of the Senator from Vermont that if he will advert to page 870, part 4, of the hearings, he will see that Mr. Meritt, Assistant Commissioner of Indian Affairs, made the following statement, referring to this legislation:

This does not apply to the Five Tribes, the Osage Indians, or the Chippewa Indians, because special legislation applies to those Indians.

I thought that information might be of some value to the Senator.

Mr. PAGE. Mr. President, I should be recreant to a duty if I did not say that I have never sat on a committee with a man who was evidently trying more faithfully to do his full duty in regard to the bill before him than the chairman of this committee, the Senator from Arizona. I remember the bill to which he has just referred. An especial effort was made to have a hearing upon it, because it was said to be an important measure.

My recollection is that the most the chairman could bring together to consider that measure was three or four members. Perhaps I am wrong about that, but that is my recollection. I said at the time that I did not like the general trend of the measure, and I insisted as best I could that there should be more than three or four members there to pass upon so important a bill. The bill is not now before the Senate simply because we could not get a quorum in the committee to consider it.

In regard to this particular feature of this bill I wish to say that, while I may be wrong about it, if I err I think I am erring on the right side when I insist that general legislation should not go into this bill when it has been passed upon in the committee with only one, two, three, or even half a dozen members present. It may be true that when it was finally read a quorum was present.

The PRESIDENT pro tempore. The Chair will state that the point of order is not debatable. The Chair invited the expression of views of the members of the committee as to the merits of the point of order. He does not receive much enlightenment from observations as to what goes on behind committee doors.

Mr. PAGE. Just one word further, if the Chair will pardon me. There were, I think, some members of the committee that were never present but once or twice during the entire hearings on this bill.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Washington?

Mr. PAGE. I do.

Mr. JONES. The Senator has suggested the lack of attendance at the meetings of the committee to consider this bill. Does the Senator think, especially under such circumstances, that the bill should be passed with such a small attendance of the Senate as we seem to have for the consideration of this bill?

Mr. PAGE. The Senator from Washington usually attends to those things very well.

Mr. JONES. I do not like to interfere with the——

The PRESIDENT pro tempore. There is a point of order pending. The Chair will dispose of that, and then we can proceed as we may be advised.

The Chair is of opinion that the provision is general legislation. It is an amendment of a special act of Congress defining the rights of the Indians and the allotments to which they are entitled. It is not an item of appropriation at all. It is distinctly a legislative proposition.

The Chair sustains the point of order.

Mr. JONES. Mr. President, I do not know whether or not the Senator from Vermont would like to have a larger attendance of the Senate during the consideration of this bill.

The PRESIDENT pro tempore. Has the Senator from Washington any suggestion to make? If so, he will please address the Chair.

Mr. JONES. I wanted to get some information from the Senator from Vermont.

The PRESIDENT pro tempore. The Senator from Vermont is not interested in anything that has been disclosed to the Senate yet. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 14, after line 11, to strike out:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior, $100,000: *Provided*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior as special examiner in heirship cases shall have authority to administer oaths in investigations committed to him: *Provided further*, That the provisions of this act shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians, in Oklahoma.

And to insert:

For the purpose of determining the heirs of deceased Indian allottees and other persons having any right, title, or interest, in any trust or restricted allotment, or in any other estate or property held in trust by the United States, under regulations prescribed by the Secretary of the Interior, $100,000; *Provided*, That the Commissioner of Indian Affairs is hereby authorized to use not to exceed $20,000 for the employment of additional clerks in the Indian Office in connection with the work of determining the heirs of deceased Indians, out of the $100,000 appropriated herein: *Provided further*, That hereafter any officer or employee appointed or designated by the Secretary of the Interior or the Commissioner of Indian Affairs as special examiner in heirship cases shall be authorized to administer oaths in investigations committed to him: *Provided further*, That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma: *And provided further*, That hereafter upon the determination of the heirs of a deceased Indian by the Secretary of the Interior, there shall be paid by such heirs, or from the estate of such deceased Indian, or deducted from the proceeds from the sale of the land of the deceased allottee, or from any trust funds belonging to the estate of the decedent, the sum of $10, to cover the cost of determining the heirs to the estate of the said deceased allottees; which amount shall be accounted for and paid into the Treasury of the United States and a report made annually to Congress by the Secretary of the Interior, on or before the first Monday in December, of all moneys collected and deposited, as herein provided: *And provided further*, That the Secretary of the Interior is hereby authorized to require the attendance of witnesses at hearings, upon proper showing by any of the parties, to determine the heirs of decedents, held in accordance with section 1 of the act of June 25, 1910 (36 Stats., p. 855), and the amendment of February 14, 1913 (37 Stats., p. 678), under such rules and regulations as he may prescribe.

Mr. PAGE. Mr. President, I am rather inclined to submit a point of order upon the part of the bill which the Secretary has just read.

The PRESIDENT pro tempore. The Chair will take that matter under advisement until the Senate convenes to-morrow. It is a much more complicated question than the other one. The Chair will make some investigations, and with the permission of the Senate the matter will be reserved. The Chair hears no objection.

Mr. ASHURST. Mr. President, before that amendment is passed over I must make the observation that it is one of the most important items in the bill.

The PRESIDENT pro tempore. That is the reason the Chair wants to consider it further.

Mr. ASHURST. If, however, the Chair wishes to defer the ruling until to-morrow I shall be glad to have that done.

The PRESIDENT pro tempore. If we are likely to get through with the bill or to approach the end of its consideration this afternoon, the Chair will take the responsibility of passing upon the point of order to-day.

Mr. ASHURST. The appropriation is estimated for in the Book of Estimates.

The PRESIDENT pro tempore. The Chair will dispose of it to-day if there is any likelihood of getting through with the bill this afternoon. Otherwise the Chair will ask the permission of the Senate to look into it to-night.

Mr. LANE. Mr. President, I wish to offer an amendment to this section.

The PRESIDENT pro tempore. The Senator from Oregon may present his amendment.

Mr. LANE. It is to change a couple of words in the amendment and substitute "directed to compel" for "authorized to require."

The PRESIDENT pro tempore. The Senator may offer his amendment now, if he wishes.

Mr. LANE. Very well. On page 16, beginning in line 1, where it says "the Secretary of the Interior is hereby authorized to require the attendance of witnesses," I wish to have it read:

The Secretary of the Interior is hereby directed to compel the attendance of witnesses.

I offer that amendment for the reason that there has been complaint that some valuable rights of the Indians have been lost through the lack of such a provision.

The PRESIDENT pro tempore. What is the difference between "require" and "compel"? Perhaps the chairman of the committee will accept that amendment.

Mr. ASHURST. So far as I am now advised, I will accept the amendment.

The PRESIDENT pro tempore. The Secretary will state the amendment to the amendment.

The SECRETARY. After the word "hereby," on page 16, line 2, in the committee amendment, the Senator from Oregon proposes to strike out the words "authorized to require" and to insert in lieu thereof "directed to compel."

The amendment to the amendment was agreed to.

Mr. KENYON. Mr. President, I understood the Senator from Oregon also to move to strike out the word "authorized" and to insert the word "directed." Is that accepted, too, by the chairman?

The PRESIDENT pro tempore. The words "compel the attendance of witnesses" have been substituted for the words "require the attendance of witnesses" in line 2.

Mr. KENYON. The Senator from Oregon also proposed the substitution of the word "directed" for the word "authorized."

The PRESIDENT pro tempore. That has been done.

The SECRETARY. The words "authorized to require" have been stricken out and the words "directed to compel" have been inserted.

Mr. PAGE. Mr. President, have we had the reading of the bill from line 14, on page 15, to the end of the amendment?

The PRESIDENT pro tempore. All of that has been passed over under the point of order presented by the Senator from Vermont.

Mr. PAGE. My point of order was raised on the part which has been read, down to line 14, ending with the word "Oklahoma."

I wish now to raise a further point of order, because I feel quite sure I am right about that, as to the balance of page 15, commencing with the words "*And provided further*," in line 14, and going down to the end of line 10, on page 16.

The PRESIDENT pro tempore. That is all a single amendment. The Chair understood that the point of order was made to it.

Mr. KENYON. Mr. President, may I make an inquiry at this point, even though the Chair has reserved the ruling? I should like to ask the chairman of the committee as to the proviso in lines 12, 13, and 14, on page 15, which reads:

That the provisions of this paragraph shall not apply to the Osage Indians, nor to the Five Civilized Tribes of Indians in Oklahoma.

Why is that proviso inserted?

Mr. ASHURST. Because it is covered under another and special appropriation for that purpose in a different part of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 16, line 13, after the word "crops," to strike out "$400,000" and insert "$100,000"; and in line 25, after the word "Indians" to strike out "*And provided also*, That not to exceed $50,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, $100,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed,

of course, to anticipate what the unexpended balance under this bill would be, but probably it would be about the same sum.

Mr. SMOOT. Did the committee think the unexpended balance ought to be used for this particular purpose?

Mr. ASHURST. The committee resolved it in that way; they reached that conclusion. There was discussion at some length over these revolving funds, and this was deemed to be good policy. I do not recall that there was serious objection made to it.

Mr. SMOOT. So far as I am concerned, I always favor making an appropriation direct for any particular object or undertaking which the department may desire to accomplish. This, however, looks to me as if the department, foreseeing that there would be an unexpended balance of $28,000 at the end of the fiscal year, is trying to find some way of expending that money. This amendment is for that purpose, or that is the way it looks to me. I wish to ask the Senator, if this class of work is necessary, why did not the bill itself, as it came from the other House, include this particular item?

Mr. ASHURST. Of course, the Senator from Utah is a man of large experience, especially in matters pertaining to the western Indians, and he knows that in the transaction of business relative to many Indian reservations exigencies arise that may not be anticipated, and which prudence and foresight could not have anticipated, and that, if authority of law is granted to the department to use these unexpended balances, much money and much property may be saved, and, certainly, a loss of time may be avoided rather than wait for the next appropriation.

Mr. SMOOT. I am not complaining that there is an unexpended balance. That is such a rare occurrence in the affairs of the Government that it almost takes one's breath to find that there is an unexpended balance of any appropriation which has been made.

Mr. ASHURST. As the Senator will, of course, observe, the purpose for which the money may be expended by the Commissioner of Indian Affairs is limited to "providing quarters for farmers and for such other industrial purposes as he may deem necessary."

This amendment is in accord with the spirit which actuates the large movement which has been inaugurated in the office of the Commissioner of Indian Affairs in every way possible to teach the Indians to farm and to become self-supporting.

Mr. SMOOT. I am in full accord with what the Senator says as to the object the department intends to reach; but what appeared strange to me was an appropriation made by a proviso to an appropriation bill, utilizing an unexpended balance for such a purpose. It seems to me that if this work is necessary and proper for the department to do—and I rather think it is—it ought to have been appropriated for direct and not by the appropriation of an unexpended balance to carry it on for one year. It ought not to be carried on for this year only, but it ought to be carried on right through all the years to come if the policy is a good one.

Mr. BRADY. Did the committee discuss this particular amendment?

Mr. ASHURST. The committee discussed it.

Mr. BRADY. Did they discuss it with the department?

Mr. ASHURST. The department approved this item. I wish to say, if the Senator from Idaho will pardon me at this point—and this is for other Senators also—that in the Senate hearings you will not find a transcript of the testimony relative to this matter, because the committee did not authorize the employment of a stenographer until we had proceeded some 8 or 10 pages in the consideration of the bill. This is not included in the testimony; no stenographer took the testimony upon this matter. There was, however, a discussion relative to it, and the department asked for this legislation.

Mr. CLAPP obtained the floor.

Mr. ROBINSON. Mr. President——

Mr. CLAPP. I yield to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, the principal feature of the amendment does not relate to the unexpended balance, but relates to fixing the qualifications for so-called farmers engaged in the Indian Service. The joint commission heretofore established by Congress to investigate Indian affairs and the Committee on Indian Affairs in the Senate have found through the course of the investigations which have been made that the services of this class of employees have not been altogether satisfactory, due to a number of causes. Among those causes we have found the lack of particular qualifications for this work. A great many of the so-called farmers are doing practically nothing toward teaching the Indians how to farm. In the first place, on many of the reservations they have no quarters away from the agency where they can stay among the Indians and give them the advantage of their services; they are employed on purely administrative matters.

As a result of those investigations, the Indian Bureau has inaugurated—and that, too, with great spirit—a movement to vitalize this work of the farmer. They have asked the committee to insert this amendment giving them some latitude in the expenditure of this unexpended balance for the purpose of providing quarters for those farmers, in order that they may be able to perform the function for which they were appointed and employed. In view of those circumstances, and in view of the extension of the work and the improvement of the character of the work that has been done by these men, the Committee on Indian Affairs inserted the amendment at the request of the Bureau of Indian Affairs.

Mr. CLAPP. Mr. President, I call the attention of the chairman of the committee to the fact that the Senator from Utah [Mr. SMOOT] does not object to the appropriation. As I recall, the unexpended balance was $28,000, was it not?

Mr. ASHURST. Twenty-eight thousand five hundred and nine dollars and one cent.

Mr. CLAPP. I am rather inclined to agree with the Senator from Utah [Mr. SMOOT] that it is better form to name the amount in making an appropriation; and I would suggest that on page 11, in line 4, after the word "thirteen," there be inserted the words "amounting to $28,509.01"; in the same line to strike out the word "are" and to insert "is"; and after the word "hereby" to insert the words "appropriated and"; so that if so amended it would read:

That the unexpended balances of this appropriation for the fiscal year 1913, amounting to $28,509.01, is hereby appropriated and made available for expenditure by the Commissioner of Indian Affairs.

And so forth.

Mr. ASHURST. Mr. President, so far as the chairman of the committee has any authority in such matters, I accept the amendment to the amendment.

The PRESIDENT pro tempore. The Chair recognizes the Senator's authority to do so. The Secretary will state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 11, line 4, after the word "thirteen," it is proposed to insert "amounting to $28,509.01"; in the same line, to strike out "are" and insert "is"; and, after the word "hereby," to insert "appropriated and," so that, if amended, it will read:

For the fiscal year 1913, amounting to $28,509.01, is hereby appropriated and made available.

Mr. SHEPPARD. Then, the word "balances," in line 3, should be changed to "balance." If you change the word "are" to "is," the word should be "balance"; it should be in the singular.

The PRESIDENT pro tempore. Unless there is objection, that modification will be made. The Chair hears none. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 24, after "$300,000," to strike out "*Provided*, That after July 1, 1914, no part of the sum hereby appropriated shall be used for the maintenance of warehouses in the Indian Service," so as to make the clause read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, $300,000.

The amendment was agreed to.

The next amendment was, on page 12, line 14, after the words "Board of Indian Commissioners," to strike out "$4,000, including not to exceed $300 for office rent" and to insert "$25,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, $25,000.

The amendment was agreed to.

The next amendment was, on page 12, line 20, after the word "agencies," to strike out "$150,000" and to insert "$200,000: *Provided*, That hereafter whenever an Indian shall be incarcerated in an agency jail a report or record of the offense or case shall be immediately submitted to the superintendent of the reservation or such official or officials as he may designate, and such report shall be made a part of the records of the agency office."

Mr. LANE. Mr. President, I should like to call the attention of the chairman of the committee to the advisability of amending that so as to read:

Provided, That hereafter whenever an Indian shall be incarcerated in an agency jail or any other place of confinement a report—

And so forth.

The PRESIDENT pro tempore. Does the Senator move an amendment to that effect?

Mr. LANE. I move that amendment to the amendment, and hope it will be accepted by the chairman.

The PRESIDENT pro tempore. Unless there is objection, the amendment to the amendment will be agreed to.

Mr. SMOOT. Mr. President, before it is agreed to, I want to ask one question. Suppose an Indian is incarcerated in the county jail in another State or somewhere outside the agency jail, in that event I wonder if there should not be some provision made whereby if his arrest were not discovered or known that no censure should attach to the superintendent of the agency.

Mr. LANE. What I was aiming to accomplish——

Mr. SMOOT. I see what the Senator is aiming at, and I think it is a good thing; but I wonder whether it would not be better to confine it a little more closely?

Mr. LANE. I prefer to have as much latitude go with this as possible. Where it is impossible; of course the agent is not expected to do impossible things.

Mr. SMOOT. Let the amendment be stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In the committee amendment, on page 12, line 22, after the word "jail," it is proposed to insert "or any other place of confinement."

Mr. LANE. If it is within the power of the superintendent to make the report, he should be required to do so. Frequently the Indians get off the reservation. White men induce them to go off the reservation, get them drunk, and secure their titles from them. They use duress upon them off the reservation. There are cases of that kind reported, which I desire to cover.

The PRESIDENT pro tempore. Why would it not be well for the Senator to modify his amendment by saying "agency jail, or other place of confinement therein," so as to fix the boundary?

Mr. CLAPP. Mr. President, I think there should be no limitation. I think when an Indian has been arrested there should be a record made of it and kept on the reservation. I think the amendment of the Senator from Oregon is a good one without limitation.

Mr. LANE. I think that is what ought to be done.

Mr. SMOOT. I think so myself, Mr. President, providing it can be carried out; but I doubt very much whether it can be carried out in very many cases.

Mr. LANE. Perhaps it can not; but in many cases it can be carried out where it is not now carried out, and it will do good to that extent.

Mr. SMITH of Arizona. Mr. President, I should like to suggest to the Senator from Oregon that I agree with the purpose of his amendment; but it suggests itself to me that possibly in order to keep a record of Indians confined and arrested, say, 100 miles away, the agent may think that this provision is a mandatory order to him to go out and ascertain the facts and come back and make his record in the reservation, and thereby squander much more money than Congress contemplates in acting upon this amendment. While we agree that such a record should be kept, there ought to be some limitation on it, at least to prevent an agent quitting his business and going 500 miles away, or, so far as that is concerned, a thousand miles away, to ascertain the facts as to an Indian who may be arrested and come back and record them in the archives of the reservation.

Mr. BRADY. Mr. President, I do not understand that it is the duty of the superintendent to go out to ascertain the facts. My understanding is that the facts are to be reported to the superintendent, and for that reason I do not think the amendment offered by the Senator from Oregon is any too broad. I think it covers the ground. When an Indian commits an offense, so far as possible the superintendent of the agency ought to be informed of that fact; but I do not believe that this provision would require the superintendent to go out and get the information. It is the duty, as I understand, of the man who arrests the Indian to make the report to the superintendent.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Oregon to the amendment reported by the committee.

Mr. TOWNSEND. May we have the amendment again stated? I was not in the Chamber at the time it was offered.

The PRESIDENT pro tempore. The amendment to the amendment will again be stated.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, line 11, after the word "available," to strike out "$116,450" and to insert "$125,000," so as to make the clause read:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government, in the discretion of the Secretary of the Interior; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, $125,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

For the employment of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed $2,500 per annum each and actual traveling expenses, and $3 per diem in lieu of subsistence when actually employed on duty in the field, $30,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 18, to insert:

That section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds," be amended to read as follows:

"SEC. 2. That the Secretary of the Interior is hereby authorized, under such rules, regulations, and conditions as he may prescribe, to pay any Indian who is blind, crippled, aged, needy and destitute, or helpless, his or her share or any portion thereof of the tribal or trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury to the credit of such tribe susceptible of division among its members, or to expend the same for his or her benefit: *Provided*, That all authority conferred upon the Secretary of the Interior by this amendment and by the act of which it is amendatory may be exercised in respect to any such Indian, competent or incompetent, independently of whether or not application shall be made for his or her share of such funds."

Mr. ASHURST. Mr. President, I rise to ask as to the correct parliamentary procedure. I have a memorandum from the department on my desk indicating that there should be an amendment proposed to the committee amendment which has just been stated. Is it appropriate to offer it at this time?

The PRESIDENT pro tempore. Oh, yes. Individual Senators can move to amend an amendment of the committee, and, of course, the chairman of the committee may do so.

Mr. ASHURST. Then, Mr. President, on page 13, line 25, after the word "Indian," I move to strike out the words "who is blind, crippled, aged, needy and destitute, or helpless."

In support of the amendment I desire to read from a letter from the Assistant Commissioner of Indian Affairs, addressed to me under date of June 2, as follows:

JUNE 2, 1914.

Hon. HENRY F. ASHURST,
Chairman Committee on Indian Affairs,
United States Senate.

MY DEAR SENATOR ASHURST: I am of the opinion that H. R. 12579, the Indian appropriation bill, as reported to the Senate, should be changed by striking out the words "who is blind, crippled, aged, needy and destitute, or helpless," in lines 25 and 26, on page 13, for the reason that this limitation might prevent us from paying out to Indians their shares of tribal funds who should receive the same but who could not do so under the language now contained in the bill. I should be glad if you would have the bill amended accordingly.

* * * * * *

Very truly, yours,
E. B. MERITT,
Assistant Commissioner.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Arizona to the amendment reported by the committee.

Mr. PAGE. Mr. President, in reading the amendment I am reminded that in the committee we had a long discussion as to the authority which was to be conferred upon the Secretary of the Interior with regard to the distribution of Indian funds. Many were of the opinion that there were several amendments in the bill which tended to make it easier than heretofore to bring the funds of the Indians together and then distribute them at the pleasure of some Indian agent. I should like to call the attention of the Chair to the language of section 2 which has just been read. It seems to me that it is general legislation and subject to a point of order.

The PRESIDENT pro tempore. The Senator from Vermont will state the point of order.

Mr. PAGE. It is general legislation, it seems to me, and I think I must raise the point of order against the amendment.

Mr. CLAPP. I hope the Senator will withhold his point for a moment.

The PRESIDENT pro tempore. The Chair will be glad to hear the Senator from Minnesota.

benefit to the lands that have been allotted to him. It seems

and giving him the tools and the implements with which to farm, we were going about as far as we could go now.

The Indian is a child who has been neglected in the past. The proposition now is to teach him some things in reference to the scientific culture of certain products. We have employed farmers and made provision that they shall be experts in the business. They can teach the Indian and will teach him the things that it is necessary and possible for him to learn now.

Therefore I hope that this appropriation of $25,000 for experimental purposes will not be restored, and that the provision of $5,000 shall remain in the bill for the express purposes mentioned in the item.

Mr. SMITH of Arizona. Mr. President, just a word in response to what the Senator from Michigan has said. He seems to bewail the fact that white men might possibly attain some advantage by some appropriation that has been made directly for the Indians. That is a misfortune, probably, from his standpoint, but from mine it does not affect the value of the appropriation that it could possibly aid the whole country in which it was carried on, no matter by whom it was carried on.

But it is a fact which has been demonstrated, that Egyptian cotton grows there with greater luxuriance and of a better quality, probably, than in any other country in the world. The ancestors of many of these Indians were raising cotton before any of the people of this country raised cotton. Many of them were experts in cotton fields. This appropriation, or any appropriation that will help them in that development, offers the greatest possible aid that could be given them. It is a pretense to say that it is not helping the Indians because it is to be applied to some other purpose than the growing of corn or the raising of beans, and therefore the House appropriation should not be restored. These Indians, by the use of a small amount of water—and they have a very limited amount—can do more for themselves where they are located with Egyptian cotton than with all you have in your bill or will have in the next 25 bills as to teaching the Indian by experiment how to raise different fruits, flowers, vegetables, and so forth.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Utah?

Mr. SMITH of Arizona. Certainly.

Mr. SMOOT. Will the Senator state where the long-staple cotton can be raised on Indian land?

Mr. SMITH of Arizona. Yes, sir; on the Pima Reservation, right there south of Mesa, between Mesa and the Gila River.

Mr. SMOOT. Are they raising it now?

Mr. SMITH of Arizona. Yes, sir; they are raising it now, the finest quality in the world.

Mr. TOWNSEND. Does not the Senator from Arizona understand that in the appropriation for the Pima Indians, and in the appropriations for all the Indian tribes, we give annually large appropriations to assist them in the processes of agriculture? That money can be used on that reservation for the express benefit of those particular Indians under the conditions in which they live, with the soil and climate and everything else taken into consideration.

Mr. SMITH of Arizona. Where does the appropriation for that purpose for the Pima Indians occur in this bill?

Mr. TOWNSEND. I have forgotten the term that is used in all cases, but the actual work already in existence of the Indian Department shows what that money is used for and what the purposes are. I think this whole item is out of place entirely in the bill. It was finally agreed that $5,000 might possibly be used to some advantage in this experimental work.

Mr. SMITH of Arizona. I shall not take any longer time, but, on account of the condition of my voice, I ask the Secretary to read a memorandum on agricultural work on the Indian agency farms.

The PRESIDENT pro tempore. The Secretary will read, in the absence of objection. The Chair hears none.

Mr. SMITH of Arizona. Before the Secretary proceeds, I will state that I understand that those facts were ascertained by the Representative from Arizona now serving in the House of Representatives with such ability and distinction.

The Secretary read as follows:

MEMORANDUM ON EXPERIMENTAL AGRICULTURAL WORK ON INDIAN AGENCY FARMS.

In the Indian appropriation bill (H. R. 12579, Calendar 453) as reported to the Senate on May 14, on page 10, line 20, the Senate committee recommends the reduction from $25,000 to $5,000 of the amount to be used to "conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grain, vegetables, and fruits."

Under this item a cooperative testing and demonstrative garden is conducted on the school and agency farm of the Gila River Indian Reservation, at Sacaton, Ariz., by the Bureau of Plant Industry of the Department of Agriculture, in cooperation with the Office of Indian Affairs.

As a result of experiments carried on in this experiment station the culture of Egyptian cotton has been established in the Salt River and Gila River Valleys as a flourishing and profitable industry among both the white settlers and the Pima Indians. The development of this industry in Arizona is directly to the advantage of the Indians, who not only obtain handsome profits from the crops grown on their own farms but find remunerative employment in picking the cotton of white farmers, labor to which they are peculiarly well adapted.

Egyptian cotton, because of its fine quality, requires better handling than ordinary short cotton. The Indians pick carefully, with a minimum of injury to the plants, and also very cleanly, so that the grower who employs them usually escapes the depreciation caused by the presence of leaves and other "trash," which is very prejudicial in the eyes of spinners.

It is conservatively estimated that last year the Pima farmers received a total of $20,000 for the cotton grown by them on their reservation farms, and that about $25,000 was paid in wages to the Papago cotton pickers in the Salt River Valley. This year, with over 14,000 acres of Egyptian cotton planted, several thousand Papago Indians can find employment picking this cotton, and the pay roll will probably mount up to $100,000 or more.

The great importance of this new crop to both the white settlers and the Indians makes it desirable to conduct on a more extensive scale experiments in the breeding of new and superior strains of Egyptian cotton and in measuring exactly the amount of water needed for this crop. Money is also required for the construction of fireproof storage warehouses, in order to accumulate enough seed of a new variety now being bred to permit of sending it out for planting on a commercial scale in a year or two.

The new cotton above referred to, which has been bred on the Sacaton Cooperative Testing Gardens, is superior to any grown in Egypt, and if it can be selected to be as uniform as the sort at present commercially grown in Arizona will give the United States the same sort of supremacy in Egyptian cotton that it now has in the white staples because of the sea-island crop.

Since cotton can be produced with comparatively little irrigation, it is peculiarly valuable for southern Arizona. It requires only about half as much water during the season as alfalfa, and the profits from cotton are often greater. The fact that a highly profitable crop like Egyptian cotton can be grown with but slightly more than 2 acre-feet of water is of the utmost importance, not only on the Indian reservations, where all water now available must be pumped, but also in the Salt River Valley, where every economy in the duty of water increases the area that can be irrigated. If the San Carlos irrigation project is carried out, it will be necessary to develop crops like Egyptian cotton that permit the highest economy of water, as the Army Engineers' Report (65d Cong., 2d sess., H. Doc. No. 791, p. 46) counts on a water right of only 2 acre-feet for the area to be irrigated. In order to determine accurately the water requirements of Egyptian cotton and other crops now under trial at the Sacaton experimental gardens, it will be necessary to put in concrete ditches and laterals and to install a number of water meters.

Work almost as important as that on the Egyptian cotton has been done in introducing and establishing the new Peruvian alfalfa, which gives two additional cuttings a year in the Southwest. Both Indians and white settlers are rapidly adopting this superior alfalfa.

Experiments that promise important results are also in progress in breeding a new and superior type of Bermuda onion seed, in growing pecan nuts under irrigation, and in breeding heavy-yielding varieties of Indian corn suitable for culture in the hot, dry climate of the Southwest.

It will not be possible with the appropriation carried in the Senate committee report to carry on properly the work of selecting and breeding this new cotton, storing up seed thus bred, and determining the water requirements of this and other new crops now being tested at Sacaton.

The $25,000 voted by the House will be none too much to provide for the work here and for similar experimental work on a smaller scale on Indian reservations in New Mexico and southern California.

Mr. SMITH of Arizona. In line 23, after the word "fruits," I move to strike out the semicolon and insert the word "cotton."

The PRESIDENT pro tempore. After the word "trees."

Mr. SMITH of Arizona. After the word "trees" would be better, probably.

The PRESIDENT pro tempore. The question is on the adoption of the amendment proposed by the Senator from Arizona to the amendment.

The amendment to the amendment was agreed to.

Mr. SMITH of Arizona. In line 20, before the word "thousand," I move to strike out "five" and insert "twenty-five."

The PRESIDENT pro tempore. That is involved in the pending amendment of the committee. It is not necessary for the Senator from Arizona to move a separate amendment.

Mr. STERLING. I should like to ask the Senator from Arizona if the committee has made any estimate of the number of Indian school or agency farms? Here is an appropriation of $5,000 for the purpose of conducting "experiments on Indian schools or agency farms to test the possibilities of soil, climate," and so forth. I have been led to wonder after reading this appropriation as to the number of such farms. Can the committee give any information in regard to the number of farms in operation at the agencies and at the Indian schools?

Mr. SMITH of Arizona. I did not understand the Senator's question.

The PRESIDENT pro tempore. The Senator from South Dakota is addressing an inquiry to the chairman of the Committee on Indian Affairs.

Mr. ASHURST. Did the Senator from South Dakota address his inquiry to me?

Mr. STERLING. The inquiry, I should like to say to the Senator from Arizona, was, Has he made any estimate of the

number of farms at the Indian schools or agencies? The appropriation calls for $5,000 to be used in experimental work at such farms. What estimate or statement can the committee give in reference to the number of such farms?

Mr. ASHURST. Mr. President, the various Indian agencies throughout the United States have more and more, especially in recent years, adopted the policy of teaching the Indian farming, to the end that he may become, in a measure at least, self-supporting. I am not for the moment able to give the Senator from South Dakota the number of Indian farms. Is that the information the Senator sought?

Mr. STERLING. My inquiry relates to agency and Indian school farms. It is to those farms that the appropriation especially refers.

Mr. ASHURST. There are some 149 or 150 agencies, and I presume upon a large number of them some farming is done. In some climates under some conditions one class of farming and in other classes of soils another class of farming is done, but there is a distinct movement all along the line among all the agencies wherever possible and practicable to develop farming as far as can be done.

Mr. ROBINSON. Mr. President, the appropriation of $5,000 or of $25,000, for that matter, for experimental work on Indian farms would be inadequate to conduct that kind of work along any broad lines. The motive which prompted the committee in reducing this item from $25,000 to $5,000 was that scientific experiments in agriculture ought not to be conducted at the expense of the Indians of the United States. The Government, through the Department of Agriculture, as everyone here knows, is doing very liberal work in that regard, and the results of these experiments are available for the benefit of both the whites and the Indians.

The Committee on Indian Affairs of the Senate thought that it was hardly fair to divert a large amount of Indian funds to the purpose of making experiments in scientific agriculture or kindred subjects. We thought that the liberal expenditure of Indian funds is justifiable for the stimulation of the industrial spirit among the Indians. Before the consideration of the bill is concluded it will be disclosed that the committee has gone a long way toward promoting a very liberal appropriation. A reimbursable or revolving appropriation was carried in this bill for that purpose, but we did not believe that it was best or that it was fair to charge up to the Indians a large appropriation for the purpose of conducting experiments in scientific agriculture. The Indians have not advanced to that stage in industry yet where that could properly be done. The Government, in the Department of Agriculture, already has adequate machinery and the necessary funds for conducting this class of experiments throughout the United States, and the result of those experiments are available for the benefit of all the citizens of the country, including the Indians.

Mr. SMITH of Arizona. In response to the Senator I will say I do not understand that this item is reimbursable at all. It is under the Secretary of the Interior. I am convinced if the Senator recognized the supreme importance of this particular appropriation to the Indians he would not hesitate to agree that the Senate amendment should be disagreed to.

Mr. ROBINSON. I believe the Senator from Arizona is right, and that this is a gratuity item. No one can justify himself in going further than I in promoting a spirit of industry among the Indians of the United States. I conscientiously believe that if ever the Indian problem is solved this will prove to be one of the chief instrumentalities of the accomplishment.

Mr. SMITH of Arizona. I am in sympathy, as well as in hearty accord, with the Senator's expression of opinion. I believe that this one particular item is of the greatest importance. With the Indians in a desert country and with scarcity of water, by the insertion of the word "cotton" and restoring the House appropriation, I do not think the money could be more profitably expended than in that scheme to carry out as rapidly as possible the hope of all of us for a better day and a better civilization among those people.

I hope that the Senate committee amendment will be disagreed to.

Mr. ROBINSON. I am induced to believe from the suggestion made by the Senator from Michigan [Mr. TOWNSEND] that this was a reimbursable item in the appropriation bill. I had not recently examined the item. Since it is not a reimbursable item I am inclined to the opinion that the amendment suggested by the Senator from Arizona should be agreed to. The result of these experiments, since the cost is chargeable against the general Treasury fund, will be available for both whites and Indians. The arguments at first directed against the insertion of the amendment on the theory that it was a reimbursable appropriation applies in my judgment with equal force to the adoption of the amendment since the argument of the Senator was based on the false premise that it was a reimbursable appropriation.

Mr. STERLING. Mr. President, the reason for my inquiry as to the number of schools was that I supposed there were quite a large number of these farms at the Indian schools and agencies; that very many of them would be entitled to the benefit of the experimental work on the farms; that the need for such work at one school would be as great as it would be at another school, and in view of that I thought $5,000 would not go very far in conducting this kind of work.

Hence I am inclined to agree with the amendment proposed by the Senator from Arizona [Mr. SMITH] that the appropriation should be $25,000 rather than $5,000 as reported by the committee.

Mr. TOWNSEND. I recall very well the debate that was had on this question when the subject was before the committee. Unfortunately, we did not have a stenographer at that time, and the testimony was not taken down. I understood at that time that the sums taken from Indian funds were reimbursable. My understanding was, though I may be mistaken about that also, that if this money was all to be expended—and all the testimony was to that effect, at least—it was to be expended at one place, and that these experiments were to be conducted at one reservation; that was among the Pima Indians, as I understand. I do not think there was any evidence that it was proposed that any experiments should be conducted elsewhere. I may be mistaken about that, but that is my memory of the whole transaction.

Mr. SMITH of Arizona. I will say to the Senator that as to these particular Indians it would be a dead letter, because they have not any funds anywhere on the face of the earth.

Mr. TOWNSEND. Does the Senator from Arizona know whether these experiments are to be conducted anywhere else except in this one particular place in Arizona?

Mr. SMITH of Arizona. I have an idea that they will be conducted in many places, but I do not know of any Indians there that have any money in the Treasury of the United States. That is the reason they should appeal more strongly to our consideration.

Mr. STERLING. Mr. President, under the reading of this bill, it would apply to all farms at Indian schools or agencies.

Mr. SMITH of Arizona. It ought to do so.

Mr. STERLING. And I would not favor any proposition here to appropriate money for experimental work at any one particular agency or any one particular reservation. My understanding is that it would apply to all; that all who may reasonably need it, or where it may be reasonably beneficial, would share in this appropriation.

Mr. ASHURST. Will the Senator yield to me?

Mr. STERLING. Certainly.

Mr. ASHURST. The Senator from South Dakota is correct in his opinion that it would apply to all.

The PRESIDING OFFICER. The question is on the adoption of the amendment recommended by the committee.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 11, line 2, after the date "nineteen hundred and twelve," to insert the following proviso:

Provided further, That the unexpended balances of this appropriation for the fiscal year 1913 are hereby made available for expenditure by the Commissioner of Indian Affairs in providing quarters for farmers and for such other industrial purposes as he may deem necessary: *And provided further*, That no money appropriated herein shall be expended on and after January 1, 1915, for the employment of any farmer or expert farmer whose salary shall be in excess of $50 per month, unless he shall first have procured and filed with the Commissioner of Indian Affairs a certificate of competency certifying that he is a farmer of actual experience and qualified to instruct others in the art of practical agriculture, such certificate to be certified and issued to him by the president of the State agricultural college or university of the State in which his services are to be rendered, or by the president of the State agricultural college or university of an adjoining State.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge the amount of the unexpended balance referred to in the amendment.

Mr. ASHURST. For last year?

Mr. SMOOT. Yes.

Mr. ASHURST. I will find it for the Senator from Utah in just a moment.

Mr. SMOOT. While the Senator from Arizona is looking up this information I will say that this method of legislation is not good, and, unless there is some particular reason for it, I think I shall have to make objection to it.

Mr. ASHURST. The unexpended balance referred to in the amendment for the last year was $28,509.61. It is impossible,

Mr. LANE. Mr. President, in reply to the Senator from Wisconsin, I want to say that last year I brought to the attention of the committee such facts as I had at hand, and they discussed the matter fully there, and then I brought it again into the Senate.

I have here a copy of the remarks I made last year when this bill was under consideration. At that time I said:

The first item of appropriation in the bill confers the right to survey, resurvey, and classify, and so forth, the lands.

Now, that is the item here.

In this connection I present for your inspection at this time the blue print of a map which shows one of the said "resurveys" for which a similar appropriation was made. By an engineering feat which is not accounted for in the primitive system of logic current among Indians, they find themselves separated from much of their best and most valuable timber lands on one well-known reservation.

I submitted a specific instance, with a map and with the testimony of the engineer who had surveyed it. I presented that to the committee. I do not know what more I could do with the committee or Members of the Senate, unless I took them out personally on a personally conducted tour over the lands. There are other instances, of which I have not such full proof, but there are many that can be found. The complaint has been quite general; and I think the Senator will find, if it is ever investigated, that that is true. The proof of it is unquestioned. Now, it is merely a question here as to whether we want to pass this item. I do not want to do anything to hamper the Indian Office, and, like the Senator, I see that it will be necessary in some cases for them to resurvey lands. That is proper, and I am willing to trust them; but in a general way this grant has been used not for the benefit of the Indians. I make that assertion on the strength of the statements which have been made to me, and I can produce instances which confirm the statement.

I have them, and they are of record. I have already submitted them not only to the committee but to the Senate. I did not know the item was coming up to-day. They are in my office, and I could bring them here now, but I did not know this objection was going to be raised to this particular item.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. KENYON] to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, in the item of appropriation for the construction, repair, and maintenance of ditches, reservoirs, dams, etc., on page 5, line 10, after the word "prescribe," to insert "and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project," so as to read:

Provided further, That the Secretary of the Interior is hereby authorized and directed to apportion the cost of any irrigation project constructed for Indians and made reimbursable out of tribal funds of said Indians in accordance with the benefits received by each individual Indian so far as practicable from said irrigation project, said cost to be apportioned against such individual Indian under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account in detail of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year, including a résumé of previous expenditures, which shall show the number of Indians on the reservation where the land is irrigated, irrigable area under ditch, irrigable area under project (approximate), irrigable area cultivated by Indians, irrigable area cultivated by lessees, amount expended on construction to June 30 of the preceding fiscal year, amount necessary to complete, and cost per acre when completed (estimated); value of land when irrigated, and such other detailed information as may be requisite for a thorough understanding of the conditions on each system or project.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee a question with reference to the text of the bill in lines 8 and 9, on page 5. It seems to provide that where an irrigation project is constructed, the cost of which is reimbursable out of the tribal funds, the charge may be assessed against the individual Indian for the benefit which he receives.

I take it that the benefit he receives is derived from the benefit to the lands that have been allotted to him. It seems to me that it would be wise to have a provision there making this cost a charge against the land as well as against the Indian; at least, that any amount that may be unpaid when the Indian disposes of the land should be a charge against it. I desire to ask the chairman whether the committee has considered that phase of the matter at all?

Mr. ASHURST. Mr. President, as I said a moment ago, the committee had protracted hearings. This item was the subject of some considerable discussion. While there might be force in the observation made by the Senator from Washington, nevertheless, after full discussion, the committee agreed that this would be a more suitable and appropriate way of legislating upon this matter.

Mr. JONES. I think probably at the proper time I shall offer an amendment embodying my idea. I wanted to call it to the attention of the chairman, so that he might give it such thought as he would have time to give it.

Mr. ASHURST. Does the Senator wish to reserve this item?

Mr. JONES. No; this is a part of the text of the bill. We are now considering the bill for committee amendments, as I understand. After we get through I can offer an amendment to that part of it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 6, line 5, after the words "Indian homes," to strike out "$260,000" and insert "$310,000: *Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospital shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs," so as to read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, correction of sanitary defects in Indian homes, $310,000: *Provided*, That not to exceed $100,000 of the amount herein appropriated may be expended in the erection, equipment, and maintenance of camp and pavilion hospitals for the use of afflicted Indians, and especially for the treatment of Indians afflicted with tuberculosis and trachoma. No hospitals shall be constructed at a cost to exceed $12,500. Said sum to be immediately available and to remain available until expended. Said hospitals to be constructed in the open market under the supervision of the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the item of appropriation to relieve distress among Indians and to provide for their care, and for the prevention and treatment of tuberculosis, etc., on page 7, line 1, after the word "designate," to strike out "*Provided further*, That not to exceed $50,000 of the amount herein appropriated may be expended in the erection and equipment of hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed $15,000, including equipment"; and in line 9, after the word "herein," to strike out "*Provided further*, That the Secretary of the Interior may, in his discretion, employ physicians regularly licensed to practice to aid in carrying out the provisions of this paragraph without requiring such employed physicians to pass any civil-service examination."

The amendment was agreed to.

The next amendment was, on page 7, in line 18, after the word "isolate," to strike out "remove"; in line 20, after the word "such," to strike out "force" and insert "means"; and in line 21, after the word "isolation," to strike out "removal"; so as to make the proviso read:

Provided further, That whenever the Secretary of the Interior shall find any Indian afflicted with tuberculosis, trachoma, or other contagious or infectious diseases, he may, if in his judgment the health of the afflicted Indian or that of other persons require it, isolate or quarantine such afflicted Indian in a hospital or other place for treatment. The Secretary of the Interior may employ such means as may be necessary in the isolation or quarantine of such Indian, and it shall be the duty of such Indian so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

Mr. LANE. Mr. President, objection is made to that word "isolate."

Mr. ROBINSON. Mr. President, if the Senator from Oregon will pardon me, it was the word "remove" that was objected to and stricken out largely at his instance.

Mr. LANE. Yes.

Mr. ROBINSON. The word "isolate" was agreed upon.

Mr. LANE. Yes; and I was about to say that since then I have heard considerable objection to that, for the reason that

they think it gives too large a grant of power to imprison. They are satisfied with the word "quarantine."

Mr. ROBINSON. As I view the matter, I will say to the Senator from Oregon that the effect of the word "isolate" could not be broader than the power conferred under the word "quarantine," and, unless the chairman of the committee knows of some reason for retaining the word "isolate" in the bill, I myself should have no objection to striking it out, if the Senator desires.

Mr. LANE. I think if you will allow ordinary quarantine methods to be practiced, without putting a more rigid construction on it, it will give satisfaction and accomplish exactly what the committee desired.

Mr. ASHURST. As the Senator well remembers, of course, the use of the word "remove" was deemed by the committee a little harsh, and therefore it was stricken out. As was suggested by the Senator from Arkansas [Mr. ROBINSON], however, it was considered that in order to equip the department with sufficient means to enforce a quarantine, the word "isolate" would be better employed. It was rather agreed in the committee that the word "isolate" should remain there, in order further to strengthen and equip the department in carrying out the quarantine.

Mr. LANE. Mr. President, it was the object of the committee to provide proper quarantine methods. A word will do it. The word "isolate" might be stretched.

Mr. ROBINSON. I do not care about it.

The PRESIDENT pro tempore. What does the Senator from Oregon propose to do?

Mr. LANE. Strike it out.

The PRESIDENT pro tempore. That is not in order at this time, because it is not a committee amendment. The bill is not open at this time to amendments offered by individual Senators. The proposed amendment is out of order at the present time. The Secretary will continue the reading of the bill.

Mr. JONES. I wish to ask the chairman of the committee what is the force and effect of the words in line 22—

And it shall be the duty of such Indians so afflicted to obey any order or regulation made by the Secretary of the Interior in carrying out this provision.

Suppose an Indian refuses to obey the order, what punishment would be meted out to him? Is it intended to permit some unusual punishment to be inflicted upon him?

Mr. ASHURST. That provision fixes the rule of law or conduct of the Indian described in such cases as fall within the purview of the proposed statute.

Mr. JONES. Suppose an Indian refuses to obey a regulation; what would be done to him?

Mr. ASHURST. That would be for the Secretary of the Interior, within proper legal limitations, to prescribe.

Mr. JONES. Will this permit him to do something to the Indian that he would not be authorized to do if it were not here?

Mr. ASHURST. The Senator is a profound lawyer and will have to draw his own conclusions. In my judgment it would not.

Mr. JONES. So in the opinion of the chairman this language is really superfluous?

Mr. ROBINSON. If the Senator from Arizona will pardon me, the language has a certain moral value and effect which I think the Senator from Washington will perceive. While it does not carry any penalty it does fix an obligation upon the Indian, who is under the control of the Government, to obey the regulations made by the Secretary of the Interior.

Mr. JONES. It is more the moral effect that the Senator thinks would come from it that will really be the benefit of this provision?

Mr. ROBINSON. I think so.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "therewith," to strike out "$1,440,000" and insert "including the support and education of deaf and dumb and blind Indian children, $1,500,000"; in line 5, after the word "treaties," to strike out "shall be paid any employee in any position in the Indian school service who does not hold a certificate showing that such employee has passed the necessary examination required by the Civil Service Commission for such position, except such employees as are exempt under civil-service rules, and no part of it"; and, in line 12, before the words "the State," to insert "of," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including the support and education of deaf and dumb and blind Indian children, $1,500,000: *Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood.

The amendment was agreed to.

The next amendment was, on page 8, line 23, after the word "buildings," to insert "and sites," and in line 24, after the words "lighting plants," to strike out "$400,000" and insert "$480,000," so as to read:

For construction, lease, purchase, repairs, and improvements of schools and agency buildings, and sites, and for sewerage, water supply, and lighting plants, $480,000.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "employed," to insert "for furnishing necessary equipment and supplies for such farmers and stockmen," and in line 16, after the word "Indians," to strike out "$400,000" and insert "$500,000," so as to read:

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits; for the purpose of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for furnishing necessary equipment and supplies for such farmers and stockmen, and to superintend and direct farming and stock raising among Indians, $500,000: *Provided*, That the foregoing shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin.

The amendment was agreed to.

The next amendment was in the proviso on page 10, in line 19, after the word "exceed," to strike out "$25,000" and insert "$5,000," so as to read:

Provided further, That not to exceed $5,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits.

Mr. SMITH of Arizona. I should like to ask the chairman or some member of the committee why this reduction is made from $25,000 to $5,000? As passed by the House it reads:

That not to exceed $25,000 of the amount herein appropriated may be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits.

Mr. ASHURST. In reply to my distinguished colleague, I will say that when the committee was considering this item the reduction was believed to be proper, but without attempting to speak for the committee, which I have no authority to do, it is my personal opinion that the sum provided by the House is the proper sum. That is only my personal view, however.

Mr. SMITH of Arizona. I understand that a certain amount of this money has been applied to experiments in Egyptian cotton, and that these Indians can raise it with some profit, and it gives a ray of hope to me at least, and I see some evidence that real aid is being extended them. I shall move, therefore, that the House item be restored.

The PRESIDENT pro tempore. How does the Senator get the impression that the appropriation would authorize any expenditure of money for experiments in cotton? It is confined to trees, grains, vegetables, and fruits.

Mr. SMITH of Arizona. That is true; but there are some little cotton experiments made with it and very justly. Of course, they did not confine themselves to any particular root, vegetable, or other growth, and while the appropriation bill may have carried that language it was believed that its purpose included a slight investigation as to the matter of cotton. After restoring the sum, I should like to add the words "and also for experiments in the raising of cotton within Indian reservations." I move to insert the word "cotton" in the bill at the proper point and also to restore the appropriation to $25,000.

Mr. TOWNSEND. Mr. President, I hope the amendment of the Senator from Arizona will not prevail. The bill provides, as will be discovered by reading it, for great help to the Indians along the lines of agriculture, having in view all the time the condition of the Indian himself. We have appropriated large sums for industrial agricultural education to the Indians. It was believed that $5,000 was all that could be properly expended for the benefit of the Indians. It was thought at least that no part of the Indian appropriation money should be used for the purpose of making demonstrations for the benefit of the white man. We have carried large sums which, perhaps, are more properly for the benefit of the white man than for the Indian in the Indian appropriation bills.

From the testimony that was before us and from the investigation that was given this subject it was believed that in view of all the large appropriations for the real benefit of the Indian, teaching the rudiments of farming, putting him on his farm

The first amendment of the Committee on Indian Affairs was, on page 2, after line 2, to strike out:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $150,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose, and to remain available until expended.

And insert:

For the survey, resurvey, classification, allotment, and disposal of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey, allotment, or disposal of Indian lands, $200,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes, and to remain available until expended: *Provided*, That hereafter no part of said sum shall be used for the survey, resurvey, classification, appraisement, or allotment of any land in severalty upon the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing on the public domain prior to June 30, 1913: *Provided further*, That the surveys shall be made in accordance with the provisions for the survey and resurveys of public lands, including traveling expenses and per diem allowances in lieu of subsistence to those employed thereon; and when necessary the Secretary of the Interior may employ in the city of Washington, D. C., such assistants as are required in the preparation of the final returns of the surveys of Indian lands made under the direction of the Commissioner of the General Land Office.

Mr. KENYON. Mr. President, I should like to ask the chairman of the committee, the Senator from Arizona, why is provision made in the amendment for the resurvey of these lands? They have been surveyed once, have they not, and the expense incurred has been taken out of the money belonging to the Indians? Now, what is the necessity for a resurvey, with the consequent additional amount for the Indians to pay?

Mr. ASHURST. Mr. President, that is the formal language which has always been used in the bill.

Mr. KENYON. Is the Senator correct that this is the language that has always been used? I understood it had not been used previously.

Mr. CLAPP. It was evidently used by the House, because the paragraph the Senate committee struck out on page 2 reads:

For the survey, resurvey, classification, appraisement, and allotment of lands in severalty under the provisions of the act of February 8, 1887—

And so forth.

Mr. KENYON. What is the purpose?

Mr. SMOOT. Mr. President, I will state to the Senator——

The PRESIDENT pro tempore. There are so many Senators on the floor that the Chair will have to enforce the rule. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I do.

Mr. SMOOT. I will say to the Senator that there is a claim that some of the original surveys have been found to be incorrect, and it is desired to have a resurvey, so as to allow corrections to be made in the original surveys.

Mr. KENYON. Is it applicable only to the original surveys?

Mr. SMOOT. No; it is not.

Mr. KENYON. It covers the whole thing, so that an entirely new survey can be made?

Mr. SMOOT. They can resurvey the whole territory.

Mr. KENYON. It simply means that out of the money belonging to the Indians can be taken such sums as may be needed for an entirely new survey. I do not understand it myself. It may be all right, but it does not seem so.

Mr. LANE. Mr. President, I will say for the information of the Senator from Iowa that the grant of authority embodied in this provision is very much complained of by the Indians. They claim that a great deal of injustice has been done to them in the past by the right which is given to the department to go upon their lands and resurvey and reallot them. The Indians in some instances have claimed that after they had secured a good piece of tillable land, made improvements upon it, worked on it perhaps for two or three years, put up fences, built their homes and other buildings, they have found themselves, as a result of the operation of such provisions as this, resurveyed out of their land and placed among nice, good, thrifty sagebrush, where water can never be placed on it, and where you can raise nothing but horned toads. They say that this has happened to them a great many times in the past, and they object to it, and claim that none of these resurveys should be made without at least their having been notified of the fact and their consent secured to resurvey their allotments.

In other cases the complaint has been made, and it is no doubt true, that as a consequence of these resurveys the Indians' territory has been diminished and large bodies of good and valuable timberland has been lost to them by resurveys, and got into the hands of their paleface brothers. They do not like that.

It is not a purely formal provision, as the distinguished chairman of the committee thinks it is, but a real, active, and live provision. I objected to it last year as a member of the committee and have no great confidence in it at this time; but we are assured by the present Commissioner of Indian Affairs that he will resurvey, if he does any resurveying, very righteously, and it is in the hope that he will do so that I think this provision has been allowed to stay in the bill by the committee. Would the Senator like to move to strike it out?

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Iowa?

Mr. LANE. I yield for the Senator to answer that question.

Mr. KENYON. Mr. President, I would be governed a great deal by what the Senator from Oregon might say about that. If he believes that the term "resurvey" is a term which may in the application of the survey and with reference thereto result in wrong to the Indians, I would move to strike it out.

Mr. LANE. I will say, in reply to the Senator, that there are instances, no doubt, where it would be necessary to have a resurvey; but, in the main, I think such resurveys have been to the disadvantage of the Indians. They are bad for the Indian and he loses by them, I think, more than he gains. The Indians think they would not have lost in the past hundreds of thousands of acres, and probably more than that, if such a word had never been put in the bill. I do not know what ingenious gentleman discovered it, but it would be a good thing for the Indians if it were stricken out.

Mr. KENYON. Does the Senator know when it was discovered?

Mr. LANE. No. It has been contained right along in several bills. I discovered it last year, among many other things, when I came here, and I objected to it because of the complaints made to me by the Indians.

Mr. KENYON. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state his parliamentary inquiry.

Mr. KENYON. As the committee amendment is now presented would a motion to strike out a word in the amendment be in order?

The PRESIDENT pro tempore. Yes; the committee amendment may be amended at this stage.

Mr. KENYON. I move to amend the committee amendment by striking out, in line 15, page 2, the word "resurvey."

The PRESIDENT pro tempore. The Senator from Iowa proposes an amendment to the committee amendment by striking out the word "resurvey," where it appears in line 15, on page 2.

Mr. TOWNSEND. Mr. President, I largely agree with the statements made by the Senator from Oregon [Mr. LANE]. I, too, objected to this word in the last year's appropriation bill, because it did not seem to me at that time that we had a sufficient explanation, or that the explanation we had answered the complaints which were made.

I am satisfied, however, so far as I am concerned, that there are lands which need resurveying. I think if this word should go out it is probable that it might be provided for in some other method under the title "surveying," and yet I am not clear about that; and I am inclined to believe that there is a legitimate use for that word in the bill at this time.

There are lands which have not been properly surveyed. Mistakes have been made. The very fact suggested by the Senator from Oregon, that resurveys have been made which have changed the line which the Indians originally held as their line and as marking their property, I contend shows that some of those lines should be resurveyed, that they should be redetermined, because already there have been set on foot some provisions for determining frauds, which I think were clearly frauds against the Indians by the fact that they were improperly and illegally located.

It is contended, and I think with some force, that there should be power somewhere to resurvey lines or lands which have not been properly located. It is for that reason that I consented, as a member of the committee, that the word should be retained in the bill. Unless some provision is made to accommodate the necessary conditions that may arise, I fear we may perhaps be inflicting a wrong upon the Indians, and we may be imposing upon the department a condition which we have opposed, namely, that it is exceeding its authority.

Among the things I have contended against are certain things that have been done by the commissioner or by the department, which have not been clearly defined. We have sought,

in certain provisions of this bill, to have the department render an account for the things they do. I dislike to be a party to a provision which would deny them the right to do something which is absolutely necessary; whereas if they report on these provisions as the commissioner or acting commissioner claimed they should report, and the things that should be done, I imagine many of the evils which have existed in the past will disappear.

Mr. LANE. Mr. President, I wish to say, for the information of the Senator from Iowa, that this word is carried in the bill, and it is in the nature of a large grant of power which has nowhere any restrictions placed upon it. If the Commissioner of Indian Affairs had come before the committee, or had presented to the Senate a schedule or list of the resurveys which it was important or necessary to have attended to, it would be a different matter; but there has been no list in detail submitted, and, in addition to that, it does not confine the authority to those resurveys, even though he had presented a list of them. It allows him to go out and resurvey any portion of the Indian lands anywhere in the United States. It is a grant at large, and that is the objection to it.

If it said "resurvey in conformity with the schedule of such plans as have been submitted to the Indian Affairs Committee," or "to the Senate," there would be no objection to it, and there could not be any objection on the part of anyone; but it is a grant at large, and that is the objection I have to it.

Mr. ASHURST. Mr. President, I shall be very brief in reply to the Senator.

The PRESIDENT pro tempore. Has the Senator from Oregon yielded the floor?

Mr. LANE. Yes; I yield to the Senator from Arizona.

Mr. ASHURST. In reply to the observations made by the distinguished Senator from Iowa, I will say that an examination of the bill for the current year will show that the last appropriation bill carries the same language. The committee had some protracted discussion over this item. As was observed by the Senator from Michigan [Mr. TOWNSEND], if the word "resurvey" were stricken out, the department would be impotent and powerless to correct an erroneous survey. Doubtless, as has been pointed out, some erroneous and improper surveys have been made; but shall we, by striking out the word "resurvey," deprive the department of the opportunity and the power to correct an erroneous survey?

Mr. CLAPP. Mr. President, it is a matter of absolute indifference to me whether this word is stricken out or not; but, of course, the department could not place before the committee of either House a detailed statement of the lands which probably would require to be resurveyed. It is as the cases come up in the experience of the department. The only thing the department could do in such a case would be to make an estimate as to the probable amount within which they would be able, as occasion arose, to meet the occasion and make the resurveys. No department could anticipate every tract of land which years of experience might demonstrate the necessity or expediency of resurveying. I will say to the Senator from Oregon that the only way they could do would be to estimate as they did, although, as I said, it is a matter of absolute indifference to me whether it is put in the bill or left out.

Mr. LANE. Mr. President, they can ascertain during the period of one year all the titles which are questioned, all pieces of land which they think ought to be resurveyed, and submit that list to the Senate in time for the succeeding year's work.

Mr. CLAPP. Why, Mr. President, it is only as the population keeps crowding about that the occasion or the suggestion of an erroneous survey and the occasion for resurveying arises. It is different from some other things which can be estimated absolutely, for the idea is to give them this fund in order that as these occasions arise during the coming year they may have a fund from which they may make resurveys without any question as to whether or not the authority is included under the original term "survey."

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Iowa?

Mr. CLAPP. Certainly; with pleasure.

Mr. KENYON. The thought that was in my mind was this: Here is a survey that has been made under the provisions of an act of Congress entitled "An act to provide for the allotment of lands in severalty to Indians."

Mr. CLAPP. Yes.

Mr. KENYON. If that survey has been, as suggested here, erroneous in any particular, does not the Senator from Minnesota believe that the term "survey" is sufficient to cover a resurvey, to right any erroneous things there may be in the original survey, and that the term "resurvey" as used here means an entire resurvey under this act of Congress, to take the place of the original survey? It seems so to me.

Mr. CLAPP. There could be no line of demarcation as to the extent of the proposed resurvey. If the word "survey" is sufficient, then every wrong that can be committed under a resurvey can be committed under the word "survey." Out of extra caution, in order that there might be no question with the auditor and comptroller when they came to pass upon these accounts, the word "resurvey" was put in. I am inclined to think myself that probably the word "survey" would cover the subject, as I say. That is why I said at the outset that it is a matter of total indifference to me whether it is retained or not. I was simply explaining how it would be impossible to anticipate what will be needed. You might as well undertake to anticipate all the disputes between landowners as to their lines. It is only as settlement comes, it is only as the claim is made here and there that the line has been improperly run, that we have to resurvey among ourselves. These things can not be anticipated.

Mr. KENYON. I appreciate the force of that argument, of course.

Mr. LA FOLLETTE. Mr. President, I simply wish to call the attention of the Senator from Iowa to the fact that precisely the same term was used in the Indian appropriation act for 1911 and in the Indian appropriation act for 1912. It was found necessary, I apprehend, that there should be some resurveys after these original allotted lands were surveyed; so provision was made for the resurvey in the appropriation act of 1911 and again in the appropriation act of 1912, and it appears again in the appropriation act of 1913.

Mr. KENYON. Mr. President, does the Senator know whether or not the Indian, having secured his allotment under the act of Congress and the survey in pursuance thereof, can have it taken away from him by this resurvey?

Mr. LA FOLLETTE. Unless the survey included some lands that are afterwards found not to belong to the Indian, he can not be deprived of his allotment. This can not affect his title at all. It is simply a question of making the lines right if they are found to be wrong. I do not think any injustice has ever been done to an Indian under the provision for resurvey. I think the provision for resurvey is simply to correct errors that occurred in the original survey from time to time as the errors are discovered.

Mr. KENYON. I had understood from the Senator from Oregon that great injustice had been done in the resurveys.

Mr. LA FOLLETTE. Injustice has been done to the Indians; there is not any doubt about that. But I do not think any injustice was done to them by any resurvey.

Mr. LANE. Mr. President, that is exactly how the Indians claim it was done—by the act which gives to the department the power to go out and readjust, make new lines, and reapportion certain tracts of land which are under an irrigating system. There are Indians who claim that they have been resurveyed off of their homesteads and allotments as many as five times, and finally have landed on land which is nonirrigable and never can be irrigated. I refer to Indians who had allotments on irrigable lands, which they had improved to a certain extent. That is the identical complaint which they do make, and it is this identical provision which they claim does them injustice. They may be mistaken about it. This other language, the right to survey, may cover it, but it never happened to them, they tell me, until after this grant allowing this general right to resurvey and reapportion, which apparently carried that privilege with it. That is the identical item which they do claim is the cause of this injustice.

Mr. LA FOLLETTE. Mr. President, some one must be intrusted with the administration of the Indian appropriation bill. If it can be assumed that the Indian Office will so use the power conferred upon it by act of Congress as to defraud these Indians of their lands, then it is high time Congress knew that, and knew it in a definite way, and not in some vague, general charge made here on the floor. It is high time they had the precise information, the instances pointed out, and then Congress might provide for some other agency than the Indian Office to administer the law.

Up to the present time, however, we have had to rely upon the Indian Office to make the surveys of these Indian lands. If errors are committed in surveys of Indian lands, as errors always appear from time to time in the surveys of any lands, surely there ought to be some provision for some one to correct those errors. I do not know of any authority to which to commit that duty other than the Indian Office. At least we have no other officer designated under the law to take charge of that work.

The seat of the institution is at Rome. According to the treaty it is a "Government institution in which each adhering power is represented by delegates of its choice." It is administered by a general assembly and by a permanent committee. The president is the Marchese Raffaele Cappelli, delegate of Italy; the vice president, Mr. Luis Dop, delegate of France; and the general secretary, Prof. Giovanni Lorenzoni. The staff now numbers 97.

The revenue of the institute is derived from contributions paid by each of the adhering nations according to the group in which the nation is inscribed as established by the treaty. In accordance with the provisions of the treaty the present revenue will be increased from 810,000 to 1,150,000 francs (including 300,000 francs a year contributed by His Majesty the King of Italy).

Mr. FLETCHER. I should also like to put into the RECORD—and it will save the time of the Senate and save some discussion of this matter—as outlining the work of the institute what appears in its monthly bulletin in 1912, setting forth very briefly the purpose of the organization and the scope of its work.

The PRESIDING OFFICER. If there is no objection, the request of the Senator from Florida will be granted. The Chair hears none.

The matter referred to is as follows:

The International Institute of Agriculture was established under the International treaty of June 7, 1905, which was ratified by 40 Governments. Eleven other Governments have since adhered to the institute.

It is a Government institution in which each country is represented by delegates. The institute is composed of a general assembly and a permanent committee.

The institute, continuing its operations within an international sphere, shall:

(a) Collect, study, and publish as promptly as possible statistical, technical, or economic information concerning farming, vegetable, and animal products, the commerce in agricultural products, and the prices prevailing in the various markets;

(b) Communicate to parties interested, also as promptly as possible, the above information;

(c) Indicate the wages paid for farm work;

(d) Make known the new diseases of plants which may appear in any part of the world, showing the territories infected, the progress of the diseases, and, if possible, the remedies which are effective;

(e) Study questions concerning agricultural cooperation, insurance, and credit in all their aspects; collect and publish information which might be useful in the various countries for the organization of works connected with agricultural cooperation, insurance, and credit;

(f) Submit to the approval of the Governments, if there is occasion for it, measures for the protection of the common interests of farmers and for the improvement of their condition, after having utilized all the necessary sources of information, such as the wishes expressed by international or other agricultural congresses, by congresses of sciences applied to agricultural societies, academies, learned bodies, etc.

Mr. FLETCHER. I should like merely to call the attention of the Senate to the report made by the delegates to the last general assembly of the institute, signed by Alfred C. True, David Lubin, Charles W. Pugsley, Spencer Ewing, and Thomas J. Brook, and which is embodied in Senate document 196, and I should like to have inserted in the RECORD some extracts from the report, which I shall submit.

The PRESIDING OFFICER. If there be no objection, the request will be granted. The Chair hears none.

The extracts referred to are as follows:

The bureau of general statistics collects, collates, and publishes statistics of production and commerce in agricultural products, both animal and vegetable, throughout the world.

The bureau of agricultural intelligence and plant diseases collects and publishes information regarding the progress of scientific and experimental investigations and practical experience in agriculture throughout the world, and, as a branch of this work, gives special attention to the diseases of plants and to entomology.

The bureau of economic and social institutions collects and publishes statistics and general information regarding agricultural cooperation, insurance, and credit, together with other matters relating to the economic and social organization of rural communities.

Those publications of the institute which have a bearing on the formation of the price of the staples (such as crop reports and data on exports, imports, and stocks) are based exclusively on official information, supplied direct to the institute by the adhering Governments.

The other publications are produced from the following sources:

(a) Information officially communicated by the Governments.

(b) Original articles contributed by eminent authorities designated by the adhering Governments.

(c) Excerpts and abstracts of articles translated from the 2,225 official and unofficial periodical publications of the world received by the institute.

The institute prints and publishes two annuals and three monthly and one weekly bulletins, together with a considerable number of monographs on special subjects. The annuals are on agricultural statistics and legislation, respectively; the monthly bulletins are on (1) agricultural statistics, (2) agricultural intelligence and diseases of plants, and (3) economic and social institutions; and the weekly bulletin is bibliographical. The monthly bulletins are published in the French, German, English, Spanish, Italian, and Hungarian languages. French being the official language of the institute, the editions in that language are paid for from the funds of the institute. Provision for the edition in the other languages is made by the countries interested. The Congress of the United States has made an annual appropriation of $5,000 for translating and printing the English edition, the rest of the expense being borne by Great Britain and her colonies. This is considered a fair arrangement by the delegates from the United States, and they recommend that Congress should be asked to continue this appropriation.

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One of the most important, and at the same time the most difficult, tasks which the institute has undertaken is the selection and summarizing of important articles appearing in current scientific and practical journals and the publication of these summaries in the monthly Bulletin of Agricultural Intelligence. Such work can only be done most effectively by persons thoroughly trained in the different lines of agricultural science and practice, and who have at the same time a high degree of editorial insight.

* * * * * * * * *

To meet these requirements the assembly voted to ask the adhering Governments to raise the unit of their contributions from 1,500 francs to 2,500 francs, as provided for in the treaty of 1905. Since the contribution of the United States is on the basis of 16 units, the amount which Congress should be asked to appropriate toward the current expenses of the institute should be increased from 24,000 francs ($4,800) to 40,000 francs ($8,000). The desirability of this provision for the growing needs of the institute was so apparent that the delegates of all the adhering countries voted for the increase in the budget and undertook to recommend their Governments to enlarge their contributions.

This was one of the many evidences that the countries which are supporting the institute are now firmly convinced that the work which it is doing is important and valuable. There being no longer any question on these fundamental points, the Governments are more and more interesting themselves in plans for strengthening the institute and developing its activities along the most useful lines.

Mr. FLETCHER. I desire to call attention to the recommendation of the commission, and I ask the chairman's attention, especially upon this particular point, to what our delegates to the International Institute of Agriculture, in their report dated September 26, 1913, say:

Since the contribution of the United States is on the basis of 16 units, the amount which Congress should be asked to appropriate toward the current expenses of the institute should be increased from 24,000 francs ($4,800) to 40,000 francs ($8,000). The desirability of this provision for the growing needs of the institute was so apparent that the delegates of all the adhering countries voted for the increase in the budget and undertook to recommend their Governments to enlarge their contributions.

That is the recommendation our delegates made after the general assembly which was held last year at the headquarters of the institute in Rome, Italy. I am quite sure when the importance of this work is considered, the appropriation asked is certainly modest enough as coming from our Government. The International Institute of Agriculture is now participated in under treaty by 54 nations, and is doing a work which is growing in significance and importance. Our Government ought to recognize it decently, and $8,000 is a very small appropriation to make. I have no question but the other larger countries make much more liberal appropriations than that toward this institute. I wish the chairman of the committee could see his way clear to accept the House provision as to that item.

Mr. OVERMAN. Has the vote by which the amendment was agreed to been reconsidered?

The PRESIDING OFFICER. It has not been.

Mr. OVERMAN. I have no objection to reconsidering the vote by which the amendment was agreed to, for the purpose of allowing the Senator from Florida to offer his amendment.

The PRESIDING OFFICER. The question is on reconsidering the vote by which the Senate, on page 15, line 26, struck out the sum of "$8,000" and inserted in lieu thereof the sum of "$4,800."

The motion was agreed to.

Mr. OVERMAN. I am willing to compromise the matter with the Senator from Florida and to restore the sum of $3,600 which was stricken out on page 16, in line 3, and $2,500 inserted in lieu thereof, but I am not willing to restore the $8,000 which was stricken out on page 15, line 26, and $4,800 inserted in lieu thereof, because $4,800 is the amount which the United States has been contributing for years for that purpose. I am not willing to make this change simply because some delegate requests that the allowance be increased. Our quota is $4,800. Every civilized country in the world gives its proportionate part, so that the various contributions will make a very large sum for keeping up this bureau in Rome. It is now proposed to give $8,000 by the United States when we do not know that whether other countries will contribute a cent. If the Senator is willing to accept what I suggest, I will make a motion to recede from the amendments on page 16, in lines 3 and 7.

Mr. FLETCHER. The question, then, comes first on the committee amendment in line 26, on page 15.

The PRESIDING OFFICER. What is the motion of the Senator from North Carolina?

Mr. FLETCHER. The Senate committee proposes to amend the bill, on page 15, line 26, by striking out $8,000 and inserting $4,800. Following that amendment, on page 15, in line 3, the amount appropriated for this service was reduced from $3,600 to $2,500, and on the same page, in line 7, it was reduced from $5,000 to $2,500.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. I move to reconsider the vote by which the Senate agreed to the committee amendment, on page 16, line 3, changing the sum from $3,600 to $2,500.

The motion was agreed to.

Mr. FLETCHER. I move to disagree to the amendment as to the item on page 16, line 3.

The amendment was rejected.

Mr. FLETCHER. I move to reconsider the vote by which the Senate agreed to the amendment, on page 16, line 7, reducing the appropriation from $5,000 to $2,500.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. KENYON. I should like to ask the Senator from North Carolina a question for information. I have heard no explanation of the amendment, on page 25, providing for the "acquisition of consular premises at Shanghai, China." The appropriation made for that purpose is $375,000, and on the two preceding pages the appropriations for buildings at Mexico City, Tokyo, and Berne have been stricken out. Why was this large appropriation made for Shanghai and the other appropriations not agreed to?

Mr. OVERMAN. The representative of the Secretary of State, Mr. Carr, appeared before the committee and said it was more important to provide for the building in Shanghai than to provide for the embassy buildings in the other capitals mentioned. At Shanghai we have a peculiar jurisdiction, as the Senator knows. We have there a court, we have a jail, we have a post office, we have a marine hospital, and we have a board of health. Down on the wharf in Shanghai the countries of Russia, Japan, England, Germany, and France each have buildings. It is the most desirable property in the city. The United States has a lease on six houses, one of which is used for a courthouse, one for a jail and post office, one for a marine hospital, and so on. The lease expires in two years. We now have an option on the property at a certain price, and unless we take that option we lose that property and will be ousted. If we are compelled to go back to the city we shall not be able to find so good a site as the present one on which to establish our post office, courthouse, jail, and so forth.

We found that it was more important to buy this property now than to buy property in other countries and to erect buildings for embassies. In fact, in Japan we can not acquire title to any property; we have a ground rent there and lease the property; we can not acquire the fee-simple title to land in Japan. We have a building there now. We saw no purpose to be accomplished by providing $50,000 for an embassy building in Mexico City under present conditions. Therefore we struck all those provisions out and appropriated for the purchase of the property now occupied by the United States on the water front at Shanghai, and on which, as I have said, the United States has an option.

The PRESIDING OFFICER. If there be no further amendments the bill will be reported to the Senate as amended.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. SUTHERLAND. I desire to offer an amendment, on page 32 of the bill, in the clause appropriating $40,000 for the International Congress Against Alcoholism, particularly in view of the suggestion of the Senator from Washington [Mr. JONES] that a part of this appropriation was to be used for banquets. At the end of the paragraph I move to insert:

Provided, That an itemized account of all expenditures shall be reported to Congress.

Mr. OVERMAN. There is no objection to that amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PENSION APPROPRIATIONS.

Mr. SHIVELY. I ask unanimous consent that the Senate proceed to the consideration of the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Pensions without amendment.

The Secretary read the bill, as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June 30, 1915, and for other purposes, namely:

For Army and Navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, Army nurses, and all other pensioners who are now borne on the rolls or who may hereafter be placed thereon, under the provisions of any and all acts of Congress, $169,000,000: *Provided*, That the appropriation aforesaid for Navy pensions shall be paid from the income of the Navy pension fund, so far as the same shall be sufficient for that purpose: *Provided further*, That the amount expended under each of the above items shall be accounted for separately.

For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year 1915, $150,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the bill (H. R. 12579) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1915.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. Mr. President——

Mr. KENYON. I desire to suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Iowa?

Mr. ASHURST. I wish to ask that the formal reading of the bill be dispensed with and that the bill be read for amendments, the committee amendments to be first considered, and then I will yield.

Mr. KENYON. I know there are a number of Senators who desire to be present when this bill comes up, and therefore I desire to suggest the absence of a quorum.

Mr. ASHURST. I merely wish to ask that the formal reading of the bill be dispensed with, that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDING OFFICER. The Senator from Arizona asks unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the amendments of the committee to be first considered. Is there objection?

Mr. JONES. I rise to a point of order. The Senator from Iowa suggested the absence of a quorum, and I think nothing is in order but to call the roll.

The PRESIDING OFFICER. Did the Senator from Iowa suggest the absence of a quorum?

Mr. KENYON. I did, but I did not want to interfere with the request of the Senator from Arizona.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Shively
Bankhead	Fletcher	Myers	Smith, Ariz.
Brady	Hitchcock	Nelson	Smith, Ga.
Bristow	Hughes	Norris	Smoot
Bryan	James	O'Gorman	Stephenson
Burleigh	Jones	Owen	Swanson
Burton	Kenyon	Page	Thornton
Catron	Kern	Perkins	Tillman
Chilton	La Follette	Pittman	Townsend
Clapp	Lane	Reed	Warren
Clarke, Ark.	McCumber	Shafroth	West
Crawford	Martin, Va.	Sheppard	White

Mr. LANE. I wish to announce that my colleague [Mr. CHAMBERLAIN] is absent on official business and is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS], and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. MYERS. I announce the necessary absence of my colleague [Mr. WALSH]. He is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. JAMES. I wish to announce the unavoidable absence of the Senator from Delaware [Mr. SAULSBURY] and to say that he is paired with the Senator from Rhode Island [Mr. COLT]. This announcement may stand for the day.

The PRESIDENT pro tempore. Forty-eight Senators having answered to their names, a quorum of the Senate is present.

Mr. ASHURST. I now ask that the formal reading of the bill be dispensed with; that it be read for amendment, the amendments of the committee to be first considered.

The PRESIDENT pro tempore. Unless there is objection, such will be the order. The Chair hears none. The Secretary will proceed with the reading.

The Secretary proceeded to read the bill.

Mr. ROOT. When ordinary printing bills are to be paid out of the funds in the Treasury we get the amount and appropriate the amount.

Mr. OVERMAN. Our idea was to save the Government harmless from the money expended. If the Senator will say that the Foreign Relations Committee has looked into this matter and declined to allow any of these claims, I am willing to strike it out.

Mr. ROOT. The Foreign Relations Committee has declined.

Mr. SUTHERLAND. A bill is now before a subcommittee.

Mr. ROOT. As the Senator from Utah suggests, there is now pending before that committee a bill intended to cover this very subject, or a large part of it, and it is pending before a subcommittee.

Mr. OVERMAN. That being so, if it is before the Committee on Foreign Relations, I move myself to strike out the matter.

Mr. ROOT. That covers the whole business.

Mr. OVERMAN. I suggest that we disagree to the amendment. I do this with the understanding that the matter is now pending before the Foreign Relations Committee.

Mr. ROOT. I so understand.

Mr. SUTHERLAND. It is pending before the Foreign Relations Committee and has been referred to a subcommittee of which I happen to be a member.

Mr. OVERMAN. I ask that the amendment be disagreed to.

The amendment was rejected.

The Secretary continued the reading of the bill.

The next amendment was, on page 32, to insert line 1 to line 10 in the following order:

FIFTEENTH INTERNATIONAL CONGRESS AGAINST ALCOHOLISM.

For the purpose of defraying the expenses incident to the Fifteenth International Congress Against Alcoholism to be held in the United States in 1915, $40,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The Secretary of State is hereby authorized and requested to extend an invitation to the Governments of the world with which we maintain diplomatic relations to participate in and appoint delegates to said congress.

Mr. SUTHERLAND. I should like the Senator from North Carolina to throw a little light on that appropriation.

Mr. MARTIN of Virginia. I understand the temperance people all over the United States are deeply interested in this amendment and have asked that this appropriation be made. These international conventions have been held from time to time in other countries and delegates from America have attended and have enjoyed the hospitality of other Governments on these international occasions. This is simply to pay the expenses of holding the next of the international conventions in the United States.

Mr. SUTHERLAND. I will say to the Senator that I am in hearty sympathy with conventions of that character; but have we ever appropriated money for this purpose before?

Mr. MARTIN of Virginia. We have appropriated to pay the expenses of delegates from our country to conventions held in other countries.

Mr. SUTHERLAND. How much did we appropriate last year?

Mr. MARTIN of Virginia. I do not think there was a convention last year.

Mr. SMOOT. We made an appropriation last year.

Mr. MARTIN of Virginia. We have appropriated a small sum, perhaps $5,000, but that was simply to pay the expenses of our delegates. This is to pay the expenses of holding the convention in this country. They will have to have halls and committee rooms, and there will be all the usual expenses which attend the holding of conventions.

Mr. SUTHERLAND. We have usually provided in authorizing these congresses and sending delegates to foreign congresses that no appropriation should be made by the United States.

Mr. MARTIN of Virginia. We have endeavored to lessen that expense, and we have turned down many of the requests, but we have not turned down the request as to these alcoholic conventions. It is not a question of prohibition exactly; it is a question of alcoholism. The scientific questions that are involved are very important, very useful, very educational. Somebody has to pay the expenses. It is for the public good that the congress should be held, and we want it held in this country. It is proper that we should take our turn in bearing the expenses of these international conventions.

Mr. SMOOT. Mr. President, I wish to say to my colleague that last year Senate bill 1620 was before the Senate appropriating $6,850 to pay the delegates to the convention held a year ago. At that time there was a discussion, and I moved to reduce the appropriation from $6,850 to $4,500, which was agreed to by the Senate. That bill also carried a provision as follows:

And the President is hereby authorized and requested to extend an invitation to the said congress to hold its fifteenth biennial meeting in the United States in 1915.

That was disagreed to and stricken from the bill.

In making my motion, in answer to some remarks made by the Senator from Texas [Mr. SHEPPARD], I made this statement:

Mr. SMOOT. I want to say to the Senator from Texas that if we give $6,850 at this time, two years hence we shall be called upon for another appropriation, and it will not then be $6,850, but it will be $10,000.

I want to apologize to the Senator. It is not $10,000; it is four times $10,000.

Now, Mr. President, I thought when I offered the amendment striking out the provision for the President to invite this congress to meet here in 1915 I was doing it with a full understanding of the committee that hereafter all conventions that were not provided for by treaty should not receive assistance by way of an appropriation from Congress. It was upon that ground that I moved the amendment at the time. The reduction in the amount was made with the full understanding that that was sufficient to pay the delegates to the convention. Of course, if the Senate desires now to extend that invitation after having refused to extend it, and also to appropriate this amount of money, and thinks it is proper to do it, I am not going to make a point of order, and I am not going to object to this amount, but I simply call the attention of the Senate to the fact that a year ago I was as sure that this request would be here again and that the amount would not be confined to four or five thousand dollars as I am to-day.

As a member of the Committee on Appropriations, I want to say that we have applications there for assistance to all kinds of conventions. I myself believe that this is the best of them all. I believe with all my heart in prohibition. I live it, and I not only live it, but I teach it. I believe the greatest thing that can possibly happen to mankind is to live it; but I want to say whenever a question arises as to a policy, and we agree upon it, I can not see any difference between one or the other.

I make this explanation for the reason I think it is due from what I said a year ago.

Mr. JONES. Mr. President, I think we ought to be very careful in the consideration of the various invitations that come to us, and in that respect I am in perfect harmony with the attitude of the Senator from Utah [Mr. SMOOT]. But we have, as a matter of fact, accepted the invitations of a number of the Governments of the world and sent delegates to the various conventions. I remember when the matter came up to which the Senator from Utah refers. That is a different matter from this, however. That was to pay the expenses of our delegates to a convention called by a foreign country, to which we had been invited to send delegates. If we did not want to participate in those conventions, we should have refused to appropriate any money to send official delegates from this country to that convention. We have in that way accepted several of these invitations, and now we are asked to hold this convention in this country. I understand the convention or congress does not meet in any country where an official invitation has not been extended, so that unless we extend the invitation as drawn in this provision the congress will not meet in this country but will meet in some foreign country.

It seems to me that it is nothing but the courteous thing for us to take care of the expenses of this convention and invite other countries to it, just as they have invited us, and in view of what we have done heretofore.

Mr. SUTHERLAND. Does the Senator think we ought to do that in all these international conventions?

Mr. JONES. I do not.

Mr. SUTHERLAND. There is a very large number of them, and they are all good.

Mr. JONES. As I said a moment ago, we ought to consider every one of the invitations that come to us and remember that hereafter our turn will come to extend an invitation to meet in this country. We ought to consider the importance of the various conventions and the expense it is likely to lead us to, and then determine whether we are going to accept invitations, knowing that there will probably come a time when we will be called on to meet the expenses of holding the international convention in this country.

Mr. WEST. Mr. President——

Mr. JONES. I will yield in just a moment. A couple of years ago, I remember, there was an amendment suggested to the Army appropriation bill to invite the riflemen of Argentina or the South American countries here and appropriate $25,000 for that purpose. I objected to it. It was said that we had accepted an invitation a year or two before from Argentina to send our rifle team down there and that they had appropriated a large sum of money to entertain our rifle team, and therefore because we had accepted their hospitality it was up to us to extend the invitation, and on that theory we appropriated $25,000 to entertain the rifle team and the shooting-match affair.

If we did that, we certainly ought not to hesitate a moment when a matter of this importance comes before us, and it is important in view of the fact that we have sent delegates to several of these international congresses heretofore.

Mr. SMOOT. I wish to say to the Senator we have been sending delegates to these international congresses for many years. This is the fifteenth, and the first one that was ever appropriated for was in 1911. All the delegates before 1911 who went there paid their own expenses. There is another thing I wish to say in this connection. This is an annual gathering. That is the difference between the one the Senator speaks of and this one, as I understand it.

Mr. JONES. I am reliably informed that this congress never meets in any country except on an official invitation from the Government.

Mr. SMOOT. That may be true; I do not know.

Mr. JONES. They have decided that they will meet in this country. That is conditioned, of course, upon an official invitation coming from our Government. It is the purpose of this provision to authorize an official invitation to be extended.

Mr. KENYON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Iowa?

Mr. JONES. Certainly.

Mr. KENYON. The Senator is a member of the Committee on Appropriations and probably knows how this sum of $40,000 was arrived at. How was it discovered that it would take $40,000 to pay these expenses? It does seem to me that this is a large sum of money for the entertainment of delegates to a convention of this kind. There might be certain conventions where there would be more money needed.

Mr. JONES. I will say to the Senator I do not know just how it was arrived at. It may be that the chairman of the subcommittee, the Senator from North Carolina [Mr. OVERMAN], can give more definite information.

Mr. OVERMAN. I wish to say that the parties interested said they had to hire halls and committee rooms and furnish all kinds of entertainment, and that this sum would be required. We had no facts presented to us.

Mr. SMOOT. It is to be held in San Francisco, Cal., is it not?

Mr. OVERMAN. I do not know.

Mr. SMOOT. I do not, either; but I was told by one interested in it that they intend to hold it at the time of the world's fair in San Francisco. That may have been settled upon, and it may not.

Mr. OVERMAN. I have no idea where it is to be held.

Mr. SMOOT. I wish to say to the Senator from Iowa, in relation to the amount, that I asked some Members of the House if they knew what the expense consisted of, and all the answer I got was just about the same as the Senator from North Carolina has given, that that was the estimate of the parties interested in holding the congress.

Mr. KENYON. Are the hotel bills of the delegates to this country paid?

Mr. SMOOT. I do not know.

Mr. SHEPPARD. The Secretary of State investigated the matter and estimated the expense of the congress. He estimated that it would require $50,000, and the amount was cut to $40,000 by the committee.

Mr. KENYON. Was this the estimate of the Secretary of State?

Mr. SHEPPARD. Yes, sir.

Mr. OVERMAN. Oh, yes.

Mr. JONES. It was sent down and they made a report. I am told that in these congresses in other countries they had 1,300 and 1,500 delegates, but they probably will not have so many, because they have farther to come. They expect, I am sure, an attendance of three or four hundred delegates.

Mr. SUTHERLAND. What are these expenses?

Mr. JONES. I suppose there will be meetings, and that they will have banquets of a character that will be suitable for a convention of this sort. I suppose they expect the Government to pay those expenses. I understand those expenses have been paid in the other countries by the Government, and they have appropriated a certain sum for the purpose.

Mr. SUTHERLAND. Is this $40,000 to be used for banquets?

Mr. JONES. I suppose a part of it is to be used for that purpose. That is simply a supposition on my part. The Senator knows as much about it as I do.

I do not suppose a congress of that character, or of any character, could come together where they would not have banquets. I have not known of any. There will be entertainment of various kinds. This is for the official entertainment of the foreign delegates.

Mr. THOMPSON. Mr. President, I wish to state for the information of the Senator from Utah and Senators who made the inquiry as to where this congress would meet that I am reliably informed that it is to be held in Washington.

Mr. SMOOT. I said that all the information I got was from one person who was interested in securing it in this country, and he suggested at that time, and it was some time ago, that it would be held at San Francisco during the World's Fair. As I said, I do not know whether that is so or not.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FLETCHER. Mr. President, if there are no more committee amendments to act upon, I should like to bring to the attention of the Senate the provision for the International Institute of Agriculture.

I move to reconsider the vote whereby the House provisions were changed. I make the motion with reference to the item on page 15, line 26, first, and then I propose to follow that with a motion to reconsider the vote whereby the figures in the House bill were changed in line 3 on page 16 from $3,600 to $2,500, and in line 7 on page 16 from $5,000 to $2,500.

In reference to this motion, Mr. President, I will be as brief as possible. I am quite sure the committee could not have thoroughly understood the nature of the convention known as the International Institute of Agriculture. They certainly could not have been informed regarding the purpose and scope of the institute and the character of its work. This National Institute of America——

Mr. OVERMAN. I will say to the Senator from Florida that of course he was not here and the committee knew nothing about it, but we found what was in the current law. If the Senator will agree to let the amendment stand on line 26 on the basis of the law of last year we are willing to accept the amendment on page 16 and make it all correspond. We will recede from the amendment in line 3 and also in line 7, but we insist on line 26, which was the current appropriation last year, and we see no reason to increase that amount.

Mr. FLETCHER. That is perhaps true; I have not examined as to the statute of last year; but the House provision is based on the recommendations of our own delegates to the International Institute of Agriculture at its last session.

I will take but a moment of time. I should like to put in the RECORD a letter from the King of Italy to the prime minister, dated January 24, 1905, which forms the basis for this organization. It was in consequence of this letter that the institute was founded by the international treaty of June 7, 1905.

The PRESIDING OFFICER. If there be no objection, the request of the Senator from Florida will be granted. The Chair hears none.

The letter referred to is as follows:

The origin of the institute is shown in the following letter of His Majesty the King of Italy to Prime Minister H. E. Giov. Giolitti:

"DEAR PRESIDENT: Mr. David Lubin, a citizen of the United States, has made a proposal to me, with all the ardor of sincere conviction, and it seems to me both wise and useful, and I therefore recommend it to the consideration of my Government.

"Farmers, who generally form the most numerous class in a country and have everywhere a great influence on the destinies of nations, can not, if they remain isolated, make sufficient provision for the improvement of the various crops and their distribution in proportion to the needs of consumers, nor protect their own interests on the market, which, as far as the more important produce of the soil is concerned, is becoming more and more one market for the whole world.

"Therefore considerable advantage might be derived from an international institute which, with no political object, would undertake to study the conditions of agriculture in the various countries of the world, periodically publishing reports on the amount and character of the crops so as to facilitate production, render commerce less expensive and more rapid, and establish more suitable prices.

"This institute, coming to an understanding with the various national offices already existing for the purpose, would also supply precise information on the conditions of agricultural labor in various localities, so as to serve as a safe and useful guide for emigrants, promote agreements for mutual defense against diseases of plants and animals where individual action is insufficient, and, finally, would exercise an action favorable to the development of rural cooperation, agricultural insurance, and credit.

"The benefits attained by means of such an institute, a bond of union between all farmers and consequently an important influence for peace, would certainly be manifold. Rome would be a suitable place for its inauguration, at which the representatives of the adhering States and the larger associations concerned might assemble and harmonize the authority of Governments with the free energies of the farmers.

"I am convinced that the nobility of the aim will suffice to overcome the difficulties of the enterprise.

"And in this faith I sign myself.

"Your affectionate cousin,

"VICTOR EMANUEL.

"ROME, *January 24, 1905.*"

In consequence of this letter the International Institute of Agriculture was founded by act of the international treaty of June 7, 1905. The treaty was ratified by 40 Governments and 12 others have since adhered to it, so that at the present time almost the whole civilized world is included.

It would be rather a mark of indignity for the leading counsel in these important cases not to receive a compensation at least equal to that of the agent. I do not think it ought to be done. The interests are too great to interfere for a matter of $2,500.

I hope the Senator will accept the amendment on behalf of the committee.

Mr. OVERMAN. Mr. President, I can not accept that amendment. I think we have made a very liberal and even extravagant allowance for these people. As the Senator stated on yesterday, the duty of the agent, to whom we give $7,500, is not only to prepare the pleadings and look over them with the assistance of his counsel, but he also argues the cases. We have given him an assistant counsel at $5,000. We have given him an assistant counsel at $2,500. We have given him two law clerks at $1,800. What more ought he to have in the cases now pending? For the next year there will be only a few cases. Mr. Clark said one man could give his time to it and do it all. That is his testimony.

Why should we give the assistant counsel—for that is what he really is—the same salary that is given the leading counsel? I can not see it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New York to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question now is on agreeing to the amendment as amended, which the Secretary will state.

Mr. SUTHERLAND. Mr. President, I wish to suggest to the Senator from North Carolina that in providing the various amounts to be expended I think he is paring them a little bit closely. He provides—

For the payment by the United States of one-half of the following, for salaries and expenses: For three arbitrators for three months, at $1,200 each per month, $10,800.

Suppose the arbitrators want to sit four months. Suppose they want to sit five months. Suppose Great Britain, which pays one-half of the expenses, would like to have them sit four months or five months. Why should we not meet our part of the expense? Why limit them to sitting for three months?

Mr. OVERMAN. Because Mr. Clark estimated that that is all the time they could possibly sit, and sent down his estimate to that effect, and we gave him his full estimate.

Mr. SUTHERLAND. I wish the Senator would call my attention to that testimony.

Mr. OVERMAN. I refer to the estimate that was sent down by him. Here it is:

Salary of three arbitrators, $1,200 each per month, $10,800.

I asked him to send this estimate. I wanted to make it exactly as he wanted it.

Mr. SUTHERLAND. Mr. Clark has not testified to that at all.

Mr. OVERMAN. He sent this estimate to us. I asked him to send it from the office—to make an estimate of what was needed—and here is the paper he sent. They sat only six weeks last year, and I thought three months probably was as much as they would sit the next year.

Mr. SUTHERLAND. Mr. President, that estimate is based upon the request of the chairman of the subcommittee to estimate the expenses for the sitting of this arbitration board for three months. They sat about three months last year. I am told that it is very desirable that they should sit more than three months this year. These cases are to be argued. They sat six weeks in Washington last year, and they sat, as I understand, six weeks in Canada; and there is not any reason in the world why they should not put in four months' time or five months' time this year, if they desire to do so.

Mr. OVERMAN. Mr. President, the Senator knows that if they have to sit longer they can come here for a deficiency appropriation, as they did last time, and get it.

Mr. SUTHERLAND. Oh, yes; I know we can appropriate for a deficiency, but——

Mr. OVERMAN. The Senator stands up here on the floor now and says that they must have more than these amounts, when here comes from the Department of State an estimate with a red ribbon around it, headed "American and British claims arbitration, estimates for 1915," and they only estimate for these arbitrators for three months, at $1,200 each per month, and we give them everything they ask for.

Mr. SUTHERLAND. Is it not true that that estimate was furnished at the request of the Senator from North Carolina, based upon his suggestion that they would sit for three months?

Mr. OVERMAN. It was not based upon anything. We asked them to send the estimates, based on what they knew and not on what I knew. I know nothing about what time they would sit; and here is the paper they sent.

Mr. SUTHERLAND. The Senator has no provision whatever in the bill that would cover any extraordinary expenses to meet emergencies——

Mr. OVERMAN. I was just thinking about asking the Senate to cut down part of it.

Mr. SUTHERLAND. Will not the Senator let me finish what I was going to say before he undertakes to reply?

Mr. OVERMAN. Yes.

Mr. SUTHERLAND. The Senator has no provision here for emergencies. It has been necessary in the past to employ stenographers and typewriters to do special work, outside of those that are employed at regular salaries. There is no provision here for any emergency expenses.

Mr. OVERMAN. Mr. President, I did not intend to mention this, for it looks like a small matter, but these people have been too extravagant. They spent $71 last year for spring water, $167 for electric fans, and put in $134 worth of furniture. That is the reason why I say it is dangerous to give these lump sums. They ought to have made an estimate. I have tried to give them the amounts they asked for. I do not see why we should increase the amounts.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Indiana?

Mr. OVERMAN. I do.

Mr. SHIVELY. Do I understand that Mr. Clark is in charge of this work?

Mr. OVERMAN. Mr. Clark is one of the leading men in it. He was sent down here. There is nobody serving as agent now. Mr. Lansing was taken from the place he held as agent and put in the State Department as counselor, and then Mr. Clark took entire charge of it, and he said he was doing the work; that while an agent was indispensable, one man could do all the work that had to be done.

Mr. SHIVELY. As I understood the Senator a moment ago, in answer to a request from the department which had this matter in charge, the department stated that three months' sitting would be enough?

Mr. OVERMAN. That is the estimate—"salary of three arbitrators, three months, $1,200 each, $10,800." That is the way it appears in the bill.

Mr. SHIVELY. And as a matter of fact, last year they sat only six weeks?

Mr. OVERMAN. Six weeks in each country.

Mr. SUTHERLAND. Oh, no; they sat three months last year.

Mr. OVERMAN. That is right.

Mr. SUTHERLAND. I am told that it is desired that they shall sit longer this year; that the cases are ready for argument.

Mr. OVERMAN. They get a thousand dollars a month, and if they sit longer they can come back here with a request for a deficiency appropriation. [Reading:]

Mr. CLARK. I did not intend to convey the impression that they sat in Canada six weeks. The first session lasted about six weeks, but part of that was here and part in Canada.

That is Mr. Clark's testimony, which shows that they did not sit anything like three months.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as amended, which the Secretary will state.

The SECRETARY. The entire amendment, beginning on page 18, is to strike out lines 19——

The PRESIDENT pro tempore. The Secretary will read the paragraph beginning on line 19, page 19.

The SECRETARY. The paragraph as amended on page 19, beginning in line 19, reads:

Salaries, United States agency: Agent, $7,500 per annum; counsel, $5,000 per annum; counsel, $2,520; 2 law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $2,500 per annum; 2 stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $24,240.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 21, line 17, after the word "Switzerland," to strike out "$2,000" and insert "$1,000," so as to make the clause read:

International radiotelegraphic convention: For the share of the United States for the calendar year 1915, as a party to the international radiotelegraphic conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland, $1,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 18, to strike out:

International conference for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships: The appropriation of $5,000, or so much thereof as may be necessary, for the participation of the United States by official technical delegates in the international conference to be called by the British Government to meet in London during the year 1914 for the purpose of drawing up international rules and regulations for the assignment of load lines to merchant ships, made in the act approved February 28, 1913, making appropriation for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, is hereby reappropriated.

The amendment was agreed to.

The next amendment was, on page 22, line 24, after the words "clerical assistants," to strike out "$75,000" and insert "$50,000," so as to make the clause read:

Fifth International Conference of American States: To meet the actual and necessary expenses of the delegates of the United States to the Fifth International Conference of American States, to be held at the city of Santiago, Chile, beginning in September, 1914, and of their clerical assistants, $50,000, to be expended in the discretion of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 23, line 5, after the date "1914," to strike out "$2,000, to be immediately available and to continue available during the fiscal year ending June 30, 1915," and insert "$750," so as to make the clause read:

International Congress on Customs Regulations: To defray the expenses of an expert of the Treasury Department to represent the United States in the International Congress on Customs Regulations, to convene at Paris in June, 1914, $750.

The amendment was agreed to.

The next amendment was, on page 23, after line 21, to strike out:

Nineteenth Conference, Interparliamentary Union: For the purpose of defraying the expenses incident to the Nineteenth Conference of the Interparliamentary Union, to be held in Washington in 1915, $50,000, to be expended under such rules and regulations as the Secretary of State may prescribe. The President is hereby requested to extend an invitation to the members of the Interparliamentary Union.

The amendment was agreed to.

The next amendment was, on page 24, after line 4, to strike out:

Acquisition of embassy premises, Mexico City: For the purchase of a site and the construction of a building thereon at the City of Mexico, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto, if necessary, for the use of the embassy to Mexico, both as the residence of the diplomatic officials and for the officers of the embassy, $150,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to strike out:

Acquisition of embassy premises, Tokyo, Japan: For the construction of a building on ground now held by the Government of the United States at Tokyo, Japan, for the use of the embassy to Japan, both as a residence of the diplomatic officers and for the offices of the embassy, and for furnishing the same, $150,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 20, to strike out:

Acquisition of legation premises at Berne, Switzerland: For the purchase of a site and the construction of a building thereon at the city of Berne, Switzerland, and for the furnishing of the building, or, as to the Secretary of State may seem best, for the purchase at said city of a site and a building already erected, and for the alteration, repair, and furnishing of such building, and the construction of an addition thereto, if necessary, for the use of the legation to Switzerland, both as the residence of the diplomatic officials and for the offices of the legation, $140,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 5, to insert:

Acquisition of consular premises at Shanghai, China: For the purchase in the city of Shanghai, China, of a site and buildings for the use of the consulate general, the United States Court for China, the jail, post office, and other offices of the United States in the port of Shanghai, and for the alteration and repair of said buildings and the construction and installation therein of fireproof vaults, $375,000, or so much thereof as may be necessary, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 26, line 4, after the word "convention," to strike out "$20,000" and insert "$15,000," so as to make the clause read:

International Commission on Public and Private International Law: For the payment of compensation to, and the necessary expenses of, the representative or representatives of the United States on the International Commission of Jurists, organized under the convention signed at the Third International American Conference August 23, 1906, approved by the Senate February 3, 1908, and ratified by the President February 8, 1908, for the purpose of preparing drafts of codes of public and private international law; and for the payment of the quota of the United States of the expenses incident to the preparation of such drafts, including the compensation of experts under article 4 of the convention, $15,000.

The amendment was agreed to.

The next amendment was, under the subhead "Allowances for clerk hire at United States consulates," on page 28, line 4, after the words "Secretary of State," to strike out "$375,000" and insert "$375,200," so as to make the clause read:

Allowance for clerk hire at consulates, to be expended under the direction of the Secretary of State, $375,200.

The amendment was agreed to.

The next amendment was, on page 30, after line 20, to insert:

REMISSION OF PORTION OF CHINESE INDEMNITY.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transfer from the sum of $2,000,000, reserved from the "Chinese indemnity, 1900," by provisions of the joint resolution of May 25, 1908, and place to the credit of the fund for "defending suits in claims against the United States," such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction in defending claims of citizens of the United States against said Chinese indemnity fund in the Court of Claims of the United States, exclusive of salaries; also that the Secretary of the Treasury be, and he is hereby, authorized and directed to restore to the credit of the said Court of Claims with the Public Printer, from the said reservation of $2,000,000, upon the certificate of the chief justice of the said court, such sums as the said court may have spent, or shall hereafter spend, for printing testimony in the trial of the said claims; and further, that there shall be allowed as costs in the suits in which recoveries have been, or may hereafter be, had under the said joint resolution of May 25, 1908, such expenses of the claimants, exclusive of counsel fees, as the said Court of Claims may adjudge to be fair and just, and such costs so allowed shall be paid out of the said reserved sum of $2,000,000 by the Secretary of the Treasury upon the certificate of the said court: *Provided*, That within three months from the passage of this act applications for such costs shall be filed as supplementary motions in the said court by or on behalf of the persons who have recovered judgments under the said joint resolution.

Mr. SUTHERLAND. I wish to ask the Senator from North Carolina what is included within the provision "such expenses of the claimants" on line 17? What are those expenses?

Mr. OVERMAN. They are court costs.

Mr. SUTHERLAND. Why not say "court costs"?

Mr. OVERMAN. The Senator knows the history of it without my going into it.

Mr. SUTHERLAND. I do know the history of it, and I therefore ask the Senator why not say "court costs"?

Mr. OVERMAN. They are such costs and fees as the Attorney General shall certify as correct.

Mr. SUTHERLAND. No; the provision is "that there shall be allowed as costs in the suits in which recoveries have been or may hereafter be had under the said joint resolution of May 25, 1908, such expenses of the claimants, exclusive of counsel fees."

Mr. OVERMAN. It is intended only for court costs, the costs before us. There are nothing but court costs and counsel fees. We struck out "counsel fees." The Senator will notice it says exclusive of counsel fees, and we allow actual costs. That was the intention of it. There is nothing else before us. I do not know what other costs there could be.

Mr. SUTHERLAND. I do not know what was intended by the committee. I only know what I find in the bill, namely, a provision for expenses. That certainly would not be confined to the costs of court.

Mr. OVERMAN. If the Senator will offer an amendment and put in "court costs" I will accept it.

Mr. SUTHERLAND. I am not very fortunate in my amendments.

Mr. OVERMAN. I do not see what other costs it could be.

Mr. ROOT. Mr. President, this subject has long and often been before the Foreign Relations Committee, and that committee has steadfastly refused to report favorably any provision taking money out of this fund for the benefit of the claimants. It is a trust fund, and we are bound to protect it just as much certainly as we protect the moneys in the general funds of the Treasury of the United States. Whatever is left of that fund after the payment of the claims will go to China, and there is nobody here to protect it unless we protect it.

We endeavored in the Committee on Foreign Relations to find out what the expenses were that were to be paid. We never did find out. The best information that we could get was that they amounted to considerably over a hundred thousand dollars.

I do not think we ought to legislate on this subject in this way. Whatever is to be taken out of this fund ought to be made known to Congress. We ought to know how much is going to be taken out for this purpose, for that purpose, for the other purpose.

Mr. OVERMAN. Mr. President, you will notice the language, "such sums as the Attorney General may from time to time certify to said Secretary as having been expended under his authority and direction." There is a large printing bill that has been paid by the Government that we thought ought to be reimbursed out of this fund.

Mr. OVERMAN. If the Senator will allow me, is he afraid to trust the President to appoint this man as agent?

Mr. SUTHERLAND. That is not the point.

Mr. OVERMAN. The President should have the right to select whom he pleases.

Mr. SUTHERLAND. The bill finds this man holding the position of counsel. The moment you pass this bill his salary ends at $7,500 and begins at $5,000 per annum.

Mr. OVERMAN. Unless the President appoints him agent.

Mr. SUTHERLAND. There would be far more justice in saying "agent, at $5,000 per annum, and counsel at $7,500." I should not object to that at all.

Mr. ROOT. Mr. President, why would not that be right, the chief work of the agent having been done?

Mr. OVERMAN. Mr. Clark says that the agent is indispensable.

Mr. ROOT. I know he is indispensable; there has got to be an agent.

Mr. OVERMAN. Does the Senator think it would be right that the agent, the main man in the whole matter, should receive $5,000 and the counsel be paid $7,500?

Mr. ROOT. I think that the chief work of the agent has been done, and that his further work is mainly formal, although indispensable; and as the chief work of the counsel is now being done, it would be more appropriate to pay the agent $5,000 and the counsel $7,500.

Mr. OVERMAN. Mr. President, I am satisfied if the Senator from New York will look at the number of the cases which are filed and their amounts he will think, as it seems to me, that as to the pecuniary claims any good lawyer could take charge of and try them. But the agent who represents the Government in this great court ought to have more salary than the counsel, who only assists him.

Mr. SUTHERLAND. Mr. President, if any good lawyer can do this work, it is a peculiar thing that Great Britain selects one of the very best lawyers that she has to conduct the litigation upon her side. The truth is that any lawyer can not do it, but that it requires a man of peculiar training and of peculiar ability in this kind of law.

Mr. OVERMAN. The cases which Mr. Clark argued were usually small in amount. He argued one case involving $12,000, another involving $16,000, another $15,000, and then he says he partly argued one involving $5,000, another involving $85,000—only one of them involving over $50,000. They were all small claims which he argued up to 1912.

Mr. SUTHERLAND. He partly argued a case involving $1,310,389.70.

Mr. OVERMAN. Here is the statement he furnished me. He partly argued a case—I suppose that Mr. Lansing argued it and that Mr. Clark and Mr. McKinstry assisted him—which involved $1,000,000. I think they were all three engaged in that case; but as to most of the cases which remain the Senator can see that they are comparatively small and involve no great amount.

Mr. SUTHERLAND. There are several hundred of these cases, and one of them, while involving a comparatively small amount of money, may involve a question of very great moment.

Mr. OVERMAN. Why does the Senator from Utah say there are several hundred of these cases?

Mr. SUTHERLAND. Because the schedule says so.

Mr. OVERMAN. I asked Mr. Clark if he would furnish me a list of the cases pending, and he sent me a first schedule of the American and British claims.

Mr. SUTHERLAND. Those are claims which have been submitted.

Mr. OVERMAN. The second schedule of claims which are not submitted, claims against Great Britain, 5; British claims against the United States, 7. That is what Mr. Clark furnished. I personally know nothing about it.

Mr. SUTHERLAND. Will the Senator listen to me a moment?

Mr. OVERMAN. Yes, sir.

Mr. SUTHERLAND. The first list to which the Senator from North Carolina has referred contains American claims against Great Britain; another list contains British claims against the United States, which have already been submitted to the tribunal. The second list contains cases of both kinds which are to be submitted to the tribunal, meaning that all of the work has been done in those cases, except to argue them. Now, there remain a number of cases that have not yet been prepared. If the Senator will turn to the schedule of claims annexed to the treaty, which he will find on page 66 of the hearings, he will find the enumeration.

AMERICAN FISHING CLAIMS—GROUP I—AGAINST NEWFOUNDLAND.

Cunningham & Thompson (18 vessels)—

Then it goes on giving the names of the vessels—

Davis Bros. (10 vessels).

* * * * * * *

William H. Parsons (12 vessels).

* * * * * * *

Gorton-Pew Co. (37 vessels).

In the next column are given a number of shipping claims on the part of Great Britain. The Senator will find that I am not in error in saying that there are several hundred of these cases. Mr. Lansing, in the testimony I have read, said that 300 of them had been prepared.

Mr. OVERMAN. I am only taking the testimony before the committee submitted by Mr. Clark, and I will read to the Senator what Mr. Clark said:

Senator JONES. Could not you, as counsel, perform not only the duties of counsel but also the duties of agent?

Mr. CLARK. I have no doubt one man can, at the present time, perform the duties of both offices if he gives all his time to it.

We have not only given the agent, but we have given the counsel, additional counsel and two law clerks.

Mr. SUTHERLAND. Mr. President, that does not mean that he is to perform all of the legal duties appertaining to this work.

Mr. OVERMAN. That is the question the Senator from Washington [Mr. JONES] asked him.

Mr. SUTHERLAND. Oh no; it does not say anything of the sort.

Mr. OVERMAN. That is exactly what it does say.

Mr. SUTHERLAND. No; he says that one man in the condition in which things now are can perform the duties of agent and of chief counsel. He does not mean that he should not have any help.

Mr. OVERMAN. The question of the Senator from Washington was how much time was taken up, and in response to that question of Senator JONES, he said, "I have no doubt one man can, at the present time, perform the duties of both offices if he gives all his time to it."

Mr. SUTHERLAND. That is both of those offices, of course; and that is the purpose of my amendment, to say that he shall discharge the duties of both offices, and it is that amendment to which the Senator from North Carolina now objects. Let me read again to the Senator what Mr. Lansing stated about the number of cases:

Mr. LANSING. There are more than 300 that have been made up, and we have examined in addition to that 250 cases for which we had to have a docket made up in order to determine whether they should be presented to arbitration, and we started to make up a second schedule. It is only the first schedule that has been negotiated, and there will be another schedule, and all that thing of negotiating another schedule will be done by this agency.

The truth is that, so far as this first schedule is concerned, the work of the agent has been substantially done; the preparatory work has been done; and the work which remains, so far as the first schedule is concerned, will devolve upon the counsel, and not upon the agent. Until that first schedule of claims is disposed of, one man can discharge the duties of agent and of chief counsel; and that, I repeat, is the very purpose of the amendment which I have offered.

I was diverted from a suggestion which I desired to make some little time ago with reference to these employees being officers of the United States. It does not seem to me that they are officers of the United States any more than a person who would be employed to superintend the construction of some particular building or of half a dozen buildings or of a series of buildings would be an officer of the United States. He would be an employee. He has no tenure of office; he exercises no part of the sovereignty which, after all, is the great test of whether or not a person discharging certain duties is an officer or an employee. He exercises no part of the sovereignty of the Government, but is simply employed to do a particular piece of work, to try a certain lawsuit. His employment is temporary in character. When those lawsuits have been determined, his duties are ended. It is not a position which continues. Therefore those two essential things are wanting, namely, the element of the exercise of a part of the sovereignty and the element of the tenure of office. For those reasons we ought to strike out this provision.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah.

Mr. BURTON. Mr. President, I submit that if this amendment involves a change in the personnel of the employees of the Government before this commission, it is unwise and unfair. I do not feel like criticizing the committee for the general form of the amendment. The aim was to itemize the expenses to be incurred, and with that I think every Member of the Senate will sympathize. But here is a litigation of a technical nature, requiring men of special qualifications. They have appeared before this commission; they are familiar with the procedure;

they have argued certain of the cases and have prepared others. It would be most inopportune to change the counsel and other employees of the Government at this time.

I fear from some things that have been said in the dialogue here that this amendment is to be utilized for appointing Democrats in place of the men who are now holding these positions. To begin with, there is one record of 1,500 or 2,000 pages in one case, prepared by the men who are now acting. Just fancy what would happen if they should be displaced and others should be substituted for them. There is in a way a general type of all these cases, and it is not desirable, as Abraham Lincoln said in receiving the delegation from the Baltimore convention, "to swap horses while crossing a stream." It would be very poor policy to displace these men.

As this amendment reads it contemplates the appointment by the President of men who are to be confirmed by the Senate. I regard that as an intimation that a change is contemplated which would be very bad policy and most injudicious. The Government would be very likely to suffer from a change in its counsel and other employees if this amendment should prevail.

Again, it is hardly fair. The eight employees under the administration of President Taft were equally balanced, four Democrats and four Republicans. The leading position was given to a Democrat. Of the five appointments which have been made under the present administration, embracing positions of rather minor importance, though with substantial salaries, all five have been Democrats. Of the total number of 13 employees, 9 have been Democrats and 4 have been Republicans. This is a situation in which politics ought not to count.

Mr. Clark was counselor of the State Department for a time, and has exceptional qualifications for this position. The other men have gone through what might be called a training, and no new men in their places can perform the work as well. There is an enormous amount of detail in some of these cases, and to change the personnel and bring in new men in their places would be well-nigh disastrous.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Utah to the amendment reported by the committee. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 19 in the committee amendment it is proposed to strike out in lines 19, 20, and 21 the words "Agent, to be appointed by the President, by and with the advice and consent of the Senate," and to insert in lieu thereof the words "Counsel, who shall also act as agent," and also, in lines 21 and 22, to strike out "to be appointed by the President, by and with the advice and consent of the Senate," so that if amended it will read:

Salaries United States agency: Counsel, who shall also act as agent, $7,500 per annum; counsel, $5,000 per annum; counsel, $2,520, etc.

Mr. SMITH of Georgia. Mr. President, I understand that if we vote down the amendment to the amendment it is the purpose of the committee to strike out the provision requiring confirmation by the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Utah [Mr. SUTHERLAND] to the amendment reported by the committee. [Putting the question.] By the sound the noes seem to have it.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the senior Senator from California [Mr. WORKS] and vote "yea."

Mr. ROOT (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. THOMAS], who is absent. I transfer that pair to the Senator from Illinois [Mr. SHERMAN] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. In his absence I withhold my vote.

Mr. STONE. I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from South Carolina [Mr. SMITH] and vote "nay."

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. SHAFROTH. I desire to announce the unavoidable absence of my colleague [Mr. THOMAS] and to state that he is paired with the senior Senator from New York [Mr. ROOT].

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. McLEAN] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. MYERS. I have a pair with that Senator, and in his absence withhold my vote.

I desire to announce the pair of my colleague [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT], both being absent.

Mr. CHAMBERLAIN. I transfer my general pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. JAMES. I have a general pair with the Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote. If at liberty to vote, I should vote "nay."

Mr. O'GORMAN. I transfer my pair with the senior Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS. I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote if he were present, I must withhold my vote.

Mr. SMOOT. I desire to announce the following pairs:

The Senators from Connecticut [Mr. BRANDEGEE] with the Senator from Tennessee [Mr. SHIELDS]; the Senator from Rhode Island [Mr. COLT] with the Senator from Delaware [Mr. SAULSBURY]; the Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON]; and the Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 18, nays 36, as follows:

YEAS—18.

Borah	Cummins	Page	Sterling
Burleigh	Dillingham	Perkins	Sutherland
Burton	McCumber	Root	Townsend
Catron	Nelson	Smoot	
Crawford	Norris	Stephenson	

NAYS—36.

Ashurst	Jones	Owen	Smith, Ga.
Bankhead	Lane	Pittman	Smith, Md.
Bryan	Lee, Md.	Pomerene	Stone
Chamberlain	Lewis	Reed	Swanson
Clarke, Ark.	Martin, Va.	Robinson	Thompson
Fletcher	Martine, N. J.	Shafroth	Thornton
Gore	Newlands	Sheppard	Tillman
Hitchcock	O'Gorman	Shively	
Hughes	Overman	Smith, Ariz.	West
			White

NOT VOTING—41.

Brady	Goff	McLean	Smith, S. C.
Brandegee	Gronna	Myers	Thomas
Bristow	Hollis	Oliver	Vardaman
Chilton	James	Penrose	Walsh
Clapp	Johnson	Poindexter	Warren
Clark, Wyo.	Kenyon	Ransdell	Weeks
Colt	Kern	Saulsbury	Williams
Culberson	La Follette	Sherman	Works
du Pont	Lea, Tenn.	Shields	
Fall	Lippitt	Simmons	
Gallinger	Lodge	Smith, Mich.	

So Mr. SUTHERLAND'S amendment to the amendment of the committee was rejected.

Mr. ROOT. Mr. President, I understand that the chairman of the committee is satisfied to accept the amendment I am about to propose. I will either propose it or leave it to him to propose.

Mr. OVERMAN. I should like to have the Senator propose it, and I will accept it.

Mr. ROOT. On page 19, in the committee amendment, I move to strike out as follows:

On lines 19, 20, and 21 the words "to be appointed by the President, by and with the advice and consent of the Senate," and on lines 21 and 22 the words "to be appointed by the President, by and with the advice and consent of the Senate."

Mr. OVERMAN. The committee will accept that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 19, lines 19, 20, and 21, it is proposed to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," and on lines 21 and 22 the same words, "to be appointed by the President, by and with the advice and consent of the Senate."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. ROOT. I now move, on page 19, line 23, to strike out "$5,000" and to insert in lieu thereof "$7,500."

I hope that amendment will be accepted. It leaves it open for the President to change the counsel if he is not satisfied with the one that is there now. It leaves it open to him to require the counsel and agent to be the same person. If, however, there are to be separate agent and counsel, the counsel ought not to have less compensation than the agent.

has studied the case, is in a far better condition to argue it intelligently and to the advantage of the Government than some new man, even though he might be abler than the old lawyer. He is in far better condition to argue it than the new man who might be put in. That is all I am seeking to preserve here.

Mr. SMITH of Georgia. I wish to ask the Senator if it is not often the case that in the appellate court a new lawyer is employed who conducts the argument there, rather than the lawyer in the court below?

Mr. SUTHERLAND. Oh, yes; that is done.

Mr. SMITH of Georgia. And would it not certainly be just as easy in these cases to take the record and master it as in cases before the appellate court?

Mr. SUTHERLAND. Mr. President, I do not think so. I have tried in my life a good many lawsuits; so has the Senator from Georgia. I know that I can argue a case a good deal better if I have myself performed every one of the preliminary steps—if I have drawn the pleadings, if I have had in my office the witnesses upon my side of the case, if I have tried the case in court, and examined my own witnesses and cross-examined the other witnesses. The case becomes a part of you, as the Senator from Georgia perfectly understands.

Having done all that, I think I or the Senator from Georgia is in a far better position to argue the case before the Supreme Court than a new man who simply gathers a case from the cold reading of the record. It is so obvious that I can not conceive how anybody would dispute the proposition.

That is peculiarly so in this kind of a case, which does not involve the ordinary questions of law, but which involves questions of international law, questions of treaty rights, which the former Solicitor of the State Department has been connected with for many years. He is entirely familiar with the whole situation.

But, Mr. President, the amendment which I proposed does not attempt to continue these men. It simply leaves the situation where it is now. It leaves it where we put it last year; it leaves it where the bill the year before left it. It simply appropriates money for counsel, and without the provision that that counsel must be appointed by the President, by and with the advice and consent of the Senate.

There is another suggestion which I desire to make about that. The Senator from New York [Mr. ROOT] called attention to it yesterday. It is that there is grave doubt as to whether these counsel are officers of the Government of the United States. If they are not officers, of course, the Senate has no constitutional authority in the matter. The Senate is called upon to advise and consent to the employment of employees. Here is a lawyer employed in a particular set of cases. There is no fixed term; there is no tenure of office; it is simply to do this piece of work; and when that work is ended the employment is ended.

Mr. REED. There is no time when the salary stops?

Mr. SUTHERLAND. There is no time when the salary stops. He is to do the work at the rate of $7,500 per annum.

Mr. REED. As long as he can keep the cases in court, the salary goes on?

Mr. SUTHERLAND. Certainly. The amendment does not attempt to make any change in that respect. The Senator from Missouri seems to take some comfort from my response to his question; but I will say to the Senator that my amendment does not deal with that situation. If the Senator thinks that is unwise, he had better move an amendment, because it is the bill which makes the salary $7,500 per annum.

Mr. OVERMAN. There is quite a change made in the bill.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. I yield to the Senator.

Mr. OVERMAN. I say there is quite a change from the bill as it passed last year and as it came to us from the House.

Mr. SUTHERLAND. I did not say there was not any change in the bill. I said there was not any change in this particular portion of the bill.

Mr. OVERMAN. Mr. President, the appropriation, as it came from the House to the Senate, and as it came last year, was a lump-sum appropriation of $75,000; and these people fixed their own salaries. When I inquired into it and found out how many employees they had, the committee proceeded to fix the salaries in this bill. There is the change.

Mr. SUTHERLAND. That is what the Senator from Missouri is apparently complaining about. The Senator from Missouri by his question seemed to suggest that it was unwise to fix the salary of a lawyer at an annual rate who is paid to try some cases, and I simply said to the Senator from Missouri that that is what the bill does.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SUTHERLAND. Certainly.

Mr. REED. Let me ask a question. I made no complaint. The consideration that troubles my mind is this: After having listened to the Senator from Utah I am thoroughly convinced from his argument that if either of these lawyers were to die the United States would be in an absolutely helpless condition, because it is plain from his argument that there is nobody on earth who can take their places.

Mr. SUTHERLAND. The remark of the Senator from Missouri is very funny, but it——

Mr. REED. It is very serious.

Mr. SUTHERLAND. It lacks application. Of course, if a lawyer should die he would have to be replaced by somebody else, but this appropriation is made on the theory that the lawyer is going to live long enough to try these cases and enjoy the emoluments. All I am saying is that the lawyer having half finished these cases, it is perfectly absurd to throw him out and put somebody else in, so long as he is doing good work.

Mr. REED. Has the Senator any reason to assume that the President will do a perfectly absurd thing?

Mr. SUTHERLAND. No; but the language of this bill makes me very suspicious that that is the intention of the committee reporting it. Else why should they provide that counsel who are already employed and who are now engaged in this work must be appointed by the President, by and with the advice and consent of the Senate?

I have not sought to change it one particle. I simply want the appropriation made for counsel without saying anything about their appointment, leaving it as it has always been left, for the President or the Secretary of State. If dissatisfied with what these men are doing, he can make a change, but it does not oblige the President to act affirmatively in the matter, as this bill does.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from New York?

Mr. SUTHERLAND. I do.

Mr. ROOT. I should like to say to the Senator from Missouri and to the Senator from Georgia that I think they were not here when I had a little discussion on this subject yesterday afternoon. The matter reached its present position, I think, on a suggestion that I made—I do not know whether in open Senate or personally—that it would be better to strike out the provision for the appointment to be made by the President, by and with the advice and consent of the Senate, for two reasons. One is that these are not officers. I am perfectly clear that they are not officers.

Mr. SMITH of Georgia. The Senator wishes to strike out the words "by and with the advice and consent of the Senate"?

Mr. ROOT. Yes.

Mr. SMITH of Georgia. And just let them be appointed by the President?

Mr. ROOT. It is not necessary to say that they shall be appointed by the President. That is the President's business anyway. The other reason is that it would have the effect for the moment of ousting the present men.

Mr. OVERMAN. Will the Senator yield to me?

Mr. ROOT. Certainly.

Mr. OVERMAN. I intimated yesterday that I was willing to strike out those words, but as the Senator from Utah has framed his amendment I will never agree to it.

Mr. ROOT. I was stating the steps by which we got to the place where we are now. If you say in making the appropriation for going on with these cases that the counsel shall be appointed by the President, by and with the advice and consent of the Senate, then there is no appropriation for the men who are at work now; it practically ousts them and requires a new appointment to be made. It did not seem as if we ought to interfere with them in a lawsuit. The President has entire control of it. If the President or the Secretary of State is not suited with the counsel he can change the counsel, and if we let it alone they will take care of it. I do not think you ought to interfere. That is the way we came to this point.

Let me say another thing. These cases are rather peculiar. The practice, the kind of questions, the kind of evidence, the kind of arguments are rather peculiar to themselves. They are as unlike ordinary practice as patent cases are unlike ordinary practice, and there are not a great many lawyers who are familiar with this kind of practice.

The gentlemen who have been concerned in these cases were selected evidently because they had familiarity with that kind of a case. Mr. Lansing, who I tell the Senator from Indiana

[Mr. SHIVELY] is a real, sure-enough Democrat, has always been a consistent Democrat in my own State——

Mr. SHIVELY. I am glad to have the Senator's certificate, though I have not raised the question as to Mr. Lansing.

Mr. ROOT. Mr. Lansing was selected because he had been concerned in a long series of arbitrations. He was in the Bering Sea arbitration 21 years ago. He was one of the associate counsel in the Alaska boundary case in London 11 years ago.

Mr. SHIVELY. Will the Senator allow me right there?

Mr. ROOT. Certainly.

Mr. SHIVELY. In the observation I made I had not the gentleman named in mind. I do know that within the last 16 years there has been a line of alleged Democrats appointed to public positions under Republican administrations, and while I am not going to give the particular names——

Mr. ROOT. You say the mistakes have been made by a Republican administration?

Mr. SHIVELY. Yes; but as a rule they did not make the mistake of appointing a Democrat who voted the Democratic ticket. They as a rule appointed Democrats who voted the Republican ticket. The Senator is entitled to consolation from that fact.

Mr. ROOT. I suppose they tried to appoint Democrats who did not themselves make mistakes.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Missouri?

Mr. ROOT. Certainly.

Mr. REED. The Senator from New York says that the Republicans have made many mistakes by appointing Democrats. He appears to be very anxious this morning to perpetuate one of those mistakes.

Mr. ROOT. No; Mr. Lansing has ceased to be agent and has become counselor for the State Department.

Mr. REED. I understand, but the Senator from Utah says that one or two of these men were Democrats, and I understand the Senator wants to keep them in that position.

Mr. ROOT. I do not care whether they are kept in or not. What I want to have Congress do is to refrain from interfering with the cases. I am interested in the cases. I carried on the controversy about many of these cases and the treaty was framed and ready for signature but for certain specific controversies during my time as Secretary of State. We have a great court before which our contentions, which have lasted many of them a lifetime, are being argued, with M. Fromageot, one of the chief men in the French foreign office, presiding, with Sir Charles Fitzpatrick, the Chief Justice of Canada, as a member of the court. I do not care whether the counsel are Democrats or Republicans. I want to see the United States win in those cases. I am sure that it would be unfortunate for the contention of the United States as a litigant before that tribunal in those cases for Congress to interfere. I am satisfied to have the President and the Secretary of State take care of it themselves, and I think that we ought simply to make whatever appropriation is reasonable and necessary to enable them to do it and not thrust in provisions which will constrain them.

Now, the only reason why I think we have to discuss anything more than merely striking out "to be appointed by the President, by and with the advice and consent of the Senate," was that the Senator from North Carolina [Mr. OVERMAN] wanted to have the language put in such form where the same person would perform the functions of counsel and of agent; that is, to save a salary, and the Senator from Utah [Mr. SUTHERLAND] undertook to put language in the form that would accomplish that. So far as I am concerned about it, and I think so far as the Senator from Utah is interested, everything would be accomplished by simply striking out that provision about the appointment, leaving the President and the Secretary of State to control the thing as they have always done.

Mr. OVERMAN. If the Senator had framed such an amendment it would have been accepted long ago, but he wants to retain Mr. Clark by making the counsel act as agent, when Mr. Clark says in his testimony here that the agent is absolutely indispensable and necessary.

Mr. SUTHERLAND. Mr. President, my amendment provided for an agent. I do not understand what the Senator from North Carolina means by saying that if I had offered——

Mr. OVERMAN. We provide for the appointment of agent and counsel.

Mr. SUTHERLAND. What is the difference between saying counsel who shall act as agent and saying agent who shall act as counsel? We have conferred on the same individual both functions and it is the difference between tweedledum and tweedledee.

Mr. SMITH of Georgia. Would it not amount to this: If the President intended to retain one of the officers and you retain counsel, the counsel to act as agent, it would leave the present counsel. If you provided that there should be an agent who should act as counsel, you would probably retain the present agent and he would be the counsel. Would it not do just to strike out the provision that they have to be confirmed by the Senate and let it go. I think the Senator from North Carolina will not object to that.

Mr. SUTHERLAND. The Senator from North Carolina objected yesterday.

Mr. OVERMAN. No; I said in answer to the Senator from New York that I would probably accept that, but when you want to appoint this counsel agent and make him an agent by legislation, I will never agree to it.

Mr. SUTHERLAND. It is not a matter of very great importance perhaps, but let me read to the Senator from yesterday's RECORD what he said.

Mr. OVERMAN. No matter what I said yesterday, if the Senator will change the amendment, I will accept it now.

Mr. SUTHERLAND. When I offered the amendment which reads—

> Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum—

The Senator said:

> Mr. OVERMAN. Mr. President, I can not accept the amendment. It is the action of the committee.

The question was put to the Senate, and upon a division the ayes were 10 and the noes 12. No quorum voted, and pending that we adjourned.

Then I asked to reverse my amendment and make it counsel who shall also act as agent, for the reason which I have stated, and which I think is a good reason.

Mr. OVERMAN. Mr. President, we had better have some light thrown on this amendment. Some statements have been made, not intentionally, but they have been magnified a great deal. This court spent this last year $73,000. They had five stenographers, at $1,200 each. They have been spending a great deal of money. I have gone into it to see what they did with the money and what has been done. I asked them to furnish me with the list of the cases. They said there were 400 cases. Here is the list of the cases. There are only 36 in all. How many cases were argued by Mr. Clark at a time? They sat five days in Canada. They were six weeks in Canada and six weeks here. He argued only 12 cases. Here is a list of the cases, and Mr. Clark says many of them are grouped in one case.

We found that with this lump sum of money they were paying one man $7,500, another man $7,500, another man $5,000, and they had two lawyers, at $2,500; they had three or four law clerks, at $1,800; they furnished a building up here, and were paying rent, and spent altogether $73,000. So we thought the Senate ought to have an intelligent understanding of it, and we would put every man's salary in the bill.

Mr. Clark says in this testimony one man can do this work, and we cut out one $7,500 man, because Mr. Clark said one man could do the work. The man whom the Senator praises so highly, and I have nothing to say against him, says that an agent is indispensable. I do not care whether he is confirmed by the Senate or not, but I think the Senate ought to see that this money is not expended extravagantly and that there is not too much money appropriated for this purpose. Lump sums are dangerous and always wrong, because when you give a man a certain sum of money he is tempted to make new offices and offices at great salaries. That is the reason why we put the provision in the bill fixing each man's salary as to what it shall be. If the Senator will strike out those words, I will accept it.

Mr. SUTHERLAND. Mr. President, I could not accept the amendment in the way the Senator suggests it. His proposition is to strike out the words "to be appointed by the President," so the bill will then read:

> Agent, who shall act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. Clark is not agent, he is counsel, and the effect of that legislation would be to reduce his compensation from $7,500 to $5,000.

Mr. OVERMAN. If he is the man you say he is——

Mr. SUTHERLAND. Let me finish what I was saying, if the Senator will pardon me. I know the character of the work that has been done by Mr. Clark, and I know his ability, and I know that $7,500 is small enough compensation. The effect of it would be, in my judgment, that Mr. Clark could not afford to do the work for $5,000.

the resolution further. The object I had in view has been carried out without the adoption of the resolution.

The PRESIDENT pro tempore. What formal disposition does the Senator suggest? Does he withdraw the resolution or ask that it be laid on the table?

Mr. SMITH of Georgia. I suggest that it be laid on the table.

The PRESIDENT pro tempore. The Chair believes that under the rules of the Senate to indefinitely postpone a resolution is the method employed for finally disposing of it. It will come up again if it is laid on the table.

Mr. SMITH of Georgia. Then I ask that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. In the absence of objection, the resolution will be indefinitely postponed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent that the Senate resume the consideration of the Diplomatic and Consular appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. FLETCHER. Mr. President, yesterday, when occupied with the session of the Judiciary Committee, the Senate acted on the provision for the International Institute of Agriculture, on pages 15 and 16. I shall, when the committee amendments are disposed of, ask to reconsider the action of the Senate, and ask to have restored the provision of the bill as it came from the House. The appropriations are parsimonious, in my judgment, and certainly low enough, and I think it was a great mistake to reduce the appropriation under this head. I shall ask to reconsider that action, and will undertake to indicate to some extent the work of this important agency and the necessity for taking care of it in some proper way.

The PRESIDENT pro tempore. The Secretary will state the pending amendment.

The SECRETARY. The pending amendment is the amendment of Mr. SUTHERLAND to the amendment reported by the committee, on page 19, lines 19 and 20, to strike out the words "agent, to be appointed by the President, by and with the advice and consent of the Senate," and to insert "counsel, who shall also act as agent," and in lines 21 and 22 to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," so that, if amended, the paragraph will read as follows:

Salaries, United States agency: Counsel, who shall also act as agent, $7,500 per annum; counsel, $5,000 per annum—

And so forth.

Mr. SUTHERLAND. Mr. President, I hope the Senator from North Carolina in charge of the bill will not oppose the amendment to the amendment.

Mr. OVERMAN. I want to ask the Senator if he does not think it would be better to change it so as to read "agent, who shall also act as counsel," rather than to say "counsel, who shall also act as agent," because Great Britain has an officer called "the agent," and I think our Government ought to have an officer called "the agent."

Mr. SUTHERLAND. He will be the agent also.

Mr. OVERMAN. But he is not.

Mr. SUTHERLAND. I will say to the Senator that the only reason I have for putting it as I have—"counsel, who shall also act as agent"—is that, as I understand, there is no agent now acting. The duties of the agent are really discharged by the chief counsel, and if we provide in the bill that the counsel shall also act as agent there will be no necessity of making an appointment, as the counsel who is now holding that position will continue as counsel and also will act as agent.

While I am on my feet, Mr. President, I want to say a word with reference to the agent, for fear some misunderstanding might be entertained with reference to that office and that officer. Mr. Lansing was appointed the agent some time ago—I do not recall just how long ago—and nobody who is familiar with his work could for a moment criticize his discharge of the duties of that position. He is a very able man; I know him personally and know him well, and he did discharge the duties of that position with great faithfulness and with great ability; but a few months ago he was appointed counselor for the State Department—and I think it was a most excellent appointment—and, having the duties of that position to discharge, he could not devote the time to the position of agent which he had theretofore been able to do, so that out of necessity the duties of that office to a great extent devolved upon Mr. Clark. That is as I understand the situation.

I called attention yesterday to the importance of this litigation. I find in the House hearings which were held a year ago some statements which emphasize what I have already said. At page 66 of those hearings—the House hearings on the bill a year ago—Mr. Lansing testified as follows:

Mr. KENDALL. I suppose the State Department, in preparing these dockets, is not doing anything more than simply making a statement of the personnel of the parties and the character of the claims, and the defense urged.

Mr. LANSING. In making up the docket they are making copies of all the correspondence in relation to them so that the cases may be reviewed from the beginning. Some of them are very old; some of them are 50 years old, so that it has been necessary to go through and make copies of all the documents. You will see that we have an unusual number of stenographers for this work. We have four typewriters—young women.

Mr. HARRISON. What is the aggregate amount of those claims? Can you give us any idea?

Mr. LANSING. So far there has been scheduled for hearing something like $4,000,000 for the United States claimants and something over $3,000,000 for the British claimants.

So there is involved in these cases approximately $7,000,000.

Mr. KENDALL. Many of these claims ought to be of record; they are claims asserted by citizens of the United States against the Government of Great Britain?

Mr. LANSING. Yes, sir; and by British subjects against the United States.

Mr. KENDALL. And, for instance, the claims of American citizens have been presented to the State Department, through diplomatic channels, to the British Government?

Mr. LANSING. Yes.

Mr. KENDALL. And no adjustment seemed possible?

Mr. LANSING. Yes.

Mr. KENDALL. And they must be submitted to this convention?

Mr. LANSING. Yes.

Mr. KENDALL. When was the convention created?

Mr. LANSING. In 1910.

Then, further, he says, at page 69:

Mr. CLINE. There is a good deal of research work to be done, but do you not think you have quite a large force for the number of cases, and have been at it for a long time, to make up a docket of 300 cases?

Mr. LANSING. There are more than 300 that have been made up, and we have examined in addition to that 250 cases for which we had to have a docket made up in order to determine whether they should be presented to arbitration, and we started to make up a second schedule. It is only the first schedule that has been negotiated, and there will be another schedule, and all that thing of negotiating another schedule will be done by this agency.

Mr. HARRISON. Is there any existing law for this? Is there any law to-day or is it necessary for any law to be passed to sanction the treaty that has been entered into, or the agreement?

The CHAIRMAN. There was a law passed sanctioning the treaty, and this agreement grew out of the treaty.

Mr. HARRISON. I understand that.

The CHAIRMAN. That makes a law for this, because under that treaty this agreement was negotiated.

Mr. HARRISON. There is no question but what this would stand on a point of order, if a point of order was made?

The CHAIRMAN. No; a point of order would not lie to this.

Mr. LANSING. In regard to your question about the amount of work; for example, in one case, in the Rio Grande Dam case, there are something like 1,500 pages of typewriting.

Mr. CLINE. That is an extreme illustration?

Mr. LANSING. It is, but we have a dozen cases, I presume, where there are a thousand pages. We have one memorial from Great Britain that covers a thousand printed pages.

It will be seen, therefore, that there is involved in the preparation of the cases and their presentation an immense amount of work. I think it would be a misfortune to the Government of the United States if either of these men, and particularly Mr. Clark, who has had charge of the cases from the beginning, and who has thoroughly familiarized himself with all the details, were now removed and new men put in their places. Nobody can foresee what injury would be done to the Government by that sort of a proceeding

The money that is involved is not the sole thing. Some of these cases which involve small amounts of money involve questions of vast importance to the United States. It is in the highest degree important that the position of the United States in those cases should be maintained, not because a judgment for the small amount of money involved would be any great hardship, but because a decision of the point against the United States would lead to other claims and would lead in the end to the payment of very large sums of money.

The only purpose I have in offering this amendment is to make it quite sure, as nearly as the Congress can make it sure, that these two lawyers shall be retained until this work is completed. The provision of the Senate amendment is:

Agent, to be appointed by the President, by and with the advice and consent of the Senate; * * * counsel, to be appointed by the President, by and with the advice and consent of the Senate.

That involves affirmative action on the part of the President. The President must send the names to the Senate, and the Senate must act upon them. When we make a provision of that kind it is almost inevitable that the appointments will become political in their nature. Efforts will be made to secure the appointment of other men. These appointments never have been treated as political appointments.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. I do.

Mr. SMITH of Georgia. Were they not political appointments when these men were appointed?

Mr. SUTHERLAND. No; they were not.

Mr. SMITH of Georgia. Were not the men who were appointed pronounced Republicans?

Mr. SUTHERLAND. These men are Republicans, but Democrats also were appointed by Mr. Taft. Let me call the attention of the Senator from Georgia to the personnel of the American agency upon these British-American claims.

The first agent who was appointed was S. Mallet-Prevost. He was a Democrat from New York. He was appointed agent and senior counsel by Mr. Taft on June 7, 1912, at a salary of $15,000 per annum. The man who stood at the head of that agency was a very prominent Democrat. He resigned on account of ill health. His resignation became effective in December, 1912 and Mr. Taft appointed as his successor Mr. Robert Lansing, a Democrat of New York. He was appointed June 15, 1912, at a salary of $7,500; first at a salary of $500 a month, which was subsequently increased to $7,500 per annum. There was appointed as one of the joint secretaries of the arbitration tribunal, at a salary of $2,500, which was subsequently increased to $3,000, Mr. R. A. Young, a Democrat of Tennessee. There was appointed Mr. H. D. Pierce, a Democrat of Massachusetts, who was appointed counsel at a salary of $2,520 per annum. There was appointed as counsel Mr. J. Reuben Clark, jr., a Republican of Utah, appointed January 15, 1913, at a salary of $7,500 per annum, his appointment to become effective March 4, 1913; Arthur McKinstry, a Republican, who was appointed first as special assistant to the agent and then as counsel at a salary of $5,000 per annum; G. F. Wilson, a Republican of the District of Columbia, appointed at a salary of $2,520 per annum; and Mr. Snowden, a Republican of Pennsylvania, appointed chief clerk at a salary of $1,800 per annum.

So there were eight appointments to that agency and four of them were Democrats and four of them were Republicans, the chief places being given to Democrats. It never has been treated as a partisan matter.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. I yield to the Senator.

Mr. SHIVELY. The Senator will take notice that there are two kinds of Democrats for the purposes of appointment. There is a Democrat who votes the Democratic ticket and there is the professed Democrat who does not vote the Democratic ticket. It will require but very little investigation to determine the class in which these gentlemen fall.

Mr. SUTHERLAND. I should imagine that Mr. Lansing would be considered by the Senator's party a pretty good Democrat, because he has been selected for the position of counselor for the State Department by Mr. Bryan, and is holding that position now.

Mr. SHIVELY. Suppose he is. That may indicate a vast degree of liberality on the part of Mr. Bryan rather than nonpartisanship on the part of his predecessors. But I am not canvassing Mr. Lansing's Democracy.

Mr. SUTHERLAND. I have not observed any very great or very extreme degree of liberality on the part of the administration thus far in regard to these appointments. At any rate, these appointments never have been treated as partisan appointments, and they ought not to be treated as partisan appointments now.

Mr. SHIVELY. The Senator wants a legislative provision here that will secure the retention of particular men in positions in the department. His idea is that unless certain words are put in the bill there is a possibility of a change in some of these places. Is this not precisely what he has in mind?

Mr. SUTHERLAND. Mr. President, it will not prevent a change being made; but if a change is made it will necessitate the removal of the people who are there, and the appointment by the President of somebody else. The trouble with this bill is that it obliges the President to send in the names——

Mr. SHIVELY. Of somebody else?

Mr. SUTHERLAND. Not necessarily of somebody else; but it obliges him to send in the names, and my objection to it is that when we require that the names shall be sent in, and that the Senate shall advise and consent to them, that at once throws the matter into politics.

Mr. SHIVELY. That is, the Senator objects to having the burden thrown on the President of selecting suitable persons for this work?

Mr. SUTHERLAND. Mr. President, the burden is there now.

Mr. SHIVELY. But he would relieve the President of this burden by having a legislative provision here that will keep them there?

Mr. SUTHERLAND. No, Mr. President; I have not asked any such thing.

Mr. SHIVELY. Then the Senator is objecting to the creation of a place that the President would have to fill by appointment?

Mr. SUTHERLAND. I am objecting to legislation which obviously, upon its face, is intended to legislate these men out of their positions and put these positions into the hands of——

Mr. SHIVELY. Of Democrats?

Mr. SUTHERLAND. Of lawyers who have had nothing to do with the case and who will at once become partisan appointees.

Mr. SHIVELY. Why would not precisely the same argument apply to any other responsible position in these departments?

Mr. SUTHERLAND. Mr. President, apparently it is impossible to show the Senator the distinction between these various classes of employees, if I have failed to do it thus far.

Mr. SHIVELY. I am speaking now of heads of departments—of Secretaries, of Assistant Secretaries. The men who have been in office are men who are acquainted with the work. They have learned the business. They have all the cases before them in hand. Why make any change at all?

Mr. SUTHERLAND. Does the Senator see no distinction between changing an ordinary officer of the Government and discharging a lawyer who is half through trying a case and putting in another man to finish it up?

Mr. SHIVELY. The Senator, however, is going on the theory all the time that the President would not appreciate the qualifications of the men whom he now has in mind, nor the present status of the public business, and that he would not take notice of any advantage there may be in retaining such persons in their positions.

Mr. SUTHERLAND. Mr. President, the only thing I have attempted to strike out of this bill is the provision "to be appointed by the President, by and with the advice and consent of the Senate," and simply make an appropriation for counsel, just as we have done in all of the bills heretofore dealing with this subject, and just as the House attempted to do, the only difference being that the House did not particularize the various officers and the salaries to be paid them.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Georgia?

Mr. SUTHERLAND. Yes.

Mr. SMITH of Georgia. I wish to ask the Senator if I understood him correctly as stating that there are a number of these cases, and they are continually coming up, so that it is not one large case which the same counsel had prepared? New counsel—capable counsel—could go into this litigation and take charge of it, just as new counsel take charge of the business of one of the departments or the district attorney's office; could they not?

Mr. SUTHERLAND. No; that is not the situation. Of course, when a new Attorney General is appointed he has old district attorneys. Cases are coming up and they are disposed of; but this is an altogether different situation. Under the treaty which we had with Great Britain, which was ratified in 1910, we provided for the arbitration of several hundred claims which were specified in the schedule. Those various claims are placed in various groups, according to the question which is involved, so that there would be something like 40 or 50 different kinds of cases which are heard together. All of these cases have been in process of preparation. I read from the hearings before the House committee, showing that it has taken a thousand pages or 1,500 pages of typewriting to present some of the cases; that is, the presentation in the nature of a pleading, of a petition, if I may call it such. The evidence has been gathered by these men and has been printed. The cases are all in process of being presented. Some of the work has been done in all of them. One of the most important of these cases, to which I called attention yesterday—the Cayuga Indian case—involves a million dollars. The claim is against the Government of the United States, and has proceeded so far that there is nothing remaining to do except to make the oral argument. The lawyers are now preparing that argument, which will be made, perhaps, in the course of a few weeks or a few months; I do not know just how soon.

Mr. SMITH of Georgia. Mr. President——

Mr. SUTHERLAND. If the Senator will be patient with me, obviously, in a case of that kind—the Senator is a lawyer and understands how that is—the lawyer who has prepared the pleadings, the lawyer who has gathered the evidence and who

miles of line each mile of second track shall be regarded as equal to one-half mile of track, and each mile of third or fourth track shall be estimated as equal to one-third of each mile of main track. For the purposes of each State the Interstate Commerce Commission shall certify to the taxing authorities of each State or Territory the gross receipts for the preceding year, the total mileage as aforesaid, and the proportion of such total mileage operated in such State or Territory.

STATE POLICE AND STATE RATES.

SEC. 19. That nothing herein contained shall be construed as interfering with the police laws of any State regarding railroads incorporated under this act and operating in such States, nor shall anything herein contained be construed as affecting the right and power of each State to regulate purely State commerce on railroads organized under this act. But the Interstate Commerce Commission shall hold conferences from time to time with the regulating power of any State with a view to such harmonious adjustment and regulation of State commerce and interstate commerce as will protect the public against abuses or extortion and the railroads against inadequate returns upon their investment, and as will promote the efficiency of such corporations as common carriers. With such end in view the said commission shall call and hold at least once each year a conference with the railroad commissioners of the several States, and with such other State officers having any duty of supervision, taxation, or regulation of railroads within their respective States. Such conference shall be held in the District of Columbia, and the presiding officer at such conference shall be the chairman of the Interstate Commerce Commission, or some other member of said commission designated by its chairman. The proceedings of such conference shall be printed or distributed by or under the direction of the Interstate Commerce Commission.

ACQUISITION OF STATE RAILROADS.

SEC. 20. That such corporation may, with the consent of any State, upon the approval of the Interstate Commerce Commission, acquire the railroad of any corporation now organized under the laws of such State, and may issue for the purchase thereof such amount of bonds and stock as may be authorized by said commission, but such authorization shall only be made after a full public hearing, at which the Attorney General shall appear, either personally or by one of his assistants, and no issue of bonds or stocks therefor shall exceed the value of such road as ascertained by said commission.

With the consent of the State under which any railroad corporation is or may be organized, merger between the corporation owning such road and a corporation organized under this act may be accomplished under this act; and bonds and stock may be issued by any corporation organized under this act for such purpose: *Provided*, That such proposed merger is approved by the Interstate Commerce Commission, and the amount of bonds issued, together with the rate of interest thereon, and of the stock issued in the accomplishment of such merger, are also approved by said commission.

ACCIDENT AND INSURANCE FUND.

SEC. 21. That it shall be a condition of the grant and continuance of any franchise to do business under this act that the corporation holding such franchise shall set aside annually a percentage of the gross receipts of said corporation, not exceeding 1 per cent, to be held as a fund in the Treasury of the United States for the payment of pensions to the employees of such corporation who shall have been disqualified for active service, either by injury in the service or by age. The conditions entitling employees to pensions, the amount and time of payment, the investment of the fund, the disbursing of the same, and the entire management thereof shall be under rules and regulations to be made, and from time to time amended, by the Interstate Commerce Commission.

JURISDICTION OF SUITS BY AND AGAINST RAILWAY COMPANIES.

SEC. 23. That any corporation organized under this act shall, for the purpose of all actions by or against it, real, personal, or mixed, and all suits in equity, be deemed a citizen of every State in which its lines are located, and in such cases circuit and district courts of the United States shall not have jurisdiction other than such as they would have in cases between individual citizens of the same State. The provisions of this section shall not be held to affect the jurisdiction of the courts of the United States in cases by the United States, or by direction of an officer therein, or cases for winding up the affairs of any such corporation.

Any case involving the recovery of fines or penalties under this act may be brought in the circuit court of the United States for any judicial district wherein the corporation has its principal office or through which the line or any part thereof may run. In every such case, for the purposes thereof, the jurisdiction of the court shall be coextensive with the territory of the United States, and in writs of subpœna, removal of persons, execution, and all other process shall run throughout the United States. All existing laws pertaining to the taking and compelling of testimony in cases arising under the act to regulate commerce, or its amendments, shall apply in cases arising under this act.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. CHAMBERLAIN submitted an amendment proposing to appropriate $207,000 for improving Tillamook Bay and Bar, Oreg., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $12,500 for inspection of prisons and prisoners and parole, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

OMNIBUS CLAIMS BILL.

Mr. JAMES submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

AFFAIRS IN NICARAGUA.

Mr. SMITH of Michigan. I submit a resolution, which I ask may be read and referred to the Committee on Foreign Relations.

The resolution (S. Res. 396) was read and referred to the Committee on Foreign Relations, as follows:

Whereas the present administration of Nicaragua, headed by Adolfo Díaz as president, has been maintained for upwards of two years by the active presence of American marines in the capital at Managua, under the guise of a legation guard, and in defiance of the wishes of the people of that Republic; and

Whereas the American banking houses of Brown Bros. and Seligman have undertaken to finance the affairs of the Nicaraguan Government during this time; and

Whereas certain fraudulent syndicate bonds issued by former President Zelaya, known as the Ethelburga syndicate, aggregating $6,250,000 in gold, has been questioned and their validity denied by the former government of President Estrada and the present Government of Nicaragua; and

Whereas, notwithstanding the fraudulent character of said bonds, they have been engrafted onto said Republic as a bona fide indebtedness against the wishes of the Nicaraguan people; and

Whereas said bonds were issued without valid consideration, and the names of the beneficiaries unknown, but said bonds were largely deposited with certain European bankers for safe-keeping until secured in large part through the activity of Ernest H. Wands, who had been designated by the Department of State of the United States as financial agent of the Republic of Nicaragua, in the interest of said Brown Bros. and Seligman; and

Whereas said bonds were purchased at an average of 25 per cent of their face value for speculative purposes, and were, through the assistance of the State Department of the United States, brought within the scope of an American guaranty, which entirely validated said bonds, greatly to the detriment of the people and government of Nicaragua and to the advantage of the purchasers thereof; and

Whereas the sole beneficiaries of said fraud upon a friendly Republic were the Brown Bros. and Seligman, bankers, and Speyer & Co. and their allies, who became the friendly depositors thereof; and

Whereas this course upon the part of the American financial institutions, aided by the Department of State, has brought reproach upon the American Government; and

Whereas the last presidential election in Nicaragua was intentionally and directly influenced by the presence of the marines of the United States Navy at Managua, Granada, Masaya, Corinto, and other interior places, and the presence of the American naval vessels at the ports of Corinto and Bluefields in violation of the present treaty of commerce, peace, and amity between the Republic of Nicaragua and the Government of the United States of America, such action tending to prevent the invalidation of the fraudulent indebtedness herein specifically described; and

Whereas the National Railroad of Nicaragua, about 129 miles in length, has been sold much below its actual value to said Brown Bros. and Seligman, with the approval and acquiescence of the Department of State of the United States, in open and flagrant violation of the constitution of that Republic; and

Whereas by virtue of the protection granted by the Department of State of the United States to said bankers in maintaining their control of the customhouses of Nicaragua, said bankers are enabled to secure enormous profits through compelling the Republic of Nicaragua to redeem at par the said "Ethelburga syndicate" bonds, acquired as aforesaid; Therefore be it

Resolved by the Senate, That the Committee on Foreign Relations, or any subcommittee thereof, are hereby authorized and directed to inquire into the transactions above described. They are authorized to take testimony wherever necessary, subpœna witnesses, and the expenses incurred shall be paid out of the contingent fund of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On June 15, 1914:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

On June 16, 1914:

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

M'CLINTIC-MARSHALL CONSTRUCTION CO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor

of the Canal Zone and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co., which were:

On page 2, line 9, after "ten," to strike out all down to and including line 17 and insert "taking into consideration the claim of the contractors that the work was done under requirements as to character and finish not fairly within the meaning of the specifications."

On page 2, in lines 22 and 23, to strike out "and to adjudicate the same."

On page 3, line 2, to strike out "finding" and insert "findings."

On page 3, line 2, after "finding," to strike out all down to the period in line 4.

Mr. MARTIN of Virginia. I move that the Senate concur in the House amendments

The motion was agreed to.

FRANCIS GRAVES BONHAM.

The bill (H. R. 12826) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy was read twice by its title.

Mr. CHAMBERLAIN. I ask unanimous consent for the immediate consideration of the bill. I will state as a reason for making the request that the Committee on Military Affairs of the Senate have reported favorably an exactly similar bill. The House report which accompanied the bill now presented to the Senate is exhaustive and goes into the whole subject.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to reappoint as a cadet at the United States Military Academy, without regard to age or the existence of vacancies, Francis Graves Bonham.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CHAMBERLAIN. I move that the bill (S. 4417) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy, heretofore reported to the Senate, be indefinitely postponed.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 7298. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.; and

H. R. 15320. An act authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to site at Owego, N. Y.

H. R. 6423. An act to relocate the headquarters of the customs district of Florida was read twice by its title and referred to the Committee on Finance.

H. R. 8030. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, was read twice by its title and referred to the Committee on Pacific Islands and Porto Rico.

H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888," was read twice by its title and referred to the Committee on the Judiciary.

H. R. 12909. An act to correct the military record of James W. McGreevey was read twice by its title and referred to the Committee on Military Affairs.

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods was read twice by its title and referred to the Committee on Public Lands.

H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909, was read twice and referred to the Committee on Post Offices and Post Roads.

TRANSPORTATION FOR PARCEL-POST PACKAGES.

The PRESIDENT pro tempore. Concurrent and other resolutions are in order. If there be none, and if there are no resolutions coming over from a former day, morning business is closed.

Mr. SMITH of Georgia. There was a resolution coming over from a previous day, Mr. President.

The PRESIDENT pro tempore. If it appears that there is such a resolution upon the desk, it will be reported to the Senate.

Mr. SMITH of Georgia. The resolution to which I refer went over from last week.

The PRESIDENT pro tempore. The matter has been passed over informally for such a length of time that the Secretary has not considered it as being subject to be presented to the Senate without the special request of the Senator from Georgia. If the Senator desires the resolution to be laid before the Senate, that will be done.

Mr. SMITH of Georgia. I desire that the resolution be laid before the Senate for the purpose of disposing of it.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 363) submitted by Mr. SMITH of Georgia on May 14, 1914, as follows:

Whereas on August 24, 1912, a Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails was authorized to investigate and report upon the rates, etc., paid to the railroad companies for the carriage of mail matter; and

Whereas the matter carried by the parcels post is of a character that can be handled in a different class of car and at cheaper rates than ordinary mail matter; and

Whereas it is of great importance that the Post Office Department should have an opportunity to readjust its contracts for mail transportation, with a view of providing economical and suitable accommodations for the transportation of parcel-post packages: Therefore be it

Resolved, That the Joint Committee on Postage on Second-class Mail Matter and Compensation for Transportation of Mails be requested to report at as early a day as possible the result of their investigations and their findings.

Resolved further, That the Joint Committee on Postage on Second-Class Mail Matter and Compensation for Transportation of Mails be requested to advise the Senate of the time at which they will be able to make their report.

Mr. SMITH of Georgia. Mr. President, the joint committee referred to in the resolution have been engaged in their work for a number of months. My purpose in submitting the resolution was that the Senate might be informed when we could expect a report and that we might obtain the report as soon as possible. I think the result of that report will be legislation which, to a considerable extent, will modify our existing contracts for the transportation of mails, and I especially had in view a modification with reference to the parcel-post mail.

When the Post Office appropriation bill containing the parcel-post provision came over from the other House at the last Congress it provided for a flat rate of 12 cents a pound all over the United States, except on rural routes. The Senate Committee on Post Offices and Post Roads worked laboriously upon the subject. The result of their work was a modification of the rates, the adoption of the zone system, and very much lower rates for short distances. I had the privilege of serving on that committee, and I believe that its work was of great service to the public. I did not think at the time the rates were made as low as they should have been made, but since then the Postmaster General has lowered the rates and increased the weight limit. This work on his part I cordially approve.

At the time the Post Office appropriation bill was before the Senate I was confined to my room by sickness and did not have an opportunity to take any part in the discussion of that bill. In the committee I had expressed a disapproval of an increase at that time of the weight limit of a parcel beyond 50 pounds. Had I been in the Senate at the time the Post Office appropriation bill was considered, I should have explained the fact that I did not believe that we were at that time prepared satisfactorily to increase further the weight limit; that it was extremely important before we did so to obtain a report from the joint committee, and to legislate with a view of handling in a better way our parcel post and a part of our general postal matter. I believe that the modification of the system to a weight basis and the modification of the character of cars of transportation as to part of the mail will make it practicable for the railroads to handle a large part of the parcel post and the heavier mail much more economically, and as an incident to that fact and as an incident to the facts developed by the investigation, the Postmaster General would be in a position much more intelligently to proceed with his work of perfecting the Parcel Post System. In no sense was my attitude due to any change of desire to continue to perfect the parcel post along the lines that the Post Office Department has already proceeded to effect. I have been in cordial sympathy with the Postmaster General in his effort to perfect the parcel post, but I thought it unwise to increase the weight limit until our modes of railroad transportation were improved. I am desirous that this should be done as soon as possible, and therefore wish a report from the committee which has been at work on the subject.

Mr. President, since I introduced the resolution the committee has completed its work and formulated a bill. A bill covering the subject has been introduced in the House and the report of the joint committee is being perfected for the use of both bodies. I therefore do not deem it worth while to press

St. Louis, Mo., against national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of Alfred Beach, Charles Fazakerly, Frank W. Sanford, Daniel J. McVeigh, William Walker, George W. Taylor, Fred Rodenburg, Joseph H. Howard, George H. Deats, Herald Meade, Michael English, John Cunen, J. H. Van Ingen, Alfred Cunning, Martin Mullaney, Thomas F. Prout, J. McFarlin, Henry McFarlin, Joseph Alen, George Weber, Michael Farrell, William Allen, Thomas Coughlin, E. Pace, Ed C. Rossi, George Ban, Charles Wesler, Harry Hall, Charles A. Gallagher, Robert D. Taylor, W. Johnson, Robert William Alson, George Seidler, J. J. Kearns, Michael McFarlin, John Kelly, Joseph Fischer, Michael Gergory, Peter Sweeny, Patrick Malone, Albert Hughes, James Couchin, James Hughes, Frank Dunn, William O'Grady, and Thomas Hickey, all of Brooklyn, N. Y., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50; to the Committee on Rules.

Also, petition of Frank Thompson and John Lane, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petition of sundry citizens of Grangeville, Idaho, against national prohibition; to the Committee on Rules.

By Mr. GILMORE: Memorial of the Massachusetts Medical Society, relative to provision by Congress for proper mental examination of immigrants; to the Committee on Immigration and Naturalization.

By Mr. GRIEST: Memorial of H. S. Newcomer, of Maytown, Pa., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Jewelers' Guild of Philadelphia, Pa., favoring passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL: Petition of the Trades and Labor Assembly of Ogden, Utah, against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the American National Retail Jewelers' Association of Neenah, Wis., favoring passage of Owen-Goeke bill (H. R. 2972); to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of Mr. Ralph Peters and others of New York, N. Y., protesting against the passage of the Moon bill, relative to Railway Mail Service; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of Local No. 194, Brotherhood of Painters, Decorators, and Paperhangers, of Chicago, Ill., favoring passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. MURRAY of Oklahoma: Petitions of sundry citizens and legal voters of Pottawatomie County, Okla., favoring passage of bill for Government ownership of coal mines, of Colorado, etc.; to the Committee on the Judiciary.

Also, petitions of various Christian churches of Oklahoma and the Methodist Episcopal Church conference at Lawton, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Edward J. Jennings, of San Francisco, Cal., and 79 other citizens of California, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'LEARY: Petition of Michael Marx and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PADGETT: Papers to accompany a bill (H. R. 17274) granting an increase of pension to Mary A. Judson; to the Committee on Pensions.

By Mr. PATTON of Pennsylvania: Petitions of many voters and citizens of the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. POU: Papers to accompany Senate bill 201, for relief of John W. Cupp; to the Committee on Claims.

By Mr. SMITH of Texas: Telegrams from the Brotherhood of Railroad Trainmen of El Paso, Tex., against present consideration of the Moon bill; to the Committee on the Post Office and Post Roads.

Also, petition of Kraukauer, Zork & Mayes Successors (Inc.), of El Paso, Tex., against present consideration of antitrust legislation; to the Committee on the Judiciary.

By Mr. TEN EYCK (by request): Petitions of Frank A. Koonmen and 25 other citizens of the city of Watervliet, N. Y., protesting against the passage of the Hobson resolution for national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petitions of sundry citizens of Steuben County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petition of the mayor and City Council of Council Bluffs, Iowa, in favor of House bill 5139, providing for the retirement of aged and superannuated civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. WEAVER: Petitions of A. C. Flynn and others, of Langston; Frank Burross and 78 others, of Stonewall; Mrs. A. F. Parritt and many others, of Marlie; N. Munger and others, of Pittsburg; Rev. George H. Sears and others, of Logan; W. W. French and others, of Lexington; and J. E. Liebman and others, of Addington, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *June 16, 1914.*

The Senate met at 11 o'clock a. m.

Rev. Edward King Hardin, of the city of Washington, offered the following prayer:

We thank Thee, our heavenly Father, that we can come to Thee to ask for that wisdom which we need in carrying on the work which is committed to us, for we are told in Thy Word if any man lack wisdom let him ask of God, who giveth to all men liberally, and upbraideth not. We ask Thee this morning that we may have that wisdom and that strength which we need in the performance of the duties which come to our hands. We commit ourselves and our all to Thee, asking for that guidance without which our work and our lives shall be a failure. In the name of the Lord Jesus Christ. Amen.

The PRESIDENT pro tempore. The Secretary will read the Journal of the preceding day.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Overman	Sterling
Brady	Jones	Owen	Sutherland
Bryan	Kenyon	Page	Swanson
Burton	Kern	Perkins	Thompson
Catron	La Follette	Reed	Thornton
Chamberlain	Lane	Root	Tillman
Chilton	McCumber	Shepard	Townsend
Clarke, Ark.	Martin, Va.	Shively	West
Culberson	Martine, N. J.	Simmons	White
Cummins	Nelson	Smith, Ga.	Williams
Fletcher	Norris	Smith, Mich.	
Hitchcock	O'Gorman	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] with whom I am paired is necessarily absent. I will let this announcement stand for the day.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. A quorum of the Senate is not present. The Secretary will call the absentees.

The Secretary called the names of the absent Senators.

Mr. BURLEIGH, Mr. SHAFROTH, Mr. ROBINSON, and Mr. LEE of Maryland entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum is now present. The Secretary will read the Journal of the preceding session.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

The trustees of the Old Goose Creek Church, near Markham, Va., v. United States (S. Doc. No. 507); and

W. W. Aycock, administrator of the estate of William C. Blalock, deceased, claimant, v. United States (S. Doc. No. 506).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 533) to consolidate certain forest lands in the Ochoco National Forest, Oreg.

The message also announced that the House had passed the joint resolution (S. J. Res. 29) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6433. An act to relocate the headquarters of the customs district of Florida;

H. R. 7208. An act to increase the limit of cost of the public building at Smyrna, Del.;

H. R. 8620. An act to amend section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912;

H. R. 11317. An act to increase the limit of cost of the United States post-office building at Newcastle, Ind.;

H. R. 11624. An act to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888";

H. R. 12969. An act to correct the military record of James V. McGreevey;

H. R. 13717. An act to provide for leave of absence for homestead entrymen in one or two periods;

H. R. 15326. An act authorizing the Secretary of the Treasury to disregard section 33 of the public buildings act of March 4, 1913, as to site at Owego, N. Y.; and

H. R. 15987. An act to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 55. An act for the relief of Daniel Hampton;

S. 2069. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2576. An act for the relief of John Q. Adams; and

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

PETITIONS AND MEMORIALS.

Mr. SMITH of Michigan presented a memorial of Cigar Makers' Local Union No. 46, of Grand Rapids, Mich., and a memorial of the International Association of Machinists, of Saginaw, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Atkins, Mich., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented petitions of the Metal Trades Council of Grand Rapids; of the Federation of Labor of Detroit; and of the Street Railway Employees' Association of Detroit, all in the State of Michigan, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of the Gratiot County Medical Society, of Riverdale; of the Branch County Medical Society, of Coldwater; and of sundry citizens of Alma, Union City, and Cassopolis, all in the State of Michigan, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. NORRIS presented a petition of sundry citizens of Valentine, Nebr., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry citizens of Grindstone City, Mich.; and a memorial of Local Union No. 1233, Brotherhood of Carpenters and Joiners of America, of Detroit, Mich., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Buffalo, Kemmerer, Lost Spring, and Bosler, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented the memorials of William Moore, Theodore Wiggins, George Smith, and 67 other citizens of Evansville and Indianapolis, in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

G. L. TANEYHILL.

Mr. CATRON, from the Committee on Military Affairs, to which was referred the bill (S. 1124) for the relief of G. L. Taneyhill, reported it without amendment and submitted a report (No. 598) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 5868) granting an increase of pension to Catherine Terwilliger; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5869) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. BRADY:

A bill (S. 5870) granting a pension to Carlton Meredith (with accompanying papers); to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 5871) granting an increase of pension to Margaret Ford; and

A bill (S. 5872) granting a pension to William M. Faidley; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 5874) for the relief of Fred C. and C. Helen Fisher; to the Committee on Public Lands.

NATIONAL INCORPORATION OF RAILWAYS.

Mr. NEWLANDS. I introduce a bill and ask that it be referred to the Committee on Interstate Commerce.

The bill (S. 5873) for the formation of national corporations for railroad and navigation lines engaged in interstate and foreign commerce was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. NEWLANDS. Mr. President, I wish to say with reference to this bill that the recent decision of the Supreme Court in the Shreveport case points decisively toward the necessity of organizing as national corporations the great railway systems of the country. The constant trend of the decisions, which is toward the absorption of all the powers over commerce by the United States Government by reason of the grant to it of jurisdiction over that part relating to interstate commerce, indicates the necessity of incorporating the great railway systems under national law.

In addition we are now about to enter upon the control of the stock and bond issues of carriers engaged in interstate commerce. That will involve, according to the contention of many, the exclusion of the control heretofore exercised by the States over the stocks and bonds of all carriers organized under their laws that have any relation to interstate commerce. The trend, therefore, is toward the absorption by the National Government of the entire jurisdiction over railways. It seems to be of the highest importance, therefore, that the National Government should have the power to create corporate instrumentalities through which these enormous functions will be exercised.

The bill which I offer is a bill which I introduced in the Senate in 1908, which in itself was an improvement upon a similar bill offered by me in the Senate several years previously. It seems to me that public opinion is ripe for immediate action upon this important subject, either in the way of a separate bill or in the way of an amendment to some of the legislation that is now pending relating to the regulation of interstate commerce.

I desire to call particular attention to section 18, relating to taxation; section 19, relating to State police and State rates; section 20, relating to acquisition of State railroads; section 21, relating to accident and insurance fund; and section 23, relating to jurisdiction of suits by and against railway companies. I ask that these sections may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The sections are as follows:

TAXATION.

SEC. 18. That railroads and navigation lines owned by corporations duly organized under this act are hereby declared to be instrumentalities for the regulation of interstate and foreign commerce. The franchises, stocks, bonds, fixed evidences of indebtedness, operations and traffic, and the corporation itself shall not be subject to taxation by any State or Territory, but the physical property of such corporation situate in the State or Territory, including its right of way, its real estate, stations, office buildings and equipment, shall be subject to assessment at such average percentage of their actual value as shall be customary with reference to other property in such State or Territory, and to the customary taxes on such assessment. In lieu of such tax any State or Territory may impose a tax not exceeding 4 per cent on such proportion of the gross receipts of such corporation as the number of miles of line in such State or Territory bear to the total miles of line operated by such corporation. In estimating the

the treaties and with the plainest principles of justice and honor, the United States had the right to exempt from tolls American coastwise vessels passing through the canal. It was the maintenance of this right and not the question of economic policy which was of paramount importance.

CHANGE OF REFERENCE.

The SPEAKER. The Chair lays before the House the following, which the Clerk will read.

The Clerk read as follows:

The Speaker asks unanimous consent that the Committee on Territories be hereby discharged from further consideration of the bill H. R. 17262, a bill extending the civil government of Alaska, and for other purposes, and that the same be hereby referred to the Committee on the Public Lands.

The SPEAKER. Without objection, it will be so ordered.

Mr. CURRY. Reserving the right to object, is that a request from the chairman of the Committee on Territories?

The SPEAKER. It is a request from the Speaker of the House. It was referred incorrectly through a misunderstanding about whether the Public Lands Committee agreed to a certain arrangement or not. The truth is that the Committee on the Public Lands already had the bill. Without objection, the reference will be changed.

There was no objection.

The SPEAKER. The Clerk will call the next bill.

COST OF PUBLIC BUILDING, SMYRNA, DEL.

The next business in order on the Calendar for Unanimous Consent was the bill (H. R. 7298) to increase the limit of cost of the public building at Smyrna, Del.

The bill was read, as follows:

Be it enacted, etc., That the limit of cost heretofore fixed by Congress for the purchase of a site and the erection of a public building for a United States post office at Smyrna, Del., be, and the same is hereby, increased from $25,000 to $55,000.

Also the following committee amendment was read:

Line 6, strike out "$55,000" and insert in lieu thereof "$35,000."

The SPEAKER. Is there objection to the consideration of the bill?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of this bill some questions about it. How large is the city of Smyrna, Del.?

Mr. BROCKSON. The town of Smyrna proper has about 2,000 inhabitants, and there are three suburban villages, making about 2,500 population in all who get their mail from that office.

Mr. CULLOP. What is the proposition now of a change? Is it to increase or decrease the amount already authorized?

Mr. BROCKSON. To increase the amount.

Mr. CULLOP. From what to what?

Mr. BROCKSON. From $25,000 to $35,000.

Mr. CULLOP. What are the annual receipts of this office?

Mr. BROCKSON. That is for the site and the building and a fireproof vault, and all that sort of thing.

Mr. CULLOP. What are the annual receipts?

Mr. BROCKSON. Something over $6,000.

Mr. CULLOP. Over $6,000?

Mr. BROCKSON. Yes.

Mr. CULLOP. I understand that a rule of the department is not to recommend the construction of a building where the receipts are less than $10,000 annually. Now, have you free delivery in that town?

Mr. BROCKSON. Not in the town, but there are free delivery routes radiating from it.

Mr. CLARK of Florida. Mr. Speaker, if the gentleman from Delaware will permit me, I will state that this post-office building was provided for in a bill enacted some years ago. The site has been bought and paid for, and it has been found to be utterly impossible to construct the building at all. There is only $20,000 available with which to construct the building, and we are simply providing $10,000 more to add to the $20,000 now available for the construction of the building.

Mr. STAFFORD. Mr. Speaker, will the gentleman yield?

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. In reading the report from the department I find that they recommend $55,000 as the amount that will be needed to construct a suitable building.

Mr. CLARK of Florida. Yes.

Mr. STAFFORD. There is no intimation here whatsoever that the building can be erected for the increase of $10,000 recommended by the committee. What is intended by the proposed increase of this amount by $10,000 when you have only $20,000 available, when the department says that $55,000 in all will be needed?

Mr. CLARK of Florida. Oh, well, the statements made by the Supervising Architect's Office are not always based upon absolutely sound foundation. Thirty thousand dollars will construct a nonfireproof post-office building suitable for this little place.

Mr. STAFFORD. Has the gentleman from Delaware made any inquiry as to whether this additional $10,000 will enable them to construct a building suitable for the needs of this place?

Mr. BROCKSON. Yes; I have.

Mr. STAFFORD. Has the gentleman any official information as to that?

Mr. BROCKSON. They say that amount will be sufficient.

Mr. STAFFORD. There is nothing in the report to show that, and I was desirous of knowing whether $10,000 would be of any service.

Mr. BROCKSON. They paid $6,700 for the lot, and the citizens contributed $1,700, and only $5,000 was taken from the appropriation to pay for the lot.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Florida [Mr. CLARK] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, line 6, by striking out the figures "$55,000" and inserting "$35,000."

The SPEAKER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BROCKSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ADJOURNMENT—EXTENSION OF REMARKS.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

Mr. COOPER. Mr. Speaker, pending that motion, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SWITZER. Mr. Speaker, I would like to have permission, immediately after the reading of the Journal to-morrow, to address the House for 20 minutes on a matter pertaining to a couple of items in the sundry civil appropriation bill. I have never asked permission to address this House before, with the three years of service that I have had.

Mr. FOSTER. I do not think we ought to agree to that to-night. I may not object to it to-morrow, but I can not agree to it to-night.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] objects. The question is on agreeing to the motion to adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 16, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, submitting estimates of appropriations for the acquisition of sites for post-office buildings at Hobart, Okla.; Honey Grove, Tex.; Moultrie, Ga.; and West Plains, Mo., with the request that the same be incorporated in the sundry civil appropriation bill (H. Doc. No. 1038), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 9701) for the relief of F. W. Theodore Schroeter, reported the same without

amendment, accompanied by a report (No. 829), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4629) to reimburse Gaston R. Pottevin for property lost by him while assistant light keeper at East Pascagoula River (Miss.) Light Station, as recommended by the Lighthouse Board, reported the same without amendment, accompanied by a report (No. 830), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 11157) for the relief of John A. Gauley, reported the same without amendment, accompanied by a report (No. 831), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4628) for the relief of N. Ferro, reported the same without amendment, acompanied by a report (No. 832), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (S. 1213) to provide for the refunding of certain moneys illegally assessed and collected in the district of Utah, reported the same without amendment, accompanied by a report (No. 833), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 201) for the relief of John W. Cupp, reported the same without amendment, accompanied by a report (No. 834), which said bill and report were referred to the Private Calendar.

Mr. HILL, from the Committee on Claims, to which was referred the bill (H. R. 9622) providing for the relief of the heirs of Waldo M. Potter, deceased, reported the same without amendment, accompanied by a report (No. 835), which said bill and report were referred to the Private Calendar.

Mr. VOLLMER, from the Committee on Claims, to which was referred the bill (H. R. 9653) for the relief of Mary Van Deventer, reported the same without amendment, accompanied by a report (No. 836), which said bill and report were referred to the Private Calendar.

Mr. McCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 16425) for the relief of the Schwarzchild & Sulzberger Co., reported the same without amendment, accompanied by a report (No. 837), which said bill and report were referred to the Private Calendar.

Mr. VAUGHAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 6895) for the relief of Amy M. Sorsby, reported the same with amendment, accompanied by a report (No. 838), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. THOMSON of Illinois: A bill (H. R. 17267) to authorize Frank A. Gardiner to construct a bridge across the waters of Pistakee Lake and Nippersink Lake, at or near their point of intersection; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma (by request): A bill (H. R. 17268) for the relief of the heirs of the Eastern Cherokee Indians, who are the descendants of the deceased parties of the treaties of 1835, 1836, and 1846 between the Eastern Cherokee Indians and the United States of America; to the Committee on Indian Affairs.

By Mr. BAKER: A bill (H. R. 17269) to authorize cooperative homesteading on public lands, and for other purposes; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARNHART: A bill (H. R. 17270) granting an increase of pension to William F. Craig; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 17271) granting a pension to James M. Williams; to the Committee on Invalid Pensions.

By Mr. GODWIN of North Carolina: A bill (H. R. 17272) for the relief of St. Paul's Lutheran Church, of Wilmington, N. C.; to the Committee on War Claims.

By Mr. KEY of Ohio: A bill (H. R. 17273) providing for the presentation of a medal of honor to Col. Henry M. Nell; to the Committee on Military Affairs.

By Mr. PADGETT: A bill (H. R. 17274) granting an increase of pension to Mary A. Judson; to the Committee on Pensions.

By Mr. SHERWOOD: A bill (H. R. 17275) granting a pension to Katie A. Armstrong; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 17276) for the relief of Capt. John M. Ellicott, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. STEVENS of New Hampshire: A bill (H. R. 17277) granting an increase of pension to George L. Aldrich; to the Committee on Pensions.

By Mr. TAVENNER: A bill (H. R. 17278) granting an increase of pension to Luther Murphy; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17279) granting an increase of pension to Frank R. Porter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17280) granting an increase of pension to John W. Ramey; to the Committee on Pensions.

Also, a bill (H. R. 17281) for the relief of the Tolle Tobacco Co.; to the Committee on Claims.

Also, a bill (H. R. 17282) to correct the military record of J. A. London; to the Committee on Military Affairs.

Also, a bill (H. R. 17283) to muster in and muster out John A. London, late of the Volunteer Army, Civil War; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Decorah, Iowa; Macomb, Ill.; St. Louis, Mo.; and Chicago, Ill., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from the Reading (Pa.) Chamber of Commerce, protesting against sections 7 and 18 of the Clayton antitrust bill (H. R. 15657); to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Marion County, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petitions of sundry citizens of Wayne County, Pa., and the Woman's Christian Temperance Union of Galilee, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. ASWELL: Petition of C. H. Teal, of Colfax, La., protesting against legislation affecting business at this session; to the Committee on the Judiciary.

By Mr. BORCHERS: Petition of 10 citizens of Rantoul, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BUCHANAN of Illinois: Petition of the Methodist Church of Irving Park, Chicago, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of Dr. E. H. Parkinson and other citizens of Chicago, favoring the passage of the prohibition resolution; to the Committee on Rules.

By Mr. CHURCH: Petitions of 500 citizens of the seventh congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. COOPER: Petitions of sundry citizens of Racine, Janesville, and Menomonee Falls, all in the State of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 124 citizens of the third congressional district of California and 235 citizens of Vallejo, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of 15 citizens and residents of the third California district, in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the American National Retail Jewelers' Association, favoring passage of Owen-Goeke bill (H. R. 2972) relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. DONOVAN: Petitions of 90 citizens of Danbury, Conn., and 28 citizens of Newtown, Conn., favoring national prohibition; to the Committee on Rules.

Also, petition of the Windham Association of Congregational Churches and Ministers of Connecticut, favoring establishment of an international tribunal for the adjudication of international differences; to the Committee on Foreign Affairs.

By Mr. DYER: Petitions of James Curotto, the Southern Wheel Co., Robert Kuntz, J. Mildendorf, and H. Peterson, all of

lands of such character that, in his opinion, 640 acres will not support a family.

SEC. 3. That any qualified homestead entryman may make entry under the homestead laws of lands so designated by the Secretary of the Interior, according to legal subdivisions, in areas not exceeding 640 acres, and in compact form so far as may be subject to the provisions of this act, and secure title thereto by compliance with the terms of the homestead laws: *Provided*, That instead of cultivation as required by the homestead laws the entryman shall be required to make permanent improvements upon the land entered before final proof is submitted tending to increase the value of the same for stock-raising purposes, of the value of not less than $1.25 per acre, and at least one-half of such improvements shall be placed upon the land within three years after the date of entry thereof.

SEC. 4. That any homestead entryman of lands of the character herein described, who has not submitted final proof upon his existing entry, shall have the right to enter, subject to the provisions of this act, such amount of contiguous lands designated for entry under the provisions of this act as shall not, together with the amount embraced in his original entry, exceed 640 acres, and residence upon the original entry shall be credited on both entries, but improvements must be made on the additional entry equal to $1.25 for each acre thereof.

SEC. 5. That persons who have submitted final proof upon, or received patent for, lands of the character herein described under the homestead laws, and who own and reside upon the land so acquired, may, subject to the provisions of this act, make additional entry for and obtain patent to contiguous lands designated for entry under the provisions of this act, which, together with the area theretofore acquired under the homestead laws, shall not exceed 640 acres, on proof of the expenditure required by this act on account of permanent improvements upon the additional entry.

SEC. 6. That in the event there are not contiguous lands in area sufficient to complete an entry of 640 acres, as provided for in this act, the entryman or patentee shall have the right to enter within a radius of 10 miles from his first entry subject to the same requirements as specified for contiguous additional entries, lands in reasonably compact form which have been designated for entry under the provisions of this act, that shall, together with the first entry, not exceed 640 acres: *Provided*, That the entryman shall be required to enter all contiguous areas open to entry prior to the entry of any noncontiguous land.

SEC. 7. That any person who is the head of a family, or who has arrived at the age of 21 years and is a citizen of the United States, who has entered or acquired under the homestead laws, prior to the passage hereof, lands of the character described in this act, the area of which is less than 640 acres, and who is unable to exercise the right of additional entry herein conferred because no lands subject to entry under this act adjoin the tract so entered or acquired or lie within the 10-mile limit provided for in this act, may, upon submitting proof that he resides upon and has not sold or encumbered the land so entered or acquired, relinquish or reconvey to the United States the land so occupied, entered, or acquired, and in lieu thereof, within the same land-office district, may enter and acquire title to 640 acres of the land subject to entry under this act, but must show compliance with all the provisions of the homestead law and of this act respecting the new entry: *Provided*, That the lands so relinquished or reconveyed as herein provided shall thereafter be subject to disposition only on such terms and under such rules and regulations as the Secretary of the Interior may prescribe.

SEC. 8. That the commutation provisions of the homestead laws shall not apply to any entries made under this act.

SEC. 9. That any homestead entryman or patentee who shall be entitled to additional entry under this act shall have, for 30 days after the designation of lands subject to entry under the provisions of this act and contiguous to those entered or owned and occupied by him, the preferential right to make additional entry as provided in this act: *Provided*, That where such lands contiguous to the lands of two or more entrymen or patentees entitled to additional entries under this section are not sufficient in area to enable such entrymen to secure by additional entry the maximum amounts to which they are entitled, the Secretary of the Interior is authorized to make an equitable division of the lands among the several entrymen or patentees applying to exercise preferential rights, such division to be in tracts of not less than 40 acres, and so made as to equalize as nearly as possible the area which such entrymen and patentees will acquire by adding the tracts embraced in additional entries to the lands originally held or owned by them: *Provided further*, That where but one 40-acre tract of vacant land may adjoin the lands of two or more entrymen or patentees entitled to exercise preferential right hereunder, the tract in question may be entered by the person who first submits to the local land office his application to exercise said preferential right.

SEC. 10. That any person who has heretofore acquired title to land under any of the homestead laws of the United States and who is the owner and occupant of the land so acquired may purchase from the United States not exceeding 320 acres of stock-raising lands, as designated by this act, or unappropriated and unreserved lands valuable only for grazing contiguous to his said homestead, upon paying to the United States the sum of $1.25 per acre for such lands, under such rules and regulations as may be prescribed by the Secretary of the Interior, which said land, together with the area theretofore acquired under the homestead laws, shall not exceed 640 acres.

SEC. 11. That all entries made and patents issued under the provisions of this act shall be subject to and contain a reservation to the United States of all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same. The coal and other mineral deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal and mineral land laws in force at the time of such disposal. Any person qualified to locate and enter the coal or other mineral deposits, or having the right to mine and remove the same under the laws of the United States, shall have the right at all times to enter upon the lands entered or patented, as provided by this act, for the purpose of prospecting for coal or other mineral therein, provided he shall not injure, damage, or destroy the permanent improvements of the entryman or patentee, and shall be liable to and shall compensate the entryman or patentee for all damages to the crops on such lands by reason of such prospecting. Any person who has acquired from the United States the coal or other mineral deposits in any such land, or the right to mine and remove the same, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining or removal of the coal or other minerals, first, upon securing the written consent or waiver of the homestead entryman or patentee; second, upon payment of the damages to crops or other tangible improvements to the owner thereof, where agreement may be had as to the amount thereof; or, third, in lieu of either of the foregoing provisions, upon the execution of a good and sufficient bond or undertaking to the United States for the use and benefit of the entryman or owner of the land, to secure the payment of such damages to the crops or tangible improvements of the entryman or owner, as may be determined and fixed in an action brought upon the bond or undertaking in a court of competent jurisdiction against the principal and sureties thereon, such bond or undertaking to be in form and in accordance with rules and regulations prescribed by the Secretary of the Interior and to be filed with and approved by the register and receiver of the local land office of the district wherein the land is situate, subject to appeal to the Commissioner of the General Land Office: *Provided*, That all patents issued for the coal or other mineral deposits herein reserved shall contain appropriate notations declaring them to be subject to the provisions of this act with reference to the disposition, occupancy, and use of the surface of the land.

SEC. 12. That the Secretary of the Interior is hereby authorized to make all necessary rules and regulations in harmony with the provisions and purposes of this act for the purpose of carrying the same into effect.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say to the gentleman that this is rather an important bill, somewhat long, having 12 sections in it. I understand the Committee on Rules has agreed to report in a rule for the consideration of certain bills which seek to deprive entrymen of rights. Why could not they not have included this bill in the list which seeks to give entrymen some rights?

Mr. FERGUSSON. Mr. Speaker, I will state that I went to the Committee on Rules, and was told that the bill affecting certain measures in regard to the conservation of resources in the West was already loaded down sufficiently, and they would not add this bill, though I think they should have done it.

Mr. MANN. As I understand, there is not anything in those conservation bills which give any rights to the settlers on the land in addition to what they otherwise would have. I think they are good bills, in the main, but I should think that the Committee on Rules might be willing to report a rule for the consideration of one bill which sought to give some rights to the homesteaders.

Mr. FERGUSSON. I agree with the gentleman; but inasmuch as they did not do it, and because of the very great importance of this bill, I hope that the gentleman will not object.

Mr. MANN. Of course the gentleman knows the House could not pass this bill to-day, even if it were taken up. If it were taken up for consideration, it would take at least a day to consider it. How can the gentleman expect to pass it on a Unanimous Consent Calendar?

Mr. FERGUSSON. It is a very important bill. It was considered for many weeks, or days at least amounting to weeks, in the Committee on Public Lands. Extensive hearings were had.

Mr. MANN. I think it is an important bill, and there are certain important amendments that ought to be made to it before it is workable, but it seems to me the gentleman ought to get the Committee on Rules, which is now seeking to say what the House shall do, to report in favor of the consideration of a bill which is on the side of the homesteaders seeking to give him some rights, instead of on the side of the Government, seeking to take away rights from the homesteader, both of which are proper.

Mr. FERGUSSON. I understand that, but if the gentleman will permit me, this bill is of urgent necessity to be passed at this time, first, from the standpoint of the Government itself——

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. FERGUSSON. Yes.

Mr. MONDELL. Why was not this bill included in the so-called administration conservation program, for which a rule is to be brought in?

Mr. FERGUSSON. It was simply because the rule now is loaded down sufficiently with bills. That is the answer that I obtained.

Mr. MONDELL. But does not the conservation program propose to do anything for the settler seeking a home?

Mr. FOSTER. Does not the gentleman think this bill is so good that it ought not to require a rule to be brought in to consider it?

Mr. MONDELL. Oh, well, it is a most excellent bill, and I hope to see it become a law. I am very much more anxious to have this bill become a law than some of these so-called conservation bills.

Mr. FERRIS. If that is true, then the gentleman ought not to object to the bill.

Mr. MONDELL. I am not objecting; certainly not.

Mr. MANN. Under the provisions of this bill it would not amount to a row of pins if passed. It has to be amended to make it valuable.

Mr. GARNER. Let me suggest to the gentleman from Illinois, being a Member not interested in public lands, that some unanimous consent might be had now to consider this bill at

some particular time where it can be given deliberate consideration and amendments offered and considered.

Mr. MANN. When such a request as that is made I will see then what I will do.

Mr. BURKE of South Dakota. If I am not misinformed, a petition was signed by a large portion of the membership of the House, asking for a rule on certain conservation bills. I do not understand that this bill was included in that request, and that may account for the Rules Committee not having provided for it, and furthermore I do not think it occurred to them that perhaps a rule ought to be necessary for a bill of this kind.

Mr. FERRIS. Mr. Speaker, let me submit a request to the gentleman from Illinois [Mr. MANN], and see if the gentleman will have any objection to it. It is undoubtedly too late to consider this bill to-night. Would the gentleman have any objection to giving consent for its consideration and let it be taken up two weeks from now and considered? This bill is important to the West and the development of the West. Let it be taken up now and then go over as unfinished business.

Mr. MANN. Let us see. There are six pages of titles on the Unanimous Consent Calendar to-day. We are still working on the second page. Does the gentleman desire on the Unanimous Consent Calendar to take up a bill that probably would take a couple of unanimous-consent days, which means a month? We ran into that on the Calendar Wednesday business, from which we will probably be extricated now. Does the gentleman want to fix a day so you can not get a bill up on Calendar Wednesday or the Unanimous Consent Calendar, and can not move to suspend the rules? You can not call up a bill now that is not privileged, nobody can on any day, without getting the Committee on Rules to approve it.

Mr. FERRIS. Mr. Speaker, while there is some truth in what the gentleman says——

Mr. MANN. It is all true, what I have said.

Mr. FERRIS. We do have a hard time in getting up many bills, but I want to call the gentleman's attention to the fact that practically all winter Calendar Wednesday has been taken up with two bills, the Alaska railroad and the codification bills.

Mr. MANN. And I tried to prevent it and the gentleman voted in favor of it.

Mr. FERRIS. I do not recollect whether I did or not.

Mr. MANN. The gentleman does not recall what he does——

Mr. FERRIS. Mr. Speaker, this bill is a bill that is needed very badly in the West, and it is important to gentlemen on both sides; there are no politics whatever in it. I would be very glad if the gentleman from Illinois will give his permission for it to go over until next unanimous-consent day, and the gentleman from New Mexico [Mr. FERGUSSON] and myself would like to see what the gentleman desires in the way of amendments, and we can get this thing in shape, and then we could get it through in an hour or two.

Mr. MANN. Does the gentleman want permission to take up this bill to-night and two weeks from to-day until——

Mr. FERRIS. I do not think it will take the time the gentleman thinks it will.

Mr. MANN. And then four weeks from to-day, until a month is used——

Mr. FERRIS. I do not think it will take that long.

Mr. MANN. If we adjourn before autumn we will be ready to adjourn by that time, and in the meantime no one can get any bill passed, no matter how small or how important it is to the public or to the Member. Now, I think it is a hoggish thing to make a request of this kind.

Mr. GARNER. If this is such an important bill, can not we come back here——

Mr. MANN. Can not the Committee on Rules, which is now saying what we shall consider, report a rule in for this bill?

Mr. GARNER. If the gentleman from Illinois will permit, if the Committee on Rules is going to bring in a rule here that will limit the debate to an hour on a side and pass the bill under a five-minute rule, he will very likely complain.

Mr. MANN. I surely would, if they tried to pass the bill without debate. But that is what you are trying to do with this.

Mr. GARNER. No; we want to consider it.

Mr. MANN. No; you do not want to consider it. You want to pass it, a bill under which if 639 acres will support a family, you can not get 640 acres, and under which if 641 acres are necessary to support a family, you can not get 640 acres. It is so crudely drawn it would not take a Pennsylvania lawyer, but a schoolboy could walk through it.

Mr. FOSTER. I think we had better have the regular order, Mr. Speaker.

Mr. MONDELL. Can he not include this in the list of bills that he asked to have a rule for?

Mr. FERRIS. I would like to make the remark that while gentlemen on this side are trying to get a bill up for the benefit of the homesteader the gentlemen on the other side are playing politics.

Mr. MANN. I want the gentleman to know that that is not true.

Mr. FERRIS. They have been playing politics on that side of the House, and we want to get away from it.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands the regular order. And the regular order is, Is there objection to the present consideration of this bill?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes; to the Committee on Appropriations.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KITCHIN, on account of illness in his family.

To Mr. FITZHENRY, on account of funeral of ex-Vice President A. E. Stevenson.

To Mr. ADAMSON, for one week, on account of important business.

To Mr. VAUGHAN, indefinitely, on account of important business.

PANAMA CANAL TOLLS.

Mr. COOPER. Mr. Speaker, I wish to make a correction of the RECORD, or, at least, to make a statement concerning an item in it that concerns me. On Friday last I was called to New York City to meet a relative, who came with a little child on the evening of that day from Europe. Before going I requested to be paired against the Senate amendment to the tolls bill, that amendment being only a proviso annexed to the bill, the language of the bill itself otherwise remaining exactly as it originally passed the House, and referring exclusively to exemption of tolls on our coastwise vessels.

This morning on examining the RECORD of Friday I find myself paired not only against the Senate amendment, but also in favor of an amendment offered on that day in the House by the gentleman from West Virginia [Mr. MOSS]. I knew nothing about the Moss amendment until I saw the RECORD this morning. By his amendment it was declared that the United States has the right to exempt from tolls for passage through the canal not only coastwise vessels but all vessels of the United States and its citizens.

Now, Mr. Speaker, the question as to our right to exempt "all" vessels of citizens of the United States was not in controversy, and I do not wish at this time to be recorded as either for or against that proposition. Under the law and regulations which govern the canal all vessels of citizens of the United States engaged in trade between the United States and foreign countries and passing through the canal will pay the same tolls as will English or German or other foreign vessels passing through it—that is, $1.20 per ton. The bill raised no question concerning our vessels engaged in foreign trade. The controversy related only to the exemption from tolls of our coastwise vessels. And I was and still am unalterably opposed to the British contention—that the United States has no right to exempt from tolls our own ships, doing our own exclusive coastwise business, through our own canal.

The question of our coastwise traffic is a purely domestic question. It is utterly, indefensibly wrong to permit any foreign nation, in even the slightest degree, to interfere with our domestic commerce. England would not tolerate such an interference in her domestic affairs. A distinguished Member of another body has called the attention of the country to the fact that the London Times, although a strong advocate of the repeal of tolls exemption for American coastwise vessels, said a few days ago:

It must be conceded in behalf of the United States that if the United States should ever indicate a desire to deal with the domestic commerce of Great Britain, it would be resented.

Mr. Speaker, I was opposed to the Senate proviso because, under all the circumstances preceding the repeal, the bill and proviso amounted to a complete surrender of vastly important American rights. It is my judgment that, in accordance with

Mr. SINNOTT. On page 1 of the bill. There it is stated, "State forestry, demonstration, and education."

Mr. MANN. Either the gentleman from Oregon has not the bill that is pending before the House or else I have not. I have Senate bill 79, as reported to the House.

Mr. SINNOTT. That is what I have.

Mr. RAKER. Mr. Speaker, will the gentleman from Oregon yield for a question—the handsome gentleman?

Mr. HAWLEY. The gentleman from Illinois [Mr. MANN] has the floor.

Mr. SINNOTT. Has the gentleman from Illinois the bill that passed the Senate?

Mr. MANN. I have the print of the bill that passed the Senate and was reported to the House.

Mr. SINNOTT. I have the print that passed the Senate and was reported to the House.

Mr. MANN. Oh, this place is to be maintained as a State forest?

Mr. SINNOTT. Yes.

Mr. MANN. That does not make any difference. It is to devote its resources to the common schools.

Mr. RAKER. Mr. Speaker, will the gentleman from Oregon yield for a question?

Mr. SINNOTT. Certainly.

Mr. RAKER. Is this the bill that the present governor of Oregon and the land commission have gone into thoroughly, and which the governor is so anxious to have passed because of the benefit it will be to the Government and the State?

Mr. SINNOTT. That is the bill approved by the Acting Secretary of Agriculture and also by the Assistant Secretary of the Interior and by the Forestry Service.

Mr. RAKER. I have received several letters from Gov. West, of Oregon, in regard to the matter, and I suppose the other members of the Committee on Public Lands did. The committee reported the bill out, and evidently they thought that it was to the interest of the State of Oregon and to the interest of the United States, and would give an equivalent in exchange, and reserve the timber, and allow the matter to be properly administered.

Mr. HARRISON. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. HARRISON. Will the gentleman accept the amendment offered by the gentleman from Illinois?

Mr. SINNOTT. What was the amendment?

Mr. HARRISON. Substantially the same value of land to be exchanged.

Mr. SINNOTT. No; I have not the authority to change the provisions of the Senate bill.

Mr. HARRISON. Then I ask for the regular order, Mr. Speaker.

Mr. ELDER. Mr. Speaker, the great lawgiver of the House——

Mr. SINNOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. ELDER. I will say, Mr. Speaker, that I shall object to this bill whenever it is presented to the House.

The SPEAKER. The gentleman from Oregon [Mr. SINNOTT] asks unanimous consent that the bill be passed over without prejudice. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

HEADQUARTERS, CUSTOMS DISTRICT OF FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6433) to relocate the headquarters of the customs district of Florida.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter the headquarters of the customs district of Florida shall be at Tampa, in said State.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and accordingly was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. MANN. Mr. Speaker, I would like to ask why this customs district is removed from Jacksonville to Tampa?

Mr. SPARKMAN. I will say, in answer to that question, that the headquarters ought to be in Tampa.

Mr. MANN. That is in the gentleman's district. That is a sufficient reason. [Laughter.]

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. SPARKMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

OCHOCO NATIONAL FOREST, OREG.

The next business on the Calendar for Unanimous Consent was the bill (S. 523) to consolidate certain forest lands in the Ochoco National Forest, Oreg.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of consolidating the forest lands belonging to the United States within the Ochoco National Forest, Oreg., the Secretary of the Interior be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Ochoco National Forest for privately owned lands of substantially equal value and area lying within the exterior limits of said national forest: *Provided*, That upon consummation of an exchange hereunder the lands acquired by the United States shall thereby become a part of said Ochoco National Forest.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar——

Mr. STAFFORD. Reserving the right to object——

Mr. MONDELL. The gentleman is too late.

The SPEAKER. It is too late to object.

Mr. STAFFORD. I have no pressing objection to the bill, Mr. Speaker, and if the Speaker rules that it is too late, I do not care to press it.

The SPEAKER. The Chair had asked if there was objection, and had stated that there was none, and had announced that the bill was on the Union Calendar.

Mr. FERRIS. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. FERRIS, a motion to reconsider the last vote was laid on the table.

AMBASSADOR TO ARGENTINE REPUBLIC.

The SPEAKER. The Clerk will report the next bill.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13667) authorizing the appointment of an ambassador to the Argentine Republic.

Mr. DONOVAN. Mr. Speaker, whoever is in charge, I want to suggest to him that it is about time to adjourn.

Mr. HARRISON. Oh, let us finish the next three bills.

Mr. GARRETT of Tennessee. Nobody is in charge.

Mr. DONOVAN. I do not wish to make the point of no quorum.

The SPEAKER. This being unanimous-consent day, nobody is in charge except the Speaker.

Mr. COOPER. Mr. Speaker, before the gentleman from Connecticut makes the motion to adjourn——

Mr. DONOVAN. I am not going to make any motion to adjourn. I thought some one was running the ceremony here.

The SPEAKER. The Clerk will report the next bill.

Mr. FLOOD of Virginia. Mr. Speaker, the next bill is the bill authorizing the appointment of an ambassador to the Argentine Republic. A Senate bill providing for the appointment of an ambassador to Argentina has already passed the House, and I ask unanimous consent that this bill lie on the table.

The SPEAKER. If there be no objection, this bill will lie on the table.

ONE HUNDREDTH ANNIVERSARY OF TREATY OF GHENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13922) to approve of the celebration of the one hundredth anniversary of the signing of the treaty of Ghent between the United States of America and Great Britain and Ireland, and of the century of peace and amity between the United States and other nations.

The bill was read.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker——

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. DONOVAN. Delighted.

The SPEAKER. Likewise the gentleman from Connecticut [Mr. DONOVAN]. The bill will be stricken from the calendar.

FOURTH INTERNATIONAL CONGRESS ON HOME EDUCATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11179) authorizing the Secretary of State to extend invitation to foreign countries to send delegates to the Fourth International Congress on Home Education.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of State be, and he is hereby, authorized and empowered to extend an invitation to foreign countries to send delegates to attend the Fourth International Congress on Home Education, to be held in the city of Philadelphia, State of Pennsylvania, September 22 to 29, 1914, under the auspices of the International Commission on Home Education: *Provided*, That the attendance of such delegates to whom invitation may be extended by the Secretary of State shall be at no expense to the United States Government.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I notice that the gentleman in charge of the bill does not seem to move on it.

Mr. FLOOD of Virginia. I did not suppose there would be any objection to it.

Mr. MANN. Let us see if I am correct about this bill. It is to authorize the Secretary of State to extend an invitation to foreign countries to send delegates to the Fourth International Congress on Home Education. What is the Senate bill that has been reported in reference to education, to accept an invitation elsewhere?

Mr. FLOOD of Virginia. It has no reference to this matter.

Mr. MANN. What is it for?

Mr. FLOOD of Virginia. I do not know. This is a House bill.

Mr. MANN. The gentleman is not as well posted on what his committee does as I am. On Friday or Saturday the Committee on Foreign Affairs reported House joint resolution 273, requesting the President of the United States to invite foreign countries to participate in an international congress on education.

Mr. FLOOD of Virginia. That is the bill introduced by the gentleman from Ohio [Mr. SHARP]. It is a different bill from this.

Mr. MANN. Is it a different Congress?

Mr. FLOOD of Virginia. Yes. At any rate, is has not passed the Senate or House.

Mr. MANN. What I want to get at is who issues these invitations.

Mr. FLOOD of Virginia. The President.

Mr. MANN. This bill provides that the Secretary of State shall issue them.

Mr. FLOOD of Virginia. Well, the Secretary of State can issue them.

Mr. MANN. He can if we give him authority. But who is the proper person to issue them?

Mr. FLOOD of Virginia. I suppose the President is the proper person, but the Secretary of State, under the authority of this bill, can issue them.

Mr. MANN. I think we had better lay this aside and find out.

Mr. FLOOD of Virginia. I do not think there is any doubt about it. The bills usually provide that the President shall issue the invitations; but there is no reason in the world why the Secretary of State should not issue them.

Mr. MANN. I notice that the report in this case says:

The purposes of the congress are the correlation of all the forces interested in social progress and the betterment of the human race, which is so much to be desired.

Mr. FLOOD of Virginia. Nothing could be better.

Mr. MANN. If they correlate all the forces into the social progress of this educational congress, we had better abolish this congress. That made me suspicious of the whole thing, when I read it in the report, because I would not accuse the gentleman from Virginia of originating that language.

Mr. FLOOD of Virginia. No; I think I copied that from some statement made in reference to it.

Mr. MANN. Not from the Secretary of State, but from the man who lives from promoting the enterprise.

Mr. FLOOD of Virginia. Some gentleman interested in educational work—probably the gentleman from Pennsylvania [Mr. LOGUE].

Mr. MANN. Oh, I think that is an unfair criticism on the gentleman from Pennsylvania.

Mr. GARNER. Will the gentleman yield? There is another phase to this bill that has often been considered in this House, and that is the proposition of inviting the countries of the world to participate in a convention or congress or entertainment, the Government not being at any expense. It is almost impossible or inconceivable that the Government can entertain people from foreign countries—invite them here—without being at some expense.

Mr. FLOOD of Virginia. The Government will not entertain them, but the congress is going to entertain them. While that question has been raised a number of times, still a number of bills have been passed like this providing for the invitation and no appropriation for it.

Mr. GARNER. Is not there danger of embarrassing the Government and putting us in an awkward attitude?

Mr. MANN. Does not the gentleman know that formerly there was some expense in entertaining the delegates, but that grape juice is now very inexpensive?

Mr. GARNER. It does not look well to invite people as guests and not entertain them. It is like inviting one to your home and then saying, "We will not be to any expense to entertain you," and putting it off on somebody else. That is the only objection I see to invitations of this kind.

Mr. FLOOD of Virginia. The gentlemen interested in this work, the gentleman from Pennsylvania [Mr. LOGUE] and the gentleman from Maryland [Mr. LINTHICUM] are seeking to have the invitations extended and in getting the bill through. I hope it will not be objected to, because they are interested in it; the purposes of the bill seem to be good, and the purpose of the congress seems to be good.

Mr. HARRISON. I suggest that the better form would be to have the President of the United States issue the invitations, and I think the most of the resolutions have been drawn in that way. Would the gentleman be willing to accept such an amendment?

Mr. FLOOD of Virginia. Yes.

Mr. MANN. I suppose there would be no trouble about that, whatever the proper method is. I do not think it is desirable to have the President or the Secretary of State to invite foreign countries to send delegates here and then not even furnish them with salt or bread.

Mr. FLOOD of Virginia. That will depend on the organization.

Mr. MANN. If we issue the invitations we can not depend upon them, as we have found out several times heretofore.

Mr. FLOOD of Virginia. We found out several times that we could do it and I do not remember of any time when we found out that we could not do it.

Mr. MANN. I can tell the gentleman some instances. I knew that I sweat blood for a month, not only in reference to an appropriation for an international congress but for the use of the Capitol Building.

Mr. FLOOD of Virginia. In that case it was contemplated the Government should entertain these delegates.

Mr. MANN. Not to any extent.

Mr. HARRISON. And there was no expression to provide that they should not be paid by the Federal Government, as is provided in this bill.

Mr. FLOOD of Virginia. None at all.

Mr. MANN. We have had several cases, especially the one at Buffalo, in which it was expressly provided in the bill that there should be no expense incurred by the Government of the United States, and we have made an appropriation to pay the expense. President Taft sent a message to Congress especially requesting us to make an appropriation, and saying he did not think the President ought ever to be authorized to extend an invitation to foreign delegates unless the United States was prepared to pay the expense of taking care of those delegates, which at the time I thought was very good sense.

Mr. FLOOD of Virginia. Still we have passed a number of them since that time with this provision in it. Congress did not seem to agree with President Taft about that.

Mr. MANN. We passed a few recently, but we do not know what the outcome is going to be. Most of those passed are to accept invitations.

Mr. FLOOD of Virginia. Yes; and also some extending invitations.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

STOCK-RAISING HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15399) to provide for stock-raising homesteads, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act it shall be lawful for any person qualified to make entry under the homestead laws of the United States to make a stock-raising homestead entry for not exceeding 640 acres of unappropriated unreserved public land in reasonably compact form: *Provided, however*, That the land so entered shall theretofore have been designated by the Secretary of the Interior as "stock-raising lands."

SEC. 2. That the Secretary of the Interior is hereby authorized, on application or otherwise, to designate as stock-raising lands subject to entry under this act lands the surface of which is, in his opinion, chiefly valuable for grazing and raising forage crops, do not contain merchantable timber, are not susceptible of irrigation from any known source of water supply, and are of such character that 640 acres are reasonably required for the support of a family: *Provided*, That the Secretary of the Interior shall not designate for entry under this act

Mr. LENROOT. Speaking of the Guggenheim road, if you pass this, providing for 4 per cent on the net income, as they carry their own copper, is it not morally certain that there will be no net income, because they will simply reduce the rates?

Mr. FOSTER. Would it not be fair to provide a tax on the gross income? I want to ask the gentleman from Virginia who has charge of the bill what he thinks of a change from a tax on the net income to a tax on the gross income? I do not think it ought to be much, and I do not think we ought to bear down on the little railroads, and I think we can well afford to do that.

Mr. WATSON. Mr. Speaker, it will be better for this bill to be amended so as to carry a small gross income tax rather than that the relief sought should fail at this time.

Mr. HOUSTON. I think so.

Mr. WATSON. I was going to suggest that a gross-income tax in the case of perhaps two or three of these railroads might be a hardship, but I have no idea that it would be any hardship to the Copper River or the White Pass & Yukon Railroad.

In regard to the question of the gentleman from Louisiana [Mr. ELDER], it is absolutely certain that under the present system the Government is going to derive but little revenue from the railroads in Alaska. The gentleman assumes that we are losing revenue. As a matter of fact, you are getting but little at present. I want to say to him, furthermore, that there is but little doubt about the fact that the plan proposed in the bill will tax the Guggenheim property more highly than it is taxed under the present law.

Mr. LENROOT. But the Guggenheims make their own rates on their own property.

Mr. WATSON. Mr. Speaker, there is no way in the world for this Government to undertake to compute or to collect taxes from that or any other railroad except by conferring authority upon the Interstate Commerce Commission, or some other public body, to inspect its books and look into its accounts.

Mr. LENROOT. Mr. Speaker, will the gentleman yield there?

Mr. WATSON. Yes.

Mr. LENROOT. Does the gentleman contend that the Interstate Commerce Commission has any power to order a raise in rates?

Mr. WATSON. Mr. Speaker, it is absolutely unnecessary for me or this House to undertake to deal with that question.

Mr. LENROOT. But it goes to the very meat of this question.

Mr. WATSON. The Interstate Commerce Commission has the power to inspect the books and also to inquire into the business operations of that railroad company. The Government everywhere is bound to trust somebody, and I am not here to assert that any system can be devised whereby everybody can be compelled to conduct an absolutely honest business.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. ELDER. Mr. Speaker, reserving the right to object for a moment, I would like to have an understanding with the gentlemen whether they will agree to 1 per cent tax on the gross income. Otherwise I say frankly that I shall object.

Mr. WATSON. Mr. Speaker, the chairman of the committee, the gentleman from Tennessee [Mr. HOUSTON], is willing that the amendment proposed by the gentleman from Louisiana shall be accepted, and I myself have no objection to it.

Mr. ELDER. Mr. Speaker, I would like to ask the chairman of the committee whether we can have the same kind of agreement in respect to the conference report on this that we had a moment ago, that the chairman of the committee will accept it?

Mr. HOUSTON. Mr. Speaker, I will state, as I stated before, that when I am on a conference committee I shall try to reflect the will of the House.

The SPEAKER. Is there objection?

Mr. FERRIS. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Illinois demands the regular order.

Mr. MANN. Mr. Speaker, I will withhold that for a moment.

Mr. FERRIS. Mr. Speaker, I think two other amendments ought to be added to this bill before it is thought of being passed. One is the railways, as a condition precedent, ought to give a bond that they will operate these railroads and that they are not getting this exemption for the sole purpose of clearing up title so that they can sell to the Federal Government. The second amendment is that they ought to pay a decent, reasonable tax on the property for the entire time they have had it. The present tax rate probably has been excessive, but they ought to pay something, and this should not be taken as a precedent to let any railroad company come in and have all of their taxes remitted. No one ought to ask such a thing.

Mr. STAFFORD. Mr. Speaker, the gentleman knows that one, if not two, of these railroads has been specially exempted for a time, and that the time is about to expire.

Mr. DONOVAN. Mr. Speaker, I would like to ask a question of whoever has the floor.

The SPEAKER. No one has the floor.

Mr. DONOVAN. Mr. Speaker, reserving the right to object, here is the situation as it appears to me: This remarkable committee came in here a few weeks ago advocating and reporting a measure to expend $35,000,000 of this Government's money for railroads in Alaska, and now they come in and tell us the railroad can not afford to pay its taxes. I am going to object right here.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] objects.

THE LATE ADLAI E. STEVENSON.

Mr. RAINEY. Mr. Speaker, I ask unanimous consent to address the House for five minutes on the subject of the late Adlai E. Stevenson.

The SPEAKER. The gentleman from Illinois asks unanimous consent to address the House for five minutes on the life and character of the late Vice President, Adlai E. Stevenson. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, and gentleman of the House, 79 years ago Adlai E. Stevenson was born in the State of Kentucky. At an early age he came with his parents to Illinois, but returned soon after to Kentucky, and in 1856 he graduated at Centre College, in Danville, Ky. During his college career there developed the romance which lasted through his long life, and just after his graduation he married Miss Letitia Green, the daughter of the president of the college which conferred his degree upon him. She remained his faithful companion in all the vicissitudes of his long life until a few months ago, when she preceded him to the tomb.

In the early part of his career Adlai E. Stevenson was contemporaneous with Lincoln, Douglas, Logan, McClernand, Oglesby, and those other great sons of Illinois who long ago preceded him to the silent tomb. His active career in national politics commenced before most of the Members of this House were born. In 1864 he was a presidential elector on the Democratic ticket. In 1874 he was elected from the Bloomington (Ill.) district to the office of Representative in Congress. Two years later, in 1876, he was reelected. In 1884 he led the Illinois delegation to the Democratic national convention, the convention which named Grover Cleveland. From 1885 until 1889 he was First Assistant Postmaster General. From 1893 until 1897 he was Vice President of the United States. His active career continued almost until the day of his death. Five years ago he was the Democratic candidate in Illinois for governor of Illinois when long past the allotted age of three score and ten. He commenced to practice law in the late fifties in Metamora, Ill., and after that he practiced law in Bloomington, Ill., and his firm, the firm of Stevenson & Ewing, was for a long period of years one of the best-known law firms in the State of Illinois. He was successful in his business career, and long ago, years ago, when labor first commenced to organize and was demanding recognition, he recognized the right of laboring men to organize in the great coal industries, in which he was an important factor in that section of Illinois.

While he was active in political life, ready always to give his services to his country when his country demanded his services, he was a successful business man, honest and fair in all his relations with his fellow men. While he was a contemporary with those great Illinoisans I have mentioned, who long ago preceded him to the tomb, he was always young. Those of us who knew him best never thought of him as growing old. As his old friends died he renewed his activities and acquaintances among the young, and he retained his full physical and mental vigor up until the very last. Last Saturday the Illinois delegation—all of them signed the telegram—sent a telegram to him at the hospital in Chicago where for some months he had been ill, expressing our hope for his speedy recovery and expressing our sympathy for him on account of his serious illness. His son wired back that the message had been read to him and that he appreciated the fact that he was remembered here in the National House of Representatives, where he had served for four years; here in the Capitol, where he served for eight years as Assistant Postmaster General and as Vice President of the United States. A few hours later his great heart ceased to beat. He died yesterday morning, Sunday, June 14, 1914.

Throughout his long and useful career no suspicion of dishonor or dishonesty ever attached to his name. On behalf of the Illinois delegation in Congress I desire to pay this last tribute of respect to his memory. His life work is over; full of years and of honor, with unfaltering step he approached the end. In the State which produced a Lincoln, a Douglas, a Logan, and an Altgeld, we consider him one of our greatest citizens. His soul has gone back beyond the stars to God, who gave it. To-morrow his body will be buried by the friends he loved in the State he so signally served during all the years of his long career. Great mind, generous soul, kind friend, adieu. May the earth press lightly upon the heart of Adlai E. Stevenson, of Illinois. [Applause.]

INCOME TAX ON RAILROADS IN ALASKA.

The SPEAKER. The Clerk will report the next bill.

Mr. BRYAN. Mr. Speaker, I understand the gentleman from Connecticut [Mr. DONOVAN] is willing to waive his objection to this bill if there is no other objection and let it be considered with the amendment proposed here, and I would ask unanimous consent——

The SPEAKER. What bill is the gentleman talking about?

Mr. BRYAN. The railroad bill proposed by the gentleman from Tennessee [Mr. HOUSTON]. I ask unanimous consent that that bill may be restored to the status it was when Mr. DONOVAN objected.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent that House bill 9770 be restored to the status it occupied at the time the gentleman from Connecticut [Mr. DONOVAN] objected.

Mr. ELDER. Mr. Speaker, I think that we have had enough discussion on this bill, and the more I think of it the more I am against it, and I object.

The SPEAKER. The gentleman objects. The Clerk will report the next bill.

EXCHANGE OF FOREST LANDS WITH THE STATE OF OREGON.

The next business on the Calendar for Unanimous Consent was the bill (S. 49) to provide for the exchange with the State of Oregon of certain school lands and indemnity rights within the national forests of that State for an equal area of national-forest land.

The bill was read, as follows:

Be it enacted, etc., That the State of Oregon is hereby authorized to select, with the approval of the Secretary of Agriculture, a compact body of not to exceed 40,000 acres of unappropriated nonmineral land within townships 10 and 11 south, ranges 5 and 6 east, Willamette meridian, in the Santiam National Forest, Oreg., to be maintained as a State forest to secure its highest permanent usefulness to the State of Oregon and particularly to the common schools to which its resources are devoted and to State forestry demonstration and education, and the Secretary of the Interior is hereby authorized to grant and convey said selection to the State of Oregon for the purposes hereinbefore mentioned.

SEC. 2. That in exchange for the selected lands the State shall reconvey and relinquish to the United States a good and sufficient title to an approximately equal area of unencumbered sections 16 and 36, or parts thereof, of substantial forest values satisfactory to the Secretary of Agriculture, within the national forests of Oregon, granted to said State, or indemnity rights within such national forests to which the State is entitled therefor: *Provided*, That the lands reconveyed and relinquished as base lands shall immediately become parts of the national forest in which they are situated.

SEC. 3. That the lands conveyed to the State shall be at all times subject to use by the United States for the construction, maintenance, and operation of roads, trails, telephone or telegraph lines needed in the administration of the contiguous national forest areas.

The SPEAKER pro tempore (Mr. SIMS). Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill whether he would be willing to have the bill provide that the land to be exchanged should be of substantially equal value?

Mr. SINNOTT. Well, Mr. Speaker, this matter of this bill and the proposed change were negotiated by Gov. West, of the State, and the departments, and I do not believe that the State authorities would be willing to accept this amendment. Gov. West contends that the State lands, and particularly the indemnity lands, are worth a great deal more than is set forth in this report, that for exchange purposes and for base purposes the State lands and the indemnity lands are worth from $17 to $20 an acre, and I took that matter up with him, and I do not believe they would consent to this amendment.

These lands are to be withheld from sale for a period of 50 years, and are to be devoted to school forestry purposes.

Mr. MANN. Well, possibly they will be devoted to school forestry purposes, but that is not what it says. What it says is particularly as to the common schools, to which its resources are devoted. Then they ask us to give them land worth twice as much as the land they want to give to us in exchange. I really do not see any reasonableness in that proposition.

Mr. SINNOTT. It will foster instruction in forestry. In the State of Oregon we have at least one-fifth of the timberland in the United States.

Mr. MANN. Do you not want to foster instruction in forestry?

Mr. SINNOTT. We do, and are willing to do it.

Mr. MANN. But you want to do it at our expense?

Mr. SINNOTT. No; a great part of that timberland is owned by the Federal Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. SINNOTT. I will.

Mr. STAFFORD. As I understand the report, the State of Oregon has ample school lands which they could transfer for these 50,000 acres of equal value or substantially equal value if they saw fit to do so?

Mr. SINNOTT. No; I do not believe they have. It is stated in the report of B. T. Galloway, Acting Secretary of Agriculture, that the State of Oregon is proposing to surrender its best lands.

Mr. MANN. They have plenty of land they could transfer or they would take the smaller amount. I do not blame them at all. They want the best end of it. And the gentleman from Oregon [Mr. SINNOTT] naturally is endeavoring to protect the interests of his State. I do not know whether the rest of us are here wholly for that purpose or not.

Mr. HAWLEY. If the gentleman will yield, I will say to the gentleman from Illinois that the forest lands in the State of Oregon that are proposed to be exchanged are scattered all through the national forests, are in all a very large number, and make a very serious problem. Now, I think Gov. West's contention is that the lands of the State are estimated at too low a value. I have been over a good deal of the forest lands of the State of Oregon in which these sections are located, and agree with the governor that the lands of the State are very valuable.

Mr. MANN. But this bill does not estimate the value of these lands. That is a matter that can easily be revised. But the question is whether Congress in authorizing the exchange of 40,000 acres of land to Oregon shall require that 40,000 acres of substantially equal value shall be given by Oregon to the United States.

Mr. HAWLEY. As I understood from Forester Graves, who went to Oregon and talked this matter over with the authorities of the agricultural college and the State authorities, he was satisfied the lands proposed to be given to the Government in exchange for these lands on the Santiam, in a general way and taking into consideration all the conditions, would be in general a fair exchange, mutually satisfactory to both parties.

Mr. MANN. I think not. I do not think anybody pretends that at all.

Mr. STAFFORD. The report contradicts that absolutely.

Mr. MANN. The Forestry Service contention, if I understand, from personal opinion, was that we could afford to give 40,000 acres of land to Oregon if they would maintain a forestry school. I doubt if there is enough in this bill to maintain a forestry school, even.

Mr. HAWLEY. I have talked with Forester Graves, and I repeat what I thought he said to me about the matter.

Mr. McLAUGHLIN. The letter from the Secretary of Agriculture says that the value of the Government land is about twice as great.

Mr. HAWLEY. Of course, that is from another authority, but I believe from my talk and from what I understand of the State authorities' position that statement is not well founded in fact. From my information I am led to believe the exchange would be mutually profitable and fair under the circumstances.

Mr. MANN. That may be, but that is easily revised. The bill does not determine that. The value of the land can be determined upon further consideration, but what reason is there, liberal as the General Government is, for exchanging land on the supposition that we give two to one?

Mr. SINNOTT. The State of Oregon agrees to withhold this land from sale for a period of 50 years. The legislature has passed an act reserving that land for that length of time and devoting the land to a school of forestry.

Mr. MANN. Where is that agreement?

Mr. SINNOTT. The legislature has passed the act already.

Mr. MANN. But they could repeal it to-morrow. There is no such agreement in this bill, I will say to the gentleman.

Mr. SINNOTT. It is to be expected that they will keep faith with the General Government.

Mr. MANN. I do not see any faith they have to keep. We do not require them to do anything about it. On the other hand, we put in the bill a provision to the effect that it is to be devoted particularly to the common schools. That is not a school of forestry. That is a direct contradiction of the theory upon which the gentlemen have advocated the passage of this bill.

Mr. SINNOTT. On line 11 it is stated that it is devoted to a school of forestry, demonstration, and education. The proceeds, whatever they may be, are to go to the common-school fund.

Mr. MANN. Line 11 where?

If it passes the House under these conditions, will the gentleman see that the House is protected in its views upon section 2?

Mr. HOUSTON. I will state in regard to that matter that as a conferee appointed by this House, I would feel it my bounden duty to reflect the sentiment of this House. I can not go further than that.

Mr. ELDER. Would the gentleman consider his duty in line with the sentiment of this House if we strike out this amendment?

Mr. HOUSTON. If the House accepts that action, I will insist on it as a conferee.

Mr. JOHNSON of Washington. Mr. DAVENPORT of Oklahoma and myself were a committee to talk with these people, and we agreed with them that this might be put in. Unless it is by another resolution, it will undoubtedly end that part of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "two" and insert the word "four."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HOUSTON. Mr. Speaker, I move to strike out section 2 of the bill.

The SPEAKER. The Chair understands that there is another committee amendment.

Mr. HOUSTON. But the committee amendment is to section 2, the next amendment, as I understand it. I propose to strike out the section.

The SPEAKER. The question is on the amendment of the gentleman from Tennessee [Mr. HOUSTON] to strike out section 2. Is there objection? [After a pause.] The Chair hears none. Does the gentleman from Wisconsin [Mr. LENROOT] desire to offer an amendment?

Mr. LENROOT. That was the same amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

The SPEAKER. Without objection, the title of the bill will be amended in conformity with the text.

On motion of Mr. HOUSTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

INCOME TAX ON RAILROADS IN ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 9770) to levy and collect an income tax on railroads in Alaska, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That in addition to the normal income tax of 1 per cent there shall be levied and collected 4 per cent on the net annual income of all railroad corporations doing business in Alaska, on business done in Alaska, which shall be computed and collected in the manner provided in the act of Congress, approved October 3, 1913, entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," the proceeds of which tax when collected shall be paid to the treasurer of Alaska and be applicable to general Territorial purposes. So much of the provisions of the act of Congress approved March 3, 1899, entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district," or acts amendatory thereof as impose a license tax of $100 per mile per annum on railroads operated in Alaska is hereby repealed, and all penalties for nonpayment thereof are hereby remitted.

The SPEAKER. Is there objection?

Mr. WATSON rose.

Mr. FOSTER. Mr. Speaker, I reserve the right to object.

The SPEAKER. For what purpose does the gentleman from Virginia [Mr. WATSON] rise?

Mr. WATSON. For the purpose of asking unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. We have not reached that point yet. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. FOSTER. I would like to ask the gentleman from Virginia, in charge of this bill, if this bill provides for a change in the way of taxation in Alaska from $100 per mile to 4 per cent of the net income of the railroads?

Mr. WATSON. Yes.

Mr. FOSTER. Now, can the gentleman give us any idea of what the tax would likely be on a railroad in Alaska that has been in operation for some time—what the tax would be on that basis instead of the $100 per mile?

Mr. WATSON. Mr. Speaker, I will say to the gentleman from Illinois [Mr. FOSTER] that under the present system of taxation revenue is received from only two railroads in Alaska. The $100 per mile flat license tax has resulted in shutting down three of the railroads in Alaska, and they are not now in operation.

Mr. FOSTER. Right there can the gentleman give us the length of those railroads—what their mileage is?

Mr. WATSON. The total railroad mileage in Alaska is 452 miles, of which the three railroads referred to comprise about 250 miles. There is a fourth railway which is 45 miles long which has had a kind of intermittent operation; so that, roughly speaking, 300 of the 452 miles, or in the neighborhood thereof, is not now in operation in consequence very largely of the present system of taxation; and under the law which now prevails so many penalties have accrued against these railways as to amount to confiscation if an attempt were made to collect the penalties.

For instance, on the railroad running out of Fairbanks, which is 45 miles long, and to which I have made reference as being operated in part, or, more correctly speaking, for a portion of the year only—a railroad which cost for construction about $500,000—the penalties that have accrued for operating, without paying the license tax, aggregate between four and five million dollars, six or seven times as much as it cost to construct the road in the first instance.

Now, I will say to the gentleman from Illinois that three of the railroads in existence pay no tax under the present system, and that the fourth one is operating with penalties accruing upon it and has not paid the mileage tax for the present tax year; that only two of the railroads have paid this tax; that neither of those roads has any considerable general traffic in the Territory of Alaska. One of them is the railroad that runs from Cordova to the Kennicott copper mines, generally known as the Guggenheim property, a distance of 196 miles. The general traffic of that road is not believed to be sufficient to enable them to pay the $100 a mile license tax, but the hauling of ores from its own mines has enabled it to pay the tax.

The Yukon road, which runs through the White Pass into Canadian territory, traversing Alaska for 20 miles, conducts a considerable volume of Canadian business and has also paid the license tax. These two railroads, under the bill proposed by the committee, would probably pay more tax to the Government than they now pay.

Mr. FOSTER. That is, on the net income of 4 per cent?

Mr. WATSON. Yes; on the net income at the rate of 4 per cent. So far as the committee could get any information, which I will say to the gentleman is only approximate, these two railroads which are now revenue producers to only a small extent would yield more revenue than they do under the present statute. As to the four other roads, they yield nothing at the present time. Under the proposed enactment they would perhaps yield nothing for several years to come.

Gentlemen must be familiar with the fact that these small railroads in a pioneer country have not the traffic to produce any profit to their owners or to pay any revenues to the Government. As an illustration, I will mention the fact that the road which runs out of Fairbanks 45 miles, and which has incurred such enormous penalties during the past year for not paying the license tax, according to the returns for the year 1913 had a net income of only $2,000. The present tax would be $4,500, as the gentleman can calculate. In all human probability, as I have said, the measure proposed by the committee will yield no revenue for some years to come from any of these railroads except the two which are now conducting operations. As a matter of fact, the act of 1899—the act organizing the Territory of Alaska, known as the organic or enabling act—exempts the railroads of Alaska from local taxation by the territorial legislature until some time in August, 1917. Two of these five years have already elapsed, so that within three years' time the territorial legislature will have the power to tax these railroads in accordance with a system of its own suited to local needs and conditions at that time. There is no probability that within this period of three years there will be any net income derived by the Government from the traffic of these railroads.

I will say to the gentleman also, that several times in the recent past there have been passed acts of Congress exempting different ones of these roads from taxation in recognition of the fact that they were making nothing out of which to pay taxes. These periods of exemption have generally been for five years, as I recall. They have all now expired. No railroad in Alaska, other than the two named, is willing to hook an engine to a car to send mail, or a piece of mining machinery, or a party of prospectors a single mile for fear of incurring the enormous penalty which the statute imposes upon it for not paying the license in advance. The result is that mining prospectors have no means of getting to the mines; it is impossible

to send any machinery to the mines. There is no transportation.

Mr. MADDEN. If this law were passed, would you say——

Mr. FOSTER rose.

The SPEAKER. Does the gentleman yield?

Mr. WATSON. I will now yield to the gentleman [Mr. FOSTER]. I will with pleasure yield to the other gentleman from Illinois [Mr. MADDEN] later.

Mr. FOSTER. I was going to ask this: Your idea after investigation is that these small railroads that are now built in Alaska can not and will not operate unless we give them some relief in this way, but that these other railroads which are possibly not producing a profit, except by the carrying of the ore belonging to the company that owns them, can afford to pay this tax. Is that the understanding of the committee?

Mr. WATSON. That is the understanding of the committee, Mr. Speaker.

Mr. MADDEN. I was going to ask whether, if this act became a law, the railroads that are not now operating would begin to operate, so as to carry machinery and passengers into territory where they are not now able to go by rail?

Mr. WICKERSHAM. That is the very purpose of it.

Mr. WATSON. The committee believe that the railroad in the Seward Peninsula, another railroad called the Solomon River and something else—the name escapes me—the railroad from Fairbanks to the mines, which is now operated in partial disregard of the tax requirement, and possibly the railroad from Seward to a point 72 miles north, called the Alaska Northern Railway—that all of these railways would resume operations either continuously or from time to time, so as to afford some accommodation to the population residing along their routes should this bill become law.

Mr. MADDEN. What is the penalty now imposed on the railroads for operating when they fail to pay the tax?

Mr. WATSON. The license tax is payable in advance. If the railroad company operates a single day without having paid that tax, it incurs a penalty equal to the tax itself, which is $100 a mile. The second day it incurs a penalty double that, and the third day treble that, and so on ad infinitum.

Mr. MADDEN. What information has the committee on the question of the net earnings of the railroad which is said to be 196 miles long?

Mr. WATSON. The railroad running from Cordova to the Kennicott copper mine is of course subject to the jurisdiction of the Interstate Commerce Commission.

Mr. MADDEN. Have any reports been filed showing their net earnings?

Mr. WATSON. There have been partial reports filed, from which the committee have been able to approximate the net earnings.

Mr. MADDEN. What is the judgment of the committee as to the net earnings?

Mr. WATSON. The judgment of the committee is that the 5 per cent income tax, which is the normal income tax of 1 per cent with this 4 per cent added, as provided in the bill, would yield a little more revenue than the $100 per mile, which on this road, at present rate of tax, is $19,600 per year.

Mr. MADDEN. The so-called Guggenheim road would pay $19,600 a year under the present law?

Mr. WATSON. Under the present law, yes; and would pay a little more under the proposed income tax. The White Pass & Yukon Railroad now pays $4,500 a year——

Mr. DONOVAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the present consideration of this bill?

Mr. ELDER. I object.

The SPEAKER. The gentleman from Louisiana [Mr. ELDER] objects.

Mr. HOUSTON. I hope the gentleman will reserve his objection.

Mr. ELDER. I am perfectly willing to reserve my objection, but the gentleman from Connecticut [Mr. DONOVAN] forces me to object. The regular order was called for.

Mr. HOUSTON. I want to state that the main purpose of this bill is not so much for the benefit of these railroads as it is to furnish some transportation to the different portions of Alaska where these small railroads happen to run. These railroads are now shut down. They are not operating. If they were operating continuously, of course their operations would be very beneficial. If they would run occasionally, they would afford a very great benefit to the people within that territory. It is a great hardship upon these people not to have the benefit of the roads that have been built there by this capital, and that are not able——

Mr. DONOVAN. Mr. Speaker, I will withdraw the request for the regular order, but I can not for the life of me understand how people would advocate large property escaping taxation.

Mr. HOUSTON. As I said, it is not for the benefit of the property owned by the railroads that this bill is introduced, but it is in order that the people in this Territory, laboring under the great disadvantages which surround them, shut off from transportation to and from the outside, shall be able to get in there to prospect, to get machinery in there, to develop mines, and things of that sort. It will be of very great benefit to the people of that country if they can have this road.

Mr. ELDER. There are other classes of property in Alaska, whether operated at a profit or not, and do they not have to pay a certain modicum of the taxes?

Mr. HOUSTON. Certainly.

Mr. ELDER. What reason is there, even if the railroads are not operated at a profit, why they should not pay their proportion of the taxes?

Mr. HOUSTON. For the reason that the people of Alaska may have the benefit of transportation that these roads would afford. It has been the practice in this country in opening up new country to exempt the railroads from taxation, in order that they can be established and furnish facilities for transportation and develop the country. When they have made good and get a footing, when they can be successfully operated, then they pay taxes.

Mr. ELDER. Why do not the railroads raise the rates?

Mr. WATKINS. Will the gentleman yield?

Mr. HOUSTON. Certainly.

Mr. WATKINS. Is it not a fact that this bill provides a taxation of 4 per cent?

Mr. HOUSTON. Yes; and if the property invested in the roads makes anything we will get taxes on it whatever it is. As the gentleman from Virginia [Mr. WATSON] has said, that income would be small. It would be small, but I think there would be some, and whatever there was would be taxed. This change of method of taxation is for the purpose of giving that country, which is laboring under so many disadvantages, but has such enormous resources within its borders, an opportunity to make a beginning.

Mr. ELDER. The question that the gentleman from Louisiana [Mr. WATKINS] asked was what I asked a few moments ago. The private property owned by private individuals has to pay its portion of the taxation.

Mr. HOUSTON. That is true, but their properties are not situated like this. Their business is not transportation for the whole people in reach of these railroads.

Mr. ELDER. But could not the roads raise their transportation rates to meet the charge, and let the people of the country pay the taxes instead of the General Government giving it to them?

Mr. HOUSTON. No; the roads can not raise the rates, because the transportation rates are so high now that they ought not to be increased. That is the difficulty surrounding the railroads in a new country. They are already high, and this bill is for the purpose of letting the settlers have the benefit of their operation, and we want to give them this aid in supplying their wants in this country.

Mr. ELDER. I can not quite agree with my friend from Tennessee.

Mr. WATKINS. Does the gentleman from Louisiana understand that there is provided by this bill a revenue to be derived of 4 per cent in taxation?

Mr. ELDER. Yes; 4 per cent taxation on the net profits, and it is stated here that there are no profits. If they would make it 1 per cent on the gross profits, I would not object, but they come in and say we provide for 4 per cent on the net profits, and then in the next sentence they say there will be no net profits, and, of course, no taxation whatever. We were told during the passage of the Alaska bill that the great mining interests of the country, the Guggenheims, had grabbed Alaska by the throat, and now they come in with a bill relieving the Guggenheims from taxation. The people of my country have undeveloped property, but they have to pay taxes on it.

Mr. HOUSTON. I want to say to the gentleman that this bill does not propose to relieve the Guggenheims's railroad from taxation. On the contrary, as stated by the gentleman from Virginia [Mr. WATSON], we believe that that road will pay as much taxes under this new system as it does at present, and even more.

Mr. LENROOT. Will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. MANN. I remember very well when the bill was passed.

Mr. SINNOTT. It was really thought then that under the original bill he might obtain such an absence, but the department has construed that differently.

Mr. MANN. I do not know who so thought. It was not so stated here; quite the contrary. It was stated at that time that it was desirable to permit the homesteader, in the wintertime, when he could do nothing on his homestead, to go somewhere else and earn some money. The proposition now is to let him go in the wintertime and then, in the summer time, when he ought to be on his homestead, let him go and harvest somebody else's crop. What will he do on his land during the time that he is there? That is what I want to get at.

Mr. SINNOTT. He will be plowing his land, putting his crop in, and once in there may be very little necessity in probably a great many cases for his being there. His wife or his family may remain on the homestead, and he may be away working at whatever work he can find.

Mr. SELDOMRIDGE. Mr. Speaker, this bill would particularly affect the homesteaders on the arid region, and it is apparent that oftentimes these men have crop failures and they are unable to earn money and maintain themselves on their homesteads, and it is absolutely necessary in order to support their families that they may go into the cities and do whatever they can in order to hold their filings. We in the West are facing a loss of homesteaders by reason of the fact that these men, if they are obliged to remain on the land continuously, can not support themselves.

Mr. SINNOTT. There is frequently nothing for them to do upon the land.

Mr. SELDOMRIDGE. Absolutely nothing. If their crop is a failure, they have no live stock and they can secure no employment within the immediate vicinity of their holdings, and they are obliged to go sometimes a long distance into the mountains, or wherever they can find employment; and if they could do that it would result, in my judgment, in a large number of these homesteads, instead of being deserted, being retained and ultimately improved upon and settled.

Mr. MANN. Will it not just encourage them not to have live stock and not to really make permanent improvements?

Mr. SELDOMRIDGE. I think not.

Mr. FERRIS. Mr. Speaker, will the gentleman yield?

Mr. SINNOTT. Yes.

Mr. FERRIS. Mr. Speaker, I think the gentleman has well explained his bill, but I want to say, in addition, that it is a very meritorious one. I think it is in the interest of the settler who needs help. The original necessity for a leave of absence law was to aid the poor man by allowing him to get out for a while and work. This bill simply lets him go off just the same amount of time but in two different periods. I perhaps do not know as much about it as the gentlemen who live out there, but my State was once a homestead State, and I myself was once a homesteader.

Mr. MANN. Did the gentleman complete his homestead?

Mr. FERRIS. Yes; and I have the farm yet.

Mr. MANN. The gentleman probably did not stay on it five months in the year?

Mr. FERRIS. Oh, the gentleman is entirely mistaken about that. I stayed there all of the time.

Mr. BURKE of South Dakota. Mr. Speaker, does not the gentleman think if the homestead laws had been administered in the spirit in which the act was passed that there never would have been any occasion for such legislation as this?

Mr. FERRIS. That may be true.

Mr. BURKE of South Dakota. The legislation passed in the last Congress granting homesteaders a leave of absence was made necessary because the department became so technical in requiring an absolute continuous presence of the claimant in order to obtain title to his land that we had to pass a law that specified that he might be absent a few months within the year.

Mr. FERRIS. Yes.

Mr. BURKE of South Dakota. I know of an instance where a young woman attended the National Educational Association, at Los Angeles, Cal., and was away from her homestead for two weeks, and her proof was suspended and held up because it was considered an absence without leave.

Mr. MANN. She was probably a school-teacher and had never resided on the land except nominally.

Mr. FERRIS. Mr. Speaker, without trying to assume the rôle of an expert, or to tell more about a homestead than anybody else, I think what the gentleman said is entirely true. There was a time in the country when land was land, and nobody cared who got it or how title was obtained; but the condition of the public mind is altogether different to-day, so that, whereas once a man could earn a living and run back to the homestead and stay there for a few nights, to-day he is suspended and his proof is rejected, and he is fought all along the line. I very much hope there will be no objection.

Mr. MANN. Hopes are not always realized.

Mr. FERRIS. It is easy to realize that on unanimous-consent day.

Mr. MONDELL. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman from Oklahoma will recall when the five-year leave of absence provision passed the House originally it did not provide for a continuous leave of absence, but simply gave the homesteader five months during the year during which he could be absent.

Mr. FERRIS. That is true.

Mr. MONDELL. That was found necessary owing to the technical construction which the department had placed on the law.

Mr. FERRIS. I think that is true.

Mr. MONDELL. And in conference of the two Houses the provision making the leave of absence continuous was inserted, and——

Mr. MANN. I think not.

Mr. MONDELL (continuing). And there was a good deal of doubt at that time as to whether that provision was wise, but there was a good deal of insistence on the part of the administration officers of the department that we should try it. Now, it has not worked so well.

Mr. RAKER. Will the gentleman from Illinois yield for a question? Mr. Speaker, in regard to the matter in hand, the gentleman from Illinois has reserved the right to object, and I trust he may find his way clear not to do so.

Mr. MANN. Mr. Speaker, I do not care what people trust or hope. If they have information, I will be very glad to have it; but the gentleman from California ought to learn by this time that hopes and trusts do not go in the House of Representatives.

Mr. RAKER. Mr. Speaker, this matter has been under consideration for a good many years. Deserving men have gone off to work and their homesteads have been contested. Homesteaders have gone to town in order to make some provisions for the assistance of their children, and their homesteads have been contested, and many, many hardships have been brought about on that account. Now, when the five months' leave of absence was given it was thought by the Senate it would be better to have it at one time. The House thought it would be better to have it in two or three periods, but the Senate put in one continuous leave of absence of five months. Now, there are many times and many reasons why men should go away for five months and come back and attend to his matters at home, and then go away and go to work somewhere else, and then come back and attend to his duties, seeing to his family, and at the same time properly and legitimately improving his homestead, and it is a good law.

Mr. MANN. Mr. Speaker, notwithstanding what the gentleman from California has said, and in spite of the reasons he has given, I shall not object. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SINNOTT, a motion to reconsider the vote by which the bill was passed was laid on the table.

STREET RAILWAY SYSTEM, SOUTH HILO, HAWAII.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8660) to amend sections 4 and 17 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act granting a franchise for the construction, maintenance, and operation of a street railway system in the district of South Hilo, county of Hawaii, Territory of Hawaii," approved August 1, 1912, is hereby amended so that the first paragraph of subsection (e) thereof shall read as follows:

"(e) The construction of the railway shall be commenced and at least the sum of $20,000 shall have been expended or contracted to be expended within two years after the passage of this act by the Congress of the United States, and at least 2 miles shall be completed, equipped, and ready for the transportation of passengers within two years after such commencement."

SEC. 2. That section 17 of said act is hereby amended so that the second paragraph thereof shall read as follows:

"The association shall not issue stock in excess of the amount paid to it therefor in cash and $100,000 additional, nor shall it issue bonds

at less than 90 per cent of their par value, and the entire proceeds of its stock and bonds shall be applied to capital expenditure."

The SPEAKER. Is there objection?

Mr. LENROOT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee one or two questions. This bill proposes to extend the time for the completion of this railroad two years.

Mr. HOUSTON. Yes, sir.

Mr. LENROOT. And also permit the promoters to water their stock to the extent of $75,000 instead of $50,000, as provided now?

Mr. HOUSTON. It increases the amount of stock above the amount paid in $25,000 in addition to the $50,000.

Mr. LENROOT. That is watering, of course. I notice in the report this language:

The hearings developed that, owing to the financial depression, the parties were unable to fully comply with this provision.

These promoters expected to raise this money in the United States, I take it?

Mr. HOUSTON. Well, I am not able to answer that question as to where this money is to come from.

Mr. LENROOT. Where does this financial depression exist?

Mr. HOUSTON. I suppose it exists in the Island of Hilo—the Hawaiian Islands. There is where the railroad is proposed to be constructed, and I presume there is where the depression exists.

Mr. LENROOT. That is where the gentleman thinks the financial depression exists?

Mr. HOUSTON. I am not stating there is any financial depression existing there.

Mr. LENROOT. But the committee states the fact, and I think it is only fair to inquire what was in the mind of the committee when they made that statement.

Mr. HOUSTON. Well, the gentleman means some one said it somewhere in the hearings?

Mr. LENROOT. I am reading from the report. I will ask the gentleman this other question; my first question was preliminary. Does the gentleman think this financial depression is to continue for two years more, so that we could not now extend the time for complying with the provisions of the act without issuing additional watered stock?

Mr. HOUSTON. Now, Mr. Speaker, I am not able to make any prophecies in regard to depression, business or financial, but I must say I am not under any apprehensions of any depression being greater, and I hope that within the next two years it will be better and continue to grow better.

Mr. MONDELL. Will the gentleman yield?

Mr. HOUSTON. But, so far as that is concerned, it is directed only to the business and financial ability of the parties who are undertaking this enterprise. I will yield to the gentleman from Wyoming in a moment. This is only a proposition to extend their time two years, and also to extend the amount of stock that may be issued in excess of the money paid in the sum of $25,000.

Mr. GARNER. Will the gentleman yield there?

Mr. HOUSTON. I yield to the gentleman from Wyoming; he asked me first.

Mr. MONDELL. Well, with these sugar planters, if this sugar plantation supply railway is in a bad way now, when the duty on sugar has only partly been reduced, how can we hope or expect it is going to be any better off when sugar goes on the free list?

Mr. HOUSTON. Now, Mr. Speaker, I do not propose to go into any discussion of free sugar or the tariff bill at all; it is not necessary.

Mr. GARNER. The gentleman does not want a political discussion?

Mr. HOUSTON. It is not fair to be injected into this discussion.

Mr. GARNER. The gentleman does not propose to go into a political discussion of the merits of this proposition?

Mr. HOUSTON. Not at all.

Mr. GARNER. I do want to make an inquiry of the gentleman. One thing seems to me rather anomalous, and that is to permit this company to issue one-third more stock than the money they pay in. What is the reason for that?

Mr. HOUSTON. Well, I am just taking this proposition as we find it. This bill was passed by the Territorial Legislature of Hawaii granting this franchise. After that it came to Congress with some amendments, and, with the approval of the Secretary of the Interior, it was passed through Congress two years ago. Now they claim that on account of the expense incident to putting this enterprise on foot it was necessary to issue this amount of stock. They furthermore have proof, as shown in the hearings, or make the claim, that they have expended the amount of $50,000, or something more, in the preliminary part of the enterprise. Now, I am not able to give the details of that.

Mr. GARNER. The very proposition of an act of Congress permitting a corporation to issue more stock than the amount of money they pay in does not appeal to me, I must say, as one Member. I do not understand the philosophy of permitting a corporation to water its stock by act of Congress.

Mr. BRYAN. What is the judgment of the gentleman from Tennessee as to how the Interstate Commerce Commission would do that under the bill recently passed, where they have to approve a bond issue by railroads? Does the gentleman believe the Interstate Commerce Commission, if it were left to it as to a matter in this country, would allow the railroads to issue watered stock in that way?

Mr. HOUSTON. I do not feel called upon to pass on that question, Mr. Speaker. This is a business venture. I want to say that the gentleman from Washington [Mr. JOHNSON] was on the subcommittee that especially had this matter in charge, and I believe he helped to prepare this report, and perhaps is more familiar with the facts surrounding it than I am.

Mr. ELDER. Will the gentleman from Washington yield to me?

Mr. JOHNSON of Washington. With pleasure.

Mr. ELDER. Do you not think this would be establishing a precedent by Congress to recognize the watering of stock as a legitimate thing?

Mr. JOHNSON of Washington. We found that a long bill had been passed and approved on August 1, 1912, reserving a great many rights to the territorial government of Hawaii, and it carried some little liberality in the hope that they might build a street car line in the little town of Hilo, of 7,000 or 8,000 people. It is proposed to build the line from the center of the town out to the Government breakwater. They got this bill passed, which allowed $50,000 to be used in excess of the stock to be sold. That money was largely used up in legal business and in promotion and in going to Germany, as that was where the capital was originally interested, and they found they were not getting anywhere with the thing, and this bill, H. R. 19041, passed two years ago, will expire on August 1 next.

Mr. ELDER. If the gentleman will permit me, I am not questioning the time it expires and have no objection to that. But it occurs to me that simply to allow the promoters, who took the original expense, and pay them $25,000 for their promotion, and the rest put on the market, is a recognition by Congress, it seems to me, of the watering of the stock.

Mr. JOHNSON of Washington. I have no heart in the matter at all.

Mr. ELDER. Certainly. I do not mean to intimate that. It is of no particular interest to me except in the way that I have stated.

Mr. JOHNSON of Washington. And the people of Hawaii came here with their maps, and they worked very hard on it. They have used up this original stock which they were allowed to issue. They still think and hope that they can build the railroad. In the meantime the Japanese have come in there and brought these Ford automobiles and have put in cross seats and carry people out to the breakwater for 10 cents. When we were considering it in the subcommittee and in the full committee, former Gov. Frear appeared on another matter, and he was asked to state his opinion about this, and in our hearings here we had the indorsement of this plan from him.

Mr. LENROOT. Will the gentleman yield?

Mr. JOHNSON of Washington. With pleasure.

Mr. LENROOT. Do I understand from the gentleman that this company now has issued $50,000 worth of stock?

Mr. JOHNSON of Washington. As near as I can remember. We went into it at some length.

Mr. LENROOT. And that has not gone into the capital account at all?

Mr. JOHNSON of Washington. The lawyers who got the papers ready, and this and that agent, were paid in stock or promises of stock. I do not know how it was done.

Mr. LENROOT. Unless the gentleman will accept an amendment striking out section 2, I shall be obliged to object.

Mr. JOHNSON of Washington. I will be glad to accept the amendment.

Mr. GARNER. May I ask the gentleman from Tennessee [Mr. HOUSTON] a question? The gentleman from Tennessee will be on the conference committee. This is a House bill, and

Mr. PARK. I wish to have it read.

Mr. MANN. I withhold my objection. I do not care how many amendments the gentleman offers.

The SPEAKER. Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

1. Strike out all below line 2 and insert:

"That the city of Thomasville, Ga., acquire title to the land between the post-office site and Madison Street, same width as post-office site and extending 50 feet, and make good title to the Government of the United States to enlarge the post-office building site at Thomasville, Ga.

"2. That the enlarged site, except where buildings, further additions, and approaches are located to be used as a park, to be known as Reddenbery Park, to be maintained by the city of Thomasville."

Mr. MANN. Still reserving the right to object, what is there that will prevent the city of Thomasville doing this, if it wishes to?

Mr. PARK. We could not use the remaining portion of the lot unless the Government permitted us to do so. The city can deed it to the Government when they acquire it, and then they would like to use the entire lot that is not occupied by the building and approaches.

Mr. MANN. I do not understand this sufficiently to consent to its consideration now. The gentleman can ask to have the matter go over.

Mr. PARK. It involves no appropriation of money on the part of the Government: I will ask that it go over without prejudice.

The SPEAKER. The gentleman from Georgia asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

ENLARGED HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 12919) to amend an act entitled "An act to provide for an enlarged homestead."

The bill was read, as follows:

Be it enacted, etc., That sections 3 and 4 of the act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, and of an act entitled "An act to provide for an enlarged homestead," approved June 17, 1910, as amended by an act approved February 11, 1913, be, and the same are hereby, amended to read as follows:

"SEC. 3. That any person who has made, or shall make, homestead entry of lands of the character herein described, and who has not submitted final proof thereon, or who, having submitted final proof, still owns and occupies the land thus entered, shall have the right to enter public lands, subject to the provisions of this act, contiguous to his first entry, which shall not, together with the original entry, exceed 320 acres: *Provided*, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided by section 1 thereof.

"SEC. 4. That at the time of making final proof, as provided in section 2291 of the Revised Statutes, the entryman under this act shall, in addition to the proofs and affidavits required under said section, prove by himself and two credible witnesses that at least one-sixteenth of the area embraced in such entry was continuously cultivated for agricultural crops other than native grasses, beginning with the second year of the entry, and that at least one-eighth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry: *Provided*, That any qualified person who has heretofore made, or who hereafter makes, additional entry under the provisions of section 3 of this act to an entry upon which final proof has not been made, may be allowed to perfect title to his original entry by showing compliance with the provisions of section 2291 of the Revised Statutes, respecting such original entry, and thereafter in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date of such original entry, but the cultivation required upon entries made under this act must be shown respecting such additional entry, which cultivation, while it may be made upon either the original or additional entry or upon both entries, must be cultivation in addition to that relied upon and used in making proof upon the original entry; or, if he elects, his original and additional entries may be considered as one, with full credit for residence upon and improvement made upon his original entry, in which event the amount of cultivation herein required shall apply to the total area of the combined entry, and proof may be made upon such combined entry whenever it can be shown that the cultivation required by this section has been performed; and to this end the time within which proof must be made upon such a combined entry is hereby extended to seven years from the date of the original entry: *Provided further*, That where an entry is made as additional to an entry upon which final proofs has heretofore been submitted by an entryman who still owns and occupies the land thus entered, the entryman in making proof upon his additional entry shall be credited with residence maintained upon his original entry from date thereof, but the cultivation required upon entries made under this act must be shown respecting such additional entry and must be performed upon the land included therein to the extent and for the period required in connection with original entries under this act, proof of which must be submitted within five years from and after the date of the additional entry; *Provided further*, That nothing herein contained shall be so construed as to require residence upon the combined entry in excess of the period of residence as required by section 2291 of the Revised Statutes."

With the following committee amendment:

On page 3, line 23, strike out the word "heretofore" and insert the word "theretofore."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object——

Mr. MONDELL. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Oregon with regard to the extent to which this bill amends the present law. My understanding is that the first change from the present law is found on page 2, beginning with the beginning of line 4, and extending down to the word "entered" in line 5.

Mr. SINNOTT. In section 3.

Mr. MONDELL. In section 3, page 2. Is that correct?

Mr. SINNOTT. Yes; the first amendment is to section 3.

Mr. MONDELL. That is the first change from the present law. The gentleman proposes to reenact the present law, and the first and only change in section 3 is the addition of the words in lines 4 and 5, as follows:

Or who, having submitted final proof, still owns and occupies the land thus entered.

That is the only change from the present law in that section, is it not?

Mr. SINNOTT. Yes.

Mr. MONDELL. Now, there is no other change in the law that I discover from reading it hurriedly until we reach the proviso beginning in line 22, on page 3.

Mr. SINNOTT. No; there is a change on the bottom of page 2, in lines 24 and 25, inserting the words:

To an entry upon which final proof has not been made.

Mr. MONDELL. Oh, yes; that was necessary in order to harmonize with the provision which follows.

Mr. SINNOTT. Yes. Then the next change is the proviso.

Mr. MONDELL. The proviso beginning with line 22, on page 3.

Mr. SINNOTT. Yes.

Mr. MONDELL. And extending down to and including line 8, on page 4.

Mr. SINNOTT. Ending with the word "entry." Then there is a transposition of the last proviso which is in the original bill, the proviso beginning in line 8, page 4.

Mr. MONDELL. As the law now stands a homestead entryman who has not made final proof on his land, and who still holds his land as an unperfected entry, may, providing the adjacent land to that so held has been designated as enterable under the enlarged homestead, take an additional tract in such an amount as will with his original tract not exceed 320 acres.

Mr. SINNOTT. That is correct.

Mr. MONDELL. This bill proposes to amend the present law by allowing a homesteader who has made final proof, but who is still living upon his land——

Mr. SINNOTT. And owns it.

Mr. MONDELL. And owns it, to exercise the same right, under the same conditions, as he could if his homestead was unperfected.

Mr. SINNOTT. That is correct.

Mr. MONDELL. In other words, it extends to the homesteader living on a perfected entry the right which a homesteader living on an unperfected entry now has. It is certainly wise to do that. We tried to do it when we passed the enlarged-homestead bill.

Mr. SINNOTT. That is the object of the bill.

Mr. MONDELL. And that is the only change.

Mr. SINNOTT. Yes.

The SPEAKER. Is there objection?

Mr. LENROOT. Reserving the right to object, I would call the gentleman's attention to the proviso in section 3:

Provided, That the land originally entered and that covered by the additional entry shall have first been designated as subject to this act, as provided in section 1 thereof.

Of course under the present law all of these designations would be enterable whenever the classification had been made, because there is no title in the entryman. But with this change which is now made in this bill you provide that land now in private ownership shall first be designated as subject to entry under this act, which can not be done.

Mr. SINNOTT. Oh, yes; they do it.

Mr. LENROOT. How?

Mr. MONDELL. Is the gentleman from Wisconsin aware of the fact that land in private ownership is now designated under the enlarged homestead law? The Land Office, in making designations under the enlarged homestead law, does not go to the trouble of determining the exact status of titles of all the lands designated, and lands that are in private ownership are frequently designated under the enlarged homestead law.

Mr. LENROOT. How is it possible that private lands can be enterable?

Mr. MONDELL. The designation is not, strictly speaking, a declaration to the effect that they are enterable.

Mr. LENROOT. That is what I am getting at.

Mr. MONDELL. That is the term used in the act. The designation is this: The Secretary of the Interior expresses the opinion that the lands he describes do not contain merchantable timber, and that they are not susceptible of irrigation at a reasonable cost from any known source of water supply.

Mr. LENROOT. But how are private lands enterable? How are such lands affected one way or the other by the designation?

Mr. MONDELL. They are not affected by it, but in including lands in the designations private lands are frequently included in the general area designated. For instance, in the eastern part of my State there is a vast area from the northern line of the State to the southern line of the State, approximately 40 miles wide, and practically all of which was designated in the way I have suggested except some bordering along streams; that great designation covers lands private and public.

Mr. LENROOT. Not to affect any rights.

Mr. MONDELL. Oh, no.

Mr. LENROOT. Here private rights are affected.

Mr. MONDELL. We do not change the law except to say that if a man who has a homestead on which he has made proof that has been included in one of these designations and additional land adjacent also so included, he may take——

Mr. LENROOT. Is it proposed to have the land in private ownership subject to the enlarged homestead law?

Mr. SINNOTT. No; they are lands designated as to their character.

Mr. MONDELL. The designation is a designation as to the nontimber and nonirrigable character of the lands. The public lands are not necessarily enterable because they are so designated, because if they do in fact have merchantable timber they are not enterable and could not be patented. If they are in fact irrigable, they could not be patented.

Mr. LENROOT. All lands now designated by the Secretary under this act are enterable.

Mr. MONDELL. Not unless they are actually enterable in fact. The fact that the Secretary designates them as nontimbered, nonirrigable lands does not of itself make them enterable under that law. The Secretary's designation is simply that certain lands which he describes, frequently an entire township, are, in the opinion of the Secretary and to the best of his knowledge, not timbered and not susceptible of irrigation at a reasonable cost from any known water supply. That is a guide to the entryman. If, in fact, the entryman can and does swear and bring witnesses to prove that the lands are of that character, he can and does enter them. Of course, until the Secretary has made the designation, expressed his opinion in regard to them, the affirmation of the entryman has no effect. But what the designation amounts to is an expression of opinion from the best knowledge he has as to the character of the land as to timber and irrigation upon which the entryman has the right to make his application.

Mr. RAKER. Will the gentleman yield?

Mr. MONDELL. I have not the floor. The gentleman from Wisconsin has the floor.

Mr. LENROOT. I have not the floor.

Mr. MANN. Then I will be glad to take the floor, in order to ask a question of some gentleman.

Mr. RAKER. I would like to ask the gentleman a question as regards the only amendment in section 3, which applies to the man "who, having submitted final proof, still owns and occupies the land thus entered." It permits the man who has actually gone on the land, filed upon it, made final proof, and received a patent notwithstanding the fact that the Secretary has not designated the adjoining land to obtain the benefit of the 320-acre homestead. Under this bill is it not a fact that upon the application of the homesteader owning his land and living upon it, if the adjoining land is of the character provided for under the homestead law, that this man can get the adjoining 160 acres which he ought to get?

Mr. MONDELL. Not unless the land he has made proof on has also been designated.

Mr. RAKER. The Secretary designated the land which has been filed upon.

Mr. MONDELL. In other words, what we refer to as a designation of land enterable is not in fact a designation of land enterable, but a statement as to the opinion of the Secretary relative to the character of the land. The law prohibits lands which contain merchantable timber or lands which are irrigable at a reasonable cost from any known source of water supply from being entered under the enlarged-homestead act. It further makes it the duty of the Secretary to designate lands which do not come within these prohibitions. In other words, he designates lands as being lands not susceptible of irrigation at a reasonable cost and as not containing merchantable timber, and much of the lands so described are in private ownership.

Mr. RAKER. And land of the character designated in the enlarged-homestead law he can designate subject to entry under that law.

Mr. MONDELL. To be accurate, he designates it as not containing merchantable timber and not being irrigable at a reasonable cost from any known water supply. It being such, it is enterable under the enlarged-homestead act.

Mr. RAKER. If the land has then been designated, or even before it has been designated, if a man makes his application and the department will then investigate, and if they find it of the character the law permits, he then may file on the whole 320 acres. Under the law as it exists to-day, when land has been designated before he files, it does not permit a man who has filed on this character of land, who has borne all of the hardships incident to such a life, to get the additional 160 acres, because he has made final proof and secured a patent for his first 160-acre homestead. It may take him some little time to get the matter in proper shape, and his application may be pending for the additional 160 acres. Because he has made final proof he is deprived of the right to obtain the additional 160 acres of land that is contiguous to his original entry.

Mr. MANN. The gentleman says deprived of his right; of his right to what?

Mr. RAKER. His right as an American citizen to go and take up the land and improve it.

Mr. MANN. He has no such right at all, either legally or morally.

Mr. RAKER. He has a right to take up the land, build his house, raise his family, and improve the land. This bill should be enacted into law, and should pass now.

Mr. DONOVAN. Mr. Speaker, a point of order. The leader of the minority ought not to be allowed to take the floor and interrupt the gentleman without getting his permission.

Mr. MANN. Mr. Speaker, the gentleman from Connecticut has not been recognized by the Chair. What right has he talking to the House?

The SPEAKER. The gentleman from California has the floor.

Mr. BRYAN. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. RAKER. Oh, just one moment.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

LEAVE OF ABSENCE FOR HOMESTEAD ENTRYMEN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15717) to provide for leave of absence for homestead entrymen in one or two periods.

The Clerk read the bill, as follows:

Be it enacted, etc., That the entryman mentioned in section 2291, Revised Statutes of the United States, as amended by the act of June 6, 1912 (37 Stats., 123), upon filing in the local land office notice of the beginning of such absence at his option shall be entitled to a leave of absence in one or two continuous periods not exceeding in the aggregate five months in each year after establishing residence; and upon the termination of such absence, in each period, the entryman shall file a notice of such termination in the local land office; but in case of commutation, the 14 months' actual residence, as now required by law, must be shown, and the person commuting be at the time a citizen of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oregon what is the need of this bill?

Mr. SINNOTT. Mr. Speaker, the present homestead law leave of absence permits absence to be taken in one continuous period of five months. This present bill aims to permit that leave of absence to be taken in two separate continuous periods. It frequently happens that the homesteader desires a leave of absence during the harvest season and also during the winter months. In the harvest season, if he leaves his homestead, he may obtain employment in the harvest fields and then return to his homestead and do whatever is necessary to be done there. Then, by having a leave of absence during the winter period, he may work in the forests or in the lumber camps.

would only tend to further disrupt the unsettled conditions of business; be it further

Resolved, That a copy of these resolutions be sent to our Senators and Congressman.

G. E. BRADFORD, *President*.
H. D. FAUST, *Secretary*.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

PUBLIC BUILDING, FAIRBANKS, ALASKA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 6279) to authorize the Secretary of the Treasury to erect a public building at Fairbanks, Alaska, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion of a suitable building, including fireproof vaults, heating, lighting, and ventilating apparatus, courtroom, jury rooms, and offices for the judge, marshal, prosecuting attorney, and other necessary officers, and in the lower parts shall include a jail, fully equipped with first-class iron cells and the general equipment of a jail complete; also room or rooms for post office, all sufficient for the use and accommodation of the United States court and officials, for the recorder, for the post office and other governmental offices, upon ground now owned by the United States in the town of Fairbanks, Alaska, where the courthouse and jail now stand; and the sum of $250,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the erection of said buildings: *Provided*, That not to exceed $15,000 thereof may be used by the Secretary of the Treasury in the purchase of that portion of the block whereon the said old courthouse and jail stand not now owned by the United States.

Also the following committee amendment was read:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase that portion of the block whereon the United States courthouse and jail now stand, in the city of Fairbanks, Alaska, not now owned by the United States, at a sum not to exceed $15,000."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. DONOVAN. Mr. Speaker, reserving the right to object. I would like to ask the gentleman in charge of this bill if there has been any request from the people of Fairbanks for an expenditure of this amount of money toward buying land?

Mr. BURNETT. Mr. Speaker, the Delegate from Alaska is not here at present, but as I reported the bill I will state that there was a very urgent request, as I recollect, by the governor of Alaska and the grand jury of the Federal court asking for not only the purchase of the site but the construction of a building, and showing that there was an old, dilapidated building there used as a courthouse and, I believe, as a post office almost ready to tumble down and in a congested condition. But the committee under its rule that none but emergency cases should be reported thought that was not such an emergency case as would justify the committee reporting for the building.

But it was further developed in the testimony before the committee that a site would have to be acquired before a building could be constructed, and that the land which embraced the site was in the bankruptcy courts, in the hands of receivers, and would very likely be sold in a short time, and the Government would miss the opportunity, possibly, of acquiring it at all. Hence the committee amended the bill so as to strike out all of the authorization in regard to a building, and merely in view of the fact that they believed that the opportunity to purchase the site would pass from the Government unless we authorized it, they authorized the $15,000. There was not only a request from the people but from the court officials and the grand jury that held its session there. The gentleman from Alaska [Mr. WICKERSHAM] is perhaps more familiar with the facts than I am. Those are the facts that developed before the committee, however, and upon which we based this report as being an emergency case.

Mr. DONOVAN. The bill provided for a quarter of a million—$250,000?

Mr. BURNETT. That is all stricken out.

Mr. DONOVAN. And you have cut it down to $15,000 as a sort of beginning?

Mr. BURNETT. No; merely to save the site.

Mr. DONOVAN. What is the population of Fairbanks?

Mr. BURNETT. Only a few thousands—a couple of thousand, possibly; but it has a Federal court there.

Mr. DONOVAN. This provides for a post office. What is the volume of the business of the post office?

Mr. BURNETT. Not a great deal. And the question of the amount of the business is not a question we considered or gave any consideration to at all. But it is a place where the Federal court is held, as I recollect it, and where the customs receipts are collected, and a great number of other governmental offices are there. The Delegate can state more fully with regard to that matter than I can.

Mr. DONOVAN. The report says here that the present building occupies half a block. What is half a block in Fairbanks?

Mr. WICKERSHAM. Half a block there is 60 feet wide and 120 feet long.

Mr. DONOVAN. And what is the population of the town?

Mr. WICKERSHAM. About 5,000.

Mr. DONOVAN. What is the volume of the business of the post office?

Mr. WICKERSHAM. The mail from that whole great interior country comes to Fairbanks and is there distributed for a thousand miles down the river.

Mr. DONOVAN. Is the gentleman able to state the amount of business? Does not he know anything about it?

Mr. WICKERSHAM. I do.

Mr. DONOVAN. What is the volume of business?

Mr. WICKERSHAM. In what respect?

Mr. DONOVAN. The amount of money the Government takes in—the receipts of the office.

Mr. WICKERSHAM. I do not know the amount of the receipts of the post office.

Mr. DONOVAN. And is the business on the wane or on the increase?

Mr. WICKERSHAM. It is very greatly on the increase.

Mr. DONOVAN. And the gentleman is the Delegate from Alaska. I will inform the gentleman he ought not to bring in a measure of this kind without being familiar with it. The business fell off $2,000 last year, according to the reports of the Post Office Department. The total business in 1913 amounted to $10,139, and in the year ending March 31, 1914, it amounted to $8,094. The total population of the place is 3,541; and the gentleman was a party to bringing in a bill here asking a quarter of a million of dollars for a population of that size.

Mr. WICKERSHAM. If the gentleman had an appreciation of what goes on in the West, he would know all about this.

Mr. DONOVAN. The Post Office Department says that the business fell off from $10,000 in 1913 to $8,000 in 1914. It is a dying business. Mr. Speaker, I think we have taken a great many chances up in that country with $35,000,000 for a railroad.

Mr. JOHNSON of Washington. Will the gentleman yield to a question?

Mr. DONOVAN. Yes, sir. The gentleman from Washington always enlightens us.

Mr. JOHNSON of Washington. Does it not occur to the gentlemen from Connecticut that under the administration in which he plays a part he will expect to see a greatly increased business at Fairbanks, which will be a terminal of that railroad, and does he not think that it is entitled to a public building, and that now is the time to get it, when the land is cheap?

Mr. DONOVAN. You do not want me to qualify as an expert, do you, and undertake to foretell the future? [Laughter.] I leave that to the gentleman from Illinois [Mr. MANN], who does undertake to do that and play the divining act. He not only knows all that is going on in the present, but knows what will happen in the future. [Laughter.]

Mr. MANN. Oh, I can foretell the gentleman's future. He is serving his last term in Congress. [Laughter on the Republican side.]

Mr. DONOVAN. The gentleman is out of order. The gentleman is out of order most of the time. [Laughter.]

The population of Fairbanks, according to the census, is 3,541; and, Mr. Speaker, in view of the fact that the business of the post office has fallen off, and in view of the fact that neither the committee nor the gentleman who is the Delegate from Alaska here know what they are talking about, I object. [Laughter.]

Mr. WICKERSHAM. Will the gentleman withhold his objection for a moment?

Mr. DONOVAN. No. What you want to do is to go and inform yourself as to the facts. [Laughter.]

The SPEAKER. The gentleman from Connecticut objects, and the bill is stricken from the calendar. The Clerk will report the next bill.

PUBLIC-BUILDING SITE AT THOMASVILLE, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15110) to acquire, by purchase, condemnation, or otherwise, additional land for the post office in the city of Thomasville, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, in his discretion, to acquire, by purchase, condemnation, or otherwise, the portion of land between the post-office site and Madison Street, same width as post-office site and running back 56 feet, to enlarge the site for the post-office building at Thomasville, Ga., at a cost not to exceed $5,000.

The SPEAKER. Is there objection?

Mr. DONOVAN. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Connecticut reserves the right to object.

Mr. DONOVAN. From reading this bill I find there is no amount stated as the limit of the appropriation. Is that true, or have I read it wrong? There is no limit as to the amount appropriated.

Mr. PARK. The bill says "not to exceed $5,000."

Mr. DONOVAN. Let me ask the gentleman how much is expended there for the post office?

Mr. PARK. Nine thousand dollars has been expended for a site.

Mr. DONOVAN. How much for the building?

Mr. PARK. Nothing for the building.

Mr. DONOVAN. What is the population of the town?

Mr. PARK. About 5,000.

Mr. DONOVAN. Nine thousand and 5,000 are 14,000. Is the gentleman willing to offer every little place $14,000 for a post office?

Mr. PARK. No, sir; but this is the second largest winter resort in Georgia, and during the winter a great many people go there.

Mr. DONOVAN. Does not the gentleman think that $5,000 is a considerable price to pay for a plot of ground in a small town?

Mr. PARK. It is in the center of the city.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, is there any reason for this except the desire of the people of Thomasville to have the Government buy the land in order that they may have a park named after our late colleague, Mr. Roddenbery?

Mr. PARK. Yes, sir. There is another reason not given in the report. We expect to ask later, if we can get it, a United States court room, and the people wish the ground to be extended far enough to put the court room above the clerk and marshal's office and the post office.

Mr. MANN. Then the purchase of this land is not needed, so far as the present building is concerned? It is not needed for the erection of the building now authorized?

Mr. PARK. No, sir.

Mr. MANN. Does anybody contend that this would be an emergency matter, just to have the Government buy a piece of real estate?

Mr. PARK. It is this way: If the erection of a building is to be begun in the third quarter of this year, unless we can secure it now we can not get it at all. We wish to put the building in the center of that plat.

Mr. MANN. Oh, the man who wants to sell property always says that unless the purchaser buys it now the opportunity will be gone forever. I have been taken in myself in that way, and have learned better. I have owned some property that was said to be very cheap when I bought it years ago, and I can not get as much for it now as I paid then. [Laughter.]

Mr. PARK. Well, will the gentleman reserve his objection to the bill?

Mr. MANN. Yes; I will reserve it.

Mr. PARK. I wish to offer an amendment by unanimous consent.

Mr. MANN. The gentleman can have his amendment read for information.

The SPEAKER. Without objection, the amendment will be reported.

There was no objection.

The Clerk read as follows:

1. The enlarged site, except where buildings, further additions, and approaches are located, to be used as a park to be known as "Roddenbery Park," to be maintained by the city of Thomasville, Ga.

2. That the maintenance of the park in no way interferes with present or future plans of the Government regarding governmental use of the site.

Mr. PARK. Mr. Speaker, in a little city, largest but one in the district whence I come and second largest winter resort in Georgia, an appropriation of $70,000 has been made for a post-office site and building; a site has been purchased, and plans and specifications prepared.

The site is in the heart of the city on the corner of two prominent streets.

The authorization and appropriation were obtained through my predecessor, whose home was there and where his family still live.

Since his death the city authorities desire me to ask Congress for $5,000 to secure an addition to the site, which will give them, in all, a space 144 by 211 feet, and they wish the building placed in the center. It now faces two streets; it will then front three.

The Supervising Architect states that it is unnecessary to change plans, and no changes will be made except approaches, which will not add expense.

The people of Thomasville ask Congress to allow them to make a park of the space not occupied by the building, to be maintained at their expense and not interfere with the rights of the Government, only the privilege to adorn and care for it—the right to name it "Roddenbery Park" for my predecessor.

The park will be in the business center, facing east the Tosco Hotel, north the county courthouse, and west the Stewart House.

By my request, and by the grace of the President and the Senate, the widow of Congressman Roddenbery has been appointed postmaster in Thomasville, and she will preside in this building.

The park is to be sodded and planted in bulbs, shrubs, and trees.

Here will commingle the blue of the violet and the gray of the lily.

Here will intertwine the white rose of the North and the red rose of the South, whose fragrance and beauty shall tell of peace never again to be broken by warring sections.

Here the Confederate jessamine, bravely clinging, will reach to kiss with perfume breath the folds of the sheltering flag.

Here morning-glories in sweet accord will point their purple bugles to the skies to greet the roseate dawn.

Here may come the health seeker and breathe with healing the balsam-laden air.

Here may the myrtle flaunt its crimson plumes in shimmering, golden sunshine, and aromatic shrubs breathe their incense in atmosphere trembling to the droning of bees.

Here in the heart of this health resort, set like a jewel in the bosom of southwestern Georgia, I ask the Congress to perpetuate the memory of Seaborn Anderson Roddenbery; here, where he lived, had his triumphs and defeats, his sorrows and his joys, and died and is buried—the country of the grape, the melon, and the peach; the clime of the honeysuckle, the eglantine, and yellow jessamine, which draw their exquisite flavor and fragrance from the air in which they bloom and ripen; and when loving hands of his former fellow citizens shall adorn the spot, you will behold again "the hawthorne bush with seats beneath the shade for talking age and whispering lovers made."

Here will "the musk of magnolia hang thick in the air and the lily's phylacteries broaden in prayer."

Here the convalescent, the puny child, and sickly babe may rest in the calm of Indian summer, in the gentle zephyrs of blushing spring, and may breathe the ozone of subtropical winter.

In this lovely park the mocking bird, "the trim Shakespeare of the South," will year after year build his nest and rear his young and trill in sweet concord his roundelay.

And all will go to enshrine in the hearts of his countrymen the name and fame of a loyal son of Georgia and the South.

I earnestly ask the Members of this House to pass the bill. [Loud applause.]

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I had a very high opinion of the gentleman from Georgia, Mr. Roddenbery, during his lifetime, and I have the same feeling about him now; and I also have a very high opinion of his successor [applause], who has paid to the memory of Mr. Roddenbery a beautiful tribute. But I do not believe that Congress is called upon to erect a statue or provide a park for each Member of the House as he passes on. I doubt whether we could commence with one and stop there. There are some Members of the House that I would be willing to erect a statue for—but not yet. [Laughter.] I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. PARK. Will the gentleman withdraw his objection just a moment, while I ask unanimous consent to withdraw that amendment and offer one that the gentleman can not object to?

Mr. MANN. The gentleman's amendment is not before the House.

found in the possession of farmers and others, I do not believe any public interest would be injured thereby.

Mr. MANN. Does the gentleman think that any good purpose would have been served if the Government had reserved the oil in Oklahoma, California, Illinois, and Kansas?

Mr. MONDELL. The oil in Oklahoma belongs to the Indians mostly.

Mr. MANN. Some of it. That was reserved there and the Indians are getting the benefit of it. Does the gentleman think that anyone knew or could have foretold that there was oil there in the first place?

Mr. MONDELL. I do not think any good purpose would have been served if we had reserved the coal in Illinois and it had not passed to the possession of the farmers. However, we are doing that in the West, where we have not passed our lands, and I think it is entirely proper to do so.

Mr. MANN. I think a very good public purpose would have been served if we had reserved it in Illinois.

Mr. MONDELL. Mr. Speaker, the monarchical theory is to reserve all minerals to the crown, upon the theory that the mere subject is not entitled to anything except the soil that he stirs. It is a relic of monarchical government, of peonage, if you please.

Mr. MANN. Feudalism! Why not bring it all in?

Mr. MONDELL. I thank the gentleman for the suggestion. It is all of that. Our fathers departed from that plan. I do not think we should dispose of lands in fee simple for agricultural purposes that do unquestionably or probably contain valuable minerals, and we are reserving in such lands the minerals which they are believed to contain, which the department hopes they contain, which they show some evidence of containing; and it seems to me that is going quite far enough, and that it would not be wise to go further. It is a rather radical departure from our past practice to make a general reservation of all of the minerals. It should not be done. But if you are going to depart from the principle in this bill, which is the principle in the coal bill which passed a couple of years ago, there is no logical middle ground. It is either a reservation of the mineral or minerals which the lands are believed to contain or it is a reservation of all minerals. There would not be any logic in reserving simply the minerals named in this bill from lands that might be withdrawn under one of these classes. That would leave out coal, and the only other mineral that oil and gas lands are at all likely to contain is coal. Phosphate lands in our country are generally in a geological horizon which does not contain coal within a working distance from the surface. I know of no place in my State where there is a region having a geological formation that carries phosphate, that within any working depth from the surface contains a geological formation that carries coal or a geological formation that carries oil, but lands do sometimes contain both oil and gas and coal; sometimes those minerals are found, not very frequently, but sometimes in the same land.

Mr. MANN. Mr. Speaker, if somebody had suggested when I was a boy that oil could be found in Illinois, he would have been hooted at as crazy, and the geologists, I presume, would have set him down as a fool. Here is a proposition to permit lands to be classified as phosphate, nitrate, or potash. They have some phosphate lands, but I do not recall that they have found any yet that are really nitrate lands, and I doubt whether they have found any that amount to very much that are potash lands.

Mr. MONDELL. We are looking for them.

Mr. MANN. That is correct. We are looking for them, and they will be of very great value to the country, but they have not classified any, and do not intend to, as nitrate lands. So far as that is concerned, the bill uses the term directly enough, but it does not amount to anything if enacted.

It does not protect anybody, as far as nitrates are concerned. Now, I can see no reason why, if you permit a man to take the surface of the ground and he is willing to take the surface for agricultural purposes, we should not reserve the nitrates, the potash, and the phosphate deposits there, of immense value to the agricultural community all over the country, and which will probably never be found in great quantities in many places. Even if they find the nitrates at all, it will be a small space of immense value, and even if we find anything of that sort and this bill passes, some man or company would hold up the United States for nitrates. Nobody will settle on these lands with the expectation of finding nitrates.

Mr. MONDELL. Will the gentleman yield for just a moment?

Mr. SMITH of Idaho. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Idaho.

Mr. SMITH of Idaho. If you propose to reserve these supposed valuable deposits, who is going out to hunt for them?

Mr. MANN. People have not gone out to hunt for these things as a rule; that is just where the gentleman is mistaken.

Mr. SMITH of Idaho. What inducement will individuals have to go out and prospect if they are not to have some right to what they may locate?

Mr. MANN. They are usually out there hunting for something else in the locality, to begin with. Now, the gentleman from Wyoming thinks there is no middle course, while I think differently, but if there is no middle course, that is all right. I have not suggested anything but accepting the statement of my distinguished friend from Wyoming that there is no middle course, and not being willing to take the bill as it is, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the Calendar.

AMENDING SECTION 3646 OF THE REVISED STATUTES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15987) to amend section 3646 of the Revised Statutes of the United States as reenacted and amended by act of February 23, 1909.

The bill was read, as follows:

Be it enacted, etc., That section 3646 of the Revised Statutes be, and hereby is, amended to read as follows:

"SEC. 3646. That whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, within three years from the date of such check, to issue a duplicate check, under such regulations in regard to its issue and payment, and upon the execution of such bond, with sureties, to indemnify the United States, and proof of loss of original check, as the Secretary of the Treasury shall prescribe: *Provided*, That whenever any original check or warrant of the Post Office Department has been lost, stolen, or destroyed, the Postmaster General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster General may prescribe: *And provided further*, That when such original check or warrant does not exceed in amount the sum of $50 and the payee or owner is, at the date of the application, an officer or employee in the service of the Post Office Department, whether by contract, designation, or appointment, the Postmaster General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think this bill is of sufficient importance to have an explanation of its purposes. While the bill has been reported from the Committee on Invalid Pensions the proposition pertains to the loss of checks of every character whether relating to pensions or any other debit of the Government.

Mr. CRAMTON. Mr. Speaker, in reply to the question of the gentleman from Wisconsin I desire to say that the bill as originally introduced by me was entirely for the relief of pensioners, owing to the fact that under the present law when a voucher is lost the Treasury Department regulations do not permit a duplicate to be made inside of six months in the case where the voucher was for more than $50, and that, of course, results in a good deal of inconvenience, serious inconvenience to many of these old soldiers whose vouchers may be lost.

Mr. BARTLETT. The gentleman makes it three years.

Mr. CRAMTON. No; it does not, and I will explain——

Mr. STAFFORD. It says it may be presented within three years—that is, a three-year limitation—and it prevents it being issued beyond that time.

Mr. CRAMTON. I will explain it in just a moment. Inasmuch as many of these old soldiers are dependent upon their pension checks for living expenses to have them held up for six months is a very serious inconvenience, and the original bill which I introduced was to provide for that particular class, and in that form the bill was introduced. The bill was referred to the Committee on Invalid Pensions, and that committee sent the bill to the Pension Bureau with a request for their opinion, and in answer, in a letter addressed to Gen. SHERWOOD, the chairman of that committee, the Commissioner of Pensions stated:

> It concerns the Bureau of Pensions only indirectly, but I may say that so far as this bureau is affected thereby I see no objection to the action proposed——

Mr. STAFFORD. I am fully acquainted with the report; I have read it. I direct the gentleman's attention to the proposition as to whether it is advisable——

Mr. CRAMTON. If the gentleman will be patient for a moment——

Mr. STAFFORD. I do not desire the gentleman to read the report, as I have read it, and I do not wish to detain the House to that extent.

Mr. CRAMTON. If the gentleman will give me the time, I think I will not detain the House very much. I will insert the two letters, one from the Department of the Interior and the other from the Treasury Department:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, January 23, 1914.

Hon. I. R. SHERWOOD,
Committee on Invalid Pensions, House of Representatives.

MY DEAR GENERAL: I return herewith copy of the bill (H. R. 11893) introduced by Mr. Cramton and referred to me by Mr. Parrish by direction of the Committee on Invalid Pensions.

The purpose of the legislation proposed is to amend section 3646, Revised States, as to the issuance of duplicate checks in lieu of those lost, so as to permit the issuance of a duplicate check at any time after the expiration of 30 days, in case of a check drawn in payment of pension.

The statute proposed relates to the business of the Treasury Department rather than to that of the Pension Bureau, and the authority granted therein is given to the Secretary of the Treasury. It concerns the Bureau of Pensions only indirectly, but I may say that, so far as this bureau is affected thereby, I see no objection to the action proposed. On the other hand, the ability to issue promptly a duplicate check in lieu of a lost check for pension would undoubtedly prove in some instances a matter of great convenience and real benefit to the pensioner.

Very truly, yours,
G. M. SALTZGABER,
Commissioner.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 23, 1914.

Hon. LOUIS C. CRAMTON,
House of Representatives.

SIR: I have to acknowledge the receipt of your letter of the 25th ultimo, inclosing, for the consideration of the department, copy of bill H. R. 11893, Sixty-third Congress, second session, being a bill to amend section 3646, Revised Statutes of the United States, as amended by the act of March 23, 1906, etc., so as to authorize the issue of duplicates of checks drawn for any amount in payment of pensions after the expiration of 30 days and within 3 years from date of issue.

In reply I beg to advise you that the present law governing the issue of duplicate checks is section 3646, Revised Statutes of the United States, as reenacted by the act of February 23, 1909, and the department suggests in lieu of the bill submitted by you the substitution of the inclosed draft of a bill amending said section so as to provide for the issue of all classes of duplicate checks at any time within three years from date of issue under such regulations as the Secretary of the Treasury shall prescribe. If enacted into law, this will enable the Secretary of the Treasury to provide by appropriate regulation for the issue of duplicate checks of all classes at the expiration of such periods as may be deemed most desirable, and pension checks could under such a regulation be issued after the expiration of 30 days and within 3 years from date of issue, as suggested in the bill submitted by you.

The draft of the proposed bill has the approval of the department.

Respectfully,
W. G. MCADOO, *Secretary.*

Mr. CRAMTON. As the gentleman will see, it was then referred to the Treasury Department and the Treasury Department drew a new bill on a little broader lines in order to take care of the general situation, and in that bill it does not provide a limit, but it gives the Secretary of the Treasury authority to prescribe the regulations.

Mr. STAFFORD. Under existing law, as I understand, the Secretary of the Treasury has that authority at the present time after six months has expired when a check has been lost.

Mr. CRAMTON. Yes.

Mr. STAFFORD. Now, the gentleman is lifting that limitation entirely to authorize the Secretary of the Treasury to issue a duplicate check at any time after proof of loss.

Mr. CRAMTON. Yes. It authorizes the Secretary of the Treasury to prescribe regulations by which the department will issue duplicate checks, and inasmuch as it is a matter which concerns the department entirely it does not seem to me unreasonable to let the people who have the administration of the department determine under what conditions and at what time they will issue the duplicate checks.

Mr. STAFFORD. Of course if it is a small amount the existing statute applies, and there can be no objection to allowing them to issue duplicate checks after very brief periods, but if the check, involving hundreds of thousands of dollars, has been lost, it would be questionable whether we should give the department the right to issue a duplicate check in a short time, even though a bond may be given in order to indemnify the Government.

Mr. CRAMTON. In the first place, a bond is provided for. In the second place, it seems reasonable to believe that the department, having the actual experience with the matter and having the actual administration of the department, would know as well what regulations were reasonable as we would down here.

Mr. STAFFORD. Mr. Speaker, with that explanation I will not press the objection any further.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time——

Mr. MANN. Mr. Speaker, I ask unanimous consent to amend the bill, page 2, line 12, by striking out the word "contact" and inserting the word "contract."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 12, strike out the word "contact" and insert the word "contract."

The SPEAKER. Without objection, the proceedings on the bill will be vacated back to the amendment stage.

There was no objection.

The question was taken, and the amendment was agreed to.

Mr. FOSTER. Mr. Speaker, I move to strike out the last word. I would like to inquire of the gentleman in charge of the bill, if he will give me his attention, why the proviso on page 2—the first proviso?

Mr. CRAMTON. As to the issuance by the Post Office Department?

Mr. FOSTER. Yes.

Mr. CRAMTON. That is a reenactment of the old legislation.

Mr. FOSTER. You have, then, just reenacted the legislation?

Mr. CRAMTON. There has been no change after that "provided."

Mr. FOSTER. Mr. Speaker, I withdraw the pro forma amendment.

Mr. HAYDEN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Arizona [Mr. HAYDEN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] makes the same request. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, I desire to submit with my earnest approval some resolutions unanimously adopted by the Tennessee Press Association and transmitted to me by the Hon. Rutledge Smith, a prominent Democrat, who was the efficient and worthy secretary to the Hon. James B. Frazier when a Member of the United States Senate. Also similar resolutions adopted by the Commercial Club of Knoxville, Tenn., its membership composed of the leading merchants of that progressive and enterprising city.

The Tennessee Press Association is an organization composed largely of Democratic editors. Recently I submitted resolutions to this House calling for an immediate adjournment of Congress by the Bankers' Association of Tennessee.

The matter referred to is as follows:

TENNESSEE PRESS ASSOCIATION,
Nashville, Tenn., June 6, 1914.

Hon. RICHARD W. AUSTIN,
Washington, D. C.

DEAR SIR: Your attention is respectfully directed to the inclosed resolution, which was unanimously adopted by the Tennessee Press Association at its annual meeting, held in the city of Memphis, Tenn., June 4, 1914.

Yours, truly,
RUTLEDGE SMITH,
Secretary.

Whereas Congress has been in continuous session more than a year, passing tariff and currency legislation, to which the business of the country has not yet adjusted itself; and

Whereas, in view of this fact, business men all over the country are of the opinion that a legislative rest would be both wise and expedient at this time, taking the position that to enact laws that would tend to unsettle business conditions, no matter how meritorious, would not be to the best interest of the country: Now, therefore, be it

Resolved, That the business interests of the country would best be conserved by an early adjournment of Congress, and the secretary of the Tennessee Press Association is hereby instructed to send a copy of this resolution to the President, Vice President, Speaker of the House, Tennessee Senators and Members in Congress.

THE COMMERCIAL CLUB,
Knoxville, Tenn., June 9, 1914.

At a meeting to-day of the Commercial Club, composed of the jobbers and manufacturers of Knoxville, the following resolutions were offered and unanimously adopted:

Whereas the present Congress has revised the tariff and enacted new banking laws, conditions which tend to affect business generally, and to which business has not had an opportunity to fully adjust itself; and

Whereas the country has suffered from the poor crops in 1913 and the outlook for 1914 is not at this time bright: Therefore be it

Resolved, That the Commercial Club of Knoxville, Tenn., is of the opinion that it would be unwise for Congress at this session to pass the bills which are now being considered by Congress for the regulation of business, as the people generally have not been given an opportunity to fully consider the nature of these bills, and their passage at this time

Mr. KINKAID of Nebraska. Will the gentleman yield for a question?

Mr. HAYDEN. With pleasure.

Mr. KINKAID of Nebraska. I want to ask the gentleman what became of a bill that was reported favorably, and it seems to me discussed on the floor here in the last Congress, for an additional land-office district in the State of Arizona?

Mr. HAYDEN. There was no such bill in the last Congress. The State of Nevada had but one land office, and a bill was passed allowing two land offices in that State, just as I hope we will pass this bill to-day.

Mr. KINKAID of Nebraska. I am very heartily in favor of this bill, because I have seen enough of the State of Arizona to realize that there is great necessity for an additional land district. You ought to have at least two, if not three, districts, in my judgment.

Mr. MONDELL. I think there is no doubt that the public interest would be greatly served by the establishment of an additional land office in Arizona. It is a very great hardship for settlers to go great distances to a land office, and it is not the best way to transact the public-land business, to conduct a large portion of it before United States commissioners and clerks of the courts.

Mr. HAYDEN. There is no question about that.

Mr. MONDELL. But that side of the House a year or so ago was very much in favor of doing away with the office of receiver of the land offices. Gentlemen over there were very much impressed with the idea that this was an altogether useless and unnecessary office, that in the interest of economy and in keeping the Democratic pledges these offices should be abolished, particularly so as long as they were largely occupied by Republicans. But I notice that the gentleman's bill provides for the office of receiver just the same as in the former days. Has that side of the House changed its opinion in regard to that matter since we have reached the time for the appointment of Democrats to these offices?

Mr. HAYDEN. I can say truthfully that the two gentlemen who at present occupy the offices of register and receiver in Arizona are conducting them to the entire satisfaction of the people of the State, and both are Democrats.

Mr. MONDELL. Of course; and I presume that two good Democrats will be appointed to the jobs provided for in this bill.

Mr. HAYDEN. There is no doubt about that.

Mr. MANN. Not to-day. [Laughter.] I want to ask the gentleman from Arizona a question. When the two land offices in Arizona were consolidated into one, one having been located at Prescott and the other at Tucson, I understand that the one land office was located at Phoenix because it was more centrally located.

Mr. HAYDEN. Yes.

Mr. MANN. If the gentleman locates this land office at Tucson, then he will want to move the Phoenix land office to some more central part of the State, will he not?

Mr. HAYDEN. If there is any legitimate demand for a change in location, I shall want it moved.

Mr. MANN. It is perfectly plain that in a State like Arizona, where you consolidate two offices into one and locate that one in the central part of the State, that when you recreate one of those districts again you ought to move the central location to a farther central location of the district that is left. Is the gentleman in favor of an amendment to this bill changing the location of the other land office at Phoenix back to Prescott?

Mr. HAYDEN. I do not think that such an amendment is necessary at this time.

Mr. BUTLER. Why not make one at large and locate it on a wagon?

Mr. MANN. If this office is located at Tucson, certainly moving the Phoenix office back to Prescott would be for the convenience of the people.

Mr. HAYDEN. There is a considerable area of public land at no great distance from Phoenix. The office there is not inappropriately located.

Mr. MANN. If you have two districts, Phoenix is not the proper place for either one of the districts, but if you have one district, Phoenix is admirably situated for that one.

Mr. HAYDEN. All this is beside the question involved in this bill.

Mr. MANN. Not entirely in my mind.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. HAYDEN. Will the gentleman from Illinois withhold his objection one moment? I would like to read a few lines from a Tucson newspaper for the benefit of the gentleman from Illinois.

Mr. MANN. I object, Mr. Speaker; I do not want to hear it. [Laughter.] If the gentleman wants to read it for anybody else's benefit, very well.

Mr. HAYDEN. Then let me read it for my own benefit.

Mr. MANN. I have no objection to the gentleman reading it for his own benefit.

Mr. HAYDEN (reading):

WILL CARL HAYDEN KEEP FAITH?

CARL HAYDEN has lived in Arizona all of his life, and those who know him will say that when he gives his word he will keep faith, and having pledged himself to support the Tucson land-office measure, he will put that bill through the House.

Only constant vigilance on the part of HAYDEN will get the land office for Tucson. On the next day for considering "unobjected bills" Tucson should get the land office if HAYDEN is watchful and on guard, otherwise it may go to the foot of the calendar and not be reached again this session.

If HAYDEN is really trying to serve Phoenix as stated, it would be an easy matter for him to arrange with some Member who could not possibly be hurt by his action to rise in his seat and object to the consideration of the measure which must be taken up by unanimous consent, but we do not think that CARL HAYDEN would do a trick like that. He has much more to gain by looking at this question from the broad standpoint of all of his constituents instead of taking the narrow and provincial view of the Salt River Valley.

The land attorneys at Phoenix, who do not want to see the land office removed, employed a man to go among the merchants and business organizations there to work up protests against the passage of the bill and CARL HAYDEN has been flooded with this matter. He has many personal friends at Phoenix, and undoubtedly they have posted him that these protests are inspired by the land attorneys, whose interest is purely selfish.

We think HAYDEN will keep faith with southern Arizona.

Now, I would like to inquire of the gentleman from Illinois whether I have made any arrangement with him to object?

Mr. MANN. Oh, the gentleman from Arizona can make his own statement; I am not going to compromise him. [Laughter.]

Mr. HAYDEN. Under the permission granted me to extend my remarks, I ask that a part of my report on this bill from the Committee on the Public Lands be printed in the RECORD.

The report is as follows:

[House Report No. 504, Sixty-third Congress, second session.]

ADDITIONAL LAND DISTRICT IN ARIZONA.

Mr. HAYDEN, from the Committee on the Public Lands, submitted the following report to accompany S. 2548:

The Committee on the Public Lands, to whom was referred the bill (S. 2548) to create an additional land district in the State of Arizona, having had the same under consideration, respectfully recommend that the bill do pass. The committee requested the Secretary of the Interior to state the effect of the passage of this bill, and the following letters and tabulated statement show that the fees and commissions in the present Arizona land district have been more than sufficient to support two maximum land offices for the past six years. The fact that the fees and commissions are large enough to maintain two maximum offices clearly demonstrates that the public is entitled to the convenience of a second land office.

A memorial to Congress passed by the Arizona Legislature, which was referred to your committee, states that there is urgent necessity for the establishment of an additional land office in Arizona and recites the fact that many Western States with less public land than Arizona have from 6 to 10 land offices.

The report of the Secretary of the Interior on this bill is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 8, 1914.

Hon. SCOTT FERRIS,
Chairman Committee on the Public Lands,
House of Representatives.

MY DEAR MR. FERRIS: I have the honor to acknowledge receipt of your request of March 18, 1914, for a report on Senate bill 2548.

The purpose of the aforesaid bill is the establishment of an additional land district in Arizona.

There is attached hereto a tabulated statement indicating the number of entries made in Arizona each year since 1904, the total number of patents issued, the total amount of money received, and the total compensation earned and paid to registers and receivers, from which computation can be easily made of the amount of compensation that would have been paid to registers and receivers if the business had been equally divided between two land offices.

You ask what proportion of original entries and final proofs are made before officers other than the register and receiver. It is estimated that about one in four is made before the register and receiver. However, the creation of an additional land district would no doubt increase this ratio, as it has been found in States where land offices are numerous that applicants prefer to transact this business with the land officers direct.

You ask if the large grants to the State of Arizona by the enabling act will affect the business of the land office and what effect the so-called Santa Fe Railroad land selections under the act of April 21, 1904 (33 Stat., 189–211), will have upon the business in Arizona. There have been approximately 200 of the latter class of selections, but it should be borne in mind that these selections are not a matter of right but of discretion of the Secretary of the Interior. For the Santa Fe lieu selections the local officers are entitled to $1 each for 160 acres or fraction thereof selected. While section 29 of the act of June 20, 1910 (36 Stat., 557), provides that "the fees to be paid to the register and receiver for each final location or selection of 160 acres * * * shall be $1," and the compensations of the local land officers will be increased in proportion to the selections made, the local land office will, to the extent of such selections, be deprived of the fees which would be received in connection with other applications under the public-land laws. However, it is impossible to attempt to approximate just what the financial difference might be.

The estimated cost of transcribing the records in order to establish this new land office, from the data available to this department, is placed at $1,000.

It is very difficult to estimate the future land-office business in a given territory, in view of the fact that it depends in a great measure upon climatic conditions and the character of the available lands. A glance at the accompanying table will show you that, with the exception of the fiscal year 1912, there has been a steady increase in the business of the Phoenix land office up to June 30, 1913.

In view of the amount of public-land business transacted in Arizona during the last five fiscal years and the apparent convenience it would afford the public, I am inclined to the opinion that the establishment of the new office is warranted. For your further information I attach copy of the department's report of July 9, 1913, upon this bill to the chairman of the Senate Committee on Public Lands, omitting its statement of the boundaries of the proposed district.

As requested, the inclosures forwarded with your letter are herewith returned.

Cordially, yours, FRANKLIN K. LANE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14634) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

DISPOSITION OF SURFACE LANDS.

The next business on the Calendar for Unanimous Consent was the bill H. R. 15036.

The Clerk read the bill, as follows:

A bill (H. R. 15036) to provide for the disposition of the surface of lands withdrawn, classified, or reported as containing phosphate, nitrate, potash, oil, gas, or asphaltic minerals.

Be it enacted, etc., That lands withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals, or which are valuable for those deposits, shall be subject to appropriation, location, selection, entry, or purchase, if otherwise available, under the nonmineral land laws of the United States, whenever such location, selection, entry, or purchase shall be made with a view of obtaining or passing title with a reservation to the United States of the deposits on account of which the lands were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same; but no desert entry made under the provisions of this act shall contain more than 160 acres: *Provided*, That all applications to locate, select, enter, or purchase under this section shall state that the same are made in accordance with and subject to the provisions and reservations of this act.

SEC. 2. That upon satisfactory proof of full compliance with the provisions of the laws under which the location, selection, entry, or purchase is made, the locator, selector, entryman, or purchaser shall be entitled to a patent to the land located, selected, entered, or purchased, which patent shall contain a reservation to the United States of the deposits on account of which the lands so patented were withdrawn or classified or reported as valuable, together with the right to prospect for, mine, and remove the same, such deposits to be subject to disposal by the United States only as shall be hereafter expressly directed by law. Any person qualified to acquire the reserve deposits may enter upon said lands with a view of prospecting for the same upon the approval by the Secretary of the Interior of a bond or undertaking to be filed with him as security for the payment of all damages to the crops and improvements on such lands by reason of such prospecting, the measure of any such damage to be fixed by agreement of parties or by a court of competent jurisdiction. Any person who has acquired from the United States the title to or the right to mine and remove the reserve deposits, should the United States dispose of the mineral deposits in lands, may reenter and occupy so much of the surface thereof as may be required for all purposes reasonably incident to the mining and removal of the minerals therefrom, and mine and remove such minerals, upon payment of damages caused thereby to the owner of the land, or upon giving a good and sufficient bond or undertaking therefor in an action instituted in any competent court to ascertain and fix said damages: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, select, enter, or purchase, under the land laws of the United States, lands which have been withdrawn or classified as phosphate, nitrate, potash, oil, gas, or asphaltic mineral lands, with a view of disposing such classification and securing patent without reservation, nor shall persons who have located, selected, entered, or purchased lands subsequently withdrawn, or classified as valuable for said mineral deposits, be debarred from the privilege of showing, at any time before final entry, purchase, or approval of selection or location, that the lands entered, selected, or located are in fact nonmineral in character.

SEC. 3. That any person who has in good faith located, selected, entered, or purchased, or any person who shall hereafter locate, select, enter, or purchase, under the nonmineral land laws of the United States, any lands which are subsequently withdrawn, classified, or reported as being valuable for phosphate, nitrate, potash, oil, gas, or asphaltic minerals may, upon application therefor, and making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which patent shall contain a reservation to the United States of all deposits on account of which the lands were withdrawn, classified, or reported as being valuable, together with the right to prospect for, mine, and remove the same.

The following committee amendments were read:

First. Amend page 2, line 19, by striking out the word "reserve" and inserting "reserved" in lieu thereof.

Second. Amend page 3, line 2, by striking out the word "reserve" and inserting "reserved" in lieu thereof.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask a question about the bill. It proposes to sell or dispose of the surface title of lands classified as phosphate, nitrate, potash, oil, gas, or asphaltic minerals?

Mr. FRENCH. Yes.

Mr. MANN. Where they classify land as phosphate land, the land may have some other minerals in it?

Mr. FRENCH. Yes.

Mr. MANN. Where they classify land as oil lands, do they say anything about gas?

Mr. FRENCH. The classifications for the most part are made with respect to one particular mineral.

Mr. MONDELL. Will the gentleman from Idaho yield to me?

Mr. MANN. If the gentleman from Idaho has the information, let us get it from him.

Mr. FRENCH. In my State the withdrawals are simply for phosphate and not for any other purpose.

Mr. MONDELL. The gentleman is aware that lands withdrawn for oil are always withdrawn for oil and gas?

Mr. FRENCH. That is true; but we have none of those in Idaho.

Mr. MANN. How about land withdrawn for asphaltic minerals?

Mr. FRENCH. That is withdrawn for asphaltic minerals.

Mr. MANN. Under such circumstances, where the land has been withdrawn for any such purpose and we give a surface title, why should not the Government reserve all of the minerals under the surface?

Mr. FRENCH. You then would provide that in the passage of this act the withdrawal would be made of all of those minerals wherever the withdrawal for any one exists?

Mr. MANN. So far as this act is concerned.

Mr. FRENCH. I see no objection to it.

Mr. MANN. That is not what this bill does. It says "on account of which the lands so patented were withdrawn or classified or reported as valuable."

Mr. FRENCH. I assume that these withdrawals had in view the particular minerals found there, and I assume that for the most part the withdrawals hold pretty true to the deposits that are within the lands.

Mr. MANN. I should assume, without any hesitation whatever, that if the land had been withdrawn in my State or Indiana or Oklahoma or Massachusetts or any other State that is settled they would not have withdrawn it for the mineral that was worth the most after they found out what was there.

Mr. FRENCH. If the gentleman cares to propose an amendment of that character when we consider the bill, I would not be opposed to it.

Mr. MONDELL. Mr. Speaker, will the gentleman from Illinois yield to me?

Mr. MANN. Certainly, if I have the floor.

Mr. MONDELL. Mr. Speaker, the gentleman's suggestion relates to a general mineral reservation. Of course that is not what this bill provides. Let me make this suggestion to the gentleman: The only double withdrawals that are likely are not of two of the classes of minerals named in this act, but of coal, oil, and gas. There are, or are likely to be, such withdrawals as that—withdrawals of the same land for coal, oil, and for gas. Coal and coal land is not treated of in this bill directly at all, but this bill provides that there shall be a reservation to the United States of the minerals on account of which the land was withdrawn. Therefore if the land is withdrawn for oil and gas, the two being always coupled, and also withdrawn for coal, the reservation would be of the oil and gas and of the coal.

But you could scarcely logically amend this bill, if you are going to amend it so as to include in the reservation simply the minerals named here. It would be scarcely logical unless you are going to go further and include coal in the reservation and go still further to a general mineral reservation. The moment you depart from the kind of reservation that we have heretofore provided for in the case of coal, and which we are now extending to these other minerals—the moment you depart from that theory of the reservation of those minerals only for which the land is withdrawn—you must logically go to the extreme of withholding all minerals.

Mr. MANN. Why not do that?

Mr. MONDELL. That is a pretty large question, and it has been argued here several times, and I think personally there is a great deal of objection to making a reservation of the minerals which the lands do not contain. Of course it is barely possible that some other minerals might some time be found than those for which the land is withdrawn, but it is not at all likely, and if in the far-distant future such minerals should be

as a member of the New Jersey and New York Joint Harbor Line Commission. Would not such a retired officer have permission to accept such work now if they would hire him?

Mr. HAY. Undoubtedly.

Mr. MANN. And he could not be required to take it?

Mr. HAY. He could not be required to do it.

Mr. MANN. And if he wanted to take it, he could take it, anyhow?

Mr. HAY. If he wanted to do it and was detailed to do it by the President, but I do not think that would authorize him to receive compensation.

Mr. MANN. He is not to get compensation from the Government under this resolution. He is to be paid by the commission over there. That is the reason I say that the bill as originally introduced in the Senate provided for an active officer in this work, and when it was changed to a retired officer I really could not see what object there was in it at all.

Mr. HAY. The object of it is to authorize the officer to receive such compensation for his services as may be provided by the State commissioners. He would not have the right as an officer of the Army to receive compensation, even though he is a retired officer, unless Congress gave him the permission to do it.

Mr. MANN. He has the right to receive compensation. A retired officer of the Army is not forbidden to do work?

Mr. HAY. But if he is assigned to duty by the President he thereby gets the pay which he would receive if he were on the active list.

Mr. MANN. I understand, but without being assigned to duty by the President, they could employ any retired officer to go over and do this work?

Mr. HAY. Yes; they could.

Mr. MANN. Then I do not see really what they accomplish by this resolution.

Mr. HAY. As I understand it, a retired officer has the right to engage in any occupation which he may see fit to engage in, and if these States want to employ a man and offer him compensation, he has a right to go and discharge the duties of the place which he accepts.

Mr. MANN. That is what I understood to be the case.

While I shall not object to the resolution, I do not see what earthly good it does anybody.

Mr. TALCOTT of New York. It authorizes the President to designate a particular officer, and in accordance with the designation of the War Department he would probably recommend the officer best adapted for the service.

Mr. MANN. Oh, no. You know that the commission will pick out the officer. If they are going to pay him, they will pick out the officer. But a retired officer is no longer in touch with the purposes of the Corps of Engineers with respect to the improvement of New York Harbor. That was the original purpose of this resolution, and the President in the last Congress vetoed a similar resolution, because, as I recall it, the Corps of Engineers did not desire to be put in that attitude.

Mr. TALCOTT of New York. Does not the gentleman think that a member of the Corps of Engineers who has heretofore been connected with the harbor work in New York would render valuable service in connection with that work?

Mr. MANN. Any one of them can be employed if you will pay them and give them the work. But it does not amount to anything.

The SPEAKER pro tempore. Is there objection to the present consideration of the Senate joint resolution?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. TALCOTT of New York, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIENS OF JUDGMENT AND DECREES OF UNITED STATES COURTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11624) to repeal an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens of judgments and decrees of the courts of the United States,' approved August 1, 1888."

The Clerk read the bill, as follows:

Be it enacted, etc., That an act approved March 2, 1895, entitled "An act to amend section 3 of an act entitled 'An act to regulate the liens and judgments and decrees of the courts of the United States,' approved August 1, 1888," be, and the same is hereby, repealed.

SEC. 2. That this act shall take effect on and after January 1, 1915.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman from Louisiana [Mr. DUPRÉ] in explanation of the bill.

Mr. DUPRÉ. I shall be glad to give it. The object of this bill is to correct a very palpable error that Congress fell into in passing the act approved August 17, 1912. The statute of August 1, 1888, required that judgments rendered by the United States courts, in order to operate as liens or privileges, should be registered in conformity with the laws of the respective States. In section 3, however, of the act of 1888 an exception is made in the county or parish where the court is sitting that renders the judgment; for instance, taking a case in my State, when the court sits in the parish of Orleans and renders a judgment it is not necessary to record that judgment in order to have it operate as a lien; but in order that it should have that effect in the parish of Jefferson, which is just across the river, the judgment would have to be recorded. That is the way the statute read when it passed in 1888. On March 2, 1895, the section which made the exception that I have referred to was amended so as to add the following provision:

> That nothing herein shall be construed to require the docketing of a judgment or decree of a United States court or the filing of a transcript thereof in any State office within the same county or the same parish in the State of Louisiana in which the judgment or decree is rendered, in order that such judgment or decree may be a lien on any property within such county.

And here is the addition contained in the act of 1895:

> If the clerk of the United States court be required by law to have a permanent office and a judgment record open at all times for public inspection in such county or parish.

Now, in the last Congress the gentleman's colleague from Illinois, Mr. Sterling, introduced an act repealing section 3 of the act of 1888; but he overlooked the fact and Congress overlooked the fact that section 3 of the act of 1888 had been superseded by the act of 1895. In other words, we repealed an act which had already been amended by another act and failed to repeal the amending statute.

The object of Mr. Sterling's bill, and the object I am seeking to carry out in this bill, is to require all judgments of the United States courts to be recorded in order to operate as liens or privileges, if the several States require this course for State judgments.

The primary object of the gentleman from Illinois, Mr. Sterling, I think, was to meet the conditions that resulted from the operation of the Torrens act in that State. In passing a deed of sale in my State—and I think it is the same in other States—we not only have to get a certificate from the recorder of mortgages, where State judgments are recorded, to show that no judgments are standing against the party, but we must go to the United States court and pay for an additional certificate to show that there are no judgments outstanding in the clerk's office of that court, because a judgment of the United States court in the city of New Orleans, or in any place where the court is sitting that renders that judgment, has the effect of a lien or privilege against property in that city without the necessity of registry.

The idea is to simplify transactions of sale. The bill was well debated here in the last Congress. I have the RECORD at hand. The gentleman from Illinois, Mr. Cannon, and the gentleman from Indiana, Mr. Crumpacker, and Judge Moon, of Pennsylvania, and Mr. Sterling, of Illinois, and Mr. FLOYD of Arkansas, and other gentlemen participated in the debate, and the bill went through without any objection. I am simply seeking this remedial legislation to perpetuate what Congress intended to do, but which, through oversight, it failed to do.

Mr. MANN. I think the Sterling bill, which the gentleman refers to, was introduced by Mr. Sterling at my request. In the first place, it was amended some, and there was a good deal of confusion about it when it passed as to what it did; and I do not want to make any mistake again if I can help it. If I recollect aright, the purpose of the Sterling bill was really to protect those places where they had adopted the Torrens title system, and the purpose was to require any judgment of any United States court, before it became a lien upon real estate, to be recorded in the proper recorder's office if the State required the same thing as to State judgments.

Mr. DUPRÉ. The gentleman is absolutely correct in that respect.

Mr. MANN. Now, under the law which was sought to be repealed, and which this bill seeks to repeal, a judgment of the Federal court is not required to be recorded if it is in the same county or parish where the Federal courthouse is situated.

Mr. DUPRÉ. That is true.

Mr. MANN. And they keep a docket of the judgments. You want to repeal that so that a judgment will not be a lien in any State in a county or parish unless they get a transcript of the judgment and record it in the recorder's office?

Mr. DUPRÉ. That is the object of this legislation, and I will repeat that I am trying to do what Mr. Sterling intended to do; and I was in a sense responsible with him, since I was a member of the committee which reported that bill.

Mr. MANN. Oh, well, I understand the error that was made is a natural error, as long as we will not bring our statutes down to date in a codification.

Mr. DUPRÉ. I was not aware that there had been an amending statute in 1895, nor was Mr. Sterling aware of it, nor were the other gentlemen who discussed the matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. DUPRÉ, a motion to reconsider the last vote was laid on the table.

ADDITIONAL LAND DISTRICT, ARIZONA.

The next business on the Calendar for Unanimous Consent was the bill (S. 2548) to create an additional land district in the State of Arizona.

The bill was read, as follows:

Be it enacted, etc., That an additional land district is hereby created for the State of Arizona to embrace the lands contained beginning at the southeast corner of the State of Arizona; thence north along the boundary line between the States of Arizona and New Mexico to the southeast corner of township 5 north, range 31 east of the Gila and Salt River meridian; thence west along the township line to the southwest corner of township 5 north, range 28 east; thence north along the range line to the northeast corner of township 8 north, range 27 east; thence west along the second standard parallel north to the southeast corner of township 9 north, range 25 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 10 north, range 21 east; thence north along the range line to the northeast corner of said township; thence west along the township line to the southeast corner of township 11 north, range 18 east; thence north along the range line to the northeast corner of said township; thence west along the surveyed and unsurveyed township line to the southwest corner of township 12 north, range 16 east, when surveyed; thence north along the unsurveyed range line to the northwest corner of said township; thence west along the third standard parallel north to the northeast corner of township 12 north, range 10 east; thence south along the range line to the southeast corner of said township; thence west along the township line to the northwest corner of township 11½ north, range 11 east; thence south along the surveyed and unsurveyed range line, allowing for the proper offsets, to the southwest corner of township 2 north, range 11 east, when surveyed; thence east along the surveyed and unsurveyed township line to the northeast corner of township 1 north, range 15 east; thence south along the range line to the southeast corner of said township; thence east along the base line to the northeast corner of unsurveyed township 1 south, range 15 east; thence south along the surveyed and unsurveyed range line to the northwest corner of township 4 south, range 16 east; thence east along the township line to the northeast corner of township 4 north, range 17 east; thence south along the range line to the southeast corner of said township; thence east along the unsurveyed township line to the northeast corner of unsurveyed township 5 south, range 18 east; thence south along the surveyed and unsurveyed range line to the southeast corner of township 10 south, range 18 east; thence west along the second standard parallel south to the southeast corner of unsurveyed township 10 south, range 1 west; thence north along the Gila and Salt River principal meridian to the northeast corner of said township; thence west along the second standard parallel south to the northwest corner of township 10 south, range 10 west; thence south along the unsurveyed range line to its intersection with the south boundary of Arizona; thence southeasterly and easterly along said boundary to the southeast corner of the State of Arizona, the place of beginning; and the city of Tucson, in the county of Pima, is hereby designated as the site for said land office, and the district shall be known as the Tucson land district.

SEC. 2. That the Secretary of the Interior shall cause all plats, maps, records, and papers in the Phoenix land office which relate to or form a necessary part of the records of the lands embraced in the district hereby created to be transferred to the Tucson land district.

SEC. 3. That the President is authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, as I recall, since I have been here we abolished the land office at Tucson in the interest of economy.

Mr. HAYDEN. There was a consolidation, not by act of Congress but by departmental order, abolishing the offices in Prescott and Tucson and removing the office to Phoenix.

Mr. MANN. It went into effect in 1905, I think.

Mr. HAYDEN. Yes.

Mr. MANN. In view of the Democratic platform, does the gentleman have the nerve to ask us to re-create this office?

Mr. HAYDEN. I will state that the receipts from the sale of public lands in Arizona are sufficient to justify the existence of two land offices in my State, and for the convenience of the public there should be two offices.

Mr. STAFFORD. Will the gentleman yield in that particular?

Mr. HAYDEN. Yes.

Mr. STAFFORD. I notice in the letter of the distinguished Secretary of the Interior he says only about one in four of the entries and final proofs are made before the register and receiver. Will the gentleman inform the committee how the other three-fourths are transacted?

Mr. HAYDEN. Before United States court commissioners and clerks of the courts.

Mr. STAFFORD. In that way the interested parties are not inconvenienced because of the want of a land office.

Mr. HAYDEN. It is much more satisfactory to go to the land office and attend to the business personally with the register and receiver than with some commissioner, who may make errors.

Mr. STAFFORD. I assume that after the entryman makes his entry the commissioner then sends it to the land office, and that the final proof is transmitted in the same way.

Mr. HAYDEN. Yes; he transmits it to the land office.

Mr. STAFFORD. In that particular, I notice that this distinguished Secretary does not come out very strongly in favor of this bill. He says:

> I incline to the opinion that the establishment is warranted.

He does not use his customary strong King's English in favor of the passage of this bill.

Mr. HAYDEN. I am sure you will notice that as to most bills on which the Secretary of the Interior makes report he generally contents himself with saying that he has no objection to their passage.

Mr. STAFFORD. Oh, Secretary Lane usually comes out flat-footed in favor of things that he recommends.

Mr. MANN. If he is very much in favor of them, he lobbies with Members of the House through the mail.

Mr. KENT. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. KENT. In case of contest, or any objection or correction of the papers, they have to go to the land office, do they not?

Mr. HAYDEN. Yes.

Mr. KENT. How far is it to the land office at present in existence from the outside boundaries of the gentleman's State?

Mr. HAYDEN. About 250 miles.

Mr. KENT. So that in the event of any complication it is a hardship to have to go to the land office?

Mr. HAYDEN. Yes. The railroad rates are very high.

Mr. MANN. That condition existed in 1905, when the Interior Department consolidated these offices. Secretary Lane states that the two districts were consolidated on October 2, 1905, and the consolidated land office located at Phoenix because the public business did not warrant the maintenance of two land offices in Arizona.

Mr. HAYDEN. Yes. During the year 1906, the first year after the consolidation, the total land-office business amounted to only about $51,000, but in 1913 it had increased to over $150,000.

Mr. MANN. How much have the receipts been in 1914 to date?

Mr. HAYDEN. They are stated in the report up to February 28 of this year.

Mr. MANN. That is eight months.

Mr. HAYDEN. For eight months the receipts are $76,770.

Mr. MANN. That shows a great falling off.

Mr. HAYDEN. Yes; the receipts have declined.

Mr. MANN. Seventy-six thousand dollars for 8 months as against $129,000 for 12 months in the preceding year. That would not seem to indicate the necessity for a new office.

Mr. HAYDEN. In 1908, when the receipts were only $70,000, they were sufficient to pay the maximum salaries for two land offices.

Mr. MANN. Oh, I see! That is the reason. I understand! I do not criticize my friend from Arizona, who, like all the rest of the Democrats, forgets the Democratic platform, and the moment he sees fees sufficient to pay another man's salary, wants to give some one the new job. That is a sufficient reason for the gentleman, but not for the rest of us.

33 of the public buildings act approved March 4, 1913, which requires that the Federal building site selected at Owego, N. Y., shall be bounded on at least two sides by streets.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERHILL, a motion to reconsider the vote by which the bill was passed was laid on the table.

MANAGERS FOR NATIONAL SOLDIERS' HOME.

The next business on the Calendar for Unanimous Consent was (H. J. Res. 241) for the appointment of four members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the joint resolution, as follows:

Resolved, etc., That James Steele Catherwood, of Illinois; John C. Nelson, of Indiana; Frederick J. Close, of Kansas; and Thomas S. Bridgham, of Maine, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Oscar M. Gottshall, of Ohio; William Warner, of Missouri; Franklin Murphy, of New Jersey, whose terms of office expired April 21, 1912, and James Barry, whose resignation as a member of the said board has been accepted.

With the following committee amendments:

Lines 3 and 4, page 1, strike out the name "John C. Nelson, of Indiana," and insert "George H. Wood, of Ohio."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, I object.

Mr. JOHNSON of Washington. I object.

Mr. O'HAIR. Mr. Speaker, I will ask the gentlemen if they will withhold their objection until I can make a statement.

Mr. MONDELL. Very well.

Mr. JOHNSON of Washington. Very well.

Mr. O'HAIR. Mr. Speaker, the importance of considering this resolution at this time and of adopting it or some other resolution is this: The soldiers' homes of the United States or the management of the soldiers' homes—and there are 10 of them—find themselves without the ability to muster a quorum of managers. Under the provision of the law heretofore passed there were 11 members of the board of managers. In June, 1913, by a provision put on the sundry civil appropriation bill, the number was cut to five. By operation of law when their term expired the places were not to be filled until there would be only five left. At the present time there are only six members of this board, and three of them are holding over, their time having expired in 1912, those three being named in this resolution. The fourth one named in this resolution resigned in March, 1913. With the three who are holding over at this time, whose terms expired in April, 1912, and with the three whose term of office does not expire until April, 1916, the board as constituted makes six members. The statute provides that seven members shall constitute a quorum to do business. Since the 21st of last April there have been only six members. The next meeting of that board to transact business occurs on the 23d day of this month. It will be manifestly impossible for seven members of that board to appear.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. O'HAIR. Certainly.

Mr. MONDELL. What would be the objection to placing an amendment on the sundry civil appropriation bill now being considered reducing the number required for a quorum?

Mr. O'HAIR. There are two reasons. One is that an amendment of that character would be subject to a point of order, and the other is that this resolution or some other resolution should be considered at this time because the term of office of the men whose places are being filled here expired over two years ago. They have not been reappointed and no one has been appointed in their place. I presume their acts might be legal, but in the ordinary and orderly way of doing business when their terms expire, of course, there should be some one appointed to serve during the succeeding term, and the gentleman's suggestion that such an amendment be added to the sundry civil appropriation bill would meet with a point of order. I think there should be four men named to fill these four vacancies. I do not know of any reason why they should not be named. Does the gentleman?

Mr. MONDELL. I think there would be no objection on the part of anyone to such an amendment as I have suggested, unless the objection was made by some one who desired to increase the number on the board above the number that Congress has determined it shall consist of in the future.

Mr. O'HAIR. How would the gentleman suggest, then, that these four vacancies that now exist, by virtue of one resignation and the term of office of three having expired, be filled if not by this resolution or one like it?

Mr. MONDELL. The vacancies, as they occur within the limit fixed by Congress, should be filled, of course, but they should be filled within the limit fixed by Congress, and we should supplement the legislation we already have relative to the size of the board by supplementary legislation reducing the size of the quorum.

Mr. O'HAIR. I expect to offer an amendment to this resolution, if it is considered, reducing the size of the quorum to four; and what I am getting at is this: Here are four vacancies that should be filled; how does the gentleman propose to fill them?

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. O'HAIR. Yes.

Mr. MANN. I thought I had this matter straight in my head, but I do not know that I have. Two years ago, by act of Congress in the form of an amendment on an appropriation bill, we reduced the number to five, as vacancies occurred?

Mr. O'HAIR. Vacancies thereafter occurring.

Mr. MANN. If this resolution were passed, would this be in contradiction with that act of Congress?

Mr. O'HAIR. No, sir. These four vacancies occurred and existed when that bill, or that portion of the sundry civil bill, passed.

Mr. HAY. If the gentleman will permit, I will say that the law passed in the sundry civil appropriation bill provided that the number be reduced to five in 1916.

Mr. MANN. I did not catch that.

Mr. HAY. I say the board should be reduced to five in 1916.

Mr. MANN. But it does not yet apply.

Mr. HAY. It only applies to the vacancies which occurred in 1914. Now, vacancies will occur this year, and they will go out, thereby reducing the number to seven.

Mr. MANN. This reduction, then, did not apply to the ones who were then in, whose terms had expired but were held over.

Mr. HAY. It did not apply to vacancies which occurred in 1912, but it does apply to vacancies which occur in 1914.

Mr. MANN. There is no contradiction between this resolution and the act reducing the number?

Mr. HAY. No.

Mr. MANN. I thought so, but I was not sure after hearing what the gentleman from Illinois had to say.

Mr. TAGGART. Mr. Speaker, may I say, in answering one objection stated, that even though no objection were made to an amendment offered to the sundry civil appropriation bill which would fix a quorum of the board of managers at four or some other workable number, there would be great embarrassment and difficulty confronting the board. As was stated by the gentleman from Illinois [Mr. O'HAIR], a board meeting occurs this month. The law of 1867, which was the original law creating the board, positively requires that a quorum shall consist of seven. Now, if the number of a quorum should be reduced in the sundry civil bill to four, or some other number, the chances are the sundry civil bill would not pass the Senate and be approved for some time, and in the meantime the board could not legally transact any business at all. A meeting of the board is scheduled, as I am informed, for the 23d of June, in the State of Maine, at some town—Togus, I think it is called—in that State. There are but six members to attend that meeting. The President of the United States, the Secretary of War, and the Chief Justice of the Supreme Court are ex officio members of the board, but it has been the invariable practice and custom that those officers do not attend. The board would not be in a position to make the necessary contracts and take the necessary steps for the support of the various branches of the soldiers' home for the next fiscal year. I wish to ask gentlemen on the other side not to obstruct the work—the necessary work of taking care of the 25,000 disabled volunteer soldiers in these homes. You say you are willing to have a quorum fixed in the sundry civil bill so the present board can work, but it will require perhaps a month to do that, and we can do it right now. These men will be elected some other day soon, if not to-day. This election takes place some other day under suspension of the rules, either during the last six days of the session or on some other suspension day after to-day. If they are not reached to-day on suspension of the rules, nothing can be accomplished except the embarrassment of the board and an interference with the administration of these branches of the home and an obstruction of the purposes of the Government in taking care of the disabled soldiers by making these objections. Undoubtedly some one will rise and object or will make a point of order against the changing of the existing law, which provides for a quorum of seven, which has been the law for the

last 48 years, if the amendment is suggested when the sundry civil bill is again considered.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAGGART. I will.

Mr. MANN. Without applying the quorum question seriously myself, as I do not, as I understand the present board—if the gentleman will pardon me for the question I am going to ask, because I believe once in a while it is necessary to get down to what is called brass tacks—the present board is Republican in its organization.

Mr. TAGGART. I am not able to say.

Mr. HAY. Yes; it is.

Mr. MANN. I think the gentleman is quite able to say——

Mr. TAGGART. I should have thought the gentleman from Illinois would have had more information on that subject than I.

Mr. MANN. I do not know, and I just assumed the gentleman to know; I am sure all the Democratic members of the committee here know since the caucus on this subject.

Mr. O'HAIR. Yes; I will answer that question.

Mr. HAY. Of course it has been a Republican board for many, many years, and I will state to the gentleman from Illinois I have never known an objection to be made for the selection of this board while I was on the minority, and invariably while I was on the minority the Committee on Military Affairs elected Republicans to the board.

Mr. MANN. There was objection made at the time in reference to politics, and I want to get at the facts.

Mr. TAGGART. Permit me to say, inasmuch as the question was put to me so pointedly, I do not regret that I am not able to answer it. I think that 50 years after these men have rendered their service to the Government it is a little bit too late to talk about the politics of the board of managers for the branches of the home for disabled volunteer soldiers——

Mr. MANN. I do not think it is too late. Is the gentleman able to say whether the gentlemen named in this resolution are Democrats?

Mr. TAGGART. I am able to say only in reference to one of them. One of them is a citizen of Kansas, who lost his right arm at Resaca.

Mr. MANN. I see the gentleman is not willing to get down to brass tacks; I was. I am willing to admit honestly and frankly, as long as we have a Democratic House, a Democratic Senate, and a Democratic President, as far as I am concerned, I think they are entitled to a Democratic control of all these boards when the terms expire in regular order. But that is the only excuse I would have for supporting the resolution.

Mr. O'HAIR. My colleague understands that the terms of the gentlemen whose places are being filled here expired two years and more ago?

Mr. MANN. I understand. I am not criticizing the gentleman for seeking to put in Democratic members of the board, nor am I objecting to the proposition.

Mr. HAY. I will state to the gentlemen that the other three members of the board as it will be constituted, if these four men are now selected, are Republicans, so that there will be four Democrats and three Republicans on the board.

Mr. TAGGART. Let me say that the one with whom I have an acquaintance will take the place of Maj. William Warner, one of the most distinguished gentlemen in the whole Middle West, and who served with credit and honor in the Senate of the United States, and who, I am informed, does not desire to continue his services any longer than such time as we are able to replace him with some one else.

Mr. MONDELL. Mr. Speaker, I do not want the impression to prevail that I am objecting on account of the political faith of these appointees. As a matter of fact, I did not know they were Democrats, although I rather assumed they were, and I think it is entirely proper that they should be. I have certainly no objection on that score. Neither do I want to leave the statement of the gentleman from Kansas [Mr. TAGGART] unchallenged, that the business of the soldiers' homes will be in any wise interfered with or jeopardized if these appointments are not made.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. MONDELL. I have not any doubt but that the board will go on and transact its business and that the interest of the homes will be properly cared for and looked after if these appointments are not made at this particular time.

Mr. TAGGART. Will the gentleman yield for a question?

Mr. HAY. Will the gentleman yield?

The SPEAKER. The gentleman from Wyoming objects, and that is the end of it. The bill will be stricken from the calendar, and the Clerk will report the next one.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER as the conferees on the part of the Senate.

NEW YORK AND NEW JERSEY HARBOR-LINE COMMISSION.

The next business on the Calendar for Unanimous Consent was the Senate joint resolution No. 29, authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission.

The resolution was read, as follows:

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an officer of the Corps of Engineers, retired, United States Army, whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor, to act as a member of the said New Jersey and New York Joint Harbor-Line Commission: *Provided*, That no expense shall accrue to the United States by reason of such appointment, and the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid.

Also the following committee amendments were read:

Page 1, lines 5, 6, and 7, strike out the words "whose assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor."

Strike out the word "said," in line 7, page 1.

The SPEAKER pro tempore (Mr. MCGILLICUDDY). Is there objection to the present consideration of the bill?

Mr. MADDEN. Reserving the right to object, I would like to ask the gentleman from New York [Mr. TALCOTT] the purpose of the resolution.

Mr. TALCOTT of New York. The purpose of the resolution is to have an engineer officer on the retired list appointed to act with the commission appointed by the States of New Jersey and New York to examine into the condition of the harbors of the United States and elsewhere, in order to report upon improvements that are necessary in the waters of the two States. And this is to be without expense to the Government.

Mr. MADDEN. I have no objection, Mr. Speaker.

Mr. MANN. Reserving the right to object, the gentleman knows that both Houses passed a similar resolution in the last Congress, and that at the request of the Chief of Engineers it was vetoed by the President. I suppose the gentleman is familiar with all that?

Mr. TALCOTT of New York. No; I did not know that.

Mr. MANN. I am surprised that the gentleman would have charge of a resolution of this kind and it would not come to his knowledge that in the last Congress a similar one was vetoed at the request of the Engineer Corps of the Army.

Mr. TALCOTT of New York. But this is recommended by the Secretary of War.

Mr. MANN. I will say to the gentleman I am not going to object. I favored the resolution when it was in Congress before, but I do not want to have another veto proposition. I would like to know whether it would do any good. We have been having so many bites of this cherry that, if we do take this, let us take the whole cherry or none.

Mr. TALCOTT of New York. Does not the gentleman recognize the necessity of these improvements in New York Harbor?

Mr. MANN. I am familiar with that. I have been over that in the last Congress. This resolution which was introduced in the Senate provided for the designation of an active officer of the Engineer Corps. At the suggestion of the Secretary of War that was changed so as to make it a retired officer of the Engineer Corps. Of course, that destroys in itself the main purpose of the bill, which originally was to have this board over there work in harmony with the Engineer Corps of the Army and to have one of the Engineer Corps of the Army, active in service, working on the commission, so that he would represent the attitude of the Engineer Corps, which, of course, a retired officer will not do. But have they not authority now to hire a retired officer of the Army for this purpose?

Mr. TALCOTT of New York. I think not without the consent of Congress.

Mr. MANN. What is to prevent? Where is our friend from Virginia [Mr. HAY]?

Mr. HAY. I do not know what the proposition is.

Mr. MANN. This is a proposition to authorize the President to designate an officer of the Corps of Engineers, retired, to act

of compensation simply because the Government is their employer.

Mr. SISSON. Will the gentleman yield?

Mr. McCOY. Certainly.

Mr. SISSON. Supplementing the inquiry of my colleague from Mississippi [Mr. QUIN], I understand that the theory upon which this bill is based is that you endeavor to place the Government in the attitude of a corporation or any other employer of labor, because in case of injury to an employee he would have a right of action against the company that employed him.

Mr. McCOY. I was only illustrating the point to the gentleman from Mississippi [Mr. QUIN]. We do not attempt to give an employee any right of action against the Government.

Mr. SISSON. I understand that he has no right of action. I think I can make myself clear. A man injured in a powder mill or injured on a railroad by virtue of the negligence of his employer would have a right of action.

Mr. McCOY. Yes.

Mr. SISSON. Against his employer.

Mr. McCOY. That is right.

Mr. SISSON. A man employed in the Government service only has the right to come to Congress and present a claim against the Government.

Mr. McCOY. As to most Government employees that is so.

Mr. SISSON. This bill enables a man who is injured in the Government service to be put in a position where he gets certain compensation.

Mr. McCOY. That is right.

Mr. SISSON. Now, if he should become sick with what is called an occupational disease while in the service of the Government, that is also provided for in this bill.

Mr. McCOY. No; I do not think the gentleman states it just clearly. A man might contract a disease while he was in the employ of the Government, but that would not give him the right to compensation. It would be only in the case of those diseases which are called occupational.

Mr. SISSON. Of course, I understand that, and I use the term "occupational disease" after the explanation made by the gentleman from Maine [Mr. McGILLICUDDY] in answer to a question a few minutes ago. I understand that the occupational disease must be caused by the Government service. That is what you mean by an occupational disease.

Mr. McCOY. I was just trying to explain that all diseases occurring while a man is in the employ of the Government are not called occupational diseases.

Mr. SISSON. Of course, I understand that, but a disease that is occasioned by the particular occupation a man is engaged in is an occupational disease.

Mr. McCOY. Well, yes.

Mr. SISSON. If the occupation causes the disease.

Mr. McCOY. No; that is just what I am trying to make clear.

Mr. McGILLICUDDY. Let me read it.

Mr. McCOY. The gentleman from Maine will read the provision.

Mr. FOSTER. Before the gentleman does that, I do not think there is any real difference between the gentleman from Mississippi [Mr. SISSON] and the gentleman from New Jersey [Mr. McCOY].

Mr. McCOY. I do not think there is.

Mr. FOSTER. The gentleman mentioned, for example, that a painter is subject to lead colic, which is an occupational disease.

Mr. SISSON. Yes.

Mr. DUPRÉ. And there are certain diseases which are peculiar to the phosphorus industry.

Mr. FOSTER. If a man is doing painting for the Government and he has lead colic, that is an occupational disease, and under this bill the Government would be liable if disabled as a result?

Mr. SISSON. Yes.

Mr. FOSTER. And there are other diseases which are peculiar to certain occupations.

Mr. SISSON. That is exactly what I had in mind. If a man is engaged in a certain kind of work for a certain length of time, and that occupation produces the disease, it is covered by this bill. Is that right?

Mr. McCOY. I think so.

Mr. SISSON. If that is true, I want to ask upon what basis you make the calculation as to what this bill will ultimately cost.

Mr. McGILLICUDDY. From what it has already cost where it is applied.

Mr. SISSON. Where else does it apply?

Mr. McGILLICUDDY. It is applied in England, Switzerland, Germany, and in many of the States of this country.

Mr. SISSON. If the pension laws of England, the pension laws of Germany, and the pension laws of France are to be your measure, and if we then measure the war pensions paid in those countries by the war pensions here, you will miss the mark a long, long way.

Mr. McGILLICUDDY. This is not a matter of a pension at all.

Mr. SISSON. We will not quibble about terms. It is as broad as it is long, whichever way you take it and by whatever name you call it.

Mr. McCOY. I should like to answer the gentleman in regard to the cost. No estimate was made of what this may cost the Government, and it was frankly stated that no estimate could be made.

Mr. SISSON. I think that is true.

Mr. McCOY. But, assuming that these people have a moral right to be taken care of when they are injured, what difference does it make whether it costs the Government a million dollars or five million dollars? If there is a class of people in the employment of the Government suffering under circumstances which would permit them in other cases under compensation laws of the various States to recover in case of private employment, what difference does it make how much it costs the Government to compensate them?

Mr. SISSON. It makes a great deal of difference to me, and it ought to make a great deal of difference with every man who has a regard for good government. It ought to make a difference for this reason, that there is a limit somewhere to taxation. When you shall have levied on the people a certain amount of taxation I am unwilling, after they shall have paid for proper government activities, that you should extend the special privileges to these men who already hold these positions under the Government which can not be obtained by men in private life.

The man working on the farm, the man working for himself in the little store, the little shopkeeper, and the little clerk have to take these risks themselves. I am unwilling that you should place on them the additional burden that makes Government taxation burdensome. There ought to be some consideration for the taxpayers and the people not connected with the Government service. I am one of those men that believe that the Government is intended for the benefit of the people, that it exists for the benefit of the people, and not that the people exist for the benefit of the Government and those working for the Government. Now, if this makes for good government, if it makes for economical government, to pay men for diseases which they may contract in the Government service, of course there is something in it. But I am unwilling, so far as I am concerned, to begin on this course.

You are going to find, if you enter upon this, that you will be in the same attitude that the English people were in when they first pensioned the Government employees, and that is what this is, no more and no less——

Mr. McCOY. I differ with the gentleman entirely; this is not a pension scheme.

Mr. SISSON. Well, we will not quarrel about that; it is as broad as it is long. When you have this you will be compelled to do as they were in England—compelled to extend the pensions all along the line—old-age pension, occupational pension, and everything of that sort that falls under that head, because the people will say, properly, "Those favored ones get it, why not us?"

Mr. McCOY. The gentleman from Mississippi mentions the farmers, and thinks it a pity that we should do anything that discriminates against the farmer or that would give the employees of the Government proper compensation for injuries. I have no doubt the gentleman did as I did, voted for the $500,000 appropriation to look out for hog cholera. I should like to know whether that was for the benefit of the farmer or not. The farmer, I am sure, could pay his own money to find out something about hog cholera, but, nevertheless, when cattle have some disease we appropriate a half a million dollars, and we appropriate for dipping cows some way or other—or is it sheep? I am not a farmer.

Mr. SISSON. I gather from what the gentleman says that he is not a farmer.

Mr. McCOY. And I am glad that I am not, if I have to make the kind of comparison that the gentleman from Mississippi makes. The farmer has nothing to complain of as to the liberality of the Government in such matters. We take care of his hogs, his sheep, his cows, his grain, and his cabbages, and

everything else that he has in the world, and still when we want to make an appropriation for the men employed and injured in the Government service, or those who contract diseases which come directly from such service, the farmer is held up as the man that is to pay all the taxes, and the appropriation is opposed.

There is no question of a pension in this matter; it is simply a question of plain, ordinary justice to see that persons injured in the Government employ should be properly compensated.

Mr. SISSON. I want to say in reply, Mr. Speaker, to my friend——

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. Under what rule of the House is this debate proceeding?

The SPEAKER. Under a reservation of the right to object.

Mr. SISSON. Mr. Speaker, I used the farmer as an illustration because he is the man that works with his own hands, works on his own farm, and does not have any relation existing between him and his laborer such as great corporations and their labor would have. When you shall make an appropriation for the purpose of enabling the farmers of this country to produce better cattle, better hogs, more corn, more wheat, we are serving the constituents of the gentleman from New Jersey. It is not because of his occupation, it is not because we want to do it to help him as an individual, it is not from a desire to help him because he is a farmer, but to increase the productive capacity of the fields which feed the cities and the people who are not engaged in that industry and for the general good of all the people. The city of the gentleman from New Jersey would be absolutely destroyed except for the productivity of the farms of the country. You contribute to it not because you want alone to benefit the farmer as such, but you contribute to it to increase the productivity of the soil, to increase the proper cultivation of the soil, to eliminate disease from the hogs and cattle, and advance the interest of our great agricultural interest. And that benefits the city more than it benefits the farmer, because you enable him to get cheaper and better food. In fact, if you did not eliminate in some way the hog cholera, you might eliminate the hogs, and thereby eliminate the meat from the great cities.

Mr. McCOY. Then we would live on corn.

Mr. SISSON. But if you did not get the field properly cultivated you would not have any corn. You can not live without the farmer.

He is the basis of the foundation of all wealth. Without him there could be no cities. If he did not produce more than he could consume at home, every man would have to be a farmer. Whatever Congress can do in the way of providing for demonstration work that will enable the farmer to get the best results and produce the greatest amount of agricultural products to the acre will not only increase the wealth of the farmer, but will increase the entire wealth of the Nation. Whatever discoveries the Government can make for the elimination of disease in our cattle and hogs will increase their number, reduce the price, and increase the quantity of meat to feed the city.

I am getting tired of hearing such criticism as this of what Congress is trying to do to develop the agricultural interests every time a pension bill or a bill increasing the salary of Government employees comes up. No man representing the best interests of a city constituency can take the position that the Government has spent too much to help the American farmer. If the American farmer ceased to work the fields, our factories would be smokeless, our cities would be deserted, our ships would rust and rot in the harbor, railway rails would go to ruin, and every man would be compelled to desert the cities and go to hunting for food.

On every occasion I have endeavored to convince Congress that it is their duty to devote more time and attention to building up the agricultural interests of the country. For over a century Congress has fostered, nursed and nourished, and given special privileges to our manufacturing interests, to the utter neglect of the farmer. This is a short-sighted policy. The first evidence of the decay of a nation is the decay of its agricultural interests. Wherever rural life is made attractive, wherever country homes are happy and prosperous, that country is strong and virile and has a glorious future. Wherever the farms are deserted and the fields not properly tilled, that nation is already destroyed. So I say to my friend from New Jersey that I have no apologies to make for having used the farmer to illustrate my reason for opposing this bill. You can place many burdens upon him, but you can do but little for him from the Treasury, except by giving him the benefit of the knowledge acquired by expert agriculturalists in the proper cultivation of his fields, in caring for his cattle and hogs, and in the proper methods of fixing his house, his barns, ditching and draining his lands, and all of these can be done by the Government with the expenditure of but little money, and they can be given to the farmer either through farm-demonstration schools or through the farmers' bulletins which can be sent him. But there is more than this that can be done for him in a Democratic administration, and that is to remove from his shoulders every burden of taxation that is not necessary for the proper conduct of the Government; instead of squandering so many millions for pensions for Government employees, for princely salaries for Army and Navy officers, and the expenditure of millions upon top of millions for useless battleships that soon rot, wreck, or become obsolete, to expend some of this money in the improvement of public roads, where the man who pays the taxes will get some benefit in return.

It is well enough to make light of the farmer on occasions of this kind, but I do not apologize and will never apologize for using him as an illustration in this case. I used him as an illustration not because I wanted to single him out as an object for the particular care of the Government, but because he would be one of a number of classes of people that would have to bear all of the burdens of this bill, and could never get any benefits from it. None but the favored few who hold good jobs in the Government would be benefited by this legislation. The burden would be borne by the millions of laborers and toilers who could get no benefit.

I used him as an illustration of that class of people like the clerk in the store, the little independent merchant, the blacksmith, or the millions of people that labor for themselves, who do not have an opportunity to have a Government job and who have to take all the inclemencies of the weather and all the burdens of occupational diseases. Still, the gentleman from New Jersey wants to saddle on them the special favors extended in this which he would to those who have their names attached to the pay roll of the Federal Government. Everybody is trying to get on the Government pay roll. I do not understand what royalty surrounds a Government job that they should be the object of such solicitude on the part of Congressmen. They are the most favored places in the world, and still you want to make them more burdensome to the masses of the people.

Mr. BRYAN. Does the gentleman realize that the farmers' associations and organizations in this country are all in favor of this legislation and are continually passing resolutions in regard to it?

Mr. SISSON. I do not know anything of the kind.

Mr. CLARK of Florida. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SISSON. Mr. Speaker, reserving the right to object for a moment——

Mr. CLARK of Florida. Mr. Speaker, I demand the regular order.

Mr. SISSON. Mr. Speaker, I desire to make this explanation, with the gentleman's permission. I do not believe this bill ought to be considered under present circumstances and on the Unanimous Consent Calendar. It is a very important bill, and for that reason I object.

Mr. DUPRÉ. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. SISSON. I will withhold it for a moment.

Mr. DUPRÉ. Mr. Speaker, in connection with the statement I made just now that the table showing the comparative compensation was obtainable, I will now hand a copy of the hearings to the gentleman from Illinois, and in that connection I want to say that I did not plagiarize the Howland bill. I wrote to Mr. Howland, with whom I was associated on the committee last year, and stated that I was very much interested in this sort of legislation and would like to introduce the bill in this Congress, and he bequeathed it to me with his best wishes.

The SPEAKER. The gentleman from Mississippi objects. The bill is stricken from the calendar.

PUBLIC-BUILDING SITE AT OWEGO, N. Y.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 15320) authorizing the Secretary of the Treasury to disregard section 33 of the public-buildings act of March 4, 1913, as to the site at Owego, N. Y.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to disregard that portion of section

SEC. 32. That the commission, or any commissioner by authority of the commission, shall have power to issue subpœnas for and compel the attendance of witnesses, to require the production of books, papers, documents, and other evidence, to administer oaths, and to examine witnesses.

SEC. 33. That the commission shall have such assistants, clerks, and other employees as may be from time to time provided by Congress. They shall be appointed by the commission in the same manner as appointments to the competitive classified civil-service positions.

SEC. 34. That the commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the commission.

SEC. 35. That the commission is authorized to make necessary rules and regulations for the enforcement of this act, and shall decide all questions arising under this act.

SEC. 36. That the commission shall study the causes of accidents and occupational diseases among the employees covered by this act, and shall from time to time make such recommendations as it may deem proper to the various departments as to the best means of preventing such accidents and occupational diseases.

SEC. 37. That the commission shall make to Congress at the beginning of each regular session a report of its work for the preceding fiscal year, including a detailed statement of appropriations and expenditures, a detailed statement showing receipts of and expenditures from the employees' compensation fund, and its recommendations for legislation.

SEC. 38. That for the remainder of the fiscal year ending June 30, 1914, and for the fiscal year ending June 30, 1915, there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $50,000 for the work of the commission, including salaries of the commissioners and of such assistants, clerks, and other employees as the commission may deem necessary, and for traveling expenses, expenses of medical examinations under sections 22 to 25, inclusive, reasonable traveling and other expenses and loss of wages payable to employees under section 24, rent and equipment of offices, purchase of books, stationery, and other supplies, printing and binding, to be done at the Government Printing Office, and other necessary expenses.

SEC. 39. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby permanently appropriated for the payment of the compensation provided by this act, including the medical, surgical, and hospital services and supplies provided by section 10 and the transportation and burial expenses provided by sections 10 and 12. The commission shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the maintenance of the fund.

SEC. 40. That compensation provided by this act may be awarded in such manner as the commission may by regulation determine upon the claim presented by the beneficiary and the report furnished by the immediate superior of the employee and upon such investigation as the commission may deem necessary to discover the facts. Compensation when awarded shall be paid from the employees' compensation fund.

SEC. 41. That if the original claim for compensation has been made within the time specified in section 21, the commission may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

SEC. 42. That if any compensation is paid under a mistake of law or of fact, the commission shall immediately cancel any award under which such compensation has been paid and shall recover, as far as practicable, any amount which has been so paid. Any amount so recovered shall be placed to the credit of the employees' compensation fund.

SEC. 43. That whoever makes, in any affidavit required under section 4 or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than $2,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 44. That wherever used in this act—

The singular includes the plural and the masculine includes the feminine.

The term "employee" includes all civilian officers and employees of the United States and of the Panama Railroad, but includes no others.

The term "commission" shall be taken to refer to the United States employees' compensation commission provided for in section 31.

The term "department" includes the executive departments whose heads are members of the President's Cabinet, and all independent offices, bureaus, boards, or commissions.

The term "physician" includes surgeons.

The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury or, in case of disability or of suspension from work resulting from an occupational disease, at the time of the beginning of such disability or suspension, unless the employee at the time of the beginning of such disability or suspension is not in the service of the United States, in which case it shall be taken to refer to the monthly pay at the time of his leaving such service.

SEC. 45. That all acts or parts of acts inconsistent with this act are hereby repealed: *Provided, however*, That for injuries occurring prior to July 1, 1914, compensation shall be paid under the law in force at the time of the passage of this act.

SEC. 46. That sections 22, 26, 31 to 38, both inclusive, 44, and 46 of this act shall take effect immediately upon its passage. The remainder of the act shall take effect on July 1, 1914, but shall not apply to disability or death resulting from an injury sustained prior to July 1, 1914, or to disability, suspension from work, or death resulting prior to July 1, 1914, from an occupational disease.

The SPEAKER. Is there objection?

Mr. McGILLICUDDY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

Mr. FOSTER and Mr. MANN reserved the right to object.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FOSTER. I reserve the right to object.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] reserves the right to object.

Mr. MANN. I would like to ask the gentleman from Maine [Mr. McGILLICUDDY], if I may, a question in reference to this bill. First, what differences there are between this bill and the bill that was reported from the Judiciary Committee in the last Congress, I think it was—the Howland bill; second, what differences there are between this bill and the order of the President concerning compensation for injuries on the Canal Zone?

Mr. McGILLICUDDY. I am not familiar with the bill called the Howland bill. I know this, that the Judiciary Committee have very fully considered this bill. The committee is very well aware that the bill is a lengthy one and that it is important. But in the committee long hearings were held, all parties were heard, and when the committee finally considered the matter it was unanimous, Republicans and Democrats alike reporting this bill to the House. Its provisions have been very carefully considered. It is not experimental. It is not going into some untried field. Twenty-three States of this country have passed legislation similar to this, and this, as a matter of fact, is nothing but the extension of legislation already passed by the Congress. In 1908 you passed a Federal compensation law, and three times since that law has been amended so as to extend it, and it now covers approximately one-quarter of the Government employees. If this bill is not passed so as to cover all the Government employees, it will simply mean that from Congress to Congress an extension will be made from time to time until it is finally accomplished. This bill puts all of the Government employees on a fair and common basis. At present but about one-quarter of the employees are covered by a compensation law. Why should the other three-quarters of the employees be left without any remedy whatever? They are the only class of people in this country or any other advanced commercial country in the world that have no remedy in case of injury from accident or occupational disease contracted or occurring in the public service. An employee in your employment or mine, if injured because of our fault, recovers from us under the common law on grounds of negligence. In other cases he recovers under employers' liability acts and compensation laws that have been passed. All have their remedy in case of injury. But these Government employees to be covered by this bill have no remedy whatever to-day for occupational diseases or accidents incurred in the service. Will the great Government of the United States do less for its faithful employees than private individuals or corporations do for theirs?

Mr. DUPRÉ. Will my colleague yield to me?

Mr. McGILLICUDDY. Certainly.

Mr. DUPRÉ. I may throw some light on the question that was asked by the gentleman from Illinois [Mr. MANN] in regard to the difference between this bill and the Howland bill, since in the present Congress I introduced the bill that was known in the last Congress as the Howland bill. Without going into details, I may say that the bills are substantially similar, except the schedule of compensation in the McGillicuddy bill is somewhat higher than in the Howland bill, and in addition to accidents, that were the only causes for compensation provided in the Howland bill, there has been added in this measure injuries resulting from occupational diseases.

Mr. MANN. Mr. Speaker, I understood the gentleman from Maine [Mr. McGILLICUDDY] to say he was not familiar with the Howland bill. That bill was introduced in the last Congress and was reported unanimously from the Committee on the Judiciary. Am I to understand that the Committee on the Judiciary this year, composed largely of the same membership, have reported unanimously another bill, without knowing what was in the first bill?

Mr. McGILLICUDDY. Absolutely, that is not so.

Mr. DUPRÉ. I think my colleague's statement must have been made inadvertently.

Mr. McGILLICUDDY. I am not prepared at this time to state in detail what was in the Howland bill, it being some two or three years ago since it was considered, but this bill was considered in the Judiciary Committee, and considered carefully after lengthy hearings, and with the hearings in mind that we had on the Howland bill also. And this is the final and complete judgment of the entire committee covering the subject.

Mr. MANN. Is the gentleman prepared to tell the House how the rates of compensation, and so forth, in this bill compare with the rates of compensation fixed by the President in his recent order for the payment of compensation for injuries incurred upon the Canal Zone?

Mr. McGILLICUDDY. They are somewhat increased in this bill.

Mr. DUPRÉ. If I may be permitted, I wish to state to the gentleman from Illinois that in connection with the hearings held there was a document prepared under the supervision of the Department of Labor, which shows the comparison between the Howland-Dupré bill, if I may so call it, and the McGillicuddy bill, as reported, and the data can be produced and given to the gentleman from Illinois.

Mr. MANN. Where is that information to be obtained?

Mr. DUPRÉ. It is in the Judiciary Committee. The hearings of the committee will disclose the fact that such a comparison was made.

Mr. McGILLICUDDY. In further reply, Mr. Speaker, to the gentleman from Illinois——

Mr. MANN. It is not included in the report on this bill, I take it?

Mr. DUPRÉ. No.

Mr. McGILLICUDDY. It is included in the hearings, however. I will say further to the gentleman from Illinois that the Bureau of Labor Statistics is heartily in favor of this bill, and prepared that schedule comparing this bill with all the the other bills before it.

Mr. MANN. I assume that the Bureau of Labor Statistics was heartily in favor of the bill in the last Congress, and that they also helped to prepare the schedule which the President fixed for the Panama Canal Zone.

Mr. McGILLICUDDY. That may be true.

Mr. MANN. And I may say that I am in favor of the compensation bill.

Mr. McGILLICUDDY. If you are, why not support us in this bill?

Mr. MANN. I put through the Panama Canal compensation bill, and without help from the gentleman.

Mr. McCOY. Mr. Speaker, will the gentleman yield?

Mr. McGILLICUDDY. I do.

Mr. McCOY. In connection with the inquiries propounded by the gentleman from Illinois [Mr. MANN] in regard to this bill I would say that I was acting chairman of the subcommittee of the Committee on the Judiciary, to which committee the bill was referred. I took the so-called Howland bill, which is now the Dupré bill, and I took the bill known as the Kern-McGillicuddy bill, introduced simultaneously in the Senate and House, and went over to the Department of Labor and saw the head of the Bureau of Labor Statistics, and talked over these bills with the officials there thoroughly.

Now, as I understand the situation, the Kern-McGillicuddy bill, so called, was drafted by the Federation of Labor legislation committee. I do not remember just the name of the organization, but, at any rate, they had prepared that bill that passed under the two names, Kern-McGillicuddy. The Bureau of Labor Statistics did not approve that bill, nor did they approve altogether the Howland bill, which is now the Dupré bill, and they undertook to go over the entire matter and drafted another bill. This association for labor legislation found that that was done, and they sent their secretary down here, and the secretary went to the Bureau of Labor Statistics and there conferred with the head of that bureau, and they also took into their confidence a man whose business it is professionally, I believe, in connection with the federation, to see to the proper framing of a bill, so that a bill shall not be drawn in a slipshod manner, and so that when the bill is presented in a legislative body it may be well drawn and consistent, and not contradictory in any of its parts. Now, the result of that work in this particular bill is that it is the best drawn bill I have ever read.

I want to say to the Members of the House that, being engaged in other matters, I did not have time to-day to look into the hearings upon this bill, but I can say that we had full hearings before the Committee on the Judiciary on two different occasions. We also had a hearing before the subcommittee on another occasion, and the whole matter has been gone into with the utmost thoroughness. I believe that anybody who will examine the bill will find that it is a well-prepared bill. The Committee on the Judiciary does not take any credit for that because, as I say, it was drafted, as it was, by a man whose business it is to do that kind of work.

Mr. MANN. Who is that man whose business it is to draft bills for Congress?

Mr. McCOY. He is connected with the organization which is known as the Association for Labor Legislation. Dr. Andrews is the secretary of it, and I have no doubt that every Member of Congress from time to time has had some word from that organization.

Mr. SISSON. Mr. Speaker, will the gentleman yield for one minute?

The SPEAKER. Does the gentleman from New Jersey yield to the gentleman from Mississippi?

Mr. McCOY. Surely.

Mr. SISSON. Did the committee make any examination as to what this bill will probably cost the Government?

Mr. McCOY. Yes; I believe they did.

Mr. SISSON. I understand that the bill carries a $500,000 appropriation.

Mr. McGILLICUDDY. That is for the first year.

Mr. SISSON. That does not answer the question. What does the bill finally cost?

Mr. McGILLICUDDY. Not to exceed a million dollars a year.

Mr. SISSON. Do these occupational diseases referred to in this bill cover the diseases that might happen to a man while engaged in a certain occupation because the occupation brings about the disease?

Mr. McGILLICUDDY. It is the occupation that causes it.

Mr. SISSON. What department of the Government causes these conditions?

Mr. DUPRÉ. Membership in Congress, for example. [Laughter.]

Mr. SISSON. Yes; I suppose that disease would be covered about as easily under the occupational clause as anything else that would entitle us to a pension, if the language is retained in this bill that is now in it.

Mr. McCOY. I will say to the gentleman from Mississippi that, for instance, a man engaged in painting is subject to lead poisoning. That is an occupational disease.

Mr. SISSON. How many painters do you have in the employ of the Government? Those that paint the ships?

Mr. McCOY. That I can not say. I hope there are only a few of them that suffer from this disease. But there are some, and it is inherent in the occupation.

Mr. FOSTER. Let me say to the gentleman from New Jersey [Mr. McCOY] that there are a number of these diseases that are inseparable from certain employments. There are a number of occupational diseases which either partially disable or wholly disable in consequence of that particular kind of work.

Mr. McCOY. There are women over in the Bureau of Engraving and Printing who, on account of the work they do, which involves a great deal of use of the wrist, become incapacitated in the right hand or in the left, whichever they use. That, I believe, is treated as an occupational disease. It is something that is inherent in the work they are doing. Now, the committee can not undertake to give a full list of what might be termed occupational diseases, but——

Mr. QUIN. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. QUIN. Is there anything in this bill which gives a Government employee a pension that would give a farmer a pension if he gets a sunstroke or dew poison in his ankle?

Mr. McCOY. I do not know what dew poison is. I presume down in Mississippi it may have something to do with mountain dew; but that would not be covered in this bill.

Mr. QUIN. It is caused by the brushing of the wet grass against the ankles. If there is a cut on the ankle, it may swell up.

Mr. McCOY. I understand that mountain dew is a natural product in some places.

Mr. QUIN. Will this bill give pensions to a special class of people—just the ones who work for the Government?

Mr. McCOY. It gives compensation to Government employees who are injured. The gentleman knows that Government employees who are injured in the course of their employment have no right of action against the Government.

Mr. QUIN. Ought they to have a right of action against the Government because they get sick?

Mr. McCOY. They ought to have a right of action where the injury is due to negligence. If they were working for a private corporation, they would have that right of action; but the gentleman knows that the Government can not be sued without its consent, and in a great many instances we have provided for compensation to injured employees. But there is a large class of Government employees who if they were in private employment might have a cause of action for any injury that they suffered in the course of their employment, who are absolutely excluded by reason of the fact that they work for the Government. Now, this does not create a privileged class. It simply gives to Government employees the right to recover for injuries which they would have the right to recover for if they were working for a private corporation, and who are now barred from the recovery

fare of those who sent them here. He should make a sincere effort to cultivate a more Christian spirit.

I deny that there has been the least apathy on the part of the Representatives from the 17 States affected by the reclamation-extension bill. Every one of them has exerted his best efforts to bring the bill to a vote. The Committee on Irrigation of Arid Lands directed that a subcommittee be appointed to call upon the Speaker, and I am glad to say that we found him most willing to assist us. The majority and minority leaders have both been interviewed. Mr. UNDERWOOD and Mr. MANN are agreed that this bill should be considered at this session of Congress. We have talked with the President, and he has publicly stated that it ought to pass. And, lastly, we have circulated petitions among the membership of this House requesting the Rules Committee to report a special rule making the consideration of this bill in order along with four other measures that vitally affect the prosperity of the entire West. On these petitions we have secured the signatures of a clear majority of the membership of this House, and last Wednesday the Committee on Rules ordered a favorable report on such a rule.

As soon as the pending sundry civil appropriation bill is out of the way and the water-power bill from the Committee on Interstate and Foreign Commerce, which has been made the unfinished business of the House, is passed, our special rule will be reported to the House.

We believe in this bill and we have faith that when an opportunity is given us to explain its merits a large majority of the membership of this House will be glad to vote for it. At no time has anyone from the West sought to avoid the issue, and through our combined efforts a vote on the bill is in sight. We will pass the reclamation-extension bill through the House before the 15th of next July, and the President will approve it before this Congress adjourns. If this is apathy the anonymous westerner who is so "thoroughly in touch with the situation" can make the most of it. I only regret that Mr. Rodman has not seen fit to make known his correspondent's name, since it would afford me vast pleasure to denounce him in the terms that his infamy merits.

The SPEAKER. Is there objection.

Mr. MADDEN. I object.

The SPEAKER. The gentleman from Illinois objects, and the bill will be stricken from the calendar. The Clerk will report the next bill.

RELIEF OF LANDOWNERS ON MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 13581) for the relief of the landowners on the east bank of the Mississippi River in the counties of Warren, Claiborne, Jefferson, Adams, and Wilkinson, in the State of Mississippi, and in the parish of West Feliciana, State of Louisiana.

The bill was read in full.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. QUIN. Mr. Speaker, I ask unanimous consent that this bill be passed without prejudice.

The SPEAKER. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent that this bill be passed without prejudice.

Mr. QUIN. On the calendar, I mean.

Mr. MANN. Reserving the right to object, what is the object of that?

Mr. QUIN. It is to retain my place on the calendar.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that this bill be passed on the calendar without prejudice.

Mr. MANN. I reserve the right to object to find out why the gentleman wishes it passed without prejudice.

Mr. QUIN. They had this matter up in the Senate, the same proposition, and I would like it to remain on this calendar until it is determined. The Senate rivers and harbors bill has a partial amendment, and I do not know what will be the result of the consideration in the Senate proper.

Mr. MANN. I will not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the next bill.

COMPENSATION OF FEDERAL EMPLOYEES.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 15222) to provide compensation for employees of the United States suffering injuries or occupational diseases in the course of their employment, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the United States shall pay compensation as hereinafter specified for the disability or death of an employee resulting from a personal injury sustained in the course of his employment, and for the disability, death, or suspension from work of an employee resulting from an occupational disease contracted in the course of his employment; but no compensation shall be paid if the injury, death, or occupational disease is caused by the employee's intention to bring about the injury or death of himself or of another.

SEC. 2. That during the first three days of disability the employee shall not be entitled to compensation except as provided in section 10. No compensation shall at any time be paid for such period.

SEC. 3. That if the disability is total the United States shall pay to the disabled employee during such disability a monthly compensation equal to 66⅔ per cent of his monthly pay.

SEC. 4. That if the disability is partial the United States shall pay to the disabled employee during such disability a monthly compensation equal to 66⅔ per cent of the difference between his monthly pay and his monthly wage-earning capacity after the beginning of such partial disability. The commission may, from time to time, require a partially disabled employee to make an affidavit as to the wages which he is then receiving. In such affidavit the employee shall include a statement of the value of housing, board, lodging, and other advantages which are received from the employer as a part of his remuneration and which can be estimated in money. If the employee, when required, fails to make such affidavit, he shall not be entitled to any compensation while such failure continues, and the period of such failure shall be deducted from the period during which compensation is payable to him.

SEC. 5. That if a partially disabled employee refuses to work after suitable work is furnished to or secured for him by the United States he shall not be entitled to any compensation while such refusal continues, and the period of such refusal shall be deducted from the period during which compensation is payable to him.

SEC. 6. That if, as a result of any examination authorized by section 23, any employee is found to have contracted any occupational disease he may, in the discretion of the commission, although not disabled, be suspended from work, or, if practicable, given other work which he may be physically able to do until such time as, in the opinion of the commission, it is safe for him to resume his regular work, during such suspension or substitute employment the United States, if he has contracted the disease in the course of his employment, shall pay to him a monthly compensation as for total or partial disability, as the case may be.

SEC. 7. That the monthly compensation for total disability or for suspension from work shall not be more than $66.67 nor less than $33.33, unless the employee's monthly pay is less than $33.33, in which case his monthly compensation shall be the full amount of his monthly pay. The monthly compensation for partial disability shall not be more than $66.67. In the case of persons who at the time of the injury or of the beginning of disability or suspension from work resulting from an occupational disease were minors or employed in a learner's capacity and who were not physically or mentally defective, the commission shall, on any review after the time when the monthly wage-earning capacity of such persons would probably, but for the injury or disease, have increased, award compensation based on such probable monthly wage-earning capacity. The commission may, on any review after the time when the monthly wage-earning capacity of the disabled employee would probably, irrespective of the injury or disease, have decreased on account of old age, award compensation based on such probable monthly wage-earning capacity.

SEC. 8. That as long as the employee is in receipt of compensation under this act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions.

SEC. 9. That if at the time the disability or suspension from work begins the employee has annual or sick leave to his credit he may, subject to the approval of the head of the department, use such leave until it is exhausted, in which case his compensation shall, in the case of suspension from work, begin immediately after the annual or sick leave has ceased, and, in the case of disability, begin on the fourth day of disability after the annual or sick leave has ceased.

SEC. 10. That immediately after an injury sustained by an employee in the course of his employment, whether or not disability has arisen, and for a reasonable time thereafter, and immediately after the beginning of disability or of suspension from work due to an occupational disease contracted by an employee in the course of his employment, and for a reasonable time thereafter, the United States shall furnish to such employee reasonable medical, surgical, and hospital services and supplies unless he refuses to accept them. Such services and supplies shall be furnished by United States medical officers and hospitals, but where this is not practicable shall be furnished by private physicians and hospitals designated or approved by the commission and paid for from the employees' compensation fund. If necessary for the securing of proper medical, surgical, and hospital treatment, the employee, in the discretion of the commission, may be furnished transportation at the expense of the employees' compensation fund.

SEC. 11. That if death results from the injury or from the occupational disease within six years after the beginning of partial disability or suspension from work due to such disease the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employee's monthly pay, subject to the modification that no compensation shall be paid where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or, if there has been no disability preceding death, more than one year after the injury:

(A) To the widow, if there is no child, 35 per cent. This compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 36 months' compensation.

(B) To the widower, if there is no child, 35 per cent if wholly dependent for support upon the deceased employee at the time of her death, and such proportionate amount as the commission deems proper if partly dependent. This compensation shall be paid until his death or marriage.

(C) To the widow or widower, if there is a child, the compensation payable under clause (A) or clause (B) and in addition thereto 10 per cent for each child, not to exceed a total of 66⅔ per cent for such widow or widower and children. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of 18, or, if over 18, and incapable of self-support, becomes capable of self-support.

(D) To the children, if there is no widow or widower, 25 per cent for one child and 10 per cent additional for each additional child, not to exceed a total of 66⅔ per cent, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries, or reaches the age of 18, or if over 18 and incapable of self-support, becomes capable of self-support. The compensation of a child under legal age shall be paid to his guardian.

(E) To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, 25 per cent; if both are wholly dependent, 20 per cent to each; if one is or both are partly dependent, a proportionate amount in the discretion of the commission.

The above percentages shall be paid if there is no widow, widower, or child. If there is a widow, widower, or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of 66⅔ per cent.

(F) To the brothers, sisters, grandparents, and grandchildren, if one is wholly dependent upon the deceased employee for support at the time of his death, 20 per cent; if more than one are wholly dependent, 30 per cent, divided among them share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, 10 per cent divided among them share and share alike.

The above percentages shall be paid if there is no widow, widower, child, or dependent parent. If there is a widow, widower, child, or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentage payable to the widow, widower, children, and dependent parents, will not exceed a total of 66⅔ per cent.

(G) The compensation of each beneficiary under clauses (E) and (F) shall be paid for a period of eight years from the time of the death, unless before that time he, if a parent or grandparent, dies, marries, or ceases to be dependent, or if a brother, sister, or grandchild, dies, marries, or reaches the age of 18, or, if over 18 and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grandchild under legal age shall be paid to his or her guardian.

(H) As used in this section, the term "child" includes stepchildren, adopted children, and posthumous children, but does not include married children. The terms "brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption, but do not include married brothers or married sisters. All of the above terms use the term "grandchild" include only persons who at the time of the death of the deceased employee are under 18 years of age or over that age and incapable of self-support. The term "parent" includes stepparents and parents by adoption. The term "widow" includes only the decedent's wife living with or dependent for support upon him at the time of his death. The term "widower" includes only the decedent's husband dependent for support upon her at the time of her death.

(I) Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

(J) In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided, would result in injustice, the commission may, in its discretion, modify the apportionment to meet the requirements of the case.

(K) In computing compensation under this section the monthly pay shall be considered not to be more than $100 nor less than $50, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 13.

SEC. 12. That if death results from the injury or from the occupational disease within six years after the injury or the beginning of disability or suspension from work due to such disease, the United States shall pay to the personal representative of the deceased employee burial expenses not to exceed $100, in the discretion of the commission. In the case of an employee whose home is within the United States, if his death occurs away from his home office or outside of the United States, and if so desired by his family, the body shall, in the discretion of the commission, be embalmed and transported in a hermetically sealed casket to the home of the employee. Such burial expenses shall not be paid and such transportation shall not be furnished where the death takes place more than one year after the cessation of disability resulting from such injury, or of disability or suspension from work resulting from such disease, or if there has been no disability preceding death, more than one year after the injury.

SEC. 13. That in computing the monthly pay the usual practice of the service in which the employee was employed shall be followed. Subsistence and the value of quarters furnished an employee shall be included as part of the pay, but overtime pay shall not be taken into account.

SEC. 14. That in the determination of the employee's monthly wage-earning capacity after the beginning of partial disability, the value of housing, board, lodging, and other advantages which are received from his employer as a part of his remuneration and which can be estimated in money shall be taken into account.

SEC. 15. That in cases of death or of permanent total or permanent partial disability, if the monthly payment to the beneficiary is less than $5 a month, or if the beneficiary is or is about to become a nonresident of the United States, or if the commission determines that it is for the best interests of the beneficiary, the liability of the United States for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at 4 per cent, true discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the National Fraternal Congress table; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 60 months' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

SEC. 16. That every employee injured in the course of his employment, or some one on his behalf, shall, within 48 hours after the injury give written notice thereof to the immediate superior of the employee. Such notice shall be given by delivering it personally or by depositing it properly stamped and addressed in the mail.

SEC. 17. That the notice shall state the name and address of the employee, the year, month, day, and hour when and the particular locality where the injury occurred, and the cause and nature of the injury, and shall be signed by and contain the address of the person giving the notice.

SEC. 18. That unless notice is given within the time specified or unless the immediate superior has actual knowledge of the injury, no compensation shall be allowed, but for any reasonable cause shown the commission may allow compensation if the notice is filed within one year after the injury.

SEC. 19. That no compensation under this act shall be allowed to any person, except as provided in section 41, unless he or some one on his behalf shall, within the time specified in section 21, make a written claim therefor. Such claim shall be made by delivering it at the office of the commission or to any commissioner or to any person whom the commission may by regulation designate, or by depositing it in the mail properly stamped and addressed to the commission or to any person whom the commission may by regulation designate.

SEC. 20. That every claim shall be made on forms to be furnished by the commission and shall contain all the information required by the commission. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury or disease and the nature and probable extent of the disability. For any reasonable cause shown the commission may waive the provisions of this section.

SEC. 21. That all original claims for compensation for disability resulting from injury shall be made within 60 days after the injury. All original claims for compensation for disability or suspension from work resulting from occupational disease shall be made within 60 days after the beginning of the disability or suspension. All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the commission may allow original claims for compensation for disability resulting from injury or occupational disease to be made at any time within one year.

SEC. 22. That any person seeking to enter the service of the United States shall, if so requested by the commission, submit himself, at a reasonable time and place, to examination by a medical officer of the United States, or by a duly qualified physician designated or approved by the commission. If, in the opinion of the examining physician, such person exhibits symptoms of an occupational disease, or by reason of his condition of health is peculiarly likely to sustain an injury or to contract an occupational disease, the physician shall so certify to the appointing officer, and such person shall not be appointed to any position for which he is adjudged on the basis of such examination to be unfitted.

SEC. 23. That any employee employed in or about any work or process in which he is subject to the risk of contracting an occupational disease shall from time to time, if so ordered by the commission, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission for the purpose of determining whether or not he has contracted such disease.

SEC. 24. That after the injury or after disability or suspension from work on account of an occupational disease the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly qualified physician designated or approved by the commission. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the commission, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

SEC. 25. That in case of any disagreement between the physician making an examination on the part of the United States and the employee's physician, the commission shall appoint a third physician, duly qualified, who shall make an examination.

SEC. 26. That fees for examinations made on the part of the United States under sections 22, 23, 24, and 25 by physicians who are not already in the service of the United States shall be fixed by the commission. Such fees, and any sum payable to the employee under section 24, shall be paid out of the appropriation for the work of the commission.

SEC. 27. That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the commission containing such information as the commission may require, and shall thereafter make such supplementary reports as the commission may require.

SEC. 28. That no claims for compensation under this act shall be assignable, and all compensation and claims therefor shall be exempt from all claims of creditors.

SEC. 29. That no claim for legal services in connection with any claim arising under this act shall be enforceable unless approved by the commission.

SEC. 30. That if an injury or death for which compensation is payable under this act is caused under circumstances creating a legal liability in some person other than the United States to pay damages therefor, and a beneficiary entitled to compensation from the United States for such injury or death receives, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such beneficiary shall, after deducting the costs of suit and a reasonable attorney's fee, apply the money or other property so received in the following manner:

(A) If his compensation has been paid in whole or in part, he shall refund to the United States the amount of compensation which has been paid by the United States and credit any surplus upon future payments of compensation payable to him. Any amount so refunded to the United States shall be placed to the credit of the employees' compensation fund.

(B) If no compensation has been paid to him by the United States, he shall credit the money or other property so received upon any compensation payable to him by the United States.

SEC. 31. That a commission is hereby created, to be known as the United States employees' compensation commission, and to be composed of three commissioners appointed by the President, with the advice and consent of the Senate, one of whom shall be designated by the President as chairman. No commissioner shall hold any other office or position under the United States. Each commissioner shall hold office until his successor is appointed and has qualified. Any vacancy occurring shall be filled in the same manner as an original appointment. Each commissioner shall receive a salary of $5,000 a year.

of this act, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate; and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

DISPOSITION OF EXCESS FARM UNITS.

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery to the land. Any entryman falling within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

ACCEPTANCE OF THIS ACT.

SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law, who desires to secure the benefits of the extension of the period of payments provided by this act, shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior in the manner to be prescribed by said Secretary, of his acceptance of all of the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act.

SEC. 15. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

SEC. 16. That the district court of the United States for the district where the lands or some portion of the lands included within any reclamation project are situated shall have jurisdiction of all suits brought by the United States or the Secretary of the Interior for the enforcement of the provisions of this act, and jurisdiction of all suits now pending or which may be hereafter instituted by any legally organized water users' association or irrigation district in behalf of the water users and settlers thereon for the enforcement of the provisions of this act and of the provisions of the reclamation law as referred to and defined in section 1 of this act.

With the following committee amendments:

On page 2, in line 2, after the word "fund," strike out the word "two" and insert the word "five."

On page 2, in line 5, after the word "shall," insert the word "each."

On page 6, after the word "remainder," insert the words "shall each be."

On page 2, in line 13, after the word "available," insert the words "as announced by the Secretary of the Interior."

On page 3, in line 3, after the word "charge," insert the words "or the portion of the construction charge unpaid at the beginning of such installments."

On page 5, in line 8, strike out the word "maintenance" and insert "operation," and strike out "operation" and insert the word "maintenance."

On page 6, in line 15, strike out the word "default" and insert "arrears."

On page 7, in line 13, after the word "make," insert the word "general," and at the end of line 13 insert the words "use of water in."

On page 7, in line 16, strike out the words "one-fourth" and insert the words "one-half," and in line 20 strike out the words "one-half" and insert the words "three-fourths."

On page 10, in line 14, after the word "delivery," strike out the word "to" and insert the word "for."

On pages 11 and 12, strike out all of section 16.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MADDEN. Mr. Speaker, reserving the right to object, this bill is now before the Committee on Rules, and that committee is preparing a rule to give consideration to the bill as it should be given. It is a very important measure. It has a good many good things in it, but there are some matters that need modification. The bill should not be considered by unanimous consent, because no opportunity is given for the modification of the bill as it ought to be modified, and therefore I object.

Mr. HAYDEN. Mr. Speaker, will the gentleman withhold his objection for a moment until I can make a statement in respect to the bill?

Mr. MADDEN. Mr. Speaker, I will withhold my objection temporarily, but I reserve the right to object.

Mr. HAYDEN. Mr. Speaker, I desire to make a statement, which I believe should be made in justice to a number of Members of this House from the arid-land States. Recently a number of Members from States in which Federal reclamation projects are located received letters and telegrams from water users' associations and settlers on the projects urging them to greater activity in behalf of the reclamation extension bill. Many of these letters and telegrams were of such a character as to impugn the good faith, the industry, and watchfulness of the Members to whom they were sent, and all of them were evidently inspired by the same person. The insinuations which they contained were so grossly unfair and unjust that I have undertaken to ascertain, if possible, their source, in order that I might expose the despicable methods used to discredit among their constituents at least a score of men on both sides of this Chamber.

I have secured a copy of a letter which discloses the reason why Members have received these letters and telegrams. Unfortunately the bushwhacker who made this attack has succeeded in having his name concealed on the plea that the information given was confidential in its nature. The letter was addressed to the secretary of the Sunnyside Water Users' Association, in the State of Washington. It is not necessary for me to read the letter in full, but I shall quote from it in part:

WASHINGTON, D. C., *May 20, 1914.*

Mr. G. E. RODMAN,
Sunnyside Water Users' Association, Sunnyside, Wash.

DEAR MR. RODMAN: I wired you, night rate, to-day, in accordance with the inclosed confirmation. I am sending you also, by separate wrapper, a copy of the CONGRESSIONAL RECORD, the matters of interest being found on pages 9524-9527.

* * * * * * *

Somebody needs stirring up badly. Every Representative from the 17 reclamation States should have been there and should have been active in the support of this measure. If the Representatives whose constituents are interested will insist upon immediate hearing, I believe that the opposition will fall away. You can see, however, for yourself that the condition is one of apathy, even on the part of men within the 17 States interested. * * *

What you need is, as stated in my wire, somebody on the ground who can push this matter actively. A fund should be raised for the purpose of supporting a man to represent the interests of the water users at Washington until the bill shall become a law or until the matter is beyond hope. Unless there is a general shaking of dry bones, this measure has no chance of success. * * *

I wish you would have 500 telegrams properly distributed signed by actual water users as well as by organizations.

* * * * * * * * *

Then the man who goes on should be armed with letters from associations wanting him to find out why their Representatives are going to sleep on the job. He should be supported by wires direct to the Congressmen like this: "Were you in the House of Representatives on May 18 supporting reclamation relief measure? Don't see your picture in the CONGRESSIONAL RECORD. Wire, our expense." Wake somebody up. Or, "We are keeping a line on the Representatives who do not seem to care whether the reclamation relief bill passes. What can you do to insist upon its coming to a vote?"

* * * * * * *

If 30 projects can't muster sufficient energy and cohesiveness to raise, say, $1,000 for expenses (travel, postage, correspondence, dispatches, etc., they don't deserve a great deal of sympathy.

At the mention of this sum of money some Members have been unkind enough to wonder whether if in this secretive adviser might not be found another Col. Mulhall, who, for a suitable consideration, would consent to adopt this poor, orphaned measure and who would promise that under his lobbying care it would eventually reach the place where all good bills hope to go and become a law. It is said there are men who would stoop to deceive unsuspecting settlers in order to obtain the price of a meal ticket.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. HAYDEN. Certainly.

Mr. BURKE of South Dakota. Do I understand this letter was sent out anonymously or was signed?

Mr. HAYDEN. The letter was signed, but on the plea it was confidential in its nature the signature was not printed.

Mr. BURKE of South Dakota. Does the gentleman from Arizona know the name of the writer?

Mr. HAYDEN. I am not aware of the name of the writer. He says:

Please excuse the possibly dictatorial style of this letter. I feel strongly that the bill is needed, and only want results. You asked for my advice. You have it, anyhow. You will of course, as before, treat the source of the information I am giving you as confidential. Hastily,

And then it is signed in blank.

Mr. MADDEN. I suppose the gentleman will conclude that the gentleman who wrote that was interested in a reclamation project?

Mr. HAYDEN. It is evident that he has not a very intimate knowledge of the situation here.

Mr. MONDELL. Or would the gentleman conclude he was interested in getting a job?

Mr. HAYDEN. Well, we might suspect as much.

Mr. MANN. Did the telegrams come?

Mr. HAYDEN. Yes. I shall read you one in a moment.

Mr. MANN. Ought not that to be investigated? Do these people have any right to send telegrams to Members of Congress?

Mr. HAYDEN. There is no doubt about water users having the right to send telegrams to Members of Congress, but they ought not to be deceived into sending them by any such false information.

Mr. MANN. I wonder that the gentleman does not have a resolution introduced for another investigation.

Mr. BURKE of South Dakota. I suppose those of us from the Western States who did not receive the telegrams were here so constantly that our pictures would appear in the CONGRESSIONAL RECORD.

Mr. MADDEN. Would the gentleman consider this an insidious lobby?

Mr. HAYDEN. I am not an authority on insidious lobbies.

Mr. TAYLOR of Colorado. I understand the gentleman is stating that somebody is writing here because we have not been able to pass this bill by unanimous consent, and therefore the western Members are not doing their duty here. That is about the inference to be placed upon it.

Mr. FERRIS. I do not think there is any doubt about the western Members doing their duty. I think I can certify to that, and I have not been very favorable to this bill myself, but the question is more far-reaching than that. This same proposition and scheme goes on in our State all the time, somebody trying to frame up an attorney's fee by stirring up a back fire at home. I think the gentleman from Arizona ought to try to find out who it was and haul him over the coals. This is just exactly what is going on all the time.

Mr. MADDEN. Does not the gentleman think it wise to postpone this until we can find out about this?

Mr. HAYDEN. The gentleman has decided that by his objection. By way of explanation, I would state that May 18 was the day upon which an effort was made to secure consideration of the reclamation-extension bill on the Calendar of Unanimous Consent. I was present in the House during the entire day, and to my personal knowledge practically all of the Members of Congress who represent districts containing reclamation projects were in attendance during the discussion on this bill. Every western member of the Committee on Irrigation of Arid Lands was present except our chairman, Hon. W. R. SMITH, of Texas, who was compelled to be absent.

Mr. TAYLOR of Colorado, the acting chairman, and Mr. RAKER, of California, both spoke briefly on the bill, and their remarks appear in the RECORD.

Mr. STOUT, of Montana, was present and later addressed the House in behalf of a bill granting leaves of absence to homestead settlers.

Personally I addressed the Chair on a bill to authorize the consolidation of Indian funds, and my name appears on the same page in the RECORD on which the reclamation-extension bill is printed. And while I am speaking of myself, permit me to say that the activities of this modest marplot who shoots from ambush have been of no annoyance to me. I have received but one telegram, which was an inquiry as to whether it was necessary for the Arizona water users to send a representative here, and to which I replied that to do so would be a useless expense.

Mr. KINKAID, of Nebraska; Mr. ROBERTS, of Nevada; Mr. SMITH, of Idaho; Mr. JOHNSON, of Utah; and Mr. SINNOTT, of Oregon, the minority members of the Committee on Irrigation of Arid Lands, were all present in the House and were doing everything that they could on the other side of the big aisle to secure consideration for the bill.

Mr. FERGUSSON, of New Mexico, sat near me while the bill was under discussion, and, as always, stood ready and willing to render any service within his power.

The mere fact that the names of these gentlemen and the names of other Members from the public-land States do not appear in the RECORD gave this "confidential" correspondent an opportunity to insinuate that they were absent from the House and neglecting their duties.

Mr. SINNOTT. Will the gentleman yield?

Mr. HAYDEN. Yes.

Mr. SINNOTT. The gentleman will remember the regular order was called for, and that precluded further debate.

Mr. HAYDEN. Of course, when the gentleman from Illinois [Mr. MANN] called for the regular order no one could speak——

Mr. SINNOTT. A committee was formed on this side of the Chamber to interview various Members who it was thought might possibly object to the consideration of the bill. This committee consisted of Congressmen KINKAID of Nebraska, LA FOLLETTE, and myself, and in addition to that my colleague, Mr. HAWLEY, was similarly active when the bill was up for consideration.

Mr. MADDEN. Does the gentleman from Oregon say to the House he understands they formed a combination, so that no Member of the House would object to giving opportunity for the consideration of this bill? That is worse than an insidious lobby.

Mr. SINNOTT. It was merely a committee of the Committee on Irrigation of Arid Lands and Mr. LA FOLLETTE, of Washington.

Mr. HAYDEN. In my brief service in the House I find that its membership can be roughly divided into two classes, those who talk and those who work. There are a few geniuses among us of such transcendent ability that they can perform both of these functions successfully at all times. The great majority of us, however, find that service in this House consists principally of hard work, and therefore have but little time to indulge in speech making. Anyone in the slightest degree acquainted with the parliamentary procedure on unanimous-consent days knows that it would not only have been useless, but impossible, for all of the Members from the States containing reclamation projects to speak on the bill at that time. Each and every one of them could have torn a passion to tatters with perfervid oratory without in the least changing the result. When the gentleman from Illinois [Mr. MANN] called for the regular order on the reclamation-extension bill no further debate was possible. The man who sent out this letter stating that mere talk on the part of the western Members could have affected the result is either a knave or an ignoramus, and, whichever he is, his conduct is equally reprehensible.

On receipt of this letter Mr. Rodman, without any attempt to verify the statements contained in it, immediately rushed to a printing office and had copies made for distribution among the water users of the entire West. With it he sent out the following letter:

SUNNYSIDE, WASH., *May 26, 1914.*

To the water users' associations:

More information as to the opposition to the reclamation-extension bill impels us to urge the various associations to take prompt and vigorous action in favor of the bill. If they have not done so. Below are copies of the latest advices; as they are confidential, the name of the author is withheld. They come from a western man who has been in Washington, D. C., now for some weeks and is thoroughly in touch with the situation, and we have full confidence that he is representing the condition as it actually exists.

Thoroughly in touch with the situation, forsooth! And yet there is not a particle of truth in his letter that any water user could not have obtained by reading the CONGRESSIONAL RECORD when it reached him on his own farm, 2,000 miles away from Washington. All that this evil-minded individual did was to read the RECORD here in Washington and then write a letter about it, in which he warped and twisted the facts to suit his own base purposes. It is evident that he was not present in the gallery when this bill was under consideration, nor did he take the trouble to inquire of any member of the committee as to the actual situation.

But, to go on with Mr. Rodman's epistle to the water users:

This bill came up in the House on the 18th instant on unanimous consent. From a perusal of the CONGRESSIONAL RECORD for that day it appears that of all the Representatives from the 17 reclamation States only 4 supported the bill—Mr. RAKER, California; Mr. TAYLOR, Colorado; Mr. GARNER, Texas; and Mr. MONDELL, Wyoming. What were the others doing, and why did they not speak up in favor of the bill? The associations should make it their business to find out. The Sunnyside Water Users' Association has already sent a telegram to three of our Representatives asking them to state what they did in favor of the bill. A copy of the message appears below. * * *

The message is as follows:

SUNNYSIDE, WASH., *May 25, 1914.*

Two thousand water users on Sunnyside project want to know what you did on May 18 in support of reclamation-extension bill in House. Are depending on you to bring it to a vote. CONGRESSIONAL RECORD for that day does not show what you did. Telegraph our expense.

G. E. RODMAN.

It is amazing to me that Mr. Rodman would be willing to accept as gospel truth the vaporings of a man who is ashamed of his identity and to scatter broadcast a mess of misinformation that could result in nothing but unwarranted uneasiness among thousands of settlers whose future prosperity is bound up in the success of the reclamation-extension act. God knows the lot of the pioneer is hard enough without adding unnecessary worry. Mr. Rodman must have a very sad view of life if he is willing to believe on anybody's statement that a majority of the western Congressmen are utterly unmindful of the wel-

fare of those who sent them here. He should make a sincere

from a personal injury sustained in the course of his employment, and

Mr. OVERMAN. Mr. President, I understand the Senator from Illinois [Mr. LEWIS] desires to submit some resolutions. If there is no objection, I ask to have the bill go over until to-morrow morning.

Mr. SUTHERLAND. The Senator asks to have the bill go over until to-morrow?

Mr. OVERMAN. The bill and the amendment.

EXECUTIVE SESSION.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

DEATH OF FORMER VICE PRESIDENT STEVENSON.

Mr. LEWIS. Mr. President, I desire to make the announcement set forth in the first of the resolutions which I send to the desk, and I ask for the adoption of it and the accompanying resolution.

The PRESIDING OFFICER (Mr. POMERENE in the chair). The Senator from Illinois submits resolutions, which will be read.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 295.

Resolved, That the Senate has heard with profound regret of the death of Hon. Adlai E. Stevenson, former Vice President of the United States and former presiding officer of the United States Senate.

Resolved, That as a mark of respect to the memory of the distinguished official, whose life has been filled with honorable and distinguished service to his Nation, the Senate do now adjourn.

The Senate thereupon, in accordance with the second resolution (at 5 o'clock and 5 minutes p. m.), adjourned until to-morrow, Tuesday, June 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 15, 1914.

MEMBERS OF THE FEDERAL RESERVE BOARD.

Charles S. Hamlin, of Massachusetts, for a term of two years.
Paul M. Warburg, of New York, for a term of four years.
Thomas D. Jones, of Illinois, for a term of six years.
W. P. G. Harding, of Alabama, for a term of eight years.
A. C. Miller, of California, for a term of ten years.

PROMOTIONS IN THE ARMY.

FIELD ARTILLERY ARM.

First Lieut. George R. Allin, Fourth Field Artillery, to be captain from June 13, 1914, vice Capt. Harrie F. Reed, Second Field Artillery, who resigned June 12, 1914.

Second Lieut. Frederick W. Stewart, Fifth Field Artillery, to be first lieutenant from June 13, 1914, vice First Lieut. George R. Allin, Fourth Field Artillery, promoted.

SURVEYOR GENERAL OF COLORADO.

John B. McGauran, of Denver, Colo., to be surveyor general of Colorado, vice Timothy O'Connor, term expired.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15, 1914.

CHIEF JUSTICE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

J. HARRY COVINGTON to be chief justice of the Supreme Court of the District of Columbia.

POSTMASTERS.

KANSAS.

William W. House, Peabody.
James W. Morphy, Russell.

KENTUCKY.

Hubbard I. Hausbrough, Hodgenville.
Emmett S. Robey, Franklin.

OKLAHOMA.

William T. Vest, Pondcreek.

WISCONSIN.

O. F. Illing, Juneau.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 15, 1914.*

The House met at 12 o'clock noon.

Rev. John Van Schaick, jr., of Washington, D. C., offered the following prayer:

Almighty God, our heavenly Father, we recognize that Thou art the giver of every good and perfect gift. We thank Thee for our country and for the flag that symbolizes liberty and equality. We thank Thee, our Father, that it flies to-day over a united people. We pray Thee that we may live up to the highest ideals of our fathers and to the best of the knowledge of to-day, and so do Thy holy will. Amen.

The Journal of the proceedings of Saturday, June 13, 1914, was read and approved.

THE FLAG.

Mr. REILLY of Connecticut. Mr. Speaker, I ask unanimous consent to address the House for three minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. REILLY of Connecticut. Mr. Speaker, while Sunday, June 14, 1914, was flag day, the general observance of it takes place to-day. I take this occasion to put into the RECORD a brief but beautiful and touching tribute to the Stars and Stripes.

In response to some requests, I recently sent out copies of Wilbur D. Nesbit's poem, entitled "Your Flag and My Flag," which I recited during the debate on the Mexican question on April 20, after the President had read his message.

In acknowledgment of the receipt of those verses comes to me a letter from an old soldier and constituent of mine in New Haven, Conn., which I deem worthy of a permanent place among the patriotic gems dedicated to the flag. May the simple, fervid words touch a responsive chord in every true American heart. The letter is written by George A. Hubbard, and is as follows:

179 DWIGHT STREET, NEW HAVEN, CONN.,
June 10, 1914.

Hon. THOMAS L. REILLY,
Washington, D. C.

MY DEAR SIR: Thank you for the copy of "Your Flag and My Flag," which came on the afternoon mail. I have read the verses—yes, I have read them over again; in fact, I have read them several times, and I hope to keep on reading them for many times to come. The poem appears to possess qualities which do not tire one. I love the flag.

My great-grandsire gave his life to help create the flag. My paternal grandsire fought from Bunker Hill to Yorktown, and my maternal grandsire, after his father's death, took his place in the ranks and held it until the close of the war.

I stood by my regimental colors when first unfurled in 1862 and never left them, but after the battle of Fort Fisher, N. C., in 1865, my regiment closed its ranks and left me out. Most of the time since then "our flag" has hung on the bedpost above my head, where in the dusk of evening I have kissed the flag and in the bright sunlight of morning I have saluted the flag. I have caressed the flag. I have hugged the flag. I have counted its bars and counted its stars over and over again, for I love our flag.

Very truly, yours, GEORGE A. HUBBARD.

[Applause.]

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, on Saturday last I submitted a conference report upon the naval appropriation bill, accompanied by a statement of the conferees, for printing in the RECORD under the rules. By some inadvertence the statement was not printed in the RECORD, although it is printed as a separate document in connection with the conference report. I ask unanimous consent that the statement may be printed in the RECORD of to-day.

The SPEAKER. The Chair will state that the matter was sent to the Printing Office, and by some slip down there it was left out. The gentleman from Tennessee asks unanimous consent to have the statement printed in the RECORD, under the rule.

Mr. MANN. Mr. Speaker, I suggest that the conference report and the statement be printed together in the RECORD.

Mr. PADGETT. Very well. I will ask that the statement and the conference report be printed.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conference report and the statement be printed together in the RECORD. Is there objection?

There was no objection.

CALENDAR FOR UNANIMOUS CONSENT.

The SPEAKER. To-day is unanimous-consent day, and the Clerk will report the first bill.

POST-OFFICE BUILDING AT NEWCASTLE, IND.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 11317) to increase the limit of cost of the United States post-office building at Newcastle, Ind.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost of the United States post-office building at Newcastle, Ind., be, and the same is hereby, increased $15,000 or so much thereof as may be necessary to meet the additional cost of construction of said building by the substitution of stone instead of brick with stone trimmings, as specified in the existing specification.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ASHBROOK, a motion to reconsider the vote by which the bill was passed was laid on the table.

PAYMENT UNDER RECLAMATION PROJECTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 4628) extending the period of payment under reclamation projects and for other purposes.

Mr. RAKER. Mr. Speaker, I call attention of the House to the fact that this bill was read on last unanimous-consent day, and I now ask unanimous consent that the reading of the bill be dispensed with.

Mr. MADDEN. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund 2 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 5 of which shall be 5 per cent of the construction charge and the remainder 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, and the initial payment be made when the charge per acre is established.

ACT SHALL APPLY TO EXISTING PROJECTS.

SEC. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in 20 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act and subsequent installments on December 1 of each year thereafter. The first 4 of such installments shall each be 2 per cent, the next 2 installments shall each be 4 per cent, and the next 14 each 6 per cent of the total construction charge.

PENALTIES.

SEC. 3. That if any water-right applicant or entryman shall fail to pay any installment of his construction charges when due, there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue. If any such applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default: *Provided*, That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought, the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments of the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act.

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum maintenance and operation charge based upon the charge for delivery of not less than one acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on any project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in default in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

FISCAL AGENT.

SEC. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make rules and regulations governing the irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of one-fourth the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of one-half the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

LANDS NOT SUBJECT TO RECLAMATION ACT.

SEC. 9. That in all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after the passage of this act, or within one year after notice issued in pursuance of section 4 of the reclamation act, in cases where such notice has not heretofore been issued, the construction charges for such land shall be increased 5 per cent each year until such application is made and an initial installment is paid.

WITHDRAWN LANDS SUBJECT TO ENTRY.

SEC. 10. That the act of Congress approved February 18, 1911, entitled "An act to amend section 5 of the act of Congress of June 25, 1910, entitled 'An act to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes,'" be, and the same hereby is, amended so as to read as follows:

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior: *Provided*, That where entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law."

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5

familiar with the prior history of the cases, who knows what documents there are relating to them, who knows how to meet statements made on the other side, who knows how to send over to the State Department and call for papers, who knows how the issue has grown up, is Mr. Clark. He was Solicitor for the State Department, and before that he was the Assistant Solicitor of the State Department. He has more than the ordinary familiarity of the lawyer with the cases in which he is engaged.

Mr. OVERMAN. The Senator from New York has forgotten that this thing was started only last year. Mr. Clark can only have one year's experience with these cases.

Mr. ROOT. I brought the treaty under which this thing is going on very nearly to the point of being signed nearly seven years ago.

Mr. OVERMAN. But the court has been held only recently.

Mr. ROOT. But some of these cases have been hanging along for a hundred years.

Mr. OVERMAN. Mr. Clark does not know anything about the cases prior to the time the members of the court were appointed.

Mr. ROOT. He does not remember anything occurring a hundred years ago, I will admit.

Mr. OVERMAN. He can hardly remember anything prior to 1913 regarding them.

Mr. ROOT. Oh, yes; the cases have been continually the subject of diplomatic controversy.

Mr. OVERMAN. These cases were not properly brought before this tribunal, and could not have been so brought, because there was no tribunal before which to bring them until 1913.

Mr. ROOT. These cases are all cases which, I think, one Government or the other has been arguing with the other Government to secure payment, and the argument has been carried on through the office of the solicitor, which is occupied chiefly in dealing with claims by and against the United States.

Let me say one other word, if the Senator from Utah will be good enough to yield to me.

Mr. SUTHERLAND. Certainly.

Mr. ROOT. How can we provide that these appointments shall be made by and with the advice and consent of the Senate? These are not officers of the United States. If you employ a lawyer in a case, it does not make him an officer of the United States. There is no such office; the Senate can not perform its constitutional function of advising and consenting regarding these appointments.

This question has been up before. I had to re-form and change a treaty, I remember, a number of years ago because the Senate Committee on Foreign Relations would not give their assent to doing just this thing. I put into the treaty a provision that an agent should be appointed with the advice and consent of the Senate. I thought it would reduce opposition in the Senate Committee on Foreign Relations, but I found, on the other hand, that they were unwilling to permit putting into the treaty any provision which called for the discharge of the constitutional function of the Senate in advising and consenting to an appointment, unless it was of an officer of the United States. We can not create that authority by statute, and I think we should get ourselves into rather a serious difficulty by undertaking to put this provision into a statute. If you cut that out, it would seem to dispose of the difficulty.

Mr. SUTHERLAND. I see no reason, Mr. President, why we should not provide in this bill to continue these two counsels at the salaries they are now getting, and provide in the bill that the senior counsel or the chief counsel, who receives $7,500 a year, should also act as agent.

Mr. OVERMAN. Why should we do that when there is no use of this man at a salary of $7,500 a year? We are trying to save money. The Senator seems to think that we are striking at some man. It is evident that it is not necessary to have so many men to do this work. As I have stated, one man has been getting $7,500 a year and has done scarcely anything. He lives here in Washington. We give this agent not only a counselor at $5,000, but we give him an assistant at $3,500, and we give him a law clerk at $2,500 and two law clerks at $1,800. Besides the three law clerks, there is the agent who is doing the very thing that Mr. Clark ought to do but has not been doing. Therefore the agent is the fifth wheel to the coach. He is nothing but a name.

Mr. SUTHERLAND. Does the Senator from North Carolina know what the British Government pays its counsel?

Mr. OVERMAN. I do not know, but I know that they have one of the greatest lawyers in the world.

Mr. SUTHERLAND. Precisely; they have one of the greatest lawyers in the world.

Mr. OVERMAN. Yes; I know that. I do not know whether or not Mr. Clark is a great lawyer, but he is a very good man, I think.

Mr. SUTHERLAND. Sir Charles Hibbert Tupper is their counsel, and we ought to have opposed to him a man of ability and intellect.

Mr. OVERMAN. I agree with the Senator from Utah about that.

Mr. SUTHERLAND. And we could not ask such a man to represent us in these cases, which involve millions of dollars, which, as I have said, have already involved many intricate questions of international law——

Mr. OVERMAN. This court sits in Canada about six weeks and it sits here about six weeks, and the man who got $7,500 did not do anything else but attend that court. Mr. Clark has a law office in Utah. He has also a law office here and practices law. I am not objecting to that. Our counsel ought to be a first-class lawyer; but considering the cases which he had, according to the statement he made, it seems to me that $7,500 a year is a pretty good salary for him when he is transacting other law business and when these cases are not occupying half of his time.

Mr. SUTHERLAND. The Senator from North Carolina is at least partially in error. Mr. Clark has a law partner in Utah, and I presume his name with his partner's is on the door; but Mr. Clark has not, as I am informed, practiced a day in Utah. He has been in Washington all the time.

Mr. OVERMAN. That is true.

Mr. SUTHERLAND. And most of the time looking after these cases. Now, the Senator speaks about the arbitration board being in session here six weeks. Does the Senator think that counsel's labor is measured by the number of days the court sits?

Mr. OVERMAN. Not at all.

Mr. SUTHERLAND. The preparation of these cases is the essential thing and the important thing.

Mr. OVERMAN. He has as counsel a good lawyer and two law clerks to help him, and in his idle moments he prepares these cases; there are not very many of them, and $7,500 is what he was getting before.

Mr. SUTHERLAND. That is all that anybody is asking for him now.

Mr. OVERMAN. That is what is provided for in this bill, only it is proposed to call him an agent instead of counsel, as we have no general agent now.

Mr. SUTHERLAND. The Senator's amendment provides for an agent to be appointed by the President, by and with the advice and consent of the Senate.

Mr. OVERMAN. I want to say as to that, that one member of the committee was very insistent as to that; but I care nothing about it. I want the number reduced, because so many are not needed. One agent can do the work with the assistance of counsel at $5,000, another lawyer at $2,520, and two law clerks at $1,800. In the judgment of the committee, that is a sufficient force to do the work.

Mr. SUTHERLAND. Let me state this amendment to the Senator, and see whether or not he will agree to it. Strike out, beginning in line 19, the words:

Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,520.

And insert in lieu thereof:

Two counsel already assigned to the argument in the State succession cases, the Philippine War claims, and the Cayuga Indian case, one, who shall also discharge the duties of agent, at $7,500 per annum, and one at $5,000 per annum.

Mr. OVERMAN. If that is agreed to, the Secretary will have to employ all the men now engaged in the work.

Mr. SUTHERLAND. That makes it certain that those men will be continued.

Mr. OVERMAN. The Senator wants to provide that they shall be employed.

Mr. SUTHERLAND. I think they should be employed.

Mr. OVERMAN. I do not know whether or not they should be employed. I know Mr. Clark, and I can speak in a very complimentary manner of him; in fact, as highly as can the Senator from Utah, so far as he is concerned, but I am not going to see the hands of the Secretary of State tied and say that he shall employ the same men now employed.

Mr. SUTHERLAND. Then why not simply say this, "Two counsel, one of whom shall also discharge the duties of agent, at $7,500 per annum, and one at $5,000 per annum?"

Mr. OVERMAN. You can not do that, because the treaty says there shall be appointed an agent.

Mr. SUTHERLAND. Oh, no.

Mr. OVERMAN. Oh, yes.

Mr. SUTHERLAND. The treaty does not say that.

Mr. OVERMAN. The treaty says that there shall be an agent, and there is an agent.

Mr. SUTHERLAND. The treaty simply says:

The agents and counsel of the parties are authorized, as provided in article 70, chapter 3—

That refers to The Hague convention, I presume?

Mr. OVERMAN. That provides for an agent.

Mr. SUTHERLAND. It does not oblige either Government to appoint an agent, but it says:

The agents and counsel of the parties are authorized, as provided in article 70, chapter 3, to present, orally and in writing, to the tribunal all the arguments they may consider expedient in support or in defense of each claim.

Mr. OVERMAN. Great Britain has an agent, and we ought to have an agent.

Mr. SUTHERLAND. We have an agent.

Mr. OVERMAN. Great Britain has counsel, and we ought to have counsel.

Mr. SUTHERLAND. We will have an agent likewise. The appropriation ought to provide for two counsel. Whatever you do about the agent, counsel are essential—one at $7,500 per annum and the other at $5,000 per annum. Of course, I do not know what Sir Charles Tupper is paid, but I would venture to say that he is getting a salary far in excess of what we are paying to our counsel. Great Britain is in the habit of employing the very best counsel she can get, and they are in the habit of getting reasonably good fees. Would the Senator object to an amendment of that character?

Mr. OVERMAN. Yes; I would. The committee, after having gone into it thoroughly, fixed it in this way, without regard to turning anybody out, but to save some $20,000 to the Government. We found men connected with this work sitting around here in Washington getting big salaries and doing nothing. Now, the Senator would have us put those men back.

The committee found that Mr. Clark was doing able work and that he was doing the work that the agent could do at a salary of $7,500; so we provided for one agent, at $7,500, with the idea of imposing upon him the work of general counsel. Then we provided counsel, at $5,000, to aid the agent, as he has been aiding the general counsel, and then we provided for a lawyer, at $2,500 a year, to aid him, and $1,800 each to two law clerks to aid them, and then furnished them an ample force of stenographers, secretaries, and clerks.

Mr. SUTHERLAND. If this amendment provides for the appointment of an agent at $7,500, that agent is not required to do the work of counsel?

Mr. OVERMAN. That is the point; he ought to do it.

Mr. SUTHERLAND. There is nothing in this bill that will compel him to do it.

Mr. OVERMAN. He will have to do it. The reason he has not heretofore done it is because the general counsel has done it.

Mr. SUTHERLAND. But the agent is not supposed to do the work of counsel.

Mr. OVERMAN. According to the distinguished Senator from New York [Mr. ROOT] it is the duty of the agent to present these cases.

Mr. SUTHERLAND. He does not present the cases; he prepares the cases.

Mr. OVERMAN. He should do it.

Mr. SUTHERLAND. He prepares the cases.

Mr. OVERMAN. The man who prepares them ought to present them.

Mr. SUTHERLAND. Counsel argue the cases.

Mr. OVERMAN. Why can not the agent argue them?

Mr. SUTHERLAND. He could, probably, if he were a lawyer.

Mr. OVERMAN. He ought to be a lawyer.

Mr. SUTHERLAND. But the point I am making is that there is no requirement for him to do it; he may simply go ahead performing the functions of agent, and leave it for the counsel to do the work of counsel.

Mr. OVERMAN. There is no requirement here for the agent to do it, there is no requirement for the general counsel to do it, and there is no general authority here for the law clerk to do it.

Mr. ROOT. Mr. President, I have just suggested an amendment to the Senator from Utah, which I think meets the purpose expressed by the Senator from North Carolina, if the Senator will permit the suggestion.

Mr. OVERMAN. I shall be pleased to hear the amendment.

Mr. ROOT. In place of the words:

Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum.

Insert:

Agent, who shall act as counsel, $7,500; counsel, $5,000.

Mr. OVERMAN. That would be agreeable to me, Mr. President; but I want to say that there is a member of the committee who insisted upon this amendment. The committee adopted it, and I can not agree to the proposal to change it. He thought that these officers ought to be appointed by and with the advice and consent of the Senate. So we have put that provision in the bill. We took a vote on that.

Mr. SUTHERLAND. If the Senator has not any serious objection, we can probably easily overcome it by a vote.

Mr. OVERMAN. I think I will have to stand by the action of the committee.

Mr. SUTHERLAND. I move as an amendment, Mr. President, to strike out, in line 19, the words "to be appointed by the President, by and with the advice and consent of the Senate," and to insert "who shall also act as counsel," and to strike out, in line 21, the words "to be appointed by the President, by and with the advice and consent of the Senate," so that it will read:

Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. OVERMAN. Will the Senator read that again?

Mr. SMOOT. That is all right.

Mr. OVERMAN. I should like to have it read again.

The PRESIDING OFFICER (Mr. LEWIS in the chair). The Secretary will state the amendment.

The SECRETARY. On page 19, line 19, it is proposed to strike out the words "to be appointed by the President, by and with the advice and consent of the Senate," and insert "who shall also act as counsel"; and, in lines 21 and 22, to strike out "to be appointed by the President, by and with the advice and consent of the Senate," so as to read:

Agent, who shall also act as counsel, $7,500 per annum; counsel, $5,000 per annum.

Mr. OVERMAN. I presume the whole object of that is that the Senator wants the President to appoint the same men who are at present occupying these places. I do not know whom he will appoint. This provision was not framed to get rid of anybody or to put anybody in.

Mr. SUTHERLAND. I do not think we ought to be considering the question of appointments here. I think it ought to be accepted without any question that the men who have been engaged in this work, who have prepared these cases, and who are, therefore, in a much better position to argue them than any new men could possibly be, ought to be continued until the work is completed.

Mr. BURTON. I want to ask the Senator a question. Is there any doubt of the right of the President to remove these men and appoint others in their places if they shall prove inefficient?

Mr. SUTHERLAND. There is not the slightest doubt about it. He has a right to remove them.

Mr. OVERMAN. Mr. President, I can not accept the amendment. It is the action of the committee.

The PRESIDING OFFICER. The amendment is before the Senate for consideration. [Putting the question.] The Chair is in doubt.

There were, upon a division—ayes 10, noes 12.

Mr. ROOT, Mr. OWEN, and Mr. MARTIN of Virginia. No quorum has voted.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Overman	Smoot
Borah	James	Owen	Sutherland
Brady	Johnson	Page	Swanson
Bristow	Jones	Pomerene	Thomas
Bryan	Kenyon	Reed	Thornton
Burleigh	Kern	Robinson	Tillman
Burton	La Follette	Root	Warren
Catron	Lane	Shafroth	West
Chamberlain	Lewis	Sheppard	White
Clapp	McCumber	Shively	Williams
Clarke, Ark.	Martin, Va.	Smith, Ariz.	
Culberson	Nelson	Smith, Ga.	
Fletcher	O'Gorman	Smith, Mich.	

The PRESIDING OFFICER. Forty-nine Senators answering to their names, a quorum is present.

Mr. SUTHERLAND. Mr. President, I desire to make a slight change in the amendment I suggested. Instead of saying "agent, who shall also act as counsel," I desire to make it read "counsel, who shall also act as agent."

ours is one of the larger ones, and has been for years. It may be the largest

Mr. OVERMAN. Of course we have no way of getting information from the Department of State or anywhere else, except from the Senator. I believe I will agree to let it go in. The Senate may disagree to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

The PRESIDING OFFICER. The reading of the bill will be proceeded with.

The Secretary resumed the reading of the bill.

The next amendment was, under the subhead "International Institute of Agriculture," on page 15, line 26, after the date "1915," to strike out "$8,000" and insert "$4,800," so as to make the clause read:

For the payment of the quota of the United States for the support of the International Institute of Agriculture for the calendar year 1915, $4,800

The amendment was agreed to.

The next amendment was, on page 16, line 3, after the date "1915," to strike out "$3,600" and insert "$2,500," so as to make the clause read:

For salary of one member of the permanent committee of the International Institute of Agriculture for the calendar year 1915, $2,500.

The amendment was agreed to.

Mr. SMITH of Michigan. Let me call the attention of the Senator from North Carolina to line 24 at the bottom of page 11. It seems to me there has been a word left out or an unnecessary word put in.

Mr. OVERMAN. We struck out the word "and" before "authorized" in line 24. We have fixed it.

The PRESIDING OFFICER. The word "and" was stricken out.

Mr. SMITH of Michigan. I beg pardon.

The next amendment was, on page 16, line 7, after the word "Rome," to strike out "$5,000" and insert "$2,500," so as to make the clause read:

For the payment of the quota of the United States for the cost of translating into and printing in the English language the publications of the International Institute of Agriculture at Rome, $2,500.

The amendment was agreed to.

The next amendment was, on page 16, after line 15, to strike out:

SALARIES AND EXPENSES, UNITED STATES COURT FOR CHINA.

Judge of the United States court for China, $8,000; district attorney of the United States for China, $4,000; marshal of the United States court for China, $3,000; clerk of the United States court for China, $3,000; stenographer of the United States court for China, $1,800; for court expenses, including reference law books, $9,000; total, $28,800.

And to insert:

UNITED STATES COURT FOR CHINA.

Judge, $8,000; district attorney, $4,000; marshal, $3,000; clerk, $3,000; stenographer, $1,800; court expenses, including reference law books $9,000; in all, $28,800.

The amendment was agreed to.

The next amendment was, at the top of page 18, to strike out:

PERMANENT INTERNATIONAL COUNCIL FOR THE EXPLORATION OF THE SEA.

For the pro rata share of the United States in the administrative expenses of the Permanent International Council for the Exploration of the Sea, in the interest of the commercial fisheries, $5,556; for the necessary expenses of expert official representatives in attendance at the annual meeting of the council and clerical and other expenses connected with the investigations, $1,200; in all, $7,156.

The amendment was agreed to.

The next amendment was, under the subhead "International Seismological Association," on page 18, line 16, after the word "commission," to strike out "$1,300" and insert "$800," so as to make the clause read:

For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, $800.

The amendment was agreed to.

The next amendment was, under the subhead "Arbitration of outstanding pecuniary claims between the United States and Great Britain," on page 18, after line 18, to strike out:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical, and other assistants, to be expended under the direction of the Secretary of State, $50,000.

And to insert:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, to be expended under the direction of the Secretary of State, as follows.

Salaries and expenses of the tribunal: For the payment by the United States of one-half of the following, for salaries and expenses: For three arbitrators for three months, at $1,200 each per month, $10,800; stenographer for arbitrators, for three months, at $100 per month, $300; messenger, for three months, at $60 per month, $180; traveling expenses of arbitrators, $2,000; reporting proceedings, $5,000, or so much thereof as may be necessary; and for printing, stationery, and supplies, $500; in all, $9,380.

For rent of office for joint secretaries, $360.

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum; counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,520; two law clerks, at $1,800 per annum each; joint secretary, who shall also act as disbursing clerk, $2,500 per annum; two stenographers, at $1,200 per annum each; and messenger, $720 per annum; in all, $24,240.

Expenses, United States agency: Necessary expenses of counsel and assistants, $4,000, or so much thereof as may be necessary; printing memorials, replies, evidence, and briefs, $5,000; rent, $2,030; stationery and supplies, $700; miscellaneous expenses, $500; and international reference works and reports, $600; in all, $12,700.

Mr. SUTHERLAND. Mr. President, if I understand this amendment, I think it is a very unwise one. The language of the bill as it came from the House is general:

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedules of claims thereunder, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical, and other assistants, to be expended under the direction of the Secretary of State, $50,000.

In 1910 we entered into an agreement with Great Britain by which we agreed to arbitrate certain claims that were specified in a schedule annexed to that agreement and other claims that might be specified in subsequent schedules. The claims which were enumerated in the first schedule were a very large number. I think 100 or two or three hundred perhaps in number. Of course, they were mostly very small claims and were grouped together so there would be perhaps not more than 40 or 50 groups of different kinds of claims.

Under the treaty there were three arbitrators appointed; rather there were two arbitrators and an umpire, the United States selecting one abitrator, Great Britain another arbitrator, and they two selecting an umpire.

Shortly after this treaty came into operation we appointed our various agents for carrying it into effect on the part of the United States. We originally appointed an agent at a salary, I think, of $15,000. Subsequently he resigned and another agent was appointed at a salary of $7,500, the last agent appointed being Mr. Lansing, who is now counselor for the State Department. We appointed two counselors. When I say we, I do not mean Congress, but I mean the administration. We appointed two counselors. One of them at the time he was appointed was the solicitor for the State Department. His appointment took effect immediately after the 4th of March of last year. Another was a prominent young lawyer, a man of excellent ability, who is a resident of New York. Those two men took up the work on behalf of the United States, and they have carried it forward for more than a year.

These cases are of great importance and of great intricacy. It is impossible for any lawyer to become familiar with them in order to present properly the side of the United States unless he gives to the cases very great and careful attention. A number of these cases have been presented. Mr. Clark, who was the former solicitor of the Department of State and who is the chief counsel, has personally argued, I think, some 16 of the cases. He has devoted necessarily a great deal of time to the preparation of the cases. He has been eminently successful. I think every case that he argued and which has been decided has been decided in favor of our Government.

There are pending before this arbitration board at the present time, unargued and undetermined, some five or six cases, which are the most important of any of those that were submitted. Included in those cases is one which involves the claim of Great Britain against this Government in behalf of the Cayuga Indians of Canada. We have been paying for a great many years annuities to the Cayuga Indians. The British Government has presented a claim in behalf of the Canadian branch of that tribe or nation for back annuities, and it amounts to upward of a million dollars. The claim on the part of the United States, which was prepared with great care by the New York lawyer, Mr. McKinstry, covers some 1,500 or 2,000 pages. A vast volume of testimony has been taken, and that case has not been argued.

Now, it is the purpose of this amendment to turn out these two men, who are familiar—the Senator from North Carolina [Mr. OVERMAN] shakes his head, but——

Mr. ROOT. The effect of it is that.

Mr. SUTHERLAND. The effect of it is that, whether it is the purpose or not.

Mr. OVERMAN. It is not true that the effect would be to do that at all.

Mr. SUTHERLAND. Let us see.

Mr. OVERMAN. Let me call attention to one matter with which the Senator is probably not familiar. The Senator stated the facts correctly, but I just wanted to see what complaint he has to make against this amendment.

Mr. SUTHERLAND. I do not hear the Senator.

Mr. OVERMAN. I was waiting to see what the Senator's objection is to this amendment. He stated the facts about as they are. The Senator does not know, perhaps, that they have not had an agent there for some time who is getting $7,500. They had one counselor who was getting $7,500. The purpose of this amendment is to make the agent do the general counsel's work and the general counsel do the counsel's work. In other words, we want to make the agent do the work which the general counsel ought to do and the counsel do the work that the general counsel is doing now. We developed the fact that there is a man in New York, named McKinstry, who is not employed one-half his time—probably not one-third of his time. We thought $5,000 was enough for that purpose.

The Senator spoke of Mr. Clark. He is a very good man. I understood they were going to appoint him agent. I have no objection. He will get the same salary he is getting now.

The only trouble we have about the House provision is that it gives a lump sum. I am always opposed to lump-sum appropriations. I think salaries ought to be fixed and be definite and certain. When you give a lump sum a man may have a salary to-day at the rate of $7,500, in 6 months he may have another at the rate of $5,000, and in 12 months it may be at the rate of $20,000 a year. They ought to be made definite, and that is what we propose to do by this amendment. In other words, we have made the amendment fit the House appropriation as near as possible. We found that this secretary does not do anything in the world. He is getting $3,000 and stays here in Washington. He does nothing except when the joint commission meets. I think they meet in Canada. We have made his salary $2,500 and imposed upon him some duties to perform; that is, we have made him a disbursing agent. The secretary, who shall also act as disbursing agent, gets $2,500. That is the change we have made.

Mr. SUTHERLAND. I am not objecting to any of these items.

Mr. OVERMAN. What is the Senator objecting to?

Mr. SUTHERLAND. I am objecting to the amendment because the effect of it will be to legislate out of these positions the two lawyers who have had charge of these cases for some years and who ought to be permitted to continue with the work until it is completed.

Mr. OVERMAN. I can not understand the Senator's reason.

Mr. SUTHERLAND. The Senator would not listen to me, but proceeded to make a speech on his own account. I was going to tell the Senator why. The Senator asked me, and then proceeded to make a speech about it.

The provision is:

Salaries, United States agency: Agent, to be appointed by the President, by and with the advice and consent of the Senate, $7,500 per annum.

I do not care anything about that except that I think it is a wholly unnecessary provision. Why, if we are to have him appointed at all, should he be appointed by and with the advice and consent of the Senate? I think it may as well be left as it has been heretofore, that the agent shall be appointed by the President without reference to the Senate. But I do not care very much about that. Then, the next provision is:

Counsel, to be appointed by the President, by and with the advice and consent of the Senate, $5,000 per annum; counsel, $2,500.

These two men are now doing the work. They have been appointed without reference to the Senate. Their salaries have been fixed at $7,500 and at $5,000. I think I am somewhat familiar with the work they have been doing, and the amount of the salary is very reasonable. It ought not to be cut down a single dollar.

Now, it is proposed that the President shall appoint somebody as counsel at $5,000 in place of Mr. Clark. I do not think Mr. Clark would accept the appointment at $5,000.

Mr. OVERMAN. Why could not the President appoint him agent? Then he would get the same salary and do the same work.

Mr. SUTHERLAND. I do not know, but I simply want to make sure that these men will be appointed and that the Government will be represented by them in these cases. It would be exceedingly unfortunate if these two lawyers, who have become familiar with these cases, who have partly prepared them and are preparing arguments to be made before this arbitration board, should now be turned out and new men be put in their places.

The Senator from North Carolina [Mr. OVERMAN] is a lawyer, and he understands that a lawyer who has grown up with a case from the beginning is far better able to present it to the court than some lawyer who may be called in at a later day, even though the new lawyer may be quite as able as the old one.

I think the Senator from North Carolina, from what he has said, agrees with me, and if we intend to continue these two men in this employment we ought to say so. I intend to offer an amendment——

Mr. OVERMAN. I do not say what we intend to do. I said Mr. Clark would be appointed to one of these places. My point is that a man who ought to be doing work as counsel is doing nothing, although $7,500 is appropriated for him. There is no such man filling the place.

Mr. SUTHERLAND. You mean the agent?

Mr. OVERMAN. An agent.

Mr. SUTHERLAND. Then cut him out.

Mr. OVERMAN. The treaty requires us to appoint an agent or we would have cut him out.

Mr. ROOT. May I make a suggestion?

Mr. SUTHERLAND. Certainly.

Mr. ROOT. The work of an agent in a case of this kind corresponds to the work of an attorney in our courts——

Mr. OVERMAN. Exactly.

Mr. ROOT. As distinguished from counsel. The great bulk of the agent's work is in preparation. He prepares the case where his Government is the complainant. He prepares the counter case where the Government is the defendant. He superintends the preparation of the arguments—that is, the contributions of counsel—the printed arguments, putting them in shape and seeing that they are printed. He has to see that the papers are properly served and distributed in accordance with the practice in such cases.

Mr. OVERMAN. Now, if the Senator will let me interrupt him, that is just what the Senator said Mr. Clark has been doing. He is general counsel, and, although the treaty says that we must have an agent to do that work, as the Senator says now, that is just what Mr. Clark, the general counsel, is doing. We did not see why we should have a general counsel at $7,500 a year doing all the work, and then have an agent at $7,500 a year who does no work.

Mr. ROOT. I suppose that the great bulk of the agency work is done by the general counsel?

Mr. SUTHERLAND. Yes; for these cases.

Mr. ROOT. For these cases; that is, those that have come on——

Mr. SUTHERLAND. Those that are included in the present schedule.

Mr. ROOT. But I believe that the counsel should also act as the agent, if that is permissible under the treaty, or that some person of minor consequence at a moderate salary should act as agent.

Mr. OVERMAN. That could not be done because the Canadian Government has provided for an agent and the United States has an agent. They get the same salary, as I understand, and we must make our law correspond to the law on the part of Great Britain.

Mr. ROOT. Well, some provision should be made under which the two functions could be united, or a smaller amount paid; but I think these provisions would oust Mr. Clark and the other gentlemen from their positions.

Mr. OVERMAN. Not necessarily so.

Mr. ROOT. Yes; because there would be no appropriation for their payment. The appropriation would be only for the payment of somebody who had been appointed by the President by and with the advice and consent of the Senate. They could not receive that payment.

Mr. OVERMAN. If they are such men as the Senator says they are, as I have no doubt they are from his statement, probably the President may appoint them. I know that Mr. Clark is a very able man, and that he is very highly recommended. I think he is doing work now which is exactly what the agent is expected to do.

Mr. ROOT. Very likely, naturally enough, because Mr. Lansing, who was agent, has been made counselor for the State Department. The injury that would come from ousting these gentlemen from their positions would be very serious. These are cases which have been in the office of the Solicitor of the State Department for many years. Cases are not put in before a claims tribunal like this until all attempts at reaching a conclusion by diplomatic correspondence have been exhausted and have failed. The man representing the United States, who is

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Boundary line, Alaska and Canada and the United States and Canada," on page 12, line 24, after the word "necessary," to strike out "to reduce field notes"; and on page 13, line 7, after the word "necessary," to strike out "to reduce field notes," so as to make the clause read:

To enable the Secretary of State to mark the boundary and make the surveys incidental thereto between the Territory of Alaska and the Dominion of Canada in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary; and for the more effective demarcation and mapping, pursuant to the treaty of April 11, 1908, between the United States and Great Britain, of the land and water boundary line between the United States and the Dominion of Canada, as established under existing treaties, to be expended under the direction of the Secretary of State, including employment at the seat of government of such surveyors, computers, draftsmen, and clerks as are necessary, $100,000, together with the unexpended balance of previous appropriations for these objects.

The amendment was agreed to.

The next amendment was, on page 13, after line 19, to strike out:

INTERNATIONAL PRISON COMMISSION.

For subscription of the United States as an adhering member of the International Prison Commission and the expenses of a commission, including preparation of reports, $2,550.

Hereafter the United States shall continue as an adhering member of the International Prison Commission and participate in the work of said commission.

That hereafter the Secretary of the Treasury be, and he is hereby, authorized annually to pay the pro rata share of the United States in the administration expenses of the International Prison Commission and the necessary expenses of a commission to represent the United States on said commission at its annual meetings, together with necessary clerical and other expenses, out of any money which shall be appropriated for such purposes from time to time by Congress.

The amendment was agreed to.

The next amendment was, on page 14, after line 12, to strike out:

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

To enable the Government of the United States to pay, through the American Embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Pan American Union," on page 14, line 24, after the words "requisitions of the," to strike out "chairman of the governing board of the Union" and insert "Secretary of State," and on page 15, line 1, after the word "Union," to strike out "and of carrying out the orders of said governing board," so as to make the clause read:

Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the Union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the monthly bulletin not to exceed 6,000 copies per month, for distribution by the Union during the fiscal year ending June 30, 1915.

The amendment was agreed to.

Mr. ROOT. Mr. President, on page 15, after line 16, I should like to insert the amendment which I send to the desk.

Mr. OVERMAN. I will accept that amendment.

The PRESIDING OFFICER. The committee having accepted it, the amendment is in order. Ordinarily it is the rule to consider only committee amendments first.

Mr. BURTON. What is the amendment?

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 15, after line 16, it is proposed to insert:

To the International Commission on Annual Tables of Constants and Numerical Data, Chemical, Physical, and Technological, as established by the Seventh International Congress of Applied Chemistry in London and as continued by the eighth congress in New York, as a contribution by the United States toward the publication of annual tables of constants, chemical, physical, and technological, $500.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, after line 16, to strike out:

BUREAU OF INTERPARLIAMENTARY UNION FOR PROMOTION OF INTERNATIONAL ARBITRATION.

For the contribution of the United States toward the maintenance of the Interparliamentary Union for the Promotion of International Arbitration at Brussels, Belgium, $2,000.

Mr. BURTON. Mr. President, I desire to oppose that amendment. The Interparliamentary Union is an organization to which we have been contributing for a number of years. Indeed, the contribution contained in the Diplomatic and Consular appropriation bill for 1914 was $2,500.

The work of the union is very important. In its membership there are included representatives from almost every legislative body in the world, and they maintain a general bureau at Brussels with a secretary. The different countries contribute toward its expenses. Our contribution, I believe, is one of the largest, but nearly all other countries contribute as well. Last year it was $2,500. Now it is proposed to strike out the $2,000 that is included in the House provision. I hope that will not be done.

Mr. OVERMAN. Mr. President, I wish to state to the Senator that we have adopted this policy: Wherever there was a union or an association or a meeting of any kind abroad that was not provided for in some treaty or in some act of Congress, where it was simply an association of men without any recognition on the part of the Government, either through the Secretary of State or Congress or in some other way, we did not see why the United States should be contributing to an association entirely disconnected from the Government, without any request on the part of Congress and without any agreement in any treaty.

If we do it in one case, I suggest to the Senator that we ought to do it in dozens of cases that we have stricken out here where sometimes men go to Europe. I do not say that there is any provision here to send a delegate to Europe, as in some cases there is.

We have stricken out all of the provisions where there are meetings held abroad that are not authorized by any act of Congress or any resolution or any treaty or any request on the part of the Secretary of State or the President.

Mr. BURTON. Mr. President, it will be accepted as an act of gross discourtesy to these other countries—to Belgium, to the Netherlands, to France, and to Great Britain.

Mr. OVERMAN. How could it be discourteous when there is no governmental act connected with it?

Mr. BURTON. But we have given this amount year by year.

Mr. OVERMAN. We have given it to the association.

Mr. BURTON. We have a very considerable delegation from the Senate and the House.

Mr. OVERMAN. I have been invited to it, and I believe I am a member of it. It has no governmental authority in any country. We can not treat any government with discourtesy, because no government has ever provided for it anywhere that I have ever heard of; and I do not think the Senator can show me that the union has any authority under any governmental resolution or act or agreement.

Mr. BURTON. In 1904 we invited them to come to this country, and made an appropriation. In pursuance of a resolution by this union President Roosevelt issued the invitation for the Second Hague Conference. Without any disparagement of the other interparliamentary or international organizations specified in the bill, this is the most important, because it includes delegates from every country that has a parliamentary system of government. Even Japan and Russia have sent delegates.

Mr. OVERMAN. What does the Senator mean by "delegates"? Does he mean delegates selected by somebody outside—not Government delegates, not representatives of the Government?

Mr. BURTON. They are under the recognition of the Government. They are sent by the different branches of the union in the different States.

Mr. OVERMAN. Just like some temperance society would send a delegate abroad, or some Elks' society, or something of that kind.

Mr. BURTON. Oh, it is altogether different from that.

Mr. OVERMAN. Why, any society might send a delegate for the same reason, and the expenses might be paid as these are paid.

Mr. ROOT. Mr. President, may I make a suggestion to the Senator?

Mr. OVERMAN. Gladly.

Mr. ROOT. This practice has been running for many years under the system of concurrent legislation—a method of reaching harmonious action on the part of different Governments, which is often quite as effective as the making of formal treaties. The Interparliamentary Union is a conference between the legislators of the different civilized countries.

No one from the United States takes part in it except by virtue of his election either to the Senate or to the House of

Representatives of the United States. At fixed times the representatives of the legislative bodies of the civilized countries of the world meet to confer regarding those matters which tend toward doing away with barriers, unifying commercial methods, and reducing the obstacles to friendly and profitable intercourse. Their association and conference and better understanding is, I think, a very useful agency toward advancing the purposes we all have in mind as legislators.

We could all go if we saw fit. Every Member of the Senate and every Member of the House is competent to attend these meetings, but, of course, it is not convenient for very many to do so. Year by year for many years Members of the Senate and Members of the House have attended these meetings, under, as I say, a course of concurrent legislation by which the United States has recognized, in sympathy and harmony with the other civilized countries of the world, the advantages and benefits of this system of legislative conferences. I think it would be very unfortunate for the United States to withdraw its approval.

Mr. OVERMAN. I wish to say to the Senator that I frankly agree with him that this is a very important meeting, and I hope it will be carried on. I think it is doing great work. The question with us, however, is whether or not the United States Government can afford not only this but other similar things. If we do it for this association, I presume we will have to go on and do it for a dozen other associations that meet upon their own initiative, go over to Europe, and have a discussion over there.

If the Government had recognized this body in any way by a resolution or by a treaty or by a suggestion upon the part of the President—as was done, as the Senator from Ohio said, some years ago, when the President of the United States, then Mr. Roosevelt, took it up—of course, we ought to appropriate for it.

Mr. ROOT. But, Mr. President, one object of my remarks was to point out that our Government has recognized it. For many years regular appropriations have been made to carry on the work of this union. Somebody has to pay the expenses, you know. These gentlemen do not come together on their own account. They come together only as officers of this and of other Governments. Somebody must pay the expenses, and I think we should pay our share. We should do our part toward the payment of expenses, just as we do toward the International Postal Union and a variety of other joint international undertakings for the common benefit.

Mr. OVERMAN. While I do not say it in reference to this, these things are generally gotten up by some man who wants to go to Europe and have a good time under governmental authority. That does not apply to this case, however.

Mr. BURTON. Mr. President, I must correct that statement.

Mr. OVERMAN. I said it did not apply to this case.

Mr. BURTON. The Senator from North Carolina is entirely in error. This is not to pay anyone's expenses.

Mr. OVERMAN. I did not say so.

Mr. BURTON. There is a bureau in Brussels that maintains a considerable force of clerks. They do a very large amount of printing. The propositions made by committees are submitted to every member of the union. For instance, there is a proposition now for an international court to settle certain controversies arising from subjects about which there are treaties. There are a number of other questions; for instance, the status of navigable canals. There is a proposition pending in regard to rates of postage. A resolution was adopted at the last meeting in regard to the recognition given by governments to loans for purposes of war.

I believe no rental is charged for the halls in which they meet. They met in the historic chamber at The Hague the last time and they met at Geneva preceding that. The secretary receives a salary which is not very large, but he has a considerable number of subordinates. I do not see how the American members of this group could attend this gathering if this Government, after having appropriated for this purpose for years, should now strike out the item.

Mr. OVERMAN. How long has the Government been appropriating for it?

Mr. BURTON. I do not recall the number of years. In looking over the last Diplomatic and Consular appropriation bill I notice that it was in that bill.

Mr. OVERMAN. I think it has been carried in the bill for a few years.

Mr. BURTON. I think it has been carried for some five or six years at least.

Mr. OVERMAN. I want to say that I am not striking at this item especially. I think it is the best of all the appropriations for unions whose meetings are being held over there. I am a member of it myself, as the Senator knows; but we had to establish some rule or principle to guide us. There are efforts being made every year to get these associations to meet abroad, and then they want to establish a headquarters somewhere and have the Government appropriate to sustain those headquarters in Europe; some of them.

This is not the only one. We are not striking at this organization especially, but we had to establish some rule or some principle to go by. The committee thought they would establish the rule that wherever the Government, by the action of Congress or by some treaty, brings the meeting about, it is our duty to appropriate, but here it is just an organization of men outside of the Government, and I do not see why we should appropriate for it.

Mr. BURTON. They are not outside of the Government.

Mr. OVERMAN. Well, it is just like any other association.

Mr. BURTON. The prime minister of England belonged to it for many years and delivered the address of welcome at their meeting in 1906.

Passing on here, there is the International Institute of Agriculture. Is that the result of treaty?

Mr. OVERMAN. It is.

Mr. ROOT. Yes; that is the result of treaty.

Mr. BURTON. Is the same true of the International Railway Congress?

Mr. OVERMAN. Every one of them. We have examined thoroughly as to that.

Mr. BURTON. Is the same thing true in regard to the Committee on Postal Rates?

Mr. OVERMAN. Yes; every one that is in here that has not been stricken out is provided for either by treaty or by resolution of Congress.

Mr. BURTON. Nevertheless, Mr. President, whether these are provided for by treaty or not, we have given this recognition. We invited them to come to this country so long ago as 1904, and I am not sure but that this appropriation has been made every year since then. It has been made at any rate for a considerable time. I do not like to rely upon my recollection without having the papers at hand, but I think that for 10 years past we have contributed to the expense of this union. It is an object in relation to which foreign Governments might feel a peculiar degree of sensitiveness because the organization includes delegates from all their legislative bodies. We have taken rather a prominent part in the meetings of the union. Our contentions have been listened to with a great deal of respect. I know no place where American influence can be enlarged or recognized in a greater degree than in the meetings of this union.

Mr. McCUMBER. I wish to ask the Senator with what degree of consistency or pride any American delegate could attend a conference where the American Government refuses to contribute any portion whatever and where all the other Governments represented contribute.

Mr. BURTON. I think the question would arise whether we ought not to stay away if the Congress of the United States refuses to make this appropriation. I think we have not been quite as regardful of the courtesies due to foreign Governments in some of our legislative action as we ought to have been, and I know no slight that would be worse than to omit this appropriation.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Utah?

Mr. BURTON. I do.

Mr. SMOOT. In regard to this amendment, I will state frankly that I voted for striking out the provision upon the understanding that it was to pay the expenses of the delegates to attend the convention.

Mr. BURTON. Not a dollar.

Mr. SMOOT. That evidently is not the case from what has already been stated. I will ask the Senator from North Carolina if that was the understanding of the committee, whether it would not be better to restore it?

Mr. OVERMAN. It was not the understanding of the committee. I explained it. I have no special objections to this matter, but we established a rule that we had to be guided by in this matter. Can the Senator assure me that other countries contribute?

Mr. BURTON. Yes; decidedly.

Mr. OVERMAN. What other countries?

Mr. BURTON. Great Britain.

Mr. OVERMAN. All countries?

Mr. BURTON. I could not say that all countries contribute; but there is a list published of the contributions. I think

pose of developing the property and ascertaining just what the mine would yield. That is as far as he would go.

He said the only fair test would be a working of the property over a period of six months with stamps from different parts of the mine and thus ascertaining the average yield.

Dr. Dewey made no assays on the ground, but he acknowledged that specimens of ore said to be from the mine had been submitted to him and that his assays ranged from $800 a ton down practically to nothing. In other words, there seemed to be evidence that the mine was spotty, like most North Carolina properties, and the only way of making a fair test would be operation over a period of months. Newman contends that he is now following that course.

MINE WITH A LONG HISTORY.

The Gold Hill, N. C., mine is one with a long history. Before the Civil War, it is said, several millions of dollars were taken from it. Like most North Carolina mining ventures, however, it has had a checkered career. The Copper Handbook describes it as the largest gold producer in 1845 in the United States. The Copper Handbook adds:

"The mine was operating in 1913, crosscutting on the 270-foot level to cut the Newman vein already opened on the 800-foot level. Shipments to the Perth Amboy smelter returned 1.5 per cent copper and about $3 gold per ton, with small silver values."

For a considerable period the mine was involved in litigation and at one time was flooded. Newman contends that after pumping it out and crosscutting it he made discoveries which warrant his present rosy representations. He asserts, also, that he has added materially to the plant recently.

Newman himself is president and the directors, as given in the 1913 reference books, were Edward H. Swan, William P. Woodbury, Woodruff Leeming, Charles E. Stacy, J. C. Kemp, and W. F. Lanigan.

Mr. OVERMAN. Mr. President, while, so far as I can see, there is no reflection whatever upon my integrity contained in that article, I desire to introduce a resolution asking the Senate to investigate the matter thoroughly, because otherwise some one may say that there is some reflection contained in the article which has just been read.

So far as the statement concerning letters copied on stationery from my office is concerned, I wish to say that there were just four copies taken by a lady stenographer temporarily employed in my office, who is very much distressed about it. She said that late one evening when I was absent Mr. Newman came to my office and asked her to make copies of the letter from this mining expert to Senator CHILTON, which she did, thinking there was no harm in doing so, as she has frequently done the same thing for other parties. People from my State frequently come there and have letters copied, and she copied the letter in this instance, as I have said, believing there was no harm in it. I knew nothing in the world about it.

I have never advised anybody to buy any stock in this gold mine; I have never in any way attempted to promote the sale of any stock. I know something about the mine because it is situated in my county. Just prior to the discovery of gold in California that county was the famous gold field of the United States, and, because of the immense quantities of gold there and in the surrounding counties, the United States Government located at the city of Charlotte a mint. Subsequently the mint was abolished and there was established what was known as an assay office, which continued there until 1910, when the assay office was also abolished.

Some time ago this man Newman went down there, unwatered this mine, began crosscutting, and claimed that he had found some of the old veins that had been lost. I may say, in passing, that a great geologist, as I will be prepared to show at the proper time, says this is a wonderful gold field. I refer to Prof. Emmons, who speaks of it as a wonderful gold property, and I want to say that the records of the mint in Charlotte show that $5,000,000 were taken out of this mine.

I did not ask for the establishment of the assay office at Charlotte, but some parties in my State did ask for the reestablishment of the assay office there. We have other mines down there. They have not been paying in great quantities, because those working the mines have not gone down deep enough. Mr. Williams was requested by some one in my State to ask for the reestablishment of the assay office at Charlotte. I have never attempted to secure its reestablishment. Although I am on the Appropriations Committee, I have had nothing in the world to do with it, and refused to have anything to do with it. The Director of the Mint sent an expert down there to investigate as to whether this mine would pay enough money to warrant the reestablishment of the assay office. The Government has the building there, it has the machinery and all the equipment; it only needs some one to run the assay office; but I did not think the mine had been sufficiently developed for me to ask the committee to reestablish the assay office. After I saw the very roseate report concerning the mine and after a talk with this man Williams, whom I do not know and with whom I had never talked before, in which he said the mine was worth about $20,000,000 and the stock was selling at 50 cents, I did buy about $2,000 worth of stock. That is all I have in it and I have done nothing to promote the stock or to assist in its promotion in any way whatever. Down in my office the letter paper of the committee of which I am chairman was used without my knowledge and consent by a poor woman who was in the office temporarily.

Now I submit the resolution which I send to the desk and which I desire to have adopted in order that Senators may investigate the matter and see whether there has been any want of integrity on the part of anybody in connection with this mine. Of course, no one can or could question my integrity or has done so. But it is best to let the truth be known in regard to everybody else's connection with it. I believe there are great possibilities for the development of the mineral resources of my State, and I hope this resolution will have the effect to let the people know what a great State we have in mineral resources, as well as agricultural and manufacturing resources.

Mr. CHILTON. Mr. President, inasmuch as my name is used in connection with this matter, I want to ask the indulgence of the Senate for just a moment. All of this goes to show what will happen to a Democrat when he gets to fooling with the gold standard. If he would stick to the old 16 to 1, he would never have anyone question his motives. [Laughter.]

Mr. President, some time ago—I am not accurate in remembering dates and time—my attention was called by some one, probably by Mr. Newman, whom I met here, to a wonderful new discovery which had been made in North Carolina. Now, Mr. President, I want to say that I will yield second place to nobody in having money invested in gold mines. I have some in holes in Washington, in California, in Colorado, in Georgia, in South Carolina, in Virginia, in North Carolina, and probably in several other States. All my life I have fostered the idea that possibly I might get out of my habit of not having enough to pay my bills by making a strike in a gold mine. They have always looked attractive to me, and, inasmuch as I have so much money in holes of that kind, I want to go to that kind of a hole to get out the money which I have invested.

I felt interested in the statement made to me, and after consulting with some friends in West Virginia who knew something about these matters I sent Mr. Williams, or, rather, a friend of mine sent Mr. Williams, down there. He came here to Washington to see me, and I gave him a letter of introduction to some one—I believe, to Mr. Montgomery, whom the Senator from North Carolina [Mr. OVERMAN] knows very well, and told him that we wanted this man to examine the property. Mr. Williams made a report, which report I have shown to several people, and later, along in the latter part of May, he wrote me a letter.

One day Mr. Newman came to me—I think it was to me—he came to my office and said he wanted that letter. That is all I knew about it. Recently I heard that some one had a copy of that letter of Mr. J. C. Williams, the expert, written upon the paper of the Census Committee. The stenographer in my office told me that Mr. Williams came in with that letter and asked him to make some copies, and the most convenient paper he had being the paper of the Census Committee he made several copies for him upon that paper. He did it in the open; there was no secret about it; there was no concealment of anything. In other words, Mr. President, substantially the truth is told about the matter by the reporter so far as I am concerned. It is true it is told in a rather flippant way that some enemies might take to reflect upon me, but in the main, reading it in cold type, he has told it as it occurred.

If that were all, I would not dignify a thing of this kind any more than I would dignify any other letter that anybody might choose to copy and flare around in improper places, but I realize that there are other Senators on that committee with me and other Senators on the committee of which the Senator from North Carolina [Mr. OVERMAN] is chairman, and I want to ask the Senate to promptly make an investigation of this matter to ascertain the facts. If they are as stated in the article and if it seems that any of us is subject to censure, I am here to take my medicine, but above all I do want the Senate and the country to know the actual facts in the case.

I will say, as Senator OVERMAN has said, that I never authorized anyone to use my Senate paper for any such purpose, and I am sure that everyone having knowledge of it will so testify.

I do want to call attention to the fact that the paper is marked "copy" plainly, and therefore no one could have been deceived.

Mr. OVERMAN. I ask that the resolution be read.

The PRESIDING OFFICER. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 394) submitted by Mr. OVERMAN, as follows:

Resolved, That a special committee of five Members of the Senate be appointed by the President of the Senate, and that said committee is hereby empowered and directed to make a thorough and complete investigation into the use of stationery of the United States Senate Committee on the Census and the United States Senate Committee on Rules in the promotion of the so-called Gold Hill Consolidated Co., and of the sending of an employee of the United States Treasury to make an investigation of and report upon the property of said company, and any other matters touching upon or relating to the use of property of the United States or employees of the United States Government in connection with the promotion or business of said Gold Hill Consolidated Co. Said committee, or any subcommittee thereof, is hereby empowered to sit and act during the session or recess of Congress; to require, by subpœnas or otherwise, the attendance of witnesses and the production of books, documents, and papers; to take the testimony of witnesses under oath; to obtain documents, papers, and other information from any of the departments or bureaus of the Government; to employ stenographers to take and make a record of all evidence taken by the committee, and to keep a record of its proceedings; to have such evidence, record, and other matter required by the committee printed and suitably bound. The chairman of the committee, or any of the members thereof, may administer oaths to witnesses. Subpœnas for witnesses shall be issued under the signature of the chairman of the committee, or the chairman of any subcommittee thereof. All hearings by and before said committee, or any subcommittee thereof, shall be open to the public. The expenses of such investigation shall be paid for out of the fund for contingent expenses of the Senate.

Mr. OVERMAN. Mr. President, the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate under the rule.

The PRESIDING OFFICER. Under the statute, of course the resolution would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, to be passed upon.

Mr. OVERMAN. That is what I have suggested.

The PRESIDING OFFICER. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915.

Mr. OVERMAN. I ask for the reading of the Diplomatic and Consular bill. I wish to say that this is the first bill ever reported out of the Committee on Appropriations that carried less than the House appropriated.

The Secretary proceeded to read the bill, and read to line 2, on page 2.

Mr. OVERMAN. I offer a committee amendment at this point to make funds available for the payment of our envoys and ministers to Argentina and Chile.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 2, it is proposed to insert:

Provided, That of the amount appropriated for salaries of ambassadors to Argentina and Chile so much as may be necessary shall be available for the payment of salaries of envoys extraordinary and ministers plenipotentiary to Argentina and Chile at the rate of $12,000 each per annum, and shall continue to be available during the fiscal year ending June 30, 1915, until such time as duly accredited ambassadors extraordinary and plenipotentiary shall have been received by the Governments of the Argentine Republic and of Chile, respectively.

Mr. SMOOT. I will ask the Senator to explain the amendment.

Mr. OVERMAN. As the bill reads, on the 1st day of July these salaries are made $17,500 each for the payment of ambassadors. The ambassadors are not yet appointed, and while the law provides for ambassadors there, they will have no way of paying the men who are serving. The men who are holding on as ministers will get only $12,000. We wanted to make available of the $17,500 appropriated for ambassadors such part as is necessary to pay the ministers, and the same as to the clerks.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 2, at the end of line 24, it is proposed to insert:

Provided, That of the amount appropriated for salaries of secretaries of embassy to Argentina and Chile, so much as may be necessary shall be available for payment of salaries of secretaries of legation to Argentina and Chile at the rate of $2,625 each per annum, and shall continue to be available during the fiscal year ending June 30, 1915, until such time as duly accredited secretaries of embassy shall have been received by the Governments of the Argentine Republic and of Chile, respectively.

The amendment was agreed to.

The reading of the bill was resumed.

The first amendment of the Committee on Appropriations was, under the subhead "Emergencies arising in the Diplomatic and Consular Service," on page 9, line 13, after the words "Revised Statutes," to strike out "$50,000" and insert "$75,000," so as to make the clause read:

To enable the President to meet unforeseen emergencies arising in the Diplomatic and Consular Service, and to extend the commercial and other interests of the United States, and to meet the necessary expenses attendant upon the execution of the neutrality act, to be expended pursuant to the requirement of section 291 of the Revised Statutes, $75,000, together with the unexpended balance of the appropriation made for this object for the fiscal year 1914, which is hereby reappropriated and made available for this purpose.

The amendment was agreed to.

The next amendment was, at the top of page 11, to strike out:

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $10,000.

And insert:

INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

To enable the commission to continue its work under the treaties of 1884, 1889, and 1905, $20,000: *Provided*, That $10,000 thereof is made immediately available to resume the work relating to the distribution of water, as authorized by and in pursuance to concurrent resolution of April 29, 1890, and the protocol of May 6, 1896, between the United States and Mexico.

The commissioner appointed by the Secretary of State under article 21 of the treaty of 1848, and reaffirmed under article 7 of the treaty of 1853, and article 5 of the treaty of 1884, and article 8 of the treaty of 1889, to carry on this work, is hereby authorized and directed to pay the salaries, compensation, wages, and allowances heretofore authorized or approved by the Secretary of State, and any and all persons employed by or under direction of the commissioner appointed by the Secretary of State to study the questions in connection with the distribution of the waters of the Rio Grande, from the date to which such salaries, compensation, wages, and allowances were last paid up to and including the 30th day of June, 1914, or until said employees shall be separated from the service; and the appropriation made by the Diplomatic and Consular appropriation act, approved February 28, 1913, "To enable the commission to continue its work under the treaties of 1884, 1889, and 1905" is hereby made available for the payments herein authorized and directed.

Mr. OVERMAN. On page 11, line 24, I move to strike out the word "and" after the word "hereby." It is incorrect.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The amendment to the amendment will be stated.

The SECRETARY. On page 11, line 24, after the word "hereby" it is proposed to strike out the word "and."

The amendment to the amendment was agreed to.

Mr. BURTON. Mr. President, this is a joint commission; is it not?

Mr. OVERMAN. Yes. There is a good deal of difficulty about arriving at what the treaty meant. A treaty was entered into in 1845, and subsequently there was a protocol, and there has been a conflict between the jurisdiction of what was known as the water commission and the boundary commission. The boundary commission has been acting all the time, until the auditor made a ruling that the indebtedness incurred by the water commissioner could not be paid under the former law. We have therefore divided it and appropriated $10,000 for the boundary commission and $10,000 for the water commission, so that they can pay the back indebtedness and also go on with the water matter as provided for in the protocol.

Mr. BURTON. Are our commissioners acting now in concert with commissioners from Mexico?

Mr. OVERMAN. Yes; I think so. I know that Gen. Mills is. I can not say as to the others. I know that the treaty provides for it. I do not know whether the Mexican commissioners are there or not; but the treaty provides for it; and I take it for granted they are there.

Mr. BURTON. What Government, what administration takes up the different claims down in Mexico?

Mr. OVERMAN. Commissioners were appointed under the treaty, named in the treaty itself. Whether those same men are at work or not, or whether they have died or resigned or other commissioners have been appointed in their places, I am unable to inform the Senator, but I understand they are going ahead with the work. They have surveyors down there. Evidently they worked last year, because there is $1,100 of indebtedness due for the people that they have in their employ, and there is no way to pay them under the ruling of the auditor.

Mr. BURTON. In view of the fact that we have recognized no Government in Mexico, what good would result if these commissioners did come to some conclusion?

Mr. OVERMAN. We may later on recognize some Government down there, and we are providing for that.

Mr. BURTON. So the Senator from North Carolina will concede that no conclusion could be reached at present from their labors? It would be necessary to wait?

Mr. OVERMAN. We are living in hope, watching and waiting to see what will happen.

Mr. BRISTOW. I make the motion now, and then we can lay the bill aside.

Mr. OVERMAN. It would take a two-thirds majority to make it a special order.

Mr. BRISTOW. No; it does not take a two-thirds majority. We can take up any bill we desire by a majority vote.

Mr. OVERMAN. I do not propose to yield that the Senator may move to take up the bill now.

The PRESIDING OFFICER. The Chair desires to state, if the Senator from Kansas will permit, that the Senator from North Carolina asked unanimous consent to proceed to the consideration of the Consular and Diplomatic appropriation bill, and the request was submitted to the Senate and unanimous consent was given.

Mr. BRISTOW. I beg the Chair's pardon; I was on my feet before the announcement and sought recognition.

The PRESIDING OFFICER. If the Senator states that he was on his feet, the Chair, of course, will hold that it is open.

Mr. BRISTOW. It is not my purpose to delay the appropriation bill, but to have Senate bill 392, which relates to the retirement of volunteer officers of the Union Army, made the unfinished business. It has been reported from the Committee on Military Affairs, it is now on the calendar, and it has been before the Senate time and again.

Mr. OVERMAN. I rise to a question of order. The Senator can not make the motion while the appropriation bill is before the Senate.

Mr. BRISTOW. But the bill is not before the Senate. The question is what bill shall be laid before the Senate?

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent for the consideration of the appropriation bill and the Senator from Kansas states that he was on his feet to make objection.

Mr. BRISTOW. I object and move——

Mr. OVERMAN I have the floor. I have not yielded the floor. I understand unanimous consent was given for the consideration of the appropriation bill.

The PRESIDING OFFICER. Unanimous consent the Chair thought was given.

Mr. OVERMAN. I move that the Senate proceed to the consideration of House bill 15762—the Diplomatic and Consular appropriation bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Does the Chair rule that when I rose and made the objection and then had the floor that I can not move to take up Senate bill 392?

The PRESIDING OFFICER. The Chair recognized the Senator from North Carolina, who asked for unanimous consent. The Senator from Kansas, in the meantime, takes the floor and makes an objection and proceeds to make a motion. The Chair holds that the Senator from North Carolina has the floor. He asks for unanimous consent. The Senator from Kansas objects and——

Mr. BRISTOW. Then I move to substitute for the motion of the Senator from North Carolina that the Senate take up Senate bill 392 for immediate consideration.

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRYAN. It has been ruled by the Vice President that such a motion as that made by the Senator from Kansas is out of order. In addition to that, under the rules of the Senate, a motion to proceed to the consideration of an appropriation bill has precedence over a motion to proceed to the consideration of any other bill.

Mr. BRISTOW. I submit that the Senator's motion has no precedence whatever. A majority vote of the Senate determines what business shall be laid before it. The Vice President has ruled that a motion to substitute one bill for another is in order.

Mr. BRYAN. I call the attention of the Chair to Rule IX. It reads as follows:

And in such case—

That is, when the calendar is before the Senate—

the following motions shall be in order at any time as privileged motions, save as against a motion to adjourn, or to proceed to the consideration of executive business, or questions of privilege, to wit:

First. A motion to proceed to the consideration of an appropriation or revenue bill.

Second. A motion to proceed to the consideration of any other bill on the calendar, which motion shall not be open to amendment.

Third. A motion to pass over the pending subject, which if carried shall have the effect to leave such subject without prejudice in its place on the calendar.

Fourth. A motion to place such subject at the foot of the calendar.

Each of the foregoing motions shall be decided without debate and shall have precedence in the order above named.

The rule gives to an appropriation bill the preference, and when two motions are made, one being to proceed to the consideration of an appropriation bill and the other to consider an ordinary bill on the calendar such as the motion of the Senator from Kansas, the motion must be first put whether the Senate will consider the appropriation bill.

Mr. OVERMAN. I never heard it denied before that a motion to proceed to the consideration of an appropriation bill has precedence over every other motion to consider a bill.

The PRESIDING OFFICER. Under Rule IX, which provides that a motion to proceed to the consideration of an appropriation bill shall have precedence over other motions save as against a motion to adjourn or to proceed to the consideration of executive business or a question of privilege, the Chair holds that the motion of the Senator from North Carolina takes precedence of the motion made by the Senator from Kansas, and that the Senator from Kansas can not move as a substitute to take up some other bill which is not an appropriation bill.

Mr. BRISTOW. Let me inquire if this——

Mr. WARREN. If the Senator will allow me a moment, I want to say to the Senator from Kansas that the ruling is right, of course, and I believe it would be bad policy to take the bill up as against an appropriation bill. I favor the bill and shall be glad to support it at any other time, but we must get the appropriation bills into the hands of the conferees or we never shall get through. I hope the bill may be taken up at an early date, but not as against an appropriation bill.

Mr. BRISTOW. If the rule forbids the motion and it is out of order, of course I must yield.

The PRESIDING OFFICER. If the Senator from Kansas could cite the Chair to some rule which contravenes the ruling, the Chair should be glad to hear it.

Mr. McCUMBER. I want to call the attention of the Chair to the very rule which he is seeking to enforce and to call attention to the fact that the rule relates to the business before 2 o'clock in the afternoon. It is Rule IX, which provides that:

Immediately after the consideration of cases not objected to upon the calendar is completed, and not later than 2 o'clock, if there shall be no special orders for that time, the Calendar of General Orders shall be taken up.

Then it proceeds to state what motions shall be in order, but the rule applies to motions made before 2 o'clock when the Senate meets at 12 o'clock, or when we meet at 11 o'clock those motions may be made at any time before 1 o'clock in the afternoon. I have had occasion heretofore to call the attention of the Chair to the fact that at least that rule—whether there is another one I will not now state—only applies to those motions which pertain to business before 2 o'clock.

Mr. BRISTOW. That has been my understanding. I did not have the rule before me at the time, but this is the first time I ever heard that a motion to take up an appropriation bill had precedence over other motions after 2 o'clock.

Mr. OVERMAN. I rise to a question of order. The Chair has already ruled, and there is nothing before the Senate but my motion.

Mr. BRYAN. Mr. President, I call the attention of the Senator from Kansas to the fact that immediately upon the passage of the Panama Canal bill the Senator from South Carolina [Mr. SMITH] moved to proceed to the consideration of the immigration bill before the Senator from Virginia [Mr. MARTIN] moved to proceed to the consideration of the legislative appropriation bill, and the Vice President held, only three days ago, that the motion of the Senator from Virginia took precedence, and he held it in accordance with Rule IX of the Senate.

Mr. BRISTOW. I remember the incident well, and it was a joke among many Senators——

Mr. BRYAN. The Senator from Kansas has just said he had never heard of it before.

Mr. BRISTOW (continuing). That the impetuous protest of the Senator from Virginia had taken the Vice President off his feet and that he had ruled contrary to the rule.

Mr. OVERMAN I rise to a question of order, that the motion is not debatable.

The PRESIDING OFFICER. The Chair rules that the motion of the Senator from North Carolina is in order; and the question is, Will the Senate proceed to the consideration of the bill named by him?

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, which had been reported by the Committee on Appropriations with amendments.

Mr. OVERMAN. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

PERSONAL EXPLANATION—GOLD HILL CONSOLIDATED CO.

Mr. OVERMAN. Mr. President, I now ask the indulgence of the Senate for a few moments, before we proceed with the consideration of the appropriation bill, on a question of personal privilege. I ask the Secretary to read an article that appears in the New York Sun of this morning, which I send to the desk.

The PRESIDING OFFICER. The Senator from North Carolina rises to a question of personal privilege. The Secretary will read as requested.

The Secretary read as follows:

NORTH CAROLINA GOLD MINE EXPLOITED ON UNITED STATES SENATE PAPER; SENATORS CHILTON AND OVERMAN AMONG THE STOCKHOLDERS—COMMITTEE LETTERHEADS USED IN PROMOTING $5,000,000 GOLD HILL PROPERTY—FEDERAL ASSAYIST IS USED AN INVESTIGATOR—J. SKELTON WILLIAMS CITED AS FRIEND OF PROMOTER WALTER G. NEWMAN—LATTER HAS THE ENTRÉE AT CAPITOL OFFICES—HE IS PRESIDENT OF COMPANY WHOSE STOCK SELLS AT 50 CENTS—ITS PAR IS $5.

WASHINGTON, *June 14, 1914.*

If you happen to have received a communication on the official letter paper of the Senate Committee on Census, WILLIAM E. CHILTON, of West Virginia, chairman, painting the rosy prospects of a North Carolina gold mine, it is due to a mistake.

Further, if you have been favored with an identical communication on the official letterhead of the Senate Committee on Rules, LEE S. OVERMAN, of North Carolina, chairman, it also is the result of a mistake.

You can take the words of Senator CHILTON and Senator OVERMAN for that. While acknowledging an interest in the mining venture, both disclaim personal responsibility for the extraordinary use of the official stationery of the Senate committee. They say that their clerks were to blame.

But the appearance of these letters among curb brokers in New York has had a somewhat spectacular character and in other quarters has brought to a definite foundation stories which have been circulated in Washington for some time that a section of the Senate and others in Democratic officialdom were in the throes of an incipient gold fever; that dreams were being dreamed of fabulous fortunes to be drawn from the bowels of a North Carolina mountain; that Senators were letting their friends in on the good things; that clerks and pages who were fortunate enough to get an inkling of this short cut to "Easy Street" were withdrawing their money from the banks to buy stock, and that all were basking in the sunshine radiated by one Walter George Newman, a promoter, who has had something of a record in mining ventures.

J. SKELTON WILLIAMS'S PART.

In this Democratic gold movement John Skelton Williams, Comptroller of the Currency, has played an humble part.

Mr. Newman says Comptroller Williams is a warm friend of his, having gone to school with him, and Newman has been a frequent visitor at the comptroller's office. That, however, is an unimportant detail. A more interesting fact is that Mr. Williams, when he was Assistant Secretary of the Treasury, had the chief expert of the United States assay office go to North Carolina at the Government's expense and investigate the Newman gold mine.

Some of the Democratic Senators availed themselves of the results of that visit, but it should be said that the report made by the experts, though not entirely unfavorable, was hardly as rosy as the representations that had been made.

Officials of the Treasury Department say it is very unusual, but not irregular, for the Government to send a man out at its expense to investigate a privately owned gold mine. Mr. Williams says he was moved to send the expert solely because the question of the reopening of the United States assay office at Charlotte, N. C., had come up and he desired to ascertain whether or not there had been any development in gold production there that would require such an important step. The report of the expert, in Mr. Williams's opinion, did not justify such a move by the Government.

SENATOR OVERMAN'S ACTIVITY.

Senator OVERMAN, as Treasury officials recall the incident, was the man at whose request the reopening of the assay office and the investigation of the mine were taken up. All these incidents would, of course, pass unnoticed were it not for the unfortunate double-headed mistake, which has resulted in the sending out of the letters on the official stationery.

The mining property that has aroused so much Democratic enthusiasm is that of the Gold Hill Consolidated Co., whose mine is at Gold Hill, Rowan County, N. C. This company is the successor of the old Gold Hill Copper Co. of lamented memory. The latter is described in the Copper Handbook, a recognized authority on such matters, as "a notorious promotion that caught many Wall Street operators," but that is merely a matter of history.

A new company has been organized with Walter George Newman as president, and with an authorized capital of $5,000,000, par $5 a share. The letter sent out on the Senate committee's stationery is signed by "J. C. Williams, economic and mining geologist." Mr. Williams is not listed in the American Institute of Mining Engineers, so far as could be ascertained here.

As Mr. Newman, the promoter and owner of a majority interest in the property, understands it, Williams was sent down to Gold Hill at the instance of Senator CHILTON. Thereafter the mining engineer wrote a letter to the Senator, which has been reproduced by mistake on the official stationery of the two Senate committees and fallen into the hands of stock brokers.

LETTER TO THE SENATOR.

The letter to Senator CHILTON reads:

GOLD HILL CONSOLIDATED CO.,
Gold Hill, N. C., May 29, 1914.

Hon. W. E. CHILTON,
United States Senate, Washington, D. C.

DEAR SIR: After spending some 30 days on the Gold Hill property and feeling you may be interested in what I may know and believe about the property I write you this condensed information.

I have gone over the property of the Gold Hill Consolidated Co. very carefully, both on the surface and through the mine down to the 800-foot level. After examining seven veins from 2 feet 6 inches to 12 feet in width, sampling and assaying them, I must say I see greater possibilities in the Gold Hill property every day.

My first opinion is fully confirmed and the veins will go to much greater depth than the 800-foot level and carry high values in gold, silver, and copper. The copper veins alone will pay all expenses and show a handsome dividend, leaving the gold and silver clear.

After comparing the Gold Hill property with other mines and mining properties which I have examined both in the United States and Canada, on which valuations have been fixed, I would say I believe that $60,000,000 valuation on the Gold Hill property a conservative estimate.

Yours, very truly,

J. C. WILLIAMS,
Economic and Mining Geologist.

Just how this letter has been reproduced on the official paper of the Senate committees is shown by photographs of the documents themselves. Each is plainly marked "copy" and both Senator CHILTON and Senator OVERMAN believe that that fact alone is sufficient to indicate that the committees as such and the other individuals whose names appear on the letterheads had nothing to do with the mining project.

SOME SENATORS HOT.

Some of the Senators whose names appear on the papers take a different view and are inclined to be hot over it. For instance, in the upper left-hand corner of the Census Committee's letterhead is the name of ROBERT M. LA FOLLETTE, also that of Senator ALBERT B. CUMMINS, of Iowa, who has some decided views on the question of Government supervision of the issuance of the stocks and bonds.

Mr. CUMMINS has been favored beyond any other Senator through the mistake made in the offices of Senators CHILTON and OVERMAN. His name appears on both letterheads, as he is a member of the Committee on Rules as well as the Committee on Census. He had never heard of the Gold Hill Consolidated Co. until he saw his name on one of the letterheads bearing the engineer's report.

Other Senators whose names appear on the official paper of the Census Committee are HENRY A. DU PONT, of Delaware; GEORGE P. MCLEAN, of Connecticut; CHARLES E. TOWNSEND, of Michigan (Republicans); and ATLEE POMERENE, of Ohio; MORRIS SHEPPARD, of Texas; BENJAMIN F. SHIVELY, of Indiana; JOHN K. THORNTON, of Louisiana; JAMES E. MARTINE, of New Jersey; and WILLIAM H. THOMPSON, of Kansas (Democrats); and Henry Ery, clerk of the committee.

The Senators whose names appear on the letterhead of the Committee on Rules, of which Mr. OVERMAN is chairman, are, besides Mr. OVERMAN and Senator CUMMINS, FRANCIS E. WARREN, of Wyoming; JACOB H. GALLINGER, of New Hampshire; KNUTE NELSON, of Minnesota (Republicans); and JOHN W. KERN, of Indiana, JAMES A. O'GORMAN, of New York; JOHN SHARP WILLIAMS, of Mississippi; and LUKE LEA, of Tennessee (Democrats); and Charles B. Martin, clerk.

MR. POMERENE SAID TO BE IN IT.

Of these Senators, besides Mr. OVERMAN and Mr. CHILTON, Senator POMERENE, of Ohio, is the only one who is said to have a stock interest in the mine. Senator OVERMAN acknowledges that he is a stockholder and Senator CHILTON says that some friends of his are very much interested in it. At Senator CHILTON'S office the receipt of the letter from the mining engineer Williams was explained on the ground that the Senator was a stockholder.

Senator SWANSON, of Virginia, is another Democrat who is said to have acquired an interest, and the ramifications of stock ownership extend to the House side of the Capitol and out into the highways and byways of Washington.

At Senator CHILTON'S office one of his clerks accepted full responsibility for issuing the mining engineer's letter on the Census Committee paper. He said that Newman had asked to have copies of the mining engineer's letter struck off and that no other paper being handy, he, the clerk, had taken the official stationery of the Senate committee. These copies produced in the Census Committee's office were printed on a multigraph machine. The clerk thought he had struck off perhaps a hundred of them and they had been turned over to Newman.

Senator OVERMAN complained that the very same mistake had been made by one of the employees in his office and that the mining engineer's letter had been struck off on the official paper of the Senate Committee on Rules without his knowledge.

Newman was under the impression that Senator OVERMAN'S office sent these letters to his friends. Newman resented any suggestions that any of these letters had been used in promoting the sale of Gold Hill stock. He declared that he did not have a share to sell and that he was in the market buying the stock. As Newman recalled it, the letters had been sent to men who were already interested in the stock, for their information.

LETTERS TO THE STOCKHOLDERS.

Mr. Newman has been a familiar figure for several months in the corridors of the Capitol. On March 6 last he published in the Washington newspapers a letter to the Gold Hill stockholders, which read:

"I wish to make a statement to you regarding the conduct of your company's mines at Gold Hill. Since August 13, 1913, to March 1, 1914, your mines have been completely rehabilitated and are to-day in a splendid working condition and a large producer of gold, copper, and silver.

"There are 14 large and distinct veins at the 800-foot level in your mines, averaging 2 to 18 feet in width and can be traced the whole length of the property.

"These veins carry large quantities of gold, copper, and silver, some very rich in sulphur. There is one vein in particular, known as the W. G. N. vein, which has been worked and developed more extensively than any of the rest on your property. This vein was first encountered 320 feet from the main working shaft, going west in a crosscut at the 800-foot level, and a rise made in same for 200 feet from the 800-foot level toward the surface, it all being in virgin ground. This vein averages over 3 feet in width and $250 per ton for gold alone, and has been opened up for 3,000 feet on the surface.

"We are now driving cuts from the main working shaft at the present and encounter this vein. It is my desire to pay handsome dividends on your stock before January 1, 1915.

"Yours, very respectfully,

"WALTER GEORGE NEWMAN, *President.*"

Dr. Dewey, of the Government assay office, was the expert who visited the mines at the suggestion of John Skelton Williams. He reported upon his return to Washington that he found conditions which, in his opinion, would warrant the expenditure of money for the pur-

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. I simply wanted to suggest in reference to the query propounded by the Senator from Indiana that if the law or the rule that provides for the certification of three names was made for the purpose of permitting men or women of any particular political faith to be appointed, if that is the object of it, then it seems to me that if the Senator from Indiana is a friend of the civil service he ought to direct his labors toward the amendment of the law and the correction of that or any other abuse that may exist.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator from Indiana.

Mr. KERN. The Senator from Indiana is a friend of the merit system; the Senator from Indiana is opposed to the administration of the civil-service laws as they have been administered during the past 20 years; the Senator from Indiana intends at the next session of Congress to offer amendments to the civil-service law radically changing it, and changing its administration so that men of the highest character and ability may be at the head of it.

Mr. NORRIS. I am glad to hear it. I shall be glad to cooperate with the Senator from Indiana.

Mr. KERN. Changing the personnel and changing the rules, so that there may be absolute fairness in their administration.

Mr. CUMMINS. Mr. President, I shall render the Senator from Indiana all the help in my power. It is not great, but he shall have it in unmeasured quantity——

Mr. NORRIS. "Ungrudgingly."

Mr. CUMMINS. Ungrudgingly, for any amendment of the civil-service law that will make the admission of employees impartial, without any respect to their political affiliations, without any regard to personal influences; but why does he seek to take these people from the operation of a law he intends to make perfect in the way he has suggested?

Mr. KERN. Mr. President, I say again that if the Senator had been in his seat this morning he would have heard the reasons stated with such clearness as I was able to state them.

Mr. CUMMINS. I know just how great the temptation is, I suppose, to either a Republican President or a Democratic President, or a Republican Secretary or a Democratic Secretary. It may be that a Republican President or Secretary has yielded to that temptation in some cases. I do not know of any, but it may be that he has. The Democratic administration, however, has come in upon the assertion of infidelity on the part of the Republican administrations—I suppose this infidelity among other transgressions or failures to do their full duty. Why does not the Senator from Indiana at least set up a standard that must be observed by any administration which succeeds the one of which he is so great an ornament and so distinguished a part? Why does he not help to amend the law so that whoever comes in hereafter must obey the law, and we will have a civil service selected in the approved way of civilized government?

We are here retracing the steps we have heretofore taken. We are doing something that is not done by any other government of any repute in all the world. There is no government that stands well in the opinion of mankind that does not adhere to the civil-service system as I have outlined it. We are taking every opportunity here to march back into the regions of political influence and personal influence. We are doing, as it seems to me, the best we can to give dignity and respectability to the spoils system—an effort which you will find to be unsuccessful; an effort that can do nothing else than bring down upon it the condemnation of all thinking, patriotic men.

Mr. WHITE. Mr. President, it occurs to me that the question presented by this amendment is not so much a political question as one of a business matter.

I have listened with a good deal of interest to the Senators on both sides of the Chamber in their discussion of the questions as to the disposition of the respective political parties to adhere to or depart from the civil-service rules, but it seems to me the question presented by this amendment is not really involved in those matters. These officers are to be appointed for a specific purpose, their duties being to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

What class of men or appointees will best discharge these duties? It seems to me that they might stand civil-service examinations in the way such examinations are usually conducted, but still be wholly unfit for this service.

These appointees are not mere clerks, are not engaged in mere detail work, but they are the representatives of the Government, having in charge, each one, as it were, a department to himself, in which judgment, discretion, energy, and information pertaining to the specific duties assigned to him are more essential than the mere knowledge that is necessary to enable him to stand a civil-service examination.

As I understand, these men are to look into the wants of foreign countries and ascertain where the products of this country can find a market. To do that they must know, first, what the products of this country are. They must know what we have that is wanted in foreign markets, and then be able to determine where a market in foreign countries can be found in which to dispose of these products.

It requires a general knowledge of business conditions, as well as a knowledge of the products with which we propose to invade foreign countries. Therefore each of these appointees must first determine what we have to dispose of. If he is to find a market for our products generally, he must have a general knowledge of our productions; or, if he is to be confined to pushing a particular product, he ought to have knowledge of that product, and he ought to have knowledge of the conditions under which it is made and the conditions under which it can be best disposed of.

Take, for instance, the invasion of foreign countries with iron and its products. What would a mere knowledge such as a clerk possesses be worth? He would first have to know what were the products of iron in this country and what they are suited for. He would have to know in addition to that when he went abroad what these products were useful for, in order that he might present them in an intelligent and attractive way in the markets of the country where they are offered. The same thing can be said of the products of our cotton factories, and, in fact, of any products that we have for export. Who could best determine whether a man was suitable for this work? Men who will pass upon his qualifications under civil-service rules, men who know nothing of the man except what they have learned from a civil-service examination, or a man who has had personal contact with them and learned something of their business capacity and personal bearing?

In order to accomplish the objects contemplated by this law a man must possess not only the ordinary knowledge pertaining to the business that he is engaged in but he must be a man of address. He must be able to approach other men; he must be able to interest other men; he must possess the capacity to engage the attention of other men and interest them in his enterprise.

Is it not fair to presume that the Secretary of Commerce, who will meet these men personally and meet the men behind them, the men who have had them in their employment, those who have taught them for years their trades, would be better able to determine who would interest foreigners in the purchase of our products than the men who could simply pass a civil-service examination.

As I said in the beginning, each one of these men practically has within himself a department. He must have a general knowledge as well as a particular knowledge of the subject which he proposes to present. It seems to me, Mr. President, that it would be very much better for us to select men with a knowledge of the business they are to engage in, men who are peculiarly fitted for the business to be transacted, than to select men who could merely stand a civil-service examination.

There are a great many lawyers in this Senate. How many of them could compare favorably in an examination for admission to the bar with some young man fresh from college; and yet who would hesitate for a moment about whether he would select a lawyer who is experienced in the practice and who would not be able to stand an examination as well as a young man fresh from college?

The same thing could be said of physicians, and the same thing can be said of men who are to push the commerce of this country. Men who have succeeded in commercial enterprises have not succeeded by selecting men who simply had knowledge of the English language, but they have selected men who had the energy, the disposition, and the address to push the business that was intrusted to their hands.

So it seems to me this is not so much a question as to whether we are in favor of enforcing the civil-service rules as it is a question as to whether we are in favor of accomplishing the objects of this legislation, namely, to find a market for our products abroad.

I take it for granted that either political party in power will, as far as it can consistently do so, advance the interest of its own political associates. I suppose that the offense of violating

civil-service rules might be laid at the feet of both parties. The distinguished Senator from New York [Mr. ROOT] says that this amendment is a plea of confession and avoidance, and that it confesses, but does not set up matter in avoidance. I take issue with him. I think that, while it does confess, it also completely avoids the matter confessed, because it puts in the place of a civil-service examination conducted under the civil-service rules, which the Senator advocates, the selection of men in a businesslike manner that will best accomplish the purposes for which this legislation is intended.

I think I can say with some propriety that, while the amendment might be characterized as a plea of confession and of avoidance, there is another doctrine well known to lawyers that might be suggested to him and to the Senators on the other side and that is the doctrine of estoppel, as they might by their past conduct now be estopped, in taking the position which they are now insisting upon.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment.

Mr. STONE. Mr. President, I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Sutherland
Borah	James	Page	Swanson
Brady	Johnson	Perkins	Thomas
Brandegee	Jones	Pittman	Thompson
Bristow	Kern	Root	Thornton
Bryan	La Follette	Saulsbury	Tillman
Burleigh	Lane	Sheppard	Townsend
Burton	Lee, Md.	Shively	Warren
Catron	Lewis	Simmons	West
Chamberlain	McCumber	Smith, Ariz.	White
Chilton	Martin, Va.	Smith, Mich.	Williams
Clapp	Martine, N. J.	Stephenson	
Clarke, Ark.	Nelson	Sterling	
Dillingham	Norris	Stone	

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. A quorum is present. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment on page 132.

Mr. JONES. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. CHILTON (when his name was called). Transferring my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Nebraska [Mr. HITCHCOCK], I vote "yea."

Mr. JOHNSON (when his name was called). I transfer my pair with the Senator from North Dakota [Mr. GRONNA] to the Senator from New Hampshire [Mr. HOLLIS] and vote "yea."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], and in his absence withhold my vote.

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. He is not present, and I withhold my vote.

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from South Carolina [Mr. SMITH] and vote "yea."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the negative). I have a pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the junior Senator from Illinois [Mr. SHERMAN], and allow my vote to stand.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. MYERS. Has the Senator from Connecticut [Mr. MCLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator, and in his absence I withhold my vote. If at liberty to vote, I would vote "yea."

At this time I also announce the pair of my colleague [Mr. WALSH] with the Senator from Rhode Island [Mr. LIPPITT]. Both Senators are absent, I believe.

The PRESIDING OFFICER (Mr. JAMES in the chair). I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "yea."

Mr. CHAMBERLAIN. I was requested to announce that the junior Senator from Mississippi [Mr. VARDAMAN] is unavoidably detained on official business.

The result was announced—yeas 35, nays 30, as follows:

YEAS—35.

Bankhead	Kern	Shafroth	Thompson
Bryan	Lee, Md.	Sheppard	Thornton
Chamberlain	Lewis	Shively	Tillman
Chilton	Martin, Va.	Simmons	West
Clarke, Ark.	Martine, N. J.	Smith, Ariz.	White
Fletcher	Overman	Smith, Ga.	Williams
Gore	Pittman	Smith, Md.	
James	Pomerene	Stone	
Johnson	Reed	Swanson	

NAYS—30.

Borah	Crawford	McCumber	Stephenson
Brady	Cummins	Nelson	Sterling
Brandegee	Dillingham	Norris	Sutherland
Bristow	Hughes	Page	Thomas
Burleigh	Jones	Perkins	Townsend
Burton	Kenyon	Root	Warren
Catron	La Follette	Smith, Mich.	
Clapp	Lane	Smoot	

NOT VOTING—32.

Ashurst	Gronna	Newlands	Saulsbury
Clark, Wyo.	Hitchcock	O'Gorman	Sherman
Colt	Hollis	Oliver	Shields
Culberson	Lea, Tenn.	Owen	Smith, S. C.
du Pont	Lippitt	Penrose	Vardaman
Fall	Lodge	Poindexter	Walsh
Gallinger	McLean	Randdell	Weeks
Goff	Myers	Robinson	Works

So Mr. KERN's amendment to the amendment was agreed to.

The amendment as amended was concurred in.

Mr. LA FOLLETTE. I offer the amendment which I send to the Secretary's desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 30, after line 18, insert:

Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use pursuant to the act approved June 30, 1906, $25,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was agreed to.

The PRESIDING OFFICER. If there be no further amendments, the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DIPLOMATIC AND CONSULAR APPROPRIATIONS.

Mr. OVERMAN. I ask unanimous consent that the Senate proceed to the consideration of House bill 15762, the Diplomatic and Consular appropriation bill.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of the Diplomatic and Consular appropriation bill. Is there objection? The Chair hears none.

Mr. BRISTOW. Mr. President, there has been a notice standing on the calendar for weeks, given by the junior Senator from Iowa [Mr. KENYON], proposing to move to take up Senate bill 392. The Senator from Iowa is temporarily out of the Chamber, and I want to make that motion now. It would not necessarily delay the consideration of the appropriation bill.

Mr. OVERMAN. I do not understand that the Senator from Kansas has the floor for that purpose. There was no objection made. Let us take up the appropriation bill and go on with it.

Mr. BRISTOW. All I want is to have Senate bill 392 made the unfinished business. Then it can be laid aside and the appropriation bill can be taken up.

Mr. OVERMAN. If the appropriation bill is taken up, I think it will be concluded in an hour, and then the Senator can move to take up the bill he has indicated. The Diplomatic and Consular appropriation bill is a short bill, and it will not take over an hour; probably not that long.

After the appropriation bill has been disposed of the Senator from Kansas can make his motion, and it will then be the unfinished business, if he gets up the bill.

March 16, 1911, during the last administration, from $1,000 to $900 per annum.

You should be more careful, Doctor.

(11) The next case is stated by Dr. Gleeson in this way:

Mrs. Armor, of Pennsylvania: husband killed in the Union Army; transferred to Florida among strangers.

Here is what the Postmaster General says:

Mrs. M. M. Armor: Mrs. Armor was transferred to the Kissimmee, Fla., post office on December 8, 1913. She was informed that she could be transferred to any first-class post office she might select at $1,000, the same salary which she received in the department, but she preferred to go to Kissimmee on acount of the climate, and it is understood that her sister is now with her, and that she is very well pleased with the assignment. On account of the size of the Kissimmee post office, it was impossible to give her the same salary as she got in the department, and her salary was therefore fixed at $800.

(12) The next and last case mentioned by Dr. Gleeson is described by him in this way:

But perhaps the most flagrant case was that of James R. Young, gallant soldier, former Member of Congress from Philadelphia, whose position as Chief of the Dead Letter Office was taken from him and given to a Texas man.

It seems to grind the doctor to the quick that Mr. Young should be supplanted by a man from Texas; but here is what the Posmaster General says:

James R. Young: Commander Gleeson states that this, perhaps, is the most flagrant case. It also appears to be one of the most flagrant cases from the departmental standpoint. Mr. Young was a retired politician, an ex-Member of Congress from Pennsylvania. He admitted that he was not competent to perform the duties of superintendent, Division of Dead Letters, and was glad to get a transfer to his home town, Philadelphia, Pa. The records show that after considerable political influence by Members of Congress from Pennsylvania the President was prevailed upon to issue an Executive order authorizing the appointment of Mr. Young as Superintendent of the Division of Dead Letters without examination under the civil-service rules. He had had no previous experience in the Postal Service, and the appointment was merely for political reasons; and through this same influence the salary of the office, while he served as superintendent, was increased from $2,300 to $2,750 per annum. Mr. Young, in his sixty-seventh year, was transferred to his home city at a salary of $2,000 per annum, and is very well satisfied with the comfortable circumstances under which he has been located.

Thus, Mr. President, I put the plain facts in these cases in contrast with the wild, misleading statements given to the public through a widely circulated newspaper by Dr. Gleeson. It is hardly worth while for me to make further comment. I have no wish or intention of entering into any controversy with Dr. Gleeson or Mr. Gordon. I simply wish the truth to be known. If the Washington newspapers would print the answers made by the department to these vicious attacks circulated through their columns, those who malign the department would not be so keen about getting into the public press.

At this point I call attention to the fact that when this question was up some days ago I called attention to the fact that numerous old soldiers had been demoted or separated from the Post Office Department during the incumbency of Mr. Hitchcock as President Taft's Postmaster General. I showed that 15 old soldiers had been demoted in one year in that department, and said then, as I say now, that we heard no outcry against the action of this Republican Postmaster General from any source—not even from the Senator from New York [Mr. ROOT], who was one of the official family of President Taft, sitting with Mr. Hitchcock around the same connsel board. And on Saturday last the Senator from Mississippi put into the RECORD the names of 121 old Federal soldiers who had been demoted or dismissed in the first 15 months of Mr. McKinley's first administration in the Pension Office alone, and nothing was said about it at that time. Here is a fine exhibition and a most enlightening illustration of partisanship—the kind of partisanship that is being displayed in the Senate and in this city by Republican orators and partisans. If gentlemen can not find facts upon which to predicate their attacks upon this administration, then they invent facts, or so-called facts, and make these inventions the basis of their misrepresentations.

Things of this kind are indeed well calculated to make honest and self-respecting men who believe in decent methods of waging political warfare exceedingly tired. All this talk we have heard to-day and heard a few days ago from Senators on that side is the purest partisan rot; but, Mr. President, I hope that in spite of it those of us who constitute the Democratic majority of this body will go right on discharging our duty as we see it, with supreme indifference for and contempt of these utterances, no matter from what source they emanate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment of the committee on page 132 as amended.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Hughes	Overman	Stone
Brady	James	Page	Sutherland
Brandegee	Johnson	Perkins	Swanson
Bristow	Jones	Pittman	Thomas
Bryan	Kenyon	Shafroth	Thompson
Burleigh	Kern	Sheppard	Thornton
Burton	La Follette	Shively	Tillman
Catron	Lane	Simmons	Townsend
Chamberlain	Lee, Md.	Smith, Ariz.	Vardaman
Chilton	Lewis	Smith, Ga.	Warren
Clapp	McCumber	Smith, Md.	West
Clarke, Ark.	Martin, Va.	Smith, Mich.	White
Cummins	Martine, N. J.	Smoot	Williams
Dillingham	Nelson	Stephenson	
Fletcher	Norris	Sterling	

Mr. THORNTON. I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. CUMMINS. I rise to make a parliamentary inquiry. What is the pending question?

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Indiana [Mr. KERN] to the amendment offered by the committee, on page 132 of the bill, as amended on motion of the Senator from Utah [Mr. SMOOT].

Mr. CUMMINS. In that connection I desire to state my recollection of what has taken place. The Senate adopted a motion to strike out the words in line 20, page 132, "without examination under the civil-service rules." On motion of the Senator from Oklahoma [Mr. OWEN] the Senate reconsidered the vote by which those words were stricken out. It seems to me, therefore, that the question now is upon the original motion to strike them out.

Mr. SMOOT. Mr. President, as I understand——

The PRESIDING OFFICER. There is no motion now, the Chair will state, to strike out those words; they have already been stricken out. The question reconsidered was the vote by which the amendment of the committee as amended was concurred in in the Senate.

Mr. BURTON. That is, the whole paragraph was reconsidered?

The PRESIDING OFFICER. The whole paragraph as amended.

Mr. BURTON. With the line stricken out?

The PRESIDING OFFICER. That is correct.

Mr. BURTON. And the Senator from Indiana has moved to insert the amendment which has been read. That is the situation, is it not?

The PRESIDING OFFICER. That is the status of the matter.

Mr. CUMMINS. So that the question is upon the motion made by the Senator from Indiana?

The PRESIDING OFFICER. That is the question.

Mr. CUMMINS. Mr. President, I have one word to say upon that motion. I do not look upon it as a political question; no one ought to consider it as a political question; and what I have to say is not said from that standpoint.

The distinguishing characteristic of the civil-service system, as we use the words, is that the employees are admitted to the service of the United States upon competitive examination, and that the person who in that competitive examination seems to be best qualified for the office or place receives it without any regard to political influence or personal influence in his behalf. The very moment we depart from the competitive idea we have overridden what we understand to be the merit system of appointment.

I agree that in many cases a judicious man can select an employee who will render quite as good service as though he had been selected after competitive examination; I think that here and there will be found instances in which better men, more completely qualified, may be selected through the individual examination or choice of the appointing power, but in the great majority of instances, I believe, our experience has shown that the employees of a great Government like ours will be more competent, more faithful, and more efficient if they are selected under the competitive system.

The amendment of the Senator from Indiana overthrows the competitive plan and leaves the subject with the Secretary of Commerce wholly unrestricted and unfettered. I do not think it adds anything to the bill. It must be assumed that in some fashion or other the Secretary of Commerce will ascertain the qualifications of the man he is about to appoint; and when you say that he must be subject to an examination by the Secretary

of Commerce you say nothing whatever. There is no added security for the public.

As for me, I favor the competitive system. I believe this instance, as well as many that have occurred before, are distinct inroads upon the civil-service system. I think they are intended to be inroads upon the civil-service system. There is no other explanation for this continuous effort to exempt employees of the Government from the operation of that system. I am very sorry to see it.

I have no reason to doubt that those who propose it feel that the Government will be equipped with competent employees. I do not allege that they believe otherwise; but I think they ought to stand up and admit that they are overthrowing the competitive system just as rapidly as they can overthrow it, and that they intend to substitute for it a system which will subject the appointing power to all the pernicious influences that formerly surrounded the appointing power, and from which it was hoped we had escaped.

The Secretary of Commerce, when he comes to make these appointments, must, of course, listen to the wishes of the friends of the applicant. He can not be insensible to the political influences with which an applicant may come into his presence. I assume that he will not appoint an incompetent person. That would be to impeach his honesty and to impeach his desire to make the public service what it ought to be. That is neither here nor there. I may admit all those things; but I simply wish to register my opinion that you are doing a very unwise thing when you are invading the competitive system of examination and the competitive admission of applicants to the Government service, and I believe in the end you will discover that mistake and will regret what you are now about to do.

Look at it. If these men who are about to be appointed were appointed under the competitive system, a system that would give them a certain tenure of office—that is, would insure them the places to which they are appointed until some reason is shown for their removal—then, upon another administration coming in, they would go on and perform their duties in the regular way. On the other hand, you are preparing a system in which, when a Republican President comes in in 1917—as many of us believe a Republican President will come in—you will be inviting him and the Secretary of Commerce he may select to discharge every one of these men, to turn them out in a body, and to bring in for the same work another body of men untrained and inexperienced in the labors they are called upon to perform.

Unless you are against the competitive system, I can not understand why you do not desire that these men, when so appointed, shall be secure in the places to which they go. Why is it that we are returning to the old plan, under which, as soon as a change occurred in the political views of the administration, all these employees would at once share the fate of the retiring President, and the new President would bring in another corps of assistants?

I am opposed to that. I am opposed to it, no matter whether a Republican administration is in power or a Democratic administration is in power; and I rose simply to point out what I regarded as the total failure of the amendment of the Senator from Indiana to fulfill the standard of a civil-service system.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator.

Mr. KERN. When the last Republican administration came in and, as shown here by the Senator from Missouri [Mr. STONE] and the Senator from Mississippi [Mr. WILLIAMS] the other day, in violation of the civil-service rules, demoted and threw out of office Union soldiers by the score, was there any protest on the part of the Senator from Iowa, who at that time, I believe, was a Member of the lower House? Did he hear any protest from Republicans anywhere? When Mr. Taft in the last administration appointed 30,000 fourth-class postmasters, Republican politicians, for life as a further reward for political service, in violation of the underlying principle of the merit system, was there any protest over there?

Mr. CUMMINS. Mr. President——

Mr. KERN. Just one word further. Was there any Republican protest in 1906 when the Taft administration found every consulate in the countries abroad filled with Republican politicians, and no other kind from Indiana, at least, and commenced a civil-service program, then leaving every one of these politicians in office without regard to merit?

Why, in my State the deputy clerk of a court was appointed to a consulate in Europe because he was a political ward worker, and he was put under the civil service, and he is there to-day. Another second or third rate lawyer was given a similar position because he was a Republican ward worker, put under civil service, without regard to merit, and he is there yet. Was there any protest then? Oh, the hypocrisy of it all!

Mr. CUMMINS. No, Mr. President; it is not hypocrisy so far as I am concerned, anyhow, and I do not think the Senator from Indiana will care to charge that upon me personally.

Mr. KERN. Oh, no; there was nothing personal, any more than the Senator meant to question my motives in introducing the amendment.

Mr. CUMMINS. I did not question——

Mr. KERN. He did not hesitate to do that. He said my purpose was to strike down the civil-service law. I explicitly explained this morning, in the Senator's absence, why this amendment was offered here.

Mr. CUMMINS. Mr. President, I did not question the motives of the Senator from Indiana. I assumed that he intended to do exactly what he has done—to substitute in the Department of Commerce a department noncompetitive examination for a competitive civil-service examination. I have no doubt he has done that because he believes that in that way the Government will secure the best service. It is idle for anyone to insist that this method of selecting employees is in harmony with the civil-service system. It is not, for it is neither competitive nor does it furnish the employee with a secure tenure of office.

I do not know what President Taft did about turning out employees who were under the civil service. If he violated the law, his act was just as reprehensible as it would have been had he been a man of different political faith. There is a great distinction, however, between overturning the system and denouncing the imperfect administration of the system. If the Civil Service Commission and if the heads of departments under a former administration violated the law, they ought to be brought to justice; or if the law is inadequate, and on account of its inadequacy it is easily evaded, the law ought to be amended. There is no more justification for departing from the principle of the law than it would be to repeal the antitrust law because many people evade its provisions and many courts fail to administer its provisions with proper efficiency.

We shall have to take a stand, however, upon one thing. Are we in favor of admitting the employees in the departments at Washington, anyhow, through a competitive examination, or are we in favor of admitting them upon such examinations as the heads of the departments may require, without any competition or without any restriction save the judgment of the head of the department or the appointing power?

I am sorry to see the Government leaning away from the competitive plan. I do not believe in the present plan of selecting consuls of the United States to represent us abroad. Some people may think that is a fair exemplification of the civil-service principle. I do not. It was just as bad under a Republican administration as I suppose it is now under a Democratic administration. It is true that there exists there a board for the purpose of examining applicants, but there is no requirement, either in law or in any executive order, that the applicant who stands best under the examination shall have the place.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield to the Senator.

Mr. KERN. Does the Senator understand that that is the law governing the civil service?

Mr. CUMMINS. I understand the law governing the civil service admits only under competitive examination.

Mr. KERN. Yes; and then a certain number of names are certified to the head of the department.

Mr. CUMMINS. Just so; three men.

Mr. KERN. Three men.

Mr. CUMMINS. The three men or women who stand highest on the list are certified, and the department must take one of the three or reject them all.

Mr. KERN. And does not the Senator know that that provision was made and was so enforced as to prevent any Democrat, under the Taft administration, from getting office anywhere?

Mr. CUMMINS. No; I do not. I do not know that. It has been asserted many times, but my observation is just to the contrary. I never have seen any proof that the men at the heads of the departments violated their duties or neglected their duties or repudiated their obligations by rejecting the applicants who may have been Democrats. My judgment is that in 9 cases out of 10 the head of the department did not know whether the three men or women certified were Republicans or Democrats, and in more than half the cases the applicants had no identification or affiliation with any political party.

Mr. NORRIS. Mr. President——

ment will be adopted.

The roll call was concluded.

The motion was rejected.

The PRESIDING OFFICER. The Senator from Texas yield to the Senator from Minnesota?

Mr. SHEPPARD. Certainly.

Mr. NELSON. The trouble with the position of the Senator from Texas is this: While the statute he recited repeals all laws relating to compensation and salary of Senators, yet the Court of Claims decided in a case that was cited here the other day that mileage is not a part of the compensation of Senators. I think it was the Senator from Nebraska [Mr. NORRIS] who called attention to the decision of the court in that case, holding that the matter of mileage is not a part of a Senator's salary.

Mr. SHEPPARD. The court in that case held it was not the same form of compensation as salary, but it held nevertheless that it was a form of compensation. The act of 1907 in effect forbids any other compensation besides the salary. If there is to be any mileage paid, it must be authorized by a law yet to be enacted.

Mr. SUTHERLAND. Mr. President, this statute——

Mr. MARTIN of Virginia. Mr. President, this is not a debatable proposition. It has been ruled on once in Committee of the Whole. The same point of order was made. I ask that the rule be enforced.

The PRESIDING OFFICER. Was a like point of order made in Committee of the Whole?

Mr. MARTIN of Virginia. Exactly the same.

Mr. SHEPPARD. No, Mr. President; a point of order was not raised in Committee of the Whole.

Mr. MARTIN of Virginia. My recollection is that the point of order was made.

The PRESIDING OFFICER. The point of order ought to have been made in Committee of the Whole, and, owing to the failure to do so, it is not in order to make the point of order in the Senate.

Mr. SHEPPARD. I make the point of order that the Senate is considering this amendment de novo. This is the first chance the Senate, as such, has had to consider the amendment. Heretofore the Senate as in Committee of the Whole has considered the amendment. The Committee of the Whole has reported the amendment to the Senate, and the Senate, as such, is now considering it for the first time.

The PRESIDING OFFICER. The Senator is mistaken about that. It was held by Mr. Ferry, President pro tempore of the Senate, that when a point of order was not made in Committee of the Whole it is too late to make it when the bill gets into the Senate. The Chair thinks that whatever rights might have attached to the point of order it was waived by failing to make it in Committee of the Whole, and it is now too late to entertain it. Therefore the Chair overrules the point of order, and the question is on the reserved amendment.

Mr. KENYON. On that I ask for the yeas and nays.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is, Shall the Senate concur in the amendment? [Putting the question.] The ayes seem to have it.

Mr. SMITH of Georgia. I ask for a division.

Mr. OVERMAN. Let the amendment be read.

The PRESIDING OFFICER. It will be read.

The SECRETARY. The amendment agreed to as in Committee of the Whole is to strike out lines 4 to 10, inclusive, on page 2, and in lieu to insert:

For mileage of Senators, $51,000.

The question being put, there were, on a division—ayes 32, noes 9.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Owen	Stephenson
Borah	James	Page	Sterling
Brady	Johnson	Perkins	Sutherland
Brandegee	Jones	Pittman	Swanson
Bristow	Kenyon	Robinson	Thomas
Bryan	Kern	Root	Thompson
Burleigh	La Follette	Saulsbury	Thornton
Burton	Lane	Shafroth	Tillman
Catron	McCumber	Sheppard	Townsend
Chamberlain	Martin, Va.	Shively	Vardaman
Chilton	Martine, N. J.	Simmons	Warren
Clapp	Nelson	Smith, Ariz.	West
Crawford	Norris	Smith, Ga.	White
Cummins	O'Gorman	Smith, Md.	
Dillingham	Overman	Smoot	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. WEST. I did not understand the junior Senator from Texas in reference to the mileage clause. I wish to ask him if it is his view that the $2,500 that was added to the salary was to take the place of mileage?

Mr. SHEPPARD. It is impossible for me to say what the intention was in reference to mileage, but the law which provided for a salary of $7,500 did not go further and provide for any additional compensation.

Mr. WEST. Have Senators and Representatives been receiving mileage since the law was passed?

Mr. SHEPPARD. They have.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The PRESIDING OFFICER. The next reserved amendment will be stated.

The SECRETARY. On page 18 strike out lines 5 to 12, inclusive, and insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. KENYON. Mr. President, we have had such good luck in getting a yea-and-nay vote on this mileage proposition that I think we will try it once more at least. It would seem that this amendment ought to be disagreed to, and for this very simple reason: Regardless of the vote as to the question of mileage for Senators, this is a proposition for mileage of Members of the House, and they have provided a method which they deemed fair for the payment of the actual traveling expenses for Members of Congress and the immediate and dependent members of their families. The House having adopted that, it certainly would not be right or fair to compel them to take any more. The Senate would be going far beyond courtesy, it seems to me, to the other body after they have decided that the traveling expenses are all that should be properly paid them to insist that the appropriation be doubled. I hope that we at least may have a yea-and-nay vote on this proposition, and in order to have a full attendance I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Fletcher	Owen	Stephenson
Borah	James	Page	Sterling
Brady	Johnson	Perkins	Sutherland
Brandegee	Jones	Pittman	Swanson
Bristow	Kenyon	Pomerene	Thomas
Bryan	Kern	Robinson	Thompson
Burleigh	La Follette	Root	Thornton
Burton	Lane	Saulsbury	Tillman
Catron	Lewis	Sheppard	Townsend
Chamberlain	McCumber	Shively	Vardaman
Chilton	Martin, Va.	Simmons	Warren
Clapp	Martine, N. J.	Smith, Ariz.	West
Crawford	Nelson	Smith, Ga.	White
Cummins	Norris	Smith, Md.	
Dillingham	Overman	Smoot	

Mr. THORNTON. I desire to announce the absence of the junior Senator from New York [Mr. O'GORMAN] on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

Mr. KENYON. I ask for the yeas and nays on concurring in the amendment.

Mr. BRYAN. A point of order, Mr. President.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. The amendment has already been agreed to in the Senate.

The PRESIDING OFFICER. Not this amendment.

Mr. BRYAN. Of course it has. All amendments not reserved were concurred in.

The PRESIDING OFFICER. This was a reserved amendment.

Mr. BRYAN. Was this a reserved amendment?

The PRESIDING OFFICER. It was a reserved amendment. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered.

Mr. BANKHEAD. Let the amendment be read.

The SECRETARY. On page 18 strike out lines 5 to 12 and insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

Mr. SMITH of Georgia. Mr. President, I desire to say just one word before the vote. I do not like the House provision and I do not like the Senate provision. I would be perfectly willing to vote for the actual expense of a Member and his wife coming once each session. Beyond that I would not be willing to go.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I understand that he would vote as I am about to vote, and therefore I consider myself released from the pair. I vote "yea."

The PRESIDING OFFICER (when Mr. JAMES's name was called). I have a general pair with the Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote.

Mr. JOHNSON (when his name was called). I announce my pair with the junior Senator from North Dakota [Mr. GRONNA] and the transfer of that pair to the junior Senator from New Hampshire [Mr. HOLLIS]. I vote "yea."

Mr. LEWIS (when his name was called). I desire to announce a pair with my colleague [Mr. SHERMAN] on this question.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN] on official business, and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER].

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Maryland [Mr. LEE] and vote "yea."

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I will transfer that pair to the junior Senator from Louisiana [Mr. RANSDELL] and vote "nay."

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. Not knowing how he would vote on this question, I withhold my vote.

The roll call was concluded.

Mr. REED. My colleague [Mr. STONE] is detained from the Senate by public business. He is paired with the Senator from Wyoming [Mr. CLARK].

Mr. BANKHEAD. I transfer my pair with the junior Senator from West Virginia [Mr. GORE] to the junior Senator from Tennessee [Mr. SHIELDS]. I vote "yea."

Mr. CRAWFORD. I have a pair with the Senator from Tennessee [Mr. LEA], and withhold my vote.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. SMITH] and vote "yea."

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK of Wyoming] is unavoidably absent. He is paired with the Senator from Missouri [Mr. STONE]. I will let this announcement stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and the senior Senator from Massachusetts [Mr. LODGE].

Mr. KENYON. I desire to announce the unavoidable absence of the junior Senator from Massachusetts [Mr. WEEKS].

The result was announced—yeas 42, nays 17, as follows:

YEAS—42.

Bankhead	Fletcher	Perkins	Smoot
Brady	Johnson	Pittman	Stephenson
Brandegee	Jones	Reed	Sterling
Bristow	Kern	Robinson	Sutherland
Bryan	McCumber	Root	Thomas
Burleigh	Martin, Va.	Saulsbury	Thornton
Catron	Martine, N. J.	Shafroth	Warren
Chamberlain	Nelson	Shively	West
Chilton	Overman	Simmons	White
Clarke, Ark.	Owen	Smith, Ariz.	
Dillingham	Page	Smith, Md.	

NAYS—17.

Borah	La Follette	Smith, Ga.	Townsend
Burton	Lane	Smith, Mich.	Vardaman
Clapp	Norris	Swanson	
Cummins	Pomerene	Thompson	
Kenyon	Sheppard	Tillman	

NOT VOTING—36.

Ashurst	Gore	Lippitt	Ransdell
Clark, Wyo.	Gronna	Lodge	Sherman
Colt	Hitchcock	McLean	Shields
Crawford	Hollis	Myers	Smith, S. C.
Culberson	Hughes	Newlands	Stone
du Pont	James	O'Gorman	Walsh
Fall	Lea, Tenn.	Oliver	Weeks
Gallinger	Lee, Md.	Penrose	Williams
Goff	Lewis	Poindexter	Works

So the amendment was concurred in.

Mr. KERN. I offer an amendment to the amendment on page 132, which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment proposed by the Senator from Indiana will be stated.

The SECRETARY. On page 132, line 20——

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that that amendment has been agreed to as in Committee of the Whole, and concurred in in the Senate.

Mr. KERN. But it has just been amended a few minutes ago by striking out certain words in line 20.

The PRESIDING OFFICER. That is correct.

Mr. KERN. I move to amend that section in the Senate——

The PRESIDING OFFICER. But the Senator from Indiana will understand that the amendment as amended was concurred in in the Senate.

Mr. SMOOT. I will say to the Senator from Indiana, also, that I reserved the right while the bill was before the Senate as in Committee of the Whole to offer an amendment to that amendment in the Senate. Afterwards that amendment to the amendment was agreed to in the Senate.

Mr. KERN. There is only one way to reach it, then, and that is by a motion to reconsider.

The PRESIDING OFFICER. The bill is still in the Senate and open to amendment.

Mr. POMERENE. Mr. President, I send an amendment to the desk, which I desire to have stated.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana [Mr. KERN] that he can reach the question by moving to reconsider the vote by which the amendment was agreed to.

Mr. KERN. I did not vote on the prevailing side.

The PRESIDING OFFICER. The amendment proposed by the Senator from Ohio [Mr. POMERENE] will be stated.

The SECRETARY. On page 125, line 17, before the words "of class 4," it is proposed to strike out "ten" and to insert "eleven," so as to read:

Chief Division of Supplies, $2,100; clerks, 11 of class 4.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Ohio.

Mr. POMERENE. My reason, Mr. President, for offering this amendment is that the department advises me that heretofore there has been one stenographer from the Bureau of Corporations detailed to the Secretary of Commerce to act as a confidential stenographer. They have eliminated one stenographer from the Bureau of Corporations, and that will necessitate the dropping of one from the Department of Commerce, which, as I am advised by the Secretary and the Assistant Secretary, is going to seriously embarrass the work of the department. For that reason I ask for this increase of one clerk.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Ohio.

Mr. SHAFROTH. Mr. President, I raise the point of order against the amendment that it has never been estimated for by the department, and therefore is not in order. If everyone who desires it is permitted to have an additional employee put on the roll, we could never get through with the bill and could never have any systematic arrangement of the bill.

Mr. POMERENE. Mr. President, I desire to state, in answer to the Senator from Colorado, as I have been informed, or perhaps have inferred from a statement which was made to me a little while ago, that while it is true that this clerk was not included as one of the employees of the Secretary himself, he was included in the estimates made for the Bureau of Corporations. The stenographer for some time has been in the employ of the Secretary himself, or at least has been performing duties under the direction of the Secretary. I hope that the Senator from Colorado will not insist upon his objection.

The PRESIDING OFFICER. The point of order will have to be sustained if the Senator from Colorado insists upon it.

Mr. SHAFROTH. I insist upon it, Mr. President.

The PRESIDING OFFICER. The Chair sustains the point of order.

Mr. OWEN. For the purpose of submitting an amendment, I move to reconsider the action of the Senate in regard to the item with relation to commercial attachés, Department of Commerce, on page 132, beginning in line 18.

The PRESIDING OFFICER. The Senator from Oklahoma moves to reconsider the vote by which the amendment on page 132 was agreed to in the Senate.

Mr. SMOOT. I should like to ask the Senator from Oklahoma if he voted for the amendment when it was offered?

Mr. OWEN. I voted with the Senator from Utah.

Mr. SMOOT. Then, of course, the Senator from Oklahoma has a perfect right to make the motion.

Mr. REED. I raise the question of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

ployees." One hundred employees of the lowest class means $900,000 a year.

I can not understand how anybody can defend the position to keep 100 or more employees upon the rolls when everybody admits that they are not needed, or, rather, how the argument can be made that after the useless employees now there die we should fill up the useless positions with more employees at the expense of about $100,000 a year.

Mr. WARREN. Mr. President, I think the Senator from Florida [Mr. BRYAN] is right about it. As I read the provision promotions can be made just the same. Undoubtedly, if we take the evidence of the Pension Bureau earlier in the session, they have got more help than they need. I have more confidence in the statements made by the commissioner and those representing the bureau when they were examined before the House committee early in the consideration of this matter than I have in the afterthought, when there is a claim for more employees and they conclude that possibly they can use more. I hope that the paragraph may stand as it is in the bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Maryland [Mr. LEE].

The amendment was rejected.

The PRESIDING OFFICER. The bill is still before the Senate as in Committee of the Whole and open to amendment. If there be no further amendment, the bill will be reported to the Senate.

Mr. SMOOT. Mr. President, before the bill is reported to the Senate I desire to reserve the right in the Senate to offer an amendment to the committee amendment, on page 132, line 20.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. THOMAS. Mr. President, on page 65, line 5, I move to strike out "$1,000,000," in figures, and insert "$1,500,000."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 65, line 5, it is proposed to strike out "$1,000,000" and insert "$1,500,000," so as to read:

Collecting the income tax: For expenses of assessing and collecting the income tax as provided in paragraph N, section 2, of an act entitled "An act to reduce tariff duties and to provide revenue for the Government, and for other purposes," approved October 3, 1913, including the employment in the District of Columbia of necessary clerical and other personal services, and the purchase of such supplies, equipment, mechanical devices, and other articles as may be necessary for use in the District of Columbia and the several collection districts, $1,500,000.

Mr. THOMAS. Mr. President, that amendment is very considerable in amount, and if it carries it of course adds a half million dollars to this appropriation bill. I would not think of offering such an amendment if the service did not, in my judgment, absolutely and imperatively demand it. The income-tax law is a new piece of legislation. It was estimated that it would produce somewhere in the neighborhood of $70,000,000 per annum, an amount needed for the general expenses of the Government. For the purpose of enforcing the provisions of that law the Commissioner of Internal Revenue informs me that the amount which has been placed at his disposal is utterly inadequate.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I do.

Mr. WEST. Why was there such a variance between the amount desired by the department and the amount inserted in the House bill?

Mr. THOMAS. The House put the present amount in the bill and the Senate committee is inclined to accept it.

Mr. WEST. Without any sort of knowledge of what was required?

Mr. THOMAS. They had this information before them, but they deliberately cut down the amount—at least that is my information.

I merely wish to add, Mr. President, that I think this amendment is in the interest of sound economy. There are two sorts of economy—one which deals with the general subject without any systematic notion about it, and one which distinguishes between things that are absolutely necessary and things which are either useless or inexpedient at the particular time. For the purpose of getting the revenue which the income-tax law was designed and to secure the machinery which is to be used for that purpose, that which is being used now being insufficient, this amount of money is absolutely needed. That is all I care to say.

Mr. MARTIN of Virginia. Mr. President, I am satisfied that $1,500,000 is necessary for this purpose, and I hope the amendment will be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Colorado.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Shall the amendments made as in Committee of the Whole be concurred in en gross?

Mr. SMOOT. Before that is done I desire to offer an amendment. The bill is in the Senate, as I understand?

The PRESIDING OFFICER. The bill is in the Senate.

Mr. WARREN. I understood the question was on concurring in the amendments made as in Committee of the Whole.

The PRESIDING OFFICER. That is the question now before the Senate.

Mr. SMOOT. I offer an amendment on page 132.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendments agreed to as in Committee of the Whole?

Mr. SMOOT. I thought those amendments had been concurred in.

Mr. KENYON. The Senator from Texas [Mr. SHEPPARD] intended to reserve the amendment on page 2, relating to the mileage of Senators. I want to reserve that amendment and to have a separate vote on it.

The PRESIDING OFFICER. The amendment referred to by the Senator from Iowa will be reserved.

Mr. KENYON. I also desire to reserve the amendment on page 80, with reference to the mileage of Members of the House of Representatives and Delegates in Congress.

The PRESIDING OFFICER. That amendment will be reserved.

Mr. SMOOT. Now I desire to offer an amendment, on page 132, line 20, by striking out of the committee amendment the words "without examination under the civil-service rules."

The PRESIDING OFFICER. The Chair will ask the Senator from Utah if he has any objection to having the amendments made as in Committee of the Whole concurred in, with the exception of those amendments which have been reserved?

Mr. SMOOT. If the amendment to which I desire to offer an amendment is reserved, I have no objection.

Mr. OVERMAN. I wish to offer an amendment for the Senator from Tennessee [Mr. SHIELDS]. I have no interest in the amendment myself. I submit the amendment which I send to the desk on behalf of that Senator, who had to go away, and asked me to submit it for him.

The PRESIDING OFFICER. That is a new amendment, which can be submitted after the amendments made as in Committee of the Whole are concurred in. The question is on concurring in the amendments made as in Committee of the Whole, except as to those reserved.

The amendments, except those reserved, were concurred in.

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] offers an amendment, which the Secretary will state.

The SECRETARY. On page 132, in the committee amendment already agreed to, on line 20, the Senator from Utah moves to strike out the words "without examination under the civil-service rules" and the comma.

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. VARDAMAN. Mr. President, a parliamentary inquiry. Is the bill still in Committee of the Whole?

The PRESIDING OFFICER. The bill is in the Senate now. The question is upon the amendment offered by the Senator from Utah, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. WHITE. I should like to have the amendment stated.

The Secretary again stated the amendment.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I withhold my vote.

The PRESIDING OFFICER (when Mr. JAMES's name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "nay."

Mr. JOHNSON (when his name was called). I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and will vote. I vote "nay."

Mr. SAULSBURY (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], which I transfer to the junior Senator from California [Mr. WORKS], and will vote. I vote "yea."

Mr. CHILTON. I transfer my pair formerly announced to the junior Senator from South Carolina [Mr. SMITH] and will vote. I vote "nay."

Mr. SAULSBURY. I transfer my pair with the junior Senator from Rhode Island [Mr. COLT] to the junior Senator from Tennessee [Mr. SHIELDS] and will vote. I vote "nay."

Mr. FLETCHER. I inquire whether the junior Senator from Wyoming [Mr. WARREN] has voted?

The PRESIDING OFFICER. He has voted.

Mr. FLETCHER. I vote "nay."

Mr. SMITH of Georgia. I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the junior Senator from New Jersey [Mr. HUGHES] and will vote. I vote "nay."

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Maryland [Mr. LEE] and will vote. I vote "nay."

Mr. SMOOT. I desire to announce the following pairs:

The senior Senator from Wyoming [Mr. CLARK] with the senior Senator from Missouri [Mr. STONE].

The senior Senator from Delaware [Mr. DU PONT] with the senior Senator from Texas [Mr. CULBERSON].

The senior Senator from New Mexico [Mr. FALL] with the senior Senator from West Virginia [Mr. CHILTON].

The junior Senator from West Virginia [Mr. GOFF] with the senior Senator from Alabama [Mr. BANKHEAD].

The senior Senator from Rhode Island [Mr. LIPPITT] with the junior Senator from Montana [Mr. WALSH].

The junior Senator from Connecticut [Mr. MCLEAN] with the senior Senator from Montana [Mr. MYERS].

The junior Senator from Pennsylvania [Mr. OLIVER] with the senior Senator from Oregon [Mr. CHAMBERLAIN].

The senior Senator from Pennsylvania [Mr. PENROSE] with the senior Senator from Mississippi [Mr. WILLIAMS].

The junior Senator from Massachusetts [Mr. WEEKS] with the Senator from Kentucky [Mr. JAMES].

The result was announced—yeas 30, nays 27—as follows:

YEAS—30.

Ashurst	Clapp	Nelson	Sterling
Borah	Cummins	Norris	Sutherland
Brady	Dillingham	Owen	Thomas
Brandegee	Jones	Page	Townsend
Bristow	Kenyon	Perkins	Vardaman
Burleigh	La Follette	Root	Warren
Burton	Lane	Smoot	
Catron	McCumber	Stephenson	

NAYS—27.

Bryan	Kern	Robinson	Smith, Ga.
Chilton	Lewis	Saulsbury	Swanson
Clarke, Ark.	Martin, Va.	Shafroth	Thompson
Fletcher	Martine, N. J.	Sheppard	Thornton
Gore	O'Gorman	Shively	West
James	Overman	Simmons	White
Johnson	Pittman	Smith, Ariz.	

NOT VOTING—38.

Bankhead	Gronna	Newlands	Smith, Mich.
Chamberlain	Hitchcock	Oliver	Smith, S. C.
Clark, Wyo.	Hollis	Penrose	Stone
Colt	Hughes	Poindexter	Tillman
Crawford	Lea, Tenn.	Pomerene	Walsh
Culberson	Lee, Md.	Ransdell	Weeks
du Pont	Lippitt	Reed	Williams
Fall	Lodge	Sherman	Works
Gallinger	McLean	Shields	
Goff	Myers	Smith, Md.	

So Mr. SMOOT's amendment to the amendment of the committee was agreed to.

The PRESIDING OFFICER. The question now is on concurring in the amendment as amended.

The amendment as amended was concurred in.

Mr. VARDAMAN. Mr. President, I move to lay on the table the committee amendment on page 15, beginning at line 11.

The PRESIDING OFFICER. The amendment has already been concurred in.

Mr. VARDAMAN. Then I move to reconsider the vote by which it was concurred in.

Mr. MARTIN of Virginia. Mr. President, I am afraid Senators may not understand that this is the item authorizing the purchase of an automobile for the Vice President. We have been over it twice, and I hope it will not be reconsidered.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Mississippi [Mr. VARDAMAN] to reconsider the vote by which the amendment indicated by him was concurred in.

The motion was rejected.

The PRESIDING OFFICER. The amendment on page 2, which was passed over, will be next stated.

The SECRETARY. On page 2, the Senate, as in Committee of the Whole, agreed to strike out all of lines 4, 5, 6, 7, 8, 9, and 10 and to insert:

For mileage of Senators, $51,000.

Mr. KENYON. Mr. President, I call the attention of the Senator from Texas [Mr. SHEPPARD] to this matter. I reserved this amendment, as he was absent from the Chamber, and I understood that he had a point of order which he desired to make against it.

Mr. SHEPPARD. I wish to make the point of order against the first amendment, that it is unauthorized by law and contrary to law. I base my point of order on the following facts:

The law authorizing mileage was passed during the Thirty-ninth Congress, first session, and reads as follows:

And be it further enacted, That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives: *And provided further*, That the pay of the Speaker shall be $8,000 per annum.

That remained the law until February 26, 1907, when the compensation of Senators and Representatives was changed as follows:

Section 4 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1908, and for other purposes, reads:

SEC. 4. That on and after March 4, 1907, the compensation of the Speaker of the House of Representatives, the Vice President of the United States, and the heads of executive departments who are members of the President's Cabinet shall be at the rate of $12,000 per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico shall be at the rate of $7,500 per annum each.

SEC. 5. All laws or parts of laws inconsistent with this act are repealed.

Consequently the only compensation authorized by law to-day is the salary of $7,500.

Section 4 of the legislative appropriation bill of 1907, which I have read, makes no provision for mileage. It says that the compensation of Senators, Representatives in Congress, and so forth, shall be $7,500 per annum each, and repeals all laws and parts of laws in conflict therewith. It repeals the law enacted by the Thirty-ninth Congress, which authorizes mileage. It makes no provision for mileage or any additional compensation whatever. Consequently the provision here providing for mileage is contrary to law.

Mr. WARREN. Mr. President, the law is very plain:

The compensation of each Senator, Representative, and Delegate in Congress shall be $7,500 per annum, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session: *Provided*, That hereafter mileage accounts of Senators shall be certified by the President of the Senate and those of Representatives and Delegates by the Speaker of the House of Representatives.

Following that the later law says:

Mileage for two sessions only, to be paid in the following manner, to wit: On the first day of each regular session each Senator, Representative, and Delegate shall receive his mileage for one session, and at the beginning of the second regular session of the Congress each Senator, Representative, and Delegate shall receive his mileage for such second session.

And still later:

On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each Senator, Representative, and Delegate shall receive his mileage as now allowed by law, and on the first day of the second or any subsequent session he shall receive his mileage as now allowed.

That is the standing law of to-day.

The PRESIDING OFFICER. Was that law repealed by the act of Congress increasing the salaries to $7,500?

Mr. WARREN. It was not.

Mr. SHEPPARD. What is the date of the law to which the Senator refers?

Mr. WARREN. I am reading from the law as it is quoted here in the Rules and Manual of the Senate. Those statements, of course, can be looked up by the Senator. I have here a list of 16 different statutes, one after the other, all in nearly the same line, and I have read the law as it now stands.

Mr. SHEPPARD. The authority for mileage cited in the laws to which the Senator refers was given in the act passed by the Thirty-ninth Congress.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Minnesota?

The Secretary read the report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, and 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

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Mr. SMOOT. I will ask the Senator if this is a complete agreement?

Mr. SWANSON. It is not a complete agreement. We report on many items in agreement, and then report on others in disagreement.

Mr. JONES. I will ask the Senator from Virginia what has been done with the amendment relating to the increase of chaplains in the Navy?

Mr. SWANSON. The House receded from its disagreement to that amendment.

Mr. JONES. That amendment is agreed to?

Mr. SWANSON. It is agreed to.

Mr. JONES. I understand there can be no separate vote by the Senate on that amendment?

Mr. SWANSON. There can not be.

Mr. JONES. In order to reject that we would have to reject the entire report?

Mr. SWANSON. I do not suppose the Senate would reject its own amendment.

Mr. JONES. We could reject the conference report, of course?

Mr. SWANSON. We could reject the conference report. Then the whole matter would be opened up, as it was when the bill was passed.

Mr. JONES. That is the only way it can be reached? I desire to say, then, that I shall vote against the acceptance of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. WARREN. Mr. President, I should like to ask the Senator from Virginia how many items are in disagreement?

Mr. SWANSON. The conferees have been unable to agree on amendments numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71.

Mr. WARREN. The Senator has a copy of the report there?

Mr. SWANSON. Yes; it has been printed. I move that the Senate further insist upon its amendments, request a further conference with the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

LEGISLATIVE, ETC., APPROPRIATIONS.

The PRESIDENT pro tempore. The morning business is closed.

Mr. MARTIN of Virginia. I ask unanimous consent that House bill 15279, the legislative, executive, and judicial appropriation bill, be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The PRESIDENT pro tempore. The pending amendment is the amendment submitted by the Senator from Maryland [Mr. LEE]. It will be read.

The SECRETARY. The amendment proposed by Mr. LEE of Maryland is to strike out the paragraph beginning on page 105, line 11, which reads as follows:

During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as hereinabove provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury.

Mr. BRYAN. The portion of the bill which the Senator from Maryland moves to strike out was carried in the appropriation act of last year. It is designed to provide that not more than 25 per cent of the vacancies in the Pension Bureau shall be filled, except by promotion or demotion. The Senator from Maryland read from the House hearings and from a statement made by the Commissioner of Pensions, but the Senator omitted to read two questions and answers, which undoubtedly determined the action of the House committee and of the House itself. The Commissioner of Pensions did ask the House committee to modify the amendment by adopting a suggestion which he made, and in arguing his suggestion he said:

It is going to be pretty hard to turn off 100 and upward of our people, and it has been suggested to me that there be added to the estimates 50 positions at $900 each, $900 being the lowest salary upon which it is supposed that one would be able to subsist in Washington. That is proposed in order that we may be able to take care of many who are old and who have rendered faithful service, instead of turning them absolutely out. Now, I offer that suggestion to the committee for your consideration. I really am in favor of it myself.

Now comes a question by Representatives BYRNS of Tennessee, which undoubtedly determined the action of the committee:

Mr. BYRNS. Do I understand that your suggestion is based upon the fact that you need 50 clerks, at $900, or is it more particularly based on the fact that you wish to give them pensions, so to speak?

Mr. SALTZGABER. In effect, it might be so considered, instead of turning them absolutely out without anything. These clerks would receive small salaries, and their duties would be largely perfunctory. The suggestion is not made because we need them.

The provision as the House inserted it therefore can not fairly be said to deprive any of these clerks of the positions they now hold, but the Commissioner of Pensions admits that he does not need them. It is a liberal provision, it seems to me, to allow those who now have positions to remain, although they are not needed; but this provision in the House bill is intended to require that when vacancies occur by death or resignation—in case any should resign—those places should not again be filled for the reason that the clerks are not needed.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Florida yield to the Senator from Kansas?

Mr. BRYAN. I do.

Mr. BRISTOW. I should like to inquire of the Senator from Florida if the House provision of which he speaks is not, as a matter of fact, in the interest of the old soldiers, instead of against them, as was alleged here on Saturday?

Mr. BRYAN. I think it can be said to be so, because the Commissioner of Pensions comes before a committee of Congress and says that there are some of these clerks whom he does not need; but this provision in the bill does not take their positions away from them; it simply provides that when they drop out of the rolls by death or resignation, not more than 25 per cent of such positions shall be filled.

Mr. BRISTOW. That is what I thought.

Mr. BRYAN. That is exactly what it does.

Mr. BRISTOW. So that it leaves the old soldiers just as they are, but if there is a vacancy, if the place is not needed, the place will not be filled, and, of course, it ought not to be filled.

Mr. BRYAN. Of course not.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Utah?

Mr. BRYAN. I do.

Mr. SMOOT. I should like to call the attention of the Senator from Florida to a conversation which I had this morning with the Pension Bureau. I asked the same question which the Senator from Kansas has asked, and asked them to let me know what effect it would have upon the old soldiers, and this is the answer that I got. I was told the effect of the amendment would be that if, for instance, there was a clerk at $1,440 who resigned or died, if this language is left in the bill there could be no promotion to fill the vacancy in that particular place; that there would be no chance for a soldier below that or in another grade to be advanced to that particular position; but that it will be entirely abolished. In that way it would affect the promotion of an old soldier.

Mr. BRYAN. Mr. President, that can not be. I do not care what the Pension Bureau says, because the law says "excepting by promotion or demotion."

Mr. SMOOT. I am only stating what the effect of it will be as it was explained to me by the Pension Department.

Mr. BRYAN. Mr. President——

Mr. SMOOT. If the Senator will just wait a moment. I desire to say that the reason they stated that there would be no advancement of the old soldiers was that in the promotions they would not take the old soldiers, but would take younger people, and the old soldiers would remain where they are.

Mr. BRISTOW. What difference would that make if the House provision be stricken out? You can not fill those places and promote old soldiers unless it is thought they ought to be promoted.

Mr. SMOOT. I suppose that is true; but the rule has been in the past that they get their regular promotions. That is all there is in the provision, at least I am so told at the Pension Bureau, to which I telephoned this morning, with the exception that they say that on July 1 there will be some 60 clerks of the bureau dropped; that some of them are very efficient clerks, and under this language whenever a vacancy occurs they can take of those 60 clerks but 25 per cent; in other words, they can only take 1 out of 4 of the clerks that would be dropped on the 1st day of July to fill any vacancy that may occur.

Mr. BRISTOW. Mr. President, is not that because under the system which is now being used in adjusting pensions, instead of having an application for every increase to which the pensioner may be entitled, as was formerly the case, adjustments are automatically made on the records, thus requiring less clerical force? It seems to me this is a provision which protects the old soldiers from being discharged; but when there is a vacancy that vacancy is not to be filled at all. There is no incentive to discharge a man if you can not put anybody else in his place. It seems to me that the provision is in the interest of the soldiers instead of against them. I can not see it in any other way. If I thought the provision was against the interests of the soldiers, I should be in favor of striking it out.

Mr. SMOOT. The Senator knows that I would take the same view; and yet when the language of the provision was considered in the committee it was stated that it was a protection to the old soldiers; but, as I say, since the statement made by the Senator from Maryland [Mr. LEE] last Saturday night, I have inquired at the Pension Office particularly as to whether it was for or against the old soldiers, and I have stated to the Senator from Florida just what they told me this morning in that interview.

Mr. BRYAN. Mr. President, I can not help what the head of the bureau may have said; the law is too plain for disagreement. It protects those who are now employed, and when places become vacant it provides that not more than 25 per cent of the vacancies shall be filled, because even the Commissioner of Pensions admits that he does not need them.

In the letter which the Senator from Maryland put into the RECORD the only argument made by the commissioner to change his attitude is that the positions had better be retained and when vacancies occur be filled with new appointees, because legislation is likely to be enacted which may increase the pension roll and the Mexican situation may result in bringing forth more pension applications; but it has been argued here for two years that so many employees are not needed, because the act of 1912 operates automatically—that is, when the name of a pensioner once goes upon the rolls his status is fixed.

It seems to me, Mr. President, the committee is liberal enough, in the face of the fact that all the 1,259 employees are not needed in this one building, when it says, "Well, you have been there a long time and we will let you stay until you die, but we do not propose to fill the roll up again with useless em-

and do recommend to their respective Houses as follows:

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The motion was agreed to, and the President pro tempore appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

By Mr. SELDOMRIDGE: Petition of 25 citizens of Poncho Springs, 35 citizens of Pagosa Springs, 285 citizens of Victor, and 150 citizens of Colorado Springs, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida, protesting against national prohibition; to the Committee on Rules.

By Mr. STEDMAN: Petition of the Sunday School Conference of the North Carolina Conference, favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Petition of W. P. Rodgers, of Monongahela, Pa., and others, favoring national prohibition; to the Committee on Rules.

Also, papers in support of House bill 17227, for the relief of Alexander Boyd; to the Committee on Invalid Pensions.

By Mr. TEN EYCK (by request): Resolution of the Church Federation of Albany, N. Y., signed by John T. D. Blackburn, secretary pro tempore, indorsing the national prohibition bill; to the Committee on Rules.

By Mr. THOMPSON of Oklahoma: Petition of the Convention of the Christian Churches of Oklahoma, favoring national prohibition; to the Committee on Rules.

By Mr. TRIBBLE: Memorial of Athens Trade Association, protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS: Petitions of sundry citizens of Illinois and C. Porter Johnson, of St. Louis, Mo; also sundry citizens of Kewanee, Pinckneyville, Quincy, and Danville, all in the State of Illinois, and the American Association of Foreign Language Newspapers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Illinois State Federation of Labor, favoring the passage of House bill 16130 relative to employment bureau in the Department of Labor; to the Committee on Labor.

Also, petitions of the president and secretary of the Women's Club, Pittsfield, Ill.; E. A. Grummon, of Quincy; officers and members of Vandalia Chapter Epworth League of the First Methodist Episcopal Church; and 18 citizens of Woodhull, all of the State of Illinois, favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *June 15, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the limitations of our lives are in Thy hands, so that when we are weak then we are strong. Our very ignorance brings us into closer relationship and greater dependence upon Thee, and our weakness drives us back to the almighty arm of God for support. We thank Thee that Thou hast thus conditioned us in this life as to bring us by all the tokens of life, by all the motives Thou hast put into the human heart, back to God for protection and guidance and blessing. We look to Thee this day to open our hearts for Thy blessing upon us.

We remember before Thy throne one honored in the years past, one of the leaders in our national life, a former Vice President of the United States and President of this body, who has passed beyond. We pray Thy blessing upon those remaining who mourn his loss, and that the praise of the people may ever go up to Thee for giving to us leaders equipped with knowledge, high patriotism, and with devotion to the country.

We pray now Thy blessing upon all the leaders of this day. Protect them in life and health and strength. Give them wisdom from on high to do Thy will and bring to pass Thy mighty purposes in us as a Nation. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEGISLATION OF THE CONGRESS.

Mr. BRANDEGEE. Mr. President, I have here what I regard as being in the nature of a petition for the relief of the country, which I will read:

A naive ignorance of Washington traditions is manifested in the top pressure at which President Wilson has kept Congress working since April, 1913. Those who know Washington know that if from a political point of view a little legislation is a dangerous thing, a good deal of legislating on all the subjects mentioned in a party platform digs its own grave. The more it works, the more voters it alienates, and its record-breaking list of things accomplished is generally paralleled by a record-breaking casualty list at the next election.

The Evening Post's Washington correspondent points with pride to the 13 acts of general importance which this Congress has already passed, and mentions 15 more acts of nearly equal importance which it is expected to pass. Under the snap of the President's whip Congress has made a downward revision of the tariff, reformed the Federal banking and currency system, repealed the tolls-exemption clause of the Panama Canal law, and passed a militia reorganization act, and an act providing for the construction of a Government-owned railway in Alaska. It intends to pass—if Mr. Wilson's vigilance does not relax—three antitrust acts, containing among other things the Clayton-Gompers "gold-brick" concessions to labor, five conservation acts, an immigration act, an act regulating dealings in cotton futures, an act giving American citizenship to the Porto Ricans, and possibly an act extending autonomy in the Philippines and vaguely promising the Filipinos independence.

It is a record to make a Representative or Senator seeking reelection shudder. The only other Congress in recent times which can challenge the Sixty-third's mania for legislation was the Fifty-first, which came into power with the Harrison administration. It broke all records then known. It revised the tariff schedules, passed an administrative tariff act, a silver purchase and coinage act, the Sherman antitrust act, the dependent pension act, an international copyright act, a merchant marine postal subvention act, and came within an ace of passing the celebrated Lodge-Spooner force bill for the regulation of elections in the Southern States. In the House of Representatives the Reed rules were also applied in order to put an end to old-fashioned filibustering. It was a prodigious record of activity, considering that the Fifty-first Congress did not meet until December, while the Sixty-third Congress met in April.

But what was the political result of all that expenditure of legislative energy? There were 166 Republicans in the House in the Fifty-first Congress. When the Fifty-second Congress assembled there were only 88. Every other Republican had been defeated at the polls. It looks as if the present Congress is going to bring upon itself a similar fate. The country is tired of it and of all its works. The public resents the feverish hurry with which half-baked legislation is being rushed upon the statute books. The people want a rest. Even Congress wants to go home, but quails before the piercing eye of the fierce taskmaster in the White House. There will be a reckoning next November. Then, unless all signs fail, history will repeat itself in the slaughter of busybody lawmakers who didn't know enough to quit when it was time to quit.

That is an editorial in the New York Sunday Tribune of yesterday.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of sundry citizens of Chicago and Bloomington, in the State of Illinois; of Fargo, N. Dak.; of Bloomington, Ind.; of Decorah, Iowa; of St. Paul, Minn.; of Ebensburg, Pa.; of Los Angeles, Cal.; of St. Louis, Mo.; and of the Chautauqua Assembly of Greenwood, S. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions of the City Council of Cleveland, Ohio, remonstrating against the enactment of legislation authorizing the sale of the marine hospital property at Cleveland to the Lakeside Hospital or authorizing the transfer or sale of the property to anyone save to the city of Cleveland, which was referred to the Committee on Public Buildings and Grounds.

Mr. BRANDEGEE presented a petition of C. F. Comstock Lodge, No. 332, Brotherhood of Railroad Trainmen, of Danbury, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of inoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Corbin, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES. Mr. President, we have no more than a dozen Members present, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Johnson	Martine, N. J.
Borah	Clapp	Jones	Nelson
Brady	Clarke, Ark.	Kenyon	O'Gorman
Brandegee	Culberson	Kern	Owen
Bryan	Cummins	La Follette	Page
Burton	Dillingham	Lane	Perkins
Catron	Fletcher	McCumber	Pittman
Chamberlain	James	Martin, Va.	Reed

Robinson	Simmons	Thomas	Warren
Root	Smith, Ga.	Thompson	West
Saulsbury	Smith, Mich.	Thornton	White
Shafroth	Smoot	Tillman	
Sheppard	Sterling	Townsend	
Shively	Sutherland	Vardaman	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate. This announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present. The presentation of petitions and memorials is still in order.

Mr. DILLINGHAM presented petitions of sundry citizens of Vermont, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of sundry citizens of Seeley, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Lathrop, Cal., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. TOWNSEND presented a memorial of Local Union No. 67, Cigar Makers' International Union, of Grand Haven, Mich., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oregon, remonstrating against war between the United States and Mexico, which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Oregon, remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

Mr. FLETCHER presented resolutions adopted by the Florida Bankers' Association, at Jacksonville, Fla., favoring an amendment to the currency law to provide that any State bank which has complied with the requirements of the national-bank act shall not be required to increase its capital to become a member of a regional reserve bank, which were referred to the Committee on Banking and Currency.

He also presented the petition of J. C. Luning, State treasurer, at Tallahassee, Fla., praying for the enactment of legislation prohibiting the use of the mails to certain classes of insurance companies, which was referred to the Committee on Post Offices and Post Roads.

Mr. JOHNSON presented a petition of the Somerset County Sunday School Association, of Bingham, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Ludlow, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented a petition of the Maine State Association of Letter Carriers, praying for the enactment of legislation providing for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 5858) granting an increase of pension to George A. Joyner;

A bill (S. 5859) granting a pension to Mathew Whitfield; and

A bill (S. 5860) granting an increase of pension to C. F. Prange; to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 5861) to amend the postal and civil-service laws, and for other purposes (with accompanying paper); to the Committee on Post Offices and Post Roads.

By Mr. DILLINGHAM:

A bill (S. 5862) granting a pension to Elizabeth J. C. Freeman (with accompanying papers); and

A bill (S. 5863) granting an increase of pension to Orville Choate; to the Committee on Pensions.

By Mr. OWEN:

A bill (S. 5864) to define corrupt practices in connection with campaigns for the nomination and election of United States Senators and Congressmen, and to provide punishment therefor; and

A bill (S. 5865) to provide a direct, truthful, and inexpensive means of communication between the voters and candidates for nomination and election to certain Federal offices, and to provide publicity for amendments to the Federal Constitution submitted by Congress, and the reasons for and against their adoption; to the Committee on Privileges and Elections.

By Mr. TILLMAN:

A bill (S. 5866) for the relief of the heirs of George W. Croft; to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5867) granting an increase of pension to Frederick W. Schaeffer (with accompanying papers); to the Committee on Pensions.

By Mr. SIMMONS:

A joint resolution (S. J. Res. 161) authorizing the revision, reindexing, and reprinting of Treasury Document No. 2499; to the Committee on Printing.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to appropriate $500,000 for the construction of a building to install the Government exhibit at the Panama-Pacific Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DONATION OF CANNON.

Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

PRINTING OF ADDRESS BY HON. W. J. BRYAN.

Mr. OWEN. I have a copy of an address by Hon. W. J. Bryan on the People's Law, delivered at Columbus, Ohio, March 12, 1912, upon the invitation of the constitutional convention at that place. I desire to have the address printed as a public document, and I ask that it may be referred to the Committee on Printing with the view to its publication.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRINTING OF ARTICLE BY HON. GEORGE SUTHERLAND (S. DOC. NO. 505).

Mr. LA FOLLETTE. I ask to have printed an article which appeared in the March number of the Independent, 1909, on the necessity of greater care in making laws, by Hon. GEORGE SUTHERLAND, junior Senator from the State of Utah.

Any subject with which Senator SUTHERLAND deals would, as we all know, be worthy of thoughtful consideration. The subject treated in this article is a very important one, and his paper is a valuable contribution to the literature upon the reformation of our present loose system of lawmaking. The article is only four or five pages, and I desire to have it printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE TELEPOST.

Mr. OWEN. On November 17, 1913, because of my long acquaintance and great respect for Hon. H. Lee Sellers and R. H. Sellers, who were developing the telepost system of telegraphy, and the belief that it might prove of public use, I submitted Senate resolution 216, authorizing the appointment of a committee to investigate and report upon the telepost system as to word-carrying capacity, accuracy, economy, and efficiency. The resolution is now on the calendar, being Order of Business 440. As the mover of the resolution, I ask unanimous consent that it be taken from the calendar and postponed indefinitely for the reason that I may become interested in it, and am unwilling to be responsible in any degree for any action the Senate may or may not take in relation thereto.

The PRESIDENT pro tempore. Without objection, the resolution referred to by the Senator from Oklahoma will be taken from the calendar and postponed indefinitely.

NAVAL APPROPRIATIONS.

Mr. SWANSON. I desire to call up the conference report on the naval appropriation bill, which was submitted by the Senator from South Carolina [Mr. TILLMAN] on Saturday last.

The PRESIDENT pro tempore. The report will be read.

protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. WILLIAMS: Petitions of sundry citizens of Illinois and C. Porter Johnson, of St. Louis, Mo; also sundry citizens of Kewanee, Pinckneyville, Quincy, and Danville, all in the State of Illinois, and the American Association of Foreign Language Newspapers, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Illinois State Federation of Labor, favoring the passage of House bill 16130 relative to employment bureau in the Department of Labor; to the Committee on Labor.

Also, petitions of the president and secretary of the Women's Club, Pittsfield, Ill.; E. A. Grummon, of Quincy; officers and members of Vandalia Chapter Epworth League of the First Methodist Episcopal Church; and 18 citizens of Woodhull, all of the State of Illinois, favoring national prohibition; to the Committee on Rules.

SENATE.

MONDAY, *June 15, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the limitations of our lives are in Thy hands, so that when we are weak then we are strong. Our very ignorance brings us into closer relationship and greater dependence upon Thee, and our weakness drives us back to the almighty arm of God for support. We thank Thee that Thou hast thus conditioned us in this life as to bring us by all the tokens of life, by all the motives Thou hast put into the human heart, back to God for protection and guidance and blessing. We look to Thee this day to open our hearts for Thy blessing upon us.

We remember before Thy throne one honored in the years past, one of the leaders in our national life, a former Vice President of the United States and President of this body, who has passed beyond. We pray Thy blessing upon those remaining who mourn his loss, and that the praise of the people may ever go up to Thee for giving to us leaders equipped with knowledge, high patriotism, and with devotion to the country.

We pray now Thy blessing upon all the leaders of this day. Protect them in life and health and strength. Give them wisdom from on high to do Thy will and bring to pass Thy mighty purposes in us as a Nation. For Christ's sake. Amen.

The Vice President being absent, the President pro tempore took the chair.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEGISLATION OF THE CONGRESS.

Mr. BRANDEGEE. Mr. President, I have here what I regard as being in the nature of a petition for the relief of the country, which I will read:

A naive ignorance of Washington traditions is manifested in the top pressure at which President Wilson has kept Congress working since April, 1913. Those who know Washington know that if from a political point of view a little legislation is a dangerous thing, a good deal of legislation is much more dangerous. The Congress which strains itself legislating on all the subjects mentioned in a party platform digs its

met in April.

But what was the political result of all that expenditure of legislative energy? There were 166 Republicans in the House in the Fifty-first Congress. When the Fifty-second Congress assembled there were only 88. Every other Republican had been defeated at the polls. It looks as if the present Congress is going to bring upon itself a similar fate. The country is tired of it and of all its works. The public resents the feverish hurry with which half-baked legislation is being rushed upon the statute books. The people want a rest. Even Congress wants to go home, but quails before the piercing eye of the fierce taskmaster in the White House. There will be a reckoning next November. Then, unless all signs fail, history will repeat itself in the slaughter of busybody lawmakers who didn't know enough to quit when it was time to quit.

That is an editorial in the New York Sunday Tribune of yesterday.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented petitions of sundry citizens of Chicago and Bloomington, in the State of Illinois; of Fargo, N. Dak.; of Bloomington, Ind.; of Decorah, Iowa; of St. Paul, Minn.; of Ebensburg, Pa.; of Los Angeles, Cal.; of St. Louis, Mo.; and of the Chautauqua Assembly of Greenwood, S. C., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Oregon, remonstrating against the enactment of legislation compelling the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented resolutions of the City Council of Cleveland, Ohio, remonstrating against the enactment of legislation authorizing the sale of the marine hospital property at Cleveland to the Lakeside Hospital or authorizing the transfer or sale of the property to anyone save to the city of Cleveland, which was referred to the Committee on Public Buildings and Grounds.

Mr. BRANDEGEE presented a petition of C. F. Comstock Lodge, No. 332, Brotherhood of Railroad Trainmen, of Danbury, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Waterbury, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of inoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. THOMPSON presented a petition of sundry citizens of Corbin, Kans., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. JONES. Mr. President, we have no more than a dozen Members present, and I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Washington suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Johnson	Martine, N. J.
Borah	Clapp	Jones	Nelson
Brady	Clarke, Ark.	Kenyon	O'Gorman
Brandegee	Culberson	Kern	Owen
Bryan	Cummins	La Follette	Page
Burton	Dillingham	Lane	Perkins
Catron	Fletcher	McCumber	Pittman
Chamberlain	James	Martin, Va.	Reed

Mr. Chairman, I heard those eloquent orations, one delivered by a former Member of this House, Hon. Washington Gardner, of Michigan, now the commander in chief of the Grand Army of the Republic, and the other by Gen. Benedict Young, of Kentucky, now the commander of the United Confederate Veterans. Neither apologized for what either side had done, and both asserted that their comrades in arms, dead and living, had maintained the right as they believed it to be in that great struggle on every battle field, in a contest in which the valor and heroism of both amazed the world and challenged comparison in history with all the great wars and battles of the world, and the sentiments of both were cheered to the echo.

So it marks a day in the history of our country when, within sight of this Capitol, with the Stars and Stripes and the Confederate flag both flying above the heads of that great throng, everybody gladly united in honoring the memory of men who had, as was stated in the inscription upon the monument that marked their resting place to perpetuate their heroism, their patriotism, and bravery, "in simple obedience to duty as they understood it, suffered all, sacrificed all, dared all—and died." [Applause.]

The world may go on in its cycles for thousands of years. This Republic may live, as I hope and believe it will, until the cycles of the earth are ended, because I believe it will be perpetuated forever, under the providence of God, to maintain and establish liberty and free institutions; and nothing will tend to perpetuate it so much as the recollection that the memory of the Confederate soldier is honored and revered, as it was on the 4th of June at Arlington Cemetery, the former home of that great chieftain of the Confederate forces who led them to unparalleled victories and submitted to defeat only when all but honor was lost. [Applause.]

I withdraw the amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn.

Mr. BARTLETT. Mr. Chairman, I want to state that with the unexpended balance the amount appropriated in this paragraph for this purpose is all that is necessary. More would have been given if it was necessary, but the committee gave all that was asked.

The Clerk read as follows:

Burial of deceased indigent patients: For expenses of burying in the Little Rock (Ark.) National Cemetery, including transportation thereto, indigent ex-soldiers, ex-sailors, or ex-marines of the United States service, either regular or volunteer, who have been honorably discharged or retired and who die while patients at the Army and Navy General Hospital, Hot Springs, Ark., to be disbursed by the Secretary of War, at a cost not exceeding $35 for such burial expenses in each case, exclusive of cost of grave, $200.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. FITZGERALD. I make the point of order that the gentleman is not discussing the amendment. [Laughter.]

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I thought the gentleman from New York [Mr FITZGERALD] would be seeking recognition by this time. We have already run five minutes overtime, and have gone as far as the gentleman said he wanted to go.

Mr. FITZGERALD. We have made very little progress on the bill to-day, and at this hour we are more likely to go more rapidly than at any other time in the day.

Mr. MANN. A moment ago the gentleman implored me to allow him to go on down to this item. I was going to make a point of order on one of the items but did not do it out of consideration for the House.

Mr. FITZGERALD. Let us go on a little while.

Mr. MANN. This is Saturday night. I have to take a bath to-night. [Laughter.]

Mr. FITZGERALD. That is no longer fashionable on Saturday. The gentleman can do that some other day.

Mr. MANN. I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. It is evident that there is not.

Mr. FITZGERALD. I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 14385. An act to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, approved August 24, 1912.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 14385. An act to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, approved August 24, 1912.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WINGO, for the remainder of this day, on account of illness.

HOUR OF MEETING ON TUESDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday it adjourn to meet at 11 o'clock on Tuesday.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns on Monday it adjourn to meet at 11 o'clock on Tuesday.

Mr. DONOVAN. I object, Mr. Speaker.

The SPEAKER. The gentleman from Connecticut objects.

Mr. FITZGERALD. That is too bad. I thought the Democrats wanted to expedite business. I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 38 minutes p. m.) the House adjourned until Monday, June 15, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting an estimate of appropriation for new roof, plastering, repairs and painting, etc., rendered necessary through damage by fire to the post office and courthouse at Binghamton, N. Y. (H. Doc. No. 1035); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a proposed clause of legislation to authorize the accounting officers of the Treasury Department to settle and allow accounts for pay of the chiefs of divisions of chemistry, pharmacology, and zoology in the Hygienic Laboratory, etc. (H. Doc. No. 1037); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of War submitting an estimate of appropriation to carry out the provisions of public act No. 79, to erect a suitable monument on the battle grounds at Horse Shoe, on the Tallapoosa River, Ala. (H. Doc. No. 1036); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 11178) to establish a standard box for apples, and for other purposes, reported the same with amendment, accompanied by a report (No. 824), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (H. J. Res. 273), requesting the President of the United States to invite foreign governments to participate in the International Congress on Education, reported the same without amendment, accompanied by a report (No. 825), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (H. J. Res. 271) authorizing the President to appoint delegates to attend the ninth international congress of the World's Purity Federation, to be held in the city of San Francisco, State of California, July 18 to 24, 1915, reported the same with amendment, accompanied by a report (No. 826), which said joint resolution and report were referred to the House Calendar.

Mr. CARAWAY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 17097) to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes, reported the same with amendment, accompanied by a report (No. 827), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 8892) granting a pension to Mary Butler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 10105) granting a pension to Margaret McGreevy; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13109) granting an increase of pension to Ellen Owens; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15969) granting a pension to Richard Burnett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WICKERSHAM: A bill (H. R. 17262) extending the civil government of Alaska, and for other purposes; to the Committee on the Territories.

By Mr. TAYLOR of Colorado: A bill (H. R. 17263) to reserve certain lands, to incorporate the same, and make them a part of the Uncompahgre National Forest in Colorado; to the Committee on the Public Lands.

By Mr. KELLY of Pennsylvania: Resolution (H. Res. 543) directing the Speaker of the House to appoint a select committee of seven members to inquire into and report upon all matters of the strike in the Westinghouse industries in Allegheny County, Pa.; to the Committee on Rules.

By Mr. CARY: Resolution (H. Res. 544) requesting the Secretary of the Navy to inform the House what steps he has taken to have the Attorney General prosecute the combine of armor manufacturers; also requesting the Attorney General to inform the House what steps he has taken to prosecute said combine; to the Committee on Naval Affairs.

By Mr. PETERS of Massachusetts: Memorial from the Legislature of the State of Massachusetts, protesting against the granting of any contract to any foreign person or corporation for the supply of bunting for the flag of the United States; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUMBAUGH: A bill (H. R. 17264) granting a pension to Francis E. Dutoit; to the Committee on Invalid Pensions.

By Mr. CURRY: A bill (H. R. 17265) granting a pension to Robert S. Wagner; to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 17266) to remove the charge of desertion against Edward A. Shave; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Bloomington, Ill., Los Angeles, Cal., and Ebensburg, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolution signed by L. L. Graham, of Fargo, N. Dak., president of the Fargo Chautauqua, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from the Eclectic Medical Society of Missouri, signed by the president of the society, favoring the restriction of the sale of narcotics but opposing the Nelson amendment to the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. DALE: Petition of the members of the Brooklyn Hospital Club, protesting against the passage of House bill 6383, to regulate dispensing narcotic drugs; to the Committee on Ways and Means.

By Mr. DUNN: Petitions of sundry citizens of Monroe County, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of the Eclectic Medical Society of Missouri, protesting against the passage of House bill 6282, the Harrison antinarcotic bill; to the Committee on Ways and Means.

By Mr. FOSTER: Petitions of sundry citizens of Waltonville, Ill., 50 citizens of Roann, and Vandalia Chapter Epworth League, favoring national prohibition; to the Committee on Rules.

By Mr. GARDNER: Memorial of William McKinley Camp, No. 26, United Spanish War Veterans, and Municipal Council of Gloucester, Mass., favoring passage of the Hamill retirement bill (H. R. 5139); to the Committee on Reform in the Civil Service.

Also, memorial of the Massachusetts Medical Society, urging that Congress provide measures for proper mental examination of immigrants by physicians of the Public Health Service; to the Committee on Immigration and Naturalization.

By Mr. GOOD: Memorial of the Greater Davenport (Iowa) Committee, protesting against passage of bills regulating business; to the Committee on the Judiciary.

By Mr. GRAHAM of Pennsylvania: Petition of the Jewelers' Guild, of Philadelphia, Pa., favoring the passage of the Owen-Gooke bill to eliminate time guaranty on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Second Church of the Covenanters, of Philadelphia, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. HAMMOND: Petition of the Men's Club of the Presbyterian Church of Pipestone, Minn., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of 22 citizens of Springfield, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of various churches and organizations representing 405 citizens of Seattle, 1,000 citizens of Coupeville, 225 citizens of Kent, and 25 citizens of Oak Harbor, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Seattle, Wash., against national prohibition; to the Committee on Rules.

By Mr. KETTNER: Memorial of the board of supervisors of San Diego County, Cal., favoring passage of House bill 12868, relative to reservations to be used for tuberculosis hospitals; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the National Association of Assistant Postmasters, protesting against the passage of House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of the National Consumers' League, of New York City, favoring passage of the La Follette seaman's bill without modification; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the National Acme Manufacturing Co., of Boston, Mass., favoring the passage of the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. McDERMOTT: Memorial and resolution adopted by the executive committee, composed of Messrs. Landau, Cermak, Rosenstiel, Tettkoske, Neumann, and Fisher, of the United Societies for Local Self Government and Liberty League, of Chicago, protesting against national prohibition; to the Committee on Rules.

By Mr. MILLER: Petition of sundry citizens of the State of Minnesota, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of International Falls, St. Francis, Mizpah, Gummell, Margie, Northome, Big Falls, Littlefork, Willow River, Brook Park, Sandstone, and Bruno, all in the State of Minnesota, favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of Gustave Frige and others, of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. RAKER: Telegram from A. E. Parks and 31 other citizens of Dunsmuir, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from J. I. Christie and 14 others of the Epworth League of Janesville, Cal., favoring national prohibition; to the Committee on Rules.

factured in Government plants, and he deserves credit for it, and as a result of it the arsenal in his district is now equipped and is being further equipped to manufacture, as I understand it, gun carriages and the matériel for artillery at the arsenal, and that was done and is being done, and it does seem to me the gentleman ought to be satisfied. There is the Watervliet Arsenal, the Watertown Arsenal, the Frankford Arsenal, the Springfield Arsenal—all these arsenals are now in operation, and there is no more reason for selecting the Rock Island Arsenal for the expenditure of unnecessary money than there is to select any of these other arsenals, and I hope, under these circumstances, the House will not see fit to add to the already enormous military expenses of this Government by appropriating this sum of money.

The CHAIRMAN. The gentleman from New York has three minutes remaining and the gentleman from Illinois two.

Mr. FITZGERALD. Mr. Chairman, so that there may not be any misunderstanding of the extent of the facilities possessed by the Government, I desire to read a further extract from the testimony taken by the committee on the 28th of May. The committee desired to ascertain if the Government had the facilities to manufacture this ammunition, with a view to making recommendations to the House. Here is the testimony:

The CHAIRMAN. How much money can be utilized a year in the manufacture of field-artillery ammunition with the facilities you now have?

Col. BABBITT. We estimate that we can expend all the funds that have been appropriated in the Army bill, $3,000,000, and the $1,200,000 now carried in the fortifications bill, if that bill becomes a law, with our existing plants by working three shifts.

The CHAIRMAN. The Army bill carries an appropriation of $3,000,000 and the fortifications bill an appropriation of $1,200,000, and by working your plants on a three-shift basis you think you can utilize that sum of money?

Col. BABBITT. Yes; by increasing the machinery to some extent. We contemplate using $100,000 of the $1,200,000 appropriation in adding to the machinery necessary for the increased work.

The CHAIRMAN. You will then have sufficient capacity to manufacture all the field-artillery ammunition for which provision has been made next year?

Col. BABBITT. Yes, sir; that is, working on a three-shift basis.

There can not be any question, Mr. Chairman, but that we have these facilities and that additional facilities will not be of any particular benefit to the Government. I made a statement relative to the authority to use 10 per cent of the appropriations that might be available for manufacture for the purchase of ammunition. That provision was put in because of this language, which was contained in the fortifications bill, "After the contract obligations are disposed of 10 per cent of the balance may be used for purchase." In a communication addressed to Mr. SHERLEY, in charge of the fortifications bill, by Gen. Crozier, he stated:

Referring further to the subject of the proposed limitation in the fortifications act requiring arsenals to manufacture about everything within their capacity under appropriations made, I wish to call your attention to the fact that in the case of some component articles the amount which we would manufacture, although we have the plant for doing it, might be so small as to cause the Government manufacture to be more expensive than the purchase price.

There are certain stock articles manufactured and used other than by the Government. These things, not very great, can be purchased cheaper than manufactured by the Government. The Committee on Appropriations and the Committee on Military Affairs, Mr. Chairman, have worked in cooperation. They have worked in consultation—the gentleman from Virginia [Mr. HAY], the gentleman from Kentucky [Mr. SHERLEY], in charge of the fortifications bill, and myself—have continually conferred and have worked with our respective committees for the purpose of utilizing to the fullest extent the Government plants. In view of the showings that have been made from time to time, in view of the information which has been set forth by the gentleman from Illinois, to compel the expenditure of money appropriated for these munitions of war in Government establishments, and if there were not facilities or additional facilities required, I should do what I did last year, recommend to this House, and have it passed, as I did last year, $250,000 to equip the Rock Island Arsenal for the manufacture of field artillery matériel to prevent any dissemination of the force there employed, and authority to provide the required facilities. The item which I have just mentioned was recommended for the two purposes of having a Government plant itself and to prevent any slackening off of the employees. In view of necessity, according to the statement of responsible officials, of the expenditure of a half a million dollars at Rock Island to furnish the required facilities for manufacturing the field artillery ammunition, which at the end of five years could not be utilized at all, to adopt the pending amendment would be an unjustifiable expenditure of public funds which I could not justify. I hope the amendment will not prevail.

Mr. TAVENNER. Mr. Chairman, the reason I disagreed with the chairman's statement as to the amount of ammunition a few moments ago was that he was talking about field-artillery ammunition alone and I was talking about ammunition. The fortifications bill and the Army bill together carry $5,500,000 for ammunition, whereas the amount for field-artillery ammunition is only $4,200,000.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TAVENNER. Yes, sir.

Mr. FITZGERALD. There are three kinds of ammunition—field-artillery ammunition, small-arms ammunition, and seacoast-artillery ammunition—and the effort of the gentleman from Illinois before the committee was to equip the Rock Island Arsenal for the manufacture of field-artillery ammunition. In the last moment of the debate to claim that he is talking about something else is a little too much for this committee to tolerate.

Mr. TAVENNER. The bill that I discussed before the Appropriations Committee and the amendment I have offered here are two entirely different propositions. Before the Appropriations Committee concerned only field-artillery ammunition, while this amendment embraces all kinds of ammunition. Now, some gentlemen have said here to-day that Gen. Crozier contends one thing and some that he contends another. In a letter signed by him, which, I submit, is the best evidence as to the capacity of the arsenals, he says:

The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000. * * * If the sum appropriated should amount to not more than $3,000,000, it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant.

Mr. FITZGERALD. What is the date of the communication?

Mr. TAVENNER. September 18.

Mr. FITZGERALD. Of last year. Since that time an investigation has been made by the Ordnance Department and determination made of what they can do, and, under date of May 28, Col. Babbitt testified as to what their facilities were, nearly a year, or eight months, after the statement the gentleman refers to.

Mr. TAVENNER. I assume that Gen. Crozier was giving us the facts in this letter, and if that is true, we have capacity to manufacture $1,500,000 worth of field-artillery ammunition, and we have an appropriation of $4,200,000 for field-artillery ammunition.

The passage of this amendment would be a step toward the taking of profit out of war and preparation for war, a policy that is sure to be adopted ultimately, and I hope this amendment may be adopted.

The CHAIRMAN. All time has expired. Does the gentleman from New York [Mr. FITZGERALD] withdraw the point of order?

Mr. FITZGERALD. I ask for a vote. I think the amendment is in order.

The CHAIRMAN. The point of order is withdrawn. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the chairman announced that the noes appeared to have it.

Mr. TAVENNER. Division, Mr. Chairman.

The committee divided.

The CHAIRMAN (after counting). On this vote the ayes are 41, the noes 40.

Mr. MANN. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-four gentlemen are present, not a quorum, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Adamson	Browning	Covington	Ferris
Ainey	Bruckner	Crisp	Fess
Allen	Brumbaugh	Dale	Finley
Anderson	Burke, Pa.	Dunforth	Floyd, Ark.
Ansberry	Calder	Davenport	Francis
Anthony	Callaway	Decker	Gallagher
Austin	Campbell	Dershem	Gardner
Avis	Cantor	Diffenderfer	George
Bailey	Cantrill	Donohoe	Gerry
Barchfield	Carew	Dooling	Gilmore
Barnhart	Carlin	Drukker	Glass
Bartholdt	Carr	Dunn	Goeke
Bathrick	Carter	Eagan	Goldfogle
Bell, Ga.	Casey	Eagle	Gordon
Borland	Chandler, N. Y.	Edmonds	Gorman
Brodbeck	Clancy	Elder	Goulden
Broussard	Coady	Esch	Graham, Pa.
Brown, N. Y.	Collier	Fairchild	Gregg
Brown, W. Va.	Cooper	Falconer	Griest
Browne, Wis.	Copley	Farr	Griffin

Hamill	Lafferty	O'Brien	Smith, Minn.
Hamilton, N. Y.	Langham	Ogleby	Smith, N. Y.
Hardwick	L'Engle	O'Leary	Smith, Tex.
Harris	Lesher	Palge, Mass.	Sparkman
Hart	Levy	Palmer	Stafford
Hayes	Lewis, Md.	Parker	Stanley
Heflin	Lewis, Pa.	Patten, N. Y.	Stevens, Minn.
Helgesen	Lieb	Patton, Pa.	Stevens, N. H.
Helm	Lindquist	Payne	Sutherland
Helvering	Linthicum	Peters, Me.	Talbott, Md.
Henry	Loft	Peters, Mass.	Talcott, N. Y.
Hinds	Logue	Plumley	Taylor, Ala.
Hobson	Lonergan	Porter	Taylor, N. Y.
Holland	McAndrews	Pou	Thacher
Houston	McClellan	Powers	Thomas
Howard	McCoy	Ragsdale	Towner
Howell	McDermott	Reed	Townsend
Hoxworth	McGuire, Okla.	Reilly, Conn.	Treadway
Hulings	Mahan	Riordan	Tuttle
Humphreys, Miss.	Maher	Roberts, Mass.	Vare
Igoe	Manahan	Rogers	Vaughan
Jacoway	Martin	Rothermel	Wallin
Johnson, S. C.	Merritt	Rouse	Walsh
Johnson, Utah	Metz	Rucker	Walters
Johnson, Wash.	Miller	Rupley	Webb
Jones	Montague	Saloth	Whaley
Keister	Moore	Scully	Whitacre
Kennedy, Conn.	Morgan, La.	Sells	White
Kennedy, R. I.	Morin	Sharp	Willis
Kiess, Pa.	Morrison	Sherley	Wilson, Fla.
Kinkead, N. J.	Mott	Shreve	Wilson, N. Y.
Kitchin	Murray, Mass.	Sinnott	Winslow
Knowland, J. R.	Neeley, Kans.	Slayden	Young, N. Dak.
Konop	Neely, W. Va.	Slemp	Young, Tex.
Korbly	Nolan, J. I.	Smith, Md.	
Kreider	Norton	Smith, J. M. C.	

Thereupon the committee rose; and Mr. MCKELLAR, as Speaker pro tempore, having assumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and finding itself without a quorum, he had caused the roll to be called; whereupon 210 Members had answered to their names, and he presented therewith a list of the absentees.

Mr. CLARK of Florida. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CLARK of Florida. Are we in the committee or in the House?

The SPEAKER pro tempore. We are in the House now. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, finding itself without a quorum, he had caused the roll to be called, whereupon 210 Members were ascertained to be present—a quorum—and he reports the names of the absentees, to be recorded in the Journal.

Mr. PADGETT. Mr. Speaker, by direction of the Committee on Naval Affairs, I desire to present the conference report on the naval appropriation bill.

The SPEAKER pro tempore. No other business is permissible. The House automatically resolves itself into Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

Thereupon the committee resumed its sitting.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. TAVENNER].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. TAVENNER. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 58, noes 82.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask for tellers.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] demands tellers.

Tellers were ordered, and the Chairman appointed Mr. FITZGERALD and Mr. TAVENNER to act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 80.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For continuing the work of furnishing headstones of durable stone or other durable material for unmarked graves of Union and Confederate soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy yards and stations of the United States, and other burial places, under the acts of March 3, 1873, February 3, 1879, and March 9, 1906; also for continuing the work of furnishing headstones for unmarked graves of civilians interred in post cemeteries under the acts of April 28, 1904, and June 30, 1906; also for furnishing headstones for the unmarked graves of Confederate soldiers, sailors, and marines in national cemeteries, $50,000.

Mr. BARTLETT. Mr. Chairman, I move to strike out, on page 57, line 7, the figures "$50,000" and make it "$52,000."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Georgia [Mr. BARTLETT].

The Clerk read as follows:

Amend, page 57, line 7, by striking out the figures "$50,000" and inserting in lieu thereof the figures "$52,000."

Mr. BARTLETT. Mr. Chairman, there are carried in this paragraph and in the paragraphs further on, on page 59, for the Confederate mound, Oakwood Cemetery, Chicago, and on page 60, for Confederate burial plats in various cemeteries in the country, appropriations for the care of the graves of Confederate soldiers and the marking of the headstones and the preservation of the graves of the Confederate soldiers who died in prison.

The fact, Mr. Chairman, that there are provided in this bill, and have been provided in the sundry civil bill for several years, these appropriations from the National Treasury to preserve and mark the graves of the Confederate soldiers is evidence far surpassing all else that could be offered that this great country of ours is now, and has been for years, and in the providence of God will be in all the years to come, united forevermore. [Applause.]

There was enacted, Mr. Chairman, on the 4th day of June, this year, at the Arlington Cemetery, across the river, opposite the city of Washington, a scene which is not comparable to any other in the history of the world. There was unveiled on that day at the National Cemetery at Arlington the most magnificent monument to the heroism and valor of the Confederate soldiers that has been erected in the country—a more magnificent monument than any other that has been erected in this Capital City. And as I stood on that sacred spot and listened to the speeches that were delivered by the commander of the Grand Army of the Republic and the commander of the United Confederate Veterans, and saw the President of these reunited United States receive this monument at the hands of a Southern woman, the representative of the Daughters of the Confederacy, who had erected it to mark the resting place of the Confederate soldiers who had followed the cross of the Southern Confederacy and died in its defense, I realize that no other country in the history of the world could have presented such a spectacle, and I knew that this Republic would be perpetual. [Applause.]

Mr. Chairman, that great and noble President—for he was a great President—the noble, golden-hearted gentleman and gallant soldier, William McKinley [applause], is probably more responsible than anybody else for the existence of this privilege, honor, and right that has by act of the Congress been granted to have our Confederate dead buried in Arlington Cemetery and their graves preserved and suitably marked, and that this magnificent monument, erected by the contributions of the Daughters of the Confederacy, now stands upon that sacred soil to tell the world and posterity of the deeds of heroism and devotion to duty of the men whose memory it commemorates, for he said at Atlanta, Ga., on a visit there in 1900, "that the time had now arrived, in the providence of God, when it was the duty of the National Government to aid the southern people in taking care of the graves of the Confederate soldiers"; and it was then that the remains of the Confederate dead were gathered and interred in this national cemetery at Arlington.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I ask unanimous consent, Mr. Chairman, for five minutes more. I may not use it all.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARTLETT. This monument is a grand one, a magnificent monument of bronze, executed and designed by the hand of an ex-Confederate soldier. Round about it lie buried 284 of those who followed the fiery cross of the Confederate battle flag and who died for the cause it represented and who were buried around and near this Capital from the effects of wounds or disease while in prison. The depot quartermaster of the Army in this city reported on January 13, 1914, that there was then a total number of 282 Confederate burials in Arlington; known, 271, and unknown, 11. Since that report was made there have been two burials, making a total of 284 to date. This is the inscription, Mr. Chairman, on this monument, which in plain and simple words tells the story of their heroism in war and their virtues in peace:

To our Dead Heroes
by
The United Daughters of the Confederacy.
"They have beat their swords into plowshares
and their spears into pruning hooks."
Victrix causa Diis placuit,
sed victa Catoni.

"Not for fame; not for place, or for rank;
not lured by ambition or goaded by
necessity; but in simple obedience
to duty as they understood it,
these men suffered all, sacrificed all, dared all—and died."

another amendment enforcing the expenditure of the unexpended portion of the $250,000 appropriated already in the bill, I do not know. But whichever way it can be done best I am in favor of it, for I want it done.

I am not in favor of continuing the discretionary expenditure of the vast amounts of the people's money by officials at Washington, whether they be civil or military, who have been shown, without making any charge whatever of improper conduct, of being altogether too close to interested parties who have made vast profits in past years out of these great military contracts.

I wonder if the Members of this House appreciate what this Government possesses in the way of an arsenal site at Rock Island—the only rock island in the Mississippi—the rest are mostly of mud. It is the bright particular jewel in the crown of the Father of Waters.

Cut out of the everlasting by some glacial or geologic process, it would seem, indeed, as though the finger of the Almighty were pointing at that spot as one specially designed for important and lasting purposes. In beauty of surroundings unequaled it stands forth boldly from the broad, shining bosom of the great river, which is there flanked with romantic hills, back of which stretch the billowy prairies of Iowa and Illinois, where to-day the greatest crop ever raised by man since this globe was tossed forth into space by an Almighty hand, is well on its way to maturity and destined to fill to overflowing the horn of plenty for the American people this fall.

Mr. MADDEN. What has all that got to do with the merits of this case?

Mr. VOLLMER. I am trying to show the advantages of the site under the control of the United States Government, and if the gentleman from Illinois will be patient with me, possibly I will show some slight connection before I get through.

Located in the heart of the great valley, the drainage system of 20,000 miles of navigable streams, which region, it is written in the book of fate, will be the home of countless millions of prosperous, educated, self-governing freemen, the center of great manufacturing as well as agricultural industries, and ultimately, by virtue of location and wealth, education, and numbers of its voters, the inner citadel of the future political power of this Republic. From every point of view this is the ideal location for a great military arsenal. Strategically 1,000 miles from the nearest frontier, it is safest from the attack of foreign foes, among which, in future, must be reckoned adventurous bird men making daring dashes within our lines to drop death and destruction-dealing explosives on our forts, arsenals, and depots. Geographically near the center of the continent, it is more easy of access by water and rail to any part of our common country when the exigencies of war or preparation for or prevention of war demand that military power and supplies be concentrated at any point. Economically unsurpassed as a place for manufacture of ammunition and supplies, by reason of the great water-power plant owned by the Government, and turned at a minimum of expense—about four-tenths of 1 cent per kilowatt hour—by the great, quiet giant concealed in the waves of the noble river at the foot of the Le Claire Rapids, which end at that point, where both rapidity and volume combine to generate vast quantities of hydraulic power, much of which is unused at this day.

If this power should give out, which is unthinkable, or be unavailable for any reason, we have boundless stores of coal on both sides of the river, within easy hauling distance, and north of us is the Mesaba Range, of Minnesota, with its inexhaustible supply of iron ore, and not far away is the copper of Michigan.

It has been demonstrated that at that arsenal we can manufacture ammunition at prices which are from 20 per cent to 60 per cent lower than the prices now paid by the Government to private concerns.

It has been the plan of the greatest minds connected with our War Department for years to concentrate at that place as far as possible all these activities. Its 1,000 acres—no danger of annoying the neighbors, as at Frankford—are regularly divided by miles of splendid military roads. There stand to-day, fronting on these great avenues, in serried ranks, massive stone buildings, erected for all time and representing an expenditure of $40,000,000. Two of these, costing $400,000 each, are standing there silent, except for storage use, to-day, though they were built with the intention of manufacturing therein the ammunition to be used by our Army and Navy, instead of turning it all over to the Pennsylvania monopolists, who have taken down $140,000,000 of Army and Navy contracts in the last 17 years and who have worked off armor plate on the Government that was honeycombed with blowholes at $616 per ton, when they were selling to foreign powers at $250 per ton. We have down there a plentiful supply of the right kind of labor, high-class mechanics and skilled artisans. Within a radius of 10 miles from the arsenal are 150,000 people, in the thriving, tri-cities of Davenport, Iowa, and Rock Island and Moline, Ill., and their manufacturing suburbs, where the wail of the calamity croaker is lost in the hum of prosperous industry. By the way, 90,000 automobile licenses were taken out in Iowa this year, 15,000 more than in all of last year, and still going at 500 per day, an eloquent commentary on the calamity howling about our poverty-stricken farmers who are buying buzz wagons in such quantities.

Gentlemen, the able chairman of the great committee reporting this bill on yesterday admitted most of these things, and that it was their hope and purpose to concentrate at Rock Island Arsenal as much as possible in time. But why not now? When will there be a better time? Develop this splendid plant to the limit of its magnificent possibilities and take away from Washington officialdom, military or civil, with or without sinister connections with the "interests," the discretionary power of distributing millions of the people's money among a favored few, like the Carnegie, the Bethlehem, and Midvale Steel Cos.

Concentrate at the right place, instead of frittering away money and effort in a "pork-barrel" policy, where in your hearts you know it is worse than wasted.

Let our Government make its ammunition where it can make it cheapest and best, and that is at Rock Island, the beautiful, historic island, under whose age-old oaks and elms the spirit of Black Hawk walks "in the glimpses of the moon" and on whose rocky cliffs and caverns the Indian legends of the past hang like poetic garlands; that favored spot where Illinois and Iowa, two great sister States, clasp hands over the Father of Waters in mutual pride and eternal amity.

Mr. RAUCH. Mr. Chairman, in the temporary absence of the chairman, and by his direction, I yield to the gentleman from Wyoming five minutes.

Mr. MONDELL. Mr. Chairman, I do not feel any considerable amount of responsibility with regard to the appropriations made by this Democratic House; and yet I feel that I should be recreant to my duty as a Member of this House if I did not protest against the unwarranted and unnecessary expenditure of the public money now proposed. I do not think the gentleman from Illinois [Mr. TAVENNER] has strengthened his case or will strengthen his case by the unwarranted attack he has made upon one of the most efficient and faithful servants under the Government. I think that if his case is so weak that it needs bolstering up by an attack on Gen. Crozier, it is so weak that it will fall of its own weight. But it is not what Gen. Crozier thinks about this, but what do we think about it under the existing state of facts.

This matter was carefully considered by the subcommittee, and on pages 32 to 37 of the supplemental hearings of the committee it is fully set out. It is proposed to use warehouse H at Rock Island for the purpose of manufacturing ammunition. It will cost us $200,000 or $250,000 to equip that building with machinery. That building cost $400,000, and we are spending $65,000 for the purpose of manufacturing ammunition. It will cost $200,000 or $250,000 to equip that building with machinery. That building cost about $400,000, and we are spending $65,000 for repairing it in this bill. It is now used as a warehouse. If used for an ammunition factory, we will have to build another warehouse. We can build one for $200,000. There will be required, in addition to that, an assembling building costing $50,000 and three magazines costing $35,000. The total expenditure at the very least calculation will be $535,000, and the probable total expenditure will be about $735,000 in order to equip this new plant.

Now, as to the necessity for it. The officers appearing before the subcommittee assured us that with the very greatly increased appropriations we have made for the coming fiscal year for ammunition in order to secure a reserve every pound of it, every dollar's worth of it, can be and will be manufactured in the Government factories already in existence and already running.

At the rate of the appropriations for the coming fiscal year it will take only four years for us to assemble the reserve which is considered necessary. If we do not increase our appropriations above the present large sum, which we should not do, at the end of four years our reserves will have been accumulated, and then this is what the situation will be as per my questions of Col. Babbitt:

Mr. MONDELL. To what capacity would it be necessary to run the present plants at the expiration of the time when the reserve supply is accumulated in order to keep up with your current needs in time of peace? Your current needs would be for target practice and whatever is necessary to supply deterioration, if there is any, I presume?

Col. BABBITT. Yes. At a rough estimate I should say about $500,000 would cover the funds that we would need per year.

Mr. MONDELL. After the accumulation of the surplus?

Col. BABBITT. Yes.

Mr. MONDELL. How much of the capacity of your present plant would be required to provide the $500,000 worth?

Col. BABBITT. Roughly, working on an eight-hour basis, about one-third, I think, of the time.

Mr. MONDELL. It would occupy one eight-hour shift about one-third of the time?

Col. BABBITT. Yes.

Mr. MONDELL. Then the full capacity of the present plants on a three-shift basis would be utilized one-ninth of the time after the surplus was accumulated?

Col. BABBITT. Not quite as much as that, because the three shifts do not make quite three times one shift. We usually count it about two and one-half times. We must allow something for the interval in changing shifts.

Mr. MONDELL. Then one-seventh or one-eighth of the time?

Col. BABBITT. Yes.

So, this is the situation: Without any addition to our plants, we can and we will manufacture all of the ammunition we are willing to appropriate for, and at the end of four years, without any addition to our present plants, we will have nine times as much plant capacity as we can utilize, and yet gentlemen want to spend well nigh on to a million dollars to build another plant that is not needed.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. TAVENNER. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. CONNOLLY].

Mr. CONNOLLY of Iowa. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Illinois [Mr. TAVENNER] as a good business proposition. I think that the arsenal at Rock Island offers more in the matter of economies than most any of the other Government arsenals. They have the acreage, they have the buildings, and they have the surplus of power; and as far as constructing any additional building in order to take the stores from these buildings which it is now contemplated to utilize for this purpose is concerned, I am advised that there are aisles and attics in the buildings there now sufficient to take care of all those stores, and that in addition to what this amendment contemplates all that would be required would be a matter of about $10,000 for a magazine. Rock Island Arsenal is ideally situated from a manufacturing standpoint. It is within a stone's throw of the coal fields of Illinois. They have the power there, they have the facilities for getting the labor that is necessary, and they have proper conditions surrounding the labor.

I believe the Government can do no better thing if they are going to expand the manufacturing part of arsenal work with the idea of producing our own ammunition, of which I am heartily in favor, than to expand the Rock Island Arsenal and to utilize what it now offers. With the buildings they have the surplus power. As a member of the Military Affairs Committee I was particularly interested in the incorporation of the new policy of the manufacture by the Government of its own equipment and munitions, and thus effecting a very substantial saving.

The hearings before our committee established the fact that it is good business policy to utilize the Government arsenals for the manufacture of these materials and cut off the very substantial profits heretofore paid to corporations that have exacted heavy toll from the Government. At Rock Island Arsenal, the strategic position in case of war, the splendid transportation facilities, the accessibility to fuel, the labor market, the ample area, and other favorable conditions commend it as the proper place for extensive operations by the Government.

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Chairman, I had not expected to say anything further about this proposed appropriation, but I want to call the attention of the committee to the fact that this is an appropriation for a military purpose. We have already appropriated or we are going to appropriate in this Congress $270,000,000 for military purposes. The Army bill carried over $101,000,000, the Navy bill carries $140,000,000, the fortification bill carries about $6,000,000, and two different deficiency bills carry about $8,000,000 more, and then I am informed the sundry civil appropriation bill carries about $12,000,000 more, making instead of $250,000,000, as I just stated, $275,000,000 to be appropriated for military purposes out of the $1,000,000 that we appropriate for all of the different activities of the Government. The proposition of the gentleman from Illinois [Mr. TAVENNER] is not for the purpose of expanding a plant which the Government wants expanded. The War Department does not ask for this. The War Department does not say that it is necessary to have this plant expanded in order that it may manufacture and have facilities to manufacture the necessary ammunition for the use of the Government, but the gentleman from Illinois, representing that district, wants to have expended there $225,000. That is the whole of it. I do not quarrel with the gentleman from Illinois because he wants to spend that money in his district.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. HARDY. Is it the gentleman's understanding that the Government, under the bill as it is, will manufacture all of the ammunition, or will the Government buy it if this amendment is not adopted?

Mr. HAY. It has been repeated here again and again that all of the ammunition provided for under the Army bill and under the fortification bill, except 10 per cent of that in the fortification bill, is to be manufactured in Government plants.

Mr. HARDY. And the same with the Navy bill?

Mr. HAY. I do not know anything about the Navy bill. This has nothing to do with the Navy. This arsenal does not manufacture ammunition for the Navy, but for the Army.

Mr. HARDY. I am asking for information.

Mr. HAY. I do not know, but I understand that that is not true of the Navy bill. The War Department does not hesitate to ask for these things whenever they think it is necessary. They would not hesitate a moment to ask for this appropriation if they thought the appropriation was necessary in order that they should have it to properly manufacture this ammunition. It was the insistence of the Government that made it necessary for us to make so large an appropriation for ammunition in this bill.

Mr. O'HAIR. Mr. Chairman, will the gentleman yield?

Mr. HAY. Yes.

Mr. O'HAIR. Did not the hearings before the Military Committee develop the fact that the Government did not have sufficient facilities to make all of the ammunition that we appropriated money to purchase?

Mr. HAY. No. The hearings developed this fact. Gen. Crozier stated that he could use $1,500,000 doing the work that is now being done, but the evidence before the Committee on Appropriations is that by working three shifts—and they are not working three shifts now, as I understand it—in all of these arsenals they will have all the facilities which they require to spend the money which has been appropriated or will be appropriated in these bills for the next fiscal year.

Mr. O'HAIR. Mr. Chairman, will the gentleman yield for another question?

Mr. HAY. Yes.

Mr. O'HAIR. And that is whether Gen. Crozier and other witnesses who appeared before the Committee on Military Affairs did not develop this fact, that the Government has not sufficient facilities to make all of its own ammunition? And did they not advocate, Gen. Crozier particularly, that we appropriate money to purchase some of this ammunition from private concerns, because he thought it advisable to encourage private concerns to manufacture our ammunition, so that in case of war or sudden strike they would be equipped to help the Government out? Was not that the fact?

Mr. HAY. That was the reason given by him for advocating the purchase of this ammunition; but he did not testify that the Government could not manufacture all the ammunition which was needed for the Army.

Mr. O'HAIR. I thought the hearings showed that we did not have the facilities.

Mr. HAY. And he also gave another reason why he thought the Government should purchase some of this ammunition, that it would enable the Government to keep abreast of the times and be able to compare our methods of manufacture with the methods of manufacture of private manufacturers.

Mr. KAHN. And the cost.

Mr. HAY. And the cost; but the Committee on Military Affairs of this House and Congress passed a law that all this ammunition should be made and manufactured in Government plants, and the Government itself, through its officers, testified that we have facilities enough to manufacture this without this additional $225,000; and if there is any argument needed to persuade any man within the sound of my voice, it does seem to me that the statement of the gentleman from New York, taken from the statement of Col. Babbitt, the ordnance officer, that at the end of four years we must diminish our manufacture of ammunition, ought to defeat this amendment if nothing else, because you would be equipping a plant which in four years you will have to dismantle, and you will be absolutely throwing the money away. Now, if that is true, I do not see how any man can justify himself in voting for this amendment. I fully sympathize with the gentleman from Illinois. I sympathize with him throughout his fight to have all these things manu-

simply a matter of arithmetic. Anyone can figure up all the appropriations made here for ammunition. That is the reason why the gentleman from New York, the chairman of the Committee on Appropriations, and myself do not agree on this. That is, I claim that in the Army appropriation bill and in the fortification bill about $5,500,000 is appropriated for ammunition.

I just wanted to say one thing more in connection with Gen. Crozier. This patent that Gen. Crozier sold to the Bethlehem Steel Co. was perfected by him with the use of hundreds of thousands of dollars of the people's money. After this gun carriage was perfected with the American people's money, Gen. Crozier and his predecessor as Chief of Ordnance sold the patent to the Bethlehem Steel Co. for $10,000, and went into an agreement with that company by which they were to receive royalties on all of these gun carriages that should be sold to foreign nations until the amount of those royalties should reach $50,000. As soon as that contract was made, the Bethlehem Steel Co. sent their agents throughout Europe to sell those gun carriages to the different Governments. They were tested by the European Governments, and my information is that every one of the foreign Governments refused to buy these gun carriages.

Mr. HENSLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Missouri?

Mr. TAVENNER. Yes.

Mr. HENSLEY. How do you insist that we would make a saving by adopting your amendment when the law, as I understand from the statement of the chairman of this committee, declares that none of this money shall be used for the purchase of ammunition from private concerns?

Mr. TAVENNER. I am going to answer that question. According to the letter from Gen. Crozier, which I have just read, we have capacity to manufacture only $1,500,000 worth of that ammunition. As you say, he can not under this new law buy this ammunition. How is he going to get this other $1,500,000 worth unless we have some plant or some place to manufacture it?

Now, I want to go back to this point about Gen. Crozier. After this contract was made between the Chief of Ordnance, Gen. Buffington, and Gen. Crozier, the Bethlehem Steel Co. sent their agents to Europe and tried to get rich quick by selling this great patent, but the foreign countries would not buy it. They said it was not practical. But in the meantime the Chief of Ordnance, one of those who was in the contract with the Bethlehem company, procured for this country $8,000,000 worth of these gun carriages which the other nations said were not practical, according to the information that I have. The point I make is this: I submit that if these patents are developed by the expenditure of the American people's money, they should not be even offered to foreign countries. What would result if we should get into war with these foreign nations which might purchase the gun carriages? American sailors and soldiers would be repulsed with fighting machinery that had been patented by the expenditure of the American taxpayers' money. Those weapons would be used by foreigners to shoot down our own soldiers and sailors. I say, a man who is paid a salary to protect the citizens of this country should not use the money that we appropriate for experimentation and then personally take out a patent as the result of those experiments and offer it for sale to foreign countries to be used against our own men in the event of war.

Mr. HAY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. TAVENNER. Yes.

Mr. HAY. I am sure the gentleman does not want to make a misstatement.

Mr. TAVENNER. No; I do not want to make a misstatement.

Mr. HAY. The gentleman knows, doubtless, that for years Gen. Crozier has had no interest in this patent.

Mr. TAVENNER. I understand he has no interest in it now.

Mr. HAY. He has not had any interest in it since he has been Chief of Ordnance.

Mr. TAVENNER. After he had this contract for nine years and could not sell the patent to foreign countries, he no doubt figured: "What is the use of my being tied up in this contract?" He also said: "However, I do not wish to relinquish in any way the right of my business partner, Gen. Buffington, who is now drawing a salary as a retired officer of the Army." And while Gen. Crozier retired from the enterprise, he did not release the Bethlehem company from paying further compensation to his business partner, Gen. Buffington.

Mr. HAY. Gen. Crozier had no right to try to dispose of any interest that his partner might have had. Why does the gentleman impute to Gen. Crozier by innuendo these unworthy motives? Gen. Crozier has no interest in this patent.

Mr. TAVENNER. He had business relations with the Bethlehem company, which he is now favoring with the fat Government contracts, paying them from 20 to 60 per cent more than he should on these contracts. I say this is a case where Gen. Crozier is very anxious about making contracts with these companies and about paying them from 20 to 60 per cent more than he is justified in paying; and in the absence of any reason why he should waste the people's money, we may take into consideration the fact that he has been in partnership with those concerns. It is possible, in the absence of any other reason——

Mr. HAY. But the gentleman ought to be fair, and he knows that Gen. Crozier gives reasons why he thinks some of this ammunition ought to be purchased.

Mr. TAVENNER. He gives no reason, but he gives excuses.

Mr. HAY. The gentleman knows that I am not in entire accord with Gen. Crozier——

Mr. TAVENNER. Yes; I know that the gentleman is not in sympathy with him——

Mr. HAY. And the gentleman knows that not one dollar of this money can be expended outside of a Government plant. If the gentleman will take Gen. Crozier's evidence given before the Committee on Military Affairs and before the Committee on Appropriations, he will find that Gen. Crozier gives in extenso the reasons why he believes that some of this ammunition should be purchased from private plants; and I think it is but fair to Gen. Crozier that that should be stated.

Mr. TAVENNER. Gen. Crozier has given several excuses, and they do not amount to the snap of my fingers. The main thing he wants to do is to give these contracts to the Bethlehem Steel Co., and he has a lot of excuses in attempting to seek to justify his action in paying on an average of 35 per cent more than this ammunition is worth; but he has not one reason that justifies it, in my opinion.

As to whether these articles should be manufactured at the Rock Island Arsenal instead of some other arsenal, I prevailed upon the Secretary of War to ask Gen. Crozier for his opinion, and Gen. Crozier in a report made to the Secretary of War said:

If the department's estimates for increased appropriation for this class of ammunition—

Field-artillery ammunition—

are even partially met—

And they were—

an increase of its facilities will be desirable, and the Rock Island Arsenal will be a good place for the additional plant to be established.

To enlarge the Government arsenal at Rock Island, Ill., so that it may manufacture a large portion of the Army supplies for which the Government is now being grossly overcharged by the ammunition ring, would not require the expenditure of a penny for ground, buildings, or water power.

I do not believe the United States Government sufficiently appreciates what a prize it has in the Rock Island military tract, which is adjacent to the enterprising and thriving cities of Rock Island, Moline, Davenport, and East Moline, having a combined population in excess of 100,000, and in the very heart of one of the most promising manufacturing centers in the Middle West. The tract covers 896 acres of an island in the Mississippi, with a double row of great stone buildings and elegant drives, and every acre a natural park, with beautiful shade trees in profusion everywhere.

I firmly believe that this piece of Government property offers the best site that can be found for the proposed $7,000,000 armor-plate factory, and I have introduced a resolution (H. Res. 306) requiring the Secretary of the Navy to carefully consider the advantages of Rock Island before determining upon any other site for the armor factory. In the meantime every Member of Congress is invited to stop off at Rock Island and see for himself what a magnificent and advantageous site Uncle Sam already has for a great central military manufacturing plant without having to go to the expense of purchasing additional ground for this purpose.

At the Rock Island Arsenal to-day there are two great stone buildings, originally constructed for manufacturing purposes at a cost of approximately $400,000 each, being used only for storage purposes. These two buildings are magnificent structures, and at a cost of $225,000 each could be equipped with the necessary machinery to manufacture field-artillery ammunition.

As I rode through the arsenal grounds at Rock Island recently and saw these two fine buildings standing deserted and idle I could not help but think of the fact that contracts for war munitions which could be manufactured in these buildings are

at present going to the ammunition ring, and that the Army officers are paying this ring from 20 to 60 per cent more than they could manufacture the same orders for in these two buildings at Rock Island.

Gen. Crozier has from the start opposed—not openly, but from under cover—my efforts to have these two buildings equipped with machines for manufacturing field-artillery ammunition. If these buildings were equipped, Gen. Crozier could no longer go before the Appropriations Committees and testify that he does not have capacity in the Government arsenals to do such manufacturing, and must, therefore, award the fat contracts to the ammunition ring.

The Rock Island Arsenal is now the largest arsenal in the United States, and when the policy of complete Government manufacture of munitions in Government arsenals gets to working the Rock Island Arsenal is destined to become one of the largest arsenals in the world. The Government can manufacture cheaper at Rock Island than at any other point in the United States.

Mr. McKENZIE. Will my colleague yield?

Mr. TAVENNER. Yes.

Mr. McKENZIE. For information I want to ask whether or not the Government has the facilities in the other arsenals to manufacture the field-gun ammunition provided for in the appropriation bills?

Mr. TAVENNER. They only have facilities, according to this letter from Gen. Crozier, to manufacture one-half of it.

Mr. McKENZIE. Then we shall be compelled to buy 50 per cent of this ammunition from outside parties unless this appropriation is made.

Mr. TAVENNER. That is exactly the fact; either buy it or go without it.

Mr. MADDEN. That statement does not agree with the statement made by the chairman of the Committee on Appropriations, who said that we have all the facilities needed to manufacture field-artillery ammunition, by working three shifts a day in the present arsenals, where the facilities are afforded without the investment of an additional dollar.

Mr. FITZGERALD. There would be some money necessarily expended for machinery.

Mr. HAY. But that money is already appropriated.

Mr. TAVENNER. I should like some time yielded to gentlemen on the other side.

Mr. FITZGERALD. How much time have I used and how much time has the gentleman used?

The CHAIRMAN (Mr. DUPRÉ). The gentleman from New York has 18 minutes left, and the gentleman from Illinois [Mr. TAVENNER] has 10 minutes left.

Mr. FITZGERALD. I yield 5 minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] has so lucidly explained the merits of this question that nothing more should be necessary. But in response to the question that the gentleman from Illinois [Mr. McKENZIE] asked, I think this House ought to understand, as perhaps it does not, and the gentleman from Illinois [Mr. TAVENNER] who makes this motion certainly shows from his remarks that he does not understand, that the War Department assures us that they have ample facilities now to make all this ammunition without this addition at Rock Island. No addition is necessary anywhere.

But the other question comes up, if we did need an addition why should it be placed at Rock Island? The gentleman from Rock Island [Mr. TAVENNER] obviously would like more Government money spent in his district, and that explains this amendment and his attitude. There are a number of other arsenals in this country where this could just as well be done as at Rock Island. Any Member of this House who represents an industrial community could just as well get up a movement to have the plant placed in his district as the gentleman from Rock Island [Mr. TAVENNER] has, because this building in which he wants this machinery put is not an empty building. If diverted to this use another building must be built in substitution for it. It might just as well be put in any of your districts as in the district of the gentleman from Illinois.

Mr. GRAHAM of Illinois. Will the gentleman yield?

Mr. GILLETT. I will yield if I have time when I get through. But other gentlemen in the House apparently have not the assurance of the gentleman from Rock Island to come forward and propose something for their district that the department does not need or want. If such a building is to be equipped somewhere, the department ought to look over the country and decide and recommend to us where the building should be erected for the best interest of the Government, and not have one gentleman select his own district because that is for his best interest. It seems to me the amendment is obviously a selfish one. And I must say, Mr. Chairman, that it excites my indignation to hear the gentleman from Illinois [Mr. TAVENNER] get up and, by innuendo and insinuation, reflect upon Gen. Crozier. This whole matter which he refers to was investigated in the Senate years ago. At that time I remember——

Mr. TAVENNER. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Not until I get through. Then I will if I have time. I remember that at that time I examined it. Gen. Crozier was completely exonerated, and I venture to say, having known him well, that there is not a man in this Congress, there is not a man in the executive departments who is more upright, more disinterested, more unselfish, more patriotic than Gen. Crozier. More than that, there are very few men who have the energy and executive ability that Gen. Crozier has. He has a genius for administration. One of the reasons why the Government manufactures more cheaply than private concerns is because for years it has had at the head of the Ordnance Department a man who any officer in the Army will tell you is not surpassed, not only in high character, but in executive ability. It is the only department in the Government, I believe, that keeps an accurate cost price. It has been one of the very best managed departments in the Government, and you will not have such an administrator always.

I have known the time when you did not have such a chief, and I believe a great many officers whom we are liable to have at the head of that department will not be able to make the ammunition or make other Government machinery or supplies with anything like the economy of Gen. Crozier. The gentleman from Illinois [Mr. TAVENNER], not trusting to the merits of his case, tries to throw out these insinuations and make you believe that Gen. Crozier will be influenced against Government manufacture by selfish interest. It is an unfair aspersion. I would like to see Gen. Crozier, with his remarkable power of statement and analysis, state his reasons in competition with the showing made by the gentleman from Illinois [Mr. TAVENNER].

Government manufacture of ammunition is not at stake, because that is already provided for. The question is, Shall this Congress, without the recommendation or investigation of any department, upon the motion of one man who would like to have an appropriation for his district, pick out one place where the Government will make an expenditure of $400,000, without any reason why it should go to that particular place except the selfish interest of the Congressman? Now, if I have the time, I will yield to the gentleman from Illinois [Mr. GRAHAM].

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. TAVENNER. Mr. Chairman, I want to say that the gentleman from Virginia [Mr. HAY] has certainly shown by the bill that he reported from his committee, the Committee on Military Affairs, that he believes in Government manufacture of ammunition, and I think he deserves the greatest credit. Without boasting about it, or hardly mentioning the matter to anyone, he rendered the greatest service imaginable to the taxpayers of this country. His bill provides for the first time in the history of the Government that all ammunition must be manufactured by the Government, taking the profit out of preparation for war, establishing a great principle, and with one stroke of the pen saving to the Government of the United States millions of dollars. The best part of it is that we have now established this principle in the law itself, and I predict the Government will never go back to the old practice. I think the country is greatly indebted to the gentleman from Virginia. In the military affairs bill for this year alone he has saved to his constituents his salary for the next 100 years to come.

I now yield one minute to the gentleman from Wisconsin [Mr. CARY].

Mr. CARY. Mr. Chairman, I asked for this time simply to say that I am heartily in favor of the proposition contained in the amendment offered by the gentleman from Illinois [Mr. TAVENNER]. I am in favor not alone for the Government manufacture of ammunition but for armor plate as well. I introduced a resolution some time ago asking that something be done for the witnesses that came to the front and told how the Armor Trust had beaten this Government out of hundreds of millions of dollars. I sincerely hope that some day that resolution may pass, and we will find out how much money has been taken from the Government by the Armor Plate Trust.

Mr. TAVENNER. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. VOLLMER].

Mr. VOLLMER. Mr. Chairman, I am in favor of providing for the manufacture of field-artillery ammunition at Rock Island. Whether that is done by the amendment proposed by the gentleman from Illinois or whether it can be done better by

The delay in furnishing this information was due entirely to the fact that it was necessary to assemble a large amount of data for all the various ordnance establishments to get the information asked for reasonably accurate.

Very respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

In regard to his statement that he was unable to get information which he tried to get from the Rock Island Arsenal, I have here a letter from the commanding officer of the Rock Island Arsenal, dated December 23, 1913, the first paragraph of which is as follows:

On November 1 the Hon. CLYDE H. TAVENNER, M. C., representing the Rock Island congressional district, forwarded to the undersigned copy of a speech relating to the Frankford Arsenal, delivered in the House of Representatives by the Hon. J. HAMPTON MOORE, of Pennsylvania, Friday, October 31, 1913, and asked me if I could furnish him similar facts relating to the Rock Island Arsenal, to be used by him in a speech on the floor of the House. I informed Mr. TAVENNER that I should be glad to furnish such information. On November 11 I wrote informally to the Ordnance Office, requesting certain data necessary for this memorandum, said data being particularly the prices paid for contract-made artillery vehicles. In reply to that letter the Chief of Ordnance informally stated that he desired such data to be given out through the Ordnance Office, and that if I would forward to that office the information which I thought would meet Mr. TAVENNER'S request it would be supplemented in that office by the corresponding information relating to contract manufacture.

That letter relates to the request that Mr. TAVENNER said he made of the Rock Island Arsenal. You will understand that it is desirable for information in regard to its operations to be given out from the headquarters of the Ordnance Department and not from the arsenals. This in order that certain discrepancies which sometimes result from not taking into account the same class of expenditures at the different arsenals may not appear, or may be reconciled if they do appear, and so that information can be furnished as consistently as the facts permit.

Now, you will observe that this letter was received after the letter of Mr. TAVENNER, in which he charged officers of the Army, which could mean no other than myself under the circumstances, of fighting for the ammunition plus. It would be, therefore, after a state of mind had been naturally induced which would not tend to an increase of the completeness of the information given to a man who would make such use of it as Mr. TAVENNER shows by that letter that he was inclined to make.

In consequence of the receipt of this letter written to the commanding officer of the Rock Island Arsenal, I wrote to Mr. Tavenner, under date of January 14, 1914, as follows:

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

Subject: Comparative costs of Government and private manufacture.

SIR: 1. The commanding officer of the Rock Island Arsenal has written to this office requesting certain information in regard to the prices paid for field artillery vehicles procured by the department under contract, in order that he may make accurate reply to a letter from you making inquiry as to the relative cost of private manufacture and Government manufacture of such material as is produced at the Rock Island Arsenal. The commanding officer has been informed that this office would reply to your letter, which it prefers to do, since information of a similar character to that which you request is from time to time given out by this office, and it is desired that it should embody the greater accuracy which can only be had when it receives the revision of this office, in order that the information given may thus always be consistent.

2. The relative cost under Government and private manufacture of such material as constitutes the output of the Rock Island Arsenal is made up from time to time and stated in the hearings of the undersigned, usually before the Appropriations Committee of the House of Representatives. Such statements were made and are contained in the printed hearings in connection with the fortification act passed by the last Congress at its last session; and similar statements, with revised figures, have been made to the Appropriations Committee of the House of Representatives in hearings held before that committee, upon the fortification bill, since the date of your request for information to the commanding officer of the Rock Island Arsenal. These hearings are no doubt available to you. Should any of the statements contained in them need further explanation or amplification, the records of this department for affording it are at your service.

Respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

To that letter I have received no answer, and no further request in pursuance of the statement made in the last sentence.

I made up tables of information in regard to the prices paid by the department, similar to those which Mr. TAVENNER alludes to as having been presented by Mr. MOORE for printing in the CONGRESSIONAL RECORD relative to the manufacture at the Frankford Arsenal; I made up similar tables for the Rock Island Arsenal and submitted them to the committee, and they are found in the hearings of the current session of Congress on pages 149 and 150. I believe that if you will take the trouble to examine them you will see that those tables and the other information in the printed hearings and the information which is contained in the letters which I have presented to you as having been written in my office to Mr. TAVENNER refutes the charge that he could not get information from the Ordnance Department.

Now, Mr TAVENNER states as follows in his extension of his remarks:

"What Gen. CROZIER'S motive was in withholding this and other information I can not say, because I do not know."

But then he goes on to make a very direct insinuendo as to what my motives were, and he does so by reprinting certain statements that were made in regard to me in the House of Representatives in 1911 concerning my relations with the Bethlehem Steel Co. with reference to a patent for the disappearing gun carriage, which was invented by Col. Buffington and myself and which is in use as the principal mounting for guns for the seacoast defense. He leaves nothing to misunderstanding in the way of pointing to the inference that my motive was that resulting from improper relations with private manufacturers, and the Bethlehem Steel Co. in particular, which led me to desire to give those large contracts, as he calls them "fat" contracts, to these private manufacturers.

When some kind of a charge in regard to this subject was made in 1911 by Mr RAINEY it was replied to by Mr. Smith of Iowa, on March 3, 1911, and the reply was printed in the RECORD. I do not care to take up your time by going over that. I am now perfectly willing to let such charges as those made by Mr. RAINEY and Mr. TAVENNER rest as replied to by Mr. Smith, and I am willing to let the character of the people making these statements on the two sides suffice as a sufficient indorsement of my action.

With reference to the gun carriage that Mr. TAVENNER speaks of, I only want to call your attention to the specifications for the patent which was granted to Col. Buffington and myself for that invention. In the preamble to the specification there occurs this statement:

"And we hereby dedicate to the Government of the United States the free right to use, to make, and to have made in the United States for its own use gun mountings embodying this invention."

Col. Buffington and I were desirous that there should not, through our death, by the action of our heirs, or in any other way, be a claim brought against the United States for the use of this gun carriage; but as it was impossible to keep the construction of this carriage secret, we saw no reason why, if anybody else should choose to use it, they should not pay for such use. Therefore we entered into that relation with the Bethlehem Steel Co, which was set forth and published in the CONGRESSIONAL RECORD of March 3, 1911, and which was terminated in the manner which is also set forth in the Record. Although Mr TAVENNER placed my motives before the House by innuendo, I will say that he states directly the facts which indicate what his motive is in attacking me, which is resentment because I would not stand in with him in his endeavor to procure for expenditure in his district the appropriations which my testimony before this committee, which was available to him, and my statements in letters written to him show were not necessary.

I will add, Mr. Chairman, although it is well known, that these contracts that Mr. TAVENNER speaks of are let after advertisement and competition to the lowest responsible bidder, the interests of the Government being taken into consideration; that the economies which have resulted in the great differences in price which in some cases appear have been due to the special efforts of the officers of the Ordnance Department under my direction; that the use of this difference in charges against us is the use of ammunition for controversy which we supply ourselves by our economical conduct of the establishments under our charge. I can invite your attention also to the fact, Mr. Chairman, that years ago, long before Mr. TAVENNER came to Congress, I submitted to the Congress an estimate for increase of the facilities at the Rock Island Arsenal for the manufacture of field artillery gun carriages, limbers, and caissons. As a consequence of that estimate, $250,000 was appropriated, and we are now nearly ready to put those increased facilities into operation, the cost of the estimate and the appropriation being to about double the capacity of the Rock Island Arsenal for manufacturing this kind of material; and the advantage of thus doubling it being the fact, as shown by the tables to which I have drawn attention, that the cost of manufacture at the Rock Island Arsenal was considerably less than the price charged by private manufacturers for similar material.

I urged this appropriation because of the saving to the Government that would thereby be effected at the expense of the account of work that was given to private manufacturers, although I did not then contemplate that we would do all of this class of work at the arsenal. I estimated then that the increased facilities would enable us to do two-thirds of the work of this class that our appropriation called for instead of the one-third we had been doing theretofore. I make this statement with particular reference to Mr. TAVENNER'S statement that I am "an enthusiastic advocate of the policy of doing as much work as possible to outside manufacturers at prices ranging from 20 to 60 per cent more than he can manufacture—and is manufacturing—the same articles for in the Government's arsenals."

This statement, coupled with the statements which I have frequently made in the hearings before your committee and to some of which I have alluded before, indicates clearly my position with reference to Government and private manufacture, which is to the effect that the Government should manufacture part of the material which it uses, and should patronize private manufacturers for a part.

Other manufactures, which had theretofore been carried on by the Ordnance Department, which had relied for their product entirely upon private manufacturers, have been introduced under my direction, as follows: Smokeless powder, optical instruments for artillery, machine guns, pistols, armor-piercing projectiles. All of these are now in successful operation, dividing the work with private establishments.

Mr. FITZGERALD. Now, Mr. Chairman, the question before the committee is whether there shall be appropriated $225,000 to equip some building at the Rock Island Arsenal for the purpose of manufacturing field-artillery ammunition. The question whether the Government shall manufacture this ammunition or shall purchase it is not involved.

Mr. GARNER. Will the gentleman yield just there?

Mr. FITZGERALD. I prefer to make this statement and then I shall yield for questions. It is impossible to state intelligently what the facts are unless I make a consequtive statement. I repeat that the question of whether the Government shall make this ammunition or shall purchase it is not involved. In the Army bill, which has already become a law, $3,000,000 is appropriated for use during the next fiscal year for the manufacture of field-artillery ammunition. None can be purchased under the provision, and the fortifications bill as agreed upon by the managers upon the part of the two Houses, and the report has been adopted by the Senate, recommends an appropriation of $1,200,000 for the manufacture of this ammunition. After setting aside so much as is required for the purpose of meeting the obligations arising from contracts which are already in existence, not to exceed 10 per cent of the balance can be expended for purchase. The provisions of this bill will compel all field-artillery ammunition, for which we are appropriating next year in a sum aggregating $4,200,000, to be manufactured in the Government arsenals. The Committee on Appropriations and the Committee on Military Affairs have done everything within their power to compel the manufacture by the Government of all ammunition of this character for which provision is made.

The gentleman from Illinois [Mr. TAVENNER] was given a hearing by the Committee on Appropriations upon a bill introduced by him to appropriate $200,000 to equip one of certain buildings at the Rock Island Arsenal for the purpose of manufacturing this field-artillery ammunition. After he had made his statement the committee requested the War Department to send some one familiar with the operations of the Government arsenals before the committee. It then turned out that the building which the gentleman wished to equip had cost $100,000. It was being utilized as a storehouse. If it is equipped for the manufacture of field-artillery ammunition, it will be necessary to provide a building for the storing of these valuable supplies which now fill it. A building that would be suitable for such purposes would cost $200,000; so that, after spending $200,000 to equip a building for the manufacture of the ammunition, it would then be necessary to provide $200,000 for another building to take care of the supplies.

Mr. TAVENNER. Will the gentleman yield?

Mr. FITZGERALD. When I finish my statement I will.

In addition, it would require for assembling the ammunition a building to cost $40,000; to equip the building, $10,000; and $35,000 for certain magazines that must be placed at Rock Island to store this ammunition, should it be manufactured there. So that, in all, in order to equip the Rock Island Arsenal for the manufacture of field-artillery ammunition, it would require an expenditure of $500,000.

We have to-day arsenals that are now equipped and, under the authority given already, will be equipped to manufacture all of the field-artillery ammunition for which we have appropriated next year.

Mr. TAVENNER. Mr. Chairman, that statement is not right; that is all. He is mistaken about it.

The CHAIRMAN. Will the gentleman from New York [Mr. FITZGERALD] yield to the gentleman from Illinois [Mr. TAVENNER]?

Mr. FITZGERALD. I will not yield. But if I have to substantiate every statement I make here by referring to the official record, I will do it. Usually, Mr. Chairman, gentlemen who know my record in this House do not challenge statements of fact which I make.

Col. Babbitt, in speaking of the facilities of the department for this manufacture, under the date of May 28, 1914, said:

We estimate that we can expend all the funds that have been appropriated in the Army bill, $3,000,000, and the $1,200,000 now carried in the fortification bill, if this bill becomes a law, with our existing plans by working three shifts.

So I repeat that we have to-day all the facilities required to manufacture in Government plants all the field-artillery ammunition which we are appropriating for next year.

That is not the important thing. At the end of four years, after next year, at the rate for which provision has been made for next year, we will have manufactured so much field-artillery ammunition that we will have obtained a complete reserve, both for the Organized Militia and for the Regular Army. And thereafter the appropriations annually for field-artillery ammunition will only amount to $500,000, so that instead of requiring facilities to manufacture $4,200,000 of field-artillery ammunition every year, we will only require facilities for $500,000.

In addition, in the appropriation carried in the fortification bill, the appropriation is made available not only for the manufacture of the material but for the acquisition of the necessary machinery to manufacture it. The item is:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals.

The amount agreed on is $1,200,000. Then there is that other proviso to which I have called attention:

Of each of the sums appropriated by this act, after deducting any amounts required to meet obligations authorized in previous acts to be entered into by contract, not more than 10 per cent may be used to purchase not exceeding 10 per cent in quantity or value of any article or material herein appropriated for that can be manufactured at the arsenals of the Ordnance Department, except when contract costs are less than arsenal-manufacturing costs.

The proof is that arsenal-manufacturing costs are less than they are by contract. The sole purpose of this amendment is not to compel Government manufacture of this ammunition, which the Committee on Appropriations favors, but it is to equip the Rock Island Arsenal for its manufacture.

What have we done for the Rock Island Arsenal? Last year it was pointed out that the Government could manufacture more cheaply field artillery materiel than it had been purchasing it by contract, and so this committee brought in an item appropriating $250,000 to equip the Rock Island Arsenal to manufacture field-artillery ammunition. Some of the machines were ordered. Early in the year Gen. Crozier called my attention to the fact that unless he could have some assurance that this appropriation would be continued next year it would be necessary for him to place the order for all the machines authorized, and, as it was desirable to get several of them and test them out before ordering all of them, he asked whether he could rely on the reappropriation of the unexpended balance, if he acquired some of them in order to test them out. He was assured that he could rely upon the reappropriation being recommended by the committee. So this bill carries, as the first item under the Rock Island Arsenal, the unexpended balance of that $250,000, which amounts to about $200,000, for that purpose. In addition, the committee has recommended $127,000 more for improvements at the Rock Island Arsenal. What can reasonably be expected of the House? Facilities are provided for the manufacture of all the ammunition for which provision is made.

Col. Babbitt states that they will take out of this $1,200,000 in the fortification bill $100,000 to purchase the necessary machinery to provide for the Government manufacture. The pending amendment merely means that we shall compel the Ordnance Department, instead of using the Springfield and Watertown Arsenals, with very little work to do, and where this work should be done in addition to that done at the Frankford Arsenal, to prepare to manufacture this ammunition at the Rock Island Arsenal. It means an expenditure of $500,000, and at the end of five years the plant that we will have erected at that arsenal for that purpose will be no longer required. I hope the amendment will not be adopted.

How much time have I used, Mr. Chairman?

The CHAIRMAN. The gentleman has used 15 minutes.

Mr. GARNER. If the department wanted to do so, they could use $200,000 or $225,000 to provide machinery?

Mr. FITZGERALD. They could use $1,200,000.

Mr. GARNER. For the purpose which the amendment of the gentleman from Illinois mentions. So they really, then, have appropriated $1,200,000 which they can use for this identical purpose?

Mr. FITZGERALD. This amendment would compel $225,000 to be expended at the Rock Island Arsenal.

Mr. MADDEN. I understood the gentleman from New York to say we already had all the facilities we need to manufacture all the field artillery?

Mr. FITZGERALD. Field-artillery ammunition.

Mr. MADDEN. Needed under the appropriations made in the Army bill and the fortification bill?

Mr. FITZGERALD. Yes.

Mr. MADDEN. And that the bills provide that all of this class of work shall be done by the Government?

Mr. FITZGERALD. It provides that all of the $3,000,000 of this ammunition provided in the Army bill must be manufactured by the Government, and after the contract obligations now existing are cared for out of the fortification bill, not more than 10 per cent of the balance can be spent for purchase of ammunition.

The purpose of that was not to insure purchase, but it is necessary to make some allowance to purchase some of the things that they can not manufacture or can not do so to advantage.

Mr. MADDEN. And the gentleman from New York thinks it would be an extravagance to expend or to appropriate $500,000 to do something which we already have the facilities for doing?

Mr. FITZGERALD. Mr. Chairman, if it were necessary to equip arsenals for this work, I would favor it. I am a pioneer in this House in the movement to utilize Government plants in the manufacture of munitions of war. I stood here and helped to provide a torpedo-manufacturing plant for the Government, when the only establishment in which torpedoes were manufactured was located in my own congressional district. I should like to see somebody else produce a record like that in the House. I have always advocated the utilization of Government plants and of the Government entering extensively into the manufacture of munitions of war; but I can not justify, and no one else can justify, the unnecessary development of any particular establishment when the facilities and the means and the law already on the statute books require the Government to manufacture certain articles and provide ample means and facilities to do so. I reserve the balance of my time.

Mr. TAVENNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 20 minutes.

Mr. TAVENNER. I wish to use a couple of minutes, and then I will reserve the remainder of my time.

I want to say this is an "extravagance" that will save to the Government about $1,000,000 of the money appropriated in the Army bill. As I understand, the chairman of the Committee on Appropriations says the total appropriations for ammunition are $4,300,000, whereas I claim it is $5,565,000. It is

Crozier and other Army and Navy officers have for years been permitting a ring of eastern manufacturers to outrageously overcharge the Government for its munitions of war."

This speech, I may say, did not appear in the RECORD on the date on which it was made, but on March 4, 1914, where it is found on page 3596.

Mr. TAVENNER, in speaking of his desire that the artillery ammunition plant should be increased, in his speech stated:

"Gen Crozier has from the start opposed—not openly, but from under cover—my efforts to have these two buildings equipped with machinery for manufacturing field-artillery ammunition."

Speaking of two buildings at the Rock Island Arsenal:

"If these buildings were equipped, Gen. Crozier could no longer go before the Appropriation Committees and testify that he does not have capacity in the Government arsenals to do such manufacturing, and must therefore award the fat contracts to the ammunition ring."

Now, you will see there a charge that I unfairly award contracts for manufacturing ammunition at outrageous prices; that I give as an excuse my lack of capacity at the arsenals; and that, in order that this excuse shall continue, I oppose the increase of the artillery manufacturing plants of the Ordnance Department.

With reference to those accusations, I would like to submit to the committee a letter which, in reply to one from him, I wrote to Mr. TAVENNER last September. I have the letter here. It is a rather long one, explaining my position in regard to the manufacture of ammunition by the Government and by private parties, and it relates particularly to a number of bills which had been introduced by Mr. TAVENNER for increasing the plant at the Rock Island Arsenal:

SEPTEMBER 18, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

DEAR MR. TAVENNER: 1. I have your letter of September 9, inclosing one to you from the greater Davenport committee, both relating to certain bills which you have introduced for improving the manufacturing plant at the Rock Island Arsenal. Among these bills are four which you and I have discussed somewhat, and which, among those which you have introduced, appear to me to be the ones for whose passage by Congress the best case can be made out. These bills are as follows:

Appropriating $200,000 for a field-artillery ammunition plant;

Appropriating $65,000 for repairing shop H (for use in connection with such plant);

Appropriating $200,000 for an additional storehouse (to receive the stores removed from shop H);

Appropriating $15,000 for a magazine (to contain powder and other explosives for the manufacture of ammunition).

2. The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000. This sum represents about the total of the funds available for field-artillery ammunition for the current fiscal year, of which about $1,200,000 has been utilized in placing orders for manufacture at the arsenals, while $300,000 is being expended in procuring ammunition, or parts of it, from private manufactures. It therefore appears that unless the appropriations for the procurement of this ammunition are increased the department will not need greater facilities for its manufacture than now exist, except as a reserve for emergencies.

3. The supply of field-artillery ammunition is, however, very low, there being on hand, including what is under manufacture, only about 23 per cent of the quantity which is considered by the War Department necessary to maintain as a reserve. The estimated cost of the ammunition needed to complete a proper supply for the guns we have now on hand or under manufacture is about $15,000,000; and for the number of guns which we ought to have the remaining cost of needed ammunition would be about $20,000,000. This department has submitted estimates amounting to three or four times the current appropriation for ammunition for the consideration of Congress in connection with the appropriation bills for the next fiscal year. If the sum appropriated should amount to not more than $3,000,000 it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant. The relative advantage would need to be considered of procuring this additional ammunition from private parties, or of increasing the Government's facilities for manufacturing for itself.

4. I have never been in favor of the Government doing all of its manufacturing. I think it desirable for the officers conducting a Government manufacturing establishment to have the stimulus of rivalry with private plants, and I think it advantageous to have others than Government officers stimulated to an effort to improve the quality of the material. I also think it worth while to have an opportunity for comparison of costs, so that it may be known beyond a doubt whether or not Government manufacture is economically carried on. In addition, there is the great advantage of having in existence private plants capable of aiding in doing the increased amount of work which is necessary upon emergency. The relative quantity of material which the Government should make for itself, and should procure from private manufacturers, is, of course, not easy to establish arbitrarily, but an important reason for providing facilities for manufacturing at least a part of the additional ammunition which the Government is in great need of is the economy of its present manufacture as compared with the prices which it is paying private concerns. The average cost of the ammunition now purchased for field artillery is about 20 per cent higher than the cost of manufacturing similar material at the Frankford Arsenal, including in the latter cost a proper charge to cover interest, depreciation, pay of officers, and other charges which are not paid out of the appropriation for the manufacture of the ammunition. In procuring $1,500,000 worth of ammunition by manufacture instead of purchase there is thus a saving of about $300,000 at present relative prices.

5. Now, as to the manner of bringing this general subject to the attention of Congress. I have not submitted an estimate for increasing the department's capacity for manufacturing ammunition. At the present rate of appropriation there would not be occupation for such increased facilities, and I have not received any assurance that we will obtain the increased appropriations which we ought to have. In addition, the amount of the estimate which the Ordnance Department shall submit is limited by the War Department, and the sum of the estimates for Rock Island is already larger than that for any other arsenal. There are certain pressing and immediate necessities, such as fire protection, for instance, which must take precedence of measures of general merit, of which the advantage would be in the future. I think that larger appropriations than at present should be made for field artillery ammunition, and I think it would be advantageous to the Government to provide for manufacturing a portion of it in its own plant. I have not yet made an estimate of the output which could be had from the increased facilities which could be provided with the sums carried in your bills, and I am not entirely clear as to the most advantageous way of presenting the subject for consideration. In regard to this last point I should be very glad to consult with you further, if you could conveniently stop at my office at any time when you may be in the vicinity of the War Department.

Sincerely, yours,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

You will see that Mr. TAVENNER was in the possession of information to the effect that unless the appropriations were increased the Government had plants enough to manufacture all the ammunition that they would provide for.

Now, in addition to that letter, my testimony before the subcommittee in charge of the fortifications bill, which, at the time of Mr. TAVENNER'S speech, had been printed and to which his particular attention had been directed, also contained a refutation of his assertion that I was using the lack of capacity as a reason for wishing to continue to give contracts to private manufacturers at outrageous prices. In addition, this testimony gives my reasons for having given such contracts to private manufacturers as I had given, and evidence in regard to this point is also found on page 152 of the hearing, on page 157, and on other pages.

The CHAIRMAN. The hearings before the subcommittee on fortifications in the preparation of the bill for 1915?

Gen. CROZIER. Yes, sir; the hearings held during the current session of Congress.

The question and answer which I will read are as follows:

"Mr. SIBLEY. Let me put my question in another form. Do you consider it desirable, in view of this very large saving, that the Government should manufacture all of its ammunition, irrespective of the amounts that may be appropriated from year to year?

"Gen. CROZIER. No, sir. My view in regard to that is the same as in regard to all other material. I think that there are advantages, as I have stated to you before, in having part of it manufactured by private manufacturers, and I think we will hammer these differences down by continuing to show what we can do ourselves; in fact, we have done that to some extent already; we have gotten people to come in and manufacture at lower prices than other people have heretofore manufactured for us, when we have shown them it could be done. We have done this, as in the item I just mentioned, that of the shrapnel case, by using a new method which the private manufacturers had not up to that time used. I think we will be able to show the private manufacturers that our ammunition can be turned out at a much less cost than the prices they have been charging us. So I do not think we will be continually subjected to these great differences in price."

On page 157 there is the additional statement to the effect that there is plant enough to meet the appropriations that have been made, provided they shall not be increased.

On page 4598 of the CONGRESSIONAL RECORD, to which I have referred, in that portion of Mr. TAVENNER'S speech which he did not deliver on the floor he makes the statement that he could not get information on this and related subjects from my office. He states that he wrote to the commanding officer of the Rock Island Arsenal asking for information and he did not get it, because I refused to let him have it. He says in his speech:

"The data has never come, but in its stead a letter from Gen. Crozier to the effect I would find the information I desired in the hearings of the Appropriations Committees. An examination of the hearings showed that it did not contain the special data I desired and did not contain the data I asked for."

With reference to Mr. TAVENNER'S inability to get this class of information, I submit to the committee some of his letters and the replies thereto.

On October 6 he wrote me this letter:

Gen. WILLIAM CROZIER,
Chief of Ordnance, Washington, D. C.

DEAR GENERAL: I will appreciate it if at your convenience you will have sent me the name of the bidder awarded the contracts for doing work of the character being done at the Rock Island Arsenal, to which contract you alluded in your conversation to-day.

I would like the contract price per unit and the total amount of the contract, compared with the prices paid contractors under preceding contracts.

This will show how much the department is saving per unit and the amount it is saving on the entire contract.

Very sincerely,

CLYDE H. TAVENNER.

Two days after, on October 8, that letter was replied to by myself as follows:

OCTOBER 8, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives, Washington, D. C.

MY DEAR MR. TAVENNER: Referring to your letter of the 6th instant, requesting a statement of the bidders recently awarded contracts for work of the character being done at Rock Island, I take pleasure in giving you the following information:

	Total cost, including 2 per cent for inspection.
Contracts were awarded the Bethlehem Steel Co., South Bethlehem, Pa., as follows:	
63 3.8-inch howitzer limbers, model of 1911, at $1,446 each, $91,098. Including 2 per cent for inspection, the cost of these limbers will be $1,474.92 each	$92,910.96
36 4.7-inch howitzer limbers, model of 1912, at $1,498 each, $53,928. Including 2 per cent for inspection, the cost of these limbers will be $1,527.96 each	55,006.56
To the American & British Manufacturing Co., Bridgeport, Conn.: 47 3.8-inch howitzer caissons, model of 1911, at $2,114.40 each, $99,376.80. Including 2 per cent for inspection, the cost of these caissons will be $2,156.68 each	101,363.96
To the Albert & J. M. Anderson Manufacturing Co., Boston Mass.: 36 4.7-inch howitzer caissons, model of 1912, at $1,886 each, $67,896. Including 2 per cent for inspection, the cost of these caissons will be $1,923.72 each	69,253.92

No exactly similar vehicles to these have been previously manufactured in quantity. Estimates at Rock Island Arsenal on the 3.8-inch howitzer limbers were $1,402.20 each; or, including arsenal burden of 8.4 per cent, $1,519.98; on the 3.8-inch howitzer caissons, $2,230 each; including arsenal burden of 8.4 per cent, $2,417.32 each.

The last order for 4.7-inch howitzer limbers and caissons, of a similar type but not identical, cost at Rock Island Arsenal as follows: 4.7-inch howitzer limbers, $1,122.94 each; including arsenal burden of 8.4 per cent, $1,272.69; 4.7-inch howitzer caissons, $1,645.76 each; including arsenal burden of 8.4 per cent, $1,784.

It will be seen from the above comparison of costs that the prices at which the last contracts were awarded compare very closely with the costs at the Rock Island Arsenal.

The matériel of which the greatest quantity has previously been manufactured are the 3-inch limbers and caissons. The last order for these placed by contract cost as follows: 3-inch gun caisson, model of 1902, $1,960 each; including 2 per cent for inspection, $1,999.20. At the Rock Island Arsenal the last order cost $1,041.20; including arsenal burden of 8.4 per cent, $1,128.68.

The 3-inch gun limber, model of 1902, under contract cost $1,478.50; including 2 per cent for inspection, $1,508.18. At Rock Island Arsenal the last lot cost $635.81; including arsenal burden of 8.4 per cent, $689.22.

It will be noted that for the 3.8-inch howitzer limbers and caissons and 4.7-inch howitzer limbers and caissons, which are heavier and more expensive vehicles to manufacture than the 3-inch gun limbers and caissons, the prices are practically the same. This indicates that the manufacturers, as a result of the standard set at the Rock Island Arsenal, have been led to perfect their equipment and methods of manufacturing this matériel and are now bidding on a more satisfactory basis.

Very sincerely,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

On October 16 there was received the following letter from Mr. TAVENNER, dated October 15:

CHIEF OF ORDNANCE,
War Department, Washington, D. C.

DEAR SIR: I am desirous of obtaining certain data for use on the floor of the House and will be greatly obliged if, at your convenience, you will supply me with the following information:

1. The total amount of contracts awarded private manufacturers by the War Department during the last five years.

2. The total amount of contracts awarded each of the following firms during the last five years:

Bethlehem Steel Co., South Bethlehem, Pa.
American & British Manufacturing Co., Bridgeport, Conn.
Albert & J. M. Anderson Manufacturing Co., Boston, Mass.
Carnegie Steel Co.

3. Names of the companies which have been awarded the bulk of the contracts for manufacturing field-artillery ammunition and other ammunition.

4. In a letter from the Chief of Ordnance dated October 8, 1913, No. 37835/817, I am informed that the Bethlehem Steel Co. was recently awarded a contract for sixty-three 3.8-inch howitzer limbers, model 1911, at $1,466 each, and thirty-six 4.7-inch howitzer limbers, model 1912, at $1,498 each; that the American & British Manufacturing Co. was awarded contracts for forty-seven 3.8-inch howitzer caissons, model 1911, at $2,114.40 each, and that the Albert & J. M. Anderson Manufacturing Co. was awarded a contract for thirty-six 4.7-inch howitzer caissons, model 1912, at $1,886 each. I would like to know what prices the Government paid for these same articles under recent previous contracts with private manufacturers. I understand that the prices just cited are a considerable reduction from previous prices, and my object is to be able to say just what sum the Government saved as a result of the action of the private manufacturers in now reducing their prices. I would also like to know the date on which these contracts (the ones referred to in this paragraph) were let.

Very respectfully,

CLYDE H. TAVENNER.

That letter was received in my office during my absence in Europe, and it was not immediately acknowledged. It calls for a great deal of information, and the office, as it should have, set to work to collect the information to answer the letter, but that took a long time; and on December 2 Mr. TAVENNER wrote to the Secretary of War as follows:

Hon. LINDLEY M. GARRISON,
Secretary of War, Washington, D. C.

DEAR MR. SECRETARY: On October 16 I addressed a letter to the Chief of Ordnance, requesting data relative to the amount of the contracts awarded by the War Department to the Bethlehem Steel Co. in the last five years, and also other data which would indicate the extent to which the private manufacturers are overcharging the Government.

I have not received any facts or an acknowledgment of the receipt of this letter. The Secretary of the Navy gladly furnished the information.

I find from a table prepared by Col. George Montgomery, of Frankford Arsenal, that the Government manufactured a $1,900,004 order of artillery ammunition 51 per cent below the prices of the ammunition ring.

This manufacturing was done with power produced by coal. Had the order been manufactured at Rock Island, where the Government has free water power but is not taking complete advantage of it, a much better showing could no doubt be made on the side of Government manufacture.

There is going to be a fight in Congress to take the fat Government contracts away from the ammunition ring, and I hope you will stand with Secretary Daniels against the ammunition ring that in war time holds up the Government by refusing to manufacture articles of military necessity unless the Government pays an increased price. (See annual report of Secretary Daniels.)

I can not help but observe that the same Army officers who are fighting for the ammunition ring are also leading the fight to install the Taylor system of shop management in the Government arsenals, a system which a committee of a Democratic House of Representatives unanimously declared placed working men in the position of beasts of burden.

I will appreciate it very much if you will have my letter looked up, so that I may know whether I will have the data requested in time to use on the floor of the House when this matter comes up.

Very sincerely,

CLYDE H. TAVENNER.

There was an inclosure of a newspaper article by Mr. TAVENNER with that letter.

Two days later, on December 4, 1913, the Secretary of War replied to Mr. TAVENNER, as follows:

Hon. CLYDE H. TAVENNER,
House of Representatives.

MY DEAR SIR: Replying to your letter of December 2, 1913, relative to data requested from the Chief of Ordnance under date of October 16, I have the honor to inform you that the office of the Chief of Ordnance has been assiduously at work ever since the receipt of that letter tabulating the information desired by you.

The information requested, covering a period of five years, required an examination of considerably over 3,000 contracts, made at the various ordnance establishments throughout the United States in this period. This information has just been gotten together in the rough and is now being put in tabulated form in order that it may be more readily available for your use. It is expected that this work will be completed within two or three days at the outside, when it will be transmitted to you.

Inadvertently acknowledgment of your letter of October 16 and advice that the work would be at once taken in hand was omitted, which fact is regretted.

Very respectfully,

LINDLEY M. GARRISON,
Secretary of War.

In submitting the draft of that letter to the Secretary of War, I noticed the statement in Mr. TAVENNER'S letter about officers fighting for the ammunition ring in this memorandum which I gave to the Secretary of War. I do not know that it got beyond his office:

MEMORANDUM FOR THE SECRETARY OF WAR.

Subject: Reply to letter of December 2, 1913, of the Hon. CLYDE H. TAVENNER in regard to Government contracts.

Mr. TAVENNER writes drawing attention to the fact that he has not received a reply to a letter addressed to the Chief of Ordnance on October 16, asking for information concerning contracts of this department with private manufacturers. There is herewith a draft for your signature of a reply to Mr. TAVENNER'S last letter. There occurs in this letter the following paragraph:

"I can not help but observe that the same Army officers who are fighting for the ammunition ring are also leading the fight to install the Taylor system of shop management in the Government arsenals, a system which a committee of a Democratic House of Representatives unanimously declared placed workingmen in the position of beasts of burden."

This statement can refer only to officers of the Ordnance Department, and particularly to myself, who am installing the Taylor system of shop management in the Government arsenals. In the draft of reply to Mr. TAVENNER which I have prepared for you I have not referred to this paragraph, but if I were myself replying to Mr. TAVENNER I would say that his charge that officers of this department are fighting for the ammunition ring is so far from the truth that it seems difficult to believe that he is not aware of it; and that the further statement that a committee of the House of Representatives declared that the Taylor system of shop management at Government arsenals placed laboring men in the position of beasts of burden is also contrary to fact, as the committee referred to did not make that statement. The language of the committee was, however, such that a careless reading of it might have produced the impression obtained by Mr. TAVENNER.

Very respectfully,

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance.

Two days after that, on December 6, I sent to Mr. TAVENNER a letter:

DECEMBER 6, 1913.

Hon. CLYDE H. TAVENNER,
House of Representatives.

SIR: Referring to your request for data relative to contracts awarded to private manufacturers by this department during the last five years, I have the honor to advise you as follows:

1. The total amount of contracts awarded private manufacturers by the Ordnance Department during the last five fiscal years ending June 30, 1913, was $30,084,602.24.

2. The total amount of contracts awarded each of the following firms enumerated by you during this period was as follows:

Bethlehem Steel Co., $3,201,470.09.
American & British Manufacturing Co., $835,474.14.
Albert & J. M. Anderson Manufacturing Co., $520,511.26.
Carnegie Steel Co., $366,873.71.

3. The names of the companies who have been awarded the bulk of the contracts for manufacturing ammunition during this period are:

Powder.—The E. I. Du Pont de Nemours Powder Co., The International Smokeless Powder & Chemical Co.

Steel shell.—American & British Manufacturing Co., Bethlehem Steel Co., Washington Steel & Ordnance Co., E. W. Bliss Co.

Shrapnel cases and shrapnel.—Bethlehem Steel Co., American & British Manufacturing Co., Rheinische Metallwaaren & Maschinenfabrik, E. W. Bliss Co., Tioga Steel & Iron Co.

Cast-iron shell.—The Tredegar Co., The C. H. Cowdrey Machine Works, The E. W. Bliss Co. (also some common steel shell).

Small arms ammunition.—United States Cartridge Co., Peters Cartridge Co., Winchester Repeating Arms Co., Remington-Union Metallic Cartridge Co.

4. The prices paid for 3.8-inch and 4.7-inch howitzer caissons and limbers during the above period, which were awarded by contract, were as follows:

Kind of material.	Prices paid in the year— 1909, per set of 1 of each.	1912, each.	1913, each.
3.8-inch howitzer caissons			[1] $2,114.40
3.8-inch howitzer limbers			[1] 1,446.00
4.7-inch howitzer limbers	$4,010.18	[2] $1,477.30	[3] 1,498.00
4.7-inch howitzer caissons		[2] 1,879.02	[4] 1,886.00

[1] Date of contract, Oct. 1, 1913.
[2] Date of contract, Oct. 4, 1913.
[3] Date of contract, Oct. 7, 1913.
[4] Date of contract, Oct. 14, 1913. Advertisement dated Sept. 8, 1913. Proposals submitted Sept. 29, 1913.

House is in Committee of the Whole House on the state of the

Mr. TAVENNER. Mr. Chairman, I offer an amendment.

trusts have been overcharging the Government is almost unbelievable. There has seldom been honest competitive bidding

appropriation of $100,000 and the fortification bill, [illegible] $100,000.

Mr. GARNER. Will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. GARNER. Can the gentleman tell us why it is that the War Department is unwilling to give the information as to the per cent of powder which is manufactured by the Government?

Mr. HAY. In my judgment the War Department is perfectly willing to give the information to anybody that wants it.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. GARNER. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Illinois be extended five minutes. Is there objection?

There was no objection.

Mr. TAVENNER. I will be glad to insert, if I can find it, the letter I received from the War Department saying that they would have to have extra help to get this information in regard to the proportion of field-artillery ammunition manufactured in recent years in the arsenals, as compared to the quantity purchased from outside manufacturers.

Mr. HAY. Because it was necessary for them to get additional clerical help to give the gentleman the information, it does not necessarily follow that they did not want to give it.

Mr. TAVENNER. I know they are mighty reluctant about giving it.

Mr. HAY. I know that the War Department is perfectly willing to give the information. There can be no reason why they should not, and, as far as I am concerned, I know that the officers of the Army who have been in charge of this work are men that are above reproach in every way.

Mr. TAVENNER. I would like to ask the gentleman a question since he is so anxious to say that they are willing to give all the information—whether he knows whether the man that lets these contracts has any business relations with the parties who manufacture the ammunition?

Mr. HAY. Oh, I understand the allusion that the gentleman makes. The gentleman is alluding to a contract made with Gen. Crozier by the Bethlehem Steel Co. 15 years ago, before he was made Chief of Ordnance. When he was made Chief of Ordnance the same attack which the gentleman has made upon him in the RECORD and is now making by innuendo was made in the Senate. The whole matter was discussed in the Senate when his name came up for confirmation. He was cleared absolutely from having in any way done anything that would have cast any aspersion on his character.

Mr. TAVENNER. I would like to ask the gentleman if Gen. Crozier did not receive $10,000 from the Bethlehem Steel Co. for a patent from which they never realized a penny?

Mr. HAY. I do not know——

Mr. TAVENNER. The gentleman ought to know.

Mr. HAY. If the gentleman from Illinois will wait until I get through. I do not know whether Gen. Crozier received $10,000 or not; but if he did receive $10,000, he received it honestly. Whatever he did was honestly done. He has been Chief of Ordnance now over 12 years, and I say it without fear of contradiction from any man who is conversant with the facts, that he has discharged the duties of that office honestly, uprightly, and that he is a soldier without fear and without reproach, I care not what the gentleman from Illinois may say. [Applause.]

Mr. TAVENNER. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I think in justice to Gen. Crozier——

Mr. TAVENNER. I can not yield. I desire to do Gen. Crozier full justice. I did not say that Gen. Crozier obtained any money dishonestly. I said that he received it from one of the firms to which he awards each year a large slice of these big Army and Navy contracts at excessive prices.

Mr. O'SHAUNESSY. Will the gentleman yield?

Mr. TAVENNER. I prefer not to yield.

Mr. O'SHAUNESSY. I simply want information. I was interested in the statement made by the gentleman as to the practices of the Bethlehem Steel Co. and some other steel people in cheating and defrauding the Government. Will the gentleman repeat that? I think he said that somebody covered up the defects.

Mr. TAVENNER. I have placed affidavits and other information on the subject in the RECORD, page 10501, this session, and the gentleman can read it. I have another mission just now. I had this up once or twice, and the gentleman can go to the document room and find all the information he wants.

Now, Mr. Chairman, as I said, at the Rock Island Arsenal we have two fine stone buildings erected for manufacturing purposes, at a cost of $400,000 or $500,000 each. These buildings were never used for manufacturing purposes, because if the Army officers had caused them to be equipped they could not have awarded these fat contracts for this ammunition to the ammunition ring. We also have at the Rock Island Arsenal absolutely free water power for all time, and if we equip these buildings for the manufacture of this ammunition at Rock Island it will not cost the Government a single additional penny for water power, because more power is being developed there than is being used, and there will be plenty of power to run this plant.

I presume there are two points that will be made by the chairman of the Committee on Appropriations. One is that we have sufficient equipment to manufacture this ammunition now. I did receive information from Gen. Crozier on this subject, and he says, in a letter written to me on September 8, 1913:

> The Ordnance Department now has facilities at its arsenals for the manufacture annually of field-artillery ammunition to the value of about $1,500,000.
>
> The supply of field-artillery ammunition is, however, very low, there being on hand, including what is under manufacture, only about 23 per cent of the quantity which is considered by the War Department necessary to maintain as a reserve. The estimated cost of the ammunition needed to complete a proper supply for the guns we have now on hand or under manufacture is about $13,000,000; and for the number of guns which we ought to have the remaining cost of needed ammunition would be about $20,000,000.
>
> If the sum appropriated should amount to not more than $3,000,000, it would be necessary for the department to procure ammunition exceeding in value by about $1,500,000 the capacity of the present plant.

In other words, as I understand this letter, it says that the capacity of the Government arsenals for the manufacture of field-artillery ammunition is $1,500,000.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. I prefer not to yield now. I prefer to stick to my subject.

Mr. MADDEN. This is directly on the subject.

Mr. TAVENNER. I prefer not to yield.

Mr. MADDEN. Then I will make the statement myself.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that he be granted five minutes more.

Mr. FITZGERALD. Mr. Chairman, reserving the right to object, can we not agree upon some time?

Mr. MADDEN. Mr. Chairman, I reserve the right to object.

Mr. FOWLER. Mr. Chairman, I ask that the gentleman may have 10 minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his colleague may proceed for 10 minutes. Is there objection?

Mr. MADDEN. Mr. Chairman, I reserve the right to object, unless the gentleman is willing to answer questions.

Mr. FITZGERALD. Mr. Chairman, I want to ascertain whether we can not fix some time for debate.

Mr. MADDEN. I reserve the right to object, unless the gentleman cares to answer my question.

Mr. TAVENNER. Surely I will answer the gentleman's question.

Mr. FITZGERALD. Let us see if we can not fix on time for debate.

Mr. MANN. We want 7 minutes over here in favor of the amendment and 15 minutes against it.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the time for debate on this amendment close in one hour, 25 minutes to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 35 minutes by myself.

Mr. MANN. Out of that time can I be yielded sufficient to yield sufficient minutes?

Mr. FITZGERALD. Certainly.

The CHAIRMAN. The gentleman from New York asks unanimous consent that debate upon this amendment be limited to 1 hour, 25 minutes to be controlled by the gentleman from Illinois [Mr. TAVENNER] and 35 minutes to be controlled by himself. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. TAVENNER] is recognized for 25 minutes.

Mr. MADDEN. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TAVENNER. Yes.

Mr. MADDEN. The gentleman's amendment provides for an appropriation of $225,000 to install machinery in a building which is said to be already in existence for the purpose of making field-artillery matériel, I understand?

Mr. TAVENNER. For the purpose of manufacturing ammunition.

Mr. MADDEN. This is the same thing, is it not?

Mr. TAVENNER. No; that is for gun carriages and parts of cannons, while this is simply for straight ammunition.

Mr. MADDEN. I was going to ask the gentleman the reason for asking $225,000, when we already have in existence an appropriation for $250,000 which is not being used?

Mr. TAVENNER. That is an entirely different proposition. One is for the manufacture of field-artillery equipment in the form of gun carriages and this other appertains wholly to ammunition. As I say, it appears in this letter from Gen. Crozier that the capacity of the arsenal is $1,500,000, and the Army appropriation bill for this year provides in one paragraph for $3,000,000 worth of ammunition, but in the fortification bill and the Army bill together it amounts to more than $5,000,000; and the amendment I have offered does not limit this plant to the manufacture of field-artillery ammunition, but to the manufacture of any kind of ammunition. The Army bill this year, for the first time in the history of the Government, requires complete arsenal manufacture. This amendment was put in there over the protest of Gen. Crozier. He did not want the bill to provide for complete Government manufacture, and he went to the committee and argued against it, and after the bill went to the Senate he followed it over there and asked that he be left free to buy some of this ammunition from private manufacturers. As regards Gen. Crozier, I do not want to be unfair to him. I do not say that he obtained this money dishonestly, but I do say this, that all of the time he has been Chief of Ordnance he has been awarding these three firms I mentioned contracts running into millions and millions of dollars, and paying these firms from 20 to 60 per cent more than that ammunition would cost to manufacture it in the Government arsenals; and what I complain about is that he should have had any transactions whatever with the company he is dealing with. I claim it is his duty to protect wholly the interests of the Government in dealing with these concerns, and he should have no partnerships with these concerns, whether it is on this particular transaction or on some other transaction.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

Mr. TAVENNER. Yes.

Mr. FALCONER. I would like to ask the gentleman on what information he bases the assertion that Gen. Crozier had to pay so much more for this ammunition than it could be manufactured for by the Government.

Mr. TAVENNER. I just gave that information a few moments ago. We are now paying private manufacturers $7 for a 31-second fuse, while we are manufacturing the same thing for $2.92. I can not give the gentleman the reason why, but am simply stating the facts.

Mr. FALCONER. The Government is manufacturing that much cheaper?

Mr. TAVENNER. Yes, sir; that much cheaper.

Mr. FALCONER. The gentleman stands on the statement that the Government can manufacture that much cheaper than our officials have been paying for the ammunition?

Mr. TAVENNER. Gen. Crozier himself practically admits he can save 30 per cent to the Government by having it manufactured in the arsenals as compared with prices by outside manufacturers.

Mr. FALCONER. Will the gentleman yield another moment?

Mr. TAVENNER. Yes.

Mr. FALCONER. I just want to observe this, that if the gentleman's statement be true, this Congress certainly has some work to do, and it is on us to do it. If the gentleman's statement is not true, we ought to know it.

Mr. TAVENNER. I wish Congress to get the exact truth; and I would like to see a congressional investigation. I will tell you, gentlemen, Gen. Crozier takes this attitude, that the manufacturers are very patriotic, and we ought to give them contracts in time of peace so that we may depend upon them for their patriotic cooperation in the emergency of war; but, gentlemen, when war with Spain was imminent, those three concerns got together and refused to manufacture a single piece of armor plate unless the Government should agree to pay $100 a ton more than the price which had been determined upon by Congress, after investigation, to be a fair price; but at the same time these patriots were selling to Russia for $249 a ton the identical character of armor plate for which they were charging this Government $616 a ton. [Applause.] The only other point, I presume, the Appropriations Committee would make is that Gen. Crozier has not recommended the equipping of these two fine stone buildings with the necessary machinery to enable the Government to manufacture ammunition now being purchased from the ammunition ring. I do not believe he ever will. [Applause.]

Mr. FITZGERALD. Mr. Chairman, I am not personally interested in the controversy between the gentleman from Illinois [Mr. TAVENNER] and Gen. Crozier. Gen. Crozier made a statement relative to some charges which had been made about him, and in justice to him I ask unanimous consent to print his statement in the RECORD. By his efficiency and his skill and intelligence he has so developed the manufacturing plants of the War Department that he is the only officer in the Government who has signally demonstrated that the Government can manufacture war munitions more cheaply than we can purchase them. He has always taken the position that from the standpoint of the Department of War it was wise to manufacture some munitions and purchase others, and there is no mystery about his attitude. One paragraph from his statement I shall read at this time:

> With reference to the gun carriage that Mr. TAVENNER speaks of, I only want to call your attention to the specifications for the patent which was granted to Col. Buffington and myself for that invention. In the preamble to the specification there occurs this statement:
>
> "And we hereby dedicate to the Government of the United States the free right to use, to make, and to have made in the United States for its own use gun mountings embodying this invention."
>
> Col. Buffington and I were desirous that there should not, through our death, by the action of our heirs or in any other way, be a claim brought against the United States for the use of this gun carriage; but as it was impossible to keep the construction of this carriage secret, we saw no reason why, if anybody else should choose to use it, they should not pay for such use. Therefore we entered into that relation with the Bethlehem Steel Co. which was set forth and published in the CONGRESSIONAL RECORD of March 3, 1911, and which was terminated in the manner which is also set forth in the RECORD.

In justice to Gen. Crozier I ask unanimous consent to print in the RECORD his statement in reply to statements heretofore made which reflect upon his integrity as an officer of the Army of the United States and which, in my opinion, are wholly unjustified.

The CHAIRMAN (Mr. DUPRÉ). Is there objection to the request of the gentleman from New York that he extend his remarks in the RECORD by printing the statement referred to?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I desire to ask the gentleman if this refers to the gun-carriage swivel?

Mr. FITZGERALD. This is what is known as the Crozier-Buffington gun carriage.

Mr. FOWLER. I desire to ask the gentleman if that gun carriage is not more or less a failure?

Mr. FITZGERALD. In its efficiency?

Mr. FOWLER. In its efficiency.

Mr. FITZGERALD. I think it is now used in an improved form.

Mr. FOWLER. It is used somewhat, but is it not unsteady, it is not to be relied upon?

Mr. FITZGERALD. Well, I can not answer the gentleman.

Mr. FOWLER. That is the charge against it, is it not?

Mr. FITZGERALD. No; the charge the gentleman from Illinois makes is that Gen. Crozier accepted $10,000 from the Bethlehem Steel Co. for the right to use his gun carriage, and that as a result of such relation with the Bethlehem Steel Co. his actions in connection with contracts on behalf of the Government with the company were not above suspicion.

Mr. FOWLER. Was that gun carriage patented by Gen. Crozier?

Mr. FITZGERALD. It was; I read from the patent, and I read from it that he dedicated the patent to the United States Government to use free for its own use.

The CHAIRMAN. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

The extract is as follows:

GOVERNMENT AND PRIVATE MANUFACTURE, POLICY CONCERNING—ROCK ISLAND ARSENAL, ENLARGEMENT OF FACILITIES AT.

The CHAIRMAN. The next item is "New York Arsenal, Governor's Island, N. Y., repair of wharf, $8,500."

Gen. CROZIER. Before we leave the Frankford Arsenal, Mr. Chairman, there is something I would like to speak of in connection with the artillery ammunition plant which we have been considering, and for an addition to which we have just discussed an estimate of $32,000.

I have been subjected to some pressure to submit estimates for a greater addition to the artillery ammunition plant, but not particularly at the Frankford Arsenal, and I have been very severely criticized, to the extent of making an assault on my character as an officer, for not having done so. I think therefore that this is an appropriate place to speak of this subject, and to call your attention to some of the testimony which I have given before another subcommittee of your committee. I am alluding particularly to a speech which was made in the House on February 27, 1914, by Mr. TAVENNER, of Illinois, when the Army bill was under discussion, and which was extended afterwards in the RECORD under leave to print.

Mr. TAVENNER called attention to the statement which had been made that there was an inadequate supply of ammunition on the Pacific coast, and said, among other things:

"I desire to submit to the American people what I believe to be the reason for this state of affairs. The reason, in my opinion, is that Gen.

the District of Columbia on the people of this District. I believe that we as a Government derive benefits, and we ought to be willing to pay for them, just like any citizen pays for the benefits he derives.

Now, as to what is a fair distribution I am not prepared to say. I doubt very much whether there is a man in this House who is prepared to say and to sustain what he says by facts by which he can demonstrate his position. A number of years ago an agreement was made that the Government should pay half and the people of the District half. That may have been a very fair agreement then. We may have outgrown it; possibly we have. What I do say is that none of us is in a position to-day to say whether that agreement is abstract justice or not, and I should like very much to see the committees that have charge of this matter authorize a commission of disinterested persons to be appointed to go out and consider what is a fair and equitable division of the taxes between the people of the District of Columbia and the Government of the United States.

Mr. SISSON. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. In just a moment. And when that is ascertained and we know how much of the burden of the Government, according to the report of disinterested men who have the time to investigate, should be borne by the citizenship of this District and how much should be borne by the General Government for the benefits it receives from the government of the District, then Congress can intelligently face the question and legislate intelligently as to how much of the burden should be borne by the General Government and how much by the citizenship of this District.

I think it is a mistake to say that a vast number of wealthy people live in this District and must go untaxed. Why, the wealth of this District does not pay the taxes of the District. The wealth of no great city pays the taxes of the city. The great wealth of no government bears the great burden of taxes of the government. It is the masses of the people who must pay the taxes under any government, and the masses of the people here are the people who will bear the taxes in the end.

The SPEAKER. The time of the gentleman from Alabama has expired. The question is on agreeing to the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the House disagreement to Senate amendment 226 and concur in the same.

The question was taken, and the motion was disagreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I believe that is the last amendment.

The SPEAKER. That is the last one.

Mr. PAGE of North Carolina. I move, Mr. Speaker, that the House ask for a further conference on the matters in disagreement between the two Houses.

The SPEAKER. The gentleman from North Carolina moves that the House ask for a further conference on the disagreeing votes of the two Houses on the Senate amendments? Is there objection?

There was no objection.

The SPEAKER. The Chair appoints the following conferees on the part of the House: Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS of Minnesota.

CHANGE OF CALENDAR REFERENCE.

The SPEAKER. House bill No. 4273, a bill referring the claims of the State of Rhode Island to the Court of Claims for adjudication, was referred to the Private Calendar. It ought to be referred to the Union Calendar, and it is now so referred.

EXTENSION OF REMARKS.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend a few remarks in the RECORD upon the reclamation extension bill.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks on the reclamation extension bill. Is there objection?

There was no objection.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The committee will be in order. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Pennsylvania [Mr. DONOHOE] is compelled to leave the city to attend some commencement exercises in which some of his children will take part. He requested me to ask unanimous consent that the Frankford Arsenal item, which was pending when the Committee of the Whole rose yesterday, might go over until Tuesday. I told the gentleman that I would make that request myself.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] requests that the Frankford Arsenal item may go over until Tuesday next.

Mr. MANN. As I understand, if that request is granted, it will be in order at that time to return to the items in this bill for the purpose of offering additional items as amendments. The gentleman from Pennsylvania [Mr. MOORE] was attempting to offer an amendment.

Mr. FITZGERALD. That is not my understanding. I do not wish that there shall be any misunderstanding, because I do not wish to take any advantage of anybody.

The CHAIRMAN. If the committee will indulge the Chair a moment, the Chair will make a statement.

Just after adjournment yesterday afternoon several gentlemen from Pennsylvania who were interested in the Frankford Arsenal item, and especially interested in the point of order pending, expressed to the Chair the wish that that matter might go over until Tuesday. The Chair stated to them that he had no objection, and suggested that they see the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. MANN]; and the Chair understood later that they had that agreement; and the gentleman from Pennsylvania [Mr. MOORE] who was one of those who were talking with the Chair, said that he desired to offer an amendment when the matter came up. The Chair understood that that was included in the conference had with the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I do not wish to take any advantage of gentlemen who made the request in good faith, and I am willing to ask that the Frankford Arsenal matter be passed until Tuesday, and that the pending question be then settled, and any other germane amendment offered at that time.

The CHAIRMAN. Is there objection to the request made by the gentleman from New York [Mr. FITZGERALD] that the Frankford Arsenal item be passed until Tuesday, when the point of order pending will be disposed of, and any germane amendment may be offered.

Mr. MANN. Of course, this would not require its disposition on Tuesday, if any other matter should come up.

Mr. FITZGERALD. I mean on the first day when the matter comes up.

Mr. MANN. The request is that it be passed over, to come up later.

The CHAIRMAN. That it be passed over without prejudice, to be reverted to later. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FITZHENRY having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 160. Joint resolution providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Rock Island Arsenal, Rock Island, Ill.

Mr. TAVENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair will suggest to the gentleman that the Clerk be permitted to finish the reading of the paragraph relating to the Rock Island Arsenal.

Mr. TAVENNER. Mr. Chairman, I prefer to offer the amendment at this point, if I am permitted to do so under the rules.

Mr. MANN. The amendment is in order at this point.

The CHAIRMAN. It is in order at this point. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by inserting as a new paragraph, after the word "Illinois," in line 24, page 52, the following:

"For the purchase of such additional machinery as may be necessary for the manufacture of ammunition in an existing building owned by the Government, $225,000."

Mr. FITZGERALD. I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from New York reserves a point of order.

Mr. TAVENNER. Mr. Chairman, in offering this amendment it is not my purpose to take work away from other arsenals and bring it to the Rock Island Arsenal, but to manufacture ammunition at the Rock Island Arsenal that has heretofore been manufactured by private manufacturers.

The first question is, Is it a good policy for the Government to manufacture its ammunition instead of buying it from private manufacturers? On that question I have some figures here—not old figures, but figures pertaining to ammunition that is now being manufactured in Government arsenals as compared with ammunition that is now being manufactured by private manufacturers. As I say, these figures are not old, but they are of the present day—right up to the minute.

We are now manufacturing in the Government arsenals a 3-inch finished shrapnel case for $1.75, while we are paying private manufacturers $3.06 for the same case.

We are manufacturing 3.8-inch common shrapnel, without fuses or base charges, for $7.94 in Government arsenals and paying private manufacturers $17.50.

We are manufacturing 4.7-inch common shrapnel in the arsenals for $15.45 and are paying private manufacturers $25.26.

We are manufacturing 31-second combination fuses for $2.92 and paying private manufacturers $7.

These illustrations are not exceptional, as I will endeavor to show by the fact that on a contract given to Frankford Arsenal for ammunition valued at $1,900,064 we are saving $979,840; or, in other words, we are saving approximately $1,000,000 on a $2,000,000 contract, as compared with what it would cost if that contract was given to outside manufacturers.

If we can manufacture this ammunition in arsenals more cheaply than in private concerns, the next question is, How much of this ammunition do we intend to manufacture? If we were going to manufacture only $500,000 worth, then perhaps it would not pay to equip additional buildings; but the program of the War Department calls for the manufacture of $20,000,000 worth of field-artillery ammunition alone, to say nothing of any other kind of ammunition; and it is the intention of the department to obtain this $20,000,000 worth of ammunition as fast as Congress will appropriate the money.

In the Army appropriation bill for this year $3,000,000 is appropriated for field-artillery ammunition alone. As a matter of fact, in this year's fortifications and Army bills we are providing for about $6,000,000 worth of ammunition. On every dollar's worth of this ammunition that we manufacture in the Government arsenals as compared to its manufacture by private concerns we can save 35 per cent. On $6,000,000 worth of ammunition we can save $2,000,000; that is, comparing the cost in the arsenal with the cost when purchased from private manufacturers.

Mr. MANN. Will the gentleman yield for a question?

Mr. TAVENNER. Yes.

Mr. MANN. Can the gentleman state where the ammunition manufactured by private concerns is manufactured?

Mr. TAVENNER. Yes. It is manufactured largely by the Bethlehem Steel Co., the Midvale Steel Co., and the Carnegie Steel Co. A few other concerns get a few of the crumbs, but those three firms alone have drawn down $140,000,000 worth of contracts from the Army and Navy in the last 17 years, and they have not only overcharged the Government, but they have cheated the Government in every way. For instance, we have affidavits from workingmen in the Bethlehem steel plant which say that jewelers were taken into these plants at night to gloss over defective gun forgings, so that they could fool the Government inspectors when they came around to inspect the work the next morning.

The extent to which the armor, ammunition, and powder trusts have been overcharging the Government is almost unbelievable. There has seldom been honest competitive bidding between the manufacturers. Secretary of the Navy Daniels discovered this condition as soon as he entered office, and as a result of his activity in getting new independent bidders to enter the field he has saved the Government more than $2,000,000 and has been in office little more than a year.

Here are two sample illustrations out of a multitude which could be cited showing what happens under real competitive bidding:

Realizing the Government was being overcharged for turbine rotary drums the Secretary invited an English firm to submit a bid for the drums to be installed in the new battleship No. 33, now building in the New York Navy Yard. The Midvale Steel Co. and the Bethlehem Steel Co., two of the three concerns composing the armor ring, bid $160,272 and $163,568, respectively, while the English firm, acting for the Cyclops Steel & Iron Works, of Sheffield, England, offered to furnish the drums for $57,436, a saving to the Government over the lowest bid of the armor ring of $102,836.

Then, recently the Secretary awarded a contract for building 100 torpedo flasks, including heads. There was competition; new contractors entered the field previously monopolized by the ring, and the Secretary of the Navy was able to purchase 100 flasks for $58,246, which under former conditions would have cost $115,075.

The bids of the Bethlehem Steel Co. and the Midvale Steel Co. under honest competitive bidding showed a reduction of 44 per cent as compared with bids for similar forgings submitted by these companies only four months previous.

Personally, I believe that these officers who in the expenditure of the people's money have been paying $115,075 for supplies which could have been obtained for $58,246 should, somewhere or in some manner, be required to make a public accounting for their acts.

Mr. HARRISON. Will the gentleman yield?

Mr. TAVENNER. Certainly.

Mr. HARRISON. I would like to ask the gentleman, as a matter of information, in ordinary times what per cent of ammunition used by the Government is manufactured by the Government?

Mr. TAVENNER. I have tried to find out, and I asked the War Department, but was told that they would have to have a special appropriation in order to employ extra clerks to ascertain that fact. The War Department is not anxious for outsiders or even Members of Congress to know too much as to the prices paid for ammunition.

Mr. HARRISON. Has the gentleman any idea about it?

Mr. TAVENNER. I know that right now the private manufacturers have contracts for $1,000,000 worth of field-artillery ammunition alone. The private manufacturers now have ammunition contracts to be delivered before June 20, 1914, amounting to $1,112,324. My contention is that if this $1,000,000 contract had been given to the Government arsenal we would have saved $333,000. The War Department in fixing what it costs at the arsenal to manufacture the ammunition includes interest on all the money invested in the plant, the working capital, and salaries of officers. That is a point open to argument, and each Member can have his own opinion about it. Personally, I contend that the Government does not pay interest on the money involved in these transactions; if it does, who does it pay it to? I contend also that the salaries of these officers would be paid to them whether we manufacture the munitions of war in the arsenals or purchase it from the war trust.

Mr. HAY. Will the gentleman yield?

Mr. TAVENNER. I will.

Mr. HAY. How much was appropriated last year for field-artillery ammunition?

Mr. TAVENNER. Well, the gentleman from Virginia knows more about that than I do.

Mr. HAY. There was $900,000 in the fortification bill and $500,000 in the Army bill, making in all $1,400,000. Now, the gentleman says that $1,000,000 worth of ammunition is being manufactured by private individuals.

Mr. TAVENNER. No; not one million out of that one appropriation. They may have taken money from previous appropriations. Here is the report showing that private manufacturers have that amount in contracts. It does not necessarily mean that it is under the last appropriation bill; it may be scattered through half a dozen years. They have over $1,000,000 in contracts to be delivered June 14, according to Col. Montgomery.

Mr. HAY. My recollection is that these sums are only made available for two years.

Mr. TAVENNER. Then it could only cover two years.

Mr. HAY. The year before that the Army bill contained an appropriation of $100,000 and the fortification bill, I think, $100,000.

The SPEAKER. The question is on the motion of the gentlemen from Wyoming to recede from the disagreement of the House to Senate amendment 178 and concur in the same.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report Senate amendment 226.

The Clerk read as follows:

Strike out section 8, as follows:

"SEC. 8. That to the extent the revenues of the District of Columbia for the fiscal year 1915 shall exceed the proportionate part of the appropriations made in this or any other act and chargeable against said revenues, the same shall be covered into the Treasury of the United States to the credit of 'Miscellaneous receipts.'"

Mr. PAGE of North Carolina. Mr. Speaker, how much time does the gentleman from Wyoming desire to discuss this proposition?

Mr. MONDELL. How much does the gentleman expect to use?

Mr. PAGE of North Carolina. My expectation is to discuss it for about three minutes.

Mr. MONDELL. Mr. Speaker, if the gentleman does not use over three minutes, I will not ask for more than that time.

Mr. PAGE of North Carolina. Mr. Speaker, I do not care at this time to enter into any discussion as to what the meaning of the language of this amendment is. When the bill was before the House I tried to explain at some length what the result of the adoption of the language meant. It is unquestionable. We tried to have no concealment that it is a turning back into the Treasury of any unexpended sum that may remain after the payment of the amounts carried in this and other bills, and that means that the proportion contributed out of the National Treasury to the support of the District government is diminished by that sum, whatever it may be. In other words, to put it frankly, it is an invasion of what has come to be a sacred thing, worshipped by a great many people in the District of Columbia, the so-called half-and-half principle. We believe that there is not any reason why the National Government should contribute to the support of the District of Columbia in exactly this proportion. As one Member of the House, and as a member of this committee, I do believe that there is an obligation upon the National Treasury to contribute to the support and maintenance of the District of Columbia, and I shall not enter into any detail as to why these reasons exist. They are apparent, but there is no reason why it should be in the proportion of $1 from the taxpayers of the District of Columbia and $1 from the General Treasury, contributed to by all of the taxpayers in the United States. While the exact language of this amendment may not be the proper thing to write into the law, it establishes a principle that I believe this House should establish and places the conferees in a position in its conference with the Senate whereby we may evolve a plan that will meet not only with the approval of this House but with the approval of the taxpayers of the country.

I now yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, in three minutes I shall give three reasons why I do not care to discuss this question at length. First, it is very apparent that with the very small attendance, not even a quorum of the Committee of the Whole much less a quorum of the House, the Committee on Appropriations will be able to control a majority friendly to its view of the matter and vote down any amendment that might be offered. It is also very well known that in a full attendance of the House the other day on District day a bill involving this same question, this same principle, was defeated overwhelmingly, and therefore it would not be worth while to discuss the matter with the small attendance that we have now, controlled, I think, by the committee. I feel sure, at the same time, if we had a full attendance of the House the House would vote favorably on my proposition.

My second reason for not desiring to discuss the matter at length is that the gentleman from North Carolina has himself admitted that he has rather lost faith in his former view of the matter and that he doubts now whether the provision should stand at least in the form in which it passed the House.

My third reason is that of course this provision will, in any event, go off upon the insistence of the Senate. It is new legislation upon an appropriation bill and never should have been placed upon an appropriation bill, and under the practice of the two bodies new legislation on an appropriation bill, placed on by one body, must go off ultimately upon the insistence of the other, the other body understanding that on a square vote with a full membership of the House this provision would be voted out of the bill, it will of course insist upon its going off, so it is not necessary to have a record vote now.

Mr. PAGE of North Carolina. Mr. Chairman, I find that several gentlemen desire to be heard on this proposition. I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I do not think I shall occupy the five minutes, but I wish to express a few ideas which I have gathered from time to time during the 12 years of my service in this House respecting the half-and-half system. I will say, to begin with, that I for one came here a believer, and I still believe, that the National Capital should be made the most beautiful city in the world, regardless of expense, and I for one am willing whenever a proposition comes up to beautify this city, to vote an unlimited amount from the Treasury of the United States to do so; but I am absolutely convinced that there is no reason at all for basing the appropriations upon the arbitrary rule of one half from the Government and the other half from the District. Why? Some years the Congress might want to appropriate much more than one half. Some occasion might occur in which we wanted to beautify this city many millions of dollars above one half. Again, occasions might occur when the revenues of the city expended properly might be sufficient to care for the needs of this city, supplemented by an additional sum of one-third or one-quarter; so that the arbitrary, fixed rule of one-half is inconsistent, illogical, unwise, and, in my judgment, to a certain extent unjust and inequitable. I wish to say after consideration on my part I have come to the conclusion that, in the first place, a reasonable valuation assessment should be made upon the property of the city and a reasonable and just rate of taxation based thereon. I mean reasonable in this, not as large, perhaps, as some of the other cities of the United States have to pay, but a reasonable assessment upon the value of the property here, owing to the conditions existing here. Upon that, after the collection is made, then a just and proper distribution should be made of the money; or, in other words, an estimate should be made of what the city actually requires and needs owing to its being the Capital of the Nation. Expend the money that is raised by assessment as far as it goes, then continue on and make the improvements according to the estimates that the Congress determines is right and proper, and then the deficiency, whatever it may be, be it one-half, be it two-thirds, be it three times the amount, the Government ought to pay it, and I for one would be willing to vote for it.

Let the commissioners make their estimates for what they need. Send them to the proper committee of this House. Let those estimates be approved. Then, in so far as the District revenues will pay them, pay them out of that. In so far as the revenues will not pay them, then the Congress, I feel sure, will vote the required amount, regardless of what it is. If we desire to be extravagant or if times are good and we have plenty of money and we desire to beautify this city, let us beautify it out of the National Treasury, and not be restricted by the one-half system and be bound to pay that every year, regardless of what the needs of the Government are.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS. Just one minute more.

Mr. PAGE of North Carolina. I yield the gentleman one minute more.

Mr. DAVIS. Let a just and proper estimate be made. Let the committee adopt it, and I think the Congress would also sanction and approve it and act upon it, regardless of what revenue the city had raised. Let us put that into effect; let us make the improvements, and the deficiency, whatever it may be, the General Government should pay.

Mr. PAGE of North Carolina. Mr. Speaker, the gentleman from Iowa [Mr. PROUTY] desires a little time, and I yield him five minutes.

Mr. PROUTY. Mr. Speaker, as you perhaps all know, I have given a good deal of thought and consideration to the taxation situation in the District of Columbia. As I look at it, Congress faces a condition and not a theory. When the commissioners were appointed in 1874 to investigate this whole question they found that if they would levy upon the people of the District a tax of $1.50 on the $100, at actual value, that it would produce about enough revenue to pay one-half of the contemplated expenses of this administration, and such a law was enacted. As the city grew in wealth it was not very long until it was found that if this rule were applied it would produce more money than was really necessary, provided the Government paid a corresponding amount. The first thing they did, as this began to show, was to try to find ways to cut down the amount that would be raised from the District, and one of the first things they did was to take off the tax list all moneys and credits—what is known as "intangible property." That did not quite reduce it enough, and then they concluded they would take off all such things as diamonds, personal wearing apparel, articles of personal adornment; and that did not keep it down low enough, and then they provided that instead of real estate being assessed at 15 mills, or $1.50 on the $100 of its actual value, it should be assessed at 10 mills, or $1 on the $100. Now, every-

body who has studied the question at all knows if you apply even these rules that it produces more revenue than is legitimately needed here, provided the Government continues to put up its additional one-half; and the very minute you attempt to propose any kind of legislation here to put taxation upon those people such as we all hear at home they raise the cry, "Why, there is no necessity for it."

A few years ago when this House did in fact pass an inheritance tax, it was sent to the commissioners and the commissioners reported that it was a good bill; that it was just; that practically all the States of the Union had such a tax; but there was no necessity for levying it here, because the taxes they now collected were ample to meet the District's one-half. Now Congress is facing this situation of allowing great favoritism and exemption and partiality to these people or abolishing the half and half principle. This little amendment is a mild one, but it goes quite a way toward effecting a reform. In a few days I expect to try to get before this House an inheritance-tax bill which I have prepared and which has been reported favorably by the committee. When we were discussing that question in the House recently, attention was called to the fact that men all over the country who did not actually live here made this their place of technical residence in order to escape the inheritance tax and other taxes, and reference was made to a Mr. Post, who had just died a few days before that. The claim was made that although he lived at Battle Creek, Mich., and possessed a great many million dollars there, yet he had sought to make this his technical residence to avoid two classes of taxation, one taxation upon personal property, such as moneys and credits, and the other to avoid the inheritance tax. Some gentleman on the other side at once sprang to his feet and asserted that there was nothing in that claim; that he had investigated it and that there was no truth in it.

Since that time—and I happened to-day to get a copy of the will and the schedule—that man's will has been filed in this District for probate, in which he recites that he is a resident of the District. The inventory filed with the will on application for probate shows that he is worth $22,000,000. He has for many years lived in Battle Creek, Mich. He had only $9,700 worth of real estate in this District—a little bit of a property up here—in which he never lived. All the personal property he has in this District is $1,000 worth of household goods, which have been in storage in one place for 10 years, and I have the record of it. And yet, by doing that, he defeats Michigan out of more than a million dollars of inheritance tax, if he had died an actual resident where he really had lived. And I might say while I am making this same point that he had $18,000,000 of money and credits that would have been taxed all of these years under the laws of Michigan. But he claimed he was a resident here, and therefore fought taxation there. When he comes here he does not have to pay it, because under the law it is not required of him. We have neither inheritance tax nor tax on moneys and credits here.

Now, Congress has got to look this thing squarely in the face. Are we going to make Washington an asylum for the rich, where they can get out of taxation elsewhere by claiming a technical residence in the District of Columbia? I apprehend, if I propose my bill, there will be believes all over this House who will say, "You do not need that kind of a tax. We do not need it; we have more revenues than we need." I admit that. But that is no ground, in my judgment, why we should exempt these men from taxation of their vast estates; and I have got a good many cases of the same kind in the city of Washington, where that thing has been carried on successfully and systematically for the purpose of escaping taxation in the jurisdiction where they actually lived. For one, I will put myself on record that I am going to fight just as long as I am in this Congress for the abolition of that practice, and help put through laws making that impossible. [Applause.]

Mr. PAGE of North Carolina. Does the gentleman from Illinois [Mr. MANN] desire time?

The SPEAKER. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I do not know that I should say anything upon this proposition at all. The gentleman from Wyoming [Mr. MONDELL] was allotted three minutes for the purpose. Our distinguished friend from Minnesota [Mr. DAVIS], who is the ranking Republican on the subcommittee for appropriations for the District of Columbia, expressed himself in favor of the House yielding on the half-and-half proposition, and my friend from Iowa [Mr. PROUTY], the ranking Republican on the Committee on the District of Columbia, has expressed similar sentiments. I do not know whether these two latter gentlemen represent a majority of this side of the House, or a minority, upon this proposition. But I know that their views do not represent the unanimous sentiment on the subject.

I do not agree with my friend from Minnesota [Mr. DAVIS] that the city of Washington ought to be made the most beautiful city in the world, regardless of expense, as stated by him.

Mr. DAVIS. Why?

Mr. MANN. I think the city of Washington ought to be a beautiful city, and I know it is a beautiful city; but I would not make it the most beautiful city in the world regardless of expense, nor do I think it is essential to make it the most beautiful city of the world in any event. It is a beautiful city and ought to be maintained a beautiful city. I believe that the half-and-half system in the main has worked very well. I do not undertake to say whether it is the most perfect system which could be devised, but in my opinion it is much better than any which has yet been proposed to take its place.

Under the proposition in the bill every dollar which would be appropriated in the District of Columbia for anything more than the bare necessities would be considered as coming out of the General Treasury, because all of the revenues raised on the property of the District would be subject to be used, first, for the ordinary necessities of government, and as it is proposed that the General Treasury shall contribute the balance, whenever we erected a bridge, or paved a wide street, or put in a bathing pool, or provided for anything else other than the bare necessaries of government, any gentleman could properly say that it all comes out of the General Treasury. I do not believe that is a wise position to place Congress in. I think we fairly ought to know in advance what portion of the expenses is to be borne by the local people and what portion is to be borne by the General Government. Hence I am opposed to the proposition which is put in the House bill. While I do not apprehend that the House will now recede, I think that if the Senate insists upon its amendment, at some later period, when the House membership is larger, when the seats are all occupied, when the matter has been again fully canvassed, as it was on the District bill, which was defeated the other day on a roll call, the House will take the same position again on this amendment which it took on the substitute for the George bill. Of course, no one can predict what will take place. I believe that the present system in main produces harmony and is fair. I hope the proposition of the gentleman from Wyoming may be agreed to; if not now, later on.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I do not rise to contest this amendment at this time. I do not know that I would do so at any time, as I realize the fact that the committees of the House must, to a large extent, work out these bills. But on the question of taxation, especially in this District, I believe, of course, that all taxation should be uniform and that it should be distributed in accordance with the wealth of the District and the wealth of the individuals that pay it. I am one of those who believe that all men ought to pay some taxes, because I believe that to support the Government makes a good citizen. But the man who has great wealth should pay in proportion to his wealth and the man who has poverty should pay in proportion to his poverty. But I do not agree with the idea that we should tax neither wealth nor poverty unless the exigencies of the Government require it.

That government is most fortunate that can run at a low rate of taxation. The citizenship of a government is more fortunate that lives under a government that taxes them lightly, because when a citizenship is burdened with low taxation they not only have a larger field for the expenditure of their individual income, but they have a greater opportunity for the development of institutions under that government for the benefit of the whole community and the protection of those who are in distress.

But I want to say, so far as this matter pending before the House is concerned, that although I believe the people of the District of Columbia ought to bear a fair share of the burdens of taxation, I am one of those who believe that the District of Columbia does not belong alone to the citizens of this District, but that it belongs as well to the people of the United States. This is the Capital of the greatest country in the world. We should be proud of it, and we should make the Nation proud of it, and we must make expenditures here to set an example to the other cities of the United States that would not, under ordinary circumstances, be borne by a city.

Mr. CARY. Will the gentleman permit a question?

Mr. UNDERWOOD. Not right now, please. There is no city in the world where the Government itself owns more property. We can not overlook the fact that the fire and police protection is granted to the property of the Government of the United States here by the government of the District of Columbia. I do not believe for a minute that this great Government of ours should put the entire burden of sustaining the government of

Mr. PAGE of North Carolina. Would the gentleman abandon schoolhouses only a few blocks away, throwing that investment away, so that he might bring the schoolhouses within the reach of the children?

Mr. CRAMTON. There is no such schoolhouse involved in this case.

Mr. MONDELL. Mr. Speaker, I would like to have about 10 minutes. I know something about the Powell School, and I would like to say something about it.

Mr. PAGE of North Carolina. Mr. Speaker, I yield to the gentleman from Wyoming 10 minutes.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for 10 minutes.

Mr. MONDELL. The gentleman from Mississippi [Mr. SISSON] has laid great emphasis on the statement that a showing was made some time ago to prove that the city of Washington had better and larger school facilities, compared with the school population, and more air and floor space for students, and so forth, than any other city in the country. Well, I do not know as to the accuracy of those statements. I live in a little town of a thousand people, and I know that our school facilities there, as to the amount of space for scholars, are better than they are in this beautiful Capital of the Nation.

Now, I happen to know something about these particular schools. I want the attention of the gentleman from North Carolina [Mr. PAGE], who believes in schools and who is a friend of education. He is trying to keep down the appropriations. That is the trouble with him. In order to make this matter clear I must refer to my own experience. The nearest school to my home is 8 blocks away; in a radius of from 8 to 10 blocks from my home we have the choice of 3 schools—the Powell, the Thompson, across the street from the Powell, and the Cook. A year ago it was some weeks before we could find school accommodations for our four children, and then it became necessary to send the two smaller children 10 blocks to school; and it was necessary to take them there, because it was necessary to cross car lines in order to get there.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman inform us how far he went to school when he was a child?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. I would like to ask the gentleman how far he went to school when he went as a child?

Mr. MONDELL. Well, I went a good way, and I went through snowdrifts and all that sort of thing.

Mr. PAGE of North Carolina. I want to ask the gentleman whether he feels it is a hardship for a child to go 10 blocks, or even 12 blocks, to reach a school?

Mr. MONDELL. I think it is a good deal of a hardship for a child of 7 or 8 to go that distance in the winter and to cross several car tracks in going that distance in a city. Now, there may be all the school facilities in this city that are needed, provided you could bring the school facilities and the children together. The gentleman certainly does not expect that the people living in the northwest will send their children clear across the city to school; and yet that is what we are compelled to do. Pupils in my neighborhood, including my eldest daughter, go between 4 and 5 miles to the high school, because there is no high-school accommodation available nearer, and two street car transfers are necessary in going that distance.

Mr. PAGE of North Carolina. Will the gentleman yield there?

Mr. MONDELL. I will.

Mr. PAGE of North Carolina. The gentleman knows very well that steps have been taken to meet this condition that he speaks of.

Mr. MONDELL. I understand there have.

Mr. PAGE of North Carolina. And he is trying to prejudice this case by one that has been provided for.

Mr. MONDELL. It will be three years at the earliest before these new high-school facilities are provided, and if we do not provide for this condition at the Powell School, the congestion will grow worse year after year, and before the school is provided for there will be hundreds of children up there without school facilities.

Now, another thing. Adjacent to the Powell School, and across the street from it, is the Thompson School. Adjacent to the Thompson School is an old wooden building; and I will say to the gentleman that I left my youngest daughter at that old wooden fire trap several mornings this last winter with very considerable misgivings. I am not compelled to send my children to that kind of a schoolhouse in the little country town in which I live, and I ought not to be compelled to do it in the Capital of the Nation. It is an old frame shack—a fire trap—heated with stoves, adjacent to the back doors of half a dozen residences, and crowded to the doors with children in the lower grades, little children who would find it difficult to escape if a fire should break out. The gentleman from North Carolina pretends to tell us that we do not need additional school facilities in that part of the city, when we have children crowded out of school, children going 5 miles to the nearest high school available, children going to school in a fire trap that is a disgrace to the city. Yet the gentleman insists that we shall not make provision for these schools. [Applause on the Republican side.]

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote on this amendment.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to recede from the disagreement of the House to Senate amendment numbered 104, and agree to the same.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. MONDELL. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 31, noes 47.

Mr. MONDELL. Mr. Speaker, I ask for tellers.

The SPEAKER. The gentleman from Wyoming demands tellers. Those in favor of ordering tellers will rise and stand until they are counted. [After counting.] Thirty-two, not a sufficient number.

Mr. MANN. I ask for the other side.

Mr. UNDERWOOD. I make the point of order that there is no other side for tellers.

Mr. MANN. Oh, yes.

Mr. UNDERWOOD. One-fifth of a quorum is the required number.

Mr. MANN. Then I make the point of order that there is no quorum present.

The SPEAKER. One-fifth of a quorum orders tellers; and the gentleman from Illinois [Mr. MANN] raises the point of order that there is no quorum present.

Mr. MANN. Of course we can not get tellers with one-fifth of a quorum present in the House.

Mr. UNDERWOOD. Mr. Speaker, I merely desired to save time by making the point of order, but rather than have the point of no quorum made and the roll called I will ask unanimous consent that tellers be ordered.

Mr. DONOVAN. No; you get tellers by the count. You said that there were 32. A fifth of a quorum is 20.

The SPEAKER. This is in the House, not in Committee of the Whole.

Mr. UNDERWOOD. I ask unanimous consent that tellers be ordered.

The SPEAKER. The gentleman from Alabama asks unanimous consent that tellers be ordered. Is there objection?

There was no objection, and the Speaker appointed Mr. PAGE of North Carolina and Mr. MONDELL.

The House again divided; and the tellers reported—ayes 36, noes 52.

Accordingly the motion of Mr. MONDELL was rejected.

The SPEAKER. The Clerk will report amendment No. 105.

The Clerk read as follows:

For a site for a new school building in the sixth division, north of G Street and east of Tenth Street, $45,000, or so much thereof as may be necessary.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the disagreement of the House to Senate amendment No. 105 and agree to the same.

The motion was rejected.

The SPEAKER. The Clerk will report amendment No. 169.

The Clerk read as follows:

Toward the construction of a new building for the Central Dispensary and Emergency Hospital, to be erected on the site purchased and owned by said hospital, $50,000.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] that the House recede from its disagreement to the Senate amendment No. 169 and agree to the same.

The motion was rejected.

The SPEAKER. The Clerk will report amendment No. 178.

The Clerk read as follows:

For the preparation of plans and specifications, necessary grading of site, and for the erection of hospital buildings, including power house and domestic-service building, for municipal purposes, to be located and erected on the site now owned by the District of Columbia at Fourteenth and Upshur Streets, and hereafter to be known as Gallinger Hospital, with authority to contract for the completion of said buildings at a total cost not to exceed $300,000, which amount is hereby appropriated and made immediately available.

The SPEAKER. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] that the House recede from

its disagreement to Senate amendment No. 178 and agree to the same.

Mr. MONDELL. Does the gentleman from North Carolina [Mr. PAGE] desire to make any statement in regard to this?

Mr. PAGE of North Carolina. Mr. Speaker, I had not desired to make any statement; but if the gentleman wants to discuss it, I will make a statement.

Mr. MONDELL. I do not care for more than a minute or two myself.

Mr. PAGE of North Carolina. Mr. Speaker, for the information of Members who may not have been listening when this amendment was read, I will state that this is a proposition to construct a hospital in the northwest, near the location of the Tuberculosis Hospital, and the hospital which it is proposed to construct is to be for indigent patients in the District of Columbia now cared for in another locality. The conferees did not believe that this amendment should be agreed to, or that this construction should be proceeded with at this time. I ask the House to vote down the motion of the gentleman from Wyoming.

Mr. MONDELL. Will the gentleman yield me time?

Mr. PAGE of North Carolina. I yield to the gentleman two minutes.

Mr. MONDELL. Mr. Speaker, a few moments ago the gentleman from Mississippi [Mr. SISSON] asked the House to join with the committee in progressive legislation. Here is the opportunity. No city worthy of the name should be without a municipal hospital. Few cities in the world worthy of the name are without municipal hospitals. One of these cities, great and beautiful as it is, the Capital of this great Nation, has no municipal hospital. We are entirely dependent upon private hospitals. The time has certainly arrived when a municipal hospital should be undertaken and its building speedily begun. We have the ground for such a hospital. It will take four or five years to build it if we begin the work now. There are sufficient revenues available in the treasury of the District to pay the District's half of this work. It is proposed, in this connection, to perpetuate the memory of a Senator of the United States who has done a splendid work in general legislation and for the people of the District of Columbia, and I ask the gentleman from Mississippi [Mr. SISSON], who believes in progressive municipal legislation, according to his statement, to embrace the opportunity to so legislate.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, the provision in this bill which authorizes the appropriation of $300,000 for a municipal hospital is a question that has been agitating the minds of certain gentlemen in the city of Washington for a good many years. The city of Washington is now taking care of its indigent poor in various hospitals of the city, together with the Washington Asylum, which is the poorhouse. I think, so far as the Government is concerned in taking care of this class of patients, we are very well situated. The idea of going out here, as has been said in the hearings on this subject, 3 or 4 miles to establish a municipal hospital is not going to work any benefit to those who find it necessary to enter such an institution. Three hundred thousand dollars is but a beginning. We must understand, and the House must understand, that if $300,000 is authorized for building this hospital it does not mean that that is the extent of the expense that would be necessary for such an institution, because it means in the end what was recommended a few years ago by a commission who investigated the subject—$3,000,000. That was the sum recommended 10 years ago. I think there is no neglect of this class of people. If there was any neglect, I would be the last man in the world to stand before you and advocate the saving of a few thousand dollars in taking care of the unfortunate class of people who are not always paupers, but indigent at the time on account of the unfortunate condition of being sick.

So I believe the House ought not at this time to authorize the beginning of the building of this municipal hospital. I hope the House will vote down the motion of the gentleman from Wyoming and let us go along as we are doing now in taking care of this class of patients in these most excellent hospitals that the city of Washington now supports.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I served on the Committee on Appropriations some years, and while in that service I had an assignment to the subcommittee that has jurisdiction over this bill. During my service there we had the question of establishing a municipal hospital under consideration several times. The judgment of the committee was, and my judgment still is, that we have a much better system of taking care of the indigent patients in the District than we could have by the establishment of a municipal hospital. To-day we have the benefit of every hospital in the District of Columbia. So, as a matter of fact, we have a municipal hospital better equipped for the care of indigent sick than any municipal hospital in the world could afford. It is a much more economic plan than it would be to establish a hospital under the jurisdiction of the local authorities. The private hospitals are contributed to out of the funds of the District and of the Government every year, and every hospital in the District is required to take patients sent to them, not only by the Board of Charities but by every official charged with the conduct of affairs in the District of Columbia.

The conclusion reached by the committee when I was serving on it was that the thing which we needed most here was a tuberculosis hospital, and that committee recommended the establishment of a tuberculosis hospital on the ground where it is proposed to build this municipal hospital. The Tuberculosis Hospital is in existence to-day. It is caring for all that class of patients.

Mr. SISSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. SISSON. It is also fair to state that all the other institutions declined to take tuberculosis patients.

Mr. MADDEN. They did, and that was the reason of establishing the tuberculosis hospital. To establish this hospital now for the care of indigent sick to be managed by the District government officials would be a species of extravagance unjustifiable, and would take away the efficiency which already exists for the care of these people and place them in an institution where the brand of poverty would be placed upon them; whereas now, although they may not be able to care for themselves and pay for their care, they are sent to institutions which house people who are able to pay for services, and where they are given the same character of treatment that the man who has millions of dollars receives in the same institution.

Mr. COX. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. COX. I ask solely for information on my part. Does the Government contribute to the maintenance of a hospital such as the Providence Hospital?

Mr. MADDEN. This bill appropriates something for almost every hospital in the District of Columbia.

Mr. COX. How much does it amount to?

Mr. MADDEN. I have not the amount in my mind.

Mr. PAGE of North Carolina. It appropriates $19,000 for the Garfield Hospital, $19,000 for the Providence Hospital, and $5,000 for the George Washington University and Georgetown.

Mr. MADDEN. There is a per diem allowance for each patient that goes to these hospitals.

Mr. COX. The amount which is contributed to these hospitals is designed to take care of the indigent people?

Mr. MADDEN. The amount contributed throughout the bill takes care of the indigent sick in the District, and it does not amount to as much as one-half of the salaries to be paid for the operation of a municipal hospital would amount to. So that if you build a municipal hospital you invest about $2,000,000, and then you employ a staff, to whom you pay an enormous salary. The interest on the investment and the salary roll will amount to five times more than we pay for the care of the indigent sick in the District under the present plan. Although I am not in favor of economizing against the interests of the sick who are poor, yet if we can get more effective service in their behalf by the payment of 10 cents, there is no reason why we should expend $10 for it.

Mr. GARRETT of Texas. Mr. Speaker, will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. GARRETT of Texas. Does the gentleman believe from his experience on the committee and dealing with this subject that even if we should establish a strictly charitable hospital the patients in that hospital would get the same treatment that they would get under the present system, where the hospital authorities are required to treat all patients alike?

Mr. MADDEN. Mr. Chairman, I have just said that they would not get anything like the treatment they get now, because each one of these institutions at present is organized to treat all classes of people, and they are only treating the indigent sick of the District because they are compelled to do it, and they are compelled to do it on the same basis that they treat the millionaires. So not only from the standpoint of benefit to the poor who are sick, but from the standpoint of the investment, we are getting better service to-day than we would get if we established a municipal hospital in the District of Columbia. [Applause.]

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote.

Mr. PAGE of North Carolina. Mr. Speaker, I move the previous question on this amendment.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Wyoming to recede from House disagreement to Senate amendment numbered 28 and concur in the same.

The question was taken, and the Speaker announced the noes seemed to have it.

On a division (demanded by Mr. MONDELL) there were—ayes 15, noes 38.

So the motion to concur was rejected.

The SPEAKER. The Clerk will report amendment No. 103.

The Clerk read as follows:

For a four-room addition to the John F. Cook School, $33,000, or so much thereof as may be necessary.

Mr. PAGE of North Carolina. Mr. Speaker, amendment No. 103 as just read by the Clerk and amendments Nos. 104 and 105 all relate to appropriations either for the extensions of present school buildings or purchases of school sites. I would say to the House that these matters were all carefully and diligently investigated by the subcommittee of the Committee on Appropriations formulating this bill in the House; that we made the appropriations for the extension of the school system by the erection of school buildings and purchased all the additional ground that appealed to the committee as being in any way necessary at the present time. This amendment and the two following were estimated for, it is true, by the District Commissioners, but they were not insisted upon either by the District Commissioners or very insistingly by the board of education. They are matters that at some time may have to be attended to, but they are not now in any measure urgent. As one of the conferees, I ask that the House sustain us and disagree to the amendment now before the House.

Mr. MURDOCK. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. MURDOCK. What are these amendments which the Senate added?

Mr. PAGE of North Carolina. The Senate has added, in this particular amendment before the House, the Cook School, a colored school, located in the northwest, $33,000, for an addition to the building. Upon investigating it we found, while that building was full, it was not particularly crowded, and that there were other school buildings for colored children within reach of some of these pupils in which the schoolrooms were not full, and the pupils might reach them and not be at all crowded.

Mr. MONDELL. Will the gentleman yield?

Mr. PAGE of North Carolina. I yield.

Mr. MONDELL. Is the gentleman sure this is a colored school?

Mr. PAGE of North Carolina. The Cook School?

Mr. MONDELL. I think the gentleman is entirely mistaken.

Mr. PAGE of North Carolina. No; I was thinking of the next school—the Powell School.

Mr. MONDELL. The gentleman ought to be more accurate——

Mr. PAGE of North Carolina. The facts are the same that exist as to both of these schools—the colored school and the other.

Mr. MURDOCK. How much is wanted for the other?

Mr. PAGE of North Carolina. Sixty-six thousand dollars for the Powell School and $33,000 for the Cook School. One is a four-room addition and the other is an eight-room addition.

Mr. MONDELL. The gentleman is also mistaken about the next school—the Powell School. That is not a colored school. I have two children who attended it.

Mr. PAGE of North Carolina. I beg the gentleman's pardon again; I was mistaken; it is very easy to make a mistake about this great number of schools, but the facts are as I stated and are absolutely true, that the necessity does not exist provided that a proper distribution of the children is made in the localities where the schools now exist.

Mr. MONDELL. I would like about five minutes on this one item.

Mr. PAGE of North Carolina. I yield to the gentleman five minutes.

The SPEAKER. Before the gentleman from Wyoming begins the Chair would like to ask him a question. Now, the gentleman from North Carolina says the very same question is involved in amendments numbered 103, 104, and 105, and the Chair would like to ask the gentleman from Wyoming if he wants a separate vote on those three amendments?

Mr. MONDELL. I have no objection to having amendments numbered 103 and 104 voted on together.

The SPEAKER. All right.

Mr. PAGE of North Carolina. One is for a building and the other is for a site.

Mr. MONDELL. If the gentleman will give me 10 minutes on the two items.

Mr. PAGE of North Carolina. I think the gentleman can discuss them in five minutes; the same principle is involved.

Mr. MONDELL. I may not use all the time——

Mr. PAGE of North Carolina. The same principle is involved and the gentleman can use five minutes, and then if he has something more to say——

Mr. MONDELL. I think I know more about these schools than the gentleman does. I am going to speak of my knowledge.

Mr. PAGE of North Carolina. I think the gentleman has a habit of thinking he knows more about everything than anybody in the House——

Mr. FOWLER. Not altogether; there is Mr. MANN.

The SPEAKER. How much time does the gentleman yield?

Mr. PAGE of North Carolina. Five minutes.

Mr. MONDELL. Mr. Speaker, I shall have to insist on a separate vote on this item. Mr. Speaker, it is not very difficult for me to prove, as far as this particular matter is concerned, that I know more about it than the gentleman from North Carolina. He thought it was a colored school. It is a white school, just off Mount Pleasant Street, a school two of my children attended a year ago. There is a very great need for an additional school building up there on the hill at that point.

It is a part of the city that is growing more rapidly than any other part. I had great difficulty last winter in getting my children into the schools in that part of the city owing to the fact that there was not room. It was necessary to send part of them to the Cook School and part of them to the school that is provided for in the next item—the Powell School—in order to secure accommodations for them.

Mr. CRAMTON. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. CRAMTON. I may say, Mr. Speaker, that I found the same difficulty. I was not able to put my little girl in this Cook School for a period of two or three months owing to a lack of accommodations.

Mr. BRYAN. I want to say, from the number of children the gentleman from Wyoming has, part in this and part in another school, he ought to be a Progressive.

Mr. MONDELL. I am progressive in the true sense, as all good Republicans are. I am blessed with five. Four of them are attending school in the city of Washington.

This school is needed and it is needed badly. It is in a very crowded condition, and it is very difficult to take care of the growing school population up there on the hill.

Scholars in this particular locality are divided between the Cook School and the Powell and Thompson Schools. There is an abundance of need for the additions to these schools. The District Commissioners very wisely bought enough ground so that the additions could be built and still leave ample ground around the schoolhouses. And if the gentleman is really anxious to provide the District with needed school facilities, he will not hesitate to agree to this item.

The SPEAKER. The time of the gentleman has expired.

Mr. PAGE of North Carolina. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, in order that we may get the facts in the RECORD, I wish to say that on school buildings and grounds your committee has been most liberal. If the committee would look on pages 56 and 57—I am not going to enumerate them all—they will find that the subcommittee of the House and the House itself were more liberal this year in the amount of money contributed to the school buildings than they have been for several years. I want also to state for the benefit and information of the House, to those who may have forgotten, that two years ago a very accurate measurement was made by the Engineer Commissioner of the District of the school space in the District of Columbia for pupils, and it is vastly in excess of school space in any other city in the United States, and perhaps in the world. And where they speak of the schools being crowded in the District of Columbia, it is largely a question of apportionment and assignment of children, because there is more floor space, more cubic feet of air space, for every eligible child in the District of Columbia than in any other city in the United States.

Mr. KELLEY of Michigan. Will the gentleman yield?

Mr. SISSON. I will.

Mr. KELLEY of Michigan. Just for this suggestion. Mr. Speaker, I live up there on the hill, and have two children. I tried to get them into the Powell School and the school across

the street—I have forgotten the name of that—but could not get them in there at all, and then went over to the Cook School, and after quite a bit of persuasion got the children in there. But my little boy has been sitting at the teacher's desk all the year because he could not get a seat elsewhere. It does seem to me that there is a lack of facilities on the hill.

Mr. SISSON. That is possibly true, because they allow much more floor space and air space per child in the District of Columbia than they do anywhere else in the world. Now, it is not a question of the availability of the floor space; it is failing to use what they have. Another thing, in some portions of the city there is ample space, and in order to apportion these children this thing was all thrashed out here in this bill once or twice before, and statements of the character made by my friend just sitting down had been made so repeatedly that when the present Postmaster General had charge of this bill he had the engineer commissioner of the District measure all the floor space in this city in all the schools, and the overwhelming facts were that there was more floor space per educable child in the District of Columbia than in any other city. And that was when they were making the demand for these additional schools. Notwithstanding the condition as it prevailed at that time, your committee has added school buildings, has added additional rooms to these other schools, and we have been most liberal with the schools here. In fact, I state that the liberality in reference to the schools in the District is more than the liberality shown by the people of any other city in the world. They have more teachers; they have more floor space; the schools are more accessible, as a rule, to the children than they are in other cities, and the salary of the teachers is higher here than in any other city in the world for the amount and character of classes which they teach. There can be no complaint from any source. And your committee gave to the schools of this District liberal appropriations, and we yielded to the Senate on many of the items which we thought were not necessary, but which they insisted upon, and those are the items we could not agree upon. And to be perfectly frank about it, this bill now carries more money with those items which we have already agreed to than any bill that ever passed both Houses of Congress, and there can be no criticism lodged against your subcommittee, there can be no criticism lodged against your conferees. If you add all of these amounts, you will find that they are vastly more than the District bill has ever carried before. Your conferees have done the very best they could, and we have been most careful in investigating these matters, and we have given in this bill more than, I think, was necessary. In many instances, upon the demand of the Senate conferees, we yielded when we ought not to have yielded, in an effort to get together.

The SPEAKER. The time of the gentleman from Mississippi has expired. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] to recede from the House disagreement on Senate amendment 103 and concur in the same.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. MONDELL. Division, Mr. Speaker.

The House divided; and there were—ayes 24, noes 40.

So the motion was rejected.

Mr. PAGE of North Carolina. Mr. Speaker, I ask for a vote on the next amendment.

The SPEAKER. The Clerk will report amendment No. 104.

The Clerk read as follows:

For an eight-room addition to the Powell School, $66,000, or so much thereof as may be necessary.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DONOVAN. I want to get the right to ask a question, if I may be allowed to do so.

Mr. PAGE of North Carolina. I have the floor, and the gentleman may ask his question.

Mr. DONOVAN. What are you going to do with these statements made by two Members here that they could not get their children into the schools? Are they untruthful about it?

Mr. PAGE of North Carolina. I do this with them: An investigation of the conditions herewith show that if these two gentlemen or any other gentlemen who live in that locality, and a great many other people who live in that locality, will remove their prejudices or their lack of desire for their children to go a few blocks farther to school, they will find plenty of room for them.

Mr. DONOVAN. They go to the schools in their neighborhood, and both gentlemen state here that they could not get their children into school. Now, you bring in here a report, or your associate from Mississippi [Mr. SISSON] brings in a measurement, showing the space in the schools, but yet these Members can not get their children into school.

Mr. PAGE of North Carolina. On the other hand, Mr. Speaker, I am not controverting the facts. I am not controverting answers to the gentleman's inquiries.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield?

Mr. PAGE of North Carolina. In a moment. I am not controverting the facts, I say, as to this particular amendment. Gentlemen who are well acquainted with the city know that it is over on the hill known as Columbia Heights, or Washington Heights, where there is very dense population. The whole city there is built up. There are three schools, none of them very far from each other, and all of those schools are about full. We are willing to admit that. We do not deny that. But we do come with the statement that there are a number of buildings, not a very great distance removed, that have classrooms that are practically empty; and whether it is the business of these particular gentlemen to send their children to those schools or to suit all other people in sending the children to school, I contend that the board of education should adjust this matter by a reassignment and readjustment of the children.

The school buildings are not now so overoccupied, are not so far distant from these children, that there is any hardship for the children to enter them.

Mr. CRAMTON. Will the gentleman yield there?

Mr. PAGE of North Carolina. Yes.

Mr. CRAMTON. The gentleman suggests that perhaps by sending the children farther away accommodations could be secured. It happens that my little girl of 7 has to go about 7 blocks in order to go to this Cook School, crossing two street-car tracks. How much farther do you think it necessary and proper to send a child of that age in order that she may go to school?

Mr. PAGE of North Carolina. I think that if the gentleman will investigate he will find a school nearer to him into which he can get his child.

Mr. CRAMTON. I have investigated, as the gentleman from Wyoming [Mr. MONDELL] has; but it is apparent that the gentleman from North Carolina has not investigated the subject, because there is no school nearer than that for me to send my child to.

Mr. PAGE of North Carolina. Mr. Speaker, there is but one remedy, if we are to make these appropriations and spend these amounts of money for the purpose of accommodating the children of Members of Congress, because I have heard no particular complaint from elsewhere, and that is to pass a provision requiring that Members of Congress shall live in some other locality in the city where there are school facilities.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield again?

Mr. PAGE of North Carolina. Yes.

Mr. CRAMTON. I am not complaining on my own account, for the reason that my little girl is now in school, although she was delayed several months in getting in. But I am trying for the benefit of others to elicit information for the gentleman in charge of the bill so that he can act intelligently. The gentleman has manifested by his statements that he does not understand the situation surrounding the schools.

Mr. PAGE of North Carolina. That is all right for the gentleman to say—the gentleman who knows nothing about the general conditions in this city or the general school conditions here; it is all right for him to come in here and charge me with ignorance, when I have visited practically every school building in this city in an effort to discharge my duty as a member of this committee, and I do come here and say I do know what the conditions are generally in the District of Columbia, whereas the gentleman from Michigan does not.

Mr. CRAMTON. Mr. Speaker, will the gentleman yield again?

Mr. PAGE of North Carolina. I yield to the gentleman.

Mr. CRAMTON. I want to suggest that the amendment we have before us and which was under discussion—No. 103—has to do with the John F. Cook School and not with general conditions. The decision should be made with reference to that school, and not with reference to general conditions.

Mr. PAGE of North Carolina. If the gentleman will allow me, we must take into consideration the general school facilities of the city in making appropriations and not one particular school. Otherwise we would build three or four additional schoolhouses in that section, and possibly in a few brief years there would be some other schoolhouses in other sections of the city in which there would be no children, merely to bring the schoolhouses into the same block where the children reside.

Mr. CRAMTON. Is it not desirable to bring the schoolhouses into the localities where the children are?

the House to the opportunity for further action. That time has come, and I will yield to my colleague on the conference committee, Mr. SISSON.

Mr. SISSON. Mr. Speaker, I understand the gentleman from North Carolina [Mr. PAGE] yields to me, but still controls the floor.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] yielded to the gentleman from Mississippi.

Mr. SISSON. This matter was so thoroughly discussed in the House before that I do not know that anything we might say upon this matter would be able to change the viewpoint of any Member of the House in reference to it.

Mr. MURDOCK. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. MURDOCK. Is this the amendment which provides that the cost of pavement shall be assessed against abutting property?

Mr. SISSON. This is the Borland amendment, which provides for the assessment of one-half the cost to the property owner on one side, and the other half to the property owner on the other side. In other words, all of the cost is assessed to the property owners on both sides. As has been suggested also, the Federal Government would be called upon to pay its pro rata share wherever Government property abuts on a street.

Some casual investigation of the matter will show that in about 55 per cent of the cities of the United States the abutting property owners pay all of the street improvements. So far as I know, every modern or new city in the United States has this rule. There may be a few exceptions, but very few.

In about 70 per cent the general treasury of the municipality responds to about one-third of the cost of paving. In about 95 per cent of the cities of the United States the property owners contribute something toward street paving. In about 5 per cent of the cities it is paid for out of the general treasury, but these are the older cities of the United States and not the new ones.

I do not know that I betray any sort of confidence when I say that it was the purpose of the conferees, if they could not get the Senate conferees to agree to this item, to agree upon some basis of assessment, so that the property owner might pay at least a portion of the cost of paving the streets.

Your subcommittee that made up the bill have visited every street which it is proposed to improve. We visited every street where the Senate proposed an amendment to us before we agreed to it in conference, and we had an opportunity to learn more than we have ever known before about the city and its streets. I presume an examination of almost any city would be about like an examination of this city. You will find many streets where the only people benefited at all by the street pavement are the property owners themselves. There are many streets which are used only to go to the homes of the people living on the street, where the general public never use the street, except as the delivery wagons deliver produce to those homes for their convenience. It is admitted by every authority worthy of note in reference to municipal improvements that the immediate and direct benefit of laying a street or a sidewalk inures first to the benefit of the man who owns the property where the pavement is laid. The other benefit to the general public is an indirect benefit. It is the benefit that may be obtained by using the street. But in this country all the public roads, except a few of the older toll-gate roads, are free to the public. The modern policy has been to make them all free to the public without charge of any kind.

In other modern cities, when the people living on a certain street desire to have that street improved, they have the right to go before the authorities. In some cities it requires a majority of the property owners on the street. In some cities two-thirds are required to demand the kind of street pavement that they desire; but under the rule which prevails in the District of Columbia you will find that where there are only two or three homes on a street, where the cost of paving the street amounts to more than the homes on the street would cost, the property owners do not bear the expense, and the unimproved real estate gets the benefit of the improvement. When a man desiring to become a home owner goes to buy a lot upon that street, he pays the unearned increment taken out of the general treasury of the District and out of the Treasury of the United States.

The man who desires to become a home owner buys the lot and is compelled to pay the real-estate agent that additional sum. All the modern cities say, in view of the fact that that improvement enhances the value of the property in front of which the street is laid, have adopted the rule of requiring the property owners to pay half the cost of the street. In nearly all the large towns that is the rule. Your conferees were willing to confer with the Senate conferees. Your conferees were willing on the Borland amendment to receive suggestions, and, if they could do so, meet on common ground. I do not believe I betray any confidence when I say that it is admitted on the part of many Members of the Senate with whom you talk about it that something ought to be done. They do not believe that the present rule ought to prevail.

Now, gentlemen of the House, if you shall concur in the Senate amendment and strike out the Borland amendment, then it goes out of this bill and the conferees will have no opportunity of further insisting upon getting together with the Senate conferees on some proposition whereby we may work out that which is infinitely more equitable than the present system.

I believe also that the three conferees on the part of the House would be willing to agree with the Senate on a proposition that one-third of the cost be borne by the property owner on one side, one-third to be borne by the property owner on the other side and the other third by the General Treasury.

Now, so far as the streets that have already been improved are concerned, where the streets in the city have been perfected within later years, the argument is made that the other sections that have been neglected would be burdened by it. That can be worked out without any trouble. We can follow this with proper legislation as they have in a number of cities. I believe Baltimore is one of them, where they adopted the plan of requiring the property owner whose street had been improved to contribute to the new street, those streets where the city had improved them—they levied a street tax against the already improved streets for the purpose of requiring these people to pay for the benefits which they got in the past. In that way they equalized the burden so that those people who now have to pay under the new régime will be able to have the amount which they pay toward the general improvement in the city and toward street improvement so much reduced that their taxes in a few years will be equalized with those people who have streets already built.

If the present system is a bad one, it is no sufficient argument to say that those people who have got the benefits of the past ought not to have them, and so we will not change it but give people in the future the benefits which they ought not to have.

So, the conferees insist that the House stand with the conferees and further insist upon their disagreement with the Senate, and let us make an effort, and if we have the backing of the House, if you gentlemen believe in going forward in street improvements, if you believe we benefit the municipal government by giving them something modern and progressive in legislation such as we have in the Western States, you will stay with us and insist that we come to some terms in reference to this matter. If we do not, and the old system continues, you are just as far from making progress as you were when it commenced.

I am not going to discuss further the question of the rightfulness of the proposition, because it was discussed here for perhaps a whole day when the bill was up. It was discussed on several occasions and on both sides of the proposition. The discussion was one most interesting to those who stayed and listened to it. The speeches were very full; the speech of Judge PROCTY was filled with wisdom and facts, and I presume all are familiar with it. So the conferees ask the House to stand with them, so that we may go back and work out some system whereby the property owners will pay a portion of the advantage they get in street improvements.

Now, there is one thing I want to leave with you. Whatever tends to make the land of a nation unusually high, whatever tends to make building lots of cities artificially high, impedes the progress of home owning, and whatever impedes the progress of home owning impedes the progress of a city, impedes the progress of a county, impedes the progress of a State, and impedes the progress of a nation. In other words, what we need in America is a Nation of small landowners, a Nation of small home owners. As Henry W. Grady, of Georgia, said on one occasion when addressing the people of Boston in that famous speech of his shortly before he died, "If you will anchor a man to the soil, you make a patriot of him." So if you want to settle the labor question, if you want to settle the labor troubles in this country, the quickest way to do it is to let the laborer own the roof that shelters his wife and child. If you want to settle the problems that face this great Nation, it is necessary that the great leaders should give their time and attention to these municipalities, not so much on account of the importance to the municipality itself, but because the great problems in our cities are affecting the whole country. And if you will devote your time patiently to working out municipal problems in this District it will be reflected throughout the country and advance the cause of good government.

I know that there is no city in the United States that would adopt the system now in vogue in the District of Columbia. I know the argument is made that this is the Capital of the Nation. That is no reason why the property owner in the Capital of the Nation should have any special privileges over anybody else. They have at their door the best pay roll on earth. I do not believe that you will find any factory town where the business is as steady, where there is no upheaval affecting the pay roll. No bank failure affects the Government pay roll, no epidemic affects the Government pay roll, no crop failure affects the Government pay roll, and yet every town and city has to undergo all these chances and uncertainties, together with the inclemency of the weather and the failure of the crop season.

But in the District of Columbia, as long as the people back among your people are earning the money that can find its way into the Federal Treasury the salaries of the Government officials will constantly increase from year to year, and the number of employees will increase from year to year, and it puts behind the property of this District a substantial bulwark and support that you do not find in any other city of the same size in the United States, and there is no reason why the District government here should not be conducted somewhat upon modern and advanced lines. I would not do the District of Columbia one particle of injury, and with all of the criticisms that may be heaped upon those of us who want an honest and fair government here in the District I want to say that if this should become an issue in your district you would have a great deal of trouble, except upon sentimental lines, in defending the present system in vogue in the District of Columbia. The present system is unjust to the taxpayers of the United States, and for this reason I hope that the House will further insist upon its original proposition, and that the Senate will recede.

Mr. MONDELL and Mr. PAGE of North Carolina rose.

Mr. PAGE of North Carolina. Mr. Chairman, how much time does the gentleman desire?

Mr. MONDELL. Mr. Speaker, the gentleman from Mississippi occupied 18 minutes, and he said he had nothing to say.

Mr. PAGE of North Carolina. If the gentleman from Wyoming has nothing to say, how long does he wish to occupy?

Mr. MONDELL. I have something to say on the subject, and I think I ought to have as much time as the gentleman from Mississippi had, but I shall be perfectly content with 15 minutes.

The SPEAKER. The gentleman from North Carolina has only 10 minutes remaining.

Mr. PAGE of North Carolina. Mr. Speaker, I yield the gentleman 10 minutes.

Mr. MONDELL. Mr. Speaker, the gentleman from Mississippi [Mr. SISSON] began his 18-minute oration with a statement that he had nothing to say. I shall not question the gentleman's accuracy and veracity by insisting that he has said anything particularly pertinent to the subject. He has given us a beautiful oration on his hopes and expectations with respect to the future of the Union, and we all join with him in the hope and desire that some day, some time, we will all be good and happy. But in the meantime the question before the House is the question of assessments upon the people of the District of Columbia for paving and repair of streets. In this matter there are two general policies that may be properly followed, either of which, if inaugurated at the beginning of the building of a municipality and continued through to the end, is fairly just, reasonable, and equitable; but to depart from either one of the policies abruptly, as is proposed here, after a city is largely built and is rapidly expanding into the country, involves necessarily inequity and great hardship. For a century this city has been building on the plan of the pavement of streets and work of that character out of the General Treasury.

Mr. PAGE of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. PAGE of North Carolina. The last statement of the gentleman is correct, but I want to ask the gentleman if he thinks that is equitable and right?

Mr. MONDELL. Mr. Chairman, if it is continued from the beginning to the end, it is reasonably equitable, just, and fair, as equitable, just, and fair as any system, because no system that can be devised is in all respects equitable, just, and fair; and the gentleman from Mississippi himself practically admitted that by his illustrations as to conditions in the outskirts of this city. What is the situation to-day? All of the main thoroughfares of the city have been paved, and they have been paved at the expense of all of the people of the District. The streets in the wholesale and retail and manufacturing portions of the city are all paved. Streets abutting valuable residential property on the Avenue of the Presidents, on New Hampshire Avenue, and elsewhere, where are situated the homes of the rich and the millionaires, have all been paved. The paving now needed is in the suburbs abutting the homes of people in moderate circumstances—people who in very many instances own their own building lots—and the burden will be lifted by this legislation from the shoulders of the merchants and the property owners along the rich and valuable business and residential streets. It will be lifted from the shoulders of the owners of the million-dollar homes on the principal residential streets, and will be placed upon the shoulders of the owners and prospective builders of humble homes in the suburbs of the city. That is the plan proposed. If from the beginning we had had this plan of assessment, then it would have been fair and equitable to continue it, but to abruptly change conditions and suddenly burden the owners of small homes, those who have property in outlying districts, purchased with the understanding that they would not personally be burdened with these assessments, is to lay upon them a burden that they should not be compelled to bear.

Mr. HUGHES of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. HUGHES of West Virginia. Will the people to whom the gentleman refers have to bear this burden, or will it not, if this bill goes through in its present shape, benefit those who lay out these subdivisions—the real estate men principally?

Mr. MONDELL. This legislation, if it goes through, will benefit no one, in my opinion, except those who already have their streets paved; and who are they? The owners of valuable property in the heart of the city, the owners of valuable property on the residential avenues. On the other hand, who will be burdened by it? The people who have bought lots in outlying districts, the people who purchased homes in outlying districts; in the main they are people of small, limited means. The gentleman says that the real estate dealers in the suburbs will benefit. How? The real estate dealer now sells his property upon the basis of its value and on the basis of its cost, and one of the elements of cost is the cost of paving, and if there be no cost of paving assessed against the property then the real estate dealer can not add to his price what that improvement cost; but under this change in procedure the real estate dealer will place the burden on the shoulders of the man who buys the house. Is the gentleman from Mississippi [Mr. SISSON] or any other gentleman simple-minded enough to imagine that the owner of property in the suburbs desiring to sell lots and houses will bear the burden of the cost of street improvements? Will not the purchaser have to pay?

Mr. SELDOMRIDGE. Mr. Speaker, will not the purchaser of property know when he buys the property that he will have to pay for the street improvements, and does he not take that into consideration?

Mr. MONDELL. Mr. Speaker, the purchaser of property in the future, if this law went on the statute book, might not be seriously injured by it, because he would buy his property with that understanding.

But all those who have purchased property up to this time, and there are thousands of them—departmental clerks, people with small salaries, people of limited means—have purchased their property on the basis of the laws as they are now on the statute books. You are proposing by this legislation to lay upon the owners of all lots abutting unimproved streets on the outskirts of the city this additional burden, which should be borne to a very considerable extent by those owning property in the business part of the city, and particularly those owning these magnificent mansions on the residential avenues. If at the beginning it had been deemed wise to build this city on the basis of such assessments as are suggested and that has been done, it would have been unwise, inequitable, unfair, and unjust to have departed from that policy. It is just as unjust, just as unwise, just as inequitable, just as unfair to the owners of property now, after three-fourths of the city has been well paved, to relieve these property owners whose property has been improved from the share of the burden they should bear in the improvement of other streets. There is this additional reason why the plan proposed is not fair or just in a city like this in these days of automobiles. There are many streets much more largely used by the general public for business or pleasure purposes than by the abutting owners. It is not fair that the property owners along a street largely used and quickly worn out by general automobile traffic should bear all the burden of placing or keeping such a street in repair. The general public benefits by the use of such streets; the general public should pay for their paving and repair.

The SPEAKER. The time of the gentleman has expired.

Mr. MADDEN. They were not?

Mr. PAGE of North Carolina. They were not.

Mr. MADDEN. Then, how did the conferees reach the conclusion that $2,000 was the exact sum that ought to be paid?

Mr. PAGE of North Carolina. Well, sir, the House conferees reached that sum in the same way that a good many figures are reached, not based upon any very accurate calculation, but as the best they could do under the circumstances.

Mr. MADDEN. Did the conferees have before them the information that this man had never appealed from the verdict of the jury in the condemnation case?

Mr. PAGE of North Carolina. Yes, sir; we had before us that information.

Mr. MADDEN. And what excuse could Mr. Keller give for not having appealed from the verdict of the jury and then come before the Congress of the United States asking payment for damages to his property when it was really benefited, according to the verdict?

Mr. PAGE of North Carolina. To be entirely frank, I do not know what Mr. Keller's representation was, because his representation was made to some other than the House conferees. I can not answer the gentleman's question, but the representation was very effectively made to the other legislative body.

Mr. MADDEN. I move to disagree to the agreement of the conferees with respect to amendment No. 31. This is a case, Mr. Speaker, where it seems——

The SPEAKER. The Chair will have to inquire of the gentleman if this is a complete agreement?

Mr. PAGE of North Carolina. This is a complete agreement on this item.

The SPEAKER. This item is included?

Mr. PAGE of North Carolina. It is included within those items agreed upon.

The SPEAKER. The motion of the gentleman from Illinois, then, is out of order.

Mr. MADDEN. Mr. Speaker, is it not within the power of the House——

The SPEAKER. It is not.

Mr. MADDEN. To amend the report?

The SPEAKER. Not where it is complete.

Mr. PAGE of North Carolina. I would say to the gentleman that his remedy is to vote down the adoption of the conference report.

The SPEAKER. The only thing in the world to do with the conference report is to agree to it or disagree to it as a whole.

Mr. MADDEN. Mr. Speaker, may I be permitted to address the House for two or three minutes?

The SPEAKER. The gentleman from Illinois asks leave to address the House for three minutes.

Mr. PAGE of North Carolina. Mr. Speaker, I have the floor. How much time does the gentleman want?

Mr. MADDEN. Five minutes, I think.

Mr. PAGE of North Carolina. I yield five minutes to the gentleman.

Mr. MADDEN. It seems to me, Mr. Speaker and gentlemen of the House, that in a case like this, where all the court procedure that is usually had was complied with, and where condemnation proceedings were had to fix a building line, the result of which was that the property referred to in this amendment was benefited, and an assessment levied against the property as the result of the conclusion of the jury that such benefit did accrue to the property, and the man whose property was improved and affected materially by reason of the verdict of the jury did not appeal from the decision which levied upon him $480 benefit, it is a species of sandbag to report and comply with the demand made by this man now to pay him $2,000 for damage done to his property when, as a matter of fact, the records of the court show that the property was benefited. He had his remedy in court. When $480 was levied against this property for benefits, he could have appealed from the verdict. What did he do? He acquiesced in it; he paid the first assessment levied under that verdict, and it is fair to assume that he intends to pay the other three assessments levied when the time arrives for their payment.

Now, what process of reasoning could have induced anybody in the face of these facts to appropriate $2,000 to pay this man for so-called damages to his property about which he never complained when the case was in court, where he had his remedy and where he ought to have made his complaint, is more than I can understand.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MADDEN. Surely.

Mr. BARTLETT. The gentleman understands that this claimant is an old and long-trusted employee of the Senate and that the whole United States Senate is behind this item?

Mr. MADDEN. I really do not know who he is, where he comes from, what his influence is, or how it is exercised.

Mr. BARTLETT. And does not the gentleman know that the Senate has for years been trying to put this particular item on every appropriation bill, deficiency bill, and everything of that kind?

Mr. MADDEN. I think this is one of the greatest outrages ever attempted to be perpetrated on the public.

Mr. BARTLETT. You are criticizing the conferees, but the Senate on both sides seems to be behind it.

Mr. MADDEN. Then the House ought to vote down the conference report and have it distinctly understood that why it is voted down is that it does not under any circumstances propose to be sandbagged by this kind of an item, even though the whole Senate of the United States may be behind it.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. MADDEN. Surely.

Mr. JOHNSON of South Carolina. Do I understand this appropriation is made to reverse the judgment of a court?

Mr. MADDEN. This is made to reverse the judgment of a court from which the beneficiary has never appealed.

Mr. JOHNSON of South Carolina. And has the Senate of the United States recalled a judicial decision upon the unsworn testimony of one of the litigants?

Mr. MADDEN. It looks that way. It has perhaps constituted itself into a higher court of appeal than we recognize under the laws of the land.

Mr. JOHNSON of South Carolina. But it has been decided upon unsworn testimony?

Mr. MADDEN. Yes, sir; without any testimony, I suppose.

Mr. CULLOP. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Indiana?

Mr. MADDEN. I do.

Mr. CULLOP. The Senate seems to have already adopted the recall of decisions of the court without any law to that effect.

Mr. MADDEN. I will say that the Senate, on the recommendation of the House conferees, modified its own verdict, because, I understand, the verdict of the Senate was to the effect that originally $4,150 was the amount of damage that ought to be paid to this man, but by the persuasive art of the gentleman from North Carolina [Mr. PAGE] and the gentleman from Mississippi [Mr. SISSON], acting as conferees on this bill, they were able to induce the Senate to reduce the verdict from $4,150 to $2,000. And this $2,000 is nothing more nor less than a mere sandbag.

Mr. BARTLETT. It is a gratuity that is paid out of Uncle Sam's Treasury, that everybody goes after when he has a chance.

Mr. MADDEN. Let us not grant the gratuity. I hope the House will vote down the conference report and send the bill back with instructions to the conferees to disagree to the payment of this $2,000.

Mr. PAGE of North Carolina. Mr. Speaker, the statement just made by the gentleman from Illinois [Mr. MADDEN] in regard to this item, and the remarks injected by the gentleman from Georgia [Mr. BARTLETT] have brought before the House and the membership of the House the real facts as they exist in connection with this item of appropriation. This gentleman is an employee of the Senate of the United States, and has been for a number of years. This item, as I understand it, has been placed in various appropriation bills as an amendment of the Senate for several years, probably ever since these condemnation proceedings were had.

The gentleman from Illinois [Mr. MADDEN] asked about the decision of the court, and my friend from Indiana [Mr. CULLOP] suggests the recall of judicial decisions.

Mr. CULLOP. I would like the gentleman to quote me correctly upon that. What I said was that from what the gentleman from Illinois [Mr. MADDEN] said, the Senate, without a law, had adopted the recall of judicial decisions. They were getting progressive very rapidly, without legislating to that end. [Laughter.]

Mr. PAGE of North Carolina. I accept the gentleman's statement. The conferees on the part of the House, I want to say, are not going to try to defend this amendment. It was just one of those circumstances that arise, I imagine, in disagreements between the House and Senate in every conference, when there are matters that you have to accede to without your judgment being convinced; and I am free to confess, as one of the conferees, that this matter comes within that list. I do not believe, however, that it warrants the rejection of the conference report merely because it happens to be in it. To be frank with the gentleman, this man did not take advantage

of an appeal from this decision of the court, and I imagine it was because he desired to get his case into another court—into which he did get it—and there he found not only the court, but the members of the jury and the attorneys, all with him. It is a mere matter, to be frank about it, as to whether the House, as the gentleman from Illinois expresses it, shall refuse to be sandbagged or shall undertake to sandbag the other body.

The SPEAKER. The question is on agreeing to the conference report.

Mr. MADDEN. I move, Mr. Speaker, that the conference report be disagreed to.

The SPEAKER. That is not necessary. It is the business of the Speaker to put the question when the motion is made. An agreement, of course, is had by an affirmative vote, and a disagreement by a negative vote. The question is on the adoption of the conference report.

The question was taken; and on a division (demanded by Mr. PAGE of North Carolina) there were—ayes 39, noes 47.

The conference report was disagreed to.

Mr. PAGE of North Carolina. Mr. Speaker, I move a further disagreement to all the Senate amendments and ask for a further conference.

The SPEAKER. The gentleman from North Carolina [Mr. PAGE] moves a further disagreement to the Senate amendments and asks for a conference.

Mr. MADDEN. Mr. Speaker, I move that the conferees be instructed——

Mr. PAGE of North Carolina. We will come back here later.

Mr. MONDELL. Mr. Speaker, I move to amend the motion of the gentleman from North Carolina [Mr. PAGE] that the House recede and concur in Senate amendments numbered 28, 103, 104, 105, 169, 178, and 226, and I ask for a separate vote on the various amendments.

The SPEAKER. The gentleman from Wyoming moves to recede and concur in Senate amendments 28, 103, 104, 105, 169, 178, and 226.

Mr. PAGE of North Carolina. Mr. Speaker, those are practically the amendments that are still in disagreement between the two Houses.

Mr. MANN. They are all in disagreement now.

Mr. PAGE of North Carolina. There were two others that the gentleman from Wyoming did not mention that are also in disagreement.

Mr. MONDELL. The amendments referred to in my motion are amendments that were in disagreement in the report submitted by the conference committee. There are other items which were also in disagreement which are not included in my motion.

Mr. MANN. Why not dispose of the amendments which are not enumerated by further insisting on a disagreement—those upon which no one desires a separate vote?

Mr. PAGE of North Carolina. Mr. Speaker, I ask that the question be put on amendment No. 101 and all the amendments other than those enumerated by the gentleman from Wyoming, on which he asks a separate vote.

The SPEAKER. The gentleman from North Carolina adds amendment No. 101 to the list. The gentleman from Wyoming asks that a separate vote be taken on the amendments he named.

Mr. GARNER. Mr. Speaker, the gentleman from North Carolina moved that the House insist upon a disagreement to all the other amendments in difference between the two Houses except those enumerated by the gentleman from Wyoming, so as to close up the bill, so far as all other disagreements were concerned, except the particular ones named.

The SPEAKER. That is correct. The question is on the motion of the gentleman from North Carolina to insist on a disagreement except as to amendment 101; to disagree on the Senate amendments and ask for a conference, with the exception of those amendments.

Mr. MANN. No; not ask for a conference, Mr. Speaker, but to further insist upon the disagreement between the House and the Senate on the amendments. The question of conference would come after the other motions are disposed of.

The SPEAKER. The gentleman from North Carolina made it all in one motion.

Mr. PAGE of North Carolina. I amend the motion, Mr. Speaker, because at the time I made it the gentleman from Wyoming had not made the motion on the various amendments. I now ask that the House further insist on the disagreement to these amendments in difference between the two Houses not enumerated by the gentleman from Wyoming.

The SPEAKER. And not including the one that the gentleman suggested himself?

Mr. PAGE of North Carolina. No; I withdraw the one I suggested.

The SPEAKER. The question is on the motion of the gentleman from North Carolina to further insist on the disagreement to the Senate amendments, except Senate amendments Nos. 28, 103, 104, 105, 169, 178, and 226.

The motion was agreed to.

The SPEAKER. The gentleman from Wyoming asks a separate vote on these several amendments. The Clerk will report amendment No. 28.

Mr. MONDELL. Amendment 28 is to strike out what was known as the Borland amendment, placed on the bill in the House. I move that the House recede and concur.

The Clerk began the reading of the amendment.

Mr. MONDELL. I ask unanimous consent that the reading of the amendment be dispensed with. It is what is known as the Borland amendment, relative to assessments for streets and sidewalks.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that the reading of this amendment be dispensed with.

Mr. FOSTER. I think we ought to have it read.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read.

The Clerk began the reading of the matter proposed to be stricken out.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. This is an amendment to strike out all of page 22 after line 5, all of page 23, and all of page 24 down to and including line 8, of the bill. That is the Senate amendment. The Clerk is not reading the Senate amendment. It is not in order to read what is not included in the amendment.

The SPEAKER. What would the House know about it if it was not read? They might be striking out the Ten Commandments. [Laughter.]

Mr. MONDELL. Members can read it for themselves, Mr. Speaker.

The SPEAKER. The Clerk will read it.

The Clerk read as follows:

Senate amendment 28.

Strike out the following:

"That hereafter whenever, under appropriations made by Congress, the roadway of any street, avenue, or road in the District of Columbia is improved by laying a new pavement thereon or by resurfacing an existing pavement from curb to curb or from gutter to gutter, where no curb exists, where the material used is sheet asphalt, asphalt block, asphaltic or bituminous macadam, concrete, or other fixed roadway pavement, such proportion of the total cost of the work, including all the expenses of the assessment, to be made as hereinafter prescribed, shall be charged against and become a lien upon the abutting property, and assessments therefor shall be levied pro rata according to the linear frontage of said property on the street, avenue, or road, or portion thereof upon the roadway of which said new pavement is laid or the existing roadway of which is resurfaced: *Provided, however*, That there shall be excepted from such assessment the cost of paving or resurfacing the roadway space included within the intersections of streets, avenues, and roads, as said intersections are included within building lines projected, and also the cost of paving the space within such roadways for which street railway companies are responsible under their charters or under law on streets, avenues, or roads where such railways have been or shall be constructed.

"The assessments herein provided for shall be levied and paid for in the following manner, namely: Where the width of the roadway actually to be paved is 40 feet or less between the curbs, or between the gutters, where no curbs exist, after deducting the amount required to be paved by the street railway companies, the total cost of the work, including the expenses of assessments, shall be assessed against the abutting property owners, one-half to each side; where the width of the street thus to be paved, after deducting the amount required to be paved by the street railway companies, shall exceed 40 feet, the cost of construction as herein provided for shall be levied and paid for as follows: The cost of constructing 20 feet on each side of said street shall be assessed against the abutting property owner, and the cost of paving the remaining portion of said street, including the cost of intersections, shall be paid for by the government of the District of Columbia out of funds available for that purpose.

"Assessments levied under the provisions hereof shall be payable and collectible in the same manner and under the same penalty for nonpayment as is provided for assessments for improving sidewalks and alleys in the District of Columbia, as now provided by law: *Provided*, That the cost of publication of the notice of such assessment upon the failure to obtain personal service upon the owner of the property to be assessed therein provided for and of the services of such notices shall be paid out of the appropriation for the work, and such assessments, when collected, shall be deposited in the Treasury of the United States to the credit of the fund available for similar public work."

Mr. PAGE of North Carolina. Mr. Speaker, this is what is known as the Borland amendment, which was placed in the appropriation bill on the floor of the House when it was under consideration here. The conferees on the part of the House have insisted upon the recession of the Senate from their amendment in striking out that provision, but have been utterly unable even to open the matter up for discussion. The direct question was asked me as one of the House conferees, before we went to conference, if the House would be given an opportunity to express itself upon this amendment before there was a final agreement, and I committed the conferees on the part of

On amendment No. 80: Appropriates $2,000 instead of $5,000, as proposed by the Senate, for removal of dead and down timber from Rock Creek Park.

On amendments Nos. 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, relating to officers, teachers, and employees in the public schools: Increases the salary of a director of primary instruction from $1,800 to $2,200 and prescribes a rate of increase of $100 per year for five years for length of service and fixes the salary of directors of domestic science, domestic art, and kindergartens at $1,500 per annum, with a rate of increase of $100 per year for five years for length of service, as proposed by the Senate; appropriates $425,000 instead of $400,000, as proposed by the House, and $462,935, as proposed by the Senate, for longevity pay; strikes out the increase proposed in the salary of the superintendent of janitors from $1,200 to $1,500 and of the engineer at the J. Ormond Wilson Normal School and Ross School from $900 to $1,000, and appropriates $4,500, as proposed by the Senate, for five school nurses.

On amendments Nos. 94, 95, 96, 97, 98, and 99, relating to miscellaneous expenses of public schools: Strikes out the increase of $35,000 proposed by the Senate in the appropriation for repairs and improvements to school buildings and grounds; increases the appropriation for furniture and equipment in school buildings from $4,000 to $4,950, as proposed by the Senate; inserts the authority proposed by the Senate for an allowance of $300 to the superintendent of schools for livery of horse or garage; and strikes out "authority for the purchase of technical books" from the appropriations for "school gardens" and "laboratory equipment."

On amendment No. 100: Inserts the provision proposed by the Senate making taxes levied and paid for the year next preceding the time of levying tutelage charges on nonresident pupils in the public schools or the parents of nonresident pupils acceptable as a credit or part credit on such tutelage.

On amendments Nos. 102, 106, and 107, relating to school buildings and grounds: Appropriates $150,000, as proposed by the Senate, for a site for the new Eastern High School; restores the paragraph proposed by the House relative to solicitation of subscriptions on public-school premises modified so that it will not apply to school playgrounds or school publications; and restores the paragraph, proposed by the House, relative to the use of the Franklin School Building for office purposes.

On amendment No. 108: Increases the appropriation for expenses of deaf and dumb persons in the Columbia Institution for the Deaf from $12,000 to $12,250, as proposed by the Senate.

On amendment No. 109: Restricts the use of the appropriation of $7,000 for instruction of blind children to the instruction of indigent blind children, as proposed by the House.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the Metropolitan police: Appropriates for 20 drivers at $840 each, instead of 20 drivers at $900 each, as proposed by the Senate, and 18 drivers at $720 each, as proposed by the House; appropriates for five police matrons, at $600 each, instead of three; appropriates $6,000, instead of $5,500 as proposed by the House and $7,000 as proposed by the Senate, for repairs and improvements to police stations; appropriates $5,000, as proposed by the Senate, for car tickets for strictly official use; strikes out the increase in the appropriation for reconstruction of cell corridors from $4,520 to $18,080, proposed by the Senate; and increases the salaries of two clerks at the House of Detention from $900 to $1,000 each.

On amendments Nos. 119, 120, 121, 122, 123, 124, and 125, relating to the fire department: Appropriates $650, as proposed by the Senate, for car tickets for official use; makes a verbal correction in the text of the bill; strikes out the appropriation of $83,000, inserted by the Senate, for new house, furniture, and furnishings for No. 1 engine company, K Street, between Sixteenth and Seventeenth Streets; inserts the appropriation of $55,000, proposed by the Senate, for house, site, furnishings, etc., for truck company No. 1; and strikes out the paragraph proposed by the House for the discontinuance of the fire station and engine house at Randle Highlands.

On amendments Nos. 126, 127, 128, 129, 130, 131, 132, 133, 134, and 135, relating to the health department: Appropriates, as proposed by the Senate, $2,000 for new apparatus, $1,000 for replacement of apparatus, and $300 for maintenance and books and periodicals for the bacteriological laboratory; strikes out the appropriation inserted by the Senate of $1,920 for new apparatus, $755 for replacement of apparatus, $500 for maintenance and books and periodicals for the chemical laboratory; and appropriates $1,325, as proposed by the House, instead of $2,200, as proposed by the Senate, for completion of the pound and stable.

On amendments Nos. 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, and 147, relating to the juvenile court: Fixes the salary of the deputy clerk at $1,350 instead of $1,200, as proposed by the House, and $1,500, as proposed by the Senate; appropriates for the chief probation officer at $1,800 instead of $2,000, as proposed by the Senate, and $1,500, as proposed by the House; provides additional probation officers at $1,200 and $1,000, respectively, and increases the salary of the bailiff from $700 to $900, as proposed by the Senate; reduces the appropriation for compensation of jurors from $1,300 to $900 and increases the appropriation for rent from $240 to $2,400, as proposed by the Senate; makes the appropriation for furniture and equipments available for cost of moving and increases the amount from $500 to $1,500; and appropriates $2,000 instead of $1,200, as proposed by the House, and $2,500, as proposed by the Senate, for miscellaneous items.

On amendments Nos. 148 and 149, relating to the police court: Increases the salary of the fireman from $480 to $600, as proposed by the Senate.

On amendments Nos. 150, 151, and 152, relating to the municipal court: Strikes out the appropriation of $600, proposed by the Senate, for a messenger.

On amendment No. 153: Inserts in the appropriation for "support of convicts" the language proposed by the Senate, granting authority for shipment of the remains of deceased convicts to their homes in the United States.

On amendments Nos. 154, 155, and 156, relating to the Board of Charities: Provides for a stenographer at $1,400, instead of an assistant secretary and stenographer at $1,400 as proposed by the Senate and a stenographer at $1,200 as proposed by the House.

On amendments Nos. 157, 158, 159, and 160, relating to the Washington Asylum and Jail: Appropriates $35,000 as proposed by the House, instead of $38,000 as proposed by the Senate, for provisions, fuel, etc.; appropriates $1,000, instead of $2,000 as proposed by the Senate for hospital furnishings; and appropriates $1,500, as proposed by the Senate, for a laundry plant in the jail.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the National Training School for Girls: Strikes out an additional teacher at $600 inserted by the Senate, and increases the salary of the engineer from $600 to $720 and the assistant engineer from $480 to $600, as proposed by the Senate.

On amendment No. 166: Appropriates $35,000, instead of $34,000 as proposed by the House and $36,000 as proposed by the Senate, for care of patients at Freedmen's Hospital.

On amendment No. 167: Appropriates $500, as proposed by the Senate, for a washer in the laundry at Columbia Hospital.

On amendment No. 168: Strikes out the increase in the appropriation for care of patients at the Children's Hospital from $14,000 to $15,000, proposed by the Senate.

On amendment No. 170: Strikes out the increase, proposed by the Senate, for care of patients at Georgetown University Hospital.

On amendment No. 171: Strikes out the increase, proposed by the Senate, for care of patients at George Washington University Hospital.

On amendments Nos. 172, 173, 174, 175, 176, and 177, relating to the Tuberculosis Hospital: Increases the pay of two assistant cooks from $180 to $240 each; increases the appropriation for provisions, fuel, etc., from $30,000 to $32,000, as proposed by the Senate; and appropriates $4,000, instead of $2,000 as proposed by the House and $5,000 as proposed by the Senate, for repairs and improvements to buildings and grounds.

On amendments Nos. 179, 180, 181, and 182, relating to the Board of Children's Guardians: Appropriates $11,680, instead of $9,880 as proposed by the House and $12,780 as proposed by the Senate, for salaries of employees; and appropriates $55,000, instead of $50,000 as proposed by the House and $60,000 as proposed by the Senate, for board and care of children.

On amendments Nos. 183, 184, 185, 186, 187, and 188, relating to the Industrial Home School for Colored Children: Strikes out the increase, inserted by the Senate, of $60 each in the pay of the farmer and the blacksmith and wheelwright; inserts the appropriation of $300, proposed by the Senate, for temporary labor; increases the appropriation for repairs and improvements to buildings and grounds from $1,500 to $2,500 as proposed by the Senate; and strikes out the appropriation of $5,000 for the erection of a residence for the superintendent.

On amendments Nos. 189, 190, 191, 192, 193, 194, 195, and 196, relating to the Industrial Home School: Appropriates for a supervisor of boys at $720 instead of at $900 as proposed by the Senate; strikes out the increases proposed by the Senate in the salary of one matron from $480 to $600 and of three matrons, a housekeeper, and a sewing teacher, from $360 to $420 each; and increases, as proposed by the Senate, the salary of a nurse from $300 to $360, a manual-training teacher from $600 to $660, and a cook and a laundress from $240 to $300 each.

On amendments Nos. 197, 198, 199, and 200, relating to the Municipal Lodging House: Makes a change in the title and appropriates for a foreman at $480, as proposed by the Senate.

On amendment No. 201: Strikes out the appropriation, inserted by the Senate, for care and maintenance of indigent persons by the Southern Relief Society.

On amendments Nos. 202, 203, and 204: Strikes out the appropriations, inserted by the Senate, of $10,000 and $5,000, respectively, for the Aid Association for the Blind and the Library for the Blind.

On amendments Nos. 205, 206, 207, 208, 209, 210, and 211, relating to the workhouse: Increases the salary of the assistant superintendent from $720 to $900; appropriates for the chief engineer and electrician at $1,100 instead of $900, as proposed by the House, and $1,200, as proposed by the Senate; increases the salary of a receiving and discharging officer from $900 to $1,000; and makes the appropriation for farm implements available for purchase of harness.

On amendment No. 212: Makes the appropriation for the reformatory available for personal services, as proposed by the Senate.

On amendment No. 213: Appropriates $24,000, as proposed by the Senate, for pay of troops of the militia of the District of Columbia.

On amendment No. 214: Inserts the provision, proposed by the Senate, for the reclamation and development of the Anacostia River and Flats modified so as to provide for the assessment of benefits.

On amendments Nos. 215, 216, 217, 218, 219, 220, 221, 222, 223, and 224, relating to the water department: Provides for four meter computers at $1,000 each, instead of three as proposed by the House, and five as proposed by the Senate; strikes out the increase in the salary of one clerk from $1,500 to $1,800; appropriates for an engineer at $2,400 as proposed by the Senate instead of an assistant engineer at $2,400 as proposed by the House; appropriates for an additional assistant engineer at $1,800, instead of $2,000 as proposed by the Senate; strikes out one draftsman at $1,600 and one steam engineer at $1,100, and inserts a master mechanic at $2,000 as proposed by the Senate; and makes the appropriation for fuel, machinery, material, etc., available for purchase of "motor trucks" as proposed by the House instead of "motor vehicles" as proposed by the Senate.

On amendment No. 225: Inserts the provision, proposed by the Senate, that gas shall not be purchased out of the appropriations in this act for use in any public building in Washington, D. C., at a rate in excess of 70 cents per thousand feet.

The committee of conference have been unable to agree upon the following amendments:

Amendment No. 28: Providing for assessment of cost of street, avenue, or road pavements against the abutting property.

Amendment No. 101: Providing for free tuition to school pupils whose parents are employed officially or otherwise in the District of Columbia.

Amendment No. 103: Appropriating $33,000 for a four-room addition to the John F. Cook School.

Amendment No. 104: Appropriating $66,000 for an eight-room addition to the Powell School.

Amendment No. 105: Appropriating $45,000 for a site for a new school building in the sixth division, north of G Street and east of Tenth Street.

Amendment No. 169: Providing $50,000 for the construction of a new building for the Central Dispensary and Emergency Hospital.

Amendment No. 178: Providing $30,000 for the erection of a hospital for municipal purposes, to be known as the Gallinger Hospital.

Amendment No. 226: Providing for the deposit of the surplus revenues of the District of Columbia in the Treasury of the United States to the credit of Miscellaneous Receipts.

Amendment No. 227: Providing for the repeal of all laws and parts of laws to the extent that they are inconsistent with this act.

ROBERT N. PAGE,
THOMAS U. SISSON,
CHARLES R. DAVIS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. AUSTIN. Mr. Speaker, I wish to ask the gentleman in charge of the bill a question. What became of the item placed in the bill in the Senate providing for the improvement of Seventh Street NW., $30,000?

Mr. PAGE of North Carolina. There was an amendment put in by the Senate authorizing the expenditure of $30,000 for taking up the present pavement on Seventh Street, beginning—I do not remember at what street——

Mr. AUSTIN. New York Avenue.

Mr. PAGE of North Carolina. Yes; New York Avenue, and extending for several blocks; and on that amendment the Senate receded.

Mr. AUSTIN. What was the objection on the part of the House conferees to the amendment?

Mr. PAGE of North Carolina. After a personal investigation of this pavement it was found that it was entirely good and served in every way the purpose for which it was placed there. The expenditure in taking up this pavement and replacing it at this time is not warranted.

Mr. AUSTIN. The present pavement is cobblestone, and there has been no improvement for half a century on the street.

Mr. PAGE of North Carolina. It is Belgian block—not asphalt pavement.

Mr. AUSTIN. Have not large property holders along Seventh Street asked that this improvement be made?

Mr. PAGE of North Carolina. Why, certainly; they appeared before the Senate committee, as did their citizens' association, and for that reason, I imagine, the amendment was placed in the bill in the Senate.

Mr. AUSTIN. That is an important street, and they really deserve a change in the pavement.

Mr. PAGE of North Carolina. I will say to the House that the pavement, while it is Belgian block is perfectly good, and, with the expenditure of a few dollars in repairs, would last for a number of years. The House committee considered there were a number of other places in the District of Columbia that needed improvements and appropriations for improvements vastly more than this. This is a street on which there is a great deal of heavy traffic, and the present pavement is adapted particularly to the traffic passing over the street.

Mr. AUSTIN. Did the District engineer recommend the change?

Mr. PAGE of North Carolina. The District Commissioners estimated for this, but there was no special recommendation on the part of the engineer or the commissioners.

Mr. MADDEN. Mr. Speaker, I notice that amendment 31 provides for the payment of $2,000 to Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, instead of $4,150, as recommended by the Senate——

Mr. PAGE of North Carolina. By the Senate committee.

Mr. MADDEN. By the Senate. Just exactly what property was taken away from Mr. and Mrs. Keller?

Mr. PAGE of North Carolina. Well, I will say that the testimony before the Senate committee, which was presented to the conference committee, as I remember it, showed under this proceeding that there were about 1,500 square feet of land held in fee by these parties that was taken—I will not say taken, because I believe the fee is still in them—for the establishment of a building line.

Mr. MADDEN. Well, as a matter of fact, the property has been improved considerably by the fixing of the building line, has it not?

Mr. PAGE of North Carolina. That is a matter about which there is a very great difference of opinion.

Mr. MADDEN. Was not there an assessment made for benefits accruing to this property by reason of the fixing of the building line, and did not Mr. Keller pay part of the assessment?

Mr. PAGE of North Carolina. Yes, sir; the record shows that there was a jury appointed to assess certain damages against property, and, on the other hand, because of the moving back of the building line of the corner lot, which adjoined his, certain benefits. From the report of this jury the amount of the benefit exceeded the amount of damage, my recollection is, by $480; and the record shows, upon investigation—and I will say to the gentleman that I investigated it personally—that he has paid one of the quarterly payments on this $480.

Mr. MADDEN. And this $2,000 is appropriated in this bill now to enable him to pay the other three quarterly payments?

Mr. PAGE of North Carolina. It will very much more than enable him to do that.

Mr. MADDEN. That is what I would judge.

Mr. PAGE of North Carolina. The gentleman realizes that in a conference there are a good many things take place that may or may not be agreed to that are not personally agreeable to the conferees.

Mr. MADDEN. But the conferees on the part of the House seem to have been committed to this proposition.

Mr. PAGE of North Carolina. The conferees on the part of the House certainly were not committed to it in any way.

Amendment numbered 164: That the House recede from its disagreement to the amendment of the Senate numbered 164, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,280"; and the Senate agree to the same.

Amendment numbered 165: That the House recede from its disagreement to the amendment of the Senate numbered 165, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$24,780"; and the Senate agree to the same.

Amendment numbered 166: That the House recede from its disagreement to the amendment of the Senate numbered 166, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 176: That the House recede from its disagreement to the amendment of the Senate numbered 176, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 177: That the House recede from its disagreement to the amendment of the Senate numbered 177, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$60,120"; and the Senate agree to the same.

Amendment numbered 180: That the House recede from its disagreement to the amendment of the Senate numbered 180, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For agent, $1,800; clerk, $1,200; placing and investigating officers—one $1,200, one $1,000, five at $900 each; record clerk, $900; clerk, $720; messenger, $360; in all, $11,680."

And the Senate agree to the same.

Amendment numbered 181: That the House recede from its disagreement to the amendment of the Senate numbered 181, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$55,000"; and the Senate agree to the same.

Amendment number 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,189"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,740"; and the Senate agree to the same.

Amendment numbered 188: That the House recede from its disagreement to the amendment of the Senate numbered 188, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,790"; and the Senate agree to the same.

Amendment numbered 189: That the House recede from its disagreement to the amendment of the Senate numbered 189, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "supervisor of boys, $720"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$9,580"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,280"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,100"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,990"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$177,430"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: After the matter inserted by said amendment, insert as a separate paragraph the following:

"There shall be assessed as special benefits for the reclamation and development of the Anacostia River and Flats from the Anacostia Bridge northeast to the District Line upon the aforesaid plans, such sum or sums as the jury hereinafter provided for may determine, on such lots and pieces or parcels of land abutting the area of improvement, and adjacent thereto, and any other lots, pieces, or parcels of land in the District of Columbia that such jury shall determine are specially benefited by reason of said reclamation and development, in the manner following, that is to say: It shall be the duty of the Secretary of War, for the purpose of said assessment, to divide into sections, in such manner as he may deem best, the entire area of improvement; as soon as practicable after the reclamation and development of each section is completed he shall furnish to the Commissioners of the District of Columbia a plat of such section showing the area reclaimed and developed, and thereupon it shall be the duty of said Commissioners to institute in the Supreme Court of the District of Columbia, sitting as a District court, by petition, a proceeding in rem for the assessment of benefits. The proceedings in such case shall be under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, in so far as the same are applicable. It shall be the duty of the jury provided for in said proceeding to find as special benefits the increase in value which such reclamation and development has added to each lot, piece, or parcel of land abutting such improvement, and adjacent thereto, and any other lot, piece, or parcel of land in the District of Columbia, which it may find will be specially benefited by reason of said improvement; and of the amount which said jury shall find such lots, pieces, or parcels of land so benefited it shall assess one-half thereof upon such lot, piece, or parcel of land. In determining the amounts to be assessed against said lots, pieces, or parcels of land the jury shall take into consideration the respective situations and topographical conditions of said lots, pieces, or parcels of land, and the benefits and advantages they may specially receive from such reclamation and development, and where any part of any lot, piece, or parcel of land has been dedicated for the purpose of such reclamation and development, the jury in determining whether the remainder of said lot, piece, or parcel of land is to be assessed for benefits and the amount of benefits if any, to be assessed thereon, shall also take into consideration the fact of such dedication and the value of land so dedicated. The said assessments shall be levied and collected under the provisions of said subchapter 1 of chapter 15 of the Code of Laws for the District of Columbia, and shall be paid into the Treasury of the United States to the credit of the United States and of the District of Columbia in equal parts, and when finally ratified and confirmed by the court shall severally be a lien upon the land assessed and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in five equal annual installments with interest at the rate of 4 per cent per annum from and after 60 days after the confirmation of the verdict of the jury. Where not otherwise herein provided for, all of the provisions of said subchapter 1 of chapter 15 of said Code of Law for the District of Columbia shall be applicable to the levying and collecting of said special assessments."

And the Senate agree to the same.

Amendment numbered 215: That the House recede from its disagreement to the amendment of the Senate numbered 215, and agree to the same with an amendment as follows: In lieu of the number proposed insert "four"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: Strike out "$2,000" where it occurs in said amendment and insert in lieu thereof "$1,800"; and the Senate agree to the same.

Amendment numbered 223: That the House recede from its disagreement to the amendment of the Senate numbered 223, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$86,935"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendments of the Senate numbered 28, 101, 103, 104, 105, 169, 178, 226, and 227.

ROBERT N. PAGE,
T. U. SISSON,
C. R. DAVIS,
Managers on the part of the House.

JOHN WALTER SMITH,
LUKE LEA,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

On amendments Nos. 1, 2, 3, 4, 5, and 6, relating to the executive office: Strikes out the increase, proposed by the Senate, in the salary of an assistant secretary to the commissioners; increases the salary of a clerk from $600 to $720; increases the salary of one plumbing inspector from $780 to $900; provides for 12 assistant inspectors of buildings at $1,200 each, as proposed by the Senate, instead of 11, as proposed by the House; and reduces the sum for temporary building inspectors from $3,600 to $1,500, as proposed by the Senate.

On amendment No. 7: Strikes out the appropriation of $125,800, proposed by the Senate, for buildings for the fish market.

On amendment No. 8: Appropriates $50,000, as proposed by the Senate, for reconstructing wharves at the fish wharf and market.

On amendments Nos. 9, 10, and 11, relating to the engineer commissioner's office: Strikes out the computer at $1,200 and the proposed increase in the salary of a clerk from $1,500 to $1,600.

On amendment No. 12: Appropriates $4,500, as proposed by the Senate, for employees to enforce the act to regulate the hours of employment and safeguard the health of females in the District of Columbia.

On amendments Nos. 13, 14, 15, 16, and 17, relating to the Free Public Library: Provides an additional janitor at $480; increases the salary of the engineer from $1,080 to $1,200; and appropriates $2,500 for the purchase and installation of a boiler.

On amendments Nos. 18, 19, 20, 21, 22, and 23, relating to motor vehicles: Appropriates for one motor vehicle, as proposed by the House, instead of two, as proposed by the Senate, for use of the civilian commissioners; provides that all motor and horse-drawn vehicles shall have painted on them the words "District of Columbia," in 3-inch letters, as proposed by the Senate, instead of the words "City Service," in 6-inch letters, as proposed by the House; and strikes out the provision, inserted by the Senate, prohibiting the use of appropriations for passenger automobiles or carriages.

On amendment No. 24: Strikes out the provision, proposed by the Senate, for a telephone in the residence of the assistant superintendent instead of the chief inspector of the street-cleaning division.

On amendment No. 25: Inserts the provision, proposed by the Senate, for car tickets for employees of the District of Columbia.

On amendment No. 26: Strikes out the appropriation, proposed by the Senate, for repair of the morgue building.

On amendment No. 27: Inserts the appropriation, proposed by the Senate, for the purchase of new apparatus in the office of the inspector of asphalts and cements.

On amendment No. 29: Increases the paving width of P Street NW., between Rock Creek and Twenty-eighth Street, from 30 to 40 feet, as proposed by the Senate.

On amendment No. 30: Inserts a substitute for the provision, proposed by the Senate, for the construction of a viaduct and bridge to carry Benning Road over the tracks of the Baltimore & Ohio and the Philadelphia, Baltimore & Washington Railroad Cos.

On amendment No. 31: Appropriates $2,000 as proposed by the House, instead of $4,150 as proposed by the Senate, for payment in full to Thomas W. and Alice N. Keller for land taken and damages sustained in the condemnation of square 2838.

On amendments Nos. 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, and 56, relating to improvement of surburban roads: Changes the name of the "Avenue of the Presidents" to "Sixteenth Street" as proposed by the Senate; provides that Fort Place, between Seventeenth and Eighteenth Streets, shall become a part of Irving Street; appropriates for improvement of certain streets, as proposed by the Senate, as follows:

Minnesota Avenue, Benning Road to Forty-second Street, $5,000.

Highview Place, Nichols Avenue to Brothers Place, $500.

Fifth Street, Alabama Avenue to Savannah Street, and Savannah Street, Fourth Street to Randle Place, $1,800.

Waclark Place, Nichols Avenue to Raleigh Street, $800.

Hunt Place, Deane Avenue, and Grant Street, from Minnesota Avenue to Division Avenue, $14,400.

Streets in Burrville, Division Avenue to District line, $10,000.

Fourth Street, Nichols Avenue to Savannah Street, $1,100.

Sixth Street, Alabama Avenue to Savannah Street, $1,100.

Randle Place, Alabama Avenue to Savannah Street, $1,100.

Twenty-fifth Street, Hamlin Street to Irving Street, $1,500.

Twenty-fourth Street, Irving Street to Hamlin Street, $3,300.

Otis Street, Twelfth Street to Fourteenth Street, $4,200.

Harrison Street, Belt Road to Wisconsin Avenue, $5,400.

Forty-first Street, from Ingomar Street to Harrison Street, $800.

Kearney Street, Fourteenth Street to Eighteenth Street, $5,500.

Strikes out the appropriations, proposed by the Senate, for improvement of certain streets, as follows:

Connecticut Avenue, Tilden Street to Pierce Mill Road, $5,500.

Sixteenth Street, Montague Street to Military Road, $26,952.

Park Road, Fourteenth Street to Sherman Avenue, $10,400.

Eleventh Street, Columbia Road to Park Road, $6,500.

Lawrence Street, Sixteenth Street to Eighteenth Street, $3,600.

Audubon Street, Albemarle Street to Broad Branch Road, $15,000.

On amendment No. 57: Appropriates, as proposed by the Senate, for the expenses of opening, widening, or extending streets, avenues, or roads.

On amendment No. 58: Strike out the authority in the appropriation for "Repairs—streets, avenues, and alleys," to maintain a motor vehicle for use of the engineer commissioner and his assistants.

On amendment No. 59: Strikes out the appropriation of $30,000, proposed by the Senate, for repaving Seventh Street.

On amendment No. 60: Appropriates $27,000, instead of $30,000 as proposed by the Senate, for resurfacing the roadways of approach to the Highway Bridge.

On amendment No. 61: Strikes out the provision, inserted by the Senate, appropriating $90,000 for the alteration of the Pennsylvania Avenue Bridge across the Eastern Branch of the Potomac River.

On amendment No. 62: Appropriates $190,000, instead of $161,600 as proposed by the House and $200,000 as proposed by the Senate, for suburban sewers.

On amendments Nos. 63, 64, and 65, relating to street cleaning: Increases the allowance to inspectors for maintenance of horses and vehicles from $20 to $25 per month; strikes out the authority for the purchase of uniforms; and appropriates $270,000, instead of $269,900 as proposed by the House and $273,000 as proposed by the Senate.

On amendment No. 66: Inserts the provision, proposed by the Senate, appropriating $7,500 for an investigation and report into the collection and disposal of garbage modified, to prevent its use for traveling or subsistence expenses.

On amendment No. 67: Appropriates $4,830, as proposed by the Senate, for the maintenance of the bathing beach.

On amendment No. 68: Strikes out the provision, inserted by the Senate, relating to the disposal of fees received from the use of public scales.

On amendments Nos. 69, 70, 71, 72, 73, and 74, relating to playgrounds: Increases the appropriation for maintenance from $9,000 to $12,490, and inserts authority to provide wading pools, as proposed by the Senate; appropriates, as proposed by the Senate, $7,500 for construction work and equipment at the Rosedale and Howard playgrounds, $500 for supplies, repairs, and operating expenses of swimming pools, and $480 for two guards or swimming teachers at $60 per month each for four months; and restores the language proposed by the House, making appropriations for playgrounds payable wholly out of the revenues of the District of Columbia.

On amendments Nos. 75 and 76: Increases the salary of an expert repairman in the electrical department from $960 to $1,200, as proposed by the Senate.

On amendments Nos. 77, 78, and 79, relating to the Washington Aqueduct: Strikes out the appropriation of $3,500, proposed by the Senate, for repairs, grading, opening ditches, and maintenance of Conduit Road; appropriates $5,000, instead of $2,000 as proposed by the House and $5,000 as proposed by the Senate, for parking grounds around McMillan Park Reservoir; and inserts the language, proposed by the Senate, authorizing the use of employees of the Aqueduct in the erection of a house for the assistant to the overseer at Great Falls, Md.

TENNESSEE.

T. J. Addington, Ducktown.
C. W. Metcalf, jr., Memphis.

WITHDRAWAL.

Executive nomination withdrawn June 13, 1914.

POSTMASTER.

NEW YORK.

Michael J. Ward to be postmaster at New Lebanon, in the State of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 13, 1914.*

The House met at 12 o'clock noon.

Rev. Paul R. Hickok, pastor of the Metropolitan Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, King of kings and Lord of lords, from whom proceeds all power and dominion in heaven and earth, most heartily we beseech Thee to have in Thy loving favor these Thy servants summoned here for performance of duty by the great people they represent. Command the Holy Spirit to do His gracious work, guiding, directing, and overruling, for Thy glory, and the strengthening of righteousness and justice in the world. May our Nation continue increasingly to be a source of life and light and helpfulness to our own citizens and to the peoples of the earth. Upon this day particularly, when the thought of our country is directed to the flag we deeply revere and tenderly love, may there be a new sense of duty, a new appreciation of privilege. And may the words of our mouths, and the meditations of our hearts, together with all the acts of our lives, be acceptable in Thy sight, O Lord, our strength and our redeemer. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, I notice the Journal shows that a resolution concerning Clifford H. Tate was passed. It was not passed but it was objected to.

The SPEAKER. The Journal will be corrected in that respect. The Journal as corrected will stand approved.

There was no objection.

JAMES W. M'GREEVEY.

Mr. MANN. Mr. Speaker, the House last night passed H. R. 12909. There is an error in the name and I ask unanimous consent to vacate the proceedings by which the bill was engrossed and ordered to a third reading, and passed, and that it may be amended so that the name will read in the body of the bill "McGreevey."

The SPEAKER. What is the number of the bill?

Mr. MANN. Twelve thousand nine hundred and nine.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that all proceedings touching H. R. 12909 back to the amendment stage be vacated.

Mr. MANN. And that the bill be amended so as to change the spelling of the name in the body of the bill to "McGreevey," the same as in the title.

The SPEAKER. And that the bill be amended so as to spell the name correctly. Is there objection? [After a pause.] The Chair hears none.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. PAGE of North Carolina. Mr. Speaker, I call up the conference report on the District of Columbia appropriation bill (H. R. 10523), and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill and then read the conference statement.

The Clerk read as follows:

A bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

The conference report is as follows:

CONFERENCE REPORT (NO. 817).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 7, 9, 10, 11, 18, 19, 20, 24, 26, 36, 37, 38, 50, 51, 54, 59, 61, 64, 68, 77, 89, 90, 91, 92, 94, 97, 98, 99, 107, 109, 115, 122, 130, 131, 132, 133, 134, 150, 151, 157, 161, 168, 170, 171, 183, 187, 190, 191, 201, 202, 203, 204, 212, 218, and 224.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 8, 12, 13, 14, 15, 16, 17, 22, 25, 27, 29, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 55, 57, 58, 63, 67, 69, 70, 71, 72, 73, 75, 76, 79, 81, 82, 83, 84, 85, 86, 87, 93, 95, 96, 100, 108, 111, 114, 117, 118, 119, 120, 121, 123, 125, 126, 127, 128, 129, 138, 139, 140, 142, 143, 144, 145, 148, 149, 153, 155, 156, 159, 162, 163, 167, 172, 173, 174, 175, 179, 184, 186, 192, 193, 194, 197, 198, 199, 200, 205, 207, 209, 210, 213, 217, 219, 220, 221, 222, and 225, and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$115,610"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,034"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: Omit all of the matter inserted by said amendment after the word "Columbia," in line 1; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For constructing a suitable viaduct and bridge to carry Benning Road over the tracks of the Philadelphia, Baltimore & Washington Railroad Co., and of the Baltimore & Ohio Railroad Co., in accordance with plans approved by the Commissioners of the District of Columbia, $110,000. And authority is hereby given said commissioners to acquire by purchase, or to condemn in accordance with existing law, the land necessary to carry out the construction authorized by this appropriation, and to construct said viaduct and bridge and the approaches thereto, and to reconstruct, grade, and pave, by day labor or otherwise, the streets, avenues, and ways changed in line or grade or newly created hereunder: *Provided*, That the cost of constructing said viaduct and bridge, including approaches thereto, shall be borne and paid one-half by said railroad companies in proportion to the widths of their respective rights of way, and the remaining one-half by the United States and the District of Columbia; and said sums shall be paid by said companies to the Treasurer of the United States, one half to the credit of the District of Columbia and the other half to the credit of the United States; and the same shall be valid and subsisting liens against the franchise and property of said Philadelphia, Baltimore & Washington Railroad Co. and the Baltimore & Ohio Railroad Co., respectively, and shall be a legal indebtedness of said companies in favor of the District of Columbia, jointly for its use and the use of the United States as aforesaid; and the said lien or liens may be enforced in the name of the District of Columbia by bill in equity brought by the commissioners of said District in the Supreme Court of said District, or by any other lawful proceedings against the said Philadelphia, Baltimore & Washington Railroad Co., or said Baltimore & Ohio Railroad Co., or both; and any relocation in the line or change in the grade of the tracks of the Washington Railway & Electric Co. necessary to permit the completion in accordance with approved plans of the viaduct and bridge and approaches herein provided for shall be made by and at the cost of said railway company; and in the event of said railway company failing or refusing to do such work the same shall be done by the Commissioners of the District of Columbia, the cost to be paid from the appropriation for said bridge and viaduct and collected from said street railway company in the manner provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878, and paid into the Treasury, one-half to the credit of the United States and one-half to the credit of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment strike out "$4,150" and insert in lieu thereof the following: "$2,000, the same to be payment in full for said purposes"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$142,500"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For paving with asphalt the north approach to the Highway Bridge across the Potomac River from Water Street to the west intersecting park driveway nearest to the Highway Bridge, a distance of about 1,900 feet, and for paving with granite block the balance of the north approach from the west intersecting driveway to the bridge structure and the south approach to the bridge, $27,000: *Provided*, That the Commissioners of the District of Columbia are authorized and directed to do this work with their portable asphalt plant if, in the judgment of the officer in charge of public buildings and grounds, such work can be economically performed by the use of said plant: *And provided further*, That the said Commissioners of the District of Columbia are authorized to transfer to the officer in charge of public buildings and grounds for the above work any granite blocks removed from streets in the District of Columbia whose roadways are authorized herein to be repaved with a smoother pavement, the cost of hauling the blocks so transferred from the streets to the site of the work to be charged against this appropriation."

And the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$190,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$270,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following: ": *Provided*, That this sum shall not be available for the payment of traveling or subsistence expenses"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"In all, for playgrounds, $43,265, which sum shall be paid wholly out of the revenues of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$2,000"; and the Senate agree to the same.

Amendment numbered 88: That the House recede from its disagreement to the amendment of the Senate numbered 88, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$425,000"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of a site for a new Eastern High School, $150,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with amendments as follows: Restore the matter stricken out by said amendment amended as follows: On page 46 of the bill, line 25, after the word "athletics," insert the following: "including school playgrounds"; and on page 46, line 25, after the word "gardens," insert the following: "school publications"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "twenty drivers, at $840 each"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$912,141.53"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,000"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$56,120"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$120,700"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For completion of the pound and stable as follows: For metal folding shutters for the wagon shed, $1,000; painting inside walls, $50; erecting flagpole, $75; screens and awnings, $160; and fire hose, $100; in all, $1,325."

And the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,350"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,800"; and the Senate agree to the same.

Amendment numbered 141: That the House recede from its disagreement to the amendment of the Senate numbered 141, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,450"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,000"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,800"; and the Senate agree to the same.

Amendment numbered 152: That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,850"; and the Senate agree to the same.

Amendment numbered 154: That the House recede from its disagreement to the amendment of the Senate numbered 154, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stenographer, $1,400"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert the following: "$1,000"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,325"; and the Senate agree to the same.

Samuel D. Heusel to be postmaster at Continental, Ohio, in place of D. S. Myers. Incumbent's commission expires June 24, 1914.

Joseph V. Lawler to be postmaster at Carrollton, Ohio, in place of J. C. Oglevee. Incumbent's commission expired May 24, 1914.

Isaac H. Malick to be postmaster at Van Wert, Ohio, in place of Frank A. Gamble. Incumbent's commission expires June 23, 1914.

Emil Weber to be postmaster at Wauseon, Ohio, in place of John F. Outcalt. Incumbent's commission expired February 9, 1914.

OKLAHOMA.

H. S. Blair to be postmaster at Drumright, Okla. Office became presidential April 1, 1914.

Monroe Moore to be postmaster at Lamont, Okla., in place of O. J. Bradfield. Incumbent's commission expired May 19, 1914.

Omer Schnoebelen to be postmaster at Mooreland, Okla., in place of Clyde H. Morris. Incumbent's commission expired April 12, 1914.

Thomas P. Stone to be postmaster at Custer, Okla., in place of Sam L. Darrah. Incumbent's commission expired June 2, 1914.

Eugenia F. Turner to be postmaster at Kreis, Okla., in place of Jean C. Buell, resigned.

D. R. Wright to be postmaster at Taloga, Okla., in place of F. L. Berry, resigned.

PENNSYLVANIA.

Stanley Dropeski to be postmaster at Nanticoke, Pa., in place of Stanley Diopreski, to correct name of appointee.

E. E. Fricker to be postmaster at Glenside, Pa., in place of Robert H. Gracey, resigned.

Philip W. Miller to be postmaster at New Freedom, Pa., in place of James F. Singer, removed.

Thomas Rorer to be postmaster at North Wales, Pa., in place of Elmer E. McCracken. Incumbent's commission expired May 2, 1914.

David B. Thomas to be postmaster at New Brighton, Pa., in place of Charles M. McDaniel. Incumbent's commission expired January 24, 1914.

SOUTH CAROLINA.

Charles E. Falkenstein to be postmaster at Barnwell, S. C., in place of Sheldon B. Moseley. Incumbent's commission expires June 14, 1914.

SOUTH DAKOTA.

William Golvin to be postmaster at Sturgis, S. Dak., in place of Frank Smith, resigned.

George E. McAllister to be postmaster at Frankfort, S. Dak., in place of George A. Fehlman. Incumbent's commission expired February 25, 1914.

TENNESSEE.

Addie D. Bell to be postmaster at Springfield, Tenn., in place of Frances D. Robertson. Incumbent's commission expired April 21, 1914.

TEXAS.

J. W. Hall to be postmaster at Crockett, Tex., in place of John T. Dawes. Incumbent's commission expires June 13, 1914.

VERMONT.

Burton E. Bailey to be postmaster at Montpelier, Vt., in place of Joseph G. Brown. Incumbent's commission expired April 26, 1914.

Moses E. Leary to be postmaster at Richmond, Vt., in place of Ira Towne. Incumbent's commission expired February 9, 1913.

Patrick Mahoney to be postmaster at Poultney, Vt., in place of Paul G. Ross. Incumbent's commission expired April 15, 1914.

W. J. O'Neill to be postmaster at Waterbury, Vt., in place of Mark H. Moody. Incumbent's commission expired February 22, 1914.

John J. Rock to be postmaster at Ludlow, Vt., in place of Elwin A. Howe. Incumbent's commission expired March 10, 1914.

Maurice J. Walshe to be postmaster at White River Junction, Vt., in place of David A. Perrin. Incumbent's commission expired April 26, 1914.

VIRGINIA.

A. S. Hamilton to be postmaster at Warrenton, Va., in place of James B. Grayson, resigned.

WASHINGTON.

Arthur A. Barnes to be postmaster at Pasco, Wash., in place of W. D. Schutt. Incumbent's commission expires June 24, 1914.

S. S. Moritz to be postmaster at Dayton, Wash., in place of Walter C. Frary, resigned.

Helen R. Whitney to be postmaster at Wapato, Wash., in place of John F. Niesz. Incumbent's commission expires June 22, 1914.

James M. G. Wilson to be postmaster at Waterville, Wash., in place of C. W. Fredericksen. Incumbent's commission expires June 20, 1914.

WEST VIRGINIA.

L. W. Bartlett to be postmaster at Buckhannon, W. Va., in place of Harrison A. Darnall. Incumbent's commission expired May 25, 1914.

Grover F. Hedges to be postmaster at Spencer, W. Va., in place of Isaac I. Riley, removed.

W. E. Wood to be postmaster at Elk Horn, W. Va., in place of Ernest L. Stafford. Incumbent's commission expired June 2, 1914.

WISCONSIN.

C. A. Hoen to be postmaster at Edgerton, Wis., in place of Hugh McInnes. Incumbent's commission expired January 24, 1914.

Andrew P. Kealy to be postmaster at Hudson, Wis., in place of Allan Beggs. Incumbent's commission expired June 1, 1914.

WYOMING.

William E. Laudan to be postmaster at Torrington, Wyo. Office became presidential January 1, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 13, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

Lieut. Commander Edwin H. De Lany to be a commander.

Lieut. Percy W. Foote to be a lieutenant commander.

Lieut. (Junior Grade) Charles R. Clark to be a lieutenant.

Julius F. Neuberger to be an assistant surgeon in the Medical Reserve Corps.

Asst. Surg. Luther Sheldon, jr., to be a passed assistant surgeon.

Passed Asst. Paymaster John M. Hancock to be a paymaster.

First Lieut. Edward B. Cole to be a captain in the Marine Corps.

Second Lieut. Adolph B. Miller to be a first lieutenant in the Marine Corps.

Lieut. Lewis Coxe to be a lieutenant commander.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

William W. Smith.
Harold T. Smith.
Gerard Bradford.
Benjamin V. McCandlish.
Alan G. Kirk.
Levi B. Rye.
Francis W. Scanland.
Joel W. Bunkley.
Leo L. Lindley.
Monroe Kelly.
Alfred L. Ede.
George K. Stoddard.
Charles H. Morrison.
Paul H. Rice.
Charles E. Reordan.
Virgil J. Dixon.
Franklin Van Valkenburgh.
Eugene M. Woodson.
James S. Spore.
Mark C. Bowman.
Ralph G. Haxton.
James M. Doyle.
Ewart G. Haas.

Albert J. A. Hamilton to be an assistant surgeon in the Medical Reserve Corps.

The following-named assistant paymasters with rank of ensign to be assistant paymasters with rank of lieutenant (junior grade):

Arthur H. Mayo.
William Gower.
Thomas Cochran.
Frederick C. Bowerfind.

Pharmacist Maury D. Baker to be a chief pharmacist in the Navy from the 17th day of April, 1914.

Ensign Henry G. Cooper, jr., to be a lieutenant (junior grade).

The following-named midshipmen to be ensigns in the Navy:

Edward Ellsberg.
Edward L. Cochrane.
Noel Davis.
Robert W. Ferrell.
Warner W. Bayley.
George C. Manning.
Donald Royce.
Fred E. Pelton.
Adrian R. Marron.
Carl H. Jones.
John N. Laycock.
Conrad D. Fry.
Charles B. C. Carey.
Gordon W. Nelson.
Henry P. Samson.
Joseph L. McGuigan.
Carleton F. Bryant.
William J. Larson.
Fred M. Earle.
Alfred P. H. Tawresey.
Thomas N. Vinson.
John H. Buchanan.
Herman A. Spanagel.
Joseph R. Redman.
Frank L. Lowe.
Franklin G. Percival.
Theo D. Westfall.
K. P. Gilchrist.
Theodore D. Raddock, jr.
Zeno W. Wicks.
Andrew H. Addoms.
Albert G. Berry, jr.
James D. Black.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Sherrod H. Quarles.
John I. Hale.
Alfred H. Baisley.
Greene W. Dugger, jr.
Charles D. Swain.
Edmund W. Burrough.
Albert H. Rooks.
George F. Nelley.
Russell E. Perry.
Byron B. Ralston.
Stanley L. Wilson.
Herbert J. Ray.
Charles E. Rosendahl.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.
Theodore W. Sterling.
Archibald N. Offley.
Richard L. Conolly.
William A. Corn.
Thomas L. Nash.
Edwin T. Short.
William A. Teasley.
John B. W. Waller.
Arthur E. Wills.
Robert L. Vaughan.
Homer L. Ingram.
Thomas J. Doyle, jr.
Alexander R. Early, jr.
Charles F. Martin.
Vincent A. Clarke, jr.
Kemp C. Christian.
Philip W. Yeatman.
James A. McCown.
Samuel G. Moore.
William J. Hart, jr.
John L. Vaiden.
Swift Riché.
George Marvell.
Benjamin H. Page.
Frank J. Cunneen.
Allan W. Ashbrook.
Raymond A. Deming.
Charles T. S. Gladden.
Benjamin S. Killmaster.
Robert A. Dyer, 3d.
Raymond S. Hatch.
James E. Boak.
William A. Heard.
Charles H. Mecum.
George T. Howe.
Rudolph F. Haus.
Simson C. Stengel.
Wilder Duff. Baker.
Julius M. Moss.
Boleslaw L. Dombrowski.
Robert S. Wyman.
Lewis H. McDonald.
Erskine D. Peck.
Thomas F. Downey.
Horace H. Jaibert.
George S. Arvin.
Foster C. Bumpus.
Harold J. Nelson.
William C. Burgy.
Frank P. Thomas.
Ralph O. Davis.
Francis K. O'Brien.
Sifrein F. Maury.
Martin Griffin.
Marion Y. Cohen.
William F. Roehl.
Malcolm W. Callahan.
Thomas C. Slingluff.
Donald F. Washburn.
William S. Popham, jr.
Frederick D. Powers.
Robert H. Maury.
Thomas C. Latimore, jr.
Robert W. Cary, jr.
Karl R. Shears.
Lloyd J. Wiltse.
Leon O. Alford.
Lawrence J. K. Blades.
Henry W. Hoyt.
Robert C. Starkey.
William DeW. Austin.
Joseph C. Arnold.
Philip R. Weaver.
Charles A. Macgowan.
Robert P. Luker.
Clarence J. McReavy.
Oliver O. Kessing.
John F. Moloney.
Delorimier M. Steece.
Wallis Gearing.
William K. Beard.
Paul Fitzsimons, jr.
Charles F. Angel.
John H. Brown, jr.
William D. Bungert.
Lewis J. Stecher.
Malcolm L. Worrell.
Ralph G. Pennoyer.

Lieut. Lewis Coxe to be a lieutenant commander.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant.

The following-named ensigns to be lieutenants (junior grade):

Alfred L. Ede.
George K. Stoddard.
Charles H. Morrison.

POSTMASTERS.

ALABAMA.

Charles E. Niven, Columbiana.

ARKANSAS.

John A. Bridgford, Eureka Springs.
Henry R. Bowers, Imboden.
Hugh J. Floyd, Bentonville.
John P. Stafford, Springdale.
Ellis Turley, Forrest City.
William H. Watkins, Harrison.

ILLINOIS.

George Hanlon, Shawneetown.
Edgar H. Little, East St. Louis.
George Taylor, Evanston.
Charles Walkup, Oregon.

KENTUCKY.

Floyd J. Laswell, Owensboro.
Squire Turner, Mount Sterling.

NEW JERSEY.

Alvin E. Hoagland, Plainfield.

association of persons, or corporations doing business in this State shall deal in, sell, or offer for sale in this State any particular or specified article, product, or commodity, and shall not during the continuance or existence of any such arrangement, combination, contract, or agreement deal in, sell, or offer for sale in this State any competing article, product, or commodity are hereby declared to be against public policy, unlawful, and void; and any person, association of persons, or corporation becoming a party to any such arrangement, contract, agreement, or combination, shall be deemed and adjudged guilty of a conspiracy to defraud and be subject to the penalties provided for in this article." (Laws 1897, p. 208.)

[Section 10301 of the Revised Statutes of Missouri for 1909.]

"SEC. 10301. Combination to increase prices declared conspiracy.—All arrangements, contracts, agreements, combinations, or understandings made or entered into between any two or more persons, designed or made with a view to lessen, or which tend to lessen, lawful trade or full and free competition in the importation, transportation, manufacture, or sale in this State of any product, commodity, or article or thing bought and sold of any class or kind whatsoever, including the price or premium to be paid for insuring property against loss or damage by fire, lightning, or storm, and all arrangements, contracts, agreements, combinations, or understandings made or entered into between any two or more persons which are designed or made with a view to increase or which tend to increase the market price of any product, commodity, or article or thing of any class or kind whatsoever bought and sold, including the price or premium to be paid for insuring property against loss or damage by fire, lightning, or storm are hereby declared to be against public policy, unlawful, and void; and any person or persons creating, entering into, becoming a member of or participating in such arrangements, contracts, agreements, combinations, or understandings shall be deemed and adjudged guilty of a conspiracy in restraint of trade and punished as provided for in this article." (Laws 1907, p. 377.)

[Section 10304 of the Revised Statutes of Missouri of 1909.]

SEC. 10304. Offending corporations to forfeit charter and property: Any corporation created or organized by or under the laws of this State which shall violate any of the provisions of this article may, upon proper proof being made thereof in any court of competent jurisdiction in this State, be declared by the court to have forfeited its corporate rights and franchises, and the same may by the court be declared forfeited, void, and of noneffect, and shall thereupon cease and determine; and such court may, by such judgment and decree, also declare all or any part of the property of such corporation forfeited unto the State, or in lieu of the forfeiture of its corporate rights and franchises or in lieu of the forfeiture of all or any part of the property of such corporation, assess against it a fine; and any corporation created or organized by or under the laws of any other State or country which shall violate any of the provisions of this article shall, upon proper proof being made thereof in any court of competent jurisdiction in this State, be declared by the court to have forfeited its right and privilege thereafter to do any business in this State, and the same shall by the court be declared forfeited, void, and of noneffect, and shall thereupon cease and determine; and such court may, by judgment and decree, also declare all or any part of the property in this State of such corporation forfeited unto the State, or in lieu of the forfeiture of its right and privilege to do business in this State, or in lieu of the forfeiture of all or any part of the property of such corporation assess against it a fine; and in all proceedings for the violation of any of the provisions of this article against any corporation created or organized under the laws of this or any other State or country proof of the acts of any person who has been acting as the agent of such corporation in transacting its business in this State in the name, behalf, or interest of such corporation shall be received as prima facie proof of the acts of the corporation itself; and it shall be the duty of the clerk of the court in which any judgment of forfeiture shall be rendered, as herein provided for, to certify the decree thereof to the secretary of state, and if it be an insurance company also to the superintendent of the insurance department, who shall take notice and be governed thereby as to the corporate powers and rights of said corporation; and in case any court shall render a decree forfeiting all or any part of the property of any corporation violating the provisions of this article, such court shall also appoint a receiver thereof to dispose of the same in such manner as the court may direct, and the net proceeds arising from the sale thereof shall be paid into the State treasury, as shall all fines that may be imposed against any person or corporation violating the provisions of this article be paid into the State treasury. (Laws 1907, p. 377.)

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, June 15, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 13, 1914.

COLLECTOR OF CUSTOMS.

Malcolm Argyle Franklin, of Columbus, Miss., to be collector of customs for the district of Hawaii in place of Edward R. Stackable, removed.

RECEIVER OF PUBLIC MONEYS.

Samuel L. Page, of Marysville, Utah, to be receiver of public moneys at Vernal, Utah, vice Don B. Colton, resigned.

POSTMASTERS.

ALABAMA.

Z. E. Bellah to be postmaster at Oneonta, Ala., in place of M. Wesley Brice. Incumbent's commission expires June 24, 1914.

R. E. Burnett to be postmaster at Greenville, Ala., in place of Belvins S. Perdue, resigned.

Thomas E. Hill to be postmaster at Troy, Ala., in place of William C. Starke. Incumbent's commission expired January 17, 1914.

H. G. Williams to be postmaster at Gordo, Ala., in place of Howard B. Williams, resigned.

ARKANSAS.

Lucy C. Dollarhide to be postmaster at Foreman, Ark., in place of Dan S. Collins, removed.

Jefferson D. Hailey to be postmaster at Berryville, Ark., in place of Carl O. Freeman, resigned.

William P. Williams to be postmaster at Nashville, Ark., in place of William E. Brown, declined.

CALIFORNIA.

H. P. Moffitt to be postmaster at Oilfields, Cal., in place of A. P. May, resigned.

James D. O'Connell to be postmaster at National City, Cal., in place of Samuel S. Johnston. Incumbent's commission expired March 8, 1914.

Mattie F. Shepard to be postmaster at Auburn, Cal., in place of Arthur S. Fleming, resigned.

COLORADO.

Lydia J. McGee to be postmaster at Pagosa Springs, Colo., in place of Eleanor H. Todd. Incumbent's commission expires June 21, 1914.

Edward O. Russell to be postmaster at Manzanola, Colo., in place of Thomas J. Stanley, deceased.

CONNECTICUT.

Willis B. Judd to be postmaster at Bethel, Conn., in place of Charles K. Bailey. Incumbent's commission expired June 2, 1914.

Edward L. Roberts to be postmaster at Canaan, Conn., in place of Harry A. Holt. Incumbent's commission expires June 24, 1914.

FLORIDA.

Lester Windsor to be postmaster at Winterhaven, Fla., in place of Frank L. Collins, resigned.

GEORGIA.

Thomas E. Brown to be postmaster at Bremen, Ga., in place of L. P. Trimble, removed.

R. D. Moore to be postmaster at Jefferson, Ga., in place of John B. Dunagan. Incumbent's commission expired April 20, 1914.

IDAHO.

William T. Roberts to be postmaster at Bellevue, Idaho, in place of Emma L. Reed. Incumbent's commission expired February 14, 1914.

ILLINOIS.

S. E. Avey to be postmaster at Mount Morris, Ill., in place of Holly C. Clark. Incumbent's commission expired June 2, 1914.

Edward Coryn to be postmaster at Moline, Ill., in place of Alfred T. Foster. Incumbent's commission expired March 15, 1914.

William B. Hogan to be postmaster at Lanark, Ill., in place of Harry M. Rowland, resigned.

Pearl Richcreek to be postmaster at Argo, Ill. Office became presidential April 1, 1914.

M. M. Sharp to be postmaster at Greenville, Ill., in place of William W. Lewis. Incumbent's commission expired April 28, 1914.

W. W. Story to be postmaster at Genoa, Ill., in place of George J. Patterson. Incumbent's commission expired January 10, 1914.

INDIANA.

Burton Cassaday to be postmaster at West Terre Haute, Ind., in place of Warren A. Sanford. Incumbent's commission expired February 15, 1914.

Charles F. Gerber, jr., to be postmaster at Cannelton, Ind., in place of Eugene F. Cummings, resigned.

Bertram W. Pickhardt to be postmaster at Huntingburg, Ind., in place of Louis H. Katter. Incumbent's commission expires June 21, 1914.

R. F. Schneider to be postmaster at Montpelier, Ind., in place of Harris L. Troutman. Incumbent's commission expired June 10, 1914.

Levi L. Simons to be postmaster at Warren, Ind., in place of Myron A. Thorp. Incumbent's commission expires June 21, 1914.

IOWA.

Edmund Ahart to be postmaster at Dow City, Iowa. Office became presidential January 1, 1914.

John L. Devine to be postmaster at Livermore, Iowa, in place of B. W. De Vine, resigned.

Cora A. Hadlebaugh to be postmaster at Bagley, Iowa. Office became presidential January 1, 1914.

Jacob B. Powers to be postmaster at Murray, Iowa, in place of Hiram Lamb, resigned.

KANSAS.

W. T. S. Griffith to be postmaster at Westphalia, Kans., in place of Elmer Alban, resigned.

Alice W. Lee to be postmaster at Glen Elder, Kans., in place of Frank Hobart. Incumbent's commission expires June 14, 1914.

Anna B. Marshall to be postmaster at La Cygne, Kans., in place of Harry J. Muth. Incumbent's commission expired April 15, 1914.

W. R. Martin to be postmaster at Wathena, Kans., in place of George Manville. Incumbent's commission expired May 31, 1914.

KENTUCKY.

Hubbard I. Hansbrough to be postmaster at Hodgenville, Ky., in place of Philip A. Taylor, removed.

Floyd J. Laswell to be postmaster at Owensboro, Ky., in place of Frederick A. Van Rensselaer. Incumbent's commission expired April 19, 1914.

Emmett S. Robey to be postmaster at Franklin, Ky., in place of Thomas Sympson, resigned.

Squire Turner to be postmaster at Mount Sterling, Ky., in place of H. W. Lockridge. Incumbent's commission expired March 7, 1914.

MAINE.

Otha H. Jellison to be postmaster at Bar Harbor, Me., in place of G. Raymond Joy. Incumbent's commission expired December 21, 1913.

John E. Murphy to be postmaster at Hallowell, Me., in place of Fitz M. Fish. Incumbent's commission expired March 16, 1914.

Willie B. Parlin to be postmaster at Machias, Me., in place of Eldridge H. Bryant, deceased.

Dennis Sheehan to be postmaster at Houlton, Me., in place of Frank M. Hume. Incumbent's commission expired February 1, 1914.

MASSACHUSETTS.

James E. Cadagon to be postmaster at Adams, Mass., in place of Peter P. Smith. Incumbent's commission expired February 1, 1914.

MICHIGAN.

N. D. Campbell to be postmaster at Gwinn, Mich. Office became presidential October 1, 1912.

George W. Manion to be postmaster at Alpena, Mich., in place of Fred N. Potter. Incumbent's commission expires June 13, 1914.

MINNESOTA.

John O. Ackerman to be postmaster at Hastings, Minn., in place of Edwin E. Tuttle. Incumbent's commission expired February 4, 1914.

J. Friend Holmes to be postmaster at Warroad, Minn., in place of Thomas L. Jones. Incumbent's commission expired March 5, 1914.

Charles Jesmore to be postmaster at Eveleth, Minn., in place of Edward Hatch, removed.

A. W. Johnson to be postmaster at Forest Lake, Minn., in place of William J. Simmons. Incumbent's commission expired March 30, 1914.

P. A. McEachin to be postmaster at Keewatin, Minn. Office became presidential April 1, 1914.

Joseph A. Roerig to be postmaster at Adrian, Minn., in place of Joseph Cowin, resigned.

MISSISSIPPI.

Felicie L. Delmas to be postmaster at Pascagoula, Miss., in place of Felicie L. Delmas. Incumbent's commission expired May 31, 1914.

MONTANA.

John T. Murphy to be postmaster at Boulder, Mont., in place of George Pfaff. Incumbent's commission expires June 14, 1914.

Anna D'G. Hough to be postmaster at Bridger, Mont., in place of Clarence E. Thompson. Incumbent's commission expired March 8, 1914.

NEBRASKA.

Henry C. Burritt to be postmaster at Shelby, Nebr., in place of William T. Mawhor. Incumbent's commission expired January 31, 1914.

R. W. Davis to be postmaster at Wolbach, Nebr., in place of Edgar A. Wight. Incumbent's commission expired January 31, 1914.

John C. Dullaghan to be postmaster at Rushville, Nebr., in place of John H. Davis. Incumbent's commission expired January 6, 1914.

Lyman H. Eastman to be postmaster at Campbell, Nebr., in place of John Parker, resigned.

Edward P. Griess to be postmaster at Sutton, Nebr., in place of John H. Tower. Incumbent's commission expired April 20, 1914.

Ward G. Higley to be postmaster at Wauneta, Nebr., in place of Cash D. Fuller. Incumbent's commission expired January 11, 1914.

Arthur G. Schoeneck to be postmaster at Scribner, Nebr., in place of James M. Beaver. Incumbent's commission expired June 2, 1914.

Charles H. Short to be postmaster at Ainsworth, Nebr., in place of Lewis M. Short. Incumbent's commission expired March 5, 1914.

Frances Wisner to be postmaster at Bayard, Nebr. Office became presidential January 1, 1914.

NEVADA.

Lee M. Boyce to be postmaster at East Ely, Nev., in place of Richard H. Frank. Incumbent's commission expired April 1, 1914.

NEW JERSEY.

Benjamine F. Apgar to be postmaster at Hampton, N. J., in place of Henry M. Bigelow, resigned.

Thomas F. Dolan to be postmaster at Sayreville, N. J., in place of Charles E. Gildersleeve. Incumbent's commission expired March 10, 1914.

Alvin E. Hoagland to be postmaster at Plainfield, N. J., in place of Elias H. Bird. Incumbent's commission expired April 15, 1914.

T. Harry Obert to be postmaster at Pleasantville, N. J., in place of R. M. Willis. Incumbent's commission expired May 18, 1914.

NEW MEXICO.

W. S. Gilliam to be postmaster at Mesilla Park, N. Mex., in place of May Crawford, removed.

Ella B. Taylor to be postmaster at Aztec, N. Mex., in place of Lucy P. Waring. Incumbent's commission expired May 11, 1914.

NEW YORK.

J. Frank Dimon to be postmaster at Riverhead, N. Y., in place of Howard V. Lane. Incumbent's commission expired May 6, 1914.

Minnie C. Fellows to be postmaster at Scarsdale, N. Y., in place of Minnie C. Fellows. Incumbent's commission expired January 11, 1914.

Peter Marcinkowski, jr., to be postmaster at Wallkill, N. Y., in place of E. B. Du Bois. Incumbent's commission expired February 8, 1914.

Bessie Sullivan to be postmaster at Lisbon, N. Y., in place of Edith Wallace, resigned.

Augusta H. Tilden to be postmaster at New Lebanon, N. Y., in place of Lincoln Sackett. Incumbent's commission expired June 28, 1913.

NORTH CAROLINA.

Robert H. Davis to be postmaster at Louisburg, N. C., in place of Mary W. Yarborough. Incumbent's commission expired April 4, 1914.

R. R. Ross to be postmaster at Ashboro, N. C., in place of E. L. Auman, resigned.

NORTH DAKOTA.

Paul Keller to be postmaster at Hebron, N. Dak., in place of Rudolph Dulemann. Incumbent's commission expired April 13, 1914.

Thomas Regan to be postmaster at Larimore, N. Dak., in place of Ellery C. Arnold. Incumbent's commission expired May 31, 1914.

Zora Svendsgaard to be postmaster at Bowdon, N. Dak. Office became presidential January 1, 1914.

OHIO.

R. J. Baxter to be postmaster at Conneaut, Ohio, in place of Charles S. Putnam, resigned.

W. F. J. Dehn to be postmaster at Struthers, Ohio, in place of William A. Morrison, resigned.

Thomas W. Fahnestock to be postmaster at Versailles, Ohio, in place of Charles W. Miller. Incumbent's commission expired April 6, 1914.

Samuel D. Heusel to be postmaster at Continental, Ohio, in

S. S. Moritz to be postmaster at Dayton, Wash., in place of

of the statutes of Missouri, was that the act was unconstitutional because it did not apply to combinations for the purpose of fixing the price of labor or services, and did not embrace within its purview organizations of that kind. Therefore it was claimed that the act was discriminatory. The defense was made in the following language, as quoted by the Supreme Court:

Because said statute arbitrarily discriminates between persons making or selling products and commodities and persons selling labor and service of all kinds, in that each section of said statute applies only to articles of merchandise, and not to labor or services and the like, the prices of which are equally and similarly determined by competition.

This opinion squarely decides that that defense is not a good defense, and that legislative bodies have the power to make that discrimination if they see fit. The decision is of importance at this time because it will throw light upon certain sections of the trust bill which has been recently sent to the Senate from the House.

The PRESIDENT pro tempore. Will the Senator amplify his request so as to have the opinion submitted by him printed as a Senate document, in order that it may be more accessible to Members of the Senate?

Mr. REED. I shall be glad to adopt the suggestion of the Chair.

The PRESIDENT pro tempore. Unless there is objection, that feature will be added to the request of the Senator from Missouri. The Chair hears no objection, and it is so ordered.

The matter referred to is as follows:

INTERNATIONAL HARVESTER CO.

Supreme Court of the United States. No. 166—October term, 1913.

International Harvester Co. of America, plaintiff in error, v. The State of Missouri, on the information of its attorney general. In error to the Supreme Court of the State of Missouri. June 8, 1914.

Mr. Justice McKenna delivered the opinion of the court.

Information in the nature of quo warranto brought in the Supreme Court of the State to exclude plaintiff in error from the corporate rights, privileges, and franchises exercised or enjoyed by it under the laws of the State, that they be forfeited, and all or such portion of its property as the court may deem proper be confiscated or in lieu thereof a fine be imposed upon it in "punishment of the perversion, usurpation, abuse, and misuse of franchises."

The ground of the action is the alleged violation of the statutes of the State passed respectively in 1889 and 1909 and entitled "Pools, trusts, and conspiracies," and "Pools, trusts, and conspiracies and discriminations."

The facts alleged in the information are these: Plaintiff in error is a Wisconsin corporation engaged in the manufacture and sale of agricultural implements, binders, mowers, etc., and was licensed on the 5th of April, 1892, to do business in Missouri under the name of the Milwaukee Harvester Co., and on September 18, 1902, became licensed to do and engaged in such business in the State. In that year the International Harvester Co. of New Jersey was organized with a capital stock of $120,000,000 for the purpose of effecting a combination of plaintiff in error and certain other companies to restrain competition in the manufacture and sale of such agricultural implements in Missouri, and the New Jersey company has maintained plaintiff in error as its sole selling agent in Missouri. Before the combination the companies combined were competitors of one another and of other corporations, individuals and partnerships engaged in the same business in the State dealers and farmers of the State, received the benefit of competition in the purchase and sale of farm implements. The combination was designed and made with a view to lessen, and it tended to lessen, free competition in such implements, and thereby the said corporations entered into and became members of a pool, trust, combination, and agreement. In furtherance thereof and for the purpose of giving the International Harvester Co. of New Jersey a monopoly of the business of manufacturing and selling agricultural implements in the State, and for the purpose of preventing competition in the sale thereof, plaintiff in error has compelled the retail dealers in each county of the State who desire to handle and sell or act as agent for it to refrain from selling implements manufactured or sold by competing companies or persons. By reason thereof competition in such implements has been restrained, prices controlled, the quantity of such implements has been fixed and limited, and plaintiff in error has been able to secure, and for several years enjoy, from 85 to 90 per cent of the business, all to the great damage and loss of the people of the State, and by reason of its participation in the pool, trust, and combination and by reason of the acts and things done by it plaintiff in error has been guilty of an illegal, willful, and malicious perversion and abuse of its franchises, privileges, and licenses granted to it by the State.

The answer of plaintiff in error denied that it had become a party to any combination or that in its transactions there was any purpose to restrain or lessen competition, or that trade had been or was restrained.

The case was referred to a special commissioner to take the evidence and report his conclusions. He found, as alleged in the information, that the International Harvester Co. of New Jersey was a combination of the properties and businesses of formerly competing harvester companies, and plaintiff in error being one of such companies and, thereafter by selling the New Jersey company's products in Missouri, had violated the Missouri statutes against pools, trusts, and conspiracies.

In exceptions to the report of the special commissioner plaintiff in error urged that the statute of Missouri violated the equality clause and due process clause of the fourteenth amendment to the Constitution of the United States, "(1) because said statute arbitrarily discriminates between persons making or selling products and commodities and persons selling labor and service of all kinds: In that each section of said statute applies only to articles of merchandise and not to labor or services and the like, the prices of which are equally and similarly determined by competition, and may be equally and similarly the subject of combination and conspiracy to the detriment of the public. (2) Because said statute arbitrarily discriminates between the makers and sellers of products and commodities and the purchasers thereof. It prohibits manufacturers and sellers from making contracts or arrangements intended or tending to increase the market price of the articles they make or sell, but does not prohibit purchasers from combining to fix or reduce the market price of the commodities or articles to be purchased by them. (3) Because said statute, as construed by the commissioner, unreasonably and arbitrarily interferes with plaintiff in error's right to make proper and reasonable business contracts, and deprives it of property rights in respect thereto."

These exceptions were urged and argued in the Supreme Court upon the filing of the commissioner's report. Judgment was entered upon the report, in which it was adjudged that, by reason of the violation of the statutes of the State, as charged in the information, plaintiff in error had forfeited the license theretofore granted to it to do business in the State, and it was adjudged that the license be forfeited and canceled and the company ousted from its rights and franchises granted by the State to do business in the State, and a fine of $50,000 was imposed upon it. It was, however, provided that upon payment of the fine on or before the 1st of January, 1912, and immediately ceasing all connection with the International Harvester Co. of New Jersey and the corporations and copartnerships with which it had combined, and not continuing and maintaining the unlawful agreement and combination with them to lessen and destroy competition in the sale of the enumerated farm implements and giving satisfactory evidence thereof to the court, the judgment of ouster should be suspended. The company was given until March 1, 1912, "to file its proof of willingness" to comply with the judgment. It was also adjudged that upon a subsequent violation of the statute "the suspension of the writ of ouster shall be removed" by the court "and absolute ouster be enforced," and to that end the court retained "its full and complete jurisdiction over the cause." (237 Mo., 369.)

A motion is made to dismiss on the ground that plaintiff in error in its answer simply denied that it had violated the antitrust laws of the State, and it is contended that by not alleging in its answer that those laws violated the Constitution of the United States it waived such defense. It is further contended that because the Federal right was not asserted in the answer denying the charge of the State could not have considered and did not consider or decide it. Decisions of the Supreme Court of Missouri are cited to sustain the contentions. The decisions declare the proposition that constitutional questions must be raised at the first opportunity, or, as expressed in one of the cases (Brown v. Railway Co., 175 Mo., 1), "the protection of the Constitution must be timely and properly invoked in the trial court." Mill Mills Co. v. Black (242 Mo., 31) it is said: The ruling of this court is that so grave a question [constitutional question] must be lodged at the first opportunity or it will be deemed to have been waived, if it can be properly and naturally raised in the pleadings, and thereby be a question lodged in the record proper, such is the time and place to raise it," and that it is too late to raise the question after judgment in a motion for new trial. In Hertzler v. Railway Co. (218 Mo., 1) it was held: "A motion for a new trial was not the first door for the question to enter, and in our later decisions we have ruled that a question of such gravity must be raised as soon as orderly procedure will allow. This in order that the trial court may be treated fairly and the question got into the case under correct safeguards and earmarked as of substance and not mere color."

It is manifest, we think, that the court only intended to express the condition of appellate review to be that in the trial court constitutional question should not be reserved until the case had gone to judgment on other issues and then used to secure a new trial. The principle of the rulings is satisfied in the case at bar. It is, as we have seen, an original proceeding in the Supreme Court and upon the report of the commissioner which brought before the court for decision of the issues and questions involved in it the Federal questions were made "under correct safeguards and earmarked as of substance and not mere color." It is true the court has not referred to them in its opinion, but we can not regard its silence as a condemnation to the time or manner at or in which they were raised. The assignments of error necessarily involve a consideration of the statutes. The relevant provisions are contained in section 10301 of the Revised Statutes of the State of 1909, and section 8966 of the Revised Statutes of 1899.

Section 10301 provides "that all arrangements, contracts, agreements, combinations, or understandings made or entered into between two or more persons, designed or made with a view to lessen, or which tend to lessen, lawful trade, or full and free competition in the importation, transportation, manufacture, or sale in the State" of any product, commodity, or article, or thing bought or sold," and all such arrangements, etc., "which are designed or made with a view to increase, or which tend to increase, the market price of any product, commodity, or article, or thing of any class or kind whatsoever bought and sold" are declared to be against public policy, unlawful and void, and those who shall be found guilty, "shall be deemed and adjudged guilty of a conspiracy in restraint of trade, and punished" as provided.

Section 8966 provides that arrangements, etc., such as described in section 10301, having the purpose, and all such arrangements, etc., "whereby and under the terms of which it is proposed, stipulated, provided, agreed, or understood that any person, association of persons, or corporations doing business in" the State, "shall deal in selling or offer for sale" in the State "any particular or specific article, product, or commodity, and shall not during the continuance or existence of any such arrangement * * * deal in, sell, or offer for sale," in the State, "any competing article, product, or commodity," are declared to be against public policy, unlawful, and void; and any person offending "shall be deemed and adjudged guilty of a conspiracy to defraud, and be subject to the penalties" provided.

By section 1094 of the Revised Statutes of 1909 it is provided that domestic offending corporations shall forfeit their charters and all or any part of their property as shall be adjudged by a court of competent jurisdiction, or be fined in lieu of the forfeiture of charters or of property.

Foreign offending corporations shall forfeit their right to do business in the State, with forfeiture also of property, or in lieu thereof the payment of a fine.

In State v. Standard Oil Co. (218 Mo., 1, 370, 372) the Supreme Court held that the antitrust statutes of the State "are limited in their scope and operations to persons and corporations dealing in commodities, and do not include combinations of persons engaged in labor pursuits." And, justifying the statutes against a charge of illegal discrimination, the court further said that "it must be borne in mind that the differentiation between labor and property is so great that they do not belong to the same general classification of rights or

things, and have never been so recognized by the common law or legislative enactment."

Accepting the construction put upon the statute, but contesting its legality as thus construed, plaintiff in error makes three contentions—(1) the statutes as so construed unreasonably and arbitrarily limit the rights of corporations; (2) discriminate between the vendors of commodities and the vendors of labor and services; and (3) between vendors and purchasers of commodities.

(1) The specification under this head is that the Supreme Court found, it is contended, benefit—not injury—to the public had resulted from the alleged combination. Granting that this is not an overstatement of the opinion the answer is immediate. It is too late in the day to assert against statutes which forbid combinations of competing companies that a particular combination was induced by good intentions and has had some good effect. (Armour Packing Co. v. United States, 209 U. S., 56, 62; Standard Sanitary Mfg. Co. v. United States, 226 U. S., 20, 49.) The purpose of such statutes is to secure competition and preclude combinations which tend to defeat it. And such is explicitly the purpose and policy of the Missouri statutes; and they have been sustained by the Supreme Court. There is nothing in the Constitution of the United States which precludes a State from adopting and enforcing such policy. To so decide would be stepping backward. (Carroll v. Greenwich Ins. Co., 199 U. S., 401; Central Lumber Co. v. South Dakota, 226U. S., 157.)

It is true that the Supreme Court did not find and do a definite abuse of its powers by plaintiff in error, but it did find that there was an offending against the statute, a union of able competitors and a cessation of their competition, and the court said: "Some of the sinister concerns that were competitors in the market have ceased their struggle for existence and retired from the field." This is one of the results which the statute was intended to prevent, the unequal struggle of individual effort against the power of combination. The preventing of the engrossment of trade is as definitely the object of the law as is price regulation of commodities, its prohibition being against combinations "made with a view to lessen, or which tend to lessen, lawful trade or full and free competition in the importation, transportation, manufacture, or sale of any commodity or article or thing bought or sold." (See Standard Oil Co. v. United States, 221 U. S., 1; United States v. American Tobacco Co., 164, 106; United States v. Patten, 226 U. S., 525.)

(2) and (3). These contentions may be considered together, both involving a charge of discrimination because the law does not cover vendors of labor, the other because it does not cover purchasers of commodities as well as vendors of them. Both, therefore, invoke a consideration of the power of classification which may be exerted in the legislation. And we shall not stop to see that the power of classification has very broad range. A classification is not invalid because of simple inequality. We said in Atchison, Topeka & Santa Fe Railway Co. v. Matthews (174 U. S., 96, 106), by Mr. Justice Brewer: "The very idea of classification is that of inequality, so that it goes without saying that the fact of inequality in no manner determines the matter of constitutionality." Therefore it may be there is restraint of competition in a combination of laborers and in a combination of purchasers, but that does not demonstrate that legislation which does not include either combination is illegal. Whether it would have been better policy to have made such comprehensive classification it is not our province to decide. In other words, whether a combination of wage earners or purchasers of commodities called for repression by law under the conditions in the State was for the legislature of the State to determine.

In Carroll v. Greenwich Insurance Co., supra, a statute of Iowa was considered which made it unlawful for two or more fire insurance companies doing business in the State, or their officers or agents, to make or enter into combinations or agreements in relation to the rates to be charged for insurance and certain other matters. The provision was held invalid by the Circuit Court of the United States for the District of Iowa on the ground of depriving of liberty of contract secured by the fourteenth amendment and denying the equal protection of the laws. This court reversed the decision, saying after stating that there was a general statute of Iowa which prohibited combinations to fix the price of any article of merchandise or commodity or to limit the quantity of the same produced or sold in the State:

"Therefore the act in question does little, if anything, more than apply and work out the policy of the general law in a particular case."

Again:

"If an evil is specially experienced in a particular branch of business, the constitution embodies no prohibition of laws confined to the evil or doctrinaire requirement that they should be couched in all-embracing terms."

And—

"If the Legislature of the State of Iowa deems it desirable artificially to prevent, so far as it can, the substitution of 'combination' for 'competition,' this court can not say that fire insurance may not present so conspicuous an example of what the legislature thinks an evil as to justify special treatment. The imposition of a more specific liability upon life and health insurance companies was held valid in Fidelity Mutual Life Insurance Co. v. Mettler (185 U. S., 308)."

Other cases were also cited in illustration.

Carroll v. Greenwich Insurance Co., supra, is especially apposite. It concerns the same subject of the case at bar and a decision upon them. It will be observed that the statute, which it was said declared the general policy of Iowa, was a prohibition against a combination of producers and sellers. There was the same distinction, therefore, between vendors and purchasers of commodities as in the Missouri statute and the same omission of prohibition of combinations of vendors of labor and services as in the Missouri law. The distinction and omission were continued when the policy of the State was extended to insurance companies. The law was not condemned because it went no further, because it did not prohibit the combination of all trades, businesses, and persons. We held that the omission was not for judicial cognizance, and that a court could not say that fire insurance might not present so conspicuous an example of what the legislature might think an evil "as to justify special treatment."

We might leave the discussion with that and the other cases. They decide that we attach little in determining the legality of a legislative classification by making broad generalizations, and it is for a broad generalization that plaintiff in error contends—indeed, a generalization which includes all the activities and occupations of life, and there is an enumeration of wage earners in emphasis of the discrimination in which manufacturers and sellers are singled out from all others. The contention is decentive, and yet it is earnestly urged in various ways which it would extend this opinion too much to detail. "In dealing with restraints of trade," it is said, "the proper basis of classification is obviously neither in commodities nor services not in persons, but in restraints." A law to be valid, therefore, is the inflexible deduction, can not distinguish between "restraints," but must apply to all restraints, whatever their degree or effect or purpose, and that because the Missouri statute has not this universal operation it offends against the equality required by the fourteenth amendment. This court has decided many times that a legislative classification does not have to possess such comprehensive extent. Classification must be accommodated to the problems of legislation, and we decided in Ozan Lumber Co. v. Union County Bank (207 U. S., 251) that it may depend upon degrees of evil without being arbitrary or unreasonable. We repeated the ruling in Heath & Milligan Manufacturing Co. v. Worst (207 U., 338), in Engel v. O'Malley (219 U. S., 128), in Mutual Loan Co. v. Martell (222 U. S., 225), and again in German Alliance Insurance Co. v. Lewis (233 U. S., 389, 418). In the latter case a distinction was sustained against a charge of discrimination between stock fire insurance companies and farmers' mutual insurance companies insuring farm property. If this power of classification did not exist, to what straits legislation would be brought. We may illustrate by the examples furnished by plaintiff in error.

In the enumeration of those who, it is contended, by combination are able to restrain trade are included, among others, "persons employed in domestic service" and "nurses," and because these are not embraced in the law, plaintiff in error, it is contended, although a combination of companies uniting the power of $120,000,000 and able thereby to engross 85 per cent or 90 per cent of the trade in agricultural implements, is nevertheless beyond the competency of the legislature to prohibit. As great as the contrast is, a greater one may be made. Under the principle applied a combination of all the great industrial enterprises (and why not railroads as well?) could not be condemned unless the law applied as well to a combination of maidservants or to infants' nurses, whose humble functions preclude effective combination. Such contrasts and the considerations they and the suggest must be pushed aside by government, and a rigid and universal classification applied, is the contention of plaintiff in error; and to this the contention must come. Admit exceptions and you admit the power of the legislature to select them. But it may be said the comparison is extreme is forensic, and, it may be, fallacious; that there may be powerful labor combinations as well as powerful industrial combinations, and weak ones of both kind, and that the law should can not distinguish between strong and weak offenders. This may be granted (Engel v. O'Malley, supra), but the comparisons are not without value in estimating the contentions of plaintiff in error. The foundation of our decision is, of course, the power of classification which is legislative and exercise, and the cases we have cited, as well as others which may be cited, demonstrate that some latitude must be allowed to the legislative judgment in selecting the "basis of classification." We have said that it may be palpably arbitrary to authorize a judicial review of it, and that it can not be disturbed by the courts "unless they can see clearly that there is no fair reason for the law that would not require with equal force its extension to others whom it leaves untouched." (Mo., Kan. & Tex. Ry. Co. v. May, 194 U. S., 267, 269; Williams v. State of Ark., 217 U. S., 79, 90; Watson v. State of Maryland, 218 U. S., 173, 179.)

The instances of these cases are instructive. In the first there was a difference made between landowners as to liability for permitting certain noxious grasses to go to seed on the lands. In the second, the statute passed on made a difference between businesses in the solicitation of patronage on railroad trains and at depots. In the third, a difference, based on the evidence of qualification of physicians, was declared valid.

In Western Union Telegraph Co. v. Milling Co. (218 U. S., 406), a distinction was made between common carriers in the power to limit liability for negligence. In Engel v. O'Malley, supra, a distinction between bankers was sustained; and in Provident Savings Institution v. Jackson (221 U. S., 616), deposits in savings banks were distinguished from deposits in other banks in the application of the statute of limitations.

Other cases might be cited whose instances illustrate the same principle and in which this court refused to strike down the higher generalizations urged as necessary to the fulfillment of the constitutional guaranty of the equal protection of the law, and in which we, in effect, held that it is competent for a legislature to determine upon what differences a distinction may be made for the purpose of statutory classification between objects otherwise having resemblances. Such power, of course, can not be arbitrarily exercised. The distinction made must have reasonable basis. (Magoun v. Illinois Trust, etc., Bank, 170 U. S., 283; Clark v. Kansas City, 176 U. S., 114; Gundling v. Chicago, 177 U. S., 183; Petit v. Minnesota, 177 U. S., 164; Williams v. Fears, 179 U. S., 270; American Sugar Refining Co. v. Louisiana, 179 U. S., 89; Griffith v. Connecticut, 218 U. S., 563; Atlantic C. L. R. R. & Pac. Ry. Co., 219 U. S., 453, 466; Lindsay v. Natural Carbonic Gas Co., 220 U. S., 61, 79; Fifth Avenue Coach Co. v. New York, 221 U. S., 467; Murphy v. California, 225 U. S., 623; Rosenthal v. New York, 226 U. S., 260, 270; Mo., Kan. & Tex. Ry. v. Cade, 233 U. S., 642.)

And so in the case at bar. Whether the Missouri statute should have set its condemnation on restraints generally, prohibiting combined action for any purpose and to everybody, or confined it as the statute does to manufacturers and vendors of articles and permitting it to purchasers of such articles; prohibiting it to sellers of commodities and permitting it to sellers of services, was a matter of legislative judgment, and we can not say that the distinction made was palpably arbitrary, which we have seen is the condition of judicial review. It is to be remembered that the question presented is of the power of the legislature, not the policy of the exercise of the power. To be able to find fault, therefore, with such policy is not to establish the invalidity of the law based upon it.

It is said that the statute as construed by the supreme court of the State comes within our ruling in Connelly v. Union Sewer Pipe Co. (184 U. S., 540), but we do not think so. If it did, we should, of course, apply that ruling here.

Judgment affirmed.

The sections of the Missouri Statutes quoted in the above decision are as follows:

[Section 8966 of the Revised Statutes of Missouri for 1899.]

"SEC. 8966. Certain agreements declared unlawful.—That from and after the passage of this article, all arrangements, contracts, agreements, or combinations between persons or corporations, or between persons or any association of persons and corporations, designed or made with a view to lessen, or which tend to lessen full and free competition in the importation, manufacture, or sale of any article, product, or commodity in this State, and all arrangements, combinations, contracts, or agreements whereby or under the terms of which it is proposed, stipulated, provided, agreed, or understood that any person,

to the report of the committee, which gave conscientious consideration to this proposition.

Mr. BURTON. Quite a number of salaries have been increased under this bill, have they not?

Mr. MARTIN of Virginia. Undoubtedly they have. It was almost impossible to resist the importunities of Senators who came before the committee about some particular man. We fought against it as far as we could conscientiously, but we have been unable to resist in some cases because it seemed to be necessary and just; but we did not feel that in this case it was necessary or just when considered in relation with the salaries paid other people in the employment of the Government. Of course we have increased some salaries.

Mr. BURTON. I notice there has been a considerable increase in the salaries of the Assistant Attorneys General.

Mr. MARTIN of Virginia. That is true.

Mr. BURTON. From $5,000 to $7,500.

Mr. MARTIN of Virginia. But that is the most important and the most responsible work that is now confronting the Government.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Washington [Mr. JONES].

The amendment was rejected.

Mr. LEE of Maryland. Mr. President, on page 105 I move to strike out lines 11 to 19, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 105 it is proposed to strike out the paragraph, beginning on line 11, which reads as follows:

During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as herein above provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury.

Mr. LEE of Maryland. Mr. President, there has been a good deal of fine feeling expressed in this body lately in behalf of the old soldiers of the country and there is no one who has more good feeling for them than myself. The real fact of the matter is, I realize, and all ought to realize, that every man who offers his service as a private volunteer soldier to the United States not only faces the legitimate ability of the enemy that he may go up against, but he goes forth to war under a system where there is no adequate provision for properly educating volunteer officers to lead troops. There ought to have been in this country, and there ought to be now, two more West Points. There ought to be another West Point in the Mississippi Valley and another West Point on the Pacific coast. But, as it is, the American soldier goes forth under the rawest imaginable kind of volunteer leadership. It costs many lives to educate such officers.

We have here a provision affecting the old soldier, and this being a practical question, I am interested to see how the Senate is going to act about it. Here is a bureau largely manned by a lot of old soldiers. If they become inefficient from old age, and additional help is needed, you have to discharge four of them to get one new man under this provision. You must discharge four old soldiers to get one young official under this provision of the bill, assuming that that department is largely manned by old soldiers.

Not only is this department itself in large part filled by old soldiers, but it is a department upon which the prompt, efficient payment of pensions depends.

In this connection I want to read to the Senate from page 432 of the hearings on this bill in the House, the statement of Mr. Saltzgaber, Commissioner of Pensions:

I want to ask you first of all—

Mr. JOHNSON inquired—

to say whether your office force is fairly efficient?

Mr. SALTZGABER. A large part of it is and a large part of it is inefficient.

Mr. JOHNSON. What is the inefficiency due to?

Mr. SALTZGABER. It is due to old age.

I want to call the attention of Members of the Senate, those gentlemen who are so sympathetic for the old and decrepit soldier who loses his place, to this:

Mr. JOHNSON. What is the inefficiency due to?

Mr. SALTZGABER. It is due to old age. That is the principal disqualification.

Mr. JOHNSON. Have you very many old people in that bureau?

Mr. SALTZGABER. We have quite a good many. I think we have been the dumping ground for other institutions and departments of the Government in that respect. I am afraid so. We have some people who have been there more than 40 years.

Mr. JOHNSON. I see you are asking for 100 people less next year than you have now; why are you able to get along with a less force?

Mr. SALTZGABER. We think the work of the bureau will decrease.

It is proper to say at this period that some subsequent letters from the same head, Mr. Saltzgaber, and from Mr. Lane, the Secretary of the Interior, reverse this last suggestion. They do not think that they will need less, but quite the contrary under certain conditions.

Mr. JOHNSON. Do you propose that vacancies shall not be filled, as has been the rule in that bureau for a number of years, except to a limited extent?

Mr. MARTIN of Virginia. Mr. President, if it is entirely agreeable to the Senator from Maryland, it is demonstrated that we can not finish the bill to-night. There are confronting us quite a large number of matters which will take a long time, and it is perfectly manifest we can not finish the bill to-night. If agreeable to the Senator from Maryland that the bill shall go over until Monday, I will ask that it be temporarily laid aside.

Mr. LA FOLLETTE. Will the Senator permit me to offer an amendment, that I may have it printed?

Mr. MARTIN of Virginia. I will be glad to yield for that purpose. I yield to the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. The Senator yields to me for that purpose, and I offer the amendment which I send to the desk.

Mr. LEE of Maryland. Mr. President, I am not willing to yield the floor at this time.

Mr. LA FOLLETTE. I beg pardon of the Senator from Maryland. I did not mean to intrude myself into the discussion.

Mr. LEE of Maryland. The chairman of the committee has asked me to yield. I will ask him when the bill will be brought up on Monday.

Mr. MARTIN of Virginia. Immediately after the routine business.

Mr. LEE of Maryland. In view of the fact that I can not be here between 11 and 12 o'clock on Monday, I think it will be advisable to dispose of this amendment now.

Mr. MARTIN of Virginia. That is impossible. The amendment is going to be debated. If Senators were not going to debate it, and if it were to be voted on at once, it would be all right, but it is impossible to dispose of it this evening.

Mr. LEE of Maryland. The Senator can at least let me present my views, and then the Senate can do what it pleases with the amendment, whether I am here or not.

Mr. MARTIN of Virginia. How long will it take the Senator to present his views?

Mr. LEE of Maryland. Not very long.

Mr. MARTIN of Virginia. That is a very vague statement.

Mr. LEE of Maryland. I have two letters here to read—one from Mr. Saltzgaber and one from Secretary Lane.

Mr. MARTIN of Virginia. The Senator yielded the floor.

Mr. LEE of Maryland. I have not yielded the floor, except in response to the Senator's inquiry. I think I have the floor, and I do not see how the Senator can offer a motion to adjourn——

Mr. MARTIN of Virginia. I am not disposed to be technical with the Senator, but he did yield the floor. I asked him to do so, and he said he would.

Mr. LEE of Maryland. I did not respond.

Mr. MARTIN of Virginia. Then I certainly misunderstood the Senator.

Mr. LEE of Maryland. The Senator certainly did misunderstand me.

Mr. MARTIN of Virginia. I got the recognition of the Chair. However, if the Senator merely wants to present his views briefly, very well.

Mr. LEE of Maryland. A Senator always gets recognition of the Chair before he asks another Senator to yield to him in order that he may make an inquiry. He can not make an inquiry in any other way.

Mr. SHAFROTH. Mr. President, I do not think the Senator from Maryland will take over 10 minutes.

Mr. LEE of Maryland. I do not think I will take over 10 minutes, and I can not be here, as I have said, early on Monday.

Mr. MARTIN of Virginia. I am perfectly willing that the Senator shall go on, then. I did not know how long the Senator desired to speak.

Mr. LEE of Maryland. I did not know.

Mr. MARTIN of Virginia. Now, the Senator says 10 minutes, and I will not make any further controversy about it.

Mr. LEE of Maryland. Mr. President, when interrupted I think I was reading from page 433 of the House hearings. Mr. Saltzgaber went on to say:

I desire to submit to the committee a suggestion—

There were so many old people in his bureau that, out of mercy to these old employees, this kindly man desired to suggest some way of giving them occupation and support, and he really asked the committee to provide a number of small places where they might be employed in the reduced condition of their extreme old age. His suggestion was this:

It is going to be pretty hard to turn off 100 and upward of our people, and it has been suggested to me that there be added to the estimates 50 positions at $900 each, $900 being the lowest salary upon which it is supposed that one would be able to subsist in Washington. That is proposed in order that we may be able to take care of many who are old and who have rendered faithful service, instead of turning them absolutely out. Now, I offer that suggestion to the committee for your consideration. I really am in favor of it myself.

Representative JOHNSON asked this question:

Mr. JOHNSON. Does not practically every low-priced clerk in your office draw a pension? Are not practically all of your low-priced clerks on the pension rolls?

Mr. SALTZGABER. No, sir. I can not say what the proportion of soldiers is, but I could tell exactly if I had anticipated the inquiry.

Now, Mr. President, after saying to the committee that he had expected a decrease in the number of his employees, Mr. Saltzgaber subsequently, on April 9, wrote to Hon. JOSEPH T. JOHNSON, as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, April 9, 1914.

Hon. JOSEPH T. JOHNSON,
House of Representatives.

MY DEAR MR. JOHNSON: Referring to my conversation with you relative to the item in the legislative bill which provides that not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions provided for shall be filled except by promotion or demotion from among those in the classified service, I have the honor to advise you that the records show that this proviso restricting the appointments in the language contained in the bill has not heretofore appeared in any appropriation bill, with the exception of the appropriation bill for the present fiscal year.

It is understood that the proviso and restriction referred to, which appears in the legislative appropriation bill for the current fiscal year, was inserted on the recommendation of a former Acting Secretary of the Interior, to meet conditions and a policy which appeared to exist at that time, but which, in my judgment, would not apply to existing conditions at this time, or be in support and furtherance of the present policy of this bureau.

In this connection it is proper to state that from 1906 to 1910, inclusive, it was provided each year during that period in the legislative appropriation bill that no vacancy then existing in the clerical force of this bureau, or which might occur after March 1 and prior to July 1 of the years mentioned, should be filled by original appointment or transfer.

This provision was probably inserted to meet requirements existing during that period, but which appeared no longer necessary after 1910, as it was omitted from the appropriation bill after that year. Such a limitation certainly is not needed nor desired at the present time.

It is therefore earnestly requested that the proviso and restriction referred to herein be omitted from the appropriation bill for the next fiscal year.

Very truly, yours,

G. M. SALTZGABER, *Commissioner.*

This letter was followed by a letter from the Secretary of the Interior, Mr. Lane, to Hon. THOMAS S. MARTIN, chairman of the Committee on Appropriations, United States Senate, dated April 23, 1914. On the second page, after referring to other items, he says, after quoting the portion which I have moved to strike out:

I recommend that this be stricken from the bill, in order that the commissioner may be at liberty to fill such vacancies as may occur during the fiscal year, as the necessity may arise by reason of increase of work due to new legislation now pending, or likely to be enacted at this session by reason of changed conditions.

I need hardly say that such vacancies will not be filled, even though it be permitted, unless the necessity for such appointment shall arise.

In order that the reasons which prompt the above recommendations may be fully made known to the committee, I have the honor to request that the Commissioner of Pensions, Mr. Saltzgaber, and the chief clerk of the Department of the Interior, Mr. Parker, be given an opportunity to appear before the Committee on Appropriations and to be heard fully in the matter.

Thus, the Secretary of the Interior calls the attention of the Senate, Mr. President, especially to the fact that increased work is constantly being put upon the Pension Bureau by the legislation of Congress. It is certainly proper that this work should be efficiently carried out in that bureau. In addition to that, we have here from the Secretary himself, a respectable portion of a respectable administration, the assurance which should especially commend itself to this side of the Chamber that—

I need hardly say that such vacancies will not be filled, even though it be permitted, unless the necessity for such appointments shall arise.

Mr. President, I hardly think it is necessary for me to call any further attention to this subject, though there is another letter from Mr. Saltzgaber, the commissioner, which, if there is no objection, I ask leave to have printed in the RECORD. It shows the large number of old employees in the bureau.

The PRESIDENT pro tempore. Unless there is objection, the Senator will be permitted to print the matter referred to in the RECORD. The Chair hears no objection.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, May 26, 1914.

Hon. THOMAS B. MARTIN,
Chairman Committee on Appropriations,
United States Senate.

MY DEAR SENATOR: I desire to call to your personal attention, and through you to the attention of other members of your committee, the proviso on page 105, lines 11 to 19, inclusive, in the legislative, executive, and judicial appropriation bill now pending, as follows:

"During the fiscal year 1915 not more than 25 per cent of the vacancies occurring in the classified service of the Bureau of Pensions herein above provided for shall be filled except by promotion or demotion from among those in the classified service in said bureau. And the salaries or compensation of all places which may not be filled as herein above provided for shall not be available for expenditure, but shall lapse and shall be covered into the Treasury."

Under date of April 9, 1914, in a letter addressed to Mr. JOHNSON, chairman of the House Committee on Appropriations (copy of which is inclosed), my reasons for desiring the elimination in its entirety of this contemplated legislation are set forth.

Allow me to call special attention to the fact that from 1906 to 1910, inclusive, it was provided that no vacancy then existing in the clerical force of the Pension Bureau, or which might occur after March 1, and prior to July 1 of the years mentioned, should be filled by appointment or transfer. This covered a period of four months, during which time such salaries lapsed and the money was turned into the Treasury; whereas the clause in the present bill affecting original appointments and transfers covers the whole fiscal year, and if enacted into law will greatly handicap the Commissioner of Pensions in the work of the bureau. I believe that no good grounds now exist for the raising of this impediment to appointments or transfers to the Pension Bureau through the Civil Service Commission.

Out of a clerical force of 1,259 in the bureau, who are engaged in the adjudication and payment of pension claims, 26 are detailed to other departments and 354 have reached an age beyond 65 years, as follows: One is 90; 20 are between 80 and 85; 60 between 75 and 80; 145 between 70 and 75; and 168 are between 65 and 70; and when the force is decreased by 145, according to the present bill, the working force of the clerks below the age of 65 years will be reduced to 694.

It is therefore urged that the commissioner's hands may be free to fill those vacancies as they occur from natural causes, without restriction, to enable him to secure competent help when it is required, thus raising the standard of efficiency of the clerical force of the bureau, which, by reason of the mental and physical infirmities of the aged clerks, has fallen way below normal. It is not his intention or desire to fill any such vacancies unless the exigencies of the service actually require it. It is shown by his estimates and by the recommendations in the bill that the commissioner is very materially decreasing the force of the bureau, when and where it can be done judiciously, without impairment to the proper care and adjudication of pension claims, and this policy will be pursued hereafter with a view to improvement of the service and with a high regard for the rights of the pensioner as well as for the interest of the Government.

Present conditions in Mexico, which will certainly result in the presentation of many new claims, together with contemplated legislation relative to widows' claims, will very probably necessitate an increase of force unless the restrictive clause indicated be eliminated.

Your attention is particularly invited to the letter of the honorable Secretary of the Interior, addressed to you under date of April 23, 1914, bearing upon this subject.

All of which is respectfully submitted.

Very cordially, yours,

G. M. SALTZGABER, *Commissioner.*

Mr. STONE. Mr. President, I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. I ask the Senator to withhold the motion for a moment to allow me to offer an amendment.

Mr. STONE. I withhold the motion.

Mr. LA FOLLETTE. I simply wish to submit an amendment to the pending bill, which I sent to the desk a moment ago, and ask to have it printed in the RECORD.

The PRESIDENT pro tempore. Unless there is objection, that action will be taken.

The amendment is as follows:

On page 30, after line 18, insert the following:

Legislative reference: To enable the Librarian of Congress to employ competent persons to prepare such indexes, digests, and compilations of law as may be required for Congress and other official use, pursuant to the act approved June 30, 1906, $25,000.

INTERNATIONAL HARVESTER CO. (S. DOC. NO. 498).

Mr. REED. Mr. President, I ask unanimous consent to have printed in the RECORD the opinion handed down by the Supreme Court of the United States in the case of the International Harvester Co. of America, plaintiff in error, against the State of Missouri, on information of its attorney general, decided on June 8, 1914, together with certain sections of the statutes of the State of Missouri referred to in the opinion.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the opinion of the Supreme Court of the United States in the case of the International Harvester Co. may be printed in the RECORD, including certain sections of the Missouri statutes referred to in the opinion. Is there objection? The Chair hears none, and it is so ordered.

Mr. REED. I desire to say that my reason for submitting this opinion is especially on account of the fact that one of the defenses which was offered by the International Harvester Co. in this proceeding, which was brought to oust it from the State of Missouri as a pool, trust, or combination existing in violation

in any other State in the Union. This is naming that particular office in that particular State. I think it ought to be done, if it is to be done at all, in conformity with the appropriations that go to all of the other States.

Mr. OVERMAN. Mr. President, the Senator will appreciate the fact that some time ago we adopted an amendment here forbidding any officer to raise a salary from a lump sum. All the other stamp deputies in the United States have salaries of $700, $900, and on up. This seems to be the smallest there is. The commissioner says he can not raise this salary out of the lump sum because of the amendment I introduced, as the Senator will remember, two years ago; so the only way to get it done is to do it specifically.

Generally the stamp deputies get all they are entitled to, but this man can not get anybody to employ for $300. Nobody will take the office. If you want a stamp deputy at this point, therefore, you will have to give as much as $600, and the only way to do it is to name it specifically in the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. JOHNSON. I now move, on page 64, line 6, to strike out "$2,190,000" and insert in lieu thereof "$2,189,700."

The amendment was agreed to.

Mr. VARDAMAN. Mr. President, I move to reconsider the vote by which the amendment on page 15, lines 11 to 16, was adopted.

The SECRETARY. The Senator from Mississippi moves to reconsider the amendment agreed to on page 15, lines 11 to 16, relative to the purchase of automobiles for the Vice President and the Speaker of the House of Representatives.

Mr. MARTIN of Virginia. I move to lay the motion to reconsider on the table.

The motion was agreed to.

Mr. LEE of Maryland. Mr. President, I propose an amendment, as follows: On page 49, line 9, after the words "expert accountant, $3,000," I move to insert the words "chief of division of postmasters' accounts, $2,750"; in the same line, to strike out the word "four" and insert the word "three"; and at the end of the paragraph, in line 18, to strike out "$433,340" and insert "$432,840".

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 49, under the heading "Office of Auditor for Post Office Department," in line 9, after the words "expert accountant, $3,000" and after the semicolon, it is proposed to insert: "chief of division of postmasters' accounts, $2,750"; and on page 49, line 9, to strike out "four," where it reads "four chiefs of division," and insert "three"; and to change the total in line 18 to read "$432,840."

Mr. LEE of Maryland. Mr. President, the object of these amendments is to increase the compensation of the chief of the division of postmasters' accounts by the sum of $500. This was in the estimates of the department.

There are four divisions under the Auditor for the Post Office Department, and this is by far the leading division. In fact, it has very little less than three times the average number of employees of the other divisions. The position to which the amendment refers is a very important position. The Post Office Department estimated that the compensation should be increased, and reduced its estimates elsewhere in order to get increased compensation for this very important official, whose present compensation is very little more than many of the clerks under him are now receiving.

The following statement will give the Senate some conception of the situation:

> The Division of Postmasters' Accounts has assigned to it the most important work in the bureau, namely, the audit of the postal and money-order accounts of 58,000 postmasters, in which practically the entire revenue of the Postal Service is involved, as well as all expenditures under appropriations for that service which postmasters are authorized to disburse; the payment and collection of balances and the settlement of accounts of postal and money-order depositories, including the accounts of the Treasurer of the United States and the Superintendent Division of Finance, Post Office Department. It also conducts the correspondence pertaining to those settlements, and keeps a record of all data necessary for the auditing function.
>
> The division consists of 140 employees, with salaries ranging from $1,200 to $2,000 per annum. The character of the work requires the highest clerical ability, as the standing of the bureau as an auditing office is largely determined by the work done on the Division of Postmaster's Accounts.
>
> In view of the importance of the work of this division, the ability required to properly conduct the business, and the small difference between the maximum salary of the clerks and the compensation of the head of the division, the recommended increase will provide a salary more commensurate with the existing duties and responsibilities of the position.

In conclusion I should like to say that it is exceedingly poor policy not to give the men who are doing important supervisory work proper compensation in the Government service.

Mr. MARTIN of Virginia. Mr. President, this amendment was before the committee. We gave it as careful consideration as we could, and concluded we could not increase this salary. It is simply an increase of salary. On the same line of argument as that used by the Senator from Maryland, you might increase every salary in this list.

It is absolutely necessary to exercise some restraint on our disposition to be overgenerous to the clerks in the employ of the Government. Many of them perhaps are underpaid; but in this case $2,250 is what this clerk has been receiving, and it seems to me it is an adequate compensation.

I hope the Senate will not start here the system of just letting Senators get up and, to satisfy their own feelings for some employee of the Government, start to increase the salaries in this bill. If so, there is no end to it.

Unless some Senator wants to speak further on it, I move to lay the amendment on the table.

Mr. SMOOT. Just a minute, Mr. President.

Mr. MARTIN of Virginia. I withdraw the motion.

Mr. SMOOT. I wish to call the attention of the Senate to the fact that the chief of division in the office of the Auditor for the War Department receives only $2,000, and the chief of division in the office of the Auditor for the Navy Department receives only $2,000. It is true that in the case of the chiefs of division of the auditors for the other departments, where they are designated as "chief clerk and chief of division," they receive $2,250, and all four of the chiefs of division in the office of the Auditor for the Post Office Department receive $2,250, the highest salary that is paid any chief of division.

I want to say to the Senator offering the amendment that there appeared before the committee parties interested in the increase of the salary of the chief of division from $2,000 to $2,250, and they gave as a reason for the increase that we are paying chiefs of divisions of the Post Office Department that amount, and if this is carried to-day, on the next appropriation bill every one of them will be asking for an increased salary to the same amount.

Mr. LEE of Maryland. Mr. President, I wish to suggest, before the Senator makes his motion to lay on the table, that this is an estimate of the Post Office Department. The proposition was never heard of by me until a few minutes ago. The proposition involves the bringing of the total for this item up to the exact amount the total of this item was last year. The total for this item last year was $433,840, and the estimates for this year were reduced by the Post Office Department in order to provide for this increase, not by any emotional sympathy of the Senator from Maryland but by the cold calculation of the department in the exercise of its judgment that this change should be made.

Mr. SHAFROTH. Mr. President, I wish to say, in answer to the Senator, that the same line of reasoning would control every time the committee refuses to make appropriations over what they were last year. By the same kind of a rule we would increase the amount so as to make it equal. These people have been getting $2,250 a year, and they have received their appointments by reason of that rate. If there is going to be a change in the entire system of the payment of clerks, it might be well to consider the question with relation to this matter; but when the Senator says he never heard of it until a few minutes ago, to come in and move to raise the salary $500 in the case of four persons, it seems to me is something it would not be wise for the Senate to adopt.

Mr. LEE of Maryland. The Senator misapprehends what I said. I wish it to apply to only one person. It involves the raising of one salary $500, and is the estimate of the Post Office Department for one of the most important positions of that department.

Mr. THOMAS. Before the Senator from Maryland takes his seat I should like to ask him a question. Do I understand that he offered this amendment without a knowledge of the facts concerning it until a few minutes ago? And I should like to ask him whether that information was furnished by the parties interested.

Mr. LEE of Maryland.—No; the information came from the department estimates and from the official over the party interested, and one who was perfectly disinterested in his statement on the subject, so far as I can judge.

Mr. MARTIN of Virginia. I move to lay the amendment on the table.

The motion was agreed to.

Mr. JONES. I desire to offer an amendment, to come in on page 35.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 35, line 18, strike out "$4,500," the first numeral in the line, and insert "$5,500," and strike out

"$4,000," where it appears in the line, and insert "$5,000," so that it amended it will read:

> CIVIL SERVICE COMMISSION.
>
> For commissioner, acting as president of the commission, $5,500; two commissioners, at $5,000 each.

Mr. JONES. Mr. President, I shall take but a few moments of the time of the Senate. I offered an amendment in the committee providing for a greater increase than this amendment proposes, but it was voted down very strongly. Probably this amendment will be voted down also, but I want to call the attention of the Senate to the increase in the work of the commission.

I consider it to be one of the most important organizations in the executive department of the Government. I believe myself in the civil-service system. I believe in everything that has been said about it here this afternoon. I am not in favor generally of increasing the salaries of the various officers. The members of the committee will bear me out in the statement that I have endeavored in the committee to keep down the appropriations as much as possible. But it does seem to me that there is a very great inequality in the salaries of the Civil Service Commissioners, especially when compared with many other officers of the Government occupying positions that I think are not nearly so important nor so responsible as are the positions which the members of this commission fill. If you will go through this bill, you will find position after position where, in my judgment and in the judgment of others—although Senators may differ, of course—the positions are not so important as the positions held by these commissioners, and yet a higher salary is given. I do not think they have such great responsibilities and duties devolving upon them.

The salaries of the members of this commission were fixed a great many years ago. I do not think they have been increased since the commission was organized. When the commission was organized there were in the classified service to be considered by it only 13,789 positions. That was in 1883. This number had increased in March, 1895, to 15,573 positions; June 30, 1897, to 87,104 positions; June 30, 1901, to 108,967 positions; June 30, 1905, to 171,807 positions; June 30, 1909, to 234,940 positions; and June 30, 1913, to 282,597 positions, showing the wonderful growth of the business of the Civil Service Commission.

Not long ago we placed under the commission the supervision practically of all the employees to be selected for the physical valuation of the railroads. They have to look after that. Then we placed the second assistant postmasters under the commission, and a great many other positions which warrant the statement made here as to the tremendous growth of the offices that are brought under the classified service. If we are going to have a Civil Service Commission—as we are going to have it, for the people of the country are behind it, and it is not going to be done away with—it should be just as efficiently administered as possible, for the commissioners who have charge of it have tremendous responsibilities.

I am not going to take further time, because I know the chairman of the committee is anxious to get through with the bill; but I really believe we should make the increase I propose here, of only $1,000, in the salary of these commissioners, which I understand is the salary which they were given when the commission was organized, in 1883. What I propose to give them is not as much as they really deserve, but we certainly ought to give them this additional amount.

Mr. SMOOT. I know the Senator does not want to make an error, but the salary of the commissioner, acting as president, has been increased.

Mr. JONES. It was increased $500.

Mr. SMOOT. Yes. It was originally $4,000, and it has been increased to $4,500.

Mr. JONES. I am glad the Senator called that to my attention, because, of course, I did not intend to misstate it.

Mr. KERN. Let me ask the Senator if the commissioners are demanding an increase of salary?

Mr. JONES. I do not think they are. Their position is very different from that of other bureau chiefs. They have nobody really to speak for them. They are not demanding it, I understand. I suppose they would have considerable delicacy about coming to the Senate. An increase of their salaries has been estimated for, I know. An estimate, I think, of $6,500 was made.

Mr. KERN. Has the Senator heard of any of them threatening to resign?

Mr. JONES. No; I think not. If that is to be used as an argument, then, of course, we would not increase any salaries, because there are very few of these people who are threatening to resign. I know there have been one or two increases in this bill where the head of the department came and said unless there was an increase made the party would resign. Yet there is not any doubt it would be very easy to get somebody who would competently fill the place. At least we would wonder what would become of the Government if a man happened to be stricken with palsy or heart failure or something of that kind when holding the position. It does not seem that the question suggested by the Senator from Indiana is a good argument to apply to a position of this kind. It is a question whether these men are being justly paid for their services. It certainly does require these among the most competent men of the land to fill the place.

We should remember, when we are considering the question whether these men are being justly paid for their services, that it certainly does require most competent men to fill this place. I know one member of the commission and I know he is most competent to fill any position under the Government, as far as that is concerned. Of course, he is not threatening to resign. He does not have to hold the place. He is filling it, however, and giving the best of his time and the best of his talent to its duties. I have not any doubt that other members of the commission are equally competent.

Mr. KERN. I should like to know the name of the member of the commission to whom the Senator has referred.

Mr. JONES. Mr. Craven, a gentleman I have known for a great many years.

Mr. KENYON. I should like to inquire of the Senator if the commissioners need automobiles in their work, and if the Senator has that in mind in offering the amendment?

Mr. JONES. No; I think not.

We pay the Director of the Mint a salary of $5,000 a year. I do not imagine that it takes a man any more competent to handle the position of Director of the Mint than one to look after the qualifications of the various officers throughout the country. Yet we pay him $5,000 a year and I hear no objection to that.

We have an assistant treasurer in several different cities around through the country the duties of whose office may be filled by any ordinary business man—that of receiving and disbursing money. As a matter of fact, the work is done very largely by subordinates. Yet what do they get? In Chicago the assistant treasurer gets $5,000 a year; in the city of Boston he gets $5,000 a year; and in the city of New York he gets $8,000 a year. Why the assistant treasurer should get more in New York than in Chicago I do not know. I do not imagine that he works any more hours a day in the city of New York than does the assistant treasurer in Chicago. I do not imagine that he works any harder during the hours he does work in New York than does the assistant treasurer in Chicago. Yet he gets a salary of $3,000 a year more than the assistant treasurers in the other cities receive.

Then we have the Commissioner of the Land Office, who receives $5,000 a year. That is a very responsible position, of course, yet it is not any more responsible than a position of this character. The work is done very largely by subordinates. Of course, I know all his time is taken up; there is no question about that; there is no question that he earns his salary; and I am not objecting to that amount. I think he is entitled to it, and he is probably entitled to more, but I am simply using it in a comparison between the salary paid this official and that paid the Civil Service Commissioners.

Then, the Chief of the Bureau of Education gets $5,000. The Commissioner of the Bureau of Corporations gets $5,000. The Commissioner of Lighthouses gets $5,000; the Chief of the Bureau of Foreign and Domestic Commerce gets $6,000. I do not claim that these salaries are too much, but I submit that none of these gentlemen have any more responsible positions or have any more work to do or fill a place that needs any higher qualification. I doubt if a great many of them need as high qualifications as the members of the Civil Service Commission. Yet the Civil Service Commissioners get only $4,000 a year, and my amendment simply proposes to increase the salary of each one of them $1,000, increasing the salary of the president of the commission from $4,500 to $5,500.

Mr. MARTIN of Virginia. Mr. President, this amendment was considered by the committee and the Senator from Washington gave the committee the benefit of his views. The committee was unwilling to grant this increase. Unless we are going into a general increase of the salaries it ought not, in my judgment, to be allowed. If we are going to revise all the entire salary list and revise it up, then this amendment ought to be adopted; but we could not see our way clear to grant the increase unless we were going into a revision of that sort and increase salaries generally. While there are others receiving more, there are others receiving less. I hope the Senate will adhere

Mr. VARDAMAN. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed, in the committee amendment found on page 132, in line 20, to strike out the following words:

Without examination under the civil-service rules.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from Oklahoma [Mr. OWEN], and vote. I vote "nay."

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL]. I think that under the terms of my pair I am entitled to vote, though I shall not vote at this time, but will withhold my vote for the present.

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], but I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote. I vote "nay."

The roll call was concluded.

Mr. CRAWFORD (after having voted in the affirmative). Inadvertently I voted without mentioning by pair. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS], and will allow my vote to stand.

Mr. JAMES. I transfer the general pair which I have with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

Mr. STONE (after having voted in the negative). I voted inadvertently, forgetting for the moment that the Senator from Wyoming [Mr. CLARK], with whom I am paired, was not present. I now transfer my pair with the Senator from Wyoming to the Senator from Ohio [Mr. POMERENE], and will allow my vote to stand.

Mr. BANKHEAD (after having voted in the negative). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the junior Senator from New Jersey [Mr. HUGHES], and permit my vote to stand.

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. MCLEAN]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I transfer that pair to the junior Senator from New Hampshire [Mr. HOLLIS] and vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from New Hampshire [Mr. GALLINGER], who has a general pair with the junior Senator from New York [Mr. O'GORMAN].

I also desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE], who has a general pair with the senior Senator from Georgia [Mr. SMITH].

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from Illinois [Mr. LEWIS] and vote "nay."

The result was announced—yeas 24, nays 27, as follows:

YEAS—24.

Ashurst	Clapp	Lane	Root
Borah	Crawford	Martine, N. J.	Smoot
Brady	Cummins	Nelson	Sterling
Brandegee	Jones	Norris	Thomas
Bristow	Kenyon	Pace	Vardaman
Burton	La Follette	Perkins	Warren

NAYS—27.

Bankhead	Johnson	Pittman	Swanson
Bryan	Kern	Ransdell	Thompson
Chamberlain	Lee, Md.	Robinson	Thornton
Chilton	Martin, Va.	Shafroth	West
Fletcher	Myers	Sheppard	White
Gore	O'Gorman	Simmons	Williams
James	Overman	Stone	

NOT VOTING—44.

Burleigh	Gronna	Oliver	Smith, Ga.
Catron	Hitchcock	Owen	Smith, Md.
Clark, Wyo.	Hollis	Penrose	Smith, Mich.
Clarke, Ark.	Hughes	Poindexter	Smith, S. C.
Colt	Lea, Tenn.	Pomerene	Stephenson
Culberson	Lewis	Reed	Sutherland
Dillingham	Lippitt	Saulsbury	Tillman
du Pont	Lodge	Sherman	Townsend
Fall	McCumber	Shields	Walsh
Gallinger	McLean	Shively	Weeks
Goff	Newlands	Smith, Ariz.	Works

So the amendment of Mr. SMOOT to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. FLETCHER. I offer an amendment, on page 17, line 16, after the figures "$2,000," to insert "stenographer, $1,000," and then, in line 17, to change the figures from "$6,600" to "$7,600." That is to provide for the Joint Committee on Printing a stenographer, who is very much needed. A resolution has heretofore passed the Senate providing for this employee. Four committees of the House and of the Senate, two of each body, have approved of that proposition.

Mr. MARTIN of Virginia. That amendment was never presented to the committee, as the Senator from Florida was absent from the city when the bill was being considered by the committee. I am satisfied, however, that such stenographer is needed, and, so far as I am concerned, I think the amendment ought to be adopted.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 17, line 16, after the numerals "$2,000," it is proposed to insert "stenographer, $1,000," and in line 17 to strike out "$6,600" and insert "$7,600."

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OVERMAN. I send forward an amendment to the committee amendment, on page 8, and, for the purpose of having the amendment considered, I ask that the vote whereby the committee amendment on that page was adopted may be reconsidered.

The VICE PRESIDENT. Without objection the vote by which the amendment was adopted is reconsidered, and the amendment is open to amendment. The Secretary will state the amendment to the amendment proposed by the Senator from North Carolina.

The SECRETARY. On page 8, at the end of line 10, after the numerals "$2,500," it is proposed to insert "assistant clerk, $2,220."

Mr. OVERMAN. Mr. President, I wish to say that the chairman of the Committee on Commerce, the Senator from Arkansas [Mr. CLARKE], was also absent from the city when the bill was being considered by the committee, and this amendment proposes to give to the committee of which he is chairman the clerical force it has had in the past. There was in previous appropriation bills a clerk provided for that committee by name—I refer to Mr. Puisifer—but we struck that out of the last appropriation bill. This amendment makes for the Committee on Commerce the same provision in regard to assistant clerks as is made for the Committee on Military Affairs, the Committee on the Judiciary, and the Committee on Appropriations. The Committee on Commerce has only three employees attached to it now, and this allows the present chairman of that committee the clerical force allowed the committee when the late lamented Senator from Maine, Mr. Frye, was chairman of the committee. The Senator from Arkansas, who is now chairman of that committee, wants the same force that was formerly provided. I hope the amendment may be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Carolina to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMOOT. On page 130, line 25, I move to strike out "$75,000" and insert "$85,000."

In explanation of the amendment, I desire to state that the Secretary of Commerce has established a number of branch bureaus of foreign and domestic commerce. Such branches have up to the present time been established in New York, Chicago, San Francisco, and New Orleans. There have been applications for the establishment of similar branches at Atlanta, Seattle, St. Louis, Pittsburgh, and Boston. The Secretary of Commerce wrote a letter to the Senator from Massachusetts [Mr. WEEKS] indorsing in the strongest terms the establishment of one of these branches at Boston. It will take $10,000 for that purpose, and this amendment is offered at the request of the Senator from Massachusetts with that object in view.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 132, line 25, it is proposed to strike out "$75,000" and insert "$85,000."

The amendment was agreed to.

Mr. O'GORMAN. I now offer the amendment which I sent to the desk some time ago, to come in on page 107.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert at the end of line 12, page 107, the following:

For the temporary employment of typewriters, at $2.50 per day, who shall be certified by the Civil Service Commission in such numbers as may, in the judgment of the Commissioner of Patents, be necessary to keep current the work of furnishing copies of records, $10,000.

Mr. O'GORMAN. Mr. President, the Patent Office furnishes each year typewritten copies of records embodying from 25,000 to 30,000 words. This is a source of revenue to the Government. There is not sufficient clerical help from time to time to keep these orders for records fully discharged, and especially in the summer months, when some of the employees are away on their vacations there is a congestion of these orders. When the orders are not filled, at times the persons interested have the work done through outside agencies.

I am informed—and the information comes from the department head, from Mr. Lane himself—that each of these typewriters, costing the Government $2.50 a day, actually produces a return of $10 a day to the Government in the way of income earned in this manner.

The amendment which I suggest is an amendment proposed by the Interior Department. I understand the chairman of the committee is familiar with the merits of the amendment, and I think it should be adopted. To defeat it would be to deprive the Government of a certain income which it will receive if these typewriters are kept at work during the summer months.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BRANDEGEE. Mr. President, I move that the Senate reconsider the vote by which the amendment at the bottom of page 153 was agreed to.

The SECRETARY. On page 153, line 25, after the word "this," the words "or any other" were inserted as a committee amendment.

The VICE PRESIDENT. The question is on agreeing to the motion to reconsider the vote whereby the committee amendment was adopted.

The motion to reconsider was agreed to.

Mr. BRANDEGEE. Mr. President, I had intended, at the time the committee amendment was agreed to, to make a point of order against those three words, "or any other." The bill as it stands provides in part as follows. I shall read only a very small portion of it:

That no part of any money appropriated by this or any other act shall be used during the fiscal year 1915 for the purchase of any typewriting machine

And so forth.

It is, of course, within the power of Congress to impose a limitation upon the expenditure of the money carried in this bill without violating the rule of the Senate, but it seems to me that when this paragraph provides that neither the money appropriated in this bill nor in any other act shall be expended for a given purpose it clearly becomes general legislation upon an appropriation bill. Other acts of Congress which have appropriated money, and other acts——

The VICE PRESIDENT. Does the Senator from Connecticut make the point of order?

Mr. BRANDEGEE. I do.

Mr. MARTIN of Virginia. In order to save time and facilitate the disposition of the bill, I consent to the striking out of those words.

The VICE PRESIDENT. The point of order being made, the Chair sustains it.

Mr. WILLIAMS. Mr. President, I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. The Senator from Mississippi offers the following amendment:

On page 116, line 4, under the "Division of Assistant Attorney General," strike out "one, $2,000," and insert in lieu thereof, "two at $2,000 each."

The amendment was agreed to.

The SECRETARY. The Senator from Mississippi also moves to change the total in line 7, so as to read "$24,270," instead of "$22,270."

The amendment was agreed to.

Mr. JOHNSON. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 64, after line 16, under the head of "Collecting internal revenue," it is proposed to insert the following:

For one stamp deputy at Portland, Me., $600.

Mr. SMOOT. I should like to ask the chairman of the committee whether that has been estimated for?

Mr. MARTIN of Virginia. It has not been estimated for, so far as I can recall. It was rejected by the committee.

Mr. SMOOT. That is as I understood. I should like to ask the Senator from Maine for what reason he offers the amendment, and whether it is really necessary?

Mr. JOHNSON. I will say to the Senator from Utah that I have here a copy of a letter which the collector of internal revenue for that district wrote to the commissioner recommending the increase. It is only $300. The Commissioner of Internal Revenue says, in reply, that the salary is lower than it is in other places, and it ought to be increased, but that because of existing law, the amount having been appropriated in a lump sum, the increase can not be made unless there is some amendment.

Mr. MARTIN of Virginia. Mr. President, I merely desire to correct what I said. I was addressing myself, as I supposed, to an amendment offered by the Senator from Maryland [Mr. LEE]. I do not think this amendment was ever before the committee, but in a conversation with the Senator from Maine it commended itself very strongly to me as a just one.

Mr. JOHNSON. The only increase asked for is from $300 to $600. The collector of internal revenue reported that he could not obtain anybody to perform the work for $300.

Mr. SMOOT. May I ask the Senator to read the letter from the commissioner?

Mr. JOHNSON. I have here a letter from the commissioner, which reads as follows:

TREASURY DEPARTMENT,
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,
Washington, May 28, 1914.

SETH W. JONES, Esq.,
Collector Internal Revenue, Portsmouth, N. H.

SIR: This office is in receipt, by reference from Representative MCGILLICUDDY and Senator JOHNSON, of your letter of the 12th instant concerning the manner in which the business of the stamp deputy at Portland, Me., your district, is conducted and in which you recommend that the compensation of that place be increased from $300 to $600 per annum.

You say that Stamp Deputy Cummings has never done the work of said office, as he could not for the salary, but has farmed it out to a female stenographer, giving her one-half of the salary ($150) for doing the work.

Concerning this matter you will please see that this practice on the part of the stamp deputy at the place mentioned is discontinued at once, and that the person who performs the duties of stamp deputy receives the salary allowed for the place by the Secretary of the Treasury upon the recommendation of this office.

Concerning the compensation of the place referred to, this office is of the opinion that compared with the compensation now being received by other stamp deputies who perform a like service the stamp deputy at Portland should receive a greater compensation, but in view of a provision of the act of March 4, 1913, making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1914, this office is not authorized to recommend an increase in the compensation of such place. The provision referred to is, in part, as follows:

"SEC. 7. That no part of any money contained herein or hereafter appropriated in lump sum shall be available for the personal services at a rate of compensation in excess of that paid for the same or similar services during the previous fiscal year * * *."

In all probability the compensation of the stamp deputy at Portland was fixed at a time when deputy collectors were embraced in the competitive classified civil service and the deputy who accepted the place was appointed without regard to civil-service law and rules, and under a rule of the civil-service commissioner could not receive compensation in excess of $300 per annum.

Your letter of the 16th instant on the same subject reached this office yesterday and is fully replied to herein.

Respectfully,

W. H. OSBORN, *Commissioner.*

In accordance with that letter and the statement of the collector of internal revenue, I saw the chairman of the committee after the bill was reported, and was advised that the only way the amendment could be offered at this time was to ask for an increase from $300 to $600.

Mr. SMOOT. I will ask to have the amendment stated again.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 64, after line 16, the Senator from Maine proposes to insert:

For one stamp deputy at Portland, Me., $600.

Mr. JOHNSON. If that is adopted, then I shall ask that the lump sum be decreased by $300.

Mr. SMOOT. As I understand, the stamp deputy to-day is paid out of the lump-sum appropriation the amount of $300 per annum?

Mr. JOHNSON. Yes.

Mr. SMOOT. Now, the Senator wants to provide in the bill a specific appropriation of $600 for that particular office?

Mr. JOHNSON. Yes.

Mr. SMOOT. And he will then ask that the lump-sum appropriation be decreased by $300?

Mr. JOHNSON. Three hundred dollars.

Mr. SMOOT. The only real objection to that, in my mind, is that there is no deputy stamp collector specifically provided for

It is now a considerable number of years since the same change was introduced in the foreign service of the United States. In the year 1906 the administration then in power—and it is of no consequence whether it was Republican or Democratic, for I do not admit to my mind in the consideration of this subject any question as between the parties—formulated a series of civil-service rules, under the authority of statute, in accordance with which all consuls and consuls general of the United States were to be appointed on the basis of examination, and expressly excluding from consideration all ideas of political affiliation or political influence. From that time to this, or at all events until the beginning of the present administration, and I believe since the beginning of the present administration—and I discriminate only because I was more familiar with the subject before then I have been for the last year and a quarter—the appointments to the Consular Service of the United States have been made as freely upon the nomination of a Democrat from a Democratic State as upon the nomination of a Republican from a Republican State.

That change from the old system of political appointment to consulates was made upon full conference with the Senate Committee on Foreign Relations. It has resulted, sir, in a very great, signal, and salutary improvement of the Consular Service of the United States. It would be a great misfortune to go back to the old system, under which Senators owned consulates and put men into consulates for the benefit of their constituents or friends of their constituents.

Now, sir, this amendment proposes to create a series of officers who are virtually members of the foreign service of the United States. It reads:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States.

Then there is a provision for clerks and traveling expenses.

Those, sir, are the duties which consuls have to perform. The difference between these officers and the consuls we already have are, the one, that these gentlemen will range freely; they will not be confined to particular localities; and the other, that they will report to the Secretary of Commerce, instead of reporting to the State Department, and that department sending their reports to the Secretary of Commerce.

I do not think we can escape the conclusion that the prohibition in this amendment against appointing under civil-service rules those commercial attachés to render a foreign service, accredited by the Department of State, is a serious blow to the present system of nonpartisan, nonpolitical appointments of consuls and consuls general. It is a disapproval by the Congress of the United States of that method of appointment. It has no justification in any error or abuse of the past, for these are new offices; they are not put into vacancies made by removing a member of one party or another. The question here is plainly whether the Congress of the United States shall put the stamp of its disapproval upon the progress that has been made in the applications of the principles of the civil-service reform in the foreign service of the United States. If the amendment passes as it is phrased, this prohibition against the examination of these applicants means that Congress gives it warrant to all the abuses which have been referred to; that Congress is against the further improvement of the civil service; that Congress looks with unconcealed satisfaction upon all the attempts to evade and set at naught that manner of appointment and that we are going back step by step to the old spoils system in which we individually force upon the executive officers of the United States appointments made not upon their judgment, not upon their knowledge but upon the exigencies of politics in our own States and districts.

Mr. VARDAMAN. Mr. President, the civil service has put into office in the South a class of people which has made the service unpopular with the white people of that section without regard to political affiliation. As a matter of fact, certain branches of the service have been so Africanized as to make it a stench in the nostrils of our best people. For that reason, so far as it applies to the State from which I come, I am not particularly enamored of the system. But the Democratic Party in its platform is committed to civil service. Our Baltimore confession of faith commits us to the enlargement of the civil-service system. We are committed to the proposition that it shall be perfected and enlarged rather than disfigured and limited in its scope.

I believe that the promise we made to the people before the election ought to be redeemed now. And while I dislike to vote against my partisan friends on this side of the Chamber, I shall nevertheless vote to carry out the platform promises. I shall vote to extend the service rather than to contract it. I believe, Mr. President, that men trained in the various departments of the Government service are necessarily better equipped to perform the functions of the office or place to which they may be appointed than untrained men. And while I want to see all of these places filled by Democrats, my interest in the public service is superior and above my desire to serve my party. I wish it were so that in the South we could limit all of these offices to capable white men rather than being annoyed by the negroes who are making the civil service so very unpopular in that section. I am going to vote for the amendment offered by the Senator from Utah.

Mr. BURTON. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	O'Gorman	Stone
Bankhead	James	Overman	Swanson
Brandegee	Johnson	Page	Thomas
Bristow	Jones	Perkins	Thompson
Bryan	Kenyon	Pittman	Thornton
Burton	Kern	Ransdell	Tillman
Chamberlain	La Follette	Robinson	Vardaman
Chilton	Lee, Md	Root	Wardaman
Clapp	Martin, Va.	Sheppard	Warren
Clarke, Ark.	Martine, N. J.	Shively	West
Crawford	Myers	Smith, Ariz.	White
Cummins	Nelson	Smoot	Williams
Fletcher	Norris	Sterling	

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present.

Mr. BRANDEGEE. Mr. President, unfortunately I was detained in an important committee hearing and I have not had the advantage of hearing all the debate on this question. I do not know whether the Senator in charge of the bill has explained what these commercial attachés to be appointed by the Secretary of Commerce without examination under the civil-service rules are to do. Is it contemplated that they are permanently to reside abroad, like a consul?

Mr. MARTIN of Virginia. Undoubtedly, Mr. President, they are expected to reside abroad. The amendment itself explains what their duties are to be.

Mr. BRANDEGEE. I notice that the amendment, after providing "for one clerk to each of said commercial attachés, to be paid a salary not to exceed $1,500 each," provides that this sum may be expended, among other purposes, "for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States," and so forth. I did not know whether it was contemplated that they were to be a series of residents abroad, or whether they were to be field agents of the Department of Commerce abroad, or both.

Mr. MARTIN of Virginia. They were not expected to be traveling agents. I understand they are expected to spend their time abroad promoting the foreign commerce of the United States.

Mr. BRANDEGEE. I should like to ask the Senator, are our consuls abroad now under the civil service?

Mr. MARTIN of Virginia. In part they are expected to advance the commerce, but they have many other duties.

Mr. BRANDEGEE. The Senator did not understand me. Is our Consular Service at present covered by the civil-service laws?

Mr. MARTIN of Virginia. It is.

Mr. O'GORMAN. Yes. If I may be permitted a word, I do not understand that the Consular Service is controlled by what we mean by the civil-service law, but there is a civil-service system equally efficient, a system introduced by my colleague when he was Secretary of State, which has been in effect ever since his time, and which I believe is being respected in every detail by this administration.

Mr. BRANDEGEE. I would then like to ask the Senator's colleague, the senior Senator from New York [Mr. ROOT], if he is able to inform me to what extent our Consular Service is governed by the civil service.

Mr. ROOT. Mr. President, the Consular Service is governed by a code of rules established by the President under the authority of the civil-service provision contained in the Revised Statutes of the United States. It is a different code of laws from those which are applied to the domestic service, but it is a code based upon the same principles, following the same methods, and enacted by the same authority. It is as truly a civil-service system and a code of civil-service rules as the system under which clerks are appointed.

Mr. MARTIN of Virginia. I am sure the Senator from Connecticut understands, as well as every other Senator, that appointments in the Consular Service are controlled, as the

Senator from New York says, not by the regular Civil Service Commission, but under rules of like character laid down by the Secretary of State, first inaugurated by the Senator from New York when he was Secretary of State.

Mr. BRANDEGEE. The object of my inquiry was to ascertain from the Senator from New York whether our consuls resident abroad had to pass some sort of an examination in the nature of a civil-service examination under the law or the rules of the department warranted by law.

Mr. ROOT. They have, Mr. President. They have long had to pass an examination, but since 1906, eight years ago, they have had to pass an examination by a board the head of which is the chief examiner of the Civil Service Commission, and it is an exceedingly stringent system of examinations.

Mr. BRANDEGEE. Then it is fair to say, I assume, that the appointment of our consuls at the present time is controlled by the principle of the civil-service law. It is a merit system, and they have to show their qualifications in order to get an appointment.

Now, I should like to ask the Senator from Virginia why these attachés abroad of the Department of Commerce should not be subject to a similar system of determining their fitness for the positions to which they may be appointed.

Mr. MARTIN of Virginia. It was the opinion of a majority of the committee that better men for this particular service could be gotten by the appointment by the Secretary of Commerce instead of by these examinations. I merely state that position, because I do not think any good would come from a discussion between the Senator from Connecticut and myself. Every Senator on this floor knows all about this question, and knows what his views are. It seems to me all we need now is a vote. I do not think it would do any good for me to engage in a discussion with the Senator from Connecticut. He and I differ. He knows what his views are and I know what mine are, and every Senator on this floor must know what his views are on this civil-service question. We believe that better men can be gotten by the appointment by the Secretary of Commerce and we have so reported. If the Senate does not agree with it, just let Senators vote it down. The only thing, I think, which will serve the country now is a vote and not a running discussion between the Senator from Connecticut and myself.

Mr. BRANDEGEE. I have not invited the Senator to enter upon any discussion. I appreciate that taking the position he does and holding the view he does upon this question, it perhaps would be more prudent not to engage in any discussion upon the merits of the matter.

Mr. MARTIN of Virginia. Mr. President, I am perfectly willing for the Senator to enjoy the opinion of his own superiority. I hope it will be a delight to him. I said what I did purely in the interest of the dispatch of business.

Mr. BRANDEGEE. I have not yielded to the Senator.

Mr. MARTIN of Virginia. I have said about all I wanted to say, whether the Senator yielded or not.

Mr. BRANDEGEE. The Senator had said probably all he wanted to say and probably more than he would have wished to have said. In spite of that exuberance of the Senator I understand so far there is no reason on the record why these gentlemen should be exempted from the rules which the Government of the United States thinks are necessary to impose in the interest of the public service in the case of similar appointees of other departments whose duties are practically the same.

So, Mr. President, there being no reason presented why these commercial attachés should be exempted from the policy pursued by the Government in similar cases, in appointments involving similar abilities, I assume that no reason exists except the desire of the party in power to create $100,000 worth of offices to be filled solely in the discretion of the Secretary of Commerce, without any provision in the law as to how much each one is to receive. One hundred thousand dollars is appropriated in a loose lump sum without even naming how many of these attachés shall be hired for it. It is left to the uplift tendencies and the civil-service love of this head of a department to divide among the faithful according to his sweet will.

If that is to be considered a fulfillment of a profession for advancing the civil service of this Government upon an impartial basis and as a manifestation of the keen desire of the party in power to regulate carefully our expenditures and to reduce what they have been denouncing as the extravagance of the Republican Party, I submit the question upon its merits. If it has any, and am perfectly willing to join with the Senator from Virginia in taking a vote and making a record upon the question.

Mr. ROOT. Mr. President, before the vote is taken I want to call the attention of the Senator from Connecticut to what I think is an inadvertence on his part in saying that no reason has been stated for prohibiting the application of the civil-service merit system to these appointments. I understood the Senator from Virginia to state a reason very distinctly, and to state it with his customary frankness and courage, and the reason he stated will be taken and must be taken by the people of the country as the reason which actuates the Democratic majority in this Chamber if they keep this provision in the bill. He said he believed that we would get better officers through an appointment by the Secretary of Commerce than we would get through the civil-service system.

That is, Mr. President, this amendment to the bill is conceived in a spirit of general hostility to the civil-service reform system, and, if adopted, it is fair notice that the dominant party in this Congress will do whatever they dare do to break down that system.

Mr. MARTIN of Virginia. Mr. President, the Senator from New York can not justly draw any such inference from what I have said. I have indicated no hostility to the principle of civil service. I said that for this particular service it was my opinion and the opinion of the committee that better men could be obtained by selection through the Secretary of Commerce. I believe that better service can be obtained by selection rather than by examination in this particular service; but I declared no hostility to the general principle of the civil-service system; I entertain no such opinion; and I speak only for myself when I say that I believe, in the main, it is an excellent service and has done great good. The Democratic Party has no purpose of destroying it; I have no such purpose; and I have said nothing to lead to such a conclusion. I said that for this particular service, which is a peculiar one, the officers should be appointed by selection of the Secretary of Commerce, and not by examination under arbitrary rules. I firmly believe that; but in believing that, and declaring that, and expressing the desire in this way to get the very best possible service for the country, I did not in any way indicate hostility to the principle of civil service.

Mr. BRANDEGEE. Mr. President, when I said that no reason had been given why this should be done, of course I meant no reason that could stand intelligent examination, no reason that could stand before the country. Of course I heard what the Senator from Virginia [Mr. MARTIN] said—that, in his individual opinion, this Democratic Secretary of Commerce could get better men than the civil-service system could furnish if it were not ravished and repealed—but I did not consider that additional reason, if I may call it such, given by the Senator from Virginia, why in this particular case this particular Secretary under this particular administration should select, was such a reason as I was seeking.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

Mr. BRANDEGEE. Wait just a moment, until I finish the sentence, and then I will gladly yield. Why in this particular case it so happens by some inherent, I have no doubt, but not visible to the naked eye, reason that better men will be secured by violating the method which experience and all the political platforms have agreed would result in better service in all other cases, is one of those mysterious things that I am not competent to pry into nor to understand; but, of course, I assume it exists, for I know it did exist in that other "particular and peculiar case" where some "particular and peculiar" reason was given when we ravished the civil service to accommodate some of our Democratic hungry, faithful, outside-of-the-breastworks patriots, who were put into the offices of internal revenue collectors and United States marshals and deputies; and you will find, Mr. President, wherever the civil service is to be torn down and thrown to the winds in order to provide places for the Democratic faithful who are yearning for them that it is a "particular and peculiar case," which to the naked eye does not bear any peculiar evidence of requiring peculiar treatment, but which, to those skilled in the psychology of this situation, it is perfectly apparent demands that remedy.

Mr. BRISTOW. Mr. President, I suppose this is an appropriation of $100,000 to furnish provender; from the discussion that has gone on here and from the language in the bill it appears to me purely political provender that is to be handed out. At this time, when deficits are being created by extravagance, and our revenues are declining, though new systems of taxation have been discovered, I think that it is not very opportune to waste the public money in this way simply to give a lot of men jobs.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Utah [Mr. SMOOT].

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

platforms of the Democratic and Progressive Parties favored free tolls, while the candidate of the Republican Party favored free tolls.

Mr. NORRIS. That would not bother me at all if I did; it would not hurt me any. I did what I believed to be right in the Panama Canal repeal bill, and in doing so no charge can be made against me, because it is claimed some Democrats violated their platform pledge when they voted the same as I did.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from New York?

Mr. NORRIS. I yield to the Senator from New York.

Mr. O'GORMAN. Do I understand that the Senator from Nebraska did at one time approve the Democratic platform?

Mr. NORRIS. I did not say so. There were some parts of it I approved, and I am going to read a part of it which I approve.

Mr. O'GORMAN. I would infer from the statement the Senator made that he had repudiated it; that at some earlier stage it must have had his approval and sanction.

Mr. NORRIS. The Senator is getting technical now with terms.

Mr. O'GORMAN. No; the Senator from Nebraska would be the last Member of this body who would impress me as being a repudiator. I rather think his attitude has been consistent. He simply has condemned that platform from the beginning, and that is nothing unusual for him.

Mr. NORRIS. I thank the Senator. Perhaps the term used by the Senator is better than "repudiated." I was about to read——

Mr. KENYON. Was that plank heard by the convention when it was read?

Mr. NORRIS. I have an idea that if you should get the history of it you would find that the present President of the United States many times before he was a candidate and during the time he was a candidate approved, not in specific terms this particular language, but he approved the idea here expressed and was one of the officials of a national organization having for its object the upholding of the civil-service laws of our country.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. NORRIS. I yield.

Mr. CLAPP. Before we accept the particular plank in the platform we must have something more to identify it by than the mere fact that the President publicly approved it during the campaign. That is no longer sufficient. I think the Senator had better withdraw his witness entirely.

Mr. NORRIS. I am not offering it because I am sure that the Democratic Party will follow it, but it seems to me that, having gone back on nearly everything else in the platform, they perhaps would take this opportunity to save this little one item and stand by it.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES. Is it not a fact that that declaration in the platform is contrary to the traditional policy of the Democratic Party, and therefore not binding on them?

Mr. NORRIS. Well, I think it is contrary to the policy that has been pursued during the present Congress to some extent, as I propose to show.

Mr. JONES. I want to ask the Senator another question. Was that plank adopted when the regular platform was adopted at the convention?

Mr. NORRIS. I presume so; I was not there. I am reading from this little book containing the platforms of the two great political parties.

Mr. JONES. I noticed that one of the delegates to that convention made a speech sometime ago, and said that when this platform was adopted the members of the convention were demoralized mentally and physically, and I wondered under those circumstances whether or not any declaration would be binding.

Mr. NORRIS. I am afraid that some of my friends——

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. NORRIS. In just a moment—I am afraid that some of my friends, when they call attention to these particular things peculiar to the Democratic situation, will only furnish an argument for our Democratic friends to pass this law. If you do not call attention to all their past sins it may be that their consciences will be affected by what I shall read, and they will feel like making good this particular pledge. I now yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, what I shall say is in no spirit of criticism, because I would not and could not criticize the Senator from Nebraska; but I believe we should proceed with the business of the country without any further discussion of platforms, because he must know, and all other men who think into things instead of around things must know, by this time, that a platform is made to "get in on." I am reminded of the old story of the brakeman on a passenger coach who spoke to a passenger standing upon the platform and said, "Get off of here." The passenger answered, "Can not a person stand and ride here?" "No," said the brakeman, "platforms are made to get in on, but not to ride on." [Laughter.] Having "got in on the platform," why weary the country further about riding on it?

Mr. NORRIS. Now we will proceed to the business of the Senate. I wish to say in passing, however, that I am not responsible for all these suggestions, and I hope the Democratic brethren will take this platform in good faith.

Mr. STONE. Mr. President, I think about all the Senators on this side who voted with the Republicans on the tolls bill have aided the Senator in his attack upon the platform; and the Senator can now proceed with his fine sarcasm without further interruption and assistance from this side of the Chamber.

Mr. NORRIS. I will say to the Senator that whether there was any sarcasm, and if there was, whether it was fine, as far as coming from me is concerned, it would not have come had it not been for the interruptions on both sides of the Chamber. I will say to the Senator also that I have no desire to put this question into politics. I have no desire to make a partisan question of the particular motion that is before the Senate. I do not believe it ought to be such; and yet I think it is proper to read a portion of the platform upon which the Senator himself stood, and other Senators the same way. I do not think anyone would charge me with trying to be sarcastic or with any impropriety in doing that.

We have before us now a proposition to take out from under the civil-service laws the appointment of certain officials provided for by this bill. There is going to be $100,000, if this provision is agreed to, spent for that purpose. I am in favor of the motion which strikes out that part of the provision that takes it out from under the control of the civil-service law.

Let me read what I started to read a long while ago. This is from the Democratic platform adopted at Baltimore:

> The law pertaining to the civil service should be honestly and rightly enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

I commend that to the Senate. I believe that is a statement of a principle that is right. If you did not believe it was right, or if the idea of the Senator from Arizona [Mr. ASHURST] is right, then you ought to have added another provision to the platform which, in substance, would have said: "As soon as we get into office we are going to rape the civil-service law every opportunity we get." That would have been fair; that would have given the people notice, and there would have been some reason for passing the various laws that have been passed to take out from under the civil-service law the appointment of officials.

Since that platform was adopted you have taken by law the deputy United States marshals out from under the civil service. You have taken by law the deputy internal collectors out from under the civil service. You have taken out from under the civil service the appointments to be made under the income-tax provision of the tariff law. You have also taken out from under the civil service, by law, the appointments to be made by the Federal Reserve Board under the new currency act. Now you propose, under this law, to take out from under the control of the civil service the appointments to be made of these attachés that are to investigate opportunities for American commerce and American trade in foreign lands, and to put those positions upon a partisan political pie counter to be given to men because of political service rather than for merit.

I say that, now, without regard to the present administration. The appointments under this law are to be made by the present Secretary of Commerce. Even if we should concede that when he made those appointments he would not make them for partisan reasons, it would not be right to put in the law the right of the official to make them for partisan reasons or to give him that privilege and to take away the effect of the civil-service law. If this law is to be permanent, even though for argument sake we conceded the present Secretary would not consider

politics in making the appointments, some succeeding Secretary would. It would become a fruitful source of paying political debts out of the Public Treasury. It will all come home to roost. History will repeat itself. Other parties will come into power at some time, sooner or later, and this law will be abused by them.

We are passing this law or establishing this precedent not for to-day nor only for the present administration. This law would be applicable if a Republican administration should succeed this one when the present term of our President expires and a Secretary of Commerce appointed for partisan reasons by a Republican President would go on and take all these men out, perhaps after they had just learned the business, and reward his political heelers by payment out of the United States Treasury under the ostensible purpose that they were traveling abroad to develop business for American commerce and American manufacturers and merchants.

These positions would be much sought after. A trip to Europe or a trip around the world, to pay some man for his influence in a convention or his control of a county or a State or a delegation from some place, would be a very beautiful reward. If those men must be rewarded, they ought not to be rewarded under any pretense that they are going to do something for the country and be paid out of the Treasury of the United States.

This bill does not fix any particular salary. I suppose the Secretary of Commerce would arrange that matter himself; but it is a very nice opportunity either for this Secretary or, if the language is so that it would be continuous, for some succeeding Secretary. I am not claiming that some other political party would have any more virtue, my Democratic friends, than yours has. They would use it for the same purpose if they could.

It has been argued here by the Senator from Colorado, and it is an old argument, it is made in defense of every political machine that ever existed when they undertook to do something that was wrong, that some other party did the same thing.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I do.

Mr. THOMAS. I did not state that as an argument; I stated it simply as a fact.

Mr. NORRIS. I am glad to have the Senator make the suggestion he has made.

The Senator from Ohio [Mr. BURTON] gave a long list of Republicans removed for partisan reasons from the Government Printing Office. Immediately following that the Senator from Florida [Mr. FLETCHER] gave a list of Democrats who were removed under a Republican administration and Republicans put in their places for partisan reasons. Is that an answer? If that is an answer, and if that is a defense of the present Democratic administration, let me ask you, why did you not put that in your platform and say, "While we believe so and so," as I have read from your platform, "yet the Republicans have disregarded the civil-service law, and if we get into power we are going to disregard it, too, just as badly as they did?"

You came into power because you promised to do better than the Republicans had done, and the people believed you would do better; and you will stay in power just as long as they believe you are doing better, and no longer. It may be "Hobson's choice," perhaps, but the sentiment of the country of 50 years ago is not the sentiment of the country now; and it is no longer any defense, in defending one political party, to cite the sins of another one and say that they had done the same thing when they had a chance. The people are anxiously waiting for an administration that will make its promises good, and when you say that you are going to enforce the civil-service law according to its spirit, it is your honorable duty to do it, even though Republicans have violated it before you. As far as I am concerned, if you did do it I would be one of the first to commend you for doing it, and to say so openly.

I regret very much to hear Senators on this floor, when citations are made of putting a man out because of his politics and putting another man in contrary to the law, commend it. Many commendatory expressions have been made on the floor of the Senate on that kind of conduct. In reality, when the Public Printer or any other official turns out of office a man purely for partisan reasons and fills his place with another one for partisan reasons he has violated the spirit of the law, if not its letter. He may have succeeded in getting some technical manner by which he can do the act legally, but the spirit of the law is violated, and when such violations are commended on the floor of the United States Senate we can not expect public officials to do their duties fearlessly. If you will trace the history of almost any legislation where any similar question arose, where there was politics in it or patronage in it, if you will trace the history of the legislation of Congress for the last 25 years, you will find that argument always made. It was made by Democrats against Republicans when Republicans were in control, and Republicans came back and answered, and said: "You did the same thing when you were in control." Now, when Democrats are in control, after making the promises they have made to the people, they say, in answer to an accusation of this kind that is demonstrated, "Why, we are doing only what you did. Platforms are to get in on, and we pay no more attention to them after we are in."

We sometimes think, and I think too often, that these men who are trying to get promotions, who are demanding that the civil-service laws shall be violated for partisan reasons, control the politics of the country. They do not. Under the old régime of the control of parties, where one man carried a State in his hand and another one carried a convention in his hand, some of those things might have been true, and without a doubt were true. When a political machine had control they were in shape to make these demands. Public officers often forget now that when the machine is making a demand, in reality it is like the frogs in a pond; there are not very many of them, but they make a great deal of noise.

It is said, and it is said truly, too, by my friend from Colorado [Mr. THOMAS], that this law always will be violated. Of course it will. Every law will be violated. There have been violations in the past; there will be violations in the future, both of this law and of other laws which we may pass; but that is not any reason why we should not do the best we can to fulfill the law. Instead of pleading that we are unable to do anything to make conditions better, while admitting that they are wrong, we ought to devote our energies to trying to build up the civil-service law, correct its mistakes, punish those who violate it, and remove them from office, and we will have no trouble in the future.

I think the law ought to be changed in a great many respects. Instead of saying that it always will be violated and that all parties have violated it, why not, in a spirit of nonpartisanship and with the idea only of the benefit of the country, get together like men and correct the evils making it possible for a man to remove for the causes that have been used as causes in the past by both parties, and make it a criminal offense for any official to remove for partisan reasons any man under the civil service, and also make it a criminal offense for any Senator or other public official to ask that it be done? If half of the energy and half of the ability had been devoted to trying to correct the loopholes of the civil-service law that have been exercised in trying to avoid its provisions, we would have a law that would have made it impossible for these violations to have occurred without punishment for the violators.

Mr. ROOT. Mr. President, I do not wish to delay the completion of the work upon this bill, but I do wish to put upon record my opposition to the feature of this amendment which prohibits the application of the civil-service rules to the appointment of the new commercial attachés; and I should like to call the attention of our friends on the other side of the Chamber to the fact that this amendment relates to a field of government service regarding which there is not even the slender excuse that may exist in some of the departments where appointments have been made for political reasons.

Of course, sir, the civil-service system of appointment upon examination, when it was first introduced, had to contend against inveterate custom and inveterate prejudice. It was exceedingly unpopular among a great part of our people, particularly those who had been active in politics; and it has taken a long time to eradicate the idea, first publicly proclaimed upon the floor of the Senate by a Senator from my own State, that "to the victors belong the spoils." I think, however, there has been a steady and gradual progress in the acceptance of the method of appointment which is provided in the civil-service rules and the statutes under which those rules are made.

Of course, there has been a great unevenness in this progress. It has been much greater in some departments than in others. There are certain departments of the Government in which the change has been practically complete.

We have the rule of appointment upon merit, to be ascertained primarily by examination, in force in the Army of the United States; and I think it is safe to say, upon some experience and observation, that for many years political affiliations or political recommendations have had substantially no influence in determining appointments to the Army.

The same thing is true as to the Navy of the United States. For a great many years the appointments in the Navy have been made without reference to political affiliations.

upon the general subject than upon the concrete instance which has provoked the discussion. I shall vote for the amendment of the Senator from Utah [Mr. SMOOT].

Mr. NORRIS. Mr. President, with the first part of the address of the Senator from Colorado [Mr. THOMAS] I most heartily agree. I think if we would sum up what the Senator has said in a sentence, it would be that he is in favor of the application of the civil-service principle wherever it can be applied, and that as to the extent to which it can be applied, he fears that it has been attempted to apply it in many instances where, from the very weakness of human nature, it can not work out satisfactorily. He says, or I understood him to say, that the head of a department, for instance, if the civil-service rules were applied to all of his subordinates, would be handicapped to a great degree, because they would not be in harmony with the political policies believed in by the head of the department.

Mr. THOMAS. Mr. President——

Mr. NORRIS. I should be glad to have the Senator correct me, if that is not a correct statement of his view.

Mr. THOMAS. I think the Senator has carried my proposition a little too far. Perhaps I can illustrate what my meaning was or what my expression was intended to convey.

The postmaster of the city and county of Denver is a presidential appointee. The appointee may be selected at the will of the President. The deputy postmaster of Denver is an official who is appointed from a list of names furnished the department for that purpose. The duties of the presidential appointee on the one hand and the duties of the deputy with whose appointment the President has nothing to do upon the other are identical; in other words, the deputy is the alter ego of the principal, just as a deputy sheriff performs the duties of a sheriff, just as a deputy clerk performs the duties of a clerk, just as an assistant secretary of one of the departments performs the duties of the head of the department. As to all subordinate places which are so directly identified with the principal as that the duties of the two are the same, I can conceive of no reason why the civil-service laws should apply to the one and not to the other; and I do not think that they should apply to the principal.

When you come down to the other employees of the post office in Denver, the money-order clerk, if you please, the delivery clerk, and the men who distribute the mails and collect them, those duties are, of course, in no wise connected with the administration of the office, except in so far as they constitute a part of the detail. I think as to the latter the civil service should be made applicable; as to the former, it should not be made applicable.

I may say, before I take my seat, if the Senator from Nebraska will permit me, that I intended to emphasize the assertion which I made concerning the manner in which the merit system has been applied by the different parties; and I do not criticize the Republican Party for it any more than I would the Democratic Party. In this office it so happens that nearly every one of the subordinates, although they were selected under the merit system, are men whose politics is in harmony with the power which existed and controlled at the time of their selection.

Mr. NORRIS. Mr. President, I will take up the identical illustration given by the Senator from Colorado and use that as a text. He says that in Denver the postmaster is appointed by the President, but that the deputy postmaster is appointed under civil service; that the duties of the postmaster and of the deputy postmaster are the same; that therefore the civil-service rules should apply to both, or they should apply to neither of them; and that he thinks the civil-service rules should not apply to the postmaster. Therefore, I conclude it would logically follow that these civil-service rules should not apply to the deputy postmaster. Now I have it correct. Then the Senator says that those officials under the deputy postmaster can properly be classified under the civil service, because their duties are not the same as those of the postmaster and of the deputy postmaster. I want to take up both of those propositions.

I think the Senator is right when he says that the duties of a postmaster and of a deputy postmaster are very much the same, and that there is no logical reason why one should be appointed because of his politics and the other one appointed on merit. I agree with that proposition; but I can not agree with the Senator in his next proposition that, therefore, since their duties are the same we ought to take them both out of the merit class and put them both on the political partisan pie counter. Instead of taking the deputy out from under civil service and putting him up for sale for the political parties to make bids for, I would take the postmaster off from the political pie counter and put him on a merit basis.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. I think the Senator is perfectly consistent, as he always has been, upon this proposition, but I should like to ask him at that point to what extent he would carry that principle upward? Where, in other words, would he draw the line between appointees under the merit system and those who are merely political?

Mr. NORRIS. Of course, the Senator submits a difficult proposition to me when he asks me where I would draw the line. That is not material, however, on this question here, and it would be material at no time unless we are going to enact a new civil-service law and extend its limitations. I think they ought to be vastly extended. As to just where it ought to stop, of course, there would be honest reason for dispute, as there is now honest reason for dispute as to whether it has already gone too far. The Senator and myself do not agree on its present application. He thinks it has gone a little too far and I do not think it has gone quite far enough.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. The Senator from Nebraska always has an excellent reason for any position that he takes, and I was therefore curious to learn where the line would be drawn, because he would give a reason for doing so. The difficulty with me is that I can not concede the Senator's proposition with reference to the postmasters and at the same time deny it with reference to the President's Cabinet.

Mr. NORRIS. Mr. President, the Senator has asked me a fair question, and, of course, he has only asked for my opinion, and that is what I shall give. The Senator asks me where I would draw the line. We were speaking particularly of the Post Office Department. So far as I am concerned now, I am perfectly willing to answer the question with the same frankness with which it was asked. I say, I would draw no line in the Post Office Department. There is not a single duty to be performed officially now from the office of Postmaster General in Washington down to the janitor in any post office in the land that is in any way connected with partisan politics. I would, if I could, place the entire department on a merit basis. I would take it entirely out of politics.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield.

Mr. THOMAS. Do I understand the Senator by that statement to include the Postmaster General?

Mr. NORRIS. I do.

Mr. THOMAS. Then the President of the United States would be required under such a system to go to the names certified to him by the Civil Service Commission for a Postmaster General.

Mr. NORRIS. No; the Senator must not put that construction on it.

Mr. THOMAS. I am putting it on the Senator's statement. If the Senator means it—and I must infer that he meant it—if I properly understood him, I understood him to say that he would apply it to the Postmaster General.

Mr. NORRIS. I understand perfectly well that so far as, for instance, the Constitution of the United States is concerned, it can not be done; it would be unconstitutional if we should pass a law of that kind. The Constitution provides that the President shall appoint the heads of departments. I am not saying that in a strictly technical legal sense we pass such a law, and I answer the Senator on my own judgment as to what ought to be done. I said I would draw no line. I admit that to accomplish such a purpose there would have to be a law drawn under the Constitution. I think such a law could be drawn to have the practical effect of putting the entire Post Office Department, including the Postmaster General, on a merit basis. We can not under the Constitution take away the appointing power from the President, but we can make the term of the Postmaster General 10 years, and provide that he shall not be removed except for cause. We can provide that no one in the department can be removed except for cause. We can make it an impeachable offense to remove a man for partisan reasons. We can declare the purpose of the Government to put the entire department on a business basis and put into the law the necessary safeguards to make it effective.

Mr. THOMAS. I had no intention of raising the constitutional question. Of course, we all know that I was looking at it as an abstract proposition.

Mr. NORRIS. Of course that means that if I were selecting the Postmaster General of the United States politics would not enter into the consideration. The only letter suggesting an appointment that, I think, I have written to the present President of the United States, I wrote at the suggestion of some people who were very close to the President, who thought that he was a firm believer of having a business administration rather than a partisan one. I wrote to him suggesting the appointment of a certain individual, who is a Democrat, for Postmaster General. I remember that in that letter I said to the President that if I were President and making the appointment, this was the man I would select for this position, regardless of his politics.

But I think that is somewhat afield of the question. I want to go back to the illustration which the Senator from Colorado gave, taking up the Denver post office. The Denver postmaster has not a single official duty to perform in Denver that is in any way partisan. Why should the postmaster at Denver, who deals and does business with the people of Denver, lose his job or get his job simply because of the political belief of some man who is installed in the White House in Washington? Why would it not be just as reasonable to discharge the school-teachers in Denver when the political administration changes at Washington?

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. THOMAS. Is it not also true that the Postmaster General, in the discharge of the duties of his position, has no political office to perform?

Mr. NORRIS. That is absolutely so; and if under the Constitution a method could be devised by which that office could be made nonpartisan I should like to see it adopted. I think it can be done. I did not intend to discuss this branch of the subject, but I will say that I introduced a bill, which I want to call to the attention of the Senator from Colorado—and I do it in the best of faith, because I have absolute confidence in the Senator's earnestness, and I believe he will be converted to this principle—I introduced a bill in the preceding Congress, under a Republican administration, which, in my judgment, if it were enacted into law, would have placed the entire Post Office Department beyond the realm of partisan politics.

As I have said, it would not be possible under the Constitution to take away the appointment of the Postmaster General and of presidential postmasters from the President, but it would be possible, in my judgment, and an easy thing to enact a law that would have the effect of taking that department out of politics without taking away or attempting to take away the constitutional right of the President to make these various appointments.

I believe that the deputy postmaster of Denver, when he shows exceptional ability, ought to have an opportunity to be promoted to the position of postmaster, a higher, a more responsible, and a more remunerative position in the department. When he becomes postmaster, if by virtue of his ability and his familiarity with the duties connected with the office he demonstrates a capability for further promotion, he ought still to have before him an opportunity to advance in the Post Office Department without limit until he reaches the head of the department as Postmaster General in Washington.

I know it is always stated in answer to that kind of an argument, "Why, the Postmaster General is part of the President's Cabinet; he helps the President to map out his course, and gives him advice." There is no law providing for a Cabinet. I think it is fair to assume that the President, when he consults the Postmaster General, consults him in regard to the Post Office Department. He does not need to consult him about political matters. If he wants political advisers, he can seek anyone's advice, whether he is in or out of the service, whether he holds a Cabinet position or whether he does not.

If the Postmaster General were appointed for a term, let us say, of 10 years, similar to a member of the Interstate Commerce Commission, and provision were made for the advancement of every man in the Post Office Department according to merit, so that from its head down to its very foot there would be no politics in it, we would have in a few years the most efficient organization in that great department resting on a business basis that the world has ever seen.

There is nothing in the Post Office Department but business. The deputy postmaster at Denver, the city used by the Senator from Colorado as an illustration, learns on account of his ability and his fitness for the place and the work in his office how to take care of that great post office. His position is one that requires a great deal of ability and experience; he is really the head of it, so far as the management of the business affairs of the office is concerned, but above him, drawing a salary twice as large as his, sits a political partisan ornament, known as the postmaster. I do not say that he is always an ornament. I do not know who the postmaster at Denver is and I do not want the Senator from Colorado to get the idea that I am finding any fault either with past postmasters or the present postmaster at Denver.

Mr. THOMAS. Mr. President, the present postmaster at Denver is an esteemed friend of mine, appointed by President Taft.

Mr. NORRIS. I have no reference to personalities. I do not want the Senator to get that idea.

Mr. THOMAS. I understand that.

Mr. NORRIS. I am talking of a general principle. When the postmaster, who is appointed over the deputy to draw the salary and hold the ornamental position while the deputy does the work, has been there for eight years, let us say, and has learned the duties of his office, he has finally, at the expense of the Treasury of the United States, been educated so that he can handle the Denver post office; but along comes a political change, and he goes out. He is efficient, then, and, if he had remained in office, he might run it properly and could perhaps have earned his salary; but some other man is put in, not because his predecessor was inefficient, but because in the White House there is a man who gives allegiance to a different political party than the President who had preceded him. That is the basis for it; that is the reason for it; and I submit to the business judgment of every Senator and every citizen that it is not right; it is not fair; it is not economy; and it ought not to be tolerated in the business department of our Government, as it would not be tolerated in the business department of any business corporation on earth.

Then, the deputy has a student on his hands. The man with the little salary, doing the work, teaches the new postmaster with the big salary what his duties are; and, when he gets him educated, another political party comes into power, or a different faction of the same political party comes into power, and the student whom the deputy postmaster has educated is thrown out again, and you go out into the political ranks and select some other partisan, not for his fitness particularly, but because he has done some political work for the man who succeeded to power, and who has the distribution of patronage at his disposal. It seems to me, therefore, Mr. President, that the extension of the civil service ought to go forward instead of backward.

Now, let me read just a little from the last Democratic platform adopted at Baltimore. I do not know but that that platform is pretty well shot to pieces, and there may not be many planks left in it unrepudiated, and this particular plank has been repudiated several times heretofore, but I am going to read one part of the Democratic platform which is going to be raped to-day.

Mr. CLAPP. Mr. President——

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. CLAPP. I want to ask the Senator from Nebraska whether that particular plank in the platform was authorized by any State convention before it was voted on by the Democratic national convention? If not, I do not think it should be recognized, because that seems to be urged now as the new test of authenticity in party platforms.

Mr. NORRIS. That is according to the doctrine promulgated here the other day.

Mr. CHAMBERLAIN. Mr. President——

Mr. NORRIS. I yield to the Senator from Oregon.

Mr. CHAMBERLAIN. I will ask the Senator if he does not think it is just a little bit unkind, after the Democrats have been assisted by him in the violation of their platform, that he should now criticize them for it?

Mr. NORRIS. Well, I did what my vote could do to help them violate it, not because I cared about violating their platform, but because I had repudiated the platform long before President Wilson did, and so I was only carrying out my idea in that instance.

The Democratic platform had nothing whatever to do with my vote. Of course no one claims that I was bound in any way by the Democratic platform.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. NORRIS. I yield.

Mr. VARDAMAN. Will the Senator permit me to suggest that in repudiating the Democratic platform a day or two ago it strikes me that you repudiated all the platforms, for all the

C. Deering, forwarder, discharged September 22, 1894. Not grateful to Public Printer. Left in 1889.

James C. Toy, wagon messenger, discharged September 17, 1894. Not willing. Causes trouble. G. A. R.

E. A. Townsend, compositor, discharged May 18, 1895. Disorganizer. Not satisfied.

John W. Usilton, discharged April 1, 1895. Agitator; charges Public Printer is dishonest and tyrant.

That perhaps was a sufficient reason—insubordination.

William Wilkins, laborer, discharged July 20, 1895. Offensive partisanship.

P. Wood, laborer, discharged March 6, 1895. Veteran and radical.

W. T. Johnson, finisher, discharged March 12, 1895. Trimmer, and abuses Democrats under Republican administration.

M. E. McClain, discharged March 13, 1895. Daughter teacher in public schools.

Henry L. Mathers, compositor, discharged April 20, 1895. Agitator, trimmer; says he will be back in 1896 from Ohio as a Republican.

It was evident there was a system of espionage so that everything anyone said was reported.

George P. Silence, laborer, discharged March 13, 1895. Anti-Democrat.

George McCutcheon, discharged April 3, 1895. Veteran and vindictive.

M. R. Dutton, compositor, discharged March 1, 1895. Critical of Public Printer.

Frank A. Everts, compositor, discharged March 13, 1895. He said, "All will get back in two years."

Alice Daly, discharged June 9, 1894. Not needed; daughter in department; soldier's widow.

Mamie E. Fisher, discharged July 14, 1894.

Here is a reason—

"All her folks are solid Republicans."

John M. Gauntley, discharged June 19, 1894. Offensive Republican.

Here is one that should appeal particularly to our honored Vice President and to the two distinguished Senators from Indiana.

John F. Atkinson, discharged July 1, 1894. N. G. Lives in Indiana. [Laughter.]

John Green, jr., discharged June 1, 1894. Bitter Republican.

Fred Bogin, ruler, discharged July 1, 1894. Cranky Republican.

Blanche Carey, discharged June 19, 1894.

Here is a reason that will appeal to many: Husband a lawyer.

Allie Basey Pitts, discharged June 2, 1894. Married and lives with her husband. [Laughter.]

As much as to say a person who is domestically inclined, loyal, and does not separate from her husband must get out of the Government Printing Office.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Missouri?

Mr. BURTON. Yes.

Mr. STONE. I wish to ask the Senator where these reasons assigned for dismissal were obtained?

Mr. BURTON. They were obtained from a memorandum book of the private secretary of the Public Printer. His services were such that I believe he was transferred to a position under the Civil Service Commission and remained there for some time, and then resigned. The gentleman in question was recently a candidate from the city of New York for Public Printer, but President Wilson did not see fit to appoint him.

Mr. STONE. Was that book private property or public property?

Mr. BURTON. He left it in the Public Printing Office. I take it that it was public property. Whether it was public or private, I take it it gives adequately the reasons for these discharges.

Mr. STONE. Who furnished the information from that book?

Mr. BURTON. That does not appear. The book was found and these extracts were taken from it. There are a number of other items from it that I could give that are equally interesting with those I have stated.

Mr. STONE. Who took the extracts?

Mr. BURTON. They were taken by Mr. Landis, of Indiana, when a Representative in Congress. The book was in his possession for some time, perhaps only a few weeks.

Mr. STONE. Purloined by somebody?

Mr. BURTON. Not purloined. It was taken right out of its place. It was left there. He did not seem to have thought it proper for him to remove the book. At any rate, he left it there among the books.

Mr. STONE. Does the Senator know that the whole book was not prepared by somebody and turned over?

Mr. BURTON. Certainly not.

Mr. STONE. How does the Senator know it?

Mr. BURTON. I know that these same lists were given out and investigated thoroughly about 16 years ago. At first the cry was made that they were not authentic, but they were found to be absolutely authentic by everyone.

Mr. STONE. Does the Senator mean that the reasons were authentic?

Mr. BURTON. The book was authentic. I do not know whether the reasons were or not. I do not want to vouch for the reasons, which the private secretary gave.

Mr. STONE. The reasons given in the book, as stated, the Senator repeats here?

Mr. BURTON. Every one of them.

Mr. STONE. That seems like a very improbable story.

Mr. BURTON. I do not know about that. It might seem improbable.

Mr. STONE. It is a very improbable story, and I am surprised that a Senator of the high standing of the Senator from Ohio will repeat such trash as that seriously and make it the basis of an argument.

I wish to ask another question of the Senator. Did I understand the Senator to say that 700 people were fired from the Printing Office in one period of 24 hours?

Mr. BURTON. That is the statement made. It was not contradicted at the time it was made, in 1898.

Mr. STONE. And 700 were appointed?

Mr. BURTON. Yes. It was not contradicted at the time.

Mr. STONE. I am frank to say, I think that was a mighty good day's work; but I do not believe that the Printing Office was capable of doing that much work, however deserving, in that short space of time.

Mr. BURTON. Oh, well.

Mr. STONE. I think that is another one of those stories that the Senator from Ohio ought not to dignify with his importance.

Mr. BURTON. It is very well for the Senator from Missouri to speak of this as trash. It was not trash to those widows and Grand Army men who were turned out of their positions on these trivial grounds. They were holding their positions and doing their duty, and one by one they were thrown out on such pretexts as were given here by this private secretary. It is all very well to speak of it as trash and unworthy of mention, but it shows the methods that were adopted in getting men and women of one party out and getting those of another in.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. I do.

Mr. FLETCHER. If the Senator will allow me to interrupt him at this point, I hold in my hand a copy of the Fourteenth Report of the Civil Service Commission, of July 1, 1896, to June 30, 1897. I find in that report the commission says, on page 404:

An examination of the evidence adduced during the investigation disclosed the fact that of the 77 persons reduced 76 were Democrats; of the 91 persons promoted 82 were Republicans, 2 were Democrats, and the politics of 7, 3 of whom were women, were unknown; of the 51 persons removed 35 were Democrats, 1 was a Republican, and the politics of 15, 7 of whom were women, were unknown; and of the 59 persons reinstated 43 were Republicans and the politics of 16, 6 of whom were women, were unknown.

That took place under a Republican Public Printer, and is embodied in the report of the Civil Service Commission.

Mr. BURTON. What year was that, did the Senator say?

Mr. FLETCHER. This is the Fourteenth Report of the United States Civil Service Commission, July 1, 1896, to June 30, 1897.

Mr. BURTON. I am glad to note that after this wholesale demotion or discharge they began to observe civil-service rules. All this to which I have referred was in 1894 and 1895. I trust it means that they afterwards, perhaps under the direction of President Cleveland himself, established a fairer set of rules and pursued a fairer course.

Mr. STONE. The Senator from Florida referred to the Republican administration.

Mr. BURTON. In 1896?

Mr. STONE. It shows that in the succeeding administration, when a large number were appointed or restored, or in some way put back into the service or put into the service, a very large per cent, ranging from 75 per cent and up, were Republicans and the politics of others unknown. The Senator says that he was glad to note that when the Republicans came in they began to enforce the civil-service rules. In other words, it is good civil service to put Republicans in and bad civil

service to put them out and Democrats in. That is the theory upon which the law has been administered during the greater part of its existence.

Mr. BURTON. Mr. President, I did not understand the year the quotation of the Senator from Florida [Mr. FLETCHER] referred to. Was it July 1, 1896, to June 30, 1897?

Mr. FLETCHER. The report is from July 1, 1896, to June 30, 1897. It was printed in 1898. It deals with the practice at the time Mr. Palmer was the Public Printer and had reference also to Mr. Benedict's career as a Public Printer.

Mr. BURTON. In point of time eight months of that year were under Democratic administration and four months under Republican, but it is hardly conceivable that with so many dismissals made at wholesale, and made for reasons such as I have read here, because they were veterans, cranky Republicans, and this, that, and the other thing—it is hardly conceivable, I say, that in justice to them and to secure the efficiency of the office there should not have been a considerable number reinstated. The first thing that would naturally be done under a Public Printer who was a Republican would be to cure in some degree the injustice perpetrated by his predecessor.

Oh, Mr. President, I do not deny that to some extent the civil-service rules and civil-service law have been manipulated by the administrations of both parties, but I submit that your party, gentlemen across the aisle, has been far and away the worst transgressor. The proof of it, and the most conclusive proof of it, is that in the case of these very important positions you are seeking to make breaches in the wall. You are seeking to exempt positions from the civil service at a time when, month by month and year by year, the merit system is becoming more and more thoroughly established, the work of the departments more efficient, and when, instead of making exemptions, every act of Congress, every new office which is created, should point in the direction of the strengthening of the merit system, so that we may remove from it the blight of politics, so that we may give to our young men and our young women the promise of a career. They should not be compelled to kotow to some Representative or Senator or person of political influence in order to obtain access to the service of the Government. They should be able to rely upon a system under which they may know that if they are well educated for serving the people and if they will give their time and attention to public service they will be rewarded; at least they will have equal opportunity with all the rest.

I desire to enter my most decided objection to this line that is inserted here. It is a backward step. I repeat, the proposal casts suspicion upon the whole plan. Its adoption would create distrust for these attachés. It furnishes an example under which, in other branches of the civil service, exemptions can be made and appointments made not according to merit nor with a view to efficiency in the public service, but from political favor.

Mr. THOMAS. Mr. President, I am largely in sympathy with the position which the Senator from Ohio [Mr. BURTON] occupies with reference to the civil service and to its importance as a fundamental institution in government. Like him, I believe it is essential to the best service, and it ought to be, although it is not and never was enforced in the spirit as well as in the letter of the law. All parties in their platforms express devotion to civil service, and all parties in their practice, when in power, disregard it as effectually as possible, while professing compliance with the requirements of the statute.

Mr. President, the strictures which the Senator from Ohio has applied to the Democratic Party, and which he has reenforced by citing examples which occurred during the administration of President Cleveland, can be paralleled in the practices of the Republican Party in their administration of the system, and both will be paralleled, in all probability, by the practices of the Progressive Party in the event that that party should ever assume the reins of government. Hence I am entirely justified in asserting that the political parties of the country are none of them in love with the civil service and have observed its requirements only to the extent to which compliance is obligatory. The party of the minority, whichever it may be, is loyal to the merit system only so long as it remains in the minority. The party of the majority is hostile to that system only so long as it remains in the majority.

When Republicans accuse the Democracy of disregarding and violating civil-service regulations and Democrats accuse the Republican Party of the same practices, both of them are telling the truth. It is the old story of the pot calling the kettle black.

Wherever it is possible in the practical administration of the law to comply with its requirements and to disregard its spirit, that has been done by both of them, in so far as my experience goes. That is the reason, Mr. President, why, I presume, some exemptions from the system appear in bills which have been introduced and enacted into law by the existing Congress.

This suggests the query: How has the civil service been administered during the long period of Republican supremacy? We all know the procedure of the Civil Service Commission. It holds examinations and those who pass satisfactorily are reported to the various divisions of the Government in whose service the applicants desire to enter. The names of aspirants in a regular series represent the seniority of the application and the degree attained in the examination. Politics are not considered and ought not to be considered in this process. Probably, so far as the action of the Civil Service Commission is concerned, it does not enter into the problem at all. Yet it is a significant thing that the Republican Party, after a long lease of power, went out of office, turned the administration of governmental affairs over to its opponent, which soon discovers that from 80 to 85 per cent of the men and women who occupy the various subordinate positions in the departments of the Government are of the same political faith as the administration under which they were employed. This is not a coincidence. It is due to the deliberate action of the appointing power; and its successor, notwithstanding the provisions and the requirements of the civil service, is apt, when occasion arises, to discriminate in favor of members of their own party in precisely the same manner.

You may say that is reprehensible. I would hardly characterize the practice by so severe an expression, because it is human nature operating through political channels. Republicans do it; Democrats probably do it; and any other party that may come into power will do it until human nature changes or until the system is changed by adapting it to the conditions which call for its application.

So far as this amendment is concerned, I am in favor of it because of the declarations of my own party upon the subject. But, Mr. President, if I should live much longer than is probable, I do not expect to see the time when the spirit of the civil service shall be observed by any party so long as that party can avoid it.

Now, why not recognize these conditions and meet instead of attempting to overcome them by a process of crimination and recrimination? I think it is clear that the civil service has been carried further than it ought to have been. It has been made to apply to those who are virtually heads of departments, who represent administrative authority and are in a sense a part of it, instead of limiting its operation to the technical and clerical details of government. A postmaster, for example, is exempted from the civil service, and yet the deputy postmaster, who, so far as his duties are concerned, is the postmaster in fact, comes under the civil service. The same is true or has been until recently of United States deputy marshals. It is true in many of the departments of the Government.

There is no more reason, Mr. President, for exempting a deputy postmaster or a deputy marshal under the civil service than there is for placing an Assistant Secretary of the Treasury or an Assistant Secretary of State under the civil service, and if such an official should be placed under the civil service, then the President of the United States ought to be required to select his Cabinet from a list submitted to him for that purpose by the Civil Service Commission.

I know of nothing that can be urged against the application of the merit system as to every department of the Government the duties of which are mechanical, technical, or clerical. On the other hand, I know of no reason that would justify the application of the merit system to that class of appointees who in the discharge of their duty virtually represent and act for some part or portion of the administration in power. There should be harmony in such positions; there should be a complete unity in the general purposes and the general course of operations. Such conditions can not prevail where a part and portion of the acting power is of a permanent character with one political affiliation and political purpose and the other is changing and evanescent, which may or may not last over one administration, but which is out of political harmony with those holding the permanent positions. There is the difficulty; and this, I think, will continue, Mr. President, to operate adversely to the principle of civil service until it shall have been placed upon a more rational, systematic, and scientific basis. When that time comes, I think there will be fewer removals actually made for political reasons, but ostensibly made upon some other, than are being and have been done; but the universal extension of the system to all classes and conditions universal extension of the system to all classes and conditions of officials is bound to bring the system ultimately if not into disaster, at least into disrepute. What I have said bears more

Lucas, N. A. (Company D, Forty-fifth Pennsylvania Volunteers), reduced from $1,400 to $1,300.

Lunson, H. P. (Second and Fourth Indiana Cavalry), reduced from $1,100 to $900.

Lounds, George C. (Company H, Twelfth Illinois Infantry), dismissed.

Luke, D. D. (Company I, Eighty-seventh, and Company D, Ninety-ninth Ohio Infantry), reduced from $1,400 to $1,200.

Liverpool, W. H. (Company E, Fifth United States Colored Heavy Artillery), reduced from messenger to assistant messenger.

Lowe, Homan (Company I, Third Michigan Engineers and Mechanics), reduced; dropped.

McClain, Dow (Company A, Forty-seventh, and Company C, One hundred and thirty-second Indiana Infantry), reduced from $1,400 to $1,300.

Macy, W. W. (Company A, Twentieth, and Company C, Nineteenth Indiana Infantry), reduced from $1,400 to $1,300.

Maxwell, E. H. (Company I, One hundred and tenth Ohio Volunteers), reduced from $1,400 to $1,200.

Maxwell, H. P. (Company H, Eighty-first Ohio Infantry, Company B, Fifty-ninth United States Colored Troops), reduced from $1,400 to $1,200.

Mays, Charles P. (Company K, Tenth New Hampshire Volunteers, and Company K, First United States Artillery), reduced from $1,400 to $1,300.

Miller, Martin B. (lieutenant colonel Eighty-fourth Indiana Infantry), reduced from $1,300 to $1,200.

Moler, Henry H. (Company I, ——— Ohio Volunteers), reduced from $2,000 to $1,300.

Melbourne, W. F. (United States Army, 1851 to 1865, inclusive), reduced; dismissed.

Martin, Henry T. (Forty-sixth Indiana Infantry), reduced from $750 to $720.

Noble, U. S. (Company E, Eleventh Michigan Infantry), reduced from $1,400 to $1,300.

Offley, Holmes E. (staff, Rear Admiral Goldsborough, United States Navy), dismissed.

Okey, C. W. (Company C, Sixth Wisconsin Infantry), reduced from $1,400 to $1,300.

Patterson, John S. (Company G, Tenth New Hampshire Infantry; adjutant Nineteenth United States Colored Troops), dropped.

Patton, H. N. (Troop M, Twelfth Ohio Cavalry), reduced from $1,400 to $1,300.

Perkins, H. E. (Company C, Seventh Vermont Infantry), reduced from $1,300 to $1,200.

Proctor, William H. (Second United States Sharpshooters; Sixth Veteran Reserve Corps; Twenty-fourth United States Colored Troops), reduced from $1,500 to $1,200.

Paine, John L. (Company I, Fiftieth New York Engineers), reduced from $1,400 to $1,300.

Palmer, A. B. P. (United States Signal Corps, Regular Army, 1875–1876), dismissed.

Parkinson, E. C. (Company B, Forty-fourth New York Infantry, Fifth United States Artillery, and Companies L and ——, Thirteenth New York Heavy Artillery), reduced from $1,400 to $1,300.

Pearson, Samuel P. (Company A, First Pennsylvania Reserves, general service United States Army), reduced from $1,800 to $1,600.

Peck, Fred C. (Company F, Eighteenth Ohio Infantry, and Troop K, Seventh Kansas Cavalry), reduced from $1,600 to $1,300.

Powell, Ransom T. (Company L, Tenth West Virginia Infantry), reduced from $1,400 to $1,300.

Riley, John (apprentice, United States Navy), dismissed.

Riley, Thomas F. (Ordnance Corps, United States Army; second lieutenant, United States Infantry; captain, United States Infantry, 1863–1889), reduced from $1,000 to $900.

Ribble, George T. (Eleventh New Jersey Infantry), reduced from chief of division, $2,000 to $1,200.

Russell, Leonidas (assistant surgeon, Second Kentucky Volunteers; acting assistant surgeon, United States Volunteers), reduced from $1,800 to $1,400.

Schuckers, William F. (McLaughlin's Squadron, Ohio Cavalry), reduced from $1,400 to $1,300.

Shafer, Elias (Company K, Twenty-third Michigan Infantry), reduced from $1,400 to $1,300.

Shanks, C. D. (Company G, Eighty-third Ohio Infantry), reduced from $1,400 to $1,300.

Sidman, George D. (Company C, Sixteenth Michigan Infantry; Company D, Veteran Reserve Corps), reduced from $1,400 to $1,200.

Smith, George M. (United States Navy), reduced from $1,400 to $1,300.

Stiles, J. H. (first sergeant, First Iowa Volunteers; lieutenant colonel, Twelfth Iowa Volunteers; brevet colonel and brigadier general), reduced from $1,400 to $1,200.

Shoemaker, J. A. (Company K, Twenty-third Ohio Infantry), dismissed.

Slavens, Charles (Company G, One hundred and seventy-third Ohio Infantry), reduced from $1,300 to $1,200.

Stocksleger, T. A. (Company F, Thirteenth Indiana Cavalry), reduced from $1,600 to $1,400 to $1,200.

Smith, Napoleon J. (Company E, One hundred and twenty-fourth Illinois Infantry; Company I, Forty-eighth United States Colored Troops), dismissed.

Smith, William (Company G, Ninety-seventh New York Infantry), reduced from $2,000 to $1,400.

Sprague, F. H. (Companies E and B, First Rhode Island Cavalry), reduced from $1,400 to $1,300.

Swain, George M. (Seventh Iowa Cavalry), dropped.

Schuyler, M. R. (Company B, One hundred and fifteth Indiana Infantry), reduced from $1,600 to $1,400.

Stevens, C. A. (Ninth United States Veteran Volunteers; Berdan's Sharpshooters; Second Wisconsin Infantry), reduced from $1,600 to $1,200.

Sims, O. L. (Troop E, Fourth United States Cavalry, 1883–1888) (Regular Army or Navy), reduced from $1,400 to $1,200.

Tansill, Charles F. (United States Signal Corps, Regular Army, 1877–1879), reduced from $1,200 to $1,000.

Telcher, John G. (United States Navy, 1878–1879), dismissed.

Tegethoff, Anthony (Company H, Fifty-eighth New York Infantry; United States Signal Corps), reduced from $1,200 to $900.

Thompson, Charles W. (Twelfth Massachusetts Infantry; Company G, Thirty-ninth Massachusetts Infantry), reduced from $1,800 to $1,600.

Tierney, Matthew (Company F, Fifteenth United States Infantry), reduced from $1,000 to $900.

Tyers, Frederick (Company E, Thirty-fourth Illinois Infantry), reduced from $1,600 to $1,400.

Vail, Henry W. (Company H, Sixteenth Connecticut Infantry; hospital Steward, United States Army), dropped.

White, William L. (assistant surgeon, First and Twenty-fourth Kentucky Infantry), reduced from $1,600 to $1,200.

Wolston, J. R. (Company A, Third Maine Infantry), reduced from $1,400 to $1,200.

Wright, Moses B. C. (Company K, Thirteenth Ohio Infantry; major, Second Indian Home Guards), reduced from $2,000 to $1,800.

Mr. WILLIAMS. These cases were solely in the Pension Bureau. There are seven other departments which went through the same experience.

Mr. STONE. Mr. President, I should like to ask the Senator from Mississippi a question.

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Missouri?

Mr. WILLIAMS. I do.

Mr. STONE. How many names are there in the list in the Pension Bureau?

Mr. WILLIAMS. I counted them and stated the number the other day, but I do not remember it now. There is quite a long list of them; and that was only in the Pension Bureau, which is only one division of one department. There are seven other departments with their various divisions, and the thing ran along pretty much on a parity.

Mr. President, I am very much in favor of the amendment of the committee. I do not think anything is of more importance than the cultivation of our foreign trade and the finding of new markets for American products of every description. I want it with the words "without examination under the civil-service rules"; and I should like to have any man of common sense tell me what sort of an examination could possibly be prescribed to determine the fitness of men who are to do what? "To investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States."

Are you going to examine a man as to the textile industry? Are you going to examine him as to the steel and iron industry? Are you going to examine him as to the condition of the cotton market? Are you going to examine him as to millinery? Are you going to examine him as to ready-made clothing? What are you to examine him in? What particular branch of the agricultural industry, of the manufacturing industry, of the mining industry, or of commercial pursuits? No man knows all of either of these, and no man knows much about all of them when they are taken together.

In my opinion, the very best man for the Secretary of Commerce to send abroad in a matter of this sort is a good, live, commercial traveler. To bring a man up here and begin to examine him in arithmetic, in geography, and heaven knows what else, when what you want is a man to go over and report upon trade conditions, and a man who has been in the habit of considering trade conditions, seems to me totally unnecessary.

If I were going to do that work I would rather get hold of a New York or a Chicago or a St. Louis or a New Orleans drummer who had been all over the country hunting out new markets for a great American commercial enterprise, hunting up new customers for them, and reporting back to his house, and in the meanwhile selling goods en route, than to have any amount of civil-service examinations.

Civil service is all right up to a certain limit. We have made a fetish out of it, however, and we have carried it too far. Here, not long ago, men were talking about civil service for United States deputy marshals. If I subjected a candidate for one of those positions to a civil-service examination at all, I would take him to a shooting gallery, put a pistol in his hand, and see whether he could shoot better than his competitors. Then I would organize a night attack on him and let men fire blank cartridges at him, and if he did not kill one of them I would pronounce him incompetent for the service, and if he did I would appoint him. I imagine the examining board would not want to indulge in that sort of an examination to any very great extent.

We are making a fetish of the civil service, as I say. There is reason in all things. There is a limit to the application of any general principle of expediency or of government. There is no limit to the application of any moral principle, but there is to every other sort of general rule, and it seems to me that we will get very much better service from these attachés if we do not apply the civil-service examination rules to them.

I know it can be readily answered that perhaps I would not have said that if the Republicans had offered a like bill. I think I would have said it. Whether I would have said it or not, however, I know I would have thought it. I might have thought it was better to leave them the laboring oar.

The fact that these men are going to be Democrats for the most part, or even altogether, if that argument is made, does

not frighten me. There are plenty of men who are Democrats who are precisely fitted to attend to this service and to attend to it up to the handle, in the very best possible manner in which it can be attended to.

The present Secretary of Commerce is a man who has been long engaged in the business of exporting American products to a foreign market. He has exported them to Japan and to China and to Austria and to Germany and to Italy. He is not going to wreck his department and the effectiveness of its work by appointing men who are not fit for this particular service, concerning which he has had so much experience.

Mr. BURTON. Mr. President, it is quite evident that the party in power is not friendly to the civil-service system. One or two things that have been said this afternoon indicate that very clearly. The intimation that the whole plan is a humbug is one of them. It is possible that some Republican has made some such expression, although I do not know of anyone who has made it publicly. Nevertheless, I wish to state that the civil-service system has come, and come to stay. There may be a lapse under Democratic rule; there may be exceptions; but more and more we will bring these different positions under rules under which competency and fitness will be the qualification, and, furthermore, permanency of tenure will become more thoroughly established.

It is not alone the choice of men who are competent that is accomplished by this method. It is the confidence which it inspires that these branches of the public service are divorced from politics; that the selection is not governed by partisan considerations. Everyone knows that the moment any position, however unimportant it may be, becomes vacant it attracts a horde of applicants—that is, unless the position is within the civil-service rules. I remember one time, years ago, going into the Congressional Library. There was no civil service there, and a visitor might see a line of Congressmen, Senators, and others similar to those at a ticket office when a popular opera is being presented, all waiting to see Mr. Spofford, the Librarian, in order to present the claims of their friends. I became disgusted and left.

If these positions of commercial attachés or any other positions are made free from the civil-service rules, it will cause the same degree of pressure, and it will diminish the public confidence both in the men themselves and in their work.

I have no sympathy with this ridicule of civil-service examinations. Every time any particular position is sought to be exempted we hear this same talk in this Chamber, that to examine a man in reading and writing and arithmetic and geometry does not show whether he is a proper person to fill the position. Why, it is very easy to provide different examinations for different offices under the Government. That is the function of the Civil Service Commission and its examiners, to frame such questions as will show the qualifications for the appointment that is to be made.

The work of these attachés is prescribed here—to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States. It is perfectly easy to frame questions relating to foreign trade and the needs, tastes, and languages of other peoples. It is not difficult to ascertain an applicant's knowledge of the demand for our manufactures and products. If selections are made on a large scale or for the service of the public a competitive examination is the best method to test the capability of the applicant in all those directions. Of course no examination would be conducted without taking into account the experience of the applicant.

So, I say, the importance of obtaining competent men for these positions, those who will be free from the claims of partisanship and the suspicion which attaches to selections made under the promptings of political favoritism, is one of the strongest objections to this provision here. But it is perfectly evident that the party in power are seeking to undermine the whole system. In the last deficiency bill there was a provision inserted in regard to deputy United States marshals and collectors as follows:

CIVIL SERVICE COMMISSION.

Examination of fourth-class postmasters: For necessary additional office employees, printing, stationery, travel, contingent, and other necessary expenses of examinations, $20,000; field examiners at the rate of $1,500 per annum each, for work in connection with members of local boards and other necessary work as directed by the commission, $9,000; in all, $29,000, to be available during the fiscal year 1914: *Provided*, That hereafter any deputy collector of internal revenue or deputy marshal who may be required by law or by authority or direction of the collector of internal revenue or the United States marshal to execute a bond to the collector of internal revenue or United States marshal to secure faithful performance of official duty may be appointed by the said collector or marshal, who may require such bond without regard to the provisions of an act of Congress entitled "An act to regulate and improve the civil service of the United States," approved January 16, 1883, and amendments thereto, or any rule or regulation made in pursuance thereof, and the officer requiring said bond shall have power to revoke the appointment of any subordinate officer or employee and appoint his successor at his discretion without regard to the act, amendments, rules, or regulations aforesaid.

That was the first onslaught on the civil service system, openly made in the deficiency appropriation act for the fiscal year 1913. When it was brought in here I believe I myself raised the point of order that it had no place in an appropriation bill.

In opposition to the point of order, the reason was given that it did have place in the bill because it diminished the appropriation for executing the law a paltry thousand dollars; that the exemption diminished expenses in making examinations. Consequently it was held to be in order—erroneously, I think. What happened? The bill went into conference, and the provision for the diminished expense of a thousand dollars was immediately stricken out, as if it were just there for the express purpose of making this exemption admissible under the bill. Of course the appropriation was not diminished one dollar.

When we had under consideration the bill for the collecting of the income tax there also an exemption was made. Let us think for a minute of the importance of that. Here is a new species of revenue, in the collection of which the officials of the Government are brought into very close contact with all the people, where there is great opportunity for the exercise of favoritism or, on the other hand, of oppression. If there is any one branch of the public service that should be free from any suspicion of the possibility of oppression or of favoritism it is that which has to do with the collection of the revenue. But there a large class of officials is exempted.

Then, again, in the Federal reserve act exemption is made. So all these things point one way—to the gradual undermining and the breaking down of the civil-service system.

To my mind, Mr. President, this is the worst of the list. This provision seeks to do a very salutary thing—to enlarge our trade abroad, to select commercial attachés, and their secretaries go with them. It is a new method practically of bringing our manufacturers and exporters into closer touch with foreign markets. What will be the result of that if these appointments are made, probably all from one political party, largely on the recommendation of Democratic Senators and Representatives. It will at the very outset be considered as so tainted by politics that it will be entirely without the confidence of the people and will fail in its efforts.

I do not think there is any country in the world that does not make such commercial attachés virtually a part of a system under which politics is entirely divorced. They are regarded as in the same class with consular and diplomatic officials.

The Senator from Utah has called attention to the demotions in the office of the Public Printer. My recollection goes back to the year 1894 when there was a showing made of what was done then in that office, and as some of the reasons for discharges were so very interesting I am going to refer to a few of them.

I believe President Cleveland was at heart in favor of civil service; I think President Wilson is also; but I am reminded of a remark one time made by a Russian to a traveler in Russia. This Russian spoke very freely and said, "I believe the Czar is an excellent kind of a man, but I also think a great many things are going on that he does not know anything about." I am inclined to think that in some of these departments things were going on that President Cleveland did not know anything about, and I fear that in some bureaus and branches of the Government things are going on that President Wilson does not know anything about.

In that great establishment—the Government Printing Office—in one day 735 Republicans were discharged and as many Democrats put in their places. That day was known as Bloody Monday. On a subsequent day 420 discharges were made, and other changes were made, until 1,800 Republicans were discharged, and most of the places were given to Democrats.

The private secretary of the Public Printer under President Cleveland's second administration had a memorandum book to which he entered the reasons for these discharges, and I quote some of those reasons to show to what shifts those who have the appointing power may resort when they are unfriendly to civil service and desire to give some excuses for the discharge of those of the opposite party:

C. P. Armstrong was discharged June 13, 1894. The simple memorandum is added, "Not wanted."

W. R. Burgess, compositor, discharged June 13, 1894. Trimmer. Joined the Old Dominion Republican Club.

Richard M. Calhoun, watchman, discharged June 13, 1894. Active and offensive in politics.

pointed is qualified, will be absolutely useless to the Govern-

The matter referred to follows.

PROMOTIONS—continued.

Name.	Position.	Salary.	Promotion to—	Salary.	State.	Increase.
J. A. Leimum	Pressman	$1,377.20	Assistant foreman	$2,000.00	Maryland	$622.80
A. J. Arnold	Deskman	1,627.60	do	2,000.00	New York	372.40
Edward P. Butscher	Bookbinder	1,252.00	Binder in charge	1,502.40	Pennsylvania	250.40
Walter H. Gulbridge	Proof reader	1,502.40	Chief reviser	1,627.60	Maryland	125.20
Wm. T. Herritage	do	1,502.40	Assistant foreman	2,000.00	North Carolina	497.60
J. T. Geraci	Compositor	1,252.00	Make-up	1,502.40	Maryland	250.40
George H. Sehorn	do	1,252.80	Deskman	1,752.80	Kentucky	500.80
E. F. Flanagan	Bookbinder in charge	1,502.40	Bookbinder in charge	1,752.80	Missouri	250.40
W. E. Modley	do	1,252.00	do	1,502.40	Nebraska	250.40
H. E. Ohler	do	1,252.00	do	1,502.40	Pennsylvania	250.40
L. R. Lippincott	Proof reader	1,502.40	Assistant foreman	2,000.00	Delaware	497.60

Mr. SMOOT. Mr. President, I do this not for the purpose of criticizing this particular amendment, but for the purpose of showing to the Senate that it is following out a policy already well under headway. The attack that has been made upon the civil service in a number of appropriation bills that have been considered by this body of late is but a part of a concerted move and is exercised in every department of the Government.

I am one of those who believe that wherever there is an appointive office not under the civil service the President ought to appoint Democrats. I think they are entitled to the positions. I never have objected, and never shall object, to such appointments, for I think, unless the laws specifically provide that it shall be a bipartisan commission, in which the President is directed, of course, to appoint men of both political parties, he does nothing more than his duty if he sees that every office is filled by a Democrat. I say this because I believe it. I say this because I believe the Republicans, when in power, should have followed the same identical rule. It does seem to me, however, that if we are going to appoint commercial attachés to serve in foreign countries for the purpose of collecting information to be disseminated to the business interests of this country for the purpose of basing their future business transactions upon, the work ought to be performed and reports made by persons selected by the Civil Service Commission.

This is not a political question. We ought to secure the very best men there are in the United States for this work. We ought to select the men who are particularly qualified, and not only qualified but qualified with a special degree of knowledge and understanding of the different modes of manufacturing and the distribution and the marketing of the different classes of goods that we export to foreign countries.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. OVERMAN. Does the Senator think we will get that kind of men under the civil service?

Mr. SMOOT. I certainly do, Mr. President.

Mr. OVERMAN. How? Just because they can read and write and spell, and probably speak one foreign language? That is about the kind of examination they have to stand.

Mr. SMOOT. I do not so understand it. I have more confidence than that in the Secretary of Commerce.

Mr. OVERMAN. He has not anything to do with it. The Civil Service Commission sends him the first three men on the list, and if he administers the law according to its terms he selects one of the three.

Mr. SMOOT. They always have done that.

Mr. OVERMAN. You have not been administering it in that way. If he administers the law as it has been administered while your party was in power, if the man making the appointment does not like any of those three, he will send for three more. I have known them to go down through 15 in order to get their own man. That is the way they have been administering the law.

Mr. SMOOT. I never have found it that way in my experience.

Mr. OVERMAN. The Senator knows, I think, and everybody on that side knows, that the administration of the law under all administrations in the past has not been according to the strict rule of the law. The man making the appointment always got his own man. I have been told by Senators on that side that the administration of the civil service was a humbug. A leading Republican told me it was a humbug when I first came here, and I found it so later in my own experience.

Mr. SMOOT. I do not know that it is going to be administered any differently now.

Mr. OVERMAN. I think not.

Mr. SMOOT. I simply wish to say, however, that if civil service is a humbug, we ought to abolish it entirely; but if it is a success, and if we do believe in it, then we ought to adhere to it strictly and not violate the spirit of it.

If it can be proven to Congress that it is as represented by the Senator from North Carolina, the quicker we do away with it the better; but as long as it is the policy to make appointments under the civil-service law, I believe it ought to be adhered to, and adhered to strictly. I believe the examinations that will be made under civil-service rules for these particular places will be such, and the requirements such, that they will have to pass an examination that will at least show that they are qualified not only as to the conditions of business in this country, but the conditions of business of the country to which they are assigned. I think the civil-service examination of men to be appointed under this provision would bring that about.

Mr. WILLIAMS. Mr. President, the other day, while we were discussing this question of demotion and dismissal from the public service, I put in the RECORD the names of those who had been demoted or dismissed from March 4, 1897, to December 31, 1898, during that period of the beginning of Mr. McKinley's administration. At that time I did not have the letters of the companies and the numbers of the regiments of the soldiers. Since that time I have secured that information.

This is only in one bureau, to wit, the Pension Bureau. Since then I have prefaced that list with a statement of the statute, of the Attorney General's opinions concerning its construction, the regulations of the Civil Service Commission, and the decisions of the Supreme Court in passing upon it; doing it all, however, in a bird's-eye way, by means of references for the most part, and making only six pages of letter paper.

I ask unanimous consent that the list of the soldiers, with their companies and regiments, and this preamble or statement to which I have just referred, may go into the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

By section 1754, Revised Statutes, persons honorably discharged from the military or naval service for disability originating in line of duty are to be preferred "for appointment to civil offices," provided they possess the business capacity necessary to a proper discharge of the duties of such offices. The preference conferred by this section was expressly continued by section 7, act of January 16, 1883 (22 Stat. L., 403), commonly called the "civil-service act."

The Attorney General (17 Op. Atty. Gen., 194) construed section 1754, Revised Statutes, to mean that the persons therein mentioned are "to be exempted from liability to examination for admission to the civil service, but that they are entitled to a preference for appointment as against other persons of equal qualification for the place."

The Civil Service Commission (Minute of Commission, April 18, 1896) has decided that preference under section 1754, Revised Statutes, applies only to original entrance to the service.

The preference in appointment to positions in the civil service of the United States of a certain class of honorably discharged persons having been fixed, Congress soon made provision for their retention by the act of August 15, 1876 (19 Stat. L., 169), wherein such persons are given protection in the matter of a compulsory reduction of the force employed in any executive department, the statute providing "that in making any reduction of force in any of the executive departments the head of such department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors."

In passing upon the statutes above referred to the Attorney General has held (27 Op. Atty. Gen., 490):

"Ex-soldiers or sailors, or the widows and orphans of deceased soldiers and sailors, are not entitled to preference over other persons * * * when reductions in salary and rank are to be made, even though their qualifications are equal."

Or, as stated by the Supreme Court in the case of Keim v. United States (177 U. S., 290, 295):

"These sections do not contemplate the retention in office of a clerk who is inefficient, nor to transfer the power of determining the question of efficiency from the heads of departments to the courts. * * *

"No thoughtful person questions the obligations which the Nation is under to those who have done faithful service in its Army or Navy. Congress has generously provided for the discharge of those obligations in a system of pensions more munificent than has ever before been known in the history of the world. But it would be an insult to the intelligence of Congress to suppose that it contemplated any degradation of the civil service by the appointment to or continuance in office

of incompetent or inefficient clerks simply because they had been honorably discharged from the military or naval service. The preference, and it is only a preference, is to be exercised as between those 'equally qualified,' and this petitioner was discharged because of inefficiency. That, it may be said, does not imply misconduct, but simply neglect; but a neglected duty often works as much against the interests of the Government as a duty wrongfully performed, and the Government has a right to demand and expect of its employees not merely competency but fidelity and attention to the duties of their positions.

Nowhere in these statutory provisions is there anything to indicate that the duty of passing, in the first instance, upon the qualifications of the applicants, or, later, upon the competency or efficiency of those who have been tested in the service, was taken away from the administrative officers and transferred to the courts. Indeed, it may well be doubted whether that is a duty which is strictly judicial in its nature. It would seem strange that one having passed a civil-service examination could challenge the rating made by the commission and ask the courts to review such rating, thus transferring from the commission charged with the duty of examination, to the courts a function which is at least more administrative than judicial; and if courts should not be called upon to supervise the results of a civil-service examination equally inappropriate would be an investigation into the actual work done by the various clerks, a comparison of one with another as to competency, attention to duty, etc. These are matters peculiarly within the province of those who are in charge of and superintending the departments, and until Congress by some special and direct legislation makes provision to the contrary, we are clear that they must be settled by those administrative officers.

* * * * * * *

In the case of Taylor v. Taft (24 App. D. C., 95) it is held that—

"The right of appointment necessarily involves the right of removal. This power is absolute, except in so far as restricted by Congress. The civil-service act limits the power of removal in no respect, except for the single cause of failure to contribute money or service to a political party. An employee's fitness, capacity, and attention to his duties are questions of discretion and judgment to be determined by the heads of the departments. Such questions are beyond the power of any court."

In order to protect the honorably discharged soldiers and sailors in the classified service from dismissal, or reduction in rank or salary, when it may be necessary to reduce the force in any executive department, section 4 of the act of August 23, 1912 (37 Stat. L., 360, 413), enacts that no such soldier or sailor whose record in such department is rated as "good" shall be discharged, dropped, or reduced in rank or salary. This proviso plainly contemplates that honorably discharged soldiers and sailors with a record rated as "good" under the system of efficiency ratings established by said section 4 shall not be disturbed in the event that it becomes necessary to reduce the force in any executive department; that is to say, where the total number of employees in a particular branch of the service is to be reduced. Manifestly it has no application where a reorganization or reclassification of the force is undertaken by the head of a department with no necessity of law for reducing the total number of employees.

That the law recognizes the inherent power of the head of a department to arrange and classify his employees is easily demonstrated. It is only necessary to refer to section 1 of Rule XII, civil-service rules:

"A removal or reduction may be made for any cause which will promote the efficiency of the service, but false penalties shall be imposed for like offenses, and no discrimination shall be exercised for political or religious reasons."

Subject to the prescribed limitations the authority of the head of a department in the matter of changes appears to be amply sufficient to make such a classification of the personnel of his force as will best promote the efficiency of the service. Whether the changes be made because of delinquency or misconduct, or whether they become advisable for administrative reasons only, the right of the head of a department to act does not seem to be abridged, provided he complies with the procedure established by section 6 of the act of August 24, 1912 (37 Stat., 555), which is as follows:

"That no person in the classified civil service of the United States shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said Postal Service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service. The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with."

SOLDIERS AND SAILORS AFFECTED ADVERSELY FROM MARCH 4, 1897, TO DECEMBER 31, 1898.

Aspinwall, A. A. (Company F, Thirty-third New York Infantry), reduced from chief of division, $2,000, to $1,800.

Allison, A. D. (Company D, Forty-fifth Pennsylvania Infantry), reduced from principal examiner, $2,000, to $1,800.

Ake, W. S. (Company I, Seventy-second Ohio Infantry; Troop D, First United States Cavalry), reduced from $840 to $720.

Archer, J. W. (Company A, Fifty-ninth Indiana Infantry; Gen. Buford's staff), reduced from $1,400 to $1,200.

Bell, H. C. (Company K, Twenty-ninth Indiana Infantry), resigned(?).

Bassett, George T. (Company C, Fourth Battalion District of Columbia Volunteers), dismissed.

Bonorden, H. S. (Troop E, Second Iowa Cavalry), reduced from $1,400 to $1,300 to $1,200.

Bourom, C. R. (Company C, Eighth Iowa Infantry; Troop L, Second United States Dragoons), reduced from $1,400 to $1,200.

Brown, Henry B. (band, Seventh Massachusetts Infantry), reduced from $1,400 to $1,300.

Buckley, J. D. (Company D, Fifth Wisconsin Infantry), reduced from $1,400 to $1,300.

Bliss, W. W. (Company G, Forty-ninth Illinois Infantry), reduced from $750 to $720.

Britton, Wiley (Troops B and K, Sixth Kansas Cavalry), reduced from $1,300 to $1,200.

Clayton, E. P. (Fifth United States Cavalry, Regular Army, 1881–1885), reduced from $1,000 to $900.

Clements, John T. (National Rifles, District of Columbia Volunteers; brevet major), reduced from $1,400 to $1,300.

Crosby, W. O. (Company D, Second Ohio Infantry; Company C, Second Battalion, Fifteenth United States Infantry), reduced from $1,300 to $1,200.

Chipp, Rodney (United States Navy), reduced from $1,400 to $1,200.

Clark, Ellen E. (Company E, Seventy-third Ohio Infantry), reduced from $1,400 to $1,200.

Clark, John B. (Missouri Home Guards), reduced from $1,000 to $900.

Davis, M. C. (Company E, Fifteenth Iowa Infantry), reduced from $1,400 to $1,200.

Davis, J. A. (First New York Mounted Rifles), reduced from $1,400 to $1,300.

Davis, William P. (lieutenant colonel Twenty-third Indiana Infantry), reduced from $2,000 to $1,400.

Dick, J. M. (Company H, Second Iowa Infantry; Company A, Twenty-fifth Iowa Infantry), dismissed.

Duncan, Irvine (Nineteenth Iowa Infantry), dropped.

Ellis, H. G. (Company E, Twenty-second New York Infantry; Second New York Veteran Volunteer Cavalry), reduced; dismissed.

Elliott, Edward P. (Company K, One hundred and thirty-sixth Indiana Infantry; adjutant One hundred and forty-third Indiana Infantry), reduced from $1,400 to $1,200.

Erdman, Adolph (Fifteenth Missouri Infantry), dropped.

Eager, J. H. L. (Company B, One hundred and ninety-fifth Pennsylvania Infantry; 127th Pennsylvania Reserves; Troop C, Nineteenth Pennsylvania Cavalry), reduced from $1,400 to $1,200.

Elliot, James H. (Company G, Thirty-fourth Massachusetts Infantry), reduced from $1,400 to $1,300.

Fleming, George B. (Company B, One hundred and sixty-third Ohio Infantry, and Company G, One hundred and ninety-first Ohio Infantry), dismissed.

Fritche, W. R. (surgeon steward, United States Navy), reduced from $2,000 to $1,400.

Fuss, W. H. (Company A, Sixth Battalion District of Columbia Volunteers), reduced from $1,300 to $1,200.

Fernald, George W. (Company C, Second New York State Militia; Eighty-second United States Volunteers), reduced from $1,400 to $1,200.

Fairbanks, Charles (Company E, Second United States Sharpshooters), reduced from $1,400 to $1,200.

Fawcett, Thomas R. (Company K, Sixteenth Massachusetts Volunteers), dismissed.

Pierce, W. W. (Company H, Eighty-seventh Indiana Infantry), dropped.

Force, J. M. (Company B, Seventeenth Michigan Infantry; Twentieth Veteran Reserve Corps), reduced from $1,400 to $1,300.

Freeland, John J. (Company I, Seventy-fourth Indiana Infantry), reduced from $2,000 to $1,600 to $1,400.

Fritts, James R. (Company H, Fourteenth Indiana Volunteers), reduced from $1,800 to $1,600 to $1,400 to $1,300.

Fairhurst, Jeremiah F. (Eighteenth Ohio Infantry; Battery K, First Ohio Light Artillery), reduced from $750 to $720.

Gray, Thomas F. (Troop I, Twelfth Illinois, and Troop L, Seventh Tennessee Cavalry), reduced from $1,200 to $900.

Gallenne, J. B. (Seventh United States Cavalry, Regular Army, 1873–1878), reduced from $1,000 to $900.

Guernsey, A. W. (Troop D, Sixteenth Pennsylvania Cavalry), reduced from $1,600 to $1,200.

Goldstein, Moses (Company A, Sixth United States Infantry, Regular Army), dismissed.

Gary, Louis C. (C. M. Clay's battalion), reduced from $1,000 to $900.

Hinkle, Charles (Company C, Tenth Illinois Infantry, and Company K, Twenty-seventh Illinois Infantry), reduced from $1,600 to $1,400.

Harris, C. E. (First New York Veteran Cavalry), reduced from $1,300 to $1,200.

Hughes, William (Troop D, Second New Jersey Cavalry, and Troops K and C, First New Jersey Cavalry), reduced from $1,400 to $1,300.

Haile, James D. (One hundred and ninety-third New York Infantry), dismissed.

Hailey, Noah W. (Company G, One hundred and fortieth Indiana Infantry), reduced from $2,000 to $1,400 to $1,200.

Harding, A. C. (Company G, Seventieth Ohio Infantry), dismissed.

Helpringer, William H. (Company K, Sixty-second Ohio Infantry), dismissed.

Hersey, S. R. (Company C, Forty-second Massachusetts Infantry), reduced from $2,000 to $1,800 to $1,600.

Hartel, J. N. (Company K, Fourth Ohio Volunteers), reduced from $1,400 to $1,300.

Hoffiger, P. J. (Company I, Ninety-fifth Pennsylvania Infantry), reduced from $1,200 to $1,000.

Hunter, A. J. (Company H, Eighteenth Iowa Infantry), reduced from $1,300 to $1,200; dismissed.

Horsh, E. G. (Company E, Fifth Wisconsin Infantry), reduced from $1,400 to $1,300.

Ingram, Thomas D. (Company D, Twenty-ninth Pennsylvania Volunteers), reduced from $2,000 to $1,400.

Jefferson, Ralph (general service, United States Army, September, 1862 to March, 1864), reduced from $1,400 to $1,300.

Johns, L. E., reduced from $1,600 to $1,400.

Jones, F. C. (Sixty-fourth New York Volunteers), dismissed.

Kennedy, James N. (Company A, Fifty-first Ohio Infantry, Gen. Hazen's staff), reduced from $1,400 to $1,300.

Kinney, A. T. (Company D, Eighty-fifth Ohio Infantry, and Company F, Two hundred and tenth Pennsylvania Infantry), reduced from $1,600 to $1,200.

Livingston, George S. (United States Signal Corps, Regular Army, 1878–1888), reduced from $1,800 to $1,600.

an office in the Government of the United States that becomes so I my pair with the junior Senator from Rhode Island [Mr. COLT]

La Follette Norris Swanson

Mr. SMOOT. For purposes other than those

Mr. MARTIN of Virginia. Everything is enumerated. There is hardly anything that is not embraced under the broad and comprehensive language employed. It may be used for anything that will better the service of the Treasury Department. The ingenuity of man can not make a more comprehensive authorization than is made in this amendment.

Mr. SMOOT. Mr. President, I have never understood that this was a contingent fund, and if it is I think it ought to be made a direct appropriation for a contingent fund to be used by the Secretary of the Treasury.

Mr. MARTIN of Virginia. I am sure the Senator is under a misapprehension. The language of the amendment is rather peculiar, but it is the stereotyped language that has been used for years. The Secretary of the Treasury speaks of it as a contingent fund. He says it is the only fund that will enable him to meet any contingent demand that may be made upon him. It has always been used, I think, as a contingent fund; that is what it is intended for; that is what it will be used for; and the language here is broad enough to include any contingency that may arise in the work of the Treasury Department.

Mr. SMOOT. I am not objecting to a contingent fund for the Secretary of the Treasury.

Mr. MARTIN of Virginia. That is all this is.

Mr. SMOOT. But I want to say, Mr. President, that the language here employed does not express, even in the faintest way, that this appropriation is for a contingent fund, for it specifically states just what it is for. This is the first time I have heard that it is to be used as a contingent fund.

Mr. President, I am not going to ask for the yeas and nays on the amendment, but I want the Senate to decide if they want to put this amount in this appropriation bill in this way.

The PRESIDING OFFICER (Mr. JAMES in the chair). The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will state the next amendment reserved.

The SECRETARY. The next amendment passed over is on page 132, after line 17, to insert:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000.

Mr. KENYON. Mr. President, I make the point of order as to that amendment that it is new legislation attached to an appropriation bill.

Mr. MARTIN of Virginia. I call the attention of the Senator from Iowa to the fact that this is regularly estimated for by the department, and it can not possibly be subject, in my judgment, to any point of order. It is an appropriation pure and simple, for a worthy purpose, too, and estimated for by the Secretary of Commerce.

Mr. KENYON. If the words "without examination under the civil-service rules" were stricken from line 20 it might be a most estimable provision. With those words in, it seems to me it is very faulty, and those words in themselves make it new legislation.

The PRESIDING OFFICER. The Chair holds that the item was estimated for by the department and has been reported by a standing committee. The point of order is, therefore, overruled. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, as an amendment to the committee amendment, I move to strike out the words "without examination under the civil-service rules," on page 132, line 20.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Utah [Mr. SMOOT] to the amendment reported by the committee, which the Secretary will state.

The SECRETARY. In the committee amendment on page 132, line 20, it is proposed to strike out the words "without examination under the civil-service rules."

Mr. SMOOT. Mr. President, I wish to say that I believe those words should not be included in this amendment. I can not see why the appointments that will be made under this amendment should not come under the civil-service rules as well as other appointments that may be made in the Government service, and in fact there is more reason why they should do so, because this is a particular line of work which, unless the person appointed is qualified, will be absolutely useless to the Government, and more than useless to the country, for it could not be relied upon.

It seems to me we are steadily and persistently violating the spirit of the civil-service law in passing appropriation bills of late. I should like to know how many men have been demoted and how many men have been dismissed from the Government service while under civil service in all of the departments of the Government. I think it would be a long, long list.

I did have occasion to look into the promotions and demotions in the Government Printing Office, and I have been rather surprised at that investigation. It has been charged upon this floor a number of times of late, and particularly when we were discussing the question of demotions of the old soldiers in the departments of the Government, that it had been done in the past by past administrations, and that no Democrats in any of the departments stood any show whatever of retaining their positions under a Republican administration or of retaining the amount of salary they were drawing at the time they were serving under a Democratic administration.

Mr. President, I have a list of the employees of the Government Printing Office holding preferred positions only with salaries ranging from $1,400 to $2,500. During all the last Republican administration, and while the Republicans have been in power, these preferred positions, 29 in number, have been held by Democrats. I wish to say now that as long as I was chairman of the Joint Committee on Printing of the two Houses and chairman of the Printing Committee of this body, the only man in behalf of whom I ever appealed to the President of the United States for reinstatement because I thought he had been wrongfully demoted was a Democrat.

I have the names, the positions held, and the salaries paid these 29 men who have served for years in the Government Printing Office. I shall ask to have the list of names printed without reading.

The PRESIDING OFFICER. Without objection, that will be done. The Chair hears none.

The matter referred to is as follows:

Preferred situations held by Democrats under the Republican administration.

Name.	Position.	Salary.
T. Franklin Morgan	Foreman and foreman of printing	$2,250.00
Robert W. Summers	Chief jacket writer	2,250.00
Edward J. Wilver	Cashier and paymaster	2,500.00
Wellington M. Nelson	Paying teller	2,000.00
Charles H. Welsh	Estimator and jacket writer	2,000.00
Edwin F. Geyer	do	2,000.00
Edward H. Ryan	do	2,000.00
George Lamb	Assistant storekeeper	2,000.00
John L. Alverson	Clerk	1,800.00
Seward T. Covert	Assistant accountant	2,250.00
Robert N. Henry	do	1,600.00
Sanford M. Warren	do	1,800.00
Charles F. Kreh	do	1,800.00
James W. Vanarsdell	Computer	1,878.00
Fremont M. Claflin	do	1,878.00
William W. Blake	Clerk	1,400.00
Russell O. Reese	do	1,800.00
Louis A. Potter	do	1,600.00
William J. Hendricks	do	1,800.00
Norval W. Gallaher	do	1,600.00
Adam Brandt	Foreman	2,250.00
Stanley H. Ridings	Deskman	1,627.60
A. J. Arnold	do	1,627.60
William H. Weber	Charge of section	1,752.80
Harry R. Christie	do	1,752.80
Daniel V. Chisholm	Press reviser	1,627.60
Archibald Edmonston	Jacket writer	2,000.00
William W. Taylor	Binder in charge	1,502.40
E. F. Flanagan	do	1,502.40

Mr. SMOOT. In passing, I wish to say that I have not taken a name with a salary less than that of a clerk drawing $1,400. They are all preferred positions. I think of all the departments of our Government that great printing establishment, the best one in all the world, should employ nothing but the very best of skilled labor, and it has been done in the past.

Let me call attention to what has been done by way of demotion, and also by way of promotion. I hold here a list of the names of some 50 to 60 employees, showing their positions, their salaries, the salaries to which they were reduced, and the decreases in the salaries. In passing, I wish to say that every single one of them is a Republican, and every one of these demotions has taken place within the last year. I ask that that list may be printed without reading.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair hears none.

The matter referred to follows.

REDUCTIONS.

[All reduced are Republicans.]

Name.	Position.	Salary.	Reduction to—	Salary.	State.	Decrease.
John R. Bert	Superintendent of work	$3,000.00	Copy editor	$1,027.60	Nebraska	$1,972.40
Chas. E. Malins	Foreman binding	2,500.00	Bookbinder	1,252.00	Indiana	1,248.00
H. C. McFarland[1]	Foreman press work					
Arthur B. Farser	Store keeper	2,500.00	Clerk	1,400.00	New York	1,100.00
L. P. Kenney	Foreman	2,250.00	Make-up	1,502.40	Nebraska	747.60
H. G. Brown	Estimator in charge	2,250.00	Estimator	2,000.00	Pennsylvania	250.00
G. J. Rowe	Foreman	2,250.00	Proof reader	1,502.40	Minnesota	747.60
J. W. Michael	do	2,250.00	do	1,502.40	New York	747.60
E. E. Calhoun	Jacket writer	2,000.00	Make-up	1,502.40	Ohio	497.60
B. W. Ziegler	Foreman	2,250.00	Compositor	1,252.00	New York	998.00
W. H. Usser	do	2,000.00	Proof reader	1,502.40	Pennsylvania	497.60
M. R. Speelman	Assistant foreman	2,000.00	Office man	1,752.80	Missouri	247.20
H. L. Balmer	Estimator	2,000.00	Proof reader	1,502.40	Pennsylvania	497.60
D. J. Roberts	Assistant foreman	2,000.00	do	1,502.40	Kansas	497.60
L. D. Brandon	Foreman	2,250.00	do	1,502.40	Iowa	747.60
J. H. W. Thrush	Compositor	1,878.00	do	1,502.40	Pennsylvania	375.60
Arthur M. Purdon	Assistant foreman	2,000.00				
Chas. E. Sients	do	2,000.00	Make-up and deskman	1,627.60	New York	372.40
A. J. Fleetle	do	1,878.00	Pressman	1,377.20	do	500.80
W. E. Lessing	Foreman	2,000.00	Compositor	1,252.00	Nebraska	748.00
J. A. Patterson	Office man	1,752.80	Bookbinder	1,252.00	New York	500.80
James R. Armstrong	do	1,752.80	Proof reader	1,502.40	do	250.40
W. H. Smith	Assistant foreman and deskman.	2,000.00	Compositor	1,252.00	Missouri	748.00
J. K. Bishop	Charge of section	1,627.60	Pressman	1,377.20	New York	250.40
Charles Dudley					do	
Charles Dudy	Foreman	2,250.00	Proof reader	1,502.40	Pennsylvania	747.60
Allan C. Clough	Assistant foreman	2,000.00	Keyboy	1,627.60	New Hampshire	372.40
Charles C. Corell	do	1,878.00	Bookbinder	1,252.00	New York	626.00
Albert Lindstrom	Binder in charge	1,752.80	do	1,252.00	Missouri	500.80
Walter H. Oliver	do	1,752.80	do	1,252.00	Maine	500.80
Charles Meier	Foreman	2,000.00	do	1,252.00	Pennsylvania	748.00
Henry W. Weller	Assistant foreman and reviser in charge.	2,000.00	Chief reviser	1,752.80	Indiana	246.20
James West[1]	Assistant foreman					
Charles W. Burnett	Make-up	1,502.40	Compositor	1,252.00	Minnesota	250.40
Edward D. Wild	do	1,502.40	do	1,252.00	West Virginia	250.40
John D. Meyers	Assistant foreman	2,000.00	Foreman	1,377.20	Ohio	622.80
Robert E. Stemper	Copy editor	1,627.60	Linotype operator	1,502.40	Washington	125.20
Henry D. Langdon	Make-up	1,502.40	Compositor	1,252.00	New York	250.40
Reese H. Jehan	do	1,502.40	do	1,252.00	Nebraska	250.40
H. J. Gaylor	Assistant foreman	2,000.00	Proof reader	1,502.40	New York	497.60
Edward A. Hine	Foreman	2,250.00	do	1,502.40	Massachusetts	747.60
Marion F. Bullock	Copy editor	1,878.00	do	1,502.40	Kansas	375.60
George Hurd	Bookbinder in charge	1,502.40	Bookbinder	1,252.00	New York	250.40
M. Harris	do	1,752.80	Removed			
W. C. Connor	do	1,752.80	Bookbinder	1,252.00	New York	500.80
P. J. Byrne	do	1,502.40	do	1,252.00	do	250.40

[1] Resigned.

Mr. SMOOT. I have here another list showing the names, the positions, the salaries to which increases were made, and the amounts of increases. I wish to say to the Senate that every one of that long list of names is a Democrat.

I ask that that may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, the list will be printed. The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PROMOTIONS.

[All promoted are Democrats.]

Name.	Position.	Salary.	Promotion to—	Salary.	State.	Increase.
Daniel V. Chisholm	Press reviser	$1,627.60	Superintendent of work	$3,000.00	South Carolina	$1,372.40
Joseph Duffy	Binder (ease-in)	1,377.20	Foreman of binding	2,500.00	Ohio	1,122.80
Edwin H. Walker	Pressman	1,377.20	Foreman of presswork	2,500.00	Texas	1,122.80
P. H. Gallagher	Proof reader	1,502.40	Storekeeper	2,500.00	Ohio	997.60
E. M. Neill	Linotype operator	1,502.40	Foreman	2,250.00	Tennessee	747.60
J. W. Childress	Proof reader	1,502.40	Estimator in charge	2,250.00	do	747.60
Stanley H. Ridings	Make-up	1,627.60	Foreman	2,250.00	Missouri	747.60
Wm. J. McEvoy	do	1,502.40	do	2,250.00	New York	747.60
Louis C. Vert	Linotype operator	1,502.40	Jacket writer	2,000.00	Florida	497.60
Jas. B. Payne	Proof reader	1,502.40	Foreman	2,250.00	Illinois	747.60
Jas. H. Brodnax	Compositor	1,252.00	do	2,000.00	Arkansas	748.00
James H. Gogan	Bookbinder	1,252.00	Assistant foreman	2,000.00	New York	748.00
Joseph V. Gonzales	Binder (ease-in)	1,377.20	Computer	1,878.00	Alabama	500.80
George G. Wilson	Compositor	1,252.00	Assistant foreman	2,000.00	Georgia	748.00
Claude E. Holmes	Proof reader	1,502.40	Foreman	2,250.00	West Virginia	747.60
Herbert Gresham	Compositor	1,252.00	Computer	1,878.00	Missouri	625.80
Harry R. Christie	Pressman (section chief)	1,752.80	Assistant foreman	2,000.00	New York	247.20
Wm. S. Schumacher	Make-up	1,502.40	do	2,000.00	Arkansas	497.60
John P. Kohler	Pressman	1,377.20	do	2,000.00	Maryland	622.80
Frank M. Bailey	Compositor	1,252.00	Foreman	2,000.00	Texas	748.00
Luke F. Ludlow	Bookbinder	1,252.00	Binder in charge	1,752.80	New York	500.80
Fletcher Board n	Imposer	1,377.20	Office man	1,752.80	Mississippi	375.60
Alex. M. Forrester	Linotype operator	1,502.40	Assistant foreman and deskman.	2,000.00	New York	497.60
Richard C. Lohmeyer	Bookbinder	1,252.00	Foreman	2,000.00	Virginia	748.00
George G. Cole	Pressman	1,377.20	Chief of section	1,752.80	Michigan	375.60
Harry C. McLeod	Linotype operator	1,502.40	Foreman	2,250.00	Indiana	747.60
Richard Powers	Proof reader	1,502.40	Assistant foreman	2,000.00	New Mexico	497.60
Louis E. Hubbell	Bookbinder	1,252.00	Binder in charge	1,752.80	Kentucky	500.80
Timothy Shea	do	1,252.00	Assistant foreman	1,878.00	New Jersey	626.00
Michael M. Sweetman	do	1,252.00	Binder in charge	1,752.80	Ohio	500.80
Elmer M. Webster	Machine operator	1,377.20	do	1,752.80	Michigan	375.60
William W. Taylor	Bookbinder	1,502.40	Foreman	2,000.00	Virginia	497.60
Maurice Spencer	Proof reader	1,502.40	Assistant foreman and deskman.	2,000.00	Mississippi	497.60
W. F. O'Brien	do	1,502.40	Assistant foreman	2,000.00	Michigan	497.60
William A. Pratt	do	1,502.40	Foreman	2,250.00	Florida	747.60

have them consider it very carefully before ever they vote to put a provision of this kind into an appropriation bill. Mr. Thomas P. Kane is Deputy Comptroller of the Currency. The Comptroller of the Currency, I believe, was Mr. Murray, who resigned over one year ago. Upon his resignation the office was not filled by appointment of the President. I believe it is universally conceded by everyone that the appointment was not made by the President of the United States for the reason that he desired that Mr. John Skelton Williams should be appointed to that place and fill the vacancy caused by the resignation of Mr. Murray. At that time Mr. Williams was holding the position of Assistant Secretary of the Treasury. He held it for a year, or nearly so, and the vacancy in the office of Comptroller of the Currency was not filled.

During that time Mr. Kane acted as Comptroller of the Currency, and this amendment undertakes to pay Mr. Kane now the difference between the compensation of a Deputy Comptroller of the Currency and the compensation of comptroller.

Mr. President, I do not know Mr. Kane; I have never met him; but I do know that for the Senate of the United States to vote for this amendment and establish a precedent that wherever there is a head of a division or wherever there is the head of a bureau of the Government, or I might go further and say that wherever there is the head of a department of the Government, who resigns and there is some other person in the department acting in his stead we will be asked to pay the difference between the salary drawn by the subordinate and the salary or compensation due to the head of the department.

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. The Senator expresses some fear about the establishment of a precedent in this matter. I call his attention to the fact that under a former administration, when Mr. Valentine went out of the Indian Department, his successor, who was performing the duties of assistant as well as the duties of the principal, had the difference between the two salaries allowed him.

Mr. SMOOT. I remember the case to which the Senator refers, but I want to say to the Senator that that office was never held open for a year for the purpose of putting Mr. Valentine or anyone else into that office, and I suppose the Senator will agree to that.

Mr. CHAMBERLAIN. I will not agree that the office of Comptroller of the Currency was ever held open for the purpose which the Senator suggests. We can draw our own inference, but the same inference might be drawn from the Valentine case.

Mr. SMOOT. The Senator from Oregon is the only person I ever heard say that that was not the case. I did not object to it. If the President of the United States wanted Mr. Williams as Comptroller of the Currency, he had a perfect right to have him; nobody objected to that; certainly I did not. But if we are now going to set a precedent here of paying the difference between the compensation of the head of a department and one of his subordinates who may be acting in his stead, I do not know where we are going to end. There is hardly a day but that some of the higher officials are absent in some of the departments and when some subordinate is acting in the place of a chief of a division or the head of a department. It is for that reason, Mr. President, that I call the attention of the Senate to the matter. So far as the small amount of money involved in this particular case is concerned, I do not care. The principle would be the same if the amount involved were but one dollar.

Mr. CHAMBERLAIN. May I interrupt the Senator once more?

Mr. SMOOT. Certainly.

Mr. CHAMBERLAIN. There is every reason in the world why in this case the additional compensation should be allowed. It fell to my lot to come in contact with Mr. Kane a good many times, and I know he really did the work of deputy comptroller and also of comptroller as well. The cases are very rare where such requests will be made because the chief rarely ever resigns; he goes away, and leaves the office, and draws his salary just the same. Not only has this been done in this administration, but in other administrations. In Mr. Murray's case I believe he did resign, and the whole work devolved upon Mr. Kane.

Mr. SMOOT. I have not said, nor intimated, that Mr. Kane is not a capable man or that he did not fill the position in a perfectly satisfactory manner. That is not the question involved in this case. It is a deeper question than that; it is a recognition by Congress that wherever there is a vacancy in an office in the Government of the United States that becomes so by resignation or by death, and during the vacancy in the office any substitute shall be paid the compensation due the principal, and not the compensation due the person who may have served as a substitute in that particular place.

Mr. President, there is not a Senator who does not know that correspondence comes from the departments of this Government signed by the Acting Secretary of the Interior, by the Acting Commissioner of the General Land Office, by the Acting Treasurer of the United States, and so forth. I could go through every one of the departments of the Government and show that just exactly the same situation exists.

This amendment will simply give notice to every department of the Government that if a man serves as the acting head of a department, or as chief or a bureau, he is entitled for the time of that service to the compensation that the head of the department himself or the chief of the bureau would have drawn. It is unwise, it is uncalled for, and it is a dangerous precedent to set. I therefore trust, Mr. President, that the Senate will disagree to the amendment.

Mr. OVERMAN. Mr. President, I have no more interest in this matter than has the Senator from Utah. Mr. Kane is a good Republican brother and has been in the office, I suppose, for 20 years. He is a very faithful man. The only interest I have in the matter is that I think I did this man an injustice. A similar provision to this was in a former bill recommended by another committee and reported to the Senate unanimously. When it came up on the floor of the Senate I did not think it was properly in that bill. I think there ought to be some system about the formation of our appropriation bills, and when I found this item in the last appropriation bill I made the point of order against it, because it ought to have been in the legislative appropriation bill and not in the deficiency appropriation bill, and it went out.

I think this man ought to be paid for the service rendered by him. It does not require any additional appropriation. The sum of $5,000 was appropriated last year to pay the Comptroller of the Currency and $3,500 to pay the Deputy Comptroller of the Currency. Mr. Murray was Comptroller of the Currency and received a salary of $5,000 when Mr. Williams was occupying the position of Assistant Secretary of the Treasury. For some reason this place was not filled, and all the duties of the Comptroller of the Currency were devolved for about a year upon Mr. Kane, the deputy. This is not really an appropriation of more money; it is a saving of $3,000 to the Government. It gives to Mr. Kane, who filled this position not for a day, not for a month, not for two months, not for three months, but for more than a year, the difference between the salary of Comptroller of the Currency and Deputy Comptroller of the Currency. The difference is about $1,100. I believe he ought to be given the difference between his salary as Deputy Comptroller and that of Comptroller of the Currency during the time he performed the important and arduous duties of the latter office and let the other $3,000 go back into the Treasury.

Mr. SMOOT. I merely wish to say, in answer to the Senator from North Carolina, that if this amendment is not adopted by the Senate, then the whole of the $5,000 which was appropriated will go back into the Treasury of the United States.

Mr. OVERMAN. Everybody knows that.

Mr. SMOOT. And, of course, if it is adopted, a part of the amount must be paid to Mr. Kane.

Mr. STONE. How much is involved?

Mr. SMOOT. The amendment does not say, but, as I understand, it is somewhere between $1,100 and $1,200.

Mr. OVERMAN. That is right.

Mr. SMOOT. So the amendment is virtually the same as if we appropriated that amount of money direct to him at this particular time, so far as the results to the Treasury of the United States are concerned.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Virginia [Mr. MARTIN].

Mr. SMOOT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN] and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the Senator from New Jersey [Mr. HUGHES] and vote "yea."

Mr. SAULSBURY (when his name was called). I transfer my pair with the junior Senator from Rhode Island [Mr. COLT]

to the junior Senator from Ohio [Mr. POMERENE] and vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I therefore withhold my vote.

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I do not know how he would vote if present, and I therefore withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE]. I transfer that pair to the junior Senator from South Carolina [Mr. SMITH], and ask that this announcement, both of the pair and of the transfer, stand for the day. I vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I have a pair with the senior Senator from Maryland [Mr. SMITH], and therefore withhold my vote. I desire the announcement to stand for the day.

Mr. CRAWFORD. I desire to know whether or not the senior Senator from Tennessee [Mr. LEA] has voted?

The PRESIDENT pro tempore. He has not voted.

Mr. CRAWFORD. I have a pair with that Senator, and therefore withhold my vote.

Mr. JOHNSON. I have a general pair with the junior Senator from North Dakota [Mr. GRONNA]. I now transfer that pair to the junior Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. JAMES. I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS], and therefore withhold my vote, unless it be necessary to make a quorum, in which case I shall vote.

Mr. MYERS. I desire to announce that my colleague [Mr. WALSH] is necessarily absent from the city and is paired with the Senator from Rhode Island [Mr. LIPPITT]. This announcement may stand for the day.

Mr. SMOOT. I desire to announce that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], that the Senator from New Hampshire [Mr. GALLINGER] is paired with the Senator from New York [Mr. O'GORMAN], that the Senator from Massachusetts [Mr. LODGE] is paired with the Senator from Georgia [Mr. SMITH], and that the Senator from Connecticut [Mr. MCLEAN] is paired with the Senator from Montana [Mr. MYERS].

The PRESIDENT pro tempore. The Chair will state to the Senator from Utah that the junior Senator from New York [Mr. O'GORMAN] seems to have voted.

Mr. SMOOT. I am informed, Mr. President, that he has a general pair with the senior Senator from New Hampshire [Mr. GALLINGER], though my information may be wrong.

The PRESIDENT pro tempore. The junior Senator from New York is recorded as having voted.

Mr. O'GORMAN (after having voted in the affirmative). I transfer my pair with the Senator from New Hampshire [Mr. GALLINGER] to the junior Senator from Tennessee [Mr. SHIELDS] and will let my vote stand.

I will state, Mr. President, that at the time I voted I had not observed the absence of the Senator from New Hampshire [Mr. GALLINGER], with whom I have a general pair.

Mr. WARREN. I wish to announce that my colleague [Mr. CLARK] is unavoidably absent. He stands paired with the Senator from Missouri [Mr. STONE]. I make this announcement for the day.

Mr. STONE. I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the junior Senator from Arkansas [Mr. ROBINSON] and vote "nay."

Mr. JAMES. The understanding between the Senator from Massachusetts [Mr. WEEKS] and myself is that, in case either of our votes is necessary to make a quorum, the pair does not apply. Therefore I vote "nay."

Mr. CRAWFORD. I transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from California [Mr. WORKS] and vote "yea."

The result was announced—yeas 31, nays 17, as follows:

YEAS—31.

Bristow	Lane	O'Gorman	Thompson
Burton	Lee, Md.	Overman	Thornton
Chamberlain	Lewis	Page	Tillman
Chilton	McCumber	Perkins	Vardaman
Crawford	Martin, Va.	Ransdell	Warren
Hollis	Martine, N. J.	Saulsbury	White
Johnson	Myers	Simmons	Williams
La Follette	Norris	Swanson	

NAYS—17.

Brandegee	Jones	Smith, Ariz.	Stone
Bryan	Root	Smith, Mich.	Thomas
Clarke, Ark.	Shafroth	Smoot	
Fletcher	Sheppard	Stephenson	
James	Shively	Sterling	

NOT VOTING—47.

Ashurst	du Pont	Lodge	Sherman
Bankhead	Fall	McLean	Shields
Borah	Gallinger	Nelson	Smith, Ga.
Brady	Goff	Newlands	Smith, Md.
Burleigh	Gore	Oliver	Smith, S. C.
Catron	Gronna	Owen	Sutherland
Clapp	Hitchcock	Penrose	Townsend
Clark, Wyo.	Hughes	Pittman	Walsh
Colt	Kenyon	Pomdexter	Weeks
Culberson	Kern	Pomerene	West
Cummins	Lea, Tenn.	Reed	Works
Dillingham	Lippitt	Robinson	

So the amendment of Mr. MARTIN of Virginia was agreed to.

Mr. BRANDEGEE. Mr. President, I move to reconsider the action of the Senate in adopting section 4, on page 153.

Mr. MARTIN of Virginia. I think, under the unanimous-consent agreement, we ought to finish the committee amendments, and then the Senator can offer his amendment.

The PRESIDENT pro tempore. The committee amendments have not yet been disposed of.

Mr. BRANDEGEE. I did not know there had been such a unanimous-consent agreement.

Mr. MARTIN of Virginia. We are working under a unanimous-consent agreement.

The PRESIDENT pro tempore. The Secretary will state the next reserved amendment.

The SECRETARY. At the top of page 60, it is proposed to insert the following:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, $20,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I do not want to take the time of the Senate this hot Saturday afternoon to discuss this question. I thought it had been decided not to report the amendment on this bill. It does seem to me, in just as few words as I can possibly state the matter, that it is an amendment having no other purpose than the creation of a few more offices. We have had investigation after investigation upon this very subject. I have seen very little good come from them, although they have cost hundreds of thousands of dollars in the past.

Further, I desire to say, Mr. President, that this is only one step; it is the beginning of a new examination.

Mr. MARTIN of Virginia. Mr. President, I am sure the Senator must be aware of the fact that this item has been carried in the bill for five years—three years, I think, at $75,000 and then for two years at $20,000—so that it is not the beginning of anything; it has been in existence for five years, certainly.

Mr. SMOOT. Then it is simply extending the last move toward an investigation of this kind.

Mr. MARTIN of Virginia. If the Senator will excuse me, I am sure that this is not intended simply to undertake an investigation. It is essentially a contingent fund, and it is the only place where a contingent fund is provided for the use of the Secretary of the Treasury. Under the language of the amendment he can use this fund for any of the purposes for which a contingent fund is ordinarily used. He speaks of it as a contingent fund, it is known as a contingent fund, and it is intended to be used as a contingent fund.

Mr. SMOOT. Mr. President, the amendment says specifically:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, $20,000.

There is no contingent fund there. The provision does not so state, and I do not so understand it.

Mr. MARTIN of Virginia. Well, Mr. President, I so understand it. It embraces almost every contingency that can possibly arise; and the amount carried is to be used and has always been used by the Secretary of the Treasury as a contingent fund.

Mr. SMOOT. For purposes other than those enumerated?

authorized, and for their services in the District of Columbia and elsewhere, and for their traveling expenses and subsistence while so employed, $50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 145, line 4, after the word "exceed," to strike out "$3" and insert "$4," and, in line 5, after the words "temporary assistance," to strike out "for service in the District of Columbia and," so as to make the clause read:

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $4 per day, and for their transportation, for experts and temporary assistance for field service outside of the District of Columbia, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor Statistics, and for subvention to "International Association for Labor Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

The amendment was agreed to.

The next amendment was, on page 146, line 10, before the words "of class 2," to strike out "six" and insert "seven"; in the same line, before the words "of class 1," to strike out "eight" and insert "nine"; in line 11, before the words "at $1,000 each," to strike out "eight" and insert "nine"; in the same line, before the words "at $900 each," to strike out "six" and insert "seven"; and in line 12, after the words "in all," to strike out "$57,900" and insert "$62,400," so as to make the clause read:

Bureau of Immigration: Commissioner General, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—5 of class 4, 4 of class 3, 7 of class 2, 9 of class 1, 9 at $1,000 each, 7 at $900 each; 2 messengers; assistant messengers; in all, $62,400.

The amendment was agreed to.

The next amendment was, on page 147, after line 3, to insert:

For the following additional employees for the Children's Bureau, namely: Expert on sanitation, $2,800; industrial expert, $2,000; social-service expert, $2,000; librarian expert, $2,000; 2 clerks of class 3; 4 clerks of class 2; 17 clerks of class 1; 9 clerks, at $1,000 each; special agent, $1,800; 4 special agents, at $1,600 each; 9 special agents, at $1,400 each; and 11 special agents, at $1,200 each; in all, $81,000.

The amendment was agreed to.

The next amendment was, on page 147, after line 11, to strike out:

To carry into effect the provisions of the act approved April 9, 1912, providing for the investigation of questions of infant mortality and dangerous occupations, $139,000.

And to insert:

For the subsistence and traveling expenses of officers, special agents, and other employees of the Children's Bureau while traveling on official business, away from their homes and outside of the District of Columbia, with the provision that in the discretion of the Secretary of Labor a per diem in lieu of subsistence may be paid special agents and other employees when so traveling at a rate not to exceed $4 a day, the exact rate to be fixed in each case in accordance with the reasonable cost of such subsistence by the Chief of the Children's Bureau, with the approval of the Secretary of Labor; for the employment of experts and temporary assistants, to be paid at a rate not exceeding $8 a day, and of interpreters, to be paid at a rate not exceeding $4 a day when actually employed; and for the purchase of reports and material for the publications of the Children's Bureau, books of reference, newspapers, and periodicals, including the advance payment of subscriptions for the same, for newspaper clippings to enable the Children's Bureau to secure data regarding the progress of legislation affecting children and the activities of public and private organizations dealing with children, and for reprints from State, city, and private publications for distribution when said reprints can be procured more cheaply than they can be printed by the Government, $58,000.

The amendment was agreed to.

The next amendment was, on page 149, line 17, after the words "Department of Labor," to strike out "$12,000" and insert "$16,500," so as to make the clause read:

Rent: For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Labor, $16,500.

The amendment was agreed to.

The reading was continued to page 150, line 6.

Mr. BURTON. I should like to inquire about the item just read. It reads:

District court, Territory of Hawaii: Two judges, at $6,000 each.

That is altogether distinct from the item on page 74, where provision is made for chief justice of the Territory of Hawaii at $6,000; two associate justices, at $5,500 each. How are these related to those?

Mr. MARTIN of Virginia. This is one of the United States district courts. It is an entirely distinct provision from the other.

Mr. BURTON. This is a United States court similar to our United States courts?

Mr. SMOOT. One is for the Territory, the other is the United States court.

The reading of the bill was continued.

The next amendment was, in section 4, page 153, line 25, before the word "act," to insert "or any other," and on page 154, line 9, after the words "Indian Service," to insert "the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools," so as to make the clause read:

SEC. 4. That no part of any money appropriated by this or any other act shall be used during the fiscal year 1915 for the purchase of any typewriting machine at a price in excess of the lowest price paid by the Government of the United States for the same make and model of machine during the period of the fiscal years 1913 and 1914; such price shall include the value of any typewriting machine or machines given in exchange, but shall not apply to special prices granted on typewriting machines used in schools of the District of Columbia or of the Indian Service, the lowest of which special prices paid for typewriting machines shall not be exceeded in future purchases for such schools.

The amendment was agreed to.

The next amendment was, on page 154, after line 12, to insert:

Within 30 days after the passage of this act the President shall appoint a board consisting of three persons in the employment of the Government, who shall serve without additional compensation, and two of whom shall be experienced in mechanical manufacturing; it shall be the duty of said board to make an investigation of typewriting and other machines of like character and to fix a mechanical standard to be required for typewriting machines for each class of work in the public service requiring the use of such machines; it shall also ascertain and report as nearly as may be practicable the probable maximum cost of producing each such machine, based upon such mechanical standard, and shall communicate the same to Congress through the Secretary of the Treasury at the beginning of its next session.

Mr. BURTON. I make a point of order on the amendment.

Mr. MARTIN of Virginia. I can see that the point is well taken, and I am not going to consume any time. It is plainly out of order.

The PRESIDENT pro tempore. Let us see whether it is or not. Will the Senator from Ohio state the grounds on which the point of order is supposed to rest?

Mr. BURTON. It is legislation providing for the method of the selection of typewriters, and providing also for an investigation into it. It is going altogether outside of any ordinary appropriation bill.

The PRESIDENT pro tempore. As at present advised, the Chair will sustain the point of order. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment was, on page 155, after line 18, to strike out:

SEC. 5. That appropriations made in this act shall not be available for purchase, maintenance, or repair of motor-propelled or horse-drawn passenger-carrying vehicles in the service of any of the executive departments or other Government establishments of the United States unless specific authority be granted by law for such purchase, maintenance, or repair, or unless authority for such expenses is stated in specific terms in any general appropriation used to defray the same.

And to insert in lieu thereof the following new section:

SEC. 5. No appropriation made in this or any other act shall be available for the purchase of any motor-propelled or horse-drawn passenger-carrying vehicle for the service of any of the executive departments or other Government establishments, or any branch of the Government service, unless specific authority is given therefor, and after the close of the fiscal year 1915 there shall not be expended out of any appropriation made by Congress any sum for purchase, maintenance, repair, or operation of motor-propelled or horse-drawn passenger-carrying vehicles for any branch of the public service of the United States unless the same is specifically authorized by law, and in the estimates for the fiscal year 1916 and subsequent fiscal years there shall be submitted in detail estimates for such necessary appropriations as are intended to be used for purchase, maintenance, repair, or operation of all motor-propelled or horse-drawn passenger-carrying vehicles, specifying the sums required, the public purposes for which said vehicles are intended, and the official or employees by whom the same are to be used.

Mr. VARDAMAN. Mr. President, I should like to ask the chairman of the committee if he can state the number of carriages and automobiles which the Government furnishes to the heads of the different departments for their family and private use?

Mr. MARTIN of Virginia. Mr. President, we are not supposed to furnish any. I communicated with the head of every department in Washington, and I have a report here which I have no doubt the Senator has. If he has it not, I will send it to his desk. I can not undertake to explain it from memory. It is a very elaborate report. There are hundreds of these vehicles.

Mr. VARDAMAN. I have the report before me. I understood the Senator to say that the law does not authorize the employment of these vehicles for private use.

Mr. MARTIN of Virginia. It is the general rule that they are not to be employed for private use.

Mr. VARDAMAN. Does not the Senator think that as a matter of economy the law should be so amended now as to prohibit the use of these vehicles in that way and thus save an enormous expense to the taxpayers of the country? I am opposed to providing Cabinet officers with carriages and automobiles for their private use.

Mr. MARTIN of Virginia. We have endeavored to deal with this matter in the most effective way that is consistent with economy and with justice. For the fiscal year commencing the 1st day of July, 1914, and ending July 1, 1915, there is no inhibition against repairing vehicles that the Government has bought and which are now in service; but after the year ending the 1st day of July, 1915, ordinarily referred to as the year 1915, they can neither repair nor purchase them. They can not purchase them at all after the passage of this bill, unless estimated for; but during the current year 1915 they can have vehicles they now own repaired, if necessary. From July 1, 1914, to July 1, 1915, they can have them repaired, but after that they can neither repair them nor purchase, unless they are estimated for and Congress specifically appropriates for the purpose. In other words, after this first year, if an automobile breaks down and has to be repaired, it can not be done unless there is an estimate of the cost and it is reported to Congress and Congress appropriates for it. They can neither repair one nor operate one nor purchase one after the year 1915. We felt that for the first year after the enactment of this law we would not forbid the repair of those now in use, but after this they can neither repair them nor purchase them nor operate them at Government expense, unless they first apply to Congress for the money to be used for that purpose, explaining exactly how they are going to use the machines and what they are going to cost.

So I think we have cut right into the roots of this habit. There has been some abuse, but there is a necessity for automobiles and carriages in the Government service, and when that necessity exists all that we provide is that parties feeling that it is necessary must make an estimate and report to Congress, and unless Congress makes the appropriation for the purpose they can not buy them. They have been buying them out of the contingent fund and getting these machines without the knowledge of Congress. I do not mean that they did it surreptitiously or wrongfully, but the habit has obtained in the Government service to buy such things out of the contingent fund. We have put a stop to that.

Mr. VARDAMAN. I want to commend the chairman of the committee for the effort he has made to stop this abuse. It has grown to an alarming and most burdensome extent. Just why Congress ever felt that it was necessary and proper to furnish the Cabinet officials and heads of departments with carriages and vehicles to be used by themselves and their families I can not understand. It is an unwarranted prodigality of public funds and ought not to be done. If it is proper to give the Secretary of State, the Secretary of War, the Secretary of Labor, and other Cabinet officials and heads of departments automobiles and carriages and furnish men to take care of them, why should we not furnish Senators and Members of the House of Representatives with these luxuries? It can not be justified except upon the theory that we are drifting to a regal form of system of government and forgetting our obligations to the taxpayers. Every additional expense of this character takes from the toilers of this land some of the necessaries of life and increases the hardships which every struggling boy and girl in this Republic is compelled to carry in the race of life. There was never in the history of this Republic a greater demand for economy and retrenchment in public expenditures than now.

I want to serve notice now that from this time on I am going to fight for the correction of this abuse. I do not want to do anything that will cripple the service. When the vehicles are used by the Government and in the interest of the business of the various departments I have no objection. I am perfectly willing that the Government shall have them, but that they should be provided as luxuries for Cabinet officers and the heads of departments is indefensible. Here we are making a fuss about the paying of mileage to Members of the House and Senate, and yet these things are furnished the other departments here that are tenfold greater in cost than this little piece of lagniappe—which really is not lagniappe at all, but rather a part of the compensation or salary of Members of Congress. We need to go back to the good old days when Democratic simplicity characterized the conduct of the officeholders of this Republic.

The amendment was agreed to.

The next amendment was, on page 156, after line 23, to strike out:

SEC. 6. That all laws or parts of laws, to the extent they are inconsistent with rates of salaries or compensation appropriated by this act, are repealed, and the rates of salaries or compensation of officers or employees herein appropriated shall constitute the rate of salary or compensation of such officers or employees, respectively, until otherwise fixed by annual rate of appropriation or other law.

Mr. BURTON. I should like to inquire the reason why this section is stricken out. Why is it not a necessary provision?

Mr. MARTIN of Virginia. The provision the House put in provides that the last appropriation shall be treated as if it were a general law. For instance, take the clerk of the Senator's committee, the appropriation being made for him, say, at $2,000; this provision made that a permanent law and gave that clerk a right to $2,000. We struck that out, so as to leave Congress free to fix from year to year the salaries as it saw fit. We did not think it wise—as the appropriations are frequently made under peculiar circumstances—that they should be a permanent law of the land. We wanted Congress free to appropriate each year for the salaries such sums as Congress saw fit to appropriate.

Mr. BURTON. It is based on the theory that in the appropriation bill the salaries might be higher or lower than the salaries fixed in the statute, and it were better to leave it that way, without modifying the existing law on the subject.

Mr. MARTIN of Virginia. That was the judgment of the committee.

Mr. FLETCHER. Mr. President——

Mr. MARTIN of Virginia. I will say to the Senator from Florida that some amendments were passed over, and as soon as they are disposed of——

The PRESIDENT pro tempore. The Senator from Florida may desire to address the Senate on this particular amendment. The Chair has not discovered the purpose for which he rose.

Mr. FLETCHER. I was going, if in order now, to offer an amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. MARTIN of Virginia. Several committee amendments have been passed over, and we want to return to them.

The PRESIDENT pro tempore. Unless there is objection, the pending amendment will be considered as agreed to. It is agreed to. That completes the committee amendments, except those reserved from time to time by Senators. The Secretary will report them in the order in which they were reserved.

The SECRETARY. The committee sent to the desk an amendment to insert, on page 54, after line 21:

To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L., p. 577), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L., p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Virginia.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Gore	Norris	Smith, Mich.
Brady	Hollis	O'Gorman	Smoot
Brandegee	James	Overman	Stephenson
Bryan	Johnson	Page	Sterling
Burton	Jones	Perkins	Stone
Chamberlain	Kenyon	Ransdell	Sutherland
Chilton	Lane	Root	Thomas
Clapp	Lee, Md.	Shafroth	Thornton
Clarke, Ark.	McCumber	Sheppard	Tillman
Crawford	Martin, Va.	Sherman	Vardaman
Cummins	Martine, N. J.	Shively	Walsh
Dillingham	Nelson	Simmons	White
Fletcher	Newlands	Smith, Ariz.	Williams

The PRESIDENT pro tempore. Fifty-two Senators having answered to their names, a quorum of the Senate is present.

Mr. SMOOT. Mr. President, I wish to call the attention of the Senate to this proposed amendment, and I should like to

of July shall go back into the Treasury of the United States, and then be reappropriated, if it is necessary; and that is what ought to have been done in this case. There ought to be an appropriation for it, and that is what called my attention to the matter. I am not opposing what the Senator wants to do.

Mr. MARTIN of Virginia. Then, let us get along with the amendment, as we are all agreed on it, and save time.

Mr. OVERMAN. I think I am doing good service by calling attention to the fact that if there are any funds in the hands of any of these departments, they must go back into the Treasury of the United States.

Mr. MARTIN of Virginia. In justice to the department, I think, if the Senator will reflect awhile, he will realize that a special law takes supremacy, and can not be controlled by a general law. Here is a specific provision that certain moneys shall be collected, and when collected shall be applied in a particular way. I do not think you can charge the head of the department, who is doing exactly what that specific, special law requires, with violation of law.

Mr. OVERMAN. When there is a general law which says that all these moneys shall be turned back into the Treasury?

Mr. MARTIN of Virginia. As a lawyer, does the Senator think that a general law takes priority over a special law?

Mr. OVERMAN. Yes; I think it repeals the other law.

Mr. MARTIN of Virginia. It is an elementary rule of interpretation that the special law shall prevail in such cases.

Mr. OVERMAN. If what I am contending for were not so, there would be hundreds of these appropriations.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. SMOOT].

The amendment was agreed to.

Mr. WILLIAMS. Mr. President, I offer an amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Mississippi offers an amendment which the Secretary will report to the Senate.

The SECRETARY. On page 116, line 4, it is proposed to strike out "one $2,000" and to insert in lieu thereof "two at $2,000 each."

The PRESIDENT pro tempore. That is an individual amendment, and can not be considered until the committee amendments have been disposed of. The Secretary will lay aside the amendment until the committee amendments have been completed.

Mr. MARTIN of Virginia. Mr. President, I had no authority to offer that as a committee amendment, but I became satisfied that it ought to be adopted, so I did not object to its being offered by the Senator from Mississippi; but to observe the rule I think the Chair is entirely correct.

The PRESIDENT pro tempore. It will form a precedent which will give trouble if we do not adhere to the rules on this occasion. The Secretary will proceed with the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Post Office Department," on page 116, after line 77, to strike out:

New Washington, District of Columbia, post-office building: For 4 assistant engineers, at $900 each; 4 assistant electricians, at $900 each; 10 elevator conductors, at $720 each; 4 oilers, at $720 each; 22 watchmen; additional to two watchmen acting as lieutenant of watch, at $120 each; 15 laborers; 1 assistant plumber, at $720; 2 female laborers, at $480 each; 15 charwomen; in all, $48,540.

The amendment was agreed to.

The next amendment was, on page 116, after line 15, to insert:

Washington, D. C., new post office building: For 3 assistant engineers, at $900 each; 3 assistant electricians, at $900 each; 8 elevator conductors, at $720 each; 2 oilers, at $720 each; 12 watchmen; additional to 1 watchman acting as lieutenant of the watch, $120; 12 laborers; 1 assistant plumber, $720; 2 female laborers, at $480 each; 12 charwomen; in all $33,840.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," on page 122, line 21, before the word "each," to strike out "$5,000" and insert "$7,500," and in the same line, after the word "each," to insert "Solicitor for the Department of the Interior, $5,000: *Provided*, That the title of Assistant Attorney General is hereby changed to that of Solicitor for the Department of the Interior, but this shall not affect the status of the present incumbent or require his reappointment," so as to read:

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $9,000; 6 Assistant Attorneys General, at $7,500 each; Solicitor for the Department of the Interior, $5,000: *Provided*, That the title of Assistant Attorney General is hereby changed to that of Solicitor for the Department of the Interior, but this shall not affect the status of the present incumbent or require his reappointment.

The amendment was agreed to.

The next amendment was, on page 123, line 2, after "$5,000," to strike out "*Provided*, That this change of title shall not affect the status of the present incumbent or require his reappointment" and insert "*Provided*, That the title of Assistant Attorney General for the Post Office Department is hereby changed to that of Solicitor for the Post Office Department, but this shall not affect the status of the present incumbent or require his reappointment," so as to read:

Solicitor for the Post Office Department, $5,000: *Provided*, That the title of Assistant Attorney General for the Post Office Department is hereby changed to that of Solicitor for the Post Office Department, but this shall not affect the status of the present incumbent or require his reappointment.

The amendment was agreed to.

Mr. MARTIN of Virginia. Mr. President, the change in the nomenclature of those offices here will necessitate some changes at other places. I send to the desk the amendments necessary to accomplish that purpose, and ask that we may revert to the parts of the bill to which they apply.

The PRESIDENT pro tempore. The Senator from Virginia offers certain amendments, which will be stated.

The SECRETARY. On page 100, line 24, it is proposed to strike out the words "Office of Assistant Attorney General," and insert in lieu thereof "Office of the Solicitor for the Department of the Interior."

Mr. BURTON. One question about that, Mr. President. Is this language sufficiently clear? Is there not a board of appeals in the Pension Department, as well as in the Land Department?

Mr. MARTIN of Virginia. This has no relation to the board of appeals. This is simply a change in the name of an officer. I have just asked that this amendment be adopted. It is necessary.

Mr. BURTON. This board is designated as follows:

Three members of a board of appeals.

Is that sufficiently definite as to the work that they are to perform? As I understand, that is to be in the Land Office.

Mr. MARTIN of Virginia. This amendment has no relation to that. It simply changes the title of the section.

Mr. BURTON. I so understand it, but I was referring to the amendment already adopted.

Mr. MARTIN of Virginia. If the Senator will let me dispose of this matter, then, if he wants to take up that one, very well. I think it is sufficiently defined. There is no trouble in the department. That is just the language that the department wanted. This board of appeals will consider appeals of a variety of classes. We can not, in this appropriation bill, go into all the classes of cases that this board of appeals will have to try and dispose of. That is an administrative matter, for which the Secretary of the Interior will provide.

Mr. BURTON. Then, as I understand, they may take up pension appeals?

Mr. MARTIN of Virginia. They can do so. That is my understanding.

Mr. BURTON. Or appeals in the Land Office?

Mr. MARTIN of Virginia. Anything.

Mr. BURTON. Or in any bureau of the Department of the Interior?

Mr. MARTIN of Virginia. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MARTIN of Virginia. There is another change at another place on the memorandum I sent up, which the Secretary will notice.

The SECRETARY. On page 116, line 3, it is proposed to strike out the words "Division of Assistant Attorney General" and to insert in lieu thereof "Division of Solicitor for the Post Office Department."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 123, line 15, after the word "interest," to strike out ", and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes."

The amendment was agreed to.

The next amendment was, on page 123, in line 18, before the words "at $3,500 each," to strike out "five" and insert "six"; in line 18, after the word "each," to strike out "one, $3,250"; in line 25, after "$3,000," to insert "clerk to the Attorney General, $1,800"; on page 124, line 2 before the words "of class 4," to strike out "one" and insert "two"; and in line 18, after the words "in all," to strike out "$452,830" and insert "$463,880," so as to read:

Attorneys—1, $3,750; 6, at $3,500 each; 14, at $3,000 each; 2, at $2,500 each; assistant attorneys—1, $3,500; 2, at $3,000 each; 2, at $2,750 each; 5, at $2,500 each; 1, $2,400; 2, at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,800; stenographer to the Solicitor General, $1,600; law clerks—3, at $2,000 each; 2 of class 4; clerk in office of Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; chief of division of investigation, $4,500; examiners—2, at $2,500 each; 4, at $2,250 each; 2, at $2,000 each; 3, at $1,800 each; librarian, $1,800; clerks—8 of class 4; 10 of class 3; 10 of class 2; 20 of class 1; 17, at $1,000 each; 15, at $900 each; chief messenger, $1,000; packer, $900; messenger, $900; 6 messengers; 13 assistant messengers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 elevator conductors, at $720 each; head charwoman, $480; 24 charwomen. Division of Accounts: Chief, $2,500; administrative accountant, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4; 6 of class 3; 6 of class 2; 5 of class 1; 3, at $900 each; in all, $463,880.

The amendment was agreed to.

The next amendment was, on page 125, line 13, after the words "repairs of," to strike out "wagons" and insert "vehicles," so as to make the clause read:

For official transportation, including purchase and exchange, keep and shoeing of animals, and purchase, exchange, and repairs of vehicles and harness, and purchase and repair of bicycles, $2,500.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce," in the item of appropriation for the maintenance of the office of the Secretary, on page 127, line 6, before the word "three," to insert "skilled laborer, $720," and in line 12, after the words "in all," to strike out "$151,520" and insert "$152,240," so as to read:

Two skilled laborers, at $840 each (1 transferred to Department of Labor); skilled laborer $720; 3 elevator conductors, at $720 each; 2 firemen, at $660 each; 13 laborers (4 transferred to Department of Labor); 2 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $900; 8 watchmen (3 transferred to Department of Labor); 20 charwomen (5 transferred to Department of Labor an increase of 7); in all, $152,240.

The amendment was agreed to.

The next amendment was, on page 128, line 9, after the words "in all," to strike out "$175,000" and insert "$175,000," so as to make the clause read:

For compensation and per diem, to be fixed by the Secretary of Commerce, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all, $175,000.

The amendment was agreed to.

The next amendment was, on page 129, line 24, after the words "per day," to strike out "$835,000" and insert "$925,000," so as to make the clause read:

For securing information for census reports, provided for by law, semimonthly reports of cotton production, periodical reports of stocks of baled cotton in the United States and of domestic and foreign consumption of cotton; per diem compensation of special agents and expenses of same and of detailed employees, whether employed in Washington, District of Columbia, or elsewhere; cost of transcribing State, municipal, or other records; temporary rental of quarters outside of the District of Columbia; for supervising agents, and employment by them of such temporary service as may be necessary in collecting statistics required by law, including $15,000 for collecting tobacco statistics authorized by law in addition to any other fund available therefor: *Provided*, That the compensation of not to exceed five special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day, $925,000.

The amendment was agreed to.

The next amendment was, on page 131, line 5, after the word "interests," to insert: "*Provided*, That out of the sum hereby appropriated there may be expended $2,000 for the employment of an editorial assistant, and $1,600 for an editorial clerk, in Washington, D. C., to edit the reports of the field agents employed under this appropriation," so as to make the clause read:

To further promote and develop the foreign and domestic commerce of the United States $75,000, to be expended under the direction of the Secretary of Commerce: *Provided*, That not exceeding $3,000 out of the sum hereby appropriated may be expended for the purchase of documents, manuscripts, plans, specifications, and other publications necessary for the promotion of our commercial interests: *Provided*, That out of the sum hereby appropriated there may be expended $2,000 for the employment of an editorial assistant, and $1,600 for an editorial clerk, in Washington, D. C., to edit the reports of the field agents employed under this appropriation.

The amendment was agreed to.

The next amendment was, on page 132, after line 17, to insert:

Commercial attachés, Department of Commerce: For commercial attachés, to be appointed by the Secretary of Commerce, without examination under the civil-service rules, and to be accredited through the State Department, whose duties shall be to investigate and report upon such conditions in the manufacturing industries and trade of foreign countries as may be of interest to the United States; and for one clerk to each of said commercial attachés to be paid a salary not to exceed $1,500 each; and for necessary traveling and subsistence expenses, rent, purchase of reports, travel to and from the United States, and all other necessary expenses not included in the foregoing; such commercial attachés shall serve directly under the Secretary of Commerce and shall report directly to him, $100,000.

Mr. SMOOT. I ask the Senator in charge of the bill to let this amendment go over until we get through with the bill.

Mr. MARTIN of Virginia. It can be passed until we get to the end of the bill.

The PRESIDENT pro tempore. The request of the Senator from Utah will be granted unless there be objection. The Chair hears none. The Secretary will continue the reading of the bill.

The next amendment was, on page 133, line 25, before the words "at $1,600 each," to strike out "eight" and insert "ten," and, on page 134, line 1, after the words "in all," to strike out "$358,000" and insert "$356,800," so as to make the clause read:

Steamboat inspectors: For 10 supervising inspectors, at $3,000 each, as authorized by section 4404, Revised Statutes, $30,000; inspectors of hulls and inspectors of boilers, as authorized by acts approved April 9, 1906, May 28, 1908, and March 4, 1913, $171,100; assistant inspectors, as authorized by act of April 9, 1906 for the following ports: New York, 27 at $2,000 each; New Orleans, 4 at $1,800 each; Baltimore, 6 at $1,800 each; Boston, 6 at $1,800 each; Philadelphia 8 at $1,800 each; San Francisco 8 at $1,800 each; Buffalo, 4 at $1,600 each; Milwaukee, 8 at $1,600 each; Norfolk, 4 at $1,600 each; Seattle, 10 at $1,600 each; 1 traveling inspector, $2,500; $122,500; in all, $356,800.

The amendment was agreed to.

The next amendment was, on page 135, line 18, after the words "in all," to strike out "$5,000" and insert "$7,000," so as to make the clause read:

Contingent expenses: For rent, stationery, and other requisites for transaction of the business of shipping commissioners' offices, and for janitor in the commissioner's office at New York, $840; in all, $7,000.

The amendment was agreed to.

The next amendment was, on page 136, line 6, after the words "excursion boats," to strike out "$15,000" and insert "$20,000," so as to make the clause read:

Enforcement of navigation laws: To enable the Secretary of Commerce to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction by customs officers, of laws relating to navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, $20,000.

The amendment was agreed to.

The next amendment was, on page 142, line 17, after the words "District of Columbia," to strike out "including quarters for the Bureau of Labor Statistics of not less than 11,500 feet of floor space," so as to make the clause read:

For rent of buildings and parts of buildings in the District of Columbia, $49,800.

The amendment was agreed to.

The next amendment was, on page 142, line 21, after the word "quarters," to insert "including water-cooling plant"; in line 22, after the words "Census Office," to strike out "$17,500" and insert "$20,059"; and, on page 143, line 4, before the word "cents," to strike out "35" and insert "37½"; so as to make the clause read:

For rent of quarters, including water-cooling plant, for the accommodation of the Census Office, $20,059, and the Secretary of Commerce is authorized to enter into a contract for the lease, for a period not to exceed five years, of a modern fireproof office building or modern fireproof addition to the present Department of Commerce Building, containing no less than 50,000 square feet of available floor space for use of the Census Office, at an annual rental at a rate per square foot of available floor space not to exceed 37½ cents.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," on page 144, line 10, after the word "conciliation," to insert "including an executive clerk, at $2,000 per annum, which is hereby authorized," so as to make the clause read:

Commissioners of conciliation: To enable the Secretary of Labor to exercise the authority vested in him by section 8 of the act creating the Department of Labor, and to appoint commissioners of conciliation, including an executive clerk, at $2,000 per annum which is hereby

Mr. BURTON. What does that mean—a reduction of the examiners now in the Pension Office, or what? It reads:

For an additional force of 5 special examiners for one year, at $1,300 each, $6,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Does that mean the selection of a new list of pension examiners?

Mr. MARTIN of Virginia. This provides for an additional force of special examiners.

Mr. SMOOT. It provides not for an additional force, but it provides that 5 of those who are already in the service out of the 45 that were before employed can be again employed. I will say to the Senator that it is virtually a reduction of the number of special examiners already employed in the Pension Office. The Senator will remember that when we passed the agepension bill there were required a great many examiners and a great many extra employees in the office. That extra work is now nearly completed, and this amendment provides that 5 of those who are already in the service shall be reemployed if found capable.

Mr. BURTON. But it will be noticed that the last clause from line 23 to line 25 reads:

And any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

The interpretation of the Senator from Utah [Mr. SMOOT] is that those who were put on as a part of the extra force make up an eligible list from which these five may be selected? Does it not go further than that, however, and mean to establish a general rule in the Pension Office?

Mr. SMOOT. I do not think it goes any further than I have stated. I know that was the intention.

Mr. MARTIN of Virginia. Mr. President, I was misled by the language of the amendment, which reads: "For an additional force." An examination of the present law shows that there were 45 special examiners, and this reduces the number to 40. I will ask that the words "an additional" be stricken out, and that it be made to read: "For a force of five."

Mr. SMOOT. Mr. President, I think the Senator from Virginia is wrong. I think the wording is right.

Mr. MARTIN of Virginia. Then, I can not read the English language. If we reduce the number from 45 to 40, and then say "an additional force," that is a little more than I can take in.

Mr. SMOOT. The Senator can take it in if he wants to do so. I will explain it to the Senator.

Mr. MARTIN of Virginia. I should be glad to hear any explanation that justifies the retention of those words.

Mr. SMOOT. The whole 45 to be done away with at the close of the fiscal year under the present law constitute an additional force in the Pension Office. Even if there were only one, it would be an addition; but they have asked for five additional. These men are temporary employees, and not regular employees in the Pension Office. That was why the word "additional" has been used. If, however, the Senator desires to strike it out, I have no objection.

Mr. MARTIN of Virginia. I am not going to make any point about it.

Mr. THOMAS. Mr. President, I should like to inquire whether the Pension Bureau has requested this additional force?

Mr. MARTIN of Virginia. They have most earnestly asked for it.

Mr. THOMAS. I am unable to see any reason for an additional force of examiners in the Pension Office. My information is that the number of pensioners on the roll under the general law, exclusive of those who were put there by act of Congress, is decreasing all the time.

Mr. SMOOT. In answer to the Senator, I will say that 45 additional examiners were employed at the time of the passage of the age pension act.

Mr. THOMAS. That is the Sherwood Act, popularly known?

Mr. SMOOT. Yes. Most of that work has been completed, but the Commissioner of Pensions states that claims under that act are still coming in, not in such numbers, of course, as they came in a year or two ago; but he insists that he must have 5 of the 45 to continue the work that is not already completed; and that is why they are provided for by this bill.

Mr. THOMAS. The explanation of the Senator from Utah is perfectly clear; but, like the chairman of the committee, I am unable to reconcile the word "additional" with that statement.

Mr. SMOOT. Mr. President, the 45 examiners were an additional force in the Pension Bureau. Now, instead of having an additional force of 45 they want an additional force of 5.

Mr. THOMAS. That is, 5 additional to take the place of the 45 additional?

Mr. SMOOT. That is correct.

Mr. THOMAS. Very well.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. BURTON. Mr. President, I want to make a suggestion to the chairman of the committee. Is there any objection to changing the word "those," in line 23, to the words "the additional force," as that is what I understand it means? If the amendment were modified in that way, it would read "and any of the additional force" instead of "those now employed in the Pension Office or as special examiners," and so forth.

Mr. MARTIN of Virginia. I have no objection to the change, and will ask that the amendment be modified in accordance with the suggestion of the Senator from Ohio.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 106, after line 7, to insert:

For the use of the Bureau of Pensions for the purchase, repair, and exchange of adding machines, addressing machines, typewriters, check-signing machines, and other labor-saving devices, furniture, filing cabinets, and postage on foreign mail, $9,000.

The amendment was agreed to.

The next amendment was, on page 106, line 15, after the word "clerk," to strike out "$2,500" and insert "who shall be qualified to act as principal examiner, $3,000," so as to read:

Patent Office: Commissioner, $5,000; first assistant commissioner, $4,500; assistant commissioner, $3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for salaries of commissioner and assistants in the Patent Office, on page 107, line 12, after the words "in all," to strike out "$1,316,390" and insert "$1,316,890," so as to read:

Fifty copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 42 laborers, at $540 each; 40 messenger boys, at $420 each; in all, $1,316,890.

The amendment was agreed to.

Mr. O'GORMAN. Mr. President, at this point I desire to propose an amendment, to which I think there will be no objection.

The VICE PRESIDENT. The order of the Senate was to complete the committee amendments before amendments were offered by Senators.

Mr. O'GORMAN. Very well; I will leave the amendment at the desk and present it later.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 107, line 18, after the word "professional," to insert "and other reference books and publications," and in line 21, after the words "foreign governments," to strike out "$2,500" and insert "$4,500," so as to make the clause read:

For purchase of professional and other reference books and publications and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign governments, $4,500.

The amendment was agreed to.

The next amendment was, at the top of page 109, to insert:

For the investigation of school and home gardening in cities and manufacturing towns, including personal services in the District of Columbia and elsewhere, $5,700.

The amendment was agreed to.

The next amendment was, on page 109, line 13, after the word "information," to insert "including personal services in the District of Columbia and elsewhere," so as to make the clause read:

For collecting statistics for special reports and circulars of information, including personal services in the District of Columbia and elsewhere, $3,600.

The amendment was agreed to.

The next amendment was, on page 109, line 20, after the word "same," to insert "including personal services in the District of Columbia, for the purpose of bringing the cataloguing up to date," so as to make the clause read:

For purchase, distribution, and exchange of educational documents, collection, exchange, and cataloguing of educational apparatus and appliances, textbooks, and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and repairing the same, including personal services in the District of Columbia, for the purpose of bringing the cataloguing up to date, $2,500.

The amendment was agreed to.

The next amendment was, on page 110, line 17, after the word "expressage," to insert "horse-drawn vehicles for use of the Secretary"; and in line 19, after the word "maintenance," to insert "repair," so as to make the clause read:

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely For contingent expenses of the office of the Secretary and the bureaus, offices, and buildings of the department, including $15,000 for the Civil Service Commission: Furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street car tickets not exceeding $250, expressage, horse-drawn vehicles for use of the Secretary, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance, repair, and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other absolutely necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $135,000.

The amendment was agreed to.

The next amendment was, under the head of "Surveyors general and their clerks," on page 114, after line 14, to insert:

The Secretary of the Interior is hereby authorized to detail temporarily clerks from the office of one surveyor general to another as the necessities of the service may require.

The amendment was agreed to.

Mr. SMOOT. Mr. President, to come in after line 17, on page 114, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Utah proposes an amendment, which the Secretary will state.

The SECRETARY. On page 114, after line 17, and the amendment just agreed to, it is proposed to insert the following:

The use of the fund created by the act of July 2, 1864 (13 Stat., p. 365), and the act of March 2, 1895 (28 Stat., p. 907), for office work in the Surveyor General's offices and in the General Land Office is hereby extended for one year from June 30, 1914.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Utah.

Mr. SHAFROTH. I should like to ask the Senator for an explanation of that amendment.

Mr. OVERMAN. Is that a committee amendment?

Mr. SMOOT. I have submitted it to the chairman.

Mr. President, the general deficiency act of March 4, 1914, contained the same language as that proposed in this amendment. It proposes to extend the appropriation for the purpose of taking care of the plats in the General Land Office. I read the following extract from the estimates of 1915, submitted through the Secretary of the Interior, for the General Land Office:

One hundred or more surveys are waiting to be taken up and accepted in the General Land Office, involving hundreds of thousands of acres, and, unless the force of examining clerks is continued—

That is what this amendment does—

as recommended, the great army of settlers will suffer, and the development of the country will be retarded.

Mr. SHAFROTH. Is that from the Secretary of the Interior?

Mr. SMOOT. That is from the communication of the Secretary of the Interior to the Secretary of the Treasury, recommending that he include the item in his estimates to be submitted to Congress. I will state to the Senator what it means. Under the act referred to there are nine draftsmen who attend to the surveying plats in the department, and this amendment simply extends the employment of those nine experts for one year for the purpose of completing the work that is now far behind in the department.

Mr. SHAFROTH. Were those offices abolished by the act of March 3, 1913?

Mr. SMOOT. They were continued by that act, but they would have been abolished if that act had not been passed. This amendment extends their employment for one year.

Mr. SHAFROTH. And that act extended their employment for one year only?

Mr. SMOOT. For one year.

Mr. SHAFROTH. And this is in compliance with that act?

Mr. SMOOT. I will state that the department, in a letter to me, states:

Under this latter item work is now being performed, but is not finished, and will require another year.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. OVERMAN. I do not understand why the amendment refers to a statute passed in 1864, allowing the use of a fund provided in that year.

Mr. SMOOT. That was an act allowing part of a fund that was appropriated as a lump sum for the department to be used for the purpose of preparing plats.

Mr. OVERMAN. It refers to a fund appropriated away back there?

Mr. SMOOT. It was a general fund; it was not a yearly appropriation.

Mr. OVERMAN. Was not the fund in 1864 an appropriation?

Mr. SMOOT. Before the appropriation bill for the fiscal year 1914 Congress appropriated directly for this work and not under the act as stated.

Mr. OVERMAN. I do not object to the amendment, but I wanted to get the information why it is that that fund, if there is such a fund, did not go back to the Treasury on the 1st day of July, as the law provides.

Mr. SMOOT. It was a general act, and——

Mr. OVERMAN. I understand; but we have a general act providing that all moneys not used by July 1 of each year shall go back into the Treasury. This appropriates for the use of a fund. It does not appropriate the money, as I understand.

Mr. SMOOT. No; the appropriation is a special fund for this purpose; but the special act of 1864 spoken of provides that a part of the amount appropriated can be used for this particular work, and this is simply reenacting that law so that the services of the nine men who are employed in the department now can be used for the coming year.

Mr. OVERMAN. I am not objecting as to the merits of the case. I want to know why it is that there is any fund remaining in the Treasury to the credit of any person or any department that has not gone back into the Treasury.

Mr. SMOOT. There is no fund.

Mr. OVERMAN. But the Senator used that expression—that the fund appropriated in 1864 "is hereby extended."

Mr. SMOOT. I tried to state to the Senator that that was an act of Congress stating that hereafter there should be appropriated a certain amount of money for this particular work.

Mr. OVERMAN. That was the direction of Congress?

Mr. SMOOT. That was the direction of Congress.

Mr. OVERMAN. But the language of the Senator's amendment is "the use of the fund created by the act of * * * 1864."

Mr. CRAWFORD. Mr. President, I should like to ask the Senator a question. I have received a communication, which I showed to the Senator yesterday, from the General Land Office, and I got the impression from it that this is not an increase in the appropriation at all, but that this expense comes out of a fund that is collected from deposits, repayments by railroads on grants, and money that came into the surveyor general's office.

Mr. OVERMAN. That is the very point I am getting at. If that is true, somebody has been holding funds in that department that ought to have gone back into the Treasury of the United States.

Mr. CRAWFORD. I have understood that there is an act here authorizing the use of it.

Mr. OVERMAN. But there has been a subsequent act that requires that all money that has not been used shall go back into the Treasury on the 1st day of July, and if any appropriation is necessary it shall be made for the next fiscal year.

I am not discussing the merits of this matter. I think the Senator is right about it. I want to know, however, why that fund has been kept there, when the law requires that it shall be deposited in the Treasury of the United States.

Mr. CRAWFORD. I do not know a thing about it.

Mr. OVERMAN. I think it ought to be investigated.

Mr. CRAWFORD. I think there is good reason for asking to have this force another year.

Mr. OVERMAN. I think so, too; but I should like to know from the Senator from Utah if there is any other department that is holding back money that was appropriated more than 50 years ago that ought to be in the Treasury of the United States to the credit of the general fund.

Mr. SMOOT. Of course the act itself at the time required that.

Mr. MARTIN of Virginia. Mr. President, I am not very well satisfied with my memory, but I think there was a law which provided that the receipts from these sources should be applied for certain purposes.

Mr. OVERMAN. Yes; but there is a law, passed not later than five years ago, requiring that all moneys not used by the 1st of July of each year shall go back into the Treasury.

Mr. MARTIN of Virginia. But that law could not possibly interfere with a special statute directing certain moneys to be used in a certain way.

Mr. OVERMAN. Yes; it could, and it is very important that that should be so, because when money is kept in one department the Government loses sight of it. It is very important that all moneys in the hands of the Government on the 1st day

There is no reason given why that statement is true. As a matter of fact, the report of the board that was appointed shows that that would not follow at all. The records will show also that this office was kept up a few years ago much better than it has been with the use of this money on the outside.

Not only would the work be crippled for the fiscal year provided by the bill, but the services of several experts who are maintained under it would be lost, perhaps never to be regained, as they would, perforce, seek other employment.

That discloses the real purpose of the provision. It is to furnish employment for some experts on the outside.

Now, who are those experts? It came to me rather reliably that the superintendent or the director of this service stated that one of the members of the committee had said that a certain gentleman in the office force was knocking the office, assuming that he had furnished this information to me.

Mr. President, it is not necessary to go to any of the office force to acquire certain information with reference to the conduct of this office and with reference to the conduct of certain other bureaus and to show that this item should be included. I have gotten information that is absolutely reliable, and it does not necessarily come from anybody in the office. It is not necessary to go to the office to find out that some of the experts now being maintained were in the office just a few years ago as what we might call third-rate assistants, and who resigned and since that time have been employed at a higher salary under this piece-work proposition. For instance, one of the experts the superintendent is afraid he is going to lose was two years ago an assistant in the office at $1,200 a year. He retired from the office, and he is now getting $1,600 out of this $7,000 piece fund. I have not any doubt he may be a competent man, but the $1,200 assistant in the office is just as competent as he is now, and I do not think there will be any trouble in finding a great many men at almost any time when their services might be necessary to perform this work. It is also true that another man who was an assistant in the office a few years ago at $1,200 is getting $1,900 out of this $7,000 piece fund. It is not necessary to go to that office to get that information from some man there, but nevertheless it is true. Those two instances just illustrate what is done with this $7,000. It is an absolute and unjustifiable appropriation. It is absolutely unnecessary, and it could very properly be characterized in much stronger language as to the use of it.

I had some of the information in reference to this matter a couple of years ago, when I tried to have the item stricken out, and I have gotten some more information since that time. Some of that I have given to-day I have gotten since, and if the item is continued, or if it should go to conference and be finally reinstated, there will be some more information secured.

If we must have an investigation of this office, it will be had and it will show up a great many other things that will be condemned and which ought to be condemned. I do not have to go to the office force to find that one man who has been paid out of this fund has been letting the work out that is given to him at about half the amount he is paid for it, and I do not have to go to the office force to find that some of those who get some benefit of this piecework think it is unnecessary.

Mr. President, these are some of the facts that I have secured in reference to this appropriation. I think it is wholly unjustifiable. While it is a small item, yet it is one of many items that get engrafted into the law and are continued from year to year and year to year, and used as a sort of special favoritism item. Whenever we get the information about such an item, showing it unnecessary, we ought to have it stricken out. I hope this item will be stricken out and that the committee will insist in conference that it shall stay out. If it comes back in, I shall furnish additional information and shall insist upon a full and thorough investigation of this office and the expenditure of this piece money. The adoption of the amendment suggested would be very unwise. No power should be given to use or divert any of this money for any purpose not specifically directed by Congress.

Mr. BURTON. Has the Senator from Washington an itemized list of the payments from this $7,000 fund?

Mr. JONES. Not of all. I have those I have given to the Senator and I have some more, but I have not a full itemized statement. I have used these simply as illustrations to show how the fund is used. If this item shall be restored, I will insist on an accounting being made of its expenditure and to the expenditures heretofore made.

Mr. BURTON. Mr. President, there is no one on this floor who would not favor striking out this item if it causes unnecessary expense and the work can be done by the office force. My information on the subject is not at all complete. It is derived very largely from the recommendation of the superintendent of the Naval Observatory. This observatory is one of the best-equipped institutions in the world. It has made many computations which have been accepted by astronomers everywhere, and it is necessary that the very highest standard be maintained in the quality of the computations.

As the Senator from Washington has stated, the superintendent recommends that this item remain. The computations have been made by certain men of exceptionally scientific qualifications for many years past. Some of them have now become advanced in years. So far as I can learn, this item is necessary. However, I feel willing to have the item stricken from the bill and then the whole subject can be taken up in conference.

I had understood that the two Senators from Massachusetts, both of whom are absent to-day, had given attention to this item and oppose the omission of the appropriation. I certainly should not stand here for it if it is unnecessary or unless its omission would hamper the work of the observatory and diminish the very high standard of their work.

Mr. JONES. I want to ask the Senator if he ever found a bureau chief who would admit that an item that we had been appropriating for was not necessary in the conduct of his office?

Mr. BURTON. I think possibly I have, but I am perfectly free to concede the general tendency of all the executive departments is to obtain the greatest possible amount of appropriations and the largest possible number of subordinates.

Mr. MARTIN of Virginia. I will say to the Senator from Ohio that the Senator from Washington [Mr. JONES] investigated this matter, and on his presentation of it we agreed that this item ought to go out. If the Senators from Massachusetts, who are absent, desire to express their views they can do so to the conference committee, and the conference committee will give it careful consideration. I know of no reason why the item should be continued.

Mr. BURTON. I possibly may not be correct in saying both Senators from Massachusetts favor the retention of the appropriation. I may be in error in that regard.

Mr. MARTIN of Virginia. If they can give a good reason for its retention, it will be considered.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 96, line 19, after the words "messenger boys," to strike out "1, $600" and insert "3, at $600," and in line 20, after the word "laborer," to strike out "2 laborers at $600 each," so as to make the clause read:

Bureau of Supplies and Accounts: Civilian assistant, $2,500; 2 chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 10 at $1,100 each, 28 at $1,000 each, 12 at $900 each; 2 copyists, at $840 each; 5 assistant messengers; messenger boys—5 at $600 each, 3 at $400 each; laborer; in all, $115,040.

The amendment was agreed to.

The reading of the bill was continued to line 15, on page 97.

Mr. MARTIN of Virginia. I send to the desk an amendment which I submit from the committee. Let the Secretary read it.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. Strike out lines 16 to 24, inclusive, on page 97, and lines 1 and 2, on page 98, and insert in lieu thereof the following:

Division of Naval Militia Affairs: For the following, now authorized by section 17 of the Naval Militia act approved February 16, 1914, namely: Chief clerk, $1,600; clerks—1 of class 2, 2 of class 1, 1 at $1,100, 1 at $1,000; messenger boy, $600; in all, $8,100.

For miscellaneous expenses of the Division of Naval Militia Affairs, including stationery, furniture, office equipment, postage, typewriters and exchange of same, and necessary printing and binding, $2,000, which sum, together with the foregoing amount for salaries, shall be paid from the appropriation for "Arming and equipping Naval Militia" for the fiscal year 1915, and no other or further sums shall be expended from said appropriation for or on account of said Division of Naval Militia Affairs during the fiscal year 1915.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, under the head of "Department of the Interior," in the item of appropriation for the maintenance of the office of the Secretary, on page 100, line 4, after the word "each," to insert "assistant superintendent, Patent Office Building, $1,200," and in line 15, after the words "in all," to strike out "$275,820" and insert "$277,020," so as to read:

Skilled mechanics—1 $900, 1 $720; 2 carpenters, at $900 each; assistant superintendent, Patent Office Building, $1,200; plumber, $900; electrician, $1,000; laborers—1 $600, 6 at $480 each; packer, $600; 2 elevator conductors, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $277,020.

The amendment was agreed to.

The next amendment was, on page 100, line 18, after "$1,600," to insert "machinist, $1,400"; in line 19, before the word "firemen," to strike out "four" and insert "three"; and in line 23, after the words "in all," to strike out "$39,380" and insert "$40,060," so as to make the clause read:

Old Post Office Department Building: Engineer and electrician, $1,600; machinist, $1,400; assistant engineer, $1,000; 3 firemen; 3 watchmen acting as lieutenants, at $840 each; 20 watchmen; elevator conductor, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all $40,060.

The amendment was agreed to.

The next amendment was, on page 100, line 24, after the words "Assistant Attorney General," to insert "Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each," and on page 101, line 6, after the words "in all," to strike out "$65,850" and insert "$79,350," so as to make the clause read:

Office of Assistant Attorney General: Three members of a board of appeals, to be appointed by the Secretary of the Interior, at $4,500 each; assistant attorneys—1, $3,000; 2 at $2,750 each; 4 at $2,500 each; 7 at $2,250 each; 11 at $2,000 each; medical expert, $2,000; clerks—4 of class 3 (1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter); 1 of class 1; in all $79,350.

Mr. KENYON. I should like to have, from some member of the committee, a brief explanation of that item. Is the board of appeals provided for by law, or are these new offices?

Mr. MARTIN of Virginia. These are new offices. The accumulation of business there amounts to a denial of justice. Nothing has been appealed for more strongly by the department than this board of appeals.

Mr. KENYON. Is that in the Patent Office?

Mr. SMOOT. It is in the Interior Department.

Mr. KENYON. What is this proposed board of appeals to do?

Mr. MARTIN of Virginia. They are to decide controversies about land grants, land titles, and other land matters.

Mr. KENYON. Is this recommended by the Secretary of the Interior?

Mr. MARTIN of Virginia. It is very earnestly recommended by him.

Mr. SMOOT. I will say to the Senator from Iowa that there is nothing provided for in the bill which is more needed than is this board of appeals.

Mr. KENYON. I am inclined to think that that is true.

Mr. SMOOT. There are thousands of cases now held up; they are nearly two years behind; and in hundreds of cases the poor homesteader is almost discouraged and some are compelled to leave their homesteads because of the long delay of decisions.

Mr. KENYON. I am not raising any objection to the item; I simply wanted to understand it.

Mr. CRAWFORD. This is designed to give relief to the congested condition in that office in connection with the cases which come up from homesteaders?

Mr. SMOOT. That is the purpose of the provision.

Mr. CRAWFORD. I sincerely hope it will be adopted.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 102, line 9, before the words "of class 3," to strike out "51" and insert "52"; in line 10, before the words "of class 2," to strike out "74" and insert "37"; in the same line, before the words "of class 1," to strike out "77" and insert "84"; in line 11, before the words "at $1,000 each," to strike out "65" and insert "68"; in line 12, before the word "copyist," to strike out "65" and insert "67"; and in line 18, after the words "in all," to strike out "$631,250" and insert "$650,250," so as to make the clause read:

General Land Office: Commissioner, $5,000; Assistant Commissioner, $3,500; chief clerk, $3,000; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of divisions—1 of surveys, $2,750; 1, $2,400; 10, at $2,000 each; assistant chief of division $2,000; law examiners—13, at $2,000 each; 10, at $1,800 each; 18, at $1,600 each; clerks—27 of class 4; 52 of class 3; 77 of class 2; 84 of class 1; 68, at $1,000 each; 67 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10, at $900 each; 6, at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $650,250.

Mr. BURTON. Mr. President, I fancy these additional clerks are required, but why was this provision inserted by the committee of the Senate? Why was it not inserted in the other House?

Mr. MARTIN of Virginia. I am not able to explain why it was not inserted in the other House. It was inserted here because we believed it was necessary for the service. When it shall have passed this body, it will go back to the other House, and, if the House has any objection, the matter will be discussed, and whatever is right I hope will be done; but our committee could not decline to put provisions into the bill because the House did not do so. We do not know what actuated them, but we must meet the obligations of the Government and the necessities of the service as they are presented to us.

Mr. BURTON. It is for an additional number of clerks, and so forth.

Mr. MARTIN of Virginia. It is necessary.

Mr. BURTON. Is it put on at the recommendation of the Commissioner of the General Land Office or of the Secretary of the Interior?

Mr. MARTIN of Virginia. It is recommended by both.

Mr. BURTON. It is recommended by the Commissioner of the General Land Office and approved by the Secretary of the Interior?

Mr. MARTIN of Virginia. Absolutely; every item of it.

Mr. BURTON. Are the numbers provided for in the House bill the same as at present, under the existing order of things in the office?

Mr. MARTIN of Virginia. I am not prepared to state by comparison, but there is no doubt of it.

Mr. SMOOT. The House of Representatives merely followed the present law, not taking into consideration the increase of the amount of business. The Commissioner of the General Land Office appeared before the committee and showed the committee the great increase of work in the office. He stated that it would be absolutely impossible to take care of the business unless he had extra assistance. It was for that purpose that such assistance was provided by the committee.

Mr. MARTIN of Virginia. The House gave the assistance under the current law, but the Secretary of the Interior insisted on a very large addition. We granted a part of his request, but by no means all of it. We cut deeply into what he desired as to give him and what he recommended.

Mr. BURTON. Does that feature appear in other places in the bill, where the public service imperatively requires an additional force which the House refused to give?

Mr. MARTIN of Virginia. I think so; and we have put in such provisions in many places, but we have not put them all in by any means; perhaps not half of what we were urged to insert in the bill. As I said at the outset, in this bill, if we have erred at all, it has been in denying the requests of the departments. I am sure that we have cut off all that we were justified in cutting off, and perhaps more.

Mr. BURTON. Then, Mr. President, this fact appears, that a bill comes here in which the necessary enlargement of the public service is altogether ignored.

Mr. MARTIN of Virginia. I would not say that, Mr. President.

Mr. BURTON. At least in some branches of the public service.

Mr. MARTIN of Virginia. In some branches of the public service I do not think the House has provided all that should have been provided. We have endeavored to supplement the bill by providing for those things. Our amendments will go back to the other House, and they will be discussed between the two bodies in order to arrive at a just solution.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment which the committee would like to have adopted on page 103.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 103, line 25, after the numerals "$3,500," it is proposed to insert:

Second assistant commissioner, who shall also perform the duties of chief clerk, $2,750.

The amendment was agreed to.

Mr. MARTIN of Virginia. I suggest that the amendment just adopted necessitates an increase of the total appropriation on page 104, line 11, and I move to amend in that particular.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. On page 104, line 11, it is proposed to increase the total appropriation to $328,150.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 105, after line 19, to insert:

For an additional force of 5 special examiners for one year, at $1,500 each, $6,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

order, and many of them were stricken out in the House of Representatives for that reason.

Mr. SUTHERLAND. That might not be an unmixed evil.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 74, line 7, after the word "secretary," strike out "$4,000" and insert "$3,500," and in line 8, after the words "in all," to strike out "$28,000" and insert "$26,500," so as to read:

Secretary, $3,500; chief justice, $6,000; two associate justices, at $5,500 each; in all, $26,500.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 75, line 3, after the words "chief clerk," to insert "who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law," so as to read:

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, who shall perform such duties in the Department of War as shall be prescribed by the Secretary or may be required by law, $4,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 77, line 24, it is proposed to strike out the words "Office, Chief, Quartermaster Corps," and to insert in lieu thereof the words "Office of the Quartermaster General of the Army."

Mr. MARTIN of Virginia. I will say that that simply conforms to the provision of the Army bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 78, line 4, after the word "draftsmen," to strike out "three" and insert "four"; in the same line, after the word "each," to strike out "seven" and insert "six"; in line 6, after the words "civil engineer," to strike out "$1,800" and insert "$2,000"; in line 8, after the words "mechanical engineer," to strike out "$2,000" and insert "$2,250"; and in line 12, after the words "in all," to strike out "$376,370" and insert "$377,020," so as to make the clause read:

Office of the Quartermaster General of the Army: Chief clerk, $2,750; 5 principal clerks at $2,250 each; clerks—15 of class 4, 25 of class 3, 44 of class 2, 85 of class 1, 50 at $1,000 each, 10 at $900 each; advisory architect, $4,000; inspector of supplies, $2,500; draftsmen—4 at $1,800 each, 6 at $1,600 each, 5 at $1,400 each; supervising engineer, $2,750; hydraulic and sanitary engineer, $2,000; civil engineer, $2,000; electrical engineer at $2,000; electrical and mechanical engineer, $2,250; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 6 messengers; 14 assistant messengers; 12 laborers; laborers—1, $600; 1, $480; in all, $377,020.

The amendment was agreed to.

The next amendment was, on page 80, line 12, after the word "clerks," to insert "4 at $2,000 each"; in line 13, before the words "of class 4," to strike out "10" and insert "6"; in line 14, before the words "at $1,000 each," to strike out "12" and insert "11"; and, in line 16, after the words "in all," to strike out "$87,230" and insert "$87,030," so as to make the clause read:

Office of Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,250; clerks—4, at $2,000 each; 6 of class 4, 7 of class 3, 11 of class 2, 14 of class 1, 11 at $1,000 each; 3 messengers; 2 assistant messengers; 4 laborers; 2 charwomen; in all, $87,030.

The amendment was agreed to.

The next amendment was, on page 82, line 4, after the words "Lemon Building," to strike out "expenses of horses and vehicles, including their exchange, to be used only for official purposes," and insert "for the purchase, exchange, care, and subsistence of horses, and the purchase, maintenance, repair, and exchange of wagons and horse-drawn passenger-carrying vehicles, and harness, to be used only for official purposes."

The amendment was agreed to.

The next amendment was, under the head of "Public Buildings and Grounds," on page 84, line 16, before the word "periodicals," to insert "scientific," so as to make the clause read:

For contingent and incidental expenses, including purchase of professional and scientific books and scientific periodicals, books of reference, blank books, photographs, and maps, $700.

The amendment was agreed to.

The next amendment was, under the subhead "State, War, and Navy Department Building," on page 85, line 21, after the words "toilet rooms," to strike out "at a total cost not exceeding $85,000, the sum of $40,000," and insert "$85,000," so as to make the clause read:

Toward the renovation of the plumbing system in the State, War, and Navy Building, including the removal of all present unserviceable fixtures, piping, etc., the purchase and installation of modern and sanitary equipment, and the refinishing of the toilet rooms, $85,000; and the superintendent of the State, War, and Navy Building is hereby authorized to employ day labor on the whole or any part of this work where advantageous to the Government.

The amendment was agreed to.

The next amendment was, at the top of page 86, to insert:

For the purchase of one gasoline automobile mail truck of 1½ tons capacity, to be used in transporting mail between the city post office and the mail rooms of the State, War, and Navy Departments, to be operated under the superintendent of the State, War, and Navy Building, $2,500; skilled laborer, $840; laborer; for fuel, repairs, supplies, etc., of automobile mail truck, $1,000; in all, $5,000.

The amendment was agreed to.

The next amendment was, on page 86, after line 8, to insert:

For rewiring rooms in State, War, and Navy Building, including the removal of old gas and other fixtures and the purchase and installation of new metallic conduit, wire, and other material necessary to light all rooms by electricity, and for general repair work to walls and ceilings of rooms incidental to such installation, $32,000; and the superintendent of the State, War, and Navy Building is hereby authorized to employ day labor on this work in like manner as prescribed in the case of reconstruction of toilet rooms.

The amendment was agreed to.

The next amendment was, under the head of "Navy Department," on page 87, line 7, before the words "of class two," to strike out "four" and insert "five," and in line 13, after the words "in all," to strike out "$75,060" and insert "$76,460," so as to make the clause read:

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 2 of class 3, 5 of class 2, 5 of class 1, 1, $1,100, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; messenger boys—3 at $600 each, 1, $420, 1, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $76,460.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, on page 87, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 87, line 23, it is proposed to strike out the word "three" where it first occurs and to insert in lieu thereof the word "four."

The amendment was agreed to.

The SECRETARY. It is also proposed, in the same line, to strike out the word "(indexer)."

The amendment was agreed to.

The SECRETARY. On page 88, line 1, it is proposed to amend the total, so as to read "$17,840."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in the item of appropriation for the maintenance of the Hydrographic Office, on page 90, line 12, after the words "chart plate maker," to strike out "$1,200" and insert "$1,400," and in line 15, after the words "in all," to strike out "$123,460" and insert "$123,660," so as to read:

Electrotyper and chart plate maker, $1,400; assistant messenger; 4 laborers; helpers—2, at $720 each; 2, at $660 each; 1, $600; 1, $500; 1, $480; in all, $123,660.

The amendment was agreed to.

The next amendment was, on page 91, line 3, after the word "publications," to insert "books of reference and," and in line 5, after the words "terrestrial magnetism," to insert "and to other professional and technical subjects connected with the work of the Hydrographic Office," so as to make the clause read:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $26,000.

The amendment was agreed to.

The next amendment was, on page 93, line 2, after the word "books," to insert "books of reference," so as to make the clause read:

For professional and scientific books, books of reference, periodicals (subscriptions to periodicals may be paid in advance), engravings, photographs, and fixtures for the library, $750.

The amendment was agreed to.

The next amendment was, at the top of page 94, to strike out:

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon and stars, $7,000.

Mr. BURTON. Mr. President, I should like to know the reason for striking out those lines. I am informed that for many years it has been the custom to engage these outside computers to do this work, that men of exceptional competency are obtained; also that this method is that which is approved by the head of the Naval Observatory. What is the reason why this provision is stricken out?

Mr. MARTIN of Virginia. I will say to the Senator that the committee believed they could get along without this appropriation, and for that reason they struck it out. I will say, furthermore, that the Senator from Washington [Mr. JONES] is more familiar with the matter than I am, and I should be glad if he would explain it. It was on his motion that the provision was stricken out, and I think properly stricken out.

Mr. JONES. Mr. President, the chairman of the committee is correct in saying that it was on my motion that this item was stricken out. I brought up this matter a couple of years ago. Some facts had been brought to my attention that convinced me that this provision for piecework was absolutely unnecessary for the transaction of the business of the office, and, furthermore, that it was, to say the least, very improperly used, and the investigations I have made since have made me more strongly of that opinion.

While I do not intend to go into the matter very minutely at this time, I will state a few facts that led me to move to strike out this provision.

A few years ago a board was appointed to investigate and report upon the conduct of the Nautical Almanac Office, and as to what was necessary. The board was made up of five of the officials of the department. It made a report, one paragraph of which is as follows:

In view of the fact that hereafter a considerable portion of the material for the American Ephemeris is to be furnished annually by the various foreign offices; and further, that the bulk of the recommendations of the board tend to lessen the time and labor hereafter necessary for the work in the American Ephemeris Office, it is recommended that in the future all computations and work required in the preparation and publication of the American Ephemeris shall be performed in the Nautical Almanac Office by the regular assistants of the office; and it is further suggested that such portion of the time of the assistants as may not be required in the routine work above noted should be devoted to the investigation of such questions as, by their proper development and solution, shall tend to increase the usefulness and accuracy of the Ephemeris.

That recommendation was concurred in by three of this board and not concurred in by two. I desire, however, to call the attention of the Senator to the character and experience of the men who concurred in that recommendation. One of them was Prof. W. S. Harshman, who had served 19 years in the Nautical Almanac Office, the last 7 years as director. The other two were Prof. H. L. Rice, who had served 14 years as assistant in the office, and the senior assistant, Mr. Robertson, who had served 19 years.

These were the three men who made that recommendation, men who were thoroughly familiar with the business of the office and what is necessary for its efficiency. Of the two men who signed the minority report, one was Prof. Eichelberger, who had served 2 years as director and some 20 or 30 years ago had been an assistant, and the second was Assistant Astronomer Morgan, who had never been connected with the office. That was enough, as far as I was concerned, to assure me that at least we ought to try to get along without this item when men of experience like these had reported that after an investigation the force in the office is sufficient to do this work and that the work ought to be done there.

Furthermore, the Paris conference, which I understand is a conference of the several nations, especially those interested in this Nautical Almanac work, agreed upon a plan of exchange of work by which one Government would get the benefit of the experience and the work of the officers of other Governments, and this board report here that in view of the fact that we will get the benefit of this Paris conference it will relieve the office of a great deal of work.

I have here a statement from what I consider a very reliable source as to the cost of the work of preparing the Nautical Almanac, the cost without the work of the Paris conference, and the cost since, and with that work. The cost of this work after the Paris conference would be about $6,285, and the cost without the Paris conference work would be about $11,744. The value of the work that would be furnished to us from these other offices is estimated at $5,459. We have appropriated in this bill $15,640, and I consider that that is all that is necessary, and that with that the work should be fully performed. I am satisfied it can be done and we will get better work even than we have now.

From this statement I want to present a few facts with reference especially to this piecework and what has to be done after we get it, what expenses we paid out for it, in my judgment practically duplicating that work. This statement shows original cost of computations made under piecework and the cost of checking the same in the office.

In the preparation of the Nautical Almanac for 1913 the first computation of the sun was made by outside parties at a cost of $750. Now that had to be checked in the office. That checking cost $121.57. Then for 1914 the first cost of computation was $750, the checking cost $130.29. Then in 1915 the first computation cost $750 and the checking—that is, the work in the office—cost $186.28. Then for the Nautical Almanac for 1916 the first computation cost $767.80 and the checking cost was $283.97. It seems to me where we have paid two or three hundred dollars for checking computations made outside the office we had better do that work directly in the office, because this checking expense resulted from the use of the force in the office itself.

But that is not the most striking example of this work. In the original computation of Mercury for 1913 the office cost was $611, the cost of checking $39.31, while for the 1915 the original cost was $611 and the checking $208.74. For the 1916 almanac the original cost was $192.04 and the checking $168.87, or almost equal to it. That work might just as well have been done in the office in the first instance, and it would have saved practically all the cost of $192.04.

Then, for the computation of Mars the first computation cost $361.35 for the 1913 office, and the checking of that cost $182.04. Then, for the 1914 office the original computation cost $360 and the checking $193.10. Then, for the 1915 office the first cost was $355 and the checking $174.11, while for 1916 the first computation was $150.83 and the checking $105.22, or almost as much. Practically one or the other of those items can be saved by doing the work in the office in the first instance.

Then, here is the computation of Jupiter: For the 1913 office the original computation was $140, made outside. Then, the checking of that in the office cost $102.28. In 1914 the first computation cost $166.88, the checking $80.34. Then, for 1915 the original cost was $140, and the checking cost was $169.59, or nearly $30 more for checking up the work to see whether it is correct or not. For 1916 the first cost was $56.47, and the checking of that cost $94.28, or more than the first cost.

Mr. TOWNSEND. May I ask the Senator if a different class of people do the work that is done for the purpose of certifying it? Is the work done by a different set of computers?

Mr. JONES. Yes; the original computation was made by the pieceworkers outside the office, and the checking was done by the people in the office.

Mr. BURTON. Is not this work of such extreme particularity that in any event a second person and perhaps the third would go over the figures to test their accuracy?

Mr. JONES. That is probably true, but that had better be done in the office.

Mr. BURTON. That would not be left to one person?

Mr. JONES. Certainly not entirely.

Mr. BURTON. It would be taken up by one and then by a second and perhaps a third.

Mr. JONES. Possibly so. If it was deemed necessary. It could be done in the office, however, by efficient men who have the time and ability to make these original computations as well as to check them. I have quite a number of items here of the same character. I shall not take the time to put in all now. The superintendent of the Naval Observatory had the Assistant Secretary of the Navy send a letter to the chairman of the committee, and he kindly furnished me a copy. In this letter the Assistant Secretary argues that this item be retained just as it is or that it be changed with an amendment. The amendment would be very unwise, but I want to call attention to one statement in the letter. He says that—

This appropriation has been in the bill for many years—

Of course that is true. We have many appropriations in these bills carried for many years, and it seems that because they have been carried for a good many years that is made the basis for an argument for continuing them, when, as a matter of fact, the reason for the continuance may have long since lapsed. If we are never to take such items out because they have been in for a good many years, a great many of them will never be taken out.

And the elimination of it will seriously cripple the high standard previously maintained in the production of the American Ephemeris and Nautical Almanac.

On the amendments of the Senate numbered 28, 29, 33, 34, 40, 53, 57, 63, 64, 65, 68, and 71 the committee of conference have been unable to agree.

B. R. TILLMAN,
CLAUDE A. SWANSON,
GEO. C. PERKINS,
Managers on the part of the Senate.
L. P. PADGETT,
J. FRED. C. TALBOTT,
THOMAS S. BUTLER,
Managers on the part of the House.

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 363, submitted by Mr. SMITH of Georgia on May 24.

The VICE PRESIDENT. The resolution will go over without prejudice for one week, until Saturday, June 20. The morning business is closed.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask unanimous consent that the Senate resume the consideration of the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. MARTIN of Virginia. Mr. President, before resuming the reading of the bill, I desire to return to page 60 and to ask the Senate to reconsider the action by which an amendment of the committee, in line 8, was disagreed to. I consented that that amendment should be disagreed to, but on investigation I find I was in error about it. It is simply a question between using the plural and the singular of the word "building."

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia to reconsider the vote by which the amendment was rejected.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. KENYON. Mr. President, I should like to call the attention of the Senator from Arkansas [Mr. CLARKE], the President pro tempore of the Senate, to a ruling made by him yesterday while he was occupying the chair.

Mr. CLARKE of Arkansas. To what page of the RECORD does the Senator refer?

Mr. KENYON. I refer to page 10302. The Senator will remember the situation. I called for the yeas and nays. The Chair held—the distinguished Senator from Arkansas then being in the chair—that the showing was not sufficient. I then asked for a quorum and the roll was called. After securing a quorum I asked again for the yeas and nays, but the Chair held that that was out of order. At that time the Chair asked me if I had any precedent for the position taken by me. I had that on the 21st day of May an exactly similar question arose. The Senator from North Dakota [Mr. MCCUMBER] called for the yeas and nays; they were not ordered; he asked for a division, and there were—ayes 16, noes 8. He then called for a quorum, and after securing a quorum he again called for the yeas and nays, and they were ordered. So I think the ruling of the Chair yesterday should not go as the precedent of the Senate. There were none of the parliamentary doctors, I think, here at the time this question was raised; I myself know very little about parliamentary law, and so the question was not discussed, but there are precedents for the position I then took.

Mr. CLARKE of Arkansas. Mr. President, treating the remarks of the Senator from Iowa as a challenge of the accuracy of the ruling that I had the privilege to make while in the chair yesterday, I may say a word in explanation of it.

There was at the time nearly a quorum of the Senate present, if not an actual quorum. The roll call which immediately followed disclosed the presence of a number of Members in excess of a quorum. There were only four Senators who joined the Senator from Iowa in the demand for the yeas and nays.

Mr. KENYON. Does the Senator say that there was nearly a quorum of the Senate present?

Mr. CLARKE of Arkansas. It looked so to the Chair on yesterday.

Mr. KENYON. My judgment is that there were not 15 Members of the Senate present.

Mr. CLARKE of Arkansas. There would be a difference of opinion about that, if it were now material.

Mr. KENYON. My opinion as to that is not as good as that of the Chair, of course.

Mr. CLARKE of Arkansas. I am not seeking to obtain any precedence for my opinion when compared with that of any other Senator; but it seemed at the time that there was so little support for the demand for the yeas and nays which the Senator from Iowa made it was not worth while to submit the demand a second time, unless the Chair felt compelled to do so by the obligatory terms of some existing rule or precedent having the force of a rule. I was quite willing, as presiding officer, to do whatever the rules of the Senate required should be done, because I had no wish in the matter that was not in accordance with the desire of the Senate; and when the Senator a second time called for the yeas and nays it occurred to the Chair that it was a proper case in which to strictly adhere to whatever rule existed; and if there was no rule directing that course to be pursued, it was proper, in the exercise of such discretion as the Chair had, to deny the second request.

Besides, the Senator called for the yeas and nays again after the vote had been taken by the voice. That, of course, could not be done if the first denial was valid, for the reason that that was the very question upon which it was desired to take a recorded vote of the Senate, and it could not alter the rule because there was doubt about the result on the vote in the mind of the Senator from Iowa, or have the effect that he should have his privilege in respect to that matter enlarged. I do not regard the instance pointed out by the Senator as a precedent for the second request made by him, for the reason that the question was not raised; it passed nemine contradicente, and we all know that many things are done when not challenged that would be deemed improper when challenged.

This will be about the only explanation I have to make at this time.

Mr. KENYON. I realize that the Senator from Arkansas knows a great deal more about it than I do, but if at the time of the first call for the yeas and nays there was no quorum present, as the RECORD a moment after disclosed, how could that call be binding or operative?

Mr. CLARKE of Arkansas. The Senator from Arkansas does not agree with the Senator from Iowa about the presence of a quorum. The word "presence" is rather an elastic one. It has come under construction many times in the courts. For instance, when a judge temporarily steps aside and puts somebody in charge of the court, if he is within call, near enough to be consulted in any emergency that may arise, the courts have universally held that he is present. I think it many times happens that Senators are sitting on the benches outside of their seats and sometimes in the cloak room, who, for all practical purposes, are present; and it would not do to require that the validity of all our proceedings here should depend upon a majority of Senators being actually in their seats at the time any given action takes place.

Mr. KENYON. I simply called attention to this matter in order that those of us who are not familiar with parliamentary law may understand that the wise thing to do is to call for a quorum before we call for the yeas and nays.

The reading of the bill was resumed and continued to the end of line 12, page 73, as follows:

GOVERNMENT IN THE TERRITORIES.

Territory of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

Mr. BURTON. Mr. President, I should like to call attention to certain salaries in the House bill about which I should like to be informed. In lines 9 and 10, on page 73, provision is made for four judges in the Territory of Alaska at a salary of $7,500 each. On the following page, page 74, lines 7, 8, and 9, the salaries are fixed for the chief justice and associate justices of the Territory of Hawaii. The chief justice receives a salary of $6,000, two associate justices $5,500, and judges of the circuit courts only $4,000.

Save the city of New York and possibly one or two other districts of the United States, though I am not sure there is any other exception, the salaries of the United States district judges are $6,000 and circuit judges $7,000. Why should the four judges in Alaska receive this disportionate salary of $7,500? Are their expenses deducted from this amount?

Mr. MARTIN of Virginia. I suggest to the Senator from Ohio, if he will——

Mr. BURTON. There is another fact I wish to suggest in this connection, that in Hawaii the cost of living is notably high.

Mr. MARTIN of Virginia. I suggest to the Senator that he wait until we reach that clause in the bill relating to the Hawaiian judges, if he desires to offer an amendment increasing the salaries, and then we can consider it.

Mr. BURTON. What reason is there for so great a difference?

Mr. WARREN. Mr. President, is the Senator referring to Hawaii or Alaska?

Mr. BURTON. To Alaska, where the judges are paid a salary of $7,500. Why should their salaries be higher than the salaries paid judges in the Territory of Hawaii and the salaries of district and circuit court judges, including men of very marked ability in the United States?

Mr. WARREN. In Alaska the expense of living is more than double, or is reputed to be more than double, what it is in the United States, according to lists of commodities and their cost. I do not wonder that the Senator mentions the difference. A similar difference is apparent in the government of Territories and in the departments in the United States proper, where there was a general law that the salaries should be so-and-so. In the formerly numerous Territories they were low. Where in later years a Territory was brought in by a special law, as Hawaii was, for instance, the salaries are fixed at very much higher rates in the organic act, and hence the Appropriations Committees follow the law and appropriate accordingly in those cases, which oftentimes seems unjust. I do not think it is unjust, however, as to Alaska, because the expenses are so high; but we have the same phenomena in some of the departments. For instance, in the case of commissioners, we have the Commissioner of the General Land Office, who receives $5,000, and the assistant commissioner $3,500, and other old departments at similar salaries. When we brought in the bill creating the Department of Commerce and others we made the salary of some of the commissioners $6,000.

The Appropriations Committee feels it to be its duty to conform to the existing statutes. Of course we could fail to appropriate as much as the statute calls for, but it would raise a question which might require judicial attention afterwards.

Mr. BURTON. May I ask the Senator from Wyoming a question? For how long a time have the salaries of the judges in Alaska been fixed at $7,500 a year?

Mr. WARREN. I think something like six or eight years. I will say as to the governor of Alaska that the salary was raised by amendment on an appropriation bill here on the floor at the request of the President. A request came to the chairman of the Committee on Appropriations, here at his desk, when the bill was being considered, from the President of the United States, several pages in length, still wet from the letter book, asking that the salary should be made $10,000. The chairman of the committee consulted with Members on both sides, and before the bill passed it was placed at $7,000. It is probable that the salaries of the judges were established in a special bill. I am confident that those in Hawaii and, I think, those in Alaska outside of governor were fixed by legislation outside of appropriation bills.

Mr. BURTON. Mr. President, still another question. Why should the salaries of the judges be $500 more than the salary of the governor in Alaska?

Mr. WARREN. I suppose it is considered that the judges are required to have, perhaps, more extended legal education, and have much more arduous and numerous duties to perform. The governor of the Territory is restricted, as governors of Territories always are, while the judges in Alaska have very important functions to perform.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BURTON. In just a moment.

I do not wish to introduce any amendment; but it seems to me this shows the general fact that the salaries of our public officials need readjustment. I really can not justify it by the cost of living. I have been in Alaska, and the qualifications required of a judge there certainly do not compare with those that are required of a judge in the United States, either of a district or of a circuit court.

Mr. NELSON. Mr. President, I desire to say, in reference to the judges of Alaska, that the situation is peculiar and different from that in the case of judges at any other place in the country.

The judges in Alaska, in addition to their judicial functions, have the civil administration in their hands. The whole civil government in Alaska is administered through the judges, who divide their respective divisions into commissioner districts and appoint commissioners, who, in addition to the ordinary duties of a court commissioner, are ex officio judges of probate, ex officio registers of deeds, ex officio collectors, ex officio notaries public, and ex officio coroners. In fact, they manage the whole thing, and liquor licenses as well. Applications for liquor licenses are made to the district courts, and the judges have to pass on the question of issuing liquor licenses.

In other words, in addition to their judicial functions the judges of the district courts in Alaska have all those administrative functions to perform. The distances are immense; they have to travel long distances, and the cost of living is immense. So, knowing the conditions as I do in Alaska, I think $7,500 is no more there than $5,000 would be here in our country, in the old Central States.

Mr. BURTON. Mr. President, will the Senator from Minnesota yield to me for a couple of questions?

Mr. NELSON. Certainly.

Mr. BURTON. In performing duties as notaries public, do they receive fees?

Mr. NELSON. The judges do not perform those functions.

Mr. BURTON. I thought the Senator said they did.

Mr. NELSON. No; the Senator misunderstood me. I said that there are four divisions in Alaska; each judge divides his division into commissioner districts and appoints commissioners, and those commissioners perform all these duties. A commissioner in a given district in Alaska is not only court commissioner in the ordinary sense as we understand it, but performs the functions of a justice of the peace, a notary public, a register of deeds, and a coroner. All those duties are performed through these commissioners. The judges have the appointment of the commissioners, and they have the designation of the districts; but in addition to that the judges have this other duty to perform in connection with licenses. Liquor licenses and also what we call trade licenses are granted by the judges of the district courts. Applications for liquor licenses and for trade licenses are made to the district judges, and they have to pass upon those matters. So the Senator will readily see that the judges in Alaska have a great many duties and functions to perform, outside of purely judicial functions, that are not ordinarily entailed on judges of Territories.

Mr. BURTON. Still a further question: Is there any allowance to these judges for traveling expenses?

Mr. NELSON. I think they have a limited allowance for traveling expenses, but not for their living expenses, and the cost of living there is immense. It is practically twice what it would be in the State of Ohio or the State of Minnesota.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Government in the Territories," on page 73, line 14, after "$2,250," to strike out "janitor service, not to exceed $900," and insert "janitor service for the executive mansion and office building, not to exceed $2,100"; in line 19, after the word "lights," to insert "water," and in line 20, after the word "governor," to strike out "$7,850" and insert "$9,050," so as to make the clause read:

For incidental and contingent expenses, clerk hire, not to exceed $2,250; janitor service for the executive mansion and office building, not to exceed $2,100; traveling expenses of the governor while absent from Juneau on official business; repair and preservation of executive mansion, including $700 for painting; stationery, lights, water, and fuel, to be expended under the direction of the governor, $9,050.

The amendment was agreed to.

The next amendment was, on page 74, line 6, after the word "governor," to strike out "$7,000" and insert "$6,000," so as to read:

Territory of Hawaii: Governor, $6,000.

Mr. SUTHERLAND. Mr. President, I should like to ask a question about that amendment. Is not that salary fixed by law?

Mr. WARREN. It is. The committee took the ground that compared with the others, and the cost of living there, it should be reduced; but the Senator is right. The statute provides for the salary.

Mr. SUTHERLAND. I have no interest at all in the matter, but it seems to me that where the salary has been fixed by general law we ought to appropriate the amount and alter the general law. We ought not to appropriate an amount less than the general law itself provides for.

Mr. OVERMAN. I will say, so far as that is concerned, that if we did that and appropriated no more than the general law there would be a great many salaries reduced in this bill and there would be a great many salaries increased in every other appropriation bill that comes here. In fact, all of those that are fixed by general law are subject to a point of

Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 8. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpœna and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

SEC. 9. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

SEC. 10. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation, subject to any of the provisions of this act.

Amend the title so as to read: "An act to create a Federal trade commission, to define its powers and duties, and for other purposes."

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SAULSBURY:

A bill (S. 5845) to provide a government for the Territory of Porto Rico; to the Committee on Pacific Islands and Porto Rico.

By Mr. MYERS:

A bill (S. 5846) to amend the United States land laws in their application to Alaska, and for other purposes; and

A bill (S. 5847) to authorize the Secretary of the Treasury to convey to the city of Bozeman, Mont., certain land for alley purposes; to the Committee on Public Lands.

A bill (S. 5848) for the relief of John F. Niklaus; and

A bill (S. 5849) for the relief of George A. Robertson; to the Committee on Claims.

A bill (S. 5850) granting an increase of pension to Mary A. De Lany; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5851) for the relief of William A. Erskine; to the Committee on Claims.

By Mr. CUMMINS:

A bill (S. 5852) granting an increase of pension to Charles Nettleton (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5853) granting an increase of pension to Anna E. Knobe (with accompanying papers); to the Committee on Pensions.

By Mr. TILLMAN:

A bill (S. 5854) granting a pension to Dora D. Walker; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5855) for the relief of Jacob Patterson (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 5856) granting an increase of pension to John W. Sullivan (with accompanying papers); and

A bill (S. 5857) granting an increase of pension to Maria E. Pitts (with accompanying papers); to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes; to the Committee on Appropriations.

SECURITIES BY COMMON CARRIERS.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the bill (H. R. 16586) to amend section 20 of an act to regulate commerce to prevent overissues of securities by carriers, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

WOMAN SUFFRAGE (S. DOC. NO. 497).

Mr. CLAPP. On the 5th instant I asked to have printed in the RECORD the views of the minority of the Committee on the Judiciary of the House of Representatives on the subject of woman suffrage, submitted by Hon. Thomas B. Reed, of Maine, April 24, 1884. I now ask that the article may be printed as a Senate document.

The VICE PRESIDENT. Without objection, that action will be taken.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 1182. An act for the relief of John Brodie;

H. R. 1405. An act for the relief of Frank W. Tucker;

H. R. 2636. An act for the relief of Thomas Haycock;

H. R. 3278. An act for the relief of Thomas R. Mason;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5595. An act for the relief of the Atlantic Canning Co.;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 6909. An act for the relief of Arthur E. Rump;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish*;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9563. An act for the relief of Thomas S. Johnson;

H. R. 9975. An act for the relief of Bayard T. Garrabrant;

H. R. 10168. An act for the relief of Leon Greenbaum;

H. R. 12681. An act for the relief of W. W. Wall;

H. R. 13693. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 13950. An act for the relief of Ella Stone;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14609. An act for the relief of Cyntha Rainey; and

H. R. 16065. An act for the relief of Julia Klaviński.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 962. An act for the relief of William H. Shannon;

H. R. 5474. An act for the relief of Patrick McGee, alias Patrick Gallagher;

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 9335. An act for the relief of James H. Kelly;

H. R. 9615. An act for the relief of Benjamin F. Richardson;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 10719. An act for the relief of Joseph P. Leiter;

H. R. 13698. An act to correct the military record of Charles A. Coulson;

H. R. 14925. An act for the retirement of H. R. Drake; and

H. R. 16358. An act for the relief of Abraham Kauffman.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 1580. An act for the relief of John R. Norris;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 11840. An act for the relief of R. G. Arrington;

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson; and

H. R. 16192. An act to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 10875. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainy Mountain School in Oklahoma; and

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma.

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia, was read twice by its title and referred to the Committee on the District of Columbia.

LAND AT CAPE HENRY, VA.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report back favorably the joint resolution (S. J. Res. 160) providing for the procurement of title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes, and I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That for procuring title to land at Cape Henry, in the State of Virginia, for works for fortification and coast-defense purposes, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $31,000, the same to be immediately available and to remain available until expended, to complete the payment of awards in condemnation proceedings prosecuted by the War Department for the acquisition of land at Cape Henry, Va.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAGE of North Carolina, Mr. SISSON, and Mr. DAVIS managers at the further conference on the part of the House.

DISTRICT OF COLUMBIA APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10523) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1915, and for other purposes, and further insisting upon its disagreement to the amendments of the Senate to the bill and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MARTIN of Virginia. I move that the Senate further insist upon its amendments, agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SMITH of Maryland, Mr. LEA of Tennessee, and Mr. GALLINGER managers at the conference on the part of the Senate.

NAVAL APPROPRIATIONS.

Mr. TILLMAN. I submit the conference report on the naval appropriation bill. I ask that it may be printed and that it lie on the table, and I give notice I shall call it up on Monday morning.

The VICE PRESIDENT. Without objection, that action will be taken.

The conference report is as follows:

CONFERENCE REPORT (S. DOC. NO. 496).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 15, 16, 42, 43, 44, 50, 54, 66, 70, 72.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 7, 8, 9, 10, 11, 13, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 39, 41, 46, 47, 48, 49, 51, 52, 55, 56, 58, 60, 61, 62, 69, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "only," insert the following: "and officers of the Construction Corps"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "officers," insert the following: "not exceeding five"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of Senate amendment insert the following: "June 30, 1917"; and the Senate agree to the same.

Under authority of the House granted to change totals not in conference, the committee on conference amended the bill as follows: Page 20 of the bill, line 21, strike out "$170,000" and in lieu thereof insert "$180,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: Strike out the words "to be immediately available"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: Strike out Senate amendment and in lieu thereof insert the following: "Naval Proving Ground, Indianhead, Md.: Toward extension of powder factory (cost not to exceed $500,000), $200,000"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In said amendment strike out the following: "for fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In said amendment strike out the words "to be available until expended"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: Line 7 of said amendment, strike out "$150,000" and insert in lieu thereof "$75,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "men," insert the following: "of the Navy and Marine Corps"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"Hereafter there shall be charged against the several appropriations for the support of the Naval Establishment the overhead charges incident to upkeep and to industrial work at navy yards and stations. The total sum so charged shall be distributed in accordance with the work done in the various yards and stations in order that the cost of work may be determined."

And the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: Strike out said amendment and in lieu thereof insert the following:

"A committee is hereby appointed, to consist of the chairman of the Committee on Naval Affairs of the Senate and the chairman of the Committee on Naval Affairs of the House of Representatives, and one naval officer to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the cost of erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel, capable of standing all ballistic and other necessary tests required for use in vessels of the Navy, at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant. Said report shall contain the estimated cost of a plant and site sufficient to accommodate a plant having an annual output capacity of 20,000 tons, and also a plant having an output of 10,000 tons, and also an itemized statement of the estimated cost of the necessary buildings, machinery, and accessories for each, and the estimated annual cost and maintenance of each, and the estimated cost of the finished product.

"Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

"The sum of $5,000 is hereby appropriated, to pay the expenses in the Treasury not otherwise appropriated, out of any money of said committee, payable upon vouchers signed by the chairman of said committee."

And the Senate agree to the same.

H. R. 16665. An act for the relief of Julia Klavinski;

H. R. 16492. An act to authorize the issuance of patent to Rachel E. Dangerfield Roast for the southeast quarter of section 21 and the northwest quarter of section 28, township 1 south, range 57 west of the sixth principal meridian; and

H. R. 16358. An act for the relief of Abraham Kauffman.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City; and

H. R. 14385. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the the sanitation and government of the Canal Zone," approved August 24, 1912.

PETITIONS AND MEMORIALS.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. KERN presented telegrams in the nature of memorials of the Indiana Veterinarian Medical Association, of Indianapolis; F. A. Bolser, of New Castle; L. M. Peterson and O. U. Chenoweth, of Otterbein; of the board of trustees of the Reid Memorial Hospital, of Richmond; and of the Wayne County Medical Society, of Richmond, all in the State of Indiana, remonstrating against the enactment of legislation to prohibit the dispensing and distribution of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Local Branch No. 207, National Association of Civil Service Employees, of Hartford, Conn., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a memorial of the Central Labor Union of Danbury, Conn., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Charles L. Burdett Camp, No. 4, United Spanish War Veterans, of Hartford, Conn., praying for the enactment of legislation granting pensions to widows and orphans of soldiers and sailors of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a memorial of the local Socialist Party of Norwich, Conn., remonstrating against the raising of mercenary private armies by corporations, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the congregation of the Second Congregational Church, of Putnam, Conn., and resolutions adopted by the Windham Association of Congregational Churches and Ministers, of Connecticut, favoring the establishment of an international tribunal for the adjudication of international differences, which were referred to the Committee on Foreign Relations.

Mr. SHIVELY presented petitions of John Byers Wirt, James Dunn, C. W. Seibold, and 151 other citizens of Indianapolis, Ind., praying for national recognition of Dr. Frederick A. Cook for his polar efforts, which were referred to the Committee on the Library.

He also presented memorials of George Rupp, Fred Dietzel, Albert Salisbury, and 4 other citizens of Evansville, Terre Haute, and Indianapolis, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Quarterly Meeting of Friends, with a membership of 2,015, of Richmond, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Quarterly Meeting of Friends, of Richmond, Ind., with a membership of 2,015, praying for the adoption of an amendment to the Constitution to grant the right of suffrage to women, which was ordered to lie on the table.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. Mr President, I desire to report from the Committee on Interstate Commerce the bill (H. R. 15613) to create an interstate trade commission, to define its powers and duties, and for other purposes, and I submit a report (No. 597) thereon.

The action of the Senate committee substitutes for the House bill the provisions of the Senate bill recently reported regarding a Federal trade commission. We have added several provisions to the Senate bill which will enlarge the sphere of the trade commission's power and usefulness, among them the power, after hearing, to prevent unfair competition by order enforceable in the courts, also to investigate and report upon foreign trade practices which interfere with the fair marketing of American products, and also to investigate and report upon combinations between foreign and American producers for the control of prices. These powers, in addition to those previously provided for in the Senate bill, covering investigation and report from such corporations as the trade commission may designate, publicity, aid to the courts and to the Attorney General in framing and enforcing decrees dissolving corporations, if wisely exercised, will make the trade commission as useful and effective in building up a system of administrative law regarding trade as the Interstate Commerce Commission has been in matters of transportation.

Such a commission has been long needed, and if it had been provided for when the antitrust act was passed the trust question would by this time have been as near to satisfactory solution and equitable adjustment as is the transportation question.

The action of the Senate Committee on Interstate Commerce was thoroughly nonpartisan, prominent members of the Republican Party having participated actively in the perfection of the bill. I think it is fair to say that a majority of the Republican members of the committee will support the bill.

I see no reason why this bill should excite much discussion or why its passage should be long delayed. A measure of this kind has been discussed for years in the Senate, and the Senate is familiar with the subject. It has been discussed throughout the country. A poll of the boards of trade inaugurated by the National Chamber of Commerce resulted in almost a unanimous vote for a trade commission, and in the House the bill for a trade commission was adopted by an almost unanimous vote. The country desires such a measure. Had such a commission been organized contemporaneously with the passage of the Sherman antitrust law, the conflicting questions relating to trusts, monopoly, and unfair competition would have been as thoroughly settled by this time as have been the questions relating to transportation through the action of the Interstate Commerce Commission.

The need has long been felt for an administrative board which would act in these matters in aid of the enforcement of the Sherman antitrust law, which would have precedents and traditions and a continuous policy and would be free from the effect of such changing incumbency as has in the nature of things characterized the administration of the Attorney General's office.

I observe that an effort is being made to arouse the country against the so-called inquisitorial methods of this bill. I wish to say that whilst large powers of investigation are given, they are not greatly in excess of those now possessed and for years exercised by the Bureau of Corporations. Whilst reports are required, they are required only from such corporations or classes of corporations as may be designated by the commission. There are 350,000 corporations in this country. Of course, we all realize that there are perhaps not a thousand of such corporations that will be affected by the proposed legislation. The powers, of course, must be large, but the exercise of the powers will not be against honest business, but will be against corporate and business outlaws and will be persuasive and correctional rather than punitive, so far as well intentioned business is concerned.

I do not believe, therefore, that this bill will have any disturbing effect upon the public mind. In a short time it is probable that the Committee on Interstate Commerce will report a bill regarding railroad securities, and we expect that it will give reassurance rather than create doubt. We believe that such action as will be taken by the Interstate Commerce Committee will not limit the just powers of the railroads or affect injuriously their credit, but, on the contrary, will promote their credit by provisions protecting these corporations against the financial mismanagement of their trustees, of which there have been a few instances. I believe that in the end, after such legislation, the credit of the railroads will be improved, and that railroad securities will be regarded as very desirable investments.

We are passing, Mr. President, through a depression which is partly the result of world-wide causes and partly the result of necessary readjustments, following important economic changes. It is affecting the railroads as it is affecting many other classes

of business, but it is merely temporary. The legislation which the Interstate Commerce Committee has in hand, I am sure, will not tend to increase in any degree the state of mind which seems to now exist, but, on the contrary, will relieve that state of mind. I believe that this legislation will not only give assurance to business and trade but also to the railroads themselves, and that the result will be to place all of their securities upon a higher plane in the public estimation.

I wish to state that at an early moment I shall ask for the consideration of the bill for a Federal trade commission.

I ask that the Senate substitute, as reported by the Interstate Commerce Committee, be printed in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The substitute referred to is as follows:

A commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as "the commission."

The words defined in this section shall have the following meaning when found in this act, to wit:

"Commerce" means such commerce as Congress has the power to regulate under the Constitution.

The term "corporation" or "corporations" shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"Antitrust acts" means the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled "An act to reduce taxation, to provide revenues for the Government, and for other purposes," approved August 27, 1894; and also the act entitled "An act to amend sections 73 and 76 of the act of August 27, 1894, entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,'" approved February 12, 1913.

SEC. 2. Upon the organization of the commission, the Bureau of Corporations and the offices of Commissioner and Deputy Commissioner of Corporations shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission free from the direction or control of the Secretary of Commerce. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices in connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may, at its pleasure, meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, and for the purposes thereof to exercise the powers herein given the commission.

The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may, from time to time, be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation. With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys and experts as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

All the expenses of the commission, including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

SEC. 3. The commission shall have power among others—

(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce and its relation to other corporations and to individuals, associations, and partnerships.

(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relations to any individual, association, or partnership, and to make copies of the same.

(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act, as the commission may designate, and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath, or otherwise in the discretion of the commission.

(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated, and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any such investigation with such recommendations for further action as it may deem advisable, and the report shall be made public in the discretion of the commission.

(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress, that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

(h) The commission is hereby directed to investigate, as expeditiously as may be, trade conditions in foreign countries where associations, combinations, or practices of buyers, dealers, or traders may injuriously affect the export trade of the United States, and also to investigate whether American exporters have combined with each other or with foreign producers or dealers to control prices abroad, and to report to Congress thereon from time to time.

SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

SEC. 5. That unfair competition in commerce is hereby declared unlawful.

The commission is hereby empowered and directed to prevent corporations from using unfair methods of competition in commerce.

Whenever the commission shall have reason to believe that any corporation has been or is using any unfair method of competition in commerce, it shall issue and serve upon such corporation a written order, at least 30 days in advance of the time set therein for hearing, directing it to appear before the commission and show cause why an order shall not be issued by the commission restraining and prohibiting it from using such method of competition, and if upon such hearing the commission shall find that the method of competition in question is prohibited by this act it shall thereupon issue an order restraining and prohibiting the use of the same. The commission may at any time modify or set aside, in whole or in part, any order issued by it under this act.

Whenever the commission, after the issuance of such order, shall find that such corporation has not complied therewith, the commission may petition the district court of the United States, within any district where the method in question was used or where such corporation is located or carries on business, praying the court to issue an injunction to enforce such order of the commission; and the court is hereby authorized to issue such injunction.

SEC. 6. That if any corporation subject to this act shall fail to file any annual or special report, as provided in subdivision (c) of section 3 thereof, within the time fixed by the commission for filing the same, and such failure shall continue for 30 days after notice of such default, the corporation shall forfeit to the United States the sum of $100 for each and every day of the continuance of such failure, which forfeiture shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States brought in the district where the corporation has its principal office or in any district in which it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States.

SEC. 7. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of accounts or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SENATE.

SATURDAY, *June 13, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee and call upon Thy name in the performance of our highest duty, in the exercise of our highest powers, and in the enjoyment of our highest privilege. For any plan of life that does not take Thee into account is not worthy of the powers that Thou hast given to us, and any expression of life that does not have Thy blessing can bring no blessing upon those for whom we labor. Grant this day the light of Thy countenance upon our pathway that we may perform Thy righteous will. Bring our lives into conformity to Thy plan that the activity of our lives may bring blessing to those for whom we labor. For Christ's sake. Amen.

The VICE PRESIDENT. The Secretary will read the Journal of the proceedings of the preceding session.

Mr. JONES. Mr. President, there are just about a dozen Senators present. If we are to meet at 11 o'clock, we ought to start with a quorum. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lane	Sheppard
Borah	Cummins	McCumber	Sherman
Brady	Fletcher	Martin, Va.	Shively
Bristow	Goff	Myers	Simmons
Bryan	Hollis	Newlands	Smoot
Burton	James	Norris	Sutherland
Catron	Johnson	O'Gorman	Thornton
Chamberlain	Jones	Overman	Townsend
Chilton	Kenyon	Page	Warren
Clapp	Kern	Smalsbury	White
Clarke, Ark.	La Follette	Shafroth	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate, and that he is paired with me.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. PERKINS, Mr. RANSDELL, Mr. ROBINSON, Mr. STERLING, Mr. SWANSON, Mr. THOMAS, and Mr. TILLMAN answered to their names when called.

Mr. MYERS. I desire to make the announcement that my colleague [Mr. WALSH] is necessarily absent from the city on business.

Mr. WHITE. I wish to announce that my colleague [Mr. BANKHEAD] is necessarily absent from the Chamber this morning.

Mr. CHAMBERLAIN. I am advised that the Senator from South Carolina [Mr. SMITH] is unavoidably detained by official business.

Mr. SMOOT. I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER].

The VICE PRESIDENT. Fifty Senators have answered to the roll call. There is a quorum present. The Secretary will read the Journal of the proceedings of the preceding session.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact and conclusions filed by the court in the following causes:

Emma Alexander, in her own right and as administratrix of estates of Jennie Alexander, deceased, and of Charlie Alexander, deceased; Dora Alexander Miller, and Fannie Alexander King, v. United States (S. Doc. No. 499);

The Christian Church of Suffolk, Va., v. United States (S. Doc. No. 500);

Spencer Gordon, administrator of the estate of George Wright, v. United States (S. Doc. No. 501);

The Christian Church of Stanford, Ky., v. United States (S. Doc. No. 502);

The County of Barry, State of Missouri, v. United States (S. Doc. No. 503); and

The Langley Methodist Episcopal Church, of Langley, Va., v. United States (S. Doc. No. 504).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 55. An act for the relief of Daniel Hampton;

S. 2063. An act for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey;

S. 2226. An act for the relief of Joel J. Parker;

S. 2576. An act for the relief of John Q. Adams; and

S. 2590. An act to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

The message also announced that the House had passed the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 13. An act for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909;

H. R. 57. An act making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States;

H. R. 816. An act for the relief of Abraham Hoover;

H. R. 962. An act for the relief of William H. Shannon;

H. R. 1182. An act for the relief of John Brodie;

H. R. 1405. An act for the relief of Frank W. Tucker;

H. R. 1580. An act for the relief of John R. Norris;

H. R. 2696. An act for the relief of Thomas Haycock;

H. R. 3278. An act for the relief of Thomas R. Mason;

H. R. 5079. An act for the relief of Mary Abel;

H. R. 5195. An act for the relief of the Atlantic Canning Co.;

H. R. 5474. An act for the relief of Patrick McGee, alias Patrick Gallagher;

H. R. 5966. An act for the relief of Clyde Odum;

H. R. 6669. An act for the relief of Arthur E. Rump;

H. R. 7049. An act to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue cutter *Snohomish*;

H. R. 7205. An act to correct the military record of H. S. Hathaway;

H. R. 7327. An act for the relief of Charles L. Hill;

H. R. 9270. An act for the relief of John M. Gray;

H. R. 9335. An act for the relief of James H. Kelly;

H. R. 9362. An act for the relief of R. B. Whitacre & Co.;

H. R. 9615. An act for the relief of Benjamin F. Richardson;

H. R. 9703. An act for the relief of Thomas S. Johnson;

H. R. 9975. An act for the relief of Bayard T. Garrabrant;

H. R. 10168. An act for the relief of Leon Greenbaum;

H. R. 10271. An act for the relief of Edward Whiteside;

H. R. 10719. An act for the relief of Joseph P. Leiter;

H. R. 10875. An act authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Ruhy Mountain School in Oklahoma;

H. R. 11840. An act for the relief of R. G. Arrington;

H. R. 12681. An act for the relief of W. W. Wall;

H. R. 12780. An act to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma;

H. R. 12826. An act to reinstate Francis Graves Bonham as a cadet at the United States Military Academy;

H. R. 12844. An act for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia;

H. R. 13693. An act for the relief of the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce;

H. R. 13698. An act to correct the military record of Charles A. Conlson;

H. R. 13950. An act for the relief of Ella Slone;

H. R. 14167. An act for the relief of Emily J. Byrd;

H. R. 14404. An act for the relief of E. F. Anderson;

H. R. 14405. An act for the relief of C. F. Jackson;

H. R. 14609. An act for the relief of Cyntha Ramey;

H. R. 14925. An act for the retirement of H. R. Drake;

VOLUME LI, PART XI.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914

salary basis; to the Committee on the Post Office and Post Roads.

Also, letter from the National Association of Assistant Postmasters, protesting against House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, letters from Howard Longhead, Samuel Crouch, and George Rockhold, of Long Beach, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition from business men of Coeur d'Alene, Plummer, Sandpoint, Burke, Wardner, Bonners Ferry, Ilo, Troy, Juliaetta, Mullan, St. Maries, and Grangeville, all in the State of Idaho, urging the enactment of legislation requiring mail-order houses to pay taxes in the local community in which they sell their goods; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Individual petitions of Henry A. Darling and 27 other citizens of Los Angeles City and County, favoring the national constitutional prohibition amendment; to the Committee on Rules.

Also, petitions signed by Edward H. Martin and 434 other citizens of Los Angeles, Cal., protesting against national prohibition legislation; to the Committee on Rules.

Also, petitions of W. H. Buxton and four other citizens of Los Angeles, Cal., protesting against national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Hamilton Methodist Episcopal Church, of Los Angeles, Cal., favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Vernon Avenue Congregational Church, of Los Angeles, Cal., favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Olivet Congregational Church, of Los Angeles, Cal., favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, petition of William M. Sanders, representing the Independent Order of Good Templars, of Santa Monica, Cal., favoring national prohibition amendment; to the Committee on Rules.

Also, resolution of the Edendale Methodist Episcopal Church, of Los Angeles, Cal., favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Federal Civil Service Employees of San Francisco, indorsing House bill 12056; to the Committee on Labor.

Also, resolution of the San Francisco Labor Council, protesting against apparent cooperation between the Government and certain private hostile employers; to the Committee on Labor.

By Mr. TALCOTT of New York: Petition of Oneida County Woman's Christian Temperance Union, sundry citizens of Newport, Russia, and Camden, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. UNDERHILL: Petition of sundry citizens of Atlanta, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the New York State Retail Jewelers' Association, favoring passage of the Owen-Goeke bill; to the Committee on Interstate and Foreign Commerce.

to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," reported the same with amendment, accompanied by a report (No. 815), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 17103) for the relief of the heirs of George W. Croft, reported the same without amendment, accompanied by a report (No. 816), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Arkansas, from the Committee on the Public Lands, to which was referred the bill (S. 3863) granting lands to the Grand Lodge, Ancient Free and Accepted Masons, grand jurisdiction of Arkansas, reported the same with amendment, accompanied by a report (No. 818), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 8489) for the relief of Mason M. Maxon, and the same was referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 17231) relating to the use of the mails in effecting insurance on persons and property, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. CULLOP: A bill (H. R. 17232) authorizing the Secretary of War to donate condemned cannon and cannon balls; to the Committee on Military Affairs.

By Mr. MOORE: A bill (H. R. 17233) to provide for the investigation and eradication of the disease-carrying mosquito; to the Committee on Interstate and Foreign Commerce.

By Mr. DRUKKER: A bill (H. R. 17234) to erect a post-office building in the city of Passaic, N. J.; to the Committee on Public Buildings and Grounds.

By Mr. MAHAN: A bill (H. R. 17235) to authorize the construction of a bell buoy to locate the passage entrance in Wicopesset Passage, at the easterly end of Fishers Island, N. Y.; to the Committee on Interstate and Foreign Commerce.

By Mr. MURRAY of Oklahoma: A bill (H. R. 17236) to reimburse the State of Oklahoma for the expense incurred by the State in the trial of the criminal cases transferred to the State courts after the passage of the enabling act; to the Committee on Claims.

Also, a bill (H. R. 17237) to reimburse the State of Oklahoma for the extra expense entailed in the making of the State constitution and the ratification of the same at the polls after the Federal appropriation had been exhausted; to the Committee on Claims.

Also, a bill (H. R. 17238) to reimburse the State of Oklahoma and the several counties thereof for the loss of taxes on Indian allotments in the Five Civilized Tribes and the Quapaw Agency; to the Committee on Claims.

By Mr. HAMILTON of Michigan: A bill (H. R. 17239) to authorize the establishment of a life-saving station at or near Saugatuck, Mich.; to the Committee on Interstate and Foreign Commerce.

By Mr. RAINEY: A bill (H. R. 17240) to require railroads to equip grade crossings with safety devices; to the Committee on Interstate and Foreign Commerce.

By Mr. EDWARDS: A bill (H. R. 17241) providing for the erection of a joint monument or memorial to Col. John Adam Trention, and to mark the settlement of the Salzburger colony at or near Ebenezer Church in Effingham County, Ga.; to the Committee on the Library.

Also, a bill (H. R. 17242) providing for an appropriation of $2,000 to collect, translate, and publish certain colonial records; to the Committee on the Library.

By Mr. NEELY of West Virginia: A bill (H. Res. 541) directing the Committee on the Judiciary to inquire and report whether the action of the House is necessary concerning the alleged official misconduct of Alston G. Dayton; to the Committee on the Judiciary.

By Mr. DEITRICK: Resolution (H. Res. 542) to amend the rules of the House of Representatives of the Congress of the United States; to the Committee on Rules.

Also, memorial from the Legislature of the State of Massachusetts, relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOWDLE: A bill (H. R. 17243) granting a pension to Henry S. Stansbury; to the Committee on Invalid Pensions.

By Mr. CRAMTON: A bill (H. R. 17244) granting a pension to Frances E. Dulmage; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 17245) for the relief of the heirs of Joseph W. Dickey, deceased; to the Committee on War Claims.

By Mr. FORDNEY: A bill (H. R. 17246) granting a pension to Dell J. Harrington; to the Committee on Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17247) granting an increase of pension to Mary J. Babbitt; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Washington: A bill (H. R. 17248) to remove the charge of desertion from the military record of William McCutcheon; to the Committee on Military Affairs.

By Mr. MITCHELL: A bill (H. R. 17249) granting a pension to James Burke; to the Committee on Pensions.

Also, a bill (H. R. 17250) granting an increase of pension to John R. McCrillis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17251) granting a pension to Louis Toupin, alias Louis Baudet; to the Committee on Pensions.

Also, a bill (H. R. 17252) granting an increase of pension to Frederick D. Wellington; to the Committee on Invalid Pensions.

By Mr. OGLESBY: A bill (H. R. 17253) to correct the military record of Charles W. Johnson; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17254) for the relief of Laban H. Davies; to the Committee on Claims.

By Mr. SMITH of Idaho: A bill (H. R. 17255) granting a pension to Edward Stanley; to the Committee on Pensions.

Also, a bill (H. R. 17256) granting an increase of pension to Lydia A. Lint; the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 17257) granting a pension to Ella A. Mead; to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 17258) granting an increase of pension to Georgia A. Bowen; to the Committee on Pensions.

Also, a bill (H. R. 17259) granting an increase of pension to Joseph W. Lumpkin; to the Committee on Pensions.

Also, a bill (H. R. 17260) granting an increase of pension to William H. Mercer; to the Committee on Pensions.

Also, a bill (H. R. 17261) granting an increase of pension to W. F. Patten; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions unanimously adopted by a mass meeting of independent oil producers and citizens of Kansas, signed by C. J. Wrightsman, president of the Exeter Oil Co., of Tulsa, Okla., petitioning Congress that oil pipe-line companies be made common carriers, and that they be adequately divorced from oil-producing interests; to the Committee on Interstate and Foreign Commerce.

Also (by request), letter from Mrs. Florence Kelley, general secretary of the National Consumers' League of New York City, protesting against the substitution in the House for any measure for the La Follette bill, S. 136, in the name of the National Consumers' League; to the Committee on the Merchant Marine and Fisheries.

Also (by request), resolution signed by the adjutant of Irwin McDowell Post, No. 19, Department of Oklahoma, Grand Army of the Republic, petitioning Congress for the enactment of law making it unnecessary for an applicant for widow's pension to furnish proof of any marriage, if any such, prior to 10 years of undisputed legal marriage; to the Committee on Invalid Pensions.

Also (by request), resolutions signed by the pastors of certain churches in St. Paul, Minn.; Calcutta, Ohio; Sterling, Ill.; Howard, S. Dak.; Rocklyn, Wash.; Carrollton, Ill.; and Sterling, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the Chamber of Commerce of the United States of America, relative to proposal to create an

interstate trade commission; to the Committee on Interstate and Foreign Commerce.

By Mr. BATHRICK: Petitions of sundry citizens of Summit County, Ohio, and the nineteenth congressional district of Ohio, protesting against national prohibition; to the Committee on Rules.

Also, petition of 200 citizens of Eagleville, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of the Law and Order Society of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the Lord's Day Alliance of the United States, protesting against section 6 of House bill 12928, relative to compensatory time for Sunday work in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of the Forty-second Street Association of New York City, protesting against the passage of Senate bill 4941 and House bill 14895, as it hampers the moving-picture industry; to the Committee on Education.

Also, petition of the Medical Society of the State of New York, relative to providing for mental examination of arriving immigrants by physicians in the Public Health Service; to the Committee on Immigration and Naturalization.

Also, petition of Barber, Watson & Gibboney, of New York City, asking that the public utility holding companies be excepted from the holding-company provision of the Clayton bill; to the Committee on the Judiciary.

Also, petition of the National Association of Vicksburg Veterans, relative to holding reunion in Vicksburg National Military Park; to the Committee on Military Affairs.

Also, petition of the Central Federated Union, of New York City, favoring the passage of the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of the Precision Machine Co., mass meeting of independent retail merchants, and the committee for the promotion of the interests of retail merchants, all of New York City, favoring the passage of House bill 13305, the cut-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Women's Political Union, of New York State, and the Congressional Union for Woman Suffrage, favoring the passage of the Bristow-Mondell resolution, enfranchising women; to the Committee on the Judiciary.

Also, petitions of Central Federated Union, Jos. Maack, Jacob Frechlich, E. La Montagna's Sons, The Waldorf-Astoria Importation Co., Blackford's Fulton Market, Arthur Radowski, Chas. W. Ratz, all of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of W. O. Hotchkiss, State geologist of Wisconsin, against House bill 13457, the Buchanan bill, relating to topographic work; to the Committee on Expenditures in the Interior Department.

Also, petition of National Association of Assistant Postmasters of the United States, relative to House bill 17042, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. CRAMTON: Petitions of Rev. W. M. Ward and 26 other citizens of Romeo, Mich., and S. G. Gillette and 139 other citizens of Bad Axe, Mich., in favor of national prohibition; to the Committee on Rules.

Also, petition of O. H. Frincke and 32 others, of Mount Clemens, Mich., against barring the Menace from the mails; to the Committee on the Post Office and Post Roads.

By Mr. DALE: Petition of National Association of Assistant Postmasters, protesting against passage of House bill 17042, relative to amending the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of Nathan Kohl and others, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. EDMONDS: Petition of the Jewelers' Guild of Philadelphia, Pa., favoring passage of the Owen-Goeke bill; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENCH: Petition of sundry citizens of Idaho, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petitions of sundry citizens of Wallace, Idaho, against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Coeur d'Alene, Idaho, favoring House bill 12928, to amend the postal laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Coeur d'Alene, Idaho, against House bill 7826, the Sabbath-observance bill; to the Committee on the District of Columbia.

By Mr. GOODWIN of Arkansas: Petitions of sundry citizens of Amity, Ark., and 107 citizens of Camden, Ark., favoring national prohibition; to the Committee on Rules.

By Mr. GORMAN: Petitions of C. Wolf and 19 others, John Rathman, Frank Kovalesky, Paul Kovalesky, August Klotz, and Theodore Klotz, all of the third congressional district of Illinois, against national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of O. F. Knight and others of Nehalem, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. HINDS: Petition of Charles L. Thomas and 2 others of Harpswell, Cumberland County, Me., protesting against the passage of House joint resolution 168 and Senate joint resolution 88 and Senate joint resolution 50, for national constitutional prohibition amendments; to the Committee on Rules.

Also, petition of First Congregational Church of South Portland and Cape Elizabeth, Me., and 78 citizens of South Portland, Me., favoring national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Aberdeen, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petition of 34 citizens of Castle Rock and 983 citizens of Aberdeen, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. KONOP: Petitions of Thomas Lee, Fred Sasman, and other citizens of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of Charles W. Leveridge (Inc.) and E. W. Rockafellon, of New York, favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of A. F. Motter, of New York; Piel Bros., of Brooklyn, N. Y.; the Italian Chamber of Commerce in New York; the National Association of Retail Grocers in the United States; also Steinbrenner & Mader, H. German, and George Scroll, all in the city of New York, against national prohibition; to the Committee on Rules.

Also, petition of Fred Gernert, of Louisville, Ky., favoring House joint resolution 271, authorizing the President to appoint delegates to the Ninth International Purity Congress; to the Committee on Foreign Affairs.

Also, petitions of 45 voters of the fourteenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of sundry citizens of the second congressional district of Nebraska, against national prohibition; to the Committee on Rules.

Also, petition of the Health Department of East Liverpool, Ohio, favoring Lobeck bill, relative to inspection of meats; to the Committee on Agriculture.

By Mr. McCLELLAN: Memorials of 22 citizens of Narrowsburg; James A. Davis, of Hortonville; 4 citizens of Kinderhook and Hudson; and 30 citizens of Yates County, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of the International Molders' Conference Board, of Chicago, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. MAPES: Petition of the Women's Auxiliary of Grace Church, of Grand Rapids, Mich., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of 54 members of the Second Street Methodist Episcopal Church, of Grand Rapids, Mich., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petitions of H. M. Barber and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Papers relative to impeachment of Alston G. Dayton, judge of the United States District Court for the Northern District of West Virginia; to the Committee on the Judiciary.

By Mr. O'LEARY: Petitions of F. C. Haeriem and other citizens of Evergreen, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of Julius Offenbacher and other citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PLATT: Petitions of 180 citizens of La Grangeville, 200 citizens of Hopewell, and 50 citizens of Highland Falls, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letter from J. C. Van Matre, of Minersville, Cal., favoring the placing of fourth-class postmasters on a

Mr. MANN. I can state it to the gentleman better than to have the amendment reported. The language of the bill is:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated—

I have offered an amendment to make it read:

Authorized and directed to pay out of any reclamation funds in the Treasury—

And I expected to offer an amendment to strike out the words:

Not otherwise appropriated.

Mr. FERRIS. Derived from the Bellefourche project.

Mr. MANN. But the money is not derived from the Bellefourche project. The money is derived from the sale of public lands.

Mr. FERRIS. That is the way they get it, and then that fund is finally reimbursed, when the settlers pay off their mortgages and get their title. If you pay that out of the general fund. I think you will find they will take it either out of the $20,000,000 bonds fund or out of the general reclamation fund. At all events, it will not be taken out of that project.

Mr. MANN. At least, it will be charged to the Reclamation Service in some way.

Mr. FERRIS. That may be, but it will not come back to that fund.

Mr. MANN. It ought to be charged up to the Bellefourche project, unless they have got to the point where they can charge it to private owners.

Mr. FERRIS. I do not think they have reached that blissful state.

Mr. MANN. I take it if they have not, it will be charged as an expense to the Bellefourche project.

Mr. FERRIS. Let us be sure about it. I move to amend the amendment——

Mr. MANN. That will come in later.

Mr. FERRIS. Let the amendment be reported again.

The SPEAKER pro tempore. If there be no objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, after the word "any" insert the word "reclamation."

Mr. MONDELL. Mr. Speaker, I move to amend the amendment offered by the gentleman from Illinois by striking out the words in lines 4 and 5—

Any funds in the Treasury not otherwise appropriated—

And insert in lieu thereof the words—

Out of the reclamation fund, chargeable to the Bellefourche project.

Mr. FERRIS. That will get it.

Mr. MANN. I withdraw my amendment. That is not a substitute, but I am perfectly willing to withdraw my amendment.

The SPEAKER pro tempore. If there be no objection the amendment of the gentleman from Illinois will be withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Wyoming.

The amendment of Mr. MONDELL was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

J. O. MODISETTE.

The next business in order on the Private Calendar was the bill (H. R. 12780) to provide for the payment of the claim of J. O. Modisette for services performed for the Chickasaw Indians of Oklahoma.

The bill was read as follows:

Be it enacted, etc., That the Commissioner of Indian Affairs is hereby authorized to investigate the claim of J. O. Modisette, of Jennings, La., amounting to $270, alleged to be due as tuition for instructing certain Chickasaw pupils, and, in his discretion, to pay such claim wholly or in part from funds on deposit in the Treasury of the United States to the credit of the Chickasaw Nation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

J. H. SCHMIDT.

The next business on the Private Calendar was the bill (H. R. 10875) authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainey Mountain School in Oklahoma.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to pay to J. H. Schmidt, out of any balances of appropriations for the support and civilization of the Apache, Kiowa, and Comanche Indians, for the fiscal year 1911 or 1912, the sum of $75 in full compensation for damage sustained by him through trespass of cattle belonging to the Rainey Mountain Indian School.

With the following committee amendment:

Page 2, line 1, strike out the word "Rainey" and insert in lieu thereof the word "Rainy."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "A bill authorizing the Secretary of the Interior to pay J. H. Schmidt $75 damages for trespass of certain Indian school cattle at Rainy Mountain School in Oklahoma."

IVY L. MERRILL.

The next business in order on the Private Calendar was the bill (H. R. 11384) for the relief of Ivy L. Merrill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States belonging to the Pottawatomie Tribe of Indians in Oklahoma not otherwise appropriated, to Ivy L. Merrill, a quarter-blood Pottawatomie Indian, of Pottawatomie County, Okla., the sum of $1,100, in full compensation for permanent and lasting injuries received, without negligence on her part, while in the employ of the United States Government as a civil-service employee at the Shawnee Indian School in Pottawatomie County, Okla.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, would the gentleman from Oklahoma be satisfied if he could get this woman in so that she could get the benefit of the compensation act and get $500, which would be a little more than she would get under the compensation act and a little more than the department recommended?

Mr. FERRIS. In the first place the Federal Government does not have to pay this. It comes out of the tribal money.

Mr. MANN. That does not appeal to me.

Mr. FERRIS. And in the second place——

Mr. MANN. And in the third place, it is almost 11 o'clock, and I do not wish to take much time on this bill.

Mr. FERRIS. I really think that she ought to have more. This is a pitiable case. The girl is a pitiable sight.

Mr. MANN. And there are a thousand girls throughout the country who are pitiful sights. Mr. Speaker, I object.

FRANK E. EVANS.

The next business in order on the Private Calendar was the bill (H. R. 16514) to transfer Capt. Frank E. Evans from the retired list to the active list of the Marine Corps.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CONSTANTINE MARRAST PERKINS.

The next business in order on the Private Calendar was the bill (S. 5148) for the reinstatement of Lieut. Col. Constantine Marrast Perkins to the active list of the Marine Corps.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

DAVENPORT FEMALE COLLEGE.

The next business in order on the Private Calendar was House resolution 524, referring the bill (H. R. 12070) for the relief of the trustees of the Davenport Female College to the Court of Claims.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

FRANK W. TUCKER.

The next business in order on the Private Calendar was the bill (H. R. 1405) for the relief of Frank W. Tucker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury of the United States, from any money not otherwise appropriated, to Frank W. Tucker, the sum of $95.36, being compensation for loss on May 31, 1902, of his personal effects, baggage, and clothing while en route from Mulanay to Bontoc, Philippine Islands, under military orders, as a corporal in Company K, Second Regiment United States Infantry.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ARMISTEAD RUST.

The next business on the Private Calendar in order was the bill (H. R. 2319) to transfer Capt. Armistead Rust from the retired to the active list of the United States Navy.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY CO.

The next business on the Private Calendar in order was the bill (H. R. 13) for payment to the Chicago, Milwaukee & St. Paul Railway Co. the $4,583.67 improperly collected under the act of August 5, 1909.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Chicago, Milwaukee & St. Paul Railway Co., a corporation organized and existing under the laws of the State of Wisconsin, of Milwaukee, Wis., out of any money in the Treasury not otherwise appropriated, the sum of $4,583.67, the amount of corporation tax improperly collected by the United States under the corporation-tax act of August 5, 1909, for the year ending December 31, 1909.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Chicago, Milwaukee & St. Paul Railway Co., a corporation, the amount of the corporation tax, if any, which has been excessively or improperly collected for the year ending December 31, 1909, by the United States, under the corporation-tax act of August 5, 1909, and the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, is vested with full authority and power to determine the amount, if any, so excessively or improperly collected, notwithstanding the limitation contained in section 3228 of the Revised Statutes of the United States, and for the purpose of carrying into effect this act there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $4,583.67, or so much thereof as may be necessary to pay the amount due such corporation for the excessive tax so collected."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

FRED A. EMERSON.

The next business in order on the Private Calendar was the bill (H. R. 4630) for the relief of Fred A. Emerson.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

ROBERT T. LEGGE.

The next business in order on the Private Calendar was the bill (H. R. 1513) for the relief of Robert T. Legge.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, will not the gentleman withhold his objection for just a short statement from me in regard to this bill?

Mr. MANN. No; I will not withhold the objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

JOHN R. NORRIS.

The next business in order on the Private Calendar was the bill (H. R. 1580) for the relief of John R. Norris.

The Clerk read the bill, as follows:

Be it enacted, etc., That John R. Norris be permitted to make an additional homestead entry for the southeast quarter of the southeast quarter of section 19 the northwest quarter of the northwest quarter of section 29, and the northeast quarter of the northeast quarter of section 30, all in township 161 north of range 33 west, in the State of Minnesota, upon the payment by him, at the time of entry, to the Government for the timber on the said northwest quarter of the northwest quarter at such price as may be fixed therefor by the Secretary of the Interior, in addition to the price of the land and the usual fees and commissions.

The SPEAKER pro tempore. Is there objection?

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to state in regard to this bill that is being considered and in regard to the bill just passed, here was a man who was without money and means, who was in the public service——

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman is not in order.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. RAKER. Mr. Speaker, a man has the right to reserve the right to object.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "southeast quarter of the southeast quarter of section 19, the."

Lines 6 and 7, strike out the words, "and the northeast quarter of the northeast quarter of section 30, all."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

ADJOURNMENT.

Mr. POU. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Saturday, June 13, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Assistant Clerk of the Court of Claims, transmitting findings of fact and conclusions in the case of Esther Emmart v. The United States (H. Doc. No. 1031); to the Committee on War Claims.

2. A letter from the Assistant Clerk of the Court of Claims, transmitting findings of fact and conclusions in French spoliation claims, relating to the vessel *Mary* in the case of Mary E. Moore, administratrix of John Armistead v. The United States, and in other cases (H. Doc. No. 1032); to the Committee on Claims.

3. A letter from the Acting Secretary of Commerce, transmitting draft of a bill to authorize the Secretary of Commerce to make partial payments for work done under public contracts and providing for a lien on account of all payments made (H. Doc. No. 1033); to the Committee on Interstate and Foreign Commerce.

4. A letter from the Secretary of the Treasury, submitting an amendment to the sundry civil appropriation bill to permit the installation of mail-handling devices in the post-office building at Denver, Colo. (H. Doc. No. 1034); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the joint resolution (S. J. Res. 153) authorizing the President to accept an invitation to participate in an international congress on neurology, psychiatry, and psychology, reported the same with amendment accompanied by a report (No. 819), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 152) authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases, reported the same with amendment, accompanied by a report (No. 820), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 151) authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries, reported the same without amendment, accompanied by a report (No. 821), which said joint resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the joint resolution (S. J. Res. 105) authorizing the President to accept an invitation to participate in the Sixth International Dental Congress, reported the same without amendment, accompanied by a report (No. 822), which said joint resolution and report were referred to the House Calendar.

Mr. PARK, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 13311) to cede a certain parcel of land to the county of Fulton, State of Georgia, reported the same with amendment, accompanied by a report (No. 823), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREGG, from the Committee on War Claims, to which was referred the resolution (H. Res. 532) referring certain claims

The Clerk read as follows:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Interior is authorized and directed, in passing upon the proof heretofore submitted, or which may hereafter be submitted, by Rachel E. Dangerfield Boast on her homestead entry covering southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian, to disregard the fact that she has married an unnaturalized foreigner."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

R. G. ARRINGTON.

The next business on the Private Calendar was the bill (H. R. 11840) for the relief of R. G. Arrington.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to cancel the abandoned entry of John P. Adams case, purchase No. 2067, Lawton serial No. 06434, for the southeast quarter of section 2, township 5 south, range 11 west, Guthrie land district, and sell the same to R. G. Arrington, the present occupant of the land, for the appraised price: *Provided*, That the permanent and valuable improvements placed thereon by the said R. G. Arrington are not to be considered in the appraisement, and that the said R. G. Arrington shall have preference right to purchase the same for 90 days from and after the date of notification of the appraised price of the land.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Interior is hereby authorized and directed to cancel the abandoned homestead entry of John P. Adams for the southeast quarter of section 2, township 5 south, range 11 west, Indian meridian, Oklahoma, Guthrie land serial, and for a period of 90 days from and after the passage of this act, sell the same to R. G. Arrington, the present occupant of the land, for the original purchase price of $981.67, and issue a patent to him therefor."

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oklahoma what is the object of this bill? Mr. Adams has lost all his rights, as I understand it, to this piece of property.

Mr. FERRIS. That is true.

Mr. MANN. Why should we give a patent or any other right to a man who has lost his right?

Mr. FERRIS. We do not give him anything. We merely give the man who has lived there for five or six years the right to the option the other man had, but which he failed to exercise.

Mr. MANN. He is not entitled to buy it.

Mr. FERRIS. Who?

Mr. MANN. Arrington.

Mr. FERRIS. No; he can not buy it; there is a dead entry, but if Adams's entry was out of the way he could buy it; and there was an amendment——

Mr. MANN. Adams's entry is out of the way.

Mr. FERRIS. It is not canceled.

Mr. MANN. Why?

Mr. FERRIS. It can not be without this proceeding. It is only 80 acres.

Mr. MANN. The gentleman does not mean to tell me Adams bought land and paid one-fifth cash and agreed to pay the balance within a certain time and never made any other payment——

Mr. FERRIS. That is true.

Mr. MANN. Does the gentleman mean to say under those circumstances Adams has any claim to the land?

Mr. FERRIS. Well, it is a long proceeding to cancel an entry.

Mr. MANN. If it is a long proceeding, I do not think we ought to pass a law authorizing entries hereafter——

Mr. FERRIS. The gentleman knows——

Mr. MANN. If a man can get a contract to purchase one of these pieces of land, and he makes a small payment on it and refuses to do anything else in the future, and thereby cloud the title to the land for years to come, we ought to have some general legislation from some committee curing that defect.

Mr. FERRIS. It is only due to the actual working of the law. The law is all right, but it takes a good deal of work for the local office to send out the inspector, and so forth, and it is only 80 acres of land.

Mr. MANN. This occurred in 1907, and that is seven years ago, and the man who purchased it paid one-fifth of the purchase price, and he paid no further attention to it and never intended to take it.

Mr. FERRIS. Yes; but the corner stones were out and he missed the tract.

Mr. MANN. The report shows he thought he was buying other land than that which he did buy?

Mr. FERRIS. The gentleman is right about that.

Mr. MANN. Then, when he discovered that, he paid no further attention to it, but let the money go. That is seven years ago. Now, is that to be a cloud upon the title that can not be remedied by the department?

Mr. FERRIS. It is like one of those dead railroad-grant surveys, where you have to cancel it. To show the gentleman how true that is I put an amendment on the Indian appropriation bill providing for the sale to the highest bidder of all these remnants of land, giving preference to those persons who occupied them. This poor fellow Arrington lived there five or six years, and the commissioner sent down Judge Whitten to tell this fellow that we can not sell the land, because there is a dead entry——

Mr. MANN. Why did not they cancel it?

Mr. FERRIS. I do not know; they had not the time——

Mr. MANN. The law authorizes it should be canceled. The law and the contract of sale provided that if a man did not comply with his payments he should forfeit what he paid; that was in the original law.

Mr. FERRIS. Well, I can only say——

Mr. MANN. I can not see the sense in asking Congress to take up its time on matters of this sort which the department can correct.

Mr. FERRIS. All right, let us assume that, but what are you going to do with this poor fellow who lived there for five or six years and who made these general improvements?

Mr. MANN. His life could not be used to better purpose than to demonstrate that the red tape of the department ought to be cut.

Mr. MONDELL. The efficiency of the department. Let me make this suggestion to the gentleman from Oklahoma: Does the gentleman think it a good thing to establish precedents of this sort? We have a very great many entries under the reclamation law where some payments have been made. Some of those entries will undoubtedly be lost. Is it going to be necessary to introduce a bill in every one of those cases and have the entry canceled by an act of Congress?

Mr. FERRIS. Not at all. And that is not the real purpose of this bill, as the gentleman knows. It does that, but the real purpose is to give this man relief, who can not get it in any other way, and the only relief we give him is to pay him the purchase price, which is nearly $1,000.

Mr. MONDELL. There can not be any reason on earth why the department can not cancel this entry.

Mr. FERRIS. If it does not give him relief. It would have to be put up under the rules and regulations and again sold, and this man would have no preference over any other man, and they would have to send an appraiser up there and have it reappraised.

Mr. MONDELL. Why did not the committee introduce a bill doing what the committee desires to do—simply to give the man this opportunity to do what he wants to do?

Mr. FERRIS. You can not do it with the entry there. They struck out this entry and did what the commissioner desired to do.

Mr. MONDELL. It strikes me it is establishing a bad precedent.

Mr. FERRIS. It does not. It merely helps out a poor fellow who wants to get the land.

Mr. RAKER. It can not be filed, and requires an act of Congress or some legislation to open up the filing.

Mr. MANN. It can be sold, but probably is worth two or three times the original price for it.

Mr. FERRIS. That land has no great value, because the other man absolutely walked off and left it. Of course it was worth more, because he had plowed it up, but no person ought to take it away from him.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The question is on the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MONDELL. Mr. Speaker, let me call the attention of the gentleman from Oklahoma to the peculiar language of this bill.

Mr. FERRIS. Is the gentleman looking at the amendment or the bill itself?

Mr. MONDELL. The amendment.

Mr. FERRIS. That was drawn by the department, assuming it would do the business.

Mr. MONDELL. I want to ask the gentleman if he understands what it means when it says:

The Secretary of the Interior is hereby authorized and directed to cancel the abandoned homestead entry of John P. Adams for the southeast quarter of section 2, etc., and for a period of 90 days from and after the passage of this act sell the same, etc.

What they mean is that within a period of 90 days or give him an opportunity within a period of 90 days. You do not intend to authorize him to continue to sell it for 90 days to this man?

Mr. FERRIS. I have no pride in the language at all. The man wants to pay the price and get the land.

Mr. MONDELL. In passing a law it is well to use language that is understandable, is it not?

Mr. FERRIS. I think it is pretty plain. If the gentleman wants to offer an amendment to clear it up I have no objection.

Mr. MONDELL. The Secretary of the Interior is authorized to cancel for a period of 90 days and sell. What you want to do is to give this man a preference right to buy.

Mr. FERRIS. If the gentleman wishes to use language there that will accomplish it more effectively, I have no pride about it. I think they will understand what it means. If the gentleman wants to correct it, I have no objection.

Mr. MONDELL. If the word "for" were stricken out and the word "within" inserted, it would express the intent of the act much better than it is expressed now.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. MONDELL. I move to strike out the word "for," in line 9, and insert in lieu thereof the word "within."

Mr. FERRIS. I think that is better, myself.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 9, strike out the word "for" and insert in lieu thereof the word "within."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

E. F. ANDERSON.

The next business in order on the Private Calendar was the bill (H. R. 14404) for the relief of E. F. Anderson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the title of E. F. Anderson in and to the west half of the northwest quarter of section 30, township 15, range 17, Noxubee County, Miss., as assignee of the conveyance of She-uk-oh he, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said E. F. Anderson.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

C. F. JACKSON.

The next business in order on the Private Calendar was the bill (H. R. 14405) for the relief of C. F. Jackson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the title of C. F. Jackson in and to the northwest quarter of section 27, township 15, range 16, Noxubee County, Miss., as assignee of the conveyance by McKee Tolsom, be, and the same is hereby, quieted and confirmed, and patent therefor shall issue to the said C. F. Jackson.

With a committee amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I would like to ask the genial gentleman from Mississippi [Mr. CANDLER] whether this land is located near the Tombigbee?

Mr. CANDLER of Mississippi. It is.

Mr. MANN. It must be very valuable land.

Mr. CANDLER of Mississippi. It is; and it adds very greatly to the prosperity of that country, and that fact makes it all the more necessary that the land should be acquired. [Laughter.]

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, line 6, by striking out the word "Tolsom" and inserting in lieu thereof the word "Folsom."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. LANGLEY. Mr. Speaker, I think this last bill is all right, but I think a mistake was made in passing the preceding bill, H. R. 14404, calendar No. 229. I think there was an error in that, and I ask unanimous consent to return to it for the purpose of correcting the error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky [Mr. LANGLEY]?

Mr. MCKELLAR. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is made. The Clerk will report the next bill.

R. B. WHITACRE & CO.

The next business in order on the Private Calendar was the bill (H. R. 9362) for the relief of R. B. Whitacre & Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to R. B. Whitacre & Co., of St. Paul, Minn., the sum of $942.97, in full payment for 742½ kegs of blasting powder, furnished and delivered by said claimant and used by the United States at and upon the public work at Bellefourche, S. Dak., between the 1st day of February, 1906, and the 4th day of September, 1907, and for which no payment has ever been made.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I move to insert, after the word "any," in line 4, the word "reclamation," so that it will read, "out of any reclamation funds."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois.

The Clerk read as follows:

Page 1, line 4, after the word "any," insert the word "reclamation."

Mr. POU. Mr. Speaker, I would like to inquire why the gentleman wishes to insert that amendment?

Mr. MANN. This is a payment to the persons who furnished the materials on the Bellefourche reclamation project in South Dakota. Now, the reclamation fund is a fund set aside for the purpose of constructing reclamation projects. Is there any reason, when we have something to pay on account of that, that we should pay it out of the general fund instead of out of the reclamation fund, where it is properly charged as an expense of the project?

Mr. FOSTER. It ought to come out of that particular fund.

Mr. FERRIS. Does the gentleman want it to come out of that particular project?

Mr. MANN. It will have to come out of that project. It shows what it is for. It will have to be charged up.

Mr. FERRIS. The point is that these reclamation people, when they have a project, have authority from time to time to make charges. In some of them, where I think they intend to have land estimated to cost about $40, sometimes it gets up to $60 or $70 per acre. This ought not to be added to that project.

Mr. MANN. I think they will do so, but that is not the material matter here.

Mr. FERRIS. It is material to me.

Mr. MANN. So far as this amount is concerned, I do not think it is material. I do not think we ought to commence to pay the expense of these projects out of the general fund when there is a certain fund segregated for that purpose.

Mr. FERRIS. I agree with that, but each project should stand on its own legs.

Mr. MANN. I have no doubt it will be charged up to some project.

Mr. FERRIS. It will not be done unless you say so. They will take it out of the lump sum.

Mr. MANN. They have to take it out of the lump-sum appropriation, because there is no other fund to take it out of; but when they pay it, I take it that it will be charged up to the Bellefourche project.

Mr. FERRIS. I should not believe it would, unless the gentleman said so. Let the amendment be reported again, Mr. Speaker.

Provided, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, after the word "regiment," insert the following:
"*Provided*, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended so as to read: "A bill for the relief of Patrick McGee, alias Patrick Gallagher."

BENJAMIN F. RICHARDSON.

The next business in order on the Private Calendar was the bill (H. R. 9615) correcting the military record of Benjamin F. Richardson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Benjamin F. Richardson, late of Company B, Second Regiment Eastern Shore Maryland Volunteer Infantry, so that the period from June 11, 1862, to January 1, 1864, will form a part of his actual military service.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:
"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin F. Richardson shall hereafter be held and considered to have been in the military service of the United States as a member of Company B, Second Regiment Eastern Shore Maryland Volunteer Infantry, during the period between June 11, 1862, and January 1, 1864."

Mr. McKELLAR. Mr. Speaker, I move to amend the amendment by adding after the word "64," in line 5, page 2, the following:

Provided, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 5, after the word "64," insert the following:
"*Provided*, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended so as to read "A bill for the relief of Benjamin F. Richardson."

ATLANTIC COAST LINE CO.

The next business on the Private Calendar in order was the bill (S. 4053) for the relief of the Atlantic Coast Line Railroad Co.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to state and pay the claim, now barred by the statute of limitations, of the Atlantic Coast Line Railroad Co., as successor to the Savannah, Florida & Western Railway Co., arising out of underpayments for freight shipments by the War Department in 1898 from Columbia, Tenn., to Florida point, in accordance with the decision of the Court of Claims in case No. 29908 in said court; and for the purpose of this act a sufficient sum, not to exceed $400, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated.

With the following committee amendment:

In line 1, page 2, strike out all of said line after the word "act" and substitute in lieu therefor the words "the sum of $292.45 is."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

SPENCER ROBERTS.

The next business on the Private Calendar in order was the bill (H. R. 12844) for the relief of Spencer Roberts, a member of the Metropolitan police force of the District of Columbia.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby authorized and empowered to appoint and promote Spencer Roberts, now a member of the Metropolitan police force of said District in class 2, to the first vacancy that may exist in class 3 of said Metropolitan police force.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I notice the commissioners in reporting on this bill think that it should not be construed to require them to promote Roberts to the first vacancy in class 3. Under the language of the bill, if they did not promote him to the first vacancy, they would not be able to promote him to any vacancy at all. They construe it that they would not be required to promote him to the first vacancy. Does not the gentleman think that, in order to prevent this bill coming before the House again, it having been considered once or twice, that he had better strike out the words "the first" and insert the word "any"?

Mr. O'SHAUNESSY. I see in the concluding paragraph of the report of the commissioners that they do not wish this to be a command to them, but merely a request to do so. I understand that they do not wish to be ordered to do anything, but they wish to be given discretionary power.

Mr. MANN. Suppose they did not promote him to the first vacancy for some very good reason, then they would not promote him at all.

Mr. O'SHAUNESSY. I think the suggestion of the gentleman is a very good one, and I accept it.

Mr. MANN. Mr. Speaker, I move to strike out the words "the first," in line 6, and insert the word "any."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "the first" and insert the word "any."

The SPEAKER pro tempore. The question is on the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question now is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CLIFFORD H. TATE.

The next business on the Private Calendar in order was the joint resolution (H. J. Res. 236) to authorize the appointment of Clifford H. Tate as a cadet in the United States Military Academy.

The Clerk read the House joint resolution.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

ABRAHAM KAUFFMAN.

The next business on the Private Calendar in order was the bill (H. R. 16358) for the relief of Abraham Kauffman.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Abraham Kauffman, late of Company A, Ninety-fourth Regiment Ohio Volunteer Infantry, and Company H, Eighth Regiment Ohio Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States in Company A, Ninety-fourth Regiment Ohio Volunteer Infantry, on or about the 18th day of February, 1863.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McKELLAR. Mr. Speaker, in line 12, page 1, of the bill, I move, after the word "three," to insert the words "*Provided*, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 12, after the word "three," insert the following:
"*Provided*, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

HERMAN REHN.

The next business on the Private Calendar was the bill (H. R. 14687) to appropriate a sum of money to Herman Rehn for injuries sustained while in the employ of the naval authorities of the United States at the Naval Academy, Annapolis, Md.

The Clerk read the bill, as follows:

Whereas Herman Rehn was an employee in the electrical department of the United States Naval Academy, at Annapolis, Md., and while in a battery room removing a carboy filled with sulphuric acid, for which no proper machinery for handling had been provided, said carboy fell and broke and the acid splashed into his eyes, from which he has lost his sight in both eyes without any hope of recovering, the said accident having occurred on the 9th day of January, 1905; and
Whereas the said accident would not have occurred if proper machinery facilities had been provided by the United States naval authorities; and

Whereas, had the accident occurred while in the employ of a private individual or a corporation the said Herman Rehn might have maintained an action against such person or corporation and recovered damages for the injuries sustained by him; and
Whereas a private individual can not maintain an action against the United States for any injury received on account of negligence, but as an equitable consideration it is right and proper that the United States should treat its employees in the same way as if they had been working for private individuals or corporations; Therefore

Be it enacted, etc., That an appropriation of $2,500 be, and the same is hereby, made and appropriated to pay to Herman Rehn, of Anne Arundel County, Md., for permanent injuries sustained while in the employ of the United States naval authorities at the Naval Academy, Annapolis, Md.

SEC. 2. That immediately after the passage of this act the Treasurer of the United States is hereby required to pay the said sum to the said Herman Rehn, residing at Annapolis, Md.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I will ask whoever has charge of the bill whether he is willing to reduce the amount carried by the bill, $2,500, to the amount the man would have received if he were covered in under the Government compensation act, which is about $400? He is not a man who is entitled to the benefit of existing law, but he wants to get in under it.

Mr. EDMONDS. Mr. Speaker, the committee went very thoroughly into this matter of the injury sustained by Mr. Rehn, and finding that he was totally blind from the accident, and that it was occasioned by the authorities not supplying proper facilities for handling the acid that fell, we thought he ought to receive compensation equal to the damage sustained by him. We therefore made the sum $2,500.

Mr. MANN. If he received full damages, he ought to have $25,000. Here is a man that is not covered by the law, but he wants to get the benefit of the law, and wants about six times what the law allows. I object.

ERSKINE R. HAYES.

The next business on the Private Calendar in order was the bill (H. R. 4535) for the relief of Erskine R. Hayes.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CLYDE ODUM.

The next business in order on the Private Calendar was the bill (H. R. 5966) for the relief of Clyde Odum.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde Odum, of Punta Gorda, Fla., the sum of $1,890, the said sum to be in full payment of all claims and demands growing out of or that may result from injuries received by the said Clyde Odum while in the employ of the United States on the dredge *Ajax* in December, 1907.

With the following committee amendments:

Line 6, strike out the figures "$1,890" and insert "$400."
Line 10, after the word "seven," strike out the period and insert in lieu thereof a colon and the following:
"*Provided*, That no sum of money due or to become due to the said Clyde Odum under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable processes whatever, but shall inure to the benefit of the said Clyde Odum."

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

AMANDA HONERT.

The next business in order on the Private Calendar was the bill (H. R. 1089) for the relief of Amanda Honert.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

JOSEPH HUNTER.

The next business in order on the Private Calendar was the bill (H. R. 2344) granting a pension claim to Joseph Hunter.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PORT ANGELES CITY DOCK CO.

The next business in order on the Private Calendar was the bill (H. R. 7049) to reimburse the Port Angeles City Dock Co. for damage done to the dock of that company by the United States revenue-cutter *Snohomish*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of $100 to the Port Angeles City Dock Co., for damage done to the dock of that company in the city of Port Angeles, State of Washington, by the United States revenue-cutter *Snohomish*.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

W. W. WALL.

The next business in order on the Private Calendar was the bill (H. R. 12681) for the relief of W. W. Wall.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to W. W. Wall, of Henry County, Mo., out of any money in the Treasury not otherwise appropriated, the sum of $226.31, being the amount stolen from said Wall while postmaster at Prairie Home, Mo., and thus lost by him without fault on his part, and thereafter by him paid to the Government out of his own funds.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JULIA KLAVINSKI.

The next business in order on the Private Calendar was the bill (H. R. 16065) for the relief of Julia Klavinski.

The Clerk read the bill, as follows:

Be it enacted, etc., That Julia Klavinski, mother of August F. Klavinski, late corporal One hundred and seventieth Company Coast Artillery, shall be regarded as the duly designated beneficiary of the late August F. Klavinski, under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MAJ. GEORGE A. ARMES.

The next business in order on the Private Calendar was the bill (H. R. 17301) authorizing the appointment of Maj. George A. Armes, retired, to the rank and grade of brigadier general on the retired list of the Army without increase of pay.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

CHARLES A. MEYER.

The next business in order on the Private Calendar was the joint resolution (H. J. Res. 237) to authorize the appointment of Charles A. Meyer as a cadet in the United States Military Academy.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

RACHEL E. DANGERFIELD BOAST.

The next business in order on the Private Calendar was the bill (H. R. 16192) to authorize the issuance of patent to Rachel E. Dangerfield Boast for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to cause to be issued to Rachel E. Dangerfield Boast a patent for the southeast quarter of section 21 and the northeast quarter of section 28, township 1 south, range 57 west of the sixth principal meridian.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Colorado what objection there is to the substitute recommended by the department?

Mr. SELDOMRIDGE. There is no objection. The committee has adopted the substitute recommended by the department.

Mr. MANN. There is no such amendment reported in the bill at the Clerk's desk.

Mr. SELDOMRIDGE. Then, Mr. Speaker, I move to strike out all after the enacting clause and insert in lieu thereof the language on page 2 of the report, beginning with the words "That the Secretary," and so forth.

The SPEAKER pro tempore. The Clerk will report the amendment.

Mr. FOSTER. I would suggest to the gentleman from Tennessee that this proviso is not in conformity with the other. Does the gentleman expect to move that no pension shall be allowed prior to the passage of this act?

Mr. McKELLAR. Mr. Speaker, I move to insert after the word "no," page 1, line 10, the words "back pay, bounty, allowance or."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, insert after the word "no," the words "back pay, bounty, allowance or," so that the line will read, "*Provided*, That no back pay, bounty, allowance, or pension shall accrue prior to the passage of this act."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; was read the third time and passed.

The title was amended so as to read, "A bill for the relief of Joseph P. Leiter."

FREDERICK CITY, MD.

The next business in order on the Private Calendar was the bill (H. R. 9628) to refund to the corporate authorities of Frederick City, Md., the sum of $200,000, exacted of them by the Confederate Army under Gen. Jubal Early, June 9, 1864, under penalty of burning said city.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

WILLIAM H. SHANNON.

The next business in order on the Private Calendar was the bill (H. R. 962) for the relief of William H. Shannon.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of William H. Shannon, late of the Seventeenth Battery Indiana Light Artillery, and to grant him an honorable discharge as of the date of May 18, 1865: *Provided*, That no pay, bounty, or allowance shall be allowed by reason of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MONDELL. Mr. Speaker, was it intended that this soldier should not be allowed to draw a pension?

Mr. McKELLAR. Not at all. It is simply intended he should not draw any back pay or pension prior to the passage of the act, or by reason of the passage of the act, which is the same thing.

Mr. MONDELL. Then the language used is unfortunate, because under this language the soldier could never get a pension.

Mr. McKELLAR. The gentleman is entirely mistaken about that. A great number of soldiers have been constantly receiving pensions under wording exactly like this.

Mr. MONDELL. What the gentleman desires to do is to provide that this soldier shall receive no back pay, no bounty, or allowance?

Mr. McKELLAR. By reason of the passage of this act.

Mr. MONDELL. By reason of the passage of this act, and——

Mr. McKELLAR. The only thing he does is to get a pension from now on.

Mr. MONDELL. If he gets a pension at all, he must receive a pension by reason of this act.

Mr. McKELLAR. Of course, but no back allowance.

Mr. MONDELL. That is what the language says. That is not the statement in the bill. That no back pay, no bounty——

Mr. McKELLAR. No back pay, or bounty, or allowance shall be allowed by reason of this act. It is perfectly plain. It has been construed time and again.

Mr. FOSTER. Does not the gentleman want in the words "back pension"?

Mr. McKELLAR. That means exactly the same thing. The Clerk has not read the committee amendment yet.

Mr. FOSTER. I thought it was always in that proviso.

Mr. MONDELL. Formerly the language used in all these cases was uniform. Apparently, the language now varies in every case. What is the reason for that?

Mr. McKELLAR. The gentleman is entirely mistaken about the language all being uniform. Several bills have passed this House and have come back here; have passed the Congress, and the Pension Office has held they were absolutely nugatory. Instead of being uniform they were not uniform at all. But this is a form of bill that has been handed to us by the War Department time and time again.

Mr. MONDELL. Several different forms have been proposed this evening on different bills. Has the committee no uniform language which it adopts?

Mr. McKELLAR. Not absolutely so. It never has been so.

Mr. MONDELL. Formerly the committee did have, I will say to the gentleman. I had the honor of serving on the Committee on Military Affairs for a number of years, and had the honor of reporting a number of bills of this kind. Formerly the language used was uniform, and there is no reason why it should not be so now.

Mr. McKELLAR. That was before I had the honor of serving in the House or on the committee.

Mr. MONDELL. The bills that have been passed upon this evening, some of them, had no provision at all of this sort. Some of them had this provision in one form and some in another. Would it not be better for the committee to adopt uniform language in cases of this kind?

Mr. HAY. I would call the attention of the gentleman from Wyoming to the fact that when he was a member of the committee the form of the bill was entirely different than it is now.

Mr. MONDELL. The gentleman is entirely mistaken.

Mr. HAY. And it was changed to the present form by reason of the fact that the President vetoed the bills on the ground that a record can not be corrected, and it was put in the present form about 1907.

Mr. MONDELL. It is not at all material to anyone, I suppose, whether or not bills of this form were reported while I was a member of the Military Committee, but the fact is that bills of this form were reported while I was a member of the Military Committee, many of them, and in every case a uniform statement was made with regard to back pay and bounty. I am somewhat surprised that the committee has departed from that excellent practice.

Mr. HAY. The committee has not departed from that excellent practice at all.

Mr. MONDELL. Why, in some of the bills that have been presented to-night for our consideration there has been no provision whatever with regard to back pay or bounty.

Mr. HAY. In only one case, and that was an oversight.

Mr. McKELLAR. And that has been amended here to conform to that rule.

Mr. MONDELL. It has been necessary for members of the committee to ask to have bills that have already been passed recalled and reconsidered.

Mr. McKELLAR. Why, of course; that is what we are here for, namely, to get them right and to correct the mistakes.

Mr. MONDELL. Would it not be well to have them right in the first instance?

Mr. McKELLAR. That might be so; but, unlike the gentleman from Wyoming, we are not absolutely perfect. [Laughter.]

Mr. MONDELL. That is unfortunate for the balance of you. [Laughter.]

Mr. McKELLAR. I know it is for us. Still there are some of us who, unfortunate as we are, are satisfied that we are not as the gentleman from Wyoming is. [Laughter.]

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend lines 3 and 4 by striking out the words "That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of" and insert in lieu thereof the words "That in the administration of the pension laws."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend line 7 by striking out the words "and to grant him an honorable discharge" and insert in lieu thereof the words "shall hereafter be held and considered to have been honorably discharged."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, line 10, after the word "no," by striking out the word "back."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOWLER. Mr. Speaker, it appears to me that in line 11, after the word "allowed," if the words "prior to the passage" were inserted and you were to strike out the words "by reason of," in line 11, there would be no ambiguity at all in the bill. The line then would read in this way:

That no back pay or allowance shall be allowed prior to the passage of this act.

Mr. McKELLAR. What bill is that?

Mr. FOWLER. That is H. R. 962, Private Calendar 203. One of the bills just passed contained that language, and it is apparent that if all these limitations are placed in that language there will not be any doubt whatever.

The SPEAKER pro tempore. Does the gentleman present an amendment?

Mr. FOWLER. I offer an amendment to strike out the words "by reason of," in line 11, and insert in lieu thereof the words "prior to the passage of."

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. FOWLER].

The Clerk read as follows:

Amend, line 11, by striking out the words "by reason of" and inserting in lieu thereof the words "prior to the passage of."

Mr. MANN. Mr. Speaker, will my colleague yield?

Mr. FOWLER. Yes.

Mr. MANN. Of course no back pay, bounty, or allowance can be made prior to the passage of this act.

Mr. FOWLER. We have got the word "pension" in there, too.

Mr. MANN. Where you use the words "by reason of this act," you can not hereafter allow back pay or bounty, but if you take the language which my colleague suggests, they might file a claim for bounty or back pay. Of course it would not be allowed until the act passed.

Mr. FOWLER. I do not think anybody could construe this language to mean that at all.

Mr. MANN. I do not know what the Treasury Department or the War Department would do in the way of construing it, but it would be subject to that construction.

Mr. HAY. It is carried in the bill as it was prepared in the War Department.

Mr. MANN. I so understand.

Mr. McKELLAR. I hope the gentleman from Illinois [Mr. FOWLER] will withdraw his amendment and let the bill pass.

Mr. FOWLER. They might construe it that the soldier never would get any pension.

Mr. MANN. They construe it so that he will not receive any back pay or back allowance. The word "back" is not confined in its adjective meaning to pay.

Mr. HAMILTON of Michigan. The department has suggested this language?

Mr. McKELLAR. Yes.

Mr. TAGGART. Is it not a fact that under the present law no claim for bounty can be made since December, 1912?

Mr. MANN. I keep it in mind that bounty will be paid on claims filed since 1912.

Mr. TAGGART. That has not yet become a law.

Mr. FOWLER. Mr. Speaker, if the determination of the language has been perfected by the members of this committee, I do not insist upon my amendment, but I offered it for the purpose of making it sure that the soldier could draw a pension hereafter.

The SPEAKER pro tempore. Does the gentleman withdraw his amendment?

Mr. FOWLER. Yes. I ask unanimous consent to do so.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD WHITESIDE.

The next business in order on the Private Calendar was the bill (H. R. 10271) to remove the charge of desertion from the record of Edward Whiteside.

The bill was read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of Edward Whiteside, late musician, Company C, Fifth Regiment New York Volunteer Infantry, and grant him an honorable discharge.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Edward Whiteside, who was a musician in Company C, Fifth New York Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of said company and regiment on or about the 14th day of May, 1863.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. The proviso that was in the other bill ought to be inserted.

Mr. McKELLAR. Mr. Speaker, I move to amend the amendment by inserting, after the word "sixty-three," on page 2, in line 4, the words:

Provided, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "sixty-three," insert the following: *Provided*, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent, the title of the bill was amended so as to read: "A bill for the relief of Edward Whiteside."

ABRAHAM HOOVER.

The next business in order on the Private Calendar was the bill (H. R. 816) to correct the military record of Abraham Hoover.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Abraham Hoover, late of Company H, Seventh Regiment Pennsylvania Reserve Corps Volunteer Infantry, and grant him an honorable discharge.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Abraham Hoover, who was a private in Company H, Seventh Regiment Pennsylvania Reserve Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private in said company and regiment on or about the 16th day of September, 1863."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McKELLAR. Mr. Speaker, I move to amend the amendment by adding after the word "sixty-three," in line 4, on page 2, the following:

Provided, That no back pay, pension, bounty, or allowance shall be allowed by reason of the passage of this act.

The SPEAKER pro tempore. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 2, line 4, after the word "sixty-three," insert the following: "*Provided*, That no back pay, pension, bounty, or allowance shall be allowed by reason of the passage of this act."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title of the bill was amended so as to read: "A bill for the relief of Abraham Hoover."

PATRICK M'GEE, ALIAS PATRICK GALLAGHER.

The next business in order on the Private Calendar was the bill (H. R. 5474) to correct the military record of Patrick McGee, alias Patrick Gallagher.

The bill was read as follows:

Be it enacted, etc., That in the administration of the pension laws Patrick McGee, alias Patrick Gallagher, who served as a private in Company H, Tenth Regiment Ohio Volunteer Infantry, under the name of Patrick Gallagher, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McKELLAR. Mr. Speaker, I move to amend the bill by adding, after the word "regiment," in line 9 of page 1, the following:

The Clerk read the bill, as follows:

Be it enacted, etc., That John M. Gray shall hereafter be held and considered to have been honorably discharged as a private in Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, and the Secretary of War is hereby authorized to issue to the said John M. Gray a certificate of honorable discharge as of date December 9, 1863.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, John M. Gray, who was a private of Company K, Eighty-sixth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of said company and regiment on the 9th day of December, 1863."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

FRANCIS GRAVES BONHAM.

The next business in order on the Private Calendar was the bill (H. R. 12826) to reinstate Francis Graves Bonham as a cadet at the United States Military Academy.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to reappoint as a cadet at the United States Military Academy, without regard to age or the existence of vacancies, Francis Graves Bonham.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

H. S. HATHAWAY.

The next business in order on the Private Calendar was the bill (H. R. 7205) to correct the military record of H. S. Hathaway.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing admission to soldiers' homes, H. S. Hathaway shall be held and considered to have been mustered into the United States service in December, 1864, as a private in Company F, Fourth Regiment Tennessee Mounted Volunteer Infantry, and to have been honorably discharged at the close of the war: *Provided*, That no pension shall accrue or become payable prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, there does not seem to be very much information in the report upon this bill.

Mr. VAUGHAN. Mr. Speaker, I will say to the gentleman from Illinois that I have with me the report of The Adjutant General, which, if the gentleman will permit me to read, I think will remove all doubt.

Mr. MANN. I hope the gentleman will not take the time to read it now, but I would be very glad to have him state what it is.

Mr. VAUGHAN. Very well. I will insert it as a part of my remarks. On June 27, 1892, Joseph H. Blackburn, aged 50 years, a resident of Dowelltown, Tenn., declared that he was the colonel of the Fourth Regiment Tennessee Mounted Infantry; that he was personally acquainted with H. S. Hathaway, who was a private of Company F of his regiment; that he served 10 months until the regiment was discharged, and did as good service as any member of the company.

Mr. MANN. What does The Adjutant General say about the bill?

Mr. VAUGHAN. He served, but he was not mustered into service.

Mr. MANN. How long did he serve?

Mr. VAUGHAN. Nearly a year. He went into the service on the 1st day of October, 1864.

Mr. LANGLEY. Mr. Speaker, I know of a case where a man served nearly three years and was not mustered in, and I can not get a favorable report on that sort of a case.

Mr. MANN. He probably did not serve.

Mr. LANGLEY. He did serve. The gentleman did not hear my statement.

Mr. MANN. Oh, yes, I did; but the gentleman is not old enough himself to know whether he served or not.

Mr. LANGLEY. And I suppose the gentleman from Illinois is, of course?

Mr. MANN. Yes; I am old enough myself to have served in the war.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. VAUGHAN. Mr. Speaker, I append herewith the report of The Adjutant General:

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
January 26, 1911.

The honorable the SECRETARY OF WAR:

No record has been found of muster into service of a man named H. S. Hathaway as a member of Company F, Fourth Tennessee Mounted Infantry Volunteers, nor has this name been found on any of the rolls of that company.

However, the name Henry S. Hathaway (also borne as H. S. Hathaway), appears on the clothing book of said company with entries to the effect that the man who bore the name was enrolled at Liberty, Tenn., November 1, 1864, and that he drew clothing on January 15 and April 15, 1865.

Applying to this department for recognition as a member of the company and regiment mentioned, H. S. Hathaway, in an affidavit executed before the clerk of the county court of Dekalb County, Tenn., May 2, 1892, testified as follows:

"That on or about the 1st day of October, 1864, he enlisted in the United States service under Capt. William F. Hathaway in Company F, of the Fourth Regiment Tennessee Volunteer Mounted Infantry, and served 10 months, until the regiment was discharged; but he was not discharged or paid for the reason that he was never mustered in; that when the company was being mustered in he was sick when the first squad was mustered and could not go out, and was off on duty when the second squad was mustered, having been equipped and mounted; that he afterwards got them to appoint a day to muster him, and he met Col. Blackburn and Capt. Hathaway, but they refused to muster him, saying that it would be as much trouble to make out the papers for one man as for a company, and that it made no difference anyway; that he makes this statement and furnishes sustaining testimony in order to have himself mustered in and discharged from said service; that his name was called regular with the company and he was recognized as one of the company and done duty in good faith as any other soldier and expected to share alike the dangers and emoluments of war.

"That he was a soldier and thinks he ought to be recognized as such."

W. B. Cosby, aged 44 years, and William M. Moore, aged 48 years, residents of Smithfield, Tenn., in a joint affidavit dated May 2, 1892, made the following statement:

"That they were members of Capt. Bill Hathaway's company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, in the late War of the Rebellion, and were well acquainted with H. S. Hathaway, who done service in the same company and regiment, and they regarded him as a soldier because he was with them all the time, answered regularly at roll call, and done as any of the company for the whole term of service of the regiment.

"That they believe he done as much and as good service as any member of the company. That they believe he ought to be yet mustered in and discharged if he never was, and they have no account of either. That they are not related to H. S. Hathaway and have no interest whatever in this matter."

On June 27, 1892, Joseph H. Blackburn, aged 50 years, a resident of Dowelltown, Tenn., declared as follows:

"That he was colonel of the Fourth Regiment Tennessee Mounted Infantry in the War of the Rebellion. That he was personally acquainted with H. S. Hathaway, who was a private in Company F of his regiment. That he served 10 months, or till the regiment was discharged, and done as good service as any member of said company. That he was never mustered into the service, and consequently never discharged. The reason he was never mustered was because he was not present on any regular muster day, being either sick or off on duty, and partly through neglect of his officers, not thinking it would ever be of use to him; and he was a good soldier without. That he believes him as much entitled to a discharge and the benefits of the pension laws as any member of said regiment."

James Robinson, aged 47 years, a resident of Dowelltown, Tenn., under date of June 28, 1892, testified as follows:

"He was third sergeant, Company F, Fourth Regiment Tennessee Mounted Infantry Volunteers, and knows the claimant served in Company F, Fourth Regiment Tennessee Mounted Infantry, and made a good soldier. Affiant says he has learned claimant was not mustered or discharged, and claimant was never present at the time to be mustered or discharged, as he was out on duty every time when the mustering officer came."

Joseph H. Blackburn was colonel of the Fourth Tennessee Mounted Infantry, and Cosby, Moore, and Robinson served as members thereof.

Application for the recognition of Hathaway as a member of Company F, Fourth Tennessee Mounted Infantry Volunteers, has been denied by this department, and now stands denied, as it has been uniformly held by the War Department that in the absence of record evidence of muster in or service the department can not accept testimony, no matter how strong or direct, as a basis upon which to establish a record of military service. The department is simply the custodian of the records of disbanded volunteer organizations, and if they fail to show that any particular person was in the military service the department has no authority to alter or amend them so as to make them show that such person was in service.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant General.

JAMES H. KELLY.

The next business in order on the Private Calendar was the bill (H. R. 9335) for the relief of James H. Kelly.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws James H. Kelly, late of Company C, Fifth Regiment West Virginia Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said regiment on the 6th day of July, 1864.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MANN. Mr. Speaker, I think it is usual in these bills to put in a provision that no bounty, pay, pension, or other emoluments shall accrue prior to or by reason of the passage of this act.

Mr. HAY. Mr. Speaker, I will say to the gentleman that that is usual. The gentleman from Tennessee [Mr. MCKELLAR], who reported this bill, is generally so careful about that that I supposed it was in the bill. I am sure that he would agree to the amendment, if he were present, and I suggest that the bill be amended as the gentleman from Illinois suggests.

Mr. MANN. I see the gentleman from Tennessee has just come into the Chamber. I will ask him whether or not it is not customary in these bills to insert a provision that no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of the act.

Mr. MCKELLAR. It is. It ought to be inserted in the bill. It is an oversight if it is not. I will offer that as an amendment, and ask the clerk to report it.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 8, after the word "sixty-four," insert the following:

"*Provided*, That other than above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES A. COULSON.

The next business on the Private Calendar was the bill (H. R. 13698) to correct the military record of Charles A. Coulson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Charles A. Coulson, late a member of Company H, Twenty-first Regiment Missouri Volunteer Infantry, upon the muster-in roll of that company and regiment, and that a certificate of honorable discharge be issued to the said Charles A. Coulson, dating from the day said company was mustered out.

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of any laws conferring any rights, privileges, or benefits upon honorably discharged soldiers, Charles A. Coulson shall be held and considered to have been mustered as a private in Company H, Twenty-first Regiment Missouri Volunteer Infantry, on February 28, 1862, and to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 1st day of October, 1862: *Provided*, That other than above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee informs me that the back-pay provision ought to be a little different from what it was agreed to in the former bill. What the Clerk read, the amendment which was agreed to, was taken out of this bill, and probably this ought to be changed, too, while it is under consideration. This reads "that other than above set forth, no bounty, pay, pension, or other emoluments shall accrue prior to or by reason of the passage of this act." I think the language probably should be "that other than above set forth, no back pay, bounty, pension, or other emoluments."

Mr. MCKELLAR. No; the word "pension" ought to be left out. The proper wording of it is, "provided that no back pay, bounty, or allowance shall be allowed by reason of this act."

Mr. MANN. That is right. I move to amend the amendment to this bill by striking out "bounty, pay" and insert "back pay, bounty."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment, page 2, line 8, by striking out the words "bounty, pay" and insert the words "back pay, bounty," so as the line as amended will read: "*Provided*, That other than above set forth no back pay, bounty, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES P. KELLY.

Mr. MCKELLAR. Mr. Speaker, I ask unanimous consent to return to bill (H. R. 9335) for the relief of James H. Kelly.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to return to a former bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MCKELLAR. Now, Mr. Speaker, I move to strike out the proviso in the bill and insert the following:

Provided, That no back pay, bounty, pension, or allowance shall be allowed by reason of this act.

Mr. MANN. Mr. Speaker, the gentleman will have to ask unanimous consent to vacate the proceedings by which the amendment was agreed to and the bill passed.

Mr. MCKELLAR. Mr. Speaker, I expect that would be the proper way.

Mr. LANGLEY. Does not that deprive him of any pension at all.

Mr. MCKELLAR. No; it does not.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to vacate the proceedings by which the bill was passed. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting, page 1, line 8, after the word "sixty-four," the following words: "*Provided*, That no back pay, bounty, pension, or allowance shall accrue prior to or by reason of the passage of this act."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

THOMAS S. JOHNSON.

The next business on the Private Calendar was the bill (H. R. 9703) for the relief of Thomas S. Johnson.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Thomas S. Johnson, of Beaver Dam, Wis., late chaplain One hundred and twenty-seventh Regiment United States Colored Volunteer Infantry, the pay and allowances of a chaplain of Infantry from November 4 to December 14, 1864, not to exceed $200.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LEGAL REPRESENTATIVES OF SARAH J. MONTGOMERY, DECEASED.

The next business on the Private Calendar was the bill (H. R. 14479) for the relief of the legal representatives of Sarah J. Montgomery, deceased.

Mr. MANN. Mr. Speaker, I object.

NELSON D. DILLON, EXECUTOR.

The next business on the Private Calendar was the bill (H. R. 4248) for the relief of Nelson D. Dillon, executor of Harriet A. Dillon, deceased, widow of Robert Dillon, deceased.

Mr. MANN. Mr. Speaker, I object.

JOSHUA NICHOLLS.

The next business on the Private Calendar was the resolution (H. Res. 498) for the relief of the heirs of Joshua Nicholls.

Mr. MANN. Mr. Speaker, I object.

JOSEPH P. LEITER.

The next business on the Private Calendar was the bill (H. R. 10719) to remove the charge of desertion from the military record of Joseph P. Leiter.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Joseph P. Leiter shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a musician of Company A, Fifteenth Regiment Ohio Volunteer Infantry, on the 23d day of January, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The next business on the Private Calendar was the bill (H. R. 13950) for the relief of Ella Slone.

There was no objection.

H. R. DRAKE.

The next business in order on the Private Calendar was the bill (H. R. 14925) for the retirement of H. R. Drake.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to promote H. R. Drake, formerly a sergeant in Troop A, Fifth Regiment United States Cavalry, to master signal electrician, and to place him on the retired list of the Army with full pay and allowance of said rank.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

OSCAR FROMMEL & BRO.

The next business in order on the Private Calendar was the bill (H. R. 1625) for the relief of Oscar Frommel & Bro.

The title of the bill was read.

Mr. MANN. I object, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

ATLANTIC CANNING CO.

The next business in order on the Private Calendar was the bill (H. R. 5195) for the relief of the Atlantic Canning Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, to the Atlantic Canning Co., of Atlantic, Iowa, the sum of $522.90, being the amount paid into the Treasury of the United States from the sale of 408 cases of canned corn sold under the decree of the United States court for the district of Colorado on the 28th day of August, 1912, in the matter of The United States against Five Hundred and Seventeen Cases of Canned Corn, libel No. 5973, which said decree was afterwards, and on the 30th day of October, 1912, by a subsequent decree rendered by said court, vacated and set aside.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I move to strike out the last word. I notice in the report in this case that the chairman of the Committee on Claims wrote this letter to the Secretary of the Treasury:

MARCH 31, 1914.

THE SECRETARY OF THE TREASURY,
Washington, D. C.

DEAR SIR: The Committee on Claims has agreed to a favorable report on H. R. 5195, for the relief of the Atlantic Canning Co., but before placing the same upon the calendar the committee kindly asks your opinion as to the merits of this case.

Yours, very truly,

E. W. POU, *Chairman.*

Now, I wondered whether it was the habit of the committee, when it was referring a bill to a proper department for a report upon it, to inform the department that they had already, without knowledge, agreed upon a favorable report upon it, but would like to have some communication that they could stick in the record to show that they had had a report from the department. I take it that that is not the usual practice of the committee, however.

Mr. POU. I will say to the gentleman from Illinois, Mr. Speaker, that this was in pursuance of the policy of the committee, to ask for the advice of the department on every bill with which a department is connected. That is the reason.

Mr. MANN. What value is it to refer a bill to a department for a report as to the facts and any recommendation that the department chooses to make when you inform the department, to begin with, that you have already ordered the bill to be favorably reported?

Mr. POU. It would be of no value at all. The only reason why any letter was addressed to the department was that it was believed that some gentleman might desire to know what the attitude of the department was, and we wanted to give them the fullest possible information.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

JOEL J. PARKER.

The next business in order on the Private Calendar was the bill (S. 2226) for the relief of Joel J. Parker.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joel J. Parker, or his legal representatives, the sum of $400, as full compensation for permanent injuries received by the said Parker on the 24th day of July, 1909, at Fort Lawton, Wash., while in the performance of his duties as an employee of the United States transport service.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

JACOB WIRTH.

The next business in order on the Private Calendar was the bill (S. 2069) for the reimbursement of Jacob Wirth for two horses lost while hired by the United States Geological Survey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Jacob Wirth, of Poplar, Mont., the sum of $180, in compensation for two horses lost while hired by the United States Geological Survey.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

M'CLINTIC-MARSHALL CONSTRUCTION CO.

The next business in order on the Private Calendar was the bill (S. 5147) to authorize and direct Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, to investigate certain claims of the McClintic-Marshall Construction Co.

The bill was read, as follows:

Be it enacted, etc., That Col. George W. Goethals, governor of the Canal Zone, and formerly chairman and chief engineer of the Isthmian Canal Commission, is hereby authorized and directed to investigate the claims of the McClintic-Marshall Construction Co., a corporation of the State of Pennsylvania, having its principal office in the city of Pittsburgh, in said State, and to ascertain what amount, if any, is in justice, equity, and fairness due and owing to the said McClintic-Marshall Construction Co. from the Isthmian Canal Commission for work and labor done and materials furnished in connection with the construction and erection of lock gates and appurtenances for the Panama Canal, and in connection with or incidental to the doing of the work and furnishing of the materials provided for in a certain contract between the Isthmian Canal Commission and said McClintic-Marshall Construction Co., dated June 21, 1910, including the extra expense and cost resulting from the work being of an unprecedented nature and performed under conditions not known to either party at the time of the making of the contract and specifications, which caused delays and compelled the work to be done by the contractor under requirements as to character and finish not fairly within the meaning of the specifications, and under necessity for rapid completion without allowance of adequate additional time.

The said Col. George W. Goethals, governor of the Canal Zone, is further authorized and empowered, either personally or through such commission as he may appoint, to investigate such claims and the various items thereof in such manner as to him may seem best, and to adjudicate the same, and either personally or through such commission is hereby empowered to administer oaths and affirmations to witnesses, and to issue subpœnas and to compel the attendance of witnesses. He shall report in detail to the Congress of the United States his finding as to the amount, if any, due under the provisions of this act to the said McClintic-Marshall Construction Co.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman from Pennsylvania [Mr. EDMONDS] a question. This bill as it stands seems to permit the Government on the one side to grant relief by this language:

Including the extra expense and cost resulting from the work being of an unprecedented nature and performed under conditions not known to either party at the time of the making of the contract and specifications, which caused delays and compelled the work to be done by the contractor under requirements as to character and finish not fairly within the meaning of the specifications, and under necessity for rapid completion without allowance of adequate additional time.

And the bill also authorizes Col. Goethals to adjudicate the case under certain conditions. I should like to ask the gentleman if he is willing to amend the bill so as to cut that out?

Mr. EDMONDS. Mr. Speaker, I have three amendments here which are accepted by the committee, and which will cover the point made by the gentleman from Illinois.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read as follows:

On page 2, line 8, strike out the words "including the extra expense" and strike out lines 9 to 16, inclusive, and insert in lieu thereof the following:

"Taking into consideration the claim of the contractors that the work was done under requirements as to character and finish not fairly within the meaning of the specifications."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the second amendment.

The Clerk read as follows:

Page 2, line 21, strike out the words "and to adjudicate," and in line 22 strike out the words "the same."

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment.

The Clerk read as follows:

Page 3, strike out all after the word "finding," in line 1.

The amendment was agreed to.

Mr. MANN. That word "finding," in line 1, page 3, should be "findings."

Mr EDMONDS. Mr. Speaker, I move to change the word "finding," in line 1, page 3, to "findings."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 1, strike out the word "finding" and insert the word "findings."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

DANIEL HAMPTON.

The next business in order on the Private Calendar was the bill (S. 55) for the relief of Daniel Hampton.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Daniel Hampton, who was a member of Company D, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and of Company G, Twenty-fourth Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of the last-named organization on the 14th day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JAMES W. M'GREEVEY.

The next bill in order on the Private Calendar was the bill (H. R. 12909) to correct the military record of James W. McGreevey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the record of James W. McGreevey, of Company A, Second Regiment United States Veteran Volunteers (Hancock's corps), and to issue to the said James McGreevey or his heirs an honorable discharge from said service as of June 12, 1865, in recognition of his previous faithful service of 13 years in the Marine Corps before the Civil War and of three years and three months in the Volunteer Army of the United States States during the Civil War.

The following committee amendment was read:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James W. McGreevey, who was a musician in Company A, Second United States Veteran Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a musician of said company and regiment on the 2d day of July, 1865."

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

LUKE RATTIGAN.

The next bill in order on the Private Calendar was the bill (H. R. 1186) for the relief of Luke Rattigan.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. I object.

M. C. BURKE.

The next business in order on the Private Calendar was the bill (H. R. 57) making an appropriation to M. C. Burke for tax liens held by him on property acquired by the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to M. C. Burke, the sum of $732.51, with interest thereon at the rate of 6 per cent per annum from the 17th day of May, 1904, for taxes due and unpaid, for which said M. C. Burke holds tax liens on lots Nos. 1, 2, 3, 4, 5, and 6, in block No. 143, West Superior, fourth division, in the city of Superior, Douglas County, Wis., which said property is now owned by the United States, and upon which said tax liens were outstanding when it acquired the same.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Wisconsin if he is willing to strike out the language in lines 6, 7, and 8, "with interest thereon at the rate of 6 per cent per annum from the 17th day of May, 1904"?

Mr. LENROOT. Well, rather than not get relief at all, I would; but under the law of Wisconsin this party is entitled to 15 per cent.

Mr. MANN. I am willing he should sue for it.

Mr. LENROOT. But he can not sue for it.

Mr. MANN. No; the Government has the property, and anything it pays is in the nature of a gratuity.

Mr. LENROOT. The man that has this claim did the work of paving in front of this property. It is not the ordinary claim where a man went into it on speculation. He is equitably entitled to interest.

Mr. MANN. I think he is equitably entitled to what he can get under the process of law.

Mr. LENROOT. He was a contractor.

Mr. MANN. But he has his tax claims.

Mr. LENROOT. Yes; but it represents this man's own work. I think the gentleman from Illinois ought to see the distinction. If he was a speculator——

Mr. MANN. If he was a speculator, I would object to the bill. I do not think we ought to pay interest on it.

Mr. LENROOT. I suggest to the gentleman that we give him 4 per cent interest.

Mr. MANN. No; there is no proper claim here for interest.

Mr. LENROOT. Under the circumstances, Mr. Speaker, I am constrained to accept an amendment striking out the provision for interest.

Mr. MANN. Mr. Speaker, I move to amend, in lines 6, 7, and 8, by striking out the language "with interest thereon at the rate of 6 per cent per annum from the 17th day of May, 1904."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 6, 7, and 8, strike out the following language: "with interest thereon at the rate of 6 per cent per annum from the 17th day of May, 1904."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN BRODIE.

The next business in order on the Private Calendar was the bill (H. R. 1182) for the relief of John Brodie.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Brodie, of San Francisco, Cal., the sum of $5,000 on account of personal injuries received by him through the explosion of a box of percussion caps while loading the United States Army transport *Sherman* in San Francisco Harbor on the 22d day of September, 1909.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the following committee amendment:

Strike out, in line 5, figures "$5,000" and insert in lieu thereof the figures "$1,000"; and in line 10, after the word "ninety-nine," insert the following:

"*Provided*, That no sum of money due or to become due to the said John Brodie under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable processes whatever, but shall inure to the benefit of the said John Brodie."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN M. GRAY.

The next business in order on the Private Calendar was the bill (H. R. 9270) to correct the military record of John M. Gray.

to passing a bill of this character by unanimous consent.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. GARRETT of Texas. Mr. Speaker, I want to ask the pardon of the House for making a suggestion. We have some bills here, many of us, far down on the calendar. Gentlemen who have their minds made up know whether or not they are going to object to certain bills being considered. I believe it would be nothing but fair and right for a Member to make his objection at once, without argument on the merits of the bill. If they are going to be objected to in the end, object to them in the beginning, so that we can get through and let us see who is going to fall by the wayside.

Mr. MANN. If the gentleman will pardon me, I objected to this bill at first, but the gentleman from New York asked me to reserve my objection, and I shall continue to do that unless some brave man of the House asks for the regular order, which is within the province of any gentleman.

Mr. GARRETT of Texas. The point I am making is that I do not see any great deal of generosity in reserving an objection which you expect to make in the end and killing the time.

Mr. POU. This evening session of the House was agreed to for the purpose of passing bills about which there was no debate and to which there was no objection. There will be opportunity at this session to discuss these matters. The mere fact that a bill is objected to does not mean that it is not going to pass. It merely means that we do not take time to consider it.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. POU. Certainly.

Mr. GOLDFOGLE. Is it not a fact that throughout this entire Congress no claim bills have had consideration except those not objected to?

Mr. POU. Up to this time that is true, but we are hoping to get time in the future.

LEON GREENBAUM.

The next bill on the Private Calendar was the bill (H. R. 10168) for the relief of Leon Greenbaum.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $1,750 to Leon Greenbaum, of New York City, N. Y., to compensate him in full for all claims he may have against the United States arising out of injuries received by him while in the Government employ in the Brooklyn Navy Yard, Brooklyn, N. Y., in April, 1911.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the committee amendment, as follows:

In line 4 strike out the figures 5,000 and insert in lieu thereof the figures 1,750.

Mr. POU. Mr. Speaker, by direction of the committee, I offer this amendment to the amendment, that the figures 1,750 be changed to $2,500. This man lost both legs, and the committee felt that $1,750 was too small an amount.

Mr. MANN. I hope the gentleman will not insist on that amendment. In the first place, there is no report from the Navy Department on the bill. In the second place, if the man had been entitled to anything under the compensation law he would not have received as much as $1,750.

Mr. POU. Mr. Speaker, I withdraw the amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

CYNTHA RAMEY.

The next business on the Private Calendar was the bill (H. R. 14699) for the relief of Cyntha Ramey.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cyntha Ramey, of Praise, Pike County, Ky., widow of Marion Ramey, who, while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M. Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, the sum of $5,000, on account of the murder of her said husband.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 1, line 11, strike out the figures "$5,000" and insert "$1,000."

The question was taken and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ELLA SLONE.

The next business on the Private Calendar was the bill (H. R. 13950) for the relief of Ella Slone.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella Slone, of Pikeville, Pike County, Ky., widow of John Slone, who, while in the discharge of his duties as a posseman, having been duly summoned by and acting with J. M. Potter, a deputy United States marshal, was murdered on April 4, 1913, by violators of the United States internal-revenue laws, the sum of $5,000, on account of the murder of her said husband.

The committee amendment was read, as follows:

Page 2, line 2, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ARTHUR E. RUMP.

The next business on the Private Calendar was the bill (H. R. 6669) for the relief of Arthur E Rump.

The Clerk read as follows:

Be it enacted, etc., That there be paid, out of any money in the Treasury not otherwise appropriated, the sum of $10,000 to Arthur E. Rump, of St. Louis, Mo., to compensate him in full for all claims he may have against the United States arising out of injuries received by him while in the Government employ in the United States post office at St. Louis, Mo., in May, 1902.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was read, as follows:

Page 1, line 4, strike out "$10,000" and insert "$2,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EMILY J. BYRD.

The next business on the Private Calendar was the bill (H. R. 14167) for the relief of Emily J. Byrd.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Emily J. Byrd, of Campton, Wolfe County, Ky., widow of William A. Byrd, the sum of $10,000 on account of the murder of her said husband while in the discharge of his duty as deputy United States marshal for the eastern district of Kentucky.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GOLDFOGLE. Mr. Speaker, I would like to have a fuller explanation of the bill than is afforded by the bill itself.

Mr. POU. Mr. Speaker, I will say to the gentleman from New York that this bill is one of two or three bills which were introduced to compensate the widows of certain men who were murdered while having been summoned to execute the United States internal-revenue laws. These men were killed——

Mr. GOLDFOGLE. What is the amount to be awarded by this bill?

Mr. POU. One thousand dollars.

Mr. LANGLEY. It is the amount which has been allowed in similar cases by the committee.

Mr. POU. There were three men killed, and we have allowed them $1,000 apiece.

Mr. GOLDFOGLE. I never can resist my friend LANGLEY.

The committee amendment was read, as follows:

Page 1, line 7, strike out the figures "$10,000" and insert "$1,000."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARY ABEL.

The next business on the Private Calendar was the bill (H. R. 5079) for the relief of Mary Abel.

The bill and committee amendment were read in full.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. GOLDFOGLE. Mr. Speaker, I object.

Mr. VOLLMER. Will the gentleman withhold his objection?

Mr. GOLDFOGLE. I will withhold it at the request of the gentleman.

Mr. VOLLMER. At our last night session a bill was passed by this House for the relief of the heirs of the only other party who was killed by the falling of this elevator, Mr O'Toole. This lady, Mary Abel, is the mother and sole heir of the young man who was killed by the falling of the elevator, without any negligence contributing to the injury on his part at all, but it was solely by reason of the defectiveness of this elevator at the Government arsenal, Illinois. Now, the amount has been reduced by the committee from $5,000 to $1,000. This old woman

earns her living by manual toil, and I do hope that the gentleman will not insist upon his objection in such a case as this.

Mr. GOLDFOGLE. Mr. Speaker, the difficulty is that this Congress has been proceeding along these lines: If a bill had merit to it and some one saw fit to object to the bill, that was the end of it. So favorites were being played in this House. And I observed, without now criticizing any gentleman in particular, that certain bills were enabled to escape the objection if they came from the other side of the Chamber. Now, I want to be more fair. I want this House to squarely consider claims bills just as well as they consider any other kind of bills. When a party comes forward and has a claim that is favorably reported by the Committee on Claims, who give careful attention to the facts always, then I would have this House consider the bill upon its merits. There is no earthly reason why a bill when it comes from the Committee on Claims with a unanimous report in its favor should, because of caprice on the part of a single Member, be objected to and other bills allowed to slip through. There is injustice somewhere. Now, I think fairness requires that this House shall consider bills upon their merits, that we should vote upon them, and that the majority vote of the House should control. I object to the bill.

The SPEAKER pro tempore. The gentleman from New York objects. The Clerk will report the next bill.

CHARLES L. HILL.

The next business in order on the Private Calendar was the bill (H. R. 7327) for the relief of Charles L. Hill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allow Charles L. Hill to enter, under the homestead laws, and subject to the terms, conditions, and limitations of the reclamation act and acts amendatory thereof, lot 1 of section 5, township 22 south, range 1 east, and lots 5, 6, 8, and 9 of section 32, township 21 south, range 1 east, Las Cruces, N. Mex., land district: *Provided*, That the entry and patent therefor shall expressly reserve to the United States or its successors the right to take or use, without compensation to entryman, patentee, or his assignees, any or all of the said lands which may be actually needed for or in connection with the construction, maintenance, and operation of the Rio Grande reclamation project.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 12, strike out the words "or its successors."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

NATHANIEL F. CHEAIRS.

The next business in order on the Private Calendar was the bill (H. R. 8296) for the relief of Nathaniel F. Cheairs.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. I object.

Mr. PADGETT. Mr. Speaker, I want to ask the gentleman if I can prevail upon him not to object?

Mr. MANN. Well, this involves a new principle, and I think the House ought to have a chance to consider it.

Mr. PADGETT. It is a very meritorious case.

Mr. MANN. It involves an absolute departure from the previous policy of Congress in reference to such bills.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANCES L. SNELL.

The next business in order on the Private Calendar was the bill (H. R. 15681) for the relief of Frances L. Snell.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS R. MASON.

The next business in order on the Private Calendar was the bill (H. R. 3278) for the relief of Thomas R. Mason.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury of the United States is hereby authorized and directed to pay to Thomas R. Mason, of Dexter, Mo., the sum of $169.45 for services in carrying the mail on route No. 9683, in Kentucky, from January 1, 1861, to June 30, 1861.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 5, strike out the figures "$169.45" and insert in lieu thereof the figures "$128.24."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, line 8, strike out the words "June 30" and insert in lieu thereof the words "May 31."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

MARY ABEL.

Mr. VOLLMER. Mr. Speaker, I ask unanimous consent to go back to the bill No. 164 on the Private Calendar, which is H. R. 5079, for the relief of Mary Abel. The gentleman from New York [Mr. GOLDFOGLE] has agreed to withdraw his objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mary Abel, mother of August Abel, who was fatally injured by reason of a defective elevator while engaged in the employment of the United States Government at Rock Island Arsenal, in the State of Illinois, on the 24th day of February, 1912, and died the following day on account of said injury, the sum of $5,000.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 11, strike out the figures "$5,000" and insert in lieu thereof the figures "$1,000."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out in line 10 the word "twelve" and insert the word "five." It is an error in the bill.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 10, strike out the word "twelve" and insert in lieu thereof the word "five."

Mr. TAGGART. Then how will it read?

The SPEAKER pro tempore. The Clerk will report the line as it will read when amended.

The Clerk read as follows:

On the twenty-fourth day of February, nineteen hundred and five.

Mr. MANN. The accident occurred in 1905, and the bill reads as if it occurred in 1912.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

CHARLES C. CROWELL.

The next business in order on the Private Calendar was the bill (S. 2590) to reimburse Charles C. Crowell for two months' extra pay in lieu of traveling expenses.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the sum of $36, to reimburse Charles C. Crowell, late sergeant, Company B, Thirty-fifth Regiment United States Infantry, for two months' extra pay in lieu of traveling expenses.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

MARY WELCH.

The next business in order on the Private Calendar was the bill (H. R. 12623) for the relief of Mary Welch.

The bill was read.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

JOHN Q. ADAMS.

The next business in order on the Private Calendar was the bill (S. 2576) for the relief of John Q. Adams.

The Clerk read the bill, as follows:

Be it enacted, etc., That the homestead entry of John Q. Adams, made June 23, 1909, for farm unit A on the Belfefourche reclamation project, South Dakota, under the act of June 17, 1902, for lots 1 and 2, section 2, township 9 north, range 4 east, Black Hills meridian, be, and the same is hereby, validated, subject to future compliance with the law.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next bill.

BAYARD T. GARRABRANT.

The next business in order on the Private Calendar was the bill (H. R. 9975) for the relief of Bayard T. Garrabrant.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $828.50 to Bayard T. Garrabrant, formerly first lieutenant in Company K, Second Regiment New Jersey Volunteer Infantry, to reimburse him for the same amount expended by him in payment for necessary care, medicines, and nourishment furnished him during his illness of typhoid fever, contracted at Jacksonville, Fla., while on detail duty, by Special Order No. 123, with said regiment in the year 1898, together with interest on said amount from the 1st day of January, 1898.

With committee amendments.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the figures "$828.50" and inserting in lieu thereof "$403."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, lines 2 and 3, strike out the words "together with interest on said amount from the 1st day of January, 1898."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

TRANQUILINO LUNA.

The next business in order on the Private Calendar was the bill (H. R. 5991) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FOSTER. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] objects. The Clerk will report the next one.

BERNARD CITROEN.

The next business in order on the Private Calendar was the bill H. R. 4310, concerning certain moneys collected from Bernard Citroen as customs duties and declared by the United States Supreme Court to have been illegally exacted.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. GOLDFOGLE. Mr. Speaker, will the gentleman from Illinois withhold his objection for a while?

Mr. MANN. Yes; I suggest, however, that the bill better be read.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read as follows:

Whereas Bernard Citroen, on the 6th day of April, 1907, deposited with the collector of customs at the port of New York, under protest, the sum of $110,335 to secure a release to him of certain pearls imported by him on June 11, 1906, and on which pearls he already had paid duty to said collector at the rate of 10 per cent ad valorem under a classification made by the said collector of customs, but which classification was subsequently, on or about the 28th day of June, 1906, changed by the said collector and the duty exacted thereon increased from 10 per cent to 60 per cent ad valorem; and

Whereas the Board of General Appraisers at the port of New York did, on the 14th day of June, 1907, sustain the importer's protest and reversed the collector and classified and assessed for duty said pearls at 10 per cent ad valorem instead of 60 per cent, as exacted and obtained from said importer by said collector; and

Whereas the decision of the Board of General Appraisers was, on or about the 13th day of July, 1908, reversed by the United States circuit court in and for the second circuit, but on appeal to the United States circuit court of appeals in and for the second circuit, and on or about the 22d day of January, 1909, the decision of the said Board of General Appraisers was affirmed and the decision of the said circuit court was reversed; and

Whereas the said decision of the said circuit court of appeals in and for the second circuit was affirmed at the October, 1911, term of the Supreme Court of the United States; and

Whereas the said Bernard Citroen had to pay interest on and lost the use of said sum of $110,335 for and during the period it was detained from him, against his protest, by the said collector from the 6th day of April, 1907, to the 6th day of April, 1912: Therefore

Be it enacted, etc., That the Secretary of the Treasury pay to Bernard Citroen, or his assigns, out of any money in the Treasury not otherwise appropriated, interest on said sum of $110,335 from the 6th day of April, 1907, to the 6th day of April, 1912, at the rate of 6 per cent per annum; and the payment of said interest shall be, and hereby is, declared to be in full settlement and discharge of all claims of said Bernard Citroen against the United States because of the withholding of said money.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. GOLDFOGLE. Mr. Speaker, the facts as they are recited in the bill are conceded by the Government. There is no question of fact in the matter. They may be briefly stated, and, lest from the reading of the bill some of the facts may have escaped the observation of the committee, I will allow myself at this moment to state the facts involved briefly.

Citroen is an importer. The firm is made up of citizens of the United States. Before the firm brought the pearls in question into this country they went to the collector of the port of New York and inquired what in the judgment of the collector would be the dutiable rate upon those pearls, or, in other words, under what classification of the then tariff the pearls would be entered. The collector said they were classified at 10 per cent, and upon that statement the price was fixed between the purchaser and the importer. The importer ascertained the price abroad, as stated in the bill—$223,000—and added to that the duty at the rate of 10 per cent, and then added to that his contemplated profit, and probably his insurance, and that, with perhaps some incidental charges, aggregated the purchase price agreed upon between the customer here and the importer. The pearls came in and 10 per cent was paid and accepted by the collector. They were then delivered to the customer by the importer, and the customer, as I understand, wore the pearls for some little time. The customer was then called upon by one of the customs officers, who informed her that he had been directed by the collector to take those pearls to the appraiser's office, inasmuch as it was then claimed by the collector that the pearls should have been classified at the rate of 60 per cent. The additional 50 per cent was demanded from the importer. The importer at first refused to pay that additional 50 per cent. Thereupon the importer was threatened with prosecution. It was claimed by the customs officers that unless additional 50 per cent, amounting to one hundred and ten thousand two hundred and odd dollars, was paid the pearls would be formally seized and prosecution begun in the Federal court

The attention of the collector of the port was called to the fact that the 10 per cent had been originally fixed by him as the proper rate, and also to the fact that the 10 per cent had been paid and had been accepted. The customs officers would listen to nothing except that they wanted the $110,200 laid down in cash. They refused to accept a bond; they declined to accept any security for the money. Then the importers were compelled to raise the $110,200, and, having raised it at interest, paid it over to the collector under protest. An appeal was then taken by the importer to the Board of General Appraisers and that board reversed the action of the collector and decided in

favor of the importer. The Government still insisted that it was right in its demand for the additional 50 per cent, and took an appeal to the circuit court of the United States. The importer then asked to have the $110,200 and odd returned to him upon his giving adequate security. He stood ready to give any kind of security—surety bond, bonds of real-estate owners, bonds of business men, any kind of security—that should have been acceptable to the Government, yet the Treasury Department and the customs officers combined refused to take security and kept that large sum of money locked up in the Treasury. The appeal went on. A single judge sitting in the circuit court differed with the Board of General Appraisers and an appeal was then taken by the importers to the circuit court of appeals, where, after argument, and after considerable delay, that court reversed the action of the single judge and affirmed the judgment of the Board of General Appraisers.

That should have been the end of it for two reasons, first, because the court had unanimously determined that the 50 per cent exaction was unwarranted and unjustified; and, second, because there was ample judicial authority for holding, before ever the circuit court of appeals made the ruling in the Citroen case, that the amount should not have been exacted.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. GOLDFOGLE. With pleasure; but I prefer to have the gentleman allow me to complete the statement.

Mr. MANN. I think it is hardly fair to the other bills on the calendar to go very far into it, and I would first like to ask the gentleman a question.

Mr. GOLDFOGLE. Certainly.

Mr. MANN. As I understand the bill, it is for the payment of interest at 6 per cent on money which was deposited at the demand of the customs officers under protest, and it was paid under protest. That is the case, is it not?

Mr. GOLDFOGLE. I understand this bill is for the payment of damages.

Mr. MANN. For the payment of interest.

Mr. GOLDFOGLE. Yes; but I will come to that proposition in a moment. I think I know what is probably in the gentleman's mind.

Mr. MANN. Now, let us see. The Government collects very large sums of money every year, which are paid under protest. This is for the payment of interest on one of those sums. Does the gentleman imagine that, on the Unanimous-Consent Calendar, without an opportunity to consider the question, he can get this House to set the precedent of paying interest on money collected under protest by a collector of customs?

Mr. GOLDFOGLE. The gentleman from Illinois always reads carefully pretty much every report that comes into the House——

Mr. MANN. I have read this one.

Mr. GOLDFOGLE. For which he is entitled to credit. He has undoubtedly seen, in the report of the Committee on Claims, the statement with regard to what Congress has done heretofore in other cases awarding interest.

Mr. MANN. Yes.

Mr. GOLDFOGLE. Notably in the Pennsylvania case, where the claim had been paid or liquidated in virtue of a bill passed by Congress to pay the principal sum; yet, years afterwards, this House—the gentleman from Illinois [Mr. MANN] and I voting—voted to pay interest upon the Pennsylvania claim.

Mr. MANN. I never voted for the payment of interest on any of these claims, and am not willing now——

Mr. GOLDFOGLE. The gentleman was in the House at the time.

Mr. MANN. And I am not willing now to set the precedent, when the House has really no opportunity of considering the question. Therefore I am compelled to object.

Mr. GOLDFOGLE. Mr. Speaker, if the gentleman will let me complete the statement of facts, then the gentleman can object. Why does he cut me off just as I reach stating the reversal in the circuit court of appeals?

Mr. MANN. If the other Members of the House are willing, I am quite content.

The SPEAKER pro tempore. The gentleman withholds his objection.

Mr. GARRETT of Tennessee. Mr. Speaker, will the gentleman from New York yield?

Mr. GOLDFOGLE. Yes.

Mr. GARRETT of Tennessee. Is it the purpose of the gentleman from Illinois to object to this bill finally?

Mr. MANN. Oh, I think everybody in the House will object to passing a bill of this character by unanimous consent.

Mr. GARRETT of Tennessee. Then I appeal to the gentleman from New York, in view of the fact that it is going to be objected to, not to stand in the way of other bills on the calendar.

Mr. GOLDFOGLE. I do not wish to stand in the way of other bills; but just as I was making a statement which would have taken me less than two and a half minutes to complete, merely to state the action of the Supreme Court of the United States, I was met with this objection. I want to say very frankly to this House that if I am to be cut off from a statement that would not take three minutes, I do not think it will serve the purposes of this House to-night.

Mr. GARRETT of Tennessee. Mr. Speaker, if the gentleman will permit, I have no bill on the calendar and have no interest in the bills——

Mr. GOLDFOGLE. I understand that.

Mr. GARRETT of Tennessee. Except to expediate the general work. Of course, I shall not object to the gentleman concluding his statement.

Mr. GOLDFOGLE. Mr. Speaker, after the circuit court of appeals reversed the court below and affirmed the Board of General Appraisers, the Government still insisted upon proceeding and took an appeal to the Supreme Court of the United States. Again the offer of security was made and again refused, and the money was still kept locked up in the Treasury. Then the Supreme Court of the United States, all the judges concurring, the opinion being written by Mr. Justice Hughes, held that the action of the collector was unwarranted; that it was improper to take that $110,200; that there was no warrant in law whatever for that exaction; and that that position was sustained by decisions that had been rendered before the collector demanded this very large sum of money from the importer. Now, the importer had to borrow that money which was thus wrongly exacted. Will the gentleman from Illinois, with his fairness, say that this is not to be likened to a case where the Government enters upon real estate, unwarrantably seizes it, takes possession of it without the slightest right, and damages are asked for the wrongful act of the Government? Will the gentleman say that interest is not to be awarded by way of damages for this very unjust action? The gentleman says we are not prepared to consider the case at this moment. I repeat that there is not a question of fact arising here. The statement which I made of the facts can not be possibly denied. If the gentleman from Illinois will say that the Government does not concede each and every fact recited in the bill, I will withdraw the bill.

Mr. MANN. I notice that there is no report on this bill from the Treasury Department.

Mr. GOLDFOGLE. The Supreme Court record declares the facts. The opinion of Mr. Justice Hughes states the facts as they are substantially in the bill.

Mr. O'SHAUNESSY. I would like to ask the gentleman if the fact, as originally stated by him as to the declaration of the collector, that 10 per cent was the rate to be imposed on the imports, is conceded by the Treasury officials?

Mr. GOLDFOGLE. That is in the record as it comes to the Supreme Court of the United States and as it comes down in its remittitur.

Mr. O'SHAUNESSY. Then that might differentiate it from the ordinary case of a protest, because the importer was relying on the knowledge of the Government official.

Mr. GOLDFOGLE. The gentleman from Rhode Island is correct. Now, I appeal to the gentleman from Illinois whether, in the face of the precedents, of the Pennsylvania case, the case where the Congress directed interest to be paid on a claim that had been paid to the claimant, and on the other case decided by the Comptroller of the Treasury, as stated in the report of the Committee on Claims, which is quite full—I appeal to the gentleman whether he ought now to object, whether he does not think that when the Government blunderbuss was held at the heads of these importers, when they were face to face with threats of prosecution, and through newspaper publications, perhaps, losing standing as business men, when they were compelled to pay this large sum of $110,000, without any law to sustain it, the importers who had to raise this money ought not to be reimbursed for the interest. They had to borrow the money. They certainly did not carry this amount around as loose change in their pockets. Are these men to go without a remedy for the wrong done them? Is that the way the citizens of the United States are to be handled by the Government? Is that the kind of Government we are living under? I hope the gentleman from Illinois will withdraw his objection.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

into circulation." "Putting money into circulation" is really a great thing. But sometimes it is well to inquire whose money and how it is being put into circulation.

It is not my purpose here to dwell at length on the subject of indirect taxation and the multitude of evils which follow, and necessarily follow, in its train. My design in rising just now is to present a few figures showing how the burden falls in my own district and among my own people. Below I shall present a table based on the census of 1910. In this table the population of my district—the nineteenth of Pennsylvania, including the counties of Bedford, Blair, and Cambria—is shown by minor civil divisions. The total population of the district in 1910 was 313,868, of which 38,879 were in Bedford, 108,858 in Blair, and 166,131 in Cambria. Estimating expenditures for wars, past and anticipated, at the conservative figure of $4.10 a head, men, women, and children—and the per capita is higher than this rather than lower—it is found that the distributive share of Bedford County is $159,403.90; that of Blair, $446,317.80; and that of Cambria, $681,137.10. If a direct tax in an equal amount were levied in these counties a revolution would follow. Any party responsible for such a monstrous burden upon the toilers would be destroyed by the fury of the masses. Yet the burden is borne without a murmur, since the nature of it is not understood.

I want to carry this thing home to my people just as directly as this may be done, and that is the object of the appended table. It tells its own story convincingly in plain figures which will stand the acid test. For instance, take the little hamlet of Newry in Blair County, with a population in 1910 of 380, its proportion of the total burden being $1,558. Or take the little town of New Paris in Bedford County, with a population in 1910 of 194. What is the distributive share of this little cluster of people? Why, Mr. Chairman, it is $795.40. Or take the town of South Fork in my own county of Cambria, with a population of 4,592 in 1910. What does its share total up? I do not know how much South Fork pays in State, county, borough, and school taxes, but I feel reasonably sure that they do not exceed $4.10 per capita, and at this rate South Fork's distributive share of the burden for wars past or anticipated reaches the comfortable aggregate of $18,827.20. My own city of Johnstown, with a population of 55,482 in 1910, faces a little charge on this account of $227,476.20, while Altoona, with a population in 1910 of 52,127, must "come across" with $213,720.70. The cost in detail for the minor civil divisions in the nineteenth district is given in the following table:

	Population.	Amount.
BEDFORD COUNTY.		
Bedford	2,595	$9,163.50
Bedford Township	2,114	8,667.40
Bloomfield	673	2,759.30
Broad Top	3,752	15,383.20
Coaldale	311	1,275.10
Colerain	849	3,502.90
Cumberland Valley	993	4,083.60
East Providence	1,528	6,264.80
East St. Clair	1,152	4,609.20
Everett	1,725	7,072.50
Harrison	677	2,777.70
Hopewell	590	2,419.00
Hopewell Township	1,261	5,170.10
Hyndman	1,151	4,722.40
Juniata	1,040	4,264.00
Kimmell	792	3,247.20
King	704	2,884.60
Liberty	1,574	6,453.40
Lincoln	410	1,681.00
Londonderry	1,269	5,203.00
Mann	839	3,403.00
Manns Choice	311	1,236.10
Monroe	1,640	6,724.00
Napier	1,446	5,928.60
New Paris	194	795.40
Pleasantville	191	783.10
Rainsburg	202	832.20
St. Clairsville	101	414.10
Saxton	1,196	4,903.60
Schellsburg	314	1,287.40
Snake Spring	728	2,984.80
South Woodbury	1,667	6,834.70
Southampton	1,036	4,324.60
Union	491	2,013.10
West Providence	1,781	7,302.10
West St. Clair	838	3,435.80
Woodbury	255	1,045.50
Woodbury Township	809	3,316.90
BLAIR COUNTY.		
Allegheny	2,055	8,425.50
Altoona	52,127	213,720.70
Antis	2,458	10,897.80
Bellwood	2,277	9,335.70
Blair	1,134	4,649.40
Catharine	1,071	4,391.10
BLAIR COUNTY—Continued.		
Duncansville	1,263	$5,178.30
Frankstown	1,930	7,913.00
Freedom	1,321	5,416.10
Gaysport	617	2,529.70
Greenfield	1,537	6,178.70
Hollidaysburg	3,734	15,309.40
Huston	1,056	4,329.60
Juniata	5,283	21,658.30
Juniata Town ship	587	2,406.70
Logan	9,739	39,899.00
Martinsburg	929	3,808.90
Newry	380	1,558.00
North Woodbury	1,337	5,481.70
Roaring Spring	1,903	7,802.30
Snyder	2,458	10,077.80
Taylor	1,315	5,391.50
Tyrone	7,156	29,321.60
Tyrone Township	1,053	4,316.30
Williamsburg	1,523	6,243.30
Woodbury	2,129	8,728.90
CAMBRIA COUNTY.		
Adams	4,126	16,916.60
Allegheny	1,088	4,460.80
Ashville	384	1,574.40
Barnesboro	3,535	14,491.50
Barr	2,583	10,590.30
Blacklick	3,190	13,079.00
Brownstown	1,300	5,329.00
Cambria	1,150	4,715.00
Carroll	4,964	20,348.40
Carrolltown	1,348	5,526.80
Cassandra	304	1,246.40
Chest	668	2,738.80
Chest Springs	174	713.40
Clearfield	1,182	4,846.20
Conemaugh	1,549	6,350.90
Cresson	1,470	6,027.00
Cresson Township	1,219	4,997.90
Croyle	3,371	13,824.10
Daisytown	382	1,566.20
Dale	2,283	9,356.30
Dean	599	2,455.90
East Conemaugh	5,049	20,694.90
East Taylor	1,040	4,264.00
Ebensburg	1,978	8,109.80
Elder	2,338	9,585.80
Ferndale	514	2,107.40
Franklin	2,102	8,618.20
Gallitzin	3,504	14,366.40
Gallitzin Township	1,644	6,740.40
Hastings	2,125	8,712.50
Jackson	2,472	10,315.20
Johnstown	55,482	227,476.20
Lilly	1,678	6,879.80
Loretto	246	1,008.60
Lower Yoder	2,763	11,328.30
Middle Taylor	426	1,746.60
Munster	405	1,660.50
Nanty Glo	3,997	16,387.00
Patton	2,951	12,091.10
Portage	4,614	18,917.40
Portage Township	3,081	12,632.10
Reade	2,103	8,622.30
Richland	419	1,717.90
Riverside	687	2,816.70
Sankertown	1,421	5,826.10
Scalp Level	4,792	18,927.20
South Fork	2,799	11,470.90
Spangler	2,203	9,031.30
Stonycreek	803	3,293.30
Summerhill	3,842	15,752.20
Summerhill Township	4,266	17,490.60
Susquehanna	604	2,476.40
Tunnelhill	928	3,804.80
Upper Yoder	1,419	5,816.90
Vintondale	1,331	5,457.10
Washington	1,054	4,320.60
West Taylor	1,488	6,098.80
Westmont	599	2,455.90
White	314	1,287.40
Wilmore		

RECESS.

The SPEAKER pro tempore. Under the special order the House will now stand in recess until 8 o'clock to-night.

Thereupon (at 5 o'clock and 30 minutes p. m.) the House stood in recess until 8 o'clock p. m. to-night.

EVENING SESSION.

The recess having expired, at 8 o'clock p. m. the House was called to order by the Speaker pro tempore, Mr. DIXON.

The SPEAKER pro tempore. The Clerk will read the special order under which business will be transacted to-night.

The Clerk read as follows:

On motion of Mr. POU, by unanimous consent,

Ordered, That on Friday, June 12, 1914, the House stand in recess from 5.30 o'clock p. m. until 8 o'clock p. m., and from which hour

until 11 o'clock p. m. bills on the Private Calendar, beginning with No. 132, and which are not objected to shall be taken up for consideration.

The SPEAKER pro tempore. The Clerk will report the first bill.

Mr. POU. Mr. Speaker, I want to make a suggestion to the effect that some of these bills will take quite a while to read, and if there is any gentleman who has determined to object to the consideration of a bill, a great deal of time can be saved if he will be good enough to interpose the objection immediately after the reading of the title. Some of these bills will take 10 minutes to read. If any gentleman intends to object anyhow, it would save a good deal of time and expedite the consideration of this calendar to a very considerable extent if he should pursue that course.

The SPEAKER pro tempore. Does the gentleman ask that that question be put?

Mr. POU. I will not ask unanimous consent that that course be pursued, because it might be considered that we were proceeding with undue haste in the consideration of this calendar here, but I merely cast it out as a suggestion that any gentleman can adopt, if he sees fit, in the interest of saving time.

The SPEAKER pro tempore. The Clerk will report the first bill.

JAMES T. M'KENNEY.

The first business in order on the Private Calendar was the bill (H. R. 6506) for the relief of James T. McKenney.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

BOLOGNESI, HARTFIELD & CO.

The next business in order on the Private Calendar was the bill (H. R. 5859) for the relief of Bolognesi, Hartfield & Co.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I object.

CLAIM OF STATE OF RHODE ISLAND.

The next business in order on the Private Calendar was the bill (H. R. 4273) referring the claim of the State of Rhode Island to the Court of Claims for adjudication.

Mr. MANN. Mr. Speaker, I make the point of order that this is not a Private Calendar bill. I do not care whether that is disposed of now or not.

Mr. GARRETT of Tennessee. Mr. Speaker, I ask that the full bill be reported. Is it a long one?

The SPEAKER pro tempore. No. The Clerk will report the bill.

The Clerk read the bill in full.

The SPEAKER pro tempore. The bill is not properly on the Private Calendar, but by unanimous consent it can be considered.

Mr. MANN. I make the point of order. It should go to the Union Calendar.

The SPEAKER pro tempore. The point of order is sustained.

ELIZABETH BRUCE, DECEASED.

The next business in order on the Private Calendar was the bill (H. R. 13993) for the relief of the legal representatives and heirs of Elizabeth Bruce, widow of the late John H. Bruce.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, I ask to have the bill read.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to the legal representatives and heirs of Elizabeth Bruce, deceased, widow of the late John H. Bruce, of Rowan County, Ky., the sum of $155, pay and bounty due said John H. Bruce for services rendered as a private in Company G, Twenty-second Regiment Kentucky Infantry.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that in the urgent deficiency bill, the act of December 22, 1911, there was inserted a limitation providing that claims of this character might be submitted to the War Department on or before December 31, 1912. I wish to ask the gentlemen on the committee whether it was the policy of the committee, on claims of that sort, to pay no attention to this limitation? This bill, I will say to the gentlemen, is for pay and bounty due a soldier of the Twenty-second Regiment Kentucky Infantry. I judge that the man had had a claim for the pay and bounty. It is an old matter. Congress in 1911 reopened these cases and provided that they might be submitted to the War Department before the end of 1912. That was not done in this case. Whether it is the policy of the committee to pay no attention to a limitation of that sort, I do not know. I would like to know, because what is the use of putting in limitations if immediately when they expire the committee reports these bills?

Mr. JOHNSON of Washington. Mr. Speaker, I had the writing of the report in the Committee on War Claims, and, if I remember correctly, this is a case where the claim was acknowledged and the necessary blanks sent by mail. The letter was misdirected, or miscarried. The letter with the application blank was not received, which caused the claimant to lose his opportunity. For that reason the claim was considered to be a valid one, and the Committee on War Claims recommended a favorable report on it. There is a report here that explains that in detail. I do not think there is any need of going further into it. It is due entirely to the miscarriage of a letter in the mails just ahead of the time when the claim would have been legally allowed.

Mr. FOSTER. Do I understand an application was filed?

Mr. JOHNSON of Washington. Oh, yes; I think so. It was all in good order.

Mr. FOSTER. I did not understand that that law prohibited the completion of a claim that had been filed.

Mr. MANN. There was no application filed. On the contrary, on November 11, 1912, a letter was addressed to the claimant informing him that if he desired to complete the claim which was filed by his mother he should fill out and send back the blank form and application which were inclosed. This letter never reached the claimant, so that he paid no attention to it. There was a claim first filed by the mother on June 24, 1869, but it was never completed. She had no claim anyhow.

Mr. JOHNSON of Washington. This claim was presented, and in the committee it was apparently an orphan. It was acted upon strictly upon its merits. I think the bill is entitled to be passed.

Mr. MANN. As the gentleman will see, we reopened these claims and authorized them to be filed in the War Department, putting a limitation upon them.

Mr. GARRETT of Tennessee. Is this a Bowman Act case? Is this one that would come under the Bowman Act?

Mr. MANN. Oh, no. It was not a Bowman Act case at all. If the man had filed the claim, I think he would have had a claim.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

REFERENCE OF CERTAIN CLAIMS TO THE COURT OF CLAIMS.

The next business in order on the Private Calendar was the resolution (H. Res. 451) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The title of the resolution was read.

Mr. MANN. Mr. Speaker, this would take considerable time, and I therefore object for the present.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next one.

THOMAS HAYCOCK.

The next business in order on the Private Calendar was the bill (H. R. 2896) for the relief of Thomas Haycock.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Haycock the sum of $500, to reimburse him for the said sum paid by him to the Government in excess of the amount of the surety bond signed by him in behalf of the late postmaster at Tropic, Utah.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER pro tempore. The Clerk will report the next one.

The Clerk called the roll, and the following Members failed to answer to their names:

Adamson	Flood	Langham	Sabath
Aiken	Floyd	Langley	Saunders
Ainey	Francis	L'Engle	Scully
Alexander	Gallagher	Levy	Sells
Allen	Gardner	Lewis, Md.	Sharp
Anderson	Garner	Lewis, Pa.	Sherley
Ansberry	George	Lieb	Shreve
Anthony	Gerry	Lindquist	Slayden
Ayis	Gillett	Linthicum	Slemp
Barchfeld	Gilmore	Loft	Sloan
Barnhart	Goeke	Lonergan	Small
Bartholdt	Goldfogle	McAndrews	Smith, Idaho
Borland	Gordon	McClellan	Smith, Md.
Brodbeck	Gorman	McDermott	Smith, Minn.
Brown, N. Y.	Goulden	McGuire, Okla.	Smith, N. Y.
Brown, W. Va.	Graham, Pa.	Maban	Smith, Tex.
Browne, Wis.	Gregg	Maher	Sparkman
Browning	Griest	Manahan	Stafford
Bruckner	Griffin	Martin	Stanley
Burke, Pa.	Guernsey	Merritt	Stephens, Nebr.
Calder	Hamill	Metz	Stephens, Tex.
Callaway	Hamilton, N. Y.	Miller	Stevens, Minn.
Campbell	Hardwick	Montague	Stevens, N. H.
Cantor	Harris	Moon	Stout
Cantrill	Harrison	Morgan, La.	Sumners
Carew	Hart	Mott	Taggart
Carlin	Hay	Murray, Mass.	Talbott, Md.
Cary	Hayes	Neeley, Kans.	Talcott, N. Y.
Casey	Heflin	Nolan, J. I.	Taylor, Ala.
Chandler	Helm	Norton	Taylor, Colo.
Clancy	Helvering	O'Brien	Taylor, N. Y.
Clark, Fla.	Henry	Oglesby	Thacher
Coady	Hinds	O'Leary	Thomas
Collier	Hobson	O'Shaunessy	Towner
Conry	Holland	Paige, Mass.	Townsend
Cooper	Howard	Palmer	Treadway
Copley	Howell	Parker	Tuttle
Covington	Hoxworth	Patten, N. Y.	Vaughan
Crisp	Humphreys, Miss.	Patton, Pa.	Volstead
Dale	Hurley	Payne	Wallin
Danforth	Johnson, S. C.	Peters, Me.	Walsh
Davenport	Jones	Peters, Mass.	Walters
Decker	Kelster	Peterson	Watson
Dershem	Kennedy, Conn.	Plumley	Whaley
Dies	Kennedy, R. I.	Porter	Whitacre
Defenderfer	Kent	Post	Willis
Dooling	Kiess, Pa.	Pou	Wilson, Fla.
Drukker	Kinkead, N. J.	Powers	Wilson, N. Y.
Elder	Kitchin	Prouty	Winslow
Esch	Knowland, J. R.	Reed	Young, N. Dak.
Fairchild	Konop	Riordan	Young, Tex.
Falconer	Korbly	Roberts, Mass.	
Foss	Kreider	Rogers	
Finley	Lafferty	Rucker	

The committee rose; and the Speaker pro tempore, Mr. DIXON, having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill, and, finding itself without a quorum, had caused the roll to be called, when 220 Members answered to their names, and he presented therewith a list of the absentees.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

Mr. MOORE. Mr. Chairman, I desire to offer an amendment to the paragraph.

Mr. MADDEN. Mr. Chairman, I make the point that there is an amendment pending. I make the point that the proceedings were set aside by the point of no quorum.

Mr. MOORE. Mr. Chairman, there is no amendment pending. The amendment that had been under consideration was passed by the committee and so announced by the Chair.

Mr. MADDEN. I desire to state, Mr. Chairman, that when the point of no quorum was made, that set aside the action of the committee.

Mr. MOORE. I contend that the point of order was made after the amendment had been considered, voted upon, and passed, and so announced by the Chair. The point of order was made subsequently and can have no effect on the amendment. I had already offered a new amendment and had been recognized by the Chair before the point of order was made.

The CHAIRMAN. The Chair will read from the notes of the reporter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The committee divided, and on a division, demanded by Mr. DONOHOE, there were—ayes 35, noes 31.

The CHAIRMAN. On this question the ayes are 35, the noes 31. The amendment is agreed to.

Mr. MANN. I make the point of order that there is no quorum present.

Mr. MOORE. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-three Members present, not a quorum. The Clerk will call the roll.

The question is whether under those circumstances the amendment proposed by the gentleman from Pennsylvania [Mr. DONOHOE] has been agreed to.

Mr. MADDEN. Mr. Chairman, I make the point that it has not, and that all action on that amendment was set aside when it was developed that no quorum was present. The mere fact that the challenge of a quorum was made gives evidence of the further fact that those present and making such a challenge believed that the action of the committee was void because of the lack of a quorum.

The CHAIRMAN. It seems from the notes of the reporter, however, that the point was not made until the Chair had not only announced the number of votes but had made the formal official announcement that the amendment was agreed to.

Mr. MADDEN. Mr. Chairman, I agree with the Chair to that extent; but no matter what the announcement of the Chair was, it can not be possible that the Chair by a mere announcement can legalize the action of a body not having a sufficient number of Members to transact business.

Mr. MOORE. That comes too late.

Mr. MADDEN. And the point of order of no quorum could not have been made until after the announcement of the vote, because it could not have been ascertained how many Members were present until the Chair made the announcement.

The CHAIRMAN. Of course, the usual custom of the present occupant of the chair and of all occupants of the chair is to pause after announcing the number voting. Whether the Chair did that in this instance the Chair does not now remember. Of course, tellers could have been demanded, and that was the next ordinary step, or the point of order of no quorum could have been made immediately after the announcement of the vote and before the Chair had announced that the amendment had been agreed to.

Mr. MOORE. Mr. Chairman, if the point of order made by the gentleman from Illinois [Mr. MADDEN] is sustained by the Chair, it would have the effect of invalidating perhaps three-fourths of the business conducted by Congress. It is constant that amendments are considered and passed when no quorum is present and it is evident to the Chair and to everyone that no quorum is present. Thus, by common consent, the business is transacted. This matter now arises by reason of the fact that an amendment was considered when no quorum was present and when, acting in the usual way and by common consent, the vote was taken and revealed that the amendment was agreed to. Upon the announcement of the Chair that the amendment was agreed to some one who was not in favor of the amendment protested against the proceedings, kicked over the bucket, and made the point of no quorum. If that is tolerated in the committee, and is sanctioned now by sustaining the point of order, we could perhaps prevent any business being done in this House under the ordinary method of procedure.

Mr. MADDEN. You could without a quorum.

Mr. MOORE. I contend, Mr. Chairman, that it comes with bad grace to make the point of order of no quorum after an amendment has been considered, debated by all those present, with notice to everyone, and after the result of the vote has been announced by the Chair, particularly when that point of order is made by a Member who has been a party to the discussion and who has been present during the proceedings. If that is sustained, then it will be easily within the power of any Member of this House, at any time, to block the business of the House and stop the work of these great appropriation committees, and put Congress practically at a standstill.

I contend, Mr. Chairman, that this point of order came entirely too late in the first instance, and that the point made by the gentleman from Illinois [Mr. MADDEN] is now too late, in view of the fact that the Chair, after the announcement that the amendment of the gentleman from Pennsylvania [Mr. DONOHOE] had been agreed to, then recognized the gentleman from Pennsylvania [Mr. MOORE] to offer another amendment, and that it was after that recognition of another Member upon an entirely different proposition that the point of order of no quorum was made.

The CHAIRMAN. The Chair will call the attention of the gentleman from Pennsylvania to the fact that he is in error about that. The recollection of the Chair was in accordance with the statement just made by the gentleman from Pennsylvania, but the official report, by which, of course, we are all bound, shows that the gentleman from Illinois [Mr. MANN] made the point of order immediately before the gentleman from Pennsylvania [Mr. MOORE] offered the amendment.

Mr. MOORE. As the Chair read the transcript of the shorthand notes a moment ago, it was clear to me that the gentleman from Pennsylvania rose and offered an amendment, and

that immediately after he offered the amendment the gentleman from Illinois made the point of order.

Mr. DONOHOE. The gentleman was on his feet, but had not made the statement.

Mr. MANN. The gentleman is as correct about that as he usually is.

Mr. MOORE. Mr. Chairman, I like to be rebuked by my leader about once every week. I am getting used to it now about twice a week, and some time I suppose I shall be rebuked, like others, about once a day; but I do hope that the time will come when we will find the leader of the minority in accord with the members of his party at times. I have not in any way interrupted the gentleman from Illinois [Mr. MANN] to-day unfairly, nor have I raised points of order against him, like the gentleman from Connecticut [Mr. DONOVAN] has.

I have been as kind and gentle and patient as I could be with my leader, and as subservient as a loyal member of the minority ought to be; but I do believe that at times I have a right, when the interests of my constituents are at stake, to question whether or not my leader is right when he attempts to obstruct, perhaps in the interest of an arsenal near his own district, the progress of an arsenal in the vicinity of mine.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Illinois permit the Chair before he begins?

Mr. MANN. Certainly.

The CHAIRMAN. The Chair desires to call attention to the fact that there is a special order for to-day, under which the House is to stand in recess from 5.30 until 8 o'clock, and it lacks only five minutes of that time.

Mr. MANN. I will take up but two minutes.

The CHAIRMAN. The Chair at this time will——

Mr. FITZGERALD. Mr. Chairman, in order to give the Chair an opportunity to examine the question, I move that the committee do now rise.

Mr. MANN. I want to be heard on the point of order; I have the floor.

The CHAIRMAN. The Chair was about to say that at 5.30 he will feel it is his duty to declare that the committee should rise and——

Mr. MANN. I hope the Chair will not occupy all the time between now and 5.30. I was about to remark that this is a very hot day, and the heat had evidently affected my friend from Philadelphia, the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. But I am sure not so much as it has my leader, the gentleman from Illinois [Mr. MANN].

Mr. MANN. It has caused him to read me a lecture which was not necessary——

Mr. MURDOCK. And unkind.

Mr. MANN. And to attach another one to it, and it seems to me the heat has gone to his head, that is all.

The CHAIRMAN. These things are interesting but they are not enlightening to the Chair at all. The Chair has also felt the heat himself.

Mr. MURDOCK. Another evidence of more trouble in the Republican Party.

The CHAIRMAN. The gentleman from New York moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. DIXON, the Speaker pro tempore, having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. THACHER, for 10 days, on account of important business.

To Mr. POWERS, indefinitely, on account of important business.

To Mr. THOMAS, indefinitely, on account of important business.

To Mr. MORGAN of Louisiana, for 10 days, on account of important business.

To Mr. REED, for two weeks, on account of business.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. I want to say there is a conference report that must be acted upon.

Mr. MANN. I am glad of it.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5739. An act to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 159. Joint resolution authorizing and directing the transfer of a certain unexpended balance in appropriations for salaries of Capitol police; to the Committee on Appropriations.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis; and

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

EXTENSION OF REMARKS.

Mr. TAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of Philippine independence.

Mr. MANN. I can not hear the gentleman, and unless he speaks louder so that we can hear him, I will object.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD on the subject of Philippine independence.

Mr. MANN. Mr. Speaker, I object.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of this bill in reference to taxation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MANN. In reference to what?

Mr. BAILEY. Taxation in reference to appropriations.

Mr. MANN. There is no taxation in regard to this bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

Mr. FITZGERALD. The gentleman's request is in reference to these amendments and these particular appropriations.

Mr. MANN. I have no objection to that, but this bill does not carry anything in reference to taxation.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. BAILEY. Mr. Speaker, we are appropriating for the fiscal year 1915 on account of wars of the past or those anticipated the staggering sum of $500,000,000. Round figures are employed for the reason that the exact amounts are not yet known and can not be ascertained until all appropriation bills carrying provisions for Army, Navy, pensions, etc., have been finally acted upon, but the ultimate figures are more likely to exceed than to fall below the aggregate named. The economy we promised the people in the Baltimore platform is not being realized, in this respect at least. Our war budget exhausts half or perhaps more than half of all the taxes wrung from the people under the various forms still tolerated.

It has sometimes suggested itself to me what the American taxpayer, who is carrying this tremendous burden, would say were his Federal tax bill handed to him in some such simple form as that setting out his State, county, school, road, city, or municipal taxes. Most people seem to think that Uncle Sam is rich in his own right, and that the sums we appropriate here come from him and not from the pockets of the toilers. This is the evil, or at least one of the evils, of indirect taxation. Practically all the taxes paid for the support of the Federal Government are concealed taxes. They are fiscal sneakers. They slip up on the victim unawares. They rob him while his eyes are shut or when he is looking the other way. He knows he is hard up and in distress; that things are going ill with him; that somehow or other prosperity passes him by, but he rarely if ever connects the circumstances with the concealed tax.

Of course Uncle Sam is poor, as poor as Job's turkey. He has not a dollar that he has not first taken from John Smith or Bill Jones or Hank Brown. Smith and Jones and Brown do not know he has taken it. They are interested only in trying to get the dollar by some hook or crook, thus "putting money

There was no objection.

Mr. DONOHOE. Does the gentleman state that there is available land adjacent to it?

Mr. FITZGERALD. I said the Government land is adjacent to this unused, unoccupied property about which these attempts have been made for many years to sell to the Government.

Mr. DONOHOE. You know that this tract was originally 75 acres, and it is all gone but 25 acres.

Mr. FITZGERALD. My first acquaintance with it showed that it was 35½ acres in 1899. In 40 years about 50 acres have been taken up.

Mr. Chairman, the gentleman says they are conducting a dangerous manufacturing work at this place. If that be true the proper and wise thing would not be to continue to enlarge the scope of operations of this character almost in the heart of the peaceful city of Philadelphia to the danger and hazard of the lives of those peaceful and God-fearing people. We have other arsenals so located that they are not near congested districts, and if necessary the desirable thing would be to build them up.

Mr. EDMONDS. Will the gentleman yield?

Mr. FITZGERALD. In just a moment. There is no need to enlarge the facilities of the Frankford Arsenal. There are ample facilities to do all of the things for which appropriations are made for the next year, or will be made for the next four or five years, and at the end of the four years the Government will have, by manufacturing at its own plants, acquired the full reserve of ammunition required, and instead of appropriating annually $4,200,000, as we have done for next year, the annual appropriation for such ammunition will not exceed $500,000 a year. The more we enlarge these plants the more idle plants we will have with idle capital invested in them. We have new facilities sufficient to manufacture the ammunition for which the appropriations are made next year, amounting to $4,200,000—$3,000,000 in the Army bill and $1,200,000 in the fortification bill. We need no extension of our facilities. Therefore it would be foolhardy to invest additional money to relieve somebody from the occupation of land for which they have no use and for which the Government will have very little use. I hope the amendment will not prevail.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. Mr. Chairman, I ask that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the gentleman from New York be permitted to proceed for two minutes. Is there objection?

There was no objection.

Mr. MOORE. I want the gentleman to state the area of the arsenal at Rock Island.

Mr. FITZGERALD. I think it is fifty-odd acres. I have it here.

Mr. MOORE. Is it not nearer a thousand acres?

Mr. GOOD. It is between 800 and 900 acres.

Mr. MOORE. The gentleman from New York has the Frankford Arsenal figures.

Mr. FITZGERALD. I did not understand the gentleman's question. It is nearly 1,000 acres—about a section and a half, if I recall correctly.

Mr. MOORE. You have plenty of room there for expansion. That is the very point. There is no room for expansion in the present yard at Philadelphia.

Mr. FITZGERALD. Why should we buy land when we have unlimited land undeveloped, and where we have a water power which supplies power to us infinitely cheaper than at any other arsenal?

Mr. MOORE. The power at Rock Island costs you more than it does at Philadelphia. You are putting it in the dam and in the building of bridges.

Mr. FITZGERALD. When we purchase power from the local company, we consider it high when we pay a cent and a half a kilowatt hour, and when we develop it, it is so insignificant it is hard to compute.

Mr. MOORE. I think I can state offhand and be fairly accurate at that, that the power at Rock Island costs about $24,500 and at Philadelphia about $24,000.

Mr. FITZGERALD. That depends on the amount of power obtained.

Mr. MOORE. And the cost at Rock Island is due to the fact that every year you make an appropriation of $12,500 for the maintenance of the dam, which we do not have to have at Philadelphia.

Mr. FITZGERALD. We do not have to have it, because we get our power from the water power there.

Mr. MOORE. I know, but you have to pay it, and you pay for it in an appropriation that does not appear as pertaining to power.

Mr. FITZGERALD. The gentleman is mistaken. When we figure the cost of power we do not simply look at the appropriations made. We have the computation made by men whose duty it is to keep the cost account.

Mr. DONOHOE. I ask the gentleman's attention for a minute. Does the gentleman know that the manufacturing at Frankford Arsenal has been much more economically conducted than at any other similar Government plant?

Mr. FITZGERALD. No; I do not know that.

Mr. DONOHOE. The War Department says so.

Mr. FITZGERALD. I have never heard it.

Mr. DONOHOE. And I think we ought to extend that plant rather than to send the work to a place where it costs far more to produce. My idea is that we can give this work to the Government shops, and we are working the Frankford Arsenal three shifts a day in time of peace. I do not think that is the proper way to do it.

Mr. FITZGERALD. I was in error. We pay 1 cent a kilowatt hour when we have to purchase from the company at Rock Island, and at times when we have a surplus and they run down we sell it to them at the same rate. But we are not generating any power in any steam plant at any place in the Government service. It is 1 cent a kilowatt hour.

Mr. MOORE. I can give the gentleman the figures now. You pay every year $12,500 for the maintenance of the dam at Rock Island to generate power, and you pay about $12,000 for coal. That makes a total of $24,500. At Philadelphia coal costs $24,000, so that we are $500 to the good on a comparison.

Mr. FITZGERALD. If the gentleman will state the amount of power that is used at each plant, it will show that we are obtaining perhaps from four to ten times as much power for an equal expenditure of money at Rock Island as we are obtaining at the Frankford Arsenal, because we have at Rock Island a plant much more extensive than at Frankford, and it meets all of our requirements, lighting all the buildings on this 1000-acre tract of land. After obtaining light and power for manufacturing purposes and all other purposes we are able to sell the surplus.

Mr. MADDEN. In one case it costs about $6 a horsepower and in the other case about $30.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. FITZGERALD. Certainly.

Mr. MANN. Do we not sell power?

Mr. DONOVAN. Mr. Chairman, the gentleman from Illinois is not proceeding in order.

Mr. MANN. Mr. Chairman, I decline to be interrupted by the gentleman from Connecticut. I am proceeding in order.

The CHAIRMAN. Yes; the gentleman from Illinois is proceeding in order; but the time of the gentleman from New York [Mr. FITZGERALD] has expired.

Mr. FITZGERALD. I suggest to the gentleman from Illinois to take some time himself.

Mr. MANN. Mr. Chairman——

The CHAIRMAN. The gentleman from Illinois is recognized.

Mr. MANN. I will ask the gentleman if we do not sell our surplus at Rock Island at fourt-tenths of a cent per kilowatt hour?

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman from Illinois [Mr. MANN] is out of order. He did not ask for recognition.

The CHAIRMAN. The gentleman from Connecticut is mistaken. The gentleman from Illinois asked for recognition and obtained it.

Mr. DONOVAN. It is so seldom that he proceeds in order that I withdraw my point at this time. [Laughter.]

Mr. MANN. I am proceeding in order, and the gentleman from Connecticutt never proceeds in order. I trust that the Chair will protect Members of the House from the nuisance of continuous interruptions by the Member from Connecticut.

Mr. DONOVAN. Now, Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman is not addressing himself to the subject matter. [Laughter.]

The CHAIRMAN. The gentleman from Illinois was addressing himself to the subject matter. The Chair overrules the point of order.

Mr. MANN. I asked that question of the gentleman from New York.

Mr. FITZGERALD. The statement of Col. Rabbit was that we have arranged with the power company for the sale of power. We are entitled to a certain percentage of the output. We have an arrangement with them by which we buy or sell, selling power to them after the hours during which the plant is in operation. The statement is that we pay 1 cent per kilowatt hour. I am under the impression that we sell for the same, but I am not certain. It may be that we sell for less.

Mr. MANN. My impression is that we pay 1 cent per kilowatt hour when we buy power produced by steam, but that we sell the surplus power for four-tenths of a cent per kilowatt hour if produced by water power, which would indicate that we are producing power there very cheaply.

Mr. FITZGERALD. We are indeed producing power there very cheaply. We have great water power there.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. EDMONDS. I would like to say to the gentleman that the Government made a contract with the party that owns the dam at Rock Island. Before the Government took over the property in order to get this power from the party the Government agreed to give one-fourth of the power free. The Government keeps up the repairs of the dam, and keeps everything in order, and give this party one-fourth for nothing.

Mr. MANN. Yes; and we have a lot of surplus power that is not used at all, and in addition to that we produce power there so cheaply that we sell it for four-tenths of a cent per kilowatt hour, which I think is probably as cheap as it is sold anywhere in the world.

The CHAIRMAN. Does the gentleman from Illinois insist upon his point of order?

Mr. MANN. It seems to me that the item is subject to a point of order, being for purchase or condemnation of land; but under the circumstances I shall not insist upon the point of order, and, so far as I am concerned, I will withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. BARTLETT. Mr. Chairman, it ought not to go down that this is subject to a point of order necessarily, because the proposition is to acquire land adjoining that already owned by the Government.

The CHAIRMAN. The Chair made no ruling upon it. The Chair merely inquired if the gentleman withdrew his point of order.

Mr. MANN. To acquire by condemnation proceedings is legislation.

Mr. FITZGERALD. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. To acquire land by condemnation proceedings is legislation.

Mr. DONOHOE. Then I ask unanimous consent, Mr. Chairman, to amend the amendment by striking out the words "acquirement by condemnation proceedings."

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to modify his amendment. The Clerk will report it.

The Clerk read as follows:

Strike out the words "for acquirement by condemnation proceedings" and add, on line 17, page 52, the following as a new paragraph:
"For the purchase of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000."

The CHAIRMAN. Is there objection to the amendment being modified as requested by the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FITZGERALD. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 27, noes 32.

Accordingly the amendment was rejected.

Mr. DONOHOE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, after line 17, insert the following:
"For one artillery ammunition storehouse, $17,500."

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order on that amendment.

Mr. DONOHOE. Mr. Chairman, this is an item on which there can be no such contention as that which was raised against my first amendment, namely, that the department does not favor it. The department requested this item, put in an estimate for it, and, I understand, it was arbitrarily knocked out by the committee. I trust the committee will reconsider their view of the matter and let this small sum stand. It is very much needed. Some of the members of the committee will bear me out in this.

Mr. FITZGERALD. Mr. Chairman, estimates were submitted for various public works at different arsenals, and the committee endeavored to recommend such improvements at the various arsenals as would enable the work to be carried on properly and efficiently and provide them with the necessary facilities.

The total improvements requested for the Frankford Arsenal aggregated, I think, $74,000, and the committee recommended items aggregating $57,000 for various facilities, but did not recommend this particular project.

The statement made by Gen. Crozier did not seem to show there was any very great need for this storehouse. They have been manufacturing the artillery ammunition and storing the component parts in various places. The committee believed that in making at this time an appropriation for a high-explosive loading shop and its equipment, which was very important for the safety of the operations of the arsenal—for protection for the magazine, to prevent accidents in case of explosions; for increased facilities for fire protection, including motor-driven pump, costing $19,000—it had been liberal and had given the things that were really essential. The department requests many items year after year. It is absolutely impossible to grant everything that the departments ask, but what has been done in this bill is to select three or four items that seem to be pressing at this time and make provision for them, and defer until some other time those that do not seem to be imperative. I hope the amendment will not be agreed to.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. FITZGERALD. Yes; I insist on it. There is no authority for it.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. It is not authorized.

Mr. MANN. It is for a new building.

Mr. DONOHOE. It is in continuation of a public work.

Mr. MANN. The rulings have always been that you could not appropriate for new buildings unless they were previously authorized.

The CHAIRMAN. The Chair has in mind a ruling made with reference to a building at the Military Academy.

Mr. MANN. That was a different proposition. The rulings have always been the other way.

The CHAIRMAN. The Chair thinks, under the precedents, it is subject to the point of order, and the Chair sustains the point of order.

Mr. DONOHOE. Mr. Chairman, I offer a further amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Page 52, after line 17, insert the following:
"For extension of metal storehouse, $13,500."

Mr. DONOHOE. Mr. Chairman, this item was also recommended in the estimate submitted by the department, and it certainly is urgently needed at this time.

Mr. FITZGERALD. Mr. Chairman, the same statement can be made relative to this item as to the other. This is a proposition to extend a storehouse in which scraps are stored. It appeared to the committee that there were ample facilities for the storage of scraps used in the manufacturing processes of the arsenal, and there did not seem to be any particular necessity for the addition to the building.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE].

The committee divided; and on a division (demanded by Mr. DONOHOE) there were—ayes 35, noes 31.

The CHAIRMAN. On this question the ayes are 35, the noes are 31. The amendment is agreed to.

Mr. MANN. I make the point of order that there is no quorum present.

Mr. MOORE. I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] Eighty-three Members present, not a quorum. The Clerk will call the roll.

Mr. DONOHOE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, by adding after the line 17, page, 52, the following as a new paragraph:

"For the purchase or acquirement by condemnation proceedings of about 25 acres of land adjoining the arsenal grounds on the northeast side thereof, $100,000."

Mr. MANN. To that, Mr. Chairman, I reserve a point of order.

Mr. DONOHOE. Mr. Chairman, this is the last piece of land available for the further extension of the Frankford Arsenal at Philadelphia. The total area occupied by the arsenal is about 65 acres. The reservation is bounded on three sides by the Delaware River, the Frankford Creek, and some public streets. It is impossible to extend the arsenal grounds an inch unless we acquire this property, and it may not be available very long. We who have inspected the arsenal know that its needs in the way of new buildings for storage and other purposes are pressing. At the present time the Government is obliged to ship to the Picatinny Arsenal high explosive ammunition at a cost of $18,000 a year, which could be stored at Frankford Arsenal if we only had the room. Eighteen thousand dollars is the interest on $300,000, and this land will cost only $100,000.

Forty years ago a board of ordnance officers recommended the purchase of 75 acres for that purpose. A part of that land has since been taken up by manufacturing establishments, and 25 acres is all that remains. In 18 months Frankford Arsenal by its operations has saved the Government almost $2,000,000. The powder magazines are so close to the workshops that they are a positive menace to the employees of the place. The acquirement of this land would give 600 additional feet along the Delaware River, and is particularly desirable on that account.

Several prices for the land have been mentioned, but I am credibly informed by well-posted real estate men in that locality that we can secure it by condemnation proceedings for less than $100,000. The amount I have placed in the amendment would cover all costs incident to the acquirement of the ground. I hope the committee will accept the amendment in behalf of the most economical workshop that our Government has in this country.

Mr. VARE. Mr. Chairman, I am heartily in favor of the amendment offered by my colleague, Mr. DONOHOE. The purchase of this additional land was discussed by the Appropriation Committee some little time ago. At that time the chairman of the committee said that there were no requests from the Secretary of War, and that there was no recommendation from Gen. Crozier, the officer in charge. My information since then is that Secretary of War Garrison has recommended and has approved of the purchase of this additional land.

My knowledge of the surroundings are such as to say to this committee that this expenditure of money is justified in every particular. Frankford Arsenal has only 4 acres for 100 employees, as compared with some of the other arsenals where there are 20 or 22 acres for the same number of employees.

As has been stated by my colleague, we are spending $18,000 a year for the purpose of storage and transportation of the high explosives which are manufactured there. If this ground is purchased, it will be in line with a proper extension of this great plant, which is one of the most efficient and economic plants conducted by either private or Government enterprise, and I certainly hope that the chairman of the committee, having in mind the additional information that the Secretary of War has sent letters favoring this proposition, will be willing to accept the amendment offered by the gentleman from Pennsylvania.

Mr. LOGUE. Mr. Chairman, I just want to add a word to what has been said by my two colleagues, adding this additional thought: There is absolute necessity for an extension of the plant, an extension that has in view the safety of the employees. The very high explosive shops are located now immediately adjacent to large buildings where hundreds of employees are at work, and if we had no other thought in mind excepting that of safety of the employees by having offered to us a piece of ground where the high explosive shops could be placed, that should move us to a favorable consideration of the offer. The gentleman from Pennsylvania [Mr. CARR] has also visited this place and is fully familiar with the situation. It is an old governmental industry, if I may so term it, in Philadelphia. It has not received any great consideration in the way of extensions in the past. By reason of the peculiar condition, as has been stated, of the Delaware River being on one side and the Frankford Creek on the other, it makes it decidedly valuable for the establishment at that point of these shops, where they will do no harm to the workmen or to the adjacent property. I think the amendment as worded is proper. My colleague has carefully worded it by placing a limit on the amount of $100,000, providing that that should be expended for the ground, to be acquired either by condemnation proceedings or by purchase. The property is now in the hands of an estate for the benefit of the University of Pennsylvania, and I feel can be acquired, and I think the entire circumstances surrounding the holding of the land makes it possible for us to acquire it at this time, which is now necessary, and it may be impossible to get it in the future.

Mr. EDMONDS. Mr. Chairman, I am heartily in favor of the amendment offered by the gentleman from Pennsylvania [Mr. DONOHOE], and I wish to state in addition that I have a letter in my hand, dated April 14, 1914, from Secretary of War Garrison, to Hon. CLAUDE A. SWANSON, chairman of the Committee on Public Buildings and Grounds of the Senate. That letter is as follows:

WAR DEPARTMENT,
Washington, April 14, 1914.

Hon. CLAUDE A. SWANSON,
Chairman Committee on Public Buildings and Grounds,
United States Senate, Washington, D. C.

DEAR SENATOR: I return herewith the bill (S. 5655) to provide for the acquirement of about 25 acres of land adjoining the Frankford Arsenal, Philadelphia.

The principal reasons for the purchase of this property by the Government are as follows:

1. To avoid the serious situation which would arise if this property should be purchased by parties who would desire to utilize it for dwellings or factory purposes, since there is no doubt that in case such buildings should be erected upon the property the occupants would object to the experimental firings and other tests involving the use of high explosives which are conducted at the Frankford Arsenal.

2. The utilization of the property for the storage of explosives so as to remove them a safe distance from the present shop buildings.

3. To utilize the property for the construction of certain storehouses and shop buildings which will undoubtedly be necessary in the expansion of the manufacturing plant at the Frankford Arsenal in the future and for which it would be impossible to secure grounds if this piece of property shall irrevocably pass to other uses.

The War Department has in the past submitted estimates for the purchase of this property, but I have not repeated the estimate, not because the purchase would not be advantageous and such as would be made by any efficient corporation in a similar position, but because other needs of the War Department have been so immediately pressing that I have been obliged to let this particular matter rest, although I recognize that in doing so the danger is incurred of the passage of the opportunity to make the purchase advantageously.

I believe that the land is now practically owned by the University of Pennsylvania, having been left to it as a part of an estate. I think a fair price would be somewhere between $140,000 to $150,000, so that the amount carried in the bill—$154,000—should be sufficient to include the cost of condemnation proceedings should such be necessary, as contemplated by the bill.

Sincerely, yours,

LINDLEY M. GARRISON,
Secretary of War.

The Secretary wrote that letter on April 14 and is very much in favor of the the purchase of the ground. I really think we ought to take advantage of the proposition at this time and purchase it.

Mr. CARR. Mr. Chairman, I had occasion to visit Philadelphia some time ago, and while there I went over the arsenal property mentioned in this amendment. I believe that if the Government of the United States is to continue this system of arsenals throughout the country, the acquirement of additional ground is absolutely necessary at this time. It is simply a question of whether we are going to purchase this ground and use it for arsenal purposes, or whether we are going to abandon the ground that we have there now. Some time ago I made some remarks touching the question of ammunition manufactured at these arsenals. We have it on reliable testimony before Congress, or at least before one of the committees, that if the arsenal at Philadelphia were given the contracts that are now turned over to private enterprise the Government would save in one year, by reason of the difference in the cost of the manufacture, approximately $500,000, or an amount sufficient for the purchase of this ground and the erection of the buildings needed at the Frankford Arsenal. This ground will pass out of the present ownership in all probability in a little while. It will be beyond the power of Congress to get hold of it, and it will be but a question of time when the work at this arsenal must of necessity stop. And it does seem to me as a business proposition, aside from the pressing need of this property, that the Government ought to purchase it at this time, otherwise we will have to stop work at the Frankford Arsenal. That is the proposition and the only thing that I see in it. They have no adequate ground at Frankford for their rifle range, and the construction of new buildings is impossible. If the Government is to continue the policy of manufacturing ammunition and maintaining its arsenals, it becomes necessary that we acquire this ground at once, or that it sell the present site and purchase property elsewhere. I think it is a good proposition from every consideration, and in view of the attitude of the authorities who have examined the question, I think that the Congress would make no mistake in the adoption of this amendment.

Mr. MOORE. Mr. Chairman, I would like to say a word in behalf of this amendment. It is a timely amendment and it is one that ought to be adopted because of the actual necessity that exists at this arsenal. The arsenal is crowded. The workmen there manufacture all of the small-arms ammunition for the Army and Navy of the United States. Shipments of powder have to be made to that yard, and large quantities of it have to be stored there. High explosives are there in great abundance in a very narrow and restricted area. During recent years it has been the tendency of the Government to rather increase the working capacity of other arsenals than the Frankford Arsenal, which is the oldest and perhaps the most economically conducted of them all. I think the figures will bear out that statement. Rock Island, in particular, for which we have every good wish, has been especially favored during recent years, and I think during the last 10 years has attained by way of appropriation probably $975,000 or $1,000,000, as against $375,000 altogether assigned to the Frankford Arsenal. The policy of building up the Rock Island Arsenal is one against which we have no special complaint, nor have we any complaint about the building up of any other arsenal in the country, except that certain lines of small-arms ammunition are in particular made exclusively at the Frankford Arsenal by reason of labor conditions and cost of production, and by reason of the ability of that arsenal to successfully compete with private manufacturers. In the bill passed last year it was noticeable that the Frankford Arsenal did not receive any very great amount of consideration. The appropriation in the sundry civil bill for the Frankford Arsenal last year was $4,000 for the construction of a concrete sewer, and at that time $250,000 was given to the Rock Island Arsenal to increase the capacity of the plant. The total appropriated was $280,500.

Now, in the bill we have before us to which this amendment has been offered the Frankford Arsenal is given a little better consideration than heretofore in that some provision has been made for fire protection and for the erection of an explosive-loading shop, for which the people there have been asking for a long time, and it is absolutely necessary for the preservation and proper protection of life, of which some have been lost during this last year in explosions that occurred at that yard. Now, in this bill the total amount provided for the Frankford Arsenal is $57,000, and the policy of building up Rock Island is continued here in that Rock Island receives $127,322. I do not make these comparisons for the purpose of being invidious at all, because I presume all the Members of the Pennsylvania delegation wish Rock Island well. But we make small-arms ammunition there, and all there is made of it, and we have men packed in the buildings there almost like sardines. They have to make tests there, and they have such a small area in which they do so that much material has to be sent away over to other proving grounds in order that the work may be properly conducted. Now, to take over this piece of ground means that we would have a new testing ground and proper storage places segregated. We need more room for the various elements entering into the manufacturing of small-arms ammunition and the other materials that we make there so economically, and it would be for the protection of the lives of the employees, as well as in the interest of the Government generally, if this amendment should be passed. It has been recommended since 1875, and if favorably considered now would simply be an act of justice to one of the best yards belonging to the Government.

Mr. FITZGERALD. Mr. Chairman, this item may have been recommended back in 1875, but it has not been formally estimated for by the department since I have been a Member of the House, during the last 16 years, despite the statement of the Secretary of War made in his communication of April 14, 1914, to the chairman of the Committee on Public Buildings and Grounds in the Senate. This item first appeared to my knowledge in 1909 when a bill was introduced to appropriate $180,000 to purchase 35¼ acres of upland and 2¼ acres of land under water outside of the bulkhead. It was not estimated for, it was not recommended by the department. The following year a bill was introduced to appropriate $175,000 to buy the same land. This year a bill was introduced to appropriate $154,000, and it now appears that 12¼ acres of the land have been taken up by some enterprising industrial establishment and that 25¼ acres still remain undisposed of. It is suggested that it would be wise for the Government of the United States to acquire this property so that the University of Pennsylvania may rid itself of an unproductive property and permit the Government to attach it to the arsenal.

Mr. DONOHOE. Will the gentleman yield for a question there?

Mr. FITZGERALD. I will yield.

Mr. DONOHOE. The University does not desire to sell this to the Government and has not suggested it at all.

Mr. MADDEN. Does anybody know whether you can buy it for——

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Illinois can not interrupt the gentleman without addressing the Chair.

The CHAIRMAN. The point of order is well taken.

Mr. FITZGERALD. When certain gentlemen from Philadelphia, distinguished citizens, appeared before the committee they stated that they thought that the property was worth from $140,000 to $150,000; but one representative from that State thought it perhaps worth $130,000 to $125,000. The Secretary of War in his letter of April 14, 1914, says, which just shows how much he knows about the value of the land that he is recommending shall be purchased by Congress, "I think a fair price would be somewhere between $140,000 and $150,000; so that the amount carried in the bill, $154,000, should be sufficient to include the cost of condemnation proceedings should such be necessary, as contemplated in the bill." Under date of June 2, 1914, I have a letter from the gentleman from Pennsylvania [Mr. EDMONDS] in which he stated that in the previous week he had a talk with the president of the Pennsylvania Co., of Philadelphia, the corporation which is the executor of the estate of Charles Leddig, which estate owns the property, and he agreed to accept $125,000 for the property.

The pending amendment proposes to appropriate $100,000 for the property. Now, in view of this history——

Mr. MADDEN. Will the gentleman yield?

Mr. FITZGERALD. In just a minute—in view of the fact that here has been no anxiety shown on the part of the department to acquire this property, because it has not, at least in the 15 years I have been a Member of the House, made any formal request in the manner required by law to purchase the property, and in view of the fact that the price has steadily been dropping, dropping, dropping, from $180,000 to $100,000, it seems to me that in view of the fact there is no pressing necessity for acquiring the property, if we be a little patient, without very much difficulty we will acquire the property for a sum that perhaps will be commensurate with its value. I now yield to the gentleman from Illinois.

Mr. MADDEN. I was just going to ask the gentleman a question, which the gentleman has answered, and that is, namely, whether the gentleman objects to the fact that the price keeps on dropping?

Mr. FITZGERALD. No; I do not. I believe that with the patience that is sometimes commendable on the part of the Government when property is to be sold to it that if we are patient, in view of what has happened in five years, we may do much better in the very near future.

Mr. MOORE. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MOORE. Has not Gen. Crozier appeared before the committee at some time or other and advocated the increase of the yard area at that station?

Mr. FITZGERALD. No; he did not.

Mr. MOORE. His position is well known, and I have had it from him personally on several occasions that he favored——

Mr. FITZGERALD. There is a manner in which officials should make their position known. If it were desirable, if it were deemed important, if it were imperative that the United States acquire this land at this arsenal or land at any other arsenal, it is the duty of the War Department to make that request in a formal estimate, transmit it properly to Congress, and not be going in roundabout ways attempting to obtain it by informal agitation. The real reason suggested for the acquisition of the property is not that there is any danger to employees at Frankford Arsenal because this land has not been acquired; but in the event some foolhardy persons should utilize this land, not for manufacturing purposes, for which it is only suited, but for residential purposes, they might object to the Government conducting its tests on its present range.

Therefore, to eliminate the possibility of objection on the part of those who might utilize this land for residential purposes, it is suggested that we should purchase the land, lying there unused these many years, and for which nobody seems to be able to find any particular use. The continual suggestion is made to sell it to the Government. It already has land adjacent to it.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask unanimous consent for two or three minutes more.

The CHAIRMAN. The gentleman from New York asks unanimous consent for three minutes more. Is there objection?

I spent three days and most of the nights at the statehouse on that mission. Messrs. White, Lawson, Hayes, McClennon, and others of the National and State officials of the miners' union were in attendance practically all of that time. They didn't censure Gov. Ammons's declared purpose to call out the troops if his efforts for settlement failed; they appeared to realize that the strikers had at that time measurably gotten beyond their control, and that he was justified, as the chief executive, in calling out the troops to keep the strikers within the bounds of the law. These leaders were also very desirous of settling the strike, and I am now, as I was then, thoroughly convinced that if the operators would but hold a conference with these leaders the strike would have been settled.

"In our interviews with the strike leaders they frequently made such statements as this: 'If the operators will but grant us an interview, we are convinced this strike will be settled.' But the operators would not confer with them for any purpose whatsoever. Gov. Ammons and I urged the operators to consent to a conference. We told them the strike leaders had declared time and again that if they would but meet them they were certain they could end the trouble. The operators replied that to agree to a conference will be to recognize the union, which they would not do under any circumstances. We insisted that a mere conference could not be construed into a recognition of the union; that to hold a conference did not commit the operators to the acceptance of any single one of the miners' demands, and we believed that a settlement might be reached which would not include the recognition of the union. To this the operators replied that they would not confer with murderers and interlopers. To this we replied that they should not place the heads of the union organizations in the same category with murderers, neither should they regard them as interlopers, for the local unions owed allegiance to the national body, and it was the duty of the national officers to look after the welfare of the local unions; and it should be presumed that in coming to Colorado the national leaders were but doing what they conceived to be their duty to the local unions. But no plea on our part could change the determination of Messrs. Osgood, Brown, Welborn, and Perry, speaking for themselves and the rest of the operators, not to confer with the miners' representatives, whatever might be the outcome. At one time the operators declared if White, Hayes, Lawson, and others should come into the room they would leave it. At that very time White, Lawson, Hayes, and the others were in an adjoining room hoping to be admitted for a conference.

"MILITIA STARTS IN RIGHT.

"Finally, after midnight on Sunday, I think, Gov. Ammons, despairing of any settlement, called in Gen. Chase and signed the orders that placed the militia in the field.

"Just before these orders were signed and before Gen. Chase came in I suggested to Gov. Ammons that every care should be taken to prevent the troops being made partisans to either side; that they should hold the scales in absolute balance as between the operators and the strikers.

"It was in that connection that I suggested to Gov. Ammons that the operators should not be permitted to bring in strike breakers; but that he should instruct Gen. Chase to afford the fullest protection to all miners then at work, and announce that the fullest protection would be given to any of the strikers who wished to return to work; but, so long as the operators refused to confer with the officers of the union, not a strike breaker, as distinguished from miners then at work or that might desire to return to work, should be permitted to man the mines.

"Gov. Ammons approved of this suggestion with enthusiasm, and he so instructed Gen. Chase. He gave out an interview that night for the morning paper in which he affirmed this position. If I could judge from the manner of and statements made at the time by Messrs. White, Hayes, Lawson, and others, representing the miners, if they did not in terms approve the calling of the militia and the above instructions to Gen. Chase, they did not oppose it and were apparently relieved that it had been done.

"It is some satisfaction to know that the President, in his dealing with the strike, substantially affirms the advice I gave Gov. Ammons at the time the troops were called out, and he has even gone further in the interest of peace to maintain the status quo between the combatants.

"NO TROUBLE AT FIRST.

"It will be recalled that when the State troops first entered the strike territory they were received with enthusiasm by the strikers, and so long as the governor required Gen. Chase to observe the above instructions—for some two or three weeks—there was no violence. But with the change—what induced the governor to make the change I do not know—when the troops were used to install strike breakers in the mines, the serious trouble commenced, and they were never abated until the Federal troops took command of the situation.

"I keenly feel the humiliation of the resort to the Federal Government to preserve Colorado's peace. I joined with others in asking for the Federal troops, for without them it would have been impossible, unless, indeed, open war with consequential wholesale slaughter would have done it. But even had the policy of coercion been pursued at that time, such was the state of mind of the combatants and their sympathizers both within and without the State, that a genuine class war extending far beyond Colorado borders would in all likelihood have been the outcome.

"What is said in defense of the stand by the operators under this lamentable condition of things? That they are insisting only upon their legal rights. They insist that employers should enjoy the right to hire and discharge workmen at will, and that whoever wishes to work without belonging to a union should be given and protected in that right.

"I will not take issue with the operators in any of these positions. I have repeatedly said that in refusing to arbitrate and to confer the operators were clearly within their legal rights, and that their insistance that the State should protect them in manning their mines, even though it were with those called strike breakers, was in naked law well founded. But this is only so now, because public opinion on this subject has not yet crystallized into statute law. Whenever it does, and many believe that time is rapidly coming, that naked legal right may pass away.

"COAL OPERATORS SEEM BLIND.

"The coal operators seem quite blind to the march of public sentiment upon the issue of the unionizing of labor, and they appear to be equally blind to the progress that sentiment has made with other great corporations that employ working men en masse. There isn't a railroad in Colorado or in all the West, with one possible exception, that isn't operated throughout with union labor and that doesn't cheerfully confer with officers of these unions when serious differences arise. How is it with other employers who read this article? I venture there is hardly one who does not deal with unions, and in practice at least doesn't accept collective bargaining. The principle of collective bargaining between employers and the representatives of the mass of workmen is now so well established that very few employers any longer refuse to accept it.

"No one will deny that labor unions with all their offenses and mistakes, with all their tyrannies and injustices, have been great civilizing institutions. They have been the principal agencies in increasing wages, shortening hours, and improving the conditions under which labor is done. They have been in many cases merely coercive agencies, while in many others they have quickened the sluggard conscience of society which in turn has influenced the reforms. With all the sad conflicts that have accompanied the efforts of unions to better the conditions of their members, with the killings and arsons and boycotts and proscriptions, the balance of good, of permanent and necessary good, is on the side of the unions and the strikes for which they have been responsible.

"Do not misunderstand me. In no case do I either approve of or seek to condone lawlessness in any form. I hold it to be the duty of Government to suppress it and to afford the fullest protection to person and property. I hold that Gov. Ammons could not have done otherwise than call out the militia when he did, and had he but continued to act as commander in chief of the State's armed forces when in the field, as was his constitutional duty, instead of turning over that vast war power of his office to one who is a soldier only in times of trouble and who apparently knows no agency but that of unregulated force in dealing with strikers, and had he, instead of permitting this commander to flout the writ of habeas corpus, to hold such as he chose to arrest incommunicado for weeks and months, ultimately to turn them loose without a single charge being preferred against them, to disregard the commonest and most cherished rights of citizenship in the matter of personal liberty, ignoring local courts and their officers except as it suited his purpose, I believe all would have been well, and the great body of the violence that has pilloried the State in the face of the civilized world would never have occurred. The strike might not have been settled, for I have no reason to suppose that the operators would have changed their stubborn front even though the strike had been conducted on the lines of a Sunday-school picnic.

"Should not the operators change their attitude in deference to public opinion and the welfare of the State? I admit their legal right to refuse to arbitrate and even to confer, but the miners have the right to strike and to continue to strike as long

as they will. Neither side has the right to violate the law, and I hold it to be quite as reprehensible to violate law that provides for protection of workmen, that gives the right to unionize, that provides methods for measuring labor that the workingman may get his full earnings, as it is to injure property and person.

"It has cost the State already three-quarters of a million dollars to protect the property of the operators—and another quarter of a million has been provided in anticipation of need for further protection. It is not unlikely that yet another million will be spent to continue that protection, and even then the end may not be in sight. When the burdened taxpayer recalls that all of this vast expenditure might have been saved had the operators but consented to a conference; if they had but met the chosen representatives of the miners to learn whether an agreement that did not include recognition of the union might be reached; and that peace will immediately follow if they even now consent to arbitration at the hands of big, broad-minded national men to be appointed by the President of the United States with recognition excluded, can the taxpayer be blamed for growing restless and bitter against the side that blocks such settlement? The operators certainly do owe something to the great taxpaying public even though that something carries with it a wound to their pride and a recession from what is to-day a very questionable position, measuring it by obligations to society and the State.

"If this condition is to continue and the General Government refuses longer to perform police duty for the State, what then? The claim is made, and a delegation went to Washington to impress it upon the President, that the State would be involved in civil war should the militia be returned to the strike district, and that State-wide murder, rapine, and arson are certain to follow and be extended into other States should that occur. Frankly, I don't believe it. To be sure, if the militia should be returned, officered in whole, as it was, with former mine guards and members of private detective companies defiling its ranks, with its commander turned loose to use force without regard to law and in utter disregard of the most cherished rights of citizenship, serious trouble would most likely follow and the worst predictions might be verified. But I firmly believe that those interested in the welfare of the guards, as well as in their restoration to an efficient and dependable body of the State's defenders, will see to it that all improper persons are retired from its ranks. If certain officers who have lost public confidence and all former mine guards and employees of private detective agencies shall be excluded from the militia, and if the governor will but instruct the commander that efficiency must be retained and that all civil writs must be respected, and that those who are arrested shall have the right to consult with counsel and be turned over to the civil authorities, with the cause of their arrest, I believe that the State troops would be as efficient as the regular soldiers and as willingly obeyed as they have been in the past.

"STATE MILITIA SHOULD BE PURGED.

"And why should not this be done? The members of the State militia are not mercenary soldiers in any sense. They serve the State as patriots, confronting privations, sickness, and death from sense of duty and love of country. They naturally respect and expect discipline, and have all the fine sense of justice that move young men who thus devote themselves to State and duty. It is the more important that in our grave troubles which require their presence in the field that the high standard of the entire body of the State troops should be maintained. No hired members of detective agencies, nor those who owe their just duty to private employers who at the time are in conflict with their former workmen, are fit members of the State guards in such troubles as are now on. They contaminate the service, they degrade its morals, they naturally run to excesses against which all brave and honorable men revolt. Nor should militia officers whose course has been so questionable that courts-martial must be resorted to to officially determine whether they have been guilty of grave and even of heinous crimes, be continued as members of the body, except it might be in very, very rare and exceptional instances, which it is not now necessary to look for.

"And it should not be forgotten that what is denominated a labor war is not 'war' as between two foreign countries, nor even is it civil war. Those upon both sides in such struggles are usually either American citizens or they intend to become such as soon as the law will permit. They are not arrayed against the Government, nor is it their aim to subvert it. Strikes grow out of economic conditions in which the two sides believe interests are antagonized. The State intervenes only as it becomes necessary to enforce respect for law and the right of person and property.

"I mention this to enforce my claim that in no such conflict, severe as it has been and may yet be if wiser counsels do not prevail, is it necessary to set aside the constitutional safeguards of the citizen, to defy the writ of habeas corpus, and to hold prisoners arrested on mere suspicion or because the military head conceives that it is unwise to allow them to remain at large—incommunicado—denying them the right of counsel and of appeals to courts and the privilege of communicating with friends or family. The commanding officer who, in a State like Colorado, can not enforce the law without violating its most cherished safeguards is unfit to command. That the disregard of the civil rights of men and women and of the law intended to enforce them was the provocation for much of the worst violence that shocked the State, I have not the slightest doubt. To respect these rights might impose greater trouble upon those in authority, but the violence that such trouble would avoid would compensate for it ten times over. The Moyer case, under which all of this is defended, is bad law and bad morals and approaches more nearly to constitutional treason than any other happening in the State that I can now recall.

"ARBITRATION SHOULD BE PROVIDED.

"The only conclusion to which any dispassionate discussion of the question can lead is that our constitution should be so amended as to permit the State of Colorado to provide arbitration and to enforce the decrees. Arbitration may not always result in justice; neither do the judgments of our courts. It is impossible that any human tribunal can be always right; it is the average of results to which the public must look. A State board of arbitration wisely selected would, I am convinced, afford as satisfactory results in labor controversies as do our high courts in other disputes. At least since we must defer to human agencies whatever, they may be to settle labor as well as all other serious conflicts, why not commit labor settlements to such a body; this at least until in the process of evolution a wiser plan can be worked out and adopted? Why should not a proper constitutional amendment be initiated and submitted to the State's voters at the coming election?

"I think a very grave injustice has been done the State in the exaggerations that have been indulged in in dealing with the deplorable conflicts of the strike. In the end the truth of it all will become fixed in the public mind. I felt at the time of the Ludlow tragedy that it was impossible that women and children could have been deliberately shot and burned even by the so-called gunmen. What occurred was bad enough, even when put into most favorable light, but our State's humanity has not been blackened with the indelible crime of having willfully shot down and herding women and children into pits, there to be smothered and burnt to death. It is deplorable that men and women should enter upon crusades throughout the rest of the country to fasten such a stain upon the State, though their pretext may be to force an end to the strike and to advance humanity and justice."

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SELDOMRIDGE. I withdraw my amendment.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOLLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 150. Joint resolution authorizing and directing the transfer of a certain unexpended balance in appropriations for salaries of Capitol police; and

S. 5739. An act to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 14189. An act to authorize the construction of a bridge across the Missouri River near Kansas City.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Frankford Arsenal, Philadelphia, Pa.:

For one high-explosive loading shop and its equipment, $32,000;

For magazine protection, $6,000;

For increasing facilities for fire protection, including the installation of a motor-driven pump and the construction of a building to contain the same, $19,000;

In all, $57,000.

Mr. MANN. This commission is conducting investigations so different from what I was led to anticipate would be the work carried on by them when the present Secretary of Labor had charge of the bill in the House that I thought it was a proper inquiry to make—to know how long the investigations were likely to continue.

Mr. FITZGERALD. Well, the work of the commission is very comprehensive. The committee went into the matter very fully. I do not believe that I can state within a brief time just what was the extent of the investigations to be made by this commission. It is about as comprehensive as could be devised.

The work was authorized and the commission decided upon a program. They have men expert in various lines relative to the relations between capital and labor. They laid out lines of investigation, four chief lines—division of public agencies, division of private agencies, division of industrial conditions, and the division of legal agencies—and they are inquiring into such subjects as the safety, sanitation, and hygiene of employees, vocational education, cooperative action, collective bargaining, seasonal occupations, and every other subject which is of keen interest to those desiring to improve the conditions of those compelled to live by the sweat of their faces, and involving the relations between employers and employees.

Evidently the commission seems to have a very comprehensive grasp of the work to be done. They have carefully studied the work of the Royal British Commission, which made a somewhat similar investigation a few years ago. The investigation that we make will not only cover these activities in this country but in order to obtain information that will enable the commission to make recommendations that will be of value to Congress they contemplate making certain investigations abroad, so that information of value, wherever it can be ascertained, will be collected, properly collated, systematically arranged, and sent to Congress for its information.

What was contemplated when the commission was created, I do not quite know. The commission began and carefully considered the fields and subjects that it should investigate and decided upon the lines of investigation which they intended to follow; and if they make any sort of an efficient investigation along the lines indicated, they can very easily expend $350,000 to $500,000. Congress overwhelmingly passed the bill creating the commission and seemed to be peculiarly anxious that these investigations should be made, and started the machinery. The only thing left is either to repeal the law creating the commission or to furnish them with the means to conduct the investigations which they desire to make.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Pennsylvania?

Mr. FITZGERALD. Certainly.

Mr. MOORE. This commission has been meeting recently and taking testimony in the city of New York, has it not?

Mr. FITZGERALD. Well, I do not know. I can not keep track of the movements of the commission.

Mr. BARTLETT. They have sent out circulars, a copy of which the gentleman has probably received.

Mr. MOORE. I know the New York newspapers do not treat the gentleman fairly for his good work in Congress, which I think is a misfortune, but the gentleman ought to keep posted and read the New York newspapers once in a while.

Mr. FITZGERALD. I have not time. I am too busy.

Mr. MOORE. I know the gentleman is very much taken up with his volumes and tomes; but when this bill was up it passed with only a few negative votes, and it provides that the commission shall go out in three years. Is that right?

Mr. FITZGERALD. That is my recollection.

Mr. MOORE. The commission has no power to do anything but investigate? It has no power to settle disputes?

Mr. FITZGERALD. It is to obtain information that will enable us to discharge our duty intelligently in the enactment of legislation.

Mr. MOORE. The gentleman seemed to be somewhat hesitating in stating what the purposes of the commission were.

Mr. FITZGERALD. I do not hesitate to say that I know what the act provides. I stated that I did not think it would be possible for me to enumerate in a brief time and in a comprehensive manner the various lines of investigation that the commission proposes to make.

Mr. MOORE. The gentleman suggested that the commission might have to go to Europe to complete its investigations?

Mr. FITZGERALD. No. I said that the information was that the commission would probably make some investigations in Europe in order to obtain some information that it believed to be desirable on certain lines.

Mr. MOORE. Which lines were not clearly defined.

Mr. FITZGERALD. I think they were. I believe they are now investigating the smuggling of Asiatics into the United States.

Mr. MOORE. That is provided for in the law.

Mr. FITZGERALD. The Immigration Bureau had a very large appropriation, in which was merged an appropriation of $500,000 to prevent the smuggling of Asiatics into the United States. The commission evidently intend to investigate to ascertain whether the immigration officials are efficient, and how they could improve their service, and what other steps might be taken to accomplish the exclusion of Asiatics. At any rate, the act creating the commission is so broad that they can do a great many things that I did not suppose they could do.

Mr. MOORE. In the matter of the Asiatics, is not this commission really trenching upon the ground already covered by the Immigration Commission, which cost this Government a million dollars?

Mr. FITZGERALD. They say not.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MOORE. I move to strike out the last two words.

I did not approve of the creation of this commission, and did not vote for the bill at the time it was before the House. I did not vote for it, because I believed that the commission would simply stir up trouble for business men and for workingmen all over the United States. At that time I believed that this commission would tend to create new offices, new expenditures on the part of the Government, and would offend the Democratic policy of economy.

The commission has no power to do anything except to investigate, and one of the things the chairman of the committee says it intends to investigate is that of Asiatic immigration. Now, the question of Asiatic immigration is fairly well understood by the Committee on Immigration and Naturalization, which has before it, as Congress has, over 40 volumes that were prepared at an expense of over a million dollars, which the people of this country paid, in order that the commission might investigate this very question, and it certainly was investigated.

Mr. Chairman, the bill creating this Commission on Industrial Relations appropriated $100,000 with which it might begin business, and that was after the expenditure of over $1,000,000 by the Immigration Commission to investigate the question of immigration and Asiatic conditions as they would affect this country.

Under section 3 of the act, this commission—

> may report to the Congress its findings and recommendations, and submit the testimony taken from time to time, and shall make a final report, accompanied by the testimony not previously submitted, not later than three years after the date of the approval of this act, at which time the term of this commission shall expire, unless it shall have previously made final report; and in the latter case the term of the commission shall expire with the making of its final report; and the commission shall make at least one report to the Congress within one year from the time of its appointment, and a second report within two years from the time of its appointment.

Now, it is a temporary body, a sort of floating kidney, to stir up questions as between capital and labor, and to report, and to report, and to report to Congress, so that its reports may be very successfully buried after they reach Congress. It now asks for $100,000 to go on with its investigations and its reports. We have had the forty-odd volumes of the report of the Immigration Commission, and they are hidden in congressional offices, and many of them have gone into the scrap heap. A few of them have gone into libraries, where they may be perused by the specialists on the subject. But we are now to get volumes and volumes of testimony taken, not by a congressional commission but by an independent body created by Congress, all of which must be taken up subsequently and considered by committees of Congress, if it is ever considered at all.

Mr. BARTLETT. And we have 10 volumes and 1 index of a report of the Industrial Commission which reported six or eight years ago, as the gentleman will remember.

Mr. MOORE. That is true.

Mr. BARTLETT. That was some sort of a commission which went into all these various questions, and gathered up everything and presented it.

Mr. MOORE. That is true.

Mr. BARTLETT. And Congressmen have been trying ever since to digest some of that information, before they got this additional pabulum.

Mr. MOORE. That is true.

Mr. BARTLETT. I voted against this particular proposition.

Mr. MOORE. I believe the gentleman did.

Mr. BARTLETT. Yes.

Mr. MOORE. And I believe the gentleman stood for real economy on his side of the House when he did so.

Mr. BARTLETT. Yes.

Mr. MOORE. But the pabulum that the gentleman refers to is coming to us in these volumes of testimony taken by a number of gentlemen who sit up as judges in New York, in Pittsburgh, in Chicago, in San Francisco, and possibly off yonder in Shanghai; testimony so voluminous that no Member of Congress can possibly read it, and few people on this earth will dare take the time to digest it. Yet we are criticized in this body for extravagance, while we permit these commissions that have no power to act but simply to dig out testimony and dig out more testimony and stir up more trouble, to go on ad libitum at the expense of the people of the United States.

Mr. BARTLETT. The gentleman realizes that the Committee on Appropriations finds itself face to face with the law, and the estimates submitted to it for this purpose.

Mr. MOORE. Yes.

Mr. BARTLETT. And it has either got to appropriate the money to carry out a purpose which Congress has directed shall be carried out or else the Congress ought to repeal the law. If the gentleman wants to strike out this appropriation, I will vote with him.

Mr. SELDOMRIDGE. Does not the gentleman believe that the constant creation of commissions and the continuous series of investigations that are being conducted on this subject and other subjects really interfere with the accomplishment of needed legislation on these subjects simply because the public mind is in a state of more or less uncertainty, created in that way?

Mr. MOORE. I certainly do; and I want to say to those wise old Democrats who still adhere a little bit to their right to legislate that they are gradually, step by step, giving away the power delegated to them by the people and transferring their authority to independent bodies, to whom they give the money merely to make more trouble for Congress and for the people. [Applause.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

Mr. SELDOMRIDGE. I move to strike out the last word.

Mr. FITZGERALD. That motion has already been debated, and unless there is to be something germane, I shall have to object.

Mr. SELDOMRIDGE. I move to strike out the paragraph.

Mr. Chairman, I am somewhat in sympathy with the statement made by the gentleman from Pennsylvania [Mr. MOORE] with reference to the constant irritation which is being created by the program of investigation which seems to be under way in all parts of the country, affecting so many lines of industry and commerce.

This House, early in the year, created committees to investigate labor troubles existing in Colorado and Michigan. We have also been informed through the press that the Department of Labor has recently sent out representatives to the State of Colorado to further investigate conditions there. The legislature has also appointed a committee to investigate the question. Various civil, fraternal, and commercial bodies have also appointed committees of inquiry, and I am credibly informed that this House will soon be asked to consider a resolution, which I will not oppose, creating a commission to be appointed by the President of the United States to further investigate this matter and if possible secure arbitration, a result which has long been desired.

From all of these investigations it is doubtful if we are to secure anything of a definite character that will prove to be remedial and salutary. There will be a mass of material presented to Congress which may or may not contribute to wise and needed legislation. I believe the country is in a mood at this time to expect legislation rather than investigation. There is abundant material available for legislators in all parts of the country. There is little that is new to be said on either side of these industrial problems, but there is an insistent demand from the country generally that legislators should now give their minds to the consideration of legislation that will make such investigations unnecessary.

If we will consider matters of legislation that will in some measure go to the root of these difficulties and make strikes and lockouts, boycotts and blacklists unnecessary and impossible by removing the causes for their existence, this will do more for the country than to provide liberal appropriations to create commissions without power and whose work is often barren of results.

While I am on my feet, I would like to ask permission to extend my remarks in the RECORD by inserting a statement made concerning the Colorado strike situation by ex-Senator Thomas M. Patterson, of our State. It is a lucid, clear, and unprejudiced presentation of this question along the line of definite legislative action. This statement was published in the Rocky Mountain Sentinel of June 6 last, and is as follows:

"QUESTIONS ARISING FROM COAL STRIKE—A JUST SETTLEMENT TO BOTH SIDES OF CONTROVERSY MUST EVENTUALLY COME—SOCIETY HAS CERTAIN RIGHTS THAT MUST BE OBSERVED—BOTH OPERATORS AND MINERS MUST CONSIDER OBLIGATION TO SOCIETY.

[By Thomas M. Patterson.]

"In this contribution I will only consider questions that grow out of the strike and about which a clearer view should be had at the present time.

"With the adjournment of the special legislative session there went glimmering every hope of the strike settlement except through either a mutual agreement between the parties or the utter exhaustion of the one side or the other. The most important measure for which the session was called—except the appropriation to meet the expenses occasioned by the strike—was for the submission of a constitutional amendment that would authorize legislation for a compulsory arbitration law. If such an amendment had been submitted, it would have placed Colorado in the forefront of States that seek to devise rational plans for the settlement of their great, devastating labor struggles, which every year seem more menacing. The only reason given for the failure is that both the operators and the strikers opposed it. I think that is very likely; but I submit that such is not a sufficient reason—for between those two combatants is society—the great body of the public whose wishes and interests lawmakers should have held uppermost in the legislative program. With public interests held paramount by the legislature, the real interests of labor and capital would have been best defended; progress would not have been retarded, nor would the stability of business been seriously disturbed.

"This failure by the legislature is, however, a pointer to the irreconcilable character of the dispute that is now disturbing the State. While a law under such an amendment might not be in time to settle the present strike—and yet it might—it would have been available for those of the future. Nevertheless, both sides opposed it. I can not understand why, except that probably each preferred to take its chances, backed by the power of their organizations, rather than leave the outcome to the calm judgment of the men whom the people would select to act as judges between them.

"But since the legislature refused its help to the public, what may the public expect now that it is thrown upon its own resources?

"When J. D. Rockefeller, jr., refused the rational request of President Wilson for cooperation in bringing about a settlement, and the national executive body of the miners resolved to give all needful help to the strike and declared that on the outcome depended the future of unionism and humanity, the continuation of a titantic, widespread struggle with Colorado to remain the battle ground seemed assured.

"It may be accepted that the National Government will not continue to do for Colorado what the State's plain duty is to do for itself—maintain peace and order within its borders—one day longer than may seem to be absolutely necessary. We must commence to contemplate the withdrawal of Federal soldiers from police duty in Colorado. They were sent in for an emergency and not to go into permanent barracks, and when they shall be withdrawn, what then? With both sides doggedly determined; with both sides believing that the struggle is no longer local, but national; with both sides provided with ample means to carry on the struggle indefinitely, the outlook is dark for the peace and welfare of the State.

"It is not necesary to discuss the merits of the strike, for it has been on now for more than half a year. The operators and miners have each gathered their partisans to their sides, and from the partisan standpoint the claims of each seem quite defensible.

"MINERS WILLING TO ARBITRATE.

"But the attitude of the two sides upon the question of a settlement is quite different. The strikers say we are willing to submit the differences to any reputable and disinterested body of men and abide the result. The operators say there is nothing to arbitrate and we will not negotiate for a settlement with the strike leaders nor submit any question to arbitration.

"The operators are at least consistent. That was the stand they took when the strike was first threatened and it is the stand they take to-day.

"The occurrences immediately before the troops were called out are significant in this connection:

"Three or four days before that occurred Gov. Ammons called upon and urged me to assist him in his efforts to bring about a settlement of the strike. Of course I readily assented.

Mr. THOMAS with Mr. CALDER.

Mr. LEE with Mr. MCLAUGHLIN.

Mr. J. M. C. SMITH. Mr. Speaker, I would like to inquire how the gentleman from Oklahoma, Mr. DAVENPORT, voted?

The SPEAKER pro tempore. The gentleman did not vote.

Mr. J. M. C. SMITH. I voted "no," and I wish to withdraw my vote and answer "present." I am paired with that gentleman.

The name of Mr. J. M. C. SMITH was called, and he answered "Present."

Mr. EVANS. Mr. Speaker, I desire to vote "aye."

The SPEAKER pro tempore. Was the gentleman in the Hall when his name was called?

Mr. EVANS. I do not think I was.

The SPEAKER pro tempore. The Chair does not think the gentleman is entitled to vote.

Mr. ASHBROOK. Mr. Speaker, I do not think I voted.

The SPEAKER pro tempore. Was the gentleman listening when his name was called?

Mr. ASHBROOK. I am not sure I was.

The SPEAKER pro tempore. Under that statement the gentleman probably would not be entitled to vote.

Mr. ASHBROOK. I would not say I was and I would not say I was not; I think I was.

The result of the vote was announced as above recorded.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the motion to concur was passed was laid on the table.

ORDER OF BUSINESS.

Mr. DONOVAN. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER pro tempore. The gentleman from Connecticut asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. DONOVAN. Mr. Speaker [applause], I will read a sentence from a speech of the ranking member of the minority on the Committee on Appropriations, Mr. GILLETT, of Massachusetts. He said, on June 6, that the presence of a minority, he was willing to admit, had the power to prevent abuses. Having that in my mind on the 10th of June, I rose and addressed the Chair and appealed to the chairman of the committee having the codification bill in charge, and, as reported in the RECORD, I asked the chairman of the committee if he did not think he ought to move to rise, because there was only one member of the minority—Republican Party—present, for the purpose, Mr. Speaker, of having those in the opposition present. It is true there were three members of the Progressive Party present. Well, in the noise and commotion which is generally started when the gentleman from Illinois, the leader of the minority, rises from his seat, he stated, according to the RECORD, that the gentleman from Connecticut knew that the statement he made is not true, and he added that the statement was not true. The statement was true, Mr. Speaker, when made. I have no other stock in trade but the truth. [Applause.] I never make any statement in public that is not the truth. Just previous to that time, the gentleman from Washington having departed, the gentleman from Iowa [Mr. GREEN] had taken up his little bundle of papers and pamphlets and departed, and that great judicial Member from Wisconsin, who never rises on the floor of the House but that he is always fair, Mr. ESCH, had also departed, leaving only the leader of the minority. Now, we have in this country great manufacturing interests; we have in this country great financial interests; we have great commercial interests, and the people of the Republican Party, and especially the Members of Congress belonging to that party, claim to represent all those things. I want to call attention to how they attend to their business by leaving this Chamber during legislative proceedings.

The great State of Pennsylvania at that time had not a Republican Member upon this floor, except a Member of the Progressive Party. The great State of Ohio, the greatest manufacturing State, or one of them, in this country, not even had the presence of her college president; not a single member of the minority was present. In all New England not a member of the minority was present. Not one of the Republican Members from the South was present. [Laughter and applause.] Mr. Speaker, I repeat, not a single Republican Member from the Southern States, and there are not many of them; although they claim to be the most patriotic, they claim they get more out of the Treasury than any others—they were absent, too. [Laughter.] The great line on the Pacific coast, from the Arctic circle to the line of Mexico—not one was present, except the Progressive Member from Washington. That shingle shaver [laughter]—that shingle talker, who uses the RECORD more than any other Member in this Congress—abandoned that great interest of the country to the majority. [Applause.] And I appeal——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE. I want the gentleman to finish his appeal.

Mr. MANN. Mr. Speaker, I ask for two minutes.

Mr. DONOVAN. I suggest the gentleman of the minority have five minutes. He needs that many minutes to explain his leadership and why they left him.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent for two minutes' time. Is there objection?

Mr. DONOVAN. I offered to make it five minutes.

The SPEAKER pro tempore. The Chair hears none.

Mr. MANN. Mr. Speaker, the statement made by the gentleman from Connecticut [Mr. DONOVAN] on Wednesday last that there was only one Member of the minority, referring to myself, present at the time, was not true when it was made, and it is no truer to-day when it is reiterated.

In plain sight of the gentleman from Connecticut [Mr. DONOVAN] and anybody else in the House, there stood right here the gentleman from Wisconsin [Mr. LENROOT] and the gentleman from Kansas [Mr. CAMPBELL]. Over to the right a number of Republican Members were present. And the two Members, I think, first referred to, at the time were discussing some subject—I do not know what—in private conversation with the gentleman from Kansas [Mr. MURDOCK], in plain sight of anybody who had sense enough to see. I do not know whether the gentleman from Connecticut [Mr. DONOVAN] gets so that he can not see at that time of the day or not.

Mr. DONOVAN. Will the gentleman allow an interruption?

Mr. MANN. I did not interrupt the gentleman.

The SPEAKER pro tempore. The gentleman from Illinois refuses to yield.

Mr. DONOVAN. Well, it is wise he did not do it. [Laughter.]

Mr. MANN. I think myself it is wise, because I never heard any wisdom imparted to the House when I did yield to the gentleman, and no one else ever did. The gentleman repeats a slander for the purpose of injuring Members of the House. He himself was hardly present at any time on Wednesday last, but came in to call attention to the absence of other gentlemen, and made a statement absolutely untrue, in fact, and which he must have known was untrue if he ever had had the use of his eyes.

Mr. DONOVAN. Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 11 o'clock to-morrow.

Mr. DONOVAN. I am going to object to that Mr. Speaker. In fact, I do object.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will read

The Clerk proceeded to read.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Let the Clerk finish the reading of the paragraph.

The Clerk completed the reading of the paragraph, as follows:

UNITED STATES BOARD OF MEDIATION AND CONCILIATION.

For commissioner, $7,500; assistant commissioner, $5,000; for necessary and proper expenses incurred in connection with any arbitration or with the carrying on of the work of mediation and conciliation, including traveling and other necessary expenses of members or employees of boards of arbitration, rent in the District of Columbia, not exceeding $2,280, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the board of mediation and conciliation, to be approved by the chairman of said board, $37,500; in all, $50,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Connecticut——

Mr. MANN. I moved to strike out the last word, but I am perfectly willing to let the gentleman from Connecticut [Mr. DONOVAN] have that privilege.

The CHAIRMAN. The gentleman from Connecticut arose just as the reading of the paragraph was about ended and moved to strike out the last word and the Chair requested that he wait until the reading of the paragraph was concluded.

Mr. MANN. And when the paragraph was completed the gentleman from Connecticut remained on his feet until the Clerk started to read the next paragraph, and I arose and moved to strike out the last word. However, I am perfectly willing to yield to the gentleman from Connecticut.

Mr. DONOVAN. I do not want any favors. I want nothing but the regular procedure.

The CHAIRMAN. The Chair has recognized the gentleman from Connecticut. If he wants to move to strike out the last word, he may do it.

Mr. DONOVAN. In regard to what has taken place, not a single member of the minority has arisen and claimed that he was here——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the discussion is not germane, and I intend to make the same point of order during the rest of the day.

Mr. DONOVAN. I desire to be heard on that point of order, Mr. Chairman.

The CHAIRMAN. If the gentleman from Connecticut [Mr. DONOVAN] will pardon the Chair, it really is not necessary for him to be heard on that point of order. The gentleman knows the rules.

Mr. DONOVAN. The Chair will pardon me, we are not confined to debating the question of striking out the single word.

The CHAIRMAN. That was the motion offered by the gentleman from Connecticut.

Mr. DONOVAN. Exactly, but we are not confined to that under the rules. The Chair would not hold that I could not debate the subject matter in regard to an appropriation.

Mr. FITZGERALD. Mr. Chairman, I am objecting to such discussion.

Mr. DONOVAN. The Chair will not so hold, I think.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] may proceed in order.

Mr. DONOVAN. Yes, sir; I was about to say, Mr. Chairman, that the statement of the gentleman from Illinois just made is lacking in truth—every word and syllable of it.

Mr. FITZGERALD. I make the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. DONOVAN. Nobody has made any.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] made a point of order. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. MURDOCK. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. MURDOCK. When the motion is made to strike out the last word—and it is frequently made in the Committee of the Whole under the five-minute rule—how far afield can a speaker go on that proposition? Must he address himself to the subject matter of the paragraph?

The CHAIRMAN. He must address himself to the subject matter of the amendment.

Mr. MURDOCK. As the Chair knows, it would be practically impossible under the practices here to talk to a single word. I would just like to know what the rule is, if the gentleman from New York is going to hold the Committee of the Whole to that proposition.

Mr. FITZGERALD. I intend to insist on gentlemen discussing the particular paragraph under discussion in this bill for the rest of the day.

Mr. MURDOCK. Does the gentleman from New York mean that he is going to exclude a motion to strike out the last word?

Mr. FITZGERALD. If the gentleman wishes to discuss the paragraph in which that last word is, I shall not make the point of order.

Mr. MURDOCK. That is what I wanted to get from the Chair.

Mr. FITZGERALD. We have only two hours left to-day to consider this bill, and I want some progress made with it.

Mr. MURDOCK. The Chair refused to say just what the gentleman from New York [Mr. FITZGERALD] had moved.

The CHAIRMAN. If the gentleman from Kansas will pardon the Chair, the Chair could not state what the gentleman from New York [Mr. FITZGERALD] had in mind. The Chair could only state what the Chair could hold.

Mr. MURDOCK. I think it fair to have a ruling on that proposition.

The CHAIRMAN. If the point of order is made, the Chair will hold that the gentlemen must confine themselves to the amendment.

Mr. MURDOCK. And not to the paragraph?

Mr. MANN. I move to strike out the last two words. I notice that this paragraph includes traveling and other necessary expenses of members or employees of boards of arbitration and also the necessary expenses of members or employees of the board of mediation and conciliation.

I would like to ask the gentleman how far this language authorizes employments. The language here is "other necessary expenses of members or employees of boards of arbitration" and also "other necessary expenses of members or employees of the board of mediation and conciliation." I noticed in the public press the other day that this board had employed an attorney of very high standing in the United States to give some kind of an opinion, and had received from him a bill for $1,500, I presume for half a day's work, owing to the prominence of the attorney who was employed, and that there had been a dispute in reference to the payment of the bill.

Mr. DONOVAN. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Under your ruling the gentleman, the minority leader, is not speaking now to his amendment of striking out the last two words.

Mr. MANN. Certainly I am. The last two words are "thousand dollars," and it is a very important thing to know whether we shall continue the appropriation of the thousands of dollars or whether there is any excuse offered, and I am discussing that very question. Anyone else in the House other than the gentleman from Connecticut would have known enough to know that it requires an explanation. [Laughter.]

Mr. DONOVAN. Mr. Chairman, I rise to make a point of order. The gentleman from Connecticut had nothing to do with striking out the last two words.

Mr. MANN. Then what is the gentleman interfering with it for if he had nothing to do with it?

The CHAIRMAN. The Chair will state to the gentleman from Illinois—and it is not necessary to state to him——

Mr. MANN. I am following the rule.

The CHAIRMAN. The gentleman could move to strike out the entire paragraph and then discuss the entire paragraph.

Mr. MANN. I am discussing the question of the expenditure of money, and I move to reduce the amount. I move to reduce the amount in this provision from $50,000 to $50. If one can not discuss the reasons for it, I do not know what one can discuss under such a motion.

It was stated in the press that they could not find any authority for the expenditure of this money except under the title of "necessary expenses." Now, this language is "necessary expenses of members or employees of the board." I would like to know whether the gentleman from New York [Mr. FITZGERALD] thinks that that means that the board itself may use all of this $50,000 in the employment of counsel or expert advice, or something of that sort, from people who are neither members nor employees of the board? Of course, I apprehend that there were political reasons for employing this distinguished lawyer. After a fierce battle at a primary or convention it might have been thought desirable that the present administration should gain the favor of Mr. Alton B. Parker and pay him $1,500 for looking wise. [Laughter.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

COMMISSION ON INDUSTRIAL RELATIONS.

For continuing the inquiries and investigations authorized by the act of August 23, 1912, entitled "An act to create a Commission on Industrial Relations," and to provide the expenses of such inquiries and investigations as are enumerated in section 2 of said act, $200,000.

Mr. MANN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last two words.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from New York [Mr. FITZGERALD] if he can tell us how long these investigations of this Commission on Industrial Relations are likely to continue?

Mr. BARTLETT. Three years.

Mr. FITZGERALD. My recollection is that the chairman of the commission stated that they hoped to be able to complete the investigations within the time originally mentioned when the act creating the commission was under consideration by Congress.

Reilly, Conn.
Roberts, Nev.
Ruple
Scott
Sells
Sherwood
Sinnott
Slemp
Smith, Idaho
Stephens, Cal.
Sutherland
Switzer
Tavenner
Taylor, Colo.
Temple
Towner
Treadway
Underwood
Vare
Volstead
Walters
White
Woodruff
Woods

NAYS—174.

Abercrombie
Adair
Adamson
Alexander
Ashbrook
Aswell
Bailey
Baker
Baltz
Barkley
Bartholdt
Bartlett
Beakes
Beall, Tex.
Bell, Ga.
Blackmon
Booher
Borchers
Bowdle
Britten
Brodbeck
Brumbaugh
Buchanan, Ill.
Buchanan, Tex.
Bulkley
Burgess
Burnett
Byrnes, S. C.
Byrns, Tenn.
Calder
Candler, Miss.
Caraway
Carr
Carter
Church
Clancy
Clark, Fla.
Claypool
Cline
Collier
Connelly, Kans.
Connolly, Iowa
Cox
Crosser
Callop
Davis
Dent
Dershem
Dickinson
Dixon
Donovan
Doolittle
Doughton
Eagan
Eagle
Edwards
Esch
Evans
Faison
Ferguson
Ferris
Fields
Fitzgerald
Flood, Va.
Floyd, Ark.
Foster
Fowler
Gard
Gardner
Garrett, Tenn.
Garrett, Tex.
Gillett
Gittins
Glass
Godwin, N. C.
Goodwin, Ark.
Gorman
Graham, Ill.
Gray
Green, Iowa
Gudger
Hamlin
Hammond
Hardy
Harris
Hay
Hedgesen
Hensley
Hill
Holland
Houston
Hughes, Ga.
Hull
Jacoway
Johnson, Ky.
Johnson, S. C.
Keating
Kent
Kirkpatrick
Lazaro
Lee, Ga.
Lenroot
Lesher
Lever
Lewis, Md.
Lindbergh
Lloyd
Lobeck
McCoy
McGillicuddy
McKellar
McKenzie
Madden
Maguire, Nebr.
Mann
Moon
Morrison
Moss, Ind.
Neely, W. Va.
Oglesby
Oldfield
Padgett
Page, N. C.
Park
Peters, Mass.
Peterson
Platt
Post
Pou
Prouty
Quin
Rainey
Rauch
Rayburn
Reed
Reilly, Wis.
Rothermel
Rouse
Riley
Rucker
Russell
Saunders
Seldomridge
Shackleford
Sims
Sparkman
Stedman
Steenerson
Stephens, Miss.
Stephens, Tex.
Stevens, Minn.
Stone
Stout
Sumners
Taggart
Talbott, Md.
Talcott, N. Y.
Taylor, Ark.
Ten Eyck
Thacher
Thompson, Okla.
Thomson, Ill.
Tribble
Underhill
Vaughan
Vollmer
Walker
Watkins
Weaver
Webb
Whaley
Williams
Wingo
Witherspoon

ANSWERED "PRESENT"—2.

Smith, J. M. C. Thomas

NOT VOTING—149.

Ainey
Allen
Anderson
Ansberry
Avis
Barchfeld
Barnhart
Battrick
Borland
Brown, N. Y.
Brown, W. Va.
Browne, Wis.
Browning
Bruckner
Burke, Pa.
Callaway
Cantor
Cantrill
Carew
Carlin
Casey
Chandler, N. Y.
Coady
Cooper
Copley
Covington
Crisp
Dale
Danforth
Davenport
Decker
Dies
Difenderfer
Dooling
Fairchild
Fess
Francis
Gallagher
George
Gerry
Gilmore
Goeke
Goldfogle
Gordon
Goulden
Graham, Pa.
Gregg
Griest
Griffin
Haugen
Hayes
Heflin
Helm
Helvering
Henry
Hinds
Hobson
Howard
Hoxworth
Humphreys, Miss.
Igoe
Jones
Keister
Kennedy, Conn.
Kennedy, R. I.
Key, Ohio
Kiess, Pa.
Kindel
Kinkead, N. J.
Knowland, J. R.
Konop
Korbly
Kreider
Lafferty
Langham
L'Engle
Levy
Lewis, Pa.
Lieb
Lindquist
Loft
Logue
McAndrews
McClellan
McDermott
McLaughlin
Mahan
Maher
Manahan
Martin
Merritt
Metz
Miller
Montague
Morgan, La.
Murray, Mass.
Neeley, Kans.
Nelson
Nolan, J. I.
Norton
O'Brien
Palge, Mass.
Palmer
Parker
Patton, Pa.
Payne
Peters, Me.
Porter
Powers
Riordan
Roberts, Mass.
Rogers
Sabath
Scully
Sharp
Sherley
Shreve
Sisson
Sloyden
Sloan
Small
Smith, Md.
Smith, Minn.
Smith, N. Y.
Smith, Saml. W.
Smith, Tex.
Stafford
Stanley
Stephens, Nebr.
Stevens, N. H.
Stringer
Taylor, Ala.
Taylor, N. Y.
Townsend
Tuttle
Wallin
Walsh
Watson
Whitacre
Willis
Wilson, Fla.
Wilson, N. Y.
Winslow
Young, N. Dak.
Young, Tex.

So the motion to concur with an amendment was rejected.

The following pairs were announced:

For the session:

Mr. METZ with Mr. WALLIN.

Mr. SCULLY with Mr. BROWNING.

Mr. HOBSON with Mr. FAIRCHILD.

Until further notice:

Mr. SISSON with Mr. PATTON of Pennsylvania.

Mr. SMALL with Mr. PORTER.

Mr. SMITH of Texas with Mr. ROGERS.

Mr. YOUNG of Texas with Mr. SHREVE.

Mr. WATSON with Mr. SAMUEL W. SMITH.

Mr. WILSON of Florida with Mr. YOUNG of North Dakota.

Mr. LEVY with Mr. POWERS.

Mr. HEFLIN with Mr. LANGHAM.

Mr. HELM with Mr. LAFFERTY.

Mr. HUMPHREYS of Mississippi with Mr. LINDQUIST.

Mr. TUTTLE with Mr. MCLAUGHLIN.

Mr. TOWNSEND with Mr. MANAHAN.

Mr. MCCLELLAN with Mr. J. I. NOLAN.

Mr. MONTAGUE with Mr. ROBERTS of Massachusetts.

Mr. NEELEY of Kansas with Mr. NORTON.

Mr. RIORDAN with Mr. PARKER.

Mr. BROWN of New York with Mr. AINEY.

Mr. CASEY with Mr. BROWNE of Wisconsin.

Mr. FRANCES with Mr. COPLEY.

Mr. GALLAGHER with Mr. DANFORTH.

Mr. GEORGE with Mr. GRAHAM of Pennsylvania.

Mr. GOEKE with Mr. HAYES.

Mr. GOLDFOGLE with Mr KEISTER.

Mr. GORDON with Mr. KIESS of Pennsylvania.

Mr. GREGG with Mr. KREIDER.

Mr. HARDWICK with Mr. HAUGEN.

Mr. SHERLEY with Mr. WINSLOW.

Mr. ALLEN with Mr. FESS.

Mr. IGOE with Mr. ANDERSON.

Mr. DALE with Mr MARTIN.

Mr. TAYLOR of Alabama with Mr. MILLER.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. HENRY with Mr. HINDS.

Mr. CALLAWAY with Mr. MERRITT.

Mr. MURRAY of Massachusetts with Mr. PETERS of Maine.

Mr. THOMAS with Mr. HAMILTON of Michigan.

Mr. SABATH with Mr. J. R. KNOWLAND.

Mr. CLINE with Mr. SLOAN, ending one week from June 8.

Mr. COOPER with Mr. HOWARD.

On this vote:

Mr. CARLIN (against Moss amendment) with Mr. AVIS (for).

Mr. LEWIS of Pennsylvania (for Moss amendment) with Mr. BARNHART (against).

Mr. KENNEDY of Rhode Island (for Moss amendment) with Mr. KENNEDY of Connecticut (against).

Mr. CAREW (for Moss amendment) with Mr. HAMILL (against).

Mr. CANTRILL (against Moss amendment) with Mr. WILLIS (for).

Mr. GRIEST (for Moss amendment) with Mr. PALMER (against).

Mr. BARCHFELD (for Moss amendment) with Mr. COVINGTON (against).

Mr. GRIFFIN (for Moss amendment) with Mr. HART (against).

Mr. DOOLING (for Moss amendment) with Mr. KINKEAD of New Jersey (against).

Mr. DAVENPORT with Mr. J. M. C. SMITH, commencing morning of June 10, ending when both return. Not to apply to prohibition or rural credits and not to prohibit Mr. SMITH from voting on Dyer contest.

Mr. J. M. C. SMITH. Mr. Speaker, I desire to know if the gentleman from Oklahoma, Mr. DAVENPORT, is recorded?

The SPEAKER pro tempore. He is not recorded.

Mr. J. M. C. SMITH. I voted "aye." I wish to withdraw my vote and answer "present," as I have a pair with the gentleman.

The name of Mr. J. M. C. SMITH was called, and he answered "Present."

Mr. BATHRICK. Mr. Speaker, I desire to have my name recorded.

The SPEAKER pro tempore. Was the gentleman in the Hall listening when his name should have been called?

Mr. BATHRICK. Mr. Speaker, I am quite sure that I heard my name called as I came into the door.

The SPEAKER pro tempore. The gentleman was in the Hall then when his name was called?

Mr. MANN. Mr. Speaker, I do not think the gentleman from Ohio brings himself within the rule.

The SPEAKER pro tempore. Was the gentleman in the Hall listening when his name should have been called?

Mr. BATHRICK. Mr. Speaker, I came in at the door, and, as I have stated, I think at that instant I heard my name called. I was inside the door.

The SPEAKER pro tempore. Did the gentleman vote?

Mr. BATHRICK. No; I did not; for I was not sure enough.

Mr. MANN. Mr. Speaker, the gentleman can not vote unless he failed to hear his name called when it should have been called.

Mr. BATHRICK. Mr. Speaker, the gentleman from Illinois can not say that I did not.

Mr. MANN. I do not say anything about it. I take the gentleman's word.

The SPEAKER pro tempore. If the gentleman heard his name called and did not vote, he is not entitled to vote now.

Mr. BATHRICK. I was not absolutely certain of it, Mr. Speaker. I came in the door, hurrying over here from the Office Building when the bells were rung.

The SPEAKER pro tempore. The gentleman knows what the rule is. He is able to state whether or not he was in the Hall, listening, when his name should have been called.

Mr. BATHRICK. I think I was in the Hall, listening.

The SPEAKER pro tempore. It is for the gentleman to state.

Mr. BATHRICK. I think I was in the Hall, Mr. Speaker, and listening, certainly, if I was in the Hall.

The SPEAKER pro tempore. And the gentleman failed to hear his name called?

Mr. BATHRICK. Yes.

The SPEAKER pro tempore. And he asks to vote under the rule?

Mr. BATHRICK. Yes.

The SPEAKER pro tempore. On that statement the gentleman's name can be recorded; otherwise not.

Mr. BATHRICK. Mr. Speaker, I simply state that I think I heard my name called. I am not going to state positively that I did; but as I came in the door I thought I heard my name called. The B's were being called at that time.

Mr. MANN. Mr. Speaker, the gentleman plainly does not come within the rule.

The SPEAKER pro tempore. The Chair does not think the gentleman brings himself within the rule.

Mr. BATHRICK. Then, Mr. Speaker, I wish to state, since I am deprived of voting on the objection of the gentleman from Illinois, that if I were permitted to vote I would vote "no."

Mr. MANN. Mr. Speaker, I have no objection to the gentleman voting now.

Mr. BATHRICK. I think the gentleman from Illinois is the one who raised the objection.

Mr. MANN. Oh that is entirely untrue.

The SPEAKER pro tempore. The gentleman fails to bring himself within the rule.

The result of the vote was announced, as above recorded.

Mr. ADAMSON. Mr. Speaker, if necessary, I again move the previous question on the motion to concur in the Senate amendment.

Mr. MANN. Oh, that has been already ordered.

The SPEAKER pro tempore. That has been ordered. The question is on the motion of the gentleman from Georgia to concur in the Senate amendments.

Mr. ADAMSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 216, nays 71, answered "present" 1, not voting 145, as follows:

YEAS—216.

Abercrombie
Adair
Adamson
Aiken
Alexander
Aswell
Bailey
Baker
Baltz
Barkley
Bartholdt
Bartlett
Barton
Bathrick
Beakes
Beall, Tex.
Bell, Ga.
Blackmon
Booher
Borchers
Fergusson
Ferris
Fields
Britten
Brambaugh
Buchanan, Ill.
Buchanan, Tex.
Bulkley
Burgess
Burke, S. Dak.
Burke, Wis.
Burnett
Butler
Byrnes, S. C.
Byrns, Tenn.
Candler, Miss.
Caraway
Carlin
Carr
Carter
Church
Clancy
Clark, Fla.
Claypool
Cline
Collier
Connelly, Kans.
Connelly, Iowa
Cox
Crosser
Curry
Dalzell
Dent
Dershem
Dickinson
Dixon
Donovan
Doolittle
Doughton
Eagle
Edwards
Elder
Esch
Evans
Faison
Fess
Flood, Va.
Floyd, Ark.
Foster
Fowler
Gard
Gardner
Garner
Garrett, Tenn.
Garrett, Tex.
Gillett
Gittins
Glass
Godwin, N. C.
Good
Goodwin, Ark.
Gorman
Graham, Ill.
Gray
Green, Iowa
Greene, Vt.
Gudger
Hamilton, Mich.
Hamilton, N. Y.
Hamlin
Hammond
Hardwick
Hardy
Harris
Hay
Helgesen
Helm
Helvering
Henry
Hill
Hinds
Humphrey, Wash.
Jacoway
Johnson, Ky.
Johnson, S. C.
Johnson, Wash.
Kahn
Keating
Kent
Kettner
Kiess, Pa.
Kinkaid, Nebr.
Kirkpatrick
La Follette
Lazaro
Lee, Ga.
Lenroot
Lever
Lewis, Md.
Lindbergh
Lieb
Lloyd
Lobeck
Logue
McCoy
McGillicuddy
McKellar
McKenzie
Madden
Maguire, Nebr.
Mann
Moon
Morgan, Okla.
Morrison
Moss, Ind.
Murray, Okla.
Neely, W. Va.
Nelson
Oglesby
O'Hair
Oldfield
Padgett
Page, N. C.
Peters, Mass.
Peterson
Platt
Post
Pou
Prouty
Quin
Rainey
Rauch
Rayburn
Reed
Reilly, Wis.
Rothermel
Rouse
Riley
Rucker
Ruple
Russell
Saunders
Seldomridge
Shackleford
Sherwood
Sims
Sisson
Slemp
Smith, Saml. W.
Sparkman
Stedman
Steenerson
Stephens, Miss.
Stephens, Nebr.
Stephens, Tex.
Stevens, Minn.
Stevens, N. H.
Stone
Stout
Stringer
Sumners
Sutherland
Taggart
Talbott, Md.
Talcott, N. Y.
Tavenner
Taylor, Ark.
Taylor, Colo.
Ten Eyck
Thacher
Thompson, Okla.
Thomson, Ill.
Tribble
Underhill
Underwood
Vaughan
Vollmer
Walker
Watkins
Webb
Wallin
Walsh
Watson
Weaver
Whaley
Whitacre
White
Williams
Wilson, Fla.
Wilson, N. Y.
Winslow
Wingo
Witherspoon
Woods
Young, N. Dak.
Young, Tex.

NAYS—71.

Anthony
Austin
Bell, Cal.
Brockson
Broussard
Bryan
Campbell
Cary
Conry
Cramton
Curry
Dillrick
Donohoe
Driscoll
Drukker
Dunn
Dupré
Dyer
Edmonds
Estopinal
Falconer
Farr
Fitzgerald
Fordney
French
Gallivan
Greene, Mass.
Guernsey
Harrison
Hawley
Hinebaugh
Howell
Hughes, W. Va.
Hulings
Johnson, Utah
Kahn
Kelley, Mich.
Kelly, Pa.
Kennedy, Iowa
Kitchin
Langley
Lee, Pa.
McGuire, Okla.
Macdonald
Mapes
Mitchell
Mondell
Moore
Morin
Moss, W. Va.
Mott
Nordeck
O'Leary
O'Shaunessy
Patten, N. Y.
Phelan
Raker
Reilly, Conn.
Roberts, Nev.
Scott
Sells
Sinnott
Smith, Idaho
Stephens, Cal.
Switzer
Temple
Towner
Treadway
Vare
Woodruff
Woods

ANSWERED "PRESENT"—1.

Smith, J. M. C.

NOT VOTING—145.

Ainey
Allen
Anderson
Ansberry
Ashbrook
Avis
Barchfeld
Barnhart
Borland
Brodbeck
Brown, N. Y.
Brown, W. Va.
Browne, Wis.
Browning
Bruckner
Burke, Pa.
Calder
Callaway
Cantor
Cantrill
Carew
Casey
Chandler, N. Y.
Coady
Cooper
Copley
Covington
Crisp
Dale
Danforth
Davenport
Decker
Dershem
Dies
Difenderfer
Dooling
Fairchild
Fess
Francis
Gallagher
Gerry
Gilmore
Goeke
Goldfogle
Gordon
Goulden
Graham, Pa.
Gregg
Griest
Griffin
Hamill
Hartwick
Hart
Hayes
Heflin
Helm
Helvering
Henry
Hinds
Hobson
Howard
Hoxworth
Humphreys, Miss.
Igoe
Jones
Keister
Kennedy, Conn.
Kennedy, R. I.
Key, Ohio
Kiess, Pa.
Kindel
Kinkead, N. J.
Knowland, J. R.
Konop
Korbly
Kreider
Lafferty
Langham
L'Engle
Levy
Lewis, Pa.
Lieb
Lindquist
Loft
Logue
McAndrews
McClellan
McDermott
McLaughlin
Mahan
Maher
Manahan
Martin
Merritt
Metz
Miller
Montague
Morgan, La.
Murray, Mass.
Neeley, Kans.
Nelson
Nolan, J. I.
Norton
O'Brien
Palge, Mass.
Palmer
Parker
Patton, Pa.
Payne
Peters, Me.
Porter
Powers
Riordan
Roberts, Mass.
Rogers
Sabath
Scully
Sharp
Sherley
Shreve
Sloyden
Sloan
Small
Smith, Md.
Smith, Minn.
Smith, N. Y.
Smith, Tex.
Stafford
Stanley
Taylor, Ala.
Taylor, N. Y.
Thomas
Townsend
Tuttle
Wallin
Walsh
Walters
Watson
Whitacre
Willis
Wilson, Fla.
Wilson, N. Y.
Winslow
Young, N. Dak.
Young, Tex.

So the motion to concur was agreed to.

The Clerk announced the following additional pairs:

On this vote:

Mr. BARNHART (for Senate amendment) with Mr. LEWIS of Pennsylvania (against).

Mr. KENNEDY of Connecticut (for Senate amendment) with Mr. KENNEDY of Rhode Island (against).

Mr. HAMILL (for Senate amendment) with Mr. CAREW (against).

Mr. PALMER (for Senate amendment) with Mr. GRIEST (against).

Mr. HOWARD (for Senate amendment) with Mr. COOPER (against).

Mr. HART (for Senate amendment) with Mr. GRIFFIN (against).

Mr. KINKEAD of New Jersey (for Senate amendment) with Mr. DOOLING (against).

Mr. GILMORE (for Senate amendment) with Mr. AVIS (against).

Mr. CANTRILL (for Senate amendment) with Mr. ROBERTS of Massachusetts (against).

Mr. DERSHEM (for Senate amendment) with Mr. WALTERS (against).

Mr. TUTTLE (for Senate amendment) with Mr. PAYNE (against).

Mr. BRODBECK (for motion to concur) with Mr. BARCHFELD (against).

Until further notice:

Mr. MCDERMOTT with Mr. WILLIS.

Mr. ASHBROOK with Mr. PATTON of Pennsylvania.

summation of this righteous effort to correct a great iniquity | order to snake the House bill through the Senate.

In support of this amendment the chairman of the Committee on Interstate and Foreign Commerce made the following remarks:

Mr. Chairman, in the majority report, while an argument is made for uniformity of tolls, with the exception of the official vessels of the United States and of the Republic of Panama, and while it is stated that the position of the majority of the committee is that the treaties require that sort of treatment and would forbid preferential tolls, it was expressly stated that the committee did not necessarily base its action upon that ground, but upon the ground that we needed the tolls in operating the canal; that we feared there would not be much foreign business during the first year; that the coastwise trade was amply protected from all the balance of the world as to competition; that it did not need the tolls; that there were plenty of them to do the business; and if we wanted to do anything for the coastwise trade, we ought to give it to all of them and not to the small percentage going through the Panama Canal.

As we were in perfect good faith, the majority of the committee thought we had stricken from the bill all mention of the treaty. Some of the gentlemen on the floor seemed to complain of that language, and I thought it was only in the interest of truth and justice and due the committee that I state again that it was the position of all the committee except one or two, and that it is offered here by instruction of the committee, in accordance with the majority report, as an amendment that the committee insist on now to open the canal and fix the tolls, with the exception of the ships named, and leave the future of the canal, if success or failure, to indicate or dictate to us if there ought to be any changes made. If it is necessary to negotiate with England about it, or if unnecessary, let the future of the canal determine it. We can not agree with the gentlemen who say, "We will take our position, and if the other nations of the world do not like it, then go to The Hague or some other tribunal to settle the question." That is not the course to pursue. They might say, "Go and litigate the claim of Colombia at The Hague." England might say, "We will just close the Welland Canal." We do not want to construe the treaty. We do not want to precipitate any lawsuits or any trouble, belligerent or otherwise, with any other nation. We have spent $400,000,000 down there, and we have a great enterprise. We want it to succeed. We want gentlemen to unite with us and forego their claims for special interests and let us open that great enterprise and see what its returns will be and what its success will be, and if we find it advisable to change our course we can change the plan.

The object is to strike out the language that the minority report insisted would construe the treaty and foreclose our future rights in the matter. We eschew all reference to the treaty. We do not mention the treaty. We strike out the sentence they objected to, because it was said it resembles something in the treaty. It simply provides for uniform tolls, without mentioning that there is a treaty in the world, because we think that economically we need all the tolls alike from everybody.

Now, if in future years Congress deems that it has the power under the treaty to make special exceptions in favor of particular vessels, and if statesmen here get their consent to shut their eyes to taking money out of the Treasury to give to special interests, and they say it is not a ship subsidy to take from the Treasury that owns it $5,000 every time a ship goes through the canal and give it to the special shipping interests, all of which are either owned or financed by the same small financial coterie, Congress may do it.

We want to free ourselves from the unjust imputation that gentlemen on the other side have cast upon us that we are trying to foreclose the treaty.

When gentlemen say "we" and "our" they get their grammar confused. Congress and the Government may be "we" in the sense that the canal is ours, but if they confuse any little handful of men conducting the greatest and longest and loudest lobby ever seen on earth to get special privileges as "we" they are mistaken, for they do not represent 1 per cent of the American people. There are 90,000,000 American people who represent the Treasury, and these people who want the special privileges want us to divert from the Treasury, on an average, $5,000 a month for a ship during the year. You divert from the Treasury for each ship $60,000 that belongs to your constituents, who are the American people, and give it to a lot of fellows who do not need it, do not care for it, do not care for the flag except when you give them special privilege, who can get along without it, and do not fight one another in the matter of competition.

The amendment was adopted and left the bill without any expression construing or referring to any treaty at all, but merely fixing uniform tolls. The character of the bill was changed a few minutes later by the Doremus amendment providing for exemption of coastwise ships and permitting preference to all ships belonging to citizens of the United States. The passage of this bill corrects that error—the amendment passed by the Senate in nowise nullifies it. If it did I would never feel disposed to agree to it.

Treaty rights can no more be affected by the amendment than could moral status be altered if we should declare "neither do we waive any right we may have to discriminate against the American people and the Treasury by diverting two or three millions of dollars a year of the people's money from the Treasury and giving it to special interest," because such a declaration would be practically meaningless. It would still leave open the question of moral integrity and political economy of whether Representatives are at liberty to vote in the interest of special privilege to give to the Coastwise Ship Trust half of the revenues of the canal and then tax the other 90,000,000 to recoup the robbery of the Treasury.

The Senate amendment declaring we are not waiving nor surrendering any right that we may have under a treaty leaves the question exactly where your committee two years ago first placed it and tried to leave it—that it was still an open question for future construction, and I rejoice in the triumph of the people, which has thus corrected a grievous wrong and provided for the opening of the canal on fair, equal, and honest terms that will enable the canal management to demonstrate its full and glorious success, not only as an engineering feat, but as a demonstration of what American genius can do after other nations have failed as to an enterprise requiring statecraft, engineering and executive ability, as well as financial wisdom and integrity.

When the conference report on the Panama Canal bill was agreed to by the House on August 17, 1912, I said:

Ably, eloquently, honestly, and patriotically he (Senator BURTON) pleaded for the imposition of uniform tolls in the interest of the Treasury, which needs the tolls to operate the canal, in the interest of all the people to whom the income from the canal belongs, and in maintenance of our national honor by inviolable and scrupulous regard for the treaty stipulating universal equality of treatment at the canal. Unfortunately circumstances and events can not obscure or cure the result of this mistake, as in case of our other two errors. The consequences will have to be met by additional legislation when diplomacy shall have polished the way, which will not be long. Diplomatic and commercial war will soon convert the innocent instruments of our blunder and thwart the designs of the guilty instigators of our mistake. Let us hope that the lesson to be so soon and certainly learned will not prove too costly to our commerce and prosperity nor humiliate our pride nor tarnish our national honor.

The hope I then held out is about to be realized in glorious fruition by the action of Congress this day completed. The only possible objection to the Senate amendment would be that carping critics insinuate that it is in the nature of an excuse or apology to the prejudices of statesmen hesitating on the anxious bench of doubt. No excuse is necessary for doing right; no apology is in order for redressing a wrong. It seems to me that a shout of glorification would have been more consonant with the proprieties of the occasion and the eternal fitness of things than a collateral statement in the nature of an excuse. Lovers of the people, those who glory in the unparalleled success of the canal enterprise and those who are battling for the maintenance of national honor should rather partake of the spirit of Simeon of old, who was so happy after having seen the salvation of the Lord that he was then ready to go. But there is now peace in the family, all have come back to the original proposition of the committee, that we ought not to shackle the canal enterprise with the selfish claims of private interest, that it ought to be permitted to demonstrate the unrivaled success of the grand and glorious undertaking, and we can all glorify together with peans of triumph in the completion and operation of that stupendous creation which will stand as a monument to American skill, brains, and honesty until the stars shall fade, the sun shall die, and this world shall teem no longer with the busy sons of men.

I am ready for a vote.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and I move the previous question.

Mr. MOSS of West Virginia. Mr. Speaker, I offer a preferential motion.

Mr. ADAMSON. I have moved the previous question, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] moves the previous question.

The previous question was ordered.

Mr. HULINGS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. HULINGS. I rise to ask for a record vote.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

Mr. GARNER. Mr. Speaker, has the previous question been ordered?

The SPEAKER pro tempore. It has.

Mr. FOSTER. Then, I ask, Mr. Speaker, for the yeas and nays on the amendment.

The SPEAKER pro tempore. Those in favor of taking this vote by yeas and nays will rise.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MURDOCK. The gentleman from West Virginia [Mr. MOSS] rose to his feet and offered what he says was a preferential motion. Has he not the right to have that submitted?

The SPEAKER pro tempore. The Chair had started to put the vote on the previous question.

Mr. MURDOCK. Mr. Speaker, the gentleman from Georgia [Mr. ADAMSON] had moved the previous question. The Speaker had not stated it when the gentleman from West Virginia offered what he says was a preferential motion.

Mr. ADAMSON. I had moved the previous question, and I was entitled to have that motion put, to cut off all other motions.

Mr. MANN. Oh, no. The motion to concur with an amendment was in order.

The SPEAKER pro tempore. If the Chair had not stated the motion of the gentleman from Georgia, the gentleman from West Virginia had a right to present his motion.

Mr. ADAMSON. I say that when I moved the previous question, I was entitled to have my motion put.

Mr. FITZGERALD. The motion to concur in the Senate amendment with an amendment is a preferential motion and the gentleman from Georgia can not cut off a preferential motion simply by moving the previous question.

The SPEAKER pro tempore. The Clerk will report the motion of the gentleman from West Virginia [Mr. MOSS].

The Clerk read as follows:

Mr. MOSS of West Virginia moves to strike out the Senate amendment and substitute therefor the following:

"But it is hereby affirmatively declared——"

Mr. BARTLETT. Mr. Speaker, I make the point of order that that is not a preferential motion.

The SPEAKER pro tempore. The Clerk will finish reading it, and then the Chair will decide that question.

The Clerk read as follows:

Mr. MOSS of West Virginia moves to strike out the Senate amendment and substitute therefor the following:

"But it is hereby affirmatively declared that the United States has the right to exempt from payment of tolls for passage through the canal its vessels of every kind and also those of its citizens, and the absolute sovereignty of the United States over that canal is hereby specifically and positively affirmed."

Mr. ADAMSON. The gentleman from West Virginia [Mr. MOSS] may prefer that, but I do not think parliamentary law prefers it, and I deny it.

Mr. FITZGERALD. It is a motion to concur with an amendment, and as such has preference over the motion to concur. There is no question about it. The gentleman's motion is to concur with an amendment, to strike out the Senate amendment, and to insert the amendment as reported.

Mr. MOSS of West Virginia. Mr. Speaker, that is my motion, to concur in the Senate amendment with an amendment.

Mr. ADAMSON. I move the previous question on that.

Mr. STEVENS of Minnesota. Mr. Speaker, does not the RECORD show that unanimous consent was granted by the House that at the end of an hour and a half the gentleman from Georgia [Mr. ADAMSON] should be recognized to move the previous question? If so, should he not be recognized ahead of the motion of the gentleman from West Virginia?

The SPEAKER pro tempore. Merely asking for the previous question does not cut off a preferential motion.

Mr. ADAMSON. I move the previous question now.

Mr. MURDOCK. On the motion of the gentleman from West Virginia.

Mr. GARNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Texas will state it.

Mr. GARNER. Is the previous question on the motion of the gentleman from West Virginia and all other motions to the final conclusion?

The SPEAKER pro tempore. Yes. That was not the motion, but that is the effect of it.

Mr. ADAMSON. I want to move the previous question on everything.

The SPEAKER pro tempore. The question is on ordering the previous question on the motion of the gentleman from West Virginia [Mr. MOSS].

The previous question was ordered.

The SPEAKER pro tempore. The question now is on the motion of the gentleman from West Virginia [Mr. MOSS].

Mr. WINGO. I demand a division on the question.

Mr. ADAMSON. Oh, let it go.

Mr. WINGO. The motion is to concur in the Senate amendment with an amendment.

Mr. FITZGERALD. That motion is not divisible. The previous question has been ordered.

Mr. MANN. It is divisible.

Mr. FITZGERALD. It is not divisible at this time, the previous question having been ordered on the motion to concur with an amendment.

The SPEAKER pro tempore. The motion to concur with an amendment is not divisible.

Mr. MANN. The motion to concur with an amendment is divisible.

Mr. WINGO. Certainly, it is divisible. The Chair will remember that this very question arose on the conference report on the tariff bill, on the Senate amendment, and the concurrence therein with the substitute of the Underwood amendment. The very question arose at that time, and the Speaker ruled that the question was divisible.

The SPEAKER pro tempore. The question at that time was a question of recoding and concurring.

Mr. WINGO. The parliamentary situation was just the same.

The SPEAKER pro tempore. This motion is different.

Mr. WINGO. Will the Chair hear me just a moment?

The SPEAKER pro tempore. The Chair will hear the gentleman.

Mr. WINGO. I will call the attention of the Chair to the fact that the reason for that rule is that anything that tends to bring the two Houses together takes precedence.

Mr. FITZGERALD. Not at this stage.

Mr. WINGO. Anything that tends to bring the two Houses together takes precedence. That is the basis of the rule. It makes no difference whether it is a motion to recede or whether it is a motion to concur. The basic reason is just the same, and the motion to concur with an amendment is divisible, and the motion to concur then becomes the preferential motion and should be voted on first.

Mr. FITZGERALD. The gentleman is mistaken. Until the stage of disagreement is reached the Senate amendment is open to amendment. Instead of offering merely an amendment to the Senate amendment, motions have been put in different forms, but such forms as are recognized in the House procedure—one motion to concur and one to concur with an amendment. The decisions have been uniform that when a motion to concur with an amendment is made, the stage of disagreement not having been reached, it is preferential to the motion to concur, and when the previous question is ordered the motion can not be divided. The House first determines whether it will concur with the amendment. If it decides to concur with the amendment, it then votes on the question whether it will concur in the amendment of the Senate. The stage of disagreement not being reached, there is nothing for the House to recede from, so that it is not a motion to recede and concur, which is divisible.

The SPEAKER pro tempore. The Chair holds that nothing is in order except to vote upon the preferential amendment.

Mr. MANN. A parliamentary inquiry then, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MANN. If the Chair holds that way, that is a division of the question. I just understood the Chair to rule that there was no division. Now what is the question?

The SPEAKER pro tempore. The decision of the Chair was that this motion is not divisible.

Mr. MANN. Then the question is not on the amendment, but on the motion to concur with an amendment.

The SPEAKER pro tempore. The question is on the motion to concur in the amendment of the gentleman from West Virginia.

Mr. MANN. That is not the question, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion to concur in the Senate amendment, with the amendment of the gentleman from West Virginia.

Mr. MOSS of West Virginia. Mr. Speaker, on that I demand the yeas and nays.

Mr. GUERNSEY. Mr. Speaker, I ask to have the amendment reported again.

The SPEAKER pro tempore. The Clerk will report the amendment again, if there be no objection.

The motion of Mr. MOSS of West Virginia was again read by the Clerk.

The SPEAKER pro tempore. The gentleman demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. Evidently a sufficient number.

Mr. HAY. Mr. Speaker, I demand the other side.

The House divided; and there were 60 ayes and 84 noes.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 108, nays 174, answered "present" 2, not voting 149, as follows:

YEAS—108.

Aiken	Drukker	Harrison	Lonergan
Anthony	Dunn	Hawley	McGuire, Okla.
Austin	Dupré	Hayden	MacDonald
Barton	Dyer	Hinebaugh	Mapes
Bell, Cal.	Edmonds	Howell	Mitchell
Brockson	Elder	Hughes, W. Va.	Mondell
Broussard	Estopinal	Hulings	Moore
Bryan	Fairchild	Humphrey, Wash.	Morgan, Okla.
Burke, S. Dak.	Farr	Johnson, Utah	Morin
Burke, Wis.	Finley	Johnson, Wash.	Moss, W. Va.
Butler	Fitzgerald	Kahn	Mott
Campbell	Fordney	Kelley, Mich.	Murdock
Carr	Frear	Kelly, Pa.	Murray, Okla.
Conry	French	Kennedy, Iowa	O'Hair
Cramton	Gallivan	Kettner	O'Leary
Curry	Garner	Kinkaid, Nebr.	O'Shaunessy
Dwight	Good	Kitchin	Patten, N. Y.
Dillon	Greene, Mass.	La Follette	Phelan
Donohoe	Greene, Vt.	Langley	Plumley
Doremus	Guernsey	Lee, Pa.	Ragsdale
Driscoll	Hamilton, N. Y.	Lindbergh	Raker

around one proposition, and that was whether, under the Hay-Pauncefote treaty, we were permitted in honor to discriminate in favor of our own vessels passing through the canal in the payment of tolls. The economic side of the question was slightly discussed, but has not had any great effect. It was not that to which the President attracted our attention. The mere moral side of the question was not much discussed. In the main, the discussion has been as to the construction of the treaty.

Now, treaties, like laws, are construed by acts, and the passage of the toll-exemption bill by itself was in itself a construction of the treaty adverse to the claims of those of us who believed that the treaty did not require equal treatment. The Senate amendment, if agreed to by the House, makes the whole fight a draw. It is not decisive either one way or the other. It leaves the question open for future determination. It declares that the passage of the bill shall not be construed as a construction of the treaty; that we do not by repealing the exemption of tolls construe the Hay-Pauncefote treaty, but we merely announce our present economic policy. The treaty, therefore, under this amendment remains open for construction. It is for that reason I shall vote for the amendment. I am a Republican, but I honor both Democrats and Progressives as well as Republicans who have taken the American side of this issue, and I should prefer Democratic success or Progressive success in favor of the American principle rather than Republican success opposed to it [applause], because, while I am a Republican, I am, before being a partisan, an American through and through.

This issue will be carried to the polls in your districts and mine. There is no escape from the proposition that the people are called upon to construe the Hay-Pauncefote treaty. It is up to the people now to determine whether they will so construe this treaty that the rights of America for ages to come, for generations yet unborn, shall be preserved to them and to us, or whether we surrender our rights at the request of a foreign power. I believe that not only the material interests of the United States are involved but that in the end the very integrity of our Government is linked with this proposition, and unless we declare through the votes which the people will cast at the polls in favor of a construction of the treaty which allows the United States to govern the canal as her own, our children's children, if not our children and ourselves, will bitterly suffer the effects of our action to-day.

I vote for the amendment, leaving it to the American people to determine whether the Panama Canal belongs to the United States, which supports it, or to England, which uses it. [Applause.]

Mr. ADAMSON. Mr. Speaker, if I can have for a moment the attention of the gentleman from Illinois [Mr. MANN], I want to say that I realize that it is improper to have more than one speech in conclusion, but the gentleman from Alabama [Mr. BLACKMON] requests me to yield to him a minute. Is there any objection to my doing so? If not, I yield one minute to the gentleman from Alabama [Mr. BLACKMON].

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BLACKMON] is recognized for one minute.

Mr. BLACKMON. Mr. Speaker, I have been with the chairman of the committee, Judge ADAMSON, of Georgia, on the matter of charging tolls on all ships that pass through the canal. I voted with him two years ago, and I still believe that he is right; and I agree with the President in the position he has taken, and expect to go with them to a finish. But it strikes me as entirely improper for certain Democrats to criticize the leadership of this House. The recognized leaders of this House pointed the way to success for the Democratic Party. These leaders honestly differ with the President on the question of repeal of free tolls. I resent any suggestion that the great Democratic leader in the House, from whatever source the criticism comes, is prompted by any improper motive. When anyone attempts to reflect, by insinuation or otherwise, against our present leader, it is clear that they have not at heart the interests of the Democratic Party or the great principles for which the party stands. By his wise and conservative counsel we have remained united and have enacted constructive legislation that will ultimately redound to the interest of the great masses of the people. The name of the great leader of the Democratic hosts will be loved and cherished when those who now criticize him, or attempt to do so, will long be forgotten.

Mr. ADAMSON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has nine minutes.

Mr. ADAMSON. Mr. Speaker, I feel so good on the consummation of this righteous effort to correct a great iniquity that it is not in my heart to speak long or to indulge in any abuse or acrimonious remarks about anybody, especially since, from the remarks of gentlemen, it appears that their votes are going to be wiser than their reasons.

There appears to be such approximate unanimity as to the vote that I do not feel disposed to answer or resent all the different carping criticisms that have been indulged in against different people or to attempt to refute all the erroneous statements that have been made as an excuse for argument. I do not even intend to reply to the repeated insinuations of gentlemen that Members are driven by Executive orders. I do not intend to quit the righteous course because there came into power a President with patriotism and sense enough to understand that a subsidy was wrong, that violation of a treaty is wrong, and that the Government is entitled to collect the revenues to defray the expenses of operating the canal, instead of giving them to special interests and taxing the people to recoup the Treasury. [Applause.]

I would not even abandon the position on account of the accession to our ranks of the distinguished gentleman from Washington [Mr. HUMPHREY]. He has come over, and says he is going to vote with me for this amendment, notwithstanding the erroneous statements and the erroneous remarks that he makes.

Now, the truth about this situation is this: The amendment leaves the case exactly where your Committee on Interstate and Foreign Commerce found it and left it two years ago when they reported a bill for the operation of the canal. [Applause.] That committee had sense enough to know that special exemption was a violation of the treaty. That committee had sense enough to know that it was wrong to take half the revenues of that canal and give it to the shipping interest, which has lobbied with the country and with Congress ever since the canal started. That committee did not consider the political prospects which the gentlemen have carped about in their dying agonies. That committee had faith to believe that the people were for honesty and equality, and gentlemen who now console themselves in their dying agonies by making promises about the people rebuking the President and Congress for acting honestly guess without their host. Eighty-five per cent of the American people are with us on honesty and equality against the robbery of the Treasury for the enrichment of a special few, and the gentlemen will see it if ever the issue is made. [Applause.]

As I understand, this amendment was not a tub thrown to the whale. If it was, it was successful. It caught the gentleman from Washington [Mr. HUMPHREY] and the gentleman from Illinois [Mr. MANN]. [Laughter.] But, Mr. Chairman, I do not even admit that it was a sop to the consciences of men who did not have sense enough to understand the situation exactly and yet wanted to vote against a subsidy. I will tell you what it was. The country and the halls of Congress have resounded and the CONGRESSIONAL RECORD has been filled with false statements. This amendment at the proper time came along and refuted and denounced every one of them. The truth is there never was a question of sovereignty involved. The right to make a treaty is a sovereign attribute. The Government that can not make a treaty is not sovereign, and the Government that will not observe a treaty does not deserve to be sovereign, and it will not long remain so. [Applause.]

The opposition to the robbing of the Treasury and of the many for the few certainly is no justification to anybody for opposing this resolution or opposing the bill, nor will the people ever defeat any party for such action. Never was the question of sovereignty involved. Never did our committee propose to give away any right. Never was the question of the Government passing its own property and its battleships through the canal involved, and nobody outside of an insane asylum believed any such thing. [Applause.]

Now, Mr. Speaker, our committee, utterly setting aside the treaty question, reported a bill for the Government of the Canal Zone just as though there never had been a treaty. We pleaded for the opportunity to open the canal and see if it would pay expenses. We pleaded with these special interests to keep their hands off the throat of the enterprise, to see if it would pay expenses or not, so that in after years, if we saw a mint there, with money overflowing to give away, Congress could decide whether they were the most meritorious beneficiaries or not; and if we wanted to go into the business of "graft" and found a treaty in the way, then diplomacy could open the way to commit an iniquity. But I would not vote for this "graft," if it was in the treaty. I would have advocated arbitration or denunciation or abrogation, or some other kind of "gation," to get rid of the evil thing. That would be as bad as that bastard crack in the plank, put in the Democratic platform by men who got on the platform committee for that purpose, in order to snake the House bill through the Senate.

The amendment adopted by the Senate is acceptable to me, and should be acceptable to all advocates of uniform tolls. It may not have been necessary, because nothing that we could add to or omit from the bill could enlarge or diminish the rights of the parties under the treaties; but to my mind it is exceedingly appropriate that the statement contained in the amendment should be made and promulgated in connection with the repeal bill itself. It is nothing but the truth, proclaimed by us many times, fully set out in the report of the Committee on Interstate and Foreign Commerce in 1912, when that committee reported advocating uniform tolls. Substantially the same declaration has been made by us on the floor of the House and elsewhere.

The amendment wasn't made by the advocates of exemption. All of their propositions were voted down by overwhelming majorities, and were generally of a character, if adopted, to emasculate the repeal bill and increase the difficulties of the situation by provisions more unsatisfactory than that placed in the act by the Doremus amendment.

The amendment adopted by the Senate was designed not to affect our relations with other nations of the world, but to refute unwarranted accusations which had been made in both Houses of Congress and through the press of the country, unjustly and untruthfully charging that the advocates of the repeal exemption were yielding up something to other nations—"relinquishing sovereignty," "waiving rights" of the country—when the very opposite was true. The advocates of the repeal were taking care of the interests of the Treasury and of the people against the avaricious demands of special interest. The question of "sovereignty" was not involved and could not be. Sovereignty is intact and unquestioned. Complying with a contract does not derogate from sovereignty; refusing to rob the people to subsidize a special interest does not derogate from sovereignty; refusing to give the people's money to a shipping interest is no waiver of right nor relinquishment of power and prerogative as against foreign nations. No foreign nation would or could, by treaty or otherwise, compel us as a sovereign nation to rob the many to enrich the few.

The power to make treaties is an ancient and traditional element of sovereignty; without it sovereignty can not exist. The sacred observance of treaties and compliance therewith are essential to the maintenance of a nation's honor among the people of the world, and if disregarded would ultimately destroy sovereignty.

No friend of the Treasury and the people supporting our demand for uniform tolls has ever attempted to construe any treaty nor surrender nor waive any right of the United States. There has never been any question of sovereignty involved; there has never been any proposition to surrender anything to any other country nor to waive any right of this Government. All those things are mare's nests, bogeybolins, and bugaboos conjured up and injected into the discussion by the advocates of special interest in the hope of befuddling the popular mind, confusing the subject, and securing a construction of the treaty going to the other extreme.

Having without interruption maintained an active and potential lobby from the beginning of canal legislation, the claimants of exemption demanded that legislation to open the canal must at the same time provide for exemption. They saw the necessity of securing the exemption before the people could become acquainted with the subject and discover the injustice of the subsidy. They freely admitted that, unless exemption was secured them, they could never secure it; they also realized the importance of "position" as constituting "nine points in law," and fully realized the advantage of a legalized status which they could claim as a vested right and object to reversal. They knew how hard it would be to repeal the exemption if once enacted, and their obstinate resistance to the repeal has verified their opinions in the matter. When the canal bill was being considered two years ago those demanding exemption protested that we should not construe the treaty in favor of uniformity, but they not only insisted on a construction of the treaty favoring their contention, but also demanded that we legislate the graft into the pockets of the special interest. Having secured the exemption, the beneficiaries have resorted to every known means and invented some new ones in their desperate efforts to defeat the will and interest of the people and further besmirch the honor and glory of our country by preventing the repeal of this iniquitous subsidy.

When the Senate committee considered the repeal bill the supporters of the measure designed a simple answer to the false charges, declaring that no rights were waived on the floor of the Senate. Another supporter of the measure, the Senator from Nebraska [Mr. NORRIS], went further, and offered an amendment denying the further charges that sovereignty was being sacrificed. But as the contest proceeded, and defeat of the special interest appeared more certain, their advocates, growing more desperate, became fiercer and louder in their denunciation of the people's champion and false accusations as to their motives and intentions. So the chairman of the Senate committee in charge of the bill, after conferring with other supporters of the repeal, including the Senator from Nebraska, prepared and had substituted the following amendment, which was adopted by the Senate:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain ratified the 21st of February, 1902, or the treaty with the Republic of Panama ratified February 26, 1904, or otherwise, to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over the ownership, control, or management of said canal, the regulation of the condition or charges of traffic through the same.

That is a complete and full answer to every false charge made, and will give to the country and to the world in substantial reiteration the policy adopted by your Committee on Interstate and Foreign Commerce two years ago that the imposition and collection of tolls should proceed with a view to preserve fairness and honesty among all the patrons thereof, without regard to race or nationality, and enable the canal management to open and operate the canal successfully without exacting the cost thereof from the people by taxing them to reimburse the Treasury for money that the ships of commerce ought to pay.

It has been intimated that this amendment was in the nature of a "tub thrown to the whale," but the vote cast for the amendment and for the bill failed to substantiate that insinuation. The amendment, as well as the bill, was adopted by the advocates of repeal and opposed by the enemies of the repeal. If it was a "tub thrown to the whale," it proved an abortion, for the whale did not seem to be satisfied with the tub. In so far as the whale was satisfied with the tub he was easily satisfied and must have been joking or trying to fool himself about the cause and extent of his dissatisfaction. Possibly some Senators who did not understand the subject but took their statements on faith from some of their interested friends connected with the shipping business were induced to vote for the repeal by coupling with it this declaration. If such doubting Thomases could take comfort from it and bolster up their judgment and backbone to support the cause of the right I am glad it had that good effect.

In reporting the canal bill to the House March 16, 1912, the following language was used, clear and explicit:

While many members of our committee believe that by the terms of our treaties with Great Britain we are prevented from allowing preferential or free tolls to ships of American registry, either coastwise or foreign, the majority of the committee voting for uniform tolls authorize and request the statement, positive, plain, and unequivocal, that no language of this section was chosen or used for the purpose of foreclosing discussion and differing opinions on that question. They authorize the express affirmation that this provision is adopted for present use, disclaiming all intention to declare in this section any construction of the language of the treaty or to establish any precedent or permanent legislative policy or to bind any future Congress should it be deemed expedient or adjudged competent to adopt a different basis. This statement of the committee may be clearly understood by reference to the original and committee prints of the bill from which the committee adopting this section eliminated all reference to treaties. The language beginning on page 6 with the words "No preference shall be given," etc., which has been criticized as an attempt to construe the treaty and thereby estop us from future consideration of the question, was not quoted from the treaty at all, but was taken from bills introduced by advocates of free or preferential tolls. One containing the same language has been introduced by the leading champion and signer of the minority views. Not deeming it necessary at this time nor for this purpose to make a legislative declaration as to the construction of that part of the treaty the majority of the committee recommend uniform tolls for reasons which they regard as good and sufficient.

On May 21, 1912, it was insisted that because certain language in the bill referred to preference and discrimination as to vessels the bill was attempting to make a construction of the treaty against the United States in favor of other nations. As the committee denied the correctness of that charge and had no such intention in reporting the bill, the chairman offered a committee amendment, striking out the following language objected to:

No preference shall be given nor discrimination shown, directly or indirectly, to the vessels of any nation, its citizens or subjects, other than vessels belonging to the Government of the United States, including those belonging to the Panama Railroad Co., and the Government of the Republic of Panama, observing the rules and regulations of the Panama Canal—

and inserting the following language in lieu thereof:

The rate of toll shall be uniform upon all vessels, except the official vessels of the Governments of the United States and the Republic of Panama, but when based on different forms of tonnage for different classes of vessels the rate fixed in each case shall be substantially equivalent to the rate based on any different form of tonnage.

to its construction? But the gentleman from Alabama says that notwithstanding the adoption of this amendment the bill does involve a surrender of our rights, and he says that is because section 2 still remains in the bill, which gave the President discretion to impose tolls or not, as he saw fit. Mr. Speaker, the right of the United States with reference to the construction of this treaty, with reference to tolls through the canal, with this amendment adopted, will unquestionably still remain with Congress to deal with as it sees fit. The gentleman from Alabama [Mr. UNDERWOOD] says it has taken away the discretionary power of the President of the United States to exempt our coastwise traffic from tolls. I am willing to admit that in one sense of the word the gentleman from Alabama is right, but in these Democratic days it has not even done that.

Instead of the President of the United States issuing an order and filing it with the proper department exempting these vessels from tolls, if he desires to do so, he will simply have to give an order to the Congress of the United States to exempt them, and it will exempt them if he orders it done. But while it may be true that taking away the power of the President with respect to this question takes away the power of Congress now, it will not always be so, Mr. Speaker, for the time will again come when the Congress of the United States will be independent of the Executive of the United States; and when that time comes this reservation may be of value, and I am glad of the opportunity of voting for this amendment, which will leave this question open, although I strongly believe that this exemption is a violation of the treaty. I believe it would be wise to leave that question open for the future, when the people of the United States have had time and opportunity to calmly and soberly reflect on this proposition, not swayed by passion and prejudice, as they have been during the past six months, and a future Congress of the United States will then be in much better position to render that deliberate judgment that will be based upon the actual merits of the case, and settle the question for all time.

Mr. MANN. Mr. Speaker, I yield three minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, since this bill was before us for consideration we have been informed by the chairman of the Senate Committee on Foreign Affairs that no nation is protesting or has protested against the present law—the protests come alone from home—and as the transcontinental railroads are the only interests in this country that will be benefited by the repeal of this law, I do not think the people of the country will have great difficulty in finding the influence that persuaded the President to repudiate his platform and to change the position that he took when a candidate. I shall vote for this amendment because it contains some glimmer of patriotism. I shall vote for it because while it shows that Congress does the bidding of the President, yet it is not done ungrudgingly. I shall vote for it because it shows that this Congress still has some sense of shame in making this surrender. I shall vote for it because it will leave the matter open for future consideration as a political issue; because it will leave to the people the question of the future control of the canal. And on the 4th day of March, 1917, I predict that a Republican President will call a special session and that a Republican Congress will immediately proceed to wipe this un-American monstrosity from the statute books. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Speaker, I yield two minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Speaker, I regard this amendment as side-stepping the real question at issue—a mere excuse, a mere shield, by which men who feel obliged to obey the Executive mandate, and yet who feel in their hearts that the demand is a trespass upon the rights of America, seek in this amendment a shield and an excuse. I am opposed to this entire proposition. I believe it is a good time for Americans to stand up [applause], and, for my part, I should prefer to see the American Congress abrogate the Hay-Pauncefote treaty entirely, and that America should stand upon her rights as the builder and owner of the Panama Canal, giving notice to all the world that as sovereign she has the right to do with the canal as she pleases, and that, out of generosity and as a matter of grace, she would give the use of that canal to the vessels of any nation at peace with the United States on fair and equitable terms, so that in time of war she would control the great strategic position which the canal would be, and in time of peace it would aid her in building up her merchant marine by remission of tolls or otherwise, as she royally pleased. That is what that canal was built for. Except for those reasons, the canal never would have been built.

Whatever we may think of subsidies, England has no right to object to the remission of tolls by the United States so long as England subsidizes her ships. The great weight of the argument in the great debate for the last three months clearly shows that the exemption of tolls is no violation of the treaty; but, in order that the whole world might understand just where we are, I would abrogate that treaty, which was made under conditions not now existing and conditions to which the treaty does not equitably or rationally apply.

England gave up nothing in that treaty. All that England really sought for was that the United States, in building the canal and making the regulations for its use, should let all other countries use the canal on fair and equitable terms.

The plea that the remission of tolls is a subsidy to the shipping monopoly is the sheerest nonsense. In the first place, there is no shipping monopoly, for no person violating the antitrust law can send a ship through the canal, and no railroad-owned ship can pass through; and, in the second place, if the remission of tolls is a subsidy and, as such, such a frightful breach of Democratic traditions as to give the Democrats abdominal spasms, then every appropriation for the improvement of rivers and harbors is also a subsidy to the shipping interests; and what is the 5 per cent rebate on duties on goods imported in American ships which all the Democrats in the House voted into the recently-enacted tariff bill?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. Does the gentleman from Illinois wish to use some time?

Mr. MANN. I yield three minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Speaker, I believe that this amendment is but the throwing of another apple of discord into the Panama Canal act. It is evident, after listening to the brief discussion thereon this morning on this floor, and after reading the debates thereon in the Senate, that there is a wide difference of opinion as to what the amendment really means or does. If at the time the Hay-Pauncefote treaty was ratified it could have been realized that there would have been so much difficulty about its exact construction, there is no doubt in my mind but that the Senate at that time would have made its language so clear and unequivocable that there could have been no question as to our right to exempt American vessels from the payment of tolls. To some minds there is a question as to our rights under that treaty as it stands. I prefer to resolve the doubt in favor of my own country. Mr. Speaker, it seems we have come upon a time in the history of our country when a weak and pliant Legislature is willing to carry out the behest of the Chief Executive, right or wrong. That, to my mind, is a serious condition of affairs. In the annals of nations we find that such a condition is destructive of republican government. No country can continue free where the legislature abdicates its authority and power and yields it to the head of the nation, right or wrong.

Mr. Speaker, history is repeating itself. The story of the digging of the Panama Canal and the incidents connected with its completion and opening to the commerce of the world are entirely on a parallel with the history of the digging and the incidents connected with the completion and opening of the Suez Canal. England did not put forth an iota of effort to complete the Suez Canal. On the contrary, she put every possible obstacle in the way of De Lesseps and his company so as to hinder and delay the work. Through her diplomats at Constantinople she succeeded in having the concession to the French company denied for a number of years. She induced the Viceroy of Egypt to withdraw the labor he had agreed to furnish the company. Subsequently Egypt had to pay the price in the shape of damages awarded to the canal company in the amount of about $16,000,000. From the first, however, England has been the principal beneficiary of the construction of the Suez Canal. A few years after its completion she acquired, by purchase, the stock of the Khedive, Ismail Pasha, and has dominated it ever since.

She did not exert an iota of effort or contribute a single dollar for the construction of the Panama Canal, and yet to-day she is demanding equal rights with us in that great waterway. Egypt contributed over $50,000,000 for the construction of the Suez Canal. Egypt alone of all nations to-day receives practically no benefit from the construction of that great waterway. English diplomacy was largely responsible for this great cost to the Government of Egypt. English diplomacy has reaped the reward for the people of Great Britain of that expenditure by Egypt of over $50,000,000; and now, in 1914, through English diplomacy, the United States, after the expenditure of practically $400,000,000 for the construction of the Panama Canal, is to receive no benefit whatever for her own vessels engaged in coastwise trade or in any other trade. Thus, on the two occasions of the changing of the world's routes of commerce by

reason of the construction of great artificial waterways, England, without taking a single chance, without a particle of effort or exertion on the part of her people in that construction, has reaped the largest rewards through the efforts and exertions of other nations. No wonder her diplomats are jubilant. No wonder her newspapers rejoice.

The people of the United States when given an opportunity to express their views upon this question will do so in such emphatic terms that the Democratic majority of this House will thoroughly realize the blunder they have committed in standing for this un-American repeal, right or wrong.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. Eighteen minutes.

Mr. ADAMSON. How much has the other side?

The SPEAKER pro tempore. Seven minutes.

Mr. ADAMSON. I have one other speaker beside myself. I yield to the gentleman from Virginia [Mr. GLASS] seven and one-half minutes.

Mr. GLASS. Mr. Speaker, it would be manifestly impossible to discuss the issues involved in this proposition in the limited time assigned me by the chairman of the committee.

Mr. ADAMSON. I will give the gentleman the other half minute and make it eight minutes.

Mr. GLASS. I scarcely will require that much time, Mr. Speaker, for I simply want to ask permission to extend my remarks, if it is not already granted. I want to do that in order that I may put upon the record the resentment which I individually experience at the outrageous assaults that have been made upon the President of the United States by Members on the other side of the House, and in order that I may express the indignation which some of us feel against the leaders of this side of the House who have repeatedly aspersed their own colleagues because the latter would not follow them into the camp of the Republican Party in advocacy of a distinctive Republican doctrine. [Applause on the Democratic side.] I desire to make it plainly known that I stand with the President of the United States in his opinion that the act sought to be repealed is a violation of our treaty obligations; that I stand with the President of the United States in his contention that it is an economic wrong to exempt these vessels; that I stand with the President of the United States, and with the Democratic Party from its very foundation, in opposition to governmental subsidies and to special privileges of all descriptions. [Applause on the Democratic side.]

Moreover, I want to take this momentary opportunity to say briefly, but pointedly, to those leaders of the Democratic Party who feel that a solemn obligation rests upon them to contend against the President and their party in this matter that they should carry their opposition into the next elections, and I venture particularly to say to the distinguished leader from Alabama, who has not contented himself with opposing his party upon this floor, but has gone into hostile newspapers and aspersed his party colleagues, that if he will come to my district in Virginia I will cheerfully engage him upon the hustings and make it clear that I am not among those who have apologies to make for their attitude upon this question. [Applause on the Democratic side.] I invite him there to propagate and defend this totally vicious Republican dogma of ship subsidy and special privilege to a favored monopoly. [Applause on the Democratic side.]

Mr. Speaker, I think you will search the political records of this country without avail; you will pursue the beaten tracks of political procedure in vain to find such a spectacle as we have recently witnessed here on this canal-tolls issue—the leaders of the Democratic majority deserting their party and standing shoulder to shoulder with Republican leaders against a Democratic President. And yet, in the face of that spectacle, such was the instinctive patriotism and tested fidelity of the Democratic rank and file that, without visible leadership here, they marched to the firing line and whipped the whole outfit, including the leaders on both sides.

All of this talk of the gentleman from Nebraska about the President of the United States vetoing this bill amounts to nothing; the gentleman knows the President will do nothing of the kind.

Mr. MURDOCK. The gentleman ought not to refer to me as from Nebraska. Nebraska is a great State, but I am from Kansas.

Mr. GLASS. Well, I will apologize for the inadvertence.

Mr. MURDOCK. I want to say further to the gentleman from Virginia that he does not know what the President is going to do, and he will be in an awful fix if the President vetoes this bill.

Mr. GLASS. Yes; I do know what the President is going to do, because I have perception enough to understand that this Senate amendment does not conflict in any respect with the President's message to Congress or with the attitude of the President on the question of repeal.

Mr. MURDOCK. Is this amendment what the gentleman would call "ungrudging measure"?

Mr. GLASS. Oh, no; the proceeding on this bill has not been "ungrudging" either in this Chamber or the other. It has been contumacious in both. And I want to say right here that I think the next campaign in this country ought to be a propaganda to compel the Senate of the United States to legislate and to abandon its incorrigible habit of talking so much. [Applause.] This Senate amendment, Mr. Speaker, after seven weeks of polemics, does not amount to a thrip. It might as well have been adopted instantly. My understanding is that, while the President sees no use of it, he acquiesces in it. There is nothing in the Senate amendment that controverts the position first distinctly assumed by the President, nor that in any way takes issue with the original action of the House.

The gentleman from Alabama [Mr. UNDERWOOD] says the Senate amendment declares a principle. What principle does it declare? I fail to find that it declares anything, affirmatively or negatively, except that which everyone is willing to assert, and that is that if we have any rights under the Hay-Pauncefote treaty to exempt coastwise vessels, or to make any other discrimination, we do not intend that this repealing act shall be interpreted as surrendering those rights.

Mr. MURDOCK. The gentleman wants to be fair, and the gentleman has made a very plain statement; but he forgets that the President said we ought to reverse our action without raising the question whether we were right or wrong.

Mr. GLASS. And I agree with the President that we ought to reverse our action, whether it was right or wrong, when all the nations of the earth think we were wrong.

Mr. MURDOCK. And you have tied a string to it as big as a ship's cable.

Mr. GLASS. I did not vote for exemption in the first place, and I am voting to repeal exemption now. I think it is the familiar Republican dogma of special privilege. And when you ask me if I repudiate the Democratic platform on this particular question, I say yes; I repudiate the Democratic platform and I reprobate the men who silently put that Republican heresy in a Democratic platform. [Applause.] I stand to that other declaration in the same platform which pronounces against this sneaking departure from the party faith.

Mr. RAGSDALE. Will the gentleman permit an interruption?

Mr. GLASS. Yes.

Mr. RAGSDALE. Does the gentleman include in his repudiation the Secretary of State, who wrote the platform?

Mr. GLASS. I repudiate the political attitude of anybody who deliberately subscribes to this heresy. But the Secretary of State did not write it, and has not subscribed to it, unless he has changed his opinion since night before last. Yes; I repudiate the men who silently put this "joker" in the Democratic platform at Baltimore. I think they ought to be subjected to the plain censure of the American people for writing into a Democratic platform a heresy that is an affront to the traditional and immemorial declarations of party faith, and that is at variance with another declaration of the very same platform on the very same subject. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I shall not undertake to answer in behalf of those Democrats who have been so roundly denounced by the gentleman from Virginia [Mr. GLASS], whom we all know, whether in caucus or the House, has for his principal asset bitter resentment and indignation, never speaking calmly on any subject, but always dealing in bitter denunciation of somebody, somewhere, and the nearer the person is the better it suits him.

Mr. Speaker, the canal-toll bill passed the House and it has passed the Senate. There is no vote now to be had in the House on the bill. That has gone beyond the point where either House can change it; but the Senate has proposed an amendment to be added to the bill, and that we are called upon to vote for or against. I shall vote for the Senate amendment. We have had a long debate upon this subject in the House, and the Senate—I think that, in my experience, the greatest debate on any subject which has attracted the attention of either House of Congress. The debate in the main centered

rendered any right or claim of right on the part of the United States.

Mr. ADAMSON. I yield to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Speaker, in speaking upon this bill when it was pending in the House, I said:

If the advocates of the measure succeed in passing this bill, it will for all time foreclose the valuable rights we have in this great waterway. As an economic proposition, I would support this measure, and see no reason why the vessels engaged in coastwise trade should not pay just tolls for passing through the canal. But I am not willing to interpret this treaty in favor of the English contention, and thus for all time deprive the American people of making such regulations as they see fit for their vessels engaged in coastwise trade.

I was then, and am now, opposed to free tolls. I was then, and am now, opposed to the English interpretation of the treaty. The Senate amendment will preserve our sovereign rights in the great waterway. It gives us freedom for future action and it will leave open the interpretation of the treaty.

I stand for the rights of the American people in the $400,000,000 canal and against the surrender of our rights in our own property. I shall vote to require the coastwise vessels to pay their share of the expenses in maintaining the waterway. [Applause.]

Mr. ADAMSON. I yield to the gentleman from Illinois [Mr. GORMAN].

Mr. GORMAN. Mr. Speaker, when the bill to repeal the toll-exemption clause on the Panama Canal act was before the House in March an amendment was offered which, if adopted, would accomplish all that the Senate amendment accomplishes, but it would do so in clear, ringing, unequivocal terms. I voted for the amendment which was offered in the House, and on that amendment being rejected I voted against the bill. I believed then, as I believe now, that the exemption of ships engaged in the coastwise trade from payment of toll is an economic error.

The cost of maintaining the canal will in all probability far exceed the revenue derived therefrom for many years to come, and whatever deficiency accrues each year must be made up by the American people. For the purpose of making the burden of maintaining the canal as light as possible on the people of the United States every ship except the ships of war of the United States should pay toll for the use of the Panama Canal.

The repeal of the exemption was urged by the President and recommended by the Committee on Interstate and Foreign Commerce for the principal reason that the exemption of American coastwise ships from payment of toll was a clear violation of our treaty with Great Britain. I can not subscribe to this view. As I read the Hay-Pauncefote treaty, in the light of the history of the negotiations which preceded it, the conclusion has forced itself upon me that we have the right under that treaty to grant exemption from toll or to grant a preferential toll to the ships of commerce of the United States in passing through the Panama Canal.

The right to do this is one of the attributes of sovereignty. Our rights in the Panama Canal Zone are sovereign. Administrations which preceded the present one took the position that exemption of American shipping from payment of tolls was not a violation of the treaty, and in diplomatic negotiations with the British Government that attitude was maintained and a willingness to submit the question to arbitration was expressed.

Great Britain has the same right to interpret the treaty that our Government has; and when those interpretations do not agree, a submission of the disputed points to arbitration is the logical thing to do.

As I view it, if our treaty with Great Britain obligates us to charge tolls for American ships, the integrity of our sovereignty over the Panama Canal is to that extent impaired. If the repeal of the exemption clause as it passed the House was enacted into law without amendment, it would very properly be held to be an interpretation of the treaty by the American Government in harmony with the British view. The amendment adopted in the Senate negatives that view of our legislative act and preserves the question of the interpretation of the treaty for future diplomatic negotiation or arbitration.

While I believe a wise economic policy at this time requires that all American ships passing through the canal should pay tolls, there may come a time when this will not be so. Heretofore we have been exporters of raw materials, and our raw material is being carried in foreign ships to foreign shores and there it is being manufactured into finished products and brought back in the same foreign ships and sold to American consumers or exchanged for more of the raw material from our mines, quarries, fields, and forests.

But the time is not far distant when we will cease to be the purveyors of raw materials. We must enter the domain of manufacture not only to supply our own needs, but we must enter the markets of the world with the finished products of American labor. Japan is now our vigorous commercial rival on the Pacific, and when China has thoroughly aroused from her sleep of centuries and enters vigorously, as she shortly will, into competition with Europe and America for her full share of world commerce, the question whether we can as a matter of sovereign right exempt our ships from payment of toll unhampered by treaty obligation will become a very important one. We must eventually build up an American merchant marine. The need for it is becoming more apparent every day. The time may come when American manufacturers and American shipowners will demand, and the American Government realize, an economic necessity for the exemption of American commerce from toll charges in passing through the canal.

World competition will, in my judgment, necessitate such a policy. The repeal act as it passed the House would preclude the adoption of such a policy at any time in the future. It would have the effect of foreclosing against ourselves the right to claim exemption to American shipping from toll charges, because such a policy would be in violation of our treaty obligations.

The amendment adopted in the Senate leaves the question of treaty interpretation open for future negotiations and preserves the right to assert at any time in the future what I conceive to be the American view of the treaty. For these reasons I shall cheerfully support the Senate amendment.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Georgia that he ask unanimous consent that all gentlemen have the privilege of extending remarks in the RECORD on this bill.

Mr. ADAMSON. I am perfectly willing to do that, and I ask unanimous consent that all gentlemen have leave to extend remarks on this subject for five legislative days.

The SPEAKER pro tempore. Unanimous consent is asked that all Members be given leave to print remarks on this subject for five legislative days. Is there objection?

There was no objection.

Mr. ADAMSON. Will the gentleman from Illinois proceed now to use some of his time?

Mr. MANN. Mr. Speaker, I will yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Speaker, if the Lord Almighty could have foreseen all the talk that is being expended on this tolls question, He would have provided the canal himself when He made the world. The gentleman from Minnesota [Mr. STEVENS] says that he can vote for the amendment without stuttering. I should think any man, woman, or child in the United States could vote for it without stuttering, but I do not see how anybody could vote for it without smiling. The gentleman from Alabama [Mr. UNDERWOOD] says that it is a sop to Cerberus. Yes, it is a sop to Cerberus, but a counterfeit sop, for it means nothing whatever. It declares that we do not abandon any right which we do not abandon, that we hold on to everything which we hold on to. Everybody can agree to that—that we are not to be considered as having abandoned any right. Whether we adopt this amendment or not does not in the least affect our right at some future time to exempt coastwise vessels from the payment of tolls. If we have the right to discriminate now, this amendment does not add to it. If we have not the right to discriminate now, this amendment does not give it. I quite agree that this bill is not to be construed as abandoning something, but it is to be construed as repealing a law which violated a contract which we had made with Great Britain and which we were in honor bound to carry out. I admire the President of the United States for his courage in disregarding his party platform when his party platform indorsed a violation of our obligation. We made the bargain for better or for worse and we ought to stick to it. That is all there is in the question.

What ails us? Are we afraid that some demagogue will go out in the country and say that we are bought up by the railroads? Or that we are toadying to Great Britain? Is that what we are afraid of? Is that what sets our knees trembling, that we throw this sop to Cerberus? Why, anyone who knows anything about the question knows that any demagogue who says we are flunkys or are bought is a muckraker, and that any demagogue who believes it is a fit tenant for a lunatic asylum.

Mr. MANN. Mr. Speaker, I yield to the gentleman from West Virginia [Mr. HUGHES].

Mr. HUGHES of West Virginia. Mr. Speaker, when this bill was being voted on, March 31, I was paired with the gentleman from Alabama, Mr. TAYLOR. There has been some criticism of my vote of "present" on that occasion, and I want at this time to explain that vote. I voted "no" on the first roll call,

and my attention was called to my pair. I was unable to locate the gentleman, although I endeavored to do so by wire, so as to arrange with him to let me vote "no," and I had to recognize the pair under the rules and change my vote to "present." The RECORD did not show my first vote. It just shows that I voted "present." I was opposed to the bill all the time, and will vote against it, even with the Senate amendment now in it. [Applause.]

Mr. BURKE of South Dakota. Mr. Speaker, when the original canal act was considered in the House, in May, 1912, I was absent from Washington, detained on account of illness. If I had been present at the time the provision for free tolls, known as the Doremus amendment, was voted upon, I would have voted against it. One of the reasons that would have directed my action in so voting is because I am not in favor of allowing coastwise ships or any other ships to pass through the canal free. It has cost the United States nearly $400,000,000 to construct it, and it will cost a large sum annually to fortify, maintain, and operate it, and whoever uses the canal, built at the expense of all the people of this country, should be compelled to pay tolls. No commerce, whether coastwise or otherwise, ought to be exempted, in my opinion.

When the bill for the repeal of the free-tolls provision of the canal act was considered in the present Congress I regretted that the majority saw fit to adopt an ironclad and drastic rule so that no amendment could be offered to it, because I could not bring myself to vote for it in the form in which it was presented, for the reason that I did not wish to subscribe to the conclusion of the President, who declared in his message that he considered the free-tolls provision of the canal act in plain contravention of the treaty with Great Britain. If he had based his reasons for the repeal upon the other statement of his message, that he considered the exemption of coastwise shipping from the payment of tolls "a mistaken economic policy," I would have gladly voted for it without any amendment. It not being possible, by reason of the rule adopted, to even offer an amendment, I was compelled to vote against the passage of the bill, and I would do so again under the same circumstances. I did vote for the motion that was offered to recommit the bill with instructions to add the following amendment:

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. And Congress hereby declares that in its judgment the United States, which at enormous cost has built and fortified and owns the canal without any expectation of pecuniary profit to itself from its ownership, and which has the duty and expense of protecting the canal with its troops and warships and by proper sanitation, may, as the owner and defender of the canal and by virtue of its rights of sovereignty, rightfully provide preferential tolls or no tolls for its own war vessels and for vessels of commerce belonging to it or its citizens flying its flag, so long as the conditions and charges of traffic established by it for vessels of foreign nations are just and equitable, and may rightfully, in time of war, as well as in time of peace, maintain its Army and Navy in the Canal Zone, including all necessary warlike materials, both for defense and offense, and may rightfully provide preferential tolls or no tolls for the vessels of the Republic of Panama, from which Republic the right to construct the canal was obtained, and as authorized in the act of June 28, 1902, providing for the construction of the canal."

If the motion to recommit had prevailed and the amendment had been incorporated in the bill, I would have voted for its passage. Now that the measure has been returned to the House with an amendment which, in effect, declares that the passage of the act will not be considered as precluding the United States from exercising absolute sovereignty over the canal and doing anything that it may wish to do with relation to allowing its own ships or the ships of its citizens to pass through it without the payment of any tolls, if it so desires, I am going to vote for the motion to concur made by the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I desire to yield to the gentleman from Louisiana [Mr. DUPRÉ].

Mr. DUPRÉ. Mr. Speaker, I am in accord with the statement made by the gentleman from Alabama [Mr. UNDERWOOD]. I agree thoroughly with the characterization that he has made of the amendment, but I disagree with him as to the course that ought to be pursued. The logic of his argument drives me to a different conclusion. I shall vote not to concur in the Senate amendment. [Applause.]

Mr. MANN. I yield four minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, from the standpoint of economic policy I have not been in favor of exempting American ships passing through the Panama Canal from the payment of tolls, and had the matter of repeal been presented to us simply as an economic proposition I should have voted for it. But the President of the United States, in demanding the repeal of the exemption clause, asked us to do it on the ground that it was in conflict with our treaty rights; that whether it was or not we should surrender without question; and that we should do it in an ungrudging measure in support of a foreign policy that no one clearly understands and no one attempts to defend.

The Democratic side of the House has been coerced, contrary to the will and view of a majority of the Members, who voted as the President desired them to do. In the Senate the provision now before us was adopted. It is not a compromise; it is a straddle, intentionally ambiguous, apparently intentionally so framed that any interpretation may be given to it that suits the time, the occasion, or the person interpreting the provision. If it had been a clear, ringing statement that we maintained our sovereignty and rights in the canal and that we repealed the free-tolls provision on economic grounds, then it could have received the support ungrudgingly of all of us who are against free tolls as a matter of policy.

As it is, the bill is better with this provision than as it passed the House, for at least it does pretend to preserve and reserve the question as to whether or not we may have the right to make and provide for preferential tolls. With this amendment, however, the act viewed in the light of the President's demand for repeal is a cowardly surrender of American rights. We have in this measure another illustration of how the Democratic majority bends to the arrogant and imperious will of the occupant of the White House, and how legislation in this Congress is not passed on the judgment of the majority in either branch, but under the mandate of the unbending will of the Executive. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield seven and a half minutes to the gentleman from New Jersey [Mr. BAKER].

Mr. BAKER. Mr. Speaker, does anybody here believe that the United States acquired any rights on the subject of free tolls by the passage of the act of 1912? If we did not acquire any rights by the passage of that act, then we waive or lose none by repealing the act. We are menaced here with the lurid statement that Great Britain is dictating to us our domestic policies. Most of us are skeptical as to that, for England is reputed to have gone out of the dictating business in American affairs 100 years ago come January next [applause], for reasons well emphasized on the marshes below the good city of New Orleans at a concert directed by that masterful patriot, Andrew Jackson, and those reasons have been growing stronger with the progress of events ever since that impressive day.

There is another good reason why England does not seek to dictate to her American cousins, and that reason is because she is extremely wise, so wise that she desires to be in good accord with the most potential and resourceful nation of modern times. [Applause.] England knows that the Americans can not be compelled to do anything, not even to drink tea, subject to a stamp tax. England has as good a right to interpret her conventions with us as we have to interpret our conventions with her, and if we can not agree upon our mutual conventions, either has the right to demand arbitration of the points upon which we differ. No sovereign people is under obligations to abide by the action of another sovereign people that it believes is acting in bad faith any more than a private individual is bound to stand by a contract in which the other party to that contract has committed a breach of the contract. This is a plain question with us. It is not a matter of foreign dictation. It is a matter of our rights as a business people, as between us and the Government of the United States. I hold, as I believe most here do, that this free-toll act is the hair of the same dog that bit us in the protective prohibitive tariff fad. It is sprung from the same bacillus, cultivated and fulminated in the same way, and as an economic measure it is the worst rot that ever infested our fiscal conceptions, and an outrage upon the rights of the men who earn their bread in the sweat of their face, and a reflection upon their intelligence to put up such a discriminating proposition as the free-tolls act. [Applause.]

Mr. ADAMSON. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, the adoption of this amendment will leave the construction of the Hay-Pauncefote treaty exactly where it was before the Panama Canal act was passed. It leaves the Congress of the United States absolutely free in the future to pass a bill exempting coastwise traffic from tolls if it may then see fit. The gentleman from Alabama [Mr. UNDERWOOD] has stated that while this amendment declares a principle it accomplishes nothing. Mr. Speaker, with this great difference of opinion that prevails with reference to the construction of the treaty, why should the Congress of the United States be compelled in the passage of this act to construe this treaty and forever bind the United States? A great many Members in both Houses favor the passage of this bill on economic grounds. Others favor it upon their construction of the treaty. Why should not those two groups join, and why should they bind the Government in the future with reference

science and the fears of certain gentlemen who are not willing to go boldly before the American people and accomplish the result that the membership of this House was willing to accomplish without apology. The amendment offered in the House struck out the second clause of the bill, with what result? The second part of this resolution is the clause that amends the Panama Canal act, wherein that act provides that the President of the United States shall have the power in the future to grant free tolls to American ships in his discretion. The first clause in the act repealed the law giving free tolls to our coastwise ships. The second clause repealed the discretionary power of the President to grant it at any time he wished, and, then, with that repeal an amendment was proposed, declaring our sovereign rights in the canal.

In the first place, we protected and refused to repeal, if that amendment had been adopted, an active power rested in the Chief Executive of the Nation, with the privilege to exercise it at any time he saw fit, with a declaration of right that notwithstanding the fact that we may not charge the tolls at this time, we retain the right and declare the principle that the canal is an American canal over American territory, and that the American Government held and proclaimed the right to exercise complete sovereignty on the Canal Zone.

That was necessary in view of the position that was taken in presenting the resolution to the House. The committee presenting the resolution to the House had declared in their report that they recognized the canal as an international waterway, and that the Government of the United States did not exercise sovereignty over that Canal Zone.

Had the amendment offered in the House been adopted, it would have preserved those rights for the future. This bill not only repeals the free tolls to American shipping to-day that are granted under the law, but takes away from the President the future right to grant these tolls, or to proclaim the right of the United States to grant them in the future if it sees fit. So when the Senate, after two and one-half months' continuous consideration and long debates, sends this bill back to the House without changing the language of the original bill, and makes the declaration "That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain * * * or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or in any way waiving, impairing, or affecting any right of the United States under said treaties or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same," what does it mean? Is not the original position occupied by the membership of the House that passed the resolution far more honest, far more manly, far more courageous when they refused to adopt a declaration of this kind and stood on the bald proposition of the committee that they did not believe that we had the right to discriminate in favor of our shipping, and that we would not proclaim our right to the sovereignty over the Canal Zone——

Mr. MADDEN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. Just in one moment. Rather than the position taken by the Senate, that concedes everything that was in the House bill, cuts off our rights in the Canal Zone without recall, and then, to satisfy their consciences or their fears, puts an apology in the bill as a proviso, throwing it out, possibly, as a sop to some of us who do not believe in the proposition, with the idea that we are sufficiently gullible to be attracted by a negative declaration of this kind?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. UNDERWOOD. I do.

Mr. MADDEN. The gentleman stated, if I heard him aright a moment ago, that the House, in the bill when it passed the House refused to enact such a declaration as the Senate has enacted. Was there any such declaration before the House, or was there before the House simply a stump speech contained in the motion to recommit?

Mr. UNDERWOOD. Oh, no. The gentleman should read the RECORD.

Mr. MADDEN. I have looked into the RECORD, and I was here.

Mr. UNDERWOOD. The motion to recommit the bill with instructions was offered, and the House voted on that motion to recommit. Of course, the gentleman may say that that proposition was not before the House, but the House had the opportunity to recommit by a vote on the question.

I do not propose to vote against this amendment. The declaration in this amendment is what I contended for when the bill was before the House. The declaration in this amendment, if it is correct in principle, should make the Congress pause and hesitate before it surrenders, by the repeal of the free-tolls provision of the Panama Canal act, the right of the people of the United States to exercise sovereignty on the Canal Zone. Of course, so far as I am concerned, I believe in a discrimination in favor of American ships to build up our merchant marine, but I regard that as much the less important of the questions involved here.

I said in the beginning, and I say now, that this question is of such momentous importance to the American people that it should never have been legislated on directly by the Congress. The rights of two nations are involved. The rights of our people against the peoples of the world are involved. It is not only a question of developing our own shipping, a question of discriminating by a few dollars of canal tolls in favor of our shipping, but the question presents itself to this country as to whether or not the concession that we are making in this bill may in the future embarrass us as to our rights in time of war. That is the serious question. Great Britain proposed to arbitrate the questions existing between the two countries. Although I am not in favor of the repeal, I recognize that the question is not a matter to be determined by war, but is a question that the diplomats of the two countries must reach an agreement about, either directly or through arbitration; and if we were going to make this change, if it was necessary to make this change, there was nothing that stood in the way of the Government of our country accepting a proposition to arbitrate; and if we had accepted arbitration instead of surrender—an un-American surrender at that—and the arbitrators had said that we had no right to remit tolls in going through this canal, then in that same diplomatic understanding and contract, or in that same arbitration, we could have had the rights of our warships established for all time to come, so that those questions might not arise to embarrass our country in the future, possibly in times of great stress and great peril to our country, as it is left in the enactment of this bill, without determination, without diplomatic understanding between the two countries involved in the Hay-Pauncefote treaty or the other nations of the world.

Therefore I regard the passage of this act as a matter of unwisdom on the part of the two Houses, as a dangerous surrender of American rights, as a proposition that ought never to be considered in these Houses, and that should be sent to the court of arbitration to-day. But recognizing the fact that I do not voice the sentiments of a majority of this House, and believing, as I always do, that the will of the majority should be written on the statute books, I do not propose to attempt to delay the passage of the act, nor shall I vote against this amendment that, as I said a while ago, makes a declaration of principle similar to the contentions that I made when the bill was before the House, but yet makes the declaration of principle in a negative way, so that it could not be effective in the future—could not be of benefit to us in a court of arbitration in the future—because our act in surrendering our rights will be the point that is weighed in the future in determining the interpretation of this act, and not the accompanying declaration as to why we passed the act. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. Does the gentleman from Minnesota [Mr. STEVENS] desire me to yield him time?

Mr. STEVENS of Minnesota. Yes; I should like five minutes.

Mr. ADAMSON. I yield to the gentleman from Minnesota five minutes.

Mr. STEVENS of Minnesota. Mr. Speaker, I can vote for this amendment without hesitation and without stuttering. When the original measure was before the Committee on Interstate and Foreign Commerce two years ago, some of us then stated that we did not desire to indorse this important matter, so with such a provision inserted in the measure for the repeal of free tolls, we will be very glad to support it. We did not desire that the United States should be precluded in any way or at any time from asserting any right which it may have under both of these treaties, where the welfare of our people in the future might be in question. We offered to do the same thing this time when the present bill was under consideration by the committee. That offer was refused. So that the matter comes before this House now practically in the same situation in which we have proposed it should come whenever the question has been presented to the Committee on Interstate and

Foreign Commerce. We did not desire to preclude or prejudge this question as to the rights of the United States under these treaties. My own views are clear and I have expressed them at length before this House. But I realize the great differences of opinion and the eminent men who differ with my judgment. So I am willing to leave the matter open, confident that my views as to the international, legal, and economic differences will be increasingly satisfactory to our people. We all realized that it was too important to be decided now for all future time, to settle or attempt to foreclose this question. It ought not to be done. We should not presume with a matter of such importance. The original bill did not do it. The amendment adopted by the Senate does not change the situation at all, but leaves the whole question wide open for future discussion and conclusions. The Senate amendment simply provides that nothing in this bill shall be construed to do either of two things: First, to settle or determine the right of the United States under these treaties to discriminate in favor of the vessels of its own citizens in the use of the canal; secondly, that nothing in this act shall be construed to limit or affect the sovereignty of the United States as acquired in the treaties in the use of the canal. Those are exactly the two propositions which I have outlined to the House twice before on bills of this kind. For my part, I believe that the United States has a clear right to classify under the provisions of both of those treaties. We do classify vessels under the act as it stands, but the classification must be fair, just, natural, and reasonable. The treaties clearly state, to my mind, such an exemption as was contained in the act two years ago is not a fair classification, and was one we agreed should not be made. We can and probably will classify in the future, but that classification must not violate the express provisions of two international agreements which we have made, as Las been so extensively debated in the last three months. I believe that the classification in the bill did violate the provisions of both of the treaties which concerned the canal, and if any nation attempts a similar course of action against us under a treaty with similar terms, we would bitterly and strongly resent it.

Again, those who believe in the passage of this act believe that the bill itself, as it passed the House and as it now stands, does not interfere in any way with the sovereign rights of the United States in the use, occupation, and control of the Panama Canal.

I wish to express my emphatic difference of opinion with the gentleman from Alabama in his statement—or almost offer—to arbitrate the use of that canal so far as our public and war vessels are concerned. I do not believe the United States ought ever to arbitrate the right to use its own territory or property wherever it has any sovereign interest, even though it be limited for a specific purpose as it is concerning this canal. We ought never to arbitrate the right to use our own domain for our own sovereign purposes. [Applause.] I believe that the bill as it left the House, and the bill as it now stands, gives the United States the right of perfect sovereignty, of perfect control, of perfect protection over the Panama Canal in war and peace for all purposes of constructive use and control and protection of the canal for such purposes. We can pass any sort of public vessels we see fit at any time and anywhere we see fit to do it without let or hindrance of anybody, and I am not willing, now or at any time in the future, to arbitrate that question. [Applause.] But I am willing to arbitrate the question under controversy as to whether it is our duty to grant to British and Panaman private vessels the same right and treatment which we do to our own private vessels of the same class. That is the question which can and may be arbitrated.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. STEVENS of Minnesota. Just one minute more.

Mr. ADAMSON. I yield to the gentleman one more minute.

Mr. STEVENS of Minnesota. The sole question for us to consider is, Is it best now to repeal that law creating a worse classification, clearly violating international and economic rights, with this waiver of any intention to affect all rights as to sovereignty and future action as to treatment of our vessels under the treaties? Its only effect, as I take it, as it stands before this House for present action, is to state that it is not wise to classify or determine at this time or have no intention now to finally construe our treaties as to what ought to be done in the future. My own judgment is clear, but I am willing to debate at some more auspicious time as to the proper course of action. For that reason I shall vote to concur in the amendment of the Senate. [Applause.]

Mr. TAGGART. Mr. Speaker, I said in my remarks on the tolls bill, when it was first presented to the House, that the serious question was not a question of revenue, or expediency, or an economic question. The form in which the bill was presented by the committee was such that it involved a construction of the Hay-Pauncefote treaty, which, in a measure, surrendered a share of the sovereignty of the Panama Canal to a foreign power. I could not vote for that, and I did not vote for it. With this amendment, however, it is converted solely into an economic question, and I stand with the President of the United States on any and all economic questions. It is right to charge everybody the same price for exactly the same use of the same property. There is no disputing the justice of that phase of it. [Applause.] The President, in his message, did not ask Congress to surrender any right of the United States to the Panama Canal. If the amendment that has been adopted by the Senate had been incorporated in the bill that was brought before the House there would have been no difficulty about the repeal of the tolls exemption. Simple repeal, without any qualification, would be such a solemn construction of the treaty by the Congress as would confirm the claim of the British Government to have a share in dictating the use that the United States should make of the canal with respect to ships owned by citizens of the United States. When it was first brought before the House a motion was made to recommit the bill, with directions to the committee to add an amendment that would include substantially the language contained in the amendment adopted by the Senate. I voted to order the committee to incorporate such an amendment in the bill. The House failed so to instruct the committee and the bill went to the Senate without any qualification. This is what caused the unprecedented debate in the Senate. The amendment as adopted by the Senate is as follows:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified February 21, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise, to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls or passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with the respect to the sovereignty over or the ownership, control, and management of said canal, and the regulation of the conditions or charges of traffic through the same.

The collection of tolls from coastwise vessels is really a comparatively small matter. The amount realized will not be great. I am wholly unable to agree with those who consider exemption from tolls as a subsidy to the owners of vessels. Congress has sole power to regulate commerce among the States; it can authorize the Interstate Commerce Commission to fix the rates charged for coastwise trade by the owners of American vessels, and in doing so the commission can and will take into consideration the cost of passing through the canal or the exemption from cost of passing through the canal. The benefit would really be derived by the people of the two coasts. The people in the middle portion of the United States have no interest in this matter at all, except the securing of whatever revenue may be derived from the tolls. Whether there are tolls or no tolls, it will not affect railroad freight rates that are fixed by the regulations of the Interstate Commerce Commission.

No one now seriously claims that the exemption law passed in 1912 violated the Hay-Pauncefote treaty. That position has been abandoned by the ablest men in the House and Senate. A moment's reflection would convince anyone who has read the Constitution that we could not by treaty delegate to any power any share of the right to regulate commerce among the States. Congress has that exclusive power of regulation, and when it is exercised by Congress even a State of the Union has no power over the subject whatsoever. A foreign nation claimed a right that a State of the Union could not assert, and no one in this Government can have authority to bargain away the right vested in Congress to regulate interstate commerce. When the treaty was made we did not have the sovereignty of the soil on which the canal is constructed. The treaty reads as if we were going to build a canal on territory not controlled by the United States. When we secured the territory the treaty had a new meaning, and that meaning is that the United States has quite as complete power over its domestic affairs in the Canal Zone as it has anywhere else under its jurisdiction.

I am glad to be able to agree with the majority of the Democrats in the House. Their judgment and the judgment of the President on all domestic and economic questions is sufficient for me, and it gives me great pleasure to know that we have not only provided the revenue that may be derived from charging tolls in the Panama Canal, but that we have jealously guarded the dignity and sovereignty of the United States by agreeing to the amendment that was adopted in the Senate. The language of this amendment is distinct and clear, and leaves no doubt in the mind of anyone that by changing the law with respect to the collection of tolls in the Panama Canal we have not sur-

in the preparation of the defense and trial of numerous cases against certain corporations for which the said Arthur Dayton is attorney, which cases were tried before him, the said Alston G. Dayton, and whether he has unlawfully used his high office and influence in behalf of said corporations; whether he has abused his power and influence as judge to further the interests of his son, Arthur Dayton; whether he has used the funds of the United States for an improper purpose; whether he has violated the acts of Congress regulating the selection of jurors; whether he has actively engaged in politics and used his high office as judge to further the political ambitions and aspirations of his friends; whether he has lent his services as judge to the coal operators of West Virginia by improperly issuing injunctions; whether he has shown hatred and bitterness toward miners on trial in his court; whether he has used his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia; whether he has wrongfully expressed his own opinions in charging grand juries in his court; whether he has conspired with certain corporations and individuals in the formation of a carbon trust in violation of law; whether he has unlawfully had an order entered staying a proceeding the object of which was the condemnation of a lot in Philippi, W. Va., for a site for a Federal building; whether he has publicly denounced the President of the United States from the bench and before a jury; whether he has unlawfully used the funds of the United States Government for his own private use; whether he has wrongfully collected from the Government funds as expenses not due or allowed to him under the statute; whether he has wrongfully kept open the books of his court at Philippi, W. Va.; whether he has, in open court and before a jury, accused witnesses of swearing falsely in cases then on trial before him; whether he has directed the marshal of his district to refuse to pay the fees of witnesses whom he had accused of testifying falsely; whether he has refused to enforce certain laws of the United States; whether he has openly denounced and criticized the United States Supreme Court; whether he has discharged jurors for rendering verdicts not agreeable to him; whether he has openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court; whether he has refused to permit certain defendants in a case in his court to have an interpreter; whether he has stated in open court that the United Mine Workers of America are criminal conspirators; whether he is so prejudiced as to unfit him temperamentally to hold a judicial office; and whether he has been guilty of various other acts of personal and judicial misconduct for which he should be impeached.

That this committee is hereby authorized and empowered to send for persons and papers, to administer oaths, to employ, if necessary, an additional clerk and stenographer, and to appoint and send a subcommittee whenever and wherever necessary to take testimony for the use of said subcommittee.

That the subcommittee shall have the same power in respect to obtaining testimony as is herein given to the said Committee on the Judiciary; that the Speaker shall have authority to sign and the Clerk to attest subpoenas for any witness or witnesses.

That the expenses incurred in this investigation shall be paid out of the contingent fund of the House.

Mr. NEELY of West Virginia. Mr. Speaker, I move that the resolution be referred to the Committee on the Judiciary without debate.

Mr. UNDERWOOD. Well, I suppose the gentleman desires to move the previous question on his motion to refer?

Mr. NEELY of West Virginia. Mr. Speaker, I do move the previous question on my motion to refer.

The SPEAKER pro tempore. The gentleman from West Virginia moves the previous question upon his motion to refer this resolution to the Committee on the Judiciary.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is upon the motion to refer the resolution to the Judiciary Committee.

The question was taken and the motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, with amendment, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14385. An act to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

PANAMA CANAL TOLLS.

Mr. ADAMSON. Mr. Speaker, I ask that the bill just returned from the Senate, with an amendment, be laid before the House.

The SPEAKER pro tempore. The Chair lays before the House a House bill with Senate amendment, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 5 (calendar day June 11), 1914.

Resolved, That the bill from the House of Representatives (H. R. 14385) entitled "An act to amend section 5 of 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone,' approved August 24, 1912," do pass with the following

AMENDMENT:

Page 2, line 9, strike out the period and quotation marks and insert: ": *Provided*, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. ADAMSON. Mr. Speaker, I move to concur in the Senate amendment, and I desire to ask gentlemen on the other side if there is any disposition for debate. As far as I am concerned, I am ready for a vote unless other gentlemen wish to speak; if so, I will help as far as I can.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Georgia I recognize the fact that the majority of the House is in favor of passing this bill, although I am not. I have no desire to delay the passage of the bill. I think the will of the majority should be written into the law whether it conforms to my views or not, but I do not think that this resolution should be passed without some debate. I will say to the gentleman from Georgia I do not know I will occupy all that time, but I desire about 20 minutes myself.

Mr. ADAMSON. I had hoped, Mr. Speaker, that we might be able to get through within an hour. Does the gentleman from Illinois desire time?

Mr. MANN. We should like a little debate over here.

Mr. ADAMSON. How much will suit the gentleman?

Mr. MANN. We will take half an hour on this side.

Mr. ADAMSON. That would not include the time of the gentleman from Alabama?

Mr. MANN. No.

Mr. MURDOCK. The gentleman wants 20 minutes.

Mr. ADAMSON. Then, Mr. Speaker, I ask unanimous consent that at the end of an hour and a half the previous question may be considered as ordered.

Mr. MANN. Better fix the control of the time.

Mr. UNDERWOOD. I suggest to the gentleman that I have control of 20 minutes and the gentleman from Illinois have control of 30 minutes——

Mr. ADAMSON. That makes 50 minutes. Can not you get along with 45 minutes and let me control 45 minutes?

Mr. UNDERWOOD. I see no reason in a matter of this importance why we should not have 50 minutes' debate; if gentlemen desire more time on that side of the question——

Mr. MANN. I will get along with 25 minutes.

Mr. ADAMSON. That is all right.

Mr. MURDOCK. I want five minutes.

Mr. ADAMSON. That does not include the gentleman from Kansas?

Mr. MANN. Yes.

Mr. ADAMSON. Mr. Speaker, I want all gentlemen to have all the time they want, but I was just trying to find out how much it is.

Mr. UNDERWOOD. I may not consume my 20 minutes.

Mr. ADAMSON. Then, Mr. Speaker, I will ask that there be 45 minutes controlled by myself, 20 minutes to go to the gentleman from Alabama, 5 minutes to the gentleman from Kansas, and 20 minutes to the gentleman from Illinois.

The SPEAKER pro tempore. Unanimous consent is asked by the gentleman from Georgia for one hour and half of debate, 45 minutes of that time to be controlled by himself, 20 minutes to be controlled by the gentleman from Alabama [Mr. UNDERWOOD], 20 minutes by the gentleman from Illinois [Mr. MANN], and 5 minutes by the gentleman from Kansas [Mr. MURDOCK], and at the end of that time the previous question shall be considered as ordered. Is there objection?

Mr. MANN. The gentleman would have the right to demand the previous question and somebody might want to offer an amendment. For instance, this is purely technical: The Senate amendment strikes out the period and quotation marks at the end of the bill and inserts an amendment which does not have any quotation marks at the end of it in the copy I have of it, which would leave the amended law with quotation marks at the beginning but not at the end, and that would undoubtedly prove troublesome to the clerks, and the gentleman might wish to correct that.

Mr. ADAMSON. I should think in enrolling the bill that the quotation marks might be disregarded.

Mr. MANN. But the enrolling clerk will not disregard anything of that kind, and can not.

The SPEAKER pro tempore. Is there objection to the request?

Mr. MANN. We might want to offer some real amendments.

Mr. ADAMSON. I will modify the request at the suggestion of the gentleman from Illinois and say that at the end of one hour and a half I may be recognized to move the previous question.

The SPEAKER pro tempore. Is there objection to the unanimous-consent request as modified by the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. ADAMSON. Mr. Speaker, I had intended to reserve enough time to conclude the debate. My own idea is that there is nothing wrong in this amendment, and if it is satisfactory to anyone who has opposed the bill it is to me.

Mr. FITZGERALD. Will the gentleman yield?

Mr. ADAMSON. With pleasure.

Mr. FITZGERALD. How does it differ from the provision in the motion to recommit which the gentleman voted against when the bill was under consideration?

Mr. ADAMSON. I think it differs substantially. I have not that motion before me now. I did not regard the amendment as at all necessary until charges and countercharges were made that we repudiated entirely, and it seems to me the friends of the bill simply deem it proper to put this in as a refutation of the charges they had made of the motives and intentions of the repealers—those who favored the bill.

I did not intend to make my speech at this time. I was going to yield to the gentleman from Tennessee [Mr. SIMS] five minutes, if he desired.

Mr. SIMS. Mr. Speaker, I do not desire to discuss this amendment at any great length. It does not seem to me that it changes the object and purpose of the bill, which is to repeal the exemption clause of the canal act relieving coastwise vessels from the payment of tolls for the use of the canal. That purpose is accomplished even with the Senate amendment attached, as not a word is changed in the House bill. Therefore, as the substantive and real purpose of the bill is accomplished, so far as I am concerned, I am satisfied. I hope those gentlemen who have so often alleged that we were surrendering our rights and interests in the canal to English domination will be satisfied with this amendment, that we are not directly or indirectly surrendering any rights that we have to any foreign country, but that the canal in all respects is just as much an American institution, just as much subject to American control, with the passage of this bill as it ever was.

Believing, as I do, that we never had any right, under our treaties, to discriminate in favor of the vessels of American citizens in the coastwise trade, I do not see how we can reserve a right that we never had, that we are surrendering anything that we never had to surrender. I think this bill places us before the world as a great people, who are willing to do right because it is right, and that in construing treaties after they have been made, we will not contend for a construction, after we have received all the substantial benefits arising from a treaty, so as to give it a meaning and effect that if contended for at the time of its negotiation would have prevented its making altogether. I have never believed for a moment, nor do I believe now, that the Hay-Pauncefote treaty would have been agreed to by Great Britain if it had contained a provision such as the Doremus amendment, which we are now repealing, exempting our coastwise vessels from payment of tolls. As far as I am concerned, I am delighted—too delighted to have a quarrel with one who may differ with me. I think it is as much our duty to repeal bad legislation as to enact good legislation. I think that in the repeal of the legislation creating the Commerce Court and that part of the canal act exempting the coastwise, monopoly-protected vessels of citizens of the United States from the payment of just and reasonable tolls for the use of the canal, we are doing a duty that is equally as high and imperative as in the passage of the tariff bill, the currency bill, or any other good bills that we have passed.

Therefore, Mr. Speaker, I am so exceedingly gratified with the passage of this repeal bill that I do not care to further discuss it, but prefer to vote. [Applause.]

Mr. MURDOCK. Mr. Speaker, viewing this transaction from the beginning to the end, and with my knowledge of his personality and his mental processes, I would not be surprised if, when this measure reaches the White House, President Wilson should veto it. His attitude upon the question from the start has been clear and without compromise. He held when he came before us on March 5 that Congress had done a grievous wrong, and he asked Congress in so many words to confess by passing a law repealing the former act that Congress had done a sinful thing. He asked Congress to confess, repent, and bring forth fruits meet for repentance. In answer to the President's demand, a majority of the House passed an act which repealed forthwith and in an entirely straightforward manner the former Doremus toll exemption law. That was what the President asked. He asked nothing more and nothing less. He asked that exactly. That the House did. The bill went to the Senate, and after long debate there has been added to it a compromising amendment. The addition of that amendment to the bill in the Senate robbed the measure of the very virtue which the President sought from Congress. For he asked Congress to grant him toll exemption repeal "in ungrudging measure." This amendment is not in ungrudging measure, for we will hear, are already hearing, from both sides of this contention different interpretations of this amendment.

Now, this is an international question and compromise should not enter if gentlemen take the President's view. The President held that the original Doremus Act was in violation of the Hay-Pauncefote treaty. There was but one thing, in his view, for Congress to do, and that was to repeal that act without any "ifs" or "ands" or "buts" about it. There can not be, with satisfaction to the President, dubiety here. But the Senate has attempted to add a doubt, by tacking to the bill an amendment which will be read both ways. It does not grant what the President asked. He declared that Congress should reverse its action "without raising the question whether we were right or wrong." The Senate does raise the question and muddles it. Therefore I would not be surprised if the country is treated to the spectacle of the President, who took the trouble to come to Congress personally to make a direct appeal to his party in control of the House—I would not be surprised, I repeat, if the country is treated to the spectacle of the President indignantly rejecting the amended act that will be sent to him.

I believe that the main necessity for the passage of the act as the President gave it to us has passed away. Whatever those "matters of greater delicacy or nearer consequence" were, we never found out. Whatever they were, they are no longer in this equation, so far as anyone knows.

I have never been for this act. I have been against it, as gentlemen know, from the beginning; but if I had been for it from the start, this morning I would be against the Senate amendment. If I were going to stand with the President of the United States for his demand, I would stand with him wholeheartedly or I would not stand with him at all.

I believe that this act will consummate a surrender of American sovereignty over the canal that the Nation will regret for centuries. But there is still another feature to which I desire to allude. This measure will pass here. If it is not vetoed by the President, we are at the end of a long, doleful chapter in this country. Right after the Civil War, after the construction of the transcontinental railroads, the larger railroads practically took possession of a good many States, politically. They dominated the governors, they were privy to legislation, and selfishly privy. They sought successfully to dictate the appointment of a goodly share of the judiciary, and they haunted these halls here in Washington for years, seeking and obtaining special privileges and special advantages against the interests of the people. When as a Nation we attempted to build the great Panama Canal, the chief opponents and antagonists to this great public work were the transcontinental railroads. They fought its construction because they did not want competitive rates over waterways between Atlantic and Pacific points and the lower rates which would follow in the interior of the country. By this act, if it become a law, you give victory to the transcontinental railroads, which have fought the public interests in this matter over a period of 40 years. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Kansas [Mr. MURDOCK] has expired.

Mr. ADAMSON. Mr. Speaker, does the gentleman from Alabama [Mr. UNDERWOOD] wish to use some time?

Mr. UNDERWOOD. Yes.

Mr. ADAMSON. I yield 20 minutes to the gentleman.

Mr. UNDERWOOD. Mr. Speaker, I regret exceedingly that it is necessary for me to make a speech on this resolution at this time. I would not do so if I did not feel that the passage of this bill is one of the most unfortunate legislative acts that has ever occurred in the history of our country. [Applause.]

I feel that the future rights, the future interests, and the future prosperity of more than a hundred millions of people are at stake and are being jeopardized by the passage of this resolution.

I am not going to resist the adoption of this amendment, because I regard the amendment as a declaration by the Senate of the United States of the principles that I believe in. But at the same time I recognize the fact that that declaration is not made effective, and it has not been attempted by those who passed it to make it effective, so as to protect the rights of the American people.

A resolution to recommit with instructions to bring in an amendment to this bill was offered in the House at the time of its passage, but that resolution and amendment, although conforming in a large respect to the language used in this amendment, was effective in its results, whereas the present amendment is attached to this bill merely to satisfy the con-

tion think so, and I think perhaps the House of Representatives as a body believes that. Neither does it appeal to me from what has been developed here that the assay offices ought to be retained simply because they make headquarters where miners can bring their gold and have it assayed. If that is necessary, there ought to be a great many more assay offices. I do not suppose in any of the places where there are assay offices that there are sufficient mines to keep the assay offices going; but, as the Senator from Colorado has said, most of the gold that comes to them has to be shipped in there, anyway. It was only as a matter of economy, I think, that the House has cut out this appropriation, for I understand that the assay offices were put in at various times in the Senate, as I think it is claimed, attached to some appropriation bill.

Mr. WARREN. No, Mr. President, the Senator is mistaken. The assay offices were established by law, and if they are abolished by law then the provision for their maintenance would not appear in the appropriation bill, but the law creating them stands on the statute books.

Mr. NORRIS. I am speaking of the origin of the law. I do not suppose all of them were created in that way.

Mr. SUTHERLAND. They were created by an absolutely separate and distinct law. The law which created the assay office at Salt Lake City I myself introduced many years ago, when it was passed. It is a separate and distinct law upon the statute books and not a provision in an appropriation bill at all.

Mr. NORRIS. That may apply to the Salt Lake City assay office; and I should think Salt Lake City would be a very proper place for an assay office.

Mr. BRADY. Mr. President, I want to say a word relative to the five assay offices for which an appropriation is sought. They are in operation and have been in operation for many years. The Boise office has been in operation since 1869. Last year it handled $1,022,887.29 worth of gold. The fact of the matter is that this simply, as I said before, makes a local market for the gold produced by the miners. The law provides for every one of them. Appropriations have always been made for maintenance and operation, and the House has no right to try to destroy one of our greatest industries by refusing to maintain them; and I know the committee was justified in recommending this amendment, and I hope that it will prevail.

The VICE PRESIDENT. The question is on agreeing to the amendment relating to the mint at Carson City, Nev., on page 72.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 72, after line 9, to insert:

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,700.
For wages of workmen and other employees, $3,000.
For incidental and contingent expenses, $2,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 15, to insert:

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; clerk, $1,200; in all, $4,700.
For wages of workmen and other employees, $3,000.
For incidental and contingent expenses, new machinery, etc., $1,500.

The amendment was agreed to.

The next amendment was, on page 72, after line 22, to insert:

Assay office at Helena, Mont.: Assayer in charge, $2,000; chief clerk, who shall also perform the duties of cashier, $1,400; assistant assayer, $1,500; in all, $4,900.
For wages of workmen and other employees, $3,000.
For incidental and contingent expenses, $2,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 1, to insert:

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, who shall also perform the duties of cashier, $1,200; in all, $4,700.
For wages of workmen and other employees, $2,500.
For incidental and contingent expenses, $2,000.

Mr. SUTHERLAND. Mr. President, I desire to offer an amendment to the amendment. On page 73, line 4, I move to strike out the words "assistant assayer, $1,500"; in line 5, to strike out "$1,200" and insert "$1,600"; and to strike out the total, "$4,700," and insert "$3,600."

I offer that amendment for this reason: The committee amendment provides for three officials—assayer in charge, at a salary of $2,000; assistant assayer, at a salary of $1,500; and a chief clerk, at a salary of $1,200. The fact is that in that office the assayer in charge is himself a practical assayer and a very good one; the chief clerk at that office is also a practical assayer and a very good one; so at that particular office those two men can do the work, and an assistant assayer is not needed. The chief clerk heretofore has been receiving $1,600 per annum. His compensation by the committee amendment is cut to $1,200; so that by striking out the provision with reference to the assistant assayer and putting the salary of the chief clerk back where it was and where it ought to be, at $1,600, there would be a net saving of $1,100.

Mr. MARTIN of Virginia. I accept that amendment and shall be very glad to see it adopted.

The VICE PRESIDENT. The question is on the amendment of the Senator from Utah to the amendment reported by the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STONE. Mr. President——

Mr. MARTIN of Virginia. Mr. President, I ask unanimous consent that the bill may be temporarily laid aside in order that the Senator from Missouri may make the motion which I know he contemplates making. In doing so, I desire to give notice that to-morrow morning after the conclusion of the morning business I will ask the Senate to take up this bill again, as I am exceedingly anxious to finish it to-morrow.

The VICE PRESIDENT. Without objection, the bill will be temporarily laid aside.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 13, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 12, 1914.

AMBASSADOR TO FRANCE.

WILLIAM G. SHARP, of Elyria, Ohio, to be ambassador extraordinary and plenipotentiary of the United States of America to France, vice Myron T. Herrick, resigned.

REGISTERS OF THE LAND OFFICE.

Frank S. Heer, of Silver City, Idaho, to be register of the land office at Boise, Idaho, vice William Balderston, deceased.

John D. Roche, of Los Angeles, Cal., to be register of the land office at Los Angeles, Cal., vice Frank Buren, term expired.

RECEIVER OF PUBLIC MONEYS.

Alexander Mitchell, of Glendale, Cal., to be receiver of public moneys at Los Angeles, Cal., vice Oliver R. W. Robinson, term expired.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Commander Edwin H. De Lany to be a commander in the Navy from the 10th day of March, 1914.

Lieut. Percy W. Foote to be a lieutenant commander in the Navy from the 9th day of April, 1914.

Lieut. (Junior Grade) Charles R. Clark to be a lieutenant in the Navy from the 9th day of April, 1914.

Julius F. Neuberger, a citizen of Oregon, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 4th day of June, 1914.

Asst. Surg. Luther Sheldon, jr., to be a passed assistant surgeon in the Navy from the 24th day of December, 1913.

Passed Asst. Paymaster John M. Hancock to be a paymaster in the Navy from the 20th day of August, 1913.

First Lieut. Edward B. Cole to be a captain in the Marine Corps from the 9th day of June, 1914.

Second Lieut. Adolph B. Miller to be a first lieutenant in the Marine Corps, to fill a vacancy occurring February 25, 1914, and to take rank from February 5, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 12, 1914.

POSTMASTERS.

OHIO.

William D. Caldwell, Canton.
William E. Warren, Leetonia.

VIRGINIA.

Robert T. Montgomery, Colonial Beach.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 12, 1914.*

The House met at 12 o'clock noon.

The House was called to order by the Speaker pro tempore, Mr. DIXON.

Rev. John T. Huddle, of St. Paul's Lutheran Church, Washington, D. C., offered the following prayer:

Our Father's God and ours, with reverence we come into Thy conscious presence, believing that Thou art and that Thou dost respond sympathetically to the appeals and aspirations of all those who diligently seek Thee. We rejoice that in Thee the God of love of law centers, and that back of the forces of nature the affairs of nations and the revolutions of generations Thou doth stand, keeping watch over the achievements of men and the changes of time, bending them all toward that far-off divine event toward which the whole creation moves.

We thank Thee for the close and intimate relationship that we sustain to Thee, being made in Thine image, a little lower than the angels, crowned with glory and honor and set over the works of Thy hand. Impress us deeply with the sense of consequent responsibility resting upon us. May we feel the noblesse oblige of exalted leadership, realizing that we came from God and go to God. May we lay aside every weight and give ourselves unreservedly to the tasks of life, inspired by the highest ideals and actuated by the purest motives. May we go forward to the duties of this day in Thy fear and for Thy glory, and as our day may our strength and our wisdom be, and when our work is finished and we are called to stand before Thee to give account of our stewardship, may we hear Thy welcome "Well done," and enter into the joy with which a useful and unselfish life rewards the faithful at evening time. And Thine shall be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

IMPEACHMENT OF JUDGE ALSTON G. DAYTON.

Mr. NEELY of West Virginia. Mr. Speaker, I rise to a question of the highest privilege. By virtue of my office as a Member of the House of Representatives, I impeach Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia, of high crimes and misdemeanors.

I charge him with having unlawfully conspired with certain corporations and individuals to bring about the removal of John J. Jackson as judge of the District Court of the United States for the Northern District of West Virginia, in order that he, the said Dayton, might be appointed to fill the vacancy in said office.

I charge him with showing marked favoritism to certain corporations having extensive litigation in his court.

I charge him with having had summoned on grand juries in practically every instance wherein grand juries have been impaneled by him persons connected with certain corporations, to which he has shown marked favoritism during his term of office, and with having summoned to serve on petit juries in his court the agents, servants, and representatives of said corporations.

I charge him with having assisted his son, Arthur Dayton, who is a young attorney practicing in his court, in the preparation of the defense and trial of numerous cases against certain corporations for which the said Arthur Dayton is attorney, which cases were tried before him, the said Alston G. Dayton, and I further charge him with unlawfully using his high office and influence in behalf of said corporations.

I charge him with abusing his power and influence as judge to further the interests of his son, Arthur Dayton, in this, that he, the said Alston G. Dayton, advises litigants in his court to discharge other lawyers representing such litigants, stating to such litigants that their lawyers will not be honest with them relative to their litigation, and that they ought to employ his son, Arthur Dayton, to represent them in such litigation pending in his court and other courts.

I charge him with using the funds of the United States for an improper purpose in this, that the stenographer and janitor employed in his office do the work for both him and the said Arthur Dayton, the Government paying the salaries therefor.

I charge him with having violated the acts of Congress regulating the selection of jurors.

I charge him with having actively engaged in politics and with having used his high office as judge to further the political ambitions and aspirations of his friends.

I charge him with lending his services, as judge, to the coal operators of West Virginia by improperly issuing injunctions to prevent the miners from exercising their just and legal rights under the laws of the State of West Virginia and of the United States, and further charge him with showing hatred and bitterness toward certain miners on trial in his court for alleged violation of injunctions awarded by him; and further charge him with using his office as judge to discourage and prevent said miners from exercising their lawful right to organize and peaceably assemble under the laws of the United States and the State of West Virginia.

I charge him with having wrongfully expressed his own opinions, in charging grand juries in his court, relative to politics and other matters not the subject of investigation before him.

I charge him with having conspired with certain corporations and individuals in the formation of a carbon trust, in flagrant violation of law, the object of which was to control the sale of practically all the carbon black manufactured in the United States, the said Dayton being largely interested in the manufacture of such product.

I charge him with having unlawfully had an order entered staying a certain proceeding, the object of which was the condemnation of a lot in Philippi, W. Va., for a site for a Federal building, in order that he might substitute a different location near his home and upon which he held an option.

I charge him with having publicly denounced the President of the United States from the bench and before a jury.

I charge him with having unlawfully used the funds of the United States Government for his own private use in this, that one Henry Wright, who has for many years been paid a salary by the Government for acting as a messenger for said court, has never performed the duties of his office, but has performed the services of a domestic in the home of said Dayton at Philippi, W. Va.

I charge him with having wrongfully collected from the Government money or funds as expenses not due or allowed to him under the statute which allows him his actual expenses while holding court away from his judicial residence.

I charge him with having wrongfully kept open the books of his court at Philippi, W. Va., while the court was ostensibly in session, but while no business or court matters were being transacted by him, for the sole purpose of enabling his court criers and bailiffs to draw pay.

I charge him with having, in open court and before a jury, accused witnesses of swearing falsely in cases then on trial before him.

I charge him with having directed the marshal of his district to refuse to pay the fees of witnesses whom he had accused of testifying falsely.

I charge him with having refused to enforce certain laws of the United States, stating from the bench that such laws are not right.

I charge him with having openly denounced and criticized from the bench and before a jury the United States Supreme Court for having adopted the rules of procedure now in force.

I charge him with having discharged jurors for rendering verdicts not agreeable to him.

I charge him with having openly stated that he would not permit the United Mine Workers of America to exist within the jurisdiction of his court.

I charge him with having refused to permit certain defendants in a case in his court to have an interpreter, so that they could defend themselves against the charge of violating an injunction.

I charge him with having stated in open court that the United Mine Workers of America are criminal conspirators.

I charge him with being so prejudiced as to unfit him temperamentally to hold a judicial office.

I charge him with being guilty of various other acts of personal and judicial misconduct for which he should be impeached.

Mr. Speaker, in accordance with the precedents of the House in like cases, I submit the following resolution, which I send to the Clerk's desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 541.

Resolved, That the Committee on the Judiciary be directed to inquire and report whether the action of this House is necessary concerning the alleged official misconduct of Alston G. Dayton; whether he has unlawfully conspired with certain corporations and individuals to bring about the removal from office of the late John J. Jackson, judge of the District Court of the United States for the Northern District of West Virginia; whether he has shown marked favoritism to certain corporations having extensive litigation in his court; whether he has had summoned on juries in his court persons connected with certain corporations to which he has shown marked favoritism during his term of office; whether he has assisted his son, Arthur Dayton,

say office in the country and now has assumed very large proportions.

Of course some of the refining is done at the mints, but a great deal of it is done in the city of New York. There also tests are made which are designed as a sort of check for the tests which are made at the points of purchase. Its functions, in other words, are possibly the same but very much larger than the assay offices which are the subject matter of this amendment.

Mr. SHAFROTH. I should like to supplement that——

Mr. NORRIS. Let me get through with the Senator's colleague first. I will be glad to yield later on.

Mr. SHAFROTH. All right.

Mr. NORRIS. I wish to ask the Senator from Colorado, who evidently is very well posted on this question, whether the operations carried on at an assay office complete the transaction or whether there must be an assay office and also a mint. The assay office does not coin the gold, I understand.

Mr. THOMAS. No; the assay office is a sort of annex to the mint.

Mr. NORRIS. After the gold is assayed and its value determined, it is sent to the mint, I understand, from the assay office.

Mr. THOMAS. Yes; although some of the mints, I think, are equipped with refining facilities as well.

Mr. NORRIS. I notice that in some of the places where they have assay offices they do not have mints. Now, I want to ask the Senator how the assay office in New York is kept busy.

Mr. THOMAS. It is kept busy in refining and determining the aliquot constituents of the metals which are sent there for that purpose. If the Senator has a gold mine and obtains from the ores a bar of gold, that bar will contain inevitably some silver, doubtless some lead, and probably some copper, or some one or more of these additional metals.

As I understand it, the great part of the Government's purchases of bullion is taken to New York and there the different elements that enter into the bar are separated. Of course, it also carries on a Government assay business, and I think at present it is very largely an annex of the Philadelphia Mint for those purposes. The Government also purchases a great deal of its gold bullion at that mint, which is sent there by banks. For example, the First National Bank of Denver may purchase from the Independence mine at Cripple Creek. It is sold to the bank instead of the mint, as is sometimes the case. That bank will in all probability send that consignment of gold to its correspondent in New York, New York being the great financial center of the country, and in that way it will reach the assay office there.

Mr. NORRIS. In that transaction the gold shipped to New York would not be in the form of coin?

Mr. THOMAS. No; it would be gold bullion.

Mr. NORRIS. Why would the banks in Denver prefer to send the gold in that shape to New York, rather than to take it to the mint in Denver?

Mr. THOMAS. Gold bars are used now perhaps for the purpose of settling exchanges very much more than gold coin. The use in that way is becoming more and more common.

Mr. NORRIS. This would be in the shape of gold bars.

Mr. THOMAS. In the shape of gold bars; and the amount of gold in them would be the result of the official test of the assay office in New York, and could be thus used and would be used in determining exchanges, as is very frequently done, instead of using the coined metal.

Mr. NORRIS. Would the bank in Denver send direct to the assay office in New York?

Mr. THOMAS. It would probably send to its own correspondent.

Mr. NORRIS. And then its correspondent would take it to the assay office?

Mr. THOMAS. Yes.

Mr. NORRIS. That would not be gold of the same grade as gold that would be entitled to coinage? There would be impurities in it?

Mr. THOMAS. In all probability there would not be. Generally speaking, the amount of alloy in gold bullion which is thus sold is less than the amount that is in the coined metal.

Mr. NORRIS. If that is one of the reasons for keeping up the assay office at New York, is the Government justified in maintaining an assay office in New York and doing this work for the purpose of assisting in financial transactions as in the case of a man who sells gold bars to a bank in Denver?

Mr. THOMAS. That is a proposition I would not attempt to discuss just now. In fact, I do not know that I would be competent to discuss it in all its phases, but I am satisfied if the Government were reduced to the necessity of choosing between assay offices it would select the one in New York in preference to all the others.

Mr. NORRIS. I will ask the Senator before he takes his seat, for the purpose of trying to get at the facts, what proportion of gold in the western assay offices is brought to the office in person by the miner?

Mr. THOMAS. Brought to New York?

Mr. NORRIS. No; not to New York. I do not suppose anyone will contend that the miner carries the gold to New York.

Mr. THOMAS. I do not know as to that. I do not think that is done, although probably it is.

Mr. NORRIS. I understood the Senator from Idaho to say, and I am not sure but the Senator from Utah said, that one of the reasons for retaining these western offices is to make a sort of public market place where the miner can carry his gold.

Mr. THOMAS. I think that is correct, but the Senator asked me about the proportion. I think the proportion of gold that reaches the assay office in New York is very much more than the proportion of gold that is sold to these assay offices, and that is why I answered as I did.

Mr. NORRIS. I was asking the Senator about the proportion of gold that is assayed in any western assay office with which he is familiar.

Mr. THOMAS. As to that the Senator from Utah and the Senator from Idaho can answer better than I, because none of the assay offices mentioned in this amendment are situated in the State of Colorado. We have a mint in the city of Denver that is a clearing house for that section of country.

Mr. NORRIS. The mint answers the purpose both of a mint and an assay office, does it not?

Mr. THOMAS. That mint does. We have had no Government assay office in Colorado since we have had a mint.

Mr. NORRIS. I yield now to the Senator from Utah [Mr. SUTHERLAND].

Mr. SUTHERLAND. The situation in the mining States, where these assay offices are located, is this: Some of the gold is in placer form. When that gold is picked up it is almost pure. It comes in the form sometimes of small nuggets, sometimes in very small grains like sand, but it is practically pure gold. There is some little foreign material in it. Gold of this character comes in small quantities. A prospector will get a little accumulation of it, $200 worth, perhaps, or less, and he takes it to an assay office.

Then another kind of gold is produced by what is called the cyanide process; that is, the gold occurs in certain forms where the rock is free, a term used by miners indicating that the gold is readily separated, not carrying base metals with it.

We have had in my own State a district where the gold was all separated by the cyanide process, and the product ran up to a million dollars a year at one time in that district, perhaps more. That gold comes in a reasonably pure state.

The greater portion of gold, however, is found associated with other metals. We find in our mines containing lead that there will be associated with the lead silver, gold, or copper, or two of these metals, or all three of them. Those ores are reduced and the whole metallic content is run in the form of a matte. You get a great pig of lead and call it "lead matte" because the lead predominates. If copper predominates it is called "copper matte." Associated with the copper or in the copper matte is not only copper but some gold. We have in the West no refining works where the gold is separated from that matte.

Mr. NORRIS. I ask the Senator is that a part of the work of an assay office?

Mr. SUTHERLAND. No; that material does not go to the local assay offices at all. Copper matte is produced in vast quantities. I have forgotten the figures and I would not undertake to give them, but we are producing in my own State a very large quantity of copper. All that copper matte contains some gold. It can not be separated there because we have no refining works, but it is all shipped to the vicinity of New York where the great refining works are. New York in that way becomes a great clearing house, so that the copper matte from Utah, the copper matte from Montana, the copper matte from other States, perhaps from Mexico, is shipped to these refining works.

When gold is separated in the refining works it is still not absolutely pure. It still contains some base material and perhaps some silver and has to be assayed in order to ascertain the gold content. That goes to the assay office in New York—a vast quantity of it—I think very much exceeding that which goes to these local offices.

Mr. NORRIS. I ask the Senator why that goes to New York? Why does it not go to an assay office in the vicinity?

Mr. SUTHERLAND. Because so small a portion is gold. There will be a great bar of copper and only an ounce or a few ounces of gold in it, and perhaps a few ounces of silver.

Mr. NORRIS. That has not been refined?

Mr. SUTHERLAND. It has not been refined, and there are no refining works in that vicinity where it can be refined.

Mr. NORRIS. The first thing to do would be to send it to a place where it could be refined.

Mr. SUTHERLAND. To the refining works in New Jersey.

Mr. NORRIS. It would go to the assay office in New York.

Mr. SUTHERLAND. Then when refined and the gold separated from the copper the gold is taken to the assay office. That is one way, of course. There can be another way——

Mr. NORRIS. Were the five assay offices that are included in this amendment and not included in the House bill included last year?

Mr. SUTHERLAND. No; they were excluded from the bill by the House.

Mr. NORRIS. I mean the bill as it finally became the law.

Mr. SUTHERLAND. No; they are in the law. I have here a copy of the law of last year.

Mr. NORRIS. They are in operation now?

Mr. SUTHERLAND. Yes.

Mr. NORRIS. I had the impression that in conference the Senate receded finally.

Mr. SUTHERLAND. No; they are in the law.

Let me say another thing to the Senator. Each of these assay offices has been created by a general law establishing the office, and the effort is being made not to repeal that law, which would be the direct way of doing it, but to let the law remain upon the books and strangle the offices by refusing appropriations. They have all the machinery there; they have their force of employees at work; and if we are to maintain the law upon the statute books, we ought to appropriate money to carry the law into operation, or if not, to repeal the law.

Mr. NORRIS. I yield to the Senator from Colorado.

Mr. SHAFROTH. Mr. President, the Senator has asked what is the necessity for an assay office at New York City. I will state to him what I understand are the necessities of that office. It arises from the fact that the United States has made gold the money of the United States and it is desirable for the United States to attract gold for the purpose of having a supply of it in the country. Therefore free coinage of gold has existed in the United States and exists in nearly every other country. There is a little inducement made by this opportunity to have gold assayed and the exact number of ounces and the purity of the same stamped on the bar.

New York City is a great import city. It gets shipments of everything from all over the world. There naturally comes there from all over the world some quantity of gold in some form, and the purpose is to get it assayed, that the Government may get hold of it. So the Government can buy it at the rate of $20.67 an ounce, and by reason of that never have to pay a premium on the gold.

New York is also a commercial center, where a great many things in the way of manufacturing gold take place. A great deal of old jewelry is brought in, I understand, for the purpose of being melted into bars—probably both silver and gold.

All that makes New York the one point in the East above all others where it is desirable to have an assay office. It is the gathering together of this metal which all nations are struggling for and want to induce shipments of in a manner that will get to the Government the cheapest and the greatest quantity of gold.

Mr. NORRIS. Does the Senator say that old jewelry and such gold as that is brought to the assay office in New York?

Mr. SHAFROTH. I so understand.

Mr. NORRIS. And then the Government officials melt that up into gold bars?

Mr. SHAFROTH. Yes; into gold bars, stamping on the bar the number of ounces and the purity of the bar, and that acts practically as a circulating medium between the banks.

Mr. NORRIS. So that anyone who wanted to buy it, including the Government, on going to the assay office would know from the stamp of the assay office exactly how much gold was contained in it?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. They would buy that, and it would enter into the transactions of business?

Mr. SHAFROTH. Those bars are very largely owned by banks, and when the shipment is made to Europe the shipment is not in coin, because the abrasion is so great. There is a loss of $256 on every $1,000,000 of coin shipped between the United States and London.

Mr. NORRIS. And they ship these bars?

Mr. SHAFROTH. Yes, sir.

Mr. NORRIS. I suppose the stamp of the assay office is accepted everywhere in the civilized world?

Mr. SHAFROTH. Oh, yes; there is no doubt of it. The Government stamp imports absolute verity. For that reason New York is the proper place in the eastern part of the country to have an assay office.

Mr. NORRIS. Does the Senator think it is necessary for us to retain all these assay offices and mints?

Mr. SHAFROTH. I think so.

Mr. NORRIS. Let us take the mint at Carson City, for instance.

Mr. SHAFROTH. There is a great production of gold in Nevada. I think Nevada produces now somewhere near $14,000,000 or $15,000,000 of gold a year.

Mr. NORRIS. But there is a large portion of that that is shipped to the New York assay office and does not reach the Carson City Mint.

Mr. SHAFROTH. Most of it, I think, would go to the assay office at Carson City. Some of it drifts.

Mr. NORRIS. If it had to be refined, would it not have to go east, as the Senator from Utah [Mr. SUTHERLAND] has explained, to the refiner before it could reach the assay office?

Mr. SHAFROTH. No; because each one of these assay offices has a refinery.

Mr. NORRIS. In the West?

Mr. SHAFROTH. Yes.

Mr. NORRIS. I understood the Senator from Utah to say that one of the reasons why we ought to keep up the assay office in New York is because a great deal of gold comes East to be refined and is shipped back to the West.

Mr. SUTHERLAND. The Senator from Colorado does not mean a refinery in which the great bars of lead and copper and gold and silver are separated?

Mr. SHAFROTH. Oh, no; those are smelters. Those smelters produce gold bars, too, but they are not stamped, or their stamp would not be accepted by the banks.

Mr. NORRIS. I understand that; but those gold bars could be shipped to an assay office in the West just as well as to an assay office in the East.

As I understand the argument of the Senator from Utah, it is in favor of the New York assay office; that there is a large amount of gold of such a condition that it is not fit to be taken even to the assay office; that it is shipped to a refinery in New Jersey, and there it is refined and, although not absolutely pure, it is sent to the New York assay office. The Senator from Colorado, it seems to me, if his argument is good, absolutely contradicts that statement. He says that they do not refine that in the West in these various places.

Mr. SUTHERLAND. No; the statement of the Senator from Colorado does not differ from the statement which I have made. The Senator from Colorado was not referring to the refineries to which this copper matte and lead matte can be taken.

Mr. NORRIS. Copper matte and lead matte are just a conglomeration of various metals melted together. Is not that correct?

Mr. SUTHERLAND. Precisely.

Mr. NORRIS. They have to be refined.

Mr. SUTHERLAND. For example, in the Utah Copper Co.'s mines, which are among the greatest copper mines in the world, the ores carry less than 2 per cent copper. Those great reduction works handle, I think, now over 6,000 tons a day of the ore containing less than 2 per cent copper. The metallic content of that crude ore is run out through this process into bars. The bars are large, and they contain in the main copper. There will be in two or three hundred pounds of copper matte, as I have said, only a few ounces, perhaps only an ounce of gold. There are no facilities in the West for separating the gold from that kind of material.

Mr. NORRIS. That is the kind that goes to New York?

Mr. SUTHERLAND. That is the kind that goes to the refineries in New Jersey, or wherever they may be located.

Mr. NORRIS. It seems to me, although I know very little about it, that possibly we are maintaining too many assay offices and perhaps too many men. I do not believe there is anything in the argument that the assay offices ought to be retained because they have been in existence 40 years any more than that we should retain a post office that has been in existence for 40 years after it has ceased to be necessary and when it can be abandoned as a practical business proposition. I am not saying that the assay offices ought to be abandoned. I do not know enough about the matter to make that statement, but I do know that a great many men who have studied the ques-

The next amendment was, on page 72, after line 4, to insert:

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,000; assistant assayer, $1,500; chief clerk, $1,200; in all, $4,700.
For wages of workmen and other employees, $2,500.
For incidental and contingent expenses, $2,000.

Mr. NORRIS. Mr. President, I should like to inquire of the chairman of the committee, not only in regard to this item, but in regard to those referring to Salt Lake City; Helena, Mont.; Deadwood, S. Dak.; and Boise, Idaho. Were these mints and assay offices stricken out a year or two ago?

Mr. MARTIN of Virginia. They were not stricken out, but——

Mr. WARREN. The House struck them out, and the Senate put them back. The conference committee agreed on a reduction of some and doing away with one, and made its report to the Senate. The Senate sent the matter back to conference, and there was a very prolonged struggle when they were reinstated here. This year they were all estimated for.

Mr. NORRIS. Was any change made in the law?

Mr. WARREN. No.

Mr. NORRIS. Was there not some change in the law by which the President was authorized to reduce the number of these mints and assay offices?

Mr. WARREN. Not at all. It all stands as it did formerly. I think the Senator is thinking about revenue offices.

Mr. SMOOT. I will say to the Senator that a year ago there was a change in some of the salaries of the employees—that is, in the amounts. That is all the change that ever was made.

Mr. NORRIS. Why were these mints and assay offices omitted from the House bill? Why were not they provided for?

Mr. WARREN. It was because the subcommittee of the Committee on Appropriations, and later the Appropriations Committee itself, undertook to take that way of avoiding what I venture to think was their plain duty of carrying out the law and providing appropriations accordingly. The laws have provided that these various institutions be established; but the House committee did not report an appropriation for their maintenance, and the bill came to us with them left out. We reinstated them, and made appropriations for them under the law, as we felt it our duty to do. If these assay offices are to be abandoned, it should be by law, and not by failure to provide under existing law.

Mr. SHAFROTH. Mr. President, I will state to the Senator that there has been a controversy between the House and the Senate upon whether or not these assay offices should continue to exist. The controversy has existed for 20 years. It was in existence when I was in the House 18 years ago, and at every session there has been a fight upon the matter. I should like to state to the Senator why, in my judgment, these appropriations should remain.

These assay offices serve a great and a good purpose to the Government, and it seems to me the Government is damaging itself when it attempts to destroy them. The purpose that they serve is in supplying the Government with gold. We get gold at a certain price—$20.67 an ounce. We do not pay any more for it. If England raises its rate of discount, this Government still gets its gold at $20.67 an ounce. It can not get the gold in any other way than through its mints and through its assay offices. The miners deposit gold there. They have it refined there. They sell it to the Government. They do not have it coined into absolute dollars there. The result is that no matter what crisis is upon the Government, even in 1893, as much as the outflow of gold was from this country, it did not pay 1 per cent or one-tenth of 1 per cent premium upon gold.

These assay offices serve that purpose. They produce and give to the Government money at a certain fixed price. No corner, nor anything in the way of an attempt to increase the price of gold, nor the existence of a premium for exportation can change or does change the amount which the Government pays. That is a valuable service to the Government, and on that account, it seems to me, these assay offices ought to continue to exist.

I will say to the Senator that in my city—the city of Denver—we have a mint, and if these assay offices were destroyed more money would come to the mint at Denver; but it seems to me that the assay offices ought to be scattered. The Government ought to be able to take in the gold at various points and not require the miner to pay an additional amount of expressage in order to send the gold to the Denver mint or to the Philadelphia mint. The Government is getting this gold at a fixed price, exactly what it can transfer it for, and under no circumstances does it ever have to pay a premium for it. For that reason, it seems to me, these assay offices are of invaluable service to the Government.

Mr. SUTHERLAND. Mr. President, I should like to say to the Senator from Nebraska, in addition to what has been so well said by the Senator from Colorado [Mr. SHAFROTH], that these assay offices have been distributed all through the mining sections. They constitute a very great encouragement to the prospector, to the man who goes out into the mountains and discovers these mines containing the precious metal. They are a convenience to those men. In my judgment, it would be just as lacking in sense for the Government of the United States to abolish these assay offices as it would be for it to abolish a post office here and there because it does not happen to take in as much in the way of revenue as it pays out in the way of expense.

It is quite true with reference to all these assay offices that the expense of maintaining them is greater than their income, in one sense; but a vast quantity of gold is handled through them. Anywhere from a million to two or three million dollars per annum is brought to each of the various assay offices. As I say, it is a great convenience to the prospector and the miner to be able to do that. Otherwise he would have to take his little accumulation of gold dust, if he is a placer miner, or the bar of gold that has come from the mill, and send it to some remote point. It is a convenience in the same sense that a post office is a convenience.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. SUTHERLAND. Yes, sir.

Mr. NORRIS. I will yield to the Senator.

Mr. NELSON. As I understand, these assay offices are public market places, where the miner brings his crude ore and gets pay for it?

Mr. SUTHERLAND. No; not the ore. He brings the metal.

Mr. NELSON. The crude metal, I mean.

Mr. SUTHERLAND. Yes.

Mr. NELSON. And the crude gold, before it is refined.

Mr. SUTHERLAND. Yes.

Mr. NELSON. He sells it there; the Government refines it, assays it, ascertains how much gold there is, and pays him a fixed rate?

Mr. SUTHERLAND. Precisely.

Mr. NELSON. It is a public market place for the miner?

Mr. SUTHERLAND. Yes. Now, let me say another thing to the Senator. If it had not been for these assay offices, particularly those near the Canadian border, a vast quantity of gold that came from the mines of the United States would have gone into British Columbia, because the people of British Columbia are alive to this situation just as we have been, and they have established assay offices along the Canadian border. If the miner in the near vicinity of the border were compelled to send his gold to Philadelphia or to Denver or to San Francisco, instead of doing that he would send it over to the nearest assay office in British Columbia. So this has been the means of keeping in the United States a vast deal of gold.

There is another thing to be said about it. These assay offices were established a great many years ago, and they were maintained, some of them, 15, 20, or 25 years ago, at a time when vastly less gold was brought to each of them than there is to-day. It was considered good policy in that day. If it was good policy then, with one-fourth the quantity of gold going through each of them that goes through them now, it certainly has not ceased to be good policy when three or four times, and in some cases ten times, as much is brought to the same offices now. It is not a large expenditure in the aggregate. There are perhaps 8 or 10 of the offices altogether, and the aggregate expense of maintaining them all is probably not $50,000.

Mr. NORRIS. Mr. President——

Mr. BRADY rose.

Mr. NORRIS. I yield to the Senator, if he desires to interrupt now.

Mr. BRADY. Mr. President, the statements made by the Senator from Colorado [Mr. SHAFROTH] and the Senator from Utah [Mr. SUTHERLAND] are along the same line of thought that I would have expressed; but I wish to say further with reference to the assay office at Boise, Idaho, that office has been established for over 45 years. It was established simply for the benefit of the small miner.

There are men who are bringing gold dust to the Boise assay office who have been going out to the hills, bringing it in, getting their small allowance for it, going back and working again and discovering more mines, for years and years. It is just simply a market for the product of their toil.

A great deal of the expense that is charged up to the assay office should be charged up to the mint, because they charge the assay office with the freight on the gold from the assay office to the mint; and in abandoning these assay offices, if you will notice, they only abandon the offices in the West, and they

appropriate $50,000 for an assay office at New York. They have lately, I understand, made a rule that they will not accept shipments of less than $500; and the miners have to club together in order to get shipments enough to justify them in sending them to the mint.

The abandonment of these offices will certainly work a very great hardship on the miners of the West. I know, from my knowledge of the sense of fairness of the Senator from Nebraska, that if he understood the conditions as we in the West understand them he would not only not object to this appropriation but he would use his best efforts to see that these small miners are permitted to have a market for their gold as they produce it without having to ship it to Denver or New York.

Mr. NORRIS. Mr. President of course I am not posted like the Senators are who have just been talking about these assay offices. In a general way only I knew that there was some sort of a controversy; and as I understood it, and as I still understand it, although I may be wrong, a great many of these assay offices are kept up, at an expense to the Government, where they do not do enough business to pay the expense of operating the offices. As I understand, that is true of several of them, at least.

I will ask the Senator from Idaho what the facts are in regard to Boise, in his State. Does it cost the Government more to keep up the office at Boise than the returns from the office yield?

Mr. BRADY. As a matter of bookkeeping, it does cost a small amount more than the actual receipts to maintain these offices—not only one, but all of them—but they require the assay office to pay the freight or express on the gold to the mint, while, as a matter of right, it should be charged to the mint.

Mr. NORRIS. Yes.

Mr. BRADY. If they did not do that, the result would be different, and the assay offices of the West would pay expenses.

Mr. NORRIS. Where do they send the gold from Boise?

Mr. BRADY. They send it to Denver, San Francisco, and New York. If they would charge that expense to the mint, where it should be charged, instead of charging it to the assay office, it would show a profit.

Mr. NORRIS. I suppose the assay office at Boise sends its gold to the mint at Denver, does it not?

Mr. BRADY. Yes; most of it to Denver.

Mr. NORRIS. Does the Senator from Idaho agree with the Senator from Utah that these assay offices are public market places where the miners can bring in their gold and have it assayed?

Mr. BRADY. Yes; there is no question about it.

Mr. NORRIS. And save the expense of shipping it?

Mr. BRADY. The expense of shipping is charged to the assay office, while we claim it should be charged to the mint, but it also saves time.

Mr. NORRIS. Then, will the Senator tell us why there should be an assay office at New York? Does anybody carry gold there?

Mr. BRADY. They are trying to compel them to do it, and they will do it if you abandon these assay offices. There are large shipments that should go to New York, but the local assay offices are necessary for the encouragement of the small miner.

Mr. NORRIS. We are appropriating here $51,000 for an assay office in New York.

Mr. BRADY. That is true, but if you abandon the assay offices in the West we will have to send all of our gold to New York, Denver, and the other mints, and it will put the small miner out of business.

Mr. NORRIS. The matter I wanted to bring particularly to the attention of the Senator was that if these assay offices are public market places, like post offices, where miners in the vicinity digging gold can bring it in, why is there any necessity for having one in New York City?

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. NORRIS. Just as soon as I have finished with the Senator from Idaho.

Mr. BRADY. There should be one in New York for large shipments and also for foreign business, but the local miner can not afford to ship to New York. That is one reason why we say assay offices should be maintained in the West, where the gold is produced, rather than to compel the miner to ship the ore from the Western States to New York.

Mr. NORRIS. I am not trying to do away with the assay offices in one locality and keep them in another unless there is reason for doing it. I am trying to get at the facts. The reason given here for retaining these offices is that otherwise miners can not bring in their gold and have it assayed. If that is true, then there is not any necessity for keeping an assay office in a section of the country where there is no gold mined.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. The Chair has already inquired of the Senator from Nebraska whether he would yield to the Senator from Colorado, and the Senator from Nebraska has declined to yield at this time.

Mr. BRADY. I think probably it is necessary to have an assay office at New York, for the reason that some mines ship their gold to New York because it is a larger and a greater market; but, on the other hand, there is absolutely——

Mr. NORRIS. Where do they get the gold that they assay in New York? Where does it come from?

Mr. BRADY. From all over the United States and abroad.

Mr. THOMAS. Mr. President, if the Senator will permit me, I can answer that question.

Mr. NORRIS. I can not yield to two Senators at once. I will yield to the Senator from Colorado as soon as the Senator from Idaho gets through.

I did not hear the answer the Senator from Idaho made to my question.

Mr. BRADY. I say, there is a necessity for an assay office at New York, because there are people from all parts of the mining States who will choose to ship their gold to some of the large centers. In other words, New York is our greatest gold market. The Senator from Utah [Mr. SUTHERLAND] or the Senator from Colorado [Mr. SHAFROTH] will explain more fully why that is done, because they are engaged more closely in connection with the mining business; but New York has a large assay office. Gold is shipped there from all parts of the world as well as from the mining States; but at the same time the small miner, who only produces a small amount of gold, takes his gold to the local assay office and receives the cash for it at once. This is a great advantage to the miner and prospector, for they can not afford to wait for returns from New York or Denver.

Mr. NORRIS. Then, as I understand, the assay offices in the West are particularly beneficial to the small miner, while the large assay offices, like that in New York City, are utilized to accommodate the large miner?

Mr. BRADY. That is quite true. There is a large amount assayed in the western offices, and also large shipments made to New York and Denver. The Senator from Utah can give you a report showing more in detail relative to that, and I will ask him to do so. The reason why we want the assay offices maintained in the West, however, as they have been, is because they are already established. It is just as the Senator from Utah says about the post office. They have been there for years. The Government owns the land on which the assay offices are located. The miners of Idaho send their gold to the assay office at Boise City; the men near the assay office in Montana send theirs to that office; the men near the Salt Lake City assay office send their gold to that office; and in that way it gives a local market and encourages the mining business just exactly the same as we are encouraging agriculture; and there can be no good reason given why the western assay offices should be abandoned. The West produces the gold of this country, and the miner and prospector should have a home market for his gold, and should not have to wait for returns from Denver or New York.

Mr. NORRIS. Evidently that could not be wholly true or there would not be anybody sending any gold to the New York assay office.

Mr. BRADY. The Senator from Utah——

Mr. NORRIS. I promised first to yield to the Senator from Colorado, and I now yield to him.

Mr. THOMAS. The Senator from Nebraska asked the Senator from Idaho a question as to why it is necessary that the Government should maintain an assay office at New York. If I properly understood his question, because of the reasons which were given by the Senator from Idaho for the maintenance of these assay offices. The assay office in New York is a very large institution, and it is used by the Government perhaps as much for refining purposes as for assay purposes. The Senator probably knows that gold which is purchased by the Government at these assay offices and from the mines and the banks is not pure. It is almost always mixed with silver and frequently contains other metals which must be separated and for which allowance is made in the purchase price paid to the miner or to the owner. That work is done very largely at the assay office in New York, which is the oldest Government as-

Mr. NELSON. Or the old Globe Building?

Mr. MARTIN of Virginia. Here is the statement in regard to the matter:

	Floor space.	Yearly rental.
	Sq. feet.	
Cox Building, New York Avenue NW., between Seventeenth and Eighteenth Streets (first, second, and third floors occupied by files of the Auditor for the War Department; fourth floor by photograph gallery. Office of the Supervising Architect)	13,591	$2,150
Merchants Transfer & Storage Building, E Street NW., between Ninth and Tenth Streets (third, fourth, and back part of fifth floors rented; used for files). Light, janitor and elevator service included	26,736	8,000
Treasury Department stables, 400 Nineteenth Street NW	9,646	1,200

The Senator will observe that the items as to yearly rental make an aggregate of $11,350, the amount named in the amendment.

Mr. NELSON. Will the Senator from Virginia be kind enough to have that statement put into the RECORD?

Mr. MARTIN of Virginia. Having read the statement, it will, of course, appear in the RECORD. I also send to the desk, to be inserted in the RECORD, certain memoranda on the same subject.

The VICE PRESIDENT. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF CHIEF CLERK AND SUPERINTENDENT,
Washington, May 18, 1914.

The Senate Appropriations Committee failed to include in the legislative bill any provision for rent for the Treasury Department. We are renting at present the following:

Building.	Square feet.	Cubic feet.
Treasury stables	9,646	.....
Cox Building (files and photograph gallery)	10,003	113,639
929 E Street	26,736	267,360

Total, 26,739 square feet, or 380,999 cubic feet, exclusive of the Treasury stables.

Vacant file space at old Bureau Building after moving the auditors and general supply committee into same:

	Square feet.	Cubic feet.
Subbasement	12,035	84,245
Attic	8,756	35,024

Total, 20,791 square feet, or 119,269 cubic feet.

It is contemplated to move into this vacant space in the old Bureau Building 50,000 cubic feet of files belonging to the Auditor for the State and Other Departments, which will leave a balance of space of 69,269 cubic feet which would be required by the various auditors to take care of their increase in files for the next year. The Supervising Architect recommended that no files be placed in the attic on account of danger from the weight.

In view of the foregoing, I earnestly recommend that this data be placed before Senator MARTIN, and that he be asked to amend the legislative bill by including on the floor of the Senate an item for $11,350 for rent for Treasury offices. Unless this is done we shall be obliged to go to Congress and ask for a deficiency in this amount.

Mr. SMOOT. I will say to the Senator from Virginia that after looking over the communication from the Treasury Department I withdraw my objection to the amendment inserting $11,350. I have not a copy of the hearings before me, but, as I remember, the committee had agreed upon $4,700 as the proper rental for the stable and one of the other buildings there which is absolutely necessary, and agreed that we would direct the Secretary to use the old building formerly occupied by the Bureau of Engraving and Printing.

Mr. MARTIN of Virginia. That was found to be entirely impracticable at another meeting of the committee. I think the Senator is mistaken in one thing. I believe the agreement was only for $1,200 instead of $4,700, but at a second hearing of the matter the amount was fixed as set out in the amendment.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 60, line 8, after the word "said," to strike out "buildings" and insert "building," so as to make the clause read:

In addition to the offices of the four auditors of the Treasury required to be removed to the old building of the Bureau of Engraving and Printing, the General Supply Committee and offices of the Treasury now occupying rented quarters, and such other offices or parts of offices of the Treasury Department as the Secretary of the Treasury may determine, shall be removed thereto; and the Bureau of Engraving and Printing shall entirely vacate all of said building on or before June 1, 1914.

Mr. SMOOT. I think, owing to the adoption of the previous amendment, the word should be "buildings" instead of "building," because the change from two buildings to a single building was by reason of the fact that we cut down the rent.

Mr. MARTIN of Virginia. Yes; it should be "buildings."

Mr. SMOOT. Then we shall have to disagree to the committee amendment.

The VICE PRESIDENT. The question is on the amendment.

The amendment was rejected.

Mr. MARTIN of Virginia. I offer the amendment, which I send to the desk, to come in at the top of page 60.

The VICE PRESIDENT. The amendment proposed by the Senator from Virginia will be stated.

The SECRETARY. At the top of page 60 it is proposed to insert the following paragraph:

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services, either within or without the District of Columbia, $20,000.

Mr. SMOOT. I will ask that that amendment be passed over.

Mr. MARTIN of Virginia. I am perfectly willing to have it passed over, if the Senator insists upon it, but I thought the question had been thrashed over so often that it was thoroughly understood. It is really a contingent fund for the Treasury Department.

Mr. SMOOT. I thought it had been thrashed over so often that it would never show its face in the Senate again. I thought the committee had disagreed to it.

Mr. MARTIN of Virginia. If the Senator does not attend the meetings of the committee he must blame himself, and not me.

Mr. SMOOT. Mr. President, the Senator ought not to say that.

Mr. MARTIN of Virginia. I am only saying that the amendment was before the committee, and if the Senator does not know it I do not know where he was.

Mr. SMOOT. The only time the Appropriations Committee has held a meeting at which I was not present was when I went to Kentucky to attend the funeral of the late Senator Bradley, and I do not know whether or not the committee held any meetings during that time. There has never been a meeting of the Appropriations Committee since I have been a member of it when I have not been present, with the exception of the instance I have mentioned.

Mr. MARTIN of Virginia. Except that sometimes the Senator would say, "I will have to be excused, as I am compelled to go somewhere else." That amendment was adopted at a meeting of the committee after a thorough investigation.

Mr. SMOOT. I ask that it go over.

The VICE PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 61, line 16, before the word "necessary," to strike out "absolutely," so as to read:

And for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other necessary articles, $13,500.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 64, line 6, after the words "internal-revenue offices," to strike out "$2,150,000" and insert "$2,190,000," so as to make the clause read:

For salaries and expenses of collectors of internal revenue, deputy collectors, surveyors, clerks, messengers, and janitors in internal-revenue offices, $2,190,000: *Provided*, That no part of this amount be used in defraying the expenses of any officer, designated above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

The amendment was agreed to.

The next amendment was, on page 64, after line 12, to insert:

On and after October 1, 1914, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 64.

Mr. BURTON. Mr. President, I should like to know what the object of that provision is.

Mr. WARREN. The amendment reinstates one of the three collection districts which were discontinued. It has been found

that one of them was exceedingly important, and this provision is to reestablish it.

Mr. BURTON. Then there were 64.

Mr. WARREN. There were 66, but 3 were discontinued by act of Congress. It was found, however, in view of the increasing business, that there should be more districts, especially one more district in the State of Pennsylvania.

Mr. BURTON. Then, this is an increase of the present number?

Mr. WARREN. It increases the present number, but it will still be a decrease in the number prior to the number, say, four years ago.

Mr. SMOOT. Mr. President, I want to state——

Mr. BURTON. Just a moment. It seems to me, Mr. President, this is a very singular way of expressing that fact. This amendment proposes an increase in the number of collection districts for the collection of internal revenue. Now, let us read it:

On and after October 1, 1914, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 64.

The natural inference from that language would be that there was a decrease. If you are reestablishing one or two districts or collectors, why not say so in plain language, so that anyone can understand it?

Mr. MARTIN of Virginia. There is no doubt about the fact whatever. The amendment simply employs the language that has heretofore been used in creating collection districts, and makes an increase of one district in Pennsylvania, where the district as at present formed comprises territory not contiguous which is exceedingly disadvantageous to the business, and it is much opposed by the people there.

Mr. BURTON. In other words, you are increasing the number of districts from 63 to 64.

Mr. MARTIN of Virginia. Yes; an increase of one district.

Mr. BURTON. And you are adopting a very peculiar form of expression. Instead of saying "one additional internal-revenue collection district, with one additional collector of internal revenue, shall be created, making the number 64," this, to say the least, very ambiguous, roundabout expression is adopted of saying that "the number shall not exceed 64."

Mr. WARREN. That follows the language that was used in the legislation diminishing the number.

Mr. BURTON. Very naturally it would be used where the purpose was to diminish the number.

Mr. WARREN. It was used in the original legislation and also in the legislation diminishing the number of the districts.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MARTIN of Virginia. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 65, line 1, before the word "including," it is proposed to insert the following:

Which act is hereby amended to authorize two chiefs of division at $3,500 and $2,500 per annum, respectively, in lieu of two chiefs of division at $2,500 each.

Mr. BURTON. I should like to ask whether those subordinate officials come under the civil service?

Mr. MARTIN of Virginia. I am sure that they do, but this position does not involve an appointment; it is merely an increase of salary. That is all the amendment provides for.

Mr. BURTON. There is no increase in officers——

Mr. MARTIN of Virginia. Not at all.

Mr. BURTON. But an increase of one man's salary?

Mr. MARTIN of Virginia. There are now two at $2,500, and the amendment proposes to increase the salary of one to $3,500, and to leave the other at $2,500. The collection of the income tax is an exceedingly complicated and difficult matter.

Mr. BURTON. They are existing officers whose salaries are raised?

Mr. MARTIN of Virginia. The salary of one of them is raised and the other remains where it is.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. Mr. President, I should like to inquire of the chairman of the committee what was the estimate of the department for the enforcement of the income-tax law?

Mr. MARTIN of Virginia. I am very glad the question has been asked. The estimate was $1,500,000. The House appropriated a million dollars, and the result will be a deficiency. It is absolutely impossible for the department to get along with that amount. I talked with the Secretary to-day over the telephone. He was very much disturbed about the matter, and I told him that later on it could be taken up more deliberately than it could be now.

Mr. THOMAS. My reason for asking the question is that a similar statement was made to me by the commissioner, who said that the amount now carried by the bill is not enough for the proper enforcement of the income-tax law.

Mr. MARTIN of Virginia. It can not be done on the amount appropriated. The amount will have to be made a million and a half dollars.

Mr. SMOOT. Or more.

Mr. THOMAS. I move as an amendment that the figures "$1,000,000," at the end of line 5, on page 65, be stricken out and that "$1,250,000" be inserted.

Mr. MARTIN of Virginia. I suggest to the Senator to make it $1,500,000. Nothing less than that is going to suffice. Otherwise we shall have to provide for it in the deficiency bill.

The VICE PRESIDENT. Except by unanimous consent, the amendment is not now in order.

Mr. SMOOT. I want to say to the Senator from Colorado that, in my opinion, $500,000 additional will not be enough.

Mr. MARTIN of Virginia. That is my opinion.

Mr. SMOOT. If I thought that the amount suggested by the Senator from Colorado would be sufficient, I would gladly vote for it.

Mr. THOMAS. I have no desire whatever to place the amount at too small a figure, but it occurs to me that that sum might be acceptable in this bill.

Mr. MARTIN of Virginia. I hope the Senate by unanimous consent will make the amount $1,500,000. There is no use of making it less than that.

Mr. THOMAS. Very well; I will modify the amendment so as to insert "$1,500,000" in lieu of "$1,000,000."

Mr. SUTHERLAND. I make the point of order that the amendment is not now in order.

The VICE PRESIDENT. The Chair so rules.

Mr. MARTIN of Virginia. Very well; it can be provided for in the deficiency bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "Independent Treasury," on page 68, line 25, after "$1,500," to strike out "1, $1,400; 1, $900"; and in line 26, after the words "in all," to strike out "$27,020" and insert "$24,720," so as to make the clause read:

Office of Assistant Treasurer at San Francisco: Assistant treasurer, $4,500; cashier, who also acts as vault clerk, $3,000; bookkeeper, $2,000; paying teller, $2,400; receiving teller, $2,000; clerks—1, $2,000; 2, at $1,800 each; 1, $1,500; messenger, $840; 4 watchmen, at $720 each; in all, $24,720.

The amendment was agreed to.

The next amendment was, under the head of "Mints and assay offices," on page 69, line 9, after the words "private secretary," to strike out "$1,200" and insert "$1,400"; and in line 10, after the words "in all," to strike out "$47,200" and insert "$47,400"; so as to make the clause read:

Mint at Denver, Colo.: Superintendent, $4,500; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, $2,500; cashier, $2,500; deposit weigh clerk, $2,000; bookkeeper, $2,000; assistant assayer, $2,200; assayer's assistant, $2,000; assistant cashier, $1,800; clerks—2, at $2,000 each; 2, at $1,800 each; 4, at $1,600 each; 2, at $1,400 each; 1, $1,200; private secretary, $1,400; in all, $47,400.

The amendment was agreed to.

The next amendment was, on page 69, line 16, after the word "coin," to strike out "$35,000" and insert "$40,000," so as to make the clause read:

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $40,000.

The amendment was agreed to.

The next amendment was, on page 71, line 23, after "$1,700," to strike out "one $1,600" and insert "two at $1,600 each"; and in line 24, after the words "in all," to strike out "$11,450" and insert "$13,050"; so as to make the clause read:

Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, $2,750; assistant assayer, $2,000; chief clerk, who shall also perform the duties of cashier, $2,000; clerks—1, $1,700; 2, at $1,600 each; 1, $1,400; in all, $13,050.

The amendment was agreed to.

The next amendment was, on page 72, line 1, after the word "employees," to strike out "$15,000" and insert "$17,000," so as to make the clause read:

For wages of workmen and other employees, $17,000.

The amendment was agreed to.

the words "in all," to strike out the total, "$30,700, and insert "$28,200," so as to make the clause read:

Office of Register of the Treasury: Register, $4,000; chief of division, $2,000; clerks—2 of class 4 (1 transferred to Treasurer's office), 2 of class 3, 2 of class 2, 3 of class 1 (2 transferred to Treasurer's office), 3 at $1,000 each (1 transferred to Treasurer's office), 5 at $900 each (10 transferred to Treasurer's office and 3 to Loans and Currency Division); messenger; 1 laborer (1 transferred to Loans and Currency Division); in all, $28,200.

Mr. MARTIN of Virginia. I ask the Senate to disagree to the amendment.

The amendment was rejected.

The next amendment was, on page 54, after line 9, to insert:

The office of Assistant Register of the Treasury is hereby abolished.

Mr. MARTIN of Virginia. I ask that the amendment be disagreed to.

The amendment was rejected.

Mr. SMOOT. May I call the Senator's attention to just one thing in relation to the assistant register? Does the Senator believe that we ought to pay him more than the chief of that division? We pay the chief of the division $2,000 and the assistant register $2,500.

Mr. MARTIN of Virginia. We agreed on that in the committee, and I hope the Senator will not go into a discussion now against the action of the committee. There was no such action against it in the committee.

Mr. SMOOT. I am perfectly aware the majority of the committee agreed to it, and I have not stated otherwise.

Mr. MARTIN of Virginia. The Senator himself, I understood, agreed to it. He made no objection to it.

Mr. SMOOT. I objected to it at the time.

Mr. MARTIN of Virginia. I do not recall that.

Mr. SMOOT. I did and I want to say to the Senator that I do not believe, owing to the amount of work in that office, I will not say the lack of work, the assistant register ought to be paid more than the chief of that great division receives. I am perfectly willing——

Mr. MARTIN of Virginia. I understand that they are inaugurating changes there which will put more work on the Assistant Treasurer. The Assistant Treasurer, it seems to me, ought to receive more than the chief clerk.

Mr. SMOOT. Mr. President, we might just as well have five wheels to a wagon as to have the position, anyway. There is not any question about it.

Mr. OVERMAN. Then let us cut it out.

Mr. SMOOT. I want to give notice to the Senator right now, that if I am here next year when the appropriation bill carries this amount I am going to do all I can to see that it is cut out.

Mr. MARTIN of Virginia. We will reach that next year, and then we will take it up. I hope we will not discuss now what we are going to do next year.

Mr. SHAFROTH. Let me suggest to the chairman of the committee, would it not be well to add to line 11, on page 54, so as to make it read:

The office of Assistant Register of the Treasury is abolished after the term of the present occupant.

Mr. MARTIN of Virginia. That would be strange legislation. We should wait until the time comes to abolish it.

Mr. SHAFROTH. I would move the amendment because of the fact that we did abolish the office of assistant register in the committee and then we took it back.

Mr. MARTIN of Virginia. That is true, but I think the committee might well afford to stand by its final action on the matter. I am very anxious to get along with the bill.

Mr. SHAFROTH. Why would it not be well to put it in, then, for the term of the fiscal year?

Mr. OVERMAN. There will be another bill next year.

Mr. SHAFROTH. But let it end with the expiration of the fiscal year.

Mr. MARTIN of Virginia. I send to the desk another amendment which I offer on behalf of the committee. I am going to say what I said to the committee. I think this is right or I would not be willing to put it in. The man is a good old ex-Confederate soldier, but I would not give him the office if I did not think it right. I do not like to turn that old fellow out. He has just been appointed. He is very poor, and he is able to do the work, and I want him to have that salary.

Mr. SMOOT. I do not want the Senator to impute any motive in the matter of reducing this office because it is filled by an ex-Confederate soldier.

Mr. MARTIN of Virginia. I did not have a single thought of that in my mind; but in passing I will say the motion to retain the office was made by a good Union soldier, the Senator from Wyoming [Mr. WARREN].

Mr. SMOOT. I am not discussing the question as to what was the action of the committee. That is not it. I say now if the President of the United States was a Republican and he undertook to fill this office to-day, I would vote against it, and I say now that there is not any more use for the office than there is for a fifth wheel to a wagon.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 54, after line 21, the committee proposes to add the following paragraph:

To pay to Thomas P. Kane the difference between the compensation allowed by law for the Comptroller of the Currency and the compensation allowed by law for the Deputy Comptroller of the Currency for services as Acting Comptroller of the Currency from April 28, 1913, when the office of the Comptroller of the Currency was vacated, and continuing as long as the duties and responsibilities of said office of the Comptroller of the Currency shall devolve upon said Thomas P. Kane as Acting Comptroller of the Currency, such an amount as may be necessary, to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of August 23, 1912 (37 Stat. L., 377), for such part of such services as may be rendered during the fiscal year ended June 30, 1913; and such amount as may be necessary to be paid from the $5,000 appropriated for salary of the Comptroller of the Currency by the act of March 4, 1913 (Stat. L. p. 756), for such part of such services as may be rendered during the fiscal year ending June 30, 1914.

Mr. SMOOT. I am going to ask the Senator to allow that amendment to be passed over at this time. I do not want to call a quorum, but before the amendment is adopted I want a vote of the Senate upon it, and I want a quorum here so that I can explain it.

Mr. MARTIN of Virginia. Let it be passed over for the present.

The VICE PRESIDENT. The amendment will be passed over.

The Secretary continued the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 55, line 8, after the word "national," to strike out "$4,800" and insert "$8,000," so as to make the clause read:

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury Building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, $8,000.

The amendment was agreed to.

The next amendment was, on page 55, line 10, after the word "Commissioner," to strike out "$6,000" and insert "$6,500," and in line 19, after the words "in all," to strike out "$359,270" and insert "$359,770," so as to make the clause read:

Office of Commissioner of Internal Revenue: Commissioner, $6,500; deputy commissioners—1 $4,000, 1 $3,600; chemists—chief $3,000, 1 $2,500; assistant chemists—2 at $1,800 each, 1 $1,600, 1 $1,400; heads of divisions—4 at $2,500 each, 5 at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; clerks—3 at $2,000 each, 31 of class 4, 27 of class 3, 41 of class 2, 40 of class 1, 22 at $1,000 each, 42 at $900 each; 4 messengers; 20 assistant messengers (1 transferred to surety-bond section); 16 laborers; in all, $359,770.

The amendment was agreed to.

The next amendment was, on page 55, line 25, after "$4,000," to strike out "and $500 additional while the office is held by the present incumbent," so as to read:

Office of Life-Saving Service: General Superintendent, $4,000.

Mr. MARTIN of Virginia. I ask that the amendment be disagreed to.

The amendment was rejected.

The next amendment was, on page 56, line 4, in the items for the office of Life-Saving Service, after the words "civil engineer," to strike out "$1,800" and insert "$2,250."

The amendment was agreed to.

The next amendment was, on page 56, line 7, in the total, to strike out "$48,120" and insert "$48,070."

Mr. MARTIN of Virginia. I move to change the total so as to make the amount $48 570.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 57, line 12, after the words "in all," to strike out "$16,370" and insert "$16,120," so as to make the clause read:

Secret Service Division: Chief, $4,000; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—1 of class 4; 1 of class 3; 2 of class 2; 1 of class 1; 1, $1,000; assistant messenger; in all $16,120.

The amendment was agreed to.

The next amendment was, on page 57, line 14, after "$5,000," to insert "examiner, $3,000," so as to read:

Office of Director of the Mint: Director, $5,000; examiner, $3,000; computer and adjuster of accounts, $2,500; assayer, $2,200; clerks—2 of class 4; 2 of class 3; 1 of class 1; private secretary, $1,400; messenger; assistant in laboratory, $1,200; assistant messenger; skilled laborer, $720; in all, $22,580.

Mr. BURTON. I should like to inquire whether that is a new office or not?

Mr. MARTIN of Virginia. It is not.

Mr. BURTON. Why was it omitted from the House bill, then?

Mr. MARTIN of Virginia. It was not in the House bill, but it is in the estimates. I do not think it is a new office.

Mr. SMOOT. I think the Senator is wrong. I think it is a new office; that is, as I understand it.

Mr. MARTIN of Virginia. It is in the current law. The House just omitted to appropriate for it.

Mr. SMOOT. I may be mistaken, but I thought it was a new office.

Mr. MARTIN of Virginia. I find it in the current law.

Mr. BURTON. Then I understand it is an existing office.

Mr. MARTIN of Virginia. I think it is; and it was not appropriated for through some accident in the House.

Mr. BURTON. The House omitted to appropriate for it.

Mr. MARTIN of Virginia. It is simply to provide for an office already created—office of Director of the Mint. In the last bill, director, $5,000, and an examiner, $3,000.

The amendment was agreed to.

The next amendment was, on page 57, line 19, to change the total from $22,580 to $25,580.

The amendment was agreed to.

The next amendment was, on page 57, line 21, after the words "assay offices," to strike out "$10,000" and insert "$30,000," so as to make the clause read:

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $30,000.

Mr. BURTON. I should like to ask why there is so very large an addition as to require the increased appropriation. Is the appropriation made by the House, only a third of that named here, insufficient, or has something developed since the bill passed the House?

Mr. MARTIN of Virginia. It is for the transportation of bullion.

Mr. BURTON. I am aware of that.

Mr. MARTIN of Virginia. The assurance was made to us that it was absolutely impossible to perform the service with less than $30,000.

Mr. OVERMAN. There is always a fight with the House of Representatives about abolishing the mints. The Senate will not stand for it. The House cut down the appropriation and the Senate committee restored it. That is all there is of it.

Mr SHAFROTH. Another thing, Mr. President, is that this is an amount that is to be expended for a specific purpose, and if it is not necessary to use it it will go back into the Treasury.

Mr. BURTON. That is true, more or less, of all appropriations.

Mr. SMOOT Mr. President, of course the original appropriation of $10,000 was made upon the basis that all of the assay offices were going to be abolished; but the Senate has restored the assay offices, and having restored them we must provide the money for the transportation of the bullion.

The VICE PRESIDENT. Without objection, the amendment is agreed to

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 58, line 9, after the words "chief clerk," to strike out "$2,000" and insert "$2,250"; in line 13, before the words "of class one," to strike out "seven" and insert "eight"; in line 14, after the word "messengers," to insert "telephone operator, $720"; and, in line 15, after the words "in all," to strike out "$49,780" and insert "$51,950," so as to make the clause read:

Office of Surgeon General of Public Health Service: Surgeon General, $6,000; chief clerk, $2,250; private secretary to the Surgeon General, $1,800; assistant editor, $1,800; clerks—3 of class 4, 3 of class 3, 7 of class 2 (1 of whom shall be translator), 8 of class 1, 3 at $1,000 each, 3 at $900 each; messenger; 3 assistant messengers; telephone operator, $720; 2 laborers, at $540 each; in all, $51,950.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of stationery for the Treasury Department and its several bureaus and offices, on page 59, line 6, after "$1,000," to strike out "operating supplies for public buildings, $3,500"; and, in line 7, after the words "public buildings," to strike out "$2,500" and insert "$6,000," so as to make the clause read:

Life-Saving Service, $1,000; general expenses of public buildings, $6,000; collecting the revenue from customs, $37,000; miscellaneous expenses of collecting internal revenue, $14,000; expenses of collecting the income tax, $10,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $50,000, the total appropriation for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1915.

The amendment was agreed to.

The next amendment was, on page 59, line 21, after the word "clippings," to insert "financial journals," so as to make the clause read:

For newspaper clippings, financial journals, law books, city directories, and other books of reference relating to the business of the department, $1,000.

The amendment was agreed to

Mr. MARTIN of Virginia. I submit the amendment which I send to the Secretary's desk.

The VICE PRESIDENT. The amendment submitted by the Senator from Virginia will be stated.

The SECRETARY. On page 59, after line 25, it is proposed to insert the following:

For rent of building, $11,350.

Mr. SMOOT. Mr. President, I thought we had agreed to put that item in under the appropriation for rent of the Department of Labor.

Mr. MARTIN of Virginia. This is for rent for the purposes of the Treasury Department.

Mr. SMOOT. This is for extra rent that we have to pay on account of the removal of a portion of the employees of the Department of Labor?

Mr. MARTIN of Virginia. I do not think it relates to that.

Mr. SMOOT. I shall not object. I know there is an item of eleven thousand and some odd dollars for rent, for which we must provide.

Mr. MARTIN of Virginia. It is for the Treasury Department, and it seemed to be absolutely necessary. There were three items in the estimate. If I am not mistaken—such a long time has elapsed since the committee had the matter before it that I distrust myself a little—it included a stable, it included the storage of the photographic apparatus and other material.

Mr. SMOOT. Mr. President, if it is for the Treasury Department, that sum of $11,350 is not correct, because we did supply the Treasury Department with money with which to pay rent for a stable, and we cut the amount down, as I think, to $4,700.

Mr. MARTIN of Virginia. The Senator from Utah was absent for some part of the time from the committee meetings. The committee considered the matter at one of its meetings, when this entire sum was allowed. We became thoroughly satisfied that the whole amount was necessary. The Secretary of the Treasury, or one of his assistants, appeared before the committee and made it very clear to us that it was absolutely necessary; otherwise, he said, he would have to throw this property of the Government into the street, as there would be no possible way for him to take care of it. Here is a letter which, if the Senator desires, I shall read.

Mr. SMOOT. The Senator had better read the letter, for I thought there was any amount of room for the purpose in the building in which the Bureau of Engraving and Printing was formerly located.

Mr. MARTIN of Virginia. On the 18th of May this letter was sent:

TREASURY DEPARTMENT,
Washington, May 18, 1914.

Hon. THOMAS S. MARTIN,
Chairman Committee on Appropriations, United States Senate.

SIR: I want to urge upon you the importance of securing, by means of amendment on the floor of the Senate, the sum of $11,350 for rent for the Treasury Department for the fiscal year 1915. Unless this appropriation can be secured the department will be obliged to ask for a deficiency covering the same.

This amount is needed to cover the rent for the Treasury stables; the Cox Building, which includes the photograph gallery for use in connection with public-building work; and the files building, at 920 E Street NW.

The rent appropriation for the current fiscal year is $47,000; the amount asked for now, $11,350, is absolutely necessary, and the department can not possibly get along without it.

Attached hereto is a memorandum from the chief clerk of the department setting forth in detail the amount of space required, etc.

Respectfully,

BYRON R. NEWTON,
Assistant Secretary.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN of Virginia. I do.

Mr. NELSON. I should be glad if the chairman of the Committee on Appropriations would inform me where these buildings are located which are to be rented. What buildings are they for which we are to pay a rental of $11,350?

Mr. MARTIN of Virginia. I will see if I can get at my memoranda. I do not carry in my memory where all these buildings are located.

Mr. NELSON. It is not the old car barn over here on Capitol Hill, is it?

Mr. MARTIN of Virginia. Oh, no; not at all.

vision" and insert "Section," and in the same line, after the word "of," where it occurs the second time, to strike out "division" and insert "section," so as to make the clause read:

Section of surety bonds: Chief of section, $2,000 (in lieu of law and bond clerk, transferred from Division of Appointments); clerks—2 of class 1 (transferred from Division of Appointments), 1 at $1,000 (transferred from Division of Appointments); 1 assistant messenger (transferred from office of Commissioner of Internal Revenue); in all, $6,120.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another committee amendment which I ask to have read.

The SECRETARY. On page 43, line 17, it is proposed to strike out "$2,000" and to insert in lieu thereof "$2,500."

The amendment was agreed to.

The SECRETARY. And in line 19 it is proposed to change the total to read "$30,260."

The amendment was agreed to.

Mr. SMOOT. Mr. President, just a moment. I should like to ask the Senator if he has changed all of the assistant chiefs of divisions to $2,500 all through the bill? Have you made them all $2,500?

Mr. MARTIN of Virginia. I think this is the only one. I do not recall any others than this one.

Mr. SMOOT. You will next time, then.

Mr. MARTIN of Virginia. Mr. President, on page 44, in line 8, the committee offers an amendment commencing at the word "and," on line 8, and rejecting the following words:

And $200 additional while the office is held by the present incumbent.

We ask that that amendment may be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment, on page 44, line 8, which will be stated.

The SECRETARY. On page 44, line 8, after "$1,800," it is proposed to strike out the words "and $200 additional while the office is held by the present incumbent."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 11, after the word "all," to strike out "$27,800" and insert "$27,600."

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 44, line 26, before the words "of class 3," to strike out "three" and insert "four," so as to read:

Division of Printing and Stationery: Chief of division, $2,500; assistant chief of division, $2,000; clerks—4 of class 4, 4 of class 3.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 45, line 1, it is proposed to strike out "$1,250" and to insert in lieu thereof "$1,400."

The amendment was agreed to.

The SECRETARY. On page 45, line 2, before the word "laborers," it is proposed to strike out "two" and insert "three."

The amendment was agreed to.

The SECRETARY. It is also proposed to amend the total, in line 3, so that it will read "$34,780."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 45, line 14, before the words "of class two," to strike out "three" and insert "two"; in the same line, after the words "of class one," to strike out "one at $1,000"; and in line 15, after the words "in all," to strike out "$21,790" and insert "$21,390," so as to make the clause read:

Office of disbursing clerk: Disbursing clerk, $3,000; deputy disbursing clerk, $2,750; clerks—3 of class 4, 2 of class 3, 2 of class 2, 2 of class 1, 1 at $1,000; messenger; in all, $21,390.

The amendment was agreed to.

The next amendment was, on page 46, after line 23, to insert:

For law books, to be expended under the direction of the Comptroller of the Treasury, $500.

The amendment was agreed to.

The next amendment was, on page 48, after line 5, to insert:

For compensation, to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Interior Department: for the purchase, exchange, or rental of the necessary mechanical devices, and for the purchase of such supplies, including tabulating cards printed in the course of manufacture, and the making of such repairs as may be necessary to their maintenance and operation, $14,000: *Provided*, That the Secretary of the Treasury may, during the fiscal year 1915, in his discretion, diminish the number of positions in the grades below that of clerk at $1,200 per annum in the Office of the Auditor for the Interior Department and use the unexpended balances of the appropriation for the positions so diminished as a fund to pay the compensation, as fixed by the Secretary of the Treasury, of such additional number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Interior Department.

Mr. BURTON. Mr. President, I should like to know whence these employees are obtained. Are they detailed from other departments, or from other bureaus of this department? I do not quite understand this provision. Why is a new provision necessary in regard to it?

Mr. MARTIN of Virginia. It is in connection with the introduction of tabulating machines and the use of tabulating machines. The inauguration of that work in the departments is a very expensive matter.

Mr. BURTON. Are these tabulating machines employed now for the first time?

Mr. MARTIN of Virginia. Some have been employed, but the use of the machines is increasing, and this provision seems to be absolutely necessary for that service. When they are fully inaugurated and at work, it will operate as a great saving to the Government; but the initial cost is very heavy.

Mr. BURTON. Do I understand that those who are detailed to perform this service are clerks or subordinates already in the department?

Mr. SMOOT. Mr. President, they may be in this department or they may be transferred temporarily from other departments to do this particular work.

Mr. BURTON. They do not go outside of the civil-service list to get them?

Mr. SMOOT. I asked that same question, and I was assured that they did not go out of the civil service.

Mr. MARTIN of Virginia. Oh, no; they are civil-service appointees. There is no doubt about that.

Mr. SMOOT. I think myself the proviso of this amendment is not a very good way to legislate, but the object of the amendment is a worthy one, and I think it will accomplish a saving not only in this department but in all the other departments, if carried out. It was for that reason that I did not object to the proviso. If, however, such a proviso were carried through all the departments of the Government, I think it would be a very dangerous way of granting power to the heads of departments.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 49, line 22, after "$191,130," to insert: "*Provided*, That not exceeding $24,840 may be used for the payment of compensation to said employees absent on leave."

So as to make the clause read:

For compensation, to be fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate by the use of mechanical devices the accounts and vouchers of the Postal Service, $191,130: *Provided*, That not exceeding $24,840 may be used for the payment of compensation to said employees absent on leave.

The amendment was agreed to.

The next amendment was, at the top of page 50, to insert:

The Secretary of the Treasury may, during the fiscal year 1915, diminish, from time to time, as vacancies occur by death, resignation, or otherwise, the number of positions of the several grades below the grade of chief of division in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay the compensation, as fixed by the Secretary of the Treasury, of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the Postal Service.

Mr. SMOOT. Mr. President, I simply wish to say in connection with this amendment that this being a new departure in the different departments, I am not going to object this year to this kind of legislation; but I will state again that it is very unwise legislation, taken as a general thing.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 52, line 24, after "$1,800," to strike out "clerk, $900; in all, $2,700" and insert "clerk, $1,400; two clerks, at $900 each; in all, $3,000," so as to make the clause read:

Office of the assistant treasurer at San Francisco: Clerk, $1,800; clerk, $1,400; two clerks, at $900 each; in all, $3,000.

The amendment was agreed to.

The next amendment was, on page 52, line 26, after the word "subtreasuries," to strike out "$90,450" and insert "$88,750"; so as to make the clause read:

The total from subtreasuries, $88,750.

Mr. NELSON. Mr. President, it seems to me that all these appropriations for the maintenance and upkeep of subtreasuries

ought to be wholly unnecessary under the new system of banking and currency that has been adopted. Under that system the regional banks are to be made the depositories of the public funds, and the disbursements of the Government are to be made by checks upon these banks. Therefore the occasion that has heretofore existed for maintaining subtreasuries in the different parts of the country has ceased to exist, and provision ought to be made for their discontinuance under this new banking system, it seems to me. After we have changed our banking system, to keep them up as we have kept them up in the past is wholly unnecessary.

The new system contemplates that the revenues of the Government shall be paid into the regional banks, and that the disbursements shall be made by checks of the Government upon these banks. The purpose is that the money may be constantly in circulation, instead of, as heretofore, having the public moneys frequently tied up in the subtreasuries of the Government, causing, at times, a money stringency. I remember that during Cleveland's first administration there were between two and three hundred million dollars tied up in the subtreasuries of the Government, out of circulation.

In view of the fact that we have established these regional banks, and disbursements are to be made through them by checks upon them, it seems to me there is no occasion for perpetuating and continuing the subtreasury system.

Mr. SMOOT. I will say to the Senator that it is necessary at this time to continue them, because the new system will not be in operation by the 1st of July of this year.

Mr. NELSON. That may be so.

Mr. SMOOT. If it is in operation by the end of the year, we will say, or whenever it is, and there is no necessity for these subtreasury places, then, of course, the money will be paid out as the Senator states; but we do not know how soon it will be in operation, and they certainly will have to be provided for until that time arrives.

Mr. NELSON. Mr. President, I have called attention to this matter because it should be kept in mind when the next appropriation bill is prepared. I think perhaps our new system will not be entirely in operation by the end of the present fiscal year, and perhaps for the present it is necessary to maintain these offices; but after we have established the new system there is no occasion for maintaining these subtreasuries as they have been maintained heretofore.

Mr. SHAFROTH. Mr. President, the Senator is right in the statement that it is the hope that these moneys of the United States will be deposited in the Federal reserve banks; but I will remind the Senator of the fact that there is no requirement in the act that they shall be so deposited, and for that reason we have got to trust to what the policy of the administration will be with respect to that. It is our hope that they will be so deposited, and there was a provision in one of the preliminary drafts of the bill to the effect that the new organization should become the fiscal agent of the United States Government; but that is not in the bill as it passed. It is left discretionary with the Secretary of the Treasury as to where and when and to what extent he will deposit money in these banks. For that reason it seems to me we have to provide for the ordinary expenditures as heretofore, and rely upon the Treasury Department to cut them down when these moneys are deposited in the Federal reserve banks.

Mr. NELSON. The Senator from Colorado is partially correct, but not entirely so. When the currency bill came from the House it contained a provision, as passed by the House, requiring all public moneys to be deposited in these banks, and checks to be drawn upon the banks. But that was afterwards changed by the Senate committee, much against the wishes of many of the members of that committee, and we are now at the mercy of the Secretary of the Treasury. He can still, under this new system, as he sees fit, perpetuate the subtreasury system by refusing to deposit the money in these regional banks.

I sincerely hope that he will abandon that system and that he will have all the Government revenues deposited in these banks, and that the Government disbursements will be made by checks upon those banks. In that way, and in that way only, can you keep the currency of the country in active use and circulation and prevent the tying up of funds as we have had in years gone by.

Mr. SMOOT. I will say to the Senator, perhaps we have that in our hands, because if we do not next year appropriate for the office of the Assistant Treasurer then, of course, it will force the deposit into the regional banks.

Mr. NELSON. The Senator is entirely correct. If by the time the next appropriation bill is passed no provision is made for the continuance of these subtreasuries the Secretary will have to deposit in the regional banks.

Mr. BURTON. Mr. President, it seems to me that this is a very singular time to increase the appropriation for these subtreasuries. A year or two ago some pressure was brought to bear upon me for obtaining increased salaries and I believe also clerical service for the subtreasury at Cincinnati, but upon the adoption of the Federal reserve act I discouraged any attempt of that kind. The passage of the recent law is futile unless the subtreasuries are to be relieved of very much of the work that they now perform.

Mr. MARTIN of Virginia. Mr. President, I merely want to correct the Senator from Ohio. We have not increased the appropriation for the subtreasuries. This is simply transferring some people from San Francisco to Washington.

Mr. BURTON. Does the Senator say the appropriation for the office of the assistant treasurer at San Francisco, Cal.—"clerk, $1,400; 2 clerks, at $900 each; in all, $5,000"—is not an addition?

Mr. MARTIN of Virginia. If the Senator will turn to page 68 he will see that the reductions correspond there, and we have not increased the appropriation at all for the subtreasury.

Mr. BURTON. Do I understand it is an increase in the total expense of the whole subtreasury system?

Mr. MARTIN of Virginia. The Senate committee has not increased a dollar the appropriation for subtreasuries from the bill as it passed the House. This is a mere transfer of the force from San Francisco, and it is no increase whatever.

Mr. BURTON. Here is the House provision: "Clerk, $1,800; clerk, $900; in all, $2,700." As the committee reports the bill it reads, "Clerk, $1,400; 2 clerks, at $900 each; in all, $5,000."

Mr. SHAFROTH. If the Senator will turn to page 68, he will find, in line 25, "1, $1,400; 1, $900" stricken out.

Mr. BURTON. In the San Francisco Subtreasury?

Mr. SHAFROTH. Yes; in the office of the assistant treasurer at San Francisco.

Mr. BURTON. The San Francisco Subtreasury?

Mr. SHAFROTH. Yes.

Mr. MARTIN of Virginia. It is a transfer, and there is not an increase made in the appropriation for the Subtreasury.

Mr. BURTON. In an appropriation bill to place in different parts of the bill the provision for the same office is, to say the least, confusing. As it reads here, this is clearly an increase in the appropriation for the Subtreasury at San Francisco.

Mr. MARTIN of Virginia. Perhaps it might have been arranged more systematically, but if the Senator will examine it he will find that there is no increase whatever.

Mr. BURTON. Then I understand in another portion of the bill there is a decrease which meets this increase.

Mr. MARTIN of Virginia. Exactly.

Mr. SMOOT. I will simply say to the Senator from Ohio that the Treasurer appeared before the committee and he wanted the two clerks from the office of the assistant treasurer at San Francisco transferred here. That is found on page 52 of the bill. He claimed that that could be done here and the appropriation ought to be made direct.

Mr. BURTON. Certainly the bill could be made very much clearer by having a provision in one place for one office so that we can understand it.

I do not understand, Mr. President, that the subtreasuries are to be entirely abandoned, but their work and their responsibility will be diminished if the Federal reserve system is the success we expect it to be, and if the money of the country is to be kept in circulation as has been promised.

Mr. NELSON. Mr. President, I desire simply to say one word more. I wish to call the attention of the Committee on Appropriations to the fact that it appears in the bill that the total cost of the subtreasury system is $88,750, and this amount can be entirely saved if the Secretary of the Treasury will avail himself of the new currency system. We can get rid of all these subtreasuries and do all the Government business and do it much better and more effectively through the new currency system.

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the words "Treasurer of the United States" to strike out "$6,000" and insert "$10,000", so as to make the clause read:

For purchase of labor-saving machines and tabulating equipment, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, and for rental of tabulating and card-sorting machines, for use in the office of the Treasurer of the United States, $10,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. On page 54 there are three amendments, one including a total, which the committee ask may be disagreed to.

The next amendment was, on page 54, line 2, after "$4,000" to strike out "assistant register, $2,500," and in line 9, after

out as the Senator states, but we do not know how soon it will be in operation, and they certainly will have to be provided for until that time arrives.

Mr. NELSON. Mr. President, I have called attention to this matter because it should be kept in mind when the next appropriation bill is prepared. I think perhaps our new system will not be entirely in operation by the end of the present fiscal year, and perhaps for the present it is necessary to maintain these offices; but after we have established the new system there is no occasion for maintaining these subtreasuries as they have been maintained heretofore.

Mr. SHAFROTH. Mr. President, the Senator is right in the statement that it is the hope that these moneys of the United States will be deposited in the Federal reserve banks; but I will remind the Senator of the fact that there is no requirement in the act that they shall be so deposited, and for that reason we have got to trust to what the policy of the administration will be with respect to that. It is our hope that they will be so deposited and there was a provision in one of the preliminary drafts of the bill to the effect that the new organization should become the fiscal agent of the United States Government; but that is not in the bill as it passed. It is left discretionary with the Secretary of the Treasury as to where and when and to what extent he will deposit money in these banks. For that reason it seems to me we have to provide for the ordinary expenditures as heretofore, and rely upon the Treasury Department to cut them down when these moneys are deposited in the Federal reserve banks.

Mr. NELSON. The Senator from Colorado is partially correct, but not entirely so. When the currency bill came from the House it contained a provision, as passed by the House, requiring all public moneys to be deposited in these banks, and checks to be drawn upon the banks. But that was afterwards changed by the Senate committee, much against the wishes of many of the members of that committee, and we are now at the mercy of the Secretary of the Treasury. He can still, under this new system, as he sees fit, perpetuate the subtreasury system by refusing to deposit the money in these regional banks.

I sincerely hope that he will abandon that system and that he will have all the Government revenues deposited in these banks, and that the Government disbursements will be made by checks upon those banks. In that way, and in that way only, can you keep the currency of the country in active use and circulation and prevent the tying up of funds as we have had in years gone by.

Mr. SMOOT. I will say to the Senator, perhaps we have that in our hands, because if we do not next year appropriate for the office of the Assistant Treasurer then, of course, it will force the deposit into the regional banks.

Mr. NELSON. The Senator is entirely correct. If by the time the next appropriation bill is passed no provision is made for the continuance of these subtreasuries the Secretary will have to deposit in the regional banks.

Mr. SMOOT. Yes, in the office of the assistant treasurer at San Francisco.

Mr. BURTON. The San Francisco Subtreasury?

Mr. SHAFROTH. Yes.

Mr. MARTIN of Virginia. It is a transfer, and there is not an increase made in the appropriation for the Subtreasury.

Mr. BURTON. In an appropriation bill to place in different parts of the bill the provision for the same office is, to say the least, confusing. As it reads here, this is clearly an increase in the appropriation for the Subtreasury at San Francisco.

Mr. MARTIN of Virginia. Perhaps it might have been arranged more systematically, but if the Senator will examine it he will find that there is no increase whatever.

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Mr. MARTIN of Virginia. Exactly.

Mr. SMOOT. I will simply say to the Senator from Ohio that the Treasurer appeared before the committee and he wanted the two clerks from the office of the assistant treasurer at San Francisco transferred here. That is found on page 52 of the bill. He claimed that that could be done here and the appropriation ought to be made direct.

Mr. BURTON. Certainly the bill could be made very much clearer by having a provision in one place for one office so that we can understand it.

I do not understand, Mr. President, that the subtreasuries are to be entirely abandoned, but their work and their responsibility will be diminished if the Federal reserve system is the success we expect it to be, and if the money of the country is to be kept in circulation as has been promised.

Mr. NELSON. Mr. President, I desire simply to say one word more. I wish to call the attention of the Committee on Appropriations to the fact that it appears in the bill that the total cost of the subtreasury system is $88,750, and this amount can be entirely saved if the Secretary of the Treasury will avail himself of the new currency system. We can get rid of all these subtreasuries and do all the Government business, and do it much better and more effectively through the new currency system.

The amendment was agreed to.

The next amendment was, on page 53, line 25, after the words "Treasurer of the United States" to strike out "$6,000" and insert "$10,000", so as to make the clause read:

For purchase of labor-saving machines and tabulating equipment, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, and for rental of tabulating and card-sorting machines, for use in the office of the Treasurer of the United States, $10,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. On page 54 there are three amendments, one including a total, which the committee ask may be disagreed to.

The next amendment was, on page 54, line 2, after "$4,000" to strike out "assistant register, $2,500," and in line 9, after

Mr. McCUMBER. Mr. President, I want to say just a word in answer to the suggestion made by the Senator from Indiana [Mr. KERN], that the amendment proposed by me could not be carried through the House, and that therefore it would defeat the proposition. I would be perfectly willing to leave the automobile provision in the bill if it were necessary, and offer my amendment in addition to that, and thus leave the matter in such shape that the House could accept my amendment without endangering the amendment reported by the committee.

I simply would like at some time this session to get back to the old Jeffersonian way of paying not emoluments and traveling expenses, but salaries that are just and fair.

I believe that the Senator from Indiana agrees with me that the Vice President of the United States ought to have a salary of at least $25,000 a year. The position demands it. And I believe that if Senators could vote for that directly, they would be glad to do so. I believe further that the American people would never make the slightest complaint against it. Most of the people that I have ever heard speak about the salary of the Vice President have, with one accord, agreed that the salary was insufficient for the position, and it is such a mere bagatelle in the expenses of this Government that it does seem to me that we ought to try to do justice and be brave enough to follow our own convictions.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. McCUMBER] as a substitute for the amendment reported by the committee.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 15, line 17, after the word "equipping," to strike out "horses and mail wagons" and insert "motor vehicles," so as to make the clause read:

For expenses of maintaining and equipping motor vehicles for carrying the mails, $6,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 15, line 22, after the words "per thousand," to strike out "$3,000" and insert "$8,000," so as to make the clause read:

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 5, to insert:

For rent of warehouse for storage of public documents for the Senate, $1,800.

The amendment was agreed to.

The next amendment was, on page 16, after line 7, to insert:

The Superintendent of the Capitol Building and Grounds is hereby authorized and directed to remove any unused documents and material now in the Capitol Building or Senate and House Office Buildings, and the Patent Office models now stored in the Senate and House Office Buildings, to some building or buildings located on Reservation No. 13, in the District of Columbia, and the Superintendent of the Capitol Building and Grounds is hereby made the custodian of the building or buildings so selected.

The amendment was agreed to.

The next amendment was, on page 16, line 23, after the words "printed page," to strike out "$25,000" and insert "$50,000," so as to make the clause read:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1 per printed page, $50,000.

The amendment was agreed to.

The next amendment was, under the subhead "Capitol police," on page 17, line 2, before the word "lieutenants," to strike out "two" and insert "three"; and in line 3, before the words "special officers," to strike out "three" and insert "two," so as to make the clause read:

For captain, $1,800; 3 lieutenants, at $1,200 each; 2 special officers, at $1,200 each; 47 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, $57,150, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 18, after line 4, to strike out:

For actual traveling expenses incurred by Representatives, Delegates, and Resident Commissioners, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved and in the manner heretofore prescribed for the payment of mileage, $87,500.

The amendment was agreed to.

The next amendment was, on page 18, after line 12, to insert:

For mileage of Representatives and Delegates and expenses of Resident Commissioners, $175,000.

The amendment was agreed to.

The next amendment was, on page 24, line 14, after the word "adopted," to strike out "June 5, 1900," and insert "April 28, 1914," so as to make the clause read:

To continue employment of the person named in the resolution adopted April 28, 1914, as a laborer, $840.

The amendment was agreed to.

Mr. KENYON. Mr. President, I should like to ask if the amendment on page 18, relative to mileage, was adopted?

THE PRESIDENT pro tempore. Yes; it was adopted when it was reached in the regular order.

Mr. KENYON. I had intended to try to get a yea-and-nay vote on that proposition, so that I could record my vote in favor of the House provision; but I see it has gone by.

Mr. MARTIN of Virginia. It is too late to call for the yeas and nays now.

THE PRESIDENT pro tempore. The amendment will be under consideration again when the bill is reported to the Senate. It is now being considered as in Committee of the Whole.

Mr. KENYON. I should like to reserve that question before the Senate.

THE PRESIDENT pro tempore. It has already been adopted. It can not be reserved at this time as in Committee of the Whole. Of course, it can come up in the Senate, and the Chair will take notice of the request made by the Senator from Iowa.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 27, line 17, after the words "House of Representatives," to strike out "$75,000" and insert "$37,500," so as to make the clause read:

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $37,500.

The amendment was agreed to.

The next amendment was, under the subhead "Library of Congress," on page 33, line 8, before the word "each," to strike out "$720" and insert "$900"; in line 15, after the word "each," to insert "two assistant wiremen, at $840 each"; in line 17, before the words "skilled laborers," to strike out "ten" and insert "eight," and, in the same line, after the words "in all," to strike out "$74,525" and insert "$77,645," so as to make the clause read:

Library building and grounds: Superintendent, $5,000; chief clerk, $2,000; clerks—1, $1,600; 1, $1,400; 1, $1,000; messenger; assistant messenger; telephone-switchboard operator; assistant telephone-switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 16 watchmen, at $900 each; carpenter, painter, and foreman of laborers, at $900 each; 14 laborers, at $840 each; two attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $360; 52 charwomen; chief engineer, $1,500; assistant engineers—1, $1,200; 3 at $900 each; electrician, $1,500; machinists—1, $1,400; 1, $900; 2 wiremen, at $900 each; 2 assistant wiremen, at $840 each; plumber, $900; 3 elevator conductors, and 8 skilled laborers, at $720 each; in all, $77,645.

The amendment was agreed to.

Mr. JONES. Mr. President, as I understand, the bill is being read now merely for committee amendments?

Mr. MARTIN of Virginia. That is correct.

THE PRESIDENT pro tempore. It is being read at this time for committee amendments.

Mr. JONES. It is being read first for committee amendments?

THE PRESIDENT pro tempore. Yes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Civil Service Commission," on page 35, line 18, after the words "chief examiner," to strike out "$3,000" and insert "$3,500," and on page 36, line 4, after the words "in all," to strike out "$261,830" and insert "$262,330," so as to make the clause read:

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,500; secretary, $2,500; assistant chief examiner, $2,250; chiefs of division—3 at $2,000 each; examiners—4, $2,400; 3 at $2,000 each; 4 at $1,800 each; clerks—6 of class 4, 26 of class 3, 34 of class 2, 44 of class 1, 34 at $1,000 each; 22 at $900 each; messenger; assistant messenger; skilled laborer, $720; 4 messenger boys, at $360 each. Custodian force: Engineer, $840; general mechanic, $840; telephone-switchboard operator; 2 firemen; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 4 charwomen; in all, $262,330.

The amendment was agreed to.

The next amendment was, on page 36, line 23, after the words "efficiency ratings," to strike out "$15,000" and insert "$30,000," so as to make the clause read:

For the establishment and maintenance of system of efficiency ratings, $30,000.

The amendment was agreed to.

The next amendment was, on page 37, after line 18, to insert:

Examination of fourth-class postmasters: For necessary additional office employees, printing, stationery, travel, contingent, and other necessary expenses of examinations, $11,100, and the unexpended balance of the appropriation made for this purpose in the urgent deficiency act approved October 22, 1913, is hereby made available for the fiscal year 1915.

The amendment was agreed to.

The next amendment was, at the top of page 38, to insert:

For field examiners at the rate of $1,500 per annum each, for work in connection with members of local boards and other necessary work as directed by the commission, $5,700, and the unexpended balance of the appropriation made for this purpose in the urgent deficiency act approved October 22, 1913, is hereby made available for the fiscal year 1915.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

THE PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

THE SECRETARY. On page 38, line 12, after the word "each" and the semicolon, it is proposed to insert:

Assistant to the Secretary, to be appointed by the Secretary, $4,500.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another amendment, which I ask to have read.

THE PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

THE SECRETARY. On page 39, on line 6, it is proposed to strike out "17" and insert in lieu thereof "19."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the head of "Department of State," in the appropriation for the maintenance of the office of the Secretary of State, on page 39, line 8, after the words "telegraph operators," to strike out "18" and insert "36"; in line 9, after the word "each," to strike out "13, at $900 each"; and in line 13, after the words "in all," to strike out "$320,060" and insert "$321,860," so as to read:

Telegraph operators—36, at $1,000 each; chief messenger, $1,000; 8 messengers; 25 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone-switchboard operator; assistant telephone-switchboard operator; in all, $321,860.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 40, line 7, after the word "each," to insert "assistant to the Secretary, to be appointed by the Secretary, $4,500"; and, in line 9, after the word "Secretary," to strike out "$2,500" and insert "$3,000," so as to read:

Office of the Secretary: Secretary of the Treasury, $12,000; three Assistant Secretaries, at $5,000 each; assistant to the Secretary, to be appointed by the Secretary, $4,500; clerk to the Secretary, $3,000.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk an amendment, which I ask to have read.

THE PRESIDENT pro tempore. The Senator from Virginia proposes an amendment, which will be reported to the Senate.

THE SECRETARY. On page 40, lines 9 and 10, it is proposed to strike out "executive clerk, $2,400" and to insert in lieu thereof "two executive clerks, at $2,400 each."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 40, line 12, after the words "Treasury," to strike out "$2,250" and insert "$2,500," so as to read:

Government actuary, under control of the Treasury, $2,500.

The amendment was agreed to.

THE SECRETARY. On page 40, line 16, the committee proposes to strike out "$69,670" and insert "$68,320."

Mr. WARREN. Mr. President, I think the Secretary should alter the footings to accord with the amendments already adopted.

THE PRESIDENT pro tempore. That is what is being done.

Mr. WARREN. But the Secretary read the old total.

THE PRESIDENT pro tempore. No; the Secretary read the new footing, which was just sent up by the chairman of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 41, after line 22, to strike out:

General Supply Committee: Superintendent of supplies, $2,000; clerks—2 of class 2; in all, $4,800.

The amendment was agreed to.

The next amendment was, at the top of page 42, to insert:

General Supply Committee: Superintendent of supplies, $2,250; clerks—1 of class 4, 1 of class 3, 3 of class 2, 2 of class 1; 12 temporary clerks for 4 months, at $900 each; in all, $15,850.

Mr. LANE. Mr. President, I wish to inquire of the chairman of the committee what this new item is for. I refer to the new item for the General Supply Committee. It seems to be adding a number of new officials. There should be some explanation made of this new item, carrying fifteen or sixteen thousand dollars, out of courtesy to other Members of the Senate who are being held in part responsible for the provision.

Mr. MARTIN of Virginia. That is correct, and I am very glad to give the best explanation I can of this matter.

There are 17 new appointments. Twelve of them, however, are temporary clerks, whose employment will last only four months; 5 of them are permanent. These were regularly estimated by the Treasury Department. The Secretary of the Treasury appeared before the committee and insisted that without this provision the public business can not proceed. He said that it has increased so—and we all know it has increased—that it is impossible for him to conduct the business of the Treasury Department without this addition to his working force.

Mr. LANE. I do not want him to shut up shop, of course.

Mr. MARTIN of Virginia. He satisfied the committee. He went into more detail than I shall undertake to go into, and satisfied the committee that his contention should be respected.

I will say, however, not only for the benefit of the Senator from Oregon but for the benefit of others, that if the committee has made any mistake in the preparation of this bill it has been in cutting down too deeply and not allowing what the department chiefs insisted on. We have not put in this bill a single item that we were not satisfied was absolutely necessary, and we have omitted a great many items which the Secretaries insisted we ought to have allowed. I am sure this is a just appropriation.

THE PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MARTIN of Virginia. I send to the desk another amendment, which I ask to have read.

THE PRESIDENT pro tempore. The Senator from Virginia suggests an amendment at this point, which will be reported to the Senate.

THE SECRETARY. On page 42, line 25, it is proposed to strike out "$2,000" where it first occurs and in lieu thereof to insert "$2,250."

Mr. SMOOT. I will ask the Senator if that was agreed to by the committee?

Mr. MARTIN of Virginia. It was. When it was presented to the committee the committee did not at first allow it; but it was so insistently urged that the committee became satisfied that it ought to be allowed, and it was allowed by the full meeting of the committee.

Mr. SMOOT. Of course, it skipped my memory that that was done, but I remember very well that this question was discussed in the subcommittee, and we disagreed to it there.

Mr. MARTIN of Virginia. It was turned down at the first committee meeting, but the Secretary afterwards came and was so insistent on it when the second meeting of the committee took up the bill that this amendment was allowed.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, line 4, after the words "Surety Bond," to strike out "Division" and insert "Section," and in line 6, after the words "Surety Bond," to strike out "Division" and insert "Section," so as to read:

Division of Appointments: Chief of division, $3,000; assistant chief of division, $2,250; executive clerk, $2,000; clerks—1 of class 4 (2 transferred to Customs Division), 4 of class 3, 4 of class 2 (1 transferred to Customs Division), 2 of class 1 (1 transferred to Customs Division, 2 to Surety Bond Section, and 1 omitted), 2 at $1,000 each (1 transferred to Customs Division and 1 to Surety Bond Section).

The amendment was agreed to.

THE SECRETARY. On page 43, line 8, the committee proposes to change the total to read "$27,910" instead of "$27,600."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 43, line 9, before the word "of," to strike out "Di-

ought to be wholly unnecessary under the new system of bank-

Mr. BURTON. Mr. President, it seems to me that this is a

which we receive. There is a sentiment, a prejudice, against the increase of salaries of public officers; but that prejudice and criticism would be unjust, and yet that situation prevails.

Mr. McCUMBER. Would there not be the same prejudice against voting a Senator $4,000 for an automobile as there would be against voting him $4,000 extra salary?

Mr. KERN. As a matter of first impression, I imagine there would; but that is not the question here at all. The question here is, whether or not an automobile that has been in the use of the Vice President, which was provided for a former Vice President, shall be replaced. It is introducing nothing new in the way of a precedent.

Mr. McCUMBER. Mr. President, I think I can bring this matter to a focus, at least in a better manner, if I offer as a substitute for this provision on page 15, line 11——

Mr. SHAFROTH. Will the Senator from North Dakota yield to me?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Colorado?

Mr. McCUMBER. I yield.

Mr. SHAFROTH. I want to say that there is a good deal of difference, in my judgment, between allowing those things that are necessary to the office and increasing the salary. I am opposed to increases of salary. I think every time you increase a salary in any particular case you offer an inducement to persons occupying other positions to make demands for similar increases. That does not always apply in the case of giving the things that are necessary to the proper carrying on of an office, and would not in the case of the President and the Vice President in giving them the things that are necessary for the use of the highest officials of the Government. Take, for instance, the increase of the salary of the President of the United States. It was advocated upon the theory, first, that there should be an increase because of the traveling expenses on the part of the President, and $25,000 was added on that account; yet two years had not elapsed—I do not think one year elapsed—until an additional $25,000 was appropriated for the expenses of the President in traveling.

Mr. WARREN. I think those increases were made the same year.

Mr. SHAFROTH. In the same year, then.

Mr. WARREN. An effort was made to fix the salary of the President at $100,000 per annum. The amount was reduced to $75,000. It was provided in another bill that thereafter $25,000, or so much thereof as might be necessary, should be appropriated each year for the traveling expenses of the President.

Mr. SHAFROTH. If we attempt to cover this item of expense by putting it in the form of an increase in salary, we shall find that it will not be long until Senators get up here and try to secure the appropriation of an additional amount for an automobile. Consequently, so far as the Government is concerned, that would be more expensive than to allow this item of $4,500 to the Vice President for an automobile.

Mr. President, it does seem to me that in connection with the position of Vice President of the United States there is a certain amount of entertaining that is absolutely necessary, and in order to have the office conducted in a manner commensurate with the dignity of the position the Vice President should have an automobile. On that account, it seems to me we ought to provide one. While the amount proposed to be appropriated is apparently large, it is not really so when you take into consideration that it provides for a chauffeur, for the upkeep of the automobile, and also for the expense of its running. So, altogether, $4,500 for that purpose is not an exorbitant amount. Of course, the Vice President should have a good car, not one that he would be ashamed of, or one that we would be ashamed to see him enter. For that reason, it seems to me that it would be far better for the Government that this appropriation, so requisite and so necessary to the position, should be made than it would be to increase the salary of the Vice President.

I believe that the influence of increasing salaries permeates every officer in the Government. I have always been opposed to increases of salaries. I have felt that whenever you increase a salary there will be a constant demand on the part of other officers of the Government who hold positions at least somewhere near to those as to whom increases have been made that their salaries also shall be increased. Thus the line of increases will be far greater than if you give to the proper officer such amount as it is now proposed to appropriate for an automobile for the Vice President.

Mr. McCUMBER. Mr. President, I want to say in reply to the Senator that the danger arising from an increase of salary is not nearly so vicious as that of adopting a system of taking care of the family expenses of Government officials. It is that system that I do not want to see inaugurated in this country.

I appreciate that it may be of little avail to offer any amendment against the recommendation of the committee, but I am going to offer an amendment so that I can at least give one vote for principle, and that vote will be in favor of a salary as against a vote for paying a like amount to defray some particular family expenses. I move, as a substitute for the amendment, from lines 11 to 16, inclusive, to insert:

For additional salary of the Vice President and Speaker of the House of Representatives, $5,000 each; total, $10,000.

Mr. BRYAN. Mr. President, I raise the point of order against the amendment proposed by the Senator from North Dakota that it has not been estimated for nor reported by a standing committee of the Senate.

The PRESIDENT pro tempore. It is a substitute for a provision already in the bill; it is not an independent proposition. The Chair thinks that the point of order is not well taken. The question is on the adoption of the substitute offered by the Senator from North Dakota.

Mr. WARREN. Mr. President, perhaps the President pro tempore has overlooked the fact that this refers to an annual salary.

The PRESIDENT pro tempore. It is an item of appropriation in the nature of compensation for the Vice President.

Mr. WARREN. It is for this one year, and part of it would go for the upkeep and part of it for the automobile.

The PRESIDENT pro tempore. The Chair has made the ruling. The Senator's remedy is open to him.

Mr. WARREN. I am not excepting to the ruling of the Chair, but I wish to make a few remarks, if the Chair will bear with me.

I want to say that I fully agree with the proposition that the salary of the Vice President ought to be increased, but we can hardly do it just now, at this late time, on an appropriation bill. On the other hand, the Senate when it was Republican in the majority, and likewise the other House, provided $6,000 each for automobiles for the Vice President and Speaker of the House, the minority making no objection. Under the circumstances, until such time as the salary may be raised, I think we ought to be as liberal as the other side then were and provide new automobiles. I do not object to the appropriation of $9,000, and should be glad if it were a little more. I hope it may carry, and carry ungrudgingly.

Mr. KENYON. Mr. President, I should like to ask the Senator from Wyoming a question. The Senator speaks of the appropriation for an automobile for the Vice President and the Speaker of the House of Representatives. Does the Senator from Wyoming know whether the Speaker of the House accepted that automobile?

Mr. WARREN. Why, certainly he did.

Mr. KENYON. There was a good deal of comment in the newspapers at the time that he had refused to accept an automobile at the expense of the Government.

Mr. WARREN. I think the Senator from Iowa is slightly mistaken as to dates. The automobiles mentioned were purchased when a Republican occupied the office of Speaker and when a Republican occupied the office of Vice President; and, as has been said by the Senator from Indiana [Mr. KERN], it was done ungrudgingly on the part of the minority. We furnished $6,000 apiece for automobiles for the Speaker of the House, Mr. Cannon, and for the Vice President, Mr. Sherman. Since that time I am unable to say what may have been said by the present Speaker. I never heard him say anything of the kind.

Mr. KENYON. I should like to ask the chairman of the committee, inasmuch as we are to vote on the proposition for an automobile for the Speaker, as well as for the Vice President, if the Speaker did not decline to accept an automobile at the expense of the Government last year or the year before last?

Mr. MARTIN of Virginia. I do not know whether or not the Speaker will accept one, but if he does not want it the item will go out in conference, so far as he is concerned. He has only to say so, and the amendment can be modified to suit his wishes. If he does not want an automobile, he need not accept one.

Mr. KENYON. He will not be compelled to take it?

Mr. MARTIN of Virginia. The bill can be changed to suit his pleasure when it goes to conference.

Mr. WILLIAMS. Mr. President, I do not know with that degree of certitude that would justify me in making the positive assertion, but I do remember when the provision was in a former appropriation bill that the newspapers, at any rate, published the purported fact that the Speaker of the House of Representatives refused to accept an automobile.

Mr. President, I agree substantially with what has been said by the Senator from North Dakota [Mr. McCUMBER]. I think that public officials ought to be paid proper salaries, and that their salaries ought not to be extended by perquisites of an

uncertain and varying character. I think that the Speaker of the House, who, in matter of influence, is perhaps the second most important officer under our Government, and the Vice President of the United States, who presides over this body and who is nominally the second officer of the Government, ought to receive higher salaries than they do receive. I know that one ex-Speaker, who attempted to keep up what he regarded as his social duties and provide a place where he could receive people in some decent number, had to pay $4,000 a year rent, and then had a house that was not by any means perfectly suited to the purpose. I know that the present Speaker had to live for a while in apartments, and had no way in which he could receive people in a proper way.

I do not take much stock in this business of receiving people as being a part of one's official duty; but, at the same time, the legislative branch of this Government ought to be able to compete in a social way to some extent, to a respectable extent, at least, with the executive branch of the Government. I therefore would vote very readily for an increase in the annual compensation of the Speaker and of the Vice President, but I would not be in favor of voting either one of them any perquisites in the shape of automobiles or anything else, and I hope that the motion, if I understood it correctly, to increase their salaries by $5,000 will prevail with the Senate. I believe that the people of the United States would justify it thoroughly.

Some years ago the President of the United States received an addition to his salary and also was allowed $25,000 a year for traveling expenses. He receives virtually everything else. He has a house which the Government furnishes him; the flowers around the house the Government furnishes him; every employee around the White House is upon the Government pay roll, I believe; and even the plate and the silver in the White House are those of the Nation and not those of the temporary incumbent, until his compensation amounts to a very considerable sum, the exact amount of which I have now forgotten; while these two other officers just below him in grade, one of them just below him in influence—and if he is a Speaker who controls the House of Representatives equal to him in influence—receive only $12,000 a year. It seems to me nothing is more right and proper than that the small increase of $5,000 a year should be made to these two officers of the Government.

Mr. TOWNSEND. Mr. President, the Senator from Mississippi [Mr. WILLIAMS] and the Senator from North Dakota [Mr. McCUMBER] have expressed my views on this subject, but I feel as though I ought to state them, because, when this matter was before the other House some six years ago I opposed it there, as I did the provision at that time for granting a certain allowance to the President of the United States for traveling expenses.

I held the idea that we ought to increase the salaries of the Vice President and Speaker of the House of Representatives, and I am very much in favor of doing so. I am not unwilling to face the public in doing directly a thing of that kind. I do not think the people of the United States are opposed to paying the Vice President of the United States or the Speaker of the House of Representatives or any other prominent official what his services are reasonably worth and what he ought to receive, according to the position which he holds. So, it seems to me that we ought not to evade this proposition, but ought to vote directly upon it and increase the salary. That is the direct way to proceed, and I think we have votes in this body to carry it.

Let it be understood that we believe that these two positions are of sufficient importance to demand a salary of $15,000 a year, or whatever the salary would amount to if increased in accordance with the proposed amendment of the Senator from North Dakota. If it is not desired to increase it that much, the amount may be reduced. Because of the fact that the automobile appropriation would not need to be renewed for several years, perhaps it would not involve as great an annual expenditure as would the amendment proposed by the Senator from North Dakota, but still it would not relieve the situation so much. For instance, take the case of the Speaker of the House of Representatives, while I can not speak with authority, yet I am convinced that the Speaker of the House of Representatives does not care for an automobile of the kind contemplated. I take it, however, that, while he would not ask for an increase of salary, he would recognize the propriety of an increase, for he is not receiving a sufficient amount of money to properly conduct the office which he holds; and so, inasmuch as the point of order does not lie against this amendment, I sincerely trust that it may be adopted.

Mr. KERN. Mr. President, it is very apparent, I think, to everybody who knows anything about the situation at the other end of the Capitol that the proposition to increase the salary would not be agreed to. If Senators on the other side do not want to grant this automobile, if they do not want to treat the Democratic Vice President as the Republican Vice President was treated, and treated ungrudgingly and generously, let them say so, but do not undertake to sidetrack it through an amendment that you know will not be agreed to at the other end of the Capitol.

Mr. TOWNSEND. Will the Senator yield a moment?

Mr. KERN. Certainly.

Mr. TOWNSEND. I said a moment ago that I am perfectly willing to grant to the Democratic Vice President and to the Democratic Speaker what I have granted a Republican Vice President and a Republican Speaker. I am taking no different position, as the Record will show, in this instance from the one I occupied when this question originally arose in Congress.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from Michigan that I do not agree with his statement that the people believe in large salaries. The history of the States demonstrates that the people will turn down nearly every proposition involving large increases in salary. The governor of the Senator's own State for years and years was only entitled under the constitution of the State to receive $1,000 a year, and his compensation has only been increased to $5,000 a year in recent times. Whenever propositions to increase salaries are submitted to the people, the Senator will find that three-fourths of them are turned down by the people, even in cases where it is only proposed to increase a salary above $5,000.

Mr. TOWNSEND. Mr. President, will the Senator yield?

Mr. SHAFROTH. Yes, sir.

Mr. TOWNSEND. Suppose, then, a proposition were submitted to the people of buying an automobile for an official?

Mr. SHAFROTH. I think, as a matter of fact, that they would prefer to provide an automobile as one of the necessary accessories in order that the office might have the dignity which it ought to have. I submit to the Senator that if the amendment of the Senator from North Dakota were adopted it would not be two years before there would be a motion here to give the Vice President an automobile in addition to the increase of salary. That is what will happen.

The system of a republican form of government does not take to big salaries; it never has taken to big salaries. The people have been opposed to them, and almost every increase of salary that has been authorized by Congress has met with the condemnation of the people when they have had an opportunity to express themselves in a concrete way with regard to it. When salaries of Members of Congress were increased from $5,000 to $7,500 in 1873, there is no question that the condemnation of the people followed, although there was perhaps another question involved, and nobody seemed to dare to present a motion or to offer an amendment to increase the salary of a Representative or of a Senator from that day until about six or seven years ago.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from Michigan?

Mr. SHAFROTH. I do.

Mr. TOWNSEND. I recognize the fact that there was a degree of cowardice on the part of a great many Congresses when they knew that the salary ought to be increased, but it finally was increased, and the people did not complain, and I heard no complaint when the salary of the President of the United States was increased.

I desire to say that I have not advocated big salaries; I simply advocate just and proper salaries, and I do not believe the people of the United States are opposed to paying proper salaries. They are opposed to paying big salaries, if by that the Senator means improper and unjust ones, but the proposition of the Senator from North Dakota can be justified.

Mr. SHAFROTH. Salaries of officials of the Government of the United States have been pretty largely increased. You must remember that John Marshall was the Chief Justice of the United States for 30 years at a salary of $3,500 a year. The Vice President and the Speaker of the House for years and years received a salary of only $8,000 a year, and it has only been within the last 10 or 12 years that their salaries have been increased to $12,000 a year. Now, if you add another $5,000, and next year grant an automobile, perhaps a mansion, and things of that kind, you will find that these offices will require twice the amount of money from the Public Treasury that they require now.

It seems to me, Mr. President, that when something is necessary to an office and goes with an office, it should be provided. The automobile appropriation which is contained in this bill is a proper appropriation, but the proposition to increase the salary of these offices is not good.

at $2,220; 1 assistant clerk, at $1,600; an assistant clerk, at $1,440; and a messenger, at $1,440. That makes 5. Under any resolution will there be any money that will be expended out of the contingent fund?

Mr. SIMMONS. Absolutely none.

Mr. SHAFROTH. None whatever?

Mr. SIMMONS. None.

Mr. SHAFROTH. That is, when these experts are added there will be nothing for the Committee on Contingent Expenses to allow for your committee.

Mr. SIMMONS. Absolutely nothing.

Mr. SHAFROTH. Very well.

Mr. SIMMONS. Unless we have another tariff bill coming up.

Mr. MARTIN of Virginia. Mr. President, the regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The question now is on the amendment offered on page 12. Without objection, it is agreed to.

Mr. LANE. Let it be reported, please.

The PRESIDING OFFICER. The amendment will be again read.

The SECRETARY. On page 12, after line 6, insert:

All Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

The amendment was agreed to.

Mr. McCUMBER. Before we proceed further I wish to reserve the right to offer, as soon as I can have it drawn, an amendment, following line 6, on page 12, which will provide for an extra month's salary for each of the employees of the Senate.

The PRESIDING OFFICER. The Chair takes it that that would properly come up after the committee amendments have been disposed of.

Mr. MARTIN of Virginia. Yes; after the committee amendments are completed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. MARTIN of Virginia. For fear that I may omit it, I will take occasion now to ask unanimous consent that the clerks shall be directed to change the totals so as to conform to all changes that the Senate is making.

The PRESIDING OFFICER. Without objection, it is so ordered. The next amendment of the committee will be stated.

The next amendment was, on page 12, line 12, after "$6,500," to strike out "horse and wagon for his use, $420, or so much thereof as may be necessary"; in line 16, after the word "each," to strike out "37" and insert "32"; in line 17, after the word "each," to insert "1 at $1,000"; in line 23, after the word "each," to strike out "1 at $900"; on page 13, line 4, after "$840," to insert "3 at $800 each"; in the same line, after the word "each," to strike out "27" and insert "32"; and in line 7, after the words "in all," to strike out "$133,220" and insert "$131,700," so as to make the clause read:

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; Assistant Sergeant at Arms, $2,500; Assistant Doorkeeper, $3,000; Acting Assistant Doorkeeper, $3,000; messengers—4 (acting as assistant doorkeepers) at $1,800 each, 32 at $1,440 each, 1 at $1,000, 2 on the floor of the Senate at $2,000 each, 1 at card door $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; skilled laborers—4 at $1,000 each; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; telephone operators—chief at $1,200, 2 at $900 each, night operator, $720; telephone page, $720; press gallery—superintendent, $1,800, assistant superintendent, $1,400; laborers—1 $840, 3 at $880 each, 32 at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,600; in all, $131,700.

The amendment was agreed to.

The next amendment was, on page 13, after line 7, to strike out:

For the following for service of the Senate Chamber (heretofore paid from appropriation "Miscellaneous items on account of the Maltby Building"), namely: Messengers—4 at $1,440 each, 1 $1,000; laborers—3 at $800, 3 at $720 each; in all, $12,760.

The amendment was agreed to.

The next amendment was, on page 13, line 15, after "$1,200," to strike out "attendants in bathing rooms 1 in charge $1,800, 2 at $720 each; janitor, $720," and in line 20, after the words "in all," strike out "$10,620" and insert "$6,660," so as to make the clause read:

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 3 attendants to women's toilet rooms, at $720 each; messengers—2 acting as mail carriers, at $1,200 each, 1 for service to the press correspondents $900; in all, $6,660.

The amendment was agreed to.

The next amendment was on page 14, after line 16, to strike out:

Clerks to Senators: For 30 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $60,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 19, to strike out:

Stenographers to Senators: For 23 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 minority committees, at $1,200 each, $31,200.

The amendment was agreed to.

The next amendment was on page 14, after line 23, to insert:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-five clerks, at $2,000 each; 25 assistant clerks, at $1,200 each; and 25 messengers, at $1,200 each; in all, $110,000.

Mr. MARTIN of Virginia. I move to amend the committee amendment on page 14, line 25, by striking out "twenty-five" and inserting "twenty-four"; on page 15, line 2, before the words "assistant clerks," strike out "twenty-five" and insert "twenty-four," and in the same line, after the word "and," strike out "twenty-five" and insert "twenty-four," so as to read:

For assistance to Senators who are not chairmen of committees, as follows: Twenty-four clerks, at $2,000 each; 24 assistant clerks, at $1,200 each; and 24 messengers, at $1,200 each—

And so forth.

Mr. SMOOT. Mr. President——

Mr. MARTIN of Virginia. I will explain the amendment to the amendment. The provision made for the Committee on Cuban Relations made it proper to reduce the number here, as we added it there.

Mr. SMOOT. That is true, but I thought we were going to have a leeway of one or two.

Mr. MARTIN of Virginia. We have. We had it before. We still have it. The 25 being changed to 24 leaves exactly the same leeway which we had before.

Mr. SMOOT. The same leeway we had before?

Mr. MARTIN of Virginia. Exactly the same.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, after line 5, to strike out:

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant at Arms, $150; in all, $350.

And to insert in lieu thereof:

For postage stamps for the office of the Secretary, $100; for the office of the Sergeant at Arms, $100; in all, $200.

Mr. MARTIN of Virginia. I am informed by the financial clerk of the Senate that the allowance for postage in his office is inadequate; that in the absence of Senators there is a great deal of correspondence, sending checks, and correspondence of one sort and another. He will not expend the additional amount unless it is necessary. I move that "$100," on line 9, be increased to "$200."

The SECRETARY. On page 15, line 9, strike out "$100" and insert "$200."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 15, after line 10, to insert:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, $9,000; one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. KENYON. I think there are some Senators who desire to be present when this amendment is considered, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Lane	Ransdell	Smoot
Brady	McCumber	Robinson	Stephenson
Burton	Martin, Va.	Saulsbury	Sterling
Clarke, Ark.	Myers	Shafroth	Sutherland
Crawford	Nelson	Sheppard	Swanson
Cummins	Norris	Sherman	Thomas
Hollis	Overman	Shively	Thornton
Hughes	Owen	Simmons	Tillman
Jones	Page	Smith, Ariz.	Townsend
Kenyon	Pittman	Smith, Ga.	Warren
Kern	Pomerene	Smith, Md.	White

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN]. He is paired with the Senator from Pennsylvania [Mr. OLIVER]. I should like this announcement to stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH] and also of the senior Senator from New Hampshire [Mr. GALLINGER]. I will allow this announcement to stand for the day.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. CHILTON and Mr. JAMES answered to their names when called.

Mr. MARTINE of New Jersey and Mr. WILLIAMS entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators having answered to their names, a quorum of the Senate is present. The pending amendment will be read.

The SECRETARY. On page 15, after line 10, insert:

For the purchase of two automobiles, including the driving, maintenance, and care of same, one for the use of the Vice President and one for the use of the Speaker of the House of Representatives, $9,000; one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

Mr. McCUMBER. Mr. President, I simply want to give my reason for one vote against the amendment. I am perfectly willing to vote the Vice President $4,000 or $4,500 extra salary if it is necessary and if it can be shown in any way that it is necessary. I do not know but, considering the position that he occupies, he ought to have a greater salary than he is now being paid, and I shall most cheerfully agree to vote a proper salary, but I am unalterably opposed to any system whereby the Government begins to pay the family expenses of any officer, whether it be the Vice President or any other. It is a part of the old system of monarchy that we got rid of a great many years ago. I do not want to see it introduced again, but I do wish to see a salary paid to the high officers of the Government that will enable them to have their horses and carriages or automobiles and drivers, and I would suggest——

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Ohio?

Mr. McCUMBER. Certainly.

Mr. POMERENE. In view of the statement of the Senator with respect to automobiles, would he advise selling the White House?

Mr. McCUMBER. No, Mr. President; I would not advise selling the White House; I would not advise selling any building that we may have for our diplomats; but I would advise against paying the cook for the White House or paying any particular expenses connected with the White House. However, I am perfectly willing to pay a sufficient salary to enable the President to live as a President ought to live, and leave the matter of family expenses to be defrayed by him in accordance with the way he would desire to live. That is the only proper method. I think we all understand the reasons why it should be so. There is no use in making any argument about it, but I confess I do not believe any good reason can be given for picking out one item of the expenses of a family any more than to pay their board or any other particular item. We ought to give them a sufficient compensation, so that they can live as they ought to live in the city of Washington.

Mr. SAULSBURY. Mr. President, I want to say to the Senator from North Dakota that I have very earnestly, as far as I could, advocated and tried to accomplish a raise in the salary of the Vice President. I think the Vice President's salary ought to be at least $25,000. It is a high, dignified position, and the idea that he should be paid a mere pittance, such as is paid now, practically, to men on the reserve bank board, I think, is absolutely absurd, when you consider the dignity of the position and the necessities he has to uphold the dignity of the position.

I feel, however, that it is absolutely impossible, in the present temper of the Members of the Senate, as I have talked with them, to obtain that salary for the Vice President of the United States. I am therefore in favor of helping along toward the maintenance of his dignity and the necessities under which he lives in this city.

I shall certainly vote for this provision for an automobile. I would vote gladly to pay the rent of a house in this city, suitable to the dignity of the Vice President of this country, where he is engaged in the performance of his duty.

I sincerely hope that this small increase toward the payment of his necessary expenses will not be denied, as it appears to be the only thing at this time that we can get.

Mr. McCUMBER. Mr. President, I agree with the Senator from Delaware that the salary of the Vice President ought to be $25,000 a year, and I would gladly vote to afford him that extra salary. The duties incumbent upon him are such that he is compelled to keep up an establishment that requires certainly $25,000 to do it. He is in demand over the country to make addresses here and there, and I regard it as his duty to accept such invitations wherever it is possible for him to do so and get in full touch with the American people.

I can not understand why any Senator will say, "I am willing to vote the Vice President $4,500 extra for an automobile, and yet I am unwilling to vote him that much more salary and let him use it as he sees fit in the proper way that he sees fit." I can not imagine that there is any Member of the House or of the Senate who is so shortsighted that he would be willing to vote a particular item of expense and enumerate it, but on the other hand would not be willing to vote the same amount as an addition to his salary.

I sincerely hope that those on the other side who have the power will modify the bill, so as to put everything in the form of a salary, and let us avoid this very bad precedent of paying the family expenses of the officials of the Government.

Mr. OVERMAN. This is not a precedent. This item was put in an appropriation bill about six years ago giving the Vice President an automobile. The present Vice President has that automobile, and it is worn out; it has cost more to maintain it perhaps in the last two years than a new automobile would cost. If you would count the expense incurred for its upkeep, you would find that it would amount to enough to purchase a new automobile. This worn-out automobile is the property of the Government; it is continually breaking down. If we could afford to give the last Vice President an automobile, it seems to me we can afford to give the present occupant of that office an automobile.

Mr. KERN. Mr. President, the office of Vice President of the United States is the second office in dignity and in importance in this Government. Congress gives very ungrudgingly to the office of President a very large sum of money each year for the maintenance of that office, in order that the President may live decently and in a manner befitting the Chief Magistrate of a great Nation. Most Vice Presidents in recent years have been men of wealth, some of them of large wealth. The last distinguished Vice President from New York, Mr. Sherman, was a man of moderate circumstances, well to do. Members on this side of the Chamber cheerfully voted for an appropriation to provide an automobile for Vice President Sherman. That automobile has worn out. The present Vice President is a poor man; he has no independent means; and it seems to me to be very small economy to refuse now to permit him to have an automobile, as his predecessor had, and which was voted to him by the votes of Members on this side of the Chamber.

Mr. McCUMBER. If the Senator will yield, I hope he does not think that I would deprive the Vice President of what he ought to have—an automobile and a chauffeur.

Mr. KERN. I do not believe the Senator would desire to deprive him of that.

Mr. McCUMBER. But the point I am trying to make is that instead of taking up a particular item of expenditure we should take the same amount, which is $4,500, and vote it directly as an addition to the Vice President's salary. He can then use it to purchase an automobile or use it in any other way that he thinks it is for his best interest to use it.

Mr. KERN. That proposition does not meet the situation at all. As stated by the Senator from Delaware [Mr. SAULSBURY], it would be impossible at this time, as I think would be recognized by the Senator from North Dakota, to provide an addition to the salary of the Vice President.

The Senator speaks of this being a precedent. It is not a precedent at all. The vice presidential office had voted to it an automobile; it was in the possession, control, and use of the former Vice President, and it has been in the use of the present Vice President until now it can no longer be used. The question is, whether this automobile shall be replaced. If this were a precedent, it would be a different question; but, I repeat, it is not a precedent we are establishing at all. It is simply to give to the Vice President what he has already had and what his immediate predecessor has had.

Mr. McCUMBER. The voting of expenses in a particular line to different officers is a precedent. I will not say it begins here, but the time has been of very short duration since we began that system, and I should like to get out of that system as soon as we can, and pay our officers such a salary as they ought to receive. I want in good faith to ask the Senator from Indiana why anyone should oppose raising the salary of the Vice President by $5,000 who would vote to pay him $5,000 extra to be used in some particular manner?

Mr. KERN. For the same reason that Senators will refuse to raise the salaries of Members of this body, though a large number of us have no independent means; we have no independent source of income aside from our salaries, and are struggling along to make both ends meet here on the salary

Mr. SMOOT. In that connection, I wish to say to the Senator that I am in full accord with the former practice of having an expert for the majority and an expert for the minority of the committee, but I do not believe it ought to go further than that.

Mr. SIMMONS. That is as far as it goes.

Mr. SMOOT. I say, it has gone further, but I do not think it ought to go further.

Mr. SIMMONS. It has; but we have abolished that.

Mr. SMOOT. I think it ought to be abolished. If the Senator's amendment is not agreed to, however, and the amendment of the committee is agreed to, all that it would be necessary for the Senator to do would be, on the 30th of June, to have a resolution passed, as we always have done in the past, providing for those two positions.

Mr. SIMMONS. Of course, I understand that; but I wish to avoid the necessity of having to secure the passage of such a resolution.

Mr. SMOOT. I was going to say to the Senator that if his amendment does accomplish what he desires to accomplish by it, then it is going to affect also a great number of others who are on the rolls to-day by virtue of special resolutions of the Senate, and that we do not want to do.

Mr. SIMMONS. No; I think the Senator is mistaken.

Mr. MARTIN of Virginia. Mr. President——

Mr. SMOOT. I will give way to the Senator from Virginia in just a minute. I will say to the Senator that all of the employees of committees are provided for now by being specifically named in the amendment that has just been adopted by the Senate. That being the case, we wanted to repeal all the resolutions that have been passed prior to July 1, because every messenger, clerk, and assistant clerk is provided for that we think ought to be provided for in the amendment that has already been adopted. I will say frankly, however, that the two positions of which the Senator speaks are not provided for; and they are the only two, I understand, that the Senator wants to reach.

Mr. SIMMONS. This amendment repeals all resolutions authorizing them.

Mr. SMOOT. Yes.

Mr. SIMMONS. I want to confine that repeal to the provisions of this particular section.

Mr. SMOOT. I will say to the Senator that if his amendment is put in here it will not repeal the many resolutions that have been passed by the Senate; and I believe that now would be a very good time to have everything cleared up, so that we will know just exactly where we are up to date, anyhow. That was the object of this amendment. I will say to the Senator that I believe the Senate would gladly pass on the 30th day of June a resolution providing for the two positions of which he speaks; but this amendment not only provides for those two, but it also prevents the repeal of the resolutions of last year.

Mr. MARTIN of Virginia. Mr. President, as we all know, a custom has grown up here of making appointments of persons to be paid for out of the contingent fund of the Senate. The committee found 30 of those appointees, and our object was to take in all of them. We felt that where employees were needed permanently they ought to be provided for by law and not by Senate resolution; that they ought to be paid out of the Treasury and not out of the contingent fund of the Senate.

I have before me a list of 30 employees that we took from the list of persons that were being paid out of the contingent fund of the Senate, and we have provided for them in this bill by appropriation. Having done that, we do not wish to have those same names stay on the pay roll, to be paid out of the contingent fund of the Senate, and our object was to prevent that duplication.

Mr. WARREN. If my colleague on the committee will permit me, was it not the object to get a perfect clean-up, and then, if extra men for extra seasons or for extra purposes were wanted, of course, it can be reached by resolution?

Mr. MARTIN of Virginia. That was the purpose of the committee. I will say for myself, and I think I can say for the committee, that none of us knew anything about, or certainly did not have in mind, the fact, if we ever heard of it—and I do not think I ever have, though I can readily see now how the practice arose—that the Finance Committee had some experts employed. Our object was, as the Senator from Wyoming says, to clean up this matter and put on the permanent roll all the employees that were needed and have them paid by law and not by Senate resolution.

Mr. WARREN. It ought to be freshened up by passing new resolutions.

Mr. MARTIN of Virginia. It has now come to our knowledge, however, that in using general language, repealing all of these Senate resolutions, there are some few that we did not provide for in this bill that no doubt ought to be continued in the service of the committees. With a view of protecting such cases as that, I asked the clerk of the Committee on Appropriations to prepare an amendment, which is the amendment that has been offered by the Senator from North Carolina, and which limits the repeal to the cases where the employees have been put by this bill on the permanent roll, and does not repeal the resolutions where the persons paid by Senate resolutions out of the contingent fund have not been provided for by the pending bill.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN of Virginia. I do.

Mr. SMOOT. That is absolutely true if they are specifically provided for in the amendment that has just been adopted; but I call the Senator's attention to the fact that not only are there the two cases the Senator has undertaken to reach by his amendment, and which he has explained to the Senate, but, if the Senator will remember, there are a number of resolutions that have been passed here for temporary help.

Mr. MARTIN of Virginia. Mr. President, I will say to the Senator that if that is so this amendment protects them. This amendment repeals those resolutions only where the employees have been put in this bill and appropriated for.

Mr. SMOOT. That is true, but we wanted to go further than that. We wanted, as I understood—and being a member of the committee I thought the Senator understood it the same way I did—to go further than that. We wanted to adopt an amendment to the bill repealing all of the resolutions in regard to every employee that is not specifically provided for in the bill, just as the Senator from Wyoming [Mr. WARREN] stated. If there were only the two that the Senator from North Carolina has mentioned, then the amendment would be perfectly right; but I wish to say to the Senator that we have passed resolutions here for temporary employees whose employment does not cease at the end of the fiscal year, and if these words are put in this amendment now it will not repeal those particular resolutions.

Mr. MARTIN of Virginia. It will not.

Mr. SMOOT. I think they ought to be repealed.

Mr. MARTIN of Virginia. That is a question for the Senate to determine. I was simply explaining the attitude of the committee.

Mr. SIMMONS. Mr. President, does the Senator from Utah know of any case except that of the Finance Committee, and possibly the Committee on Interoceanic Canals? They were authorized to employ some extra service in connection with the bill just passed on yesterday. I think they are probably the only cases that are not included in the enumeration in the amendment of the committee.

Mr. MARTIN of Virginia. Mr. President, as I stated at the outset, as the committee had adopted this amendment I did not feel at liberty, for and in behalf of and in the name of the committee, to consent to the proposed change; but really, when it is stated that these assistants are necessary, it seems to me not of any great consequence whether they are paid for by law or out of the contingent fund. We certainly diminished this evil very much when we provided for 30 of these employees.

Mr. SMOOT. The Senator does not understand that I am objecting at all to taking care of those two men?

Mr. MARTIN of Virginia. No; I understand the Senator very well.

Mr. SIMMONS. I think the Senator will find that every clerk or employee who has been provided for by special resolution is taken care of in the preceding section, except the two cases I have cited. At least, that has been my understanding from conversations I have had with the officials of the Senate, who pay these clerks.

Mr. SHAFROTH. Mr. President, as a member of the Committee to Audit and Control the Contingent Expenses of the Senate, I will state that we have had up for consideration before the committee several times the matter of help that was desired by the chairman of the Committee on Finance, as well as the ranking minority member of the Committee on Finance. The temporary employment, as I understand, which was authorized by the resolution and was payable out of the contingent fund of the Senate, consisted of three employees. They remained on the roll for a considerable length of time, until the committee felt that it ought not to——

Mr. SIMMONS. Three on the part of the majority and three on the part of the minority.

Mr. SHAFROTH. Yes, sir; three on the part of the majority and three on the part of the minority. We had the matter up

several months and we refused to audit for two of those persons for a while, and at last we would yield, until we came to the conclusion that we would audit for one for each—one additional employee over the regular help of the chairman and one to the ranking minority member.

We want to get rid of this very thing of paying salaries out of the contingent fund of the Senate, because we do not think it is the best way to do it. It ought to be provided by law.

I do not know what force the Senator has in his committee. He has a good-sized force. How many clerks, messengers, and so forth, are regularly provided in the Finance Committee?

Mr. SIMMONS. I have two assistant clerks.

Mr. SHAFROTH. Two assistant clerks? I thought the force was considerably larger than that.

Mr. SIMMONS. That is, in addition to the chief clerk.

Mr. SHAFROTH. The Senator has three altogether, then?

Mr. SIMMONS. Yes; and I have a messenger.

Mr. SHAFROTH. And a messenger; a total of four. I am perfectly willing to insert in this bill, if necessary, a specific provision for the one man that the Senator wants. Of course that would be perfectly satisfactory. How many are provided in this bill for the Finance Committee?

Mr. SIMMONS. Mr. President, I wish to call the Senator's attention to the fact that the minority have always been accorded the same number that the majority have, as far as that is concerned; and I would not want to claim for myself a right that I would not concede to the minority, in view of the practice in this matter from time immemorial.

Mr. SHAFROTH. Mr. President, here is a general provision that is sweeping in its effects, and which may affect a good many committees. We can not tell. Perhaps you can not point them out now; but it is not wise, it seems to me, to legislate in a general manner when you are attempting to get a specific thing. If the Senator wants this one expert, I am perfectly willing to vote for it; but it seems to me it ought to be done by a direct insertion in the bill, together with the salary which should be attached to the position.

Mr. SIMMONS. Mr. President, I think I can assure the Senator, from conversations I have had with an official of the Senate who has charge of the payment of these salaries, that nobody would be affected by the amendment I propose except the two assistants allowed the Finance Committee, one for the majority and one for the minority.

Mr. SHAFROTH. Why not make it specific, then, so that we can not have any difficulty about it?

Mr. SIMMONS. I shall not object if that is done, and two experts are provided for—one for the majority and one for the minority. I shall have no sort of objection to that.

Mr. SHAFROTH. What salaries have they been drawing?

Mr. SIMMONS. I think $2,000 each. That is my recollection.

Mr. SHAFROTH. My objection to this amendment, more particularly, is to avoid the difficulties we have had in the Committee to Audit and Control the Contingent Expenses of the Senate. It mixes up matters considerably. We do not know where we are in the way of salaries. We do not know what resolutions may be affected by this very provision. If the Senator will insert "two experts" or "one expert for the chairman, at a salary not exceeding $2,000," and the same for the minority, or for the exact amount of $2,000, if that is the salary—I want it exactly the same——

Mr. SIMMONS. I think that is the salary.

Mr. SHAFROTH. That would be perfectly satisfactory; but it seems to me it is unwise to put in a general clause here that may affect 30 committees, and that we would wake up and find that there were several cases covered by it that we did not intend to have covered.

Mr. MARTIN of Virginia. Mr. President, in order to save time I understand the Senator from North Carolina withdraws the amendment and will prepare an amendment providing for two experts, one for the majority and one for the minority.

Mr. SIMMONS. I ask the Senator if we can not agree to that right now as an amendment on page 9, line 19.

Mr. MARTIN of Virginia. Simply for the reason that unanimous consent has been given to dispose of the committee amendments first, and we have not finished with them. If the Senator will wait I am sure there will be no objection—I certainly have none—to his proviso for two experts.

Mr. SIMMONS. Very well.

Mr. KERN. In this connection I desire to inquire only for information as to if, when there are no tariff bills or other important measures pending before the Committee on Finance, it is necessary that they should keep in their employment these two experts? What purpose is to be served? What kind of work is to be done?

Mr. SIMMONS. I explained, probably before the Senator came into the Chamber, that ever since I have been here the Finance Committee has been allowed these experts, one for the majority and one for the minority, and then when a tariff bill has been up the committee has been allowed additional force. While we were considering the tariff bill the majority had three extra men and the minority had three extra men. In addition to that, I suppose we had in the employ of the committee at least 10 or 12 other persons and they were at work from morning until night and very frequently far into the night. After we finished the tariff bill in a short time I discharged all of my three men except one. Finally the Committee to Audit and Control the Contingent Expenses of the Senate decided that they would permit the majority to have one extra man and the minority to have one extra man.

Now, as to the need of this man, I stated before the Senator came in that ever since the passage of the tariff law—and I suppose that has been the experience all along—there are numerous inquiries of the chairman of the committee with reference to provisions of the tariff, its meaning and effect, the construction, and all those things, and a great deal of work has to be done in order to get up the necessary data to answer those inquiries. No one can do it except a man who has some knowledge of the tariff. I have found that the gentleman who has been on the roll as an expert for the majority has been about the hardest-worked man in my office. If I did not have him, I would have to do that work myself. It is no invasion of the ordinary custom. I do not think there is a Senator here who can name a time when the Finance Committee, whether a tariff bill was up or not, has not been allowed one extra man to help in the performance of this work. The Senator from Utah [Mr. SMOOT] has long been upon that committee, and I will ask him if my statement is not absolutely correct?

Mr. SMOOT. I will say in answer to the Senator that his statement is correct. I will also add to what the Senator has stated, and in answer to the Senator from Indiana, that when tariff bills were not before Congress in the past we have always kept the experts for this particular work. As the importations and exportations take place and the decisions of the customs court are given and also at the port of entry are made, he keeps track of all those. He is virtually a library for the committee, and when any question may be asked the committee from any part of the United States he is supposed to have the answer at hand. When a Senator asks a question upon the importation of goods or any other question affecting the tariff he is supposed to have the information at his fingers' ends. We keep those men for that purpose. They are just as busy, or should be just as busy nearly, when a tariff bill is not before Congress as when it is.

Mr. SIMMONS. Mr. President——

Mr. MARTIN of Virginia. If the Senator will yield, in order to save time, no one is disputing this, and if he will just give Senators an opportunity to vote on it, I think it will be disposed of.

Mr. KERN and Mr. LANE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from North Carolina yield?

Mr. MARTIN of Virginia. If the Senator from North Carolina will yield to me, I offer this amendment.

The PRESIDING OFFICER. The Senator from Virginia offers an amendment, which will be stated.

The SECRETARY. On page 9, line 19, after the numerals "$1,440," insert:

> Two experts, one for the majority and one for the minority, at $2,000 each.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator from North Carolina a question.

The PRESIDING OFFICER. One moment. The Secretary advises the Chair that the amendment of the committee has already been agreed to.

Mr. MARTIN of Virginia. I ask that it be reconsidered.

The PRESIDING OFFICER. Is there objection to a reconsideration of the amendment of the committee? The Chair hears none, and it is reconsidered.

Mr. MARTIN of Virginia. I now offer the amendment to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Virginia, which has just been read, to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. SHAFROTH. Mr. President, I wish to ask the Senator from North Carolina, so that the Committee on Contingent Expenses of the Senate will understand exactly where they are with relation to this matter. The bill provides that there shall be 1 clerk to the Finance Committee, at $3,000; 1 assistant clerk,

Mr. KENYON. I yield.

Mr. JONES. I want to say to the Senator from North Carolina that I am endeavoring to prepare a plan of reorganization so far as the employees of committees of the Senate are concerned, and I want to ask the Senator if he will help me when we get a chance to vote on that proposition?

Mr. OVERMAN. The Senator from Washington appeared before the committee, and we all agreed that something ought to be done. As I have said, however, the practice has grown up here through a number of years, and it is time that conditions should be changed. Probably we ought to have a committee appointed to bring about a reorganization; and if the duty is assigned to the Committee on Rules, they will undertake it.

Mr. JONES. I am endeavoring to prepare a proposition which I should like to submit either to the Committee on Rules or to a special committee; and what I want to ask the Senator is, if he will not help me?

Mr. OVERMAN. I will be glad to help the Senator in adopting any plan that will bring about an equalization.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. KENYON. I yield to the Senator.

Mr. WARREN. Mr. President, I think there should be some explanation in regard to the minority committee referred to by the Senator from Iowa which has a messenger who is paid at the rate of $1,440 per year. The Senator from Utah [Mr. SUTHERLAND], who is chairman of that committee, has either forgotten or else he is too modest to state the fact that that committee was up to within a recent time a majority committee and not a minority committee; and, like many of the other old majority committees, its messenger was paid $1,440. I happen to be serving on the Committee on Committees, and so I am in a position to know something about the matter. After the committees had been tentatively made up—the Senator from Indiana [Mr. KERN] having charge of the Committee on Committees on the majority side—the Senator from Utah was assigned to the chairmanship of a committee different from that of which he is now the chairman. It was, I believe, Woman Suffrage. As I recall now, there came to us a direction or, perhaps it would be better to say, a request that we make changes in certain committees. The majority side wanted to take over the Committee on Woman Suffrage, of which the distinguished Senator from Colorado [Mr. THOMAS] is now chairman, from the minority and make it a majority committee, and in place of that and one other committee they gave us the Committee on Expenditures in the Interior Department and the Committee on Expenditures in the Department of Justice. The appropriation bill carrying the salaries of the employees of those committees had passed and was a law, and so the Senator from Utah, without knowing it himself, because I think I was the one who, later on, told him of it, fell heir to a committee to which was attached a messenger drawing $1,440 per annum.

As everyone knows, the distinguished Senator from Utah has been here a good while. He is a member of very important committees, and although the committee of which he is chairman may be a very small one and may have but little work, yet in other and larger committees of which he is a member he has hard work to do and has greater necessity of more and a better class of service than perhaps a Senator who has just come to the Senate and has not yet received the benefits that later follow in being assigned to the more important committees.

Mr. KENYON. Mr. President——

Mr. WARREN. Just a moment, please, and then I will be through. For that reason the committee did not cut down the salary of the messenger attached to the committee of which the Senator from Utah is chairman. I say this in justice to the Senator from Utah.

Mr. KENYON. Mr. President, to my mind there is nothing too good for the Senator from Utah [Mr. SUTHERLAND]. I am not raising any objection at all that the messenger to his committee is paid $1,440; it did not occur to me to object to that.

Mr. WARREN. I thought I should explain that it happened in that way in the exchange. The Senator can see how it came about.

Now, one word more. I have always, so long as I have served on the Committee on Appropriations, been a member of the subcommittee on this bill. I was always in favor of paying liberal salaries to employees of committees when we were in the majority, and when the minority asked for increases in the salaries of their employees I was always willing, if the minority were nearly a unit in the demand, to try to meet their demands. I recall now that two distinguished Senators, whom I see on the other side, approached me when I was chairman of the committee with requests to increase certain salaries of employees attached to their committees, but I think the distinguished Senator [Mr. CLARKE of Arkansas] who now occupies the chair was about to make a point of order if the change had been made at that time, and so the Senators did not follow it up, and it fell by the wayside.

I feel that we ought not when in the minority to ask any more of the majority than the minority asked and received of us when we were in the majority; in other words, "Turn about is fair play." There is something, to my mind, not in the committees alone, but, taken in connection with the personnel of the Senate, which must lead to some distinction between a Senator who is serving on various committees and who has a great deal of work to do and a new Senator who serves on committees, of course of distinction, but involving less labor.

Mr. KENYON. Mr. President, the Senator has sounded the exact keynote and has very frankly, I think, stated the reasons for the differences in this bill. It is the difference between Senators. Some are more distinguished and some have more committees and should have more help. It is right along that line.

Mr. WARREN. Mr. President, the Senator must not impute to me the idea that one Senator is more distinguished than another, but some have more work to do than have others.

Mr. KENYON. I am responsible for the statement that they are more distinguished. I want to call attention in that connection to the fact that under this bill the employees in the Committee on Expenditures in the Department of Commerce and Labor are paid as follows:

Clerk $2,200, assistant clerk $1,440, messenger $1,200.

The chairman of that committee is the Senator from Kansas [Mr. THOMPSON], of the majority. The next item of the bill reads:

Expenditures in the Interior Department—clerk $2,220, assistant clerk $1,800, messenger $1,200.

The chairman of that committee is the distinguished Senator from Utah [Mr. SMOOT]. Now, why should the assistant clerk of the distinguished Senator from Utah receive $1,800, the Senator from Utah being the chairman of a minority committee, while the assistant clerk of the committee of which the Senator from Kansas, a member of the majority, is chairman receives but $1,440? It seems to me that what the Senator from Wyoming has said is true, and, of course, if that is the way the clerks and messengers of committees are to be paid, it is well to know it.

Mr. MARTIN of Virginia. Mr. President, I will detain the Senate but a moment. I simply want to say to the Senator from Iowa particularly, and to all other Senators, that of the Senators who employ messengers at $1,200 a year—and there are between 25 and 30 of them, and some of the majority Senators have attached to their committees messengers who receive only $1,200 a year—not one of those Senators has appeared before the committee and said that he had a messenger in his employ receiving too little compensation. Not a single instance can be cited where the Senator employing a messenger has appeared before the committee and stated that his messenger was receiving too small compensation.

Mr. KENYON. May I ask the Senator from Virginia a question?

Mr. MARTIN of Virginia. Certainly.

Mr. KENYON. Why was the salary of the assistant clerk of the Committee on Expenditures in the Department of the Interior raised from $1,440 to $1,800?

Mr. MARTIN of Virginia. Who is chairman of that committee?

Mr. KENYON. The Senator from Utah [Mr. SMOOT].

Mr. MARTIN of Virginia. The Senator from Utah gave what the committee considered good reasons for that increase in the salary of the assistant clerk of his committee; and if the Senator from Iowa has a clerk or a messenger attached to his committee who he thinks is inadequately paid it does seem to me it is due, in fairness to the committee and in fairness to the Senate, that he should take it up in the orderly and systematic method of legislation and should appear before the committee preparing the appropriation bill and explain why his clerk or his assistant clerk or his messenger is not receiving the amount to which he is entitled.

Mr. KENYON. That is not at all my object in calling attention to that matter. The employees allotted to me are paid sufficient. I am not raising any objection to that. My messenger is paid $1,200 a year, and I use him as a stenographer; and that is sufficient compensation. I am simply objecting that one employee is paid differently from another employee who is doing the same kind of work.

Mr. MARTIN of Virginia. Mr. President, they do not all render exactly the same service; and Senators who think their messengers or their assistant clerks or their clerks are entitled to more money than they are receiving, in justice to themselves and in justice to their employees and in justice to the committee, ought to appear before the committee and state the facts, and the committee will give careful consideration to them.

The committee, I think, has been very liberal in the matter of paying the employees of Senators. It must be borne in mind—as the matter was referred to just now I reluctantly refer to it myself—that each of the minority Senators now has a third man to assist him in his work. When the Democrats were in the minority they had only two men. The Democrats have been more generous, or at least they have allowed a larger number of employees and better salaries than were allowed to them by the Republicans when the Republicans were in the majority.

I do not wish to claim any credit for this generosity. The work of Senators has increased, and we have met it. I do not think politics enters into it. We have endeavored to deal fairly by every Senator. No Senator has appeared at any time before the Committee on Appropriations and complained without his complaint having careful consideration, and redress when the committee could see its way clear to give him the redress. Not a single messenger nor a single Senator employing messengers has appeared before the committee to ask that these salaries be increased. They were fixed within the last 12 months, when these additional employees were given to the minority Senators, about 25 of them.

The minority asked for these employees. The majority thought the request was right and reasonable, and it provided for them and provided salaries that were satisfactory. No complaint has since been made of these salaries, until we hear it to-day on the floor of the Senate. I do not think that is a reasonable or fair or safe way to legislate. If these things are not right, the objections should be made to the committee, and the committee should have an opportunity to investigate thoroughly. I am sure the committee is open-minded in the matter and is ready to do what is just and right for all of these employees.

Mr. McCUMBER. Mr. President, I had supposed that one of the functions of the Senate as a body was the right to offer amendments, even though those amendments had not been offered before a committee. I think the Senator will agree with me that the Senate as a body now sitting here is better able to determine what ought to be done in justice in the matter of these clerks than anyone could do in appearing before the committee.

I have believed at all times that the salaries of these messengers should be above $1,200. When we were in the majority on this side I was just as earnest and ardent in my desire, and I think every year I made the motion to raise those salaries in every instance to the $1,440 figure. That always has been my view, and I still think it ought to be done. It is not a question of going before the committee beforehand, because every Senator knows about what service he is employing in his own committee. While the Senator from Iowa [Mr. KENYON] thinks the amount of $1,200 is a sufficient amount for the assistant he has, I am perfectly frank to say that the messenger I have is worth more than $1,200 a year, and ought to be paid $1,440; but I would not go before a committee and ask that one should be put on a different plane from the others. If they were all $1,200, I would say that they would have to be satisfied with that, although I should insist they were all worth more than $1,200. What I do claim is simply that there ought to be no difference in the salaries paid to messengers, and that all should be put on the $1,440 basis, according to my view.

Mr. MARTIN of Virginia. Mr. President, with the permission of the Senator, I simply desire to correct a statement I made just now. I said there were about 25 messengers. I had reference to the minority appointments. There are about 45 messengers in all, instead of 25, employed by the committees of the Senate, who are receiving only $1,200 each.

Mr. SHAFROTH. Mr. President, I want to say to the Senator from North Dakota that the minute you raise these salaries universally to $1,440 the assistant clerks will want $1,800, and they will be in here insisting upon it, because they will show you and show each one of us that their work is more important, that they are called upon to do work on more important occasions, and that it is a higher class of work than the messenger performs, even where the messenger is a stenographer and does relieve the assistant clerk of the committee.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from North Dakota [Mr. McCUMBER] to strike out "$1,200" where it appears in connection with the salaries of the messengers named in the amendment proposed by the committee and to insert in lieu thereof "$1,440."

The amendment to the amendment was rejected.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 12, after line 6, to insert:

All Senate resolutions passed prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate are hereby repealed.

Mr. SIMMONS. Mr. President, I move to amend the amendment of the committee by inserting, on page 12, line 10, after the word "Senate," the words "whose services are specifically provided for herein."

The PRESIDENT pro tempore. The Senator will send the amendment to the desk and let the Secretary state it.

The SECRETARY. On page 12, line 10, in the committee amendment, after the word "Senate," the Senator from North Carolina proposes to insert the words "whose services are specifically provided for herein."

Mr. SIMMONS. Mr. President, I will ask the Senator from Virginia if the committee will not accept that amendment.

Mr. SMOOT. I should like to have the amendment stated again.

The PRESIDENT pro tempore. The Senator from Utah asks that the amendment may be again stated to the Senate.

The Secretary again stated the amendment.

Mr. MARTIN of Virginia. Mr. President, as I understand, the Senator from North Carolina asks if I will accept that amendment for the committee. I can not do so. I am not authorized by the committee to do so, because the committee has not acted upon it.

Mr. SIMMONS. Then, I offer that amendment.

The Senator will observe that in the preceding section of the bill, beginning on page 7, line 17, it specifies various salaries for committee clerks and assistant clerks. The committee amendment now pending repeals all resolutions passed by the Senate prior to July 1, 1914, authorizing the payment for clerical and messenger services from the contingent fund of the Senate. It is very well known that occasionally a resolution passes the Senate providing for extra service for certain committees. If this amendment should be adopted it would repeal all of those resolutions and abolish the right of the committee to appoint these extra men.

To illustrate, the Finance Committee, of which I have the honor to be the chairman, has been from time immemorial permitted by resolution of the Senate to employ an expert to assist the committee, and the committee has been allowed to fix his salary at a reasonable sum. I do not think there has been a time since I have been in the Senate, in the last 13 years, when a resolution of that kind has not been in force. In fact, it has been the custom before the adjournment of every Congress to pass a resolution of that kind with respect to this committee. My understanding is that there are probably other resolutions of a similar character; but these other resolutions, as I understand—I may be mistaken about it—are probably provided for in the preceding section.

The effect of this amendment will be largely to repeal a resolution providing for extra service for the Finance Committee. The majority has an expert and the minority has an expert. Heretofore, in addition to the expert, the minority and the majority, as I understand, have each had an additional man. We have cut off those men, and we are now only employing one expert each for the majority and the minority.

Personally, I should be very much embarrassed if this amendment should be agreed to without this qualification, because it would deprive me of the services of an expert in connection with the work of the Finance Committee, and I am seriously in need of him every day. There is scarcely a day, or certainly not many days at any time, when I have not inquiries about the tariff, the effect of its operation, and its meaning which require some investigation before being answered. I have not the time to do it, and I have had this gentleman to do that work for me. It requires an expert to do it. An ordinary clerk or secretary could not well do it.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I do.

Mr. SMOOT. If I understand the amendment offered by the Senator, I do not believe it will accomplish what the Senator desires to accomplish.

Mr. SIMMONS. I think it will.

the committee by inserting the following: "Cuban Relations—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200."

Mr. BRYAN. Mr. President, the object of the amendment to the amendment is to provide for a committee created by a resolution of the Senate since the bill was considered originally by the committee. The Senate, by a resolution, created an additional committee, and this is designed to provide the necessary clerks.

The amendment to the amendment was agreed to.

Mr. KENYON. I should like to ask the Senator from Florida or some one in charge of the matter, why a distinction is made in the salaries paid messengers of these different committees. Why are some paid $1,440 and others $1,200? Why are some clerks of committees paid higher than clerks of other committees? A messenger does not do any different work.

Mr. BRYAN. I understand the messengers for the minority Senators who are not chairmen of committees receive $1,200, and the messengers of the committees receive $1,440.

Mr. KENYON. The messenger of a committee where one of the minority is chairman is paid $1,200, and where one is a majority chairman the messenger is paid $1,440. Is that the distinction?

Mr. BRYAN. I think so. That has always been the distinction.

Mr. KENYON. The work is the same, is it not? The messenger for the Committee on the Distribution of Useless Papers in Executive Departments does not work any more than some other messenger?

The amendment to the amendment was agreed to.

Mr. McCUMBER. I move to amend the amendment by striking out the words "messenger, $1,200" wherever they appear, and inserting in lieu thereof "messenger, $1,440."

The reason for this amendment, Mr. President, as we all know, is that the messengers in the committees of minor importance are doing the work of clerks; in other words, there is no Senator who has not enough work to do in his office to keep at least three clerks employed in clerical business, and to keep them all busy; and it is necessary that he should have those who are competent to do the business. He can not use what we would ordinarily understand to be a messenger only, but must have some one who is capable of assisting him in the clerical work. While Senators in the minority are not at the head of committees, they are all members of large and important committees, and are often put on subcommittees, to do work in which they must use the messengers for their clerks. If we are to consider them in the light of messengers only, then a messenger upon an important committee has no other or different character of work than a messenger upon an unimportant committee, and in important committees sufficient clerks have been provided to do the clerical business independent of the messenger. If it is necessary to use the messenger, as it often is—I am not complaining that you are paying him in every one of these instances $1,440 a year—in actual justice every one of the messengers who are used by a Senator to do his clerical work ought to receive at least $1,440. The amount involved would be a mere bagatelle; and yet it would put them all upon a standing in which they should be, and it would make their compensation correspond in some degree to the actual services that are rendered to the committees with which they are connected. For that reason, Mr. President, I urge the adoption of the amendment.

Mr. MARTIN of Virginia. Mr. President, no request has been made to the committee for the increase of salaries now suggested; no amendment has been offered for that purpose. These salaries were not fixed by the committee at this time, but they are the salaries which have been heretofore paid. There are very few, perhaps two or three, instances in this bill where the committee has increased the salaries of Senate committee employees, when Senators appeared before the committee and gave special reasons why increases should be made; but the proposition now presented is that the salaries shall be increased on a general idea of abstract justice. No such increase has been requested; the committee has not considered the increase; we can not say that it is right, and the Senate can not say that it is right.

In some of these positions on important committees, or with Senators who have a great deal of work, it may be that the messenger in such case should have $1,440 a year. There are other cases where the messengers are doing only the work which properly belongs technically to a messenger, and even the work of a laborer. When the work that is being done is compensated for at $1,200, we ought not to increase the compensation. We are not paying salaries according to the nomenclature of the service. As I have said, nobody has asked for these increases and nobody has stated to the committee any facts justifying them. Many of these messengers are doing merely nominal work. You must bear in mind that until recently each Senator only had two employees, unless he was a chairman of a committee. Then we were asked to give three employees to each Senator and to fix the salary of the third man at $1,200. I think it would lead to a very great increase in the expenses of the Government if we are to increase salaries on the abstract idea when nobody has explained the service which is being rendered or asked for the increase.

I am sure that the committee has been very liberal. Whenever it has been shown to the committee that a salary was too low, we have increased it; and I do protest against a wholesale increase without any explanation or without any facts to justify it.

Mr. McCUMBER. The Senator from Virginia says that no one has asked for this increase; that nobody has suggested it to the committee. Who would the Senator expect to make the suggestion, and who would be better qualified to make the suggestion than the Senators themselves, who employ, or who at least appoint, these messengers, who act as clerks, and the Senators who know what they are doing?

I believe there is not a Senator here who has one of these clerks—because that is what they are, although they are denominated messengers—who will not say that his messenger does exactly the same character of work that his clerks do; that he calls upon him to do the same clerical work that is performed by the others.

We do not need any great discussion, any hearings before the committee, on this matter, because every Senator knows just exactly what it means. It is for the Senator from Virginia to vote upon an amendment in the proper place just exactly what he thinks ought to be done. If he feels that I am in error in my statement that the messengers for all of these committees do clerical work, he would be justified in saying they ought not to receive as much as those denominated clerks—I mean the $1,440 clerks—but if he feels that they are performing, and he himself knows that he is using them to perform exactly the same service, then I certainly feel that he is justified in supporting this amendment to give them the same salary, which amounts to $240 per year more than the $1,200 salary now paid.

Mr. SHAFROTH. Mr. President, it seems to me that everyone knows that he has grades of clerks who really ought to have different compensations. That is true as to the chief clerk of every committee. He gets a higher salary than the first assistant, and the first assistant gets a higher salary than the messenger. The messenger, in many instances, is not a stenographer and does not perform the same character of duty as the other members of the Senator's staff. That being the case, it seems to me that the salary of $1,200 a year is amply sufficient to pay the messengers a fair compensation.

We know, as a matter of fact, that we can go down town here and get such services at a great deal less than $1,200 a year. I do not believe in absolutely cutting it down to the very salary which is paid in stores and in private offices, because one can get even stenographers at from $50 to $60 a month; but I believe in allowing a fair amount, and $1,200, it seems to me for that class of work, is a fair amount. This compensation has to be graded. We have to limit the governmental expenditures to some extent, and it seems to me, this being the custom, we should adhere to it.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Colorado yield to the Senator from North Dakota?

Mr. SHAFROTH. I do.

Mr. McCUMBER. May I ask the Senator what class of clerks he refers to when he says $1,200 is sufficient for that class of work?

Mr. SHAFROTH. I mean any assistant around an office. Every Senator knows that his chief clerk does a great deal of dictating which the Senator ordinarily would do, and he is supposed to command a higher salary than persons who simply take dictation from others. The second person who is employed generally assists in that particular to some extent, and is always a stenographer. The messenger is sometimes a stenographer and sometimes he is not. These places, however, are being sought at the present salaries. They are paid better compensation than clerks can get down in this city or in any other city in the United States. That being the case it seems to me that we are doing fair by them.

Mr. McCUMBER. If the position of the Senator is correct that the person called a messenger, for whom there is appropriated $1,200 a year, is a messenger only, and that he is used for that purpose alone, then I entirely agree with the Senator that this is good pay; but if, as a matter of fact, which I understand to be the fact—and I know it is the fact so far as my own office is concerned—the messenger does exactly the same kind of work as does the $1,440 clerk, and may be called upon to do exactly the same kind of work, and if that is practically universally so in all of the committees, then I believe that such messengers should be paid the same for doing the same kind of work.

If the Senator's position is correct, and that it is messenger service only that these persons are performing, then they are receiving a sufficient salary; but, as a matter of fact, that is not correct. Practically all of them are performing the work of a clerk and an assistant and doing good work. They are required to do that work, and they ought to be paid $1,440.

Mr. SHAFROTH. Mr. President, as I said before, every Senator has grades of work for his employees. The first man does the important work, dictating very largely in cases where the Senator ordinarily would do it, which directly relieves the Senator of work. He generally dictates to the second person, who is a stenographer; he is a person better skilled and more experienced, who would get more compensation in the open market if his services were demanded. The third is usually a helper, and does not take the important dictation that is required, even if he is a stenographer. Inasmuch as we find no person who is willing to resign these positions, for they all want them, as the class of employment is higher here in the way of compensation than the ordinary commercial salaries, it seems to me that these salaries should not be increased.

Mr. THOMAS. Mr. President, the last remark of my colleague [Mr. SHAFROTH] suggests a very important truth; and I venture to inquire of him whether, if there is going to be a change here for the purpose of equalizing the salaries of all messengers, it would not be better to strike out "$1,440," wherever it occurs, and to insert "$1,200"? If I have counted correctly, there are about 23 messengers who get $1,440 and 20 or 21 whose compensation is $1,200. It seems to me that that is ample when you consider the work that is required of these people and what they could command in the same position outside of public employment. It would be far better for the public service, in my judgment, and a move toward economy to take off the difference between $1,440 and $1,200, instead of adding the difference to the salary of the $1,200 clerks.

Mr. McCUMBER. I want to ask the junior Senator from Colorado, who has a messenger at $1,440, if that messenger only performs the service of a messenger, why he should not also be cut down to $1,200, the same as the other messengers?

Mr. SHAFROTH. Is that question directed to me?

Mr. McCUMBER. Yes. If the Senator's statement is correct that plenty of employees for this class of service can be obtained at $1,200, and that in every one of the committees, including the Senator's committee, messengers perform the character of work which might be called messenger work, then why should not, as suggested by the senior Senator from Colorado [Mr. THOMAS], the messenger employed by the junior Senator from Colorado be cut down to the $1,200 basis? I am assuming that some of the messengers are being paid $1,440 because in reality they are performing the work of clerks, and I am not complaining of that; I think they ought to have it; but if you pay them $1,440, why should you not pay all the others $1,440, and if the services of the others are not worth more than $1,200, why should a messenger in another committee be paid more than $1,200?

Mr. SHAFROTH. Mr. President, the salaries attached to the various employees assigned to the different committees were fixed some time ago. So far as my committee is concerned, the salaries of its employees were fixed before I was made chairman of the committee. I have heard of no change in their salaries, and I had no part in fixing them. I presume the salaries are fixed upon the basis of the importance of the committees, upon the theory that one committee has more work than another committee; and that, therefore, in the end really more work is required of some employees than of others. The employees designated as messengers do not perform exclusively messenger service; there is no doubt about that; they do help in every line of work in the office; there is no question of that; but the relative importance of the work always descends with the diminution of the responsibility and the amount of work required. That is true of all the committees, I think, and that is the reason I am not in accord with the position taken by the Senator.

Mr. McCUMBER. Mr. President, I want to state, in response to the Senator, that I think he is in error. I have been chairman of one of the larger committees during my term of service here, and I am free to say that the messenger of the larger committees does not perform the same amount of work nor the same grade of work as is required of the messenger of the smaller committees, because in the larger committees there is a sufficient number of competent clerks to do the work and the messenger has little to do, except what might be called purely messenger work. There is not a Senator here who does not really require three clerks to do his work; and, therefore, as a matter of fact, the messenger of a smaller committee or the messenger of a Senator, where he has only three employees, is really required to do a higher class of work and more important work than is the messenger of a larger committee.

Mr. KENYON. Mr. President, I do not want to object to any reasonable compensation for the employees of the Senate. I tried to find out from the Senator from Florida [Mr. BRYAN] why it was that certain messengers were paid $1,200 a year and others were paid $1,440 a year. He gave as the reason, as I understood him, that the chairmen of minority committees, Republican Senators holding chairmanships, were allotted messengers who were paid $1,200, while the messengers to majority committees were paid $1,440. I was not making any objection to that. Now, the Senator from Colorado gives as one of the reasons the difference in the importance of the committees. I want to call the attention of the Senator from Colorado to one or two items in this bill. I am merely insisting that these employees ought to be paid the same amount for the same kind of work.

Here is the Committee on Expenditures in the Department of State, of which the distinguished Senator from Illinois [Mr. LEWIS] is chairman. The messenger of that committee is paid $1,200 a year. The messenger of the Committee on Expenditures in the Treasury Department is paid $1,200 a year. Those are both what would be called majority committees. The messenger of the Committee on Expenditures in the Department of Justice, of which the distinguished Senator from Utah [Mr. SUTHERLAND] is chairman, is paid $1,440. The various committees on expenditures in the departments certainly rank about the same. I do not suppose any of those committees have ever had any meetings. Now, why is a messenger of a minority committee, whose chairman is a member of the minority side of the Chamber, paid a higher salary than is paid the messengers of the same class of committees on the majority side? I am not objecting to it, but I am wondering why it is.

Mr. SUTHERLAND. Mr. President——

Mr. KENYON. I am not through, but I will yield to the Senator.

Mr. SUTHERLAND. If the Senator will permit me, I should like to say a word.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield to the Senator.

Mr. SUTHERLAND. The Senator has called attention to the committee of which I am chairman. I will say to the Senator that the salaries paid to the employees of that committee were already fixed when I was made chairman of that committee, and I had nothing to do with the fixing of the salaries. I will say very frankly to the Senator from Iowa that I think all messengers of committees ought to be paid the same amount. I think I am not entitled to a messenger at $1,440 a year while the messenger of the Senator from Iowa, who has as much work as I have and whose work is of the same character, is paid $1,200; it is not fair.

Mr. KENYON. That is the point I was making.

Mr. SUTHERLAND. I entirely agree with the Senator, and, while it would be a hardship upon the young man who is holding this position in my committee to cut his salary down, I would vote to make the salaries of all messengers of Senate committees $1,200 or to make them all $1,440. They ought to be the same; the Senator from Iowa is quite right about that.

Mr. KENYON. I want to call attention to one other matter.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator.

Mr. OVERMAN. I want to say to the Senator that we have discussed this matter considerably heretofore, and I think there is a disposition to arrange it in some way so as to equalize conditions. This practice, however, has grown up and has been followed here for 20 years, and we have simply followed that practice, but we all feel that something ought to be done to remedy the existing situation, and it probably will be done in the near future.

Mr. JONES. I should like to ask the Senator from North Carolina a question.

Mr. KENYON. I desire to hold the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa has the floor. Does he yield to the Senator from Washington?

does the important work, dictating very largely in cases where the Senator ordinarily would do it, which directly relieves the Senator of work. He generally dictates to the second person, who is a stenographer; he is a person better skilled and more experienced, who would get more compensation in the open market if his services were demanded. The third is usually a helper, and does not take the important dictation that is required, even if he is a stenographer. Inasmuch as we find no person who is willing to resign these positions, for they all want them, as the class of employment is higher here in the way of compensation than the ordinary commercial salaries, it seems to me that these salaries should not be increased.

Mr. THOMAS. Mr. President, the last remark of my colleague [Mr. SHAFROTH] suggests a very important truth; and I venture to inquire of him whether, if there is going to be a change here for the purpose of equalizing the salaries of all messengers, it would not be better to strike out "$1,440," wherever it occurs, and to insert "$1,200"? If I have counted correctly, there are about 23 messengers who get $1,440 and 20 or 21 whose compensation is $1,200. It seems to me that that is ample when you consider the work that is required of these people and what they could command in the same position outside of public employment. It would be far better for the public service, in my judgment, and a move toward economy to take off the difference between $1,440 and $1,200, instead of adding the difference to the salary of the $1,200 clerks.

Mr. McCUMBER. I want to ask the junior Senator from Colorado, who has a messenger at $1,440, if that messenger only performs the service of a messenger, why he should not also be cut down to $1,200, the same as the other messengers?

Mr. SHAFROTH. Is that question directed to me?

Mr. McCUMBER. Yes. If the Senator's statement is correct that plenty of employees for this class of service can be obtained at $1,200, and that in every one of the committees, including the Senator's committee, messengers perform the character of work which might be called messenger work, then why should not, as suggested by the senior Senator from Colorado [Mr. THOMAS], the messenger employed by the junior Senator from Colorado be cut down to the $1,200 basis? I am assuming that some of the messengers are being paid $1,440 because in reality they are performing the work of clerks, and I am not complaining of that; I think they ought to have it; but if you pay them $1,440, why should you not pay all the others $1,440, and if the services of the others are not worth more than $1,200, why should a messenger in another committee be paid more than $1,200?

Mr. SHAFROTH. Mr. President, the salaries attached to the various employees assigned to the different committees were fixed some time ago. So far as my committee is concerned, the salaries of its employees were fixed before I was made chairman of the committee. I have heard of no change in their salaries, and I had no part in fixing them. I presume the salaries are fixed upon the basis of the importance of the committees, upon the theory that one committee has more work than another committee; and that, therefore, in the end really more work is required of some employees than of others. The employees designated as messengers do not perform exclusively messenger service; there is no doubt about that; they do help in every line of work in the office; there is no question of that; but the relative importance of the work always descends with the diminution of the responsibility and the amount of work required. That is true of all the committees, I think, and that is the reason I am not in accord with the position taken by the Senator.

Mr. McCUMBER. Mr. President, I want to state, in response to the Senator, that I think he is in error. I have been chairman of one of the larger committees during my term of service here, and I am free to say that the messenger of the larger committees does not perform the same amount of work nor the same grade of work as is required of the messengers who were paid $1,200, while the messengers to majority committees were paid $1,440. I was not making any objection to that. Now, the Senator from Colorado gives as one of the reasons the difference in the importance of the committees. I want to call the attention of the Senator from Colorado to one or two items in this bill. I am merely insisting that these employees ought to be paid the same amount for the same kind of work.

Here is the Committee on Expenditures in the Department of State, of which the distinguished Senator from Illinois [Mr. LEWIS] is chairman. The messenger of that committee is paid $1,200 a year. The messenger of the Committee on Expenditures in the Treasury Department is paid $1,200 a year. Those are both what would be called majority committees. The messenger of the Committee on Expenditures in the Department of Justice, of which the distinguished Senator from Utah [Mr. SUTHERLAND] is chairman, is paid $1,440. The various committees on expenditures in the departments certainly rank about the same. I do not suppose any of those committees have ever had any meetings. Now, why is a messenger of a minority committee, whose chairman is a member of the minority side of the Chamber, paid a higher salary than is paid the messengers of the same class of committees on the majority side? I am not objecting to it, but I am wondering why it is.

Mr. SUTHERLAND. Mr. President——

Mr. KENYON. I am not through, but I will yield to the Senator.

Mr. SUTHERLAND. If the Senator will permit me, I should like to say a word.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. KENYON. I yield to the Senator.

Mr. SUTHERLAND. The Senator has called attention to the committee of which I am chairman. I will say to the Senator that the salaries paid to the employees of that committee were already fixed when I was made chairman of that committee, and I had nothing to do with the fixing of the salaries. I will say very frankly to the Senator from Iowa that I think all messengers of committees ought to be paid the same amount. I think I am not entitled to a messenger at $1,440 a year while the messenger of the Senator from Iowa, who has as much work as I have and whose work is of the same character, is paid $1,200; it is not fair.

Mr. KENYON. That is the point I was making.

Mr. SUTHERLAND. I entirely agree with the Senator, and, while it would be a hardship upon the young man who is holding this position in my committee to cut his salary down, I would vote to make the salaries of all messengers of Senate committees $1,200 or to make them all $1,440. They ought to be the same; the Senator from Iowa is quite right about that.

Mr. KENYON. I want to call attention to one other matter.

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. KENYON. I yield to the Senator.

Mr. OVERMAN. I want to say to the Senator that we have discussed this matter considerably heretofore, and I think there is a disposition to arrange it in some way so as to equalize conditions. This practice, however, has grown up and has been followed here for 20 years, and we have simply followed that practice, but we all feel that something ought to be done to remedy the existing situation, and it probably will be done in the near future.

Mr. JONES. I should like to ask the Senator from North Carolina a question.

Mr. KENYON. I desire to hold the floor, Mr. President.

The PRESIDENT pro tempore. The Senator from Iowa has the floor. Does he yield to the Senator from Washington?

our expenses are under the new proposition. So the Senator's amendment can not affect anything if he leaves the law as it is and appropriates only enough to pay a few of the Members.

Mr. SHEPPARD. In view of the situation as it has developed, I will withdraw my amendment and introduce an amendment to the general law.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee.

Mr. KENYON. I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were not ordered.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. Let the Secretary call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brady	Johnson	Owen	Stephenson
Bryan	Jones	Page	Sterling
Burton	Kenyon	Perkins	Stone
Catron	Kern	Ransdell	Sutherland
Clapp	Lane	Shafroth	Thomas
Clarke, Ark.	Lea, Tenn.	Sheppard	Thornton
Crawford	McCumber	Sherman	Tillman
Cummins	Martin, Va.	Shively	Warren
Fletcher	Martine, N. J.	Simmons	West
Gore	Nelson	Smith, Ariz.	White
Hollis	Norris	Smith, Md.	Williams
James	Overman	Smoot	

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN] and to state that he is paired with the Senator from Pennsylvania [Mr. OLIVER].

Mr. WARREN. I wish to announce the unavoidable absence of my colleague [Mr. CLARK of Wyoming]. He is paired with the Senator from Missouri [Mr. STONE]. I make this announcement to stand for the day.

The PRESIDENT pro tempore. The Sergeant at Arms will notify Senators in the cloak rooms that a call of the Senate is being made.

Mr. KERN. I suggest that the names of the absentees be called.

The PRESIDENT pro tempore. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absentees, and Mr. HUGHES and Mr. SMITH of Georgia answered to their names when called.

Mr. KENYON. I desire to announce the necessary absence from the city of the Senator from Massachusetts [Mr. WEEKS]. That announcement I will let stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce the unavoidable absence of the Senator from West Virginia [Mr. CHILTON]. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. CATRON. I wish to announce the necessary absence of my colleague [Mr. FALL] from the city.

Mr. HOLLIS. I desire to announce the unavoidable absence of the junior Senator from Montana [Mr. WALSH]. He is paired with the senior Senator from Rhode Island [Mr. LIPPITT].

Mr. SMOOT. I desire to announce the unavoidable absence of the Senator from Maine [Mr. BURLEIGH]. I wish also to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

The PRESIDENT pro tempore. Forty-nine Senators having answered to their names, a quorum of the Senate is present. The question is on the adoption of the amendment proposed by the Committee on Appropriations.

Mr. KENYON. With a larger attendance, I trust we can now secure a yea-and-nay vote. I ask for the yeas and nays.

The PRESIDENT pro tempore. Does the Senator know of any precedent for making a second call for the yeas and nays? The Chair is not advised of any. That call was made and put to the Senate and denied, and nothing has intervened. The Chair is disposed to be liberal about it, and if the Senator has any precedent that justifies it, he will be very glad to conform to it.

Mr. KENYON. I made the call for a quorum, and I again call for the yeas and nays.

The PRESIDENT pro tempore. The Chair is not disposed to make any ruling against it, but the Chair simply wants to know what the precedent has been. He has none that justifies a second call for the yeas and nays when the first call has been denied.

Mr. KENYON. Do I understand that the Chair declines to entertain the call?

The PRESIDENT pro tempore. The Chair is inclined to entertain it if the Senator can cite him to any precedent to justify it. He simply desires not to make a precedent when he does not find a precedent. In the absence of such a precedent the Chair can see very readily that the rule insisted upon by the Senator may be abused. The question is on the adoption of the amendment reported by the Committee on Appropriations to strike out the matter which appears on page 2, from line 4 to line 10, inclusive, and to insert "For mileage of Senators, $51,000." [Putting the question.] The ayes seem to have it. The ayes have it and the amendment is agreed to.

Mr. KENYON. I assume now that business has been transacted I can call for the yeas and nays.

The PRESIDENT pro tempore. The matter has been disposed of. The amendment has been adopted. There is now nothing upon which to call the yeas and nays.

Mr. KENYON. The Chair decided it so quickly that it was impossible to make the request before the Chair announced it.

The PRESIDENT pro tempore. That was the very question upon which the yeas and nays were called and the call was denied. A yea-and-nay vote was denied with reference to the amendment. It is not open to a Senator to call for a vote after the vote has been taken. The amendment has been adopted. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, on page 2, line 22, after "chief clerk, $3,250," to strike out "and $1,250 additional while the office is held by the present incumbent."

Mr. McCUMBER. I should like to have an explanation of the amendment. What is the reason for striking this out?

Mr. MARTIN of Virginia. The committee were of the opinion that the salary of $3,250 is a sufficient and adequate salary. In the next place, the committee were indisposed to the addition of $1,250 which was put in the bill when an incumbent of long service held the office. For myself I will say that I do not approve of supplements to salaries to hold simply during the tenure of a particular officer. I think the office ought to carry a salary, that none but competent men ought to be put in these positions, and when they are in those positions they ought to receive a salary which is sufficient for a competent man. The committee felt that $3,250 was a sufficient salary for a competent man, and it struck out those words in order to accomplish that purpose.

Mr. McCUMBER. Does the Senator think that the present incumbent holding the same position—I do not know who he is—is worth less and should be paid less than the other should have been paid? Is that it?

Mr. MARTIN of Virginia. I can not say. I have no doubt he is as competent a man, but through long association in that particular position the former incumbent was dealt with generously, more generously we think than the services rendered required. We feel that $3,250 is a sufficient salary for the position and we have reduced it for that reason to that sum.

Mr. McCUMBER. I confess I feel that the position ought to have a fixed salary and the salary ought not to be fixed according to the individual who may happen to hold it. It ought to be sufficient to pay a reasonable, a fair compensation. That compensation ought to be paid to whomsoever fills the official position, and whether he fills it 1 month or 20 years; it is the office, the official position that we are filling.

If the Senator from Virginia feels that the amount now proposed, $3,250, is proper and adequate, I shall make no objection, but I think it ought to have been the same, no matter who holds the position.

Mr. MARTIN of Virginia. It is the opinion of the committee that it is a sufficient and adequate salary.

Mr. SMOOT. I will simply say to the Senator from North Dakota that this position was held for many years by Mr. Gilfry and $1,250 additional was given to him on account of his long service in the position. He has been removed from that position and holds another of less importance, I suppose on account of his age. There has been appointed a chief clerk now at a salary of $3,250, and I understand he is capable and also satisfied with the salary named. It is for that reason that the additional amount named in the former appropriation acts has been stricken from the bill.

Mr. McCUMBER. It is the additional amount that I am particularly protesting against. There are Senators here who have served for a great many years and undoubtedly they are more valuable and better informed than those who have just arrived, at least they may be in some instances, but I do not think that would be any justification for making a difference in their salaries.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 3, line 3, after the word "clerk," where it occurs the first time, to strike out "2 clerks"; in the same line, after the word "and," to strike out "clerk compiling a history of revenue bills" and insert "3 clerks"; and in line 12, after the words "in all," to strike out "$96,730" and insert "$95,480," so as to make the clause read:

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,220; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant journal clerk, printing clerk, and 3 clerks, at $2,500 each; first assistant librarian, $2,400; keeper of stationery, $2,400; 4 clerks, at $2,220 each; 2 clerks, at $2,100 each; assistant librarian, $1,800; skilled laborer, $1,200; clerks—1 at $1,800, 2 at $1,600 each, 1 $1,440; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; laborers—3 at $840 each, 3 at $720 each, 1 in stationery room $720; in all, $95,480.

The amendment was agreed to.

The next amendment was, on page 3, after line 15, to strike out:

Clerks and messengers to the following committees: Additional Accommodations for the Library of Congress—clerk, $2,220; messenger, $1,440. Agriculture and Forestry—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Appropriations—clerk, $4,080; two assistant clerks at $2,500 each; two assistant clerks at $1,440 each; messenger, $1,440; laborer, $720. To Audit and Control the Contingent Expenses of the Senate—clerk, $2,500; messenger, $1,440; messenger, $1,200. Canadian Relations—clerk, $2,220; messenger, $1,440; messenger, $1,200. Census—clerk, $2,220; assistant clerk, $1,200; messenger, $1,440. Civil Service and Retrenchment—clerk, $2,220; messenger, $1,440; messenger, $1,200. Claims—clerk, $2,500; assistant clerk, $2,000; assistant clerk, $1,440; messenger, $1,200. Coast and Insular Survey—clerk, $2,220; messenger, $1,440. Coast Defenses—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Commerce—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Conference Minority of the Senate—clerk, $2,220; assistant clerk, $1,800; messenger, $1,200. Conservation of National Resources—clerk, $2,220; assistant clerk, $1,200; messenger, $1,440. Corporations Organized in the District of Columbia—clerk, $2,220; messenger, $1,440. Disposition of Useless Papers in the Executive Departments—clerk, $2,220; messenger, $1,440; District of Columbia—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Education and Labor—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Engrossed Bills—clerk, $2,220; messenger, $1,440. Enrolled Bills—clerk, $2,220; assistant clerk, $1,440. To Examine the Several Branches of the Civil Service—clerk, $2,220; messenger, $1,440. Expenditures in the Department of Agriculture—clerk, $2,220; messenger, $1,440. Expenditures in the Department of Commerce and Labor—clerk, $2,220; messenger, $1,440. Expenditures in the Interior Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Expenditures in the Department of Justice—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Expenditures in the Navy Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Expenditures in the Post Office Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Expenditures in the Department of State—clerk, $2,220; messenger, $1,440. Expenditures in the Treasury Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Expenditures in the War Department—clerk, $2,220; messenger, $1,440; messenger, $1,200. Finance—clerk and stenographer, $3,000; assistant clerk, $2,220; assistant clerk, $1,600; assistant clerk, $1,440; messenger, $1,440. Fisheries—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Five Civilized Tribes of Indians—clerk, $2,220; messenger, $1,440. Foreign Relations—clerk, $2,500; assistant clerk, $2,220; messenger, $1,440. Forest Reservations and Protection of Game—clerk, $2,220; messenger, $1,440. Geological Survey—clerk, $2,220; messenger, $1,440. Immigration—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Indian Affairs—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Indian Depredations—clerk, $2,220; messenger, $1,440. Industrial Expositions—clerk, $2,220; messenger, $1,440; messenger, $1,200. Interoceanic Canals—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Interstate Commerce—clerk, $2,500; 2 assistant clerks, at $1,800 each; messenger, $1,440. To Investigate Trespassers on Indian Lands—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Irrigation and Reclamation of Arid Lands—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Judiciary—clerk, $2,500; assistant clerk, $2,220; 2 assistant clerks, at $1,800 each; messenger, $1,440. Joint Committee on the Library—clerk, $2,500; assistant clerk, $1,440; messenger, $1,200. Manufactures—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Military Affairs—clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Mines and Mining—clerk, $2,220; messenger, $1,440; messenger, $1,200. Mississippi River and Its Tributaries—clerk, $2,220; messenger, $1,440. National Banks—clerk, $2,220; messenger, $1,440. Naval Affairs—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Pacific Islands and Porto Rico—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Pacific Railroads—clerk, $2,220; messenger, $1,440. Patents—clerk, $2,220; messenger, $1,440; messenger, $1,200. Pensions—clerk, $2,500; assistant clerk, $1,800; three assistant clerks at $1,440 each; messenger, $1,440. Philippines—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Post Offices and Post Roads—clerk, $2,500; three assistant clerks at $1,440 each; messenger, $1,440; clerk of printing records, $2,220; assistant clerk, $1,800; messenger, $1,440. Private Land Claims—clerk, $2,220; assistant clerk, $1,800. Privileges and Elections—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Public Buildings and Grounds—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Public Health and National Quarantine—clerk, $2,220; assistant clerk, $1,440. Public Lands—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Railroads—clerk, $2,220; messenger, $1,440. Revolutionary Claims—clerk, $2,220; messenger, $1,440. Rules—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Standards, Weights, and Measures—clerk, $2,220; messenger, $1,440. Territories—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Transportation and Sale of Meat Products—clerk, $2,220; messenger, $1,440. Transportation Routes to the Seaboard—clerk, $2,220; messenger, $1,440. University of the United States—clerk, $2,220; messenger, $1,440. Woman Suffrage—clerk, $2,220; messenger, $1,440. In all, $364,640.

And to insert:

Clerks and messengers to the following committees: Additional Accommodations for the Library of Congress—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Agriculture and Forestry—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Appropriations—clerk, $4,000; 2 assistant clerks, at $2,500 each; 2 assistant clerks, at $1,440 each; messenger, $1,440; laborer, $720. To Audit and Control the Contingent Expenses of the Senate—clerk, $2,500; assistant clerk, $1,440; messenger, $1,200. Banking and Currency—clerk, $3,000; assistant clerk $1,440; messenger, $1,200. Canadian Relations—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Census—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Civil Service and Retrenchment—clerk $2,220; assistant clerk, $1,440; messenger, $1,200. Claims—clerk, $2,500; assistant clerk, $2,000; assistant clerk, $1,440; messenger, $1,440. Coast and Insular Survey—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Coast Defenses—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Commerce—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Conference minority of the Senate—clerk, $2,220; assistant clerk, $1,800; 2 messengers, at $1,200 each. Conservation of National Resources—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Corporations Organized in the District of Columbia—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Disposition of Useless Papers in the Executive Departments—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. District of Columbia—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Education and Labor—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Engrossed Bills—clerk, $2,220; assistant clerk, $1,800; messenger, $1,200. Enrolled Bills—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. To Examine the Several Branches of the Civil Service—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Department of Agriculture—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Department of Commerce and Labor—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Interior Department—clerk, $2,220; assistant clerk, $1,800; messenger, $1,200. Expenditures in the Department of Justice—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Expenditures in the Navy Department—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Post Office Department—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Department of State—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the Treasury Department—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Expenditures in the War Department—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Finance—clerk, $3,000; assistant clerk, $2,220; assistant clerk, $1,660; assistant clerk, $1,440; messenger, $1,440. Fisheries—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Five Civilized Tribes of Indians—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Foreign Relations—clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Forest Reservations and Protection of Game—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Geological Survey—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Immigration—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Indian Affairs—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Indian Depredations—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Industrial Expositions—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Interoceanic Canals—clerk, $2,220; assistant clerk, $1,800; messenger, $1,200. Interstate Commerce—clerk, $2,500; 2 assistant clerks, at $1,800 each; messenger, $1,440. To Investigate Trespassers on Indian Lands—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Irrigation and Reclamation of Arid Lands—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Judiciary—clerk, $2,500; assistant clerk, $2,220; 2 assistant clerks, at $1,800 each; messenger, $1,440. Joint Committee on the Library—clerk, $2,500; assistant clerk, $1,440; messenger, $1,200. Manufactures—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Military Affairs—clerk, $2,500; assistant clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Mines and Mining—clerk, $2,220; messenger, $1,440. Mississippi River and Its Tributaries—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. National Banks—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Naval Affairs—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Pacific Islands and Porto Rico—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Pacific Railroads—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Patents—clerk $2,220; assistant clerk, $1,440; messenger, $1,200. Pensions—clerk, $2,500; assistant clerk, $1,800; 3 assistant clerks, at $1,440 each; messenger, $1,440. Philippines—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Post Offices and Post Roads—clerk, $2,500; assistant clerk, $2,000; 2 assistant clerks, at $1,440 each; messenger, $1,440. Printing—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Private Land Claims—clerk, $2,220; assistant clerk, $1,800; messenger, $1,200. Privileges and Elections—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Public Buildings and Grounds—clerk, $2,500; assistant clerk, $1,440; messenger, $1,440. Public Health and National Quarantine—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Public Lands—clerk, $2,500; assistant clerk, $1,800; messenger, $1,440. Railroads—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Revolutionary Claims—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Rules—clerk, $2,220; assistant clerk, $1,800; messenger, $1,440. Standards, Weights, and Measures—clerk $2,220; assistant clerk, $1,440; messenger, $1,200. Territories—clerk, $2,220; assistant clerk, $1,440; messenger, $1,440. Transportation and Sale of Meat Products—clerk $2,220; assistant clerk, $1,440; messenger, $1,200. Transportation Routes to the Seaboard—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. University of the United States—clerk, $2,220; assistant clerk, $1,440; messenger, $1,200. Woman Suffrage—clerk $2,220; assistant clerk, $1,440; messenger, $1,200. In all, $407,800.

Mr. BRYAN. On behalf of the committee I offer an amendment to the amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 8, line 16, after the numerals "$1,200," near the end of the line, amend the amendment of

Mr. NORRIS. Is the Senator from Texas opposed to the text of the bill as it came from the House?

Mr. SHEPPARD. I am opposed to it as I view it at present. I think it is better to have a plain provision of a stated sum for mileage; to have a flat rate of mileage. Then there will be no scandal and no complication.

Mr. NORRIS. Mr. President, I confess that I was impressed with the provision of the bill as it came from the House. It seemed to me that it was a fair proposition. I know that for quite a number of years I served in Congress with two colleagues coming from adjoining districts, one of whom had a family consisting of 9 or 10 and I am not sure but 11, members, while the other Member, adjoining him, was a bachelor. The towns in which they lived were very close together, not more than 50 or 60 miles apart. The one with the large family did not get, under the law, enough mileage to pay his actual expenses, while the other one, without any family, got practically the same amount, an amount to which his expenses bore no relation whatever.

I think it is conceded by everybody that a man with a family ought to have his family with him, especially when he has to remain during the long sessions of Congress. I do not think there is any objection to paying the actual expenses. Now, I am not sure but that he would find difficulty in applying this provision practically. There may be something in that; but it seems to me there ought to be some other method devised than the one we have now, because that evidently is not fair. The effect of it is that some Members of Congress have their salaries increased a thousand or sometimes fifteen hundred dollars over the amount paid some other Members, while their actual and necessary expenses in coming to and going from the sessions of Congress may be less. It has always seemed to me that that was not fair, and that we ought to adopt some other method.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. In just a moment. It strikes me that the mileage ought to be so adjusted that it would do what it is intended to do, as the court says—pay the actual expense of the Member in coming here and going back.

I now yield to the Senator from Iowa.

Mr. KENYON. Mr. President, I thoroughly agree with the statement of the Senator. I rose to ask him a question, however. He suggested that there might be difficulties in the practical operation of the House provision, and the Senator from Utah made the same suggestion.

Mr. NORRIS. I think the Senator from Texas has that idea in his mind, too.

Mr. KENYON. That is really an indictment, is it not, of the honesty of Members of Congress, if they would abuse any privilege of that kind? The law would be reasonably clear. It says, "immediate and dependent members of their families."

Mr. NORRIS. I will say to the Senator from Iowa that of course there is a possibility of abuse of it, and occasionally that might happen; but it seems to me it would be more just than the present law.

Mr. KENYON. It would not happen a second time, would it?

Mr. NORRIS. I should not think so. I am not saying that it would happen. It strikes me that if you find out there is some abuse of it there may be a way to rectify it. At least the present system is not right, it is not fair, and it strikes me that the House provision, honestly and fairly enforced, would be fair.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Texas to the amendment of the committee.

Mr. SHEPPARD. Mr. President, when I come to examine the bill I do not think my amendment is in order on this particular paragraph. As I understand, the question now is, Shall the House provision be stricken out?

The PRESIDENT pro tempore. What is the suggestion of the Senator from Texas? The Chair does not quite understand it.

Mr. SHEPPARD. I wish to know whether my amendment is now in order, to substitute, on line 11, "$12,750" for "$51,000," or whether I should wait until we vote on the preceding paragraph?

Mr. OVERMAN. Mr. President——

The PRESIDENT pro tempore. The committee amendment is to strike out and insert. There is no proposition by the committee to amend the part stricken out; so a motion to amend the part to be inserted is in order. The Senator's amendment is in order.

Mr. SHEPPARD. My amendment is to amend the part to be inserted.

Mr. SUTHERLAND. Mr. President, I should like to ask the Senator from Texas a question. The motion of the Senator from Texas is to strike out "$51,000" and insert "$12,750," which would then make the appropriation read:

For mileage of Senators, $12,750.

That would be all there would be on the subject in the appropriation bill; but we have a general standing law which says that Members shall receive mileage at the rate of 20 cents a mile. Upon what authority will this $12,750 be divided up?

Mr. OVERMAN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from North Carolina will state the point of order.

Mr. OVERMAN. On lines 4 to 10, inclusive, the committee amendment proposes to strike out that language; and then, on line 11, to insert "$51,000." I submit that the question is whether or not the Senate will agree to the committee amendment proposing to strike out the House language. If we should strike out the House language, then I think the amendment of the Senator from Texas would be in order.

The PRESIDENT pro tempore. The motion to strike out and insert is in its earliest consideration two motions, and when put in the form of one motion the adoption of the committee amendment to insert $51,000 will have the effect of striking out the part of the text indicated; in other words, the House provision on the subject.

Mr. SMOOT. I did not quite understand what the Chair just said, but I take it for granted that the ruling of the Chair was that the amendment offered by the Senator from Texas is in order.

The PRESIDENT pro tempore. There is no doubt of that. That part has been settled.

Mr. SMOOT. There is no question about it at all.

Mr. SHEPPARD. In answer to the Senator from Utah [Mr. SUTHERLAND] I wish to submit my amendment in a modified form in order to relieve it of the objection. I will move to insert:

For mileage of Senators at 5 cents per mile, $12,750.

Mr. SUTHERLAND. How is the Senator to arrive at it? Who is to determine the mileage? The law now is quite specific. It says, "Mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session," and it further provides that "mileage accounts of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives." The Senator is not making a very complete law on the subject, as it seems to me.

Mr. WARREN. I make a point of order against the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming will state his point of order.

Mr. WARREN. The point of order is that the amendment proposes to change existing law and without any estimate or without any recommendation of a committee.

The PRESIDENT pro tempore. The Chair is inclined to sustain the point of order, but there is some complication about it in view of the fact that the House sent here a provision which does change existing law.

Mr. WARREN. That is true, but the amendment to the amendment only alludes to the part which is the Senate committee amendment and does not refer to the text of the bill.

The PRESIDENT pro tempore. The Chair thinks the point of order is well taken. Of course the Senator from Texas can make a motion to amend the amount even though it might leave a deficiency under existing law to be provided for hereafter. A motion to reduce the amount appropriated is in order. The effect of its adoption would be to create a deficiency which would have to be taken care of hereafter.

Mr. SHEPPARD. My original amendment was simply to reduce the amount from $51,000 to $12,750.

The PRESIDENT pro tempore. The effect of the adoption of that amendment would be to create a deficiency. It would not change the rate a Senator or Representative is entitled to receive, and the disbursing officer would pay out $12,750 on the basis of 20 cents a mile as long as it lasted, and there would be a deficiency to be taken care of hereafter.

Mr. WARREN. The consequence would be that some Members would draw mileage and others would not.

The PRESIDENT pro tempore. That would, of course, follow.

Mr. WARREN. The amount is too small, as the Senator from Texas must know. In fact, the amount put in by the House committee is only a guess. They probably do not expect that it is enough, because it has developed already that in some families there are seven or eight children, not counting other dependents, and hence the proposed new way would be more expensive than the old. We would have to consult the Vice President and find out what his opinion might be as to what

gress was in force during the Fifty-eighth Congress. If there was any doubt about this question, the fact that Congress has so construed the law for more than 30 years would be very persuasive at least.

3. It is contended on behalf of the claimant that the mileage provided for in the law of 1866 is a part of the salary of Members of Congress, and that they are entitled to receive it each session regardless of whether they perform any travel or not; while on the other side it is insisted that the provision for mileage is a recompense for travel actually performed, and that Members of Congress are only entitled to it when travel is necessary to attend upon the sessions of Congress whether extraordinary or the sessions which convene under the Constitution on the first Monday in December.

The statute of 1866 under consideration provides:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

It is contended by the claimant that the mileage provided for is arbitrarily payable regardless of actual travel, because after providing for the $5,000 per annum the law says, "and in addition thereto mileage": that is to say, as we understand the argument, the words "in addition thereto" couple the $5,000 provided for and the mileage so inseparably that they both together constitute the annual salary of Members of Congress.

We see no force in such a construction of those words. Mileage, in whatever terms provided for any public officer, is in addition to the per diem or annual compensation received—i. e., it is compensation allowed for traveling expenses, besides, together with or in addition to the compensation otherwise provided, and whichever of those terms is employed the signification is the same. Doubtless when a Member of Congress receives his allowance for mileage he puts it in the same pocket or the same bank to be added to his annual salary, but that fact does not deprive it of its quality as mileage. If only actual traveling expenses were allowed, as in the act of March 3, 1873, supra, the same language might well have been employed and its signification would have been the same as in the act of July 28, 1866. The separation of salary from mileage, in providing for the compensation of Members of Congress, is clearly indicated by the language used in the repealing act of January 20, 1874, supra. It says, "and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act" (i. e., act of July 28, 1866). Thus we see that this provision for mileage was regarded as an "allowance." While the term "allowance" has a very indefinite legal signification, it here certainly means something entirely separate from salary, and can only refer to mileage.

In the case of Sherburne v. United States (16 C. Cls. R., 491), in which the signification of the words "pay" and "allowances" was involved as applied to officers of the Army this court said:

"Pay is a fixed and direct amount given by law to persons in the military service in consideration of and as compensation for their personal service. Allowances, as they are now called, or emoluments, as they were formerly termed, are indirect or contingent remuneration, which may or may not be earned, and which is sometimes in the nature of compensation, and sometimes in the nature of reimbursement." (Id., 496.)

There was no provision in the law of 1866 for the payment of any money for "allowance" as distinguished from "salary" except the provision for mileage. This fact clearly indicates no intention of Congress in the acts of March 3, 1873, and January 20, 1874, to make the mileage provided for an inseparable part of the salary or compensation of Members.

It is also a fact of some significance in the discussion of this question that Congress, at least ever since 1874, in every legislative, executive, and judicial appropriation bill has appropriated for the salary and mileage of Members of Congress separately in the following language:

"For compensation of Senators, Members of the House of Representatives, and Delegates from Territories * * * dollars."

"For mileage * * * dollars." (18 Stat., 87, 345; 34 Id., 392, 938.)

"Mileage" is defined in the Century Dictionary as payment allowed to a public functionary for the expenses of travel in the discharge of his duties, according to the number of miles passed over. Substantially the same definition is found in Bouvier's and other law dictionaries.

Smith v. United States (26 C. Cls., 568; 158 U. S., 346) was a suit brought by a United States district attorney for the Territory of New Mexico to recover mileage, which had been disallowed him by the accounting officers of the Treasury on the ground that such mileage was a part of his compensation provided by law. At that time United States district attorneys received the larger part of their compensation in fees, with a maximum limitation in the case of district attorneys from New Mexico of $3,500; and it appeared that the plaintiff in that case had already been allowed sufficient fees for the year in question to make up that sum.

The statute in fixing the fees of United States district attorneys, among other items, provided "For traveling from his place of abode to the place of holding any court of the United States in his district, or to the place of any examination before a judge or commissioner of a person charged with a crime, 10 cents a mile for going and 10 cents a mile for returning." (Sec. 824, R. S.)

The Supreme Court affirmed this court in deciding that the mileage thus provided for was not compensation for official services, but was an allowance by way of reimbursement for expenses incurred or presumed to have been incurred in traveling.

In its opinion the Supreme Court used the following language:

"While an allowance for travel fees or mileage is, by section 823, included in the fee bill, we think it was not intended as a compensation to a district attorney for services performed, but rather as a reimbursement for expenses incurred, or presumed to be incurred, in traveling from his residence to the place of holding court, or to the office of the judge or commissioner. The allowance of mileage to officers of the United States, particularly in the military and naval service, when traveling in the service of the Government, is fixed at an arbitrary sum, not only on account of the difficulty of auditing the petty items which constitute the bulk of traveling expenses, but for the reason that officers travel in different styles; and expenses which in one case might seem entirely reasonable might in another be deemed to be unreasonable. There are different standards of traveling as of living, and while the mileage in one case may more than cover the actual expenses, in another it may fall short of it. It would be obviously unjust to allow one officer a certain sum for traveling from New York to Chicago and another double that sum, and yet their actual expenses may differ as widely as that. The object of the statute is to fix a certain allowance, out of which the officer may make a saving or not, as he chooses or is able. And while in some cases it may operate as a compensation, it is not so intended, and is not a fee, charge, or emolument of his office within the meaning of section 834." (Id., 349.) The liberal allowance of mileage in the act of July 28, 1866, doubtless operates as a compensation, as was said by the court in the above case might sometimes occur, but that fact does not take from it its characteristic as mileage.

The act of February 22, 1875 (18 Stat., 333-334), was a statute to regulate the fees and costs of district attorneys, marshals, and clerks, and among other things it provided: "And from and after the 1st day of January, 1875, no such officer or person shall become entitled to any allowance for mileage or travel not actually and necessarily performed under the provisions of existing law."

In commenting upon this statute, in a case before him, the Attorney General said:

"That provision was intended to apply to cases in which no actual travel is performed in serving process, as for instance, where the writ is sent through the mail to be served by a deputy at or near the place of service. It was well known to Congress that under the fee bill the practice of thus serving writs and charging mileage therefor as if travel had been actually performed to serve them, prevailed. The claim of an allowance for travel for such service—the travel being in fact constructive only—was regarded as an abuse. To remedy this and to confine the allowance of mileage to cases in which there has been actual travel it is believed the provision in the act of 1875 was enacted." (16 Op. Attys. Gen., 165-169.)

This opinion was cited by the Supreme Court with approval. (Harmon v. United States, 147 U. S., 268-280.)

In short, under all the authorities "mileage" means an allowance for actual travel about the public business, and mileage and travel are thus inseparably connected.

The language of the statute in question reenforces this interpretation, for it provides for "mileage at the rate of 20 cents per mile by the nearest route usually traveled in going to and returning from each regular session." This also seems to be the interpretation which Congress has given to the statute, for during the present session of the Sixtieth Congress a Member who, for reasons unnecessary to state, had not been in attendance at all, wrote to the Sergeant at Arms for his mileage (presumably for the purpose of "adding" it to his salary), and he was promptly informed by that official that as he had not attended the session no mileage was due him. (CONGRESSIONAL RECORD, 60th Cong., 2d sess., 1178.) This Member was paid his regular salary until he was declared to have vacated his office. If mileage is a part of the regular compensation of a Member of Congress under the law in question, there was no reason why this Member should not have received his mileage as well as his $7,500 per annum. Or if, under this law, this Member was not entitled to mileage because he did not come to Washington to attend upon the session of Congress, why should a Member of Congress receive mileage for a session beginning almost simultaneously with the closing of a session for which he had been paid his mileage?

If we look beyond the letter of the law and look at its spirit and reason, we must come to the same conclusion; for the construction asked for by the claimant would make the compensation of Members of Congress unequal. The compensation of a Member of Congress of the Fifty-eighth Congress from one of the Pacific States, would be more than a thousand dollars more than the compensation of a Member from any of the States in the vicinity of Washington, with no traveling having been made to justify this extra pay.

The act of July 28, 1866, provides for mileage for Members of Congress for attendance upon "each regular session." There is no distinction in the nomenclature of sessions of Congress in the Constitution, and we believe every session of Congress regularly called and convened is a "regular session." At least we so consider them for the purpose of deciding this case, and we hold that there were three sessions of the Fifty-eighth Congress—the extraordinary session, beginning November 9, 1903, and closing December 7, and the two regular annual sessions following.

The Fifty-seventh Congress made an appropriation for mileage of Members of Congress for the fiscal year 1904, and this was made available by the Fifty-eighth Congress as soon as it convened in extraordinary session, as before stated. It appears from the petition that but one travel was necessary to go to and return from both this extraordinary session and the December session, and for this travel the claimant had received his mileage.

It might not be out of place here to state that the House of Representatives of the Fifty-eighth Congress, while in Committee of the Whole House on the state of the Union, by a unanimous vote refused to make an appropriation for an extra mileage for these first two sessions. (CONGRESSIONAL RECORD, 58th Cong., 2d sess., 1419.) This is at least persuasive that that great body was of the opinion that the law did not authorize such an appropriation. We say this realizing, of course, that if the appropriation had been made that would have been the law regardless of what the act of July 26, 1866, provided.

We think the claimant has received all the mileage to which he is entitled under existing law, and the petition is dismissed.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Texas to the amendment of the committee.

Mr. SHEPPARD. On that I ask for the yeas and nays.

Mr. NORRIS. I have not yielded the floor, Mr. President.

The VICE PRESIDENT. The Chair begs the pardon of the Senator from Nebraska.

Mr. NORRIS. I desire to make an inquiry about the very question that the Chair propounded. I supposed the amendment offered by the committee was before the Senate, and I wish to inquire whether the Senator from Texas has moved to amend the amendment of the committee. Is that the idea?

Mr. SHEPPARD. Yes.

Mr. NORRIS. In what respect?

Mr. SHEPPARD. I have moved to amend by substituting "$12,750" for "$51,000." The amount I propose is one-fourth of $51,000, or 5 cents a mile.

thereto"—that is, in addition to the compensation—there shall be allowed mileage.

Mr. SMITH of Arizona. That is, a Member of Congress may have compensation, and then additional compensation——

Mr. SUTHERLAND. No. In addition to the compensation there shall be mileage; not in addition to the compensation there shall be more compensation, but in addition to the compensation—

mileage at the rate of 20 cents a mile, to be estimated by the nearest route—

And so forth.

It seems to me the statute is perfectly clear that the mileage is a separate and distinct thing, and forms no part of the compensation. However, I do not see what that particularly has to do with the question of whether it should be allowed.

Mr. NORRIS. If the Senator from Oregon will allow me, I have here the opinion of the Court of Claims, to which I referred a while ago. It is No. 29799, decided March 29, 1910: John F. Wilson against The United States. I do not suppose, without taking time to carefully look it over, I ought to read at random from the opinion in the case, but I will see if I can find something near the close of it that gives the conclusion of the court.

Mr. McCUMBER. If I may ask the Senator one question, I will ask what practical difference does it make whether you call it "compensation" or "mileage," so far as the merits of the proposition are concerned?

Mr. NORRIS. That is the legal proposition in this case. As I remember the case, it was the question at issue whether or not mileage was part of the compensation. However, I did not raise that question here, but it was raised by the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. Can the Senator point to the portion of the decision which makes that statement?

Mr. LANE. Mr. President, I shall merely make a brief observation, and then I shall be through. I desire to say that this is an unequal way of paying the traveling expenses of Members of the Senate. Some do not receive the amount which they should receive, while others receive more than they are actually entitled to. In my own case I receive 20 cents a mile on a mileage of some 3,200 miles. It amounts to twice the amount that I would be justly entitled to if it were merely the intention of the Government to pay the actual expenses of myself and my family. There are other cases of Senators who live in the eastern portion of the country, where the amount allowed does not pay their expenses, and they have to pay money out of their own pockets.

In a general way the people look upon mileage as a sort of baksheesh, a way of obtaining money indirectly, and for the sake of the Senate itself it would be better, in my opinion, for the Senate to adopt some other method and to slough off this one, which is not respected by the people of the country.

Mr. McCUMBER. Mr. President, I want to defend the people in just one word. The people are not picayunish at all. The people are not thinking about this mileage. You can not find one out of a million who is paying any attention whatever to it. They care nothing about it, except when some politician thinks he can make himself stronger by telling the people that they are losing a few pennies, or something of that kind. I do wish that we could consider these matters without all of us thinking the people are watching the pennies, while we are letting millions upon millions slip through our fingers, and the people are not paying a great deal of attention to it. The people are willing to pay a fair, honest amount, and they do not think anything about the salary; they are not inquiring about that; and they are not considering anything about the mileage paid, unless somebody calls their attention particularly to it, and then they have to have it explained.

Mr. LANE. Mr. President, I did not suppose that my remarks would harrow the feelings of any of the worthy brethren. I wish to say that the Senator is quite right in saying that the people do not care about what salary is paid; they are willing to pay a good salary; but they like to pay it openly. They do not like to have their Senators and Representatives in Congress receiving money with their hands out behind them like a policeman or a waiter taking a tip. That is a different proposition; and that is the basis of my objection. It is not an open method. If you wish to add the mileage to your salary and increase it to that amount and any Senator in the Senate has courage enough to make a motion to that effect, that is a different proposition. I have an idea that very few of them would make a motion to increase their salaries by the amount of the mileage paid. What I want is to keep the matter in the open.

Mr. SHEPPARD. Mr. President, I wish to ask the chairman of the committee what is the rate per mile of this mileage?

Mr. MARTIN of Virginia. It is 20 cents a mile each way.

Mr. SHEPPARD. When was this rate fixed?

Mr. MARTIN of Virginia. I can not give the date, but many years ago. Ever since I can remember that has been the rate.

Mr. SHEPPARD. It was fixed many years ago, when the expense of travel was much greater than it is now.

Mr. LANE. Undoubtedly.

Mr. SHEPPARD. It undoubtedly was fixed many years ago, when the expense of travel was much larger than it is now; and when it was fixed at some time before that I think it was a still larger amount, because travel was still more expensive then.

I think we ought to be honest in the matter. I think we ought to appropriate only an amount sufficient for the actual expense of travel. Therefore, as a substitute, I move to insert "$12,750," instead of "$51,000," which is 5 cents a mile.

Mr. MARTIN of Virginia. That does not change the rate. It simply makes that appropriation.

The matter is one of entire indifference to me, except that we ought to do what is right. We have considered it. There are few Senators in this body to whom individually the matter is of as little importance as to me, since I live so near Washington. I considered it on the plane of what was fair and right.

There is a great deal of travel that a Senator has to undergo besides one trip to Washington. When you get down to the real equities of the matter, the present rate does not compensate Senators for the actual travel that they have to undergo. Take the case of a Senator from the far West: He has to go home. The necessities and obligations upon him, both personal and official, are such that he can not get along with one trip a year. He is put to greater expense.

So, when you get at the real equities and real fairness and honesty of the transaction, I believe it is about as well disposed of under existing rules as it would be under any that could be applied. Certainly nothing has been proposed that is an improvement on the present rule. The committee felt that way, and we reported that way. It is for the Senate to determine. It is not a matter in which we have any pride of opinion or any peculiar interest. The only interest we have is to legislate justly and equitably. We have reported the bill as we think it ought to be. It is for the Senate to determine whether the amendment offered by the committee shall be rejected or adopted.

Mr. SMOOT. Mr. President, I care very little as to the amount of mileage the Senate agrees upon, but I am opposed to the House provision. If the House provision should become a law, then, in my opinion, there would be scandals, beginning with the first year, until the law is repealed.

Who is an immediate member of a family? Who is a dependent member of a family? When the Congressman or Senator decides that question for himself, is he going to travel in a special car, or in one stateroom, or will he take all the staterooms of the sleeper, or will he travel in a sleeper at all? If so, in an upper berth or a lower berth? Or will he travel in a day coach?

I do not believe the Senate should vote for the ambiguous honor provision. I have heard the present mileage rate criticized by Members of Congress and the Senate, but I have never heard a single person outside of Congress refer to the subject.

I want to say that there are many things to take into consideration in this matter. In the case of a Senator who lives on the Pacific coast it is true that it does not cost him as much to travel to Washington and back as his mileage amounts to. It is true, also, that Senators coming from places near Washington do not receive much more than actual expenses. The Senator who lives around Washington, however, can go home every week if he desires. He can attend to his business at home. He can see his business associates. His family, in many cases, can and does live at home; and he is not compelled to maintain two homes, as every Senator from the West must do. The Senators from the West have their homes in the far West which they are compelled to maintain all the time. They are also compelled to maintain a home while they are in Washington. They can not return weekly or monthly to attend to their business which needs their personal attention.

When we take everything into consideration, it seems to me the present mileage system is about as just a one as can be arrived at.

Mr. SHEPPARD. Mr. President, the proposition is not to change the present plan; it is to change the rate of mileage so as to conform to the expense of present-day travel. The rate

of 20 cents a mile was fixed at a time when that was the ordinary expense of travel. The prevailing railroad rate now is about 2 cents a mile, but in my amendment I have placed the amount at one which is equivalent to 5 cents a mile.

Mr. SMOOT. Mr. President, of course, as the Senator from Virginia says, the amendment will go into conference and it will be open for consideration between the conferees. If the Senate wants to vote against the amendment offered by the committee, well and good; but as far as I am personally concerned I wish to say now that in my judgment the present arrangement is as satisfactory and as just as any that can be arrived at, taking into consideration all the circumstances and conditions.

Mr. SHEPPARD. Does the Senator mean by "the present arrangement" the present rate also?

Mr. SMOOT. The present rate also. I want to say to the Senator that the amendment he has offered does not take into consideration the number of persons in a Senator's family. A Senator who comes to Washington, especially of late, and remains for 18 long months without even going home or having a chance to go home, is going to have his family with him. Not only that, I believe every Senator ought to have his family with him in Washington. It will cost to bring that family here sometimes more than his mileage amounts to, particularly when the Senator has a number of children.

Mr. SHEPPARD. The expense of bringing his family here ought to be paid out of the Senator's salary. The people ought not to be saddled with the expense of buying the railroad tickets and paying the other traveling expenses of his family.

Mr. SMOOT. I wish to say to the Senator from Texas, as I said before and as has been said, that no Senator has to draw any more of his mileage than he really feels he is justified in taking. I believe every man ought to take just what the law allows him. I do not believe the country is complaining of the amount that is paid for mileage to Senators and Congressmen. The only time the matter ever comes up, or the country ever thinks of it, is when we bring it up ourselves and try to make ourselves appear before the country as receivers of money not due us.

Mr. LANE. Mr. President, I do not see why it is not entirely fair to charge the actual expenses incurred in traveling. Nothing could be fairer than that, both to the Senator and to the Government.

Mr. SMOOT. Mr. President, the provision of the House bill says "traveling expenses of immediate and dependent members of their families." I will say to the Senator right now that if that should ever become the law, there would be a scandal within one year after its passage. There is not any question in my mind, but that there would be. Why, every Senator and every Congressman would have to pass upon the question as to what a dependent of his family may be. Is a servant a dependent? Is a sick aunt one? Are relatives a Senator is providing for dependents? I might go on and ask other questions of a similar character.

Mr. LANE. I do not think he would make many mistakes of that sort. I think he would be cured of the habit.

Mr. NORRIS. Mr. President, while the discussion has been going on I have hurriedly examined the opinion of the Court of Claims, to which I have heretofore referred, and I find they have decided both of the questions in accordance with the suggestion I made to the Senator from Wyoming—first, that mileage is not part of the salary of a Member of Congress, and, second, that there is not any difference between a special session and a regular session of Congress. They are all regular sessions of Congress. The opinion gives, to some extent, a history of the legislation on this question. It seems to me it would be interesting for Members of the Senate, and also Members of the House, to read this opinion. I do not want to take up the time of the Senate now to read it, but I ask that it may be printed in the RECORD.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

COURT OF CLAIMS OF THE UNITED STATES.

No. 29799.

(Decided Mar. 29, 1909.)

JOHN F. WILSON v. THE UNITED STATES.

Barney, J., delivered the opinion of the court.

This is a suit brought by Hon. John F. Wilson, who was a delegate to the Fifty-eighth Congress from the Territory of Arizona, for mileage claimed to be due him. Mr. Wilson attended the extraordinary session of the Fifty-eighth Congress which was convened by the proclamation of the President on November 9, 1903. This extraordinary session continued in session until December 7, 1903, the day appointed by the Constitution for the annual convening of Congress, and up to a few minutes before the annual constitutional session was called to order.

The Fifty-seventh Congress at its last regular session made an appropriation for the mileage of Senators, Members of the House of Representatives, and Delegates from the Territories for the fiscal year 1904 (32 Stat., 854, 858), and this appropriation was made available and authorized to be paid to the Senators, Members, and Delegates for attendance on the extraordinary session of Congress which convened November 9, 1903 (32 Stat., 1); and the claimant received the mileage due to him out of said appropriation. No further appropriation was ever made by Congress for the payment of mileage to Members of Congress and Delegates for attendance upon the session of Congress which convened pursuant to the Constitution December 7, 1903. It appears, therefore, from the petition, that none of the Members of the Fifty-eighth Congress ever received any mileage for attendance upon Congress at the extraordinary session of November 9, 1903, and the regular annual session of December 7, 1903, except the one mileage provided for and made available in the manner before stated.

The foregoing is a statement in substance of the facts set out in the petition in this case. To this petition the Government has demurred, stating two grounds of demurrer—(1) that this court has no jurisdiction of the subject matter of the petition, (2) that the petition does not state facts sufficient to constitute a cause of action; and the issue of law raised by this demurrer is now before this court for decision.

I. We can not agree with the contention of the attorney for the Government that this court is without jurisdiction in this suit. He has quoted section 6, Article I, of the Constitution, as sustaining this contention, as follows:

"The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States. * * *"

This provision only places Members of Congress as to compensation upon the same footing with all other officers of the Government, i. e., their compensation is fixed by law of Congress (and not by a provision in the Constitution), and, more important still, is paid out of the Treasury of the United States. The reason for this provision in the Constitution is apparent, and needs no discussion here, but reference for a treatment of the subject is made to Story on the Constitution, sections 851–858.

An argument is attempted to be made upon some statutes quoted that the salary and mileage of Representatives and Delegates in Congress is entirely dependent upon the certificate of the Speaker, and that such certificate is conclusive upon that subject. We do not think any such conclusion can be made from the statutes called to our attention; and if it could, we do not think any such judicial power can be delegated to that officer.

By the first section of the Tucker Act this court has jurisdiction of all "claims founded upon any law of Congress." The claim in this case is founded upon a law of Congress enacted agreeably to the express words of the Constitution; hence our jurisdiction is beyond question.

II. Some discussion has been had as to whether there were two or three sessions of the Fifty-eighth Congress; in other words, whether the extraordinary session which convened November 9, 1903, by proclamation of the President, continued over the 7th day of December following, the date prescribed by the Constitution for the annual convening of Congress, thus constituting but one session. Without discussing the question at length here, we simply state that we are of the opinion that the extraordinary session closed when the time arrived for the convening of the session provided by the Constitution, thus making two sessions even if the meeting of the Members of that Congress from day to day had been continuous.

Its thus holding we are confronted with the question, Whether the Members of the Fifty-eighth Congress are entitled to pay for mileage for each of those sessions? It appears from the petition that the claimant never returned to his home after the close of the extraordinary session and came back again to be present at the opening of the constitutional session; in fact, had no time to do so, unless he traveled upon the wings of lightning.

As the right of the claimant under the law to receive anything for mileage at either of the sessions of the Fifty-eighth Congress, except actual traveling expenses, has been questioned by Government counsel, we deem it proper at this point to give the history of legislation on this subject so far as it can be said to relate to this case.

The act of July 28, 1866 (14 Stat., 323), provided:

"That the compensation of each Senator, Representative, and Delegate in Congress shall be $5,000 per annum, to be computed from the first day of the present Congress, and, in addition thereto, mileage at the rate of 20 cents per mile, to be estimated by the nearest route usually traveled in going to and returning from each regular session."

This statute was in force until 1873, when it was superseded by the act of March 3, 1873 (17 Stat., 486), which provided:

"And Senators, Representatives, and Delegates in Congress, including Senators, Representatives, and Delegates in the Forty-second Congress holding such office at the passage of this act and whose claim for a seat has not been adversely decided, shall receive $7,500 per annum each, and this shall be in lieu of all pay and allowances, except actual individual traveling expenses from their homes to the seat of government and return, by the most direct route of usual travel, once for each session, of the House to which such Senator, Member, or Delegate belongs, to be certified to under his hand to the disbursing officer, and filed as a voucher."

This law was repealed the very next year by the act of January 20, 1874 (18 Stat., 4), which is as follows:

"That so much of the act of March 3, 1873, entitled 'An act making appropriations for legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874,' as provides for the increase of the compensation of public officers and employees, whether Members of Congress, Delegates, or others, except the President of the United States and the justices of the Supreme Court, be, and the same is hereby, repealed, and the salaries, compensation, and allowances of all said persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act."

It is insisted by the Government that the law of 1874 only repealed the law relating to the salary of Members of Congress, and never repealed the provision for mileage in the law of 1873. It is true that in the law of 1874 there was no repeal as to mileage in express terms, but after the repealing clause the section further provides that "the salaries, compensation, and allowances of all persons, except as aforesaid, shall be as fixed by the laws in force at the time of the passage of said act." The law in force at the time of the passage of the salary law of 1873 was the act of July 28, 1866, which was thus reenacted as to salaries, compensation, and allowances; and certainly mileage is either compensation or an allowance. Thus it will be seen that the law of 1866 as to the salary and mileage of Members of Con-

The VICE PRESIDENT. The resolution will go over without prejudice. The morning business is closed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendment of the Senate to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, approved August 24, 1912.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. MARTIN of Virginia. I ask that the Senate proceed to the consideration of House bill 15279, the legislative appropriation bill.

The VICE PRESIDENT. Is there objection?

Mr. KENYON. I object, Mr. President.

Mr. MARTIN of Virginia. I move that the Senate proceed to the consideration of the bill. I will say to the Senator from Iowa that this bill will come up as the regular order at 1 o'clock, and if there is any matter the Senate ought to proceed to consider that is of importance, I shall not insist on it now.

Mr. KENYON. I will state very frankly the reason for my objection. I gave notice on March 9 that I would as soon as possible move to take up a certain bill, and for reasons which are within the knowledge of everybody it has been impossible so to do. I thought, inasmuch as the bill the Senator has in charge will come up at 1 o'clock, the time from now until 1 o'clock might be devoted to the consideration of that bill.

Mr. MARTIN of Virginia. I ask the Senator what the bill refers to?

Mr. KENYON. It is the bill known as the volunteer officers' retired bill. It has been before Congress for a good many years. I know the Senator is not in favor of it, but I think it is entitled to a hearing.

Mr. MARTIN of Virginia. It is perfectly clear that it would be impossible to dispose of that bill in the time before 1 o'clock. It proposes to make a very large appropriation; $5,000,000 is, I understand the amount involved.

Mr. KENYON. About that; but it is a very simple issue.

Mr. MARTIN of Virginia. It is a simple issue, but it is going to take a good deal of time. I am exceedingly anxious to get this appropriation bill through, but no more so than must be every other Senator. The summer is far advanced, and we ought to be disposing of some of the measures that we must act on before we adjourn.

Mr. KENYON. I am in accord with the Senator's idea as to the appropriation bill, but I want to say to the Senator if there is no merit in this bill of course it ought to be defeated, and if there is any merit it ought to receive consideration. I want to say to the Senator that of the committee—six officers of the Civil War—who presented this matter to the Military Committee, I understand three of them have already passed away. If we are ever going to do anything, it ought to be done at this session of Congress. Would the Senator have any objection to this kind of a motion, to make the bill a special order for some day next week? It would not take any of the time the Senator desires to devote to his bill; it would come up only during the morning hour.

Mr. MARTIN of Virginia. I have not that familiarity with the bill referred to that would justify me in agreeing to anything in relation to it to-day. I gravely doubt the wisdom of passing the bill at the present session of Congress. I certainly am not prepared to enter into any agreement, as far as I am personally concerned, in reference to it, because my course in respect to it is not determined.

Mr. KENYON. Of course the Senator has no objection to a hearing on the bill upon its merits?

Mr. MARTIN of Virginia. If an opportune occasion should arise, of course I would be glad to have it considered; but at present there is an important appropriation bill regularly before the Senate, and it ought to have precedence. I move that the Senate proceed to the consideration of House bill 15279.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. KENYON. I move if it be now in order that Senate bill 392 be made the special order——

Mr. MARTIN of Virginia. I make the point of order that the appropriation bill is before the Senate.

Mr. KENYON. Let me make my motion, please. I move that the bill be made a special order for 12 o'clock June 15.

Mr. MARTIN of Virginia. The motion is out of order, Mr. President.

Mr. KENYON. I do not know whether it is or not. I am going to try to get the bill up on every possible occasion.

Mr. OVERMAN. The appropriation bill is pending before the Senate, and the motion is not in order.

The VICE PRESIDENT. The Chair is of the opinion that the motion can be entertained only by unanimous consent. The Senate has just voted to take up House bill 15279.

Mr. MARTIN of Virginia. I ask for the regular order, which is the consideration of that bill.

The VICE PRESIDENT. The Chair thinks, in justice to the Chair, a statement ought to be made now with reference to the unfortunate incident of last night between the Chair and the Senator from Virginia [Mr. MARTIN].

Mr. MARTIN of Virginia. Mr. President, if the presiding officer will permit me to say so, I think I was too hasty in the remark I made. I am sure the President of the Senate makes fewer mistakes than any Senator on the floor; and the disappointment to me at the time was such that, under the impulse of the moment, I made a comment which I immediately regretted, and which I wish to withdraw in the fullest and amplest and broadest sense.

The VICE PRESIDENT. It is not only for the Chair, because the Chair has no feeling about the matter, and he believes that the Senator from Virginia is a friend of the Chair, but the Chair desires to explain what really took place.

There is a rule of the Senate that a Senator shall rise and address the presiding officer and that the presiding officer shall recognize the first Senator who addresses the Chair; but there has grown up a custom in the Senate, which the Chair has been recognizing, of permitting Senators to send up requests to be recognized, both for the purpose of speaking and for the purpose of making motions. There is not any doubt at all that the Chair promised the Senator from Virginia [Mr. MARTIN] that he would recognize the Senator from Virginia; the Chair also promised the Senator from South Carolina [Mr. SMITH] that he would recognize the Senator from South Carolina; and the Chair also promised the Senator from Nevada [Mr. NEWLANDS] that he would recognize the Senator from Nevada immediately on the conclusion of the tolls-bill debate. So the Chair had three promises out to recognize three different Senators. The Chair had forgotten the promise to the Senator from Virginia; he managed a release from his arrangement with the Senator from Nevada, and recognized the Senator from South Carolina. Immediately, when the Senator from Virginia arose, the Chair remembered that he had two promises out; he also knew that the Senator from Virginia had the right of way under the rules; so the Chair stood by the recognition of the Senator from South Carolina. The Chair knows there is no feeling between the Senator from Virginia and the Chair, and hopes there is no feeling on the part of the Senate as to what the Chair did.

Mr. MARTIN of Virginia. Mr. President, I want to say that not only is there no feeling, but there is no sense of grievance—none whatever—on my part.

The VICE PRESIDENT. The Secretary will read the bill.

Mr. MARTIN of Virginia. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Virginia? The Chair hears none. The formal reading of the bill will be dispensed with, and the Secretary will read the bill for committee amendments.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Legislative," subhead "Senate," on page 2, after line 3, to strike out:

For actual traveling expenses incurred by Senators, including actual traveling expenses of immediate and dependent members of their families, incurred in going to and returning once from each session of Congress by the nearest route usually traveled, the same to be paid on certificates duly approved as in the manner heretofore prescribed for the payment of mileage, $25,500.

And in lieu thereof to insert:

For mileage of Senators, $51,000.

Mr. KENYON. Mr. President, I should like to ask the chairman of the Committee on Appropriations where the provision for mileage of Members of the House is contained in the bill?

Mr. MARTIN of Virginia. It will be found on page 18, but it is not necessary to turn to it now, because exactly the same provision is made for the House Members as is made for Senators. It restores the mileage law which has been in existence for years.

Mr. KENYON. Mr. President, there are many more Members of the House than there are of the Senate. As I understand the situation, the House has decided on a plan of mileage that shall cover actual expenses of Members in traveling to the seat of government and of the families immediately dependent upon them. Now, the House having so many more Members, it seems to me that the Senate in this matter ought to defer to the judgment of the House. I think at the time when I suggested an appropriation for the father of former Representative Pepper, who had died, the Senator from Virginia made an argument on the proposition to the effect that that was a matter entirely with the other House. The great bulk of this appropriation is going to the House, and it would seem to me that we ought not to interfere with it.

In the second place, it seems to me that the provision of the House in reference to the mileage proposition is a fair one. It embodies what was always the intention of mileage, to wit, to cover the actual traveling expenses, and this would do it. As the situation is now, a man with no family receives his mileage, and it is more than his actual expenses, while a man with a large family is compelled to bring them here, and the amount allowed for mileage does not cover the expense. For that reason I am very much in favor of the House provision.

Mr. MARTIN of Virginia. Mr. President, it is true that I have always insisted that each House should take care of its own expenditures, but this is a joint expenditure; this is not an expenditure exclusively appertaining to the other House. This is a provision for mileage for the membership of both Houses. The committee, after careful consideration, was of the opinion that the old flat rate of mileage was juster, and would in the end prove quite as economical as the mode now proposed by the other House.

In addition, Mr. President, we felt that it might be the subject of very great abuse under the language of the House provision, which is very vague. It reads:

Traveling expenses of the immediate and dependent members of their families.

That is a very latitudinarian phrase. It is difficult to see where it would lead us. It does not fix the mode of travel. Are they all to have drawing-rooms? It is a very vague and unsatisfactory provision for the payment of mileage. The committee of the Senate did not think it was wise to make the change and reported an amendment accordingly. The matter will go to conference; and if there be any strenuous desire on the part of the other House to make this change, it will have due consideration; but the judgment of the Senate Committee on Appropriations is that there should be no change, or certainly not the change proposed by the other House.

Mr. LANE. Mr. President, I was under the impression that the change proposed by the House of Representatives was in the interest of economy, and that it would cut the mileage expense in half; and I observe that the sum appropriated in the bill amounts to only about half of the usual appropriation for the purpose. I think it would be a good idea to give this plan a trial. There is a great deal of dissatisfaction among the people throughout the country in relation to the matter of mileage.

I do not think that it pays the Members of the Senate or honors the Senate to accept mileage. If there is any other satisfactory way of having such expenses paid, I think we ought to substitute it for this. The payment of mileage has always caused reflections to be made upon the two Houses. I do not think this body can afford to continue the practice if there is any other method which they can adopt; and I support the House provision for that reason.

Mr. WARREN. Will the Senator from Oregon allow me to ask him a question?

Mr. LANE. Certainly.

Mr. WARREN. Mileage is by law a part of the compensation of Senators and Members of the other House, and always has been so regarded. Does not the Senator from Oregon believe that there is just as much talk against the increase of Senators' salaries as there is against the payment of mileage?

Mr. LANE. I do not know.

Mr. WARREN. It is all one under the law.

Mr. LANE. It may be, but it is under the law in a different light; and if you are going to increase the salary——

Mr. NORRIS. Will the Senator from Oregon yield to me?

Mr. LANE. I will.

Mr. NORRIS. I want to make a remark in reference to the suggestion of the Senator from Wyoming [Mr. WARREN], to the effect that mileage is a part of our compensation by law. I may be mistaken, of course, but I think the Senator from Wyoming is wrong about that.

Mr. WARREN. I invite the attention of my distinguished friend, who is a very able lawyer, to the statute; that is all that is necessary.

Mr. NORRIS. I will invite the attention of my distinguished friend to the opinion of the Court of Claims, where they have construed that law. As I remember—I have not looked at the opinion for a good while——

Mr. WARREN. As to the mileage of Senators? Oh, that is merely a technicality. It has been considered as compensation.

Mr. NORRIS. As to the mileage of the Members of the House of Representatives, which is the same thing.

Mr. KENYON. Did that decision have any relation to the income-tax law?

Mr. NORRIS. No.

Mr. KENYON. What was the case?

Mr. NORRIS. If the Senator from Oregon will yield, I think I can outline the case briefly. I speak of it from memory, but the case is accessible and can easily be obtained and read. It arose in this way: I think it was in the Fifty-eighth Congress, when one session of Congress merged into another, as it did at the last session, and a claim was made by a Member of the House of Representatives for mileage that had not been appropriated for. He claimed his mileage for the new session, on the ground that it was a part of his compensation. Of course, if it was a part of his compensation it made no difference whether or not he actually went home and came back. That case was taken to the Court of Claims. I believe there was a joint resolution of Congress passed authorizing the court to take jurisdiction of that case, although I may be mistaken about that; I was in the House at the time; but the case at least went to the Court of Claims, and that court passed on it.

Mr. JONES. Mr. President, I have not examined the decision of the Court of Claims, but I know that the contention was that it was different from the ordinary case, because one session was a special session, while the statute, I think, applies to mileage for regular sessions. I do not know whether the Court of Claims decided the case on that point or not.

Mr. NORRIS. No; I think the Court of Claims held that it was a regular session of the Congress, and that in law there was no difference; but they discussed the proposition of what mileage meant, and they decided it. As I remember, the opinion was contrary to the contention of the Senator from Wyoming, and held that the Member of the House was not entitled to mileage.

Mr. WARREN. If the Senator will review the case I think he will admit he is practically mistaken. The law as it has always stood has seemed to contemplate mileage as a part of the compensation. The law for some two or four years read that mileage should only be paid for two sessions of Congress, and, hence, if there was an extra session a Member of Congress could not, of course, draw mileage for that session. Then, at another period, the law read that "in no case shall constructive mileage be computed and paid," which would perhaps cover the case the Senator has mentioned, the mileage in that instance being constructive mileage, there not having been any lapse of time between the close of one session of Congress and the commencement of another, as the Senator has stated it.

Mr. SUTHERLAND. Will the Senator from Oregon yield to me for just a moment while we are on this subject?

Mr. LANE. I yield.

Mr. SUTHERLAND. This question has been up for discussion several times before. It seems to me that the statute is perfectly plain; that the mileage is no part of the compensation, but is something wholly outside of the compensation and in addition to it. The language of the statute is——

Mr. WARREN. Will the Senator let me call his attention to one thing?

Mr. SUTHERLAND. That is exactly what I had before me and was about to read. I have no objection, however, to the Senator reading it.

Mr. WARREN. Oh, no; the Senator may read it.

Mr. SUTHERLAND. Very well. The statute reads:

The compensation of each Senator, Representative, and Delegate in Congress shall be $7,500 per annum—

That is, the compensation—

and in addition thereto mileage—

Not compensation—

in addition thereto—

That is, in addition to compensation.

Mr. SMITH of Arizona. It is, then, compensation, is it not?

Mr. SUTHERLAND. Oh, no; it is "in addition thereto." What does "thereto" refer to? It refers to compensation. The compensation shall be so much, and "in addition

colony as a source of water supply, thus polluting the well. The self-constituted committee of labor organizations was at the time of this incident conducting what it was pleased to call an investigation of the militia. That committee had announced that it would make no report until it had completed its so-called investigation; but so appalling did this incident appear to it that the committee interrupted its work at once and telegraphed to your excellency about the matter as of serious and immediate import.

The telegram stated that upon the occasion of the occurrence Lieut. Linderfelt had brutally assaulted an inoffensive boy and grossly abused a man in no way connected with the strike, and unjustifiably arrested Louie Tikas, the headman of the Ludlow tent colony; adding that the lieutenant had a deliberate purpose to provoke the strikers to bloodshed, and asking for his removal.

By your excellency's directions I instigated a searching investigation of this incident at the time of its occurrence and learned, as I advised your excellency, that the facts were as follows: On the evening of December 30 a patrol of Lieut. Linderfelt's company was returning from Barnes, and when opposite the Ludlow tent colony in the county road Corpl. Cuthbertson's horse encountered a double strand of barbed wire which had been strung across the highway. The horse became entangled in the wire and unmanageable and severely injured his rider, the horse itself being severely cut by the barbs. Again, on the 7th day of January another wire entanglement was discovered in almost the same place and removed. Upon one occasion prior to the injury of Corpl. Cuthbertson another wire entanglement was discovered across the county road near the tent colony. After the injury to Cuthbertson, Lieut. Linderfelt directed his men to cut the wire into pieces, which they did, throwing it into a near-by well which was supposed to be abandoned, and I now find this well was at no time used by the strikers for water for drinking purposes. Lieut. Linderfelt then arrested Louie Tikas, together with another man who was pointed out to him as the person who had strung the wire. At first Tikas protested that he did not know the other man, but upon being sent to Maj. Kennedy for examination admitted that he had lied in that respect and that he knew him very well, but protested innocence of the wire entanglement. The inoffensive boy referred to in the labor committee's report denied that Lieut. Linderfelt had struck him, confirming the lieutenant's statement in that respect. This incident is reported in full as showing the lengths of falsehood, bias, and deliberate misconstruction to which those engaged in attacking the national guard have gone.

INTERRUPTED FUNERAL.

Witness Hall, an undertaker of Trinidad, whom the strikers employ exclusively, stated that a funeral procession conducted by him had been interfered with and broken up by a soldier driving an automobile. In this connection it should be explained that mobs and street processions have been prohibited in the strike zone for the very obvious reason that such demonstrations at a time like the present would usually result in disorder and riot. Funeral processions have, however, always been allowed and never interfered with. The result is that the striking miners utilize a funeral for the purpose of making a parade through the streets. On such occasions there is very little funeral sentiment, but often considerable sociological demonstration. It matters not that the deceased was wholly unknown to those taking part in the procession, or whether the deceased had lived in the community 1 day or 10 years, the funeral is always made the occasion of a street parade in which flags and banners of the striking miners are carried and large numbers of men march to demonstrate strength. I feel this explanation is necessary to an understanding of what occurred in the incident referred to by Undertaker Hall. Pvt. Ward J. Watson was driving an automobile upon a military errand between the city of Trinidad and the military camp a mile away and overtook one of these funeral processions or parades. Reaching the rear of the procession a short way from the military camp and attempting to pass by without molesting it he slowed up to turn aside. The men in the procession turned about and began to abuse him, calling vile names, making threatening gestures, and climbing upon and over the sides of the automobile. Thereupon Pvt. Watson, guiding his car with one hand, drew his pistol and struck at one of the men attempting to board the car. In fear of what might follow, he being one against so many, he drove the car at full speed through the mass of men until he reached the buggies and cabs in the procession, when he swung to the side and went on to the military camp. Pvt. Watson insists that he felt it necessary to act thus as the only means of protecting himself against the demonstration made. It was really a flight.

THE PATTRUCCI INCIDENT.

A woman by the name of Pattrucci testified that soldiers arrested her husband, taking him to the guard tent at Ludlow, and then returned and offered her $2 to prostitute herself. The offer, she stated, was made in the rather ambiguous language: "Where can I spend these $2?" The witness placed her own interpretation upon it. I have no means of ascertaining whether such incident ever occurred, since the witness, though pressed, was unable to give any information as to who the men were. She said, however, that she complained of the incident to Maj. Kennedy, whom she knew, and that he had punished the men; and, in an effort to discover who the men were, the committee itself requested the presence of Maj. Kennedy, from whom it was hoped to obtain the names. Maj. Kennedy at the time was in command of the force in Fremont County, but upon the committee's request was brought all the way from Florence to Trinidad, and, being upon the stand, testified that he knew nothing of the incident; that none had been reported to him, nor was anyone punished; and that on the date of the alleged incident and conversation with him at Ludlow he was, in fact, over 100 miles away.

MRS. THOMAS.

Two incidents were testified to before the committee in connection with the Mother Jones riot—one by Mrs. Thomas, and the other by a young girl, Sarah Slator. Mrs. Thomas testified that she was shoved, pushed, jabbed in the back with a bayonet, arrested, and held in jail 11 days. The arrest and imprisonment are facts, but the rest of her testimony is largely fiction. She was a vociferous, belligerent, and abusive leader of the mob. She forcibly resisted orders to move on, responding only with highly abusive and, to say the least, unwomanly language. She attacked the troops with fists, feet, and umbrella. In her testimony she made much of the awfulness of treating a riotous woman in the same way as a riotous man. This woman has been under surveillance for a long time, and the truth is that not long before, upon the occasion of the arrest of her husband for knocking down a woman—an arrest directed by the union leader, Uhlich—this same Mrs. Thomas strenuously defended her spouse at Miners' Union Hall, with the argument that women who act the part of men must be treated as such. The next day she appeared at the newspaper office of the Trinidad Advertiser and professed her intention to kill the editor for having printed as a news item the incident concerning her husband, and returned a little later with a pistol to carry out her purpose; but, being excluded from the office, she remained for some time upon the sidewalk, attracting a crowd by her loud, vile, and boisterous denunciations. She is altogether a violent and, upon occasions like the Mother Jones riot, a dangerous woman. She claims to have lived in America a little less than a year. It was necessary to arrest her.

SARAH SLATOR.

This young girl testified that on the same occasion the commanding general dismounted for the purpose of kicking her in the breast. The absurdity of this statement will be apparent to all. The young girl, who was playing truant from school on that day, offered considerable resistance to the soldiers, positively refusing to move on or go home, and continually calling names and alectting the trouble occurring within her sight. Before night her father represented to me her age and irresponsibility, and, feeling that a jail was no place for a girl of tender years, she was released and delivered to her father's custody.

A Colorado & Southern trakeman testified that on December 25, 1913, Lieut. Griffin compelled a train crew to work over the 16 hours out of 24, limited by Federal statute. The report of Lieut. Griffin, who had charge of the detachment upon an errand of safe-conduct of workmen, as well as the statement of Sergt. Goodell, who was with him at the time, show that the facts were these: A conversation occurred between the military officers and the train crew concerning the attitude of the National Guard toward the railroad trainmen and unions, and in this conversation members of the crew stated that all trainmen "had it in" for the military, as the military was always against the interests of the unions. It was noticed that a great delay in moving the train was occurring, and upon inquiry it was stated that the crew was "stalling," so that the 16 hour period would expire, leaving the military detachment in the yards. Whereupon the lieutenant told the conductor that he was placed in charge of the train to deliver workmen and return with his command to Trinidad, and that the lieutenant's orders were to see that he did it; at this the train was moved. If the 16-hour limit expired before the time the train reached Trinidad, a matter of which the lieutenant was in ignorance, it was because of the deliberate plot on the part of the train crew to bring that condition about.

PEONAGE.

There was some evidence introduced to the effect that men were forcibly prevented from quitting work and leaving the camps at Hastings and Delagua, and that this sort of peonage was enforced by the soldiers in charge. After a careful examination, I state that this testimony was in every instance false, so far, at least, as the same concerns the troops. The commanding officer in charge of the troops in the Hastings-Delagua Canyon states positively that all civilians who made application to leave the camps were at once given a pass, and that at no time was the military instrumental in detaining anyone desiring to quit work and leave the camp. That a man was killed in the mine in Delagua during December while trying to leave, and that the soldiers were present and participated, as mentioned in certain affidavits, and that the name of the man killed was Hayes, and that a man by the name of Davis witnessed the killing, is wholly false. No man was killed at this mine during December, and the records show that no man by the name of Hayes was employed at the mine, nor was there a man by the name of Davis employed or present, so far as can be discovered.

INSULTS AT STARKVILLE.

Two women of the lower classes, named Ramponi and Minardi, testified to certain vile and nasty insults by soldiers at Starkville. Upon the coming in of this testimony the individuals accused became highly indignant. They are young men of good families in Colorado Springs, who felt besmirched and humiliated by such false and scurrilous testimony. Acting through their captain, Hildreth Frost, the accused men submitted to me their sworn statements, together with the affidavits of several civilians who witnessed the incident referred to by the women, with a request that the same be handed to the committee as a matter of personal vindication. From these affidavits it appears that these women were continually banging around the soldier camp and baiting them with the vilest kind of talk imaginable. These women, prior to the closing of the saloons in Starkville, used to tend bar at a place frequented by the rougher and lower element among the miners, and it would appear that, instead of the soldiers offering insult to them, they went out of their way daily to shout the most libidinous words at the troops. The language used can not find space here, but reference is made to the affidavits supplied by Capt. Frost's men.

JASSINSKY INCIDENT.

The incident of an alleged robbery testified to by the family named Jassinsky, of Suffield, was investigated by my express direction at the time it was said to have occurred. The report of Capt. Smith, who conducted an exhaustive investigation, wholly discredits the statements made. Capt. Smith testified before the committee concerning the matter, and it needs no further attention here.

GRAVE-DIGGING STORY.

A great deal has been said about a man being compelled to dig his own grave by a detachment of soldiers at Lester. One Andy Colnar has related in affidavits, speeches, and interviews with the press a horrible tale of his being told that a hole he was compelled to dig was intended for his own grave; that he was measured for it; that he was told in his own language that he was about to be shot and buried; and that he was so frightened that he fell fainting into the hole. His description of the torture is graphic and has been given the widest publicity. The tale is made of whole cloth. The incident never occurred.

It is perhaps well that the committee and the public know the facts, that they may judge of the methods used by the defamers of the National Guard. On or about the 28th of November, 1913, a letter was written by Andy Colnar, addressed to Paul Antovitch, the fire boss then working at the Prior mine. This letter, written upon the letterhead of the United Mine Workers of America, threatened violence to Antovitch if he did not instantly quit his job and join the union tent colony. The letter was delivered by one "Kink" True, who, as soon as Antovitch had read it, snatched it from Antovitch, saying that it was not necessary for the letter to remain in his hands. True then conducted Antovitch to a cut in the road, part way between Prior and the tent colony, where Andy Colnar and others were awaiting him. At this place Colnar threatened and intimidated the working miner, who

did not return to work, but felt it necessary to quit the mine. On this information Capt. Drake, in charge of the district, directed Lieut. Work to arrest and detain Colnar and True, and on the evening of November 28 both were taken and kept in separate apartments. True was placed in the upper part of the building with a sentry, and Colnar was given a bed in the assembly room and handcuffed with his hands in front of him from 11 o'clock p. m. until 6 o'clock the next morning. This was done to prevent escape, as there was not a sufficient number of soldiers to spare a sentry to guard Colnar. The next morning he was given a good breakfast and interviewed by Capt. Drake, who demanded of Colnar that he recompose the letter which he had written to Paul Antovitch. Colnar protested he could not remember it. The captain told him he would remain where he was until he did, and left him pencil and paper. During the day he sat in the assembly room near a comfortable fire. The captain, who had interviewed True, produced the original letter to Colnar. Antovitch was then sent for and identified the original letter as the one delivered to him by True. After a warning against carrying threatening letters and against intimidation, True was released, and Colnar was detained for further investigation. True is the president of the local union at Prior. The night of November 29 Colnar was placed in a comfortable bed in the town jail, and the next morning he was taken out under guard and set to digging a new latrine. The lieutenant had been reprimanded for the condition of the old latrine and, as was customary, utilized his prisoners for the purpose of digging a new one. While Colnar was thus engaged one of the soldiers, speaks a little Slavish, passed the place and gave Colnar a "good morning" in the Slavish tongue. Colnar asked this soldier if what he was digging was a grave, but before the soldier answered him the drill call sounded, and the soldier replied, "I don't know," and ran hastily to where the detachment was assembling. During inspection that morning Colnar was placed in an interval in the center of the detachment, after which he requested to be permitted to telephone to his wife and babies, but the request was denied. He then said he felt sick, and was asked if he wished to go to the latrine, but his answer was unintelligible. He was taken out and put to work at the same place. About 11.30, after having his dinner, he was again interviewed by Capt. Drake, who stated that he understood that he had a wife and babies out on a ranch near the town, and that if he would promise to go and take care of them and abandon attempts to intimidate workmen he would discharge him and permit him to go home, but would keep him under surveillance. Colnar was exceedingly thankful, dropped to his knees, and invoked the Deity to witness that he would not transgress again. He said that if anybody at the tent colony wanted him to write threatening letters again they could murder him before he would do it. The captain told him to get to his farm and go to his wife. Colnar's thanks and expressions of gratitude were profuse, and tears streamed down his cheeks as he mentioned the good meals given him and the kind treatment accorded him while a prisoner. He was never measured for a grave; he was not told he was digging one; and he did not fall fainting into a hole nor anywhere else; neither was he told he was to be shot. Capt. Drake has still the letter of intimidation as originally written by Colnar. Upon Colnar's release he shortly imagined the weird tale that has earned him so much notoriety.

This campaign has not been a pleasure trip for the members of the National Guard, but a tour of duty, and the magnified stories circulated concerning alleged offenses or indiscretions on the part of soldiers while performing their duty can be assigned for no other reason than that of distracting the attention of the public from the real issues involved.

In concluding this report, I feel that I would be derelict in my obligations toward the officers and men of my command if I did not emphasize again the splendid conduct of the National Guard as a whole. These men are volunteer soldiers, who receive a mere pittance for their services as compared with their ordinary earning capacity in daily life. They have promptly and cheerfully responded to the State's call in the hour of danger, and their service has been attended in almost every instance with great personal sacrifice, and oftentimes downright suffering. The danger of destruction by assassination or otherwise has not been wanting. The errand was a patriotic one and occasioned by a quarrel wholly impersonal and void of interest to any one of them. The men of the guard have discharged their services well, faithfully, and patiently. For all the task has been a thankless one. The only visible return for the sacrificing citizenship displayed has been the heaping of reproach and opprobrium, falsehood and scurrility, upon the shoulders of the Commonwealth's defenders. It is hoped that a just and discriminating public will in the end come to realize the disinterested service of these champions of the State's integrity and honor, who for the present have only the consciousness of a stern and unpleasant duty well performed to console them.

All of which is very respectfully submitted.

JOHN CHASE,
Brigadier General, Commanding the Military District of Colorado.

Mr. THOMAS. I shall make no comment on either of these insertions. I merely insist that it is due to both sides of this controversy, if one is to have the benefit of the columns of the CONGRESSIONAL RECORD to any extent the other ought to have it to like extent. My remarks must not be construed as an indorsement of what appears in this document. I have the same reason for indorsing or condemning it that I have for indorsing or condemning the other. Allowance must be made on all sides for the excitement and passion and hysteria which have been engendered by this terrible and unfortunate tragedy. Time will sift the true from the false as nothing else can.

Mr. President, before the General Assembly of Colorado adjourned it voted bonds for military purposes or, to speak more accurately, for the purpose of preserving peace and aiding the Government in the execution of the laws. It voted a series of bonds aggregating $1,000,000, a great portion of the proceeds which, of course, will be required to meet the expenditures thus far sustained during the mobilization of the National Guard. There will be left, however, a very considerable sum—that is, a considerable sum for the State of Colorado—of between $300,000 and $400,000, which will be available for the uses of the State should any similar emergency occur in the future, which God forbid.

The legislature before adjourning appointed a committee consisting of members of both houses and representing the several political organizations of the State, and charged them with the duty of inquiring into and bringing about an adjustment of the difficulties between the miners and the mine operators. That committee has been in constant session ever since the legislative adjournment, which took place, as I recall, on Saturday, the 16th day of May. It has recently reported that the prospect for reaching a satisfactory conclusion is now very promising. It may be, therefore—and I hope it will be the fact—before this commission, if it shall be provided for and appointed and shall have gone to the expense of an investigation, that an adjustment will have been reached.

I am also informed that the Department of Labor, by the direction of the President, has detailed two of its best men especially charged with the duties of an investigation, and have for some time been engaged in the attempt to reach the same result.

I hope that the Committee on Interstate Commerce, to which committee I understand the resolution will be referred, will expedite the consideration of it and make a favorable report upon it as soon as possible.

The VICE PRESIDENT. The Chair inquires of the Senator from Colorado if the resolution ought not to go to the Committee on Education and Labor.

Mr. THOMAS. The request was made by the Senator from Oklahoma, when he introduced the resolution, that it go to that committee. I ask that it may go there, unless it belongs properly somewhere else; and that is one reason why I asked that it might lie on the table under the rule.

The VICE PRESIDENT. Bills and resolutions are referred on motion and not on the request of a Senator, if there is any objection.

Mr. THOMAS. The Chair asked me the question, and I was obliged to answer it as I did.

The VICE PRESIDENT. The Chair thinks it ought to go to the Committee on Education and Labor, and the Chair is going to refer it to the Committee on Education and Labor unless a motion is made to refer it to some other committee.

MISSOURI RIVER BRIDGE.

Mr. STONE. Mr. President, I have just come into the Chamber and I do not know what the Senate is engaged upon, but if it is in order I should like to ask unanimous consent to take from the calendar a bill for the construction of a bridge across the Missouri River. It is a House bill.

The VICE PRESIDENT. The morning business has not yet been closed, but by unanimous consent the bill may be considered.

Mr. STONE. It will not take more than a moment. I have some telegrams, I will say to the Senate, that are urging the importance of speedy action upon the bill. I ask the Senate to proceed to the consideration of the bill (H. R. 14180) to authorize the construction of a bridge across the Missouri River near Kansas City.

Mr. JONES. I am not going to object to the consideration of the bill, but I want to ask the Senator from Missouri, who is one of the leaders of the body, if he has any idea when we will be able to get started on the calendar and go through the calendar, and if we can count on his assistance to help us to get consideration of the calendar?

Mr. STONE. I am very anxious to get on the calendar. There are a number of measures on the calendar that ought to be disposed of, and undoubtedly many more important than the one that I now ask to have considered.

Mr. JONES. This bill is no doubt of importance locally, but I feel that if we let all matters of local importance get through we will not be able to get to the bills on the calendar. I am not going to object to the consideration of the Senator's bill; I want to have it passed; but I do hope he will help us to get started on the calendar very soon.

The VICE PRESIDENT. Is there objection to the bill indicated by the Senator from Missouri?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate the following resolution coming over from a preceding day.

The SECRETARY. Senate resolution 363, submitted by Mr. SMITH of Georgia on May 14.

Mr. NORRIS. The Senator from Georgia not being present, I ask unanimous consent that the resolution may go over without prejudice.

joint telegram to your excellency, indorsing your excellency's policy and pleading for the protection that continuance of the State troops in Trinidad assures. One of the business men so joining in approval of your excellency and the military forces of the State was discovered the day before yesterday in a dying condition in his office, having been murderously beaten and left for dead. He was taken to San Rafael Hospital and, from the latest reports received, has not yet recovered consciousness.

III.—GENERAL POLICIES.

USE OF HORSES, MULES, AND AUTOMOBILES.

On entering the field the National Guard owned only 14 head of draft horses, a totally inadequate number for the quartermaster general's department, which is charged with the supplying of the troops with all manner of stores. Two hundred and seventy-nine head of horses were finally purchased for draft use and mounted troops. The commanding general very gladly accepted the offer made by ranchmen and some of the operators to take over horses and mules, to be used without charge to the State. In this way 21 head of saddle horses were in use without expense other than their feed, being drawn from the ranches in the vicinity of the strike zone, and 15 head of mules were secured from the various coal mines of the district.

In Huerfano and Las Animas Counties the troops were distributed over about 120 miles of territory, much of which was distant from railroad transportation. It became necessary to provide transportation other than horses, in order that the commanding general and certain officers of his staff might pay frequent visits to the detached posts. At various times six different automobiles have been used, four of which were private cars and two said to have been owned by the operators. Some complaint was urged by the strike leaders against the use of these cars, and request was promptly made of Mr. Lawson that he also furnish one or two cars for the use of the troops. This request he declined.

ENLISTMENT OF MINE GUARDS.

The enlisted personnel of the National Guard of Colorado is largely made up of small property owners, clerks, professional men, and farmers. It has always been the custom, upon mobilization of the troops for protracted service, to relieve from duty those soldiers whose presence at home is most greatly needed, enlisting in their places men who have served in the Regular Army, in the Marine Corps and Navy, and the National Guard of this and other States, great numbers of whom are usually available in the cities and towns of this State. Among the mine guards who were thrown out of employment by the presence of the troops in the field a few ex-soldiers were found whose discharge papers were of such a character that it seemed desirable to enlist them in the National Guard of Colorado. So far as it has been possible to ascertain, no Baldwin-Felts men ever offered himself for enlistment or became enrolled in the service. All men enlisted in the National Guard were given the pay of the rank in which they were serving as soldiers, and were subject to the same orders as other soldiers. A few of the men enlisted among the mine guards were paid for a time additional sums by the operators. This is a matter in which the commanding general has no interest, as it has been customary for business houses to continue the pay of employees who are serving the State under orders of the governor.

DISARMAMENT.

The governor, in his first letter of instruction, directed that all persons should be disarmed unless authorized to bear arms. In compliance with this order, weapons were taken from the peace officers of both counties, from the deputy sheriffs and mine guards found about the properties of the operators, from the tent colonies of the strikers, and from such homes and stores as were being used to the disturbance of law and order. In all, 1,872 guns and pistols have been gathered from the deputies and strikers, and about two tons of explosives. Directions were given, very soon after entering the strike zone, that the importation of arms and ammunition should cease, and that no guns, ammunition, or explosives should be sold without the permission of the commanding general. Many of the guns which were in transit at the time of the mobilization of troops were returned to the factories and wholesale dealers in the East. Where arms were voluntarily turned over to the soldiers a receipt, carrying a description of the gun, was given to the owner of the weapon. Where false statements have been made as to the presence of guns it has been customary to confiscate the weapons when found. The first weapons gathered in Huerfano County were taken from the sheriff and his deputies.

STRIKE BREAKERS AND STRIKE NOTICES.

In the governor's letter of instruction dated October 28, 1913, occurred the following order:

"To see that all persons desiring to return to work shall be permitted to do so, and to go and come when they will without molestation or interference of any kind whatsoever, and during the restoration of order or until further orders no strike breaker shall be shipped in.

"With these purposes in view you should have the fullest cooperation of every good citizen."

Every operator in the strike zone was promptly notified of this ruling, and was directed that any plans under consideration for the introduction of workmen from outside the State of Colorado should be withdrawn until such time as the governor lifted the prohibition for the introduction of workmen from without the State. One band of 12 Japanese was permitted to come in by a special permit of the governor, as they had previously worked in the strike zone and were fully cognizant of the fact that the strike was in progress. The governor directed by telephone that at any time when two or three former workmen desired to return to any of the mines they should be allowed to do it. The strike leaders repeatedly called the attention of the commanding general to alleged efforts to violate the order concerning the introduction of workmen. Each case was investigated by an officer detailed for the purpose, and in only one instance—that of the introduction of Mexicans at Gray Creek—was there even an appearance of an effort to evade the order of the governor.

Prior to the issuance of General Order No. 17, a copy of which is attached, the operators were informed that they would not be permitted to import to their mines any workman who had not previously been interrogated by an officer of the National Guard as to his knowledge of the strike and conditions of employment in the State of Colorado. Each officer of the National Guard was furnished with copies of General Order No. 17, and the order was printed in the local press. The first importation of workmen arrived from the East, passing through La Junta. In order to test the efficacy of the method adopted for interviewing workmen, Capt. Nickerson was sent to La Junta to meet the train bearing the workmen. Upon his recommendation that there was ample time after the arrival of workmen in the district to test their knowledge of the strike and labor conditions in Colorado, no other officer was sent out of the strike zone to intercept workmen. Upon several occasions complaints were made that workmen had been brought into the mines without a complete check being made. Officers were detailed to investigate, and their reports show that in each instance the check had been thoroughly made.

Prior to the promulgation of General Order No. 17 the operators were invited to a conference with the commanding general to devise a scheme of notification to the workmen entering the strike zone, which would give evidence of compliance with the law. At this time notices were drafted and printed in several languages, which were afterwards, as I am informed, supplied to each laborer imported. One of these printed notices is attached hereto.

UNITED STATES MAILS.

Nearly every mining camp in southern Colorado is located on land which, for purposes other than mining, is almost worthless. Such population as gathers about the mines is for purely mining purposes. This has necessitated the placing of post offices, for the convenience of the inhabitants, on mining property privately owned. One of the delicate situations requiring wise control on the part of the soldiers on duty in the strike region has been to permit all persons who were accustomed to receive mail at these mining post offices to proceed to the post office and at the same time insure against interference with persons or property connected with the other side of the industrial conflict. The condition referred to has been aggravated in several of the camps by the fact that county roads pass through the mining camp, and, as your excellency is well aware, the roads of this State are free to all. As an instance of the conditions referred to, of the care exercised by the officers and the good judgment exhibited by the enlisted men, the reports of the detailed officers connected with the alleged interference of the mail at Rouse are herewith submitted.

ALLEGED PEONAGE.

Numerous inquiries have been made of the commanding general by the committee of the trades assemblies of Colorado by strike leaders and individuals among the strikers as to the restraint alleged to have been exercised by soldiers over workmen desiring to leave the various mining properties. It seems incredible that such a charge should be made against a soldier, for it is a well-known fact that the mine operators openly assert they want no man on the pay roll who has become dissatisfied with the service and who desires to leave. Therefore it is easy to understand that no request has ever been received by any officer or soldier of the National Guard of Colorado to prevent the departure of any workmen seeking to leave, nor has there been an instance known to the commanding general where an officer or enlisted man of the National Guard ever prevented the exit of any workman from a mine, unless all egress from a camp had been barred temporarily to investigate some alleged crime.

POLICE INFRACTIONS BY TROOPS.

Something over 2,000 different soldiers have been on duty in the strike zone of Colorado. The discipline of the men, the efficiency of the officers, and the quality of service rendered have been a constant surprise to such soldiers as have had the facts in view. No instance of disobedience or neglect of orders on the part of an officer has come to the attention of the commanding general. There have been fewer infractions than might have been expected from the nature of the service, which was peculiarly trying to disciplined soldiers. Every case of drunkenness or other irregularity was cared for by the proper military courts. The summary courts tried 424 cases and the general court-martial considered 30 cases.

THE MILITARY COMMISSION.

I feel it due to explain the purpose and functions of the military commission which was established by my order shortly after the assassination in the streets of Trinidad. I found that military prisoners were accumulating in the jails whose individual cases needed more thorough investigation than the commanding general had time or occasion to make. I therefore detached a board of officers which I designated the "military commission." This board or commission I constituted of officers of higher rank in the service of the State, known in their local communities as representative men of high ability, upright character, and irreproachable integrity. While the personnel of the commission was changed slightly from time to time as the necessities of the service required, still I always had in this board a body of officers in whom your excellency, the commanding general, and the people would have the greatest confidence. As originally established the commission comprised the inspector general and paymaster general of the State; Col. C. A. Carlile, who in civil life is a lawyer in Pueblo; the surgeon general of the State, Col. G. P. Lingenfelter, a distinguished Denver physician; Col. Edward Verdeckberg, commanding the First Regiment of Infantry and the central camp at Walsenburg, a manufacturer of Denver; Maj. A. H. Williams, adjutant general of the First Brigade, a Denver business man; Maj. A. F. Reeves, a real estate man of Montrose, who has since been appointed postmaster of that city by the President; Capt. A. B. Montgomery, secretary of the Sons of the American Revolution; and Lieut. W. A. Spangler, a Denver attorney. Afterwards, at different times, Maj. Lester, a Walsenburg physician; Capt. Dailey, clerk of the district court at Fort Morgan; Capt. Frost, an attorney of Colorado Springs; Capt. F. J. Bartlett, a professional man of Denver; and Capt. Downer, a merchant of Ordway, served upon the commission.

The purpose in view in establishing the military commission was to prevent the imposition of unnecessary hardship and imprisonment in cases where no reasonable grounds existed for detention, and to insure, by the collective judgment of such a board, wise and discriminating imprisonment of those who should be detained as a military necessity. While the board was advisory purely, I yet sought to substitute for the sole judgment of the commanding general the collective wisdom and painstaking results of these high-minded and patriotic gentlemen. The military commission was in no sense a court. It did not undertake to try anyone for criminal offenses or anything else. It was a kindly and humane device established for the sole purpose of minimizing the possibility of error in judgment attaching to the incarceration of civilians.

In the same order I established the office of the judge advocate of the military district, and designated Maj. Edward J. Houghton, an attorney of Denver, and Cripple Creek, the judge advocate, assigning to his office as assistants Capt. William C. Danks, of Denver; Capt. Edward A. Smith, of Denver; Capt. Hildreth Frost, of Colorado Springs; and Capt. J. R. Charlesworth, of Delta; all practicing attorneys at law.

The purpose of the military commission and the judge advocate's office was accomplished even beyond my expectations. A very large number of arrests were made for various reasons. All of these cases were investigated, the evidence collected and submitted to the military

commission by the judge advocate, and recommendations either of release or continued detention were made by the commission to the commanding general, and acted upon promptly by him. In all, 172 cases were thus investigated and disposed of. It is interesting to note that 325 witnesses appeared before the commission. Of the prisoners, 141 were foreigners, 14 were Greeks, 46 Italians, 43 Mexicans, 24 Slavs, 14 other foreign nations. There were 31 Americans. The moral effect of the military commission was tremendous. It was able to ascertain the true facts in cases where the civil authorities had confessed themselves wholly unable to do anything. Whenever it was discovered that the prisoners were amenable to the civil law for specific criminal offences, they were turned over to the civil authorities, together with the evidence collected by the commission. The nature of the cases submitted may be summarized as follows: Murder, 29; assault, 42; disturbance, 20; rioting, 19; subverting military discipline, 17; arson, 20; drunkenness and disorderly conduct, 15; held as witnesses, 21; insanity, 1; picketing, 1; fugitive from justice, 1. No effort was, of course, made in that direction, but it so happened that the political complexion both of the military commission and the judge advocate's office was distributed very evenly among the recognized political parties in the State, even the Socialist Party being represented thereon.

"MOTHER JONES."

The person known as "Mother Jones" has occasioned considerable publicity and some embarrassment during the occupation. The embarrassment of her presence is largely confined to the military authorities by any means. It was at one time stated to me and the judge advocate by Mr. McLennan, one of the principal strike leaders, that Mother Jones was invaluable as an organizer in the early stages of the strike, because she excited the men, but had always proved very embarrassing to the union chiefs in the later stages, particularly when there was possibility of a compromise or adjustment. McLennan stated in that connection that Mother Jones was a very headstrong old woman, who would not submit to guidance or suggestion of any kind, even from her own people, and that they had to suffer her to do as she wanted, oftentimes to the great annoyance of those in charge of the strike. She is an eccentric and peculiar figure. I make no mention of her personal history, with which we are not concerned. She seems, however, to have in an exceptional degree the faculty of stirring up and inciting the more ignorant and degraded of the strikers to violence and crime. Prior to the advent of the State's troops she made a series of speeches in the strike zone, of which I have authentic and verbatim reports. These speeches are full of profanity, obscenity, and coarse language, and address themselves to the lowest passions of mankind. I confidently believe that most of the murders and other acts of violent crime committed in the strike region have been inspired by this woman's incendiary and seditious utterances. The fact that she is a woman and advanced in years she uses as a shield, as well as a means of invoking popular sympathetic sentiment in case of her incarceration. She is undoubtedly a most dangerous factor in the peace problem. I am informed that she was so found in West Virginia and elsewhere that disturbance and anarchy held sway. She was held for murder in West Virginia, and I am advised that her police record is in the possession of the Pinkerton detective agency.

As your excellency is fully aware, she defied all government and all authority of the governor to your excellency. Every effort was made to induce her to remain away from the troubled district, and the cooperation of the president of the strike leaders was invited. These latter, however, while evincing a disposition of keep Mother Jones out of the territory, frankly confessed their inability to do so. She came to Trinidad after publicly declaring her intention to incite trouble.

In view of her history in other places and the evident effects of her incendiary utterances in Colorado, your excellency deemed it wise, and even necessary, as a military measure, to restrain Mother Jones of her liberty so long as she persisted in remaining in the strike region. Accordingly, upon the day of her arrival in Trinidad, I arrested her and placed her in San Rafael Hospital, upon the outskirts of the city, where she was given every attention conducive to her comfort. She was subsequently placed in a private car and taken out of the disturbed parts of the State, but she pertinaciously and with great contumacy insisted on remaining in imprisonment. It was avowedly present in her mind to excite sympathy for the union cause by submitting to a continued incarceration, and with that in mind she was at first very angry that she had been so nicely restrained at the hospital, instead of being confined in a common jail, of which she felt she would be able to make capital. After conferring with her counsel, however, she sought a confidential interview with Col. Davis, commanding the central camp at Trinidad, in which she discussed ways and means of bringing about her departure and at the same time saving her face. Being anxious only to get rid of the incendiary woman, her suggestion that she be permitted to go to Denver, ostensibly to see your excellency, and that if liberated at that place she would depart upon some excuse of her own, was readily adopted. Upon her own suggestion she was brought to Denver and liberated as suggested, but she promptly repudiated the rest of her proposal, and, after interviewing her attorney and strike leaders and remaining in Denver for three or four days, she returned to the strike district, and, in defiance of your excellency's directions, I have had the unpleasant duty of detaining her. She was again notified that she was free to leave the district at any time she wished. She returned to the strike district, not for the transaction of any business, or for any other purpose than to defy the power of the State, and, as she stated in numerous interviews, "to establish her constitutional right to go where she pleased," and in open defiance of the power and authority vested in the chief executive.

IV.—SOME SPECIFIC INCIDENTS.

I come now to report upon specific incidents testified to before the congressional committee. In this connection, it should be remarked that considerable testimony was presented of complaints against the conduct of officers or soldiers of the National Guard. In a great many of these instances the witness could not, or at any rate did not, state facts from which either the identity of the men complained of or the incident referred to could be established. Such testimony has been painfully illusive, since it has afforded no means of checking the witness by investigation, and affords no opportunity to combat or refute the testimony. Another large class of testimony produced before the committee and attacking the National Guard does not appear to fall relevantly within any of the enumerated lines of inquiry authorized by the House resolution. Again, much was stated to the committee concerning minor police infractions by individual soldiers, whose offenses were properly disciplined in the usual way wherever known. In this connection it was very easily discernible that a disposition existed in the witnesses hostile to the National Guard, and in those individuals conducting the attack upon the guard, to keep secret from the proper military officers any misconduct on the part of soldiers, thus often preventing the disciplining of the offender or proper investigation of the charge at a time when the true facts were ascertainable. It seemed to be a settled purpose to secure up known charges of alleged misconduct against soldiers to be used as testimony before the committee, great care being taken, wherever possible, not to acquaint the military authorities with the grounds of complaint against individual soldiers, so as to afford means of correction. With the large number of soldiers in the field, and scattered among some 36 detached posts over a territory 120 miles in extent, there have doubtless occurred instances of misconduct and disorder on the part of individual soldiers. It would, indeed, be very strange if such was not the case. But I can confidently assert that no very serious offenses have been committed, and that in every instance where infraction of the law or the moral misconduct of men has occurred, and where the military authorities had knowledge, or could by the exercise of the utmost diligence have obtained knowledge, the offenders have been promptly and severely disciplined and punished. Considering the size of the force, the necessity of such discipline and the occasions of such misconduct, have been remarkably few; and, indeed, I have to commend the patience and good conduct of the men in the field as truly exceptional under a great strain and often under almost unbearable provocation.

So far, then, as I have been able to ascertain from the testimony produced before the committee what incidents and what men were referred to by the hostile witnesses, I have thoroughly and personally investigated the cases cited and am able to report the true facts of each.

EXCLUSION OF LABOR COMMISSIONERS.

It was testified by the witness, Eli Gross, that he and certain other representatives of Labor Commissioner Brake were sent to Delagua, Hastings, Tobasco, Berwind, and Forbes to discharge certain official duties, and that at the latter place they were prohibited from going out to see the miners, and escorted out of the town and excluded therefrom by Lieut. Ollinger, of the National Guard. The facts are that Mr. Gross and his party were ostensibly visiting the properties for the purpose of examining the plant and machinery, as provided in the State inspection law. This they were permitted to do, as testified by Mr. Gross himself; but in the party at Delagua and Hastings was a certain Italian by the name of Mancini, likewise a deputy labor commissioner, who stated to Maj. Hammer, who is commander in that district, that by express directions of Labor Commissioner Brake he accompanied the party for the purpose of talking to the employed and working communing miners in Italian, and that he had received from his chief to persuade the workmen to quit work by every means, either of argument, cajolery, or intimidation. Colorado has a State law prohibiting such interference with workmen, making it criminal. To have permitted the State labor commissioner to circulate free through his Italian deputy would have increased the difficulty of maintaining peace. Upon this information being furnished by Maj. Hammer, and observing that the labor commissioner's party desired not to inspect the machinery but to talk to and dissuade the workmen from their employment, as a peace measure, Lieut. Ollinger was directed to exclude them from the camp. These orders were carried out by the lieutenant courteously and after entertaining the party at dinner as his guests.

THE LA JUNTA INCIDENT.

It was testified by some witness that, coming into the State as a strike breaker with a number of others, the train was boarded by guardsmen at La Junta, the soldiers guarding the front and rear platforms of the car and preventing any person from leaving it. The witness stated that a woman and child desired to go from one car to another, and were forcibly detained upon the platform for a long time, exposed to the cold. This incident simply did not occur. The only National Guardsman ever sent out of the district to meet an incoming train of strike breakers was Capt. Nickerson, who testified at the committee's request that upon one occasion he went alone to La Junta under instructions to ascertain whether the rigid rules requiring knowledge of the strike conditions to be imparted to strike breakers had been complied with, and that he went through the car and ascertained that in each instance the law had been obeyed, and interfered with nobody.

THE VALENTI TESTIMONY.

A witness calling himself Salvatore Valenti testified that he was compelled by soldiers to remain at work in Delagua after he wished to quit; that, being refused permission to leave, he managed to escape by another way, and, being in Trinidad on the day of the "Mother" Jones riot, heard one Chase says: "Go ahead and fight; kill all you want; kill all the people right away; chase the people out of the road; go ahead and chase these people out and kill them; kill all the people you want."

The latter part of this testimony ought not to be dignified by a denial, and, indeed, I should not have included so ridiculous a statement were it not for the fact that it affords an typical instance of much of the testimony that was offered against the soldiers. This witness, Valenti, during his examination stated that his name was Dominick Bonito; that, in giving the name Salvatore Valenti at first, he had forgotten for a moment his own name and so gave the name of his uncle's name. He stated that he had served a full three-year's enlistment in the United States Army, being discharged on the 18th of February, 1912, and that he had served in the Philippines in 1910. He could not read or write, nor did he know the difference between a colonel, a captain, and a sergeant. He stated that he belonged to Troop B of the Thirty-sixth Cavalry, and that his colonel was Tom Shaeffer, a German. As a matter of fact, no man who can not read or write has been admitted to the United States Army in the last 25 years. There is no Thirty-sixth Regiment of Cavalry, and has not been. The name of Tom Shaeffer does not appear on the Army Register, either as colonel or anything else. The witness insisted he had his discharge papers in a trunk at Delagua. Upon the suggestion of the committee, it was arranged that the strike leaders should bring this witness to the evening train, and that the general, who happened to be returning to the district that night, should personally give him safe conduct to Delagua to find his trunk and his discharge papers. The general and the strike leaders were at the train, as agreed upon, but there was no Valenti. He has fled, and the strike leaders profess to the general that they do not know his whereabouts. He has no trunk and no discharge papers at Delagua, and the tale that he tells of enforced work and personal restraint by the soldiers is not true. Yet this is the class of witness that was often introduced to the committee as worthy of credit and belief, to attack the National Guard.

THE BARBED-WIRE EPISODE.

It was stated by the witness John Lawson and others that Lieut. Linderfelt had directed that some barbed wire be cut in small pieces and thrown into a well used by the inhabitants of the Ludlow tent

MILITARY COMMISSION.

About this time I instituted the military commission, whose purpose, functions, and service I have explained elsewhere in this report.

STRIKE BREAKERS.

About December 1 your excellency modified your instructions concerning strike breakers, and directed me to see that the law was strictly enforced; where workmen were desirous of entering the State to secure work in the mines to give them necessary protection and see that they knew in advance the conditions of employment and that a strike existed. The first workmen arrived about the 17th of December. I was very careful to ascertain whether they knew the conditions of their employment and the pendency of the strike, and in those instances where I was not satisfied that the law had been complied with in that respect the strike breakers were held for investigation. In other cases they were given safe conduct and protection to the camps where they had contracted to labor.

VACCINATION OF LUDLOW TENT COLONY.

On the 29th of December I found it necessary to insist upon the vaccination of the inhabitants of the Ludlow tent colony. This task was accomplished by the medical corps of the National Guard, under the directions of the surgeon general of the State, Col. Lingenfelter. It was not performed without much dissent and protest on the part of the strikers in the colony, but the vaccination was successful and a plague of smallpox, which had started, was successfully stamped out.

ROUTT COUNTY EXPEDITION.

On the 5th of January your excellency directed me to send a company of infantry to Routt County. Accordingly I sent Company G, First Infantry, Capt. Dorn commanding, together with the necessary staff and medical officers. The occasion for the occupation of Routt County was that the citizens at Oak Creek rose en masse and announced that the union leaders were a menace to society and would have to leave the county within 24 hours or the citizens, banded together for that purpose, would drive them out. The strikers themselves called upon your excellency for protection against the citizens of Routt County, and that protection was promptly afforded.

MOTHER JONES.

On the 11th of January Mary Jones, or Mary Harris, alias "Mother Jones," appeared in Trinidad in defiance of your excellency, with the avowed and proclaimed purpose of stirring up trouble. I have discussed this woman elsewhere in this report. By your excellency's directions I arrested Mother Jones, placed her in San Rafael Hospital, a church institution, giving her every comfort, but depriving her of being at large to carry out her incendiary purposes.

MOTHER JONES RIOT.

Ten days later there occurred a riot in the streets of Trinidad, known as the "Mother Jones riot." By this time the military forces had been able to enforce a sullen and unwilling peace in the disturbed region, and the strikers had evinced a disposition to cause disturbance and disorder through their womenfolk. They adopted as a device the plan of hiding behind their women's skirts, believing, as was indeed the case, that it would be more embarrassing for the military to deal with women than with men. Accordingly a parade of women was arranged as a demonstration to protest against the incarceration of Mother Jones. The leaders in the movement consulted me, asking permission to carry out the parade, and promising that the line of march would be confined to the down-town streets of Trinidad, and particularly that no effort would be made to march upon the hospital where Mother Jones was detained and which is adjacent to the military camp, about a mile from the center of the city. With that understanding I freely gave permission for the parade to occur. The parade of women was had as planned, but it was noticeable that the men, while not in the parade, were present in the immediate vicinity and available to participate in any riot that might occur. Contrary to the promise given me by the leaders, the hundreds of women in the parade, together with the hundreds of men upon the sidewalk, started toward the hospital and the military camp with loud shouts of their intention to liberate Mother Jones by force. I found it necessary to break up the parade and clear the streets, which was done promptly and effectually. So soon as the disorder commenced the men, quite evidently waiting for that to transpire, joined the crowd and participated in the melée. The strike leader, Diamond, who was then in charge of the union people of Trinidad, instead of using his efforts to dissuade his people from their unlawful intentions, I discovered to be calmly taking photographs, for use doubtless of the union press bureau and the congressional committee. I was compelled to make numerous arrests upon that occasion of persons who were later released or turned over to the civil authorities. The fact that the parade itself consisted of women has been made the subject of much flamboyant and untruthful comment by the union leaders, but the situation was a dangerous one, and I have to congratulate and commend the National Guard for the patience with which the crisis was handled. It was truly a miracle that no blood was shed, and the miracle is due alone to the self-restraint and patience of the National Guardsmen under the most provoking and trying circumstances. Sticks, stones, and other missiles were freely thrown by men and women alike at the soldiers, but the latter disregarded the blows they received and bore themselves well and manfully, intent alone upon clearing the streets and dispersing the mob.

WALSENBURG BOMB.

On the 27th of January a crude bomb was thrown into the military camp at Walsenburg. It did not explode. Whence it came was a mystery, and no arrests could be made on this account. The incident, however, shows to what lengths those opposed to the military will go and what precautions must necessarily be taken by the State's troops in sheer self-preservation. Had the bomb exploded, it would have killed a great portion of the soldiers about the headquarters of the camp.

HABEAS CORPUS.

On the 29th of January four habeas corpus cases were tried before the district court of Las Animas County involving the right of the military authorities to arrest and detain persons without accusations of specific offenses. After a lengthy argument between counsel for the United Mine Workers and the judge advocate the district judge vindicated the right of the military to arrest and imprison, following in that respect the judicial determinations of the same question by every State court in which the situation has arisen, and by the Supreme Court of the United States.

FREMONT COUNTY EXPEDITION.

On the 31st of January your excellency directed me to send troops into Fremont County, the occasion being an attack by armed strikers upon trains bearing strike breakers to the mines. Pursuant to those directions, I sent Maj. Kennedy with a company of infantry and a detachment of Cavalry to Florence, diminishing by this and the expedition to Routt County the all too meager force at my command wherewith to protect the citizens of Huerfano and Las Animas Counties.

By your excellency's orders, about the middle of February the troops were withdrawn, first from Fremont County and then from Routt County, the necessity for their presence, in your excellency's opinion, having passed.

MOTHER JONES'S HABEAS CORPUS SUITS.

Early in February counsel for the United Mine Workers made application to the Supreme Court of the State of Colorado for an original writ of habeas corpus in the case of Mother Jones. This application was denied by the supreme court.

On the 6th of March the habeas corpus petition in the case of Mother Jones, addressed to the district court of Las Animas County, was denied and Mother Jones remanded to my custody. During the arguments in court upon all of the habeas corpus cases the court room was packed on each occasion with a heterogeneous audience, the major portion of which neither spoke nor understood the English language. The crowd was very unusual and could not have been attracted by any desire to hear the proceedings which it could not understand. Without any doubt in the world these men—Greeks, Montenegrins, Italians, Servians, and other recent arrivals from the southern countries of Europe—were present for the one purpose of participating in any riot that might be started. On the last occasion—March 6—I discovered a conspiracy among certain Italians in the audience to kill myself, the judge advocate, who was presenting the argument, and the district judge, who had incurred the hatred of the strikers by his decisions. The conspiracy was not unusual, since I have had military information of just such plots over and over again; but upon a showing of this particular conspiracy the actual production of Mother Jones in court was waived by counsel for the United Mine Workers. On each of these occasions I found it necessary to surround the courthouse with soldiers. I have always been able to enforce order and prevent riot or disperse mobs, but with all the forces at my command I could not prevent secret assassination, and assassination was impending that day.

FORBES MURDER.

An episode has occurred since the visit of the congressional committee which has been given nation-wide publicity through the press bureau of the United Mine Workers of America. The incident is so typical of the falsehoods spread broadcast concerning the National Guard by the union leaders that I beg leave to acquaint your excellency and, through you, the congressional committee with the facts. A nonunion miner by the name of Neil Smith, working at Forbes, was murdered on the railroad tracks between Forbes and Suffield. The murder was particularly brutal. It was committed with large stones held in the hand, with which the victim was beaten to death. His skull was smashed in and his whole body so pounded and mutilated as to be almost beyond recognition. The blood-deluged stones and clubs used are in the possession of the coroner of Las Animas County. After being killed the victim's body was laid on the railroad track to be run over, as it was, by an approaching train. The train passed over the body at 7.40 in the evening. At 6 o'clock the deceased was seen walking briskly toward Suffield at a point not a quarter of a mile from where he was discovered dead. In an hour and 40 minutes, if the union's theory is correct, he had walked less than a quarter of a mile. The stones and sticks covered with hair embedded in the dried blood found beside the railroad track conclusively negative any theory other than murder. Three distinct sets of footprints led from the body where it lay on the railroad track across country by a devious route into the union tent colony at Forbes. The footprints were very distinct and were not lost once. It was known that by an incident of this kind the union people desired to strike terror into the hearts of those at work. There were two tent colonies at Forbes, known as the upper and the lower colony. In one are men, women, and children; in the other are men only. It was to the latter colony that the footprints of the murderers led.

All of the tent colonies in the disturbed region are so established strategically as to guard the mouth of the canon and by their presence terrorize and intimidate nonunion workmen. This was particularly true of the Forbes colony. It is so established that no workmen can leave the camp at Forbes without passing along or through it. Upon discovering these facts I arrested all of the inhabitants of this lower colony, numbering some 16 men. I then directed the removal of the tents, and they were taken down. In my judgment it was a military necessity. The colony was known to harbor the murderers of Smith and was a menace and continuing intimidation.

So soon as the tent colony was razed the strike leaders besieged your excellency with protests and sent to the President of the United States a message to the effect that I had destroyed the homes of the people and turned women and children—nay, infants in arms—out into a blinding blizzard, homeless and with unspeakable suffering. There was no blizzard; there were no women, children, or infants in the colony; and every inhabitant deprived of a home by the razing of the tents was furnished shelter in the jails of Trinidad. I have the statement of the president of the Forbes local union made to the judge advocate, that there were no women or children in this colony and never had been since its inception. Accordingly, by your excellency's direction, I telegraphed the true facts to the President of the United States, a copy of which message I attach hereto. In this case it is interesting to note that the president of the local union, in answer to a question of the judge advocate, stated that the Forbes local comprised some 53 members, mostly English speaking, being Englishmen, Scotchmen, Irishmen, and Welshmen, and that of the number there were but three American citizens. The examination of the prisoners revealed over and over again English-speaking men who had been in this country between 20 and 30 years, yet had never attempted to become American citizens, but remained still subjects to the British Crown. These are the class of men who clamor most loudly about their constitutional rights.

WILLIAMS'S ATTEMPTED ASSASSINATION.

As I write this report another instance of outlawry has occurred. The other night the business men of Trinidad met and formulated a

ARMIJO MURDER.

On the 8th of November one Pedro Armijo was murdered near the tent colony of Aguilar. Armijo was a nonunion workman, who upon that day was visiting relatives in Aguilar. This town, one of the largest in the district, was inhabited almost exclusively by union people. It has been the center and hotbed of disorder during the entire campaign. A committee of the Aguilar local union was sent to Armijo to urge him to join the union. This committee, comprising the president and treasurer of the union and one other, frankly told Armijo that it was highly dangerous for him to stay in Aguilar unless he took a union card. Armijo, however, was not to be intimidated, and flatly refused to join. While the committee was inside the house threatening Armijo a large crowd of men assembled in the street. The town marshal, a very radical union sympathizer, was then sent by the union committee to deport Armijo from the town. The marshal took him out of his relatives' house and, followed by the crowd, escorted him through the streets of Aguilar in the direction of the tent colony on the outskirts of the town. Before reaching the colony the marshal turned Armijo loose and sent him upon his way toward the camp of his enemies. The unfortunate man was thrust into the jaws of death. Passing along by the tent colony, and about an eighth of a mile from where the marshal left him, he was murdered in his tracks by a gunshot. Instantly both the crowd from town and the inhabitants of the tent colony surrounded the body. That the killing was planned and advertised there can be no doubt. The tent-colony people and the idle men from the town were upon the ground to see the fun. If the murder had been deliberately planned by the town marshal and the union committee, they could not have acted with greater care to insure its success. Upon the examination of these men before the military commission they were most reluctant and unreliable witnesses as to the occurrences of that morning, giving a decided impression that they knew much more than they were willing to tell.

SMITH ASSAULT.

On the same day, November 8, Herbert Smith, a mine clerk at the McLaughlin mine near Trinidad, was overtaken upon his road home by three or four striking miners, and very brutally and severely beaten, so that at one time there was a question of his recovery. No reason for the assault existed other than that Smith was at work, and was considered a scab. The guilty parties were apprehended, and, upon recommendation of the military commission, detained for a while and then turned over to the civil authorities.

LA VETA KILLING.

Also on November 8 occurred what has since been known as the La Veta killing, when three mine guards and the driver of their car were shot and killed without warning.

One John Flockhart, the local representative of the United Mine Workers at La Veta in Huerfano County, learning that William Gambling, a mine guard, was coming to La Veta to have dental work done, with the assistance of Charles Richards and Peter Rich, assembled a number of the strikers, supplied them with guns and ammunition from his private residence, intercepted Gambling by forcibly taking him from a hack, and then conducted him to Miners' Union Hall, where they undertook to make him join the union. Gambling was, however, permitted to telephone to the other mine guards on duty in the vicinity, who at once came to his rescue in an automobile. The armed party, under the leadership of Charles Richards, a professed expert shot, proceeded to the outskirts of the village and took up their position behind an embankment a few hundred yards from the county road, along which the mine guards must pass.

The guards passed into the village without molestation, took Gambling into their car, and quietly drove away within five minutes after their arrival. The party on returning from La Veta was composed of three mine guards, Gambling, and the chauffeur. When arrived at a turn in the road, about a half mile from La Veta, in full view of the detachment of strikers stationed behind the crown of the adjacent hill, a fusillade of shots was rained upon them. The guards tried to return the fire, but could see nothing of their assailants. Of those in the automobile four were shot and killed. Gambling, though wounded, was the only one of the party to escape the slaughter.

I at once sent a detachment to this locality to care for the dead and apprehend the murderers. As a result, Charles Richards, Charles Shepherd, Peter Rich, Sam St. John, and Jose Chavez were arrested. Upon examination they acknowledged the shooting. These men are now held for trial on the charge of murder. Flockhart disappeared immediately after the killing, being given the necessary funds for transportation by the union at Walsenburg, and is still a fugitive from justice. It may be well to remark that a large number of the inhabitants of La Veta were apprised of the coming killing and witnessed it from points of advantage, their advance information emanating from Flockhart and other leaders.

PIEDMONT DYNAMITING.

On the 18th of November the house of one Domenik Peffello at Piedmont was destroyed by dynamite. Peffello had been an active union man, but had deserted the ranks of the strikers and returned to work.

BELCHER ASSASSINATION.

Two days later, on the evening of November 20, occurred the assassination of George Belcher in the streets of Trinidad. Belcher had been one of the leaders or foremen of the mine guards employed by the operators through the Baldwin-Felts Detective Agency. I have already described the feeling that existed on the part of the strikers toward these mine guards. This feeling was concentrated and centered in a deep hatred of their leader, Belcher. Rumors were afloat for many days before his murder that he and Belk, another mine-guard leader, were shortly to be assassinated. About half-past 7 in the evening, which in Trinidad is the busiest and most crowded hour of the day, on the main corner of the city, at the intersection of Main and Commercial Streets, beneath an arc light that hangs in the middle of the street, and in the presence of perhaps a hundred onlookers, Belcher was shot from behind as he was walking across the street, by a Tyrolean Italian named Louis Zancanelli.

Belcher fell instantly. His blood flooded the pavement and his brains protruded from the bullet wound through his head. He expired almost at once. It happened that I myself and the judge advocate were present in the immediate vicinity at the time of this occurrence and saw Belcher before he died. Zancanelli was taken on the spot, and within five minutes of the occurrence was interviewed by myself and the judge advocate at the city jail. For five days he sullenly denied any knowledge of the murder, at the end of which time he voluntarily sent for me, with the announcement that he had a confession to make. His confession was astounding, and was gratuitously offered, not as a result of any third-degree methods of examination or any promise of clemency. He was a psychological study, and he was treated with great kindness, for it was believed that only by such means could he be induced to tell what he knew. The result proved that to be the case. He stated to me and to the judge advocate, and later to the military commission, that he had been hired to kill Belcher and Belk by one Anthony B. McGary and one Sam Carter. These two men were, and perhaps are yet, international organizers of the United Mine Workers of America. Zancanelli's story proceeded as follows: That McGary and Carter had made several trips to Ludlow, where Zancanelli lived, to offer him this employment. They offered the job likewise to one Mario Zeni, his tent mate. Zancanelli at first declined, but Zeni accepted and came to Trinidad to do the deed. A week afterwards Zancanelli came likewise, and was told by Zeni that he had not had an opportunity to accomplish the murder. McGary and Carter met Zancanelli in Trinidad and played upon his feelings and pride, telling him that Zeni was no good, had no courage, but that he, Zancanelli, could do the job if he would. Thereupon Zancanelli undertook it. McGary and Carter told him that he would probably be arrested, but that the union was so strong and powerful that it would get him out of jail at once and protect him from the consequences. They told him also that if he succeeded the union would take care of him the rest of his life, so that he would not have to work. They promised him $1,000; that is to say, $500 for each murder. The four of them—Carter, McGary, Zancanelli, and Zeni—went from union headquarters across the street to a saloon, and there McGary cashed a check for $50, receiving the money in gold, and paid $25 each to Zancanelli and Zeni upon account—two $10 gold pieces and a $5 piece to each. Zancanelli then had Belcher pointed out to him, and followed him around and lay in wait for him. On the evening of the second day thereafter his opportunity came, and he stole up behind his victim and shot him with a revolver that McGary had furnished him for the purpose. This revolver had certain peculiarities by which it was identified readily by its owner. It had belonged to one Barulich, a chauffeur employed by the union to drive its car. Barulich stated that he carried the gun in his automobile when driving McGary and Carter around from camp to camp, and that it had disappeared a short time before, and that he supposed either McGary or Carter had taken it.

Upon this confession of Zancanelli's, effort was immediately made to arrest McGary and Carter, and it was then discovered that they had fled the State the day after the murder. This same Barulich stated that he was directed by McGary and Carter to take them in the car to the first railroad station east of Trinidad; that upon arrival there McGary and Carter had directed him to proceed further eastward, and that upon arriving at each town in their progress he received similar orders to drive further, until they reached Lamar, a town on the Santa Fe Railroad near the Kansas border. Upon arrival at Lamar an eastbound train was just pulling in. This train was boarded by McGary and Carter, who directed Barulich to return to Trinidad.

I personally offered a reward of $1,000 for the arrest and return of each of these two fugitives; but, notwithstanding the reward and all my efforts to discover them, their whereabouts are still unknown to any of the authorities.

Possibly there is no significance in the fact, but I have remarked that in the printed statement of the treasurer of the United Mine Workers, compiled at Indianapolis, in addition to the salary account paid McGary, there appears an item "A. B. McGary expense, $50".

Zancanelli stated that he made this confession because McGary and Carter had not kept their word with him in getting him out of jail, and he felt that they had deserted him, and that they should bear as much of the blame as he. He was told, before he made the confession, that it would be used against him, and that he was under no compulsion to make it. He told his story circumstantially and minutely to a great many persons, but without feeling of remorse or regret. Zeni steadfastly denied all knowledge whatever. Later the grand jury indicted Zancanelli, Zeni, McGary, and Carter. Zancanelli was turned over to the civil authorities and is now held for murder. Zeni was turned over before the grand jury had indicted him, and the civil authorities released him. He stayed around long enough to make a very ridiculous affidavit, manifestly prompted by the strike leaders, concerning alleged cruelties to the military prisoners in the city jail, and then departed for parts unknown—another instance of the many affidavit men who can not be found after their affidavits have served their intended purpose. Zeni, like McGary and Carter, is now a fugitive from justice.

ALEXANDER MURDER.

On November 23 I discovered James Bicavuris in a hospital in Denver. I arrested him and took him to Trinidad, where his case was submitted to the military commission. The occasion was as follows:

During one of the battles between the strikers and mine guards in the Hastings and Berwind Canyons, one Alexander, a mine guard, was deliberately shot by the strikers. It seems that the mine guards at Hastings were not acquainted with the mine guards in the adjacent canyon at Berwind, and so they adopted the device of tying a handkerchief around their arms as a distinguishing mark, whereby they might recognize each other. Early one morning, before the troops arrived in the field, a group of mine guards from Hastings, expecting an attack from the strikers at Ludlow, were reconnoitering upon the hills adjacent to their camp. They were expecting to be reinforced by the mine guards from Berwind. In the dim light of breaking dawn the Hastings guards, of whom Alexander was one, encountered a tall man, with a heavy shock of red hair, with a handkerchief tied upon his arm. This man called to the party of guards, saying, "We are the Berwind guards; come on." By this ruse he led the Hastings men up the side of a hill, and, as they approached the crest, concealed strikers rose from their cover a few feet away, and delivered a fusillade of shots, killing Alexander. The man who had been used as a decoy was seen to approach and rob the body of Alexander after the latter was killed. In the doing of it, however, he was accidentally shot in the leg by a stray bullet from his own people. The wounded decoy disappeared, and when I found Bicuvaris in Denver, just recovered from a gunshot wound in the leg, and maintained in the hospital at the expense of the United Mine Workers of America, I caused to be introduced into the hospital ward Alexander's companions, who instantly picked him out of 20 or 30 patients, and identified him positively as the man who led Alexander to his death. This testimony being submitted to the military commission, Bicuvaris was detained, and later delivered to the civil authorities, in whose custody he now is, awaiting trial for murder. It appeared from the testimony before the military commission that the United Mine Workers had officially taken care of Bicuvaris, concealing him from the authorities, conducting him to Denver, and paying his hospital expenses during his recovery from his wound. Bicuvaris is a Greek, speaking English but imperfectly.

While I am on my feet I wish to refer for a moment to another subject. I refer to the Colorado State National Guard, or, as it is called, the State militia.

The National Guard of the State of Colorado constitutes the only force which, in times of stress and of emergency, is subject to call for the maintenance of the established order of things and for the ultimate protection of life and property. The National Guard of every State is an absolute political necessity; and each State should maintain its militia in such wise that it shall at all times be absolutely independent of any influence militating against the impartial discharge by the executive of the duties of his office. That means, of course, that a military fund at all times available, and belonging to the people, should be in existence, to the end that it may be utilized when the exigency requiring it arises.

The State of Colorado, although as rich in material resources as any State in the Union, more wealthy than any other in its magnificent measures of coal, underlying, as they do, one-third, if not more than one-third, of the entire State, and populated by as intelligent, patriotic, and law-abiding a class of American citizens as can be found anywhere, is, from the standpoint of State revenue, one of the poor Commonwealths of the Union. It has sought to meet, and I think has met and solved, some of the insistent problems of the day, the recognition and enforcement of which always increases the expense of public administration. Our revenues have not increased in proportion as the necessities for their use have multiplied, and multiplied legitimately and necessarily. It has had no military fund. As a result, the mobilization of troops has necessitated the use of the State credit, to the end that the expense of equipment might be met promptly; and this, unfortunately, has created obligations that should not be imposed upon an executive at any time.

The militia of the State of Colorado, like that of every other State in the Union, is made up largely of what may be called the average man—the small business man, the clerk, the professional man of limited means, the general run of the youth of the land; and the same may be said of the officers. These, in general, are good citizens, educated, moral, and substantial. I am not prepared to admit, nor have I at any time, nor will I until the proof is absolutely irrefragable, that the National Guard of the State of Colorado as an institution so composed is lawless, cruel, or rapacious. That a considerable number of employees of the mine operators were incorporated into this guard is one of the established facts of the recent controversy, and I can well understand, as I do not hesitate to condemn, the consequences which such a method of recruiting must inevitably produce. That never should have been done. It is as inexcusable as would have been the recruiting of the guard from the other side. No emergency, in my mind, however great, unless it should be one involving the State and everything in it in political and social disaster and which could be averted in no other manner could justify that situation. Even then the enlistments should be mutual. What these men so recruited have done necessarily reflects upon the morale of the entire guard. That, of course, is unavoidable, and it is because of these conditions that the State militia as a body has been anathematized.

I do not condone, and I trust I never will condone or defend, the perversion of the military power of a State to an alliance, whether by way of recruiting or otherwise, with either side to an existing economic struggle. That is as foreign to the power of the commander as the denial to a man of the right either to join a labor organization or not as he may see fit or to work, if he can obtain work, anywhere for his subsistence.

I make these remarks, Mr. President, preliminary to the reminder that on the 29th day of last May the House inserted in the RECORD, by order of that date, the proceedings of a meeting at which the Colorado strike was discussed, and which was held in the city of Washington, I think, on the preceding Sabbath. That incident attracted a good deal of attention, and a general report of it was published throughout the country.

I think, Mr. President, without reference to that particular matter, the incorporation of correspondence and of the various occurrences of the day in the RECORD is reaching an extreme, and one which, unless some limitation be placed upon it, may make the RECORD a vehicle of almost everything that comes to the knowledge of Senators and Representatives rather than what it is designed to be—a record of the current happenings of the two bodies. But inasmuch as great circulation has been given through the columns of the RECORD to that meeting and to the statements there made, I think it is no more than right and just, in the interests of fair play, that the RECORD should also contain this statement to the governor of Colorado, entitled "The Military Occupation of the Coal Strike Zone of Colorado by the Colorado National Guard, 1913–14." This, I understand, is an official document, being a report to the governor by his direction. In connection with what I have said I ask unanimous consent to print it in the RECORD.

The VICE PRESIDENT. Without objection, it will be inserted in the RECORD.

Mr. THOMAS. I will modify my request for printing in the RECORD by limiting the request to the first half, or the first 66 pages of the document. The others contain orders and reports with which I will not burden the RECORD.

The matter referred to is as follows:

THE MILITARY OCCUPATION OF THE COAL STRIKE ZONE OF COLORADO BY THE COLORADO NATIONAL GUARD 1913–14.

[Report of the commanding general to the governor for the use of the congressional committee. Exhibiting an account of the military occupation to the time of the first withdrawal of the troops in April, 1914.]

FOREWORD.

I am directed to prefix to the report that follows a word of explanation.

A committee of the House of Representatives in the Sixty-third Congress investigated strike conditions in Colorado. They were not investigating the National Guard, but a mass of testimony was presented to the committee supporting a very bitter attack upon the State troops. To this attack and this testimony the National Guard paid little or no attention. At the conclusion of the committee's sittings in Colorado, his excellency, the governor and commander in chief, directed the commanding general to review the testimony presented to the congressional committee and to investigate and report the truth of all the charges and accusations made against the military arm of the State. The following report is the result of that order. It was prepared by the commanding general after careful investigation, and transmitted to the congressional committee by the governor for the purpose of aiding that body to arrive at a true and just estimate of the military situation. The governor's letter of transmittal accompanying the report to Washington precedes the report itself.

Inasmuch as this report exhibits a fairly detailed history of the military occupation almost to the time of the first withdrawal of the troops, and contains matter that can not fail of interest to all the people, it was directed to be printed in the present form for general public distribution.

EDWARD J. ROBERTSON,
Major and Judge Advocate of the Military District of Colorado.

THE GOVERNOR'S LETTER TO THE CHAIRMAN OF THE HOUSE COMMITTEE ON MINES AND MINING OF THE SIXTY-THIRD CONGRESS.

APRIL 6, 1914.

Hon. M. D. FOSTER,
Chairman Mines and Mining Committee, Washington, D. C.

DEAR MR. FOSTER: By my direction Gen. John Chase, commanding the National Guard in the strike zone, has prepared a statement of the operations of the guard, and I herewith inclose it, pursuant to conversation I had with you at the time of your departure for Washington. I have looked over this statement and believe it to be a very fair and reliable presentation of the facts. I sincerely hope it will be of value to your committee in arriving at a true understanding of the situation in Colorado.

With best personal regards, I am,

Sincerely, yours,

E. M. AMMONS.

REPORT OF THE COMMANDING GENERAL TO THE GOVERNOR FOR THE USE OF THE CONGRESSIONAL COMMITTEE.

To the Hon. ELIAS M. AMMONS,
Governor of the State of Colorado.

YOUR EXCELLENCY: The Committee on Mines and Mining of the House of Representatives in the Sixty-third Congress, having been authorized to inquire of certain matters connected with the present strike in the coal fields of Colorado, and having in their investigations touched upon certain matters connected with the military occupation and the conduct of the Colorado National Guard, your excellency directed me to submit for the use of the committee a brief report of the peace conditions, military operations, conduct of the troops, and such information in my possession as might aid or interest the committee in the accomplishment of its errand under the House resolution.

Accordingly, and in obedience to your excellency's directions, I have made careful and, in most instances, personal investigation along the lines suggested, have accumulated and arranged the great mass of information that has come to me as commander of the State troops in the field, and beg leave to submit the following report.

For convenience of treatment, the report is divided into the following parts:

1. The general peace conditions existing in the disturbed region upon the calling out of the State troops.
2. A very brief outline of the principal incidents of the military occupation.
3. A succinct statement of certain military policies with respect to some matters inquired of or brought to the attention of the congressional committee.
4. A report upon some specific incidents in the conduct of the military brought to the attention of the congressional committee.

An appendix is added to the report, in which are collated and copied certain orders, reports, and other documents referred to herein.

I.—GENERAL CONDITIONS AT THE OUTSET.

In 1910 a strike was declared in Boulder County, Colo. This strike is still in existence. Deeds of violence have been committed by both sides to the controversy almost from the date of the strike to the present time. The operators in Boulder County repeatedly called upon the then governor of the State, Hon. JOHN F. SHAFROTH, for protection of their lives and property. Controversial correspondence was carried on between the governor, the sheriff of the county, and the mayors of the villages involved, with the strike leaders and with the operators in that county. At times the peace officers seemed able to control the violent individuals on both sides of the controversy, and at other times seemed wholly unable to do so. An utter contempt for legal processes and ordinary peace measures has for four years been exhibited in this section of the State. At one time a district judge incarcerated for a period of several months 16 strike leaders whom he adjudged to be in contempt of his court for flagrantly and defiantly violating an injunction against picketing. This judgment was made the occasion of a demonstration by the strikers in parading around the courthouse in great force, as an intimidation to the civil authority; and the doctrine was inculcated that allegiance should be paid to the union rather than to the State or country.

Because of the failure to effect a settlement between the parties to the controversy in the northern coal fields, a strike in the southern zone was precipitated in August, 1913. In spite of threatened violence to the properties of the operators and the lives of the workmen about the mines, the sheriffs of Huerfano and Las Animas Counties, being appealed to by the owners of the mines, placed on duty a large number of deputy sheriffs. The strike leaders selected strategic points for the establishment of the tent colonies which were made necessary by the departure of strikers from their homes on the mine premises. Nearly every one of these tent colonies was so placed that it commanded ingress and egress to and from the mines located in the canyon near by. The location of the colonies was not an accident, and, in view of the statute regarding picketing, it would seem that it was a deliberate attempt, on the part of those responsible for the placing of the camps, to bring about a thorough system of picketing without apparently violating the law. The canvas for the tents had hardly been raised before deeds of violence were reported from the vicinity of nearly every one of the colonies. Additional mine guards were placed about the properties to secure the safety of such workmen as were passing the colonies to work. There is no question but that there were instances where the mine guards unnecessarily provoked the residents of the tent colonies. These latter, in turn, seemed honestly to believe that they and their families were in danger from the mine guards. They, therefore, armed themselves for protection. As instances of violence increased, the opposing parties to the controversy became violently aroused. For at least 10 days prior to the calling out of the National Guard a condition of absolute terror prevailed in the mining camps and in the tent colonies. At least four pitched battles occurred, and a dozen men were killed and others wounded. I paraded detachments of the troops of various arms within Las Animas County, at the Ludlow tent colony, upon the suggestion and invitation of the strike leaders, including Mr. Lawson. My object was not only to receive the arms of the strikers, as promised, but to occupy peacefully and with good feeling the strategic points in the canyons about Ludlow, which the presence of so large a body of armed men might have made difficult of accomplishment without bloodshed had my entrance been disputed.

The parade of the troops at the Ludlow tent colony was memorable. The road for a half mile or more between the point of detraining and the entrance to the colony was lined on either side by men, women, and children. Many of the men were in the picturesque costume of the Greek, Montenegrin, Servian, and Bulgarian armies, for the colony numbered among its inhabitants many returned veterans of the Balkan wars. The little children were dressed in white, as for a Sunday-school picnic. All carried small American flags and sang continually the Union songs. Through this line of men, women, and children the troops paraded—Infantry, Cavalry, and Field Artillery. Flags were waved in welcome and an improvised band of the strikers heralded our approach.

We passed by Ludlow, occupied the Berwind and Hastings Canyons, and then returned to the colony to receive the surrender of the hundreds of high-power rifles I knew the strikers to be possessed of. At this point occurred the first instance of bad faith on the part of the striking people. Expecting to receive hundreds, if not thousands, of arms, there were delivered into my possession some 20 or 30 weapons, many of them of obsolete pattern, the strikers topping off the humor of the situation by including in the delivery of arms a child's toy popgun. Since that time the recovery of the strikers' arms has been attended with the greatest difficulty; it has been a game of hide and seek; and, while I have been able to recover, a few at a time, a large number of high-power weapons belonging to the union from various hiding places, I will state that there are hundreds of guns still concealed and waiting occasion for use.

CORONADO RIOT.

In the meantime I had upon my hands a large number of the mine guards, whom I had disarmed, and who being defenseless in the presence of enemies thirsting for their blood, had to receive protection. These mine guards I undertook to ship out of the strike zone. For that purpose I assembled a number of them in Trinidad. On the evening of the 21st of October I had in the Coronado Hotel at Trinidad a number of mine guards who had been disarmed, and were awaiting a train to take them out of the country. Notwithstanding the representations made to me concerning the disarmament of the detested mine guards, and when I had rendered them helpless by disarming them, all of which was known to the striking miners, a great crowd gathered around the Coronado Hotel, in which these disarmed men were contained, for the avowed purpose of wreaking condign vengeance upon their enemies, thus, as they supposed, delivered into their hands. Some five or six hundred men assembled around the Coronado Hotel with the express design of killing the disarmed and defenseless guards within. This is what is known as the Coronado Hotel riot. Notwithstanding all of the fair promises of Mr. Lawson and other strike leaders that induced me to disarm the mine guards first, they then rather gleefully assured me that they could not control their people, and that the feeling among the strikers, thirsting for the blood of the mine guards, was such as could not be stayed by any influence of the leaders. I found it necessary upon this occasion to assemble infantry and cavalry in the streets of Trinidad and to disperse the mob, thus bent upon wholesale murder, and to protect the disarmed mine guards until they could take the train out of the district. Fortunately I was able to quell this riot and prevent large loss of life without bloodshed or other serious consequences than a few arrests.

From this time forward, from the breach of faith concerning the disarmament until this day, the history of the strike leaders has been a record of bad faith, subterfuge, misrepresentation, and chicanery with the military forces of the State, who entered the field taking no sides, having no interest in the industrial conflict, intent only upon preserving the peace and guaranteeing the constitution, until by these methods the striking miners have come to look upon the National Guard as a foe, in league with their antagonist, and the guard has come to know that no faith can be placed and no honesty or integrity of purpose can be found in the strikers' camps as conducted by their present leaders. And I say this having no interest whatsoever in the industrial conflict still raging.

SHOOTING AT FORBES.

On the 5th of November the camp at Forbes was fired upon by the striking miners, and I found it necessary to send a company of infantry to that camp, which has received military protection ever since, United States marshal, upon the request of the Department of Justice of the United States.

DISARMAMENT.

On the 21st day of October, the third day of the occupation, when the establishment of the military camps was well under way, I undertook, pursuant to your excellency's express directions, to disarm both sides of the conflict that I found raging upon my arrival. Realizing that in the event of the concealment of their weapons I would have great difficulty in disarming the combatants, I consulted the strike leaders, including John R. Lawson, and obtained from them, and especially from him, an assurance that if I first disarmed the mine guards employed through the Baldwin-Felts Detective Agency to guard the operators' properties, the strikers would then cheerfully surrender the arms in their possession. It must be remembered that upon our first coming into the field the National Guard had, at least, the ostensible welcome and apparent cordial cooperation of the striking miners. Relying upon the assurances given me by Mr. Lawson and the other strike leaders, I proceeded to disarm the mine guards upon the various properties, against whom the most bitter feeling of the strikers prevailed. In the disarmament of these mine guards I had no difficulty whatever. They were assembled by their employers, the operating companies, and promptly turned over the high-power rifles with which they had been supplied. This disarmament I carried on with respect to the mine guards and employees of the operating companies in every camp throughout the entire strike zone and speedily finished the complete disarmament of that side of the industrial conflict.

It was arranged, upon the completion of the disarmament of the operators, that the military receive the arms of the strikers; and accordingly, upon the 1st of November, 1913, by an agreement between myself and the strike leaders, a parade of the troops to the tent colony at Ludlow, by far the largest of the strikers' colonies, was arranged. From all appearances the very best feeling prevailed between the troops and the strikers. I paraded detachments of the troops of various arms within Las Animas County, at the Ludlow tent colony, upon the suggestion and invitation of the strike leaders, including Mr. Lawson. My object was not only to receive the arms of the strikers, as promised, but to occupy peacefully and with good feeling the strategic points in the canyons about Ludlow, which the presence of so large a body of armed men might have made difficult of accomplishment without bloodshed had my entrance been disputed.

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the great movements of humanity, but it has often happened in the past that the flower of a nation's manhood wrote into history some great achievement which, as their achievement, became immortal; but the fruit of the sacrifice was lost by those for whom it was made, and, aside from the achievement showing forth the valor and patriotism of those who wrought it, it has ceased to be of historic significance.

"Gettysburg, as related to those who burned its name into the page of history, will live forever. The achievement of those who, in their victory here, made Gettysburg the turning point in a struggle which involved a nation's life will remain immortal. That immortality you and your comrades, living and dead, secured. It is yours, sacredly yours, and no betrayal of this legacy which we have inherited can ever rob you of that crown of heroic valor, of unselfish patriotism, the luster of which will brighten as time goes on. No betrayal of the legacy which we have inherited can rob you of the immortality of your achievement. On the other hand, whether Gettysburg becomes immortal, as related to one of the greatest transitions in the history of the race, will depend upon whether the American Republic is destined to only serve as a medium from which man passed from monarchy to republic and from which mankind will project itself into a deeper and broader fruition of democracy; or whether this Republic, in itself, shall solve the problems born of the transition from the old to the new, and this depends upon us and those who are to follow. God grant that the American people, in preserving this legacy, may make Gettysburg as immortal in its relation to the story of humanity as those who battled here made it immortal in the annals of heroic achievement.

"For one I believe that the mission of our Republic is something more than to merely give to mankind as its contribution a world-wide extension of free government; that its real mission is deeper and broader than that, being the development of that real democracy that means industrial as well as political justice, and that our people will find the inspiration to this in recalling the achievements of yourselves and your departed comrades, for nowhere in history is there such inspiration. In all ages man has gone forth to battle, obedient to one of three conditions. He was inspired by the lust of conquest, or he went obedient to the conscript law, or the instinct of self-defense steeled his heart and strengthened his arm while he waged the warfare of defense. But in sixty-one there was no thought of conquest, you scarcely knew what the conscript law meant, and no instinct of self-defense born of imperiled fireside prompted you. But lifted to a plane where manhood had never stood before, you went forth to battle and to die that the spirit of free institutions might be preserved. As with the manhood of sixty-one, so with the womanhood of sixty-one. In all ages woman has cheered man when he has gone forth to battle; sometimes she has shared in the lust of conquest; again, she has yielded, with man, obedience to the conscription; and, again, she has shared with him in the instinct of defense, but the womanhood of sixty-one was lifted to a plane where womanhood had never stood before. There was no thought of conquest, scarcely a knowledge of conscript law, and no imperiled fireside; but the womanhood of sixty-one stood where she bade manhood go forth to battle and die for the spirit of free institutions. We must not forget that it is not man alone who sacrifices in war, for it detracts nothing from the meed of praise due you to say that you had the inspiration born of the comradeship of brave men, but the womanhood of sixty-one knew nothing of that. No waving banners, no martial music, no comradeship of brave men in camp and on battle line, but alone she kept her vigils and bore her burden as only woman can. Surely, inspired by the memory of the heroism and patriotism of that day, inspired by the mute eloquence of the graves of our heroic dead, the American people can not be recreant to that trust which your sacrifice committed to their care."

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SHIVELY. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. SHIVELY, Mr. JOHNSON, and Mr. SMOOT conferees on the part of the Senate.

LABOR TROUBLES IN COLORADO.

The VICE PRESIDENT. The Chair lays before the Senate a joint resolution introduced on the 5th instant by the Senator from Oklahoma [Mr. OWEN], which the Secretary will read by title.

The SECRETARY. A joint resolution (S. J. Res. 158) providing for the appointment of a commission to settle the labor conditions in Colorado.

Mr. THOMAS. Mr. President, this joint resolution was introduced on the last legislative day, and at my request it was laid on the table under the rule. Its purpose is obvious and was evidently modeled after the procedure of President Roosevelt, who, it will be remembered, in 1901 appointed a commission, to which both of the contending sides in the anthracite coal strike of that year submitted their respective differences and which happily resulted in their adjustment, and I think there has been no serious disturbance in the locality affected by that controversy since that time.

Now, I hope—and I therefore shall not object to the reference of the joint resolution—that in the event of its passage its purpose will address itself to the good sense and the deliberate judgment of both sides to the unfortunate controversy which has made the State which I in part represent here so conspicuous during the last few months. Whether it will have such effect, of course, depends upon those in conflict in that State and upon a sound public opinion which should favor this or any other practical solution of the trouble. If they shall contribute to the attainment of a common understanding, as was done in the precedent which forms the basis of the joint resolution, they will, of course, benefit themselves, to say nothing of the noncombatants, who are always the chief sufferers in the situation.

I do not flatter myself, Mr. President, that since the announcement of those upon one side of this controversy they will immediately acquiesce in the jurisdiction of the commission which the President, in the event of the enactment of this joint resolution, will doubtless assign to the task contemplated by it.

Mr. KERN. Mr. President, will the Senator allow me to ask him a question?

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Indiana?

Mr. THOMAS. I do.

Mr. KERN. I ask the Senator from Colorado to which side he refers?

Mr. THOMAS. If the Senator will be patient, I will answer that question very soon.

And yet, as time passes, I indulge the hope that, in view of the grave importance of the controversy and the overwhelming need of its adjustment so that the people may pursue their usual avocations and the State may resume the discharge of its normal functions and the General Government be relieved of the duty of performing them, the contending parties may be able to agree to the plan as a satisfactory solution of the difficulty.

The Senator from Indiana inquired to which side I referred in my statement which was made at the time of his interruption. I referred to the operators, who, shortly after the events at Ludlow, exclusive of the Colorado Fuel & Iron Co., but which is in harmony with them, so declared in resolutions which were published in the Associated Press dispatches, and copies of which, I presume, were sent to the different Members of both Houses.

Of course, Mr. President, I do not indorse their conclusions, for the public interest is left out of the problem. It must, nevertheless, be remembered that the coal-mine operators in the State of Colorado, quite numerous and consisting of a number of independent concerns, some of them small in extent and all of them entirely legitimate enterprises and carrying on extensive operations, have been included within, and the popular mind has conceived of them as identical with, the greater concerns which dominate the situation. This is true of the time covered by the strike but not previous to that period. A great many of these coal operators have suffered very severely in consequence of these troubles, although not responsible for them, or, at least, not as much so as the others, thus illustrating the natural law that the consequences of men's misdeeds and lawless purposes fall far more heavily upon the innocent than upon the guilty.

I can well understand, Mr. President, how some of these people, smarting under the tremendous destruction of property which has befallen them, face to face with financial ruin, and with the not by any means remote possibility that their smaller properties may ultimately be gathered up into the greater organizations, feel that they have nothing to arbitrate with the

authors of their suffering and will not under any circumstances consider any proposition designed for the determination of the controversy of which they are among the victims and for which they feel that they were not responsible. We must make allowance for the operations of human nature, not only with the employed but with the employer; and as time passes it is becoming very apparent, at least to men who have been engaged in gathering information from all possible sources, that this, like all great controversies, has two sides, that wrongs and violations of law, and crime, if you please, have been committed by both sides of the controversy. We must also make allowance for the play of aroused passion which is inherent in human nature everywhere, and which, when usurping reason, makes the calm and just consideration of right and of wrong practically impossible until time shall have passed and sober reflection shall have enabled men to think and act with calmness.

Mr. President, as a typical instance of the attitude of some of the smaller operators in connection with this subject, and as giving some reasons for their announced determination, I may be pardoned for referring to a statement received not long ago from one of them, the Sunnyside Mining Co., of southern Colorado. I feel justified in vouching for it, because of my personal knowledge of and close acquaintance with those who compose the company.

This company is a small concern; it has been reasonably prosperous, and has had trouble with no one anywhere. This is the statement which the company makes, through its officers, of its attitude as one of the coal producers of southern Colorado, of the consequences which the strike has visited upon it, and its reasons for the conclusions which it has reached regarding arbitration.

This statement is signed by W. F. Oakes, the president of the company—a very upright and respected citizen of the city of Denver, and one who justly enjoys the confidence and respect of all who know him. He says:

The property of the Sunnyside Coal Mining Co. is situated in Huerfano County, Colo., 12½ miles northwest of Walsenburg.

The land operated comprises 480 acres, with three veins of bituminous coal, 5, 6½, and 7½ feet in thickness, respectively. Capacity is 700 tons daily.

The owners are W. F. Oakes, Ellen Terry Strong, and Milo W. Strong. The company is not affiliated with any outside interest. The executive head of the business is the president, W. F. Oakes, with general offices in the Gas & Electric Building.

The Sunnyside mines have worked for 10 years on the open-shop plan, making no distinction between union and nonunion labor, and selecting men best qualified to fill the various positions.

Prior to the strike call on September 23, 1913, not a single complaint had been made to the company by its employees, either collectively or individually, as to wages, hours, company store, company doctor, insanitary conditions, or unsafe conditions in or about the mine—three men in 10 years killed. The few minor individual complaints were always promptly considered and adjusted.

The average wage in August, 1913, just prior to the strike, was $4.12½ per man per 8-hour day.

On Saturday, September 20, 1913, every man was paid off, and the president, W. F. Oakes, personally asked every man that stepped up to the pay window if he had any grievance against the company, and in every case the answer was "No." They simply responded to the strike call of the national organization for the "general cause" (whatever that was the men did not seem to know).

Early in November we reopened the mine with strictly nonunion labor, under a strong protection of the Colorado National Guard, and continued throughout the entire winter and until April 18, when we shut down temporarily for repairs.

A day or so later came the reports of the Ludlow trouble, and the "call to arms."

On Friday, April 24, 1914,—

That was just four days after the Ludlow occurrence, Mr. President—

a wild mob of 250 armed strikers swooped down upon only 16 people left in our camp, and drove them into the hills. They continued in complete possession until May 6, 1914.

That is a period of 12 days.

The company store was completely wrecked (inside), the entire front broken in, the entire stock of general merchandise stolen ($15,000), the post office robbed of everything—money, stamps, letters, and parcel-post packages. The company boarding house was pillaged, the men's club rooms looted, and every building in the camp was entered and everything of value taken or destroyed, a total loss of $26,000.

I have here photographs of the company store, both exterior and interior, and of the post office, taken some time ago, together with photographs showing their condition after possession was reobtained; showing, among other things, that the company's safe had been dynamited, evidently for purposes of pillage and robbery, which no provocation can justify. These photographs are subject to examination by any Member of the Senate who desires to look at them.

Mr. Oakes continues:

The management of the Sunnyside mines prided themselves for years that they had established such favorable conditions at their mines that they were enabled to procure the very best element of labor in the field.

Our company boarding house, with a capacity of 100 men, was constructed entirely with a view to comfort. Every room in the house was provided with a hot-water radiator, the floors were always kept clean; in front of each bed was a rug; each bed had two sheets, two pillowcases, one woollen blanket, two cotton comforters. The entire building was lighted with electric lights.

In the dining room we served but one table, seating every man at once. We employed the best Jap cooks, and used only the very best materials for our table.

In the basement of this cement building we had bath arrangements, hot and cold running water into porcelain bowls, something unheard of in any mining camp in Colorado.

In addition to this, we established a reading room and supplied all of the papers and periodicals free. We also established a library containing 250 books, and furnished the men with free stationery and envelopes.

We also furnished a hot bath adjacent to the mine for those that desired it.

Our schoolhouse is owned and maintained by the company, and was supplied with every modern appliance.

We also established a miners' club room, to combat the evil of the ordinary camp saloon. A great deal of money was spent in making this a comfortable loafing place for the men, and the hours in which they could buy drinks were limited from 4.30 in the afternoon to 10.30 at night. These goods were sold to the men at a low figure, with a view only of securing sufficient profit to maintain a manager of the place.

This means that the company store here was not that typical company store of which so much complaint is very properly and very justly made, but one maintained for the convenience of the men, as well, perhaps, as for their economic benefit, since the extra charge in the way of profit upon goods sold was sufficient only to pay the expenses of its operation.

I turn to the manuscript:

During working hours of the mine these clubrooms remained closed, also on Sundays.

The miners' clubrooms were completely wrecked and all stock stolen, pictures taken from the walls, phonograph records, chess boards, the cloth on the billiard table ruined, the cues and balls stolen, the barber-shop equipment badly damaged.

In the reading room magazines and books were mutilated, thrown outside, and every condition that had been created for the comfort of our employees was wantonly disregarded.

Our experiments along these lines, after studying the sociological conditions of miners for 23 years, proved beyond any question of doubt that our theories in regard to improving the social conditions and uplifting the social plane were mere vagaries.

Of course, it is understood that I do not assent to all the conclusions of this gentleman. That is one which, in my judgment, is erroneous. Humanity and the kindly consideration of the welfare of others never can be wasted or unavailing or all history is a delusion:

Our most earnest efforts were simply rewarded by our final destruction, and at the hands of those whom we endeavored to benefit.

The only apparently unanswerable obstacle to a settlement with these striking miners is the recognition of the union, as almost every other material difference between the operator and the miner is covered by the existing law.

There is no law compelling the operator to recognize the union nor to permit the employees to exact that recognition. The statute does provide, however, for the right of the employee to join a union, if he so desires, without coercion or interference. We do not deny the right of our men to organize, so long as they do not interfere with our prerogatives to employ nonunion labor when we so desire it.

We will never agree to any contract that will oblige us to discharge the nonunion men now in our employ.

Mr. President, there is an infinite difference between such a company and one with the history of a larger concern in the strike district, which, prior to its present organization, at least, was the dictator of the political and economic affairs of the two counties where it has operated. I am satisfied that to a very large degree the misfortunes of this small company, in their ultimate sociological causes, can be traced back to the larger concern to which I have just referred.

I do not propose, however, at this time to do more than present to the Senate the statement of Mr. Oakes, which I think is fairly typical of some of the operating companies. If we could for the time being put ourselves in their places, we can, I think, appreciate the reason for their announced attitude as to arbitration in the series of resolutions to which I have referred.

Nevertheless, as time passes and as the gravity of the situation becomes more obvious, as the requirements and the rights of the noncombatants are considered, together with the everlasting and eternal proposition that law and order must at all hazards be maintained in every well-organized society, and must be in operation at all times, and that every individual sacrifice essential to the preservation of law and order and to the establishment of justice in the truest sense of the term requires that private considerations shall yield to public ones, I am led to hope that this resolution, if it is reported favorably and adopted, will result well for the State which I in part here represent, and that contending bodies of men may, through its agency, reach a level of common understanding, and that duty and not selfishness may constitute the mainspring of their action.

they may well be grouped under the general designation of 'welfare.'

"Under the old order of things the overlord, amid pomp and ceremony, received the tribute of his vassals, while the petit baron accomplished the same unjust result by descending upon the unwary traveler, the difference in the unjust imposition being rather in the pomp accompanying it than in the nature of the robbery itself. And so to-day, the difference between the man who has fattened upon special privilege and, so far as the unfair taking is concerned, has violated a moral if not a civil law, and who now uses the fruits of that violation to poison the source of information, to dwarf and divert the spirit emanating from institutions of learning, and to silence and appease the outraged sentiment by the gloved hand that conceals a curse but seeks to show forth in the form of a supposed benefaction, and the man of the underworld who thrives upon vice and with his ill-gotten gains pollutes, locally and at its source, the political activities which surround him, is largely the difference between the overlord and the petit baron of other days.

"This sinister force menaces free government at every point, and, like a belenguering army, sends forth its suppers and miners to prepare the way for the assaulting columns. In the old struggle the weapons were the battle-axe and spear, and later the cannon and musket, the scaffold and dungeon; while in this new struggle are the glitter and glamour of wealth; its suppressed power to withhold or bestow benefactions; its dwarfing of courage and enslavement of mind. Already we have in this country too many who feel that the few should sit around the banquet board heaped so high that some crumbs must fall, and the gathering of those crumbs be regarded as a privilege bestowed upon the masses. There are too many who, in fear and trembling, accept the crumbs, forgetful of the fact that wealth is the product of the activities of all, although its gathering may be the activities of the few; and that the activities of all, being the real source of the combined wealth of the country, to prevent an inequitable and unjust assembling and unjust use of wealth in the hands of the few, is the real problem, or, to paraphrase the expression of Lincoln, the real struggle of the ages is between those who create and those who assimilate.

"The so-called 'captain of industry' who unites existing activities and capitalizes the statutes, or who unites credit in the development of new activities, does not create wealth; that is created by the activities of all. Every overcapitalization, every combination, finds its stock-market value not alone in the wealth created or contributed by those who organize it, not alone in increased efficiency—for the crushing of competition and establishment of monopoly does not develop efficiency—but in their power to collect and the capacity of the people to pay the tolls it expects to impose upon the people for the privilege of using their own highway, the highway of industrial progress. We have too many who are forgetful of the fact that the mailed hand that shows forth its purpose is far less dangerous than the gloved hand which destroys while it conceals its purpose. And yet there is a bright side to this picture, for more and more the American people are awakening to a realization of their situation. More and more they fear that intellectual slavery which is designed to be and is the natural result of pretended benefactions which come not in the form of restitution but for the undoubted purpose of stifling sentiment, dwarfing and divertiug judgment, and enslaving mentality. More and more the American people say: If we have not schools, libraries, and hospitals enough, it is better that we build them ourselves, that they may be ours; that in the sacrifice which their building and maintenance involves we may quicken the spirit of sacrifice and deepen the appreciation of its fruits, recognizing the spirit of gratitude to that composite citizenship, ever ready and willing to bear the burdens of a complex civilization, rather than in the building and maintenance by the individual we may see the loss of independence of spirit and a perverted sense of gratitude.

"Schools, libraries, and hospitals, when built by the people, are the visible marks of development, and the sacrifice involved serves as an inspiration; but when built by the individual they are the visible demonstration of the taking in excess of a fair equation, and afford just ground for suspicion, especially when made by those who seek to thwart and evade the progressive spirit that lies behind governmental control, or resisting the efforts of justice to enforce that spirit, that the pretended benefaction is but an ill-concealed effort to appease a just sense of resentment and to stifle that spirit which should control its activities, and if not to redistribute, at least to prevent in the future the taking of the excess. More and more the American people are awakening to the concept of the thought in their relation to this spirit that first unfairly takes and then unjustly uses, and to say to it, 'We do not want yours; we want ours.'

"The lesson of Gettysburg proves that a nation can survive civil strife, for standing here to-day we may see in shadowy squadrons the living hosts that met in battle here. We can see men marching down into the valley of death with a dauntless courage that makes mockery of fear; again we hear the moan of the dying, the shout of the living. We can hear again the sob of the widow and orphan, but we can not forget that back of that battling host there was a spirit of patriotism that subordinated self to the sense of service. While we all will agree to-day that upon one side there was a mistaken judgment, none will question but that both hosts were prompted by a spirit of unselfish sacrifice, and in the mourning homes of that day, North and South, the dark pall of grief that shadowed the heart of motherhood, widowhood, and childhood was pierced by one illuminating ray—the thought that the sacrifice was for humanity.

"Nations can survive the clash of arms where achievement leaves such a legacy of patriotic inspiration, but no nation can long survive such scenes as at Ludlow, where inordinate greed and desire for unlimited power subordinates everything to its purpose, and the struggle leaves not a legacy of patriotic inspiration, but rather one of malignant hate and undying resentment.

"The spectacle of the great strike at Homestead a few years ago is a picture every American would gladly blot from the pages of our country's history; but the wreck and havoc then wrought by the hand of lawless force, deplorable as it was, is dwarfed almost beyond the reach of vision when compared with the wreckage of American independence of thought since wrought, through intellectual enslavement, by the use of the millions which a deluded public paid as a tribute to false sentiment of industrial supremacy, and the millions added through the questionable process of the capitalization of a commercial greed which, in the main, could only in the end be realized upon by the destruction of competition and establishment of monopoly.

"We have no apology for lawless force, although it must be borne in mind that every protest is related somewhere to the parent of protests, oppression. While lawless force should be deprecated, it is no such menace to the spirit of free government as lawless wealth, for lawless force weakens itself in the very opposition which it develops among the people, while with lawless wealth it is a part of its purpose, the logic of its use, that it destroy opposition by controlling activities, by diverting judgment and enslaving mentality. It is not the mailed hand but the gloved hand that in all ages has retarded human progress and is to-day the real menace to free government.

"It will not do for us as a people to content ourselves with the thought that the sole mission of this Republic is to see itself reflected in a rapidly developing republican spirit throughout the world. We may well rejoice that such has been the result of the establishment of this Republic, and every American may well feel a thrill of pride as he contemplates a world-wide tendency to a transition from monarchy to republic. But we can not develop, nor even preserve, the spirit of our own institutions by simply basking in the sunlight of a reflected effulgence, even though it may be traced to the influence radiating from the Republic which we have established.

"No nation ever fell before external forces until first weakened by internal forces. In all ages a favorite instrument in the hands of that power which enslaved and oppressed was the dazzling picture of foreign conquest, ever so effectively employed to deaden the sensibilities of a people to the wrong and oppression visited upon them. Proud of our influence in the world-wide sphere of thought, purpose, and development, as we have a right to be, let us not make the mistake of those who have gone before, but realize that our mission in the world and our duty to the world, broad, grand, and splendid as it may be, is secondary to our mission in the development of a true democracy at home and a duty to ourselves in preserving our institutions from that same foe to which can be traced the wreck and ruin of empire in the past. So, too, of our boasted world-wide industrial triumph. It may appeal to our pride to be told that the products of our industrial activity are to be found everywhere, indicating the early coming of a world-wide industrial supremacy, but such pride must not blind us to the deplorable condition prevailing at the great centers of industry, and must not blind us to the fact of the awful toll of life, misery, and human decadence such supremacy exacts. We can not still the voice of protest nor conceal the wreckage of humanity in the reflection only of a world-wide industrial supremacy.

"The first and all-important industrial triumph which we should achieve is the triumph of industrial justice at home, and in contemplating the reflected glory born of our republican

institutions we must not allow the sense of our mission to the world to blind us to a sense of our duty to America.

"In our struggle against this power, it will not do to yield to the very instrument which is used so effectively in its resistance to the growth of political rights. Chief among these was the force of tradition. At every step of human progress there has been a spirit of Toryism which appealed to the sanctity of the past. That same appeal is made to-day, the sacredness of tradition, and that, too, in spite of the patent fact that every step of human progress has been, and is, either the abandonment or the condemnation of that which went before. Another favorite instrument in the hands of wrong ever has been and is to-day an exhortation to revere what is held up as a false concept of law, because in proportion as man can be made to feel that there is some vague abstraction which is responsible for the burdens which he bears, he is, in a measure, reconciled to the burden, because he is unable to trace it to its real author.

"Of course, there are some rules of civil conduct so long established, so plain of purpose, relating to the intercourse of man with man, as to require no interpretation and have come to be recognized as fixed rules of conduct, but in that sphere of activities where the rights of a people are concerned; in that struggle to prevent the unjust acquisition through the unjust imposition of burdens upon all; in that struggle to establish a real democracy, political and industrial; in that eternal struggle between the past and present, involving as it does growth of power in government to meet the spirit which would subordinate government to the interests of the few; to assume that we have inherited an infallible abstraction known as the 'law,' is illogical. In the sense of such an abstraction, as a fixed law, governing the ever new and varied phases of the struggle, there can be no such thing as 'government by law.' Law for to-day may or may not be law for to-morrow. From the very nature of things, in this sense, government must be government by man, for in the sense that there is somewhere a force, an abstraction called 'law,' disassociated from man acting in the twilight zone of discretion, in the making and administration of rules, there never was and never will be such a thing as 'government by law.'

"From the moment when a legislative policy is a mere shadowy, undeveloped concept in the brain of some man until that policy has been wrought into legislation, and again worked out through judicial construction, and again through the activities of administrative function to the point where some one standing before the bar of justice is directed to go hence acquit or receives a sentence imposing a penalty, at every step it is the result of some man's decision, largely free to adopt one course or the other, and acting all the time within that twilight zone of discretion wherein at one extreme a court may solemnly read into a statute words which a legislature has just as solemnly refused to put in the statute to the other extreme where a mere bailiff can harden or soften the personal comfort of the individual committed to his care under sentence of the court.

"We must, therefore, realize that where there is a wrong, where there is an injustice, there is a human, not an abstract responsibility for such wrong or injustice. There is no slavery so abject as the slavery of fetichism, the blind worship of an abstraction. It was an abstraction, the claim of monarchy, of the divine right to rule, that so long held the human mind fettered and enslaved; and it was only as man began to unmask this fetich of royalty and saw the human, saw that there was nothing but a human exercising the power of wrong and oppression, that he grasped the broad concept of the relation of man to man and caught the vision of that equation of human rights which substitutes justice in behalf of all for the prestige of an abstraction, which has always been the weapon of the few. So we can not emphasize too strongly in this struggle the necessity for looking back and behind every wrong to discover the human force that is responsible for that wrong.

"We must, of course, have due regard for law and ever seek to cure its miscarriage through orderly methods; still, we must recognize that the principle of justice is the only abstraction to reverence, and for every wrong committed and every unjust burden imposed we must trace it to the human agency that is responsible for it, because it is only in proportion as we disillusionize the abstraction and see the human behind the injustice and wrong that we awaken to the sense of the imposition and seek a remedy for its abatement. Law there is and must be, but it is that law worked out through the will and purpose of fallible man acting, in the main, as a self-determining agent, and for a reverence for an abstraction we should substitute a reverence for the principle of justice, which, in turn, should be the guiding spirit of those intrusted, for the time being, with the making and enforcement of the rules of civil conduct, realizing that in free government man is the instrument through which we seek to place, against the injustice of the few, that broad spirit of justice that can only spring from an equally broad equation of humanity.

"Although, perhaps, not strictly germane to this argument, we should remember, on the other hand, that every benefaction which comes from what we call 'government' comes from that broad equation of humanity of which government is the visible evidence of the association, and that every material benefit involving appropriations must first come from the taxpayers themselves—the people—and a just appreciation of this fact would lessen an oftttimes thoughtless demand upon the resources of government, thoughtless because we fail to realize that every dollar expended must first be garnered from the taxpayers.

"Another instrument, or, rather, slogan, of the old struggle was the inhuman cry, 'The survival of the fittest.' This cry we still hear echoed to-day; but we must remember it is the law of the brute world and had its place where everything was subordinated to inordinate greed of power, and man was but the plaything of that brutal spirit personified by such power. The very fundamental of democracy is the right of all to exist. If all are to reap the benefits of the human association called 'government,' all must participate in the making and administration of its policies. If we are to lift ourselves above the level of animal life, if we are to recognize that one man has a right which another man must respect, we must abandon the cry which is the keynote of mere brute existence, 'The survival of the fittest.' It has no place in free government except so far as it relates to purely intellectual supremacy, and even in the sphere of intellectual supremacy we must sometimes protect the weak as against the strong. In the clash and conflict of thoughts and ideas, that which has been proved best by the only test this side of Divine judgment, the ripened verdict of a people, must triumph. Civilization can not adjust itself to a principle, when applied to the material world, to the right to the enjoyment of the comforts of life, an axiom that is the dominant law of brute life and found its only place in human activities while the brute instinct predominated.

"The remedy for industrial injustice must be found in the genesis of man's struggle for political justice. He first awakened to the thought that the glitter and glamour of royalty was unreal, and then to the thought that no man, no truly human being, was ever good enough to be the self-constituted guardian of the welfare of another; then to the thought which was the real mainspring of progress toward civil liberty, viz, that man was not made to be laid as a sacrifice on the altar of royal ambition; and then he grasped the thought that even the most-protected parapet was powerless to stay God's eternal purpose of justice, wrought out through human sacrifice, and then it blossomed forth into free government in the realization that common welfare should be the goal of human association and that humanity, in the concrete, is able, under Divine guidance, to develop its own instrumentalities. And so in this new struggle to meet error we must uncover error. We must no longer be dazzled by the glamour of wealth; we must recognize that in this struggle it is man for man; we must recognize that no man is good enough to be permitted to constitute himself the guardian of public welfare; we must recognize that man was no more created to serve as a sacrifice to inordinate greed and unrestrained commercialism than he was created to serve as a sacrifice to royal pomp and ambition; we must recognize that buttressed wrong is to-day as powerless as granite parapet was in the past against the resistless purpose of a free people. For selfish greed we must substitute patriotism and then we will discover that man, in the concrete, is just as capable of establishing and maintaining industrial justice as he was in establishing and maintaining political justice; in other words, the establishment of real democracy.

"The opponents of democracy assert that for the evils of democracy we seek to apply more democracy. We should, however, distinguish between the evils of a system, if it has any, and those evils which are foreign to it, and find lodgment there only through the instrumentality of forces opposed to the system. The betrayal and perversion of democracy is not the test of democracy. There is a vast difference between democracy and hypocrisy, although the latter may seek to masquerade as democracy. Democracy means government by the people. Real democracy either contains within itself the elements of the solution of this problem or those who have laid down their lives in the effort to reach democracy have sacrificed in vain. We can not believe this sacrifice has been in vain, for back of the spirit of sacrifice planted in the breast of man there must have been a divine purpose to the fruition of which sacrifice was essential.

"Every great achievement has a dual existence. It lives related to those who achieved. It may also live related to

ice or for star-route carriers; to the Committee on Post Offices and Post Roads.

A bill (S. 5836) for the relief of the estate of William H. Fuqua, deceased;

A bill (S. 5837) for the relief of the heirs of Cynthia Millikan; and

A bill (S. 5838) for the relief of L. W. Culbreath; to the Committee on Claims.

A bill (S. 5839) granting an increase of pension to Louis M. Starring;

A bill (S. 5840) granting a pension to William H. Hart;

A bill (S. 5841) granting a pension to Henry Garfield Clemons; and

A bill (S. 5842) granting a pension to Tide Owens; to the Committee on Pensions.

By Mr. VARDAMAN:

A bill (S. 5844) reinstating Edgar N. Coffey to his former rank and grade in the United States Army; to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SMOOT submitted an amendment authorizing the Government exhibit board to determine the nature, character, and extent of the exhibits of the United States Government to be made at the Panama Pacific International Exposition, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SWANSON submitted an amendment proposing to appropriate $12,000 for the purchase by the Public Printer from the publisher of 100,000 copies of McBride's Copyright History of the Federal Elections, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Printing and ordered to be printed.

Mr. POINDEXTER submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the preparation of designs and estimates for the National Archives Building, Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LEA of Tennessee submitted an amendment proposing to appropriate $70,600 to reimburse the National Conservation Exposition Co., of Knoxville, Tenn., for expenses incurred in transporting, installing, and maintaining, and other circumstances incidentally and connected with the Government exhibit at the National Conservation Exposition during the fall of 1913, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $2,500 to remove the fence and wall around the Botanic Gardens, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

DONATION OF CANNON.

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

RADIUM-BEARING ORES.

Mr. BORAH submitted an amendment intended to be proposed by him to the bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—FREDERICK MARSHALL.

On motion of Mr. WORKS, it was

Ordered, That the papers in the case of Frederick Marshall, S. 495, Sixty-third Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

ADDRESS BY SENATOR CLAPP (S. DOC. NO. 491).

Mr. KENYON. I have a copy of an address delivered by the Senator from Minnesota [Mr. CLAPP] at Gettysburg, Pa., on the 30th of May last. I ask that the address may be printed in the RECORD and also as a Senate document.

There being no objection, the address was ordered to be printed as a Senate document and also to be printed in the RECORD, as follows:

"MEMORIAL DAY ADDRESS.

"ADDRESS DELIVERED BY HON. MOSES E. CLAPP AT GETTYSBURG, PA., MAY 30, 1914.

"Making due allowance for the manifest exaggeration of ancient history, the Civil War was without doubt the most gigantic struggle the world has ever witnessed. Viewed in the light of its relation to history, it stands without a parallel. Christianity brought into the current of human activities a force which, in the chain of sequence, was destined to sooner or later lead man to the goal of free government. But whether when this goal was reached there would be found in the association thus developed, in a case where the element of fear of a common enemy was wanting, that cohesive force necessary to resist the claim of the right of withdrawal from the association, when such claim was made by a large body of its citizens, was perhaps too problematical to class the result of the test as a link in the chain of historic sequence. That test was the fundamental involved in the Civil War, and in the light of that fact it may well be said that Gettysburg beyond question was the most important battle in the annals of warfare. It was the turning point in a struggle which in turn was the turning point in the life of a nation, and that nation undoubtedly is in turn destined to be the instrumentality through which, next to the transition from paganism to Christianity, the greatest transition in human history is to be accomplished, namely, the transfer of human energy involved in the transition from war to peace.

"For centuries war was the rule and peace the exception; wars waged in part to maintain the power of sovereignty, but more often waged in the spirit of conquest to add to its dominion. During those centuries that impersonal spirit which sought to dominate humanity for its own aggrandizement utilized the human force upon the field of battle, and as man approached the point where war was destined to be the exception and peace the rule this human energy which had been exploited in war naturally turned to the more peaceful field of industrial activities. But the spirit which had exploited mankind through the centuries in war did not itself cease to exist as peace came to be the rule and war the exception. We find it to-day seeking to establish in the activities of industrial life that dominion which it finally lost upon the battle field, and if this Republic has any mission in history more than to give to the world something of the radiated spirit of free government that mission is to meet this new condition and develop that industrial justice which must some day be the logical sequence of the political justice established by those who have gone before us, for somewhere and at some time it will be the mission of free government—that is, democracy—to develop industrial justice, for industrial justice is the natural sequence of political justice. Whether that result in the ultimate is the mission of this Republic time alone will tell, but that we have entered the initial stage of the struggle looking to that end is plain to anyone who studies the relation of cause and effect developed through the force of natural law related to human activities.

"The spirit of power and dominion which for so many centuries made the battle field the outlet for human energy and the graveyard of humanity, while its goal was political power, now, in its newer struggle, it makes the power of inordinate wealth its goal, and the unjust acquisition and unfair use of such wealth the instrumentalities of the struggle by which to reach the goal of its ambition.

"No nation can work out a great career without wealth. Wealth is essential to a nation's development. While this is true, it is equally true that the unjust acquisition of wealth and its unjust use constitute the real menace to the spirit of free institutions. In other words, as with most things, it depends upon whether it is made to serve common welfare or permitted to play the rôle of master.

"We can not too strongly emphasize the difference between wealth on the one hand and its improper acquisition and improper use on the other. One is the ally as well as the natural product of the development of free government, the other its deadliest foe; and the failure to emphasize this difference has led to much confusion and brought much unjust criticism upon those who have raised a warning voice but failed to make clear this difference—the difference between real service on the one hand and unjust dominion upon the other. The improper acquisition and improper use of wealth in some form lies behind every assault upon a people's welfare, whether that welfare is considered from the viewpoint of the material, moral, or political; and, in fact, in free government the material, moral, and political welfare of a people are so interwoven that

the Senate, as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CRIMINAL PROCEDURE IN ENGLAND (S. DOC. NO. 495).

Mr. FLETCHER. On the 27th ultimo the Senator from Oklahoma [Mr. GORE] presented a pamphlet on Criminal Procedure in England, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 389) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the pamphlet submitted by Mr. GORE on May 27, 1914, entitled "Criminal Procedure in England," a report of a special committee of the American Institute of Criminal Law and Criminology, be printed as a Senate document.

CONVICT-LABOR LAWS (S. DOC. NO. 494).

Mr. FLETCHER. On the 22d ultimo a communication was received by the Senate from the Secretary of Labor, transmitting, in response to a resolution of November 10, 1913, a compilation of all Federal and State laws relating to convict labor, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 390) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the communication transmitted to the Senate on May 22, 1914, by the Secretary of Labor, in response to a resolution of November 10, 1913, the same being a compilation of all Federal and State laws relating to convict labor, be printed as a Senate document.

CREEK EQUALIZATION FUND (S. DOC. NO. 492).

Mr. FLETCHER. On yesterday the Senator from Oklahoma [Mr. GORE] presented certain manuscript relating to the equalization of Creek allotments and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 391) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the manuscript submitted by Mr. GORE on June 11, 1914, entitled "Equalizing Creek allotments," by R. C. Allen, national attorney for the Creek Nation, be printed as a Senate document.

RATES ON SUGAR (S. DOC. NO. 493).

Mr. SMOOT. On the 28th ultimo the chairman of the Interstate Commerce Commission transmitted to the Senate, in response to a resolution of May 26, 1914, a copy of the transcript of testimony taken before the commission with respect to rates on sugar, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution, for which I ask present consideration.

There being no objection, the resolution (S. Res. 392) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the communication transmitted to the Senate on May 28, 1914, by the Interstate Commerce Commission in response to a resolution of May 26, 1914, the same being a transcript of certain testimony taken before said commission with respect to rates on sugar, be printed as a Senate document.

DONIPHAN'S EXPEDITION.

Mr. CHILTON. On the 26th ultimo the Senator from Missouri [Mr. STONE] presented to the Senate an article giving an account of the celebrated expedition led by Gen. Doniphan from Missouri into New Mexico and on to Chihuahua, Old Mexico, and other points during the Mexican War, and it was referred to the Committee on Printing for action. I am directed by that committee to report a resolution (S. Res. 393), which I ask may be placed on the calendar.

The VICE PRESIDENT. The resolution will be placed on the calendar.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WARREN:

A bill (S. 5811) to provide for the issuing of commissions to officers of the First, Second, and Third Regiments, United States Volunteer Cavalry, commanded, respectively, by Col. Leonard Wood, Col. Jay L. Torrey, and Col. M. Grigsby during the Spanish-American War; and

A bill (S. 5812) to provide for reenlisting the members of the Second United States Volunteer Cavalry, commanded by Col. Jay L. Torrey during the War with Spain, and for the appointment of the officers thereof; to the Committee on Military Affairs.

By Mr. McCUMBER:

A bill (S. 5813) granting an increase of pension to Jennie A. Tall (with accompanying papers); to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5814) to extend the benefits of the act of June 27, 1890, as amended by the act of May 9, 1900, granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of May 11, 1912, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico;

A bill (S. 5815) granting a pension to Isaac Adams (with accompanying papers);

A bill (S. 5816) granting a pension to William H. Adams (with accompanying papers);

A bill (S. 5817) granting an increase of pension to James K. Clear (with accompanying papers);

A bill (S. 5818) granting a pension to William H. Hayes (with accompanying papers);

A bill (S. 5819) granting a pension to John R. Martin (with accompanying papers); and

A bill (S. 5820) granting an increase of pension to Robert G. Calhoun (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5821) granting an increase of pension to Benjamin F. Bourne (with accompanying papers); and

A bill (S. 5822) granting an increase of pension to Robert S. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 5823) to amend the postal and civil-service laws, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. OVERMAN:

A bill (S. 5824) authorizing the Secretary of War to donate two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls to the city of Kings Mountain, N. C.; to the Committee on Military Affairs.

A bill (S. 5825) for erecting a suitable memorial to Sir Walter Raleigh; to the Committee on the Library.

By Mr. BORAH:

A bill (S. 5826) to prevent the use of the stop watch or other time-measuring device on Government work and the payment of premium or bonus to Government employees, and for other purposes; to the Committee on Education and Labor.

(By request.) A bill (S. 5827) to open for immediate homestead entry all remaining Government lands within the former Flathead Indian Reservation in the State of Montana, opened to settlement under act of Congress of April 23, 1904; to the Committee on Public Lands.

A bill (S. 5828) granting a pension to Lucy Carey (with accompanying papers); to the Committee on Pensions.

By Mr. MARTINE of New Jersey:

A bill (S. 5829) granting a pension to Albert A. Lance (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5830) authorizing a preliminary survey of the Mohave River watershed, and for other purposes; to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. POINDEXTER:

A bill (S. 5831) granting a pension to Frances Terry; to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5832) granting an increase of pension to Bettie Dodge; to the Committee on Pensions.

By Mr. LEA of Tennessee:

A bill (S. 5833) to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purposes; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof in the Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

A bill (S. 5834) for the purpose of maintaining efficient postal service in rural and star-route delivery, and for other purposes; and

A bill (S. 5835) to relieve mail carriers in the Rural Delivery Service of the Post Office Department carrying separate mail bags or pouches for other carriers in the Rural Delivery Serv-

adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. OVERMAN. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15762) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1915, and I submit a report (No. 592) thereon. I desire to give notice that I shall ask the Senate to take up the bill for consideration immediately after the legislative bill has been disposed of.

The VICE PRESIDENT. The bill will be placed on the calendar.

Mr. WEST, from the Committee on Military Affairs, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 728. A bill to correct the military record of Nathaniel Monroe (Rept. No. 593); and

S. 5210. A bill to correct the military record of Nelson T. Saunders (Rept. No. 594).

Mr. LEWIS, from the Committee on Indian Affairs, to which was referred the bill (S. 5674) confirming the title of Hannah Robinson to certain lands and authorizing and directing the issuance of patent therefor, reported it with amendments and submitted a report (No. 596) thereon.

Mr. SHIVELY, from the Committee on Pensions, submitted a report (No. 595) accompanied by a bill (S. 5843) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was read twice by its title, the bill being a substitute for the following pension bills heretofore referred to that committee:

S. 290. Ruth A. Jackson.
S. 341. Anna E. Atwood.
S. 406. Josephina Soleau.
S. 447. Ellen M. Kilbourn.
S. 455. Josephine Rath.
S. 1133. Elizabeth McLaughlin.
S. 1288. Henry Fairley.
S. 1310. Henry M. Means.
S. 1816. Eveline Titus (now Watts).
S. 1827. Nellie E. Alfred.
S. 2076. Annie F. Merritt.
S. 2495. Eugenia Chaves de Montano.
S. 2652. Mary A. Pierce.
S. 2738. Julius C. Ward.
S. 3075. James B. Kendall.
S. 3162. Eliza K. Carpenter.
S. 3189. Josephine Moore.
S. 3305. William R. Downs.
S. 3444. Carrie A. Wells.
S. 3555. William H. Allen.
S. 3731. Isaiah Caplin.
S. 3788. Henry C. Doll.
S. 4028. Samuel Hill.
S. 4133. Willis Layton.
S. 4430. Samuel Deems.
S. 4490. Frances M. Robertson.
S. 4541. Eli Caldwell.
S. 4572. Isaac R. Rains.
S. 4584. Selena E. Noland.
S. 4665. John D. Sanders.
S. 4901. Harrison Stevens.
S. 4932. Sadie Winters.
S. 5133. Sarah J. Rugh.
S. 5165. George H. Erskine.
S. 5224. Helen M. Winchester.
S. 5269. John S. Bell.
S. 5373. John M. Mishler.
S. 5386. Bersheba Wood Logan.
S. 5482. John Collier.
S. 5486. Elizabeth C. Miller.
S. 5493. Francis M. Stults.
S. 5505. Josephine C. Sumner.
S. 5508. Martha G. Lee.
S. 5521. Maggie Daugherty.
S. 5528. John C. Hotchkiss.
S. 5531. Lurancy E. Rice.
S. 5545. Lizzie U. Ricker.
S. 5546. John L. Shields.
S. 5547. Anna B. Davis.
S. 5556. Simon W. Morgan.
S. 5565. Frances E. Porter.
S. 5568. Lorena M. Long.
S. 5569. Charles F. Roberts.
S. 5576. Florence B. Plate.
S. 5581. George L. Johnson.
S. 5582. Joanna A. Bevans.
S. 5587. Elizabeth A. Jones.
S. 5594. George M. Swango.
S. 5598. Christian C. Fleck.
S. 5609. Sarah J. Tillinghast.
S. 5611. Benjamin F. Neddo.
S. 5613. James D. Brooks.
S. 5620. Henry Goodwin.
S. 5623. Francis M. Drum.
S. 5624. Zachary S. Walker.
S. 5625. Matilda A. Cowgill.
S. 5626. Marquis L. Waits.
S. 5627. Moses P. Roberts.
S. 5628. Celia A. Davis.
S. 5633. Margaret A. Pepper.
S. 5639. Rhoda L. Goreham.
S. 5640. Miles G. Lee.
S. 5648. James Ohaver.
S. 5649. Theodore S. Payton.
S. 5651. Byron A. Hart.
S. 5653. William H. Sisson.
S. 5654. Eugene A. Rix.
S. 5655. Teney Stanton.
S. 5656. William Calkins.
S. 5660. James E. S. Pray.
S. 5676. William H. Sperry.
S. 5686. Nancy Matsel.
S. 5687. George Willis.
S. 5688. Eliza L. Johnsonbaugh.
S. 5690. Charles Brink.
S. 5691. George W. Sullivan.
S. 5699. Blanche L. Kuykendall.
S. 5702. William H. Rich.
S. 5708. Amelia Dingler.
S. 5716. Frank Smurpus.
S. 5717. Max Prucht, alias Maxwell Pratt.
S. 5719. Cary Otis.
S. 5723. Frederick D. Bailey.
S. 5727. Arthur E. Strimple.
S. 5728. Joseph S. Pray.
S. 5729. William Gehlbach.
S. 5730. Julia E. Robinson.
S. 5733. Thomas W. Eckert.
S. 5737. Samuel A. Lenzer.
S. 5743. George W. Evans.
S. 5744. Jacob M. Stark.
S. 5745. Jennie C. Potter.
S. 5747. Margaretta B. Sayre.
S. 5804. Curtis B. Small.

SALARIES OF CAPITOL POLICE.

Mr. MARTIN of Virginia. From the Committee on Appropriations I report a joint resolution and ask for its immediate consideration.

The joint resolution (S. J. Res. 159) authorizing and directing the transfer of a certain unexpended balance in appropriations for salaries of Capitol police was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to transfer any unexpended balance of the appropriation for "Salaries, Capitol police, House of Representatives," for the fiscal year 1914 remaining to the credit of the Clerk of the House of Representatives, to the Secretary of the Senate of the United States, and to be disbursed by him in payment of salaries of Capitol police.

The VICE PRESIDENT. The Senator from Virginia asks unanimous consent for the present consideration of the joint resolution. Is there objection?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM LAUNCH "LOUISE."

Mr. ROOT. By direction of the Committee on Foreign Relations I report back favorably the bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government, and I submit a report (No. 591) thereon. I ask unanimous consent for the present consideration of the bill. When it has been read I will state the reasons for its passage.

The VICE PRESIDENT. The bill will be read.

The Secretary read the bill, as follows:

Be it enacted, etc., That, as a mark of appreciation of the sacrifices and services of the French people in the construction of the Panama Canal, the steam launch *Louise*, built in France in 1885, and employed

in the construction of the canal successively by the French Panama Canal Co. and by the United States, be put in good condition and presented to the French Government; and that, in the first formal or ceremonial opening or passage of the canal, the place of honor be accorded to the said steam launch, bearing the flag of the French Republic.

SEC. 2. That the sum of $6,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expense of executing this act, to be disbursed by the governor of the Canal Zone.

Mr. ROOT. Mr. President, the Secretary of War, the Secretary of State, the governor of the Canal Zone, and the French Government have all been consulted and expressed their entire approval of this act of courtesy, and the Committee on Foreign Relations reports the bill unanimously.

Mr. NORRIS. Mr. President, I wish to say that I am in hearty accord with the bill. I think it is very appropriate; but I notice one clause which provides that when this ship passes through in the place of honor when the canal is opened it shall bear the flag of the French Government. I have no objection. I will say, to its bearing the flag of the French Government; I think that also is very appropriate; but it seems to me there might possibly be a construction put upon it that no other flag should be borne. I wish to ask the Senator from New York if the expectation is that the American flag will not also be borne on the vessel?

Mr. ROOT. Certainly not. Each vessel sails under its own flag.

Mr. NORRIS. I should like to inquire of the Senator if he thinks it would be inappropriate for the flag of the French Government and also the flag of our Government to be unfurled on that ship?

Mr. ROOT. I think we can leave that to the French Government. I would not make conditions in doing an act of courtesy.

Mr. NORRIS. I would not make any condition; but when this vessel is going through, if that is to be the only flag on board, it does not seem to me to be quite proper. I want to accord to France all the honor—and a great deal is due her—on the occasion, and I think it very appropriate; I am very glad the committee have reported the bill to present this vessel to the French Government; but we ought not to belittle our own work in the Panama Canal, and the first vessel that goes through ought to bear the American flag as well as the French flag.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to his colleague?

Mr. ROOT. Certainly.

Mr. O'GORMAN. No more gracious compliment could be paid to the French Republic than to do what is proposed by the bill reported by my colleague. If this French vessel is accorded this honor, it should properly fly the flag of her own country. Whatever else may be done in giving place to our flag may be left to the courtesy of the French Nation. As my colleague suggests, it surely should not be imposed as a condition.

It is not necessary, in view of what was said by the Senator from Nebraska, to recite the reasons which prompt this act of courtesy on our part. The French made great sacrifices of men and treasure in the early days of the construction of the Panama Canal. In times past our flags have been united at critical stages in our national history. We need no assurance even by the commingling and unity of flags that a warm and cordial sentiment of fraternal affection exists between the two Republics. We can never forget the ancient friendship which led the French Nation to come to our rescue in the Revolution when we had no other friend in all the wide world.

I trust my friend, the distinguished Senator from Nebraska, who seems to appreciate this legislation as highly as any other Member of the Senate, will not insist upon modifying or altering the bill which has had the careful consideration of the Committee on Foreign Relations, and which is reported here with the unanimous recommendation of that committee.

Mr. NORRIS. I do not want any intimation to be made here that I am in any way opposed to the bill. I do not want anyone to gather from what the Senator from New York has said that I am opposed to any provision contained in it. On the other hand, I am most heartily in accord with it. I feel like congratulating the Committee on Foreign Relations for bringing in the bill.

The French people have made great sacrifices and this action is very appropriate, it seems to me; but I understood the senior Senator from New York to say in answer to my inquiry that it was the intention that there should be no other flag borne on the vessel.

While I am admitting the sacrifices made by the French Government in the construction of the canal and also the long friendship which has existed between our Government and France, and remembering also the assistance that we received from that Government in early days when we were sadly in need of it, and I do not want anyone to get the idea that I would put anything in the way of paying any tribute of honor and respect to the French Government; but at the same time I would not want to belittle our own Government or forget that we have made great sacrifices, and that after all the crowning glory of the Panama Canal is as much ours as that of any other people in the world. It seems to me it would be very appropriate that the French flag should be unfurled on this vessel when it is leading the procession of honor through the Panama Canal, but I would be sadly disappointed, and I believe the American citizens would, if our flag should be excluded.

Mr. WARREN. Mr. President, I appreciate fully the patriotic sentiment of my friend the Senator from Nebraska, but it seems to me that the situation is about like this: The French vessel goes through under the French flag, surrounded or followed by our ships under our flag. It is very much the same as if we were to entertain for the time being officers of the Army or Navy of another nation. We would hardly want to ask them to put on the shoulder straps and the insignia of our Army or Navy; they would be our guests and with their own decorations.

Of course I could not with the love I entertain for the United States flag, to which I have owed allegiance for many long years, see it in any way belittled, but I think in this case it would be enlarged in an act of courtesy, and generous courtesy, and it would be entirely in place to have the vessel itself carry the French flag. If those in charge of the vessel wish to also add the United States flag, all right, but we shall have our insignia there on the accompanying vessels of this country. Our vessels will float our flag.

It is true the French commenced this work and we have finished it, and the one French flag will be added to a number of those of the United States.

Mr. WORKS. Mr. President, I would suppose as the result of the passage of this bill and its execution that this vessel will have become the property of the French Republic when it passes through the canal. It seems to me it would be rather an indelicate thing for us to ask the French Government to carry our flag upon its vessels. I think, as the Senator from New York has suggested, that we might very well leave that question to the French Republic itself.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

Mr. BRADY. Mr. President, the Senator from Nebraska [Mr. NORRIS] said that we will extend every courtesy to the Government of France, which we are doing out of the goodness of our hearts, and I think it is only meet and proper that we should leave it to the good judgment of the French Government to return the courtesy. I do not think there is any question when the time comes that the French Government will even try to outdo us in honor to our Nation. So I think there is no reason why the matter should be mentioned in the bill.

Mr. JONES. Mr. President, I am heartily in favor of the bill, but I think we ought to have a quorum when it is considered, especially when we are meeting at 11 o'clock. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Johnson	Page	Smoot
Borah	Jones	Perkins	Sterling
Brady	Kenyon	Poindexter	Sutherland
Bristow	Kern	Root	Swanson
Bryan	Lane	Shafroth	Thomas
Burleigh	Lea, Tenn.	Sheppard	Tillman
Burton	McCumber	Sherman	Townsend
Culberson	Martin, Va.	Shields	Vardaman
Dillingham	Martine, N. J.	Shively	Warren
Fletcher	Nelson	Simmons	West
Gore	Norris	Smith, Ga.	White
Gronna	O'Gorman	Smith, Md.	Williams
Hollis	Overman	Smith, S. C.	Works

Mr. LANE. I wish to announce that the senior Senator from Oregon [Mr. CHAMBERLAIN] is absent and that he is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. TOWNSEND. I desire to announce that the senior Senator from Michigan [Mr. SMITH] is ill this morning.

Mr. BRANDEGEE. Mr. President, the members of the Committee on Interstate Commerce, which is now in session, have requested me to announce that they are engaged in consideration of public business, and hence have not appeared and answered to the roll call this morning.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present. The bill is before

mitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims, set out in the annexed findings by the court relating to the schooner *Mary*, Thomas B. Covell, master, which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Washington, D. C., and Harrodsburg, Ky., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Leo W. Myers Woman's Relief Corps, No. 118, Department of Illinois, remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of South Chicago, Sterling, and Carrollton, in the State of Illinois; of Clearfield, Stratford, and Ottumwa, in the State of Iowa; of Gregory, Howard, and White, in the State of South Dakota; of Colerain and Alexandria, in the State of Pennsylvania; of Belford and Laurel Springs, in the State of New Jersey; of Knoxville, Tenn.; of Waseca, Minn.; of Sterling, Kans.; of Rocklyn, Wash.; of Cloes Ferry, Va.; of Calcutta, Ohio; and of Greencastle, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. WORKS. Mr. President, I have a short resolution here from the Humboldt Chamber of Commerce bearing upon a question of great interest to the Senate and the country just now, and I ask that it may be read.

There being no objection, the resolution was read and referred to the Committee on the Judiciary, as follows:

Whereas there is now pending in the Congress of the United States of America a series of bills intended to carry out the recommendations of President Wilson as to antitrust legislation, as set out in his message to Congress of January 20, 1914; and

Whereas the legislation proposed in these bills, if enacted, will have a profound and far-reaching effect on the conduct of the commerce and industry of the Nation and on the welfare of all its people; and

Whereas undue haste in the enactment of important legislation such as is proposed in the new bills relating to "a trades commission," "interlocking directorates," and the "Sherman law definitions" is to be deprecated, as every opportunity should be afforded to all persons affected in all parts of the country to be fully heard on these important questions, to the end that their suggestions and recommendations may be considered by the Congress in the final framing of this legislation intended to promote the industrial and commercial welfare of the country, while at the same time conserving and safeguarding the rights and interests of all the people; and

Whereas to fully consult the judgment of the country and arrive at a clear and unmistakable understanding of its desires regarding the various features of the proposed legislation will require more time and consideration than is possible at the present session of Congress, and it would therefore seem to be the part of wisdom to postpone final action until the next session of Congress, utilizing the intervening time in ascertaining the sense of the country concerning the proposed legislation, which is undoubtedly the most important and far-reaching in its influence of any question that has come before Congress for decision in a long series of years: Now, therefore, be it

Resolved by the Humboldt Chamber of Commerce, representing the business and commercial interests of the City of Eureka and of the County of Humboldt, State of California, That the Congress of the United States of America is hereby earnestly requested to postpone final action upon the pending antitrust legislation until its next session, and that the intervening time be employed in ascertaining the sense of the people of the whole country toward the various features of the proposed laws, with a view to so perfecting them that a united and deliberate public sentiment shall stand firmly behind these measures, if enacted; and be it further

Resolved, That duly attested copies of these resolutions be forwarded to each of the Senators and Representatives in Congress from the State of California, and that they each be earnestly requested to advocate and work for the postponement of action petitioned for herein.

HUMBOLDT CHAMBER OF COMMERCE,
[SEAL.] By JOHN O'NEILL, *President*,
GEORGE A. KELLOGG, *Secretary*.

Dated at Eureka, Cal., this 25th day of May, 1914.

Mr. WORKS presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented a petition of sundry citizens of Tennessee, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Arizona and California River Regulation Commission, praying for the acquisition of land in Mexico to place the Colorado River entirely within the boundaries of the United States, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Arizona and California River Regulation Commission, praying for an appropriation for a survey of the watershed of the Victor Valley, Cal., which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the Arizona and California River Regulation Commission, praying for the enactment of legislation to provide for the carrying out of the San Carlos Dam project, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented a petition of sundry citizens of Colony, Kans., praying for the adoption of a system of rural credits, which was referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of Seneca, Kans., praying for the enactment of legislation making lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BORAH presented a petition of the Homesteaders' Protective Association of the former Flathead Indian Reservation, praying for the immediate opening to entry of the unallotted lands in that reservation, which was referred to the Committee on Public Lands.

Mr. THOMPSON presented petitions of sundry citizens of Kansas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Bonner Springs and Atchison, and of inmates of the National Military Home, all in the State of Kansas, praying for the enactment of legislation extending the benefits of the pension act of May 11, 1912, which were referred to the Committee on Pensions.

He also presented a petition of sundry citizens of St. John, Kans., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. NELSON presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented petitions of sundry citizens of Pittsburgh, Pa., praying for national recognition of the services of Dr. Cook in his polar explorations, which were referred to the Committee on the Library.

Mr. SMITH of Georgia presented petitions of sundry citizens of Georgia, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Macon, Ga., remonstrating against the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

Mr. BURLEIGH presented a resolution adopted by the Sunday School Association of Somerset County, Me., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. WARREN presented petitions of sundry citizens of Wyoming, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Italian Chamber of Commerce of New York, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Methodist Episcopal Church of Waitsfield, Vt., praying for the

tive to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the City Council of Bradford, Pa., favoring the passage of the Hamill bill for the retirement of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. MORIN (by request): Petitions of sundry citizens of Pittsburgh and Allegheny County, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Erie, Pa., relative to antitrust legislation; to the Committee on the Judiciary.

Also, petition of sundry citizens of Erie County, Pa., relative to antitrust legislation; to the Committee on the Judiciary.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of the Hamill bill relative to pensioning civil-service employees; to the Committee on Reform in the Civil Service.

Also (by request), petition of sundry citizens of Philadelphia, Pa., protesting against passage of a bill to prohibit importations of Egyptian cotton; to the Committee on Agriculture.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of House bill 6282, the national anti-narcotic bill; to the Committee on Ways and Means.

Also (by request), petition of sundry citizens of Brooklyn, N. Y., favoring erection of monument to Capt. John Ericsson; to the Committee on the Library.

Also (by request), petition of the Pennsylvania Retail Jewelers' Association and sundry citizens of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Allegheny County, Pa., favoring the passage of House bill 2972; to the Committee on Interstate and Foreign Commerce.

Also (by request), petition of sundry citizens of Pittsburgh, Pa., favoring the passage of House bill 12292; to the Committee on Labor.

By Mr. O'LEARY: Petition of J. F. Garcia and other citizens of Aqueduct; Samuel Gadlucci and others, of Corona; Piano Makers' Union, Local No. 14, of New York; and Jacob Huth and other citizens of the second congressional district, all in the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Manhasset Manufacturing Co., of Providence, R. I., protesting against placing embargo on Egyptian cotton; to the Committee on Agriculture.

Also, petition of the Providence (R. I.) Christian Endeavor Union, favoring passage of House bill 12325, relative to giving or selling liquors to minors and Indians; to the Committee on Alcoholic Liquor Traffic.

By Mr. PAIGE of Massachusetts: Petition of sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of 31 citizens of Newbury, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. REED: Petition of the Manchester (N. H.) Druggists' Association, headed by the John B. Hall Co., favoring the passage of House bill 15305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY of Connecticut: Memorial of the Second Congregational Church of Putnam, Conn., and the Windham Association of Congregational Churches and Ministers of Connecticut, relative to establishment of an international tribunal for settlement of international differences; to the Committee on Military Affairs.

By Mr. RUPLEY: Petition of the Philadelphia Clearing House Association, relative to House bill 15657, relating to interlocking directorates; to the Committee on the Judiciary.

Also, petition of the Jewelers' Guild of Philadelphia and the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Resolution of the Woman's League of Bronson, Mich., favoring Senate bill 2739, the Newlands-Broussard river-regulation and flood-prevention bill; to the Committee on Rivers and Harbors.

Also, petitions of the commissioner of labor of Michigan; the legislative committee of Brooklyn, N. Y.; the Nautilus Magazine, of Holyoke, Mass.; the Council of Women for Home Missions, of New York City, N. Y.; the Illinois State Federation of Labor, of Springfield, Ill.; the American Association for Labor Legislation, of New York City, N. Y.; and Fuhrman's Drug Store, of Lawton, Mich., favoring establishment of a national employment bureau (Murdock bill, H. R. 16130); to the Committee on Labor.

By Mr. SMITH of Idaho: Memorial of the Providence (R. I.) Christian Endeavor Union, favoring the passage of House bill 12335, relative to selling liquor to minors; to the Committee on Alcoholic Liquor Traffic.

By Mr. SPARKMAN: Petition of sundry citizens of the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. STEDMAN: Petition of sundry citizens of Forsythe, N. C., favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of Texas: Petitions of 75 citizens of Alvord, 300 citizens of Bowie, and 465 citizens of Dallas, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. TALCOTT of New York: Petition of sundry citizens of Utica, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Utica, N. Y., favoring passage of bill providing for a national motion-picture commission; to the Committee on Education.

By Mr. TAVENNER: Memorial of the Rock River Association of Congregational Churches of Illinois, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Commercial Club of Bowen, Ill., protesting against the passage of bills for the regulation of business at this session; to the Committee on the Judiciary.

By Mr. TOWNSEND: Petition of the Common Council of Newark, N. J., favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. VOLLMER: Petition of Woman's Relief Corps No. 171, of Marengo, Iowa, and John Dillon Post, No. 233, of Marengo, Iowa, protesting against any change or changes of our country's flag; to the Committee on Military Affairs.

By Mr. WEAVER: Petitions of M. E. Clark and many other citizens of Duncan; Charles L. Walker and others, of Pittsburg; Joel W. Green and others, of Cleveland; R. M. Kincaid and others, of Mulhall, all in the State of Oklahoma, favoring national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 12, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come before Thee dependent upon the mercies of Thy providence and grace from day to day. We lift our hearts for Thy blessing upon this new day. Grant us such conscious contact with God that the things spiritual may be real to us and that that which is related to the eternal may be the permanent concern of our hearts and minds and may lead us so wisely to discern the duties of this day as that their outcome will show Thy wisdom, Thy guidance, and Thy blessing. Hear us in our prayer. For Jesus's sake. Amen.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of June 5, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills and joint resolution, which had heretofore been signed by the Speaker of the House of Representatives:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis;

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

CONSULAR PREMISES AT SHANGHAI, CHINA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of State submitting an estimate of appropriation in the sum of $375,000 for the purchase of premises for the offices of the Government of the United States in Shanghai, China, which, with the accompanying paper, was referred to the Committee on Appropriations.

FRENCH SPOLIATION CLAIM.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, trans-

By Mr. CONNELLY of Kansas: A bill (H. R. 17200) granting an increase of pension to Henry Pearson; to the Committee on Invalid Pensions.

By Mr. CONNOLLY of Iowa: A bill (H. R. 17201) granting a pension to Jesse O. Burgess; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17202) granting a pension to H. J. Kiebel; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17203) granting a pension to Edwin A. Phinney; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17204) granting a pension to Calvin Wheelock; to the Committee on Invalid Pensions.

By Mr. DECKER: A bill (H. R. 17205) granting an increase of pension to W. H. Jenkins; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 17206) granting a pension to Isaac Adams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17207) granting a pension to Rosetta Cunningham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17208) granting an increase of pension to Noah C. Standiford; to the Committee on Invalid Pensions.

By Mr. EDWARDS: A bill (H. R. 17209) for the relief of J. J. Nease; to the Committee on War Claims.

Also, a bill (H. R. 17210) for the relief of J. B. Shearouse; to the Committee on War Claims.

Also, a bill (H. R. 17211) for the relief of the heirs of M. M. Wilson, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17212) for the relief of the heirs of Frederick R. Wylly, deceased; to the Committee on War Claims.

Also, a bill (H. R. 17213) for the relief of the Jerusalem Evangelical Lutheran Church, Ebenezer, Ga.; to the Committee on War Claims.

By Mr. HILL: A bill (H. R. 17214) granting an increase of pension to Thomas Penwarden; to the Committee on Invalid Pensions.

By Mr. KEATING: A bill (H. R. 17215) granting an increase of pension to Edmond C. Kirk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17216) granting an increase of pension to Sarah E. Marsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17217) granting an increase of pension to Abraham Rhodes; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 17218) granting a pension to Bernard Mullan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17219) granting an increase of pension to Mary A. Hall; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 17220) granting an increase of pension to John Schneitzer; to the Committee on Invalid Pensions.

By Mr. MURRAY of Massachusetts: A bill (H. R. 17221) providing for the refund of certain duties incorrectly collected on cutch; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 17222) granting a pension to Clarence Marshall; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 17223) granting an increase of pension to Thomas R. Cook; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17224) granting an increase of pension to Robert E. Quivey; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 17225) granting a pension to Thomas W. Maples; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17226) granting a pension to Sarah Friedline; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 17227) granting an increase of pension to Alexander Boyd; to the Committee on Invalid Pensions.

By Mr. TEN EYCK: A bill (H. R. 17228) granting an increase of pension to Samuel H. Bingham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17229) for the relief of James Birney, alias James Brady; to the Committee on Military Affairs.

By Mr. UNDERWOOD: A bill (H. R. 17230) granting a pension to Sarah E. Collins; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Belford, N. J., and Knoxville, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ADAMSON: Petition of sundry citizens of Harris and Talbot Counties, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AIKEN: Petition of J. A. Marshall Meyer, of Greenwood, S. C., and others, protesting against Mormonism; to the Committee on the Judiciary.

By Mr. BAILEY: Petition of the Jewelers' Guild of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. BRODBECK: Petition of 489 citizens of Gettysburg, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of the Council of Union Lutheran Church and the official board of the First Moravian Church, all of York, Pa., protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Memorial of Milwaukee Post Office Clerks' Union, No. 3, National Federation of Post Office Clerks, protesting against overtime work in post offices and indorsing the Palmer bill relative to night work; to the Committee on the Post Office and Post Roads.

Also, petition of 200 clubs in the State of Wisconsin, requesting Congress to indorse President Wilson's Mobile (Ala.) pledge relative to United States acquiring land by conquest; to the Committee on Foreign Affairs.

By Mr. CONNOLLY of Iowa: Affidavits in support of House bill 12493, a bill granting a pension to Carrie Stevens, widow of William A. Crandall; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: Petition of sundry citizens of Kansas, favoring House bill 11755, to establish a bureau of farm loans in the United States Treasury Department; to the Committee on Banking and Currency.

By Mr. DYER: Petition of G. M. Dinges, of St. Louis, Mo., favoring House bill 15986, the Federal false-statement bill; to the Committee on the Post Office and Post Roads.

Also, petition of G. M. Dinges, of St. Louis, Mo., favoring House bill 133, the Clayton procedure bill; to the Committee on the Judiciary.

Also, petition of the International Association of Machinists, District No. 9, of St. Louis, Mo., favoring Senate bill 5303, providing inspection of locomotives; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Thread Agency, of St. Louis, Mo., favoring importation of Egyptian cotton; to the Committee on Ways and Means.

By Mr. GILMORE: Petition of sundry citizens of North Stoughton, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of the City Council of Bradford, Pa., favoring the passage of the Hamill bill, for pensions for aged employees of the Government; to the Committee on Reform in the Civil Service.

By Mr. HOBSON: Petition of the World-Wide Baraca and the Philathea Union, representing 1,000,000 people, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Connecticut: Petition of the First Congregational Church, of Pomfret, Conn., and the Windham Association of Congregational Churches, at Windham, Conn., for international peace; to the Committee on Foreign Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of the Providence (R. I.) Christian Endeavor Union, favoring passage of House bill 12325, relative to giving or selling intoxicating liquors to minors; to the Committee on Alcoholic Liquor Traffic.

By Mr. LEE of Pennsylvania: Petition of the City Council of Bradford, Pa., favoring the passage of the Hamill bill, relative to pensioning aged employees of the Government; to the Committee on Reform in the Civil Service.

Also, petition of the Jewelers' Guild, of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill, relative to fraud in gold-filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. LONERGAN: Petition of the Windham Association of Congregational Churches and Ministers of Connecticut, favoring international peace; to the Committee on Foreign Affairs.

By Mr. McDERMOTT: Petition of James J. Mullen, M. H. Sheehan, James J. Moran, Patrick J. Barrett, John Riley, Daniel Russell, Charles Mooney, Charles Clerkin, James P. Sinon, William Dunn, C. Prendergast, William Gardner, and 35 other residents of the fourth congressional district of Illinois, protesting against the passage of the Hobson, Sheppard, and Works prohibition resolutions; to the Committee on Rules.

By Mr. MOORE: Memorial of the Jewelers' Guild, of Philadelphia, Pa., favoring the passage of the Owen-Goeke bill rela-

Mr. MANN. That is all very well, because the gentleman from New York will not be here in the evening.

Mr. FITZGERALD. Oh, yes; I will be here in the evening.

Mr. MANN. If the gentleman is going to be here to-morrow evening, I do not wish to permit him to work himself to death, and I object.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 11 minutes p. m.) the House adjourned until to-morrow, Friday, June 12, 1914, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JOHNSON of Utah, from the Committee on the Public Lands, to which was referred the bill (S. 4741) for the protection of the water supply of the city of Salt Lake City, Utah, reported the same with amendment, accompanied by a report (No. 808), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (S. 1784) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries, reported the same with amendment, accompanied by a report (No. 809), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16679) to authorize Bryan and Alber Henry to construct a bridge across a slough, which is a part of the Tennessee River, near Guntersville, Ala., reported the same with amendment, accompanied by a report (No. 810), which said bill and report were referred to the House Calendar.

Mr. BARKLEY, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River at or near Williamson, W. Va., reported the same without amendment, accompanied by a report (No. 811), which said bill and report were referred to the House Calendar.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, reported the same with amendment, accompanied by a report (No. 814), which said bill and report were referrred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 17045) for the relief of William L. Wallis, reported the same without amendment, accompanied by a report (No. 806), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (S. 1644) for the relief of May Stanley, and for other purposes, reported the same with amendment, accompanied by a report (No. 807), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 15414) for the relief of David Mowen, reported the same without amendment, accompanied by a report (No. 812), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (S. 3488) for the relief of Ernest C. Stahl, reported the same without amendment, accompanied by a report (No. 813), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 10808) granting a pension to Michael Grace; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 15383) granting an increase of pension to Edward R. Turnbach; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 15837) granting an increase of pension to Peter R. Matthew; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 15921) granting an increase of pension to Elizabeth I. Pulsipher; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 16851) granting an increase of pension to Michael Morris; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. WEAVER: A bill (H. R. 17184) providing for the purchase of a site and the erection of a public building thereon at Davis, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17185) providing for the purchase of a site and the erection of a public building thereon at Edmond, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17186) providing for the purchase of a site and the erection of a public building thereon at Wynnewood, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17187) providing for the purchase of a site and the erection of a public building thereon at Stillwater, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17188) providing for the purchase of a site and the erection of a public building thereon at Purcell, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17189) providing for the purchase of a site and the erection of a public building thereon at Pauls Valley, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17190) providing for the purchase of a site and the erection of a public building thereon at Norman, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17191) providing for the purchase of a site and the erection of a public building thereon at Cushing, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17192) providing for the purchase of a site and the erection of a public building thereon at Sulphur, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17193) providing for the purchase of a site and the erection of a public building thereon at Lindsay, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. GREEN of Iowa: A bill (H. R. 17194) to amend section 81 of the Judicial Code of the United States; to the Committee on the Judiciary.

By Mr. SMITH of Idaho: A bill (H. R. 17195) for the relief of the heirs of the Eastern Cherokee Indians; to the Committee on Indian Affairs.

By Mr. RUPLEY: A bill (H. R. 17196) authorizing the Secretary of the Interior to set aside certain lands to be used as a sanitarium by the Order of Owls; to the Committee on the Public Lands.

By Mr. FRENCH: A bill (H. R. 17197) appropriating the sum of $300,000 for the construction of a system of wagon roads on the Nez Perce Indian Reservation, in Nez Perce County, Idaho, and providing the manner in which said appropriation shall be expended; to the Committee on Indian Affairs.

By Mr. GARRETT of Tennessee: Resolution (H. Res. 540) providing for the consideration of H. R. 14866; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17198) granting an increase of pension to Curtis B. Small; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 17199) granting a pension to Joseph Baldewein; to the Committee on Pensions.

Mr. MANN. If they volunteered it under the law that permitted it, it would be all right.

Mr. FITZGERALD. They were willing to furnish the service if the provision were mandatory.

Mr. MANN. They were willing to furnish passes to Members of Congress, and they not only were willing to do so, but they did, and most Members of Congress and lots of other officials rode on them.

Mr. FITZGERALD. A great change has come over the spirit of Mammon since then.

Mr. MANN. I do not wish to see it come around again where we legislate to require the railroads to furnish free transportation to certain officials, possibly including ourselves in the end. I do not want that temptation placed before me, though I might be able to resist it. And if you commence on the assumption that you have the power to require railroads to furnish not merely transportation of persons but transportation of freight, free, without any recompense whatever, I do not know where it would stop, but I am very sure it would not stop with those engaged in the physical valuation of railroads. Everyone knows that when you make a precedent of this kind it is seized upon by everyone else who wants the privilege.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman would be willing, as I understand it, to have a provision which would make it lawful for them to agree to carry them without charge?

Mr. MANN. So far as I am concerned, that would be entirely satisfactory.

Mr. BARTLETT. Suppose you would say that it shall be lawful for every common carrier or railroad whose property is being valued to agree to take them free of charge; in other words, to take them out from under that provision of the law which now makes it unlawful, and that it shall be lawful for any railroad whose property is being valued to agree to transport them?

Mr. FITZGERALD. That provision would not do. It is lawful for them now to carry these parties upon freight trains. They transport members of these parties on trains that do not carry passengers, and if they stop the passenger trains for those parties where they do not for anybody else, they would be compelled to do it for everybody else.

Mr. MANN. Oh, no.

Mr. FITZGERALD. Yes. The Interstate Commerce Commission said they would.

Mr. MANN. There would be nobody else carried free.

Mr. FITZGERALD. Free carriage is not the important part. The important part is to enable them to carry them on trains on which passengers are ordinarily not carried or stop trains at points not regularly scheduled in order to pick up or to drop these parties. If they were to consent now to stop to take up one of these parties at some point not scheduled as a regular stopping point on the railroad, any other passenger could compel them to do it. They are compelled to refuse to stop and pick up these parties except at scheduled places.

Mr. MANN. The point made by the gentleman from New York is not good at all, so far as this language is concerned.

Mr. FITZGERALD. I am not professing to be sufficiently familiar with the rights of the railroads to do these things, but that is a statement made by the representative of the Interstate Commerce Commission to the committee.

Mr. MANN. That is covered by the other language in the paragraph, where it provides that they carry from point to point; also without charge to move from point to point, and store at such points as may be reasonably required, and so on.

Mr. FITZGERALD. I suggest that we strike out the words "the duty of" and insert the words "lawful for."

Mr. MANN. That is all right.

Mr. FITZGERALD. Then I offer that amendment, Mr. Chairman, in line 1, page 50, to strike out the words "the duty of" duty of" and insert "lawful for."

Mr. MANN. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws the point of order. The gentleman from New York [Mr. FITZGERALD] offers an amendment. Will the gentleman from New York repeat his amendment?

Mr. FITZGERALD. Strike out, in line 1, the words "the duty of" and insert "lawful for."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. MONDELL. Let me suggest, Mr. Chairman, to the gentleman from New York to strike out the word "the."

The Clerk read as follows:

Page 50, line 1, strike out "the duty of" and insert "lawful for," so that the line will read "it shall be lawful for every common carrier," etc.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MOORE. Mr. Chairman, I wish to speak in opposition to the amendment.

The difference that is proposed by the amendment is really the difference between "tweedledee" and "tweedledum," except that instead of making it obligatory on the railroad companies to give free passes, we are leaving it to their discretion, and it is opening up a danger point that has been avoided since the abolition of free passes.

I do not know of any section of the country where free passes prevail now by law except in the State of New Jersey, which is supposed to be the mother of all "reform" legislation, much of which legislation, I am inclined to think, Congress has been following in the last year or so.

Mr. MURDOCK. It is mandatory in the State of New Jersey, is it not?

Mr. MOORE. Yes; it is mandatory in the State of New Jersey; and I am frank to say that while I may have used passes years ago, I would be ashamed to offer one to-day in the State of New Jersey. The great mass of people there have to pay their fares, and they pay them willingly and cheerfully, and there is no discrimination, except that some one, who happens to be an officeholder, steps forward and offers his free ticket, which is visited and carefully scrutinized by the conductor, but generally the man with the pass is a mark for the attention of everybody in the car. That is the public view of it.

Now, there is a private view of it which this House ought to consider. You are going to allow groups of men to step into a car because they are engaged in a Government service, for which ample appropriation is made, and take free the seats of passengers who have to pay their fares. I think you will find that when they come in groups and numbers, with their surveying instruments and all their general equipment, the ordinary fare-paying traveling public is going to be very greatly discommoded and inconvenienced.

That is the second view of it. Now, it seems to me that Congress did a good thing when it abolished passes. It relieved all men in public life from the criticism that arose by reason of this special privilege. If there ever was a special privilege which a public man could wield for the benefit of a few of his constituents, at the same time making enemies of hundreds and thousands of others, it was the pass business. Here you propose to open it up again, not under a mandate of the law with regard to Government employees, but leaving it to the discretion of the railroads that are to be investigated and doing it at the instance of the court that is to pass upon that investigation.

In my judgment you are making a mistake to open up the pass business at all. The Government is amply able to pay for the investigation it has ordered, and I am one of those inclined to think that the millions of dollars that are to be spent in this investigation will be substantially wasted by the time you get your reports. When you get your reports not one-tenth of the hundred million people of this country will attempt to read them or even to read the synopsis of them.

Mr. FITZGERALD. Nobody expects that. This information is to be acquired for the purpose of enabling the proper officials to determine whether the rates fixed by the railroads are proper or improper. This is not intended to be summer reading for a man to idle away his time on while off on his vacation. It is to report valuable information that nobody wants to study except those who are officially required to.

Mr. MOORE. It seems to be one of the happy faculties of the present administration to give us plenty of reading matter—plenty of suggestions——

Mr. FITZGERALD. And the gentleman would profit if he would spend time reading it.

Mr. MOORE. But keeping us in session and not giving us any vacation time in which to read them. One of the faults I have to find with your management is that you have been investigating and investigating, and you have been holding Congress here in session continually, until nobody can begin to read what you have been doing.

Mr. FITZGERALD. The trouble with the gentleman from Pennsylvania is that instead of reading these accurate statements of fact he continually calls upon that fertile and vivid imagination of his and pictures horrors and difficulties and conditions which did at one time exist under a Republican administration, but which have been dissipated like mists under the noonday sun by the Democratic administration. [Applause on the Democratic side.]

Mr. MOORE. My dear sir, no Republican administration ever attempted such futile investigations as have been conducted by the Democratic Party.

Mr. FITZGERALD. They did not dare. They knew what would be discovered. We believed we knew what would be discovered, and we have discovered it.

Mr. MOORE. The Republican administration never would have wasted the public money in the manner in which it has been wasted in useless and futile investigations under the direction of the distinguished chairman of the Appropriations Committee [Mr. FITZGERALD]. Money has been wasted, scattered, spent in investigations of every character, to disturb business, including the railroads, so that to-day there is such depression as makes every man upon the other side of this House scared out of his wits for fear he may not come back again.

But I am inclined to think this amendment ought not to pass, and that the paragraph itself ought to go out. There ought to be no understanding between the Interstate Commerce Commission and the railroads on a free-pass basis, with regard to an investigation which the Government is to make into the railroads.

Mr. FITZGERALD. Mr. Chairman, this is as far from a free-pass matter as anything possibly can be. Large numbers of these employees are to be carried in cars that will be specially provided by the Interstate Commerce Commission itself. These surveying parties will live in these cars along the routes which they are surveying. The railroads could not drop these cars off at different places without some special authority. I hope the amendment which I have offered will be agreed to.

The gentleman from Illinois [Mr. MANN] made a point of order against the paragraph. He withdrew the point of order upon the statement that this amendment would be offered. It seems to me that anybody who wished to antagonize the matter in good faith should have done so before any such agreement was made. The gentleman from Illinois [Mr. MANN] could have eliminated the entire provision from the bill on a point of order.

I have never been in the habit of getting a gentleman to give up some advantage which he has on the floor as the result of a statement that I made and then tried to take advantage of him and defeat the proposal under which he has surrendered his peculiar advantage. I think, as a matter of good faith, in the legislation of this House gentlemen who listen to such agreements ought to make their opposition known before points of order are withdrawn under such circumstances. I did my best to prevent the point of order being made and to have the original provision retained in the bill.

Mr. MURDOCK. You did it.

Mr. FITZGERALD. If the gentleman from Pennsylvania really desired to have this paragraph go out, he could have made the point of order. He had ample opportunity to do so; but to wait until the point of order is withdrawn and the amendment is proposed, and then to antagonize both the amendment and the original proposition is, I think, hardly worthy of the distinguished gentleman from Pennsylvania.

Mr. MOORE. Does the gentleman mean to say that under this paragraph an individual member of a surveying party, or a group of members of a surveying party, may not get on a regular train and pass from point to point?

Mr. FITZGERALD. Suppose a regular train is leaving Philadelphia and going to some obscure, unknown hamlet in the great State of Pennsylvania. These parties are bound from Philadelphia to that particular place, and suppose they were to go on a regular train; they would not wait for a milk train or a freight train. If the constituents of the gentleman from Philadelphia were compelled to travel in that particular train, I do not think they would be contaminated or demoralized or morally or physically affected in any way whatever because they were traveling on the same train and in the same car with the members of the surveying party. If the gentleman thinks it would affect his constituents, we might add a provision that these persons should not travel in any car occupied by the constituents of the gentleman from Pennsylvania.

Mr. MOORE. I would like to have the gentleman yield for a question, Mr. Chairman.

Mr. FITZGERALD. I will yield.

Mr. MOORE. Will the gentleman say what effect the passage of his amendment would have in a case like this? A State law forbids the issuance of passes and forbids anybody in the State to ride free.

Mr. FITZGERALD. It is easy to answer that question. A child could answer it. I am surprised that the gentleman should ask it. This is interstate business.

Mr. MOORE. However, if there was a branch of the interstate railroad wholly within the State I assume that it would be investigated. It would be subject to investigation by the commission.

Mr. FITZGERALD. I am not much more of a lawyer than is the gentleman from Pennsylvania, and he is no lawyer at all, and I can answer that question.

Mr. MOORE. I am glad sometimes that I am not a lawyer.

Mr. FITZGERALD. Oh, it would not hurt the gentleman if he had a little knowledge of law occasionally.

Mr. MOORE. The gentleman is so much endowed with legal knowledge and is so filled with information that he reminds me of the village schoolmaster—

And still they gazed and still the wonder grew
That one small head could carry all he knew.

Mr. FITZGERALD. My head is not as small as the gentleman thinks it is. He should see the size of my hat.

Mr. MONDELL. Mr. Chairman, realizing the desire of the gentleman from New York to expedite the bill I would not take up the time of the committee if I did not know that there was a serious misunderstanding between the gentleman from Pennsylvania and the gentleman from New York. I think the gentleman from New York takes the objections of the gentleman from Pennsylvania to this paragraph too seriously. The impression I obtained was that the gentleman from Pennsylvania voiced his doubts in regard to the wisdom of this provision very largely as a handle for some trite personal remarks as to the state of the Union. If the gentleman from Pennsylvania has any real doubts in regard to it, let me remind him that unless these companies have authority to stop all trains at any point between stations I do not think they can do so. Under the interstate commerce law that could not be done without authorization. That also involves the question of payment, because if a passenger is picked up between stations there is a question of the fare. The fare is ordinarily computed from station to station, so that at first there must be authorization to the companies to stop their trains, of all sorts, at any point where these parties may desire to be picked up and then it is to the advantage of the company to be allowed to waive the charge, because in some instances it would be difficult for the conductor to determine just what the fare would be in a given case where the party was picked up between stations.

Mr. MOORE. Would not the conductor know in the case of an ordinary passenger?

Mr. MONDELL. He would not stop.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For payment of all authorized expenditures under the provisions of the act of February 17, 1914, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenances thereto," including such stenographic and clerical help to the chief inspector and his two assistants as the Interstate Commerce Commission may deem necessary and allowances, in lieu of subsistence while away from official headquarters to persons whose traveling expenses are authorized by said act to be paid at not to exceed $4 per day, $220,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There will be some comment on the next item.

Mr. FITZGERALD. If the gentleman from Illinois is going to delay us on the next item, I will move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. CANDLER of Mississippi having taken the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no conclusion thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. JACOWAY, for one day, on account of sickness.

To Mr. L'ENGLE, indefinitely, on account of illness.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow. Is there objection?

Mr. MANN. Reserving the right to object, does the gentleman from New York recollect that we have an evening session until 11 o'clock to-morrow?

Mr. FITZGERALD. Yes; but I meant meet in the morning at 11 o'clock.

result in the Chairman of the committee making a report to the House when the committee rose that would be untrue.

Mr. BRYAN. Mr. Chairman, a point of order. I make the point of order that you can not interrupt a roll call with a parliamentary inquiry. Now, if we have not finished the roll call, the gentleman from Georgia can not interrupt it.

The CHAIRMAN. The gentleman from Georgia has raised a novel and unique question. The first roll call has been completed. If the gentleman from Georgia is right in his contention that the roll call is not interrupted, the Chair thinks the gentleman from Georgia is in order in making the parliamentary inquiry.

Mr. BRYAN. But both gentlemen admit that those who have come in have the right to be entered as present, and if they have, the roll call is not finished.

The CHAIRMAN. The Chair will state to the gentleman from Washington that the Chair does not understand that the gentleman from Georgia admitted that Members had a right to have their names recorded except in the House.

Mr. SAUNDERS. Mr. Chairman, why does not the general rule relating to a roll call control the situation in the committee as well as in the House? The provision for a roll call in Committee of the Whole on a point of no quorum is provided by a rule of the House. This roll call is not distinguished from any other roll call. Section 748 specifically provides that on every roll call the names of the Members shall be called alphabetically, and that after the roll has been once called, the names of those not voting shall be called again in alphabetical order.

The CHAIRMAN. Will the gentleman read the language?

Mr. SAUNDERS. Section 748—

> Upon every roll call the names of the Members shall be called alphabetically by surname, except when two or more have the same surname, in which case the name of the State shall be added; and if there be two such Members from the same State, the whole name shall be called; and after the roll has been once called, the Clerk shall call, in their alphabetical order, the names of those not voting; and thereafter the Speaker shall not entertain a request to record a vote or announce a pair unless the Member's name has been noted under clause 3 of this rule.

This is the general provision relating to a roll call. Rule 841 provides that when the Committee of the Whole finds itself without a quorum the Chairman shall cause the roll to be called. If a question is raised as to what is meant by calling the roll, we turn for the answer to section 748, which declares what shall be done on every roll call. Why should not this roll call in Committee of the Whole be controlled by the general provisions of section 748? It has been the uniform practice for years past to have the Clerk call the names of those not answering on the first call, as well in the Committee of the Whole as in the House. The practice is a good one and is supported by sufficient authority.

I will also state in this connection that rule 855 expressly provides that the rules of proceeding in the House shall be observed in Committee of the Whole, so far as they may be applicable. This being so, there is no reason why rule 748 should not determine what shall be done upon a roll call in the Committee of the Whole as well as in the House. This rule can not be said to be inapplicable to a roll call in Committee of the Whole. Rule 841 merely provides that the roll shall be called in the Committee of the Whole when it finds itself without a quorum. It does not determine what shall be done by the Clerk when a roll is called. That procedure is fixed by section 748. The authority for the second call in the Committee of the Whole is ample.

The CHAIRMAN. There is a ruling made by a former Speaker of this House, Speaker Crisp, which held that one roll call in Committee of the Whole is all that is necessary. The Chair has not had time to examine the ruling or the circumstances under which it was made nor the wording of the rules of the House at the time.

Mr. SAUNDERS. All of which would be very important.

The CHAIRMAN. The Chair dislikes very much to rule on this proposition at this particular time, at this particular moment. It has been the custom of the House and of the Committee of the Whole ever since the present occupant of the chair has been a Member of the House to call the roll twice in Committee of the Whole, and then give to the others who did not answer the call the opportunity to be recorded if a point of no quorum was made. The Chair prefers to follow that custom for this afternoon at least.

Mr. LENROOT. Mr. Chairman, the present occupant of the chair has been here longer than I have. It has only been within the last two years that the custom of calling the roll twice in Committee of the Whole has been followed.

The CHAIRMAN. The Chair, perhaps, may state that possibly he fell into an error about that because of the fact that within the last two or three years there have been more roll calls in committee than before in that time. Roll calls in committee during the first and second terms of service of the present occupant of the chair were very rare. In fact, the Chair does not remember any.

Mr. BARTLETT. Mr. Chairman, in order to answer the gentleman from South Dakota [Mr. BURKE], I desire to refer the Chair to the ruling that he has referred to. I refer the Chair to section 2967 of volume 4 of Hinds' Precedents:

> On March 9, 1894, the Committee of the Whole having risen because of the failure of a quorum, Mr. Charles J. Boatner, of Louisiana, suggested that the roll of Members had only been called once in the committee, and that under the practice of the House it should have been called a second time. He therefore demanded that the Journal should show that he was present when the roll of the committee was called.
>
> The Speaker held that when a Committee of the Whole finds itself without a quorum the rule requires the roll to be called but once, and that such had been the practice of the House.

However, Mr. Chairman, I do not make the point of order at this time.

The CHAIRMAN. The Chair understands that the gentleman from Georgia does not make the point of order?

Mr. BARTLETT. I do not; but it may be made at some time later.

The CHAIRMAN. The Chair desires to ask the gentleman from Georgia a question. Suppose on the first call of the roll a quorum of the committee does not develop, what would be the duty of the Chairman in such a case?

Mr. BARTLETT. The Chair could count those that came in afterwards and send for absentees by the Sergeant at Arms.

The CHAIRMAN. The Committee of the Whole has no power to send for absent Members.

Mr. BARTLETT. But the Committee of the Whole could report the fact to the House and the House would take steps to produce a quorum. That is the rule.

The CHAIRMAN. The Chair understands that the gentleman from Georgia does not press the point of order at this time?

Mr. BARTLETT. I do not.

Mr. FITZGERALD. Mr. Chairman, I wish to make a brief statement, if the Chair will indulge me.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, early in my service in the House, I think about 12 or 13 years ago, the practice had been to call the roll in committee but once when the point of order of no quorum was made.

Mr. DONOVAN. Mr. Chairman, I demand the regular order. There is nothing before the House. The gentleman from New York has not made a point of order.

The CHAIRMAN. The Chair desires to hear the gentleman from New York.

Mr. DONOVAN. But, Mr. Chairman, the gentleman from New York can not hold up a roll call. No point of order has been made.

Mr. FITZGERALD. I will reserve the point of order for the present.

Mr. DONOVAN. Let the gentleman have his remarks inserted in the RECORD. [Laughter.]

Mr. FITZGERALD. Upon one occasion when the roll was called——

Mr. DONOVAN. Mr. Chairman, I make the point of order that the gentleman from New York is out of order.

Mr. FITZGERALD. I am not out of order.

The CHAIRMAN. The gentleman from New York, at the suggestion of the gentleman from Connecticut himself, reserved the point of order, and is now addressing himself to the point of order.

Mr. DONOVAN. But the gentleman from New York can not reserve the point of order. He must either make it or not.

Mr. FITZGERALD. Then, Mr. Chairman, I will make the point of order and discuss it.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, on one occasion the roll was called but once, and a large number of Members, not having answered the roll when called, presented themselves at the bar of the House and requested to have their presence noted. That had been the practice, and the gentleman then occupying the chair, whom I do not now recall, made the statement that that happened so frequently, and so much time was taken and so much disorder accompanied the attempt to note the presence of those who were present, but who had not answered the roll when called, that he would order the roll to be called a second time so that Members could answer in an orderly manner; and that has been the practice of the House since that time, covering a period of 12 or 13 years.

I withdraw the point of order.

The CHAIRMAN. The Clerk will call the names of those who failed to answer on the first roll call.

The Clerk called the roll the second time.

The committee rose; and Mr. SAUNDERS having assumed the chair as Speaker pro tempore, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee finding itself without a quorum, he had directed the roll to be called, that 233 Members answered to their names—a quorum—and he reported herewith the list of absentees.

The committee resumed its session.

The Clerk read as follows:

> It shall be the duty of every common carrier by railroad whose property is being valued under the act of March 1, 1913, to transport free of charge the engineers, field parties, and other employees of the United States who are actually engaged in making surveys and other examination of the physical property of said carrier necessary to execute said act, from point to point on said railroad as may be reasonably required by them in the actual discharge of their duties; and also, without charge, to move from point to point and store at such points as may be reasonably required, the cars of the United States which are being used to house and maintain said employees; and also to carry free of charge the supplies necessary to maintain said employees and the other property of the United States actually used on said railroad in said work of valuation. This free service shall be rendered under such forms and regulations, as to evidence of transportation, bills of lading, and so forth, as will insure an accurate record and account upon the part of the railroad which shall be furnished to the Interstate Commerce Commission by the carrier at such time and in such manner as it may require.

Mr. MANN. Mr. Chairman, I reserve a point of order upon the paragraph. While I sympathize with the Interstate Commerce Commission in its work, and believe it is doing very competent work under Judge Prouty, I question the desirability of a provision of this sort requiring the railroads to carry persons and freight free of charge.

Mr. FITZGERALD. Mr. Chairman, this provision was agreed upon by the Interstate Commerce Commission and the representatives of the great trunk lines whose properties are to be valued. It is not so much a question of cost as it is a question of supplying facilities. For instance, these field parties must be taken out or picked up at places along the line of the railroads at which there are not regular stopping places, and they must be sent out or taken up upon trains which do not under the regulations of the road carry passengers. The Interstate Commerce Commission says that the railroads can not carry their field parties or men engaged in the work of the physical valuation of the railroads upon trains upon which the railroads do not permit ordinary passengers to travel, or to stop for the field parties or persons connected with this work at places other than the regular station or stations where they are not scheduled to stop, if they do not stop for the ordinary passenger. To do so would be an instance of favoritism or discrimination of service to the men engaged in the service. The Interstate Commerce Commission had no desire to have a general provision to carry free of charge officials of the Interstate Commerce Commission. It is stated that the roads of the country themselves will expend probably from $15,000,000 to $20,000,000 in addition to what will be spent by the Government in the work of the physical valuation of railroads.

The Interstate Commerce Commission took the question of this provision up with the representatives of the various railroads, and eventually they worked out this proposition. The railroad people believe that it would be desirable to furnish the special facilities required. They are willing to carry the persons designated here free, but they believe that an additional provision should be inserted requiring the Interstate Commerce Commission to specify the form and manner in which the accounts should be kept of the service so furnished, so that the railroads might be able to tell and the public might be able to know exactly what the service costs the railroads. It was a matter of some doubt as to whether we should start a work compelling the railroads to carry any officials free, but this work seemed to be so peculiar, to be so connected with matters in which the railroads themselves were peculiarly interested, that the committee thought it wise to recommend the provision in accordance with the request of the commission. I do not think that the question of free carriage is so important as is the question of enabling the railroads or requiring them—which must be done under the law—to extend the special facilities. These men can ride on trains that will not carry passengers, or they can be afforded facilities that would not be afforded and could not be afforded to the traveling public generally. After going over the matter pretty carefully with Judge Prouty, who has been put in charge of the work, the committee believed that, perhaps, it was best to report this provision.

Mr. MANN. Mr. Chairman, I have a great deal of confidence in Judge Prouty and in his opinion, and I have no doubt that the railroads might properly carry these parties and their supplies free of charge; and I think they might properly be permitted to do so. I am not sure whether the antipass law would prevent the railroads from doing it if they wished to do so or not; but since the antipass law went into effect there have been a great many propositions, probably not made on paper but floating around Congress, for instance, to the effect that all the railroads should be compelled to carry all Members of Congress free of charge. I never have believed myself that the Government had that power, unless it were incorporated in contracts for the Post Office Department, nor do I believe it ought to be done. Now, here is a proposition which undertakes to say that the Government has the power to compel the railroads to carry passengers and freight free of charge. Well, I do not believe the Government has that power, and I believe it ought not to have that power.

Mr. FITZGERALD. Mr. Chairman, there were two communications from Judge Prouty after the matter was discussed, and under date of April 22 he wrote as follows, and it was because of the statement that the provision was agreed upon by the railroad representatives that it was incorporated in the bill:

WASHINGTON, *April 22, 1914.*

Hon. JOHN J. FITZGERALD,
House of Representatives, Washington, D. C.

DEAR SIR: On April 17 I wrote you suggesting the incorporation into the appropriation for the valuation work of this commission of a requirement for the free transportation of certain Government employees and supplies. Yesterday this matter came up for discussion between a committee representing a large part of the railroad mileage of the country and myself, at which the railroads agreed to the provision as sent you by me, but requested that the following addition might be made:

"This free service shall be rendered under such forms and regulations, as to evidence of transportation, bills of lading, etc., as will insure an accurate record and account upon the part of the railroad, which shall be furnished to the Interstate Commerce Commission by the carrier at such time and in such manner as it may require."

The idea of those who favored this addition seemed to be that the railroads were entitled to have it known exactly what free service they gave, and this seems reasonable.

Very truly, yours, C. A. PROUTY, *Director.*

The Interstate Commerce Commission said that they did not desire any general provision for the carrying free of employees of that commission, and they had this restriction so that it applied to the engineers, field parties, and other employees actually engaged in making surveys and other examination of the physical property of the railroads. The commission seems to be anxious that there should be no opening up of the prohibition against free transportation. This is a peculiar work that these men are engaged in. They are to make, first, preliminary surveys of the entire railroad mileage of the country. They will be engaged on different parts of the road, and it seemed so peculiar and different from any other situation that could possibly arise that it induced the committee to take the position they have.

Mr. MANN. My friend from New York is aware of the fact that the Post Office Committee, I believe, reported a bill providing for free transportation to be furnished by the railroads to all railway mail clerks all over the United States. And we have propositions to have Members of Congress carried free. The antipass law was a good thing. I was not enthusiastically in favor of the proposition before it became a law. I doubted the practicability of it, but I admit the practicability of it now, and I believe it was an exceedingly good thing. I would have no objection whatever to putting in a provision authorizing the Interstate Commerce Commission, under regulations which they might adopt, to accept free transportation for their engineering parties or others engaged in the physical valuation of railroads.

Mr. FITZGERALD. That was suggested. If I recall correctly, and the railroads take the position that they do not want to be put in a position where they can offer it. They want the law made mandatory, so no question can arise about whether they should or should not give it.

I think there was some question as to whether there was power in Congress to compel this to be done. The statement was made that if a mandatory provision were enacted the railroads would be glad to comply with it. They do not want to be put in a position to decline to offer to furnish any particular service to the Interstate Commerce Commission that can not be furnished to other parties, because the railroads seem to occupy the position that they do not wish to be put in an attitude of making a tender of anything in connection with the physical valuation of railroads. The expense to both the Government and the roads is to be so enormous that they want nothing done, want no situation to exist, that might give rise in the mind of anyone to the suggestion that in any way those connected with the work of valuation could possibly have been affected by the fact that the roads volunteered some service.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Now, if that is advantageous and helpful and useful, well and good; but I understand that the Attorney General of the United States has not been so minded. I understand that he had really intended a prosecution of the chiefs of the New Haven Railroad. Whereas what the distinguished attorney of the Interstate Commerce Commission has done is to give them an opportunity to make a statement in confession and avoidance and secure immunity for what they may have done.

Mr. FOWLER. Will the gentleman yield, Mr. Chairman?

Mr. MONDELL. That may have added somewhat to the sum of human knowledge, but I doubt it; but so far as punishing anyone for what they may have done, it not only has not accomplished that, but it has probably prevented these gentlemen from being punished for their misdeeds if they have been guilty of misdeeds.

Mr. FOWLER. The gentleman says that what has been unearthed in the New Haven recently by the able prosecutor is not new. Then he further says that what he has done is equivalent to an immunity bath. I desire to ask him if there has been guilt covering a period of 10 to 20 years why his party did not prosecute the guilty people before there was an opportunity to give an immunity bath?

Mr. MONDELL. We have been prosecuting offenders right along, but I suppose as long as the world stands there will be people charged with crime.

Mr. FOWLER. But that has been covering a period of 10 to 20 years.

Mr. MONDELL. If the gentleman will allow me to say a word or two in my own time, I will state that if the distinguished $10,000 employee of the Interstate Commerce Commission saw fit to give an immunity bath to a man who was under indictment by a Republican administration, it was not our fault. The gentleman should not charge us with it. The man had been indicted under a Republican administration. In due course of time he would have been tried. My understanding is that your Attorney General was proposing to try him. This gentleman, given this high-priced employment, proceeds to quiz him, with the result, as I understand, he is now entirely immune, and he has been given the opportunity to cast discredit upon a man some time since called to his reward. Why, it was even stated in the papers that this controversy between ex-Gov. Folk and the Attorney General was taken to the President. What position the President took in regard to it I do not know. But the fact remains no one ever suggested that the Interstate Commerce Commission was not well represented when its chief counsel received $5,000.

Mr. FOWLER. Do you object to the increase of the salary?

Mr. MONDELL. The only important work that has been done by this new employee at $10,000 is to give an immunity bath to a gentleman who by his own confession was guilty of acts that would have probably led to his conviction.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. BUTLER. Mr. Chairman, a parliamentary inquiry. Is there an amendment pending offered by the gentleman from Illinois [Mr. FOWLER] that we strike this paragraph out?

Mr. FOWLER. I ask unanimous consent that it be withdrawn.

Mr. BUTLER. I object to its being withdrawn. We have talked for 15 minutes on it, and I object.

The CHAIRMAN. The question is on the amendment to strike out the paragraph.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter the Interstate Commerce Commission may exchange typewriters, adding machines, and other labor-saving devices in part payment for like articles.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. Awhile ago in debate here and in colloquy with the gentleman from Texas [Mr. GARNER], when some of the gentlemen were criticizing the Pacific coast on the bubonic plague score, I stated that I remembered a few years ago when I would wait for the Galveston News or the Houston Post on the morning train on the Southern Pacific, down at Lake Charles, La., to learn how many new cases of yellow fever there were at Galveston, Tex. The gentleman from Texas [Mr. GARNER] answered that—

There has not been any yellow fever in Galveston since 1867. So the gentleman must have been reading of it before that date.

I answered:

The gentleman's suggestion that there has been no yellow fever in Galveston since 1867 is a nightmare of his.

And the gentleman asked me, then, if I could find any such case to put it in the RECORD, and challenged me to do so.

Now, I want to say I am not making any attack on Texas or the gentleman at all, because I went to school in Texas for three years and have an A. B. degree from Baylor University at Waco, which I prize very highly, and I love Texas very much, and I have great admiration for the gentleman. But I accepted his challenge when he made it, and now I hold in my hand a book entitled "History of Yellow Fever," by George Augustin. This author gives the yellow fever record in Galveston and in many other places. As to Galveston, the record shows:

1867. Population, 22,000. First case, June 26; last case, November. No record of cases; deaths, 1,150.

1870. Several cases were reported, but exact statistics are lacking.

That is 1870. That, of course, would put the position of the gentleman out of commission. But let me finish:

1873. Population, 25,000. No record of cases; deaths, 7.
1882. No statistics.
1894. No records. * * *
1895. No records. * * *
1897. Cases, 12; deaths, 0. * * *
1905. One case on vessel in harbor.

The Medical Record of New York, January 12, 1907, contains an article, entitled "Study of a case of yellow fever," by A. E. Shayer, M. D., Galveston, Tex., professor of pathology, University of Texas, medical department, from which I read:

On December 26, 1905, a patient was admitted into the John Sealy Hospital at Galveston with the following history:

"P. F. Irish, 30 years old, single, worker in silver."

It tells where he lived and gives his record for two months previous, and the doctor diagnoses his case as yellow fever and reports sick stomach, black vomit, and then death.

Then there was yellow fever in other places in Texas. I hold in my hand a bulletin of the University of Texas, No. 64, medical series No. 3, under date of June 15, 1905, and the title is, "The 1903 epidemic of yellow fever in Texas, and the lesson to be learned from it." It is a lecture delivered before the medical department of the University of Texas at Galveston on January 6, 1905, by Dr. George R. Tabor, State health officer.

Mr. GARNER. That bulletin does not give any cases in Galveston, Tex.

Mr. BRYAN. It refers to cases in different sections and records some trouble with the disease out in Laredo, which, I understand, is in the gentleman's territory.

Mr. GARNER. Yes; that is my territory, and also Galveston. Let me say to the gentleman that my information was—I am not prepared to dispute the facts that the gentleman undertakes to convey with reference to the particular case at Galveston, but I know from what I have been able to extract from the newspapers and from what I know about Texas that Galveston has been clearer of yellow fever than any other port that I know of.

Mr. BRYAN. Yes; Galveston is a healthy city and has wonderful people and is ably represented here on this floor. [Applause.] There is no more danger of yellow fever there now than there is in the city of Washington.

Mr. GARNER. The gentleman says he went to school in Texas; and, if so, he ought to have absorbed some good things, and I am inclined to think he did, because he has a good disposition, and I am inclined to think that he got that down there in Texas. [Laughter.]

Mr. BRYAN. The question arose whether the Galveston News contained such reports or not, and I said that I had read such reports in the Galveston News, and the gentleman said there had been no yellow fever there since 1867, and he challenged me to get the facts and put them in the RECORD. Here is part of an article on "Yellow fever in Galveston," by H. A. West, M. D., of Galveston, Tex., from which I quote:

The startling announcement of the existence of yellow fever in Galveston, made on October 9, 1897, caused consternation and dismay in the city, closed the gates of commerce, and barred the doors of every house in almost every town and hamlet against all goods and persons from Galveston.

Now, does the gentleman think the Galveston News would have failed to record an item of news of that importance?

Mr. BUTLER. What has that to do with the item in the bill?

Mr. MADDEN. Mr. Chairman, I make the point of order that the gentleman from Washington is not confining himself to the amendment before the House.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] makes the point of order that the gentleman from Washington [Mr. BRYAN] is not confining himself to the amendment pending before the House.

Mr. BRYAN. Mr. Chairman, my amendment was to strike out the last word, which is the word "articles." It is a pretty broad question. [Laughter.] But I simply want to say that I have complied with the gentleman's challenge and put the data referred to in the RECORD. I repeat what I said in my former remarks, that the expense of the Government on account of

bubonic plague on the Pacific coast compares with the expense of the Government on account of yellow fever on the Gulf like a picayune compares with a hundred-dollar bill.

Mr. FITZGERALD. Mr. Chairman, I wish to say that I shall request for the rest of the day that the members of the committee confine themselves to the items under consideration. I think we have been fairly liberal to-day in the granting of time. Now let us try to make some progress on the bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. DONOVAN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Connecticut [Mr. DONOVAN] moves to strike out the last two words.

Mr. DONOVAN. Yesterday afternoon, about 5 o'clock, or two minutes before 5, I made this statement—appealing to the chairman of the committee having the bill in charge—that owing to the absence of all the Republicans but one, he ought to ask the committee to rise. The one Republican that was present rose from his seat, out of order, without addressing the Chair, and stated, according to this book, the RECORD, that the statement was not true and that the gentleman "knew it was not true." The statement was true when made, that not a Republican was in this Chamber but one.

Mr. MADDEN. Mr. Chairman, I demand the regular order.

Mr. BUTLER. He is talking on the subject of "like articles." [Laughter.]

Mr. MANN. The statement was true, and I can prove it.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] demands the regular order. The gentleman from Connecticut [Mr. DONOVAN] will proceed in order.

Mr. DONOVAN. Then, Mr. Chairman, I rise to a question of personal privilege.

Mr. FITZGERALD. That is not in order.

Mr. GARNER. You can not do that in committee.

Mr. DONOVAN. Let me proceed, Mr. Chairman, and take the ruling, whatever it may be. We have listened this day——

Mr. MANN. I ask unanimous consent that the gentleman may proceed for three minutes.

Mr. DONOVAN. I refuse to accept that.

Mr. MANN. I do not wonder after the statement which the gentleman has made.

The CHAIRMAN. The gentleman from Illinois [Mr. MADDEN] merely demanded the regular order. He did not make the point of order that the gentleman from Connecticut was not proceeding in order.

Mr. MADDEN. I make that point of order now, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order. The gentleman will address himself to the amendment.

Mr. DONOVAN. I withdraw the pro forma amendment, Mr. Chairman.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

Mr. DONOVAN. Now, Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Connecticut makes the point of order that there is no quorum present. [After counting.] Sixty-eight Members are present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Church	Gocke	Humphreys, Miss.
Ainey	Clancy	Goldfogle	Igoe
Allen	Cooly	Gordon	Jacoway
Anderson	Copley	Goulden	Jones
Ansberry	Covington	Graham, Pa.	Keister
Anthony	Crisp	Greene, Mass.	Kelley, Mich.
Austin	Crosser	Gregg	Kelly, Pa.
Barchfeld	Cullop	Griest	Kennedy, R. I.
Barnhart	Dale	Griffin	Key, Ohio
Bartholdt	Danforth	Hamill	Kiess, Pa.
Borland	Davenport	Hamilton, N. Y.	Kinkead, N. J.
Brown, N. Y.	Decker	Hardwick	Kirkpatrick
Brown, W. Va.	Deitrick	Harrison	Kitchin
Browne, Wis.	Dent	Hart	Knowland, J. R.
Browning	Dies	Hay	Konop
Bruckner	Difenderfer	Hayes	Korbly
Brumbaugh	Dooling	Heflin	Kreider
Buckley	Driscoll	Helgesen	Lafferty
Burke, Pa.	Dunn	Helm	Langham
Calder	Fairchild	Helvering	Langley
Callaway	Falconer	Henry	Lee, Ga.
Campbell	Fess	Hinds	L'Engle
Cantor	Francis	Hinebaugh	Levy
Cantrill	Gallagher	Hobson	Lewis, Md.
Carew	Gardner	Howard	Lewis, Pa.
Carlin	George	Howorth	Lieb
Cary	Gerry	Hughes, W. Va.	Lindbergh
Casey	Gittins	Hullings	Lindquist
Chandler	Godwin, N. C.	Humphrey, Wash.	Linthicum

Loft	Neely, W. Va.	Sabath	Townsend
McAndrews	Nelson	Scully	Tuttle
McClellan	Nolan, J. I.	Sells	Underwood
McDermott	Norton	Sharp	Vare
McGuire, Okla.	O'Brien	Sherley	Volstead
McLaughlin	Oglesby	Shreve	Wallin
Mahan	Palmer	Slayden	Walsh
Maher	Parker	Sloan	Walters
Manahan	Patten, N. Y.	Smith, Md.	Watson
Martin	Patton, Pa.	Smith, S. W.	Webb
Merritt	Payne	Smith, Minn.	Whitacre
Metz	Peters, Me.	Smith, N. Y.	White
Miller	Porter	Smith, Tex.	Willis
Mondell	Post	Spackman	Wilson, Fla.
Montague	Pou	Stafford	Wilson, N. Y.
Morgan, La.	Powers	Stanley	Winslow
Morin	Ragsdale	Steenerson	Woods
Morrison	Riordan	Stout	Young, N. Dak.
Moss, W. Va.	Roberts, Mass.	Talbott, Md.	Young, Tex.
Mott	Rogers	Taylor, Ala.	
Murray, Mass.	Rothermel	Taylor, N. Y.	
Neeley, Kans.	Rucker	Temple	

The Clerk having called the roll once,

The CHAIRMAN. The Clerk will call the names of Members failing to respond on the first roll call.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. By what authority does the Chair order a second roll call in Committee of the Whole for the purpose of ascertaining the presence of a quorum? I do not care to make the point now, Mr. Chairman, but it is a matter worthy of consideration. If the second roll call in Committee of the Whole could be dispensed with or not be permitted, or if it is not required by the rule, it would save about half the time consumed in calling the roll when the point of no quorum is made. According to my recollection—and I think I can sustain it by at least one precedent—there is a ruling by a former Speaker that the rule does not require the calling of the roll a second time in Committee of the Whole. However, I will not press the point for the present.

Mr. BURKE of South Dakota. Mr. Chairman, I believe the Chair will recall, and I think the gentleman from Georgia will also, that it is only within a few years that the roll has been called in Committee of the Whole.

Mr. BARTLETT. Called twice.

Mr. BURKE of South Dakota. Called at all. We did not have such a thing when we first came here. In the last few years we have had these roll calls when the point of no quorum was made in Committee of the Whole, and for a time the roll was called only once; but so many Members came down in front of the desk and asked to have their names recorded after the one roll call was completed that on a certain occasion the Chair stated that it would be easier to call the roll a second time, and since then the roll has been called twice, simply by consent. It has come to be understood that the roll will be called twice, and that has become the custom; and if we do not have a second roll call now there will be a great many Members in front of the desk clamoring to have their names recorded as being present, and they will have to be called out of alphabetical order, thereby causing more confusion and more delay than is required in calling the roll a second time.

Mr. BARTLETT. But, Mr. Chairman, if the first roll call discloses the fact that there is a quorum of the committee present, there is no necessity for calling the roll a second time, or for taking cognizance of the presence of anybody else.

Mr. BURKE of South Dakota. But, Mr. Chairman, I think a Member has the right to have his name recorded, so that his name will not appear in the list of absentees, so long as he is present before the committee rises, if he demands it.

Mr. BARTLETT. He has that right on a call of the House.

The CHAIRMAN. The gentleman from Georgia has raised a novel question and the Chair appeals to Members to be in order.

Mr. BARTLETT. Now, Mr. Chairman, the object of calling the roll in Committee of the Whole is to ascertain whether there are 100 Members present. I suggest that if the first roll call develops that there are 100 men present, and therefore a quorum, that the time of the House ought not to be wasted in calling the roll a second time, and that Members who are here should be noted as present. Therefore, I inquire whether if the first roll call develops the presence of 100 Members it is necessary to call the roll a second time?

Mr. BURKE of South Dakota. Mr. Chairman, I again submit that if a Member is present before the roll call is concluded, you can not preclude him from having his name recorded as being present; and if you do not call the roll a second time, then the Members will come to the Speaker's desk and demand that they have their names recorded as present. There can be no doubt about it, in my opinion. To hold otherwise would

permitted for counsel, and I wondered whether the increase in the salary of one of the counsel from $5,000 to $10,000 was at the expense of the number of counsel who were employed, or whether they made that up in some other way. Perhaps the gentleman can give the information.

Mr. FITZGERALD. There was no request to increase the amount to be expended for counsel. My information is that the counsel paid out of the $50,000 are not the ordinary counsel who are employed by the year. This is to permit the employment of counsel in special cases, and I do not think it has been availed of very often.

Mr. MANN. I think the gentleman is mistaken about that.

Mr. FITZGERALD. I think not.

Mr. MANN. Where is there any other appropriation for counsel except this item of $910,000? They have a long list of persons in their annual report who are listed as counsel. Possibly they have changed the title of some from counsel to examiner, or from counsel to clerk, in order to pay Mr. Folk $5,000 extra.

Mr. FOSTER. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FOSTER. I will read from the hearings, where the chairman asked this question:

Is this $50,000 construed to apply to the employment merely of counsel in special cases or to your entire legal force?

And Mr. Clark replied:

Only to counsel in special cases.

Mr. MANN. Mr. Clark is mistaken; there is no other appropriation from which they could be paid.

Mr. FITZGERALD. I am correct, and this limitation of $50,000 is a limit upon the amount that can be used for the employment of special counsel in special cases, and it does not affect the amount that is utilized for legal assistance by the commission upon the annual roll.

Mr. MANN. Out of what fund is that paid?

Mr. FITZGERALD. Out of the $910,000.

Mr. MANN. Well, if that is what the Interstate Commerce Commission is doing, they ought to be impeached and prosecuted. Here is what it says:

Nine hundred and ten thousand dollars, of which sum there may be expended not exceeding $50,000 in the employment of counsel.

It does not say "special counsel in special cases"; it says "employment of counsel." That is plain enough language for anybody to understand.

Mr. FITZGERALD. That is how it has been construed and expended.

Mr. MANN. I do not think so.

Mr. GARNER. If the gentleman from Illinois will permit me, I think the gentleman from Illinois is absolutely correct in the construction of the language, but the chairman of the commission, Mr. Clark, in answering the question, said that this appropriation of $50,000 was to pay special counsel in special cases.

Mr. MANN. I do not question that Mr. Clark so stated, but I do question whether he had an understanding of what the fact is. I have read the annual reports of the commission.

Mr. FITZGERALD. I asked Mr. Clark this question:

The CHAIRMAN. Is that $50,000 construed to apply to employment merely of counsel in special cases or to your entire legal force?

Mr. CLARK. Only to counsel in special cases.

The CHAIRMAN. Then in addition to whoever you may employ in that way you have also a legal staff in the commission?

Mr. CLARK. Yes.

Then I asked him how much it cost, and he did not state, but I can tell the gentleman some of the people they have. They had a solicitor for the fiscal year 1913, at $5,000; a solicitor for six months, at $2,250; a chief attorney, at $3,900; an assistant for six months, at $1,950; and an attorney for two months for $650, and an attorney for the year, at $3,600, and about 18 or 20 additional attorneys. They have a regularly organized legal force. In addition they act upon the theory, and it is evidently approved by the auditor and controller, that they can employ special counsel in special cases to an extent not exceeding $50,000. I think the organic act creating the Interstate Commerce Commission authorized them to employ attorneys, examiners, etc.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Would it not be well to include this language in line 11, after the word "of," the word "special," so that it would read "special counsel"?

Mr. FITZGERALD. I do not think it is necessary.

Mr. GARNER. I agree with the gentleman from Illinois that where the committee puts a limitation on the amount of money they could spend for counsel it ought to include the legal counsel that they have. That looks like the real intention of Congress, or else they would have said "special counsel."

Mr. FITZGERALD. I do not know. All the time I have served on the Committee on Appropriations I have understood the $50,000 limitation to mean just what I have pointed out—that it was for the employment in special cases, and outside of that, as a part of the regular force, the Interstate Commerce Commission had a regularly organized law department.

Mr. GARNER. The gentleman from New York must have had some doubt about it, because, as the hearings show, he asked the chairman whether that included all the counsel or whether it meant special counsel. If the gentleman knew about it why did he ask the question over and over?

Mr. FITZGERALD. I can explain that. I had a gentleman before me during the session of Congress who has appeared before the committee for five or six years during which I have been a member of the subcommittee. I asked him a question about some item in the bill, and he looked at me and smiled and said, "You know all about this matter." I said to him that he seemed to forget that the purpose of the hearings was twofold, one to furnish information to the committee and the other to create a record to which other Members could be referred for information who did not have such information. Simply because I ask questions and get answers to them as they appear in the record does not always mean that I was seeking information for myself. Very frequently the questions are asked to get a record to which I can refer gentlemen who would not be satisfied, perhaps, with a statement made by myself.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. The chairman of the Appropriation Committee having informed the House that this language, "not exceeding $50,000 in the employment of counsel," means special counsel in special cases, I am led to suspect that the following language, "not exceeding $3,000 for the purchase of necessary books, reports, and periodicals," means for the purchase of special necessary books and periodicals in special cases, and does not apply to the ordinary books and reports and periodicals. And, further, that this language—

not exceeding $1,500 for printing, other than that done at the Government Printing Office—

Does not apply to ordinary printing, but applies only to special printing in special cases. And, furthermore, that this language—

not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule—

Does not refer and is not a limitation upon the purchase of furniture generally, but is only a limitation upon the purchase of special furniture in special cases; and that this language—

and not exceeding $65,000 may be expended for rent of building in the District of Columbia—

Does not refer to the rent of buildings which the commission occupies, but refers only to special rents of special buildings in special cases. In other words, none of the language means what it says. If that be the case, which I do not admit, I would suggest that our distinguished Committee on Appropriations undertake a slight reform, either in the English language or in the use of it in the bill.

Mr. FITZGERALD. Mr. Chairman, this language has been carried for a great many years. It originated when the party of which the gentleman is a distinguished member was in control of the House.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. MANN. What earthly good is there in turning the Republicans out and putting the Democrats in if they only follow the bad precedents of the Republicans?

Mr. FOSTER. Oh, they get better men.

Mr. FITZGERALD. They do not follow the bad precedents. We have been reforming many evils in the public service since we came into power, but there are still more.

In the acts conferring certain powers on the Interstate Commerce Commission, largely reported by the gentleman from Illinois [Mr. MANN] when chairman of that committee or one of the active members upon it, certain powers were given to that commission and certain duties were imposed upon it. That commission was empowered to employ attorneys and agents and everything else, and the Interstate Commerce Commission has been for years employing attorneys and agents, and, when required, special counsel. There was never any criticism from the gentleman from Illinois. He has always been alert to defend and protect the Interstate Commerce Commission until it transpires that recently, in the exercise of their judgment, desiring to unearth some of the great frauds that had been committed and acquiesced in under Republican administrations in the con-

duct of the great trunk lines of the country, they employed a man who had acquired distinction and fame as a prosecuting attorney and placed him at the head of their legal staff and put him to work unearthing iniquities in connection with railroads that had been conducted by men not only members and supporters of the Republican Party, but universally believed and known to have had a first and unpayable mortgage upon it.

Now that these men are being exposed, and these iniquities are coming to light, I do not think it is just the right thing for the gentleman from Illinois to attempt to lead the House to believe there has been some dereliction on the part of this committee, because we have not hog tied the Interstate Commerce Commission, so that it would have been impossible to secure the service of this distinguished gentleman who has unearthed these Republican iniquities. Certainly the Republicans had ample time and power and funds, everything but ample desire, to make the disclosures during the 16 years they were in complete and undisputed control of the Government. It was during those 16 years that all of the evil practices that have so plagued the country grew and flourished. The Democratic Party is now carrying out its promises to the people, and is bringing the light of publicity to bear on those iniquities, showing up the corrupt allegiance between big business and high finance and the Republican Party and those members of the Progressive Party who first attained distinction by service under the piratical flag of the Republican Party, and it hardly seems fair for the gentleman from Illinois to try and cover the whole thing by claiming that this committee is derelict, because it has not so hampered the Interstate Commerce Commission that it would have been impossible to do what it has recently done.

Mr. FOWLER. Mr. Chairman, I move to strike out the paragraph. The Interstate Commerce Commission occupies a very peculiar situation in the government of the country. It is one of those independent bodies that acts for itself. It has no strings upon it to be pulled from its duties either one way or the other. It is a blessing to every man, woman, and child in America. Everybody ought to be in favor of it except the guilty, and everybody ought to be standing for it who are in favor of investigating wrongs and bringing to light evil practices.

My colleague from Illinois [Mr. MANN] undoubtedly has no criticism to offer concerning the appropriations to carry on the great work of this wonderful body. Certainly he ought not to have any grievance against high salaries. He has been one of the strongest advocates of big salaries for big men during my short stay in this House, and on every occasion when I interposed a point of order against an unlawful increase of a salary, he or some of his allies have been among the first and most persistent in defending big salaries. I wondered, while the gentleman from Illinois was speaking, what could be his grievance in this case, and I could think of nothing that might answer my inquiry until I reasoned with myself and realized that in the gentleman's district is located some of the greatest corporations of the country, among which are the Pullman Co., the Illinois Steel Co., the shipbuilding company, the asphalt company. All, as I understand, are tripping merrily to the tune of trust tango. The selection by the administration of a man with a record of ability, a man of superb courage, who never has been known to shirk his duty, is to be commended, because the Interstate Commerce Commission will deal with questions where the metal of men will be tried.

I believe that if there is a man in America who has shown himself to be a prosecutor in the true sense of the word, the gentleman who has been selected by this administration, Gov. Joseph W. Folk, is that man. That to which my colleague from Illinois objects certainly can not be on account of Mr. Folk's ability to prosecute, or on account of his politics, but it must be because of his determination to go after the corporations violating the laws of the land, by whom my colleague from Illinois has steadfastly stood.

Now, it may be a grievance that this administration has selected a man who will, regardless of all other considerations, discharge his whole duty. He is already engaged in that business, and the thoroughness with which he is unearthing crime and shady conduct is amazing to the people and more amazing to the trusts, and it must be that my colleague from Illinois is chagrined not at the increase of his salary, but because of his ability and determination to expose the unlawful methods of high financing in big business, such as was recently revealed by his masterful probe into the management of the New Haven railroad. My colleague has many corporations in his district, whose interests he seeks to protect, regardless of their conduct. Oh, I know we should stand by the people of our own districts. I know we ought to be true to our constituency; but patriotism, loyalty, and love for one's country demands that the little coterie of interests in one's own district should be subordinate to the will and good of the masses, and I trust my colleague from Illinois will adapt himself to this broad and liberal rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I am sorry that my colleague refers to me as "his friend from Illinois." If the truth were as big as the Capitol Building and stood right in front of my colleague, in reference to matters of this sort he would be utterly unable to see it. That is sufficient reply to the various statements which the gentleman has just made.

Mr. MONDELL. Mr. Chairman, I am glad the gentleman from Illinois [Mr. FOWLER] has returned. We have missed him in connection with some——

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. FOWLER. I do not want to let go unchallenged the statement that my presence has not always been in Congress since I became a Member.

Mr. MONDELL. Well, we have not had the pleasure of hearing from the gentleman for some days, and, unfortunately, I thought I had not the pleasure of seeing him; but he is here to-day undoubtedly, and, strangely enough, he is here in defense of an increase of salary. I have found it a little bit difficult to understand how the gentleman from Illinois differentiates between various increases. In connection with the other bills that have been discussed in days past he has interposed points of order against increases of $100, $200, $300, $400, and $500. I have not heard his voice raised in protest against the increase of $5,000 in the salary of an official. In the case of the other salaries in question they were in the main civil-service employees, and therefore they might be either Republicans or Democrats. Furthermore, those increases were made by a congressional committee after careful consideration. This increase was made by an independent governmental service out of a lump-sum appropriation and never referred to Congress, and it is not a civil-service appointment, but an appointment to which was called a very distinguished and very prominent Democrat, at one time governor of my native State of Missouri. No doubt this gentleman is competent, probably worth $10,000 a year, but it is extraordinary that the importance of that office should have so increased in so brief a period. I am delighted to have heard our friend from Illinois say that there was at least one man in the Democratic Party, and this is the man, who could be depended upon to do his duty for $10,000.

Mr. FOWLER. Will the gentleman yield?

Mr. MONDELL. In just a moment. If I have read the newspapers aright, the most important work, or at least the work that has attracted the most attention since the gentleman took this $10,000 job, is that of giving an immunity bath to the president of a great railway system, and whether that immunity bath has been extended to all the directors, I do not know, and I do not pretend to say that it is true, but I know that the newspapers have stated that there was very considerable friction between this $10,000 employee of the Interstate Commerce Commission and the Attorney General of the United States over the character of the immunity bath which was given to the ex-president of the New Haven Railroad.

Mr. FOWLER. Will the gentleman yield?

Mr. MONDELL. I do.

Mr. FOWLER. I desire to ask the gentleman if he does not believe—I was about to use a strong term, but I will use a milder one—if he does not believe that the gentlemanly conduct in handling the New Haven which has been revealed by this able prosecutor is not an index as to what has been going on for the last 16 or 18 years and which might have been shown up by his party while it was in power so long?

Mr. MONDELL. Oh, I do not know, Mr. Chairman, that there was anything specially new brought out in regard to the New Haven. We had a rehash of what those who were familiar with the situation knew in regard to the New Haven. We knew about the issues, we knew about the values, or at least the general understanding in regard to the issues and values, and about all that this distinguished gentleman has done——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. About all the gentleman has done, so far as I have been able to grasp what has been done, is to give a distinguished gentleman an opportunity to lay the blame on a man who is dead and gone, and to give him an immunity bath which protects him from all future prosecutions.

tion has not arrived as yet; that, as a matter of fact, the cost of living has not gone down; and that is supposed to be an excellent argument in the agricultural districts of the West. The fact is, referring again to wool, the wool producer of the country, whatever price he may be receiving, is receiving less by 5 or 6 cents a pound than he would receive if we had the duty that we had under the Payne bill. And that is evidenced by the fact that for a series of years under the Payne bill the price of wool in the country was from 5¾ to 7¼ cents a pound above the price of a like foreign product. In other words, the tariff on the fine wools gave us an increased price of from 5 to 6 cents. While it is true that foreign wools have increased in value, that our wool clip has decreased in quantity, and that those two things have increased the price above the very low price of last year, the fact still remains that wool is lower than it was on the average under Republican protection and very much lower than it would be to-day if it were protected.

But I did not originally rise to talk about hard conditions. I arose to call attention to the fact that we are so anxious to view the prosperous conditions which we have been promised and which the gentleman insists exist in Kansas that we are willing to still further improve the best telescope in the country for the purpose of getting a glimpse of it. Kansas wheat fields are yellow, ripening for the harvest. Even the Democratic administration, even Democratic policy, can not prevent the falling of the "former and the latter rain," and can not take from the fertility of the Kansas soil, thank God. Even Democratic policies can not wholly discourage the hardy flockmaster and herdsman of the mountain West, and so we are not spending our time bewailing the situation. I have not even referred to it so far as it affects my people locally, but we know what it is, and in November the people will record their judgment in that matter. [Applause on the Republican side.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage, and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; including salaries or compensation of all necessary employees; and general incidental expenses not otherwise provided for, including purchase, maintenance, and driving of horses and vehicles required for official purposes, not exceeding $100 for the purchase of necessary books and periodicals, payment in advance for subscriptions, and exclusive of architect's fees or compensation, $100,000; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. MANN. Mr. Chairman, I move to strike out the last word. There is an incident that I do not think should be passed without some reference to it in the House. I remember some years ago a gentleman on the floor of this House denounced in unmeasured language Dr. Langley, then the Secretary of the Smithsonian Institution, for the improper and gross extravagance of expenditure of money in the effort to find a flying machine. It is said, though I do not vouch for the statement, that that speech really broke Dr. Langley's heart.

Mr. FITZGERALD. And he also sought to discredit the Committee on Appropriations for supporting Dr. Langley.

Mr. MANN. My recollection is that that committee was the Committee on Military Affairs, and that Dr. Langley had gotten his money from the Army.

Mr. FITZGERALD. That money was provided out of the appropriation for the Board of Ordnance experimental funds, carried in the fortifications bill.

Mr. MANN. Well, I am very glad to be corrected in that regard, because I had carried the impression that, it being a military appropriation, it came from the Committee on Military Affairs. To have done the work that Dr. Langley was doing, a rather tender and sensitive soul that he was, and then to be charged on the floor of the House of Representatives with this reprehensible use of the money was really too much for him, and it undoubtedly hastened his death. Some people outside of the House very often take too seriously statements of that kind which were made in the House.

However, I rose just now to call the attention of the House to the fact that the original flying machine constructed by Dr. Langley which when it made the effort to fly, through some mistake or accident in sending it off, fell into the river, was taken out and placed in the Smithsonian Institution or in the National Museum and under their control, and recently was turned over for experimental purposes, I believe, to Mr. Glenn H. Curtis, and he flew it. He flew with the original Langley machine. And in view of the fact that this expenditure of money was so bitterly denounced only a few years ago, after this flying machine at that time had not flown, it seemed to me proper to print in the RECORD also, for any curious and enterprising minds hereafter, the statement that it was said on the floor of the House in the course of time that the original machine of Dr. Langley had proved its efficiency by actually flying in the air.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MURDOCK. Is it not to the credit of Congress that Congress did appropriate the money, despite the protests, just as previously Congress had appropriated money to try out the electric telegraph?

Mr. MANN. I think really that Congress ought often to get credit where it gets denunciation, because we do constantly appropriate money for experimental and scientific purposes the results of which are of great benefit to the world. [Applause.]

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The Clerk will read.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I wish to emphasize what the gentleman from Illinois [Mr. MANN] has just said in regard to the Langley flying machine by calling attention to the fact that not only did that machine, in exactly the form in which Prof. Langley attempt a flight, fly successfully, but that it carried, in addition to the pilot, a weight of something like 330 pounds, I think it was, in the way of pontoons, it having been launched from the waters at Hammondsport, N. Y.; so that it was a much better machine than Prof. Langley ever hoped or believed it to be.

Mr. Chairman, I want in this connection to call attention to the fact that there was an estimate made for an appropriation of $50,000 to continue investigations along the line of aeronautics under the Smithsonian Institution. The committee did not see fit to grant that item. I shall not offer an amendment to insert it, but I think it would have been well if the committee had seen fit to insert language in the bill desired by the secretary of the Smithsonian Institution under which the President would have been authorized to direct the cooperation of the Departments of War, Navy, Agriculture, and Commerce in experimental work. The Director of the Smithsonian Institution was of the opinion that with authority given for that kind of cooperation some valuable results could be obtained. The committee did not see fit to insert either the appropriation or the language. I think it would have been well to have done so. I believe it is highly important that we should, in the near future, provide under some scientific bureau of the Government some means for further experiments and investigations with regard to heavier-than-air machines.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

Mr. COOPER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. COOPER] moves to strike out the last word.

Mr. COOPER. Mr. Chairman, I want to say one word on this subject of the Langley flying machine. Of course, I do not wish to dispute—because I have not the facts at first knowledge to dispute—the claims now being put forth in the papers so frequently and with much earnestness that Prof. Langley invented a machine that would fly. Nevertheless it did not fly in his lifetime. We know that, and we also know that the man who is alleged recently to have made it fly was the enemy, at least in litigation, of the Wright brothers, who the world has always heretofore said were the inventors of the first successful flying machine.

I myself would have felt much more certain that a machine which would fly had been invented before the Wright brothers made their successful flight, if the model had not been given to Mr. Glenn Curtis, who had a bitterly contested lawsuit with the Wrights as to the invention of the flying machine. I would not detract from any honors due Prof. Langley, but I think that the living, the Wrights, who for 12 years labored, despite criticism and ridicule—some of it very bitter—of their efforts, should have the credit that is due them, rather than to have it now said that Mr. Glenn H. Curtis, who denied that the Wrights invented a machine, has flown a machine that failed during the lifetime of the man who made it.

I read recently in a newspaper that this Langley model had some few things done to it before it was flown by Mr. Curtis, but that these were not important. I do not know what they were. However, with no desire, as I have said, to detract at all from the honors justly due to any other persons, I do think that the Wright brothers ought to be protected in the claims which they have established in the courts as the inventors of the first successful flying machine.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For all other authorized expenditures necessary in the execution of laws to regulate commerce, $910,000, of which sum there may be expended not exceeding $50,000 in the employment of counsel, not exceeding $3,000 for the purchase of necessary books, reports, and periodicals, not exceeding $1,500 for printing other than that done at the Government Printing Office, not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule, and not exceeding $65,000 may be expended for rent of buildings in the District of Columbia.

Mr. GARNER. Mr. Chairman, for the purpose of asking the chairman of the committee a question, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. GARNER. Mr. Chairman, this is the only department of the Government of such proportions where the salaries of the officials and employees are not carried in the legislative, executive, and judicial appropriation bill. I wanted to ask the chairman of the committee if the committee had ever considered the question of carrying these salaries of clerks and other employees in this department, and the commissioners themselves, in the legislative appropriation bill, in the manner in which other departments of the Government are provided for?

Mr. FITZGERALD. To my knowledge it never has. It is not a Government department. When it was created it was at first carried in this bill, and it was thought desirable to keep the statutory salaries with the other expenditures in the same bill, so as to have them all under observation.

Mr. GARNER. I notice in this item, now, for instance, there is $910,000 carried. That is an unusually large sum to turn over to any department of the Government to be expended for employees. Now, it is a usual thing—and I call the gentleman's attention to the fact—that his committee reports each year appropriations for the various departments of the Government, itemizing the clerks in various classes and the heads of the various bureaus in the departments, and undertakes to advise Congress just exactly as to the number and character of the employees provided for.

Mr. FITZGERALD. All that information is contained in the Book of Estimates.

Mr. GARNER. That could be carried in the Book of Estimates for all the departments just as easily and the same answer could be made. I believe the gentleman will not deny the contention that it is better, wherever it can be done, for the Congress itself to make the direct appropriations for the places in the various departments.

Mr. FITZGERALD. That is my opinion. A good many disagree with me, however.

Mr. GARNER. Has the gentleman ever undertaken, or does the gentleman have any idea of carrying out what he believes to be the best policy of the Government with reference to the Interstate Commerce Commission?

Mr. FITZGERALD. I always carry out my ideas whenever I am permitted, but I am not the absolute Pooh-Bah that a great many people seem to imagine; so I do not always succeed.

Mr. GARNER. Has the gentleman undertaken to carry out his ideas in reference to this particular body—the Interstate Commerce Commission?

Mr. FITZGERALD. I am only one of 21 members of the committee. My power is very much exaggerated. I do not get a chance to vote unless there is a tie; so I really do not have as much power as an ordinary member of the committee; that is, under ordinary circumstances.

Mr. GARNER. I am very much surprised at the gentleman not having any more influence on the committee than he now would lead us to believe, because I have been——

Mr. FITZGERALD. I did not say "influence." I said "power."

Mr. GARNER. If a man has sufficient influence, he certainly has some power.

Mr. FITZGERALD. Sometimes when I think my influence is greatest I am most disappointed.

Mr. GARNER. That may apply with the heads of departments, but not so much with the Committee of the Whole House or the House of Representatives.

Mr. FITZGERALD. I will say to the gentleman that I suppose the making of this appropriation in this way, as a lump sum, is due somewhat to the peculiar character of the work of the Interstate Commerce Commission. Duties are added from time to time. The work is partly judicial and partly administrative, and probably the reason why no attempt has been made to segregate and specify more particularly the appropriations of the Interstate Commerce Commission is because of the fact, I think, that, unlike most of the departments of the Government, that commission has shown not only a disposition but an actual accomplishment in effecting economies in the conduct of their work. In this bill this item is $910,000. In 1912 and 1913 it was $1,000,000, and the reduction was made at the suggestion of the Interstate Commerce Commission.

Mr. GARNER. If the gentleman will yield, I did not mean to criticize the Interstate Commerce Commission in any way. I am simply drawing the attention of the committee to a kind of legislation that is growing up in this House——

Mr. FITZGERALD. This is not growing up. This has been going on since I have been in Congress, for 15 years.

Mr. GARNER. I understand that this particular thing is not growing up, but we have just passed by a part of the bill where some lump-sum appropriations are carried.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. I ask unanimous consent to proceed for two minutes.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. GARNER. While I had the honor to serve as a member of the Committee on Foreign Affairs, and assisted in making up the diplomatic and consular appropriation bill, my attention was directed to the fact that different lump-sum appropriations were made. Abuses had grown up under them, and I think wherever it is possible for committees framing appropriation bills to designate the specific purpose for which an appropriation may be used it is advisable, in the interest of economy and good government, to do it; and I take advantage of this instance here to call attention to the fact of the immense lump-sum appropriation carried here, without designating particularly the purpose for which it is to be used.

I want to say in this connection, if the gentleman will permit me, that I believe if all the departments of the Government were run as efficiently and economically as the Interstate Commerce Commission we would have a little better service than we are getting.

Mr. JOHNSON of Kentucky. And for less money.

Mr. GARNER. And for less money.

Mr. FITZGERALD. I think the view which has been expressed by the gentleman from Texas is generally held by Members of Congress. Two or three years ago in an effort to find some means of keeping a proper check, without unduly cumbering the statutes, a provision was inserted in the sundry civil bill requiring detailed statements to be furnished with the estimates each year showing the employment and the rate of compensation for the fiscal year last ended and the proposed employment for the fiscal year for which the appropriation was to be made in all instances where the lump-sum appropriation was in excess of $250,000. That has worked out so satisfactorily that we have a provision in this bill that applies it to all lump-sum appropriations. The effect is that we have in the Book of Estimates these statements furnished in parallel columns, and by simply glancing at them it is possible to see the proposed changes. Now, it may be that it will be very desirable some time to include another provision prohibiting employments at any other compensation than those set forth in the notes and prohibiting increases of the number of employees beyond those stated in the notes.

Mr. GARNER. I was going to call the attention of the gentleman to that fact.

Mr. FITZGERALD. We are doing these things gradually, and if that can be brought about we will have a very salutary check. It would eliminate a great deal of detail from the annual appropriation bills and would at the same time furnish complete and accurate information and an absolute check upon the expenditures.

Mr. GARNER. I withdraw the pro forma amendment.

The Clerk read as follows:

For all other authorized expenditures necessary in the execution of laws to regulate commerce, $910,000, of which sum there may be expended not exceeding $50,000 in the employment of counsel, not exceeding $3,000 for the purchase of necessary books, reports, and periodicals, not exceeding $1,500 for printing other than that done at the Government Printing Office, not exceeding $100 in the open market for the purchase of office furniture similar in class or kind to that listed in the general supply schedule, and not exceeding $65,000 may be expended for rent of buildings in the District of Columbia.

Mr. MANN. I move to strike out the last word. I notice that the appropriation for the employment of counsel by the Interstate Commerce Commission is not increased in this bill over what it is in the existing law. I do not remember whether the existing law provides for a larger amount than has been paid currently heretofore. I was under the impression that the commission were using practically all of the $50,000 which was

York indicated it would have in the preceding paragraph, without specific direction as to any particular insect-breeding disease. If that is so, $15,000 would be a ridiculous amount with which to have the Government cooperate in the various States in the prevention of the spread of infectious diseases in interstate traffic, and so forth.

It might require some little stretch of the imagination, but I think it would not be necessary to do that to show that the mosquito, so far as carrying disease is concerned, is an interstate pest; that is to say, it could easily fly across the river or creek forming the boundary line of a State, and it could carry disease from one State to another and thus become interstate. In view of the fact that $15,000 would not be sufficient for the Bureau of Health to enter upon any inquiry of this kind, it seems to me that if the bureau exercised the authority which the gentleman from New York says they would have power to exercise under the preceding paragraph, they ought to have a little more money, and that is the purpose of my amendment.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not prevail. The appropriation recommended in the item is the amount requested by the Public Health Service. The money is used for a purpose entirely foreign to the object in the amendment of the gentleman from Pennsylvania. This money is used for the purpose of securing proper and suitable drinking water and ice upon railroad trains and boats engaged in interstate traffic, and is being used also for the purpose of endeavoring to perfect some device by which facilities on railroad trains will be installed so as to prevent the scattering of fecal discharges and human waste over the tracks, but retain and remove it in a proper manner. This is what the Public Health Service desires, and this is all the money it could use. It could not use it for the purpose desired by the gentleman if the amount named in the gentleman's amendment should be agreed to. I hope the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the amendment was rejected.

Mr. GILLETT. Mr. Chairman, I move to strike out the last word. From the time of Plutarch, and I presume earlier, down to the present time, one of the most interesting things to the student has been to compare historical characters and facts and to note how history repeats itself. Members of this House are at least students of political history, and in an humble way we are makers of political history, and so it seems to me it might be interesting in just a word to point out a precedent which was brought to my mind by the proceedings upon this bill a day or two ago. It brought back a speech which I read years ago and which, I thought, was in Benton's Thirty Years' View. Yesterday I used my leisure in looking all through that work, but could not find that speech. My recollection is that it was by John Randolph, about a century ago, and that what he said was much as follows: "Certain ingenious mechanics in Europe have been enabled to construct out of wood a little machine or toy which utters at intervals with excellent imitation of human speech the word 'cuckoo.' A gentleman of this House has imitated that wooden machine, and with the exercise of just about the same amount of intelligence has at intervals interrupted and delayed the business of this House by reiterating the parrotlike words, 'The previous question, Mr. Speaker.'"

I do not mean that this language of Mr. Randolph was at all an accurate analogy of what has happened here, but it struck me it was near enough to be interesting historically, as well as intrinsically amusing, and so I thought I would take a moment of the time of the House to recall it, with also the hope that some Member might authenticate my recollection and refer me to the exact quotation.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For equipping the tower telescope of the Astrophysical Observatory on Mount Wilson, Cal., including the necessary incidental expenses, to be immediately available, $2,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see this item is for the purpose of equipping the tower telescope of the Astrophysical Observatory on Mount Wilson, Cal. I had supposed that that was probably in connection with examinations of the sun and the sun spots, but this morning I was told that up to last night the registration in California by parties showed a Republican registration of something over 165,000 higher than the Democratic registration, which greatly exceeded, also, the Progressive registration, and I was not sure but that this telescope was for the purpose of seeing if one could discover by the aid of a powerful telescope any prospect for either the Democrats or the Progressives in California.

Mr. GARNER. Does not the gentleman know that they do not always vote the way they register?

Mr. FITZGERALD. I was under the impression that perhaps the telescope was used to ascertain whether by any possibility any of the occurrences depicted by the official "S. O. S.'s" of the Republican and Progressive Parties actually occurred, but the largest telescopes in existence in this country have disclosed no unusual or unseemly conditions.

Mr. MANN. But this telescope that is applied to this purpose will discover to an expectant Democratic country that the registration in California now shows that there are 165,000 more Republicans registered than there are Democrats, and really, you know, that is going some.

Mr. FITZGERALD. Mr. Chairman, let me suggest to the gentleman that he should not flatter himself too highly upon that. My personal experience in politics has demonstrated that the relation between the enrolled party vote and the vote for the party ticket is sometimes very painfully disappointing.

Mr. MANN. That is very often the case, especially when the registration has been a good while ahead; but this registration is down to date, and it is now going on. It is for the purpose of permitting the people who are registered to vote this fall, and while I can understand how some Democrats may prefer to register as Republicans, and how some Progressives may prefer to register as Republicans, so that they will not meet the contumely of being called Democrats or Progressives, still I imagine that the number of such would not be so very great in California.

Mr. FITZGERALD. My experience has been that it is always more profitable to discuss elections after the ballots are cast than before. Judging from the experience of the Republican Party in 1912, I should imagine that the gentleman from Illinois had reached the same conclusion.

Mr. MANN. Mr. Chairman, the gentleman may have found it more profitable to discuss elections after the election rather than before; but I have heard him discuss the elections before on more numerous occasions than I have after, and I expect to continue to enjoy the benefit of that in the future.

Mr. FITZGERALD. My practice has been to state the fundamental and inalienable truths upon which the Democratic Party invites the support and cooperation of the patriotic people of the country——

Mr. MANN. It will take a telescope to find them.

Mr. FITZGERALD. And then to accept with complete contentment and satisfaction the result, knowing that truth will prevail, virtue will triumph, and the Democratic Party be successful.

Mr. MONDELL. Mr. Chairman, while it is quite natural that the gentleman from Illinois [Mr. MANN], in view of the condition of the registration in California, should conclude that this equipment for the observatory at Mount Wilson was for the purpose of discovering the minute remainder of the Democratic and Progressive Parties, the fact is that the gentleman is mistaken. Mount Wilson is a dry climate, well above the clouds, and is equipped with a very high-powered telescope. It is hoped that with the equipment provided for in this paragraph, that telescope may be made powerful enough to discover a little of the increased prosperity which we have been promised under this Democratic administration. It is not visible to the naked eye from any point within the territory of the United States, and it is but natural that we should endeavor to equip the most powerful telescope in the world, most advantageously located to see a long distance and discover small objects, for the purpose of finding, if possible, some evidence, some small fragment, of this increase of prosperity which we were promised. It has been hoped also that we might catch a view, if only in a nebulous form, of some evidences of the new freedom other than psychological evidences of it. Of course almost all of us agree that it will probably be utterly impossible even with the aid of this powerful telescope, fully equipped and put in most perfect condition, to discover any particle of Democratic prosperity or of increased prosperity under this Democratic administration. Indeed we know it will reveal great voids and breaks in the prosperity which existed when our Democratic friends took charge of the ship of state, but still it is our duty to try and do so, and therefore the minority join with the majority in this appropriation.

Mr. MOORE. Does the gentleman think $2,000 for this telescope will be sufficient to reveal all the gentleman has in mind and also find the reduced cost of living that was promised the people by the Democratic administration?

Mr. MONDELL. Well, if that matter was discussed in the committee, I am sure there was not a member of the committee who had the slightest idea we could raise this item high enough or equip this telescope so powerfully as to be able

to discover the reduced cost of living. I think about everyone has concluded that it is nonexistent, and while this telescope will search out the most attenuated and nebulous thing in the world, and, therefore, it was hoped we would catch a glimpse of the beneficial effect of the new freedom or increased prosperity, no one, not even the optimistic Democratic chairman of the committee, believes we could hope to catch any sight or glimmer of the reduced cost of living.

Mr. TAGGART. Mr. Chairman, I move to strike out the last word. I have been very much astonished at the distinguished gentleman from Wyoming [Mr. MONDELL] and other gentlemen on that side of the House who seek to find comfort out of hard-luck stories. Is it possible that they would like to go into partnership with famine? Is it possible that news of misfortune is a comfort to them? Do ill winds blow good to gentlemen on the other side? I am astonished, as I said, especially when the gentlemen are speaking of long-distance views. In the Middle West, and especially in the great State of Kansas, the greatest prosperity that was ever known in the history of the whole region is at hand.

Mr. GARNER. Actually exists.

Mr. TAGGART. The harvest is ripening in Kansas, and 175,000,000 bushels of wheat is about to be gathered in.

Mr. MONDELL. Will the gentleman yield?

Mr. TAGGART. I will.

Mr. MONDELL. Does the gentleman take credit for his party for the splendid crop in Kansas?

Mr. TAGGART. No; I do not take any personal credit for it. I just was getting ready to rebuke the gentleman for claiming to be a part of Nature & Co. for 40 years. If you are telling the truth about that combination, I wish to advise you that the firm has been reorganized in Kansas and the Republican Party is not now a part of it. [Applause on the Democratic side.] The Midas touch of the harvest sun is turning its fields to gold, and the price is just as good as it was a year and two years ago, and the price is better than the average price has been for the past 10 years. If the whole United States Army were disbanded to-morrow in the wheat fields of Kansas, they would not supply the demand for labor. [Applause on the Democratic side.] Speaking of telescopes, the celebrated President Percival Lowell, of Harvard, who was the Mars professor at that great university, for a number of years studying the planet Mars, incidentally remarked in one of his magazine articles that if they had a telescope on Mars of the same power as the one at Flagstaff, Ariz., they could see the color come and go on the wheat fields of Kansas. [Applause on the Democratic side.] Talk about advertisements and prosperity and telescopes! I want to say Kansas has indeed reached the stars, if a telescope is there; but I am astonished that gentlemen would hear of bad luck and be glad of it; hear of misfortune and announce it as a prophecy of their success. Why, I should think the gentleman from Wyoming would be comforted. Wool has gone up. [Laughter.] The gentleman mourned a year ago as though he never would be comforted; but let him be of good cheer. I believe the shepherd on the plains of Wyoming has learned something, and it is this: Three or four years ago wool was worth 11 cents a pound and it had exactly 11 cents a pound tariff on it. He has learned the tariff was worth to him precisely the difference between 11 cents and 11 cents. [Laughter on the Democratic side.] The brilliant gentleman [Mr. MONDELL] will not tell us there is anything the matter with Wyoming. There is a city in Wyoming that has gone forward in the last two years, for the size of it, faster than any other city in the United States, and that is no place else but Casper, right in the heart of the gentleman's own State.

Mr. MONDELL. Well, the Democratic Party and its policies have not had anything to do with it.

Mr. TAGGART. Does the gentleman wish to vouch for how much the Republican Party has had to do with it? The gentleman's party certainly has not been performing miracles in the last 14 months, has it? [Applause on the Democratic side.] I thought you ceased to perform on or about the 5th day of March a year ago. Certainly you have not done anything for Casper lately in the Republican Party. I do not know we have done anything for that town in the Democratic Party, and I do want to say to you that nothing is the matter with Wyoming, and I am sorry to see the gentleman talk as if there were. There is nothing the matter with Kansas; it is all right; and whenever you see 3,000 or 4,000 men standing upon Pennsylvania Avenue in the city of Washington, watching the bulletins or something of that kind, either Johnson, of Kansas, is pitching, or Funston, of Kansas, is fighting. [Applause on the Democratic side.]

Mr. MANN. Or TAGGART, of Kansas, is talking.

Mr. TAGGART. And MANN, of Illinois, is troubled. [Applause on the Democratic side.]

Mr. MANN. Well, that is an unkind fling.

Mr. TAGGART. No; there is no hard-luck story from the Middle West. It has prospered as it never did before. If the wheat of Kansas was ground into flour, it would make 75 pounds of flour for every man, woman, and child in the United States and would keep all the people of the United States alive for 12 months if nothing else grew. Talk about prosperity—turn your telescope our way. [Applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For continuing the preservation, exhibition, and increase of collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, and all other necessary expenses, $300,000, of which sum $5,500 may be used for necessary drawings and illustrations for publications.

Mr. MONDELL. Mr. Chairman, this is an item providing for survey and exploring expeditions. It reminds me that the gentleman from Kansas has just been exploring all over the earth and as far as the planet Mars. The curious thing about the gentlemen on the other side is that whenever you refer to the effects of the present condition of the country they say we "are howling calamity."

It is unfortunate for us all that whenever one mentions conditions under Democratic administrations he mentions conditions so far as those conditions are affected by the policy of the party that are unfortunate, and to that extent it is calamity. That is not our fault. That is the fault of the party whose policies bring calamity, and they can not blame us if we call attention to the conditions which they have produced.

Now, the gentleman from Kansas [Mr. TAGGART] evidently did not listen to what I said, for he suggested that I was talking calamity, and he would give the House to understand that I talked about hard times in my own State. I have not discussed conditions in Wyoming at all, although it is an unfortunate fact that we have seen no new prosperity under this Democratic administration; we have lost some of the prosperity we had. There is not an industry in that State that is prosperous, except in the Casper district, to which the gentleman refers, where the Almighty has given us a great oil field.

Mr. GARNER. Will the gentleman yield?

Mr. MONDELL. And even the Democratic Party can not prevent these great wells of oil in the vicinity of Casper from bringing prosperity to us.

Mr. GARNER. Does the gentleman yield?

Mr. MONDELL. In just a moment. Our flockmasters last year took a loss of about 6 cents a pound on all their wool by reason of the threat of Democratic tariff legislation. There has been a slight increase over the extreme low price of last year, and that seems to be the only glimmer of light on the Democratic horizon, that the cost of living in the matter of wool has increased. Although they promised us a lower cost of living, they now make a virtue of the fact that the cost of living has increased.

Mr. GARNER. Now will the gentleman yield?

Mr. MONDELL. I will.

Mr. GARNER. I have always understood that the greatest industry in the gentleman's State is the stock industry?

Mr. MONDELL. It is.

Mr. GARNER. Including cattle, horses, and sheep. Now, if that information is correct, I can not understand how it is that the gentleman's State is not as prosperous, if not more so, now in that industry than at any time in the history of the State, because it is certainly so in Texas, where that industry predominates. We have the highest prices that we have had in the history of the country, the highest price for wool in 10 years, and the highest prices for horses and mules.

Mr. MANN. Angora sheep wool, you mean?

Mr. GARNER. No, sir. How it is that in the great State of Wyoming the industries of cattle and sheep raising can be depressed I can not understand.

Mr. MONDELL. It is true that the Democratic prophecy of a lower cost of living has not——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. The Democratic prophecy of a lower cost of living has not been fulfilled. And all the gentlemen from the mid-West now are making a virtue of the fact that the prophecy has not been fulfilled. They promised the consumers of the country lower prices and cheaper living. They say that condi-

Mr. MOORE. Does the gentleman contend that the bureau could not under this paragraph make an investigation as to the effect of the rat bite, for instance?

Mr. FITZGERALD. The what?

Mr. MOORE. The rat bite. I know the gentleman is not familiar with it, coming from his section of the country. But does he mean to say that the bureau would have the power to investigate the propagation and effect of any nuisance that related to the diseases of man?

Mr. FITZGERALD. That refers to the investigation of conditions influencing the propagation and spread of the diseases of man. They have that authority.

Mr. MOORE. Then the bureau would have power to investigate as to the effect of a bed bug?

Mr. FITZGERALD. I do not know. I make no admission now as to that.

Mr. MOORE. The gentleman was claiming for the paragraph and for the existing law that the bureau already had all necessary authority, and I asked the gentleman whether in any particular——

Mr. FITZGERALD. This is the language that confers the authority. If they have the authority to do what the gentleman desires, of course there is no reason why he should be particularly anxious to have his amendment adopted. But if he is trying to give them some authority they have not at present, then I can understand the gentleman's anxiety to have his amendment adopted. But we could not change the organic act by the insertion of certain language that was not included in it.

Mr. MOORE. This is the place to do it, I submit to the gentleman.

Mr. FITZGERALD. No; it is not. There is no authority to confer any additional power upon anyone in this appropriation bill. We are merely appropriating to carry out the service that is already authorized.

Mr. MOORE. May I ask the gentleman this—I tried to ask him twice while he had the time—whether the bureau has availed itself of the opportunity or the power that the gentleman contends it already has under this paragraph, to investigate the diseases of man and the conditions influencing the propagation and spread thereof, as that propagation and spread thereof may arise from the bite of a mosquito?

Mr. FITZGERALD. They have made some investigation of malaria.

Mr. MOORE. Apparently the bureau has not availed itself of the opportunity that the gentleman refers to.

Mr. FITZGERALD. It has. The gentleman will see to what extent if he will read the statement in the hearings.

Mr. MANN. Mr. Chairman, I hope the Chair will pardon me for making a statement in regard to this matter, but as I am the author of the law, I think I am justified in expressing an opinion in regard to it—not that I think that opinion is binding.

We have had long and continued hearings before the Committee on Interstate and Foreign Commerce in reference to the extension of the service now called the "Public Health Service." In the Sixty-first Congress I drew the language which is in the law, and which is practically repeated in this bill, and I had the support of the gentleman from Georgia [Mr. ADAMSON], who followed me as chairman of that committee, and introduced the same bill and secured its passage in the last Congress.

The intention was—and I think it is shown, or I would not say that was the intention—in general language to confer upon the Public Health Service the broadest power that the General Government has or could exercise in reference to diseases of man and the spread and propagation thereof, and also in reference to the pollution of water supply and the handling of sewage.

Now, I take it that it would be perfectly proper to appropriate for one of these items and not for all of them. It would be in order to make an appropriation for an investigation of the diseases of man, and stop there. It would be in order to make an investigation of the conditions influencing the propagation of the diseases of man, and stop there. It would be in order to make an investigation of sanitation or of sewage or of the pollution of navigable streams or of the pollution of lakes. It would be in order to make an investigation of a particular disease, I think, by a specific appropriation, and it is not unlikely that in the end, with more information, Congress may determine to differentiate the appropriations and make them for particular things, as suggested by the gentleman from Texas [Mr. GARNER], rather than in the form of a general appropriation.

If the Chairman will pardon me, I am interested in the investigation of the pollution of lake waters, and I recently introduced a bill, prepared by the Public Health Service, to forbid the dumping of sewage in the lakes anywhere until it had been in some way purified, and to require on board vessels the use of water which was sterilized in some way. Now, I think it would be quite within the power of the House to order an investigation of those particular matters if it wished to. It might order an investigation and make a specific appropriation for an investigation or the study of the effect of dumping sewage from vessels in lake transportation.

I myself think, therefore, while not remembering the exact form of the amendment of the gentleman from Pennsylvania [Mr. MOORE], that his amendment would be in order, although I think it is wholly unnecessary, and I shall not vote for it if it is submitted to the House, because up to date I do not think we can afford to divide up the appropriation. The Public Health Service has the power now, without the amendment proposed by the gentleman from Pennsylvania. They can use the appropriation for that purpose, and, so far, I think it has been the design of Congress to permit them to exercise, at least in the first instance and for the present, their judgment as to how the money should be expended for these different items for which we might appropriate and which they might expend.

The CHAIRMAN. After hearing the statement of the gentleman from Illinois [Mr. MANN], the Chair has this tentative view of the matter: The question of whether or not the object specified is necessary has nothing to do with the question whether or not it is in order. But it does seem to the Chair that, considering what we have in the statute, if the amendment does not broaden the statute, it is not necessary, and if it does broaden it, it is legislation on an appropriation bill, which is forbidden under the rule, and the Chair sustains the point of order.

Mr. MURDOCK and Mr. MOORE rose.

Mr. MOORE. I move, Mr. Chairman, to strike out the last word.

The CHAIRMAN. For what purpose does the gentleman from Kansas rise?

Mr. MURDOCK. I intended to do the same thing.

Mr. MOORE. Mr. Chairman, I do not intend to pursue this matter much further this afternoon, although, inasmuch as we are spending hundreds of thousands of dollars, possibly millions, for the investigation and eradication of animal diseases, I believe it is important that we should spend a little public money for cooperation with the States that are undertaking to inquire into and suppress the diseases that affect the life and health of man. We are prodigal in our generosity in taking care of the hogs and the cattle and the horses, all of which may be very good, and most of which I approve; but it does seem anomalous that when a specific direction is proposed in Congress instructing one of the Government's bureaus to inquire into and, if possible, to eradicate, or at least recommend means for the eradication of one of the greatest of all pests to human comfort and human life, we can not manage to make that direction or to make a specific appropriation for that purpose. Now, why should we not tell the Bureau of Health that, in view of the fact that they have $200,000 to spend for inquiries into certain diseases affecting the health and the life of man that a part of it shall be applied to an inquiry concerning one of the greatest of all the pests from which mankind and womankind suffer? That the Bureau of Health is not giving this matter specific attention is amply demonstrated. We have volumes of reports relating to inquiries into other matters. We have numerous brochures pertaining to the investigation of leprosy and to the investigation of trachoma and of fevers of one kind or another, but we can not get the bureau, under any direction of Congress, to make a specific inquiry into the matter of the mosquito, which perhaps carries as much disease as any other insect known. Why, around these very quarantine stations for which we are making appropriations in this bill, most of which are on waterways and along coast lines, they have these pests in their worst form. I know of several of them along the Atlantic seaboard where it is almost impossible for the physicians themselves to live in comfort, and yet we can not direct them to make an inquiry as to the suppression of this pest.

No one State can control this situation. New Jersey has been liberal in its appropriations to drain swamps and to clear up streams and to make the water flow and to make it sweet in order that the mosquito larvæ will not thrive. Pennsylvania makes similar appropriations; Delaware to a certain extent, I understand, does it. Maryland and all these States along the southern coast line are affected. They have them down along the coast of the Carolinas. In the Canadian wilds men are driven out of camps because of the mosquitoes. It is patent that a mosquito will carry disease from a diseased person to a well person. I happen to have before me one report, the only one I can now lay hands on, from the Bureau of Health itself, handed to me by the gentleman from Washington [Mr. JOHNSON], in which reference is made to the leprosy-carrying qualities of the mosquito. This pertains only to the carrying of the

leprosy bacilli. Not having time to go any further into this I will close by one quotation from this official report of the Government:

In the mosquito—

It says—

we have an insect that has a wide range of distribution and is often abundant. This insect feeds by puncturing the skin whenever uncovered, but more often on the face, and fills itself with blood. It later bites another person, who often mashes the blood-filled insect and thus smears the blood contained in the insect upon his own skin. This act is followed by rubbing and scratching such puncture.

That pertains to the carrying of leprosy bacilli. Now, how does it affect you or any one of your family who, having been bitten by a disease-carrying mosquito, which has bitten some infected person, rubs a stocking or some other garment into the bitten spot? There is a chance for blood poisoning, if nothing else. I have known of cases where scratching an infected or dirty garment into a skin punctured by a mosquito has resulted in blood poisoning and death. None of us escapes the irritation of the mosquito bite, it endangers the life of the individual because it tends to drive the disease germs into the system. Blood poisoning, yellow fever, malaria, or other diseases may result. I will not say bubonic plague, because it seems that that comes from the rat and the flea, but the mosquito carries its menace just as freely, and with a greater field to work in perhaps than any other one of the pests for the suppression of which we are making constant and large appropriations.

Mr. FITZGERALD. Mr. Chairman, the gentleman's remarks are a very emphatic argument in favor of the motto, "Don't scratch." [Laughter.]

Mr. MURDOCK. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. MURDOCK. There is a very wide scope of activity under this paragraph, as I find from the hearings. They have investigated the matter of the effect of the mercury fight upon the health of men and stock. I also notice in the hearings the statement that an investigation was made of polluted water. At some particular point in the South, but I do not remember at this time where, it was found that near a particularly thriving oyster bed there was a sewer. The local authorities knew that the oysters were infected with typhoid, and they prohibited the local sale of the oysters. An investigation was made by the Federal Public Health Bureau, colon bacilli were found, and it was found that these oysters were shipped from the place where their sale was prohibited to other places in other States for sale. Here is an appropriation of $200,000, and as a result of the expenditure of it a known evil is found. Now, what remedy follows the discovery of the condition which I have stated?

Mr. FITZGERALD. I think the publication of the information about the infection of these oysters on the Gulf has been pretty widely disseminated.

Mr. MURDOCK. Can the gentleman give me the practical application of that process? When these infected oyster beds were found, were bulletins issued and was the information given to the oyster trade?

Mr. FITZGERALD. I do not know.

Mr. MURDOCK. Ought not that to have been done by the Public Health Bureau?

Mr. FITZGERALD. I can not tell the gentleman just what they did about it. I had this experience a few years ago: There is a gentleman in New York who is one of the most successful hotel men over there, noted for the very high character of the table at the houses conducted by him. He stated that at one time there was some complaint about the flavor of the Lynn Haven oyster which he was serving in his hotel. He wrote to the Department of Agriculture, calling attention to the fact, and asked if they could give him any information. The Department of Agriculture sent a man who made an inspection.

Mr. MURDOCK. Under the pure-food law?

Mr. FITZGERALD. I think so. They found that the demand for Lynn Haven oysters was so great that the supply was inadequate, so that oystermen in that locality were bringing oysters from other places and planting them for a brief period, a week or two, and shipping them out as Lynn Haven oysters. That information was furnished to him, and very quickly spread among men who were interested in the purchasing of high-grade oysters, and I think it had the effect of stopping that practice.

An investigation of this kind is usually made the subject of a special report which is sent out. The public health authorities are keeping pretty close track of such matters.

Mr. MURDOCK. The gentleman agrees that it ought to have been done in that case?

Mr. FITZGERALD. The local authorities prohibited the sale of those oysters in the town, and as they could not sell them in the town they shipped them off to some other locality where apparently they had no knowledge of this condition.

Mr. MURDOCK. If that practice was continued and the sewage was not cleaned up——

Mr. FITZGERALD. I think under the pure-food law they would have ample authority to stop the shipment of any such infected oysters.

Mr. MURDOCK. Would there be cooperation between the Health Department and the Department of Agriculture in an instance of that kind?

Mr. FITZGERALD. I think there is cooperation.

Mr. LEVER. I think there is, without doubt.

Mr. FITZGERALD. I have no doubt that they cooperate and furnish whatever information they have freely.

Mr. MANN. The gentleman knows that the Agricultural Department has prosecuted a number of cases for shipping bad oysters?

Mr. MURDOCK. I knew of that, but I did not know whether the prosecutions arose out of investigations under this paragraph. I did not know whether the discovery was made by the Public Health Bureau under the provisions contained in this paragraph.

Mr. MANN. All they would have to do would be to communicate with the Department of Agriculture.

The Clerk read as follows:

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, $15,000.

Mr. MOORE. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 44, line 9, after the word "traffic," insert "and the spread of the mosquito nuisance."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment. This appropriation is contained in the language of section 3 of the act of February 15, 1893:

That the Surgeon General of the Marine Hospital Service shall * * * in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious and infectious disease over the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia.

Mr. MOORE. Mr. Chairman, is that existing law, or is the gentleman reading from a report of the Treasury Department?

Mr. FITZGERALD. It is a provision of the law which is contained in the hearings taken by the committee last year. It is section 3 of the act of February 15, 1893, and is law.

Mr. MOORE. Mr. Chairman, I think the amendment is germane to the paragraph. I understood that the gentleman was reading from a ruling by the Secretary of the Treasury, but he states that he was reading from the law. There is nothing objectionable to the law in my amendment. The Chair ruled against my other amendment a moment ago, and it may be consistent to hold to that ruling, but it seems to me that it is germane and does not affect the existing law, so as to be subject to the point of order.

The CHAIRMAN. The Chair may have been in error in ruling on the amendment a few moments ago, but it occurred to the Chair that it was a dangerous precedent to begin to let into the organic law specific things. Next year there would be another, and next year another, and it seemed to the Chair as there was some doubt it ought to be resolved in favor of the maintenance of the organic act without additions. But, whether right or wrong, the Chair thinks this is clearly out of order because the paragraph refers to diseases in the quarantine service. The paragraph reads:

Interstate quarantine service: For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic, $15,000—

and if the gentleman's amendment were adopted "and the spread of the mosquito nuisance." That would be without any reference as to whether it was a disease-carrying mosquito or simply a mosquito that is a common nuisance. The Chair sustains the point of order.

Mr. MOORE. Mr. Chairman, I move to strike out the figures "15,000," in line 9, page 44, and insert the figures "100,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 44, line 9, by striking out "15,000" and inserting "100,000."

Mr. MOORE. Mr. Chairman, the paragraph reads:

For cooperation with State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic.

Now, it is possible that under this paragraph the bureau would have the same power which the gentleman from New

Mr. MONDELL. Just what class of investigation would the gentleman have carried on?

Mr. MOORE. Whereas the State of New Jersey makes annual appropriations for the purpose of investigating and eradicating the mosquito, whereas in Pennsylvania appropriations are made, certainly in the city of Philadelphia, for the eradication of the mosquito, and whereas the mosquito will easily get over the borders of either of those States into Delaware or Maryland or New York, it would seem to me that it would be proper for the health officials of the United States to cooperate with those local authorities in the States making the appropriation for the purpose of investigating and eradicating the mosquito, with a view of giving it some national influence. A great deal of good could be done in the matter of drainage, a systematic method of draining swamps, and a systematic method of getting rid of the rain-spout nuisance, tin cans, and that sort of thing. Of course, that is local; but only since Panama and the wonderful results that have resulted from Col. Gorgas's work there have we really known how to deal with the mosquito.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

Mr. CAMPBELL. Why not make the necessary appropriation to get rid of the mosquito? Everyone knows just how that is done and how it can be done, and everyone knows that the mosquito is a dangerous pest. Why this Government should waste its time and money in further investigating the subject is a matter that I can not understand.

Mr. MOORE. Mr. Chairman, answering the gentleman from Kansas, I question whether the Health Bureau of the United States has made thorough investigations of the mosquito and its effect on human life. Here is a treatise on the mosquito as it may carry leper bacilli.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. FITZGERALD. Mr. Chairman, this language is wholly unnecessary. Investigations have been conducted by several branches of the Government relative to diseases of man, which have involved considerable investigation of the habits and evil propensities of mosquitoes. I do not just recall the number of various kinds of mosquitoes, but there are a great many thousand. The Public Health Service at present is making investigations and studies regarding malaria, and in that connection they make certain investigations and studies regarding mosquitoes. If I understand correctly, the purpose of the gentleman from Pennsylvania [Mr. MOORE] is to have the Federal Government eventually cooperate with States in the extermination of mosquitoes. I do not believe that is a function of the Federal Government. Certain scientific investigations are properly within the Federal function, but after the Federal Government furnishes the information on which action can be taken it is the duty of the States to take action to protect their citizens.

This appropriation in the bill is in the language of the organic act, or of an act extending the authority of the Public Health Service. The act of August 14, 1912, provides—and if the Chair will follow the item in the appropriation bill he will see that the appropriation is in practically the identical language—

> that the Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including the sanitation, sewage, and pollution, directly or indirectly, of the navigable streams and lakes of the United States, and it may from time to time issue information in the way of publications for the use of the public.

That gives the Public Health Service all of the authority necessary to conduct the investigation of diseases of man and the conditions influencing the propagation and spread thereof.

In the work that is being done now, and in the outline of the work for the next year, it has been pointed out by Dr. Kerr that the investigation and study of malaria has been going on since February, 1912, and by means of post cards and the sending out of little boxes with mycroscopic slides, and a little container for the mosquitoes and their larvæ, a great number of physicians in six or seven of the Southern States have been circularized, and the amount of information obtained and the amount of information furnished has been very considerable in the work of eliminating the particular types of mosquitoes that are responsible for certain diseases. The work of making that investigation is actually being conducted, so far as is desirable and necessary.

Mr. GARNER. Mr. Chairman, the language used in this appropriation is broad enough to authorize the chief of the bureau to conduct any kind of an investigation that he may see proper touching diseases of man.

Mr. FITZGERALD. Diseases of man and the conditions influencing the propagation and spread thereof.

Mr. GARNER. Can the gentleman from New York think of anything in the nature of a disease of man that it would not have authority under this appropriation to investigate?

Mr. FITZGERALD. Not without very great effort, and I do not wish to subject myself to great effort unnecessarily.

Mr. GARNER. Well, this item was put into this bill originally, in the very language of the bill creating it, in order to give the bureau a certain amount of money to use at its own discretion.

Mr. FITZGERALD. No; it was not.

Mr. GARNER. Well, it has that discretion anyway, whatever the object may have been.

Mr. FITZGERALD. It may have that discretion, but it was not put in there to enable it to use this money at its own discretion.

Mr. GARNER. How is the gentleman from New York going to control the manner in which it is to be used if there is authorization given them to use it within their discretion?

Mr. FITZGERALD. When the request was made for the $200,000 the Public Health Service outlined the specific work that they desired to undertake with that money. When the representatives of the Public Health Service came before the committee this year they were checked up and they were made to review the work that they had done up to that time with the appropriation that had been given to them, and it was found that they had worked along the lines that they had stated they would if the money were given. Then they were compelled to state the purposes for which they desired the money which was to be given them for the next fiscal year. The experience of the committee has been that when they make their plans and perfect their organization and are given the money to conduct a particular line of work for which they ask the money, that in good faith they so conduct it. Of course, they could under the authority engage in a different line of investigation, but they have not done so.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. Under the tutelage of the gentleman from New York I have learned some very valuable lessons here with reference to confining appropriations to the purposes for which they were to be used, and that is that it is bad public policy to appropriate a lump sum when you can segregate it and designate it for the purpose for which it is to be used. Now, the gentleman from New York has said that they had a certain purpose for which this money was to be used the last fiscal year and this year and that they have checked up its use and find the money was used for the purpose for which it was intended. Now, I want to ask the gentleman this question: Why is it not good policy for the gentleman's committee to make these appropriations specific so that the Congress and the country may know the exact purposes for which it is to be used, and is not that in the interest of economy and good legislation rather than to make lump-sum appropriations and leave it entirely to the heads of the departments with unlimited power to use the money for whatever purpose they may see proper?

Mr. FITZGERALD. Well, sometimes it is and sometimes it is not.

Mr. GARNER. Is it merely because——

Mr. FITZGERALD. Let me finish. This is to conduct certain field investigations. It is not the same as if we had a permanent statutory force to do specific work, certain work with a certain expenditure more or less fixed. These field investigations are such that I have never been able to find out just how the money could be segregated. It may be possible, and I should welcome any assistance that could be given in that direction——

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. In a moment. But I never have been able to do that, and the committee has done the next best thing. Under that authority given by law they made the request for the money. The committee made the officials of the Public Health Service outline in great detail the manner in which the work was to be done and the particular character of the work to be done. They were unable, because they had never done that kind of work, to say how much would be expended for each particular item, but as nearly as they could they estimated the sum that it would take to conduct certain investigations, and then when they came back the committee made them state what they had used and checked it up, and that is as near as we could get it.

Mr. GARNER. Now, if this appropriation is to continue in this bill, if this item is to be carried from year to year and is to become a permanent part of the sundry civil appropriation bill, let me ask the gentleman if it would not be advisable for the gentleman's committee in making up the bill next year to

get the items for which it is to be used and then inform the Congress for what purpose this $200,000 is being used. I can see no reason—of course, if it is temporary, merely to go on for a year or two in order to ascertain certain information for the benefit of the State medical association or the medical people of the various States. I can realize why you should carry it in a lump-sum appropriation, but if it is to be a permanent matter, it ought to be itemized and the particular items put in for which we are appropriating.

Mr. FITZGERALD. There are some limitations upon what can be done in that respect. Here is one volume of the testimony taken on this bill. Here is another volume. Here is still another, more than 2,500 printed pages. It is utterly impossible to include the specific information in the details of the appropriation. The bill now consists of 183 pages of printed matter of an ordinary bill. The committee endeavors to obtain as complete information about all of these items as possibly can be obtained by the exercise of the utmost ingenuity, energy, and industry. All information is available to gentlemen who desire it and who will undertake to collect it from the hearings. I am expected at times to carry all this information in my head in such orderly and systematic manner that I can recite it offhand without any investigation whatever. I know how easy it is to propound questions either to those in charge of a particular service or those in charge of these bills as to the wisdom of doing something different from what is done. All I can say is that we do the best we can, and we welcome the assistance of any gentleman who will frame a paragraph to carry these appropriations in a manner that will make more effective the work of the Congress and make it more illuminative. Indeed, Mr. Chairman, if there is any possible way to so segregate these items that every Member of the House can see at a glance just what is proposed to be done with every dollar by looking at the appropriation itself, it would save those in charge of the bill interminable trouble and labor in making explanations when the bills are before the House.

We have adopted the plan that seems to be best under all the circumstances for this particular work. We find out what the money is required for. If we believe that the money is desired for work that is important and essential for the Federal Government to perform, we recommend the appropriation. When an extra request for appropriation is made we compel those in charge of the service to state what has been done with the money appropriated, checking up with their statements as to what use they put the money that was given, and then compel them to state the purposes to which they will put the additional money if it be given. The auditors and other accounting officials of the Government do their part in preventing the money being improperly expended. And that is about as near as we can come to safeguarding the expenditures of public moneys.

The CHAIRMAN. Does the gentleman from New York make the point of order?

Mr. FITZGERALD. I make the point of order.

Mr. MOORE. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MOORE. What is the point of order, if the gentleman pleases?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks the gentleman from New York [Mr. FITZGERALD] what the point of order is?

Mr. FITZGERALD. The gentleman proposes to limit the authority of the department by this language, appropriating in language conferring authority upon the department, and any attempt to limit the discretion of the department in such a way is subject to a point of order. Then, the language of the gentleman's amendment is to confer a power not given now, and it is legislation.

Mr. MOORE. I understood the gentleman to make the point of order originally that the language of the amendment was not necessary. I think that is the way he stated it. I question whether that would be subject to a point of order.

Mr. FITZGERALD. It was not necessary for certain purposes, and it was not desired to accomplish the prime object of the gentleman's amendment, which is to have the cooperation of the Federal Government with the States in the eradication of mosquitoes.

Mr. MOORE. Mr. Chairman, I think if the Chair will examine the amendment he will find it is not only germane to the paragraph, but it does not in any way affect the question of appropriation. It does not, I think, limit the power of the bureau. It rather directs the bureau in a manner which I think Congress has authority to do.

The CHAIRMAN. The amendment says "for the investigation and eradication of the disease-carrying mosquito." The paragraph to which it is offered seems to be an investigation paragraph, namely, "Field investigations of public health matters: For the investigation of diseases of man and conditions influencing the propagation and spread thereof."

Now, it would read, if the amendment of the gentleman be adopted, in addition, "Investigation and eradication of the mosquito." Does not that broaden very much the act, and in view of that, does it not go out on the point of germaneness?

Mr. MOORE. It may do it. In view of the statement of the Chair, I would ask unanimous consent to withdraw the words "and eradication."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to withdraw the words "and eradication," as proposed in his amendment. Is there objection?

Mr. FITZGERALD. What does the gentleman ask?

Mr. MOORE. I ask to modify the amendment by striking out the words "and eradication," merely specifying "and investigation."

Mr. FITZGERALD. Well, let it be reported.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment by striking out the words "and eradication" so that it will read "the investigation of the disease-carrying mosquito."

Mr. FITZGERALD. I make the point of order against the amendment, Mr. Chairman.

The CHAIRMAN. What is the point of order of the gentleman from New York on that? The Chair has indicated that he thought it was subject to a point of order so long as the words "and eradication" were included, because that was much broader than the question of investigation. But the gentleman has withdrawn that, there being no objection. The Chair is inclined to think it is not subject to a point of order now, but will hear the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, there may be disease-carrying mosquitoes which carry diseases that affect not only human beings but all kinds of animals. Of course, there is no authority for such an investigation. It broadens immensely the power of the Public Health Service.

Mr. MOORE. The question is whether that is not begging the question, Mr. Chairman.

The CHAIRMAN. The paragraph will read, if amended by the amendment as modified:

> For investigation of diseases of man and conditions influencing the propagation and spread thereof, including the investigation of the disease-carrying mosquito——

Mr. FOSTER. Mr. Chairman, that broadens the scope.

The CHAIRMAN. In what respect?

Mr. FOSTER. Because we may have disease-bearing mosquitoes that are not confined to human beings, and then this investigation of diseases and influencing propagation——

Mr. FITZGERALD. It may not be "influencing the propagation and spread thereof." Of course, if it does not broaden in any way the authority of the Public Health Service, it is in order. But I am not sufficiently learned in the scientific side of this matter to be able so to state. This appropriation is in the language of the law conferring authority upon the Public Health Service. If it does not broaden the authority, the gentleman would not desire it. If he wishes to give them an authority they do not now possess, then I can understand his anxiety to have the amendment adopted.

The CHAIRMAN. Then it is the opinion of the gentleman from New York that it would be a change of existing law? Does the Chair so understand the gentleman?

Mr. FITZGERALD. I will state frankly I am not sufficiently acquainted with the scientific aspects of the matter to know. But if it broadens the authority, it is a change of law; if it does not, there is no necessity for it.

The CHAIRMAN. Will the gentleman from New York permit the Chair to ask if he understands correctly if the language in this bill is the language of the act conferring the power?

Mr. MURDOCK. Mr. Chairman, there is in the original law, as read by the gentleman from Illinois, the words "directly or indirectly" after the word "pollution."

Mr. FITZGERALD. The law is:

> The Public Health Service may study or investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and pollution, either directly or indirectly, of navigable streams and lakes of the United States.

Directly or indirectly, it refers to the pollution of navigable streams and lakes. The phrase "directly or indirectly" refers to the pollution of navigable streams and lakes.

on the part of the Forest Service and on the part of those in charge of public lands and on the part of private individuals who hold private lands, than this matter of the extermination of this rodent that has been carrying the bubonic plague, upon which the people have expended so much money and from which so many lives have been lost.

I am astonished that the gentleman would hesitate one minute, knowing the extended and vast territory of the Government domain upon which we can not enter and control and upon which these rodents have been discovered for two years; I am surprised that he should for one instant say that the Government should not appropriate $200,000. It ought to be $400,000, so that there would be a sufficient number of people who are familiar and fully equipped with all the scientific knowledge they have for the purpose of destroying and eliminating this disease.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RAKER. I yield to the gentleman.

Mr. GARNER. My only objection is that it is not stated specifically what it is to be used for. I am perfectly willing to destroy the rats and squirrels which are the indirect means of destroying human life in California and those adjoining States, but I should object to covering up the purpose for which the appropriation is made.

Mr. RAKER. It says in unmistakable language "bubonic plague." If the bubonic plague affects 1 rat, it may affect 10,000, and if it takes the entire $200,000 appropriation to catch that 1 rat and exterminate the bubonic plague in any part of this country, you ought to exterminate it and not permit that situation to extend under circumstances and in any place.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MANN. Mr. Chairman, one would be surprised, if he did not know my friend from California [Mr. RAKER], in hearing him make such a powerful speech in favor of attacking a disease which he called a "death-destroying disease." [Laughter.] I should have supposed that if we could find some disease which would destroy death——

Mr. RAKER. Will the gentleman yield right there?

Mr. MANN. We would be rather in favor of extending the disease instead of attacking it.

Mr. RAKER. I said death-dealing disease.

Mr. MANN. I can not yield. I did not interrupt the gentleman, and I have only five minutes.

The gentleman from California, having attacked a "death-destroying disease," then proceeded to attack one of the few strong friends which this item has in the House. The gentleman from Wyoming [Mr. MONDELL] had taken the floor twice in this debate for the purpose of defending the item in the bill for $200,000, and his reward for that was an attack upon him personally, made by the gentleman from California.

The truth is, Mr. Chairman, since we are asked to have the General Government go into a combat with fleas on the Pacific coast, with body lice at Galveston, and bed bugs at Vera Cruz, and now dogfish in the Atlantic Ocean, we have entered upon quite a wide scope of work. [Laughter.]

Mr. HAWLEY. We will have to do a lot of scratching. [Laughter.]

Mr. MANN. I do not know whether there is any connection between the catching of rats in San Francisco and the catching of dogfish in the Atlantic Ocean, but I suppose that we might in some way make them work in harmony, so as to escape a part of the expense.

But here is an appropriation carried annually to enable the President, in case only of threatened or actual epidemic, to do certain work with that money; not confided to the head of the Public Health Service, but to enable the President, in case of threatened or actual epidemic, to spend this money. Now, the gentleman from California [Mr. RAKER], with rare descriptive powers, told us how the boy tried to catch a rat, put his hand down in a hole, got fleas off the rat, and then the boy died. I would ask the gentleman from California [Mr. RAKER] whether he has ever known a boy in California to die from bubonic plague?

Mr. RAKER. Will the gentleman yield?

Mr. MANN. I will yield for an answer yes or no. I have not time for anything else. The gentleman either knows it or he does not.

Mr. RAKER. I got my information in a report from the——

Mr. MANN. The gentleman will not answer. I have not time to yield for a speech.

Mr. RAKER. Yes; and I would like to state the reason.

Mr. MANN. No; I do not want——

Mr. RAKER. I have a letter from the department, showing that two years ago——

Mr. MANN. I do not yield for a speech. If the gentleman says he has known of one boy on our Pacific coast dying from bubonic plague, I would like to ask if he has known of two?

Mr. RAKER. If the gentleman will permit——

Mr. MANN. I will permit an answer to the question.

Mr. RAKER. Oh, well——

Mr. MANN. But not a speech. Evidently the gentleman does not understand the English language.

Mr. RAKER. I understand some of it.

Mr. MANN. Then I will make use of it. I do not yield my time to the gentleman. What is it now? Is there an actual epidemic of bubonic plague on the Pacific coast? Will anyone here claim there is an actual epidemic out there? Will anyone claim there is an epidemic threatened next year, when the exposition is to be held? I should like to hear some distinguished gentleman from the Pacific coast assert that we are threatened with an epidemic plague on the Pacific coast now or next year.

And yet, notwithstanding the form of this item, which was so worded that there might be an emergency fund in the possession of the President when Congress was not in session, to combat these diseases if they came upon our shores, the Bureau of Public Health over here goes ahead and spends the money without any actual or threatened epidemic—spends it as a regular thing—until this year, when there was some danger coming from the body lice and bed bugs at Galveston, imported from Mexico, we had to make a special appropriation of $100,000 to furnish money to combat a threatened epidemic there, although we had an appropriation of $200,000, made last year for the purpose of having that fund in hand. The Public Health Service, which I usually defend, for which I have very high regard, absolutely pays no attention to the meaning of this paragraph in the appropriation bill. Of course, the auditor or comptroller can not determine whether an epidemic is threatened or not. That must be left to the head of the service, who certifies that there is, although it is not true, and there is not. We ought to have an emergency fund.

As far as I am concerned, I am perfectly willing to make an appropriation to kill off the rats on the Pacific coast and elsewhere, and to make an appropriation to kill off the bed bugs and the body lice down there where they may bring epidemic into the country. I have not fully determined in my own mind yet whether I am willing to start on a search of the whole Atlantic Ocean for the purpose of catching and tagging and killing the dog fish.

Mr. HUMPHREY of Washington. That has not extended to the Pacific coast.

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn.

Mr. RAKER. Mr. Chairman, may I have permission to extend my remarks, to the end that I may answer a few of the questions submitted by the gentleman from Illinois [Mr. MANN] which I could not answer by reason of his objections?

The CHAIRMAN. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. If the gentleman is going to answer my remarks, I want him to answer them here.

Mr. RAKER. You would not give me time.

Mr. MANN. I do not propose to make comments in the running debate and then have the gentleman go and think it out, figure it all over, and then try to put something smart in the RECORD.

The CHAIRMAN. Does the gentleman from Illinois object?

Mr. MANN. I will not object, as long as I have got these remarks into the RECORD.

The CHAIRMAN. The Chair hears no objection.

Mr. RAKER. Mr. Chairman, after the remarks of the gentleman from Illinois I do not desire to insert my remarks in the RECORD without making them in the House in the presence of all the Members. I never have done what the gentleman says, and I never will. I tried to answer the gentleman, and to answer him just as the facts are now within my knowledge, from the telegrams and letters and reports that were sent from many places in California two years ago.

The CHAIRMAN. Debate on this item is exhausted.

Mr. RAKER. I move to strike out the last two words.

The CHAIRMAN. The gentleman can get an opportunity on the next paragraph.

Mr. MANN. I suggest to the gentleman that there is another paragraph.

The CHAIRMAN. Debate on this paragraph is closed.

Mr. RAKER. Very well.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Field investigations of public health matters: For investigations of diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution of navigable streams and lakes of the United States, including personal service, $200,000.

Mr. BAKER. I move to strike out the last word. In answer to the gentleman from Illinois [Mr. MANN] upon the bubonic-plague proposition, I wish to say that I always try to reply as courteously and in as few words as I can, and I would have done so if I had inserted a statement in the RECORD. I assure the gentleman from Illinois and the House that there would have been no improper language or anything smart from me.

Mr. MANN. I will admit that last statement.

Mr. RAKER. Well, that has two applications. Coming from the gentleman, it undoubtedly would be in both ways.

Mr. MANN. Oh, no.

Mr. RAKER. It is well to be pleasant as we go along and try to deal with matters as they come up.

Two years ago, when the appropriation was placed in a bill for the extermination of rats and other rodents in California, it was then a serious question, covering some 8 or 10 counties. Considerable correspondence was had between the various supervisors of these counties and the health officials and the official in charge of the Government station there, as well as with the department here.

I had the pleasure of calling on the past director and also on his successor. There were several specific cases, one particularly named and all the details given. And others had it and were cured. Now, the reason we say so little about the number and the reason we are disinclined to discuss the matter is that people do not like to send over the country the fact that there may be bubonic plague here and there. But on investigation by the best authorities of the land it did exist, and the question was how to exterminate it. If I knew now, unless it became absolutely necessary, that bubonic plague existed, I would not be willing to advertise the fact all over the country. The money that was appropriated two years ago, from my observation and inquiry since, has been well expended and good results have been attained by the department of health. They have gone out and wherever they have found any possible chance that the disease might exist they have put the best men in the field and have obtained results. But, as stated by the gentleman from Illinois, this appropriation is to be used only when there may be evidence of any dangerous contagious disease, and then the President and the department can use it for that purpose and not wait until some of our citizens have become infected with it and possibly have died. I trust this explanation, which would have been the same if I had extended my remarks in the RECORD, will be satisfactory, and that it answers the gentleman's question. I thank the House for this opportunity to make this statement. [Applause.]

Mr. MOORE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 44, line 3, after the word "including," insert the words "the investigation and eradication of the disease-carrying mosquito."

Mr. FITZGERALD. I reserve a point of order on that.

Mr. MOORE. Mr. Chairman, I question whether this is subject to a point of order.

Mr. FITZGERALD. Then let us have it disposed of.

Mr. MOORE. Did the gentleman reserve it or make it?

Mr. FITZGERALD. I will reserve it for five minutes.

Mr. MOORE. I thank the gentleman for having reserved it. Five minutes will be enough in which to state the situation. I do not know why the gentleman wants to raise a point of order against this amendment. It does not provide for any change in the appropriation. If adopted, it would simply be a direction to the Health Bureau to make an investigation of the disease-carrying mosquito. It seems to me there is no longer an excuse for the great Health Bureau of this Government to avoid making a study of this very annoying and serious pest.

Mr. GARNER. Will the gentleman yield?

Mr. MOORE. Yes.

Mr. GARNER. Did I understand the gentleman to say that the provision of the bill is not broad enough to include an investigation of the disease-carrying mosquito?

Mr. MOORE. I think it would be broad enough, but there is no evidence that the bureau makes any investigation of this kind.

Mr. GARNER. Is not that within the discretion of the bureau as to how they can best use the money appropriated by Congress for the benefit of humanity?

Mr. MOORE. I think that is true; but the bureau has not thus far exercised any discretion in the matter of the mosquito, and the adoption of this amendment would be a specific direction that at least would suggest to the bureau the propriety of instituting an investigation and study of the subject.

Mr. MANN. Will the gentleman yield?

Mr. MOORE. Certainly.

Mr. MANN. Without intending to discuss the question which the gentleman from Pennsylvania has raised, let me call his attention to the fact that this is an item which went into the bill last year for the first time. It is under the act which we passed a year or a year and a half ago, in the last Congress, extending the scope of the work of the Public Health Service, so that they probably have not had time. If they had the inclination, to go to any extent into the subject of infected mosquitoes that carry disease.

Mr. MOORE. That may be, and probably is, the fact. There are two places in the bill where this matter might be considered—in the present paragraph without making any change in the appropriation, and in the next paragraph providing for cooperation with the State and municipal health authorities in the prevention of the spread of contagious and infectious diseases in interstate traffic. But that provision only carries $15,000, and it is very improbable that they would be able to do anything with the mosquito question under that appropriation.

Now, if the gentleman from New York will bear with me a minute, I would like to call his attention to the chronic agitation of this question. During the discussion of recent Agricultural appropriation bills I raised it, and while the present Agricultural bill was in the House—the one that is now in conference—the chairman of the committee gave notice that he did not expect hereafter to ask for any appropriation covering the investigation of the mosquito, and would undertake to see that no appropriation hereafter was made in the Agricultural bill for that purpose. That means that the desultory investigations that were made by the Department of Agriculture in certain counties in South Carolina and Louisiana will be dispensed with, and that there will be no chance for anybody to inquire into the possibility of exterminating disease-carrying mosquitoes. We discuss all sorts of questions affecting nuisances as they relate to agriculture, and as they relate to live stock; but here, unconquered, is the greatest of all human pests, the mosquito. It does not belong to any one locality or any one section of the country more than another. I have felt as large and vicious mosquitoes on the Great Lakes as I have on the New Jersey coast. They certainly are not in the Southern States alone, and they certainly are not confined to any one State. It is said by some of the Panama officials, notably Col. Gorgas, that the mosquito does not carry very far, that is to say, it is not a migratory bird, that it exists in localities; but it is omnipresent, it is everywhere. Every man and woman has at times felt it, and everyone under his or her breath damns it for the nuisance that it is.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that he be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE. Why we should not say to the Health Bureau that, amongst its other investigations, it should take up that of inquiring into the propagation as well as the extermination of the mosquito I do not understand. It is not an unreasonable thing, because every Member surely and every man in the country is familiar with the annoyance that this pest brings to everyone. It is a disease-carrying insect. I have here among the papers of the Health Bureau a statement in Bulletin No. 39 with respect to mosquitoes in relation to the transmission of leprosy, and it is fairly well shown that a mosquito, sucking the blood of a leper and then lighting upon some other person who has no leprosy, may inoculate that person. I think it is very clearly and well demonstrated in our own common knowledge, to say nothing of the scientific or medical expert knowledge, that in certain cases a mosquito that bites a person suffering from a fever, lighting upon a person who has no fever, will transmit that fever. Surely that has been the situation in Panama. It was the condition that prevailed in Texas. It has aided in the carrying of yellow fever, and while we are comparatively free from those diseases now, there is no reason why our Government, and particularly this important bureau of it, should not be on guard against the possibility of this insect further carrying disease.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Yes.

them once they have started and are spreading, but work of that sort should be kept within bounds. There is always a danger that overenthusiastic public servants—and the best public servants are the most enthusiastic and sometimes the most overenthusiastic—there is always a danger that they will imagine that their particular work is the most important under the Government and that they will keep constantly extending it, and extending it to a point which is not justified or justifiable. I am rather inclined to think that out on the Pacific coast this work has been extended quite as far as it can be justified. I will not say that we have done anything more up to this time than we should have done.

The work of the Public Health Service in the matter of prevention should be largely the work of pointing out to the local people the ways and means of preventing rather than the taking up of the work of the actual extermination of these creatures. It is not an altogether dignified position for our Uncle Samuel to take to go around the country as a permanent professional rat catcher. It is the duty of the Federal Government to prevent the importation to our ports of these diseases. It is the duty of the localities, in the main, to take up and carry on the work necessary to prevent the spread of contagion.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. I ask that I may have one minute more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may proceed for one minute. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. I do not criticize the appropriations; I do not criticize the work that has been done under them, but I think it has the resulting danger of improperly extending Federal activities, extending them into a domain in which the localities themselves should accept the responsibility and defray the expense.

Mr. KAHN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. KAHN. Does not the gentleman think that the Federal Government ought to do its share of the work of preventing the spread of disease?

Mr. MONDELL. Well, that depends upon what the gentleman refers to when he says the spread of disease. I doubt if it is the province of the Federal Government to go abroad over the land and hunt up all of the rodents that may be affected with some disease that may be transmitted. In the main, that is the work of the local authorities.

Mr. KAHN. As a matter of fact, when this work first started there was very little known in the United States about the bubonic plague. The officials of the Public Health Service and the doctors of that service seem to know more about it than the physicians throughout the country, and they found that through their correspondents in the Orient the flea was carrying the infection.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KAHN. Mr. Chairman, I ask that I may proceed for two minutes.

The CHAIRMAN. The gentleman from California asks unanimous consent that he may proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. KAHN. The moment the Federal authorities began to point out to the local health authorities in California how the work of the extermination of the rodents should be carried on they were immediately given every assistance on the part of the local health authorities. The counties of California, as I said, did a great deal of work in the effort of exterminating it. But I think my friend from Wyoming rather narrows the scope of the work when he says that it should all be done, after it has been pointed out by the Public Health Service, by the local authorities. As I said——

Mr. HAMILTON of Michigan. May I interrupt the gentleman?

Mr. KAHN. In a moment. As I said, it is a very easy thing nowadays to carry an infection like bubonic plague by reason of the great number of railroad trains that go everywhere, and the Federal Government has its responsibility in that regard. The local authorities ought not to be held to a strict accountability against the possible spread of an epidemic. They ought to have the assistance as well as the support of the Federal Government, so that the people in the other sections of the country can be protected. The Federal Government ought to do its share of the work in that regard.

Mr. MONDELL. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. MONDELL. The gentleman does not think that the Federal Government ought to take up the work of attempting to exterminate all the wharf rats at all the ports in the United States, does he?

Mr. KAHN. The Federal Government is not attempting to do it, because there has been no bubonic plague reported in other ports. At the same time the Federal Government alone did not do it on the Pacific coast. They had the assistance and support of the local health authorities.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. HUMPHREY of Washington. At Seattle for years the city authorities have carried on this work against the rat, by making regular appropriations and had regular men for that purpose, and they did that for several years——

Mr. KAHN. And the people of San Francisco do that to-day.

Mr. HUMPHREY of Washington. And spent thousands of dollars in that way.

Mr. KAHN. I yield to the gentleman from Michigan.

Mr. HAMILTON of Michigan. Does not this, as a matter of fact, come strictly under the police powers of the several States? And I will ask the gentleman whether the Federal appropriation ought not to be in the nature of an exception to the rule applicable to large seaports where there may be a spread of a dangerous disease?

Mr. KAHN. If I remember correctly, up to a few years ago the matter of preventing epidemics of disease was left largely in the hands of the local authorities of the various States; but, as I now recall, a few years ago, when there was an outbreak of yellow fever in the Southern States, application was made to Congress that we appropriate the necessary sums of money to enable the Public Health Service of the Federal Government to take hold of that work. If you will recall, men were patrolling the banks of the Mississippi with shotguns, to prevent people from crossing from one State into another. An appeal was made to the Federal Government at that time to take over the quarantine work, so the Federal Government, by the action of Congress, became committed to that kind of work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BRYAN. Mr. Chairman, I think there has been entirely too much attention paid to the Pacific coast on this proposition, and I want to impress that thought on the committee. The gentleman from Wyoming [Mr. MONDELL] has evidently the subject of rats on his mind. Now, this is not altogether a matter of rats. It is no more undignified for Uncle Sam to attempt to kill rats than it is for him to attempt to kill ticks or to attempt to kill mosquitoes or to attempt to kill the leprosy germ or anything that threatens the country at large with a disease or with infection.

I had in mind this yellow-fever proposition. It seems the gentleman from Texas [Mr. GARNER], or any gentleman from Texas, ought to be the very last to raise any such question as this here on this floor. I remember, not many years ago, when I lived in Louisiana, when I would wait for the Galveston News or the Houston Post on the morning train on the Southern Pacific, in order to see how many new cases of yellow fever were at Galveston. And I tell you the trouble on the Pacific coast with the bubonic plague compares with the trouble the country has had with yellow fever as a picayune compares to a hundred-dollar bill. The country has paid more money to eliminate mosquitoes in Cuba and Panama, in Mexico, and elsewhere on the border than has ever been dreamed of for the prevention of bubonic plague on the Pacific coast. According to the last reports, the city of Seattle, referred to by the gentleman from Wyoming [Mr. MONDELL] a moment ago, so that it brings it into this issue, is the healthiest city or has less deaths per thousand per year than any city in the United States, and that condition is brought about because we look after things out there involving health and sanitation and because of natural advantages.

Mr. MANN. You look out for appropriations.

Mr. GARNER. There has not been any yellow fever in Galveston since 1867. So the gentleman must have been reading of it before that date.

Mr. BRYAN. If the gentleman says there has been no yellow fever in Texas——

Mr. GARNER. I said in Galveston.

Mr. BRYAN. I did not. I said I was waiting for the Galveston paper in order to see how many new cases there were. And the gentleman's suggestion that there has been no yellow fever in Galveston since 1867 is a nightmare of his.

Mr. GARNER. Will the gentleman say that he knows there have been cases of yellow fever in Galveston since that date?

Mr. BRYAN. I can not give the data and the date, but I know it just as I know the gentleman is a Member of Congress.

Mr. GARNER. Now, the gentleman says it was a nightmare of mine, and the gentleman says that he knows it the same as he knows I am a Member of Congress.

Mr. MANN. Which does the gentleman think is the greatest scourge? [Laughter.]

Mr. GARNER. Has the gentleman seen anyone that had yellow fever in the city of Galveston since that date?

Mr. BRYAN. I admit I can not give the data, but there has been yellow fever in Galveston.

Mr. GARNER. I would like the gentleman to insert that in the RECORD. He will have plenty of time to get that data and the date.

Mr. BRYAN. I will do it. I will get the records from the library, and if I can not bring reports of yellow fever in Galveston since 1867, then I will have to admit I am greatly in error.

This not only affects bubonic plague but typhus fever, and that is not a matter local to the Pacific coast. We do not have typhoid there to amount to anything; certainly not as much as there is in New York and Texas. And if this appropriation is made it will be well spent. The bubonic plague, which comes across the ocean in a cargo of freight, is not a local charge and ought not to be a local charge, although our ports have borne the weight and burden of it to a great extent and have spent more money than the Federal Government to stop it at the ports and to save the people of the interior from the direful effects of that disease.

Mr. MONDELL. Mr. Chairman, I would like five minutes.

Mr. FITZGERALD. Mr. Chairman, I move that all debate on the pending paragraph and amendments thereto close in 10 minutes.

Mr. RAKER. Mr. Chairman, just a moment. I would like five minutes.

Mr. FITZGERALD. I will make it 15 minutes.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] moves that all debate on the pending paragraph and all amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The gentleman from Wyoming is recognized for five minutes.

Mr. MONDELL. Mr. Chairman, I think it rather unfortunate that this discussion should have developed into a comparison as to the prevalency of disease and the ability to secure appropriations as between Texas and the Pacific coast. We gentlemen who do not live in either part of the country take it for granted that both districts are generally healthy, and we know that both districts get all the appropriations they can. I do not criticize what has been done in the main on the Pacific coast, as I would not criticize what has been done elsewhere under this item. But I think it is one of the items, and that the work under it is of a character that it illustrates, without regard to where the money is used, certain tendencies which we all recognize in the Government service.

The men who have been engaged in this work on the Pacific coast have all of them been high class, enthusiastic gentlemen. They have done a great work, no doubt. I do not say that they have carried the work further than they should, either in California or in Seattle, but in both places they have, at least pretty nearly, reached the limit of proper Federal expenditures in the matter of prevention. We should keep the work up within due bounds, within the speed limit. The localities interested and affected should not be allowed to understand or get the idea that the Federal Government will relieve them from all responsibility.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. HUMPHREY of Washington. I happened to be out home some years ago when it was thought we were threatened with the bubonic plague, and so, personally, I am somewhat familiar with the conditions. As soon as that was known the health officer representing the Government immediately took charge of the work. He had had some experience. He was Dr. Bourne, as I recall, who had been in the Orient, and he took charge of the work there, and the local authorities furnished most of the money. And they have been doing that ever since. And they are working together. We have done everything we could to look after ourselves, and we appreciate what assistance we get from the Government, and we think it perfectly proper that the Government should have supervision of this work.

Mr. MONDELL. I think the gentleman is entirely right in his statement. The Government should have some supervision of all this work, but I question whether the Government should continue indefinitely in the business of exterminating these creatures and insects. The gentleman from Washington says it is just as proper and dignified for the Government to kill rats as it is to kill ticks. So it is; but the Government should not be permanently a professional rat killer or tick killer, either, except on its own property.

Mr. KAHN. The gentleman understands that in the Pacific Coast States there are large areas in the forest reserves. They are not a part of the land——

Mr. MONDELL. The gentlemen have taken care of that in the Agricultural appropriation bill, and for a number of years past they have been receiving $15,000 for the extermination of squirrels.

Mr. KAHN. That is true.

Mr. MONDELL. And the curious thing about that squirrel-extermination business is that until we secured an increase in the appropriation this year we never got a "look in," to use the language of the street, on that appropriation for the extermination of the rodents that were troubling us and destroying our crops, if they were not spreading disease.

I think it is entirely proper to extend that work and kill the squirrels, but that certainly was not a work for the extermination of disease. It was a work of extermination of squirrels in order to prevent them from destroying crops, perhaps also the big trees out there, I suppose.

Mr. KAHN. The gentleman is entirely mistaken. The squirrels were found to be infected with the bubonic plague.

Mr. MONDELL. The rats on the coast infected the squirrels and the squirrels infected the fleas and the fleas infected the people, and so it went on ad infinitum.

Mr. KAHN. Like the chain of events narrated in the "House that Jack built." [Laughter.]

Mr. MONDELL. Unless you put a limitation upon these activities there is no end to them. Let us act in a reasonable way. After the discussion that has been had in committee and elsewhere, I think the work will be carried on in a reasonable way. Officials should be reminded that, with all their enthusiasm for their branch of the public service—which is a good thing, of course—they must keep their work within reasonable bounds.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. RAKER. Mr. Chairman, this item in regard to the prevention of epidemics and the appropriation of funds for the extermination of the bubonic plague has been a matter of much concern to the West and to the United States generally, and has been presented fully to the various committees of this House and of Congress heretofore; and, to my mind, there is no more important matter that the Government is dealing in, when it deals with the health of its citizens, than this matter of the extermination of the bubonic plague.

Now, my friend apparently does not understand bubonic plague. Apparently he does not understand how it is propagated and how it gets from one place to another.

Mr. MONDELL. I do not live in a country where we have any.

Mr. RAKER. That disease was brought from the Orient. We have tried to keep it out, but it is here. The people of the West have done much to exterminate it. Those rats went on the public domain, went on the forest reserves, and there was no money by which those having charge of those reserves could exterminate them. Mr. Rat bites a squirrel, and Mr. Squirrel goes into a hole, and a little boy puts his hand in to get the squirrel and gets the bubonic plague. [Laughter.]

The squirrel on the private land gets the bubonic plague from the squirrel on the Government land. That fact is shown by the report of the Department of Public Health, which is now a matter of record—a report made last year or two years ago—and hence the appropriation of $15,000 to exterminate the squirrels, the rats, and all rodents. The people of California and the people of the West may have their homes sold if they do not exterminate these rats and squirrels, but on the forest reserves and on Government land no one has the right to go and do this work except the Government officials; and when this rat or squirrel goes from place to place, spreading this death-dealing disease among the people of this country, can there be any more important task than for the Government to protect its citizens, irrespective of whether they are on the Pacific coast or in the East or in the South or in the North?

You appropriate money for the purpose of exterminating the ticks on cattle, but when the cattle get ticks they are not carried to human beings, and those ticks do not cause human beings to die. But when the bubonic plague comes in and affects the rat and the rat affects the squirrel and the boy gets it from the squirrel, the boy is killed. When the boll weevil enters the cotton it destroys it, but it does not destroy humanity. It does not destroy people. There is no more important matter pending before this House that ought to be given consideration, not only

Mr. FITZGERALD. We figured that out one time. We figured out how much it cost for each flea, and how much it cost for each rat.

Mr. GARNER. Has the gentleman a detailed statement, such as is required in this paragraph?

Mr. FITZGERALD. I think it cost $10,000 a rat, and it would depend on how many fleas there were to a rat as to how much it would cost per flea.

Mr. GARNER. But evidently the gentleman's committee contemplates that Congress shall receive a detailed statement, and I take it that that would mean an itemized statement of that expenditure, giving the leading items for which the expenditure has been made.

Mr. FITZGERALD. I can furnish that to the gentleman.

Mr. WATKINS. The wicked flea, when no man pursueth——[Laughter.]

Mr. GARNER. If it costs $10,000 for each rat, is there any estimate of the number of rats out there which are infested?

Mr. FITZGERALD. No; and when it looked as if all the rats were likely to be exterminated, somebody discovered that these villainous fleas would go to the ground squirrels, and hence they are exterminating the ground squirrels. Where the fleas will go after the ground squirrels are exterminated I do not know.

Mr. GARNER. Does not the gentleman think their limitations are only circumscribed by the generosity of the Committee on Appropriations?

Mr. FITZGERALD. No; this is a very serious matter. This committee has been endeavoring to compel the State of California to do this work. This epidemic fund was a lump appropriation made some years ago at the disposal of the President in case of threatened epidemic in this country. It was ascertained by Congress a few years ago that in the Public Health Service they had built up a permanent organization under this appropriation. It could hardly be said to be peculiarly identified with the work of preventing or eradicating epidemics, and so the Committee on Appropriations took the force necessary to do the permanent work of the Public Health Service and provided for it in the proper place, and then attempted to control this appropriation. In 1910 the sum of $750,000 was appropriated for this fund. Then there was no further appropriation made until 1913, when $200,000 was appropriated. The estimate for that year was $500,000. For 1914, $200,000 was appropriated, when the estimate was $499,800. It was necessary to provide an additional $100,000 for the current year, because on bringing the people from Mexico it was ascertained that in some of the districts surrounding Tampico and Vera Cruz there were evidences of yellow fever. In addition, there were 12 cases of bubonic plague discovered in Habana, and it was necessary to provide additional precautions against the introduction of the plague by way of the Gulf and Atlantic coasts.

There has been a controversy between this committee and the service as to just how much the Federal Government should do of the work of eradicating the squirrels and rats in certain counties of California. The result of our efforts has been to compel the State of California to engage in this work more actively, and to bear some portion of the expense that it was refusing to bear at all. I remember that about two or three years ago the governor of the State of California vetoed a bill appropriating money provided at the request of the State medical officers to cooperate in this work. It is now expected that we will spend about $20,000 in this work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARNER. I ask unanimous consent that the time be extended for five minutes. I want the opportunity to use a little of that time. I asked the gentleman a question, and he consumed the larger part of the five minutes in answering it.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] asks unanimous consent that the time be extended five minutes. Is there objection?

There was no objection.

Mr. GARNER. Will the gentleman yield now for a moment?

Mr. FITZGERALD. Certainly.

Mr. GARNER. What I am complaining about is the misleading of the Congress and the public, I think, in making this appropriation. It is made largely for the purpose of assisting the State of California in eradicating some rats and squirrels that are infected with a flea that is calculated to spread bubonic plague or other contagious diseases. Now, this Congress has been in session nearly continuously for the last five years, or at least the larger portion of the time, and at any time that the gentleman from New York will come into the House and ask an urgent appropriation for any such purpose as this Congress will always appropriate the money, as it did recently, when it appropriated $100,000 for emergencies at Galveston. But to continue to carry in the sundry civil appropriation bill an item which purports to authorize the President to fight a threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death, or trachoma is misleading, when there is no threatened plague, and there is no actual plague, and you are simply assisting the State of California in its work. I do not object to assisting the State of California in eradicating these creatures which are supposed to spread disease, but I do think the appropriation ought to be carried for that specific purpose, and the State of California ought to contribute an equal amount to this fund. As far as this record shows, the State of California has not contributed a cent. I do think that it ought to pay its proportional part for eradicating these pests.

Mr. MANN. How about Galveston, Tex.? We just appropriated $100,000 to prevent the plague from coming in through Galveston.

Mr. FITZGERALD. This appropriation is not being carried under any misapprehension. It specifically provides that to enable the President in case only of threatened or actual epidemic of different diseases, including bubonic plague, the appropriation is available. The Public Health Service states that we are threatened with an epidemic of bubonic plague. It is a technical matter and I am not sufficiently informed to enable me to know whether we are or not. We are spending about $11,000 a month doing the work said to be necessary. We would be spending a great deal more than that if it had not been for the action of the Committee on Appropriations in taking the matter up so vigorously and having some things done that awakened the States on the Pacific coast to do their part of the work. We have cut down as much as possible the work that is being done by the Federal Government. Some things, in my opinion, do not belong within the proper functions of the Federal Government. The Public Health officials state that unless these things are done there is very grave danger of the introduction of a widespread epidemic of bubonic plague. I think there has as yet no remedy been found for it; persons infected with it die. We could not refuse to give the means required to do this work. We are doing everything we can to make California spend as much as we can. If other statements threatening to cut down the appropriation are made by others in addition to the gentleman from Texas, it will awaken the State of California to the fact that if they do not do their part Congress will do nothing. We are spending about $137,000 a year on bubonic plague.

Mr. KAHN. Mr. Chairman, the counties of California in which the affected rodents are found are all contributing for a portion of the work that is being done for the eradication of the squirrels and rats which carry the fleas that carry the infection known as bubonic plague.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. GARNER. Have you got any bubonic plague in the State of California?

Mr. KAHN. No.

Mr. GARNER. This provision is for actual bubonic plague—plague that actually exists—or the prospect of it.

Mr. KAHN. There is always a prospect of it on the Pacific coast.

Mr. GARNER. And there always will be as long as you have the squirrel and the rat in California.

Mr. KAHN. The gentleman is mistaken and his statement is unfair. As far as the State of California is concerned, she does as much as Texas does in appropriating for the eradication of the cattle tick and for the eradication of the boll weevil. Texas does not give a dollar, but the United States is called upon to do it all. Now, the counties of California certainly do contribute a great deal in cooperation with the Federal Government for the eradication of these squirrels and rats.

Mr. GARNER. Will the gentleman yield?

Mr. KAHN. I can not just now. As a matter of fact, the plague-infected squirrels are found occasionally; plague-infected rats are occasionally found. Ordinarily there would be no danger from that source; but in these days, with our railroad systems reaching all over the country, there is always danger that an infected rat will get into a freight car. That infected rat may be carried to some place 500 or 600 miles distant from the station at which the rat got in the car. The fleas which carry the plague might bite some individual, who would become afflicted with the bubonic plague. For that reason the Federal Government ought to make a liberal allowance to eradicate these vermin, because it is not alone the good health of the people of California or the Western States that we are looking out for, but the good health of the people of the entire country.

Mr. GARNER. Now will the gentleman yield?

Mr. KAHN. I will.

Mr. GARNER. If the gentleman from California had been in the Chamber when I made my statement, and the inquiry of the gentleman from New York——

Mr. KAHN. I was in the Chamber.

Mr. GARNER (continuing). He would not have criticized me as he has for criticizing the appropriation. I have not criticized the appropriation.

Mr. KAHN. The gentleman criticized the State of California.

Mr. GARNER. No; I have not criticized the State of California. I said that this appropriation ought to be carried in the name of the eradication of rats and squirrels in California, just as the appropriation is carried for the eradication of the boll weevil and the cattle tick in Texas. Instead of that, this appropriation is carried under a disguise that you are keeping out some bubonic plague that is likely to come in all over the United States, when it is well known that it is an appropriation to kill the rats and squirrels in California.

Mr. MANN. Did not we make an appropriation in the deficiency bill, in the very language of this bill, for the benefit of Texas, of $100,000?

Mr. GARNER. Yes; going to Galveston for that purpose; but I am speaking about this appropriation which is made every year under a disguise.

Mr. KAHN. I do not think it is under any disguise at all. As a matter of fact, the States on the Pacific coast are more liable to receive an infection of this kind than other sections of the Union. As I said, the rats carry it. Vessels come from the Orient, where this disease is ever present. These rats carry the infection. They are carried from Japan and China, and even from the Philippines, to the State of Oregon or the State of Washington, as well as the State of California. You can not keep the rats, when they are in the ships, from getting ashore.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. KAHN. Yes.

Mr. SELDOMRIDGE. How long will it be after the Panama Canal is completed before the city of New York will be exposed to the same danger as now exists in the State of California?

Mr. KAHN. They will be exposed and they are exposed at the present time. It so happened that in California some six or seven years ago there was a very large number of vermin, of infected vermin, and there were a few cases of bubonic plague. That is what we were told by the doctors of the Public Health Service. The Government promptly undertook to suppress the plague, and started in on a crusade to kill off the rats and the squirrels. I venture the assertion that San Francisco to-day has fewer rats than any other city in the entire United States.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. KAHN. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARNER. Is it not a fact that they are breeding cats out there for the purpose of eradicating the rats?

Mr. KAHN. Oh, no.

Mr. GARNER. The hearings do show that they are doing that very thing in Japan, and that the cat is immune from this flea, and it seems to me it is the best way to eradicate the rat.

Mr. KAHN. The gentleman spoke about the cost of this proposition to the people of California. When this propaganda was started every building in San Francisco was made rat proof. The house owners all were called upon to put in cement cellars and cement foundations, so as to keep the rats out of the buildings. More than a million dollars were expended for that purpose alone by the property holders of San Francisco.

Mr. FITZGERALD. If the gentleman owned a house in San Francisco, he would spend as much as he had to keep those flea-infected rats out of the house. That is not any credit; it is a matter of self-protection.

Mr. KAHN. I was simply saying that the people of San Francisco have done their share. I recall they subscribed liberally to a public fund that was raised to enable our local health board to cooperate with the Public Health Service. But, in addition to that, the county of San Francisco appropriated thousands of dollars for cooperation with the Federal Government in the extermination of these rats.

Mr. FITZGERALD. The State of California has nothing to boast about.

Mr. KAHN. I am not talking about the State of California, but I am talking about the counties of California. They certainly have done their share. They have done infinitely more than the people of Texas have done for the eradication and extermination of the plagues they have down there.

Mr. FITZGERALD. But the gentleman would not expect the people of Texas to do that.

Mr. MANN. Was there not an appropriation made last year or the year before by the State of California, which the governor of California vetoed, which was to carry on this desirable work?

Mr. KAHN. That is my recollection; but the governor vetoed it on the ground that the counties were making the necessary appropriations.

Mr. MANN. The State would not do it, in any event?

Mr. KAHN. The legislature tried to do it.

Mr. MANN. I know. Everyone was in favor of it except the Progressive governor.

Mr. KAHN. I want to say that an epidemic of this kind is just as apt to break out in the State of Texas as on the Pacific coast. And we on the Pacific coast who know the danger that lurks in these vermin will be anxious to help the gentleman from Texas if such a thing should happen. We will never criticize him for trying to get appropriations for trying to protect not only the people of his own State but by protecting the people in his own State protect the people throughout the United States.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. KAHN. Yes.

Mr. GARNER. I am most heartily in favor of any appropriation that goes in the direction of eradicating these rats and squirrels that are calculated to convey the bubonic plague; but I think the appropriation ought to be carried for the appropriation for which it is to be used and not under a misleading heading that you are likely to have bubonic plague brought into this country, and that it is only to be used in emergency, while this is an appropriation constantly being used for the eradication of rats, squirrels, and so on, and it ought to be carried under that head.

Mr. KAHN. It is being used for the prevention of epidemics, and you are preventing epidemics when you are destroying the source of the epidemics.

The CHAIRMAN. The time of the gentleman from California has again expired.

Mr. MONDELL. Mr. Chairman, this is an item that is used for the prevention of epidemics, with a view of preventing the recurrence of epidemics of various sorts and kinds. A comparatively small amount of it is used for the prevention of the bubonic plague. A part of it, but not all of it, used for that purpose is used in the State of California. This is not altogether a California matter. Dr. Rucker, who appeared before the committee, told us of some good work they were doing in Seattle. I asked him if he had ever heard of any cases of bubonic plague in Seattle, and he replied that they had had cases of plague rats there for some time. I again asked him if there had been any plague among human beings, and he replied not in recent years—not that he knew of. He was then asked how he discovered there were any plague rats, and he said there had been a case of bubonic plague there years ago, and they made investigations, and they did find some rats which they claimed were infected with bubonic plague.

If it is a fact that there are rats and squirrels adjacent to these great Pacific coast cities that are infected with bubonic plague, they ought to be killed and disposed of as far as possible. The trouble is that it is impossible to exterminate the rats. Dr. Rucker assured us of that fact. The best they can hope to do or that anyone can hope to do is to reduce their number and keep them down. A part of this money is expended for the purpose of encouraging the people of Seattle to build rat-proof structures and thus reduce the number of rats, or aid in the extermination of the rats by reducing the area of their hiding places.

Coming back to the California situation, we began by exterminating rats in and around San Francisco. We extended that to the extermination of squirrels. It was then discovered that after exterminating the squirrels in the vicinity of San Francisco the mountain squirrel wandered down and took the place of the squirrel that had been killed in the vicinity of San Francisco, and as the Public Health Service could not wander through the forest reserves killing squirrels, we transferred the appropriation to the Agricultural appropriation bill, where it has since been carried. This prevention work is very valuable.

It is very important—it is even more important to prevent these dreadful plagues and maladies than to attempt to check

never been such that they have been in a position to spend anything except what is absolutely essential.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

Quarantine Service: For maintenance and ordinary expenses, exclusive of pay of officers and employees, of quarantine stations at Eastport and Portland, Me.; Providence, R. I.; Perth Amboy, N. J.; Delaware Breakwater; Reedy Island, and the Delaware Bay and River; Alexandria, Va.; Cape Charles and supplemental station thereto; Cape Fear, Newbern, and Washington, N. C.; Georgetown, Charleston, Beaufort, and Port Royal, S. C.; Savannah; South Atlantic; Brunswick; Cumberland Sound; St. Johns River; Biscayne Bay; Key West; Boca Grande; Tampa Bay; Port Inglis; Cedar Key; Puntarasa; St. Georges Sound (East and West Pass); St. Joseph; St. Andrews and Pensacola, Fla.; Mobile; New Orleans and supplemental stations thereto; Pascagoula; Gulf; Gulfport, Galveston, Laredo, Eagle Pass, and El Paso, Tex.; San Diego, San Pedro and adjoining ports, Santa Barbara, San Francisco, Monterey, and Port Harford, Cal.; Fort Bragg, Eureka, Columbia River, Florence, Newport, Coos Bay, and Gardner, Oreg.; Port Townsend and supplemental stations thereto; quarantine system of Alaska; quarantine system of the Hawaiian Islands, including the leprosy hospital; and the quarantine system of Porto Rico, and including not exceeding $500 for printing on account of the quarantine service at times when the exigencies of that service require immediate action, $155,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Can the gentleman from New York tell us what is the cost of maintenance of the leprosy hospital in the Hawaiian Islands?

Mr. FITZGERALD. Originally there was an appropriation of $50,000 a year to maintain it, but it never cost that much annually, and the item was merged with other items. I will try to ascertain exactly how much it costs.

Mr. MANN. This leprosy hospital is maintained in connection with the leper colony of the Hawaiian Islands?

Mr. FITZGERALD. Yes. It is on the island of Molokai.

Mr. MANN. At whose expense is the colony maintained? The local government?

Mr. FITZGERALD. I am not certain. I am inclined to think the Territory of Hawaii maintains the colony and we maintain certain medical officers. Some of them are on duty at Honolulu and make the examinations of the lepers before they are committed to the institution. Others are stationed at the institution itself.

Mr. MANN. Has the gentleman made any inquiry as to whether the maintenance of this leprosy hospital has resulted in our acquiring any further information concerning the spread or cure of leprosy?

Mr. FITZGERALD. I do not know whether it has or not. One man, I believe, has become very expert. Just how much practical information has been gained I am unable to say.

Mr. MANN. Well, the gentleman knows that a few years ago the Public Health Service desired to have set aside some place in the United States, which place was to be in Arizona or New Mexico, a tract of land 10 miles or more square, for the purpose of having a leprosarium, if that is the proper name for a leper colony, in the United States, to which lepers might be transported. That failed, although the bill was reported favorably to that effect, on a vote in the House, owing to the opposition of the local people. Then we established this leprosy hospital for the purpose of seeing if we could get information which would show how to cure leprosy or prevent its spread. I do not remember just how long that hospital has been maintained, but I think it would be interesting to know if they had acquired any valuable information. I do not mean to criticize if they have not, because that is something very difficult to learn about.

Mr. FITZGERALD. Three years ago the committee made some inquiry, I think in 1910. I have sent for the hearing. They went into the matter very fully. In 1911, for the fiscal year 1912, the estimate was $33,000 for maintenance of the hospital. In 1911 the appropriation was $45,000. In 1910 we reappropriated the unexpended balance of $20,000 appropriated in 1909, and in 1909 they expended out of the $20,000, $11,815. The leprosarium had not been in full operation. It only went into full operation on the 1st of July, 1910, if I recall correctly. They were making investigations then both at Honolulu and Molokai. I may be able to find the information, but I am not certain whether——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the time of the gentleman from Illinois be extended for five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. I think it was the 1st of July, 1909, when it was in full operation for the first time.

Mr. JOHNSON of Washington. If the gentleman from New York [Mr. FITZGERALD] will permit me, I desire to state that I happen to have in my hand now seven or eight pamphlets on the subject of leprosy, issued as the result of work carried on at the United States leprosy investigation station at Molokai, Hawaii. These bulletins have been issued under the direction of the director, Walter B. Brinkerhoff, M. D., and are most interesting.

Concerning the point which the gentleman from Illinois [Mr. MANN] has interrogated the chairman of the Appropriations Committee, let me say that with the acquisition of Hawaii by the United States leprosy became more than ever a national problem. Representations were made to Congress urging the establishment of a leper investigation station on the island of Molokai, in order that advantage might be taken of the excellent opportunities afforded by the leper settlement for scientific study of the disease. As a result, Congress passed an act, which was approved March 3, 1905, providing for the investigation of leprosy in Hawaii. In accordance with the provisions of this act a suitable tract of land was ceded by the Territory of Hawaii to the United States, and steps were taken to establish thereon a hospital station and laboratory of the Public Health and Marine-Hospital Service.

That station has been cared for in each succeeding appropriation bill, and the information contained in these pamphlets—seven in number, issued from 1908 to 1913, including two in 1910—contain the latest and most reliable information concerning leprosy, which has caused terror for 3,000 years, but which now, happily, is being considered in a more rational manner than heretofore.

Mr. Chairman, in 1899 there were known to be 278 well-authenticated cases of leprosy in 21 separate States and Territories of the United States. In the first American census of Hawaii, in 1901, the fact was disclosed that of 37,635 native Hawaiians, 1 in 40, or 25 per 1,000, were known lepers, while among 116,366 foreign-born persons in Hawaii there were but 63 known lepers. Leprosy seems to have had its greatest spread in Hawaii in 1863, and the Molokai colony was established in 1866. In the 40 years from 1866 to 1905, a total of 5,853 cases were sent to Molokai. Now the disease is decreasing there.

One of these pamphlets contains the leper law of the Territory of Hawaii, approved in April, 1909, and appropriating $40,000 for a leper hospital on the island of Oahu. Thus it appears that Hawaii is doing its part in this great work.

One pamphlet, issued by this same bureau, deals with leprosy in the United States of America, showing 139 known cases reported through the health authorities—50 in Louisiana, 20 in Florida, 20 in California, 16 in Minnesota, 12 in Texas, 8 in Massachusetts, and so on.

I notice the State of Washington is credited with one case at that date.

Mr. Chairman, the disease has increased in the United States since then, as the reports of the Surgeon General show.

On this subject I think it may be of interest to the House to know that the great danger and fear of leprosy, the reason why there has been such a determination on the part of various localities not to permit a leprosarium to be established, is on account of the slowness with which this disease seems to take hold.

Leprosy takes a long time to develop, and there are cases on record where 40 years have elapsed before the disease manifested itself, and instances of where from 15 to 18 years have passed by before the disease betrayed itself are frequently met with. As it is a bacillar disease, it may be communicated by physical contact. This renders it extremely dangerous to a community for a leper to be at large, while its insidious character and the length of time it takes to develop makes it exceedingly difficult of discovery until it reaches an advanced stage.

These reports tell of the case of a man named Keanu, a condemned murderer, who was given his life on condition that he be inoculated with the bacilli of leprosy. Dr. Edward Arming performed the inoculation September 30, 1884, and 14 months afterwards the bacilli were still in the wound without any symptoms of the disease developing, and 3 years elapsed before the leprosy showed itself.

One bulletin, No. 39 of the Public Health Bulletins, discusses flies and mosquitoes with relation to leprosy, and the author comes to the following conclusions:

Certain data, taken together with the well-known habits of certain of these flies, establish the truth of the following statements:

First. That given a bacilli-discharging leprous ulcer (and practically all leprous ulcers due to the breaking down of a leprous nodule do discharge bacilli), unprotected from the attacks of flies, these insects will convey the bacillus of leprosy to the skin of near-by healthy persons.

Second. That such insects will contaminate the foodstuffs of such persons with these organisms.

Third. That these insects deposit their feces on every conceivable surface, and such feces, becoming dry and pulverized, will in the form of "dust" convey the bacilli to the nasal mucosa of near-by persons.

That given such an unprotected ulcer, and the usual number of flies, this contamination of the skin and mucosa of near-by healthy persons will not be an unusual event, but will occur again and again, through an indefinite length of time, and the number of bacilli thus conveyed to healthy persons will be enormous.

This much the experiments show; but the below-mentioned points at once present themselves, and can not in our present state of knowledge be answered by laboratory data:

First. Is the skin (or abrasion of it), the mucosa of the digestive tract, or the nasal mucosa capable of being infected with leprosy?

Second. Are the bacilli that have been discharged from an ulcer and afterwards passed through a fly's digestive tract alive and capable of infecting man?

Third. Do epidemiological and clinical observations bear out the supposition that flies help to spread leprosy?

As to the first of these, we know that by some means lepra bacilli do gain entrance to the tissues of man. It is difficult to conceive how this is brought about, except that the bacilli penetrate one or more of the surfaces mentioned as being frequently contaminated, directly or indirectly, by the fecal contents of flies.

Mr. Chairman, in some other pamphlets I have read of an Irishman who, after 22 years' service in the Indian Army, returned home a fully developed leper, dying of the disease a year and a half later. During this time his brother slept in the same room with him, sharing his bed and wearing his clothes. This intimate intercourse was the most dangerous possible. Three years after the ex-soldier's death the brother, who had never been outside Ireland, developed leprosy. In that case it is possible the disease did not manifest itself for four and a half years after it was contracted.

You can gather from these examples how insidious and dangerous this disease is, while its being incurable and horrible in action renders it imperative that no effort should be spared or opportunity neglected not only to hold it in check but to stamp it out.

Mr. MANN. Did not the gentleman introduce a bill recently for the purpose of having a leper colony established?

Mr. JOHNSON of Washington. Yes; I did. I introduced two bills, one for a leprosarium to be built by the United States on some island, and the other one authorizing the Surgeon General to negotiate with the officials of Hawaii for the care of our lepers on one of the islands or at the colony there.

I have had talks with Surg. Gen. Blue, and he feels sure that wherever the United States undertakes to go and put such a sanitarium there will be objection. He hopes now it can be placed in the center of one of the largest forest reserves in some of the Western States.

Mr. MANN. Does the gentleman think that the people of his State would be willing to have such a colony located in Washington, where, I take it, it is almost impossible in that climate to transmit leprosy from one person to another?

Mr. JOHNSON of Washington. I feel very sure that they would not. The first report of a leper in the State of Washington is that of what appears to be a rather celebrated case, that of John R. Early, who was given money here in the District of Columbia and went to New York, and then hobbed up later in western Washington. That was some four years ago. Now, then, one year ago, in the center of the district that I have the honor to represent, a farmer developed leprosy, and, as I understand it, he had not been off his farm for several years.

It is that sort of development of the disease that has alarmed our people. In another locality in my district the case of a Japanese leper has turned up in the past two weeks, and there is a great hue and cry between the State quarantine and the Federal quarantine as to the question of jurisdiction. I hope that Congress will look into this leprosy problem. I hope that, in connection with the sad case that now exists on the outskirts of this city, it will do something. I hope Congress will provide for the care of those people.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Washington yield to the gentleman from Colorado?

Mr. JOHNSON of Washington. Yes.

Mr. SELDOMRIDGE. Do the agents of the Public Health Service have the right to exercise police power in the matter of keeping lepers in custody?

Mr. JOHNSON of Washington. I understand they have.

Mr. SELDOMRIDGE. I do not understand that they have such power.

Mr. FOSTER. In traveling from one State to another the States have no control, but as to people living within the States the State boards of health have the power to take them in custody.

Mr. SELDOMRIDGE. I understand that the United States had no power to prevent the escape of this man Early—from Fishermans Island, I think it was.

Mr. JOHNSON of Washington. Fishermans Island is in Chesapeake Bay, I understand.

Mr. SELDOMRIDGE. I mean that island in the State of Washington. What is the name?

Mr. JOHNSON of Washington. Diamond Head Station, which is not an island. The quarantine regulations provide that a leper can not be moved into the States without the permission of the States themselves; and, so far as I know, the only State that has ever protested against the transmission or the transportation of a leper is the State of Colorado.

Mr. SELDOMRIDGE. It would make no difference, then, if the board of health had the power to keep those lepers in the place where they desired. As I understand, the Public Health Service has recognized the fact that they are without the police power to detain and prevent the escape of lepers when they are once placed in any sanitarium or location.

Mr. JOHNSON of Washington. Mr. Chairman, I have some conclusions reached by Surg. Gen. Blue, and I ask permission to place a small portion of that in the RECORD later, together with some comment and additional statements.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Washington. It is a paper read before the American Medical Association in Minneapolis last June.

Mr. KAHN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Washington. Yes.

Mr. KAHN. Does the gentleman know that out in the Hawaiian Islands they object to lepers from other sections of the country being sent to their leper's settlement?

Mr. JOHNSON of Washington. I saw a notice to that effect in the papers only last night, and I understand that Dr. J. S. B. Platt, president of the Territorial board of health, will be here in a few days to register his protest and to attend a conference on the subject of leprosy.

Mr. KAHN. As a matter of fact, they do object to it, and yet the Public Health Service is doing a remarkable work in the leprosy colony in Hawaii. They have succeeded in discovering the germ of leprosy, and they are experimenting at the present time with a view to finding some remedy, some drug, that will destroy the germ. They are making wonderful progress, and it is within the range of possibility that Dr. Blue contributed his article to this medical journal to show just exactly what work they have done in order that the medical profession might learn the splendid results that are being attained by that service.

The CHAIRMAN. The pro forma amendment will be considered withdrawn. The Clerk will read.

The Clerk read as follows:

Prevention of epidemics: To enable the President, in case only of threatened or actual epidemic of cholera, typhus fever, yellow fever, smallpox, bubonic plague, Chinese plague or black death or trachoma, to aid State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same, and in such emergency in the execution of any quarantine laws which may be then in force, $200,000: *Provided*, That a detailed report of the expenditures hereunder shall annually hereafter be submitted to Congress.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas [Mr. GARNER] moves to strike out the last word.

Mr. GARNER. I would like to ask the chairman if a detailed statement has been made of the expenditures under this appropriation in the last fiscal year; and if so, what are the leading items of expenditures in this fund?

Mr. FITZGERALD. The epidemic fund?

Mr. GARNER. Yes.

Mr. FITZGERALD. Well, this fund is being used largely to prevent the introduction and spread of the bubonic plague. They are spending this money largely on the Pacific coast in trying to kill the flea that infest the rat, as a result of which the bubonic plague is spread. It is estimated that it will cost $10,000 each year to maintain the plague laboratory at San Francisco. Then we have men who instruct the people of San Francisco, Tacoma, and Seattle how to fix their houses to keep out rats, and by keeping out the rats keep out the flea, and by keeping out the flea keep out the bubonic plague.

Mr. GARNER. Of course, that is rather an indefinite statement as to the details for which this money has been expended. If I understand the gentleman from New York, however, the principal part of this money appropriated a year ago for this fiscal year was spent in catching fleas that infest rats in California. I should like to know, if the gentleman has the information, just how many fleas have been caught with this $200,000?

Mr. FITZGERALD. They asked for these assistant surgeons in order to obtain men who have these special qualifications, and the provision was inserted to insure getting them.

Mr. MANN. They have the men now?

Mr. FITZGERALD. I am not sure of that. They say they do not stay long.

Mr. MADDEN. Does the gentleman mean to insinuate that the authority heretofore conferred has been exercised in a way contrary to the authority, and that they have employed men of another class when they were authorized to employ this class?

Mr. FITZGERALD. No; this was carried the first time in the current law. The statement was made that they wanted men who by special training could very readily detect persons who are mental defectives. It seems that such persons develop peculiar facial characteristics, and men who are specially trained can segregate them almost at a glance. This board of assistant surgeons was increased so as to provide additional men to do this work, and it was thought advisable to insure the selection of men with these qualifications to provide that the additional number should have these qualifications.

Mr. GARNER. Are the salaries of these officials fixed by statute?

Mr. FITZGERALD. Yes.

Mr. GARNER. Is there any variation in the salaries?

Mr. FITZGERALD. They increase with the length of service.

Mr. GARNER. Does the same rule apply to the noncommissioned surgeons, for which you carry $200,000 in this paragraph?

Mr. FITZGERALD. The compensation varies. I am not certain that that compensation is fixed by statute.

Mr. MANN. The compensation of officers is fixed by statute.

Mr. GARNER. Does that include the noncommissioned assistant surgeons?

Mr. MANN. They are all commissioned, are they not?

Mr. GARNER. In the next section, or in this paragraph, it says "for pay of acting assistant surgeons (noncommissioned medical officers), $200,000." Can the Secretary fix their compensation at whatever sum he may think proper?

Mr. FITZGERALD. The highest pay of assistant surgeon is $2,400. That is given to a man under very peculiar conditions. He is stationed in the Hawaiian Islands; he is a specialist in plague and cholera work; and he is also an architect engineer and a very valuable man. Then the compensation runs down to $1,000.

Mr. GARNER. The compensation for regular medical officers?

Mr. FITZGERALD. The commissioned officers' pay is fixed by statute.

Mr. GARNER. What is the usual compensation?

Mr. FITZGERALD. I can give that information to the gentleman. Assistant surgeons general, of which there are 4, get $6,000 a year, 2 at $4,800, 1 surgeon at $5,400, 1 at $4,500, 23 at $4,000, and it runs down to $2,000. In 1913 there were 139 commissioned officers. In addition, there are 45 pharmacists, with a compensation averaging from $700 a year to $2,600.

Relative to the inquiry of the gentleman from Illinois [Mr. MANN], it is desired that these surgeons who are detailed for the examination of immigrants should be men who have special training to recognize mental defectives, and I think it is quite important that that should be the case. There was some doubt expressed this year as to whether they should select men with this special training or should attempt to train them themselves. Upon other occasions evidence was presented to the committee to demonstrate that unless the men did have this special training they were not effective in the particular work desired.

Mr. MANN. That is the case with all surgeons in reference to anything. If they do not have special training, they are no good.

Mr. FITZGERALD. The Public Health Service does not have any place in which to give them special training in these mental diseases.

Mr. FOSTER. Mr. Chairman, if the gentleman will permit, I beg to say to my colleague that I think this night insure that they should give these men special training for this work. I think this is a very important item.

Mr. MANN. I do not see how we are better able to judge of that than the Public Health Service.

Mr. FOSTER. We can not, if they will do it, but this makes it incumbent on the service to do that.

Mr. MANN. It is just as important to have somebody trained in reference to contagious diseases; yet that is not required.

Mr. FOSTER. There is not anything in it, except this calls special attention to it.

Mr. MANN. Oh, I suppose they wanted this inserted in the first place in order to give them authority to employ certain people that they have. They have the people anyway.

Mr. FITZGERALD. No; they did not ask to have that put in. This is put in by the committee. They stated they wanted additional men for this particular work, and the inquiry developed the purpose of the work. The lunacy commission of the State of New York presented figures that were very alarming as to the number of mental defectives who were passed by the immigration officials and who are now being cared for at the expense of the State of New York. The State of New York is spending several million dollars a year taking care of alien insane, and since additional employees were desired to detect these mental defectives the committee provided that the men selected should have the peculiar training to enable them to do so.

Mr. MANN. How did the committee arrive at the exact number of six out of the number of public-health surgeons on duty at the station?

Mr. FITZGERALD. They had requested six additional for that work, and they were given the six. The provision was made that six should have these qualifications, and as long as the number of surgeons was increased by six, the committee believed that at least six should have these peculiar qualifications. Otherwise they will be coming back requesting additional men, because none of the ones they have has the qualifications, and none of the surgeons they have in the service has the peculiar qualifications necessary to detect these mental defectives.

Mr. MURDOCK. These men are at Ellis Island?

Mr. FITZGERALD. They were at Ellis Island. They want additional men for Boston, Philadelphia, and some other places.

Mr. MOORE. Is it proposed to have these six men all stationed at Ellis Island?

Mr. FITZGERALD. Not that I recall. These men are already in the service.

Mr. MOORE. These are not new positions?

Mr. GARNER. No.

Mr. MOORE. Immigration is constantly increasing at the port of Philadelphia——

Mr. MANN. Where is Philadelphia? [Laughter.]

Mr. MOORE. Philadelphia is the first American city, on the greatest American river, in the Keystone State of the Union.

Mr. BUTLER. Who represents Philadelphia?

Mr. MOORE. It is represented by one of the best delegations that ever appeared in Congress. [Laughter.]

Mr. MANN. It has one of the greatest Representatives, at least.

Mr. MOORE. I want to know if these men are to be stationed at Ellis Island exclusively, or are they to be apportioned at the other stations?

Mr. FITZGERALD. That is a matter of administration. I can not say. They are to be assigned wherever the Surgeon General assigns them. There is no limitation on his authority in that respect.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman one question in regard to the language contained in lines 9 and 10, on page 41.

Mr. FITZGERALD. We have not yet reached that provision.

Mr. MANN. Mr. Chairman, I make the point of order on all that part of the paragraph which follows the figures in line 3.

The CHAIRMAN. The gentleman from Illinois makes the point of order. The Chair sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee having the bill in charge give an explanation of why the estimate of the Treasury Department for an increase in the salaried force of the Supervising Architect's Office was reduced $100,000?

Mr. FITZGERALD. We gave every dollar that was asked for the Supervising Architect's Office.

Mr. AUSTIN. Is the chairman certain of that?

Mr. FITZGERALD. Absolutely.

Mr. AUSTIN. How about the operating expenses covering public buildings?

Mr. FITZGERALD. The committee gave them $100,000 less than was requested.

Mr. AUSTIN. My understanding with Treasury Department officials——

Mr. FITZGERALD. I know that one of the assistant secretaries of the Treasury has been telling Members of Congress that this committee was curtailing the appropriations for operating expenses and that they would be compelled to curtail the force instead of extending it. But neither the head of the department nor the assistant in charge of that particular work appeared before the committee. The committee gave $225,000 more than was given in the present year. For 1912 they had an unexpended balance of $226,000, and in 1913 they had an unexpended balance of $93,000. Based upon the experience which the members of the committee have acquired in the preparation of these bills, they believed that the $2,600,000 for operating expenses of public buildings was ample despite the assertion of those in charge to the contrary.

Mr. AUSTIN. In the report, on page 2, under the head of public buildings, operating force, the appropriation for 1914 was $2,575,000——

Mr. FITZGERALD. And for 1915 $2,600,000; that is what I stated.

Mr. AUSTIN. And the estimates for 1915 were $2,700,000. That is $100,000 short of the estimates.

Mr. FITZGERALD. I said it was $100,000 less than they requested, but in view of the fact that they had $225,000 unexpended in 1912 and $93,000 unexpended balance in 1913, based upon the experience and the knowledge acquired by the members of this committee in the preparation of this bill, it was believed that $2,600,000 would be ample for the proper conduct of the service.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GARNER. Does the gentleman believe that this will enable the architect's office to turn out any more plans and specifications——

Mr. FITZGERALD. It is not for that purpose at all. This is for the men in charge of the buildings that are in commission, the operating force of the buildings, maintenance of the plant, and so forth.

Mr. AUSTIN. For the present buildings and the new buildings to be opened.

Mr. FITZGERALD. I understand that. We think we have given ample. We may not have been so lavish as those in charge of the service would desire, but we have recommended sufficient to keep the buildings in that proper and economical manner which is expected under a Democratic administration. [Applause on the Democratic side.]

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For freight, transportation, and traveling expenses, including the expenses, except membership fees, of officers when officially detailed to attend meetings of associations for the promotion of public health, $50,000.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word for the purpose of directing an inquiry to the chairman of the committee.

Mr. FITZGERALD. What line?

Mr. MURDOCK. Line 14. I want to ask the gentleman this question: What is the meaning of the words "except membership fees"? What is the necessity for that?

Mr. FITZGERALD. It prohibits the payment out of this appropriation of the membership fees of officers of the Public Health Service in various medical and other associations.

Mr. MURDOCK. That is, that there are all over the country associations of doctors and——

Mr. FITZGERALD. A few years ago it was ascertained that there were all sorts of associations—auditors' associations, accountants' associations, medical associations, librarian associations—of which officials of the Government were members, and from various appropriations we were paying the traveling expenses of official delegates and their membership fees. For instance, we had a case where one official was a delegate to some convention and he was elected president of it. The annual dues were $10. He paid the annual dues and put in a voucher for his expenses, and the comptroller held that as he had been detailed to attend as a delegate by a superior officer, and as he could not act as delegate unless his membership fees were paid, that it was a proper charge.

Mr. MURDOCK. And this is to get around the ruling of the comptroller?

Mr. FITZGERALD. Not exactly. Congress passed a provision prohibiting the payment either of the traveling expenses or the expenses of attendance or the membership fees of any Government official in any one of these associations. Now, then, the Public Health Service has a relationship to some of these associations that is different from that occupied by, for instance, an auditor or an accountant to various associations. Its officials attend the annual meeting of medical societies and impart very valuable information, so we permit the payment of traveling expenses of the officer sent for that purpose, but still prohibit the payment of his dues as a member of the association.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. GARNER. In the language of this paragraph you have "and traveling expenses, including the expenses of officers when officially detailed." Is there any limit to the expenses which an officer may incur?

Mr. FITZGERALD. Yes; I think so.

Mr. GARNER. What is the limit?

Mr. FITZGERALD. We passed a law this session, which created a good deal of controversy, which limits the per diem expenses of any official traveling to $5 a day; they can not exceed $5 a day. Expenses mean not only traveling expenses but subsistence, but in regard to the Public Health Service we think the question is upon an entirely different footing. We have a number of men who are expert in a number of lines that the ordinary physician is not. It is a great benefit to have such experts attend these annual meetings and read their papers and discuss with the members of the associations important matters affecting the public health.

Mr. GARNER. And the question of detail is left to the particular chief of bureau.

Mr. FITZGERALD. In that particular bureau.

Mr. MURDOCK. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MURDOCK. Do I understand the word "transportation" to mean by railroad—railroad fare of the individual?

Mr. FITZGERALD. No; transportation relates to an entirely different thing. It is transportation other than the railroad fare of individuals—express charges, and so forth.

Mr. MURDOCK. That is, transportation of something other than freight, but traveling expenses relate to railroad fare, and those expenses would be subsistence.

Mr. FITZGERALD. Yes.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For maintenance of marine hospitals, including subsistence, and for all other necessary miscellaneous expenses which are not included under special heads, $245,000: *Provided*, That there may be admitted into said hospitals for study persons with infectious or other diseases affecting the public health, and not to exceed 10 cases in any one hospital at one time.

Mr. GARNER. Mr. Chairman, I move to strike out the last word, in order to ask the chairman a question. What is embraced in this language in this paragraph:

And for all other necessary miscellaneous expenses which are not included under special heads.

Is not that a rather broad expression to use, giving authority in the expenditure of a lump-sum appropriation of $245,000?

Mr. FITZGERALD. It is. It is for the maintenance of the marine hospitals, and it is very difficult to detail every specific expense attached to them. It takes care of laundry, telephones, repairs, rents, stationery, forage, toilet articles, and such items.

Mr. GARNER. This language here is broad enough to include almost any expenditure——

Mr. FITZGERALD. Yes.

Mr. GARNER. If the chief of the department should O. K. them; and is it not the custom of the chief of the bureau to O. K. and approve most any bills that are sent to him from the various places?

Mr. FITZGERALD. No; I think not. The appropriations for these hospitals are cut very close, and they have to be quite guarded all the time, so as to keep within the amount appropriated in order to keep them going.

Mr. GARNER. But this seems to be an unusual authorization.

Mr. FITZGERALD. And they all must be passed by the auditor, and there are pretty well defined rules as to what can or can not be allowed.

Mr. GARNER. This is an unusually broad authorization. I do not know of another item carrying this identical language. Of course, as the gentleman says, this may be necessary, but it is a rather large sum to absolutely turn over without any qualification whatever, to be expended for any purpose the department might see proper.

Mr. FITZGERALD. Well, when it is taken into consideration, in the first place, that there were 473,000 rations issued last year, which are paid for out of this appropriation, and then there are 23 marine hospitals maintained out of it, it does not give them very much leeway. If we were to appropriate specifically to cover every little thing, it would be very difficult to do so without a good deal of trouble. The appropriation has

Lewis	Owen	Shively	Swanson
McCumber	Pittman	Simmons	Thompson
McLean	Pomerene	Smith, Ariz.	Thornton
Martin, Va.	Root	Smith, Ga.	West
Myers	Saulsbury	Smith, Md.	White
Nelson	Shafroth	Smith, S. C.	Williams
Norris	Sheppard	Sterling	
Overman	Sherman	Stone	

NAYS—35.

Ashurst	Cummins	Newlands	Smoot
Borah	Dillingham	O'Gorman	Sutherland
Brady	du Pont	Page	Thomas
Bristow	Goff	Perkins	Townsend
Burleigh	Jones	Poindexter	Vardaman
Catron	La Follette	Ransdell	Warren
Chamberlain	Lane	Reed	Weeks
Clapp	Lippitt	Shields	Works
Clark, Wyo.	Martine, N. J.	Smith, Mich.	

NOT VOTING—10.

Fall	Lodge	Robinson	Walsh
Gallinger	Oliver	Stephenson	
Hollis	Penrose	Tillman	

So the bill was passed.

LEGISLATIVE, ETC., APPROPRIATIONS.

Mr. SMITH of South Carolina and Mr. MARTIN of Virginia addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina.

Mr. MARTIN of Virginia. I addressed the Chair before the Senator from South Carolina. I do not feel it is proper treatment that the rule should be ignored and another Senator recognized.

The VICE PRESIDENT. The Senator from South Carolina is recognized.

Mr. MARTIN of Virginia. In open defiance of the rule of the Senate?

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

Mr. MARTIN of Virginia. I desire to submit a motion which takes precedence over the motion submitted by the Senator from South Carolina. I move that the Senate proceed to the consideration of House bill 15279, the legislative, executive, and judicial appropriation bill.

The VICE PRESIDENT. The question is, Will the Senate proceed to the consideration of a bill, the title of which will be read.

The SECRETARY. A bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Virginia.

Mr. SMITH of South Carolina. On that motion I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 15279) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. KERN. I ask the Senator from Virginia if he will consent to have the bill laid aside temporarily that I may make a motion to adjourn.

Mr. MARTIN of Virginia. I consent that the bill may be temporarily laid aside for the motion which the Senator from Indiana desires to make.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 18 minutes p. m., Thursday, June 11, 1914) the Senate adjourned until to-morrow, Friday, June 12, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 11, 1914.*

The House met at 12 o'clock noon.

Rev. Earle Wilfley, pastor of the Vermont Avenue Christian Church, Washington, D. C., offered the following prayer:

O Lord, our Lord, how excellent is Thy name in all the earth! Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God.

We beseech Thee, heavenly Father, to hear us this morning as we pray for a better and a higher appreciation of Thy goodness. For what Thou art we praise Thee, and for what Thou wouldst have us become we pray Thee.

Bless our Nation. Bless those in authority. Bless those who to-day in these Halls shall make our laws. Lord, bless the deliberations of this hour. Bless word and deed and thought and purpose. And in it all may our country's good be the great motive and Thy honor the great incentive. Hear us we beg to-day, for Thy name's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE TO EXTEND REMARKS.

Mr. WEAVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of rural credits.

The SPEAKER. The gentleman from Oklahoma [Mr. WEAVER] asks unanimous consent to extend his remarks in the RECORD on the subject of rural credits. Is there objection?

There was no objection.

SPEAKER PRO TEMPORE FOR TO-MORROW.

The SPEAKER. The Chair designates the gentleman from Indiana [Mr. DIXON] to preside to-morrow. I am going to make a commencement address at the college of which I was president when I was a boy. [Applause.]

THE CALIFORNIA SHRINERS AND THE PRESIDENT.

Mr. KETTNER. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from California [Mr. KETTNER] asks unanimous consent to address the House for five minutes. Is there objection?

Mr. MANN. What about.

Mr. KETTNER. About a newspaper article published in regard to the visit of the California Shriners to the city of Washington, wherein Mr. Tumulty is accused of turning down the Shriners and the assertion is made that I had phoned to Mr. Tumulty and requested that the President see them.

Mr. MANN. I have no objection.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from California [Mr. KETTNER] is recognized for five minutes.

Mr. KETTNER. Mr. Speaker, I will ask the Clerk to read this article.

The Clerk read as follows:

[Dispatch to the Chronicle.]

PRESIDENT WILSON REFUSES TO MEET THE SHRINERS—VISITING CALIFORNIANS SNUBBED BY THE CHIEF EXECUTIVE AND HIS SECRETARY, TUMULTY.

WASHINGTON, *May 10.*

Despite the great reception they received here yesterday, the California Shriners did not leave Washington altogether pleased with their visit to the Capital.

The Shriners were much displeased because they were not received by President Wilson at the White House, which they expected. Though strenuous efforts were made by local Potentate Globs and the California Congressmen to arrange, through Secretary Tumulty, for the distinguished visitors to meet Wilson and see the famous White House, their efforts were "turned down" by Tumulty.

Representative KETTNER, when it was found that the President would not meet the Shriners, tried hard to get Tumulty to have Wilson at least come out on the White House portico and bow to the marching Shriners, but even this request was refused by Tumulty. The President preferred golf to meeting the Californians, and while the visitors were here Wilson was on the Chevy Chase links.

The refusal of Tumulty to have the Shriners received at the White House was learned to-day, and caused many biting comments among the visitors, practically none of whom had ever met the President, and all of whom had looked forward to at least shaking Wilson's hand.

These criticisms were not confined to the visitors, but are also voiced by many Members of Congress who are Shriners, and who entertained the visiting Temples. The Californians marched by the White House in their magnificent parade, but a look through the gates of the Mansion was as near as they got to the President.

Mr. KETTNER. Mr. Speaker, the only foundation for that article is a conversation I had the day before the Shriners were to appear here with my colleague from California [Mr. J. R. KNOWLAND]. I inquired of him whether any arrangement had been made for the Shriners to meet the President. He informed me that, so far as he knew, nothing had been done in this connection. I then told him I would take it upon myself to see if some arrangement could be made. That afternoon I telephoned to Mr. Brahany, and in the conversation he informed me that a great many such requests for interviews on Saturday had been turned down, and that there was another parade in the city that day, but that if I insisted upon it he would take it up with the President and see what could be done. I told him to call it off, understanding that Saturday was the only day that the President had for rest. I have made diligent inquiry, and, so far as I can find out, the California Shriners had not written to any Member from California stating that they wanted to meet the President.

I have been a member of the Masonic bodies in California for 20 years and an active worker. I belonged to Islam Temple in San Francisco for 14 years, and am now a member of Al

Bahr, of San Diego, being personally acquainted with the officers, and would be the first to resent any discourtesy to them. I am making this explanation because I am sure the California Shriners would not wish any injustice done to the President or to Mr. Tumulty, and I wish to state positively that I did not speak to Mr. Tumulty; that Mr. Brahany offered to make arrangements if I insisted upon it, and I told him under the circumstances I could not insist upon it.

LEAVE TO ADDRESS THE HOUSE.

Mr. DONOVAN. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to speak for three minutes. Is there objection?

Mr. FITZGERALD. About what?

Mr. DONOVAN. For the welfare of the minority leader.

Mr. FITZGERALD. Oh, well, I object. We have important business to transact to-day.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, in looking over the Agricultural appropriation bill I notice that as it was passed by the Senate certain items in a paragraph were increased, but the totals in the bill were not increased correspondingly. I suppose the totals would not be in conference, and therefore I ask unanimous consent that the conferees of the House may be permitted to change the totals in accordance with the facts.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the conferees on the Agricultural appropriation bill be authorized to correct the totals. Is there objection?

Mr. MANN. Reserving the right to object, is it not possible to have any of these bills properly considered and amended in the distinguished body at the other end of this building? Yesterday morning we had a request of this kind as to the naval appropriation bill. Now, we have it on the Agricultural bill. The Agricultural bill is in conference, I believe, although the Senate has not insisted on its amendments, and the House has not disagreed to the Senate amendments. It does seem as though at some time we ought to get somebody able to conduct business in the usual and orderly manner.

Mr. FOSTER. Will the gentleman yield?

Mr. MANN. I yield.

Mr. FOSTER. From an editorial in the Washington Post this morning it would appear that this body does not give proper consideration, but has to depend upon the other body to give these and other bills due consideration and sufficient time for debate. In view of the gentleman's statement this morning, I judge that they did not give this matter proper attention.

Mr. MADDEN. Was the editorial in reply to Secretary Bryan's protest about unlimited debate in the Senate?

Mr. FOSTER. What?

Mr. MADDEN. The editorial.

Mr. FOSTER. Yes; it may have been.

Mr. HAMILTON of Michigan. Yes; it bore upon that matter.

Mr. DONOVAN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Connecticut rise?

Mr. DONOVAN. I rise to call these gentlemen to order. They are parliamentary sharks, and they know they can not get the floor except by way of the Speaker's chair. They ought to observe the rules of the House.

The SPEAKER. If that is a parliamentary inquiry, the Chair will answer that the gentleman from South Carolina [Mr. LEVER] made a request for unanimous consent. The gentleman from Illinois [Mr. MANN] was interrogating him under the guise of the right to object.

Mr. MANN. I have a good deal of sympathy for the difficulties that lie in the pathway of the gentleman from South Carolina [Mr. LEVER] and do not desire to interpose any further objection. So I will not object.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

TREATIES WITH THE INDIANS (H. DOC. NO. 1050).

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have printed as a public document a letter from the Secretary of the Interior relating to the various treaties with the Indian tribes.

The SPEAKER. The gentleman from Texas asks unanimous consent to have printed as a public document a letter from the Secretary of the Interior relating to treaties with the Indians. Is there objection?

Mr. MANN. Reserving the right to object, what is this letter?

Mr. STEPHENS of Texas. It is only 23 pages in length. It is a letter giving a list of the existing treaties between the various Indian tribes and the United States. We need them in making up the estimates.

Mr. FITZGERALD. I thought there were two compilations of these various treaties.

Mr. STEPHENS of Texas. This gives the date when the treaties were made and when they expired. There are several expired treaties that are now being legislated for that should not be carried as treaty items. It is for that purpose we have had an examination of the office made, and this document shows what treaties have expired.

Mr. MURDOCK. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. MURDOCK. Are there not now two large volumes comprising the treaties with the Indians?

Mr. STEPHENS of Texas. Yes; but there is nothing to show what treaties have expired.

Mr. MADDEN. And this letter the gentleman speaks of does show that?

Mr. STEPHENS of Texas. It does.

Mr. MADDEN. Then I think it ought to be printed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will read by title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

PUBLIC HEALTH SERVICE.

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, $620,850; at least six of the assistant surgeons provided for hereunder shall be required to have had a special training in the diagnosis of insanity and mental defect for duty in connection with the examination of arriving aliens with special reference to the detection of mental defection;

For pay of acting assistant surgeons (noncommissioned medical officers), $200,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. I would like to ask the gentleman, the chairman of the committee, if there is any necessity of continuing in this law a provision that "at least six of the assistant surgeons provided for hereunder shall be required to have had special training in the diagnosis of insanity and mental defect," and so forth? Why is not that a matter that can be properly regulated by the Public Health Service?

Mr. FITZGERALD. That was put in the current law in order to insure the obtaining of men who were specially qualified to detect mental defectives and prevent them from getting into the country. It was inserted with the approval of the Public Health Service so that it would necessitate the selection of men who had the special training which is necessary to enable them to more quickly and accurately detect mental defectives.

Mr. MANN. They have the authority, and what is the object of cumbering up the bill with this sort of a provision?

Mr. FITZGERALD. These assistant surgeons were for a special purpose, and this was to make certain that they would obtain men of that character. They have a large number of surgeons and assistant surgeons, but the complaint was that they had no one who had the special training that is required to detect these mental defectives among the immigrants.

Mr. MANN. I suppose in the first place it was inserted to give them authority to get six assistant surgeons who were what I believe they call psychiatrists.

Mr. FITZGERALD. We want to keep six men in the service with these qualifications. I think it is highly important; the State of New York is spending many million dollars per annum in support of alien insane.

Mr. MANN. They have the authority now; you might as well insert a provision that they should have some one capable of determining a whole lot of other diseases.

If the coastwise trade is not in the control of a monopoly, as some assert, then a more active competition will result, and all parts of the United States will be benefited by a reduction of rates. So that in either case we will gain from free competition between carriers. The amendment I propose strikes at the ship monopoly, whether it be complete or partial. It strikes directly at railway-controlled boats. It breaks the hold of the transcontinental railways which they now have through boat-line ownership. At the same time, we escape from the enactment of this bill which I gravely fear will impair the rights of the United States to control the canal.

The question of tolls is one of minor importance. If that question were presented purely as an economic proposition, I should not be greatly concerned. But, as I stated in my remarks a few days since, I fear we can not pass this bill under the present circumstances without weakening our claim of the right to control the canal. It has been said that we should not permit the boats of a monopoly to use the canal free; that to do so is to feed the monopoly. The answer is that the canal bill specifically bars such vessels from the use of the canal. The result therefore must be the dissolution of the monopoly, because being refused the use of the canal the monopoly can not compete with the boats outside of the monopoly; especially will this be true if we open our coastwise trade to the boats of the world. Under such circumstances the monopoly could not exist for a day.

Men for whose opinions I entertain the greatest respect firmly believe that the Simmons amendment does preserve our rights unimpaired. Nevertheless I fear they are mistaken. I have therefore voted for amendments specifically asserting our complete sovereignty over the canal and our right to fix tolls on our own vessels as we may see fit. Had such an amendment been adopted I would have waived any other objections and voted for the bill. I hoped and, until the developments of to-day, believed that an amendment would be accepted embodying the principle I have just referred to. But the amendments have been defeated, and I am now forced, if the amendment I now offer is defeated, to choose between voting for the bill with the Simmons amendment or voting against it. Because I fear the Simmons amendment does not with the necessary certainty assert our rights I shall choose the latter course. I believe it to be the safer thing for the country. In this opinion I may be mistaken. I hope that time will prove that my fears are groundless.

I know that the President and the majority of my party associates who are supporting the bill believe that the Simmons amendment is ample. On the other hand, many able men in the party take a contrary view. I shall resolve the doubt in favor of what I regard as the safe side. I am sorry that all Democrats can not vote as a unit. But it must be remembered that the Democratic platform specifically declared for free tolls. Those who in this instance vote against this bill need no other justification than the plain words of the platform adopted by the Democratic Party at Baltimore.

Mr. LA FOLLETTE. Mr. President, I offer an amendment to the proposed amendment.

I move to add, after the words "United States," in line 3, page 2, after the period, the matter which I send to the desk.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 2 of the printed amendment of the Senator from Missouri, in line 3, after the words "United States," the Senator from Wisconsin proposes to insert:

Provided, That foreign vessels engaging in such coastwise trade shall be subject to all the laws, regulations, and rules of the United States Government pertaining to vessels of the United States, in every respect as though such foreign vessels were vessels of the United States.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Wisconsin to the amendment of the Senator from Missouri.

Mr. REED. I accept the amendment.

The VICE PRESIDENT. The question, then, is on the amendmend as modified.

Mr. REED. I should like to have a record vote on that question.

The VICE PRESIDENT. Does the Senator from Missouri call for the yeas and nays?

Mr. REED. I do.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I do not know how he would vote on this particular bill, and I therefore withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. SMOOT (when Mr. GALLINGER's name was called). I desire to announce that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate. If he were here, he would vote "nay."

I also desire to announce the unavoidable absence of the senior Senator from Massachusetts [Mr. LODGE], and to say that if he were here he would vote "nay."

Mr. HOLLIS (when his name was called). On this question I am paired with the Senator from Montana [Mr. WALSH] and withhold my vote.

Mr. ROOT (when Mr. LODGE's name was called). I announce the necessary absence of the Senator from Massachusetts [Mr. LODGE]. He is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Massachusetts were present he would vote "nay."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). Reannouncing the transfer of my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON], as on the last vote, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair, as announced on the previous vote, to the Senator from South Carolina [Mr. TILLMAN] and vote "nay."

Mr. HOLLIS. I transfer my pair with the Senator from Montana [Mr. WALSH] to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote "nay."

The result was announced—yeas 12, nays 67, as follows:

YEAS—12.

Ashurst	Cummins	Kenyon	Reed
Brady	Hitchcock	Lane	Thomas
Clapp	Jones	Martine, N. J.	Thompson

NAYS—67.

Bankhead	Gronna	Norris	Smith, Md.
Brandegee	Hollis	Overman	Smith, Mich.
Bristow	Hughes	Page	Smith, S. C.
Bryan	James	Perkins	Smoot
Burleigh	Johnson	Pittman	Sterling
Burton	Kern	Poindexter	Stone
Catron	La Follette	Pomerene	Sutherland
Chilton	Lea, Tenn.	Randell	Swanson
Clark, Wyo.	Lee, Md.	Root	Thornton
Clarke, Ark.	Lewis	Saulsbury	Townsend
Colt	Lippitt	Shafroth	Vardaman
Crawford	McCumber	Sheppard	Weeks
Culberson	McLean	Sherman	West
Dillingham	Martin, Va.	Shively	White
du Pont	Myers	Simmons	Williams
Fletcher	Nelson	Smith, Ariz.	Works
Goff	Newlands	Smith, Ga.	

NOT VOTING—16.

Borah	Gore	Owen	Stephenson
Chamberlain	Lodge	Penrose	Tillman
Fall	O'Gorman	Robinson	Walsh
Gallinger	Oliver	Shields	Warren

So Mr. REED's amendment was rejected.

The VICE PRESIDENT. The bill is still in Committee of the Whole and open to amendment. If there be no further amendment the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. O'GORMAN. In the amendment proposed by the Senator from North Carolina [Mr. SIMMONS] there are what I conceive to be two inaccurate references to the two treaties referred to with respect to the dates. The Hay-Pauncefote treaty is referred to as having been ratified on the 21st of February, 1902. I believe it was ratified on the 16th of December, 1901. The date of the ratification of the treaty with the Republic of Panama is given in the amendment February 26, 1904, when it should be February 23, 1904.

Mr. SIMMONS. I think the Senator is mistaken. I phoned to the State Department to ascertain the date the ratifications were exchanged of the Hay-Pauncefote treaty, and they advised me that they were exchanged on the 21st day of February, 1902. I have before me the Diplomatic History of the Panama Canal, which gives the following:

Signed at Washington November 18, 1901.
Ratified by the Senate December 16, 1901.
Ratified by the President December 26, 1901.
Ratified by Great Britain February 20, 1902.
Ratifications exchanged at Washington 21st of February, 1902.

Mr. O'GORMAN. The word "ratified" may be applicable to any one of the three or four dates. If it is intended to refer to the ratification of the two treaties by the Senate of the United State the first date ought to be December 16, 1901. When we speak in our laws of the ratification of a treaty, we have reference to the ratification by this body.

Mr. ROOT rose.

Mr. SIMMONS. I am advised by the State Department that the dates given were the dates of the exchange of ratifications. The Senator from New York [Mr. ROOT], however, is authority upon that subject, and he may suggest a change.

Mr. ROOT. The ratification is always the date of the formal exchange of the instruments of ratification. The Senate does not ratify a treaty; the Senate advises and consents to the ratification of the treaty. That is the language of the Constitution, and it is the invariable form of our action. We advise and consent to the ratification of a treaty, but the treaty may never be ratified, or it may not be ratified for a long period. The date of ratification is the date when the formal instruments of ratification are exchanged between the two countries.

Mr. SIMMONS. That is what I was advised by the department, and I put those dates in.

Mr. SUTHERLAND. Mr. President, in the Committee of the Whole I offered an amendment by the way of a substitute for the amendment proposed by the Senator from North Carolina. That amendment on motion of the Senator from Mississippi [Mr. WILLIAMS] was laid on the table. I think I am entitled to have a vote, at least I should like to have a vote upon the amendment itself. For that reason I offer the amendment now as a substitute for the amendment of the Senator from North Carolina. I shall not take any time to discuss it. I do not think it is necessary to read it. It is the same amendment, and I ask for the yeas and nays upon it.

Mr. O'GORMAN. With the permission of the Senator from Utah, if I may have the attention of the Senate for just a moment, we ought to have no uncertainty with respect to the description of these two treaties in the amendment or bill which is about being enacted. In the Senate document which has been distributed entitled "Canal Treaties," on page 55, we find that Lord Pauncefote telegraphed to the Marquis of Lansdowne, under date of December 16, 1901, stating that the canal treaty was ratified on that day. If, as my colleague suggests, it is appropriate to refer to the date of the exchange, and that is the equivalent of ratification, we would be employing more precise language if we referred to the dates the ratifications of those two treaties were exchanged rather than to the dates when ratified.

Mr. SUTHERLAND. I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. SIMMONS. I wish to ask: What is the parliamentary status of the amendment made as in Committee of the Whole? Has the amendment offered by myself, which was adopted in Committee of the Whole, been concurred in?

The VICE PRESIDENT. Not yet. The amendment of the Senator from Utah is proposed as a substitute.

Mr. SUTHERLAND's amendment was to insert in lieu of the amendment made as in Committee of the Whole the following proviso:

Provided, That nothing herein shall be considered as denying or abridging the right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted.

The VICE PRESIDENT. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement as on the former vote, I vote "nay."

Mr. SMOOT (when Mr. GALLINGER's name was called). Announcing the absence from the Senate of the Senator from New Hampshire [Mr. GALLINGER], I wish to state that he is paired upon this question with the Senator from Massachusetts [Mr. LODGE]. If the Senator from New Hampshire were here, he would vote "yea."

Mr. HOLLIS (when his name was called). I again announce my pair with the Senator from Montana [Mr. WALSH]. If I were at liberty to vote, I should vote "nay."

Mr. ROOT (when Mr. LODGE's name was called). If the Senator from Massachusetts [Mr. LODGE] were present, he would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair on this amendment with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEVENSON] and vote "nay."

Mr. WILLIAMS (when his name was called). Repeating the previous announcement of the transfer of my pair with the Senator from Pennsylvania [Mr. PENROSE], I vote "nay."

The roll call was concluded.

Mr. HOLLIS. I transfer my pair previously announced to the junior Senator from New Jersey [Mr. HUGHES] and vote "nay."

The result was announced—yeas 33, nays 50, as follows:

YEAS—33.

Ashurst	Cummins	O'Gorman	Sutherland
Borah	Dillingham	Page	Townsend
Brady	du Pont	Perkins	Vardaman
Bristow	Goff	Poindexter	Warren
Burleigh	Jones	Randell	Weeks
Catron	Kenyon	Reed	Works
Chamberlain	La Follette	Shields	
Clapp	Lane	Smith, Mich.	
Clark, Wyo.	Martine, N. J.	Smoot	

NAYS—50.

Bankhead	Hollis	Norris	Smith, Md.
Brandegee	James	Overman	Smith, S. C.
Bryan	Johnson	Owen	Sterling
Burton	Kern	Pomerene	Stone
Chilton	Lea, Tenn.	Root	Swanson
Clarke, Ark.	Lee, Md.	Saulsbury	Thomas
Colt	Lewis	Shafroth	Thompson
Crawford	Lippitt	Sheppard	Thornton
Culberson	McCumber	Sherman	West
Fletcher	McLean	Shively	White
Gore	Martin, Va.	Simmons	Williams
Gronna	Myers	Smith, Ariz.	
Hitchcock	Nelson	Smith, Ga.	

NOT VOTING—12.

Fall	Lodge	Penrose	Stephenson
Gallinger	Newlands	Pittman	Tillman
Hughes	Oliver	Robinson	Walsh

So Mr. SUTHERLAND's amendment was rejected.

The VICE PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The VICE PRESIDENT. The bill is in the Senate and open to amendment. If there be no further amendment, the question is, Shall the amendment be engrossed and the bill be read a third time?

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. BORAH, Mr. LA FOLLETTE, and Mr. O'GORMAN called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I announce my pair with the Senator from New Mexico [Mr. FALL], which I transfer to the senior Senator from South Carolina [Mr. TILLMAN], and vote. I vote "yea."

Mr. SMOOT (when Mr. GALLINGER's name was called). Again announcing the absence of the senior Senator from New Hampshire [Mr. GALLINGER], I desire to state that he has a pair with the senior Senator from Massachusetts [Mr. LODGE]. If the Senator from New Hampshire were present, he would vote "nay."

Mr. HOLLIS (when his name was called). I again announce my pair with the Senator from Montana [Mr. WALSH]. If I were at liberty to vote, I would vote "yea."

Mr. ROOT (when Mr. LODGE's name was called). The senior Senator from Massachusetts [Mr. LODGE] is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. If the Senator from Massachusetts were present, he would vote "yea."

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. Not being able to find a transfer of that pair, I withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. SMOOT (when Mr. PENROSE's name was called). I desire to announce the unavoidable absence of the senior Senator from Pennsylvania [Mr. PENROSE]. If he were here he would vote "nay." He has a general pair with the senior Senator from Mississippi [Mr. WILLIAMS].

Mr. MYERS (when Mr. WALSH's name was called). My colleague [Mr. WALSH] is necessarily absent. It is my understanding that if he were here he would vote "nay."

Mr. WILLIAMS (when his name was called). With the same explanation made upon the previous roll call and the transfer of my pair with the Senator from Pennsylvania [Mr. PENROSE], I vote "yea."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the Senator from Pennsylvania [Mr. OLIVER] to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote "yea."

The result was announced—yeas 50, nays 35, as follows:

YEAS—50.

Bankhead	Clarke, Ark.	Gore	Johnson
Brandegee	Colt	Gronna	Kenyon
Bryan	Crawford	Hitchcock	Kern
Burton	Culberson	Hughes	Lea, Tenn.
Chilton	Fletcher	James	Lee, Md.

that it constituted a subsidy. It is not a subsidy to relieve our shipping from a portion of the expense of the maintenance and the operation of this canal. It is a contradiction in terms. It is a misconception of the whole subject to declare that an exemption of that kind constitutes a subsidy, for the Nation built the canal, it maintains the canal, operates the canal, or will do so, for the benefit of all the people, and they ought to bear that share of the expense, and they will bear it cheerfully, gladly, because they will know that they are bearing it in accordance with the laws of justice and of honor.

Moreover, the amendment which I have proposed will do one thing which I am very anxious to do, and that is to assert in the most emphatic way in which we can assert it that the United States has the right to make this discrimination, and if in years to come we find that we have not apportioned the expense accurately or fairly we will be in a position to rectify any mistake that we may make at the present time. When we are guided by the lamp of experience years hence, we will know then better than we know now how the expenditure ought to be apportioned.

But if we vote for this bill without some assertion of our right to do the thing which I believe a majority of the Senators in this Chamber are of the opinion we can justly do, I believe we have sealed our mouths practically for years and years to come. There will never be a suggestion of the assertion of this right until the people of this country, upon the issue being raised, command that we assert the right.

I approach the vote with more concern than I have ever felt in the passage of any measure before Congress. I have never before taken part in the passage of any bill that seemed to close the door of the future as this bill closes it. I have never participated in the consideration of any measure that seemed to shackle the hands of the men and the women of future generations as this bill shackles them. I shrink from the consequences of the thing we are about to do. As I pointed out the other day, what you are about to do is the equivalent of saying that the United States shall never pass a commercial ship through the canal. If when it is finished the United States desires to take the eight ships which now ply between New York and Colon and extend their journey to San Francisco or Portland, Oreg., you are about to give to Great Britain the weapon that can prevent that journey. You are about to say to Great Britain that never will the United States itself engage in commercial traffic through the Panama Canal.

Why? It is impossible for the ships of the United States, owned by the United States, operated by the United States, to pay anything for passing through the Panama Canal. It is unthinkable that the United States can pay itself. Whenever the United States attempts that venture—and I, for one, would like to see it attempted—if my influence could accomplish it, I would enact a statute that would require these ships, at least, the moment the canal is opened, to begin carrying the traffic of commerce of the people of the United States from our eastern coast to our western coast. I believe that that will be the sentiment of the people of this country ere long.

I have no doubt that the ownership and the operation of ocean-going steamers by the United States will be necessary to regulate properly the greed and the avarice of private ownership; yet the Senate dares to say that the United States shall never do that thing. Why, I repeat? Because the United States can not demand pay for its own ships. It can neither demand pay nor can the ships make the payment. The only result of the construction that we have no right to allow any ship to pass through this canal doing business between our two coasts without paying the same tolls paid by a foreign ship is that the United States must forego that further part of its sovereignty and forever retire from this efficient and helpful service to the people of the country.

In the face of this imminent necessity, and without being able to conceive what the future may hold for us, without being able to foretell just how and when the United States may require this right which is now to be denied, I marvel that you can do it. I would not marvel if you did it because you believe that these ships should pay a fair toll. But that is not what you are doing. You are not saying they shall pay a fair toll. You may say that with your lips, but that is not what your vote will mean.

There is a resolution for arbitration here suggested by the Senator from Utah [Mr. SUTHERLAND]. I have great regard for him; I know he is entirely sincere; but when he brings forward that resolution for arbitration it will be but a mockery and a farce. How are you going to pass a resolution for arbitration unless you are willing to assert that we have some claim that is denied by Great Britain? You can not pass that resolution without so asserting. You are just now declining to assert it. You are declining to assert it because the President of the United States has asked you to repeal the law, because he believes it to be in plain contravention of our treaty obligations. It may be that we will have force enough, virility enough, in the future to retake what we now surrender. We will take it again, as has been said more than once, but we will retake it with infinite difficulty; we will retake it under circumstances that might well frighten a peace-loving American citizen.

I know that we will retake it; but lift, if you will, for a moment the veil of the future and endeavor to conceive the circumstances that will confront its recapture. As it is now it is asserted by Great Britain as one of its rights. But Great Britain is not tenacious with respect to it. Great Britain is willing to submit it, so representatives of that great nation declare, to a board of arbitration. But when we take the step that we are about to take; when Great Britain holds this privilege not only by her own assertion but by our assent, by our declaration; when we come to take it again there is but one way that we can take it, and that is obvious to every Senator here. Great Britain would yield now. Especially would she yield to the conclusions of a board of arbitration. But when we vest her by the action of the American Congress and the declaration of the American President with the title to these privileges, then when we recapture them, when we restore to our own country these essential, vital rights, I fear that we will be compelled to take them at the point of the sword. It is that contingency that makes one shudder as he looks into the future.

But one word more. The Senator from New York [Mr. ROOT], in his very eloquent speech, said that he had no doubt whatsoever that we were precluded from exempting either our coastwise ships or our ocean-going ships, and that he had no doubt, either—that was just as clear to him as the former proposition—that at the very moment the money was paid by these ships to an officer of the Government, so that the title of the money had vested in the Government, that moment it could be returned to the ship paying it, and the ship could go on its way neither worse off nor better off than when it entered the canal. I do not agree with that, of course. To me that reduced the whole controversy to a miserable farce. To assert that the way of dishonor lies in exemption and that the way of honor lies in refunding—I can not understand the nicety of that reasoning. But I call your attention to one thing: If that be so, if we have a right to refund these tolls to our own ships, we have a right to refund them to the ships of any foreign nation. Our right to do as we please with this money, as the Senator from New York declares, is absolute and complete. No foreigner can question our disposition of our money when once it comes into the hands of an officer of the Government.

I should like to ask the Senator from New York, if he were here, I should like to ask any other Senator who takes that view of the matter, whether he believes that we can collect tolls from the ships of France at Colon and pay the tolls back to those ships as they leave the harbor of Balboa? Is that the equality of treatment which we vaunt so much and which we must preserve or be dishonored in the eyes of the whole world? These disciples of the Carnegie Peace Foundation, these men whose horizon seems to lie short of the great American interest, insist that we can take the money, that we must take the money, but we can do with the money whatsoever we desire. I should like to ask any one of them if he will answer me whether he thinks, believing that theory, that we could discriminate in favor of France in that way or in favor of Germany in that way, and what is there in the doctrine that would prevent our refunding such tolls to the ships of a foreign nation that will not prevent our refunding them to the ships of our own Nation? I am speaking now, of course, with regard to the construction of the treaty.

Mr. President, I submit the amendment which I have proposed; I submit it, believing that it expresses the real justice of this perplexing situation; I submit it, however, without the least hope that it will find favor in the Senate. All these matters have been already decided, and decided somewhere else than upon the Senate floor. I submit it not with the view of preventing what I believe to be the fatal mistake we are about to make, but I submit it to the people of my country. I submit it to the people of my State, firmly convinced that we have the moral and the legal right to do what the amendment proposes, firmly believing that it will fulfill not only the most sensitive standard of honor, but the highest interests and welfare of all the people.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. MARTINE of New Jersey. I raise the point of no quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Martine, N. J.	Shively
Borah	Gore	Myers	Simmons
Brady	Gronna	Nelson	Smith, Ariz.
Brandegee	Hitchcock	Newlands	Smith, Ga.
Bristow	Hollis	Norris	Smith, Md.
Bryan	Hughes	O'Gorman	Smith, S. C
Burleigh	James	Overman	Smoot
Burton	Johnson	Owen	Sterling
Chamberlain	Jones	Page	Stone
Chilton	Kenyon	Perkins	Sutherland
Clapp	Kern	Pomdexter	Swanson
Clark, Wyo.	La Follette	Pomerene	Thomas
Clarke, Ark.	Lane	Ransdell	Thompson
Colt	Lea, Tenn.	Reed	Vardaman
Crawford	Lee, Md.	Root	Warren
Culberson	Lewis	Saulsbury	Weeks
Cummins	Lippitt	Shafroth	West
Dillingham	McCumber	Sheppard	White
du Pont	McLean	Sherman	Williams
Fletcher	Martin, Va.	Shields	Works

Mr. SMOOT. Mr. President, I desire to announce the unavoidable absence of the senior Senator from New Hampshire [Mr. GALLINGER] and also of the senior Senator from Massachusetts [Mr. LODGE].

The VICE PRESIDENT. Eighty-two Senators have answered to the roll call. A quorum is present. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. SMOOT. Mr President, I ask that the amendment to the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. It is proposed to amend section 2 by striking out from and including the word "when," in line 3, page 2, to and including the word "ton," in line 5, page 2, and by inserting in lieu thereof the following:

Until the further action of Congress the basis for the ascertainment of the tolls charged to foreign ships of commerce shall be their proportion of the estimated cost of the maintenance and operation of the canal, together with interest at the rate of 2 per cent annually upon the investment in the construction of the canal, taking into account the entire tonnage of the canal, not exceeding, however, $1.25 per net registered ton or the equivalent thereof.

Until the further action of Congress the basis for the ascertainment of the tolls charged to domestic ships of commerce shall be their proportion of one-half the estimated cost of the maintenance and operation of the canal, together with interest at the rate of 2 per cent annually upon one-half of the investment in the construction of the canal, taking into account the entire tonnage of the canal, not exceeding, however, 60 cents per net registered ton or the equivalent thereof: *Provided*, That vessels of every description owned and operated by the United States shall pass through the canal without the payment of tolls. The fourth sentence in said section 5 is hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

Mr. CUMMINS. Mr. President, I do not intend to insist upon a roll call. I know what the outcome would be. It has been, I think, fairly shown what we believe about this matter, and I have no disposition to delay the final result by insisting upon a roll call, but I should like a vote upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was rejected.

The VICE PRESIDENT. The bill is still in the Senate, as in Committee of the Whole, and open to further amendment.

Mr. BORAH. Mr. President, I have an amendment pending to this measure, but it is not my purpose to urge it. I only want to say a word as to the reason why I do not do so. It is manifest by the votes which have been had that I could not hope to succeed in having it adopted. On the other hand, the nature of the amendment would not permit its being submitted to the Senate, it seems to me, without a presentation of the reasons for it, as the amendment is in the nature of a postponement of the time when we should have a final vote upon this measure. In view, Mr. President, of the undoubted outcome, because of the lateness of the hour, and as it is my desire not to submit it without accompanying it with an argument, I withdraw the amendment.

The VICE PRESIDENT. The bill is in the Senate, as in Committee of the Whole, and open to further amendment. If there be no further amendment——

Mr. REED. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert:

That an act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the canal," approved August 24, 1912, and commonly known as "the Panama Canal act," be amended by striking out of section 5 the following words: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and by adding to said act a new section, to be known as section 15, in words and figures as follows:

"SEC. 15. Vessels other than vessels of the United States may enter the ports of the United States and engage in the coastwise trade of the United States to the same extent and under the restrictions imposed upon vessels of the United States. The President is hereby authorized to prescribe and from time to time to change the tolls that shall be charged by the Government of the United States for the use of the Panama Canal by vessels engaged in the coastwise trade. Such charges shall as nearly as possible equal the expense incurred by the Government in transporting said vessels through the canal without taking into account as a part of said charges the interest upon the investment of the United States in said canal."

SEC. 2. That section 4347 of the Revised Statutes of the United States and all other acts or parts of acts in so far as they are in conflict herewith are hereby repealed.

Mr. REED. Mr. President, if the Senate will indulge me I think I will conclude what I want to say in five minutes of time. I discussed this proposition at length two days ago, but some are present now who were then absent.

It has been charged on the floor by nearly every Senator who has spoken that the coastwise trade of the United States is in the control of a monopoly; that nearly all of the vessels capable of transporting goods through the canal are controlled by the railroads. If that is true, and in the main I believe it to be true, then the result of the hundred years of fostering care by our Government of the coastwise business has resulted in the creation of a monopoly that is largely controlled by the transcontinental railway lines. If we are to have cheap rates between the East and West, we must gain them through an actual, good-faith competition between boats, and an actual, good-faith competition between the boats and the transcontinental railroads.

I want to see railroad rates and boat rates reduced to the lowest possible point, by which, of course, I mean not below a living basis. If, after fostering the coastwise business for a hundred years, we are confronted by a monopoly, the way to destroy that monopoly most effectively is to put it into actual competition with the vessels of the world. I am not going to argue that. I state it as a proposition.

I state another proposition.

It has been well said here that if the Canadian coast towns and the Canadian railways reaching the coast have the benefit of the cheap rates which result from a world competition among the boats of the world, then those towns will have a tremendous advantage over the cities of the United States, because our cities will be compelled to transport their goods by the small number of American coastwise vessels, and those vessels, as is well known, charge rates greatly in excess of the rates charged where there is a world-wide competition. So, in order that we may place the cities of the eastern portion of this country and the western portion of this country, and also, in a less direct way, all of the vast interior of this country, upon an equal footing with the Canadian cities, if we are to place our farmers upon an equal footing with the Canadian farmers, I insist that we must open our ports to all vessels of all nations. That will destroy the shipping monopoly; that will give us lower rates; that will enable the farmers of the United States to ship to Europe as cheaply as the Canadian farmers; that will produce an actual competition with the railroads; and that will settle the question of any possible controversy between this and any other country over the terms of the canal treaty, because the vessels of all nations will then be treated alike.

Mr. President, in the march of events it has come to this, that the leading nations of the world are changing their policies with reference to coastwise business. England has opened her ports to the vessels of the world. Other nations, if they have not entirely opened their ports upon terms of equality, are giving more liberal terms than in the past. I should like to see this canal so used that the greatest possible benefit would result to our country. Hence, I would open our coastwise trade to the vessels of the world.

It is for these considerations that I have offered this amendment.

In view of the "line-up" on this bill and the rejection of all amendments except the one programmed to pass, and also in view of the statement of many Senators that they agree with the proposition in my amendment but do not want to vote for it at this particular time, I can hardly hope for its passage. Nevertheless, I offer it, and if it is defeated, shall press it in the future.

Let me say again that if the coastwise trade is controlled by a monopoly, then admission of the vessels of all nations to the coastwise trade will break that monopoly. A reduction of rates by water will result, and in turn a reduction in railroad rates will be forced.

I recognize, Mr. President, the unwillingness of the Senate to listen to an argument at this stage of the matter. I do not censure Senators for reluctance in that respect. I feel the same reluctance when anyone else is speaking, and I am very charitable, therefore, with the attitude of those who are compelled to remain through unusual hours for the purpose of securing final disposition of this bill; but I intend through the heat of the night, and with some deliberation, to declare what is in my mind with regard to this subject.

I am one of those who entertain no doubt whatsoever that the United States has the right under its treaty with Great Britain to pass the ships of its citizens through the canal without charge, and that without respect to the character of the trade in which those ships may be engaged. In saying that I do not assert that the question is without doubt. The fact that eminent men throughout the country differ with regard to the proposition which I have just suggested would make it absurd for me to say that there is no doubt; but I repeat that I entertain no doubt at all with regard to our right to do this thing. At the same time, I have not been convinced that it is wise or defensible as an economic and domestic policy to allow our ships to pass through the canal free. If I could separate those questions and vote upon them under such conditions and circumstances as to permit my vote to voice my real conviction, I would be very glad to embrace that opportunity, but I have no such chance, and no one is more conscious of it than am I.

I believe that the vote that is about to be cast in this Senate is a vote that will be accepted by the country and by the world as a declaration that the United States has no right to discriminate in favor of its own ships.

While I do not say that there may not come a time when the United States will retake that which belongs to her by every principle of our sovereignty, belongs to her by the highest title that a nation can enjoy or hold any right she may be called upon to exercise, yet when the bill has passed, it will have been decreed by the United States as it is now represented in Congress and in the Executive office, that we can not so deal with our own, but must accept the British view with regard to the obligations of the treaty. I therefore find it impossible to vote for this bill.

There is but one thing that could be attached to this bill that would induce me to vote for it, and that is the assertion of our right to deal with our coastwise shipping, and I may add our foreign shipping as well, according to our judgment of the welfare and the interest of our people. I do not intend to deceive myself with regard to the effect of a vote cast for this bill. I know, and you all know, that when this bill passes, when every claim, and more than every claim that Great Britain has made against the United States has been conceded to her, until the people speak again, there will be no assertion of our right to deal with our own according to our judgment of the interest of our own.

I am not moved very much by the appeal to that just principle that denounces special privilege and declares against subsidy. "Subsidy" is a word that has come to be connected in the public mind with something wrong, with some Government help extended to some unworthy object, with some Government help extended where it is not necessary that it shall be extended.

I should like to consider for a moment what the word "subsidy" means in its broad sense. In that sense practically everything that the Government does is a subsidy—not everything, but practically everything. "Subsidy" means assistance given by organized society to one or more of its members; and in that sense the favor that we have shown to the coastwise shipping in the act of 1912 is a subsidy. Just so is the aid given to the agricultural interests of the country when we appropriate money for the suppression of the hog cholera, for the eradication of the boll weevil, and for the extermination of all the enemies to crops in the United States. All these appropriations are subsidies. They are, however, worthy subsidies. Why? Because in their expenditure not only is the particular interest toward which they go benefited, but the advantages are diffused and enjoyed by all the people of the country; and whenever the results of Government assistance are thus enjoyed by the people, the subsidy is not only defensible, but it is highly creditable.

I should like to know from some of my friends here who have so fiercely denounced subsidy whether they are opposed to all subsidies. If they are, then they must practically arrest the operations of the Government. The river and harbor bill, which I fear will shortly be passed by the votes of nearly all the Members of the Senate, is a subsidy from beginning to end, and there is a great deal in it, as I think, as it is now before the Senate, which is utterly without defense; but it is a subsidy, whether it is good or whether it is bad, for every penny that we expend in order to allow steamers to sail more securely over our rivers or ships to sail more readily into our harbors is a subsidy for those interests. If the money be wisely expended, the results will flow out in advantage to all the people of the country, and it is right. If the advantages are not thus enjoyed by all the people, or substantially all the people, then the expenditure is wrong.

Why, my fellow Senators, we never turn around in a governmental way but that we extend subsidy to some one. The Postmaster General—not the present one, I believe; I have not heard his report on the subject—but the Postmaster General has reported over and over again that the newspapers and the periodicals of the United States cost for their distribution by the Government three times as much as they are required to pay for that distribution. I remember that a former Postmaster General declared that the Government of the United States paid out 6 or 7 cents a pound for every pound of newspapers, magazines, and periodicals more than was received by the Government for their transportation or their distribution. That is as clear a subsidy as is the proposed use of the Panama Canal. I am not criticizing it; I believe in it, if the periodicals and newspaper publications are confined to legitimate productions. I believe in it. Why? Because it is for the common good. It is one of the aids of education. It is one of the instrumentalities for the training of our citizens. It is one of the mediums for the enlightenment of their minds, so that they can see more clearly their duty to their fellow men and their duty to organized society. In that way the aid that we thus extend, although a subsidy in the same sense as the free use of the Panama Canal, becomes one of the allies of good government, one of the effective plans for carrying on the affairs of a great country like ours.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I do.

Mr. BRISTOW. I call the Senator's attention to the fact that the weekly newspapers are carried for nothing within the county where they are published.

Mr. CUMMINS. I recognize that. They are, and they are very properly carried for nothing. I can not conceive any expenditure which the Government can make that is more helpful to the great objects of civilization than the free distribution of newspapers within the communities in which they are published.

I am only suggesting these things in order to put the word "subsidy" in the category in which it belongs.

Why, Mr. President, every school in the United States that is supported by taxation receives a subsidy. Every dollar that we ourselves appropriate for the maintenance of our agricultural schools is a subsidy. Why? Because we are aiding the men and women who have boys and girls to train and educate. We are lifting some of the burdens which otherwise will rest upon them. It is, however, so wise and so worthy an object that the Government that refused to expend its money for the maintenance of schools would earn the contempt of all civilized mankind.

Every penny that we expend on roads is a subsidy to those who travel on the highways. We expend it because roads are necessary to the public welfare, and we know that the advantage of the aid we thus give, the contribution we thus make to the development of the community, will be felt by all the people of that community in substantially equal proportions.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit an interruption?

Mr. CUMMINS. Certainly.

Mr. MARTINE of New Jersey. Let me say, just here, that when you stop to think of it, only an infinitesimal number of the people own horses and vehicles, and yet the whole public are benefited by good roads, notwithstanding the man who owns a horse and vehicle gets the benefit of the good-roads system. No one would think of rebelling on that proposition, although there are an infinitesimal number of such men in comparison with the thousands who own no horses or vehicles.

Mr. CUMMINS. The Senator from New Jersey has very well illustrated my view of the matter. We ought not, we must not, be driven away from a sensible course by the mere use of the word "subsidy"; for I repeat that practically every effort that organized society makes to help its members is a subsidy.

The question is with all these subsidies, not "Is a subsidy abhorrent?" not "Is Government assistance indefensible, and unjust, and wrong?" but the question always is, or always ought to be: "Is the expenditure that results in the immediate profit of a single class one that will also result in the general advantage of the whole?" If it will, then the Government is

not only not censurable for giving it, but it would be censurable if it failed to give it.

That brings me to the consideration of the Panama Canal.

I am not sure that to allow the vessels of the United States to pass through the Panama Canal without charge will result to the general good of the whole country. I am not sure of that. It is, with me, a leap into the dark. I believe with the Senator from Missouri [Mr. REED] that we may be opening Pandora's box. I have always doubted whether the Panama Canal would confer upon the people of the United States the distinct commercial advantages which its proponents and its advocates have always proclaimed for it. The future alone can tell.

I am not convinced that we ought to allow these ships to pass through the Panama Canal free, although I am convinced that under the treaty we have as perfect a right to do it as we have to allow a steamer to sail upon the Mississippi River, or to allow a vessel to enter the harbor of New York. Therefore, I have not felt satisfied with the exemption from tolls in the act of 1912; but I would vastly rather allow these ships to pass through free than to put one little obstacle in the way of the United States asserting our complete and comprehensive sovereignty there. I would rather allow them to pass through free, even though it may be an economic mistake, than to say to the world that we have no right to allow them to pass through free; for the conditions at this time may in a year, may in a decade, may in a quarter of a century, so change that it will become not only right, but essential to the life of the American people that these ships shall pass through as directed by the Government controlling the canal.

There is one thing of which I am sure, however; and that is, that to charge our ships tolls as great as we impose upon the ships of foreign nations is a flagrant injustice; it is a hideous wrong; it is indefensible in the court of reason; and I will tell you why.

I think I have said that I agree in a general way with the argument of the Senator from Nebraska [Mr. NORRIS] that commerce ought to bear its own burdens. I think if it does bear its own just burdens, the wealth produced by the industry of our people will be more equitably distributed than though we were to attempt artificially to rearrange the channels of distribution. Therefore I not only agree but insist that commerce ought to bear its fair, just share of the burdens which are naturally involved in carrying it on.

Now, let us see. We built the Panama Canal for two reasons. I shall not attempt to rank these reasons. I assume there will be difference of opinion with regard to their rank; but no one will dispute that there were two great causes for the construction of the Panama Canal. One of these causes is in our national defense. The other of these causes will be found in our commercial life.

We constructed the canal because we believed that in so doing we would strengthen the national defense. I have much sympathy with the statement made this morning by the Senator from Minnesota [Mr. CLAPP] that we may have made a mistake with regard to that. It may be that it will not strengthen our national defense. Whether it does or not, however, we have built the canal in order that the passage of our fleet from one coast to the other might be speedier and less expensive. We built it because we believed that by so doing we could reduce our armament; that we could make one ship as effective as two would be without the canal; and when the *Oregon* steamed down one side of South America and up the other side of South America in order to take her place in the battle line of the Spanish War, the canal had been decreed. We built this canal, we have expended this money, in order to make the people of the country stronger than they were.

Is there a man here who will say that all the people of this country ought not to bear the expense, not only of construction, but of maintenance and operation, that is justly attributable to the national defense? The man who would assert that the burden of the national defense should be placed upon the commerce that passes through the Panama Canal is as unjust and as unfair as the man who, believing that commerce should bear its fair burden, should insist that the ships of commerce should pass through free. The truth—and if we are sensible people we will recognize it—is that all the people of this country, through taxation, ought to bear the share of the cost of construction and maintenance and operation of this canal that in good sense and good faith can be fairly imputed to the national armament, and that commerce should bear only that proportion which is not assumed by the people generally for their own protection.

I should like to know how any man can defend himself before the people of this country when he declares here by his vote that he intends to put the same charge upon our coastwise ships that he puts upon the foreign ships engaged in foreign commerce. It is right that the other nations of the world should bear their proportion of the entire expense. It is not proposed that one penny that should be assumed by the United States or by its traffic shall be inflicted upon the commerce of other nations. It is right that they should bear, if commercially they can and do business through the canal, the interest upon our investment, their share of the maintenance, and their share of the operation, and the United States and its people should bear the remainder. But tell me how you will defend the proposition that when you come to distribute in the United States that share which we ought to bear you should impose upon the traffic from one port of this country to another a tax in order to maintain the national defense. If I am asked just how much of that construction, maintenance, and operation ought to be charged to national defense, my answer is, I do not know. There is no way in which to divide it with mathematical precision. The two great objects stand before you and they must be compared, but I ask you, whether you think it is unfair to say that one-half of the cost of the investment shall be borne by the people of this country as a part of the national strength. We expended it for that purpose. Why should not the people who decreed it, who believed it to be essential to our welfare, bear that expense precisely as they bear the expense of building and operating a battleship, or building a fort, or building any other fortification or armament intended to strengthen the American defense.

Yet, what are you about to put upon American shipping, you Senators who believe that we have a right to discriminate? I am not addressing anybody else. The others are wedded to their idols. The others insist upon giving to Great Britain vastly more than she claims. The others insist that we shall surrender our sovereignty and shall take the humiliating, shameful attitude before the world of having accomplished the mightiest achievement of the age and then insisting upon sharing its ownership, its control, its direction, its advantages with all the people of the world.

Those Senators who believe that the treaty imposes that humiliating obligation upon them will, of course, vote for that construction of the treaty. They could not in conscience do otherwise, and I am not appealing to them. I leave them to reckon not with their own consciences—they have already reconciled themselves, I assume, with their consciences—but I leave them to reckon with what I believe to be an outraged people.

I am speaking to the other class of Senators. I am speaking now to Senators who have expressed views like the senior Senator from Missouri [Mr. STONE]. I am speaking to Senators upon this side who have said that they believe we have entered into no obligation that forecloses us from the exercise of our sovereignty. I am speaking to Senators who believe that it is unwise from a domestic standpoint to allow our ships to pass through this canal free and are intending to vote for this bill solely because the act of 1912 expresses an unsound domestic policy.

I agree for the moment with you. I agree with you, in fact, that it would be better not to do it. But entirely apart from the consequences of your votes and the construction which will be put upon them by the whole world, tell me this: How will you defend yourselves for imposing upon commerce a burden that belongs to the whole country, that belongs to it because we have constructed this canal? We will maintain the canal, we will operate the canal, in part in order to make our national defense more secure. Every penny that you extort from commerce in order to pay for the national defense is a penny wrongfully exacted from traffic, a penny that will make it still more difficult for the water commerce to compete with the land commerce of the United States.

My amendment, Mr. President, proposes a readjustment of the act of 1912. It proposes to establish, like the famous article 3 of the Hay-Pauncefote treaty did, or as it was claimed it did, a general principle.

The general principle is that foreign nations shall pay on the basis of 2 per cent upon the cost of construction and upon the cost of maintenance and operation as their share, each ship its share, without discrimination, without partiality, without favor, but that as to our own country the people will assume to care for one-half of the investment, one-half the maintenance, one-half the operation, because they determined that the canal should be built in order to glorify the Nation's name, in order to make the Nation's integrity more secure, in order to strengthen the national defense.

If my amendment were adopted, it would introduce a just and equitable plan. It would not be subject to the criticism

inviting it—"advising" it—instigating it. Betrayal is the lowest of vices.

Now, I want to get back to the point at issue. My colleague said this evening in his speech that "the edict has gone forth." He began that way. Mr. President, we are not obeying any "edict" of any man who ever wore breeches. We are as self-respecting American citizens as my colleague or any others in this country. It is a very common thing for men in a common party to go together, and in going together to concede differences in order that the team may pull the wagon together. Every man of common sense knows that there must be team work or else there can not be any good done for Government, and hence to accuse every man who concedes a preferential opinion of his own in order to secure a great party purpose of "obeying an edict" is not measuring one's language. Being persuaded by reason and influenced by loyalty is not "obeying an edict." Only slaves "obey edicts."

His speech this evening speaks of "servile surrender." Servile" means slavish—conduct befitting a slave. In a speech the other day he solemnly warned the President of the United States against "flatterers," and quoted the old prayer of Epictetus. I believe it was:

Guard me against flatterers and make me open my heart to those who would criticize me.

That is the sense of it, even if I have it not literally.

I am glad my colleague made this speech. I was glad when I heard him say to-day of the President that he was "a man whose patriotism he had never questioned." I knew when he said he was a man whose patriotism he never questioned he had not said what the Washington Post said he said, to wit, that he had advised a servile and pusillanimous and abject surrender at the dictation of a foreign power.

Now, Mr. President, about whether this is a subsidy or not, upon that question—

Let the galled jade wince; my withers are unwrung.

It is wonderful how they all do wince when the word "subsidy" is heard. Why? Because this exemption is a subsidy, it was a subsidy, and it always will be a subsidy, because it granted a special privilege to a special class; and even if you quarrel about the right to use the technical word "subsidy" in connection with it, it still violated the very fundamental keynote of the original Jeffersonian Democracy as announced in that political sermon on the mount, Jefferson's first inaugural address to the people of the United States, which declares against "special privilege to special classes." Every Senator here knows that when you exempt one class of vessels passing through the Panama Canal from the payment of tolls and you subject all other vessels to it, then you have "by legislation granted a special privilege to a special class," and that is an indirect, if not direct, subsidy.

Gentlemen have said, "What is the difference between that and letting the ships go through the Sault Ste. Marie Canal and go through the Lakes or the Ohio River or elsewhere?" The difference is too plain for a Democrat to need to discuss it. In the latter case all commerce was exempt from tolls, none of it subjected to it. Every ship and boat could go through and no tonnage was taxed. There was no special privilege to a special class; there was exemption for all. If to-morrow we would pass a law here relieving from tolls all ships passing through the Panama Canal there would be no subsidy there, because it would be equal treatment for all and special privileges to none.

Now, Mr. President, it has been a habit of mine all my life to do my debating with the other side. The time always comes when words that are uttered in bitterness will leave stings behind them that are not easily cured. Therefore I have uttered no words of bitterness this evening. I am glad to learn that the statements made by this sheet purporting to be a quoted interview with my colleague are untrue, or else that my colleague has since moderated his views. With either I am equally delighted.

Now, I want to say this much more: My colleague could not have said these things because every Representative in Congress from his own State of Mississippi except one voted with the Senator from New Jersey, then a Member of the House, against this exemption of shipping from tolls. They voted and argued against it because they regarded it as a subsidy. Therefore, my colleague could not have denounced the men who thought this was a subsidy as merely "raising a false issue," resorting to a "pretext," "an afterthought." Yet that is what I thought I heard him say this evening. He knew, as he knows now and as I know, that they are honest men of honest purposes.

I believe there was one exception, one Representative from Mississippi, one of the most honest and loyal and true Democrats, who voted the other way—my colleague's way. He was not actuated by any bad motive when he did it, and not one of the other seven was actuated by any bad motive when they voted my way and the President's way. I submit that none of them would carry a lie upon his lips or that he would go and denounce a thing as being, in his opinion, a subsidy when he did not think it was. A man may denounce a thing as a subsidy when it is not, but an honest man will not denounce a thing as a subsidy when he does not believe it is.

My sole desire is to see all Democrats, and especially all Mississippi Democrats, working in harmony with one another without words of bitterness of any description. I have been guilty of none; and I am glad to learn from his general denial that my colleague has been guilty of none.

Mr. VARDAMAN. Mr. President, I will not detain the Senate very long.

I wish to say to the junior Senator from Georgia [Mr. WEST] that when I asked the question of him I did it understanding that he had made the statement that $100,000 had been used to influence legislation in the interest of the Shipping Trust in the way he now explains it. I thought his remark a reflection upon me, and in a spirit of resentment I asked him if anybody had approached him. Since he did not say that or intend to say it, as a matter of course I have no desire to let it go into the RECORD as a reflection upon the integrity of a Senator or a man. I would not offend the Senator or wound his feelings.

So far as what has been said by the senior Senator from Mississippi [Mr. WILLIAMS], of course it is very well understood by the Senate, and the people of Mississippi particularly—and a great many of the people out of Mississippi—that it would be rather difficult for me to say or do anything that would meet his approval.

I want to say that I care absolutely nothing about his opinion of what I have said or may say, whether it pleases him or displeases him is a matter of supreme indifference to me. That is not what I am here for. My conduct is to be controlled by myself, without consultation with him and without any regard whatever of his opinion. I think I would prefer his disapproval. I should be more certain of the rectitude of my conduct.

Mr. WILLIAMS. Mr. President, I intended before I sat down to dwell for a moment upon the speech made by President Wilson, as quoted by a Senator. I want to read it with a view of bearing out just what the Senator from New Jersey [Mr. HUGHES] said, that the President was talking mainly, if not altogether, about that phase of the canal which deals with the proposition which referred to the refusal to let the railroad-owned ships pass through the canal. Here is his language:

One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports; to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard.

Now, mark it—

and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast or down the coast of South America.

Now, there are no ships to do that—

At present there are no ships to do that. The later context will show you why. Because the overwhelming majority of the ships are owned by the railroads.

Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate, as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company.

He is not even referring to the platform; he is referring to the bill. Then he goes on:

You see the object of that, don't you? We don't want the railroads to compete with themselves—

You see the object of that, do you not?

We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

Mr. SMOOT. May I ask the Senator to read just after what he has quoted.

Mr. WILLIAMS. I am sorry to say that his speech upon that subject is not further quoted.

Mr. SMOOT. Will the Senator allow me to read what he said following the very line that was last read by the Senator?

Mr. WILLIAMS. Have you the next sentence?

Mr. SMOOT. I have.

Mr. WILLIAMS. Does that begin "Our platform is not molasses to catch flies"?

Mr. SMOOT. No; that is not the next sentence.

Mr. WILLIAMS. I have not that part of it.

Mr. SMOOT. I have it here.

Mr. WILLIAMS. Very well; read it.

Mr. SMOOT. I will let the Senator read it.

Mr. WILLIAMS. Very well; hand it to me.

Mr. CHAMBERLAIN. I should like to know what page it is on.

Mr. WILLIAMS. The last is as follows:

You see the object of that, don't you? [Applause.] We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. Everything that is done in the interest of free transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways.

Mr. SMOOT. That is it.

Mr. WILLIAMS. I did not have that before me, nor have I any other report of the speech, but the whole thing taken as a whole, even with that last language, shows that the chief thing that was dwelling in the President's mind and the chief thing he was trying to impress upon that audience was that he did not intend to have railroads competing with railroads by the pretext or under the guise of owning the coastwise ships. What he meant by free water transportation was "free to compete," "free from the monopolistic ownership of railroads," thus giving no "free" competition.

Mr. WEST. Mr. President, I shall detain the Senate but a few moments. I just want to explain to the Senate my intention in this matter. I intentionally reflect on no man. If I insult a man, I go to him with it; and when I declare here "Who knows but what there might have been a hundred thousand dollars spent in this matter in the cause of the shipping interests?" that did not charge any Senator with it. They might have spent it in correspondence, in telegrams, in a way. He had just as much right to suppose that $30,000 that was spent by the other side in sending out speeches was spent in influencing Senators on this floor or for the purpose of corrupting Senators. I did not say, either, that there was $100,000 spent. I said, "Who knows?" Now, nobody can say since I have been in this Chamber among these distinguished Members that I have offered the least insult to any Member, and I do not intend to.

Mr. PITTMAN. Mr. President, I do not intend to delay the Senate by any extended remarks upon the bill. This matter has not only been exhaustively discussed in a nonpartisan spirit, for it has not assumed a partisan complexion, but its importance has, I think, been greatly exaggerated. It certainly is now limited to a very small economic question by the amendment, which reserves every question of right under the treaty. I rise for the purpose of explaining my reason for not urging the adoption of an amendment which I have heretofore submitted which authorized the President of the United States to reduce tolls on coastwise vessels or to totally exempt such vessels from the payment of tolls, if such action, in his opinion, became necessary to prevent a discrimination against such coastwise trade.

Subsequent to the introduction of that amendment by me, the authors of the Simmons amendment accepted certain amendments to that amendment offered by other Senators and myself, which, in my opinion, excludes and reserves, in the passage of the bill, the question of the right of the United States to exempt the vessels of its citizens from the payment of tolls for the passage of its vessels through the Panama Canal.

I realize that the adoption of the amendment offered by me would be an assertion of the right of the United States to pass its coastwise vessels through the canal free of tolls; and, while I believe that such right exists, there are so many varying opinions with regard to the right of the United States under and by virtue of the treaty that it is apparent that the bill would not finally pass if encumbered with any such amendment.

There are those in this body, both of the Democratic and Republican Parties, who believe that we have the right to pass any of our vessels through the canal free of tolls; there are others who believe that we have the right to pass the vessels of our coastwise trade through the canal; there are others who believe that we have the right to pass the vessels of our citizens engaged in foreign commerce through the canal free of tolls; while there are others opposed to any exemption, on the ground that it is a subsidy.

The majority of the Senate, although they do not agree on any one of the propositions and could not pass any bill that bases the passage of the bill on any one of such grounds, can agree on the passage of the bill if they are not committed by their vote to any one of these particular reasons, but are permitted to vote for the bill on any ground that seems to them to justify its passage. For example, some of the Senators on both sides are in favor of the passage of the bill because they believe that the exemption is a violation of the treaty; others are in favor of the passage of the bill because they believe that the exemption is a subsidy and constitutes a special privilege for a special class; others are in favor of the passage of the bill because they are satisfied from the evidence given at the hearings that the railroads can not compete with the coastwise vessels passing through the canal, even with the payment of the full amount of the tolls, because the testimony of experts before the committee having in charge the bill was unanimous in the conclusion that the consumer would not get the benefit of any exemption and that it would simply constitute a donation to those engaged in the coastwise trade, which at the present time is controlled very largely by a monopoly. I am convinced from the testimony that these statements are correct. This testimony disclosed that at the present time freight can be shipped from the Pacific coast to the Isthmus of Panama and transported across by railroad to the Gulf of Mexico at a rate of $4 per ton for crossing the Isthmus, and can then be transported to Atlantic coast points for $3.50 per ton cheaper than it can be transported by rail from the Pacific to the Atlantic coast. The testimony further disclosed that the rate of tolls, measured by weight, would amount to only about 60 cents per ton. If the coastwise trade at the present time, by paying a transportation of $4 across the Isthmus, can transport freight from the Pacific to the Atlantic coast for $3.50 less per ton than the railroads can, then there can be no question that they can compete when they would only have to pay 60 cents a ton across the Isthmus instead of $4. I do not believe that the coastwise vessels require any such favoritism, and I do not believe that if they were granted such favor the people who are taxed for the upkeep of the canal would receive any benefit therefrom.

I want to take this occasion to state that to-day by mistake I voted for an amendment offered by the Senator from Montana [Mr. WALSH]. I was not in the Chamber when the amendment was offered and arrived just in time to vote. I did not know that his amendment was intended to strike out the Simmons amendment, but I believed that it was to be added as another section and in assistance to the amendment that I intended to offer. I did not discover the mistake until it was too late to change my vote. While there would have been no difference in the result and the matter is of no importance, I simply desire to correct the record.

The PRESIDING OFFICER. The question is on the amendment offered by the junior Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. Mr. President, I am not going to call for the yeas and nays on the amendment.

The amendment was rejected.

Mr. CUMMINS. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Iowa will be stated.

The SECRETARY. It is proposed to amend section 2 by striking out from and including the word "when," in line 13, page 1, to and including the word "ton," in line 2, page 2, and by inserting in lieu thereof the following:

Until the further action of Congress the basis for the ascertainment of the tolls charged to foreign ships of commerce shall be their proportion of the estimated cost of the maintenance and operation of the canal, together with interest at the rate of 2 per cent annually upon the investment in the construction of the canal, taking into account the entire tonnage of the canal, not exceeding, however, $1.25 per net registered ton or the equivalent thereof.

Until the further action of Congress the basis for the ascertainment of the tolls charged to domestic ships of commerce shall be their proportion of one-half the estimated cost of the maintenance and operation of the canal, together with interest at the rate of 2 per cent annually upon one-half of the investment in the construction of the canal, taking into account the entire tonnage of the canal, not exceeding, however, 60 cents per net registered ton or the equivalent thereof: *Provided*, That vessels of every description owned and operated by the United States shall pass through the canal without the payment of tolls. The fourth sentence in said section 5 is hereby repealed.

Mr. CUMMINS. Mr. President, my chief purpose is to present my views upon the amendment I have just offered. I intend to do so with as much brevity as is consistent with a clear statement of what I propose, and the reasons for the conclusion to which I have come. I do not intend to consider the general construction of the treaty. Not long ago I reviewed the argument I made upon the construction of the treaty two years ago. Reflection has simply strengthened the conclusions which I then announced. The views I then entertained I entertain still. There is, however, one phase of this subject to which I shall invite the attention of the Senate for a very few minutes.

Mr. VARDAMAN. Not at this time; no.

Mr. JAMES. I am not talking about this time; I am talking about any time.

Mr. VARDAMAN. No; not now. When we shall have made the proper declaration and announced to the world our sovereignty over the canal, then I am in favor of taking up and considering the economic question involved.

Now, Mr. President, in conclusion, when I contemplate this deviation from the paths of rectitude which the distinguished citizen from Nebraska, Hon. W. J. Bryan, now Secretary of State, has marked out for the faithful Democrats to follow, when I think of this repudiation of a solemn promise, when I consider this servile surrender of a sovereign right over the Panama Canal, without justification or excuse, I am reminded of the fiery words which came burning from the heart of the prophet of old, pleading with the faithless children of Israel, when he exclaimed:

The ox knoweth his owner and the ass his master's crib, but Israel doth not know, my people doth not consider.

Mr. WEST and Mr. WILLIAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. WEST. Mr. President, I had not intended to say any more in the debate on the pending question before the Senate. I endeavored, however, a few days ago, when the junior Senator from Mississippi [Mr. VARDAMAN] delivered his speech, to obtain the floor to answer the strictures and criticisms made not only against the President of the United States, but against every Member of the Senate who may vote for the passage of the pending bill. What was the utterance of the Senator from Mississippi on that occasion, in spite of which he respects the high standing of the President and the Senators who see fit to oppose the position he here assumed? Here are his words:

I shall follow no man or body of men who carry the red flag of party infidelity, who will sanction the violation of a solemn platform promise.

That is the declaration he made on the floor here last week when he delivered that notable address. Is not that a charge of party infidelity, because they see fit to ask the repeal of this bill, that sanctions, in my judgment, the highest sort of subsidy?

Mr. VARDAMAN. Mr. President, will the Senator from Georgia pardon an interruption?

Mr. WEST. No, sir; I do not wish to be interrupted.

The PRESIDING OFFICER. The Senator refuses to be interrupted.

Mr. WEST. I want to make my short deliverance to the Senate. Now, let us see if the junior Senator from Mississippi, in assuming this position, is correct.

We remember—and I censure nobody who took different positions in those great campaigns—the days of free silver and sound money. In 1892 the Populist Party adopted a free-silver plank, and we, on the hustings and platforms of the country, were appealing to the people in favor of sound money. In 1896 the Democratic Party adopted free silver in its platform. What was the result of it? It resulted in splitting the Democratic Party in twain, and Palmer and Buckner were nominated on a sound-money platform. There were thousands of Democrats in this country who, notwithstanding they did not believe in 16 to 1, stood by their party organization. That was the result at that time.

Let us go further and see whether his accusation is founded in good party politics. What about Samuel J. Randall? He opposed the very central thought there was in the Democratic Party. The Democratic Party opposed protection for protection's sake; but Sam Randall was a protection Democrat. What did the Democratic Party do for him? In 1876 they elected him Speaker of the House of Representatives in spite of the position he took; and they not only elected him for that term but they elected him for three consecutive terms. Yet he opposed the very central idea there was in the platform. That was the situation.

Now, what is a platform, and how is it made up? It is made up in the time of excitement and of the different factions opposing each other in their party. It is nothing but concession; and I may say here, and I say it boldly and fearlessly, that no platform in its entirety is ever legislated into law.

Here is an apparent contradiction in the platform. A good many people—I, for one—have never agreed with that platform. I was in a foreign land when it was made, and I was absolutely astounded when I found out that this plank was incorporated in the Democratic platform, because it was in absolute contradiction to the policy that the Democratic Party had adopted for years.

There has been much criticism indulged in on this side. I have tried to be indulgent and to allow the Senators who occupied the opposite side of this question to view it as they saw fit. There has been charged here to the Carnegie Foundation the expenditure of $20,000. Who knows but that the shipping interests have spent a hundred thousand dollars in order to secure the defeat of this bill?

Mr. VARDAMAN. Have you been offered any?

Mr. WEST. Do not say that to me.

Mr. VARDAMAN. Well, you are making an intimation that somebody else has been influenced.

Mr. WEST. I did not say so. I said——

Mr. VARDAMAN. You said——

The PRESIDING OFFICER. Senators will please come to order. The Senators will please take their seats.

Mr. WEST. I did not say they had been bribed or otherwise.

The PRESIDING OFFICER. The Senators will please take their seats. The Sergeant at Arms will see that the two Senators are seated.

Mr. WEST. No; I am not going to sit down. I am not through.

Mr. VARDAMAN. The Senator can not make an intimation of that kind.

Mr. WEST. I did not intimate it.

Mr. JAMES. Mr. President, the Senator from Georgia made no intimation that there was any influence exerted on Senators.

Mr. WEST. I certainly did not make any.

The PRESIDING OFFICER. The two Senators must be seated. The Senator from Georgia will proceed. He is entitled to the floor.

Mr. JAMES. Mr. President, the Senator from Georgia has a right to go on.

Mr. VARDAMAN. Mr. President——

Mr. WEST. I did not even say that $100,000 had been spent. I said, Who knows but that $100,000 might have been spent in mailing out literature in attempting to mold sentiment, possibly? You all know it has been done in the past, and it will be done in the future. The charge has been made here, however, of party infidelity; that the President of the United States is guilty of party infidelity, and the Members who see fit to follow him in the support of this bill seeking the repeal of free tolls. Then Senators come here after saying "the red flag of party infidelity."

I never have been unfaithful to the Democratic Party. I have stood by the Democratic Party, though there have been things in the platform that I seriously objected to and that I would not support.

An illustrious representative from near me, Henry G. Turner, declined the nomination in 1896 because they required him to subscribe in that platform to free silver. There are many of you here who know that he was an illustrious gentleman, distinguished, honest, and fearless. I have charged no Senator, nor do I expect to charge any Senator upon this floor, with being bribed, and I am not going to charge anyone with party infidelity and failure to keep platform pledges. I myself do not stand for free silver, yet I did not separate myself from the Democratic Party.

Mr. WILLIAMS. Mr. President, it is a fortunate thing in the history of the United States Senate that, as a rule, debates here are carried on coolly and calmly and logically. It is a fortunate thing that this is an arena where men reason together, and do not simply shake their locks at one another.

Now, Mr. President, I make it a point to debate with Republicans. I do not publicly debate when I can help it with my party colleagues upon this side of the Chamber. I have been very glad to hear my colleague's speech this afternoon, because it has proven that possibly some of the things that he was reported to have said in the Washington Post in a public interview, all in quotation marks, were not true. My colleague said this evening that he "had uttered no word of bitterness" during this controversy, "had felt and feels none"; and he has intimated that if anybody did say he had uttered any word of bitterness the person saying it had uttered "a falsehood so diaphanous that it was not quite respectable fiction." I believe that was the language used by him. He added that the newspapers had attributed bitter expression to him, from which I infer he meant that they were "fictionists"—that, I take it, is another way of saying slanderers or liars.

I do not know whether my colleague always knows whether he is uttering words of bitterness or not. I have sometimes doubted if he was a measurer of his own language or if he knew precisely what his own utterances meant in English. As he illustrated just a moment ago, he is a very excitable man, with great intemperance of thought and of expression.

I am inclined to think that the Washington Post, in these quoted interviews which I hold in my hand—interviews in quotation marks—has uttered "untruths so diaphanous that

they are not worthy to be considered as ordinary, decent fiction." Certainly it, or its reporter has, if my colleague has "uttered no word of bitterness."

Mr. VARDAMAN. What is the Senator reading from?

Mr. WILLIAMS. I am going to read now from what purports to be your interview in quotation marks published in the Washington Post of Monday, March 30; and I want to ask my colleague as I go along whether this great sheet, which has represented here only one side of this controversy——

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the senior Senator from Mississippi yield to the junior Senator from Mississippi?

Mr. WILLIAMS. I do.

Mr. VARDAMAN. I decline to answer any question the senior Senator from Mississippi may propound to me.

Mr. WILLIAMS. The Senator declines beforehand? Very well, then, Mr. President. I am not astonished, but I will say this: I am not to be thrown off of my guard, nor off of my temper, by any amount of bad feeling shown by that utterance. Of course there must be a great deal of bad feeling in the heart of a man who declines to answer any questions before the questions are asked merely because they are being asked by a given individual, who has a right to ask them in seeking the truth.

The PRESIDING OFFICER. The Chair desires to state, before the discussion proceeds further, that the rules of the Senate will not permit any reflection on any Senator.

Mr. WILLIAMS. Mr. President, if I know it, I have made none. The Chair will call my attention to it if I have made any——

Mr. WEST. Mr. President, if the Senator will yield for a moment, the junior Senator from Mississippi misunderstood me. I said——

Mr. WILLIAMS. Oh, well, I do not yield for that purpose.

Mr. WEST. Yes; but I want to state——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. WILLIAMS. I do not; not for that purpose.

The PRESIDING OFFICER. The Senator from Georgia has not been yielded to by the Senator from Mississippi. The Senator from Mississippi will proceed.

Mr. WILLIAMS. Mr. President, as I said a moment ago, I am delighted to know that this sheet, which has represented only one side of this controversy, which has reported the speeches of only one side of this controversy, which has been engaged as one of a chain of papers which has been doing that, which has given in full the speech of every man who was opposed to the repeal of this law, and which has said that the others on the Democratic side of the tolls question only "also spoke," has uttered falsehoods about my colleague so absolutely diaphanous that they are not even quite decent fiction, because my colleague has just said that he has indulged in no word of bitterness in this entire controversy, and if this interview, and a part of which was quoted the other day by the Senator from West Virginia [Mr. GORE] in my colleague's presence with the view of ascertaining if he had uttered them, be true, then my colleague would have uttered many words of unprovoked bitterness. But as my colleague has said he has not uttered any word of bitterness, then these statements in this interview must be falsehoods; and I want to put upon record the falsehoods of this infamous interview, so that all men may know how it has slandered my colleague. I wanted to do this with the aid of my colleague's denial, but as he refuses to answer I can not have that great aid. The Washington Post quotes him as saying:

He deplored the position President Wilson has taken, and characterized Mr. Wilson's canal message to Congress as *an affront to the intelligence and patriotism of every Member of Congress.*

It is a bit bitter to say that a Democratic President's public address was so weak and so unpatriotic as to be an "affront to the intelligence and patriotism of Congress." This is an alleged quoted interview. I go on:

I have no more respect for the integrity of a man who will violate a pledge made in the performance of a public function than I have for a man who accepts a bribe to control his official conduct—

Declared the Mississippi Senator.

Now, remember that this is right after he is reported as having said that he deplored the position taken by the President and regarded it as an affront to the intelligence and patriotism of every Member of Congress. To whom was he referring if not to the President?

I agree with Mr. Bryan—

And by the way, Mr. President, I am a little glad that some of the extreme utterances of Mr. Bryan are coming home to roost. I know how political platforms are formed and shaped, and so does almost every man here. Upon the great, salient questions which have engaged the attention of the country and around which public sentiment has been crystallized they are carefully worked out. Every word almost is carefully chosen. The expressions are the result of the utmost deliberation. Then, when those are through with, a subcommittee of a subcommittee reports back to the main committee certain minor things of every description, and they are incorporated in the main document with very little attention, especially if represented or thought to be "vote getters." We all know that.

This paper says that my colleague said "that a man who would win office on a platform and then violate it after getting into office is an embezzler of power," quoting Mr. Bryan, "and guilty of a crime of as great moral turpitude as a soldier who would betray his country in time of war."

cratic platform. It can not be true that my colleague said that. Those would be bitter words, indeed, and bitterly dealt and received.

This is all in connection with the position of the President, which my colleague charges with being a violation of the Demo-

This alleged interview, under quotation marks, goes on:

"It is not that I love President Wilson less," said the Senator, "but that I love the people of the United States and my obligations more"—

And so forth.

Let me come to the next one. Here is the one:

"The President has made the issue squarely upon the right of the United States to control and manage its own property in the canal. The American people spent $400,000,000 to build that canal. It is constructed on property belonging to the United States Government. It is ours just as much as if it were cut through the territory across the continent from New York to San Francisco, and the American people are not going to be misled *by pusillanimous assaults made by certain pilant, sycophantic followers of the President.*

The italics are mine.

If his followers—Democratic Senators and Representatives—were guilty of "pusillanimity" and "sycophancy" in following the President, then he, of course, was guilty of "pusillanimity" and tyranny in having them follow him. But the interview, purporting to be in the words of my colleague, continues:

The American people are not going to be misled by pusillanimous assaults made by certain pilant, sycophantic followers of the President against Senators and Representatives who insist upon carrying out the party's platform pledges.

Then, there follows something that makes me certain that this sheet must have slandered and calumniated my colleague. It makes me certain that it did so, when it put these words of bitterness in his mouth, while he denies ever having uttered any word of bitterness, and thus, by his denial of ever having done so, gives the falsehood direct to this miserable interview.

Here follows the part of it that I say corroborates my colleague's general denial, though he fails to make a specific denial, either when interrogated by Senator GORE the other day or by me now, because in the next part of the interview he "deplores any personalities."

Now, of course no man would have gone on and spoken about his colleagues in the Senate as "sycophantic followers," of cowardly or pusillanimous conduct, and "deplored personalities" right afterwards, because that would have indicated a desire to indulge in personalities himself but not stand them from anybody else, to have insulted others and then begged for mercy. That never could have happened and I know did not happen; it must not have happened.

Then I read again—all this is an alleged quoted interview:

The proposition to yield to the dictates of an European power in this matter is pitifully humiliating.

To say that a Democratic President or a Republican President or any President of the United States is "yielding to the dictation of an European power" is to accuse him of lack of patriotism and lack of courage both at the same time.

My colleague says he is indulging in no bitter utterances, and I know he is not if he says so, and therefore this last purported quotation from him must have been untrue:

I want to say in this connection—

So this alleged quotation from my colleague goes on—

that it is no justification for perfidious and sycophantic betrayal of them—the people—to say that the President of the United States advises it.

"A perfidious and sycophantic betrayal" advised by the President of the United States. This surely can not be true, because if my colleague had stated that he would have accused nearly all the Democratic Senators upon this floor and nearly all the Democratic Representatives in the House, besides some highly respected Republicans in both Houses, of "sycophantic and perfidious betrayal," and would have accused the President of

them from the statute books just as a school-teacher will efface the sum that the pupil has worked upon the blackboard.

I want to say further in this connection that no reform in all the ages of the world has ever been effected that did not originate with the people. It is also true that issues grow out of the conditions of the people rather than originating in the brain of individual statesmen. Our Government has not passed the experimental stage yet. A century and a quarter is but a span in the life of a nation. Every election in the history of this Republic is a crisis. We to-day are writing history which few of us, I dare say none of us, understand the real meaning and significance of. We do not realize the consequences that will flow from our acts to-day. Some one has wisely said that the most striking thing that history teaches is the unmindfulness of what is taking place on the part of those who are prominent actors in what have proven to be the great turning points of time.

The country is safe as long as the individual citizen realizes his power and performs his function properly, and the servants of the people, the officeholders, the Representatives, the Senators, and the President, shall be faithful to the people. The only light which we have to guide us in the darkness of the future is the light which shines out from the experiences of the past.

No, Mr. President; I am not antagonistic to the President in the performance of his duty. I would have him guided by that spirit of patriotism, that love of country—I would have him imbued with that sublime spirit described by Markham when he said:

God give us the Cromwell fire to make us feel
The common burden and the public trust
To be a thing as sacred and august
As the white vigil where the angels kneel.
We need a faith to go the path untried,
The power to be alone and vote with God.

No; I am not indulging in idle or unfriendly criticism, nor is it my desire to cause any friction in the Democratic ranks, because I realize that unanimity of sentiment, concert of action on the part of the Democracy of America means much, not only for the Republic to-day but in the years to come.

Mr. President, in the settlement of this controversy or this question I have proposed an amendment. The purpose of that amendment is to authorize the American and the British Governments to appoint commissioners who shall meet in the spirit of friendship to which we are committed by treaty and shall discuss the differences between the two nations on this question and if possible report to their respective Governments a satisfactory settlement.

Senators will remember that the last word of Secretary Knox to the English ambassador was, when the proposition was made to arbitrate this question, "We have not reached that point, and your suggestion is premature; we have not exhausted all diplomatic resources, and until that shall be done the suggestion of arbitration is not to be considered." Of course I do not quote Mr. Knox literally.

By this method the subject would be taken from the domain of partisan politics. It would enable the Democratic administration to solve the problem without violating pledges to the people. It would avoid the deleterious effect which must necessarily follow the repudiation of platform pledges. I know of nothing more regrettable, Mr. President, than for the plain, honest citizen to lose faith in the veracity, the honesty, and sincerity of the public servant.

Now I am not going to delay the vote upon this question by longer discussing all of the issues involved, but I have been somewhat amused and interested at the importance that has been ascribed to and the stress that has been placed upon the question of subsidy. I listened with great interest to the speech made by the junior Senator from Missouri [Mr. REED] on yesterday. His candor was refreshing; the affluence of his eloquence charming; his arguments were cogent; and I think he completely convinced every Senator who honored him with his ear that this subsidy argument is an afterthought; that it is an intellectual expedient, resorted to to justify the betrayal of platform promises.

Mr. JAMES. Mr. President, will the Senator from Mississippi yield to me?

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. VARDAMAN. With pleasure.

Mr. JAMES. The Senator from Mississippi has said that the question of subsidy was an afterthought.

Mr. VARDAMAN. The argument of subsidy, I said.

Mr. JAMES. How does the Senator make that statement comport with the memorandum which was written by President Taft at the time he signed the bill, a clause of which we are undertaking to repeal, and in which he very boldly and very plainly stated that it was a subsidy?

Mr. VARDAMAN. Because I know that the Senator from Kentucky would never have put the stamp of his approval on that platform if he had thought this exemption was a subsidy. He could not have done it and maintained his intellectual honesty and been true and faithful to his constituency.

Mr. JAMES. Oh, Mr. President, there are two declarations in that platform directly in opposition to that subsidy.

Mr. VARDAMAN. Did the Senator call attention to the conflict?

Mr. JAMES. No; I did not call attention to the conflict.

Mr. VARDAMAN. Did the Senator tell the people whom he asked to vote the Democratic ticket that we were double-dealing with them?

Mr. JAMES. There was no conflict and there is no conflict in the platform, so far as the Democratic Party is concerned. The Democratic House of Representatives itself cast a majority vote against the identical thing that the Senator is contending for.

Mr. VARDAMAN. I know of no man——

Mr. JAMES. Just a moment.

Mr. VARDAMAN. Who has insisted more strenuously and more eloquently and more earnestly than has the distinguished Senator from Kentucky upon the literal enforcement and observance of the Democratic platform.

Mr. JAMES. But did the Senator himself state to the convention or to the committee which had under consideration this platform that when they indorsed the act of the House of Representatives they were indorsing their vote in opposition to this subsidy for which the Senator is so eloquent in his speech?

Mr. VARDAMAN. No; I never thought it was a subsidy any more than I thought it was a subsidy to indorse the plank in the platform which I and Representative BROUSSARD wrote in favor of river improvements.

Mr. JAMES. Now, if the Senator did not think it was a subsidy, why did he say in the speech that he formerly made that after consultation with his people—he seemed to think that that was necessary—he would vote, or perhaps he might vote to make ships pay the expense of putting them through the canal.

Mr. VARDAMAN. Well, I will tell the Senator why. I do not know that it would be an injustice to make the ships that go down the Warrior River pay to the Government a slight tariff for the privilege of carrying coal to New Orleans—or the Mississippi River or the Ohio River or any other river. That is a mere economic question.

Mr. JAMES. Why, then, Mr. President, if the Senator will permit me, does not the Senator vote here as the representative of the great people of Mississippi to make this monopoly pay $2,000,000 a year into the Treasury rather than to put it upon the bending backs of the tillers of the soil of Mississippi?

Mr. VARDAMAN. I will tell you why I do not. It is because that is not the issue involved in this controversy. The President of the United States has made the issue; the President of the United States in his address to Congress made the issue. It was not a question of tolls.

Mr. JAMES. The President of the United States said that it was economically unsound.

Mr. VARDAMAN. Yes; and he said——

Mr. JAMES. And by that he meant that it was a subsidy.

Mr. VARDAMAN. If the President of the United States had felt that way, the President is too candid and honest a man to have left it in the form that he did.

Mr. JAMES. He stated that, and I do not know of anybody in this country who is more capable of expressing himself.

Mr. VARDAMAN. I do not think anybody ever read his speech that way except the Senator from Kentucky.

Mr. JAMES. Ah, the trouble with the Senator from Mississippi is that in his love for this monopoly he has lost sight of the real Democratic tendency and trend and faith.

Mr. VARDAMAN. Mr. President——

Mr. JAMES. The President of the United States said that it was economically unsound, and by that he meant that it was a subsidy.

Mr. VARDAMAN. The intimation that the Senator from Kentucky makes that I am in love with any trust or with any subsidy is absolutely without foundation in fact, and the Senator knows when he states it that he says that which is not true and that he makes an unjust charge against me.

Mr. JAMES. Oh, Mr. President, the Senator from Mississippi need not fret himself into such excitement about that.

Mr. VARDAMAN. The Senator from Mississippi is not going to permit the Senator from Kentucky to put words into his mouth or to impute to him an improper motive.

Mr. JAMES. I was not doing that, Mr. President, but I was stating what I believe to be the fact—that those who vote for this bill are voting a subsidy in the interest of a monopoly.

Mr. VARDAMAN. The Senator is in error when he states that.

The PRESIDING OFFICER. Senators should speak one at a time.

Mr. JAMES. I will state to the Senator that when he votes for this bill he votes to give a subsidy to a monopoly. I do not mean to ascribe to the distinguished Senator any unworthy motive. I mean that he, as a Senator from Mississippi, is casting a vote the purpose of which is to exempt this monopoly from the payment of tolls, and I say that is a subsidy.

Mr. VARDAMAN. Of course the Senator from Kentucky is entitled to his opinion. I trust he has one, and I hope it is not borrowed, and I hope also it is the result of his own intellectual processes.

I am not going to delay the vote upon this question longer by discussion of the subsidy feature of this debate; but I do resent any efforts on the part of any Senator, or on the part of anybody else, to put upon me or those who hold the views that I do the odium of supporting any form of trust or subsidy.

It is quite unfortunate, I think, Mr. President, that distinguished Senators would sacrifice what I believe to be candor, and would employ this questionable expedient in order that their fellow Senators may be put in a false light. It will not work; the American people can not be deceived.

Mr. HUGHES. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from New Jersey?

Mr. VARDAMAN. I yield to an interruption.

Mr. HUGHES. The Senator is criticizing other Senators for lack of candor and for incorrectness of statement, and yet the Senator himself said a while ago that the cry of subsidy was purely an expedient and an afterthought. I happen to be one of those men who voted against this proposition two years ago, before any question of American sovereignty was raised.

Mr. VARDAMAN. Did you call attention to it during the campaign?

Mr. HUGHES. My vote called attention to it.

Mr. VARDAMAN. Did you call attention to it during the campaign before the American people?

Mr. HUGHES. I am calling it to the attention of the Senator now, that as a Member of the House of Representatives I voted against this proposition before there was any question of sovereignty raised. I voted against it, and so did a majority of the Democrats of that body on the ground that it was a subsidy—I recognized a subsidy in its new guise. I had seen it under many guises. I simply say to the Senator that recklessness of statement is no more becoming in him than it is in others. He casts a reflection not only upon me, but he casts a reflection upon nearly the whole delegation of the State of Mississippi, for, if my recollection serves me aright, they voted as I did at that time.

Mr. VARDAMAN. I do not doubt it, and yet those same Representatives went before the American people upon this platform. They approved what the President had said; they approved the platform; and they did it, not believing it to be a subsidy, but because they thought, as the President had said, that it was going to facilitate commerce between the States. If they did not think that way about it, they should have declared themselves against it.

Mr. HUGHES. Now, Mr. President——

Mr. VARDAMAN. They thought, as the President said it would, that it was going to make cheaper rates for the farmer. That is the way they interpreted it. If the President of the United States had asked that the exemption clause be repealed because it was a subsidy, it would have put the matter in a very different light. The question before the Senate, however, is not whether it is a subsidy, but whether we shall maintain sovereignty over that canal. That is the paramount issue with me.

Mr. HUGHES and Mr. JAMES addressed the Chair.

The PRESIDING OFFICER. To which of the two Senators does the Senator from Mississippi yield?

Mr. HUGHES. If the Senator will permit me, I do not like to interrupt him, and there has been enough of this debate; yet I think perhaps it would be well for me at this time to call attention to the quoted declaration of the President of the United States on this subject. I happened to be the man who introduced him at the meeting where he made this declaration; it was I who caused him to make it; and the declaration that he made was not with reference to the exemption given to American vessels, but it was made, and anybody who reads the language can see that it was made, with reference to the action of the Senate and the House of Representatives in forbidding American railroad-owned ships from going through the canal.

Mr. VARDAMAN. Does the Senator mean to create the impression that the President did not intend to say to those farmers what he did say?

Mr. HUGHES. I say that the President said to those farmers exactly what he intended to say, which was that the Congress was wise in preventing railroad-owned and trust-controlled ships from going through that canal, because, in the nature of things, railroad-owned ships would not compete with the railroads; and the conditions brought about by the refusal of Congress to permit these particular ships to use that canal would result in competition and cheaper railroad rates. I was there and introduced him and listened to his speech and gave him the information.

Mr. VARDAMAN. The President was discussing the bill which permitted American coastwise vessels to go through the canal free of tolls.

Mr. HUGHES. The President was discussing the refusal of Congress to permit railroad-owned ships to go through that canal. I was there and heard him make the speech.

Mr. VARDAMAN. Then I suppose the reporter reported him incorrectly.

Mr. HUGHES. The reporter reported him absolutely correctly, according to my recollection; and no fair reading of the speech can support the construction which the Senator is endeavoring to put upon it.

Mr. VARDAMAN. Well, Mr. President, I am incapable of understanding the English language if it does not mean what I have said it means. The American people believe it means that; and of all the planks in the platform that was the one which the President stood upon to induce the farmers of the country to support the Democratic ticket. Its merits and virtue were most prominent.

Mr. JAMES. Mr. President:——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Mississippi yield to the Senator from Kentucky?

Mr. VARDAMAN. Certainly.

Mr. JAMES. I understood the Senator a moment ago to complain that the President of the United States had not in his message to Congress, in asking for this repeal, placed himself upon the ground that tolls exemption was a subsidy. Now, what I should like to know is this: If the President had in his message taken the position that the exemption clause ought to have been repealed because it is a subsidy, whether or not the Senator from Mississippi would have supported the President?

Mr. VARDAMAN. I will tell you what, if I had been consulted about it, I should have advised. If the President felt that free tolls was economically incorrect, if the President had felt that it was violative of the treaty obligations of this country with Great Britain, I think it would have been his duty to have called the attention of Congress to that fact and to have stated to Congress that he had changed his opinion about it; that he had not during the campaign correctly interpreted the treaty——

Mr. JAMES. Mr. President——

Mr. VARDAMAN. Now, wait a moment, until I answer the question——

Mr. JAMES. Certainly; I just wanted to make a suggestion.

Mr. VARDAMAN. That he had not correctly interpreted the treaty, and that he was going to call the attention of Congress to it; and after they should have had an opportunity to consult with their masters, the people, at the November election, to ask them to repeal this clause, because he believed it was violative of our treaty obligations and was economically incorrect. I think that would have been all right. We would have then been able to have consulted with our masters and to do what he now asks us to do, if we think best, without violating party promises or betraying any trust. Now, I want to say in this connection——

Mr. JAMES. Just a moment——

Mr. VARDAMAN. I am no more in favor of special privileges than any other Senator upon this floor.

Mr. JAMES. Then, Mr. President, if I understand the Senator from Mississippi correctly, his reason for voting against repealing this subsidy is that, according to his judgment, the President in his message did not place before the Congress the proper reasons why it should be done.

Mr. VARDAMAN. No; that is not true. My reason for voting against it is that the issue is not the question of subsidy, but the question of sovereignty over the canal.

Mr. JAMES. But I asked the Senator this question: If the President had placed it upon the ground of subsidy, would the Senator then have voted for repeal?

casioned by compelling them all to pay for the expense of keeping the canal in operation and repair, for the benefit of the users of the canal who pay nothing toward its support. The coastwise trade of the United States is a monopoly, made so by our law. It has no competition. It is fully protected. It needs no contribution from the people. The time for subsidies and special privileges is luckily passing. Let us hope it has passed for all time to come.

Mr. LANE. Mr. President, I should like to say, for the information of those who are not familiar with locks and canals, who do not live upon them, that in the State which I in part represent we have two systems—a lock and canal on which a toll is charged, and another which is conducted by the Government and is free and open to all that come to use it; so we are familiar with both. We see them day by day, every day in the year, and have seen them for years.

In one instance the locks were owned by a private corporation, and a toll was charged of 50 cents a ton, and it entirely killed all of the traffic upon the river. It died. It went into the hands of the railroad company which had a line of railway along the river. In the other instance it is free and open to all the steamers which come to it, and there is an independent line of steamers and a lower freight rate up and down that river in consequence of the freedom from tolls.

Mr. SIMMONS. Mr. President——

Mr. LANE. Of course, it is in the nature of a subsidy.

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Carolina?

Mr. LANE. I do.

Mr. SIMMONS. If the Senator will pardon me, I wish to make a parliamentary inquiry. What is before the Senate?

Mr. LANE. The tolls question, as I understand—Panama Canal tolls.

Mr. SIMMONS. Is there any amendment pending at this time?

The PRESIDING OFFICER. In answer to the inquiry of the Senator from North Carolina, the Chair will state that the Senator from Nebraska [Mr. NORRIS] asked leave to withdraw his amendment. As the amendment has not been amended, and the yeas and nays have not been ordered upon it, under Rule XXI of the Senate he is entitled to withdraw it. The amendment is not before the Senate for consideration. The question before the Senate is the bill itself.

Mr. SIMMONS. I beg the pardon of the Senator from Oregon. I did not mean to interrupt him. I simply wanted to find out whether the amendment is now pending or not.

Mr. LANE. I do not wish to occupy any of the time of the Senate. I wish to say to them, for their information, and without prejudice either for or against the question, that we have both systems. The one wherein a toll was charged has killed off the traffic on the river. In the other case, where there are no tolls, which I presume is in the nature of a subsidy, the same as the case of the Panama Canal, traffic on the river has been kept open and alive, and the freight rates have been lowered.

That is the result of the experience of the people who have tried the two plans.

Mr. RANSDELL. Mr. President, on the 2d of this month I introduced an amendment which I propose to offer at the proper time. I shall detain the Senate but a few moments to explain it before having it read. It provides that the passage of this act shall not be held to mean that the coastwise trade of the United States is affected by the Hay-Pauncefote treaty.

My purpose in offering this amendment is to show, if possible, that this country did not violate any pledge or obligation or contract of any kind when the tolls act was passed two years ago. Coastwise commerce is interstate commerce. It is domestic commerce. It is commerce in which England has no interest. Hence the treaty-making power, in making the Hay-Pauncefote treaty, had no right to include the coastwise commerce, if there was any attempt to include it; and my contention is that there was no such attempt.

Section 8 of Article I of the Constitution provides that Congress shall have power "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes"—Congress, not the Executive and the Senate. Another article of the Constitution authorizes the President, by and with the advice and consent of the Senate, to make treaties between this Nation and a foreign nation. A treaty is a compact between two sovereignties concerning matters which relate to them, and it must be confined to matters of interest to those two sovereignties.

What interest has England in our purely domestic affairs? What interest has England in our rules and regulations concerning railway business between New York and Chicago, or St. Louis and Cincinnati, or New Orleans and Galveston? Those are purely domestic affairs.

What interest has England or any other foreign country in our copyright laws, our patent laws, our police and quarantine regulations? Absolutely none; and if the treaty-making power attempted to interfere in or regulate any of those matters it would be so clearly ultra vires that it would have no force or effect whatsoever.

COMMERCE FROM ONE AMERICAN PORT TO ANOTHER.

The commerce along our coast, which from the very beginning of this Republic has been confined to American vessels, is just as much a domestic, internal, interstate affair as police regulations, copyrights, patents, or railroad regulations—certainly just as much.

You may say that we are going to pass a law now in which the whole Congress is participating. Yes; we are; but many people expect to vote for this bill because they say we made a bargain with England and, hard bargain though it be, we must stand by it as honorable men. They say we are morally bound and obligated by the terms of the Hay-Pauncefote treaty to treat our coastwise vessels exactly the same as we do the vessels of foreign countries passing through the Panama Canal.

If I can demonstrate to you, as I believe I can, that the Hay-Pauncefote treaty could not in any way affect this interstate commerce, I will at least have shown that there is no moral obligation imposed upon us in this matter; and that would be a very important thing from my viewpoint, for I am one of those men who stand by a contract when I make it; and if our Government made a contract with Great Britain it ought to stand by it, no matter how hard it may be to do so.

I wish to read very briefly from an eminent authority on this subject, and will ask the careful attention of the Senators. I shall detain them but a few moments. I read from page 170 of volume 5 of the Digest on International Law, by Mr. John Bassett Moore. He says:

That a treaty can not invade the constitutional prerogatives of the legislature is thus illustrated by a German author, who has given to the subject a degree of elaborate and extended exposition which it has received from no writer in our own tongue:

"Congress has under the Constitution the right to lay taxes and imposts as well as to regulate foreign trade; but the President and Senate, if the 'treaty-making power' be regarded as absolute, would be able to evade this limitation by adopting treaties which would compel Congress to destroy its whole tariff system. According to the Constitution, Congress has the right to determine questions of naturalization, of patents, and of copyright. Yet, according to the view here contested, the President and Senate, by a treaty, could on these important questions utterly destroy the legislative capacity of the House of Representatives. The Constitution gives Congress the control of the Army. Participation in this control would be snatched from the House of Representatives by a treaty with a foreign power by which the United States would bind itself to keep in the field an army of a particular size. The Constitution gives Congress the right of declaring war; this right would be illusory if the President and Senate could by a treaty launch the country into a foreign war. The power of borrowing money on the credit of the United States resides in Congress; this power would cease to exist if the President and Senate could by treaty bind the country to the borrowing of foreign funds. By the Constitution 'no money shall be drawn from the Treasury, but in consequence of appropriations made by law'; but this limitation would cease to exist if by a treaty the United States could be bound to pay money to a foreign power. * * * Congress would cease to be the law-making power, as is prescribed by the Constitution; the law-making power would be the President and the Senate. Such a condition would become the more dangerous from the fact that treaties so adopted, being on this particular hypothesis superior to legislation, would continue in force until superseded by other treaties. Not only, therefore, would a Congress consisting of two Houses be made to give way to an oligarchy of President and Senate, but the decrees of this oligarchy, when once made, could only be changed by concurrence of President and of a Senatorial majority of two-thirds."

Mr. President, it is well established that the assent of the House of Representatives and the whole Congress is necessary to any legislation affecting appropriations or changing the revenue laws. It is preposterous, sir, to think that the President and the Senate can affect the revenue laws of this Nation. Yet if the construction which many have given to this provision be taken, the President and Senate have by treaty with Great Britain affected our revenue laws, because this is a revenue measure. We propose to raise revenue by imposing tolls on our coastwise commerce passing through that canal. That question came up in a very interesting way a great many years ago. President Washington had a controversy with Congress in regard to it, and the subject is so well expressed by a great Virginian, Mr. Henry St. George Tucker, in a letter to me under date of May 28 last. That I read from it because it conveys the idea much better than I can express it. He says:

In the line of your argument let me call your attention to this fact: Under the Jay treaty, 1796, the House of Representatives, by vote of 63 to 36, asserted its prerogative to examine and deliberate upon all treaties that carried appropriations (or changed the revenue laws). President Washington, you will remember, denied the claim of the House. I have only finished an examination of this question in the last two days, and find that every President from John Adams to McKinley (except William Henry Harrison) has sent one or more treaties to both Houses of Congress which contained either appropriations or changes in revenue laws for their action, showing that the victory won by the House in the Jay treaty fight was complete, for none of the Presidents in the time named followed the example of Washington.

Mr. President, I do not wish to take the time of the Senate for any elaborate discussion of this matter. I simply wish to make it clear that the House of Representatives was not a party to the Hay-Pauncefote treaty; that it is a necessary party to any law, to any regulation affecting interstate, internal, and domestic commerce, and as it is a necessary party that this treaty could not affect our domestic commerce without violating the Constitution. If that be true, then we have a perfectly moral and legal right to do as we please concerning the tolls, and at the same time, sir, the fair thing to do, the open, honorable thing, is for the Senate to go on record in asserting the well-known, well-established right of the House of Representatives to a participation in any such measure as this.

Bear in mind that the House of Representatives originated the great law that gave us the $400,000,000 to construct the Panama Canal, and that for 10 years it has originated the great appropriation bills under which we have carried on this colossal work. Bear in mind that the House of Representatives is very close to the people of this country, closer in many ways than the Senate. They were entitled to participate in the Hay-Pauncefote treaty if it was to affect our domestic commerce.

Mr. President, let me repeat that that treaty does not, it can not, under the plain terms of the Constitution and the law of the land affect in any way our coastwise commerce.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The question is on the amendment offered by the Senator from Louisiana [Mr. RANSDELL] to the amendment.

The amendment to the amendment was rejected.

Mr. VARDAMAN. Mr. President, I offer an amendment, which I send to the Secretary's desk as a substitute for the bill. I will not ask that it be read. All Senators are familiar with it.

Mr. SIMMONS. It need not be read. Let it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. The Senator from Mississippi [Mr. VARDAMAN] proposes to strike out all after the enacting clause and to insert:

That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone," approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," shall be suspended and shall not take effect as a statute of the United States until July 1, 1915, on which date it shall have full force and effect as a statute law of the United States. It is further provided that the proper authorities operating said Panama Canal, who shall, prior to said date, collect tolls levied upon vessels engaged in the coastwise trade of the United States, are hereby directed to set apart all such tolls so collected and retain the same in a separate fund until July 1, 1915. On that date, or as soon thereafter as practicable, such tolls so collected shall be returned to the parties from whom they were collected, provided no contrary disposition has been made by law prior to that time.

That so soon as practicable after the passage of this act the President of the United States is hereby authorized and directed to appoint a commission, consisting of not less than three nor more than five persons to be selected by him, for the purpose of meeting a like commission to be appointed by His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the Seas, in a diplomatic conference to be held at such time and place as His Britannic Majesty and the President of the United States may agree upon. The purpose of such diplomatic conference shall be to take into consideration the controversy now pending between Great Britain and the United States as to the proper construction of the Hay-Pauncefote treaty, so far as the provisions of the same involve the right of the latter to regulate by its own legislation the levying of tolls upon vessels engaged in its coastwise trade and passing through said Panama Canal. It shall be the duty of such diplomatic conference, acting in the light of the discussions that have already taken place, to seek, in an equitable and friendly spirit, some practical solution of the entire question now at issue, which will worthily round out a hundred years of peace and friendship by respecting and conserving the interests and honor of both nations. The conclusions reached by such diplomatic conference shall be reported at its close to the Governments of Great Britain and the United States by their respective commissioners; but such conclusions shall not be binding upon either Government until accepted by both, and duly ratified upon the part of the United States by the necessary and appropriate legislation.

That the expenses and compensation of the said commissioners to be appointed to attend said diplomatic conference upon the part of the United States shall be paid out of the contingent fund of the Department of State according to law.

Mr. VARDAMAN. Mr. President, I realize that the Senators are weary and I am not going to prolong the discussion of this question by an elaborate or exhaustive analysis of the amendment proposed by me. I am convinced that the edict has gone forth, the minds of the Senators are made up that certain things shall be done, and that those certain things will be done by the Senate I have not the slightest doubt.

Mr. President, whatever may be done I trust will redound to the honor and welfare of our common country. It is a source of some regret that my sense of public duty leads me to differ from the President and a majority of the Democrats on the question at issue. I am devoted to my party, because I think it stands for the best things in American politics. Its interests are not only of personal concern, but of national moment. I regret to differ from the President of the United States, for whom I entertain most cordial good will and for whose learning I have great admiration, and whose patriotism I have never questioned. But, Mr. President, I have a duty to perform. I have obligations to absolve which I can not neglect or ignore. I believe that the perpetuity of this Republic depends upon the honesty and intelligence of the individual voter, and the fidelity, patriotism, and intelligence of the representatives of the people in the performance of their respective functions.

It has been said in the public press that I have criticized the President of the United States; that my attack upon him was "bitter." It has also been said that I had taken a "lick at the Secretary of State, Mr. Bryan." Mr. President, there was and is no bitterness in my heart toward those gentlemen, and the statements that I have bitterly attacked them has not enough of the elements of truth in them to make a well-developed decent piece of fiction. There is no feeling save that which should animate the soul of every self-respecting, intellectually honest man in this Republic for these distinguished officeholders. That I have criticized them I do not deny. They are subjects of criticism. They ought to be criticized when they deserve it. When they say and do that which I disapprove, or from which I disagree, ordinary self-respect and fidelity to my constituents demands that I should say so. There is no intellectual progress possible without liberty of thought and freedom of speech.

I honor the man who is willing to sink
Half his present repute for the freedom to think;
And after he has thought, be his cause strong or weak,
Will stake t' other half for the privilege to speak.

But in doing it no man can truthfully say that I have done it in a spirit of hostility. Mr. President—

I honor the man, born and taught,
That serveth not another's will,
Whose armor is his honest thought
And simple truth his utmost skill.

I know the disposition of the superservophantic, the servile swingers of the incense pot in which is burned every vestige of independence, intellectual self-respect, and political honesty of their dwarfed souls and meager intellects, in order to delight the olfactories of those in authority. I know men of that character will impute to me improper motives, or motives of hostility to the administration. But what they may say or what they think is of little consequence or concern to me. Their purpose or hope doubtless is to get closer to the throne. Their vicious vaporings will vanish as a bad odor—the effluvium of a decadent mentality and decrepit manhood—which will be remembered by me only with mingled emotions of pity and regret.

Mr. President, the disposition of some people to apotheosize the officeholder, to hedge him about with a divinity which negatives the idea of fallibility, can not be considered by me with any degree of tolerance. The President of the United States is but the hired man of the American people. He is not a ruler, as my learned, eloquent friend, the ornate Senator from Illinois [Mr. LEWIS] has characterized him. He has been chosen by the people to perform a definite function, to hold his office for a fixed, definite period of time. He is simply an employee of the Nation, whose acts are subject to proper and legitimate criticism, and to whom should be given advice and counsel by all lovers of the Republic. It is only by the exchange of experiences, the attrition of ideas, and the friction of suggestions that the eternal truth shall be evolved. The only ruler in this Republic, Mr. President, is the man or the woman who deposits the ballot.

The President of the United States occupies the greatest office within the gift of any people on earth. The office of a United States Senator is a great office. The office of governor of a State is a great office; that of Representative in Congress is a great office, but I repeat the greatest and most vital function performed by any citizen or any man in this country is that performed by the man or the woman who casts the ballot.

I want to say furthermore that all the people have more sense and their judgment is more to be relied upon than the wisest man on earth. I would rather trust the feeling of a people than the intellectual processes of some men. The President may make mistakes. Congress may make mistakes, the legislatures of States and governors of States may make mistakes, but the people in the performance of the supreme function of citizenship can correct those mistakes. They can wipe

calls for arbitration as does this. I feel so strongly about it that I would not even in this situation do anything that I thought would throw the slightest impediment in the way of the final accomplishment of the thing which I hold so much at heart.

For that reason, Mr. President, while I should be glad to vote for the amendment proposed by the Senator from Nebraska [Mr. NORRIS], while I should be glad to offer my own amendment and have it voted upon for the reasons that I have stated, I shall not object to the withdrawal of the proposed amendment, and I shall not offer my own.

Mr. SMITH of Arizona. Mr. President, thus far in this long and sometimes interesting debate I have held my peace. If all had said less and thought more, a vote could have been had a month ago with not a change in the result. Let us hope—all of us, at least, who believe in full and free debate—that no such frequent repetition of this experience will occur, as to force a cloture rule on this body. My experience in the other House of Congress may be responsible for my impatience at the endlessness of talk here. When everybody except the orator is worn out some means will by and by be brought to bear that will silence him. I have listened to all this with credit to myself. [Laughter.] To some of it I have listened with profit and to much of it with interest.

Mr. President, I shall not go into the history of the treaties or even the terms of the treaty now existing between us on the one hand and England and the balance of the civilized world on the other. There is no need to do it here. The whole ground has been covered so often and so fully that I forbear to repeat the history of the negotiations. The whole question to my mind is so clear that I wonder at our differences. The Clayton-Bulwer treaty of 1850 was caused by our protest against English aggression on the east coast of Nicaragua and on her seizure of Tiger Island that blocked the east entrance to any canal across that Republic. The Monroe doctrine began to assert itself, and the United States was in a mood to sever peaceful relations with England. The treaty settled all differences. England afterwards gave up her claim of a protectorate over the Mosquito Coast and her claim to Tiger Island. Neither nation was ready to dig the canal. Neither ever contemplated that either would build it, but both, out of abundant caution, agreed that if the Nicaragua canal was built they each, and both together, would secure its neutrality against any effort otherwise by any nation on the earth. Nothing was said in this treaty nor in any of the negotiations leading up to it which in any way affected our coastwise trade, for at that time no purpose had been shown on our part to undertake such a mammoth enterprise. The great accomplishment was so remote that the insignificant question before us now was never in the contemplation of the high contracting parties. The clause in that treaty guaranteeing equality of "all nations" using the canal to be built probably thereafter by the combined efforts of several or many nations, or, as then contemplated, by a possible syndicate underwritten by the credit of several Governments, bears a very different meaning under largely different facts. I never could understand why the Hay-Pauncefote treaty was ever agreed to by the Senate, though abundant alleged reasons have been assigned in this debate. I find no satisfaction in those reasons, or conviction in their favor. But I see nothing in that treaty which leads me to believe that our coastwise trade was involved or even contemplated by the parties negotiating it.

Mr. President, the Hay-Pauncefote treaty was made in the light of and in clear view of our law regulating our coastwise trade, which had been in operation for near a hundred years. No intendment of its repeal by this extraordinary method can be reasonably indulged. Under that law no ship of any other nation could engage in that trade along any part of our American coast. There could be no discrimination where there could be no competition. As no one could compete, no one could complain. If there could thus be no ground of complaint against us by reason of excluding all other nations from this particular business, it is incredible that either of the high contracting parties, by using the term "ships of all nations," did not mean all *competing nations* and nothing more. The very rules laid down in the treaty for the government of the canal by the United States makes any other construction impossible to my mind. If our law was to be repealed, it would have been mentioned somewhere in the treaty or in the negotiations leading up to it. If England had intended to claim, or we to concede it, the words "including the ships engaged in the coastwise trade of the United States" would have been inserted. Common frankness required that a clear intent to repeal the laws of either nation should have been at least mentioned somewhere. There was no such intent. It was an afterthought with England. At the time the treaty was made England was only interested in seeing that in the deep-sea trade of the world, of which she was the unchallenged mistress, that no discrimination against her and in favor of any rival should at any time be possible in the use of the canal. She had no other care then. She should have less now, for outside of every expectation at that time, we bought and own the right of way across Panama. We made treaty with that Republic inconsistent with England's present claim, yet she made no protest. We almost doubled the capacity of her bottoms by shortening the pathway of the seas in her trade through the canal. We built the locks; we dug the canal; we fortified it at an expense of brain and energy and money that excite the wonder and deserves the gratitude of all the children of men. England, in her own behalf and as quasi trustee for all foreign maritime nations under this treaty, does herself scant justice in making objections which she has urged.

Mr. President, I do not believe, for reasons already stated, that the treaty involved in any way our coastwise trade. In this judgment I find myself opposed to many of the ablest minds and purest patriots in this country. There is a divergence of opinion in England on the question, in Germany, and France, and probably all other interested nations. The President believes that the term "all nations" used in the treaty applies to the ships engaged in the coastwise trade of the United States. So believing, he has had the courage to appeal to us to keep sacred our national promise and preserve our national honor from stain. Having this conviction, and seeing his duty under it—knowing the clamor it would cause and the false motive which would be assigned—he nevertheless, with high purpose and supreme courage, advised us to do what he believed was our great duty to do, and what he would have done if he had the power. For this he is denounced as being a tool of England—un-American in heart—by those having some purpose to injure him or the party of which he is the head. A man who would violate his conception of the obligations contained in a treaty would not hesitate to violate a private contract. There is no need of denunciation or abuse of high-minded, patriotic men who differ on the construction of language in a contract. I am, however, gratified to find myself in thorough accord with the President in his declaration that freedom from tolls of American-owned ships is a mistaken domestic policy. On that declaration every Democrat who feels as I do can heartily unite in suppressing the subsidy granting free passage through the canal of ships owned by certain Americans, while the balance of our citizens are taxed to pay for its upkeep. I would not vote for this repeal bill if by such vote I would concede England's contention that the treaty bound us to repeal it. I would not vote for this bill without an amendment saving every American right of ownership and sovereignty over the canal. I have said this much to many of my constituents, and said the same to the President in the early days of this debate.

I expressed my purpose to vote against the bill as it passed the House, and I would vote against it now except for the amendment, which leaves us free to do as we please as to the imposition or exemption of tolls. So firmly am I of the opinion that we are not bound in respect of our own shipping through our own canal that I do not see even a question of arbitration in the alleged dispute. I am not sustained in this attitude by many more able and experienced Senators, who now honor me with their attention. I accord to every one of them motives as pure, patriotism as large, and sincerity as great as I claim for myself. None of us here are un-American. No man on this floor, and, indeed, no American in any assembly anywhere, will do anything or say anything or feel within him anything that would surrender a national right to any prince or power on the earth. Our native-born and all true and worthy sons of our adoption share equally that sentiment. There never has been, there never will be, a President of these United States who will lower our banner in the face of any flag on earth. Partisan prejudice, for purposes of its own, may assail with calumny as brutal as that cast against Washington and Jefferson and Jackson, yet all of our Presidents will, as these great heroes did, rise triumphant in history, with no blot or stain or wound on their honor, integrity, or patriotism.

Mr. President, I have, without presenting the treaty and without any purpose to answer arguments from the opposing side in this controversy, rapidly given the reasons which direct my course in relation to it. The other and controlling question here involved merits brief attention. I refer to the plain, open, bare-faced subsidy in this exemption of tolls. A ship owned by an American corporation is no more an American ship than a locomotive engine on any of our railroads is an American engine. Each is private property, owned by private parties, and both are engaged in transporting persons and freight for private profit, and both will charge all the traffic

will bear, whether you do or do not subsidize the one by large money which the user of the canal should pay for its upkeep, land grants and the other by paying out of the Public Treasury. Is this the expiring wail of the vigorous ship-subsidy sentiment so rampant in this Chamber when the Republicans were in power?

If this is the small burglar's jimmy by which you hope to break into the Treasury vaults for larger sums to be vainly applied in subsidies to our over-seas trade, you will find at last that no subsidy, however great, will ever restore to us a profitable merchant marine. A private business which takes its profits from the public Treasury is a parasite, not an industry. It is an obligation, not an asset. The county poorhouse equals such business as that, in producing prosperity. In fact, the poorhouse has the advantage in that public money reaches forth help to those who need it. Your subsidy doctrine fulfills the scripture curse, "To him that hath shall be given and from him that hath not shall be taken even that which he hath."

No, Mr. President, you can not be impoverishing the people in aid of any business make that business profitable to them. No amount of subsidy will keep our ships on the sea a day after the subsidy is withdrawn. England's present supremacy in the sea-carrying trade is natural. In no way is it due to the superiority of her seamanship or the courage of her sailors. Nor is it occasioned by her laws, any more than we can regain our former place in ocean trade by an edict of Congress. Burden that edict as grievously as you please with subsidies from the people's pocket, yet you will fail to "free the sea with ships." The reason is obvious. Man is a land animal, and he never took to sea until forced into it by harder conditions on his soil. There never has been, and there never will be, a seafaring nation, carrying trade and exchanging products between the ends of the earth, that has not a crowded population at home, with land inadequate to produce subsistence for its people, where wages are low and no chance to live except by trading products with other people. Man will not leave home and family—abandon wife and children—to face the manifold perils of the sea, when a safer and easier competence meets his equal labor on land. No mighty continent with boundless resources such as ours, can ever hope to compete successfully with a landless people on the sea. With a business too profitable to neglect, with an easy market at home for the products of their labor, men would be fools to take to the sea for a living. These causes, these conditions, have driven our merchant marine out of business. A ship is a tool of commerce.

There was a time when along the inhospitable and unproductive coast of New England we made the cheapest and best ship in the world and manned it with the best sailors. For the time we held supremacy over the sea trade of the globe. The great middle and far West was undeveloped and scarcely known. The New Englander was forced to the sea, just as the first great sailors had been driven from the land in the days of Hiram, King of Tyre, when the landless and manufacturing Phoenicians, the Canaanites of Bible history, exchanged their wonderful cloths dyed in Tyrian scarlet and purple for the food, spices, and jewels of the East and the gold and silver of the Iberian coast. Like conditions to-day would on this continent produce like results. If we had no profitable land, we would be great sailors. If we had no homes, we would go to sea. Having both, we stay on land and let him carry for us who can do it cheaper than we. Subsidies are both wasteful and unavailing, as well as unjust and sinful, against the many forced to suffer extortion for the benefit of the few. Whenever an assault is designed on the taxpayer's pocket the predatory interest invariably wraps itself in the American flag and that proud emblem of the free represents in action a freedom to pilfer from those least able to contribute their means to the maintenance of such "patriotism." I for one will not cast a vote for any subsidy when I see it. If I erred in voting for free tolls, I should retrieve it at the first opportunity. My excuse for such vote, if any excuse can exist, was because the free-tolls provision was a plank in the Democratic platform, and little attention was called to the effect of such a plank. A promise to do an injury to a confiding people, even though contained in a party platform, is more honored in its breach than in its observance. A subsidy has no business in a Democratic platform.

If by some hook or crook or subterfuge or mistake such doctrine gets into it—a doctrine so violative of our party history and Democratic tradition—the beneficiaries may learn now that such a scheme can not avail to accomplish its purpose when the case is fully understood. I am blaming no man who thinks that he is bound by his party platform, no matter what a few delegates to the convention may have written in it, even though contradictory planks appear. I am finding fault with no man on this side for the view he takes of his obligation or the course pursued by him in effectuating it. I would concur with my Democratic friends in their vote for free tolls if I believed, as they declare, that a vote otherwise recognizes England's right under the treaty to demand that tolls shall be laid on our coastwise ships now, henceforth, and forever. I would go with them but for the amendment now adopted, which directly declares our sovereignty over the canal and our right to do as we please about the tolls question. It surrenders nothing to England's claims, but, on the contrary, asserts that we do not surrender any rights we have by collecting these tolls on all ships using the canal. True, the President in his message to Congress said that the free-tolls statute was in plain contravention of the terms of the Hay-Pauncefote treaty. For reasons already stated, I find myself unable to agree with him in that conclusion. The President in the same message also said that free tolls to ships owned by citizens of the United States was a mistaken domestic policy. In that finding I fully concur, and that consideration alone directs my course and controls my vote. Discarding, as I do, all question of the treaty or its claimed relation to our right of free action, I am quite free to determine that the few shipowners using the canal for their own profit shall pay their part of its upkeep rather than that all the balance of the people shall be taxed to keep the canal in repair for them. Everybody knows that the canal will not be self-supporting. A large deficit, amounting to many millions, will annually occur. Somebody has to pay this. Is it fair to you, farmer, miner, artisan, mechanic, that the rich American shipowner can use your property without paying a cent for the use while you are forced to pay for its construction, for its upkeep, for its defense, and the wages of the men who lift and lower his vessels through the locks; pay the men working for the benefit of the Ship Trust, while no hope of any return to you is in sight except the usual unkept promise to give back to the people the money extorted from them by taxation.

No matter who advocated such a monstrous doctrine, no matter in what platform it was written, no man is wise enough, no man potent enough, no party great enough to redeem it from palpable wrong and flagrant injustice. That particular plank contradicts, as I have before said, not only the time-honored doctrine of the Democratic Party, but is itself directly contradicted by the same platform in which it occurs. Besides all this, that free-toll plank has been directly repudiated by three-fourths of the delegates who were serving in that convention, as shown by letters, over their own signatures, sent to a Member of this body. Not one in twenty of them ever knew, when voting for this platform, that such a plank was in it.

The claim is being urged by these taxgathering shipowners that the transcontinental railroads will be benefited by imposing tolls on these ships. We all know that the railroads have been so conducted as to leave the public mind prejudiced against them, and this fact accounts largely for such use of this prejudice by the shipowner to blind the people while he asks the public to pay his bills. Have we reached the point where prejudice against one robber is to be used as a shield favoring another attempting to rob? Can even a just prejudice against an old wrongdoer invite a new wrongdoer into the field of successful exploitation? I personally do not believe that free toll through the canal, by reason of the close corporation engaged in sea transportation, and also by the long distance in passage, and also by the certain freight-rate agreements that would otherwise be made between the ship and the railroad, will in any way, tolls or no tolls, very much affect, if it affects at all, the price which the consumer will pay for the products carried by either.

The railroads can no longer charge what they please. The Interstate Commerce Commission fixes its rates. They can no longer impose at will whatever burden the traffic will bear. The whole loud cry that this legislation is in aid of the railroad amounts at last to no more than an appeal for a subsidy—a plea that if you do not let us into your pocket the other fellow will steal from you. The one's aggression has been curbed by law. Shall we give another monopoly free rein? Our duty is to keep the hands of both out of the Public Treasury. It can easily be done by the Interstate Commerce Commission fixing just and fair rates for rail transportation, and the law requiring from sea transportation its fair and just share in the upkeep of our canal.

The free tolls will not, in my best judgment, aid the consumers in my State or in any other State similarly situated. I do not believe that free tolls will prove of much, if any, benefit, even to seaport cities; and even though such policy would help such cities, it certainly will not help them to the extent of the loss to all the people of the United States, which would be oc-

Mr. WEST. If a matter of arbitration were annexed to this bill, would it require a two-thirds vote of the Senate?

Mr. BRANDEGEE. No, Mr. President. This is proposed as an amendment, I take it, and if adopted would be adopted by a majority of the Senate; but it deals with a subject which, if it were here upon its merits and any effective action were to be had upon it, would require a two-thirds vote of the Senate.

If the Senate should adopt this amendment by a majority, we would stand in this position: That the Senate by a majority vote had declared that a matter was recognized by a majority of the Senators to be arbitrable, although two-thirds of the Senators declined to submit it to arbitration.

That, in my judgment, fairly represents the fact of the situation as it is within the view of those of us who talk with each other and know what the situation is.

While I think it is a commendable purpose that the Senator has, and I think the question of the right to exempt is an arbitrable question, and while I would vote to submit it to arbitration if the proposition were here, and would gladly constitute one of a two-thirds majority of the Senate, if it were procurable, to do it, I do not quite recognize the propriety or the necessity of attaching it to the simple repeal of a domestic statute.

Many Senators have given their individual opinions that the questions about this exemption which have been raised by Great Britain are arbitrable. If the statute which creates the exemption is repealed, I do not have the faculty of looking into the future so as to be sure that there will be any occasion for any arbitration at all, nor do I think it is necessary; and perhaps it may not be wise for us to attempt to express opinions by a majority vote that could not be carried by a majority vote into practice, nor to attempt to decide questions which are not before us. I think it is a wise practice, where it is observed, for a court to decide the question that is presented to it, but not by obiter dicta and sayings in passing to intimate anything about some question that is not pending before it.

Furthermore, to attach a question of this kind to the House bill is, in my opinion, to intermingle into a plain question of legislation a question possibly concerning a treaty or a diplomatic matter with which the Senate might have some concern in the future, but with which the House probably has no concern at all. Furthermore, it creates another matter of difference of opinion between the House and the Senate. We have no knowledge that the House will accept the amendment we have already put upon this bill, and to plunge the House, whose Members may not consider themselves so deeply versed in treaty matters and the functions that hitherto have been confined to the President and the Senate, into a discussion upon this question, which never has been before them, is, in my opinion, to enter upon a work of supererogation, and to attempt to explore some territory that it is not necessary to be acquainted with for the proper solution of the problem now before us.

Therefore, while expressing great friendliness to the general proposition of the Senator, I shall be compelled to vote against the proposed amendment at this time.

Mr. O'GORMAN. Mr. President, I shall not pretend to say that there will not remain a controversy for determination after this bill is enacted into law, and yet there might be much justification for the statement that the consummation of the work now contemplated by a majority of the Senate will leave nothing for arbitration.

In international relations Governments speak through their respective heads. The head of this Government has publicly declared that the contention of the British Government with respect to the interpretation of the Hay-Pauncefote treaty is the correct one. I do not think it fair to the present Executive, and I am sure it will be unfair to the people of the United States, to involve the President of the United States at this time in the proposed arbitration.

Do you expect him to stultify himself? The President of this Nation has told the world that the British contention with respect to this treaty is the correct one. Do you expect him to appoint arbitrators to show the error into which he has fallen?

If the embarrassing task were placed upon him of selecting arbitrators, who would be selected—those who share the view of the President or those who are opposed to it? And if he should select—as he would be justified in doing, if you provide for this arbitration at this time, with your knowledge of his attitude and his belief—three arbitrators sharing his opinion with respect to this disputed interpretation of the treaty, what would be their attitude in a court of arbitration? Could it be anything else than a confession and an admission that the British construction of this treaty is the correct one?

Why, Mr. President, if there ever should come a time when this controversy must be arbitrated, that time is not now. No matter how you conceal your proceedings with respect to the pending legislation, you are giving notice to the world that the American Congress is vindicating the judgment of the American President, who has declared that the British contention is the true one, and that we have been guilty, under another administration, of an act of base violation of international obligations.

No, Mr. President, do not embarrass the President of the United States at this time by requiring him to participate in your proposed arbitration; and, more than the embarrassment to the President, do not embarrass the 100,000,000 people of this country, whose rights, in my judgment, are being sacrificed by the legislation that the majority of this body proposes to-day to put through.

I shall vote against the proposal to arbitrate this question.

[Mr. NEWLANDS addressed the Senate. See Appendix.]

Mr. NORRIS. Mr. President, I will detain the Senate only a very few minutes. I want very briefly within that time to say why it seems to me that it was proper to offer this amendment on this particular bill.

The Senator from Connecticut [Mr. BRANDEGEE] has said that while he is in favor of arbitration as a general proposition, and I know he is, he is opposed to putting it on this bill because the treaty-making power consists of the Senate and the President, and this is a bill which must also be passed by the House of Representatives and can be passed by a majority of both Houses, while a treaty must have the affirmative vote of two-thirds of the Senate.

I confess that one of the reasons I offered this amendment to the bill in the way I did was because I feared that when a treaty of arbitration on this proposition came before the Senate it would be difficult to get two-thirds of the Senate to ratify such a treaty. In my judgment the placing of this amendment in the law would have a moral force to assist in securing this two-thirds vote on any treaty of arbitration made in pursuance of such a law. If we passed this law with this amendment added and it thereby became a law, having the approval of the House of Representatives and the signature of the President, it would be a great argument, a great moral force, toward securing the necessary two-thirds vote for the ratification of any treaty made in carrying out such a law. It is quite evident from what several Senators have said and what quite a large number have during the discussion privately said to me, men who are recognized as leaders in the great arbitration movement of the world, who are Members here of the Senate on both sides of the Chamber, that these men do not agree with me that it is proper to attach this amendment to the bill.

While I am firm in my own belief I can not help but recognize the fact that these men, many of whom have had more experience in the arbitration movement than I, some of whom have been leaders in the world in that movement, should be considered and that I ought to concede something to their judgment. I can see that the amendment will not get all of the votes even of its friends, and therefore the showing in its behalf might do harm rather than good. Besides I do not want to put the friends of arbitration in an embarrassing position, quite a number of whom feel it their duty to vote against the amendment because they believe it improper to put it on this bill.

I wish to say just a few words further in justification of my offer of the amendment. What is this dispute that I propose to declare by the amendment is a fit subject for international arbitration? It is stated in the amendment. It is the claim, on one side, of Great Britain that we have no right under the Hay-Pauncefote treaty to exempt the ships of American citizens from tolls when passing through the canal. On the part of the United States Government it is claimed that we have such a right. That is all there is to it. All of that dispute arises out of the treaty. There is nothing involved in it except whether, under that treaty, we have a right to make that exemption.

It is wrong to confound that question with the domestic question involved in this law. There is a domestic question—a question of national importance—connected with our economic policy involved in the bill, in addition to the international one. To my mind, I say, I know no reason why this amendment should not be adopted, and yet some Senators, who believe in the principle enunciated by the amendment, think that that is an objection to putting it on the bill. I think we ought to differentiate the two propositions before us. The repeal of this law involves, as I see it, two questions. One is that it is a proper economic policy for the Government of the United States to exempt its vessels from tolls when passing through the canal;

that is, regardless of the international question, assuming, for the sake of the argument, that there is no question but we have a right to do it, and assuming therefore that England has no right to be considered, and that neither has any other country of the civilized world any claim or right to be considered. But there is another question involved, and it is to that other question—the international question—that the amendment particularly applies. That is the question arising under the treaty—our right to exempt our vessels from tolls.

I have heard one Senator say here to-day that even though we submitted it to arbitration he would be opposed to abiding by the judgment of the tribunal that did it.

Of course I assume even that Senator, when he comes to deliberate, would take back that statement. I can not conceive how a citizen of the United States, when his Government has entered into a solemn treaty, would violate a judgment rendered on that treaty by an international tribunal which had been agreed to by our Government.

The Senator from Missouri says that he would no more arbitrate this question than he would arbitrate whether we should admit immigrants to our country from certain countries of the world. But we have no treaty with the balance of the world that immigrants shall be admitted. We have here an agreement with England, a contract put in writing. It is not a question now as to whether it is good or bad. Personally I do not believe there is anything in it that hurts us or that there is any danger in it for us. It seems to me that we can afford to take but one position, that after that international agreement it is our duty as representatives here of the people of the United States to see that there shall be no stain upon the honor of our country, and that we will abide honestly and honorably by every agreement into which we have entered.

Now, there are a great many Senators—I think practically all the Senators—who agree with me in that proposition, but for other reasons, some of which I have enumerated and some of which I have not, think that it is unwise to put this amendment on this bill.

I do not want to embarrass those Senators who conscientiously believe in arbitration. This amendment does embarrass some of them, because it will put them before the country and perhaps put the country before the world in a false light on this proposition.

I do not believe we can afford to decline to arbitrate this dispute between Great Britain and this country under the Hay-Pauncefote treaty. It is conceded that it is a dispute and that it is an honest dispute that honest men, of equal ability, of world-wide reputation, after giving it careful study, disagree as to just what the treaty means and as to whether or not we have the power to exempt our vessels from tolls.

It seems to me that we are assuming to ourselves something that no man and no nation has a right to assume, to say we will be alone the arbiters of the agreement which we enter into. We will decide them as best suits our fancy. It was said by another Senator here that it was compared to freight rates on transcontinental railways, and he said he would not submit that question to arbitration.

Of course nobody expects him to. Nobody has proposed to submit that to international arbitration, but as a matter of fact let us apply the principle. I believe that illustrates it. We have an arbitration tribunal to pass on transcontinental freight rates in this country, the Interstate Commerce Commission. It would not be right to say to the shipper, "You can fix a rate." It would not be right to say to the railroad companies, "You can fix them without appeal to any tribunal or to any court." We have found that out from experience, and so we have provided an arbitration tribunal. There is not a question between individuals in all the civilized world where men are so liable to disagree but what civilization has provided an arbitration tribunal. One great hindrance to international arbitration, in my judgment, is that there are not existing in advance courts and rules of courts to try and determine the disputes between nations as they arise.

Now, Mr. President, for the reasons that I have given it seems to me that it would be unwise to press this to a vote, and therefore for those reasons, Mr. President, I withdraw the amendment.

Mr. SUTHERLAND. I presume the amendment can not be withdrawn without unanimous consent.

Mr. NORRIS. I think I have a right to withdraw it, but I will withhold the withdrawal if the Senator wants to be heard on it.

Mr. SUTHERLAND. I do not rise for the purpose of objecting, although I think I have the right to object; but I want to say a word or two about the matter before it is disposed of.

I am personally very strongly in favor of arbitrating this question. I recognize, as the Senator from Nebraska [Mr. NORRIS] has so well said, that the situation in this Chamber just now is not of a character that will probably secure the favorable votes of several Senators who believe as heartily as I do in that proposition. I think it ought to go upon this bill, but a number of Senators who are very much in favor of the bill think that it would endanger it, and for that reason they do not intend to vote for it, although they believe in the principle.

I will say frankly that the fact that it might endanger the bill would not deter me from voting for the amendment. In fact, if there could be any circumstance which would commend it to me more strongly than it is commended, it would be the fact that it would endanger the bill.

Mr. BRANDEGEE. Is that the reason why the Senator favors arbitration?

Mr. SUTHERLAND. No; that is not the reason why I favor arbitration; but as strongly as I favor arbitration and as strongly as I favor this proposed amendment, I would favor it still more if I was quite certain its adoption would defeat this measure.

But, Mr. President, I am sincere in my advocacy of the principle of international arbitration. As much as I am opposed to this bill, I would not do anything that would throw the slightest obstacle in the way of the final accomplishment of the end in which I believe so strongly. I think there is a great deal in what the Senator from Nebraska says, that a vote upon this arbitration proposition now as an amendment to this bill would not receive a majority, and the attitude of many men who would vote against it would not be understood in the country, and in all probability a false notion would arise from that that the Senate is opposed to arbitration.

I think that would be a very unfortunate result. There will be an opportunity of voting upon this question. The Foreign Relations Committee of the Senate has reported the resolution which I introduced which requests the President to open diplomatic negotiations with a view of bringing about arbitration. So the opportunity will not be lost, even if the amendment is not put upon this bill.

The Senator from Missouri [Mr. STONE], in the course of the apology which he made a short time ago for voting against the amendment that I offered last night, rather insisted that I was inconsistent in supporting arbitration while I believe so strongly in the American side of this controversy. Why, Mr. President, that is exactly the situation that arises in every lawsuit. I insist as strongly as I know how that I am right in a controversy, and my adversary insists as strongly as he knows how that he is right, and we are both absolutely sincere. The only thing to do under such circumstances is to submit the controversy to arbitration. Of course, a controversy of that kind would go to one of the regularly established courts. Now, we are in exactly the same situation here. Senators and others, like myself, believe in the right of the Government of the United States to exempt the ships of its citizens from the payment of tolls for the use of the Panama Canal. Personally I have no doubt in my own mind about that at all; but the Senator from New York [Mr. ROOT], one of the ablest lawyers not only in the United States but in the world, takes the opposite view of the question. I respect his view; I respect his intellectual honesty; I know that if I can claim intellectual honesty for myself, I must accord intellectual honesty to him and to others who take the same view of the matter that he does. We have in that situation lawyers, present and former Presidents, former Secretaries of State, arrayed against one another upon this question; and there is presented the ideal case for arbitration.

Mr. President, we shall have to arbitrate this question one of these days or it will remain a thorn in our side for years and years to come. Let us not forget the trouble we had over the Clayton-Bulwer treaty, which dragged its slow length along for 50 years of continual bickerings and differences of opinion between the two countries, when there was in reality nothing of really serious importance about which to disagree. We have now a matter of great importance to disagree about. Does anybody imagine that the repeal of this tolls-exemption clause by this proposed law is going to end this controversy? Not at all. This discussion is going to be with us for 50 years to come, unless we settle it in some way. It will rise up from time to time as a disturbing difference between this country and Great Britain. I do not think those disturbing conditions ought to exist. I pray God that for all time to come these two great English-speaking nations will remain friendly and at peace with each other. I think there never has been a case presented in all the history of the world that so much

the expense of the American people. I believe that conforms to the definition of a subsidy. It is the worst kind of subsidy—giving something for nothing.

That is all I will take the time to say now in my humble way in answer to the inquiry put to me by my colleague and by way of reply to his remarks on the subject of subsidies.

Mr. SIMMONS. Mr. President, I understand if the Senator's proposition is adopted it will be a substitute for the whole bill.

Mr. WALSH. Yes; that is correct.

Mr. SIMMONS. And there will be nothing left of the bill except a provision that any corporation or party who may claim to be injured by the imposition of tolls may bring suit in the Supreme Court of the United States to determine the right.

Mr. WALSH. He may bring it in the district court, and his appeal is to the higher court.

Mr. SIMMONS. Yes; he may carry it to the Supreme Court; but the result of all this discussion would be, if the Senator's amendment prevails, that we would simply give a foreign subject who might claim that he was wronged or injured as the result of this exemption a right to go into court and have the right determined.

Mr. WALSH. Undoubtedly.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Montana [Mr. WALSH]. [Putting the question.] The noes seem to have it.

Mr. WALSH and Mr. LA FOLLETTE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. The Senator from North Dakota [Mr. MCCUMBER] has a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. We have arranged to transfer those pairs, so that we may both vote upon this question. I vote "nay."

Mr. ROOT (when Mr. LODGE's name was called). I again announce the necessary absence of the senior Senator from Massachusetts [Mr. LODGE], and state that he is paired with the Senator from New Hampshire [Mr. GALLINGER]. If the senior Senator from Massachusetts were here, he would vote "nay" upon this question. I believe the Senator from New Hampshire would vote "yea."

Mr. SMOOT. In this connection I desire to state that the senior Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate.

Mr. MCCUMBER (when his name was called). I have a general pair upon this proposition with the junior Senator from Pennsylvania [Mr. OLIVER], but in accordance with the transfer suggested by the Senator from West Virginia [Mr. CHILTON] I will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). Repeating my last announcement and the transfer of my pair, I vote "nay."

The roll call having been concluded, the result was announced—yeas 34, nays 53, as follows:

YEAS—34.

Ashurst	Cummins	O'Gorman	Smoot
Brady	Dillingham	Page	Sutherland
Bristow	du Pont	Perkins	Townsend
Burleigh	Jones	Pittman	Walsh
Catron	La Follette	Poindexter	Warren
Chamberlain	Lane	Randell	Weeks
Clapp	Lippitt	Reed	Works
Clark, Wyo.	Martine, N. J.	Shields	
Crawford	Newlands	Smith, Mich.	

NAYS—53.

Bankhead	Hughes	Overman	Stephenson
Brandegee	James	Owen	Sterling
Bryan	Johnson	Pomerene	Stone
Burton	Kenyon	Root	Swanson
Chilton	Kern	Saulsbury	Thomas
Clarke, Ark.	Lea, Tenn.	Shafroth	Thompson
Colt	Lee, Md.	Sheppard	Thornton
Culberson	Lewis	Sherman	Tillman
Fletcher	McCumber	Shively	West
Goff	McLean	Simmons	White
Gore	Martin, Va.	Smith, Ariz.	Williams
Gronna	Myers	Smith, Ga.	
Hitchcock	Nelson	Smith, Md.	
Hollis	Norris	Smith, S. C.	

NOT VOTING—8.

Borah	Gallinger	Oliver	Robinson
Fall	Lodge	Penrose	Vardaman

So Mr. WALSH's amendment was rejected.

Mr. NORRIS. I send an amendment to the desk and ask to have it read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. After the amendment just adopted add the following:

The protest heretofore filed with the Government of the United States by the Government of Great Britain denying the right of the United States under said treaty with Great Britain to discriminate by exempting vessels of its citizens from the payment of tolls when passing through said canal is hereby recognized as presenting an international question suitable and proper for settlement by arbitration.

Mr. NORRIS. Mr. President, as I intimated a while ago, I do not care to discuss this amendment. The question has been, I think, rather fully debated, and unless there are some speeches made in opposition to it, I do not care to take up the time of the Senate now in debating it, but I will ask for the yeas and nays upon agreeing to the amendment.

Mr. BURTON. Mr. President, I yield to no one in the desire for the settlement of international controversies by arbitration. If this question had been left to an arbitral tribunal, it would have been an example for the world and would have given a great impetus to the cause of peace. But I am unable to vote for this amendment.

There were two ways in which to settle this question of the exemption of coastwise shipping from the payment of tolls. One was by arbitration and the other by legislation repealing the exemption provision in the act of 1912.

There are many Senators on this floor, and I count myself one, who would have preferred to settle this question by arbitration, but on investigation it was manifest that such a course was impracticable. It required two-thirds of the Senate, and that two-thirds was not available. Consequently the other method was chosen, of a bill to repeal the provision in the act of 1912. We have been proceeding along that line, and for one I desire that the bill be as free from collateral material, as free from complication, as possible.

I was unwilling to vote for what is called the Simmons amendment because I thought a succinct, clear declaration on the subject was best.

There is another point in this connection. The formulation of a proposition for arbitration belongs to the Executive department and the Senate. Suppose we adopt this amendment declaring this to be a subject for arbitration, what will be accomplished? It must come here to the Senate and the question then arises, Will two-thirds of the Senate agree to arbitration? I think it very doubtful whether that proportion can be obtained

Mr. CHAMBERLAIN. May I interrupt the Senator for a moment?

Mr. BURTON. Certainly.

Mr. CHAMBERLAIN. I will ask the Senator if it is not a fact that the Senate of the United States passed a general arbitration treaty here about two years ago and we never heard from Great Britain about it since.

Mr. BURTON. Not on this question. The request was made for arbitration by Sir Edward Grey, and in one of his——

Mr. CHAMBERLAIN. I do not mean with reference to this particular question, but a general arbitration treaty. We amended it, it is true, but it was adopted by the Senate and we never have heard from Great Britain since in reference to it.

Mr. BURTON. May I ask the Senator from Oregon if he speaks of what is called the Taft arbitration treaty?

Mr. CHAMBERLAIN. Yes.

Mr. BURTON. Those treaties have never been submitted. I take it. Our own Government does not want to submit them because they were so changed from their original form as not to carry out the purpose for which they were framed.

Whether at a future time this question ought not to be submitted to arbitration is another matter, but in this bill and at this time I think we should by the enactment of legislation make the declaration that we do not believe that coastwise shipping should be exempt from the payment of tolls; whether the argument be that it is contrary to the treaty or that it is a wrong economic policy does not matter. Either is sufficient.

That is all, Mr. President, that I care to say upon this subject.

Mr. BRISTOW. Mr. President, I am opposed to submitting this question to arbitration in any form. If the law as it stands to-day is in contravention of any treaty we have, then I believe that the executive departments should at once proceed to make new treaties to supersede those that we now have and settle through diplomatic channels whatever differences there may be as the result of this law.

To my mind this is a question relating to domestic commerce, and I would no more vote to submit this question to arbitration than I would to submit the question of freight rates that might be charged on the transcontinental railways or the question as to whether we should improve the Mississippi River and permit vessels to use that river, when thus improved, free of charge. It is purely a domestic question; it is of no concern to Great Britain any more than would be a tariff levied upon English goods or any other kind of a domestic question that we might deal with here in the American Congress.

I do not care to prolong the debate, but I want to add that this is an American policy, this is a question involving political and economic policies of our Government. Two years ago the American Congress and the Executive declared in favor of the policy of the free passage of American ships through the Panama Canal when it was completed, when those ships were engaged in our domestic trade. That policy was indorsed by every political party in the last campaign and by every candidate for President before the American people. Since the election the present administration has changed its policy; it has adopted another policy. The policy which it now promulgates by demanding this legislation will be a political question before the American people for years to come. It will be a subject of political controversy until another Congress is elected that will again deal with this question. I will not vote to complicate that political question in any manner whatever by submitting it to a court of arbitration. If a court of arbitration should declare against our right, I would not be in favor of recognizing its decree any more than I would be in favor of permitting a court of arbitration to determine whether or not we should construct a railroad in Alaska.

Believing as I do, I want to say, as it seems now this bill will pass from the American Senate to-day, that from this day forth there will be a controversy before the American people as to whether the tollgate shall be restored upon American highways. The tollgate is a relic of the past, only injected into this controversy for political expediency for some strange and unknown reason; but it is a relic of the past, and the people of the United States will not restore it. This Congress may do it temporarily by action brought about I believe through the intrigues of great railway corporations and those who are interested in their finances. The sagacious ways by which those corporations have obtained this victory through an administration pledged to stand by the people against predatory wealth—the diplomatic intrigues by which they have connected with this propaganda men who do not believe in the domination of our national interests by these corporate interests has been one of the interesting episodes in recent American politics.

Mr. MYERS. Mr. President, I should like to interrupt the Senator for a moment.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Montana?

Mr. BRISTOW. I do.

Mr. MYERS. The Senator from Kansas having declared that in his belief this movement for repeal of the toll-exemption law is brought about by the transcontinental railroads, I assume he does not share in the belief of some Senators on the other side of the Chamber that it was brought about by foreign conditions and the desire of the Chief Executive of the country to better some of our relations and dealings with foreign powers.

Mr. BRISTOW. Mr. President, it was stated by the distinguished junior Senator from Michigan a few days since in this debate that the lobbyist for these railroads, their representative, who appeared before the Committee on Interoceanic Canals two years ago and fought this provision, who remained in this Capital three months with the chief counsel for the Harriman interests and fought this measure—it was stated on this floor by the junior Senator from Michigan that after this bill was passed this lobbyist or representative of these railroads went to Canada and from Canada to London, and that soon after that visit this controversy was again precipitated in this body, and I believe that the Senator from Michigan knew what he was saying when he made that statement, and that he spoke accurately.

Holding these views, believing that this controversy is such as I have indicated, I do not propose to vote for the arbitration of a question that is of such vital concern to the domestic interests of the people of the United States.

Mr. STONE. Mr. President, I ask your indulgence for a few moments to state why I am against this amendment. The proposition stated in this amendment is to arbitrate whatever differences there may be between Great Britain and the United States with reference to the subject matter of this legislation. The Senator from Utah [Mr. SUTHERLAND] has proposed an amendment of the same general character, providing that the President shall enter upon negotiations with Great Britain to make an agreement for a special tribunal before which these questions of difference may be arbitrated. I am also opposed to that, or to any proposal to arbitrate our rights in and over the canal.

I have already stated, Mr. President, my firm opinion that the United States of right exercises absolute sovereignty over the Panama Canal and over everything connected with it. I have no doubt that the United States has an absolute right to govern, regulate, and control that canal. I regard the regulation of the canal as a purely domestic matter.

I am not voting to repeal that clause of the act of 1912 exempting coastwise vessels from tolls because I think that policy would be violative of our contractual obligations with Great Britain as embodied in the Hay-Pauncefote treaty. I have stated my position with respect to that question with sufficient elaboration on a former occasion during this debate. I merely say this much in reaffirmance.

I am voting to repeal the tolls-exemption clause of the Panama Canal act of two years ago because I am uncompromisingly opposed to the policy of allowing American coastwise vessels to pass through the canal without the payment of tolls, because I think the exemption of our coastwise vessels from the payment of tolls would be a subsidy granted to a monopoly; and I have stated the grounds of my convictions in this behalf on the occasion to which I have alluded.

Mr. President, holding the views I do with respect to all these matters covering this whole controversy, I can not consent to arbitration as proposed in the amendment offered by the Senator from Nebraska; I do not believe that the differences involved constitute an arbitrable question. Whether we shall allow preferential tolls to any class of American shipping, I regard as a question which belongs to us alone. I would as soon think of submitting any other domestic question that might be named to arbitration because Great Britain or some other nation might challenge our rights with respect to it. I would not, for example, consent to arbitrate a question involving our right to place limitations upon immigration from any country; but I would as soon think, Mr. President, of arbitrating that as of arbitrating the question as to whether the United States is the master, the landlord, the sovereign owner of this waterway, or to arbitrate our sovereign right to control this canal according to our own pleasure. I am not willing to vote now or hereafter to arbitrate any question of that kind.

My friend from Utah [Mr. SUTHERLAND] challenged me on yesterday, asking how I could vote against an amendment he had offered to the pending bill, making, as he thought and claimed, a broader assertion of the American right to do the things I claim we have the right to do. I answered him then that I thought that the amendment proposed by the Senator from North Carolina [Mr. SIMMONS], and agreed to by the Senate, was in all reason ample and sufficient to cover the ground the Senator sought to cover by his amendment to that amendment, and that I believed that the Senator from Utah, being hostile to this legislation, was seeking only to embarrass its passage. He denied that that was his immediate purpose in offering the amendment, but declared in the same breath that he was more than willing to do anything he could to imperil the enactment of this bill. And now I wish to say that it is a little strange to me that a Senator holding such pronounced views as does the Senator from Utah as to the title and right of this Government to do as it pleases with that canal, and to do it, I say, as a matter of absolute right, could consent to submit a question of that kind between this and a foreign Government to arbitration. I think I am a better friend than is the Senator from Utah to the doctrine of American sovereignty over and of the American right to dominate and control the Panama Canal. I will not vote for this amendment, nor any other like it.

Mr. BRANDEGEE. Mr. President, I shall be exceedingly brief in stating the reasons why I do not feel like supporting the amendment offered by the Senator from Nebraska at this time.

We are considering a bill, which has already passed the House, for the repeal of a statute. I regard the question of our right under the Hay-Pauncefote treaty to exempt our vessels passing through the canal from tolls, if the high contracting parties under the treaty differ about it, as presenting an arbitrable question under our arbitration treaties; but I say we are considering the repeal of a certain clause in a United States statute. The House has passed a bill accomplishing that purpose. The Senate proposes to concur in it with an amendment. I take it, The amendment proposed by the Senator from Nebraska [Mr. NORRIS] in effect states that in the opinion of the Senate a question presented by a certain diplomatic communication by the foreign office of Great Britain to our State Department raises a question for international arbitration. Whatever may be the merits of that, I do not think it wise for us to attach that kind of an amendment to this House bill.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Connecticut yield to the Senator from Georgia?

Mr. BRANDEGEE. Certainly.

The PRESIDING OFFICER. The Chair has so stated. The Senator from Nebraska does not now offer his amendment, as the Chair understands. The Senator from Montana is recognized.

Mr. WALSH. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and to insert the following:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

"That nothing contained in this act shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

Mr. WALSH. Mr. President, the purpose of the amendment offered by me is to secure from the Supreme Court of the United States a decision of the legal question so very stoutly debated upon this floor as to whether the exempting clause of the canal act is or is not in contravention of the Hay-Pauncefote treaty. If at the time this debate was entered upon such an adjudication had been made, everybody, as a matter of course, would feel happy in the enlightenment that came from the opinion of the Supreme Court upon this question.

If the decision should be to the effect that the act is in violation of the treaty, I apprehend that no one would rise in this body or in the other branch of Congress and urge the rejection of the act. Undoubtedly it would be repealed without further debate or further consideration. On the other hand, if the decision were otherwise and it was held that the act is not in contravention of the treaty, this question would be presented to this body solely as one of economic policy.

It must be regretted by every Member of the Senate that this important question of policy is resolved under the conditions which now confront us. There are certain Members of this body who are extremely desirous of giving expression to the policy reflected by the law as it now exists; but they will not vote to retain it on the statute books, being convinced that it is in violation of the treaty. On the other hand, there are those who do not believe in the economic policy of the question but are fearful that voting for the repeal will be an admission that we do not have rights, which they are anxious to assert.

If a decision were arrived at by the Supreme Court of the United States, it would be determined simply as a question of domestic policy; but if this bill passes, we abandon a policy which many Senators regard as a wise one.

The distinguished Senator from Mississippi [Mr. WILLIAMS], for whom I have the very greatest affection, suggested a few moments ago that by this amendment one party to this contract sought to impose upon the other and upon the world its own construction of the treaty. Why, that is not the purpose of this amendment at all, Mr. President and Senators. The Senator from Mississippi is exceedingly anxious to have this question submitted to arbitration. He wants to repeal the exemption clause, and thereafter he desires that the controversy existing in relation to the Hay-Pauncefote treaty may be submitted to some arbitral tribunal.

Why, Mr. President, what lawyer are you going to get to argue this case before an arbitral tribunal when he will be confronted with the arguments that have been advanced in this body throughout the course of this debate to the effect that we have no rights at all that are to be arbitrated? How will any man be able to stand up against the arguments that will be advanced upon the other side, utilizing the material furnished by the distinguished Senator from New York [Mr. ROOT] and the others who have followed him in his views concerning the construction of this treaty?

Mr. WILLIAMS. Mr. President, does the Senator think that any of that would be admitted as competent testimony before any court of arbitration in the world?

Mr. WALSH. Why, Mr. President, it is not a question of competency at all. It is not a question of testimony; it is a question of being answered by arguments out of the mouths of our own people. It is not a question of testimony; it is a question of how on earth you are going to make an impression upon a tribunal concerning the meaning of this treaty when you are confronted with the most powerful arguments out of the mouths of your own citizens and your own public officials. It does not involve questions of fact concerning which you have access to evidence. This question is one of law; it relates to the true interpretation of a written instrument. This question will be determined by adherence to certain well-known canons of construction.

But, Mr. President, if you shall adopt this amendment and the matter shall come before the Supreme Court of the United States, and that great tribunal—than which there is no greater ever constituted by the genius of man—shall resolve all of the doubts we have concerning this matter, and shall declare and publish to the world, and give their reasons for the faith that is in them, that this act is not in contravention of the treaty, then the counsel for the United States can stand before any tribunal of arbitration in the world and stoutly advance the cause of the United States; and that is the purpose of this amendment.

Mr. President, it is not for the purpose of imposing upon Great Britain or upon anybody else our contention concerning this matter. It is simply for the purpose of a guide to our action in the future to determine what shall be our internal policy in relation to the use of the canal—whether it is a wise public policy to allow our vessels to go through the canal free, or whether it is in truth, as it has been denounced here, an iniquitous subsidy. We should determine that problem upon its own merits. As it is now our decision means nothing.

The next advantage would be that if we do submit it to arbitration we would have something on which we could go before a tribunal in the hope, at least, of a favorable determination.

Another thing, Mr. President: There is nothing new at all about the character of legislation that the amendment suggested by me contemplates. We have a general statute imposing tonnage duties upon all vessels entering our ports from foreign shores, but we exempt our own coastwise vessels from those tonnage duties. It was suggested, no doubt, when this act was passed, that if we did that we should violate certain treaties which we have with foreign countries; and the Congress of the United States, not desiring that our great Nation should labor under any such imputation, simply added a clause to the act which reads as follows:

Section 4227 of the Revised Statutes:

"Nothing contained in this title shall be deemed in any wise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels or any other duty on vessels."

So that if any nation shall contend that this act which exempts our coastwise vessels from the payment of tonnage duties, while it imposes those duties upon vessels engaged in the foreign trade, is in contravention of a treaty, it may have the matter determined in some court; and the Supreme Court of the United States will be called upon then to determine whether the act does, in fact, violate the treaty; and if it does, then the foreign vessel is entitled to exactly the same exemptions that are accorded to our coastwise shipping.

We followed the same precedent in this very Congress, because, when we passed the tariff act and provided that commodities carried in American ships entering our ports should be entitled to a 5 per cent advantage in the matter of customs duties, we also provided that that section was not to be deemed in violation of any treaty, the language being as follows:

SUBSECTION 7. That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States: *Provided*, That nothing in this subsection shall be so construed as to abrogate or in any manner impair or affect the provisions of any treaty concluded between the United States and any foreign nation.

So it is open to any man importing goods into the United States in a vessel not of the United States to bring his proper proceeding, and insist, if he cares to do so, that this act is in contravention of the treaty, and have the adjudication accordingly; and steps are being taken to determine whether such conflict does or does not exist.

The amendment proposed by me is exactly in line with these examples of our legislation upon this subject, and simply adds a provision by which a review in the Supreme Court of the United States is assured and expedited.

Reference to this provision of the tariff act reminds me that although we have heard much about this exemption of our coastwise vessels passing through the Panama Canal as being a subsidy, the challenge which has been repeatedly made here on this floor to those who have undertaken thus to stigmatize that legislation, the challenge to tell why this advantage thus given to

American ships of 5 per cent in the matter of customs duties with respect to goods carried into our ports in American vessels is not equally a subsidy has not yet been answered. I have yet to hear anyone point out how there is any distinction between that and the exemption which we now seek to repeal, nor have I heard anybody endeavor to point out any difference between the two. If the one is a subsidy, the other is a subsidy.

Mr. President, I insist that the failure to tax is essentially different from a subsidy. Even the distinguished Senator from Kentucky [Mr. JAMES], who declaimed so eloquently the other night against this exemption as a subsidy, was silent upon the challenge that was made repeatedly here upon this floor as to why this is not a subsidy in exactly the same sense. And do you notice, Mr. President, that this measure was referred to the committee of which the distinguished Senator from the State of Kentucky was an honored and influential member? We all relied upon the scrutiny, upon the jealous care of the distinguished Senator from Kentucky, lest any provision imposing a subsidy upon the people of the United States should by any chance creep into that bill. It seems to have gotten there, nevertheless.

Mr. President, another challenge has been entirely unanswered, and that is that if this is a subsidy, so likewise is the exemption from tolls that has been enjoyed in reference to every canal in the United States.

We have asked the Senators to distinguish between the Panama Canal and the Soo Canal. We have insisted that if you are going to tax the vessels that go through the Panama Canal, because to allow them to go through free is to accord to them a subsidy, you must tax the vessels that go through the Soo Canal, because to allow them to go through free is to grant a subsidy. The system should be uniform.

My esteemed colleague, who has a justifiable horror of subsidies, sought to distinguish between the Panama Canal and the improved rivers and harbors of this country; and he pointed out, and very justly, indeed, that there is an essential difference between improving a natural waterway over which everybody has practically the natural right to travel, contributing only a little of the total value of it for the purposes of navigation, and a canal, an artificial highway, the whole value of which is given to it by the work of man.

I do not think the distinction is one of principle, but I recognize there is a distinction. I observe, however, that my distinguished colleague did not go further, as he might have done, and tell us how we can escape the obligation, if we are consistent in this matter, to impose duties and tolls upon the passage of vessels through the Soo Canal.

Mr. President, that canal is the outlet of our country to the commerce of the world for the surplus wheat we produce. I was down before the Interstate Commerce Commission this morning arguing the cause of the railroad commission of my State against the railroads operating there, asking for reduced freight rates upon the grain that we raise, in one fields to feed the people of this country. Think of it. In 1909 we exported 100,000,000 bushels of wheat, and last year only 28,000,000; and the time is at hand when, unless our resources are developed to the very utmost, we must depend upon foreign fields for bread for our people.

We are trying to supply that bread. In 1909 we raised 6,000,000 bushels of wheat in Montana, and in 1912 we raised 20,000,000, and we can raise 100,000,000 bushels of wheat there if we could only get freight rates that would allow us to ship our product to market. That product passes through the Soo Canal in immense quantities. I should like to know whether it is to be the policy of the Democratic Party and this Congress to apply the principle that the exemption of tolls to vessels in passing through a canal is a subsidy to be rebuked and derided, and thus shut out the only possible way of utilizing our great fields and their products.

In 1906 the Commissioner of Commerce and Navigation told us:

The canals of the United States still used for commercial purposes are stated by the New York World Almanac for 1905 as being 57 in number, with an aggregate length of 2,443 miles, the total cost of their construction being about $180,000,000. The most important of these, aside from that connecting the Great Lakes, of course, is the Erie Canal, 387 miles in length, with 72 locks and a depth of 7 feet. Next in length is the Ohio Canal, from Cleveland, Ohio, to Portsmouth, Ohio, 317 miles in length, with 150 locks and a depth of 4 feet. Next in length is the Miami and Erie Canal, from Cincinnati to Toledo, 274 miles in length, with 65 locks and a depth of 5½ feet.

I wonder, Mr. President, whether we are going to-day to lay down a principle that, followed to its logical conclusion, will compel us to put toll gates upon every one of these canals?

I read a word further, when speaking of the Soo Canal and about the tremendous tonnage of iron ore which passes through that great waterway. Mr. President, 72,000,000 tons of freight went through it during the year 1913 as against only 20,000,000 tons through the Suez Canal. In the same report we read as follows, after speaking of the tremendous tonnage of iron ore that goes through it:

The most important part of the traffic through the Soo Canal, however, is not iron ore, but wheat and flour and other grains. The value of these items in the canal traffic is one and a half times that of the iron ore and equal to $84,000,000, or nearly a third of the valuation of the total commerce through the canal. In volume the traffic has grown from 3,500,000 bushels of wheat and 600,000 barrels of flour in 1881 to 63,250,000 bushels of wheat and nearly 2,000,000 barrels of flour in 1896. The last figures account for a large fraction of the 467,000,000 bushels of wheat raised in the United States in 1896, being, in fact, almost equal to that portion of the crop exported. The movement of wheat through the canal just about equals the total receipts at Buffalo and Erie.

It is not, however, possible to give the canal alone the credit for having developed this wheat trade. The production of the wheat was only made possible by the construction of railroads through Minnesota and the Dakotas, and these same railroads provide a means of getting the wheat via Chicago. But if all-rail rates had to be paid, Minnesota and Dakota wheat and flour could not compete so well with that from the country near the eastern markets as it does by having water rates from Duluth to Buffalo. It should also be borne in mind that railroad building in Dakota and Minnesota began on a large scale only after the enlargement of the canal, when it was seen that they could connect with a through direct water route to Buffalo. The canal has therefore been an important factor in developing wheat production in the country west of Lake Superior.

Besides wheat there has been a considerable traffic in other grain, but this first assumed large dimensions in the year 1896, when 27,000,000 bushels of grain other than wheat went through the canal, as against 8,000,000 bushels in the previous year.

Not only that, Mr. President, but the copper, the product of our smelters, the output of our mines, also finds its route to market through this great waterway.

Mr. President, this is called a subsidy simply for the purpose of deluding the mind and clouding the issue. It has no relevancy, as I think, to this debate or the real question involved in this discussion.

But, Mr. President, why should we not determine the economic advantage involved here upon its own merits, unembarrassed by the consideration whether it is or is not in violation of the treaty? In other words, is not the logical, the reasonable way to determine this question to submit this matter, in the first place, to the adjudication of a great tribunal that we have constituted for that purpose, and then act in accordance with the advice which it gives us?

Mr. MYERS. Mr. President, as my distinguished colleague necessarily has to leave the Chamber very soon, I wish to say at this time a very few words in reply to one phase of his remarks. My colleague in the course of his able remarks impliedly addressed a question to me as to why I do not consider the exemption of ships from the payment of tolls for passage through the Soo Canal as a subsidy. According to my understanding, through the provisions of a treaty we have with Great Britain, by permitting both our own as well as British ships to go through the Soo Canal free from tolls we gain the right of freedom from tolls for our ships through the Welland Canal, in Canada. We thereby get something in return for free passage through the Soo Canal, and it is not a gift outright to private beneficiaries. We get something for it. Therefore it is not a subsidy. We get a compensatory benefit or return.

Furthermore, the Soo Canal is an inland canal, an internal domestic waterway, and is not on the same footing with a great interoceanic international canal.

Furthermore, and as my last answer, if toll exemption through the Soo Canal be a subsidy, I see no reason for extending the subsidy. One subsidy does not justify another.

As to the provision of our tariff law which reduces the tariff rates of duty on certain classes of imported goods shipped in American bottoms, I will say here that I did not refer to it in my recent brief address before this body upon the pending bill because I did not deem it of any importance. I will say now, in relation thereto, that in theory and reason, as far as practicable, I am a free trader. I believe in admitting all imports free of tariff duties, except in so far as is necessary to raise revenue for the Government. If we admit some classes of goods with a less tariff duty than other classes, or even on some ships with a less duty than on other ships, I do not see that anybody is injured thereby. We are simply getting less revenue for our Government, and I do not see that anybody has a right to complain about that, because nobody has a natural right to get goods free into our country. It may only be done by the permission of our Government, which must look out for its revenues, and may raise them as it may please. If we choose to admit any class of goods free, it is our privilege.

As to subsidies, I wish to say that I believe giving an American shipowner two or three thousand dollars in the equivalent of cash by putting his ship through the Panama Canal free, without any return whatever, the actual outlay by us of that much money is giving a special class something for nothing at

All the balance of the argument which has taken place between the Senator from Idaho and me this evening has been absolutely irrelevant to the issue. Whatsoever rights have we got under the deed of grant from Panama, those rights we shall assert. To assert anything less would be unmanly. To assert anything more would be barbarous and uncivilized and contemptible. Then in Heaven's name let us find out as soon as we can from some definite tribunal what those rights are.

Some Senator here proposed not long ago to leave the adjudication of the question to our own Supreme Court. Such is the contempt the American mind seems to entertain for the other sovereignities upon the surface of this earth—equal sovereigns with ourselves. If anybody had gone to that Senator and suggested that we should leave the interpretation of this treaty to the King's Bench in Great Britain or to the lord high chancellor there he would have jumped high enough to have gone through the skylight above our heads. We would not turn over to the judiciary branch of another Government the decision of an international dispute. And yet one of the fairest men and the best—such is the state of national egotism into which we fan ourselves by constant Fourth-of-July speeches—made perhaps what would have been perhaps the most unfair and most insulting proposition that has ever been suggested for the termination of a difference between one sovereign people and another.

Mr. BORAH. Mr. President, it is not my purpose to detain the Senate more than, at the outside, five minutes. The Senator from Mississippi has referred to the views of Hon. JAMES R. MANN, the distinguished Representative from Illinois, now leader of the minority in the House, a man of unquestioned capacity in public affairs, as to the final obligations of the Clayton-Bulwer treaty. I am quite willing to take Mr. MANN's view of it, and I will read Mr. MANN's view at the present day. Mr. MANN, in his speech in the House of Representatives March 31, 1914, in discussing the Panama Canal tolls bill, which is the bill we have before us, quotes approvingly this language:

> The Clayton-Bulwer treaty, as is so clearly shown by Mr. Hepburn, long ago ceased to have any binding force, by reason of the conduct of Great Britain. That being true, we should strictly adhere to the Monroe doctrine and stand by our traditional policy that Europe will not be permitted to intermeddle with cis-Atlantic affairs. It is to the Monroe doctrine that we as a Republic must look for safety. We should never, under any circumstances, even tacitly admit that Europe has the right to so much as interrogate us on American questions, much less to limit our action.

That was quoted by Mr. MANN from Mr. SHACKLEFORD's report and approved by him in his speech upon the 31st of March.

Mr. WILLIAMS. What is the language approving it?

Mr. BORAH. I will read that in a minute. He also quotes from the report of the bill reported by Mr. Hepburn. He also quotes from the language of Secretary of State Frelinghuysen to the American ambassador to Great Britain, Mr. Lowell, dated May 8, 1882, in which Mr. Frelinghuysen called attention to the fact that the treaty had become obsolete. Now, Mr. MANN said:

> Could Great Britain refuse us? Could England decline to permit this Government on its own terms to construct what the world for 400 years had been hoping might be constructed? Could Great Britain say, "That which we want, that which is in the interest of our shipping, that which the world desires, that which you are willing to give out of the fullness of your heart and your treasure, we will not permit because of an antiquated, outgrown treaty of more than 50 years ago"? [Applause.] She could not, she did not dare refuse, and the Hay-Pauncefote treaty was negotiated.

Mr. MANN in his speech on the 31st of March, 1914, argues that the Clayton-Bulwer treaty, while it had not fallen upon notice for abrogation, was, in fact, obsolete and antiquated and outgrown, and that Great Britain did not dare to rely upon the Clayton-Bulwer treaty because of the fact that it was regarded as obsolete and no longer binding.

Mr. WILLIAMS. Will the Senator permit me to quote again from Mr. MANN his exact language at the time of which I spoke?

Mr. BORAH. The Senator quoted him a while ago.

Mr. TOWNSEND. The language of the Senator from Mississippi ought to be understood. He said that he regards the minority leader in the House as one of the most clearly intellectually honest men he has ever known.

Mr. WILLIAMS. I am not going to take that back. I have no idea of doing it. If Mr. MANN has changed his opinion, he has changed it because he thought he had reason to change it.

Mr. BORAH. I have no doubt about that.

Mr. WILLIAMS. But I think he was merely quoting other people and did not express his own opinion.

Mr. BORAH. He is quoting other people for the purpose of basing his conclusion thereon as to fact, as he says here that the treaty was "antiquated and outgrown." Now, Mr. President, I stated in my remarks a few moments ago that there had been no formal notice of the abrogation of the Clayton-Bulwer treaty. Before that there had not been any formal notice of the abrogation, and it is also true that that is the way to get rid of a treaty.

I perhaps was not clear and explicit in my expression, but the idea that I intended to convey to the Senate was that while it had not been formally noticed for abrogation, as a matter of fact it was obsolete; that, as a matter of fact, it was antiquated and outgrown, and, as a matter of fact, it had on three different occasions been violated by Great Britain, and the only thing that the United States had to do was to give the formal notice of abrogation.

In other words, Mr. President, the United States had the right to give the notice and there could have been no exception to the notice if it had been given; the Clayton-Bulwer treaty would have ended without a formal notice. The only reason why we did not give the notice, in my judgment, when you weigh the evidence upon the question, was simply out of the desire upon the part of the United States to retain at all times the friendliest relations with Great Britain. But I repeat, Great Britain never dared, as Mr. MANN says, to rely upon the Clayton-Bulwer treaty. Had Great Britain intimated that it was her purpose to do so, the formal notice of abrogation would undoubtedly have been given.

It is not a question of the technical condition of the treaty, but what was the substantial consideration which Great Britain put into the Hay-Pauncefote treaty for which Earl Grey said we should return the favor that is now claimed and charge vessels engaged in our coastwise trade in order that there may be equality between our vessels and those of Great Britain? Mr. President, I want to read again a few words from Mr. Hall, a leading authority upon international law, an English authority, in which he states:

> The principle which has been mentioned as being a sufficient test of the existence of obligatory force or of the voidability of a treaty at a given moment may be stated as follows: Neither party to a contract can make its binding effect dependent at his will upon conditions other than those contemplated at the moment when the contract was entered into; and, on the other hand, a contract ceases to be binding so soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered. If this be true, and it will scarcely be contradicted, it is only necessary to determine under what implied conditions an international agreement is made. When these are found, the reasons for which a treaty may be denounced or disregarded will also be found.
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> * * * * * * *
>
> The general rule, then, is clear that a treaty which has been broken by one of the parties to it is not binding upon the other, through the fact itself of the breach and without reference to any kind of tribunal.

That is the substance of what I intended to present to the Senate. As I said in my remarks, technically it had not been noticed for abrogation, but, as a matter of fact, it was an obsolete, antiquated, outgrown treaty which might have been noticed if the United States had seen fit to do it. It had a perfect right to give notice.

Mr. WILLIAMS. Has the Senator ever read Secretary Olney's statement in reference to the matter?

Mr. BORAH. I have.

Mr. WILLIAMS. If the Senator will pardon me, then, for calling his attention: Just a little more recently Secretary Olney said:

> This announcement of President Buchanan—

Which is the announcement which I read to you a moment ago, and I will not now repeat—

> was received by Congress without a symptom of dissent.

You remember that was the announcement—that, no matter what our earlier causes of complaint might be, Great Britain had made amends for them, and had entered into a treaty with Nicaragua which we asked her to enter into, and, with the other country—I think, Costa Rica—had given up the Mosquito Coast contention, and so forth, and that therefore we could no longer claim that she was doing us any international harm or was violating the treaty.

I will say that President Buchanan was not only President of the United States, but he had been one of our most distinguished diplomats, and very much more distinguished as a diplomat than as President. He had very little executive ability and very great diplomatic ability.

I read:

> This announcement of President Buchanan was received by Congress without a symptom of dissent.

I shall now read the language to which I want especially to call the attention of the Senator from Idaho, following the above:

> And since that time every administration, and, with a single exception, every Secretary of State has dealt with the Clayton-Bulwer treaty as a subsisting and binding instrument.

Now here is the exception:

> In 1866 Mr. Seward, writing to our minister at St. James, queries whether, as the renunciatory clauses of the treaty relate to a proposed canal, they will operate forever if no canal should ever be begun. While thinking they would not, still the question being an open one, he declared that neither party could fairly do anything contrary to the spirit of the treaty, and he therefore instructed the American minister to quietly ascertain the disposition of the British Government to favor our acquiring coaling stations in Central America, notwithstanding the treaty.

So you see every American administration and every Secretary of State except one—and he only in this very qualified manner, merely querying and not asserting—has admitted the full force and effect of this treaty ever since Buchanan announced to Congress that Great Britain had accorded with our wishes, and that we had and could have no further cause of complaint against her.

The PRESIDING OFFICER. The question is on the amendment reported by the committee as amended by the amendment of the Senator from North Carolina [Mr. SIMMONS].

Mr. KERN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. As I understand that if present he would vote in accord with myself on this matter, I shall vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair in accordance with my announcement on the last roll call, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], and in his absence I withhold my vote.

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. He has requested that I observe the pair on the Simmons amendment, which I shall do, and refrain from voting. If permitted to vote, I should vote "nay."

I desire to say in this connection that while the Senator from Pennsylvania desired to vote for the Simmons amendment, if present, he would vote against the bill on its final passage.

Mr. ROOT. I have been requested to announce the unavoidable absence from the city of the senior Senator from Massachusetts [Mr. LODGE] and that, if he were present, he would vote "yea" upon this amendment. He is paired with the Senator from New Hampshire [Mr. GALLINGER], who, I am informed, if present would vote "nay." For myself I vote "yea."

Mr. CHILTON. As I have stated, I have a pair with the Senator from New Mexico [Mr. FALL] and the Senator from Oregon [Mr. CHAMBERLAIN] has a pair with the Senator from Pennsylvania [Mr. OLIVER]. We have decided to transfer our pairs to those Senators so that we may both vote. I vote "yea."

Mr. CHAMBERLAIN. Transferring my pair with the Senator from Pennsylvania [Mr. OLIVER] to the Senator from New Mexico [Mr. FALL], I vote "nay."

The result was announced—yeas 57, nays 30, as follows:

YEAS—57.

Bankhead	James	Norris	Smith, Md.
Brandegee	Johnson	Overman	Smith, S. C.
Bryan	Jones	Owen	Stephenson
Chilton	Kenyon	Page	Sterling
Clarke, Ark.	Kern	Pittman	Stone
Colt	Lea, Tenn.	Poindexter	Swanson
Crawford	Lee, Md.	Pomerene	Thomas
Culberson	Lewis	Root	Thompson
Dillingham	Lippitt	Saulsbury	Thornton
Fletcher	McCumber	Shafroth	Tillman
Gore	McLean	Sheppard	West
Gronna	Martin, Va.	Shively	White
Hitchcock	Myers	Simmons	
Hollis	Nelson	Smith, Ariz.	
Hughes	Newlands	Smith, Ga.	

NAYS—30.

Ashurst	Clark, Wyo.	Perkins	Vardaman
Borah	Cummins	Ransdell	Walsh
Brady	du Pont	Reed	Warren
Bristow	Goff	Sherman	Weeks
Burleigh	La Follette	Smith, Mich.	Williams
Catron	Lane	Smoot	Works
Chamberlain	Martine, N. J.	Sutherland	
Clapp	O'Gorman	Townsend	

NOT VOTING—8.

Burton	Gallinger	Oliver	Robinson
Fall	Lodge	Penrose	Shields

So the amendment of the committee as amended was agreed to.

Mr. WALSH, Mr. NORRIS, and Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. WALSH. I now reoffer the amendment offered by me this morning.

Mr. NORRIS. Mr. President, I rise to a parliamentary inquiry.

The PRESIDING OFFICER. Let the amendment offered by the Senator from Montana first be stated, and then the Chair will recognize the Senator from Nebraska.

Mr. NORRIS. I desire to submit a proposition, both to the Chair and to the Senator from Montana.

The PRESIDING OFFICER. The Chair will delay the reading of the amendment offered by the Senator from Montana, in order that the Senator from Nebraska may make his inquiry.

Mr. NORRIS. My parliamentary inquiry is this: Whether an amendment adding to the text of the bill now pending would not take precedence over the amendment offered by the Senator from Montana to strike out all the text of the bill and insert a new bill?

The PRESIDING OFFICER. The amendment proposed by the Senator from Nebraska [Mr. NORRIS], as stated last night or this morning, proposes to add to the text of the bill which it is proposed to strike out by the amendment of the Senator from Montana [Mr. WALSH]. The amendment of the Senator from Nebraska, therefore, would be first in order.

Mr. NORRIS. I desire, Mr. President, to offer that amendment. Of course the Senator from Montana understands that I do not wish to interfere with him, but his amendment, I think, would more properly come after my amendment has been voted on.

Mr. WALSH. I shall be obliged to leave the Chamber in the course of half an hour, and will not be able to be here again during this debate. I shall speak either upon my amendment or upon the amendment of the Senator from Nebraska.

Mr. NORRIS. I will say to the Senator that I do not expect to address the Senate on the amendment I shall offer, and, unless some other Senator speaks in opposition to it, I do not believe there will be any debate. I should like, however, to have a roll call on it.

Mr. WALSH. I do not desire to debate the question of parliamentary practice at this time; but I am unable to recall now any parliamentary rule that gives precedence to one amendment to a bill over another amendment to a bill.

Mr. NORRIS. To obviate any difficulty, since the Senator desires to leave, I will ask the Chair this question: If I waive the right which the Chair says I now have, will it be in order, after the disposition of the amendment of the Senator from Montana, assuming that it be defeated, to offer the amendment which I intend to propose?

The PRESIDING OFFICER. The Chair has stated that, where a motion is made to strike out the text of a bill and insert other matter, the friends of the text of the bill are entitled to have it perfected before the motion to strike out and insert is put to the Senate. That is the custom, as the Chair understands. If the question is put on the amendment of the Senator from Montana, then, of course, the text of the bill will still be open to amendment, as the bill is pending as in Committee of the Whole, and open to amendment.

Mr. NORRIS. In order to accommodate the Senator from Montana, who says he desires to leave, I will not insist on the right which I believe I am entitled to now, and I will not offer the amendment at this time.

Mr. SIMMONS. I understood the Senator from Montana to offer an amendment to strike out all of the bill after the enacting clause.

The PRESIDING OFFICER. The motion of the Senator from Montana, as the Chair understands, is to strike out all after the enacting clause and to insert his amendment.

Mr. SIMMONS. The Senator from Nebraska offers an amendment to the bill.

The PRESIDING OFFICER. The Senator from Nebraska has not offered an amendment, but he simply made a parliamentary inquiry of the Chair, whether, if he should offer an amendment to perfect the text which it is contemplated to strike out by the Senator from Montana, it would take precedence over the motion to strike out.

Mr. NORRIS. Simply as a matter of accommodation to the Senator from Montana, I do not offer my amendment now. I think I will have ample time to offer it after his amendment is disposed of.

Mr. SUTHERLAND. Mr. President, I rise to a parliamentary inquiry. The amendment of the Senator from Montana is to strike out all after the enacting clause and to insert certain language which he has presented. Rule XVIII specifically provides:

> But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

So that very clearly the amendment proposed by the Senator from Nebraska would be in order even after the Senator from Montana has presented his amendment.

possible that the Senator from Idaho does not know that no matter what private individuals expressed opinions to that effect, two Democratic administrations and two Republican administrations in this country have acted upon a different opinion? Has he no longer reverence for McKinley and for Roosevelt in his own party? I do not ask him to have any reverence for Cleveland or the Democratic Party; that would be, perhaps, drawing upon his generosity too much; but he stands here and argues, debates, indulges in flowers of speech, and indulges in denunciation, first fulminating cannon shots and then sticking in a poinard under somebody's shoulders, and all for what? To prove ostensibly, at any rate, that the Clayton-Bulwer treaty was obsolete and dead and amounted to nothing, when four American administrations have recognized it as in full force and effect, and when the very Hay-Pauncefote treaty, which is now in existence between us and Great Britain, in the very forefront of it where it is superseded, acknowledges that without the supersession it is still all in force and effect. And after supersession a part of it, the very part he is complaining of, is to continue as an abiding pledge for the two nations.

The Senator from Idaho knew, just as well as I know, and just as well as other Senators know, that there is only one way of putting an end to a treaty among nations, and that is by notice of abrogation. The Senator from Idaho knew, as well as anybody knew, or could know, or ever will know, that there never had been any notice of abrogation given in connection with the Clayton-Bulwer treaty. He knows that every time we have sought negotiations with either the Nicaraguan authorities or the Colombian authorities, even prior to the Panama Canal, we also entered into negotiations with Great Britain in order to change the conditions of the Clayton-Bulwer treaty. The Senator goes further than that, however. He not only knew all that, but he forgot that there are men equally as respectable as the men of whom he spoke who entertained a different view all the time.

I find here on page 4990 of the CONGRESSIONAL RECORD, volume 33, some utterances from a man whom I regard as a man of almost perfect intellectual integrity. He happens to be the leader of the minority in the other branch of the National Congress at this moment; a man whose weight and force I have felt, and whose character I have respected. What does he say? Speaking of the Clayton-Bulwer treaty upon May 2, 1900, he says:

> For ten years this [the treaty] was a source of constant friction and frequent communication between the two Governments, but finally, at the end of about 10 years, all sources of complaint in regard to the attitude and action of Great Britain in these matters were removed to the satisfaction of the administration of President Buchanan, who, in his message to Congress December 3, 1860, stated that—
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> "The discordant constructions of the Clayton-Bulwer treaty between the two Governments, which at different periods of the discussion bore a threatening aspect, have resulted in a final settlement entirely satisfactory to this Government. In my last annual message I informed Congress that the British Government had not then 'completed treaty arrangements with the Republics of Honduras and Nicaragua in pursuance of the understanding between the two Governments. It is, nevertheless, confidently expected that this good work will ere long be accomplished.' This confident expectation has since been fulfilled. Her Britannic Majesty concluded a treaty with Honduras on the 28th November, 1859, and with Nicaragua on the 28th August, 1860, relinquishing the Mosquito protectorate. Besides, by the former the Bay Islands are recognized as a part of the Republic of Honduras."

Some time ago, meeting a man accidentally I called his attention to this fact, and he said, "Yes; but that was after we had a million of men under arms and a giant navy, and she no longer dared refuse." As a matter of fact, it was done, as Mr. MANN says, under Buchanan's administration, before the war.

Mr. MANN goes on in his language:

> In my opinion, it may therefore be fairly stated that while the action of Great Britain during the 10 years following the ratification of the Clayton-Bulwer treaty might have fully justified a notice on our part of the abrogation of that treaty because of its nonfulfillment by Great Britain, still when Great Britain finally yielded to our contention and gave up the possession about which we so strenuously complained, that cause of complaint was entirely removed, and we would have no right now to insist that the treaty is abrogated already or that it should be now abrogated because of the action of Great Britain immediately following the making of the treaty.

So much for Mr. MANN.

There sits to my left the senior Senator from Ohio [Mr. BURTON], at that time a Member of the House. I shall not praise him in his own presence. In the same debate, he says:

> I say we owe a degree of comity to England also in this great enterprise. We can not go ahead regardless of the rights of foreign powers or foreign peoples. An international canal is what it will be.

The Senator from Idaho is wrong also about Mr. Cooney, whose name has been brought into this debate. He seems to think that Mr. Cooney thought the treaty was abrogated. Mr. Cooney, on the contrary, made a long speech to the House in which he said the treaty was not abrogated, and ought to be abrogated, and therefore gave notice of the amendment to which I referred this morning.

By the way, while I am upon my feet I will say that when a man has been twenty-odd years in public life he ought not to trust his memory very much. I had a recollection, as I thought, of that proposition of Mr. Cooney's being voted down by an overwhelming vote. I must have gotten it from the fact that there was an overwhelming sentiment against it, and he therefore, after having it read and giving notice that he would offer it, did not offer it, because I have looked through the RECORD, and I have found no record vote at all upon the subject. Mr. Cooney, however, made a speech to the House in which he said that "the Clayton-Bulwer treaty is in full force and effect," and that we can not have a canal satisfactory to us without having England consulted about it; and he therefore gives notice that at the proper time he is going to offer an amendment for the purpose of abrogating it. Here is Mr. Cooney's language, a part of which the Senator from Michigan [Mr. SMITH] read the other day.

By the way, I want to say in this connection, that I knew Mr. Cooney. I knew him very well. He was a Representative from the State of Missouri, an Irishman by derivation, a man of good standing, of good character, and good sense.

Mr. Cooney said:

> There is a general opinion throughout the country that the Clayton-Bulwer treaty is as dead as Hector and that somehow Blaine was the Achilles that slew it and dragged it to pieces at his chariot wheels. If it is dead, its body has been kept in a mighty healthy state of preservation, for every politician fastens the same dead body to his rolling car and plays "the insulting victor" as a prelude to urging the Government to a hasty building of the canal. I can not believe that any Member of Congress regards the Clayton-Bulwer treaty as dead or that its provisions are less binding on this Government than they were when executed and confirmed 50 years ago.

In that connection Mr. Cooney read an article from the Washington Times newspaper, in which the Times newspaper said that "it would be unnecessary and vicious legislation" to abrogate the treaty, because it would be recognizing its validity; and then Mr. Cooney adds:

> It is just such vicious literature and false declarations that have caused the widespread opinion that the Clayton-Bulwer treaty is dead.

And so forth.

There was at that time in the House of Representatives the most remarkable catch-as-catch-can debater, except Thomas B. Reed, whom I ever personally knew. Thomas B. Reed was the most remarkable rough-and-ready debater that the English-speaking race has produced, except, possibly, Charles James Fox, of Great Britain. On page 5008, in this same discussion, I find what Mr. Grosvenor, the man to whom I refer, had to say. Mr. Grosvenor was the chosen confidant of Mr. McKinley upon the floor of the House of Representatives, as everybody then a Member of the House knew. Mr. Grosvenor says:

> Mr. Chairman, the discussion has taken so wide a range that I can not hope to cover in the five minutes I shall ask for all the phases presented. I want to emphasize a little strongly the remark made by the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT of Massachusetts was one of the most distinguished Republican members of the Foreign Affairs Committee of the House of Representatives—

> who said that the Clayton-Bulwer treaty was still obligatory upon the United States. I do not think there is any doubt about that, and I think that no man with ordinary intelligence—

The Senator talked about strong language this morning. I do not believe in strong language. I believe in fitting language, but old Grosvenor did now and then draw it a bit strong. He said:

> I think that no man with ordinary intelligence, whether he is a lawyer upon international lines or whether he is a man of ordinary common sense, will for one moment understand or attempt to argue that the Clayton-Bulwer treaty has been abrogated by the act of the United States or by that of England.

There served with me in the House, and with several of you, one of the most lovable men that ever lived—bright, variable of fancy, of poetic imagination, eloquent, and logical, all combined—Dolliver, of Iowa. Dolliver indulged in a statement which I shall read. I am quoting only from men who have since somehow made themselves distinguished. I am not quoting myself or 12 or 13 or 14 other men taking part in the debate who have never achieved any great place in the world. I am trying to confine myself to the men who afterwards carved out for themselves a place in the hearts of the American people, and that Dolliver did. He not only had the traits of which I have spoken, but he had great courage; and when he found out that he had been going in a direction that was wrong he faced himself clear about and went in a contrary direction, though he sacrificed many friends.

Here is what Dolliver said:

> I have read a good many of the treaties which we have with foreign countries—

He had, among other things, an exquisite sense of humor, as this first line or two shows:

> I have read a good many of the treaties which we have with foreign countries, and about the only one of them I am able to thoroughly understand from the language of it is the Clayton-Bulwer treaty of 1850. I have read the opinions of statesmen and diplomatists about that treaty, and my judgment fully concurs with the judgment spoken here yesterday by the chairman of the Committee on Foreign Affairs.

Who was he at that time? Why, Mr. Hitt, of Illinois; and there never served in this body a man, in the old time or now, who had so completely at his finger ends the foreign relations of the United States as Mr. Hitt, of Illinois.

Dolliver said:

> My judgment fully concurs with the judgment spoken here yesterday by the chairman of the Committee on Foreign Affairs [Mr. HITT], that that treaty is in force and that no policy ought finally to be put into the form of law in this country which is not accompanied by a negotiation for the modification of that treaty.

That is pretty strong language, too. In the House the reporters put in parentheses the word "Applause" whenever the generous hearts of generous men give it; and the following is followed by a notation of the applause which Dolliver received:

> I believe, also, that this canal ought not to express merely the military prowess of the American people. I cherish the hope and the conviction that the world's civilization has advanced beyond that. I would have this canal express the aspiration of our people for a larger commerce and for a permanent peace among the civilized nations of the world. I take no interest in and give no consent to that argument, which is based upon a narrow view of patriotic duty, which claims that we should own this canal and operate it mainly as an instrument of war. As such an instrument it is not worthy of this age nor this Nation. It is worthy of us only as it expresses the national aspiration for peace and for enlarged commerce which will reflect the progress and spirit of our age and of our civilization.

Most of that quotation from Dolliver is not pertinent to what I was saying; but I could not help reading it, because it is evident that Dolliver, too, had in his mind "some future time," a time that was not the time apostrophized by the Senator from Idaho [Mr. BORAH] in so many sentences beginning "At that time, Mr. President, I see."

Mr. BRANDEGEE. Mr. President, what was the date of that debate, if the Senator please?

Mr. WILLIAMS. This was on May 2, 1900.

But why all this "love's labor lost"? What is the object of this sort of contention by the Senator from Idaho? It is a familiar trick of the skilled dialectical as well as of the dueling fencer that when he sees he must give way in his tracks he changes the form of attack or the form of offense. The Senator from Idaho, knowing that he could not stand upon the ground that the Clayton-Bulwer treaty was not in effect at the time we entered into the Hay-Pauncefote treaty, and that it was, in part, continued in the latter treaty, which must control our action here; knowing that it had been recognized by every administration all the way down from when Buchanan said that our quarrels with Great Britain and our assertions of her violation of the treaty had been removed by her coming to our position and correcting her past misconduct; to when Secretary Olney, under Cleveland's administration, having been requested to look into the matter, and having looked into it and reported back that it was binding and in full force and effect; to the time when the great statesman who was the Secretary of State who negotiated the Hay-Pauncefote treaty so acknowledged it; knowing that McKinley and Roosevelt had so acknowledged it; that the Hay-Pauncefote treaty itself so acknowledged it; that the treaty with Panama so acknowledged it by making the Hay-Pauncefote treaty, containing a part of the Clayton-Bulwer treaty, a part of itself—knowing all this, or having lately learned it to his surprise, the Senator from Idaho comes into court at the eleventh hour to try to prove that, notwithstanding our conduct as a Nation, notwithstanding our solemn compacts recognizing it, notwithstanding the sanctity of treaties, the thing was obsolete and nonexistent, dead as a plantation mule of the vintage of 1800, because some Senate committee at some time reported that in their opinion it ought to be dead, and because a few other gentlemen here and there said that in their opinion it ought to be dead, "because it had been violated."

What was the object of this fencing? It was to change base in the presence of the enemy. McClellan found that that was about the most dangerous maneuver of warfare when he was advancing on Richmond. Gentlemen generally find it dangerous when they resort to it. Even if you are going to quote individuals, the mass of individual opinion is against the opinion of the gentleman quoted by the Senator from Idaho. But individual opinion is not the thing that you appeal to in a matter of this sort. You appeal to national action and national conduct and official utterances and international compact.

Now, one or two other things, Mr. President, and I shall take my seat. The Senator then goes at a considerable expenditure of time and words to demonstrate that Great Britain is going to get a whole lot of advantage out of this contract and that we are not going to get as many benefits out of this solemn international contract between the two greatest—at any rate, most civilized—nations on the surface of the earth, and that because we are not going to get as many benefits out of the contract therefore the contract ought not to be regarded. I once had a man come to me and enter into a contract for five years in connection with clearing up and putting under cultivation for crops to belong to him certain land. He came to me one day, after a year or so, and in a bland, honest-looking way, said, "John, I will have to 'rue back' on that contract." I said, "Why?" He said, "Because that contract is not profitable to me." I said, "Suppose it had turned out not to be profitable to me, would you have rued back?" "Oh, no," he said; "but I have got to rue back now." I said, "I do not see that." "Well," he said, "John, I have got to where you have got to let me. All I have got to do is to refuse to go on with it. All my property is in my wife's name, and you can not do anything with me." So I had to let him rue back. This was naive, but not honest.

What does the Senator mean by getting up here and arguing for 15 or 20 minutes that this compact will result in greater profit to Great Britain than to us unless he wants to appeal to the dishonest spirit of greed that exists in the hearts of too many men in the world, who regard a contract as sacred and inviolate only when it is profitable?

The Senator says that this contract as it exists to-day, as it was construed by Hay and by Choate, and as it will be construed by the Senate of the United States for the nonce—until it shall be admitted to arbitration for final decision at any rate—gives Great Britain more benefit than it does to the United States of America, and says that it would have been better for us if we had let Great Britain build the canal and give ships of our citizens an equal use with hers? But suppose that to be true. I am rather inclined to think that, in dollars and cents, it is true. I am rather inclined to say that if we had allowed the Government of Great Britain, or France, or Austria, or Germany to build it, and giving us equal rights to its use, equal charges, and all that, with just the same contract with either of them that Great Britain has with us, then, so far as mere money and mere commercial advantage is concerned, we would have gotten more out of it then than we are ever going to get out of it now. But why make that argument unless it be made with a view of producing a desire in greedy hearts to violate the contract because of that fact?

But the Senator must not forget this: We get, in addition to commercial advantages, military and naval advantages which Great Britain does not get. In the case of a war between ourselves and Great Britain we can use the canal in mobilizing our fleets and armies and Great Britain can not. That is agreed; it is disputed by nobody.

That is not all. In addition to the mere commercial advantages that are to flow to us, we get transportation advantages that, in their effect upon railway rates across the continent, will be beneficial to the entire people.

It is not a mere question of money, but, to take the Senator upon his own ground, suppose it were. If it were, then, of course, it would have been wiser for us to have permitted Great Britain to build the canal and to give us the right to its equal use. *But you would not have had any canal.* That is the answer to all that part of the Senator's argument. Great Britain would not have built it. She did not have the same strategic reason for building it that we had. She had no longer the same commanding commercial advantage, for she now owned the Suez Canal. She then entertained no idea of building it. There was no way whereby we could force her to build it.

The people of the United States generally, I think, would have preferred, though I am not sure of that, that the French had succeeded and built the canal. Under our arrangement with them we had equal use of that canal with all the nations of the world, commercially, after it was built. The only difference was that their canal was to be, from a military standpoint, absolutely neutral, and that in time of war we ourselves could not have used it. We therefore could not have mobilized our fleets from the Atlantic to the Pacific, and vice versa.

But the answer to the whole argument is this, and it is the only relevant answer: it is not whether the contract is profitable to us more than others or not; it is not whether "we ought to have made the compact" or not; it is not whether "we ought to have abrogated the Clayton-Bulwer treaty" and taken things in our own hands or not, no matter what the consequences of war might have been. The thing is, *What did we agree to do.* Under what restrictions, limitations, and conditions *did we undertake* to construct and operate the canal?

The Outlook, a publication in London, said a short time ago that upon the basis of the crop of 1912 the farmers of Alberta alone would receive an annual benefit of $200,000,000 by reason of the opening of the canal. It added these words:

> It is easy to see that it is not far hence when farmers of Alberta and Saskatchewan will receive a free gift from this canal of something in the neighborhood of $250,000,000 a year in foreign rates saved.

Will anyone argue against the advantage it would be to the western farmer of the United States to have free canal tolls that there might be kept alive and in full force and effect, as President Wilson said in his preelection speech, full competition between the railroads and waterways and the markets. I find no better language to express myself upon this subject than the exact language of the President:

> We do not want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

I would not violate the plain terms of a treaty to protect the farmers of the United States, and they would not ask it. But to sacrifice their rights and their interests under the terms of a treaty construed in our favor by some of the ablest minds of the age, to my mind, amounts very nearly to a crime.

Mr. President, it will be a signal triumph, indeed, for English diplomacy when this bill shall have become a law. It will complete another chapter—aggressive, far-seeing, and masterly—in the diplomatic history of that indomitable and far-seeing people. In that chapter it will be recorded, to begin with, how the English nation forced a strategic advantage on the coast of Central America in violation of the Monroe doctrine, and how we submitted to it.

It will be recorded how by sheer persistency and courage that nation circumvented the same policy, this boasted policy of our own people, by the terms of the Clayton-Bulwer treaty, every line of which was in contravention of the policy which lifted into exceptional and permanent fame the name of the fifth President of the United States, a policy which has been considered essential to our peace and to our supremacy on the Western Continent. It will be further disclosed in this chapter of diplomacy how a vigilant nation using as a base of action an obsolete and twice or thrice violated treaty secured a new treaty by the terms of which she steps from under all the expense and all the responsibility and retains all the advantages of this tremendous enterprise, tremendous not only in its cost in energy, health, and life, but tremendous in the responsibility which it imposes upon its builder and owner. And then it will be there further recorded how, taking advantage of a situation supposed to be somewhat strained between the United States and other countries and our own lassitude and drifting, our own want of a vigorous and well-defined foreign policy, it caused Presidents and Cabinets and political parties and Senators and Representatives and Congresses to change their views and their votes, caused a strong and puissant nation to accept the construction of a treaty by a foreign power, humiliatingly confessing our heretofore ill and rashly considered act, and finally ignominiously to consent to the imposing upon our own property, our own soil, a perpetual servitude and yield up no less than the sovereign power of controlling our domestic commerce. Is not this triumph enough for English diplomacy? Is not this the crowning glory of that long line of diplomatic statesmen from Woolsey to Grey, and is it not humiliation enough for us? Is there more to follow? Shall we expect England, following up her position and her irrefutable logic finally to say, "Your ships of war shall follow the degradation of your ships of commerce"?

The secret of all this triumph, Mr. President, is that an Englishman is always an Englishman. The power and prestige of his mighty nation are always close to his heart. While other people and nations talk of universal peace and the brotherhood of man this great power proceeds upon the theory that the best way to have peace is to have the prestige and the power which shall command it. While other nations talk of yielding in deference to a sentiment, she reaches out for advantage and pursues with remorseless logic every favoring incident to its final fruition.

Sir, they tell us that we must respect and abide by our treaty obligations. They warn us that we must be careful of our national honor; that we stand in peril of forfeiting our honor among the great nations of the world, whose long and devious histories are one continued story of treaties made and broken, of alliances formed and treacherously betrayed, of obligations assumed and selfishly denied, of broken pledges, wars, and dishonor.

Of course, Mr. President, if we have made a treaty that bound us to build the canal and then yield its partial control to others, there would be nothing left for us to do but to bow in humiliation and submit to the servitude of our folly. But we do not get anywhere by crying "National honor." For the whole question is, What is the treaty, and are we violating it? Are those who contend for free ships any less sensitive to American honor than those who contend for British advantage? Are those who believe that our treaty does not bind us to yield to a foreign power or the embarrassing of our domestic commerce any less men of honor, any less regardful of national honor, than those who believe that the treaty intended to give and does give vital control of the canal to other nations? Were the Pharisees the only keepers of decency and honor, of integrity and personal probity, simply because they exploited their virtues by praying while standing upon the street corners and by occupying high seats and doing much talking in the synagogue?

Mr. President, we are bound to observe our treaty obligations. But let it be known also that we are bound to protect our treaty rights. We have no more right to disregard the one than we have, through false and maudlin sentiment or baseless and cowardly fear, to surrender the other. We believe our rights under this treaty are as we have interpreted them to be by the law which we are now about to repeal. We believe these rights are vital to the welfare of the American people, and we believe the surrender of them is unjust, unnecessary, unprecedented, and un-American. You may force a surrender now, but you will restore these rights in time. Pressure may win the victory for an hour, but this issue will be settled at the bar of public opinion in the open forum, where all these great questions are to be ultimately settled when they are settled right, and where the millions of people will construe this treaty not in fear and trembling, but in honor and also in courage.

Mr. President, the American people had come to look upon this achievement as peculiarly and distinctly the achievement of American genius. It fed their pride and strengthened the sentiment of nationality. For centuries the scheme of uniting the two oceans had tormented the ambition of the civilized world. But the scheme had remained without fruition. England, with her vast wealth and commercial prowess, seemed wholly reluctant to engage in the task. The brilliant and resourceful people upon whom rested the glory of conceiving and constructing the Suez Canal essayed the task and failed. It was distinctly an American triumph. It stood out as a monument to her gigantic energy and a tribute to her immeasurable genius. Our people seemed to feel the pride of individual accomplishment; it seemed to them commensurate with and the culmination of that restless force and power which in a little over a century had subdued and cleared a continent and built upon it the only successful Republic yet appearing upon this earth. Yes; it was their triumph. They willingly and ungrudgingly paid the countless millions which it cost. It had stirred again the spirit of vastness which sometimes sleeps but never dies out of the American mind. And they cared nothing for expense of wealth or life in its building.

Our people felt it gave us a closer union commercially and a firmer and more compact Republic in the hour of peril. We felt it was theirs exclusively, entirely and alone theirs; that the title was in their Government and as inviolate as the fortifications which guard its entrances; and that its use by and dedication to the outside world rested alone in the broad principle that we would not pledge special friendship or cripple any nation's commerce through discrimination and favoritism. That it was not ours, with all the advantages and privileges incident to ownership; that it was not ours to be used for the augmenting and building up of our commercial supremacy; that it was not ours to the extent that it might further and advance the strength and powers of the Republic in the tremendous contest for the future commerce of the world never, sir, was entertained by the American people for a moment. They believed—and I assert that John Hay, scholar, statesman, diplomat, and patriot, believed—that no possible promise was out and no limitation upon our action save that as to all users and customers who should feel it advantageous to comply with the rules established, they should be treated with impartial and equal justice.

I look forward, sir, fifty and a hundred years hence, when every foot of our public lands will have long since been occupied, and when there will no longer be any outlet for the congested centers into which foreign nations will still pour their wan and hungry thousands. And I remember that the real test in the tendency among a people to establish classes begins with the exhaustion of public lands. I look forward to the time when this Republic will have to find relief and work for her crowded and complex population, for her energy, her industry, and for labor in extending our commerce and commanding the

business of the sea. The hiving millions upon the Atlantic seaboard will be reaching for the trade of the west coast of South America and for all the trade of the Pacific seas, and striving to hold our own for the increased appetites and wants of the rejuvenated and aroused millions of the Orient.

The Atlantic and the Pacific will commercially be neighbors then, and we will want no passageway with a clouded title upon it between us. We will in that day, sir, find ourselves in a close and deathlike grip with the mistress of the sea for the markets of the outside world, for the trade and commerce by which we can furnish business for our mills and work for our people, for there can be no such thing as a republic after the hour in which her working people fail to find employment at a living wage.

At that time the Panama Canal will be as vital as indispensable, its complete and unlimited use in our contest as essential as the arteries of trade which permeate our inland and overland business. It will bear no "limitation upon our freedom of action," in the language of Earl Grey, at that time. How puny and small will be the question of a subsidy at a time when we will be compelled to take care of our merchant marine. How vain and delusive will seem the dream of universal peace when, though cannons may not roar, the fight for markets and their loss will just as certainly and more certainly endanger the Republic.

I want this canal without a cloud upon its title, without a partner, without anything which will militate against its use to the advantage of our own commerce as against the world—leaving all other nations upon an equal footing as between themselves, but giving us all the advantage of ownership—I want to know that it is ours to be used as we would, so far as our individual interests are concerned. Yes, I repeat, ours to be used as we would, without let or hindrance in any way, shape, or form so long as all customers are put upon an equal footing. That, sir, was the spirit and purpose of John Hay, and those who construe his work otherwise, those who ignore his plain words:

> The canal is to be an entirely American canal. * * * When constructed it is to be exclusively the property of the United States, and it is to be managed, controlled, and defended by it—

but slander the illustrious dead; and that, sir, in the end will be the judgment of the American people.

I make no concealment, sir, not only of my great disappointment that this bill is to pass, but I make no concealment of my loathing for the manner in which it has been brought about—the forces through and by means of which this betrayal is to be encompassed and brought to pass. It had its origin in duplicity, in deception of the American electorate, and broken promises to those whose interests alone we are here to represent. After diplomacy had practically brought the matter to a final and favorable conclusion certain powerful and selfish interests which have fought the building of the canal from the beginning remained active and revived the fight, and for a time the forces are to win and all who assist shall share the glory of assisting in crippling and bartering away a portion of the sovereignty and supremacy of the Republic.

Mr. WILLIAMS. Mr. President, if "the Panama Canal has been given away"—and the Senator from Idaho [Mr. BORAH] asserts that it has been—it was given away by a Republican administration and a Republican Secretary of State. I do not think it has been given away; upon the contrary, I deny it; but the canal will not be given away by observing the conditions of an international compact with Great Britain, followed by another with Panama. If it has been given away at all, it was given away by entering into the conditions of the international compact in question. If the treaty be "a hard bargain," it is the entering into it and not the keeping of it that is reprehensible.

The idea that the canal was not ours to exploit in favor of our trade is our own idea, first broached by our own Government under a Republican administration; and the part of the international compact which makes the pledge not selfishly to exploit it was made upon the initiative of a Republican Secretary of State of the United States and in his language. The Senator from Idaho speaks of "slandering the illustrious dead" because we undertake to observe the conditions of a contract entered into by Secretary Hay, about whose meaning and intention the Senator makes some dispute. Secretary Hay, if slandered at all by the assertion that he intended to exact equal treatment to the commerce of all nations, including our own, is slandered from his own grave, out of his own mouth, for there has been read into the RECORD, not once but several times, a communication from Secretary Hay giving his own construction of the language here in dispute; and Secretary Hay in that letter said that it was intended that the ships and commerce of the citizens of all nations, including the United States, should be treated equally.

So much for that, Mr. President. All of that is a part of the rhetoric, the oratory, the linguistic dialectics contributed by the Senator from Idaho to the debate; and Senators themselves can not believe what they say, that others have "slandered" him, even if it were slander to attribute to him the intent which he attributed to himself. But it is not slander; it is high praise of his sense of justice. The Senator from Idaho knows as well as I know that if there has been any "foolish or hard contract" entered into, if we have "given away a great canal," which otherwise we might have constructed as our own in every sense, without limitation or restriction or condition, all that is not done when we observe the condition. It was done when we entered into the contract. It is only common honesty to keep the contract after we had plighted our faith.

The Senator looks forward to the day when one branch of the English-speaking race "shall be in a death-to-death grip" with another branch of the English-speaking race "for the commerce of the world." His Republican raising leads him to use that warlike figure of speech. Trade is not a matter of "death-to-death grip" at all. The richer the other nation is the richer yours is, because it argues only the more you can buy from them and the more you can sell to them to the profit of both. No nation on the surface of this earth ever was enriched by the poverty of another. These two great branches of the race "in the foremost file of time" will not be engaged in a death-to-death grapple. They will be engaged in generous emulation, trading with one another, and making money out of one another, as they have been doing ever since we became an independent sovereignty upon the surface of this earth.

Great Britain is not our enemy; she is our best customer. We are not her enemy; we are her best customer. All this warlike imagery when applied to trade and commerce came from the old, foolish mercantile system, inherited now chiefly by its modern representatives in America. It prefigures that trade is somehow a thing wherein one side or the other must lose, whereas, as a matter of truth, it is a thing wherein both sides gain. A man sells a thing because he wants the money more than the thing. He buys a thing because he wants the thing more than the money. In either event he is profited by the transaction; and the other man, actuated by precisely the opposite preferences, is also profited, for the same reason, by the same transaction.

The Senator from Idaho drew upon his rhetorical if not poetic imagination for a picture of a certain time which he had in his mind, and one sentence after another followed in the approved style of oratorical exclamation, each beginning, "At that time, I see, Mr. President," and "Mr. President, at that time I see." Now, what did he see? He saw nothing but a perpetuation of the old war of greed and the survival of the fittest for hostile conflict; that is all. He can not see beyond that. And he is not alone in that respect; "there are others" like him. When he draws a picture it is an emphasized picture, an accentuated picture, of the old evils of the old and dying past.

"At that time," he says, "we will be a Nation that will permit no limitation upon ourselves." If so, then we will be a barbarous Nation.

Mr. BORAH. The Senator misunderstood me. I said no limitation upon our actions with reference to this canal.

Mr. WILLIAMS. Oh, the Senator went further than that. After stating it as a desired goal, he went to the Isles of the sea, and he went to South America, and he indulged in what Tom Reed called "geographical eloquence" of that sort to a very considerable extent. But whether in connection with the canal or in connection with our trade and commerce generally a people who look forward to "a time when" they will permit no limitations upon themselves are a barbarous people, and if they remain of that opinion until that time comes they will remain a barbarous people.

Civilization does not consist in saying to the world, "I permit no limitations upon my power in trade, or power in war, or power in the use of a public utility, or power anywhere else." It consists in saying, "In the interest of the world and of humanity and of my own people, I impose upon myself limitations." What are those limitations? The limitation of justice, the limitation of righteousness, the limitation of fairness, and, in so far as equality is necessary to constitute those limitations, the limitation of equality, too.

But to what purpose, with what intent did the Senator speak? What could have been the object of this long diatribe about various people who at various times thought the Clayton-Bulwer treaty was out of existence and obsolete? Can it be

treaty, in 1850, that which she had seized in violation of the Monroe doctrine upon hearing that we had entered into treaty with Mexico, by which we acquired this territory and thereby might have an advantage in the affairs of Central America.

Mr. President, another instance: When the Clayton-Bulwer treaty was concluded Great Britain was occupying the island of Roatan, one of the Bay Islands, off the coast of Honduras.

She was desirous of retaining this island because of its strategic advantage to the San Juan River.

So on the 17th of July, 1852, England erected the Roatan and adjacent islands, known as the Bay Islands, into a British colony in defiance of the Monroe doctrine and the Clayton-Bulwer treaty. She continued to hold these islands for years in defiance of the express terms of the Clayton-Bulwer treaty. British Honduras was first settled by some freebooters or pirates——

Mr. POINDEXTER. Buccaneers.

Mr. BORAH. Buccaneers. Spain sanctioned the British right for wood-cutting purposes, but Spain expressly reserved all sovereignty over the territory.

In 1821, upon the successful revolt from Spain of the Spanish colonies in Central America, the sovereignty over Belize passed from Spain, but did not pass to Great Britain. It passed to the Spanish colonies which had obtained their freedom. But Great Britain conducted her system of encroachment in violation of the Monroe doctrine.

In 1862, when this Republic was struggling for its life, dissevered and broken by its own warring factions, in violation of the Monroe doctrine and the express terms of the Clayton-Bulwer treaty Great Britain erected British Honduras, which had been in the beginning a mere freebooters' station, into a British colony. Thus, sir, the story runs—a story of broken faith and duplicity, and I challenge its contradiction.

Yet men will argue in plaintive tones and with apparent feeling that we must be regardful of the solemn obligations of the Clayton-Bulwer treaty, which was never respected from the hour it was signed by Great Britain.

Within 48 hours after that treaty had been signed a British vessel fired upon an American vessel to compel it to pay toll to this fraudulent Mosquito king, and it never has had any sanctity except in the minds of a few American statesmen.

Mr. President, let me call attention now to another English writer upon this subject. I do this in order to engage the attention of some of our friends who have been greatly interested in the English view of this matter. I quote from Dr. Raty:

The treaty of 1850, in its practical clauses (1 to 7), deals with Central America, and with Central America only. American capitalists were contemplating a Nicaraguan canal. Palmerston stupidly blocked it by invoking the "rights" of an engaging tribe of savages whom he suddenly discovered (without a scintilla of evidence) to be allies of Great Britain, and who have long since been willingly abandoned to Nicaragua. For the modest quid pro quo implied in the removal of this block, Mr. Clayton conceded the self-denying clauses of the Clayton-Bulwer treaty of 1850.

In exchange for Britain's disclaimer of her shadowy protectorate in Mosquito, the States gave up the right to acquire control in all Central America.

Mr. President, our records here are well supplied with ample evidence of the fact that the claim of Great Britain to a protectorate over the Mosquito coast consisted of nothing in the world except Great Britain's marvelous capacity to make use of nothing in a diplomatic encounter.

Stephen A. Douglas said:

As late as 1850 a convention was entered into between the Government of the United States and Great Britain called the Clayton-Bulwer treaty, every article and provision of which is predicated upon a practical negation and repudiation of what is known as the Monroe doctrine, as I shall conclusively establish before I close these remarks.

Now, mind you, this was a speech of Mr. Douglas made in the Senate in 1853, within three years after the signing of the Clayton-Bulwer treaty.

He says:

Since the ratification of that treaty and in defiance of its express stipulations, as well as of the Monroe declaration, Great Britain has planted a new colony in Central America known as the colony of the Bay Islands.

In another speech about this time Mr. Douglas said:

England seizes every island in the sea and rock upon our coast where she can plant a gun to intimidate us or annoy our commerce. Her policy has been to place every military and naval station the world over. * * * New treaties of friendship, seizure of islands, and erection of new colonies in violation of her treaties seem to be the order of the day. In view of this state of things I am in favor of meeting England as we meet a rival; meet her boldly, treat her justly and fairly, but make no humiliating concessions even for the sake of peace. She has as much reason to make concessions to us as we have to make them to her. I would not willingly disturb the peace of the world, but, sir, the Bay Island colony must be discontinued. It violates the treaty.

Yes, Mr. President, treat her honorably and fairly, but make no concessions of any of our rights. That was good doctrine in the days of Douglas, and it will be found in future years that it would have been a better doctrine for these days than the one which we are adopting. The failure to follow Douglas's advice is what has brought us to our embarrassing situation. We ought never to have made the Clayton-Bulwer treaty in the first place, and we ought to have promptly given notice of its denunciation at its first violation. You will recall what James Buchanan said, which has come very near to being a prophecy. He declared, in effect, that if Bulwer succeeded in getting through the Clayton-Bulwer treaty it would entitle him to a peerage, and that in all probability it would involve the United States in war before we got rid of it.

President Pierce, in his message in 1856 to the Congress, said:

It is with surprise and regret that the United States learned that a military expedition under the authority of the British Government had landed at San Juan del Norte, in the State of Nicaragua, and taken forcible possession of that port, the necessary terminus of any canal across the Isthmus within the territories of Nicaragua. It did not diminish to us the unwelcomeness of this act on the part of Great Britain to find that she assumed to justify on the ground of an alleged protectorship of a small and obscure band of uncivilized Indians, whose proper name had even been lost to history, who did not constitute a State capable of territorial sovereignty, either in fact or in right, and all political interest in whom and in the territory they occupied Great Britain had previously renounced by successive treaties with Spain when Spain was sovereign to the country, and subsequently with independent Spanish America.

Mr. President, John Sherman, in his Recollections, volume 2, page 1096, in speaking of the Clayton-Bulwer treaty, says:

This treaty has given rise to much discussion and has ever since been a hindrance to the great work it proposed to advance. The British Government has repeatedly violated the treaty by extending its possessions and strengthening its influence in that part of the world.

What did Great Britain put into the Hay-Pauncefote treaty as a substantial consideration? What did she have to give to the United States for the signing of the Hay-Pauncefote treaty that the United States in return should cripple her sovereignty to deal with her internal commerce for the rest of her national existence? What was this great consideration which Great Britain transferred to us that we should do the unexampled and unheard-of thing of curtailing and circumscribing our sovereignty as a Government? The London Times, although it is a great advocate of this repeal, said a few days ago that it must be conceded in behalf of the United States that if the United States should ever indicate a desire to deal with the domestic commerce of Great Britain, it would be resented; and yet the question of keeping and preserving competition between the great transcontinental railways in the United States and the great waterways of the country—and a more vital question to its people does not exist—is to be hampered and compromised and circumscribed in consideration of what? The Clayton-Bulwer treaty which had lain obsolete for 50 years and had been repeatedly violated by the Government which was claiming its rights under it.

I am perfectly aware, Mr. President, and it is proper that I should say before leaving this point that Mr. Olney and others who came to deal with this question thought it unwise to wholly disregard the Clayton-Bulwer treaty, but purely as we do now with reference to so many things, not because there was any substantial right or vital force and effect in the treaty, but out of a fear of offending the English nation, or perhaps I should say out of our extreme desire at all times to retain the friendliest relation with that country.

Mr. President, concluding upon this proposition, I assert, as a matter of historic truth, that the Clayton-Bulwer treaty, in the first place, was founded upon a false claim, to wit, a protectorate over the Mosquito Coast Indians, which, in fact, did not exist; second, that it was founded upon a violation of the Monroe doctrine; third, that as a treaty it had been obsolete for 40 years; and, fourth, that it had been repeatedly violated by England. In the language of John Sherman, George F. Edmunds, John T. Morgan, and William M. Evarts, if that does not constitute a release from a treaty, how could a nation be relieved from a treaty?

I am aware that no formal notice of denunciation was ever given by the United States of the Clayton-Bulwer treaty. I am aware that, technically speaking, it can be contended that therefore it was still in effect. My answer to that is that we had a right to give the notice, that in substance and effect the treaty was void, that all that was necessary was a formal notice, for which there was just grounds and had been for years. And although it was technically in effect, it was in substance of no consideration and of no value and something which ought not to have been taken into consideration to the extent of waiving any substantial rights in the making of the Hay-Pauncefote treaty,

and in my opinion it was not taken into consideration for that effect, and no such effect was intended by the Hay-Pauncefote treaty.

Mr. Hall, a leading English authority on international law, says:

It is obviously an implied condition of the obligatory force of every international contract that it shall be observed by both the parties to it. In organized communities it is settled by municipal law whether a contract which has been broken shall be enforced or annulled; but internationally, as no superior coercive power exists, and as enforcement is not always convenient or practicable to the injured party, the individual State must be allowed in all cases to enforce or annul for itself as it may choose. The general rule, then, is clear that a treaty which has been broken by one of the parties to it is not binding upon the other through the fact itself of the breach and without reference to any kind of tribunal. * * * There can be no question that the breach of a stipulation which is material to the main object, or if there are several to one of the main objects, liberates the party other than that committing the breach from the obligations of the contract.

It can not be contended that the breach of the covenant against acquiring more territory in Central America was not a breach of one of the main objects of the contract. It was violated in one of its essential and most important parts, and it was well within our right at any time during the last 20 years to have terminated it by the mere giving of notice. As a matter of morals and of conscience it was already terminated.

I have inquired as to what Great Britain put into the Hay-Pauncefote treaty in the way of consideration. Very briefly, I want to ask what she has taken out?

In the first place, Mr. President, let us observe how this canal unites and makes compact and solidifies, as it were, the British Empire. I assert that this canal, even with its freedom from tolls to American vessels, is of infinitely more advantage to England than it can be to the United States as a commercial proposition. If the contention made here is the correct contention, it would have been much better for the United States if John Hay had gotten England to spend $400,000,000 to build the canal, $10,000,000 to pay for the right of way, and $250,000 every year thereafter for all eternity, and to have kept it up and maintained it, and given us what England takes out of it without spending anything. It would have been much better to have had the other end of the treaty for the United States.

This canal will shorten the distance between Liverpool and the ports on the west coast of the United States nearly 5,700 miles. Will some one undertake to estimate the advantage of that to Great Britain as she goes on in her imperious way taking control of the commerce of the world? Is it possible to measure the worth of that shortened route to England, dependent as she is for existence upon her capacity to carry on the commerce of the world?

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield.

Mr. O'GORMAN. When the Senator from Idaho speaks of the distance being shortened through the Panama Canal by 5,000 miles, does he mean that it will be a saving of 10,000 miles in the round trip?

Mr. BORAH. That is my understanding of it.

Mr. O'GORMAN. That is the fact.

Mr. BORAH. Yes.

The reduction from Gibraltar is about 5,000 miles; between Liverpool and Honolulu the canal cuts off 4,400 miles; between Liverpool and ports on the west coast of South America the distance is shortened 5,000 miles. The distance from Great Britain to British Columbia is lessened about 6,000 miles as compared with the route by Cape Horn, and not less than 10,000 miles as compared with the route by China and Japan. The distance from Liverpool to Wellington and New Zealand is shortened by 1,564 miles. The approximate distance from Halifax, Nova Scotia, to Vancouver, by way of water, is lessened 7,000 miles. So this will reduce the cost of transportation from the eastern and western Provinces of Canada very considerably indeed.

Mr. President, those figures alone give Great Britain in this situation an advantage which it is impossible for the human mind to estimate. We know Great Britain's place in the industrial world to-day. She is the mistress of the seas; and it does seem as if our Republic is cowering about to provide that she shall continue to be the mistress of the seas. We have built here a canal without a cent of cost to Great Britain, without a dollar of expense in the way of finance, and without any political obligation, which is of more advantage to Great Britain than any single physical event happening in the last hundred years; and yet our friends here say that the United States in its struggle for the commerce of the future must handicap and circumscribe itself after having given Great Britain this tremendous advantage in the fight, without a dollar's compensation from her. If I am not mistaken, Mr. President, Great Britain sees it in just that way, and she would have been satisfied had we promptly—as we had a right to do—rejected her claim or contention. It will be a gold brick that we hand to the English nation if she gets a few dollars in the way of advantage in tolls, if she loses the favor and the friendship of the United States in the future, as she has sacrificed it and forfeited it several times in the past. This matter has aroused a sentiment in this country which England could ill afford to arouse. Our memories are short when dealing with one who would be a friend; but lying back in history are undisputed facts which will feed a rearoused feeling of antipathy. It was unwise for England, and it was unwise for those who would serve her on this side, to undertake or to bring about this sacrifice of our rights.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Jersey.

Mr. BORAH. I yield.

Mr. MARTINE of New Jersey. If the Senator will permit me, he just made some citations of distances without giving the authority. Now, I want to give the real, genuine article—the English authority. I have here a clipping which I cut from the London Times of date February 25, 1914. In this article the London Times says:

FUTURE DEVELOPMENTS.

With the opening of the Panama Canal and the inevitable changes in sea routes between the Atlantic and the Pacific, there will come, sooner or later, enormous developments and a practical revolution in commerce. Probably the developments will be greater, or at any rate more rapid and immediate, to the northward of the canal than to the southward, not because the countries to the north have in themselves greater natural wealth, but because they have a larger population and more money at their command; and perhaps most of all because of the character and initiative of the people of the United States and of Canada.

The United States, from the advantages of her position on the Atlantic side, will gain most in every way by the canal, and her advantages, if she is prepared to take them up, should begin with the opening. She will hold a commanding position for capturing the greatest share of the trade of the Pacific coast of South America. But the American foreign carrying mercantile marine is comparatively small, and it is fairly certain that, as in the case of the Suez Canal, British ships will outnumber those of any other nation using the Panama Canal for a good many years to come.

The canal will bring Callao 4,320 miles nearer Liverpool by steamer, reducing the distance from 10,220 miles to 5,910 miles, and saving about 14 days in time. To Valparaiso the shortening in distance will be 1,812 miles, making it 7,185 instead of 8,998 miles, and the saving in time will be about 6 days. But there will not necessarily be any saving of time for passengers, excepting so far as faster steamers may be put on south of Panama. To Valparaiso the fastest route for passengers will probably be still via Buenos Aires and the Cordillera. It is probable that in a few years the nitrate trade from Chile to Europe will be diverted through the canal instead of being carried on by sailing vessels round Cape Horn.

This is English testimony that our friends are so fond of favoring.

Mr. BORAH. I will quote from the same authority. The London Times, under date of December 31, 1913, says:

The canal will be a boon to Europe. While the United States has built it, and glories in it, its commercial importance to the United States is a bagatelle as compared to its importance to the world's foreign trade.

It says further:

The promise of the United States that it would build the canal as a contribution to the world's commerce may be fulfilled more literally than was intended.

This entire article, Mr. President, seems to have been written at a time when it was supposed that the tolls question was settled, and therefore those estimates were made in contemplation of tolls exemption to American ships.

Again the London Times says:

The new Panama Canal will shorten the distance from Great Britain to British Columbia by over 6,000 miles as compared with the route via Cape Horn, and no less than 10,000 miles as compared with the eastern route via China and Japan, while the ports on the west coast of South America will be nearer to Canada than the Argentine Republic. It can readily be judged from the above what tremendous advantage will accrue to Canada as a result of the opening of the Panama Canal.

Again the same authority says:

With the Panama Canal open to shipping the distance will not only be reduced to the ports of the United Kingdom and of Europe but new markets in the West Indies and the Latin republics of the east coast of South America will be opened up to Canadian products. Where the products of the British Columbia coast have been insufficient to supply vessels with return cargoes supplemented by some of the millions of bushels of grain from the middle west of Canada the export traffic is likely to be as good, if not better, than the import traffic.

And notice this particularly, rather significant, to my mind:

The Canadian Northern Transcontinental Line will, it is expected, be completed in 1914, the year before the Panama route is in full operation. The kinks will have been worked out of the line and it should be in excellent condition to afford grain shippers facilities to the markets of the world.

without more or less humiliation and possible charge of want of integrity, the surrender of our rights if we surrender them at this time.

Talk about arbitration! What will there be left to arbitrate after this amendment is adopted? Imagine, if you can, a lawyer, a jurist, going before such a commission and presenting the claims of this Republic, being met by this pitiful address of the President, and the meaningless array of words in the form of this amendment, and nowhere, from start to finish, a plain assertion that we have a right left to arbitrate.

If we are to give this up, let us give it up once and for all, subject only to the power of Congress again, ignoring complications, ignoring embarrassments, to resume the right, because we will have the power to resume it; or, if we want the pathway of honor unembarrassed by complications and ambiguous positions, let us plant ourselves to-day upon a foundation so plain that no Senate can ever spend weeks again in debating what is meant by the language we employ.

Mr. BORAH. Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] in his speech this morning referred again to the Clayton-Bulwer treaty and said that he had spent some time in trying to ascertain the antecedents of a gentleman who offered a resolution in the House some years ago to the effect that said treaty be abrogated. He discovered that that gentleman, now deceased, formerly resided in the State of Missouri, and had at one time been probate judge, afterwards prosecuting attorney, and left the inference that his claim to fame rested upon the proposition that he undertook to annul the Clayton-Bulwer treaty. In other words, the inference to be drawn from the statement of the Senator from Connecticut was that the Clayton-Bulwer treaty at the time we executed the Hay-Pauncefote treaty was regarded as a substantial, binding obligation upon this country, and that only one person could be found who would offer a resolution to the effect that it should be annulled. The Senator from Mississippi [Mr. WILLIAMS] said that that was overwhelmingly voted down in a few moments. That is now discovered to be a mistake and the Senator's memory was at fault. The Senator from Ohio [Mr. BURTON] a few days ago also referred to the fact that the Clayton-Bulwer treaty was a substantial consideration which went into the Hay-Pauncefote treaty, and that in consideration of England's yielding upon the Clayton-Bulwer treaty we had granted these rights which now to deny would be an act of bad faith.

Sir Edward Grey, in his note to Mr. Bryce, seems to have laid the foundation for this argument in a statement which I will take the time of the Senate to read:

> If the rules set out in the Hay-Pauncefote treaty secure to Great Britain no more than most-favored-nation treatment, the value of the consideration given for superseding the Clayton-Bulwer treaty is not apparent to His Majesty's Government.

The Clayton-Bulwer treaty was made in April, 1850. It was made with the view of immediate action for the building of this canal. It was contemplated that the provisions of that treaty would insure reasonable dispatch for the purpose of uniting the two oceans. This is fully developed in the correspondence of Mr. Blaine with Mr. Lowell, and the correspondence of Mr. Frelinghuysen later; also in documents which will be found among our public records. But during the 50 years which elapsed nothing whatever was done. Great Britain gave no encouragement in any direction. The treaty remained a dead letter so far as any action upon the part of any Government was concerned, and while it was not contemplated that either the United States or Great Britain should affirmatively build the canal, the treaty did provide for the encouragement of those nations which should show a disposition to go into the enterprise and that these two nations should protect them.

But 50 years passed and nothing was done. The Senate of the United States, through its committee, one of the strong committees of the Senate, spoke upon this subject, and as this, by men whose obscurity is not a subject for discussion or investigation upon the part of the Senator from Connecticut, I desire to read a portion of it. This report was made in 1891. They say:

> We think it can be justly affirmed that the convention of 1850 has become obsolete, for the convention was based upon the idea of an immediate prosecution of the enterprise of creating this great international water highway, and that neither Government would be found, so far as it regarded the particular question, apart from other considerations, to consider its stipulations as longer binding.
>
> Not only this consideration is to be taken into view, for the course of events in the enterprise and operations of nations has changed entirely the grand commercial situation of the world. The Suez Canal has been constructed and the Government of Great Britain has become, in substance and effect, its dominant and controlling proprietor, thus securing to that Government, in a very large degree, the control of the east-and-west commerce of the world between the southern and eastern shores of Asia and the whole of Europe, and to a considerable degree the eastern shores of the United States and the other American Republics.
>
> We think it may be safely affirmed that had the Government of Great Britain in 1850 been in possession of the Suez Canal, the United States would never have consented that any canal across the American isthmus should be under the joint control of Great Britain and the United States, or under any other European control. In this respect, therefore, the immediate declarations and engagements of 1850 between the two Governments in regard to an isthmian canal have become entirely inapplicable, and justly entitle the United States to give its separate aid and encouragement to the construction of such a canal.

The Senate will observe the strong and forceful language of this report, and that is that the treaty had become obsolete, and that there was no longer any inhibition or obstacle standing in the way of the United States to engage separate and alone in the construction of this canal, and that was a number of years before the Hay-Pauncefote treaty was negotiated. For years before the Hay-Pauncefote treaty was concluded the Clayton-Bulwer treaty stood under condemnation by our ablest and most conservative men.

But that is not all—

Says the Senate report—

> One of the provisions of the convention of 1850 most important to the United States and to the preservation of the republican governments on this continent was that which declared that neither party to the convention should "occupy or fortify or colonize or assume to exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America."

I want the Senate to bear in mind that reading of the provisions from the Clayton-Bulwer treaty, because I am going to show in a few moments not only from this report but from undisputed historic facts, historic facts recorded not only by American historians but English historians, that upon three separate and distinct occasions England violated that provision of the treaty, and that she had notice of the fact that the United States, as a Government, regarded it as a violation upon her part long years before the Hay-Pauncefote treaty was made.

Indeed, sir, Stephen A. Douglas called the attention of this Government within three years after the making of the Clayton-Bulwer treaty to the fact that it had been violated and was then subject to abrogation and cancellation upon the part of this Government for disregard upon the part of England.

After quoting further facts they say:

> At that time the "settlement" of British subjects, as it was called, at the Belize, on the coast of Central America, was of the smallest dimensions, and had no substance or form of a territorial dominion. British woodcutters were there under an ancient Spanish license of timber cutting, and nothing more. These settlers in a country not belonging to the British Crown had, off and on, attempted to form a kind of local government for preserving order among themselves, and, after going through various phases, had reached the point in 1850 of some local magistrates and an imperial superintendent, merely and clearly for the purpose of preserving internal order among the English adventurers engaged in the lumber trade in that foreign country.
>
> This was substantially the condition of things when the convention of 1850 was entered into.
>
> The next step taken, after the convention of 1850, was in 1853, when a legislative assembly was constituted to manage the affairs of the settlement. This was followed by a convention between Great Britain and Guatemala in 1859 for the establishment of the boundaries between what the treaty chose to call "her Britannic Majesty's settlement and possessions in the Bay of Honduras" and the territories of Guatemala. The country, or the largest part of it, belonged to Guatemala as the successor to all the sovereign territorial rights of Spain in that region; but by this treaty that which was before a licensed industrial establishment became instantly a possession of the British Crown.
>
> All this has taken place systematically and persistently notwithstanding the declaration of Her Majesty's Government that it should not "colonize or assume or exercise any dominion over * * * the Mosquito coast or any part of Central America."
>
> If these proceedings of her Majesty's Government, in respect of one of the most important subjects of the convention and in absolute opposition to it, do not discharge the United States from all and every of their declarations and engagements stated in that convention, it is impossible to conceive what could.

A treaty wholly obsolete, three times violated, it was quite proper for the committee of the Senate of the United States to say if that does not relieve us from its obligation it is impossible to conceive what would, and so they say:

> In view of all these considerations, the committee is of opinion that the United States is at present under no obligation, measured either by the terms of the convention, the principles of public law, or good morals to refrain from proceeding, in any way that it may deem best for its best interests, the construction of this canal, without regard to anything contained in the convention of 1850.

Mr. POINDEXTER. I wish the Senator would state what was the committee and who were the Senators who made the report.

Mr. BORAH. I shall do so. I thank you.

Mr. REED. What is the book?

Mr. BORAH. It is from Senate Report No. 1944, Fifty-first Congress, second session, filed January 12, 1891.

Now, Mr. President, there is no mistake about that language. There is no mistake about what this report intended to do and the results which should follow. That was a solemn report of a committee of the Senate of the United States to the effect

that in morals and in public law and under the terms of the convention far back of 1901 we were absolutely relieved from the terms of the Clayton-Bulwer treaty.

Who was it who said it? John Sherman, chairman of the committee, not a radical, a Secretary of State afterwards, and of long experience, most conservative in his dealing with foreign powers, but always an American; George F. Edmunds, recognized in this country for 50 years not only as a most conservative statesman, but as one of the great constitutional lawyers and one of the leading authorities upon international law, and this was not said in debate or amid the intemperate environments which might color political gatherings, but to this document these men attach their signatures and plant it affirmatively in the chronicles of their country; William P. Frye, whom we all know; William M. Evarts, afterwards Secretary of State, a lawyer of international reputation; J. N. Dolph, not so well known as Mr. Evarts and Mr. Sherman, but those who did know J. N. Dolph know that he was one of the greatest lawyers of the Pacific coast; John T. Morgan, and who in the Senate could hesitate to take the name of John T. Morgan as to our treaty obligations where a question of national honor was involved or of liberty as to our obligations; Joseph E. Brown; H. B. Payne; J. B. Eustis.

That was a unanimous report, no party division, made by the distinguished members of the Foreign Relations Committee under an order of the Senate passed instructing them to investigate the conditions, and what, if any, embarrassment stood in the way of the United States engaging upon this enterprise of its own motion.

The Senator from Connecticut and those interested in this discussion need not go to the great State of Missouri to hunt out some gentleman more or less obscure who had the temerity, as they seem to insinuate, to offer a resolution for its abrogation. Behind him stood the authority of the greatest names in the Senate.

The Clayton-Bulwer treaty from that hour was not regarded in this country as of any real binding force or obligation; and if Great Britain had intimated to the United States that she would stand upon the Clayton-Bulwer treaty and the rights under it and would not consent to its abrogation or supersession we would have given the formal notice necessary to abrogate it within a short period and in a most decisive way.

I now call attention to the language of another distinguished citizen and Secretary of State. Mr. Blaine 10 years before this report of the treaty of 1901 had said:

> This convention was made more than 30 years ago, under exceptional and extraordinary conditions which have long since ceased to exist—conditions which at best were temporary in their nature, and which can never be reproduced.
>
> * * * * * * *
>
> A more comprehensive objection to the treaty is urged by this Government. Its provisions embody a misconception of the relative positions of Great Britain and the United States with respect to the interests of each Government in questions pertaining to this continent. The Government of the United States has no occasion to disavow an aggressive disposition. Its entire policy establishes its pacific character, and among its chief aims is to cultivate the most friendly and intimate relations with its neighbors, both independent and colonial. At the same time this Government, with respect to European States, will not consent to perpetuate any treaty that impeaches our right and long-established claim to priority on the American Continent.

No one need be unfamiliar with this letter of the brilliant Secretary, so long a leader in the political affairs of his country. This letter of Blaine found a ready response in the hearts of the American people.

Indeed, as early as 1857 Great Britain had full notice of our dissatisfaction with the treaty, as shown by Mr. Blaine's letter to Lowell under date of November 29, 1881, in which Mr. Blaine says, quoting from Lord Napier writing to Lord Clarendon under date of January 22, 1857:

> It is probable that if the pending discussion regarding Central America be not closed during the present summer, an attempt will be made in the next session of Congress to set aside the Clayton-Bulwer treaty. * * * There can be no doubt of the views of the President and Cabinet on this matter.

In 1880 Mr. Cox, from the Committee on Foreign Affairs of the House of Representatives, submitted a report recommending a general resolution directing the President to take steps for the formal and final abrogation of the Clayton-Bulwer treaty, it being recognized and claimed in said report that all that was necessary was formal notice; that the grounds for abrogation were substantial and sufficient.

Mr. Shackleford in 1900, upon the part of the minority of the House committee, made a report in which he said:

> The Clayton-Bulwer treaty as is so clearly shown by Mr. Hepburn long ago ceased to have any binding force by reason of the conduct of Great Britain. That being true, we should strictly adhere to the Monroe doctrine and stand by our traditional policy that Europe will not be permitted to intermeddle with cis-Atlantic affairs. It is to the Monroe doctrine that we as a Republic must look for safety. We should never under any circumstances even tacitly admit that Europe has the right to so much as interrogate us on American questions, much less to limit our action.

There is a vast amount of evidence to the same purport. I wish now to call attention to a foreign writer upon this subject. I am sure that will appeal to some of our friends:

> From the very moment of exchanging ratifications and for 10 years thereafter this treaty was a Pandora's box of difficulties and misunderstandings, many of which remained undetermined till the treaty was abrogated. It is notorious that Great Britain violated it. At one time, indeed, the United States declared that the treaty had outlived its purpose and was voidable at its pleasure, and in accordance with this view negotiated a treaty with Nicaragua (the Frelinghuysen-Zavala convention, dated December 1, 1884), in which the United States engaged to build the canal at its own cost and to enter into a "perpetual alliance" with Nicaragua. While the latter convention was pending in the Senate for its "advice and consent" the political complexion of the Government changed, and President Cleveland, without expressing any opinion as to the Clayton-Bulwer treaty, withdrew the Nicaragua convention from the Senate, principally on the ground that its provisions relating to an "alliance" offended against a long-standing policy of the United States. It was never resubmitted.
>
> Just how much of the Clayton-Bulwer treaty, if any, was in force at the time it was superseded in 1901, and what fragments of it, if any, had any practical application to the radically changed conditions is one of the riddles of diplomacy which some modern Œdipus may solve.

That is quoted from a discussion of this subject by Mr. Butte.

Now, Mr. President, I want to go briefly to another phase of this question, and that is to the violation of this treaty by Great Britain. As we observed a few moments ago in reading the Clayton-Bulwer treaty, or the excerpts from it, there was an express provision in it against Great Britain's acquiring any further possessions and territory upon what is known as the Mosquito Coast and in Central America. Early in the eighteenth century the people along the Mosquito Coast had rather withdrawn from the sovereignty and dominion of the Spanish Government and had brought themselves together upon what was afterwards called the Mosquito Coast. This continued until 1740, when the aggressions of Great Britain upon the coast had become so pronounced that it led to a war between Spain and Great Britain.

In 1763 that controversy was ended by a treaty, which treaty was afterwards supplemented in 1783 and 1785. In 1814 there was another treaty entered into between Great Britain and Spain, in which treaty it was especially provided that thereafter Great Britain should be prohibited from acquiring any rights or interest, possession or settlement upon the Mosquito Coast or the islands adjacent thereto.

That, Mr. President, was the exact condition of affairs in Central America at the time when President Monroe announced his policy on the 2d day of December, 1823. I assert without fear of successful contradiction that at the time President Monroe announced the Monroe doctrine on the 2d day of December, 1823, Great Britain did not have the color of a right or of a possession upon the Mosquito Coast of Central America. But, Mr. President, within a few hours after the treaty of Guadalupe Hidalgo was signed between this country and Mexico, by which we took over California and New Mexico and other territory, the English fleet set sail from Vera Cruz for the coast of Central America, entered the mouth of the San Juan River, took possession of San Juan City and changed its name to Greytown, and established what is called a protectorate upon the Mosquito Coast. That protectorate was a fraud, a flimsy, diaphanous fraud, established in violation of the Monroe doctrine and for the purpose of forcing the conditions which were afterwards brought about by the Clayton-Bulwer treaty. It has always been so considered, except by a few Englishmen on both sides of the ocean.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield.

Mr. O'GORMAN. With the Senator's permission, I should like to call attention at this time to a reference made by Sir Hans Sloane, a distinguished writer, to some of the circumstances attending the coronation of the first Mosquito Indian selected by the British Government for the high office of King of the Mosquito Kingdom. I read:

> One of the Mosquito chiefs had been taken to Jamaica for the purpose of having him place his country under the protection of England. Sir Hans Sloane has left an account of how, having escaped from his keepers, "he pulled off the European clothes his friends had put on and climbed to the top of a tree."

[Laughter.]

Mr. BORAH. Yes, Mr. President; they were not able to make the European clothes stick on him, but they did make the English sovereignty stick to him. That is the only sovereignty that Great Britain had when we executed the Clayton-Bulwer

party." That sentiment and spirit is foreign to the spirit of our Government, and it is especially foreign to the spirit and principles of the party to which you belong.

It spells misfortune for the party and for the man himself when any man who happens to be President assumes that he is bigger than all the rest of his party. It was this mistaken view that lay at the basis of Mr. Taft's misfortunes and the misfortunes of his party. It is this same mistaken view on the part of your President that has brought your party to the position where the evidence of his coming defeat is so plain that the reactionary element in the country is pressing its claim for political favor with a hand so bold that it has forgotten its cunning.

Turn to the President's message, and not a reason is given why the Democratic Party and the American people should be placed in the attitude of repudiating a great principle that every one of the three great parties, either in its platform or the declaration of its candidate, had declared a part and parcel of its party faith and party principle, except the simple declaration of repudiation of what had already been the subject of discussion and contest and exalted by the President himself in public speech as an argument why he should be elected, unless we accept as a reason his declaration that "it is necessary in support of a foreign policy." But that has already been repudiated by the Senators favoring the repeal in their acquiescence in an amendment which they would, at least, have the public believe and which they insist is a reservation of the right to allow free tolls, the assertion of which the President gives as his sole reason for repudiating the platform, which had been paraded before the public as a reason why he should be elected. Without in the least questioning his integrity, in fact, yielding to no man my respect for him as a man of ideals, it is not safe for Senators intrusted with the interests of the American people to say of such a man, "I believe we should follow him whether his policies are wise or unwise."

Some novel features have been introduced into this debate which have taxed the ingenuity of those who have introduced them and shows the folly of men trying to assert a reason for action when no reason exists.

One of these is found in the claim of the Democratic friends of repeal that to grant free passage to our coastwise ships would be favoring monopoly. This places them in a peculiar position. We have already passed a law which forbids the use of that canal to any ship "owned, chartered, operated, or controlled" by any person or company violating the antitrust law. The Democratic Party will be in power when this canal is opened, and the assertion that free tolls will go to monopoly is a serious reflection upon the purpose of the party with reference to the enforcement of the law referred to. Another is found in an incident which occurred last evening.

The distinguished Senator from Kentucky [Mr. JAMES] was advocating and seeking to justify the repudiation of the platform, and was interrupted by the senior Senator from Oklahoma [Mr. OWEN] with a question. The senior Senator from Oklahoma inquired:

> Is it not a fact that in not one of the 48 States had the Democratic Party expressed itself upon this plank before it was adopted at the Baltimore convention?

To which the Senator from Kentucky [Mr. JAMES] replied, with assurance, as though that settled the whole question:

> Not one.

That introduces a new rule in the study of platforms. If that rule is to obtain, then hereafter when a campaign speaker stands upon a platform and holds up to his audience the platform he must have proof that each plank in that platform was first authorized by some recognized authority from each State. The voter who in his humble home and by his fireside studies the platform will be unable to tell anything about what is to be observed and what is to be repudiated, because he will not have access to the information as to how many of the sovereign States have first authorized the incorporation of the plank in the platform.

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. HOLLIS in the chair). Does the Senator from Minnesota yield to the Senator from Missouri?

Mr. CLAPP. With pleasure.

Mr. REED. Does not the Senator clearly see that that suggestion embodies a new application of the principle of initiative and referendum?

Mr. CLAPP. Yes. The Senator from Oklahoma and myself have believed for some time that this should be a government by the people; that political parties should be the instrumentalities and not the masters of the people; that public officers should be the servants and not the masters of the people; but I never yet in my wildest dreams concerning the initiative supposed it would be carried to the point of preceding the formation of a national political platform, and especially where there was no means by which the public could ascertain what particular planks the local organization had first agreed upon. Under my theory of the right of the people to pass upon these questions, the question would not be, "What has been said before the platform was adopted?" but "What has been said to the people after the platform was adopted, and what was their verdict upon the platform after it was laid before them, especially when explained and expounded by a presidential candidate?" That is the only true test. Think of justifying the repudiation of a platform on the suggestion that the various planks had not been submitted to State conventions before they were worked into a national platform!

The trouble is that whenever a man takes a pretended reason that has no foundation he gets deeper into the mire every time he turns around.

Another novel test of platforms has been introduced by the Senator who wrote to the various delegates to the Baltimore convention and asked them if they were willing to have the platform reversed as to free tolls. Now, the trouble is, those gentlemen finished their jurisdiction over the platform when they wrote it. It was submitted then to the people, explained and expounded by the presidential candidate, and the proper ones to ask as to what they think of the platform and whether it should be repudiated or not would not be the gentlemen who made it, but the voters who accepted it with the exposition and explanation of the candidate for President. Again is evidence given that when a man has no valid reason and flounders around to get one the more he flounders the deeper he sinks.

There is no reason yet advanced for the violation and repudiation of the Baltimore platform except that under this new theory of Democracy, where "I must follow the man, wise or unwise," the man to whom that authority is ascribed has said, "This law must be repealed."

I want to say to my Democratic friends that you can no more expect to maintain party supremacy under such leadership than could the Republican Party. There is no excuse for it on the part of the Democratic Party, for you had two object lessons before you—one the fate of the Republican Party, and the other a great disaster that has recently occurred in New England. I refer to the New Haven Railroad episode. A more pitiful spectacle was never presented than the sight of great business men coming up on the stand as directors of a great corporation, and facing the shame and disaster of that corporation with the miserable apology, "I left it all to Mr. Morgan." Men selected because of their supposed business acumen and sagacity faced that humiliation and shame because they abandoned their responsibility and left it all to some one else.

There never yet was a man so big but that there are some things in the world bigger than he. So far as a man is justified by his own attitude and opinion in passing criticism upon another, it seems to me that a Senator who says, "I know nothing about this; I have no opinion upon this; I will leave it all to the President," is as recreant to his public trust as the director of a great corporation who says, "I know nothing of this. I take no responsibility. I leave it all to the president of the corporation." Senators are elected because of their supposed familiarity with public questions. Each State has two Senators upon a theory that there should be developed a broad equation of purpose and judgment, that all should not be left to one man.

If there could be an instance where you have before your very eyes the danger involved in leaving to one man to say what shall be done in these great affairs, you have it to-day in the history of the New Haven Railroad. No man is big enough for such a responsibility. You were sent here that you might bring your experience and your judgment to bear upon these questions. What shall be said of a man who has spent his life in public service, and who then folds his hands and says of a man who never had any public experience except two years' service as governor of a State, "I believe it is my duty to follow him whether he acts wisely or unwisely"?

I must hasten along, as I have already extended my remarks beyond my original intention. What I now desire to speak of is the proposed amendment.

The Senate is divided upon the question of our rights in the canal into two divisions. There are in the Senate those who believe that the United States Government has a perfect right under these treaties, and notwithstanding these treaties, to allow its shipping, domestic or over sea, to go through the Panama Canal without the payment of tolls. There is another group in this body who believe that that right has been granted away in these treaties. The question whether or not the United States has the right to impose tolls, whether it has the right to regulate its own property, or whether, in an unguarded

moment, it has given away that right, is the fundamental question that should divide Senators upon this floor; not the question whether to-day or to-morrow we will deal with the economic question of exemption from tolls.

To-morrow, if we have made an economic mistake in granting exemption from tolls, we can reverse that policy; a year from now, if we believe we have made an economic mistake in granting exemption from tolls, we can reverse the policy; but if we make a mistake to-day with reference to the rights of this Republic in that canal we never can reverse that mistake without more or less serious complications and possible loss of honor. Then, while there is another division of those Senators who would repeal exemption from tolls upon an economic basis, and those who would repeal exemption from tolls because they believe we have no right to grant exemption from tolls, the line of division should not go between those Senators.

The line of division when the right of this country is questioned, as it is in this proceeding, should be the line that would separate those on the one hand who believe we have the right, and on the other hand those who believe we have given away the right. Then, if we have the right, and to-morrow or next year we should feel that it was an economic mistake to grant exemption from tolls, we could withdraw the exemption; but once you make a concession here that we have not this right you have made a concession that you never can withdraw without more or less national embarrassment. Then, I say that those Senators who believe that we have the right should be aligned on one side, and those who believe we have not the right should be aligned on the other side, that we might preserve the right and later deal with the economic question; but we find here the alignment neglecting and subordinating this fundamental principle of right or wrong to the mere temporary makeshift of whether to-day we will withdraw exemption from tolls, or whether we will do it to-morrow.

If exemption from tolls is an economic mistake, then I believe that no Senator who believes that we have a right to pass our ships through the canal free can justify himself in surrendering that right to gain the temporary advantage of to-day, repealing what he regards as an economic mistake by alignment with those who in the very bottom of their hearts believe that we have not the right to grant this favor to our own ships, if we so desire. Once again we find here a division, not on fundamental lines, but upon artificial and purely temporary lines.

If there had been nothing said; if Congress of its own motion, or the President of his own suggestion, influenced purely by economic considerations, had suggested the repeal of the exemption from tolls, I am not so certain but that in view of the vast cost of the canal I should be in favor of at least imposing some burden until we could ascertain by experiment what the relation of tolls to the maintenance of the canal might be; but we could do that any time. We are not, however, repealing the tolls exemption under those conditions. Now, contemplate the condition under which we are repealing the exemption, and see what is left of a mere suggestion—not the assertion of a claim, but the mere suggestion of a claim, of our right to use our own property as we may deem in the best interest of our people.

You have to read this amendment in the light of the history which precedes its adoption. What does that history disclose? It discloses a condition where there is alleged to be such an overmastering danger to this Republic that a great political party is forced to place itself in alignment, at least in the public mind, with the railroad interests of this country to secure the repeal of this tolls exemption, for in proportion as a burden is imposed upon shipping, shipping is, to that extent, less able to act as a factor in reducing rates. Not only is this situation presented, but that party is at the same time forced into the attitude of repudiation of this solemn pledge, made more solemn by its candidate for the Presidency pointing it out and calling attention to it. That is no ordinary condition, I want to remind the Senate, but a condition where to every outsider it must seem that the pressure for this repeal must have been simply terrific.

Every man in the Senate and every man in this land knows that certain great interests in the country fought the building of this canal. They fought exemption from tolls. You can not escape the judgment of the American people that consciously or unconsciously you are favoring the great transportation companies by repealing the exemption from tolls. You are also thrown in the attitude of repudiating your solemn platform pledge; and yet it is suggested that action taken under such pressure as that can be avoided in the mind of the world by a mere suggestion—not the claim of the right, but the suggestion that if there is any right that right still exists.

Not one of its supporters have dared to say that it amounts to the assertion of a claim of right. The Democratic Senators who favor it can not make such a claim, because it would be a most flagrant and uncalled-for criticism upon the President, almost amounting to an insult, for he has said that free tolls must be repealed in order to enable him to deal with a foreign policy. In other words, he has said, in effect, that free tolls must be repealed as a concession to some foreign Government. He does not say what one. To repeal free tolls and not make that concession would be little short of an affront to the President himself, and we can not imagine that those who so complacently follow his command would be guilty of such an affront, for surely he would not stand for an amendment to an act purporting to be a concession which in fact was not.

No. We do not act here to-day in our own right and capacity. We are acting for 90,000,000 people. It seems to me the man who feels that this right is still in the United States should be slow indeed to surrender that right; and yet that is what we do under the so-called Simmons amendment. Why, if this alignment of great interests and this repudiation of party platform is simply to correct an economic policy, it could be corrected some other day as well as now. No. The Simmons amendment is absolutely meaningless. It is simply a play upon words, part of those favoring repeal claiming one thing and the other part claiming something else, but neither insisting that it was an assertion of a right. That was proven last night out of the mouths of some of those who defended this amendment when it was asserted that the original amendment was a claim of right and the admission made that that claim could not and would not be accepted by those who believe that the free tolls should be repealed on account of treaty obligations, and that the amendment as now submitted was agreed upon as a compromise to get votes to repeal the tolls-exemption provision—it was necessary to abandon even a claim of right.

Paraphrasing the language of President Wilson in his New Jersey speech regarding the platform, and reversing the term when he said the Democratic platform was not "molasses to catch flies," the men in control of this measure are much more frank, for they admit by their excuse for its terms that this amendment is molasses with which to "catch flies" for the repeal of the tolls exemption. Here we have a situation where one form of amendment was, perhaps, asserting a right of the United States to exempt its coastwise trade, but that amendment was rejected by the leaders of the movement to repeal free tolls, by those who insist we have no right, and this proposed amendment has been modified so as to be acceptable to men who insist we have no right, and yet it will be insisted by some that it is a reservation. Thus is confusion worse confounded.

We have debated this question here for weeks. Why all this debate? Why all this difference of opinion? Simply because in the early history of this transaction we neglected to use language that would admit of but one construction.

I had hoped that these weeks of debate would teach us one thing. While they might not enlighten us in our views as to the right of the American people under this treaty, I thought they would at least teach us the necessity from now on of using terms and expressions in regard to which there can be no question as to what they mean.

Think of weeks of weary debate over the language of documents, and concluding the transaction with a document framed in language so ambiguous and so doubtful as to be the subject of dispute among those who are framing and placing it in legislation!

We are told in an undertone that foreign dangers demand that we surrender our honor and sovereignty. We may almost feel that we have reached that period of decadence where we are purchasing peace; and yet we propose to celebrate this year the one hundredth anniversary of a peace won by the valor of our ancestors. Amid the very scenes of this celebration we propose, forgetting their valor and their patriotism, to have peace from now on, not won by valor, but secured by the surrender of American honor and American sovereignty in the Canal Zone.

Let us, in this humiliating scene, in the closing hours of this great tragedy, if we are to attempt to reserve anything, at least once and for all put it so plain that no subsequent Senate can spend weeks in debating pro and con what we mean by the language we use. Vain indeed has been the lesson of the past if, with all this complication piled upon complication by the use of obscure language, we now pile another complication upon those already existing.

So I had hoped that in this instance we would at last reach a point where those who believed we had not given away our rights would make an assertion of our claim. There will be time enough afterwards to abandon a false economic policy if we have embarked upon one, but no time afterwards to correct.

Mr. WALSH. I assume that the Senator from Nebraska states the parliamentary situation correctly. I assumed that his amendment had become an integral part of the bill by the action heretofore taken.

The PRESIDING OFFICER. The Senate has not yet made the amendment a part of the bill; it has simply expressed a preference for the amendment offered by the Senator from North Carolina over all other amendments which have as yet been proposed. The vote has not yet been taken in the Senate making the amendment a part of the bill.

Mr. WALSH. I inquire of the Chair, then, whether a vote on the motion to adopt the amendment of the committee as amended by the amendment of the Senator from North Carolina is in order?

The PRESIDING OFFICER. It is now in order, and it is the question before the Senate.

Mr. WALSH. Upon the adoption of that amendment, would my amendment then be in order?

The PRESIDING OFFICER. It would be in order. The question before the Senate is on agreeing to the amendment proposed by the committee as amended by the amendment offered by the Senator from North Carolina.

Mr. WALSH. I desire to state, then, that if the Senate is prepared to vote on that motion, I shall be very glad to yield, and to resume what I have to say about the matter upon the conclusion of the vote.

The PRESIDING OFFICER. The Senator from Montana will be recognized.

Mr. BORAH. Mr. President, what is the question now before the Senate?

The PRESIDING OFFICER. The question before the Senate is the amendment of the committee as amended by the amendment offered by the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS obtained the floor.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I do.

Mr. CLAPP. Mr. President, before the vote is taken, as I expect to vote against the amendment and the bill, I desire to place in the RECORD my reasons for doing so.

I shall not at this time discuss at length the merits of the bill seeking to repeal the exemption clause of the Panama Canal act. I may refer to one or two reasons urged in favor of the bill; but so far as any treaty right is concerned, I shall not waste any time on that phase of the question, because I think now, outside of a very limited number, no one seriously contends that there are any treaty obligations standing in the way of our granting freedom from tolls either to our coastwise trade or to our over-seas trade.

My conclusion in that respect is borne out even by the position almost universally taken by those who in this debate have favored the repeal of free tolls and the complacency with which those who favor the tolls exemption accept the pending amendment. It is either the abandonment of all claims that the treaty interferes with free tolls or else it is evidence that the pending amendment is in the nature of a sham.

Dealing with the economic phase of this question, we find that some years ago we began the construction of the Panama Canal. I have voted for every appropriation that has been made for the canal. There was but one justification for our taking several hundred million dollars of the money of the American people to build this canal, and that was or the theory, wise or unwise, that the facilitation of water transportation is a general benefit in developing a factor in competition with the railroads. It is the same justification which we urge for annually taking millions of the people's money to develop our waterways, harbors, and canals, like the great "Soo" Canal, that such development may facilitate water transportation and result in the general cheapening of transportation.

Of course, I realize that the trip of the *Oregon* around Cape Horn developed a sentiment in favor of the canal, but I think everyone upon reflection realizes that every outpost which a nation holds, every over-sea coast or territory which a nation holds, is a liability and not an asset, for such over-sea coast requires protection, and in proof of this we are confronted today with the proposition that we are obliged to increase our Navy, not because the canal has or will prove a military advantage, but because we must have a greater Navy to protect it.

The fact is that, notwithstanding the sentiment, the people of this country, and especially the people of the great Middle West, had determined upon the building of the canal before the trip of the *Oregon*, because they believed that the canal would in a general way somewhat relieve them from the cost of transportation by making the coastwise water transportation through the canal a competitive factor, a principle that was emphasized in the speech made by President Wilson during the campaign. This purpose of the people had been thwarted and retarded by the railroad interests which, of course, feared such competition, and the trip of the *Oregon* doubtless developed a sentiment which made it possible for the people to begin sooner the construction of the canal, and they bore the burden of the construction in the belief that it would result in a benefit to the people in transportation, just as they bore the burden of the cost of developing other water transportation.

We went on and built the canal. It is almost ready to be used, and now we are asked to abandon the principle for which we built the canal and to make the great expenditure of no practical benefit in relieving the people of the burdens of transportation rates through competition.

Before the last Democratic convention was held at Baltimore free tolls to our coastwise trade had been the subject of consideration in the House, and a Democratic House had finally decided in favor of free tolls. The bill was pending in the Senate when the Democratic convention was held, and that convention declared, among other things, for free tolls for our coastwise trade. Subsequently the Senate passed the bill, largely by the aid of Democratic votes, and its passage through both Houses had been secured in spite of the opposition of the same interests which had so long delayed the building of the canal itself. It strikes me that it is a reflection upon the intelligence of the delegates to the Baltimore convention for the Senator from Connecticut [Mr. BRANDEGEE] to say that they knew nothing about the status of that matter.

Pending in that form, the Baltimore convention passed a resolution in favor of toll exemption; and now, at the demand of the President, we are confronted with the proposition of repealing the toll-exemption clause and repudiating that declaration in the Democratic platform; and to justify the repudiation of the solemn declaration in the platform, those who, obedient to the President's demand, are working to repeal the exemption shield themselves behind the cry of "ship subsidy," because the Democratic platform contains a plank opposed to ship subsidy, and they insist that the two planks are inconsistent. When men have no excuse they always give a poor one, and the character of the purpose can usually be easily seen in the character of the excuse. Now, upon this issue there are two distinct groups of Democratic Senators. One group repudiates the Baltimore platform as to free tolls but undertakes to justify such repudiation by quoting the Democratic platform against ship subsidy. This analysis of a platform, even if accurate, would leave each man, influenced as he might be by motives good, bad, or indifferent, to determine what part of a platform he might repudiate and what he should retain; but it goes further than that—it discredits the witness and the testimony. What a spectacle it is to see a man stand with the platform in his hand, one portion of which he is repudiating, and then, reading from the same platform, justifying his act of repudiation. Such testimony would hardly command attention in the court of a justice of the peace. It is true that the Democratic Party, from time immemorial, has stood against ship subsidy; but if the deepening of rivers, improving of harbors, and building of canals like the "Soo" Canal is to be classed as ship subsidy, then the attitude of the Democratic Party in accepting the benefits of such appropriations challenges the integrity of its repeated declarations against ship subsidy, and we all know that such appropriations never have been considered as within the purview of what is called "ship subsidy," although the benefits from such appropriation, in the first instance, go directly to the owners of the boats. But I have no time to discuss with a man what the balance of his platform means, when he selects one plank to repudiate and another plank on which to base his justification.

But there is another group of Democrats, who believe in standing by their party pledge, and to them I propose to address briefly some remarks upon this phase of this question. There is absolutely no inconsistency between the plank in the Democratic platform which denounces ship subsidy and the plank in the platform which declares for the continuation of toll exemption in the Panama Canal. There is absolutely nothing inconsistent in those two planks.

As pointed out so ably by the Senator from Missouri [Mr. REED] yesterday, the term "ship subsidy" came to have a distinct meaning in the American political vocabulary. It meant a direct bonus or gratuity to the owners of ships or to the owners of freight carried by ships. In that sense the Democratic Party has stood against ship subsidy almost from time immemorial, and in that sense the Democratic Party was justified in putting in its Baltimore platform a plank against ship subsidy.

But equally from time immemorial the Democratic Party as a party has stood for and shared in the fruits of the appropriations from the Federal Treasury to develop transportation facilities in this country. At every session, with scarce an exception, there comes into this body a bill from the House of Representatives appropriating millions of dollars from the Federal Treasury to deepen our waterways, to make canals of our rivers, and to improve our harbors, but all for the free use of the owners of the boats, based upon the theory that the water transportation so benefited by Federal appropriation finds a reflected benefit to the people in the cheapening of transportation, upon the principle that water transportation as a competitive factor is the surest and most efficient means of reducing transportation rates. If money appropriated by the General Government for improvements is to be designated as a subsidy because a few people, the owners of boats, get the first direct benefit of it, then the attitude of the Democratic Party in the past in securing such appropriations would challenge the integrity of that plank in their platform against subsidy. But this has never been recognized as a test by which to measure the definition of a subsidy, because every dollar of the hundreds of millions we have appropriated for the improvement of rivers and harbors, canals and locks has of course, in the first instance, been a direct benefit to the owners of the boats using these facilities, and yet no one has ever thought of characterizing these benefits as a subsidy, and no Democrat will be found opposing upon that ground the rivers and harbors bill now pending in the House.

There is already on its way from the House of Representatives to this Chamber—and perhaps it may have reached this Chamber—a bill appropriating almost a hundred million dollars to deepen the great waterways of this country, in order that the owners of boats may have without charge to them those facilities which, without this appropriation, they would not have. Are the Democrats who have stood on this floor and in the repudiation of their platform undertaken to shield themselves behind the false cry of subsidy, going to vote against that bill and its provisions simply because the benefits from that bill, if any, will accrue, first, directly to the few men or corporations who own and control those boats?

I think, if the record of bills for rivers and harbors were analyzed, it would be found that those sections of the country represented to-day by those Democrats who are seeking to raise the false cry of subsidy have been the beneficiaries of those appropriations equally with, if not in excess of, other sections of the United States, and when that bill comes before the Senate they will be asked as to the benefits given to their section, and whether or not they are to be regarded as subsidies.

When a Democrat who holds a discredited platform in his hand, then turns to the platform to prove the attitude and traditions of his party I have nothing to say; he stands here with his evidence, his own witness, discredited; but to the Democrat who comes here standing upon the platform of the Baltimore convention, I say there is absolutely no inconsistency between those two planks in that platform.

We have had some very novel arguments advanced in this debate. We have had a new rule laid down. In the first place, the President of the United States comes before Congress and asks Congress to repeal the tolls-exemption clause of the act of 1912. I would be the last man on earth to criticize the man who finds that he has been mistaken and wants to reverse his judgment, but I want to say that, in my humble opinion, while a man is not called upon to give a reason for his original position, when he is confronted with a reversal of that position it is due that he give a reason for the reversal, and so far there has been no reason assigned for this reversal.

If this had been a plank which had found its way into the platform disassociated from pending issues, without thought or consideration, and had been overlooked during the campaign, then it might, perhaps, be ignored now without assigning a reason; but that is not the history of this plank. This plank was developed at a time when the question of toll exemption had been fought out in a Democratic House, and was being fought out in a committee of the Senate. No one could say it was an obscure subject. The halls of this Capitol had been thronged with the representatives of interests which had first fought against building the canal, and then naturally fought against the insertion of the principle of toll exemption, and it was Democratic votes in the House and Democratic votes in this body that saved the toll-exemption clause in the law of 1912. Speaking now from memory, but I think it is accurate, every Democrat in this body who was present and voted voted in favor of free tolls.

Not only was that plank the subject of agitation in Congress, but, more than that, it was the plank singled out by the Democratic candidate for President of the United States, and a discussion and analysis of that plank was laid before the American people by him in public speech during the campaign as a reason why he ought to be elected President of this Republic. Do you call it inadvertence when the candidate for the high office of President of the United States singles out a plank of his platform and shows why that plank should be there, and then emphasizes the use of that plank with the assertion that a platform "is not molasses made to catch flies"? And yet some of those Democrats who seek to repudiate this plank in their platform, in view of its genesis, publicity and emphasis laid upon it by the President, still call it a "joker" inserted in their platform by some one not friendly to the party. We might well inquire of those who thus characterize this plank if they considered it was a "joker" when used by the President during the campaign, and was it then used as a "joker" by some one unfriendly to the party?

Suddenly, and almost without a moment's warning, we were confronted with the request of the President to repeal this provision of the law. And what reason does he give?

According to the statement of one of the oldest and most venerable Democrats of this body, it is no longer necessary for a President to give any reason for what he does, nor is it necessary for a Democratic Senator to inquire as to whether a reason exists. I want to refer to the speech of the dist guished senior Senator from South Carolina [Mr. TILLMAN], in which he used this somewhat remarkable expression in speaking of the President:

> I have felt that as the first Democrat in half a century—real Democrat, I mean, for I never regarded Cleveland as a Democrat—it is the duty of every man who claims to be a Democrat to support him in all his policies, wise or unwise.

I want to say to the Democratic Senators in this body that that is a novel definition of Democracy. You may ask yourselves mentally what interest I have in the welfare of the Democratic Party. I have this interest: No political party in power can make a mistake without hurting somebody besides that party. A political party in power has in its keeping the interests of the people of this country; and the Democratic Party, ever since its origin, has at least put forth the claim that it was the party of the people. Yet you have a man in the White House to-day who, if not in speech at least in attitude, claims that it is a question for the party to settle and that the party will be responsible for its own mistakes. It is true the party is liable for its own mistakes, and in that sense responsible; but a party can not escape responsibility to the entire people. While this is fairly deducible as the attitude of the President, time and again in the last few weeks Senators have gone further than that and have said, in terms, "This is our responsibility. If our party makes a mistake we will take the responsibility." I want to say to you that no party in power can, in that spirit, take the responsibility for mistakes. Mistakes are visited upon all the people of this country alike, and the man who takes that position flies in the very face of the traditional fundamental principles of Democracy and of the Democratic Party. You can not reconcile the declaration so often put forth by Democrats that theirs is the party of the people, the party of service to the people, with the declaration that it is your duty to follow a man whether he acts wisely or unwisely.

Much as I esteem President Wilson, I want to say to the Democratic Senators here that he is one of the last men in this country of whom any Democratic Senator should say, "I will follow him, whether he acts wisely or unwisely"; to whom any Democratic Senator should commit the keeping and care of his party policy, his party traditions, or the welfare of this country, which it has been so often asserted is inseparably interwoven in the welfare of the party itself. No man can read the earlier works of Mr. Wilson without reaching the conclusion that Mr. Wilson is no more of a Democrat in the broad sense of that term than is the distinguished senior Senator from New York [Mr. ROOT], the distinguished ex-President, Mr. Taft, or that great opponent of real democracy, Alexander Hamilton. Running through every line of his earlier works is a spirit and doctrine that can not be harmonized with the broad doctrine of government by the people. You take his later works, and here and there you find sentiments tending toward democracy, but even there you find a hesitation and halt that shows that he never has entirely broken away from the limitations of his earlier views, and, much as we may admire the man, we can not recognize in him an exponent of democracy as taught by Jefferson and others.

I want to say to you, Democratic Senators, that such a man, no matter how high his ideals, is not a safe leader, and you are rapidly going the same way that another party went because it, too, permitted one man to assume in effect to say, "I am the

The SECRETARY. Amend the amendment by adding at the end thereof the following:

Neither shall the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal deprive the United States of any right, as owner of said canal, to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same.

Mr. WORKS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from New Mexico [Mr. FALL]. In his absence I withhold my vote. If permitted to vote I should vote "nay."

Mr. McCUMBER (when his name was called). I have a pair on this particular amendment with the junior Senator from Pennsylvania [Mr. OLIVER]. The Senator from Utah [Mr. SUTHERLAND] has a pair with the senior Senator from Arkansas [Mr. CLARKE]. We have arranged to transfer those pairs in a manner so that we may both be permitted to vote. I therefore vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], but under the statement made by the Senator from North Dakota [Mr. McCUMBER], the Senator from Arkansas will stand paired with the Senator from Pennsylvania [Mr. OLIVER] and I will vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON], I vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 50, as follows:

YEAS—36.

Ashurst	Cummins	Lane	Smith, Mich.
Borah	Dillingham	Lippitt	Smoot
Brady	du Pont	Martine, N. J.	Sutherland
Bristow	Gallinger	O'Gorman	Townsend
Burleigh	Goff	Page	Vardaman
Catron	Hitchcock	Perkins	Walsh
Chamberlain	Jones	Poindexter	Warren
Clapp	Kenyon	Randell	Weeks
Clark, Wyo.	La Follette	Reed	Works

NAYS—50.

Bankhead	Kern	Pittman	Stephenson
Brandegee	Lea, Tenn.	Pomerene	Sterling
Bryan	Lee, Md.	Root	Stone
Burton	Lewis	Saulsbury	Swanson
Chilton	Lodge	Shafroth	Thomas
Colt	McCumber	Sheppard	Thompson
Fletcher	McLean	Sherman	Thornton
Gore	Martin, Va.	Shively	Tillman
Gronna	Myers	Simmons	West
Hollis	Nelson	Smith, Ariz.	White
Hughes	Norris	Smith, Ga.	Williams
James	Overman	Smith, Md.	
Johnson	Owen	Smith, S. C.	

NOT VOTING—9.

Clarke, Ark.	Fall	Oliver	Robinson
Crawford	Newlands	Penrose	Shields.
Culberson			

So the amendment of Mr. WORKS to the amendment was rejected.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 11040) to carry out the findings of the Court of Claims in the case of James Harvey Dennis.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented petitions of sundry citizens of Ingham County, Mich., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Local Union No. 46, Cigar Makers' Union, of Grand Rapids, Mich., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Woman's League of Bronson, Mich., praying for an appropriation for the control and prevention of floods, which was referred to the Committee on Commerce.

Mr. CATRON presented a petition of sundry citizens of Lordsburg, N. Mex., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of the congregation of the Congregational Church of Woodstock, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. DU PONT presented petitions of sundry citizens of Wilmington, Del., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Sussex County, Del., remonstrating against an increase in the number of chaplains in the United States Navy, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Maryland, Delaware, and Virginia Peninsula Retail Jewelers' Association, praying for the enactment of legislation eliminating the time guaranty on gold-filled watchcases, which was referred to the Committee on Interstate Commerce.

Mr. LODGE presented resolutions adopted by the City Council of Woburn, Mass., favoring the retirement of civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. ROOT presented petitions of sundry citizens of New York City, Haverstraw, Franklin, Fabius, Portageville, Reading Center, Victor, Beanville, Woodstock, and Hadley, all in the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York City, Oneonta, Brooklyn, Scottsville, Troy, and Green Island, all in the State of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Woman's Christian Temperance Union of Melrose, Mass., praying for Federal supervision of motion-picture films, which was referred to the Committee on Education and Labor.

Mr. GALLINGER presented petitions of sundry citizens of Portsmouth, N. H., praying for the enactment of legislation to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Concord, N. H., praying for the adoption of 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. McLEAN presented memorials of sundry citizens of Hartford and Stafford Springs; of the Central Labor Union of Danbury; and of Local Union No. 15, United Hatters of North America, of South Norwalk, all in the State of Connecticut, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Windham Association of Congregational Churches and Ministers, of Pomfret Center, and of the congregations of the Second Congregational Church of Putnam and the First Congregational Church of Pomfret, all in the State of Connecticut, praying for the establishment of an international tribunal for the adjudication of international differences, which were referred to the Committee on Foreign Relations.

He also presented a petition of Local Union No. 207, National Association of Civil Service Employees, of Hartford, Conn., praying for the enactment of legislation granting pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. CHAMBERLAIN presented a memorial of Rich Mountain Circle, No. 4, Ladies of the Grand Army of the Republic, of Eugene, Oreg., remonstrating against any change in the United States flag, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Oregon, praying for the adoption of a 1-cent letter postage, which was referred to the Committee on Post Offices and Post Roads.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Cody, Powell, and Carpenter, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SUTHERLAND. I present a letter, in the nature of a petition, signed by a large number of retail merchants of Salt Lake City, Utah. The letter is brief, and I ask that it may be printed in the RECORD, omitting the signatures with the exception of the first one.

There being no objection, the petition was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

SALT LAKE CITY, UTAH, *May 23, 1914.*

Hon. GEORGE SUTHERLAND,
United States Senator, Washington, D. C.

DEAR SIR: The undersigned retail merchants in Salt Lake City, State of Utah, hereby ask you to use your good offices in supporting the measure H. R. 13305, known as the Stevens bill. This measure is designed to protect the independent merchant in his legitimate business, which is threatened with destruction by the insane practice that large corporations are adopting of price cutting.

The retailers desire the passage of this measure, because it will enable manufacturers to take advantage of its provisions and establish a uniform price of sale to all wholesalers, and also a uniform price of sale to all retailers. In other words, it affords a fair deal to all concerned, including the consumer. For these and other reasons the retailers are unanimously in favor of the passage of the Stevens bill.

Very respectfully,

MURDOCH GROCERY CO.
(And others).

JUDICIAL POWERS TO MINISTERS, ETC.

Mr. STONE, from the Committee on Foreign Relations, to which was referred the bill (S. 2877) to amend an act entitled "An act to carry into effect provisions of the treaties between the United States, China, Siam, and other countries, giving certain judicial powers to ministers and consuls or other functionaries of the United States in those countries, and for other purposes," approved June 22, 1860, reported it without amendment and submitted a report (No. 590) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 5802) to amend section 10 of the act entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June 29, 1906; to the Committee on Immigration.

By Mr. SHIVELY:

A bill (S. 5803) granting an increase of pension to Amos T. Phares (with accompanying papers); and

A bill (S. 5804) granting an increase of pension to Curtis B. Small; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5805) to confer additional power and authority on the National Forest Reservation Commission, and to provide for the acquisition of lands for a national forest or park in the general vicinity of the District of Columbia; to the Committee on Agriculture and Forestry.

By Mr. SMITH of Arizona:

A bill (S. 5806) authorizing the issuance of a patent to the city of Tempe of certain land in the county of Maricopa, State of Arizona; to the Committee on Public Lands.

By Mr. HUGHES:

A bill (S. 5807) granting a pension to Annie Wilson; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5808) to authorize the Secretary of the Interior to extend certain payments on public lands in Oklahoma; to the Committee on Indian Affairs.

By Mr. OWEN:

A bill (S. 5809) to terminate minority rule in the nomination and election of Senators and Representatives in Congress; and

A bill (S. 5810) to amend an act entitled "An act to provide for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," also to amend an act amending the said act and "extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," and extending both, first, by providing for publicity by all committees and individuals that shall expend $50 or more to influence the election of a Representative or Senator in Congress; second, by restricting all persons other than candidates for office from expending more than $1,000 to influence the election of a Representative or Senator in Congress; and third, by incorporating in an amended form the prohibition against corporations from making money contributions in connection with political elections; to the Committee on Privileges and Elections.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. GORE submitted an amendment authorizing the Secretary of the Interior to grant a further extension of extensions of time on the payments described in the act of April 27, 1912, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

L. W. JONES.

Mr. TILLMAN submitted the following resolution (S. Res. 388), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to pay out of the "contingent fund" of the Senate, the sum of $15 to L. W. Jones for services as assistant clerk to the Committee on Naval Affairs from June 1 to June 4, inclusive.

THE SHORT-BALLOT MOVEMENT.

Mr. OWEN. I have an article on the short-ballot movement by H. S. Gilbertson, executive secretary of the National Short Ballot Organization. I desire to have the article printed as a public document, and I ask that it be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the matter will be referred to the Committee on Printing.

CREEK INDIANS OF OKLAHOMA.

Mr. GORE. I desire to have printed as a document a letter from R. C. Allen, national attorney for the Creek Nation of Indians, of Oklahoma, relative to certain provisions contained in the Indian appropriation bill affecting these Indians. I ask that the letter may be referred to the Committee on Printing with a view to its publication.

The PRESIDING OFFICER. Without objection, the letter will be referred to the Committee on Printing.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14285) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912.

Mr. WALSH. Mr. President, I send to the desk an amendment, and ask for its adoption.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and to insert:

That section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, be, and the same hereby is, amended by the addition thereto of the following provision, namely:

That nothing contained in this act shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in anywise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

Mr. WALSH. Mr. President, in the course of some remarks which I made upon this bill some time since I said all that I cared to say in advocacy of this amendment. The amendment was offered in the Committee on Interoceanic Canals, having the bill under consideration. It was rejected by that committee by a vote of 8 to 6. I am entitled to no credit for originating the idea which the amendment expresses. It was suggested by former President Taft at or about the time of the passage of the act to repeal an important provision of which the bill now before us is presented. Briefly, the amendment is intended to put the matter in such shape as that the question as to whether that part of the act exempting coastwise vessels from the payment of tolls for passing through the Panama Canal is or is not in violation of the Hay-Pauncefote treaty.

Mr. NORRIS. Mr. President, I desire to make a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. WALSH. I do.

Mr. NORRIS. Is the amendment which the Senator from Montana now offers a substitute for the amendment now pending?

Mr. WALSH. The amendment is offered as a substitute for the bill as amended.

Mr. NORRIS. Mr. President, if that is true, I make the point of order against the amendment that until the committee amendment is disposed of a substitute for the bill would not be in order.

Mr. WALSH. I did not understand there was any amendment pending. I understood that the amendment proposed by the Senator from Nebraska had been adopted.

Mr. NORRIS. No; a vote was taken on making my amendment a substitute for the committee amendment, and that prevailed. Now that amendment is before the Senate as an amendment to the bill. Until it is disposed of, I take it that the Senator can not offer a substitute for the entire bill. Of course the Senator's amendment would be in order later.

this discriminating exemption, or both. Many of those who insist upon granting this veiled subsidy to a portion of our coastwise shipping could not be prevailed upon to pass a statute to take the money out of the Treasury of the United States and give it to the owners of these ships. Many of them have voted against a subsidy to our ships engaged in the foreign trade, which have to compete under disadvantageous conditions, both as to the cost of their ships and the cost of their crews, with their competitors. The claim ingeniously devised, and urgently pressed, that under the practice in relation to treaties involving the ships or vessels of nations, that coastwise vessels were never contemplated to be included in the provisions of the treaty, has no application whatever to the provisions of this Hay-Pauncefote treaty, because the equality prescribed in the treaty is defined to be for the purpose of preventing "discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise."

The whole intent of the treaty is to prevent discrimination of any kind against the citizens or nations or their trade or commerce in the use of the canal. The claim that other nations of the world, who are prohibited by our navigation laws from entering our coastwise trade, can not be discriminated against by the exemption of our coastwise trade is perfectly irrelevant. The treaty does not agree to put the ships of all nations upon an equality by giving them a right to enter our coastwise trade any more than it pretends to do away with discriminations against the vessels of other nations, or their commodities or commerce in our tariff laws. The only discriminations which the treaty forbids us to make and the only equality which the treaty compels us to grant are such as arise from the use of the Panama Canal and our administration thereof. Can anybody suppose that Great Britain, after her years of struggle to obtain the rights which she had under the Clayton-Bulwer treaty, which unquestionably provided for equality of treatment with the United States by the operators of the canal, having for more than 50 years been in the enjoyment of those rights under that treaty, would abandon them all in order to secure *inequality* of treatment and discrimination against herself? Is it conceivable that Lord Lansdowne and Lord Salisbury would have advocated before the British council the ratification of a treaty which allowed us to impose tolls upon all British shipping and the shipping of all other nations, and to exempt our own ships from charges for passing through the canal? Could either she or we have supposed at that time that anybody would or could place that construction upon the Hay-Pauncefote treaty? If they had thought that the treaty was susceptible of that construction, would they ever have had the hardihood to recommend its adoption by the greatest shipping power of the world, which at that time had a guaranty of absolute equality of treatment with us?

Mr. President, the equality prescribed in rule 1 is not capable of covering the special-privilege exemption in favor of one interest or any kind of direct or devious preference or advantage—they are the rules of the square deal and not of shifty evasion, sinuous subtlety, or slippery diplomacy. The parties to this treaty spoke the same language and used the same dictionaries, but there is not a word in this treaty which the ordinary, humble citizen would need to look up in a dictionary. The short Anglo-Saxon terms employed are those of plain, straightforward people, who knew exactly what they meant, and said it. They were all perfectly familiar with the history of events which led to the meeting of their minds; they reduced their ideas to the simplest forms of expression and affixed their seals and plighted their national good faith thereto. They promulgated their contract to the world and gave all the world equal rights in its benefits, and it was understood of all men. And now that the dream of 400 years is about to be realized, having invited the nations of the world to join with us in celebrating the grandeur of this vast enterprise and its triumphal completion, rejoicing in this enduring monument to the wealth, power, genius, integrity, and majesty of the American people, with the visiting flotillas of the brotherhood of nations almost embarked to participate in the festivities, while the flags are fluttering and the great guns are booming a welcome by this free Republic, are we to be discovered in the Senate of the United States taking counsel of one another by what possible specious device we may draw down something extra for ourselves?

May a decent respect for the opinion of mankind forbid that we shall desecrate this greatest wonder of the world by inscribing upon its enduring portals, "Special Privilege, Favoritism, Discrimination!" I appeal to you to join in helping this great Nation to cherish the loftier ideal and conception so eloquently portrayed and prophesied by the great Minnesota Senator, Mr. Davis, and to consecrate this great work, in which the French nation has had such a prominent part, to the grand principles which emancipated that nation—"Liberty, Fraternity, Equality!"

Mr. WORKS. Mr. President, some time ago I proposed an amendment to the pending bill in the form of a substitute for the amendment proposed by the committee. Subsequently and before the amendment had been offered a similar amendment was offered by the Senator from North Carolina [Mr. SIMMONS], and that amendment has been adopted by the Senate. I am now about to offer the substance of my proposed amendment as an amendment to the Simmons amendment, and before doing so I desire to explain not only my reasons for offering the amendment but what I understand will be its effect.

The Senator from Nebraska [Mr. NORRIS] has challenged any Member of this body to point out any right or interest of this Government that is not protected by the Simmons amendment. I accept that challenge. I maintain that the amendment that has been adopted by the Senate fails to protect any interest of this Government from the effects of anything that may be done by the Senate in dealing with the bill that is now before it. It is a sham.

It will be noticed that the only attempt to protect this Government is from the effect of the passage of this act. The passage of this act will have no effect whatever upon the right of this Government to exempt its own ships from the payment of tolls. That right is not vested in the United States by the Panama act, and therefore the repeal of that act can not take it away.

If we have any right to exempt our ships from the payment of tolls, it is not because of the act which Congress passed, but because of the fact that we own the canal. The Panama act, a clause of which is now sought to be repealed, did not give this Government any right to exempt its ships from the payment of tolls, or purport to do so. The act assumes, necessarily and properly assumes, that that right exists in the Government as an incident to its ownership of the canal, and the only object and purpose of the Panama Canal act in this respect is to determine who shall regulate and fix those rights, namely, the President of the United States. Section 5 of that act provides:

> That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal.

There is no grant of right to this Government by virtue of that statute. It assumes, as I said, that the Government had that right, and it simply provided that the President of the United States should regulate those rates and how, with certain limitations:

> *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

If we owned the canal and had complete sovereignty over it, we had the right by reason of that single fact to exempt our own ships from the payment of tolls for the use of our own canal. This statement in the statute is simply a legislative declaration of a right that already existed by virtue of our ownership. It did not vest any new right in this Government, and if we repeal it we will not take away any right of the Government.

If it be true, as claimed by the Senator from Connecticut [Mr. BRANDEGEE] and other Members of this body, that this is a great international waterway, and that this Government has no right to control its use, but that every nation in the world has a right to use it upon equal terms with every other nation, then this Government could not by statute give itself the right to use it in any different way, and therefore the statute would have no effect upon the rights of the United States in the canal. But if, on the other hand, it is our canal, constructed with our money, over which we have complete sovereignty, then as a result of that fact we have a right to exempt our own ships from the payment of tolls.

So at last, Mr. President, we come back to the single question as to the effect upon that right of the Hay-Pauncefote treaty. I am not going to discuss that question. I have already done so in the earlier stages of this debate to the best of my ability, and the subject has been thoroughly and much more ably discussed by other Senators following me. But the point I am making is that we are attempting now by this amendment to protect ourselves from the effect of this bill, if it becomes a law, upon our right to exempt our ships, and that the statute sought to be repealed gives us no such right, and that therefore the repeal of it or any action taken in respect to it can not affect our right to exempt our ships, and therefore the amendment providing that the passage of it shall not affect our right

to exempt our ships is simply worthless as an effort to protect our rights.

There is one clause in the original act that does have some effect upon our rights. It limits the President as to the amount of tolls to be fixed and charged, namely, not more than $1.25 a ton nor less than 75 cents a ton. Coastwise trade of the United States was excepted from that provision. Therefore that provision has no effect upon the fixing of tolls as affecting our domestic trade; but with the statute as it then stood the President of the United States would have had a perfect right to charge $1.25 a ton as against foreign and 75 cents a ton against domestic trade. He could not under the limitations upon his power to fix the rates go either higher or lower than the amount fixed in the statute.

But the Senate must remember that that was merely a regulation imposed upon the President of the United States in fixing and controlling the rates and did not pretend to determine whether we had the right to exempt our ships or to give us any such right that we did not already have.

So we have been discussing the question for two months, whether we should repeal this exemption clause of the statute or not, when, in my judgment, it has no effect whatever upon the rights of the United States to exempt her ships.

But, Mr. President, this discussion has been important not because of the passage or defeat of this bill but because we have assumed here to determine what should be the construction placed upon the treaty that is intended to limit that right.

Now, again, the amendment of the Senator from North Carolina proposes to protect this Government from its rights under the Hay-Pauncefote treaty. That treaty gave this Government no right to exempt its ships. Certainly no one could claim that. The repeal of this statute could by no possibility affect the question as to the effect of that treaty upon our rights. If there never had been any Panama Canal statute passed at all, this Government would have had a right, independent of any such provision as that, to exempt its ships unless the position is maintained that this is an international highway, and our Government has no right to assume any preferred rights to itself.

In that view of it, if every other nation has a right to claim the same right to use the canal that we have, on account of its international rights, then the Hay-Pauncefote treaty, attempting to limit our rights, was entirely unnecessary, and is immaterial.

I take it for granted that the Senator from North Carolina and Senators who have voted for his amendment desire to protect us in the future from any action that we may take here bearing upon this question, whether it be the passage of the act or any votes that have been taken here or anything that has been said by Senators representing the Government as to the construction which should be placed upon this treaty. The statute has nothing to do with it whatever. The Government of Great Britain has made the claim that we have no right to pass our coastwise ships through the canal if they carry foreign goods. If by reason of the removal of this statute we proceed to levy a toll upon our own ships, then the Government of England may very well claim that we have estopped ourselves from claiming that we have the right in the future to exempt them, because under this protest we have actually charged our ships just the same as we charge theirs.

Mr. President, it is not the passage of this statute that is an offense against Great Britain, if we are proposing to violate the treaty by exempting our own ships, but it is the act itself of exemption. The position was correctly taken by our own Secretary of State that Great Britain had no cause of complaint until we had actually exempted ships that ought not to be exempted under the provisions of the treaty; and evidently the Government of Great Britain accepted that position, because she made no further protest, and the matter was left in that condition. Perhaps if later on we had allowed our ships to pass through without the payment of tolls and exacted tolls from the ships of Great Britain, a case would have arisen where she might have made her protest and called for arbitration; but that time has not arrived and that question is not affected by the statute. Therefore, to attempt to relieve ourselves from the effect of the statute or its repeal is a deception, unintentional, of course, and is absolutely misleading.

In order to meet what I think may be a danger resulting from what has been said and done here and what may be done in the way of actually exempting our ships from tolls, I propose to offer this amendment, to add at the end of the amendment the following:

> Neither shall the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal deprive the United States of any right, as owner of said canal, to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same.

What is claimed here is that the treaty with Great Britain has limited the right that existed on the part of the Government of the United States to exempt our ships from tolls, and that has been argued here day after day in an attempt to determine whether we have the right to exempt our ships or not. The whole question turns upon the effect of the Hay-Pauncefote treaty, because without that treaty, as I maintain, we have the right as the owner of the canal to exempt our own ships.

I should like, if we are going to repeal this statute, and as there is an honest difference of opinion between us here as the representatives of the United States Government as to the effect of the treaty, that we should by some clause in this bill protect ourselves from any consequences growing out of our act that would prevent us in the future from asserting that right if it should be determined that we have it.

The amendment that I offer differs from that of the Senator from Nebraska [Mr. NORRIS] and that of the Senator from Iowa [Mr. CUMMINS] in that it does not assert the right on our part; it simply endeavors to protect us in the right that I think exists. Others do not think so. Therefore I think as the Senator from North Carolina [Mr. SIMMONS] has assumed to protect us from the consequences of the passage of this act that he and the Senators on the other side of the Chamber should be not only willing, but anxious, to make it so strong that our rights, if we should be determined to have any, may be protected from the consequences of what we are doing to-day.

Mr. President, I have no disposition to delay the Senate unnecessarily. I have endeavored briefly to call the attention of the Senate to the reasons why I think this additional amendment should be made and to point out the effect that I think may result from it. I am not prepared to say that this amendment is necessary. I doubt very much whether it is, because of my belief that the passage of this statute could by no possibility have any effect upon our rights in the future. But other Senators do not agree with me in that respect, and therefore I desire, out of a proper sense of caution, to ask the Senate to adopt the amendment that I now send to the desk.

The PRESIDING OFFICER. The Secretary will read the amendment for the information of the Senate.

The SECRETARY. Amend the amendment by adding at the end thereof the following:

> Neither shall the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal deprive the United States of any right, as owner of said canal, to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator of California to the amendment.

Mr. WORKS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from California suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	O'Gorman	Stephenson
Brady	Hollis	Owen	Sterling
Brandegee	Hughes	Page	Stone
Borleigh	James	Perkins	Sutherland
Burton	Johnson	Poindexter	Swanson
Catron	Jones	Pomerene	Thomas
Chamberlain	Kenyon	Ransdell	Thompson
Chilton	Kern	Reed	Thornton
Clapp	La Follette	Root	Tillman
Clark, Wyo.	Lane	Saulsbury	Vardaman
Colt	Lea, Tenn.	Shafroth	Walsh
Crawford	Lewis	Sheppard	Warren
Cummins	Lodge	Sherman	Weeks
Dillingham	McCumber	Shively	West
du Pont	Martin, Va.	Simmons	White
Fletcher	Martine, N. J.	Smith, Ariz.	Williams
Gallinger	Myers	Smith, Ga.	Works
Goff	Nelson	Smith, Md.	
Gronna	Norris	Smoot	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

Mr. WORKS. As a number of Senators were out of the Chamber when the amendment was offered, I ask to have it reread.

The PRESIDING OFFICER. The Secretary will read the amendment for the information of the Senate.

tral ground in time of war, and always open, on terms of impartial equity, to the ships and commerce of the world.

Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans—

He is referring to the Suez Canal and the Panama Canal—

are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject rather belongs to the domain of international law.

The leading powers of Europe recognized the importance of this subject in respect of the Suez Canal, and ordained a public international act for its neutralization that is an honor to the civilization of the age. It is the beneficent work of all Europe, and not of Great Britain alone. Whatever canal is built in the isthmus of Darien will be, ultimately, made subject to the same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.

The European powers gave to this subject the greatest consideration, and reached conclusions that are not open to criticism as being unjust to any nation in the world. Turkey and Egypt, the imperial and the local sovereigns of the canal, and Great Britain, a controlling stockholder in the Maritime Canal Co., had special interests in the rules for regulating the use of the canal, and they united in the convention which deprived them of exceptional privileges in its navigation, in peace and in war, for the sake of justice to all maritime nations and the peace and prosperity of the world.

No nation disapproves of this act or has had grounds of complaint against it. No *American* will ever be found to complain of it. It is right in its moral features, in its impartiality, and, above all, in its tendency to decrease the resort to war for the settlement of international quarrels, and it will have the cordial approval of the *American people.*

The United States can not take an attitude of opposition to the principles of the great act of October 29, 1888, without discrediting the official declarations of our Government for 50 years on the neutrality of an isthmian canal and its equal use by *all nations, without discrimination.*

It is claimed by some who are not familiar with the diplomatic negotiations and representations which have been conducted in relation to our acquisition of the right to construct and operate this canal in a foreign country, and who are unfamiliar with the technical terms such as "neutralization" and "the general principle of neutralization," and the meaning which those terms conveyed to the ears and the minds of the negotiators of these treaties, that we are not bound to apply the same measure to our ships engaged in our coastwise trade through the canal that we apply to the ships of other nations engaged in their coastwise trade passing through the canal, but such a notion is utterly inconsistent with equality without discrimination. Others claim that we are not bound to observe the rules which we ourselves have adopted for the regulation of the canal, and that the first rule under article 3, which provides for terms of "entire equality, so that there shall be no discrimination," does not mean that we are bound to treat vessels of the citizens of all nations on terms of equality with vessels owned by our own citizens, but they claim that we are only obligated to treat foreign vessels on an equality with each other. They claim that the treaty should be construed as if the word "other" was interpolated before the word "nations" in rule 1 of article 3. Let us, therefore, insert the word "other" where they say it ought to be, and then inspect the rule as it would look. If this interpolation were made, the rule would stand as follows:

The canal shall be free and open to the vessels of commerce and of war of all *other* nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

This would intimate that it was not open to the vessels of our own Nation on such terms.

How absurd such a rule would appear, and if they meant that the rule should read that way, why did they not insert the word "other" in the place referred to? If the intention of the makers of the treaty was that the United States should have the right to discriminate in favor of its own vessels, Secretary Hay could have written into the treaty the following language:

But it is agreed that the United States may discriminate against other nations, their citizens and subjects, in respect of the conditions or charges of traffic or otherwise.

This is what the advocates of the right to exempt our coastwise vessels from tolls claim the treaty means as it stands. Of course this is preposterous, and John Hay would have been ashamed to write it into the treaty, and this great Nation would have blushed if he had done it, and Great Britain would have refused to have agreed to it, and we would have become the laughingstock of the civilized nations of the world if we had asked for such a right to discriminate. Yet this is exactly what the advocates of the right to exempt our ships in the coastwise trade claim that the treaty really does mean. Could we, as an enlightened nation stand for this construction for a moment? Could we maintain our self-respect in discriminating in the use of this world highway, this international public utility, this interoceanic common carrier, even if we had the unquestioned right to discriminate in our own favor?

Mr. President, we pass laws making it a crime punishable by imprisonment for our domestic common carriers to discriminate between persons, classifications, and localities. We prohibit free passes, favoritism, and secret advantages of all kinds on the part of our public utilities. Are we to celebrate the dedication of this triumphal national monument, this colossal symbol of the power and majesty, of the skill, brains, and resources of this great free and democratic Republic, this long-sought endowment of the commerce of the nations, this boon to mankind, by throwing open the gates of this great artery of international commerce on the basis of obtaining a devious advantage of rebate or rake-off for ourselves?

Mr. President, if ever a nation, by its professions, its state papers, its diplomatic representations, and accredited utterances by all its official spokesmen, was ever pledged to the great moral principle of equality of treatment, this Nation stands so pledged in its conduct of the Panama Canal. If we are not to be bound by the rule of equality prescribed by the rule agreed to in the treaty, why did we make any treaty at all? If the construction claimed by the advocates of exemption and special privilege is correct, the treaty ought to have provided as follows:

The United States adopts as a basis of neutralization for this canal the following rules, to be binding upon all nations except the United States, which alone, of all of the nations of the world, shall be exempt from them.

We are asked to construe this treaty and to legislate and regulate our conduct in relation to the canal as though we had made no treaty at all, but had built a canal on our own soil with which no other nation had ever had any relations and about which no international negotiations had ever been held.

Mr. President, when this treaty was being considered in executive session of the Senate, the then Senator from Georgia, Mr. Bacon, proposed the following amendments:

In the preamble strike out all after the words "United States," in the tenth line, down to and including the word "convention," in line 11.

Strike out from article 2, in line 10, the following words: "Subject to the provisions of the present treaty."

Strike out all of articles 3 and 4.

Mr. President, the question being on agreeing to the amendments proposed by Mr. Bacon it was determined in the negative—yeas 18, nays 60. That appears on page 24 of the document entitled "Canal Treaties," being Senate Document No. 456, Sixty-third Congress, second session.

I have taken the Hay-Pauncefote treaty, and I have struck out what Senator Bacon proposed to strike out by those amendments, and I will insert the treaty in the RECORD, so that it will read as Senator Bacon would have had it read.

The treaty, if it had been amended as indicated, would have read as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, have for that purpose appointed as their plenipotentiaries,

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

If the treaty had been amended in that way, Mr. President, you would have had exactly the kind of treaty that the advocates of exemption are claiming we have now. You would have had a treaty that superseded the Clayton-Bulwer treaty;

that authorized the United States to build the canal and to have exclusive control and jurisdiction over it, without being bound by any rules of equality, whether or not those rules were adopted substantially from the convention of Constantinople. Then the patriots could have raged through the country, beating their breasts with some consistency about "the canal being ours and paid for by the people's money, and we will do with it as we please, and if anybody objects we will fight Europe in arms." But the Senate voted down that construction by a vote of 60 to 18, because it was a proposition simply to hog the whole thing and afforded no basis whatever for any supercession of the Clayton-Bulwer treaty at all. It simply had the effect of wiping out the Clayton-Bulwer treaty and asserting our right to do as we please, as though we were the sovereign of the Isthmus of Panama. You must remember at the time we made the Hay-Pauncefote treaty we had no more right in Panama than Guinea in Africa had, because it belonged to Colombia, in South America. The Senator from Michigan [Mr. SMITH], who points the withering finger of scorn at Great Britain for hovering around and snooping around the Isthmus of Panama, as though she were engaged in some nefarious conspiracy, should remember that we were hovering and snooping around there just as much as Great Britain was. It was the hovering and snooping around of both of us and of other nations, trying to exact a rake-off, if you please, for themselves and acquire a strategic position between those two oceans, that was the cause of the making of the Clayton-Bulwer treaty by which both of us agreed, in spite of the mutual airy persiflage that was exchanged between the two nations at a safe distance across the ocean, neither one being actually itching to get up against the muzzles of the guns of the other, you know, if they could get what they wanted by making a treaty, providing that there should be no discrimination against either.

Mr. President, that construction which is so eagerly sought by those who want to open the Panama Canal on the basis of some privilege granted to themselves is a forced and erroneous construction of the treaty. If we had so desired, we could have denounced the Clayton-Bulwer treaty; we could have claimed that circumstances had changed, as indeed they had.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, I will state that just before that time a gentleman by the name of Cooney, from the State of Missouri, while the matter was being discussed in the House, did offer an amendment calling upon the Executive to denounce the Clayton-Bulwer treaty and to abrogate it.

Mr. BRANDEGEE. I never had the pleasure of Mr. Cooney's acquaintance; but I was curious about him, because I knew he must have been a great man, since the Senator from Michigan quoted him as an authority, so at the time he was alluding to the fracas that Mr. Cooney created in the House I sent for the Biographical Dictionary of Congress and looked him up. The poor man is dead now. He was a gentleman who had been judge of probate at home and had been also prosecuting attorney; and aside from the episode alluded to by the Senator from Mississippi——

Mr. WILLIAMS. I interrupt the Senator only for this reason: If I remember correctly what the Senator from Michigan said, I think he said the Clayton-Bulwer treaty was not mentioned in the discussion in the House. I may be mistaken, however, about that. He went on to say, however, that the treaty had been defunct and dead Heaven knows how long; that nobody was paying any attention to it. It was thought by this Representative, who confessed that it was in force, at any rate, of sufficient importance to introduce a resolution requesting its abrogation. In that same debate Representatives Mann of Illinois, Dolliver of Iowa, Burton of Ohio, and I, among others, asserted that it was in full force and effect.

Mr. BORAH. Mr. President, I wish to ask the Senator from Mississippi whether a yea-and-nay vote was taken on that question?

Mr. WILLIAMS. I do not remember. I think so. I can hunt it up later. I got the volume and laid it on my desk, but the Senator from Michigan needed it in preparing his remarks for publication, and I gave it to him.

[NOTE.—Mr. WILLIAMS later furnished stenographer a note to the effect that he had found on page 5002, volume 33, CONGRESSIONAL RECORD, Mr. Cooney's announcement of his motion, but could find no record of a vote.]

Mr. BRANDEGEE. This is a forced and erroneous construction of this treaty. If we had so desired, we could have denounced the Clayton-Bulwer treaty, could have claimed that circumstances had changed, and that inasmuch as no action had ever been taken under it, declined further to be bound by its provisions, and declared it, after the proper lapse of time under diplomatic usage, to be abrogated. We did no such thing, but we deliberately opened negotiations with Great Britain to supersede that treaty by another treaty, with the distinct, specific understanding and statement in the new treaty that "the general principle of neutralization, as contained in article 8 of the Clayton-Bulwer treaty, should not be impaired."

If we had denounced and abrogated the Clayton-Bulwer treaty, we and Great Britain would both have been at liberty to avail ourselves of our respective influence, arts, and diplomacy to obtain the exclusive right from the owners of the Isthmus to construct and operate the canal. If we had so desired, we could have opened the whole situation again as it had existed with all its troubles before we ever made the Clayton-Bulwer treaty, and as it has continued to exist and does exist now, owing to the disposition to try to get something of advantage to ourselves as against the rest of the commerce of the world. To be sure such a course and such a result would have undone the work of a half century, would have violated the ideals of the great statesmen of the world as to the free and equal use of this strategic Isthmus for the benefit of the commerce of mankind on equal terms.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. Mr. President, I stated when I started that I preferred to proceed without interruption, and I hope the Senator will not insist upon interrupting at this time. I will gladly talk with the Senator later. I have only a little more to say.

Mr. BORAH. I supposed the Senator had suspended the rule.

Mr. BRANDEGEE. I do not want to make any distinction; and as the Senator from Mississippi did interrupt, I yield to the Senator from Idaho. That is the trouble about trying to be courteous in this body. If a Senator says he does not wish to be interrupted, and then a Senator does, in fact, interrupt, and he tolerates it, he is subject to interruptions from 96 Senators. I yield to the Senator from Idaho.

Mr. BORAH. No; I will not interrupt the Senator.

Mr. BRANDEGEE. I thank the Senator. I appreciate his action.

We could, if we had so desired, have returned to the monopolistic, selfish, and narrow view of this great marine international highway. Whether we would have been able, single handed against the world, to have maintained this monopoly or to have managed it on terms which the rest of the world would have regarded unfair and discriminatory and characteristic of the arrogant medieval days, may well be doubted. But, thank God, we did not do this; we did not turn back the hands of progress; we did not attempt to convert the strategic figuration of this continent to the exclusive advantage of this Nation alone. Even though we had the physical power to conduct the canal on that barbaric conception, a decent regard for the respect of mankind would have prevented us from so doing. Other nations have other means of exercising influence than mere force of arms. We would soon have realized that we were ostracized by the civilized world—our trade, our commerce, our goods, wares, and merchandise would have been under a universal boycott.

Mr. President, in order to build, operate, and control this canal, and to free ourselves from anything in the Clayton-Bulwer treaty which prevented that ambition, we agreed to administer this canal on terms of equality to all. As will be seen, therefore, from the recital which I have made, the argument that because we built this canal and paid for it and own it, that we will therefore do with it as we please falls to the ground.

Nor can this great enlightened Nation say to other nations who disagree with us as to the meaning of our treaty agreements that we will be the exclusive judge of all our international contracts, and that if any nation does not like our construction, their only remedy is to precipitate a bloody war against us. We have an arbitration treaty under the terms of which we agree to submit to arbitration disagreements as to the meaning of treaties. It is said that we are not obliged to submit this question to arbitration under our agreement, because our treaty of arbitration provides that vital matters, matters of national honor, and matters affecting third parties, need not be submitted to arbitration.

Mr. President, it is not tenable, in my view, to claim that our desire to distribute a few million dollars among the owners of our coastwise ships falls within either of the three exceptions noted above. Neither the life nor the honor of this Republic depends upon the success of those who desire to subsidize indirectly that part of our coastwise trade which may use the Panama Canal. We should either arbitrate this question or repeal

this treaty with Great Britain. I told him that I thought he had no idea of the intensity of the feeling in the Senate and the Nation against the intervention of other nations in our affairs such as this, especially upon any footing of contract right, and that if you choose to call that this clause as amended by him does give them such a contract right, you could hardly be expected after the Senate's former action to accept it without modification.

I said to him that I supposed his mind was still open to conviction, and he said, oh, yes; of course—Mr. Hay's project was only tentative. He asked Lord Pauncefote to sound me, and I have made these suggestions in the hope of coming to an agreement, and herewith expect you to offer your counter suggestions. I don't really see why they insist on lugging in the other nations. The reason given by him that Great Britain objects to being bound to stringent rules of neutral conduct not equally binding upon other powers seems to me without substance. It is we that are bound by stringent rules. We accord to Great Britain clear contract rights to have these rules observed by us as owners of the canal; and the other nations can only use it under the same rules.

Great Britain has something to give us in exchange for this agreement with her—the relinquishment of her rights under the Clayton-Bulwer treaty—but the other nations part with us and no such consideration. I also told Lord Lansdowne, in respect to this clause 1 of article 3, that in one respect it was worse than the provision [art. 3] of the Hay-Pauncefote treaty which the Senate struck out. That only invited the other nations to come in and left it optional with them to stay out, as they did under the Clayton-Bulwer treaty, but this actually compels them to come in at the start. They can not use the canal, as I read it, unless they agree. The question is whether, if they agree as he proposes, they would become parties to the agreement in the sense in which they would have done under article 3 of the Hay-Pauncefote treaty, which the Senate vetoed. We are still time to study this question carefully, but my present strong impression is that they would. Lord Lansdowne claims to desire only that the other nations parting with nothing should not be on a better footing with respect to the canal than Great Britain, who parts with so much, and that she shall not be bound by these "stringent" rules of neutrality, while the others are not so bound. I think they are practically all treated alike by the instrument as you have drawn it. I venture, however, to suggest, in view of his amendment of clause 1, article 3, that it might possibly meet the views both of the Senate and the British Cabinet if you should propose further to amend by striking out the words "agree" and "so agreeing," which I dislike very much, considering the previous action of the Senate, and make it read, "The canal shall be free and open to the vessels of commerce and war of all nations observing these rules," etc.

These are only my hasty suggestions after having Lord Lansdowne's papers in my hands for only two busy days. I told him what I thought because he wanted to know, and I give them to you for what they are worth. Perhaps you will not agree with them at all. If not, no harm will come; but if you and the Senators whom you may consult concur in this objection to his amendment of clause 1, article 3, Lord Lansdowne will be prepared to have you dissent.

I think it must be conceded that Lord Lansdowne has very gracefully yielded on the main point that was covered by the Davis amendment in subdivision 7, page 5, of his paper, where he seems to construe the new draft substantially, I think, as we do. He recognizes "our desire to reserve the power of taking measures to protect the canal at any time when we are engaged in war," that "contingencies may arise when it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities," and "the necessity"—and, of course, the right—"of the United States to interfere temporarily with the free use of the canal by the shipping of another power." Whether, however, such other power would thereupon and ipso facto become liberated from the necessity of observing the rules laid down in the "war treaty" I am not yet prepared to say. It ought not even in war to be at liberty to violate clause 6 of article 5.

Upon the whole the prospect of a satisfactory settlement of this troublesome matter seems to me better than it has ever been before, and I am sure that you will appreciate the friendly tone of Lord Lansdowne's advances. I have not yet seen Lord Pauncefote, but have an appointment with him for Tuesday, after which I may write to you again.

Yours, very truly, JOSEPH H. CHOATE.

It will be observed that Mr. Choate states—

It is see that are bound by stringent rules. We accord to Great Britain clear contract rights to have these rules *observed by us* as owners of the canal; and the other nations can only use it under the same rules.

On August 20, 1901, Mr. Choate again wrote Mr. Hay from London the following letter, which appears in said Senate Document 474, beginning with page 34:

LONDON, *August 20, 1901.*

DEAR COL. HAY: Yesterday I had a most satisfactory interview with Lord Pauncefote about the canal business, with the result that I am still more encouraged to hope for and expect a final draft at your hands that will suit both Senate and British cabinet. I went over with him fully the two points which I had discussed with Lord Lansdowne and in my answer to you. He recognized the full force of what I had to say as to the inexpediency of inserting the words "which shall agree" and "so agreeing" in clause 1 of article 3, after the striking out by the Senate of article 3 in the Hay-Pauncefote treaty. He should emphatically favor omitting them, and thought his Government would assent to the omission, and he seemed to agree that making it read "all nations observing the rules," etc., would reach this object, which is that Great Britain and all other nations should be served alike and be on an equal footing as to obligation to observe the neutrality of the canal.

I also gathered from what he said that the new article 3A might be modified somewhat to meet my objection that it not only confirmed the general principle of article 8 of the Clayton-Bulwer treaty but made it a great deal stronger than it stands in that treaty.

Although naturally this point did not impress him as much as the other. But the more thought I give it the more substantial it seems. As article 8 stands in the Clayton-Bulwer treaty it undoubtedly contemplates further treaty stipulations—not "new" treaty stipulations, in case any other interoceanic route, either by land or by water, should "prove to be practicable," and it proceeds to state that the general principle to be applied is to be, viz, no other charges or conditions of traffic thereon "than are just and equitable," and that said "canals or railways" being open to the subjects and citizens of Great Britain and the United States on equal terms shall also be open on like terms to the subjects and citizens of other States, by which I believe to be the real general principle of neutralization (if you choose to call it so) intended to be asserted by this eighth article of the Clayton-Bulwer treaty. But under cover of reasserting this "general principle" this new article 3A instead of postponing the making of new treaty stipulations as to other routes until some other route by land or by water proves to be practicable immediately and for all time fastens these six crystallized rules of article 3 upon all interoceanic communications across the isthmus as well as providing that no change of sovereignty or other change of circumstances shall affect such "general principle or the obligations of the high contracting parties under the present treaty," and I shall be surprised if objection is not encountered in the Senate to this result of making the old eighth article of the Clayton-Bulwer treaty so much more comprehensive, definite, and binding than it was before. The idea "change of sovereignty," of course, relates to the report of an intention on the part of the United States to acquire a strip of territory on each side of the canal, and "other change of circumstances" is aimed at the argument in some future epoch against the continuance of this treaty that has often been directed against the continued binding force of the Clayton-Bulwer treaty that "change of circumstance" since 1850 has put an end to it.

Lord Lansdowne's object in insisting upon article 3A is to be able to meet the objectors in Parliament by saying that although they have given up the Clayton-Bulwer treaty they have saved the "general principle," and have made it immediately effective and binding upon the United States as to all future routes, and have dispensed with future "treaty stipulations" by making it much stronger than it was before. I think his all-sufficient answer is that by giving up the Clayton Bulwer treaty, which stood in the way of building any canal, he has insured the building of a canal for the benefit of Great Britain at the expense of the United States, relieved Great Britain of all responsibility about it now and forever, and imposed upon the United States stringent rules of neutrality as to Great Britain and all mankind.

Assuming that such article must be retained, how would this do?

In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer treaty is reaffirmed, the United States hereby declares (and agrees) that it will impose no other charges or conditions of traffic upon any other canal that may be built across the Isthmus (or between the Atlantic and Pacific Oceans) than such as are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms.

Lord Pauncefote's expectation is now that you will in due time answer Lord Lansdowne's paper, and that he and Lord Lansdowne will give full consideration to the matter in time to enable him to bring back an agreed instrument when he returns in October, which I sincerely hope may be the case.

Yours, very truly, JOSEPH H. CHOATE.

From this letter, and especially from the paragraph which I am about to repeat, it is perfectly evident that our ambassador to Great Britain, Mr. Choate, believed that the Hay-Pauncefote treaty was intended to apply to all other nations on equal terms with the United States. He suggests that the intention would be carried out if "the United States hereby declares (and agrees) that it will impose no other charges or conditions of traffic upon any other canal that may be built across the Isthmus (or between the Atlantic and Pacific Oceans) than such as are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms."

I now read a letter contained in the same Senate Document 474, dated September 20, 1901, from Mr. Choate to Mr. Hay, marked "confidential," beginning at page 39:

[Confidential.]

AMERICAN EMBASSY,
London, September 20, 1901.
(Received 5.40 p. m.)

Have had long interview with British ambassador at Washington. British minister for foreign affairs still absent in Ireland. British ambassador at Washington thinks amendments of clause 1, article 3, striking out "which shall agree to observe" and substituting "observing" and striking out "so agreeing," will be acceptable. Assuming this, would you not consent to add to your article 4, in letter to British ambassador at Washington, if accepted as a substitute for 3A, these words:

"Or the freedom of the canal to the vessels of commerce and war of all nations on terms of entire equality and without discrimination, as provided by article 3."

He apprehends that without this addition your 4 might be regarded as limited to technical neutrality and as not including freedom of passage and equality of terms. I thought you had no such idea; that taking all your language in 4 you meant it include all that is in your telegram, adding that if not included in "general principles of neutralization," it certainly is in obligation of parties under treaty. With this addition he would approve and thinks could carry it through. Certainly this would get rid of all obnoxious features of eighth article, C B, and of British minister of foreign affairs, 3A, and put in their place substantially what you propose.

CHOATE.

From this letter it clearly appears that our ambassador, who, under the instructions of our Secretary of State, Mr. Hay, negotiated this treaty, understood that freedom of passage and equality of terms were included in the expression "general principles of neutralization," and was not limited to technical neutrality.

I now read another letter from Mr. Choate to Mr. Hay, dated September 21, 1901, marked "Private and confidential," which appears in said Senate Document 474, beginning at page 40:

[Private and confidential.]

SEPTEMBER 21, 1901.

DEAR COL. HAY: In re canal treaty. I regret to say that Lord Lansdowne, who left on the 17th for Ireland, has not as yet been accessible for a conference, and I fear will not be until October. He was to have come on the 19th to attend the service at the abbey, but unfortunately he had another sharp attack of sciatica, which prevented. Both Lord Pauncefote and I had hoped that he would come and remain here a few days to enable us to advance, if not to dispose of, this important matter. But I have had a full discussion of the matter with Lord Pauncefote, which has, I think, materially advanced it and which resulted in my confidential cipher cable of yesterday, of which I inclose a copy. It is needless to say that I found Lord Pauncefote very reasonable. I pressed upon him your great desire, if possible, to restore clause 1 of article 3 to the form you originally proposed, eliminating Lord Lansdowne's amendment altogether, except the clause as to just and equitable charges and conditions. But he thought the idea of amending it had gone too far to dispense with it altogether. He had sent to Lord Lansdowne your letter to him of September 2, and both he and I thought that the best that could be done was what you there propose, viz, to strike out after "nations" the words "which shall agree to observe" and substituting therefor "observing," and in the next line to strike out the words "any nation so agreeing" and to substitute therefor "any such nation."

As to article 3A, proposed by Lord Lansdowne, Lord Pauncefote realizes, I think, the full force of our objections to it, as I stated them to him before and repeated to you in my previous letter. I told him emphatically that meaning to get rid of the Clayton-Bulwer treaty altogether we did not want to have article 8 of that treaty fossilized upon us for ever in a more petrified form, and as we are now and all future interoceanic communications with these crystallized rules, dissenting with any future negotiation about the matter when it should arise at some distant day. I told him how you and President Roosevelt had raised the same objection on first reading Lord Lansdowne's paper, and without a word from me yet received. Rather to my surprise he yielded very readily on the point of the future canal or other interoceanic communication, which, to my mind, was the worst part of it. I said that if we had relieved two possible routes for a canal were, he was satisfied, the Panama route and the Nicaragua route; and that the Panama route was so hedged about by many treaties with several powers and such delicate questions that nothing in the direction of our wishes could be done, and that it was sufficient in this treaty to provide for the Nicaragua route. This I thought a decided advance. He no longer insisted upon the words "or other change of circumstances" as affecting the treaty, against my insistence that there might be changes of circumstances which would affect or even nullify a treaty; that there was such a principle of international law which we can invoke, but which no one can say of what circumstances might be is not determined, nor was it easy to foresee what change of circumstances might come upon the United States in the next hundred years. But he said they could not give up article 3A altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal that ran through American territory only; and he again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it, that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed, of the territory on both sides of the canal becoming ours, the canal, its neutrality, its being free and open to all nations on equal terms should not be thereby affected; that without securing this they could not justify the treaty either to Parliament or the public; that the preamble which had already passed the Senate was not enough, although he recognized the full importance of the circumstance of its having so passed.

I then called his attention to your article 4 in your letter, which did seem to me to cover all that we now claimed and insisted on. He said no; that it only preserved the principle of neutralization, which, it might be insisted on, did not include freedom of passage for all nations and equality of terms, and that without an explicit provision, which should leave that freed from doubt, he could not expect to sustain it before the Parliament and people. I insisted that these ideas were already included in your 4, i. e., within the words "the general principle of neutralization," especially in the light of that phrase as used in the preamble, where it is "neutralization established in article 8 of the Clayton-Bulwer treaty"; that if not included within that it certainly was in the phrase "obligations of the high contracting parties under this treaty," for what could be clearer than our obligation by article 3 to keep it open and on terms of equality as provided there, and what your 4 meant was that no change of territorial sovereignty should affect any of the obligations of the present treaty, including that. He still insisted that it should not be left to the construction of general clauses, but should be explicitly stated. Believing, as I do, that you had no thought of escaping from the obligations of article 3, clause 1, in any such contingency as change of territorial sovereignty, and that you had intended it to be included in your language in 4, I wrote down the words "or the freedom of passage of the canal to the vessels of commerce and of war of all nations on terms of entire equality and without discrimination, as provided by article 3," and asked him if those words were added to your 4 it would satisfy him as a substitute for Lord Lansdowne's 3A. He said it would, and that with those words added he thought it would, he should feel, before Parliament and the British public; that he should approve it, and he thought Lord Lansdowne could and would, although it would have to be submitted to the cabinet or to a majority of its members. This seemed to bring the matter to a very satisfactory point so far as we could go, and I agreed to cable our result to you, in the hope of getting your approval before he submitted it to Lord Lansdowne. I did not give him the words I wrote on paper, but said I would cable them to you. (MEMO.—I observe that in the brevity of my cable I omitted the words "and without discrimination," but I don't see that the omission affects the meaning at all, as it is all included in the words "on terms of entire equality, as provided by article 3." But if on reading this you think it does make a difference, please cable me.) It still looks to me most propitious for a satisfactory conclusion being reached.

Yours, very truly, JOSEPH H. CHOATE.

From this letter it is perfectly evident that Lord Lansdowne, with whom our ambassador, Mr. Choate, was negotiating, under instructions from our Secretary of State, Mr. Hay, insisted that he must have—

something to satisfy Parliament and the British public that in giving up the Clayton-Bulwer treaty they had retained and reasserted the "general principle" of it, that the canal should be technically neutral and should be free to all nations on terms of equality, and especially that in the contingency supposed, of the territory on both sides of the canal becoming ours, the canal, its neutrality, its being free and open to all nations on equal terms should not be thereby affected; that without securing this they could not justify the treaty either to Parliament or the public; that the preamble which had already passed the Senate was not enough, although he recognized the full importance of the circumstance of its having so passed.

Mr. Choate further describes how Lord Lansdowne, in objecting to article 4 as proposed by Mr. Hay, had stated that—

it only preserved the principle of neutralization, which, it might be insisted on, did not include freedom of passage for *all nations* and *equality of terms*, and that without an explicit provision, which should leave that freed from doubt, he could not expect to sustain it before the Parliament and people.

Mr. Choate states that, replying to Lord Lansdowne, he had insisted that those ideas were already included in Mr. Hay's article 4, that is—

within the words "the general principle of neutralization," especially in the light of that phrase as used in the preamble, where it is "neutralization established in article 8 of the Clayton-Bulwer treaty"; that if not included within that it certainly was in the phrase "obligations of the high contracting parties under this treaty," for what could be clearer than our obligation by article 3 to keep it open and on terms of equality as provided there, and what your 4 meant was that no change of territorial sovereignty should affect any of the obligations of the present treaty, including that. He still insisted that it should not be left to the construction of general clauses, but should be explicitly stated.

It is perfectly clear to any person who is trying to ascertain the true meaning of this treaty, as evidenced by the written statements of the negotiators at the time it was made, that all nations should use the canal upon terms of entire equality, and, in view of what has taken place recently, Lord Lansdowne was entirely justified in insisting that the treaty should specifically state that that equality was to apply to all nations, and he was also wise enough to anticipate that some persons who wanted to get a special advantage for this country might claim that the general principle of neutralization, as described in article 8 of the Clayton-Bulwer treaty, meant only technical neutrality in the sense that the canal was not to be fortified or was to be neutral in time of war, and did not include what the negotiators clearly intended to include—to wit, equitable and equal terms to all.

Mr. Choate, on April 13, 1914, wrote to Senator O'GORMAN, the chairman of the Committee on Interoceanic Canals, a letter which appears on page 264 of the hearings before the Committee on Interoceanic Canals of the Senate, Sixty-third Congress, second session, entitled "Panama Canal Tolls," in relation to H. R. 14385. The letter is as follows:

DEAR SENATOR O'GORMAN: As I am unavoidably prevented from accepting the courteous invitation of your Interoceanic Canals Committee for to-morrow, I avail myself of your kind permission to submit anything of mine not already published that might throw light on the pending question.

I, accordingly, with the express permission of the Secretary of State, submit to your committee the inclosed copies of letters written by me to Secretary Hay between August 3 and October 12, 1901, giving step by step the negotiations between Lord Lansdowne and Lord Pauncefote and myself in regard to the Hay-Pauncefote treaty.

These, if carefully perused, will, I think, be found to confirm my view that the clause in the Panama Canal act, exempting our coastwise shipping from tolls, is a clear violation of the treaty.

With great respect, most truly yours, JOSEPH H. CHOATE.

Hon. JAMES A. O'GORMAN, *Chairman.*

Mr. Choate was the man who negotiated the treaty and corresponded with the Secretary of State about what every word meant that he put into it, and he and Mr. Hay agreed that they intended that the United States should be bound by its own rules.

It will be remembered that article 3 of the Hay-Pauncefote treaty states that the bases of the neutralization of such ship canal are the following rules, substantially as embodied in the convention of Constantinople, signed the 29th of October, 1888, for the free navigation of the Suez Canal. Article 12 of the treaty of Constantinople, therein referred to, is as follows:

The high contracting parties, by application of the principle of *equality* as regards the free use of the canal, a *principle* which forms one of the *bases* of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements in which may be concluded. Moreover, the rights of Turkey as the territorial power are reserved.

It appears, therefore, that the "principle of equality as regards the free use of the canal forms one of the bases" of the treaty of Constantinople for the free use of that canal.

The great chairman of the Senate Committee on Foreign Relations, Senator Cushman K. Davis, of Minnesota, in his report of the first Hay-Pauncefote treaty, which report was Senate Document 268, Fifty-sixth Congress, first session, gives his view of this principle of equality and of the treaty of Constantinople. He states:

No American statesman, speaking with official authority or responsibility, has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people. They have all, with one accord, declared that the canal was to be neu-

Senate Document 474, Sixty-third Congress, second session, entitled "Diplomatic History of the Panama Canal":

[Personal—Not of record—Original not in department files.]

DEPARTMENT OF STATE,
Washington, December 12, 1901.

MY DEAR MR. CULLOM: The treaty with England in respect to the construction of a ship canal between the Atlantic and Pacific Oceans, which the President has sent to the Senate, is the result of careful negotiations conducted between the two Governments since the receipt of Lord Lansdowne's dispatch of the 22d of February last, whereby His Majesty's Government declined to accept, for the reasons therein stated, the former convention of February 5, 1900, as amended by the Senate on the 20th of January, 1901. Under the instructions of the President I have signed on behalf of the United States the treaty now prepared.

The Clayton-Bulwer treaty of 1850, which contemplated the construction of a canal under the joint auspices of the two Governments, to be controlled by them jointly, its neutrality and security to be guaranteed by both, was almost from the date of its ratification the subject of frequent discussion and occasional irritation between the two Governments. Nearly half a century elapsed without any step being taken by either toward carrying it into practical effect by the construction of a canal under its provisions. Instead of being, as was intended, an instrument for facilitating the construction of a canal it became a serious obstacle in the way of such construction. In the meantime the conditions which had existed at the time of its ratification had wholly changed. The commerce of the world had multiplied many fold. The growth of the United States in population, resources, and ability had been greater still. The occupation and development of the Pacific coast and its commercial necessities upon the Pacific Ocean created a state of things hardly dreamt of at the date of the treaty. At last the acquisition of the Hawaiian and the Philippine Islands rendered the construction of the canal a matter of imperative and absolute necessity to the Government and people of the United States, and a strong national feeling in favor of such construction arose, which grew with the progress of events into an irrevocable determination to accomplish that object at the earliest possible moment.

The incident of one of our great ships of war lying in the North Pacific, being ordered to join our fleet in the West Indies in time of actual war, and being obliged for that purpose to round Cape Horn, when through an isthmian canal she could in much less than half the time have reached the scene of action in which she was destined to take part, was an unanswerable illustration of the urgent and immediate need of such a canal for the protection and safety of the interests of the United States. But the Clayton-Bulwer treaty stood in the way. Great Britain did not manifest, and it is believed did not entertain, the remotest idea of joining or aiding in such a work. The United States was able to bear alone the entire cost of the canal, but was apparently prohibited by the existing treaty from undertaking the enterprise which, although carried out at its own expense, would redound to the benefit of the world's commerce quite as much as to its own advantage. The President, loyal to treaty obligations, was unwilling to countenance any demand, however widespread, for proceeding with the construction of the canal until he could obtain by friendly negotiation, on which he confidently relied, the consent of Great Britain to the abrogation of the Clayton-Bulwer treaty, or such a modification of its terms as would enable the United States untrammeled to enter upon the great work whose successful accomplishment was vitally necessary to its own security, and would benefit the people of all other nations according to their respective interests in the commerce of the world.

Such was the situation in which the negotiations for the supersession of the treaty were commenced and have been conducted, and we can not but recognize the fair and friendly spirit in which the successive overtures of the United States toward that end have been met by Great Britain. It has been my firm and constant hope throughout these negotiations that a solution of this difficult and important question between the two Governments would finally be reached which, instead of disturbing the amicable relations which have recently existed and ought always to exist between the United States and Great Britain, would make them more friendly still, and I believe that the treaty now presented, if finally established, will have this desired effect.

It is unnecessary to recall the discussions and negotiations which resulted in the making of the treaty of February 5, 1900, its deliberate consideration by the Senate, the amendments proposed by that body as a condition of its ratification by the United States, and its rejection as so amended by the British cabinet.

In rejecting the amended treaty, in the memorandum of February 22, 1901, Lord Lansdowne gave evidence of the sincere desire of His Majesty's Government to meet the views of the United States and earnestly deprecated any final failure to come to an understanding on this important subject.

Reciprocating these friendly intentions and determined, if possible, to devise a form of treaty which should reconcile the conflicting views which had proved fatal to that of 1900, I prepared and submitted to Lord Pauncefote in March last, for the consideration of his Government, a project for a treaty which, after long and careful consideration and negotiation, has been so perfected as to receive the approval both of the President and of the British Government in the form now presented.

The points on which there was failure to agree in the former treaty consisted of the amendments proposed by the Senate and were three in number:

First. The insertion of the clause relating to the Clayton-Bulwer treaty "superseding" the same.

Second. The addition of the clause providing that the stipulations and conditions of the first five clauses of the third article, as to the neutrality of the canal, should not "apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order"; and

Third. The omission of the invitation to other powers to adhere to the treaty when ratified.

Although on all three of these important points the opposing views of the Senate and of the British Government were most emphatic, I deemed it not impossible that a project might be framed which would satisfy both, without a sacrifice of any essential principle on either side, and that the supreme importance of the end in view would justify the attempt.

In the new draft of treaty the clause superseding the Clayton-Bulwer treaty was made the subject of a separate article and was submitted to the consideration of the British Government upon terms which would permanently secure the neutrality of the canal for the use of *all nations* on terms of *entire equality* and at the same time would relieve Great Britain of all responsibility and obligation to enforce the conditions which, by the former treaty, had been imposed upon or assumed by her jointly with the United States. And to this end, instead of that provision the United States alone adopted them and undertook the whole of that burden.

Second. No longer insisting upon the language of the amendment, which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed when necessary to secure its own defense—which the Senate had apparently deemed necessary because of the provision in rule 1 that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties or between the United States and any other power would have the ordinary effect of war upon treaties and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent and to protect it by whatever means might be necessary.

Third. While omitting to invite other nations to adhere to the treaty when ratified, and so to acquire contract rights in the canal, it was thought that the provision that the canal should be free and open to all nations on terms of entire equality, now that Great Britain was relieved of all obligation to defend such neutrality, would practically meet the objection which had been made by Lord Lansdowne to the Senate's third amendment, viz, that Great Britain was thereby placed in a worse position than other nations in case of war.

Fourth. In view of the facts that the enormous cost of constructing the canal was to be borne by the United States alone; that when constructed the canal was to be the property of the United States, to use, and to be managed, controlled, and defended by it; and that now by the new project the whole burden of maintaining its neutrality and security was thrown upon the United States, it was deemed fair to omit the prohibition contained in the former treaty forbidding the fortification of the canal and the waters adjacent.

Fifth. The sixth clause of article 3 was retained, which provides that "in time of war as in time of peace" the canal "shall enjoy complete immunity from attack or injury by belligerents, in the belief that such a provision was in the general interest of commerce and civilization, and that all nations should and would regard such a work as sacred under all circumstances.

With the exception of the changes above enumerated, which were made to reconcile conflicting views, care was taken to preserve in the new draft the exact language which had already been twice agreed upon without objection, and so far as known without criticism. The draft of the new treaty was transmitted by Lord Pauncefote to Lord Lansdowne, and the treatment by him manifested a most conciliatory spirit and an earnest desire to reach a conclusion which should be satisfactory to the United States. If this could be done without departing from the great principle of *neutrality*, including the use of the canal by *all nations* on *equal terms*, for which Great Britain had always contended.

After months of careful deliberation he announced the readiness of himself and his colleagues to approve the form and substance of the new treaty, with certain amendments hereinafter referred to. He recognized the important bearing upon all the questions involved of the change by which Great Britain was to be relieved of all the burden and responsibility of maintaining the neutrality and security of the canal, which were to be wholly assumed by the United States as the owner of this great work of public improvement built at its own cost. He considered that the abrogation of the Clayton-Bulwer treaty, which had been inserted by way of amendment in the former treaty without any previous opportunity for consideration of the matter by Great Britain, would not now be regarded as indispensible if sufficient provision were made in the new treaty for anything in the Clayton-Bulwer treaty which it was any longer of material interest to Great Britain to preserve.

In this connection he referred to the fact that the new treaty contained no stipulation against the acquisition of territory or control of territory through which the canal should pass, and that, although the former treaty as approved by Great Britain before its amendment by the Senate had contained no such stipulation, it had left undisturbed that portion of article 1 of the Clayton-Bulwer treaty by which the two Governments agreed that neither would ever occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; and also to article 8 of the Clayton-Bulwer treaty, which is referred to in the preamble of the new treaty and in that of the original treaty of February 5, 1900, as amended by the Senate, as establishing the "general principle" of neutralization which was not to be thereby impaired.

It was claimed that if Great Britain were now to be called upon to surrender the interests and the privileges thus secured by what remained of the Clayton-Bulwer treaty, there should be, in view of the character of the treaty now to be concluded and of the "general principle" of neutralization thus reaffirmed in the preamble, some clause inserted agreeing that no change of sovereignty or other change of circumstances in the territory through which the canal is intended to pass shall affect such "general principle," or release the parties, or either of them, from their obligations under this treaty, and that the rules adopted as the basis of neutralization shall govern so far as possible all interoceanic communication across the Isthmus. He therefore proposed, as an additional article, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Clayton-Bulwer treaty the following, viz:

"In view of the permanent character of this treaty, whereby the 'general principle' established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communication across the Isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall affect such general principle or the obligations of the high contracting parties under the present treaty."

The clause so proposed was regarded by the President as more far-reaching than the purpose demanded and as converting the vague and indefinite provisions of the eighth article of the Clayton-Bulwer treaty—which only contemplated future treaty stipulations to be entered into when any other route should prove to be practicable—into a very definite and certain present treaty which would fasten the crystallized rules of this treaty upon every other interoceanic communication across the Isthmus; and as perpetuating in a much stricter

and more definite and more extended form, by a revision and recasting of the eighth article, the objectionable effects of the Clayton-Bulwer treaty, of which it was the desire and hope of the United States to be relieved altogether.

The President considered that now that a canal between the two oceans was actually about to be built, it was sufficient for the treaty now to be concluded to provide for that alone; that there was hardly a possibility of more than this one canal ever being built between the two oceans; that it was therefore premature and almost impossible contingency the rules and principles governing the use and status of the canal to be constructed under this treaty would be regarded as precedents for the consideration of the parties if they should be approved and sanctioned by experience and by the judgment of the commercial nations; but that for the present a convention for the building of one canal at the cost of the United States for the equal benefit of the nations of the world could be safely attempted. He only was willing but earnestly desired that the "general principle" of neutralization referred to in the preamble of this treaty and in the eighth article of the Clayton-Bulwer treaty should be perpetually applied to this canal. This, in fact, had always been intended upon by the United States. He recognized the entire justice and propriety of the demand of Great Britain that if she was asked to surrender the material interest secured by the first article of that treaty, which might result at some indefinite future time in a change of sovereignty in the territory traversed by the canal, the "general principle" of neutralization as applied to the canal should be absolutely secured, and that a clause should be added to the draft treaty by which the parties should agree that no change of sovereignty or of international relations of the territory traversed by the canal should affect this general principle or the obligations of the parties under this treaty.

These views were the substance submitted to Lord Lansdowne on the part of the United States, and after considerable discussion and deliberation the following additional clause, to be known as article 4 of the new treaty, was agreed upon as a substitute for that proposed by him:

"It is agreed that no change of territorial sovereignty, or of the international relations of the country or countries traversed by the before-mentioned canal, shall in any way impair the general neutralization or the obligations of the high contracting parties under the present treaty."

It transpired, in the course of the discussion already referred to, that although the draft of the new treaty mentioned no particular route which the canal should traverse, there was an apprehension that, as the canal had been so often referred to as the Nicaragua Canal, and the intended treaty as the Nicaragua Canal treaty, it might possibly be claimed that it would not apply to a canal by the Panama route or by any other route, if any such should be selected. But it had always been the purpose of the President that the treaty should apply to the canal which should be thus built, by whichever or whatever route, and when this apprehension was communicated to the President, he declared such to be his purpose, and, to exclude all doubt, it was agreed that the preamble should be amended by inserting, after the word "oceans," the words "by whatsoever route may be considered expedient."

His Majesty's Government recognized the material importance of the changes from the former treaty as amended by the Senate, by the omission of the Senate amendment that the first five rules of neutrality should not apply to measures which "might be found necessary to take for securing by its own forces the defense of the United States," and by the omission, as an offset thereto, of the rule "in time of war as in time of peace" from rule 1, and of the stipulation prohibiting the erection of fortifications commanding the canal or the waters adjacent. These changes, in the first place, removed what Lord Lansdowne had criticized as a dangerous ambiguity in the former treaty as amended, of which one clause permitted the adoption of defensive measures, while another prohibited the erection of fortifications.

The obvious effect of these changes is to reserve to the United States, when engaged in war, the right and power to protect the canal from all damage and injury at the hands of the enemy, to exclude the ships of such enemy from the use of the canal while the war lasts, and to defend itself in the waters adjacent to the canal, also same as in any other waters, without derogation in other respects from the principles of neutrality established by the treaty; and it was clearly recognized by His Majesty's Government "that contingencies may arise when, not only from a national point of view but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures in defense of the canal at a moment when they were themselves engaged in hostilities."

The omission of the words in the former treaty by which Great Britain was bound jointly with the United States to maintain the neutrality so established, His Majesty's Government to waive their former objection, instead upon under the former treaty as amended by the Senate, to an agreement which permitted the United States in time of war to apprehend war to interfere with the canal or its use as its interests might require, while Great Britain alone, in spite of her vast commercial interests, was precluded from taking any measures to secure her interests in or near the canal. By the omission of the words "in time of war as in time of peace," in the event of the remote and well-nigh impossible contingency of a war between the United States and Great Britain, each party is remitted to its natural right of self-defense; but, even in that emergency, by force of the sixth clause of article 3—which is the only clause in the treaty by its terms expressly applying in time of war as in time of peace—the plant, establishment, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, and shall enjoy complete immunity from attack or injury by the enemy, and from acts calculated to impair their usefulness as part of the canal.

Finally, the absence from the draft treaty of any provision for the adherence of other powers was at first strenuously objected to by the British Government. It protested against being bound by stringent rules of neutral conduct not equally binding upon other powers, and to remedy this inequality it proposed to insert after the word "nations," of the words "which shall agree to observe these rules," so as to make it read that "the canal shall be free and open to the vessels of commerce and of war of all nations who shall agree to observe these rules, on terms of entire equality, so that there shall be no discrimination against any nation so agreeing," etc.

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the people of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be; that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty, as if it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

It was further insisted that the proposed provision was much more objectionable than the third article of the former treaty, which was struck out by the Senate, for that only invited the other powers to come in as parties to the contract after ratification. But the proposed provision would rather contact the other powers to come in and agree in the first instance as a condition precedent to any use of the canal by them.

These views were appreciated, and a modification suggested on the part of the United States to Lord Lansdowne's proposed amendment was accepted which omits the words "which shall agree to observe" and substitutes for them the word "observing," and omits the words "so agreeing" and inserts the word "observing," and omits the words "so agreeing" and inserts "such," before "nations," in the next line, so as to make the provision read: "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation," etc. Thus the whole idea of contract right disappears, and any nation whose ships refuse or fail to observe the rules will be deprived of the use of the canal.

The further amendment proposed by Lord Lansdowne, and taken from the eighth article of the Clayton-Bulwer treaty, that the conditions and charges of traffic on the canal shall be just and moderate was so obviously reasonable that it was accepted by the President as soon as suggested.

I am, etc.,

JOHN HAY.

In this letter Mr. Hay distinctly states that other powers—

must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty, as if it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they [the other nations] were bound by them was that they must comply with them if they would use the canal.

I read also the letter of Mr. Joseph H. Choate to Secretary Hay, dated August 16, 1901, which appears in said Senate Document 474, beginning with page 31:

DEAR COL. HAY: I have your kind letter of the 5th [not on State Department files], and was much pleased to know that I correctly understood your views about your project of treaty, which you sent for my information in your previous letter of April 29.

On Tuesday last I had from Lord Lansdowne's hands a copy (printed) of the private memorandum, without date, which has been sent to you by Lord Pauncefote. At our next interview, on the following day, he asked me if I had read it and what I thought of it. I told him that I admired the friendly spirit and evident desire to agree which were manifest on the face of the paper. But I told him there were two points which I apprehended very seriously would delay ratification. First, his new article 3A is much more definite and certain than the eighth article of the Clayton-Bulwer treaty, and I should anticipate objection on our side on that account. I called his attention to the fact that while the preamble of the Clayton-Bulwer treaty limits the object and subject of the treaty to the Nicaragua route and the eighth article carefully avoids the use of the word "neutrality," but merely agrees to extend to "protection" of the two Governments to other routes, and that in granting such joint "protection" the understanding is that canals by another route shall be open on equal terms to the subjects and citizens of the two nations and of every other State which is willing to do the same "protection." All of which was extremely vague and uncertain, and omitted the "guaranty of neutrality"; that wanting to get rid of the Clayton-Bulwer treaty altogether, we shouldn't expect to make any part of it by a new convention stronger than it was before. Whereas his new article 3A makes the eighth article a great deal stronger than it was before, and saying nothing about "protection," which is, of course, inapplicable to a canal wholly American, fastens the rules of neutrality of article 3, which he calls "stringent rules," upon all future routes. He said he thought article 8 of the Clayton-Bulwer treaty clearly inferred neutrality. But I said it was only an inference—the word used was "protection." (I know that the "general principle" referred to in the eighth article is recited in the preamble of the Hay-Pauncefote treaty and of your new "project" and of his amended draft as the "general principle" of neutralization, but it seems to me there is no reason why we should make it any stronger than it was and define in advance the exact rules to be applied to any future canals. However, as no more than one canal will ever be built, you may not think it worth while to take any such point.)

Secondly, I told him that I thought his amendment of the first clause of the third article, inviting upon bringing in other nations as parties to the agreement after the Senate had struck out of the Hay-Pauncefote treaty the article inviting them to come in, would seem counter to the very strong conviction in the Senate, sustained, as I believe, by an equally strong and general popular conviction, that we ought not to accord to other nations any contract rights whatever in the canal which we were to build and own; that none of them, though invited, ever came in or offered to come in under the Clayton-Bulwer treaty; that at present they had no rights; that they must be content to rely on our national honor to keep the canal open to them, as declared in

tection to any other persons or company that shall be prepared to commence and proceed with the construction of the canal in question.

ARTICLE 8.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by canal or railway, across the isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

ARTICLE 9.

The ratifications of this convention shall be exchanged at Washington within six months from this day, or sooner if possible.

In faith whereof we, the respective plenipotentiaries, have signed this convention and have hereunto affixed our seals.

Done at Washington the 19th day of April, A. D. 1850.

JOHN M. CLAYTON. [L. S.]
HENRY LYTTON BULWER. [L. S.]

It was printed as Senate Document No. 85, Fifty-seventh Congress, first session.

It will be seen that the preamble of this treaty recites that the two powers—

being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the River San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, * * * have agreed to the following articles.

It will be further noted that the first article agreed to declares that neither power will ever obtain or maintain for itself any exclusive control over the said ship canal, nor take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

In article 5 it was provided that when the said canal shall have been completed they will protect it from interruption, seizure, or unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may be forever open and free, and that both Governments always understand that this protection and guarantee is granted conditionally, and may be withdrawn by both Governments or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls, and so forth.

By article 6 they agreed, among other things, as follows: And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention—namely, that of constructing and maintaining the said canal as a ship communication between the two oceans *for the benefit of mankind, on equal terms to all*, and of protecting the same, and so forth.

Article 7, among other things, provides that the two Governments shall give their support and encouragement to such persons or company as may first offer to commence the same, and on such principles as accord with the spirit and intention of this convention.

Article 8 provides that the Governments of the United States and Great Britain, having not only desired, in entering into this convention, to accomplish a *particular object*, but also to *establish a general principle*, they agreed to extend their protection to any other practicable communication, whether by canal or railway, across the isthmus, and especially to the interoceanic communications, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. It further provided that in granting their joint protection to any such canals or railways, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and—

that the same canals or railways being open to the citizens and subjects of the United States and Great Britain *on equal terms*, shall also be open *on like terms* to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

The attempt by the French company to construct the canal and its failure is a matter of history, but after the Spanish War the desire of the American people that the canal should be constructed, not only for commercial purposes, but for military purposes, became insistent. The length of time taken by our naval vessel, the *Oregon*, which was caught in the Pacific Ocean, in steaming around Cape Horn to the Atlantic coast, drew the attention of the country sharply to the value of a canal in the evolutions of our Navy.

Representations were made by the United States to Great Britain that it was the desire of this country that the canal should be constructed under the auspices of the Government of the United States, and on February 5, 1900, what is known as the first Hay-Pauncefote treaty was signed at Washington. The Senate advised and consented to this treaty with certain amendments, but as Great Britain declined to accept the treaty as amended by the Senate, ratifications were not exchanged, and the treaty was therefore inoperative. In its preamble this treaty provides that the high contracting parties being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed their plenipotentiaries.

Article 2 provides that—

the high contracting parties, desiring to preserve and maintain the "general principles" of neutralization established in articles 8 of the Clayton-Bulwer convention, adopt, as *the basis* of such neutralization, the following rules, substantially as embodied in the convention between Great Britain and certain other powers, signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal, that is to say—

and then rules were provided similar to those provided in the existing Hay-Pauncefote treaty.

Finally the existing Hay-Pauncefote treaty, the interpretation of which is largely the subject of this debate, was signed November 18, 1901, at Washington, and is as follows:

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the afore-mentioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 29th of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

ARTICLE 4.

It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, A. D. 1901.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

It will be noted that the preamble of this treaty provides that the parties thereto, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries, and so forth.

Now it will be noted that the object of this existing Hay-Pauncefote treaty is stated in the preamble to be to facilitate the construction of the canal and to that end to remove any objection which may arise under the Clayton-Bulwer treaty to the construction of such canal *under the auspices* of the Government of the United States *without impairing the "general principle" of neutralization* established in article 8 of the Clayton-Bulwer treaty.

Article 8 of the Clayton-Bulwer treaty had stated that the two Governments in entering into that convention desired not only "to accomplish a *particular object* but also to *establish a general principle*" and that to accomplish these purposes they extended their protection to the interoceanic communications which might be constructed and that the canals or railways being open to the "citizens and subjects of the United States and Great Britain *on equal terms* shall also be open *on like terms* to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

The Hay-Pauncefote treaty having recited in its preamble that its object was to remove any objection which might exist under the Clayton-Bulwer treaty to the construction of the canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty, it becomes necessary to inquire what the "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty was. It will be noted that the word "neutralization" is not used at all anywhere in article 8 of the Clayton-Bulwer treaty. The word "war" or "warlike proceedings" was not used anywhere in article 8 of the Clayton-Bulwer treaty. Article 8 states that the high contracting parties desired thereby not only to accomplish a particular object, which I suppose was the construction of the canal, but also to establish a "*general principle*," and to that end they agreed to extend their protection to the canal, and it is provided further on in said article that no other charges or conditions of traffic shall be imposed upon the canal than shall be "just and equitable" and that the canal being open to the "citizens and subjects of the United States and Great Britain *on equal terms*, shall be open on like terms" to others, and so forth.

for itself any exclusive control over the said ship canal; agreeing that the United States and Great Britain shall be free to afford their pro-

The "general principle" of neutralization established in article 8 of the Clayton-Bulwer treaty therefore has nothing whatever to do with neutrality in war. These words are not even mentioned in the article, and it is perfectly evident to me that the neutralization referred to in said article 8 refers to the charges and conditions of traffic as being just and equitable and that the canal shall be open on equal terms to all vessels.

The first article of the Hay-Pauncefote treaty provides that it shall supersede the Clayton-Bulwer treaty.

The third article provides that—

The United States adopts, as *the basis* of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople signed the 29th October, 1888, for the free navigation of the Suez Canal, that is to say: (1) The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The agreements for the protection of the canal in the Clayton-Bulwer treaty were made in articles 3, 5, 6, and 7, as well as in article 8; but article 8 is the only one in the entire treaty which speaks of the intention and purpose of the two Governments in entering into this convention as being "*to establish a general principle*," and, therefore, agreed to extend their protection to any other practicable communications across the Isthmus which connects North and South America by the way of Tehuantepec or Panama. It being—

Always understood that the same, being open to the citizens and subjects of the United States and Great Britain on *equal terms*, shall be open on like terms to the citizens and subjects of every other State—

And so forth.

When the Hay-Pauncefote treaty superseded the Clayton-Bulwer treaty, the joint protection was abolished and the United States assumed the sole protection of its own canal. When, therefore, the Hay-Pauncefote treaty was substituted for the Clayton-Bulwer treaty it stated in the preamble that its purpose was—

To remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States without impairing the "*general principle*" of neutralization established in article 8 of that convention.

The general principle of neutralization which was not to be impaired could not by any possibility have referred to anything else except "just and equitable charges or conditions of traffic" and "equality of terms," for that was all that was left in article 8 of the Clayton-Bulwer treaty after the joint protection provided therein had ceased and sole protection had been assumed by the United States.

Article 4 of the Hay-Pauncefote treaty provides that no change of sovereignty of the country traversed by the canal shall affect the "general principle of neutralization" under the present treaty. Article 3 states "the United States adopts, as the '*basis*' of the neutralization of such ship canal the following rules," the first of which is:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Article 18 of our treaty with Panama, made just two years after our treaty with Great Britain, on November 18, 1908, being the sole basis of our right to construct any canal at all at the Isthmus of Panama, being our title deed so to speak, provides:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

This treaty, the Hay-Bunau-Varilla treaty, was negotiated and signed by the same great Secretary of State, John Hay, who negotiated and signed the Hay-Pauncefote treaty. He knew what he intended, and he says we are bound by the rules we adopted in the treaty which he made with Great Britain. The first of these rules, which he himself wrote into the treaty, provides that the canal shall be—

open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination.

And so forth.

Now I read his letter to Senator Cullom, the chairman of the Senate Committee on Foreign Relations, at the time this very treaty was in that committee, and when Mr. Hay was explaining its meaning to the committee for the purpose of obtaining its recommendation to the Senate for favorable action. It is dated December 12, 1901, and is found beginning at page 53 of

Again I stated:

I never should have raised any treaty question at all, with the view that I entertain upon the subject. The fact that we had a note of a diplomatic character from Great Britain upon this question is absolutely immaterial and irrelevant to me, because, as I said, if Great Britain had never written such a note I would not be in favor of presenting this subsidy to these vessels.

There is another thing about this matter. I know we can have no trouble if we start in and charge every vessel for which we perform this special service. We can work on that theory for a year or two. If then Congress wants to remit the tolls, or is satisfied that it can lawfully give a preference to our domestic shipping, it can do it easily; but if it starts with free tolls, and it is desirable to put tolls on, it never will be possible to do it, in my opinion.

There is another thing I will say in passing. If it shall be the policy of Congress to grant free tolls to its ships in the coastwise trade, which have the monopoly of the market, I think it much more deserving to grant subsidies or free tolls to our shipping in the foreign trade, which has been almost wiped from the ocean, while our coastwise trade is profitable. I certainly would not permit that discrimination as between our two classes of shipping.

Later on, in a colloquy with the Senator from Massachusetts, I stated:

Article 3 of the Hay-Pauncefote treaty not only provides that it shall be on terms of entire equality as to tolls, but provides that—

"There shall be no discrimination against any nation, or its citizens or subjects, in respect to the conditions or charges of traffic or otherwise."

Now, it seems to me that if we are bound by that treaty, if the treaty applies to us, it is a discrimination for us to attempt to exempt our coastwise vessels from tolls in this sense: A British vessel, from Liverpool, via the canal to San Francisco, has to pay the tolls, while an American vessel, from San Francisco to New York, going via the canal, does not have to pay any tolls. If Great Britain has a market in San Francisco, we are able to have just that much preference in the retail prices or the wholesale prices there by the fact that our vessels go through the canal free, while theirs are charged, and it might result, if the margin was close enough, in transferring the trade from old England to New England.

Mr. President, so unalterably opposed was I to the discrimination in favor of American ships using the canal as against those of other nations that as has been seen from what I have quoted from the RECORD, I voted in favor of the amendment offered by the Senator from Ohio to strike from the bill that provision which exempted our vessels in the coastwise trade passing through the canal from the payment of tolls, and later on, as a member of the managers of the conference on the part of the Senate on the disagreeing action between the two Houses on the Panama Canal bill, I declined to sign the conference report, as did also Representative STEVENS of Minnesota, one of the managers on the part of the House. When the conference report was presented to the Senate, without my signature, I stated:

The country will be better off, in my judgment, if this conference report should not be accepted, but either recommitted or rejected. What would be quite sufficient to provide for all that we started to provide for in the opening and operation of this canal would be accomplished by a short resolution, which I send to the desk and ask the secretary to read.

This resolution was read by the secretary and appears on page 11062 of the RECORD, under date of August 16, 1912. The resolution was as follows:

Resolved, etc., That until Congress shall otherwise provide, the President is authorized, as the progress of work on the Panama Canal may seem to justify, to proceed with the organization and training of a competent force to man the locks and operate said canal when completed and ready to be opened for use and operation.

The President is also hereby authorized to establish facilities for the repair and supply of our own Government's vessels and such others as may use the canal, and to install wireless telegraphy, making such agreements with private wireless telegraph companies as may be necessary to secure freedom from interference, the cost of any of which may be paid from appropriations either for the construction or the maintenance and operation of the canal.

The President is further authorized to give public notice, by Executive order or proclamation, that the tolls to be charged vessels for passage through the Panama Canal shall not exceed $1.25 per ton, net registry measurement, or the equivalent thereof.

I then stated:

The only haste about this legislation or any of it was that involved in creating an operating force from the present skilled constructing force so that the services of the men engaged upon the work there now and familiar with it could be continued when the canal is opened and that they should not leave the Isthmus and the zone.

I stated further:

The only other feature that required immediate attention was the notification to the commercial world and those contemplating the construction of great ships, the completion of which will take about two years, that the tolls to be charged should not be beyond a certain sum, and upon that basis they could go ahead with their shipbuilding. The President in this resolution is authorized to notify them that the tolls shall not in any event be over a dollar and a quarter a ton, and then if it was anything less it would be to their advantage. Everybody would be safe. The canal could be completed, opened, and operated, and the community would be notified of the tolls. That is everything that was proposed to be contemplated in this legislation. The question of the revision of the courts down there and such minor questions can be determined at any time. In the meantime an investigation should be made of this whole subject of water and rail transportation, and justice could be done the subject by the Congress of the United States.

On August 16, 1912, the conference report by which this unfortunate legislation was enacted by Congress was agreed to by a vote of 48 to 18. Eighteen Senators on a yea-and-nay vote, as appears on page 11065 of the CONGRESSIONAL RECORD of that date, myself among the number, voted against the adoption of this conference report.

I will say there that I am not sure but that I was paired with the Senator from New York [Mr. O'GORMAN] against the bill. I was either paired against it or voted against it.

From what I have already said it is evident that I protested at the time this legislation was enacted to the best of my ability, over and over again, against its passage. I called attention to its economic folly, to its questionable legality, and to the international friction which it would probably engender. I prophesied the animosities which it would cause. I begged the Senate not to lift the lid of this Pandora's box of troubles, but all in vain. I gave warning that the path of exemption, discrimination, and favoritism was sown with dragons' teeth, both at home and abroad, but to no avail. Instead of confining itself to a bona fide disinterested attempt to ascertain the wisest economic policy and the true meaning and intent of our treaty obligations, Congress allowed itself to be overpersuaded by the pressure of the shipowners for special favors, by the importunities of commercial bodies in various sections of the country in their attempt to obtain unfair advantages from the use of the canal over other sections of the country, by the appeal to the hostility which exists in various quarters against the transcontinental railroads, and by the fact that the national convention of the Democratic Party was entrapped into a declaration upon this complicated subject upon which it was utterly ignorant. So much for the history of this legislation in the Sixty-second Congress.

On the 24th day of August, 1912, the day upon which this troublous bill was approved, Mr. SIMS of Tennessee, a Democrat in the House of Representatives, introduced in the House a bill which provided:

That so much of the act approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

And again, on March 9, 1914, the same Mr. SIMS introduced House bill 14385, the first section of which is identical with the bill which he had previously introduced, and the second section of which repeals another discrimination of the Panama Canal legislation. This bill was passed by the House on March 31, 1914, and is the bill now under consideration here, upon which a vote will soon be taken. I shall vote for this bill. It is in accordance with what I have always believed and advocated, both in the Committee on Interoceanic Canals and on the floor of the Senate and in the visits of inspection and investigation which I have made to the Isthmus of Panama and the Canal Zone.

The blunders of the Democratic convention and the swift changes of its membership upon this question, the various interpretations of its platform declarations, whether the Democratic Party has kept or betrayed its pledges to the people, whether the President of the United States meant what he said to his constituents in New Jersey and elsewhere while he was standing upon this platform, whether he has changed his mind, if he did believe what he said, whether he was right when he said what he did say or whether he is right now when he denies that what he said then was right, what the effect upon the Democratic Party of their varied and spectacular evolutions upon this question may be, whether the Democrats in the Senate who formerly voted to sustain their platform pledge and are now about to vote against it can explain their conduct satisfactorily to their constituents, what Democratic Senators now believe upon this question, whether any of them are about to change their votes without having changed their minds, or whether they had any opinions in the matter to change, are questions of entire indifference to me. My opinion and belief, conduct and record upon this entire question has been consistent from the beginning to the end. I believe now just as I believed in 1912, and it would make no difference whatever to me in casting my vote on this bill whether I stood with the majority or with the minority or alone. I may be mistaken in my belief about this question. I do not pretend to be infallible, but I do know when I have an opinion, and I must vote as I think. I am always ready to take whatever consequences may ensue upon having an opinion and expressing that opinion by my vote, and I am in this instance.

Mr. President, I am aware that this subject has been debated in both branches of Congress, in the press, in the magazines, and by eminent authorities all over the world; and I do not expect that much additional light can be thrown upon

the subject by further discussion. The time for action has nearly arrived. Before the final vote shall be taken I desire to say that a careful consideration of the debate which has been had on the treaty of November 18, 1901, commonly known as the Hay-Pauncefote treaty, and the diplomatic correspondence and other information supplied by the Department of State in reply to a resolution introduced by me and adopted by the Senate on April 14, 1914, and in reply to a resolution introduced by the Senator from Nebraska [Mr. HITCHCOCK] on the 23th of April, 1914, which information was printed by the Senate, entitled "Diplomatic History of the Panama Canal," and is known as Senate Document No. 474, Sixty-third Congress, second session, I am confirmed in my previous opinion that under the Hay-Pauncefote treaty the United States is not at liberty to discriminate in favor of the vessels owned by its citizens in respect of the conditions or charges of traffic or otherwise in the passage of said vessels through the Panama Canal.

The United States is an honest Nation. The vast majority of our citizens intends to keep its word. If this Nation has made a contract, the great majority of the people want to see the contract kept and not broken. I believe that the very interests who have demanded the exemption of our coastwise ships from the payment of tolls would not ask for this exemption if they thought it broke our contract. I do not believe that Senators here would vote to maintain this exemption if they thought it broke our contract. The question is, *Does* this exemption break our contract? To the ordinary person, who is not familiar with the way in which we obtained the authority to build the Panama Canal, it seems that we ought to be able to exempt our coastwise ships from tolls if we so desire. He is told that we are sovereign in the Panama Canal Zone; that we have an American canal there; that we have built it at an expense of over $400,000,000; that under the treaty we are, subject to the provisions of the present treaty, to have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal. And then he is asked the question, sometimes in a blustering and indignant manner, which is supposed to indicate a superior kind of patriotism on the part of the gentleman who propounds the inquiry: "Do you mean to say that having spent $400,000,000 in the building of this American canal we are to be dictated to by any foreign Government as to whether we shall charge our own ships or not; shall we surrender our sovereignty to a foreign nation?" And then the argument is supposed to be closed and the person who from a full reading of the treaty and thoughtful consideration of it and of the circumstances and diplomatic history of the last century which led up to the making of the treaty thinks otherwise is supposed to be convicted of treason against the United States.

Of course those familiar with the history of the question know that prior to the Mexican War Great Britain had a much longer coast line in North America than the United States did. Her maritime interests were infinitely greater. Her interests in the neighborhood of the Isthmus of Panama were much greater. The entire California coast belonged to Mexico. Great Britain controlled both the Atlantic and the Pacific coasts of the Dominion of Canada. She had possessions in the West Indies. She had a settlement and claim in British Honduras. She made a claim to the Mosquito territory which controlled the mouth of one of the rivers where it was expected the canal might some day be built. She possessed Greytown. Both the United States and Great Britain were opposed to the exclusive control of any canal across the Isthmus by any nation except itself. There was contention, bad feeling, and various attempts to get exclusive rights in the location where it was supposed the canal might finally be constructed. Finally on April 19, 1850, the Clayton-Bulwer treaty was executed. This treaty read as follows:

The United States of America and Her Britannic Majesty, being desirous of consolidating the relations of amity which so happily subsist between them, by setting forth and fixing in a convention their views and intentions with reference to any means of communication by ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean, the President of the United States has conferred full powers on John M. Clayton, Secretary of State of the United States, and Her Britannic Majesty on the Right Honorable Sir Henry Lytton Bulwer, a member of Her Majesty's most honorable privy council, knight commander of the most honorable Order of the Bath, and envoy extraordinary and minister plenipotentiary of Her Britannic Majesty to the United States, for the aforesaid purpose; and the said plenipotentiaries having exchanged their full powers, which were found to be in proper form, have agreed to the following articles:

ARTICLE 1.

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ARTICLE 2.

Vessels of the United States or Great Britain traversing the said canal shall, in case of war between the contracting parties, be exempted from blockade, detention, or capture by either of the belligerents; and this provision shall extend to such a distance from the two ends of the said canal as may hereafter be found expedient to establish.

ARTICLE 3.

In order to secure the construction of the said canal, the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local Government or Governments through whose territory the same may pass, then the persons employed in making the said canal, and their property used, or to be used, for that object, shall be protected, from the commencement of the said canal to its completion, by the Governments of the United States and Great Britain, from unjust detention, confiscation, seizure, or any violence whatsoever.

ARTICLE 4.

The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing or claiming to possess any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power. And furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal.

ARTICLE 5.

The contracting parties further engage, that when the said canal shall have been completed, they will protect it from interruption, seizure, or any unjust confiscation, and that they will guarantee the neutrality thereof, so that the said canal may forever be open and free, and the capital invested therein secure. Nevertheless, the Governments of the United States and Great Britain, in according their protection to the construction of the said canal, and guaranteeing its neutrality and security when completed, always understand that this protection and guarantee are granted conditionally, and may be withdrawn by both Governments, or either Government, if both Governments, or either Government, should deem that the persons or company undertaking or managing the same adopt or establish such regulations concerning the traffic thereupon as are contrary to the spirit and intention of this convention, either by making unfair discriminations in favor of the commerce of one of the contracting parties over the commerce of the other, or by imposing oppressive exactions or unreasonable tolls upon the passengers, vessels, goods, wares, merchandise, or other articles. Neither party, however, shall withdraw the aforesaid protection and guarantee without first giving six months' notice to the other.

ARTICLE 6.

The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to those which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree, that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any differences arise as to right or property or territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal, and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

ARTICLE 7.

It being desirable that no time should be unnecessarily lost in commencing and constructing the said canal, the Governments of the United States and Great Britain determine to give their support and encouragement to such persons or company as may first offer to commence the same, with the necessary capital, the consent of the local authorities, and on such principles as accord with the spirit and intention of this convention; and if any persons or company should already have, with any State through which the proposed ship canal may pass, a contract for the construction of such a canal as that specified in this convention, to the stipulations of which contract neither of the contracting parties in this convention have any just cause to object, and the said persons or company shall moreover have made preparations, and expended time, money, and trouble, on the faith of such contract, it is hereby agreed that such persons or company shall have a priority of claim over every other person, persons, or company to the protection of the Governments of the United States and Great Britain, and be allowed a year from the date of the exchange of the ratifications of this convention for concluding their arrangements, and presenting evidence of sufficient capital subscribed to accomplish the contemplated undertaking; it being understood that if, at the expiration of the aforesaid period, such persons or company be not able to commence and carry out the proposed enterprise, then the Governments of the United States and Great Britain shall be free to afford their pro-

been reported from the House committee and to substitute in lieu thereof a section containing the following provision, to wit:

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Five days later, to wit, on the 23d day of May, 1912, as appears on page 7019 of the RECORD, this Doremus amendment exempting our vessels engaged in the coastwise trade from the payment of tolls was adopted by a vote of 147 yeas to 128 nays. A majority of all the Democrats who voted voted against this amendment. Seventy-one Democrats voted for it and 91 Democrats voted against it.

On June 25, 1912, about a month after a majority of the Democrats voting in the House had voted against this amendment, the Democratic national convention met in Baltimore. At this time, and until after the adjournment of the Democratic convention, this Panama Canal bill had not been taken up for consideration by the Senate.

On July 2, 1912, the day of the adjournment of the Democratic national convention, 11 days before this bill had been taken up at all for consideration by the Senate, the convention adopted its platform of principles. Among other declarations it stated—

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal.

That platform further declared—

our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office, as well as relied upon during the campaign, and we invite the cooperation of all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country.

These "principles" declared to be "essential to our national welfare," these "pledges made to be kept when in office, as well as relied upon during the campaign," were reported to the convention by the junior Senator from Indiana, the majority leader of the Senate, and received the enthusiastic and unanimous approval of the convention. And why should they not? They were deemed so vital and fundamental that the platform proceeded to extend a courteous invitation, not to say an appeal, to "all citizens, regardless of party, who believe in maintaining unimpaired the institutions and traditions of our country," to cooperate.

It thus appears that 11 days before the Senate had begun the consideration of the bill, every Democratic Senator had been bound by the platform declaration of his party to the exemption from tolls of American vessels engaged in coastwise trade. The Democratic Party was about to enter upon the nation-wide presidential campaign, and had just formulated and unanimously adopted its platform defining the issues, and forthwith every Democratic Senator, unless he was prepared to repudiate his platform upon the threshold of the campaign, was estopped from exercising any judgment, reason, or discretion in the consideration of this grave question of national policy and national good faith.

On August 7, 1912, as appears on page 10396 of the CONGRESSIONAL RECORD of that session, the senior Senator from Ohio [Mr. BURTON] offered an amendment to strike out from the bill this provision exempting our coastwise vessels from payment of tolls, and not a single Democrat voted for it. This shows how effectually the platform declaration in favor of this exemption bound Democratic Senators.

As heretofore stated, the RECORD shows that a month prior to the meeting of the Democratic convention the Democrats in the National House of Representatives had voted 91 to 71 against this specific exemption. Of course the Democratic national convention had given no consideration whatever to this important question. The matter was not even alluded to on the floor. No evidence was taken, nor was any discussion had. There was no debate or argument of any kind in reference to the question. The platform declaration in favor of this exemption was interjected toward the end of the platform, between a denunciation of bounties and subsidies from the Public Treasury and a conventional approval of pure food and quarantine. The present Secretary of State, Mr. Bryan, who was the chief architect of both the platform and the candidate who until after the election stood upon it, as soon as he had recovered from his dazed condition and freed from the anesthetic, began to appreciate the effect of the operation to which he had been subjected—I will not say "the joker" which had been slipped over on him—forthwith denounced his own work as self-contradictory, absurd, and destructive of fundamental and historic Democratic doctrine.

Can any one explain why the Democratic convention, equally free from the slightest knowledge of either the canal question or the treaty obligations involved in it, flatly reversed the record made by its own party within a month in the House of Representatives and bound and gagged its party in this Senate in advance of any consideration whatever of the bill by this body? Did this excited and worn body of political delegates think that they were better qualified to investigate with knowledge and to determine in a judicial frame of mind these complicated and weighty questions than was the Congress of the United States? How many of those delegates had ever even heard of the Hay-Pauncefote treaty? How many of those who had heard of it had ever read it? How many of them knew of the evidence before the committees of each branch of the Congress?

The Senator from Kentucky [Mr. JAMES], who presided over the convention, has stated on this floor that this platform provision was adopted for the purpose of "driving this exemption through this Senate." He has violated no confidence in making that charge. It was perfectly patent and well understood at the time. The agents of the ship-subsidy hunters flocked about that convention like a cloud of bats. Their swift, silent circlings in the shadows were not visible. Their leathery wings were clad in silence, but carried them into the secret corners and centers of power. They operated in the inner circle where the mighty sat. They knew exactly what they wanted and they got it, while the mass of the delegates was allowed to refresh itself with the various amusements provided for such occasions.

The Senator from Kentucky further charged that the convention did not even know that a majority of the Democrats voting in the House had voted against the exemption. I have no doubt that was true; and, if so, it shows the ignorance of the membership of that convention upon the entire question.

The convention, having thus reversed the House and throttled the Senate, is now in turn reversed and repudiated by its former master and its candidate for the Presidency, and, indeed, if the public prints are to be credited, the great majority of the delegates themselves have reported to the Senator from Oklahoma [Mr. GORE] that they take great pleasure in reversing and repudiating themselves and their own solemn platform declaration. Was there ever such a record of blundering and tergiversation in the history of political acrobatics since government by parties began?

The Democratic convention adjourned on July 2, after having adopted its platform of fundamental Democratic principles, and on July 13, 1912, as appears on page 8990 of the CONGRESSIONAL RECORD of that session of Congress, the Senate voted to proceed to the consideration of the Panama Canal bill. It thereby became the unfinished business of the Senate, and so continued until its passage by the Senate on August 9, 1912, when the bill as amended by the Senate was passed.

The conference report on the disagreeing action of the two Houses, including the exemption which the bill now under consideration proposes to repeal, was agreed to on August 16, 1912.

On July 13, 1912, being the same day upon which the Senate voted to proceed to the consideration of the Panama Canal bill, I put into the RECORD a communication addressed to me as the chairman of the Committee on Interoceanic Canals, from the then Secretary of State, Mr. P. C. Knox, which communication was dated July 12, 1912. This letter called attention to a communication dated July 8, 1912, which had just been received from the British chargé d'affaires in relation to various proposals for exempting American shipping from the payment of tolls on vessels passing through the Panama Canal. This letter from Mr. Knox gave a résumé of the communication from the British chargé. It appears on page 8990 of the RECORD, Sixty-second Congress, Second session. Secretary Knox stated in this communication that the communication stated that—

With respect to the proposal that exemption shall be given to vessels engaged in the coastwise trade, the communication states that it may be that no objection could be taken if the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for American vessels, would be benefited by this exemption; but that it appears to His Britannic Majesty's Government that it would be impossible to frame regulations which would prevent the exemption from resulting in a preference to American shipping and consequently in an infraction of the treaty.

The Senate was therefore put upon notice upon the very threshold of the consideration of this legislation, that it would be impossible, in the opinion of the British Government, to prevent the exemption from resulting in an infraction of the Hay-Pauncefote treaty.

Mr. President, in the period of more than two months during which the bill was before the Senate in 1912 I implored the Senate time and again not to commit the monumental folly of opening this canal upon a discriminatory basis. I had voted against this exemption in the committee of which at that time I was the chairman. I believed this attempt to adopt a policy of favoritism to a special interest was wrong in principle, a false economic policy, without justification or excuse, uncalled for, unwise, and not needed by the special interest sought to

be aided. I felt also that it was in violation of our national treaty obligations. Such additional information as I have obtained since that time and such study and reflection as I have been able to devote to the subject have confirmed me in both these opinions.

On July 18, 1912, at page 9222 of the RECORD of that session, I said:

Of course to those who want to bestow the right of free passage through the canal upon American ships, either those engaged exclusively in the coastwise trade or also those engaged in the foreign trade, the question involved in the treaties is essential. While I have views about the treaties, those views do not enter into the determination of the question with me, because I do not want to confer free passage upon American ships of any kind. I have never had that in mind, and I think the canal commission has never had it in mind, as will appear in the testimony of Col. Goethals given before various committees, both on the Isthmus and here in Washington. They have always based their estimates of the receipts of the canal upon the theory that we were to charge every vessel that went through there what was stated under the treaty to be a just and reasonable price for the work done. So that while I have views about the treaties, they are merely academic questions with me, so far as my vote is concerned.

I take the view of this canal that it is a great undertaking of an international character, the Clayton-Bulwer treaty providing that it should be the joint project of Great Britain and the United States, and the Hay-Pauncefote treaty eliminating Great Britain as a joint partner in the enterprise and giving us exclusive jurisdiction of the control of the canal. I regard it—it being, of course, admittedly the greatest work of human hands in any age of the world's history—as having, so to speak, moved the Straits of Magellan approximately 4,000 miles to the northward.

It seems to me that the saving to the coastwise, the port-to-port trade of this country, conducted by American vessels, to which by this expenditure of $400,000,000, together with its maintenance and armament and defense forever, there will be added a canal 50 miles of 8,000 miles of travel and all the expense of fuel and maintenance and pay of crew involved in that shortening of time, is a sufficient favor to have been conferred by the General Government upon this particular interest, which already has the additional favor of an absolute monopoly in the coastwise trade.

When I stated as above, that while I had views about the treaties, they were merely academic questions with me, so far as my vote was concerned, of course I meant that inasmuch as I was opposed to exempting our vessels in the coastwise trade passing through the canal from tolls on economic grounds, that it was not necessary in the determination of my vote to consider the question of the treaty at all. The question as to whether we are prohibited by the treaty from exempting our vessels in the coastwise trade becomes material only when we propose to exempt them.

Subsequently, in the running debate during the passage of this Panama bill, I stated that it was my opinion, and I thought the opinion of most people whom I had heard discuss it, that all vessels ought to be charged, and I said:

The object of this legislation was to open the canal, start it running, charge all vessels alike, so much per ton, and, after a few years, basing action upon the experience of what will then have been the past, and what is now the prognostication for the future, have some firm facts under our feet upon which to stand and base our future course.

Again I said:

So I, from the beginning, have been in favor and still am in favor of making that canal as free of access to every vessel in the world as it may be. I am in favor of treating it as a great arm of the sea. I am in favor of giving it its broadest international significance, of administering it in a way not only to promote the commerce of the whole world and to induce more frequent coming to both our coasts by not only our own commerce but the whole world, but to administer it in a way, so far as possible, to secure the good will of the whole world and to avoid any international complications or animosities. I think that will be done if we shall proceed as I have indicated.

Later on I spoke as follows:

Mr. President, as I was saying some time ago, in view of these contending theories, in view of these differences of opinion about the treaties, in view of the fact that we can have no positive knowledge in advance of what is going to happen in the canal after it is open for business and business has gone on for a year or two, it seems to me the most sensible thing to do, the thing that certainly we could make no mistake about and never could be blamed for doing, would be to open the canal to all vessels that want to go through it and charge them all a just and reasonable price for the service we render to them in putting them through.

After operating the canal a year or two years and figuring up the amount of tolls received from the vessels, with some experience as to whether or not we might have to reduce the tolls to get the business as against our competitor, the Suez Canal, we would be in a better position to judge as to whether it was necessary to attempt to give—even if we could do so under the treaties—free tolls to American shipping or free tolls to American vessels engaged in the foreign trade, which, if we can give free tolls, need the free tolls and the help much more than the domestic shipping, which already has a monopoly of the market, secure from competition with foreigners, and is fairly prosperous at the present time.

On page 9232 of the RECORD of July 18, 1912, I put into the RECORD a quotation from page 26 of the hearings before the Senate Committee on Interoceanic Canals, being a part of the testimony of Dr. Emory R. Johnson, the President's special commissioner, who had made an exhaustive study of every question relating to the probable traffic through the canal, after access to all available statistics and information in relation to the movement of ships, and the experience and operation of all other canals of the world, with a view of advising the President and Congress what system of ship measurement should be adopted and what tolls should be imposed to secure the greatest trade and to make the canal as useful and profitable as possible. Dr. Johnson stated, among many other things:

The Panama Canal is a world highway; and certainly the use of that world highway by the shipping of other people than those of the United States should be charged for in proportion to the service rendered by the canal. When we come to American shipping there were two general problems involved. The canal will be the most expensive work that we have ever put through. The time has come, in my judgment, when we can not wisely continue indefinitely to finance such great public works as the Panama Canal out of the general budget, if revenues can be secured without limiting the usefulness of such a public work and without burdening the commerce that is benefited.

As I said in my introductory remarks, I do not believe a toll of 5 or 6 per cent of the freight rate will be burdensome or that it will restrict the use of the canal. It will be wise to adopt and adhere to business principles in our canal toll policy.

On August 6, 1912, at page 10296 of the RECORD, the Senator from Ohio [Mr. BURTON] offered an amendment proposing to strike from the bill the provision that—

No tolls shall be levied upon vessels engaged in the coastwise trade of the United States.

Upon this proposed amendment I stated:

Mr. President, of course that brings up the whole question whether coastwise trade shall be exempt from toll charges or not. That has been discussed a good deal by Senators in their general speeches on the bill.

I do not intend to take up more than one minute of the Senate's time.

I want to state that from the beginning I have been, and am now, in favor of the amendment proposed by the Senator from Ohio [Mr. BURTON]. I do not see any reason why a vessel engaged in the coastwise trade of this country that wants to get from the Atlantic to the Pacific Ocean, or the reverse, should have any right to come to that canal and say to the United States, which has already paid $400,000,000 for the construction of the canal: "Here, get to work. Burn up the coal you have bought with Treasury funds; maintain your operating force; transport me; not only give me the use of the waterway which you have provided at this enormous expense, as you would in the case of a harbor, but pay the expenses of transporting my vessel across the continent, and also insure me against any accident"—for, as the Senators who have read the bill know, it provides that the vessel must absolutely put itself in the hands of the operating force of the United States.

If any accident happens to it or damage results to it, the United States is responsible in damages for that vessel. I understand the claims that Senators make who believe the other way, but to me there is no moral claim whatever. Any shipping engaged in our coastwise trade, which already has a monopoly in the business, has bound the Government not only to spend the money collected in taxes from all the people in a special service to it, but also to guarantee it and insure it against damage if a vessel is injured. I am heartily in sympathy with the amendment of the Senator from Ohio.

Afterwards, replying to an inquiry of the Senator from North Carolina, I stated:

I will say that I do not consider this Panama Canal to be at all on a parity with our inland waterways. I see no analogy whatever between them but the fact that they are both waterways upon which ships sail. I do not regard it as a part of our coast line, as some Senators do. Two foreign countries intervene between our country and the canal. To my mind it is no more a part of our coast line than the Straits of Magellan would be. It is simply a question of degree as to the distance.

I continued:

The sole question with me is with what moral force does the appeal come to the Congress of the United States as representatives of our States here and the people from a private shipowner, who already has a monopoly of our coastwise trade, to appear from the Atlantic or Pacific Ocean and signal to the operatives of the canal upon which we have spent $400,000,000, the interest charge of which is some $11,000,000, the annual maintenance and operation of which is two and a half or three million dollars—with what right in equity does that man say to us: "You have saved me some 8,000 miles of travel around the Straits of Magellan, and you allow me to sail over this water as you would a harbor, but in addition to that I demand that you shall keep it equipped, that you shall go into the market and buy coal, that you shall carry it down there and burn it in running the machinery for my peculiar benefit, and I will keep the tolls, the amount of money which the service is worth to me."

Again I stated:

We had for years a Panama railroad down there, and it did, as far as it could, the same business that this canal is going to do, only the cargoes of ships had to be transferred from the ship to the railroad. We never put the cargoes of the ships through free on the railroad. On the contrary, we charged them for the service performed.

I stated further:

I have said upon a previous occasion that I do not think we can do it under the treaty. I am frank to say so. But, irrespective of the treaty, I do not think the proposition has any intrinsic merits of its own. If I were certain that we had the right to do it under the treaty, I should still be in favor of charging the ships for the people's money that we have burned up in putting them through. I think, even if I were willing to grant a ship subsidy, which this is to an extent, I would want it impartially distributed among our ships. If I were going to subsidize our coastwise trade, I should want a law so that any vessel in our coastwise trade could get its share; but if this be a subsidy, it is a subsidy which discriminates between that portion of our coastwise trade which goes through the Panama Canal and all the rest of it, and says that those vessels which go through the Panama Canal shall be subsidized and those which do not shall not.

By Mr. COADY: A bill (H. R. 17174) to pay the claim of the American Towing & Lightering Co. for damages to its tug *Buccaneer*; to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 17175) granting a pension to Ruth Wilson; to the Committee on Invalid Pensions.

By Mr. FERRIS: A bill (H. R. 17176) granting an increase of pension to Edwin E. Trazzare; to the Committee on Pensions.

By Mr. GILLETT: A bill (H. R. 17177) granting an increase of pension to Nelson W. Haskell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17178) granting an increase of pension to Albert T. Chapin; to the Committee on Invalid Pensions.

By Mr. KENT: A bill (H. R. 17179) granting an increase of pension to William T. Lambert; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 17180) granting an increase of pension to John R. Munshower; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 17181) granting an increase of pension to Elijah N. Cronan; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 17182) granting a pension to Samuel Wilson; to the Committee on Invalid Pensions.

By Mr. REILLY of Wisconsin: A bill (H. R. 17183) granting a pension to Kittie E. Farr; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Protest against the passage of prohibition measures, such as H. J. Res. 168, S. J. Res. 88, S. J. Res. 50, signed by Mr. Henry Hemmen, of St. Louis, Mo.; to the Committee on Rules.

Also (by request), resolutions of protest against the practice of polygamy in the United States, signed by the pastors of certain churches in the following cities: Alexandria, Pa.; Waseca, Minn.; Green Castle, Ind.; to the Committee on the Judiciary.

Also (by request), memorial of chambers of commerce of the United States of America, relative to Clayton antitrust bill; to the Committee on the Judiciary.

By Mr. AINEY: Petition of Sito Union Sunday School, Pleasant Valley Grange, of Dyberry, and citizens of Lebanon, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. AUSTIN: Petition of citizens of Norristown, Tenn., favoring an amendment abolishing practice of polygamy in the United States; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of All Aboard Bible Class of the Park Avenue United Brethren Church, Johnstown, Pa., favoring national prohibition; to the Committee on Rules.

Also, petition of city council of Bradford, Pa., favoring Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. BAKER: Petition of 280 citizens of Malton and citizens of New Jersey, favoring national prohibition; to the Committee on Rules.

By Mr. BALTZ. Petitions of citizens of Monroe County, Ill., against national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petition of Tariff Reform Committee of the Reform Club, favoring repeal of canal-tolls exemption; to the Committee on Interstate and Foreign Commerce.

Also, petition of New York State Society of San Diego County, Cal., favoring passage of Kettner bill, H. R. 15733, providing for the participation by the United States in the Panama-California exposition; to the Committee on Industrial Arts and Expositions.

Also, petition of Carnes Artificial Limb Co., Kansas City, Mo., relative to prices of artificial arms and hands (H. R. 5174); to the Committee on Interstate and Foreign Commerce.

Also, petition of Executive Council of the American Federation of Labor, favoring the passage of the seamen's bill, S. 136; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Federal Civil Service Society, State of New York, favoring passage of House bill 5322, employers' liability act; to the Committee on the Judiciary.

Also, petition of the Manufacturers and Dealers' League of New York, Moeller & Polls Co., London Wine & Spirit Co., the Francis Perot's Sons Malting Co., and J. H. Disler, all of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petitions of sundry citizens of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of churches representing 1,000 citizens of Milwaukee, Wis., favoring national prohibition; to the Committee on Rules.

By Mr. COLLIER: Petition of 950 citizens of Vicksburg and 50 of Flora, Miss., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry voters of Vicksburg, Miss., protesting against national prohibition; to the Committee on Rules.

Also, petitions of citizens of Vicksburg, Miss., against national prohibition; to the Committee on Rules.

By Mr. CONNELLY of Kansas: Petitions for national constitutional prohibition of 9 persons of Burr Oak, 100 of Goodland, 60 of Esbon, 150 of Selden, 65 of Otego, 50 of Phillipsburg, 125 of Logan, 75 of Glade, 80 of Agra, 223 of Russell County, 162 of Russell City, 115 of Phillips County, 86 of Downs, 43 of Osborne County, 50 of Mitchell County, and 1,529 other residents of the sixth Kansas congressional district; to the Committee on Rules.

By Mr. COOPER: Petitions of Joseph M. Shields and others of Kenosha and sundry citizens of Rochester and Somers, all in the State of Wisconsin, protesting against national prohibition; to the Committee on Rules.

Also, petition of 200 clubs in the State of Wisconsin, indorsing the attitude of President Wilson with regard to acquiring land in conquest; to the Committee on Foreign Affairs.

Also, petitions of citizens of Waukesha, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of 200 clubs of the State of Wisconsin, relative to indorsement by Congress of President Wilson's pledge that the United States shall never take a foot of land by conquest; to the Committee on Foreign Affairs.

Also, petition of Milwaukee Post Office Clerks' Union, No. 3, favoring passage of the Palmer bill, relative to night work in post offices; to the Committee on the Post Office and Post Roads.

By Mr. FITZGERALD: Petition of tariff reform committee of the Reform Club, New York City, favoring repeal of canal tolls exemption clause in Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions of C. C. Bennett, E. F. Cunningham, William Matthews, J. A. Bedell, J. Carter, John Ledwith, John Wilder, S. N. Snyder, Joseph Jankowski, Frank Neary, Paul Behrends, R. F. Carrigan, M. Fitzgerald, Fred Pfalzgraf, William Nesel, Prince Edmonds, Dick de Rover, Daniel Flynn, John Rooney, F. Mack, Patrick Malley, C. C. Cully, Edw. Blackford, Patrick Feeley, H. Waacks, A. E. Cuenin, John Dresler, George Donnelly, R. L. Latimer, A. L. Reynolds, J. J. Hobbons, H. Colgan, Charles Quinn, S. Lundy, James Bush, Thomas McBride, P. F. Hynes, E. T. Hall, Thomas Morrissy, G. H. Sake, Louis Paschburg, Thomas Wynne, Robert Paschburg, Paul Sabile, I. H. Collins, F. A. Kelly, Peter Matthews, T. P. Flynn, Thomas O'Donnell, and Charles Pickard, of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

Also, petition of independent retail merchants of Greater New York, favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, Petition of citizens of Brooklyn, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of directors of the Swedish Hospital in Brooklyn, N. Y., favoring House bill 11648, to erect a memorial to John Ericsson; to the Committee on the Library.

Also, petition of Citizens' Democracy of New York; United Irish-American Societies of Greater New York; North Side Board of Trade, of New York; and citizens of New York, against repeal of the free-tolls provision of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of Central Federated Union of Greater New York; Eastern Saengerbund of America; United Societies for Local Self-Government, of Chicago, Ill.; National Association of Retail Grocers of the United States; and citizens of the seventh congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of 28 women of Philadelphia, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of the State of Oregon, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL: Petition of Murdock Grocery Co., John Rigby & Son, Western Cooperative Association, and 49 other merchants and business houses of Salt Lake City, Utah, in favor of House bill 13305, styled the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions from R. H. Bowen, L. E. Morris, and others, of Ogden, Utah, in favor of national prohibition; to the Committee on Rules.

By Mr. MOON: Papers to accompany bill for the relief of Elijah N. Cronan; to the Committee on Invalid Pensions.

By Mr. J. I. NOLAN: Protest of M. J. Leonard, San Francisco, Cal., and 32 other citizens of California, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, protest of Herman H. Heuning, San Francisco, Cal., and 44 other citizens of San Francisco, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'LEARY: Petition of Herman Disch and other citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. RAKER: Letters from Grace B. Reid and J. W. Wallace, of Long Beach, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from Chamber of Commerce, San Francisco, Cal., favoring an appropriation of $375,000 for the acquisition of a consular site in Shanghai, China; to the Committee on Foreign Affairs.

By Mr. ROBERTS of Nevada: Petitions of the members of Reno Central Trade and Labor Council, representing the unions of Washoe County, Nev., and sundry citizens of Carson City and Virginia City, Nev., protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Papers to accompany H. R. 16984, providing pension for Lois Finney; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: Petition of 570 citizens of the first congressional district of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. STEPHENS of California: Petition of the Council of the City of Richmond, Cal., favoring Senate bill 3677, granting right of way to construct bridge across San Francisco Bay; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Petition of the New York State Jewelers' Association, favoring Owen-Goeke bill, to eliminate time guarantees on gold-filled watches; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Utica and Ilion and voters of the thirty-third congressional district of the State of New York, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Vernon Town Sunday School Association, members of the First Presbyterian Church of Vernon, and the Presbytery of Utica, all in the State of New York, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petitions of Anna W. Sanderson and 59 other citizens of Delaware, Ohio; sundry citizens of St. Paris, Ohio; and R. H. Hampshire and 33 other citizens of Delaware, Ohio, all in favor of the adoption of House resolution 168, relative to national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 11, 1914.*

(*Continuation of the legislative day of Friday, June 5, 1914.*)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes the consideration of House bill 14385, which is the unfinished business.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. SMITH of Georgia. The pending question is on the adoption of the amendment of the committee as amended.

The PRESIDING OFFICER. The question is on the amendment of the committee as amended.

Mr. MARTINE of New Jersey. Mr. President, I raise the point of no quorum.

The PRESIDING OFFICER. The Senator from New Jersey suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	Nelson	Smith, S. C.
Bankhead	Gronna	Norris	Smoot
Brady	Hitchcock	O'Gorman	Sterling
Brandegee	Hollis	Overman	Sutherland
Bristow	James	Page	Swanson
Bryan	Johnson	Perkins	Thompson
Burleigh	Jones	Pittman	Thornton
Burton	Kenyon	Reed	Tillman
Catron	Kern	Root	Townsend
Chamberlain	La Follette	Saulsbury	Vardaman
Chilton	Lane	Shafroth	Warren
Clapp	Lea, Tenn.	Sheppard	West
Colt	Lewis	Sherman	White
Crawford	McCumber	Shively	Williams
Culberson	McLean	Simmons	Works
Cummins	Martin, Va.	Smith, Ariz.	
Dillingham	Martine, N. J.	Smith, Ga.	
Fletcher	Myers	Smith, Md.	

Mr. CHILTON. I wish to announce for the day that the Senator from New Mexico [Mr. FALL] is necessarily absent, and that he is paired with me.

Mr. MYERS. I announce that my colleague [Mr. WALSH] is necessarily detained from the Chamber on official business.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE] and the junior Senator from Arkansas [Mr. ROBINSON], both of whom are paired. This announcement will stand for the day.

The PRESIDING OFFICER. Sixty-eight Senators have answered to their names. A quorum is present.

Mr. BRANDEGEE obtained the floor.

Mr. SUTHERLAND. Will the Senator from Connecticut yield to me for a moment?

Mr. BRANDEGEE. Certainly.

Mr. SUTHERLAND. On yesterday during the remarks of the Senator from Iowa [Mr. CUMMINS] and during a colloquy between the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Iowa I stated to the Senator from Mississippi, on page 10166 of the RECORD:

> Mr. SUTHERLAND. Suppose the Senator from Mississippi had a lawsuit pending before a court. Of course the opinion of the Senator's lawyer that he did not have a good case, or his opinion that he had a doubtful case, would not be admissible, but would the Senator think it would tend to bring about a decision in his favor if his lawyer said he did not have any case or expressed doubt about it and that opinion got to the judge and the jury?

To this the Senator from Mississippi replied:

> Mr. WILLIAMS. That is again a different proposition. If in that case my lawyer proved untrue to me and let the jury and the judge know, or if my lawyer selected a judge who agreed with him and did not agree with me, his client, of course that would weaken the case very much indeed, probably lose it.

Then, I am reported as having said:

> Mr. SUTHERLAND. That is what I think the American people will do; they will change lawyers in this matter.
>
> I understood the Senator from Mississippi to say that in the event supposed he would change lawyers, and it was in view of that statement which I understood the Senator from Mississippi to make that I said:
>
> That is what I think the American people will do; they will change lawyers in this matter.

As it reads in the RECORD it appears as though I had said that in response to the statement of the Senator from Mississippi, that he would probably lose the case. I did not intend to suggest anything of that sort. I do not think the American people will lose their case before any fair arbitration tribunal which may be organized; but, on the contrary, I think they will win the case. However, I think before we get through with this business the American people will change the officials who are now representing them in the matter.

Mr. DU PONT. Mr. President, I desire to state that I was necessarily absent yesterday when the vote was taken on the Simmons amendment and that had I been present I should have voted "nay."

Mr. BRANDEGEE. Mr. President, during my remarks I shall allude to some documents which I will not quote in full, but will insert in the RECORD, with the consent of the Senate, and I desire to proceed without interruption, if I may be allowed to do so.

Mr. President, the so-called Panama Canal act, being H. R. 21669, Sixty-second Congress, second session, which was approved August 24, 1912, passed the House of Representatives on May 23, 1912. It was reported by me as chairman of the Senate Committee on Interoceanic Canals on the 12th day of June, 1912.

On the 18th day of May, while the bill was under consideration in the House, Mr. DOREMUS offered an amendment, which appears on page 6770 of the CONGRESSIONAL RECORD of that session. It proposed to strike out section 5 of the bill as it had

necessary to carry in section 346 the words "Commissioners of the District of Alaska":

The Commissioners of the District of Alaska shall have power to grant writs of habeas corpus.

We have now four United States courts up there.

Mr. WATKINS. Sometimes those courts are located far apart, and the United States commissioners no doubt are located more conveniently for the purpose of granting the writs. And then the Alaskan Code provides for that. There is no use of striking it out as I can see. There is no objection to it.

Mr. BOOHER. It is made returnable to a Federal judge, and the party has to appear before the Federal judge wherever he is.

Mr. WATKINS. Oh, well, this law applies to the Federal court.

Mr. BOOHER. Very well. I just asked the question for information.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. BOOHER. Yes.

Mr. GREEN of Iowa. I think in Alaska there are places where it would be a hundred miles to the judge.

Mr. BOOHER. There is no doubt about that, but I might call attention to the fact that it is issuable by the commissioner and returnable to the judge. The party has to go there anyhow.

Mr. GREEN of Iowa. That is found absolutely necessary, because the commissioner has no power to act under the statute, and that can not be avoided.

Mr. BOOHER. Well, the explanation of the chairman is satisfactory.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 348. Application for a writ of habeas corpus shall be made to the court, or justice or judge, or in the district of Alaska to a judge or commissioner, authorized to issue the same, by petition in writing signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the petition shall be verified by the oath of the person making the application.

Mr. MANN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 177, line 15, after the word "intended," insert "or by any person showing to the court by competent evidence that he is authorized to act for said person for whose relief the writ is intended."

Mr. MANN. Mr. Chairman, the section reads:

Application for a writ of habeas corpus shall be made to the court, etc., authorized to issue the same, by petition in writing signed by the person for whose relief it is intended.

Well, the amendment I have offered is "by any person showing the court by competent evidence that he is authorized to act." Does the gentleman have any objection to that?

Mr. WATKINS. There ought to be some provision about who should make the affidavit, and if that can be done in such a way as to make it harmonious I think it would be all right.

Mr. MANN. It harmonizes all right. Anyone can file the petition under this provision who shows by competent evidence that he is authorized to act for the person for whose relief it is intended and he makes the affidavit. The person can not always sign the application for a writ of habeas corpus.

Mr. WATKINS. I do not think he ought to be required always to sign it, but I think he ought to be the one who is responsible for the affidavit.

Mr. MANN. He can not always be obtained to get the affidavit, even. At times they sue out a habeas corpus to have somebody produced who is hidden.

Mr. WATKINS. I think that is all right. I shall not interpose any objection to it.

Mr. BRYAN. They can go into court on property with an attorney. I do not see why they could not in a habeas corpus proceeding.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 357. From the decision of any court inferior to the Supreme Court, or of any justice or judge thereof, or of the Supreme Court of the Territory of Porto Rico, or the district courts of Alaska, Hawaii, or Porto Rico, or any justice or judge of said courts, upon an application for a writ of habeas corpus, or upon such writ when issued, an appeal may be taken to the Supreme Court of the United States:

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution or of any law or treaty of the United States;

2. In the case of any prisoner who, being a subject or citizen of a foreign State, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign State or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. I would like to ask the gentleman from Louisiana whether he recalls, in preparing this bill, that there was taken into consideration the Panama Canal act and its provisions with reference to appeals from the courts on the Panama Canal Zone?

Mr. WATKINS. I can not state that there was in every particular, because the various organic acts providing for the government, and so forth, of the Territories and insular possessions were left to remain intact; but we have carried into this bill that part of the Panama Canal act dealing with extradition.

Mr. MANN. I am not sure whether some such provision ought to be in here or not. It is desirable, if it belongs here, to have it here. I am calling the gentleman's attention to it, so that if he has opportunity it may be looked up.

Mr. WATKINS. I thank the gentleman for doing so.

Mr. MANN. That is quite likely; but I have had a good deal to do with Panama Canal legislation, and it has occurred to me.

Mr. WATKINS. Then I will move to go back and find out about that, if it is necessary.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 358. From the decision of any district court of the United States or of any judge of the circuit court of appeals or district court, or the district courts of Alaska, Hawaii, or Porto Rico, or any judge of said courts, upon an application for a writ of habeas corpus, or upon such writ when issued, an appeal may be taken to the circuit court of appeals in all cases, except as provided in the last preceding section, and a decision of such circuit court of appeals shall be final, excepting that in every such case the circuit court of appeals at any time may certify to the Supreme Court of the United States any question or proposition of law concerning which it desires the instruction of that court for its proper decision. And thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit court of appeals in such case, or it may require that the whole record and cause may be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal. And excepting that it shall be competent for the Supreme Court in any case to require by certiorari or otherwise any decision of the circuit court of appeals to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal to the Supreme Court.

Mr. WATKINS. Mr. Chairman, the same statement that was made with reference to section 357 I also make with reference to section 358. I will ask permission, also, to go back to that for a similar purpose. I will reserve that right at this time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 360. Pending the proceedings on appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined under such writ of habeas corpus, shall be deemed null and void: *Provided*, That in any case where the petitioner is restrained of his liberty in pursuance of any final judgment or sentence of a State court, no such appeal shall be had or allowed after six months from the date of such judgment or sentence; but where it is claimed that such judgment or sentence is in excess of the punishment authorized by law, such period of six months shall not commence until the prisoner has performed so much of the judgment or served out so much of the sentence as it was within the power of the court to impose.

Mr. DONOVAN. Mr. Chairman, I would like to ask the chairman of the committee if he does not think he ought to move to rise, because there is only one member of the minority here, and it is wrong to take advantage of them and undertake to pass legislation in the absence of all the members of the minority. [Laughter.]

Mr. BRYAN. I want to call the gentleman's attention to the fact that there are some Progressives here.

Mr. MANN. I call attention to the fact that the statement of the gentleman from Connecticut is not true. He knew it was not true, although he himself has just come into the House.

Mr. BRYAN. There are two Progressive members here.

Mr. DONOVAN. I said "members of the minority party." Mr. Chairman, I will withdraw my observation.

Mr. MANN. There are a number of gentlemen here on this side who were here before the gentleman from Connecticut came in. The gentleman from Connecticut is here so little that he does not know the Members of the House from the employees. [Laughter.]

Mr. DONOVAN. There are so few here to know. That is the reason. [Laughter.]

Mr. MANN. They are not added to by the presence of the gentleman.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 361. From a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to call the attention of the gentleman from Louisiana [Mr. WATKINS] to the fact that this has been a rather warm day and it is now 5 o'clock. We have worked very hard and we have been very diligent to-day.

Mr. GARNER. How much of this bill is left? How many sections?

Mr. MANN. Only a few. I think we are on page 183, and there are about 198 pages.

Mr. BRYAN. Mr. Chairman, I do not think the gentleman from Illinois ought to object to continuing in session until 6 o'clock. We are very anxious to get this bill finished, so that we can get at Calendar Wednesday and consider some important bills that are on that calendar.

Mr. MANN. What is the gentleman from Washington four flushing for?

Mr. BRYAN. The gentleman from Illinois is five flushing. [Laughter.]

Mr. MANN. The gentleman from Washington, only a few minutes ago, was appealing to me to have the House quit.

Mr. BRYAN. Oh, no.

Mr. GARNER. Mr. Chairman, this is a new kind of a game, and I want to get into it. This is a "four flush" and a "five flush." Now, what does a "five flush" do? In my country a "five flush" is a pretty good hand.

Mr. MANN. That is what I am holding. [Laughter.]

Mr. BRYAN. I am not acquainted with these terms; otherwise I would not have used it.

Mr. MANN. I make the point of order, Mr. Chairman, if the gentleman insists upon it, that there is no quorum present.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned until to-morrow, Thursday, June 11, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, submitting estimates of appropriations for the acquisition of sites for public buildings at Chariton, Iowa; Farmville, Va.; and Mount Carmel, Ill. (H. Doc. No. 1026); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, submitting item of amendment to the sundry civil appropriation bill for the removal of the wharf of the quarantine station at Honolulu, Hawaii, and its reerection (H. Doc. No. 1027); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of War, transmitting the ninth annual report of the American National Red Cross, showing receipts and expenditures during the period January 1, 1913, to December 31, 1913 (H. Doc. No. 1028); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting with a letter from the Chief of Engineers reports on preliminary examination and survey of Fig Island, or Screven Ferry Cut, connecting the forks of the Savannah River, at Savannah, Ga. (H. Doc. No. 1020); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 10765) granting a patent to George N. Van Leuven for the northeast quarter of section 18, township 17 N., R. 19 E., Black Hills meridian, S. Dak., reported the same with amendment, accompanied by a report (No. 805), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 1528) for the relief of T. A. Roseberry, reported the same without amendment, accompanied by a report (No. 803), which said bill and report were referred to the Private Calendar.

Mr. GARD, from the Committee on Military Affairs, to which was referred the bill (H. R. 15705) providing for the retirement of Col. David L. Brainard, Quartermaster Corps, United States Army, reported the same without amendment, accompanied by a report (No. 804), which said bill and report were referred to the Private Calendar.

Mr. LOBECK, from the Committee on War Claims, to which was referred the bill (H. R. 14699) to carry out the findings of the Court of Claims in the case of Guy C. Pierce, reported the same without amendment, accompanied by a report (No. 801), which said bill and report were referred to the Private Calendar.

Mr. UNDERHILL, from the Committee on War Claims, to which was referred the bill (H. R. 13238) authorizing payment for damage to township roads by United States troops while encamped at Camp Meade during the War with Spain, reported the same without amendment, accompanied by a report (No. 802), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10920) granting an increase of pension to Stringer White, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HARRIS: A bill (H. R. 17168) to authorize the North Alabama Traction Co., its successors and assigns, to construct, maintain, and operate a bridge across the Tennessee River at Decatur, Ala.; to the Committee on Interstate and Foreign Commerce.

By Mr. GREEN of Iowa: A bill (H. R. 17169) to discontinue service on rural routes on Christmas Day; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER: A memorial from the Legislature of Massachusetts, relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

By Mr. GREEN of Iowa: Resolution (H. Res. 539) for investigation into the removal from the Treasury Department of George H. Moritz; to the Committee on Rules.

By Mr. CARY: Joint resolution (H. J. Res. 278) relating to the awards and payments thereon in what is commonly known as the Plaza cases; to the Committee on Claims.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 17170) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Earl A. Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.; to the Committee on the District of Columbia.

By Mr. AUSTIN: A bill (H. R. 17171) granting an increase of pension to E. F. Culvahouse; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17172) granting an increase of pension to Edgar Cross; to the Committee on Invalid Pensions.

By Mr. CARR: A bill (H. R. 17173) to correct the military record of William F. McGee; to the Committee on Military Affairs.

so much interested in—that they make such an accounting that any person may know what the account is and whether it is correct or incorrect. It seems important now that they should keep a public book in which the accounts shall be open, and the Department of Justice is thoroughly in favor of it and are anxious that this safeguard to protect the Government shall be had.

Mr. MANN. There are people in the Department of Justice who never were inside of a court room, in my judgment, and know nothing about the practical workings of a court. Mr. Chairman, I offer the following amendment, to strike out the language in lines 14 and 19 and insert in lieu thereof what I send to the desk.

The Clerk read as follows:

Page 162, strike out the language from lines 14 to 19, inclusive, and insert in lieu thereof the following:

"An itemized statement of all such fees and costs, together with all sums retained, allowed, or paid to a referee, master, or other officer appointed by the court, shall be filed with the papers in the cause, and a summary or aggregate thereof entered by the clerk on the docket in which the case is entered."

Mr. WATKINS. If the gentleman will add to that some provision by which these items may be open to the public it will be all right.

Mr. MANN. They are open to the public when placed in the files. It is a public record like any other file. A bill in equity is open to the public.

Mr. WATKINS. That is what the clerks have been doing——

Mr. MANN. No; there was no official requirement and they did not put them in the files.

Mr. WATKINS. They were not required to put them in the files, but they kept them on separate pieces of paper.

Mr. MANN. They kept a private memorandum book practically. This requires them to put the amount in the docket and an itemized statement in the files.

Mr. SELDOMRIDGE. The amount is on the docket, and the itemized statement is in the files.

Mr. GREEN of Iowa. Mr. Chairman, I think the amendment of the gentleman from Illinois covers all that is necessary. If an itemized statement is placed among the papers and the files it will be subject to inspection. Even if it should become lost or mislaid and should be specifically required, there could be an order of court for another paper to be substituted. Under this amendment the general summary is to be placed on the docket. It seems to me the docket itself ought not to be burdened with an itemized statement which might require additional pages for all the items to be copied therein. I think every safeguard for the public interest is subserved by this amendment. I can see no objection to adding to it a provision that it shall be subject to inspection, but I think that is unnecessary, because, in any event, it is open to inspection by the public.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. GREEN of Iowa. Certainly.

Mr. STEPHENS of Texas. Does not the gentleman know that in almost every State court there is a docket kept, known as the fee docket, in which the clerk is required to enter each item charged up as a fee? That fee docket is required to be kept as a public record, open to inspection by any interested person. That is the law in my State and, as far as I know, of every other State. We keep what is known as a fee docket, containing a statement of the fees on every paper and returns which are charged up, so that when a man gets his bill of costs he can compare it with the charges made against him on the fee docket and see whether he has been overcharged.

Mr. GREEN of Iowa. So he would be able here to make a comparison by this method, because the items would be on the files and he could make the comparison. I think the gentleman is correct, but I do not see the necessity of keeping a record in that way, because it would make a duplication.

Mr. STEPHENS of Texas. From the filing of the declaration or petition in the courts of our State the clerk puts it on the fee book, and then, when a return is made on a paper, that is entered on the docket. We have a fee system which was passed by the legislature, and so it is very easy for a practicing attorney or a party litigant to see whether he has been overcharged, whether the fees are just and correct, and whether copies in the case and all the costs that must be paid by the plaintiff or the defendant are in accordance with the judgment of the court.

Mr. GREEN of Iowa. That is true in my State to a certain extent, but not to that extent which the gentleman from Texas states. There is a summary of the costs entered on the docket, but it is not necessary to insert every single item, no matter how small it may be.

Mr. STEPHENS of Texas. I will state that in my State it is equivalent to a blotter kept by business men. Every transaction is noted somewhere, and it ought to be. In case of a lawsuit. Whenever a paper is filed or a return made by an officer there should be some record of the fees charged. I think the Federal courts ought to follow the State courts in that matter.

Mr. GREEN of Iowa. There will be a record if this amendment is followed. Business houses of late have been modifying their rules with reference to bookkeeping and have discarded duplication as far as possible, and the purpose of this amendment is to avoid the keeping of double accounts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 325. No person shall be imprisoned for debt in any State, on process issuing from a court of the United States, where, by the laws of such State, imprisonment for debt has been or shall be abolished. All modifications, conditions, and restrictions upon imprisonment for debt provided by the laws of any State shall be applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings shall be adopted therein as may be adopted in the courts of such State.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is imprisonment for debt any more allowed in any State?

Mr. WATKINS. Imprisonment in a sense is allowed for debt in all of the States of the United States, for the failure to pay where fines are assessed.

Mr. MANN. Of course imprisonment for debt is allowed in trespass cases in a great many of the courts. This leaves it according to the courts of the States. Is imprisonment for civil debt allowed in any State now?

Mr. WATKINS. Mr. Chairman, I hesitate a little to answer the gentleman's question, because it just so happens in my own State there are certain extreme cases in which a man may be imprisoned for debt, but it must be a very flagrant case; and in all States, even in the District of Columbia, men are right now in jail for failure to pay alimony.

Mr. BRYAN. But that is not imprisonment for debt. That is imprisonment for contempt of court.

Mr. MANN. I do not think that is what they call imprisonment for debt. It seems to me that the time has arrived when we ought not to be dependent on the legislature of a State to determine whether we will have imprisonment for debt in the ordinary sense of civil indebtedness.

Mr. WATKINS. I do not just now recall to my mind any State in the Union in which a person incurs an indebtedness in the ordinary course of business where he can be imprisoned, unless it is in some cases where it is the clear intention upon his part to defraud his creditors and is about to permanently leave the State.

Mr. MANN. I have no doubt that most of the States have some provision in reference to imprisonment in trespass cases, or in cases for fraud, and I think that is perfectly proper, but if there is no State where imprisonment for debt exists, as I had hopes there was none, in the ordinary sense, of course there would not be any harm in this section. In other words, I would like to see it amended, so that the United States, at least, should not permit an ordinary creditor to put his ordinary debtor in jail because he is unable to pay the indebtedness.

Mr. WATKINS. Mr. Chairman, I do not think there is any danger of its applying to that class of cases.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 329. All personal property sold under any order or decree of any court of the United States shall be sold as provided in the preceding section, unless in the opinion of the court rendering such order or decree it would be best to sell it in some other manner.

Mr. WATKINS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 167, line 24, after the word "manner," strike out the period, insert a semicolon, and add the following: "in such cases the courts may by order direct the manner of conducting the sale."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the first word. I would like to ask the gentleman in reference to the preceding section, which provides that all real estate sold under decree of the United States court shall be sold at public sale at the courthouse of the county, parish, or State in which the property, and so forth, is located: I suppose it is proper to make a sale at a Federal courthouse, is it not? It is certainly customary now to do that. I do not know just what the language of the existing statute is.

Mr. SELDOMRIDGE. Mr. Chairman, there are some cities and counties where there are no courthouses. There may be several cities in one county and the courthouse may be located in another city.

Mr. MANN. It would be the courthouse of the county, parish, or city, and if there was no courthouse in a city it would be the county courthouse, I suppose; but apparently this is what fixed the place of sale at the courthouse of the county, when it is certainly customary now to order a sale at the Government building where the Federal court is held. I suppose there is no intention to have that changed.

Mr. BRYAN. That is the same law.

Mr. GREEN of Iowa. Yes.

Mr. BRYAN. Most public sales are made by the county, and the parties buying are in the habit of going to the courthouse for those sales.

Mr. MANN. But people do not go to the county courthouse to attend a sale of the Federal court. They go to the Government courthouse.

Mr. BOOHER. Does not the gentleman think that real estate ought to be sold in the county in which it is situated, even by the Federal court?

Mr. MANN. Why should it be?

Mr. BOOHER. Take a district in the State of Missouri that holds court at Springfield, for instance, with some counties 125 miles away. Would you sell the land in that county that is so far away at the courthouse in Springfield?

Mr. MANN. I have no objection to that.

Mr. BOOHER. If you sell it in the county where the land is located, the ones who know the value can go there, and it will bring more money among the people who know it than among strangers.

Mr. MANN. But suppose it is sold in the city of St. Louis?

Mr. BOOHER. Then you would sell it at the courthouse door in the city of St. Louis.

Mr. MANN. At the county courthouse or the Federal building?

Mr. BOOHER. I think under this law it will be sold probably at the county courthouse or the city courthouse.

Mr. MANN. That may be the existing law; I do not know. I know I have bought real estate and got good title to it at the Federal building in Chicago, and on more than one occasion.

Mr. BOOHER. I presume the Federal court might put that construction upon it, but I think it might be amended so as to say in cities where there is a county courthouse and Government building it might be sold at the Government building; but in the country at large it ought to be sold at the county courthouse.

Mr. BRYAN. That is where the assessments are made and taxes collected.

Mr. MANN. If you should say the courthouse in the county, parish, or city in which the property is located, that might cover it.

Mr. BOOHER. Yes. If you put in county courthouse or Government building, it would be more specific. I am of the opinion that real estate should be sold in the county where it is located, and if there is no Federal courthouse in the county it should be sold at the county courthouse.

The Clerk read as follows:

SEC. 334. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said court, respectively, in term or in vacation, to be signed by such judge or judges and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

In every case in which the right to withdraw money so deposited has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, it shall be the duty of the judge or judges of said court, or its successor, to cause such money to be deposited in the Treasury of the United States, in the name and to the credit of the United States: *Provided*, That any person or persons or any corporation or company entitled to any such money may, on petition to the court from which the money was received, or its successor, and upon notice to the United States attorney and full proof of right thereto, obtain an order of court directing the payment of such money to the claimant, and the money deposited as aforesaid shall constitute and be a permanent appropriation for payments in obedience to such orders; and this act is applicable to all money deposited in the Treasury of the United States in accordance with section 996, Revised Statutes of the United States, as amended February 19, 1897.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not recall just what this section 996 of the Revised Statutes as amended in 1911 covers. It makes a permanent appropriation of certain money.

Mr. WATKINS. What is the gentleman's question?

Mr. MANN. I said I did not recall just what that section was as amended.

Mr. WATKINS. Section 996 of the Revised Statutes reads that—

No money deposited as aforesaid—

Speaking where the marshals and other officers make deposits of money, where deposits are made of money and the court is regulating the manner of withdrawing moneys—

No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts, respectively, in term or on vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

Mr. MANN. I do not quite see the pertinency of this reference. This act is applicable to all money deposited in the Treasury of the United States in accordance with section 996 as amended. There is no provision under what the gentleman read in reference to the deposit of money. What is the act of February 19, 1897?

Mr. WATKINS. My attention has just been called to the amendment to section 996, and this amendment reads:

No money deposited as aforesaid shall be withdrawn except by the order of judge or judges of said courts, respectively, in term or on vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn—

And then follows—

in every case in which the right to withdraw money so deposited—

And so forth.

Mr. MANN. Well, I do not see how that provides for the deposit of any money in the Treasury.

Mr. WATKINS. This was passed March 3, 1911, this amendment to the Revised Statutes of the United States, and it is simply the existing law which is carried in the bill.

Mr. MANN. This says:

And this act is applicable to all money deposited in the Treasury of the United States in accordance with section 996.

But that does not seem to provide for the deposit of any money in the Treasury. However, I do not have any criticism of the gentleman for not knowing——

Mr. WATKINS. Whether the law is a good law or a bad law, it is the law. It was passed by Congress March 3, 1911. If the gentleman will refer to section 333 of this bill, he will note the authorization for the deposit of the moneys paid into court. Section 996 of the Revised Statutes relates to the withdrawal of the moneys authorized to be deposited in the preceding section.

The Clerk read as follows:

SEC. 340. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, except customs revenue laws, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property.

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the purpose of this insertion of an exception of this kind, "except customs-revenue laws"? You provide a limitation of five years for the trial of crimes arising under the customs laws.

Mr. WATKINS. They fall under another law, which regulates that section.

Mr. MANN. Where is that?

Mr. WATKINS. Section 22 of the act of June 22, 1874, making them amenable to the law, is the reason they are excepted in this particular law.

Mr. MANN. Yes; but where is the statute of limitation for suits for penalties for violation of customs and revenue laws?

Mr. WATKINS. I am now examining the commission's report on the section, and the report says:

In section 1047 of the Revised Statutes, from which this section of the bill is taken, the words "except customs-revenue laws" have been inserted, as another limitation is fixed for suits for penalties and forfeitures under those laws by section 22 of the act of June 22, 1874.

Mr. MANN. Why is not that carried in here, then?

Mr. GREEN of Iowa. It is carried in here.

Mr. MANN. That is what I want to get. I see there is carried in section 342 a limitation of three years.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 346. The commissioners for the District of Alaska shall have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before a district judge for said district; and like proceedings shall be had thereon as if the same had been granted by said judge under the general laws of the United States in such cases.

Mr. BOOHER. Mr. Chairman, I would like to ask the chairman of the committee having this bill in charge why it is

statutes. And the reason for doing so has been that if the State court upheld the statute such ruling would be controlling in the Federal court. Suits have been brought in nearly every State where 2-cent or 2½-cent fare rate statutes have been passed regulating the transportation of passengers on the railroads, not in the State courts, where the highest court of the State could have the opportunity to pass upon the constitutionality of the statute, but they have been taken to the Federal courts for that purpose. This practice has been the source of much criticism.

Now, it is nothing more than fair and right to restrict the bringing of suits to test the constitutionality of State statutes to the courts of the States which enacted them, so that the opinion of the highest court of that State could first be had upon the validity of such enactment. There has been a very great demand for some Federal statute upon this subject by the people of the different States of the Union, and I have offered this amendment, which I hope will be adopted here, because it is germane at this place, to break up the evil that has been existing in a number of the States where statutes have been passed which corporations sought to have set aside. One of the most glaring illustrations is in the State of Missouri, where the legislature of that State enacted a 2-cent fare statute. The suit was not brought in the Missouri courts to test it, but it was brought in the Federal court. And the people of that State were driven to the Federal courts and to the Supreme Court of the United States for the purpose of sustaining the statute which their legislature had passed. That suit could have been brought in the State courts of Missouri, passed upon by the highest court in Missouri, and then the decision of that court would have been taken as a standard of the test of the validity of that statute unless it violated some Federal law.

Now, Mr. Chairman, I hope this amendment will be adopted, so that it will remedy the evil now existing in nearly every State in this Union, and require these to be first passed on by the State courts.

Mr. PETERSON. Mr. Chairman, will my colleague yield for a question?

Mr. CULLOP. With pleasure.

Mr. PETERSON. Do you not think the language of the amendment is a little unfortunate, where you say "in suits brought to contest"?

Mr. CULLOP. I do not say "contest." I said "test."

Mr. PETERSON. Well, to test; where you bring a suit to test the constitutionality of the law. Would it not be better to say "in cases where the constitutionality of the law is involved"? I am objecting only to the language.

Mr. CULLOP. Well, I think it is as broad as it is long, so far as that is concerned. The meaning is the same. Take it in the State of Indiana. Some time in the nineties they passed a bill regulating the fares on the street railways in the city of Indianapolis, which were then regarded as exorbitant.

The bondholders of that railway living outside of the State of Indiana came to the Federal court and brought a suit to test that statute, so that they could present a question of diverse citizenship. After it dragged its long, weary way for three or four or five years through the Federal courts, during all that time, until that long, weary, bitterly fought-out litigation, the railroad company was raking in its old fares, and the people were not having the remedy which their State legislature attempted to give them. Now, that suit could have been brought in a State court, equally as able and competent in every respect; but when it was passed upon by the Federal court it did not have the judgment as a precedent, as a guide, in determining the matter of the highest court in that State, but it was simply a new question, so far as the State courts of Indiana were concerned. That is true also of the Missouri statutes. It is true of every State statute which has been contested in this manner on this subject, and for this reason I want to call the attention of the committee to the fact that there has grown up a demand in nearly every State in the Union for some statute which would prevent the bringing of a suit in the first instance in a Federal court for such purpose before the State courts have had an opportunity to construe their own statutes.

Mr. Chairman, I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman from Indiana has expired. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. CULLOP. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 5, noes 8.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 285. The Supreme Court may, at any time, in its discretion and upon such terms as it may deem just, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form: *Provided*, The defect has not prejudiced, and the amendment will not injure the defendant in error.

Mr. WATKINS. Mr. Chairman, if there is not an "m" in the word "amendment" on line 21, I would like to have one inserted.

The CHAIRMAN. Without objection, the missing "m" will be inserted in the word "amendment" on line 21.

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 291. Whenever, on appeal or writ of error or otherwise, a case shall be reviewed and determined in the circuit court of appeals in which the decision of that court is final, or in which no appeal is taken within the time allowed by law, such case shall be remanded to the district court for further proceedings, to be there taken in pursuance of such determination.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Louisiana [Mr. WATKINS].

The Clerk read as follows:

Page 152, in line 1, after the word "final," strike out the words "or in which no appeal is taken within the time allowed by law."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 295. In all cases of conviction of crime, the punishment of which is death, tried before any court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be reexamined, reversed, or affirmed by the Supreme Court of the United States upon a writ of error, under such rules and regulations as said court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States a certified transcript of the record in such case, and it shall be the duty of the clerk of the Supreme Court of the United States to receive, file, and docket the same. Every such writ of error shall, during its pendency, operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court at any time in a term held prior to the term named in the citation, as well as at the term so named; and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed, the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the Supreme Court, and the court to which such cause is so remanded shall have power to cause such judgment of the Supreme Court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term, or within such time, not exceeding 60 days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record.

Mr. WATKINS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 153, line 3, strike out section 295 and insert in lieu thereof the following:

"SEC. 295. In all cases of conviction of crime the punishment of which is death, tried before any district court of the United States, the final judgment of such court against the respondent shall, upon the application of the respondent, be reexamined, reversed, or affirmed by the supreme court or the appropriate circuit court of appeals in accordance with the provisions of sections 128 and 238 of the Judicial Code, upon writ of error under such rules and regulations as the appellate court may prescribe. Every such writ of error shall be allowed as of right and without the requirement of any security for the prosecution of the same or for costs. Upon the allowance of every such writ of error it shall be the duty of the clerk of the court to which the writ of error shall be directed to forthwith transmit to the clerk of the Supreme Court of the United States or of the circuit court of appeals a certified transcript of the record in such case, and it shall be the duty of the clerk of such appellate court to receive, file, and docket the same. Every such writ of error shall, during its pendency, operate as a stay of proceedings upon the judgment in respect of which it is sued out. Any such writ of error may be filed and docketed in said Supreme Court and in the circuit court of appeals at any time in a term prior to the term named in the citation, as well as at the term so named, and all such writs of error shall be advanced to a speedy hearing on motion of either party. When any such judgment shall be either reversed or affirmed the cause shall be remanded to the court from whence it came for further proceedings in accordance with the decision of the appellate court, and the court to which such cause is so remanded shall have power to cause such judgment of the appellate court to be carried into execution. No such writ of error shall be sued out or granted unless a petition therefor shall be filed with the clerk of the court in which the trial shall have been had during the same term, or within such time, not exceeding 60 days next after the expiration of the term of the court at which the trial shall have been had, as the court may for cause allow by order entered of record."

Mr. GREEN of Iowa. Mr. Chairman, I simply wanted to ask the chairman a question. I did not quite catch the full effect of the amendment from the reading of it, and I would like to ask this question: Under the amendment what cases will go up by appeal to the circuit court of appeals and what ones to the Supreme Court of the United States? Or, perhaps, put it the other way: Will the gentleman state the difference in the practice under the amendment and as it stands in the bill?

Mr. WATKINS. There is virtually no difference, except in cases where the death penalty is inflicted—that is, a man sentenced to death may appeal to the circuit court of appeals, which is provided for by the Judicial Code of 1911, in section 128 and section 238—and it is simply to make it conform to that law which was enacted in 1911 that this amendment is offered. There is no change in the law.

Mr. GREEN of Iowa. Under the law as it stands then, will any further appeal be permitted from the circuit court of appeals in capital cases?

Mr. WATKINS. I do not have the Judicial Code before me at this time; but I will state to the gentleman that the jurisdiction of all the courts are defined in the Judicial Code. This particular class of cases with which we are now dealing must take the course as prescribed by sections 128 and 238 of the Judicial Code.

Mr. GREEN of Iowa. The reason I asked the question is because I doubt whether the amendment is in form, in case any such appeal could be taken from the circuit court of appeals to the Supreme Court of the United States.

Mr. WATKINS. Whether it is good law or bad law, it is in the codification as passed by Congress in 1911, and stands in that way. We are simply bringing that in its proper place in this bill.

Mr. MANN. I had occasion to look up this matter once in connection with the Panama proposition, and I am inclined to think that the Supreme Court still retains the power to issue a writ of error and bring a case before it whenever it sees fit to do so.

Mr. WATKINS. Doubtless that is true.

Mr. MANN. And there was not any specific right of appeal to the Supreme Court before.

Mr. WATKINS. I do not want to make a definite statement about that.

Mr. MANN. There may have been in some cases, but, as a rule, I think not.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 296. A writ of error may be taken by the United States from the district or circuit courts of appeals direct to the Supreme Court in all criminal cases in the following instances:

From a decision or judgment quashing or setting aside an indictment or any count thereof, or sustaining a demurrer thereto or to any count thereof, where such decision or judgment is based upon the invalidity or construction of the statute upon which the indictment or count thereof is founded.

From a decision sustaining a motion in arrest of judgment upon a verdict or finding of guilty, for the insufficiency of the indictment or of any count thereof, where such decision is based upon the invalidity or construction of the statute upon which the indictment or count thereof is founded.

From a decision or judgment sustaining a special plea in bar when the defendant has not been put in jeopardy.

The writ of error in all such cases shall be taken within 30 days after the decision or judgment has been rendered and shall be diligently prosecuted and shall have precedence over all other cases. Pending the prosecution and determination of the writ of error in the foregoing instances the defendant shall be released upon his own recognizance: *Provided*, That no writ of error shall be taken by or allowed the United States in any case where there has been a verdict in favor of the defendant.

Mr. WATKINS. Mr. Chairman, I have a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 154, in line 14, after the word "district," strike out the words "or circuit court of appeals" and insert in lieu thereof the word "courts."

The amendment was agreed to.

The Clerk read as follows:

SEC. 313. The bill of fees of the clerk, marshal, and attorney, and the amount paid printers and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trials in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. An itemized statement of all such fees and costs, together with all sums retained, allowed, or paid a referee, master, or other officer appointed by the court, shall be entered by the clerk upon the docket in which the case is entered or into such other book as the Attorney General may designate, and in such manner as he may from time to time prescribe.

Mr. MANN. I move to strike out the last word. I should like to ask the gentleman from Louisiana what is the occasion for the proposition that an itemized statement of all such fees, costs, and so forth, shall be entered by the clerk upon the docket in which the case is entered?

An itemized statement of cost is quite an extensive thing to enter up in every case.

Here is a memorandum on the subject by one of the ablest judges in the country, presiding over one of the busiest courts in the country:

The provision for entering in the docket or other book an "itemized statement" of fees and costs is a serious matter in a busy court. If by "itemized statement" is meant a differentiation between the amount paid and taxed for subpenas and that for notary fees, there is a bill of costs filed every day in this court that would require a page of the docket for transcription. No such foolishness will ever be put in practice. An "itemized statement" will somehow lose what I think is its natural meaning.

I suppose that what the draftsman is after is to have on the files of the court and accessible to the public the amount of fees and costs. For that the present practice in a properly run court is sufficient, and if it is desired to translate that into a statute, the new matter in this section should read:

"An itemized statement of all such fees and costs, together with all sums retained, allowed, or paid to a referee, master, or other officer appointed by the court, shall be filed with the papers in the cause, and a summary or aggregate thereof entered by the clerk upon the docket in which the cause is entered."

Gentlemen can see that if, in addition to filing in the cause a paper showing an itemized statement, the same thing has to be entered upon the docket, it will require a great deal of labor, and it seems to me to be entirely unnecessary. I never heard of such a thing in my own practice, and I doubt whether anybody else ever has.

Mr. BRYAN. Is it not the practice in some of the State courts?

Mr. MANN. Not in any State, as far as my practice has gone. The items in a bill of costs are sometimes very numerous. What is the occasion for transcribing those onto the docket?

Mr. WATKINS. If the gentleman desires an answer——

Mr. MANN. That is what I am trying to get.

Mr. WATKINS. I will state the history of it. It seems from the best information I can obtain that some of the clerks are in the habit of making on sheets of paper memoranda of the itemized costs, and then putting the gross amount on some book that they have. Whether they call it a docket or not is immaterial. It has been very difficult to get at the items which made up the itemized bill of costs. So the Department of Justice, seeking to correct this evil, finally presented it in the form of a request to have these bills of costs made public by having them put in a book—you may call it a docket or by any other name, if you please, but put in a book—and let that book be open to inspection at all times, so that anybody can go to that book and see what these items of costs are. The report says:

This amendment, as stated by the commission in its report to Congress in 1906, was recommended by the accounting officers of the Department of Justice and is designed to compel a disclosure of all fees and costs charged not only in cases in which the Government is a party, but especially in cases in which private parties are litigants.

The idea is to prevent the clerk taking a piece of paper, making out an account on it, itemizing it on that paper, and condensing that itemized statement, and then putting the condensation on his book of record, but requiring him to put the itemized statement on his book, the same as a merchant does his accounts.

Mr. MANN. A merchant would not think of carrying on his ledger account or any other account an itemized statement of everything that he puts on a scratch pad.

Mr. BRYAN. He puts it somewhere. He makes a statement of each item somewhere.

Mr. MANN. They can put it in the files of the case. Of course the reason for this proposition will largely disappear when the clerks are paid fixed salaries. There was a suspicion before that clerks did not wish people to know how much the fees were. But if you put on the docket the total amount of the fees, there is no occasion for transcribing the whole bill of costs or fees into the book. As this judge says, in a busy court it amounts to something. They used to copy all the papers that were filed. That is not done any more. You do not go to the record book now to get a copy of a bill in equity or a declaration in a lawsuit. Those papers are in the files.

Mr. WATKINS. I will state to the gentleman that the reason is greater now than it was heretofore. Up to this time the clerks have been personally interested in the amount of the fees that they collected, and it was for their interest, because they got a salary based largely on the fees they earned. But the commission that codified the laws suggested the propriety of putting the clerks on a salary basis, and in connection with that they make the suggestion that the clerks' fees, which go into the United States Treasury, and which the clerks are not now

and put him in jail for six months, and that fact led to the impeachment of Judge Peck, although he was not convicted.

Mr. BRYAN. The judge can make it two or three years if he desires to?

Mr. BARTLETT. There is no limit to it.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, I ask unanimous consent to have the amendment reported again.

The CHAIRMAN. Without objection the Clerk will again report the amendment.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I do not profess to have much knowledge of the criminal law, but I am told by one of the judges that this chapter contains no definite provision as to bail on appeal after conviction under criminal law.

Mr. WATKINS. I believe it does not.

Mr. MANN. And, further, I am told that this is a very vexed subject, on which the practice in different parts of the United States varies greatly, and I ask whether or not it ought to contain some provision for bail on appeal?

Mr. WATKINS. It might, except in capital cases. I do not know of any objection to it except in capital cases.

Mr. MANN. This judge himself thinks that there ought to be no bail on appeal in a criminal case except when allowed by the appellate court.

Mr. WATKINS. I do not see the virtue of that, because the district judge who tries the case would know, in all probability, more about it than the appellate court.

Mr. MANN. I do not know anything about it myself.

Mr. PETERSON. Mr. Chairman, I desire to suggest that where you go to the court of appeals it would subject a man to being sent to the penitentiary before you get a hearing. I believe that was the experience in the dynamite case. They applied for bail to the court of appeals, and before the motion could be heard they were sent to the penitentiary, and then, as the gentleman will remember, they were brought out on appeal. They were put in jail while making their application.

Mr. MANN. I understand. Of course that is always the case where they sue out a writ of error. I call it to the attention of the gentleman, because it might be a matter that ought to be covered in this bill in some way.

I would like to make this suggestion. I have been watching this bill as well as I could, and, while I doubt very much whether it will ever become a law, I do not think that the work that we do on the bill is lost. I take it that if this bill itself should not become a law, that a committee in probably the next Congress would report a bill substantially as amended here, and probably make much more rapid progress with it the second time than was made the first, so that anything that can come in to straighten up the matter, I think, is desirable to have come into the bill.

The Clerk read as follows:

SEC. 271. No appeal or writ of error by which any order, judgment, or decree may be reviewed in the circuit court of appeals under the provisions of this title shall be taken or sued out except within six months after the entry of the order, judgment, or decree sought to be reviewed; and no appeal or writ of error by which any order, judgment, or decree may be reviewed in the Supreme Court under the provisions of this title shall be taken or sued out except within one year after the entry of the order, judgment, or decree sought to be reviewed: *Provided, however*, That in all cases in which a lesser time is by law limited for appeals or writs of error, such limits of time shall apply to appeals or writs of error in such cases, notwithstanding the provisions of this section: *And provided further*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken within the time limited exclusive of the term of such disability.

Mr. BRYAN. Mr. Chairman, I move to amend by adding after the word "disability," in line 14, page 143, the following:

Bail may be allowed to defendants after conviction, upon appeal, in the discretion of the court.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 143, line 14, after the word "disability," insert "bail may be allowed to defendants after conviction, upon appeal, in the discretion of the court."

Mr. BRYAN. Mr. Chairman, it seems to me that all agree that some kind of amendment ought to be adopted, and if that does not suit the gentlemen on the committee of course we could go back to this later, but it seems to be unanimously agreed that a man who appeals from conviction for contempt, for instance, should be admitted to bail. The gentleman from Georgia has just provided an amendment that where a person is sentenced to jail for contempt he may appeal. If he can not get bail, his appeal does not do him any good.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 273. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, or such an abstract or statement thereof as is provided for in the next ensuing section, shall be transmitted to the appellate court: *Provided*, That either the court below or the appellate court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. On such appeals no new evidence shall be received in the appellate court, except in admiralty and prize causes.

Mr. LEWIS of Maryland. Mr. Chairman, I offer the following as an amendment to come in at the end of section 273 as a new section, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 144, by adding, at the end of section 273, the following as a new section:

"In all cases wherein the court of last resort of a State has decided a State statute to be in conflict with the Constitution of the United States or any statute or treaty thereof the same may be reviewed by writ of error to the Supreme Court of the United States in the same manner as is provided for writs of error to the Supreme Court of the United States in other cases."

Mr. LEWIS of Maryland. Mr. Chairman, the object of the amendment is to correct a condition with reference to the right of appeal to the Supreme Court, which has come under the attention, I think, of most lawyers who have had anything like a general practice.

In the Federal judiciary act of 1789 provision was made in regard to appeals to the Supreme Court restricting them to instances where a contention had been set up in the State courts under a Federal statute, the Constitution, or some treaty, and that contention had been unfavorably received by the United States court. It was felt in that case that the Supreme Court must enjoy jurisdiction in order to preserve the supremacy of the Federal laws. Now, as a matter of fact, it was felt at that time that the State courts, of course, would not show any particular leaning for Federal contentions, and that the restriction of appeals to negative decisions on such contentions would give the people full protection under the Federal Constitution and its laws. As a matter of fact, such have been the changes in history that State courts look upon State laws with no particular eye of favor as compared with Federal laws. In short, their effort is to impartially construe the Constitution; and it has happened, therefore, in a great number of cases that State statutes have been held unconstitutional by the State courts under the contention that they were violative of the Federal Constitution. In such instances no appeals could be taken to the Supreme Court of the United States. Now, it is true my attention has been called to this condition more especially in view of labor legislation in the respective States. I have in view two cases in my own State. In one case the State legislature endeavored to deal by prohibition with the so-called "company" or "pluck-me" store. That case went to our court of appeals, and the contention was set up that the "pluck-me" store State statute was violative of the fourteenth amendment to the Federal Constitution. That contention was sustained by our State court. No appeal could therefore be taken to the Supreme Court.

In another instance I have in mind a semimonthly pay law was held violative of the Federal Constitution by our court of appeals, and in that case, too, no appeal to the Supreme Court could be had. As a matter of fact, more recently the Supreme Court, in instances where the case could be appealed to, it has held the semimonthly pay law not to be violative of the Federal Constitution. Now, the object of this amendment is to give the State statute the same chance for its life, in its struggle for its validity, before the Supreme Court of the country that the Federal statutes may have. I may say, although I may not be able now to put my finger upon the page of the report, that the American Bar Association at one of its annual meetings made this a matter of recommendation, and suggested that such change be made. I believe those who are paying attention to the matter will find that there is no danger of unduly crowding the Supreme Court with cases, because the right of appeal is only extended to those few additional cases where State statutes have been held unconstitutional by the State courts on Federal grounds. I want to ask unanimous consent, and I ask the chairman's attention to the request, that we may go back to section 270 and consider the amendment as applicable to section

270 instead of section 273. I believe it would be more appropriate to section 270.

Mr. WATKINS. Mr. Chairman, I desire to say——

The CHAIRMAN. The gentleman from Maryland asks unanimous consent to return to section 270 for the purpose of offering this amendment.

Mr. WATKINS. Mr. Chairman, we are on this amendment now, and I do not believe we will stop in the middle of a discussion of this; but I have a suggestion to make which I think will eliminate that. When this amendment was first offered I did not raise the point of order against it, because I wanted it discussed, although I do not believe it is at all applicable to this section we have now under consideration, but in all probability we may finally agree to go back to the other section and discuss it. Now, my proposition is this, if it meets the approval of the gentleman from Maryland, to let this entire section go over until a subsequent meeting and let the committee investigate the question. I think it is of sufficient importance to let the committee from which this bill was reported investigate the question carefully before finally making any disposition of it; and in lieu of the request of the gentleman from Maryland I ask that the whole subject matter, including the section and all amendments thereto, be postponed until further consideration.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent that the further consideration of this section and all amendments to it be postponed until some future time.

Mr. LLOYD. I think, though, it may be understood this amendment is to come after section 270 instead of 272.

Mr. LEWIS of Maryland. The request of the gentleman from Louisiana will include that the amendment come after section 270.

Mr. WATKINS. Yes.

Mr. LEWIS of Maryland. Does the gentleman think it could be reached on next Wednesday?

Mr. WATKINS. Yes, sir.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I doubt whether this is the bill where this proposition belongs.

Mr. WATKINS. That is one thing we wish to consider.

Mr. MANN. I am inclined to believe it belongs in the judiciary title and the amendment should apply to that codification which we passed a few years ago. This proposition has been floating around Congress for a great many years. I believe it has been recommended once or twice by committees of the House. Most all lawyers would be in favor of it. Nearly all lawyers are in favor of anything which adds to the delay of cases or gives greater opportunity for appeals——

Mr. BRYAN. Will the gentleman yield?

Mr. MANN. That is the way they live. Is the gentleman a lawyer?

Mr. BRYAN. I am.

Mr. MANN. Yes; I yield.

Mr. BRYAN. If there is anything that will permit lots of legislation, it is to have 48 States say what the Federal Constitution is without any chance of getting uniformity of decision.

Mr. MANN. Oh, I thought the gentleman was going to speak about something that is pertinent to what I am saying.

Mr. BRYAN. It is pertinent to the amendment.

Mr. MANN. Now, we did provide years ago, where a State court upheld a State statute as against a Federal provision, that it should go to a Federal court for final determination. But, in the interest of getting business ended at some time, it was not allowed that they should take appeals from the decisions of the supreme court of a State where the supreme court held the State statute invalid. What gentlemen seek to do all the time is to centralize all government at Washington. It may be a good thing. Certainly we ought to be able in the different States to have the States determine, so far as they uphold their own position, without having the Federal Government reverse the policy of the State unless it is in conflict, as held by the State courts, with the Federal statutes. This everlasting desire for appeals is what bothers me. A few years ago we created the circuit court of appeals throughout the United States in order to lessen the work being done by the Supreme Court, and for a short time the Supreme Court made progress with its calendar and commenced to get a little nearer to the end of it. But now it is going backward again. It can not dispose of as many cases each year now as are brought before the court, and we must either in some way restrict the jurisdiction of Federal courts—nisi prius courts—or else restrict the appeals which can be taken from those and State supreme courts, or we will have our Supreme Court buried with business until it is almost impossible to get justice because of delay.

Mr. LEWIS of Maryland. Mr. Chairman, if the gentleman will allow a brief reply, I will call his attention to the fact that the theory of the amendment restricts the additional appeals to those instances where a State statute has been held as violative of the Federal Constitution. There could not in the nature of things be very many cases like that; but even if there were, it seems to me that a citizen living in a State is entitled to know his Federal rights. And if we have to make room for those cases let us make some provision to take away the railroad cases that are now engrossing the attention of the Supreme Court. But I do not think, while I recognize the grave importance——

Mr. MANN. We have. I will say to the gentleman, taken away the jurisdiction of the Supreme Court in almost all railroad cases. Instead of expanding it we are restricting it all the time.

Mr. LEWIS of Maryland. I think that a very good movement, because other courts perhaps can give that subject proper attention. But let me mention to the gentleman a subject now that is likely to become a very serious one. The States are passing a number of these accident compensation laws. Where they are going to be contested naturally the fourteenth amendment is going to be set up against them. If the State supreme court thinks that contention against their validity is good, the power of the legislature in that State to act even in a matter of such serious character is forever destroyed. Indeed, that very circumstance happened within the State of New York within the last three or four years and ought not to happen again. I do not believe that the Congress in 1789 would have drawn the distinction it did between decisions against and decisions favorable to Federal contentions in an age like ours. And I trust that the gentleman will not make any objections which will prevent the consideration of this matter at the next meeting, as proposed by the chairman of the committee.

Mr. MANN. Of course I shall not object, so far as that is concerned. This is a new matter with our friend from Maryland, and a new matter to others watching legislation in the House.

The CHAIRMAN. The question is on the motion of the gentleman from Maryland [Mr. LEWIS].

The question was taken, and the motion was agreed to.

Mr. CULLOP. Mr. Chairman, I offer an amendment as a new section.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

To follow section 273 as a new section:

"In all cases wherein suit is brought to test the constitutionality of any State statute, before the Federal court shall have jurisdiction on such cases such a statute must be passed upon by the highest court of the State which enacted the statute."

Mr. WATKINS. Mr. Chairman, I make a point of order against that. It clearly does not belong to that part of the bill.

The CHAIRMAN. The gentleman from Louisiana makes a point of order against the amendment.

Mr. CULLOP. Mr. Chairman, I want to be heard on that. The same question was ruled on in the Clayton bill by Judge HULL, wherein a section was offered. The point of order was made that it was not germane at that place, but, it being a new section, it was held to be germane at any place in a bill where it might be offered, and especially where it was offered.

Mr. WATKINS. Mr. Chairman, in behalf of economy of time I withdraw the point of order.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] withdraws the point of order, and the gentleman from Indiana is recognized.

Mr. CULLOP. Now, Mr. Chairman, I have offered this amendment to meet and overcome a very serious question which has arisen in nearly all of the States. Wherever suit has been brought to test the constitutionality of a State statute, usually they have gone to a Federal court and brought the suit first there, and then appealed to the Supreme Court of the United States, notably in the 2-cent fare statute enactments of the different States, and have delayed for years and years the settlement of that important question. Some of them that were brought three or four or five years ago have just recently been settled by the Supreme Court of the United States.

Now, it is a rule of statutory construction that the construction that the highest court of a State puts upon its statutes shall control in the Federal courts. Suits have been brought in the Federal courts ostensibly for the purpose of having the Federal court construe a State statute, but in reality to prevent the highest court of the State from construing its own statutes, having them set aside in the Federal court without first having the highest court of the State put its construction upon its own

citizenship of the country. It became a public scandal in some places, and it was thought best to put a stop to it.

Mr. MANN. Mr. Chairman, I propose to read to the House a suggestion made in reference to this matter by one of the distinguished judges on the Federal bench in New York City, and I do not see how anyone can favor the proposition in the bill after hearing this statement. I read:

SECTION 269.

This section takes away from the court the power of suspending sentence and is a distinct step backward in the administration of the criminal law.

Under this act it would be impossible to exercise proper mercy toward that class of offenders, peculiarly large, under the Federal statutes who have committed at most a breach of discipline—e. g., boys of 18 and 19 who have pilfered a trifle from some post office, navigators who have navigated their vessels in forbidden channels in contravention of a statute they never heard of, and so on. It will also be a great handicap to prosecuting officers who under the Federal statutes have long found an indictment for conspiracy the most serviceable method of reaching crime. Many conspirators are mere tools; they are guilty, but their moral status is utterly different from the main conspirators whom they serve. Hitherto prosecutors have been able to point out to such persons that if they tell the truth, the court will probably suspend sentence. But now they must be sentenced. It will be increasingly difficult to get information from them if a premium is put on perjury, and juries will often refuse to convict those who ought to be convicted because of knowledge that their frequent recommendations to mercy can not be sufficiently considered by the court to which they speak.

I feel very strongly on this subject. Personally I have sparingly exercised the power of suspension—never without requiring the convict to report to me, or to a designated person who would report to me, for a long time after conviction. Of course I have not always been successful, but I am sure that in almost every case the person whose sentence I suspended really lived a new life under the influence of the mercy extended to him.

Now, under this provision of the section a man who is legally guilty, though he may not be morally guilty, must be sentenced and must serve his sentence, unless pardoned. Well, a man can not be pardoned practically for a short sentence in jail.

Now, in a case where some person has violated the law unintentionally—of course, he is supposed to know what the law is, but he does not—and he is guilty of an unintentional infraction of the law, what is the use in saying that he must serve a sentence? I do not see the theory of it.

The fact that the power has been abused is no reason, to my mind, for taking the power entirely away from the court. No body and no man anywhere possesses power which they do not abuse. If they did, we would have reached perfection on the part of some one, and the mere fact that some judge lets off a criminal who ought to be sentenced and fined is not to me a sufficient reason for taking away from the court the power to suspend sentence in those many cases which come up of lads, for instance, who have committed some technical violation of the law. Under this provision they would not have the opportunity to have a sentence suspended.

I think the power, while it may have been abused, has been a great blessing on the whole because it has been exercised.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. Does not the gentleman think it also has been an aid to the enforcement of the law? Because you suspend the sentence, it is held over a man as a guaranty of good behavior. He knows if he violates the law again in like particular he is liable to be taken up and made to undergo that sentence. In other words, it is a kind of reformatory measure.

Mr. MANN. Undoubtedly. I believe myself in enforcing the law. I think there is a good deal of delay in the law, but I never would, if I could avoid it, send an innocent or practically innocent young person to jail. I would rather take the chance, as a rule, of their being good citizens and having received sufficient punishment by indictment than to force them into jail acquaintances.

Mr. BARTLETT. Mr. Chairman, I suggest to the gentleman that we have this class of cases in my part of the country, of men indicted for violation of the internal-revenue laws and for not paying tax for the manufacture and sale of liquor, and things of that sort; cases where men are arrested—very often ignorant men—for working in a place not registered as a licensed distillery, and they are confined in jail.

The judge has in many such cases suspended sentence in order that they might go home and gather their crop, whereas to put them in jail and make them serve out a sentence then would bring starvation, almost, upon their families. Such cases have occurred of violation of the law by failure to pay the tax, or to register, or by working in an unregistered distillery, where the court has allowed the defendant to plead guilty, return home, and come back and serve out a jail sentence after he has done that which is absolutely necessary for him to do in order to sustain his family. This takes away all discretion from the judge and prohibits things of that sort being done.

Mr. MANN. Mr. Chairman, I move to strike out the language in lines 21 to 24:

And the court thereafter shall not suspend the sentence, or the execution thereof, except in such cases as are expressly provided for by the laws of the United States.

I move to strike out that sentence.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 140, by striking out, after the word "law," in line 21, the words "And the court thereafter shall not suspend the sentence, or the execution thereof, except in such cases as are expressly provided for by the laws of the United States."

Mr. BOOHER. Mr. Chairman, it seems to me the law as it is administered by the Federal courts takes the place of the parole laws of the several States, and I am in favor of a parole law. I am not in favor of this provision as it stands in the bill.

I agree thoroughly with the statement of the gentleman from Illinois [Mr. MANN]. I believe that the courts ought to have the right to suspend sentence, especially in the cases of young men and first offenders. Many a man, as has been well said, commits an offense, not knowing that he has violated a Federal law or some regulation of some department of the Government; and to force the court to impose a sentence and confine him in jail or in a penitentiary, it seems to me, is depriving the court of one of the greatest helps that they have.

They may abuse this in some sections of the country. I remember the time when the parole law was first passed in my State. Men opposed it, and suggested that the courts would not send anyone to the penitentiaries and jails, and that the juries and courts would not enforce the law. Yet we find, after years of experience with the parole law, that it is one of the best allies of the criminal statutes in our State. And I am decidedly in favor of extending it and not abridging it in any particular. I hope the chairman will accept the amendment offered by the gentleman from Illinois [Mr. MANN], so that we may still leave it in the power of these courts to extend paroles to those whom they believe ought to be favored.

Sending men to prison is not always the best way of enforcing the criminal statutes. Justice tempered with mercy may reform many men accused of violating the criminal laws. And for one I am not afraid to trust the courts along this line.

Mr. TOWNER. Mr. Chairman, I want to read what another United States judge says regarding this power. He says:

As I wrote you before, the general tendency in all jurisdictions now is to extend the power to suspend sentence and to redeem or assist criminals who may be saved or protected from bad associations. There has been considerable query raised by the Department of Justice with respect to the authority of the court to suspend sentence, and it has, up to the present time, depended upon the right of the court to allow a sentence to be postponed or to let the defendant be discharged without sentence until after the term has expired and the case has lapsed. I shall not attempt to argue the merits of the question, and I do not wish to be understood as desiring merely more authority than Congress may wish to give. I do, however, firmly believe that the power to suspend sentence is a useful provision, and it would be better to have the section expressly give the power than to leave it as at present, merely dependent upon implication or the lack of prohibition against the exercise of power.

Mr. Chairman, I entirely agree with what has been said by the gentleman from Illinois [Mr. MANN] and the gentleman from Missouri [Mr. BOOHER] regarding this power. Everyone who has had experience in the criminal courts, either as an attorney or as a judge, must know that in many cases the imposition of a sentence at all is not only not justified, but is an absolute, affirmative wrong.

The court ought to have the power, and ought to be perfectly free, not merely by implication but by the express language of a statute authorizing it, to use his judgment in such cases. There is very little danger of its abuse. I know that individual instances might be cited where perhaps this benign power had been used without justification, but in ninety-nine cases out of one hundred the use of it is beneficent rather than otherwise. As has been well said, if this provision becomes a law, it will turn the courts of the United States in a direction entirely contrary to the trend of public opinion all over the world with regard to the treatment of criminals. It is best that we should save a man rather than that we should punish him for the commission of a crime which, in some instances, when the act was committed he did not know was a crime. To send him to jail, to impose upon him what he must believe is unmerited punishment, puts him in such a frame of mind with regard to the law and the administration of justice and his relation to society that it is very apt to make him a criminal if he had not before intended to be such. So I sincerely hope that the committee will not leave this provision in the section, and I would be glad if, instead of that, the chairman would afterwards return to this

section, by unanimous consent, and insert in lieu of it a provision giving the courts of the United States the affirmative power to suspend sentences in their discretion, so that there shall be no question but that they may exercise that power.

Mr. WATKINS. Mr. Chairman, in corroboration of what I stated a few moments ago when answering the question of the gentleman from Illinois [Mr. MANN], I want to call attention to a statement which is found in House Report No. 596, second session, Fifty-first Congress, on the practice of certain United States district courts and other officers in criminal cases. It it not necessary to read the very long report, or even to go to the expense of having it incorporated in the RECORD, but just a few extracts from it will show to what extent this practice has been carried.

In the middle district of the same State—

Alabama—

commencing at the May term, 1885, and ending at the November term, 1889, there appear to have been 673 convictions and 333 suspended sentences. In other words, in more than half the cases the sentences were suspended.

Mr. BOOHER. What were those people convicted of?

Mr. WATKINS. I suppose they were convicted of misdemeanors very largely. We could very easily make an exception to cover cases of that kind.

Mr. BOOHER. What kind of misdemeanors?

Mr. WATKINS. I can not inform the gentleman as to that. I do not know whether they were selling intoxicating liquors, or violating the internal-revenue law in some way. It does not state here. I infer, however, that the cases must have been misdemeanors.

Mr. MANN. What is the report?

Mr. WATKINS. It is House Report No. 596, Fifty-first Congress, second session. It is a report from the Committee on the Judiciary.

Mr. MANN. On some bill?

Mr. WATKINS. It was on a resolution to investigate the practice of certain United States district courts and other officers in criminal cases.

Mr. MANN. Did they report a bill?

Mr. WATKINS. It does not seem from this report that they did.

Mr. MANN. It is a report in the Fifty-first Congress?

Mr. WATKINS. Yes.

Mr. MANN. More than 20 years ago.

Mr. WATKINS. Yes; but they have been doing just as bad ever since.

Mr. MANN. Did anybody ever propose a bill during all this time?

Mr. WATKINS. This report is based upon facts which were brought out in the investigation they had made. It comes from high authority, and I think it ought to have considerable weight. I was going to read some of the statements contained in the report, but as my time is limited I will simply say that there can be no objection in minor cases and misdemeanors for the judges to exercise this discretion, but to do it in all cases is carrying it too far. In many cases this right, as they call it, but which is a privilege they exercise, is carried to the most absurd extreme, and I think it is at least advisable that there should be some restriction of the authority that they exercise.

Mr. HOUSTON. Will the gentleman yield?

Mr. WATKINS. I will.

Mr. HOUSTON. I would like to ask the gentleman if he can tell us in what character of cases the language in lines 22 and 23 refer—"except in such cases as are expressly provided for by the laws of the United States"?

Mr. WATKINS. That means that if there are any laws prohibiting this leniency in a certain class of cases that would not conflict with this law. I must say that I do not know of any.

Mr. HOUSTON. The inference would be that there are some provisions of the statutes to that effect.

Mr. WATKINS. We can perfect the language in this section rather than to strike it out altogether.

Mr. BRYAN. Mr. Chairman, the whole idea of the present state of criminology is to give greater power to the courts in suspending sentence. The juvenile courts all over the country, to say nothing of Judge Lindsey, everywhere, take that as a basis. They suspend sentences and send the respondents to reformatory institutions. For instance, in the Navy judges do not think of sending defendants to Fort Leavenworth, but they provide that they may be put in a reformatory institution, in the disciplinary barracks, and with sentence suspended, and if he shows good conduct for a period of six months, or whatever it may be—a period much shorter than the sentence—he may be released. That is the whole tenor and tendency of this day and time, and I hope that we will not back up on that and make it impossible for a judge to suspend the sentence, but require him to put the defendant in the penitentiary. Not one judge in a thousand would suspend a sentence where the circumstances at the trial show that the man was guilty of a heinous offense and that he ought to be punished. Judges generally are associated more or less with the prosecuting attorney, and they work together, and I think they would rather increase a sentence than to decrease it, and I hope that the amendment of the gentleman from Illinois will carry.

Mr. BOOHER. Mr. Chairman, I believe if this report referred to by the chairman of the committee could be read carefully by every member of the committee present the amendment of the gentleman from Illinois would be unanimously adopted and the chairman of the committee would vote for it himself. These cases, or most of them, seem to have been worked up by deputy United States marshals for the purpose of getting the fees. That is one of the greatest vices of the fee system of the country. Now, take a case here. Here is a report signed by Albert Small, examiner for the Department of Justice:

In the case of William Meeks, the certificate of proceedings fixes the hearing on June 16, while his docket makes it June 19. The arrest was made by Deputy Marshal J. W. Lath, who was allowed $21.40; commissioner, $11.85; witnesses, $28; a total of $61.25.

Page after page of just such kind of suits were brought, and the court suspended sentence and sent the people home, and I think the court was exactly right in so doing. I trust the amendment offered by the gentleman from Illinois will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. MANN. Now, Mr. Chairman, I move to strike out, line 1, page 141, the words "as hereinbefore provided."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 141, line 1, by striking out the words "as hereinbefore provided."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 270. The review by appeal, by writ of error, or otherwise, of final decisions in the district courts shall be had in the Supreme Court of the United States or in the circuit court of appeals; and the review by appeal, by writ of error, or otherwise, of decisions in cases in which they are not made final, shall be had in the Supreme Court of the United States in accordance with the provisions of this title.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "appeals," line 4, page 142, insert the following: "and appeals may be had in like manner by the defendant in cases of indirect or criminal contempt."

Mr. BARTLETT. Mr. Chairman, we have provided for trial by jury in indirect contempt cases in one of the sections of this bill. We provide in what is known as the bill to amend the antitrust act that passed the House the other day a like trial by jury in indirect contempt cases, and for appeal to the higher court on conviction in these cases.

This amendment but carries into this bill the right which has hitherto been denied under existing law, as construed by the courts, of trial by jury in indirect contempt cases and the right of appeal from the decision in the lower courts.

I believe the most noted case as an authority that the defendant has no right of appeal in indirect contempt cases is the Debs case, but it has been the rule and so held uniformly that when a judge decides a contempt case there is no appeal from it to a higher court.

As I have said on former occasions, it is rather shocking to my sense of correct trial, imbued as I am with the righteousness and propriety of a trial by jury in all disputed cases of facts, where a man's liberty or property is to be taken from him by way of punishment, that there should not be a trial by jury, and it is equally obnoxious to my idea as to what is the proper administration of law among Anglo-Saxon people, when a judgment in a criminal case, no matter how well tried it be, should be final, and that there should be no right of appeal, and therefore I have continued my efforts to amend the law in this section by providing for an appeal to a higher court in indirect contempt cases.

Mr. BRYAN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. BRYAN. Can the gentleman state for the information of the committee what is the maximum penalty the Federal judge may impose for indirect contempt?

Mr. BARTLETT. It has never been limited. I know in the case of the impeachment of Judge Peck the trial grew out of the fact that he imposed a penalty of $1,500 on the complainant

Mr. TOWNER. Mr. Chairman, I did not suppose that anybody would seriously contend that an indictment could be complete or ought to be considered complete or that anybody ought to be placed on trial under an indictment that did not allege a date. It would be impossible to determine whether it was within the statute of limitations unless the date were alleged. Under the law as it now exists, and as it is interpreted by the courts, it is not necessary to confine the proof to the specific date that is alleged in the indictment, but certainly I never heard it before argued that an indictment might omit charging the date of the offense.

Mr. WATKINS. Mr. Chairman, will the gentleman yield?

Mr. TOWNER. Yes.

Mr. WATKINS. The gentleman will notice in the form prescribed there that the date in general is named. It does not mean the exact date on which the offense is committed, but there must be an open space; it must be committed on or about a certain date.

Mr. TOWNER. I intended to call the gentleman's attention to the fact that the allegation of the first part of the section 248 did not conform to the form that he himself has inserted later. It certainly seems to me that the date ought to be one of the things stated in the indictment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following amendment:

After the word "intended," in line 13, insert the words "and to identify the acts charged as a crime."

So that the language of the section will read that this statement of fact shall be in ordinary and concise language—

and in such manner as to enable a person of common understanding to know what it intended and to identify the acts charged as a crime.

Of course in every allegation of the commission of a crime it is not only necessary to specify that the defendant is charged with the crime, but it is also necessary in an indictment to state what the particular acts are that constitute the crime. It is omitted in this statement of the requisites of the indictment, and it should be at least sufficiently stated to identify the acts charged as a crime with the charge itself.

Mr. WATKINS. Mr. Chairman, we are now dealing with the form of indictment, the general outline of it, not in its specific or definite form, which is required in all indictments, but the outline, and in that outline the very idea intended to be conveyed by the gentleman is fully expressed. The gentleman will see it here in different parts of section 248. Now, in line 8, page 133, I want to call attention to another place that sets it forth very clearly, where it says, "here set forth the act or omission charged as an offense." We are still dealing with section 248, which the gentleman is seeking to amend. I think the gentleman's amendment is superfluous, tautological, and unnecessary.

Mr. TOWNER. Let me call the gentleman's attention to this fact that this part on page 133 of the section has reference to things that must be included in the indictment; that is the form of the indictment, whereas the same language is omitted in the statement of the substantive parts or requisites of the indictment. Ought not that to be included in order to make it conform to the other form made specific?

Mr. WATKINS. We are enacting a law, and one of the requirements of the law we are enacting is that the evidence must be substantively set forth in the indictment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, on page 133, line 9, following the word "offense," insert the words, within the part which is included in the parentheses, "in the form of allegations of fact and not merely in the general language of the statute."

The object of that, Mr. Chairman, is to make it plain and clear that the facts are charged which it is alleged constitute the offense. It is true it says "here set forth the act or omission charged as an offense"; that might be done in the general language of the statute, but it should go further and specify what the particular acts are which constitute the offense in the general language that is used in the section of the statute. I think that is the general requirement, and it is necessary not only for the benefit of the defendant in order that he may know what the crime is with which he is charged, but it is necessary that the court should know it in order to pass upon a demurrer or other question that might arise as to the sufficiency of the indictment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 133, line 9, after the word "offense," within the parentheses, insert the words "in the form of allegations of fact, and not merely in the general language of the statute."

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman whether this section in reference to indictment and form of indictment is supposed to simplify criminal proceedings?

Mr. WATKINS. Yes; that is the object of it; one object of it. Another object is to enable the district attorneys who are very careless, or some few of them who may happen to be ignorant and do not know how to write an indictment so it will stand. It was thought best to give some general idea as to the form of the indictment, so that when a district attorney first entered upon the discharge of his duties, a new man coming into office, there will be some general idea about what the form of the indictment should be. Some district attorneys write them in a very loose way, and it is thought best to furnish an idea of the form, so that a case would not be dismissed on account of a laxity of the indictment.

Mr. MANN. What law gives the form of indictment now in United States courts?

Mr. WATKINS. There is no particular law which gives the form, except the law which designates what shall be incorporated in an indictment set forth in Blackstone and Archbold and other authors on criminal law. There are forms, however, submitted by various authors suggesting certain designated forms, but there is no law covering the proposition so far as I recall.

Mr. MANN. I believe they have printed forms.

Mr. WATKINS. Yes; they are used nearly everywhere.

Mr. MANN. I believe the Department of Justice has a man in its employ who used to be one of our district attorneys in Chicago who was supposed to be very expert in preparing these complicated indictments in some of the trust cases and such matters—I am not sure.

Mr. WATKINS. The district attorneys have forms already prepared. Some few do not, and those who do not are sometimes negligent in preparing indictments in proper form.

The Clerk read as follows:

SEC. 250. No indictment found and presented by a grand jury in any district or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

Mr. TOWNER. Mr. Chairman, I move to insert a comma following the word "imperfection," line 24, so that the phrase "in matter of form only" shall be set forth, as it ought to be, grammatically.

Mr. WATKINS. Before that amendment is reported——

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 133, line 24, insert a comma after the word "imperfection."

Mr. WATKINS. I would like to have time to refer back to the original statute to see whether this is an innovation or whether it has been carried that way all the time. The statute was enacted in June, 1872, and it has stood the test since that time. I have not had an opportunity yet to concentrate my thoughts sufficiently on the question to know whether it makes any material difference or not, but in the hurry of the moment I prefer not to change the punctuation in the bill for fear it might make some material difference. Right on the spur of the moment, at first blush, I would say it would make no material difference; but the statute has stood the test since 1872, and I see no particular objection to it remaining as it is. I do not know the object of putting a comma here, and I do not see what practical purpose it would serve, and for that reason I shall object to it.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 269. Within five days after a plea of guilty or the rendition of a verdict of guilty by the jury, and during the same term of court, unless the defendant moves for a new trial or in arrest of judgment, and in that case within five days after the overruling of such motion, the court shall pronounce the judgment provided by law. And the court thereafter shall not suspend the sentence, or the execution thereof, except in such cases as are expressly provided for by the laws of the United States. A person sentenced to imprisonment, either in a jail or penitentiary, unless the execution of the sentence be suspended as hereinbefore provided, shall be ordered by the court into the custody of the marshal, who shall deliver him to the sheriff, jailer, warden, or other proper officer, in whose custody he shall remain in such jail or penitentiary until the term of his confinement expires or he is pardoned or otherwise legally discharged.

Mr. TOWNER. Mr. Chairman, I move to strike out in line 16, on page 140, the words "within five days"; and if that

shall be approved by the committee, I shall also move to strike out of lines 18, 19, and 20 the words "unless the defendant moves for a new trial, or in arrest of judgment, and in that case within five days after the overruling of such motion," so that the sentence will read:

After plea of guilty or the rendition of a verdict of guilty by the jury, and during the same term of court, the court shall pronounce the judgment provided by law.

I want consideration now only for the "five days."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 140, line 16, by striking out the words "within five days."

Mr. TOWNER. That is a very serious innovation on the present law, and I think, Mr. Chairman, it will prove a dangerous one. There are many instances where it will be practically impossible for the court to render judgment in case of the sickness of the defendant or for other reasons of that character. Besides that, the judge himself will very frequently be required to make an investigation regarding the circumstances in order to enable him to properly perform his duty in the infliction of a sentence. He can not and ought not to be limited to five days in order to do this. If it shall be done at any time during the term of court that is a sufficient limitation. I can conceive of no reason why the arbitrary period, and especially the short period of five days, should be placed as a limitation in the infliction of a punishment. I do not think it is necessary for me to say anything else in regard to the matter. It seems to me it should appeal to anyone.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. TOWNER].

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Louisiana [Mr. WATKINS] where this notion of the five days came from, if I may?

Mr. WATKINS. That is simply suggested by the commission which was authorized to codify the law.

Mr. MANN. Take a case where a man pleads guilty, and under this, if sentence was not pronounced in five days, would he then be able to sue out a writ of habeas corpus on the ground that the court had lost jurisdiction to pronounce sentence?

Mr. WATKINS. I think not.

Mr. MANN. Why not?

Mr. WATKINS. I do not object to the 5 days being stricken out. It probably ought to be 10 days, or we might leave no time in. It is during that term of court.

Mr. MANN. During that term of court.

Mr. WATKINS. I think that is all right.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Iowa.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. Now, Mr. Chairman, I would like to call the attention of the chairman to this further language. I am not yet sure just what ought to be done with that, and I will ask unanimous consent to return to this section for the purpose of changing that, if it may be deemed just to do so.

The CHAIRMAN. Does the gentleman offer an amendment?

Mr. TOWNER. No. I ask unanimous consent to return to this section in case I deem it necessary to offer an amendment to it. I refer to section 269.

The CHAIRMAN. The gentleman wants to ask unanimous consent to return to it hereafter?

Mr. TOWNER. Yes, sir.

Mr. WATKINS. Reserving the right to object, I will be very glad if the gentleman would give some reason for it. I would dislike very much to defer action unless there is some particular reason for it.

Mr. TOWNER. The reason is simply this, that I thought at first blush that the words in lines 18, 19, and 20 also ought to be stricken out, namely:

Unless the defendant moves for a new trial or in arrest of judgment, and in that case within five days after the overruling of such motion.

Mr. WATKINS. I do not think so.

Mr. BRYAN. I suggest to the gentleman that he modify his request that he may return to it sometime to-day, and if he does not return to it to-day it will be out of order to do it next Wednesday.

Mr. TOWNER. It occurs to me that the only language that ought to be retained here in section 269 is this:

After a plea of guilty or the rendition of a verdict of guilty by the jury and during the same term of court the court shall pronounce the judgment provided by law.

That is all, I think, as it appears to me now, that this provision ought to contain. Whether or not the motion for a new trial is made, it is proper, I think, that the judgment should be rendered at the same term of court. And I think that is the only requirement that ought to be made, and for that reason it occurs to me the language I have stated ought to be stricken out. In order to settle it, Mr. Chairman, I move to strike out the language from lines 18, 19, and 20:

Unless the defendant moves for a new trial or in arrest of judgment, and in that case within five days after the overruling of such motion.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 140, by striking out all of line 18 after the word "court," and all of line 19 and line 20 up to and including the word "motion."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MANN. Mr. Chairman, the gentleman certainly does not want that amendment to go in that shape.

Mr. TOWNER. I think so.

Mr. MANN. That would require the court to render sentence although a motion for a new trial was still pending and undisposed of. The gentleman does not want to have the court sentence a prisoner who has a motion for a new trial undisposed of?

Mr. TOWNER. Yes; the court would, of course, dispose of it at the same term of court.

Mr. MANN. But the motion for a new trial may go over to another term of court.

Mr. TOWNER. It can not be so done now, as I understand it.

Mr. MANN. It certainly can be so done now, and it is frequently done. On motions, under that provision, the court could not do any business the last few days of a term of court. He can where he sits continuously, as they do in my city. But on the last day of a term of court, when motions for a new trial are made, a blanket order is issued continuing all these motions to the next term of court.

Mr. TOWNER. It might be done at the request of the defendant.

Mr. MANN. It is not done at the request of the defendant; it is a blanket order. Our local courts are in session all the time. That is not the case with the United States court. But the gentleman's amendment would leave it so that after a plea of guilty or a verdict the court must pronounce sentence during the term of court, although there might be a motion for a new trial pending and undisposed of.

Mr. TOWNER. Yes; it would require the court to pass upon the motion for a new trial at that term of court. I am aware of that fact. But the gentleman raises a question of which I am not very certain, and I shall ask for a vote on the amendment.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WATKINS. Mr. Chairman, I could not hear distinctly everything that was said on that side, but as well as I could hear the gentleman from Illinois [Mr. MANN] expressed the correct view of the matter. It would not do at all to have this language stricken out. If there was a new trial granted, the case would have to be disposed of at that term of court, and that is not always practicable.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. The section reads, commencing with line 21:

And the court thereafter shall not suspend the sentence, or the execution thereof, except in such cases as are expressly provided for by the laws of the United States. A person sentenced to imprisonment, either in a jail or penitentiary, unless the execution of the sentence be suspended as hereinbefore provided, shall be ordered by the court into the custody of the marshal, who shall deliver him to the sheriff, jailer, warden, or other proper officer, in whose custody he shall remain in such jail or penitentiary until the term of his confinement expires or he is pardoned or otherwise legally discharged.

Does the gentleman understand from that what I understand from it—that the court under this section must pronounce sentence on all defendants that are found guilty and can not suspend the sentence?

Mr. WATKINS. Yes; that is the principal object of the proposed law. The privilege had been so much abused that it became a scandal in many parts of the country where the courts have suspended sentence and allowed defendants who were convicted to tramp over the country and mix with the

cent, to conform to the other provisions in this connection, but 5 per cent would be a reasonable amount.

time. It is a very salutary provision in regard to the collection of these judgments.

may be discharged from custody. The money so deposited shall be subject to forfeiture upon the failure of the defendant to comply with the order of the court.

that would cover the point that I want, and will make it plain that after conviction the bail money may be returned, so that

the Federal judge can not give an order that the bail money be held until the fine is paid and thereby make it harder for a man to get the bail that he seeks—if the gentleman will agree to that amendment, I think it will be an improvement to the section.

Mr. WATKINS. I do not like to load down the bill with unnecessary amendments. The language is so clear and overwhelming in its import that I do not think there can be any possible doubt about it. It says if he shall surrender himself in open court or to the marshal, or be in any manner discharged. The proposition submitted by the gentleman is intended to be covered by the language in section 241.

Mr. BRYAN. I think it is not covered. I think the gentleman is mistaken.

It seems plain to me that if the money is left with the court, to follow the order of the court, it ought not to be returnable only upon the discharge of the defendant.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. BRYAN. I will not insist upon it if the gentleman who has charge of the bill thinks that the matter is sufficiently covered.

The CHAIRMAN. The gentleman from Washington withdraws his point of order.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I simply call attention to the fact that something occurred a few moments ago that has not occurred since I have been a Member of this House, as far as I know. Just now there were only two Democrats present. I was wondering what had become of that distinguished patriot from Illinois, Mr. BUCHANAN, who had been saying that it was the duty of Members to be present and attend to business and making a point of no quorum every few minutes.

Mr. MURDOCK. Possibly he is resting up until to-morrow. [Laughter.]

Mr. HUMPHREY of Washington. And also that distinguished statesman from Connecticut, Mr. DONOVAN, I notice is absent.

Mr. TAYLOR of Colorado. My friend ought in the same connection to state how many Republicans there were on the floor.

Mr. HUMPHREY of Washington. There were about five times as many Republicans as there were Democrats, and there were more Progressives that there were Democrats.

Mr. TAYLOR of Colorado. There were only six or seven Republicans.

Mr. HUMPHREY of Washington. Oh, there were more than 10.

Mr. MURDOCK. Will the gentleman yield?

Mr. HUMPHREY of Washington. Certainly.

Mr. TAYLOR of Colorado. I should like to ask the gentleman from Washington how long he has been in the Hall?

Mr. HUMPHREY of Washington. Long enough to see that there were only two Democrats present.

Mr. TAYLOR of Colorado. The gentleman has not been here very long.

Mr. BRYAN. The gentleman from Illinois, Mr. BUCHANAN, told me he was going to New York to-day, and that he did not intend to make any trouble on Calendar Wednesday. So if his patriotism is along that line, he ought to get the credit of it.

Mr. HUMPHREY of Washington. Perhaps his patriotism has oozed out by this time.

Mr. MANN. I think the gentleman ought to have stated—although it is wholly unnecessary now—that the Progressive Party was represented on the floor by the same number of Members as the Democratic Party; but the two Members of the Progressive Party have shown that they are here, and I am not sure that the two Members of the Democratic Party have given any such oral demonstration of their presence. The gentleman from Colorado [Mr. TAYLOR] was not one of them.

Mr. TAYLOR of Colorado. Oh, yes; I was here.

Mr. MURDOCK. The gentleman from Illinois [Mr. MANN] will recognize that we are strong on percentages, at that.

Mr. MANN. Yes; I am complimenting you.

Mr. BRYAN. The gentleman, as usual, was discounting the Progressive Party at about 50 per cent of its real strength. We have three Members present—the gentleman from California [Mr. STEPHENS], the gentleman from Kansas [Mr. MURDOCK], and myself.

Mr. MANN. The gentleman from California has just come in. He has his hat in his hand.

Mr. BRYAN. If he has his hat in his hand, he counts for just that much more. That makes just that much more of him.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 242. Any party charged with a criminal offense and admitted to bail may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offense; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exonerator of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

Mr. TOWNER. Mr. Chairman, I move to strike out the word "the" in line 22, page 130, and to insert in lieu thereof the words "any United States."

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 130, line 22, strike out the word "the" and insert the words "any United States."

The CHAIRMAN. The question is on the amendment.

Mr. MANN. Mr. Chairman, I should like to ask the gentleman with reference to that. Under the existing law if a defendant's bail goes after him and captures him at some distant point, at whose expense is the defendant to be returned to the district where he is under indictment?

Mr. TOWNER. I can not answer that question; but the gentleman will see that the object of this is that the process may issue and the arrest may be made by any United States marshal in any part of the United States.

Mr. MANN. I do not so understand it. This says—

Any party charged with a criminal offense and admitted to bail may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy.

Take the case of a man who is arrested in Texas and who furnishes bail to appear at the trial in Texas. Then he flees to Canada, and when he gets up in the State of Washington he is captured by his bail. Now, is it the duty of the United States to pay the expense of returning him, or is it the duty of his bail to return him?

Mr. TOWNER. It is true that the person who is thus arrested ought not to be placed or continued in the custody of an individual at whose instance he may be arrested and continue in the custody of that individual clear across the United States. The object of this is to put him in charge of any United States marshal that may be, for instance, in California and transport him to New York, where he is wanted.

Mr. MANN. It seems to me that it is merely a matter of expense. A man who has given bail to appear in Maine and who gets to California, if the surety can surrender him to the marshal in California, of course his bail has nothing more to do with it. The question is whether the giving of a bail bond in the first instance, guaranteeing to the Government the appearance of the man at the trial court at the proper time, shall be at the expense and risk of the bail, or whether the General Government takes the risk and expense. Because it is quite certain that while this would not require the bail to turn him over to any marshal, as a rule the bail would do that if he could avoid the expense of transporting the alleged criminal back where he was wanted.

Mr. TOWNER. I think the gentleman is correct in regard to that. The only question is whether it is not better in the administration of justice that he should be placed in the custody of the United States authority rather than continue in the custody of the individual. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 244. When any recognizance in a criminal cause, taken for, or in, or returnable to, any court of the United States, or any money deposited with the clerk thereof, is forfeited by a breach of the condition thereof, such court may, in its discretion, remit the whole or a part of the penalty, whenever it appears to the court that there has been no willful default of the party, and that a trial can, notwithstanding, be had in the cause, and that public justice does not otherwise require the same penalty to be enforced.

Mr. TOWNER. Mr. Chairman, I offer an amendment, following the word "penalty," in line 19, by inserting the words "forfeiture or judgment therefor."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 19, after the word "penalty," insert the words "forfeiture or judgment therefor."

The question was taken; and on a division (demanded by Mr. TOWNER) there were 6 ayes and 10 noes.

So the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer another amendment, following the word "had," in line 22, to insert "or has been

had," so that it will read "and that a trial can, notwithstanding, be had or has been had in the cause."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 22, after the word "had," insert the words "or has been had."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TOWNER. Certainly.

Mr. MANN. The gentleman is authority in such matters, but the language is "and that a trial can notwithstanding be had in the cause," and if the amendment is adopted it will read "a trial can notwithstanding be had or has been had in the cause."

Mr. TOWNER. The language may not be in the best form, but the gentleman will see that it is for the purpose of making available the same rights upon judgment that has been had, as might exist on a judgment that was to be procured. I think this would be sufficient.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. TOWNER) there were 9 ayes and 12 noes.

So the amendment was lost.

The Clerk read as follows:

SEC. 245. All criminal prosecutions shall be in the name of the United States of America.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Of course, I do not expect the few remarks I make to get to the attention of gentlemen who lie concealed in the catacombs of the House. A few moments ago somebody called attention to the very large attendance on the floor of the House, but whoever did so could not have seen through the walls and seen where the Democratic Party lies concealed.

However, I did not rise for the purpose of discussing that matter, humorous as it may be. It must strike anyone who visits the House as peculiar, where one gentleman in charge of the bill sits on the floor and votes "no," and a majority of those in their seats vote "aye," and the gentleman wiggles his thumb and out of the bowels of the earth a certain number of other distinguished gentlemen come in and vote as the gentleman in charge of the bill wiggles his thumb. I rose for the purpose of calling attention to another matter as an incident.

The bill provides that all criminal prosecutions shall be in the name of the United States of America. Somebody asked me recently, "What is the name of a citizen of the United States when you want to refer to him with an adjective?" We refer to a resident of Canada as a Canadian, to a resident of France as a Frenchman, to a resident of England as an Englishman, and to a resident of Germany as a German, and so forth, and so on. I think that ordinarily we refer to the citizens of the United States as Americans, although, of course, we are not the only Americans.

I took the matter up with the State Department for the purpose of ascertaining what the diplomatic usage was. While I believe they have not yet reached the point where an American is described as an American with the use of the word as a noun, they have reached the point where they use it as an adjective. A gentleman from the United States who is a citizen of the United States is referred to as an American gentleman, or an American woman, or an American lady, and I think no one takes any exception to that. Possibly in the course of time we will get to the point where everybody will acknowledge that we are entitled to use the word "American." I say "possibly," because if the present administration continues in power very long we will probably be called English, in view of the attitude of the administration where we have to ask England what we can do in our own local affairs.

Mr. WATKINS. Will the gentleman yield for a question?

Mr. MANN. I will.

Mr. WATKINS. Does the gentleman think that with Central America and South America it would be entirely acceptable to use language without saying "United States of America"?

Mr. MANN. I did not say "America." I said "American."

Mr. WATKINS. Either.

Mr. MANN. How would the gentleman, if he went to South America, describe himself?

Mr. WATKINS. I would say, "I am a citizen of the United States of America."

Mr. MANN. Oh, that is a very long phrase. Nobody in the world ever described people of a foreign country in that manner.

Mr. WATKINS. I have always been very proud of it.

Mr. MANN. "A citizen of the United States of America." Of course we are all proud of that; but the gentleman would not say "A United Statesman." If he were referring to a citizen of Brazil, he would say "Brazilian"; and if he were referring to a citizen of the Republic of Panama, he would say "A Panaman"; and if he were referring to himself, he would say he was an American. Short titles go everywhere in the world. They have to. If we do not give a short title to ourselves, same one else will.

Mr. BARTHOLDT. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARTHOLDT. There is a movement on foot in the United States to eliminate the word "English" in connection with the language. That is, a great many people are in favor of designating the language which we speak not as the English language but as the American language. I want to ask my friend, the distinguished gentleman from Illinois, in whose judgment I have great confidence, whether such a change, which I believe everyone within the hearing of my voice would approve, could be made by the simple introduction of a bill and the passage of a law by the two Houses of Congress?

Mr. MANN. Mr. Chairman, there is a great deal of difference between the introduction of a bill and the passage of a law. It would be easy to introduce a bill on that subject, but I am quite confident nobody in our day will pass a law to change the title of the language which we speak.

Mr. BARTHOLDT. Does not the gentleman believe that there is enough American sentiment in the House and the Senate to simply say that henceforth the language which we speak shall be known as the American language rather than the English language?

Mr. MANN. Oh, I do not believe so; but if such a bill were passed, it would not make any change in it.

Mr. COOPER. Mr. Chairman, will the gentleman permit a suggestion?

Mr. MANN. Certainly.

Mr. COOPER. Would he want it to be known as the North American language or the South American language? There are two Americas.

Mr. MANN. Irrespective of that, we might name it ourselves; but that would not change what people would call it. It would be the English language everywhere else in the world. It would be like changing the weights and measures, which we did officially many years ago; and I dare say there is not a man in the House who can give the metric scale of weights and measures without examination.

The Clerk read as follows:

SEC. 248. The indictment or information must contain the title of the action, the name of the court in which the same is filed, the names of the parties, and a statement of the facts constituting the offense, in ordinary and concise language, and in such manner as to enable a person of common understanding to know what is intended. It may be substantially in the following form:

The United States of America against A. B. In the district court of the United States for the ——— division of the ——— district of ———, 19—. A. B. is accused by the grand jury of the ——— division of the ——— district of ——— by this indictment (or by the United States attorney of said district by this information) of the crime of (giving its legal appellation, such as murder, arson, or the like, or designating it as a felony or misdemeanor), committed as follows: The said A. B., on the ——— day of ———, 19—, at ——— in the said division (or the said district; or at ——— a place within the jurisdiction of the United States and in said division or district; or on board a certain vessel owned in whole or in part by the United States, or by a citizen of the United States, or by a corporation created under the laws of one of the States of the United States, called ———, out of the jurisdiction of any particular State or district, said district being the district where the defendant was found, or in which he was first brought), did (here set forth the act or omission charged as an offense), contrary to the form of the act of Congress in such case made and provided, and against the peace and dignity of the United States of America.

Mr. TOWNER. Mr. Chairman, I have an amendment to offer, following the word "filed," in line 10, on page 32, to insert the words "the date of the offense," so that, among other things required in the indictment shall be the requisite that it shall state the date of the offense. I presume likely that has been omitted inadvertently. It certainly ought to be included.

Mr. WATKINS. Mr. Chairman, it was not omitted inadvertently. The general law covers the point, that any case stated within a year is all that is necessary. If it is a capital offense, no time limit runs against it. It is impossible in a great many crimes to name the date. Often in the case of murder it is a long time before people find the man is dead, and it is often impossible to name definitely when an offense was committed. If we should pass such an amendment it might hamper the court very much in requiring the specific date to be set up. Take the case of embezzlement or larceny or robbery or murder. Of course in robbery the date is ordinarily known, but there are other offenses where the dates are not absolutely known, and if it is proven any time within a year or six months, where there is a limit of six months, it is held in law to be sufficient.

liberately waits until the incidents of the trial have passed

Mr. MANN. Certainly.

to pass upon that question, or it will say, technically, that all

Mr. Chairman. It takes sometimes two or three months to

get the exact case up to the supreme court or to the appellate court. The judge has to examine the court stenographers' notes, and he is controlled by them. The judge will not follow the notes of a stenographer engaged by either party. I apprehend lawyers who appear in United States courts have had that experience—that the judge will require the notes of the official stenographer before he will certify to the exceptions or to the correctness of the statement of what transpired in the trial; but even then it is very difficult sometimes to get some judges to certify what the stenographer reports, and I apprehend men in this House who have practised law have had that sort of experience, so that for a lawyer or lawyers or parties who are engaged in a long trial for three or four weeks or months in a case shall only have this limited time in which to file these exceptions, it seems to me, is to put the parties at a disadvantage, and they ought certainly to have the time suggested by the gentleman from Illinois, as suggested by the judge in New York, who doubtless has had much experience in the matter, and I hope the amendment will be adopted.

Mr. BRYAN. Mr. Chairman, I think that to adopt the amendment of the gentleman from Georgia and just make it four months will extend the law's delay in many cases, and I do not think it is right to do it. It ought to be nearer 30 days, with right of extension on cause shown for as much as 120 days—that is, 90 days more. I believe with this the committee ought to follow the suggestion of the gentleman from Illinois [Mr. MANN], which he made a while ago from correspondence which he had, and then we will find it will make appellate procedure better.

As far as the small cases and the large cases are concerned, the practice is that the large cases, the cases involving large sums of money, are generally kept better up, and the stenographers' notes are kept better up, and the testimony transcribed more readily, than in these little cases where they do not know whether they are going to appeal or not until the very last minute. They do not know whether they are going to have the necessary funds, and it is more often these little cases that are delayed. And if you put it 120 days in all cases the finality of the judgment, or at least the effect of the judgment, is held up that long, and then after appeal for no telling how long. I know from practice in our own State courts, where we have 30 days to file a bill of exceptions, then the right of extension for the full 90 days, it takes a long time then to get a final verdict and decision. And I am sure if we extend the time of the Federal court in that way we will hurt rather than help.

Mr. PETERSON. Does the gentleman understand the granting of the time delays the entering of the final judgment?

Mr. BRYAN. It does not.

Mr. PETERSON. Does it delay the procedure in any way?

Mr. BRYAN. It does not delay the execution the minute the judgment is rendered. But if you desire to appeal, attorneys are courteous to each other, agreements are made, and all of those matters are involved—it causes delay. And after notice of appeal is given the time continues to run. I recognize the fact that execution can issue on a judgment unless a supersedeas bond is filed.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the amendment as amended.

The amendment as amended was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 223. In equity and admiralty causes only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings shall be entered upon the final record.

Mr. BRYAN. Mr. Chairman, I would like to ask if that word "memorandums" is right. Ought not that to be "memoranda," the plural of memorandum? Is there any such word as "memorandums"?

Mr. WATKINS. I will see if there is.

Mr. BRYAN. I will pass it over. I merely suggested it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 229. Upon all bonds on which suits are brought for the recovery of duties, interest shall be allowed at the rate of 6 per cent a year from the time when said bonds became due.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Would the gentleman have any objection to making that 5 per cent instead of 6 per cent?

Mr. WATKINS. I have not any objection even to the 4 per cent, to conform to the other provisions in this codification, but 5 per cent would be a reasonable amount.

Mr. MANN. Six per cent was fixed——

Mr. WATKINS. It was fixed when interest was high. I have no objection to the change.

Mr. MANN. Mr. Chairman, I move to strike out the word "six," in line 14, and insert the word "five."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 124, line 14, strike out the word "six" and insert in lieu thereof the word "five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 230. In all suits for balances due to the Post Office Department, interest thereon shall be recovered from the time of the default at the rate of 6 per cent a year.

Mr. CULLOP and Mr. MANN rose.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CULLOP. Mr. Chairman, I move that the word "six," in line 18, be stricken out and the word "five" inserted in lieu thereof, so as to conform to the other amendment just passed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 124, line 14, strike out the word "six" and insert in lieu thereof the word "five."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 231. In suits upon debentures issued by the collectors of the customs under any act for the collection of duties, interest shall be allowed at the rate of 6 per cent per annum from the time when such debenture became due and payable.

Mr. CULLOP. Mr. Chairman, I move to strike out the word "six," in line 21, and insert the word "five," so as to conform to the amendments already adopted.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 232. Interest shall be allowed on all judgments in civil causes, and may be levied by the marshal under process of execution issued thereon in all cases where, by the laws of the State in which such court is held, interest may be levied under process of execution on judgments recovered in the courts of such State; and it shall be calculated from the date of the judgment, at such rate as is allowed by law on judgments recovered in the courts of such State.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee a question on the subject of suits on bond. Is there any provision in this act presented here with reference to the service of process in suits by the Government upon official bonds?

Mr. WATKINS. I believe it is regulated in conformity with the laws of the State in which the judgment is rendered.

Mr. CULLOP. I wanted to ask the chairman if there is a provision in here which provides that in case any judgment is rendered in a suit brought upon an official bond, it shall become a lien upon the property of all of the defendants from the date of the service of the process?

Mr. WATKINS. I do not know about the date of the service of the process, but it shall become a lien upon it in conformity with the laws of the State. Where a judgment is rendered in a State, the law applying in that State on State obligations applies also to the United States obligation.

Mr. CULLOP. Then there is a provision here that the statutes regarding the time of becoming liens in judgments of that kind shall be the same as in the States?

Mr. WATKINS. As in the States.

Mr. CULLOP. So that if the statute of some State so provided in the event of judgment being rendered against the principal and surety on an official bond, the judgment shall become a lien from the date of the service of the process if the State where the suit is prosecuted has such a statute?

Mr. WATKINS. That is my opinion about it.

Mr. CULLOP. In my State we have a statute of that kind, and it is found very advantageous in suits upon public bonds, because in many instances after suit is brought, and the service of process, and before judgment is rendered, the surety or even the defendant might convey his property for full value, and wherever judgment is rendered it becomes a lien from the date of the process, irrespective of any conveyances during the meantime. It is a very salutary provision in regard to the collection of these judgments.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 234. The provisions of section last preceding, so far as applicable, shall apply throughout the United States for the arrest and removal thereof to the Philippine Islands of any fugitive from justice charged with the commission of any crime or offense against the United States within the Philippine Islands, and shall apply within the Philippine Islands for the arrest and removal therefrom to the United States of any fugitive from justice charged with the commission of any crime or offense against the United States. Such fugitive may, by any judge or magistrate of the Philippine Islands, and agreeably to the usual mode of process against offenders therein, be arrested and imprisoned, or bailed, as the case may be, pending the issuance of a warrant for his removal to the United States, which warrant it shall be the duty of a judge of the court of first instance seasonably to issue, and of the officer or agent of the United States designated for the purpose to execute. Such officer or agent, when engaged in executing such warrant without the Philippine Islands, shall have all the powers of a marshal of the United States so far as such powers are requisite for the prisoner's safe-keeping and the execution of the warrant. The provisions of sections three hundred and seventy-one and three hundred and seventy-two, so far as applicable, shall apply to the Philippine Islands, which, for the purposes of said sections, shall be deemed a Territory within the meaning thereof.

Mr. WATKINS. Mr. Chairman, there is a word "the" left out, which I wish to have inserted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 127, line 9, after the word "of" insert the word "the."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois moves to strike out the last word.

Mr. MANN. Mr. Chairman, this section covers extradition to the Philippine Islands. I do not know that it is necessary, but I was going to ask whether there is any provision in the bill anywhere that would cover extradition between the Canal Zone and the United States?

Mr. WATKINS. Yes.

The CHAIRMAN. The pro forma amendment will be withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 237. Warrants of arrest for violation of internal-revenue laws may be issued by United States commissioners upon the sworn complaint of a United States district attorney, assistant district attorney, collector or deputy collector of internal revenue, or revenue agent, or private citizen; but no such warrant of arrest shall be issued upon the sworn complaint of a private citizen unless first approved in writing by a United States district attorney.

Mr. BRYAN. Mr. Chairman, I would like to ask a question here. Why at this time provide that exception in violations of internal-revenue laws, that private citizens can not complain without the complaint is first approved by the district attorney? That is, one can not be sued until a district attorney, who is perhaps quite a long distance away, approves. Now, that offense of selling liquor in violation of the internal-revenue laws has become a more common thing than formerly, or perhaps the situation is somewhat different from what it was when that was enacted.

Mr. WATKINS. All the United States district attorneys have assistants, and it might be well to put after the words "district attorney" the words "or assistant district attorney."

Mr. MANN. They are in here.

Mr. WATKINS. It is not thought advisable that people who may be prejudiced or interested in having a person arrested should be permitted to cause them to be jerked up without the knowledge of the prosecuting officer. Any prejudiced citizen might prefer a complaint and have a warrant issued and have a citizen arrested; and it is proposed that some one having authority shall first approve, and the district attorney is supposed to be the one having the authority to pass upon the matter before the arrest is made.

Mr. BRYAN. I shall not insist, but it does not obtain as to other crimes—for instance, petty larceny or any other kind of an offense is not subject to the reservation. If the gentleman wants it left as it is I shall not insist.

Mr. WATKINS. Probably there is more prejudice in that class of cases than any other, and that may be the reason why the clause was enacted to begin with.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 240. The defendant may, in the place of giving bail, deposit with the clerk of the court to which the defendant is held to answer, the sum of money mentioned in the order; and upon delivering to the marshal the certificate of deposit, who shall execute a receipt therefor, may be discharged from custody. The money so deposited shall be subject to forfeiture upon the failure of the defendant to comply with the order of the court.

Mr. BRYAN. Mr. Chairman, I desire to ask a question there as to these last words, "comply with the order of the court." Now, where a cash bond is put up for the appearance of a defendant, and he appears and is tried and is fined, is it legitimate to put him in a position where he can not obtain a bail bond for appearance without the money is subject to the orders of the court after conviction, which means if he is fined they will take that money? I think if he appears and is fined, then the bail money ought to be returned to the bondsman, and I think that ought to be only bail money. Of course, if the money belongs to the defendant, it is subject to the judgment.

I have seen in many cases in smaller jurisdictions the money taken to pay the fine. That is what they do in our city courts; but in a Federal court, if a man is arrested and can get somebody to deposit cash as security for his appearance for trial, when the trial is over the money should be refunded to the person who put it up and not be subject to the order of the court at all; a defendant might get a bail bond if the money is not liable to pay the fine where he could not if the money was held subject to the order of the court. I move to strike out the words "comply with the order of the court" and insert "appear at all times under order of the court."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 130, lines 12 and 13, strike out the words "comply with the order of the court" and insert "appear at all times under the order of the court."

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Washington what, in his judgment, is the meaning of the next section, where it reads, "If money has been deposited instead of giving bail, and the defendant, at any time before the forfeiture thereof, shall give sufficient special bail, or shall surrender himself in open court or to the marshal," and so forth, "the court shall order a return of the deposit to the defendant"?

Mr. BRYAN. I think that refers to a surrender before trial, and I think that it carries out the theory I have suggested as obtaining as to section 240.

Mr. MANN. Does not that apparently provide—I ask for information—that if a man has given special bail by deposit of money, and at the trial he appears in court in person, the bail is ordered returned to him?

Mr. BRYAN. It says, in line 17 of the section read by the gentleman from Illinois, "or be in any manner discharged."

Mr. MANN. That is in the alternative; that is, "or be in any manner discharged." But it reads before, "or shall surrender himself in open court or to the marshal." Now, when a man does surrender himself, is he not entitled to the return of the deposit?

Mr. BRYAN. I would not think that any court would surrender it. If convicted, he at once comes under the jurisdiction of the court. It is too late to surrender after conviction.

Mr. MANN. It is not too late to surrender if he is there.

Mr. BRYAN. After conviction he can not refuse to surrender. I think that that is only an appearance bond. I do not believe that it ought to be subject to the order of the court, at least when the money does not belong to the defendant.

Mr. WATKINS. Mr. Chairman, the next section is intended to cover and protect the very point that is made in the amendment, and it is entirely unnecessary to pass amendments and have them added to the bill when the bill already covers the points to which objection is raised. The next section, section 241, sufficiently and thoroughly covers that, and was intended to cover it. I do not think the amendment ought to prevail and have the bill loaded down with unnecessary amendments.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. WATKINS. Mr. Chairman, I ask for a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 2, noes 14.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 241. If money has been deposited instead of giving bail, and the defendant, at any time before the forfeiture thereof, shall give sufficient special bail, or shall surrender himself in open court or to the marshal, or be in any manner discharged, the court shall order a return of the deposit to the defendant.

Mr. BRYAN. Mr. Chairman, reserving a point of order on this section, if we can amend after the word "discharged," in that section, line 18, so as to make it read "or be in any manner discharged, or upon surrendering himself after conviction," that would cover the point that I want, and will make it plain that after conviction the bail money may be returned, so that

had," so that it will read "and that a trial can, notwithstand-

zen of Brazil, he would say "Brazilian"; and if he were re-

occupant of the chair should happen to be in the chair, he would rule that they had a right to go back to the beginning after they had got through with the calendar. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I wish to submit a request for unanimous consent relative to the conference on the naval appropriation bill. In some of the paragraphs of the bill there were amendments changing the amounts of specific items, but they failed to change the totals, leaving the text of the bill unchanged with reference to the total. I want the assent of the House that the conferees, wherever it is necessary, may change the totals in order to make it speak the truth.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conferees shall have the privilege of correcting totals in the naval appropriation bill. Is there objection?

Mr. JOHNSON of Washington. Reserving the right to object, I would like to ask the gentleman from Tennessee about certain changes reported to have been made in the naval appropriation bill. I am receiving quite a large number of letters from persons in my district stating that a change has been made in the Senate by which an additional number of chaplains has been authorized.

Mr. PADGETT. There is a provision in the bill, the same as was in the House bill, that went out on a point of order in the House.

Mr. JOHNSON of Washington. Is there any way by which the House can get at that now?

Mr. PADGETT. I do not know of any.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

PENSION BILLS.

Mr. ADAIR. Mr. Speaker, I call up conference reports on the bills S. 4168, S. 4352, S. 4552, and ask that they be agreed to.

Mr. MANN. Are there any statements with the conference reports?

Mr. ADAIR. The conference reports have been printed, but there was no statement with them.

The SPEAKER. Have the conference reports been printed?

Mr. ADAIR. They have.

The SPEAKER. The Clerk informs the Chair that those reports have been agreed to.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. This is Calendar Wednesday, and the House automatically resolves itself into Committee of the Whole House on the state of the Union, with the gentleman from Missouri [Mr. RUSSELL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and the Clerk will read.

The Clerk read as follows:

SEC. 218. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, without any seal of the court or judge being affixed thereto. And in case the judge before whom the cause has been tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such case is taken in stenographic notes, or if said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion and allow and sign said bill of exceptions, then he may, in his discretion, grant a new trial to the party moving therefor.

Mr. MANN. Mr. Chairman, I move to strike out the last word. In reference to section 218, I have this memorandum submitted by one of the district Federal judges as to the signing of bills of exceptions, which I would like to call to the attention of the gentleman from Louisiana.

The condition of the law as to the time when bills of exceptions shall be signed and allowed is very unsatisfactory.

The general rule is that a bill of exceptions should be signed at the term. Some terms are six months long and some are one month long. The victorious party in a suit is generally content to rest on his laurels; a defeated attorney often deliberately waits until the incidents of the trial have passed from the mind of the trial judge and then submits a grossly unfair and indeed untrue bill of exceptions. There should be a time limit upon the presentation of bills of exceptions. The writ of error must be taken to the circuit court of appeals within six months, but I have had bills of exceptions submitted to me more than a year after trial.

The section ought to read:

A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried within four months of the rendition of the verdict; if there was one, or the entry of a final order or judgment if there was no jury. It shall not be necessary to affix to such bill of exceptions the seal of the court or judge.

Mr. WATKINS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. WATKINS. The gentleman says that the memorandum he has read is from a presiding judge.

Mr. MANN. Yes.

Mr. WATKINS. I am not surprised that he put the time at four months. No judge ought to have four months to sign a bill of exceptions. I agree with the gentleman that it is proper to fix a time limit. I think that often 10 days after the termination of the case is a sufficient time, and 30 days would be ample.

Mr. MANN. I should think myself that four months was a long time; but considering the fact that they sometimes take a year, I suppose the judge thought he was doing pretty well to cut it down to four months.

Mr. WATKINS. If the gentleman will suggest an amendment making it 30 days, I would not object to that.

Mr. MANN. I should be perfectly willing to do that, but I have not the form of the amendment.

Mr. WATKINS. Strike out the words "four months" and insert in lieu thereof "thirty days."

Mr. CULLOP. Mr. Chairman, I think 30 days is too short a time, for this reason: Sometimes the court stenographer is kept busy through the entire session of the court and has no time to prepare a transcript of the evidence. Therefore, there must be some time permitted after the term. If there is not, there will be instances in which it will be impossible to get a stenographic report of the evidence. I would suggest 60 days—that within 60 days after the adjournment of the term it shall be done.

Mr. MANN. Suppose the gentleman passes this section over at this time and prepares an amendment to the section which would put some kind of a time limit upon it.

Mr. WATKINS. Mr. Chairman, I will state to the gentleman that if that was done it would not change my opinion at all. I have had sufficient experience in the courts to know that 30 days is ample time. The suggestion of the gentleman from Indiana [Mr. CULLOP] would be practical if it was a fact that the stenographer was the one who prepared the bill of exceptions, but the lawyer in the case prepares the bill of exceptions and the judge signs it without any assistance from the stenographer whatever. It is not necessary at all.

Mr. CULLOP. But if the stenographer takes down the evidence, the evidence must be incorporated in a bill of exceptions, and no one but the stenographer can transcribe the evidence or make the longhand manuscript of his shorthand notes. Therefore in all such cases it would be impossible for any lawyer where there was a stenographer taking the evidence to make out a bill of exceptions which incorporated the evidence, and in many instances the very question that goes to the court of review is some question arising during the trial over the admission or rejection of evidence and the ruling thereon.

Mr. MANN. Why would it not be practicable to put in a limit of, say, 30 days, and then give the judge power to extend that time?

Mr. CULLOP. Mr. Chairman, I would like to make this suggestion to the gentleman: He is right on that proposition, except in many cases 30 days would not be sufficient time. Make this amendment so that it will be such time as the judge trying the case shall grant, not to exceed 90 days.

Mr. MANN. I would fix the time and give the judge authority to extend the time. There might be reasons why time ought to be extended.

Mr. CULLOP. But if the gentleman fixes it as I suggest, I think it will be satisfactory—such time as the court will grant, not to exceed 90 days.

Mr. MANN. We all agree there ought to be some kind of time limit. Lawyers ought not to be permitted to bring in a bill of exceptions without any occasion for it a year after the trial.

Mr. CULLOP. Certainly not.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MANN. Certainly.

Mr. BARTLETT. The gentleman's amendment proposes to say that the bill of exceptions shall be filed within four months after the rendering of the decision complained of?

Mr. MANN. I did not offer an amendment. I read a suggestion which was made by one of the presiding judges in New York City to a Member of the House who is not now present, and that suggestion was that it be signed by the judge of the court in which the case was tried within four months after the rendition of the verdict, if there was a verdict, or the entry of final order or judgment, if there was no jury. Of course it would require the preparation of an amendment to go with the section that is in the bill.

Mr. BARTLETT. They now have six months?

Mr. MANN. I think there is no time limit. This judge says that he has had bills of exceptions presented to him more than a year after the trial.

Mr. BARTLETT. I take it that was because the court was in continuous session?

Mr. MANN. I think not, though that might be the case.

Mr. BARTLETT. I think myself there ought to be some time within which the bill of exceptions would have to be presented to the judge and certified, but I do not think the time should be so short as 30 days, unless it be 30 days after the adjournment of the term in which the decision complained of was rendered. For instance, take the court in my district. It is in session in my city, is never closed, from the 1st of November until some time in July or August, when the court adjourns for the year. I think we ought not leave it in the discretion of the judge to say whether he will give more time or not.

Mr. MANN. Something unusual might arise. A man might be ill or the stenographer who took the testimony might be sick or dead, and there might be some reason for granting further time.

Mr. BARTLETT. It seems to me four months or six months is plenty of time, even taking into account such a contingency.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CULLOP. Mr. Chairman, I ask for five minutes in my own time. I want to ask the gentleman from Illinois another question. There is no provision in this code as it stands now to meet this contingency. If the admission or rejection of testimony is made the cause for a new trial, and an appeal is taken upon that, I think there should be some provision made whereby the one complaining could appeal on the particular question; and while the gentleman is preparing an amendment on the subject he has presented I wish he would also be kind enough to prepare one upon that proposition, namely, where a single question has arisen over the admission or a rejection of testimony, that the person who appeals from the ruling shall not be required to take up the whole evidence in order to get a review but have certified the particular question for review and decision.

Mr. MANN. If my friend will permit me, I do not expect to prepare an amendment. On a matter of this sort I prefer to take the wisdom of the gentleman from Louisiana [Mr. WATKINS] and gentlemen working with him in the preparation of this bill as to the form of any amendment which is offered. I make my suggestion to him, and I hope my friend from Indiana will make his suggestion to him, so that whatever is done it will work in harmony with the rest of the bill.

Mr. CULLOP. I will make the suggestion, and that is this: That where a motion for a new trial assigns as an error a ruling upon some particular question of the admission or rejection of evidence the party who appeals ought not to be required to provide a transcript of all of the evidence in order to get that one question passed upon, and there ought to be some provision in this code whereby the statement of the court presenting the exact question complained of would be sufficient in order to have the appellate court review that question.

If it was not so fixed by law, the court might go off on a tangent or technicality in ruling on the question and say that perhaps there was some other evidence admitted which cured the error of which the appealing party complained. There ought to be some provision in this code whereby the court could certify the precise question to the court of appeals for decision and have an expression of the court of appeals upon the error complained of, as to whether it was or was not error. Many of the States have that kind of a provision in their statutes providing for appeal, and it works most successfully. It reduces both labor and cost in determining such controverted questions. Appeals should be made so as to conserve both labor and expense. Such a provision would be, in this respect, most advantageous. But if there is not something of that kind, then a party must take up the entire evidence in order to get the court to pass upon that question, or it will say, technically, that all the evidence is not before the court to be reviewed on the question, or, for aught the court knows, there may have been evidence that cured the error of which the party complained. That is why some provision ought to go in this code covering that question, so as to reduce the cost of appeals to the party who desires to have a question reviewed of that kind.

Mr. WATKINS. Mr. Chairman, while I do not think that 60 days is at all necessary for the purpose of allowing the judges to sign up a bill of exceptions, in view of the fact there is quite a variety of opinions among the able lawyers of this House, and in view of the fact that there is no time limit now, and that there should be a time limit, I have reluctantly given my consent, if the pro forma amendment be withdrawn, to offer an amendment for a 60-day limit.

The CHAIRMAN. The gentleman from Louisiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 118, line 13, after the word "tried," insert "within 60 days from the rendition of the verdict or the signing of the decree by the court."

Mr. BARTLETT. Mr. Chairman, I move to amend by striking out "60 days" and inserting "four months."

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the words "60 days" and inserting in lieu thereof "four months."

Mr. BARTLETT. Mr. Chairman, I have very little to say on this proposed amendment, but it seems to me that 60 days is too short a time to which to limit the filing of a bill of exceptions, especially in view of the fact there is no statute of limitation now on the statute books. A great many cases in the United States court, where exceptions are taken and filed during the trial, take quite a time to try them. I myself have seen cases tried in my own State in the United States court where it took 40 or 50 days to try a case, and you must remember that exceptions must be noted as you proceed in the trial. If the judge rules against you, as you believe, erroneously, and you desire to except to it, you have to note an exception then and there and make a record of it. The circuit court of appeals in the fifth circuit decided in a very important criminal case that you can not waive even with the consent of the prosecuting attorney, but that the record must show that the exceptions were made at the time and noted in the manner provided for by the rules of trial.

It was stated, and a contest arose about it, that the prosecuting attorney and the court had virtually agreed that the exceptions should not be presented at the time that they ought to have been and noted of record, but could be presented at the end of the trial, and because that was done by a divided court of the court of appeals it rendered a decision which committed men to the penitentiary upon a verdict of guilty. So we are passing a law here now in reference to cases that take a short time and cases that take a long time, and you say that the cases that will take three months to try or 40, 50, 60, or even 30 days to try, that you have to prepare and present your bill of exceptions within 60 days, when in all probability you will not be able to get the record of the trial from the stenographer in that time.

Mr. CULLOP. I would like to call the gentleman's attention to an instance that carries out the very argument he is presenting here. Take the dynamite trials in Indianapolis in 1912. They took over four months to try them. The stenographer could not have made out the evidence in 60 days; it was impossible.

Mr. MANN. As a matter of fact, was not that evidence written out every day and furnished the counsel in the case every night or morning?

Mr. CULLOP. Yes; but I do not know. I will say to the gentleman from Illinois about that matter, but that the stenographers would not certify to a bill of exceptions in all probability to a bill made out that way.

Mr. BARTLETT. The judge?

Mr. CULLOP. I mean the stenographer himself certifying to the correctness of the transcript of his notes, and such transcript as was made during that trial is made out for the lawyers on either side and not for the purpose of a bill of exceptions.

Mr. MANN. If they are not accurate, what are they good for? They are made for use in court at the time.

Mr. CULLOP. I do not say they were not accurate, but he will not furnish them for that use.

Mr. MANN. He will if he is paid for it.

Mr. BARTLETT. I think four months is short enough time, Mr. Chairman. It takes sometimes two or three months to

he says is an equivalent assertion, is adopted by the Senate, what then would be the fate of the bill?

Mr. NORRIS. The fact is, Senators who believe that the Senator's amendment is obnoxious and who would vote against the bill if it should prevail, do not regard the arbitration amendment in the same light as the Senator has indicated it is and I believe it is. They do not regard it as an assertion which conflicts with their ideas of what should be in the bill. I know some Senators who tell me that they would vote against the bill if the Senator from Iowa succeeded in having his amendment adopted who are in favor of the arbitration amendment that I have drawn. They do not agree with the Senator from Iowa and myself that the arbitration amendment asserts such a positive claim of right that they can not support it. On the contrary, most, if not all, of them are most heartily in favor of submitting this controversy to arbitration. Personally I think it is an assertion of our right, and I think the Senator from Iowa believes so, from the very fact that he asked the question.

Mr. CUMMINS. I think so; but——

Mr. NORRIS. But other Senators do not think so. It can not endanger the bill, for the simple reason that if they would think that way they would vote it down and it would not be adopted; but, as I have said, I happen to know most of them are going to vote for it. So I have some hope of having it go in. Now I yield to the Senator. I hope the explanation will be satisfactory.

Mr. CUMMINS. The Senator has several times assigned me to a position on the final vote. I do not think that he has any good reason for doing so, for I say to him now that my vote upon the passage of the bill will depend upon the fate of an amendment that I intend to offer to the bill before it is finally disposed of. If that amendment is adopted, I will vote for the bill. If it is not adopted, I will not vote for the bill.

Mr. NORRIS. I accept the Senator's explanation.

Mr. CUMMINS. So the Senator from Nebraska could not have prophesied very correctly about my position.

Mr. NORRIS. I have not prophesied, although I know what the Senator's amendment is. He knows, the Senate knows, everybody knows, and God knows it will not be adopted. So he will be against the bill, and therefore I could reasonably prophesy with certainty that he would vote against the bill when the time comes.

Mr. CUMMINS. I do not know. Of course, I assume that God knows, but I hope that the Senator from Nebraska is wrong with regard to the knowledge of the Senate. I assume that Senators are waiting with open mind to hear the amendment and to hear the debate upon it, and that if it is found to be sound and wise it will be adopted.

Mr. NORRIS. I am not arguing against the amendment that the Senator proposes to offer later on. Knowing what it is, I want to say to the Senator that, while I should oppose it now, it may be that after we have operated the canal a few years I should be as much in favor of his amendment as he is. I would not vote for it now, because I think it is premature. I believe we ought to operate the canal a while to see just how it is going to pay and whether we are charging too high tolls or too low tolls, or whether we can charge lower tolls to American vessels than foreign vessels, as the Senator proposes in this amendment. I am not opposing his amendment; it may be a very good idea to adopt it in the future; but it seems to me that now, when we do not know, when it is nothing but a guess as to what the income from the canal will be, it is premature to try to adopt it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS]. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. LODGE (when Mr. ROOT's name was called). The senior Senator from New York [Mr. ROOT] is unavoidably absent from the city. If present, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], and on account of his absence withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. In view of the announcement just made by the Senator from Massachusetts [Mr. LODGE] as to what the vote of the senior Senator from New York would be, I vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair as announced on the previous roll call, I vote "nay."

The roll call was concluded.

Mr. McCUMBER. I transfer my pair with the junior Senator from Pennsylvania [Mr. OLIVER] to the senior Senator from New York [Mr. ROOT] and vote "nay."

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from South Carolina [Mr. TILLMAN] and vote "nay."

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE] and the junior Senator from Arkansas [Mr. ROBINSON], both of whom are paired.

The result was announced—yeas 37, nays 49, as follows:

YEAS—37.

Ashurst	Cummins	Lippitt	Smoot
Borah	Dillingham	Martine, N. J.	Townsend
Brady	du Pont	O'Gorman	Vardaman
Bristow	Gallinger	Page	Walsh
Burleigh	Goff	Perkins	Warren
Catron	Hitchcock	Poindexter	Weeks
Chamberlain	Jones	Ransdell	Works
Clapp	Kenyon	Reed	
Clark, Wyo.	La Follette	Shields	
Crawford	Lane	Smith, Mich.	

NAYS—49.

Bankhead	Johnson	Owen	Stephenson
Brandegee	Kern	Pittman	Sterling
Bryan	Lea, Tenn.	Pomerene	Stone
Burton	Lee, Md.	Saulsbury	Swanson
Chilton	Lewis	Shafroth	Thomas
Colt	Lodge	Sheppard	Thompson
Culberson	McCumber	Sherman	Thornton
Fletcher	McLean	Shively	West
Gore	Martin, Va.	Simmons	White
Gronna	Myers	Smith, Ariz.	Williams
Hollis	Nelson	Smith, Ga.	
Hughes	Norris	Smith, Md.	
James	Overman	Smith, S. C.	

NOT VOTING—9.

Clarke, Ark.	Oliver	Robinson	Sutherland
Fall	Penrose	Root	Tillman
Newlands			

So Mr. CUMMINS's amendment to the amendment was rejected.

PETITIONS AND MEMORIALS.

Mr. GRONNA presented petitions of sundry citizens of Kintyre and Rutland, in the State of North Dakota, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of the congregation of the Trinity Lutheran Church, of Letcher, S. Dak., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented petitions of sundry citizens of Portsmouth, N. H., praying for the enactment of legislation to supplement existing laws against unlawful restraints and monopolies, and for other purposes, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of Printing Pressmen's Local Union No. 13, of Grand Rapids, Mich., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments, and submitted reports thereon:

H. R. 15071. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors (Rept. No. 587); and

H. R. 15504. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors (Rept. No. 588).

Mr. PAGE, from the Committee on Indian Affairs, to which was referred the bill (H. R. 11006) authorizing the disposal of a portion of the Fort Bidwell Indian School, California, reported it without amendment and submitted a report (No. 589) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LEWIS:

A bill (S. 5796) for the relief of James D. Vernay; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 5797) granting an increase of pension to Mary M. Calef (with accompanying papers); to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 5798) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains

of the late Lewis Bancroft from Glenwood Cemetery, District of Columbia, to Mantorville, Minn.; to the Committee on the District of Columbia.

By Mr. JOHNSON:

A bill (S. 5799) granting an increase of pension to John A. Patterson (with accompanying papers); and

A bill (S. 5800) granting an increase of pension to George W. Harding (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5801) granting a pension to J. H. Short; to the Committee on Pensions.

AMENDMENT TO APPROPRIATION BILLS.

Mr. LANE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. OWEN submitted an amendment relative to the claims of the Ponca Tribe of Indians residing in Oklahoma and Nebraska, etc., intended to be proposed by him to the Indian appropriation bill, which was referred to the Committee on Indian Affairs and ordered to be printed.

Mr. JOHNSON submitted an amendment proposing to appropriate $600 for one stamp deputy at Portland, Me., intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. BURLEIGH submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 20 minutes p. m., Wednesday, June 10) the Senate took a recess until to-morrow, Thursday, June 11, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 10, 1914.*

The House met at 12 o'clock noon.

Rabbi Louis Stern, of the Eighth Street Temple, Washington, D. C., offered the following prayer:

We earnestly and reverently invoke Thy blessing, O Heavenly Father, upon this representative body, its Members and officers; and we ask Thy special blessing upon the Chaplain of this House, absent to-day, who for years, day after day, has so faithfully performed the sacred office here. We thank Thee for his fervent words of prayer, for the sanctifying impressions they have created, and the ennobling influences they have wrought. We thank Thee for the lessons they have taught—lessons of lofty patriotism, of personal liberty, of civic righteousness, of true humanity. We thank Thee that out of the physical darkness enshrouding his vision there has shone forth continually the resplendent light of an undying faith, a cheerful, contented disposition, and a superb optimism. O God, bless Thy servant with health and long life, as a constant example and inspiration to the world around him, and more especially to the Members of this House in their daily lives and deliberations. We ask it for our common good and for the glory of Thy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

FRIDAY EVENING SESSION.

Mr. POU. Mr. Speaker, I ask unanimous consent for the adoption of the following resolution. I ask the Clerk to read it.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

HOUSE RESOLUTION 558.

Resolved, That on Friday, June 12, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that a session be held from 8 o'clock p. m. until 11 o'clock p. m., for consideration in the House as in the Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 132 on said calendar.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, considering the slowness with which the House has been proceeding with the consideration of the sundry civil appropriation bill, I can not agree that the House shall recess at 5 o'clock in the afternoon.

Mr. POU. I will make it 5.30 or 6 or whatever hour the gentleman suggests.

Mr. FITZGERALD. Make it 6 o'clock.

Mr. POU. I ask unanimous consent that the House recess at 6 o'clock instead of 5 o'clock.

The SPEAKER. The gentleman modifies his resolution by asking unanimous consent to make the recess at 6 o'clock instead of 5 o'clock.

Mr. MANN. I will object to that.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] objects to 5 o'clock, and the gentleman from Illinois [Mr. MANN] objects to 6 o'clock.

Mr. FITZGERALD. Make it 5.30.

Mr. MANN. In this kind of weather I do not think——

Mr. POU. I hope the gentleman from New York will not insist on his objection.

Mr. FITZGERALD. Mr. Speaker, I must try to get the sundry civil bill through the House, and can not consent that we spend only five hours a day in its consideration. If the gentleman will couple with the request another request that we meet at 11 o'clock on Friday——

Mr. MANN. That would not do any good.

Mr. POU. I will agree to any order that we can get through the House.

Mr. MANN. It seems to me we shall have plenty of time to take up all the bills on all the calendars before we are likely to adjourn, according to present indications.

The SPEAKER. Is there objection?

Mr. MANN. What is the request?

The SPEAKER. The request is that the House take a recess on Friday at half past 5 o'clock until 8 o'clock, and then have a session to last not later than 11 o'clock, and that at the evening session the House as in Committee of the Whole consider bills on the Private Calendar to which there is no objection.

Mr. GOLDFOGLE. I should like to inquire of the gentleman from North Carolina [Mr. POU] whether the bill No. 132, mentioned in the resolution, was the bill last taken up when we had a night session for consideration of private bills?

Mr. POU. We got to No. 132.

The SPEAKER. Is there objection?

Mr. GARNER. Reserving the right to object——

Mr. FOSTER. I hope the gentleman from Texas will not object.

Mr. GARNER. The gentleman from Texas is going to take care of himself, if the gentleman from Illinois will let him.

Mr. FOSTER. I do not desire to interfere with the freedom of action of the gentleman from Texas in the least, but I do want kindly and earnestly to request him not to object.

Mr. GARNER. It was not the intention of the gentleman from Texas to object; but the gentleman from Texas would like to ask the gentleman from North Carolina [Mr. POU] why it is that we can not take up these bills on the Private Calendar as they stand now on that calendar? I happen to have a bill on the Private Calendar to which I do not think there will be any objection, but under his proposed order it could not be reached.

Mr. POU. I will say to the gentleman that we commenced at the beginning of the Private Calendar and got down to No. 131 on the last occasion. To go back over the calendar and begin at the beginning would give the bills up to No. 132 a double opportunity, whereas from 132 to the end of the calendar the bills have had no opportunity whatever for consideration.

Mr. GARNER. After you have considered bills on the calendar from No. 132 to the end of it, will there be any chance to take up bills that were passed over at the last meeting and ask the House for unanimous consent for their present consideration?

Mr. POU. I can only express the hope that there will be such opportunity. So far as I am concerned, whenever the calendar is completed, it is my purpose to ask unanimous consent to begin at the beginning of the calendar, and I am hoping that we will have at least one or two other opportunities to consider bills on the calendar that are contested, but the gentleman knows——

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. If this resolution is agreed to, and the House begins with Calendar No. 132 and runs through to the end of the calendar before 11 o'clock, will it not then commence at the beginning and run down as far as possible before 11 o'clock?

Mr. POU. I see nothing in the resolution to prevent that course being pursued. The resolution merely fixes the beginning point.

The SPEAKER. All that the resolution says about it is "commencing with No. 132 on said calendar." If the present

protects and saves every right we have. It says so in so many words. If the Senator does not believe that, he is welcome to his belief; but since the Senator from Idaho has interrupted me, I should like to call the attention of the Senate to the fact that he thinks we can not have an arbitration, for instance, unless there is first a statute passed that somebody says is a violation of the treaty. Is not that right?

Mr. BORAH. I do not know how the Senator got that idea.

Mr. NORRIS. I got that idea from the Senator's statement to me in the time of the Senator from Iowa [Mr. CUMMINS].

Mr. BORAH. Oh, no; I did not say that. What I said was that we were dealing with a very practical nation, to wit, Great Britain, as 100 years of experience with that country has demonstrated to a moral certainty; and I said that having repealed the law to which Great Britain made objection, as a practical nation they would not ask for arbitration.

Mr. NORRIS. There is the point, exactly.

Mr. BORAH. Wait a minute, until I get through. I said that there would be no occasion for her to ask for arbitration, everything that she asked for having been conceded.

Mr. NORRIS. Yes.

Mr. BORAH. The time might arise when she would ask for it if we should change our position, but the law having been wiped out, the obstacle having been removed, and her rights having failed to be impeached any longer, there would be no occasion for Great Britain to ask for arbitration.

Mr. NORRIS. The Senator said the same thing before.

Mr. BORAH. I might agree with the Senator from Mississippi that you could arbitrate an abstract proposition; but there will be no occasion for Great Britain to desire an arbitration under such circumstances.

Mr. NORRIS. I have a great deal of respect for that opinion. I am not sure but that it will turn out that way. The Senator from Idaho, however, ought to be as fair as I have been and admit that, if that is true, the adoption of the amendment of the Senator from Iowa would not change it one iota, because we would have repealed the law just the same.

Mr. BORAH. The Senator from Nebraska will remember that I stated that I was not voting for the amendment of the Senator from Iowa because I believed it enabled us to get more expeditiously to arbitration. I do not want any arbitration at all. I think this is a matter of most vital concern, and I am opposed to arbitration. Arbitration is out of my mind entirely; but I am willing to vote, any time I get a chance, for a positive assertion and declaration that that canal belongs to the United States and that we have a right to use it as against the whole world for the advancement of our commerce, treating all users of the canal on an equal basis. [Manifestations of applause in the galleries.]

Mr. CUMMINS. Mr. President, I do not think the Senator from Nebraska quite grasps the issue or meets the point suggested by the Senator from Idaho. I do not understand that there is any difference between his view and mine. He says that if we repeal this law Great Britain will not be desirous of an arbitration; that there will be nothing to arbitrate. That is true; but if we pass this law with the amendment for which the Senator from Nebraska is now standing we can not ask arbitration, whereas if we pass it with the amendment which I have proposed, while Great Britain will not ask arbitration, the United States can ask arbitration. She can not ask it under what is known as the Simmons amendment.

Now, just one word more for an inquiry.

Mr. NORRIS. Very well. I thought the other was an inquiry.

Mr. CUMMINS. No; the other was a statement.

Mr. NORRIS. I have an inquiry from the Senator from Idaho also.

Mr. CUMMINS. The other was a statement. The Senator from Nebraska ought not to desert his pupils.

My amendment was fashioned upon the thought of the original amendment proposed by the Senator from Nebraska. I was led by him very largely to believe in the justice of that amendment. His amendment as it was originally proposed and as it is printed contained a claim on the part of the United States to the right to pass these vessels free through the canal. It said "the right claimed by the United States." I was in favor of his amendment. I think he will remember that I so stated to him upon more than one occasion, and I was overwhelmed with surprise when I found his amendment, which contained a positive, unequivocal claim to this right, merged into the vague and meaningless amendment proposed by the Senator from North Carolina.

If the Senator from Nebraska will propose just what he originally proposed—which, as I understood, was a claim made by the United States—he will have accomplished just what I hope to accomplish by the amendment I have offered. I have come just as near the amendment originally suggested by the Senator from Nebraska as I could, having due regard for the general language contained in the amendment of the Senator from North Carolina.

I wanted to say that because I do not want to be put in the position of having brought forward here an idea that has no value in it, and that is entirely baseless. I had assumed that there was a good deal of difference between making a claim and attempting to reserve a right, if we have any right.

Mr. NORRIS. Will the Senator from Iowa repeat the question that he started to ask me? I have forgotten it.

Mr. CUMMINS. The question is, Why did the Senator from Nebraska relinquish or abandon the ground which he originally occupied in regard to this subject?

Mr. NORRIS. Mr. President, I do not believe I have abandoned any ground. I withdrew, as I stated at the time, my amendment that was before the Senate and that I had drawn, in which, as I said a while ago, I used the word "claimed," because I believed that by so doing there would be more of an assurance of placing in this bill the idea that I believed ought to be placed in it, and that I had tried to express in my amendment. I could not have done that with the amendment that I had offered. I thought this method would get more votes for a proposition which at the time I introduced my amendment was being laughed at by a great many Senators who are seriously opposing this amendment now and who said it was foolish to try to get it adopted. I took the course that to me seemed proper to engraft on this law the idea that all the rights of the United States in the future to exempt her vessels as she sees fit should be properly protected.

If in my ignorance I have done something which is foolish, that is a different proposition. If the Senator's argument is right, we have no way, he says, to arbitrate if we pass this amendment; but if we put in his amendment, then we can suggest to Great Britain that she should arbitrate.

That is a positive statement made by the Senator from Iowa. I do not know upon what he bases it. Personally, if it were not made so positively, I would have made the other assertion; but I do not want to get into the difficulty of being driven, as it was intimated a while ago those who favor the Simmons amendment should be driven, into the insane asylum. I contend that the words that are in the Simmons amendment, namely, to reserve "any right the United States Government may have" under that treaty, are sufficient to enable the United States to take the initiative with Great Britain to bring about an arbitration of our rights, whatever they may be; and it is a broader statement and includes more than if we say "the right." We may have several. There may be one right as to American foreign-going ships and another as to coastwise ships. There are Senators who believe that. If that is true, the words "the right" would not be the proper words to designate it. There may be a dozen rights. If there are a hundred, the compromise amendment offered by the Senator from North Carolina protects everyone. The amendment of the Senator from Iowa concedes there can be but one.

Now, I want to get back to the Senator from Idaho. By the way, Mr. President, he did not answer my question to point out any particular right that we would lose by this amendment.

Mr. BORAH. If the Senator will give me an opportunity, I shall be glad to do so.

Mr. NORRIS. I will give it to the Senator right now.

Mr. BORAH. The right which we lose is by reason of the failure to assert that we have any right at all. It would be calculated to forfeit or impeach all rights. It is just like going into court, admitting, as a pleader, that we have no right, and at the same time asking the court to pass upon it. I do not say that there is one right protected under the amendment and another right lost, but it is the general principle that we have failed to assert any right whatever under it.

Mr. NORRIS. Mr. President——

Mr. BORAH. If the Senator from Nebraska will bear with me for a moment, when I asked the author of this amendment to-day if he believed that we had any right at all, he said no.

Mr. NORRIS. Well, I am not responsible for those who do not believe with me in regard to our rights in Panama.

Mr. BORAH. No.

Mr. NORRIS. I can not be held accountable for that; but I think the Senator from Idaho in good faith ought to concede to the Senator from North Carolina that when he believes that way he is going quite a way toward a compromise to vote for an amendment that will protect any rights we may have; and he ought to concede that there is a pretty good reason. If the Senator from North Carolina could not vote for the amendment of the Senator from Iowa, because on his theory—not on mine,

but on his theory—it would be a wrong statement of the facts as they exist.

Mr. BORAH. Does not the Senator see, right there, that the Senator from Iowa is entirely correct——

Mr. NORRIS. No.

Mr. BORAH (continuing). When he says that his amendment means much more than the amendment of the Senator from Nebraska, for the very reason that the Senator from North Carolina will not vote for the amendment of the Senator from Iowa? Why will he not do it? Why, because it is an assertion of a positive right. It puts him up against the position which he occupies in saying that there is no right; but the Senator knows that when he says we reserve "any right we may have," that is not in conflict with the position he has taken that we have no right.

Mr. WILLIAMS. Mr. President, may I ask the Senator a question?

Mr. NORRIS. Mr. President, I can not answer more than one at a time.

Mr. WILLIAMS. May I ask the Senator a question?

Mr. NORRIS. I do not like to prolong this debate, and when I yield for a question it invariably leads to considerable discussion. I am not referring to any Senator in particular; but every Senator who has interrupted me so far has made a 5-minute speech, and some of them 15-minute speeches.

Mr. WILLIAMS. I just want to ask if it is possible that the Senator from Idaho wants to assert any right which we may not have?

Mr. BORAH. The surpassing and scintillating wisdom of that remark has passed entirely over my head.

Mr. WILLIAMS. Mr. President——

Mr. NORRIS. I will not yield further to the colloquy between the Senators.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. WILLIAMS. I think all wisdom seems to pass over the head of the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Nebraska declines to yield.

Mr. WILLIAMS. I have never known him to be so failing in wisdom as to-day.

Mr. NORRIS. The Senator from Idaho has still failed to answer my question. I did not ask for a general answer. I asked him if he could tell me of a single right which we will lose. He has not pointed to one. There is not a man on earth who can, because we lose none. We expressly reserve and protect every one. He says that this Simmons amendment is a failure to assert our rights, but I say it is not a failure when we by our very language preserve and protect every right that we may under any conditions have. I do not see how it could be made stronger.

I want to call attention to the fact, in closing, Mr. President, that those who are the most anxious to make this change, a change that I would be willing to concede in a moment if I thought it would not endanger the bill, those who are fighting so earnestly to put this amendment on the bill, I believe, without exception, will be found when the final vote is taken voting against the passage of the bill.

Mr. BORAH. As far as the Senator from Idaho is concerned, that is true.

Mr. NORRIS. Exactly; and I say that is something those who believe in the passage of the bill ought to take notice of, and we ought not to try here to split hairs when the very life of the entire measure is at stake.

The Senator from Idaho says he would not arbitrate. Personally to me, I can not imagine how anyone could refuse to arbitrate this question. I have the greatest respect and confidence and friendship for the Senator from Idaho, and when he says he would not arbitrate this question I know that there are reasons that are sufficient to satisfy his conscience; but, Mr. President, to me, where a simple question about the construction of a treaty is at issue there can be given nowhere by anyone any reason why we should say to the world we will decide this question in which we are one of the parties without the interference of anybody else; we will refuse to submit this dispute to a disinterested tribunal. I do not believe——

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield.

Mr. POINDEXTER. Would the Senator submit to arbitration the question which arises, or is at least alleged to arise, under a treaty with Japan, as to the right of Japanese to immigrate to and to own land in this country?

Mr. NORRIS. Mr. President, I decline to answer the question, when it has not anything more to do with this subject than "the flowers that bloom in the springtime."

Mr. POINDEXTER. The Senator stated a moment ago that he would arbitrate any question arising under a treaty.

Mr. NORRIS. I was speaking of this treaty. I will say to the Senator. I might under any treaty, but I am not going into a dispute about Japan. I do not think it has anything to do with the Hay-Pauncefote treaty. I say I am willing to arbitrate this treaty, and right now I want to read——

Mr. POINDEXTER. If the Senator will yield just a moment. Where I differ from him in his statement is the assertion that any question arising, as he said, simply under a treaty, of course we ought to arbitrate, when as a matter of fact the most vital and significant questions concerning the Nation might arise under a treaty, and the fact that it arises under a treaty can not be the measure or the rule whether we should arbitrate or should not arbitrate it.

Mr. NORRIS. I think my friend from Washington ought to take into consideration what I said when he called my attention to the language I used. I said I am speaking of this treaty. I am not taking a position one way or the other on any other treaty. I would go a good ways in arbitrating almost any question.

I want to suggest language that I think ought to be added and that I am going to offer at the proper time as an amendment:

> The protest heretofore filed with the Government of the United States by the Government of Great Britain denying the right of the United States under the said treaty with Great Britain to exempt the vessels of its citizens from the payment of tolls when passing through the said canal is hereby recognized as presenting an international question suitable and proper for settlement by arbitration.

Mr. President, there is only this in dispute. Under the Hay-Pauncefote treaty the British Government claims we have no right to exempt our vessels. Our Government claims that we have a right to exempt our vessels. That is all the dispute there is, and that is a proper subject, in my humble judgment, to arbitrate. Personally I can not see how any man can consistently vote against it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Iowa?

Mr. NORRIS. Yes.

Mr. CUMMINS. Would the Senator from Nebraska consider an affirmative vote upon the amendment which he has just read as an assertion that we have the right to pass our ships through the Panama Canal free of tolls?

Mr. NORRIS. I have gone over that, and I do not want to waste any further time. My belief is that the amendment of the Senator from North Carolina is a concession that there is a dispute existing between the two nations about tolls. The amendment of the Senator from Iowa is construed by those who are opposed to it—I am not opposed to it, but by those who are opposed to it—as denying that there is any dispute and denying that we should ever arbitrate the question that really is in dispute. That is the contention.

Mr. CUMMINS. But the Senator from Nebraska did not understand me, I am sure.

Mr. NORRIS. I think I did understand the Senator.

Mr. CUMMINS. I did not refer to the amendment of the Senator from North Carolina or to my amendment. I am asking the Senator from Nebraska if the Senate adopt either in the form of a resolution or as an amendment to this bill the arbitration suggestion which he has just read, would it thereby assert that the United States has a right to pass its ships free through the Panama Canal?

Mr. NORRIS. Yes; I think so. I desire also to apologize to the Senator. I did not understand his question.

Mr. CUMMINS. Therefore, the Senator from Nebraska is willing to assert that positively in an amendment which he proposes to offer, but he is not willing to assert it in the amendment that is now pending before the Senate.

Mr. NORRIS. I want to answer that, and I insist that the Senator shall permit me to make a reply while it is fresh in my memory, and then I will yield and the Senator can ask any further question. The Senator has stated it exactly right, as I understand the language. I would be willing to put it in this amendment and not in the amendment of the Senator from Iowa, because, as I have stated repeatedly, I believe it would make a condition that would lose votes for the bill on its final passage and probably defeat it, which I do not want to see done. That is my reason, and to me it is satisfactory.

Mr. CUMMINS. I understand that; but suppose the amendment that will be offered by the Senator from Nebraska, which

I would not be in favor of compromising on the proposition, even though I believed that a lack of it meant defeat of the bill, if I did not believe that fairly and honestly the amendment now protects every right which we have or that we can possibly acquire that the ingenuity of man can think of or invent. I do not see how it can be broader. It says "any right the United States may have."

The Senator from Iowa said, "Why, suppose we were going to arbitration, they would get this law and say, 'You have not made any positive assertion.'" I hope the Senator from Iowa does not think that in making up pleadings before an international tribunal the Senate or the House of Representatives would make them up. Great heavens, Mr. President, if the Senate of the United States had to agree on pleadings before a court or other tribunal, we would all die of old age before we could possibly reach an agreement; it would be a physical impossibility to do so. If we have any arbitration, proper men representing the United States, after the necessary correspondence and diplomatic arrangements have taken place and been made by the State Department, will be employed for that purpose. They will represent us. There is no reason, in my humble judgment, for any man to say that the Simmons amendment sacrifices our rights, and that we are giving up anything. On the other hand, we are claiming everything by it.

Mr. CUMMINS and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Nebraska yield?

Mr. NORRIS. I yield to the Senator from Iowa.

Mr. CUMMINS. Does the Senator from Nebraska think we ought to go into an arbitration with Great Britain over this treaty, hire lawyers to represent us, and simply say to those lawyers to make such claims under the treaty as they thought ought to be made, or does he think——

Mr. NORRIS. Well, let me answer one question at a time.

Mr. CUMMINS. Or does he think that the responsible Government of the United States, represented in Congress, must assert the right which it is desired that those lawyers shall maintain before the tribunal?

Mr. NORRIS. I will answer the two questions the Senator has asked me, Mr. President. If we are to arbitrate this question with Great Britain it will not be until a treaty of arbitration has been agreed upon between this Government and Great Britain, and when that is agreed upon it will be after the Senate of the United States, as part of the treaty-making power, has passed upon it and we will, if necessary, make the proper stipulations or claims. We will not be bodily present as a Senate before the international tribunal, if one is appointed to decide the question, but we will be represented there by attorneys, and I presume they will take the necessary steps, if pleadings are necessary in the agreement that is made, to protect every right which we in this act are asserting that we have. We want every right and any right that we may have, whether we know what it is or whether we do not; we are claiming everything. It could not be broader, and it seems to me, Mr. President, when you take into consideration——

Mr. VARDAMAN. Mr. President——

Mr. NORRIS. I yield.

Mr. VARDAMAN. I want to ask the Senator what question there will be to arbitrate when this bill shall have been passed?

Mr. NORRIS. That is a question that we ought to have settled by having two of the opponents of this bill, namely, the Senator from Iowa [Mr. CUMMINS] and the Senator from Idaho [Mr. BORAH], have a joint debate upon it. The Senator from Iowa argues that we can in this way go on and have an arbitration, even though we repeal the law; he concedes that; while the Senator from Idaho, another great lawyer, does not concede that, as I understand, but he says before we have an arbitration we must in some way do some act that somebody else claims is a violation of the treaty.

Mr. VARDAMAN. There must be some question of difference between the two nations.

Mr. NORRIS. Yes.

Mr. VARDAMAN. Now, if you remove it, what is there to arbitrate? What is there to settle?

Mr NORRIS. I am not going to determine the question as between the Senator from Iowa and the Senator from Idaho and the Senator from Mississippi, all of whom are opposed to this bill and none of whom agree on that proposition. I do not know why they should question me about that. I am willing to tell you what I think. I believe——

Mr. VARDAMAN. The point I make is this——

Mr. NORRIS. If the Senator will permit me, I believe that we can have this question arbitrated whether we repeal the exemption clause or not. I do not have any doubt about that, and I want to say to the Senator from Mississippi that I have an amendment, which I propose to offer at the proper time to this bill, stating in substance that we regard the question in dispute between the two nations as a proper subject for international arbitration.

Mr. VARDAMAN. Mr. President, if the bill before the Senate should become a law, all questions of difference between the two nations are settled.

Mr. NORRIS. Yes. But our "right" to discriminate is still in dispute.

Mr. VARDAMAN. And there is nothing to arbitrate.

Mr. NORRIS. All right.

Mr. VARDAMAN. The United States has conceded to England all that she wants, and that settles it.

Mr. NORRIS. Let us take that position; of course I do not agree with the Senator, but let us for argument's sake assume that that is right. That is the position of the Senator from Idaho. Suppose it is true that when we pass this bill there is not anything left to arbitrate. Then what becomes of the importance of the amendment of the Senator from Iowa? It falls to the ground with everything else; it is all tomfoolery like the other amendments. There is not anything to it. If you take that position, the whole thing falls, and I will concede that whether you adopt the amendment of the Senator from Iowa or any other amendment will not make a particle of difference.

Mr. VARDAMAN. If the amendment offered by the Senator from Iowa should be adopted, it would leave this question to be settled. That amendment contains an affirmative declaration of our right over the canal.

Mr. NORRIS. But we repeal the law, and——

Mr. VARDAMAN. Oh, that is another matter.

Mr. NORRIS. Therefore there is no wrong done and there can be no arbitration. That is the argument of the Senator.

Mr. VARDAMAN. The question of repealing the tolls-exemption clause has nothing whatever to do with the question of our sovereign right to control the canal. That is a mere bagatelle in this discussion; it is a triviality. The economic question involved is comparatively not worth considering.

Mr. NORRIS. Then we have wasted a good deal of time.

Mr. VARDAMAN. If the amendment of the Senator from Iowa shall be adopted, then the issue will be made between the two Governments as to whether the United States is supreme.

Mr. NORRIS. Now, Mr. President, I myself believe that the United States is sovereign down there; I do not doubt that at all.

Mr. VARDAMAN. If the Senator feels that way——

Mr. NORRIS. I have never doubted it.

Mr. VARDAMAN. Well, is it not incumbent upon the Senator, if he feels that way, to vote that way?

Mr. NORRIS. I will vote that way at every opportunity; but I will not vote for an amendment that does not add anything to what we already have, in my judgment. I will not vote for an amendment that does not do any good and that will drive somebody else away from the support of this bill.

Mr. VARDAMAN. As a matter of fact, nothing is secured under the Simmons amendment except what is secured without it.

Mr. NORRIS. Technically speaking, I presume that is true; and that is true of any other amendment. I suppose, speaking in a strictly technical sense, the simple repeal of the tolls-exemption clause without putting in any saving clause, without any amendment setting forth our claims, would not be a surrender of our claims; but as a moral proposition I believe the world would believe, unless we did something of that kind, that we had given up the right, for the reason that we believed we did not possess it, especially when you take it in connection with the message of the President of the United States, and that is the reason why I want to put in a saving clause.

Mr. VARDAMAN. But you are not putting in a saving clause.

Mr. NORRIS. I concede the Senator has a right to his opinion; but, in my opinion, we are putting in a saving clause.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. VARDAMAN. I do not want to interrupt the Senator.

Mr. NORRIS. Yes; I yield to the Senator.

Mr. VARDAMAN. I merely want to say that when you adopt the Simmons amendment you simply announce that you have the rights you have; that is all; you do not express any opinion as to what your rights are; but if you adopt the Cummins amendment, then you proclaim to the world the fact that you think you have some rights and what those rights are.

Mr. NORRIS. I would not have any objection, as I have said several times, to doing that; but there are Senators who do not agree with the Senator from Mississippi and with me on that proposition.

Mr. VARDAMAN. Then, let them disagree.

Mr. NORRIS. Exactly, and thus get no bill through and allow the present law to stand. As one who would like to repeal that law, which I believe to be wrong as a fundamental proposition for our Government, I am not willing to take that course, especially when I believe that in supporting——

Mr. VARDAMAN. I will take it.

Mr. NORRIS. I am not willing to take that course, especially when I believe that in supporting the amendment of the Senator from North Carolina I am saving every right that my country possesses, and I do believe that.

Mr. VARDAMAN. The Senator is willing to sacrifice our sovereignty over the canal in order to get the bill passed.

Mr. NORRIS. Oh, the Senator can not put me in that predicament.

The PRESIDING OFFICER. If the Senator from Nebraska will allow the Chair——

Mr. KERN. I rise to a point of order.

The PRESIDING OFFICER. It is impossible for the Senator from Nebraska to yield to the Senator from Mississippi and also to keep on talking at the same time.

Mr. VARDAMAN. What is the point of order the Senator from Indiana makes?

Mr. KERN. My point of order is that Senators in all parts of the Chamber do not desire to lose any part of this illuminating dialogue, but they can not understand it while both Senators are talking at the same time, in violation of the rules.

The PRESIDING OFFICER. The point of order is well taken.

Mr. NORRIS. I presume Senators will at least have the opportunity of taking their choice as between the two evils.

Mr. KERN. We can not take any choice; we can not hear either Senator.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Mississippi? Only one Senator can occupy the floor at a time.

Mr. VARDAMAN. Mr. President, the Senator from Nebraska yielded to the Senator from Mississippi, and then there ensued a continuation of the colloquy. I did not know that the rules of the Senate required that after finishing a sentence I should again get permission of the Chair or permission of the Senator to ask another question.

The PRESIDING OFFICER. The difficulty the Chair had was that, if the Senator from Nebraska yielded, he could not speak at the same time the Senator to whom he yielded was speaking.

Mr. NORRIS. I will say to the Senator from Mississippi that the Chair is finding fault with me and not with the Senator from Mississippi; and I am not finding fault with the Senator from Mississippi or the Chair.

Mr. VARDAMAN. I will not permit the blame to be put upon the Senator from Nebraska. [Laughter.]

Mr. NORRIS. Mr. President, it seems to me the unreasonableness of those who are on the other side of this proposition is illustrated by what the Senator from Mississippi has said and what the Senator from Iowa has said in their positive statements, without giving anybody else any latitude anywhere to stand on the earth with a different opinion. They say, as the Senator from Mississippi has just said, "But you are not retaining anything." Now, he may be right. I may be wrong. I am not claiming that he, at least, does not believe he is right, or that he may not be right; but I am just as satisfied that I am right when I believe that there is not a right possible under the treaty that our Government possesses that is not protected by this amendment. Believing that, I can do nothing, it seems to me, but oppose any change in the amendment that would endanger the bill itself, which I am very anxious to have passed.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. As I understand, then, the Senator from Nebraska contends that the amendment offered by the Senator from North Carolina, and adopted, is a positive assertion of a right upon the part of the United States to exempt vessels going through the canal from the charge of tolls?

Mr. NORRIS. The amendment offered by the Senator from North Carolina admits, from its very nature, that there is a dispute between the two Governments.

Mr. BORAH. Does the Senator——

Mr. NORRIS. Let me follow that for just a moment, and then I will yield to the Senator. I wish to make this clear. In the amendment that I prepared, and which I withdrew when I compromised on the amendment offered by the Senator from North Carolina, I felt as though that principle ought to be recognized; that while I did not believe her claim was right, I conceded that she was making it honestly, and that I ought to use language that would be respectful, and so I used the word "claimed." I said in my amendment that the United States claimed a right. I spoke of it as the right claimed by the United States to exempt its vessels.

Some Senators, several of them, criticised that language, and thought it was not quite diplomatic with Great Britain. It seemed to me, though, that it was fair. It conceded that there was a dispute and that it was honest. If we ever arbitrate, as a matter of course, we must concede that; otherwise, there can be no arbitration. On the other hand, it seems to me that the language the Senator wants is practically saying—I will say to the Senator that it does not affect me in that way, but it does a good many Senators who would vote against the bill if it had that language in it—that we will submit to no arbitration. As they have said to me, "Why, if such language is put in the bill we might just as well write another clause in it and say, 'We will not arbitrate this matter with anybody on earth. We make this assertion, and will permit no one to controvert it.'" Senators who believe that we have no right, under the treaty, to exempt our vessels, object to any statement in the law which makes, in unequivocal language, a positive assertion that their position is wrong. They are willing to admit that there is an honest dispute on the question, and that therefore they may be wrong. In that belief they are willing to compromise and agree to words that protect every right which our Government can by any possibility be entitled to. The language used is, "Any right the United States may have." To me that covers everything, and we have no reason to ask more. It seems to me that is fair. I do not believe the language suggested by the Senator from Iowa would be any better or give us a single additional right or a particle more of protection. The language suggested by the Senator from Iowa to take the place of the words I have just quoted is, "The right which the United States has." Either phrase would suit me, but when the adoption of one would defeat the bill I can have no choice but to support the other.

Mr. BORAH. Mr. President——

Mr. NORRIS. I think that is the difference between the two propositions. One, in my judgment, is just as good as the other; and if it were not for that fact driving men away from the bill, I would not turn my hand over, no matter which you used.

Mr. BORAH. The Senator from Nebraska believes that we have a right under the treaty to exempt our vessels from tolls? Is that correct?

Mr. NORRIS. Yes.

Mr. BORAH. And the Senator from Nebraska, in voting for this amendment, believes that he is voting according to his conviction as to the interpretation of the treaty?

Mr. NORRIS. Yes. I think I am protecting all the rights we have. Does the Senator think that I am not?

Mr. BORAH. Yes.

Mr. NORRIS. Will the Senator tell me what one right we lose? Where is that right?

Mr. BORAH. Well——

Mr. NORRIS. Point it out to me.

Mr. BORAH. I want to settle this question for just a minute, and then I will answer that question. The Senator from Nebraska is voting, as he believes, for an amendment which asserts the right of the United States to pass its vessels through the canal free?

Mr. NORRIS. Mr. President, I am not being cross-examined on the witness stand. I think I have answered the Senator's question. He is repeating it. I have told him distinctly my understanding of the matter.

Mr. BORAH. Yes; but——

Mr. NORRIS. If that is not satisfactory, I can not make it satisfactory. I will repeat it, however.

I believe that the Simmons amendment concedes from its very nature that there is an honest dispute between the two Governments. Other people who are opposed to the amendment of the Senator from Iowa believe that his amendment does not make that concession, and that we ought not to put it in the law. Now, that is my position.

Mr. BORAH. Exactly; but what I want to know is whether or not any Senator voting for the Senator's amendment is willing to assert here upon the floor of the Senate that he votes for it believing that the amendment asserts the positive right of the United States to pass its vessels through the canal free.

Mr. NORRIS. I think you might put it in language that would assert it more positively. I believe, however, that it

times in speeches that were far afield, but the debate to-night is on the proposition immediately before the Senate.

Mr. SIMMONS. If the Senator desires himself to make a speech——

Mr. NORRIS. I intend to make an argument against the amendment either now or afterwards.

Mr. SIMMONS. I call the Senator's attention to the fact that this amendment is, in effect, the same as the amendment we have already voted on.

Mr. NORRIS. I understand that it is in effect about the same as the amendment of the Senator from Utah [Mr. SUTHERLAND]. I tried to get recognition upon that amendment to discuss it, but there were so many seeking recognition that the Chair always recognized some one else. That amendment was finally laid on the table, after apparently those who desired to speak had been heard and I did not get an opportunity to be heard.

Mr. SIMMONS. I will temporarily withdraw the motion I made.

The PRESIDING OFFICER. The Senator from North Carolina withdraws the motion.

Mr. SIMMONS. I withdraw it for the present.

The PRESIDING OFFICER. The Senator from North Carolina withdraws his motion to lay on the table the amendment of the Senator from Iowa.

Mr. NORRIS. Mr. President, I want to say, to begin with, that it seems to me it is a sad commentary on the Senate of the United States that it can never pass any important item of legislation unless it must be had after a test of physical endurance. In ancient times, before the people were civilized, there were questions of great importance decided by a test of strength. Later on, when courts were established, the judges were in the habit of locking up juries and denying them anything to eat or any rest until they had agreed on a verdict. Of course the strongest man will eventually succumb to physical treatment that humanity can not stand up against. Everyone here knows that the real debate on this question and all other great questions that have finally been settled by the physical-endurance test takes place when we come to the actual offering of amendments and their consideration.

I will go probably further than some—it may not be quite as far as others—and I am quite willing at any time to so amend the rules of this body that interminable debate can not take place. I should like to see it limited. But after some Senators have talked from three to four and five and six hours apiece, a great portion of the time talking about something entirely irrelevant from the consideration of the question, to insist on a test of physical endurance when we come to a time when we are debating the real questions at issue is not right, it is not fair either, and we should not now, when we are about to vote on the various amendments, resort to methods that are relics of barbarism.

There ought to be a reasonable, sensible, and manly way of limiting debate, so that such occurrences could not take place as always have occurred in the last several years at the end of a very great piece of legislation. You can not get the best there is in men by holding them in continuous session. You can not get the best legislation by compelling men to be subjected to a physical test, to see how long this one or that one can endure the fatigue that is brought on by such a test.

Now, Mr. President, to get to the question. The amendment offered by the Senator from Iowa [Mr. CUMMINS] under ordinary circumstances would not be objected to by me. I have no personal objection to it. I do not believe it improves the bill. It does not make it any worse. If it were not that I believed the adoption of the amendment would endanger the passage of the bill, I would not turn my hand over whether we adopted the amendment or whether we rejected it.

Bearing upon that subject, I want to take up the several parts of the amendment. There are three different divisions. I want the Senate to notice particularly that one part of the amendment of the Senator from Iowa, independent from the others, strikes out in lines 7 and 8 the language "discriminate in favor of its vessels by exempting" and inserts in lieu thereof the word "exempt." If that amendment were adopted, this proposition would then be in the identical terms in which it was originally when the Senator from North Carolina [Mr. SIMMONS] first offered his substitute amendment. The Senator from Iowa has offered an amendment the effect of which would be to put back the amendment in the exact form in which it was introduced. Now, let us see.

Mr. CUMMINS. Mr. President——

Mr. NORRIS. I yield to the Senator.

Mr. CUMMINS. All that is quite true. The vice of the amendment offered by the Senator from North Carolina was not in the omission of the word "discriminate," but in the failure to assert that we had any right at all.

Mr. NORRIS. Oh, yes; I understand that.

Mr. CUMMINS. I do not believe in saying that we have a right to discriminate, because I think that the exemption of these vessels is not a discrimination.

Mr. NORRIS. Exactly. I understand the Senator's position perfectly. As I said, I would just as lief have it in that form as in this form, but let us see why that form was changed. There were other Senators here who said: "If you do not put something in to show that we have the right to discriminate, we will not support either the amendment or the bill." Here is the argument. They said as it was originally introduced and as it would be if the Senator's amendment were adopted it would read this way: "To exempt the vessels of the United States or its citizens." The argument was made, "Of course you can exempt the vessels of the United States or its citizens if you exempt all the vessels of the world." "I will not stand for that," said several Senators; "we think it is a loophole by which it can be said that it does not mean anything, because, of course, you can exempt vessels of the United States; we must make a declaration that we have a right to exempt vessels of the United States and impose a toll upon the vessels of foreign nations; that we have a right to 'discriminate' in favor of American vessels." The very language that was put into the bill by the Senator from North Carolina was suggested by those Senators. So we come to this position now: Several Senators, in the first place, objected to the language which the Senator from Iowa wants to have inserted, because, they said, it was not a proper statement of the case and would leave a loophole by which it could be said, "Of course, you can exempt the vessels of the United States if you exempt the vessels of everybody else, and we insist on putting in this discrimination." I did not think it added anything to it, and I do not believe that an ordinary citizen in considering this language would give any different construction to it. Everybody knew what it meant, I think. I had no objection to its going in. I thought it would satisfy those who would otherwise be opposed to the bill. But as soon as it is put in, here comes the Senator from Iowa, and he insists that it shall go out. But I do not understand that the Senator from Iowa will vote for the bill even if it does go out.

Mr. CUMMINS. I do not regard the latter amendment as the vital part of it.

Mr. NORRIS. I am taking up one thing at a time. I am going to get to the other part of the Senator's amendment.

Mr. CUMMINS. The Senator from Nebraska knows the amendment can be divided and we can adopt the first part and not the last.

Mr. NORRIS. Oh, yes. The Senator does not get my point. I am illustrating that on one side some Senators say that if you do not put this in it will not express the proper American idea and another set of Senators say if you do put it in it is a surrender to Great Britain. The reasons were identically the same given by some who wanted to put it in that are now given by others who want to put it out. I am only speaking of it to illustrate that point. I do not think it is important either way. I would support the bill with this amendment attached just as quickly if the entire amendment of the Senator from Iowa were adopted as I would without it. I am going to tell it to the Senate frankly. I am going to tell it to you just as I see it and as I believe it to exist. If it is not good, if it is foolish, if we be characterized, as has been almost intimated by several Senators who have debated this question, as fit subjects for the insane asylum if we support this amendment, and you think that that is your right, I am not going to criticize anybody who votes for the amendment as being overzealous, unfair, or as trying to put anything in the bill that would defeat the bill, although I believe it would.

Now, let us see. There are some Senators here who believe that under the treaty with Great Britain we have a perfect right to exempt the vessels of the United States and its citizens from paying tolls at Panama. Everybody concedes that. There are other Senators who believe that we have no right under the treaty to exempt the vessels of the United States and its citizens. Who denies that? There is the contention as far as the international question is concerned.

Now, here are Senators again who are opposed to the exempting of these vessels from tolls as going through the canal for economical reasons, believing that it is a bad economical policy. That is another class of Senators. Some of those Senators believe that we have a right to exempt our vessels if we want to, and some of them believe we have no right to exempt our vessels under the treaty.

There is another class who believe that we have a right to exempt one class of American vessels and not another class. There are two classes, both included in the law and in the treaty. One is American coastwise vessels; the other class is American vessels engaged in foreign trade. We repeal the act as to both of them. One of them by existing law is made absolutely free, and the other it is within the discretion of the President to make practically free if he wants to do so. Some Senators think that under the treaty we have a right to exempt the coastwise vessels but that we have no right to exempt all over-sea vessels of the United States and its citizens. Nobody disputes that.

Now, there are three or four propositions that I have just laid down that are admitted by everybody. Nobody denies that those Senators and people outside of the Senate, at least a large number of them—and, as far as I am concerned, I am willing to admit that all of them—are honest in those convictions; but for the sake of argument, at least, we ought to be fair enough to concede that they are all honest, and I am conceding it.

I am one of the Senators who believe that we have a right to pass anything we want to through the Panama Canal, either the coastwise American vessels or American vessels engaged in the foreign trade; but I do not believe it is a good economical policy. I am not going into that now. I went into it at length and gave reasons for my faith, being convinced in my own mind that the policy of passing our ships through there free is wrong, that it ought not to be done; that we ought to charge tolls on all vessels, and therefore I, of course, would be in favor of repealing the law.

A great many Senators here believe that it is a wrong economic policy. I believe that a large majority of the Senate believe that. You want to repeal the law, therefore. Now, to get the law repealed we have to have a majority of the votes of the Senate.

On the other hand, let us pause right there and take up the other question. I do not want to take any action here that will take away from the United States Government any right on earth that she possesses under the treaty. I believe she is supreme in that respect. Other Senators, and many in this country and abroad, some of the ablest minds of the present age, do not agree with me in that proposition. I do not believe I am bound, as some of these Senators said, that if you believe we have a right to pass our ships through free of tolls then you must say so, and if you believe you have not the right to pass them through then you must say that, and there is not anything to arbitrate and no dispute. If that theory is right, then, of course, I am wrong.

Now, here we come to the amendment. To my belief and my conscientious convictions it would not frighten me. No matter how severe we made this amendment I should like to couch it in respectful language. I do not want to be disrespectful to anybody here or anybody abroad, but as far as declaring our right is concerned I am willing to go to any length in a respectful way to do it. But we are confronted with this proposition: There are quite a number of Senators in this body, some on this side of the Chamber and some on the other side, who believe that we have no right under the treaty to exempt American vessels from tolls for passing through the Panama Canal. What are you going to do with that class of Senators? Shall we say they are foolish? Shall we charge them with lack of courage, as has been intimated? Is not the fair and honest and honorable way to admit, as every man in his heart knows, that those Senators are honest in their belief, and that they have as good a right to their opinion as I have to mine? Many of the Senators who believe this would be opposed to this bill if it should be amended as suggested by the Senator from Iowa. We must have the votes of at least a portion of that class of Senators to pass this bill. That is what moved me to agree to this kind of an amendment, although I would not have agreed to it if I believed it sacrificed any right that we possessed. Unless we get those votes this bill will fail. I have talked with enough Senators on both sides of the Chamber who, if they vote as they said they would vote, would defeat this bill on its final passage if the amendment of the Senator from Iowa [Mr. CUMMINS] were adopted. So I think we are confronted with a proposition right now as to whether or not we are going to have any legislation at all. Mark my word, if the amendment of the Senator from Iowa is adopted the death knell of this bill is recorded.

Believing, as I do, that the law ought to be repealed, that it is a subsidy, that it is a wrong and mistaken economic policy to exempt our coastwise vessels at Panama from the payment of tolls, I do not see why I am not consistent in voting against this amendment, which will jeopardize the passage of the bill, if at the time I do so I am convinced that the amendment for which I am standing meets all questions that can be fairly and honestly met, or that should be met. Let us see whether it does. The Simmons amendment now provides:

> That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have—

And so forth.

I have not yet heard a Senator indicate a single, solitary right that would be jeopardized if we adopted that language. I should like to have any Senator tell me now of a single instance, with that language in force, where we would sacrifice or lose any rights that we possess under the treaty. Is not that enough? Is not that all we want?

I wish right here to say that I am not finding fault with Senators who are opposed to this bill for supporting this amendment; I think their action is perfectly consistent. I do not want anyone to get the idea that I think Senators are supporting this amendment simply because they think it will defeat the bill. I do not know of any such Senators. I concede, however, they would have a right to do that, and I would not find fault with them, if they were opposed to the bill, if they did so.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Nebraska yield to the Senator from California?

Mr. NORRIS. In just a moment. Senators like the Senator from California, for instance, conscientiously can support this amendment, because I know, according to his idea, it puts the bill in better shape than it would be if it were not adopted; and he feels that if we must repeal the law, although he is opposed to that, and will vote against the proposition, as I understand, anyway, yet we ought to make it as good as we can. I am conceding that all other Senators are in that same class; but that does not do away with the fact, Mr. President, that if we drive from the support of this bill those Senators who are willing to vote for it in its present shape, but who would be opposed to it in the form that the adoption of the amendment of the Senator from Iowa would leave it, there is grave danger, if not a certainty, that the bill will be defeated.

Now I yield to the Senator from California.

Mr. WORKS. Mr. President, I do not want to allow the statement of the Senator from Nebraska that the Simmons amendment protects all of our rights to go unchallenged.

Mr. NORRIS. I should like to have the Senator point out one right now which it does not protect.

Mr. WORKS. I do not think it does protect them; but I am not going now in the time of the Senator from Nebraska to discuss that question. Directly, when I have an opportunity, I am going to offer an amendment with the object of strengthening the amendment already adopted by the Senate, which was offered by the Senator from North Carolina [Mr. SIMMONS]. When I do that I shall undertake to explain to the Senate the particulars in which I think the Simmons amendment is inadequate and insufficient to protect entirely the rights of this Government, if it has any rights. I shall not offer an amendment that the Senator from Nebraska can object to on the ground that it will prevent any Senator who believes as he does from finally voting for the bill.

Mr. NORRIS. I will say to the Senator from California that if he offers an amendment which I believe is in accordance with what he has suggested it will get my vote. I should like to vote for everything that is proper, that will more fairly place the Government of the United States in what I believe to be the proper position.

But now, Mr. President, take Senators who believe that we have no right under the treaty to exempt our vessels from the payment of tolls, and let us see if they are consistent—I believe they are—in their statement when they say, "We shall vote against the bill if an amendment similar to the one offered by the Senator from Iowa is adopted." Let us see why they are willing, as they say, while they are firm in their belief that we have no right—they are just as firm as some of us are that we have such a right—they concede that the controversy over the treaty is an honest dispute, and in order to protect it they concede to those who believe we have that right the right to protect by proper amendment to this bill any right which the Government of the United States may have; but they say, "When you ask us to vote positively for statements such as the amendment would be in the form in which the Senator from Iowa would put it by his amendment, it is putting us in a position where we can not vote conscientiously for that kind of a statement, as we believe it would be a falsehood." And from the standpoint of those Senators it would be; and we can not blame those Senators for feeling in that way.

and we agreed to arbitrate differences as to the interpretation of treaties, and this is really a question as to the interpretation of a treaty; but the question I wanted to submit to the Senator from Mississippi was this: Does he think the American case would be strengthened before an arbitration board if we should go before that commission with a declaration from the President of the United States that we have no case at all, with the refusal of Congress to declare that we have a case, and with the adoption by Congress of an amendment to this bill which says that we have grave doubt about our right? Did the Senator from Mississippi ever hear of any nation asking for an arbitration under those circumstances?

Mr. WILLIAMS. In answer to that—and I am sorry to be taking up the time—candor compels me, of course, to say that the Chief Magistrate of the country having taken the position that the exemption clause is a violation of the treaty, our case would be weakened before a court or international tribunal by that fact, provided that evidence of that fact was relevant to the controversy in the slightest degree.

Mr. SUTHERLAND. Does the Senator from Mississippi not think——

Mr. WILLIAMS. Let me finish and then I will yield—or that the action of the Senate is relevant to the controversy in the slightest degree. If the Senate, which ratified, and the President, who negotiated, this treaty had taken that position, then, in my opinion, in case of a patent ambiguity in the treaty itself, their utterances and their recollections of the intention in the hearts of both parties and the real thing concerning which their minds came to a meeting place could be brought before the arbitral tribunal to shed light upon the meaning intended to be given to the treaty, but certainly the opinion of a subsequent President or a subsequent Senate could not be introduced for that purpose.

Mr. SUTHERLAND. Now will the Senator allow me?

Mr. WILLIAMS. Otherwise, of course, it would weaken the case.

Mr. SUTHERLAND. Suppose the Senator from Mississippi had a lawsuit pending before a court. Of course the opinion of the Senator's lawyer that he did not have a good case, or his opinion that he had a doubtful case, would not be admissible, but would the Senator think it would tend to bring about a decision in his favor if his lawyer said he did not have any case or expressed doubt about it and that opinion got to the judge and the jury?

Mr. WILLIAMS. That is again a different proposition. If in that case my lawyer proved untrue to me and let the jury and the judge know, or if my lawyer selected a judge who agreed with him and did not agree with me, his client, of course that would weaken the case very much indeed, probably lose it.

Mr. SUTHERLAND. What I think the American people will do will be to change lawyers in this matter.

Mr. WILLIAMS. Well, then, if I did not have sense enough to get a lawyer who did agree with me about the case, I would be weakening my own case.

Mr. SUTHERLAND. I think they will do that.

Mr. WILLIAMS. But neither of those cases can be presumed here. It can not be presumed that the President of the United States is going to select men who are committed beforehand to the other side of the controversy. My own idea is that he will probably select two of the judges of the Supreme Court, regardless of their opinion. I say that, not because I have any reason to say it, but because that is what I would do if I were he; and I would suggest that the British side will probably select their greatest lawyers and let them sit upon the matter as great lawyers should on a question of legal interpretation.

The Senator and I know enough to know that lawyers have legal minds and take professional pride in the fact. When you ask a lawyer to give his opinion on a law point, regardless of his predilections, prejudices, or interests, he is going to give an opinion upon the law point, if he is a good lawyer, and he is going to prepare himself very thoroughly upon it before he comes to a final conclusion.

Mr. CUMMINS. Mr. President, the last suggestion is hardly relevant to the point I am trying to make. There can be no lawsuit without a claim. The United States is the client, and unless the United States declares that she has the right to do this thing there can be no arbitration. If I believed as does the Senator from New York, or the Senator from Georgia, or the Senator from North Carolina, or the Senator from Oklahoma, I would not vote for any arbitration of this controversy, for there is no controversy, so far as those Senators are concerned, and if a majority of the people of the United States felt as they do—and I use them simply as types or representatives—if a majority of the people felt as they do about this question, we never would have arbitration with Great Britain over it, and we ought not to have arbitration with Great Britain or any other country over it.

Mr. CRAWFORD. Mr. President——

Mr. CUMMINS. It is dishonorable for any country to insist upon arbitrating a claim in which the country presenting it does not sincerely believe; and the only way in which the people of this country can speak is through Congress and the President together. Therefore, if a majority of the Members of Congress honestly believe that we have no right such as I have been insisting upon under this treaty, they will foreswear themselves if they suggest arbitration and insist that Great Britain shall secure, at the end of a long dispute or controversy, what they in their hearts concede Great Britain in the beginning. It is only in the event that a majority of the people of this country—because this is a question of doubt; everybody must concede that—honestly and sincerely believe that we have that right under the treaty, and express that opinion through their chosen representatives, that we have either the legal or the moral right to call Great Britain into arbitration with us.

Does the Senator from South Dakota desire to interrogate me? If so, I yield.

Mr. CRAWFORD. Mr. President, because I have the same opinion as that held by the Senator from Iowa, as to the right of the United States, under the treaty, to exempt its coastwise vessels, I am inclined to vote for this amendment; but I wish to suggest to the Senator that after all, if this law is repealed with the amendment attached to it that the Senate has already adopted, offered by the Senator from North Carolina, and 5 years from now or 10 years from now Congress should enact a law exempting vessels from the payment of tolls, and the matter should then be brought into controversy as a plain violation of the treaty, does not the Senator think the United States would be in much better position by having placed in the repealing act the language of the amendment offered by the Senator from North Carolina than it would have been had it simply passed a flat repeal with no such language in the act?

Mr. CUMMINS. I am inclined to think that is so.

Mr. CRAWFORD. Does not the Senator also think that in view of the fact that there is such a sharp conflict of opinion among men whose opinions we are bound to respect, and who are manifestly sincere, we ought to take the attitude of so presenting the question that it will fairly express the issue, so far as a majority of men so differing can present it, and that it is legitimate to place it in the best form upon which the majority can agree and have a reservation in the bill, rather than to insist that it shall express the view of those of us who hold as the Senator does, and as I really hold, with reference to this treaty?

Mr. CUMMINS. Mr. President, I do not see very much to dissent from in the suggestion made by the Senator from South Dakota. Of course, I have no way of ascertaining the exact views of every Senator in this body. They are known to all of you as well as to myself. I believe, however, that a very considerable majority of the members of this body construe the Hay-Pauncefote treaty as I do; or, rather, I construe it as they do. I believe a very considerable majority of the members of this body believe, or think, or hold the opinion that the United States has the right to exempt, if it cares to do so, these vessels from the payment of tolls.

Mr. PITTMAN rose.

Mr. CUMMINS. I will yield to the Senator in just a moment. There is in the law—and the Senator from South Dakota is a lawyer of long experience—a doctrine known as laches. There is a doctrine known as a disfavor toward stale claims. I instance those two principles of law, although they are really one, in order to suggest that if we now fail to make this declaration, and years pass on, while we may be legally able to make the claim in future years, it will lose much of its force and persuasiveness as compared with the claim made at the present time and under the conditions which now surround us.

I now yield to the Senator from Nevada.

Mr. PITTMAN. I understand that the Senator from Iowa asserts by his amendment the right of the United States to exempt all of its vessels from tolls in passing through the Panama Canal.

Mr. CUMMINS. He does; all the vessels of the United States or its citizens.

Mr. PITTMAN. It is apparent from this debate that some of the Members of this body believe as the Senator does, that the United States has the right to exempt all of its vessels, while there are others who believe that the United States has the right to exempt only its coastwise vessels, while there are still others who believe that it has not the right to exempt any

of its vessels. I want to know whether the Senator from Iowa thinks that a Senator who believes, for instance, as does the Senator from Nevada, that the United States has a right to pass only its coastwise vessels through the Panama Canal without the payment of tolls without a violation of the treaty could conscientiously vote for his amendment?

Mr. CUMMINS. If I understand the Senator from Nevada, he asks whether a Senator who believes that under the treaty we may pass coastwise ships through free, but can not pass ships engaged in the foreign trade through free, can vote conscientiously for my amendment. I do not think he can; but the Senator who can not do it can not escape his responsibility by simply voting against my amendment, for there will be abundant opportunity for him to vote for an amendment that applies simply to coastwise ships, asserting a reservation with regard to ocean-going ships. My amendment appeals only to those Senators who think that we have the right to deal with our own shipping as we please, who believe that the Hay-Pauncefote treaty does not include the vessels of the United States or of its citizens, and that simply emphasizes what I have already said.

When this amendment is voted down, if it is voted down, it will be a declaration to Great Britain and a declaration to the world that the United States does not controvert the English claim that we must impose upon our vessels engaged in international trade the same charges that we impose upon foreign vessels engaged in international trade. I simply want Senators to have clearly in view what their vote means in this respect.

One word more, and I shall have concluded my suggestions.

I understand that the other day the Foreign Relations Committee reported a joint resolution looking to arbitration of this very controversy. The joint resolution is now pending before us. It is now on the calendar. As it seems to me, every Senator who votes against this amendment of mine must, if he is conscientious, vote against the joint resolution so reported by the Committee on Foreign Relations; for there is nothing to arbitrate—it is utterly impossible to erect an arbitration—if this bill is passed in its present form, without an assertion of some right that Great Britain denies. It would be as futile as a bull against the comet. It would be absurd as an endeavor to foretell the opinions of the people of the United States a century hence. If we now grant to Great Britain all that she wants, we must defer any suggestion of arbitration until the American people are restored to their common sense, and restored to their patriotic instincts, and are in a frame of mind to assert a right which is denied by Great Britain. Then, and then only, can we call into exercise the high tribunal whose jurisdiction will be invoked under the resolution proposed by the Committee on Foreign Relations.

One word more. We are here not only conceding everything that Great Britain has asked, but we are conceding vastly more than she has asked. It is precisely as though my friend upon my right here had a note against me for $100, and presented it and insisted upon payment, and out of my magnanimity, my generosity, my desire to be honorable among men, I insisted upon confessing judgment for a thousand dollars. I might convince that friend that I had a high sense of honor, but I would convict myself at the same time as a fit candidate for the madhouse; and it seems to me that is about the situation in which we are placed if we proceed to pour out into the lap of Great Britain a great privilege that she has not yet suggested belongs to her under the treaty.

Mr. President, I offer the following amendment.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. Amend the substitute adopted by the Senate as follows:

In line 2 of the substitute strike out the word "any," before the word "right," and insert the word "the"; in line 3, strike out the words "may have" where they appear and in lieu insert the single word "has"; also strike out, in lines 7 and 8 the words "discriminate in favor of its vessels by exempting" and insert the word "exempt," so that if amended it will read:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of the right the United States has under the treaty with Great Britain, ratified the 21st of February, 1862, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise to exempt the vessels of the United States or its citizens from the payment of tolls for passage through said canal—

And so forth.

Mr. CUMMINS. Mr. President, on the amendment just offered I ask for the yeas and nays.

Mr. SIMMONS. Mr. President, I move to lay the amendment on the table.

Mr. CLAPP and others. Oh, no.

Mr. NORRIS. I hope the Senator will not make that motion.

Mr. GALLINGER. I ask the Senator from North Carolina not to make it.

Mr. CUMMINS. I have asked for the yeas and nays on my amendment.

The PRESIDING OFFICER. The Senator from Iowa demands the yeas and nays on his amendment, and the Senator from North Carolina has moved to lay the amendment on the table.

Mr. SIMMONS. If we are going to have a vote, I will not make the motion, of course.

Mr. CUMMINS. I do not know how the Senator has any right to make the motion when I have asked for the yeas and nays.

Mr. GALLINGER. No time will be gained by moving to lay the amendment on the table.

Mr. SIMMONS. I move to lay the amendment on the table.

Mr. NORRIS. I hope the Senator will not make the motion at this time.

Mr. CUMMINS. Mr. President, I rise to a point of order. I ask for the yeas and nays, and that is equivalent to a motion that the vote be taken by a roll call, and it is not in order to move to lay the amendment on the table until at least the Chair has decided whether the motion for the yeas and nays has been seconded.

The PRESIDING OFFICER. The Chair will state that, pending the request of the Senator from Iowa, the Senator from North Carolina addressed the Chair, and the Chair recognized the Senator from North Carolina, not knowing for what purpose he arose. Is the request of the Senator from Iowa for the yeas and nays seconded?

The yeas and nays were ordered.

The PRESIDING OFFICER. Does the Senator from North Carolina now insist on his motion?

Mr SIMMONS. If we can have some understanding that the debate will be closed in half an hour, or something like that, I will not press the motion.

Mr. BRISTOW. If the Senator will yield to me, I desire to say he will not hasten the passage of the bill by cutting off debate on amendments that many Senators think are important. The Senator will hardly move to lay his own amendment on the table, and that would therefore be open to debate. There has been no disposition here to unduly delay the disposition of the bill, but some of these amendments we believe are important, and we intend to consume sufficient time to present our views upon them, after they are laid on the table if not before.

Mr. SIMMONS. I understand the view of the Senator from Kansas very well. I am not at all deterred by the threat of the Senator from Kansas in the course that I have proposed to pursue, but the request of the Senator from Minnesota [Mr. CLAPP] and the Senator from Nebraska [Mr. NORRIS] does appeal very strongly to me. If I thought the debate could be foreclosed in half an hour or three-quarters of an hour, I would have no sort of objection.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. SIMMONS. Certainly

Mr. CLAPP. Personally I am not so concerned, because the remarks that I intended to make will be applicable to the final motion for the adoption of the Senator's amendment, but I would make a suggestion to the Senator. This debate has proceeded with a degree of cordiality and lack of friction and with a want of undue hostility that, I think, is unequaled perhaps in the history of this body since I have been here. It does strike me that when near the end, as we are now, for those who are in control of the bill to take the position that they will move to table every amendment is rather drastic and is hardly warranted by the former course of the debate.

Mr. SIMMONS. Mr. President, with reference to what the Senator from Minnesota has said, I have only to say that we have been now several months discussing the bill, and it seems to me, and it seems to a great many other Senators here, that we have exhausted the various phases of the controversy. Yet if the Senator from Minnesota desires to speak, I feel that I do not wish to cut him off, and I would not wish to cut off the Senator from Nebraska [Mr. NORRIS].

Mr. NORRIS. I should like to suggest to the Senator——

Mr. SIMMONS. But I do not want it to lead to an interminable discussion.

Mr. NORRIS. There have been an hour and a half or two hours taken on this amendment, and all on one side. I do not know that any further debate will change anyone's vote or whether the debate which has taken place has changed anyone's vote. I am just as anxious to finish the discussion as anyone, but it seems to me that when we are debating amendments we are properly legislating. We have wasted an entire day several

Mr. BORAH. And more than she, the English Government on the other side of the channel, asks us to yield. And now we are said to proceed close to arbitration. To arbitrate what? To arbitrate the declaration that we reserve the right which we solemnly declared before the world we did not have. Imagine anyone except a driveling idiot going into court to try a case when he has announced solemnly to the judge, "I have no right upon which this judge can pass; I make no claim." Yet that is the attitude in which we are being placed to-night, the great Republic of the West talking about arbitration, and we have announced to the world that we have nothing to arbitrate.

Mr. CUMMINS. I yield to the Senator from Nebraska [Mr. NORRIS], if he still desires to ask me a question.

Mr. NORRIS. I desired at the time I interrupted the Senator to ask the Senator from Idaho a question, but I have a question that I want to ask the Senator from Iowa also. The Senator from Iowa, in a colloquy with my colleague, called attention to the arbitration in regard to the line between this country and Canada in elucidating his idea that it was necessary to make a positive claim. I wanted to ask the Senator from Iowa—and I am asking the Senator for information, because I am not familiar with the fact—whether or not in the act which provided for arbitration with Canada we specifically defined in the act where the line was or where we claimed it was?

Mr. CUMMINS. Mr. President, I can not answer the question, because I am not sufficiently familiar with the act. I answered to the senior Senator from Nebraska as I did because I did know that we had arbitrated a claim made on the one side and denied upon the other without the forcible possession of the disputed territory. Of that I feel sure, and it seems to me to be a perfect answer to the suggestion of the Senator from Nebraska that we must positively exact these tolls or positively pass our vessels through without tolls before we had a subject of arbitration.

Mr. NORRIS. I agree with the Senator that on that suggestion it was an answer. Since the Senator from Iowa is arguing that this amendment is meaningless and we ought to declare positively in the act just exactly what we claim, it occurred to me that it might be interesting to know whether, in the act passed providing for arbitration with Canada, we followed the rule in that case the Senator wants us to follow here. I am not sure but that we did.

Mr. CUMMINS. I do not know. I do know that the United States must have claimed something and Great Britain must have claimed something, the two claims being inconsistent, before there could be any arbitration. We claim nothing here when we pass the act. We simply claim to Great Britain and the world that we have the right to exempt these vessels from charges. That is the claim. If the people of the United States do not believe that we have such a right, then we ought not to make it. If a majority of the Senators do not believe that we have such a right, then we ought not to make it. If they do believe that we have the right, they ought to say so in order that our claims can be put side by side with the claims of Great Britain. Great Britain has made up her claim. She has not been hesitant about it. She was not bashful or reluctant about asserting her claim.

Now, no matter what we do—it does matter what we do, but without regard to what we do, why do we not stand up like men and say to the world that we have a right either to pass our ships through or that we have no such right? We have been discussing this matter now for three months, that has been the burden of the debate, and the mind that has not been able to come to a conclusion upon that question can never reach a conclusion upon it. Somebody must act before this dispute is settled.

Mr. BRISTOW. Mr. President——

Mr. CUMMINS. The United States in some way, through somebody, through some function of organized society, must assert that right if we are ever to have it settled.

I yield to the Senator from Kansas.

Mr. BRISTOW. Mr. President, there are present now in the Chamber not to exceed 6 of the 50 Senators who were so exceedingly anxious to remain here to-night. I make the point of no quorum.

The PRESIDING OFFICER (Mr. JOHNSON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Burleigh	Clark, Wyo.	Dillingham
Borah	Burton	Colt	Fletcher
Brady	Chamberlain	Crawford	Gallinger
Bristow	Chilton	Culberson	Goff
Bryan	Clapp	Cummins	Gronna
Hitchcock	McCumber	Pittman	Sterling
Hollis	McLean	Ransdell	Stone
Hughes	Martin, Va.	Shafroth	Sutherland
James	Martine, N. J.	Sheppard	Swanson
Johnson	Myers	Sherman	Thomas
Jones	Nelson	Shields	Thompson
Kenyon	Newlands	Shively	Thornton
Kern	Norris	Simmons	Vardaman
La Follette	O'Gorman	Smith, Ariz.	Warren
Lane	Overman	Smith, Ga.	White
Lea, Tenn.	Owen	Smith, Md.	Williams
Lee, Md.	Page	Smith, S. C.	Works
Lewis	Perkins	Smoot	

The PRESIDING OFFICER (Mr. SWANSON in the chair). Seventy-two Senators have answered to their names. A quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. Mr. President, I am afraid my friend from Kansas has accomplished little more than to impose some unwelcome exercise upon an already wearied Senate. However, I appreciate his motive and am very much obliged to him for the effort to furnish me with a larger audience. The truth is, however, Mr. President, that the question I am discussing has already been decided. I understand that perfectly, and I think we all understand it. But I am speaking to a larger audience, an audience of which there is always a quorum, an audience that never adjourns. I hope to convince that audience that when the Senate refuses to declare its opinion upon our right to exempt our ships from charges as they pass through the canal it has abdicated, deserted, and abandoned without any cause whatsoever one of its highest and most sacred duties. That is the question that I make in my amendment, and that is the question that will be discussed from one border of this country to the other. I state it again: Does the Senate believe that under the treaty we have a right to pass our ships free through the canal? If a majority of the Senators believe that we have such a right, we will be—I will not use the word that was on my tongue—we will disregard our bounden duty and we will forsake our clear responsibility if we do not say so, for that is the very question that has been argued here for three months, and the people of this country will want to know why we discussed for three months the construction of the treaty and then refused to say to them what the opinion of the Senate is.

If, on the other hand, there is a majority of the Senators who believe that we have no right under the treaty to exempt our ships, the same degree of courage requires them to say so and to cease masquerading before the world in mystery and in that twilight zone in which their figures can be discerned but in which their opinions are completely obscured.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. If anyone believes that we have no right to pass our ships through free, should he not only, as the Senator says, have the courage to say so, but ought he not in honest dealing with the parties interested in the treaty also say so?

Mr. CUMMINS. Unquestionably, Mr. President, there never was a more imperious demand upon a great legislative body for an answer to that question than now confronts us. It will be a miserable, inadequate outcome of this famous debate if we pass upon the subject without declaring our opinion respecting the very controversy that has raged here for three months or more. I never dreamed that there would be any hesitation in making a declaration. I honor a man who differs from me. I am very often wrong, and my opponents are often right, but there never was a time when I was not willing to say what my position is with regard to a controversy of this sort. If there is a majority of the Senate and a majority of Congress who believe that we have agreed with the world that our ships must bear the same charges as do the ships of other nations, for the peace and tranquillity of the public mind, for the honor of our country, why are you not willing to so declare? If, on the other hand, you believe that we have the right, but for reasons connected with a domestic policy or, if you please, for reasons connected with a foreign policy, you do not see fit to exercise it at this time, have the courage to say that.

I agree with the Senator from Mississippi that—I think he said it in colloquy with the Senator from Idaho—if we declare in the form of the amendment as it will be if my suggestion is adopted, that we have the right to do this thing, there is a controversy ripe for arbitration, and, upon proper representations, there will be no difficulty in entering into an agreement for the submission of that controversy to a tribunal, if an impartial tribunal can be secured. It is not necessary that we shall allow a single one of our ships to pass through free or that we shall charge a single one of our ships as she goes through the Panama Canal in order to create an arbitrable controversy. Nations are so careful, and properly so careful, of provoking actual collision that it has been their custom from time immemorial to arbitrate claims that are made upon the one side or the other before they ripen into either actual legislation or into actual collision; but when you pass this bill as it is, without declaring any such right, without asserting any such right, tell me where you will find the basis for arbitration?

Let me be fully understood. I do not claim that next year or the year after or 25 or 50 years hence a Congress could not assert the claim and create a basis for arbitration; but there will be no settlement of this dispute until Congress does act in that fashion. Suppose that a joint resolution or a bill for arbitration were now before Congress, or suppose the President of the United States was opening negotiations with Great Britain looking to a peaceful settlement of the controversy, what would he say to Great Britain? He could not say that he believed there was any dispute; he could not say that Congress believed there was any dispute; all that he could say would be that a few—I assume he would say "a few"—irreconcilable madmen throughout the country believed that we had the right to pass our vessels through, but that the country as an organization, the Government as such, had never asserted a claim of that sort.

Mr. WILLIAMS. Mr. President, will the Senator from Iowa pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. I think the Senator from Iowa will agree with me about this, that it requires no great wisdom to know that the same power which can repeal a statute can reenact it, that every man in America knows that, and that every practical statesman of Great Britain knows it, and that therefore Great Britain has as much interest as we have in having the matter determined and put out of question, because it may at any moment, upon a change of administration or otherwise, arise again.

Furthermore, I think the Senator will agree with me about this, that every one of our arbitration treaties says that questions involving the interpretation of treaties shall be arbitrated. That does not mean when the two parties are upon the verge of war about it and are quarreling that arbitration shall be resorted to; but, on the contrary, it means that in advance, if both sides are wise, before they have reached a critical stage at all, it shall be resorted to. The very language of the treaties themselves furnishes a ground for arbitration, and a right on the part of either party to ask it and the duty upon the part of the other party to grant it.

Mr. CUMMINS. I do not disagree with the statement just made by the Senator from Mississippi. I have no doubt that Congress next year could assert the right or at any future time could insist that we had under the treaty the lawful power to pass our ships through the canal.

Mr. WILLIAMS. And the Senator from Iowa has also no doubt that the wise men in charge of the affairs of Great Britain are also aware of the simple fact that the same power that repeals a statute can reenact it, and may do it any day.

Mr. CUMMINS. But whenever we pass this proposed act without a declaration of that sort, we fasten upon ourselves the interpretation insisted upon by the President of the United States, and the likelihood of any Congress ever provoking a controversy with Great Britain over it, a controversy that would be, I think, vastly more offensive to Great Britain under those circumstances than the assertion of the right would be at the present time—these are the considerations which seem to me ought to require a declaration now. There will never be a Senate that will be better advised with regard to our rights under the treaty than is this. It is not at all probable that any debate over its construction will ever consume the time which we have consumed or will ever employ higher qualities of mind than has this debate.

Mr. WILLIAMS. I should like to ask the Senator just one more question, and then I promise not to interrupt him any more.

Mr. CUMMINS. I yield.

Mr. WILLIAMS. Suppose we were simply to pass a bill repealing the statute and did not say another word. We would neither be asserting nor denying the right, would we?

Mr. CUMMINS. We would be, however, in the eyes of the world and in the eyes of Great Britain morally estopped from ever insisting upon a different construction of the treaty.

Mr. WILLIAMS. If the Senator from Iowa will pardon me one more moment, that is where I think he differs with our ancestors. They passed some tax law, you remember, over in Great Britain, some stamp laws, and some other laws. They repealed them, and then afterwards they asserted the right to reenact them. There is where the Senator differs with two great parties in recent history.

Mr. CUMMINS. Precisely. And what followed? War. Does the Senator from Mississippi want war to follow our insistence upon that right at some future time?

Mr. WILLIAMS. No; that was in a case where there could not very well have been an arbitration, because we were a part of the same Government; we were British subjects, living on two different continents; and in that respect it is not analogous with this case between separate existing sovereignties; but I can give the Senator another case.

The Senator seems to think that where a concrete case or incident that may constitute the offense is once out of the way, there is nothing left for settlement. Remember that all that arbitration can do is to settle a thing which otherwise might be settled by war. At one time a prince of the house of Hohenzollern was invited to take the throne of Spain. A protest went up from the Emperor of the French against that, and the Emperor of Germany persuaded his young kinsman to refuse to take the throne of Spain. Then there followed a demand on the part of the Emperor of the French that a pledge should be given that no prince of the house of Prussia should thereafter ever occupy the throne of Spain. That was not in a day when Bismarck wanted to arbitrate. He was ready to conquer, and was going on to do it, but he had as much right to arbitrate and there was as much right to demand arbitration as there was to make war, yet war was made upon that simple proposition, although the particular concrete incident of offense was out of the way. The casus belli was an abstract right. That merely emphasizes the idea that abstract rights growing out of differences or alleged rights contended for upon each side, when they have not reached an acute stage, where they either demand or necessitate immediate arbitration or war, one or the other, are much more arbitrable even than when they have reached that stage. This case has already been made out; it is already down in the State Department; it has its declaration, its plea, its rejoinder, its surrejoinder, its rebuttal, and its surrebuttal, but it was concluded to let it alone awhile and see what Congress would do. I suppose it will be taken up at once after Congress acts. I think I can assure the Senator that; if not, it will be taken up upon the demand or request of the Senate.

Mr. CUMMINS. Mr. President, with much of the reasoning of the Senator from Mississippi I entirely agree. I do not think it requires the commission of an injury in order to create a cause of action between nations that should be arbitrated; but I reply in just a word—and then I will yield to the Senator from Utah—that we took action; the President of the United States declared that action in violation of our treaty, and he asked us to repeal or to reconsider the action we took, because it was in violation of the treaty; and whenever we recede under the circumstances that surround us we have said to the world that, in the opinion of a majority of Congress, as it is known to be in the opinion of the President, we did something we had no right to do. Any Senator who believes that we had no right to exempt our coastwise ships ought to vote against my amendment; his conscience requires it. But there are Senators who believe that we have the right to do it and who desire to reconsider our action because it is not in accord with the highest and best domestic policy. Now, those Senators ought to vote in favor of my amendment.

Mr. WILLIAMS. How about the third class of men, who think that you have the right, but that you had not the right to do it at that time and thereby assume to settle the issue in your own favor?

Mr. CUMMINS. The Senator from Mississippi has really answered himself. He said the other day, or possibly to-day, that we ought not to decide the case for ourselves.

Mr. WILLIAMS. I was asking the Senator's opinion on it; of course I know mine.

Mr. CUMMINS. That is true; and we can not decide it for ourselves—that is, we can not enter a final judgment if we are willing to arbitrate—but we can decide this matter in just the same way that Great Britain has decided it. She has decided for herself, and she has told the world what her decision is; and we, by asserting our right under the treaty to do what we did—to exempt coastwise vessels—decided for ourselves, and in that way the issue is created. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I want to suggest to the Senator from Mississippi before he leaves the Chamber that I have not any doubt of our right to submit this question to arbitration, no matter what action the Senate may take, because the treaty of arbitration provides that we shall arbitrate,

to the Senator from Nevada [Mr. PITTMAN], and will let my vote stand.

The result was announced—yeas 49, nays 33, as follows:

YEAS—49.

Bankhead	James	Overman	Stephenson
Brandegee	Johnson	Owen	Sterling
Bryan	Kern	Pomerene	Stone
Burton	Lea, Tenn.	Saulsbury	Swanson
Chilton	Lee, Md.	Shafroth	Thomas
Colt	Lewis	Sheppard	Thompson
Crawford	Lippitt	Sherman	Thornton
Culberson	Lodge	Shively	West
Fletcher	McCumber	Simmons	White
Gore	McLean	Smith, Ariz.	Williams
Gronna	Martin, Va.	Smith, Ga.	
Hollis	Myers	Smith, Md.	
Hughes	Norris	Smith, S. C.	

NAYS—33.

Ashurst	Dillingham	Newlands	Smoot
Borah	du Pont	O'Gorman	Townsend
Brady	Gallinger	Pace	Vardaman
Bristow	Goff	Perkins	Walsh
Burleigh	Jones	Poindexter	Warren
Catron	Kenyon	Ransdell	Works
Chamberlain	La Follette	Reed	
Clark, Wyo.	Lane	Shields	
Cummins	Martine, N. J.	Smith, Mich.	

NOT VOTING—13.

Clapp	Nelson	Robinson	Weeks
Clarke, Ark.	Oliver	Root	
Fall	Penrose	Sutherland	
Hitchcock	Pittman	Tillman	

So Mr. SUTHERLAND's amendment to the amendment was laid on the table.

Mr. CUMMINS. Mr. President, I intend presently to offer an amendment to the amendment proposed by the Senator from North Carolina, but I will take the liberty before I send it to the desk of explaining what it is and what it seeks to accomplish.

I desire to strike out in the second line of the amendment of the Senator from North Carolina, which is now the pending amendment, as I understand, the word "any" and insert in lieu of it the word "the." I desire also to strike out from line 3 the words "may have" and insert in lieu of them the word "has." I also desire to strike out from lines 7 and 8 the words "discriminate in favor of its vessels by exempting" and insert the word "exempt," so that when amended, as I hope it will be, in accordance with this suggestion, it will read:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of the right the United States has under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise to exempt the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. President, I voted against the amendment proposed by the Senator from North Carolina not because, in my opinion, it is not a better expression than the amendment proposed by the committee, but because it seemed to commit me to the proposition it contains. I know that the motives of the Senator from North Carolina, who proposed it, are good; I know that the motives of those who voted for it are good; I know that they believe it to be the pure metal, but I think that its only effect will be to "gold-brick" the people of the United States and to delude and deceive them with respect to the actual conditions which now confront us.

The Senator from Mississippi [Mr. WILLIAMS] says with the utmost frankness, as is characteristic of the Senator from Mississippi, that this is but a prelude to the arbitration between Great Britain and the United States of the dispute with regard to our right to exempt our vessels from the payment of charges in the use of the canal. I have not a word to say against that effort to prepare the way for an arbitration, but this amendment as it passes into the bill, as I assume it will, will not prepare the way for an arbitration for the settlement of that dispute, and it can not prepare the way for any such arbitration or settlement. There can be no arbitration unless there is a controversy. It is impossible to conceive a settlement of a controversy without the existence of a controversy. If the bill passes as it is now proposed that it shall pass, what will be the controversy between Great Britain and the United States? A controversy involves the notion that one claims something that another denies, and that the dispute is submitted to an impartial arbitrator for settlement. Tell me what Great Britain claims that the United States denies if this bill shall pass.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I yield.

Mr. POMERENE. Is it the purpose of the amendment to have the Senate place upon the treaty a construction to the effect that the United States has the right to discriminate?

Mr. CUMMINS. I want to be fully understood. I yielded to the Senator for the purpose of permitting him to ask me a question. He has asked the question and I answered it. I do not yield for any other purpose.

It is the purpose of the amendment which I shall presently offer so to modify the amendment presented by the Senator from North Carolina that it will constitute an assertion, a claim of our right to exempt the vessels of the United States and her citizens from the payment of tolls. It is not quite like the amendment of the Senator from Utah, because that amendment seemed to recognize that in so doing we were discriminating in favor of our vessels or discriminating against the vessels of other countries. I do not so believe. I think we can exempt the vessels of the United States and her people without any discrimination whatever, and therefore I have sought to eliminate those words from the amendment proposed by the Senator from North Carolina.

I return, however, to my proposition.

What will be the controversy that is to be submitted to arbitration or to settlement in any other way? What does Great Britain claim that we will not have conceded when we have passed this bill in its present form? I grant you that there are two things—one, possibly, that Great Britain has claimed—that we do not concede by passing this bill.

First, she claims that we have no right to pass the vessels of Panama through the canal without charge. That will be left for arbitration. I wonder how many Senators want to submit that question to arbitration? That, of course, is a mere shadow. There is not a Senator here, there is not a citizen of the United States, who has any thought of submitting to arbitration a question of that kind.

Secondly, Great Britain claims that we have no right to exclude the railroad-owned ships of Canada or the Canadian railroads from the canal. That, I concede, will be open for settlement. Those, however, are the only questions that will be so open.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I wish to remind the Senator from Iowa of the fact that every arbitration treaty we have says that we shall leave to arbitration the interpretation of treaties. It says "in all cases," and then specifies certain exceptions; and one of the exceptions specified is where the interests of third parties are concerned. Therefore, of course, we could not submit to arbitration any question that affected Panama.

Mr. CUMMINS. Very well. I think that is true. That is the only question that is open so far as Great Britain is concerned, but that is one of the two questions now.

Mr. HITCHCOCK. Mr. President, suppose the Senator's amendment should be adopted, would there be anything more open to arbitration?

Mr. CUMMINS. Certainly there would be something more open to arbitration. The United States must in some fashion or other claim that we have the right to exempt these vessels from the payment of tolls before anything can be submitted to arbitration. The United States has made that claim in the passage of the canal act. Now, we recede from the claim we then made by the passage of that act and establish equality of tolls between all ships, including our own. Who will suggest the arbitration? Who will say to Great Britain that the United States claims the right to exempt her own vessels? The President can not say it. Even if constitutionally he might open the negotiation, we all know that he believes we have no right to exempt these vessels; and it would be an idle form, it would be a shameful mockery, for the President of the United States to assert to Great Britain that we had the right to exempt these vessels from the payment of tolls.

The only men who can make the assertion are the men who compose the Congress of the United States; and if we ever approach arbitration, we must do it, of course, through a treaty or an agreement with Great Britain; and before we can adopt that treaty the Congress of the United States will be compelled to say to Great Britain that we claim the right to pass these vessels through the canal without charge; and if we do that, how, then, will the Senators in this Chamber vote?

Mr. HITCHCOCK. Mr. President, I think the Senator mistook my question a little. The doubt that I had in my mind—and I believe it is a real doubt that exists—is this: Is it possible to arbitrate a mere declaration?

My judgment would be that no declaration in this bill could be the cause of an arbitration. It would simply reserve our right and notify Great Britain that we reserve it; and upon some future occasion, if we desired to exercise that right, then the occasion for arbitration would arise.

Mr. CUMMINS. I do not deny that. I do not deny that 10 years hence or 40 years hence or 100 years hence some Congress might pass a resolution claiming the right; but——

Mr. HITCHCOCK. No; that was not my point.

Mr. CUMMINS. But England has claimed her right.

Mr. HITCHCOCK. I think the Senator still misunderstands me. My point is that whether the Congress passes the bill with the amendment that has already been adopted, or whether the Congress passes the bill with the amendment proposed by the Senator from Iowa, still in neither case would there be any occasion for arbitration until, at some future date, the right reserved in either of these two amendments was sought to be exerted by Congress. Then the occasion would arise for arbitration.

Mr. CUMMINS. On the contrary, England has already asked us to arbitrate this question; and, notwithstanding our sensitiveness about taking a position with regard to our own rights, England has taken her position through her duly constituted authorities. She has no hesitation in saying to the world how she construes the treaty, and she asks us to arbitrate. Now, we can not arbitrate if we conceded what she asks; and if we pass this bill in its present form there will be no longer anything left to arbitrate.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I am not saying that Congress in the future might not review and reverse the action we now take, but I think the Senator from Nebraska must feel sure that if we do this thing without asserting the American construction of the treaty there never will be arbitration, and we will be bound for all time, so far as one can foresee, to the course upon which we now enter.

I now yield to the Senator from Idaho.

Mr. HITCHCOCK. Mr. President, I had not fully finished; and I am still unable to get the Senator's attention to the exact point I make.

It seems to me that Great Britain will not demand arbitration simply because the United States passes an act containing a clause reserving a certain right. Great Britain will demand arbitration only in the event that at some future time we proceed to enact legislation exercising the right which we are now asserting. If that is true, if I am correct in that position, then the amendment which the Senator from Iowa offers is no better occasion for arbitration, is no more certain reservation of our right, than the amendment which has already been tentatively adopted by the Senate.

I am making this statement, although I am rather inclined to vote for the Senators' amendment; but I doubt whether he is justified in the declaration that it will lay any more foundation for the assertion of our right and for the settlement of that right by arbitration than the amendment which has already been adopted.

Mr. CUMMINS. I do not understand that we must have action. I do not understand that we must take the thing in dispute before we can submit the controversy to arbitration, but I do understand that we must assert our right, our title to the thing which is in dispute, before we can have or even yield to the arbitration.

Mr. HITCHCOCK. Then the Senator is of opinion, is he, that the mere assertion that we have the right would afford Great Britain an occasion for demanding arbitration?

Mr. CUMMINS. That always has been done. I think nearly every arbitration we ever had was based upon the assertion upon the one side of a right which was denied upon the other.

Mr. HITCHCOCK. I can not recall any occasion when arbitration was demanded except when action was either being taken or threatened. A declaration is not action.

Mr. CUMMINS. How did we arrive at the settlement of the claims growing out of the course of Great Britain during the Civil War?

Mr. HITCHCOCK. There was a denial of the claims. There was a refusal to pay them.

Mr. CUMMINS. Certainly. How did we arrive at the boundary line between the United States and Canada?

Mr. HITCHCOCK. We arrived at that because we were taking action to maintain our theory of the boundary, while Canada was taking the same action on her side.

Mr. CUMMINS. Precisely; but there was no collision, so far as possession was concerned.

Mr. HITCHCOCK. There was not actual war.

Mr. CUMMINS. It was simply an assertion of our right upon the one side, and the denial of it upon the other.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I desire to say before a motion is made to lay this amendment on the table, for fear I may never get a chance to say it again, that I shall vote for the amendment of the Senator from Iowa because I want to vote for all the amendments which make a positive assertion as to the right of the United States to send our vessels through the canal free; I want to vote for all assertions as to our complete, exclusive ownership of the canal and our right to dominate it and control it in the interest of the American Commonwealth as against the world; but I do agree in large measure with what the Senator from Nebraska has said as to the question of arbitration.

We are proceeding to repeal the law which was objectionable to Great Britain. We are proceeding to wipe out that which was offensive to Great Britain, and which seems to have been more offensive to some upon this side of the water than to those upon the other side of the water. What will Great Britain have to quarrel about? It is true there is found in the repealing act a harmless, insidious, wholly meaningless amendment, which says that while we are doing that which you want us to do, and all that you want us to do, we reserve our rights, if we have any, asserting at the same time that we have not any at all. Now, England is entirely too wise to ask for an arbitration when there is conceded to her all that she wants. She will permit the sleeping dog to sleep.

Mr. WILLIAMS. Mr. President, does the Senator deny that a case can be made up between two nations as it can be between individuals? Does the Senator deny that an abstract right under a treaty can be arbitrated just like a concrete offense of any description?

Mr. BORAH. I can imagine——

Mr. WILLIAMS. Now, then——

Mr. BORAH. Just a moment. The Senator has asked a question, and I want the Senator to permit me to answer it.

I can imagine two great nations engaging in what the boys do sometimes when they are studying law—a moot trial, in which there is nothing to settle, but for the mere purpose of going through the performance of having a judgment; but a practical nation, a far-seeing nation, as Great Britain is, will not ask to arbitrate, and take the possible event of a judgment against her, when she already has all that she asks.

Mr. WILLIAMS. Now, Mr. President, if the Senator will pardon me one moment longer——

Mr. CUMMINS. I yield.

Mr. WILLIAMS. When we pass a resolution through the Senate asking the President to open diplomatic relations with Great Britain for the purpose of effecting an arbitration of the rights at issue under this treaty, that moment we have served notice upon Great Britain that "if you do not submit the matter to arbitration, then we have given you your day in court, and we have the right at any time to act." Now, Great Britain is a practical nation and not a mere theorist like the Senator from Idaho; and Great Britain, being practical, knows that just as long as the question is not settled we are apt at any time to renew the legislation—and she does not want it renewed—and in this very amendment we reserve the right.

Mr. BORAH. While the Senator from Idaho may be a theorist, he does not change his theory every 60 days at the dictation of somebody else.

Now, Mr. President, I was proceeding to say——

Mr. NORRIS. Mr. President, I wish to ask a question.

Mr. WILLIAMS. Of course I can not consume the time of the Senate in answering a mere gibe and fling that it would be unworthy of the Senator from Mississippi to reply to, whether unworthy of the Senator from Idaho to make or not.

Mr. BORAH. It must be very unworthy if it is unworthy of the attention of the Senator from Mississippi.

Mr. CUMMINS. I have yielded to the Senator from Idaho, and I will yield to the Senator from Nebraska.

Mr. BORAH. I regret the wisdom of this body has now departed, and I do not know that I ought to discuss this matter any further, notwithstanding the circumambient and omnipresent wisdom of those who seem to have the judgment of the country and who have lately departed from the Senate Chamber.

Now, Mr. President, we stand in this position: We asserted a right in the act of 1912. We passed a law which was offensive to Great Britain. Great Britain protested. We proceed immediately to repeal the law, right or wrong, and we yield everything that that great country asks us to yield.

Mr. CUMMINS. And more.

Mr. SMITH of Georgia. I never meant to be severe on my friend from Wyoming.

Mr. CLARK of Wyoming. I shall also vote against repeal, even if that amendment be added. I shall vote for the amendment, because if the majority forces this country to go to the un-American doctrine which this repeal inculcates, I want to do as little damage as possible. Therefore, if this repeal must go through, as I think it ought not, I want to see it go through with the saving American clause that we sacrifice none of the rights which we have under the treaty.

That is the reason I shall vote that way; and it is not a matter of logrolling. I voted against the amendment which has just been adopted because it is not only a meaningless thing, but it is worse. I do not believe in writing any more conundrums into our laws.

We have been debating here for two months over the meaning of language. We have been debating here for two months earnestly, by the best intellects of this Nation, as to what the written word means in a treaty. It is agreed by everybody that the amendment that has just been adopted means one thing to this man and another thing to that man. It is safe to say that that is the reason the amendment is adopted; and the Senator from Georgia intimates that that is the case.

Mr. SMITH of Georgia. Oh, no, Mr. President; I did not.

Mr. CLARK of Wyoming. The Senator said you had to have an amendment in the bill that would keep in line those who were in favor of repeal as an economic policy and those who were in favor of repeal, because they thought the existing law violated the treaty. You had to have an amendment there that would keep both of those in line; otherwise your bill would fail.

I do not care to go into the argument. If you are going to repeal the existing law, I want it repealed so that the whole world will understand exactly what we mean. I do not want to see this law written on the statute books with an apology at the end of it which says to one man, "Interpret it your way," and to another, "Interpret it your way." I would rather see your bill go through naked, as it was introduced here and as it came from the House, than to have it tied down with this ambiguity, which is going to afford only field for disagreement in the future; and I think that is the manly course that ought to be taken in this respect. You ought either to assert the right as the amendment of the Senator from Utah asserts the right, or you ought to take the naked repeal and pass it without any compromising addenda.

I make these remarks simply for the purpose of indicating my views in brief and the reason for my vote.

Mr. VARDAMAN. Mr. President, I expect to vote for the amendment offered by the Senator from Utah [Mr. SUTHERLAND]. I am going to vote for it because it means something. There is no equivocation, there is no double meaning, there is no doubt about what it means.

I voted against the amendment offered by the Senator from North Carolina [Mr. SIMMONS] for the reason that I regard it as the acme of diplomatic dissimulation. It really, Mr. President, means nothing. It preserves no rights over the canal to the American people which they would not have without it. I think the time has come when we should deal candidly with the American people, when we should say what we think and try to think what we say.

If the amendment offered by the Senator from Utah should be adopted, our right of sovereignty over this canal will never be questioned again.

Personally, as I said a few days ago, I am not interested at this moment about the economic principle involved in this controversy. That is not the issue. The vital, paramount question involved in this controversy is the right of the United States Government to own and control the canal. If we adopt the amendment offered by the Senator from North Carolina, we have got nothing. It is meaningless—an outrageous abandonment of the rights of the Government of the United States and an affront to candor. If we adopt the amendment offered by the Senator from Utah, all doubts as to our rights are eliminated and the American people will know what we have done. The world will know the position we have taken, and all question will be removed.

Mr. NEWLANDS. Mr. President, I am for the amendment of the Senator from Utah provided the words "in the domestic coastwise trade" are inserted in line 5, after the word "canal," so that the proviso will read:

Provided, That nothing herein shall be considered as denying or abridging the rights of the United States to discriminate in favor of the ships and commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal in the domestic coastwise trade, but, on the contrary, such right is hereby reasserted.

Mr. SUTHERLAND. Mr. President, let me say to the Senator from Nevada that the danger of such a change in the amendment as that would be that we would then assert that we had the right to discriminate in favor of one class of our ships, and that would be equivalent to an admission that we did not have the right to discriminate in favor of the other class of ships. I think we have the right to discriminate in favor of both. I think that our right to discriminate in favor of our ships engaged in the foreign trade is just as clear under the treaty as our right to discriminate in favor of the coastwise ships.

I could not assent to any amendment which would declare in favor of one class and thereby carry with it an implication that we have no right to discriminate in favor of the other class.

Mr. NEWLANDS. Mr. President, I believe that we have a right only to discriminate as to ships engaged in the coastwise trade. I believe that the treaty requires that all international tonnage passing through the canal, including our own, shall pay the same rates. I believe, however, that the treaty, according to the Olsen case, according to the fixed policy of the Nation, ought not to apply and does not apply to purely domestic commerce, which alone can be conducted upon purely domestic ships. I believe that the treaty settled the question as to international tonnage, over-seas tonnage, as distinguished from purely domestic coastwise tonnage, and that such portion of our tonnage as is borne by vessels of the United States engaged in foreign commerce is subject under the treaty to the tolls. Therefore I can not vote for this amendment in its broad form. Later on I may offer an amendment, if the amendment of the Senator from Utah is lost, which will cover my contention.

In this connection, Mr. President, I must say that I object to the use of the term "discriminate" in this proviso. I do not think that the United States, in providing tolls exemption for domestic vessels engaged in the coastwise trade, is discriminating against England. I do not think this treaty has anything whatever to do with our domestic coastwise transportation and that we do not discriminate against England when we provide for tolls exemption. As to the tonnage of domestic ships engaged in the coastwise trade, we simply exercise a right of legislation regarding a purely domestic concern not covered at all by the terms of the treaty.

Let me say briefly, further, that I believe this amendment, if it contains the amendment which I added, should also provide as follows at the close:

Provided, however, That the charges imposed on international tonnage shall be only such proportionate part of the total upkeep and interest charge of the canal as such international tonnage bears to the total tonnage passing through the canal.

I wish to give England clear evidence that when we exempt our domestic ships from tolls we do not seek to impose the burden from which we relieve them upon international tonnage, but that we propose to apply to that international tonnage only its proportional part of the upkeep and interest charge of the canal.

I deem it a matter to be regretted that in the original legislation we did not make a specific declaration to this effect, stating that our purpose was not to impose an additional burden upon international tonnage but simply to pursue the traditional policy of the United States for the last century, which has been for the full development of our waterways, both natural and artificial, at the expense of the United States Treasury and not at the cost of the traffic borne upon such waterways.

Mr. President, we have expended over $500,000,000 upon our domestic waterways, including canals connecting such waterways. We have highly artificialized the Ohio River so that to-day from Pittsburgh to Cairo it is simply a canal divided by dams and locks, and slack-water navigation can be pursued from Cairo to Pittsburgh. This has been done at a cost of $65,000,000. There has not been a suggestion that any part of the maintenance or the interest charge of that expenditure should be imposed upon the tonnage borne upon the waters of the Ohio.

So it has been throughout the history of the Republic. In the early days we had toll roads and we had toll canals. We have drifted away from that narrow and contracted policy. Roads are now constructed at the expense of the taxpayers, and canals and waterways are developed at the expense of the taxpayers in the interest of commerce.

It is an outrage upon the Pacific Coast States, it is an outrage upon the Gulf Coast States, it is an outrage upon all the ports of the Atlantic that have traffic borne to the coast from the ports of the Pacific and vice versa, that they should be charged with a toll imposed by a purely domestic waterway constructed from the funds in the Treasury of the United States with a view to the reimbursement ultimately of such funds when the domestic traffic of all other ports upon the Atlantic coast with each other, upon the Mississippi River and its tributaries with

each other, upon the Pacific coast waterways and their tributaries with each other, goes untaxed and uncharged.

By this action of imposing tolls we discriminate against certain sections and certain commercial areas of the United States instead of dealing out to all that just and equal legislation that becomes a great Nation.

Now, so far as I am concerned, I want to bear evidence to the world that our purpose is not to impose upon international traffic an unfair burden, that having expended $400,000,000 upon this canal and having to meet a certain interest charge and upkeep we can, if we choose, allow that charge so far as our domestic traffic is concerned to stand as the traditions of the Republic require against the Treasury and not against the tonnage carried; but that, on the other hand, so far as international traffic is concerned a charge shall there be imposed upon the tonnage because that is the only way we have of collecting it.

I would gladly see put into the Panama Canal act a declaration that the tolls of the vessels belonging to the various nationals shall be paid by the nationals themselves instead of by their citizens. If we were to do that, we would then have a statute that would deal fairly with all. We could then impose by this statute that proportion of the charge of the upkeep and interest of the canal properly chargeable against domestic ships upon the Treasury, as has been the custom throughout the history of the Republic, and we could also provide that foreign Governments could, if they chose out of their treasuries, pay the tolls exacted from their citizens.

I am in favor of no discriminating legislation. I want the rule of equality and justice both international and domestic, and the course which I advocate will, in my judgment, best secure it.

Mr. WILLIAMS. Mr. President, purely in the interest of the economy of the public time and the economy of the time and the health of Senators, I move to lay the amendment of the Senator from Utah on the table.

The PRESIDING OFFICER. The Senator from Mississippi moves to lay on the table the amendment of the Senator from Utah to the amendment.

Mr. POINDEXTER. Mr. President, I make the point of no quorum.

The PRESIDING OFFICER. The Senator from Washington makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	O'Gorman	Smith, S. C.
Bankhead	Gronna	Overman	Smoot
Borah	Hollis	Page	Sterling
Brady	Hughes	Perkins	Stone
Brandegee	James	Poindexter	Sutherland
Bristow	Johnson	Pomerene	Swanson
Bryan	Jones	Ransdell	Thomas
Burleigh	Kern	Reed	Thornton
Catron	Lane	Saulsbury	Townsend
Chilton	Lea, Tenn.	Shafroth	Vardaman
Clark, Wyo.	Lee, Md.	Sheppard	Walsh
Colt	Lewis	Sherman	Warren
Crawford	Lippitt	Shields	West
Culberson	Lodge	Shively	White
Cummins	Martin, Va.	Simmons	Williams
Dillingham	Martine, N. J.	Smith, Ariz.	Works
du Pont	Myers	Smith, Ga.	
Fletcher	Newlands	Smith, Md.	
Gallinger	Norris	Smith, Mich.	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present. The question——

Mr. BRISTOW. I move that the Senate adjourn.

Mr. WILLIAMS. I remind the Presiding Officer that the motion pending is the motion to lay the amendment of the Senator from Utah [Mr. SUTHERLAND] on the table.

Mr. GALLINGER. The motion to adjourn takes precedence of that.

The PRESIDING OFFICER. A motion to adjourn has been made by the Senator from Kansas [Mr. BRISTOW].

Mr. BRISTOW. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. That would seem to be a pretty clear case of filibustering.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], who is absent, and on that account I withhold my vote.

Mr. WILLIAMS (when his name was called). Repeating the announcement made by me upon the last roll call, I vote "nay."

The roll call was concluded.

Mr. CHILTON. I transfer my pair with the Senator from New Mexico [Mr. FALL] to the senior Senator from South Carolina [Mr. TILLMAN] and vote "nay."

Mr. SIMMONS (after having voted in the negative). I transfer my pair with the Senator from Minnesota [Mr. CLAPP] to the Senator from Nevada [Mr. PITTMAN] and will let my vote stand.

Mr. CHAMBERLAIN. I am paired with the junior Senator from Pennsylvania [Mr. OLIVER]. If I were permitted to vote, I should vote "nay."

Mr. LODGE. The Senator from New York [Mr. ROOT] is unavoidably absent from the city. If present, he would vote "nay."

Mr. VARDAMAN (after having voted in the negative). I have a pair with the Senator from Wisconsin [Mr. STEPHENSON]. As I do not know how he would vote on this question, if present, I withdraw my vote.

Mr. CRAWFORD. The junior Senator from Massachusetts [Mr. WEEKS] asked me to say for him that he was temporarily unavoidably absent from the Chamber.

The result was announced—yeas 22, nays 53, as follows:

YEAS—22.

Borah	Colt	Jones	Smoot
Brandegee	Cummins	Page	Townsend
Bristow	Dillingham	Perkins	Warren
Bryan	du Pont	Poindexter	Works
Burleigh	Gallinger	Ransdell	
Catron	Goff	Smith, Mich.	
Clark, Wyo.			

NAYS—53.

Ashurst	Johnson	O'Gorman	Smith, Md.
Bankhead	Kern	Overman	Smith, S. C.
Brady	Lane	Owen	Stone
Brown	Lea, Tenn.	Pomerene	Swanson
Chilton	Lee, Md.	Reed	Thomas
Crawford	Lewis	Saulsbury	Thompson
Culberson	Lippitt	Shafroth	Thornton
Fletcher	Lodge	Sheppard	Walsh
Gore	McCumber	Sherman	West
Gronna	Martin, Va.	Shields	White
Hitchcock	Martine, N. J.	Shively	Williams
Hollis	Myers	Simmons	
Hughes	Newlands	Smith, Ariz.	
James	Norris	Smith, Ga.	

NOT VOTING—20.

Burton	Kenyon	Penrose	Sterling
Chamberlain	La Follette	Pittman	Sutherland
Clapp	McLean	Robinson	Tillman
Clarke, Ark.	Nelson	Root	Vardaman
Fall	Oliver	Stephenson	Weeks

So the Senate refused to adjourn.

Mr. WILLIAMS. I remind the Chair of the fact that the motion to table the amendment proposed by the Senator from Utah [Mr. SUTHERLAND] is pending. I ask for the yeas and nays on the motion to lay the amendment on the table.

Mr. SMITH of Michigan. What is the motion, Mr. President?

The PRESIDING OFFICER. The motion is that of the Senator from Mississippi [Mr. WILLIAMS] to lay on the table the amendment offered by the Senator from Utah [Mr. SUTHERLAND].

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], but I understood from him that I was released with reference to this amendment. I therefore take the liberty, with his permission, of voting. I vote "nay."

Mr. CHILTON (when his name was called). I make the same announcement as to my pair with the Senator from New Mexico [Mr. FALL] which I made on the last roll call. I transfer that pair to the Senator from South Carolina [Mr. TILLMAN] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). On this question I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER], who, if present, would vote "nay." I transfer that pair to the senior Senator from New York [Mr. ROOT] and vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Arkansas [Mr. CLARKE], and on account of his absence I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]; but I am informed that if he were here, the Senator from New York would vote as I shall vote. I therefore vote. I vote "yea."

Mr. WILLIAMS (when his name was called). Repeating my announcement on the previous roll call, I vote "yea."

The roll call was concluded.

Mr. JAMES. I ha a general pair with the junior Senator from Massachusetts [Mr. WEEKS], which I transfer to the Senator from Nebraska [Mr. HITCHCOCK], and will allow my vote in the affirmative to stand.

Mr. SIMMONS (after having voted in the affirmative). I transfer my pair with the Senator from Minnesota [Mr. CLAPP]

Mr. SIMMONS. I have a pair with the Senator from Minnesota, which I transfer to the senior Senator from South Carolina [Mr. TILLMAN], and will let my vote stand.

The result was announced—yeas 50, nays 24, as follows:

YEAS—50.

Bankhead	Johnson	Nelson	Smith, Ga.
Brandegee	Kenyon	Newlands	Smith, Md.
Bryan	Kern	Norris	Smith, S. C.
Chilton	Lane	Overman	Sterling
Colt	Lea, Tenn.	Owen	Stone
Crawford	Lee, Md.	Pittman	Swanson
Culberson	Lewis	Poindexter	Thomas
Fletcher	Lippitt	Saulsbury	Thompson
Gronna	Lodge	Shafroth	Weeks
Hitchcock	McCumber	Sheppard	West
Hollis	McLean	Shively	White
Hughes	Martin, Va.	Simmons	
James	Myers	Smith, Ariz.	

NAYS—24.

Ashurst	Goff	Pomerene	Sutherland
Bristow	Jones	Ransdell	Townsend
Burleigh	Martine, N. J.	Reed	Walsh
Clark, Wyo.	O'Gorman	Shields	Warren
Cummins	Page	Smith, Mich.	Williams
Gallinger	Perkins	Smoot	Works

NOT VOTING—21.

Borah	Clarke, Ark.	Oliver	Thornton
Brady	Dillingham	Penrose	Tillman
Burton	du Pont	Robinson	Vardaman
Catron	Fall	Root	
Chamberlain	Gore	Sherman	
Clapp	La Follette	Stephenson	

So the amendment of Mr. SIMMONS to the committee amendment was agreed to.

Mr. SUTHERLAND. Mr. President, I offer as a substitute fo. the pending amendment the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Utah offers an amendment, which the Secretary will read.

The SECRETARY. As a substitute for the amendment just agreed to it is proposed to insert the following:

Provided, That nothing herein shall be considered as denying or abridging the right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted.

Mr. SUTHERLAND. Mr. President, the amendment which has just been adopted as a substitute for the original Simmons amendment, as it seems to me, is most inadequate. That amendment reads:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaties, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. President, the Senate has been engaged for the past two months in discussing the question whether or not the United States has the right under the Hay-Pauncefote treaty to exempt the vessels of its citizens from the payment of tolls. That is the question which we are called upon to determine. I venture to say that during this entire debate there has not been one one-hundredth part of the time devoted to the discussion of the economic aspects or of any other aspects of the question other than the right of the United States under the treaty to make this exemption.

Now, Mr. President, after having engaged in that debate, it must follow that every Member of the Senate has made up his mind one way or the other upon it.

That being so, the Senate owes it to itself and to the people of the United States, whose trustees we are in this matter, to declare in unmistakable terms one way or the other upon this subject. If I believed as Senators upon the other side believe upon this question, I would have the courage of my convictions, and offer an amendment to this bill declaring that the United States had no right to make any exemption. I would not content myself, if I believed the United States had no such right, by assenting to a pitiful and dodging proposition such as is this amendment of the Senator from North Carolina. I would declare one way or the other upon it.

Now, I undertake to say, and I think it can not be successfully contradicted, that a majority of the Members of the Senate have become convinced that under the treaty with Great Britain we have the right to exempt our coastwise ships, and our other ships for that matter, from the payment of tolls. If that be true, why should we hesitate to declare ourselves? Are we afraid of somebody? Are we afraid of offending the President? Are we afraid of offending Great Britain? Have we not the courage of our convictions upon a matter of this kind? Is it not a question of importance? Why should the Senate of the United States, a majority of whose Members believe and are convinced beyond any doubt in their own minds that under this treaty we have the right to do this thing, hesitate to declare it in positive and unmistakable terms? That, Mr. President, is what the amendment that I have proposed does.

Let me analyze for a moment the amendment which has just been substituted.

That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have.

Why, Mr. President, in this very first phrase of the amendment we have thrown discredit upon our own position. We have said "any right the United States may have," thereby implying plainly the converse of that—that the United States may not have any right at all. Why should we, believing as we do that we have the undoubted right under this treaty to exempt our coastwise shipping, be willing to cast discredit upon that claim by adopting this kind of an amendment, which expresses not our convictions but our doubts? Let us have the courage to declare not that the United States "may have," but as most of us believe, that the United States "has" this right.

Again, the provision is, after reciting the treaty with Great Britain—which, by the way, is not correctly described in the amendment, because it says "under the treaty with Great Britain, ratified the 21st of February," when, as a matter of fact, it was ratified, as I recall, on the 16th of November. At any rate, it was not ratified upon that date; that was the date upon which it was proclaimed; and the same thing may be said with reference to the recital of the treaty with the Republic of Panama, which was not ratified on February 26, as is here recited, but was proclaimed upon that date. The provision is:

Or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States from the payment of tolls.

We do not assert that the United States "may have" a right to discriminate in favor of its vessels, but we limit even that hypothetical right by confining it to the single method of "exempting" them from the payment of tolls.

The treaty which we have upon this subject, in the third article, provides that:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise.

What we undertake to do, or what we ought to undertake to do, is to negative that whole provision. We ought to declare that we have the right to discriminate in favor of our ships not only with reference to tolls but with reference to the conditions of traffic as well. We have limited even this hypothetical claim, this doubtful claim with reference to the matter, by saying that we may have the right to discriminate in favor of our coastwise vessels by exempting the vessels from tolls, thereby conceding, if language means anything, that we have no right whatever, and that we concede that we have no right whatever, to discriminate in favor of our vessels in any other respect.

The amendment which I have proposed recites in the very language of the treaty the provision of it which we intend to negative—

Nothing herein shall be considered as denying or abridging the right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted.

There we have asserted our right to discriminate in favor of our ships not only in respect to the matter of tolls, but also in respect to the conditions, which may be quite as important. The amendment which has just been adopted as a substitute leaves out that very important point.

As I have said, if the Members of the Senate who believe as I believe with reference to this treaty will vote their convictions, we can put this amendment, which means something, on the bill. How can the senior Senator from Missouri [Mr. STONE] afford to vote against this amendment? He said, in the course of discussing this question in the Senate a short time ago, on May 5:

I speak not now of any question of power or policy, but only of our naked right under the treaty to exempt our coastwise vessels from tolls exactions. More than that, I was equally convinced that the United States had the right under the treaty to exempt not only our coastwise trade vessels from the payment of tolls, but also to exempt our over-sea vessels from the payment of tolls. That was my conviction in 1912, and it is my conviction to-day.

If that is the conviction of the Senator from Missouri to-day, as it undoubtedly is, then it seems to me that he can not afford to vote against the amendment which I have suggested.

Mr. STONE. That is my conviction to-day.

Mr. SUTHERLAND. Undoubtedly it is the Senator's conviction.

Mr. STONE. I have not departed a hair's breadth from it. I think, however, that the amendment adopted upon the vote cast a few minutes ago sufficiently preserves any right the United States has. It holds safe the thing that I contended for, namely, the right of the United States to pass its ships, coastwise or otherwise, through the canal, giving them preferential rates. I think we could do that easily, though I am opposed to exemption from tolls.

Mr. SUTHERLAND. Does the Senator from Missouri think that we *may* have the right to exempt our ships, or does he think we *have* the right to do it?

Mr. STONE. Why, I think we have the right.

Mr. SUTHERLAND. The Senator has voted for an amendment which says that we may have the right. I have presented for the consideration of the Senator from Missouri an amendment which says that we have the right. Why will the Senator not vote his convictions upon it?

Mr. STONE. I have voted my convictions. I voted my convictions when I voted for this amendment.

If the Senator will permit me just a word, I do not think any of these amendments are vitally necessary or very important. I think the claim which has been made here in the Senate during this debate, that we were surrendering some part of our sovereignty and our control over the canal, is absolutely unwarranted. I think the vote cast in 1912, when that was an acute question, settled it for all time. I think the amendment the Senator is offering, and those that others who take his position generally on the bill have offered and will offer, are to imperil the passage of this measure; and I am not going to vote for them, for I want the bill to pass.

Mr. SUTHERLAND. Mr. President, I should be glad to do anything I could to imperil the passage of this bill.

Mr. STONE. I think so.

Mr. SUTHERLAND. I should be very glad to do anything I could to prevent its passage.

Mr. STONE. I think so.

Mr. SUTHERLAND. I have not offered the amendment with that view, however, because I realize that the bill is going to pass. I have offered it because I think the bill is going to pass, and I do not want the United States to stand before the world in the attitude of admitting through one branch of its Government, the executive branch, that it positively has no rights whatever, and by another branch of the Government, the legislative branch, that it may have some rights; but that that branch of the Government doubts it very much.

Mr. SMITH of Georgia. Mr. President, may I ask the Senator a question?

Mr. SUTHERLAND. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. Does the Senator favor the repeal with his amendment added?

Mr. SUTHERLAND. No, Mr. President; I do not. I shall vote against the bill, whatever amendment is adopted, as far as that is concerned; but I repeat that I am quite sure the bill is going to pass, and so long as we are confronted with that evil certainty I want to stand before the world in the attitude of having asserted the right, whenever in the future the time may come to act upon it, to deal with our coastwise shipping as we please.

This amendment further says that it—

Shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain.

Any right which the United States has to exempt coastwise shipping is not *under* the treaty with Great Britain. It is a right which exists independently and in spite of the treaty with Great Britain.

It has been said by the Senator from Mississippi that arbitration will follow the passage of this bill. I hope it will. I am heartily in favor of arbitrating this question, and I shall do whatever I can in the direction of promoting that notion, whatever may be the fate of this measure. But, Mr. President, we are not going to enter into an arbitration for the purpose of satisfying our own minds. I think no matter what may be the result of the arbitration, no matter what may be the judgment of the arbitrators upon it most of us will remain in pretty much of the same mind upon the question as we now are. We are submitting it to arbitration, if we do submit it, for the purpose of settling the question.

What a ludicrous attitude we shall present, going before an arbitral board with a statement from the President of the United States first of all positively declaring that we have no right whatever, and then this half-hearted statement from the Senate of the United States and from Congress that we doubt whether we have any right to exempt our coastwise ships!

Why, Mr. President, if two parties were engaged in ordinary litigation before a court, and a complaint were to be filed by one of the parties to the transaction declaring that he had some doubt about his rights, but that he might have some rights, and asking the court to investigate the matter, he certainly would not put himself in a very advantageous position to have his rights determined by the court. People who go before courts assert their rights, and we ought to assert them here. We are not judging of the question. We are simply one party to this transaction, and we assert a right upon the one hand, and Great Britain asserts that we are mistaken upon the other hand, and that presents a question which the board of arbitration can take hold of and effectually deal with.

I think I have said all I care to say upon this amendment. I hope Senators like the Senator from Missouri and like the Senator from Mississippi and like a number of other Senators whose names I might mention upon the other side of the Chamber, who believe that under the treaty we have the right to exempt our coastwise shipping, will vote their sentiments upon the question.

Mr. SMITH of Georgia. Mr. President, I shall detain the Senate less than five minutes.

The Senator from Utah [Mr. SUTHERLAND] openly declares that if his amendment were added he would still vote against repeal. It is rather dangerous to have a man who intends to vote against your final measure show you how to perfect it. The truth is the suggestion of the Senator from Utah was expressed a few minutes before by the Senator from New York [Mr. O'GORMAN], who also intends to vote against the repeal bill, even if the amendment were added to it.

What is the real object of this amendment? What would be its practical effect? To divide the forces that are in favor of repeal. The men who are against repeal would put on an amendment, if they could, and then vote against repeal; but by their amendment they seek to divide those who favor repeal.

It is well understood that those in favor of repeal can be divided into two classes. Some of them believe that under the treaty we can not give a discrimination even in favor of our coastwise vessels. Some of them believe we can; but because, as a matter of economic policy, they are opposed to giving this benefit or subsidy to the coastwise vessels they favor repeal. If the Senator from Utah can attach to the repeal bill a declaration that we assert the right to discriminate, then he drives off Senators like the Senator from Ohio [Mr. BURTON], the Senator from New York [Mr. ROOT], and a number of other Senators who could not vote for repeal if it were coupled with the declaration that we had the right to discriminate in favor of coastwise vessels. It would simply defeat the repeal. I would say that was the purpose, but I understood the Senator from Utah to say it was not the purpose.

The Senator from Utah says the amendment we adopted a few moments ago was a meaningless thing. I take issue with him. It is an express declaration that we reserve every right that the United States has under the treaty. The Senator from New York said that it would be the subject of construction. If there had been no such proviso added, it might have been the subject of construction. The object of this proviso was expressly to declare that we did not waive but reserved every right we had, and there is nothing left for construction. It gives the opportunity for every Senator to vote his convictions that the repeal should take place, whether he believes under the treaty we could discriminate or whether he believes under the treaty we could not discriminate.

If the amendment of the Senator from Utah were adopted, you would drive from the proposition of repeal those who believe we have no right to discriminate, while those who are opposed to repeal would vote against repeal even after they had added the provision which the Senator offers.

Mr. CLARK of Wyoming. Mr. President, I have carefully refrained from taking any part in this debate from the beginning, for two reasons: First, because I knew that it would be handled by those who are accustomed to debating, and second, because I really wanted to inform myself, and the vote was really the important thing.

My position on this question has been outlined with a good deal of severity, although unknown to that Senator, by the Senator from Georgia [Mr. SMITH] in his last remarks. I shall vote for the amendement of the Senator from Utah.

Mr. SMITH of Georgia. It was certainly unintentional, because——

Mr. CLARK of Wyoming. It was entirely unintentional, because I had made no expression of my position.

shipping.

ends the contract if the toll exemption remains on the canal.

paid for them.

salaries in the United States; the high cost of fuel; the high

cost of repairs; the fact that a freight rate established by an American line can not be changed under 30 days, while the foreign craft will make any kind of rate to get a cargo on a return trip. These are some of the many reasons why we can not enter into active competition with foreign shipping.

If this amendment should prevail, Mr. President, I will make the prediction that inside of one year not one-tenth of the coastwise shipping which is now flying the American flag would still be under that flag. It would be controlled by foreign concerns flying foreign flags, and the rates would be marked up to correspond to other shipping rates which are made by the combinations which actually control our foreign trade to-day.

If Senators want to find a real combination in the shipping business, let them read the report of the Committee on the Merchant Marine and Fisheries of the House. They will find there a clear-cut statement of the combinations which are burdensome to our American foreign traffic which is being carried almost entirely by ships sailing under foreign flags. Why try to destroy our small coastwise shipping for the benefit of our foreign rivals? On the Atlantic coast we have less than 5,000,000 tons, and yet there are 30,000,000 tons of foreign shipping engaged in our American trade—16,000,000 tons controlled by Great Britain, 4,000,000 tons by Germany, and the balance by the other commercial nations of Europe. Does anyone think that inside of the shortest possible time this enormous foreign tonnage would not be diverted into the coastwise trade of the United States, taking the place of the service which is being furnished now, and in many cases furnishing the kind of service which is furnished by tramp steamers, without any corresponding reduction in rates? If that is done, we will have real combinations, and foreigners will be the beneficiaries.

I can not express my surprise that there should be a deliberate proposition to repeal the laws which have been in force in this country for a hundred years, which are similar to those which obtain in all other countries, and which have been instrumental in building up this traffic without any proposition whatever to replace them if the amendment should prevail.

Mr. WEST. Mr. President——

Mr. WEEKS. I yield to the Senator from Georgia.

Mr. WEST. Does not the Senator think the argument which he has made in reference to the difference in cost of our labor here and labor in Europe should be a very strong argument in favor of unrestricted immigration to this country.

Mr. WEEKS. Mr. President, I believe in maintaining an American standard of labor, of wages, and of every other condition. That is what the Republican Party believes in. That is what we are trying to do in this coastwise trade. It has not been different in the shipping industry than in the course followed in all other protected industries of this country.

Mr. CRAWFORD. Mr. President, before the Senator sits down, I wish to ask him a question for his opinion.

I am not in favor of an amendment like that offered by the Senator from Missouri; but I have thought that so far as our overseas trade is concerned, possibly instead of giving subsidies we might see the American flag flying on vessels engaged in the overseas trade if we should permit American capital to buy ships wherever it sees fit to buy them, instead of being required to get them in American shipyards, and employ sailors just as the owners of foreign vessels employ sailors, at wages the same as they pay, and employ them to work under conditions such as sailors on board foreign vessels work.

I admit we can not furnish high-class table fare, shower baths, and a separate basin and towel for each sailor; eight hours a day shifts in the lookout, in the pilot house, in the engine room, and all that sort of thing; buy all the material from American producers; buy ships made in American yards; and then go out and compete with the owners of vessels who buy them everywhere and anywhere and employ Japanese and Chinese and give them Jap fare and Chinese fare and work them 12 hours or 16 hours or 18 hours a day. We can not compete under such conditions as those; but if we were to throw the door open, allow American capital to go out on an absolutely equal footing with foreign capital and remove these restrictions, would we not then have our flag floating in overseas trade?

Mr. WEEKS. I am only in favor of floating our flag under conditions which will give the people engaged in the trade the protection and the good conditions which prevail in our American life.

I will say to the Senator that if he were given the best ship in the world, with an obligation to run it under the American flag under the conditions provided in our navigation laws, he could not afford to accept the gift if he had to run the ship 20 years in competition with foreign ships of the same class.

Mr. CRAWFORD. Just to put it bluntly and plainly, then, are we not face to face with a situation where we must either see our ambition to have the American flag float in over-seas trade unfulfilled, or we must wipe out the differences I have suggested? What other alternative is there except to grant subsidies?

Mr. WEEKS. I am not discussing alternatives at this time under these conditions, but I will say to the Senator that if I were the general manager of the United States I would transport in American ships the goods of the United States, not only to South America and the Orient but to Europe; I would not allow it to be carried by our commercial rivals. It might cost me more in the beginning than the immediate conditions would seem to warrant, but it would be doing what every business man does when he attempts to establish trade. He spends money to get it, and when the trade is once controlled he ordinarily gets a return which warrants his attempt. That is what the United States ought to provide for by law.

Mr. CRAWFORD. The Senator would have it through a bounty?

Mr. WEEKS. I would have it through a subsidy or some form of subsidy.

Mr. CRAWFORD. And there is no other way, unless we unshackle the conditions?

Mr. WEEKS. I am not in favor of unshackling conditions. I am in favor of a subsidy.

Mr. CRAWFORD. We might as well face the situation. It is one or the other.

Mr. WEEKS. I am willing to face the situation. I would like to do it.

Mr. SUTHERLAND (at 6 o'clock p. m.). Mr. President, we have been in session continuously since 11 o'clock this morning and I think we are entitled to a short rest, time enough to go home and get our dinner. I move that the Senate take a recess until 8 o'clock.

The PRESIDING OFFICER. The question is on the motion of the Senator from Utah. [Putting the question.] The noes have it.

Mr. SUTHERLAND. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. SUTHERLAND (when his name was called). I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from New Mexico [Mr. CATRON] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. He is absent and I withhold my vote.

Mr. THORNTON. I am paired for a while this afternoon with the senior Senator from Ohio [Mr. BURTON]. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON]. I vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the negative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER], which I transfer to the Senator from New Jersey [Mr. MARTINE] and will let my vote stand.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. THORNTON (after having voted in the negative). The Senator from Oklahoma [Mr. GORE], to whom I transferred my pair, having since entered the Chamber and voted, I withdraw my vote.

The result was announced—yeas 28, nays 46, as follows:

YEAS—28.

Borah	Colt	Lodge	Smoot
Brady	Cummins	McLean	Sterling
Brandegee	Gallinger	Nelson	Sutherland
Bristow	Goff	Norris	Townsend
Burleigh	Jones	Page	Warren
Clapp	Kenyon	Perkins	Weeks
Clark, Wyo.	Lippitt	Smith, Mich.	Works

NAYS—46.

Ashurst	James	Pittman	Smith, Md.
Bryan	Johnson	Pomerene	Smith, S. C.
Chamberlain	Kern	Ransdell	Stone
Chilton	Lea, Tenn.	Reed	Swanson
Crawford	Lee, Md.	Saulsbury	Thompson
Culberson	Lewis	Shafroth	Tillman
Fletcher	McCumber	Sheppard	Walsh
Gore	Martin, Va.	Shields	West
Gronna	Myers	Shively	White
Hitchcock	O'Gorman	Simmons	Williams
Hollis	Overman	Smith, Ariz.	
Hughes	Owen	Smith, Ga.	

NOT VOTING—21.

Bankhead	Fall	Penrose	Thomas
Burton	La Follette	Poindexter	Thornton
Catron	Lane	Robinson	Vardaman
Clarke, Ark.	Martine, N. J.	Root	
Dillingham	Newlands	Sherman	
du Pont	Oliver	Stephenson	

The PRESIDING OFFICER. The Senate refuses to take a recess. The question is on the amendment offered by the Senator from North Carolina [Mr. SIMMONS] to the amendment.

Mr. NORRIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. O'GORMAN. Mr. President, I do not desire to protract the discussion, but I intend to vote against the amendment offered by the Senator from North Carolina, and I desire briefly to state my reason for voting against it.

This legislation which has been engaging our attention for the last two months was induced by the request of the President that we repeal the exemption clause of the act of 1912 for the reason, as claimed by him, that it contravenes the provisions of the Hay-Pauncefote treaty. I do not know that his statement in that respect is based on any opinion that he entertains himself with respect to the controverted questions of the treaty. I do not know whether he formed that opinion himself or whether he accepted the opinion of others on that question. If this bill is to be enacted, we are now carrying out his views and acting upon the opinion then conveyed by him to the Congress of the United States.

Since the passage of this bill in the House, in order to make it more palatable to the American public various amendments have been proposed. If I did not entertain a very high respect for the author of the amendment before us, I would say its only purpose was to throw dust in the eyes of the American people. I would say it was designed only to make them believe that the Congress of the United States was not surrendering vital national rights.

Unpalatable concoctions frequently are sugar-coated. So it is with this particular piece of legislation. It is proposed by the amendment of the Senator from North Carolina to couple with the enactment the declaration that we are not waiving any rights that we may have and that we are not surrendering our rights of sovereignty over the canal. We may have our own views in this body to-day as to the interpretation that ought to be placed on the language of this proposed amendment. It is not impossible that we might be in accord as to its legal significance, but it should be remembered that all our diplomatic relations with Great Britain from the beginning of our Government have been marked by controversy and dispute and contentions as to the meaning and intent of the various treaties into which we have entered from time to time. We are now, after a space of 64 years, engaged in a dispute as to the meaning of the Clayton-Bulwer treaty of 1850. After 13 years there is a sharp dispute in this body, as well as outside this body perhaps, as to the true meaning and intent of the Hay-Pauncefote treaty of 1901.

I can entertain little doubt that if the amendment proposed by the Senator from North Carolina should be adopted it will be the source of infinite controversy and dispute in the future. Verbal gymnasts and intellectual acrobats will split hairs over it in the future. We have a right to look forward and anticipate what will be the attitude of Great Britain years hence—perhaps in 3 or 4, perhaps in 10 or 15 or 20 years—as to what significance is to be attached to the action of the American Congress in passing a statute repealing the exemption in the Panama act at the instance and because of the protest of Great Britain. Of course it would be said, if this amendment be adopted, that the Senate incorporated by amendment the declaration that we were not waiving any rights that we have, but reference will then be made to the declaration of the President of the United States at this time that we had no rights and therefore we are waiving no rights. Reference will be made to the declaration of the distinguished Senator from North Carolina on the floor of the Senate that we are not surrendering any right in passing this bill. The same thing will be said with reference to the attitude of the distinguished Senator from Georgia [Mr. SMITH].

It will not avail us to remind the representatives of the British Government at that time that the views of the President and these two Senators and the views of other Senators were but their personal views. It will not avail us to say that in 1912 these Senators expressed themselves upon the floor of the Senate with every confidence that the exemption of the coastwise vessels did not constitute a violation of the Hay-Pauncefote treaty. Of course they have changed their views, and with a becoming modesty from one or both we have the statement that perhaps if the third opportunity be presented they may revise their opinions and entertain other views. That is not extraordinary. Men change their views with respect to the meaning of legal instruments. They have a right to change those views in questions of doubtful interpretation. But that emphasizes the need of precision at this time in enunciating our attitude and declaring the reasons why we, the Congress of the United States, are willing, if there be a majority so inclined, to repeal this exemption. In my judgment the only declaration that will meet the hope and the prayers of the American people to-day is that contained in the amendment proposed by the Senator from Utah [Mr. SUTHERLAND]. Those who insist upon a repeal should couple with the enactment of the repeal the emphatic declaration, in substance, that we make this change and reverse our policy because of economic reasons, not that we entertain any doubt as to our legal and our moral right under the treaty to discriminate in favor of American ships.

Much of the confusion in the past, much of the confusion now prevailing, has been due, in my judgment, to a tendency on the part either of the American Government or of the American Congress to resort I will not say to subterfuge, but to compromise in verbal expression when there should be a strong, vigorous, determined effort by the use of the direct, unambiguous language to safeguard the rights of the American people. Those rights in this critical situation, if this repeal is to be enacted into law, can at best be but partially safeguarded by the declaration that we assert our legal rights to grant such exemption as we see fit at any time to American ships.

It is for this reason, Mr. President, that I shall vote against this compromise measure, which is now fathered by the Senator from North Carolina [Mr. SIMMONS]. I hope it will be defeated; and I hope, if this repeal bill unhappily should pass, that it will have coupled with it the amendment proposed by the Senator from Utah [Mr. SUTHERLAND].

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. When he was leaving here he advised me that he wanted to release me from the pair and to allow me to vote on all the amendments except the Simmons amendment, which he did not mention; but I have since seen a telegram from him, in which he asked me to observe the pair with respect to the Simmons amendment, and stating that if he were here he would vote for it. In view of that statement I observe the pair and withhold my vote.

Mr. CHILTON (when his name was called). I announce my pair as on the former vote; but I wish to state that I have made an arrangement with the Senator from Colorado [Mr. THOMAS], who is paired with the Senator from New York [Mr. ROOT], to transfer my pair with the Senator from New Mexico [Mr. FALL] to the Senator from New York, so that both the Senator from Colorado and I may vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], which I transfer to the Senator from New Mexico [Mr. CATRON], and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. My understanding is that if he were here the Senator from New York would vote as I shall vote upon this amendment. I therefore vote. I vote "yea."

Mr. LODGE. The Senator from New York [Mr. ROOT], if present, would vote "yea."

Mr. THORNTON (when his name was called). Upon this question I am paired with the senior Senator from Ohio [Mr. BURTON]. If I were at liberty to vote, I should vote "yea."

Mr. VARDAMAN (when his name was called). I have a pair on this vote with the Senator from Wisconsin [Mr. STEPHENSON]. If I were at liberty to vote, I should vote "nay."

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the junior Senator from Arkansas [Mr. ROBINSON], I vote "nay."

The roll call was concluded.

Mr. KERN. I desire to announce the unavoidable absence of the two Senators from Arkansas, both of whom are paired and both of whom, if here, would vote "yea" on this roll call.

Mr. SIMMONS (after having voted in the affirmative). Has the senior Senator from Minnesota [Mr. CLAPP] voted, Mr. President?

The PRESIDING OFFICER. The Senator from Minnesota has not voted.

Japan.....	Treaty, July 16, 1894..	Coasting trade between open ports to British vessels during treaty.	were to adopt the amendment which he has offered—to repeal

Mr. BRISTOW. Mr. President——

Mr. WEEKS. Now, let me answer a little further the suggestion which the Senator has made, that our people will not go into this service on account of uncertainties. It is true that there are uncertainties in connection with this Panama trade, largely developed by this legislation, and yet the American-Hawaiian Steamship Co. has 26 excellent ships, as the Senator from Kansas knows, which are engaged in trade in connection with the Tehuantepec Railroad. They will probably go through the canal if tolls are not charged, and will quite likely add to their present service, carrying the products of Hawaii to New York and returning cargoes to ports on the Pacific coast. The Luckenbach Steamship Co. has 10 steamships already in operation from Atlantic ports by the Straits of Magellan to the Pacific ports, and from the Pacific coast ports to Panama. If they have been able to conduct that trade under the conditions necessary in going through the straits, naturally they will continue it and extend it if they are able to use the canal.

W. R. Grace & Co. have four ships already in the same service, and the same statement will apply to them. The John S. Emery Co., of Boston, have two ships building, and more are to be chartered, to run from Boston through the canal to San Francisco and Puget Sound points. The Red Star Line now has two ships in the trans-Atlantic service in the United States to be transferred to this service, and it has plans for others; so that our shipping interests are preparing for this trade, and will, so far as possible, I assume, take advantage of the benefits of the canal.

But the Senator will notice that that is not confined to any one class of shippers or to any one class of citizens. Those ships can not be owned by trusts under our laws or by railroads; they must be independent concerns; and yet I have given the names of five concerns that undoubtedly will in a large way make use of the canal.

Mr. BRISTOW. I want, with the Senator's permission, to suggest, as great stress has been laid upon the allegation that the American coastwise trade was controlled by a monopoly, that that argument could possibly have no bearing upon the question that is before the Senate, because the law which is under discussion, a clause of which it is sought to repeal, distinctly provides that such ships shall not use the canal; and, if they are permitted to use the canal, it would be because of dereliction on the part of the administrative officers of the United States.

Mr. WEEKS. That is true. The reason why so many Senators seem to have come to the conclusion that there is a monopoly in our coastwise service is on account of the report made by the Committee on the Merchant Marine and Fisheries of the House of Representatives, in which it was stated that 92 per cent of the ships engaged in line service—that is, service between definite points on the Atlantic coast—were either owned by railroads or by two large combinations—those two large combinations being the Atlantic Coast & West India Co., which includes the Clyde and Mallory Lines, and the Eastern Steamship Co., which operates from Boston to the eastern coasts, principally to Maine coast points. It is true that 92 per cent of that kind of service on the Atlantic coast is either owned by those two companies or by the railroads; but that is only 10 per cent of the total coastwise shipping of the United States. Ninety per cent of the coastwise shipping is owned and controlled by a great variety of citizens.

As an indication of diversified ownership, I am going to open a list of the ships of the United States engaged in the coastwise trade and read from one page of it. I have not looked at this page and do not know anything about what names I shall find. The first vessel whose name I see is the *Pennsylvania*, of the Pacific Mail Steamship Co.; then the *Colin C. Baker*, owned by Asa E. Coleman, of Bath, Me.; the *Richmond*, owned by the Atlantic Coast Lumber Co.; the *Stephen J. Watts*, owned by W. H. Wyman, of Jonesport, Me.; the *Emma McAdam*, owned by Margaret M. Robbins, of Calais, Me.; the *Annie Gus*, owned by Ira J. Kelley, of Pembroke, Me.; the *Charles W. Alcott*, owned by George E. Hammond, of Greenport, N. Y.; the *Henry P. Hallock*, owned by James Murray, of South Norwalk, Conn.

I have read about one-sixth of one page, and there are over 40 pages containing the list of vessels engaged in the coastwise trade, and it will be found by anyone who wants to take the trouble to investigate the matter that those ships are owned by hundreds of individuals; that there are 361 different owners of vessels engaged in the coastwise trade who own two or more vessels, while the monopoly that is being talked about is controlled by half a dozen railroads and two steamship lines. The fact is there is not a more diversified or more country-wide controlled business in the United States than is the coastwise shipping.

Mr. TOWNSEND. Are they in competition?

Mr. WEEKS. They are absolutely in competition with all other coastwise ships.

Mr. CRAWFORD. Mr. President, will the Senator permit me to interrupt him there?

Mr. WEEKS. Yes.

Mr. CRAWFORD. Is there not a wide difference between the question of diversity of ownership of the shares and the question of whether or not, after all, they are not in a combination by which they control, by agreement, the charges?

Mr. WEEKS. Mr. President, there is not a syllable of testimony—at least I do not recollect a syllable of testimony—taken by the Committee on the Merchant Marine and Fisheries of the House of Representatives which indicates that there is any collusion or any cooperation or any combination in making rates for the service performed by these independently owned vessels.

Mr. CRAWFORD. My recollection is that Prof. Johnson, in his testimony before the Committee on Interoceanic Canals, referring to the report of the House committee, made the statement that by this sort of agreement they charged all the traffic would bear, and that a sort of general agreement did exist among them. As to the question of ownership, that, of course, is a different proposition.

Mr. WEEKS. Let me ask the Senator from South Dakota this question: If 10 vessels were in the port of Boston waiting for a cargo and there was only cargo enough for 5 of them, what does he think would happen as to rates? Of course, the rates would be cut indiscriminately. I will make the assertion here and now that there is not a scintilla of evidence to show that the tramp steamers or the tramp sailing vessels engaged in our coastwise trade have any arrangement whatever as to rates.

Mr. CRAWFORD. If the Senator will permit me, my recollection of Prof. Johnson's statement is also that he undertook to claim that, as a rule, liberal dividends were paid on investments in coastwise vessels.

Mr. WEEKS. I should like to point out some opportunities for investments in coastwise shipping at less than its original cost available to anyone who thinks the industry is very profitable. We built less tonnage last year than for many years, showing that the trade is well supplied with tonnage.

Mr. CRAWFORD. I am quoting from an expert witness before the committee.

Mr. LANE. Mr. President——

Mr. WEEKS. I yield to the Senator.

Mr. LANE. I wish to call the attention of the Senator to the fact that quite frequently, where there are a large number of vessels in competition, some of the best carriers are kept tied up at the dock. They are subsidized or paid a certain sum per annum to remain idle. This happened out on the Pacific coast quite frequently in the past during my memory.

There is another thing which I would like to call to the attention of the Senator, and that is, in relation to the Hawaiian-American Line of vessels, 26 in number, as the Senator said. I am told that line favors the payment of tolls through the canal, and that they are using their influence in behalf of the passage of the bill that is now under consideration, starting that they prefer to pay tolls, although they have vessels, each one of which would have to pay $4,000 in tolls for a single passage, or $8,000 for the round trip. Just why they should be in favor of paying tolls when they have so many vessels is something I do not understand; and that is one of the reasons why I concluded, after having carefully considered the matter without prejudice, to vote against the repeal of the exemption clause.

Mr. WEEKS. Mr. President, that line of steamers sails from Honolulu to the Mexican coast, transfers its freight to the Tehuantepec Railroad Co., which retransfers it on the Atlantic side. If they are in favor of tolls—I do not know anything about whether they are or not—but if they are in favor of tolls, it must be that they have an arrangement with the Tehuantepec Railroad which will enable them to get their freight to the Atlantic coast, or vice versa, at a lower rate than they would be able to get it by paying tolls; and, therefore, their competitors would pay the higher rate, and they would get the advantage. I do not know that that is the case; but that would be the only solution I could offer for any such proposition. I doubt if the suggestion that vessels tie up, and are paid to do so, occurs frequently. I do not remember any testimony indicating such a pooling on the Atlantic coast.

Mr. LANE. That would be a physical impossibility; they could not do that.

Mr. LODGE. Mr. President, if my colleague will allow me, their contract with the Tehuantepec road has a proviso which ends the contract if the toll exemption remains on the canal.

Mr. BRISTOW. Mr. President, if the Senator will yield, the American-Hawaiian line is a regular line. It sails on schedule time. Is it not possible that, being a regular line, tolls might be of greater advantage to it, because they would be a great impediment to the tramp?

The tramp vessel that might be in port seeking cargo could find a load, possibly, from San Francisco to New York. It would make the lowest rate. That always happens. The tramp is the regulator of sea rates. Staring in the face of that tramp, however, is this toll of $6,000, if it is a 5,000-ton ship, which is a net expense that it has to meet; and so it has to get a full cargo or have an enormous tax put upon the tonnage that it carries. So it will be greatly handicapped in the use of the canal, because it could not pick up two or three thousand tons and make the trip at any profit. That will militate in favor of the line that makes regular sailings, and in that way cut out the effective competition and the effective rate reducer of the ocean.

Mr. WEEKS. Mr. President, it is understood that the New Haven Railroad, which owns the New England Steamship Co. and the Merchants' and Miners' Transportation Co., will be ordered by the Interstate Commerce Commission to sell those lines of steamers. I do not know whether that will be done, but under the terms of the Panama Canal act the New Haven Co. will quite likely be obliged to make a sale.

Mr. LEWIS. Mr. President, may I interrupt the Senator to ask him a question for information?

Mr. WEEKS. Yes.

Mr. LEWIS. I have just been discussing with a couple of colleagues certain testimony in the RECORD presented by the address of the able Senator from South Dakota [Mr. CRAWFORD], and I think I recall an address on the subject by the Senator from Nebraska [Mr. NORRIS], where reference is made to the fact that some one testified to 92 per cent of the coastwise ships of the United States being in one consolidation. Does the Senator from Massachusetts know from whom that came and to what it referred?

Mr. WEEKS. It comes from the report of the House Committee on the Merchant Marine and Fisheries, and the 92 per cent refers to vessels engaged in regular transportation between two definite points. It includes the Eastern Steamship Co., the New England Navigation Co., the Merchants' & Miners' Co., the Atlantic, Gulf coast, and West Indies steamship lines, which include the Clyde Line, the Mallory Line, the Ward Line, and the Porto Rico Line. It also includes the Reading Railroad Co. barges.

Incidentally, the Reading Railroad Co. owns more vessels than any other owner engaged in the coastwise service—more vessels, but they are entirely engaged in transporting coal from the terminus of the Reading Railroad to the point of shipment.

Substantially speaking, those are the lines which are referred to as controlling 92 per cent of the Atlantic coastwise trade; but it is really only 8 per cent of the total traffic; and these lines are operated in different sections. They do not run to the same points, except that they center in New York, with the exception of one line, but go in different directions. That is the basis of the generally accepted charge that there is a monopoly, controlled by one general interest, which covers 90 per cent of the Atlantic coastwise business.

Mr. LEWIS. I thank the Senator for allowing the interruption.

Mr. WEEKS. I have suggested that the New Haven Railroad will probably be compelled to sell its steamship lines. I have here statements of two of those lines, which I wish to submit to the Senate, because they indicate the condition of this trade.

One of these lines covers practically all of the Sound steamship lines running from Fall River, Providence, and other points to New York. It is really a part of the New Haven system, and has been for many years. This arrangement is of advantage to the shipper, because those steamers have their New York terminus at different points down town in New York. If the freight from New England to New York all went by rail, it would have to be transported from the uptown district, where freight is generally received; but going by boat, it is landed at convenient points down town, near the point where it is to be used, and therefore the arrangement is of material advantage to the shipper.

The Merchants & Miners' Line was purchased by the New Haven Railroad a few years ago, and includes steamers which run from Boston and New York to Philadelphia and Baltimore. The New Haven Railroad paid $3,750,000 for 25,000 shares of this stock, which was very much more than the control of the company; in fact, as I recall, it is five-sixths of the shares of the company. That stock is now selling, whenever there is a market for it, at 30 cents on the dollar; so that the 25,000 shares would sell for one-fifth what the New Haven Railroad paid for them.

Let us examine the reason for this, what are the results of the operation of the Merchants & Miners' Steamship Line. Last year it earned from freight $4,590,000; from passengers, $643,000; and all its other revenues were sufficient to make a total operating revenue of $5,347,000. Its operating expenses were $5,029,000, which, taking out taxes, left a total net income of $250,596. The interest on the bonded debt of this company was $239,000. The charge for rents, wharfage, and other charges which the company had to pay was $177,000, making a total of $417,000, or a deficit in the operations of the company of $166,000 for the year. In other words, the New Haven Railroad did not get any return on its investment and the company lost $166,000 for the year.

If there is anyone who wants to go into the coastwise steamship business and thinks it is a rich field for adventure, he can buy the Merchants & Miners' Steamship Line for probably not more than one-half what it cost the New Haven Railroad Co., and very much less than it would cost to duplicate the property, notwithstanding the fact that the company has a good name and a well-established trade.

Mr. WEST. Mr. President, was that without writing off anything for deterioration?

Mr. WEEKS. They wrote off for deterioration $143,000. The steamers are carried at very much less than cost and I judge by looking over their ages that there has been a reasonable write off during the life of the company, though not sufficient, in my judgment, to bring the steamers down to their actual value to-day.

The New England Steamship Co., as I have said, covers all of the Sound lines of steamers centering in New York. The freight revenues from these steamers last year were $2,483,000. The passenger revenues were $2,005,000. Other revenue brought the total revenue from operation up to $4,916,000. Taking out the operating expenses of $4,361,000 and taxes of $32,000 there was a total income from operation of $581,000 for the year. The interest on the bonds and the rentals and wharfage and other charges paid by the company aggregated $936,000, or it left a deficit of $325,000, and no dividends were paid on the stock of the company.

The present steamers of this line cost originally $12,422,000, and they have been written down to $8,319,000, which I think is a fair write off.

I will add that the earnings of the Atlantic, Gulf & West Indies Line were not sufficient to pay any dividends on the stock; that the earnings of the New England Steamship Line, which covers all of the coastwise traffic between Boston and the Maine coast, showed for the year 1912 a surplus of $6,095, and for the year 1913 a deficit after paying wharfage and interest on the bonded indebtedness, no dividends being paid on the stock either year.

In other words, as far as those four great lines are concerned, which are practically the passenger lines of the Atlantic coast, if we combined their net earnings for the past year they would show a deficit, without paying a dollar of return on the stock.

What nonsense it is to talk about a grinding monopoly on shippers, when the earnings of these companies are not sufficient to pay their fixed charges without paying anything by way of a fair return on the capital actually invested in the stocks of the companies.

Mr. President, I do not care to take any further time of the Senate to discuss this question. I have two or three matters relating to subjects I have touched which I should like to have permission to include in the RECORD. Generally speaking, however, the reasons why our shippers can not compete with foreign shippers, and why if we should remove this restriction on our coastwise trade our coastwise shipping would be sold to foreign owners at once, and would immediately fly a foreign flag, are as follows:

We have established a better standard of food for American sailors. That is one of the navigation laws which Senators talk about repealing.

We have a higher standard of pay for American sailors. That is another one of the navigation laws which they talk about repealing.

The requirement that ships sailing under the American flag shall be constructed in American shipyards by American workmen, who are paid American rates of compensation, is the third very important reason why we can not compete with foreign shipping.

There are other reasons, however. The high cost of labor, which is from 50 to 100 per cent more in this country than in rival countries; the high cost of material, which is at least 25 per cent higher than in rival countries; the high rate which money commands in this country, at least 1 to 2 per cent more than money in foreign countries; the high cost of wages and salaries in the United States; the high cost of fuel; the high

the one which has just been launched against coastwise shipping by the Senator from Missouri. New capital will not enter a field where its value may be lessened or practically destroyed by ill-considered legislative action.

I happen to have at hand an extract from the first annual message which James Buchanan made to Congress in 1857, and which, I think, is applicable to the point which I am making. President Buchanan said:

> Since the adjournment of the last Congress our constituents have enjoyed an unusual degree of health. The earth has yielded her fruits abundantly and has bountifully rewarded the toil of the husbandman. Our great staples have commanded high prices, and up till within a brief period our manufacturing, mineral, and mechanical occupations have largely partaken of the general prosperity. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country in its monetary interests is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth we find our manufacture suspended, our public works retarded, our private enterprises of different kinds abandoned, and thousands of useful laborers thrown out of employment and reduced to want.

In giving a monopoly to our coastwise shipping during the past hundred years, as we have done, we have been following the course practiced by all other nations. This is a protection country. If the people of the United States had an opportunity to vote on the question of protection or free trade they would, in my judgment, without any doubt vote in favor of protection. We have been protecting our coastwise trade against the competition of the rest of the world, carrying out the protective policy which we have made applicable and useful in all of our industrial affairs.

To some degree this information may have been put in the RECORD, but I have before me, in the annual report of the Commissioner of Navigation for 1912, a statement of the manner of protecting the coastwise traffic of every commercial country in the world. I will not take the time to read it, but I will ask to have it incorporated in my remarks.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

[From Annual Report of Commissioner of Navigation for 1912.]

APPENDIX M.

STATEMENT OF COASTING TRADE OF VARIOUS FOREIGN COUNTRIES, WHETHER RESERVED OR OPEN TO GREAT BRITAIN.

Statement submitted on June 17, 1912, by the British foreign office, with additions supplied by the board of trade to the select committee of the House of Commons on steamship subsidies.

Country.	Treaty, etc.	Treatment of coasting trade.
Austria-Hungary.	Treaty, Art. II, Apr. 30, 1868.	National treatment; also open to certain colonies.
Belgium	Treaty, Art. XI, July 23, 1862.	Coasting trade reserved. (Treaty expired but system in force continued by exchange of notes of July 27, 1898.)
Bolivia	Treaty, Art. II, Sept. 29, 1840.	Coasting trade reserved. (Bolivia at present has no seaboard.)
Brazil	Constitution, 3, 13	Coasting trade reserved.
Bulgaria	Arrangement, July 12-24, 1897.	Coasting trade to British vessels during arrangement of July 12-24, 1897.
Chile	Convention, Art. I, May 10, 1852.	Coasting trade reserved by treaty, but now foreign ships engage in the trade. (See Sir B. Cusack Smith's telegram 1, commercial, June 29, 1901: British ships engage in coasting trade without restriction.)
China	1863, etc.	Coasting trade (between open ports) opened by treaty.
Colombia	Treaty, Art. IX, Feb. 16, 1866.	Coasting trade reserved.
Costa Rica	Treaty, Art. II, Nov. 27, 1849.	Do.
Denmark	Law, Apr. 14, 1868	Coasting trade allowed by reciprocity in Denmark.
Do	Law, Apr. 17, 1868	Coasting trade allowed in case of Iceland and Faroe Islands by reciprocity.
Dominican Republic.	Decree, Dec. 30, 1884	Coasting trade reserved except at certain ports.
Egypt	Convention, Art. V, Oct. 29, 1899.	Coasting trade reserved.
Ecuador		Coasting trade open to foreign vessels. (Mr. Lawrence, No. 8, Sept. 22, 1888.)
Finland	(No information in library.)	Probably covered by Russia.
France	Treaty, Art. IX, Feb. 28, 1882.	Coasting trade reserved.
Do	Note, Dec. 28, 1899	Coasting trade, Madagascar, left open.
Germany	Law, May 22, 1881	Coasting trade reserved, except where granted by treaty.
Do	Law, May 11, 1899	Most favored nation treatment.
Do	Decree, Dec. 29, 1881	Opened to British vessels, subject to reciprocity.
Greece	Treaty, Art. VII, Nov. 10, 1886.	Reciprocal national treatment.
Guatemala	See treaty, Art. II, Feb. 26, 1849.	Coasting trade reserved. (Treaty has expired.)
Honduras	Treaty, Art. III, Jan. 21, 1857.	Vessels of both countries placed on national footing in every respect.
Italy	Law, Art. XV, Dec. 6, 1885.	Coasting trade reserved.
Japan	Treaty, July 16, 1894	Coasting trade between open ports to British vessels during treaty.

Statement submitted on June 17, 1912, by the British foreign office, etc.—Continued.

Country.	Treaty, etc.	Treatment of coasting trade.
Mexico	Treaty, Arts. II and IV, Nov. 27, 1826.	Most favored nation treatment. (Coasting trade not mentioned, but, as a fact, foreign vessels do participate.)
Morocco	Treaty, Art. VIII, Dec. 9, 1856.	Coasting trade allowed.
Nicaragua		Open to British vessels. (See Mr. Corbett's No. 9 of Aug. 11, 1872.)
Paraguay	Protocol, Oct. 16, 1884.	Coasting trade opened.
Peru	Decree, Aug. 31, 1886	Coasting trade reserved. (See Mr. Beauclerk's telegram of June 30, 1911: Coasting trade allowed to steamers obtaining Government authority.)
Portugal	Decree, Apr. 31, 1895	Coasting trade reserved.
Portugal (colonies).	Decree, Oct. 21, 1885	Coasting trade of Macao and Timor, and between those ports and ports of the Portuguese colonies opened to foreign vessels.
Do	Decree Aug. 18, 1888	Coasting trade between ports of Portuguese transmarine Provinces and to Guinea, St. Thomas, and Principe, opened to foreign vessels.
Do	Law, Apr. 16, 1896	Coasting trade between Portugal and the transmarine Provinces to the east of Cape of Good Hope (Mozambique, India, Macao, and Timor) opened to foreign vessels.
Do	do	Coasting trade between Portugal and adjacent islands and Portuguese West Africa reserved.
Do	Decree, Dec. 29, 1892	Mozambique coasting trade thrown open. (Mozambique tariff, Art. XIV.)
Do	Decree, Apr. 30, 1895	Coasting trade between Portuguese ports and Madeira opened.
Russia	Treaty, Art. VIII, Jan. 12, 1859.	Coasting trade reserved. (Trade between Russia and her far eastern possessions reserved: law of 1897 operating from January, 1900.)
Spain	Decree, Art. XXVI, Nov. 17, 1852.	Coasting trade reserved.
Sweden	Proclamation, Aug. 15, 1854.	Coasting trade opened to British vessels.
Norway[1]	(No information in library.)	
Turkey		Coasting trade open to foreign vessels (except to foreign steam passage boats.)
United States		Coasting trade reserved to United States ships.
Uruguay	Treaty, Art. III, Nov. 13, 1885.	Coasting trade reserved.
Venezuela	Decree, Feb. 20, 1871	Do.

[1] Norway, according to information furnished by the Norwegian minister on Oct. 23, 1912, to the Bureau of Navigation, opens its coasting trade to foreign vessels except those of Sweden, which maintains a similar prohibition against Norwegian vessels.

Mr. WEEKS. I simply want to add that the statement shows that every country, with the exception of Great Britain, at this time makes reservations relating to its coastwise shipping, and not only does every country do it, but Great Britain even now does it in this way: It makes a different port charge to vessels flying the British flag from that made to vessels flying the flag of any other country.

Now, has it been of any benefit to this country to have protected our coastwise shipping as we have done? I think the figures will demonstrate that it has enabled us to build up a business that is of material benefit to every coastwise section of the United States.

Let us examine for one moment some of the figures relating to this trade. We had 50 years ago more than two and a half million tons of vessels engaged in our foreign trade. In 1910 we had 791,000 tons of American vessels engaged in the American trade

We had 50 years ago engaged in the coastwise trade about two and a half million tons. Last year we had 7,400,000 tons. Therefore while our vessels engaged in the foreign trade have decreased 200 per cent in tonnage our coastwise shipping has increased an equal amount, so that now it is three times what it was 50 years ago.

We have depended upon the men employed in this coastwise trade to furnish seamen for our Navy in time of need. We have depended upon the vessels employed in the coastwise trade to supplement our Navy, furnishing auxiliaries for every purpose for that service, and we have in many other ways as a Nation made use of this coastwise development. So, even from the standpoint of the Government itself, it has been of material value to us.

But, in addition to that, we employ in this country more than 250,000 men in shipbuilding. We employ on board vessels engaged in this trade tens of thousands of men at good wages under good working conditions.

My friend from Missouri has offered a proposition which would prevent any necessity for further consideration of the pending bill, because if his proposal were to prevail and we were to adopt the amendment which he has offered—to repeal

the laws which protect our coastwise shipping—in one year's time, in my judgment, every dollar's worth of that shipping would be flying a foreign flag, and there would be no reason for Great Britain to object to our permitting our coastwise shipping to go through the canal without paying toll, because we would not have any. If the owner of a coastwise vessel continued to fly the American flag, he would simply be flying it in the face of Providence, because under the conditions which prevail we can not possibly compete with other nations.

A few years ago some patriotic men in this country built a couple of ships to ply between Seattle and the Orient, to see if they could develop a first-class line to engage in the foreign trade and make it profitable under our prevailing laws. Those two ships cost about $2,000,000, and six years afterwards the Government bought them, paying 36 per cent less than their original cost; that is, the owners charged off a depreciation of 6 per cent annually, while 3 per cent is an ordinary charge for such a purpose, and they had not earned a net dollar during the six years they had been in operation. So the men who put money into these ships, which were brought into direct competition with the Japanese and English ships plying between the Orient and our Pacific coast, lost practically 72 per cent on their investment in the six years in which they were in operation. That is simply an indication of what would happen if we were to adopt this amendment.

We were told yesterday by the Senator from Oklahoma [Mr. GORE] that the rates charged in our coastwise trade were materially higher than the rates which are charged by foreign tramp steamers, or possibly higher than the rates which are paid by foreigners for their own coastwise trade. I think probably that is true. There is no doubt, in fact, that we are paying higher rates, and yet the comparisons which the Senator submitted can not be depended on, as rates vary radically in such cases.

For instance, a tramp steamer will come into an American port bringing a cargo, and if there is a large amount of merchandise offering for shipment the rate will be materially different from what the rate will be if there is comparatively little merchandise offering for shipment. In other words, in order to get a return cargo for a tramp steamer the rate which it will charge will depend on the amount of goods offering for shipment. The rate might double in some cases over and above what it would be in other cases. Very much of the foreign shipping which is engaged in trade with our country is of the tramp variety, with no fixed schedule of rates. It goes from one port to another, dependent on the course of business. Therefore it is not possible that there can be any real comparison made in rates between the shipping engaged in our foreign trade or our coastwise shipping and that of foreign countries. To emphasize that statement I will read a letter from Prof. Huebner, of the University of Pennsylvania, with whom I consulted some time ago. Prof. Huebner was employed as the expert by the Committee on the Merchant Marine and Fisheries of the House of Representatives, which, in many respects, made a very careful examination of the conditions of our shipping trade during the Sixty-second Congress. Prof. Huebner says:

UNIVERSITY OF PENNSYLVANIA,
Philadelphia, May 6, 1914.

Senator JOHN W. WEEKS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: This is to acknowledge your favor of May 4, forwarded to me from Washington, and I hasten to reply. While it may be comparatively easy to obtain rates charged by carriers engaged in the coastwise trade of foreign countries, a comparison of those rates with the rates charged by carriers in the American coastwise trade would only be fair if numerous conditions were ascertained and taken into account. In other words, the object of a comparison is to ascertain whether the rates charged in any given route are "reasonable" as compared with those charged on another route, involving a study of: (1) The difference in the nature of the service rendered by the lines engaged, respectively, in the American and foreign coastwise services; (2) the initial cost of the vessel and the expensiveness of operating the same (in this respect American owners of vessels engaged in the coastwise trade, I understand, are operating at a very considerable disadvantage); (3) the different conditions surrounding each trade route as regards the quality of the service, the cost of terminal facilities, the necessity or absence of lighterage service from the pier to the vessel, the quantity of cargo offered in both directions, involving possibly a very light haul in one direction, and the opportunity for affecting proper combination cargoes. All of these factors cause rates to vary in a given trade.

I would also mention all these factors as applicable to a comparison of our coastwise rates with the rates charged by carriers in the foreign trade for equal distances, although, in addition, the influence of the tramp steamer in competition with certain of the line services is also important. Judging from my experience in comparing rates charged by lines engaged in the American foreign trade, it will also be difficult to make comparisons, because the rate tariffs are in many instances not quoted on the same basis—that is, sometimes the rate will be based on weight and sometimes on measurement. This difference in the rate tariffs would necessitate translating weight figures into measurement figures.

I shall be in Washington on Friday and in case you should desire further information I shall be pleased to assist you further. I may be reached at room 279, House Office Building.

Respectfully, yours,

S. S. HUEBNER.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. WEEKS. I do.

Mr. PAGE. The Senator from Massachusetts will perhaps remember that in the hearings before the Committee on Interoceanic Canals, last month and the month before, the evidence was very conclusive that competition between steamers plying in the coastwise trade, especially on the Pacific coast, was very severe. I think no one claims that the profits were abnormal; that no one claims that those vessels were not working on a very close basis; and I think no one made the claim that, so far as the general traffic was concerned, there was any trust or combination.

Mr. WEEKS. Mr. President, I shall try to demonstrate before I finish that the coastwise shipping of this country is not in an unusually prosperous business condition, and I will demonstrate the fact that the steamship lines, which are claimed to monopolize trade, lost money last year almost without exception, and that for a term of years their earnings have been such that all of their securities are selling below par.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Nebraska?

Mr. WEEKS. I yield to the Senator from Nebraska.

Mr. NORRIS. I think the Senator from Massachusetts mentioned a few moments ago that he had a statement giving a synopsis of the laws of other countries in regard to their several regulations of the coastwise traffic.

Mr. WEEKS. I did; and I put it into the RECORD.

Mr. NORRIS. My attention was diverted, and I did not know that the Senator had asked permission to put it into the RECORD.

Mr. WEEKS. I have put it into the RECORD.

Mr. NORRIS. Would the Senator object to stating, if it will not divert him from the line of his thought, the substance, in a general way, as to what the statement shows?

Mr. WEEKS. It shows that substantially every commercial country in the world reserves the right to its own shipping to conduct its coastwise trade. There are exceptions based on reciprocal arrangements which may be made. In the case of Great Britain the only difference is one of port charges; but, generally speaking, not only the home coastwise trade, but, as in the case of Russia, for example, the trade with its far eastern possessions is reserved to Russian ships.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WEEKS. I yield.

Mr. BRISTOW. Mr. President, a gentleman appeared before the Committee on Interoceanic Canals and made a suggestion which I wish to submit to the Senator from Massachusetts and to have his opinion upon. He said that for the canal to be of the greatest benefit to the American people foreign ships should be permitted to engage in our coastwise commerce, but should be taxed and licensed; that that license should be per ton on the cargo handled; and that it should amount to the difference in the cost of construction and operation of the American ships and the foreign ships. His argument was that we did not have at present the American-built ships; that the political uncertainty as to tolls, and so forth, would prevent capital from investing in such ships, and that if some such arrangement as that were made there would be ample protection to the American ships, and it would still give the American business man an opportunity to ship by water and have ships to carry his commerce. That gentleman was a man of experience and was much opposed to the general proposition of admitting foreign ships to compete with our coastwise vessels.

Mr. WEEKS. Mr. President, if I thought there were a monopoly which is burdensome to the shippers of the United States connected with the coastwise marine, I think I might be in favor of some such suggestion as that; but I do not think the monopoly exists; in fact, I am so confident that it does not exist that it seems ridiculous to me to suggest that it does. Anybody who can buy a vessel can go into this trade anywhere he desires. There is no shortage of wharfage in any seaport in the United States, and there is no possibility that a man can not get a vessel by purchase or construction for that purpose. While we make a national monopoly of the trade, it is absolutely open and competitive to the individual.

The reason that there is no more competition in line service in many places is because line service under present conditions is not profitable. If it were profitable, you may be quite sure that there would be ample capital available to go into that business in competition with the existing service.

the United States had these old hulks upon her hands. She found a purchaser, but the purchaser wanted to sail them under the American flag and attach as a condition of purchase that the vessels should be admitted to American registry. Whereupon the coastwise monopoly swarm down on the Commerce Committee of the Senate as flies swarm about a pesthouse, like the lice came to Egypt. The coastwise patriots demanded that the United States should not even, for the purpose of selling the vessels it had purchased in time of war, register or permit the registering of those vessels under the American flag—an example of patriotism which makes it perfectly easy for me to understand why it was that the Savior said, "It is easier for a camel to go through the eye of a needle than for a rich man to enter into the Kingdom of God."

Mr. GALLINGER. Mr. President, I presume the Senator is aware of the fact that, if the owners of the coastwise ships did oppose giving American registry to certain ships, the labor unions and the laboring men of the country also opposed it.

Mr. REED. I do not think that there was any uprising on the part of the union labor of the country on that question. If there was, it did not come to my attention; and, if it had come to my attention, I should have been forced to say to union labor—once, at least, in my life—that I thought its position unjustifiable.

Mr. GALLINGER. Well, Mr. President, it is a fact that no class of our people are more solicitous about keeping American shipyards open than are the laboring men. They have a direct stake in the matter, and they do not want any legislation to be placed on our statute books that turns over our shipping interests to foreign countries.

Mr. REED. O Mr. President, our shipping interests are turned over to foreign countries.

Mr. GALLINGER. In part.

Mr. REED. There are not enough boats under the American flag engaged in the deep-sea trade to carry the corn from one good Iowa county across the ocean.

Mr. GALLINGER. Mr. President, we all admit that; and that is a circumstance so deplorable and, from my point of view, so disgraceful to our country that it ought to be remedied.

Mr. REED. I think so, too. You have tried your plan for a hundred years, and the result is that there are practically no vessels with the American flag over them; and I think that almost any proposed remedy ought to be readily accepted, because it certainly could not bring about any worse conditions than those at present obtaining.

Mr. GALLINGER. The Senator's party undertook in the recent tariff law to remedy it; but that has proved abortive. Those of us who have been interested in the development of the over-seas shipping have been ready to try almost any reasonable remedy to accomplish the result. As I called attention yesterday, we had a few years ago three large ships belonging to the Oceanic Co. plying on the Pacific Ocean. They were losing money in competition with Japan, a subsidized shipping country, and they asked for relief; but certain Senators laughed at the idea that they needed relief. The result was that those ships were tied up at the docks in San Francisco to rot at their anchors. Two or three of them are now running to Australasia and to the Orient, because a colony of Great Britain, New Zealand, is helping to pay the loss which they otherwise would sustain. It is a deplorable situation, and one that ought to be remedied.

Mr. REED. Mr. President, we get but a little distance along the line of this debate by undertaking to discuss everything "in the heavens above, the earth beneath, and the waters under the earth"; just to end this part of the discussion, as far as I am concerned, I call attention again to the patriotism of these gentlemen. I have not been in the Senate as long as most of its Members, but I remember that before the Commerce Committee a year or so ago some gentlemen appeared who desired to fit out a vessel to carry an exhibit of the products of the great West to the ports of other countries. They did not want to exhibit American products under a foreign flag. They went to the American shipping interests to try to buy a vessel, but they were asked a prohibitive price. They found a vessel under a foreign flag which they could buy for about one-third the amount demanded by the Shipping Trust of the United States. They came and asked for the privilege of registering it, so that in carrying American products to foreign ports they might exhibit them under the American flag. They were not doing it to make money; they were doing it for the purpose of advertising American products. But immediately there appeared before the Commerce Committee a representative of every shipyard in this country, demanding that we should not recommend a bill permitting this vessel to sail under the American flag. When they found the bill would be reported favorably they concluded to sell their vessel at a reasonable price. So, Mr. President, I see no benefit that has accrued to us during this hundred years of nursing and many years of monopoly.

I want to see freight rates reduced to the people of the United States, and you will reduce those freight rates, Senators, when you open the ports of the United States to the vessels of the world and give to the people of the United States the benefit of a world-wide competition. Nor do I believe our vessels will be driven from the seas. I believe we will build up a trade and commerce and we will build up a Navy by pursuing the policy England has pursued. England has opened her ports to the vessels of the world. She does not fear the Norwegian tramp steamer referred to by the Senator, and we need not fear it; for, if it comes to our ports and hauls our goods and people cheaper than the present monopoly will haul them, so much the better for the people of the United States. The day will come when we will restore our flag to the sea, not by undertaking to pamper, not by undertaking to subsidize, but by making conditions under which the vessels of the world can do business in our markets, and our vessels in like manner shall sail the seas and do business in the markets of other nations.

Mr. President, at the proper time I shall urge this amendment. I am urging it now, because it removes every difficulty from our path. Pass this amendment, and we have not conceded that England or any other country has rights in the canal which interfere with our dominion. Pass this amendment, and you break the monopoly that all of you, with the exception of the Senators from New Hampshire and Massachusetts, have asserted exists. Pass this amendment, and you give to the people of the United States an opportunity to meet upon equal terms the competition that is bound to exist the moment the canal is opened between Canadian ports and the ports of the United States. Fail to pass it, and you will have left a very large part of the United States at a disadvantage in the contest with England.

Mr. President, I challenge your attention to this proposition. The construction we place upon the treaty at this time will be a construction that will bind us to the last day of time, unless we escape from it by paying the price of the escape—I mean if we construe it wrongly. Let me tell Senators something. You may give this canal away, but as surely as there is a God of nations the people of the United States will take it back. Let me tell you something. You may concede away a part of the rights of the United States in this canal, but the people of the United States will recover them.

The people of the United States may not understand the intricacies of treaty construction; they may not understand the inner consciousness of the gentlemen who negotiated the treaty; but they will not inquire whether one of the negotiators of the treaty wrote the immortal ballad "Little Breeches," or whether another negotiator believed we should build a canal and grant it freely to the world. The people are spending but little time on those questions; but guided by a high sense of equity and justice, guided by that common sense which we sometimes call horse sense, which means good, practical sense, they know that it was American genius that conceived the canal, that it was American labor and American life that built the canal, that it was American dollars that produced the canal, that American guns are to be planted at both ends of the canal, that it is our canal, and you can not give it away if you try to do it.

Make no mistake. You might as well tell the man who bought the soil and paid for it, who raised the crop of potatoes and sweated as he planted and hoed and digged them, that they belong to the gentleman sitting on the fence and fanning himself, as to tell the people of the United States that they do not own the Panama Canal.

Treaty obligations? Yes. The United States should keep faith everywhere and always, but keeping faith does not necessarily consist in yielding all the demands your antagonist may make. If that were to be the construction or the rule of conduct, then the more avaricious a nation, the more unjust a nation, the greater would be its reward.

I remind Senators, as I did a while ago, that in dealing with their own property, they may, if they so desire, yield to the man with whom they have contracted a doubtful point, or even a contested point that is not doubtful, because when they yield they will be relinquishing their own property; but you can not be so generous with the money or the goods you hold in trust for another. We are but trustees of the national property in the canal, and if we yield it we yield not that which is ours to give but that which belongs to our principals, who never instructed us to yield it, but who by their votes instructed us the other way.

I am sometimes a little inclined to be amused, sometimes to be irritated, at the argument put forward that the Senator

from Oklahoma [Mr. GORE] has written to all the delegates to the Baltimore convention and that he has received replies from most of them that they are perfectly willing to back up on that platform. That does not meet the point. The delegates to the Baltimore convention have no more right to rescind that platform than a man has a right to rescind his proposition after the other man has acted upon the faith of the proposition. The Baltimore convention, if it had made a mistake, might have the day after it adjourned been reassembled and might have rescinded its platform. Possibly if a mistake is made by a convention the delegates may after adjournment by a unanimous vote rectify the error, but when? Surely before the people of the United States have accepted the contract and upon its faith cast their ballots and elected men to office; and then, as the Senator from Minnesota [Mr. CLAPP], with his usual clearness of expression, says, the people who voted would have to be consulted.

Mr. President, when I arose, I intended only to discuss the propriety of the point of order being urged. I have been led by interruptions and questions far afield. Since I have gone thus far, I shall briefly advert to one other question. I refer to the contention that we should determine what the treaty means, not by its language but by ascertaining what the negotiators thought it meant, or said it meant.

Who made this treaty? Was it a treaty when the representatives of England met the representatives of the United States, and when they reduced a proposition to writing? Why, at that period, sirs, it had no more force, validity, or life than the blank parchment had before ink had been touched to it. They were preparing a proposition, to be submitted to whom? To the high contracting parties.

Who were the high contracting parties? Were they Mr. Choate and Lord Lansdowne? Why, those gentlemen had no more power to make a contract binding upon either country than any single Senator in this body, and any single member of the House of Parliament had power to meet and make a treaty. They were not the contracting parties at all; and consequently that which they did and that which they wrote does not enter into the opinion, the conclusion, or the act of the contracting parties.

Who were the contracting parties? They were the Government of Great Britain and the President of the United States, and still there was no contract until the Senate of the United States made the contract valid.

I will admit that if, between the Senate of the United States and the President upon the one hand and the English Government upon the other, communications had passed back and forth, those communications between the contracting parties might be considered for the purpose of throwing light upon dark passages and obscure sentences in the treaty; but I utterly deny that the inner consciousness of a mere negotiator can bind either the Government of England or the Government of the United States; and there is plenty of reason for that.

What did we know about the private talks held between the negotiators? What we had before us was the written document. Upon the written document, and not upon the private talks, we acted and we made amendments. If we are ever to admit the heresy that the private understanding of the negotiators is to be binding upon the Senate, then before we ever ratify another treaty we must first have all the correspondence passing between the negotiators, and, second, we must take evidence and find out what each negotiator said to the other; and then, instead of adopting a treaty as the conclusion and finality, and as the thing agreed upon, we will just adopt all the evidence and all the correspondence, and call that a treaty.

It is a dangerous doctrine. It is a vicious doctrine. It leaves us in a position, if it becomes the policy of the Senate, where when we examine a treaty in the future we will have no knowledge as to whether the treaty means what its language imports or whether that language is to be distorted and twisted and changed by virtue of a private talk between two negotiators.

Mr. President, I believe this is an American canal, built by American money, for the benefit of the American people. I believe that we have contracted that we will treat alike the vessels of all nations "observing these rules"; and if that provision were not in the treaty I would insist that we should do so. But I believe that the United States is not included in the term "all nations observing these rules." We are the sovereign, the proprietor. I might be prepared even to waive all questions of internal economics and vote for the repeal out of consideration for the views of others if I could do so without yielding for all time, under the conditions now existing, the right of the American people to dominate the canal.

But we do not stand here to vote upon this naked bill. We must take the bill with its history. Its genesis was a protest from England, mildly made and subsequently practically withdrawn. The second step was a speech by the Senator from New York [Mr. ROOT], circulated in an amount, I think, of 1,750,000 copies by an organization existing in the city of Washington which, in my opinion, comes so nearly being international that it can not be described as national. The third step was the assembling of Congress to hear the President declare that great message. The fourth step is the enactment of this bill, in response to the demand of Great Britain and the President. We must vote for it in the face of repeated declarations by Senators upon this floor that they have arrived at the conclusion since they voted the last time that after all the United States has no rights in the canal, except the right to pay for it.

So I am unwilling that an amendment such as is offered by the Senator from North Carolina shall go through as the expression of our rights in this canal. The man who comes in and asserts, "I own this property; it is mine; nevertheless, out of consideration for your opinion, I will submit it to an impartial tribunal or I will negotiate with you further," occupies a position where every moment of the time he can defend his interest. But when a man comes in, as comes the Senator from North Carolina, and says, "I admit in advance that I believe we have no rights; therefore I offer an amendment solemnly reciting that whatever rights we do not have are hereby sacredly reserved," that kind of an amendment does not suit me, and in my opinion it does not suit the American electorate. I propose to vote against that amendment now, because I do not believe it properly declares the position of the United States, and because I do not believe it properly reserves and conserves our rights. I express regret again that a point of order is raised which denies us the right in advance to vote squarely upon the proposition advanced here that we shall assert our sovereign and complete rights in the canal.

Mr. WEEKS obtained the floor.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gronna	Norris	Smith, S. C.
Bankhead	Hollis	O'Gorman	Smoot
Borah	Hughes	Overman	Stone
Brady	James	Page	Sutherland
Brandegee	Johnson	Perkins	Swanson
Bristow	Jones	Pittman	Thomas
Bryan	Kenyon	Pomerene	Thornton
Burleigh	Kern	Randell	Tillman
Chamberlain	La Follette	Reed	Vardaman
Chilton	Lane	Saulsbury	Walsh
Clapp	Lea, Tenn.	Shafroth	Warren
Clark, Wyo.	Lea, Md.	Sheppard	Weeks
Colt	Lewis	Shields	West
Crawford	Lodge	Shively	White
Culberson	McCumber	Simmons	Williams
Cummins	McLean	Smith, Ariz.	Works
Fletcher	Martin, Va.	Smith, Ga.	
Gallinger	Martine, N. J.	Smith, Md.	
Goff	Nelson	Smith, Mich.	

The PRESIDING OFFICER (Mr. JAMES in the chair). Seventy-three Senators have answered to their names. A quorum is present.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Kansas?

Mr. WEEKS. I do.

Mr. BRISTOW. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BRISTOW. This morning the Chair ruled an amendment out of order on the ground that it was in the third degree. It was an effort to amend the original amendment to which the amendment of the Senator from North Carolina is a substitute. I wish to inquire if the amendment offered by the Senator from North Carolina should be adopted will it then be open to amendment?

The PRESIDING OFFICER. It will be then subject to amendment. The Senator from Massachusetts will proceed.

Mr. WEEKS. Mr. President, the Senator from Missouri [Mr. REED], who has just discussed the tolls bill at great length and with his usual skill, introduced a new feature into the debate to which I wish to give some consideration, namely, the amendment which he has introduced to repeal the laws which give a monopoly, so called, to our coastwise shipping.

The Senate should appreciate the fact that business in this country is not nearly as good as fundamental conditions seem to warrant its being, and, in my judgment, one of the principal reasons for this is the repeated attacks which are being made on its organization and methods of conduct similar to

the coastwise monopoly? Why not do what England and other up-to-date countries have done, admit all vessels to enter our ports and transport goods?

When you do that, Mr. President, you will have destroyed the advantage which the Canadian ports will have over the American ports through the use of the canal. You will have put our coast cities upon the same beneficial level the Canadian coast cities will occupy. You will have put our vast interior in the same position of advantage the people of the interior of Canada will enjoy, because instead of compelling our merchants to load their goods into vessels owned and controlled by a monopoly and compelling them to pay that monopoly its prices you will give them the benefit of the same competition as to water rates that every Canadian citizen will enjoy. When you do that you will have at once destroyed the coastwise monopoly of the United States and you will have answered the complaint of England and of all the world as to a violation of this treaty.

Mr. President, that leads me to a suggestion which I have not heard elaborated, at least upon this floor. I deny, sir, in express terms that this treaty is violated by the clause in our statute which provides that vessels engaged in the coastwise trade of the United States may pass through the canal free. Mark you, by treaty, according to the construction which is insisted upon by some of our friends and by the President, we agreed to allow the vessels of all nations to go through the canal on equal terms, and they claim that includes the vessels of the United States. Let us grant it for the moment. At what point in the law have we discriminated against the vessels of other nations? We have not said vessels of the United States or sailing under the American flag shall go through the canal free. We have not said vessels sailing under our flag shall go through free, but the vessels of other nations shall pay tolls. We have said all vessels except those engaged in the coastwise trade shall pay tolls, and that the vessels engaged in the coastwise trade of the United States shall go through free.

In what respect, then, have we violated the treaty? If we have violated the treaty, it is by the enactment of a statute that is purely local to the United States, and that concerns its internal affairs and business, and that is not found in the clause complained of in the law under discussion.

I want to make that, if I can, a demonstration. If we were to repeal our coastwise laws to-morrow, which everybody admits we have the right to do, by repealing our coastwise laws, which is a thing of our own business, which no nation on earth has any right to interfere with, which is local to ourselves and of our own concern, we would remove the objection offered by England. In other words, England is not complaining here and can not complain here of the terms of the law under consideration. England is, in fact, demanding that we shall waive the right which we possess and every nation possesses of saying who shall go into the coastwise business. The United States to-morrow could amend its coastwise laws and provide that all vessels sailing under the English flag could engage in the coastwise trade, and by amending that law, which is our own business and which has nothing to do with treaties, remove the objection of England.

What England is trying to do is to deny to the United States the right to regulate its coastwise vessels an, to say under what terms they shall sail. It is a wholly distinct proposition of law from the one we have been discussing here for days. If we had written into this law, "All vessels sailing under the United States flag shall go through free," it would have been a discrimination in the law, but the discrimination which Great Britain complains of arises not from anything we put in the law, but from the fact that under another law of purely domestic concern we have seen fit to limit the class of vessels which can engage in our coastwise trade.

How can it be said that Great Britain in writing this treaty intended it to mean, and that our representatives intended it to mean, that we could not confer benefits upon a commerce which is as much an internal affair as is the question of a railroad running from New York to San Francisco?

I do not know whether I have made the question as clear as it is to my own mind. I repeat that we have not in the law now complained of discriminated at all. We have simply provided that a certain class of vessels shall go through free, and that all other vessels shall pay tolls; but the definition as to what constitutes that certain class of vessels is found in another law, which we had a perfect right to pass, that no one can question, a law that existed nearly a hundred years before the treaty was made with England.

I concede that if the coastwise business of the United States had when the treaty was made been open to the vessels of all nations and we had put in a clause exempting vessels engaged in the coastwise trade from the payment of tolls and then immediately had passed a law excluding any but American-owned vessels from the coastwise trade, England might have said, "You have resorted to a subterfuge; you are trying to do indirectly that which you can not do directly." But, sirs, that is not the case here. Our coastwise vessels are operated under laws that antedate the treaty. The privileges they enjoy of entering our ports and taking on passengers and freight existed before the treaty was made. We had the right to provide that they should be a certain length, if we saw fit; that they should carry a certain complement of men, if we saw fit; that they should carry guns or that they should go unarmed, if we saw fit. We had the right to say to them that they could not trade at all, if we saw fit, and we had the right to say to them they could enter our ports free of pilotage, if we saw fit, or enter one of our canals, if we saw fit, because all these questions are of purely internal concern. By amending the coastwise laws so as to admit the vessels of all nations to the coastwise trade we remove the objection of England, which is an absolute demonstration that that which she complains of is a condition not arising because of the tolls act but because of our coastwise laws, for by changing the coastwise law we remove the objection.

Mr. President, I am appealing to Senators upon this floor for a broad view. I am asking them to consider the welfare of the whole of the United States. I am asking Senators who have stood here and denounced the tolls act as in the interest of a monopoly and who have declared the coastwise business of the United States to be in the clutch of a monopoly to come with me and vote with me to break that monopoly down by the most effective means that have ever been employed to break a monopoly—that is, by bringing in competition. I ask them to do so not alone upon the narrow ground of destroying the monopoly, although that might well excite and delight a man who abominates a combination in restraint of trade, but I am asking them to do it upon the broader proposition that if we do not do it the ports of Canada will have an advantage over the ports of the United States. The farmer of Canada will have an advantage in the shipment of his wheat over the farmer of the United States; the manufacturer of Canada will have an advantage over the manufacturer of the United States; and why? Because the Canadian will have coming to Canadian ports and passing through the canal the vessels of all nations. He will have the advantage of the cut rates which come from keen and active competition. He will have the advantage of the regular line steamers and of the tramp steamers. He will have the advantage of rates that have been forced down upon the railroads of Canada through the water transportation that reaches the eastern and western coasts.

Mr. O'GORMAN. Mr. President——

Mr. REED. Beyond any question, if you do not admit to our ports the vessels of all nations and give our people the benefit of that competition, you will find out in the long run and at the end of the road that the canal we built at such tremendous expense has inured to the greater benefit of Canada, which contributed neither of genius nor money nor toil to its construction.

I yield to the Senator from New York.

Mr. O'GORMAN. With the permission of the Senator from Missouri, I wish to call attention to one statement indicating the tremendous advantages to be enjoyed by the Canadian farmer from the use of the Panama Canal.

In the first place, it will be noticed that in the transportation of the products of western Canada to the European market the use of the canal means a saving of 8,000 miles of travel, and in the London Outlook of recent date it was estimated that the new route opened by the Panama Canal will effect a saving of £40,000,000 annually—$200,000,000—to the farmers of Alberta alone, a single Province of western Canada, and that the Province of Saskatchewan will receive a free gift from the canal of £50,000,000—$250,000,000—a year in foreign rates saved on the basis of the crop yield in 1912. With this vast displacement of traffic it is not surprising that the rival railway interests are working all sources to prevent the exemption of tolls to American ships in the Panama Canal.

Mr. REED. Senators have said here in answer to interrogatories that they were ready to vote for the proposition contained in my amendment some time, but not now; some other day; at some more convenient season. Why not now? We are dealing with this question now. The amendment I propose will take out of the mouth of England and every other nation on earth the last possible objection, and will enable us to escape from a construction of the treaty which may be of incalculable disadvantage to our country. Why not now? Is the fact that the coastwise monopoly is a hundred years old a reason why we should perpetuate it a little longer? Will we lose any valuable time in the passage of this bill? We have spent two months

and more now in its discussion. The question is ripe. It is before the country. Why not now? This is the accepted time. Now is the day of salvation. If we are in the clutch of a railroad-controlled shipping monopoly, as Senators have solemnly averred, when will you get ready to vote to abolish it?

Mr. GALLINGER. Mr. President——

Mr. REED. If we have created a special pet and conferred upon it a special privilege, and for a hundred years violated the fundamental principles of the Democratic Party that we all do so much love, why not regenerate ourselves at this particularly interesting moment?

I yield to the Senator from New Hampshire.

Mr. GALLINGER. I beg to say to the Senator that some of us who have studied this question pretty carefully absolutely deny that there is any such thing as a monopoly in the coastwise trade. Again, I will suggest to the Senators that his scheme would turn over our coastwise trade to the tramp ships of Great Britain and other countries of Europe, and wipe out our coast shipping exactly as England, by her superior management of those matters, wiped out our over-seas commerce.

Mr. REED. Mr. President, I did not expect the Senator, who always is noted for the calm manner in which he watches an advantage, to rise and denounce the very premise I have laid down and upon which I am trying to get a few Democrats into line on this proposition. Of course, I might digress now and discuss the proposition the Senator has raised. He denies that there is any monopoly. If this were a question of a political character, upon which political parties sometimes differ, and the Senator were to make that sort of a statement to me, I would simply regard it as a settled fact, and lay it by in the budget of my memory as an eternal truth, and would never afterwards venture to even question it. But this being a question upon which the mists of political doubt and difference have settled down, I am always afraid that the very able Senator is afflicted with a sort of intellectual strabismus that prevents him seeing things just as they are. I am sure he will never see them from my standpoint.

Mr. GALLINGER. Mr. President, the Senator's kindly observations, as well as his humorous observations, are appreciated by me; but the fact has been well established, as it can be established again, that while there are 330 ships that are in a combination, there are certain other ships, a limited number, controlled by railroads and companies that will not go into the canal. There are 24,000 coastwise ships out of the 27,000 that are no more in combination than are the automobiles which are run on our streets in Washington in combination. I say to the Senator again, Mr. President, if we open our coastwise shipping to the tramp steamers of England and France and Germany and Norway, with their cheaper crews than we can possibly under our laws admit to our ships, and with their cheaper food supplies, that our coastwise shipping will go exactly where our over-seas shipping has already gone.

Mr. REED. Ah, Mr. President, I know that is the Senator's honest opinion. I can not quarrel with him about matters of opinion, because he and I are of two diametrically opposite schools of political thought. We could no more agree upon a question of political opinion than a Mohammedan and a Christian could agree upon the doctrine of transubstantiation.

Mr. GALLINGER. But, Mr. President, I do not regard this as a political question. I think it is a business question, pure and simple.

Mr. REED. But, Mr. President, while the Senator from New Hampshire has spoken of the thousands of vessels that are not in the combination, he ought, as he said they were no more in combination than are the automobiles of the country, to be perfectly frank, and say to us that the vast majority of them could no more use the Panama Canal than could the automobiles of the country. He is including in that list every vessel plying upon the Great Lakes. They are in there, and they are going to stay there. All the great steamers that carry iron ore and other kinds of freight and passengers, which are built on the Lakes to remain on the Lakes. The Senator is including every little sailing craft. The truth about the matter is, if the House report is to be believed, that there is a tremendously powerful and potential combination. Mr. President, if that is true, why should we waste much of our time in worrying about what would happen to those boats if there were competition?

Mr. GALLINGER. Mr. President——

Mr. REED. I will yield to the Senator before I proceed.

Mr. GALLINGER. I am troubled, and have been troubled, over the great anxiety that is felt to destroy American vessels that may be in a combination. We exclude our ships that are owned or controlled by railroads from the Panama Canal, but permit the ships of Canada owned by two great railroad combinations to enter that canal. The same thing is true of these other matters. If we exclude ships that are in combination or controlled by trusts, why should we not try to exclude at least foreign ships that are so controlled in similar combinations? I do not like the idea of discriminating against our own people in that regard.

Mr. REED. In other words, England has a trust; therefore we ought to let our trusts run because England has a trust.

Mr. GALLINGER. Well, we are in competition with those trusts of England. Not only are those vessels in trusts and combinations, but they have enormous subsidies direct from the Government of Great Britain, and from all other European Governments, and I say if we undertake to open our coastwise shipping under existing conditions to the ships of other countries, it will be absolutely blotted out as a natural result.

Mr. REED. Well, let us see. There is a trust in the United States and there is a trust in England. We are in the grip of a trust here. If we let the trust vessels of England come here, we will be using one trust with which to fight another trust, and the people who have to pay the freight will probably get some benefit when these two transportation pirates begin doing business against each other. If, on the other hand, one of them destroys the other, or absorbs the other, we shall, of course, be then in the position of having to meet that question in some other way. I do not say that competition is a complete remedy, but I do say that whenever I can stir up competition between the trusts of the world and set them fighting each other, I shall be very certain when I die them on that I am engaged in the service of my country and of the Lord God of Hosts.

Mr. GALLINGER. Mr. President, very likely that is true; but when the Senator from Missouri destroys a trust in his own country and maintains a trust of our competitor, I think the Lord God of Hosts might well be called upon to solve the problem.

Mr. REED. Mr. President, I do not admit the premise of the Senator. The Senator has almost answered himself, although I know of no one who can steer clearer of the shoals than can the veteran debater from New Hampshire; but the Senator has asserted that there are thousands of vessels under the American flag that are not in the trust. The Senator will not pretend to say that there are not many more thousands of vessels engaged in the trade of the world not in a trust. Therefore if we were to admit the vessels of all nations to our ports, the trust-controlled vessels as well as the independent vessels, we would have competition between our own trust-owned vessels, our own nontrust-owned vessels, the trust vessels of other countries, and the thousands and tens of thousands of independent vessels, and until there was a world-wide combination the people would get the benefit.

Why not do this now? Why put it off? You Senators who cry there is a trust, all you who proclaim there is a trust, why not now dethrone that trust by interposing competition?

Mr. BRISTOW. Mr. President——

Mr. REED. But somebody will rise——

Mr. KERN. He has risen. [Laughter.]

Mr. REED. Indeed, as is suggested, he has risen. I yield to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I am inclined to agree with the Senator from Missouri that the coastwise shipping of the United States has been largely controlled by combinations—that is, the important routes, at least, have been—but I want to call his attention to a fact, which he well knows, that the very law which it is now sought to amend provides that vessels that are controlled by a trust can not use the Panama Canal. The Senator himself offered the amendment providing that. So that the trust that is disturbing some of our friends so much, who fear that it may be benefited by this legislation, can not profit by the canal. That canal alone of all the highways of the United States is made free from the operations of the trust.

Mr. REED. I am obliged to the Senator from Kansas; but I had already discussed almost in the same words, though not so well, the very thought the Senator has expressed.

Mr. President, it will be replied that we are going to drive our flag from the ocean and that we shall have no vessels to use in time of war to transport our troops and our munitions of war. Why, Mr. President, when we had the little War with Spain, although we had been protecting by law the coastwise vessels of this country for nearly a hundred years, we had to buy foreign bottoms; we could not get boats at home. If at the end of a hundred years that is the result as to our national defense, I submit the argument ought to appeal to no man.

But that is not all. There is to be found in that circumstance an illustration of the patriotism and the cupidity of the coastwise shipping monopoly. After the War with Spain was over

Which is the situation in which we are now placed.

In face of the popular opposition to repeal manifested since the President's message urging repeal, Mr. Wilson is stated to have weakened in his determination to accept no amendment. The aim of his lieutenants will now be to secure that the change shall, if possible, be inoffensive to Great Britain.

Think of it! And that, I take it, is the aim of the amendment which has been proposed—to be inoffensive to Great Britain.

Their present idea is that they will accomplish that end if they can persuade the preferentialists to accept a rider to the bill to the effect that the passage of the bill does not prejudice any rights of the United States under the Hay-Pauncefote treaty.

Think of it! Is there a Senator, in view of the knowledge and light shed by that clipping from the leading paper of Great Britain, who would stand up here and so forget his duty and obligations to his country as to vote to acquiesce in this nefarious scheme?

LATER.

The committee have decided to suggest the amendment already outlined. Senators do not believe that Great Britain will object, and should they be right, feel sanguine that the measure can be put through. The chances are that acceptance of the amendment by the administration, the Mexican trouble, and the general pressure of business will combine to curtail debate somewhat. The preferentialists, at any rate, will not be able to use with such effect as they did in the House their favorite argument that American rights are thrown overboard.

Mr. REED. Mr. President, I have been discussing for a moment the effect upon the cities and industries of our eastern and western coasts. I pause long enough to call the attention of Senators from the interior of the country and Senators from the South to the fact that they are interested, not in as direct a manner as would be the cities of the North Pacific coast of the United States and of the North Atlantic coast of the United States, but, nevertheless, interested, and gravely interested. Let us assume the establishment of a great industry at New Orleans having to draw a portion of its supplies from the eastern coast of this country and a portion of its supplies from the western coast to be engaged in manufacturing products and, in turn, shipping those products all over the world. If such an industry needed lumber from the West and was obliged to pay the rates fixed by our coastwise vessels, if it needed iron from the East and was obliged to pay the rates fixed by our coastwise vessels, and, having manufactured a product, sought to compete with the Canadian product in the markets of Europe, and the Canadian could haul at a cheaper rate his original goods used in manufacturing, would not the manufacturer at New Orleans be at a disadvantage?

Nor is it true, Mr. President, as has been said here frequently in debate, that the tolls on the Panama Canal will affect only the eastern, western, and southern coasts of our country. The tolls charged for the canal and also the freight charged by the boats engaged in the coastwise trade will inevitably affect the railroad tolls of the entire country, and will in turn affect the industries of the great interior, if not so much as those of the eastern and western coasts, at least to a material degree.

Let us examine that for a moment. Let me take my own State in illustration.

It never was intended that when we had built this canal we should cease building waterways. Congress has already made appropriations for the improvement of the Mississippi River. A vast system of improvement is going on. Organizations exist having for their object the procurement of at least a 14-foot channel from St. Louis, Mo., to the mouth of the river. The work is under way. Now, let us assume that in the city of St. Louis there is a manufacturer who is selling his goods all over the United States and all over the world. Is he in any way concerned in this canal? I answer, he is vitally concerned. Why? Because now, if he desires to reach the western coast or the great western country, he must ship his goods by railroad, and must pay the railroad rates. Every man who has studied the railroad rates applying to the great West knows how unjustly that entire country has been treated; and I include in the great West my own State. But, sir, when this canal is completed, immediately there will be set up a new line of competition. The north-and-south railroads running from St. Louis and points north clear to the Gulf of Mexico can not now enter into rivalry with the transcontinental lines; but the moment this canal is finished, if we act wisely, the merchant can at once enjoy a competition, for the north-and-south lines will haul his goods to the Gulf ports, a new element will enter into the competition, and the result will be that there must be better rates made from St. Louis to the great West, or else the transcontinental lines will lose the business; and instead of going, as it does now, all by rail east and west, it will go over the north-and-south railways and through the canal.

That will not only benefit the manufacturer at St. Louis but it will benefit the consumer in all of the great coast States, the Mountain States, and inevitably all of the United States.

Mr. BORAH rose.

Mr. REED. I will yield to the Senator from Idaho in one moment.

That is a condition which will obtain immediately. It is as certain as fate itself. But, sir, when the Mississippi River is but slightly improved great barges will be moving up and down that stream, and there will be an actual water competition all the way from the city of St. Louis to Portland, Oreg.; and in like manner there will be a means of water communication between Boston, Mass., and St. Louis, Mo.; and that water competition will lower the price of all the staple goods that are used in the great interior of the United States. So you can not say that if you grant exemption from tolls you are taxing all of the country for the benefit merely of the East and West.

The Senator from Idaho has been waiting. I yield to him.

Mr. BORAH. In connection with the point which the Senator is making I desire to call attention to an article in the Chicago Record-Herald, under date of June 3, 1914. It is entitled:

SHIPPERS TO BENEFIT BY OPENING OF CANAL—CUT OF 40 TO 50 PER CENT IN WATER RATES FROM PACIFIC COAST IN PREDICTED—ESTIMATE BELIEVED FAIR—PROBABLE REDUCTIONS PREPARED BY SAN FRANCISCO COMMERCE BODY.

The first concrete evidence of the benefit the Panama Canal will work to shippers was offered yesterday by the foreign trade department of the San Francisco Chamber of Commerce.

According to a prospectus issued by the department all water rates on shipments from San Francisco to points on the Mississippi, Missouri, and Ohio Rivers will be reduced from 40 to 50 per cent when the canal is opened to commerce. A rate table has been compiled showing the estimated reductions in rates on shipments of numerous California products. The table takes into account figures supplied by barge companies operating on the rivers.

The statement is held by shippers to be a fair estimate of the reductions that will be made in rates between all points affected by the opening of the canal. They believe that corresponding reductions will be announced on shipments from river points to the Pacific coast and between river points and Atlantic ports.

One thing more, if the Senator will allow me.

Mr. REED. Certainly.

Mr. BORAH. The London Outlook a few days ago said that on the basis of the crop of 1912 the farmers of Alberta alone will receive an annual benefit of $200,000,000 by reason of the opening of the canal. It added:

It is easy to see that it is not far hence when farmers of Alberta and Saskatchewan will receive a free gift from this canal of something in the neighborhood of $250,000,000 a year in foreign rates saved.

Mr. REED. I am obliged to the Senator for his contribution, which is very illuminating.

Mr. President, for my part I have looked forward to the opening of this canal as the beginning of a wonderful era of prosperity for our country. I have believed, sir, that without injustice to any railroad interest the inevitable result of the construction of the canal would be an active water competition between boats and railroads upon all classes of heavy freight. I have believed, and yet believe, that every dollar you take off the cost of transportation is a dollar added to the net value of the product imported. It is that much money saved for the pocket of the producer or the pocket of the consumer. I have believed that, every dollar taken off the cost of transportation was in practical effect a reduction of distance, and that when you make it possible to move from the interior of this country to the coast for $1 an article that now costs $2, you have in practical effect divided in the middle the distance between the two points. I have believed that the construction of the Panama Canal would break the strangle hold which railroads have upon certain communities, even under the rulings of the Interstate Commerce Commission and the beneficent mandates of that body. I have believed that instead of the basic rates being fixed upon certain selected points having water competition, as they are now, the basic point of rates would be affected by the introduction of this new line of competition, and that that would be extended along the line of every north-and-south railroad, so that we would have inaugurated in the United States practically three independent competing forces—the transcontinental east-and-west railroads, the north-and-south railroads, the coastwise and lake traffic; and, in addition to that, in the near future we would introduce a large traffic upon the great rivers of the country.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. REED. In a moment.

If that results, the advantage it will give to our country can not be measured in figures or even grasped by the imagination.

In illustration, business is frequently done upon a close margin, particularly business that competes in the open markets

of the world. A difference of a few cents in freight rates may mean the difference between a prosperous year and a bad year for any manufacturing institution. If by the building of this canal, if by the introduction of these new forces of competition, we can reduce freight rates, it may mean—indeed, I believe it will mean—such additional advantage to the commerce and industries of our country as will enable us to meet competition in every land, and to gather gold in every clime.

I now yield to the Senator from Oregon.

Mr. CHAMBERLAIN. Mr. President, I am very much interested in what the Senator has said. I should like to have him reply to the argument which has been made here by some of the Senators that if rates are too high between the Middle West and the West, or between the Middle West and the East, the Interstate Commerce Commission has absolute power to correct those evils. If the views of the Senator are correct, and these rates are unjust, I should like to have him discuss the question whether the contention of Senators is well founded that the Interstate Commerce Commission might possibly regulate these rates.

Mr. REED. Mr. President, I hesitate to go into that branch of the discussion, because it is a large one; but I have always maintained that the middle sections of this country and the great West have never had fair railroad rates, nor anything approximating fair railroad rates, notwithstanding the existence of the Interstate Commerce Commission.

Mr. WEST. Mr. President, I should like to interrupt the Senator from Missouri, if he will permit it.

Mr. REED. Certainly.

Mr. WEST. If what the Senator is looking to, the cheapening in time of rates by remitting the tolls through the canal, would absolutely take away from the great transcontinental railroads any of the terminal freights, would it not inevitably result in the increase of the rates in the interior, if the railroads are permitted to live—and I suppose they expect to live?

Mr. REED. Mr. President, that argument, carried to its legitimate conclusion, would lead us to go down immediately and dynamite the canal, lest the interior of the country might be ruined by the existence of the canal. I think that completely answers the argument. It goes too far. It leads to too bad a conclusion.

Has it come to this: That we have built the canal only to discover that water rates are going to be too cheap, goods can be hauled for too small an amount of money, and therefore we must put burdens upon the vessels so that they can not give the people cheaper rates lest the railroads retaliate and charge it up to somebody else? If that is true, we ought never to build another boat, we ought never to dig another canal, we ought never to appropriate another dollar for waterway improvement, because the railroads in the end would punish somebody for all the benefits we had created. That will not do. It is not sound argument.

Mr. WEST. Mr. President, if the Senator will permit a further interruption——

Mr. REED. Certainly.

Mr. WEST. If the railroads are barely living now at the present rates, and they can not reduce expenses, then, if the terminal freights are taken away from them, does it not necessarily follow that the interior rates will have to be increased in order that the railroads may continue to exist?

Mr. REED. If I were to admit all of the Senator's premise, of course I would answer "yes"; and if the Senator will permit me to frame a question in my own way, I can always compel him to answer "yes," if he answers frankly, as he will.

I am going to spend just one moment on this question and then pass on.

There is no justification, and there never has been any justification, in morals or in justice, for a railroad to charge less than a fair price for hauling goods to a point, whether there is competition or whether there is not competition; and nothing is more unjust than to allow a railroad, because it has competition at a certain point, to haul goods to that point at a loss and then tax up the loss to somebody else. We are going to come to a time in this country very soon, I hope, when every part of the country will be put upon exactly the same basis with reference to rates. By that I mean not, of course, the same rates in dollars and cents, but the same rates taking into consideration the physical conditions, the density of population, and the amount of goods to be carried. The time will come very soon when the railroads will not be permitted to haul goods through Salt Lake City to the Pacific coast and then haul them back to Salt Lake City for less than they will haul them direct to Salt Lake City. I use Salt Lake City merely as illustrative. The same is true of Denver and other places.

Mr. BRISTOW. Mr. President, if the Senator will pardon an interruption, as an illustration of the accuracy of the Senator's opinion, I want to submit to him an experience which his own city had and the region of the country where I live.

There was a controversy, as he will remember, some years ago, looking to the reduction of the rates from the East to Kansas City, and a counterclaim was made that the rates from Kansas City to central Kansas points should be equivalently reduced, since otherwise it would give Kansas City a lower rate, and the rate from Kansas City west not being changed, it would give Kansas City an advantage over the distributing points west of Kansas City.

A reduction, however, was made of 4 cents a hundred on traffic into Kansas City, and the rates west of Kansas City were left the same. On a certain commodity the rate from the East to Salina, Kans., was 56 cents a hundred before the reduction, 24 cents to Kansas City, and 32 cents from Kansas City to Salina. A reduction of 4 cents was made in the rate to Kansas City; that is, it was reduced from 24 to 20 cents. That reduction was reflected in the through rate to Salina, that rate being reduced from 56 cents to 52—and that will happen everywhere where there is a reduction in any rate. It is always reflected in any joint rates that are made for that point, and must be.

Mr. REED. I wish to answer further the interrogatory of the Senator from Georgia, and particularly his premise, which he put in the form of a question. If the railroads are already carrying as cheaply as possible, then, the Senator inquired, what would they do if lower rates were made through water transportation?

Mr. WEST. Not lower rates, but less hauling.

Mr. REED. Very well; less hauling. I do not know how that particular matter will work out, but I pause long enough to make this observation: If this canal cheapens rates to the great interior, as I have argued it will, and as I believe it will, then the increased population and the increased traffic and business which must be done by the railroads will speedily more than recompense the railroads for the losses incident to the through traffic upon heavy freights. The trouble with the railroads in the West and in many parts of the South is that they proceed through countries sparsely settled and with but a limited manufactured output. There will be a compensation as I have indicated, in my opinion; but, whether there is or not, the railroads must face the competition through this canal; and if the canal competition is going to destroy the railroads, and therefore is a wicked enterprise, we ought to blow out its locks to-morrow, if it is going to ruin and injure the country—a thing that I utterly deny, but to which the logic of the Senator's question would drive us.

I pause, however, to make another remark. I hear a great deal of talk about the poor railroads, their inability to pay interest and dividends, and of the effort to raise rates; but I have not seen any of these railroad presidents meeting together in solemn session for the purpose of squeezing the water out of their stocks. I have not seen them dissolving their holding corporations. We have heard much of the New Haven Railroad scandal, and, of course, it has shocked the conscience of the American people; but the New Haven Railroad is not alone. I might call your attention to the fact that railroad after railroad in this country is capitalized by underlying bonds and stocks, and then that a holding company has been organized to hold the voting majority of the stocks, and that that holding company has issued its stocks and its bonds, and then another holding company has been organized for the holding company, and more stocks and more bonds issued, and in the case of the Rock Island Co. still another holding company for a holding company of a holding company. Thus there has been pyramided a burden of stocks and bonds upon which no railroad can earn interest or dividends. Some day I am going to take a little of the time of the Senate to call attention to some of these matters.

This, however, is all aside from the question. I take it that the Senate is agreed that we ought to reduce the rates of transportation as far as we can by the employment of natural advantages, supplemented by such artificial advantages as it is proper for the Government to create. That being true, and it having been asserted here by Senator after Senator that the coastwise business of this country is controlled by a monopoly, that it is a conscienceless monopoly, that it is a monopoly largely owned and controlled by the railroads, that it exists to-day for the purpose of preventing what little water competition there might be, I challenge their attention to their own statements. I ask them, Why not apply to these concerns that have been granted immunity from competition for a hundred years, the doctrine of the Democratic platform, that where there is a monopoly the tariff advantage should be repealed, and in this instance, applying the principle, repeal the advantage we have by law given

spirit on the other side. It would be for Senators to rise in their seats and say to every man who wants to put a toll upon these vessels, "You are working for the transcontinental railroad, are you not? You know that every time you increase the cost of transporting goods by water you help the railroad monopoly, and therefore with that diabolical purpose in your heart you are here trying to put this toll up to a prohibitive point so that the railroads may continue to enjoy their monopoly and pluck and plunder the country."

The man who would make that argument would not be fair, and the man who charges that those Members who believe in toll exemption are in league with monopoly and are the servants of combinations is as unfair as I would be if I turned upon those on the other side and asked them whether they were working for the Southern Pacific or the Northern Pacific Railroad. Shame upon that kind of argument! It reflects no credit upon its authors. It convinces the judgment of no man. It makes no votes unless there be cowards who can be driven.

Mr. President, there is another consideration, and that is that in the canal act itself we struck a deadly blow at the Shipping Trust. We provided that the railroads that had already begun to take steps to control water competition could not send their railroad-owned boats through the canal. We struck at the railroad monopoly in that bill, and at the same time we struck at the coastwise combination. If that law is faithfully enforced, there will be no coastwise monopoly plying through that canal, either with tolls or without tolls, for at the threshold of the canal the monopoly-controlled and the railroad-owned boats will be halted, and the canal will either not be used for coastwise business or there will come to its gates vessels that are not controlled by railroads or combinations. If the law is honestly enforced, the result must be that these railroads will be forced to dispose of their boats to independent owners, that the combination must be broken up, or otherwise the independent boats, a few of which exist, will get all the business of the canal and will have such an advantage that the combination can not live in competition with them.

Now, that being true, why should we stand here and rave over the proposition that there is a coastwise monopoly and claim that this provision in the act was for the benefit of that monopoly, when by the very act that exempted vessels from tolls we expressly provided that a railroad-owned vessel and a monopoly-controlled vessel should not pullute the waters of the canal.

You see, you do not argue fairly when you argue that way. You must assume that the law will be enforced, and the moment you assume that the law will be enforced, then your monopoly is barred from the use of the canal. Why stand here and try to hide behind the coat tails of a monopoly when you have already decreed the death, dissolution, and burial of that monopoly by denying it any chance to enter this canal?

There is another way to kill that monopoly. That is to adopt the amendment which I offered, and at the proper time will submit, and that is to admit into the coastwise trade of the United States every vessel desiring to enter it.

Now, "all ye who labor and are heavy laden" with monopoly, who have spent your time upon this floor denouncing the coastwise trade of the United States as a monopoly, who have declared that it is so bad and so wicked a thing that it ought to be penalized out of business through the imposition of tolls—all ye who declare yourselves the enemies of special privilege and who claim that all these special privileges are contrary to the principles of the Democratic Party, come let us reason together.

I do not believe in special privilege. I do not believe that a thing which can not exist in the pure free air of competition, that has to be supported artificially, ever produced a penny of genuine profit.

When an industry can not stand alone and yet is found standing, it must be supported by some other institution capable of standing alongside the weakling and holding it up. An institution which does not possess sufficient vitality to exist and yet does exist must be living off of energies which it does not produce. It is necessarily a parasite feeding upon that which is produced by others.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I do.

Mr. ASHURST. I wish to make an observation. It has just occurred to me how singular indeed it is that during the campaign of 1912, when all the western speakers were instructed to dwell emphatically upon the platform and especially upon the tolls-exemption provision to catch votes in the West, the idea of a subsidy did not apear to those who at that time stood upon the platform and urged us to point out the beneficent features of that provision.

Mr. REED. Mr. President, for nearly a hundred years we have been endeavoring to build up a merchant marine by granting to vessels built and owned in the United States the sole right to engage in the coastwise trade of the United States. At the end of that long period of time what do we find? What is our reward? What recompense comes to us from this fostering and pampering? The Senator from New York has extensively examined into the question. The committee of the House of Representatives, after long investigation, has filed its report. We are told by both of these authorities that nearly 92 per cent of all line vessels engaged in the coastwise trade are either controlled by the railroads or in combination. Aside from the line vessels there are of course many tramp vessels, both sail and steam. These vessels do not run upon regular lines. It is conceded that but few of the so-called tramp vessels will pass through the canal. It is also conceded that practically none of these vessels will be of assistance as auxiliaries in time of war.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. I should like once more to call the Senate's attention to the incorrectness, I think, of the statement which has just been handvertently made by the Senator from Missouri, in that he is using the figures which apply to line traffic—that is, direct lines of steamers—and not to the total traffic of the country. There are about 800,000 tons in steamers that are either controlled by railroads or controlled by large companies, which is the tonnage included in the figures which the Senator from Missouri has just quoted; but the total tonnage of the United States engaged in the coastwise and lake traffic is between 7,000,000 and 8,000,000 tons. So only about 10 per cent of the total tonnage is the tonnage which the Senator from Missouri has just quoted as being 90 per cent of the total coastwise tonnage of the country.

Mr. REED. Mr. President, I understand, I think, with a reasonable degree of accuracy the situation and the distinction which the Senator from Massachusetts makes. Practically all of the "line vessels" are in combination or are controlled and owned by the railroads, and that applies to and embraces the line vessels carrying through freight upon the Great Lakes, which embrace the larger part of the tonnage to which the Senator referred when he said "the greater amount" a moment ago.

In addition to those vessels there are a larger number of vessels not running in lines; but, Mr. President, the hearings before the House committee showed that, as to those vessels, the great majority of them are owned by companies with interlocking directorates, so that to all intents and purposes the great mass of all the coastwise business upon the seas is under the control of what would be commonly termed a trust or combination. I think I am safe in that statement; and if I am not, of course I want to be corrected.

Mr. WEEKS. Mr. President, I know the Senator from Missouri wishes to be accurate in his statements, but I think he has been misled by the reports made by the committee of the other House and has not examined them as carefully as he does most matters. I think I could demonstrate, if I had the time—and I may before this debate is over put into the RECORD—just who controls all the coastwise traffic of the United States; and the Senator from Missouri will see from such a statement that the reference which he has just made can not be accurate.

Mr. O'GORMAN and Mr. BRANDEGEE addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Missouri yield?

Mr. REED. I yield to the Senator from New York, who first addressed the Chair, and then I will yield to the Senator from Connecticut.

Mr. O'GORMAN. Mr. President, I think on a former occasion I made a statement in the Senate substantially similar to the one now made by the Senator from Missouri [Mr. REED], and that was that 92 per cent of the vessels engaged in the American coastwise trade are either owned or controlled by the railroads of the country or form part of a shipping combination.

No more exhaustive investigation of that subject, perhaps, was ever made in the history of this Government than that made by the so-called Alexander committee in the other House, and that was the conclusion reached by that committee; that is the statement contained in the report of the committee, after weeks and months of inquiry into this subject.

Mr. WEEKS. Mr. President, if the Senator will pardon me just one moment, I will say that I do not wish to prolong this

debate, but in order to correct what is a serious misapprehension of the character of the coastwise business, I shall take the time later to put into the RECORD the exact facts relating to coastwise shipping.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Connecticut?

Mr. REED. I do.

Mr. BRANDEGEE. I am glad to hear the Senator from Massachusetts [Mr. WEEKS] make the statement that he has. I think there has been an entire misapprehension of this question. I think a careful examination of even the Alexander report will not sustain the contention that is being made either by the Senator from Missouri or by the Senator from New York. I think so, among other reasons, for this reason: About two months ago I received a letter from a Boston shipping man who claimed to be very familiar with the situation. I laid it on top of my desk with the intention of showing it to the Senator from Georgia, who had made an address upon the subject; but it was lost with other papers that are swept away from our desks here after the daily adjournment of the Senate. So I am unable to state now from whom it was; but the writer called attention to the point of distinction and to the point of confusion to which I have alluded, and he said that the amount of tonnage controlled by railroads and by railroad-owned ships, by liners that were controlled by railroads, and by ships controlled by corporations which were not trusts, so to speak, was not over one-third of the total tonnage of the coastwise trade on the Atlantic coast; and that there was severe competition between the vessels engaged in the coastwise trade on the Atlantic coast. I can not give the exact figures and proportions, but I am satisfied that there is a confusion existing upon that subject which I do not think is even warranted by the statements in the Alexander report. I am glad the Senator from Massachusetts will clear it up.

Mr. REED. Mr. President, I examined the Alexander report, I thought, with reasonable care, and reached the conclusion from my examination which I first stated. The Senator from Connecticut and the Senator from Massachusetts arrived at a different conclusion; but if I were to take the figures just given by the Senator from Connecticut and were to say that only one-third of the coastwise business of the United States had combined itself in violation of the principles of law, that it had been seized upon by the railroads, and thus its competition with the railroads removed, I would yet be justified, and abundantly justified, in saying that the favors we have heaped upon the coastwise vessels of the country had met with poor recompense. If the figures given by the Senator from Oklahoma as to rates charged are correct, then there is a just cause of complaint against vessels in the coastwise trade. Instead of appearing in the light of servants of the people, fostered and protected as they have been, they would appear to be engaged in a conspiracy little short of robbery. If it be true, as stated by the Senator from Oklahoma, that goods can be shipped from England in English bottoms 12,000 miles for less than is charged for hauling them 800 miles in a coastwise vessel of the United States, then, instead of protecting and fostering and preserving a monopoly of that kind, we ought to be glad to compel it to meet competition and to fix its rates in competition with the world.

Mr. President, there is another reason—and I am going to appeal to those western Senators who are paying me the compliment of their attention, why the amendment I have in mind ought to be adopted.

The suggestion was well put by the Senator from Oregon [Mr. LANE] a few days ago, that when this canal is opened if all coastwise vessels pay the same tolls, then this is bound to result: That the Canadian ports upon the east and the west, being open to the vessels of all nations and enjoying the advantages of the competitive rates fixed by the boats of all countries, will obtain rates so much lower than will be granted by the coastwise monopoly of the United States, that every Canadian port on the east and every Canadian port on the west will have the advantage over ports of the United States on the eastern and western coasts just to their south. Goods will be landed by vessels flying the flag of England and of every other country. Goods will be transported from Canadian ports at such an advantage that the Canadian farmer upon his wheat, the Canadian merchant upon his goods, the Canadian lumberman upon his lumber, the Canadian citizen, whatever his vocation in life, will enjoy a lower rate than we will be able to obtain from vessels protected by our maritime laws from any competition. The inevitable result will be, if we do not open our ports to the vessels of all nations, that the United States ports will be at a disadvantage with Canadian ports. I do not want to indulge in any extreme statement; no man can look into the future and say that he has the right to speak with certainty, but I fear if we open the Panama Canal to vessels of all nations and do not at the same time open our ports to the vessels of all nations that the canal will prove a commercial disadvantage instead of an advantage to us.

I know how useless it is sometimes to try to talk to the Senate. There is a formative period here when opinions are changed. Then we reach a point where opinion has in a measure crystallized, and at that point talking is of but little use, particularly when the one attempting to talk is no more gifted than am I. I heard of an old farmer who had the reputation of being a sort of amateur veterinary surgeon, for whom the neighbors sent in emergencies. They brought him on one occasion to look at a sick calf. He looked at it a minute, when observing that its eyes were steadfastly fixed, and having seen calves in that condition before, he said: "There is no use wasting medicine on the critter; his eyes are set." I do not know whether at this period of the debate I can enlist the interest of Senators, but I want to put this case to you: If you were about to establish a great wholesale house upon the western coast and you had your option to establish that house at Portland, Oreg., or to establish it at Vancouver, and you expected to sell your goods to the great Northwest, and you realized that into the port of Portland no vessel could come except a vessel engaged in the coastwise trade, flying the American flag, and that there was in fact no real competition between these vessels, and that as conditions are now there is no real competition between them and the railroads which own them, and you had the other option offered of locating your wholesale establishment in Vancouver, where every day there would be at the wharves not only the coastwise vessels of the United States, if they dared to go there to compete, but the vessels of every nation on earth, the liners and the tramps, as a man possessing ordinary business sense, at which place would you locate your great wholesale establishment?

I turn now to my friends from the eastern coast, to the—and I use the term kindly—to the Yankee statesmen upon this floor, and ask them, the Senators from Maine and Massachusetts, to ponder well what may be the effect of taking through the canal products from eastern Canada, from the Canadian cities just north of you, and carrying those goods at the cheapest possible rates, in bottoms that compete each with the other and that sail under every flag known to the breezes of heaven; what will be the effect upon your industries, upon your manufactures? Will you not be forced, in order to save your manufacturers from a competition that will spring directly out of the existence of the Panama Canal, to sacrifice the boat monopoly that has so long existed?

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. Certainly.

Mr. WEEKS. I hope the statement which the Senator has just so forcefully made will lead him to vote against the pending bill. That will be the surest way of preventing the turning over of this trade to our foreign rivals.

Mr. REED. Mr. President, I am not sure at all that the tolls will be sufficient to compensate; I am not sure at all that if we took entirely off our ships the tolls which will be charged other vessels going through the canal we would have yet equalized the difference in freight rates charged by the coastwise vessels of the United States and the rates which are charged by the vessels of the world. I am informed by the Senator from Georgia [Mr. SMITH] that toll exemption would not nearly equalize conditions; but in so far as it would, candor, of course, compels the statement that it would aid to that extent.

Mr. MARTINE of New Jersey. Mr. President, if the Senator will permit me, his reference at the outset of his address, wherein he declared that he thought there was a fair understanding in certain quarters that the amendment which has been offered might be agreeable to the Government of Great Britain, I desire to read a most remarkable statement which I have clipped from the London Times of April 30, 1914. It is as follows:

[From our own correspondent.]

AMENDMENT OF THE PANAMA BILL—SENATE COMMITTEE'S ACTION.

WASHINGTON, *April 19.*

The Senate Committee on Interoceanic Canals is holding this afternoon its final meeting on the Panama tolls-repeal bill. The atmosphere of the committee is not friendly, and the chances are that the bill will be reported either without recommendation or with a suggestion that it be amended. Whichever course is followed, it is beginning to be agreed that the measure is almost certain to be amended during debate.

honest and modest man can do it. When I find that the Congress of the United States by a majority vote and after full debate inserted in the canal law this clause which has been the occasion of the present dispute; when I know that that debate went into every ramification of the question as to our rights under the treaty, and a majority of the Senate and a majority of the House after that debate determined that we did have this right, I can not say that the question does not have two sides. There must be some merit to a contention that has been supported by a majority vote of both Houses of Congress, and for which a majority of the Democrats voted, if my recollection serves me right.

Mr. CLAPP. Overwhelmingly.

Mr. REED. Overwhelmingly, the Senator says, and that is my recollection. Aye, we forced it; we fought for it; we contended for it; we overcame by our votes the tremendous influence and power of the Senator from New York [Mr. ROOT], who contended that the treaty barred us from this privilege.

Who, then, can say that this is not a question at least of serious doubt?

I come now to the present debate. Why, here are men who have been judges of courts, here are Senators of long experience, here are men who, while we meet them as equals in this Chamber, are nevertheless regarded by the country at large as authorities upon questions of law and statesmanship, ranging themselves against the proposition that the United States has violated this treaty; and who shall say the question is beyond doubt?

Mr. President, if it is not beyond doubt, what is our duty to the 100,000,000 people who are not here in the Senate, but who have trusted their rights to us? Is it upon a doubtful proposition, upon a questionable proposition, to concede away their rights; or is it to affirm here that they have a right, and, having affirmed it, to seek by all honorable and fair means to maintain it? Certainly we can afford to go as far as is proposed by the amendment of the Senator from Mississippi [Mr. VARDAMAN], when he asks that we shall assert this right, and then shall appoint a commission to confer diplomatically with reference to it.

I repeat, if this case has not already been ruined, it will be if we pass a questionable resolution of reservation.

Let us examine it.

Yonder stands the representative of the great Government of England. We are going to have an arbitration now, for that is the thing that seems to be ahead of us. The representative of England, without any doubt, without any caviling, without equivocation, without any hesitancy, comes into that tribunal and asserts that under the terms of this treaty the United States can not grant to a vessel of its citizens a single privilege that it must not grant to every other citizen and vessel of the world.

The case proceeds to trial. The representative of Great Britain will introduce the statement of the President of the United States. Exhibit A, that hearing, will be the message of the President of the United States, and the first sentence read, or at least emphasized, will be this:

> That exemption * * * is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

"But," the American representative will reply, "that was merely the statement of the President, and does not commit us." Whereupon the representative of Great Britain will say, "But the President recommended, because of this expressed view, that Congress take certain action, to wit, that it repeal the clause that had given offense; and Congress did take that action, and by so doing it approved the language of the President when he said we had violated the treaty."

"Ah," says the representative of the United States, "but while we did that we reserved our rights." "Yes," says the representative from Great Britain in reply, as he holds up the Simmons amendment, "you reserved your rights which your President said you did not possess, but you did not dare assert a right. You could not get enough votes in either branch of Congress, when you were there all alone, to assert in manly tones that you had a right."

What do you think, Senators, would be your reply if you stood there representing the United States before that board of arbitrament? I think you would do what, once or twice, I have had to do. I have had to ask the court please to permit me to retire.

Mr. CLAPP. Withdraw a juror.

Mr. REED. The Senator from Minnesota suggests that the device in his State is to withdraw a juror.

Mr. President, I did not rise to discuss the main issue. I may do so before this debate is over, because it is not over yet. I say, however, that since the Senator from North Carolina has said, of and concerning his own amendment, that he does not propose to assert any right, but merely to reserve such rights as we may have; and when he has said, in addition to that, that his own opinion is that we have no rights, that we gave them away by this treaty—and, of course, the rights I am discussing are the particular rights that are now in question—since that is the case, in my opinion it becomes imperative that we shall adopt different language than that contained in the amendment offered by the Senator from North Carolina.

I would prefer that amendment to nothing; but a parliamentary situation has been created where I must either vote for that amendment without the right to offer an amendment to it or to vote for an amendment offered by another Senator strengthening it, or . must vote seemingly to give my approval to the uncertain terms of the Simmons amendment. I am going to vote against it, because under the circumstances presented here this morning I think it is far from going to the point to which we should go, and I am going to vote against it in the expectation and hope and certainly that at the proper time I shall have an opportunity to vote for an amendment that asserts the authority of the United States to control this canal as to the domestic commerce of the United States.

Mr. President, I am going to take a moment to discuss this subsidy question. What is the use of Senators undertaking to set up straw men to hide behind? There is not a Senator in this Chamber who does not know what the Baltimore platform said and meant. We need not cavil here about phrases. We knew what we were talking about then, and we know what we are talking about now.

The Baltimore platform contained two propositions which these gentlemen say are contradictory. One was that we condemned ship subsidies; the other was that we proposed that there should be exemption from tolls to the coastwise vessels of the United States. These logicians say now that these two propositions are in conflict, and therefore they will pick the one they choose and stand on that. They forget that if there were two propositions in absolute conflict one of them would kill the other and neither of them would be of any force or validity.

If you have two propositions in absolute conflict, you can not pick the one you choose, because one of them is deadly to the other and both die from the same cause and at the same moment of time. The rule of construction that is adopted everywhere by every court of the world is that when there are two propositions of a different nature you shall, if possible, give to both of them their full meaning and effect, not using one to destroy the other, but construing both so that both shall be vitalized.

Apply that here to what we were talking about. We need not haggle about phrases. For many years the Republican Party had advanced the doctrine of going down into the Treasury of the United States and paying a subsidy in the shape of dollars and cents to certain vessels that might comply with certain rules. We condemned that in many platforms. We were talking about that thing, and only about that thing, when we said in our platform that we condemned subsidies, and we knew what we were talking about—the specific instance, the particular case, the historic topic, had been before us for years.

What was the other proposition? The other proposition was the question of tolls through the canal. We had that before us. It had been the subject of discussion and debate. We knew what we were dealing with. We proposed to say, and we did say, that our coastwise vessels should go through free.

We gain nothing by trying to deceive ourselves and saying that these two propositions being in conflict, we may therefore set aside one of them. They are not in conflict. They are no more in conflict than if we had said, "We are against subsidies"—and for the moment I am conceding this to be a subsidy, which I do not concede as a matter of fact—"we are against paying subsidies to vessels plying between the United States and England, but we are in favor of granting a remission of duties to goods shipped in American vessels plying between North and South America."

If those two propositions had been there together, they could have been construed together, and both of them could have lived, and each would have expressed the pledge it was intended to express. So when it is claimed, as it has been here by many eloquent Senators, that we are in some manner exculpated from our pledge that coastwise vessels shall not be compelled to pay tolls, I can not deceive myself by that sort of argument. I know what we meant by those words, and so do other Senators know, and so does every citizen of the United States know.

That brings us squarely to the question. Having put into our platform the statement that we believed in the exemption from tolls of coastwise vessels, we must either stand by that declaration or we must, in a manly way, say that we are going to repudiate it and give the reasons for repudiating it; but let us not hide behind the miserable pretense that there is a conflict in the two provisions in the platform, when, as a matter of fact, the platform was dealing with two diametrically different propositions.

I have no quarrel in the world with a man who has become convinced that for economic reasons we ought to charge tolls. I have no criticism to make of him. He has a right to take that view and he has a right to go back to his constituency and say, "After maturely studying this question, various considerations arose which made me believe that we ought to declare for a different policy, and I did it." But I can not, so far as I am concerned, tell my people that I did it because there was a conflict in the provisions of the platform.

That brings me to another question. Is this a subsidy? Mr. President, if it is a subsidy, then the Democratic Party has been favoring subsidies ever since there was a Democratic Party.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. REED. Certainly.

Mr. CLAPP. We will be confronted with a good-sized bunch of them when the river and harbor bill comes here from the other House.

Mr. REED. Subsidy! We frequently get ourselves involved in difficulty by trying to go into refinements of reason and refinements of meaning when, as a matter of fact, if we will take language in its ordinary meaning in connection with the subject with which we are dealing there will be no difficulty.

There is not a Senator of the United States who has ever used the term ship subsidy in his life up to the time this debate began, when refinements of reason became very necessary, who ever thought of anything else except the Republican proposition of paying a bounty to a vessel that would carry the American flag, and so forth. He never thought of applying it to a river improvement; he never thought of applying it to a harbor improvement; he never thought of applying it there any more than he thinks of applying the term subsidy to the farmers of this country when there is an appropriation made to kill the boll weevil. The kind of subsidy we have always been dealing with, when we talked about subsidy, is the direct subsidy; but when we have been talking about this other question we have been dealing with the proposition of improving the facilities of commerce; and what have we done along that line? There were a great many vessels plying upon our inland seas. If you had proposed to Congress to pay them a bonus upon the tonnage they carried, every Democrat, at least, would have voted against it, and a great many Republicans. But if on some day you proposed to appropriate $250,000 to remove some rocks out of the channel through which these boats must pass, and to deepen the channel, so that commerce could pass over it, it would be voted not as a subsidy but merely as an aid to commerce. Everybody understands that distinction. Gentlemen can stand here and talk until they are black in the face, and they will not even convince themselves that they have been successful in producing a gold brick that will deceive their own judgment.

What have we done? It has been asked here many times. Just let us rehearse it. We started in spending millions and millions of dollars on the Ohio River. We acquired canals that had been privately owned and we built canals. As one said this morning, there is a bill now in Congress to expend $3,000,000 to buy a canal from Philadelphia to Baltimore—that is a toll canal—and to give it to commerce free, aye, to give it to this wicked trust we have heard so much about, for the boats that will ply on that canal are just as much in combination as these other boats. We have appropriated, or approved a plan to appropriate, $20,000,000 for the improvement of the Missouri River. We have appropriated altogether and paid altogether, I think, nearly $400,000,000 for the improvement of the waterways of this country, and whether it is a channel dug through a lake, or a canal dug across the dry ground, or whether it is the removal of stumps and bars in rivers, or whether it is the dredging of harbors, in every instance it has been done since the foundations of this Republic without anybody ever attaching the word "subsidy" to it.

Now, let us assume for a moment that there had not been any treaty with England, and that by honest methods we had acquired a strip of land 10 miles wide across the Isthmus of Panama and without regard to any other nation on earth, but simply because we wanted to promote competition between the transcontinental railroads and the boats plying along our coasts we had expended $400,000,000 to build that canal, how would we have undertaken to justify it to the people of the United States? We would have justified the expenditure of that money as we have justified the expenditure of every dollar that has been expended since the foundation of the Government in improving harbors, rivers, and lakes, and in the acquisition of canals, namely, upon the sole ground that the Government of the United States was providing a means of communication between the different parts of this country, and it was doing no more and no less than it would do if it built a public highway across the land upon which the commerce of the people could move. We would have replied the benefit comes back to the people of the United States in recompense for the taxes they shall pay in the form of a cheaper transportation and a less tax upon the industry, and the production of the land. That would have been the answer we would have returned. No man could have or would have cried "subsidy," because we would have been doing a few hundred miles from our coast that which we are now doing within the body of the United States itself. The claim of subsidy would not have been upon the lips of any man.

How can you justify permitting vessels to go through this canal engaged in the coastwise trade of the United States? I am putting aside the treaty now for a moment. You can justify it upon the hypothesis that as an original proposition the great causes for building this canal were two—one to add to our strength in time of war, which I need not pause to discuss, and the other to cheapen the cost of transportation between the Pacific and the Atlantic and to create an actual, active rival for the railroads and force a reduction of railroad rates.

That is the argument that was advanced. Those are the reasons why we built this canal. We did not build it out of any chimerical love of humanity. We did not build it as a benefaction to the world. We built this canal and the people were content to pay for it, because they believed it would add to our strength in time of war, for the reason that it would permit our fleets to pass from the Atlantic to the Pacific by the short route and from the Pacific back to the Atlantic, so that we could meet with our entire fleet an enemy in either sea, and so that we could mass our entire fleet upon either coast that was menaced. We did it for the other reason that we wanted to get the products of the East and the products of the West back and forth at the least possible cost. The people were content under those circumstances to pay for the canal.

If the purpose was to produce a rival for the railroads and to force a reduction of railroad rates, then just in proportion as you increase the burdens upon the shipping you decrease the ability of the owner of the vessel to compete, and every dollar you add to the cost of hauling goods through the canal you enable the railroads to add to every pound of freight they carry across the continent overland. It is because of the consideration that a reduction of the water tolls to the lowest rates will force a reduction of the land tolls on the vast volume of trade that crosses the country that some of us voted originally for this tolls exemption.

I do not like to see Senators whom I regard highly stand upon this floor and hear them say that those who oppose the repeal of the tolls exemption are doing it in the interest of a shipping trust. It is an unfair argument, and it puts the Democratic Party in the position of having voted for the shipping trust and having favored the shipping trust at the session of Congress in 1912 when we passed the act.

Mr. CLAPP. Will the Senator pardon me?

Mr. REED. Yes.

Mr. CLAPP. Does it not put them in the still worse position of tacitly admitting that this administration does not intend to enforce the prohibition in the existing law against monopolized ships or ships owned by railroads?

Mr. REED. I was coming to that. It also puts the Democratic Party in a position of having either through ignorance or willfully in its platform in Baltimore taken the side of the coastwise shipping monopoly, a proposition that I repudiate, and then it puts us in the position suggested by the Senator from Minnesota [Mr. CLAPP] a moment ago, which I need not repeat. Is that fair? Is that true? Is there any Senator who will rise in this Chamber and look me in the eye or any other man in the eye and say that the Democrats voted in favor of a ship monopoly, intending further to enable that monopoly to feather its nest and to pluck the feathers from the body of honest commerce, if I may use so very bad a metaphor?

Let me show you what the other side of that would be and how unfair it would be to argue this question in the same

says, controlled by a monopoly enjoying a special privilege, if he does not think he could afford to support the amendment which I have proposed to destroy this monopoly by opening all the ports of the United States to the vessels of all nations?

Mr. LEA of Tennessee. I will say to the Senator from Missouri that at another time I should be delighted to support a bill repealing the law touching the coastwise vessels which gives them a monopoly; but I would not support any amendment brought in at this time which would result, even if it were not the purpose of the amendment, in defeating what I think is absolutely a meritorious and necessary measure, namely, the repeal of the subsidy granted by the act of 1912.

Mr. REED. I beg to say to the Senator from Tennessee that I have not offered the amendment for the purpose of defeating the bill. I have offered the amendment as a means to do two things: One is to avoid the difficulties which have been raised against this bill, and the other is to avoid the exactions of this coastwise monopoly. I have not offered the amendment with any purpose such as the Senator might have meant to intimate by his remarks.

Mr. LEA of Tennessee. I will say to the Senator from Missouri that as an independent proposition I should be glad to support it, but as an amendment to this proposed act I would not.

It is said that the Underwood-Simmons tariff bill, in which all of us on this side of the Chamber feel as much confidence and to which we point with as much pride as when it was enacted into law, contains a provision that is a subsidy. Grant it. But the bill contains so much more good that this evil did not justify any Democrat in either branch of Congress in opposing it or the President in not signing it because it contained one un-Democratic and vicious provision.

It is said that we grant a subsidy when we develop the internal waterways of this country and do not exact tolls. This is not sound nor a correct analogy to granting of exemption from tolls upon the Panama Canal.

The work upon our rivers and harbors is necessarily work of internal improvement, and all who have reason or cause to benefit by these improvements use them upon the same terms of absolute equality.

The English vessel or the Chinese bark that comes into our harbors improved by American dollars uses it upon the same terms as our domestic vessels.

The question before us is not whether there should be any tolls, whether any tolls should be imposed upon vessels using the canal, but whether we should exempt a certain class of vessels using the canal.

Personally I hope the day may come when this great country can afford to spend the nearly $30,000,000 per annum necessary for the maintenance of the canal and the investment, and charge not one cent of tolls to any vessel in the world, receiving in compensation for this great outlay a reduced price upon the commodities transported through it, a compensation to be enjoyed by all, great and small, rich and poor, monopoly and independent, which, unlike a subsidy to a class, would find its way into the pockets of the smallest of the common people; but to-day we are concerned not with this but merely with the question of whether we will grant a subsidy to our coastwise vessels.

To subsidize was once a term of opprobrium. To subsidize is defined in the Century Dictionary "to secure the cooperation of by bribing."

> Pietro could never save a dollar? Straight
> He must be subsidized at our expense.

Must we nickname our coastwise vessels Pietros?

Subsidies have fallen into such disrepute that those who favor their being paid out of the Public Treasury seek to call them by the more euphonious term of "subvention." But whether called subvention or subsidy, the principle is wrong which permits taxes to be collected from all of the people and a part of them returned to a few who are powerful and rich enough to secure by legislation this privilege.

One word more in conclusion.

It has been charged during this debate that the votes in favor of the repeal will be given by those who believe, first, that exemption violates the Hay-Pauncefote treaty; second, by those who believe that exemption is economically unsound; and, third, by those who are influenced by the Executive to adopt his view in preference to their own.

While I do not enjoy the pleasure of the most intimate association with the President, yet I feel that I know enough of his attitude upon this as well as upon all public questions to say that he would be the last man in the world to attempt to substitute his judgment or opinion for the judgment or opinion of any man, unless the reasons controlling his judgment and opinion appealed to those with whom he is associated as strongly as they do to his own mind.

It is evident to all who have even a passing acquaintance with political conditions that the President is passing, and passing triumphantly, through the crisis of his administration. The assault is most terrific at this time, because the enemies of the administration and the foes of the principles for which Woodrow Wilson stands know that if he solves successfully the problems immediately confronting his administration that not only will he justify the belief of the American electorate that placed power in his hands, but that he will hand down to posterity a record of greater achievements than have been accomplished by any other administration within the same period of time.

Whatever may be the views of individual Senators upon the phases of the problems embodied in the pending measures, if one has doubt as to his course it should be the attitude of each Senator to resolve that doubt in favor of sustaining at this time the man in the White House, whom all concede to be animated by the purest motives and the highest purposes, and who to a singular degree is the Chief Executive of all the people of this great country.

Woodrow Wilson's ambition is to contribute to the amelioration of humanity. Let us help him.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from North Carolina [Mr. SIMMONS] to the amendment of the committee.

Mr. REED. Mr. President, I regret very much that the point of order was made this morning against the amendment offered by the Senator from Utah [Mr. SUTHERLAND]. It looks to me as though there was some design in arranging a situation to force a vote upon a proposition framed in a particular way and to avoid a free vote upon a question differently and more vigorously stated.

Mr. SMITH of Georgia. Will the Senator from Missouri yield to me for just a moment?

Mr. REED. Yes.

Mr. SMITH of Georgia. I think I can at once relieve the Senator's mind of that impression. We who are going to vote for this substitute concede that as soon as it is substituted for the committee report, the amendment then is open to amendment, and is open to amendment in the freest and most complete way, and that it is even also open to a complete new substitute.

I took an entirely opposite view from the ruling of the Chair on yesterday morning, and I tried to sustain it, but I concluded that the authorities were against me.

Mr. REED. Mr. President, I think I understand the situation, and I do not think it exists without design. I think I understand fully why the point of order is insisted upon. I used to know an Irish gentleman who had an expression that ran like this, "I did not come to town yesterday." The committee propose an amendment to this bill; a prominent member of the committee brought in an amendment to the amendment; the Senator from Nebraska [Mr. NORRIS] proposed to amend that amendment, which was the last step which could be taken under parliamentary law, but if the situation had remained in that way there would have been a vote upon the amendment offered by the Senator from Nebraska. Thereupon the Senator from Nebraska was induced to have his amendment incorporated, and it having been incorporated and withdrawn by the Senator, a parliamentary situation was created by which, under the ruling of the Chair, no further amendments could be made. I think that was pretty carefully worked out.

Mr. BRISTOW. Mr. President, may I call the Senator's attention to the fact that the Senator who supported the point of order stated that during the last 24 hours he had consulted with some great authority in regard to the rules, and so forth, governing this body?

Mr. REED. The Senator might also call my attention to the fact that the whole matter was spoken of in the press of Washington, and it was stated that the Senator from Nebraska had very adroitly gained an advantage, so that he could force a vote.

I am not criticizing the Senator from Nebraska. He stated that there were certain things he wanted incorporated, and being in some doubt, I apprehend, whether his goods would get to town if he undertook to haul them in his own cart, he was willing to load them into a wagon which he thought had a better opportunity to arrive; and, therefore, I think he was very shrewd in making the move he did. But, nevertheless, I think that this situation has been created for the purpose of preventing a square vote at this time upon the broad question whether the Senate means to say to all the world that, in its opinion the United States is free to exempt its coastwise vessels from the payment of tolls and to force the question on

here, and have adopted a sort of compromise in an innocuous form.

So far as I am concerned I think that the great question we are now settling is not one of subsidy; it is not one of tolls; it is not one of internal policy. The question we are settling now, and from which we can not escape, is whether the United States has any rights in the Panama Canal not possessed by every other nation on earth, except the right to pay the interest, maintain the canal, and protect it, if need be, by the blood and treasure of the country.

I want the opportunity now at this time to vote upon that question, to vote upon it squarely, frankly, manfully, and not to dodge it in any way or not to hide behind a phraseology so doubtful that it seems to me it must have originated in the brain of some diplomat who wrote the Panama Canal treaty.

I am not saying how I shall vote on this bill at this time, because I do not know the form this bill will assume before the final vote comes, but I can say to the friends of this bill that they do not incline me toward its support by denying me the opportunity to vote squarely upon the proposition whether we propose to assert our ownership, our control, and our sovereignty over this property.

Mr. President, I did not intend at this time to go into the argument of the merits of the case. I do not know that I shall at any time impose on the good nature of the Senate and upon the impatience of those who have already spoken two or three times by making any prolonged remarks. I have observed, however, I remark in passing, that the man who is perfectly satisfied in his own mind that the time has arrived for a vote, and that any delay is inimical to the welfare of the country and jeopardizes the entire course of creation, is a man who has himself made two or three speeches.

Mr. President, this question has assumed this morning a phase which, it seems to me, demands a more positive statement on the part of the Senate than was demanded by the conditions yesterday. Now, let us see what it is. We are face to face with the question whether the United States has any rights in the Panama Canal that are of any real value except the right to fortify. It is insisted that the amendment offered by the Senator from Nebraska and the Senator from North Carolina preserves whatever rights we have, and that, therefore, by the repeal of the tolls clause we leave ourselves in as good a position as we were before we repealed the tolls clause.

Mr. President, if the author of that amendment had asserted upon the floor of the Senate that he believed we had the right to control this canal; that the treaty had not taken away from us that right, and he had offered the amendment to carry out that purpose, his amendment would have meant very much more, in my opinion, than it does when he says "I do not believe we have any rights; and being an advocate of the doctrine that the United States has no right, I offer this amendment." To what end or purpose does a man who believes that the United States has no rights proceed to recite that we do not hereby waive the rights which he, the author, says we do not possess?

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Missouri yield to the Senator from Arizona?

Mr. REED. I do.

Mr. ASHURST. I wish to make an observation, and I thank the Senator from Missouri for yielding to me, as I might not have the opportunity to make it later on.

I shall, of course, vote against the amendment proposed by the distinguished Senator from North Carolina [Mr. SIMMONS]. I have large respect for that eminent statesman, but have no respect for his amendment. I have never liked shams of any kind. I am just thinking in what category or what place history will write this amendment, whether it will write it down as the Simmons amendment or the Simmons apology; but it occurs to me that it will be written in history as the Simmons tango, because it is one step forward, two steps backward, and then a "side step." [Laughter.]

Mr. REED. Now, Mr. President, I wonder what sort of standing we will have in an international court of arbitration, referred to by the Senator from Mississippi [Mr. WILLIAMS], who is a very strong advocate of arbitrating all international disputes, and who is a most eloquent advocate of that doctrine—I wonder what kind of position we will occupy before that tribunal when we come in and lay down our papers in the case, and the question is raised by England, as it will be raised, "You waived your rights, you conceded the contention of England when you repealed the tolls clause"—when that transpires I wonder how the representative of the United States Government will appear when he declares, "No; we did not waive our rights; we adopted the Simmons amendment, reserving our rights," and the English statesman replies that from the record written out of the mouth of the Senator who wrote this amendment he himself declared we had no rights.

Will we not be in a wonderfully strong position before a court of arbitration under those circumstances? Why, sir, we will be like a disputant in a court over a land title, where one party sturdily insists that he is the owner of the land, and the other appears, saying, "I should like to try the question whether I am the owner of the land; and I at one time declared that I reserved my rights as owner if I had any, but in the same breath and at the same moment of time I said I knew mighty well I did not have any." How long could a litigant stand in court under those conditions and circumstances?

If this question must ever go to arbitration, I should like it to go to arbitration at least with a square declaration of right. No man ever won a lawsuit in a court of arbitration or in any other court who did not go there asserting that he had a right. No man ever gained a controversy in a court where his opponent was insisting sturdily upon a certain right, and he himself was standing in an attitude that to say the least is pusillanimous, and saying: "I do not know whether I have any rights or not, but if I have any rights then I want the court to find out whether I have them or not. I can not assert them myself."

Nobody ever won a lawsuit that way. No nation ever gained a controversy that way. I am in favor of saying here to-day that we do stand asserting a right; not that we stand here asserting that if we have something then we propose to say that we have not by this act given it away.

The unfortunate thing about the case now is that I am afraid it is ruined at this point. I am afraid enough has transpired now, so that if we ever go to any court of arbitration on earth the representatives of the people of the United States have furnished arguments that will put us out of court and insure a judgment against us.

It was well said here by the Senator from Mississippi that we are but temporary incumbents. Ah, Mr. President, I want to enforce that thought. We are but temporary incumbents. We are but trustees, holding for a time the responsible position of representing the people of the United States. I want to draw a line between our duty here as trustees and what our rights might be if we were proprietors.

There is a great difference between the right of a trustee and the right of a proprietor. A proprietor, having engaged himself in a contract with his neighbor, and finding that a dispute or difference of opinion has arisen between them, may assume the old-fashioned southern gentleman's attitude and say to his neighbor: "Well, sir, rather than have a dispute with you, I yield you the $1,000 that you claim," or, "I yield you the possession you insist you understood you were to have." Being the proprietor, the owner of the land, or the possessor of the money, he can pay a compliment to his own generosity, and he can pay a compliment in like manner to his instincts as a gentleman, by giving to his neighbor that which is his own. But, sir, if he has in his hand the property of the widow or the orphan or the friend, he can not be generous with that money. He can not give that away in compliment of his ideas as a gentleman. He can not transfer the rights of those whom he represents on any other ground or basis save that he is compelled to do it as a matter of absolute justice; and when there is a serious dispute on a question of fact he has no right to resolve it against his cestui que trust. It is his business at least to have the decision of some impartial tribunal before he yields those rights.

So, when I hear men talk about our high sense of honor, and how we should not permit a dispute to arise, urging that foreign nations have arrived at a conclusion that they have as much right in the canal as we have, and therefore, to be generous, to be good hearted, to be whole souled, we should concede the point, I remind those who think they ought to concede this point that, as was said by the Senator from Mississippi, they are here only in a transitory state. They do not own this canal. The people of the United States own this canal. Every dollar of money that has been spent, and every dollar of money that must yet be paid, is but coined sweat from the brow of the labor of the United States; and the only justification we can have for yielding this great point of dispute is to justify it by asserting that it is without question against us.

Mr. President, who can assert that it is without question against us, and do it with the modesty which ought to become a man? I may well say that, to my mind, the question is without dispute; but when I find my brother Senator, as capable, as efficient as myself—aye, more capable and efficient than myself—taking the diametrically opposite view, I can no longer assert that the question does not have two sides, and no other

which it is to be hoped will yet be established under the American flag.

Mr. President, I assume it will be admitted that the Pacific coast is a part of the Union, that the Pacific Coast States are States of the Union, that the cities of San Francisco and New Orleans have the same right to have their traffic from port to port go through any waterway of the United States free of charge as the people of Baltimore and Philadelphia have a right to have it transported through the Delaware Canal, which brings the Chesapeake and Delaware Bays into conjunction as a connected waterway of the country.

It seems to me, therefore, that no difference of opinion can arise upon the question as to whether that should be imposed as a charge upon the National Treasury or a charge upon the tonnage transported. The people of the Pacific and the Gulf coasts have the same right to have tonnage transported between these coasts free from any charge for waterway improvement that the people of Philadelphia and Baltimore have, or the people of Boston and of Beaufort, S. C., have, connected, as they will be some day, by an inland waterway embracing the Cape Cod Canal, Long Island Sound, Delaware River, Delaware Bay, Chesapeake Bay, and Pamlico Sound, without any charge whatever so far as the Government itself is concerned. I have not the slightest doubt that within a reasonable time the Cape Cod Canal itself will be acquired by the Government, and for the express purpose of relieving the tonnage of a tax imposed upon it by private interests.

Mr. President, these pledges with reference to the waterways of the country are specific. They were contained in the platforms of 1908 and of 1912. They are just as explicit as the platform pledge regarding subsidy. They are just as explicit as the platform pledge regarding the exemption of domestic vessels from Panama tolls. All these are pledges given by the Democratic Party to the American people. Then will it be contended for a moment that this waterway improvement constitutes a subsidy; that the great waterway development called for by our platform involves a subsidy to private interests forbidden by another plank?

The platform itself interprets the term "subsidy." It absolutely excludes its application to any exemption from charge for either construction or maintenance of the waterways of the country. It clearly recognizes the right and the wise policy of the American Government to improve its waterways and impose the entire charge of construction and of upkeep upon the Federal Treasury.

Mr. President, we now come to the treaty. We are told that we can not pursue this domestic policy which has been built up in a hundred years with reference to domestic vessels of American registry engaged in a business in which no foreign interest can engage, because we entered into a treaty with Great Britain regarding the construction of the Panama Canal, an enterprise in which Great Britain did not put up a dollar, the only basis of her recognition being a treaty, the Bulwer-Clayton treaty, a worn-out treaty which it would have been our right at any time to have condemned under the law of nations.

I do not propose, so far as I am concerned, to enter into the reason of the question as to whether the Panama Canal treaty obligates us to give to England the same treatment that we give to our domestic vessels under a purely domestic policy. I do not propose to repeat the argument which I made two years ago in reply to the Senator from New York upon this subject. I stand upon the argument that I made then. I do not believe that that treaty has any relation whatever to our purely domestic policy, to the regulations of our domestic sovereignty with reference to matters entirely under our jurisdiction and control; and, believing that, I maintain we have a right to declare that we should continue to pursue the traditional American policy with reference to a domestic waterway constructed by American money in its relation to purely domestic ships engaged in purely domestic trade.

But the President of the United States is of a different view. He believes that that treaty controls our domestic policy; that under that treaty we have put ourselves in a strait-jacket with reference to our domestic tonnage, and that honor and good faith demand that we should repeal the exemption; and he asks us to repeal it.

Numerous amendments have been proposed providing different methods of disposing of this great question. Among these amendments, unless we stand firmly by the repeal, the best, it seems to me, is that suggested by the Senator from Mississippi [Mr. VARDAMAN], which provides for a suspension of this exemption for the period of two years and for a diplomatic negotiation, not an arbitration, with England, with a view to adjusting this difficulty. I think that is an eminently practical way of reaching this question.

The country is divided in opinion regarding the construction of this treaty. Statesmen are divided in opinion. Lawyers are divided in opinion. Many men of distinction in England believe that the construction which we have given to this treaty is right. Mr. Innes, the diplomatic representative of England, in one of his letters declared that this question of the coastwise traffic involved a question of serious doubt, and indicated that it might lawfully be withdrawn from the operation of the treaty if the withdrawal should be applied to coastwise traffic alone. So in the diplomatic correspondence we find a doubt expressed by England herself as to the correctness of this contention regarding the coastwise traffic in domestic ships. Yet thus far there has been no parley, no diplomatic negotiation, regarding the matter. Why should we proceed to arbitration now when diplomatic negotiation conducted by diplomatic representatives of both nations may bring about an amicable adjustment of this matter?

For my part, I have always thought if we had declared in the tolls act that our purpose in exempting American ships was not to impose an additional burden upon international tonnage, but to make the cost chargeable to domestic tonnage a charge against the Treasury of the United States, England would not have taken the position which she did. In a speech which I made two years ago I insisted upon it that we should by amendment insert in the act a declaration of our purpose, our honorable purpose, not to impose upon foreign countries the burden from which we relieve our domestic vessels, but simply to frankly impose that charge against the Treasury of the United States pursuant to the fixed and traditional policy of the United States with reference to our domestic waterways.

I believe this matter could be settled by diplomatic negotiation, and I see no reason why we should absolutely surrender our contention when possibly by diplomatic negotiation the matter can be adjusted to the mutual satisfaction of England and the United States. There is such a thing as an unconscionable contract from which diplomacy as well as equity may relieve. And if this treaty really means what the supporters of this repeal declare it means, then it is a hard bargain, an unconscionable agreement, from which the honest purpose of England will doubtless relieve us, if assurance is given that the burthen from which our domestic ships are relieved will not be transferred to the ships of other nations.

A suggestion which strikes me favorably is the suggestion of the Senator from Montana [Mr. WALSH] that we should provide a method by which a suit, which will finally find its way to the Supreme Court of the United States by some expedited process, can determine whether this exemption is in derogation of the treaty. The Supreme Court is called upon to interpret our Constitution; it is called upon to determine whether our laws infringe upon that Constitution; it is called upon frequently to determine the question of treaty rights. Why should not this question of domestic legislation be submitted by some quick process to that tribunal for determination before we surrender for all time our right to legislate upon one of the most important of our domestic affairs?

Mr. President, I have listened with great interest to this debate. I recognize, of course, the high purpose of the President, his conscientiousness and courage in recommending legislation in direct contradiction of our platform. Believing, as he doubtless does, that the legislation of 1912 is an infringement of the treaty, and realizing, as he does, that a treaty is the supreme law of the land, he is right, from that standpoint, in advising that the supreme law of the land should stand above a mere party platform. I have no criticism to make of him regarding his action, but I have no similar appreciation of or praise for those men who, believing to the contrary, will vote for this bill simply with a view to supporting an administration measure.

I propose to stand by my original vote because I am unconvinced, because I believe that as a matter of public policy the waterways of the country should be a charge upon the National Treasury and not upon the tonnage transported upon them, and because I believe that the treaty, whilst requiring equality of treatment with reference to international tonnage, has no application whatever to purely domestic tonnage carried upon domestic ships and between domestic ports.

Mr. LEA of Tennessee. Mr. President, I desire to make a short statement giving the reasons for the vote which I intend to cast.

The discussion of the repeal of the act granting exemption from tolls of American coastwise shipping has passed beyond the limits of a debate. It is now a yawning invitation to all Senators to indulge in monologues, and one which will apparently not be withdrawn until accepted by all the Members of this body.

Therefore, for the purpose of conserving time, I accept the invitation and will state briefly the reasons which control my vote upon this question.

It is customary at the threshold of a discussion of this question to analyze the Hay-Pauncefote treaty, to split hairs, to define the ordinary meaning of commonplace words, and to end by construing the exemption as being permitted or prohibited by the treaty, according to the conviction of the speaker.

I am not going to discuss this phase of the question, for even if it were conceded that the exemption from tolls of our coastwise shipping did not violate the treaty I should, nevertheless, vote to repeal that provision of the act of 1912.

If the view be sound—that the treaty is not violated by the exemption—then those Senators adhering to this view should be the last to urge that by the repeal of this provision we are surrendering any part of our complete and absolute sovereignty of the Canal Zone or recognizing any right of Great Britain, or any other nation on earth, to interfere with our management or control of the canal.

Under their view it is immaterial whether we merely pass the repealing act as it came from the House of Representatives or ornament it with amendments containing trite truisms which can neither add to nor subtract from the obligations of the treaty, for in repealing the exemption, which according to their view is not affected by the treaty, we are not surrendering sovereignty or truckling to England, or waiving our rights to fortify the canal and use it in times of war to the best advantage of American arms. By statute Congress can not add or subtract one iota to or from the obligation of a treaty.

Irrespective of what our relations with England may have been or are—whether we are next of kin, drawn together by ties of blood, or foes suspicious of each other—neither view should blind our eyes or warp our judgment in considering the great economic question involved in exempting our coastwise vessels from the payment of tolls.

But, before answering, or even considering this question, those of us on this side of the Chamber must answer another question, whether as Democrats we are free to consider and determine the economic soundness of the tolls exemption, or are we bound by our party platform, promulgated at Baltimore in 1912, to vote against repealing this act.

Under the head of "Merchant marine," there was inserted in that platform the following plank:

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

If that was the only provision contained in the party pronouncement, then whatever might be my convictions as to the wisdom or unwisdom of the exemption from tolls I would feel bound to vote against the repeal.

The same section, however, provides:

> We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Despite the severe characterization of the Senator from Montana [Mr. WALSH] of those who insist that these two planks in the platform are contradictory, I can not but believe that only one of them can stand as the view of the Democratic Party.

The plank last quoted directly prohibits the granting of bounties or subsidies from the Public Treasury.

Is the exemption from tolls to the coastwise vessels a bounty or subsidy?

The canal is owned by the United States. The tolls collected will be covered into the Treasury. If the act of August 24, 1912, instead of granting the exemption, had provided that out of moneys in the Treasury not otherwise appropriated the sum of $1.25 per ton should be paid to the American coastwise vessels that went through the canal no one could question but that such an act granted a direct subsidy, and yet the exemption from tolls grants to the vessels so exempted an uncollected bounty of $1.25 per ton and deprives the United States Treasury of an equal amount per ton, and the only difference in this case between the exemption and the subsidy is a matter of bookkeeping, the largess or bounty of $1.25 per ton being granted by statute instead of being collected, covered into the Treasury, and repaid.

The exemption being a subsidy, the question, therefore, is, Which of the two planks, inconsistent with and contradictory of each other, must perish and which survive?

To determine this we must look to the history of the party. The Democratic Party has always been a friend of the merchant marine, and has believed that it should be built up, not by subsidy and the granting of privilege to a favored few, but by the repeal of the laws and a cessation of the policy that destroyed it, so it may be built on a foundation which will be both sound and lasting.

In the platform of 1904 we find the special denunciation of ship subsidy under the heading "Merchant marine," as follows:

> We denounce the ship subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes and a wasteful, illegical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.
>
> We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

Again, in the platform adopted at Denver in 1908 we find another prohibition against the building up of our merchant marine by bounty:

> We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

Such is in line with the settled policy and established traditions of the Democratic Party, for in the platform adopted at Baltimore in 1872 we find a specific plank against giving grants or bounties to railroads and other corporations.

If we are to regard the plank in the Baltimore platform declaring in favor of the tolls exemption of coastwise vessels as destructive of, as repealing, or rendering ineffective the other plank against granting subsidies and bounties from the Treasury to our merchant marine, of which the coastwise vessels are a part, then we must overthrow the established policy of the Democratic Party throughout its long and useful life and no longer inveigh against the granting of special privilege to a favored few.

With the history of the party before us, its traditions, and the opportunities it offers for equality of service to all, the conclusion is inevitable that the provision in the Baltimore platform declaring in favor of granting exemption from tolls of coastwise vessels is rendered nugatory and without meaning by the other provision declaring against the granting of subsidies to the merchant marine, which is sanctioned by the traditions and policies of the party since the days of Jackson and Jefferson.

Believing that as a Democrat I can vote in favor of the repealing act, not only without violating the Democratic platform, but that the platform requires me to vote for the repeal in order that I may carry out the provision against subsidies, I am delighted to find that the platform provision coincides with my belief in the economic unsoundness of the exemption.

The history of this country is told in the story of the struggle between privilege and democracy. Privilege knows neither section nor party. Slavery was a species of privilege granted and protected by the Constitution, a privilege which was not only inhuman but economically unsound, and the greatest curse ever visited upon the section which, within its constitutional rights, fought to disrupt the Union to the end that this privilege might be preserved.

The tariff is but another striking example of privilege, and the industry that is built to exist and prosper only when protected, is built upon a foundation of quicksand and must in the end crumble and be reduced to ashes, as was slavery.

At the inception of our life as a Nation privilege in the form of slavery was established.

At the outset of our domestic industrial life privilege in the form of a tariff became the settled policy of our country; and now, at the outset of our life as the greatest international power, we are again asked to place privilege in the saddle by granting a subsidy in the form of a toll exemption to a shipping industry that is in no need of such exemption and is powerful enough to prevent the exemption from finding its way into the pockets of the ultimate consumer.

Trade, industry, and commerce are no longer provincial or domestic, but are international.

Irrespective of which flag flies at the mast of our vessels, be they regular liners or tramps, we find, through the holding companies, trusts, and combinations, English capital promoting and owning American bottoms and American dollars building part of the English merchant marine.

A monopoly has been given by statute to the coastwise trade. This was a mistake. Shall we add to this mistake at this time by giving to that monopoly the exemption which it neither needs nor deserves?

Mr. REED. Mr. President——

The PRESIDING OFFICER (Mr. LEE of Maryland in the chair). Does the Senator from Tennessee yield to the Senator from Missouri?

Mr. LEA of Tennessee. I do.

Mr. REED. I am glad to hear the Senator from Tennessee admit that the coastwise trade is given a monopoly, and I want to ask him, in view of the fact that the coastwise trade is, as he

There is no "otherwise" about it. Whatever rights we have in regard to the Panama Canal are treaty rights——

Mr. SUTHERLAND. Mr. President——

Mr. WILLIAMS. We have rights growing out of the treaty with Panama, as her grantee under certain conditions; we have rights growing out of a treaty with Great Britain, which treaty was repented in the Panama treaty, but there are no inherent "otherwise" rights there. We have under those treaties the right of absolute sovereignty, the right to fortify, the right to defend, the right to control and manage under such rules as we ourselves may make, subject to the one plain condition, namely, that we shall treat the commerce of the world passing through the canal equally. In my opinion that rule of equality does not refer to the coastwise vessels, but in the opinion of some people it does. It is disputed, is here and now disputed; let it be determined, arbitrated.

Mr. SUTHERLAND. Mr. President——

Mr. WILLIAMS. One word, and then I will yield to the Senator. I find further on, after the amendment says "under such treaties or otherwise," this language:

With respect to the sovereignty over—

Our sovereignty over the strip—the land and the people of the strip—is absolutely unimpeached and unquestioned by anybody. It is only in our management and operation and control of the canal and as to the sole condition that we shall manage, operate, and control it with equality for all and without discrimination against it. In this one particular only is our activity in the slightest degree limited. I am not willing to say that there is any question of sovereignty necessary to be reserved at all. Nobody is disputing it. With the exception of Colon and Panama, we own the canal strip just as we own Porto Rico, and have the same rights. It is only with regard to the operation and management of the canal itself that the rule of equality is invoked as a condition precedent to the grant. Great Britain has come into the forum and said, "I protest that you have violated the rule of equality. You admit the existence of the rule, but you say you have not violated it, because coastwise ships do not fall within the intendment of the act." Then we went on and passed an act in which we make ourselves the sole judges in our own case, asserting by legislation our own interpretation, and, without considering Great Britain at all or the other nations of the world at all, though these last receive the benefit of this treaty provision. We say that we will, anyhow, exempt these ships; none of you have anything to do with it; we do not care what rights you claim under treaty with us.

Now and then a gentleman says to me that "If you repeal this act you leave nothing to arbitrate except an abstract right." Why, my friends, if you will think for a moment, that was all that was left between us and Great Britain in Revolutionary War days. She repealed the stamp act; she repealed the duty on tea; but she asserted the right to reimpose them whenever she pleased; and we said, "You have no right to sit on the other side of the water and determine that question for yourself; we have an equal right to determine it. So long as the direct act is repealed, there is nothing but a so-called abstract right at issue between you and me; but that abstract right is the most sacred of all possible things." So we asserted upon the battle field our right of equal construction of an unwritten constitutional agreement between the various branches of the English-speaking race under which we thought that an Englishman born in America had every right that an Englishman born in Great Britain had. Now I yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, I was struck by the statement which the Senator made, that we had no rights in Panama except treaty rights. Does the Senator mean that?

Mr. WILLIAMS. I mean that every right we have in Panama arises from a treaty; yes.

Mr. SUTHERLAND. Does the Senator take that position because we went there by virtue of a treaty with Panama?

Mr. WILLIAMS. We went there by virtue of a treaty. We had the right to go there by virtue of a treaty. We bought and paid for the land by virtue of a treaty. We acquired this strip by virtue of a treaty. We constructed the canal by virtue of a treaty, and we constructed the canal under certain preagreed conditions and limitations upon our management by virtue of treaties.

Mr. SUTHERLAND. We got Louisiana by virtue of a treaty. We got California, Utah, Colorado, and New Mexico by virtue of a treaty. Does the Senator think we have no rights in California and Louisiana except treaty rights?

Mr. WILLIAMS. Oh, the Senator from Utah is too good a lawyer and too smart a man to attempt to leave either upon my mind or upon the mind of the country the impression that he thinks the two acquisitions and the purposes of the two acquisitions were in the slightest degree analogous.

Mr. SUTHERLAND. Mr. President——

Mr. WILLIAMS. We acquired Louisiana by treaty, under an agreement that that very territory should become a part of the United States, and in the course of time should be constructed into States upon an equal footing with all the original States. It was a part of the very treaty. Had we failed to do our duty, and to grant liberty and free government to Louisiana, we would have been violating the treaty. In that case and in the case of California and in the other cases to which the Senator refers, the thing that we acquired by treaty was the right to rule and govern and absorb into ourselves as parts of ourselves the land and the people.

The thing that we acquired the right to do by treaty in Panama was to construct a canal to be operated under certain conditions; and with it, in order to facilitate our operations, there went sovereignty and right of defense and government over a certain prescribed zone. Surely the Senator does not want the country to believe that the rights under the treaty whereby we acquired Louisiana, for example, are in the slightest degree analogous with the rights which we acquired under the treaty with Panama.

Mr. SUTHERLAND. Mr. President, of course the treaties are different; but I do take the position that as far as Panama is concerned, the treaties may restrict the exercise of some rights which otherwise we might have. That we must look to the treaty, however, as the affirmative measure of our rights I utterly deny.

Mr. WILLIAMS. When the Senator says that under the treaty there are certain restrictions of our activities, that moment he confesses that his subsequent denial is confessed to be badly taken, because that moment he looks not only for our affirmative rights to the treaty but likewise to it for the circumscriptions and limitations and conditions assented to by us, not by any surrender of sovereignty, but by the highest exercise of sovereignty—self-limitation under contract.

When we made the treaty in regard to Louisiana we accepted no restrictions on our self-governing activities. When we acquired the territory of California we acquired it without accepting governmental or operating restrictions. When we acquired this right to build a canal in Panama we acquired it with limitations and restrictions in one sole respect, but a respect great and sacred, to wit, the management and operation of the canal in such a way as to make it an equal and undiscriminating management and operation not only as to toll charges but as to rules to be obeyed en route.

I do not care what foot of territory you ever acquire by treaty in any part of the world; you have no right in the code of morals to hold the territory under the treaty and violate the treaty. I say this, although I did not think what we did when we passed the exemption clause was a violation of the treaty, and I do not think so yet. I want merely to acknowledge the equal right of the other party to sit in judgment upon the interpretation of the treaty. I want merely to recognize the sacredness, the sanctity of our agreement, not only with Great Britain but with some 19 other nations that questions of the interpretation of treaties shall be left to international arbitral tribunals.

I will close by saying what the Senator from New York [Mr. ROOT] said, that we are voting to repeal this bill because we were afraid and thought we knew that you would not give us a two-thirds vote to arbitrate it; and after we repeal it we know that you will arbitrate it. You will be running over one another to arbitrate it then, because you will think that is your last chance to get something, and you will be right about it. We have felt from the beginning that it ought to be arbitrated. Roosevelt thought so. Taft thought so, the President of the United States thought so.

Mr. BORAH. Mr. President, did I understand the Senator to say that in case of repeal under this particular amendment that would practically force arbitration?

Mr. WILLIAMS. I think that after this provision of the Panama Canal act has been repealed seven out of ten of the men who have opposed repeal will be in favor of arbitration. That is what I said.

Mr. BORAH. I see now more clearly the object and purpose of this amendment.

Mr. WILLIAMS. Suppose the Senator does? I take no shame in the thought that I have tried as far as I could to enforce honest conduct upon the part of my own country; that I have tried to enforce upon the part of my own country a compliance with sacred treaties, the plighted faith of a Nation of freemen. If we succeed by this act, not in forcing, as the Senator calls it—I see no force in it; we are not going to make you do it

vi et armis—but in persuading you to do justice to the sanctity of the plighted faith of the Republic of the West, I for one will not consider myself the subject of any just scorn or sarcasm about it. All thought or jibes of that character will pass me by without feeling of shame, and all expressions of that character will fall hurtless from the shield of a perfectly honest intent.

If I had my way, I would regard as the chief object of my political life doing my best, humble though it may be, at all times, to have my country keep its word, whatever its word may be. You forget that while it is debatable whether the act that we are repealing is in violation of the Hay-Pauncefote treaty, it is not in the slightest degree debatable that refusing to leave it to arbitration is a violation of another treaty with Great Britain and a violation of the spirit of a score of other treaties with still other countries, all of which say plainly that all questions of the interpretation of treaties not involving the honor, the vital interests, or the independence of the country, or the interest of third parties, shall be submitted to arbitration.

Why, I ask the Senator what other course could be taken? When he and I draw up a contract together, he does not sit in arbitrary judgment upon his own case and impose his own interpretation and decide the case in his own favor.

Mr. BORAH. No, Mr. President——

Mr. WILLIAMS. I can not sit in judgment upon it and decide it in my favor. Why? Because a higher somebody than we—the Government under which we live—has said that that is a damnable principle. Our laws, our ethics, allow no man to sit in judgment upon his own case. We appoint a court which shall sit in judgment upon my and your case, and we say that in all matters not involving the defense of your life, your wife, and your children, and your home, in all cases where the law does not give you a right to kill in order to defend yourself, you shall go into court. All I am contending is that when two nations have a quarrel about a written contract they, too, shall go into court; and as there is no permanent court, that they shall make one for themselves—erect one—a court of justice and honor.

Senators need not disguise the fact, and the country will not forget it, that we have been forced to repeal this act by the necessity of defending the country's honor by securing ultimately an arbitration of the question at dispute.

Mr. BORAH. I understand perfectly how the Senator can take the position that he does, believing that the act is a violation of the treaty, but a Senator who entertains the view that it is not a violation of the treaty should not be impeached for want of a sense of national honor for saying there is nothing to arbitrate.

Mr. WILLIAMS. My Heavens——

Mr. BORAH. Wait a moment, Mr. President.

Mr. WILLIAMS. If the Senator can not understand——

Mr. BORAH. Wait just a moment, and perhaps I shall not be so obscure as the Senator now seems, from his facial expression, to think. I object also to conceding that we are wrong, conceding that we have violated the treaty, and then going into a tribunal to arbitrate the matter thereafter.

The Senator quoted Col. Roosevelt a few moments ago upon this proposition, and I requote him to the Senator—that while he is in favor of arbitration, he is not in favor of conceding the case before we go to the arbitral tribunal.

Mr. WILLIAMS. Mr. President, the Senator says he can not understand how a man who does not think the exemption from tolls provision of the Panama Canal act is a violation of the treaty can be willing to submit the question to arbitration. Now, I can not understand how the Senator can not understand. [Laughter.] It seems to me so plain, in friendly and neighborly feeling between gentlemen as well as nations, that when I differ with other people about an interpretation, and they are countrymen of mine, and high officers and men of great intellect in my country, and they say to me: "I think you are wrong; I think the other party to the controversy has rights; and whether she has rights or not, she at least has clearly this right, to wit, a right to a fair trial of the question at issue." I can not understand how anybody can not understand that, nor why, therefore, I should not say: "Notwithstanding my opinion, I believe that the other party to the controversy—my own country on one side and she upon the other—have at least one right, and that is the right to a day in court and a fair trial and a fair hearing of the question of difference by a court of competent jurisdiction—an international court."

I would be in favor of that course if we had had no treaty with Great Britain upon arbitration, but there is our plighted word besides.

I repeat that if I am charged with casting this vote because I want to force the arbitration of this question of the respective rights of the two countries under the treaty, I shall take no shame to myself from the impeachment, but shall, upon the contrary, admit it.

Mr. NEWLANDS. Mr. President, I wish to state briefly the principles which will control my vote upon the bill repealing the toll-exemption clause and the pending amendments.

We are the owners of the Panama Canal. We exercise sovereignty over the Panama Canal Zone. We have expended there $400,000,000 in the construction of a great waterway. The tonnage borne upon this canal will be of two classes, international and domestic, the latter of which, under our navigation laws, can be transported by ships of United States registry only.

Tolls have been imposed upon the international tonnage passing through this canal, including that of the United States, the purpose of which is to reimburse the United States for a portion of its interest charge and upkeep. No tolls are imposed upon the domestic tonnage, called the coastwise tonnage; and the first question is whether, as a matter of domestic policy, so far as domestic tonnage is concerned, without reference to the treaty, which will be considered later, the charges for the construction and upkeep of this canal shall continue to stand against the Federal Treasury or shall be imposed upon such domestic tonnage. This involves an historical inquiry regarding the waterway development of the United States.

I will not be tedious in recounting the history of this country as to waterway development. It is analogous to that of the roads of the country. In the early history of the country our roads were toll roads and our artificialized waterways were toll waterways. But gradually the policy of internal improvement was developed. The last vestige of toll roads has been swept away, and the last vestige almost of canal tolls has been swept away. We find that to-day one of the toll canals in private ownership is about to be purchased by the United States for the sum of $3,000,000, with a view to relieving the commerce between Philadelphia and Baltimore of the burden imposed by these tolls, and hereafter this connecting link between Delaware Bay and Chesapeake Bay, long managed as a tolls canal, is to be a free canal.

We have built the Soo Canal; we have artificialized the entire Ohio River, a work not yet completed, involving the expenditure of $65,000,000. That entire river is to be artificialized and made practically, by locks and dams, a series of canals.

Does the Senator from Kentucky insist that the traffic borne on the Ohio River thus artificialized shall pay tolls to the United States Government for the expenditures made upon it? No; he joins with all the people of the United States in declaring that the waterways of the country should be improved and developed and artificialized at the expense of the National Government, and that no charge whatever should be imposed upon the tonnage borne upon these waterways.

All three parties during the last campaign and the campaign of four years previous focused their platforms largely upon the demand for waterway development, the Democratic Party committing itself in the most emphatic way by declaring that a full and comprehensive plan should be adopted for the development of our waterways, involving the cooperation of all the scientific and engineering services of the Government that had anything to do with water, involving the cooperation of the Nation with the States, involving the related questions of the conservation of water for irrigation, water-power development and its control, for swamp-land reclamation, declaring for an ample fund to be expended under the direction of a board of experts authorized by law. That demand was repeated in the platform of 1912, and under this great system the entire charge for construction and development and maintenance was to be imposed upon the Federal Treasury and not upon the tonnage transported.

We went beyond that in the last national platform and declared that the problem of the Mississippi was a national problem, practically relieving the adjoining States from responsibility for the construction and maintenance of an extensive protective system such as levees, and imposing the entire expenditure for the improvement and development of that river upon the National Treasury.

Was there any suggestion that the tonnage between St. Louis and New Orleans should pay anything either on account of construction or maintenance? Oh, no. This was a policy of national development, of internal development, requiring the improvement of our waterways as national agencies of transportation, at the cost of the Treasury, and their complete development, so that the waterways would be as perfect as the railways themselves, with terminal facilities, transfer facilities, and facilities for coordination with rail, our waterways thus dovetailing with our railways and both dovetailing with the ocean transportation

Mr. SIMMONS. Does the Senator desire that I shall reply now?

these vessels from the payment of tolls without at the same

Now, I call the attention of the Senators who assume that they are reserving the right of the United States if that kind of an amendment is adopted, in the face of the statement and following the statement of the President and of Members of the Senate, to the fact that we have no such right; we say that we do not claim any such right; the Chief Magistrate has said it is in violation of the treaty; and yet they ask those who believe that we have such a right, and it is of vital and of supreme importance to this country, to vote for an amendment which does nothing more than say that we retain it if we have it. What we ought to have is a plain, distinct assertion that we have a right to pass the vessels of commerce through the canal free and enable those who believe that to vote for it in the integrity of the language which would undoubtedly reserve that right.

Let me call the attention of the Senators to the President's message. He says:

In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

The President takes the position that it is not only wrong as an economic policy, but that it is in plain violation of the treaty. Furthermore, he says:

We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood.

Are you withdrawing from that position? You are not clearing the way for the President. You write into this act of repeal a notice to all the nations of the earth that, notwithstanding the request and plain entreaty of the President, the Congress of the United States believes that we have a right and are not willing to give it up. If you do not say that, then you, upon the other hand, are practicing a duplicity and deception with reference to this matter. You do not do what you are about to do in a plain, open, candid way. You leave the President in a most unfortunate position in view of his language; either that, or you are misleading the people of this country.

Mr. WILLIAMS. Mr. President, if the Senator will pardon an interruption——

Mr. BORAH. I will.

Mr. WILLIAMS. I think that the Senator would have a much clearer apprehension of the position of the President of the United States if he would once come clearly to the position that Woodrow Wilson, the present incumbent of that high office, does not think that he is the United States, and that there are two parties to this contract, or three, rather—one, the Republic of Panama; one, the Kingdom of Great Britain and Ireland; and one, the Republic of the United States. The President may very well say that I, Woodrow Wilson, think thus, but I am not the high contracting party; these United States of America constitute the high contracting party; and there are many of them who think otherwise, and it is my duty to give them a day in court. Therefore we might very properly be in favor of this legislation and at the same time be in favor of submitting this question to an international tribunal of arbitration.

The Senator all along is mixing two things that are not identifiable at all. In the first place, the President of the United States with the United States; in the second place, the Congress of the United States with the United States. They constitute the Government of the United States between them, but they do not constitute the United States, and they are mere temporary incumbents of office. Therefore, if there be a shadow of right of the United States, it ought not to be surrendered permanently and ultimately, but a day in court ought to be kept for the assertion of such rights as she may have.

Mr. BORAH. Mr. President, far be it from me to suggest that the President of the United States entertains the view that he is the United States or the Congress. No such thought as that, I trust, has escaped me. If I said anything to that effect, I should want to modify it at once.

Mr. WILLIAMS. But does not the Senator admit that the right of arbitration, if it exists for anybody, exists for the entire people, and that where any of the people claim to get any right under the treaty to exempt these vessels, that right ought to be submitted to international arbitrament; and that it is perfectly proper while doing that temporarily to waive, pendente lite—to use a law phrase—the assertion upon the side of either of the high contracting parties?

Mr. BORAH. Mr. President, the best answer to the argument of the Senator from Mississippi is found in the language of the President himself. The President says:

The large thing to do is the only thing we can afford to do—a voluntary withdrawal from a position everywhere questioned and misunderstood.

To whom was the President speaking? To an arbitral tribunal, to some one else who would finally pass upon it, or to the Congress of the United States? His language is unmistakable. Therefore, why this modification? Has the rising tide of public opinion reached the Senate Chamber?

Whose view did this bill, as it came over from the other House, embody with its plain, unmistakable, unquestionable assertion of repeal? The President of the United States asked the Congress without equivocation, without the use of subterfuge or insincerity, or duplicity in language, to repeal this law; and I will venture to say that no man on the other side of the Chamber will dare to rise and say that this amendment meets with the approval of the President of the United States. His party is asking him to do that before the nations of the earth which will compromise either his intellectual integrity or his courage. I think we owe it to the situation and to the subject to speak in unmistakable manly language.

Mr. CLAPP. Mr. President, right in that line I call the Senator's attention to the last paragraph of the President's message——

Mr. BORAH. I was just going to read it.

Mr. CLAPP. Which absolutely eliminates the suggestion of the Senator from Mississippi [Mr. WILLIAMS].

Mr. BORAH. It reads:

We ought to reverse our action without raising the question whether we were right or wrong.

Why reserve for arbitration when the proposition is to yield. Why do you want this reservation when the proposition of the President is to yield our position, right or wrong. If you are opposed to yielding, then say so in plain language, but if you believe it is plain violation of the treaty in the name of open candid action relative to a great question, say so.

Mr. WILLIAMS. Mr. President——

Mr. BORAH. Just a moment, and then I will yield to the Senator from Mississippi. The President continues:

And so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

Put this amendment down beside the President's assertion that we should do this without quibble, without hesitation, without circumvention, without going around Robin Hood's barn to accomplish it, and you have the President's condemnation of this amendment and not mine.

Mr. WILLIAMS. Mr. President, I am not defending this amendment, but I am trying to defend the position of the President, and to show that there is no contradiction in it. The Senator from Idaho has read the language of the President, and unconsciously he puts a wrong interpretation upon it. The President says that we "ought to reverse our action" "without raising the question whether we were right or wrong." To what did he refer? Our action in passing the bill and thereby becoming the judges in our own case, without submitting it to an international tribunal. The reversion of action to which the President referred, as every Senator knows, was merely a repeal of this clause, because in passing that provision we had made ourselves the judge in our own case, and the President uses the language; therefore, "without raising the question" of whether our original action "was right or wrong," let us reverse it, because we ought not to be the judge in our own case. That is what I understand the President means.

Mr. BORAH. Mr. President, if the President of the United States had meant that, adept as he is and accomplished as he is in the use of expression, he would have undoubtedly conveyed it to the Congress of the United States. The President conveyed no such idea to the Congress of the United States. The President says this is a plain violation of the treaty. He does not say that the treaty is questioned or that our right under it is questioned, and, therefore, we should put ourselves in the position which we occupied before passing the bill; he does not say that we should place ourselves in a position where we may arbitrate it before a tribunal and not pass upon our own rights, but he says this is a plain violation of the treaty and we should repeal that act because it is a plain violation of the treaty, and that we should do so without quibble or without equivocation, right or wrong.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, it seems to me that what he forgets is that what the President must have meant, and all that he could have meant, is this: "This is, in my opinion, a plain violation of the treaty,

but as there are many of you in whose opinions it is not a plain violation of the treaty, let us not raise the question of our right or wrong in the matter, but let us reverse that original action," which was the legislation we are now about to repeal. Then, of course, under our treaties with Great Britain and all other countries, leaving "questions of the interpretation of treaties" to arbitration, the right can be internationally determined—this is his plain further meaning. Of course the President did not mention everything in the world in connection with this question, but he expressed his opinion—not the opinion of the United States, nor would he have arrogated to himself the right to express the opinion of the United States. So when he said "This is a plain violation of the treaty," he meant, "My opinion is that it is a plain violation of the treaty." When he added, "Let us reverse our action without raising the question of right or wrong," it is as much as if he had said in so many words, "But I know that there are many of you who do not agree with me about that, and therefore let us not raise that question; let us simply reverse our action; put an end to all claim that we do not keep faith."

Mr. BORAH. Well, Mr. President, we will see from a further reading of the President's message. He says:

I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

The "ungrudging measure" is that we are about to put into the repeal law an amendment which, in the language of the Senator from North Carolina [Mr. SIMMONS], reserves this right for future determination. The Senator from North Carolina proposes to reserve this treaty and our rights under it for future determination. I understand perfectly the great capacity of the Senator from Mississippi [Mr. WILLIAMS] to deal with these questions in a way to protect the situation, whatever that situation may be, and his great power in dialectics; but does the Senator from Mississippi really believe that we are giving to the President, in order that he may deal with this foreign situation in ungrudging manner, his request when we place a restraint upon it and reserve it as a matter for future determination? Is it settled finally? If so, then this bill is certainly a misleading proposition. If it means anything at all, it means that it is yet to be determined and yet to be adjusted. The President, in my judgment, condemns the very thing which we are now about to do.

Mr. President, I did not intend to detain the Senate so long, but I want to say in all sincerity that in my judgment we are doing the wrong thing by sidestepping on this great proposition. We are not dealing with a domestic matter; it is not a matter about which our people alone are concerned; the action of the Senate of the United States to-day will be looked upon and observed by all the nations of the earth. Our action will be criticized or upheld in the four corners of the earth wherever commerce prevails or wherever a people could have any possible interest in the commerce upon this side of the globe.

Mr. THOMAS. Mr. President——

Mr. BORAH. Just a moment. Mr. President, they will not condemn or uphold so much upon what we do as the decided, unmistakable, manly, and courageous way in which we do it. We are placing the President, who is the representative of this Government among the nations of the earth, in a position where he can not defend his intellectual integrity if he ever signs this bill. There is only one thing to do. If we have violated the treaty and any man upon the Senate floor believes that we have violated the treaty, he can not compromise with his conscience for a moment and place his country in a compromising position. If we believe, on the other hand, that we have not violated the treaty, then we should protect the rights of our Government without hesitation and in an unequivocal way. If we have violated it, you should yield without hesitation and let the chips fall where they will; do your duty by casting your vote on that line.

The Senator from Mississippi has said that we are here temporarily; true enough; that we are not the United States; true enough; but we propose, nevertheless, to take the bit in our teeth and go ahead and do this thing without having submitted it to the people of the United States. We propose to cut off from discussion before that body, which really constitutes the United States, this important question. We therefore are under every obligation to deal with this question sincerely and candidly, and those who believe that we have violated the treaty must cast their votes accordingly, it seems to me. Those who believe we have not, must vote against repeal and take the responsibility.

So far as I am concerned, I am perfectly willing to vote upon the proposition that our rights under the treaty are plain and unmistakable; that the Panama Canal was built as our property, to be used for our advantage in the commerce of the world as against the whole world, and to take the responsibility for such a position.

Mr. WILLIAMS and Mr. CLAPP addressed the Chair.

Mr. BORAH. I yield to the Senator from Colorado [Mr. THOMAS].

Mr. WILLIAMS. Mr. President, I thought the Senator was through.

Mr. CLAPP. I also thought the Senator was through.

Mr. BORAH. I wanted to yield to the Senator from Colorado before I sat down. I understood he desired to ask me a question.

Mr. THOMAS. I rose because of a remark of the Senator's at the time I sought to interrupt him, from which I inferred that we would, in his opinion, reach a vote to-day.

Mr. BORAH. Possibly.

Mr. THOMAS. That is the most gratifying information I have had upon this subject for six weeks.

Mr. BORAH. I trust the Senator from Colorado will not leave the city.

Mr. THOMAS. He will not.

Mr. WILLIAMS. Mr. President, I confess that I am at a loss to understand the difficulty that seems to lie in the mind of the Senator from Idaho. If I believed that the provision of the Panama Canal act which exempted our coastwise ships from the payment of tolls, and thereby discriminated against other ships, were a violation of the treaty—I do not believe that it is, but if I did believe it—I could find no sort of trouble at all in saying, "Why, JOHN SHARP WILLIAMS, you are not the only man in the United States; there are other men with as much brains as you; there are other men as good lawyers as you; there are other men who have made as much of a study of the Constitution and of international law as you have; do not make of yourself the superb spectacle not only of national but of international egotism, of regarding a matter of interpretation as settled because that is your opinion." "I am of the opinion." I would say in a case like that—putting myself in the other man's place—"that this is a violation of the treaty, but the distinguished junior Senator from New York is not of that opinion; the distinguished Senators from North Carolina are not; the distinguished Senator from Wisconsin is not; the distinguished Senator from Idaho is not; the distinguished Senator from Massachusetts is not," and so I might run through the list; and I can not see how in common modesty, much less common sense, I can take the position that because I had come to the conclusion that our conduct was a violation of the treaty, therefore that violation was a settled fact, and that the American people had no right to a day in court for the settlement of any rights which a lot of good lawyers, good constitutionalists, good patriots, and smart men say they had a right to under the treaties. I would consider myself a poor citizen, I would consider myself unpatriotic, if I were not willing to go further, after expressing my opinion, and thus going further, say the whole people of the United States are the American party to this contract; God knows if they have rights I do not want by my conduct to make them forego the proper assertion of them, although I am a Senator or a President.

Now, what is the proper assertion of them? Not only Taft, but Roosevelt, too, came out and said that while they did not believe we had violated the treaty, they were yet in favor of leaving this matter to the definitive and ultimate settlement of an international tribunal. What do men who say that mean? They simply mean on the side against repeal, as the Senator from New York [Mr. ROOT] means on his side, and as the President of the United States means on his, that, "while that is my opinion, I want the interpretation of our respective rights definitively settled by a tribunal greater than I or you or any of us, and which shall be authoritative between the nations of the earth."

I am not in favor of this amendment as it stands here; but I am not opposed to it upon the ground that the Senator from Idaho is opposed to it. I think to say that "nothing in this act shall be construed as surrendering any right which we may have under these treaties" would be a fair, reasonable, and proper thing to do, but I find that it goes further than that and says:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st of February, 1902, or the treaty with the Republic of Panama, ratified February 26, 1904, or otherwise—

"Or otherwise"—

to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal.

precedence can not be given to any amendment unless the amendment is in order.

The amendment submitted by the Senator from Utah is a third proposition, which would leave three amendments pending before the Senate for consideration at the same time to the main question.

The Chair is satisfied that under general parliamentary law, which prevails in this body, on this question an amendment in the third degree is not permissible. Consequently the Chair must sustain the point of order and declare that at this time the amendment is not in order.

Mr. SMOOT. Mr. President, in that connection may I ask the Chair a question?

The PRESIDING OFFICER. The Chair is perfectly willing to answer any question that is suggested by the Senator.

Mr. SMOOT. There is no doubt that not the present occupant of the chair, but the Vice President, has ruled at least three times during this session that wherever a substitute for an amendment was offered, either in the first or the second degree, the Senate had a right to perfect either amendment, and that the first amendment had precedence. I simply state that fact and wish to know whether the Chair now rules contrary to that ruling.

The PRESIDING OFFICER. The Chair rules that no amendment can have precedence unless it is in order. If the amendment offered by the Senator from Utah were not of the third degree, it would then have precedence as perfecting the original amendment; but in order to have precedence an amendment must be such an amendment as can be offered under the rules of the Senate. Under the rules of the Senate an amendment in the third degree is not in order.

Mr. SMOOT. I am perfectly aware that under our rules an amendment in the third degree is not in order, and if I understand the Chair's ruling it is that wherever there are two amendments offered to the bill there is no right to perfect either one of those amendments.

The PRESIDING OFFICER. The Chair rules that where a bill is pending before the Senate and one amendment is offered, when a second amendment is offered that constitutes an amendment in the second degree, and a third amendment is not in order, being in the third degree.

Mr. SMOOT. Whether it be a perfection of the amendment or not?

The PRESIDING OFFICER. The only exception to this is under Rule XVIII. Where a motion is made to strike out and insert that is considered as one question; but the Senator from Utah has no right to change the motion made by the Senator from North Carolina and make it a motion to strike out and insert when it is not a motion to strike out and insert. Besides, the amendment of the committee is not in the bill and included as a part of it. It is an amendment itself and is not included in the bill.

Mr. STONE. Let us have the regular order.

Mr. SIMMONS and others. Regular order!

Mr. BORAH. Mr. President, I understand the matter now before the Senate is the amendment of the Senator from North Carolina [Mr. SIMMONS] to the amendment of the committee.

The PRESIDING OFFICER. That is the question before the Senate.

Mr. BORAH. I presume we are about ready to vote upon this amendment; but I think we should have, before we vote, a little enlightenment from the Senator as to what this amendment is intended to accomplish.

The amendment which I have before me reads:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain ratified the 21st of February, 1902 or the treaty with the Republic of Panama ratified February 26, 1904 or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

The Senator who offers this amendment stated upon the floor a few days ago that for the United States to exempt her vessels of commerce from tolls while passing through the canal would be a plain violation of the treaty. In view of that statement of the Senator, I wish to ask the Senator what is the meaning of this amendment and what object is sought to be accomplished by it. Does the Senator modify his view that there is a possibility that we may have a right to pass our vessels of commerce through the canal free of tolls; or what is the object of this amendment?

Mr. SIMMONS. Does the Senator desire that I shall reply now?

Mr. BORAH. Yes. I desire to yield sufficient time to enable the Senator to reply.

Mr. SIMMONS. I shall require only a few minutes.

Mr. President, I do not think it is possible to draft an amendment that is plainer in its purport and its meaning than is this amendment. I drafted this amendment after much consideration and with much care, and if it does not contain a plain expression of its purpose, it is because I am not able to use the English language to express a purpose.

I do not think any Senator can have any doubt as to what the amendment means. I do not understand the Senator from Idaho as expressing any doubt as to what it means; but the Senator asks me how I square this amendment with my position with reference to the right of the United States to exempt its coastwise vessels from the payment of tolls, as I understand.

Mr. BORAH. No; not exactly that. What I want to know from the Senator is this: Does the Senator by this amendment mean to assert that the United States has the right to exempt its vessels from tolls passing through the canal?

Mr. SIMMONS. Mr. President, the issue that is drawn by the several amendments that have been introduced, some by the friends of the bill and some by the opponents of the bill, is a very clear-cut issue. It is whether these amendments, if any are to be adopted, shall reserve to the United States any rights that it may have under these treaties or otherwise, or whether we shall expressly assert the right of the United States hereafter to exempt its vessels from tolls.

The amendment I have introduced is an amendment of reservation of right. It is nothing more and nothing less. It does not assert any right in the United States with respect to these things, but it declares that we reserve any right that the United States may have. It is therefore expressly an amendment of reservation.

The amendment which the Senator from Utah [Mr. SUTHERLAND] has introduced, and some other amendments of like character that have been introduced by those who are opposed to repeal, expressly assert the right of the United States hereafter to exempt its coastwise vessels from the payment of tolls. This amendment of mine is a declaration that in repealing this provision of the canal-tolls act we reserve any right that the United States may have under the treaty with Great Britain, under the treaty with Panama, or outside of the treaties with Great Britain and Panama, with respect to the imposition of tolls or the exemption of tolls upon its vessels. The amendments which have been offered in antagonism to this idea assert that notwithstanding we now repeal the act exempting coastwise vessels from tolls, we assert that the United States has that right, and may at any time in the future when it sees fit exempt these vessels from the payment of tolls.

That is the clear-cut issue between the proponents of these several amendments. The friends of repeal present an amendment reserving whatever rights the United States may have. That is to say, it provides that the act of repeal shall not be construed as waiving any rights that the United States may have under these treaties or otherwise. The opponents of repeal offer amendments asserting that the United States has the right under the treaty with Great Britain to make this exemption without giving like exemption to other nations.

These proposed amendments now offered raise the question of whether we want simply to reserve whatever rights the United States may have, whatever rights it may be determined hereafter by diplomacy or by arbitration or otherwise that the United States has shall be reserved, or whether in repealing this act we want to declare that the United States has the right to make the exemption this bill repeals.

That is the issue between the proponents of these diverse amendments.

Now, the Senator asks me a further question, and I should like to answer that now, and then I shall have nothing more to say about it, because I think the proposition is so well understood in this body that it is not necessary that we should spend any great length of time in elaboration or in discussion.

The Senator asks, in view of my position, stated a few days ago, to the effect that in my opinion under the treaty with Great Britain we have no right to exempt our coastwise vessels from tolls without at the same time exempting vessels of other countries, how I could justify the provisions of this amendment reserving whatever right the United States may have in the premises. The Senator very well knows that this debate has developed two lines of opinion, separate and distinct, with respect to this question. Certain Senators who are in favor of the repeal of the act of 1912 have taken the position that the United States has no right under the treaty to exempt these vessels from the payment of tolls without at the same

time exempting the vessels of other countries. They have taken the position that we had no right to make that exemption under the treaty, and for that reason they favor the repeal of that act.

There are other Senators who favor this repeal who, while believing that we have the right to make the exemption, believe and contend the act of 1912 ought to be repealed for economic reasons; that it ought to be repealed upon grounds of sound public policy, and for that reason they favor its repeal.

Those who believe that we have not the right to make this discriminatory exemption, and who put their attitude upon that ground independently of the question whether it is good policy or bad policy, of course, do not regard this amendment as necessary. They would not desire it; they would think it would be innocuous. But that class of Senators who believe that this exemption is unwise as a matter of economic policy, who believe that it is unwise as a matter of national policy, and who, at the same time think we have the right, if we see fit, under the treaty to make the exemption, naturally desire that whatever right the United States may have shall be reserved, and that that shall be done contemporaneously with the repeal of the exemption in the act of 1912. I concede that the gentlemen who are supporting this repeal upon that idea, and upon that idea alone, have a right to ask the Senate to make that reservation, and in deference to their views about this matter I have offered the amendment.

Mr. BORAH. Mr. President——

Mr. FLETCHER. Will the Senator from North Carolina allow me one moment. I wish to ask the Senator before he resumes his seat——

Mr. SIMMONS. If the Senator will pardon me, I should have said, of course, there are some who believe that the United States have no right to make the exemption and who oppose the exemption upon that ground, who are also opposed to it upon economic grounds, and there are others who believe, as the Senator from Nebraska [Mr. NORRIS] believes, that we have a right to make the exemption but that it is unwise as a matter of economic policy to exercise it.

Mr. FLETCHER. I was going to suggest to the Senator that his amendment would be relieved of some ambiguity if, in the eleventh line, the word "treaties" was substituted for the word "treaty."

Mr. SIMMONS. That ought to be done. That is a purely typographical error. I was going to ask that the word "treaty" be changed to "treaties"; it is a mistake.

Mr. BORAH. Mr. President, I am under obligations to the Senator from North Carolina [Mr. SIMMONS] for making so plain his position. As I understand the Senator's position, it is that the United States has no right to exempt its vessels from tolls passing through the canal; that it is a plain violation of the treaty to do so; but that he offers an amendment providing that in case we have any right it shall be reserved. That is a somewhat singular not to say a surprising position. To reserve a right which plainly, according to the Senator, does not exist seems quite an unnecessary and probably a useless thing to do.

Mr. SIMMONS. If the Senator will pardon me, in order to make my position plain and that he may not misrepresent me, I take the position that we have no right, but I also stand with the others who believe that it is unwise public policy to exempt, and I so stated.

Mr. BORAH. I understand that there are those who would retain our rights under the treaty and who believe that we have the right under the treaty to pass our vessels through the canal free, and I understand perfectly why they desire an amendment which would reserve our rights under the treaty and at the same time would like to vote for repeal upon the ground of the domestic proposition. I understand perfectly why one desiring to retain the rights under the treaty should want an amendment if at the same time he believed it unwise to have free tolls as a matter of domestic policy, and a Senator's vote upon an effective amendment holding those views would not be difficult for me to understand at all.

But I do not understand, Mr. President, how one who believes that the act of 1912 was in plain violation of the treaty and at the same time believes the act unwise also as a domestic matter could possibly vote for anything which is a compromise of his position. If it is a violation of the treaty, if the act of 1912, as said by the President, is in plain violation of our obligations with another nation, there is only one thing one having a true sense of obligation can do, and that is to vote to repeal the act without the attempt to reserve something which he denies has any existence at all. The effort to reserve something which if reserved would be dishonorable is not a high-minded thing to do.

But even as to those Senators who believe that we have a right under the treaty to pass our ships of commerce through the canal free and at the same time desire not to do it on account of the economic question, I still think that this amendment does not deal with the question candidly and fairly and courageously. Let us read the amendment—

That the passage of this act——

Mr. SIMMONS. Would it interrupt the Senator, before he enters upon that second proposition, to permit me to answer a thought that he has just developed which was not contained in his original statement and inquiry?

Mr. BORAH. I will yield to the Senator.

Mr. SIMMONS. The Senator says he can not see how those who believe that we have not the right under the treaty could vote for this amendment of reservation. In reply to that, I want to say to the Senator while I believe that, I am not so absolutely sure of my opinion, I do not regard myself as so absolutely infallible, as to feel that because I entertain that opinion the question is, therefore, absolutely foreclosed; and I take it that is the view of other Senators.

Mr. BORAH. It must be a surrender of his own conscience and a compromise with his solemn judgment.

Mr. SIMMONS. It is a matter of opinion. Those of us who believe, like I do, that we have not the right are perfectly willing that that question shall be reserved, because we recognize the fact that we may be mistaken about this matter. We are willing that it shall be reserved for diplomacy or for arbitration or for settlement in such other way as is usual and proper in the settlement of like questions in dispute between friendly nations.

Mr. BORAH. Then, if I understand the Senator correctly in his second enunciation of principle, it is that this matter is not to be settled by this repeal; that the question whether or not we have a right to exempt our vessels of commerce from tolls shall yet be open and unsettled; that there may be another tribunal which can arrive at a final conclusion, which the Senate seems unable to reach; that there may be other judges and another tribunal which can make a final determination in regard to this question.

Mr. President, as I said before, I perfectly understand the position of those Senators who divide this proposition into an economic question and into a legal question under the treaty, believing we ought not to do it as a matter of economics, and believing that we should retain our rights under the treaty; but I do not understand how, having arrived at a conclusion that it is a plain violation of the treaty, and at the same time believing it unwise as a domestic proposition, anyone can vote to reserve anything in the nature of that which he insists does not exist. It is not legislating upon a plane commensurate with the great subject before us.

Mr. SIMMONS. I want to ask the Senator if he does not know the fact that President Taft, after having stated that he thought it was not a violation of the treaty, immediately afterwards said that he was willing to arbitrate that question.

Mr. BORAH. That would not change the situation. But the ex-President insisted that we had a right to exempt our ships, but was willing to arbitrate it; he did not say we have no right, but, nevertheless, we will arbitrate something we do not claim.

Mr. SIMMONS. Will the Senator pardon one other question? Does the Senator know that the senior Senator from New York [Mr. ROOT], who has taken, probably, stronger grounds than anybody else against the right of the United States, has always insisted that, notwithstanding his views about it, the other party to the contract has rights, as well as ourselves, with reference to the construction of the treaty, and that these doubts, these differences of opinion, raise a proper question for arbitration?

Mr. BORAH. I understand that to be true of the Senator from New York.

Mr. CLAPP. Will the Senator pardon me?

Mr. BORAH. Certainly.

Mr. CLAPP. There is a vast difference between the attitude of a man who claims something and is willing to submit that to arbitration, as in the case of President Taft, and a man who claims nothing and still reserves the right to claim the thing which he admits he does not claim. There is a difference between the attitude of the two.

Mr. BORAH. I was going to address myself for a moment, and for a moment only, to the question of the language of this amendment. In this amendment, as I see it, there are two separate and distinct propositions upon which we are to vote:

That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain.

Mr. SUTHERLAND. I do.

Mr. LODGE. I am sure, under general parliamentary law, the words "strike out and insert" apply only to the bill. They are distinguished very plainly. If the Senator will turn to the manual, he will find this:

When it is proposed to amend by inserting a paragraph, or part of one, the friends of the paragraph may make it as perfect as they can by amendments before the question is put for inserting it. * * * In like manner, if it is proposed to amend by striking out a paragraph, the friends of the paragraph—

And so forth.

There is no proposition to strike out here. The proposition here is to add or insert, and that is all. There is nothing to perfect except the amendment itself, and that can be perfected by a series of amendments, but not by more than two pending at one time under our rules.

Mr. SUTHERLAND. Mr. President, the difficulty——

Mr. WEST. Mr. President——

Mr. SUTHERLAND. Just a moment. The difficulty with the Senator from Massachusetts is that he treats the illustration of the rule as the rule itself, which it is not.

Mr. LODGE. If the Senator will allow me, the rule is to strike out and insert; and I never before heard of applying that to an amendment in any parliamentary body, though I may be wrong about it.

Mr. SUTHERLAND. The Senator from Massachusetts is usually right.

Mr. LODGE. I will say, if I may refer to Mr. HINDS by name, that I asked him that particular question, and he said there is no parallel whatever between the two propositions.

Mr. SUTHERLAND. Of course I have great respect for the view of Mr. HINDS, but I do not know how familiar he is with Rule XVIII of the Senate, which naturally controls the question.

Mr. LODGE. Mr. HINDS has spent a great many years, I may say, compiling the precedents in his great work on the rules of the House, in which, I think, he reviews the Senate rules.

Mr. SUTHERLAND. Mr. President, but the Senator from Massachusetts quotes an illustration of the rule as though it were the rule itself. The rule is laid down:

But pending a motion to strike out and insert, the part to be stricken out—

May be perfected, and so on.

As illustrating that rule, the Manual speaks of striking a paragraph out of the bill, but that is a mere illustration of the rule; it is not the end of the rule itself. By a parity of reasoning when any other proposition is pending before the Senate, as the original amendment is now pending, the rule applies to that just as it does to a bill.

I call the attention of the Chair to the broad language of the rule. The rule is not limited in any way. The rule applies to a situation of this kind quite as much as it does to the original bill. Here is an amendment proposed by the committee, which is now pending before the Senate and is to be voted on. A motion is made to substitute for that another amendment, the effect of which is to strike out all after the word *"Provided"* in the original amendment and to insert other language. That is the situation.

The Senator from Massachusetts concedes that such a motion as that is in order. It is in order to move to strike out from this amendment certain words and to insert others; and that is what has been done. Then the question arises, What is the parliamentary situation of that matter? The rule is that, "pending a motion to strike out and insert"—not to strike out and insert in the original bill, but to strike out and insert as to any proposition which is pending before the Senate—"the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence." It seems to me that under that rule the amendment which I propose is in order.

Mr. BRANDEGEE. Mr. President, I ask that the Secretary may state the amendment proposed by the Senator from Utah.

The PRESIDING OFFICER. It has been stated, but the Secretary will again read the amendment.

The SECRETARY. On page 2, lines 11 and 12——

Mr. BRANDEGEE. Of what?

The SECRETARY. In the committee amendment—it is proposed to strike out the words "any treaty or other right possessed by the United States" and insert the words "the right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted."

Mr. BRANDEGEE. Mr. President, it seems to me perfectly clear that that is a proposition to amend the committee amendment by striking out and inserting. There is already a bill, a committee amendment, and an amendment to the committee amendment, which later amendment to the amendment was proposed by the Senator from North Carolina [Mr. SIMMONS]. The Senator from Utah [Mr. SUTHERLAND] now proposes, before the vote is taken upon the amendment to the amendment, to offer an amendment to perfect the committee amendment in another respect from that suggested by the Senator from North Carolina; and, of course, that being an amendment in the third degree, it is absolutely out of order. If not, I have a right to offer an amendment to the amendment proposed by the Senator from Utah, and the Senator from New Hampshire can offer an amendment to my amendment to the amendment of the Senator from Utah, and we would spend the rest of the year here offering amendments down the line to the other amendments.

The question is upon the amendment offered by the Senator from North Carolina as a substitute for the committee amendment, and until that is settled no other amendment is in order either to the bill or to the committee amendment or to the amendment proposed by the Senator from North Carolina.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to interrupt him?

Mr. BRANDEGEE. Certainly.

Mr. SUTHERLAND. The Senator overlooks the provision of the rule, which is:

But pending a motion to strike out and insert, the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question.

There it must terminate under the rule; so that the Senator is in error, under the rule, in insisting that we may go further.

Mr. BRANDEGEE. I am aware that the Senator thinks I am in error, Mr. President, and, of course, I may be in error; but I have not overlooked the rule. I have just read the rule and have had it reread to me by the Senator from Utah, and I do not think the rule applies to this case at all. If it did, it would operate to take down the bars against amendments to amendments.

The trouble with the Senator from Utah, in my opinion, is that he takes the wrong view of that rule in this, that he thinks the question referred to by the rule is an amendment, while it is not; the question under discussion here is the bill. An amendment to the bill has been recommended by the committee, and the Senator from North Carolina has proposed a substitute for that amendment. Now——

Mr. SUTHERLAND. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. SUTHERLAND. Does the Senator take the same view that the Senator from Massachusetts [Mr. LODGE] takes, that the motion of the Senator from North Carolina proposing his last amendment is in substance a motion to strike out the original amendment and to insert his own?

Mr. BRANDEGEE. I do not know how the Senator has prepared it or what the language of it is; but, as I understand, it is an amendment in the nature of a substitute.

Mr. SUTHERLAND. A motion to substitute one thing for another is a motion to strike out the one and insert the other. The Senator from Massachusetts conceded that if it were offered to the language of the bill it would clearly be a motion to strike out and insert. Now, does it alter the character of it because the motion is offered to an amendment instead of to the bill? Is it not still a motion to strike out and insert, no matter what we may call it?

Mr. BRANDEGEE. The question is whether or not it is an amendment in the third degree; that is the point. The effect of the motion of the Senator from North Carolina to insert his amendment in the bill instead of the committee amendment is in effect a motion to strike out the committee amendment and insert his; but, however that may be, it can not be construed that Rule XVIII is meant to abolish all limitation upon the number of amendments that can be pending at the same time.

Mr. SIMMONS. Mr. President——

Mr. BRANDEGEE. I yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, I simply want to suggest to the Senator that my motion was a motion to substitute certain language for the committee amendment.

Mr. BRANDEGEE. I understand that; but I do not think that alters the essential character of the operation. The motion is in the nature of a substitute, to strike out what is proposed and to substitute in lieu thereof the amendment of the Senator from North Carolina.

Mr. BRISTOW and Mr. SMOOT addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BRISTOW. Mr. President, right in line with this question, I want to call the Chair's attention to the RECORD of May 29, pages 9455, 9456, wherein the Senator from New York [Mr. O'GORMAN] offered an amendment to the naval appropriation bill and the Senator from Mississippi [Mr. WILLIAMS] offered a substitute for that amendment. I addressed the Chair the following inquiry:

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Is not the amendment of the Senator from Mississippi an amendment in the third degree?

Mr. WILLIAMS. I am offering the House language.

The VICE PRESIDENT. The Chair thinks that, under the last clause of Rule XVIII, "motions to amend the part to be stricken out shall have precedence," it comes fairly within the rule. The Senator from Mississippi is seeking to amend the part to be stricken out before the motion is put on striking it out.

Mr. BRISTOW. Then the amendment of the Senator from New York will come later.

Mr. LODGE. If the Senator will allow me one moment, that is not a parallel case. The amendment offered was to strike out.

Mr. SUTHERLAND. So it is here.

Mr. LODGE. No; the amendment——

Mr. BRISTOW. It was exactly a parallel case.

Mr. LODGE. One moment; let me state the case before the Senator interrupts. The amendment there was to strike out part of the bill, and both were open to amendment.

Mr. BRISTOW. If the Senator from Massachusetts will give me his attention, the amendment of the committee was to strike out a certain part of the bill.

Mr. LODGE. Certainly.

Mr. BRISTOW. The Senator from New York offered an amendment to that amendment to strike out a part of that which the committee had reported to be stricken out in its entirety. That was the amendment of the Senator from New York. Then the Senator from Mississippi offered as an amendment to the amendment of the Senator from New York his amendment; which was in the nature of a substitute for the amendment offered by the Senator from New York, and the Vice President ruled that the amendment offered by the Senator from New York and the amendment offered by the Senator from Mississippi could each be perfected under Rule XVIII; and that is exactly what the Senator from Utah is undertaking to do now.

Mr. LODGE. That was a motion to strike out part of the bill.

Mr. BRISTOW. But, if the Senator will pardon me, the committee had an amendment pending which struck out a part of the bill.

Mr. LODGE. It does not make any difference; the motion of the Senator from New York was to strike out part of the bill.

Mr. BRISTOW. The Senator from New York proposed to amend the amendment of the committee by striking out certain lines.

Mr. LODGE. He may have adopted an erroneous form, but what he proposed to do was to strike out a part of the bill.

Mr. BRISTOW. No.

Mr. WILLIAMS. Mr. President, if the Senator from Kansas will pardon me, upon that occasion my amendment was an amendment to the text of the original House bill. The question before the Senate was the bill as it came from the House. The Senator from New York moved as an amendment to the committee amendment to strike out a certain part of the bill, to strike out a different part, but the Chair ruled that as my amendment was an amendment to the bill and not an amendment to either amendment, it was in order.

Mr. BRISTOW. The Senator is mistaken as to the ruling. The Chair ruled that the amendment of the Senator from Mississippi was a substitute for the amendment of the Senator from New York; that they were both separate propositions; and that either could be amended; and we proceeded to vote on the two separate propositions in the nature of perfecting them.

Mr. WILLIAMS. The Senator has the text before him and I have not, but if the Senator will refer to it, if my memory serves me aright, he will find that the Chair based his ruling upon the ground that I had a right to perfect the language of the original bill before either one of the other amendments was considered.

Mr. HITCHCOCK. Mr. President, the Senate has now been proceeding out of order for 40 minutes, and I renew my point of order that this question is not debatable.

Mr. BRISTOW. Mr. President, I make the point of order that the Senator from Nebraska can not interrupt me to make a point of order.

The PRESIDING OFFICER. The Chair will hear discussion of the point of order for a few minutes.

Mr. HITCHCOCK. Mr. President, I have a right to make that point of order.

Mr. BRISTOW. Whether or not this debate shall continue is wholly within the discretion of the Chair. It is a question for him alone to decide, and he has a right to listen all day if he sees fit to do so.

The PRESIDING OFFICER. The point of order is well taken. If it is insisted upon by the Senator. The usual custom has been for the Chair to hear discussion on these points of order, but the rule, if insisted upon, states that points of order shall be decided without debate.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. JONES. A few days ago, when the Senator from Nebraska [Mr. HITCHCOCK] was in the chair, he held that I could not interrupt a Senator without his consent in order to raise the highest point of order that can be made—a point of no quorum. I wish to know whether or not it is proper for the Senator from Nebraska to interrupt the Senator from Kansas, without his consent, to make a point of order.

The PRESIDING OFFICER. The Chair will state that speakers can always be interrupted on points of order. The Secretary will read Rule XX.

Mr. GALLINGER. Mr. President, I do not propose to participate in debate on the point of order, but I submit for the RECORD that while the Chair patiently and courteously listens to debate, it is not in order for another Senator to call a Senator to order. It is fully within the province of the Chair to listen to debate or not to listen to debate, and the Chair can terminate it at any moment.

The PRESIDING OFFICER. The Secretary will read Rule XX.

The SECRETARY. Rule XX, on page 19 of the Standing Rules of the Senate, is as follows:

QUESTIONS OF ORDER.

A question of order may be raised at any stage of the proceedings, except when the Senate is dividing, and, unless submitted to the Senate, shall be decided by the presiding officer without debate, subject to an appeal to the Senate.

Mr. SMOOT. Mr. President, I wish to say frankly that I wish to discuss the question of the point of order but a few minutes, not very long; and if the Chair is willing——

The PRESIDING OFFICER. If the point of order is insisted upon, the Chair must determine it without debate, under Rule XX. The Chair is willing to hear from the Senator upon it, unless objection is raised.

Is there any objection to the Senator discussing the point of order? The Chair hears none.

Mr. SMOOT. Mr. President, I believe under the ruling of the Chair——

Mr. HITCHCOCK. Mr. President, I did not understand that the Chair was addressing me. I made my point of order, and insisted on it.

The PRESIDING OFFICER. The Chair was addressing the entire Senate.

Mr. HITCHCOCK. I make the point of order that this is not a debatable question. I think the time has come when the wasting of time in the Senate ought to be drawn to a close.

Mr. SMOOT. Not to embarrass the Chair at all, and to yield to the unreasonable demand of the Senator from Nebraska, I shall say no more, Mr. President.

The PRESIDING OFFICER. The present occupant of the chair is satisfied that under general parliamentary law an amendment in the third degree can not be moved. Only one motion to amend the main question and one motion to amend that amendment can be pending at the same time. So the question for the Chair to determine is whether or not the amendment offered by the Senator from Utah [Mr. SUTHERLAND] is an amendment in the third degree.

The proposition before the Senate is House bill 14385. The committee when it reported the bill reported an amendment, which amendment is printed with the bill but is not a part of the bill. It is offered for the consideration of the Senate as a proposed amendment. That is an amendment in the first degree, a distinct proposition.

The Senator from North Carolina [Mr. SIMMONS] has offered, not a motion to strike out and insert, but a substitute for the amendment proposed by the committee. That makes two distinct propositions for the Senate to pass upon. That is a second amendment, in the form of a substitute.

The Senator from Utah [Mr. SUTHERLAND] has offered an amendment to the amendment offered by the committee. If his amendment were in order, it would have precedence over the amendment offered by the Senator from North Carolina—that is, if it tended to perfect the original amendment—but

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE] and the junior Senator from Arkansas [Mr. ROBINSON], both of whom are paired. This announcement may stand for the day.

The PRESIDING OFFICER. Sixty-four Senators have answered to their names. A quorum is present. The question before the Senate is the amendment offered by the Senator from North Carolina [Mr. SIMMONS] in the shape of a substitute for the amendment proposed by the committee.

Mr. SUTHERLAND. Mr. President, I suppose it would be in order to move to amend the original amendment proposed by the committee, in order to perfect it before the vote is taken, and for that purpose I submit an amendment, which I send to the desk and ask to have read. It is to strike out from the original amendment certain words and to insert.

The PRESIDING OFFICER. The Secretary will read the amendment.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

Mr. SUTHERLAND. Let the amendment be read.

Mr. BRANDEGEE. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. The point of order is that there is a committee amendment pending to the bill now. There is also offered an amendment in the nature of a substitute for the committee amendment, and therefore any amendment——

Mr. SIMMONS. Will the Senator from Connecticut please speak a little louder?

Mr. LODGE. I think the amendment should be read.

Mr. BRANDEGEE. I should like to make the point of order. The point of order is that the amendment can not be offered at present, and I understood the Senator from Utah to offer the amendment now. If he simply asks for a reading of it, and that it then be laid aside to be offered in future, I have no objection to that course.

The PRESIDING OFFICER. The amendment can be read, the Senator from Connecticut reserving all points of order against it.

Mr. SUTHERLAND. The amendment is moved as an amendment to the amendment proposed by the committee.

Mr. BRANDEGEE. That, Mr. President——

The PRESIDING OFFICER. The Secretary will read the amendment, the Senator from Connecticut reserving all points of order.

Mr. BRANDEGEE. I do not desire to have the point of order reserved. The Senator from Utah moves that the amendment be adopted. That is an offer of an amendment in the third degree which I——

Mr. GALLINGER. He can not move it until it has been read. Let it be read.

The PRESIDING OFFICER. It will be impossible for the Chair to pass on the point of order until after the amendment has been read. It will be read.

Mr. BRANDEGEE. An amendment of that nature is an amendment in the third degree.

The SECRETARY. The Senator from Utah proposes, on page 2, line 11, to strike out of the committee amendment the words:

Or affecting any treaty or other right possessed by the United States.

And to insert in lieu thereof:

The right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charges of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted.

Mr. LODGE. Mr. President, if I may be permitted, I should like to say a word in regard to the point of order made by the Senator from Connecticut [Mr. BRANDEGEE], which I think is clearly correct. The motion of the Senator from Utah [Mr. SUTHERLAND] is to perfect the original amendment offered by the committee; that is, he is applying to that amendment the rule in regard to perfecting a passage of a bill which it is proposed to strike out. Where the motion is to strike out and insert, we have a right, under our rules and under general parliamentary law, to perfect both the portion which it is proposed to strike out and the words which it is proposed to insert. There is no proposition here to strike out anything, because there is nothing to strike out. The amendment which is offered by the committee is like any other amendment. It is an amendment to the bill. The fact that it is a committee amendment gives it, in a parliamentary sense, no privilege. It is printed in the bill merely as a matter of convenience, just as we give committee amendments, by unanimous consent, the right of precedence in considering a bill, as a matter of convenience, but that does not alter their character. They are simply amendments offered to the bill, to be added or inserted. You can not strike this committee amendment out because it is not a part of the bill yet.

Mr. President, in dealing with this question, the Senate has no special rule. We therefore come under the parliamentary law as laid down in Jefferson's Manual, and which is general parliamentary law apart from the manual. It is on page 116:

If an amendment be moved to an amendment, it is admitted; but it would not be admitted in another degree, to wit, to amend an amendment to an amendment of a main question. This would lead to too much embarrassment. The line must be drawn somewhere, and usage has drawn it after the amendment to the amendment.

Now, what is included under the language of Jefferson's Manual, which is also general parliamentary law? The main question is the bill. The amendment to the main question is the committee amendment. The amendment to the amendment of the main question is the substitute proposed by the Senator from North Carolina. To offer to amend either the committee amendment or the amendment proposed by the Senator from North Carolina is obnoxious to the objection that it is an amendment in the third degree. It must be constantly kept in mind that this is not a case of striking out and inserting.

In the House of Representatives the principle I have just stated is fully recognized, but they make an additional provision. That is a provision of their own rules, not general parliamentary law. They provide, first, that after an amendment is offered to an amendment another amendment can not be offered because it is in the third degree. Then they go on and add a provision that if a substitute is offered for an amendment, that substitute and one perfecting amendment to the substitute may also be in order. That is, under the rule of the House four amendments may be pending at the same time; but the House fully recognizes that this is not general parliamentary law, because they make a special provision for it.

The House rule was formulated in 1880, but it embodied an old practice. We have no such rule. We are proceeding under general parliamentary law as laid down in Jefferson's Manual and in other books of authority on parliamentary law. In the Senate only two amendments can be pending, instead of four, as the House rule specially provides. The number of amendments pending is the test of the degree of the amendment. Two, the committee and the Simmons amendments, are now pending. There can not be a third pending.

Mr. WEST. Mr. President, it is not exactly clear to me. Would the substitute offered for the text be in the second degree for the whole provision?

Mr. LODGE. There being an amendment in the nature of a substitute offered, under the House rule one amendment to that amendment is in order.

Mr. SUTHERLAND. This amendment would be in order in the House.

Mr. LODGE. One moment. Under the House rules a substitute may be offered for the entire amendment, and to that substitute one perfecting amendment is in order. Therefore you may have pending the original amendment and an amendment to it and the substitute and an amendment to the substitute—four. But that provision about the substitute is purely a House provision. It is not general parliamentary law and it is not the rule of this body.

Mr. CLARK of Wyoming. Will the Senator from Massachusetts yield for just a moment? I understand the amendment proposed by the Senator from Utah does not propose to amend the substitute, but proposes to amend the amendment of the committee.

Mr. LODGE. But it is an amendment to the amendment of the committee just the same as that offered by the Senator from North Carolina. It does not make any difference whether the second amendment is in the nature of a substitute or not, under general parliamentary law, and under the rule in the manual, there is a second amendment pending, and it is of no consequence whether it is a perfecting amendment or a substitute. There is one amendment offered to the amendment now. No other amendment can be offered to the committee amendment.

Mr. BRANDEGEE. Will the Senator let me ask him a question there? The Senator from North Carolina has proposed an amendment to the committee amendment.

Mr. LODGE. Certainly.

Mr. BRANDEGEE. The Senator from Utah has done exactly the same thing.

Mr. LODGE. Precisely.

Mr. BRANDEGEE. Can there be two pending amendments before the Senate in the same parliamentary status at the same time?

Mr. LODGE. Certainly not, under the rule of the Senate. It makes no difference under the rule of Jefferson's Manual and general parliamentary law what the amendment is, whether it is a perfecting amendment, as it is usually called, or an amendment in the nature of a substitute. It is an amendment to the amendment. The Senator from Utah offers another amendment to the original amendment. That, of course, is excluded. It is an amendment in the third degree.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. I do.

Mr. BORAH. I know the authority with which the Senator speaks upon this question, but has not this precise thing been done a number of times during this session?

Mr. LODGE. Not to my knowledge.

Mr. BORAH. It has to my knowledge.

Mr. BRISTOW. Mr. President——

Mr. LODGE. If we have done it, we have done wrong. But I want to say, if the Senator from Kansas will allow me, I gave this subject some careful examination yesterday. I took the trouble to go over to the House and consult the gentleman who, I think, is the ablest parliamentarian now living in this country, and that is Mr. HINDS, whose familiarity with House provisions and parliamentary law generally everyone knows is very great. I went over this whole subject with him, and especially the House rule with which he is most familiar.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Will the Senator from Massachusetts yield to the Senator from Wyoming?

Mr. LODGE. Certainly.

Mr. CLARK of Wyoming. We all recognize the Senator's authority on parliamentary law, but can he give us a concise definition——

Mr. SMITH of Georgia. We can not hear the Senator over here.

Mr. CLARK of Wyoming. I ask the Senator if he can give a concise definition as to what an amendment in the second degree is?

Mr. LODGE. The main question is the bill. I use the language of the manual. The main question is the bill. The committee amendment is amendment No. 1. Any amendment to that amendment is in order and is No. 2, but any further amendment, whether substitute or perfecting, is amendment No. 3, and must be excluded at that stage; but if the amendment of the Senator from North Carolina is adopted, or if it is rejected, the amendment remains open to indefinite amendment as before. The amendment never passes in committee beyond the stage where it can be amended until it ceases to be an amendment.

When it ceases to be an amendment by the body placing it in the bill, then it can not be amended any further in the committee stage, but if we substitute the amendment proposed by the Senator from North Carolina [Mr. SIMMONS] for the committee amendment, that would be open to successive amendments of any different kind from those already passed upon.

Mr. SUTHERLAND. Mr. President, will the Senator permit me to ask him a question?

Mr. LODGE. Certainly.

Mr. SUTHERLAND. If the committee amendment were now a part of the bill, then the last proposed Simmons amendment would be in the nature of a motion to strike out and insert, would it not?

Mr. LODGE. It would be a motion to strike out and insert.

Mr. SUTHERLAND. Yes; and in that event the motion which I now make would be in order.

Mr. LODGE. Beyond doubt.

Mr. SUTHERLAND. Let me ask the Senator this question: When an amendment is proposed to a bill, is it not in order to move to strike out words from that amendment and to insert other words?

Mr. LODGE. Certainly; and the Senator from North Carolina has done it.

Mr. SUTHERLAND. Well, then, if that is so, upon what theory does the Senator limit the language of Rule XVIII, which is:

But pending a motion to strike out and insert——

Mr. LODGE. Mr. President——

Mr. SUTHERLAND. Now, wait. The rule continues—

the part to be stricken out and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. HITCHCOCK. Mr. President, I make the point of order that this question is not debatable. We are wasting a lot of time here. The Chair can decide.

Mr. SUTHERLAND. The Chair, as I understand, has indicated that he did not object to being enlightened.

Mr. HITCHCOCK. It is not necessary for the Chair to object. Any Senator can object; any Senator can make the point of order that debate is out of order on an undebatable question.

Mr. LODGE. I should be glad to reply to the Senator's question, of course, but the point of order having been made no further debate is in order.

Mr. SUTHERLAND. If I may be heard a moment by the indulgence of the Chair, I should like to be heard.

Mr. BRANDEGEE. If the Chair desires to have information, it certainly is in order to give it.

The PRESIDING OFFICER. It has been the practice that if the Chair desires he can hear discussions of points of order, and the Chair will be very glad to hear the Senator from Utah and the Senator from Massachusetts.

Mr. SUTHERLAND. I should like to be heard a moment before the matter is disposed of.

Mr. HITCHCOCK. What was the ruling of the Chair?

The PRESIDING OFFICER. The Vice President has frequently ruled that when the occupant of the chair desires to hear a point of order discussed he could do so.

Mr. HITCHCOCK. I hope the Chair will not desire it very long. We are wasting a lot of time.

The PRESIDING OFFICER. The Chair will be reasonable in connection with that.

Mr. SUTHERLAND. The question which I was submitting to the Senator from Massachusetts was this: The Senator from Massachusetts concedes that where an amendment is pending as this committee amendment is pending, it would be in order to move to strike out any words from that amendment and to insert other words. That is precisely the motion which has been made, as it seems to me.

Mr. LODGE. That is the motion of the Senator from North Carolina.

Mr. SUTHERLAND. What I want to ask the Senator from Massachusetts is, Upon what theory he narrows what appears to be the very broad terms of Rule XVIII? The rule reads:

But pending a motion to strike out and insert—

It does not say, "Pending a motion to strike out from a bill and insert something."

Mr. LODGE. Because, Mr. President, the motion to strike out and insert does not apply to anything but the bill. You are not proposing to strike out anything here; you can not strike out what is not in the bill; you can only strike out of a bill what is in the bill; you can not strike out an amendment that is not in the bill. The striking out and inserting applies beyond any question to the bill.

Mr. SUTHERLAND. Mr. President, I think the amendment which I propose is in order. I think the Senator from Massachusetts takes altogether too narrow a view of Rule XVIII, which is perfectly plain, and under which, it seems to me, it is perfectly clear that this amendment is in order.

The House of Representatives has reached the result by one kind of a rule, and we have reached it by another kind of a rule. Rule XVIII of the Senate reads in full as follows:

If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided—

That means any question in debate; it does not mean a question relating to an amendment of the bill, but, as I view it, any question relating to the amendment of a proposed amendment. The rule continues:

But the rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert a different proposition; nor shall it prevent a motion simply to strike out; nor shall the rejection of a motion to strike out prevent a motion to strike out and insert.

Now, it is not clear that thus far in this rule the language is not to be limited to the original provisions of the bill, but that it is to be extended to any proposition which is pending before the Senate.

Mr. BRANDEGEE. Mr. President——

Mr. SUTHERLAND. Wait a moment. The rule continues—and this is the specific part of it which applies to this question—

But pending a motion to strike out and insert—

Not a motion to strike out something from the bill and to insert something else in the bill; but broadly—

pending a motion to strike out and insert, the part to be stricken out—

That is, the original committee amendment being the part to be stricken out—

and the part to be inserted shall each be regarded for the purpose of amendment as a question; and motions to amend the part to be stricken out shall have precedence.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Massachusetts?

By Mr. NEELY of West Virginia: A bill (H. R. 17161) granting an increase of pension to Andrew King; to the Committee on Invalid Pensions.

By Mr. SCULLY: A bill (H. R. 17162) granting a pension to Mary F. Treganowan; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17163) for the relief of the State board of regents of the University of Idaho; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 17164) granting a pension to Josephine Phillips; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 17165) to redeem certain Spanish War documentary stamps from Edgar A. McAllister; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 17166) granting a pension to Julia Jones; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17167) granting an increase of pension to George W. Dowell; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: Resolution (H. Res. 535) authorizing the payment of $1,200 to Norman E. Ives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of 76 female citizens of the States of Connecticut and Massachusetts, favoring the passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also (by request), petition of the executive council of the American Federation of Labor, favoring the seamen's bill; to the Committee on the Merchant Marine and Fisheries.

Also (by request), petition of 47 male citizens of the State of Connecticut favoring the passage of House joint resolution 168, for national prohibition; to the Committee on Rules.

Also (by request), resolutions signed by the pastors of certain churches in Colerain, Pa., and Gregory, S. Dak., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AUSTIN: Memorial of sundry citizens of Harriman, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. AVIS: Petition of the Central Methodist Episcopal Church, of Charleston, W. Va., favoring national prohibition; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Arizona and California River Regulation Commission, favoring an appropriation of $15,000 for a survey of the watershed of the Victor Valley in California; to the Committee on Rivers and Harbors.

Also, memorial of the Chamber of Commerce of Los Angeles, Cal., and the Arizona and California River Regulation Commission in regard to proposed San Carlos Dam in Arizona; to the Committee on the Public Lands.

By Mr. BORCHERS: Petitions of various legal voters of Decatur and Macon, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of 46 citizens of Camden, N. J., protesting against national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petitions of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Glass Bottle Blowers' Association, of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 54 citizens and residents of the third California district, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Fremont Park Presbyterian Church, of Sacramento, Cal., in favor of a constitutional amendment to prohibit polygamy; to the Committee on the Judiciary.

Also, petition of Mrs. Etta I. Finch, of Sacramento, Cal., and the Presbyterian Church of Danville, Cal., in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Charles W. Goodman, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DICKINSON: Petition of 448 citizens of the sixth district of Missouri, in favor of the national constitutional prohibition amendment; to the Committee on Rules.

By Mr. DILLON: Petition of sundry citizens of Lake County, S. Dak., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of Local No. 15, Norwalk Hatters' Association, of the United Hatters of North America, protesting against national prohibition; to the Committee on Rules.

By Mr. DUNN: Petition of the Chamber of Commerce of Rochester, N. Y., protesting against the passage of the omnibus antitrust bill; to the Committee on the Judiciary.

By Mr. DYER: Petitions of Fred Ohme, Martin Fellhauer, Joseph Saettele, W. F. Kuerz, Frank Kuerz, Christ Beck, William Finn, Hermann Hartwig, George A. Vaccarezzo, and F. R. Connolly, all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petition of the Central Coal & Coke Co., of Kansas City, Mo., favoring House bill 15869, providing for 10 mining experiment stations; to the Committee on Mines and Mining.

Also, petition of the Woman's Prohibition League of Shreveport, La., favoring national prohibition; to the Committee on Rules.

Also, petition of the Commercial Club of Kansas City, Mo., relative to antitrust bill; to the Committee on the Judiciary.

Also, petitions of the Italian Chamber of Commerce of New York; Martin Fellhauer and George A. Vaccarezza of St. Louis, Mo.; and the National Association of Retail Grocers, against national prohibition; to the Committee on Rules.

By Mr. FINLEY: Papers to accompany a bill for the relief of the Cheraw Lyceum, Cheraw, S. C.; to the Committee on War Claims.

By Mr. GARNER: Memorial of the Chamber of Commerce of Dallas, Tex., relative to haste in the antitrust bills; to the Committee on the Judiciary.

Also, memorial of the Texas Grain Dealers' Association, favoring passage of House bill 14492, the grain grades act; to the Committee on Agriculture.

By Mr. GARRETT of Tennessee: Petition of 526 citizens of Kenton, Tenn., and sundry citizens of Troy, Tenn., favoring national prohibition; to the Committee on Rules.

By Mr. GREENE of Vermont: Petition of Fred W. Hall and 86 other residents of the first congressional district of Vermont, for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HAMILTON of New York: Petition of sundry citizens of Rushford, Wellsville, and Panama, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Falconer, N. Y., and the Woman's Christian Temperance Union of Rushford, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of King County, Wash., protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petition of sundry citizens of Chehalis and Tacoma, Wash., protesting against national prohibition; to the Committee on Rules.

Also, petition of 41 young people of Marysville, Wash., favoring national prohibition; to the Committee on Rules.

Also, petition of sundry business men of Lyle and Goldendale, Wash., favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Memorial of the Union Electric Supply Co., of Providence, R. I., favoring passage of House bill 13305, Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Petition of Mr. F. William Seifers and 35 citizens of Allegany County, protesting against the passage of House resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the Liquor Dealers' Association of Allegany County, Md., protesting against the House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petition of Charles Gunther, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McDERMOTT: Petition of the City Council of Chicago, Ill., favoring the passage of House bill 15733; to the Committee on Industrial Arts and Expositions.

Also, petition of Michael Kennedy, of Chicago, Ill., protesting against the passage of national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Memorial of the Department Encampment, Grand Army of the Republic, of Grand Island, Nebr., relative to bill to protect monuments on the battle fields of Bull Run, Va.; to the Committee on Military Affairs.

Also, petition of the united congregations of the Methodist Episcopal and Presbyterian Churches of Raymond, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. METZ: Petition of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MOTT: Petition of sundry citizens of the thirty-second congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. NEELY of West Virginia: Petitions of the Methodist Episcopal Church of Lumberport; the Woman's Christian Temperance Union of Wallace; the Odd Fellows' Lodge of Wallace; the Rebekah Lodge of Wallace; the Methodist Episcopal Church of Wallace; Lodge No. 172, Knights of Pythias, of Wallace; the Ladies' Aid Society of Wallace; and the Peora Sunday School, of Shinnston, all in the State of West Virginia, for national constitutional prohibition amendment; to the Committee on Rules.

By Mr. O'LEARY: Petitions of sundry citizens of Queens County, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Bible Class of the Methodist Episcopal Church of Springfield Garden, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petitions of Elizabeth Mills, Hills Grove, R. I., and Dexter Yarn Co., Pawtucket, R. I., against Edwards bill to prohibit importation of Egyptian cotton; to the Committee on Ways and Means.

Also, petitions of the Union Electric Supply Co., of Providence, R. I., and Charles M. Cole, Newport, R. I., favoring House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolutions of the Chamber of Commerce, Los Angeles, Cal., favoring the proposed San Carlos Dam in Arizona; to the Committee on Irrigation of Arid Lands.

Also, letter from the Federation of Civil Service Employees of San Francisco, Cal., favoring House bill 12056, to regulate the hours of labor; to the Committee on Labor.

Also, resolutions of the Chamber of Commerce, Los Angeles, Cal., favoring Government acquisition of sufficient Mexican territory to place the Colorado River entirely within the boundaries of the United States; to the Committee on Foreign Affairs.

By Mr. REED: Petition of the Manchester (N. H.) Central Labor Union, signed by Joseph P. Kenney, president, and Thomas F. Thornton, recording-corresponding secretary, opposing national prohibition of the liquor traffic; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petition of Local No. 8, P. B. P. S. W. U., protesting against conditions in mines of Colorado; to the Committee on the Judiciary.

By Mr. ROBERTS of Massachusetts: Papers to accompany a bill (H. R. 17038) granting an increase of pension to Erskin Hawley; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: Papers to accompany House bill 2845, a bill for the relief of J. H. Milbourn; to the Committee on Invalid Pensions.

Also, resolution by the Trades and Labor Council of Kalamazoo, Mich., favoring Government ownership of natural resources, safeguarding lives and homes of Colorado mine workers, and forbidding importation of strike breakers; to the Committee on Mines and Mining.

By Mr. SMITH of Idaho: Petition of Mrs. Jennie Cortner and 128 other women of Payette, Idaho, urging the adoption of a resolution introduced by Mr. GILLETT, of Massachusetts, to amend the Federal Constitution so as to prohibit polygamy in the United States; to the Committee on the Judiciary.

Also, petitions of various business men of Genesee, Boise, and Weiser, all in the State of Idaho, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petition signed by Charles S. Anderson and 434 postal employees at Los Angeles, praying Congress to pass an equitable law for the retirement of superannuated public servants; to the Committee on Reform in the Civil Service.

Also, resolution of East Hollywood (Cal.) Woman's Christian Temperance Union, 40 members, favoring national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of the Ministerial Union of Los Angeles, Cal., representing 160,000 adherents, favoring a national constitutional prohibition amendment; to the Committee on Rules.

Also, resolution of Humboldt Chamber of Commerce, protesting against undue haste in enacting antitrust legislation; to the Committee on the Judiciary.

Also, resolution of the Los Angeles Chamber of Commerce, favoring the San Carlos (Ariz.) Dam project; to the Committee on Irrigation of Arid Lands.

Also, petition of the advisory board of the Arizona and California river regulation commission, relative to appropriations for Victor Valley, Cal.; to the Committee on Rivers and Harbors.

Also, memorial of advisory board of the Arizona and California river regulation commission, relative to San Carlos Dam, in Arizona; to the Committee on Irrigation of Arid Lands.

By Mr. SWITZER: Petition of 75 voters of Oak Hill, Ohio, asking for the passage of House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 28 citizens of Ironton, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 48 citizens of Portsmouth, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, protests of 636 citizens of Portsmouth, Ohio, against House joint resolution 168, the constitutional prohibition amendment; to the Committee on Rules.

Also, petition of 1 citizen of Manchester, Ohio, and 2 citizens of Stout, Ohio, protesting against national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petitions, letters, and postals from 300 citizens of the cities of Albany, Troy, Watervliet, Cohoes, and the county of Albany, all in the State of New York, petitioning against the Hobson prohibition measure; to the Committee on Rules.

By Mr. TUTTLE: Petitions of the Temple Baptist Christian Endeavor Society, the Netherwood Christian Endeavor Society, Young Peoples' Society of Christian Endeavor of the Seventh Day Baptist Church, all of Plainfield; sundry citizens of Wharton, and 808 of Dover, all in the State of New Jersey, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry voters of the fifth congressional district of New Jersey, protesting against national prohibition; to the Committee on Rules.

Also, petition of Plainfield Lodge, No. 167, International Association of Machinists, of Plainfield, N. J., favoring passage of Senate bill 5303, relative to extension of Federal locomotive boiler inspection; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *June 10, 1914.*

(*Continuation of the legislative day of Friday, June 5, 1914.*)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes the consideration of House bill 14385, which is the unfinished business.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, Mich.
Bankhead	Goff	Myers	Smith, S. C.
Borah	Gronna	Nelson	Smoot
Brady	Hitchcock	Norris	Sterling
Brandegee	James	O'Gorman	Stone
Bristow	Johnson	Overman	Sutherland
Bryan	Jones	Page	Swanson
Burleigh	Kenyon	Perkins	Thomas
Burton	Kern	Pomerene	Thornton
Chamberlain	Lane	Saulsbury	Townsend
Chilton	Lea, Tenn.	Shafroth	Vardaman
Clapp	Lewis	Sheppard	Weeks
Clark, Wyo.	Lodge	Sherman	West
Colt	McCumber	Shively	White
Culberson	McLean	Simmons	Williams
Dillingham	Martin, Va.	Smith, Ga.	Works

to all Government officials who travel. It would be somewhat unfortunate to single them out.

Mr. CULLOP. The gentleman will concede, I suppose, that it ought to apply to all Government officials? You can not make such a construction of traveling expenses that would include the laundry of the wearing apparel of the individual. That is no part of the traveling expenses. To so construe it would be ridiculous.

Mr. FITZGERALD. They have construed as a legitimate charge under traveling expenses a charge for pressing trousers.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CULLOP] has expired.

Mr. CULLOP. I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent for five minutes more. Is there objection?

Mr. BUCHANAN of Illinois. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects.

Mr. FITZGERALD. Well, Mr. Chairman, I will ask for recognition in my own right.

The CHAIRMAN. The Chair understands the point of order is reserved upon the paragraph.

Mr. CULLOP. No; I moved to strike out the last word. That was the motion, instead of a point of order.

Mr. FITZGERALD. I ask to be recognized in opposition.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] is recognized.

Mr. FITZGERALD. I was calling the attention of the gentleman from Indiana to the fact that a few years ago a member of the Fine Arts Commission included in his account of traveling expenses an item for pressing several pairs of trousers. The item was submitted to the Comptroller of the Treasury twice. On the second occasion he held that it was a proper item of disbursement to come within the construction of the term "traveling expenses."

Mr. CULLOP. I will ask the gentleman from New York if he does not think that was very far-fetched for a statutory construction? It could not be approved.

Mr. FITZGERALD. I think perhaps that a member of the Fine Arts Commission would naturally have, as a necessary part of his traveling expenses, charges for the pressing of his trousers more frequently than I myself might find necessary. This word "laundry," however, is to cover the specific work to which I have called attention. I do not believe that it is necessary to add anything else. It covers sheets and pillowcases and towels of five watchmen and one skilled laborer, and five counters of distinctive paper and one register and his two assistants.

Mr. CULLOP. I would like to ask the gentleman from New York a question there, if he will permit. Are these watchmen employed in Washington, or are they employed in Massachusetts, at the place where this mill is located?

Mr. FITZGERALD. They are employed at the mill.

Mr. CULLOP. Then they are not sent from Washington?

Mr. FITZGERALD. I do not think so.

Mr. CULLOP. I would like to ask the gentleman from New York, in this connection, who are the men, and what are the positions they hold, who are sent up from this city to Massachusetts, where this mill is located, to superintend or look after this part of the Government's business?

Mr. FITZGERALD. I think, but I am not certain, that it is the register, his two assistants, and the five counters.

Mr. CULLOP. Then the five watchmen and the one skilled laborer mentioned in this paragraph are persons who live up there where the mill is located? Is that correct?

Mr. FITZGERALD. I think so, but I am not certain about it.

Mr. CULLOP. It seems to me, in the matter of economy in the administration of this branch of the Government work——

Mr. FITZGERALD. I think it is, but I did not inquire about it.

Mr. CULLOP. If they are employed up there in this character of labor, I think it would be a considerable saving to the Government. It would be an economy so far as the Government is concerned.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Compensation in lieu of moieties: For compensation in lieu of moieties in certain cases under the customs revenue laws, $50,000.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. DAVENPORT, by unanimous consent, was granted leave of absence, indefinitely, on account of important business.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 11040. An act to carry out the findings of the Court of Claims in the case of James Harvey Dennis.

ALSTON G. DAYTON.

Mr. NEELEY of West Virginia. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman from West Virginia [Mr. NEELEY] rises to a question of privilege. The gentleman will state it.

Mr. MANN. I make the point of order, Mr. Speaker, that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point of order that there is no quorum present. Evidently there is not.

Mr. FITZGERALD. I move, Mr. Speaker, that the House do now adjourn.

Mr. MANN. I withdraw my point of order, Mr. Speaker.

Mr. NEELEY of West Virginia. Mr. Speaker, by virtue of my office as a Member of the House of Representatives I hereby impeach Alston G. Dayton, judge of the District Court of the United States for the Northern District of West Virginia, of high crimes and misdemeanors.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Illinois makes the point that there is no quorum present, and the gentleman from New York moves that the House do now adjourn. The question is on agreeing to that motion.

The motion was agreed to; accordingly (at 6 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Wednesday, June 10, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (H. R. 15533) granting public lands to the city and county of Denver, in the State of Colorado, for public park purposes, reported the same with amendment, accompanied by a report (No. 782), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LOGUE, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 269) relating to the awards and payments thereon in what is commonly known as the Plaza cases, reported the same with amendment, accompanied by a report (No. 783), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 12464) providing for the expenditure of part of the unexpended balance of the appropriation of $10,000, made by the urgent deficiency bill of October 22, 1913, for the completion of the post-office building at Hanover, Pa., reported the same without amendment, accompanied by a report (No. 784), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Coinage, Weights, and Measures, to which was referred the bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities, reported the same with amendment, accompanied by a report (No. 800), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DEITRICK, from the Committee on Military Affairs, to which was referred the bill (H. R. 12229) for the relief of William A. Wallace, reported the same with amendment, accompanied by a report (No. 781), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 15557) for the relief of Anna Miller, reported the same with amendment, accompanied by a report (No. 785), which said bill and report were referred to the Private Calendar.

Mr. POU, from the Committee on Claims, to which was referred the bill (H. R. 16578) for the relief of Frank P. Sammons, reported the same with amendment, accompanied by a report (No. 786), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11062) for the relief of William E. Campbell, reported the same with amendment, accompanied by a report (No. 787), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 10633) for the relief of the legal representatives of George W. Soule, reported the same with amendment, accompanied by a report (No. 788), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 10460) for the relief of Mary Cornick, reported the same with amendment, accompanied by a report (No. 789), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 14679) for the relief of Clarence L. George, reported the same with amendment, accompanied by a report (No. 790), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 8354) for the relief of George W. Trahey, reported the same with amendment, accompanied by a report (No. 791), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4091) for the relief of Daniel J. Ryan, reported the same with amendment, accompanied by a report (No. 792), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3430) for the relief of Lottie Rapp, reported the same with amendment, accompanied by a report (No. 793), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 16524) for the relief of the heirs of Benjamin S. Roberts, reported the same without amendment, accompanied by a report (No. 794), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11199) for the relief of Joe T. White, reported the same with amendment, accompanied by a report (No. 795), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 13161) providing for the refund of certain additional duties collected on pineapples, reported the same without amendment, accompanied by a report (No. 796), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 11719) to reimburse D. Dale Condit, of the United States Geological Survey, of Washington, D. C., for moneys expended in the payment of a damage claim, reported the same without amendment, accompanied by a report (No. 797), which said bill and report were referred to the Private Calendar.

Mr. MOTT, from the Committee on Claims, to which was referred the bill (H. R. 7639) for the relief of Myron A. Brown'ee, reported the same without amendment, accompanied by a report (No. 798), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 3954) for the relief of William E. Horton, reported the same without amendment, accompanied by a report (No. 799), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. METZ: A bill (H. R. 17140) to revise and amend the laws relating to patents; to the Committee on Patents.

By Mr. DAVENPORT: A bill (H. R. 17141) to provide for the erection of a public building at Nowata, Okla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 17142) to establish public highways or roads along all section lines in the Seneca, Wyandotte, Ottawa, Eastern Shawnee, Peoria, West Miami, and Quapaw Tribe of Indians in the Quapaw Agency, in eastern Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. PARK: A bill (H. R. 17143) to increase the salaries of the United States district attorney and United States marshal and deputy marshals for the southern district of Georgia, and for other purposes; to the Committee on the Judiciary.

By Mr. DAVENPORT (by request): A bill (H. R. 17144) to provide for the reimbursement to the emigrant Cherokees by blood for lands allotted to the negro freedmen (Cherokees) from the lands granted to the emigrant Cherokees by blood under treaty of 1835; to the Committee on Indian Affairs.

By Mr. McANDREWS: A bill (H. R. 17145) to enlarge the post office at Oak Park, Ill., and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. THOMPSON of Oklahoma: A bill (H. R. 17146) to enlarge, extend, and remodel the Federal building located at Guthrie, Okla.; to the Committee on Public Buildings and Grounds.

By Mr. WEBB: A bill (H. R. 17147) to amend section 195 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. FOSTER: Resolution (H. Res. 536) providing for the consideration of sundry bills relating to Alaska; to the Committee on Rules.

By Mr. CANTRILL: Resolution (H. Res. 537) relative to the procedure in the consideration of House joint resolution 168; to the Committee on Rules.

By Mr. HOBSON: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. GILMORE: Memorial from the Massachusetts Legislature relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

By Mr. TREADWAY: Memorial from the Legislature of the State of Massachusetts relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on Naval Affairs.

By Mr. THACHER: Memorial from the Legislature of the State of Massachusetts relative to the purchase of bunting for the manufacture of the United States flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 17148) granting a pension to William H. Miller; to the Committee on Pensions.

By Mr. COLLIER: A bill (H. R. 17149) reinstating Edgar N. Coffey to his former rank and grade in the United States Army; to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 17150) granting an increase of pension to Charles H. Twomey; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 17151) for the relief of Carl Puckett; to the Committee on Indian Affairs.

By Mr. FIELDS: A bill (H. R. 17152) granting a pension to Martha L. Smith; to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 17153) for the relief of the Cheraw Lyceum, Cheraw, S. C.; to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 17154) for the relief of Dennis Shevlin; to the Committee on Military Affairs.

Also, a bill (H. R. 17155) for the relief of Charles Snow; to the Committee on Military Affairs.

By Mr. HAMMOND: A bill (H. R. 17156) renewing United States patent No. 551,055, issued to William Snure, of Lakefield, Minn., for bean-harvester, for a term of 17 years from date of its expiration; to the Committee on Patents.

By Mr. MAPES: A bill (H. R. 17157) granting a pension to Ernest J. Nichols; to the Committee on Pensions.

Also, a bill (H. R. 17158) granting an increase of pension to Alonzo L. Belcher; to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17159) granting a pension to John E. Jamison; to the Committee on Pensions.

Also, a bill (H. R. 17160) granting an increase of pension to David Sayer; to the Committee on Invalid Pensions.

paying for information leading to violations of the customs-revenue laws. The paragraph is subject to a point of order. If the amendment is germane to the subject matter, no point of order against it will lie. I would be very glad if the chairman of this committee would consent to the adoption of the amendment. I think it is necessary.

Mr. MADDEN. It is a good amendment.

Mr. FOWLER. It is a splendid amendment. If the distinguished gentleman from New York will withhold his point of order, I think I can convince him that it is necessary and that it should be adopted here.

Mr. FITZGERALD. That is all the more reason why I should insist upon the point of order.

Mr. FOWLER. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] is a student of economics, and I know he is anxious to reduce expenditures of this Government, and also is more than anxious to reduce the violations of law committed in this country. This amendment will not only aid him as the chairman of the Committee on Appropriations in cutting down expenditures, but it will prove to be a source of revenue to the Government.

Mr. MADDEN. This would open up a new industry for employment, would it not?

Mr. FOWLER. Indeed, I might say it would open up a new industry of such magnitude as to give employment to all idle prosecutors of crime and give them an opportunity to earn their salaries. It will reveal graft in high places, locate the hiding places of big criminals, and expose the unlawful methods by which the Government has been robbed of millions. It will expose a picture of crime which will not only shock the wisdom of the gentleman from New York, but will astonish the world to know that such conduct has been tolerated. Its benefits to the country can not be estimated. The criminal only should oppose its adoption. The innocent should encourage it, for it will protect the Government and the citizen alike. Hideous grafter, how did you get rich quick? Where is your hiding place? Who are you allies? This amendment is able to answer all these questions.

The CHAIRMAN (Mr. GARRETT of Tennessee). The Chair sustains the point of order.

The Clerk read as follows:

Money laundry machines: For all miscellaneous expenses in connection with the installation and maintenance of money laundry machines, including repairs and purchase of supplies, for machines at Washington, D. C., and in the various subtreasury offices, $9,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman might give us some information about this item.

Mr. FITZGERALD. Mr. Chairman, about a year and a half or two years ago a machine was devised for the purpose of laundering Treasury notes so that they might be reissued instead of being destroyed. Those machines have been put into operation in several of the subtreasuries and some of them are in operation in the city of Washington. It was not found necessary to use as many as originally had been anticipated. They have reissued about 28,000,000 laundered notes in the past year, which is equivalent to 7,000,000 sheets of special paper, distinctive paper, purchased for Treasury notes. So far as they have been utilized the machines have been found to be very efficient, and their use has resulted in cleaner currency being kept in circulation, and has eliminated the necessity of engraving about twenty-eight to thirty million notes.

Mr. MANN. Mr. Chairman, we have carried an item in the legislative bill at different times, I think, for these expenses at the subtreasuries, have we not?

Mr. FITZGERALD. Mr. Chairman, this item was formerly carried in the legislative bill, and it was transferred to this bill this year so as to be carried in connection with the work of the printing and issuing of Treasury notes. The $9,000 carried here is for the purchase of materials required in the operation of the machines, the peculiar chemical or soap, or whatever it is, that is used to wash the notes, and the oil and other materials necessary for the operations of the machines. They are not using the machines to full capacity, because the number of notes that have been turned in fit to be reissued has not been sufficiently large to justify laundering and reissuing, but they have been able to launder and reissue a number of notes that justifies the maintenance of the machine.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn and the Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GOULDEN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Distinctive paper for United States securities: For distinctive paper for United States securities, including transportation, traveling, laundry, and other necessary expenses, salaries for not more than 10 months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer, and expenses of officer detailed from the Treasury, $400,000.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word in order to ask the Chairman a question about this paragraph. In line 18, among other items, there is one for laundry. What does that item mean? Is that for the laundry of the wearing apparel of these traveling men in the employ of the Government?

Mr. FITZGERALD. No; it is the laundering of the rags and cloths.

Mr. CULLOP. It does not read in that way. The item reads:

Including transportation, traveling, laundry, and other necessary expenses, salaries for not more than 10 months of not exceeding 1 register, 2 assistant registers, 5 counters, 5 watchmen, and 1 skilled laborer, and expenses of officer detailed from the Treasury, $400,000.

I do not think that it is a necessary item of expense where some agent of the Government is traveling to pay his laundry expenses. His traveling expenses are paid and his board. If he were here in Washington, he would be on the same salary, and his laundry bill would not be any greater when he is away or any more reason why he should pay it. It is unfair to the Government and unjust to the people that we should pay his laundry bills, if that is what it means, and I think it does.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. MANN. Does the gentleman think the transportation there refers to individuals?

Mr. CULLOP. I am asking the Chairman. It says:

Including transportation, traveling, laundry, and other necessary expenses.

What else could it mean?

Mr. MANN. It says:

For distinctive paper for United States securities, including transportation, traveling, laundry,"

And so forth.

Mr. CULLOP. How would they pay the traveling expenses of distinctive paper? This item refers to what follows and not what precedes it, and clearly refers to the traveling expenses connected with certain named employees.

Mr. FITZGERALD. Oh, it includes some employees, too.

Mr. CULLOP. Certainly, it is employees. It refers to their expenses and nothing else; that is too plain for dispute.

Mr. FITZGERALD. These men are sent to the mill in Massachusetts where the paper is made. If the gentleman will pardon me for a moment, I will get the exact information.

Mr. GARNER. Mr. Chairman, while the gentleman is looking up that matter we might consider the question of transportation. In these bills somewhere is hidden authority, or at least so construed by the auditor for the various departments, to buy all of the automobiles necessary for every subhead there is in the Government, and the number of automobiles in this District used for purposes not intended by the Congress has become almost a public scandal.

Mr. FITZGERALD. There is a recent decision of the Comptroller of the Treasury which was printed in the hearings, if I recollect correctly, on the urgent deficiency bill, in which decision, citing a provision of the Revised Statutes requiring him to construe the word "vehicle" as covering every form of land transportation, he held that automobiles could be purchased.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order of no quorum. I can only count——

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the gentleman's point of no quorum is dilatory. The gentleman made one a few moments ago.

Mr. BUCHANAN of Illinois. It has been over an hour ago, and I count only 30 Members in the Chamber.

Mr. MONDELL. Mr. Chairman, I hope the gentleman will withhold the point of order until we get this matter of dirty linen cleaned up.

The CHAIRMAN. The gentleman from Illinois makes the point of order there is no quorum present.

Mr. CULLOP. There seems to be a dispute over there as to whether there is any reference to dirty linen; the gentleman from Illinois seems to think not.

Mr. MANN. That is contrary to the ethics of the Democratic Party.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present, and the gentleman from New York makes the point of order that that point of order is dilatory. The bill is now being considered under the five-minute rule, and amendments are being offered and voted upon. The Constitution requires a quorum to do business, and the Chair stated yesterday afternoon——

Mr. MANN. Mr. Chairman, I simply wish to call the attention of the Chair, so he will have it correct in the Record, that the Constitution does not make any reference about the Committee of the Whole House on the state of the Union.

Mr. CULLOP. The rules of the House do that.

The CHAIRMAN. The rules of the House provide that, and I take it it is the spirit of the Constitution. The Chair yesterday sustained a point of order of a character similar to this while general debate was in progress, but when actual business is being done, with amendments being offered and voted upon, the Chair feels that the benefit of the doubt should be given to the point of no quorum, and therefore the Chair overrules the point of order made by the gentleman from New York, and the Chair will count. [After counting.] Sixty-seven gentlemen are present, not a quorum, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ainey	Fess	Kinkead, N. J.	Pou
Allen	Finley	Kirkpatrick	Riordan
Anderson	Fitzhenry	Knowland, J. R.	Roberts, Mass.
Ansberry	Flood, Ark.	Konop	Rogers
Anthony	Fordney	Korbly	Rothermel
Austin	Francis	Kreider	Rucker
Avis	Gallagher	Lafferty	Saboth
Barchfeld	Gardner	Langham	Scully
Barnhart	George	Lazaro	Seldomridge
Bartholdt	Gerry	Lee, Ga.	Sells
Bell, Ga.	Gillett	L'Engle	Sharp
Borland	Glass	Lesher	Sherley
Bowdle	Goeke	Levy	Sherwood
Britten	Goldfogle	Lewis, Md.	Shreve
Brodbeck	Goodwin, Ark.	Lewis, Pa.	Sims
Broussard	Gordon	Lieb	Slayden
Brown, W. Va.	Gorman	Lindquist	Slemp
Browning	Graham, Ill.	Loft	Sloan
Bruckner	Graham, Pa.	Lonergan	Small
Burgess	Green, Iowa	McClellan	Smith, Md.
Burke, Pa.	Greene, Mass.	McCoy	Smith, Saml. W.
Calder	Griest	McDermott	Smith, Minn.
Callaway	Griffin	McGillicuddy	Smith, N. Y.
Cantrill	Guernsey	McGuire, Okla.	Smith, Tex.
Carew	Hamill	McKenzie	Sparkman
Carlin	Hamilton, N. Y.	Mahan	Stafford
Carter	Hamlin	Maher	Stanley
Casey	Lardwick	Manahan	Steenerson
Chandler, N. Y.	Hart	Martin	Stephens, Nebr.
Clancy	Hayes	Merritt	Stephens, Tex.
Clark, Fla.	Heflin	Metz	Stevens, N. H.
Claypool	Helgesen	Miller	Stout
Cline	Helm	Montague	Stringer
Coady	Helvering	Moore	Taggart
Copley	Hinebaugh	Morin	Talbott, Md.
Covington	Holaday	Murray, Mass.	Taylor, Ala.
Cramton	Houston	Neely, Kans.	Taylor, Colo.
Crisp	Howard	Nelson	Towner
Crosser	Howland	Nolan, J. I.	Tribble
Dale	Humphrey, Wash.	Norton	Tuttle
Danforth	Humphreys, Miss.	O'Brien	Underhill
Davenport	Igoe	O'Leary	Vare
Decker	Jacoway	O'Hair	Volstead
Dies	Johnson, Ky.	O'Shaunessy	Wallin
Difenderfer	Johnson, Utah	Page, Mass.	Watson
Dooling	Jones	Palmer	Webb
Doughton	Kahn	Parker	Whaley
Drukker	Keister	Patten, N. Y.	Whitacre
Dunn	Kelley, Mich.	Patton, Pa.	White
Elder	Kelly, Pa.	Payne	Wilson, N. Y.
Estopinal	Kennedy, R. I.	Peters, Me.	Winslow
Evans	Kent	Peters, Mass.	Woods
Fairchild	Kless, Pa.	Peterson	Young, N. Dak.
Falconer	Kindel	Porter	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. BARTLETT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called, and thereupon 218 Members answered to their names, a quorum, and he reported herewith the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called; whereupon 218 Members, a quorum, answered to their names, and he presents herewith the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The committee resumed its sitting.

Mr. FITZGERALD. Mr. Chairman, in reply to the inquiry of the gentleman from Indiana [Mr. CULLOP], I desire to state that in 1910 in the preparation of the sundry civil bill for the fiscal year 1911 the Assistant Secretary of the Treasury, Mr. Norton, when before the committee, explained that the word "laundry" in the paragraph was for the purpose of paying for the laundering of towels used by the employees and the sheets and pillow cases used on the watchmen's beds.

We maintain special watchmen at the mill to guard everything in connection with the manufacture of this paper. They had been paying these expenses for 30 years out of this particular appropriation, when the Comptroller of the Treasury held that they were not allowable without specific authority. And in that year the word "laundry" was inserted in order to continue the payment for the laundering of towels, sheets, and pillowcases. It is not intended for the personal laundry of the employees.

Mr. CULLOP. I would like to ask the gentleman where this mill is situated?

Mr. FITZGERALD. It is located in Massachusetts, at Dalton.

Mr. GARNER. Can the gentleman from New York [Mr. FITZGERALD] state to the committee that no part of this appropriation is used for the purpose of paying the laundry of employees of the Government when they travel?

Mr. FITZGERALD. I can not say that, because I do not know whether under the ruling of the Comptroller of the Treasury laundry is allowable as a traveling expense. This wording was included in the provision to take care specifically of the expenses of the character indicated. So far as I am aware, it was never intended to be otherwise.

Mr. GARNER. It makes no difference what the intention of the committee is, if the committee authorizes the care of laundry for the Treasury Department, and it is used for that purpose, this committee ought to guard against the uses of money in a way not intended by Congress. The gentleman from South Carolina [Mr. JOHNSON] just remarked in an undertone that they had construed this language to mean for the payment of laundry used in traveling expenses.

Mr. JOHNSON of South Carolina. The "gentleman from South Carolina" did not say that, but the "gentleman from South Carolina" did say that where the traveling expenses of a Government employee are provided for they do allow laundry.

Mr. GARNER. Let me ask the gentleman from South Carolina if they use this language they could not pay the laundry bill of an employee out of this appropriation, because it says "including transportation, traveling, laundry, and other necessary expenses"?

Mr. FITZGERALD. Unless it is included under the word "traveling," it would not come, in my opinion, under "laundry." The Comptroller of the Treasury in ruling upon these questions invariably examines the record made before the committee which makes the appropriations, and does not permit, as a rule, money to be used for a purpose which it is clearly indicated was not contemplated when provisions were framed.

Mr. CULLOP. Mr. Chairman, if the gentleman from New York will permit, he will remember that some years ago—within the last three or four years—the question was up before the House on one of the appropriation bills, wherein it was claimed that some of the appropriations under the word "laundry" had been applied to paying the laundry bills of individuals, for the laundry of their personal wearing apparel. And if that is so, that is certainly an abuse of the appropriation and is diverting it to a purpose for which it was never intended. Now, would the gentleman have any objection to this kind of an amendment, namely, after the end of the paragraph insert:

Provided, That no part of this appropriation shall apply to the payment of the private laundry bills of any of the employees or officials of this department.

In my judgment, that would be appropriate, in order to prevent any abuse in this matter.

Mr. FITZGERALD. Well, I do not think it is necessary to attach it to this appropriation.

Mr. CULLOP. The gentleman will concede that as it now stands it is subject to this abuse? This would prevent any diversion of this fund from the purpose for which it is made.

Mr. FITZGERALD. No; I do not, unless they construe laundry to be a legitimate traveling expense; and if that be the decision of the Comptroller of the Treasury, there is no reason why the register and two assistant registers, five counters, five watchmen, and one skilled laborer employed at this particular place should have a rule applied to them that does not apply

Mr. FITZGERALD. They have not been changed.

Mr. MANN. The gentleman carries the title here, "district superintendents of life-saving and lifeboat stations and houses of refuge." When were those words added to the title of superintendents of life-saving stations?

Mr. FITZGERALD. That is in the current law.

Mr. MANN. No; it has never been carried in the current law heretofore.

Mr. FITZGERALD. We have changed the arrangement; that is all.

Mr. MANN. I understand the arrangement has been changed, and I have no objection to that, but the title used to be, and I think still is, "district superintendents of life-saving stations." There is one to each district. Now, you carry it as "district superintendents of life-saving and lifeboat stations and houses of refuge." It is true that these district superintendents have under their control some lifeboat stations and some houses of refuge, but I think that is not their title, and this is merely descriptive of the title of those officials.

Mr. FITZGERALD. Formerly it was "district superintendent of life-saving stations, as follows." Then we would enumerate the life-saving stations.

Mr. MANN. It should still be "for district superintendents of life-saving stations."

Mr. FITZGERALD. Then would come a "superintendent of a house of refuge"—that would be another title—and then "for life-saving and lifeboat stations." There are titles corresponding to that. Some have no houses of refuge. The arrangement is merely changed. I do not think it affects in any way the substance of it, but it eliminates the repetition of the words.

Mr. MANN. I understand they have under their control certain life-saving stations, certain lifeboat stations, and certain houses of refuge; but the title of the officer is "district superintendent of life-saving stations."

Mr. FITZGERALD. I call the attention of the gentleman to the fact that in the current law there was this: "For district superintendent of life-saving station."

Mr. MANN. That is the title of the officer.

Mr. FITZGERALD. That is one.

Mr. MANN. That is proper. That is the one you make appropriation for.

Mr. FITZGERALD. "District superintendent" is the title of the office.

Mr. MANN. "District superintendent of life-saving station" is the title of the office, and it covers, for instance, the life-saving station and the house of refuge on the coast of South Carolina, Georgia, and Florida. But you do not wish to change the title of the office?

Mr. FITZGERALD. No; we do not wish to change it.

Mr. MANN. You have changed it in this appropriation.

Mr. FITZGERALD. In order to eliminate the repetition of certain words this modification was made, and the item was submitted to the department officials, and they said it would not affect the occupants of the places.

Mr. MANN. I understand. I suppose that is true, and I should say that the district superintendent of a life-saving station carried in this bill, for example, for the life-saving station in the South Carolina district, would still have jurisdiction over the houses of refuge. I am not going to insist upon the point of order.

Mr. GARNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Does the gentleman from Illinois withdraw his point of order?

Mr. MANN. Yes; I withdraw it.

The CHAIRMAN. The gentleman from Texas moves to strike out the last word.

Mr. GARNER. What is the object of having different salaries for similar places in this paragraph?

Mr. MANN. The salaries are fixed by statute, I will say to the gentleman—a very good reason.

Mr. FITZGERALD. The compensation is fixed by statute, and I think it depends upon the importance of the station or of the district, rather. Some districts have a number of stations and a great deal of work and others have not so much.

Mr. GARNER. One of them coming under my observation is the district of the Gulf of Mexico. I do not know who the superintendent is, when he was appointed, or where he comes from, but I know he covers as much territory and puts in as many hours as the superintendent of any district in the United States.

Mr. FITZGERALD. The cost of living is cheaper there.

Mr. GARNER. That can not be the reason. The gentleman's reason for the difference in the salary does not hold good. He first said it was the importance of the station and the importance of the work done.

Mr. FITZGERALD. The coast there is not so dangerous.

Mr. MADDEN. It is protected by Angora wool. [Laughter.]

Mr. GARNER. It is not protected by the gentleman from Illinois [Mr. MADDEN]. He is far distant from it.

Mr. FITZGERALD. It is a matter that should be taken up with the committee that has jurisdiction of the subject. We can not fix the compensation.

Mr. GARNER. I wanted to see if it was the importance of the station and the amount of work done or the energy of the Congressman representing the district.

Mr. FITZGERALD. I think not, because if it depended upon the ingenuity of the Congressmen and their activity I am sure the Gulf station would have a much higher compensation than any other. [Laughter.]

Mr. MANN. The hardships on the Gulf coast are not as great as those at other stations.

Mr. GARNER. I am not convinced by the statement of the gentleman from New York. In glancing over this bill I find in stations close together a difference in salary of as much as $200. It occurs to me that in arranging those salaries it might be dependent on the activity of the Congressman representing the district.

Mr. MANN. I assure the gentleman from Texas that the activities of the Congressmen had nothing whatever to do with the case. Those salaries were fixed by a bill which was framed and reported out by the Committee on Interstate and Foreign Commerce, based largely on the work and the hardships that these men perform. They are sometimes transferred, but not often, from one station to another. They used to be. Their salaries were fixed upon the recommendation of the department at the time they were fixed.

Mr. GARNER. The gentleman from Illinois [Mr. MANN] says it depends upon the work and the hardships. What does he term "the work and the hardships"?

Mr. MANN. I will say this: It is much less of a hardship to be the superintendent of a life-saving station on the Gulf coast than it is on the coast of Maine.

Mr. GARNER. Yes. But here on the Virginia and North Carolina coast, 300 miles away, with the same climatic conditions, you have a $2,000 job and a $2,200 job.

Mr. MANN. We have in Virginia and North Carolina one of the worst coasts there is anywhere. In the case of the superintendent of the district covering Virginia and North Carolina the salary is $2,200.

Mr. GARNER. No; $1,900.

Mr. MANN. Two thousand two hundred dollars. The gentleman from Texas can not tell me that, because I know otherwise.

Mr. GARNER. Virginia and North Carolina, $2,200; South Carolina, Georgia, and Florida, $1,900.

Mr. MANN. The gentleman admits that the coast along South Carolina, Georgia, and Florida is a simple and safe coast to take care of, compared with the North Carolina coast?

The CHAIRMAN. The time of the gentleman has expired. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, $25,000, to be available until expended.

Mr. MANN. Mr. Chairman, I move to insert after the word "States" and before the word "authorized," in line 20, page 31, the word "when."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 31, line 20, by inserting after the word "State" the word "when."

Mr. MANN. It should come before the word "authorized," after the comma.

Mr. FITZGERALD. These are for the life-saving stations that are already authorized.

Mr. MANN. It should read:

When authorized by law.

Mr. FITZGERALD. There are certain stations already authorized.

Mr. MANN. That would be covered. I do not mean when authorized hereafter.

Mr. FITZGERALD. It is unnecessary.

Mr. MANN. I think the fact is that under this appropriation, which is intended to provide for the construction of life-saving stations that are authorized by law, they use the language—

Authorized by law—

as meaning authorized by this appropriation, and go ahead and construct a station without any authorization of law whatever.

Mr. FITZGERALD. There has not been any instance of that character.

Mr. MANN. Where were the new stations authorized last year? I know there have been cases where stations have been constructed, with no previous authorization of law.

Mr. FITZGERALD. There is one station at Seagate, N. Y.

Mr. MANN. When was that authorized by law?

Mr. FITZGERALD. There are three stations authorized—one at Seagate, N. Y.; one at Mackinac Island, Mich.; and one at Half Moon Bay, Cal. They were authorized in the act of August 24, 1912. There is another for Liberty Island. No attempt has been made to select a site there. There is a balance of $37,000, and with the $25,000 appropriated in this bill they expect to complete the four stations.

Mr. MANN. This item is carried every year, is it not?

Mr. FITZGERALD. Not every year.

Mr. MANN. How were these three stations authorized in 1912?

Mr. FITZGERALD. They were carried in some bill reported from the Committee on Interstate and Foreign Commerce.

Mr. MANN. The gentleman may be correct, but I doubt it.

Mr. FITZGERALD. We do not provide for them unless they are authorized.

Mr. MANN. I know the gentleman does not endeavor to provide for unauthorized stations, but some stations have been constructed without any authorization of law.

Mr. FITZGERALD. In 1906 there was an appropriation of $30,000. The next appropriation was in 1911, of $20,000. There was one in 1912 of $20,000. There was none for 1913. For the current year there is an appropriation of $20,000.

Mr. MANN. For the current year, $20,000?

Mr. FITZGERALD. Yes. They have an unexpended balance of $37,000. The estimate was for $62,000, to complete these four stations. There are some other stations which have been authorized, some of them as far back as 1872.

Mr. MANN. Certainly the committee does not intend to appropriate money to build stations that were authorized in 1872.

Mr. FITZGERALD. No. That is one of the reasons why appropriations have been eliminated in certain years. The act approved August 24, 1912, provides for the establishment of one life-saving station on the larger of the two Liberty Islands situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Seagate, N. Y.; and it provides for increased facilities at the quarantine station at Portland, Me.

Mr. MANN. They are to cost about $15,000 for each station?

Mr. FITZGERALD. It is estimated they will cost about that. I am inclined to think that some of them will cost more than $15,000.

Mr. MANN. Which would provide for a pretty fanciful life-saving station.

Mr. FITZGERALD. The increased cost of some of the stations is due to the fact that because of the character of the landing place it is necessary to have somewhat expensive launching ways. When there is no beach, it is necessary to launch into deep water from ways, or by some apparatus, and the statement is made that the cost is thus increased considerably. Most of the stations consist of a single building with the life-saving apparatus occupying the ground floor and the living quarters in the upper portion. A good many stations, however, have a boathouse separate from the building in which the crew resides. That seems to be a more desirable condition when it is possible.

Mr. MANN. Mr. Chairman, I ask to withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, 2 constructors, not exceeding 14 cadets and cadet engineers, who are hereby authorized, 2 civilian instructors, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $5,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,350,000: *Provided*, That hereafter ration supplies may be purchased by the cabin, wardroom, and warrant officers' messes and payment therefor made in cash to the commissary officer; the prices to be charged for such supplies shall not be less than the invoice prices, and the cash received from such sales shall be accounted for on the ration return and may be expended for the general mess.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I wish the gentleman from New York would give us some information about the proviso.

Mr. FITZGERALD. Capt. Berthold stated that the law provides rations for the crew. Sometimes the ships have to leave port suddenly and there is not sufficient mess stores in the cabin and wardroom for the officers' mess, for which the officers pay and the Government does not. On such occasions they draw from the general mess maintained for the seamen, for which the Government does pay. When they do that the money must be turned in as miscellaneous receipts, but it curtails to that extent the appropriation for the mess for the crew. This is to enable the officers when at sea or on the vessel to purchase from the stores for the crew, and that that money may be utilized in replacing the stores so purchased.

Mr. MANN. Is it not almost invariable that the officers who make the purchase of seamen's mess will purchase in many cases such articles as they desire for the officers and carry these purchases on the ship, and then if the officers want them they take them, and if they do not want them they do not take them?

Mr. FITZGERALD. It may be subject to some abuses, but I doubt it. It amounts to a very little sum in the course of a year. From the explanation given, it seems to be very desirable that the officers be given this opportunity, and at the same time by taking these stores from the crew's mess the fund available for the mess for the crew ought not to be diminished.

Mr. MANN. It would amount to a very small sum now, and the reason given is a very good one, if it does not lead to the system of having all the supplies for the officers' mess purchased as a part of the seamen's mess and carried on board the ship and delivered to the officers as they want them, because they have no longer any reason for not making the purchases, and the money that comes in will be available for that purchase.

Mr. FITZGERALD. Perhaps some provision might be inserted to guard against abuse, but the showing made by the head of the Revenue-Cutter Service seemed to indicate that it was a desirable provision for them. It differs from the situation in regard to the Army and the Navy officers who purchase supplies on shore. It is only intended for use on the ships.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Punishment for violations of internal-revenue laws: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, $150,000; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue.

Mr. FOWLER. Mr. Chairman, I offer the following amendment to come in at the end of the paragraph.

The Clerk read as follows:

Amend, page 35, at the end of line 21, by inserting the following: "*Provided further*, That the Attorney General is hereby authorized and directed to pay, as rewards, 10 per cent of any sum which may be recovered in the nature of penalties, fines, forfeitures, or otherwise to the person or persons who shall first furnish evidence of the violation of any of the antitrust laws, resulting in the recovery of penalties, fines, forfeitures, or recoveries."

Mr. FITZGERALD. Mr. Chairman, I make the point of order that that is not authorized by law and it is not germane to this part of the bill.

Mr. FOWLER. Mr. Chairman——

The CHAIRMAN. The Chair thinks it is clearly subject to the point of order.

Mr. FOWLER. Mr. Chairman, the amendment may be subject to a point of order, but it deals with the same question that the paragraph itself deals with; that is, the question of

Mr. MANN. If they have a quarantine station there, why should not the officer in charge of it live at that quarantine station instead of our having to convey him every day by vessel 19 miles at considerable expense necessarily?

Mr. FITZGERALD. They say it is necessary to have a physician on shore in the daytime where he can receive messages and be in touch with his work. When the station was authorized a residence was authorized and the intention was to place it at Fortress Monroe. Under the provision as worded it could not be built there, and this is to permit them to put the physician on shore at Fortress Monroe. It may be just as well to leave him in the old hulk or to put him at Fishermans Island, but the Public Health Service seemed to believe it was desirable and essential that this residence should be at this particular point.

Mr. MANN. Mr. Chairman, I do not wish to set my judgment up against the judgment of the committee, although I can not see that they have very good judgment in regard to the matter, and I shall withdraw the pro forma amendment. I can understand how an officer in the service likes to live near the Hotel Chamberlin at Old Point Comfort. It makes it very pleasant in the evening for social engagements and things of that sort, but it is a long way from where he is performing his duty. He wants to build a residence there, and I take it that is where it will be built—over where the residences of the officers of the Army are, convenient to the crowds that gather at the Chamberlin Hotel during the season.

Mr. FITZGERALD. I think that might make it more congenial.

Mr. MANN. I have no doubt it makes it more congenial, but I am afraid not more effective.

Mr. FITZGERALD. The Surgeon General of the Public Health Service insisted it was highly desirable to have the residence at Fort Monroe, that all of the quarantine work for Norfolk, Newport News, Hampton, Smithfield, and Richmond should be done from that station.

As to whether a message can be received from the one at Fishermans Island I am unable to say. This seems to be the opinion of those in control of the service, and it is the intention to build a residence at this place and this enables it to be done.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

PUBLIC BUILDINGS, REPAIRS, EQUIPMENT, AND GENERAL EXPENSES.

Repairs and preservation: For repairs and preservation of all completed and occupied public buildings and the grounds thereof, under the control of the Treasury Department, and for wire partitions and fly screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto; for care of vacant sites under the control of the Treasury Department, such as necessary fences, filling dangerous holes, cutting grass and weeds, but not for any permanent improvements thereon; for repairs and preservation of buildings not reserved by vendors on sites under the control of the Treasury Department acquired for public buildings or the enlargement of public buildings, the expenditures on this account for the current fiscal year not to exceed 15 per cent of the annual rentals of such buildings: *Provided*, That of the sum herein appropriated not exceeding $100,000 may be used for marine hospitals and quarantine stations, including wire partitions and fly screens for same, and not exceeding $14,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C., including the old building of the Bureau of Engraving and Printing: *Provided further*, That this sum shall not be available for the payment of personal services except for work done by contract or for temporary job labor under exigency not exceeding at one time the sum of $100 at any one building, $725,000.

Mr. MADDEN. Mr. Chairman, I reserve a point of order against the paragraph for the purpose of asking the gentleman from New York what is meant by the words "building and wharf at Sitka, Alaska, and the Secretary of the Treasury may, in renting said wharf, require that the lessee shall make all necessary repairs thereto." What is the purpose of this? Is the Government going to embark in the building of a wharf for the purpose of leasing it to somebody else?

Mr. FITZGERALD. This is a little old frame building with a wharf. The department wanted to sell it for some nominal sum. This provision is placed in this item so as to prevent the Treasury Department from engaging in extensive repairs to the wharf at Sitka, Alaska. The provision for the lease has been such that the lessee is required to make all the repairs and permit the Government boat to dock at this wharf. The department prefers to have this changed and permit them to turn it over to the city of Sitka, if I recall correctly, but the committee did not think it wise to do so.

Mr. MADDEN. The Government owns this wharf now?

Mr. FITZGERALD. This provision has been carried in this item for some years, and is to prevent the use of this appropriation for a very large expenditure.

Mr. MADDEN. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stats., p. 537, pt. 1): For additional salary of $1,000 for the Supervising Architect of the Treasury for the fiscal year 1915; for one architectural designer, at $6,000 per annum; for foremen draftsmen, architectural draftsman, and apprentice draftsmen, at rates of pay from $480 to $2,500 per annum; for structural engineers and draftsmen, at rates of pay from $840 to $2,200 per annum; for mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers and draftsmen, at rates of pay from $1,200 to $2,400 per annum; for computers and estimators, at rates of pay from $1,600 to $2,500 per annum, the expenditures under all the foregoing classes for which a minimum and maximum rate of compensation is stated, not to exceed $168,450; for supervising superintendents, superintendents, and junior superintendents of construction and inspectors, at rates of pay from $1,600 to $2,900 per annum, not to exceed $278,960; for expenses of superintendence, including expenses of all inspectors and other officers and employees, on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, under orders from the Treasury Department; office rent and expenses of superintendents, including temporary stenographic and other assistance in the preparation of reports and the care of public property, etc.; advertising; office supplies, including drafting materials, specially prepared paper, typewriting machines, adding machines, and other mechanical labor-saving devices, and exchange of same; furniture, carpets, electric-light fixtures and office equipment; telephone service; not to exceed $6,000 for stationery; not to exceed $1,000 for books of reference, law books, technical periodicals and journals, subscriptions to which may be paid in advance; for contingencies of every kind and description, traveling expenses of site agents, recording deeds and other evidences of title, photographic instruments, chemicals, plates, and photographic materials, and such other articles and supplies and such minor and incidental expenses not enumerated, connected solely with work on public buildings, the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's Office as the Secretary of the Treasury may deem necessary and specially order or approve, but not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury Building, or surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections, $563,560.

Mr. FOWLER. Mr. Chairman, I reserve a point of order against the paragraph. On page 23 I discover that there is a provision for the increase of the architect's salary for the coming year of $1,000. What is the necessity for that increase?

Mr. FITZGERALD. It has been carried in this way for a great many years. The salary of $5,000 is carried in the legislative bill. For a number of years since the work of the Supervising Architect's Office has been very greatly increased an additional $1,000 has been carried in this item.

Mr. FOWLER. I discover also that the gentleman provides for a salary of $6,000 for an architectural designer.

Mr. FITZGERALD. That place is authorized by law. It is authorized in the last public-buildings act.

Mr. FOWLER. Is it authorized at the salary of $6,000?

Mr. FITZGERALD. Yes; in the public-buildings act approved March 4, 1913. I can refer the gentleman to it, if he desires—section 28, "that the employment is hereby authorized of an architectural designer at a compensation of $6,000 per annum."

Mr. FOWLER. Well, the matter which occurs to me, in reference to the compensation, is that these men, whom I regard as holding subordinate positions, get a greater salary than the First, Second, Third, and Fourth Assistant Postmasters General of the Post Office Department.

Mr. FITZGERALD. Yes. The technical services rendered by these men are of such a character that this designer was provided in order to avoid, if possible, or as much as possible, the employment of certain outside architects at very large fees. After the repeal of the Tarsney Act, by which the Secretary of the Treasury was authorized, in his discretion, to employ outside architects for any public building, it was believed that a man of very high skill and capacity should be employed in the Supervising Architect's Office and a saving would be effected. That position was created in the public-buildings bill.

Mr. FOWLER. I have no doubt but what a high degree of skill is required there, but I also believe there is a good deal of lapping over in work. I can see no reason why the design for a certain building can not be used in many places instead of making a design for each building.

Mr. FITZGERALD. Well, they are doing that now.

Mr. FOWLER. That is a recent thing, is it not?

Mr. FITZGERALD. Within the last two or three years.

Mr. FOWLER. That is what I meant. I shall not make the point of order against the additional $1,000, but I do not think it ought to be carried here, and I do not think that these subordinate places should receive a salary above those of great responsibility, such as the First, Second, Third, and Fourth Assistant Postmasters General.

Mr. FITZGERALD. The recommendation of the Public Buildings Commission, I think, is that the compensation of this position should be increased to $7,500. We are spending about $20,000,000 a year in the construction of public buildings in the United States, and the responsibility, I think, is much greater than that of any of the positions mentioned by the gentleman from Illinois, because a competent man can save a very considerable sum of money every year, while an incompetent man makes the whole building program of the Federal Government almost approach a scandal.

Mr. FOWLER. Why, the efficiency of the Post Office Department ought to be such as to handle more than $300,000,000 economically, because that is the appropriation this year. The gentleman speaks about efficiency——

Mr. FITZGERALD. I think, however, that the technical knowledge required by men engaged in construction commands a higher compensation than other positions. Men do not seek such positions because of the honor as they do the other places. They seek them because it is part of their professional work.

Mr. FOWLER. And because they are remunerative.

Mr. MADDEN. This is a real workman's job.

Mr. FOWLER. I know that, and that is the reason I am not going to make the point of order. If it was a playhouse job, I would make the point of order.

Mr. MADDEN. This is a workman's job, and really I do not know of a job that requires greater technical knowledge.

Mr. FOWLER. It does, and we want to get the very highest order of efficiency in these public servants, and they ought to have a good salary.

Mr. MADDEN. You can not employ that kind of a man without paying him good compensation for the responsibility and the knowledge required by it.

Mr. FOWLER. I agree with the gentleman.

Mr. MADDEN. You do not have to get that same kind of talent for an Assistant Postmaster General.

Mr. FOWLER. I am sorry I can not agree with my colleague.

Mr. MADDEN. A man to be appointed one of the Assistant Postmasters General requires no technical knowledge whatever; all they need is to be good looking and have some political influence.

Mr. FOWLER. My experience is that the heads and chiefs of nearly everything, like the chief cook, is always a good-looking fellow or a good-looking woman, but the subordinates are really the ones who have the efficiency and have the lash put to them if they do not do the work correctly.

Mr. MADDEN. They are the men who tell the superior officer how to do it.

Mr. FOWLER. I withdraw the point of order.

The Clerk read as follows:

PUBLIC BUILDINGS, OPERATING EXPENSES.

Operating force: For such personal services as the Secretary of the Treasury may deem necessary in connection with the care, maintenance, and repair of all public buildings under the control of the Treasury Department (except as hereinafter provided), together with the grounds thereof and the equipment and furnishings therein, including assistant custodians, janitors, watchmen, laborers, and charwomen; engineers, firemen, elevator conductors, coal passers, electricians, dynamo tenders, lamplighters, and wiremen; and for the mechanical labor force in connection with said buildings, including carpenters, plumbers, steam fitters, machinists, and painters, but in no case shall the rates of compensation for such mechanical labor force be in excess of the rates current at the time and in the place where such services are employed, $2,600,000: *Provided*, That the foregoing appropriation shall be available for use in connection with all public buildings under the control of the Treasury Department, including the custom-house at Washington, D. C., but not including any other public building within the District of Columbia, and exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Seventy-three gentlemen are present; not a quorum. The Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Aiken	Campbell	Danforth	Finley
Allen	Cantrill	Davenport	Floyd, Ark.
Anderson	Carew	Decker	Fordney
Ansberry	Carlin	Dershem	Francis
Anthony	Carter	Dies	Frear
Barnhart	Casey	Difenderfer	Gallagher
Beitholdt	Chandler, N. Y.	Dooling	Gardner
Bell, Cal.	Church	Doremus	George
Bell, Ga.	Clancy	Doughton	Gerry
Borland	Clark, Fla.	Drukker	Gittins
Brodbeck	Copley	Dyer	Glass
Browning	Covington	Eagan	Goeke
Buckner	Cramton	Elder	Goldfogle
Burke, Pa.	Crisp	Fairchild	Goodwin, Ark.
Calder	Crosser	Faison	Gordon
Callaway	Dale	Fess	Gorman
Graham, Ill.	Konop	Nelson	Small
Graham, Pa.	Korbly	Nolan, J. I.	Smith, Md.
Greene, Mass.	Kreider	Norton	Smith, Sam'l W.
Griest	Lafferty	O'Brien	Smith, Miss.
Griffin	Langham	Oglesby	Smith, N. Y.
Hamill	Lansley	O'Hair	Smith, Tex.
Hamilton, N. Y.	Lazaro	Oldfield	Sperkman
Hardwick	Lee, Ga.	O'Shaunessy	Stafford
Hart	L'Engle	Page, N. C.	Stanley
Hayes	Lenroot	Palce, Mass.	Stephens, Nebr.
Helgesen	Lever	Palmer	Stephens, Tex.
Helm	Levy	Parker	Stevens, N. H.
Helvering	Lewis, Pa.	Patten, N. Y.	Stout
Henry	Lieb	Patton, Pa.	Stringer
Hinebaugh	Lindquist	Payne	Talbott, Md.
Howard	Lloyd	Peters, Me.	Taylor, Ala.
Howorth	Lobeck	Peters, Mass.	Taylor, N. Y.
Hughes, W. Va.	Loft	Plumley	Thomas
Humphreys, Miss.	Lonergan	Porter	Towner
Igoe	McClellan	Ragsdale	Tuttle
Jacoway	McCoy	Reed	Underhill
Johnson, Utah	McGuire, Okla.	Riordan	Vare
Jones	McLaughlin	Roberts, Mass.	Vaughan
Kahn	Mahan	Rogers	Walker
Keister	Maher	Rothermel	Wallin
Kelley, Mich.	Manahan	Rucker	Watson
Kelly, Pa.	Martin	Sabath	Webb
Kennedy, Conn.	Merritt	Saunders	Whaley
Kennedy, R. I.	Metz	Scully	Whitacre
Kent	Miller	Sharp	White
Key, Ohio	Mondell	Sherley	Wilson, N. Y.
Kiess, Pa.	Montague	Shreve	Winslow
Kindel	Moore	Sims	Woods
Kirkland, Nebr.	Morgan, La.	Sinnott	Young, N. Dak.
Kinkead, N. J.	Morin	Slayden	Young, Tex.
Kirkpatrick	Murray, Mass.	Slemp	
Knowland, J. R.	Neeley, Kans.	Sloan	

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. ASHBROOK, Chairman of the Committee of the Whole House on the state of the Union, reported that the committee, having under consideration the bill H. R. 17041, finding itself without a quorum, he had caused the roll to be called, and that 223 Members answered to their names, a quorum, and that he presented a list of the absentees for printing in the Journal.

The committee resumed its session.

The CHAIRMAN. The Clerk will read.

Mr. RAKER. Mr. Chairman, I move to strike out the last word. Some two years ago I introduced in the House a bill for the purpose of creating a national park out of the territory in which Mount Lassen and Cinder Cone are located. I have been attempting to get that matter out of the committee——

Mr. MANN. I make the point of order against that. It is not in order.

Mr. RAKER. I know it is not; but I thought I would try it.

Mr. MANN. The gentleman is not speaking to the paragraph of the bill under consideration. I have no desire to enforce the point of order unless it is the intention of the gentleman from New York [Mr. FITZGERALD] to enforce it against this side. I am not willing to let gentlemen on that side discuss questions out of order and then have the rule enforced against Members on this side.

Mr. GARNER. I think the gentleman ought to protect that side of the House against violations of the rule, and we will do so on this side.

Mr. FITZGERALD. I did not object to this, Mr. Chairman. The gentleman from California [Mr. RAKER] speaks so seldom that I thought it would be all right now.

Mr. MANN. That is not sufficient for me. I want to know whether the gentleman is going to enforce the rule on gentlemen on this side of the House, because if he is I am going to enforce it against gentlemen on that side of the House. I make the point of order.

The CHAIRMAN. The gentleman from Illinois makes the point of order.

Mr. RAKER. Mr. Chairman, under the point of order made by the distinguished leader on the other side of the House, I withdraw my motion to amend, as the point of order is undoubtedly well taken.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

LIFE-SAVING SERVICE.

For district superintendents of life-saving and lifeboat stations and houses of refuge, as follows: Maine and New Hampshire, 1, $2,200; Massachusetts, 1, $2,200; Rhode Island and Fishers Island, 1, $2,000; Long Island, 1, $2,200; New Jersey, 1, $2,200; Delaware, Maryland, and Virginia, 1, $2,200; Virginia and North Carolina, 1, $2,200; South Carolina, Georgia, and Florida, 1, $1,900; Gulf of Mexico, 1, $2,000; Lakes Ontario and Erie, 1, $2,200; Lakes Huron and Superior, 1, $2,200; Lake Michigan, 1, $2,200; California, Oregon, Washington, and Alaska, 1, $2,200; 13 in all, $27,900.

Mr. MANN. Mr. Chairman, I reserve a point of order on that item at the bottom of page 29. I would like to ask the gentleman if the title of the superintendents of life-saving stations have been changed.

have been done by the Federal commission would be merely ad-

when a State board is supposed to be acting in conjunction with

sidetracked; but I do not believe that President Wilson, after the declarations he made a few years ago in a book which he wrote in criticizing the very class of people that would be kept out by the literacy test, will veto that bill or has said to anybody that he would do so.

Mr. BRYAN. The gentleman must admit that the Progressives helped him in the enactment of that bill.

Mr. BURNETT. Yes; every one except one of them, I think.

In regard to the first proposition, that of Government aid in the care of alien insane, I will say that a few weeks ago I received a letter from the governor of New York urging the passage of a law by Congress requiring the Federal Government to aid in their care and maintenance. I wrote him that the Burnett illiteracy-test bill if enacted into law would keep out thousands of this class of people, and yet the Members of Congress from New York City were loud in their opposition to this bill. This opposition showed their willingness to receive them, and yet when they get here they want the people of Alabama and other States to help support the insane who come in.

If they so readily open their gates to receive them, in the name of justice should they not be willing to support them?

I also received a resolution passed a short time ago by the New Hampshire Medical Society on May 13, 1914, asking "assumption by the Federal Government of an equitable share of the burden of caring for dependent aliens which is now borne by the States." An equitable share, indeed! Would it be equitable for States who are clamoring for the exclusion of these very people to be compelled to bear any part of the burden of the care and support of the paupers and lunatics forced into our country by the folly of Members of Congress? The annual expense of caring for the alien insane in New York alone is nearly $3,000,000. This number is being each year greatly increased by the admission of that very low class of immigrants that the illiteracy test would keep out.

In the report of the New York Board of Alienists for the year ending September 30, 1911, on page 22, the following statement is made:

> For the first few years after the commencement of that remarkable migration of the races of southern and eastern Europe to this country (to which Austria-Hungary, Italy, and Russia have contributed nearly 500,000 persons a year) it is noted that the increase of patients of those nationalities in the State hospitals was gradual. By 1905, however, it was possible to predict that when the effects of the "new immigration" commenced to be felt the "old immigration" (of Germans, Irish, and Scandinavians) would be outdone in the numbers of insane added to the foreign-born population of our State hospitals. To-day that prediction is fulfilled, and during the year more than 55 per cent of the aliens deported by the United States Immigration Service were natives of those three countries.

The New York Times of March 28, 1912, says:

> INSANE ALIENS.
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> The Times is informed by Secretary McGarr, of the State commission in lunacy, that of the 31,432 insane patients under treatment in the 14 State hospitals on February 10 last, 13,163, or 41.9 per cent, were aliens. Foreign-born patients have increased since the Federal census of December 31, 1903, by 1,552, or 13.4 per cent. In the two State hospitals for the criminal insane there were 1,230 patients on February 10, of whom nearly 44.4 per cent were of alien birth; the Federal census of 1910 showed a percentage of aliens to total population in this State of 29.9 per cent.
>
> The prevalence of insanity among immigrants is evidently much greater than among the native born. Of the 5,700 patients admitted to the civil hospitals for the year ending September 30, 1911, 2,737, or 48 per cent, were aliens, and 1,481, or 26 per cent, were of alien parentage, while only 1,224, less than 26 per cent, were of native stock. Of the whole number, the nativity of but 218, which is 3.8 per cent, was not ascertainable. Insanity among the foreign peoples of this city occurs in a still larger percentage of cases. Of the first admissions to the hospitals, 2,003 out of 3,221 residents of the city were of foreign birth; that is 64.1 per cent, although the foreign-born population is but 40.4 per cent of the whole.

Do other States want the same conditions to arise in their borders? Does Indiana want its insane asylums and poorhouses filled with low Italians and Greeks? If not, they should see to it that their Members vote right on the bill which, to a great extent, will prevent that condition. If the Government is made to pay the expense of distributing the aliens as they come in, the day will soon come when the poorer States will see their asylums, almshouses, and penitentiaries filled with the most undesirable lot that can be inflicted on any people. Last year over 1,300,000 aliens came to this country. The year before about the same. Within the last 10 years nearly 12,000,000 came in. The numbers are increasing every year. Suppose this continues for 10 years longer.

Suppose in the meantime the plan of Government distribution should be adopted. Then the Black Hand and the Mafia and Camorra will not be confined to New York and Chicago, but the lives of honest people in every State in the Union will be at the mercy of these assassins.

True, the Black Hand leaders would escape the illiteracy test, but it would keep out thousands of illiterates who are easy tools and dupes in the hands of the leaders. Besides, other sections of the bill, if passed, would keep out the leaders themselves.

This idea of distribution is a delusion and a snare, and is intended to forestall legislation that would keep out the undesirable hordes that are flocking to our shores.

All plans for the distribution of immigrants have proved a failure wherever tried. Immigration distributes itself. As has often been pointed out, schemes to distribute immigrants have invariably been advocated by the steamship or transportation companies, or by persons who believe that we ought to have an unlimited supply of cheap labor, regardless of the maintenance of a high standard of living for American workmen.

The present Division of Information in the Bureau of Immigration I regard as a useless appendage, barren of beneficial results. The Immigration Commission, of which I was a member, investigated this question carefully, and reached the following conclusion:

> The law of 1907 provided for the establishment of a division of information in the Bureau of Immigration, the intent being that the division should disseminate among admitted immigrants information relative to opportunities for settlers in sections of the country apart from cities and purely industrial centers. It was hoped that the division could devise means of inaugurating a movement among immigrants which would eventually result in their more equitable distribution. The apparent result, however, does not indicate that the purpose of the law is being fulfilled. As conducted, the work of the division appears to be essentially that of an employment agency whose chief function is supplying individuals to meet individual demands for labor in agricultural districts. It does not appear that persons thus distributed have, as a rule, been distributed with the purpose that they would become permanent settlers in the districts to which they went, but rather that a more or less temporary need of the employer and employee was supplied through this agency.
>
> No satisfactory or permanent distribution of immigrants can be effected through any Federal employment system, no matter how widespread, because the individual will seek such social and economic conditions as best suit him, no matter where sent.

The distribution that is being made by soulless employers of labor is working grievous wrong and hardship to the old immigrant and the American workingman. Look up the history of the recent reign of terror in the Colorado and Michigan strikes and you will find that they were brought about by the employment of the low-priced alien who drove out the old immigrant and the Americans who wanted a living wage to support and clothe those whom God had made dependent on them.

When will the country arouse from its lethargy and drive from Congress those who vote to weld the shackles on the hands of labor?

Mr. FITZGERALD. Mr. Chairman, I yield one minute to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting some remarks and a speech recently made on industrial conditions.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to extend his remarks in the RECORD by inserting the remarks and speech indicated.

Mr. MANN. Mr. Chairman, no one could hear what the matter indicated was.

The CHAIRMAN. Some remarks and a speech made on the subject of industrial conditions.

Mr. MANN. Whose speech?

Mr. CARLIN. A speech of Secretary Redfield's, recently made.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. BURKE].

The CHAIRMAN. The gentleman from South Dakota [Mr. BURKE] is recognized for 15 minutes.

[Mr. BURKE of South Dakota addressed the committee. See Appendix.]

Mr. BUCHANAN of Illinois. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Eighty-nine Members present—not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 26 ayes and 42 noes.

Mr. FITZGERALD. I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FITZGERALD and Mr. GILLETT.

The committee again divided; and the tellers reported that there were 15 ayes and 85 noes.

Mr. BUCHANAN of Illinois. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BUCHANAN of Illinois. Has a member of the committee, when he knows the count is wrong, the right to make a protest? When he knows that certain Members have voted twice is there any relief or remedy from a practice of that kind, a practice of Members that have probably been schooled in Tammany Hall?

Mr. FITZGERALD. The count of the tellers is absolutely correct. The gentleman from Illinois [Mr. BUCHANAN] and the chairman have not been counted. The gentleman from Illinois makes the point of no quorum, and then goes out so that he can not be counted.

Mr. BUCHANAN of Illinois. I am asking for information from the Chair, if the House of Congress is going to adopt the practices of Tammany Hall?

Mr. GOULDEN. The gentleman from Illinois has no right to make any such an untrue statement on the floor of Congress, and I enter my protest against it.

The CHAIRMAN. The Chair has no method of determining except from the report of the tellers.

Mr. BUCHANAN of Illinois. And there is no way to verify the count?

Mr. FITZGERALD. Yes; there is a way to verify the count; just let the gentleman from Illinois stay here instead of running out to avoid being counted and trying to reduce the number. He might be satisfied with his own count, although I doubt that.

Mr. BUCHANAN of Illinois. The gentleman from New York is mistaken; the gentleman from Illinois did not run out; and the gentleman from New York, as he did yesterday, is trying to defeat one of the most meritorious bills that has ever been before Congress, and these reactionaries from New York are following him and trying to kill legislation for the benefit of the laboring people of this country.

The CHAIRMAN. Answering the gentleman's parliamentary inquiry, the Chair will state that the Chair is dependent on the tellers for the report. The tellers report that there were 15 ayes and 85 noes.

Mr. GILLETT. Mr. Chairman, I would like to be allowed to state that I counted not only the ayes but also the noes, and the count was absolutely correct. [Applause.]

Mr. BUCHANAN of Illinois. And I want to repeat my statement, Mr. Chairman, that the count was incorrect; I can count as well as the tellers.

The CHAIRMAN. The gentleman from Illinois will be in order.

Mr. HEFLIN. Mr. Chairman, the count was 15 ayes and 85 noes, and I just came from the Senate Chamber, and I asked a page to notify Members of the House in there, and they came in after the report.

The CHAIRMAN. The matter is settled; the report of the tellers is final.

Mr. FOWLER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. Was the count on a quorum or on the question as to whether the committee would rise or not?

The CHAIRMAN. On the question as to whether the committee would rise.

Mr. FOWLER. The Chair has not so reported.

The CHAIRMAN. The Chair stated that the noes had it. The committee determines not to rise, and the Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated for the objects hereinafter expressed, for the fiscal year ending June 30, 1915, namely.

Mr. FITZGERALD. Mr. Chairman, from time to time the Treasury Department is sending estimates here for additional sums for public buildings where arrangements have been completed to acquire sites which are authorized. I ask unanimous consent that the public-buildings items included in the first 19 pages of the bill be passed over until the end of the bill, so that as official estimates come in an opportunity may be had to investigate them and offer such amendments as may be proper.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the public-buildings items appearing from page 2 to line 21 on page 19, inclusive, be passed over without prejudice. Is there objection?

Mr. BUCHANAN of Illinois. I object.

The CHAIRMAN. The gentleman from Illinois objects, and the Clerk will read.

The Clerk read as follows:

> UNDER THE TREASURY DEPARTMENT.
>
> PUBLIC BUILDINGS, CONSTRUCTION AND SITES.
>
> For sites, commencement, continuation, or completion of public buildings within the respective limits of cost authorized by law, including rent and removal expenses in cities pending extension and remodeling of buildings, as follows.

Mr. MANN. Mr. Chairman, I move that the items in the bill from page 2 down to and including line 21, page 19, be postponed for consideration until after section 14 has been read.

The CHAIRMAN. The gentleman from Illinois moves that the public-buildings items, from page 2 down to and including line 21, page 19, be postponed until after section 14 is read.

The question was taken, and the motion was agreed to.

The Clerk read as follows:

> QUARANTINE STATIONS.
>
> The provision in the sundry civil act approved June 23, 1913, which reads as follows: "Cape Charles Quarantine Station: Residence for quarantine officer, $8,000," be amended so as to authorize the Secretary of the Treasury, in his discretion, to cause such residence to be erected upon land now owned by the United States at Fort Monroe, Va.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman what the object is in moving the residence of the officer in charge of the quarantine station at Cape Charles from a place where it would be convenient to put it over to where the Government now owns land. I suppose where Fort Monroe is, where he would have to be conveyed back and forth every day probably by Government vessels?

Mr. FITZGERALD. Mr. Chairman, under the original authorization it was intended to put this residence at Fort Monroe. When an attempt was made to erect a station, as intended and as was explained when the appropriation was originally made, it was ascertained that there was some doubt whether the expenditures for the residence at that particular place should be approved. This item was to carry out what was intended should be done when the appropriation was made in the last sundry civil appropriation bill.

Mr. MANN. Where is this quarantine station located?

Mr. FITZGERALD. On Fishermans Island.

Mr. MANN. How far is that from the point?

Mr. FITZGERALD. It is not very far. It is out in the bay.

Mr. MANN. It is quite a ride from Fort Monroe to this place. My recollection is that it takes several hours to make it, and of course it requires the services of a cutter or a quarantine boat, and it will take that much longer than it would if the officer lived within a reasonable distance from the quarantine station. What is the object in locating the residence of the quarantine officer a good many miles away from where he has to perform his duties?

Mr. FITZGERALD. The intention was to have the quarantine officer commence boarding at sunrise, and the boat leaves Fort Monroe to meet the incoming vessels.

Mr. MANN. Does that boat run into Norfolk every night? Of course, that is where the boat goes, if it goes in. Why should the quarantine boat go into Norfolk every night instead of tying up at the quarantine station?

Mr. FITZGERALD. This is not into Norfolk. It is into Chesapeake Bay.

Mr. MANN. When Government vessels go into Fort Monroe, they tie up at Norfolk, as a rule. There is no place for them to tie up at Fort Monroe that I know of.

Mr. FITZGERALD. Vessels going up the Potomac are boarded at this point.

Mr. MANN. I imagine the quarantine officers do not wait to board a vessel going up the Potomac River until it gets into the Potomac River. They board the vessel out at sea.

Mr. FITZGERALD. The statement is that the vessel on which he boards leaves Fort Monroe, and the desire is to have the officer reside there so that he could start out at sunrise.

Mr. MANN. Of course, it is natural for the officer to prefer to reside at a military camp where there are a lot of military officers, and have a nice home there, although it is not convenient to his place of business, and then have the Government vessel spend some hours every day taking him to and fro so as to get him to his place of business from where he lives at night. It does not strike me as very economical, nor do I think we ought to run the whole business of the Government based on the fancy of an officer that he wants to live where the other officers live.

Mr. FITZGERALD. The quarantine officer resides at present, it was stated last year to the committee, in an old hulk which is anchored off Fort Monroe. On several occasions the vessel broke away and drifted out with the doctor's outfit, and a rescuing party had to be sent after it. The statement was made that it was desired to have a physician at Fort Monroe. Fishermans Island is 19 miles across the bay, but the physician has been residing not on Fishermans Island but in this old hulk.

Mr. MANN. Is not Fishermans Island where the physician ought to reside?

Mr. FITZGERALD. I do not know.

State and Federal administrative action enter in a responsible way, yet the terms actually used do mean just that character of work. Cooperation is the act of 'cooperating, or of operating together to one end; joint operation; concurrent effort or labor.' Conference means 'formal consultation,' 'interchange of views,' or 'a meeting for consultation, discussion, or instruction.' While 'concerted action' is indicated by the verb 'concert,' which means 'to plan together; to settle or adjust by conference, agreement, or consultation.'

"If these defined means to the end are not broad enough to comprehend and to justify the expedients suggested in this paper, it is difficult to understand how they can be interpreted to mean less than that.

"Suppose then that Congress, and the legislatures of the various States, or some of them, shall enact legislation providing for such conferences as may be deemed necessary or expedient between the State boards and the Interstate Commerce Commission, concerning pending rate questions existing either independently of, or under, complaint, and embracing provisions for presenting evidence bearing upon the questions at issue, by or before the respective boards; that the findings and conclusions arrived at in such conferences regarding questions not then in litigation shall, when ratified by each board acting by itself, be legally binding upon the respective participating boards, and further declaring binding upon each State board and the Federal commission conference findings and conclusions in litigated cases where carriers are parties or are represented—that is, binding, upon such ratification, upon carriers, complainants, and State boards wherein the joint action related to intrastate traffic, and upon the same parties and the Interstate Commerce Commission when related to interstate traffic. That such Federal legislation was designed to operate as a complement to similar legislation by the respective States, and vice versa concerning legislation by the latter. That through such dual system of legislation cases or pending questions, involving the fixing or changing of both intrates and interrates were consolidated in the sense that questions pertaining to intrastate traffic, in one or more States, the determination of which questions would or might affect interstate traffic and rates, could be tentatively determined by the Federal commission acting in conference with the State boards; and containing a complementary provision enabling the Federal commission and other State boards to participate in like manner in the tentative determination of similar issues pending before a particular State board, with like binding force upon the Federal commission as to interstate rates after ratification by it; such joint conclusions not to be regarded as in law constituting an administrative decision, or the equivalent of due process of law in the quasi legal sense or otherwise. That carriers and shippers, in order to be bound by such a proceeding, could participate therein by becoming parties under issues presenting specific questions, with the right to submit evidence and be heard argumentatively, both as to State and interstate traffic issues if and when presented, and with the further right to be heard in the separate State or Federal commerce tribunal when the question of ratification or rejection of the joint conclusions was presented in such separate body; with or without further provision requiring carriers under certain specified circumstances, to become parties to such proceeding. Would such a system of procedure be tenable? And if not, why not?

"Each State element in such conference would present issues involving the case in hand as related to intrastate rates and fares in the particular State or States. The findings and conclusions would therefore meet those issues as fully as if the particular State board or boards had acted alone in considering them. The same would be true of the Federal commission regarding issues as to interstate schedules. The tentative findings and conclusions would therefore as fully cover all issues of both characters as would be the case if separate initial determinate action had been resorted to. There would, in consequence, be found a record of the joint conference in question, presenting a juridical repository from which the State and Federal boards, respectively, and the carriers and complainants as parties, could draw in making up for presentation before any separate board at its ratification session such partial record embracing issues pertaining to the functions of such separate board as might be necessary for such purpose.

"The mere fact that in such conference a board created by and accountable solely to the Federal power, and limited in its administrative acts and determinations to functions concerning interstate commerce, had actually participated in drawing conclusions concerning intrastate commerce, would not in law vitiate those conclusions. This is obvious, since all that would have been done by the Federal commission would be merely advisory, and the State board or boards would merely have had the benefit of the views and judgment of the Federal commission in support of such conclusions. The conclusions themselves might or might not have been actually assented to although nominally acquiesced in by such board or boards. Equally sound upon similar reasoning would seem to be the contention that mere participation by State boards in such conference conclusions, wherein they referred solely to interstate rates, would not vitiate such conclusions. And this contention as applied to either case is strengthened when we reflect that in lending such mutual aid, each and all representatives or committees of boards in question would, in thus cooperating, be simply using their faculties of judgment precisely as they would if acting normally; since every question of State rates would or might involve, incidentally, its relations to interstate rates, and vice versa.

"If it be objected to the plan of joint procedure above outlined, that it presents a medley of State and Federal elements of administrative deliberation and adjudication, involving confusion as to the identity of the tribunal in which the conference deliberation and hearing was had, and before which the parties, carriers and otherwise, would thus appear, or as to the issues as related to those elements, it would seem that by adopting rules and regulations pursuant to appropriate State and Federal legislation, this phase of the subject could easily be met, to the end of preserving the rights of complainants and other litigants on the record, concerning their attitudes, objections, and exceptions as related to both State and Federal elements of action so involved, as well as before the future respective ratification sessions.

"Some practical difficulty might be encountered by the boards of those States other than that in which the particular joint conference met, in the production of evidence beyond the State limits, for use before the conference, and in enforcing the appearance of witnesses. However, to the extent that such difficulty might be anticipated in a given case, the taking of testimony and incidental evidence within the particular State might go on before an examiner, or some State official, the depositions so taken to be used both before the joint and the subsequent hearings. Again, the question of evidence might, under a somewhat different procedure, be solved by some means whereby the conference conclusions could be made to rest upon some information and evidence calculated to raise a presumption of their reasonableness and fairness, the issue to be finally contested at the respective ratification sessions; with the right to produce further evidence both by way of attack and in support of the action of the conference.

"There seems to be no sufficient ground for the conclusion that such a conference procedure would be violative of the Federal Constitution. If it would, the conclusion would seem to be warranted because due Federal procedure had thus been defeated, or Federal jurisdiction in the Interstate Commerce Commission had been injuriously invaded by concerted action between it and a State board or boards, through encroachment by State authority upon the field of Federal power. And such a result of cooperative action would also affect the right of a carrier, as a party to a proceeding before the Federal commission, to appear and be heard before that body as a distinct, independent tribunal capable legally of making and enforcing a valid order, involving directly and vitally interstate commerce.

"But unless due process under Federal jurisdiction had been defeated or unduly obstructed by such joint action, the Federal Constitution would not have been invaded by such participation of a State board or boards.

"But jurisdiction, in order to be subject to such invasion, must be in course of exercise to the end of a determination of an issue or right in the particular proceeding and forum. (Brown on Jurisdiction, sec. 1. United States v. Arredondo, 6 Pet., 709; Pittsburg, etc., R. Co. v. Backus, 154 U. S., 421; 10 Am. and Eng. Encyc. of Law, pp. 290, 300.)

"However, no such determinate function has been imputed to such a joint deliberation in conference as we have hereinbefore supposed to be in existence. On the contrary, we have assumed that the proposed legislation would go no further than to render the conference act merely tentative or advisory, postponing final or determinative action to the future and separate proceedings of the respective boards constituting the constituent elements of the conference. And such being the character of the deliberations of the joint conference, the cooperation of the State boards could not have the effect of destroying or substantially invading Federal jurisdiction or power operating in determinate action.

"The principle we have assumed to be applicable to a proceeding pending before the Interstate Commerce Commission, when a State board is supposed to be acting in conjunction with

the former, would seem to apply with equal force to the conference action if the relations between the two sets of boards were reversed and the Federal commission were participating in a proceeding pending before a State board of railway commissioners. In either case, the fact that issues primarily determinable solely by the board to whose membership the other board had acceded for purposes of the conference, were considered by such acceding element, would not amount to an invasion of Federal or of State power or jurisdiction, as the case might be.

"If such a system of treatment of questions of rates and fares as is outlined in this paper were in force, it would seem that its utility in advancing the cause of prompt, simple, and effectual settlement of problems involving groups of schedules and territory would be proven beyond dispute. If, for instance, such a complexity of questions or relations and prospective disturbances between the in-rates and inter-rates and fares as that of the Minnesota Rate cases (Shepard v. Northern Pac. Ry. Co., et al., 184 Fed. Rep., 765), could have been dealt with through conferences of the general character hereinbefore indicated, followed by final administrative action by the State boards in fixing and in changing in-rates and fares, and by the Federal commission in readjusting those of interstate character as related to the State schedules involved, after hearing upon evidence, the various carriers interested being parties, is it to be doubted that such joint action and subsequent determination would have resulted in a readjusted system of schedules which, although not in all respects such as would have entirely eliminated litigation thereafter concerning such settlements and schedules, would yet have been mutually satisfactory to the railway commissions and the railroads in all or nearly all main aspects of the general problem? The State boards of, say, Minnesota, North Dakota, Montana, and Wisconsin might have thus met at St. Paul with a delegation of the Interstate Commerce Commission after the respective phases of the proposed action of the Minnesota board, as they would appear to the other boards, State and Federal, had been considered in advance and a set of suggestions and contentions had been framed by them, respectively, for such joint consideration; the various carriers affected could have appeared at the conference and been heard in the light of more or less evidence adduced by them and by the boards; a tentative set of schedules could have been framed by the conference, each set being thereafter taken up by its appropriate board and confirmed in whole or in part, with such modifications in detail, if any, as might have been deemed proper, the carriers and boards bringing into these separate final hearings such contentions and further evidence as the laws and rules of practice would permit.

"Such a system of procedure would also be almost certain to result in more or less periodical conferences looking to successive readjustments of rates and fares, upon some general plan or plans of consideration wrought out as a further consequence of the establishment of the initial practice itself. In this way large areas of territory, embracing a multitude of related rate problems, would in time come to be treated under some well-defined system of administrative management and subjection to hearings for the joint benefit of the carriers and the public.

"The time has, indeed, come for serious general consideration by the public of any and all possible expedients under the administration of the State and Federal railway commissions, through which to simplify, expedite, and effectuate modes of adjustment of rates and fares under the rapidly changing circumstances and conditions surrounding State and interstate commerce. If some plan of joint action to that end similar to or widely differing from the one outlined in this paper can, after due discussion and investigation, be established, the sooner such a desirable end is accomplished the better it will be for the general welfare."

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, I rise merely to make a few remarks upon two questions that have been discussed quite freely of late. Some of the States, especially in the Northeast, where there has been a tremendous influx of immigrants who in a short time become insane, are agitating the proposition that the Federal Government ought to bear a part of the expense of the maintenance of such alien insane and who become insane. I desire to oppose that idea, because I feel that it is a condition that can be corrected to a very great extent by the restrictive measures embraced in the bill which passed the House at this session. This bill, when passed, will keep out thousands of these very people who become insane in a short while after they reach our shores. As long as gentlemen in Congress from those States whose asylums are being filled with alien insane oppose a restriction which will prevent the coming of such people, I shall oppose the people of my State and other sections of the country being forced to bear any part of the expense of maintaining that class of people.

The other proposition, Mr. Chairman, is that there are many associations and some people who are advocating the policy that the Government at its expense should furnish means for the distribution of immigrants throughout the country. It would be manifestly unjust to require the Government to pay the expenses, or any part of the expenses, of these people to force them upon others who do not want them. Yet such would be the result of that kind of legislation. The Progressive Party in one of the planks of its platform, as I recollect it, announced that it believed in a distribution, perhaps, of that kind. I believe it would be unfair to people who favor keeping out that class of immigrants to say that they should be made to bear any part of the burden of carrying those people into their communities. The very communities into which the advocates of distribution by Government want to send them are the ones in which they are not wanted. And then the greatest trouble, Mr. Chairman, is that when they are distributed they will not stay distributed unless it suits them to do so. There was an example of that kind in South Carolina a few years ago, when, through the activity of some of its industries, that State brought a shipload of aliens over to work in the cotton mills of the State, and in perhaps less than 30 days from the time they landed and went to the mills they left them, went into the congested districts of the North, where their own people were. It is simply absurd to talk about the Government going into the business of distributing people into sections where they are not wanted and where they do not want to go. That kind of an agitation is being gotten up for the purpose, as I think, of trying to sidetrack and postpone the passage of legislation that will keep out that very kind of people. Take the people from the great Northwest. They do not need any inducement by the Government or by anyone else to carry them into sections where they thrive and where they build up the material prosperity of the sections to which they go.

The great Scandinavian people, who have built up to a marked degree the Northwest, did not think, when they came in in large numbers, of asking for Government aid to send them into the interior. The Germans and the Irish came, and many others of the desirable people from northwest Europe, and when they were scattering themselves over the country and aiding in its upbuilding and in the development of the country they were not aided. The man in my State that desires to make his home in Texas or in New Mexico or anywhere else is not asking to be helped, and yet it is proposed to help those who are coming here for the purpose, many of them, of bettering their financial condition and returning to the country whence they came. And those who are agitating the bringing of that class of people are the ones who are also agitating the distribution of them at the Government expense. I have always been liberal, Mr. Chairman, whenever the question of establishing stations for the protection of these people when they arrive in this country has been discussed. I have always been in favor of liberal appropriations.

I was sorry a few days ago, when some gentlemen who take the contrary view as to restriction were opposing the construction of an immigration station at Baltimore which would have been adequate for the care of the arriving aliens. When they come, and come voluntarily, I want our country to present to them the best conditions that we have. I do not believe in stimulating immigration. We all deprecate, as we claim, stimulated immigration; and yet that very idea is involved in the question of distribution. It is stimulating the distribution of these people to sections of the country that they themselves are not seeking; and I, for one, desire now to say that whenever an effort is made either to compel the General Government to pay any part of the maintenance of the insane from other countries or to pay any part of the expense of distributing them into other sections of the country, I shall raise my voice and cast my vote against it every time.

Mr. BRYAN. Mr. Chairman, will the gentleman yield there?

Mr. BURNETT. Yes.

Mr. BRYAN. The gentleman stated a moment ago something about his view of the Progressive position with reference to the distribution of immigrants. One fact is that here a short time ago every Progressive on the floor, with the possible exception of one or two, voted for the literacy test in the gentleman's bill. Now does the gentleman assert that that bill is being held up—that is the rumor, at any rate—by President Wilson, and that the President is against it? Does the gentleman know whether that is true or not?

Mr. BURNETT. I do not; and I do not believe the President has ever said to anyone that he was opposed to that bill. I do not know why it is being sidetracked in the Senate, if it is being

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Mr. Chairman, I move that the House do now rise.

Surely this Nation to-day is reaping the reward of being directed by the impractical, the dreamer, the reformer, the up-

spective States, may make their respective tentative findings

the States could obtain unity of action under the above constitutional provision with the assistance of the Interstate Commerce Commission, the power of regulating rates would be firmly established for all time. The conflict now going on between the public and the carriers would cease and just and fair dealing would constitute the rule of action.

I ask leave to insert, as a part of my remarks, an article on this subject by Hon. Charles E. De Land, of Pierre, S. Dak., published in the Central Law Journal May 2, 1913. [Applause.]

The article by Hon. Charles E. De Land is as follows:

"FEDERAL AND STATE COOPERATION ON RATES.

"Is it feasible for State railway commissions to cooperate with the Interstate Commerce Commission in solving the question of intrastate as related to interstate rates and fares, and vice versa?

"Would such character of joint action and administrative determination pursuant thereto be legally tenable under the Federal system?

"It is believed that both of these questions should be answered in the affirmative.

"The coordinate departments of State governments are as certainly and as devotedly concerned and as lawfully invoked in the process of local or State supervision and control of public carriers as are those of the Federal arm of the Government concerning interstate carriage. This being true, and the subject in hand being peculiarly within the view and potential oversight of the State authorities, it would seem safe to conclude that in an assembly of conference between a given number of State boards and the Interstate Commerce Commission, upon the question of proposed State rate schedules embracing the States thus locally represented, the sum of information, opinion, and judgment expressed by the State boards should be regarded as superior to that of the Federal commission. Among other reasons why this should be true is that in arriving at a conclusion as to the local necessity for, and the mutual fairness as between the public and the carriers of the proposed rates and fares here supposedly under such joint consideration, the local boards must be regarded as having diligently and intelligently considered existing interstate rates and fares as related to existing or proposed intrates, as well as those obtaining locally, and to have compared the former with the latter, and also the relations between and the relative fairness or otherwise of the various schedules in the States so represented as between themselves. For it is matter of common knowledge that the State boards of railway commissioners in current administration do consider these various elements of the questions involved, and, indeed, find it necessary to do so in order to reach intelligent and just conclusions in the premises.

"It would seem to follow from the foregoing, as a further fair deduction, that such a conference between several State boards and the Federal commission could not fail to in some degree enrich the intelligence and strengthen the judgment of the latter board concerning not only the reasonableness or otherwise of the existing interstate rates and fares thus involved but the relations then existing between as well as those which should exist between the intrates and the interstate rates.

"On the other hand, such a conference would as certainly shed some new and valuable light upon the case thus presented, as viewed by the State boards, through special knowledge and resulting superior judgment of the Interstate Commerce Commission regarding the existing interstate schedules and their relations to intrates involved imparted by its members to those of the State boards.

"That a mutual desire on the part of the State and Federal commissions to obtain new information and suggestions from the other should exist at all times would seem to be axiomatic. And that the net result of such a conference would be the further maturing of the judgment and efficiency of both the State and Federal boards concerning their respective functions is undeniable. And to the extent that such joint action resulted in tentatively fixing upon the basis of proposed new and mutually satisfactory, reasonable, and fair intrastate rates and fare by such State boards and upon interstate rates by the Federal board a long step would have been taken toward reducing the amount of statutory investigation concerning intrates as related to interstate rates, and vice versa, involved in hearing complaints, as well as toward eliminating court litigation resulting from unsatisfactory action of the boards. And such interchange of views between the Federal and the State boards would bear directly upon and improve the functions of the Interstate Commerce Commission, wherein it finds itself charged with the incidental duty of affecting and regulating intrastate commerce far enough to protect the freedom of and to regulate interstate commerce. (Brown v. Maryland, 12 Wheat., 448; Caldwell v. North Carolina, 187 U. S., 622; Gulf, Colorado, etc., Ry. Co. v. Heffey, 158 U. S., 980.)

"Pensacola Telegraph Co. v. Western Union Telegraph Co. (96 U. S., 1), while the benefits of such cooperation would increase the capacity of the State boards to act intelligently in so regulating intrastate rates as not to substantially burden or regulate interstate commerce, although it may be thereby remotely or incidentally affected. (Norfolk & Western Ry. Co. v. Pennsylvania, 136 U. S., 114.)

"If tenable, it is believed that such a process of exchange of views and cooperative action would be or could easily be made practicable; that the necessary time for meetings and deliberation as suggested could be arranged for through administrative regulations, supplemented by some additional legislation, State and Federal. In considering this phase of the subject it can be said that it would not be necessary for the full membership of either the Federal or the State boards to come together in carrying out the processes contemplated in this paper. Representatives of the several bodies, as delegations or committees, could be charged in some authoritative manner with the duty of attending such joint conferences, at stated times and places previously fixed upon by the Federal commission alone or through some arrangement between it and the State boards whose functions were called into action by the particular rate or fares problem in hand. Certain tentative discussion of such problem could be had by the State boards in advance, and if deemed necessary by the Interstate Commerce Commission, in which preliminary deliberations certain conclusions concerning rates or fares could be arrived at as a basis for the proposed joint discussion and action, as the result of which each delegation or committee would be able to bring into joint assembly certain specific propositions for or against a set of existing or proposed schedules, and would urge their respective views in support thereof, subject to such modification or adverse action as the wisdom of the joint deliberation might suggest.

"Again, if the utility of such cooperative action were conceded in advance, or was found, after repeated efforts of this character, to be productive of beneficial results in the general direction above indicated, the practicability of such a plan as a permanent feature of administration in the premises could be expedited, and eventually vindicated, in one of several modes of action. It would probably be found that such joint discussion, exchange of views, and advocacies, and action pursuant thereto, would result in accomplishing ends, in the readjustment of rates and fares, intrastate or interstate, or both, by more practical, inexpensive, expeditious, and effective methods than those now existing. Incidental arrangements could be made by the Interstate Commerce Commission to enable the carriers and complaining shippers, if any, to be heard at the joint meeting; and that incident, as to the State boards, could be effected through similar action by the latter. There would probably result a mutual saving of time which in the end would enable both sets of boards to bestow more time in such joint deliberation and action than was thought possible in the outset. And if such utility and effectiveness were demonstrated in a series of preliminary or experimental joint conferences, the State legislatures and the Congress could readily enlarge the membership of the respective boards, if deemed expedient, for the purpose of enabling them to expend more time in this mode of joint action and in perfecting such a system as a permanent feature of administration, State and Federal.

"If, then, the questions of practicability and utility of such joint discussion and cooperative action were demonstrated by actual experiment to the satisfaction of the Federal and State boards, and the governmental authorities behind them, the further question whether, and if so how far, such joint deliberation and action, if made mandatory and declared effective by statute as regards the Federal and the State governments, would be justified under our Federal system would, of course, arise. The questions involved would seem to be that of empowering the Federal and State boards of railway commissioners, respectively, to enter into such joint deliberation and action, and that of providing that such action should be legally effective through ratification by the respective boards, as regards the subject of fixing and of altering rates and fares, intrastate and interstate, as the result of or the sequel to the joint action under and pursuant to the Federal and the State constitutions.

"And in determining the question of the tenability of such proposed legislation the discussion would go on in the light of what had already been done experimentally by the respective boards. And in discussing what had thus actually occurred it would be seen that all that had been done was effected through the simple process of voluntary action in the delegation of authority by the respective boards to their respective committees or other representatives to meet with and to urge tenta-

tive propositions before the joint conference and to report back to their respective bodies the result of such conferences and consequent action, none of the boards, State or Federal, being legally bound by such joint action until confirmed by the respective boards acting normally. In other words, it would appear that the beneficial results attained experimentally, although done informally and outside of the pale of specific statutory authority, had been accomplished without violating any law, State or Federal, since such joint action would not in fact or by intendment be, per se, legally binding upon any of the commissions involved.

"While no actual work seems to have been done thus far by way of cooperation in a joint conference between the State boards and the Interstate Commerce Commission in seeking to tentatively settle upon a set of rates or fares, intrastate or interstate, involved in proceedings pending before either set of boards, yet this subject has been one of repeated and earnest suggestion and recommendation before the conventions of the National Association of Railway Commissioners, in which assemblies members of the Interstate Commerce Commission have annually for many years sat in deliberation with those of a large number of State railway commissions, involving discussions as to ways and means of prompt and effective determination of the questions of rates and fares and many other phases of the work of the respective commissions which regularly come up for debate and recommendation. So clearly has that association put itself on record in this particular that no doubt can arise as to cooperative consideration of rates having been deliberately recommended by members of the Interstate Commerce Commission, including some of its chairmen, before that association. To go no further back than 1908, we find Mr. McChord, chairman of the association, declaring in opening his annual address:

"The necessity for cooperative and concerted action between the Interstate Commerce Commission and the State railroad commissions in every phase of the regulation of railroads has been advocated and approved by every convention of this association since it was organized in 1889.

"He there refers to the expressions of Judge Cooley, in whose address at the first session of that organization the latter said, speaking of the relative work of the two sets of railway commissions:

"We are all engaged in a kindred work, and not a kindred work merely, but in a large degree in the same work. What is often spoken of as the railroad system of the United States is an illustration of unity in diversity, such as it would be difficult to find elsewhere in the world.

"Mr. McChord then refers to the remarks of Judge Knapp, then chairman of the Federal commission, made at the preceding convention, where the latter observed that, regarding public interests and independent of legislation—

"We have an opportunity for very useful service * * * by harmonizing as far as we possibly can our policies and our work of administration.

"Mr. McChord then refers to the additional powers granted to the Federal commission by the Hepburn Act, and observes:

"Now that these additional powers have been conferred and as the intrastate regulation of railroads is so closely allied with that of interstate regulation, it is but natural that the State commissions are looking to the Interstate Commerce Commission for closer cooperation in the struggle they are making against such great odds in their efforts to regulate the railroads of their respective States.

"The 'importance of cooperation of State governments and the Federal Government in the regulation of rates' is emphasized, in view of judicial decisions adverted to, and he makes this specific recommendation:

"We believe that a practical and feasible plan of cooperation would be that when complaint has been filed with the Interstate Commerce Commission and a copy served upon the defendant carrier, and it is cited to appear and defend, * * * the commissioners of the States affected by that complaint should be furnished with similar copies and notices and be granted leave to intervene or submit argument in support of or against the relief sought by the complainant, and, in a similar way, when complaint has been filed with the State commissions, which would of necessity affect interstate rates, a copy of such complaint should be furnished the Interstate Commerce Commission, and both State and Federal commissions should feel free to call for such information as each may possess bearing upon the subject matter under investigation. In short, if the State and Federal commissions are to cooperate in this work, and if there is to be preserved to the State commissions their present usefulness and the limited powers yet left them, something tangible along these lines should be agreed upon by this association and should be carried out without further delay.

"That 'it is clear that if the Interstate Commerce Commission' is to effectually cooperate with the various State commissions it must have some officer or representative whose sole duty it is to keep constantly in touch with these State commissions and keep a record of all that they are doing.' And after observing that—

"Under our dual form of government the State commissions are at last at the mercy of the Federal authorities—

"He adds:

"Therefore I am firmly of the opinion that the Federal and State commissions should get together in the beginning of these investigations, and by mutually cooperating and assisting each other be in better position to maintain in the courts their respective orders when made. (Proceedings of National Association of Railway Commissioners, 1908, pp. 10–14.)

"In 1909, Mr. Decker, president of the National Association of Railway Commissioners, in his address at the annual convention of that association, spoke of the trade elements which—

"Create a lasting interpendence between the States and the Nation in regulation of our commerce. (Proceedings of National Association of Railway Commissioners, 1909, p. 10.)

"In 1910 the same distinguished official said in a similar connection—

"We have about reached the time, I think, when investigation of related railway rates may properly include conferences between regulating commissions before determination.

"That the line of demarkation between State and Federal jurisdiction being, fundamentally, determined, harmonious action is promoted by 'trying through conferences and cooperation to bring about rates and rate rules based upon consideration of right and justice to all concerned.' That 'the association through its committees may work actively toward securing harmonious action,' and 'many things that remain to be accomplished may be constantly progressed under the larger comprehension and broader outlook resulting either from special conferences between particular commissions or as the result of the work of committees acting under the authority of this association.' That 'still greater effective work can be done by the various commissions through associated action. * * * To that end it would be advisable for the various commissions to so arrange their own engagements that their members may participate actively through the year in the general but highly important work as fixed by the association in convention. It is worthy of careful consideration whether conferences between State commissions and the Interstate Commerce Commission concerning the work in which any State commission and the Federal commission may have joint interest would not be valuable.' (Proceedings of National Association of Railway Commissioners, 1910, pp. 10–13.)

"In 1911, Judge Clements, chairman of the Interstate Commerce Commission, in his annual address before that association, said:

"It would be useless for me to repeat what all know, and that is that the conference and sessions of this convention, and the recommendations of the association and the cooperation between the Interstate Commerce Commission and the State commissions and between the State commissions themselves, have been of the utmost value to all of us and to all who are engaged in this most important work of railway regulation. (Proceedings of National Association of Railway Commissioners, 1911, p. 5.)

"The foregoing quotations from addresses made before the National Association of Railway Commissioners clearly indicate that the scope of suggested and proposed action between State commissions themselves, and between them and the Interstate Commerce Commission, embraces not merely the deliberations and consequent action of that association, but conferences between the various sets of State boards, and also between such of the latter as may be involved in determining a pending question and the Federal board, wherein the latter may find its functions operative in determining the relations between the intrates and the interrates thus actually or possibly involved; and also the proposition of action by such State boards and the Federal commission, in becoming by intervention or otherwise, parties to pending proceedings before either or any of those bodies, and in being heard in the determination of the question involved, through counsel and also through committees or delegations. Thus, 'cooperative and concerted action,' 'closer cooperation,' 'harmonizing of policies,' freedom in 'calling for information,' 'effectual cooperation' between the Federal and State boards through 'some officer or representative,' 'getting together in the beginnings of these investigations' and 'by mutually cooperating and assisting each other,' to 'create a lasting interdependence between the States and the Nation,' and 'conferences between regulating committees before determination,' under 'the larger comprehension and broader outlook' resulting from 'special conferences between particular commissions' 'through the year'—all these proposed expedients are evidences of serious consideration and urgent recommendation at the hands of the highest deliberative body existing in this country as the representative of the administrative functions of our State and Federal boards in regulating and controlling commerce, State and National.

"Now while some of these various recommendations may not have been intended to mean joint deliberate action on rates, in the sense of expressing formal conclusions into which both

being forced to bear any part of the expense of maintaining that

Millions of dollars' worth of farm products have been bought abroad, but the cost of living has not decreased. One hundred million pounds of fresh meat has been imported under the Underwood law, but beef is 30 per cent higher to-day than it was last September, the last month of the Republican tariff law that was, according to Democratic doctrine, responsible for the high cost of living. We have free wheat; but I notice that in my own State the price of bread has been increased.

I hold here in my hand an article taken from one of the newspapers in my State—the Tacoma Tribune—which says that the bakers have raised the price of bread. The following is the article:

BAKERS RAISE PRICE OF BREAD.

The Master Bakers' Association of Washington, Tuesday morning, served formal notice on the local grocers that shortly the price of bread will be raised. When the new scale goes into effect, the grocers will receive 28 loaves of bread for $1 instead of 30 as heretofore.

E. M. Thomas, president of the Tacoma Retail Grocers' Association, received the notice; but just when the scale will go into effect is not known.

It is not believed, however, that the new scale will affect the consumer, as the bakers declare that if the grocers raise the price of the loaf the manufacturers will install delivery wagons and sell direct to the consumer.

Leading grocers declare they do not object to receiving less profit under the new order, but that they will insist that the bakers keep the weight of the bread up to the standard of 16 ounces, dough measure, and 14 ounces after baking and ready for sale.

Last September, under the Payne law, 30 loaves of bread could be bought for $1 in the State of Washington. Now you can purchase but 28 for that sum. This is the way that the Democratic Party has reduced the cost of living.

I wonder if it has ever occurred to the now terrified and discredited Democracy that all their howling about the increased cost of living caused by a protective tariff was simply a "psychological" condition, a state of a perturbed mind. [Applause on the Republican side.]

Of course, all these facts and figures, according to the President—and the rest of the Democrats of the country must accept this statement, for they permit without protest the President to do all their thinking for them—is simply "psychological." The only cure for this condition is more legislation.

We are to be kept in session all summer to cure this "psychological" condition in our efforts to place upon the statute books laws that will strangle what little business is left. It may be "psychological," but every day this Congress is in session the business of the country grows less. There is but one small consolation for the meek and cowardly way in which the Democratic majority obeys the President, resulting in keeping us here all summer, and that is that while they are destroying the business of the country they are also destroying the Democratic Party. [Applause on the Republican side.]

Business men see their markets gone, their factories closed, but they should not complain. Let them read a chapter on the "New Freedom." [Applause on the Republican side.]

They see the foreigner with his products made by foreign cheap labor coming into this country and driving them from the market, but why should they complain. Let them read an essay on "Free Trade."

The business men of this country are daily selling less abroad, are daily selling less at home; daily the foreigner is increasing his sales in this country; but why should our business men complain? Let them listen to a lecture on "Efficiency." [Applause on the Republican side.]

The business man looks upon the closed factory, the dying fires, the idle men, the poverty, upon the vast army of unemployed, but let him be of good cheer, let him read our new "Constitution of Peace" and be comforted.

What the hungry want is not bread, but more law.
What the naked want is not more clothes, but more statutes.
What the idle need is not work, but more legislation.
What capital needs is not investment, but legal confiscation.
What the Nation needs to-day is not prosperity, but a cheerful state of mind. [Applause on the Republican side.]

What the people of this country need is the faith cure. They took it last election, and it cured their faith in the Democratic Party forever. [Laughter and applause on the Republican side.]

Poverty, want, hunger, idleness, and rags. These are not pitiful facts; these are not awful realities; these are but the figment of a fevered and uncultured imagination unable to grasp the eternal verities of the "new freedom" and the splendid truths of the new "constitution of peace."

Mr. TAGGART. Will the gentleman yield?

Mr. TOWNER. Will the gentleman yield?

The CHAIRMAN. Will the gentleman from Washington yield; and if so, to whom?

Mr. HUMPHREY of Washington. I will yield in a moment.

Surely this Nation to-day is reaping the reward of being directed by the impractical, the dreamer, the reformer, the uplifter, the scholar, and the theorist. This is the day of the triumph of the "intellectual unintelligent."

Yes, all our troubles are "psychological." Is death by fear any more delightful than when the terror comes in any other form?

"Psychological" is a blessed word. There is none with which it can be compared. "Charity covers a multitude of sins," but "psychological" in its beneficent elasticity covers the measureless multitude of Democratic blunders. [Applause on the Republican side.]

Mr. TOWNER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. TOWNER. Do I understand the gentleman to claim that the President has abandoned his old scheme by which all of these were to be overcome on the part of employers and manufacturers by sharpening their wits against the foreigner, and that now that is to be supplanted by the new psychology theory he speaks about?

Mr. HUMPHREY of Washington. The President has succeeded in having the people of this country sharpen their wits in competition with the other nations of the world. We have lost our home markets to the foreigner. Each day we import more and sell less, and now, as I said a moment ago, after he looked around upon closed mills, the 500,000 men out of employment on the railroads alone, upon the 3,000,000 of the unemployed in this country, the largest number that ever existed in the history of this Nation, it seems that that fact has just penetrated the White House, although it has not yet crossed the aisle, and then the President replies to the business men of this country, who come before him beseeching that Congress adjourn—the only blessing they could bestow upon this country—that the conditions are merely psychological; that the people of this country are not hungry, but simply imagine that they are. [Applause on the Republican side.]

Mr. GILLETT. Mr. Chairman, I yield 25 minutes to the gentleman from South Dakota [Mr. DILLON].

Mr. DILLON. Mr. Chairman, on January 17, 1914, I introduced H. R. 11808, a bill to secure cooperation between the Interstate Commerce Commission and the State railway boards and commissions of the several States in correlating, changing, and establishing intrastate rates, charges, and fares which indirectly affect interstate commerce in the transportation of passengers and property by public carriers, and providing for procedure relative thereto.

I desire briefly to discuss the provisions of this bill. Section 1, in substance, provides that the Interstate Commerce Commission, through one or more of its members, may enter into a conference with any one or more State railway boards. Such boards, upon complaint of any interested party, may correlate and prepare schedules for the changing of rates for transportation of passengers and property, and in so doing may compare existing rates with State rates and also make comparisons between one or more States, and may consider ways and means of arriving at fair, reasonable, and just intrastate rates.

Section 2 provides, in substance, that when any interested party files a complaint concerning any existing or proposed interstate schedule with the Interstate Commerce Commission, then any State board, whose State rates may be affected thereby, may intervene and be heard, and when any matters are pending before the Interstate Commerce Commission affecting intrastate rates any State board may intervene and introduce evidence and arguments in support of the State rates.

Section 3 provides, in substance, that any interested party may file a complaint with any State railway board, pursuant to the laws of such State, concerning any proposed intrastate rates which indirectly affect interstate commerce, or when such State board proposes, on its own initiative, any such intrastate schedule of rates the Interstate Commerce Commission may, upon request of such State board, participate in such proceedings by conferring through one or more of its members with such State railway board. It may make suggestions and proposals concerning such matters pending before such State board and through such request may submit evidence and present arguments relative to such matters.

Section 4 allows the Interstate Commerce Commission to adopt reasonable administrative rules and regulations for the purpose of carrying out the provisions of the act and for facilitating the joint conferences and action of and between State railway boards and the Interstate Commerce Commission, and for that purpose may fix the time and place of meetings in which State boards may participate.

Section 5 provides in substance that the Interstate Commerce Commission and State railway boards participating in such joint conferences, if empowered by the laws of their respective States, may make their respective tentative findings

and conclusions; the Interstate Commerce Commission as to interstate and the State boards as to intrastate schedules. But none of such findings or conclusions of the Interstate Commerce Commission nor of the State boards shall have any binding force or effect until ratified by the Interstate Commerce Commission acting independently of each of the participating State boards. Upon the submission of such findings and conclusions for ratification the Interstate Commerce Commission may permit interested parties to be heard upon such ratification, and when ratified shall be binding as to interstate rates, and when ratified by the State boards shall be binding as to State rates.

Section 6 provides in substance that the Interstate Commerce Commission may, if permitted by the laws of the State, appear before the State board of any State upon any matter affecting interstate rates and may adduce and submit evidence in support of its contention upon such hearing.

Section 7 provides in substance that the Interstate Commerce Commission or any State railway board may separately ratify the joint action of such boards, and when so ratified it shall constitute a final adjudication.

Section 8 provides in substance that any one or more of the members of the Interstate Commerce Commission may be delegated by the commission to attend any joint meeting or conference with any one or more of the State railway boards, and the action of such representative may be ratified or rejected by the Interstate Commerce Commission.

This bill seeks to bring together the Interstate Commerce Commission and the different State railway boards for unity of action in establishing just and reasonable rates for transportation of persons and property.

The Interstate Commerce Commission is the representative of the national power, while the State railway board is the representative of the power of the State, the one possessing power over interstate commerce while the other retains power over intrastate commerce. Under our complex system of Government there is a constant conflict between the National and the State powers. One frequently trespasses on the other and often the power of one shades into the other and sometimes there is difficulty in distinguishing the rights of each.

The legislatures of 48 States are passing diversified laws, seldom are any two of them alike and uniformity is scarcely ever obtained. Those matters that are national in character, affecting all the people alike, should be controlled by a national power, while those matters that are local in character should be controlled by local or State power.

Nearly all of the States have railway boards created for the purpose of regulating rates of the transportation companies. The laws governing these boards are not uniform, yet they seek to reach the same result. The national board is seeking to reach the same result in interstate-commerce rates. Why should they not cooperate with a common purpose and reach effectively the same result?

In order to fix just and reasonable rates the tribunal assuming such functions must have knowledge of the value of railway properties. The different State boards have adopted a variety of methods in arriving at the valuation. Scarcely any two of them agree as to the elements that should be considered in reaching the valuation. Shall capitalization, earning power, commercial value, market value, book value, cost of reproduction, or fair value constitute the basis of the valuation? What will constitute fair deductions also causes a vast amount of uncertainty. What shall be allowed or deducted for engineering fees, contingencies, legal expenses, discount on stock and bonds, promoting, financing, supervision, depreciation, and working capital, all of which constitute uncertainties entering into the valuation of the properties.

About 20 of the States are now engaged in efforts to secure the physical valuation of railroad properties in their respective States. It is estimated that it will cost from $3 to $15 per mile to secure the valuation for rate making and taxation purposes. The National Government, through the Interstate Commerce Commission, is now commencing the herculean task of making a valuation of all the property of railroads engaged in interstate commerce. This appropriation bill carries $1,000,000 for valuation of railroads engaged in interstate commerce. The States will spend millions of dollars in their efforts to fix the valuation for taxation and rate-making purposes and the National Government will duplicate the work and the expense.

After the valuations are made the National and the State Governments will be constantly duplicating the annual expenditures in keeping the evidence up to date. While these large expenditures of the public money are justified in order that just rates may be secured, yet more effective results could be obtained through the spirit of cooperation. Cooperation between the State and national boards would stop the duplication of the work and save vast sums of money. With cooperation it will be largely immaterial whether it be a national duty or a State duty so long as it accomplishes results.

This bill provides the means of bringing about joint action and conferences, and then for a separate ratification by each board. The State boards would have a superior knowledge of local conditions, and would bring a wealth of knowledge to the Federal board, while the Federal board, with its large experience in rate-making methods, would bring into the conference its enriched knowledge of national matters. With a spirit of cooperation these boards would consider the rate-making power from every angle, efficiency guiding their action. The interchange of views would bring capability and would establish high grade and efficient service. The railroads and the shippers would rely implicitly upon fair dealing and fair methods in the rate-making power.

The Federal board would need only to send a single representative to the conference. All policies would be discussed and harmonized, and the boards would engage in a common work, with a common purpose, each looking to the other for friendly assistance and advice. Through the conference all conflict between the Federal and State power could be avoided and each remain supreme in its sphere. We would utilize the State boards by shifting upon them the burden of gathering facts and evidence to aid in the common purpose.

The joint orders and decrees would be stronger because resting upon and fortified by the Federal and State powers. They would be made stronger by concerted action, and at the same time would protect the rights of the State and Nation. One of the important features of the bill is that the joint action of the boards shall not have effect until it is ratified by each separately. When the subject matter of the joint action comes up for ratification, the interested parties are granted a full hearing before the Federal and the State boards, each acting independently of the other.

The State boards would have the judgment of the Federal board, as well as the judgment of the boards of other States, when the matters came up for independent ratification. Likewise the Federal board would have the judgment of the State boards before making its findings effective. This unity of action would in a measure create an alliance against any litigation that might follow.

No constitutional argument could be urged against the proceedings, because the interested parties would have notice of the joint conference. The separate action of each board on the ratification proceedings would also be upon notice, which would constitute due process of law within the meaning of the Constitution. In the first instance the joint action would be simply advisory and would become effective only upon ratification and notice to interested parties.

A dozen State boards could meet together with a single member of the Interstate Commerce Commission in conference. The rates fixed by one board, under the existing practice, affects all railroads; the rates of one State affect all States, and, in turn, affect the fixing of rates in interstate commerce. If one State lowers rates or raises rates, it affects all States, and thus unfair and unjust discrimination arises. This would not be possible if there was uniformity existing in the action of the States. There will always be a conflict between rates made by the Interstate Commerce Commission and the rates fixed by the various States. Some States have lower rates than the interstate rate and some have higher rates. In both instances the system has been unjust. No attempt has been made to equalize these rates. The conferences provided for in the bill would enable the State boards and the Interstate Commerce Commission to work together, so that the State rates and the interstate rates could be made to harmonize.

Section 10 of Article I of the Constitution provides:

No State shall, without the consent of the Congress * * * enter into any agreement or compact with another State.

Under this provision the States can enter into an agreement in the fixing of transportation rates provided Congress would consent. This bill would bring into play this constitutional provision: Congress by passing the act would approve of the methods and allow the States to agree among themselves, and when they so agreed the congressional consent would exist by reason of the provisions contained in the bill.

By these joint conferences the States could bring about agreements and thus establish uniformity. This provision of the Constitution has been unused and could now be vitalized so as to bring about State cooperation, and, at the same time, with one-half of the expense establish uniformity. If a number of

Mr. FITZGERALD. We know that the appropriation for fuel was insufficient.

Mr. ANTHONY. Why will the committee stand for that?

Mr. FITZGERALD. And that does not justify the contention of the gentleman that it would have been cheaper to burn coal.

Mr. ANTHONY. That will take quite a while to explain, and I will undertake to do that under the five-minute rule.

Mr. FITZGERALD. We will be very glad to meet the time when the gentleman advances it. Mr. Chairman, this is the first time, however, that the gentleman's criticism has been directed at the board for its treatment of the old soldiers, and in view of what has happened in the past it seems to me that any facts that might justify a motive for this criticism might properly accompany the criticism itself, so that those who are impartial and who wish to know the facts and to do only that which is right and just can take such action as will be conducive to the best interests and contentment of these soldiers.

I reserve the remainder of my time.

Mr. GILLETT. Mr. Chairman, I yield 25 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, a great light has at last penetrated the darkness and gloom that has so long enshrouded the great blessings that the Democratic administration has brought to this Nation. These blessings are here in unmeasured abundance, but the people of this Nation do not know it. They ought to rejoice and be happy, but their minds are in such state that they can not. But at last the truth is out. Men are out of work. The unemployed number millions. This is at last admitted, but the President assures us that this panic is "psychological." Business is bad, when it ought to be good. Of course there is nothing the matter with the Democratic theories or with the Democratic legislation. It is only that the business men of the Nation are too stupid to comprehend this beneficence. But the "psychological" condition that has permeated the White House has not yet reached the majority in Congress.

We have been told day after day that business is good—never better; that there is no depression; that there are no closed mills, and that there are no idle men, by our friends on that side of the House. But now the President admits that business depression is widespread and universal throughout the country.

In the sacred name of outraged virtue, with all the solemnity that my lacerated feelings will permit, I want to protest against this reflection by the President upon that tireless oratorical demonstrator of efficiency, that vocal creator of imaginary prosperity, that circulating vocabulary of the administration, that suave sophist, the radiant and serene Hon. William C. Redfield. What is the use of this optimistic spouter of twisted figures, that never met a truth that he could not strangle nor a fact that he could not vanquish, daily performing throughout the country, demonstrating by doctored reports of discredited "experts" and by specially prepared statistics our unexampled prosperity, if even the President will not believe him?

Again I protest against the President contradicting that sedate and retiring gentleman who, when other matters do not interfere, presides over the deliberate deliberations of that other legislative White House annex at the other end of this Capitol.

The other day, when having his hand properly held in a beauty parlor, this modest man shrinkingly declared that this Nation was splendidly prosperous and business universally good. What a fascinating female that must have been to make the world look so rosy to our own Thomas Riley. But in all fairness let it be said that the prosperity ecstasies enjoyed by our brilliant and voluble Vice President on that auspicious occasion were in all probability mostly "psychological." Why should the President contradict such prophets of prosperity as Marshall and Redfield, especially when all three look upon the same facts from the same angle and inspired by a common hope.

But this "psychological" condition makes clear many things we could not understand a few days ago. "Then when we saw as through a glass darkly, and now see face to face."

A few days ago we were informed that unless we surrendered our control over the Panama Canal and gave other nations the fruit of our labors that something awful would happen. The President said he would not know what to do in things of "nearer consequence." The awful thing that was to happen has not happened. We now learn that no nation was protesting against the canal law. We have it upon the high authority of the chairman of the Foreign Affairs Committee of the Senate that no nation is protesting and that no nation has protested against the present law; that no nation has ever asked or is asking now that it be changed. What, then, was it that so filled the President with dread and fear that he pleaded with Congress to do this astounding and cowardly thing, "right or wrong"? No one knows. The only explanation the present reveals is that it was a "psychological" condition, a state of mind, an unsubstantial dream, and not a real danger that threatened us.

A few days ago the President refused, as he had refused a year ago, to go to Arlington on that sacred day when a grateful Nation pays its tribute of loving remembrance to its heroic dead. An invitation was extended to the patriotic Speaker of this House to be the orator on that occasion. Then the President, without knowing of this invitation to the Speaker and without communicating the fact to either the members of the Grand Army of the Republic or the newspapers, suddenly changed his mind. True, this was a strange and striking coincident, but no doubt the real explanation is that it was "psychological."

It was no doubt the same thing that caused the President, after repeated urgings by Democratic friends, to change his attitude and be present at the Gettysburg reunion of a year ago.

A few days ago we practically declared war against an individual, not because American citizens had been murdered, not because millions of American property had been destroyed, but because he persisted in firing 5 rounds in salute instead of 21. I can not understand why the President and Huerta did not compromise on the magic 13. Then one of the mightiest battleship squadrons of the world was rushed to the coast of Mexico to blockade her ports, and Vera Cruz was seized to prevent the landing of a cargo containing munitions of war by a German ship. In this undertaking 17 brave American soldiers gave up their lives in the heroic performance of duty. A few days ago this same ship unloaded this same cargo unmolested, and these same guns, shotted with the same ammunition, are ready to be turned upon American soldiers.

We are informed that ammunition is still, with the knowledge and consent of the administration, being sent to the Mexican rebels. We are informed that two vessels have, with the knowledge of the Secretary of State, sailed for Tampico loaded with guns and other war material, and that these are to be permitted to reach Villa and his band of bandits and assassins. More bullets that may rend the flesh of American soldiers. Let us in charity hope that these things are not criminal blunders but only "psychological" mistakes.

I hold in my hand a copy of the New York Sun of to-day, and I read the following dispatch, which is quoted in one of the editorials of that paper:

Much relief was manifested in official circles when it was learned to-day that Huerta has backed down from his plan to blockade Tampico. It obviates the necessity of the United States showing its hand in favor of the constitutionalists.

I have wondered why the administration is so careful about publicly showing its hand in favor of the constitutionalists. I am reliably informed that a day or two ago the newspaper correspondents had an interview with Charles Douglas, who is the attorney of the constitutionalists, who received that position largely because of the fact that he is a friend of the Secretary of State, and when these newspaper men assembled to receive information in regard to the constitutionalists Mr. John Lind, the man who had been the special representative of the President of the United States in Mexico, was there, advising the attorney of the constitutionalists what he should say and what he should give out to the newspapers.

What closer connection do you want between the rebels and this administration—the President's special representative to Mexico a short time ago, now the adviser of the attorney who represents these so-called constitutionalists?

Let us see if this business depression, which the President at last admits, is a "psychological" condition or an ugly fact. Since the Democratic Party went into power the business of this Nation has decreased more than 40 per cent. Last April the balance of trade against us was more than $10,000,000, the first time it has been against us since the old Wilson-Gorman law was struck from the statute books. On the 15th day of last month 238,000 railroad cars were standing idle, the largest number in the history of the Nation.

I hold here a clipping from yesterday's Post of this city, and I will read a line or two from it:

WORKERS FOR HIGHER RATE—RAILROADS, LAYING OFF THOUSANDS OF MEN, NEED IT, SAYS LABOR LEADER.

NEW YORK, *June 6, 1914.*

A Washington dispatch to the New York Times says:

"Railroad workers, as well as railroad owners, favor the 5 per cent rate increase asked by the roads, according to Fred L. Feick, of the western railroad employees, who is in Washington to testify on the subject to the Interstate Commerce Commission. Mr. Feick said that his organization included 1,000,000 men. While they do not advocate a particular increase, he said they feel that a fair share in business should be permitted to the roads.

"Five hundred thousand railroad men in the West are out of work," said Mr. Feick. "Men who have been engineers and conductors of 10 years' service to-day have been set back to braking, something that has never happened before. Many employees have been dismissed, and retrenchment is general in all departments. In many cases wages have been cut anywhere from 10 to 20 per cent and the hours of employment of thousands of employees have been reduced."

I wonder if the railroad men believe this is a "condition of mind"? Are these conditions simply "psychological"? Can these idle men feed themselves and their families on imagination?

Here are some more "psychological" facts: The importation of tin plate the first six months before the enactment of the present tariff law was 3,000,000 pounds. The amount imported the first six months following that law was 33,000,000 pounds—ten times as much—and valued at $1,034,000. Nor was as much tin plate used in this country the first six months' period mentioned as in the last. Of course, it is only a "psychological" fact that should alarm no one that in the tin-plate industry alone in the last six months a million dollars has been taken from American labor, from American manufacturers, sent out of the country and given to the foreigner.

Thousands of tons of foreign steel are going into the ports of San Francisco and Seattle. Thousands of tons of cotton ties made in England are going to New Orleans and Galveston. The National Tube Works, at McKeesport, Pa., employing 2,500 men, a few days ago closed. The vice president of the Baldwin Locomotive Works declared the other day that 12,000 men formerly employed in that concern are to-day walking the streets looking for work. But all this is merely "psychological."

A distinguished gentleman told me yesterday that in one industrial district in Chicago, 12 blocks long and 6 blocks wide, there were 4,000 idle men, more than one-third of the entire number that live in the district. He declared that taking the entire city of Chicago to-day that more than one-third of all the workingmen were out of employment; that they were looking for work and waiting for an opportunity to vote the Republican ticket. [Applause on the Republican side.]

The last three months of 1914 our sale of cotton goods abroad decreased $1,200,000. Our purchases abroad in the same period increased $2,100,000. Bradford, the great woolen and worsted center of England, has increased the sale to the United States of these goods since the Underwood law went into effect 280 per cent.

During the first six months of the Underwood law our foreign trade was more than a hundred million dollars less than it was under the first six months of the Payne law.

Our imports of cotton cloth the first three months of 1914 were $4,539,295; during the first three months of 1913 it was $2,407,120, or a balance in favor of the foreigner of $2,132,175. Our imports of woolen and worsted goods the first three months of 1914 were $7,664,370; the first three months of 1913 were $2,254,010, a balance in favor of the foreigner in three months of $5,410,360.

Yesterday the gentleman from Indiana [Mr. CLINE] entertained the House by telling them how some farmers in the northern part of his State were going to start a woolen mill. Well, if that be true, the farmers will furnish the money and the promoters will be that much richer, and in less than a year from now that stock will not be worth 10 cents on the dollar. They had better read this increase in the imports, and then figure out how they are going to be able to compete with the cheap labor in England.

Mr. BUCHANAN of Illinois. Mr. Chairman, it is very evident to me there is not a quorum here, and I make the point of order that there is no quorum present.

Mr. HUMPHREY of Washington. If the gentleman wants to make the point of no quorum, all right; but I do not yield to him to interrupt my speech.

The CHAIRMAN. The gentleman from Illinois makes the point that there is no quorum present. It is evident that there is not a quorum present, and the Clerk will call the roll.

The Clerk called the roll and the following Members failed to answer to their names:

Aiken	Bruckner	Cramton	Flood, Va.
Allen	Brumbaugh	Crisp	Fordney
Anderson	Burke, Pa.	Crosser	Francis
Ansberry	Byrnes, S. C.	Dale	Gallagher
Anthony	Calder	Danforth	Gardner
Baker	Callaway	Davis	George
Baltz	Cantor	Decker	Gerry
Barchfeld	Cantrill	Dies	Glass
Barnhart	Carew	Difenderfer	Goeke
Bartholdt	Casey	Dooling	Goldfogle
Bartlett	Chandler, N. Y.	Doughton	Goodwin, Ark.
Beall, Tex.	Clancy	Dupre	Gordon
Borland	Cline	Earnh	Gorman
Brodbeck	Collier	Elder	Graham, Ill.
Browne, Wis.	Copley	Fairchild	Graham, Pa.
Browning	Covington	Fess	Greene, Mass.

Gregg	Kindel	Morin	Sims
Griest	Kinkead, N. J.	Mott	Sisson
Griffin	Kirkpatrick	Murray, Mass.	Slayden
Gudger	Knowland, J. R.	Neeley, Kans.	Slemp
Hamill	Konop	Nolan, J. I.	Sloan
Hamilton, N. Y.	Kortz	Norton	Small
Hammond	Kreider	O'Brien	Smith, Md.
Hardwick	Lafferty	O'Leary	Smith, Sam'l W.
Harris	Langham	O'Shaunessy	Smith, Minn.
Hart	Lee, Ga.	Palmer	Smith, N. Y.
Hay	L'Engle	Parker	Smith, Tex.
Hayden	Lesher	Patton, Pa.	Sparkman
Hayes	Lever	Payne	Stafford
Helgesen	Lewis, Md.	Peters, Me.	Stanley
Helm	Lewis, Pa.	Peters, Mass.	Stevenson
Helvering	Lieb	Peterson	Stephens, Miss.
Hinebaugh	Lindquist	Platt	Stephens, Nebr.
Howard	Lathicum	Porter	Taylor, Ala.
Howarth	Loft	Post	Tuttle
Hulings	Logue	Powers	Vare
Humphreys, Miss.	McClellan	Riordan	Vaughan
Igoe	Mahan	Roberts, Mass.	Watson
Johnson, S. C.	Maher	Rogers	Webb
Jones	Manahan	Rothermel	Whitacre
Kahn	Martin	Sabath	White
Keating	Merritt	Saunders	Wilson, N. Y.
Keister	Metz	Scully	Winslow
Kelley, Mich.	Miller	Sharp	Woodruff
Kelly, Pa.	Montague	Sherley	Young, N. Dak.
Kennedy, R. I.	Moore	Sherwood	Young, Tex.
Kless, Pa.	Morgan, La.	Shreve	

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 246 Members answered to their names, a quorum, and he reported the list of absentees to be entered upon the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the bill H. R. 17041, and, finding itself without a quorum, under the rule he caused the roll to be called, whereupon 246 Members, a quorum, answered to their names, and he reports herewith the list of absentees to be entered upon the Journal. The committee will resume its sitting.

The committee resumed its sitting.

The CHAIRMAN. The gentleman from Washington has nine minutes remaining.

Mr. HUMPHREY of Washington. Mr. Chairman, I have no particular desire to criticize the distinguished gentleman who shows his statesmanship every few minutes by making the point of no quorum, but it does occur to me that a majority of this House should be wildly enthusiastic for the legislation he is urging. I believe that he owes a higher duty and more respect to the great laboring interests of this country than to be constantly trying to delay the business of this House. Now, when I was interrupted I was speaking in regard to the imports in the port of New York.

During the month of March the exports at the port of New York alone decreased $11,000,000. During the month of April they decreased $12,000,000, or a loss of $23,000,000 at one port in two months. Imports increased over $20,000,000 in the same time at the same port, or a balance in favor of the foreigner of over $40,000,000 in the port of New York alone for the months of March and April, 1914, or at the rate of $276,000,000 per year. But of course all this is simply "psychological" and not facts that should alarm anyone.

This tremendous loss of trade is made much more striking when you remember that our imports of materials used in manufacturing has decreased in the first six months under the Underwood law $48,000,000. The imports of finished manufactured articles ready for sale, the value of which consists mostly of labor, increased in March alone over $8,000,000. During April, 1914, the last month for which the figures are available, as compared with April, 1913, we bought from the foreigner $36,000,000 more and sold him $37,000,000 less.

It is estimated that every million dollars' worth increase in imports and every million dollars' decrease in exports means a thousand idle men in this country. Who, then, can look at these figures and fail to understand the reason for closed mills and idle factories and the millions of unemployed? Who but the President would contend that these conditions are simply "psychological"?

The value of the stocks of this Nation has decreased $2,000,000,000 within the last six months. The business of this Nation has decreased $1,000,000 every hour that Woodrow Wilson has been in the White House. This is the result of the "new freedom." This is the practical workings of that law that was to give us the trade of the world and drive the foreigner from our market places.

of the board, also admitted under oath (see pp. 1157-1158) that the officers of the homes always requested him to get rid of the veterans and give the positions to civilians, showing how the veterans are always discriminated against in direct violation of regulation No. 314, and excusing this action when pressed by the committee by stating that they could not get enough veterans who were competent to do the work. As a matter of fact, the satellites of the board of managers in these homes turn down the application of both old and young veterans for positions nearly every day. Not only is this a fact, but if the board really wanted to do right by the veterans, they could get from the ranks of the old and young veterans' organizations, such as the Grand Army of the Republic and United Spanish War Veterans, men competent enough to fill every position in every soldiers' home in the land, from governor down to common laborer. Then, why don't they do it? Will Maj. Wadsworth quit handing out the usual line of patriotic bunk long enough to answer the question? But no; the board of managers would rather break all world's records by preserving a policy of so-called economy which imposes sweat-shop, labor-exploiting conditions on the veterans in these so-called homes, while they, the board, travel about the country on their so-called inspection tours in regal style in Pullman palace cars, piling up expense accounts that are staggering, and with no one to say to them nay, notwithstanding the fact that they force the poor, sick, emaciated veterans who are transferred from one home to another to travel a great distance in day coaches and without even providing them with coffee money. Contrast that sort of treatment to the ample provisions that are made for civilian employees traveling on home business, whom they allow 7 cents a mile and all expenses while en route. Right here another question suggests itself. Were these homes built for the benefit of the board of managers and their satellites or for the veterans who have made them possible? Which?

Now, I could go on indefinitely and relate to you the terrible abuses and outrages that we veterans are subjected to constantly. My own personal experiences since I have been forced to seek refuge in these homes has been sad to say the least. The charges that I make against the powers that be I can substantiate in every particular, if given an opportunity by Congress. Thousands of my suffering comrades stand ready to corroborate me. But none of us will, I am sure, have anything more whatever to do with the board of managers and their fake investigators, who always use the whitewash brush and then often summarily expel us from the homes for having the temerity to expose the misconduct of their incompetent parasites mismanaging these homes.

Congress has the power to make these places of refuge for the veterans real homes. This they should do forthwith by acting on the recommendation of the honorable Senate Committee on Military Affairs, which found the conditions of the Santa Monica Home as bad, if not worse, than I have stated them to be.

The board of managers stands tried and convicted before the whole world on every count—among them being the following: Starvation and improper rations; exploitation and sweat-shop labor conditions; wanton waste and extravagance; incompetency; inefficiency; criminal carelessness and indifference on the part of the medical staff; rank injustice and discrimination; vacillating procrastination; brutality and extreme cruelty and neglect; and last, but not least, suggestions of graft—and plenty of them, too.

In closing, the question suggests itself: Can Congress afford to ignore the demands of the Nation's defenders and force them to appeal to the public and the press to help them in their fight for justice and the real homes in fact? I hope not. Therefore I and all of my comrades beg and beseech you to cooperate with all these honorable men in Congress and give the problem your immediate attention.

And so, awaiting your pleasure, for which please accept my thanks in advance, I beg to remain.

Yours, for the Nation's defenders,

ONE OF THE BOYS OF '98.

SAWTELLE, CAL.

The revelations made of the treatment of veterans at the soldiers' homes will doubtless be startling to Members of Congress. That at the will of any one man decrepit old veterans, without a cent with which to buy themselves food to keep them alive, are thrown upon the street is almost past belief. But it is even so, and this abuse of power has been going on for years. Hundreds of old men have been "given the gate" in recent years.

It is wrong that such power should be placed in the hands of one man. No man is big enough to exercise arbitrary power over so large a body of men, and many men are small enough to use the power to wreak their revenge upon the helpless veterans.

In no case should one of these veterans be cast out upon the world. The United States recognizes its liability for their support. That is what these homes are for. They were not established to give positions to politicians where they may lord it over the Nation's wards. In the Regular Army, perhaps, arbitrary power may be necessary, but it is not so in the soldiers' homes. These should be, in fact as well as in name, homes for the veterans.

It is true that some of these men become insubordinate at times and in need of restraint. They are old, many of them may be cranky, and some of them are addicted to drink. There must be rules for their restraint and penalties for the infraction of the rules, but in no case should they be thrown from the home. There should be detention quarters where they may be held in case of violation of the rules, and perhaps other mild punishment should be permitted, but always they should be retained at the home unless their offense has been so great as to require their being turned over to the county authorities.

When a helpless and penniless veteran is turned out to be dependent upon charity or to starve, as was the case with Marcus Sylvester, who was "given the gate" for merely suspecting that his pension had been withheld by the officers, a crime has been committed.

The punishment of "giving a man the gate" at the national soldiers' homes has been abused about as much as the Czar's prerogative of banishing subjects to Siberia.

For two or three years past Congress has been hearing complaints of the harsh treatment of veterans by officers of soldiers' homes. Many have come to the conclusion that the veterans who are forced to find refuge there are not made to feel that it is what its name indicates and what the Government meant that it should be—a home.

The great trouble appears to be that a few of the officers of the home are austere in their temperament and treat the inmates with harshness unwarranted by the positions they hold. There appears to be a disposition among the officers to regard the inmates as charity patients and to subject them to such rigorous treatment as even young men of the Regular Army grow restive under.

An immediate change is necessary. These veterans are growing old and most of them are in poor health. They are not charity patients, but have earned by their past service to the country the best care that can be given them.

They should have over them, not white-gloved martinets of whom they are taught to stand in awe, but friendly officers who, though firm in requiring compliance with necessary rules, have hearts filled with sympathy for the veterans and with respect for the great work they did for their country, and who will make them feel that the institution is indeed a home for them. They should have a kind smile and words of cheer instead of the frosty attitude of a superior officer to an underling. And when some veteran, a victim of mental or physical weakness perhaps, does transgress the rules of the home, he should be given a helping and a restraining hand, instead of "the gate" and possible starvation and death.

The placing of these homes under the administration of the War Department, with an executive authority responsible to Congress and to the people, is the remedy for present evils.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, I hold no brief for the managers of the soldiers' homes. But in view of the statements made by the gentleman from Kansas [Mr. ANTHONY], it might be well for me to make some statement in regard to them.

The Board of Managers of the National Soldiers' Homes is composed of men who are Republicans and ex-Union soldiers. Most of them have been appointed on the board upon the recommendation of the committee of which the gentleman from Kansas is a member.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order that no quorum is present.

The CHAIRMAN (Mr. VAUGHAN). The gentleman from Illinois makes the point of no quorum and the Chair will count. [After counting.] Eighty-nine Members present, not a quorum.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The question was taken; and on a division (demanded by Mr. MANN and Mr. GARNER) there were 5 ayes and 81 noes.

Mr. MANN and Mr. GARNER asked for tellers.

Tellers were ordered, and the Chair appointed Mr. FITZGERALD and Mr. GILLETT as tellers.

The committee again divided; and the tellers reported that there were 11 ayes and 96 noes.

So the motion that the committee rise was lost.

The CHAIRMAN. A quorum is present, and the gentleman from New York [Mr. FITZGERALD] will proceed.

Mr. FITZGERALD. Mr. Chairman, I was stating when the gentleman from Illinois, in order that I might have a quorum to listen to my interesting remarks, made the point of no quorum that the Board of Managers of the National Soldiers' Homes consists of men who are all Republicans, and who have served with distinction in the Union Army. That board is composed of Maj. James W. Wadsworth, president, for 18 or 20 years a distinguished Member of this House; Lieut. Franklin Murphy, first vice president, who served as governor of the State of New Jersey; Col. Henry K. Markham, of Pasadena, Cal.; John M. Holley, of Wisconsin; Maj. William Warner, of Kansas City, Mo., who served in the United States Senate; Col. Edwin C. Hammond, of Indiana; Gen. Joseph S. Smith, of Maine; Lieut. Oscar M. Gottschall, of Dayton, Ohio; and Capt. Lucien S. Lambert, of Galesburg, Ill.

These men all served in the Civil War, and their sympathies are with the Union soldiers and other veterans of wars who, through one misfortune or another, are compelled to live in the national soldiers' homes. These men are all Republicans, of the same political faith as is the gentleman from Kansas.

In the sundry civil appropriation act of the current year this provision was inserted:

Hereafter vacancies occurring in the membership of the Board of Managers in the National Homes for Disabled Volunteer Soldiers shall not be filled until the whole number of members of such board are reduced to five, and thereafter the whole number of members constituting that board shall not exceed five.

In the last Congress this House passed a resolution providing for the filling of all vacancies in the board. Three of the men named in the resolution were Democrats and one was a Republican. The resolution did not pass the Senate. The Senate was Republican, and the failure to pass the resolution perpetuated in office the Republicans whose terms had expired. There is pending here in the House a resolution to fill the existing vacancies. I think there are four Democrats named in the resolution. If the conditions could possibly be anything like those described by the gentleman from Kansas, he should welcome the substitution of these Democrats for the Republican members on the board. I do not believe that any such situation exists.

Mr. GOULDEN. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. GOULDEN. Did not the distinguished president of that board, who served here as our colleague for many years, Mr. Wadsworth, indorse and recommend that the board should be reduced to five members, instead of the unwieldy and unsatisfactory number that now makes up the board of managers?

Mr. FITZGERALD. Yes.

Mr. GARNER. What salary is paid to the members of the board?

Mr. FITZGERALD. The president gets $4,000 a year. I do not think the others are paid.

Mr. GOULDEN. The others are not paid.

Mr. GARNER. It is merely an honorary and political position.

Mr. FITZGERALD. Not a political position.

Mr. GARNER. They undertake to take care of the political positions of the homes.

Mr. GOULDEN. I would not go that far; I think that is a mistake. Politics plays no part in the action of the board.

Mr. FITZGERALD. The number of members on the board, as it was constituted, was equal to the number of national homes and one more. So the practice has been for each member on the board to act as a general custodian of one particular home, and then one man was left as president of the board. The complaint has been made by the president of the board himself that under such a system it was difficult, if not impossible, to have a board action taken with reference to any particular home, because, as each member of the board was in charge of a particular home, whatever he recommended the others were likely to acquiesce in. And so the president of the board, Maj. Wadsworth, has from time to time recommended that the board be reduced in number so as to disassociate from the members of the board that local attachment that has existed.

The gentleman from Kansas states there has been a failure to pass the resolution here because it is to perpetuate Maj. Wadsworth in the board. The truth of the matter is, Mr. Chairman, that under the legislation enacted by Congress the vacancies occurring hereafter by which the board is to be reduced makes it probable that Maj. Wadsworth will be one of the first to leave the board. From what I know of him, from my service with him in the House and my knowledge of his career both as a soldier and a public servant and a private citizen, I believe that it will be a great misfortune to the ex-soldiers of this country when the time comes that he is eliminated from the board. [Applause.]

From time to time complaints are made about the character of the food furnished to men in the soldiers' homes. I asked some questions relative to such complaints. Maj. Harris said:

There are always some complaints, but we have endeavored to improve the messing somewhat. There is a sentiment among the patriotic people for the old soldiers, and they say that nothing is too good for them. We can not go entirely on that basis, but we endeavor to conduct the home—

He was here interrupted by the chairman, and I will read further from the hearings and what Mr. Wadsworth said:

The CHAIRMAN (interposing). What is the character of food furnished them?

Mr. WADSWORTH. For instance, here is the bill of fare at the Pacific Branch, Sunday, for breakfast: Beef stew with garden vegetables, graham and white bread, oleo, and coffee. Dinner: Roast loin of beef, sage dressing, brown gravy, mashed potatoes, cabinet pudding, cream sauce, graham and white bread, oleo, coffee. Here is printed the bill of fare for every day in the week. On Monday they had for breakfast fried ham with creamed potatoes, graham and white bread, oleo, and coffee.

The CHAIRMAN. You have visited all these branches?

Mr. WADSWORTH. Yes, sir; many times.

The CHAIRMAN. How is the food prepared?

Mr. WADSWORTH. It is mostly steam cooked, but it is prepared in a wholesome, clean way. Mr. FITZGERALD, and there is no real cause of complaint. But when you are feeding 17,000 men, coming from all sections of the country, accustomed to different kinds of homes and different kinds of cooking—New England cooking being different from western cooking, and so on—it is very hard to please every one of them, and three or four men in a home can raise more trouble by writing to Representatives and Senators and to magazines and various newspapers than you can imagine; and yet with all that, I claim that not over one-half of 1 per cent of the members make complaints.

Taking 17,000 as the basis, 1 per cent would be 170, and one-half of 1 per cent would be 85, which would be about 20 members to a home, and I do not think there are that number who comprise the grumblers and the growlers. I do not believe you can find 17,000 men in any walk of life any more contented or happier than these men. It is almost impossible to make a man 80 years old happy and contented in every way. He either has lumbago or rheumatism or some trouble with his digestion, and when you come to Spanish War veterans you have another class of men to deal with; they are tubercular to a very large extent and the very nature of the disease makes them restless and dissatisfied. They will be at one place and will think that if they could go somewhere else they would get well, and when they get there they want to go somewhere else. I think their complaints are mostly owing to the nature of their disease more than anything else, and I pity them very much; and when you think of the very small number of complaints you have out of 17,000 old soldiers, I think it is remarkable.

Mr. Chairman, from time to time gentlemen have made criticisms of the board. I do not say that the board is above criticism or that things do not happen in the conduct of the soldiers' homes which ought to be criticized, but I express the opinion, based on information gathered and investigations made over a course of eight or nine years and my knowledge of the character of men who are serving on the board, and from the fact that the board is composed of men who have served in the Union Army, that the board is interested only in the welfare of the men, and that these homes are and have been well managed on the whole.

Of course, some of us understand the reason for the complaint of the gentleman from Kansas [Mr. ANTHONY]. He has had a grievance against the president of the Board of Managers of the Soldiers' Homes for a great many years. He has been dissatisfied with the conduct of these homes because the board of managers declined to expend from $60,000 to $70,000 to equip the national soldiers' home at Leavenworth, in the gentleman's own district, so that it may burn coal produced in that district rather than conduct the home more economically by burning oil. At the request of the gentleman from Kansas, two investigations were made this year to ascertain the facts. These investigations were made by impartial persons, so that there could be no conflict between the committee and the gentleman from Kansas. One investigation was made by the Bureau of Mines, and the other by the Quartermaster General's Department of the Army, and both of the reports sustained the contention made on this floor in other sessions by the members of this committee, based upon the information that this committee had obtained, that it would cost the sum of money I have stated to equip the plant there for the economical and proper consumption of coal, and that when that was done there would be no economy in burning coal instead of oil. I suggest that criticisms from such a source are not entitled to the same weight as criticisms from a disinterested source.

Mr. ANTHONY. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. ANTHONY. If I can show that the gentleman, as chairman of the Committee on Appropriations, was deceived by the board of managers last year in the estimate they submitted to the committee for fuel at Leavenworth, will he admit that I had cause for complaint?

Mr. FITZGERALD. I will not; but if the gentleman can satisfy me that the report made by the inspector sent out by the Director of the Bureau of Mines and the report made by the Army officers attached to the Quartermaster's Corps at Fort Leavenworth are incorrect, and do not sustain the contention made by the board of managers and advocated by the Committee on Appropriations, then I will be content to agree with the gentleman.

Mr. ANTHONY. Will the gentleman yield for a further question?

Mr. FITZGERALD. Yes.

Mr. ANTHONY. Has the gentleman been informed yet that the board of managers asked about $43,000 for fuel at the Leavenworth home last year, and has the committee been informed as yet that after stating that would be sufficient the board of managers came back for a deficiency of $6,000; and then that the report of the inspector at the War Department shows that the board took $8,000 of money out of the post fund, supposed to be used for the benefit and amusement of the soldiers?

DR. FRYER SUMMONED.

Maj. Fryer was then summoned before the board. He admitted there were bugs in that ward at that time, but declared the women's statements were somewhat overdrawn. He had done all in his power to rid the ward of the pests, he testified. The surgeon in charge of the ward was then called. He also admitted the presence of bugs, and declared it was infested when he took charge. Almost five months were consumed before they were killed.

After the two surgeons left, Col. Miller addressed the board, averring that such a condition was unprecedented, and he could not see why the bugs could not have been killed in a much shorter time. He knew that shortly after an assistant inspector reported them the bugs disappeared entirely. And a thorough inspection made since his arrival showed they were no longer in existence.

JOINER'S STORY.

Marshall Joiner, the Spanish-American War veteran who was "given the gate" because he wrote letters to President Wilson regarding alleged unfair treatment at the hands of Gov. Cooke, next appeared. He asked the board for an honorable discharge from the home, alleging that he had been unfairly treated by certain officials, especially Anna Malinowski, matron of the general mess hall. It was the matron, he said, who had "got the gate" for him. He had been arrested and tried before Gov. Cooke in "his kangaroo court."

"What is a kangaroo court?" asked Maj. Warner.

"Where the judge is accused and tries himself," retorted Joiner.

"Anna Malinowski is the real governor of the home," he declared. "She gets the gate for anyone she gets it in for."

He asked for witnesses to prove his statements. Waitresses, nurses, dining-hall officials, and old veterans were summoned.

Joiner's object was to show that he was kind to old veterans while in the hospital, and the patients in his ward had asked that he be given a position as ward man. He accused Maj. Fryer of holding up his appointment to the coveted position. He was in the hospital pending trial by Dr. Mattx's testimony, for observation as to his mental condition. He proved, however, that the veterans in his ward wanted him for their ward man.

Then he asked other witnesses, old veterans, if in past years Anna Malinowski did not sell whisky to them and play cards with them in a joint on the "pike." This was agreed, and Miss Malinowski also admitted that in past years the home in which she lived was used as a joint. Furthermore, Joiner produced testimony from girls now in the hospital and restaurant that they left the mess hall because Miss Malinowski made it hard for them.

ALL KINDS OF CHARGES.

Complaints of nearly every description were lodged against the officials, including discrimination in giving employment to civilians in preference to veterans who are fitted for the work, cruelty in the hospital, etc.

THE HAMPTON HOME.

The following description of the national home at Hampton, Va., recently appeared in the Norfolk Daily News; it is typical of conditions in most of the homes:

AN OLD SOLDIER PROTESTS.

EDITOR, THE NEWS.

SIR: The reunion at Gettysburg has made a great many people think more about the "old soldier" than they are in the habit of doing; and I think that some information about the Southern Branch of the National Soldiers' Home will be welcomed by those who want to be just to the men who fought in the war of the sixties.

Enough money is probably appropriated for the men who are at the home in Hampton, but the funds are not properly divided. The officers get too much and the "beneficiaries of Government bounty" get too little. The number of prior choices make the soldier's share a "Hobson's choice." I may not be exactly accurate in the figures which follow, but they are not much out of the way. First, to consider the actual overhead:

Hon. Franklin Murphy, local manager.—Railroad fare, Pullman sleepers, hotel expenses for at least two trips a year to Hampton, Va.; Johnson City, Tenn.; Leavenworth, Kans.; Danville, Ill.; Marion, Ind.; Milwaukee, Wis.; Togus, Me.; Santa Monica, Cal.; and Washington. This outing is a big treat at Government expense, while the real work has been done by two officials, President J. W. Wadsworth and Maj. Moses Harris, who each get about $5,000 apiece per year.

An expensive office is maintained at New York City, with a force to do the clerical work. The expense attendant on the New York office and trips for the sight-seeing board, together with salaries for inspectors and clerical hire, will probably approximate $60,000 to $70,000 a year. The system seems to require much clerical work in developing records for the "nesting of dishes," vital statistics, discipline, police court records, inspections—weekly, monthly, and otherwise—red cards, special passes for erring brethren who need consolations in the Phoebus art saloons, where special affection is displayed for old veterans.

This system and its various ramifications have apparently stood the test of time, and you may say "it is time tried and fire tested" and is really essential to the proper digestion and preparation of such food and toothsome luxuries as the honorable board and indulgent governor now at the helm of the Southern Branch, viz, Col. T. T. Knox, may at their discretion provide. At this point it is best not to overlook the qualities, experience, and usefulness of Maj. Moses Harris. His very delicate modesty prevents his shining publicity in the galaxy of unknown but genuine stars. His absence from the performance of board duties would be a sad loss to the home mess hall and kitchen.

Then come the local staff with their emoluments.

GOV. KNOX AND STAFF.

Gov. Col. T. T. Knox (retired), born in Tennessee July 3, 1849; cadet July 1, 1867; June, 1871, second lieutenant of Cavalry; July, 1896, transferred to Inspector General's Department, so continued until April 13, 1903, when retired; yearly pay, $3,850. Pay as governor, about $3,000. Total Government pay, about $6,850. Estimated amount of money value for free house rent, about 12 rooms furnished, free heat, light, free horse and carriage and horse feed, free vegetable garden, free flowers, $1,500. Grand total, $8,350. In addition thereto may be added the privilege of first choice of all meat cuts, milk and cream, vegetables and groceries at Government prices, which amounts to no inconsiderable sum of money for a family in the course of a year, particularly such a prominent family as that of Col. Knox.

Maj. F. E. Skinner, treasurer.—The major, who is a civilian, is provided with an abundant force to do all and singular his work of recording of the financial end of the local institution. The major is probably paid about $2,000 per annum for assisting in "bossing" the job. His other perquisites, the use of a dwelling house of about 9 rooms, furnished, with free heat, free light, free horses and carriage. His other monetary values are involved in the next choice of meat cuts, milk and cream, vegetables, and groceries at Government prices. The major is raising young America, and his perquisites all told may average about $1,500 per annum. Approximately, a good $3,500 job.

Maj. L. A. Thompson, surgeon.—In charge of the hospital, about a $2,500 salary. Residence of 8 or 10 rooms furnished. He enjoys free heat, free light, and the right to a free horse; prefers his own automobile. A Spanish-American soldier about 45 years old. Next on the meat cuts, milk and cream, vegetables, and groceries at Government prices.

Capt. D. C. Spencer, quartermaster.—Citizen and about 50 years old. Salary about $2,000. House of about 8 or 9 rooms, furnished. Free heat, free light, horse. Next cut of meats, milk and cream, vegetables, and groceries at Government prices. The captain's position may be rated at about $2,750 annual worth.

Capt. E. B. White, commissary of subsistence and superintendent of post fund.—Annual salary about $1,800. House, 8 or 9 rooms, furnished. Free heat, free light, horse. Next cut of meats, milk and cream, vegetables, and groceries at Government prices. The annual worth of his job might reach about $2,250.

Capt. Luther M. Parker, adjutant and inspector.—A roguish man from Tennessee. Salary about $1,500 per annum. Notwithstanding the fact that the captain is a handsome bachelor, he has the use of a furnished house of about seven rooms all by himself. He has, of course, free heat, free light. Perquisites he enjoys we are unable to say, but of course he eats same as other men, probably in some special mess where they may come in for the next choice of meat cuts and such like. Probably his perquisites are equal to his salary.

Rev. J. Martyn Nelford, chaplain.—About $150 per month. House eight or nine rooms and usual facilities; said to be a popular man.

Capt. A. W. Bartel, senior assistant surgeon.—Salary, etc., $2,000. Has furnished room for bonsecipine in hospital ward.

It must be understood that all of these private dwellings in the home are well provided with baths, hot and cold water, with regulation toilet facilities, sanitary in all respects. That the private members on the governor's special staff, otherwise known as the "dump brigade," clean daily all refuse and accumulation from kitchens, and other dirt.

The hospital staff includes three young men (single men), who have quarters in the hospital buildings and who are in a special mess with other drug men. The "practice" goes largely by "numbers," and the sailing is usually easy and unruffled, with frequent chances for "cat naps" in midday. Old soldiers, as a rule, are supposed to have and hold the same line of ailments, however. An occasional amputation varies the monotony of hospital practice for the young M. D.'s.

Mr. Ideal, chief engineer.—A young civilian; occupies a seven or eight room house; free heat, free light, commissary prices. Probably $1,800 or $2,000 man.

Mr. Long, a department head.—Young civilian; lives in a six or seven room house; free heat, free light, commissary prices. Likely a $1,200 man.

Home hotel and home restaurant buy their supplies from the home commissary at home prices. These two places are run for profit and not for unselfish purposes.

Noncommissioned officers' mess of about 60 members, who have the right of buying in the home commissary.

Now, this is the biography of the men in the home, the "old soldiers" toward whom the country is displaying its appreciation.

Private Shorty, Company Q, Two hundredth Indiana Volunteers.—This biography, history, and information would not be complete without some reference to the aforesaid soldier; in fact, there are several hundreds of "Shorties" in this camp.

He comes from Pennsylvania, New York, Ohio, Maryland, Delaware, New Jersey, Connecticut, Massachusetts, and from all over this vast land which his valor helped to hold intact and which gave the greatest Government on the face of the earth. Shorty has always been very modest about his claims on this Nation; in fact, he has almost let his mortgage right go by default.

In view of the number of families and people who seem to have, hold, and enjoy rights of priority in the commissary department as to first cuts of all meats, milk and cream, vegetables, and groceries, the "Shorties" in this institution who have to eat in the general mess hall, are always "short" on choice cuts, fresh vegetables, and such like, all of which are bought for and charged to their account. Somebody seems to think that canned goods, old, rotten potatoes, bones, and gristle, scraps, cheapest dried fruits, which Hampton can scrape up, and everything of the cheapest grade will do to throw to these old American soldiers.

What a wonderful reading to our old boys in blue the Gettysburg bill of fare, for instance, the Fourth of July "eatings"—puffed rice, fried eggs, fried bacon, creamed potatoes, chicken fricassee, peas, corn, ice cream, cakes, cigars, fresh bread, coffee, iced tea, salmon salad, macaroni and cheese—and for the other days, beefsteak, fried onions, sliced tomatoes, roast beef, mashed potatoes, boiled rice and milk, rice pudding, baked sweet potatoes, and other "eatings" equally as good will be served. Mr. Shorty knows if these eatables can be served at Gettysburg, can likewise be served on the tables of your general mess hall; you must get busy and go back into politics, get your committees, get your leaders, get your hands on those parasites and leeches, if you would go out and leave the institution, what use would there be for the "first-cuts-and-milk-and-cream people"?

Mr. Shorty, what does the average mechanic, clerk, and bookkeeper make? Anywhere from $500 to $800 per annum, out of which he must pay rent, doctors' bills, light and heat, and also full market price for all cuts of meats, milk and cream, vegetables, and groceries. And now, Mr. Shorty, why should not Gov. Knox pay rent for his 12-room house and cream, vegetables, and groceries in the outside markets, paying full price, just the same as all American citizens are now doing? Why should not his staff do the same thing? Why should this extra money be given to these people when all the camp "Shorties" are compelled to be satisfied with boiled and roasted bones, gristle, scraps, old rotten potatoes, and the very cheapest grades of canned and dried fruits and vegetables? What wonderful services has Gov. Knox and his staff rendered in order to entitle them to more than double pay? Not in saving this Nation. Not because they are experts; Lord save the mark. Could these people make such big money outside of this camp? Not on your life, Shorty; they would get lost in the great American scramble for wealth and existence; yet perforce they must be taken care of, and that at your detriment mainly. Shorty, your comfort, health, and rights requires that the kitchen be remodeled with modern appliances, up-to-date service in preparing the meals, with

the best meats—no cuts out—fresh vegetables, first-class groceries, and all the necessary "fixings" in order to furnish palatable and nutritious food for men whose ages range from 65 to 85 years of age. You are entitled to all this and more, while Gov. Knox and his staff are not entitled to what they receive in pay and perquisites. Shorty, these conditions are an outrage on you. You are not the slave of the Board of Managers and Gov. Knox. Your rights are inherent and theirs are not. They are your servants and not your masters.

ONE PRIVATE SHORTY.

ALL APPEALING TO CONGRESS.

[From the Westgate News.]

The following able analysis of conditions at the homes is being mailed to Senators and Representatives in Congress:

DEAR SIR: Believing you to be an honorable, public-spirited man with the good of your constituents and your country's interests at heart, I am taking the liberty of addressing to you this communication, asking for your help and cooperation in a matter of the most vital interest and importance to not only my comrades here in misery with myself, but also for our grand country at large.

The subject I respectfully wish to call your attention to is an old one, which has been clamoring for the attention of Congress for these many years and which has to do with the National Homes for the Disabled Volunteer Soldiers being administered by a close corporation known as the board of managers and brought into existence by an act of Congress of March 21, 1866.

Now, honorable sir, while I, or anyone else for that matter, have never had the slightest doubt that the people of this glorious Republic, through their Representatives in Congress, had, because of their wonderful generosity and love of justice and fair play, provided the national homes for the succor and treatment of the valiant men now suffering from the infirmities which their patriotism had brought upon them, which made this Commonwealth possible, yet the wisdom of giving the power to a close corporation to administer the affairs of the soldiers' homes is questioned by a great number of people. Experience has proven beyond a shadow of doubt that the experiment has proven to be an absolute failure. The truth of this Congress and the people as a whole know very little, if anything, about, for the reason that the managers have thrown a dark but too successful veil around it to defeat, through their supporters in Congress, every effort to deprive them of their power.

The board of managers, although they pose in public as being great love and hero patriots, serving without compensation for their services from a sense of duty, have again and again, as indicated by the discussion on the floor of Congress, resisted every attempt to demote them or even to reduce their number. This is evidenced by the fact that a member of Congress made the direct charge that the board had been maintaining a lobby for that very purpose.

To demonstrate to you, honorable sir, how subtly the board of managers, through their satellites in these so-called homes, operate to mislead the people at large and Congress regarding the character of these homes, I want to respectfully refer you to the report of the board of managers, to the last one available. This report itself is so misleading and the data so subtly arranged and cunningly devised, with the express purpose, I take it, of hiding the facts, that it required several men with the aid of an expert accountant to delve through the maze of figures in order to get at their meaning. Even then it proved to be the hardest problem in the world to ascertain; for instance, just what the board spent, or squandered, in the different departments of the homes. We tried hard to figure out just what amount the board had allowed for supplying the public with scenery, but we discovered that instead of itemizing that account, as they did in the case of some other insignificant ones, they merely included the cost of maintenance of scenery with the item of farm upkeep, thus making the home farms the goats for their (the board's) extravagance.

Here I want to give you the result of the figures deduced. The total expenditures for the maintenance of all of the home farms (for the period covered by the report) were $122,370.55. The receipts were $68,600.39, which shows, as nearly as we are able to estimate, scenery furnished the public at the expense of the veterans' rations and other necessary comforts was, to the exact, 55.51 per cent of the total expenditures. No wonder the home farms show such an enormous loss each year.

What is the object of squandering that money for something the veterans never asked for? Surely not other purpose than just to fool the people into believing that the homes as operated by the board are the grandest places in the world.

But the figures given above are not a drop in the bucket as compared to the initial cost of scenery, such as the approaches and surroundings of these homes, which make the veritable show places. The fine landscapes embellished with beautiful flower gardens, tropical palms, growing shrubbery, and fine trees presents an animated view of scenic splendor to the eye of the visitor as he approaches the wonderfully constructed, gigantic buildings, whose architectural dimensions are a marvel to behold. It is just as a poor, sick, and emaciated, half starved veteran remarked in answer to a visitor's comment on the beautiful surroundings, "We can't eat those things; it's only done to fool the public."

It should not be implied, however, that the veterans do not enjoy or appreciate the beautiful and artistic. But they do insist that the veterans are entitled to have their welfare and comforts looked after first, which is not done, as is evidenced by the fact that the board insists on pursuing a mad policy of so-called economy in furnishing the food supply and in the sanitary arrangements of the buildings, which are generally infested with rats, mice, bedbugs, cockroaches, and other vermin too numerous to mention, all of which tends to keep the suffering veterans (especially in the home hospitals) in deadly fear of being attacked by the rats and bedbugs, which frequently happens.

As a matter of fact, these so-called soldiers' homes which the people and Congress intended should be real homes have, in fact, degenerated under the careful, economical, and sympathetic administration of the board into a veritable semimilitary prison or detention barracks in which the men who have offered their very lives for their country are deprived not only of their liberty by means of a "card-pass" system, much akin to the prison trusty's, but they are forced to eke out a cheap and miserable existence on 5 or 6 cent meals in overcrowded, ill-ventilated, unsanitary, and bare barrack rooms in which are not even provided the common privacies usually found in the cheapest lodging houses (known as "flop-houses") in all of our large cities.

But, asking your kind indulgence further, and hoping you will bear with me on account of the necessary length of this horrible tale of woe, and assuring you the while that it is not taken from some obscure work of fiction, or from the history of life in Libby Prison, or anything of that sort, but being merely an attempt on my part to make a plain and unvarnished statement of facts born of actual experience of life in these so-called soldiers' homes, most of the truth of which can be easily verified by a perusal of the findings and reports to Congress of the senatorial Committee on Military Affairs of their investigation of the Santa Monica Soldiers' Home in California on November 19, 1912, and entitled "Report No. 1167, Calendar No. 1034," to which I most respectfully wish to refer you.

However, continuing my story to show you how well we, the veterans, are invited and taken care of by the board, headed by that noblest and most patriotic of all men called Maj. Wadsworth, who deliberately insulted the veterans by making the statement to the honorable senatorial investigating committee (see p. 1173 of their report), "That you gentlemen"—meaning the committee—"must not think that because a man is a soldier he is a good man. You know in the Army a good deal of the scum got in toward the end" (meaning the Civil War). I have no doubt that the major meant to include himself in that statement, as he went in on the last call.

According to the regulations as laid down by the board of managers, no man is admitted to these homes unless he is totally disabled and requires medical treatment. So, of course, a medical staff dispenses the treatment, which, though, is about as poor as can be imagined. The so-called physicians are in most cases very poorly paid, inexperienced, incompetent, and inefficient, who strut through the sick wards of the hospitals with airs like the military satraps that they try to imitate, making their calls in the most perfunctory manner possible, and paying but little heed or attention to the needs of the patients.

Medicines which are prescribed to relieve the suffering veterans are allowed to constantly run out of stock, and doses substituted, which sometimes do more harm than good. Opiates that are habit producing are administered sometimes without the slightest compunction—and then some will wonder where the dope fiends come from.

Frequently the nursing is done by poorly paid, inefficient, careless nurses, who are not at all interested in their work or in the welfare of their patients, because, as is the case at the B. M. S., they come here and get disgusted with their job on account of being subjected to some arbitrary rules laid down for their conduct, not only during duty hours, but when they are off duty as well, which is certainly getting a little too extreme. Good, self-respecting nurses leave in short time and leave in disgust, making frequent changes of nurses necessary, to the detriment of the patients.

There seems to be an entire absence of that friendly spirit and feeling of good will or any feeling of cordiality between the veterans of the homes and the officers and civilian employees. The employees and officers seem to look down upon the veterans as though they were paupers and deserving no better treatment than they see fit to dole out to them. Whenever an opportunity presents itself, they seem only too glad to enforce some tyrannical, unreasonable, and oftentimes arbitrary rule or regulation laid down by themselves and the board. Most of these rules were promulgated 50 the government of the homes some 20 or 30 years ago, when the conditions to be met were entirely different from those of the present, and which, if strictly enforced, inflicts a great hardship on the veterans. It actually seems that most of the officers delight in a nonenforcement of any and all regulations that happen to favor the veterans.

To show how very considerate and sympathetic the president of the board is toward the Spanish War veterans now coming into the homes, I have the honor to refer you to his statement as made under oath to the honorable senatorial committee investigating the Santa Monica Home (see p. 1175 of their report), which is as follows:

"Maj. Wadsworth. We are getting from the Spanish War men probably their worst class; the men who by their overindulgences have made themselves incompetent to take care of themselves. With very few exceptions, the class of Spanish War men we are getting are very poor."

There you have it—a statement that is nothing but a deliberate slander and falsehood, and the honorable senatorial committee ought to have prosecuted that man Wadsworth for perjury, for never was just the opposite is the truth. As a class, the Spanish War veterans now in the homes are on the whole and with few exceptions as decent, a freespirited, and patriotic a set of men as can be found anywhere; men who have seen the hardest service in this country and in the Tropics, which has incapacitated them so they have to seek refuge in the homes. But these men have aroused the hostility of the president of the board because they have in a measure been able to fight back, and to show up the outrageous conditions prevailing in these so-called homes. The Spanish War veterans are satisfied that if the Santa Monica investigation did not accomplish another single thing, it surely unmasked that man Wadsworth, the would-be love-labor patriot.

Another one of the most reprehensible things the board inflicts on the veterans is in the manner of employment in these homes. Regulation No. 314 provides that "Members of the home be employed as far as practical for the best interests of the homes." That regulation is and has been violated most persistently of any regulation laid down by the board. Veterans in the homes are usually given the most menial and poorest paid positions. Most of the best-paid and desirable positions are given to civilians who never would enter the service of their country on the firing line. They are often merely political "hangers on" or relations of the powers that be in these homes. In fact, the board of managers make it their business (because of the great consideration they have for the veterans) to exploit and slave them to death. Their inhumanity force them to take refuge in the homes, which make them easy victims for exploitation purposes. For example, civilian employees are paid from $25 to $250 per month, while veterans are forced to accept jobs that only pay as low as $7 to $35. To give you a correct idea as to what extent the veterans are being exploited, I beg leave to refer you to the board of managers' report to Congress for the fiscal year ending June 30, 1912, page 203 (which is the last one available), and which gives the cost of labor at the Battle Mountain Sanitarium. The number of members employed was 277, to whom was paid the munificent sum of $8,789.47. The total number of civilians employed was 299, to whom was paid $43,324.24. So, while they had employed 22 more civilians than veterans, yet the civilians were paid $34,534.24 more. In other words, the total expenditures for salaries to both veterans and civilians employed were $52,113.17. Out of this the veterans received only 17 per cent, while the civilians were paid 83 per cent. Yet the board has the effrontery and unmitigated gall to pretend that they are giving the veterans in these homes a square deal, when, as a matter of fact, the general treasurer of the board, testifying at the Santa Monica investigation, admitted under oath (see p. 1156 of the committee report) that the wages paid to veterans were less than one-third that paid to civilians. Maj. Wadsworth, president

Mr. Nichols took the place, and from every employee and officer of the home comes the statement that he filled it with great skill and satisfaction until, so Mr. Nichols's friends state, Gov. Cooke concluded to make a place for the present incumbent who was a college friend of a young son of Gov. Cooke. Mr. Nichols feels that these family considerations should not be permitted by the board of managers to cost him a position with the Government, which all claim he so well filled.

It is believed that Mr. Nichols is entitled to justice and vindication at the hands of the board of managers.

VETERAN SLOUGH CRITICIZES WORK AT HOME HOSPITAL—SAYS WAS COMPELLED TO LEAVE SOLDIERS' HOME TO GET PROPER FOOD AND TREATMENT—CROWDED OUT BY CIVILIANS—IF PHYSICAL CONDITION PERMITS, MR. SLOUGH WILL APPEAR BEFORE BOARD OF MANAGERS—STATES DOCTORS SPOKE OF VETERANS AS "VICTIMS."

Another veteran who will appear before the Board of Soldiers' Home Managers at their meeting Sunday afternoon at 4 o'clock, if his physical condition will permit, is Fred H. Slough, a Spanish War veteran. Mr. Slough is now a patient at St. John's Hospital, Leavenworth, having been compelled to go there because of what he claims were unbearable conditions at the soldiers' home hospital, of which Dr. Fryer, Gov. Cooke's son-in-law, is chief surgeon. Should he not be able to appear personally before the board the sick veteran is preparing a statement which the board can secure if it so desires.

Mr. Slough stated to a Times representative that he was formerly a member of the Leavenworth Soldiers' Home, but was compelled by unpleasant conditions to voluntarily withdraw therefrom on August 15. Being a $24 pensioner he was able to do this. It seems that Mr. Slough is suffering from catarrhal appendicitis and resulting appendicostomy, or an open wound in the abdomen. He was compelled to go to the soldiers' home hospital for treatment, but he says conditions were such that it put him in a highly nervous state and that in his delicate condition he needed plenty of milk and eggs and nourishing food suitable for an invalid and which he could not there secure. He says he and another veteran with a serious medical case were given a very comfortable room, but that finally the soldiers' home authorities ordered these two stricken soldiers out of the small room and into one of the large wards, where his condition grew steadily worse, and as he had lost in weight from 160 to 120 pounds he concluded to withdraw from the home and go to St. John's Hospital in Leavenworth, where the sisters would give him better care. And Mr. Slough says that he and the other sick soldier were removed from their private room in the hospital because the authorities desired to and did turn the room over to two civilian employees of the home who were being treated in the hospital.

It seems that one of the things that made Mr. Slough extremely nervous was that his room was next to the doctor's room where sick veterans were received for treatment, and he says that as one veteran would go out he would hear the doctor say to his assistant, "Send in the next victim."

It would certainly seem as if the story told by Mr. Slough was serious enough to receive careful investigation at the hands of the Board of Managers.

VETERAN REPORTS BEDBUGS THICK—WHILE NURSING, HE WAS OFTEN CALLED UPON BY SICK PATIENTS TO KILL THEM.

The Times is in receipt of two communications from the soldiers' home bearing upon the expected investigation there to-day. One is from a former nurse in the hospital, and tells of a bad condition there. It is as follows:

Editor of the Times:

I take pleasure in thanking you for publishing the story which you did in your issue of September 9. I positively assure you of the truth of same, especially in reference to bedbugs. I will say that a few weeks ago, before the hospital wards and barrack buildings were fumigated, which has just recently been done, I myself, six weeks ago, was night nurse (male). One of my patients (paralyzed), when I would go to his bed at 12 o'clock to turn him over, I could scrape the bedbugs off his pillow. Many and many's the time he called me to kill them. He had to buy a skull cap to keep them off.

I suppose that after the ladies you mentioned spoke of bedbugs they had to get to work.

If a man is able bodied, he need not have bedbugs, because he can use the different disinfectants which are furnished him, or can buy some remedy or may scald the bed. But the sick patients can not do that, and the female nurses keep the male help doing so much of this work that a man simply can not keep the beds clean and do other things he is told to do.

ONE WHO KNOWS.

NATIONAL SOLDIERS' HOME, *September 11, 1913.*

The other correspondent appears to be unduly suspicious of the board of managers and doubtful of its accomplishing anything. He expresses his doubts in verse, as follows:

BOARD MAY INVESTIGATE.

The board of managers comes,
Old vets will fix them now.
The band, it plays, and the drums
Go "ripety-rip, bow wow."

The board of managers comes,
They drink their wine and they wink,
When the old vet tells his tale of woe;
Then they take another drink.

The board of managers goes,
The old vet gets the gate.
What they have done the devil knows,
God never enters the gate.

DIAMOND HITCH.

NATIONAL SOLDIERS' HOME, *September 12, 1913.*

LETTER AND NEWSPAPER CLIPPINGS FROM GRANT KRESLER, SAWTELLE, CAL., IN REGARD TO CONDITIONS IN TUBERCULAR WARD OF SOLDIERS' HOME IN CALIFORNIA.

HAMILTON S. HAWKINS CAMP,
United Spanish War Veterans.

Hon. D. R. ANTHONY, Jr.,
Washington, D. C.

DEAR SIR: On account of our mutual desire to have the national soldiers' homes under the care of the War Department, I take the liberty of sending the inclosed clippings from the Westgate News, the truth of which I can vouch for, and, if necessary, prove by affidavits. Since the homes are expected to care for at least 400 tubercular members yearly, and a large majority of these being Spanish War veterans in the prime of life, special provision should be made by the Government for this class of patients, many of whom have a chance to recover if given the proper care and treatment.

Having at one time been a patient in the soldier's home hospital, and having lived in close proximity to it during the past 10 years, I can make affidavit that I have never seen anyone cured of tuberculosis there, nor have I ever heard of anyone being cured in any other national home. In fact, on account of adverse conditions, all who come here for treatment give up the fight at the outset and hopelessly wait for certain death, in some cases taking much longer than others. The officers of this home, in order to cover up their deficiencies, pursue a method of intimidation toward the members, and threaten dire vengeance upon any who protest. Maj. Hayden, the surgeon, being the worst offender in this respect. I have been asked by my comrades there to take this matter up with you in their behalf, and I trust I may enlist your sympathy.

Very sincerely,

GRANT KRESLER,
Box 596, Sawtelle, Cal.

A PLEA FOR BETTER TREATMENT OF TUBERCULAR PATIENTS AT THE PACIFIC BRANCH SOLDIERS' HOME.

Although no absolute specific has yet been discovered to cure the great white plague, still all reputable physicians agree that plenty of good nourishment, fresh air, and rest will invariably cause improvement and in incipient cases cure this disease. What is the record of the tubercular ward at the soldiers' home? Like in Dante's Inferno, all who enter here leave hope behind. And why? Because of the failure in the first essential of providing proper nourishment to the patients. The standard bill of fare for all is composed of rough food of poor selection, such as is furnished in camps to the laboring class, and hardly fit for consumption by these patients, who almost invariably have a combination of ailments in the digestive tract.

The food is sufficient in quantity but poor in quality and cooked execrably.

The meat is generally the poorest cuts, the eggs of the cold-storage variety, the milk has but a small percentage of butter fats, and there is a lack of vegetables, an article of diet which should be furnished in abundance since it is healthful and cheap.

The cook is an old lady in her dotage, who should be in an old ladies' home rather than attempting something for which she is absolutely unqualified, having had no previous experience cooking for invalids.

Because the board of managers considered $35 per month ample wage for a cook, she was given the position, and is kept, although proven incapable, for fear that none better could be procured at this price.

At the recent congressional investigation Senator JONES remarked that if competent employees could not be obtained at the present scale of wages the board of managers should raise the scale.

This is a liberal Government, and really means that every soldier shall have the best care and attention that money can procure, but the soldiers have to thank the board of managers for this present method of false economy, backed up by a chief surgeon who is willing to sacrifice professional honor in order to hold his job, since he knows that conditions should be otherwise, and it is in his power to recommend sweeping changes for the better.

ONE WHO KNOWS.

GOOD, CLEAN FOOD; RICH, RED BLOOD.

Since it is an established fact that an abundance of good nourishing food is absolutely essential in the treatment of tuberculosis, good, red blood being necessary to fight the inroads of the tubercular bacilli, how can a surgeon in charge allow the existing conditions at the soldiers' home?

Picture to yourself bedfast patients being served corn beef and cabbage or food equally unpalatable and cooked after a fashion in vogue at the 5-cent restaurants. Is it a wonder that their stomachs relel and that they give up the fight for life? The records show that 90 per cent of those who go to bed die. In spite of a letter signed by all the patients and sent to the surgeon in charge asking for a better cook and better food, the present incumbent feels so sure of her position that she has presumed to insult patients, and claims that she is the major surgeon's pet and that no influence can have her removed. Individual patients have gone to the surgeon with complaints, but instead of receiving redress they have been threatened with dire punishment, and some have been sent to another ward in the hospital, although the surgeon contends that tuberculosis is contagious and infectious, and denies the patients the library privilege on that account.

It is apparent that complaints from patients are useless. Now, what recourse is left? Appeals to the board of managers would be returned for investigation, and we would have the usual farce of the officers investigating their own misdemeanors.

They would fix up a few good meals and have them inspected, and then whitewash all charges. My contention is that since free sanitariums are being erected in every State in the Union, there being six such in this State, where any persons can receive the best care and treatment free, since the best physicians in the vicinity tender their services gratis, why can not the Federal Government recognize that they owe a debt to these men and give them at least as good care and treatment as the ordinary citizen can get outside the home for nothing? I claim that the food should be bought separately from the general mess for the tubercular ward and sent direct from the quartermaster's department and not, as at present, be first sent to the hospital kitchen and then doled out at the pleasure of those in charge there, they naturally keeping the most desirable portion for their own mess.

ONE WHO KNOWS.

THE OFFICIAL REPORT OF THE BOARD TO CONGRESS NEVER TELLS SUCH THINGS AS THESE.

The annual report made to Congress by the board of managers carefully suppresses the complaints made by the soldiers against the management. A perusal of this volume would give the innocent reader the idea that the homes are but little short of a heaven on earth, and the local officials in their reports take pains to scratch each other's backs with mutual commendations. But the following article from a local newspaper describing the events which transpired at the meeting in September, 1913, of the board at the Leavenworth Branch

Home will give some insight into real conditions. Previous publicity was the only reason why the board permitted itself to give this extended hearing, and the only reason the veterans appeared before the board instead of being deterred by the usual fear of being afterwards "given the gate" was because of the previous assurance by the board that men who appeared would be protected from the vengeance of local officials.

As a result of the bedbug exposure the chief surgeon of the home was discharged. This action of the board has been severely criticized, because the executive head of the home was said to be primarily responsible for failure to make proper inspection of conditions. The former surgeon is an exceptionally competent medical practitioner. He had been in the Government service for about 13 years, and, it is understood, his appointment was made through the influence of Gov. Cooke, his father-in-law, who was then a member of the board of managers.

Here is the story of the session of the board at the Leavenworth Branch:

BOARD OF MANAGERS HEARS MANY COMPLAINTS OF CONDITIONS AT INSTITUTION HERE—GOV. COOKE UNDER FIRE—CHARGED HE DISMISSED NICHOLS AND HIRED HIS OWN MAN AS ENGINEER—SYLVESTER, "GIVEN THE GATE," TO BE READMITTED.

The Board of Managers of the Soldiers' Home last night completed its annual inspection of the Leavenworth Branch. The board arrived Sunday noon, and in a short time completed its routine inspection of barracks, mess hall and other departments.

At 4 o'clock in the afternoon the board convened to hear complaints. It adjourned at 8 o'clock, and not one-sixth of the complaints had been heard.

MANY CHARGES MADE.

At 2 o'clock yesterday afternoon the board convened again, and listened until 6 to complaints made by veterans of bedbugs and other unsatisfactory conditions in the hospital, of summary dismissal of members without money or means for subsistence, unfair treatment at the mess, discrimination by the head matron at the mess hall, cursing of colored members by an official, a "Jim Crow" rule, and last, but not least, juggling of appointments to suit the wishes of Gov. Sidney G. Cooke, despite protests of other officials to whom the governor's appointees are directly responsible. For the first time in the board's history a newspaper man was present at a hearing.

In all, 21 veterans and citizens appeared before the board, the largest number of protests ever heard by the board of managers at any institution in the United States, according to a statement made by Franklin Murphy, ex-governor of New Jersey and vice president of the board. Not only did veterans testify as to the unsatisfactory conditions, but Mrs. J. J. Edic and Mrs. James Duffy, of this city, appeared voluntarily to testify concerning bedbugs in the hospital, which, according to their description, fairly swarmed in certain wards.

The number and seriousness of the charges made it impossible for the board to pass judgment on all cases until a more thorough investigation is made. So Col. James E. Miller, inspector general and chief surgeon, will remain here an indefinite time, probing into the various complaints.

However, the case of Marcus Sylvester, a Civil War veteran, summarily "given the gate" by Gov. Cooke about a week ago, was so pitiful that before leaving the board instructed Sylvester to make application for readmission. When discharged, Sylvester was penniless and was forced to live off the kindness of Leavenworth citizens. His "crime" had been to write a letter to the Pension Bureau in Washington asking the reason for delay in his pension and intimating it was held up by home authorities so they might get the interest.

While it has not been officially announced that changes other than the dismissal of Maj. Fryer will follow the investigation, there is little doubt a shake-up in the mess hall will be made before Col. Miller leaves, the allegations of veterans concerning discrimination and harsh treatment being so vehement. Members of the board intimated at various times during the hearing such a step was contemplated.

Although the board showed every kindness toward the complainants, several of the feeble and tottering old men showed timidity and talked in a rambling, almost incoherent manner. A suggestion has been made that in future an attorney, or "first friend," be retained to present each case to the board in a terse, businesslike manner.

GOVERNOR ACCUSED.

The most sensational revelation of Gov. Cooke's alleged despotism was made during the hearing of A. L. Nichols, of Mildred, Kans., formerly chief engineer, discharged by Gov. Cooke. It was proved that Gov. Cooke employed as Nichols's successor a man described by Capt. C. M. Pearsoll to the board of managers as "incompetent, insubordinate, and lazy."

Furthermore, Capt. Pearsoll, differing from other officials, excepting the treasurer, is under bond and responsible in a monetary way for the actions of men in his department. Yet, despite Capt. Pearsoll's apprehension and his sincere belief that Mr. Nichols was the most competent engineer ever in his employ, Gov. Cooke arbitrarily discharged him and appointed an "incompetent, insubordinate, and lazy" man.

Primarily Nichols was discharged because he had used too much heating oil. Nichols presented figures showing the consumption during the months that he had acted as engineer and the consumption during similar months a year previous, when his predecessor was in charge. In many months his figures, taken from the quartermaster's report, showed a decided decrease, and in only one month was there a noticeable increase.

NO ACTION TAKEN.

Nichols declared, and Capt. Pearsoll substantiated his declarations, to the board that the increase during that month was caused by a defective heater, which caused the building to be heated by live steam run through the pipes and necessitating, as is well known, much more fuel consumption.

While the board listened attentively, it showed no disposition to right matters, and before leaving Maj. Wadsworth announced Nichols's dismissal was final. The matter of retaining and discharging employees laid entirely in the hands of the governor, he said.

If Capt. Pearsoll wished to retain Nichols, he should have appeared before the board before his dismissal. As yet no officer at the home had had the temerity to cross the governor in any matter of this kind.

Nichols was first to appear before the board. His reasons for desiring an audience, he said, was that he wished an investigation as to the reason for his dismissal.

NO REASON, SAYS NICHOLS.

"That reason has been given," said Maj. James W. Wadsworth, president of the board.

"Not in my estimation," retorted Nichols.

"Retaining and discharging men is left to the governor and heads of various departments," said Maj. Wadsworth. "In your case it was left to Gov. Cooke and the quartermaster. That's all the board knows."

"According to my understanding my resignation was not asked by the quartermaster."

"You were discharged for using too much fuel oil," said Maj. Wadsworth, "and there were other incidents cited."

"I realize that, sir; but under conditions as they were it could not be averted. The heater was defective, and my only alternative was to keep the institution warmed by live steam, which, necessarily, would consume more oil. I explained the matter to the proper officials and asked at what temperature I might keep the various buildings. They told me, and I complied with their demands."

Here Maj. Wadsworth explained the board's position, saying that while it had supreme power over the governor, yet in such instances it was necessary for the board to give the governor leeway. It was in this case to the best interests of the home that the governor's recommendations be upheld.

WRECKED A PLANT.

"But the retaining of this man will not be to the best interests of the home," said Nichols. "An investigation into the operation of the ice plant will prove that. The present man is incompetent and inexperienced. He was employed as an assistant under me, and his work was so unsatisfactory that I was obliged to release him."

"Did you discharge him?"

"No, sir; but I obtained a position for him outside of the home, and six months later he left the plant he was in charge of a total wreck; that is, the light and heating plant at Salina.

"In regard to the ice plant, while I was in charge 7,500 pounds of ice were turned out daily. Shortly before discharged 30 more freezing cans were installed and a larger output made possible. Yet such has not been the case."

CITES FIGURES.

Nichols then presented the quartermaster's report concerning the consumption of fuel oil. He read to the board the amount of oil used certain months in 1911, when his predecessor was in charge, and the consumption during the same months when he was engineer. This report follows:

	1911	1912
	Gallons.	*Gallons.*
July	102,124	75,125
August	81,664	57,876
September	102,843	105,771
October	148,746	180,960
November	210,833	209,833
December	284,477	322,302

It was during December the heater was out of order.

The board made an ineffectual attempt to learn just what reasons other than for the good of the home Gov. Cooke had for discharging Nichols. It was stated by Nichols that he had heard that a college friendship between the governor's son and the chief engineer was responsible for his discharge. This Gov. Cooke later denied. That the governor contemplated his dismissal long before the consumption of fuel oil was thought of is firmly believed by Nichols. This belief is held by Nichols because of Gov. Cooke's alleged eagerness to move a house onto the grounds for certain employees, among whom is Russell, who had no home furnished him and who was working only on a small salary.

GOVERNOR TESTIFIES.

After Mr. Nichols retired Gov. Cooke and Capt. Pearsoll were summoned. Gov. Cooke was asked the reasons for Nichols's discharge.

Lack of a technical education, too much laxity in consumption of fuel, and carelessness were the general reasons for Nichols's dismissal, the governor affirmed. He did not pay enough attention to outside temperatures, said the governor, and kept up the same temperatures within, whether it was cold or warm outside. Gov. Cooke cited an instance where a fireman had been found asleep on duty, and Nichols defended him. The man was retained, and again found asleep. One or two other trifling incidents were recited by the governor.

"Did you talk to the quartermaster of Nichols's service?" asked Maj. Warner, of Kansas City.

"It was my impression that the quartermaster approved Nichols's service and thought him a good man."

Here Capt. Pearsoll interposed. There was some excuse for the excessive consumption, he thought, because an inferior heater had been installed by the engineer preceding Mr. Nichols.

"My prime objection to the new man is that he had been insubordinate to me, and in my opinion is incompetent and lazy."

FOR "HARMONY."

Then began an argument as to whether the governor or quartermaster should have the power of dismissal. Ex-Gov. Franklin Murphy contended that as the quartermaster was under bond for the engineer's actions he should be consulted in such matters, and while the governor also should have voice and was directly responsible to the board, yet they should act in harmony.

Gov. Cooke retorted to this and declared if he was head of the institution he wanted to be in complete charge. Capt. Pearsoll hastily informed the board that he always had tried to act in harmony with the governor.

Mrs. Edic and Mrs. Duffy, with their bedbug story, were the next to appear. Their stories were the same in general details. Mrs. Duffy's husband, a veteran partially paralyzed, entered the hospital in June.

"When they visited him they saw two beds in his ward nearly alive with the vermin, they stated, and there were blood stains on the sheets where the bugs had been mashed by a woman cleaning the wards. Mr. Duffy's back was raw from bites, and when they removed him a few weeks later his mental condition was much worse.

"The medicine or something was causing him to lose his mind," said Mrs. Duffy.

heard the nurse tell you about it and I heard her tell Dr. Milligan about it. One day, when my side was cramping me so badly that I couldn't get a comfortable breath, I called you over to my bed and asked you to sound my side with your stethoscope. You hurriedly placed the instrument to my side and said, "Oh, yes, yes; moist rales," and before I could get my breath to tell you what misery I was in you had hurriedly glided half way down the ward to the door. That same morning I took particular pains to note that you stood for 11 seconds staring into a vacant cupboard in my ward to see if the two blankets on the bottom shelf were properly folded. But you scarcely even parched lings of a sick man just 8 seconds. Don't flinch at my exactness, for I had my watch under the cover and was observing you. I saw you spend from 2 to 10 minutes a day looking into cupboards and lockers, a thing the nurse could easily have done, while at the same time you only devoted from 5 to 8 seconds to the miserable, emaciated sick men in the same wards. You made a practice of this. I checked the time you were supposed to consult the fever charts before you should come into the wards, too. It usually took you 7 to 10 seconds to enter the chartroom and come out into the ward. This proves beyond peradventure that you never looked at anybody's chart before coming into the wards, a thing that no doctor with any regard for professional ethics would think of doing, and you know it. Dr. Milligan did identically the same thing; only he, if anything, was more abbreviated than you were. He would pay absolutely no attention to the nurse when she would tell him that so and so was running abnormal temperature and pulse. And if a man looked as if he were going to say something, Dr. Milligan expeditiously moved on. It is beyond me to understand how two doctors can possibly have the unmitigated effrontery to pass before a large number of intelligent sick men day after day with such an absurdly transparent showing of professional hypocrisy. Almost every man in the ward saw it and commented on it. I heard Frank H. Henderson tire to tell you one day of the excruciatingly sharp pains he was having in his back, and before he could hardly get the words out of his mouth you said, "Oh, yes, yes; how's your side?" and immediately you lubricatingly glided past him.

You will read in my printed letter where I stated that I had to ask you five times to operate on the tumor on my head before I finally got your attention, although you admitted in the first instance that the operation was expedient. In this connection permit me to say that the tumor is again showing signs of abnormal growth, which means that you did not kill the abnormal tissue, which would have easily been possible by the use of a little caustic acid. But instead of cauterizing the tissue you only jabbed a little probe around in there a few times—possibly you were suffering from "writer's cramp" that day, due to having signed so many special requisitions for apples for the tubercular patients (which they didn't get), which apples you had promised to get on so many occasions. When I'm thinking of nothing, I'm thinking of your promises. I never in my life was in a place where men had to be continually begging for things which were provided for them by regulation, but which they couldn't get without assuming a continual spirit of mendicity. No patient bothered you for anything not provided by the regulations. You were not restricted by any regulation or by a lack of funds (your F. Y. 1912 report shows that you turned back more than $21,000), yet why was it that you had to be importuned to replace eggs when they would run out? Why was it that eggs were ever out? Why was it that such ration components as tomato ketchup, graham bread, apple butter, strup, port wine (which the men had to have in taking raw eggs), and various other items were constantly running out? And why was it that the men had to howl before these items were replaced on the tables? No explanation was ever made. No questions supposed to be asked. And yet you had the effrontery to face those men day after day. You would come through the wards looking like a brass band on dress parade, but when a man tried to say anything to you, you would immediately make a noise like a "stop watch." Now, steady yourself and don't get excited, if I had as much of your gall as would cling to the tip end of a bumblebee's stinger, I would be the Czar of Russia in less time than it would take a Government mule to "boost" you up over the flagpole out there in front of your office. Now, please be comfortable, for I know you can stomach a great deal. Any man that can, month in and month out, ignore the importunities of a ward full of sick men to get them a barrel of sawdust to keep the dust down when the floors are swept, any man that can ignore that can stand most anything. I fancy that were Uncle Sam to ride up and hitch his mule to that flagpole that you could provide yourself with a barrel of whitewash a darned sight quicker than you provided the men in the tubercular cottage with a barrel of sawdust.

I do not expect that you or any other mediocre doctor can enhance a man's appetite, or that you can provide him with a new pair of lungs, or that you could put a new lining in his stomach, or that you could cure his pleurisy. Now, in the absence of your known inability to do these things, the only thing under heaven that you could do would have been to feed a man; but this was the thing which you emphatically and persistently refused to do. Twenty-one cents a day for food for a sick man! Are you proud of it? Suppose the Mayo brothers knew of this. Suppose the Rockefeller Institute, of New York, knew this. Wouldn't they lean back and laugh with a loud guffaw? During the F. Y. 1912 you could have spent 37 cents a day for food for every patient severally instead of only 21 cents, had you only spent that $21,000 that you turned back.

But right here lay your only opportunity of showing the board of managers that you had an excuse for holding your job, and that was by making a showing for saving—never mind whether you made a record for helping sick humanity. Are you proud of the record of the cases that have come and gone from the tubercular wards there during the past five or six months? Have you any records to show that you have been producing good results? There's Fred Culver, Frank H. Henderson, Henrysen, George Dunn, William Noel, George Cossboom, Morris Rosenfield, and a number of others, men who took the greatest care of themselves, but who steadily declined. And as to what these men think of you and your treatment, just write them and find out. What some of us really think would hardly look well spread out on this white paper.

Now if I were feeling half-way well, I might write you a rather caustic letter, but, as it is, I will not say anything that might be calculated to hurt your feelings. So I am going to close, and submit the foregoing remarks to your own conscience and your innermost meditation. Remember that it is sick humanity that is speaking to you out of these written pages. It is the voice of not only one sick man, but the pleading of dozens, nay hundreds, who have gone to you for treatment; gone to a man who Uncle Sam expects shall do his best for the men that ruined their lives and their health in an effort to serve Uncle Sam. Are you worthy of the trust Uncle Sam has reposed in you? Do you think that all the men who come to you for treatment are sick on account of vicious habits? That was a very unkind cut of Maj. Wadsworth, when he said that most of the Spanish-American War men that entered the homes were there because of vicious indulgences which had rendered them unable to take care of themselves. This is sweet consolation to a man after he has ruined his health while lying out in the mud in the Philippines and Cuba, trying to help defend the honor of the United States. Yet this Maj. Wadsworth was very loud in his ostentatious declarations about having a heart full of sympathy for us men. Simply because it now and then occurs that a man comes into the homes who is a wreck from vicious habits, this, to Maj. Wadsworth's mind, is sufficient grounds for branding a majority of them with the same odious charge.

It would hardly appear wise for me to offer any suggestions to you. But you know those homes were built for the accommodation of men in my condition, and you and some others were hired by Uncle Sam to take care of us, but through your vacillating procrastinating policy, we are unable to partake of the bounty provided for us by our faithful Uncle Sam. True, we could stay with you for a time, but as has been the experience of many of us, we'd pay for it with our own life's blood, and nobody knows it any better than you do yourself. I say, in the name of sick, suffering men, come out of it! But, never mind, friend, he told me he would report the case so, but nothing came of it. Instances of guards' brutality are common, and this is a typical case, where, perhaps, the injury was greater than usual. These guards seem to be protected and encouraged in rough usage to the members of the "home" by their superiors.

I also wish to call attention to the semipenal character of the home. There are three gates to the home; at each gate at least two guards who closely scrutinize the pass of the member who wishes to go out or in. These passes are taken or withheld for trifling breaches of discipline. The guards have evidently hard and set instructions from their superiors. Also the food is very poor, and the staffing often bad nothing but bread and coffee for meals, while the Government appropriations are large and seem plenty, with a very poor table.

I have seen Gov. Knox severely reprimand a member for wearing tan shoes contrary to rules. Browbeating and general aggressive reprehensiveness are common. Many other instances can be cited, but I forbear.

[SEAL.] JOHN J. SWAB.

MARCH 17, 1914.

STATE OF VIRGINIA, *County of Elizabeth City, to wit:*

I, W. H. Power, a notary public in and for the county aforesaid, in the State of Virginia, whose commission expires on the 30th day of November, 1915, do hereby certify that John J. Swab, whose name is signed to the foregoing writing, dated this 17th day of March, 1914, has sworn the same before me in my county aforesaid.

Given under my hand this 17th day of March, 1914.

[SEAL.] W. H. POWER, *Notary Public.*
(No tax.)

A TYPICAL APPEAL.

SAWTELLE, CAL., *May 20, 1914.*

CONGRESSMAN ANTHONY,
Washington, D. C.

HONORED SIR: Pardon the liberty I take in addressing you, but feeling that you have the best interest of the disabled soldiers at heart I appeal to you in the name of humanity. Am suffering with pulmonary tuberculosis, without pension, and unable to do manual labor. Was a patient in Soldiers' Home Hospital, but was dropped from the rolls and ordered from the grounds on May 16, charged with "using insulting and insubordinate language to the surgeon." These are the exact words printed in the general order. I am innocent of this offense, as I could prove, but at my trial the governor refused to allow me to bring any witnesses for my defense. Even if I were guilty of the offense charged I claim that the punishment was contrary to the laws governing the national homes, since I am totally disabled and without means of support, and requiring medical treatment. I do not wish to be a charge upon the county, and appeal to you for redress. I refer you to my excellent record of service, covering a period of over five years in the Regular Army, and I have a perfectly clear record in the home, never before having been called to the governor's court. This is the first offense charged against me in the home. Hoping that you will see that justice is given me, I remain,

Yours, sincerely, CHARLES W. BADGER,
Late Co. G, 17th U. S. Inf.; Co. L, 19th Inf.

Address, in care general delivery, Sawtelle, Cal.

VETERAN LIVES IN JAIL—PREFERS IT TO SOLDIERS' HOME.

[From the Los Angeles (Cal.) Herald, May 2, 1914.]

Preferring the county jail to life at the Soldiers' Home at Sawtelle, Lawrence Dunn, aged 82, has left the institution never to return of his own volition.

Dunn, who served four years in the Civil War and who is an old friend of Capt. George Gallagher, county jailer, applied for admission to the jail and a place to sleep 10 days ago. Sheriff Hammel gave special permission to admit Dunn, and he says he is enjoying his entertainment there better than the accommodations at the Soldiers' Home.

The old soldier declares that the regulations of the home made him unbearably miserable and that he would rather camp in the river bed than to return.

Dunn alleges that Gov. Barry denied him the privilege of spending his pension money, of which he has a balance of $134.

AN APPEAL FROM THE MILWAUKEE WISCONSIN HOME.

NATIONAL HOME, WIS., *April 15, 1914.*

Congressman D. R. ANTHONY,
Committee on Military Affairs, Washington, D. C.:

Questions supporting your bill:

Is Gov. Wipperman physically and mentally competent? Always sober?

Chaplain Tisworth never visited sick. Was generally disliked. Why bring him back?

Why present commissary when all inspectors and him incompetent?

Why take decent quarters away from veteran bandmaster and allow civilian clerk officer's quarters?

Why so many civilian officers contrary to law?

Is entire medical staff graduate licensed physicians?

Why so economical with lights, etc., for veterans and not for officers?

Should Col. Miller promote his personal friends?

Give veterans a hearing or investigate all homes.

Help us.

See Congressman CARY. VETERANS' ASSOCIATION.

FORMER CHIEF ENGINEER A. L. NICHOLS MAKES DIRECT CHARGES AGAINST THE GOVERNOR OF THE WESTERN BRANCH HOME.

MILDRED, KANS., *September 21, 1913.*

Hon. D. R. ANTHONY, Jr.,
Member of Congress, Leavenworth, Kans.

MY DEAR MR. ANTHONY: By careful attention to the newspapers I have been able to learn the decision of the Board of Managers in the case I so recently presented to them at their recent session at the Western Branch.

When I appeared before them I believed it was the consensus of opinion among the various members, or at least a part of them, that a liberal coat of whitewash was to be applied to the responsible party. This was by intuition, if you will permit me to so describe it, hence I presented no other matters than directly affected the matter at issue.

Now, I am able to present the following charges and substantiate them if given the opportunity to do so before the proper authority. These charges apply to the commanding officer of the home, and while he may not be cognizant of the conditions charged, yet he, as the active managing officer, is derelict in his duties in that it is his business to know or find out these things, and were he not so unapproachable and so supercilious in his actions he would have found them out long ago:

1. He is entirely out of sympathy with the members and is harsh and unrelenting with any members brought before him for minor infractions of the home rules.

2. Members of the home guard who are on police duty are required to work from 12 to 18 hours per day every day of the week. This is in violation of the law regulating hours of labor on Government work.

3. Women of ill repute have made their camp on the home grounds and prevail upon the members of the home, while no effort has been made to eject them from the home grounds or to protect the members.

4. Apparently no effort has been made to secure the cooperation of the State or county authorities in the protection of the members from the dangers which lurk along the "Pike."

5. He has shown discrimination among the civilian employees in various ways, among which are the permission to some employees of an inferior class to take their meals at the "noncommissioned officers' mess," while employees of a higher grade are required to eat at the general mess.

6. He conspired, in violation of an act of Congress, to erect additional buildings on the home grounds for the residence of civilian employees.

7. He has failed to secure the most economical and efficient operation of the home by discharging faithful and competent employees and substituting inexperienced and incompetent, who have failed signally in the performance of the duties assigned to them and yet are retained in the employ of the home.

8. He is not in harmony with the subordinate officers of the home and does not secure the hearty cooperation due the superior officer.

9. He has been guilty of permitting surgeons in the employ of the home to maintain offices in near-by cities and to spend a part of their time in these offices in the practice of medicine and surgery.

10. He and commanding officer are responsible for the conditions resulting from the recent invasion of bedbugs, as it was his duty to see that steps were taken to eradicate the evil upon being advised that the bugs were present, and to see that all filth was removed.

11. Members have been given the "gate" when their offense did not warrant such extreme penalties. He is vindictive to such an extent that the slightest crossing of his wishes results in the final discharge of employees and the "gate" for members who have been the cause of even a fancied grievance.

These, with probably some additional ones, are the charges I am prepared to submit, and I transmit them to you for your inspection and opinion thereon.

If in your opinion there be any chance to secure action, I am only too willing to go in and stay to the finish.

Dunn has such credentials as would enable me to reach the ears of Senators REED, STONE, and THOMPSON with my story. Whether the story would interest them to such an extent as to enlist their support is a matter of opinion.

* * * * * * *

Very truly, yours, A. L. NICHOLS.

A SAMPLE OF THE "TENDER" TREATMENT ACCORDED UNFORTUNATE VETERANS IN THE HAMPTON HOME.

Affidavit of John J. Swab concerning the Hampton (Va.) National Home for Disabled Volunteer Soldiers:

On or about the 27th of February past, as I was going into the Southern Branch of the National Home for Disabled Volunteer Soldiers at Phoebus—across the bridge from Phoebus to the home—I saw the

small wagon used as a patrol wagon backed up to the guard's house at aforesaid Phoebus bridge, and a large man, guard of the home, gave the sharp command, "bring him out"; then the guards in charge brought out of the guardhouse a man, member of the home, whom I know as Norman, of Company "E." Norman was quiet, but appeared dazed by drink. Norman was led up to the wagon and very violently told to "get in." Norman put both hands on the wagon bed and prepared to get in, but being a heavy old man, dazed by drink, was slow, whereat the aforesaid powerful guard seized Norman by both knees and threw him into the wagon with great force and violence. I then passed the wagon, thinking Norman killed, but the guard quickly closed the rear of the wagon; however, I saw that Norman was bleeding from hurts there received. On the following Sunday I met the hospital steward and asked him how Norman was, he having been taken from the police station and from there to the hospital. The hospital steward told me that Norman had one ear nearly torn off, a bad cut on the temple, and one on the forehead; also that the doctor's report was that he had a concussion of the brain; that he was silly. I asked what the police report was; he said that the report was that Norman fell off the bench at the police station and injured himself so. I thereat told the hospital steward what I saw and told him how Norman was injured; he told me he would report the case so, but nothing came of it. Instances of guards' brutality are common, and this is a typical case, where, perhaps, the injury was greater than usual. These guards seem to be protected and encouraged in rough usage to the members of the "home" by their superiors.

I also wish to call attention to the semipenal character of the home. There are three gates to the home; at each gate at least two guards who closely scrutinize the pass of the member who wishes to go out or in. These passes are taken or withheld for trifling breaches of discipline. The guards have evidently hard and set instructions from their superiors. Also the food is very poor, and the staffing often bad nothing but bread and coffee for meals, while the Government appropriations are large and seem plenty, with a very poor table.

I have seen Gov. Knox severely reprimand a member for wearing tan shoes contrary to rules. Browbeating and general aggressive reprehensiveness are common. Many other instances can be cited, but I forbear.

[SEAL.] JOHN J. SWAB.

MARCH 17, 1914.

STATE OF VIRGINIA, *County of Elizabeth City, to wit:*

I, W. H. Power, a notary public in and for the county aforesaid, in the State of Virginia, whose commission expires on the 30th day of November, 1915, do hereby certify that John J. Swab, whose name is signed to the foregoing writing, dated this 17th day of March, 1914, has sworn the same before me in my county aforesaid.

Given under my hand this 17th day of March, 1914.

[SEAL.] W. H. POWER, *Notary Public.*
(No tax.)

A TYPICAL APPEAL.

SAWTELLE, CAL., *May 20, 1914.*

CONGRESSMAN ANTHONY,
Washington, D. C.

HONORED SIR: Pardon the liberty I take in addressing you, but feeling that you have the best interest of the disabled soldiers at heart I appeal to you in the name of humanity. Am suffering with pulmonary tuberculosis, without pension, and unable to do manual labor. Was a patient in Soldiers' Home Hospital, but was dropped from the rolls and ordered from the grounds on May 16, charged with "using insulting and insubordinate language to the surgeon." These are the exact words printed in the general order. I am innocent of this offense, as I could prove, but at my trial the governor refused to allow me to bring any witnesses for my defense. Even if I were guilty of the offense charged I claim that the punishment was contrary to the laws governing the national homes, since I am totally disabled and without means of support, and requiring medical treatment. I do not wish to be a charge upon the county, and appeal to you for redress. I refer you to my excellent record of service, covering a period of over five years in the Regular Army, and I have a perfectly clear record in the home, never before having been called to the governor's court. This is the first offense charged against me in the home. Hoping that you will see that justice is given me, I remain,

Yours, sincerely, CHARLES W. BADGER,
Late Co. G, 17th U. S. Inf.; Co. L, 19th Inf.

Address, in care general delivery, Sawtelle, Cal.

VETERAN LIVES IN JAIL—PREFERS IT TO SOLDIERS' HOME.

[From the Los Angeles (Cal.) Herald, May 2, 1914.]

Preferring the county jail to life at the Soldiers' Home at Sawtelle, Lawrence Dunn, aged 82, has left the institution never to return of his own volition.

Dunn, who served four years in the Civil War and who is an old friend of Capt. George Gallagher, county jailer, applied for admission to the jail and a place to sleep 10 days ago. Sheriff Hammel gave special permission to admit Dunn, and he says he is enjoying his entertainment there better than the accommodations at the Soldiers' Home.

The old soldier declares that the regulations of the home made him unbearably miserable and that he would rather camp in the river bed than to return.

Dunn alleges that Gov. Barry denied him the privilege of spending his pension money, of which he has a balance of $134.

AN APPEAL FROM THE MILWAUKEE WISCONSIN HOME.

NATIONAL HOME, WIS., *April 15, 1914.*

Congressman D. R. ANTHONY,
Committee on Military Affairs, Washington, D. C.:

Questions supporting your bill:

Is Gov. Wipperman physically and mentally competent? Always sober?

Chaplain Tisworth never visited sick. Was generally disliked. Why bring him back?

Why present commissary when all inspectors and him incompetent?

Why take decent quarters away from veteran bandmaster and allow civilian clerk officer's quarters?

Why so many civilian officers contrary to law?

Is entire medical staff graduate licensed physicians?

Why so economical with lights, etc., for veterans and not for officers?

Should Col. Miller promote his personal friends?

Give veterans a hearing or investigate all homes.

Help us.

See Congressman CARY. VETERANS' ASSOCIATION.

STATEMENT OF CHARLES A. TAYLOR OF BAD FOOD AND OTHER BAD CONDITIONS AT NATIONAL SOLDIERS' HOME, HAMPTON, VA.

NATIONAL SOLDIERS' HOME,
HAMPTON, VA., *February 18, 1914.*

TO THE CHAIRMAN OF COMMITTEE
INVESTIGATING NATIONAL SOLDIERS' HOMES,
Washington, D. C.

DEAR SIR: At the request of many inmates of this home I am writing you concerning the condition of things here, which are fast becoming intolerable. We are pleased to note a movement to transfer the management of the homes to the War Department.

While there are several abuses here of which we justly complain, the more serious one is the quality and the quantity of the food served in the mess halls. Very many of the meals set before the inmates are so meager and unsubstantial that we, the inmates, in order to keep the body sufficiently nourished, are under the necessity of taking several meals each week—at least one per day—outside the home dining halls. For these meals we must pay from 20 to 35 cents. Now, it could be shown, we believe, that this scant feeding at the home tables is in accordance with a well-devised plan on the part of the home officials to compel the inmates, by force of circumstances, to leave a very liberal percentage of their pension money at the home store, hotel, and restaurant.

Color is given to this belief by the fact that about 30 days prior to the payment of pensions, notices are posted in all the barracks that credit at the hotel, store, or restaurant, to the amount of one month's pension, will be extended to pensioners who apply therefor. As soon as pensions are paid, all passes held by members of four nonsective companies, sometimes called convalescents, are annulled and the gates are closed against them for five days, thus compelling them to patronize the home hotel or to go hungry. This exceedingly unjust action of the home officials affects nearly 400 men. This necessity for additional and better food, we believe, is not only recognized and understood by the home officials, but we also believe that it is created and fostered by them; that it is to this necessity that the home hotel and restaurant cater, and on which they depend entirely for patronage.

The method of punishing inmates for trifling infractions of the home rules are brutal in some cases, degrading and humiliating to the offenders.

The menial work which they are required to do under the guardianship of a squad of "home" police creates intense bitterness and resentment within the hearts of these old, bent, and crippled unfortunates.

In this in keeping with Mr. Lincoln's expressed wish and purpose, "to care for him who shall have borne the battle"?

And then the method of holding up an inmate's pension, wholly or in part, for months is, we believe, without warrant of law. The scavenger work done about the home grounds by comrades who are hardly able to crawl about should be done by laborers hired for the purpose.

As evidence of my sincere interest in whatever concerns the veteran soldiers of the Civil War, permit me to say that I served in the Twelfth New York Infantry as a drummer, in the Twenty-fourth New York Infantry as a private and sergeant, in the Twenty-fourth New York Cavalry as a first lieutenant and as a captain. My father served as a captain in the Twenty-fourth New York Infantry, and as captain and major in the Twenty-fourth New York Cavalry. One of my brothers served as a lieutenant in the Forty-ninth New York Infantry, as a captain and major in the United States Signal Corps, serving on the staff of Gen. Hancock and later on the staff of Gen. J. A. Logan. Another brother served as a sergeant in the Twenty-fourth New York Infantry and was killed at Bull Run, August 30, 1862. One of my sons served in the Third New York in the War with Spain and in the Fifteenth United States Infantry in the Philippines. I am a companion of the M. O. L. Commandery of New York.

I respectfully refer you to the Hon. L. W. MOTT, Member of Congress, with whom I have been personally acquainted for many years.

Very respectfully,

CHAS. A. TAYLOR.

MORE INTERESTING DETAILS.

A Leavenworth newspaper of September 14, 1913, publishes these articles pertaining to conditions at the Leavenworth Soldiers' Home:

FORMER ENGINEER AT SOLDIERS' HOME TO SEE THE BOARD—MR. NICHOLS FEELS THAT HE WAS UNFAIRLY TREATED BY GOV. COOKE—HOW HIRED AND HOW FIRED—BOARD OF MANAGERS CAN UNDOUBTEDLY SECURE A SECRET INTERESTING STORY FROM NICHOLS—OTHER EMPLOYEES VOUCH FOR HIM.

It is understood that Mr. A. L. Nichols, until a few months ago chief engineer at the Leavenworth Soldiers' Home, but now engineer in charge of a large steam plant at Mildred, Kans., will probably appear before the Board of Soldiers' Home Managers at their meeting to-day and ask for a full investigation by the board into the matter of his original appointment as chief engineer, and the methods used to force his resignation a few months ago.

When Mr. Nichols left the home he was given a testimonial, signed by the civilian employees and mechanics of the home, testifying to their high regard for him personally and to his ability as an engineer, although Gov. Cooke is said to have demanded his place, because he "was not securing sufficiently satisfactory results" from the antiquated boilers and steam-generating apparatus at the home in which oil is burned as fuel.

It seems that when Mr. Nichols was first appointed chief engineer at the home, the late J. H. Johns, a veteran soldier and former capable engineer at the home, was an applicant for reappointment. Capt. Johns has left a written statement that when he went to Gov. Cooke the governor promised to recommend him to the board, but said that the appointment rested entirely in the hands of the board of managers. When the matter was put up to Maj. Wadsworth and Maj. Warner of the board they assured him that the matter lay entirely in the hands of the governor through his recommendation to the board. Capt. Johns made the statement before he died that the board members undoubtedly followed the governor's recommendation, but that Gov. Cooke had "double crossed" him and Mr. Nichols of Kansas City received the appointment.

Now, Mr. Nichols's story of his appointment will undoubtedly be interesting to the board. He says that he lived in Kansas City and was not a candidate for the place until a Kansas City man named Jack Squires, an electrical contractor, who had done work at the home, asked him if he did not want the job of chief engineer at the Leavenworth Soldiers' Home, saying he could get it for him. It seems that Mr. Squires is a son-in-law of Gov. Cooke, and would naturally have considerable influence at the soldiers' home.

regard for the psychotherapy (popularly known as the "mental attitude") element in the treatment of tuberculosis. That sick men are sent to be festive and impassive now and then is to be expected, but if Dr. Milligan or the governor has ever manifested the slightest personal interest in the men I have never been able to detect it. Another thing, we have a chaplain here, but only in name, and most certainly not in deeds, for he hasn't been in this ward since I came here—now nearly three months—and patients who have been here nearly a year say that they have never seen the chaplain in the wards. This is strictly in violation of paragraph 82 of the bluebook, which requires that chaplains shall make frequent visits to the hospitals. No notice of a service has ever been published in these wards in this building; nor do we ever see a bulletin board; nor are we furnished with a copy of all orders, and also the Blue Book, as required by the Blue Book.

That the governor is arbitrary in his administration goes without saying. He tries to force the sick men to line up with their cots on when he makes his morning rounds; that is, if they are in the recreation room, where it is close and stuffy and where a man should never wear his coat unless he wants to contract a death of cold the moment he goes out of it. That the governor is arbitrary and unreasonable in refusing to allow the nurses and other help to ever be seen in the company of men—it matters not whether on the grounds or off—goes without saying, and I hear them protesting loudly about it. It makes the nurses dissatisfied and tends to make them indifferent.

I have found that there is neither entente cordiale nor esprit de corps among the officials of this home; that they haven't any more respect or consideration for the feelings of the members than if they were inanimate, mechanical devices. That the employees—I mean the clerical contingent—are snobbish I am thoroughly convinced of. I was in the Federal civil service seven years, and if I am any judge of men at all I must say unhesitatingly that the clerks here couldn't hold jobs as messengers in the classified civil service.

Now, in view of the foregoing you will no doubt see the wisdom in it when I say that unless a man is drawing at least a small pension when he is in these national homes, God help him. Use this for any purpose you may see fit.

Yours, very truly,

WILFORD W. DAVIS,
Late Private, Troop M, First United States Cavalry, and
Ex-Civil Service Clerk, War Department.

DAVIS LEAVES BATTLE MOUNTAIN HOME.

BATTLE MOUNTAIN SANITARIUM,
Hot Springs, S. Dak., December 30, 1913.

The Hon. DANIEL R. ANTHONY,
House of Representatives, Washington, D. C.

DEAR SIR: I am inclosing a copy of my application to the governor of this institution for my discharge, and am leaving this date for Denver, Colo., where I intend to enter a charitable institution. This application for discharge is self-explanatory.

In this connection please refer to my letter of even date setting forth conditions here.

Now, Mr. ANTHONY, if you would like to find out how lovely and efficient things are here at the Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, just call on the Board of Managers, National Home for Disabled Volunteer Soldiers, 346 Broadway, New York, N. Y., for an investigation; but if you wish to know how superbly inefficient, how astoundingly incompetent, how abysmally indifferent this administration really is, just send a congressional investigating committee out here.

My future post-office address will be Wilford W. Davis, Denver, Colo., care of general delivery.

Yours, very truly,

WILFORD W. DAVIS,
Late Private, Troop M, First United States Cavalry, and
Ex-Civil Service Clerk, War Department.

T. B. COTTAGE, *December 29, 1913.*

The GOVERNOR AND SURGEON,
Battle Mountain Sanitarium.

DEAR SIR: I should be pleased if you would please grant me my discharge, and have the papers ready in order that I may leave on the Burlington train at 5.55 p. m., Tuesday, the 30th instant.

As to my reasons for desiring to leave, you will find them upon examination of my chart, which shows that I have been steadily declining now for more than a month. This place does not agree with me, and unless I go elsewhere at once I shall not be able to leave at all.

I am a poor man, without a cent on earth, and am in debt, and have no pension or income of any kind whatever, and will be entirely dependent upon the kindness and generosity of others for my maintenance on the outside; yet I had rather face these conditions than to imperil my life by remaining here.

Yours, very respectfully,

WILFORD W. DAVIS.

ADAMS MEMORIAL HOME,
Denver, Colo., April 11, 1914.

The Hon. DANIEL R. ANTHONY, Jr.,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of inquiry with reference to the Battle Mountain Sanitarium has just been received. Your suggestion as to the methods of the Board of Managers in combating complaints against the National Home for Disabled Volunteer Soldiers is more than true, but I am happy to assure you that in the present instance these tactics will be absolutely of no avail to them. I learned of these methods soon after I entered the Battle Mountain Sanitarium, and I therefore took the greatest of care to see that I gave them not the slightest excuse for any recriminations against me in this particular. No charges were ever preferred against me, either in writing or orally. My relations with them were courteous and polite. My first break with them was when I mailed you my report of December 30, 1913, the day I left the place. They know that I reported conditions to you, and this constitutes every syllable of differences I have had with them. There was no malingering, no infractions of rules in any way whatsoever, during my stay with them. I am inclosing you my discharge certificate from Battle Mountain Sanitarium, which is self explanatory.

As further proof of my reliability I am also inclosing my discharge certificate from the United States Army, which shows that my Army record was above reproach in any way. I am inclosing a letter written by the adjutant general, Philippines division, Manila, April 30, 1904, confirming my appointment to the classified civil service of the Quartermaster's Department, and with this I have attached two of my efficiency ratings, showing my standing in the civil service after my return to the United States and while on duty at the depot quartermaster's office, Jeffersonville, Ind., which was just before my resignation from the civil service. For a full record of my connection with the civil service I refer you to the records of the Quartermaster General's Office there in Washington between 1904 and 1909. I also refer you to Dr. William S. Washburn, member of the United States Civil Service Commission, Washington, who is a personal friend of mine and whom I knew for five or six years while he was chief of the Philippine civil service, Manila.

There will probably be a political aspect to this matter before it is settled, which you will instantly remember the moment you look at the front page of the inclosed menu of Battle Mountain Sanitarium, which bears the picture of the Hon. E. W. MARTIN, of South Dakota, who, it appears, is quite a friend of the present governor of the sanitarium, James A. Mattison, and who will probably put up a fight for Mattison. Mr. MARTIN has a nephew employed as adjutant at the sanitarium, and this nephew is the fellow whom I criticized quite severely in my report to you for his "superlative stupidity." I am merely bringing this to your attention, so that you may know what to anticipate when the fight comes up on the floor of the House.

In conclusion, I may say that since writing my report to you of December 30 I have also made one slight inaccuracy found that any statement I made was without good and sufficient foundation, and that subsequent incidents at Battle Mountain Sanitarium have only confirmed its truthfulness. The nurse mentioned, called a sure thing as being comrades in her duties, etc., was discharged as soon as it was known that I had reported her to you.

Any further information which you may desire in this connection will be cheerfully furnished, if within my power. I would have been more explicit and more thorough in my reports to you but for the fact that I have been too ill to leave my room.

I should be pleased if you would kindly return the inclosures herein as soon as they are no longer required. Thanking you for your interest in this gigantic problem, and again assuring you of the merits of the case, I remain,

Yours, very truly,

WILFORD W. DAVIS.

P. S.—It will be noted that in my report to you I signed myself as "Ex-Pvt., Tr. M, 1st U. S. Cav." while my Army discharge and that of the sanitarium show "Pvt. Unassigned 12th Cav." This is due to the fact that a few weeks before my discharge from the Army I was transferred from Troop M, First United States Cavalry, to Unassigned Twelfth Cavalry. W. W. D.

AN HONORABLE DISCHARGE.

A most reprehensible method of defense on the part of home officials, when the homes are criticised by members, is to attack the character or record of the soldier making the complaint. The following honorable discharge of Wilford W. Davis is therefore printed as a part of this record:

To all whom it may concern:

Know ye, that Wilford W. Davis, late private, unassigned company, Twelfth Regiment United States Cavalry, a member of the National Home for Disabled Volunteer Soldiers, who was admitted on the 15th day of October, 1913, is hereby honorably discharged, by reason of his own request. No objection to his readmission is known to exist.

Said Wilford W. Davis was born in Alabama, is 33 years of age, 5 feet 11½ inches high, fair complexion, blue eyes, dark brown hair, and by occupation, when admitted, a stenographer.

Given at Battle Mountain Sanitarium Branch, National Home for Disabled Volunteer Soldiers, this 30th day of December, 1913.

JAMES A. MATTISON,
Governor and Surgeon.

RELATIVE TO A REPORTED INVESTIGATION OF SOLDIERS' HOME CONDITIONS BY A COMMITTEE OF SPANISH WAR VETERANS, SUPPOSEDLY INSTIGATED AND PATHERED BY SOLDIERS' HOME OFFICIALS.

ADAMS MEMORIAL HOME,
Denver, Colo., April 8, 1914.

Hon. D. R. ANTHONY, Jr.,
House of Representatives, Washington, D. C.

DEAR MR. ANTHONY: I have just received your letter of the 14th instant with reference to the report of Mr. Frank F. Jones regarding Battle Mountain Sanitarium, in which he states that my letter to you of December 30 is "one tissue of false charges."

It would appear to an outsider that a very grave "blunder" had been made by Mr. Jones and Maj. Wadsworth in linking me up with three men who had not the slightest connection with me or my report. But to one who is familiar with the "inside" of things, it is palpably evident that these gentlemen are striking at me over the shoulders of three men who may have been unfortunate enough to fall within the grasp of these said gentlemen. This, it appears, was done in the absence of any charges these gentlemen might lodge against me personally.

You asked me for a statement as to what I know about Wallick, Lacey, and Yount, the three men who have recently been given the "gate" at Battle Mountain—for criticising the management. I am personally acquainted with each of them.

Wallick: A frail chap, in the secondary stages of pulmonary tuberculosis. Inclined to be fearful as to his surroundings. Reads socialistic literature, but I never heard him voice a single sentiment in favor of "direct-action" tactics, such as is the wont of the I. W. W.'s. I am most certain he is entirely harmless, and am sure that the fellow would never knowingly insult a decent woman much less assault a respectably built athlete like the governor of Battle Mountain Sanitarium. I never knew of this fellow's taking a drink while I was at Battle Mountain.

Lacey: The remains of a once healthy Irishman, but now in the advanced stages of pulmonary tuberculosis and unable to lick a postage stamp without stopping to get his breath. Never drinks; i. e., never saw him under the influence of liquor. Has a well-educated wife, who was an instructor in foreign languages in New York high schools. Lacey himself was, until he became ill, chief electrician for the New York World, World Building, New York, at a salary of $175 per month; showed me documentary evidence to prove this. Quite restive and impassive at times. One day when this Miss Turner—the nurse who I reported on page 19 of my letter to you—came in and gave him a medicine glass of clear water, having, as she said, forgotten to put the anxovanica in it, I heard Lacey say "damn." As the nurse walked away

Lacey brought the glass to my bedside and I tasted its contents, and it was pure H_2O. Presently she returned with the concoction the doctor had ordered. Probably Lacey should only have said "darn." What would you have said under the circumstances? I warned Lacey that some day the governor would hold this over his head. I can not support Lacey in what he said; I am merely pleading "aggravating circumstances." This was the nurse whose services were dispensed with when it was learned that I had reported her to you. Never heard Lacey threaten the governor's life, or anyone else's life, nor talk of "derailing the place by fire." This fellow is inclined toward socialism, but I have often heard him denounce the I. W. W.'s.

Yount: An easy-going, uneducated chap, in the advanced stages of pulmonary tuberculosis. Was over seven years old. Was told that he got drunk Christmas, at any rate the contour of his face after he had been beaten up indicated such, and he admitted as much to me, then promptly went up to the governor's office and apologized. I saw him go to the governor's office, but only had his word for what he told the governor. This fellow is another helpless, harmless consumptive. Never heard him insult a nurse, nor make any threats.

In a word, these three men are simply three miserable, wretched, nonpensioned, impoverished invalids, with a rather exaggerated idea of their surroundings. They may have said what Jones reports they said. I don't know for sure; but I am convinced to the contention that they were weak enough to succumb to the temptation to express themselves too freely in the presence of careless nurses and indifferent doctors. These three men probably suffering more from violation of conventionalities than on account of any profanity or rank language which has been attributed to them. You know how soldiers will sit 'round the barrack room and indulge in idle remarks about people from the President down to the humblest private in the rear ranks. I have it very recently that the governor had a man or two in the ward with these men for the purpose of reporting any remarks they might make which would inevitable them in any way. If these men have been guilty of violating the letter or even the spirit of politeness or of rules and regulations, I think you'll find a precedent for it in the carelessness of nurses, procrastination of doctors, as outlined to you in my letter of December 30. You will my point if you recall the disorder that used to exist in the schoolroom when you were a boy, when you had a weak schoolmaster—the big, bad boys throwing paper wads, pulling the girls' hair, hanging one another over the head with books, etc. Well, in my judgment, Battle Mountain Sanitarium is nothing more than a replica of just such a state of things. When the trustees would hail the teacher up for not preserving order, he would promptly conceal himself behind the behavior of certain noisy pupils, etc. Well, this is just what obtains in Battle Mountain Sanitarium, and now doing in Washington with regard to the soldiers' homes.

Last week a patient, who left Battle Mountain Sanitarium a week or two ago, came to Denver and out to my room and told me of this "investigation" and how it was conducted. This is merely reported to you in connection with what you stated about this investigation. This fellow told me that there appeared to be the greatest felicity between this fellow Frank F. Jones and the representatives of the board of managers that were with him. That they went arm in arm through the place and went through the wards and challenged each patient with, "Well, what have you got to kick about?" And if the man offered to say anything in the way of a complaint, Jones and the others would say, "Another kicker." He further stated that they held hearings behind closed doors in the chapel or picture show room. That they only let in one man at a time, and when through with him let him out, and call in another one, never allowing any spectators inside—nobody being inside but the committee and the man they happened to be questioning. This fellow Jones was apparently the guest of the board of managers and was partaking of their courtesies and hospitality)—and cigars.

With reference to how they investigated my report to you: When I left Battle Mountain I left two copies of my report with some of the fellows, and told them that I didn't expect to live long enough to see anything come of my report, since I was sicking very rapidly and did not expect to live more than a few weeks after I came to Denver. So I told them that if anything came up at Battle Mountain before the report was taken up in Washington that they might use it there, so I suppose some of them presented it before the congressional committee. But the committee or anybody else ever communicated with me about it. I hope you may be able to find out whether these men—Wallick, Lacey, and Yount—testified before the committee that my report was true. If they did support it, I leave it to your imagination as to the underlying cause of their getting the "gate."

Now, Mr. ANTHONY, investigations and court-martial proceedings are not new to me. Formerly a member of the personnel staff was in the Philippines when the famous "water-cure" cases were being tried and assisted in taking a great deal of the testimony. I was connected with the undertakings of courts of inquiry. I assisted in getting up the famous "quartermaster Shop" case, when graft was so thick that you could cut it with a butter knife. I've seen graft and grafters, crooks and crooked work, lies and liars. I have observed the tactics of all sorts of miscreants, both on the witness stand and off. And during my long connection with the Government service, coming in contact with a great deal of this sort of thing in investigations and trials, I may say that it has tended to develop a sort of sixth sense along this line. I've seen visionaries come and go, I've

In justice to Maj. Wadsworth it might be proper for me to say in connection with the foregoing remarks by the major that the purchase of "whitewash" is authorized by the regulations of 1912; the exact paragraph in which it is authorized has slipped my memory for the time being. I may say that after the Santa Monica investigation the governor of that branch was discharged, along with several other officials of that home.

Next, in order, I wish to call attention to certain things in the annual report of the board of managers for the fiscal year ending June 30, 1912—I would use a later report, but the 1913 report has not yet been published.

According to the above-mentioned annual report, the average per diem cost of the ration for members was as follows:

Branch homes.

Central	$0.2032
Northwestern	$0.1992
Eastern	$0.2043
Southern	$0.2053
Western	$0.1945
Pacific	$0.2012
Mountain	$0.2054
Danville	$0.1936
Marion	$0.2143
Battle Mountain Sanitarium	$0.2125
Average	18.977
Total average members present for year 1912	$74,8543
Multiplied by average annual per capita cost	$0.2053
Making total annual cost of ration	$1,432,032

The following is a statement which was made up from the reports of the various branches as to the maintenance of farms:

Farm at—	Income.	Cost.	Net loss.
Central	$24,238.61	$37,762.79	$13,504.18
Northwestern	471.03	9,018.28	8,547.25
Eastern	11,547.86	20,257.43	8,709.57
Southern	193.29	9,949.66	9,756.37
Western	7,718.64	18,458.34	10,739.70
Pacific	7,997.64	15,780.83	7,813.19
Mountain	11,126.61	13,481.58	2,354.97
Danville	1,143.04	10,720.13	9,577.12
Montana	12,842.56	20,546.29	6,703.79
Battle Mountain Sanitarium	408.26	6,452.22	6,044.03
Total	68,689.39	152,350.55	83,760.16

In this connection I may say that according to the statement of Maj. Wadsworth, on page 1189, Santa Monica Soldiers' Home investigating committee's report, the cow of the grounds about the homes is also charged up to the farm. As to whether or not this covers to some extent the losses incident to operating the farm is a matter of considerable speculation. A careful computation of the income and cost of the farm at the Battle Mountain Sanitarium shows that it costs each member of the institution $17.17 per annum for "scenery," this being the net loss per capita for operating the farm.

The following is an analysis of the amount paid for salaries during the fiscal year 1912. This I gathered only after a great deal of computation:

Salaries paid out.

Branch.	General expenses.	Commissioned officers.	Noncommissioned officers.	Members.	Civilians.	Total.
Central	$626,551.29	$22,358.07	$11,959.31	$98,364.93	$97,719.58	$196,431.78
Northwestern	370,812.67	19,594.34	6,041.33	40,090.82	53,845.76	119,542.25
Eastern	375,417.79	20,339.18	7,098.31	31,901.62	65,507.73	124,537.08
Southern	513,097.37	18,692.89	6,234.82	37,898.23	98,812.97	131,846.90
Western	467,791.61	20,012.46	7,272.16	38,903.83	79,342.67	145,531.32
Pacific	444,003.90	17,946.67	7,460.00	33,471.28	78,142.81	135,011.28
Marion	288,148.11	17,784.56	6,676.84	23,647.98	53,173.19	111,265.51
Mountain	384,367.26	19,927.76	7,598.07	67,978.38	54,783.60	129,866.79
Danville	300,442.56	18,453.59	6,615.34	28,905.10	61,778.28	112,752.31
Battle Mountain Sanitarium	173,655.11	11,096.70	755.49	8,789.47	43,324.24	63,966.90
Total	3,934,165.59	186,118.64	65,952.47	364,838.20	640,411.03	1,256,320.34

From the foregoing it will be seen that the total general expenditures for the various branches amounts to $3,934,165.59, and that the total amount paid out for salaries amounts to $1,256,320.34, which is exactly 32 per cent of the entire general expenditures of the various branch homes; in other words, $32 out of every $100 goes for salaries. This I ascertained only after dissecting a great many figures.

In table D, page 51, annual report of Board of Managers for fiscal year 1912, shows that $272,508.99 was covered into the United States Treasury, the same being unexpended balance for fiscal year 1912. This sum added to $1,432,032, which was the total cost of the ration for all the homes (see p. 10, this letter), would be $1,704,535.99. This sum might have been spent for rations, and had it been done it would have increased the average per diem cost of rations per capita from $0.2053 to $0.2461. On page 1208, Santa Monica investigating committee's report, is found Gen. E. A. Garlington's testimony with reference to the Regular Army ration, the ration for the United States Army Soldiers' Home, Washington, also the hospital ration there, which is as follows:

	Cents.
Regular Army ration per diem per capita	23.78
United States Army Soldiers' Home per diem per capita	34.75
Hospital United States Army Soldiers' Home per diem per capita	46.54

Annual report Board of Managers for National Home for Disabled Volunteer Soldiers shows as follows (see p. 19, this letter):

	Cents.
Average annual per diem cost of ration per capita	20.53
Average annual cost of ration per diem per capita at Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers	21.25

The foregoing comparisons require no explanation; they speak for themselves, and speak very loudly for the men in the National Home for Disabled Volunteer Soldiers. Gen. E. A. Garlington, Inspector-General of the Army, sums up his testimony with reference to the ration for the National Home for Disabled Volunteer Soldiers, as follows (see p. 1207): " * * * From my study of the question, the principal trouble is in too much economy with respect to the rations," and everyone else, almost, is of the same opinion—with, of course, the exception of the administration of the National Home for Disabled Volunteer Soldiers.

On page 1234, Sana Monica investigating committee's report, appears the findings of the expert accountant as to the methods for estimating for supplies, and he states, in part, as follows:

"I would recommend that a closer supervision be maintained over the handling of supplies. At the present time no close record of receipt and delivery of supplies is maintained and the supplies might be depleted through carelessness or intention, and it would be difficult to discover it.

* * * * * * *

"REYNOLD E. BLIGHT,
"Certified Public Accountant."

We come now to the local administration of the Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers, here at Hot Springs, S. Dak. On page 196, annual report, National Home for Disabled Volunteer Soldiers, fiscal year 1912, will be found report of Battle Mountain Sanitarium, in which it is stated that the average attendance for that year was 352, and that the per diem cost of the rations per capita was $0.2125; this means that the total amount expended for rations there was $26,329.60. Please note now, that while the hospital of the United States Army Soldiers' Home, Washington, spends 46.54 cents per diem per capita for rations, that this Battle Mountain Sanitarium (which is the hospital for the National Home for Disabled Volunteer Soldiers) spends only 21.25 cents, less than one-half as much as the United States Army Soldiers' Home hospital spends. On the same page of the annual report mentioned above will be noted that the Battle Mountain Sanitarium turned back to the general treasurer of the National Home for Disabled Volunteer Soldiers $21,534.03, unexpended balance for fiscal year 1912. Had this sum been added to the $26,329.60 spent for rations, it would have swelled the amount to $47,862.63, and raised the per diem per capita ration allowance from 21.25 cents per diem per capita, to 37.54 cents. As nearly as I could ascertain from Maj. Wadsworth's testimony, the reason why the National Home for Disabled Volunteer Soldiers stubbornly adheres to the starvation ration allowance, is on account of "long established custom."

From the annual report above mentioned I ascertained, after considerable dissection, that "the total amount of the money spent at the Battle Mountain Sanitarium was utilized for the purchase of the rations, while 30½ per cent, or $63,969.80, was spent for salaries, and that the net cost to each member for the maintenance of the farm was $17.17 per annum; this means that the operation of the farm which, according to the testimony of Maj. Wadsworth, is the amount expended for the maintenance of the grounds about the buildings.

I will note below something of what I have observed with my own eyes since I came to the Battle Mountain Sanitarium as a patient and leave it to your good judgment as to whether you think I am acting wisely in leaving the place to go out in the world penniless and rely upon the kindness and generosity of officers for sustenance rather than put up with what one has to contend with here. The following remarks will, I think, give you a sufficient basis to form an opinion as to whether this institution is in fact as bad a state of lethargy and procrastination as was Sana Monica Soldiers' Home when the Senate investigating committee went there, now about a year ago.

The first time I encountered this condition of doubt of this place was the astounding stupidity of the civilian employees. I went to the desk of the receiving clerk for admission, and he looked over my application for admission, which clearly set forth my occupation at the time I entered the Army, which was that of stenographer. Attached to my application for admission were also several efficiency ratings which I had received while I was in the civil service, War Department. But notwithstanding this evidence this young fellow had the astounding and abysmal stupidity to calmly ask me if I could "read and write." He also asked me if I had utilized the Government transportation to this place, and I replied that I had; but I observed that he made no note of what I said. I went to the tubercular ward, which is some distance from the main building, and I was feeling very weak from my long trip by rail. I had not been in the ward long when I was summoned by an orderly to go up to the treasurer's office, thinking that I would be required to give some papers, maybe, and that there was some reason for my appearance there in person. So I climbed a number of flights of stairs, up a hill, and into the main building; then up to the treasurer's office, and reached there completely exhausted.

And as soon as I entered I was again confronted with this question as to whether I had utilized my Government transportation. I was, to say the least, utterly exasperated. I replied that I had utilized my transportation, and told this cotton youth in the Treasurer's office that I had already given the same information to the receiving clerk across the hall, to which he replied that that was none of his affair. Now, it occurred to me that if they had even a modicum of a system of checking up things there, that this receiving clerk could have noted about the

transportation on my papers, and when the Treasurer's clerk came to check up the transportation he might, instead of dragging a poor sick man up before him, have simply stepped across the hall and secured the information from the receiving clerk, like any businesslike establishment would do. In case the receiving clerk didn't have this information, it seems to me that the Treasurer's clerk might have sent me down a memorandum by the orderly, with merely the question as to whether I had utilized my transportation, to which I could have easily added "yes," and that would have ended the matter in a businesslike manner. But not so with this administration here.

When I entered the ward to which I had been assigned I observed that the patients were protesting because they had not been issued any chewing and smoking tobacco for several weeks, as is provided for in paragraph 262 of the Soldiers' Home Blue Book. I believe they did get chewing tobacco, but am sure it was not smoking; but they showed the tobacco they had received to me, and it was all permeated with a greenish mildew. On October 29 last I observed that no smoking tobacco was issued—only chewing—and that the chewing tobacco that was issued was filled with this greenish mildew. Issue of smoking tobacco was resumed November 29, after having been out for more than a month. During the time no smoking tobacco was issued to the nonpensioner patients I was in the post store several times and observed that they had smoking tobacco for sale there, and it struck me rather curious that an institution that was bound by the regulations to issue tobacco to its nonpensioner members was failing to do so, but was selling it.

The issue of smoking tobacco has relapsed again this month (December), and without one word of explanation as to why; they send around not one word of explanation, only leaving the patients to wonder at their failure to comply with the regulation. That there is a question as to the advisability of a sick man smoking or chewing a little, I will admit; but that for them to issue this mildewed chewing tobacco to a sick man there is, to my mind, absolutely no justification under the sun. Why, if I had a billy goat and he had no more self-respect than to chew this tobacco they issue here, I'd take him out and shoot him. The smoking tobacco was just about as bad as the chewing. It was this "Hush Campbell's Shag," and when a man would light his pipe he would be thrown into a fit of coughing, since the tobacco was nothing but screenings and ground trimmings from snuff and as rotten as cabbage leaves. I couldn't smoke it myself, and I heard the other patients saying they couldn't smoke it either, and they threw it away.

Between November 7 and the present date eggs, farm, oranges, port wine, grape juice, apple butter, pancake flour, ketchup, graham bread, and various other articles of diet have alternated in being "out" and no explanation as to why. I know two or three men who were depending upon eggs alone, almost, and when eggs would out these men would naturally feel disappointed and wonder where the trouble lay. I might be more exact and name dates on which the various articles of diet and medicine are reported to be "out," but it would be too voluminous; I have the dates here, but will not insert them. From the foregoing it will be clearly seen, by reference to the Blue Book, that when these various articles of diet are allowed to run out it is a direct violation of paragraph 74, which says, in part: "* * * Strict economy will be observed in the preparation of food, without starving the tables." Paragraph 604 makes ample provision for the purchase and issue of subsistence supplies. Paragraph 606 makes ample provision for the special requisitions. Paragraph 607 makes ample provision for emergency purchases. Paragraph 57 makes ample provision for the surgeons in charge of hospitals to make timely requisitions for all supplies needed in hospitals, and paragraph 22 makes ample provision for the governor to make emergency purchases.

From the foregoing it will be clearly seen that the administration here is bound by no cast-iron regulations, which might impair the efficiency of their administration, so about the only excuse I can give for their failure to provide the things which the United States Government intends the members shall have is simply on account of official procrastination and stupidity and indifference to duties.

When I came here I heard the patients complaining about the excessive dust in the wards, and I observed that the ward men were sweeping up the bare floors without anything to keep down the dust. They finally induced the governor to send down some sawdust, which came in a few days—only about half a bushel. This soon ran out, and a barrel of shavings finally came down, but the ward men couldn't use them since they would stick to the floor like wax. The governor's attention was called to this on or about November 15, and he promised to get some sawdust. Things rocked on for two or three weeks without any sawdust, and in the meantime the patients were protesting loudly at the excessive dust, which always irritates the lungs of a tubercular patient. On December 12 I importuned the governor to please get some sawdust, and four days later down came some coarse stuff which was unfit for any use to speak of. It took the governor just 31 days to replace the sawdust, and in the meantime my cough increased in violence until I began to run a high pulse and fever, but the governor was apparently as oblivious of his delinquencies as if he had been a child. The sawdust finally secured from any of a number of sawmills all within a radius of 2 to 3 miles of this place, and the institution here has wagons and teams a plenty.

Then another instance of the governor's procrastination came very forcibly home to me in November and December of this year. I had a small tumor on my forehead, and on November 10 asked the governor to remove it; he replied that it could be done in a few moments, but without making any note of it passed on down the ward. A week later I again called it to his attention, and he said he was a little short of doctors, and for me to call it to his attention in another week, which I did, but this time he told me that he could do it the following Thursday, and when Thursday came around I reminded him of it as he had requested me to do, but he said that was a holiday and he couldn't do it that day, so he again passed along without even saying when he could do it.

A week later we had changed nurses in our ward and had a very efficient nurse, Mrs. Gilchrist, who called the tumor to the governor's attention, and he then finally said he would remove it that afternoon, which he did, after nearly 30 days' of begging on my part, and after he had had the matter brought to his attention five times. I submit that when a patient brings a thing to the doctor's attention and the doctor says it is expedient that the operation be performed, that from that moment the responsibility for the operation passes from patient to doctor. But to impose upon a patient the necessity of reminding a doctor of his duty time and again is, in my judgment, very poor professional ethics on the part of the doctor.

After the operation had been performed, about five days, I went to one of the interns, Dr. Crane, who pulled the dressing off the wound, leaving the vicinity of the wound covered with dried blood and the wound itself still raw, but notwithstanding this, Dr. Crane told me to go back to the ward and wash the wound off with warm water; this right in the face of the fact that the wound was still raw, and in the face of the fact that I am suffering from pulmonary tuberculosis and would in all likelihood run a great risk of infecting the wound. This, too, in my judgment, is an indication on the part of Dr. Crane of very poor professional ethics, and shows a spirit of indifference and procrastination. You may rest assured that I did not do as Dr. Crane told me, but left the wound entirely alone until it had healed sufficiently to prevent the possibility of infection.

I would like, also, to call attention to certain very grave dereliction of duty on the part of a Miss Turner, the nurse who preceded Mrs. Gilchrist in this ward. I observed that this nurse seemed to take pulse and respiration simultaneously, and then for only 15 seconds. I heard Mr. Frank H. Henderson and Mr. P. E. Holman, patients, say that they had held their breath while the nurse was supposed to take their respiration, and they said that they observed that she put down respiration just the same, and this, of course aroused my suspicion, and I decided to give her a tryout, so I carefully observed her the next morning, and the instant she reached my side I withheld my breath, and during the 15 seconds that she held my pulse I breathed just once, and as she turned to write it down I observed that in addition to writing down my pulse she also put down "24" as my respiration, and I immediately reminded her of it, and told her I had held my breath, and she seemed a trifle confused a moment, then said I couldn't do do that. That she was taking respiration by actual guess instead of by actual count, is absolutely beyond peradventure.

We have rest hour twice a day here, or are supposed to have, but this nurse would tramp through the ward right in the midst of the rest hour, when patients were trying to doze, and do so with the reckless abandon of a schoolboy. One day I asked her to refill my atomizer receptacle with oil, but instead of putting oil in it she brought it back to me with carbolic acid in it. As it happened the carbolic was weak and didn't burn my nose much when I tested it. On another occasion I saw her give P. E. Holman his daily medicine, and as he swallowed it he exclaimed that it was awfully bitter and tasted unusually queer; whereupon she said she had given him the wrong kind and went and refilled his glass with the proper kind, brought it back, and told him to take it on top of the other; that "it wouldn't hurt him"; and she did this with the most absolute diffidence imaginable. This nurse was a constant source of irritation to all the patients on this side of the ward and no one had any confidence in her to speak of. I wouldn't take another dose of medicine from that nurse for $500, not unless I was contemplating suicide; and I don't think you would blame me, either.

Another thing which is a source of great annoyance to the patients in the tubercular ward is the fact that from 12 to 15 men are required to be crowded into one small 16-foot room; that is, it wouldn't square any more than that. According to the best medical authorities, a patient in a hospital should have at least 2,000 cubic feet of fresh air per hour. Now this room contains only 2,400 cubic feet of air space, and it would be just about enough for one man, with a change of air once an hour; but to force 12 to 15 men to lounge in it would require that the air should change about fifteen times an hour, or once every four minutes. Now, on cold days and nights in the winter, with the temperature about zero outside, it is an absolute impossibility to get even half enough fresh air or one-fifth enough fresh air. The patients usually congregate in the room for a couple of hours after meals to smoke or read, for the room is used as a cloakroom, as all their clothes are kept in it in lockers, and as a lounging room and recreation room. I find it oppressive to remain in the room when there are more than three or four men in it. I submit that any doctor who will silently stand by and allow a crowd of consumptives to be cooped up in such a "Black Hole of Calcutta" hasn't any more humane feelings than a fence post. Yet this goes on from month to month, and the governor knows it, and knows it is inadequate, but he is as indifferent to it as an infant.

Another thing I have thoroughly verified, and that is the utter carelessness of the doctors in making their morning rounds of this ward. The governor himself visited this ward for about six weeks, and I observed that he went through it very quickly. So one day I concealed my watch under the cover of my bed, and timed him from the moment he entered the building till he left. I did this for about a week. I found that it took him just about eight seconds to enter the chart room and get into the ward. This made it utterly impossible for him to examine the temperature, pulse, respiration, and weight records, which are supposed to be made up for the doctor to examine each morning before he passes through a ward or to be carried along with him as he visits each patient. But he ignored these charts and passed immediately into the wards and down the line, and, on an average, he spent 5 to 10 seconds to the patient. I was running a high pulse and temperature during the latter days of the governor's visits, but he never once said a word about it, but would pass me and, as he did so, stare down at me with a meaningless expression on his face, just as if he were viewing an Egyptian mummy. He hurried past his patients, whose lungs were in all sorts of decay, from incipiency to tertiary stages, and he never, never once offered to examine a man unless the poor fellow begged him to, and then, as a rule, he would put the man off two or three times. Mr. P. E. Holman, to my knowledge, kept at him for several weeks for an examination, but to date he swears he hasn't been examined. I was given a hasty examination when I entered, but haven't been examined since, except once or twice I asked the governor to sound my chest, and then it was but for a moment.

But "we have with us" now Dr. Milligan, late of Santa Monica, and from his actions he doesn't seem to have profited in the least by the terrible shaking up they got out there a year ago, although he was there at the time, so the records show. The nurse tried to tell him, a morning or so after he was assigned to our ward, that I was running an unusually high pulse and temperature, and she told him just as he was reaching my bedside, but he paid absolutely no more attention to her than if she hadn't spoken to him. Yesterday morning he again came through the ward and passed by me without stopping at all, so as he came back on his way out of the ward I asked him if he had examined my temperature and pulse chart for the past 24 hours, and he replied that he had not; then the nurse told him that I had a temperature of over a hundred and high pulse. Right there he admitted that he was neglecting his duty; he admitted that he did not examine the charts before going through the wards.

If the charts are not kept for the purpose of enlightening the doctor as to the patients' condition, I wonder what they are for. He spends even less time in the wards than did the governor. Dr. Milligan has now ceased making his afternoon rounds altogether, except to come to the dining room at supper time to see about the meals now and then. He is a source of constant irritation to the patients because of his professional lethargy; they see it; they see he hasn't the slightest

one of the committee stating that certain Spanish War veterans who had been active in criticizing the board of managers had been offered positions in the home; and I have been personally solicited to vote for one of the members of that so-called commission to membership in the board of managers. That is the wheel within a wheel which there is there.

Now, in reference to the three poor devils who were "given the gate" at the Battle Mountain Home, the board does say that they were undesirable members of the home, and I have no doubt that in a way they were men who should be restrained; but I wrote to a man upon whom I can rely to find out just what sort of men these three were that were thrown out of the Battle Mountain Home. Their names were Wallack, Lacey, and Yount. Something about the harmless type of men these poor fellows are—all three invalids, in advanced stages of tuberculosis—appears in the letters which I will print in connection with my remarks.

This bill is the remedy:

A bill (H. R. 3469) to place the National Homes for Disabled Volunteer Soldiers under the administration of the War Department.

Be it enacted, etc., That upon January 1, 1915, after the passage of this act, the powers heretofore vested in the Board of Managers of the National Home for Disabled Volunteer Soldiers shall be vested in the Secretary of War, and the administration of the laws providing for the operation and regulation of said home shall be under the jurisdiction of the War Department. The Adjutant General, Inspector General, Quartermaster General, Commissary General, and Surgeon General, each, under the direction of the Secretary of War, shall perform such portion of the work of administration as shall appropriately fall to the respective bureaus of the War Department.

SEC. 2. That upon January 1, 1915, after the passage of this act, the terms of office of the various members of the Board of Managers of the National Home for Disabled Volunteer Soldiers shall cease, and all title to property and authority heretofore vested in said board shall pass to the Government of the United States.

SEC. 3. That such provisions of existing laws as are in conflict with the provisions of this act are hereby repealed.

Pass this O'Hair resolution and get the facts:

House resolution 459.

Resolved, That the Committee on Military Affairs of the House of Representatives or a subcommittee thereof, be, and it is hereby, instructed to make full investigation of the conditions and affairs of the national homes for disabled volunteer soldiers and sailors, and particularly to determine the nature of the treatment given at the various branch homes to the members thereof, and with a view of determining whether or not it is for the advantage and best interests of said homes and the management and conduct thereof, that they should be by an act of Congress placed under the management and control of the Department of War, and to report the facts and their findings to the House; and that said committee shall be authorized to sit during the sessions of the House and during any recess of the House or Congress, and hold its sessions at such place or places as it shall deem most convenient for the purposes of such investigation; to employ stenographers and such competent accountants as it may deem necessary; to send for persons and papers and to administer oaths; and that the expenses of the inquiry shall be paid from the contingent fund of the House upon vouchers to be approved by the chairman of the committee.

THE CONVINCING STATEMENT OF WILFORD W. DAVIS IN REFERENCE TO ADMINISTRATION AT BATTLE MOUNTAIN SANITARIUM AND OTHER HOMES.

BATTLE MOUNTAIN SANITARIUM,
NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
Hot Springs, S. Dak., December 30, 1913.

The Hon. DANIEL R. ANTHONY,
House of Representatives, Washington, D. C.

DEAR SIR: I should be pleased if you would kindly allow me to bring to your attention an old subject, but probably in a new light. My attention has often been called to your attitude on the soldiers' home question, which, in my judgment, is very plausible.

But the incident which finally induced me to address you on this mooted question was a speech by the Hon. WILLIAM W. RUCKER, of Missouri, on the floor of Congress under date of December 12, 1913, and appearing in the CONGRESSIONAL RECORD of same date, page 746.

Mr. RUCKER said in part: " * * * I shall vote against any appropriation bill which proposes to tax the American people to pay pensions to millionaires or to people already protected and cared for by the Government in soldiers' homes. * * *

The above is a fair idea of the understanding of the average citizen as to the sumptuous luxury of the wards of the Government in the soldiers' homes, which means that the old soldier is classed with millionaires in his luxurious protection. But in view of the fact that you have probably gone into the soldiers' home question pretty thoroughly, and in view of the further fact that there are in your district in Kansas both a soldiers' home and a Federal penitentiary, I am confident that you have the situation sized up far more accurately than has Mr. RUCKER. I may say in this connection that I have had an opportunity to go over a considerable volume of data on this subject, from which I have culled information that my concealed under a maze of apparently harmless figures, and from these figures I have been able to deduce certain facts that did not appear at first sight from a perusal of annual reports etc., of these homes; and I have also been an inmate of one of the homes. In view of this I believe I will be able to submit below some information which may enable you to more enthusiastically support your contentions in this connection than ever before. I have done this work with my own hands at such times as I felt able. much of it I have done while sitting propped up in bed, so please overlook any possible equivocal language which may appear here and there. But why multiply words? Let the facts be submitted to a candid world.

In the first place, I wish to call attention to a colloquy that took place between Maj. J. W. Wadsworth, president of the Board of Managers National Home for Disabled Volunteer Soldiers, and Senator GEORGE E. CHAMBERLAIN, in the course of the investigation of the Santa Monica Branch of the National Home. The following is taken from page 1197, Report 1167, Senate Calendar No. 1034, third session, Sixty-second Congress:

"Maj. WADSWORTH. Well, if it is not a happy existence (meaning that of the inmates of the soldiers' homes), God Almighty alone can make it so. The Government of the United States can not do any more for these men than it is doing. No Government in the world is doing anything like it. * * *

"Senator CHAMBERLAIN. * * * Right in that connection, I think that we are willing to concede all that you say, but the trouble is not that we are willing to concede all that you say, but the trouble is not in what the Government is doing for them, but in the manner of administration. * * * A change must be made in the way in which the Government is having its bounty administered. Now, that is up to the board. That is where the trouble is."

The foregoing remark was made by Senator CHAMBERLAIN to Maj. Wadsworth after Senator CHAMBERLAIN has just finished an extensive investigation of conditions at the Santa Monica Home, and I leave it to Mr. ANTHONY'S good judgement as to whether Mr. CHAMBERLAIN'S remark was very accurately and timely put. Now, in order to the more forcibly corroborate Senator CHAMBERLAIN'S remark, I wish to call attention to the following remarks with reference to the Pacific Branch (Santa Monica) of the Soldiers' Homes by Maj. J. W. Wadsworth, president board of managers, in his annual report to Congress for the fiscal year ending June 30, 1912 (p. 7):

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"* * * The Pacific Branch has been under the close supervision of the manager residing in California and, on account of its remote location, has received especial attention by frequent visits of the inspecting officers. The president of the board has also visited and inspected this branch during the year, as well as all other branches. All of the branches have been regularly inspected by the inspecting officers of the home, and all irregularities and faulty conditions discovered have been corrected as promptly as possible."

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In the same report, page 16, appears a draft of the annual report for fiscal year ending June 30, 1911, in which the president of the board of managers makes the following significant remarks, with reference to the magazine articles that were then being printed broadcast, touching upon conditions at the Santa Monica Branch:

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"The affairs of the home have been administered in accordance with the law and the established regulations. The several branches of the home have been thoroughly inspected at various times during the year by the board of managers and the inspecting officers of the home. All irregularities and faulty conditions found have been corrected as promptly as possible. Notwithstanding the publication in one or more magazines of the muck-raking variety of untruthful and apparently malicious articles, relating to the home and its management, which were designed to encourage unrest among the members of the home and to arouse feelings of apprehension and anxiety in the minds of their friends and relatives, there has been no time in the history of the home when a higher degree of general contentment among the members of the home has prevailed."

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Please note that the above encomiums as to the management of the homes, were included in the president of the board's annual report for fiscal year ending June 30, 1912, and which, according to the regulations, must have been completed sometime during the month of August, 1912. Please carefully note the date. You will note that, from the board of managers' angle of vision, that things with the homes in general, Santa Monica and all, "were lovely and the water was fine." Now, please note that on August 19, 1912 (while the board of managers was compiling its annual report) that a resolution (No. 160) was introduced, and passed, in the Senate, directing an "investigation of the condition and affairs of the branch, National Home for Disabled Volunteer Soldiers at Santa Monica, Cal." The full text of the resolution will be found on page 5 of the investigating committee's report (S. Rept. No. 1167). The investigating committee began its work of taking testimony at Los Angeles, Cal., on November 19, 1912, just three months after the board of managers had made up its annual report. Now, the report of the investigating committee of the Senate comprises 1,243 pages—1,243 pages of the most illuminating information, setting forth just how things were, and had been, running at that home for years past. The report is too voluminous to be read in its entirety by a busy man, but permit me to call your attention to just a few of the things which were found to exist at Santa Monica just three short months after the president of the board of managers had said that he himself had inspected the Santa Monica Branch, and that "all irregularities and faulty conditions found had been corrected as promptly as possible."

The following extract is taken from the testimony of Maj. Wadsworth, president of the board, and found on pages 1135 to 1179 of the aforementioned report:

* * * * * * * * *

"Maj. WADSWORTH. The Pacific Branch is using 91 per cent of the Army ration. * * * The first quarter of the year in 1905 they were using 91 per cent. In 1906 they [meaning the Pacific Branch] were using 89 per cent of the Regular Army ration. In 1907 they were only using 82 per cent in the Pacific Branch. * * *

"Senator CATRON. How do you account for that variation in the quantity that would be served each year?

"Maj. WADSWORTH. It is caused by the commissary not attending properly to his duty. I should say, and seeing that it is all accurately weighed.

"Maj. HARRIS. It is the fault of the branch officers. That applies not only to coffee but to all other food supplies (p. 1135).

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"Senator CHAMBERLAIN. There is not one man in a hundred in that home, nor I venture to say in any of the homes, that knows anything about the rules and regulations. * * *

"Senator JONES. There did not seem to be any copy of these rules and regulations available. We could not find any copies in the different barracks where the members could get at them.

"Maj. HARRIS. There is a sufficient number issued to every branch, and they should have sufficient copies for everybody * * * and if they have not been distributed it is through neglect of the branch officers.

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"Senator CHAMBERLAIN. I do not know what we found in that home was a fair criterion, but I think it is true in every home that there is a lack of entente cordiale between the officers and the man. There is not that feeling between them that ought to exist.

"Maj. HARRIS. A feeling that you can not buy with money.

"Senator CHAMBERLAIN. Yes; and when you find a man who has not got it in him naturally, he ought to be demoted (p. 1157).

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"Maj. WADSWORTH. I can not understand it. The same rules and regulations govern that home as govern the other branches of the home.

"Senator CHAMBERLAIN. I think we can understand it. It is simply not born in those particular officers at that particular home to come in touch with the men and so gain their good will.

"Senator JONES. They are not the right men for those positions.

"Maj. WADSWORTH. Well, I can not understand it (p. 1158).

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"Maj. WADSWORTH. I came on the board about six years ago, and we found a very bad condition of affairs there [meaning Santa Monica], an incompetent and dishonest governor and an incompetent and dishonest quartermaster. I came back home and demanded their restrainations, and I put in Cochrane. * * * The first two years Cochrane did very well, indeed * * * but for the last two and a half years or three years he has simply fallen down. * * *

"Senator CATRON. I think the administration there has been defective for a year. * * * We had testimony that they were not careful about matters, and that dirt, etc., would get into the food when they were cooking.

"Maj. WADSWORTH. You know there are lapses in those matters everywhere. * * *

"Senator CATRON. We can not be expected to suggest the entire remedy. You [meaning the board of managers] are the commission appointed to look after these things.

"Maj. WADSWORTH. Possibly a layman could see things that the officer can not.

"Senator JONES. It seems to me, from my observation there, that the difficulty largely grew out of the lack of apparent interest in the officers in seeing that matters under their control were properly carried on. That is, there are things about the kitchen and that supervisory the commissary paid no attention to at all. He never came around and looked into things.

"Maj. WADSWORTH. We have been very weak in our commissary there.

"Senator JONES. That is not only true with regard to the commissary, but the other departments also, except the hospital (p. 1163).

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"Senator CATRON. The greatest need there is to have officers who will keep in touch with the men?

"Maj. WADSWORTH. Yes; that is it (p. 1166).

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"Senator CATRON. We found the governor [meaning Santa Monica] calling men up before him for the most ridiculous kind of charges. For instance, one man talking among the men, just happened, casually, to say: 'The governor has not got any sense.' Some one overheard him and he was called up before the governor. * * * The governor sentenced him to 40 days on the dump for disrespect to his commanding officer * * * and it struck me that that was an unnecessary punishment to put upon that man. * * * There were a great many instances there that bore in that same direction that he did not seem to think he had any discretion. * * * It was not only Cochrane but the whole administration; all the officers there seemed to agree with him that he was just right—that is, that the whole administration was right.

"Maj. WADSWORTH. Yes (p. 1166).

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"Maj. WADSWORTH. We find sometimes accumulation of rubbish in the attic [meaning at regular inspections].

"Senator JONES. Of course you expect to find those conditions better when you are there, because the governor is given notice.

"Maj. WADSWORTH. That is so. * * *

"Maj. HARRIS. The regulation is that the commissary of subsistence shall look after these things [meaning variation of bill of fare].

"Maj. WADSWORTH. They did not tell you that they were tied down to the bill of fare, did they? * * *

"Senator CATRON. They called our attention to that bill of fare and said they were governed by it. * * *

"Maj. WADSWORTH. No. * * * There is the regulation.

"Senator CATRON. That is not what they said.

"Maj. WADSWORTH. The regulation also provides that the ration shall have suitable proportions of fish, cereals, bread, and fruit, and, the physical condition of the women being considered, coffee, tea, sugar, milk, and the usual table condiments will also be provided.

"Senator CATRON. They seemed to think that their discretion was to be exercised within the limits of the regulation prescribed.

"Maj. WADSWORTH. We do not prescribe any amount. * * * Yes; and the bill at that home until the appointment of Cochran was not satisfactory, and it was satisfactory for two or three years, and now it has not been satisfactory for two or three years; but we have run up against that old-soldier sentiment, and it was impossible to change it. I would have changed it if I had my own way. I am not criticizing them [meaning the rest of the board], because they are old soldiers and have the warmest sympathy for the old men." (P. 1172.)

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"Senator CHAMBERLAIN. You were speaking of the extreme sympathy of the governors for those men [meaning the old soldiers]. Now, as good a man as I believed Cochran to be, the evidence of himself and all the others showed that he did not get around. Those old men would very rarely get into his sanctum sanctorum for the purpose of speaking about things they wanted. Now, if he has the right sympathy, the governor ought to go to the bedsides of those old men in the hospital and speak an encouraging word to them and they do not do it. He ought to do it whether he feels it or not.

"Maj. WADSWORTH. You can not expect them to do it.

"Senator CHAMBERLAIN. You were speaking of the intense sympathy that these old men [meaning the governors, etc.] have. They do not show it.

"Maj. WADSWORTH. I think they have as much as I have, and no man can have more than I have. * * *

"Senator CHAMBERLAIN. You take this chaplain out there; while I think he is not an intensely good man, yet the evidence showed that he did not pay any attention to the material welfare of those men, and very little to their spiritual welfare. He did not attend at the hospital, except to attend at the funeral of a man. I think he should have gone around to see them.

"Maj. WADSWORTH. I agree with you on that. Gen. Smith is a member of the board, and he will bear me out in saying that I have always insisted on having and tried hard to get men who had the physical vigor to attend to the needs of those old men.

"Senator JONES. The chaplain has the physical vigor.

"Maj. WADSWORTH. Yes. I thought Wilson was a good average chaplain.

"Senator CHAMBERLAIN. If he is a sample of them, they do not need any. * * *

"Senator CHAMBERLAIN. Have you ever adopted the rule of letting your governors understand that that [meaning personal visits to the men in barracks and hospitals] was required and expected of them, and if they did not come up to the mark you would relieve them? Do you not think that would have some effect?

"Maj. WADSWORTH. I never visit a home without impressing that upon the governor.

"Senator CHAMBERLAIN. The strongest way to impress it upon them is to let a fellow out once in a while.

"Maj. WADSWORTH. You can issue orders galore; how do you know that he complies with them?

"Senator CHAMBERLAIN. Let him out if he does not do it. Let them out once in a while; that is the best lecture.

"Maj. WADSWORTH. I could tell you why I could not let them out once in a while." (P. 1180.)

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"Senator CHAMBERLAIN. The evidence was undisputed out there [meaning at Santa Monica] on the part of the officers, that in order to have enough milk to go around they put in gallons of water.

"Maj. WADSWORTH. I saw that, too." (P. 1188.)

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"Senator CATRON. That coffee at the Santa Monica Home was evidently drowned to death with water.

"Maj. WADSWORTH. That, of course, is not the allowance. The amount given here is what the homes actually consume.

"Senator CATRON. I understand that.

"Senator CHAMBERLAIN. You do not know how much water they consumed with it?

"Maj. WADSWORTH. There is no allowance on any single item of the ration.

"Senator CATRON. It may be that he would drink two or three times as much water [in his coffee] as the regular soldier to get that much coffee.

"Maj. WADSWORTH. If there was only that much coffee [meaning 19 pounds] in 100 gallons of water, that was not enough.

"Senator CATRON. That is what they put in.

"Maj. WADSWORTH. That is an unreasonable proposition and is purely a local fault, in not making the coffee as it should be made." (P. 1194.)

Now, after the Senate investigating committee had forced the foregoing damnable admissions from the president of the Board of Managers [Maj. Wadsworth] and the board's inspector, and just as soon as Maj. Wadsworth could recover his self-composure, he proceeded to deliver himself of the following, apparently in a wild endeavor to "whitewash" the whole thing. Here is what he said, in part (p. 1196):

"Maj. WADSWORTH. I would like to make a statement to go into the record, because I do not think that the Nation at large, or Congress, knows what we are doing for these old men. [Quite right, Major; we didn't know how you were treating these old men until after the Santa Monica investigation, but we do know now.—W. W. D.] * * * I believe, honestly, that 98 per cent or 99 per cent of the 17,000 or 18,000 old men are physically comfortable and mentally happy; as happy as men of that age, leading their idle lives, can be. The other 1 or 2 per cent are the men who, through overindulgence, have rendered themselves absolutely unable to enjoy old age [How about the many hundreds of respectable and sober old veterans who complained against your system at Santa Monica, Major?] or who are the chronic growlers or kickers you find in every walk of life. [The findings of the investigating committee do not bear you out, Major.—W. W. D.]

"What does the Government do for them? When a man comes to the home he is clothed from the top of his head to the bottom of his feet [with old, second-hand clothes, Major—W. W. D.], he is housed in a well-lighted, ventilated, and heated room [you mean he is herded in a naked old barracks with a hundred other old men, Major—W. W. D.]. Those men sleep in a perfectly clean, comfortable bed [when the bedbugs are not too numerous, Major; see testimony of Santa Monica witnesses—W. W. D.]. * * * They have their bathrooms, water-closets, and lavatories [65 old men to one bathtub, Major; see where diseased old men bathe in with the rest, in Santa Monica testimony, Major—W. W. D.]. They do not have to go out, as three-fourths of us used to [you mean 50 years ago, Major—W. W. D.], being farmers in the country, to a privy on a cold night [farmers now have lavatories in their houses, Major—W. W. D.]. They are even supplied with toilet paper [Major, toilet paper replaced corncobs on the farm 40 years ago—W. W. D.]. We give those men three wholesome, nutritious meals a day [Major, the "wholesome" meals you talk about cost you 6 cents apiece—composed of coffee, one-third strength, watered milk, badly baked bread, inferior cooking etc. Major, you said that the sheets on the beds of the old soldiers are changed just as they are in your own home. Now, are the meals anything like you have in your own home? Do you think you would be able to perform your duties as president of the board on 20 cents worth of rations a day?—W. W. D.]. Best of all, when one of these poor old fellows falls ill, he knows that right there is a splendidly equipped hospital, where he will get the best of care. * * * When he dies he is put in a coffin fit for anybody, the American flag is put over him, and he is taken to the grave with the band leading the procession and a troop of mourners following [who furnishes the mourners, Major, the board of managers?—W. W. D.], and when he is put in the grave a stone monument is put at his head, and his grave is decorated with flowers on each Memorial Day. What more could the Government do for those men? [Major, the Government does its share, but do you do yours?—W. W. D.]

"Senator CATRON. I do not think they look at that latter performance very favorably" (p. 1197).

in going ahead and taking away control from the board in which these powers are now reposed and transfer them to the War Department.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. ANTHONY. Yes.

Mr. BURKE of South Dakota. I understood the gentleman to state that the Committee on Military Affairs has reported a resolution for the appointment of a committee to visit and inspect these several Volunteer homes. Do I understand that is a resolution that is expected to be passed through the House or is there such a subcommittee already appointed; and if so, does it intend to visit these homes?

Mr. ANTHONY. As I understand it, Mr. Chairman, Mr. O'HAIR's resolution calls for the appointment by the chairman of the Committee on Military Affairs of a subcommittee to investigate these charges relative to the soldiers' homes and report as to whether or not it is expedient to transfer the management.

Mr. BURKE of South Dakota. Has the committee been appointed?

Mr. ANTHONY. The resolution has not yet passed the House. It is on the calendar.

Mr. BURKE of South Dakota. If the resolution is passed, it will provide that there will be a subcommittee of the Committee on Military Affairs clothed with jurisdiction to make a thorough investigation and personally visit some of these homes or all of them?

Mr. ANTHONY. That is the idea, and to make a report recommending proper action in the case.

Mr. GOULDEN. Will my friend from Kansas yield for a question?

Mr. ANTHONY. With pleasure.

Mr. GOULDEN. Do the charges which you have made on the floor here include any of the State homes?

Mr. ANTHONY. They do not. As a general rule, I think, the State homes are very well conducted. At least, I know in the State home in my own State there is no complaint whatever.

Mr. GOULDEN. I am glad to hear the gentleman say so. For 12 years I have been one of the managers of the New York State home at Bath, and I think it has been efficiently and honestly managed. We have had, it is true, an occasional complaint as to some particular class of food, but very rare, indeed, which was always promptly remedied to the satisfaction of its 2,000 members.

Mr. ANTHONY. I want to tell the gentleman the reason why, to my mind, these State homes are well conducted and the national homes are not: The board of managers in these national homes maintains a sort of quasi military authority all through them. You will see under officials and the head officials running around, with brass buttons, epaulets, and uniforms, as if they were all major generals of the Army. They maintain the most rigid discipline in these homes, and feeble men, men who are dying, and go there to spend their last days on earth in a peaceful manner, are oppressed with this military, tyrannical atmosphere in these homes. That is the situation. In the State soldiers' homes there is an utter lack of that. They are real homes, not only in name but in fact. And in the Regular Army Home that is conducted by the War Department here in Washington, where you would expect to find brass buttons and military authority, there is an absence of both, and you do not see any of it about the place. If you go to the Volunteer homes, you will find that the reverse is true.

Mr. McKENZIE. How are these various appointees named in these institutions; by the board?

Mr. ANTHONY. The various appointees are supposed to be named by the board on the recommendation of the local governor, but I can say for the information of the gentleman that the board of managers has practically degenerated into a one-man board—Maj. Wadsworth, of New York, the president of the board.

Mr. McKENZIE. Does he have the power any time he feels disposed to appoint persons to manage those homes?

Mr. ANTHONY. I think he has. I will say for the information of the gentleman that this board a few years ago consisted of 10 or 11 members. Friction arose in the board. Some of the membership protested against the arbitrary use of power on the part of one of the members of the board, and from the resulting situation political manipulation was used right here in this body so as to reduce the membership on that board from 10 to 7 or 5, and so perpetuate the present head of the board in power. That is what we did in the last sundry civil bill—reduced the membership of the board in order to perpetuate the present management and to prevent a change in the head of the board.

Now, what happened this year? There were four vacancies on the board. An election came up in the latter part of April for the chairmanship of the board. The Committee on Military Affairs reported out a resolution filling those vacancies. That resolution is still on the House Calendar—kept there for the purpose of permitting the present head of the board to maintain his present ascendancy over the board. It is, in fact, a one-man board. One man, in fact, controls these 10 great Government institutions.

Mr. BURKE of South Dakota. Mr. Chairman, before the gentleman proceeds I would like to ask him another question. I believe he has in his district one of the largest Volunteer homes that there is in the United States, and I presume the members of that home come from different parts of the country. They do not come entirely from the locality where the home is located. Is that true?

Mr. ANTHONY. They come from all over the country, as I understand.

Mr. BURKE of South Dakota. I would like to ask the gentleman whether or not he has had any complaints of members being expelled and becoming a charge upon the locality where the home is located, and if so, whether he has considered the advisability of making some provision by which such persons can be transported to the places from which they came and not be a public charge upon the county where the home is located?

Mr. ANTHONY. I am obliged to the gentleman for calling my attention to that matter, and I want to say this, for his information and that of the House, that the matters to which he alludes is one of the crying evils of the present system. At every one of these homes poor unfortunate devils who transgress some minor regulation are deliberately thrown out upon the world to starve in midwinter, without a dollar in the world. Perhaps they may be addicted to the drink habit, or some other habit which they can not control, and thus they violate the regulations of the institution. They are decrepit. In many cases they are afflicted with disease and are utterly unable to care for themselves. But for a simple violation of one of these regulations the power is vested in the board or in the local governor to throw these men out on the street, as it were. A number of them have come to my office when I am at home, begging for money to keep them from starving to death. The county board maintains them; the local Grand Army posts maintain them; and the most pitiful spectacle is presented in the country adjacent to these soldiers' homes in the persons of these men who are discharged for the reasons I have given and thrown upon their own responsibility. I am not exaggerating when I say that many a man who is "given the gate," as they say, in this way, starves to death. A number of them do die every winter as a result of this harsh, cruel, and unusual punishment on helpless men.

Mr. BURKE of South Dakota. Under any system, of course, you would have some who would be expelled. Now, ought there not to be some appropriation available to transport these expelled members to the places from which they come, so as to relieve the locality from having to support them, as I understand is the case?

Mr. ANTHONY. I will say to the gentleman from South Dakota that, in my opinion, the proper remedy for the present situation would be the segregation of these unfortunate soldiers who can not control their habits—their segregation into one particular barrack or into one of the 10 homes, where the men can be taken care of, and not be thrown out onto the communities, or not be brought into contact with the other members of the homes.

I want to call your attention to the fact that those who may have committed a slight infraction of the rules of the home may have been in their day most excellent soldiers. If you were to talk with one of these men, as I have done, you might find that he may have been one of the finest soldiers in the world during the years he served in the Army. I have personally looked up the records of some of them and have found out that some of these unfortunate men were the bravest soldiers and had splendid records of war-time service; some of these heroes of dozens of battles; but they may have contracted bad habits, and now in their old age the Government throws them out, to make their own way among strangers.

Mr. BURKE of South Dakota. Do I understand that the gentleman suggests that there should be a portion of the home set apart for these unfortunates, and that such a portion of the home should be conducted, in a sense, as a penal institution?

Mr. ANTHONY. I say the homes are now conducted as penal institutions, practically, instead of real homes for self-respecting veteran soldiers of the United States.

Mr. BURKE of South Dakota. I would like to have the gentleman indicate how such members can be controlled under existing laws if they refuse to adapt themselves to the regulations? There is no way by which you can keep them in if they want to go out.

Mr. ANTHONY. They can be segregated into a barrack by themselves. There are perhaps 50 men of this kind in each of the homes. They could be segregated in a barrack by themselves. In many cases they are not mentally responsible. In many cases after the pension-money jag wears off these so-called delinquents would be amenable to kind, considerate treatment, if offered by the officials, and respond to it.

Mr. BURKE of South Dakota. Would they not resent that segregation?

Mr. ANTHONY. Oh, yes; they would; but I think that——

Mr. MADDEN. And would they not, in a sense, be placed on a roll of dishonor?

Mr. ANTHONY. Oh, no.

Mr. MADDEN. Are not these men in receipt of pensions?

Mr. ANTHONY. Yes; most of them. They get their pensions every three months. A man of that class, when he gets his pension, spends it in a day, perhaps. Then he would starve.

Mr. MADDEN. Let us assume for a moment that the gentleman spends all his income in a day. What would happen to him?

Mr. ANTHONY. Oh, well, perhaps I would have the physical ability to go out and hustle for a loaf of bread.

Mr. MADDEN. But if the gentleman's habits were such that he could not control them, he would not have the physical ability to go out and hustle.

Mr. ANTHONY. Then I would want to be treated just exactly as I would have the Government treat these unfortunate soldiers.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Wisconsin?

Mr. ANTHONY. Yes.

Mr. COOPER. Is it not a fact that many of these men are over 70 years of age and many of them are 75?

Mr. ANTHONY. That is true.

Mr. BURKE of South Dakota. Many of them are veterans of the Spanish-American War, their disability having occurred subsequent to their military service, and therefore they are not pensionable.

Mr. ANTHONY. A statement that I will put in the RECORD comes from a veteran of the Spanish War, now afflicted with tuberculosis. He was at the Battle Mountain Home, and he voluntarily left that home in order to save his life, as he put it.

Mr. BURKE of South Dakota. I think the man in question was expelled, was he not?

Mr. ANTHONY. I think the gentleman is mistaken. I have taken the pains to get this man's record, and I find——

Mr. BURKE of South Dakota. Will the gentleman give the name?

Mr. ANTHONY. Yes. The name is Wilford Davis.

Mr. BURKE of South Dakota. I am not familiar with that name.

Mr. ANTHONY. I will say to the gentleman that a favorite method of the board of managers of defending themselves against attack, whenever a veteran makes complaint about one of these homes, is to reply with an attack upon the character of the soldier, in order to discredit what he says; but I have been very careful in the statement I will place in the RECORD to see that every soldier whom I have quoted in this statement has been honorably discharged from these homes and has a good record.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. ANTHONY. Certainly.

Mr. MADDEN. What percentage of the total home membership would be included in the list of unfortunates that the gentleman has been describing?

Mr. ANTHONY. In my judgment, I should say probably 10 or 15 per cent of the total membership are unable to take care of themselves properly.

Mr. MADDEN. Does the gentleman think it is fair to arraign the management of the home because that 10 or 15 per cent are not allowed to run the home?

Mr. ANTHONY. I think I am entirely fair. I do not care how low in the scale of humanity one of these veteran soldiers may have sunk. I say if that man has become weak or unable to take care of himself, and has perhaps taken on vicious habits, it is all the more incumbent upon this Government to extend to him a helping hand, instead of kicking him out upon the street. [Applause.]

Mr. MADDEN. I entirely agree to that. I think the gentleman will agree, however, that there ought to be some restraining influence somewhere, by means of which the homes can be managed, and they can not be managed by people who are going to kick over the traces on every occasion.

Mr. ANTHONY. That is the purpose for which we have the officials there, to manage the homes, and I know of no body of men anywhere who are more amenable to discipline and reason than the veteran soldiers in these homes.

Mr. FOSTER. Will the gentleman yield?

Mr. ANTHONY. Certainly.

Mr. FOSTER. Along the line suggested by the gentleman from Kansas, I want to state that I have had complaints about the Battle Mountain Sanitarium. I have in mind an old soldier who was thrown out of the Battle Mountain Sanitarium, and who has now gone back to the State of Illinois and located in the State home at Quincy; a man who ought to have the kind of treatment that the Government affords to the inmates of the Battle Mountain Sanitarium, but can not get it, because the governor of the home concludes he is not a fit person to be in that home.

Mr. BURKE of South Dakota. Will the gentleman give us the name of the man?

Mr. FOSTER. I have the soldier's letter and can give his name to the gentleman.

Mr. BURKE of South Dakota. If the gentleman from Kansas [Mr. ANTHONY] will permit me, I will state that there have been some complaints from the Battle Mountain Sanitarium. Three members were recently expelled from that institution, and they have made complaints to many Members of the House, and it was brought to the attention of the House by the gentleman from Illinois [Mr. BUCHANAN] recently. I have received a statement from one or more officials of the home, and also from the president of the board, and under the five-minute rule I expect to bring it to the attention of the committee. I have not assumed to refute the charges and asked the gentleman from Kansas [Mr. ANTHONY] with reference to a resolution that he stated had been reported from the Committee on Military Affairs for the appointment of a subcommittee from that committee to investigate all of these homes. My desire is, and I think it is the desire of the management of the Battle Mountain Sanitarium, that there may be such a committee, in order that there may be an investigation.

With reference to these members who were expelled, I will say to the gentleman from Illinois [Mr. FOSTER] that they were expelled upon the report of a committee appointed by the commander of the National Spanish War Veterans' Association, who went to the home and made an investigation and recommended that these three particular members be expelled, and they were expelled. I understand that one of them has gone to his home in Illinois, and he may be the one to whom the gentleman from Illinois [Mr. FOSTER] refers. One of the others has also left Hot Springs and returned, I presume, to his home somewhere outside of South Dakota.

Mr. FOSTER. If the gentleman from Kansas [Mr. ANTHONY] will permit, I will say it is claimed that they expelled these men upon some report made by some official, without giving these men an opportunity to say a word as to whether these charges were true or untrue. They threw out these men and compelled them to go back to the States from which they came without giving them an opportunity to defend themselves and without giving them an opportunity to live where they might live in some sort of comfort and prolong their lives after serving their country, because, forsooth, they do not do as these officials think they ought to do. I think the greatest trouble with these men is that they are not lenient enough and not patient enough with those unfortunate people.

Mr. BURKE of South Dakota. I do not wish the gentleman from Illinois to understand me as saying that there may not be cause for these complaints; but as to the three members whom I have in mind, they were dismissed from the home by order of the board of managers upon the report and recommendation of a committee appointed by the Spanish War Veterans' Association, and therefore the board of managers are responsible, and not the governor, for their dismissal or expulsion.

Mr. ANTHONY. Let me give the gentleman from South Dakota a little information in reference to these three men to whom he refers. This purported investigation by the committee was, as I am informed, under the personal auspices of the board of managers. In other words, it was one of these personally escorted affairs.

Mr. FOSTER. I think the gentleman from Kansas is entirely correct about that.

Mr. ANTHONY. I know I am right, because I have a letter from one of that committee before the investigation severely denouncing the board, and one afterwards practically apologizing for the delinquencies he found, and a later letter from another

Mr. BRYAN. This matter is of more importance than ordinarily would be thought, because if these battleships are docked at Hunters Point the Union Iron Works will have the repairs, which will amount to a tremendous expenditure. The Government has a thoroughly equipped dock at Puget Sound and will have another one down at the Panama Canal, and why a third dock should be established at Hunters Point at Government expense and owned by a private concern I can not see.

Mr. PADGETT. It is not to be at the Government expense; the contract is only to run for not exceeding six years. I have no objection to submitting it to the House and letting the House pass on the matter.

Mr. FITZGERALD. It will never be ready for the ships that pass through the Panama Canal at the opening.

Mr. PADGETT. No; the contract provides that it is to be established in two years.

Mr. BRYAN. The understanding is that they have got to have this dry dock for commercial ships, and that the dock will be constructed whether Uncle Sam makes a contribution or not. The objection I have is that it involves the dockage and repairing of ships in a private concern.

Mr. PADGETT. This is no contribution; it is simply for the use of the dock. It is 900 miles north to Bremerton and 1,500 or 2,000 miles, I think, to Balboa dock. The Government can use the dock at a cost of not exceeding $50,000 a year, and I think will make a great saving.

Mr. BRYAN. Of course, this is right near the Mare Island Yard.

Mr. PADGETT. But the Mare Island Yard at present is not equipped for the larger ships, and they only pay here a charge that is fixed not to exceed the commercial rates.

Mr. FITZGERALD. There is a provision that they may pay more than $50,000 a year.

Mr. PADGETT. If they do exceed the commercial rates.

Mr. FITZGERALD. The Senate passed a bill that it should not exceed $50,000 a year, and I think a provision should be put in here to that effect.

Mr. PADGETT. If we should limit it in that way and an emergency should arise, they could not expend more than $50,000 per year and they could not take care of the emergency.

Mr. FITZGERALD. A provision can be framed for all the dockage necessary at an expenditure of not to exceed $50,000 a year.

Mr. PADGETT. But if the dockage at commercial rates should amount to more than $50,000 a year——

Mr. FITZGERALD. It might be advantageous to make special rates for the Government.

Mr. BARTON. Mr. Chairman, there was a provision in the House bill for the appointment of a commission to investigate the feasibility of erecting an armor plant. I know how the chairman expressed himself as being favorable to the proposition while in the House, and I would like to know if we can be permitted to have a vote on it.

Mr. PADGETT. I do not know of any opposition to it. The committee reported a proposition of this kind, and I know of no opposition.

Mr. UNDERWOOD. Mr. Chairman, I do not desire to delay the expeditious passage of this bill. I think we all desire to get away from here as soon as we can, but it is necessary to pass this bill before we go. As to the dock in San Francisco, I think if it was only the dockage charges of $50,000 a year, it would be a reasonable charge for the use of a great dock, because it probably costs from one to three million dollars to build a dry dock.

Mr. PADGETT. I think this one will cost not less than $2,000,000.

Mr. UNDERWOOD. But I desire to call the gentleman's attention to this fact. You dock a ship because it requires repairing, and if you dock it at a private yard the repairing will necessarily have to be done by the forces of the private corporation and take it away from the Government yards.

Mr. PADGETT. That is not contemplated. It is contemplated by the department to use the men at the Mare Island yard to do the work in the dock.

Mr. UNDERWOOD. How can that be done if the docking is to be done at a place not adjacent to the yard? How far is it from this dock to the Mare Island yard?

Mr. PADGETT. Twenty-eight miles. The men would go back and forth on the transports or tugs.

Mr. UNDERWOOD. And you would have to remove the entire force and the machinery for the work?

Mr. PADGETT. Not the machinery. In the cleaning of the ship they would transport the men back and forth from the dock to the yard.

Mr. UNDERWOOD. But you do not dock ships for the purpose only of cleaning off the barnacles, but you dock them for repairs as well. Will not that be considerably more expensive than if you provided for docking the ships in a Government yard?

Mr. PADGETT. If the department found that the repairs were of such a character that they could be done at the yards for less than it could at the dry dock, they would do it that way.

Mr. UNDERWOOD. In the end would it not result that this provision, if it should be adopted, would carry the repairs of these ships into these private yards?

Mr. PADGETT. It might carry some into them.

Mr. UNDERWOOD. It seems to me that there ought to be a provision in the bill to provide against that.

Mr. PADGETT. This provision does not carry any obligation on the part of the Government to employ the men in these private yards.

Mr. UNDERWOOD. I know; but the natural result will be that, if the ship is docked in private yards, to have the repairing done by the private yard, and ultimately it will lead to extreme charges, which I think the conferees ought to guard against.

Mr. FITZGERALD. In the past the private yards have been trying to do the repair work for Government vessels.

Mr. FOSTER. The gentleman would have no objection to the House discussing the provision before the conferees agree to it?

Mr. PADGETT. No; if it wants to.

Mr. FOSTER. I think it ought to.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. UNDERWOOD. One minute to interrogate the gentleman, if he will yield to me for that purpose.

Mr. PADGETT. Yes, sir.

Mr. UNDERWOOD. When the bill was before the House there was a question raised here as to the building of a dry dock at Pearl Harbor, and I desire to inquire whether that provision has been put back into the bill by the Senate?

Mr. PADGETT. It has.

Mr. UNDERWOOD. Has the gentleman any information further than what he had when the bill was before the House?

Mr. PADGETT. No, sir. We went into it very fully then, and the hearings give very full information in regard to it, but I do not think the Senate has conducted any further hearings.

Mr. UNDERWOOD. I do not desire to stop the gentleman's bill, but I hope before that proposition is agreed to I may have a chance to confer with him about it.

Mr. PADGETT. I would be very glad to do so.

Mr. BRYAN. Mr. Speaker, along the line suggested by the gentleman from Alabama, I desire to state that the dry dock can not in any event be considered an entity by itself. You can not drive a rivet without compressed air, you can not lift a propeller without an electric station on the ground, and hence a dry dock is part of a navy yard, and you have got to take all the rest in connection. Now, as to the $50,000, that is not required at all for the use of the dock, but we are only agreeing to patronize it to the extent of $50,000. We may patronize it to the extent of $1,000,000 a year, but we bind ourselves to patronize it to the extent of $50,000, and if the docking of two ships takes all the $50,000 then, of course, we will continue under the language of the bill without restriction.

Mr. PADGETT. There is no obligation to go beyond the $50,000, but there is an obligation to take that much.

Mr. WITHERSPOON. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. WITHERSPOON. I understood the gentleman to state to the House that we had hearings before the Committee on Naval Affairs on this matter?

Mr. PADGETT. No; I said the hearings contain information about it, but there were no specific hearings other than what the Secretary stated about it, but there is a good deal of information in the hearings about it.

Mr. WITHERSPOON. The truth about the business is nobody has been before the Committee on Naval Affairs to tell us anything about the facts of this except the statement that the gentleman made of information given in the conference between the gentleman and Mr.——

Mr. PADGETT. I stated on the floor of the House and I want to say here there is a good deal of information, and it was commented upon when the bill was before the House.

Mr. GARNER. The gentleman from Alabama suggests before the gentleman agrees to the Senate amendment he will give the House a chance to discuss the amendment.

Mr. PADGETT. As to what?

Mr. GARNER. As to the Pearl Harbor proposition.

Mr. PADGETT. I did not understand the gentleman from Alabama to say that. He said he wanted to speak to me personally about it.

Mr. GARNER. We want that agreement. I do not think it ought to be a conference only between as distinguished a gentleman as the leader of the majority and the chairman of the committee on a proposition that attracted so much attention at the time without the House having a chance to discuss the matter.

Mr. PADGETT. I have no objection, but I did not understand the gentleman to ask other than——

Mr. UNDERWOOD. I do not go that far, but I want to give some further investigation to the matter, because I was not thoroughly satisfied and the gentleman stated he had no further information, and I desire to make some investigation myself.

Mr. PADGETT. All right, sir.

Mr. MANN. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee? [After a pause.] The Chair hears none.

The Chair announced the following conferees: Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER.

EXTENSION OF REMARKS ON LATE REPRESENTATIVE PEPPER.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a tribute on the late Congressman PEPPER. I will say I was not here on the day set apart, nor was I here within five days thereafter.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks by printing a speech on the life, character, and public services of the late Representative PEPPER. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. GILLETT. Mr. Chairman, I yield 30 minutes to the gentleman from Kansas [Mr. ANTHONY]. [Applause.]

Mr. ANTHONY. Mr. Chairman, remarkable as it may seem, there is over $5,000,000 in the present bill under consideration, which carries more than $100,000,000 for various branches of the Government, which is expended without responsibility to any one of the executive departments of the Government. Because of this defect in the laws creating national soldiers' homes evils have arisen. Now, the few remarks I am going to make will be related to the expenditure of these $5,000,000; and before proceeding I want to ask unanimous consent to extend my remarks in the RECORD by the insertion of a very remarkable letter from a member of one of these branches of the Soldiers' Home setting forth conditions which prevail, and I also ask unanimous consent for the publication of several extracts bearing on conditions there.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by inserting the matter indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Chairman, the complaints that have come to Congress in the last year from the several branches of the Soldiers' Home have grown to such an enormous number that I believe the time has come when Congress ought to take some action in relief of the situation that is there presented. I have received myself probably 1,000 letters from members of these homes concerning the conditions. The Committee on Military Affairs has in its archives hundreds, if not thousands, of letters bearing upon the same subject. The question is, What is the cause of the trouble? I can answer it in a very few words. It mainly arises from the fact that the men are not properly fed; and the situation can be explained in a very few words when I state to the committee that of the $5,000,000—or, rather, of the $4,000,000—which directly goes in this bill to the support of the 10 branches of the Soldiers' Home, 32 per cent of that enormous amount of money goes for the salaries of employees connected with those institutions, and only about 15 per cent for the subsistence or food of the 17,000 to 19,000 soldiers who are members of these homes.

The fact is, gentlemen, that the subsistence of these men is so stinted that they are not being fed in a manner consistent with their age and with the needs of a body of men like that. The figures show—and they will be found in the matter which I will introduce in the RECORD—that the average cost of a ration in the homes during the past year was about 22 cents per day per member; that is, in the volunteer homes, provision for which is made in the sundry civil bill. And I want you to compare that cost with the subsistence cost of a member of the home right here in Washington, the Regular Army Home, administered under the supervision of the War Department, where that department allows 35 cents a day for the subsistence of a veteran of the Regular Army who is cared for in that home. And, again, the parsimonious management of these Volunteer homes allows about 24 cents per day for the subsistence of a sick soldier in one of the Volunteer home hospitals, whereas in Washington, at the Regular Army Soldiers' Home, the cost runs about 44 cents a day. At the Fort Bayard (N. Mex.) Sanitarium for the soldiers of the Regular Army afflicted with tuberculosis they allow about 48 cents a day for subsistence. At the Battle Mountain Sanitarium the veteran Volunteer soldier who fought in the Civil War and the Spanish War—and all of them are suffering from tuberculosis—is maintained at the cost of about 24 cents a day. Now, that is the difference between good food and bad food—between, practically, starvation and feeding the men in a manner in which a veteran soldier should be subsisted—and those figures practically tell the whole story. There is undoubtedly plenty of rough food furnished in the Volunteer Homes, but the general opinion of those who know is that it is miserably cooked, and that there is not a sufficient variety suited for aged and invalid men. From a discussion of this matter with hundreds of the soldiers who are interested and with a number of the officers of the Army who have given the matter careful consideration, I arrived at the conclusion that the proper remedy was the transfer of the control of these 10 soldiers' homes from the present board of managers to the supervision of the War Department.

Right here in Washington, at the Regular Army Soldiers' Home, we have the spectacle of nearly a thousand soldiers living in absolute contentment. They are happy and well satisfied. In the 10 Volunteer Soldiers' Homes throughout the country we have nearly 19,000 men, half of whom are complaining of what the Government is giving them, and if you go among them you can see that they are unhappy; that they are discontented with their lot, and we are not doing what we can to make comfortable their last days on earth. In my visits to these Volunteer Homes they have impressed me as being conducted more in the nature of charitable or penal institutions than as homes of veteran soldiers of the greatest and most patriotic nation in the world. There is an air of oppression which pervades every one of them, and it only requires a visit or talk with the members to see that things are not as they should be.

I have offered the House in the nature of a bill, which I introduced some time ago, what I think is the remedy, and that is to transfer all these homes to the War Department. The Military Committee of the House took the bill under consideration. A subcommittee investigated it, probably not as thoroughly as it might have done had it had the time, but it went far enough to convince the committee that some necessity for action existed. And the Military Committee reported out a resolution introduced by the gentleman from Illinois [Mr. O'HAIR], which authorizes a subcommittee of the Committee on Military Affairs to make a proper investigation of these homes and to report to Congress on the conditions which exist and as to a proper remedy for the cure of any evil conditions. I am in hopes that this House may reach consideration of that resolution. It should be passed. We should give some relief to the hundreds and thousands of men who are asking for it, that we may do our part toward making their last days on earth comfortable at least.

The other branch of Congress has gone into this matter. Last year the Senate appointed a committee to investigate the California home. They have made a voluminous report of about 500 pages, every page of which bears out the statements I have made on the floor to-day. That committee recommended the discharge of a number of the officials of that home, including the governor. They found out that the charges made against the board were true and borne out by the facts. The facts in the Senate document alone are enough to warrant this House

NOMINATIONS.

Executive nominations received by the Senate June 9, 1914.

(Legislative day of June 5, 1914.)

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Maj. William F. Martin, Fifth Infantry, to be lieutenant colonel from June 5, 1914, vice Lieut. Col. William M. Wright, Nineteenth Infantry, detailed as adjutant general on that date.

Capt. John McA. Palmer, Fifteenth Infantry, to be major from June 5, 1914, vice Maj. William F. Martin, Fifth Infantry, promoted.

POSTMASTERS.

ALABAMA.

Charles E. Niven to be postmaster at Columbiana, Ala., in place of J. H. Mason, resigned.

TENNESSEE.

G. W. Bell to be postmaster at Bells, Tenn., in place of William R. Williams. Incumbent's commission expired April 21, 1914.

Isaac Milton Steele to be postmaster at Ripley, Tenn., in place of John D. Tarrant, jr. Incumbent's commission expired May 31, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 9, 1914.

(Legislative day of June 5, 1914.)

UNITED STATES ATTORNEYS.

Perry B. Miller to be United States attorney for the Western District of Kentucky.

Charles L. Rigdon to be United States attorney, district of Wyoming.

Alfred Jaques to be United States attorney, district of Minnesota.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Walter H. Chatfield to be colonel.
Lieut. Col. Charles H. Barth to be colonel.

CAVALRY ARM.

First Lieut. Otto W. Rethorst to be captain.
First Lieut. Robert Sterrett to be captain.
Second Lieut. Frederick S. Snyder to be first lieutenant.
Second Lieut. William C. Christy to be first lieutenant.
Second Lieut. Sloan Doak to be first lieutenant.
Second Lieut. Leland Wadsworth, jr., to be first lieutenant.

COAST ARTILLERY CORPS.

Capt. Laurence C. Brown to be major.
First Lieut. Walter Singles to be captain.
Second Lieut. Edward L. Dyer to be first lieutenant.
First Lieut. Albert H. Barkley to be captain.
Second Lieut. Joseph F. Cottrell to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL CORPS.

To be first lieutenants.

Charles Lewis Gaudy.
Alexander Watson Williams.
Louis Hopewell Bauer.
William Washington Vaughan.
John Berwick Anderson.
Elde Frederick Thede.
Walter Paul Davenport.
Harry Neel Kerns.
Robert Henry Wilds.
Austin James Canning.
Lanphear Wesley Webb, jr.
John Henry Hedley Scudder.
Wilson Carlisle von Kessler.
John Murdoch Pratt.
Coleridge Livingstone Beaven.
William Guy Guthrie.

MEDICAL RESERVE CORPS.

To be first lieutenants.

George Schuyler Bangert.
Arthur William Charles Bergfeld.
Joseph Bidleman Bissell.
Swithin Chandler.
Leo Eloesser.
Erle Franklin Fisher.
Leonard Davis Prescoln.
Oscar Amadeus Hansen.
John Everett Hewitt.
Allen Jones Jervey.
Homer Hill Lewis.
William Hay McLain.
Robert Daniel Maddox.
Irwin Beede March.
Harry Stoll Mustard.
John Henry Wallace Rhein.
Michael Joseph Sheahan.
William Atmar Smith.
James Evans Stowers.
Julius Frederick Zeuneck.

APPOINTMENT IN THE NAVY.

William E. Lawhead to be an assistant surgeon in the Medical Reserve Corps.

POSTMASTERS.

MICHIGAN.

W. M. Beadle, Marcellus.
F. J. Bertschy, Spring Lake.
Henry C. Glasner, Nashville.
Walter E. Hodges, Pentwater.

TENNESSEE.

G. W. Bell, Bells.
William B. Hunt, Tellico Plains.
Isaac Milton Steele, Ripley.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 9, 1914.*

The House met at 12 o'clock noon.

Rev. Jay T. Stocking, of the First Congregational Church of Washington, D. C., offered the following prayer:

Our Father, we thank Thee among Thy manifold gifts to us for our part in the good world's work. Give unto us vision, faith, courage, and conscience that we may do our work well and play the man. Let Thy blessing rest upon this House, its Speaker, its officers, that they may be in every way adequate for the varied demands of the day. For the glory of our country and our God. Amen.

The Journal of the proceedings of yesterday was read and approved.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2304. An act for the relief of Chris Kuppler; to the Committee on Claims.

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

S. 4449. An act for the relief of Frank Austin and others; to the Committee on Claims.

S. 3800. An act making an appropriation for aids to navigation in Alaska; to the Committee on Interstate and Foreign Commerce.

S. 1281. An act providing for the retirement of certain officers of the Philippine Scouts; to the Committe on Military Affairs.

S. 3761. An act for the relief of Matthew Logan; to the Committee on Military Affairs.

S. 229. An act for the relief of John P. Wagner; to the Committee on Military Affairs.

S. 1808. An act for the relief of Benjamin E. Jones; to the Committee on Claims.

S. 2245. An act for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on Claims.

S. 23. An act for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District; to the Committee on Claims.

S. 1063. An act for the relief of Philip Cook; to the Committee on Military Affairs.

S. 11. An act for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandell, owners of lots Nos. 53, 54, and

55, in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, in said District; to the Committee on Claims.

S. 4969. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors; to the Committee on Pensions.

S. 31. An act for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on Claims.

S. 4311. An act for the relief of Edward Stewart; to the Committee on Military Affairs.

S. 201. An act for the relief of John W. Cupp; to the Committee on Claims.

S. 691. An act for the relief of Simon M. Preston; to the Committee on Claims.

S. 1216. An act for the relief of Oakley Randall; to the Committee on War Claims.

S. 387. An act relating to bills of lading; to the Committee on Interstate and Foreign Commerce.

S. 2538. An act to repeal sections 1538 and 1539 of the Revised Statutes; to the Committee on Naval Affairs.

S. 5235. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States; to the Committee on Indian Affairs.

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

S. 5433. An act to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910; to the Committee on the Public Lands.

S. J. Res. 155. Joint resolution to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914; to the Committee on Ways and Means.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of the Civil War, disagree to the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 12045, an omnibus pension bill, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

There was no objection.

The Chair announced the following conferees: Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 14034, the naval appropriation bill, disagree to all of the Senate amendments thereto, and ask for a conference.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to take from the Speaker's table the bill H. R. 14034, the naval appropriation bill, disagree to the Senate amendments thereto, and ask for a conference. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I desire to ask the chairman of the committee about some of the Senate amendments. As I observe, quite a number of amendments have been placed in the bill by the Senate in which the appropriations are made available until expended. It seems to me that that is a departure from the line of holding in appropriations, having them extend from year to year. It is not a good policy to pursue.

Mr. PADGETT. Mr. Speaker, I will state to the gentleman that in the House we fixed a time limit, and I am in sympathy with the views expressed by the House.

Mr. FOSTER. I would not want the conferees to agree to those provisions, so far as I am concerned, without giving the House an opportunity to vote upon them and to express its opinion as to whether it desires to agree to a lot of appropriations that shall be available until expended.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. FOSTER. Yes.

Mr. GARNER. The chairman of the committee originally carried the same identical provision in his bill, and of course there will be great pressure brought to bear on the conferees to insist upon their agreeing to what they originally wanted in the bill. I think it is nothing but proper for us, if necessary and the committee thinks they need that backing up, to instruct the conferees to insist upon the views of the House.

Mr. PADGETT. I do not think on that question it is necessary.

Mr. GARNER. I am very glad to hear the chairman state that. The chairman will remember that this matter was discussed at the time.

Mr. PADGETT. And the gentleman will remember the position the chairman took on the floor of the House.

Mr. GARNER. I recall it very well. I called it to the attention of the gentleman from Tennessee in the second item that carried this particular language, and he agreed then to limit it to two years, thinking that would be sufficient to carry out the needs of the Navy Department. I hope he will insist that the House provisions remain in the bill.

Mr. FOSTER. Mr. Chairman, there is one other matter that I desire to ask the chairman about, and that is amendment No. 71, in reference to the sale of two battleships now belonging to the Navy, namely, the *Idaho* and the *Mississippi*. This is such a radical departure that I could not consent, without sufficient debate, to agree to that until we would have an opportunity to consider the question in the House.

Mr. PADGETT. Mr. Speaker, I will state to the gentleman what I stated to the leader of the minority, the gentleman from Illinois [Mr. MANN], on yesterday, in conversation, that that is a matter upon which the House has not expressed itself, and I will state for myself, and as far as I am able for the conferees, that that matter will be brought to the House and the House will have an opportunity to vote upon it.

Mr. FOSTER. So that the conferees would not agree to that amendment without a thorough discussion of the matter in the House?

Mr. PADGETT. No.

Mr. FITZGERALD. Mr. Speaker, amendment No. 72 makes all of the appropriations in this bill immediately available.

Mr. PADGETT. There will be no necessity for that, because it will be July when the bill is passed.

Mr. FITZGERALD. It may not be July, but I believe that the House should have an opportunity to pass upon that amendment before it is agreed to. It absolutely destroys our whole fiscal system. It will destroy the fiscal year.

Mr. PADGETT. The gentleman need not worry himself over that amendment.

Mr. FITZGERALD. Upon the assurance that the House, if the Senate is insistent upon the amendment, will have an opportunity to express its views before any agreement is reached, I shall not oppose it at this time.

Mr. PADGETT. I do not think the gentleman need give himself any anxiety with respect to that.

Mr. BRYAN. Mr. Speaker, will the gentleman yield?

Mr. PADGETT. Yes.

Mr. BRYAN. I do not know the number of the amendment, but I understand the Senate has reinserted the provision authorizing the Secretary of the Navy to contract with the Union Iron Works for patronage to a private dock, which they are to construct in San Francisco Bay, at $50,000 a year, and I would like to know what the view of the chairman is in respect to that amendment?

Mr. PADGETT. That is the same provision which the committee reported, and, speaking frankly to the gentleman, I should be inclined to concur in the amendment.

Mr. FITZGERALD. Mr. Speaker, the Senate passed a bill in which it provided that not more than $50,000 a year should be paid for the use of that dock. My recollection is the amendment in the bill is that at least $50,000 shall be paid. That is a somewhat radical change of position on the part of the Senate.

Mr. PADGETT. This is the provision that was in the House bill.

Mr. MANN. The Senate amendment provides for an expense of $50,000 a year.

Mr. FITZGERALD. The Senate passed a bill some time ago providing that not more than $50,000 a year should be paid. I believe the House should have an opportunity to vote on that question as to whether we will subsidize a private company to build a dock or whether the Government should build the dry dock itself.

But, Mr. President, I say if that argument is a good one now, I point to the fact that Senator VARDAMAN is following the leadership of Senators upon the other side of the Chamber and following a majority of the Republicans of this Chamber. I do not present that argument because it has any merit; I present it because I deem it a worthy and fit reply to the suggestion made by the Senator from Mississippi.

Speaking for the great Commonwealth of Kentucky, I rejoice to take my stand with President Wilson. Practically the men of that State of all parties and creeds are supporting him in this battle against subsidy. I delight in the thought that no monopoly can make our President surrender the people's money to it. No fake or false cry of "surrender" can drive him from the position that a Nation's honor must be as pure as the mothers' hearts who prayed, as clean as the fathers' hands who fought to create this great Republic to have it take its place among the nations of the earth. Mr. President, against the insolent demands of this monopoly for this subsidy I place the rights of every taxpayer in this Nation; those who by toil in the field and the forest, the shop and the factory pay the taxes that built this canal, pay the taxes that must operate and maintain it. In their interest I solemnly and emphatically insist that this great engineering feat shall not be made the vehicle upon which greed shall raid the Public Treasury and exploit our people.

Mr. President, the people of the Unit. d States of America demand the repeal of the tolls-exemption clause of the Panama Canal act; first, because it violates this Nation's honor; and, second, because it violates the best-known principle of popular government—equal rights to all and special privileges to none.

Mr. THORNTON. Mr. President, I do not propose to discuss any phase of this question that I mentioned in my address to the Senate on the 9th of May, but I wish briefly to allude to two points in connection with it which have been given prominence in the debate since that time.

Some Democratic Senators in this body who are opposed to the repeal of the exemption clause of the canal act lay great stress on the fact that a provision of the Baltimore convention declared in favor of the exemption of American vessels in the coastwise trade from the payment of tolls.

I think that I realize as much as any other party man the general obligation of observing the declarations contained in a party platform; but I wish to say, further, that the principle has its limitations. It is to be presumed that a plank in a platform is placed there by its framers because they suppose that the effect of it will be conducive to the general interest, and just so long as they are satisfied that that plank is conducive to the general interest they are justified in standing by that provision, but not one moment longer.

If it should become evident to the members of a political party after a declaration had been put in a platform that its effect would not be conducive to the public interest, it is their duty to the public not only to refrain from trying to carry it into effect, but if any steps have been taken to carry it into effect, then patriotism and public duty require that they should endeavor to undo what they have already done in that direction.

I have not the slightest idea, if the report of the House Committee on Merchant Marine and Fisheries, following their investigation of shipping combinations, and likewise the testimony taken recently before the Senate Interoceanic Canal Committee, had been known before the meeting of the Baltimore convention that the tolls-exemption plank would ever have gone into it.

At this time those who are satisfied from the investigation that has been made since and from the evidence that has been adduced which was not accessible before that that particular plank in the platform is wrong are justified in not insisting upon it, and would not be justified if they did not strive to repeal it to the extent of undoing anything that has already been done in the direction of putting it into effect. Nor have I the slightest idea that President Wilson, if that knowledge had been in his possession at the time he made that New Jersey speech, which has been so harped upon here by the Democratic as well as the Republican opponents of repeal, would have made it.

I know that I changed my position on the subject on account of this new evidence that was not accessible before; the knowledge brought to me that had not been and could not be brought to me before; and I assume that the President of the United States has just as much right as I have to change his opinion, based upon a sincere conviction that he was mistaken in the premises. I say that I honor him. I feel far more respect for him for the position he now occupies since he has discovered that his first position was wrong than if he had continued to maintain that position just because it was a part of the party platform.

To one who persists in a course which he had originally adopted because he thought it was right, and, who still thinks it is right, can be applied the expression that "consistency is a jewel"; but to him who persists in a course that he has once adopted because he thought it was right, but now is convinced that it is wrong, can be applied the expression, "Consistency is the main virtue of fools."

I think that those Democrats in this body who are so much disturbed on account of the change of position of the President on this question since he made that New Jersey speech are very unduly disturbed, much more disturbed on account of it than the President himself is.

It has also been stated, with more or less dramatic effect, by Democratic Members of this body who are opposed to repeal that if this bill is passed it will mean the loss of power of the Democratic Party in the approaching elections; and if it shall happen that the party loses in the fall elections, or that its power is considerably decreased, they will most certainly claim that the effect was due to that cause, and in the nature of things it could not be proven that it was not so. I said in my address of the 9th of March that if the Democratic Party should be defeated in the approaching elections it would not be due to the passage of this bill, but to other causes; and, of course, if that contingency should happen, I would not be able, either, to prove the truth of my assertions. Even, however, if the party should be defeated for that reason, in my judgment, it is far better that it should be defeated on account of trying to uphold the right than succeed on account of trying to uphold the wrong, for I believe that in the ultimate outcome any political party will be benefited by an adherence to principle, rather than by a resort to expediency.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. BUTLER managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUSSELL, Mr. ADAIR, and Mr. LANGHAM managers at the conference on the part of the House.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution:

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.; and

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

PETITIONS AND MEMORIALS.

Mr. OWEN presented memorials of sundry citizens of Oklahoma, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of sundry citizens of Concord, N. H., and a petition of the congregation of the First Baptist Church of Laconia, N. H., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PERKINS presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an appropriation for the construction of the San Carlos Dam, in Arizona, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a memorial of the Humboldt Chamber of Commerce, of Eureka, Cal., remonstrating against the passage of antitrust legislation at this session, which was referred to the Committee on Interstate Commerce.

He also presented memorials of sundry citizens of Los Angeles, Cal., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of El Centro Cal., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, 1914.

Resolutions relative to the purchase of bunting for the manufacture of the United States Flag.

Whereas bids for the supply of bunting for the manufacture of the United States Flag have been received by the Navy Department of the United States from foreign firms or corporations in response to advertisements for bids issued by the said department; Be it

Resolved, That the General Court of Massachusetts hereby protests against the granting of any contract to any foreign person or corporation for the supply of bunting for the Flag of the United States as being unwarranted, unpatriotic, and improper.

Resolved, That copies of these resolutions be transmitted by the secretary of the Commonwealth to the Secretary of the Navy Department of the United States, and to the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted May 25, 1914.
In senate, adopted, in concurrence, May 29, 1914.
A true copy.
Attest:

FRANK J. DONAHUE,
Secretary of the Commonwealth.

Mr. LODGE presented a petition of Local Union No. 444, United Brotherhood of Carpenters and Joiners of America, of Pittsfield, Mass., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of Local Union No. 15, United Hatters of North America, of South Norwalk, Conn., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Cheyenne, Worland, Fox Park, Carpenter, Powell, Greybull, Burns, Iogan Kara, Sundance, and Arcola, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LEA of Tennessee presented petitions of sundry citizens of Harriman and Tullahoma, and of the congregation of the Presbyterian Church of Knoxville, all in the State of Tennessee, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Erin, Springfield, Henryville, Nashville, Martin, Fayetteville, and Ridgedale, all in the State of Tennessee, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, relative to the purchase of bunting for the manufacture of the United States flag, which were referred to the Committee on Finance.

Mr. JOHNSON presented a petition of the congregation of Monument Square Methodist Episcopal Church, of Camden, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 5765) granting an increase of pension to Minerva Freeman (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 5766) granting an increase of pension to Cornelia A. Anderson (with accompanying papers);

A bill (S. 5767) granting an increase of pension to Margaret A. Bitgood (with accompanying papers);

A bill (S. 5768) granting an increase of pension to Almira E. Briggs (with accompanying papers);

A bill (S. 5769) granting an increase of pension to Mary J. Campbell (with accompanying papers);

A bill (S. 5770) granting an increase of pension to Henry S. Gay (with accompanying papers);

A bill (S. 5771) granting an increase of pension to Mary A. Harrington (with accompanying papers);

A bill (S. 5772) granting an increase of pension to Agnes M. Heck (with accompanying papers);

A bill (S. 5773) granting an increase of pension to Louise M. Hume (with accompanying papers);

A bill (S. 5774) granting an increase of pension to Maria B. Hyde (with accompanying papers);

A bill (S. 5775) granting an increase of pension to Maria Lewis (with accompanying papers);

A bill (S. 5776) granting an increase of pension to Johannah C. Mansfield (with accompanying papers);

A bill (S. 5777) granting an increase of pension to Jessie A. Maxson (with accompanying papers);

A bill (S. 5778) granting an increase of pension to Isabella A. Neff (with accompanying papers);

A bill (S. 5779) granting an increase of pension to Amelia M. Payson (with accompanying papers);

A bill (S. 5780) granting an increase of pension to Francis Robinson (with accompanying papers);

A bill (S. 5781) granting an increase of pension to Elizabeth C. Service (with accompanying papers);

A bill (S. 5782) granting an increase of pension to James Tucker (with accompanying papers);

A bill (S. 5783) granting an increase of pension to Ellen Twomey (with accompanying papers);

A bill (S. 5784) granting an increase of pension to Julia F. Whipple (with accompanying papers);

A bill (S. 5785) granting an increase of pension to Emily J. Williams (with accompanying papers); and

A bill (S. 5786) granting an increase of pension to Ida Ingraham (with accompanying papers); to the Committee on Pensions.

By Mr. WEEKS:

A bill (S. 5787) providing for the promotion of certain officers of the Navy or Marine Corps, on retirement, to the next higher grade; to the Committee on Naval Affairs.

By Mr. SHIVELY:

A bill (S. 5788) granting a pension to Alice I. Henderson; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5789) providing for the erection of a public building at Hobart, Okla.;

A bill (S. 5790) to provide for the erection of a public building at Frederick, Okla.; and

A bill (S. 5791) providing for the purchase of a site and the erection of a public building thereon at Hugo, Okla.; to the Committee on Public Buildings and Grounds.

A bill (S. 5792) granting a pension to Samuel A. Blair; to the Committee on Pensions.

By Mr. JOHNSON:

A bill (S. 5793) granting an increase of pension to Elisha W. Ellis (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5794) granting an increase of pension to Marion D. Egbert; and

A bill (S. 5795) granting an increase of pension to Elizabeth Pangburn (with accompanying papers); to the Committee on Pensions.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS submitted an amendment proposing to appropriate $200,000 for the construction and equipment of a storehouse at the arsenal at Benicia, Cal., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on June 4, 1914, approved and signed the following act:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

NAVAL APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. THORNTON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. TILLMAN, Mr. SWANSON, and Mr. PERKINS conferees on the part of the Senate.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock to-morrow morning.

The motion was agreed to; and (at 10 o'clock and 45 minutes p. m.) the Senate took a recess until to-morrow, Wednesday, June 10, 1914, at 11 o'clock a. m.

amendment to it, but ought to have had one, and the Senator did not offer one, but moved to report it out without a publicity amendment, and it was reported out and passed.

Mr. O'GORMAN. Then, Mr. President, it seems that all the committee did on the occasion to which the Senator refers was to confirm an appointment made by the President of the United States.

Mr. JAMES. Oh, not at all, Mr. President. The Senator is clearly mistaken. The committee was considering a bill creating a new judicial district and providing for an appointment by the President. The Senator misstates the whole issue.

Mr. O'GORMAN. The bill originated in the House?

Mr. JAMES. I do not know whether the bill originated in the House or in the Senate, but it was in the Senate, and the bill was for the purpose of creating a new judicial district and a new judge, and not for the purpose of confirming an appointment. The Senator is very badly mixed up in his cards. He is not as familiar with Democratic platforms as I anticipated that he was.

Mr. O'GORMAN. I do not claim any particular familiarity with cards; I leave that distinction to the Senator from Kentucky; but I repeat, as I have said on a previous occasion, that at no time in my presence at a meeting of the Judiciary Committee was the question discussed as to whether the President of the United States had failed to comply with the provisions of the platform requiring that all indorsements for judicial positions should accompany——

Mr. JAMES. Again the Senator has mistaken the issue. The question was not what the President had done about making public any recommendation given to him. That was not the issue. The Senator helped to write the Democratic platform in which there was a plank which said that it was our policy to require by law all recommendations and all indorsements to be made public. My position is that the Senator as a legislator was helping to pass the bill through the Senate and did not carry out the promise of the Democratic platform in regard to that provision. The President had nothing to do with it. The President made no recommendation. It was a bill introduced by the Senator from West Virginia [Mr. CHILTON]. Not only that, Mr. President, but I have the record here of many other bills creating other new judicial districts and providing for appointments of judges that were introduced and before the committee of which the distinguished Senator from New York was a member, and to not a single one of those bills was there an amendment offered putting in effect the plank in the Democratic platform made at Baltimore.

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Montana?

Mr. JAMES. Certainly.

Mr. WALSH. I, too, am a member of the Judiciary Committee, and all the strictures addressed to the Senator from New York equally apply to myself. I therefore want to be clear about the attitude of the Senator from Kentucky. There is a plank in the platform calling for legislation requiring that the President of the United States should make public all recommendations for public office.

Mr. JAMES. Not at all. The Senator does not understand the platform. [Laughter.]

Mr. WALSH. Well, I am trying to understand the Senator. I understand he complains because the Democratic members of the Judiciary Committee, when the bill he speaks of was under consideration by it, did not offer an amendment calling upon the President——

Mr. JAMES. Providing by law.

Mr. WALSH. Exactly.

Mr. JAMES. That was the cause originally of the plank being placed in the platform.

Mr. WALSH. I understand the Senator distinctly. Accordingly every act of any kind which has during the present session come before this body, under the provisions of which any new office has been created, must carry with it a provision——

Mr. JAMES. Oh, the Senator, Mr. President, is not frank. The Senator is not fair in that statement.

Mr. WALSH. That when the officer is appointed the President of the United States shall make public the recommendations given concerning that office, and every Democrat here who, being a member of a committee to which any legislation of that character was submitted, did not propose an amendment of that kind is equally subject to the strictures of the Senator.

Mr. JAMES. The Senator need not undertake to interpret my speech. I want to say to the Senator that if he had read recently that plank of the platform he would not have made that statement. The reason why that plank was written in the platform was to apply particularly to the appointment of judges. That is why it was written there. And to whom would we look to throw the white light of publicity around judicial appointments except to such guardians of Democracy as Senator O'GORMAN and Senator WALSH? You gentlemen were upon the committee, and you can not escape whatever responsibility attaches to that neglect to carry out the promises of the Democratic platform by saying that some other Democratic Senator who was not on the committee and knew nothing about it ought to have done what you yourselves failed to do.

Mr. O'GORMAN and Mr. WALSH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Kentucky yield?

Mr. JAMES. I will yield to either Senator.

Mr. WALSH. I will ask the Senator if the meaning is not that there should be general legislation to that effect?

Mr. JAMES. I say to the Senator that the reason why it was written into the platform was because it was attached to a bill just like the one the committee of which he is a member struck it from and just like the others to which the committee failed to apply it. I can only answer the Senator by saying that the thing that brought about the writing of that plank I suppose was the thing that we desired to remedy.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I yield.

Mr. O'GORMAN. The Senator from Kentucky was a Member of this body when the bill to which he alludes passed this body.

Mr. JAMES. Certainly I was a Member of it, but I knew nothing about it. I was at that time, if the Senator will permit me, relying upon him. I knew what a guardian he was of the Democratic platform. I was out helping to make the tariff bill. I was sitting night and day in company with the Senator from Missouri [Mr. STONE], the Senator from Colorado [Mr. THOMAS], and the Senator from North Carolina [Mr. SIMMONS] on a subcommittee when this performance was going on, and I relied upon the Senator from New York. I will swear I did. [Laughter.] I had implicit confidence in the Senator from New York. [Laughter.]

The PRESIDING OFFICER. The Senate will be in order.

Mr. O'GORMAN. Was the Senator from Kentucky surprised that none of the Democratic membership of this body raised the point to which he referred.

Mr. JAMES. The Senator must not seek to escape by trying to secure from me a censure of his colleagues. I can not agree to do that, Mr. President.

I can not agree to that, Mr. President, because we all know that Senators who are on the committees are those to whom we look for guidance when a bill is brought before this body.

Mr. O'GORMAN. Mr. President, no matter what excuses may be offered by the distinguished Senator from Kentucky exculpating himself from responsibility for legislation which he now condemns——

Mr. JAMES. Oh, Mr. President, I am not the special guardian of the Democratic platform, as is the Senator from New York.

Mr. O'GORMAN. Evidently the Senator to-night thinks he is the special representative of certain elements of the party, and is making as good a defense of their party perfidy as his great ability makes possible.

Mr. JAMES. Perfidy! Mr. President, the idea of that word escaping the lips of one who advocates taking the public money and giving it to a monopoly as a subsidy! Perfidy indeed! [Applause in the galleries.]

The PRESIDING OFFICER. Occupants of the galleries must not express approval or disapproval of anything which takes place on the floor of the Senate; and the Chair will insist on the observance of the rule.

Mr. JAMES. Mr. President, I simply brought forward these Democratic acts and Democratic platform utterances in order to clarify in some degree the atmosphere in this Chamber. Suppose my friend the Senator from New York would yield to me to offer an amendment providing, as to the farmers of my State—and they are good people; they are deserving people; they are patriotic people—that a subsidy should be given to them of this sort, allowing them to ship or to have transported through the mails by parcel post, and that they should be exempt from postage to the extent of a hundred dollars per year in sending their eggs, their meat, and products of the soil to the market; that would be called socialism; that would be denounced vehemently; but when you have given it to a monopoly it rises above such low earth as that and treads upon the purer heights and mountain top of statesmanship. Whenever you take from all the people and give to a particular class, and especially if that class is a monopoly and does not need it, and is very rich, why, of course, that is Americanism; and gentlemen who do not do that must forever wear the brand of yielding cowardlike to Great Britain.

Mr. MARTINE of New Jersey. Mr. President——

Mr. JAMES. I am delighted to yield.

Mr. MARTINE of New Jersey. I can not resist stating to the Senator from Kentucky that I think he, in common with the greater part of the Senators from the South, voted for a subsidy to eradicate the cotton boll weevil, and some of the rest of us were duped into voting for it, too. Now, "acknowledge the corn." You did it in your interest——

Mr. JAMES. Mr. President, I have never heard the question of a subsidy raised; have never seen an attempt to take the public money and give it to a monopoly as a subsidy advocated by anybody in this Chamber when it was assailed that they did not talk about the cotton boll weevil.

Mr. MARTINE of New Jersey. Call it what you may, it is much of the same character, according to your idea.

Mr. JAMES. Oh, Mr. President, happily I can see a difference between taking a couple of million dollars a year out of the Public Treasury and ramming it into the pockets of a monopoly owned by a lot of very rich people up on the coast of New England and in New York, and appropriating a sum of money to try to eradicate the boll weevil that is destroying all the cotton of the toiling farmers, who wring from the earth under the sunny skies of Dixie that product which keeps the balance of the world's trade in our favor. Bless your soul, Senator, if you do not see any difference between those two things, your Democratic education has been sadly neglected. [Laughter.]

The PRESIDING OFFICER. The Senate and the galleries must be in order.

Mr. MARTINE of New Jersey. Mr. President, my education in the cause of Democracy has been at a shrine as pure and holy as that of the Senator from Kentucky. I say it is well for the Senator to defend his side of the question in breaking up a Democratic platform, but call it "subsidy" or whatever else you may, it is of the same kin and character as the illustration to which I have referred.

Mr. JAMES. Mr. President, I am perfectly content with my position. I am willing to account to the great people of Kentucky; and when the Senator from New Jersey speaks of the Democratic platform, to which one of the three planks does he refer—the two against subsidy or the doubtful one in favor of it? Whatever I may do about construing Democratic platforms, no President of my party will ever have me standing with the enemy firing upon him when he is fighting the greatest battle that was ever fought in favor of human rights and in the interests of the great mass of the American people.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from Oklahoma?

Mr. JAMES. I yield.

Mr. OWEN. Will the Senator from Kentucky permit me a moment to call his attention to the fact that the Democracy in not a single one of the 48 States authorized this subsidy to be put into the Democratic platform?

Mr. JAMES. Why, certainly not, Mr. President. You could not get 50 in a Kentucky Democratic convention of a thousand delegates to advocate a subsidy. It is antagonistic to the whole history and the whole teaching of the Democratic Party from beginning to end.

Mr. MARTINE of New Jersey. No; and you could not have got 50, I believe, in all the States of the Union that would have voted to expend money for the building of the Panama Canal, at a cost of $400,000,000, had they known that this was to be the policy of the United States Senate.

Mr. JAMES. Why, Mr. President, that is just where the Senator from New Jersey is in error. After the people dug the canal, at a cost of $400,000,000 to the taxpayers, then you take your ships there and say: "Here, take charge of us now; run us through. It will cost you on an average of $3,000 per ship, but you take us and run us through." Why do you not send the Government wagons out to the farmers in this country and haul their products to town free of charge. It would be just as fair as it is to haul the ships of monopoly through the canal without any charge. Why do you not pay the laborer's way to and from his daily toil? He needs it worse than this Rockefeller-Morgan-Wall Street monopoly does. But the worst of it all is you take from the farmer and the laborer and give to the monopoly

Mr. MARTINE of New Jersey. The Senator would go backward. The same argument that he advances would establish toll gates on every highway in our land.

Mr. JAMES. Ah, Mr. President, after we have dug the canal, after the ships go up to it, then your monopoly is not satisfied with the great expenditure of money. We do not want any profit; we do not ask any interest on the money; we ask only that you pay your proportionate part of the work we do for you; that is all, and nothing more. It reminds me of the fellow down in my community who would not work, and after the neighbors had become tired of giving him this and giving him that, aiding him and feeding him, a few of the boys, in a spirit of deviltry, one day said, "We will take this fellow, put him in a coffin, haul him to the graveyard, and bury him." They put him in the coffin and started with him to the graveyard, and as they were going along they met an old farmer with a load of corn, and he said, "Boys, who is dead?" They said, "Bill Jones." He said, "Is he dead?" They said, "No; but we are going to bury him anyhow." He said, "My goodness, you are not going to bury him alive, are you?" They said, "Why, certainly." He inquired why. They said, "Because he will not work. We have been giving him and giving him, and he will not do anything to support himself." The old man said, "Boys, do not do that; I will give him a load of corn." The fellow stuck his head out of the coffin and said, "Is it shelled?" The farmer said, "No." The man in the coffin said, "Drive on, then." [Laughter.] That is the way with the ship monopoly. After we have expended $400,000,000 digging that canal for them, then they come to the canal and say, "You dug it for us; now put us through it."

My friend the distinguished Senator from Mississippi [Mr. VARDAMAN], always happy and eloquent in expressing himself, proceeded to tell us in that very elaborate and excellent discourse he made on this subject that President Wilson had signed the death warrant of the Democratic Party. Mr. President, I should have expected that prophecy from some one upon the other side—some of our Republican friends, but not from a Democratic Senator, especially from Mississippi. I have heard the funeral of the Democratic Party preached many times, but always from the other side. They have told us of the impending death of this party of Democracy which was born before the Constitution and has buried every party that has contended against it, and I want to say to the Senator from Mississippi that if it shall ever go to its grave, which God forbid, the hand that takes its life will do something more than sign a bill repealing a subsidy to a monopoly. Signing a bill repealing a special privilege to a monopoly will come as near killing the Democratic Party as proclaiming anew the Ten Commandments would in killing the Christian religion.

But, Mr. President, the Senator from Mississippi tells us that ROOT and BRYAN are going hand in hand, side by side. Everybody nowadays takes a lick at Mr. BRYAN, but under each blow which they deal him he grows in strength and in the love and the confidence of the American people. ROOT and BRYAN side by side. What a powerful argument to drive the Democrats in favor of a subsidy. I, Mr. President, have always taken the position that I would not allow some one with whom I disagreed to select my position for me, and I would not allow the fact that Senator ROOT was in favor of repealing the subsidy to drive me from its support.

But if that powerful argument, so subtle and brilliant, is to have an effect, let me see with whom the distinguished Senator, my beloved friend from Mississippi, is associated. If companionship and comradeship in this struggle is to be the brand of infamy, behold the hero of Mississippi marching down to the good old State where the cotton blossoms, advocating this subsidy to this monopoly, upon one side of him the distinguished Senator GALLINGER and upon the other side of him the distinguished Senator SMOOT, and directly in front of him BOIES PENROSE, of Pennsylvania. [Laughter.]

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. JAMES. I yield.

Mr. GALLINGER. The Senator from Kentucky, Mr. President, honors me by calling me by name, contrary to the rules of this body.

Mr. JAMES. I withdraw that, Mr. President.

Mr. GALLINGER. But no matter about that, I simply rise——

Mr. JAMES. I meant no offense at all; I merely desired to put the Senator from Mississippi in good company.

Mr. GALLINGER. I simply rise to say, Mr. President, that the performance that is going on to-night is an illustration of "how good and how pleasant it is for brethren to dwell together in unity."

Mr. JAMES. And how good and how pleasant it is for that statement to come from one who has so recently dwelt in such harmony and unity with his own colleagues. [Laughter.]

When I came to Congress, nearly 12 years ago, the first battle I saw fought by my party was against a subsidy.

Let us see, however, what the party has said before.

In our platform of 1900, what did we say? Here it is:

We denounce the lavish appropriations of recent Republican Congresses, which have kept taxes high and which threatened the perpetuation of the oppressive war levies. We oppose the accumulation of a surplus, to be squandered in such barefaced frauds upon the taxpayers as the shipping subsidy—

Barefaced frauds! Why, now you call it something else.

Such barefaced frauds as the shipping subsidy bill, which, under the false pretense of prospering American shipbuilding, would put unearned millions into the pockets of favorite contributors to the Republican campaign fund.

That was the Democratic platform of 1900; but we will not stop there. Let us see what they said in 1904.

The Democratic platform of 1904 uses this language:

We denounce the ship-subsidy bill recently passed by the United States Senate as an iniquitous appropriation of public funds for private purposes, and a wasteful, illogical, and useless attempt to overcome by subsidy the obstructions raised by Republican legislation to the growth and development of American commerce on the sea.

We favor the upbuilding of a merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

That was the declaration of our party in 1904.

In 1908, in the Democratic platform, we used this language:

We believe in the upbuilding of the American merchant marine without new or additional burdens upon the people and without bounties from the Public Treasury.

So our party in 1900, in 1904, and in 1908 has declared against subsidies of every character. It has said that it was undemocratic, that it was a barefaced fraud, that it was an iniquitous appropriation of public funds for private purposes. In our platform of 1912 we again reiterate our position of opposition to subsidies.

But what is the issue here now presented? Some of our distinguished friends say that we ought to allow this because if we do not we will surrender to England.

Mr. President, my hatred for England is not fierce enough to make me give a subsidy to a monopoly. Under the guise of "not surrendering to England" I am not going to surrender the Public Treasury of the United States of America to a shipping monopoly.

Surrendering to England? What are we surrendering to England? Our country made a treaty with them. I did not make it; our party did not make it; but men representing our country did make it. If that treaty, as I believe it does, denies us the right to give this character of subsidy to a monopoly, I hope to see more treaties made between this country and other countries that will deny us the giving of special privilege to private monopoly.

But it is the old cry over again. When they first came to the United States Congress and asked us to give them the right of subsidy, to take the people's money, the taxpayer's money, from their Treasury and give it to a favored few, generally, as in this case, a monopoly, they called it then a subsidy. They were defeated. The next time they came demanding the right to take from the Public Treasury so many million dollars and give it to a monopoly they called it a "subvention," and now they come, this time, and they call it a tolls exemption.

What are the facts, Mr. President? We built the Panama Canal. We taxed the American people $400,000,000 to build it. The canal is built. It has saved us in the time taken for transportation at least two-thirds of that formerly required. Now, these gentlemen are coming with their ships, not carrying the commerce of the Government—not at all. They speak of them as American ships, as if they were loaded down with the munitions of Uncle Sam. They call them American ships, as if they were doing the peculiar service of the Government, when they are privately owned ships carrying the commerce of other private citizens for money, for profit.

They come to the canal. Here it is. It has been built. Four hundred million dollars it has cost the producers of the United States of America. What is the price that it costs us for its upkeep? About $4,500,000 a year. Here comes one of the ships making immense profits. It goes up there, and the monopoly that owns it says to Uncle Sam, "Open your gates; give us a pilot; put your men on board; furnish the coal; furnish the power; furnish the labor; and take our ship 50 miles through the canal and empty it into the Pacific Ocean; but we are not going to pay you anything for it." It is true the ship monopoly is being paid by citizens who ship their goods, to transport them from coast to coast, but they want to have Uncle Sam—that is, all the people—to do for them without charge or cost that for which they have been abundantly paid by the shippers themselves to do.

Why, Senators, if it were proposed that we should give to every laborer in this country who did not make as much as $2 per day a subsidy that would make up the additional amount required in order to meet the $2 wage, Senators would call that socialism, and they would be right; but you are doing the very same thing, not for the poor fellow who digs into the earth or beats at the forge for his bread, but for a monopoly, and you call that Americanism!

Take this ship. You run it through the canal. The Government of the United States is responsible for every dollar of damage that is done to it. All we ask from this monopoly is simply this: We have reduced the time for you. We have made it possible for a ship to go from New York to San Francisco in one-third the time formerly required. We have given you an absolute monopoly, so far as the Government is concerned, against competition with foreign vessels. Now, all we ask of you is this: Just pay us what it will cost us to put you through the canal; that is all. We do not want any interest upon the $400,000,000 we have expended; we do not want any profit upon our investment, but we ask you in the way of tolls to pay your pro rata part of the charge that we have to pay in order to operate the canal.

Oh, but some of our friends tell me that the reason they are in favor of this exemption is because it will lower transportation rates. Yes! I never did see an advocate of a subsidy come up and meet the issue fairly and squarely. They always have some deceptive cry. It is always not for themselves—oh no—but for the dear people. "Just let us ram our hands into the Public Treasury and take the money out, and then we will give it back to the people in an indirect way." As the people already have the money, I would rather rely upon keeping it by holding it in the Treasury, rather than to hand it to them upon the theory that they will give it back to us again by a reduction of freight rates. One thing of which we can be certain the monopoly in any event will not give us more back than they took from us, so we in any event have nothing to gain.

That is the principle, however. Why, the advocate of this subsidy first dons the uniform of Uncle Sam; he grabs the American flag and waves it over his head, and cries, "Patriotism, patriotism, patriotism," when what he really means is "Plunder, plunder, plunder." Then, if that does not work, why, "We will say, then, that you are surrendering."

Let us see about the question of freight rates. Who is the best qualified man in this Government to speak upon the question of whether or not exemption from tolls will lower freight rates? Col. Goethals built the canal. I want to read to the Senate what he says upon this question of lowering freight rates, and I will read it. He says:

NO FREE TOLLS, SAYS COL. GOETHALS.

[A statement by Col. Goethals.]

My views on the economic side of the tolls question follow: Government will expend $375,000,000 for canal and intends to charge for its use. Basis of tolls given in Emory Johnston's report on Panama Canal traffic and tolls, pages 193, 194, and 195. These figures should be corrected for operating expenses, which will be $5,500,000, including depreciation.

I believe tolls should pay outstanding indebtedness, fixed charges, and operating expenses, leaving amounts appropriated from current revenues to be the contribution of the present generation toward canal, and because of unknown future conditions not burdening posterity for remainder. Bond issue to date under canal acts $134,631,980, interest on these approximately $3,200,000, annual amount to be set aside for redemption of bonds $3,250,000, operation and maintenance $5,500,000, annual payment to Panama $250,000. Amount to be secured annually through tolls is therefore $11,950,000. If additional bonds are issued, these figures should be changed accordingly.

To secure this amount through tolls—

Five million and five hundred thousand dollars—

it is necessary to charge all shipping, as indicated in report quoted. Established steamship companies fix rates after conference, and as they are in the business for profit will demand the highest rates the traffic will bear.

Yes; this beneficent Shipping Trust that is so patriotic now, clad in the habiliments of Uncle Sam and waving his red, white, and blue colors, whenever it gets the subsidy, Col. Goethals says, it will have a conference and do what? Demand the highest rates the traffic will bear.

These rates will be independent of tolls. It follows that exemptions from tolls will not give cheaper rates from coast to coast to either shipper or receiver, but will increase profits to shipping companies.

And yet, because the President of the United States of America has asked Congress to repeal a law of this character that will do nothing more, according to Col. Goethals, than to pour money into the pockets of the shipping monopoly he is denounced as a surrenderer of American rights, and it is said that he is afraid to defend American honor. He is charged with cowardice, and every other charge imaginable is brought against him. Why? Because the profits are not permitted to

flow from the people's Treasury into the pockets of these gentlemen who own this shipping monopoly. When the Alaskan railroad is built will gentlemen here insist that after the Government has expended $40,000,000 in constructing it that the freight of the Guggenheim-Morgan syndicate shall be transported over it without charge? Will they say the American taxpayers built and paid for it in order that monopoly might use it free? Speaking for myself—and, I know, for the people of Kentucky—I consider such a contention as the very acme of special privilege and the worst of subsidies.

Col. Goethals proceeds:

The same is applicable to rates from interior points to either coast. Agreements will be made between railroads and ships for through rail and water rates same as at present, and rates divided between two interests as per agreement. Again, exempted tolls will not give lower rates to shipper or receiver.

Therefore free tolls to vessels engaged in coastwise trade result in a subsidy to a class of shipping already fully protected and not in need of subsidy.

You can not even claim that they need the subsidy. You can not even claim that they are not fully protected in everything in these two governmental advantages by law, and you now want to give them a subsidy.

Col. Goethals continues:

I do not believe in exemption of tolls for coastwise trade, first, because this amounts to a subsidy to a class of shipping and will benefit stockholders and not shippers; second, because this canal will need all the revenue it can get to pay its current expenses and indebtedness.

Our position is let the ships pay for this themselves. The other gentlemen want the taxpayers to pay for it.

I suppose Col. Goethals wants to surrender after he went at the risk of his life to construct this great improvement.

But what is the next question that is brought up. I notice, Mr. President, that some of my Democratic friends are very solicitous about the Democratic platform. They are the special guardians of the party faith upon this particular issue. I have as much respect and as much loyalty and as much devotion for a Democratic platform as any man upon this floor, but let us see what it is upon this question where there are two declarations against a subsidy and one of doubtful construction for it.

I want to point out one plank in this platform of the Democratic party of which there was no earthly doubt. It is not susceptible of a double construction. It has no contradictory provisions in it.

I expect to show, Mr. President, that some of the gentlemen who are assailing us most bitterly for violating what they contend is a declaration for a subsidy have themselves been the first offenders.

I do not cite that to justify the act of any other Democrat who may be unwilling to follow the direction of his party in its platform, but I submit it for the purpose of showing that these gentlemen had the opportunity first to show loyalty to the platform where a subsidy was not involved and they were not very active in its defense.

What is that plank? In the House of Representatives, the Democratic House of the Sixty-second Congress, there was introduced what was known as the Cullop amendment. It was offered as an amendment to a bill creating a new judicial district and providing for the appointment of a judge. It was introduced for the purpose of requiring the President of the United States to make public the names of all persons and all communications in relation to the appointment or any recommendation made in regard to the appointment of a judge.

That amendment was adopted by the Democratic House of Representatives. I was a Member of the House at that time and voted for it, and it came to this body, which was then Republican, and it was defeated.

When we assembled in the Baltimore convention with that question fresh in our minds a plank upon the provision of publicity was made to apply directly to such cases, and the cause for its adoption was the defeat by the Republican Senate of that very provision in the House bill. The reason for that provision in the Democratic platform was this: There was great unrest in the country in regard to the judiciary. Col. Roosevelt himself was advocating the recall of Federal decisions. Many gentlemen of distinction and ability were advocating the recall of Federal judges. The Democratic party sought to throw the light of publicity around these appointments. We adopted this plank for that purpose, and I want to read it:

We note with gratification the unanimous sentiment in favor of publicity, before the election, of campaign contributions—a measure demanded in our national platform of 1908, and at that time opposed by the Republican Party—and we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

The one thing which caused the insertion in the platform of that plank was the amendment known as the Cullop amendment to the bill creating a judicial district.

And, Mr. President, why not? A judge holds the scales in which the life of a human being is weighed. He holds the scales in which the property rights of our citizens are weighed. As to this important official, who has within his keeping the happiness, the property, and the lives of our citizens, the Democratic Party said that every light that can shine ought to be thrown around such recommendations and appointments.

The Democratic Party wrote that in its platform. Yet my distinguished friend Senator O'GORMAN assails all bitterly who refuse to accept the version of that 1912 Democratic plank as applying to a subsidy. I have the record to show, as a member of the Judiciary Committee, when a like bill went before that committee with an amendment providing for publicity which came from this present Democratic House, and that committee reported it to the Senate with an amendment striking out the publicity amendment. We did not see Senator O'GORMAN, heroic and powerful, towering with drawn sword as a defender of the Democratic platform and assailing all those who refused to follow as a betrayer of the Democratic trust.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I yield.

Mr. O'GORMAN. I do not suppose the Senator from Kentucky would be guilty of any unfair statement regarding one of his colleagues; but on a former occasion when he alluded to this incident I told him in the Senate that I was not present at a meeting of the Judiciary Committee when that action was taken, and I was advised within half an hour afterwards that the Senator himself went to the clerk of the Judiciary Committee and asked for the record of those who were present at that meeting. The record which was shown to him disclosed the fact that the Senator from Idaho [Mr. BORAH] and the junior Senator from New York did not attend the meeting.

While there might have been some excuse for the Senator's reference to this matter on a former occasion, in the light of the information which he received from the clerk of the Committee on the Judiciary, I will leave it to the judgment of my colleagues whether there is any possible excuse, justification, or extenuation for the repetition of the statement on this occasion.

Mr. JAMES. Did the Senator from New York follow my language? I said that the Senator from New York was a member of the Judiciary Committee, and that committee struck out that amendment, and it was so reported to the Senate, and that I did not see the Senator defending that Democratic promise.

But the Senator has not looked at the record, happily for my position. Mr. President, I have the record here myself. The one to which I at one time in the Senate alluded and to which the Senator says that he was not present does not apply to the Chilton bill which I have in front of me with the record notes of the proceedings of that committee, and I shall read it:

Mr. CHILTON called up S. 577, authorizing the appointment of an additional circuit judge in the fourth circuit. Upon motion of Mr. O'GORMAN, the bill was ordered reported favorably, and Mr. CHILTON requested to make the report.

The Senator from New York will not say that I misrepresent him in this record I have read. Mr. President, the purpose of the Democratic Party in adopting that particular plank to which I referred was caused by the Cullop amendment; and does the Senator say he had not knowledge that the House again had passed such an amendment to the Palmer bill?

Mr. O'GORMAN. Mr. President——

Mr. JAMES. But if the Senator was not there, I point him to the Democratic platform which requires publicity in the case of all appointments; and here he is creating a new appointment, and he does not apply the plank of the Democratic platform which he himself helped to make to a provision of the law.

The PRESIDING OFFICER. Does the Senator from Kentucky yield to the Senator from New York?

Mr. JAMES. I do.

Mr. O'GORMAN. Does the Senator from Kentucky state that at the meeting to which he now refers the subject of which he speaks was under consideration or discussion?

Mr. JAMES. Oh, it ought to have been.

Mr. O'GORMAN. No; I am asking was it?

Mr. JAMES. I do not know what was under discussion. I know that you reported out a bill with that provision of publicity left out. The Senator may escape my charge by saying that he was not present when the committee struck out the House amendment, but he can not escape the charge that the Chilton bill, that was before his own committee, had no such

"I answer both of these questions *most emphatically in the affirmative*. The phrase quoted, 'vessels of commerce and war of all nations,' certainly included our own vessels, *and was so understood by our own State Department and by the foreign office of Great Britain*. It was understood by the same parties that these words *also included our own vessels engaged in the coastwise trade*."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES. (Same letter:)

"By article 2, clause 1, of the first Hay-Pauncefote treaty, that of February 5, 1900, it was provided that 'the canal shall be free and open in time of war as in time of peace to the vessels of commerce and of war of *all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise*.'

"And the language used by article 3, clause 1, of the second Hay-Pauncefote treaty of 1901, that now under consideration, is as follows: '*The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic.*'"

"When we came to the negotiation of this last treaty, that of 1901, there was no question that, as between the United States and Great Britain, *the canal should be open to the citizens and subjects of both on equal terms*, and that it should also be open on like terms to the citizens and subjects of every other State that brought itself within the category prescribed. On that point there was really nothing to discuss, and in the whole course of the negotiations *there was never a suggestion on either side that the words 'the vessels of commerce and of war of all nations' meant anything different from the natural and obvious meaning of these words*. Such language admitted of the exemption or exception of no particular kind of vessels of commerce and of war of any nation, whether of vessels engaged in foreign trade or coastwise trade, or of steam vessels or sailing vessels, or of black vessels or white vessels, or of iron vessels or wooden vessels. The parties to the negotiation tried to use terms of the meaning of which there could be no doubt or dispute, *and they meant what they said and said what they meant*."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES. (Same letter:)

"The exception or exemption of vessels of the United States engaged in the coastwise trade would have excepted or exempted something like five-sixths of the entire shipping of the United States—coastwise, 6,812,532 tons; foreign, 1,017,862 (World Almanac for 1914, p. 176)—and it is inconceivable, as it appears to me, that we should have intended, without saying a word on the subject, to except or exempt what would thus be approximately the entire shipping of the United States. *Any such idea would have made the further negotiation of the treaty impossible and would have wrecked the purpose which both parties had in mind*."

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES. (Same letter:)

"Of course, I submitted from time to time as the negotiations proceeded the substance of all our negotiations to our Secretary of State in dispatches and private letters, all of which, or copies of which, are, as I believe, on file in the State Department, and are doubtless open to the examination of Senators. And Lord Pauncefote, in like manner, was in frequent communication with Lord Lansdowne or the foreign office of Great Britain, and, of course, submitted all that was said and done between us to them. So when what you refer to in your letter as the State Departments of the countries approved and adopted the result of our work and exchanged ratifications of the treaty as it stands *they necessarily intended that the words 'the vessels of commerce and of war of all nations' included our own vessels as well as those of Great Britain*, and also included our own vessels engaged in the coastwise trade. There was no kind of vessel that the words used did not include."

MR. WHITE, AMERICAN CHARGÉ D'AFFAIRES, TO THE UNITED STATES. March 23, 1914. (Answering questions propounded by Senator MCCUMBER:)

"I was in constant touch, as secretary of the embassy, with these negotiations, each phase of which Mr. Choate was good enough to tell me of. Indeed, I was often present during their discussion of the question at issue, which took place for the most part at the embassy.

"Under these circumstances, there is but one way in which I can answer the inquiry contained in your letter 'as to the understanding of Mr. Hay and Lord Pauncefote on the question of the use of the canal by vessels engaged wholly in the coastwise trade,' to wit:

"(1) That the exemption of our coastwise shipping from the payment of tolls was never suggested to, nor by, anyone connected with the negotiation of the Hay-Pauncefote treaties in this country or in England.

"(2) That from the day on which I opened the negotiations with Lord Salisbury for the abrogation of the Clayton-Bulwer treaty until the ratification of the Hay-Pauncefote treaty the words '*all nations*' and '*equal terms*' *were understood to refer to the United States as well as to all other nations* by every one of those, whether American or British, who had anything to do with the negotiations whereof the treaty last mentioned was the result."

MR. HAY, SECRETARY OF STATE. 1904. (In conversation with Mr. W. F. Johnson:)

"I asked Col. Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase 'vessels of all nations' was intended to include our own shipping or was to be interpreted as meaning 'all other nations.' He replied:

"'*All means all*. The treaty was not so long that we could not have made room for the word "other" if we had understood that it belonged there. *All nations means all nations, and the United States is certainly a nation*.'"

Mr. President, these are words we spoke to each other; these are the assurances upon which we asked the signature of the other party to a contract which must rest for its enforcement upon our national integrity. We are asked to maintain the sincerity of our words and the obligation of our treaty. What shall our answer be? Talk as we may, vote as we may, study as we may the wording of the final contract to find some technical excuse to avoid the natural meaning of the words "all nations," and to make them read "all other nations," we shall be unable to deceive ourselves or blind our eyes to the unassailable and unquestionable fact that we declared to the other party to this contract that "all nations" did include the United States, and that we are bound by every canon of national honor and good faith to give that treaty the same construction after it was signed as we did before the signatures of the parties were affixed.

The foregoing brief excerpts from our national and international discourse show conclusively—

That the policy of the Government from its earliest history has been equality of treatment of all vessels which might use any canal connecting the two oceans.

That this policy should control, no matter who owns the canal or where constructed.

That this policy was enacted into positive legislation in the "general principle" of article 8 of the Clayton-Bulwer treaty, which provided: "It is always understood by the United States and Great Britain that the parties contracting or owning the same [the canal] shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State"—

And so forth.

That when this Government approached Great Britain for the abrogation of the Clayton-Bulwer treaty, it gave emphatic assurances of our purpose to maintain that "general principle" of article 8 of the Clayton-Bulwer treaty without impairment.

That at that time the people of the United States understood that the interest upon the investment and cost of maintenance of the canal should be met by tolls collected from all the vessels using the same, including all of our own vessels, as per estimates then presented and published.

That at that time the people of Great Britain were perfectly willing to abrogate the Clayton-Bulwer treaty if in the new treaty the vessels of that country should be allowed the use of the canal on the same terms as the vessels of the United States, and which equality should also apply to vessels of all other nations.

That upon this mutual understanding of purpose the two countries proceeded to put the new treaty into form.

That in the negotiations in formulating the new treaty the one party was insistent that this equality of treatment of all vessels of both countries should be preserved beyond question, and the other party as positively asserted that the right was preserved without impairment in the preamble of the new treaty and reasserted in section 1 of article 3 of the new treaty.

That all parties to the negotiation of the treaty—Hay, Choate, and White on the American side and Lansdowne and Pauncefote on the British side—declared most positively that they all

understood the treaty to mean "equality of all vessels," including the American vessels, and (by Choate) that if it had not been so clearly understood the treaty never would have been agreed to.

That the report of the Committee on Foreign Relations to the Senate construes the treaty to mean that vessels of all nations included the vessels of the citizens of the United States.

That upon that report and without questioning the accuracy of its construction the Senate confirmed the treaty.

That an amendment to free our coastwise vessels from the operation of the treaty was voted down.

If we thought we had this right without the Bard amendment, then making that right certain could not possibly have done any harm.

If we thought we did not have this right and wished to secure it, then it was our duty to have voted for the amendment.

If we thought the other party to the contract was agreeing to it with the understanding that it compelled equal treatment of the vessels of both parties, but we believed that its words were not so certain and conclusive as to preclude us from giving it a different construction, then our act in closing that agreement with that misunderstanding, with that reservation in our minds, was a piece of downright deception, grossly shocking to individual morality, and most unworthy a great, powerful, honorable nation.

Mr. President, the obligations of national honor impose upon us the duty of giving that treaty a construction in accordance with the understanding of the representatives of both Governments at the time we entered into it, a duty from which no refined reasoning, no strained construction, no studied sophistry, and no pseudo-patriotism can ever relieve us. [Applause in the galleries.]

The PRESIDING OFFICER. Under the rules of the Senate, occupants of the gallery are not permitted to express approval or disapproval, and they must obey the rules.

Mr. SIMMONS. Mr. President, by way of perfecting the substitute amendment to the pending bill offered by me on yesterday, I wish to add, in line 5, after the date "1902," the following words: "or the treaty with the Republic of Panama ratified February 26, 1904"; and I ask for a reprint of the substitute as so modified.

The PRESIDING OFFICER. If there be no objection, it will be so ordered. The Chair hears none.

Mr. JAMES. Mr. President, I am in favor of the passage of the pending bill, first, because it keeps intact the Nation's honor, and, second, because it repeals a subsidy to a monopoly. Some of our friends upon this side of the Chamber and some upon the other side of the Chamber fail to call this issue by its right name. Some Senators call it "tolls exemption," but I call it a subsidy. I think President Taft, who signed the bill which we are now undertaking to repeal, had the true conception of what it really is, and in a speech which he made before the Canadian Club in Ottawa, Canada, he used this language:

> The idea of Congress in passing the bill and my idea in signing it was that we were thus giving a subsidy to our coastwise ships between New York and San Francisco and Boston and Seattle, as we did in the early days to our transcontinental railways.

I think that is a true statement of just what this issue is. Some of our Democratic friends say that they feel that they ought to vote against this measure because the platform of the Democratic Party has committed them to that policy. Mr. President, I shall discuss that platform. I think I had a fair opportunity to observe the Baltimore convention, and I say to those of the Democratic faith who are seeking to base their vote upon that declaration in the platform, which contravenes the whole of the Democratic Party's history, all its traditions, and all its policies, that they are establishing themselves upon a very weak and a very dangerous foundation.

There is a declaration in that platform which says—and in order to be absolutely accurate, I shall read it—

> We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

What is meant by "American ships"? Some gentlemen say, "Why, that means, of course, all vessels flying the American flag." I know that those who drew it expected it to mean that; but when they stated they were in favor of exemption of American ships engaged in coastwise trade, what was the natural thought that came to the mind of every Democrat? It was that we were exempting ships of the United States doing the work of the Government for the whole people, not the ships of a monopoly doing private business for personal profit. The platform did not say "We are in favor of the exemption of ships owned by American citizens" from payment of tolls, but they clothed it in that very patriotic language of "the exemption from tolls of American ships engaged in coastwise trade." But before that statement in the platform we find this declaration:

> We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

If we are to say the first declaration meant a subsidy to the coastwise shipping monopoly, then, according to these contradictory planks in the Democratic platform, you would give a subsidy to a monopoly engaged in the coastwise trade, not extending our commerce with the nations of this earth, not finding sale for the product of our labor, but, under the law, a monopoly that is without foreign competition. You would give a subsidy to them, and, under the guise of American ships, you would allow the Standard Oil ship flying the American flag, you would allow the Steel Trust ship flying the American flag, you would allow the Coal Trust ship flying the American flag to go through the canal without cost, but you would hold at its gates the ship loaded with the product of our labor consigned to some South American port, flying the American flag, and require it to pay a toll before you would allow it to pass through the canal.

If I were in favor of a subsidy of any character, I should give it to that ship and to those engaged in the merchant marine that operate in competition with the world, extend our trade, and find a market for our labor, instead of giving it to a monopoly that did neither, and that was absolutely, by reason of the law, protected against competition.

But I do not stop there in the consideration of this question before the Democratic convention. This platform goes further:

> At this time when the Republican Party after a generation of unlimited power in its control of the Federal Government is rent into factions, it is opportune to point to the record of accomplishment of the Democratic House of Representatives in the Sixty-second Congress. We indorse its action, and we challenge comparison of its record with that of any Congress which has been controlled by our opponents.

Mr. President, what was the rock upon which we built our hope and our faith in the battle of 1912? For almost 20 years we had been out of power. Our Republican brethren had controlled both branches of Congress and the Presidency. For the first time in that length of time we had been trusted by the American people with control of the great House of Representatives, and we built our hopes for success upon the rock of accomplishment and the acts of the House of Representatives in that Congress.

Upon this very question of giving a subsidy to this coastwise monopoly, when the roll was called and the Democratic membership of that House answered, a majority of the Democrats voted against this subsidy. This platform indorses that Democratic House of Representatives. It indorses its acts. One of it acts was that a majority of its membership, under a roll call of record, had voted against this very provision.

I say, Mr. President, and as I declare it I measure my words and weigh them well, that if that great convention had known the full facts and this question had been presented to them in the open, those favoring this subsidy saying this exemption of tolls to American ships meant a subsidy to this monopoly, that convention would not have adopted this plank by a vote of 726 to 125, as is shown by a poll recently taken of those delegates who constituted that convention, but I believe that out of the entire membership in it this policy of subsidy would not have received 100 of the votes there assembled. Three of the best known tenets of my party which I have been taught are a tariff for revenue only, taxation of the fortunes of the rich, and opposition to subsidy. I challenge any man who claims to speak the language of my party to name three better known or better loved principles of the Democratic Party.

I do not have to stop there, however. In my judgment, the reason for adopting this plank favoring exemption from tolls or a subsidy for American ships, if that is to be the construction given to it—American ships that were owned largely by that dominating financial force which that convention, by resolution, said they wanted no President to be controlled by—was to drive through this body, in which that bill was then pending, this tolls exemption or subsidy proposition.

I am not wandering upon strange ground when I declare that my party has always opposed a subsidy. I have a record of its platforms in the past. The very shibboleth of it, "Equal rights to all and special privileges to none," is enough, if no more.

As the Senator from Oklahoma [Mr. OWEN] suggests, under a poll of the delegates since made, when this question was submitted to them, more than 726 of the delegates that have replied voted in favor of the repeal and only 125 were opposed to it.

vision is made in the new treaty for such portions of the convention *as ought in the interests of this country to remain in force.* This aspect of the case may be considered in connection with article 1 of the Clayton-Bulwer convention which has already been quoted and article 8, referred to in the preamble of the new treaty. Thus, in view of the permanent character of the treaty to be concluded and of the '*general principle' reaffirmed thereby as a perpetual obligation*, the high contracting parties should agree that no change of sovereignty or other change of circumstances in the territory through which the canal is now to pass shall *affect such 'general principle' or release the high contracting parties, or either of them*, from their obligations under the treaty, and that the rules adopted as the basis of neutralization shall govern, so far as possible."

GREAT BRITAIN TO THE UNITED STATES. August 3, 1901. (Lansdowne to Secretary Hay, after receiving copy of draft of treaty:)

"I would therefore propose an additional article in the following terms, on the acceptance of which His Majesty's Government would probably be prepared to withdraw their objections to the formal abrogation of the Calyton-Bulwer convention, to wit: 'In view of the permanent character of this treaty *whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed*, the high contracting parties *hereby declare and agree that the rules laid down in the last preceding article (article 3) shall, so far as they may be applicable, govern all interoceanic communication across the Isthmus* which connects North and South America, *and that no change of territorial sovereignty* or other change of circumstance *shall affect the 'general principle'* or the obligations of the high contracting parties under the present treaty."

Mr. HUTCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. I will say to the Senator that I am seeking here to put in something without comment on my part, quoting only to get a line of conversations between the parties, and it would somewhat mar the purpose of this short essay if I were to go into a discussion. For that reason I hope the Senator will excuse me.

GREAT BRITAIN TO THE UNITED STATES. August 3, 1901. (Through the same parties:)

"On the other hand, I conclude that, with the above exception [which relates to fortifications], *there is no intention to derogate from the principles of neutrality laid down by the rules.* As to the first of these propositions, I am not prepared to deny that contingencies may arise when, not only from a national point of view, but on behalf of the commercial interests of the whole world, it might be of supreme importance to the United States that they should be free to adopt measures for the defense of the canal at a moment when they were themselves engaged in hostilities."

GREAT BRITAIN TO THE UNITED STATES. (Through the same parties, August 3, 1901:)

"I suggest the renewal of one of the stipulations of article 8 of the Clayton-Bulwer convention by adding to rule 1 the words 'such conditions and charges shall be just and reasonable.'"

GREAT BRITAIN TO THE UNITED STATES. (Salisbury speaking through White to Hay:)

"I think that in due course of time we shall consent to the abrogation of such parts of the Clayton-Bulwer treaty as stand in the way of your building the canal, *subject, however, to one condition, on which we lay great stress, namely, that the ships of all nations shall use the canal or go through the canal on equal terms.*"

GREAT BRITAIN TO THE UNITED STATES September 21, 1901. (Lansdowne speaking to Mr. Choate, and which Mr. Choate communicated to Secretary Hay:)

"But he [Lansdowne] said they could not give up article 3a altogether; that it was quite obvious that we might in the future acquire all the territory on both sides of the canal; that we might then claim that a treaty providing for the neutrality of a canal running through a neutral country could no longer apply to a canal running through American country only; and he again insisted, as Lord Lansdowne had insisted, that they must have something to satisfy Parliament and the British public *that in giving up the Clayton-Bulwer treaty they had retained and reasserted the 'general principle' of it;* that the canal should be technically neutral and *should be free to all nations on terms of equality*, and especially that in the contingency supposed—of the territory on both sides of the canal becoming ours—the canal, its neutrality, its being free and open to all nations on equal terms, should not be thereby affected; *that without securing this they could not justify the treaty either to Parliament or to the public; that the preamble that had already passed the Senate was not enough*, although he recognized the full importance of the circumstance of its having passed.

UNITED STATES TO GREAT BRITAIN. (Answer of Secretary Hay in reference to the proposed article 3a:)

"*The preamble of the draft treaty retained the declaration that the 'general principle' of neutralization established in article 8 of the Clayton-Bulwer treaty is not impaired. To reiterate this in still stronger language in a separate article and to give article 8 of the Clayton-Bulwer convention what seems to be a wider function than it originally had, would, I fear, not meet with acceptance.* If, however, it seems indispensable to his Majesty's Government that an article providing for the contingency of a change of sovereignty should be inserted, then it might be stated that '*it is agreed that no change of territorial sovereignty or of international relations of the countries traversed by the aforesaid canal shall affect the "general principle"* of *neutralization* or the obligations of the high contracting parties under the present treaty.'"

UNITED STATES TO THE SENATE COMMITTEE ON FOREIGN RELATIONS. (Secretary Hay explaining the composing of differences between the two nations:)

"The proposed draft in the new treaty was submitted to Lord Lansdowne, and after mature deliberation he proposed, on the part of His Majesty's Government, only three substantial amendments. * * * Under this modified aspect of the relations of the two nations to the canal, he was not indisposed to consent to the abrogation of the Clayton-Bulwer treaty *if the 'general principle' of neutrality which was reaffirmed in the preamble in the new treaty, as well as of the former one*, should be preserved and secured against any change of sovereignty or other change of circumstances in the territories through which the canal is intended to pass, and that the rules adopted as the basis of neutralization should govern, as far as possible, all interoceanic communication across the Isthmus. *He referred in this connection to articles 1 and 8 of the Clayton-Bulwer treaty.* He, therefore, proposed by way of an amendment the insertion of an additional article."

The article proposed is as follows:

"In view of the permanent character of this treaty whereby the general principle established by article 8 of the Clayton-Bulwer convention is reaffirmed, the high contracting parties hereby declare and agree that the rules laid down in the last preceding article shall, so far as they may be applicable, govern all interoceanic communications across the Isthmus which connects North and South America, and that no change of territorial sovereignty or other change of circumstances shall affect such general principle or the obligations of the high contracting parties under the present treaty.

"*The President, however, was not only willing but desirous that the 'general principle' of neutralization referred to in the preamble of this treaty should be applicable to this canal* now intended to be built, notwithstanding any change of sovereignty or of international relations of the territory through which it should pass. *This 'general principle' of neutralization had always, in fact, been insisted upon by the United States*, and he recognized the entire justice of the request of Great Britain that if she should now surrender the material interest which had been secured to her by the first article of the Clayton-Bulwer treaty which might result in the indefinite future, should the territory traversed by the canal undergo a change of sovereignty, *this 'general principle' should not be thereby affected or impaired.* These facts were communicated to His Majesty's Government, and as a substitute for the article proposed by Lord Lansdowne the following was proposed on the part of the United States:

"'It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the above-mentioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.'"

UNITED STATES AND GREAT BRITAIN TO EACH OTHER AND TO THE WORLD. (Second Hay-Pauncefote treaty, adopted by the Senate December 16, 1901:)

PREAMBLE.

"The United States and Great Britain, 'being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whichever route may be considered expedient, and to that end remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of

such canal under the auspices of the Government of the United States *without impairing the 'general principle' of neutralization established in article 8 of that convention*, have for that purpose appointed as their plenipotentiaries,' etc.

ARTICLE 3.

"The United States adopts as the basis of the neutralization of such ship canal the following rules *substantially*"—

Not fully—

"as embodied in the convention of Constantinople signed the 28th day of October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war *of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of conditions or charges of traffic or otherwise.* Such conditions and charges of traffic shall be just and reasonable."

That is up to the signing of the treaty.

The treaty was adopted—ayes 72, noes 6.

UNDERSTANDING OF THE UNITED STATES SENATE THAT THE WORDS "VESSELS OF COMMERCE AND OF WAR OF ALL NATIONS" INCLUDED VESSELS OF THE UNITED STATES.

The only unquestionable evidence bearing upon this matter is the report from the Committee on Foreign Relations explaining the purpose and meaning of the treaty and the votes on proposed amendments.

The Committee on Foreign Relations, through its chairman, Senator C. K. Davis, conveyed to the Senate the committee's construction and understanding; and there appearing nothing to the contrary, it must be admitted that the Senate, in adopting the treaty, adopted the construction placed upon it by the committee.

THE COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE. (Report of Senator Davis, chairman:)

"No American statesman speaking with official authority or responsibility *has ever intimated that the United States would attempt to control this canal for the exclusive benefit of our Government or people.* They have all, with one accord, declared that the canal was to be neutral ground in time of war and always open, *on terms of impartial equality, to the ships and commerce of the world.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"*Special treaties for the neutrality, impartiality, freedom, and innocent use of the two canals that are to be the eastern and western gateways of commerce between the great oceans are not in keeping with the magnitude and universality of the blessings they must confer upon mankind. The subject, rather, belongs to the domain of international law.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"Whatever canal is built in the Isthmus of Darien will be ultimately made subject to the *same law of freedom and neutrality as governs the Suez Canal, as a part of the laws of nations, and no single power will be able to resist its control.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"The United States can not take an attitude of opposition to the principles of the great act of October 22, 1888, without discrediting the official declarations of our Government for 50 years *on the neutrality of an isthmian canal and its equal use by all nations without discrimination.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"*To set up the selfish motive of gain by establishing a monopoly of a highway that must derive its income from the patronage of all maritime countries would be unworthy of the United States if we owned the country through which the canal is to be built.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"But the location of the canal belongs to other Governments, from whom we must obtain any right to construct a canal on their territory, and it is not unreasonable, if the question was new and was not involved in a subsisting treaty with Great Britain, *that she should question the right of even Nicaragua and Costa Rica to grant to our ships of commerce and of war extraordinary privileges of transit through the canal.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"It is not reasonable to suppose that Nicaragua and Costa Rica would grant to the United States the exclusive control of a canal through those States *on terms less generous to the other maritime nations than those prescribed in the great act of October 22, 1888;* or if we could compel them to give us such advantages over other nations, *it would not be creditable to our country to accept them.*"

ON THE QUESTION OF SPECIAL PRIVILEGES WITH REFERENCE TO TOLLS BECAUSE THE CANAL WAS BUILT WITH OUR OWN MONEY.

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"That our Government or our people will furnish the money to build the canal presents the single question whether it is profitable to do so. *If the canal, as property, is worth more than its cost, we are not called on to divide the profits with other nations. If it is worth less and we are compelled by national necessities to build the canal, we have no right to call on other nations to make up the loss to us.* In any view, it is a venture that we will enter upon if it is to our interest, and if it is otherwise we will withdraw from its further consideration."

"*The Suez Canal makes no discrimination in its tolls in favor of its stockholders and, taking its profits or the half of them as our basis of calculation, we will never find it necessary to differentiate our rates of toll in favor of our own people* in order to secure a very great profit on the investment."

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE:

"In time of war, as in time of peace, the commerce of the world will pass through its portals in perfect security, enriching all the nations, and we of the English-speaking peoples will either forget that this grand work has ever cost us a day of bitterness or we will rejoice that our contentions have delayed our progress until the honor has fallen to our grand Republic to number this among our best works *for the good of mankind.*"

SENATE COMMITTEE ON FOREIGN RELATIONS TO UNITED STATES SENATE. (Speaking through Senator Morgan, special report:)

"The treaty under consideration is for the avowed purpose of removing any objection that may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, *without impairing the 'general principle' of neutralization established in article 8 of the convention.*

"*That 'general principle,'* as it is modified or specially defined in this treaty, is all that is left of the Clayton-Bulwer treaty, *as now being in continuing force.*

"All that is left of this general treaty is the 'general principle' provided in article 8 of the Clayton-Bulwer treaty. *That is, that the vessels of all nations using the canal should be treated with exact equality, without discrimination in favor of the vessels of any nation.*"

COMMITTEE ON FOREIGN RELATIONS TO THE UNITED STATES SENATE. (Speaking through Senator Morgan, special report:)

"Then this convention, in article 2, proceeds to define and formulate into an agreement, *intended to be world-wide in its operation,' the general principle of neutralization,' established in article 8 of the Clayton-Bulwer treaty on the basis of the treaty of Constantinople of October, 1888, relating to the Suez Canal.*

"*Nothing is given to the United States* in article 2 of the convention now under consideration, *nor is anything denied to us that is not given or denied to all other nations.*"

VOTE OF SENATE ON ATTEMPT TO MODIFY THE HAY-PAUNCEFOTE TREATY SO AS TO EXEMPT OUR COASTWISE VESSELS.

AMENDMENT OFFERED BY SENATOR BARD:

Strike out all of article 3 and substitute the following:

"ART. 3. *The United States reserves the right* in the regulation and management of the canal *to discriminate in respect to the charges of traffic in favor of its own citizens engaged in the coastwise trade.*"

ANSWER OF SENATE:

Vote—ayes 27, noes 43.

UNDERSTANDING OF THE NEGOTIATORS OF THE HAY-PAUNCEFOTE TREATY THAT AMERICAN VESSELS WERE INCLUDED IN ITS TERMS.

The treaty was made and worked into form by Hay and Lansdowne. Hay spoke through American Ambassador Choate and Chargé d'Affaires White. Lansdowne spoke through Ambassador Pauncefote and Chargé d'Affaires Lowther.

MR. CHOATE, AMERICAN AMBASSADOR, TO THE UNITED STATES. March 25, 1914. (Letter answering inquiry of Senator McCumber:)

"First. Was it understood by the state departments of the two countries that the words 'vessels of commerce and war of all nations' *included our own vessels?*

"Second. Was it understood that these words also *included our own vessels engaged in the coastwise trade?*

found their claims on like principles with those which supported their claims for the use of the Mississippi."

UNITED STATES TO GREAT BRITAIN. 1823. (President Monroe in negotiation with Great Britain for equal navigation of St. Lawrence:)

The right to navigate the St. Lawrence River is one which may be established upon the "general principle of the law of nature."

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. March 17, 1816. (Reciprocal treaty:)

The right of reciprocal navigation of the St. Lawrence by both nations on terms of equality established.

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. 1854. (Reciprocal treaty:)

"It is agreed that the citizens and inhabitants of the United States shall have the right to navigate the River St. Lawrence and the canals in Canada used as the means of communicating between the Great Lakes and the Atlantic Ocean with their vessels, boats, and crafts, *as fully and freely as the subjects of Her Britannic Majesty, subject only to the same tolls and other assessments as now are or may hereafter be exacted of Her Majesty's said subjects.*

* * * * * * *

It is further agreed *that British subjects shall have the right freely to navigate Lake Michigan with their vessels, boats, and crafts so long as the privilege of navigating the River St. Lawrence, secured to American citizens by the above clause of the present article, shall continue;* and the Government of the United States further engages to urge upon the State governments to secure to the subjects of Her Britannic Majesty the use of the several State canals on terms of equality with the inhabitants of the United States."

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. 1871. (Reciprocal treaty relating to the canals of both countries:)

"The Government of Her Britannic Majesty engage to urge upon the Government of the Dominion of Canada *to secure to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion on terms of equality with the inhabitants of the Dominion.*"

"The subjects of Her Britannic Majesty shall enjoy the use of the St. Clair Flats Canal on terms of equality with the inhabitants of the United States."

DECLARATIONS IN RESPECT TO ANY CANAL WHICH MIGHT BE CONSTRUCTED ACROSS THE ISTHMUS.

UNITED STATES TO THE WORLD. 1826. (Instructions prepared by Henry Clay, Secretary of State under President John Quincy Adams, referring to the construction of the canal:)

"If the work should ever be executed so as to admit of the passage of sea vessels from ocean to ocean, *the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls.*"

UNITED STATES TO THE WORLD. March 3, 1835. (Congressional resolution:)

"*Resolved*, That the President be requested to consider the expediency of opening negotiations with the Governments of other nations for the purpose of effectually protecting by suitable treaty stipulations with them such companies as may undertake the construction of a ship canal across the Isthmus, and securing for them by such stipulations *the free and equal rights of navigating such canal to all such nations on the payment of reasonable tolls.*"

UNITED STATES TO THE WORLD. March 2, 1839. (Report of committee of House of Representatives:)

"The policy is not less apparent which should prompt the United States to cooperate in this enterprise liberally and efficiently before other disposition may be awakened in the particular State within whose territory it may be ceded or other nations shall seek by negotiation to engross a commerce *which is now and should ever continue to be open to all.*"

UNITED STATES AND NEW GRENADA TO THE WORLD. December 12, 1846. (Treaty:)

"The right of way or transit across the Isthmus upon any modes of communication *shall be open and free to the two Governments on equal terms.*"

UNITED STATES TO THE WORLD. 1846. (Message of President Polk submitting treaty with New Grenada:)

"The ultimate object (of the resolution of March 3, 1835) *is to secure to all nations the free and equal right of passage over the Isthmus.*"

UNITED STATES TO GREAT BRITAIN. September 25, 1849. (Our minister to France, duly instructed, communicating with Lord Palmerston, representative of Great Britain:)

"That the United States *sought no exclusive privilege or preferential right of any kind in regard to the proposed communication*, and their sincere wish, if it should be found practicable, *was to see it dedicated to the common use of all nations on the most liberal terms and a footing of perfect equality.*"

UNITED STATES TO GREAT BRITAIN. September 25, 1849. (American minister to Lord Palmerston, British representative:)

"That the United States *would not, if they could, obtain any exclusive right or privilege in a great highway which naturally belonged to all mankind.* That while *they aimed at no exclusive privilege themselves, they would never consent to see so important a communication fall under the exclusive control of any commercial power.*"

UNITED STATES TO GREAT BRITAIN. 1849. (Letter of Mr. Clayton, Secretary of State, to Mr. Lawrence, our representative in Great Britain, to be made known to the British Government:)

"If, however, the British Government shall reject these overtures on our part and shall refuse to cooperate with us in the generous and philanthropic scheme of rendering the interoceanic communication by way of the port and river of San Juan *free to all nations upon the same terms*, we shall deem ourselves justified in protecting our interests independent of her aid and despite her hostility."

UNITED STATES TO THE WORLD. December 4, 1849. (Message of President Taylor to Congress:)

"The territory through which the canal may be opened *ought to be freed from the claims of any foreign power.* No such power should occupy a position that would enable it hereafter to exercise so controlling an influence over the commerce of the world or to obstruct a highway *which ought to be dedicated to the use of mankind.*"

CLAYTON-BULWER TREATY.

UNITED STATES AND GREAT BRITAIN TO EACH OTHER AND TO THE WORLD. April 19, 1850. (Clayton-Bulwer treaty, article 8:)

"The United States and Great Britain, having not only desired in entering into this convention to *accomplish a particular object*, but also to *establish a general principle*, they hereby agree."

Particular object to be accomplished:

"The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself *any exclusive control over the said ship canal.*"

General principle to be established:

"It is always understood by the United States and Great Britain that the parties contracting or owning the same *shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable, and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State.*"

The foregoing clause was always thereafter referred to as the "*general principle.*" And wherever "general principle" of the Clayton-Bulwer treaty is used by the parties, this is the particular clause referred to.

UNITED STATES TO GREAT BRITAIN AND TO THE WORLD. 1857. (Mr. Cass, Secretary of State, replying to Lord Napier, who had suggested a plan of joint protectorate:)

"In view of these interests and after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations under pledge of free transit to all desiring it, *it can not be permitted that these Governments* [countries through which the canal might pass] *should exercise over them arbitrary and unlimited control.*"

UNITED STATES TO THE WORLD. 1862. (Note of Mr. Seward, Secretary of State under President Lincoln:)

"*This Government has no interest in the matter different from that of any other maritime power.* It is willing to interpose its aid in execution of its treaty and further *equal benefit of all nations.*"

UNITED STATES TO NICARAGUA AND THE WORLD. 1867. (Treaty concerning the construction of a canal:)

"*And no higher or other charges or tolls* shall be imposed on the conveyance or transit of persons and property of citizens or subjects of the United States *or of any other country* across

the said routes of communication than are or may be imposed on the persons and property of the citizens of Nicaragua."

UNITED STATES AND COLUMBIA TO EACH OTHER AND TO THE WORLD. 1868. (Treaty authorizing the United States to construct a canal not ratified by the Senate:)

"The Government of the United States of America shall establish a tariff of tolls and freights for the said canal *on a basis of perfect equality for all nations whether in time of peace or war.*"

UNITED STATES TO THE WORLD. (President Grant through Secretary Fish:)

"We shall be glad of any movement which shall result in the early decision of the question of the most practical route and the early commencement and speedy completion of an interoceanic communication which shall be guaranteed in its perpetual neutralization *and dedication to the commerce of all nations without advantage to one over another* of those who guarantee its assured neutrality. * * * The benefit of neutral waters at the ends thereof for all classes of vessels entitled to fly their respective flags with the cargoes on board *on equal terms in every respect as between each other.*"

UNITED STATES TO GREAT BRITAIN. June 24, 1881. (President Garfield, through Secretary Blaine, to our minister to England:)

"*Nor in time of peace does the United States seek to have any exclusive privileges* accorded to American ships, in respect to precedence or tolls, through any interoceanic canal *any more than it has sought like privileges for American goods in transit over the Panama Railway* under the exclusive control of an American corporation. * * * It would be our earnest desire and expectation *to see the world's peaceful commerce enjoy the same just, liberal, and rational treatment.*"

UNITED STATES TO GREAT BRITAIN. November 19, 1881. (President Garfield through Secretary Blaine:)

"This Government entertains no design in connection with this project for its advantage which is not also *for the equal or greater advantage of the country to be directly and immediately affected; nor does the United States seek any exclusive or narrow commercial advantage.* It frankly agrees, and will by public proclamation declare at the proper time in conjunction with the Republic on whose soil the canal may be located, *that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe,* and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations."

GREAT BRITAIN TO THE UNITED STATES. (Replying to the above letter through Lord Granville:)

"Such communication concerned not merely the United States or the American continent but, as was recognized by article 6 of the Clayton-Bulwer treaty, the whole civilized world, and that she would not oppose or decline any discussion for the purpose of securing *on a general international basis its universal and unrestricted use.*"

UNITED STATES TO THE WORLD. (President Cleveland in his first annual message to Congress:)

"*Whatever highway that may be constructed across the barrier dividing the two greatest maritime areas of the world, must be for the world's benefit—a truth for mankind.*"

UNITED STATES TO GREAT BRITAIN. (Second administration of President Cleveland, through Secretary of State Olney:)

"That the interoceanic routes there specified should, under the sovereignty of the States traversed by them, *be neutral and free to all nations alike.* Under these circumstances, upon every principle which governs the relations to each other, either by nations or of individuals, *the United States is completely estopped from denying that the treaty* [Clayton-Bulwer treaty] *is in full force and vigor.*"

UNITED STATES TO THE WORLD. December 5, 1898. (Message of President McKinley:)

"That the construction of a maritime highway is now more than ever indispensable to that intimate and ready intercommunication between our eastern and western seaboards demanded by the annexation of the Hawaiian Islands and the prospective expansion of our influence and commerce in the Pacific, and that our national policy now more imperatively than ever calls for its control by this Government, are propositions which I doubt not the Congress will duly appreciate and wisely act upon."

GENERAL UNDERSTANDING OF PEOPLE OF BOTH COUNTRIES AS TO A MODIFICATION OF THE CLAYTON-BULWER TREATY.

GREAT BRITAIN TO THE UNITED STATES. (Expressed in leading editorials on President McKinley's message:)

Editorial, London Spectator, December 10, 1898:

"The Times says most reasonably *that if the freedom of the waterway were secured to ships of all nations, as in the case of the Suez Canal*, we do not see what object we should have in standing strictly upon claims which originated when the circumstances were altogether different."

Editorial of Spectator, same date:

"All we want is that the canal shall be made, *and when it is made it shall be open and available to our merchant ships and ships of war as freely as to those of the United States or other power.*"

"We would abrogate the treaty on the following terms:

"4. That the canal should be open at all times to all nations at peace with the United States.

"5. *That the duties charged would be the same in the case of American and other vessels.*

"If the United States were to agree, as we believe they would, to such terms as these, we would have no possible grounds for refusing to give up our rights under the Clayton-Bulwer treaty."

UNITED STATES TO GREAT BRITAIN. (As expressed in the press of the United States and congressional debates, to wit:)

"That the Government should be reimbursed for the money which should be expended by it in the construction of the canals, in tolls to be charged all vessels using the canal, as per estimates made upon the tonnage which would probably pass through it, and *which estimates included the vessels of the United States as well as all other nations.*"

UNITED STATES TO GREAT BRITAIN. February 6, 1900. (Article in New York World analyzing the Hay-Pauncefote treaty, which had just been signed by Hay and Pauncefote:)

"The United States, however, is given the right to protect the canal, and may employ such measures as are needful for the safety of the canal and navigation. The canal, being the property of the United States and built with American capital, all the profits from the navigation of the canal will go to the United States, *but there will be no discrimination in favor of the American vessels.*"

DIPLOMATIC COMMUNICATIONS BETWEEN THE TWO COUNTRIES RELATIVE TO THE PRESERVATION OF THE "GENERAL PRINCIPLE" OF THE CLAYTON-BULWER TREATY PROVIDING FOR EQUAL TREATMENT OF VESSELS OF BOTH NATIONS.

GREAT BRITAIN TO THE UNITED STATES. February 22, 1901. (Letter of Lansdowne to Pauncefote to present to Secretary Hay:)

"So far as Her Majesty's Government were concerned there was no desire to procure a modification of that convention [the Clayton-Bulwer treaty]. Some of its provisions had, however, for a long time past been regarded with disfavor by the Government of the United States, and in the President's message to Congress of December 18, 1898, it was suggested, with reference to a concession granted by the Government of Nicaragua, that some definite action by Congress was urgently required if the labors of the past were to be utilized and the linking of the Atlantic and Pacific Oceans by a practical waterway to be realized. * * * This passage in the message having excited comment, your excellency made inquiries of the Secretary of State in order to elicit some information as to the attitude of the President. In reply the views of the United States Government *were very frankly and openly explained. You were also most emphatically assured that the President had no intention whatever of ignoring the Clayton-Bulwer convention, and that he would loyally observe treaty stipulations.* But in view of the strong national feeling in favor of the construction of the Nicaraguan Canal and of the improbability of the work being accomplished by private enterprise, the United States Government were prepared to undertake it themselves upon obtaining the necessary powers from Congress. For that purpose, however, they must endeavor by friendly negotiations to obtain the consent of Great Britain to such a modification of the Clayton-Bulwer treaty as would, *without affecting the general principle therein declared*, enable the great object in view to be accomplished for the benefit of the commerce of the world. * * * Her Majesty's Government agreed to this proposal, and the discussions which took place in consequence resulted in the draft of the convention which Mr. Hay handed to your excellency on the 11th of January, 1899."

GREAT BRITAIN TO THE UNITED STATES. February 22, 1901. (Lansdowne, through Lowther:)

"The proposal to abrogate the Clayton-Bulwer convention is not, I think, inadmissible if it can be shown that sufficient pro-

Mr. President, reverting to the obligations of our treaty, the United States can not afford to sacrifice the high and justified reputation it has always borne for faithful, for scrupulous observance of each and every such obligation. One Senator took occasion the other day to defend the United States against the supposed imputation that they had not been faithful to their treaty pledges. Sir, the United States needs no such defense. Their record and their reputation are not only above challenge, they are above suspicion. We can not afford to sacrifice our fair fame for fair dealing by the repudiation of a solemn, ratified obligation.

Mr. President, good faith is to a nation what honor is to a man and what chastity is to a woman. It is the one virtue without which all other virtues are unavailing.

Mr. President, during the course of this discussion it has been said, regretfully by some and rejoicefully, if I may so say, by others, that the pending bill is the rock upon which the Democracy must split. While I am no mariner, I anticipate no such disaster. Senators who feel bound by the platform and oppose the pending measure have ample justification, and they will receive no criticism at the hands of their associates here or at the hands of their constituencies at home. Senators who feel bound by treaty obligations to disregard the Baltimore platform have a justification that will exempt them from criticism by their Democratic colleagues here and their constituencies at home.

Mr. President, it has been said that the President of the United States has reversed his views touching the remission of tolls. He has been impeached for inconsistency. It sometimes requires more courage to be right than to be consistent. I have no doubt that the present Chief Magistrate of this Republic would rather be right than be consistent.

The President is not one to change his matured convictions for light and transient causes. When he recanted his former utterances and renounced his former views we must assume that he was impelled by reasons not only of the most patriotic but of the most overpowering character. Under our Constitution he is peculiarly charged with the direction of our international relations. He possesses information upon the subject more intimate than that to which any Senator can pretend. For my part, when I receive such solemn assurances at his hands as were contained in his message in relation to the pending bill I am disposed to follow his leadership.

Mr. President, the present Democratic administration is dedicated to the rights of man. I may say it is consecrated to the rights of man. It came into power as a revolt against privilege and monopoly, as a revolt against ancient abuses. The present administration came into power pledged to a revision of the tariff. It has kept the faith. The present administration came into power pledged to a revision of our banking and currency system. The party has kept the faith. It came into power pledged to dismantle existing monopoly and to emancipate the American masses from the thraldom and from the tyranny of the trusts. The party will keep the faith. The Democracy is entitled to receive and so long as it is entitled it will continue not merely the passing plaudits but the deep and enduring approbation of the enlightened citizenship of this Republic.

Mr. KERN. Mr. President, I have been asked to move a short executive session, which I will do presently. I think I will move, if it is in order now, that at the conclusion of the executive session the Senate will take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The Senator from Indiana moves that at the conclusion of the executive session the Senate will take a recess until 8 o'clock to-night.

Mr. O'GORMAN. I assume that that is with the understanding that we will continue the session from 8 o'clock until 10 o'clock, and then take a recess until to-morrow morning at 11. Is that correct?

Mr. KERN. I have no objection to that.

Mr. JAMES. It might be that some Senator would be in the midst of a speech at 10 and would conclude in 30 minutes. It is not absolutely necessary that we shall agree to adjourn at 10 o'clock.

Mr. GALLINGER. That, I think, will take care of itself.

Mr. KERN. That will take care of itself.

Mr. O'GORMAN. I have not pressed my suggestion as to any limitation, but——

Mr. KERN. We will have no trouble about it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana that the Senate take a recess after the executive session until 8 o'clock p. m.

Mr. REED. Mr. President, I simply want to make the statement that if the Senate is to remain here and dispose of the program which is now before us any attempt to hasten progress by holding the Senate in session all day long and then forcing a night session will not result, in my opinion, in the advancement by a single hour of the program which we understand we are expected to go through. The health of Senators will be impaired. The patience and ability of Senators to work will be impaired. While I am willing to stay here and am physically able to stay here as long as any other Senator on either side, I see no reason for undertaking at 15 minutes past 6 to go into executive session and then to hold a night session and to proceed along that line.

If there was a filibuster, or if there was a consumption of time here for the mere purpose of consuming time, a different question would be presented. There has not been the appearance of a filibuster. There has not been the slightest evidence of an attempt to prolong this discussion for the sake of prolonging it. We happened to have a cool day to-day, but let us have a few days of the temperature and atmospheric conditions of yesterday and, with such a forced program, we will have some sick men, and we may have some dead men. As far as I am concerned, I do not intend to be one of those sick men or one of the dead men, because I am fortunately in an excellent condition of health; but there are men in this Chamber who are entitled, I think, to a reasonable recess and who, if they come here at 11 o'clock in the morning and stay until 6 o'clock and work, have gone the limit of reasonable physical endurance.

Mr. BRISTOW. Mr. President, I desire to supplement what the Senator from Missouri has just said. The trust bills, so called, have come over from the House. They have been referred to committees. The committees will be considering those bills for weeks. There is not the slightest occasion——

Mr. SIMMONS. Mr. President, I rise to a question of order. Is the motion debatable?

The PRESIDING OFFICER. The motion to take a recess is not debatable under the rule.

Mr. THOMAS and others. Question!

Mr. BRISTOW. I desire to say that the Senator will make no progress by undertaking to force things here, if that is the purpose?

Mr. KERN. Will the Senator allow me?

Mr. BRISTOW. I simply wanted to offer a few suggestions, and if Senators think they can take me off my feet in this way and make progress to-night they will find they can not.

Mr. SIMMONS. I have no objection to the Senator making the suggestion he rose to make; but, clearly, I think the motion is not debatable. I am glad to hear the Senator's suggestion.

Mr. BRISTOW. The remarks are being made by unanimous consent, and I am speaking only by unanimous consent. I was making a suggestion that I think is in the interest of public business and in the interest of the time of the Senate. We want to complete the work. There is no use undertaking to interfere with the program. I am willing to stay here until October and help carry it out, and it will take until October to do it; but it is not common sense to hold sessions of 10 and 11 hours in the middle of summer in order to accomplish the work that is laid out for this session.

The PRESIDING OFFICER. The Senator from North Carolina makes the point of order that the motion is not debatable, and the Chair sustains it. The question is on the motion of the Senator from Indiana.

Mr. REED. Let it be stated.

The PRESIDING OFFICER. The motion is that after an executive session the Senate will take a recess until 8 o'clock to-night.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes consideration of the unfinished business, which is House bill 14385.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. JONES. Mr. President, if we are to have a night session, we certainly ought to have a quorum, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Brandegee	Jones	Overman	Sutherland
Bryan	Kenyon	Page	Swanson
Burleigh	Kern	Perkins	Thomas
Chamberlain	Lea, Tenn.	Pittman	Thornton
Clapp	McCumber	Shepard	Townsend
Clark, Wyo.	McLean	Sherman	Vardaman
Gallinger	Martin, Va.	Simmons	Walsh
Hollis	Martine, N. J.	Smith, Ga.	Warren
Hughes	Myers	Smith, Md.	White
James	Norris	Smith, Mich.	Works
Johnson	O'Gorman	Smoot	

The PRESIDING OFFICER. Forty-three Senators have answered to their names. There is not a quorum present. The Secretary will call the names of the absentees.

The Secretary called the names of the absent Senators, and Mr. LANE and Mr. WEST answered to their names when called.

Mr. ASHURST entered the Chamber, and answered to his name.

The PRESIDING OFFICER. Forty-six Senators have answered to their names—not a quorum.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. FLETCHER and Mr. STEPHENSON entered the Chamber, and answered to their names.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. A quorum is present.

Mr. KERN. I move that the order just entered be vacated.

The motion was agreed to.

Mr. McCUMBER. Mr. President, I have heretofore, at the opening of this discussion, spoken at considerable length on practically every principal feature of the subject, and I could have no excuse whatever for reiterating any part of what I then said. If the vote to-day, or whenever we shall arrive at a vote, were to settle the entire question, I certainly would not be heard to continue any further remarks upon the subject. While the remarks I am about to make will be, I think, of advantage for future reference when this subject may be before the Senate again, I can scarcely hope that they will have any present effect.

Mr. President, the Senator from Iowa the other day expressed great surprise that there were Senators so un-American as to be willing in this tolls controversy to grant more than Great Britain had asked. Whether it is un-American depends entirely upon what we regard as the true American attitude. If the American policy is to avoid our agreements whenever they conflict with our interest, and, above all, never to go beyond the demand of the other party in the fulfillment of our obligations, then I am ready to concede that our position is un-American. But if, on the other hand, the true American attitude is to meet our national obligations without quibble and proceed to carry out our contracts in accordance with the clear and known understanding of the parties and without waiting for any demand whatever, partial or complete, then, Mr. President, I believe that it is we who are representing the true American attitude.

If I have entered into a contract with the Senator from Iowa and another contract of like tenor with the Senator from New Hampshire, in which, for a valuable consideration, I have agreed to follow a certain course of conduct in reference to both of them and all other parties, I am not going to wait for any demand from either of them to comply with that contract. I am going to proceed to make my promise good.

So in this case, Mr. President, I have never given the British protest any particular consideration. I have only considered the simple question, What did the United States agree to do? And there being no question on earth as to not only what we did agree to do but also as to what we said we understood our words to mean, I want my Government to do just what I, as an individual citizen, would do under just those conditions. I took that position before any protest was ever made by the British Government, and I shall continue to take that position until the good name of my country is reestablished among the nations of the earth and maintained in the minds of all its people who understand its obligations and who would jealously guard its national word.

I, too, Mr. President, have been greatly surprised to find that Senators seem to adopt one standard of individual ethics and an entirely different standard of national ethics—one standard for the citizen and another for the Nation.

There is not a Senator in this body who would attempt to give his personal contract a construction which would differ from his previous statement to the other party as to what he had intended and both intended that the contract should mean. I go further and say there is no Senator here who would insist on a construction of his personal contract out of harmony with what he believed the other party in good faith understood it to mean, even though he felt he had a perfect moral right to give it a different construction.

And yet, Mr. President, I find Senators blinding their eyes not only to the natural, usual, obvious meaning of words in an international agreement, shutting them not only to the previous history of the transaction, which shows that the words were intended to have their natural meaning and not a restricted use, but also closing them to the clear and unqualified declaration of every party who had to do with the negotiations and drafting of the treaty as to what they all meant and intended to mean, and then proceeding with most studious effort and with all the technicalities which imagination can suggest to avoid the purposes and understanding of the negotiators of that contract. I do not question the integrity of Senators, but I confess I can not fathom their mental operations.

Mr. President, the passage of this bill will not settle this question. I shall not prophesy that it will not be settled until it is settled right, for things in this world are not always settled that way, but that the real settlement is postponed to the future.

For the use of those who may desire some ready references and a very concise history of this matter, I shall proceed to place in the permanent RECORD some of the most salient points bearing on this matter.

Mr. President, nations speak to each other and to the world at large through executive declarations, legislative resolutions, and diplomatic utterances. By those declarations, resolutions, and utterances are they judged, and through them are their treaties and contracts construed. In the simplicity and directness of these modes of communication we recognize their courage and candor; in the lack of that simplicity and directness we recognize their shiftiness and unworthiness.

Mr. President, we are about to vote whether or not our country shall retain its place in the former class and whether our previous reputation for absolute candor in our international diplomacy is to be maintained by the Senate of the United States.

Before that vote is taken I wish to place the two Nations—the United States and Great Britain—face to face, and, refraining from any comment myself, let this Senate and the country read what they said to the world and to each other for a century preceding the adoption of the Hay-Pauncefote treaty, concerning equality of treatment of all vessels of the world, including our own, in the use of any canal that might be constructed across the Isthmus of Panama. I shall reproduce only, and very briefly, those sentences bearing directly upon that question.

ON THE GENERAL QUESTION OF FREE NAVIGATION OF RIVERS AND CANALS LEADING TO THE SEA.

UNITED STATES TO FRANCE AND SPAIN. August 6, 1779. (Instructing John Jay, our minister, to conclude a treaty with France and Spain:)

"Nevertheless you shall insert on the part of your State a proper article or articles for obtaining *free navigation of the Mississippi River.*"

UNITED STATES AND GREAT BRITAIN TO EACH OTHER. September 3, 1783. (Treaty with Great Britain:)

"The navigation of the River Mississippi from its source to its mouth *shall forever remain free and open to the subjects of Great Britain and the citizens of the United States.*"

UNITED STATES TO THE WORLD. 1792. (Mr. Jefferson, then Secretary of State. Report to Congress:)

"When their rivers enter the limits of another society, if the right of the upper inhabitants to descend the stream is in any case obstructed, *it is an act of force by a stronger society against a weaker, condemned by the judgment of mankind.*"

UNITED STATES TO THE WORLD. March 2, 1803. (Letter of President Jefferson to Livingston and Monroe, our representatives in France:)

"The United States *have a just claim to the use of the rivers which pass from their territory through the Floridas.* They

vessels now owned by railroads, will soon pass into other hands

is illuminating: it characterizes the position of the Democratic Party at that time as born either of ignorance or of willful disregard for our solemn contractual relations. In regard to the principle of neutralization it uses this powerful language:

This has been the uniform and unchanging policy of the Government of the United States from the very beginning. It has never had any other thought or purpose than to open this interoceanic waterway to the use of all nations upon equal terms.

"To the use of all nations upon equal terms." The Democratic platform in 1900 characterized the Hay-Pauncefote treaty then pending as "a surrender of American rights and interests, not to be tolerated by the American people," but it did not impinge, it did not challenge the principle of neutralization or equality. The Democratic campaign book of 1900 used this clear-cut and unmistakable language:

No one can deny that an interoceanic canal should be open to all commerce on equal terms. It is beneath the dignity of the United States to discuss it with any other power in any other phase.

Nobody dreamed at that time that the United States had the power to discriminate when the treaty said there should be no discrimination.

But, Mr. President, what did the plenipotentiaries of the United States, what did the representatives of the United States in this negotiation think that they said, what did they think that they meant by the use of the language in the Hay-Pauncefote treaty? Their testimony is uniform and unvarying. Joseph Choate was at that time ambassador to the Court of St. James. He says that—

The language of the treaty excludes the possibility—

Excludes the possibility, mark that—

of any discrimination in favor of any American vessel, excepting ships of war in time of war.

Mr. President, that is tolerably clear; we at least understand what he was driving at; we understand what he thought he was saying and what he thought he meant. Mr. Henry White was for a time during the negotiations American chargé d'affaires. What does Mr. White say? He says that it was his understanding, and, as he thinks, the understanding of Lord Lansdowne, Lord Salisbury, and Lord Pauncefote, from the beginning to the end of the negotiations, that there was to be no discrimination in favor of American vessels, not even coastwise vessels. That is what Mr. White thought he said during those negotiations; that is what he thought he meant, before Senators came to enlighten him as to his real intents and purposes.

What did John Hay, then Secretary of State and a fairly good master of correct English, imagine that he was saying and meaning when he gave consent to the Hay-Pauncefote treaty? Mr. Hay was one of our most illustrious Secretaries of State and received his baptism in politics as confidential secretary to Abraham Lincoln, the greatest President between Jackson and Wilson. I shall quote Mr. Hay's exact language a little further on. Let me now analyze the mysterious, the obscure, the mystifying verbiage in the Hay-Pauncefote treaty. We begin with the first clause in the mooted article:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

Mr. President, from the very threshold we are plunged into impenetrable darkness. "All nations." What can that phrase possibly mean? "All" is an obscure word. It is vague, indefinite, uncertain. It is as indefinite as space itself. Where does it end? If we only know that "all" meant "all," we should be freed from perplexity, but who will be so bold as to suggest in this presence that "all" means "all"?

There was one so audacious as to attribute to the word that definition. That was Secretary John Hay. He undertook to define it. He said, "'All' means 'all.'" He said, "The treaty was not so long that we could not have said 'all other nations' if that had been the meaning." He then adds, with presumption, "'All nations' means 'all nations.'" But who would undertake to balance the authority of John Hay, whose name this treaty bears, with the advocates of subsidy and monopoly who have now come to judgment? These great linguists and diplomatists could have put all doubt to death by simply saying "all nations and then some."

But we proceed, amid the fog and the obscurity, to the second clause:

The canal shall be free and open to the vessels of commerce and of war of all nations—

How?

on terms of entire equality.

Here our bewilderment becomes more wildering—"on terms of entire equality." If we only knew that "entire" meant "entire," our feet would rest upon an unriven rock. But, sir, who will venture such an interpretation? "On terms of entire equality." Senators say that "entire" does not mean "entire"; and who will challenge such high authority?

We proceed. Doubts peep over doubts and clouds on clouds arise.

The third clause.

The canal shall be free and open to the vessels of all nations on terms of entire equality—

Why?

So that there shall be no discrimination against any such nation, or its citizens or subjects.

Here is confusion worse confounded. Here we heap shade upon shadow. Cimmerian darkness, contrasted with this Delphian oracle, were as sunlight unto moonlight, nay, as noontide unto midnight.

So that there shall be no discrimination.

Now, they could have made it stronger than that if they had seen fit. The question immediately springs into every Senator's mind, "Does 'no discrimination' mean 'no discrimination'?" If it does, there the controversy may rest; but I am not commissioned to say that "no discrimination" means "no discrimination."

Mr. President, we must let some Daniel come to judgment; some one who can interpret the dream of the King without having heard the King's dream. Mark this bewildering confusion: "All nations," "entire equality," "no discrimination."

About, about in reel and rout,
These doubtful phrases thread the mazes of the misty dance.

From this time forth let Talleyrand's paradox be taken as a truism, that the object of language is to conceal thought.

We close our eyes and call it night;
We grope and fall in seas of light.

There are two historic incidents that shed much light upon this question and illuminate the pathway of our duty. Senator Bard, of California, offered an amendment to the first Hay-Pauncefote treaty which reserved, in express terms, the authority to exempt from the payment of tolls our coastwise vessels. That amendment was rejected by an overwhelming majority. Great Britain had a right to understand that action on the part of the Senate as a reaffirmation of our traditional policy in favor of equality of treatment and in favor of equality of tolls. Senators say, however, that the Bard amendment was rejected because it was unnecessary. Senators say that the Bard amendment, reserving the express authority to exempt from tolls, was rejected because the power was involved and implied in the terms of the treaty itself.

Sir, that was a fastidious parsimony of words which ought to warn all statesmen of the future to be exact, even at the peril of being extravagant.

Mr. KERN. Mr. President, does the Senator desire to conclude this evening?

Mr. GORE. Yes. It will not take me very long.

Great Britain rejected the first Hay-Pauncefote treaty. The prizes which it held out were not so alluring as to secure her ratification nolens volens. Can any Senator imagine that Great Britain would have ratified the second Hay-Pauncefote treaty if it had contained the Bard amendment? Does any Senator imagine that Great Britain would have ratified this treaty if she had suspected that the United States intended to depart from its traditional policy in favor of equal treatment and equal tolls?

There is another historic incident which shoots a ray of light into the blackness. In 1884 the United States negotiated a treaty with the Republic of Nicaragua. The treaty was never ratified, yet it is significant. It is known as the Frelinghuysen-Zevalla treaty. Under the terms of that treaty Nicaragua conceded to the United States the right and authority to construct a canal across her territory and to own the canal. It was to be operated under a board of management appointed by the two contracting Governments.

Mr. President, in article 14 of this treaty I find the following salient and significant language, which Senators will mark:

The tolls hereinbefore provided shall be equal as to vessels of the parties hereto and of all nations, except that vessels entirely owned and commanded by citizens of either one of the parties to this convention and engaged in its coasting trade may be favored.

This secured equality of tolls in all international commerce between the United States, Nicaragua, and all other nations, but as to our coastwise trade we expressly reserved the power to exempt those vessels from the payment of tolls. We had a treaty subsisting many years with Great Britain assuring neutrality and equality. When the Hay-Pauncefote treaty was negotiated Great Britain had before her eyes this rejected treaty between the United States and Nicaragua. Great Britain had a right to believe that if the United States intended to renounce the principle of equal treatment the United States would have

the candor and would have the courage to say so, as they did say in the Frelinghuysen-Zevalla treaty.

As if to anticipate this very discussion, as if they caught glimpses of coming events, the British negotiators suggested this article in the Hay-Pauncefote treaty:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Our subsequent acquisition of the Panama Canal Zone does not relieve us from our solemn covenant to maintain entire equality of treatment to all nations observing the stipulated rules.

Mr. President, Great Britain, especially in the esteem of some Senators here, enjoys the reputation of being a pretty shrewd bargainer. What did Great Britain get under the Hay-Pauncefote treaty? What did she get in return for the concessions made by the abrogation of the Clayton-Bulwer treaty? All this labored language, all this iteration and reiteration of assurances as to equality and discrimintion comes to this, that Great Britain was simply insisting that the treaty should be so written that she never could receive at the hands of the United States any favor, any advantage, any consideration, any return for the abrogation of the Clayton-Bulwer treaty.

It would have been infinitely better for Great Britain had she merely insisted upon the insertion of the "favored-nation" clause, a proviso that the vessels of Great Britain should be as favorably treated as the vessels of the most-favored nation. That would have given her all the equality, all the guaranties against discrimination, which she enjoys under the Hay-Pauncefote treaty, and it would not have foreclosed the possibility of her receiving some favor in the future for her generosity in the abrogation of that convention. It would have left at least the opportunity for the United States to bear witness to their appreciation of Great Britain's magnanimous action in revoking the Clayton-Bulwer treaty, the abandonment of her demand for equal treatment.

Mr. President, if this be true, Great Britain gave one other indication either of treachery or of stupidity that can hardly be imputed to that ancient and enlightened Government. Great Britain agreed to renounce the guaranties of equality and subjected her own commerce to serious discrimination, and abandoned the coastwise trade of the Dominion of Canada to an impossible competition against the coastwise trade of the United States.

Let me cite one or two instances. Let us say that a vessel receives at Liverpool a cargo of dry goods and structural steel, bound for some port in Japan. It passes through the Panama Canal and pays, let us say, $15,000 toll. It is desired in New York to ship dry goods and structural steel to the same port in Japan in competition with the English goods. A vessel engaged in our coastwise trade receives the cargo at New York, passes through the canal toll free, touches at San Diego, Cal., and there the cargo is transshipped to another vessel, owned perhaps by the same concern, and is delivered at its destined port in Japan without having paid tribute for passing through the canal. That would be coastwise trade from New York to San Diego; and can we provide guaranties that such cargoes shall never be shipped beyond the seas?

Take another instance. A Canadian ship clears at Halifax, bound for San Francisco. It pays, let us say, $10,000 toll in transit through the canal. Another ship, bound to the same point, laden with a similar cargo, clears at New York, bound for San Francisco. It passes through the canal tax free. Is not that intolerable competition?

Reverse the voyage. A Canadian ship takes on a cargo of grain and of lumber at Vancouver, makes a passage through the canal, paying $10,000 in tolls, and delivers its cargo at New York. An American vessel receives grain and lumber at Port Townsend or Seattle, Wash., passes through the canal without the payment of tolls, and delivers its cargo in New York in competition with the Canadian vessel. What will be the first result of that?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. Does not the Senator think that there is another situation which is even more intolerable than what the Senator calls attention to? That is, that while we prevent American ships owned or controlled by railroads from entering the canal at all, we allow Canadian ships that are owned by railroads to pass through the Panama Canal?

Mr. GORE. Mr. President, I think that raises a most interesting question, and a question that will insist upon consideration at some future time.

Mr. GALLINGER. Yes; I am glad the Senator says that, because aside from the great questions involved in this debate, which has been most interesting and edifying to me, that feature of our legislation is manifestly unfair, and I feel sure the American people will not always stand for the proposition that we shall prohibit our own ships that are controlled or owned by railroads from entering the canal at all, and at the same time allow the fleets of the Canadian Pacific and the Grand Trunk Railroads to pass through the canal without let or hindrance. Some remedy must be found for that.

Mr. GORE. It can hardly be denied that the Government sometimes insists upon increasing difficulties incident to transactions which are absolutely essential not only to commerce but to civilization.

Mr. President, what will be the first result of the situation which I have just described with respect to Vancouver and Seattle? The first result will be that wheat and lumber produced in British Columbia would be diverted from Vancouver and would be shipped by rail to Port Townsend or Seattle and then shipped by American coastwise vessels to our Atlantic seaboard cities. The second result would be that the Dominion of Canada would impose an export duty or a prohibition on the shipment of goods from Canada into the United States. Carlyle's observation that "Injustice begets injustice" is as true as truth.

We must not subject ourselves to the criticism or the suspicion that our principles change with our interest or vary with our situation. This is not the first controversy we have ever had concerning the definition of the phrase "equal treatment," as contained in an international treaty. The United States and Great Britain entered into a treaty in 1871 known as the treaty of Washington. Under the twenty-seventh article of that convention equal treatment was guaranteed to the citizens of the United States and to the inhabitants of Canada in regard to the canals in their respective territories connecting the waters of the Great Lakes. Canada passed a law imposing a toll of 20 cents per ton on all vessels passing through the Welland Canal. She provided, however, that vessels carrying cargoes as far east or farther east than Montreal should be entitled to a rebate of 18 cents per ton. President Cleveland protested that this refund or subsidy violated the guaranty of equal treatment to the citizens of the United States. President Harrison reiterated this protest. Congress enacted a law authorizing the imposition of retaliatory tolls. Canada receded from her position. Her canals are free and open to citizens of the United States upon equal terms with her own inhabitants. Does the reciprocal pledge of equal treatment bind the other nation alone, and is it to our Government fragile as a rope of sand? It is no special credit, either to an individual or to a nation, to observe a contract when it is highly advantageous to do so. That imposes no strain either upon the private or the public conscience. The easiest morals could assume that virtue. Good faith at 5 per cent were a delightful duty. It is they who keep the faith when the advantage is doubtful or adverse that are entitled to the confidence and admiration of mankind.

Mr. President, this question arises now, Which is paramount, the obligation of a platform promise or the obligation of a treaty? Surely this question is not open to controversy. Under the Constitution of the United States the Constitution itself and the laws and treaties made in pursuance thereof are the supreme law of the land. This treaty is the supreme law of the land. The Baltimore platform, strange as it may seem, is not in every particular the supreme law of the land. No one can hesitate as to the path of duty when a platform comes into collision with a treaty obligation.

Let me digress for one moment at this juncture. I have been much amused at the bombastic bravado manifested by certain Senators when engaged in the luxurious pastime of baiting the British lion. I shall do no more than allude to that splendid and entertaining pantomime, but I remember that Tam O'Shanter's wife had to nurse her wrath to keep it warm. I think that these irate Senators must have placed their hereditary wrath in cold storage this century past in order that it might flame out into incandescent fury on this occasion. I remember that the heroism of Sir John Falstaff was in direct proportion to the square of the distance between himself and his embattled enemies.

Mr. President, if I may be pardoned for so saying, I am Irish in lineage, I am Irish in sympathy, and, sir, if you please, I am Irish in my antipathies. I hope to see the hopes of Ireland gratified in the realization of home rule. While I may have no right to express such an opinion, the greatest disaster that could befall Ireland would be the fall of the present British ministry.

is no other way.

Mr. O'GORMAN. I have not expressed that opinion.

who support the repeal there would be a deficit each year of

Mr. GORE. I yield to either Senator.

Mr. O'GORMAN. I simply want to ask the Senator from Oklahoma if he is not aware that the coastwise shipping to which he has just been referring is coastwise shipping controlled by the railroads and by the trusts in the aggregate of 92 per cent of all the American coastwise shipping, and the remainder will be the shipping that under the statute of 1912 may use the canal?

Mr. GORE. The Senator from New York is in error as to his figures. The figures which the Senator cites relate to the line tonnage of the United States, and aggregate, I believe, something like a million tons, whereas the total coastwise tonnage of the United States, including the tramp ships, is six millions. The Senator from New Hampshire may correct me.

Mr. O'GORMAN. I presume the best-informed public official on the subject——

Mr. GORE. Is the Senator from New Hampshire [Mr. GALLINGER], and I refer the Senator from New York to him.

Mr. O'GORMAN. On the subject to which the Senator is addressing himself is the Commissioner of Navigation, Mr. Chamberlain, and it is his evidence given before our committee that I have been substantially quoting in the remark I addressed a moment ago to the Senator from Oklahoma. I reiterate that of the twenty-five or twenty-seven thousand ships of all classes embraced in the coastwise trade of the United States, 92 per cent of them are owned or controlled by the railroads and by corporations operated in defiance of the antitrust law, and are excluded from the use of the canal whether they pay tolls or not, by the act of 1912; and of the 8 per cent of the coastwise ships that may use the canal, the Commissioner of Navigation, Mr. Chamberlain, states that they aggregate but 33 which are suitable for use through the canal.

Mr. GORE. The last phrase the Senator uses modifies his remark. I think possibly the Senator from New Hampshire has the statistics at his desk as to the line companies; that is, the railway vessels and the consolidated shipping companies' vessels. There are many vessels belonging to other concerns.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I do.

Mr. GALLINGER. The statistics that I have collated, and I have taken great pains to have them accurate, show that there are only 330 steamers, of 808,741 gross tons, which are engaged in the regular line service.

Mr. GORE. That is true.

Mr. GALLINGER. This is only about one-eighth of the entire number of coastwise ships. Of all kinds, sail and otherwise, there are 27,070 vessels of 7,896,578 gross tons which were enrolled licensed vessels engaged in the coastwise trade; so the 330 vessels of 808,000 tons in the regular line service are only, as I have said, one-eighth of the entire fleet of coastwise vessels, including tramp steamers and sailing vessels, which are very small affairs as compared to the 330 vessels that are described as being engaged in the regular line service. But however that may be, the Senator is contending against the principle of exempting any of them on the ground that it is a subsidy; and, of course, it makes very little difference whether the number is large or small from the Senator's point of view.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Massachusetts?

Mr. GORE. I yield.

Mr. WEEKS. I wish to call the attention of the Senator from Oklahoma to the fact that the rates made for ocean traffic are constantly changing.

Mr. GORE. That is true.

Mr. WEEKS. It is impossible to say that the rate to-day will obtain to-morrow. They are intensely competitive, not only as applied to foreign traffic but coastwise traffic. There are in every port of the United States tramp steamers at all times ready to take freight to any point at a competitive rate. I think if the Senator will examine the statistics, he will find that the coastwise shipping of the United States as a whole is not a highly remunerative industry under the conditions which obtain.

Mr. GORE. Mr. President, I suggested that competitive conditions had more or less influence upon foreign rates, but that those conditions did not entirely account for this wide and inexcusable disparity of rates.

I may say before passing that the Senator from New York seems to discuss the number of vessels with a great deal more alacrity than he does those comparative freight rates. I will add here that every man knows that the vessels, the forbidden vessels now owned by railroads, will soon pass into other hands when this canal is opend up to commerce. The temptations, the advantages, and the inducements will be so great that the railroads will be obliged to sell them. These will recruit the number of vessels which can avail themselves of this great highway even at the rate of 3 cents a hundred pounds, which is the toll proposed by the President on foreign vessels.

Mr. President, the opponents of the pending measure reached the very summit of their indignation, patriotism, and defiance when they hurled this gauge at our feet: Have we not expended $400,000,000, they say, to construct this canal, and can we not then exempt our own vessels from the payment of tolls?

As a matter of course, the Government of the United States will not pay tolls upon the vessels belonging to the Government. But, Mr. President, it is true that we have taxed the American people $400,000,000 to construct this canal. Shall we now tax the American people millions of dollars every year in order to maintain the canal for the use and enjoyment of a legalized monopoly? Is it not enough to tax the people $400,000,000 to construct this great highway? Can not the beneficiaries afford to pay for maintenance and operation. Shipowners and Senators who complain that the American people ought to be taxed to maintain this great highway after having been taxed $400,000,000 to construct it are a good deal like the woman who borrowed her neighbor's bonnet and then complained because it did not suit her complexion.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. The Senator, I assume, is of opinion that even if the coastwise ships pay tolls there will be a deficit in the operation of the canal.

Mr. GORE. That may be true for a time. I say "true," but I do not wish to express an opinion. I do not know.

Mr. GALLINGER. It is estimated, as I remember it, that there will be a deficit something like $12,000,000 annually. If we admit all nations to the free use of that canal on the same terms as the country that built it at an expenditure of $400,000,000, does not the Senator think that those other nations ought to help pay that deficit in some way?

Mr. GORE. I think no one has suggested the remission of the tolls to ships belonging to other nations or to citizens and subjects of other countries. I certainly have made no suggestion of that kind.

Mr. GALLINGER. No; the Senator did not. I think the Senator did not, perhaps, catch my interrogatory accurately. I repeat that if after spending $400,000,000 on that great waterway we open it to the nations of the world on terms of absolute equality with ourselves, and there is a large deficit, does the Senator think that the nation that built the canal out of taxes collected from the people ought to be called upon to make good that entire deficit, while the other nations, enjoying the privileges and benefits of the canal, pay nothing?

Mr. GORE. It may be true that those in authority in 1900 and 1901 drove a bad bargain when they negotiated and ratified the Hay-Pauncefote treaty. I do not undertake to pronounce judgment upon that point at this time. The question now is not whether the Hay-Pauncefote treaty was wise or whether it was the best possible treaty. My only contention is that it is the treaty, and it ought to be observed both in letter and in spirit. I doubt not that when the canal becomes a going concern the tolls will equal the cost of maintenance, operation, and interest charges. I hope the receipts may ultimately amortize the debt and return to the Treasury the $400,000,000, that can be applied to other useful and beneficent improvements.

Mr. GALLINGER. Mr. President, I read the other day that there had been slight earthquake shocks felt on the Canal Zone, which is in the earthquake zone. Suppose the Panama Canal was destroyed by an earthquake, I apprehend the Government of the United States would be called upon to rebuild it, would it not?

Mr. GORE. I assume so.

Mr. GALLINGER. That is reasonable to suppose.

Mr. GORE. Yes, sir; I think no other assumption is possible. We could hardly consent to take up a collection.

Mr. GALLINGER. Yet we give all other nations equal rights with us in the canal, on which we have spent $400,000,000, and if the canal should be destroyed we would be called upon to expend $400,000,000 more to rebuild it, and then we would give all other nations equal rights with ourselves in its use. That is the most extraordinary specimen of eleemosynary legislation that I ever heard of.

Mr. GORE. That promise is set down in the bond, and we have no discretion now to treat it lightly.

It was some years ago when the decision was made against a sea-level canal. I entertained apprehension at that time that some extraordinary catastrophe, such as suggested by the Senator, might one day dismantle the canal and necessitate its reconstruction.

Congress recently appropriated $35,000,000 to construct a railroad in Alaska. Do Senators on the other side think that this railway, constructed at public expense, should be open to all American railroad companies free of tolls? Is there any reason which would justify the passage of a ship through the canal without charge that would not justify the passage of a locomotive and train over this railroad without charge?

Mr. President, is the Democratic Party bound by its platform to grant this subsidy to our coastwise vessels? It is true that the Baltimore platform contained a plank declaring that coastwise vessels shall be allowed to pass through the canal without the payment of tolls. The promise is explicit. The promise is unequivocal. The promise is not shrouded with mist and fog. The promise is as luminous as a desert sun at noontide. Indeed, sir, the promise is as clear and as unmistakable as the language of the Hay-Pauncefote treaty.

Mr. President, we did make the promise. Shall we now break the promise? That is the point. I have been among those who have attached the greatest weight, and I may say the greatest sanctity, to platform pledges. I regard a platform as a covenant between the party making it and the people approving it. Yet I have never gone so far as some. I have never hedged a convention about with any sort of divinity. The doctrine that a convention can do no wrong is as dangerous as is the doctrine that a king can do no wrong. This instance demonstrates the danger of such a dogma.

Mr. President, I am impelled by reasons I believe to be just and justifiable not to keep the pledge. I assume the responsibility; I accept the consequences; yet those who are disposed to do so can plead extenuating circumstances in their behalf. The platform contained a pledge that coastwise vessels should be allowed to make the transit through the canal untaxed. Democratic Senators who vote against repeal undoubtedly have in that plank a plea that will be accepted in the court of public opinion. But, Mr. President, Democrats who vote for repeal, Democrats who vote against the continuance of this subsidy, will find another plank in this platform which sustains and which justifies their course of conduct. The Democratic platform contains a clear-cut and explicit declaration against the granting of ship subsidies. That is the ancient, the accepted, the immemorial faith of Democracy. The Democratic platform of 1904 fulminated a denunciation against ship subsidies; the Democratic platform of 1900 announced the faith of the fathers, a declaration against the granting of bounties and subsidies to American shipping. That, sir, is the traditional doctrine of the Democratic Party, and upon that doctrine stand those Senators who cast their vote for the pending bill.

Mr. President, there have always been two schools of thought in the United States touching protective duties, touching the granting of favors, bounties, subsidies, and privileges. The Republican Party has uniformly maintained that principle. The Democratic Party has uniformly stood out in favor of the principle of justice and equality and against the policy of privileges and of subsidies. That the heart of Democracy is still true to the faith is abundantly proven to-day. The vote in the other House in favor of repeal, the vote in the other House against this subsidy, was at the ratio of 4 to 1 amongst the Democrats. The heart of Democracy is still true to the principles of justice. The vote in this Chamber, I doubt not, amongst the Democrats, will be in the ratio of 4 to 1. The heart of Democracy still beats in sympathy with the unprivileged masses in an unequal contest with the privileged classes. This fact is proven by the circumstance that 713 delegates to the Baltimore convention have signified their support of the pending bill, and only 126 of those delegates have signified their opposition to the pending bill. This ratio is 5 to 1. Counting all who were silent as adverse, the vote of the delegates would be in the ratio of 2 to 1 in behalf of the traditional principles of the Democratic faith. I base these statements on a poll of the delegates which I have recently made. This, I say, proves their continued devotion to these accepted and recognized standards of justice and equality.

Democrats who desire to do so can plead the doctrine of ultra vires that the convention exceeded its powers. Could a Republican convention by declaring in favor of free trade and tariff for revenue only bind its membership to that principle? Would such a declaration bind the conscience and the conduct of lifelong Republicans who were devoted to the policy of protection? Sir, I mean no disrespect, but could a conference of the Methodist Church, could a convention of the Baptist or Christian Church, could a council of the Catholic Church renounce and adjure the Apostles' Creed and commit its membership to the philosophy of negation? Would such an attempt be binding either upon the conscience or the conduct of a Christian congregation? Could a Democratic convention by declaring in favor of a protective tariff bind its membership to that Republican fallacy? Can you thus convert the apostles of equal justice into the champions of special favors?

Mr. President, to the Democracy the upas tree of privilege is the tree of death, not the tree of life. Its deadly fruit is the forbidden fruit. I must say that I marveled when I discovered that this cuckoo egg of subsidy was in the Democratic nest of equality. I must beware when I see this Republican horse freighted with destruction introduced into the citadel of Democracy.

Mr. President, there is still another reason justifying Democratic Senators in withholding their support from this plank of the Baltimore platform. Whatever may be said of the platform pledge, of its solemnity, and of its binding effect upon individual Democrats, in so far as the British Government is concerned, it was an ex parte proceeding.

The Government of the United States is bidden, it is bound by solemn treaty obligations, to equal treatment and to equal tolls as among all the nations of the earth in respect to the Panama Canal. Mr. President, let it be remembered here that the Clayton-Bulwer treaty was entered into upon the initiative of the United States, and not upon that of Great Britain. In 1850 Great Britain maintained a protectorate over the strip of territory including the mouth of the San Juan River in Nicaragua. That point was regarded as indispensable to the construction of an interoceanic canal. The seizure of Tiger Island that year precipitated a crisis in the international relations between the United States and the Government of Great Britain. Out of that crisis came the Clayton-Bulwer treaty. It composed all the differences then existing between the two Governments.

It can not be denied that article 8 of the Clayton-Bulwer treaty embodies the principle of neutrality and the principle of equality. It provides that the canal shall be open to the citizens and subjects of the United States and Great Britain on equal terms. No one will deny that if the canal had been constructed under the Clayton-Bulwer treaty it would have been impossible for the United States to have discriminated in favor of its coastwise shipping.

It must also be remembered that the Hay-Pauncefote treaty was entered into not upon the initiative of Great Britain, but upon the motion of the United States. During the course of that correspondence Lord Lansdowne declared that Great Britain had no desire to secure a modification of the Clayton-Bulwer treaty. The principle of neutralization embodied in the eighth article of that treaty was imported into and made a part of the Hay-Pauncefote treaty.

Now, Mr. President, what is the controverted language in the Hay-Pauncefote convention? It is this:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Mr. President, what is the historic background in accordance with which that language must be interpreted? A long and illustrious line of Secretaries of State, from Henry Clay to John Hay, have given expression to the traditional policy of this Government. As far back as 1825 Henry Clay, then Secretary of State, declared that the benefits of a trans-Isthmian canal "ought not be exclusively appropriated to any one nation."

Secretary of State Clayton, who assisted in the negotiation of the treaty bearing his name, entertained the view that the canal should be as open as the high seas.

President Taylor, Chief Executive when the Clayton-Bulwer treaty was negotiated, declared in a message to Congress that the canal "ought to be dedicated to the common use of mankind."

That, sir, was before the spirit of monopoly was so rampant in this Republic.

Mr. Cleveland declared that the proposed canal had been consecrated to the common use of mankind.

John Hay subscribed to the principle of neutralization and equality.

Mr. President, the best review of our traditional policy of neutrality and equality is contained in the Republican campaign book for the year 1900. It reviews the language of these distinguished statesmen, these distinguished Secretaries of State; it demonstrates why the principle of equality could not have been abrogated in the first Hay-Pauncefote treaty, then pending before the Senate. It is elaborate; it is comprehensive; it

Mr. GALLINGER. I thought the Senator was.

Mr. STONE. I was, but I am not now.

Mr. GALLINGER. Then I will suggest to the Committee on Commerce that there is a bill before that great committee, introduced by me at an early day in the present session, proposing to increase the mail subvention under the act of 1891, known as the ocean mail act, and if the committee will report that bill out, either adversely or favorably, we can then have a discussion of this subsidy question, in which I shall be very glad to participate. The fact is that under the ocean mail act of 1891 we are now giving subvention to our ships engaged in the overseas trade, and no Democrat, so far as I know, has risen in this Chamber at any time to say that he wants to repeal that act.

Mr. O'GORMAN. Mr. President, with the permission of the Senator from Oklahoma——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. I yield; yes, sir.

Mr. O'GORMAN. The Senator from Missouri states that there are methods by which the American marine may be resuscitated without granting subsidies. He refrains from indicating what they are, suggesting that it would occupy too much time of the Senate if he were to dwell at length upon those methods. I am in favor of any necessary legislation that will bring about a revival of the merchant marine. The flag of the United States is not seen upon any ocean in the world except the flag that is carried upon about 11 ships on the Pacific and Atlantic Oceans. Two years ago 3,000 vessels passed through the Suez Canal flying the British flag, while during that entire year but 2 ships flying the American flag passed through that canal.

Mr. GALLINGER. Mr. President, may I suggest to the Senator from New York one further object lesson? We have spent $15,000,000, or thereabouts, on the harbor of Galveston, Tex., and the waterways connected therewith; there is an enormous foreign trade going out of that port, but there is just one lone American schooner carrying the American flag out of Galveston engaged in foreign trade. What a spectacle that is, my fellow Senators!

Mr. O'GORMAN. Mr. President, I have never declared that I was in favor of granting subsidies; I am not in favor of granting subsidies as a means of restoring the merchant marine if, as stated by the distinguished Senator from Missouri, there are other ways of restoring the navigation which was once enjoyed by the United States upon the oceans of the world. If there are other ways of restoring the American merchant marine, what excuse has our party for its failure to redeem the pledges which we have made time and time again in our national platforms?

To-day the American merchant marine is prostrate. It is humiliating for an American to be compelled to confess that, although there was a time in our history when we carried in our own American bottoms 89 per cent of the products of this country, now and for years past we have been dependent upon the foreign shipowner for the carriage of our products from this country and for the carriage of our imports into this country.

Much as we declaimed for a number of years against the burdens of the Payne-Aldrich tariff act, and claimed that it imposed a tribute of $300,000,000 annually upon the American people, it is undisputed that for years we have been paying to the foreign shipowners—we, the American people—$300,000,000 annually; and no efficient effort seems to be made to change this condition and give our great country the boast and the prestige enjoyed by other nations, of having a merchant marine of our own.

Mr. JAMES. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Kentucky?

Mr. GORE. Yes, sir.

Mr. JAMES. The Senator states that our platforms in the past have advocated a revival of the American merchant marine. Is it not true that those platforms say that, while they do advocate such a revival, it must be done without giving a subsidy or a bounty out of the Public Treasury?

Mr. O'GORMAN. That is true, Mr. President; but the distinguished Senator from Missouri states that there are ways of restoring the merchant marine without resorting to bounties, subsidies, or subventions. I hope that at some time in the near future the Senator from Missouri will explain in some detail how that can be done.

Mr. STONE. And the Senator from New York thinks there is no other way.

Mr. O'GORMAN. I have not expressed that opinion.

Mr. STONE. If the Senator has not expressed that opinion, he has not expressed any.

Mr. JAMES. Whether there are other ways or not, the Democratic Party has said in its platforms that if the only way to revive it is by a subsidy or a bounty, we are opposed to it. That is the Democratic position, as set forth in all our platforms.

Mr. GORE. Mr. President, this has been a most luminous and most interesting digression; but neither the Senator from New Hampshire nor the Senator from New York has indicated how a subsidy to our coastwise vessels passing through the Panama Canal would restore the Stars and Stripes to the high seas. I will yield to a further interruption from either Senator to volunteer that valuable information.

Mr. GALLINGER. Mr. President, I will say in reply that I have never made that contention. What I have said, and what I will now repeat, is that as our coastwise vessels are protected from competition with those of foreign nations, and they are allowed to carry goods around Cape Horn from New York to San Francisco, Portland, Oreg., Seattle, and Hawaii without any foreign competition being permitted, manifestly they have a right to pass through the American waterway known as the Panama Canal, which shortens the distance to California, Portland, Hawaii, and Seattle. That is the only contention I have ever made. In other words, I believe the Panama Canal is exclusively an American waterway, which we have a right to administer in our own way.

Mr. GORE. I shall refer to that subject a moment later.

I share the regrets expressed by the Senator from New York and the Senator from New Hampshire as to the disappearance of the American flag from the seven seas. That flag never will be restored to its former glorious position until our antiquated navigation laws are repealed.

Mr. President, it is true that other nations subsidize their vessels engaged in foreign commerce. It is true that other nations tax their people to pay our freight. Against that policy I enter no protest; but I am not willing to tax the American people and subsidize our seagoing vessels in order to pay or to reduce the freight of the foreigner.

I am not aware that any nation grants a subsidy to the vessels engaged exclusively in its coastwise commerce. As far as I know, this is a new subsidy under the sun.

I do not intend, however, to embark upon a general discussion of the subject of ship subsidies. That grain and that chaff have been winnowed often in the Senate. Both the subject and the Senate have been exhausted time and time again "with vain repetition." I come immediately to the question before us: Shall we grant this subsidy to our coastwise vessels passing through the Panama Canal?

It is estimated that the cost of maintenance, operation, and interest charges in connection with the Panama Canal will aggregate some fifteen and a quarter million dollars yearly. It is also estimated that the tolls paid by our coastwise commerce would amount to $1,200,000. Now, sir, the question is, Shall the people pay this $1,200,000, or shall the shipowners who use the canal pay this $1,200,000?

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. I yield.

Mr. O'GORMAN. The estimate that the coastwise vessels passing through the canal would pay $1,200,000 a year by way of tolls was based upon the number of vessels engaged in our coastwise trade before the passage of the Panama Canal act, in August, 1912.

Mr. GORE. Mr. President, the amount is really immaterial. The principle is the vital point.

Mr. O'GORMAN. With the permission of the Senator from Oklahoma, I should like to occupy just a moment longer.

Mr. GORE. I yield.

Mr. O'GORMAN. By the act passed in August, 1912, all railroad-controlled and all trust-controlled vessels in the coastwise trade were excluded from the use of the canal; and it has been estimated by a committee of the House that the ships thus excluded represent 92 per cent of all the vessels engaged in the coastwise trade of this country. Out of the remaining 8 per cent which would be permitted to use the Panama Canal, it is estimated by the Commissioner of Navigation, Mr. Chamberlain, that there are but 33 American ships in the coastwise trade of the United States that can make use of the Panama Canal, and the probable amount paid in the course of a year by 33 ships using the Panama Canal if tolls were charged would not exceed $250,000 or $300,000.

Under the method that is approved and sanctioned by those who support the repeal there would be a deficit each year of

$17,000,000 borne by the taxpayers of the United States, and the ships of Great Britain, representing one-half of all the navigation of the world, will have the benefit of one-half of that deficit, which will be $8,500,000.

No complaint is made of that princely benefaction which the American Treasury is offering for the benefit of British shipping, yet in this body there are voices raised in protest against the suggestion that in order to promote and encourage our own American shipping it is proper to allow it to have in an indirect way the benefit of $250,000 or $300,000 in a year.

Mr. GALLINGER. Mr. President, will the Senator permit me to say a word at this point?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. Yes, sir.

Mr. GALLINGER. I do not agree with the figures given by the Senator from New York. I discussed that matter in some observations I made a few days ago, and I shall not repeat them in detail now. The estimate of 92 per cent, made by the chairman of the House Committee on the Merchant Marine and Fisheries, referred only to the regular lines of steamers. Suppose, however, half a million dollars would cover the annual loss because of the exemption from tolls of our coastwise ships, which is quite probable, if my mathematics are at all correct that would be a tax of half a cent on every man, woman, and child in the United States—a very small subsidy as compared to the subsidies that we voted in the Agricultural appropriation bill, of which the distinguished Senator from Oklahoma had charge.

Mr. GORE. Mr. President, if the Senator from New York is correct in the assertion that the tolls would aggregate $200,000 instead of $1,200,000 yearly, then, sir, the more is the shame that we should barter our principles and surrender our convictions for such a miserable mess of pottage as that.

Without reference to the amount, whether it be $1,200,000 or $200,000, this is the question: Shall we exempt the people and tax the ships or shall we exempt the ships and tax the people to maintain this canal?

That, sir, is the question. For my part, I cast my choice with the people. I would not consent to remit these tolls if I knew that the benefits of such a remission would be shared equally by the producers and the consumers using the canal. I would not consent to the remission of these tolls if I knew that the benefits would be transferred to the producer in the form of higher prices upon what he sells, or transferred to the consumer in the form of lower prices upon what he buys. Why tax the American people in order to lavish this favor upon any class of consumers or any class of producers merely because their goods chance to pass through this canal?

Mr. WALSH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. GORE. I yield.

Mr. WALSH. I am constrained to inquire of the Senator from Oklahoma what policy he would advocate with reference to the Soo Canal or the Erie Canal?

Mr. GORE. Mr. President, I do not intend to detour at this time through either one of those canals. I am addressing myself now to this particular subsidy, which, unfortunately, has the support of the distinguished Senator from Montana, for whom I entertain the highest admiration.

I do not believe the benefits of this exemption would be shared in any measure either by the producers or by the consumers of this country. Those benefits would be absorbed by our coastwise shipping monopoly, which already has been loaded down with favors at the hands of the National Government. Water transportation is so cheap in its nature that the coastwise vessels could underbid the transcontinental railroads for the competitive traffic.

It is true, as the Senator from New Hampshire asserted, that our coastwise vessels to-day enjoy exclusive privileges. They constitute an absolute, a universal, an ironclad, and an air-tight monopoly. Many people do not know how absolute this monopoly is. Many American citizens do not know that no foreign vessel can engage in our coastwise commerce. Many do not know that the proudest English ship that sails the sea can not receive a bale of cotton at Galveston and deliver that bale of cotton at New York. That is reserved for our favorite coastwise shipping. Many people do not know that no ship flying the German flag can take on a bolt of calico at Boston and "deliver the goods" at New Orleans. That, sir, is reserved to the coastwise monopoly, a legalized monopoly, a statutory trust, and the violation of its privileges is a crime under the laws of the land.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield.

Mr. REED. The Senator is on a theme that touches me very closely, because I have introduced an amendment opening the coastwise business of the United States to the ships of all nations. In view of the fact that the present coastwise business is so thoroughly monopolized, as the Senator describes, I wish to ask him if he will not give his support in helping to break that monopoly?

Mr. GORE. Mr. President, I never differ from the Senator from Missouri when the Senator is right, and the Senator is nearly always right.

Mr. GALLINGER. Mr. President——

Mr. GORE. When I differ from him I suspect the correctness of my own views and my own position. In this instance I do not differ. I think that every ship that sails the seas ought to be allowed to receive cargoes at New York and discharge them at San Francisco. Then the monopoly will be undone and coastwise freight rates will be reasonable. I would not do so overnight. I think the change should be gradual, so as to avoid needless dislocation and allow time for readjustment.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. Does not the Senator think if we put our coastwise vessels in competition with foreign vessels that the coastwise industry would share the same fate that has come to our over-seas shipping?

Mr. GORE. Mr. President, that is exactly the reason why I suggested the limitation in answering the Senator from Missouri.

Mr. GALLINGER. If the Senator will permit me one further word, I did not quite understand what the Senator from Missouri said. Did he say that he had offered an amendment to some bill touching the repeal of our coastwise legislation?

Mr. REED. I offered an amendment to this bill March 28.

Mr. GALLINGER. Then we will have an opportunity to vote on that question, I apprehend.

Mr. REED. I hope you will.

Mr. GALLINGER. So do I. I was about to say to the Senator from Oklahoma that, holding the view he does, I have wondered that he or some other good Democrat did not offer a provision repealing the coastwise laws of the United States, which have been on the statute books for a century. No such bill has been introduced during my service, and I was wondering why it was not done. The Senator from Missouri now states that he has offered an amendment which will accomplish that purpose if agreed to. So we will get a vote on the proposition, and I am glad of it, the result of which, I feel sure, will not be what the Senator from Missouri desires.

Mr. GORE. Mr. President, the Government has not only invested our coastwise ships with monopolistic power, but it has permitted the abuse of that power.

Compare the freight rates between our coastwise vessels and vessels that are obliged to meet the competition of the world.

Bagging from New York to New Orleans is 35 cents a hundred; from Liverpool to New Orleans, 17½ cents a hundred. The rate on wire and on cotton ties from New York to New Orleans is 35 cents; from Liverpool to New Orleans, 13½ cents a hundred. The distance from Liverpool to New Orleans is three times as great as from New York to New Orleans, yet the coastwise rate is three times as much as the foreign rate.

Sir, that is not all. Take the rate on plows. From New York to Wilmington, a distance of 550 miles, the rate is 15 cents a hundred pounds; to New Orleans, 35 cents a hundred; to Argentine ports, 6,000 miles away, 40½ cents a hundred; to Cape Town, in South Africa, 42 cents a hundred; and to Shanghai, 12,500 miles away, 58 cents a hundred.

Compare the rate on dry goods. From New York to Wilmington, 550 miles, 50 cents a hundred; to New Orleans, 1,700 miles, 70 cents a hundred; to Shanghai, 12,500 miles away, 60 cents a hundred. Shanghai is twenty times as far from New York as Wilmington, yet the rate is only 10 cents a hundred more, and it is 10 cents less a hundred to Shanghai than to New Orleans.

Mr. President, of course competitive conditions affect these rates in some measure, but they do not justify and they do not account for this enormous disparity.

Now, the Congress of the United States is asked to confer an additional subsidy on this favored monopoly at the expense of the overburdened taxpayers.

Mr. O'GORMAN and Mr. WEEKS addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Oklahoma yield, and to whom?

And we must charitably suppose that both the President and his Secretary of State were caught napping—the one when the plank slipped into the Baltimore platform, the other when he made a speech praising it.

I had made up my mind, however, to vote against the repeal of this law, preferring that we should arbitrate the matter with Great Britain, if necessary, rather than be chargeable justly with bad faith in keeping a treaty. I still believe this would have been the best way out of the dilemma. The testimony is so conflicting on what the treaty really means and what are our obligations under it, and so many good men and able lawyers differ honestly in regard to it, that I thought it better to submit it to the judgment of an unbiased jury and abide the result. To me it seems that it would be better to submit to arbitration, even though we knew we should lose the case, than be made a laughingstock, as we now are. If we, as a nation, have lost caste with other nations, as is hinted rather than asserted, because of our action on this canal matter, it would certainly be less mortifying to have the other nations join with Great Britain in telling us so, than voluntarily to declare that we wanted to take advantage of England contrary to our treaty obligations, and were shamed into decency by the public opinion of the world.

Then, too, there was a peculiar condition, personal or local in its nature, which embarrassed me very much.

Senators will remember that in 1902, while Hon. John L. McLaurin was a Senator from South Carolina, he and I came to blows on the floor of this Chamber, because I had charged him with selling out to the Republicans on the Spanish treaty, which charge he denied with bitterness and called me a liar. This I promptly resented with a blow. Some of the older Senators who witnessed the scene are yet with us; but I do not propose to go into any further details. I merely mention it in order to explain why it is embarrassing for me to vote for this repeal. At the next State Democratic convention following the encounter between McLaurin and myself I urged and succeeded in having passed by the convention a provision changing the constitution and rules of the party in South Carolina so as to require each candidate for the Senate and House to subscribe to the following pledge. This is the pledge that every candidate for the House and for the Senate in South Carolina has to take to-day:

> I will support the political principles and policies of the Democratic Party during the term of office for which I may be elected, and work in accord with my Democratic associates in Congress on all party questions.

I wanted to tie his hands.

This was made for McLaurin, and everybody understood why. While his betrayal of his trust was very flagrant and fully warranted my characterization of it, it was no more clear and explicit than this question of tolls, for where will we look for "Democratic policies and principles" if not in the party platform? Where will we get plainer language than the pledge at Baltimore on this subject? There has been no caucus of Senators or Democrats to determine what is the party policy. The platform says one thing; and the President has indorsed and praised the platform and explained that very thing in a speech. No authoritative repeal or disavowal of the platform at Baltimore has been uttered by anyone, and Democrats everywhere are very much muddled. The President alone urges the repeal, because, in his judgment, it is necessary to maintain our honor as a Nation.

I would be very unhappy if McLaurin could justly charge me with prescribing physic for him which I myself am unwilling to take. Should I fail to stand by the party platform and vote for the repeal, he could justly say that I am inconsistent. I have always prided myself on my frankness and bluntness in speaking just what I believe to be true. The predicament we are now in has caused me more worry than anything that has happened in a long while.

We have just had another State convention of the Democratic Party of South Carolina, and that convention indorsed President Wilson's administration in no uncertain terms. Indeed, it went further than good taste or truth seemed to demand or allow. It said:

> Recognizing in the President the greatest moral force that has been in the White House during the past century, we heartily commend his efforts to secure a repeal of the Panama free-tolls act, a law enacted by a Republican Congress and signed by a Republican President regardless of national honor. We condemn this law as undemocratic and against the economic policy of our party and country. We believe that this law would create a shipping trust and would repeat the outrageous scandals of the building of our transcontinental railways. We demand that our Senators vote for the unqualified repeal of this act, and thus support the President in upholding Democratic principles and the honor of this Nation.

I want it distinctly understood that political considerations have not influenced me one iota, because I have five years more to serve, if I live, and I do not have to appear before my people until my time is out. I will die, I expect, before that, but I do not intend to die until I am obliged to, and my health, as you all can see, is very good and improving slowly every day.

It seems to me that this resolution is much exaggerated, and a milder and more conservative utterance would have been in better taste. Woodrow Wilson is recognized by all as a great statesman and a good man, but his best friends will not claim for him infallibility, and he has too much sense to listen to flattery. He has acknowledged to me that he had never studied that plank in the platform nor analyzed it, and was led to indorse it and praise it because the party at Baltimore had put it in our platform. He is a great exponent of Democratic principles, but even he, when reading such resolutions as our State convention passed, must remember that there have been many great Democrats in the "past century"; that Madison, Monroe, and Jackson have been Presidents during that time, to say nothing of Lincoln. Therefore I know he will agree with my criticism.

Democracy, according to my definition, is a government by the people, speaking through a majority; and as all the people can not assemble in one body at one time, they can act only through their representatives. Therefore a Democrat means a man elected by the people, who obeys the people and serves their interests honestly and equally. Equality of opportunity and equality of burden is as fundamental a principle of Democracy as local self-government or State rights.

I know the repeal of this bill is right because it is in accordance with old Democratic principles, and I am glad the party leaders have returned to the beaten paths and will stand by those principles for which our party has always stood.

This trouble about the Baltimore platform only shows the vital importance of the work done by the committee in our national conventions and the very watchful care that ought to be taken to prevent "jokers" from being incorporated in such important papers.

The delegates to the Baltimore convention from South Carolina in 1912 stood by Woodrow Wilson from first to last, and I believe the support our State gave him is largely to be credited with his triumphant nomination. Therefore, in a peculiar sense he is South Carolina's more than he is Georgia's or North Carolina's President, and our people love him.

Like the good Democrat he is, at first he fell in line and tried to explain and defend this exemption of American ships from paying tolls. He saw it in the platform and, of course, thought it was right; but the moment he analyzed it he saw the pernicious and wrong ideas it contained, and has had the courage to lead the party back to the pathway of duty to the people—a majority of the people, not favorites and those who are to be especially looked after and cared for. That is Republican doctrine, not Democratic, and I am glad that we propose to spew it out of our mouths. I shall, therefore, vote for the repeal, notwithstanding the Democratic platform.

Mr. GORE. Mr. President, the issue involved in this controversy is clear cut and unmistakable. It is not so obscure as seems to be the language of the Hay-Pauncefote treaty out of which it has arisen. It is simply this: Shall we repeal the act exempting our coastwise vessels from the payment of canal tolls? This issue, however, involves five distinct, yet related, questions: First, Is the remission of tolls equivalent to the granting of a subsidy? Second, Is the granting of a subsidy just as a matter of principle and wise as a matter of policy? Third, Is the Democracy bidden and bound by its platform to support such a subsidy? Fourth, Is the Government of the United States forbidden by treaty obligation to grant such a subsidy or discrimination? And fifth, Which is paramount—a platform promise or a treaty obligation?

Mr. President, that the remission of tolls is equivalent to a subsidy has not, indeed, been controverted. To ask that question is to answer it. No one would deny that, if the Government should first collect tolls and then return them to the shipowners, that would constitute a subsidy. The character of the transaction is not changed by the circumstance that the shipowners are allowed to retain the tolls in the first instance. The effect upon the General Treasury is the same. The effect upon the private treasury of the shipping concerns is the same. In both instances the shipowners receive and enjoy the money, and the people are taxed to supply the deficiency thus occasioned. That, sir, involves every element of subsidy.

We are not, however, left to mere speculation or to abstract reasoning upon this point. The whole matter is concluded by

the very highest authority. Former President Taft, in a speech delivered in January last, used this conclusive language:

> The idea of Congress in passing the bill and my idea in signing it was that we were thus granting a subsidy to our coastwise vessels.

No one will deny that, for once at least, former President Taft did not err. But, sir, I cite even a higher authority, an authority more commanding and more convincing. I refer to the senior Senator from the State of New Hampshire [Mr. GALLINGER]. That Senator has been the avowed apostle, he has been the acknowledged champion, of ship subsidy these many years. He has advocated such a policy certainly in season and, as some think, out of season. He was the chairman, I believe, of the Merchant Marine Commission; he prepared and submitted an elaborate report recommending that the Government of the United States subsidize its vessels engaged in foreign commerce. I do not recall that he recommended a subsidy to our coastwise vessels.

During this debate my colleague [Mr. OWEN] asked the Senator from New Hampshire if the remission of tolls was not equivalent to the granting of a subsidy, and that Senator, with his accustomed candor, answered, "It is exactly the same thing." He did not say that it was the same in effect; he did not say it was analogous to a subsidy; but he said, with perfect truth, "It is exactly the same thing." Mr. President, it is the same thing. Both are gratuities out of the Public Treasury in behalf of private enterprise.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I do.

Mr. GALLINGER. I believe, Mr. President, the Senator from Oklahoma quotes me accurately. I know he intends to do so, and I have every reason to believe he does.

Mr. GORE. Yes, sir.

Mr. GALLINGER. I answered the question of the Senator's colleague frankly and squarely and without equivocation or qualification, that, according to the interpretation given to subsidies by the Democratic Party, this remission of tolls is a subsidy.

The Senator from Oklahoma says that in the report submitted by the Merchant Marine Commission, of which I was chairman, no mention was made of subsidies to coastwise ships.

Mr. GORE. Mr. President, I said that I did not recall that there was.

Mr. GALLINGER. Of course, Mr. President, no mention was made of that, for the reason that our coastwise ships are protected by laws that have been on the statute books for a hundred years against competition with foreign ships. My only contention as to coastwise ships passing through the Panama Canal is that that is an American waterway, and that they have the same right of exemption from competition with foreign ships there that they have in other American waters.

The Senator from Oklahoma will recall the fact that I have heretofore suggested that we are constantly voting subsidies in bills which we are passing here from day to day that are less defensible than any subvention which we are giving our coastwise ships by the legislation of Congress. I did not mean to use that term exactly in the connection which the Senator applies it; I meant if the Democratic contention regarding subsidies was correct that this was as much a subsidy as are certain other things that we are voting from day to day, and I stand by that proposition. We are now, according to the Senator's interpretation of a subsidy, subsidizing our ships in the foreign trade. Under the provisions of the act of 1891, commonly known as the ocean-mail act, we are granting relief to our ships engaged in the over-seas trade to a certain extent beyond what they are earning by carrying our mails; but unless we gave them that relief we would not even have the few ships that we to-day have engaged in the over-seas trade. I think we have only 10 or 11 such ships altogether.

The last bill that I reported to the Senate and advocated was a bill proposing to increase the postal subvention to a small amount, so that we might keep the vessels engaged in the over-seas trade, especially those on the Pacific Ocean, which were then tied up at the docks at San Francisco rotting at their anchors, regularly on the route to the Orient and Australasia. Two or three of those vessels are now running across the Pacific, because little New Zealand is adding a subvention to the small amount of postal subvention that we are granting to those ships. If it were not that New Zealand, a colony of Great Britain, is adding something to what we are allowing the ships that are sailing across the Pacific Ocean to Australasia to-day, those ships would be tied up at the docks in San Francisco.

I thank the Senator from Oklahoma for permitting me to interrupt him to say this much.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New York?

Mr. GORE. Certainly.

Mr. O'GORMAN. I should like to ask a question of the Senator from New Hampshire, who has given so much thought to this very important question. If the ships to which the Senator alludes and which are now aided in part by New Zealand did not have that aid and were tied up at the docks in San Francisco, what would be our postal facilities with New Zealand and that part of the world?

Mr. GALLINGER. We would be absolutely dependent on foreign ships, as we are to-day, practically, in our postal facilities with South America.

Mr. O'GORMAN. That is what I supposed.

Mr. GALLINGER. When our Government wants to transmit our official dispatches to our ambassadors in any of the capitals of South America they are sent to Europe and there transshipped. Our official correspondence goes in that way, largely because we have no adequate ships going to South America.

Mr. O'GORMAN. Does the Senator know of any other maritime nation dependent upon the foreigner as we are in this respect?

Mr. GALLINGER. Absolutely none. The President of the United States did me the honor the other day to quote almost exactly a sentence which I used in a speech I made in this Chamber two years ago, or thereabouts, in which I said that if a commercial house depended upon its rivals to deliver its goods disaster would come to the house thus dependent upon its rivals; and that is as true to-day as it was when uttered.

Mr. STONE. Mr. President, will the Senator from Oklahoma yield to me a moment?

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Missouri?

Mr. GORE. I yield to the Senator.

Mr. STONE. Without entering into a discussion of subsidies or of the merits of the legislation referred to by the Senator from New Hampshire, granting what he calls postal subsidies to ships carrying mail between San Francisco and Australasia—passing the merits of all that by for the present, I am curious to know, after listening to what the Senator from New York has just said, whether that Senator favors a policy of ship subsidies. What he has said would seem to indicate that he does.

Mr. O'GORMAN. Mr. President, there has been no declaration of the Democratic Party at a national convention in many years that has not contained a pledge that the Democratic Party favored legislation which would tend to a revival of the merchant marine of this country. If the distinguished Senator from Missouri knows of any way in which the merchant marine of this country can be restored, except by bounties, subventions, or subsidies, I should be glad to have the benefit of his knowledge or judgment on that subject.

Mr. STONE. The Senator has not answered my question. Does the Senator from New York believe in granting subventions or subsidies to promote the maritime interests of this country?

Mr. O'GORMAN. Mr. President, I regret that I am compelled to reply that the distinguished Senator from Missouri shows no disposition to answer the question that I ventured to address to him.

Mr. JAMES. Mr. President——

Mr. STONE. Just a moment. I think our merchant marine can be resuscitated without granting subsidies. I think I could give good reasons for that faith. But, of course, Mr. President, to enter upon that and elaborate it would take considerable time, which I can not consume at this juncture and in the time of the Senator from Oklahoma. I am against subsidies; and I contend that they are not necessary to the restoration of our merchant marine. The Senator from New York must mean, if he means anything by what he has said, that he stands here as an advocate of ship subsidies.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. I yield.

Mr. GALLINGER. I rather regret, Mr. President, that this discussion has been precipitated, because I am very anxious, for one, to vote on the bill that is under consideration. I will suggest to my learned friend from Missouri, however, that there is a bill now before the Committee on Commerce, of which he is a very prominent member——

Mr. STONE. I am not a member of that committee.

statement of the case—it would be no less an idle ceremony in the case of our vessels of commerce. I can see no reason why a form that is the same in all its points is needless in the case of one class of our vessels, but is absolutely necessary in order to protect our agreement in the case of other vessels. So I think if we have the right to subsidize we have the right to exempt, provided, of course, we take the exempted tonnage into account in fixing the rate of tolls. We can not so arrange the matter that unexempted vessels would pay an additional rate because of the exemption.

But the mere fact that we have the right to do one thing or another is not in itself a reason for exercising that right. Our decision as to the course we should take on this question must be governed by other considerations than the mere fact that we have the right to exempt. I find one of those considerations in the situation in which this matter has been put by President Wilson in his very brief message of March 5, 1914, on this subject. He uses this language:

> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view.

If he had stopped there, I should probably have complied with his request; for I, too, believe it is a mistaken economic policy. When this matter was before the Senate at the time of the passage of the Panama Canal act I was not in favor of exempting our coastwise ships, or any of our ships, from the payment of canal tolls. I did not vote upon the question, because I was paired at the time with a Senator who favored exemption; but if I had had an opportunity to vote upon it I should have voted against the exemption. As a matter of economic policy I believe now that it is not wise to exempt our ships. It does not, however, seem to me that for the present, anyway, it is a very important matter from the standpoint of our domestic economy. The amount of tolls, if paid, is estimated at about $1,250,000, and that is not enough to have any great effect on our commerce either way.

But the President of the United States goes on to say, referring to the exemption:

> And is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

It seems to me, Mr. President, that if we pass this bill there is no possibility that it will be viewed by the people of the world otherwise than as an agreement with that position of the President. Whatever view one Senator or another may have with regard to the reasons which may induce him to vote for this bill, whether based on treaty rights or domestic considerations, I thoroughly believe that in spite of any amendments we may make to the resolution that fall short of a plain declaration asserting our right to exempt our vessels from tolls the views of the other nations of the world would be that we have waived that right.

In addition to that this tolls question involves several other considerations. Great Britain, in her communications on this matter, has not confined her remarks entirely to this one question of the exemption of our coastwise vessels. She makes several other assertions in her communications to us.

She takes exception to our exempting from tolls the vessels of Panama, as we have done by treaty. She also apparently takes the view that the use of the canal by our naval vessels must be taken into consideration in fixing the rate of tolls. She makes a further statement in connection with the rate of tolls that would be allowable for us to charge that I think ought not to be left out of sight in the consideration of this question. I refer particularly to the claim she makes that in fixing just and equitable tolls we can take into account only the interest, the maintenance, and the operation of the canal.

I have not heard any mention made in this debate of that particular phase of the question, but it seems to me it is one of great importance. Interest, in the ordinary acceptation of the term, does not include profit. It means simply the amount of income that is received from bonds and securities of that kind. It does not seem to me that the United States, in fixing the basis for its tolls, is in the slightest degree limited to the mere question of the amount of interest that may be necessary to pay the yearly cost of our bond issue. In the case of the Suez Canal, which is largely owned by Great Britain—she does not quite own a majority of the shares, but comes very close to it—the tolls are fixed at a rate that for the year 1911 paid a profit of 33 per cent to the owners of that great engineering work, and for many years prior to that time the tolls had amounted to rates which paid a profit running all the way from 20 to 30 per cent.

It seems to me, therefore, that all these questions, and perhaps others, will be involved in a settlement of this matter, and that before we commit ourselves to the abandonment of any rights which we may have in regard to the canal the only proper way, the only businesslike way to proceed, is to so act that all the questions will be considered at the same time and adjusted in accordance with some common principle. It seems to me that it might very reasonably be done in the ordinary course of diplomatic conference; but if that is not possible or not successful, the former Secretary of State, Mr. Knox, proposed that there should be a commission which should take the matter under consideration, to the end that the questions of fact might be settled and the issues might be clearly defined, and he refers to the fact that a provision for such purposes had been suggested in the proposed arbitration treaty with Great Britain.

If that is not a satisfactory method, then, by all means, we should refer the question to arbitration; but when we refer it to arbitration it should be not simply the one question of the payment of coastwise tolls, but all the questions involved in our relations with the other nations of the world that have so far arisen in the discussion of this subject.

It seems to me that is the businesslike way to handle it; that is the way that will lead to the least confusion in the future; and that is the only way that will avoid our being liable in the future to be placed in a very perplexing and difficult situation.

Mr. TILLMAN. Mr. President, in considering this question of tolls there are many aspects, some of them startling and almost ludicrous. The Democratic platform declares "we favor exemption from tolls of American ships," and so forth. This is plain, explicit, and easily understood. The act "for opening, maintenance, protection, and operation of the Panama Canal and sanitation and government of the Canal Zone," approved August 24, 1912, has this provision:

> No tolls shall be levied upon ships engaged in the coastwise trade of the United States.

This enactment simply makes into law what the party had demanded at Baltimore, and the Democrats who voted for it thought they were following the platform of the party. The bill we are considering repeals this provision absolutely, and the President asks us to pass it on the ground that it is a subsidy and therefore contrary to time-honored Democratic principles. He said that it "constitutes a mistaken economic policy from every point of view." The party has grown old in opposing subsidies. From its very origin it has been against such a policy. In a speech in New Jersey, which has been often quoted and thrown in our teeth, the President explained the object of this plank and indorsed it fully—not only indorsed it, but praised it for the service it would render the farmers of the country. In that same speech the President also said, "Our platform is not molasses to catch flies. It means what it says." It will be hard to make the average voter understand the contradiction and seeming betrayal of the people in not carrying out our pledges. Democratic candidates in the next election will be kept busy explaining and apologizing, which is very uncomfortable to have to do.

The plank in the platform about the merchant marine reads as follows:

> We believe in fostering, by constitutional regulation of commerce, the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics of the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

This language, too, is plain and explicit; but to some minds why the ideas are inconsistent and destroy each other is hard to see. We alone built the canal and have spent $400,000,000 in its construction, and many people feel that our country ought to get all the benefit possible from it for its citizens. We have spent hundreds of millions on other improvements to canals, rivers, and harbors for the public welfare, and they are free to all the world. Why should we levy tolls on this one only? The canal, broadly speaking, is merely an extension of our coast line by joining the two oceans together. Why exact tolls from our citizens for passing through it, then? The only argument why American ships going through the canal should pay tolls like ships of other nations is either because of our treaty obligations or because all the people can not enjoy the benefit alike. In the very nature of things all the taxpayers in the United States can not enjoy the same privileges in regard to the canal as those owning ships do. It was a national enterprise, undertaken primarily on account of the United States Navy. The object lesson presented by the long and dangerous voyage of the *Oregon* from our western coast around Cape Horn during the Spanish-American War, only arriving just in time to participate in the Battle of Santiago, had much to do with hurrying up the construction of the canal. It required the united efforts of all the people of our country to furnish the money to carry this gigantic work to a success. But for its national importance it would not have been undertaken by this Government alone. The upkeep

of the canal will require a deal of money, to say nothing of guarding it. It will be many years before money received from tolls will come near equaling the expenses to maintain the canal and provide a sinking fund. Whether the remission of tolls would be a subsidy or not is not worth while to argue. If we remit the tolls entirely to our coastwise ships, those owning them would get the benefit of the Nation's bounty and have the enjoyment of special favors which all the people can not have. This is the policy of Republican protection, and the Democracy has declared that policy to be "robbery."

We hear much about a "shipping trust," but the most complete monopoly in the United States at this time is our coastwise trade. Not a passenger or a pound of freight can be carried from one port to another in the United States except in an American-built ship. Our navigation laws need mending as much as, indeed more than, this law which we propose to repeal; and I would gladly support an amendment to allow vessels built abroad and purchased by our citizens to obtain American registry and enter into our coastwise trade. We created the Shipping Trust by this favoritism. If our people can buy just as good ships as we can have built at home, far cheaper, why not allow them to do it? To my mind, it is absurd and outrageous not to do so. All the trusts in America owe their origin to this same cause.

The protective tariff has been the nursing mother to monopolies, and is the fruitful source of many inequalities and injustices which now exist. We ought to do away with the last vestige of it, and in order to do so we will have to make radical changes in our navigation laws. Indeed, I believe that it is the thing we ought to do at this very time. We pass resolutions and put planks in a platform about the merchant marine, but we do nothing practical.

While the American flag used to float from the masthead of our wooden ships in all the seas of the world, we do not seem to be able to compete with foreigners in building ships of steel or in running them. In those good old days when our commerce was so flourishing, the "Yankee clipper" was famous throughout the world; but our New England friends, having found they could persuade the Congress of this country to "protect" them, immediately set about concocting schemes to rob the balance of the people for their special benefit, and we are keeping it up until this day. I am bound to believe that it is the paramount duty of the Democracy, now, while it is working upon the bad laws passed by our Republican predecessors, to take care that this one particular law shall no longer hamper and throttle our commerce. We should be able to build ships as cheaply in the United States as they are built abroad, just as we can make armor here as cheaply as they can anywhere; and why not do it? While we have revised the tariff downward in no uncertain way, and changed the law in many particulars, the policy of protection is still allowed to control in too many things. We are forever confronted with some of the devilry which has thus grown up, giving one class of citizens favors and compelling the balance of us to pay tribute to those favorites.

The debate on this question of tolls has been very able and has been conducted in admirable spirit and temper, but the question is kaleidoscopic and more difficult to unravel than any other with which we have had to deal this session. I admire the President very much. I believe he is entirely loyal to the public welfare and to the party's interests as he understands them. His patriotism and integrity of purpose can not be doubted for one instant. Well-nigh all the people trust him, and most Democrats are learning to love him more and more. He will go down in history as one of our greatest Presidents. If he succeeds in emancipating the white people of this country from the thraldom to money and bonds, where the Republican Party has placed them, he will deserve and occupy a place alongside of Lincoln in the estimation of posterity. I have felt that as the first Democrat in half a century—real Democrat I mean, for I never regarded Cleveland as a Democrat—it is the duty of every man who claims to be a Democrat to support him in all his policies, wise or unwise. If he makes blunders, let us all make blunders and stand shoulder to shoulder and fight it out on that line and go down together. This has been my policy and desire since his inauguration.

But it does stagger my common sense, and I have been unable to understand just why he projected this fight into the party at this time. The canal will not be completed and ready for use until 1915. He could have waited until the regular session next year and then brought the issue to a test. There was every argument in favor of delay. It is of great importance to the Democratic Party to control the House of Representatives at the next election, and I believe the President should have kept quiet until that election was over. It would have been the best statesmanship as well as the best politics to have done so. Until this issue was pressed to the front the course of Democracy had been onward and upward. While the opposition was intense and bitter, it was hopeless and helpless. This is the first jolt or check it has received. I do not believe in the Machiavellian principle of politics—deception and hypocrisy—but there would have been neither displayed in remaining quiet. There was wisdom in silence and it would have been "golden." This question was not a burning issue at the time when he read his message in the House of Representatives to the joint assembly. There are so many things of more importance that the Democrats ought to do, that I must say, in my opinion, it was a great blunder on the part of the President—and I say it with all due respect—to have precipitated this fight now. The Democratic Party instead of presenting a solid, united front is split into contending factions.

While the Republicans, too, disagree on this important subject, both wings of that party—I mean the Progressives and "standpatters"—are smiling complacently at the division in the Democratic ranks. They had well-nigh given up all hope as far as the next election goes. Now they are pricking up their ears and scenting victory from afar. I have been glad to see what while Democrats are very earnest there has been no anger or bad temper shown, and I feel safe in saying that, whatever the result of this contest may be, after the vote is had a solid Democracy will move forward behind the President and try to redeem all our party pledges. It would be almost a crime for the Democracy to hesitate now and not finish cleansing the "Augean stable." We can not hope under the rules of the Senate to pass very much constructive legislation during the short session. If we lose the next House, all the reforms so necessary would have to be done between December and March. An extra session, with one branch of Congress controlled by the Republicans, would only be able to pass the appropriation bills. The Democracy should make hay while the sun shines, and I am glad to see the President pressing the anti-trust legislation so vigorously. I am sorry that he did not include rural credits in the legislative program. He will have to face much criticism on account of his failure to redeem his promise made last winter just after the passage of the banking and currency law that this would be done. The farmers are a mighty power, who are just beginning to understand what their real interests are.

The question of "What is a Democrat?" and "What is Democracy?" are being earnestly asked, for our boasts that the platform was not "molasses to catch flies" accentuates the inconsistency and apparent betrayal. Men who are perfectly honorable and loyal to the truth are explaining why they are voting to reverse their action on the tolls matter. Even the "Bull Moosers" are growing hopeful and boasting. Theodore Roosevelt, the great Advertiser, has returned from Brazil, and, true to his nature, he is "delighted" to see how much the newspapers make of him. Of course those familiar with his methods know that he is furnishing a great deal of the "copy" and some of his friends are paying for this free advertising.

When David B. Hill, the great and distinguished predecessor of the Senator from New York [Mr. O'GORMAN], in opening the Democratic campaign at the Academy of Music in Brooklyn in 1885, said, "I am a Democrat," it was startling because of its simplicity and triteness, and evoked a loud outburst of laughter and applause. The cartoonists of the Republican press took it up and had much fun at his expense.

Should Senator O'GORMAN in the coming campaign address an audience on the same spot he, too, could say, "I am a Democrat," and could point to his long and distinguished services as a leader of the party in his city and State. But he would have difficulty in explaining just what a Democrat is, and would be twitted with a number of questions that can be asked about this canal matter. Some will ask why two planks so antagonistic were put in the platform and how they got there? Whose fault was it that Democracy is thus made a spectacle in the eyes of the people of the country? The Senator from Montana, who acted as secretary to the subcommittee which finally drafted the platform into words, has told us all about the discussions in that committee and how this plank came to be there. The President himself told me frankly that when he made his speech in New Jersey explaining and praising this plank he did not know its real meaning and that he had never studied its full effects. And I am bound to believe Mr. Bryan was also napping, though he was the most alert man in the Baltimore convention that I saw there and was so agile, virile, and vigorous as to astonish his old friends as well as his enemies. We have from high authority that—

> Even the worthy Homer sometimes nods.

nized the Clayton-Bulwer treaty of 1850 as an existing obligation the binding force of which must be admitted.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BURTON. I do.

Mr. BORAH. Does the Senator from Ohio think, if Great Britain had insisted upon the Clayton-Bulwer treaty as it stood, that the Senate of the United States would have recognized or felt bound by it for a single moment?

Mr. BURTON. I think they would. There is no other explanation of their course. The Senate of the United States observes its treaties with other nations, or attempts to do so.

Mr. BORAH. The Senate of the United States, through its most responsible committee, had gone upon record years before to the effect that there was no legal or moral obligation binding upon the United States by that treaty at all.

Mr. BURTON. I am perfectly aware that Senator Sherman, Senator Edmunds, and other men of prominence expressed themselves on the subject; and yet even the most eminent men have sometimes expressed themselves in regard to our foreign relations with a degree of carelessness that I think we hardly ought to imitate. When this bill was under discussion in 1900 and 1901 it was regarded as in full force.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield further to the Senator from Idaho?

Mr. BURTON. I yield.

Mr. BORAH. The expression of Mr. Sherman and of the men who were associated with him, such as George F. Edmunds, William P. Frye, William M. Evarts, J. N. Dolph, John T. Morgan, Joseph E. Brown, H. B. Payne, and J. B. Eustis, expressed this opinion, not in debate, but as the result of a thorough investigation in a responsible report made to this body.

Mr. BURTON. I have the utmost respect for all those men, with nearly all of whom I was acquainted; but their opinion as expressed in that report has not been held by our State Department, save for a comparatively brief period, and it was not accepted at the time the Hay-Pauncefote treaties were made in 1900 and 1901.

Second, this bill of May 2, 1900, to which such reference is made and which is regarded as the great bill, proposed to proceed with the building of an isthmian canal without waiting for the report of a commission, which was then in the field.

My friend from Michigan is plainly in error in stating that I asked in the debate of May 1 and 2, 1900, that a commission be appointed. That commission had already been appointed under the river and harbor act of March 4, 1899. It was composed of six or seven of the leading engineers of the country, both civil and military, Mr. Morison; Mr. Albert Noble; Prof. Burr, of Columbia University; Mr. Haupt, of Philadelphia; Gen. Ernst; Gen. Hains; and one or two others whose names do not come to me at this moment. That was the first commission which entered upon the work with plans for a thorough, painstaking examination of all the routes. They were instructed to examine Panama, Darien, Nicaragua, and all other possible routes, and a million dollars was appropriated for the purposes of their examination. They engaged a small army of subordinates and made surveys.

The bill of 1900 proposed to go ahead without any regard to that commission and before its report was made. It was proposed to pass the bill and proceed to expend $140,000,000 under circumstances under which the Congress would hardly have proceeded to adopt a $100,000 improvement under a rivers and harbors act. It was proposed to go ahead without knowledge, in the first place, of what was the best route, without knowledge of the probable cost and the best method of construction, without knowledge as to where locks should be located, if it were along the Nicaragua route, or how much of the total part of it should be made up of river and how much of canal.

What was done? The Senate never gave an hour's consideration to this bill passed by the House in 1900. Congress waited until that commission had made its report. It acted upon its recommendation in the selection of a route. What next? The advocates of this bill sneered at the Panama route. I remember at a later time it was argued that the declaration in the platform of the Kansas City convention in favor of a Nicaraguan canal meant the Nicaraguan route; that it did not merely mean a canal, but that it meant a particular route.

What did Congress do in this regard? They gave to the President of the United States authority to go ahead, but directed him to choose Panama in case that within a reasonable time and at a reasonable cost a satisfactory title could be obtained.

I can not, Mr. President, sympathize with the opinion that any very great degree of importance is to be given to this bill, because there is not a principle laid down in it that has not been rejected, and that, too, for the good of the country. In the first place, after mature deliberation, it was decided that it was best to have a treaty; in the next place, that this commission should make their report before we went ahead; then, that there should be some estimate of cost; and, finally, the route which the majority chose was rejected and another chosen in its place upon which this great canal has been constructed.

Mr. President, I am willing to confess to some responsibility for the opposition at that time. I am glad that the comparatively small number who stood against the passage of that bill fought the fight and went down fighting. I am glad to note that arguments were made which the country since that time has weighed, and weighed carefully; I am glad to note that the country through its respective agencies has accepted practically all the arguments and propositions put forward by the minority at that time.

I am willing also to accept the statement made by the Senator from Michigan that my opposition was, in the first instance, prompted by Secretary Hay, a man whose friendship I enjoyed and in whom I had a confidence that I have been able to give to but few men in all my life. The recollection of my acquaintance with him is and always will be one of the most pleasing of memories. Since reference has been made to his part in respect to this canal I think I am justified in saying just a few words as to what his opinions were in regard to equality of treatment in tolls.

His views were frequently expressed. It is true I never had any conversation with him in which any reference was made to coastwise shipping as distinguished from other shipping, but there is no one on this floor who in all this discussion has expressed himself more strongly or, I may say, in as strong terms as he did in those two years, 1900 and 1901, in favor of making that canal neutral and affording absolute equality to all the shipping of the world. How could he have done otherwise? Why, less than a year preceding that time he had made a demand upon the nations having spheres of influence in China for equality of treatment; he had made a demand that on the Port Arthur Railroad and the other railroads leading from Antung to Mukden, built by Russian capital, guarded by Russian police, and constructed under a concession from China, our merchandise and our citizens should have absolutely equal treatment with those of Russia. His course in that regard had been applauded by the world; it had been applauded in his own country as an achievement in diplomacy. With that fresh in his mind and fresh in the minds of the statesmen of every country with which we were dealing, where would he have been and where would the United States Government have been if it had been said "We are claiming equality with Russia and all nations on those railroads in China and Manchuria, but we are not going to give equality on a canal to be built by us at Panama"? The inconsistency of it would have cried to heaven.

Not only was that his policy, but I believe he was farsighted, for with a clear vision he looked into the future. He believed that the days of peace were nearer than ever before; that however long might be the delay, a period of greater amity and good will was coming, and not only the interest of the American people, with our expanding exports and trade, but our record as an advocate of equality in routes of transportation, demanded equality at Panama. Even more, a regard for the good name and lasting credit of the American people prompted him to make the Panama Canal, in accordance with our traditional policy to which he had so often referred, a channel which should be open to all nations alike, a trust for the world.

Mr. LIPPITT. Mr. President, the discussion of the bill before the Senate has been very largely upon the interpretation of the canal treaty with Great Britain as to whether the words "all nations" meant all nations including the United States, or all other nations, leaving the United States free to act in regard to her own ships and the ships of her citizens without regard to what policy she might pursue toward the ships of the rest of the world.

That question has been argued with extraordinary ability and at great length by many of the best qualified and ablest men in the Senate, and Senators of large experience, of great learning and ability have taken exactly opposite views as to what is the correct interpretation. Such men as the senior Senator from Massachusetts [Mr. LODGE] and the senior Senator from New York [Mr. ROOT], both qualified by long experience in foreign affairs, the Senator from Massachusetts having been for many years an active member of the Committee on Foreign Relations of this body, and the Senator from New York having

been Secretary of State, have opposite views as to the interpretation of this particular clause. Senators of high standing in the legal profession and of experience, such as the junior Senator from Utah [Mr. SUTHERLAND] and my own colleague from Rhode Island [Mr. COLT], a man who has had a lifelong training upon the bench and whose natural ability and experience particularly qualify him to pass a judicial opinion upon this question, take opposite views about it.

I am not a lawyer, Mr. President. I am not trained in weighing the delicate considerations involved in a judicial settlement of such a legal question as this. It is not surprising, therefore, if upon that particular phase of the subject I have not very rigid views. Nevertheless, I am strongly inclined to agree with the opinion of my colleague, and of those who think as he does, that we as a Nation are bound to the broader interpretation of this treaty. I am influenced, perhaps, in arriving at that view by the fact that, whether or not we are so bound, I think it is the wise course for us to pursue. I believe if we had not committed ourselves at all, if we had no treaty, and were absolutely free to take any course we liked in this connection, it would be the part of wisdom for us so to treat the vessels using this canal that the merchandise of the world might appear in the various markets of the world on equal terms so far as tolls were concerned.

That is the traditional American view. It was the view as long ago as the time of Clay and Webster. It was the view in the time of Blaine. I believe it is the view that has been entertained by a large majority of the people of this country for many years; that it is the view taken by the bulk of the people of this country to-day; and that as time goes on and we gather experience in the conduct of this great achievement, we will be confirmed and strengthened in the wisdom of that policy.

But, Mr. President, when we decide that the treaty means that foreign ships are to be placed "on terms of entire equality" with our own we have not, to my mind, settled the question of our right to exempt our ships from the actual payment of tolls. That question is inextricably mixed up with the long-established custom of the world of subsidizing its ships, and it is generally admitted that there is nothing in the Panama treaty, whichever way it is interpreted, that forbids the United States or forbids any other nation from subsidizing its ships in the form of paying the canal tolls. Exempting our coastwise vessels is, in effect, simply a convenient way of paying such a subsidy to that class of vessels; but it is claimed that though the effect is the same the form is different, and that, therefore, it violates the "entire equality." This, it seems to me, is the real question that is at issue in determining our right to exempt; for if the right to subsidize is admitted, exemption is so clearly a form of subsidy that the right to use that form must be denied if our right to exempt is denied. The ground for such denial has been perhaps as clearly and concisely expressed by the senior Senator from New York [Mr. ROOT] as by anyone else in this body.

I have here an extract from his speech covering that point, which I will not read in full, but which I should like to have printed in connection with my remarks.

The PRESIDING OFFICER (Mr. POMERENE in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

Nor, Mr. President, is there any question here about the right of the United States to subsidize its own ships. That is as clear and as unquestionable as its right to appropriate money to put up a public building in the city of Washington. It does not rest upon our assertion, for Sir Edward Grey, the secretary of state for foreign affairs of Great Britain, in his memorandum handed to our Secretary of State on the 9th of December, 1912, says, commenting upon President Taft's memorandum accompanying the signature to the bill:

"The President argues upon the assumption that it is the intention of His Majesty's Government to place upon the Hay-Pauncefote treaty an interpretation which would prevent the United States from granting subsidies to their own shipping passing through the canal, and which would place them at a disadvantage as compared with other nations. This is not the case. His Majesty's Government regard equality of all nations as the fundamental principle underlying the treaty of 1901 in the same way that it was the basis of the Suez Canal convention of 1888, and they do not seek to deprive the United States of any liberty which is open either to themselves or to any other nation; nor do they find either in the letter or in the spirit of the Hay-Pauncefote treaty any surrender by either of the contracting powers of the right to encourage its shipping or its commerce by such subsidies as it may deem expedient."

I take the line to be at the point where title to the money vests in the United States. If the construction which I feel forced to give to this treaty is a sound one, we are not at liberty to produce the result of a subsidy to American ships by relieving them of tolls which we impose upon other ships. We are not at liberty to produce the effect of a subsidy in that way; but the instant that the money paid for tolls becomes the property of the United States, becomes a part of the general fund of the United States, the United States has absolute and uncontrollable authority in the disposition of that money. All lawyers are familiar with the distinction between accomplishing an unlawful object in a lawful way and accomplishing a lawful object in an unlawful way. To subsidize American ships is lawful. However we may differ about the policy, we have the power; we have the right; but if the construction I give to this treaty is the correct one, we have excluded ourselves by solemn covenant from accomplishing that lawful result in this particular way; and if it be true that we have excluded ourselves from doing it in this particular way, it is no answer to say the same result could be accomplished in another way. In my view it is no concern of ours why Great Britain chooses to insist upon our keeping the covenant and not to produce the effect of a subsidy in that particular way. If this construction of the treaty is right, she has a right to say, "You shall not do that thing in that way"; and if we made the covenant, it is none of our affairs why she chooses to say it.

Mr. LIPPITT. In his statement of this particular aspect of the matter the Senator from New York said, in the first place, in regard to the right of the United States to subsidize its own ships—

That is as clear and as unquestionable as its right to appropriate money to put up a public building in the city of Washington.

He goes on to say that it does not rest upon our own assertion, but that Sir Edward Grey, the Secretary of State for Foreign Affairs of Great Britain, has acknowledged that right in a clause which he quotes. He then says that the point of difference between exemption and subsidy is as follows:

I take the line to be at the point where title to the money vests in the United States. If the construction which I feel forced to give to this treaty is a sound one, we are not at liberty to produce the result of a subsidy to American ships by relieving them of tolls which we impose upon other ships. We are not at liberty to produce the effect of a subsidy in that way; but the instant that the money paid for tolls becomes the property of the United States, becomes a part of the general fund of the United States, the United States has absolute and uncontrollable authority in the disposition of that money.

The practical effect of that statement of the case, as I understand it, is that we must collect the toll from a vessel owned by an American citizen passing through the canal, but that we can, if we choose, pay it back to that vessel at any time after it comes into our possession. I suppose the situation the distinguished Senator had in his mind was that perhaps we would collect a toll at one end of the canal upon the entrance of a vessel and that we would pay it back to that vessel as it left the canal at the other end. But, Mr. President, if we have the right, having collected that money, to pay it back when the vessel leaves the canal, we have an equal right to pay it back in the middle of the canal or we have an equal right to pay it back the instant it has been received.

We would then have this situation: In order to conform to a mere technical situation upon a coastwise vessel of the United States entering the canal its master would hand to the representative of the United States Government a package containing the amount of money necessary for the toll, receive a receipt for it, and the United States officer would immediately hand that same money back to the captain of the vessel and receive his receipt for the payment.

It seems to me that reduces the matter to an absurdity. Certainly the nations of the world could not demand that we should go through any such entirely useless form as this. It accomplishes no useful object. It is of no benefit to the commerce of any other nation using the canal. Nevertheless, if we have the right of returning this money at any time we like, undoubtedly that is the situation that would exist. Moreover, we must have the right to some such procedure to be on equal terms with the position other nations may take in regard to subsidies.

Canada, for instance, may have a great interest in paying the tolls of Canadian ships using the canal. If she should do it and we did not, she might attract a very considerable commerce from the United States; and if she subsidized, doubtless she would do it in the simplest and easiest form. The easiest form, perhaps, would be for her to have a fiscal agent at each end of the canal. Upon the arrival of one of her ships whose tonnage was known, her agent could simply hand to the representative of the American Government the money necessary to pay the tolls, and the captain, perhaps, might not even have to come ashore at all.

Mr. President, though it has been asserted that to conform to the treaty, this red tape has to be gone through with, so far as commercial vessels are concerned, the futility of it is admitted as applied to other classes of ships. The Senator from North Dakota [Mr. MCCUMBER] takes that view of it. He says:

It was not necessary to specifically exempt our war vessels, even though both countries knew that the spirit of the agreement would not be abrogated by allowing our own war vessels to pass without tolls, because the payment of tolls would be but idle ceremony, the taking of money from one pocket and putting it into another, so that no intelligent nation could make complaint that we did not make the actual transfer from one pocket to the other.

Mr. President, if it would be simply an idle ceremony in the case of our war vessels—and I thoroughly agree with that

31. If we seek an explanation of the reversal in the Panama Canal act of the traditional American attitude toward subsidies, we find that this reversal is apparent rather than real. Our quasi subsidy owes its exceptive popularity to its exceptional character, because in its case there is accumulated the view that certain American nationals are preferred to foreign nationals, because it tends to curb the monopoly of the transcontinental railroads, and because the quasi subsidy is not payment of money, subject to varied diversion, but is service only.

There is a final reason that would seem to have special weight, and in fact to change the aspect of the case, namely, that the subsidy attaches not to the ocean voyage, but directly to the passage through American territory, thus approximating closely to our system of domestic improved waterways and canals, so that in their regard there would be "a reversal of the time-honored policy of the United States" in anything short of toll-free passage through American territory for American ships plying between American seaboard and American seaboard.

32. There is to be added that this plan of subsidy, having been actually established by American law, is subjected by a foreign Government to an attack which would involve the matter of policy into one of principle. This serves as a constraint against receding, lest suspension of the exercise of our rights (and this at the instance of our great commercial competitor) should compromise the rights themselves.

Nor is the Sims repeal bill particularly improved in this respect by the Simmons amendment, which, noncommittal as to the issue, would safeguard "any treaty or other right possessed by the United States" instead of intrenching in direct and open words "the right of the United States to exempt from canal tolls all its vessels of whatever kind."

It is of incidental interest that American pleasure craft and ships designed to secure and keep American laurels in the great marine olympic seem to lie outside the plane of treaty contention.

33. If, as is well urged, the Panama Canal is to be a benediction to humanity, this implies that the world benefits are not limited to the shippers of the world, and hence that the shippers of any nation under notice do not monopolize from these benefits that nation's portion. If, then, the American share in the general benefits of the canal are not restricted to American commerce then, by the same principle of solidarity, the special benefits (derived from tolls exemption) are an asset of the American people at large. Thus the wide outlook of the Panama enterprise, which universally strikes the imagination, serves to enhance the popular aspect of our tolls exemption.

It is claimed, however, that the exemption gives money to the shipowners without any benefit to shippers. This offers a dilemma. If the shipowners do not use the money to increase their business (which is directed to one or the other of the American coasts), then competing British or Canadian commerce (directed to the same points) is not affected; in which case Great Britain's protest must be explained as academic. But this view is untenable, for Great Britain, as is well understood, has a real and practical interest in repeal.

If, then, the subsidy is used to work an increase of our constwise commerce and an extension of our commercial flag (a patriotic desideratum); in other words, if American coast-to-coast trade will be greater without tolls than with tolls, this stimulation is necessarily brought about by lower rates for coast-to-coast shippers, for there is no other variation of business conditions to bear upon the case.

34. It has been prominently suggested that the United States should recede from its position in the matter of tolls "from a decent respect to the opinions of mankind." The allusion is infelicitous, as this historic phrase had its rise in a difficulty between the selfeame countries, when the decent respect was had, not by any reversal of action, but by making known the causes of our stand.

Curiously, as may be noted, Great Britain at that time persisted in a plan of taxing us, which taxing we resisted, while now Great Britain insists that we must levy certain taxes on ourselves.

In the present juncture the United States, by a close parallel to its former action, has not sent to Great Britain a note of relinquishment, nor, on the other hand, proceeded without a civil reply, but has diplomatically vindicated its course in two masterly declarations.

GENERAL CONCLUSION.

35. The following, therefore, is a fair epitome of the American-British controversy: First, that the American Government would suffer a functional impairment, both wide and fixed, through the operation of the British claim, which claim consequently international law will tolerate only if established on absolute and undebatable ground. Second, that the British Government has signally omitted to establish its claim with this unquestionable certainty, which, in view of its abnormal consequence, international law exacts; and that, far short of this, it does not afford its claim an equal or even a moderate probability, and leaves it encumbered and beset with a number of embarrassments. Third, that the controversy, which was inaugurated by Great Britain, fails for Great Britain's purpose and leaves intact the right of the United States to exempt from tolls its own vessels, as an incident of its sovereignty.

36. A regard for our treaty does not imply a regard for its forced and extreme interpretation, requiring us to forego our treaty rights. Since, therefore, the violation of the treaty is an imagination, as demonstrated by our Government, and since the British charge of violation is a reality, there is no reason why Americans should feel anxiety on the score of the one; but rather there is reason why they should refuse admission to the other, and for their country's honor cast it back.

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MAY 23, 1914.

MR. BUNAU-VARILLA AND THE PANAMA CANAL LAW.

A REPLY TO THE ARGUMENTS OF THE FRENCH ENGINEER AND DIPLOMAT.

[From the New York Sun of Sept. 20, 1912.]

A novel attack on the Panama Canal law is set forth in the Shipping World by the eminent engineer and diplomat, Mr. Bunau-Varilla. His argument is based on the stipulation in article 3 of the Hay-Pauncefote treaty: "The charges shall be just and equitable." This he construes to mean: "The charges shall be such as to cover the expenses of operation and interest on and reimbursement of the capital invested."

He should rather put it that the charges shall not more than cover the items specified. It could not be held that the United States violated the treaty through allowing the total receipts to fall below any particular point, even though the canal were made toll free, since the tolls themselves go to meet items to the credit of the United States. Surely the United States is not under treaty restriction in the matter of foregoing its own dues. The critic's looseness of expression is really looseness of idea; it serves as a link in his argument; for he maintains that if a large part of the trade is allowed to pass the canal free, the tolls collected will be largely diminished and universal trade will be unduly taxed, owing to the suppression of part of the canal's earning power.

Since if a large deduction is made from any amount that amount will show a large reduction, his statement as to the diminution of tolls is necessarily correct. In contrast with this his further statement as to undue taxation of universal trade is in the nature of a prophecy: it has "just and equitable charges" there is implied a minimum in the proceeds which must be kept up to at all hazards.

Besides, to come particularly to the point, whatever might be the apprehension that the United States, by way of compensating for the loss of tolls, would advance the rates or fail to reduce them with the increase of commerce, the proper contention would be not against the exempting of American ships but against the exemption being used as a pretext for holding the rates too high, if this should ever come to pass.

Let the policy of canal tolls be what it may, there is always room for the possibility of the rates being too high. Exemption leaves room for this and nonexemption does not shut it out. It is plainly wrong, therefore, to intimate that there is a causal relation between exemption and excessive rates. And thus undue taxation of general traffic not following necessarily from loss of American tolls, the critic's argument, which assumes the necessity of the consequence, must fall with its support. If the principle were correct, instead of being incorrect, that the income not only may but must equal the proper items of credit—whatever the exact determination of these may be—then exemption would, indeed, involve higher rates. But this unsound notion naturally invalidates any conclusion attached to it.

This wrong idea appears again in the critic's remark: "The United States is a trustee of humanity in this great work. The law just quoted puts her in the unenviable position of a trustee who uses part of the proceeds of the trusteeship in favor of his own family."

The fallacy of the ambiguous middle term lurks here. The obligation of the United States, besides building, maintaining, and defending the canal, is to draw no more income from the enterprise than is just, with reference to the outlay. Let no more of the burden of tolls fall on any ship than is its share with reference to the total commerce. This takes effect to the benefit of the world at large; but for all that the United States remains a contractor under the treaty and not a trustee.

To be sure, there need be no objection to the use of the word "trustee" in a broad, general way if this use is consistently adhered to. But there is need of instant objection to any shuffling between this and the exact meaning of the word—"a person to whom property or funds have been committed in the belief and trust that he will hold and apply the same for the benefit of those who are entitled."

If now the "proceeds of the trusteeship" are to be applied to expenses, interest, and reimbursement, as we are told, they are to be laid to the account of the trustee itself. How misleading is the insinuation that the United States must account for the disposition of the proceeds to some beneficiary.

If this beneficiary could only be conjured up, then, of course, exemption to American shipping would be to his loss and injury, and no compensation for the loss could rightfully be secured by increasing the rates, since this would in its turn be an unwarranted levying on foreign commerce. But as this state of affairs can not obtain, it is idle to base an argument upon it. Thus we see the unfounded character of the critic's disparagement of our country in his attempted comparison.

Mr. Bunau-Varilla restates his argument in a recent article in the New York Sun, which, aside from rhetorical topics—complimentary and exhortative—is largely taken up in showing that the United States is a "trustee for humanity" in the canal enterprise. Here again he leaves the nature of the "trust" under a wrong insinuation, as though the proceeds—provided they do not result from excess of rates—do not belong to the United States Government, which is under no trust for their disposition.

The critic contends that the United States implicitly declared "that she would reimburse herself on the proceeds, but that she would not deviate a part of them to her own advantage." The proceeds, however, unless they should come with the taint of excessive rates, all belong to their collector. It is not reimbursement on the proceeds, but with the proceeds, and there is thus no part left for any kind of diverting.

Separating, now, the matters of rates and exemption, which the distinguished French critic would entangle, let us consider the rates as unduly low, normally and unduly high. As observed above, the rates can not be unduly low; even if the United States made the canal toll free, no foreign country could gainsay this course. As far as the rates are normal, the proceeds belong in the General Treasury of the United States with its other revenues. And there then remains, fixed on its own independent foundation, the right of the United States to grant subsidies.

If, from increase of commerce or from whatever cause, the proceeds should tend to become excessive, such changing conditions must be met, and the proper corrective is clearly a lowering of the rates. And just as the occasion for the corrective is a possibility under the system of nonexemption as well as under the system of exemption, so the application of the corrective is as feasible under the second system as under the first.

Lastly, in the ascertaining of the rates the same calculation should be followed under either treatment of American vessels. Let the dividend cover the proper items of credit, and whatever difference of opinion there may be as to what these are, the matter lies apart from the question of exemption. Let the divisor include the American commerce. The resulting quotient is the rate of charges, and these are then "just and equitable." They may, of course, be lowered indefinitely at the option of the United States itself. The quota being thus fairly laid on all ships passing the canal, each country, the United States not excluded, is left free to take the burden from its commerce to its own shoulders by subsidies or, in the case of the United States, by equivalent remission of tolls.

Under the present law, therefore, the United States, in the successive readjustments of rates, must base the rates on the American ships being included in the total commerce. But it is one thing to recognize that the United States could not rightfully reimburse itself from foreign shipping for the dues remitted to American ships; and it is something quite different to contend that the United States could not relieve its ships in the first instance, the allegation being that this might serve as a pretext for such reimbursement. The only foundation for this contention would be a rule of law that any act the consequence of which might later be advanced by the person acting as a pretext or incorrect reason for some wrongdoing is itself wrong, and the absurdity of such a rule need not be pressed.

Incidentally, the incongruity of forcing the United States to charge American warships for the use of the canal would be easily seen; and the same would be true in the matter of all ships, whatever their character and number, that the United States might own. Should we, then, thank Mr. Bunau-Varilla and his fellow critics for bringing within our understanding an implied guarantee in the treaty against American socialism?

With strange inadvertence, Mr. Bunau-Varilla concedes that the United States would be perfectly free to grant subsidies "once her mandate was accomplished and her expenses of interest and operation covered by their just repartition on all ships using the canal." Let us suppose the canal law, by amendment, not to exempt American vessels—this would be "the just repartition"—and let us suppose "the expenses of interest and operation covered" by the resulting income. It would then be legitimate, according to the just-quoted statement, for the United States to grant subsidies. That this surrenders the case is plain to see. To what purpose would the Government collect tolls at Colon from American ships and return the money to the ships when they reached Ancon? As the British Government maintains there is no "difference in principle between the United States charging tolls only to refund them and remitting tolls altogether."

It is a matter of notice that Mr. Bunau-Varilla, following the example of other canal law opponents, refrains from discussing the argument of the President's memorandum to Congress in which he communicated his approval of the bill. The judgment therein remains unshaken that "the British protest leads to the absurd conclusion that this Government, in constructing the canal, maintaining the canal, and defending the canal, finds itself shorn of its right to deal with its own commerce in its own way, while other nations using the canal in competition with American commerce enjoy that right and power unimpaired."

NEAL H. EWING.

NEW YORK, *September 27, 1912.*

Mr. BURTON. Mr. President, I listened with interest to the eloquent and able remarks of the Senator from Michigan [Mr. SMITH]. He took a wide range, but gave special attention to the bill passed by the House of Representatives on the 2d day of May, 1900. It is to that portion of his speech that I intend to address my remarks. The Senator referred to that bill as the most important enactment of many years, as having abrogated the Clayton-Bulwer treaty, as having conveyed a message to England which changed her policy toward the United States, and determined future engagements with reference to an isthmian canal.

The bill passed by the House of Representatives on the 2d day of May, 1900, provided, first, that the President should enter into negotiations with the Governments of Costa Rica and Nicaragua to obtain a route for an isthmian canal from the Caribbean Sea to the Pacific Ocean; second, that the Secretary of War should, under the direction of the President, proceed with the construction of such canal; third, that the sum of $140,000,000 be appropriated or authorized for doing the work.

At the very outset I wish to call attention to a very palpable inconsistency of the Senator from Michigan in regard to the relations existing between the other House and the Senate. He took up three bills—first, the tariff bill of last year; described its passage by the other House and its treatment in the Senate; and, from his remarks, it would be thought that that measure was trampled upon here, trodden out of shape; that the legislation coming from the other House was in a shapeless, chaotic mass; and that it was necessary for the Senate to give it form and vitality. In reference to the tariff bill the Senator certainly recognizes the fact that there are two branches of the legislative department of this Government.

The Senator from Michigan again referred to the currency bill and the very material modifications which were made in that measure by the Senate before it became a law. He treated it as though it had been mangled out of shape in the Senate, stating that before it became a law it was an entirely different measure from that which was considered in the other House.

The fact is, Mr. President, that sometimes the House of Representatives considers a measure more carefully, and at other times the Senate. Sometimes the other House has the last word on a measure originating here, but more frequently the Senate has the last word on a measure originating in the other House; but each alike contributes to the wisdom or unwisdom of any bill.

Reference was also made to the bill now pending, with the inference that very material modifications ought to be made in it; but the Senator from Michigan overlooked the fact that this bill of 1900, to which he assigns such supreme importance, passed the House of Representatives and never went any further. It was either torn to pieces, thrown in the furnace and burned, or, if any shred of it remained, it was buried as deep as Thor's hammer. I remember very well the passage of that bill in the other House, and I accept with pleasure the badinage of the Senator from Michigan that I was a member of a small minority who opposed it; he complimented me by saying, I believe, they gathered around me as their leader. I am very willing, Mr. President, after the lapse of a little more than 14 years, to again discuss that measure. I think the fact that it passed the House of Representatives by a vote of 224 to 36 is one of the best arguments that could be adduced that a majority is not always the best argument. Among those who voted in the negative on that bill—among the 36—were Mr. Cannon, since Speaker of the House of Representatives for four terms; Mr. Dalzell; Mr. Gillett; Mr. Lawrence; Mr. McCall; Mr. Moody, who was afterwards Secretary of the Navy, Attorney General, and a justice of the Supreme Court of the United States; Mr. Littlefield, of Maine; and Mr. Champ Clark, of Missouri, now Speaker of the House of Representatives. It is a singular fact that the nucleus of the negative vote was from the States of Massachusetts and Missouri. From the State of Missouri the negative votes were cast by Mr. Clark, Mr. Cowherd, Mr. Rucker, Mr. Shackleford, and Mr. Cooney, to whom the Senator from Michigan has made such pleasing reference.

Now, let us see whether it was a very important measure; let us see whether it changed the course of things. There was hardly an idea embodied in that bill that was not afterwards rejected. First, it intended to entirely ignore the existence of the Clayton-Bulwer treaty; its aim was to go ahead without clearing the diplomatic situation, without regard to our diplomatic obligations, and pass a bill for a canal to be owned and operated by the United States. It was in plain contradiction of the first section of the Clayton-Bulwer treaty. Whether that treaty was wise or unwise—and I must say I think of all our engagements with foreign countries that is the one of which we can say with the greatest emphasis that we obtained the worst of the bargain—the existence of that treaty was recognized at that time by all those who had given the most careful attention to the subject.

Reference was made yesterday to the fact that the then distinguished Senator from Michigan—afterwards Secretary of State—Mr. Cass, opposed and criticized this treaty. I wish to read a few words by way of quotation from Mr. Cass and from another Secretary of State, which were read when this question was under consideration in 1900 on the subject of the binding effect and the existence of the Clayton-Bulwer treaty. Mr. Marcy, in a letter written in 1853 to Mr. Buchanan, who was then our minister to Great Britain, said:

> In relation to the Clayton-Bulwer treaty, about which so much is said in your dispatches, I have only to remark that this Government considers it a subsisting contract, and feels bound to observe its stipulations, as far as by fair construction they impose obligations upon it.

Secretary Cass, in 1858, when Secretary of State, said:

> A considerable amount of friction having arisen, the two Governments were thrown back upon their respective rights under the Clayton-Bulwer treaty.

Again, in a conversation which is detailed in a letter written by Lord Lyons on the 15th of July, 1859, he spoke of certain public men as—

> young and ardent politicians, who were loud in their condemnation of the Clayton-Bulwer treaty, who considered that the engagement not to exercise dominion over Central America was a sacrifice of interest and dignity and an unjustifiable obstacle to the fulfillment of the manifest destiny of the United States.

On two occasions in the administrations of President Grant, the latest in the month of January, 1877, this treaty was recognized as an existing obligation. An endeavor was made in the administrations of President Garfield and President Arthur to recede from its provisions, and numerous resolutions were introduced, but in 1900 it was regarded as still subsisting.

Mr. President, we might as well recognize the fact that there is a wide difference sometimes between a statesman in opposition and a statesman who has responsibility. Mr. Cass might have criticized this treaty and spoken unfavorably of it, spoken as if it were not an obligation, when he was in the opposition, but when he was Secretary of State, with the responsibility of that position, he recognized its existence.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Ohio yield to the Senator from Idaho?

Mr. BORAH. Would it interrupt the Senator if I would call attention to some other views as to whether that treaty was a subsisting obligation?

Mr. BURTON. I would not care to be interrupted now. I have frankly stated that the binding effect of the treaty was questioned. Mr. Blaine, Mr. Frelinghuysen, and others sought to make it appear that the Clayton-Bulwer treaty was no longer in force. I think the Senator from Idaho had better take that up in his own time and in his own way. I believe he has already done so in some prior remarks.

Mr. BORAH. No; I have not called attention to that; but I thought it would be appropriate at this particular time, because the men whose views I desire to quote are not men who could be called young and enthusiastic politicians.

Mr. BURTON. The Senator from Idaho will recognize that I referred to Mr. Cass largely because he was quoted yesterday as opposing the validity of the treaty; at any rate, the Senate in the consideration of both of the Hay-Pauncefote treaties recog-

such allusion is to be found, for if available it would be cited. We are expected, then, to believe that American officials would deem no word of explanation necessary when fastening on their country a great and permanent disability.

16. Let us search the treaty for the "express terms" of subsidy restriction, or, failing this, for the requisite "absolutely necessary inference" of such restriction.

The treaty does not yield one express word impairing the right of the United States to aid its commerce by subvention. If such impairment was, in fact, considered, it is a matter for surprise and explanation that a consequence so momentous should not be thought worthy by the high contracting parties of comment or aversion, but should be left in implication.

It can not be rejoined that neither, on the other hand, does the treaty expressly permit the United States to subsidize its canal vessels, for such right does not have to seek its warrant in the treaty: it rests on the original sovereignty of the United States over its commerce and was subsisting undisturbed under the Clayton-Bulwer treaty when the present agreement was concluded.

In point of fact, if, as falls within the contemplation of the present treaty (art. 2), the canal had been "constructed under the auspices of the Government of the United States," not "directly at its own cost," but "by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares," the plea that the treaty had restricted the United States in its right to subsidize under such circumstances would be too patently wrong to be urged. Yet nowhere does the treaty make a distinction as to the consequences, in this regard, of the different plans of constructions.

17. As to the "absolutely necessary inference" of subsidy restriction in the treaty, no independent lodgment for it has been suggested apart from its disputed premise, the point of controversy, that tolls exemption is prohibited. Since, then, the extravagant conclusion of impaired sovereignty is not independently bolstered in the treaty by its own proper implication, its disputed premise is all the more to be suspected.

With an enormous handicap, therefore, placed on it by the logic and law of the case, the British contention against the right of exemption stands to be tested. Here, naturally, we are left again to implication. There is no provision by express words that free tolls for American vessels are permissible only on the prodigious terms that the United States shall forego all compensation for its vast expenditures.

THE ALL-NATIONS PROVISION.

18. As noticed above, two clauses of the treaty are appealed to in the protest, the all-nations clause and the just-charges clause.

Here follows the text of that part of the Hay-Pauncefote treaty (concluded November 18, 1901), the construction of which is the matter of dispute:

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable."

19. The summary of argument currently advanced to show discrepancy between the canal act and the treaty is that since the United States is a nation it is necessarily included in the phrase "all nations."

But the expression "any such nation" in the very same sentence bids us look for some qualifying antecedent, which, indeed, we find. The unbroken phrase reads: "All nations observing these rules." Furthermore, the preceding section yields the pertinent fact that "the United States adopts" the rules under notice.

It is, then, a truncating of the question to ask whether the United States, being a nation, is not included in "all nations." This offers a glimpse at the treaty and not a full view. Let it be inquired rather whether the United States, having adopted rules, is or is not included in "all nations observing these rules."

There is no reason for not considering these two functions, adopting and observing, to be as distinct as are the words which describe them. To adopt rules which others must, even though contingently, observe is to lay down rules for such others; as far as any transaction eventuates, the two parties are the rule giver and the rule obeyers.

The United States alone adopts the rules, and is thus distinguished from all other nations, even from the cosignatory, Great Britain.

While Great Britain agrees with the United States as to what rules are to be adopted, it withdraws and allows the rules to be adopted by the United States.

Thus the very fact that Great Britain is a party to the treaty throws into relief the unique position with regard to the rules which is occupied by the United States.

20. Again, the treaty guarantees that such nations as qualify therefor shall have free and open passage for their vessels, and it is these same nations that are covered by equality of terms, since there is no intimation of a distinction, nor, indeed, by the grammatical construction, any room for it. "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality."

But since the United States controls the canal it is not necessary that it should guarantee freedom of passage for its vessels of commerce and of war. Furthermore, this would be pointless, as Great Britain could not have concern that the United States should deal fairly with American vessels. Since, then, it can not be seriously maintained that Great Britain secured the promulgation of any such guaranty as curator of maritime nationals of the United States, to safeguard their interests against their own country, it follows that the United States is not a subject for treaty guaranty in the matter of canal passage. Hence, as a further consequence, the United States is not a subject of treaty regard in the matter of equal terms which are extended to all nations observing the rules.

21. Again, the treaty provides in regard to a certain class (the rule-observing nations) that there shall be "terms of entire equality" for all, "so that there shall be no discrimination against any." Now, the natural interpretation of this is that every one of the rule-observing nations shall be free from discrimination. The expression "so that" is grammatically an equation of purpose or intention and it refers "any" to everyone of the "all." In other words, the treaty contemplates the guaranty against discrimination as fully coextensive with observance of the rules. If, then, we find that the United States is not a possible subject for discrimination, it is not included in the mind of the treaty within the rule-observing nations.

Now, since discrimination can only come from the United States—because with it rest "the regulation and management of the canal"—and since discrimination by the United States against the United States and or its nationals is not a matter for British solicitude, or treaty stipulation, it follows that the treaty does not contemplate the United States as a subject for discrimination. As a further consequence, therefore, the treaty does not contemplate the United States as being included in "all nations observing these rules."

22. The treaty couples "vessels of commerce and of war." They are put on the same footing; no distinction as to tolls is made. Furthermore, in regard to foreign vessels, it is not contended by Great Britain that there is to be any distinction between them. If we would know, then, whether exemption is admissible for American vessels of commerce—the point of dispute—it is highly pertinent to inquire concerning American vessels of war. Now, exemption for American men-of-war must be, and in fact is, admitted, for any tolls levied upon American men-of-war would be supported by the owner of the canal, the United States Government. Let us, then, that the owner of the canal may relieve American merchantmen is to introduce into the case an element of confusion.

Since, in other words, under the treaty there was admittedly no intention of including one class of American vessels under equality of terms, it is more closely consistent, in the lack of distinguishing words, to deduce a lack of such intention for the other class, rather than to suppose its existence.

23. The rules of the treaty were adopted "as the basis of the neutralization" of the canal. The British Government would let "neutralization" imply "equality of rights" having in view equal rates, and would actually restrict the present instance of the word to this bearing. This definition offends precedent, general and particular; for it runs counter to the accepted meaning of the word and it does not conform to the definition given to it by the same Governments when treating of the same matter.

The present treaty supersedes the Clayton-Bulwer treaty of April 19, 1850, except that the construction of a canal "under the auspices of the Government of the United States," as authorized, is to be had "without impairing the 'general principle' of neutralization established in article 8" of the earlier convention. Let us consult the source of the general principle. The main body of the earlier treaty guarantees the "neutrality and security" of a Nicaraguan canal and this neutrality can not consist of or imply equal rights, for the settlement thereof lay without the treaty jurisdiction, however much a matter of treaty concern.

Article 8 of the Clayton-Bulwer treaty provides that "the Governments of the United States and Great Britain having * * * declared * * * to establish a general principle, they hereby agree to extend their protection * * * to any other practicable communications * * *. In granting, however, their joint protection * * * it is always understood by the United States and Great Britain that the parties contracting or operating the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford."

Here, then, the force of the word "general" is to extend neutrality otherwise referable to a particular canal only, so as to cover communications by all routes and by canals or railways. Neutralization has its field enlarged; and there is then no necessity and hence no warrant for disturbing its accepted significance.

By the eighth article the signatories do not guarantee equal rights or rates and furthermore they are not in a position to do so. The understanding that the rates are to be equal is not an agreement to this effect, but simply a supposition, which, if actualized, would support neutralization. On the other hand, there is a guaranty of neutrality, although conditional. Equal rates and neutrality are not put on the same ground, but are distinguished, coming from different and, in fact, opposite sources.

Thus we see the error of the second British note in mentioning the principle of article 8, "which provides," it states, "for the equal treatment of British and United States ships."

We further read in this second note that in article 8 "there is no mention of belligerent operation at all, joint protection and equal treatment are the only matters alluded to and it is to one or both of these that neutralization must refer." It is more reasonable to say that whatever joint protection implies falls within the purview. We can not then ignore belligerency when joint protection is alluded to for the content and the whole concern of protection is a refraining from belligerency and a restraining of the belligerency of others.

The British note intimates that the United States was "most anxious to get rid" of joint protection and therefore that it was not joint protection to which the United States referred in the preamble of the present treaty; continuing that, on the other side: "It certainly was not the intention of His Majesty's Government that any responsibility for the protection of the canal should attach to them in the future. Neutralization must therefore refer to the system of equal rights."

Protection as joint was certainly meant to cease. But what good reason is there to dwell on the circumstance of jointness and disregard the operation to which it belongs? Protection, whether joint or otherwise, is a restraint of others and self from belligerency to its object. Under the present system protection, though no longer joint, continues, devolving upon the United States under the first law of nature.

Protection is a burden, a "responsibility." That it should cease to be joint, that Great Britain should be relieved of responsibility, is a contract consideration extended by the United States, of which, indeed, Great Britain shows a clear appreciation in its present disavowal.

Other nations, furthermore, though they need not protect the canal, must respect its immunity from attack. This is the condition for their enjoyment of the canal privileges. In this way the general principle of neutralization is preserved.

In the same note Sir Edward Grey observes that if the present treaty secures "to Great Britain no more than most-favored-nation treatment, the value of the consideration given for superseding the Clayton-Bulwer treaty is not apparent to His Majesty's Government."

Great Britain, as will be noticed, nowhere assumes to occupy a position in regard to tolls better than that of other foreign nations. If, then, Great Britain wonders why it should be considered no more than a conditional most-favored nation in the matter of canal treatment, there is cause for it to wonder how it came to be on a level with other

foreign nations in this regard. There is the same explanation for both cases.

For, as has been pointed out by the Hon. Lewis Nixon, "the entire Clayton-Bulwer convention speaks of equal treatment, owing to the fact that equal obligations were undertaken in affording protection and in guaranteeing neutrality."

The consideration, therefore, which eludes Great Britain's cognizance is a relief from "responsibility" of protection, and its value is sufficiently evidenced in Great Britain's present emphasis on its withdrawal from the support of such burden. It is on account of this withdrawal that Great Britain takes its place in the general level of outside nations.

The following provisions appear in the treaty: "The canal shall never be blockaded, nor shall any act of war * * * be exercised within it. * * * Vessels of war of a belligerent shall not revictual * * * in the canal. * * * Vessels of war of a belligerent shall not remain in such waters. * * * The plant establishments, buildings, * * * shall enjoy complete immunity from attack." Before this conclusion, therefore, can be reached that the neutralization for which the rules are a basis must refer to equal rights only and not to belligerency, the above provisions must disappear from the treaty.

It is evident, then, that the general principle of neutralization of the Clayton-Bulwer treaty was to remain unimpaired under the Hay-Pauncefote treaty, not by equal rights and rates, something which the first treaty never guaranteed, but something aspired after; something which as unestablished was not a subject for impairment; but by canal immunity (neutralization properly so called) which that treaty did in set terms offer.

24. As seen above, the imposing of the treaty rules is to be viewed as not extending to the United States because of its position as rule giver. If besides this the character of the rules is such as to render them inapplicable to the United States, then plainly the United States was not intended to be included in "all nations observing these rules." The rules are six in number. Concerning the last five, the American contention sets forth: "Then follow five rules to be observed by other nations to make neutralization effective, the observance of which is the condition for the privilege of using the canal."

A reading of the rules shows, indeed, their plain incongruity to the position of a canal owner and canal sovereign.

The British Government did not controvert the statement that rules 2, 3, 4, 5, and 6 were laid down for the observance of other nations than the United States. It contented itself by explaining as to rules 3, 4, and 5 that while at the date of the signature of the treaty the canal territory did not belong to the United States, "now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection."

The British Government, however, can not evade a consequence of argument by a concession intended to dispense with the argument itself. It can not account for a status under the treaty by a present validation thereof. The title must exist by reason of the treaty or not at all. Therefore Great Britain's statement that now it does not "question" the right under consideration must stand as an admission that under the present circumstances the treaty allows the right, not that an admission naturally is required.

But if, under whatever circumstances, the treaty allows the right, it must be for the reason of original exclusion of the United States from the rule-observing nations and not for the reason of change in territorial sovereignty—unless it is Great Britain's meaning to disregard the fourth article of the same Hay-Pauncefote treaty.

It is agreed that no change in territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or of the obligation of the high contracting parties under the present treaty."

Nor could the British Government help its contention by setting up likewise against article 4 the rule of rebus sic stantibus, that the treaty was made on the supposition of "conditions of navigation" and that the passing of the territorial sovereignty, not to some other third nation, but to the United States itself, was an essential change in conditions such as was not fully contemplated by article 4, because this plea would have invited disaster.

For the principle, if once introduced, can not be restrained for the required purpose of discussion; and if its standpoint is accepted, then, as is shown by the distinguished publicist, the Hon. Hannis Taylor, even if we admit for argument that the United States was originally looked upon as one of the rule-observing nations, "we have now a perfect right, under the rule of rebus sic stantibus, to demand a modification, as the treaty as a whole has become voidable or nullifiable."

Thus, if the British Government essays to cross the barrier of the fourth article, it finds itself without a place to stand, while if it remains within the barrier, it must face the controlling fact of the inapplicability of the rules to the United States.

Senator ROOT remarks in his oration of May 21: "There is not a rule from the second to the fifth that does not impose duties upon the United States"; and then comes to particulars, as, for instance: "If ships of war in time of war latter in the canal, it will be the duty of the United States to urge them forward." Assuming this to be correct, how does it help the British claim? Other nations must observe these rules and the United States must see that they do so. But how can this be tortured into the sense that the United States must observe the rule itself (as though observance and enforcement were the same thing)? And, failing this, the remark of the distinguished speaker does not meet the matter of issue.

25. The British claim of American inclusion is hindered therefore by several aspects of the treaty centering about the following phrases: "Observing these rules," "free and open," "discrimination," "and of war," "neutralization," and also by the very character of the rules themselves.

Not only, then, does the impairment of the right to subsidize (the absurd conclusion of the British claim) decidedly lack any "absolutely necessary inference" on the score of inclusion of the United States in "all nations observing these rules," but the inference on this head leads us in the opposite direction.

THE JUST-CHARGES PROVISION.

26. To reenforce its position the British Government, in its second note, surmises that the system of American exemption would "impose upon British or other foreign commerce an unfair share in the burden of the upkeep of the canal."

The treaty provides that "the charges shall be just and equitable." Now, there are two factors determining the justness of the charges. First, the aggregate tolls must not exceed a just maximum, the regard being had to interest on capital, to cost of operation and maintenance, and to amortization. Secondly, this aggregate must be evenly distributed so that no vessel shall bear more than its proper quota.

The first element is entirely untouched by the difference between the two systems. The second element accommodates itself as well to one system as to the other. Under exemption there merely stands the added exception that any vessels properly exempted shall be continued in the calculation as part of the volume of commerce, since such they do not cease to be. In this way the exempted tolls are not thrown upon foreign commerce, but are borne vicariously by the Government of the United States, which has voluntarily adopted this plan.

It is not relevant to say that exemption is unjust if by reason thereof the tolls are made unduly high (having in mind a voluntary effect). The unjust feature of such conjectured transaction would not be found in exemption, but directly in the excessive tolls. In order to attach it to exemption it must first be shown that by reason thereof the tolls must be made unduly high.

But under either system (exemption or nonexemption) there is the same opportunity for propriety in the matter of charges, and there is the same opportunity for impropriety, and whatever avenues of protection or redress are open to foreign Governments under one system remain open to them under the other. It is unfounded, therefore, in the absence of any necessary causal relation between free tolls for American vessels and excessive tolls for foreign vessels, that the first should be challenged on the ground of the unlawfulness of the second.

27. The British Government intimates, indeed, that with exemption it is not feasible to take into account the exempted tolls in the calculation of the rates. It does not show, however, wherein the difficulty consists. In the case of each successive change in the tolls to meet changing circumstances the computation of the tolls need not lack the necessary data. For it could hardly be supposed that the canal commission would in any event be so scanty as not to show the total volume of commerce (which would include "vessels engaged in the coastwise trade of the United States"); and at all events, given an occasion for recording the volume of commerce, it is doubly unfounded to suppose that it would not be done.

And if it is to be assumed (by pure gratuity) that the United States will fail to keep the necessary records, the effect of such imagined neglect would be to discriminate against one system as against the other and would be an argument, not for equal of free tolls but for taking away from the United States the management of the canal after its successful construction.

For the purpose of the initial tolls there is, of course, no record to serve as a basis, but recourse must be had to an estimate. Prof. Emory R. Johnson, special commissioner of Panama traffic and tolls, has set the total at ten and a half million tons for the year 1915 including American coast-to-coast shipping, and on this is based the present tolls. Since the estimate of the total commerce is independent of the system of exemption, whatever imperfection the estimate may have (it is in point of fact highly considered), it is not due to our system of free tolls.

28. That the United States, by way of reimbursement for remitted tolls, should ever levy excessive tolls on nonexempted vessels (something which the present tariff avoids with the wide margin of exention) would indeed be unjust. But in order to deduce from this the injustice of exemption it would be necessary to frame a new principle of law, namely, that "any act is itself wrong the consequence of which may later be alleged as a pretext for some other act admittedly and independently wrong." The unsoundness of such a rule would match its novelty. As Secretary Knox cogently remarks: "It is the improper exercise of a power and not its possession which alone can give rise to an international cause of action." And not only so, but even with the system of nonexemption there is no way of limiting the power and thus saving Great Britain harmless, short of Great Britain's assumption of the canal management.

Hence Great Britain's second plea, the just-charges provision, falls wide of the mark and takes its place with the objection first advanced.

RELATED OBSERVATIONS.

29. The liberty of the United States in the premises thus standing beyond the reach of the attack it is quite proper to dwell on the incentives to the exercise of that liberty.

Thus Senator O'GORMAN, the protagonist of the current debate, makes the observation that the Democratic free-tolls plank of 1912 "was the one dominant American note in that campaign." The Progressive platform, of later date, gave it a hearty response, while the Republican candidate, in a practical way, committed his party, without protest, to the free-tolls principle when, by its ready approval, the Panama Canal bill became American law.

There was, in fact, no occasion to make free tolls an issue of campaign debate over the parties being in accord thereon and the dissentients in any party not jeopardizing their party's chances by inopportuneness.

But, as exemplified by James G. Blaine, in his review of the fisheries dispute, the British Government is remarkable, alert, adroit, and eager to gain points of diplomatic interest, so strong is its maternal solicitude for the British.

Hence, for Great Britain a natural disappointment that the United States (seemingly in disregard of its tradition) should now enact a maritime subvention competitive with British and Canadian interests and of marked initiative.

This is the gravamen of Great Britain's real grievance, and it does not admit of legal formulation. It is a case of "loss without injury," unless we concede that the right of the United States to help its commerce has lapsed through nonuser, and that Great Britain may exploit the American tradition and has acquired vested rights thereunder.

Concurring in the estimate of Prof. Emory R. Johnson, opinion is settled that only after a number of years will the canal be self-sustaining, whether or not with tolls for all. This results, at bottom in part, in the United States dispensing for years to come a largess to the maritime nations.

Great Britain from its colossal commerce (nurtured on subsidies) is the chief beneficiary of this general bounty. It would thus retain the consolation of "the greatest service ever rendered to one nation by another in the entire commercial history of the world" (to quote the judgment of Senator BRIGHAM) in the rejection of its claim that the United States may not afford the supplementary free-tolls aid to its own commerce.

Nor should Americans be asked to feel agitation over the diminution in canal receipts resulting from American exemption and benefit, while at the same time they are left to view with equanimity the above general item of reduction, several times greater, which will inure far more to foreign nations than to our own.

no great difficulty about the others. He said his objection to that was that it gave to the United States, at any time and for any reason which in its own judgment made it necessary for the defense of the United States, to denuntralize the canal by departing from all the stipulations of the five foregoing clauses; even in time of peace, on the pretense or belief that it was necessary for the defense of the United States, it would enable us to close the canal against all nations even, and to do all or any of the things that are prohibited by these five clauses; that it would, at any rate in case of war, shut out the vessels of the enemy from the use of the canal, and this would be a very wide departure from the Hay-Pauncefote treaty or the Clayton-Bulwer treaty. I asked him what his Government had intended by the use of the same words in the Suez Canal treaty, and suggested that they certainly could not have intended, by their use there, any such fanciful meaning as he had suggested. He said, well, there was a very wide difference between the circumstances of the Suez Canal and the proposed Nicaragua Canal.

First, That the Nicaragua Canal was going to be very remote from the territory of the United States, which was very different from the relation of the Suez Canal to Egypt. This consideration, he said, is perhaps not so very important, in which I concurred; but then he placed his finger on the sticking point, calling attention to article 11 of the Suez treaty, which provided "that the measures which shall be taken for securing the defense of Egypt," and so forth, "shall not interfere with the free use of the canal," and that there were no such words or qualification in the Senate amendments. I told him that although that phrase was not adopted in the Senate amendments, there was the express prohibition in article 7 of the amendment against fortifications, even more explicitly than in the Suez treaty. I called his attention to the gross misstatements which had been made about the repeal of that provision by the amendments, and that it remained absolutely intact, and was obvious from the fact that the Davis amendment specifically referred to the five preceding numbered sections, and could not possibly apply to the subsequent fortification clause. He said that he was no jurist, but he feared that it would nevertheless be somewhat impaired by the breaking down of the first five clauses.

The possibility in the case provided for in the Davis amendment, of disembarking troops and munitions of war on the canal, and guns, perhaps, and wondered whether that would not be fortification. At any rate, it might be doubtful. I told him that I thought his construction of the Davis amendment was much satisfied; that if that amendment really related, as I thought, to actual war between the United States and some other power, the absence of the provision in article 11 of the Suez treaty was not so important; that I had no right to speak for the Senate or to say what they meant by the words; that I could only hint to the statement of Senator LODGE, given to the press on December 21, which I knew was authentic, because Senator LODGE had sent a copy of it to Mr. White, and there it was explicitly stated that the real object of the amendment was to negative the promise "to permit a hostile fleet to use the canal." He said he already had that statement, and I told him that he might accept it as the authentic statement of the Senator, who was a foremost member of the Foreign Affairs Committee, and knew what the intent of the amendments was. I told him that I thought it would be more just to impute to the Senate, in view of Senator LODGE's statement as the real purpose of the Davis amendment, to secure to the United States the right of self-defense under all circumstances, notwithstanding the provisions of the first five clauses; that all nations were treated alike in this respect, and that in case of actual war with any power, it being impossible to tell how far they would feel restrained by those provisions from attacking the United States, it was not asking so very much that the United States should reserve the right of defending themselves from attack whenever and wherever; that looking to the practical operation of the matter, given a canal always unfortified, any conflict would naturally resolve itself into a naval one, and Mr. LODGE had in that case fairly disclosed the intent of the amendment. I asked him if he supposed that in such a war the enemy of the United States would permit a United States fleet to pass unmolested through the canal, and how far they would feel restrained by the provisions of the clauses qualified by the Davis amendment, and that if that could not be foreseen, why deprive the United States in any such emergency where it deemed it necessary for its defense of the right to refuse to permit a hostile fleet to use the canal, and was it not fair to impute to the Senate the purpose not further to interfere with the free use of the canal than such necessity required, and why would not all the powers who remained at peace with the United States enjoy the free use of the canal all the while? He said he was afraid of the vague and indefinite nature of the phrase "measures which the United States may find it necessary to take for securing the defense of the United States"; that it might mean anything that the United States, in its own uncontrolled will, might see fit to have it mean. I commended him to give full consideration to the construction imputed by Senator LODGE to the Davis amendment, and said that of course I had no authority or guide beyond that.

Then, coming to the amendment which erases article 3, providing for inviting other powers to adhere to the convention, he said he found a special difficulty in that, and it was not the one which I had expected as the natural one. He expressed no objection to leaving out the other powers except this, that as by their omission the United States and Great Britain would be the only two contracting powers, the United States would be at liberty, by means of the Davis amendment, to deal with the canal as they pleased; all other powers could attack it, but Great Britain alone, as a contracting power, would have her hands tied by the contract and not be at liberty to do anything, and, dovetailing the two together, he thought the Davis amendment made this amendment highly objectionable. I suggested that this was an ingenious objection, but that here again, if he followed Mr. LODGE in construing the Davis amendment, as applicable to the occasion of actual war, it could have no great weight. Something was said about the practical effect of actual war upon some of the treaty provisions, and in that connection I called his attention to Lord Salisbury's final reason, expressed in the Suez correspondence, page 42, for accepting the tenth clause of the Suez treaty, and asked how far the same doctrine would apply to the Hay-Pauncefote treaty as amended. I suggested that this objection to the amendment striking out article 3 was regarded by Lord Lansdowne as of very great weight. I had supposed that he would lay stress upon the great benefit to be derived by all parties concerned, and, in fact, by all the world, from pledging all nations to the neutrality of the canal.

Then reverting to the first amendment, "which convention is hereby superseded," I said supposing some agreement had been come to upon the Davis amendment, securing to the United States the right of self-defense to the extent there provided, what is there left in the Clayton-Bulwer treaty which either party should desire to retain? He said, of course the Davis amendment was directly hostile to article 2 of the Clayton-Bulwer treaty, even as construed by Senator LODGE, and that there would remain of article 1, even if the Davis amendment and the other amendment about other powers were adjusted, the express stipulation that neither party "will occupy or fortify or colonize or assume or exercise any dominion over Central America," etc., to the end of the article. But I asked, wasn't all that provided merely for the purpose of securing the primary object described in the first clause of article 1? He said he believed it was, and then as we went along with the other articles he more than implied that there was nothing of very great importance in them not provided for in the new treaty; but he said, of all his own suggestions, as I said of mine, that they must be taken as wholly unofficial, and were really what occurred to him as the matter came up; but I could discover no strenuous objections in his mind to letting go the rest of the Clayton-Bulwer treaty if it were not for the fatal objection to the Davis amendment as it stood. However, this may be the subject of very extended objections before the cabinet and he and Lord Salisbury have got through with it. I told him that I felt deeply desirous that the amendments should be so dealt with as in no manner to disturb the cordial relations and feeling now existing between the two countries; that I thought that an abrupt and blunt refusal to accept them would create some disturbance of feeling and disappointment on our side of the water, and that we should like to feel that they had received the careful consideration to which the high character and motives of their authors were entitled. He said we need not fear any harsh treatment of the matter, although he added that it was a little "abrupt," I think was his word, after they had yielded all that we asked in the making of the Hay-Pauncefote treaty, and which had then been accepted as apparently all that was desired, and in doing so they had been accused by our side to have acted with "magnanimity," that these amendments should be sent to them without a word of explanation or statement of reasons why they were desired.

I told him that this arose from the unprecedented procedure of having the amendments made by the Senate after the treaty had come to their hands in the usual constitutional way; that Senator LODGE's statement was immediately made to the public as an explanation and statement of reasons, and was entitled to such careful consideration. He said if it was disappointing to us to have the amendment rejected, it was hard for them, after they had supposed the matter was settled, to have new demands made which touched them; and I said that the new demands were only what the Senate regarded as necessary for the true interest and safety of the United States. I asked him how the amendments would probably be acted upon; that is, would they be submitted to the Cabinet for an immediate vote, or how otherwise. He said he thought that if an immediate vote was taken upon them it would be in the negative; that he thought there was a very general feeling against the amendments; that we were asking too much after they had yielded enough; but the matter would be fully considered, and suggested that perhaps before final action they might give a statement of grounds of objection, with an opportunity for us to answer, if we could. Our interview and discussion of the matter was in a most friendly and courteous spirit, and Lord Lansdowne was good enough to say that he thought it would do good from our point of view of the case; but you know what a courteous man he is. I made no allusion to the pending canal bill or to any prospective change in the composition of the Senate, or to the expiration of Congress on the 4th of March and the new Congress not convening in all probability until December, because I inferred that he knew all these things perfectly well, and have no doubt that he does; and my impression is that the amendments will be considered with that deliberation and caution which is characteristic of all their proceedings, and that we may not receive any answer for some time. He said that possibly he might desire to talk with me again in the same informal, unofficial, and confidential way, to which I replied that I should be happy to respond to any such invitation from him. I told him that I thought he could do nothing to promote the good understanding between the two countries and the peace and welfare of the world so much as by coming to an agreement with us on this treaty as amended. It was his birthday, and I said I felt that the British Government must celebrate it. I can't help thinking that if the way were open for some modification of the Davis amendment by defining it in the direction of Senator LODGE's statement, so as to meet the criticism, it might be made to mean anything that the United States should deem necessary for their defense in any way in peace or in war, this very important matter might be satisfactorily settled. In the course of our discussion I asked Lord Lansdowne if he would have been satisfied with the Davis amendment if it included the provision of the eleventh article of the Suez treaty, that measures taken in the cases provided for by articles 9 and 10 "shall not interfere with the free use of the canal," but he was hardly prepared to answer that question. The Cabinet is to meet on Friday, and it may be that before this letter reaches you the matter will be disposed of, but I do not think so.

Yours, very truly,

JOSEPH H. CHOATE.

AUGUST 5, 1901.

DEAR MR. CHOATE: I have received your most interesting letter of the 24th of July and hasten to say I agree entirely with the view contained in it.

(Then follows a reference to the "Peking matter," and then he proceeds about the treaty or the project for the treaty.)

I have read with great interest and entire approval what you have to say about our project of a canal treaty. Your "ideal" expressed in the third page of your letter, is mine also, but we must work with the tools we have. There are several matters of detail in the project which might be improved if we were working in vacuo, but I think it desirable to introduce as few changes as possible into the form which had already received the approval of the Senate.

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JOHN HAY.

Mr. O'GORMAN. I also ask unanimous consent to have printed in the RECORD some remarks by Mr. Neal Henry Ewing pertinent to the subject we are now discussing. They are very instructive, but I shall not occupy the time of the Senate to ask to have them read at this time.

The PRESIDING OFFICER. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

[Rewritten from the Review, Roselle Park, N. J.]

THE AMERICAN-BRITISH CONTROVERSY—THE LEGALITY OF OUR FREE TOLLS.

(Neal Henry Ewing, M. A., LL. B.)

This writing aims to add its modicum to the great wave of national expression against the proposal that we retract the exemption of our vessels from the tolls of our Panama Canal; a proposal initiated by a foreign government on the plea of treaty violation—and fostered here at home from a high-minded but mistaken and hence overscrupulous view as to the rectitude of the position which our country has taken.

The question of policy of such exemption will not be entered into except incidentally, the scope of the article being the underlying question of principle which has been the matter of a controversy between the United States and Great Britain. If the British charge of treaty violation could be substantiated, we should certainly bear the humiliation of acknowledgment and reparation, for the sake of justice. But if the British charge proves an unfounded imputation, then, even though diplomatically broached, we should just as certainly repel it, for the sake of our country's standing, and, second, our country's defense.

THE REDUCTION TO ABSURDITY.

1. There are five documents comprising the diplomatic discussion of the Panama tolls exemption—the note of Mr Mitchell Innes of July 8, 1912; the memorandum of President Taft of August 24, 1912; the note of Sir Edward Grey of November 14, 1912 (delivered December 9, 1912); the reply of Secretary of State Knox of January 17, 1913; and the note of Ambassador Bryce of February 27, 1913.

Mr. Ambassador Bryce rests his argument upon arbitration. He states: "His Majesty's Government have not desired me to argue in this note that the view they take of the main issue—the proper interpretation of the Hay-Pauncefote treaty—is the correct view."

Since the British Government professedly refrains from pursuing the argument, and after the lapse of a year the American contention still holds the field.

2. Great Britain has put forward two distinct arguments, the first based on the all-nations provision, and the second and later one based on the provision for just charges.

3. President Taft, in his memorandum of approval, answers the all-nations argument by a reduction to the absurd:

"If it is correct, then, to assume that there is nothing in the Hay-Pauncefote treaty preventing Great Britain and the other nations from extending such favors as they may see fit to their shipping using the canal; and doing it in the way they see fit, and if it is also right to assume that there is nothing in the treaty that gives the United States any supervision over or right to complain of such action, then the British protest leads to the absurd conclusion that this Government in constructing the canal, maintaining the canal, and defending the canal finds itself shorn of its right to deal with its own commerce in its own way, while all other nations using the canal in competition with American commerce enjoy the right and power unlimited."

4. The British Government tacitly admits the absurdity of the contemplated state of affairs, but denies its conclusive character. This it would avoid by giving its objection a restricted scope. While impugning the virtual subsidy of the canal act, it "does not question the right of the United States to grant subsidies to United States shipping generally."

Now, on the one hand the admission is suicidal, and on the other hand the restriction still leaves the protest to the harassing absurdity.

5. The consequence of admitting a general subsidy. Under a system of nonexemption such as is urged, a general American subsidy, however low, would operate as a partial relief of tolls. Now, since the right to subsidize is not conditioned on the maintenance of subsidies by all other nations or by any other nation, but is independent in its root, it follows that the British Government must admit a partial relieving of tolls by subsidies as permissible; and as a consequence a total relieving also, for the two cases of relieving differ in degree but not in kind. A point would be made to mean anything that the United States should deem necessary for their defense in any way in peace or in war, this very important matter might be satisfactorily settled. In the course of our discussion I asked Lord Lansdowne if he would have been satisfied with the Davis amendment if it included the provision of the eleventh article of the Suez treaty, that measures taken in the cases provided for by articles 9 and 10 "shall not interfere with the free use of the canal," but he was hardly prepared to answer that question. The Cabinet is to meet on Friday, and it may be that before this letter reaches you the matter will be disposed of, but I do not think so.

6. Now, take total exemption (the factually established by the present law) and such totally relieving subsidy (as supposedly established after the proposed Sims repeal) have the same purpose and the same effect, any distinction between the two courses of action is unsubstantial and illusory.

It follows, then, from the British admission of the propriety of a general subsidy that free tolls for American vessels are permissible under the treaty. Thus Great Britain's admission, by which it ought to escape from an absurd conclusion, cuts away all ground for its protest.

7. Furthermore, the protest for all its restriction of scope is hampered with the absurdity of conclusion. Both Governments agree that "there is no difference in principle between charging tolls only to refund them and remitting tolls altogether." For parity of reason there is no difference in principle between remitting tolls and advancing the money with which the tolls may be paid, and from the British view this last course of action would likewise fall under the adverse judgment.

8. Advancing tolls money. Let us suppose under a system of nonexemption two vessels, American and British, arriving at Colon. Let each home Government, through a financial representative, advance to its vessel the exact sum of tolls money that it is called upon to pay.

This would afford equality. For first there would be equality of tolls and second there would be equality in relief. There, then, is a touchstone, and whichever contention will stand its test is the more reasonable.

On the one hand we find that the allowing of exemption under the present law conforms to this plan of equality; there is, in fact, as above noted, no difference in principle between the two. On the other hand, the forbidding of exemption fails to adjust with this equitable plan. For if the British contention is sound, the United States could be thus enjoined: "You (alone of all nations) are forbidden to relieve your vessels."

And if Great Britain omitted to relieve its shipping it could not charge the United States with the omission. Besides, there would still be equality in potential relief; that is to say, in relievability, just as under the present law there is this equality in potential relief which the United States for its part at once changes from potential to actual, leaving Great Britain and other foreign nations to enjoy the like freedom of action.

There can not be at the same time rigid equality in the relation of canal and vessels—allowing no option of exemption—and also equality in the relation of vessels and home governments; the reason, of course, being the twofold character which the United States sustains. The United States by becoming canal owner did not forfeit its character of home government of American vessels using the canal. These are not ships without a country. Therefore the proposition that the United States must hold itself to equality with other nations in the matter of tolls collection—reducing itself to the level of its own most-favored nations—can only be maintained after the natural equality of the United States with other nations in the matter of dealing with its own commerce has been destroyed. The superficial equalizing finds itself opposed by an equality more substantial and fundamental.

9. Nor could the United States, on the ground that Great Britain's action in adjusting tolls produced an inequality, raise the rates for the British vessels with a view to restoring equal conditions. The treaty gives the United States no such inquisitorial rights, and Great Britain would, with reason, deny that such advancing of tolls constituted any inequality within the meaning of the treaty.

Yet if the United States, as the home government for American vessels, were in its turn to advance tolls to its nationals, Great Britain would charge a violation of equality.

No rule of consistency appears here except, indeed, the extraneous one of striving for the same objective—a consistency devoid of legal value. The inconsistency is patent and vitiates its argument.

10. We may observe in passing, in view of its citation in the Hay-Pauncefote treaty, that "the convention respecting the navigation of the Suez maritime canal" leaves all nations to their right of relieving their vessels by subsidies. Great Britain exercises this right and would not deny it there to the United States.

11. The exorbitance of the protest shows in more pronounced light when we consider that the British view would forbid the United States to meet in kind a general movement operating to its detriment, even though concerted. It is not merely that the United States could not imagine, in the practice of advancing tolls—which the Panama Canal act does in effect—but it could not adopt the practice even in the wake of all the nations of the world.

Indeed, the United States would have to remain quiescent even if the united powers, in furtherance of their South American trade and in competition with the United States, should grant canal bounses over and above the tolls money.

12. We have, then, an answer to say that Great Britain might not press its advantage in the premises and hold the United States to the extremity of these hard terms, for it is not more absurd that the United States should see its right to subsidize actually curtailed than that it should exercise this right on foreign sufferance and forbearance.

And even with a pledge from the British Government—which is lacking—that they would forego this advantage, the British contention would still be absurd, for they have not so pledged themselves in the treaty; and it is the treaty obligations and rights that are under discussion.

Hence even if Great Britain limits its protest to the form of subsidy contained in the canal act, its disclaimer will not avail, and the weight of President Taft's charge of absurd conclusion falls on the protest with its full argumentative force.

From the foregoing it results, first, that the British claim entails absurd consequences even without regard to the sovereignty of the United States over the canal, and this in view of the sovereignty of the United States over its commerce and of its ownership of the canal; and, second, that the same disclosure shows the impolicy of free tolls for our over-sea vessels as attaches to such challenging for our coastwise marine.

THE BURDEN OF PROOF.

13. As will be remarked, the conclusion to which the British protest leads is absurd, not logically but practically, and hence in the end it is as much a practical impossible treaty as a logically absurdity of conclusion. Must not be forgotten in our examination of the treaty, as is the case with the proponents of repeal generally, the absurd character of the conclusion is deemed relevant, and this for the reason that it brings with it a heavy burden of proof. International law is not tender, but severe toward those who would use a treaty to wrest from a nation a sovereign right. If two constructions are possible, if the political view may be taken, that one is to be rejected which derogates from governmental liberty.

If the British plan of attack is involved in any doubt, it is discredited by the expression holding a just campaign ground. Therefore, even if the British claim were from the face of the treaty the stronger claim—instead of being, as it proves to be, by far the weaker—it would sink beneath its burden of extravagant conclusion, unless, passing beyond such merely stronger demonstration, it could find in the face of the treaty entire and undeniable support.

In the words, then, of the Hon. William M. Collier: "The United States may grant a subsidy in any form and it chooses unless its treaty obligations by express terms or by absolutely necessary inference have restricted it."

14. If, as was suggested by President Taft immediately after the passage of the bill, the Panama Canal act were amended so as to permit subjects of foreign nations to try the question at issue in the Supreme Court of the United States, that tribunal would have for its precedent its own ruling in the case of Ogden v. Saunders (12 Wheat., 209):

"It is but a decent respect for the wisdom, integrity, and patriotism of the legislative body by which any law is passed to presume in favor of its validity until its violation of the Constitution is proved beyond a reasonable doubt."

Now, a violation of the treaty in the present case would be coincident with a violation of the Constitution. Thus the fact itself of the present tolls exemption militates hypothetically against the British contention for American minds. Nor could Great Britain dont this view as purely subjective, for it does not comport with international comity that one nation should in a controversy treat as negligible either the wisdom of the opposed nation or its integrity or its patriotic regard for national consistency and honor, as evidenced in its legislation.

While, then, the fact of exemption does not directly touch the merits of exemption, it is nevertheless relevant. An added doubt exists for the benefit of the American contention; an added weight falls on Great Britain's burden of proof.

15. Nor is it superfluous to observe that from the treaty correspondence and public discussions 12 and 13 years ago the British Government falls now to produce any allusion to the restriction of our right of maritime subvention which its contention involves. This argues that no

genial manner in which he dismisses all differences between fact and assertion, and the accommodating spirit that ever justifies him in a mere trope and simile of rhetoric without regard to the fundamental facts upon which it may be constructed.

Now, let no man assume for a moment that I am speaking in condemnation. I confess to have something of envy, that I am not gifted in such quality that I could thus charm and entertain surroundings with these versatile qualifications. I am limited to a condition where I must recognize in a solemn assemblage like this my disqualification to excel in these airy excursions. I must be content to and philon myself, as it were, to the ground. But the able Senator from Michigan is content to draw from the flaming armory of his imagination such things as will give entertainment to his constituents who may not have the knowledge that facts are to the contrary.

Now, I speak seriously to my friend. I speak seriously because I can not feel that his speech was intended to be seriously taken by the great American audience who must here listen, and by the great State of Michigan as she speaks through the voice of her distinguished representative. I know my learned friend in his quiet moments has the tranquillity of the humming bird sipping dewdrops from the tulip, yet in such hours as we have just seen him, lashing himself about as the Ethiopian lion that devours all in its track and crunches his jaws over everything that opposes him, but despite these extremes in conduct, and far distances of latitude in both manner and speech, a middle ground can sometimes be reached upon a basis of a personal responsibility. Where, I ask my distinguished and able friend, the senior Senator from Michigan, will he take the middle ground of responsibility for having had read to-morrow morning from the great newspaper sources of this country by the millions and millions of citizens of his own Nation that their country had been surrendered by the President of the United States to England and the sovereign rights in the property of America, and her privileges as a Republic have been bartered for something which the Senator would imply was contained in the undisclosed provisions of some cable that frightened the President of the United States to make this surrender brazenly before the world? What responsibility will my distinguished and able friend take in the middle ground before Europe, that has not, as he says, too much affection for us at best, when it reads with contemptuous smile to-morrow morning in the cable dispatches that the learned Senator for many years a Member of the House and in the secrets of the Foreign Relations Committee, honored in his place as a Member of the Senate of the United States and a member of the Foreign Relations Committee here, yet in that position confesses to the whole world that he has convictions within him which justify the accusation that his President, the head of his Nation, has surrendered his country—America—to the demand of England; and all for a thing which he sees not, hears not, knows not, but in the imagination that knows no limitation flashes forth in accusation. Surely my able friend did not mean that speech seriously.

Now, so far as I am concerned, I am not. Mr. President, a member of the Foreign Relations Committee. I am not able to see from my point of view the justification of any member of the Foreign Relations Committee detailing what he knew was a personal conversation between the President of the United States and that committee. I would fear if I did such as that that I would drive that Executive into fear of every man coming into his presence with any form of confidence, and I would likewise discourage him in his incentive to be frank with the committee, lest by doing so and having his remarks misconstrued suffer that misconstruction to be put forth before the world as a confession from the mouth of the Executive himself.

Mr. President, the President of the United States is not permitted by our rules to appear upon this floor and respond to any Senator who may by his allusion place the President in this unjust and unenviable position. Nor can any Senator in the President's behalf reply for him, because no Senator can know what the President had really said, unless that Senator was likewise present at this gathering, and he would be amenable to the same form of condemnation of revealing those confidences and be placed in the same category of the one who first perpetrated the offense.

Now, I must say I stated my position on this tolls question as well as I could when I opened the debate here on this floor with an amendment which I tendered, having for its object authorizing the President to grant exemptions to ships whenever there was such exaction by railroads as would justify it to prevent monopoly.

If I believed, Mr. President, that any President of the United States had merely for the purpose of serving some national and foreign rival of my country yielded to that accommodation without any reason of justice to my own people and welfare to my own Nation, I would not only decline to support him without regard to what party he may be aligned, but I would denounce him in any public presence where I was honored with an audience. No appellation of Democrat or Republican could rescue him and no privilege, personal or political, could give him refuge against my indignant judgment.

Therefore, Mr. President, there is neither foundation—in fact, there is no excuse in parliamentary privilege for the assertions of the distinguished and able Senator. I must insist, therefore, that those observations were intended by him rather in the sense of a figure of speech than as an assertion and accusation against the President of his own country.

If there shall be a reference made to any surrender or arrangement between this country and England for anything, let us have a frank understanding as to when it occurred.

The able Senator refers to Russia and her grievance, and right he is. Russia seems to have a grievance, and that she does recall the days when she offered her services to the Union, and that she has likewise been offended because of the attitude of our country subsequently against her. We all saw that under the administration of the party of my distinguished friend from Michigan, when Japan was at war with Russia, America offended Russia. Does not history record that it was the Republican administration, through the influence of England, which lent its aid specifically to Japan against Russia? Will it be lost sight of that the only alliance that was made with England in any business or governmental transaction within the memory of men sitting here was that conducted by a Republican administration touching both the affairs of China and Japan?

Then, if these things are to be condemned, as condemned they should be, let the able Senator recall that the only recorded event is that which was consummated by his own administration.

Now, when my able friend says that the President was alarmed with the situation in Mexico and the conduct of Huerta and did nothing but falter and blunder, I ask him what other attitude would he have had the President take than the one which he did. President Taft, the predecessor of President Wilson, had refused to recognize Huerta. President Taft had taken the step in behalf of this Republic which President Wilson himself merely followed. Where was the vice in the Democratic President doing that which was the virtue on the part of President Taft? I am unable to see it.

Then, I say to the Senator from Michigan, what course would he have taken? When a Member of the House to which he alludes, referring to his own distinguished service, to which I grant my certificate, likewise, as being distinguished, able, and of effect, there was an effort made by certain portions of this Government to precipitate the Nation in war with Spain over Cuba. Did not the able Senator from Michigan then work against it, vote against it, and serve against it upon the theory that it was an unnecessary war and a ruthless destruction of the young men of this country and would be inhuman, as it was un-American and un-Christian?

Is there any difference as to the attitude to Mexico and the position the President is now occupying to the sons of his own country, as he seeks to save their lives and preserve the integrity of Christianity and the honor of American justice in his own Republic? Therefore, where is that "vacillating" and what my friend calls an awkward and inexcusable course of blunders on the part of the President of the United States, because he restrains war?

Mr. President, I conclude with the suggestion I rose to make, to call the Senator's attention that he had indulged in observations which I am sure he could not have intended seriously.

Mr. President, I understood from the Senator from Michigan sincerely that there has never been made a mention of the repeal of this tolls by the President until the Mexican imbroglio was upon the community and the President's presence before the Foreign Relations Committee.

Mr. President, if the question were new it would justify some observations of a little different character from that which must only be indulged now. The whole theory of the repeal of tolls, as I understand it, was in order that the canal might be maintained and maintained by the charges upon all those using that waterway. When the Senator from Michigan calls the attention of the country that $134,000,000 of outstanding bonds are upon that canal and still unpaid, and that many more millions are still to be due, I ask him in what way shall you pay that debt if you shall not have the canal pay for its own obligations? Will you levy a direct tax upon your neighbors in Michigan and make them pay for the canal, when the obligation could be paid for by the users? I do not understand that the President of the United States goes any further in his object.

Mr. President, having made that observation, I now turn to what the Senator said concerning myself. The Senator said that I in a speech on this floor intimated that there was great terror of England. I invite the able Senator's attention that no such utterance was made by me. I never at any time intimated that I had any terror of England. I think if England could have had anyone in this Chamber speaking in her behalf or hearing in her behalf, they would report home that there was one thing in which England need stand in terror, and that was the senior Senator from Michigan. No one could hear the senior Senator from Michigan without realizing the furies he summons up when he speaks.

He says I referred in my speech to that which would "blast" and that some one will be "blasted." I beg to recall the attention of my able friend that there need be no source from which anyone need fear blasting so much as from his distinguished capacity when his trumpet blows and the sound from the bassoon goes forth from his attuned lungs. All the country stands in terror lest either their patience or their capacity of endurance should be blasted with one single bugle call from the senior Senator from Michigan.

Blasted! No; when I used that expression I did not refer to tolls. If my able friend will read my speech, I referred to that portion of the President's speech where he said: referring to those "nearer issues," the foreign policy, in which I spoke of what he must have meant by the expression "those nearer issues." These I said I would cross if it blasted me, using the phrase of Hamlet. I may quote the words wrongly—I referred then to what the President meant, and I called the attention of the country to that which I now repeat and bring to the attention of the Senator. That the President called attention, no doubt, to that helpless state this country had been put in by the policies of the Republican administration, by which it was compelled for a while to parley and play with the emergencies until it could fit itself with equipment that it might defend itself in honor and in strength. I alluded to the policy of the Republican administration precipitating the Philippine Islands as a doctrine of conquest upon us, which the distinguished Senator from Michigan correctly alluded to a few moments past as he closed his speech, with the beautiful peroration when he referred to our "subjects" in the Philippine Islands.

I would not mar the beauty of the wonderful figure of my friend from Michigan. It will be recited in the school exercise orations. Orators will adopt it as they have those perfections of Webster's reply to Hayne and the observations of Blaine upon Conkling, but I allude to the fact that my able friend does not hesitate to speak of these people just as the administration had made them, as the "subjects" of this Government. So if I did refer to the President of the United States in my remarks as the chief ruler of the country, I now animadvert that the one propriety possible was that if there are there subjects created by the distinguished Senator's administration, there must be a ruler over them.

Then I did say the precipitancy of the Philippine Islands upon this country, with all the burdens it entailed and the dangers it threatened and the consequences of the future, the unseen and immeasurable, placed this country at such a disadvantage that, coupled with other things, with the grievances which we had brought upon ourselves, compelled, no doubt, the President to mean in that expression that was somewhat mysterious and not fully clarified that we pause to consider our situation; that if any conflict with Mexico was to come we take methods and time to such preparation as would enable us to defend the Nation in honor and maintain the country in victory—a proper Navy and Army—sufficient for the defense of our possessions and our country.

The able Senator seems to have wholly misapprehended both the theory of my remarks and their expression, and as he has my speech before him and has referred to it this morning, of course that will show that that which I say now was the exact purport of my utterance then.

Mr. President, I shall pass by the pleasant allusion of my beloved friend touching the description he gave of that horror which my countenance portrayed when I came to the expression "we pause." I assure the Senator I will now give a thorough definition to that meaning. Differing from my able friend, I will pause; I will find a place where I can with propriety make that pause; and I pause at that point to invite my able friend from Michigan to contemplate if he does not wish to revise the observations, which, unfortunately, came from the copiousness of utterance and not from the reflection of judgment, when, in response to the Senator from Minnesota, and at his own deliberation on the day before he left the country with the conviction that from himself, the able Senator and eminent spokesman of Michigan, he charges the President of the United States with having no object to serve in whatever he undertook but the surrender of his own country, the ignominy of his own fellow citizens, and the dishonor of his own Republic. I invite him that he contemplate the effect of his charge, that he consider the full strength of the insinuation, and in his place at the proper time confess that which was no doubt his object, to demonstrate himself a wit and a humorist, who provoked the risibilities of his side in laughter and mirth, as he might the admiration, though sometimes the wonderment and amazement, of this side. I warn him that it is not always wise, in order to tickle "the ears of the groundlings," that we "make the judicious grieve."

Mr. O'GORMAN. Mr. President, the Senator from Washington [Mr. JONES] is temporarily engaged in a committee meeting; and at his request I send to the desk a copy of an amendment which he proposes, which I ask to have read.

The PRESIDING OFFICER. The Secretary will read the proposed amendment.

The SECRETARY. It is proposed to amend the text of the committee amendment by adding thereto the following words:

> And Congress hereby asserts that the United States has the unrestricted right to regulate the use of the Panama Canal by its citizens and commerce as it may at any time deem wise and proper.

Mr. O'GORMAN. Mr. President, as I stated this morning, when the diplomatic correspondence relating to the Hay-Pauncefote treaty was furnished to the Senate by the State Department, a few weeks since, two letters were omitted. I am advised by the Secretary of State that these two letters were not in the possession of the department at that time. One is a letter from Mr. Hay to Mr. Choate under date of August 5, 1901. The other is a letter to Col. Hay from Mr. Choate under date of January 15, 1901. I ask that both may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

AMERICAN EMBASSY,
London, SW., January 15, 1901.

MY DEAR COL. HAY: As I telegraphed you on Friday last, Lord Lansdowne had named yesterday for an informal and unofficial conference about the Senate amendments to the Hay-Pauncefote treaty which I had suggested in my note to him of January 4. I told him at the outset that I was wholly uninstructed; that I was in no way authorized to negotiate; that my instructions had been to present to him the amendments and to express the hope that they would be found acceptable by his Government; but that so much dust had been thrown about the matter by the press and so many things misrepresented that I thought it would be well for both of us, before he took up the amendments for serious consideration, that we should have an informal and unofficial talk, not to be made matter of record, but strictly confidential. He thought that nothing could be better or more advisable, and the conversation proceeded on that basis. I told him that my object was to clear the situation and to ascertain if practicable what, if any, obstacles he found in the way of accepting the amendments. I told him that I had repeatedly seen it stated that the Senate had assumed, by its mere vote, to supersede the Clayton-Bulwer treaty, and much criticism had been cast upon them for so doing; that, on the contrary, the Senate was acting strictly within its constitutional province and in its ordinary way in amending the treaty; and that whenever a treaty was negotiated under our Constitution it was with the knowledge on both sides that it must be submitted to the Senate for its consent and approved and be confirmed by two-thirds of that body. He seemed interested in this and said there had been an idea that they had undertaken, by their own vote, to supersede a treaty. I told him that I had also often seen it charged that the Senate was actuated by a spirit of hostility to Great Britain; that, on the contrary, I believed that its course had been dictated by no such spirit, but by a high sense of public duty and in the belief that what they did was required by the best interest of the United States, and was without any injustice or injury to Great Britain.

I called his attention to the components of the great majority vote of 65, that it included the Senators very friendly to the President and to the support of his administration, and that it was quite impossible that men of the character who gave that vote for the amendments could have been governed by any but patriotic and honorable motives. He said he gladly accepted my opinion on the motives of the Senate and their freedom from any unfriendliness to Great Britain as final and satisfactory. I told him further that, so far as could be judged from what had appeared in the press since the vote, the action of the Senate met with large support in the community, where there was a deep-seated conviction that the canal ought to be built, controlled, and managed as an American canal, but for the free and equal use of all nations upon the same terms; and that I had hoped he would come to the conclusion that the treaty, both in its original shape and as amended, accomplished that purpose and nothing more. I told him also that I thought it was the general sentiment at home that if the United States were going to expend a great sum like £40,000,000 or £50,000,000 in constructing the canal, for the equal benefit of all mankind, their own interests and safety should be carefully guarded, and I hoped he would find that the amendments were properly adapted to that purpose, as the Senate obviously intended. We talked over the Hay-Pauncefote treaty, and he agreed with me that it involved a general agreement on both sides that the Clayton-Bulwer treaty had been outgrown and was wholly inapplicable to the present situation and needs of the country and the world. We then took up the Senate amendments, and I asked him to tell me what objection occurred to him, so far as he had examined them, to their acceptance by Great Britain; and it soon transpired, as I thought and as I had expected, that the Davis amendment was the chief stumbling block, and I think that if that could be arranged there would be

making this surrender to England as a measure of national protection?

Mr. SMITH of Michigan. Mr. President, that is a very blunt inquiry. It is very characteristic of the Senator from Minnesota. I am no alarmist, but I think the answer to his question can be found in the message of the President of the United States just read.

Mr. CLAPP. Then we have reached the point in national decadence where we buy peace? Is that it?

Mr. SMITH of Michigan. I dislike to admit it, but I can not find any other motive for this course.

Mr. CLAPP. I thought there must be some powerful motive that acted on us.

Mr. SMITH of Michigan. As the Senator from Rhode Island [Mr. LIPPITT] very appropriately says, we do not know what is the full price of the friendship we are now buying.

Mr. CLAPP. No; but are we buying friendship?

Mr. SMITH of Michigan. If we are not buying friendship, we are taking a great deal of pains to cultivate ill will.

Mr. GALLINGER. Mr. President, will the Senator permit an interruption?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. Certainly.

Mr. GALLINGER. I assume that it has occurred to the Senator from Michigan as a remarkable circumstance that England, which has always protected her subjects everywhere—going to the extent, I think, of raising 5,000 troops and spending millions of money to rescue a single English citizen in Abyssinia a few years ago—has been quiescent over the murder of an English citizen in Mexico. Has the Senator any suggestion to make as to why England has not, in her usual way, demanded reparation for that affront and the murder of that English citizen?

Mr. SMITH of Michigan. No, Mr. President; but I believe that if the truth were known the British Government has been assured redress for that wrong if she will "watchfully wait" an appropriate time for vengeance.

Mr. CLAPP. Mr. President, if the Senator will pardon me, that is a very serious charge against the English Government. That involves the proposition that they would abate their protection and the avenging of a wrong to an English citizen for the commercial benefits to be derived from our surrender of our sovereignty in the Panama Canal Zone.

Mr. SMITH of Michigan. Mr. President, far be it from me to exalt the commercial virtues of England. They have a way entirely their own. Commerce has driven her flag into every port of the world, and the ambitions of her rulers have planted it permanently at the very outposts of civilization. From the days of Cromwell to the rule of George IV her diplomacy and her commerce have sailed the seas together; commercial expansion has prompted her to conquest, scattered her soldiers into every clime, and impoverished her people by ruinous competition. Yet the strength of her Government and the permanence of her plans challenge the admiration of the world.

Mr. CLAPP. Mr. President, if the Senator will pardon me further, I think we can find a way out of this dilemma and save the national honor of England and America, and that is to recognize that the underlying spirit that is demanding this repeal consists of the railroad interests of the country. That frees us from the humiliating spectacle of two great nations bartering national honor upon a commercial basis.

Mr. SMITH of Michigan. Mr. President, the communications of railroad people have been quite unanimous.

Mr. CLAPP. It is the only logical reason you can find for it which preserves the honor of the two nations.

Mr. SMITH of Michigan. The President favored the Panama tolls exemption in his campaign; and in the speech of acceptance which he delivered to the Senator from Kentucky [Mr. JAMES] and his associates he thought that exemption was not going quite far enough to rehabilitate our merchant marine. He said in that speech that the device which we had formulated was merely paltry; that it went only halfway, and did not quite assure the establishment of an appropriate merchant marine. Then he said in his address to Congress last March:

> The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood.

It was not everywhere questioned and misunderstod in the campaign when he was running for President, nor when he faced Senator JAMES and his associates in his speech of acceptance. It was not supposed to be misunderstood during the first year of his administration. It was not supposed to be so all-powerful until he found that his policy in Mexico was not working as he had imagined it would; until there was activity upon the part of other countries in Mexican affairs; until the attitude of Sir Lionel Carden, the British ambassador to Mexico, had excited the President's suspicions, for which he was called to London, supposedly for discipline.

Has not the State Department declined to furnish the Senate with the correspondence touching this matter? Are not the resolutions of Senators asking for information buried in the Committee on Foreign Relations? The President wants to hedge this matter about with mystery which no one can understand because of the "nearer" and "more delicate" questions, which he "will not know how to solve" if he does not get this repeal.

There is no assurance in anything he has said that he will know how to solve those questions if he does get repeal. I am suspicious that the next step will be to comply with some wish of Japan, the British ally in the Orient, before we can have absolute assurance of peace.

The words read by the Senator from Missouri regarding the matchless character of the British Empire thrill all English-speaking people; but we are American Senators. We hold no commission from any other Government. We are American Senators, with our duty to our own. We are fighting for American rights. The Senator from Missouri, in what he has quoted, speaks of the "white circle of British Empire." Why, Mr. President, it has been the boast of England for a hundred years and more that she has a country upon which the sun never sets. But so have we. Our acquisition of the Aleutian Isles in Russian America gave us a country upon which the sun never sets. While the Aleutian fisherman, lulled by the shades of approaching night, is pulling his canoe toward the shore, the woodchopper of Maine is beginning to wake the forest echo with the stirring music of the ax. We have an empire upon which the sun never sets. It is the glory of the generation in which we live that wherever we have gone with our high ideals, intelligence, moderation, good citizenship, virtue, and patriotism have followed our flag. If we yield now our sovereign rights on the Isthmus of Panama, without reason, to placate a country from which we were obliged to revolt in order to enjoy our freedom, who is to say what the next contribution to amity will be?

Already Senators on the other side have a policy, which you are nursing, to set the Philippines free. How are we to know but that is a part of the sacrifice we are now making? Does the President contemplate a British and Japanese protectorate over the Philippine Islands? How do we know that we are not to be despoiled of Hawaii, which shines like a beacon light on the highway to the Orient? How do we know but that Porto Rico, that glistening pearl at the very entrance to the canal, is not to go to some stronger power in the interest of that "larger" peace which the President of the United States is so anxious to exemplify?

Mr. President, we ought not to yield to this demand. Poets and authors and philosophers have for hundreds of years contemplated the construction of a canal across the Isthmus. Goethe, the bard of Weimar, nearly a hundred years ago said he wished he might live to see the day when a canal would be constructed across the Isthmus of Suez, to be controlled by Great Britain. Goethe foresaw the dreams of navigators in his moments of fancy, and nearly a century ago predicted the construction of a canal across the Isthmus of Panama and expressed the wish that he might live to see the Mexican Gulf and the Pacific Ocean united under the direction and control of our Government and a junction made between the Danube and the Rhine by the Government of the fatherland. But in the wildest flights of his poetic fancy he could never have conceived the possibility that a canal would be constructed across the Isthmus by the American Government and then, just as we were to celebrate its triumphant completion, temporary officers of the American Government would turn it over to the joint management and control of our greatest rival among the nations of the earth.

O my fellow Senators, do not commit this wrong against your country. There is no exigency which demands it. There is no condition in the wide world that calls for such a sacrifice. Vexation and temporary fear will soon pass away, but the act that you are passing will stand as a perpetual monument to the singular folly of our times.

Mr. President, the Senate has been marvelously indulgent with me to-day. Never before have I trespassed upon your good nature so long, and I little thought I should do so now. But, Senators, it is due entirely to the importance of my theme. Is there no one to stay this wrong? From the bottom of my heart I wish the consummation of this outrage could be thwarted before it is too late.

Mr. LEWIS. Mr. President, if the Senator from Michigan is not so fatigued that he thinks he should take some rest or res-

pite by leaving the Chamber, I prefer that he remain in the Chamber, as I should like to make some reference to a few of his observations; and lest I should misquote him or disclose a misunderstanding, I prefer that he should be present, that he might correct me should I fall into error.

Mr. President I have been greatly interested in listening to the very copious presentation of the able senior Senator from Michigan [Mr. SMITH] touching the question of Panama tolls. I say "touching" the question—occasionally touching it; and touching it in such manner that it will hereafter be known to have been touched by such a hand as he always discloses wherever he wields a blade.

I have been at a loss, however, doubtlessly due to the obtuseness for which I must express great regret, to understand whether the able Senator has meant his speech as a display of humor or one of serious statesmanship. I have observed his party colleagues on the other side surround him and, under the proper tutelage of his excellent colleague the junior Senator from Michigan, they had their risibilities awakened at certain stated periods, when an evidence of humor ripples forth like to that adjusted by the claques at a vaudeville performance to the first entrance of a new and untried artist. Whether all of that was due merely to a desire to give to the distinguished Senator from Michigan an understanding that his remarks were having great effect and as being humorous, or whether it was intended to indicate that his colleagues were exceedingly amused at the references made by the able Senator to other Members of the Chamber, including myself, is to me more or less a doubt. I can not say how the speech of the able Senator from Michigan is to be taken.

As the Senator referred very fully to the attitude of one of his distinguished predecessors, Gen. Cass, a Senator from Michigan, who, upon a previous occasion, had an important part in the debate in the Senate upon the question of the Clayton-Bulwer treaty and upon the relations of our country with Central America, and it being true that at that particular time there was a Senator from Illinois occupying the floor and taking a very active part in that debate, I fancied that my very able friend from Michigan threw out his lariat in a vocabularic circle and dragged me from my obscure place in the Senate to be the victim of his animadversions, that he might possibly duplicate in history that other debate between Cass, of Michigan, and Douglas, of Illinois. He should have been more merciful; for while, by the gift of heaven, it is his quality to duplicate at any time the capacity of his distinguished predecessor, Cass, of Michigan, I am unhappily so limited that I can not occupy the place of the distinguished opponent from Illinois, Douglas, but must be as one who dares but to latch the shoes.

I do not understand what the able Senator from Michigan means when, from his very exalted station, he seriously charges the President of his country with having gravely and deliberately entered into some understanding with a foreign country to surrender the rights of American citizens for some imaginary protection, which only in the flaming imagination and heated discussion of the distinguished Senator from Michigan exists in the fancy of some pending alliance.

I do not fancy for a moment that so patriotic a gentleman as the able Senator from Michigan could have seriously made those allusions either to-day or yesterday in the opening of his able speech, because it was well prepared, carefully thought and arranged, with historical quotations and introductions, indicative of vast labor and industry, for which the Senator must always be praised. But, further on, yesterday, when that intimation was made I assumed to invite my able friend to the fact that he made an unconscious utterance. I will say, through overflowing expression rather than reflection of intellect.

But to-day the Senator from Minnesota [Mr. CLAPP] having had his attention likewise directed to the full meaning of such assertions gravely asked the able Senator from Michigan, who is a member of the Foreign Relations Committee, if he really meant to intimate that it is his belief that the President of the United States has entered into an understanding in the form of some shape of agreement with England to yield up the rights of American citizens in the United States in turn for something not yet defined, to be granted by that English Government. Then the able Senator from Michigan by his answer seems to be thoroughly impressed that something of the kind must have existed; otherwise, said he, the President would not have indulged in expressions that have found their way to the Senate in his address to both Houses of Congress upon the questions of the repeal.

I heard the able Senator in his speech say that at a meeting of the Foreign Relations Committee—and I am now referring to what the able Senator said yesterday in his remarks upon the floor of the Senate—that at some meeting of the Foreign Relations Committee, of which he is a member—representing capacity which Michigan may well take credit—he said that in his position as a member he had occasion, if I did not misunderstand him, to be in the presence of the President of the United States, who was either before that committee at its session or having that committee before him, and that previous to that particular occasion there had been no allusion to the question of the repeal of the tolls; but that in his presence there was a cable or telegram handed to the President of the United States; that this telegram or cable was opened by the President, a part of it read by the President, and the able Senator from Michigan deduces that the contents of that message was the inducing power which impelled the President thereupon and immediately to make some concession of an ignoble and contemptuous kind in asking of his Nation that it surrender the sovereign rights of American citizens to yield an accommodation of something implied within that mystic, mysterious, and undisclosed message.

I can understand very easily how, upon a rostrum before the voters of Michigan, intoxicated with the genial presence of the able Senator, they would applaud any expression he may bring forth, and that before such a body as that the able Senator might make such expression and not feel the responsibility of the utterance, feeling that his constituency would merely have their curiosity tickled and their pride appeased, but in no wise their convictions impressed by that form of recital.

But, unhappily, the records of this Chamber disclose that any expression of any man carrying ambassadorial power from a sovereign State is embalmed in some form of perpetuity and finds its way into the recorded annals of this celebrated and historic assembly, and in after days is to be read by men who must read those utterances with all the solemnity and conviction communicated by the position from which these expressions came.

Mr. President, Senators elected by their respective States to this body occupy the highest altitude that compliment or honor from any State may confer. They ought not to lightly indict the head of their Government with having made surrender of the great rights of the American people upon so slight a reason and for so small a cause as the fright and terror induced by the contents of a cablegram.

Shall the able Senator from Michigan be content that in after days upon the responsibility of his eminent position he shall bear the consequences of a legitimate criticism that will come from the reflective sense of our country when it is recalled that gravely in his station and high position he has made this charge against the President of his American country?

For what would such a surrender be made? What object would the President have? What service to himself? What service to his country? What theory of freedom, what purpose of nation could be served by any American entering upon so contemptuous an attitude, making so dishonorable a surrender of his own country?

What is there in the history of this man Woodrow Wilson, of his ancestors, of his birth, of his breeding, of his life, of his public and private conduct, that would license any man, however free in fancy, burning in imagination or copious of rhetorical observation, to gladden narrow spirits about him by making such accusations? What is there, I must ask of the able Senator, in all the surroundings of that man which would justify any man charging him with a nature so craven, with a quality so base, as could have done such a thing as the able Senator charges against the President of the United States?

I am sure, therefore, that my very learned and distinguished friend meant to be humorous. That it was not his intention to have his speech taken seriously. That it was one of his excursions into the field of wit and humor. That being encouraged by the constant breaking forth of cheery smiles, globular mutterings, and explosions of joy on the part of his colleagues he was urged further on quite as a romping deer might be as he rushes along a stream that ripples against the bank and then has met ultimately his destruction on rocks or drowning in the gush of waters.

I know the distinguished Senator from Michigan. As he said yesterday our acquaintance began in service in the House, my service an humble one and his, as he has himself certified, with such distinguished quality and elevating magnificence as to bring him the confidence of Presidents of the United States. To him there was whispered every thought which the President had even as to the making of Cabinets and the shaping of policies and the fate of the country. Those things were not mine to enjoy, but it was mine to enjoy the sweet and simple disposition of the able Senator from Michigan, the fertile quality he ever possesses in the form of imagination, the

placed upon the word "neutralization" by the distinguished Senator from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. President——

The PRESIDING OFFICER (Mr. POMERENE in the chair). Does the Senator from Michigan yield to the Senator from West Virginia?

Mr. SMITH of Michigan. I do.

Mr. GOFF. It is in the nature of a suggestion. I have followed with much interest the remarks of the Senator from Michigan in relation to the Clayton-Bulwer treaty and to the effect a bill pending in the House would have upon the then existing situation had it been passed by the Senate relative to the Nicaraguan route. I am in full accord with the Senator upon the suggestion that the enactment of that bill into law would have repealed the Clayton-Bulwer treaty. The suggestion I make now is this: Conceding that to be true, as I think we must from the decisions of our own Supreme Court, if the position of the President is correct and those who are in full accord with the Executive upon that question, if it plainly appears that the canal-tolls act is in conflict with the Hay-Pauncefote treaty, why does not that act tend to repeal the Hay-Pauncefote treaty?

Mr. SMITH of Michigan. Does the Senator go beyond the particular clause affected by the legislative act?

Mr. GOFF. I say that if any act repeals any clause of a treaty, under international law it abrogates the entire treaty.

Mr. SMITH of Michigan. Because of his recognized ability as a lawyer and his large experience as a jurist, I am quite willing to accept the construction which the Senator from West Virginia gives to this matter, and we are now placed in the anomalous situation of undertaking to repeal by statute something which died many months ago at the hands of Congress when the tolls bill was passed.

Mr. GOFF. I understand that the first Hay-Pauncefote treaty failed for several reasons, one of the most important of which was that it failed to explicitly repeal the Clayton-Bulwer treaty.

Mr. SMITH of Michigan. It did.

Mr. GOFF. Previous to that, through long years England and the United States had virtually by their action recognized the fact, I claim, that the Clayton-Bulwer treaty was dead. I make that suggestion because from the time of the commencement by De Lesseps to construct the canal down to the time almost of the Hay-Pauncefote treaty, and especially a communication of Secretary Blaine to the English Government, there had been, because of the recognition of the grant to the French, the acquiescence of the United States Government in the construction of the canal under French management, and with the difficulty subsequent thereto occasioned by the failure of the French company and the reorganized French company, and still the acquiescence on the part of the Government, it tended, impliedly at least and by long recognition of the existing condition of affairs, to create the impression not only through this country but through all others that as a matter of fact the Clayton-Bulwer treaty was abrogated. Now, why our State Department ever revived it has always been a mystery, not only to myself but, it seems, to all others who have studied that international question. The only explanation that suggests itself to my mind is that it would be better to have an explicit abrogation of that matter than, since the Government of the United States built the canal, to have it an open matter that hereafter might haunt us in reference to its management.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from West Virginia. The act to which I referred, which passed the House, had no specific language repealing the treaty. It would have operated ipso facto to do it had the Senate concurred.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from California?

Mr. SMITH of Michigan. I do.

Mr. WORKS. The Senator from Michigan has stated two or three times that the bill to which he referred, if it had finally passed, would have abrogated the Clayton-Bulwer treaty. Is it not equally true that the passage of a Panama Canal act, if it was in any sense inconsistent with the treaty then in existence, would also abrogate that treaty?

Mr. SMITH of Michigan. It certainly is true; an act of Congress would abrogate that treaty; but the singular thing about it all is that the Government at that time with practical unanimity held that the free-tolls bill was in perfect harmony with the treaty. This new modern construction of our treaty obligations, which came to us only after the new light had shed itself upon the President of the United States, gives force to the argument now suggested by the Senator from West Virginia [Mr. GOFF] and the Senator from California [Mr. WORKS]. Two years ago, when we were using a field glass instead of a microscope in our foreign affairs, the two acts harmonized with the purposes of the Government, and I still believe they are not in conflict.

Mr. GOFF. I agree with the Senator from Michigan; but the question I propounded to him is, If it be true that the President is right in his construction of that act, does it not necessarily and logically follow that the Hay-Pauncefote treaty is repealed or abrogated?

Mr. SMITH of Michigan. It does; in other words, if the contention of our friends on the other side of the Chamber is to be taken as the rule of law, then the treaty has already been annulled. I am greatly comforted by the words of the Senator from West Virginia. I know that he has been a member of the Cabinet of a President of the United States in the past and an honored member of the other House; that he has sat upon the Federal bench for many years with credit and honor, and I think I know what very few people perhaps do know about him—that he was the special choice of President McKinley for Attorney General in his first Cabinet. In fact, the late President McKinley told me before he had assumed the duties of his high office that he wanted NATHAN GOFF, of West Virginia, as his Attorney General. The only reason the Senator from West Virginia did not sit at the Cabinet board at the time this controversy arose in its inciplent stage was because of his own desire not to do so, and not because he was not wanted by one of the ablest Presidents who has ever graced the White House in the history of this Government, whose memory still pervades every department of the public service, and whose example of kindliness, generosity, and valor is still an inspiration to us all.

But, Mr. President, what of this real "flood of light" that broke so suddenly upon the Senator from North Carolina [Mr. SIMMONS] and that blinded the Democratic Party to its platform pledges—this "flood of light" that came upon the country the very hour that the President delivered his special message to Congress—where had it been concealed? He carried that "flood of light" all bound up in a little leather case. None escaped between the White House and the House of Representatives. That "flood of light" which was bound up in the President's portfolio fell upon the benighted world in these enlightening and sunlit words:

> We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.
>
> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

This was the "flood of light" that burst upon the unsuspecting world; this was the overwhelming revelation that came to our friends upon the other side of the Chamber. It caused the distinguished Senator from Mississippi [Mr. WILLIAMS] to turn a double back summersault and land squarely upon his feet; it blinded the eyes of the Senator from North Carolina [Mr. SIMMONS] as it burst in its glory upon his great soul, and he arose forthwith and followed the star to the White House; it struck the giant frame of the distinguished Senator from Georgia [Mr. SMITH], but made no lasting impression upon his fertile brain. It was great enough to engulf the Senator from Louisiana [Mr. THORNTON], who proclaimed openly its power to change his previous course of action.

Mr. THORNTON. Mr. President, am I to understand that the Senator from Michigan is calling on me now to explain why I changed?

Mr. SMITH of Michigan. No; I know why the Senator changed. I know the Senator changed because he felt the piercing glare and considered it was his duty to do so.

Mr. THORNTON. I thank the Senator.

Mr. SMITH of Michigan. Just as he meets every public emergency. I think none the less of him for it, or of any other Senator who sees the new light; but this light was so carefully confined within the little portfolio of the Chief Executive that I marvel it could be seen with so much precision through the mist of our time by men of mature age. Like the prophets of old, who saw the spirit in the burning bush, this "flood of light" instantly, surprisingly, filled the breasts of those who had dwelt in ignorance and darkness until that moment. Well, Mr. President, I do not know but that I ought to permit them, without further resistance, to lapse into their semiconscious state, with their idol in their arms. I do not know why I should longer attempt to influence the action of the Senate. Nearly every Senator's mind is made up, and we might just as well take the verdict at one time as at another. I think, however, that we are surrendering important national rights which we ought to defend.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. SMITH of Michigan. I yield to my friend from Missouri with pleasure.

Mr. REED. Mr. President, a few moments ago the Senator from Michigan made a remark the import of which was that England in her diplomacy and in her policy always claimed England's full share. That was not the language, but that was the import of the statement. It led me to think of some remarks made by John A. Dix, which I read many years ago and which Mr. Dix made in the year 1845. They are so thoroughly American and so refreshing at this time that I ask permission of the Senator from Michigan to read them into his remarks.

> Rapid and widespread as has been the progress of the latter, we have never sought to interfere with it. She holds one-third of the North American continent. She has established her dominion in the Bermudas, the West Indies, and in Guiana, on the South American continent. She holds Belize, on the Bay of Yucatan, in North America, with a district of about 14,000 square miles, if we may trust her own geographical delineations. We see her in the occupation of territories in every quarter of the globe, vastly, inordinately extended, and still ever extending herself. It is not easy to keep pace with her encroachments. A few years ago the Indus was the western boundary of her Indian empire. She has passed it. She has overrun Afghanistan and Beloochistan, though I believe she has temporarily withdrawn from the former. She stands at the gates of Persia. She has discussed the policy of passing Persia and making the Tigris her western boundary in Asia. One stride more would place her upon the shores of the Mediterranean, and her armies would no longer find their way to India by the circumnavigation of Africa. Indeed, she has now, for all Government purposes of communication except the transportation of troops and munitions of war, a direct intercourse with the East. Her steamers of the largest class run from England to Alexandria; from Alexandria there is a water communication with Cairo, some 60 miles; from Cairo it is but eight hours overland to Suez, at the head of the Red Sea; from Suez her steamers of the largest class run to Aden, a military station of hers at the mouth of the Red Sea; from Aden to Ceylon, and from Ceylon to China. She is not merely conquering her way back from Hindostan; she has raised her standard beyond it. She has entered the confines of the Celestial Empire. She has gained a permanent foothold within it; and who that knows her can believe that pretexts will long be wanting to extend her dominion there? Though it is for commerce mainly that she is thus adding to the number and extent of her dependencies, it is not for commerce alone. The love of power and extended empire is one of the efficient principles of her gigantic efforts and movements. No island, however remote, no rock, however barren, on which the cross of St. George has once been unfurled is ever willingly relinquished, no matter how expensive or inconvenient it may be to maintain it. She may be said literally to encircle the globe by an unbroken chain of dependencies. Nor is it by peaceful means that she is thus extending herself. She propagates commerce, as Mohammedanism propagated religion, by fire and sword. If she negotiates, it is with fleets and armies at the side of her ambassadors, in order, to use the language of her diplomacy, "to give force to their representations." She is essentially and eminently a military power, unequaled on the sea and unsurpassed on the land. Happily, the civilization which distinguishes her at home goes with her and obliterates some of the bloody traces of her march to unlimited empire.

Mr. President, many of the predictions in that statement have been realized; and, while we are constantly spending our time dwelling upon the fraternity of the two nations, it is well enough to turn back to the pages of history and consider the past in connection with the present.

Mr. SMITH of Michigan. Mr. President, I am obliged to the Senator from Missouri. I think, however, that much of Great Britain's progress in the world has been made because of the very scientific system of diplomacy which she has formulated during the ages of her dominance. I am very glad indeed that we have an English-speaking people to the north of us. If Canada can not be a part of the United States, I am glad that it is inhabited by a fine race of people. But, Mr. President, I do not like to see our domestic policy influenced so largely by either our neighbors on our north or our neighbors on our south. If it had not been for the internal conflict now going on in Mexico I do not believe this proposition would have ever emanated from the brain of the President of the United States; and if it had not been for the activities of the officers of the Canadian Government, I do not believe England's interest would have been quickened in the present contest for commercial advantage. The countries of the Western Hemisphere will soon stand face to face with the necessity of dealing with one another as Americans. The Mediterranean is a world sea lying in the Temperate Zone, amid an ancient civilization, and our southern basin is destined to be a world sea, now that a canal pierces the Isthmus connecting the Eastern and Western Hemispheres by direct and rapid communication.

Senators, will you bear with me while I recapitulate what I have taken altogether too long to say? England had no right on the Mosquito Coast or in British Honduras under her treaty with Spain. She has hovered around that narrow strip of land connecting the two continents of North and South America like a vulture in anticipation of an opening between the two oceans.

The treaty between the United States and Great Britain formulated by Mr. Clayton was not intended to affect us at Panama. President Arthur and Mr. Frelinghuysen and Mr. Blaine treated it as a nullity; President Hayes and President Garfield called any waterway connecting the two oceans at the Isthmus part of our coast line.

Every time we approached the question of the construction of a canal across Central America, England became active in its vicinity; and if she could not influence us by kindly offices, she did not hesitate to provoke our concern; the dust was sure to rise somewhere just enough to complicate the situation and assure us that it was very desirable to have her friendship.

There was no inhibition against us at Panama. The old treaty had no reference to a canal built at a different point than that described in the instrument. When the American public asserted itself, the British foreign office and our State Department promptly adjusted themselves to the new situation. Our insistence forced her to give up everything except what we were willing to give to every other country—neutralization and equality of tolls among our customers; that is all.

Mr. President, if that represents all her rights in equity and good conscience, if that is all she has under the law of nations, then we are not called upon to make this sacrifice to-day. If the exemption clause is repealed, if we bow to the suggestion of Mr. Innes, the British consul; if we comply with the wishes of Mr. Borden, the Canadian premier; if we reverse the policy of this Government solemnly and almost unanimously decreed less than two years ago, difficulties will multiply and our foreign relations will become sadly awry. And if we should ever attempt to reimpose this exemption from tolls, we will find this verdict you have to-day written emblazoned in letters of living light at every angle of our national experience.

O Mr. President, it is too far-reaching, too important to future generations of our countrymen to be thus surrendered on the mere ipse dixit of the President of the United States.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. SMITH of Michigan. Certainly.

Mr. CLAPP. A few moments ago the Senator made the statement that if it had not been for the internal difficulties in Mexico we never would have heard of this proposition to repeal the free-tolls clause. I do not know how others may feel, but I certainly should be very much interested in the discussion of any possible relation between the little revolution in Mexico and the regulation of our tolls a thousand miles or more south of Mexico.

Mr. SMITH of Michigan. What I said I repeat to the Senator from Minnesota, that the first time this subject was ever mentioned to any committee of Congress it was mentioned by the President to the Foreign Relations Committee, then considering the Mexican situation at its most acute stage; and when it was suggested that the hands of our ambassador in London might be strengthened by such a course, I for one, and there were others, protested against it.

Mr. CLAPP. But what had our ambassador in London to do with the relation which we sustained to Mexico? That is what interests me.

Mr. SMITH of Michigan. The Senator from Minnesota knows that Great Britain has a treaty of offensive and defensive alliance with Japan, does he not?

Mr. CLAPP. I have heard so.

Mr. SMITH of Michigan. I happened to be in London when it was promulgated, and knew something of the sentiment that prompted it.

Mr. CLAPP. Yes.

Mr. SMITH of Michigan. The Senator knows of the unusual friendship existing between those two Governments. The Senator knows that Japan at one time, not very far distant, became greatly interested in the Mexican situation. The Senator knows that the officers of a Japanese battleship paid a visit to Gen. Huerta in Mexico City for a week; and it was at that moment when the administration seemed to be perplexed and impressed with the necessity of finding support for his Mexican policy, just at the time when he asked us to repeal this law, "right or wrong," in support of the foreign policy of the administration, adding, "I shall not know how to deal with other matters of even greater delicacy and nearer consequences if you do not grant it to me in ungrudging measure."

Mr. CLAPP. Mr. President, I still fail to see any connection. Does the Senator mean to imply that in order to offset an alliance based upon a treaty between England and Japan we are

a mad rush there on the part of some of our associates to give notice before they proceeded to unhand the villain. [Laughter.]

I shall vote for the amendment, and I hope it will be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is—

So said the Senator from Mississippi—

Then if the amendment shall be defeated—

Now, he is going to vote for something which he hopes will be defeated. [Laughter.] I will read it again:

I shall vote for the amendment, and I hope it will—

I guess I misread that line—

I hope it will not be defeated, because I think we ought to be plain about expressing beforehand what our undoubted intent is.

The reason I fell into that error was because of a practice which has grown up here of voting one way and hoping another. [Laughter.] I thought it had grown to be a habit. Perhaps it is not a habit, but only periodical. [Laughter.] My friend the present Senator from Mississippi goes on:

Then if the amendment shall be defeated, I shall then vote for the bill, firmly believing that the mere fact of enabling the cotton goods of the South to reach Japan and China, Manchuria and Korea, with the obliteration of 10,000 miles of ocean transportation, will amount to something like a cent a pound of additional net receipts to every southern planter upon every pound of cotton which he sells to those markets.

Mr. President and Senators, is this the same voice that was raised in protest against a subsidy? It can not be; he would not vote for a bill which provided a subsidy. Perish the thought. "A cent a pound of additional net receipts to every southern planter" rather shocks my sense of circumspection. [Laughter.]

He further says:

I shall vote for the bill, because I believe it will carry Tennessee iron and coal entirely by waterway to a market where coal sells now for $14 a ton, coal that we can get out of the mines at a cost of $1.25 a ton. I hope, Mr. Chairman, that the amendment will prevail.

So spoke the distinguished Senator from Mississippi a few short years ago.

I hope he can find some comfort in his record. I have no doubt the agility which he seems to have acquired since he came to the Senate of promptly changing his opinions to meet Executive favor and at the same time remaining unruffled in his relations to his fellow Senators is rather more praiseworthy than censurable.

But why should we prolong this discussion further? They have got the shroud all made and the casket built, and they are going to inter this poor little American offspring with great formality on the historic shores of the Potomac River, where it will ever stand as a towering monument of party perfidy and dishonor. Our countrymen will deplore this base surrender to England, and future generations will pay the penalty of our folly.

Mr. President, the other day a bill passed the Senate containing a provision for the remission of tolls on foreign warships visiting the Panama Exposition at San Francisco.

Those favoring the repeal of the tolls-exemption clause in the present bill could not consistently accept the provision in the naval appropriation bill, but they did, whereby it is provided that tolls through the Panama Canal on all vessels of war passing through the canal to or from the Panama-Pacific Exposition are to be remitted, although such an enactment was plainly in contravention of the Hay-Pauncefote treaty, as interpreted by the proponents of this repeal. The treaty does not provide for any discrimination among our customers in the use of the canal, and a nation observing the rules could justly complain if one of its war vessels bound on an urgent mission was compelled to pay tolls while the war vessels of another nation bound to the Panama-Pacific Exposition were passed through the canal free.

If such a remission of tolls does not constitute a violation of the Hay-Pauncefote treaty, then why can not the United States remit the tolls on a vessel bound from New York to San Francisco, or on a vessel engaged in our foreign trade? If such a remission by legislative enactment is not a violation of the Hay-Pauncefote treaty, then why argue against giving this right to our own citizens? If the United States, through legislation, can provide for the remitting of tolls through the Panama Canal for one cause, then it can do so for any cause it deems wise without contravention of the terms of the Hay-Pauncefote treaty—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality.

That is the language of our compact, and yet we have just discriminated in favor of visitors to the Panama Exposition at San Francisco and no objection has been raised by anyone, and the President will promptly attach his signature to the bill. Subsidies, indeed!

Mr. President, if it had been the intention to include the United States in the term "all nations," then the treaty should have read "so that there shall be no discrimination against or in favor of any nation or its citizens." The fact that "in favor of its citizens" was left out is a powerful argument with me that it never was intended to be put in, either by construction or otherwise.

My honored friend from Illinois yesterday thought I was a little hard on him when I adverted to his fear lest we were about to array the entire world against us.

Mr. LEWIS. No; Mr. President; if I may interrupt my friend——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Well, the world was against us, anyway, according to the Senator.

Mr. LEWIS. My objection, if I may be permitted just a word, was that I feared my able friend had left the impression that I had said there was an alliance between the President and England, or that he desired such, in compensation for the repeal of the tolls exemption. It was that particular allusion which the able Senator made that I could not permit to rest without contradiction.

Mr. SMITH of Michigan. Mr. President, the Senator from Illinois stands in awe of Great Britain. He admits it. In the course of his very able speech, to which I listened with a great deal of pleasure, when he reaches the point where he is quite overcome by the situation into which we are drifting, he says:

Mr. President, at the threshold of the presentation—this one fact the world must understand—the Panama Canal is the property of America. No nation—no people—can have privileges therein except as granted by the grace and equity of the United States. We are the sovereign proprietors. No other nation on earth can be recognized as having any sovereign right over this canal, its use or operation, and this is addressed to Great Britain.

Great Britain. When we speak of her we pause.

I pause when I speak of her. [Laughter.]

Mr. LEWIS. May I ask the Senator to proceed with the remainder of that dissertation? He will get his reply.

Mr. SMITH of Michigan. I paused because the Senator asked me to pause. You have a period after the word "pause."

Mr. LEWIS. But the distinguished Senator from Michigan seems to have no period anywhere, Mr. President.

Mr. SMITH of Michigan. Well, my friend is in a period of great vexation and doubt, and uses a period only to express it.

Mr. LEWIS. I apologize to the Senator. I do not interrupt him. I will reply to him, and I withhold any further interruption.

Mr. SMITH of Michigan. If the Senator is going to reply, perhaps he had better desist now. I do not want to invite any controversy which will delay this humiliating surrender of any of our rights at Panama.

When we speak of her we pause. * * * We may inquire where the doctrine of retaliation on the part of these nations against us for discrimination against their ships and tonnage would lead us.

Thus spoke my honored friend from Illinois in the very dawn of this discussion.

The inquiry is pertinent. I am not surprised that my able friend from Illinois should be placed upon inquiry.

First, as I see it—

Says the Senator from Illinois—

First, as I see it, to where our commerce would be stricken from their seas; second, it would awaken discordancy between the nations and ourselves and a destruction of harmonious dealings between their people and ours at home. Such an unfortunate sense of disagreement would set in as would lead to conflict at our doorways; and from that there arises things in their magnitude so much greater that war too frequently is the word to characterize their after consequence. Therefore I say, Why should we pause to make a distinction as to whether Great Britain has made a formal protest?

The President of the United States brings this matter here, says the Senator from Illinois.

Sir, I do marvel to some degree that the able Executive did not find it compatible with his sense of propriety to enter with more detail and explanation into the things which were in his apprehension.

The entire world marvels at that. The only thing about which we all seem to be in accord is the marvel that he should do this whole business alone.

Therefore, Mr. President, when I contrast that attitude with this strange exception, I am forced to the conclusion that there was reason so impelling and of a nature so momentous, of a consequence so dire, that, according to the logic of the man, the judgment of the ruler, and the sense of the patriot, it were better, in the language of Bassanio, that he should, "to do a great right, do a little wrong."

Now, Senators, if this is so dire, if the consequences are so far-reaching, if the President has failed to give us light, where did the distinguished Senator from North Carolina [Mr. SIMMONS] obtain his light? He said he had been literally submerged in a flood of light since he voted in favor of free tolls.

Yet the Senator from Illinois seems to be engulfed in darkness. There is something wrong.

Then I desire to ask the Senator from Illinois when the Chief Executive of this Nation became a ruler? He may—he evidently does—rule your side of the Chamber, but does he also rule this? He is not king or emperor or czar. If he respects the fundamental law from which he derives his short tenure of office, he must know that he is only one of the coordinate departments of the Government. My friend from Illinois is unfortunate in his choice of expression. He must have been thinking of his own relation to his party.

But I, for myself—

Said the Senator from Illinois—

will not hesitate to give what I feel may have been the reasons.

Whose reasons?

The President has not yet taken the Senator from Illinois into his confidence, but he is going to give some of the reasons which moved the President to this action. "There is no more fertile intellect in this body than that of the Senator from Illinois. He can always give reasons, and good ones, too. I thought he gave the reasons on the 20th of March for the President's course, and it was to that to which I referred yesterday.

It may be distasteful—

Says the Senator from Illinois—

but I do it; it may not be in consonance with propriety that I enter upon it; it may be questionable according to diplomatic usage that I should detail it; yet, in the words of Hamlet—

I'll cross it though it blast me.

And he did. I do not think he has yet been blasted, but I think his party has. He may be saved from the wreck—I hope he will—but the word "blast" has a powerful and potential meaning in the politics of our country.

I did not mean to misrepresent the honorable Senator, and do not believe I did.

However, when I referred to the visit of the officers of a Japanese battleship then in the harbor of Vera Cruz to Gen. Huerta, at Mexico City, a few months ago, I seem to have touched a sensitive point in my friend's anatomy usually so serene.

He refers to our relations with Japan and Mexico and Mexico's relations with Japan. Then he refers to the seething war upon our border, laying special emphasis upon the word "seething."

Mr. President—

Said the Senator from Illinois—

if we should now, in defiance of the attitude Mexico has taken, or because of some grievance which we feel we have suffered, attempt to intervene in Mexico and march our Army into Mexico, contemplate the European response.

Said the Senator from Illinois:

Hear the world's reply to our threat. England says: "Hold, gentlemen; we have our property here to protect." Germany, with its large possessions, says: "Stay, gentlemen; here are our concessions." France, with her large interests and her investments, says: "Stop, gentlemen; you can not come into Mexico." All in chorus cry out, saying, "Now, since you have started, we will protect our own property. We march our army into Mexico and protect our own by our own."

America says: "Hold, Europe!"

Senators, there we are in battle array. There we are drawn up in solemn phalanx before the god of battle. I did not say it; the honorable Senator from Illinois filed that caveat last March.

I said yesterday that there was an acuteness in the Mexican situation which had prompted the President to seek an ally somewhere in the world that would strengthen his hand and insure his purpose to dethrone the de facto head of the Mexican Government. I think I am right about it. I think that is at the sole foundation of this emergency. One mistake always leads to another. I think that situation precipitated this crisis, and yet I only described the situation as acute; but the Senator from Illinois, before we had put our troops on Mexican soil and before our Navy was in Mexican waters, said:

Hold, Europe! Thus far and no farther; for a doctrine known as the Monroe doctrine, propounded by our founders upon the theory that America would remain ever within America and that Europe or Asia should never come within it, as we should never come within theirs, exists in all its vital principle in America, and our countrymen demand its execution and fulfillment.

That is good, red-blooded ardor. I commend my honorable friend and only wish he had more influence with the head of state, who by accident or design has imperiled the Monroe doctrine by inviting a situation which could have been easily avoided. But listen to these ominous words:

Japan, with her grievance, and already with an alliance with Mexico—

Says the Senator from Illinois—

such an alliance that all Japan, when Huerta's particular representative came to that country, gave him a celebration the like of which was never accorded to any American or Englishman since the foundation of their new dynasty—Japan would promptly seize the Philippine Islands. She would then seize Hawaii. Then, with such conditions pointed out by me, our Army is in Mexico, the canal not finished, no way to have a joinder of our Navy, in what condition would our country be?

That is most deplorable, but even if we lost our Atlantic and Pacific outposts in war, that would be vastly preferable to a cowardly surrender in time of peace.

I turn to consider the attitude of the other nations—

Says the Senator from Illinois—

Russia, with her grievances—she who says she lent aid to the American Union at a time when it was threatened with disunion; she who charges that because of English influence the administration in power during the last 10 years lent its aid to Japan against her, Russia, and brought the United States where it gave not only its sympathy but its financial contribution to Japan against her—Russia, remembering this wrong, carrying it brooding in her bosom, with frowning face, as gloomy as the very aspect of death, having already her smoking forts upon the border of Japan, and now in an offensive and defensive alliance of life and death with Japan, this Russia would not lose her opportunity; and with her grievance now so great that she has no treaty with the United States of either companionship or commercial amity, she would promptly aid Japan by seizing Alaska, at the north, near her borders, to embarrass our armies.

Well, we have now lost Hawaii and the Philippines and Alaska. Because we will follow the President, "right or wrong," we have been despoiled of all our outlying possessions. That is a very serious affair. I can not pass such a statement by without giving it the attention which it richly deserves.

Then the Senator from Illinois goes on to say that the whole world is against us, even—

Central America, bordering the canal, would be furnishing supplies to the European and oriental enemy and supporting their assault. Mr. President, reflect in what desperate condition we would stand; appalling, indeed, to contemplate.

I did not go that far yesterday; my statement was mild; I merely suggested that an acute situation had grown out of our policy toward Mexico which had prompted us to cultivate our ancient foe; that in order to strengthen the hands of Mr. Walter Page, our ambassador at the Court of St. James, we were to be asked to repeal the tolls-exemption law. That is all we can discern through the haze and mystery of our present diplomacy. If the President had given that as the reason for his anxiety, the American people would have rejected it with scorn. No wonder he confined himself to the most glittering generalities; that he asked us to grant his request ungrudgingly, "right or wrong." Sirs, right or wrong indicates the desperate character of his cause.

I have said many times since this debate began that I thought the seething exigency which gave it birth would have passed away before we reached a vote on the bill. If the administration was not so solicitous about the fate of the Mexican rebels, Carranza and Villa, if the President had given the A B C mediators a free hand at Niagara Falls, the exigency which gave birth to the bill we are now considering would long since have passed away.

How much did the Panama Canal cost? Three hundred and seventy-five million dollars. We still owe on it $134,621,980. Who is going to pay that debt? We have not yet paid for the canal; we still owe this vast sum of money. Who is going to pay it? Why, the American people, of course. Why? Because they own the canal.

No wonder the British foreign office, through Lord Lansdowne, said to Mr. Hay, "When we are relieved, as we are under the new Hay-Pauncefote treaty, from the responsibility of maintaining the neutrality of that canal, we are relieved of about all the responsibility which we formerly assumed." He knew they had no rights under this treaty, for they had no obligations.

How much did the Suez Canal cost? One hundred and twenty-six million dollars; probably a little more. England permitted it to be built by private capital, and then acquired it through subjecting a dependent State to her will.

Great Britain knew of our treaty with New Granada—executed, exchanged, and ratified four years before Mr. Clayton and Mr. Bulwer entered upon their negotiations—which stood for more than half a century as our fundamental right to do what we pleased at the Isthmus of Panama.

Before the Clayton-Bulwer treaty a concession was made to Cornelius Vanderbilt, Joseph L. White, Nathaniel H. Wolf, and their associates for the exclusive right to construct the Nicaragua Canal. Enterprising railroad people have never been unmindful of the value of such a waterway or of its probable effect upon the railroad transportation of the country.

Mr. President, we did agree with Great Britain that that canal should be neutralized, and we will keep our word; but that only means, as I said yesterday, that we will stand apart from the controversies of our customers. I think that is as far as our obligation goes. I believe that was the construction

cured to the ships of its own citizens free passage through the canal?

Mr. SMITH of Michigan. Mr. President, I think the Government would have had some difficulty in appropriating private property without due process of law and without proper compensation; but that question does not arise. When we were talking about the canal being constructed by private individuals, by a private corporation, of course the Government was merely a friendly suzerain; we were not dominant, and exercised no sovereignty there; this has been true during all the years of the Panama Railroad. Great Britain has not asked to share in the management of the Panama Railroad, and I do not think she would ever have asked to share in the management of this canal had it not been for the overweening ambition of her fair daughter to the north of us, who seems to have awakened the quickening spirit of conquest in the mother country.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan further yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. WEST. Is it not a fact that England exercised a protectorate over Egypt and territory in that section? Is it not a fact that the Suez Canal was built by a stock company and that the ships of every nation that pass through there pay tolls?

Mr. SMITH of Michigan. Egypt is a semisovereign State under the suzerainty of the Ottoman Porte. The Khedive is hereditary ruler and receives his investiture from the Sultan of Turkey, but its affairs are practically administered by Great Britain. After private parties had gone down into their pockets and put up the money to build the Suez Canal, Great Britain, with her usual foresight and acquisitiveness, got possession of $20,000,000 worth of that stock—about 176,000 shares—upon which a dividend of upward of 35 per cent per annum is annually earned. If, out of these profits, she chooses to give back to her vessels passing through the Suez Canal the tolls they pay, she evidently thinks it is a good investment. The Suez Canal is 103 miles long. It cost a little over $126,000,000. In 1911 more than 4,500 vessels passed through it, with an aggregate tonnage of 16,581,898 net tons, for which service the canal company received $25,168,400. The tolls charged are higher than at Panama and the service not as good. It takes 17 hours to pass through the Suez Canal, while it will require less than 12 hours to pass through Panama. Their canal is 28 feet deep, while ours has a depth of 41 feet and is but 54 miles in length. The distance saved from New York to Pacific ports of North America is about 8,000 miles through the Panama Canal.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Utah?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. The question propounded to the Senator from Michigan by the Senator from Georgia [Mr. WEST], as I understand, is how the United States would be able to get its ships of commerce through free of tolls if this canal had been built and was owned by a private company. Is there the slightest doubt that the United States Government could have paid the tolls for the ships of its citizens, that it could have delivered the money out of its Treasury into the hands of the owners of those ships, and that that money could have been paid to the owners of the canal for transporting the ships through the canal?

Mr. SMITH of Michigan. There is no doubt about that at all.

Mr. SUTHERLAND. Now, if that be true, how is the situation of the United States altered in that respect when the United States itself becomes the owner of the canal? If it may pay the tolls in advance for the ships of its own citizens going through the canal when the canal is owned by a private company, is there any reason why it may not pay the tolls of the ships of its citizens when the Government itself owns the canal? That being so, is there any difference in principle between the United States advancing the money in the first instance to the owners of these ships so that they may return the money to the United States in payment of the tolls and relieving them from the payment of the tolls in the beginning? Is there any difference in substance between those two cases?

Mr. SMITH of Michigan. I see no difference, Mr. President.

Mr. SUTHERLAND. If there is any difference, I should like somebody to point it out.

Mr. SMITH of Michigan. I see no difference. The Senator from Utah is exactly correct; we have no engagement which would interfere with that course. Does the Senator from Utah believe that under the Clayton-Bulwer treaty our Government was precluded from building a canal across the Isthmus of Panama in its own way, and without the consent of Great Britain?

Mr. SUTHERLAND. Mr. President, in the remarks I made the other day I had occasion to discuss that very question. I will say to the Senator from Michigan that I have not the slightest doubt that the Government of the United States under the Clayton-Bulwer treaty could have built the canal across the Isthmus of Panama precisely as it has built it, because the Clayton-Bulwer treaty did not refer to the Isthmus of Panama in its substantive provisions. The Senator from Michigan will read the substantive provisions of the Clayton-Bulwer treaty in vain to find any reference to the Panama Canal. The references in all those substantive provisions are to Central America, to the particular portions of Central America which are named in the treaty, and to other portions of Central America. Of course, the Isthmus of Panama never was and is not now any part of Central America. The only reference to the Isthmus of Panama is contained in the eighth article of the treaty, and that is not a substantive agreement at all; but it is simply an agreement to thereafter agree with reference to the Isthmus, an agreement which, obviously, could not be enforced because the terms had not been determined upon. It was simply an engagement that thereafter they would make some agreement about it.

Mr. SMITH of Michigan. But that did not rise to the dignity of an agreement.

Mr. SUTHERLAND. If they had left it alone, there was no agreement about it; the whole thing would have been open, just as it would have been in the case of a contract between two individuals, as, for example, if I should stipulate with the Senator from Michigan to do certain things, and further say that if another situation named should arise, he and I would thereafter agree about that. Of course, such an agreement could not be enforced, and either of us would be at liberty to deal with that particular matter in any way we pleased without reference to the agreement.

Mr. SMITH of Michigan. I am greatly obliged to the Senator from Utah, who is always careful in his statements and accurate in his judgment. I have read the Clayton-Bulwer treaty over and over again to find an inhibition against the United States Government doing the very thing which we are now doing at the Isthmus of Panama, and I can not find it; very evidently it is not there.

Mr. President, I notice the Senator from New York [Mr. O'GORMAN] in his seat, and I am moved to ask him whether, among the papers submitted by the Department of State to his committee in response to the resolution of the Senate bearing upon the negotiations for this treaty, there appears anything that takes into account the rising tide of American public opinion against joint ownership in a canal to be built across the Isthmus of Panama?

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. O'GORMAN. The Senate several weeks ago passed a resolution requesting the production of all the diplomatic correspondence affecting the Hay-Pauncefote treaty. The correspondence which was produced and which has since been printed omitted two letters, one from Secretary Hay to Mr. Choate, the ambassador, and one from the ambassador to Secretary Hay. I am now in possession of copies of those two letters, and at the proper time I shall ask to have them inserted in the RECORD.

In the letter of Ambassador Choate to Secretary Hay he makes specific reference to the legislation then pending in Congress seeking the construction of an isthmian canal which the House passed and which contained a direction to the President to proceed at once to the construction of a canal, as was stated yesterday by the Senator from Michigan, in disregard of the Clayton-Bulwer treaty and in disregard of the then pending Hay-Pauncefote treaty.

Mr. SMITH of Michigan. I am pleased to have that statement from the Senator from New York, as it adds another important chapter to the interesting events leading up to the treaty of 1901.

Mr. SUTHERLAND. Mr. President, right at that point will the Senator from Michigan permit me to call his attention to statements made by the officers of this Government, as far back as 1880, with reference to the relationship of the Clayton-Bulwer treaty to the Isthmus?

Mr. SMITH of Michigan. Certainly.

Mr. SUTHERLAND. The first reference is in a communication addressed to the President of the United States by the then Secretary of State, Mr. Evarts, in the course of which he says:

But the United States undertook by this provision to extend to Great Britain such participation in the general benefits of any inter-

oceanic connection which might be opened in these countries, as was afforded by the principles of the Clayton-Bulwer treaty; and these were to be secured by "treaty stipulations"—

That is, as I have already stated, by a subsequent agreement—

to be made at the proper time and under such conditions as might appear wisest and best when that time should come.

Mr. SMITH of Michigan. Exactly.

Mr. SUTHERLAND. Mark that—

to be made at the proper time—

That is the subsequent agreement—

to be made at the proper time and under such conditions as might appear wisest and best when that time should come—

Leaving, of course, both parties open to make propositions, to accept or reject propositions, and, indeed, to formulate a new agreement wholly independent of anything in the Clayton-Bulwer treaty.

This declaration, therefore, of a general principle to be put in practice could not and did not modify either the rights or obligations which the United States had acquired or assumed by the treaty with New Granada of 1846, and which still exist in all their binding effect. The concession—

Now, mark this—

The concession, the building, and the administration of the Panama Railroad are a sufficient illustration of the correctness of this view.

Article 8 applied both to a canal and a railroad. It provided that the two Governments would extend by treaty stipulations their protection to this means of communication whether by canal or by railroad. The railroad was constructed; it has been under the control of the United States for a generation or more; the Government of Great Britain has never sought to have these nebulous provisions of article 8 carried into operation with reference to that railroad; and yet they apply as much to a railroad as they do to a canal.

I do not want to interrupt the Senator from Michigan unduly.

Mr. SMITH of Michigan. I am very glad to have the Senator from Utah proceed.

Mr. SUTHERLAND. Bearing out that same proposition, there is a communication from Mr. Frelinghuysen, of May 8, 1882, in the course of which he says:

Article 8 of the Clayton-Bulwer treaty relates only to those projects now (1850) proposed to be established, and expressly contemplates some further "treaty stipulation" on the part of Great Britain with the United States of America and New Granada, now the United States of Colombia, before Great Britain can join the United States in the protectorate of the canal or railway by the Panama route. No such treaty stipulation has been made or has been proposed by Great Britain. Since the ratification of the Clayton-Bulwer treaty, for 30 years the United States, under the treaty of 1846 with New Granada, has extended protection to the transit from sea to sea by the Panama Railway.

That is the sole protection of the United States. Again, he says:

Should Her Majesty's Government, after obtaining the consent thereto of the United States of Colombia, claim under the Clayton-Bulwer treaty the right to join the United States in the protection of the existing Panama Railway or any future Panama Canal, the United States would submit that experience has shown that no such joint protectorate is requisite; that the Clayton-Bulwer treaty is subject to the provisions of the treaty of 1846 with New Granada while it exists, which treaty obligates the United States to afford and secures to it the sole protectorate of any transit by the Panama route; and if Great Britain still claimed the right to join in the protectorate, the United States would then determine whether the "treaty stipulations" proposed by Great Britain regulating that joint protectorate were just, and if so, whether the length of time during which Great Britain has concurred in the protection of the Panama route under the treaty with New Granada has or has not relieved the United States from any obligation to accept a proposal from the Government to join in the guaranty.

I could go on further, as there are a number of other statements in the correspondence to the same effect. Later on it is said:

The eighth article, therefore, is simply a declaration of the intention entertained more than 30 years ago by two nations to take up at some subsequent period the negotiation of a treaty on a particular subject. In order to carry out this purpose, treaties must be made by the United States and England with each other and with each of the Central American States through which a canal may be built, defining in detail the stipulations necessary to execute the general principle.

And so the Senator will find all through this correspondence that the position taken by our Secretaries of State away back in that day was that article 8 of the Clayton-Bulwer treaty did not contain any substantive provision with reference to the Isthmus of Panama; that whatever was done there, so far as Great Britain might share in it, must be accomplished by subsequent agreement. The whole subject was open for Great Britain to make her proposals and for the United States to accept them or not.

Mr. SMITH of Michigan. Well, Mr. President, if any Senator in this Chamber can console himself with the imaginary fact that we inhibited ourselves from constructing a canal across the Isthmus of Panama by the Clayton-Bulwer treaty, I am quite content to leave him in his ignorance, because of all the claims which have been put forward in this debate as the basis for our treatment of Great Britain, that claim is the least substantial.

What the Senator from Utah has just said annihilates completely any theory that the Clayton-Bulwer treaty contemplated a canal across the Isthmus of Panama to be jointly owned or regulated and controlled and defended by Great Britain and the United States. There is not a line in the Clayton-Bulwer treaty that justifies it. The title of the act speaks only of a canal across Nicaragua; the claim that Great Britain gave up anything when she made the present Hay-Pauncefote treaty is the idlest nonsense. She gave up nothing, for she had nothing to give; but, as usual, was very skillful in trying to extract something from a very uncomfortable situation.

The Senator from Mississippi [Mr. WILLIAMS] made a few observations about this House bill which, as usual, were quite to the point and follow the remarks of the present Senator from Colorado [Mr. SHAFROTH], which are recorded in the appendix. The danger from an appendix was not so great then as now. [Laughter.] Listen to my friend from Mississippi. I quote:

I feel not the slightest degree of hesitancy in trusting the American people to protect this canal, even under the language of this bill. I feel that even if the Hay-Pauncefote treaty were to be confirmed—and I am almost certain in my own mind that it never will be—

Shades of the Southland! Who is this speaking? Never confirmed! Why not?

Why not? Why should it not be confirmed? If the Clayton-Bulwer engagement still lived, why should it not be confirmed? How can any Senator or Representative take the view that the first Hay-Pauncefote treaty should not have been ratified if he believes that there was still lingering any life in the Clayton-Bulwer treaty? The Senator from Mississippi, however, seems to have doubted that.

and I am almost certain in my own mind that it never will be—

He said.

Then, again, I quote from the Senator:

The power given in that treaty to "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place.

Senators, here is a scrupulous, jealous advocate of international honor who proposes to construe the word "police" into the right to garrison that canal from ocean to ocean.

Again, he says:

To "police" the line of that canal could be taken advantage of for the purpose of garrisoning it in the first place, and in the second place leaving it unfortified perhaps in time of peace, but the moment the tocsin of war was sounded I am certain we would proceed with the garrison then and there to throw up earthworks and fortifications necessary to protect the interests of our people and their money invested in the canal.

Sir, that was before the special peace propagandists had completed their organization. [Laughter.] That was before Mr. Carnegie, the peace moderator, had fortified his theories of international comity. The Senator from Mississippi was not then so punctilious and overscrupulous about the construction of a treaty; but "after we are attacked we are to have the right to build fortifications and garrison the canal."

That is like some of the orders claimed to have been given to our soldiers at Vera Cruz—not to shoot until fired upon, and then only at the man who shot at you; that is a species of warfare which even the Carnegie Peace Foundation would hardly approve.

Senators, listen again to my friend the Senator from Mississippi:

When I think of this long route by Cape Horn; when I think of the southern cotton lying upon the banks of the Mississippi on both sides; when I dwell upon the fact that the construction of this canal will virtually empty the Mississippi River into the Pacific Ocean, giving it a new mouth; when I think of the fact that the construction of this canal will realize the dream of Christopher Columbus—

The Senator takes great pride in Christopher Columbus, although he could not have been very much of a Democrat. [Laughter.]

Mr. BURTON. Is that his language?

Mr. SMITH of Michigan. No; the comment is mine. But he adds:

And enable people to sail directly west from Europe to reach "far Cathay" and the "rich East where Prester John once ruled." It seems to me that all little matters in connection with the mere verbiage of the bill sink into absolute insignificance.

I shall vote for the amendment—

That is, the amendment of Mr. Cooney giving notice that the Clayton-Bulwer treaty had been denounced. He tried very hard to work in a notice. I do not know whether he gave the notice before my friend from Ohio did or not; but there seemed to be

Mr. ROOT. And if he did say anything which to others appeared unkind, I should know he did not mean it.

Mr. SMITH of Michigan. No; I would not say anything unkind about the Senator.

Mr. LEWIS. Mr. President, will the Senator from Michigan yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. I have not finished with the Senator from New York——

Mr. LEWIS. Will the Senator yield to me for a moment to enable me to ask the Senator from New York a question?

Mr. SMITH of Michigan. Can not my friend from Illinois restrain himself a moment?

Mr. LEWIS. Oh, unquestionably; but, Mr. President, in the presence of the mendacious constructions of the Senator from Michigan no justice-loving man can restrain himself from an expression of indignation.

The PRESIDING OFFICER. The Senator from Michigan has the floor, and can not be interrupted without his consent.

Mr. SMITH of Michigan. I wish to reply to the Senator from New York, and then I will cheerfully yield to the Senator from Illinois, for whom I have the highest respect and who is numbered among my warmest friends here.

What I desire to say in the presence of the Senator from New York is this, that the first Hay-Pauncefote treaty, according to prominent Members of the House of Representatives, was driven out of the Senate by the overwhelming indignation of the American people. I know it was charged at the time that an effort was being made to bring about an alliance between Great Britain and the United States. In such an atmosphere American rights should have been made plain. I think our interests were properly safeguarded. The Senator from New York still feels that we have undefined obligations to perform, and entirely out of harmony with the spirit of that time.

This is the third treaty in regard to which I have disagreed with the Senator from New York. I found him arrayed against my attempt to limit the use of the waters of the St. Marys River to the line fixed by the Webster and Ashburton treaty, and disagreed radically with his views, which were far more satisfactory to Canadians than to the people of Michigan, whom I represent——

Mr. LEWIS. Mr. President——

Mr. SMITH of Michigan. Then I found myself in opposition to him on the fisheries convention, when Mr. David Starr Jordan, representing this Government, has seen fit, in his treaty with Great Britain, to exempt Georgian Bay, an arm of Lake Huron, from the operation of the regulations, while including Saginaw Bay, another arm of Lake Huron. I found my honored friend quite willing to exempt Georgian Bay, and very loath to permit me to have Saginaw Bay exempted. I can not exactly understand the viewpoint of one who seems to be so intensely American, and at the same time so generous with Mother England.

I now yield with pleasure to the Senator from Illinois.

Mr. LEWIS. Mr. President, I desired to put to the Senator from New York a query that would lead to information. I should now like to ask the Senator if he will inform me who it was who negotiated the treaty which, as he says, so omitted protection to the United States in the particular respects which he has outlined, and who were the parties who prepared that document and consummated it?

Mr. ROOT. Mr. President, I will gladly give to the Senator from Illinois any information I have, but I do not quite know what treaty he is talking about.

Mr. LEWIS. I refer to the particular provision that the Senator from New York said omitted the necessary protection to the United States in such manner that he himself was compelled to take such steps as the Senator from Michigan had previously criticized.

Mr. ROOT. I do not recognize the theater of action at all. I took no steps about any treaty.

Mr. LEWIS. I understood the Senator from New York to say, in response to a criticism on the part of the able Senator from Michigan, that the reason the Senator from New York had taken certain steps and assumed certain positions respecting a certain document was because that document had omitted to provide for a form of military defense and proper guardianship of the rights of the United States; and I understood that the Senator referred then to the original treaty, or the treaty designated as the first Hay-Pauncefote treaty.

Mr. ROOT. Mr. President, I think the Senator from Illinois misapprehended the colloquy.

Mr. LEWIS. That is rather likely. I may have done so.

Mr. ROOT. The Senator from New York took no steps whatever about either treaty. The Senator from Michigan asked the Senator from New York whether he approved the putting to death of the first Hay-Pauncefote treaty, and the Senator from New York responded that he did

Mr. LEWIS. The Senator from Illinois is seeking from the Senator from New York to know who prepared the particular document to which the Senator from New York alluded, in response to the Senator from Michigan, that the document had not provided sufficient military defenses and guardianship for the United States. To what document did the Senator from New York allude?

Mr. ROOT. The Senator from New York alluded to what is called the first Hay-Pauncefote treaty.

Mr. LEWIS. Now, then, may I ask the Senator from New York who it was who prepared that particular document and consummated it in behalf of the Government?

Mr. ROOT. It appears upon the face of the treaty. It was negotiated by the Secretary of State, at that time John Hay.

Mr. LEWIS. I thank the Senator from New York.

Mr. SMITH of Michigan. Has the Senator from Illinois finished?

Mr. LEWIS. Yes.

Mr. SMITH of Michigan. There is not a Senator in this Chamber, including the distinguished Senator from New York, who would vote to ratify the first Hay-Pauncefote treaty if it were pending here to-day.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. SMITH of Michigan. Certainly.

Mr. OWEN. Will the Senator from Michigan permit me to call his attention to the circumstance that in the draft of the first Hay-Pauncefote treaty describing all nations who were to use the canal on terms of perfect equality the words "observing these rules" did not appear, although they were inserted in the second Hay-Pauncefote treaty?

Mr. SMITH of Michigan. Yes.

Mr. OWEN. And when the first draft of the Hay-Pauncefote treaty was accepted by the Senate it was accepted by the Senate of the United States as drafted by the Secretary of State, and agreed to practically by all the authorities of the United States with no limitation upon the words "all nations." So the term "all nations" in the first draft of that treaty confessedly included the United States.

Mr. SMITH of Michigan. Now, Mr. President, I want to return to Mr. Cooney.

Mr. NEWLANDS. Who is Mr. Cooney, may I ask the Senator from Michigan?

Mr. SMITH of Michigan. You must look back over the records of your party associates.

Mr. LEWIS. There is no record of fame or glory that I can recall of my party which indicates the name Cooney.

Mr. SMITH of Michigan. The Senator from Illinois certainly ought to know him. He was in the House of Representatives, a distinguished Member from Missouri.

Mr. LEWIS. Among those I regret that I have lost that name.

Mr. SMITH of Michigan. Listen. This is what he says——

Mr. LEWIS. I can not accept the wisdom of a Member so unknown to me.

Mr. GALLINGER. Mr. President, I rise to a point of order.

Mr. LEWIS. I yield for the point of order.

Mr. GALLINGER. There is a rule of this body which is well known to us, and I think it ought to be observed.

Mr. SMITH of Michigan. Here is what Mr. Cooney says, speaking about the Nicaragua bill:

> There is a general opinion throughout the country that the treaty known as the Clayton-Bulwer treaty is as dead as Hector and that somehow Blaine was the Achilles that slew it and dragged it to pieces at his chariot wheels.

Mr. Cooney had an art in portraying his inmost emotions that has been rarely excelled.

Mr. LEWIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Illinois rises to a parliamentary inquiry. He will state it.

Mr. LEWIS. I am only anxious to know to what the Senator from New Hampshire [Mr. GALLINGER] alluded when he spoke of a general rule. If the Senator from Michigan will yield to me, I desire to know it and to avail myself of it. In what way am I impinging upon a rule? I am anxious to know.

Mr. GALLINGER. I had reference to the rule which requires that no Senator shall interrupt another during debate unless he addresses the Chair and obtains permission.

Mr. SMITH of Michigan. Why suspend this illustrious American in the air while parliamentary questions are being discussed?

Mr. GALLINGER. I think the parliamentary question which was made ought to be settled. I have no disposition to interfere with the procedure of the Senate in any way, except that unless Senators do get permission from the Chair before interrupting a Senator on the floor we will have a condition of things here which will not be to our credit.

The PRESIDING OFFICER. The Senator from New Hampshire has well stated the rule. A Senator must address the Chair and get permission, through the Chair, of the Senator who is entitled to the floor.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. Certainly.

Mr. LEWIS. I only desire to say, through the Chair, that there had been no ignorance of the rule or ignoring it on my part. The Senator from Michigan had yielded to me, and, therefore, I think the suggestion of the Senator from New Hampshire was irrelevant.

Mr. SMITH of Michigan. I find no fault with the inquiry of the Senator from Illinois.

My honored friend from Ohio [Mr. BURTON], sitting by my side, did not believe the Clayton-Bulwer treaty was dead. His course is always consistent; his vote usually stands out almost alone as a shining example of personal and official integrity, and I honor him for it.

But the House of Representatives considered that treaty dead. The House of Representatives considered the treaty made by Mr. Hay and Mr. Pauncefote in February, 1900, an affront and promptly answered it. Do not get the impression that that answer did not find its way into the British foreign office. Do not imagine for one moment that the British foreign office was unmindful of the attitude of the American people regarding a canal across the Isthmus or even through the Republic of Nicaragua. The truth is that that bill and the vote in the House of Representatives went like magic to the Court of St. James, and they immediately recast their position lest they should be left out in the cold altogether.

I admired John Hay as much as the Senator from New York could have admired him—a sweet-tempered, able, manly man, kindly, refined, sympathetic, unpretentious, modest, faithful. I join with the great Senator from New York in commending his simple virtues. But, Mr. President, he had just returned from the Court of St. James. He had just come out of the atmosphere of British officialdom. He had not been at home for some time when that first treaty was made, and coming home he did not realize the tremendous importance of reflecting the American attitude in whatever was done regarding this canal. He tried his first plan of joint ownership with England in the canal and failed. The first Hay-Pauncefote treaty did not repeal or rescind the Clayton-Bulwer treaty. It gave Great Britain the right to join with the United States in making rules for its operation and control, and it forbade us to fortify or defend it.

The Senator from Massachusetts [Mr. LODGE] brought the first treaty in here. I do not know now whether he approved it or not. It does not seem possible that he could have approved it, because it is so completely out of harmony with all he has said in this body that I can not believe that that treaty met with his approval. I do not believe it would have ever seen this Senate floor if the Senator from Massachusetts had not been convinced that the amendments to be proposed to it would be adopted by his colleagues. If I am wrong about that I should like the Senator from Massachusetts to set me right. I do not believe he was ever consulted about it at all, although he was the ranking member of the Committee on Foreign Relations then as now. I have too much confidence in his genuine Americanism to believe that he would consent to a surrender of our rights in the treaty now before us.

Secretary Hay said in transmitting the treaty to the Senate:

> The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of construction is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States and is to be managed, controlled, and defended by it. Under these circumstances and considering that now by the new treaty, Great Britain is relieved of all responsibility and burden of maintaining its neutrality and security, it was thought fair to omit the prohibition that no fortifications should be erected commanding the canal or the waters adjacent.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Massachusetts?

Mr. SMITH of Michigan. I yield.

Mr. LODGE. The Senator referred to me in connection with the first Hay-Pauncefote treaty. At that time the Senator from Minnesota, Mr. Davis, was chairman of the Committee on Foreign Relations. He was one of the ablest chairmen that committee ever had. Mr. Hay, some time before the making of the treaty, asked Senator Davis and myself if we did not think it was desirable to supersede the Clayton-Bulwer treaty and get rid of it by an agreement with England. We told him that we did think so. Of course everyone thought that it was most desirable to get rid of that obstacle to the building of the canal. We were not consulted any further in regard to it.

When the treaty appeared in its completed form it contained provisions to which neither Senator Davis nor I could assent; and the amendments which were reported out of the Foreign Relations Committee were intended to cure what we believed to be the defects of the treaty. One, as the Senator remembers, was the insertion of the words "is hereby superseded." It was a very vital amendment, indeed. Another was striking out the invitation of other powers to guarantee. We made three changes, I think, altogether on the recommendation of the committee.

When those amendments had been made, we ratified the treaty. I thought it was safe. We were not consulted as to the details of the treaty at all; merely as to the general question whether it would not be desirable to get rid of the Clayton-Bulwer treaty, and, of course, everybody thought so.

Mr. SMITH of Michigan. Let me ask the Senator if he is willing to answer whether he would have voted an appropriation for the construction of the canal across the Isthmus at Panama under the interpretation of our rights now given by the President of the United States?

Mr. LODGE. Mr. President, I do not understand exactly what the Senator means.

Mr. SMITH of Michigan. I mean, would the Senator have voted to build this canal if he had known what the attitude of the present President of the United States would be with reference to our rights therein, and that attitude was to be affirmed by his party associates here?

Mr. LODGE. I could not possibly have anticipated what any President thought. I should have voted appropriations to build the canal, even if my construction of our rights under the treaty had been disputed.

Mr. SMITH of Michigan. The Senator would not have voted for an appropriation to build the canal under the Clayton-Bulwer treaty?

Mr. LODGE. Certainly not.

Mr. SMITH of Michigan. And he certainly would not have voted to build the canal under the original draft of the Hay-Pauncefote treaty?

Mr. LODGE. You mean, as unamended by the Senate?

Mr. SMITH of Michigan. Yes.

Mr. LODGE. No; I think not.

Mr. SMITH of Michigan. I am glad to have the Senator say that, because I know that I voted for the first money that was appropriated for the construction of this canal, and I would not have voted a dollar for it on any other theory than that the United States was building it, was to control it, and that it was to be a part of our coast line. I would not have voted a dollar for it otherwise. I am glad to know that the Senator from Massachusetts takes that view.

Mr. LODGE. I do not take precisely that view, because I should have voted to build the canal even if we had not reserved the right of discrimination.

Mr. SMITH of Michigan. On the theory that any differences might be arbitrated later?

Mr. LODGE. No; I mean that if it were unquestionably not ours to discriminate, if we had agreed specifically in so many words that we would not discriminate in favor of our own ships.

Mr. SMITH of Michigan. I am obliged to the Senator.

Mr. LODGE. That would not have prevented me desiring the construction of the canal.

Mr. SMITH of Michigan. Oh, there has been a desire ever since the American Government was formed to build such a canal; there has been a desire upon the part of thinkers and students and poets and dreamers for 500 years to build a canal across the Isthmus.

Mr. WEST. Mr. President——

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). Does the Senator from Michigan yield to the Senator from Georgia?

Mr. SMITH of Michigan. Certainly.

Mr. WEST. Suppose this canal had been constructed by a stock company; in what way would the Government have so-

ing the treaty of 1783 and the conduct of Great Britain afterwards, to see how "religiously and exactly" those stipulations were observed.

Lord John Russell has within the last year published the correspondence of Charles James Fox, who was the British premier at the time of the negotiation of the treaty of Versailles by the Duke of Manchester. By looking into the second volume of that correspondence the minutes of the cabinet, to which the treaty of 1783 was referred, will be found. It will there be seen that the British cabinet were recommended that the sixth Spanish article, as it was called—that is, the sixth article of that treaty—should be deferred for six months, and that the rest of the treaty should be signed by the negotiators. That article was the one which bound Great Britain not to occupy or hold any part of the Spanish continent embracing, as was understood, what we now call Central America and the Mosquito coast. Mr. Fox, as will be found by looking at the volume to which I have referred, immediately wrote to the King (on the 18th of July, 1783), stating:

"There has been a great deal of discussion upon this matter; but it appearing to be still in our power to put our own interpretation upon the words 'Continent Espagnol' and to determine upon prudential considerations whether the Mosquito shore comes under that description or not, it was the opinion of Your Majesty's confidential servants present (except Lord Stormont) that the desirableness of getting the treaty signed ought to prevail."

Senator Clayton continued:

Remark, sir, they were to determine the meaning of the treaty by prudential considerations only. Lord Russell says Fox was a statesman who never would condescend to an intrigue, and never would betray a principle.

It was soon found by the Spaniards that the considerations which were to govern the construction of that treaty were not the "religious views" of the case, but the "prudential considerations." "If from prudential considerations hereafter," says Mr. Fox, in effect, "we should see fit to construe the words 'Spanish continent' to mean something entirely different from what the Spaniards understood them to mean in the making of the treaty, we shall be at liberty to do so." This was the mental reservation made by one of the most fair and ingenuous of British statesmen at the time of negotiating an important treaty. The King wrote back, saying, in effect, that "it was a very untoward circumstance that a definitive treaty could not be made without leaving clear ground for fresh disputes."

Mr. President, even the English King sickened of the duplicity of his foreign office.

Sir and Senators, this treaty that we have before us to-day is the third attempt upon the part of Great Britain to unite America and Great Britain in this great project in Central America and at Panama. Every time our countrymen have broached with seriousness the question of the construction of a canal across the Isthmus, for prudential considerations Great Britain reasserted her undisguised interest in her pretended possessions in Central America. Again and again did she manifest her intention, at least to Spain, to withdraw from this attempt to acquire territory against her specified promise not to do so, and again and again did she reassert it whenever she found it necessary to participate in any negotiation looking toward concessionary rights from any Central American State regarding a canal. At last she encountered a perfect hurricane of American public opinion. Again and again did Mr. Lowell, at the instance of Secretary Blaine, call the attention of the British foreign office to the intention of our countrymen to construct a canal across Nicaragua or the Isthmus of Panama which should constitute a part of the American coast line.

I said yesterday that President Arthur undertook to compose these differences by striking straight from the shoulder at the delay and annoyance suffered by this country as a result of treaty engagements which certain distinguished gentlemen of our own country were from time to time insisting still had vitality and life.

President Arthur directed Mr. Frelinghuysen to enter into a treaty with Nicaragua. That treaty was made in 1884. It was called the Frelinghuysen-Zavalla treaty. It provided that the canal should be built by the United States of America and owned by it and the Republic of Nicaragua, and managed as hereinafter provided.

Article 2 said that there shall be an alliance between the United States of America and the Republic of Nicaragua, and the former agreed to protect the integrity of the territory of the latter.

It has been said that the ratification of that treaty would have perhaps established the American status in Central America much earlier than the present Hay-Pauncefote treaty could have possibly done, and I am quite ready to believe it. It failed, however, of ratification because Mr. Cleveland's election changed the political complexion of the Government, and it was thought that he could with greater propriety deal with that situation than could the outgoing administration.

What followed the Frelinghuysen-Zavalla undertaking? Why, Mr. President, this act passed by the House of Representatives on the 2d day of May, 1900, followed the negotiations of President Arthur, and it had great significance. It had a direct object in view and went after it with a determination and a relentlessness that struck terror to those communities that had relied for perpetual rights across the Isthmus upon our laxity. I think I ought to have that act printed in the RECORD as a part of my remarks, because there is not a line or a syllable in it which recognizes the Clayton-Bulwer treaty. Every line of that act is repugnant to the first Hay-Pauncefote treaty, made practically coincident with the passage of this bill.

There was a very spirited debate in the House of Representatives when this measure was before the House. I remember distinctly. The Senator from Virginia, now occupying the chair [Mr. SWANSON], also remembers that debate very distinctly, for he, too, was then a Member of the House of Representatives and one of the men who voted for the passage of this Nicaraguan bill.

I am going to read this act, because I want it officially certified. It is not an ordinary bill. It was read twice and referred to the Committee on Interoceanic Canals of the Senate, a committee whose members were familiar with this proposition. I think the late Senator from Alabama, Mr. Morgan, was an influential member and favored its passage. The bill reads:

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

SEC. 2. That when the President has secured full control over the territory in section 1 referred to, he shall direct the Secretary of War to excavate and construct a canal and waterway from a point on the shore of the Caribbean Sea near Greytown, by way of Lake Nicaragua, to a point near Brito, on the Pacific Ocean. Such canal shall be of such capacity and depth that it may be used by vessels of the largest tonnage and greatest depth now in use, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing from Greytown to Brito; and the Secretary of War shall also construct such safe and commodious harbors at the termini of said canal and such provisions for defense as may be necessary for the safety and protection of said canal and harbors.

SEC. 3. That the President shall cause such surveys as may be necessary for said canal and harbors, and in the constructing of the same employ such persons as he may deem necessary.

SEC. 4. That in the excavation and construction of said canal the San Juan River and Lake Nicaragua, or such parts of each as may be made available, shall be used.

SEC. 5. That in any negotiations with the States of Nicaragua and Costa Rica the President may have, the President is authorized to guarantee to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

SEC. 6. That the sum of $10,000,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated; and the Secretary of War is further hereby authorized to enter into a contract or contracts for materials and work that may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, to be paid for as appropriations may from time to time be hereafter made, not to exceed in the aggregate $140,000,000.

Passed the House of Representatives May 2, 1900.

Attest:

A. MCDOWELL, *Clerk.*
By WILLIAM J. BROWNING, *Chief Clerk.*

Senators, there is not a line or a syllable or a sentence of that bill which recognizes any treaty right upon the part of Great Britain, and the Clayton-Bulwer treaty dealt directly with Nicaragua. Senators now seem unusually scrupulous over the rights of Great Britain, when they should be excessively virile over the defense of American rights.

The Senator from Mississippi [Mr. WILLIAMS], then a Member of the House, made a few remarks about it, and if he was very solicitous about our treaty obligations at that time his remarks fail to disclose it.

The Senator from Nevada [Mr. NEWLANDS], usually exceedingly scrupulous, then said:

In reply to the suggestion of the gentleman from Ohio [Mr. BURTON] that we are proceeding with undue haste in this matter; that so formidable are the interests that are arraigned and have been for years arrayed against this measure; so strong is the caution and fear of many statesmen; so strong is the opposition of those who object to Government participation in an enterprise of this kind; so formidable is the moral argument that is presented to us with reference to the restraining effect which it is claimed that the Clayton-Bulwer treaty should have on our action—if all these sources of opposition are united against this measure, it will be delayed and possibly defeated.

He said further:

A certain amount of brute force is required in order to put this bill into the legislative hopper.

"A certain amount of brute force," and he was willing to be one of the——

Mr. BRISTOW. Brutes. [Laughter.]

Mr. SMITH of Michigan. Well, I will not say that, but he was willing, at least, not to stay the brutish instinct, if there was such a thing in his nature.

Mr. BURTON. Who said that?

Mr. SMITH of Michigan. The distinguished, erudite, able, and conscientious Senator from Nevada [Mr. NEWLANDS].

Now, think of it—and I want my friend from Oklahoma [Mr. OWEN], who seems to be busily engaged on the other side of

the Chamber, to consider for a moment what would have happened if the doctrine which he urged last Saturday had been effective. Why, sir, this bill would have been passed in the Senate in 20 minutes, just as he always expects to pass bills perfected by himself, without discussion; and yet, note the mellowing effect of time.

Oh, no, Mr. President; I can never agree, so long as I am a Member of this body, to any snap judgment on the measures brought here for our consideration. Delay in this matter has almost composed the differences dividing the other side of the Chamber; and if we can compose the differences on the other side of the Chamber by discussion and delay, we may prevent the country from blundering, as is the natural habit of the other side whenever it has freedom of action. [Laughter.]

My friend from Mississippi [Mr. WILLIAMS], who does not seem to be here at this moment, looked this record over yesterday with some care after I had called his attention to it, and said to me last night, "You have got the history of that bill mixed." "No," I said, "I have not got it mixed; you have got your record mixed. To be sure, I did not vote for the bill, because I was paired with a Democrat from South Carolina, but I would have voted for it if I had been permitted to vote that day." I cheered as loudly as I could the speeches of JOHN SHARP WILLIAMS and Senator NEWLANDS and Senator SHAFROTH and thus gave them my moral support.

Do you remember where Representative Cooney was from?

Mr. BURTON. I forget.

Mr. SMITH of Michigan. Somewhere in the South; I think Missouri. Mr. Cooney was a very able man——

Mr. BRANDEGEE. A Frenchman?

Mr. SMITH of Michigan. No; I think he was not a Frenchman. I think some of his ancestors were born in Ireland and some in Connecticut. [Laughter.] That is my recollection. Mr. Cooney tried to solve that situation, which was very perplexing to our friends who opposed such drastic and sudden action upon the part of this Government. Mr. Cooney said in that debate:

I have never witnessed in this House or elsewhere so remarkable an exhibition of logic as has accompanied the discussion of this bill. I have never seen a measure denounced by so many men who declare they will vote for it.

[Laughter.]

Why, history repeats itself. The proposition we are now considering has been denounced by everybody, and yet a few men who have evidently received their orders propose to cast their votes for a measure they do not approve.

Said Mr. Cooney:

The undertaking is new and foreign to the usual functions of government. It proposes the expenditure of vast sums upon an improvement in a foreign country and a necessary subtraction from the appropriations for improvements in our own country, where, in many places, trade and commerce are dead and lie languishing and people are being daily impoverished, and where, by the generous assistance of the Government, more trade and commerce and wealth would be built up than can ever be realized by the United States from any isthmian canal.

I partake of the feeling indulged in by all Americans that an isthmian canal should be built, owned, and operated by the Government of the United States independently of any European power. That is one reason why I am opposed to this bill.

Mr. President, that is fine logic. He opposes a bill which authorizes the construction of an American canal under the American Government with American money because he wants a canal owned by the Government constructed by American money and built by American genius!

Senators, let me quote farther from Mr. Cooney:

It is made to masquerade in the highly wrought colors of a manufactured patriotism, for the moment, to facilitate its passage through this House; but when it returns from Senate, through the washtub of the conference committee, its color will be faded into harmony with every line of the Hay-Pauncefote treaty.

What Hay-Pauncefote treaty is that? He wants the color of this legislation to fade into every line of the Hay-Pauncefote treaty. What Hay-Pauncefote treaty? The first one, to which no reference has been made by any Senator upon this floor? He wants the washtub of the conference committee to fade every line of the House bill into the Hay-Pauncefote treaty which was made in February, 1900. That is the treaty about which they were talking, and it is a treaty to which the Senator from New York [Mr. ROOT] never referred in his masterful address. He did not even dignify it by letting us know that such a proposition ever had been presented to the Senate. Yet the senior Senator from New York sat at the Cabinet table where it was approved, and if such leadership had been permitted to prevail, the Senate of the United States would have ratified the first Hay-Pauncefote treaty, sealing a perpetual partnership with Great Britain in regard to the canal, with no right to fortify or to defend it. Who is there here now who would vote to ratify that treaty? And yet Mr. Cooney—I suppose one of the followers of our honored friend from Ohio—said that when this bill came from the washtub of the conference committee its color would be faded into harmony with every line of that treaty.

Mr. Cooney also says:

That treaty has been vigorously condemned by the American people.

Why, Mr. President, has it? Why, I am amazed that that treaty was condemned by the American people. You do not mean to tell me that there was any treaty with England concerning a canal across the Isthmus of Panama that was ever condemned by the American people! Why, we have heard nothing about it during the debate. Nobody has refreshed our recollections regarding it. If it was condemned by the American people, then the State Department must have been put upon notice that there should be no more trifling about the ownership or control and operation of the canal across the Isthmus.

Is not that a fair conclusion? Is not that the atmosphere in which the treaty now before us was perfected and considered? Surely. When Mr. Cooney, a Missouri Democrat, admits it, why go further? [Laughter.]

That treaty has been vigorously condemned by the American people—

Says Mr. Cooney—

It was put to sleep in the Senate by popular indignation.

Where is my honored friend [Mr. ROOT], the great Senator from New York? I should like to ask him—and I say it with the greatest respect, for he has no more ardent admirer in this Chamber than the Senator from Michigan—if the first Hay-Pauncefote treaty was put to death in the Senate of the United States with his consent?

Mr. ROOT. Mr. President, the Senator from New York did approve its death; and it was put to death because it excluded the United States from that political and military control which is given to it by the second and existing Hay-Pauncefote treaty, without one word in negotiation, in correspondence, or in agreement to change the rights of all the world to equal treatment in regard to the charging of tolls.

Mr. SMITH of Michigan. I am glad to hear that statement from the Senator from New York. He is usually very frank.

Mr. LEWIS and Mr. OWEN addressed the Chair.

Mr. SMITH of Michigan. He is exceptionally able; I greatly admire him; but I should like to inquire when this hostility to the first Hay-Pauncefote treaty was suggested by the Senator from New York? Whether he opposed it at the meetings of the Cabinet, of which he was a member? And whether Mr. Hay submitted it to the Senate in spite of the protests of the Secretary of War, now the honored Senator from New York?

Mr. ROOT. No, Mr. President; the attention of the Senator from New York was called to the subject first by the discussion which arose upon the Hay-Pauncefote treaty. Up to that time the Senator from New York had not read or seen the first Hay-Pauncefote treaty.

Mr. SMITH of Michigan. And knew nothing of the negotiations?

Mr. ROOT. No; nothing about it.

Mr. SMITH of Michigan. Then when I make the statement that it was largely the product of John Hay's labors, am I correct?

Mr. ROOT. Of course.

Mr. SMITH of Michigan. I am very glad to know that the Senator from New York, who was an influential member of the Cabinet and sat about the table with the lamented Mr. Hay, had no part in that performance, so universally condemned throughout the country. But I marvel that he could be straitjacketed so soon again by the same agents and not know it, and that we are still struggling to be free without the help of the great Senator from New York.

I regret that the morning papers say that I said anything unkind about the Senator from New York. I knew the Senator from New York before he entered public life; I knew how ideally he was equipped for public service; I have felt an honest pride in his brilliant career; and I rejoice that we can know from his lips that one member of the Cabinet of Mr. McKinley did not give consideration to the first Hay-Pauncefote treaty.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. ROOT. The Senator will permit me to say that if I had known I was going to run into so many compliments when I casually entered the Chamber a moment ago I would have stayed out. Let me say also that I feel so great a confidence in the friendship of the Senator from Michigan that I never would think for one moment of his saying anything unkind about me.

Mr. SMITH of Michigan. No.

to settle the Colorado coal strike; to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Concurrent resolution (H. Con. Res. 42) authorizing the printing of the Journal of the National Encampment of the Grand Army of the Republic; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 17120) granting an increase of pension to William R. Pingry; to the Committee on Invalid Pensions.

By Mr. ALEXANDER: A bill (H. R. 17121) granting a pension to Alfred L. Fann; to the Committee on Invalid Pensions.

By Mr. BROUSSARD: A bill (H. R. 17122) for the relief of John Burrows; to the Committee on Claims.

By Mr. BURNETT: A bill (H. R. 17123) granting an increase of pension to Jane Alexander; to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 17124) granting a pension to Mary Glenn; to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 17125) granting an increase of pension to Nannie J. McDowell; to the Committee on Invalid Pensions.

By Mr. CONRY: A bill (H. R. 17126) granting an increase of pension to Catherine Carroll; to the Committee on Pensions.

By Mr. DERSHEM: A bill (H. R. 17127) granting a pension to Isaac Wise; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17128) granting an increase of pension to Charles M. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17129) granting an increase of pension to Hannah J. Stahl; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 17130) granting a pension to Nannie A. Mann; to the Committee on Invalid Pensions.

By Mr. LESHER: A bill (H. R. 17131) granting an increase of pension to Peter Meixsell; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17132) for the relief of Augustus York; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 17133) granting an increase of pension to John Taylor; to the Committee on Invalid Pensions.

By Mr. SMITH of Minnesota: A bill (H. R. 17134) granting a pension to Leanna M. Barry; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17135) granting an increase of pension to Lizzie Waltz; to the Committee on Invalid Pensions.

By Mr. TALBOTT of Maryland: A bill (H. R. 17136) granting an increase of pension to Georgiana Moran; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Arkansas: A bill (H. R. 17137) for the relief of the heirs of Lot Quinn; to the Committee on War Claims.

By Mr. TAVENNER: A bill (H. R. 17138) granting an increase of pension to Adelbert Gray; to the Committee on Invalid Pensions.

By Mr. GREGG: Resolution (H. Res. 532) referring certain claims to the Court of Claims for finding of facts and conclusions of law under section 151 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; to the Committee on War Claims.

By Mr. SHERWOOD: Resolution (H. Res. 533) authorizing the payment of $1,200 to Norman E. Ives; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by the pastors of certain churches in Clearfield, Iowa, and White, S. Dak., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), petition of the Tennessee Press Association, signed by its secretary, favoring an early adjournment of Congress; to the Committee on Rules.

Mr. ALEXANDER: Petitions of 295 citizens of Hardin, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. ASHBROOK: Memorial of the Licking County (Ohio) Ministerial Association, protesting against section 6 of House bill 12428, relative to Sunday work for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. BAILEY (by request): Petitions of W. H. Stevens, G. W. Hoover, Howard Mauk, W. P. Montgomery, S. B. Confer, D. P. Confer, M. L. Keeney, C. H. Treese, John H. Black, L. E. Ressler, D. A. Heisel, J. N. Landis, R. R. Decker, Jacob Ritchey, A. S. Ritchey, T. F. Knon, Earl Moore, C. E. Jarrett, H. F. Harper, W. O. Kephart, R. E. Dodson, Asberry Kantner, James E. Heisel, B. O. Hicks, H. S. Werts, H. H. Thomas, C. S. Gable, R. D. Martin, Richard Lingenfelter, C. G. Shaffer, R. W. Shaw, H. A. Justice, and William J. Wright, all of Duncansville, Pa., favoring national prohibition; to the Committee on Rules.

Also (by request), petitions of William H. Lewis, Harrison Foster, William Weaver, J. C. Nicholson, J. H. Stuller, William C. Rohn, Charles Drenning, S. W. Salkeld, Arthur Jones, Morris Prosser, Arch Whitney, Frank Prosser, S. A. Blair, W. P. White, Charles Stevenson, D. Eichelberger, and Walter Whitney, all of Six Mile Run, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BEAKES: Petitions of 30 voters of Ypsilanti, Mich., in opposition to national prohibition; to the Committee on Rules.

By Mr. BORCHERS: Petitions of 186 citizens of Urbana and 300 citizens of Champaign and Urbana, all in the State of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Aberdeen, S. Dak., favoring passage of House bill 12228, retaining section 6, relative to Sunday work for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. BYRNS of Tennessee: Memorial of the Grace Presbyterian Church, of Nashville, Tenn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. CALDER: Petitions of sundry citizens of Kings County, N. Y., and the National Association of Retail Grocers of the United States, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the directors of the Wisconsin State Audubon Society, favoring migratory bird law; to the Committee on Agriculture.

By Mr. DALE: Petition of the Brooklyn Legislative Committee, favoring passage of House bill 16138, for establishment of a national employment bureau; to the Committee on Labor.

Also, petition of Fred C. Hertlmann, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DERSHEM: Petitions of 19 citizens of Lewistown, Pa., and 78 voting citizens of Mifflinburg, Pa., and vicinity, favoring national prohibition; to the Committee on Rules.

By Mr. DEITRICK: Memorial of the Evangelical Alliance of Greater Boston, representing over 500 pastors and churches, protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also, petition of sundry citizens of Middlesex County, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of the Central Labor Union of Danbury, Conn., and vicinity, against national prohibition; to the Committee on Rules.

By Mr. FRENCH: Petitions of sundry voters of Bonner County, Idaho, protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Pennsylvania: Petition of Donelson Caffery, relative to antitrust legislation; to the Committee on the Judiciary.

Also, petitions of E. H. Weaver, of Philadelphia, Pa., and the Chamber of Commerce of Milwaukee, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. GUERNSEY: Petition of sundry citizens of Beaver, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petitions of J. W. Bass and others, of Jackson County, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. KELLEY of Michigan: Petition of G. S. Brown, G. C. Garrett, C. H. Stevens, and 95 other citizens of Highland Park, Mich., favoring national prohibition; to the Committee on Rules.

Also, petition of Thomas Pond and 23 other citizens of Michigan, against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petitions of the Charles R. Elliot Co., of North Philadelphia, Pa., favoring 1-cent letter postage, and the Williamson-Halsell-Frasier Co., of Oklahoma City, Okla., favoring the passage of House bill 15988, relative to false statements through the mails; to the Committee on the Post Office and Post Roads.

Also, petition of Lodge No. 99, International Association of Machinists, of Woonsocket, R. I., favoring Senate bill 5303, to promote safety of travelers on railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. LEWIS of Maryland: Petition of the members of the Woman's Bible Class of Rockville, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of St. James Brethren Church, of St. James, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

Also, petition of the members of St. James Sunday School, of St. James, Md., for the passage of House joint resolution 168, to prohibit the sale of intoxicating liquors; to the Committee on Rules.

By Mr. LONERGAN: Petitions of Joseph Litz and E. P. L. Schmum, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. METZ: Petitions of various voters of the tenth congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MORIN: Petitions of sundry citizens of Pittsburgh, Philadelphia, Athens, and Allegheny County, the Chamber of Commerce of Pittsburgh, all in the State of Pennsylvania, and the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Delaware County, Pa., sundry citizens and the Herron Avenue Presbyterian Church, of Pittsburgh, Pa., and citizens of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petition of 247 citizens of West Brookfield, Mass., and sundry citizens of Fitchburg, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

By Mr. PHELAN: Petitions of sundry citizens of Lynn, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. POST: Petition of the Church of God of Piqua, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Resolutions of the Humboldt Chamber of Commerce, of Eureka, Cal., asking that all antitrust legislation be put over until the next session of Congress; to the Committee on the Judiciary.

Also, letter from Excelsior Cereal Milling Co., of Los Angeles, Cal., relative to House bill 16675, amending the mixed-flour law; to the Committee on Ways and Means.

Also, letter from C. H. Plans, of Loomis, Cal., and F. J. Crittenden, of Truckee, Cal., favoring House bill 13305, to prevent cut rates; to the Committee on Interstate and Foreign Commerce.

Also, letters from J. R. Wells, of Long Beach, Cal.; Carl A. Anderson, of Paskenta, Cal.; and Lucile Forsyth, of Williams, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. TALBOTT of Maryland: Petitions of the Baltimore (Md.) Christian Endeavor Union and churches of Baltimore, representing 259 citizens, and sundry citizens of Taylorsville, Md., favoring national prohibition; to the Committee on Rules.

Also (by request), petition of sundry citizens of Maryland, against national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of the Shaw Music Co., of Aledo, Ill., favoring passage of the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Resolution from the Chamber of Commerce of Denver, Colo., praying for the passage of House bill 13921, for extension of time on payments of settlers under United States reclamation projects; to the Committee on Irrigation of Arid Lands.

Also, memorial of the Uncompahgre Valley Water Users' Association, of Montrose, Colo., urging the passage of Senate bill 4688, extending time for payment for settlers under United States reclamation projects; to the Committee on Irrigation of Arid Lands.

Also, petition of sundry citizens of New Raymer, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. TEN EYCK (by request): Petition of the Woman's Home Missionary Society of Troy, N. Y., signed by the officers of the society, for the passage of the Hobson bill for the prohibition of the sale, manufacture, and importation of liquor; to the Committee on Rules.

By Mr. UNDERHILL: Petition of S. A. Meyer, of Elmira, N. Y., and Retail Liquor Dealers' Association of Howell, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of E. C. Dolbert and 15 other citizens of Delaware, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. WINGO: Petition of Billie Klinger and others, of Fort Smith, Ark., protesting against national prohibition; to the Committee on Rules.

SENATE.

TUESDAY, *June 9, 1914.*

(Continuation of the legislative day of Friday, June 5, 1914.)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate resumes the consideration of House bill 14385.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone," approved August 24, 1912.

Mr. O'GORMAN and Mr. SMITH of Georgia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	O'Gorman	Smith, S. C.
Borah	Hughes	Overman	Smoot
Brady	James	Owen	Sterling
Bristow	Johnson	Page	Sutherland
Bryan	Jones	Perkins	Swanson
Burton	Kenyon	Pittman	Thomas
Chamberlain	Kern	Ransdell	Thornton
Clapp	La Follette	Shafroth	Tillman
Colt	Lane	Sheppard	Townsend
Culberson	McCumber	Sherman	Vardaman
Cummins	McLean	Shields	Walsh
Dillingham	Martin, Va.	Simmons	West
Gallinger	Martine, N. J.	Smith, Ariz.	White
Goff	Nelson	Smith, Ga.	Works
Gronna	Norris	Smith, Mich.	

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], and the Senator from Nebraska [Mr. HITCHCOCK], all of whom are paired. This announcement may stand for the day.

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Michigan [Mr. SMITH] is entitled to the floor.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. SMITH of Michigan. Certainly.

Mr. GRONNA. Out of order I ask leave to introduce a bill.

Mr. JONES. Mr. President, I desire to offer and have considered as pending, and that it be printed and lie on the table, an amendment to the text of the committee amendment. I ask that it may be read.

Mr. BRYAN. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Florida will state his point of order.

Mr. BRYAN. It is against the rule of the Senate to offer a resolution or bill while a Senator has the floor, and it is the duty of the Chair to enforce this rule. The rule makes it the duty of the Chair to enforce it without a point of order being raised.

Mr. JONES. This is an amendment to the pending bill.

Mr. BRYAN. But the Senator from Michigan has the floor and is addressing the Senate.

The PRESIDING OFFICER. It is the rule of the Senate that a Senator upon the floor can not be interrupted when making his address, and it is the duty of the Chair to enforce the rule if it is insisted upon. The Senator from Michigan will proceed.

Mr. SMITH of Michigan. Mr. President, I referred yesterday to the attitude of Great Britain toward the Spanish possessions in this hemisphere with some detail. I presume that Mr. Clayton, who was in the Senate in 1854, knew something about these relations, and I desire to read from his speech on January 3 some quotations bearing upon that question. Senator Clayton said:

> It is said by the Earl of Clarendon that Great Britain intends "religiously" to observe the stipulations of the treaty—
>
> That is, the treaty with Spain over her possessions in this hemisphere—
>
> Yes, sir; "religiously"—that is the word. By the second article of the treaty of Versailles of the 3d of September, 1783, it was provided that the two parties to it should "exactly and religiously" observe all of the provisions of all former treaties and, among the rest, of the treaty of Paris of 1673. The object of the seventeenth article of said last treaty was to prevent the British from occupying this very country about which we are now debating. They obligated themselves "religiously and exactly"—such are the words—to observe that treaty. It is interesting to look back at the history of the negotiations attend-

thing that wherever there is a mining camp this instruction should be given in order that these men may know and may be taught what is necessary to be done to make mining safer. Operators in some cases are providing cars and apparatus in order that they may keep them where they may be necessary when an explosion occurs or when some other great accident takes place, and, as suggested by the gentleman from Washington, these cars should be placed in different parts of the country accessible to the mining regions, where they may be of service in case of explosions.

The Bureau of Mines has eight cars, distributed as follows: Wilkes-Barre, Pa.; Huntington, W. Va.; Evansville, Ind.; Ironwood, Mich.; Pittsburg, Kans.; Denver, Colo.; Rock Springs, Wyo.; and Billings, Mont. These cars, which the Bureau of Mines now owns, are so stationed as to be as readily accessible as possible to the thickly populated mining regions, so that they may go as soon as possible wherever an explosion occurs; and the Government maintains over the country rescue stations at the following places: Pittsburgh, Pa.; Knoxville, Tenn.; Birmingham, Ala.; McAlester, Okla.; Urbana, Ill.; and Seattle, Wash., where equipment is readily accessible, and to be used in case of accidents, where it may be taken wherever needed.

We think sometimes of the great catastrophes that occur and that are called to our attention by the great loss of life in mines, and yet there goes out from day to day human lives in the mines which the newspapers do not record in their headlines. Here and there some miner's life goes out on account of a falling roof or some other accident in the mine. One by one these men lose their lives.

I believe that if an additional appropriation was made in this bill these eight mining cars might be properly equipped, which they will be with this appropriation of $30,000 that is to be made, and then if sufficient money is given these cars might be in continual use for 11 or 12 months in a year; and in that case they would do a great deal of good in the work of instruction among these employees in the mine.

Then, another thing: With each of these cars there should be a mining engineer, a man who is versed in the industry, who knows what a mine ought to be to insure safety, who knows what a mine needs, to go through that mine and suggest to the operators certain improvements that ought to be made. Then there ought to be a first-aid surgeon, who shall go along with the car, and who will instruct the miners in first-aid work. As it is now these cars must go out without these men, without these men who are necessary to make this work as effective as it should be.

My friends, when we think of the thousands and hundreds of thousands of men who work in the mines; when we think of the importance of the mining industry of this country; when we think that it is next to that of agriculture in basic wealth; when we stop and consider that for agriculture we appropriate each year nearly $30,000,000; when we think what this Government has done for the benefit of agriculture, increasing the production of the farm, which I am pleased to see; when we think of this we do not realize that in this great mining industry, which is the basic industry second to that of farming, we appropriate less than $1,000,000. I hope that our good friends on the Committee on Appropriations, before this bill shall have been completed, may conclude that in this case, in this item in the bill, they will willingly give to this great industry a little more help than it now has.

Mr. BRYAN. Is it not a fact that the State mining bureaus cooperate with these Federal agencies and increase the efficiency all through the several States?

Mr. FOSTER. That is true with respect to almost all of the States of the Union. Where there is any considerable mining done, the States are taking hold of this work. For instance, in the State of Illinois the State legislature appropriated the money for the purchase of three cars, in order that they may be taken over the State of Illinois, and experienced men instruct the 82,000 miners who are working in this industry in that great coal-mining State.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSTER. I ask unanimous consent, Mr. Chairman, to extend my remarks in the RECORD.

Mr. FITZGERALD. I was going to ask the gentleman what other States had done. I will yield five minutes to the gentleman.

The CHAIRMAN. The gentleman from Illinois [Mr. FOSTER] is recognized for five minutes more.

Mr. FITZGERALD. I desire to ask the gentleman from Illinois to state what other States have done any of this work, instead of attempting to place all the burden on the Federal Government.

Mr. BRYAN. The State of Washington has done a lot.

Mr. FITZGERALD. What has it done? It has done nothing.

Mr. BRYAN. The gentleman from New York is entirely mistaken when he says we have done nothing.

Mr. FOSTER. The State of Pennsylvania employs 50 inspectors, at $3,000 each, besides in other ways to help the industry. The States spend as much money as the Federal Government for the benefit of their own miners; all the mining States, so far as I know, are helping along in this work.

Mr. FITZGERALD. That is what they ought to do.

Mr. MANN. Has the gentleman examined some of the "bad" provisions in this bill on the subject of the Bureau of Mines? I say, has the gentleman examined the provisions in the pending bill relating to the Bureau of Mines?

Mr. FOSTER. Yes; I have read these items very carefully.

Mr. MANN. If we go on at the same rate, how much will it cost the General Government inside of five years for having created the Bureau of Mines?

Mr. FOSTER. I will say to my colleague that I do not know, but I would suggest to him that as important an industry as coal mining or metal mining is in this country, the Federal Government can well afford to spend something more than it is now doing for the benefit of these great industries.

Mr. MANN. Is it any more important than making woolen clothes?

Mr. FOSTER. I do not know how my colleague could compare so important a work of saving human life with the making of woolen clothes.

Mr. BRYAN. It is attended with more danger.

Mr. FOSTER. But we spend nearly $30,000,000 for agriculture, or will expend this amount when the extension bill lately passed is in full operation, which is all right, and we all agree the amount spent for investigation and instruction among farmers is beneficial.

Mr. FITZGERALD. Oh, no; we do not.

Mr. FOSTER. Nearly that much, taking all the appropriations for the benefit of agriculture.

Mr. FITZGERALD. Oh, no.

Mr. FOSTER. Nearly that much, when we count up all the provisions of the different bills, or, as the figures furnished by the Agriculture Department, $27,950,000.

Mr. MANN. Does the gentleman say that the National Government should assume all the responsibility for human life and that the States should have nothing to do with it?

Mr. FOSTER. Certainly I think the States should do their part. That same argument might apply to many items that come up in appropriation bills; and if my colleague takes that view of it in reference to the mining industry, which is so important, I hope we will endeavor to see that many of the other items that are of less importance are taken out of the different bills as they are reported to the House.

Mr. MANN. The fact is, we all agriculture and we add mining. The cost of our aid to agriculture has increased from practically nothing since I came here to $22,000,000 or $23,000,000 a year, and I believe in every item of it. Whether we are going to do the same thing for mining I do not know; but there are a hundred other industries of great importance, and it would seem as though those States which make great amounts of money out of having mines within their borders ought not to seek to shift the responsibility upon the General Government.

Mr. FOSTER. I am thoroughly in accord with my colleague in reference to the Agricultural bill and the items in it, but I think the gentleman is mistaken about the statement he makes, because I do not believe the States are attempting to shift the burden upon the Federal Government with reference to mining any more than they do in reference to education or agriculture and other matters for which Congress provides.

Mr. MANN. I take back the suggestion about the States endeavoring to shift the burden. I do not think the States are endeavoring to shift the burden. I think the Chief of the Bureau of Mines is endeavoring to claim the burden.

Mr. FOSTER. No; I think the gentleman is wrong about that. The Director of the Bureau of Mines is a very capable official, and is doing splendid work, and his work is appreciated all over the country by those who know what he is doing.

Mr. FARR. Is it not a fact that some of the States were opposed to the Federal Bureau of Mines?

Mr. FOSTER. I do not know as to that. The gentleman may be correct about it, but I want to say to my colleague that the State from which he comes has not endeavored to shift the responsibility, but that it has endeavored to do its part. The State has taken hold of this work, and it is not intended by the Bureau of Mines that this work shall keep up forever, but that after the preliminary educational work has been done it shall be turned over to the States to continue it,

and that is all that is intended for the use of these mine rescue cars.

We sometimes too little appreciate under what difficulties and dangers these men go into the mines and what their dangers are. This great industry has not been given the attention its importance deserves. I believe this House will continue to stand by the Bureau of Mines in the great work it is doing in the educational work among the miners, and the most important work of making mining safer and saving of human life. Operators are interested in this work, as well to them it may mean more safety of the lives of the miners, and the more economical mining and furnishing to the people cheaper fuel. Let us not forget we should do our part to encourage this important industry by giving the necessary appropriation to carry on the work.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had directed him to report that they had come to no resolution thereon.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock a. m. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman two questions: First, if the gentleman knows what the temperature to-day is?

Mr. FITZGERALD. I have been very cool. I never pay any attention to the thermometer. The more you watch the thermometer the warmer you get.

Mr. MANN. I notice that the gentleman has used up three handkerchiefs to-day, and that is an extreme number for a married man. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

ENROLLED JOINT RESOLUTION.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 4 minutes p. m.) the House adjourned until Tuesday, June 9, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of harbor at Morehead City, N. C., with a view to extending the present project westerly to the main channel of Bogue Sound and to widening channel in front of the wharves so as to provide a turning basin of adequate area (H. Doc. No. 1022); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Cape Channel, including the inner and outer approaches thereto, on the east side of Pamlico Sound, N. C. (H. Doc. No. 1023); to the Committee on Rivers and Harbors and ordered to be printed.

3. A letter from the Secretary of the Treasury, submitting estimate for the construction of a breakwater in connection with the marine hospital at Chicago, Ill., with the request that it be incorporated in the sundry civil appropriation bill (H. Doc. No. 1024); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of the Navy reporting under the provisions of the naval act of June 24, 1910, that the Navy Department has considered, ascertained, adjusted, and determined the amount due the claimant therein specified on account of damages for which the vessels of the Navy were found to be responsible (H. Doc. No. 1025); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HINDS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16477) to conduct investigations and experiments for ameliorating the damage wrought to the fisheries by predaceous fishes and aquatic animals, reported the same with amendment, accompanied by a report (No. 780), which said bill and report were referred to the Committee of the Whole on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DILLON, from the Committee on Claims, to which was referred the bill (H. R. 1352) for the relief of George H. Grace, reported the same with amendment, accompanied by a report (No. 773), which said bill and report were referred to the Private Calendar.

Mr. DIES, from the Committee on Claims, to which was referred the bill (H. R. 13761) for the relief of Catherine Grace, reported the same with amendment, accompanied by a report (No. 774), which said bill and report were referred to the Private Calendar.

Mr. MCCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 7078) for the relief of Mary Macon Howard, reported the same with amendment, accompanied by a report (No. 775), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 3088) for the relief of Nels A. Nelson, reported the same with amendment, accompanied by a report (No. 776), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 14931) for the relief of Arthur Brose, reported the same with amendment, accompanied by a report (No. 777), which said bill and report were referred to the Private Calendar.

Mr. MCCLELLAN, from the Committee on Claims, to which was referred the bill (H. R. 6654) for the relief of William S. Eames and Thomas C. Young, reported the same with amendment, accompanied by a report (No. 778), which said bill and report were referred to the Private Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 16205) for the relief of Davis Smith, reported the same without amendment, accompanied by a report (No. 779), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ALEXANDER: A bill (H. R. 17118) to amend an act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States by requiring that fog signals shall be given by vessels towed"; to the Committee on the Merchant Marine and Fisheries.

By Mr. BRITTEN: A bill (H. R. 17119) to amend an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March 4, 1909; to the Committee on the Judiciary.

By Mr. CARTER: A bill (H. R. 17139) to regulate insurance companies and others in the use of the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. TAGGART: Resolution (H. Res. 534) to make privileged House joint resolution 241; to the Committee on Rules.

By Mr. KEATING: Joint resolution (H. J. Res. 276) authorizing the President of the United States to appoint a commission

ture of $144,000,000, and the Missouri River, after a $13,000,000 expenditure, show a traffic decrease of over 80 per cent within the past 20 years.

Mr. Chairman, there are many worthy harbor projects which deserve fair treatment at the hands of the Government, but river improvements have been so recklessly and improvidently made that constituencies have come to look upon the river and harbor bill as a legitimate graft to be extended to them by Congress. I firmly believe the fault lies primarily with the constituent who forces his representative to espouse a project that is frequently vicious and bad. Nor do I seek to avoid the responsibility that comes to every one of us and which can not longer be ignored when we vote for such pork-barrel bills.

The sundry civil bill carries about $7,000,000 for rivers and harbors, in addition to the $88,000,000 now reported from the Senate side. It carries over $4,000,000 for the Ohio River Canal, in addition to the $5,000,000 already appropriated this year for the same purpose by the regular pork-barrel bill. I realize the sundry civil bill carries many needed appropriations; that it will be impossible to pry loose from the bill a single vicious pork-barrel appropriation; but I believe we owe it to ourselves and to the country to take warning from the demands that have come to us from high publicity sources. I do not believe this bill should pass when loaded down with these objectionable items. If it does pass, the Democracy of the country should revise its utterance contained in the 1912 platform, when it said:

> We call the attention of the patriotic citizens of our country to the record of economy and constructive legislation of the Democratic House of Representatives.

What was intended by the platform declaration at Baltimore?—

> We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses.

You got into power by such promises of economy, and the people believed you when you said:

> We demand a return to that simplicity and economy which benefits a democratic government.

How can that utterance be justified when viewed in the shadow of the 1914 river and harbor pork barrel of nearly $100,000,000?

I have voted with you gentlemen across the aisle when, in my judgment, measures have been presented in which the good overcame the bad. I do not believe politics should determine our action on measures which affect the welfare of the people; but I can not understand how any man, be he Democrat, Republican, or Progressive, can justify a wasteful $100,000,000 pork barrel which places a burden of one dollar on every man, woman, and child in the country. I believe the vicious measure will never get through the Senate, nor do I believe President Wilson could be induced to sign it if it ever comes before him.

If the rivers and harbors and sundry civil bills of 1914 become laws with these objectionable items included, they will be an indictment against this Congress and this administration, a specter which, like Banquo's ghost, will not down in the minds of the people whose money is being squandered.

Mr. Chairman, I shall hereafter endeavor to do what I conceive to be my duty in regard to a few of the most vicious items contained in the bill before us. However ineffective my efforts may be, I feel sure that an indignant people will soon demand an early investigation of facts, which can not longer be ignored, which strike at the roots of honest methods of legislation and which are destructive to the confidence reposed in us by the people.

In my remarks of June 2 I inserted two strikingly strong editorials from great metropolitan dailies in each of which is demanded an investigation before more money is squandered on worthless river projects. I do not desire to insert clippings of a general character, but will say that editorials which I have received, coming from papers from all sections of the country, unanimously condemn the 1914 pork barrel and join in with the Saturday Evening Post's demand that an investigation be had as to present methods of preparing and passing rivers and harbors legislation.

Mr. Chairman, I will be very glad now to yield to any gentleman who wishes to ask me a question.

Mr. PLATT. Mr. Chairman, does not the gentleman think that some of these river projects might be made to pay if the Interstate Commerce Commission can be induced to raise railroad rates high enough?

Mr. FREAR. Mr. Chairman, I will say to the gentleman from New York, if the House is interested in that particular proposition, that I received word from one connected with the Interstate Commerce Commission, who suggests that when by navigation we are able to reduce the freight rates on any particular river, as was suggested by the gentleman from Illinois [Mr. MANN] when this point was first made during the discussion of the river and harbor bill—when you do that and permit the railroads to make rates lower than the boats can make, so as to drive traffic off the rivers, you ought also to give to the Interstate Commerce Commission power to fix minimum rates, for only by so doing can you preserve river commerce. But the commerce has been driven from off the rivers not to return, unless through different methods of navigation, and then only to a limited extent. I shall be very glad to yield for any further questions.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

Mr. FITZGERALD. Mr. Chairman, I make the point of order that the point is dilatory, and I refer the Chair to volume 5, Hinds' Precedents, section 5730.

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to be heard upon the point raised by the gentleman from New York.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. BUCHANAN of Illinois. Mr. Chairman, the gentleman has stated that the bill now under discussion carries matters of great importance, and therefore it seems to me that we should have at least a hundred Members present to listen to the discussion. He can not sustain his position that it is dilatory, because it is very evident that there is no quorum present, and therefore the point of order must certainly be without ground.

Mr. MANN. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. Has the gentleman from Illinois [Mr. BUCHANAN] concluded?

Mr. BUCHANAN of Illinois. Yes.

Mr. MANN. It does not seem to me that making the point of order that there is no quorum present, when it is manifest that there is probably not a quorum present, can be called dilatory, especially as it takes no time to speak of to count and determine the presence or absence of a quorum. It is true that the point of order of no quorum was made half an hour or so ago, and it is also true that at that time there were 100 Members present. It is perfectly patent to the Chair and to everyone else that possibly, if not probably, some of those present have disappeared. Whether or not others have come in in the meantime, I do not know.

Mr. FITZGERALD. Three or four times during the afternoon this point of order has been made.

Mr. MANN. And it has been sustained every time, except once, so it could not have been dilatory.

Mr. FITZGERALD. And each time, on the roll being called, a large number of Members responded. In 1907 the same performance was indulged in on this same bill, and a very distinguished parliamentarian, the gentleman from Indiana, Mr. Watson, held that these repeated points of order made by one Member were evidently an attempt to obstruct the public business, and he thought it dilatory and declined to recognize the point. That decision is referred to in Hinds' Precedents, section 5730.

Mr. MANN. Well, Mr. Chairman, it is perfectly patent, of course, if some Member should keep on making a point of no quorum when a quorum is present it would be apparent it was dilatory, because the Chair could not permit some one Member to stand on the floor and repeat every two seconds, "I make the point of order that there is no quorum present," and then declare a quorum here; but every time a point of no quorum has been made to-day it has been ascertained by the Chair after counting that there was no quorum present. Now, I do not think that the Chair can hold——

Mr. FITZGERALD. I think not; a few moments ago the Chair itself for the first time in the history of the Government called attention to the fact that, in his opinion, there was not a quorum present.

Mr. MANN. And made a count.

Mr. FITZGERALD. And upon a vote being taken immediately it was ascertained that a quorum was present. Now the same gentleman occupying a position on the floor, not quite so advantageous a one from which he could count, renews the point of no quorum.

The CHAIRMAN. Has the gentleman from Illinois concluded?

Mr. BUCHANAN of Illinois. Mr. Chairman, I would like to say a word further in reply to the statement of the gentleman from New York that the gentleman who occupied the Chair found a quorum was absent, and after a count being made and orders and signals given we did get a quorum, I believe, after some hustling around and Members coming from other places, but it is, as usual, a misleading statement and an erroneous

argument when the gentleman makes the statement that there was not an absence of a quorum at that time. Of course, probably if the gentleman had permitted a statement to-day in regard to the bill which should have been considered by this House to-day for the protection of life and limb of the building craftsmen in the District of Columbia, in order that lives might be saved, if that gentleman had made the same effort to give his support to it, it could probably have been considered and passed on in half an hour. The gentleman is proceeding in opposition to a measure for the protection of the wageworkers.

Mr. FITZGERALD. Mr. Chairman, the gentleman ought not to speak further out of order, because his statement is so inaccurate that it should not go in the RECORD.

SEVERAL MEMBERS. Regular order!

The CHAIRMAN. The Chair is hearing the gentleman on the point of order, and the Chair would suggest that the gentleman is not discussing the point of order.

Mr. BUCHANAN of Illinois. I would like to suggest to the Chair the point of order was not being discussed in the remarks made before I made these remarks.

The CHAIRMAN. The Chair agrees with the gentleman in that; but no one made the suggestion.

Mr. MANN. I am very sure I did not discuss anything but the point of order.

The CHAIRMAN. The gentleman from Illinois did discuss the point of order, and he will excuse the Chair. The Chair is prepared to rule.

Of course the question of no quorum and the matter of its being dilatory is a delicate proposition. The Constitution requires that a quorum be present. The present occupant of the chair thinks that any Chairman should be very careful in passing upon the point of order that a point of no quorum is dilatory, but we have here this practical situation: It has not been half an hour since the presence of a quorum was developed by actual count in the Committee of the Whole House on the state of the Union. There has been no business whatever transacted since that time. The gentleman who occupied the floor—the Chair means business in the sense of a passage of a bill or a motion made——

Mr. MANN. There has been no motion made.

Mr. BARTLETT. There could not be any.

The CHAIRMAN. A gentleman was occupying the floor, who took the floor immediately after that and is at present occupying the floor except for this point of order, no business has been transacted, no motion has been made. The presence of a quorum was developed on the last count a very few moments ago, and the Chair feels that he is not infringing upon the rights of the country in holding that the motion is dilatory, and the Chair therefore sustains the point of order made by the gentleman from New York.

Mr. FITZGERALD. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Wisconsin desire to submit anything further?

Mr. FREAR. I only desire to yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. FOSTER. Mr. Chairman, I had hoped, owing to the lateness of the hour, that after the hot day we have experienced here to-day I might postpone until to-morrow what few words I desire to say upon this bill, but in order to expedite the business and to get through the bill as soon as possible I am willing to occupy the time this evening.

What I especially desired to call attention to at this time was the item in the sundry civil bill providing an appropriation for the Bureau of Mines, especially that part which refers to mine rescue work. In 1910 the Bureau of Mines was established and given certain power in the way of investigations for the safety of miners and the economic production of coal and other minerals throughout the country. At a later date the organic act was changed so as to enlarge the scope, powers, and duties of the Bureau of Mines, until to-day we have an act which we believe is sufficiently broad to provide a means of investigation along the lines of health and safety and economical development. The appropriation which is provided in this bill has been increased. I am pleased to say, to some extent, and among the items of increase is the one providing $30,000 for the purchase of new equipment in mine rescue work.

In going into the mines for the purpose of rescuing those who may be entombed there after an accident it is necessary that the apparatus should be first class and in good working condition. Three men who had been employed by the Bureau of Mines have lost their lives in doing rescue work after an explosion or a fire, or, I think, who have gone in the mine to determine whether or not it was safe for the miners to enter after a fire had occurred. And possibly you can recall the case in Pennsylvania, which is a recent one.

Mr. FARR. Is that in reference to the accident at Throop, in Pennsylvania?

Mr. FOSTER. Yes; that was after a fire.

Mr. FARR. He was a constituent of mine.

Mr. FOSTER. This apparatus which the rescuers use ought to be in such a condition that the danger would be reduced to the minimum, because these men, when traveling into these mines after an explosion or for any other purpose where there is danger from poisonous gases, must depend entirely upon the air that they get through this breathing apparatus.

There has also been provided in this bill $25,000 for the work of the Bureau of Mines in investigations in petroleum production. It is ascertained that hundreds of thousands, yes, millions, of dollars' worth of natural gas is going out into the air, being burned or permitted to escape each year, without any useful purpose, and the Bureau of Mines has ascertained through experiments in the State of Oklahoma that this natural gas, this valuable fuel, can be preserved in the ground until it becomes necessary to use it, and then can be taken out without interfering with the production of oil. And in that one particular alone the Bureau of Mines has performed a wonderful work in the way of conservation.

Take it in California alone, where there is produced 100,000,000 barrels of oil each year. I do not know what it sells for there, but if the price is only 50 cents a barrel, it makes the production in California worth $50,000,000 annually. I think the Appropriations Committee has wisely provided this small amount in order that investigations may be carried on further in this important industry of our country.

In Oklahoma, which is the next largest oil-producing State in the Union, millions of barrels are produced each year; and if we are able to determine the best way of producing that oil, the best way of conserving the resources in that particular line, we have done a valuable service to that State and to the Nation. The State in which I live is the third largest oil-producing State we now have, and I know our people have for several years been concerned as to the importance of this valuable industry. I know also that hundreds of thousands of feet of gas escape each day in that field, which is wasted, forever gone, because when gas escapes, but is not burned for a useful purpose, it is of no benefit to the people and there is no source of revenue to those who own it. It is gone forever and can not be replaced.

The Committee on Appropriations, since the present chairman has held that important position, has been friendly to the Bureau of Mines, and the committee has provided each year some increase of appropriation; and yet I believe that we ought to, in the mine rescue work especially, have more revenue, and that these rescue cars, which are an important item of education to the miners of the country, might be in operation for 12 months in the year. As it is now, 6 to 9 months is about the time they can operate with the amount of appropriation provided. We have eight cars; seven of them could be kept in continuous operation. One could be kept to take the place of those that are out of commission for a certain time. What we need is that these rescue cars—not so much the rescue stations, because they are not the important part in the mine rescue work and the education of the miners—but these cars can be moved from mining camp to mining camp, where instructions may be given the miners in the proper rules for safeguarding the lives of miners and they may be instructed in first-aid work; where, in fact, they may teach them all the problems which a miner has to meet. And we know in many of these coal mines there are a number of foreigners, who do not speak our language and are unacquainted with our laws, and it is necessary, it is important, in order to save human life, that these men should be instructed so that they may understand the laws, the rules, the regulations, and all those things that are necessary to conserve human life in the mines.

Mr. BRYAN. In addition to the matter of instruction, motor cars are equipped to be immediately dispatched in case of accident, are they not?

Mr. FOSTER. Yes, sir.

Mr. BRYAN. In case of alarm they go quickly to the scene?

Mr. FOSTER. Yes, sir. It is estimated that at the present rate at which these cars can operate which the Government now owns it will require 12 years to go to all the mining camps in the United States and give sufficient instruction to these miners. And wherever they go the miners take great interest in this work. They are anxious to learn; they are anxious to know what they can do to make life safer where they are employed.

As the gentleman from Washington [Mr. BRYAN] has just stated in reference to this work, I think it is an important

The CHAIRMAN. The rule does not state that any Member of the committee must make the point of order or call the attention of the Chair to it.

Mr. MURDOCK. Mr. Chairman, may I ask the gentleman from Mississippi a question? What would be the remedy in this situation?—If every Member of the Committee of the Whole should disappear, what would the Chairman do?

Mr. HARRISON. I do not think that could possibly happen, because I am sure that the gentleman from Kansas would always be here.

Mr. MURDOCK. But suppose it did disappear and only leave the Chairman present?

Mr. TAGGART. Then what would happen if the Chairman walked off?

Mr. HARRISON. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-four Members present—not a quorum.

Mr. MANN. Mr. Chairman, I move that the committee do now rise.

Mr. FITZGERALD. Oh, no; let us stay here and do business.

Mr. FOWLER. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. The Chair has stated that there was not a quorum present.

The CHAIRMAN. It is not necessary to have a quorum for the committee to rise.

Mr. FOWLER. The Chair has announced that no quorum is present, and, according to the rules, the next thing is the calling of the roll.

Mr. GARNER. No; you can make a motion that the committee shall rise without a quorum.

The CHAIRMAN. The motion for the committee to rise is always in order in Committee of the Whole House. The question is on the motion of the gentleman from Illinois that the committee do now rise.

The question was taken; and on a division (demanded by Mr. MANN) there were 22 ayes and 52 noes.

Mr. FITZGERALD and Mr. MANN asked for tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. FITZGERALD and Mr. GILLETT.

The committee again divided; and the tellers reported—ayes 26, noes 73.

So the motion to rise was rejected.

The CHAIRMAN (Mr. GARRETT of Tennessee). On this vote the tellers report ayes 26, noes 73, and with the Chair that makes 100 present—a quorum. The gentleman from Wisconsin [Mr. FREAR] is recognized for 30 minutes.

Mr. FREAR. Mr. Chairman, I wish to preface my remarks by reading a short editorial from a magazine which enjoys the greatest reading clientele of any publication in the world. Any editorial utterance from this magazine is presented to the reading public only after thorough investigation of the matter under consideration. Its judgment is impartial and impersonal, and its editorial utterances are accepted by the American people as the result of conviction rather than as hastily prepared opinions that reflect the views of the advertising counter so often charged against some other publications.

I read a leading editorial from the Saturday Evening Post of June 6:

[From the Saturday Evening Post, Philadelphia, June 6, 1914.]

THE PEOPLE WANT TO KNOW.

Congress appropriates thirty-five or forty million dollars a year for improvement of rivers and harbors. The bills are passed on the time-honored pork-barrel plan. That the expenditures involve huge waste of public funds, and that a considerable part of them is nothing better than graft in an especially obnoxious form, is commonly believed.

If it were generally accepted that such misuse of money derived from the general public obtained in any other field—say, in the railroad field—Congress would immediately order an investigation. Congressman FREAR proposes in a concurrent resolution that the House shall order a thorough investigation by the Interstate Commerce Commission of river and harbor expenditures. An investigation by a body independent of Congress would be better, but the Interstate Commerce Commission is acceptable.

We feel warranted in assuring Congress that the public would like to know approximately how much of the hundred and fifty millions or upward that has been spent on river and harbor improvement in the last five years has resulted in any tangible public benefit, approximately how much has been wasted, and about how much represents a form of political graft.

We say this without prejudice. A great part of the expenditure may have been quite justified by tangible public benefits resulting from it. The waste may be inconsiderable. But people generally believe that an important portion of the hundred and fifty millions or upward is just a tapping of the public till for the political benefit of individual Congressmen.

Surely that circumstance requires an authoritative investigation. Congress commands extensive resources for investigating. Let it employ them in this case at home.

Mr. TREADWAY. Will the gentleman yield?

Mr. FREAR. Not at this time. I shall be pleased to do so later. Before commenting upon this editorial, which has a relation to the bill here under discussion, I desire to make a suggestion regarding the Post's understanding of the amount of appropriations for rivers and harbors.

As nearly as can be ascertained, for 1914 the appropriations are as follows:

House appropriation, river and harbor bill	$43,280,004
House appropriation, sundry civil	6,990,000
Senate appropriation, increase estimated	6,000,000
Total, 1914, cash appropriations	56,279,004
New House projects adopted	32,897,871
New Senate projects adopted	6,000,000
Total, 1914, cash and new projects	95,176,875

In the foregoing table estimated Senate increases are taken from press reports.

For the last four years the total cash appropriations appear as follows:

1911	$49,380,541.50
1912	40,559,620.50
1913	51,115,889.00
1914	56,279,004.00
Four years, cash	197,335,055.00
New projects, 1914	38,897,871.00
Total	236,232,926.00

This astounding sum does not include projects adopted prior to 1914, which amount to approximately $273,000,000 in existing Government obligations.

The 1913 report of the Chief of Engineers, page 30, shows total river and harbor appropriations to have been $789,288,614.45 for all purposes, to which should be added the 1914 appropriations above itemized in order to ascertain the full amount appropriated. It is difficult to learn from the reports the exact proportion of this vast amount which has been poured into the rivers of the country, but after expending over three-quarters of a billion dollars we now discover that during this period the commerce on the rivers of the country has decreased approximately 80 per cent.

To this tremendous sum of $789,288,614.45 in past appropriations is now to be added in the year 1914, for present and future payment obligations, $95,176,875, or a total of $884,465,489. Again, to this sum should be added $273,000,000 in projects heretofore adopted and begun; also $92,500,000 for projects heretofore adopted but for which no appropriations have yet been made; also 120 additional surveys in the 1914 bill, entailing unknown future expenditures.

And the balance sheet shows a loss of 80 per cent in river navigation, according to Government statistics which I have heretofore submitted to the House.

Mr. Chairman, I hasten to do justice where justice is due, and I have read the Post editorial to the House in order to make full atonement for a suggestion made by me in a speech of June 2 in the House, which was printed on the following day. However humble his place in this body, every Member of Congress occupies a responsible position toward the country at large. Sometimes we speak our convictions to a handful of Members occupying these seats. When our remarks are revised and inserted in the RECORD, we find them embalmed for all time, rarely attracting the attention of the public at large. The country is too busy to concern itself over speeches of individual Members, unless, forsooth, they reflect the policy of a political administration or have some special significance.

On the contrary, great newspapers and great magazines speak to hundreds of thousands of readers every week. The editorial utterance of a strong publication like the Chicago Tribune, with a daily circulation of more than a quarter of a million readers, becomes the standard for those people who believe in the good work which the Tribune has performed through the Mulhall investigation and other matters of great public interest which involve legislative morals; and I speak of the Tribune only as a leading member of a group of papers which is engaged in working for the public uplift.

Several magazines could be named, all of which have helped to raise the moral tone of business and of legislative performance. Such publications reach hundreds of thousands in every issue, and in the case of the Saturday Evening Post we have a publication which speaks to over 2,000,000 readers every week. Apart from flippant comments indulged in by different writers, and which do not always present a true picture of congressional action or of Members, these magazines have a powerful influence in shaping public sentiment—a sentiment which is rarely misdirected.

Mr. Chairman, in a recent number of the CONGRESSIONAL RECORD appears an article written by the distinguished gentleman

from Mississippi [Mr. HUMPHREYS]. It was first written for the Saturday Evening Post in an entertaining vein and dealt with what purported to be "The inside of the pork barrel." Thereafter an equally distinguished Senator secured its insertion in the CONGRESSIONAL RECORD, and it thereupon became a semi-official utterance, which reflected upon the judgment of many Members who do not view the rivers and harbors pork barrel through the spectacles used by the gentleman from Mississippi.

Many of us believe the pork barrel is what it was once appropriately styled by a Senator at the other end of the Capitol, a "humbug and a steal," and believing, further, that its insertion in the RECORD challenged contradiction, on June 2 I hastily prepared a brief statement, which was given to the House as the truth concerning the pork barrel from my own viewpoint, and I attempted to point out some of the influences which are behind the barrel. During my remarks I expressed genuine disappointment over the failure of the Saturday Evening Post to declare its disapproval of the pork barrel and made a brief reference to the responsibility of great publications, possessed in common with Members of Congress, to present a true likeness of public conditions and of legislative measures.

It is very probable that those remarks did not reach the ears or attention of any considerable number of people, and the Post is not likely to be concerned with the judgment of any individual Member of the House. Yet I desire to publicly express my own appreciation and that of hundreds of thousands of the Post's readers for its fearless and well-timed demand that Congress investigate charges which have been repeatedly offered against the corrupt pork barrel.

In my remarks heretofore made on the subject I have quoted from Presidents of the United States, Senators, and leading publications throughout the country, all of whom by common agreement arrive at the same conclusion—that the river and harbor pork barrel is a "humbug and a steal," as it was fitly denominated by a distinguished Senator.

Mr. GARNER. Will the gentleman yield?

Mr. FREAR. Not at this time; I will do so later. Editorially the Saturday Evening Post demands an investigation, the Chicago Tribune demands an investigation, the Washington Times said, in effect, the facts developed were astounding and justify an investigation. Scores of papers and other publications are becoming aroused to the iniquity of the pork barrel. The bill is not in the House at this time. It has gone to the Senate; but if it is returned to this body we are assured a dozen millions more will have been added to its $76,000,000 for present and future projects. That was the sum total of obligations which the bill carried when it passed the House. Added to that amount will be approximately a dozen millions more before the bill is returned to us, which will bring its total up to $88,000,000.

Mr. Chairman, the story is still incomplete. In the bill before us—the sundry civil appropriation bill—there has been added about $7,000,000 more for river and harbor improvements. In other words, approximately $100,000,000 may be covered by these two bills for the 1914 pork barrel, the greatest barrel ever foisted on the American people, worse than any of its predecessors and so filled with vicious, objectionable items that I can not believe the President will ever permit the measure to become a law.

In the sundry civil bill before us $4,176,000 is appropriated for the notorious $64,000,000 Ohio River Canal venture. Five million dollars has already been appropriated this year for the Ohio River Canal, making a total of $9,176,000 for this one canal for 1914. When President Cleveland vetoed the $14,000,000 river and harbor bill in 1896 he condemned that bill because of its present and continuing obligations. Private projects paid for by the Government were as objectionable to him as future obligations that smacked of pork-barrel methods. What would Cleveland say to the 1914 appropriations, which reach about $100,000,000, including scores of private and vicious projects, as pointed out in my speech of March 26? Many Members, through the importunities of constituents, may plead for some particular project, whether it be the Kissimmee, which is dry eight months in the year and gets $47,000 for a real-estate project, or the Oklawaha, which gets three-quarters of a million to help out some orange growers and real-estate interests, or the Ohio River Canal, which gets more in 1914 than was given to the whole river and harbor proposition in any one year during the seven years from 1875 to 1881, inclusive, when actual river navigation existed.

What a commentary upon legislative methods, Mr. Chairman, that $9,176,000 is being poured into a useless canal on the Ohio during a single year, when, aside from coal, iron ore, and lumber, only 122,180 tons were shipped through the Louisville locks in 1906, whereas shipments by the open river, for which other appropriations are made in 1914, reached many times the shipments by the canal. For illustration, the total 1905 traffic on the Ohio River—open river and canal—according to the report of the Commissioner of Corporations, amounted to 13,163,656 tons. In 1906 it had fallen to 11,427,784, and in 1912, according to the authority quoted in my remarks on March 26, the traffic had fallen to 8,618,396 tons. Of the 1906 traffic, the latest data available, only 1,342,904 tons out of a total of 11,427,784, or about 10 per cent of the total river traffic, went by way of the canal, and of this small proportion of total canal traffic, 1,211,715 tons was heavy freight, including coal, timber, and so forth, which could have gone by the open river, as it has always gone during the past century. In other words, 99 per cent of the total river traffic went by the open river, or was, properly speaking, open-river commerce.

These statistics I have taken from the best available Government reports, and they disclose that the Government is to pay out $64,000,000 for about 1 per cent of the river traffic known as high-grade freight, and of this $64,000,000, $9,176,000 is sunk in the Ohio Canal through the 1914 appropriations to be made by Congress. Figure out the cost to the Government per ton on a rapidly diminishing commerce and ascertain, if you can, how many dollars per ton are to be paid for the high-class traffic which we are trying to force through the canal. Rather than make such wasteful appropriations the Government could better afford to pay all freight bills for a century to come for every ton to be shipped by rail along the river which will ever be carried by the river and canal combined, because most of the shipments are for short distances, according to engineers' reports, and the canal will be a worthless and discarded venture long before the work on it is ever completed.

Mr. Chairman, the Mississippi has been plastered over with $144,000,000, which would have built a parallel railway on both sides of the river from Minneapolis to the river's mouth, yet during the last three decades this great river has lost over four-fifths of all its traffic. Notwithstanding ocean commerce has grown inversely and railway traffic has many times doubled within the same period to meet the demands of a population which has increased over 80 per cent, the Mississippi and the Missouri and countless other streams and rivulets covered by the 1914 appropriations have lost their commerce or never had any or never will.

Based on the statistics quoted by me to the House on a former occasion, we find the Ohio River traffic dropped from 13,163,656 tons in 1905 to 8,618,396 tons in 1912. I do not vouch for the last figures, because they were volunteered by the gentleman from Kentucky [Mr. SHERLEY], a supporter of the bill; but if they are reliable, they disclose a loss of over 33 per cent in Ohio River traffic in seven years. At the same proportionate rate the Ohio River traffic will have decreased as rapidly as that of the Mississippi before 20 more years pass by, and long before the $64,000,000 canalization project is finished the Ohio River Canal will follow the fate of other canals, over one-half of which, according to Government statistics, have been abandoned and result in approximately 2,500 miles of deserted, muddy, valueless ditches—a lasting monument to the grim, relentless progress of railway traffic.

In the 1914 appropriations two rivers, the Mississippi and the Ohio, get out of the Government Treasury $9,500,000 and $9,176,000, respectively, about one-third of the entire $56,279,000 cash appropriation for 1914. For what purpose? Where is the traffic? What a wild, reckless waste of $18,676,000! And all the commerce on the entire 4,000 miles of these two great streams does not approach in volume the annual 29,000,000-ton commerce of the Duluth-Superior Harbor, on the north border of my own State. Nor does the $18,676,000 of wasted millions in those two rivers include millions of dollars frittered away in 1914 in macadamizing with gold the bottom of the bottless, muddy Missouri; nor $72,000 used for the mysterious Mattewan fertilizing factory projects; nor $33,800 for scooping out the shallow Scuppernong; nor $47,000 for flushing Florida's famous dry-run real-estate project, the oesulatory Kissimmee; nor $750,000 of Government money pulled out of the Treasury by the only original Oklawaha money octopus; nor over $3,000,000 of Government gold dumped into the crooked Coosa River cutacts, $65,000 of which is appropriated in 1914; nor does it include many millions of dollars more which I have before pointed out to the House are wasted in the 1914 bill by being dumped into a hundred other unnavigable streams, devoid of commerce, that can not be lured back from the railways with all the wealth possessed by the Government Treasury.

The Ohio River traffic is diminishing, excepting that the open river carries a small proportion of bulky, heavy commerce in competition with railways. The Mississippi, after an expendi-

GRAND ARMY OF THE REPUBLIC COOL TO WILSON—OVATION FOR CLARK—PRESIDENT AT LAST HOUR DECIDES TO ADDRESS VETERANS AT ARLINGTON AFTER SPEAKER OF HOUSE WAS ANNOUNCED AS ORATOR—FINAL ACTION TAKEN, SAYS WHITE HOUSE, TO AVOID "MISCONSTRUCTION"—MISSOURIAN PAYS FINE TRIBUTE TO SOLDIER HEROES.

WASHINGTON, *May 30.*

President Wilson, after declining to attend the Memorial Day ceremonies at Arlington National Cemetery to-day, suddenly changed his mind, following the announcement that Speaker CLARK had accepted an invitation to make the principal address in place of the President, and hurriedly put in an appearance.

At the cemetery Speaker CLARK was given a tremendous ovation. The President was received with unmistakable coolness. Perfunctory applause, which quickly became silent, followed the President's address.

It might also be well to attempt to harmonize the speeches of the Speaker of this House and the distinguished chairman of the Ways and Means Committee with the speeches of the more distinguished gentleman who presides over the destinies of this Republic, on the Panama tolls question. It will require some time, but it will be worth while, and for the benefit of all concerned I desire to insert in my remarks the following climax to that great speech delivered by the Speaker of this House:

Now may the God of our fathers, who nerved 3,000,000 backwoods Americans to fling their gage of battle into the face of the mightiest monarch in the world, who guided the hand of Jefferson in writing the charter of liberty, who sustained Washington and his ragged and starving army amid the awful horrors of Valley Forge, and who gave them complete victory on the blood-stained heights of Yorktown, may He lead Members to vote so as to prevent this stupendous folly—this unspeakable humiliation of the American Republic.

Of course the question of platform pledges, party promises and performances, and other questions such as back pedaling, mediating, hesitating, dictating, straddling, backbiting, double-crossing, double-dealing, dealing from the bottom, and so forth, should not be overlooked. A discussion of these subjects pro and con will tend to harmonize the party. Some attention should also be paid to the ethics of professional politicians in national conventions. [Laughter.]

I further respectfully submit as a side issue some attention be given to that much-mooted question the high cost of living under the Underwood tariff bill; and in order to arrive at a proper solution of the question it would be well for the mediators to subpœna as witnesses the people who voted the free-trade ticket at the last election.

The committee should also, while not otherwise engaged, call before them the laboring men and the business men of this country and explain to them fully wherein the Democratic tariff bill has resulted in bettering their conditions; and, further to unify and pacify the various malcontents in the opposition party, I suggest that at the conclusion of their hearings they have a good old-fashioned "hard-times party" in honor of the rank and file; that much care and forethought should be used in preparation for the event, which in some respects will resemble Belshazzar's feast with the wine left out and grape juice—imported—substituted in lieu thereof; that the decorations be our national colors on imported bunting intertwined with foreign-made flowers—artificial; that the table upon which the course is laid be made from lumber grown, hewed, and put together in Canada. There might be some men present interested in the lumber industry, and it will be a pleasure to them to have the entire banquet as nearly in keeping with the principles of free trade as possible. All fruits and vegetables should be plainly marked "Imported," and all meats used should be strictly of the Canadian-Australian or "A. B. C." brands, in honor of the sheep growers and cattlemen in attendance. Particular care should be used in marking the eggs with these letters, "Laid in China"; that the sugar cubes used be plainly marked "Importations," in honor of the guests who attend from cane and beet sugar growing sections of the country; that the linen, tablecloths, and napkins be marked "Made in Belfast"; that no cutlery be used except the prevailing imported grade direct from England or Germany—that will please "John Bull" especially. The subpœnas and invitations sent out should be printed on Canadian paper in honor of the printers and paper men who will attend. Some one might recite the following poem by Jack Wiley:

THE LIMIT.

Shall the flag be made in England?
  Kinder rifles one up a bit;
Kinder starts the blood a billin'
  Just to merely think of it.
Shall the flag we call "Old Glory"
  In a foreign land be made?
This is certainly the limit
  Of the foul work of free trade.
Shall the flag be made in England,
  Far away, across the deep?
Down with sentiment and feeling?
  Buy your bunting where it's cheap?
What care free-trade foes of country?
  They've no patriotic pride.
What's the flag but so much dry goods?
  Make it on the other side.
Shall the flag be made in England?
  Kinder rifles one up a bit;
Kinder starts the blood a billin'
  Just to merely think of it.
Work and wages they have taken,
  And in idleness men lag;
Taken industry to England;
  Now they want to take the flag.

As a further mark of respect to the feelings of the gentlemen from Louisiana in attendance, I suggest that, inasmuch as they lost out on the regional bank proposition and their chief industry has been destroyed, they be made waiters for the occasion, and that they be properly attired in suits the texture of which was grown in their own cotton fields, sold abroad, manufactured abroad, and sold back to them in the form of the finished product, the profits going to support foreign workingmen.

These suggestions are made in the best of faith and for no other purpose than promoting harmony in the ranks of the opposition. We on this side of the House realize the necessity for such a gathering and feel that you will adopt our suggestions and receive them in the proper spirit. It might be well for those who attend to provide themselves with a few silver dollars, as some Members of the party might speak who are accustomed to receiving Chautauqua prices; and, by the way, that reminds me that the Secretary of State is booked for the coming season. [Laughter.]

To doubly insure harmony I suggest that the premier and the honorable Speaker sit at opposite ends of the table, and that the President be not invited—he might refuse. A seat should be provided for him, however, as he might reconsider and conclude to attend. It might also be well for the distinguished gentleman from Missouri to leave his "dawg" at home; and if the president of the American Federation of Labor is present, and his secretary, and are called on for speeches, those in attendance will doubtless find out all about the question of compromise on section 7 in House bill 15657 and how the administration leaders and the Judiciary Committee back-pedaled, side-stepped, and straddled over that important provision. They might also call to the attention of those present the thousands and thousands of workingmen out of employment, but that is another question. The voting is over on the presidential question for a couple of years, and they will have plenty of time to quietly think the matter over. Of course the opposition party may justly claim the honor of giving more men, women, and children perpetual holidays in the same length of time than any other party in our history—they are all idle now, but have not the price to even purchase foreign-made "cheap John" firecrackers and punk for the occasion. [Applause on the Republican side.]

And as the banquet proceeds and the grape juice becomes red and giveth its color in the cup and moveth itself aright, some gentleman, for the sake of the country in general and the opposition party in particular, should suggest to those in attendance the urgent necessity of giving to the business men of this country a little breathing spell now and then, and an opportunity to go ahead and lawfully organize and do business according to the " itules of Hoyle." Some one with the true interest of the country at heart might suggest that Congress adjourn forthwith and not convene again until March 4, A. D. 1917.

Of course, there will be no differences of opinion as to the administration's Mexican policy, as all will agree that Carranza, Huerta, and Villa, the "trifling trinity," have acquired through long years of plunder, rapine, and murder a prescriptive right to slaughter, ravish, and torture our own citizens in that country as well as those of other foreign Governments, and at this late date we have no right to interfere. Such a policy will get you votes.

Some Member should propose the abandonment of the Monroe doctrine as a dead letter and the adoption of some new-fangled Anglo-American alliance that will sound better and be more effective in preventing foreign countries from acquiring territory on the American Continents.

Let the new doctrine have a new name. Let it be in keeping with the great spirit of unrest which prevails and one which will tend to catch more votes and be more in keeping and consonance with your ideals of a new and up-to-date foreign-made policy. It will get you votes, and, after all, my dear friends, is not that what you are after? Come out strong on the administration's Panama tolls policy and the recent Colombian treaty; it will bring harmony in many congressional districts, and especially harmony in the various congressional districts of Missouri. But, then again, some of the people will "have to be shown," and in this connection let some aspirant for a presidential appointment as postmaster in New Jersey make himself solid with the administration by reading the following contribution to the New York American from the pen of John Temple Graves.

TOLLS AND MEXICO WORK PARTY RUIN.

[By John Temple Graves, in New York American.]

A great House Democrat told me to-day that his private and official reports were full of discouraging information from New York, from Indiana, from Ohio and Illinois, and from Louisiana.

A Wilson Senator of the inner circle and almost of the "kitchen cabinet" confessed to me to-day that the best he hoped for in November was to see the House remain Democratic by from 8 to 10 votes. Senator Vardaman yesterday prophesied, like a Democratic Jeremiah, the coming misfortunes of his party.

What is the matter with this triumphant Democracy of 1912? Why do the prophets upon the housetops cry the warnings of disaster near at hand? Why are the people discrediting it, and why are the leaders cast down?

What has happened, and who is to blame if that magnificent majority of 142 should fade and dwindle into 7 or 8? The Democrats have passed a tariff measure. It is true; but it is too early to condemn that measure yet, before it has been tried. The party has passed a currency bill, but the currency bill is just now going into practical experiment.

TOLLS AND FOREIGN POLICY.

Sifting the situation with fairness and care, it is logical to say that if the Democratic fortunes are fading and falling, it is due to tolls repeal and the foreign policy of the administration.

Mexico and Panama are the undoing of the Democratic administration.

The don't-know what-to-do policy in Mexico and the weak and un-American surrender at Panama have alienated the people and demoralized the most magnificent fighting army of Democrats that the Capital has known for a quarter of a century.

Everybody in Washington says this now—in both parties and in all assemblies. Even Senators who have been both loyal and silent—and also obedient—are saying to-day what they would not have dared to say last week—that the administration has lost its hold.

Five of the most loyal have said to me with real impatience:

"There was no need to project this tolls question into a united and victorious Democratic Party. I protested against it at the time, and I see now that I was right. It was foolish and obstinate."

Only those who frequent those historic corridors at the Capitol can understand what a mighty change this kind of comment illustrates in Congress. And these men say that reports of disaffection reach them "from all over the country." There is no doubt of the fact that strong men and loyal men in the Democratic Party are sore and indignant.

While some aspiring candidate for a clerical position in the Department of Commerce might with propriety read the following editorial appearing in the Washington Post of Saturday's issue:

LOW-TARIFF RESULTS.

The more detailed figures on the imports and exports for March which have just been issued by the Department of Commerce give a rather puzzling aspect to the recent assurances of Secretary Redfield to the President that the foreign trade of the United States is improving.

There is little evidence of improvement in the crude materials for use in manufacture, which show an increase of $12,000,000 in imports and a decrease of $9,900,000 in exports, or in foodstuffs in crude condition and food animals, which show an increase of $4,400,000 in imports and a decrease of $6,680,000 in exports.

Evidently the trade balance is going steadily against us. There is no way to avoid this conclusion, and in the figures of the Department of Commerce is to be found the real psychology of the present situation which brought the complaint from the Illinois and Ohio business men.

Imports are constantly increasing all along the line, according to the official figures of the Department of Commerce. About the only exception is in manufactures for further use in manufacturing, which show a decrease of $1,900,000 in imports.

While the rise in imports in nearly every commodity is accompanied by a corresponding lowering of the export figures, this does not hold good with the manufactures for further use in manufacturing. That trade has fallen off largely because American manufacturers find no profit in completing the manufacture of the articles under the protective tariff. Not only are we failing to make contracts to complete the manufacture of the articles, but we are not manufacturing as many articles to be used as part of a manufactured article abroad. Under the single heading of "Manufactures for further use in manufacturing" our exports have fallen off no less than $5,100,000 in the single month of April, 1914, compared with the corresponding month of the previous year.

The situation may be wholly "psychological," but as the jump in imports and the drop in exports have been coincident with tariff revision the tariff will have to bear the brunt of the country's complaint when election time arrives.

Of course, the old question of personal liberty and State rights will be carefully thrashed out, and there might be some differences of opinion, but in that case harmony can be procured by an appeal to the distinguished leader at the other end of the Avenue, the party secret caucus, or by an appeal direct to the high court of rules—Henry's edition of rules and procedure governs. It is true that this procedure may not please all parties for and against the Hobson resolutions, the Bristow-Mondell amendment, or be entirely satisfactory to the delegates present from the Pacific coast States, who have an idea that they have the right to determine for themselves the propriety of close association in the public schools of their children with those of Asiatics. The people out there are about as pronounced on that subject and on the question of alien-land laws as some of the old-timers who will attend from that section of the country south of Mason and Dixon's line. Of course, the propriety of the administration sending the Secretary of State to Sacramento for the purpose of bringing about closer and more friendly relations with the Japanese on the farms and orchards and in the public schools will be judiciously handled. [Laughter.]

To further obliterate any sectional feeling that might arise some Member from the arid-land States might call the attention of the assemblage to the following timely article appearing in the Oregonian:

The West got what was to be expected when the House refused to consider the bill extending time of payment by settlers on reclamation tracts. The House is dominated by southern Democrats, who would gladly abolish the Reclamation Service and turn land-office receipts into the Treasury, in order that their pork bills may not cause a deficit. The West is being smitten with the jawbone of the Democratic ass.

The question of economy should be brought up and thoroughly gone into. It is one which will appeal to all of those who assemble and in the interest of the strictest economy the question of cutting down the salaries of all minor officials without a political pull should be carefully gone over. It might be suggested that inasmuch as the residents of the District of Columbia have no voice nor vote in national affairs and can not possibly make themselves felt from a political standpoint, that they be made to pay at least half of the running expenses of the entire National Government.

And it is to be hoped that like the guests of old at Belshazzar's feast they will drink "grape juice" and praise the gods of gold and of silver, of brass, or iron, or wood, and of stone, and that in the same hour there will come forth the fingers of a man's hand and write over against the candlestick upon the plaster of the wall of the king's palace and that the king will see the part of the hand that wrote "Mene, mene, tekel, u-pharsin," and that some Daniel will be brought forth and interpret the writing which was written, and that he will at least interpret that particular sentence "tekel," which means "Thou art weighed in the balance and found wanting."

Some wise man present might suggest that inasmuch as their days were numbered something should be done forthwith to get all there was coming, and that all hands dig deep into the pork barrel and that all possible means of evading the civil-service rules and regulations be forthwith devised and put into practice in the various departments of the Government; that all old and efficient members of the Grand Army of the Republic be demoted, placed in the poor farm, or relegated to the "scrap pile," and that they be displaced by political patriots, who fought, bled, and died upon the fields of partisanship, for surely their services are of far greater value and more in keeping with the true principles of the administration than long and honorable service in the preservation of the Union. Loud applause will doubtless follow any such timely and appropriate remarks, and if some gentleman present with an eye to the eternal fitness of things will only suggest that the occasion be concluded by pulling off one great Democratic, hesitating, side-stepping, back-pedaling ball, preceded by a grand march led by Gen. Coxey and Gen. Rosalie Jones, the Nation's two most democratic travelers, and a proper program is carried out, some real good may come to the opposition party, while all hands join in singing and dancing "Waltz me around again, Willie" and "We marched right in and we turned around and we marched right out again." [Laughter and applause on the Republican side.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. FREAR] 30 minutes.

The CHAIRMAN (Mr. BUCHANAN of Illinois). The Chair would like to call the attention of the committee to the fact that there is evidently no quorum present. Before this important question is further discussed—and it is important, as the gentleman from New York states—the Chair thinks that a quorum should be present to hear the gentleman from Wisconsin.

Mr. HARRISON. Mr. Chairman, I raise the point of order that the Chair can not, of his own motion, raise the point of no quorum while sitting in the chair.

The CHAIRMAN. The Chair will read the rule to the gentleman from Mississippi:

Whenever a Committee of the Whole House or of the Whole House on the state of the Union finds itself without a quorum, which shall consist of 100 Members, the Chairman shall cause the roll to be called, and thereupon the committee shall rise, and the Chairman shall report the names of the absentees to the House, which shall be entered on the Journal; but if on such call a quorum shall appear, the committee shall thereupon resume its sitting without further order of the House.

Will the gentleman from Mississippi state the ground of his point of order?

Mr. HARRISON. It occurs to me, Mr. Chairman, that the Chair can not, by his own motion, raise the point of no quorum. The point of no quorum should come from one not in the chair. Of course, if the point of order is made, the Chair can entertain the motion.

Now, the point of no quorum has been made continuously by the gentleman from Illinois [Mr. BUCHANAN], who is disappointed because his bill was not taken up and because of the motion submitted by me by direction of the committee which reported this bill. He served notice upon me while the vote was being taken that he would endeavor to have a week taken in disposing of the six hours of general debate. That is his notion. Mr. Chairman, of the manner in which to expedite this bill through the House, so that we may more speedily reach the bill which he claims to be interested in; and such conduct arouses some suspicion in my mind that gentlemen perhaps are not so anxious to have their bill considered as they are to get the advertising that comes from this sort of agitation.

If the Members of the House do not wish the time to be wasted by calling the roll to ascertain a quorum, let 100 of them remain here, so that a quorum will be present, and the House can transact its business properly.

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. Does the gentleman yield?

Mr. FITZGERALD. I will yield for a question.

Mr. BUCHANAN of Illinois. This bill that you are now considering——

Mr. FITZGERALD. I will yield for a question, and for nothing else.

Mr. BUCHANAN of Illinois. The gentleman will not yield for a statement?

Mr. FITZGERALD. No; I will not. I decline to yield to the gentleman from Illinois.

The CHAIRMAN. The gentleman from New York declines to yield.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of no quorum present.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] makes the point of no quorum present. The Chair will count. [After counting.] Eighty-seven Members present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Allen	Francis	Konop	Rogers
Anderson	Gallagher	Korbly	Rothermel
Ansberry	Gard	Kreider	Rucker
Barnhart	Gardner	Lafferty	Sabath
Bartholdt	George	Langham	Saunders
Bathrick	Gerry	Lee, Ga.	Scully
Beall, Tex.	Gittins	L'Engle	Sells
Brockson	Glass	Levy	Sharp
Brodbeck	Goeke	Lewis, Pa.	Sherley
Browning	Goldfogle	Lindquist	Shreve
Bruckner	Gordon	Loft	Sims
Brumbaugh	Gorman	McClellan	Slayden
Burnett	Graham, Ill.	McCoy	Slemp
Butler	Graham, Pa.	McDermott	Sloan
Calder	Greene, Mass.	McGuire, Okla.	Small
Callaway	Griest	McKenzie	Smith, Md.
Candler, Miss.	Gronna	Mahan	Smith, S. W.
Cantor	Guernsey	Maher	Smith, Minn.
Cantrill	Hamill	Manahan	Smith, N. Y.
Carew	Hamilton, N. Y.	Martin	Smith, Tex.
Carlin	Hammond	Merritt	Sparkman
Casey	Hardwick	Miller	Stafford
Chandler, N. Y.	Hart	Montague	Stanley
Clancy	Hay	Moore	Stephens, Nebr.
Claypool	Hayden	Morin	Stephens, Tex.
Cooper	Hayes	Murray, Mass.	Stevens, N. H.
Copley	Helm	Neeley, Kans.	Stout
Covington	Helvering	Neely, W. Va.	Stringer
Cramton	Hinebaugh	Nelson	Taylor, Ark.
Crisp	Hobson	Nolan, J. I.	Taylor, Colo.
Crosser	Houston	Norton	Thacher
Cullop	Howard	O'Brien	Towner
Dale	Howard	Oglesby	Townsend
Danforth	Hughes, Ga.	O'Hair	Treadway
Davenport	Humphreys, Miss.	O'Leary	Tribble
Decker	Igoe	O'Shaunessy	Tuttle
Dickinson	Jacoway	Palmer	Underhill
Difenderfer	Jones	Parker	Vare
Dooling	Kahn	Patten, N. Y.	Volstead
Doughton	Keating	Patton, Pa.	Wallin
Driscoll	Kelley, Mich.	Payne	Walsh
Drukker	Kelly, Pa.	Peters, Me.	Watson
Dunn	Kennedy, R. I.	Peters, Mass.	Webb
Eagan	Kent	Platt	Whaley
Edmonds	Key, Ohio	Plumley	Whitacre
Evans	Kiess, Pa.	Porter	Wilson, Fla.
Fairchild	Kindel	Ragsdale	Wilson, N. Y.
Faison	Kinkead, N. J.	Rainey	Winslow
Fess	Kirkpatrick	Reilly, Conn.	Woodruff
Finley	Kitchin	Riordan	Young, N. Dak.
Fordney	Knowland, J. R.	Roberts, Mass.	Young, Tex.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, finding itself without a quorum, he caused the roll to be called, when 230 Members answered to their names, and he reported the names of the absentees to the House to be entered upon the Journal.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, when by the courtesy of the gentleman from Illinois [Mr. BUCHANAN] the point of no quorum was made, so that a quorum might be here to listen to me, I was explaining to the House the relative unimportance of the bill reported by the District Committee, as compared to the sundry civil appropriation bill, so far as matters in which the laboring people of the country were concerned. I had already mentioned the fact that the gentleman from Illinois [Mr. BUCHANAN] had threatened that if the motion to go into Committee of the Whole House on the state of the Union to consider the sundry civil appropriation bill prevailed he would undertake to see that as much time was taken in this six hours' general debate as a man with that parliamentary skill and resourcefulness which enable him to make the point of no quorum from time to time could effect. The gentleman seems to forget that it is no punishment to me to drag out the time taken in general debate on this bill. I must stay here until the bill is ended. Many other Members of the House, having been compelled to remain here continuously for some time during the consideration of the so-called antitrust bills, were hopeful that during the time occupied by general debate they might properly go to their offices to clean up accumulated work; but the gentleman from Illinois seems to believe that I am being punished in some way for some imaginary breach, and because of that fact he seems determined to punish the membership of the House generally by compelling them to remain here to listen to speeches which they do not desire to listen to while the gentleman from Illinois [Mr. BUCHANAN] from time to time goes out and refreshes himself on the balcony outside of the House lobby.

Mr. Chairman, so far as I am concerned, I shall neither be coerced nor frightened nor driven off from what I conceive to be my duty to the House by this idle process of insisting that Members be compelled to remain here to listen to speeches against their will. The House can determine for itself whether it proposes that any one individual can fritter away public time in this manner. If 100 Members will remain here, then he is deprived of the sole weapon at his command.

I was somewhat amused by the gentleman from Kansas [Mr. MURDOCK] complaining against time being given for general debate. He was one of those supposed patriots who have strutted around in previous Congresses insisting that every Member of the House should be given the absolute right to voice the sentiments of his people on every occasion and at every opportunity; and because we consented to set aside six hours to-day during which some Members who believed that they had some message of real value either to the House, to the country, or to their respective constituencies might be given the opportunity to deliver it, the gentleman from Kansas [Mr. MURDOCK] talks about "this ridiculous waste of time in general debate."

Mr. MURDOCK. Now will the gentleman yield?

Mr. FITZGERALD. In a moment. I notice that no one ever deems ridiculous the time for general debate unless he does not intend to speak himself.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. MURDOCK. Would it not have been better economy of time for the gentleman from New York [Mr. FITZGERALD] as chairman of the committee to have given up, say, an hour to the consideration of this Buchanan bill to-day, and then gone into his general debate? Would he not really have saved time and saved his own feelings in the matter?

Mr. FITZGERALD. No; Mr. Chairman, nobody ever saved time here or anywhere else by being sandbagged into doing something that one individual wants and nobody else wants.

Mr. MURDOCK. I want to ask the gentleman another question.

Mr. FITZGERALD. How could the gentleman from Kansas or anybody else say that the bill could be disposed of in one hour?

Mr. MURDOCK. Or a couple of hours at the most.

Mr. FITZGERALD. Will the gentleman permit me to finish what I have to say? I know how it pains the gentleman.

Mr. MURDOCK. It does not pain me.

Mr. FITZGERALD. But he need not sit here if he does not wish to listen to it. Any one Member of the House who was recognized by the Speaker could take an hour. I have seen attempts to do the business of the District Committee in an hour. I have seen how little progress has been made in the

course of an entire day. This pending bill is the most important business before the House. How much will it avail the gentleman from Kansas if he should succeed in suspending the operation of the seven mine rescue cars of the Bureau of Mines because the bill that he believes is more important and should be taken up is not taken up?

This is not something that I want done. I am merely the mouthpiece of the committee preparing the bill carrying $107,000,000, which is essential for the proper conduct of the Government of the United States. Because one or two individuals of this House set themselves up as superior judges of what is best, because the overwhelming majority of the House disagree with them as to the particular business that should be done at a particular time, then they do the "dog-in-the-manger" act and say "if we can not have our way, we will try to prevent the majority of the House doing business." It is for the majority of the House to determine that question.

I have no more interest in the passage of this bill than anyone else. The bill is prepared and reported to the House, taken up in an orderly manner in accordance with the rules of the House. I am convinced that the great majority of the House proposes that it shall take up its business in an orderly manner and in the manner that the great majority desires. Mr. Chairman, I reserve the balance of my time, expressing the hope that a sufficient number of Members will remain here to proceed without unnecessary waste of time by repeated roll calls. [Applause.]

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Nebraska [Mr. BARTON].

Mr. BARTON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD upon the application of the Underwood tariff bill.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. GILLETT. Mr. Chairman, I yield 10 minutes to the gentleman from Nevada [Mr. ROBERTS].

Mr. ROBERTS of Nevada. Mr. Chairman, so wide has the range of debate taken in this House during the past few weeks, and so much done to promote harmony among the various factions, that I feel inclined at this time to pour some oil upon the troubled waters in the hope that what I say will be received by my friends across the aisle in the spirit in which it is given, and that the little differences existing among the warring elements will be entirely forgotten and the remaining days of this session will be in keeping and perfect unison with the tenets of the opposition.

We had a general election in this country in 1912. Most of us remember it. There were three great presidential candidates, Mr. Taft, Mr. Roosevelt, and Mr. Wilson. [Applause.] Mr. Taft was defeated and went back to school. Mr. Roosevelt was defeated, went fishing, and brought back a river to prove it. [Laughter.] Mr. Wilson was elected and—well, that is another story. At last account Mr. Taft was still alive and doing well, Mr. Roosevelt was still alive and "doing" Europe, and Mr. Wilson was still alive, but doing poorly—he also will go back to school at the opening of the spring term in 1917.

I am an optimist and believe that all the Members on this side will be together in one great party, under the same banner, fighting for the same principles, and will sweep the country in 1916. Two parties, even though traveling around the earth and moving in opposite directions, with the same lofty ideals in view, will each get back to the original starting point, somehow, some time. The preliminary exodus on that side of the House has already begun and will be practically completed at the coming election. Those Members who stood for the Underwood tariff schedules and the doctrine of free trade, and who stand for and defend the administration's weak-kneed, wobbly foreign policy, will have some explaining to do when they go back home.

The Baltimore convention nominated for the Presidency a great man and a good man, and one worthy of the respect and admiration of his countrymen; a man certain to be elected under the existing circumstances. It would have been the same with any man whose name was presented for the Presidency in that convention. Several great leaders' names were presented for consideration, but for the good of the country in general, and the Republican Party in particular, the one least capable of remaining long in power was selected—selected by virtue of catalysis at the opportune moment.

Had the convention nominated the real choice of the American people, it would have nominated and elected that great, honest Democratic Speaker of this House, the gentleman from Missouri, Hon. CHAMP CLARK. [Applause.] His foreign policies would have so pleased the American people that, regardless of the administration's faulty, free-trade tariff policy, he would have been a much harder man to dislodge in 1916.

The American people are sick and tired of our present so-called "watchful-waiting" foreign policy and are anxious to go to the polls and put into office a good, strong man who believes in maintaining and preserving for all time inviolate the true principles and established traditions of our Republic. [Applause on the Republican side.]

And now that the present session is slowly drawing to a close, it is but meet and proper that some consideration should be given to devising ways and means by which the majority in this House might successfully get together and agree upon a campaign program for the coming election. The country within the last 15 months has reached such a level of business depression as has not been witnessed since the former idol of Democracy, Mr. Cleveland, and a Democratic Congress ran the ship of state upon the rocks.

It might be well to have another investigating committee appointed. I introduced a resolution in this House during the Sixty-second Congress which I thought would perhaps be the last investigating committee needed during the present administration. It was a resolution calling for an investigation of investigators. [Laughter.] It still sleeps the sleep that knows no waking. It might suffice and be more appropriate to create a board of mediators to be known, for the lack of other unused terms, "the X Y Z mediators," whose duty it will be to promulgate the true principles of Democracy and harmonize the differences and misunderstandings existing among the various factions in the opposition ranks.

In passing it might be well for the mediators to harmonize the two great Memorial Day addresses delivered at Arlington on Memorial Day, together with all the incidents connected therewith, or in any manner related thereto, one by the President of the United States and the other by the Speaker of this House, the Hon. CHAMP CLARK, of Missouri, and in order to assist as much as possible I desire to insert in my remarks a brief comparison of the salient points of each side by side as they appeared in the Washington Post of May 31 last:

WAR STILL THE CHIEF END OF CIVILIZATION, SAYS CLARK.

It is written, "Blessed are the peacemakers," but after 19 centuries of Christian endeavor * * * we are prone to smite the smiter.

* * * * *

The day has not yet arrived when swords are beaten into plowshares or spears into pruning hooks; and, judging from facts which can be neither blinked nor denied, that era of perfect peace is out of sight in the distant future.

* * * * *

If history is to be believed, war has been the most important occupation of man since Cain slew Abel and since Tubal Cain first worked in a blacksmith shop. The corporation of captains from Nimrod to Gen. Wood occupy more space in the annals of mankind than do all the statesmen, philosophers, poets, preachers, writers, and artisans that ever lived.

* * * * *

All history is but one unending story of human butchery. All our boasted and multiplied acts of civilization are but preparations for the sacrifice of war—the festival of death.

PEACE IS THE KEYNOTE OF THE PRESIDENT'S ADDRESS.

I can never speak in praise of war, ladies and gentlemen; you would not desire me to do so. But there is this peculiar distinction belonging to the soldier, that he goes into an enterprise out of which he himself can not get anything at all.

* * * * *

There are battles which are just as hard to go into and just as hard to stay in as the battles of arms; and if the man will but stay and think never of himself, there will come a time of grateful recollection, when men will speak of him not only with admiration but with affection and with reverence.

* * * * *

That is their achievement, unequaled anywhere else in the annals of mankind, that the very men whom they overcame in battle join in praise and gratitude that the Union was saved.

* * * * *

This flag calls upon us daily for service, and the more quiet and self-denying the service the greater the glory of the flag. We are dedicated to freedom, and that freedom means the freedom of the human spirit.

I also desire to insert a clipping which appeared in the Washington Times on the same date, together with a Washington dispatch appearing in that Democratic newspaper, well known to this administration as well as others, the New York American:

PRESIDENT MAKES PEACE WITH GRAND ARMY OF THE REPUBLIC.

President Wilson made his peace to-day with the Grand Army veterans. Deciding at the last moment to reverse his decision not to attend the Memorial Day exercises at the Arlington National Cemetery, he not only attended but made an address.

In a speech devoted to a eulogy of the veterans and the part which they played in preserving the Union, he sought to salve the wound which his ill-timed refusal to participate in the exercises had opened.

It was a trying ordeal for all taking part in the ceremonies, for in the list of orators for the day were veterans who a few hours before had been planning to criticise the President for what they regarded as his slight of the Grand Army. All passed off, however, as though nothing had occurred to mar the preparation for the services.

times, may be cared for. He mentions that the institution being a sanitarium where there are diseased persons, many of them afflicted with tuberculosis, that it is necessary to keep them quiet, and that members who insist upon creating disturbances have to be expelled from the home, as there is no other alternative. He further expresses the opinion that there ought to be some provision by which such men could be segregated and cared for, and that at least when they are expelled there ought to be available funds to pay to have them transported to the place from which they came, and not allow them to remain a charge upon the locality where the institution is located.

I want to quote one statement from this gentleman's letter referring directly to the three men dropped from the rolls, as follows:

These men have, no doubt, made trouble for six months or more. They are bright men, not drinking men or men of bad habits in any way; they have studied the Blue Book, the Red Book, and the large printed report of the congressional committee investigating the Sawtelle National Home, in California, a short time ago, hence their dissatisfaction and complaint.

Mr. Chairman, in conclusion, I want to say, speaking for myself, that I am always in favor of the most thorough investigation of any charges that reflect upon the conduct of public officials, and that, so far as I am concerned, I would welcome an investigation of the Battle Mountain Sanitarium, and I believe the board of managers and the officials of that institution would not object to an investigation. I would be satisfied if the gentleman from Illinois [Mr. BUCHANAN] should be selected as a member of the committee to make the investigation. If the charges he has brought to the attention of the House are true, the sooner it is known and the sooner the conditions in that institution are corrected the better it will be for all. No one will defend such a condition of affairs as that. On the other hand, if the charges are untrue and without foundation, those upon whom they reflect should be exonerated.

I maintain, Mr. Chairman, that men who have enjoyed many years of a successful career in any walk of life, and who have established and built up reputations, ought not to be assailed by charges brought to the attention of this House based upon statements that come from sources that may not be responsible and without opportunity of verifying the truth or falsity of the charges. I therefore believe that Members should be more careful about accepting charges reflecting upon public officials, until they have made sufficient inquiry to be convinced that they are true. [Applause.]

Mr. GILLETT. I yield five minutes to the gentleman from Washington [Mr. BRYAN].

Mr. BRYAN. Mr. Chairman, I would like to ask unanimous consent that I may extend my remarks in the RECORD on the subject of the civil-service retirement before I proceed.

The CHAIRMAN (Mr. GARRETT of Tennessee). The gentleman from Washington asks unanimous consent that he may extend his remarks in the RECORD on the subject of civil-service retirement. Is there objection? [After a pause.] The Chair hears none.

Mr. BRYAN. Mr. Chairman, this morning, when the debate was begun on the sundry civil bill, the gentleman from Illinois [Mr. MANN] took occasion to pronounce his judgment upon my suggestion that I voted against dispensing with District day in order to expedite the consideration of the Crosser bill. Well, that incident has passed and amounts to nothing one way or the other, but I am glad to have had that opportunity to cast a vote which, if the majority had voted likewise, would have expedited the consideration of the Crosser bill. I consider that the Crosser bill for the taking over of these street railway lines in the District of Columbia important enough to demand just as speedy consideration as possible. It is true that the bill has not been reported formally by the Member who is charged with the responsibility of reporting it, but the House has seen by the action of the gentleman from Illinois [Mr. BUCHANAN] on behalf of the bill that he is interested in that there are matters reported by the Committee on the District of Columbia that have to be considered or that circumstances will require that they be considered before this bill can come up; and to-day, if we had devoted our time to the consideration of the bill of the gentleman from Illinois [Mr. BUCHANAN] and others that have been reported instead of to these roll calls, there would have been no trouble in taking up the Crosser bill on next District day.

The newspapers of the District who are opposing the Crosser bill are especially impressing upon the minds of the Members who may read their comments the fact that there are other matters before the committee, and that those matters ought to be taken up first. "The Crosser Bill to Lag" is one heading. And every suggestion that can be made to impress the idea of delay on that particular bill, because of the lateness of the session, is suggested in these papers. We ought not to permit any delay on the bill. We ought, in the District of Columbia, to own these lines and operate them in the name of the Federal Government.

The city of Toronto has a population of 410,036 people. Its street railways pay a rent for the use of the streets of $2,437 a day, and grant a 4-cent fare during rush hours of the day. The city of Detroit, with a population of 465,766, has a 4-cent fare, and after the revenue has exceeded $3,000,000 the city gets a fifth of the gross receipts. The city of Chicago, with a population of 2,285,283, recently received an annual rent of $2,500,000 from the street railroads. Chicago receives 55 per cent of the net receipts of the railroads. Last year they received $695,000 more than they received the year before.

Here in the city of Washington we have two lines. We do not have the benefit of a universal transfer. We have less advantages than are granted in most of the cities of the country, while we have unlimited funds. It is not like in the ordinary cities of the country where there is trouble about financing the problem. We have the Federal Government back of us, have no trouble about raising the necessary money to buy the lines and operate them, and yet we permit them to be operated in a way such as to deprive us of the ordinary privileges of other cities and at an expense that is unjust and under conditions, as I have said, that are wrong.

So I was glad enough this morning of an opportunity to boost the Crosser bill. Mr. CROSSER came here from Cleveland, from under the inspiration of Tom Johnson and his experiences there, and there is no reason in the world why we can not handle these lines here, why we can not enact this measure, why we can not establish our own plant out here at Great Falls, and operate the roads without a cent of profit, and operate them under the management of Government departments, with a universal transfer and a 3-cent fare.

I do not know whether there was some kind of a sting about that bill or not that caused the gentleman to attempt to demonstrate some kind of lack of information on our part, but there was no lack of information. The fact is that the bill has been ordered reported by the committee, and the quicker we consider the other bills that are going to be urged in advance of the street railway bill the quicker we will have the street railway bill up for consideration. And when we do we will have instituted a doctrine of Government ownership not only in the Territory of Alaska, but we will also have instituted it in the District of Columbia.

Mr. GILLETT. Mr. Chairman, I yield five minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I sympathize to a large extent with the expression just made by the gentleman from Washington [Mr. BRYAN]. The Crosser bill is a long step in advance and because it is a long step in advance it is going to have hard sledding in the Congress of the United States. For one, I can foresee that a condition of public ownership of a utility like the street railway will be of great benefit to the people in this District. I can foresee a condition in the city of Washington where we will have summer cars in summer and winter cars in winter, and enough of them, where we can have a lower flat rate per passenger than we have to-day, and where we can have, like they have in some other cities, a low rate for the department people and for school children during periods in the morning and in the evening. I can also foresee a condition in this city where there would be to the benefit of all the people the privilege of universal transfer. But I can not foresee any such advantage to the people of this District without a fight in the American Congress and a bitter fight against those who seem to stand in fear of or in sympathy with the great interests. Now, the sooner we get at that fight the better. The preliminary battle has been won in committee by a majority of one. That bill will be reported out to the House, and the sooner we clear other District matters away the sooner we can get at the proposition where the public shall own these railroads.

However, I did not arise to talk about the Crosser bill. I voted "nay" this morning against the House going into the Committee of the Whole House for the consideration of the sundry civil bill. I voted with the gentleman from Illinois [Mr. BUCHANAN] to defeat that motion, knowing that if we did defeat it then we could take up District bills. And I was particularly anxious to get to one District bill, the one introduced by the gentleman from Illinois [Mr. BUCHANAN] to improve the conditions under which laboring men work in the building trades. Labor comes with great difficulty to its rights in this House. We have two days in the month for the consideration of District business. The last District day was set aside by a special rule. That business has passed. We had this morning

arrived legitimately at a District day. The District was entitled to this day.

The motion was made by the chairman of the Committee on Appropriations to supersede the District Committee. The question was up to the membership of this House to consider the sundry civil bill in the desultory general debate that we are now having, with the point of no quorum coming every few minutes, or to consider the Buchanan bill for the benefit of labor in the building trades. And the House by a majority vote went into this general debate, with its constant interruptions in the shape of long, tiresome roll calls, and passed up the consideration of a measure of moment.

Now, this measure which Mr. BUCHANAN of Illinois has introduced and which was reported, by the way, 30 days ago, is unquestionably of benefit to labor. It is entitled, "A bill amending the building regulations of the District of Columbia by providing for the better protection of persons engaged in and about the construction, repairing, alterations, or removal of buildings, bridges, viaducts, and other structures." Now, what does the bill do? It provides in terms specifically for all manner of safety devices in the building trades; for instance, safety rails on scaffolds, for a factor of safety on scaffolding, providing, in that connection, that the scaffolding or device shall be so constructed as to bear four times the maximum weight required to be dependent thereon or placed thereon when in use.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. Mr. Chairman, I would like three or four minutes more.

Mr. GILLETT. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. MURDOCK. It provides that whenever any workman or mechanic discovers any defect in a scaffold or hoist, or other building device, that that workman may notify the building inspector of the defect, and the building inspector shall thereupon serve notice upon the contractor for the correction of that defect. Then if the contractor takes no notice of the inspector's warning, it provides for punishment. The measure also makes provision for safety to workmen against overloaded floors, one of the causes of frequent accidents in the building trades. It also makes provision for a correct system of communication in hoists between the man who runs the engine and the elevator which is run by the engine and those in charge of the elevator. It prohibits the use of freight lifts and elevators for passenger service in the erection of buildings. It provides for the protection, by planking, of floors beneath that floor where the construction is in progress.

Now, I should think, Mr. Chairman, that these provisions would appeal to every individual in the House of Representatives. It is only a week ago, I am told, that a man lost his life in Washington who would not have lost it if this measure had been a law. It is within the recollection of almost every man here that in the construction of the great building at Fifteenth and H Streets two men lost their lives in one day by reason of the failure of the contractors to adopt such safety devices as are provided for in this bill.

I am told that this bill, which the House refused to consider this morning, is framed and adopted from a like measure which has become a law in Illinois. I am told that in the year 1906, the year previous to the adoption of that statute in Illinois, out of a membership of some 1,100 among the structural iron workers in Chicago 29 were killed and 116 injured. I am told that it can be proved—and I think the gentleman from Illinois [Mr. BUCHANAN] has the figures—that since the adoption of that statute in Illinois the casualty list has been materially reduced.

Now, my point to the House is this: Compared with a great appropriation bill which carries $167,000,000 this bill may seem to some of comparatively small importance; but the truth is that this bill is of major importance. The bills that we pass here for the District of Columbia become, in a measure, models for the whole country, and we ought not to pass by for general debate bills of this character.

I can conceive that the gentleman from New York [Mr. FITZGERALD], anxious to get this great appropriation bill through before the 1st of July, is eager to force a consideration of that measure. But this morning the majority of the House turned down a measure of this merit for the general debate we have been having—general debate which consists largely of requests to extend remarks in the RECORD, of speeches made upon political subjects, with every few minutes an interruption in the form of a point of no quorum. The House ought to give the District of Columbia affairs their time. I doubt very much now, with the few days remaining in this session, whether this bill or the Crosser bill will reach consideration.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. FITZGERALD. Mr. Chairman, it might be appropriate to point out some things that were overlooked by the gentleman from Kansas [Mr. MURDOCK] in his remarks. This House has been in session practically since a year ago last April, and there have been many days during which the bill to which the gentleman refers might have been considered. There did not seem to be any alarming anxiety on the part of the gentleman from Kansas or others interested in that bill to have it taken up until now, as the session is drawing to a close. Then, when one of the bills that is vital to the continuation of the Government is called before the House they show a sudden and peculiar interest in this bill.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. FITZGERALD. Yes; I will yield.

Mr. MURDOCK. I do not know what the gentleman's position is on the Buchanan bill, but does he not think it would be better to consider a bill of this merit than to have the general debate that we have been trying to have against the point of no quorum? I ask the question in all fairness.

Mr. FITZGERALD. No; I do not. This bill carries $107,000,000, and it must become a law before the 1st of July in order that the orderly activities of the Government shall be carried on. It carries appropriations for the Bureau of Mines, which affect the safety of more men in some single congressional districts than can possibly be affected by the bill to which the gentleman refers. It provides an additional mine rescue car for the Bureau of Mines and money to replace completely the equipment on the existing cars. Of course that is of no importance to the gentleman from Kansas, because he overlooks the fact, or did not know, perhaps, that the appropriation is contained in the bill.

Mr. MURDOCK. Now, will the gentleman yield?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Kansas?

Mr. FITZGERALD. I can not yield. This bill carries $2,500,000 to maintain the Life-Saving Service. It is not of importance to the gentleman from Kansas that the Life-Saving Service may be adequately provided for at the beginning of the fiscal year. It provides for the collection of customs duties. It provides $2,500,000 for the Public Health Service, to carry on investigations of vital importance to the laboring men, as well as to all other classes of citizens, and to prevent infections and contagious diseases being brought into this country. It contains an item to build a hospital in the District of Columbia. It contains an item of over $3,500,000 for the Interstate Commerce Commission, $1,900,000 of which is for the physical valuation of railroads. It carries money for the United States Board of Mediation and Conciliation, to help adjust the controversies between capital and labor and to bring about that friendly cooperation between capital and labor that will be conducive to the happiness and prosperity of the laboring men. It carries $200,000 for the Commission on Industrial Relations, engaged in investigations designed primarily in the interest of the laboring people of the country

Mr. MURDOCK. Now, will the gentleman yield right there?

Mr. FITZGERALD. Not at present. It carries many million dollars for necessary work in connection with the defenses of the country, for the national defense—things considered highly imperative and essential and for which the appropriations must be made. It carries $275,000 for artificial limbs for Union soldiers—these allowances are made under the law—and for trusses for disabled Union soldiers. It carries money for the support of the national soldiers' homes and for the State soldiers' homes, for the Lighthouse Service, for the Immigration Service, and for innumerable other activities of the Government, for which provision must be made.

The gentleman from Kansas asks if I do not think that the bill to which he refers should have been considered to-day instead of this general debate, interrupted by the point of no quorum. In the first place, the length of the general debate to which I was compelled to agree was due to some extent to the fact that the 17 followers of the gentleman from Kansas demanded one hour of general debate—practically as much time as will be consumed by the Democratic majority in this House upon this bill—and as those who understand——

Mr. BUCHANAN of Illinois. Mr. Chairman, will the gentleman yield now?

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. In a moment. Those who understand how things must be done in this House know that it would be a saving to yield to such demands than to take two rolls in fixing the time for general debate.

House will be interested in knowing just what is the age and military record of the man who is most conspicuous in making these charges. He is 47 years old, and I have his record from The Adjutant General, under date of July 31, 1913, and this is what he says:

The records show that Anthony H. Walich was enrolled May 1, 1898, at Buffalo, N. Y., and was mustered into service May 17, 1898, as a private of Company M, Sixty-fifth New York Volunteer infantry, to serve two years, and that he was mustered out of service with the company as a private November 19, 1898, at Buffalo, N. Y.

The medical records show that this soldier was under treatment from June 10 to June 12, 1898, for ingrowing toenail of right foot.

As before stated, I sent the charges received by me to two citizens of Hot Springs, requesting them to make inquiry with reference to the charges and write me the result of their inquiry. One of these gentlemen to whom I wrote in his reply says:

I have so much confidence in the integrity and gentlemanly qualifications of the governor of the home that I do not think any criticism should be made upon him in this matter. If these men were unjustly discharged, it was by the order of the board of managers. From what I can learn Walich is a trouble maker. He has a little better than the average opinion of himself, and does not agree with anyone on most any proposition.

Mr. Chairman, two of the three men that were dropped from the rolls reside outside of South Dakota—one of them, I think, in Illinois, perhaps in the district of the gentleman from that State [Mr. FOSTER]. They have left Hot Springs and are not in South Dakota at the present time.

Mr. FOSTER. I beg to say that the gentleman I spoke of is not a resident of the district I represent.

Mr. BURKE of South Dakota. He is a resident of the State of Illinois, is he not?

Mr. FOSTER. He is a resident of the State of Illinois.

Mr. ANTHONY. Will the gentleman from South Dakota yield for an interruption?

Mr. BURKE of South Dakota. Certainly.

Mr. ANTHONY. I want to say to the gentleman that I never received any communication from either of the three men named by the gentleman from South Dakota. I only referred to them in my remarks because I had heard the gentleman from Illinois [Mr. BUCHANAN] bring their cases upon the floor, and I was curious to know the facts.

Mr. BURKE of South Dakota. Mr. Chairman, I never met the governor of this home. Therefore I do not know him. I do not know from whence he came or upon whose authority he was appointed. Consequently I am unable to make any statement with reference to him except from hearsay. The reports that I have had touching that gentleman, the governor of this home, are that he is a man of experience and character, and that the conditions in the home under his administration are of a high order.

The gentleman from Kansas [Mr. ANTHONY] inferred, if he did not state, that conditions in the national homes are not as satisfactory as conditions in the State homes. I will say that at Hot Springs, S. Dak., where the Battle Mountain Sanitarium is located, is the State soldiers' home for our State, and there is no better institution anywhere in any other State of this Union, in my opinion. I know that it is quite frequent for members of the State home to go to the Battle Mountain Sanitarium from choice, and sometimes residents of the State come from the Battle Mountain Sanitarium over to the State home. I do not know that there is any particular choice between the two institutions, but we all know from experience that especially when we are living away from our homes we get dissatisfied and discontented, and if we stop at one hotel we wish we had stopped at another. Therefore we change our places of abode. It has happened in South Dakota with men in the sanitarium and in the State home that they would change from one place to the other, but I never have heard of anyone who was a member of the Battle Mountain Sanitarium claim that he had been mistreated or that the food or the service in that institution was not of a high class until I received the complaint of the three men dropped from the rolls.

I stated that I had never met and do not know the governor of the Battle Mountain Sanitarium. I do, however, happen to know the treasurer and quartermaster of that institution, Mr. W. H. Stanley. In the charges filed and incorporated in the speech of the gentleman from Illinois [Mr. BUCHANAN] is a very serious reflection upon this official. Mr. Stanley is a young man who has resided in South Dakota the greater part of his life, has held positions of much responsibility, is a man of ability and of the highest character and against whom there has never been, to my knowledge, a suggestion of improper conduct, and I have no hesitancy in asserting that an investigation of his official conduct would completely exonerate him. The charges against him in the communication to the gentleman from Illinois [Mr. BUCHANAN], which will be found in the RECORD of April 29, 1914, on page 7434, are to the effect that he issued to the members of the home tobacco that was damaged and spoiled and unfit for use, and that when his attention was called to it he refused to correct it, and, to quote specifically from the charges, I read as follows:

The tobacco, you will observe, is green with mildew and is a fair sample that has been issued at this sanitarium three times a month since about August, 1913. * * * Now, the only satisfaction we the undersigned members could get to our complaints was the statement of the quartermaster that he was powerless to buy new tobacco to replace the moldy, rotten stuff dealt out to us, because he would first have to go to the great trouble of making out papers and getting the sanction of the supreme board of managers away off in New York City, and, further, that when the present stock of moldy tobacco, known as the "Fawn" brand—which, by the way, is not a standard and is entirely unknown to users of tobacco—would run out no more of that brand would be purchased by him.

He goes on further and charges that the damaged tobacco was renovated, and also charges that the quartermaster and treasurer refused to allow members to exchange the tobacco that had been issued to them for other brands, and I again quote from his letter:

In common with other members tried to exchange it, as we sometimes used to do, with other brands that had been issued to us from time to time and as we were at that time privileged to do, when we would get tired of chewing tobacco and wanted to smoke a cigar; but tobacco was turned down by the storekeeper at the post store, who informed us that henceforth he would not take our chewing tobacco in exchange, he being ordered so to do by the treasurer of the home, because, he explained, it was not a standard brand of tobacco and consequently could not be sold in the post store. In other words, this now rotten and moldy "Fawn" brand was good enough to give to the nonpensioners, but not nearly good enough to be placed on sale at the post store. So, plainly speaking, Mr. BUCHANAN, the charge I wish to make in common with the other comrades, whose signatures are attached to this communication, is that it was and is criminal indifference on the part of the officers of this sanitarium, especially since they were duly notified, to issue such tobacco, the use of which would not only make a well man sick but would certainly kill a sick man, especially when suffering from tuberculosis.

To give you a better idea as to what extremes these incompetent officers will go to, they, even after being informed as to the condition of this tobacco—which even no self-respecting goat would have anything to do with—deliberately added insult to injury by attempting to palm off on us that kind of tobacco by first putting it through some renovating process, which resulted in changing its appearance, and removed the tags and labels therefrom.

I have received from Maj. Stanley a communication with reference to these charges, and in order that the House may know what he has to say I will incorporate his letter in my remarks. The letter is as follows:

BATTLE MOUNTAIN SANITARIUM, N. H. D. V. S.,
Hot Springs, S. Dak., May 5, 1914.

Hon. CHARLES H. BURKE, M. C.,
Washington, D. C.

MY DEAR MR. BURKE: I am in receipt of your valued favor of April 30, transmitting a copy of the CONGRESSIONAL RECORD of April 29 and inviting my attention to a speech delivered by Congressman BUCHANAN, printed on pages 7433–7434 of the RECORD, relating principally to alleged irregularities and abuses at Battle Mountain Sanitarium, a branch of the National Home for Disabled Volunteer Soldiers, and containing a communication from Anthony H. Walich, late a member of this branch, printed as a part of Mr. BUCHANAN's remarks.

Although the temptation to do so is strong, it is perhaps inadvisable for me to attempt to reply at length and in detail to the vicious, slanderous, and untruthful accusations made by former members of this branch against Gov. Mattison and the treasurer and quartermaster of Battle Mountain Sanitarium and members of the Board of Managers of the National Home. It has been found, after very thorough and exhaustive investigations at various branches of the National Home, that complaints similar to these, and many of a much more serious nature—complaints of incompetence and gross negligence on the part of surgeons and other officers, of poor food and of graft and extravagance—were in nearly every instance wholly without foundation, as the testimony adduced at these hearings and the findings and conclusions of the investigators will disclose. It has been found that practically all of these complaints have been made by incorrigible malcontents and intemperate and vicious habitués, who resented any interference with their "personal liberties" or any necessary disciplinary measures adopted for their control, and in some instances by members whose minds have become perverted by disease or dissipation. It is obviously unfair for one to assume without investigation that such complaints and charges are true, and it is regrettable that they are given widespread publicity without any effort first being made to verify them. Much of the information obtained at these hearings and investigations has been submitted to the Committee on Military Affairs of the Senate and House and is doubtless accessible to members who are seeking information along these lines. An investigation of the National Home for Disabled Volunteer Soldiers was recently made by a committee appointed for this purpose by the national organization of Spanish War Veterans, the inspection and investigation of this sanitarium having been made on March 23 and 24 by Col. Melcher G. Cockey, M. D., recently retired after 23 years of very active service as surgeon in the United States Army, and Col. Frank E. Jones, of Youngstown, Ohio. The testimony taken by these gentlemen at this sanitarium and their findings and conclusions, much of which had to do with the charges and complaints of Mr. Walich and his associates, referred to by Mr. BUCHANAN in his remarks, are probably now on file with the Committee on Military Affairs of the House or may be had, I presume, upon application to Col. Cockey, whose address is Salina, Kans.

Briefly stated, the facts in regard to the chewing tobacco are as follows: For 30 days following October 28, 1912, sealed proposals were invited by newspaper advertisement and circular letter for furnishing subsistence supplies for the quarter ending March 31, 1913, bids to be opened on November 26, 1912. Among the supplies for the furnishing

of which proposals were invited was a quantity of chewing tobacco, which was specified as "a choice grade of plug tobacco, 1-pound plugs, in original packages," and a sample was required to be submitted with the proposal. Among the bidders was Franklin MacVeagh & Co., a well-known, responsible, and trustworthy wholesale grocery company of Chicago, who submitted with their proposal, in accordance with the requirements, a sample of the tobacco they proposed to furnish, known as "Spotted Fawn." This brand not being of a standard variety, and being unfamiliar to the treasurer, whose duty it was to make the awards for supplies, the sample was carefully inspected and tested by several members and employees, all of whom, without exception, pronounced the tobacco of good quality and very satisfactory. The contract for the "Spotted Fawn" chewing tobacco was therefore awarded to Franklin MacVeagh & Co. A consignment was received from them in due time and issued to members who were nonpensioners, in accordance with the provisions of paragraph 262 of the home regulations. This brand of tobacco was purchased and issued regularly for four successive quarters—one year—and no complaint of it was heard by or made to the writer until after the last consignment was received and a part of it issued, when Mr. Walich, the author of the letter included in Mr. BUCHANAN's remarks, and Mr. Yount, a subscriber to the postscript, called at the office of the writer and complained that the chewing tobacco issued to them was moldy, hard, and unfit for use, and submitted samples in proof of their complaint. These are probably the samples sent to Congressman BUCHANAN and referred to by Walich and other complainants. Upon inquiry it was found that the samples submitted had been kept for some days in the lockers of the complainants, and had therefore become moldy and hard, but examination disclosed that it had been somewhat moldy, and an investigation was promptly made. It was found that some of the inside plugs in the butt from which the tobacco in question was taken were somewhat moldy, and that a portion of the tobacco in another butt was in the same condition. Franklin MacVeagh & Co. were immediately advised of the facts and instructed to forward another shipment of tobacco to replace that found to be unfit for use. This consignment was received promptly and issued in due course, and no further complaint was heard. It is probable that this last consignment of fresh tobacco, sent to replace that rejected, is the tobacco referred to by Mr. Walich as having been put "through some renovating process which resulted in changing its appearance," as the writer was not aware that any such process had been used, and certainly none was taken, as the objectionable tobacco was promptly returned to Franklin MacVeagh & Co. after the receipt of the new consignment.

I am informed that the storekeeper in charge of the "post fund store" declined to accept the "Spotted Fawn" chewing tobacco in exchange for cigars or other tobacco, for the reasons that he knew nothing about the tobacco offered, as it was not a so-called standard brand; that there was no call or demand for it, and that he would have some difficulty disposing of it. The quality of the tobacco offered had nothing to do with the refusal of the storekeeper to accept it in exchange for other tobacco or cigars, as he knew nothing about it and made no inquiry concerning it.

The uniformly high quality of subsistence supplies furnished to the members of Battle Mountain Sanitarium and the excellent manner in which they are prepared and served are subjects of much favorable comment by the appreciative members, and it is inconceivable that any member, especially the tubercular members, who are supplied with the best the market affords, should complain of the quality of the food. It is, of course, inevitable that occasionally (though very rarely, of course) a shortage will occur in some article of subsistence and other supplies. It is possible that at some time the supply of port wine was temporarily exhausted, and that it was necessary for the time being to substitute sherry or grape juice; that we were short of apple butter or that plum butter or some other fruit butter had been supplied in place of it to give more of a variety, but the writer does not recall a single instance when the supply of eggs was exhausted, as was alleged by one of the complainants, and, of course, it is absolutely untrue that rotten apples, to which reference was made by Mr. BUCHANAN, were ever served to members. It is quite probable, however, that Mr. BUCHANAN has samples of such apples received from the complainants, purporting to have been issued to them while members of Battle Mountain Sanitarium.

Thanking you for calling my attention to the remarks of Congressman BUCHANAN as published in the CONGRESSIONAL RECORD relating to complaints and charges made against the officers of Battle Mountain Sanitarium, and for giving me an opportunity to make a statement of the facts so far as they relate to the department of the treasurer and quartermaster of Battle Mountain Sanitarium, I am, with personal regards and best wishes,

Sincerely, yours,

WM. T. STANLEY.

Extract from letter dated May 6:

In my letter forwarded to you yesterday reference was made to the attempt of the complainants to exchange the tobacco issued to them for other merchandise at the post-fund store. In this connection I intended to state that paragraph 262 of the home regulations provides that "free issues (of tobacco) will be dealed to any member detected in disposing of his allowance to others," and that the storekeeper in charge of the post-fund store has been directed not to accept any tobacco so issued in exchange.

Very respectfully,

WM. T. STANLEY.

Mr. Chairman, on April 29 last, when the gentleman from Illinois [Mr. BUCHANAN] made his speech, and incorporated therein the complaint against the management of the Battle Mountain Sanitarium, there happened to be in that institution an old soldier whom I had known intimately for many years, a veteran of the Civil War, with a distinguished military record, a man who was a pioneer in the Dakotas, and who was known throughout the Northwest as a statesman, an orator, and a writer. His name is Gen. S. J. Conklin, and he resided at Clark, in my congressional district. On May 7 he wrote me a letter. I hold that letter in my hand, and I am going to quote a statement from it, because it is pertinent to the subject.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. GILLETT. I yield to the gentleman as much time as he desires.

Mr. BURKE of South Dakota. Gen. Conklin was receiving the CONGRESSIONAL RECORD, and, speaking of having received the RECORD of April 29, he says:

I loaned my copy, and it can not be found. It contains remarks from Mr. BUCHANAN, Congressman from Illinois, in regard to a resolution to have a committee appointed for the investigation of affairs at the Battle Mountain Sanitarium, at Hot Springs, S. Dak.

The letter which he read is the rottenest thing that I have ever met with; there is not one iota of truth in the whole matter, as will appear if an investigation is ever had.

Mr. Chairman, that letter was written, as I have stated, by a man of prominence and high standing, and any statement from him refuting the charges of mismanagement of the Battle Mountain Sanitarium would have great weight with me. Upon receipt of his letter I wrote him, requesting that he make a further and more detailed statement regarding the charges and with reference to the general conditions in the sanitarium. I regret that before he received my letter he was called by death, and therefore I have no statement from him except the one that I have read.

Mr. Chairman, I have a letter from the governor of the Battle Mountain Sanitarium, which refers to the charges against his administration, which I wish to also incorporate in my remarks. The letter is as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
BATTLE MOUNTAIN SANITARIUM,
Hot Springs, S. Dak., May 6, 1914.

Hon. CHARLES H. BURKE, M. C.,
Washington, D. C.

SIR: The treasurer and quartermaster of the Battle Mountain Sanitarium, William H. Stanley, has just called my attention to a speech delivered by Congressman BUCHANAN before the House of Representatives and printed in the CONGRESSIONAL RECORD April 29, relating to irregularities, etc., at the Battle Mountain Sanitarium, a branch of the National Home for Disabled Volunteer Soldiers.

Among other statements made by the honorable gentleman from Illinois was this: "I have evidence on file in my office, Mr. Speaker, regarding conditions and treatment of patients in this institution that would bring the blush of shame to the face of any patriotic, public-spirited citizen. One of the instances cited to me was that of a certain patient who complained to the governor regarding some poor food a certain orderly had served him. Instead of investigating the matter properly himself the governor notified the orderly that a complaint had been made, and at the same time tells him who made the complaint. The result was that the orderly, in connection with one or more of his companions, attacked the patient while in bed and severely beat him up. The patient endeavored to secure redress through the governor, but was denied. He filed suit against the orderly on the charge of assault and battery. But when the patient requested the governor to permit several other members of the home who had witnessed the assault to leave the home to testify in the trial, the governor flatly refused. It was further informed that the governor brought his influence to bear upon the prosecuting attorney, with the result that the attorney, who previously was very willing to take up the matter, absolutely refused to go on with the case," etc.

In reply to the above I wish to state the actual facts, which are as follows: Trouble arose between a certain ward man and a certain patient, but did not originate from information conveyed to the ward man by the governor that the patient had complained of food served; but the trouble arose over the fact that the ward man overheard the patient applying such epithets as bums, hobos, etc., to certain patients at the tuberculosis cottage. The ward man called the patient to task for it, and the patient called the ward man vile names, such as s. o. b., etc. The ward man lost his temper and struck the patient, who was an ambulatory case. The matter was reported to the governor by the nurse in charge. The ward man was brought before the governor's court, found guilty of striking a patient, and was relieved from extra duty at once and fined 15 days' labor without pay.

This ward man was also a Spanish War soldier, who was under treatment for tuberculosis, but had recovered sufficiently so that he was able to take a position as ward man.

The statement that the governor flatly refused to allow other members leave the sanitarium to testify in the trial is absolutely false. The patient in question asked the governor if the female nurse and the ward men on duty at the tuberculosis cottage might go down and testify at the trial. The governor stated that there would be no objection to this, providing it could be arranged so that these employees would not be detained from their work long enough for their work to suffer as a consequence. These employees were not subpenaed at all.

The statement that the governor brought his influence to bear upon the prosecuting attorney, with the result that he refused to go on with the case, was also basely false. The prosecuting attorney asked the governor if he had any objection to the case being tried in the city court in Hot Springs. He was told that the governor had absolutely no jurisdiction over the action of the city court, and that he therefore had nothing whatever to say in regard to the matter, and had no objection to the case being tried by the prosecuting attorney.

Very respectfully,

JAMES A. MATTISON,
Governor and Surgeon.

Mr. Chairman, I have mentioned what one citizen of Hot Springs wrote me with reference to the charges against the management of the sanitarium, and will say that from the other citizen to whom I wrote I received a reply, in which he states that from his knowledge of the facts he is of the opinion that there was nothing else to do under the circumstances but to drop the three members in question from the rolls, but he goes on to deplore that there is no place where such unfortunates who may be so constituted mentally, or may be afflicted with intemperate habits that may make them irresponsible at

truer courage than these troops with Capt. Bachelor. They were insufficiently clothed for the long march, and without guides in a strange region, but through chilling nights and sweltering days they forded 123 streams and crossed precipices and mountains where the daily average of ascent and descent was not less than 8,000 feet. For three weeks these troops lived on unaccustomed and insufficient foodstuffs and drove the enemy twice from strong positions. They captured many of the natives and set free more than 400 prisoners. They finally forced the surrender of the commander of the insurrecto forces and made the people of Luzon enthusiastic advocates of American supremacy. No other single command during the Philippine trouble stood as many hardships or accomplished so much as these negro soldiers under Capt. Bachelor. Such was the report made at the time; and although Gen. Lawton was killed, Capt. Bachelor carried out his verbal orders, and died of cholera in the Philippines, thus going to his grave without any further reward of recognition for one of the bravest expeditions ever attempted by soldiers in modern times.

A writer on military subjects, referring to the incident, wrote that—

When Alexander, in quest of kingdoms, had laid Egypt at his feet, he fell against Abyssinia, and was utterly repulsed. L'Overture and Dessalines whipped England, France, and Spain, and a half million black men whipped one-half of Europe. And for 30 years Cuban negroes fought Spain for political freedom, and finally, with the aid of the Ninth and Tenth Cavalry of the United States, fought for and won their industrial and political emancipation.

In a report made by the Surgeon General of the Army under date of October 31, 1912, it is found that the negro soldier loses less time in the Army service by reason of sickness than does the white enlisted soldier. The report in question states:

The negro soldier has demonstrated his ability to serve with less loss of time from active duty by reason of sickness than the white enlisted man. The noneffective rate of the colored soldier was 25.88, while that of the white was 33.60. (From report of Surg. Gen. George H. Torney, 1912.)

In conclusion, Mr. Chairman, I desire to place in the RECORD this historical data as an object lesson and a living parallel to demonstrate for all time why there should be no segregation bills offered against our colored people; why Congress, at least on the grounds of common justice, should call a halt in this matter of color discrimination, and as an appeal to the men composing this Congress who have offered such measures to be fair enough on the grounds of Americanism to forever strike such measures from the calendars of Congress.

I insert the bills to which I refer:

[Sixty-third Congress, second session.]
IN THE HOUSE OF REPRESENTATIVES,
February 23, 1914.

Mr. EDWARDS of Georgia introduced the following bill, which was referred to the Committee on Reform in the Civil Service and ordered to be printed:

A bill (H. R. 13772) to segregate Government employees of the white race from those of African blood or descent.

Be it enacted, etc., That the heads of all executive departments shall issue all orders that may be necessary to secure in all branches of the service of the United States the segregation of Government employees of the white race from those of African blood or descent in the performance of their services.

SEC. 2. That white clerks or employees shall not be required to occupy the same offices or workrooms with clerks or employees of African blood or descent; nor shall any white clerk or employee be placed under the orders, direction, or supervision of any person of African blood or descent.

SEC. 3. That in the Railway Mail Service of the Post Office Department white clerks shall not be ordered to duty in the same mail car with postal clerks of African blood or descent.

[Sixty-third Congress, first session.]
IN THE HOUSE OF REPRESENTATIVES,
June 10, 1913.

Mr. ASWELL of Louisiana introduced the following bill, which was referred to the Committee on Reform in the Civil Service and ordered to be printed:

A bill (H. R. 5908) to effect certain reforms in the civil service by segregating clerks and employees of the white race from those of African blood or descent.

Be it enacted, etc., That heads of all executive departments shall issue all such orders as shall be necessary to secure to all branches of the civil service of the United States, to the utmost extent consistent with public interests, the segregation of civil employees of the white race from those of African blood or descent in the performance of their services.

SEC. 2. That in all executive departments within the District of Columbia clerks or employees shall not be required to occupy the same office or workrooms with clerks or employees of African blood or descent; nor shall any white clerk or employee be placed under the orders, direction, or supervision of any person of African blood or descent.

SEC. 3. That in the Railway Mail Service of the Post Office Department white clerks shall not, except in cases of emergency, be ordered to duty in the same mail car with postal clerks of African blood or descent.

SEC. 4. That in the administration of the provisions of this act there shall be no discrimination in favor of or against clerks or employees of equal efficiency on account of race.

[Sixty-third Congress, first session.]
IN THE HOUSE OF REPRESENTATIVES,
June 17, 1913.

Mr. HARRISON of Mississippi introduced the following bill, which was referred to the Committee on the District of Columbia and ordered to be printed:

A bill (H. R. 6150) to require street railways carrying passengers in their cars within the District of Columbia to provide equal but separate accommodations for the white and colored races, and to prescribe punishments and penalties for violating its provisions.

Be it enacted, etc., That within two months after the passage of this act each and every person or corporation operating a street railway carrying passengers in cars within the District of Columbia shall provide equal but separate accommodations for the white and colored races, by providing two or more cars or by dividing the cars by a partition or by an adjustable screen which may be made movable so as to allow adjustment in a manner suited to the requirements of the traffic and so as to secure separate accommodations for the white and colored races.

SEC. 2. That no person shall be permitted to occupy a seat in a car or compartment other than the one assigned to them on account of the race to which they belong.

SEC. 3. That officers of such street cars shall have the power and are required to assign each passenger to the car or compartment used for the race to which such passenger belongs. Any passenger insisting upon going into a car or compartment to which by race he or she does not belong shall be liable to a fine of $25, or in lieu thereof be imprisoned for a period of not more than 30 days in the District Jail; and any officer of any street railway insisting on assigning any passenger to a car or compartment other than the one set aside for the race to which said passenger belongs shall be liable to a fine of $25, or in lieu thereof to imprisonment for a period of not more than 30 days in the District Jail; and should any passenger refuse to occupy the car or compartment to which he or she is assigned by the officer of such street railway, said officer shall have the power to refuse to carry such passenger on his car or cars, and for such refusal neither he nor the street railway company shall be liable for damages in any court.

SEC. 4. That all officers and directors of street railway companies that shall refuse or neglect to comply with the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than $100, or be imprisoned in the District Jail not less than 60 days and not more than 6 months, and any conductor or other employee of such street car company having charge of the same who shall refuse or neglect to carry out the provisions of this act shall, on conviction, be fined not less than $25, or be imprisoned in the District Jail for not less than 10 days nor more than 30 days for each and every offense. All street railway companies carrying passengers in the District of Columbia shall keep this law posted up in a conspicuous place in each and every car and at their transfer stations: *Provided*, That nothing herein contained shall be construed as applying to nurses attending children of the other race.

Give this people the chance for existence to which their patriotism and valor entitle them; encourage them in the race for success; let them realize that they are a desirable part of our citizenship; help them to help themselves; spread the doctrine of liberty among them; sow the seeds of patriotism in their hearts, and in time of need the Nation can be certain of reaping a harvest of gratitude and devotion.

[By unanimous consent, Mr. HARRISON was granted permission to extend his remarks in the RECORD.]

[Mr. GILLETT addressed the committee. See Appendix.]

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Colorado [Mr. KINDEL].

[Mr. KINDEL addressed the committee. See Appendix.]

Mr. FITZGERALD. I yield to the gentleman from Florida [Mr. CLARK].

[Mr. CLARK of Florida addressed the committee. See Appendix.]

Mr. BURKE of South Dakota. Mr. Chairman, I had intended, under the five-minute rule, when the item in the pending bill making an appropriation for the Battle Mountain Sanitarium, located at Hot Springs, S. Dak., was reached, to make some remarks with reference to that institution. The gentleman from Kansas [Mr. ANTHONY] having made reference to this sanitarium in his remarks made to-day prompts me in discussing the matter now.

On the 29th of April the gentleman from Illinois [Mr. BUCHANAN]—I regret that he does not appear to be present—made a speech in the House complaining of the management of the Battle Mountain Sanitarium, and inserted in the RECORD some communications containing various charges received by him from members of the institution, three of whom had been recently expelled. The gentleman from Kansas [Mr. ANTHONY] says that he will insert in the RECORD some communications containing complaints that he has received, similar, I presume, to the communications received by the gentleman from Illinois.

Mr. GOULDEN. Mr. Chairman, will the gentleman yield for an observation?

Mr. BURKE of South Dakota. Certainly.

Mr. GOULDEN. The gentleman will find on the same page of the RECORD a statement made by myself, which I now wish publicly to withdraw, because, having investigated them, I find that the charges are not as I had reason at the time to believe that they were—not of the atrocious character that I thought, from the statements made by the gentleman from Illinois [Mr. BUCHANAN].

Mr. BURKE of South Dakota. I am very glad that the gentleman from New York makes that statement, because I had intended to comment upon the remark made by him when the gentleman from Illinois [Mr. BUCHANAN] made the speech that I have referred to, wherein the gentleman from New York assumed to accept as true the charges made by the gentleman from Illinois.

Mr. GOULDEN. I based my statement then on the assumption that the statements made by the gentleman from Illinois were true, as given to the House at that time.

Mr. BURKE of South Dakota. Mr. Chairman, I appreciate that the gentleman from New York was moved for the moment by the eloquence of the gentleman from Illinois, and I am not surprised that when he had an opportunity to inquire as to the facts he changed his opinion and that he now withdraws the statement that he made. Mr. Chairman, it is to be deplored that Members of the House will accept, as often is the case, vilifying statements reflecting upon officials in high and responsible positions and bring them before this House before they have verified and inquired as to the truth or falsity of the charges. The communications used as the basis for the remarks of the gentleman from Illinois [Mr. BUCHANAN] contain charges that, if true, would demand the censure of this House upon those in charge of the Battle Mountain Sanitarium and their immediate removal from their positions, as no one would attempt to justify a continuation of conditions as set forth by the persons making the complaint. I submit, however, that before any Member of this House accepts such statements and makes them public, he ought to first satisfy himself that the charges are true, and without assuming to state whether these charges are true or not, I do not believe the gentleman from Illinois was justified in becoming responsible for them to the extent that he did in bringing them to the attention of the House.

At the outset I want to say that the Battle Mountain Sanitarium is not located in the district I have the honor of representing. It is located at Hot Springs, in the western portion of the State, in the district represented by my colleague, Mr. MARTIN, who, if he were able to be present, would, I am sure, answer these charges and convince the House that they are without sufficient foundation to warrant anyone in condemning the board of managers and officials of the home in advance of a thorough investigation.

The Battle Mountain Sanitarium has only been in operation for a few years. It differs from the ordinary soldiers' home in that it is a sanitarium. It is a place to which members from the soldiers' homes generally throughout the country are sent who are afflicted with diseases, and particularly with tuberculosis. It is therefore more of a sanitarium than a home in the sense that we ordinarily speak of soldiers' homes.

In the years that the sanitarium has been in operation I have never had or received a single complaint from any member of the institution that the conditions were not satisfactory until I received the same complaint that was sent to the gentleman from Illinois [Mr. BUCHANAN]. When I received the charges I immediately referred them to the president of the board of managers, a gentleman whom I had known for many years and with whom I had served for a number of terms in this House when he was an honored Member thereof, and requested him to make such answer or explanation as he might wish to make. At the same time I wrote to two responsible citizens of the city of Hot Springs, which is a city of about 2,000 people, and sent them a copy of the charges, requesting that they investigate the same and write me. My purpose, Mr. Chairman, in doing this was, if I found the charges were considered to be founded on facts, to bring the same to the attention of the House in order that there might be a full and thorough investigation.

I believe that the soldiers' homes of the country should be conducted with a view to the comfort and care of those who have rendered military service to the country and who are now, through age or disability incurred in the service, unable to provide for themselves, and that they should have the best of food and medical attention and be treated with the highest consideration from every standpoint, and I would be the last one to justify continuation of conditions such as are charged in connection with the Battle Mountain Sanitarium, but I would not accept such charges and condemn the entire management of the National Soldiers' Home Board and the officials in charge of this sanitarium until there had been a thorough investigation.

Before receiving replies to the letters written by me, as I have stated, the gentleman from Illinois [Mr. BUCHANAN] made his speech and put the charges in the RECORD, and I presume the gentleman from Kansas [Mr. ANTHONY] will incorporate in his remarks charges that he has received reflecting upon the management of the Battle Mountain Sanitarium.

In order that it may be known what the president of the board of managers had to say with relation to the charges made, I will send to the Clerk's desk and have read a letter from that official, under date of April 24, 1914, which letter was written before the speech of the gentleman from Illinois [Mr. BUCHANAN] was made.

The CHAIRMAN. If there is no objection, the Clerk will read the letter in the time of the gentleman from South Dakota.

The Clerk read as follows:

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS,
34 Broadway, New York, N. Y., April 24, 1914.

Hon. CHARLES H. BURKE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: 1. I am in receipt of your letter of April 18, 1914, relative to disturbers dropped from the rolls of the Battle Mountain Sanitarium, with letter from Walich, Lacy, and Yount, and have to state that they were dropped from the rolls for the following reasons:

"These members, patients in the tuberculosis ward, have banded together and persistently violated the rules governing conduct, and by their language and actions have kept the ward in a state of irritation and confusion. They have indulged in violent, abusive, and profane language, in the presence of the other patients, the nurses, and attendants, to and about patients, nurses, attendants, and officers. Repeated warnings have proven ineffectual, and they have continued the agitation and disturbance in the ward until their presence and association with the well disposed patients is working a harmful and injurious effect on their peace of mind and health. In the treatment of tubercular patients quiet, rest, and peaceful surroundings are absolutely essential."

2. Their case was thoroughly investigated by a committee of Spanish War veterans who went to the Battle Mountain Sanitarium especially to hear their complaints, and, after giving them full opportunity to prove their case, recommended that they be dropped from the rolls. Proof was positive as to their bad conduct; therefore I do not feel justified in readmitting them. Their presence is a menace to the comfort, happiness, and health of other members.

3. Walich's letter returned herewith.

Respectfully, yours,
J. W. WADSWORTH,
President Board of Managers,
National Home for Disabled Volunteer Soldiers.

Mr. BURKE of South Dakota. Mr. Chairman, I want to call particular attention to the statement contained in the letter just read to the effect that the cases of the three men expelled from the sanitarium were thoroughly investigated by a committee of Spanish War Veterans, and they were dropped from the rolls upon their recommendation. I also want to call attention to the fact that the three men who were expelled and who made the complaints that have been referred to are not old soldiers in the sense that we understand that term. They are Spanish War veterans, men in middle life, and not aged as are those who served in the Civil War. I am sure the Members of the

the close of this war there were few companies, brigades, or regiments which did not contain some colored men as soldiers.

These companies and brigades appear to have been made up from the free colored people of the States; but before the war closed many slaves were pressed into the service of the Army, as the slaveholders did not care to lose their human property, as they termed it. Hence even at that early period it became the policy of the country to use colored troops in our military conflicts.

The issue of employing slaves to fight our battles nevertheless became a burning one, and in May, 1775, the Massachusetts committee of safety voted that thereafter "only free men should be enlisted as soldiers." During that same year, in the month of July, Gen. Gates, then in command, issued an order prohibiting further colored enlistments, though still retaining in the service all who had up to that time enlisted.

As an evidence of the heroism of the negro soldier in the early period of the country I quote the following from the Annals of Congress, under date of December 5, 1775:

To the honorable General Court of the Massachusetts Bay:

The subscribers beg leave to report to your honorable house—which we do in justice to the character of so brave a man—that under our observation we declare that a negro man named Salem Poor, of Col. Frye's regiment, Capt. Ames's company, in the late Battle of Charleston, behaved like an experienced officer as well as an excellent soldier.

To set forth particulars of his conduct would be tedious. We would only beg to say in the person of this negro centers a brave and gallant soldier. The reward due to so great and distinguished a character we submit to Congress.

Jona Bremer, colonel; Thomas Nixon, lieutenant colonel; Joseph Baker, lieutenant; Jonas Richardson, captain; Ebenezer Varnam, second lieutenant; William Smith, captain; Richard Welsh, lieutenant; William Prescott, colonel; Ephm. Corey, lieutenant; Eliphalett Bodwell, sergeant; William Hudson Ballard, captain; John Morton, sergeant.

This is, indeed, a splendid and a well-attested tribute to the gallantry of a worthy negro soldier of the Revolutionary War, and is only one of the many instances wherein black men offered their lives as willing sacrifices for a country the people of which for years held their race in bondage.

The record also shows that Gen. Washington, on the 30th of December, 1775, issued a proclamation authorizing the enlistment of free colored people. Those soldiers bore an honorable part in all the engagements from Bunker Hill to Yorktown. History records some very noted instances of valor displayed by individual colored Revolutionary soldiers, among which may be mentioned the engagement which resulted in the killing of the English Maj. Pitcairn in the thick of the fight by Peter Salem, a colored patriot, and also may be mentioned the heroism of Jordan Freeman at Fort Griswold, who destroyed the English Maj. Montgomery.

Gen. Washington's proclamation of 1775 to Congress on the matter of colored troops reads as follows:

It has been represented to me that the free negroes who have served in this army are very much dissatisfied at being discarded. As it is to be apprehended that they may seek employ in the ministerial army, I have presumed to depart from the resolution respecting them and have given license for their being enlisted. (Vol. 3, pp. 218–219, Sparks's Washington.)

Congress on the 16th of January, 1776, decided the whole question submitted by Washington by the passage of the following act:

That the free negroes who have served faithfully in the Army at Cambridge may be reenlisted therein, but no others. (Vol. 2, p. 26, Journal of Congress.)

The colored soldiers took a vital part in the capture of Maj. Gen. Prescott at Newport during the Revolutionary period, while their gallant defense of their beloved commander, Col. Greene, when he was surprised and murdered at Croton River, May 13, 1781, after the last of his faithful guards had been shot and cut down, will ever remain a monument to their valor and patriotism. And in the same war, at the Battle of Rhode Island, a battalion of 400 colored troops withstood three separate and distinct charges from 1,500 Hessian soldiers led by Count Donop, beating them back with such tremendous loss that the count, fearing lest his men would kill him if he went into battle with them again for having exposed them to such slaughter, at once applied for his personal exchange.

The Historian Bancroft tells us that during the Revolutionary period the right of free negroes to bear arms was little disputed. Bancroft states that these soldiers took their place not in a separate corps but in the ranks with the white soldiers, and our pension rolls show that their names are still borne side by side on this roster of fame of their country.

Mr. Chairman, my purpose is to picture for the House and for the country an historic parallel. I want to show to the House, to the country, and to the world by an unmistakable parallel that if you will place on one side of the ledger what these people have accomplished as American soldiers and on the other side of the ledger the inhuman suggestions to segregate and to discriminate against them by acts of Congress, that every unbiased man in this country of ours will at once agree that such segregation, such discriminations as proposed by bills in the present Congress, should no longer be attempted; that these people have won their rights—their civil and political rights—that it is now time to call a halt and to unbend a little in their favor, especially in the face of another war. This is the parallel I wish to exhibit.

WAR OF 1812–1814.

In the main the War of 1812 was fought upon the water, and the colored men in the American Navy stood in the ratio of about 1 to 6. Commodore Perry, because of the large number of negroes sent to him, at first made some complaint, but later on paid a high tribute to their bravery and efficiency. Capt. Shaler, who had charge of the armed brig *General Thompson*, speaks thus of an engagement between his vessel and a British frigate at the time:

The name of one of my poor fellows who was killed ought to be registered in the book of fame and remembered as long as bravery is a virtue. He was a black man, by name John Johnson. A 24-pounder struck him in the hip and took away all the lower part of his body. In this state the poor brave fellow lay on the deck, and several times exclaimed to his shipmates: "Fire away, my boys; no haul a color down."

Another black man by the name of John Davis, who was struck in much the same manner, repeatedly requested to be thrown overboard, saying that he was only in the way of others. I know of nothing finer in history than these.

But let me read for the information of the House and the country what the great apostle of the Democratic Party, Gen. Andrew Jackson, had to say about the valor of colored soldiers while he was President of the United States. Writing under date of December 18, 1814, he stated:

To the men of color, soldiers:

From the shores of Mobile I called you to arms. I invited you to share in the perils and to divide the glory of your white countrymen. I expected much from you, for I was not uninformed of those qualities which must render you so formidable to an invading foe. I knew you could endure hunger and thirst and all the hardships of war. I knew that you loved the land of your nativity, and that, like ourselves, you had to defend all that is most dear to man. But you surpass my hopes. I have found in you, united to those qualities, that noble enthusiasm that impels to great deeds.

Soldiers: The President of the United States shall be informed of your conduct on the present occasion, and the voice of the representatives of the American Nation shall applaud your valor. The enemy is near. His sails cover the lakes, but the brave are united; and if he finds us contending among ourselves it will be for the prize of valor and fame, its noblest reward.

During the War of 1812 a charging column of the American Army was repulsed and thrown into great disorder. A colored soldier, a private in the ranks, at the risk of his life, sprang upon a horse near by and with great heroic effort rallied the troops and led them back to a second charge, in this way completely routing the enemy. This colored soldier was afterwards rewarded by Gen. Jackson with the honorary title of major. Under the laws which existed at that time Gen. Jackson could not commission this gallant soldier, and after the close of the war he returned to his home in Nashville, Tenn., where he lived for many years thereafter and was highly respected by the citizens of all races.

Again, at the battle of New Orleans, the colored troops stood with Gen. Jackson behind a hastily constructed breastwork, and 400 of their sharpshooters helped to hurl back the flower of the English army, subsequently to the English defeat. Gen. Jackson also commanded the colored troops in the fight against Lord Peckenham at New Orleans.

And now, Mr. Chairman, for the information of the House and the country, I feel it my duty to read at this point Gen. Jackson's proclamation to the colored soldiers while commanding the forces in the War of 1814. I desire that it shall be inserted in full in the RECORD as part of my remarks:

[From Niles's Register, Vol. VII, p. 205.]

GEN. JACKSON'S PROCLAMATION TO THE NEGROES.

HEADQUARTERS, SEVENTH MILITARY DISTRICT,
Mobile, September 21, 1815.

To the free colored inhabitants of Louisiana:

Through a mistaken policy you have heretofore been deprived of a participation in the glorious struggle for national rights in which our country is engaged. This no longer shall exist.

As sons of freedom you are now called upon to defend our most inestimable blessing. As Americans, your country looks with confidence to her adopted children for a valorous support, as a faithful return for the advantages enjoyed under her mild and equitable government. As fathers, husbands, and brothers, you are summoned to rally around the standard of the eagle to defend all which is dear in existence.

Your country, although calling for your exertions, does not wish you to engage in her cause without amply remunerating you for the services rendered. Your intelligent minds are not to be led away by false representations. Your love of honor would cause you to despise the man who should attempt to deceive you. In the sincerity of a soldier and the language of truth I address you.

To every noble-hearted, generous freeman of color volunteering to serve during the present contest with Great Britain, and no longer, there will be paid the same bounty, in money and lands, now received by the white soldiers of the United States, viz, $124 in money and 160 acres of land. The noncommissioned officers and privates will also be entitled to the same monthly pay, and daily rations, and clothes, furnished to any American soldier.

On enrolling yourselves in companies the major general commanding will select officers for your government from your white fellow citizens. Your noncommissioned officers will be appointed from among yourselves.

One regard will be paid to the feelings of freemen and soldiers. You will not, by being associated with white men in the same corps, be exposed to improper comparisons or unjust sarcasm. As a distinct, independent battalion or regiment, pursuing the path of glory, you will, undivided, receive the applause and gratitude of your countrymen.

To assure of the sincerity of my intentions and my anxiety to engage your invaluable services to our country, I have communicated my wishes to the governor of Louisiana, who is fully informed as to the manner of enrollment, and will give you every necessary information on the subject of this address.

ANDREW JACKSON,
Major General Commanding.

Three months after the above proclamation was issued, on December 18, 1814, Gen. Jackson reviewed all the troops, white and colored, in New Orleans, and at the close of the review a white soldier by the name of Edward Livingston, who was an aide on the staff of Gen. Jackson, read the above now famous address to the enthusiastic Army.

At this point I desire to state, Mr. Chairman, that I am indebted in a large degree to Mr. Daniel Murray, a representative of the colored race, who has for many years been connected in an official way with our Congressional Library, for the many important historical facts brought out by me in this historical parallel. Mr. Murray has been connected with the Library of Congress for twenty or more years, and has gathered for publication an entire encyclopedia of the colored race and every historical event of importance in which that race has been connected.

THE LATE CIVIL WAR.

The first systematic attempt to organize colored troops in our Civil War was the so-called "Hunter regiment," by Gen. David Hunter. The first order issued by the War Department on this subject bears the date of May 7, 1862, although this order did not have the full authority of the department behind it. The second of the kind bears date of August 6, 1862, and was issued to the First Kansas Colored Troops, with Richard J. Hinton as colonel, and which antedates Lincoln's Proclamation of Emancipation.

We had in the Civil War, all told, about 178,975 colored troops, the deaths amounting to some 36,847. These troops were organized into—

Regiments of Infantry	138
Regiments of Cavalry	6
Regiments of Heavy Artillery	14
Regiments of Light Artillery	1

They participated in 449 battles, and a few of the colored regiments had the largest number of men killed in any one single engagement. The States furnishing these troops were:

Alabama	2,969
Arkansas	5,526
Colorado Territory	95
Connecticut	1,764
Delaware	954
District of Columbia	3,269
Florida	1,044
Georgia	3,486
Illinois	1,811
Indiana	1,537
Iowa	440
Kansas	2,080
Kentucky	23,703
Louisiana	24,052
Maine	104
Maryland	8,718
Massachusetts	3,966
Michigan	1,387
Minnesota	104
Mississippi	17,869
Missouri	8,344
New Hampshire	125
New Jersey	1,185
New York	4,125
North Carolina	5,035
Ohio	5,092
Pennsylvania	8,612
Rhode Island	1,837
South Carolina	5,462
Tennessee	20,133
Texas	47
Vermont	120
Virginia	5,723
West Virginia	196
Wisconsin	165

Our Civil War had many incidents not recorded by any of the historians which showed the value of colored men as a military force. For instance, perhaps few persons are aware that there were several thousand colored soldiers enlisted in white regiments, as may be seen upon an examination of our pension roll, while quite a number were officers in such regiments.

Napoleon paid them a tribute when he transferred Louisiana to the United States in the year 1803, when he was about to engage in a death struggle with England. He said at that time that—

If a mere handful of poorly equipped negro soldiers in Santo Domingo could hold at bay for two years and finally defeat over 60,000 of Europe's best soldiers, I could not hold Louisiana against England's great navy.

Napoleon therefore sold Louisiana. He also stated at another time, with extreme admiration for the valor of the black soldiers of Haiti, that—

with such soldiers, and led by me, I could defy Europe in arms.

It is also little known that from 1861 to 1865 Louisiana is credited with contributing 24,052 colored soldiers, the largest quota furnished by any single State. Kentucky comes next with 23,703, and then Tennessee with 20,133 men. No other State save Mississippi, which had an enrollment of 17,869, is credited with double figures in its enrollment of colored soldiers in the Civil War.

I do not lose sight of the fact, Mr. Chairman, that in every period of our country nearly every section has at times been imbued with extreme racial prejudice on the ground of color and without being able to assign any rational grounds therefor. I do think, however, that when we impartially compare the loyalty of our colored citizens, especially in the time of war, contrasting it with the almost inhuman propaganda of race distinction on our part, that the time has now arrived when we should call a halt and forever obliterate all efforts and measures, in Congress or out, which aim at racial segregation and discrimination on color grounds. Hence I appeal to the men of this Congress, to the Representatives of all parties and from every section of the country, to take steps, by their vote or otherwise, to take from the calendars of Congress bills and resolutions drawn in the light of the dead past, the sole purpose of which is to draw more acutely the color line by national legislation. This we ought to do before adjournment. This we ought to do in view of the fact that ere long we may again have to call upon colored Americans to help fight our battles in Mexico and elsewhere.

WAR WITH SPAIN.

During the outbreak of hostilities between the United States and Spain in 1898 the Republican Party, to demonstrate its loyalty to the broad and humane principles set forth in the Declaration of Independence, and in order to give legal sanction to the fourteenth and fifteenth amendments of the Constitution, called into the military service for that conflict over 15,000 colored soldiers. Of this number nearly 300 were officers, a fact which is without precedent in all our military history. The service of these men was characterized by gallantry and bravery, and at the time aroused the admiration of the world. We all know that the valor of the black troops at San Juan Hill largely contributed to the victory achieved on that occasion, as the department records fully testify. As a further mark of recognition for the heroic services, President McKinley in 1899 issued his famous order for the organization of the Forty-eighth and Forty-ninth Infantry Regiments, composed of colored men.

The Ninth and Tenth Cavalry, as well as the Twenty-fourth and Twenty-fifth Infantry, all colored troops, made splendid records in Cuba and the Philippines, and it is said that to-day there are no finer horsemen who carry carbines and sabers than these troopers. History also records that the Tenth Cavalry arrived at Santiago just in the nick of time to save the whole command from utter annihilation by the Spanish forces. The Twenty-fourth Infantry performed a large service in both Cuba and the Philippines, not only in the matter of fighting but also in the matter of the law-abiding conduct of its members in foreign lands. In the Cuban campaign many of the colored companies were led by their own noncommissioned officers, and there seems to be no doubt that among the 300 officers of colored men in the Volunteer service at that time there were many of these officers who measured well up to the standard in every emergency.

During the Philippine trouble it is related by Dr. Joseph M. Heller, late major and surgeon, United States Army, that during the campaign Capt. Bachelor, a North Carolinian by birth and a hero if ever there was one, with 350 colored troopers, a brave and splendidly disciplined little band, marched and fought their way over a distance of 310 miles in one month. The route selected was over roads so difficult as to be almost impossible of travel. In fact, the route did not really deserve the name of roads, but were simply trails, through which the men plodded along, sinking at times to their knees in mud.

The expedition at the time was chasing Aguinaldo through the northern and central portions of Luzon and toward the China Sea. Dr. Heller stated that he never saw men show

with the evolution that followed the Union of the States. Do not understand that I deprecate the change. I indorse it. It gave us a new civilization, and by this transition new forces were inducted into our national life that thereby make us great. Such changes were in the proper line of our commercial destiny.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN (Mr. GALLIVAN). The gentleman from Illinois makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-seven Members present; not a quorum. The doors will be closed and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names.

Ainey	Fess	Knowland, J. R.	Riordan
Alexander	Flood	Konop	Roberts, Mass.
Allen	Francis	Korbly	Rogers
Anderson	Gallagher	Kreider	Rothermel
Ansberry	George	Lafferty	Rucker
Ashbrook	Gerry	Langham	Saloth
Barchfeld	Gittins	Langley	Saunders
Barkley	Godwin, N. C.	Lee, Ga.	Scully
Barnhart	Goeke	L'Engle	Seldomridge
Bartholdt	Goldfogle	Lewis, Pa.	Sells
Bartlett	Gordon	Lindquist	Shackleford
Bathrick	Gorman	Linthicum	Sharp
Beall, Tex.	Graham, Ill.	Loft	Sherley
Brockson	Graham, Pa.	McClellan	Shreve
Brodbeck	Green, Iowa	McCoy	Sims
Brown, W. Va.	Greene, Mass.	McGuire, Okla.	Sisson
Browning	Gregg	McLaughlin	Slayden
Bruckner	Griest	Mahan	Slemp
Burgess	Griffin	Maher	Sloan
Burke, Pa.	Guernsey	Manahan	Small
Byrnes, S. C.	Hamill	Martin	Smith, Md.
Calder	Hamilton, N. Y.	Merritt	Smith, Samuel W.
Callaway	Hardwick	Miller	Smith, Minn.
Cantor	Hart	Mondell	Smith, N. Y.
Cantrill	Haugen	Montague	Smith, Tex.
Carew	Hay	Moore	Sparkman
Carlin	Hayden	Morgan, La.	Stanley
Carr	Hayes	Morin	Stephens, Miss.
Casey	Helgesen	Moss, W. Va.	Stevens, N. H.
Chandler, N. Y.	Helm	Murray, Mass.	Stout
Church	Helvering	Neeley, Kans.	Sutherland
Clancy	Henry	Neely, W. Va.	Talbott, Md.
Cooper	Hinebaugh	Nelson	Taylor, Ala.
Copley	Hobson	Nolan, J. I.	Thacher
Covington	Holland	Norton	Towner
Crisp	Houston	O'Brien	Townsend
Crosser	Howard	Oglesby	Tribble
Dale	Howsworth	O'Leary	Tuttle
Danforth	Hughes, Ga.	O'Shaunessy	Vare
Davis	Hughes, W. Va.	Page, N. C.	Walker
Dershem	Humphreys, Miss.	Palmer	Wallin
Dies	Igoe	Parker	Watkins
Difenderfer	Jacoway	Patten, N. Y.	Watson
Dooling	Johnson, Utah	Patton, Pa.	Webb
Doughton	Jones	Payne	Whaley
Drukker	Kahn	Peters, Me.	Whitacre
Dunn	Kelley, Mich.	Peters, Mass.	Wilson, N. Y.
Dupré	Kelly, Pa.	Platt	Winslow
Eagan	Kennedy, R. I.	Plumley	Woodruff
Edmonds	Kent	Porter	Young, N. Dak.
Estopinal	Kiess, Pa.	Post	Young, Tex.
Evans	Kinkead, N. J.	Prouty	
Fairchild	Kirkpatrick	Ragsdale	
Faison	Kitchin	Reilly, Conn.	

The committee rose; and the Speaker having resumed the chair, Mr. GALLIVAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, and finding itself without a quorum, under the rule he caused the roll to be called; 220 Members answered to their names, and he presented therewith the list of absentees to be recorded in the Journal.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reported that that committee having under consideration the bill H. R. 17041, finding itself without a quorum, under the rule he caused the roll to be called; thereupon 220 Members, a quorum, answered to their names, and he presents herewith the list of absentees to be entered upon the Journal. The committee will resume its sitting.

Thereupon the committee resumed its sitting.

The CHAIRMAN. The gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, when I was interrupted by the roll call I was attempting to show the effect of combinations with large numbers of men and vast amounts of capital upon our economic conditions. In this new environment of collectivism the power of groups of men organized into stock companies and financed by other men acting in concert overshadowed the individual, the community, the State with the magnitude of their power. The success of such massing of men and capital not only astonished the promoters but astonished the whole commercial world. In these colossal changes the individual was driven by force of the very change itself from his unlimited field of election of employment. His circle of personal liberty for his life business was narrowed because the field of his employment became more and more restricted through the absorption of his individual opportunities by corporations that swept by him in their constantly accumulating power like a torrent in a stream. The transition from individualism to collectivism, as you know, massed great bodies of men into a single community following a single activity. The independence of a citizen was partially lost because the diversity of daily employment and the freedom of the citizen to elect his employment was transferred to the corporations that in a measure compelled his employment. Men under our form of government have a right to feel secure, no matter in what they may be engaged, and at all times have a right to seek that protection from the State that is designed to promote always the public good. It is a singular coincidence that as the magnitude of single lines of employment developed the interests of the State became involved and restrictive legislation upon the powers and duties of the corporations the State had created began to be written upon the statute books. Men before me know that for nearly a generation the strength of the corporation has been matched against the power of the State to control it. We learned the impotency of the State to protect the liberties and the property rights that belonged to the local citizen when they became involved in interstate commerce as against the power of corporations that sought to control prices and destroy competition.

The same citizen who was jealous of his rights under State government and condemned the Federal power for its attempted absorption of the States' prerogative turned away from his State to the Federal Government, because of its strength, for his protection. The theory of State rights in an unrestricted sense found its greatest censure in its incapacity to protect a State from the advancing interests of those close and compact organizations. Men deeply interested in the protection of personal rights demanded Federal legislation and restriction in response to the determined power of organized capital. Hence these propositions with which we have been engaged have come to us for solution. I believe in big business; not in destructive big business, but in business that grows big by legitimate and lawful means and through which permeates a high moral tone of social justice. This is an age of big business, and I doubt whether we would be able to seriously check its growth even if it was desirable to do so. We shall do well if we are able to control it so that it shall not become an outlaw among the forces that tend to our marvelous commercial development. My faith is weak in our ability to preserve for the small dealer and trader a fair competition in a contest with unlimited capital and perfect management that gives the consumer as good an article at a cheaper price. The Federal Government may control the commerce of an article, but if it is a stable product it can not control its production. So long as it can be put upon the market at a profit, so long will the production continue to increase in volume. We are overwhelmed by the magnitude of our enterprises. Their stupendous character can not be comprehended. Unlimited commercial power envelops our national life and its magnitude turns us into day dreamers as to their possibilities for the future.

The Republican Party went out of power because it refused to enter the contest where was forged into Federal law a recognition of those principles that lie at the very base of our prosperity and the recognized personal rights of the citizen. Let me call your attention to another direction to illustrate the power of corporations. Some of them command more resources and occupy territory greater than a single State. With their vast systems of business they have put to flight every opposition that sought to check and control them, except the Federal Government itself. This is the situation: This colossal force in the business and transportation world, moving in a single line, with a single ultimate purpose, with complete unity of action, converging power under the command and generalship of one head, like that of the house of Morgan, not alone in money and credits, but in steel, cotton, coal, meats, and transportation, is so extensive that no man can measure it. These mighty institutions mingle and interlock their directorates with each other so that the entire economic force of society is involved in their power and shaped and fashioned at their will. These forces in the business enterprises of the people not alone affect our social fabric, but, unless checked and controlled, may seek, if they have not already done so, to become a dominating force in the politics of this country.

No man can measure their influence who has not observed their methods and studied their possibilities. That their further development either in scope or power unrestrained is inimicable to the public good admits of no denial. The problem of control, at least in some degree, is up to us. The interests

of a hundred millions of people, however, must not be jeopardized by legislation that destroys liberty in business except as the exercise of that liberty invades the domain of public justice, nor must it paralyze the effectiveness of capital operating along legitimate lines, even though massed for the accomplishment of great purposes. That the recent legislation tends to a stronger centralized government must be admitted by all. As questions develop into national prominence involving the rights of more than a single State, they of necessity come within the jurisdiction of the Federal Government. The interstate-commerce act, whose powers we have sought to enlarge—our pure-food laws, the white-slave act, the migratory bird law, the antitrust legislation that we passed yesterday, the assumed right of the Federal Government to take over in the interest of the people the water-power privileges in navigable rivers—all illustrate the tendency to enlarge the powers of the Federal Government at the expense of the State. I have invited your attention to this short discussion of the transition of our whole industrial system from individualism to collectivism to show you how the economic forces of society are gradually but certainly passing from State to Federal control.

The business of the citizen is as much entitled to freedom from restraint as his political freedom is. It is the duty of the Congress to maintain that freedom. When business becomes monopolistic it becomes oppressive; when it becomes oppressive it assumes and exercises special privileges. Two classes are interested in commercial and economic freedom—the consuming public and the small business man. Both classes are always the victims of trust and monopolistic control. There is room in the commerce of this Republic for all. There is no room in American democracy for oppression, either political or economic. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. FITZGERALD. How much time did the gentleman consume?

The CHAIRMAN. The gentleman from Indiana yields back eight minutes.

Mr. FITZGERALD. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. PADGETT].

Mr. PADGETT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of the Secretary of the Navy recently made in New York City at the Naval League banquet.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to extend his remarks in the RECORD by inserting therein a speech made by the Secretary of the Navy at a recent banquet. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. Mr. Chairman, I yield back the remainder of my time.

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Chairman, for the fifth time since 1776, when, on the 4th of July of that memorable year, those stern patriots signed the Declaration of Independence, we again find ourselves engaged in the possibilities of another war; our warships are now anchored in Mexican waters and our troops occupy Mexican soil. The flag floats over Vera Cruz, and we have entered upon a task which may well give us pause for serious reflection. Mexico is a rugged and mountainous country, and the fanatical zeal of its inhabitants in defending their country may make our problem difficult.

We can not, therefore, be too careful in considering what we have undertaken in our conflict with Mexico. True, we have men and money and resources sufficiently adequate to pursue such a campaign, and there can be no doubt of the result, no matter what the stern demands of the war may require.

All the great wars, as shown by history, had their inception in small beginnings, but ere they had ended many neighboring States became involved. Beginning with 1792 and coming down to 1815, nearly all Europe was little else than an armed camp, while the enormous debt then incurred is even grievously felt to this day. The Crimean War, indeed, was but an echo of the 23 years of deadly conflict between the nations. The struggle of 1854–1856 involved all Russia, England, France, and Italy.

Mr. Chairman, I am compelled to say that in the face of the present struggle we are very fortunate that we have among the colored portion of our population near 12,000,000 American citizens, historically known as a fighting force in all the wars of the past, a people who have won the right to stand in the front rank of the world's best fighters.

Perhaps the country is not aware of this great military resource which it has in our colored population. This is a fighting strength that may well enable us to hope for success in any struggle. But before going further into this question, let me outline in a brief manner the task we have set for ourselves in Mexico.

MEXICO.

Mexico has to-day a population of about 16,000,000 people. Its fighting strength is out of all proportion to its normal population. The Mexican women are often employed as an effective fighting force, and must always be reckoned with by any invading army. We have already had an example of Army service under tropical conditions as set forth in the Philippine country. It therefore behooves us not to underrate or belittle our Mexican foes. Should we enter upon this war it must not be forgotten that the Mexicans now have all the modern equipment needed for the prosecution of a combat. They have Maxim guns, improved rifles, telegraphic accessories, mountain batteries, and the like, none of which were possessed by the Filipinos. We may thus form some estimate of the task which confronts us. We must also reckon with the climatic conditions, which are unfavorable to Americans. In 1846, when the population of Mexico did not exceed 6,000,000, we put in the field at that time an army of more than 100,000 men. That war lasted two years, and would have lasted longer had not the Mexicans, then as now, been torn asunder by civil dissensions. In the two years the number of deaths from tropical fever exceeded the number killed in battle.

If we enter upon a war with Mexico now, we must be prepared to raise an army of 500,000 men and count on a 10-year conflict, a thing too horrible to contemplate.

COLORED SOLDIERS IN REVOLUTIONARY WAR.

CALEB BARBOUR, THE NEGRO SCOUT IN THE REVOLUTION, THE HERO OF STONY POINT BATTLE.

It will surprise many scholars familiar with Revolutionary history to learn that one of the most daring feats of the War of the Revolution was performed by Caleb Barbour, a free negro of New York, and that by his aid Gen. Anthony Wayne was able to recapture from the British Stony Point by surprise July 16, 1779.

Stony Point, with its almost inaccessible heights, was the recognized key to the British position in New York. It was the route by the old French and Indian road into Canada, whence the British drew most of their supplies. The British took it after a stubborn fight May 31, 1779, and since that time, urged by Washington, Gen. Wayne had planned its recapture, but with little hope of success, when Barbour, famous as a scout in the American service, returned one day with the British countersign, and thus armed he led the American forces 1,200 strong at the dead of night up the perilous heights and into the British lines and to victory.

In Steele's "History of the United States," page 130, is given the following:

> The capture of Stony Point was one of the most brilliant exploits of the war. The countersign, which curiously enough was "the fort is ours," was obtained by a negro, who was in the habit of selling strawberries to the British. He guided the troops in the darkness to the causeway leading over the flooded marshes around to the foot of the hill on which the fort was situated.
>
> The unsuspecting sentinel having received the countersign was pleasantly chatting with the negro when he was suddenly seized and gagged. An instant more and the deafening shouts told that the victory was won. The British loss was 63 killed and 553 wounded and prisoners, while the American loss was 15 killed and 83 wounded. According to the numbers engaged Stony Point was one of the bloodiest encounters of the War of the Revolution, and by its capture Gen. Gates's victory at Saratoga was rendered possible and the Americans, by their possession of this important strategic point, were able to cut off Gen. Burgoyne from his base of supplies in Canada. Barbour served through the entire campaign and undoubtedly contributed more to the ultimate defeat of the British arms in that section than any other one man.

The sources of American history on this particular topic are somewhat meager. Many of our recent historians fail to make any mention whatever concerning the early enlistments in the American Army of colored soldiers. Truthfully speaking, the colored soldier has played an important as well as a vital part in the military history of this country. I shall refer to a few of these events, which will prove beyond any controversy the heroism of the American soldier of color.

Color prejudice, Mr. Chairman, is said to be a species of injustice, so arrogant in its decrees as to be termed an injustice in itself. It is destitute of all reason, and in its operations it actually refuses to countenance so much as an appeal from its unreasoning maxims.

The colored man in this country has been a loyal soldier, and his record is coeval with that of the history of our country. Starting in the year 1775, with the Revolutionary War, history tells us that Varnum's Rhode Island Battalion was the first large aggregation of colored troops which served in any war, numbering some 3,000 men. These were all volunteers, and enlisted from the States of Connecticut, New York, and New Hampshire. Each of these States also furnished a company in addition to these individual enlistments. Thus before

The distinguished gentleman from Wyoming [Mr. MONDELL] has carried the leading rôle in the calamity chorus. He has just had the floor for almost half an hour for the purpose of repeating his indictment of the Democratic Party and the Underwood tariff law, and I might say in passing that this same gentleman occupied the floor of this House for a considerable length of time on last Saturday repeating in substance what he said to-day, and has said on various other occasions in this House.

In order to be fair to the gentleman from Wyoming and to the other Members of the minority party, I should state that in this work of attempting to create distrust and to destroy confidence in the business world the gentleman from Wyoming has been ably assisted by the gentleman from Washington [Mr. HUMPHREY]. These valiant representatives of special privilege have been working overtime in their efforts to give to the public the impression that no matter what the actual conditions of the industrial and business world may be, the country will and must go to wreck because of the dreadful mistake the people made in November, 1912, in turning the Republican Party out of power.

We have heard from these distinguished gentlemen about the Argentine corn, the Argentine beef, the Australian wool, the Australian butter, the Chinese eggs, and I believe the Japanese cheese, that under the new tariff rates were sure to put the American farmer out of business, so often that it would overtax one's memory to recall the number of times. The fact of the matter is, these gentlemen have repeated their calamity stories regarding the American farmer so many times that they have come to believe in the truthfulness of their own statements, and continue to repeat them, notwithstanding the fact that market reports show that the American farmer is doing fairly well, notwithstanding the panic-producing efforts of the calamity howlers.

The gentleman from Wyoming has been particularly brilliant in his prophecies as to the fate of the sheep industry of this country because of the fact that wool was put on the free list in the Underwood bill. From the very beginning of the movement to reduce the tariff this gentlemen has been firmly convinced that free wool meant the ruination of the sheep industry. Yet the fact is and the gentleman from Wyoming knew, or ought to have known, that the wool industry of this country had all but perished under the high protection of the Republican tariff measures; he knew or ought to have known that during the decade from 1900 to 1910, when the Republicans were in power and wool was highly protected, that the number of sheep in this country decreased 13,000,000 head.

But such knowledge did not prevent this distinguished advocate of high protection and of Cannonism and prophet of industrial ruin from denouncing the Underwood bill and terrifying the woolgrowers of our country into the belief that their industry was ruined.

Instead of the sheep industry being ruined, that industry has been made more profitable as a result of putting wool on the free list.

Wool is bringing a higher price to-day than at any time since 1897, and a great many woolgrowers, particularly in the West, who contracted their year's clipping early at a low rate because of the prophecies of the calamity howlers of the Republican Party are to-day mourning the loss of several cents a pound on their 1914 wool clip.

I venture the statement, Mr. Chairman, that when the gentleman from Wyoming appears before his constituents this fall asking for reelection to Congress, the woolgrowers of his district, who have suffered a loss of several cents a pound on their wool clip because of the gentleman's terrifying speeches prophesying a ruined sheep industry as a result of free wool, will have some embarrassing and pointed questions to propound to the star prophet of industrial ruin.

Mr. Chairman, we have not only been told time and again by the leaders of the Republican Party on the floor of this House that the American farmer was going to be ruined by the tariff reductions of the Underwood law, but we have also been told that the manufacturers of the country were going to be put out of business.

The common and oft-repeated statement has been that the tariff rates of the Underwood bill have closed factories, annihilated profits, and all but ruined the manufacturing interests of our country, and in the very next breath we have been told that prices have not come down at all.

Of course, the advocates of special privileges, in their zeal to make a case never stopped to think that if prices have not come down the manufacturers ought not to complain. If prices have not fallen, the manufacturers must be getting the same prices for their goods now that they received before the passage of the Underwood tariff bill, and consequently there should be no occasion for closing their factories.

Mr. Chairman, it seems that all Republicans have not the same view regarding the Underwood tariff bill and its effects on the industries of this country. Most of the prophecies of disaster that we have heard on this floor have come from the ranks of the old guard of the Republican Party.

The members of the Progressive Party and what might be called the progressive element of the Republican Party have been content to await developments and to allow the Underwood tariff bill to have a chance to demonstrate the wisdom of its enactment before attempting to indulge in criticisms, real or imaginary.

Not only are the Republicans in this House divided on the question of the merits of the Underwood tariff bill and its effect on industry in general, but it would appear also that a great many of the leading Republican papers of the country take an entirely different view of the present industrial situation, as resulting from the Underwood tariff law, than the pessimistic views expressed and reexpressed and expressed again and again by the gentleman from Wyoming [Mr. MONDELL] and his associates in the work of creating a panic.

I received this morning a copy of the Oshkosh Northwestern, a Republican newspaper published in my district, containing an editorial bearing on the present industrial situation.

The editorial is under date of June 6, 1914, and it reads as follows:

THE TARIFF AND WOOL PRICES.

When the tariff on raw wool was reduced western sheep growers joined in the prediction that the change would speedily ruin their business. This was last year, and as the western sheepmen are now engaged in shearing and marketing another "clip" it is of interest to note to what extent their dire predictions of last summer are being verified.

A special dispatch from Great Falls, Mont., to the Minneapolis Journal quotes Joseph Strong, a veteran wool dealer, who has been in business for 25 years in that State, as saying the Montana wool crop this year will probably reach 20,000,000 pounds, and that there is very active competition for such portion of it as still is unsold, with prices ranging from 18 to 20 cents per pound for the standard grades. This is several cents better than the average price received for the wool clip of last year and also several cents more than the bulk of this year's crop was actually sold for. In other words, it appears that the woolmen were needlessly apprehensive of the effect of the lowered tariff, and early in the season they "contracted" most of their clip around 15 and 16 cents. Now they are sorry they did so, for their neighbors who held off are getting much better prices and they realize their own groundless fears have cost them a considerable amount, which alone would represent a handsome profit.

This appears to be typical of the situation which prevails in many lines of business at the present time. There has been much talk and many predictions of the "injurious effects" of the new tariff and a general tendency on the part of manufacturers and others to slow down and hold back in anticipation of seeing these predictions verified. This very tendency has had an adverse effect on trade and business and probably has done more real harm than any direct result of tariff changes. *The new tariff may not be perfect, if is true, and in fact a perfect tariff is beyond the range of hope or possibility. It will be noted, however, that few, if any, specific instances are being cited where the new tariff is proving destructive or even seriously damaging to American industry.* It is the fear of the thing that is causing the trouble, and in most instances this fear is quite groundless, as has been shown in the case of the western woolgrowers.

In the wool manufacturing industry, the same as with the woolgrowers, it is now conceded that the tariff, instead of proving destructive, is having very little effect on conditions. The American woolen mills are having all they can do, there has been no reduction in profits or dividends, and with assurance of continued prosperity there have been several notable extensions and enlargements of the business

This editorial strikes an entirely different note as regards the present industrial situation than the note usually struck by those who have taken upon themselves the task of creating distrust and destroying confidence in the business world simply because in the writing of the Underwood bill the tariff barons were not permitted to have their way.

I fear that some of my colleagues will think the Oshkosh Northwestern must be a Democratic paper, inasmuch as its editorial takes a position directly the opposite of what we have been hearing on the floor of this House from the leaders of the Republican Party.

The Oshkosh Northwestern is not only a Republican paper, but it is owned and edited by one of the distinguished Republicans of Wisconsin, a man who has long been identified with the Republican Party and who has been honored with high office by that party.

This paper has the largest circulation, I believe, of any paper, Democratic or Republican, in the State of Wisconsin outside the city of Milwaukee. It is published and has a large circulation in a district known as the Fox River Valley, a veritable beehive of industry and one of the most highly developed agricultural sections of the whole country.

It is a pleasure, indeed, to note that there are not a few Republican editors who are unwilling to join the chorus of calamity howlers in their attempt to create distrust in the industrial

world and thereby bring about a panic in order that their party might reap some political benefit.

This editorial speaks of the industrial conditions as they are. The calamity howlers within and without this House have drawn upon their imaginations for the purpose of picturing industrial conditions as their exploded theories would have them be.

The editor and owner of this paper is an able and honest leader of public opinion, caring more for the truth than he does for party advantage.

If the representatives of the Republican element of the business world and the Republican press had joined forces with the calamity howlers in and out of Congress in an attempt to destroy confidence and instill fear in the business world, there can be no doubt at all but that we would have had a panic long ago.

If we do not have a panic and if we are able to go through the process of reorganizing our industrial system on just and equitable lines without any severe industrial depression, the success of the process will not be due to any patriotic impulse that animated the leaders of the Republican Party on the other side of this Chamber, but rather to the patriotism of many leaders of the industrial world and to the patriotism of a respectable element of the Republican press, all of whom cheerfully put the welfare of country above the welfare of party.

I commend to the careful consideration of my distinguished colleagues on the other side of this House who have been engaged so industriously for the past few months in waving the flag of industrial distress the following quotation from the editorial herein referred to:

The new tariff may not be perfect, it is true, and in fact a perfect tariff is beyond the range of hope or possibility. It will be noted, however, that few, if any, specific instances are being cited where the new tariff is proving destructive or even seriously damaging to American industry.

Mr. FITZGERALD. Mr. Chairman, I yield 25 minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I want to say, to start with, that I have been very much impressed with the character of the discussion here this morning. The continuous vaudeville between our two distinguished friends from Illinois, followed by the distinguished gentleman from Wyoming, who found it necessary to redeliver the speech he made on Saturday for fear the country would not fully appreciate the extent to which he has gone in drawing upon his imagination, makes it somewhat embarrassing for me to discuss the proposition that I have in mind. And inasmuch as the gentleman referred to the Representatives of Indiana as some of the men who are attempting to fool the farmer back West this year on the wool question, I want briefly to say that the people of Indiana, in its whole 13 congressional districts, are a very intelligent class of people; they need no gratuitous advice from the gentleman from Wyoming. In the district which I have the honor to represent the farmers are building a woolen mill at the present time through a subscription of $100,000 of stock. They do not entertain the fears that the gentleman from Wyoming pretends that he does. I do not want it understood that I am accusing the gentleman from Wyoming of misrepresenting the facts, but I want to say that it is the most marvelous exhibition of economy of truth that I have witnessed in a long time. No man in this House but knows that the trend of the market on wool has absolutely impeached every declaration made by advocates of the woolen doctrine from a high protection standpoint last year. Wool is bringing more to-day than it has brought in the last 10 years at this season of the year in the open market. Wool is bringing more in Wyoming to-day than it has brought in 7 years, and the statistics are available to show that fact. The people of this country are to have an opportunity to buy and wear real woolen goods and escape the shoddy that a protective tariff fraudulently shelters. I want to discuss very briefly in the few minutes that I have some of the conditions that have produced the economic social situation that exists to-day.

Mr. Chairman, the Congress of the United States is to be congratulated that it has set its face for the solution of great economic problems that confront it with a purpose to solve them and solve them correctly. The efforts of the last 10 days can not be without favor in every line of enterprise. With men of all parties no greater exhibition of patriotism for the public weal has been shown during my service here. Stripped of every selfish purpose, men regardless of party or section vie with each other in their determination to write into law those conditions that shall evolve out of the great social fabric of American democracy a great equality and justice for all. In this wonderful sweep of the new adjustment of business we have all had a part. Speaking from a party standpoint, the transition period has been the most wonderful of any period of our political history. No party was ever subjected to a severer test to maintain its popular favor or to safely guard the interests of all classes of business than ours has been. In no other period has any party reduced the rates of duty on imports without seriously disturbing business conditions; at no period heretofore have we concurrently reduced the rate of duty on imports and changed our whole fiscal system. The Democratic Party made the changes because the people demanded that they should be made, and because we promised to make them if intrusted to power. You know why there has been no serious interruption to business; why in the million avenues of trade throughout our diversified industries there was no unnatural depression. It is because the people have confidence in the business ability, capacity, and patriotism of the Democratic Party. It is worth while to remark that no charge has been made against us in the recent tariff legislation that we discriminated between citizens. No charge has been made against us that we make the Government an instrument in the hands of special interests to promote their own private well-being. No charge is made against the Democratic Party that in currency legislation we permitted great financial interests, heretofore all controlling, to prescribe the character or the methods of the administration of the currency measure. The Democratic Party is commended everywhere and by all classes of citizens for its efforts to legislate in the interests of all the people and not to the prejudice of any class of people.

But how do these problems happen to confront us now? How does it occur that the reduction of the tariff, the introduction of a new currency system into our fiscal affairs is necessary; the regulation of corporations, the enlargement of the powers of the Interstate Commerce Commission, the enactment of trust legislation, the conservation of the natural resources—all intricate, complex, and embarrassing—how does it occur that they come to us now for solution? What is there in the trend of events that forced upon us these serious questions that reach down to the very roots of our national life, that should make it necessary, in the interests of the people, that they be settled now? Let me refresh your recollections of a few historical facts. For more than 75 years of our history we were engaged in settling political problems, not social or economic problems. We amended, defined, and interpreted the Constitution; we blocked out great States in the empire of the unimproved lands of the West; we fought for 50 years over the doctrine of State rights and nullification, until we were compelled to settle those questions by the bloodiest and most devastating war in human history. Having done that, every citizen turned to the development of our boundless resources. On every side were beckoning hands inviting the genius, the thrift, the energy of all the people to rehabilitate the Nation and turn its feet into the highway leading to the achievement it now enjoys.

The liberties and privileges of the individual citizen were larger, freer, and more unrestrained at that time than in any other period in our national growth. For more than a quarter of a century following the war the life of the individual citizen was one of individualism in trade, in manufacture, and commerce. It is within the memory of many whom I now address that your neighbors in every line of manufacture contributed to your wants. The wagon maker, the shoemaker, the little local woolen mill, ministered to your necessities. Men were free to enter any pursuit or line of business unrestrained, except by the competition of other single individuals engaged in like enterprises, and find a market for their labor and their products. That was the age of individualism that followed the eventful struggle of 1861. At that period State legislation bore lightly upon the citizen, and the very largest possible liberty was the possession of all classes. But the war taught us other lessons than those of politics. It taught us the power of cooperation. We learned from that eventful struggle what it meant to mass a great body of men and capital in a single enterprise. Surrounded as we were by such opportunities, we early found that we wanted to produce great results and produce them on an enormous scale; consequently we invaded every avenue of commerce with this new theory of production. The home wagon maker was swept off his feet by the mass of men and improved machinery that could make a thousand wagons while he made one. The shoemaker, with his crude methods and antiquated tools, was engulfed by thousands of other shoemakers with new machinery in the employment of a single man. The woolen mill on the small head of back water in some stream was overtaken by a company that could clothe a community while he was making material for a single garment. That is collectivism. The transition from one condition to the other, from individualism in economics to collectivism in economics, was borne

S. 2245. An act for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of dat nges on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 23. An act for the relief of Clara Dongherty Kubel, owner of lot No. 13; of Ernest Kubel, owner of lot 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District;

S. 11. An act for the relief of Charlotte J. Pile, Eastmond P. Green, and Easie C. Gandel, owners of lots Nos. 53, 54, and 55 in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, in said District;

S. 4060. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 31. An act for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia;

S. 4311. An act for the relief of Edward Stewart;

S. 201. An act for the relief of John W. Cupp;

S. 691. An act for the relief of Simon M. Preston;

S. 1216. An act for the relief of Oakley Randall; and

S. 387. An act relating to bills of lading.

The message also announced that the Senat. had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 9655. An act for the relief of T. S. Williams;

H. R. 12045. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 4405. An act for the relief of Frederick J. Ernst.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 11040. An act to carry ont the findings of the Court of Claims in the case of James Harvey Dennis.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT. Mr. Chairman, I yield 24 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, as a Representative of an alfalfa-producing region, I can not allow the opportunity to pass to attempt to enlighten the gentleman from Illinois [Mr. RAINEY] relative to the meat-producing qualities of that great and splendid grass product. Alfalfa beef is as much better than corn-fed beef in richness and juiciness as corn-fed beef is better than the dray-horse meat that the gentleman from Illinois [Mr. RAINEY] referred to. I was struck by some of the inconsistencies of the gentleman's references to the matter of the importation of beef. He spent an hour on Saturday laboriously trying to prove that the free importation of corn had not reduced and never would reduce the price of corn. That speech was made for circulation in the corn belt. It will have no place in the Democratic campaign literature circulated east of the Allegheny Mountains. Tell it not in Gath, publish it not in the streets of Ascalon, lest those whom you have promised that free trade in agricultural products would bring lower prices and lower cost of living will learn that you are now trying to prove that these tariff changes will have no such effect.

The gentleman from Illinois [Mr. RAINEY] says that Argentine beef can never find a considerable market here because the cattle are of the dray-horse variety, and that they all have the foot and mouth disease. I suppose that is the kind of beef the Democratic Party intended to give the people when they put beef on the free list. The American consumer under Republican times could eat good American beef, but in Democratic times he needs, or, at least, our Democratic friends offer him under free trade, dray-horse beef and beef infected with the foot-and-mouth disease. If Argentine beef is infected with the foot-and-mouth disease to such an extent that no civilized country will allow it to be imported on the hoof, as I understood the gentleman to say, in God's name why is this Democratic administration allowing it to be killed and the meat shipped into our market without the inspection that is required of our beef products?

On Saturday, in connection with the sundry civil bill, I took occasion to refer to some matters illustrating the condition of the Treasury and our foreign trade. I called attention to the fact that the generous balance left in the Treasury at the close of a Republican administration had been dissipated and reduced by one-half in 15 months of Democratic administration. I called attention to the fact that at the rate at which expenditures were outrunning receipts a bond issue for the purpose of securing revenue was inevitable, and at the best could scarcely be postponed much beyond the coming elections.

I also called attention to the progressively unsatisfactory and lamentable condition of our foreign trade, illustrating that disastrous condition by the foreign commerce reports for the month of April last as compared with April a year ago. I pointed out the fact that while we had imported more than $27,000,000 worth of goods in April, 1914, more than we had imported in April, 1913, our sales abroad in the April just past of goods, wares, and merchandise were $37,000,000 less than our sales abroad in April a year ago. In April, 1913, the balance of trade in our favor amounted to over $50,000,000. During the April last past the balance of trade against us amounted to nearly $15,000,000. In other words, there was an adverse shifting of trade for the month of April, 1914, compared with April, 1913, of nearly $65,000,000, or, to be entirely accurate, $64,968,418.

Gentlemen on the other side can not fail to be impressed by trade conditions such as these. Even the reckless optimism of a free-trade Democrat is not altogether proof against the startling conditions of trade which these figures indicate.

But one does not need to study figures of exports and imports to learn of the alarming condition of the country industrially. Go where you will and you hear the same story of stagnation and depression; of industries closed, running on short time, or operating without profit in the hope of better conditions later. In short, we have come upon the conditions which are proverbial under Democratic policies, with every indication of worse conditions ahead. Increasing imports of foreign goods, depriving the American producer of his market at home, coupled with decreasing sales abroad, warns us that bad as is our present situation conditions are certain to become more unfavorable as time passes.

Where are the markets abroad which were promised and the lower cost of living at home which was prophesied. The gentleman from Texas [Mr. DIES], interrupting me on Saturday, took the position, as I understood him, that with a decrease of exports and an increase of importation articles must of necessity be cheaper; but facts are stubborn things, and whatever ones theory may be the fact is conceded by all intelligent observers that the cost of living has increased rather than decreased since the passage of the Underwood bill. In fact, our Democratic colleagues from the country districts are themselves making that claim as regards foodstuffs.

The gentleman from Indiana [Mr. ADAIR] at the close of my speech on Saturday injected into the RECORD a statement that 9 out of 11 agricultural products were higher now than they were when the Underwood bill passed. The gentleman from Illinois [Mr. RAINEY] labored for an hour to prove that corn was not lower, and that it would not be lower by reason of free trade in that article. In other words, our Democratic friends are now endeavoring to make a virtue of the fact or the claim that their prophecies have not been fulfilled. They promised the consumers of the country cheaper living and lower prices, and to accomplish it they opened the gates and allowed to come in the weevil-eaten corn of Argentina, as it is described by the gentleman from Illinois [Mr. RAINEY], and the foot-and-mouth diseased beef of Argentina, as it is described by the gentleman from Illinois [Mr. RAINEY]. They let it in for the purpose of making living cheaper, and now the only claim they can make, in the face of the unfortunate conditions which exist throughout the country, is that they were mistaken, and that the cost of living has not been reduced, but so far as agricultural products are concerned has been increased. Those are arguments, of course, for the corn belt and the country districts, and they will not be circulated along the Atlantic seaboard where dwell the people out of employment who were promised good wages, steady work, and cheaper living.

The gentleman from Texas [Mr. BEALL] seemed on Saturday exceedingly proud of the fact that the price of wool, pressed down to a point below the value of foreign wool of the same quality under the Democratic threat of free trade, had, to a very limited extent, risen from that extremely low price and is now somewhat higher than a year ago. He makes a virtue, in the matter of wool, of the fact that their prophecies that free wool would make wool cheaper for the consumer had not been fulfilled.

Mr. BUCHANAN of Illinois. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. Does the gentleman yield?

Mr. MONDELL. I do not.

Mr. BUCHANAN of Illinois. I am not asking the gentleman to yield. I make the point that there is no quorum present.

The CHAIRMAN. The gentleman from Illinois [Mr. BUCHANAN] makes the point that there is no quorum present. There are 58 Members present, not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Ainey	Elder	Kless, Pa.	Parker
Allen	Estopinal	Kindel	Patten, N. Y.
Anderson	Falconbd	Kinkead, N. J.	Patton, Pa.
Ansberry	Falson	Kirkpatrick	Payne
Anthony	Fergusson	Kitchin	Peters, Me.
Barchfeld	Fess	Knowland, J. R.	Peters, Mass.
Barkley	Francis	Konop	Plumley
Barnhart	Gallagher	Korbly	Porter
Bartholdt	George	Kreider	Reilly, Conn.
Bartlett	Gittins	Lafferty	Riordan
Brockson	Glass	Langham	Roberts, Mass.
Brodbeck	Goeke	Langley	Rogers
Browning	Goldfogle	Lee, Ga.	Rothermel
Buckner	Gordon	L'Engle	Sabath
Buchanan, Tex.	Gorman	Lewis, Md.	Sanders
Burnett	Goulden	Lewis, Pa.	Scully
Butler	Graham, Ill.	Lindquist	Seldomridge
Byrnes, S. C.	Graham, Pa.	Lloyd	Sharp
Calder	Gray	Loft	Sherley
Callaway	Greene, Mass.	McAndrews	Sherwood
Cantor	Griest	McClellan	Shreve
Cantrill	Griffin	McCoy	Sims
Carew	Gudger	McGuire, Okla.	Slayden
Carlin	Hamill	McKenzie	Slemp
Casey	Hamilton, N. Y.	McLaughlin	Sloan
Chandler, N. Y.	Hardwick	Madan	Small
Church	Harris	Maher	Smith, Md.
Clark, Fla.	Hart	Manahan	Smith, Minn.
Connolly, Iowa	Hayes	Martin	Smith, N. Y.
Cooper	Helgesen	Merritt	Smith, Saml. W.
Copley	Helm	Miller	Smith, Tex.
Covington	Helvering	Montague	Sparkman
Cox	Hobson	Moore	Stanley
Crisp	Howorth	Morin	Stevens, N. H.
Crosser	Hughes, Ga.	Moss, Ind.	Stout
Dale	Hughes, W. Va.	Murray, Mass.	Talbott, N. Y.
Danforth	Hull	Neeley, Kans.	Taylor, Ala.
Dickinson	Humphreys, Miss.	Neely, W. Va.	Underwood
Dies	Igoe	Nelson	Vare
Difenderfer	Jacoway	Nolan, J. I.	Watkins
Dooling	Jones	Norton	Watson
Doremus	Kahn	O'Brien	Webb
Doughton	Kelster	Ogleshy	Whitacre
Drukker	Kelley, Mich.	O'Leary	Wilson, N. Y.
Dunn	Kelly, Pa.	O'Shaunessy	Winslow
Eagan	Kennedy, R. I.	Palmer	Young, N. Dak.
Edmonds	Kent	Park	Young, Tex.

The committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and finding itself without a quorum, had caused the roll to be called, and 245 Members answered to their names, and that he presented a list of the absentees.

The committee resumed its session.

The CHAIRMAN. The gentleman from Wyoming has 13 minutes remaining.

Mr. MONDELL. Mr. Chairman, when I was interrupted with the roll call I was alluding to the present unfortunate conditions of domestic business and foreign trade. Our democratic friends, no longer able to deny the deplorable industrial conditions of the country, no longer able to blink the fact that the industries of the country are paralyzed, running on short time, without profit, or closing down entirely, are attempting to explain it on the theory that these conditions are psychological. No longer able to deny that our foreign trade is in a condition which, if it continues for 12 months longer, will bankrupt the Treasury and bring an industrial panic, no longer able to deny these facts, the gentlemen from the bucolic districts of the Mississippi Valley are laying the flattering unction to their souls that they can be reelected by saying, "Well, at any rate, the promises we made that the cost of living was going to be reduced has not been fulfilled any better than the balance of the promises we made; things have gone up when we said they would go down. The fact is that the cost of living has actually increased under the Underwood bill." That may go all right in Indiana and Ohio and some of the back districts of Illinois, but I doubt it. The American farmer understands that, whatever may be the immediate effect, free trade in his products is bound in the long run to injure him; the American wool grower knows that the threat of free trade in wool always sends American wool to a price below the foreign price and that thereafter there is a slight temporary reaction. He knows that he is now receiving about 5 cents a pound less for his wool, compared with the price of like foreign wool, than he received under the Republican protective tariff.

Mr. THOMAS. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. I do not. The farmer also knows—and if he does not there will be plenty to remind him when you get ready to issue bonds—that we have lost about $15,000,000 in revenue through increased importations of wool duty free. The American farmer also knows that no one has benefited by free wool except some manufacturers.

So much for the conditions at home confronting our Democratic friends. What do we find when we look abroad? A foreign policy that no man under the flag honestly defends; leastwise I have not been able to find anyone who did not openly or under his breath condemn it or apologize for it. A foreign policy based wholly on the President's determination to have his personal way in an international matter. Our entire foreign policy can be summed up in these words, "Huerta must go." To carry out that declaration the administration made friends with every enemy of order in Mexico. We aided, encouraged, and abetted all of the outlaws and bandits in the Republic to the south of us. In order that the President may have his way he opened our ports to the shipment of arms, and thus spread and extended the theater of rapine and desolation. To eliminate Huerta we have become responsible for the bloody scenes of Torreon and Gomez Palacio. We became largely responsible for the cold-blooded murder of defenseless unarmed men, prisoners of war, by our allies under Villa at Paredon, Saltillo, and Topic.

In order that Huerta might be eliminated our boats sailed away from Tampico, and left 2,000 of our people at the mercy of a howling mob. To drive out Huerta we sacrificed the lives of our brave marines at Vera Cruz; in order that Huerta may be driven from power we are breaking our faith with the mediators who have met at Niagara Falls, by virtually acting as convoy for vessels carrying arms to the so-called constitutionalists. In order that the President might have his way in Mexico we are about to surrender our sovereign rights in the canal we have builded to unite the waters of the Atlantic and Pacific. And that is our situation abroad.

Oh, you gentlemen on the other side realize the situation at last. You can fight against facts for a time, but ultimately they conquer you. You may attempt to govern this country and care for it and its citizens upon your theoretical lines, under your policies that have proven disastrous when they were tried, but ultimately the day of reckoning must come, and it is coming, coming very soon.

You have had your Belshazzar's feast of Democratic policies, legislative and administrative, and now you sit blanched with fear, knowing that the day of reckoning is not far off. The finger of time is writing upon the wall of passing events the fatal words written in the court of the king of Babylon: "Ye have been weighed in the balance and found wanting." It will require no Daniel to interpret the writing. The American people understand full well its true meaning, and in November they will repudiate you and all your works and doctrines and return a majority on this side of the House. [Applause on the Republican side.] I yield back the balance of my time.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Michigan [Mr. BEAKES].

Mr. BEAKES. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to insert in the RECORD an article from the Louisville Times of June 5, 1914, in relation to the woolen-mill industry, and also an article from a Portland, Oreg., paper regarding the woolen industry of that section.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. REILLY].

Mr. REILLY of Wisconsin. Mr. Chairman, it has been an almost daily occurrence during the past several months for some Republican Member of this body to deliver a speech wherein the industries of our country are pictured as wrecked and ruined as a result of an honest effort on the part of the Democratic Party to comply with the mandate of the people to revise the tariff downward.

Mr. MANN. Certainly.

Mr. BRYAN. I was the Member who told the gentleman I voted——

Mr. MANN. The gentleman told it publicly.

Mr. BRYAN. I said I voted for that reason, as I did. The gentleman will realize that the Crosser bill will be before the House to-morrow morning, and in view of the fact that they have announced that the reason why the Committee of the Whole House can not consider it is that other District business——

Mr. MANN. I did not yield to the gentleman for a speech.

Mr. BRYAN. But the gentleman yielded for a question, and I want to ask the gentleman——

Mr. MANN. The gentleman is making an unfortunate speech. Does the gentleman claim that the Crosser bill is before the House or could be now considered?

Mr. BRYAN. I claim if we take up the matter of District business it will expedite the Crosser bill; and anybody who has the intelligence of the gentleman from Illinois knows that if we take up and dispose of District business to-day that will tend to expedite the Crosser bill.

Mr. MANN. Anybody who has any intelligence—not my intelligence, but anybody who has any intelligence in a parliamentary sense—knows that you can not consider a bill in the House which is not pending before the House and has not been reported to the House.

Mr. BRYAN. The gentleman will admit——

Mr. MANN. I would not admit anything of the kind.

Mr. BRYAN. Well, it is a fact, just the same. The gentleman does not admit the truth; that is what is the matter with him.

Mr. MANN. This would be District day, and what is done to-day has nothing to do with what would be done to-morrow under the rules of the House; and the gentleman from Washington, pretending to have some intelligent perception of legislation, voted against the consideration of a great appropriation bill to-day because he thought that he wanted to consider a bill which would not be considered under any circumstances to-day; and if the gentleman from Washington knew anything about the status of business in the House, he would not have given such a weak and silly excuse.

Mr. BRYAN. Will the gentleman yield?

Mr. MANN. No.

The CHAIRMAN. Will the gentleman from Illinois yield to the gentleman from Washington?

Mr. MANN. No.

Mr. BUCHANAN of Illinois. Will the gentleman yield?

The CHAIRMAN. Will the gentleman yield to the gentleman from Illinois [Mr. BUCHANAN]?

Mr. MANN. No.

Mr. Chairman, on Saturday my colleague from Illinois [Mr. RAINEY], in discussing the beef situation and the placing of meats on the free list, referred to beef of Argentina, and among other erroneous statements which he made I quote:

> Argentina for many years has been importing the best breeding cattle the broken-down dray horses they kill in Kansas City and manufacture into wienerwurst can compete with our corn-fed beeves. The Argentine beeves are grass-fed cattle.

And again:

> Nearly all the cattle in the Argentine Republic are afflicted with the foot-and-mouth disease, and there is not any country in the world, as I understand it, which permits the importation of live cattle from the Argentine Republic. Talk about cattle with the foot-and-mouth disease competing with our corn-fed beef in the West!

And so forth.

Of course, those statements enamanting from the fanciful imagination of my colleague, who dwells in vivid imagination, pass without necessary contradiction, and yet in view of the fact that the Democratic administration of the Agricultural Department just issued the Agricultural Yearbook within the last few days, and they have an article on this subject by one of the officials of the present administration, it is perhaps proper to call the attention of the House to a few of the things which actually do exist. My colleague suggests that the Argentine beef is like the dray horses. I notice in the Agricultural Yearbook, opposite page 353, the picture of a Shortborn bull sold at the Palermo stock show, Argentina, for $35,000 gold. I suppose, of course, that is a dray-horse bull. I do not recall when any bull raised in the district of my agricultural friend from Illinois sold for $35,000. But I suppose that these fine bulls which they have in Argentina will be considered as akin to the dray horses in the district of my colleague.

And you will find opposite page 352 the picture of young cattle on a typical ranch in the alfalfa regions.

Mr. BORCHERS. Will the gentleman yield?

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. MANN. I do not. I ask the gentleman to follow me closely, and follow the yearbook, and he will learn a great deal that he does not know now. This is a picture of a herd of young cattle on a typical ranch in the alfalfa region of Argentina, and I doubt very much whether in the district of my colleague they can produce a herd of young cattle of finer looks, or of finer beef, or which will even make a finer picture.

Here is the report of an investigation made by the Department of Agriculture by the direction of the Democratic Secretary of Agriculture—and I apologize for saying "the Democratic Secretary of Agriculture," because I do not think there is any politics in that department—where the Chief of the Bureau of Animal Industry has made a report to the effect that this meat is of the highest quality, that the herds are of the best kind, that the feed is of the best quality, and that the meat is thoroughly and well inspected where it is killed, before it leaves the country.

My colleague, dwelling in the times of old, probably remembers when Texas cattle were supposed to have horns 3 or 4 yards long between the extreme points, and he has an imagination that that still exists in Argentina. But as the cattle of this country have been improved, so the cattle of Argentina have been improved. Here is a portion of this report, on page 358:

> Argentina for many years has been importing the best breeding cattle and sheep from Great Britain, and to-day has some of the finest types in the world.

And the gentleman will find, opposite page 360, some more pictures of Hereford and Shorthorn bulls which it would be hard to meet in quality in the district of my colleague from Illinois [Mr. RAINEY]. That is not all. This administration of the War Department, claiming that it wished to supply meat of good quality to the army at Vera Cruz, recently attempted to purchase a cargo of beef controlled in part by the beef packers and shippers of this country for the purpose of diverting the cargo to Vera Cruz. And I am wondering whether it is the policy of the present administration to furnish the meat of dray horses to our boys at the front. [Applause on the Republican side.] Either the gentleman, my colleague from Illinois, owes an apology to Argentina or else the War Department owes an apology to the soldier boys at Vera Cruz and to the people of the United States.

And yet, Mr. Chairman, it is on stuff like this, without any facts and dealing wholly in fancy, that that side of the House expects—no; I will not say expects, because they do not expect, but they propose to make a fight for the next House without any expectation of winning it. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. RAINEY]. [Applause on the Democratic side.]

Mr. RAINEY. Mr. Chairman, the argument I made with reference to Argentine beef last Saturday is that it is a grass-fed beef. The cattle are fattened upon grass and not upon corn. I have not read the yearbook, which has just made its appearance there, or any other publication recently issued on the subject, but I know that in the Argentine Republic their method of beef feeding and method of conducting their various branches of animal husbandry is to increase the area of their alfalfa-producing lands and feed upon alfalfa. And I will undertake to say that no grass-fed animals fattened upon grass anywhere in this world can compare with the corn-fattened beeves of the corn belt of this country. They may be better than some of the animals they manufacture into wienerwurst in Kansas City, but they can not compare with corn-fed beeves, no matter how much the Beef Trust would like to make the country believe they can in order to force down the price of our beef animals. I have not the facts with reference to supplying the army down there at Vera Cruz with Argentine beef, but if they have attempted to supply under this administration our soldiers and sailors in Vera Cruz with Argentine beef, they are doing better than the Republican administration did when our soldiers and sailors were on the great island to the south of us and they fed them with the potted beef the Republican Party was able to obtain in the city of Chicago. [Applause on the Democratic side.] Argentine beef may not be as good as our corn-fed cattle, but if we feed our men with Argentine beef we have not fed them with the kind of rotten potted meats sent down by the Republican administration to Cuba and fed to our soldier boys there in the Spanish-American War. All of it was manufactured in Chicago by the very gentlemen be champions upon this floor. [Applause on the Democratic side.]

I remember that the leader of the Progressive Party in this country to-day, and President of the United States for seven

years, a Republican President, when holding a high command on the Island of Cuba, headed a round robin addressed to the generals in command there, protesting against the kind of "embalmed beef" the friends of the leader on the Republican side were furnishing our soldiers there on the Island of Cuba. [Applause on the Democratic side.]

Now, I am speaking for the corn-belt farmers. I do not know these beef barons in Chicago. I am not speaking for them, but the gentleman last Saturday admitted that he knew them well and personally, and that he had discussed with them the question of Argentine beef, and they told him it was all right. And so he becomes their advertising agent upon this floor in opposition to the farmers of this country. [Applause on the Democratic side.]

A few million dollars in gold held up in front of him will hypnotize any Republican leader.

I saw a subject of a mesmerist once at a public exhibition given a piece of an old leather boot, and he was told by the mesmerist that it was the finest kind of beefsteak; and he did the best he could to eat it, but he was mesmerized. [Laughter.]

Mr. HUMPHREY of Washington. It was psychological beef. [Laughter on the Republican side.]

Mr. RAINEY. It produced that psychological effect upon his mind. [Laughter.]

Now, millions of money and the influence of the Armours in Chicago and their money reach out through the section of the State——

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FITZGERALD. I yield to the gentleman two minutes.

The CHAIRMAN. The gentleman is recognized for two minutes more.

Mr. RAINEY. Reach out through the section of Chicago represented by my colleague from Illinois. The millions that they hold there in front of his eyes have mesmerized him—have hypnotized him—until he appears here as the advertising agent in the country for the kind of stuff they furnished our soldiers down in Cuba in opposition to the farmers of the corn belt in the Middle West; and there are other gentlemen on that side who seem to have been hypnotized and mesmerized in the same kind of a way. [Applause on the Democratic side.]

Mr. GILLETT. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Chairman, my colleague made statements Saturday which I have refuted by the testimony of his own administration, and then he takes the floor, and does he answer my statements? No; he dodges. He may be termed an "artful dodger." Having made statements that he had no basis to believe, he then makes other statements of similar character.

I do not know whether my colleague is familiar with alfalfa or not. He claims to be a farmer, and I believe he owns a farm and supports it by his salary received here. [Laughter.] But if he has acquaintance with alfalfa, he knows that there is no better feed than alfalfa. I quote again from the report of the Department of Agriculture:

> Nearly all of the cattle slaughtered in the frigoríficos are either raised upon alfalfa pastures or are brought in from native-grass pastures and finished on alfalfa. These cattle as a rule are highly bred, the principal breeds being the Durham (shorthorn), Hereford, and the Polled Angus, ranking numerically in the order named.

My colleague, having uttered a libel which he ought to have known was utterly untrue on Saturday, now attempts to dodge that by talking about furnishing poor beef at the time of the Cuban War, and with an ignorance which is not surprising, considering its source, refers to the "round robin" with which Col. Roosevelt was connected as being in conjunction with the matter of beef supply. A man ought to have intelligence enough and memory enough before he refers to facts of this kind to know what they were. The "round robin" had nothing to do with that subject, but my colleague is as near to the truth there as he usually gets with his vivid imagination.

Mr. Chairman, I do not represent the packing houses. I am not advertising the packing houses. I am seeking to refute a scandalous charge, wholly without foundation, which my colleague made on Saturday for the purpose of deluding the farmers to favor a tariff bill which he assisted in putting through, putting meat on the free list. And now he is trying to fool the farmers. The farmers are not fooled. They have noted what these gentlemen have done in reference to the tariff, as you will discover in November. But now, having been caught with the goods on him, in reference to the effect of the tariff, my colleague seeks by innuendo and statements without foundation, to make out that there is no competition between American beef and Argentine beef. There is an active competition, and the men who favor the Beef Trust are the men who put meat on the free list, so that the Armours and Swifts, who own these slaughterhouses in Argentina, can bring the meat into the United States free of duty.

I am on the side of the farmer. My colleague has legislated in favor of the Beef Trust, and, without manhood enough to acknowledge it, tries to make statements without any foundation. The Beef Trust, through their houses in Argentina, are in active competition, both in the United States and abroad, with American beef, bringing beef from Argentina.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

Mr. MANN. I think there ought to be a duty on that beef in the interest of the farmer, and there will be when we get a chance to legislate. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Chairman, I yield three minutes to the gentleman from Illinois [Mr. RAINEY].

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] is recognized for three minutes.

Mr. RAINEY. Mr. Chairman, adopting his characteristic methods on this floor, my colleague, with the ill humor which always characterizes him in debate, charges me with lack of manhood in the speech I made on Saturday; charges me with uttering a libel in that speech. What I said in reference to Argentine beef was that it was fattened upon alfalfa. What he proved in his speech this morning was that it was fattened upon grasses and only finished upon alfalfa. He proved everything I said and more. That is the libel I uttered. That is the lack of manhood I have exhibited, according to the explanation of the gentleman from Illinois.

The gentleman from Illinois has a perpetual grouch in this House. I never knew him to be pleased with anything here or anywhere else in my life, except Argentine beef, imported by the cattle barons of his own city. I do not care what the breeding of cattle is. I know that if they are fattened upon grasses they are not as good as, and can not be compared with, cattle that are fattened upon corn; and everybody knows that except the gentleman from Illinois.

Now, I remember what the conditions were in Cuba. The gentleman criticizes us in his speech because we were furnishing the Army down there with Argentine beef which, according to his standard, he says is as good as ours. I called attention to the embalmed beef provided by the gentleman's administration to our soldiers in the island of Cuba, manufactured by his constituents in Chicago; and there are soldiers of the Spanish-American War on this floor—one of them right in front of me—who know about it, and who were there on that island and ate or tried to eat that embalmed beef, and there are thousands of them throughout the country to-day. The "round robin" was a protest against all of the conditions on the island of Cuba, made possible by a Republican administration of affairs here and maladministration of the Army there on that island. [Applause on the Democratic side.]

Afterwards, when the matter was investigated by a committee of Congress, they found that the beef was all right. A Republican committee found it was all right. I myself talked with the buyer for Armour—a man who was employed on a salary—at that time, and I said, "Do you think they are going to approve this embalmed beef of yours down there in Cuba?" He said, "They have got to approve it. The administration has said it is all right. They have denied these complaints. We are safe. We will get our money." And they did. [Applause on the Democratic side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ABERCROMBIE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2304. An act for the relief of Chris Kuppler;

S. 4845. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4449. An act for the relief of Frank Austin and others;

S. 3800. An act making an appropriation for aids to navigation in Alaska;

S. 1281. An act providing for the retirement of certain officers of the Philippine Scouts;

S. 3761. An act for the relief of Matthew Logan;

S. 229. An act for the relief of John P. Wagner;

S. 1803. An act for the relief of Benjamin E. Jones;

S. 1063. An act for the relief of Philip Cook;

Mr. FITZGERALD. I only have requests for 45 minutes on this side, and I want a few minutes myself.

Mr. MANN. Will the gentleman give us four hours?

Mr. FITZGERALD. Oh, that is too much.

Mr. MANN. Then take more time.

Mr. FITZGERALD. I am willing to give the gentleman five hours if we sit long enough.

Mr. GILLETT. If you are only to use one hour on that side, that would give us sufficient time.

Mr. FITZGERALD. At the present outlook that seems to be about all that we shall want, but the longer we leave this matter open the more requests we will have.

Mr. MANN. I do not see why the gentleman from New York should not take his chances as well as to put them all on us.

Mr. FITZGERALD. I am taking my chances.

Mr. GILLETT. If the gentleman only takes one hour on that side that would give us 4 hours.

Mr. GARNER. It would if we ran until 6 o'clock.

Mr. FITZGERALD. I can not make that arrangement, but I will try and accommodate the gentleman; otherwise, I will move to close debate.

Mr. MANN. The gentleman has the power to do that, but I do not think it will expedite the passage of the bill.

Mr. FITZGERALD. I am willing to sit to-day long enough to complete the general debate, and we can easily complete it if gentlemen will make the agreement.

Mr. GILLETT. If the gentleman will give us 4 hours we will agree.

Mr. FITZGERALD. It is unreasonable to ask us for 4 hours when that side has had double the time that we have used. I can not tell what indiscriminate Munchausen statements may be made in the general debate on that side of the House, and it may require some statements of fact on this side or the public will get confused. [Laughter.]

Mr. GILLETT. I rather think it will; but it seems to me that on a bill like this, carrying $107,000,000, 4 hours more of general debate is not an unreasonable amount of time, when we have not had any lately.

Mr. FITZGERALD. The House has been talking for three weeks.

Mr. GILLETT. Not in general debate; we are not going to talk on the trust bill.

Mr. MANN. Here is the most important appropriation bill of the session. It has always been customary to give a reasonable amount of general debate on it.

Mr. FITZGERALD. I think it is reasonable—two days on the bill at this stage of the session. There are a number of items in the bill which will require some debate.

Mr. MANN. I do not think we have made any unreasonable request for time.

Mr. FITZGERALD. Mr. Speaker, I move that when the committee rise to-day the general debate on the bill be concluded.

Mr. MANN. I warn the gentleman from New York that that will not expedite the passage of this bill.

Mr. FITZGERALD. I am ready to make any reasonable agreement.

Mr. BUCHANAN of Illinois. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. BUCHANAN of Illinois. I wish to ask what is the parliamentary situation?

The SPEAKER. The gentleman from New York moved that the House go into Committee of the Whole on the state of the Union for the consideration of the sundry civil appropriation bill, and, pending that, asked that when the committee rose finally to-day the general debate be closed.

Mr. BUCHANAN of Illinois. Is not this District day?

The SPEAKER. It is District day, but it takes only a majority to dislocate District day.

Mr. BUCHANAN of Illinois. If I may be permitted, I would like to state the reason for my inquiry. There is a bill on the calendar reported out by the District Committee introduced by me that provides for safeguards for the workmen in the building industry and construction work. There was a man killed on the construction of a building within sight of this Capitol in the past week, and if this measure had been a law his life would have been saved. About 8 or 10 people in that industry each year lose their lives because a proper safeguard is not thrown around it.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that this discussion is not in order. We are trying to get started on the sundry civil appropriation bill.

Mr. BUCHANAN of Illinois. I wanted to state my reasons for thinking that this bill I speak of is so important that it should be given at least one hour of the House's time, in order that it might be passed. In spite of the opinion of the gentleman from New York [Mr. FITZGERALD].

The SPEAKER. The situation is this: This is District day, but the rule also provides that after the reading of the Journal it shall always be in order for the chairman or anyone else to make a motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills, and the gentleman from New York is acting entirely within his rights, and is also within his rights when he makes this motion that when the committee rise finally to-day that general debate shall be ended.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the gentleman from Illinois desires to get at his bill, he can do so by voting down the motion of the gentleman from New York, can he not?

The SPEAKER. Of course he can.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that there be six hours of general debate, the gentleman from Massachusetts [Mr. GILLETT] to have four hours, which includes the allies, and this side to have two hours.

The SPEAKER. The gentleman from New York asks unanimous consent that there shall be not to exceed six hours of general debate upon this bill, four hours to go to the gentleman from Massachusetts [Mr. GILLETT] and two hours to the gentleman from New York [Mr. FITZGERALD]. Is there objection?

Mr. BRYAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BRYAN. If we grant unanimous consent, would that prevent us from voting with the gentleman from Illinois [Mr. BUCHANAN] against doing away with District day?

The SPEAKER. No. The gentleman can vote with the gentleman from Illinois [Mr. BUCHANAN] if he desires to, on the motion to go into the committee.

Mr. BRYAN. We want to take up the Crosser bill for the Government ownership of the street-car lines in the District.

The SPEAKER. Then the gentleman can vote down the motion of the gentleman from New York. The Chair hears no objection to the gentleman's request. The gentleman from New York withdraws his motion to close general debate, and the question is on the motion of the gentleman from New York that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The question was taken; and on a division (demanded by Mr. JOHNSON of Kentucky) there were—yeas 101, noes 22.

Mr. BUCHANAN of Illinois. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

The Clerk called the roll, and there were—yeas 203, nays 65, answered "present" 4, not voting 161, as follows:

YEAS—203.

Abercrombie	Cullop	Gregg	McGuire, Okla.
Adair	Deitrick	Hamilton, Mich.	McKellar
Adamson	Dent	Hamlin	McKenzie
Aiken	Dickinson	Hammond	McLaughlin
Alexander	Dies	Hardy	Madden
Allen	Dillon	Harris	Maguire, Nebr.
Anthony	Dixon	Harrison	Mann
Aswell	Donohoe	Haugen	Metz
Avis	Donovan	Hawley	Mitchell
Bailey	Driscoll	Hay	Mondell
Baker	Dupré	Heflin	Morgan, La.
Barkley	Eagle	Helgesen	Moss, Ind.
Bartlett	Edwards	Henry	Mott
Beakes	Elder	Hensley	Murray, Okla.
Beall, Tex.	Esch	Hinds	Padgett
Bell, Ga.	Estopinal	Holland	Page, N. C.
Blackmon	Evans	Houston	Paige, Mass.
Booher	Fergusson	Howard	Park
Borchers	Ferris	Howell	Parker
Bowdle	Fields	Hughes, Ga.	Patten, N. Y.
Britten	Finley	Hull	Platt
Broussard	Fitzgerald	Humphrey, Wash.	Plumley
Brown, N. Y.	Flood, Va.	Jacoway	Post
Browne, Wis.	Floyd, Ark.	Johnson, S. C.	Powers
Brumbaugh	Fordney	Johnson, Utah	Quin
Buchanan, Tex.	Foster	Johnson, Wash.	Rainey
Burgess	Frear	Keister	Raker
Burke, S. Dak.	Gallivan	Kennedy, Conn.	Rauch
Butler	Gard	Kennedy, Iowa	Rayburn
Byrnes, S. C.	Gardner	Key, Ohio	Reed
Byrns, Tenn.	Garner	Kitchin	Reilly, Conn.
Candler, Miss.	Garrett, Tenn.	Lazaro	Reilly, Wis.
Carr	Garrett, Tex.	Lenroot	Rouse
Chandler, N. Y.	Gillett	Lesher	Rubey
Church	Gillmore	Lever	Russell
Claypool	Glass	Levy	Scott
Coady	Godwin, N. C.	Lieb	Seldomridge
Collier	Good	Lloyd	Sells
Connelly, Kans.	Goodwin, Ark.	Lobeck	Sherwood
Conry	Green, Iowa	McAndrews	Sisson
Cox	Greene, Vt.	McGillicuddy	Small

Smith, Idaho	Taggart	Townsend	Walsh
Smith, J. M. C.	Talbott, Md.	Treadway	Watkins
Stedman	Talcott, N. Y.	Tribble	Weaver
Stephens, Miss.	Taylor, Ark.	Underhill	Whaley
Stephens, Nebr.	Taylor, Colo.	Underwood	White
Stephens, Tex.	Taylor, N. Y.	Vaughan	Williams
Stevens, Minn.	Ten Eyck	Vollmer	Wilson, Fla.
Stout	Thacher	Volstead	Witherspoon
Sumners	Thompson, Okla.	Walker	Woods
Sutherland	Towner	Wallin	

NAYS—65.

Ashbrook	Doolittle	Lindbergh	Sinnott
Austin	Dyer	Lonergan	Stafford
Bates	Falconer	McDermott	Steenerson
Barton	Farr	Macdonald	Stephens, Cal.
Bathrick	Fowler	Mapes	Stone
Bell, Cal.	French	Morgan, Okla.	Stringer
Brown, W. Va.	German	Murdock	Taverner
Bryan	Gray	Nelson	Temple
Buchanan, Ill.	Hill	O'Hair	Thomas
Burke, Wis.	Hinebaugh	Oldfield	Thomson, Ill.
Burnett	Hollings	Peterson	Walters
Caraway	Johnson, Ky.	Pou	Willis
Cary	Kettner	Ragsdale	Wingo
Connolly, Iowa	Kinkaid, Nebr.	Roberts, Nev.	Woodruff
Cramton	La Follette	Rupley	
Davenport	Langley	Sabath	
Decker	Lee, Pa.	Shackleford	

ANSWERED "PRESENT"—4.

Burke, Pa.	Cline	Guernsey	Hughes, W. Va.

NOT VOTING—161.

Ainey	Fairchild	Kirkpatrick	Peters, Mass.
Anderson	Falson	Knowland, J. R.	Peters, Me.
Ansberry	Fess	Konop	Phelan
Barchfeld	FitzHenry	Korbly	Porter
Barnhart	Francis	Kreider	Prouty
Bartholdt	Gallagher	Lafferty	Riordan
Borland	George	Langham	Roberts, Mass.
Brockson	Gerry	Lee, Ga.	Rogers
Brodbeck	Gittins	L'Engle	Rothermel
Browning	Goeke	Lewis, Md.	Rucker
Bruckner	Goldfogle	Lewis, Pa.	Saunders
Bulkley	Gordon	Lindquist	Scully
Calder	Goulden	Linthicum	Sharp
Callaway	Graham, Ill.	Loft	Sherley
Campbell	Graham, Pa.	Logue	Shreve
Cantor	Greene, Mass.	McClellan	Sims
Cantrill	Griest	McCoy	Slayden
Carew	Griffin	Mahan	Slemp
Carlin	Gudger	Maher	Sloan
Carter	Hamill	Manahan	Smith, Md.
Casey	Hamilton, N. Y.	Martin	Smith, Minn.
Clancy	Hardwick	Merritt	Smith, N. Y.
Clark, Fla.	Hart	Miller	Smith, Saml. W.
Cooper	Hayden	Montague	Smith, Tex.
Copley	Hayes	Moon	Sparkman
Covington	Helm	Moore	Stanley
Crisp	Helvering	Morin	Stevens, N. H.
Crosser	Hobson	Morrison	Switzer
Curry	Howsworth	Moss, W. Va.	Taylor, Ala.
Dale	Humphreys, Miss.	Murray, Mass.	Tuttle
Danforth	Igoe	Neeley, Kans.	Vare
Davis	Jones	Neely, W. Va.	Watson
Derrick	Kahn	Nolan, J. I.	Webb
Difenderfer	Keating	Norton	Whitacre
Dooling	Kelley, Mich.	O'Brien	Wilson, N. Y.
Doremus	Kelly, Pa.	Ogdenby	Winslow
Doughton	Kennedy, R. I.	O'Leary	Young, N. Dak.
Drukker	Kent	O'Shaunessy	Young, Tex.
Dunn	Kless, Pa.	Palmer	
Eagan	Kindel	Patton, Pa.	
Edmonds	Kinkead, N. J.	Payne	

So the motion to go into the Committee of the Whole House on the state of the Union was agreed to.

The Clerk announced the following pairs:

One week from June 8:

Mr. CLINE with Mr. SLOAN.

Until further notice:

Mr. SHERLEY with Mr. WINSLOW.

Mr. ALLEN with Mr. FESS.

Mr. GLASS with Mr. SLEMP.

Mr. BARNHART with Mr. KENNEDY of Rhode Island.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. IGOE with Mr. ANDERSON.

Mr. GRAHAM of Illinois with Mr. SAMUEL W. SMITH.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. CALLAWAY with Mr. MERRITT.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. ASHBROOK with Mr. AINEY.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. BRODBECK with Mr. COOPER.

Mr. BULKLEY with Mr. CURRY.

Mr. CANTOR with Mr. COPLEY.

Mr. CANTRILL with Mr. BARCHFELD.

Mr. CARTER with Mr. CALDER.

Mr. CASEY with Mr. DAVIS.

Mr. CLARK of Florida with Mr. DRUKKER.

Mr. COVINGTON with Mr. DUNN.

Mr. DERRICK with Mr. CAMPBELL.

Mr. DIFENDERFER with Mr. EDMONDS.

Mr. DOREMUS with Mr. GRAHAM of Pennsylvania.

Mr. DOUGHTON with Mr. GREGORY.

Mr. FRANCIS with Mr. HAYES.

Mr. GALLAGHER with Mr. KAHN.

Mr. GEORGE with Mr. KELLEY of Michigan.

Mr. GOEKE with Mr. KLESS of Pennsylvania.

Mr. GOLDFOGLE with Mr. KELLY of Pennsylvania.

Mr. GORDON with Mr. J. R. KNOWLAND.

Mr. HARDWICK with Mr. GREENE of Massachusetts.

Mr. HAYDEN with Mr. GUERNSEY.

Mr. HELM with Mr. KREIDER.

Mr. HELVERING with Mr. LAFFERTY.

Mr. HUMPHREYS of Mississippi with Mr. LANGHAM.

Mr. LEE of Georgia with Mr. LINDQUIST.

Mr. LINTHICUM with Mr. MANAHAN.

Mr. MCCLELLAN with Mr. LEWIS of Pennsylvania.

Mr. MCCOY with Mr. MILLER.

Mr. MONTAGUE with Mr. MOORE.

Mr. MOON with Mr. PATTON of Pennsylvania.

Mr. MURRAY of Massachusetts with Mr. PETERS of Maine.

Mr. NEELEY of Kansas with Mr. POSTER.

Mr. PALMER with Mr. PAYNE.

Mr. RIORDAN with Mr. J. I. NOLAN.

Mr. RUCKER with Mr. NORTON.

Mr. SAUNDERS with Mr. ROBERTS of Massachusetts.

Mr. SHARP with Mr. ROGERS.

Mr. SIMS with Mr. SHREVE.

Mr. SMITH of Texas with Mr. SWITZER.

Mr. SPARKMAN with Mr. VARE.

Mr. TUTTLE with Mr. SMITH of Minnesota.

Mr. WATSON with Mr. YOUNG of North Dakota.

Mr. WEBB with Mr. MOSS of West Virginia.

Mr. YOUNG of Texas with Mr. MORIN.

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. BURKE of Pennsylvania. Mr. Speaker, is the gentleman from Texas, Mr. SLAYDEN, recorded as voting?

The SPEAKER. He is not.

Mr. BURKE of Pennsylvania. I voted "aye," and I desire to withdraw my vote and be recorded "present."

The name of Mr. BURKE of Pennsylvania was called, and he answered "Present."

Mr. HUGHES of West Virginia. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. TAYLOR, and I desire to answer "present."

The name of Mr. HUGHES of West Virginia was called, and he answered "Present."

Mr. CLINE. Mr. Speaker, I am paired with the gentleman from Nebraska, Mr. SLOAN, and I wish to withdraw my vote of "aye" and be recorded as answering "present."

The name of Mr. CLINE was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present and the Doorkeeper will open the doors.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The CHAIRMAN. The time is in control of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Chairman, just in passing and as an illustration of practical methods of legislation of my Progressive friends, we just had a vote on going into the Committee of the Whole House on the state of the Union for the further consideration of the sundry civil bill. Various gentlemen voted "no" for various reasons, but my Progressive friends voted "no" because they said they wanted to consider the Crosser bill, providing for Government ownership of public utilities. That was a strange reason for voting "no," considering the Crosser bill is not before the House, has not been reported to the House, and could not be considered by the House at this time—but it illustrates the intelligent manner in which some gentlemen would legislate.

Mr. BRYAN. Will the gentleman yield?

Thomas N. Vinson.
John H. Buchanan.
Herman A. Spunagel.
Joseph R. Redman.
Frank L. Lowe.
Franklin G. Percival.
Theo D. Westfall.
K. P. Gilchrist.
Theodore D. Ruddock, jr.
Zeno W. Wicks.
Andrew H. Addoms.
Albert G. Berry, jr.
James D. Black.
George B. Wilson.
William H. Porter, jr.
William K. Harrill.
Sherrod H. Quarles.
John I. Hale.
Alfred H. Baisley.
Greene W. Dugger, jr.,
Charles D. Swain.
Edmund W. Burrough.
Albert H. Rooks.
George F. Neiley.
Russell E. Perry.
Byron B. Ralston.
Stanley L. Wilson.
Herbert J. Ray.
Charles E. Rosendahl.
John G. Moyer.
Robert W. Hayler.
Bert F. Clark.
Theodore W. Sterling.
Archibald N. Ollley.
Richard L. Conolly.
William A. Corn.
Thomas L. Nash.
Edwin T. Short.
William A. Teasley.
John B. W. Waller.
Arthur E. Wills.
Robert L. Vaughan.
Homer L. Ingram.
Thomas J. Doyle, jr.,
Alexander R. Early, jr.,
Charles F. Martin.
Vincent A. Clarke, jr.,
Kemp C. Christian.
Philip W. Yeatman.
James A. McCown.
Samuel G. Moore.
William J. Hart, jr.,
John L. Valden.
Swift Riché.
George Marvell.
Benjamin H. Page.
Frank J. Cunneen.
Allan W. Ashbrook.
Raymond A. Deming.
Charles T. S. Gladden.
Benjamin S. Kilimaster.
Robert A. Dyer, 3d.
Raymond S. Hatch.
James E. Boak.
William A. Heard.
Charles H. Mecum.
George T. Howe.
Rudolph F. Haas.
Simson C. Stengel.
Wilder Duff. Baker.
Julius M. Moss.
Boleslaw L. Dombrowski.
Robert S. Wyman.
Lewis H. McDonald.
Ervine D. Peck.
Thomas F. Downey.
Horace H. Jalbert.
George S. Arvin.
Foster C. Bumpus.
Harold J. Nelson.
William C. Burgy.
Frank P. Thomas.
Ralph O. Davis.
Francis K. O'Brien.
Sifrein F. Maury.
Martin Griffin.
Marion Y. Cohen.
William F. Roehl.
Malcolm W. Callahan.
Thomas C. Slingluff.
Donald F. Washburn.
William S. Popham, jr.,
Frederick D. Powers.
Robert H. Maury.
Thomas C. Latimore, jr.,
Robert W. Cary, jr.,
Karl R. Shaurs.
Lloyd J. Whitse.
Leon O. Alford.
Lawrence J. K. Blades.
Henry W. Hoyt.
Robert C. Starkey.
William DeW. Austin.
Joseph C. Arnold.
Philip R. Weaver.
Charles A. Macgowan.
Robert P. Luker.
Clarence J. McRenyy.
Oliver O. Kessing.
John F. Moloney.
Deforimier M. Steece.
Wallis Gearing.
William K. Beard.
Paul Fitzsimons, jr.,
Charles F. Angel.
John H. Brown, jr.,
William D. Bungert.
Lewis J. Stecher.
Malcolm L. Worrell, and
Ralph G. Pennoyer.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 8, 1914.

(Legislative day of June 5, 1914.)

UNITED STATES MARSHALS.

McDuffie Cain to be United States marshal for the middle district of Alabama.

Vincent Y. Dallman to be United States marshal for the southern district of Illinois.

POSTMASTERS.

ALABAMA.

William M. Head, Ozark.

NEW JERSEY.

George H. Abel, Haddon Heights.

NEW YORK.

Owen J. Burns, Clinton.
Albert R. Kessinger, Rome.
C. Gordon Simmons, Vernon.
George H. Steele, Oriskany.

VERMONT.

W. H. Boardman, Charlotte.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 8, 1914.*

The House met at 12 o'clock noon.

Rev. James F. Mackin, pastor of St. Paul's Church, Washington, D. C., offered the following prayer:

In the name of the Father, the Son, and the Holy Ghost. Amen.

Our Father, the Father of all, of the Jew and the Gentile; our Father who art in heaven, which we hope will one day be our home, hallowed be Thy name. We pray Thee, O God of might, wisdom, and justice, through whom authority is rightly administered, laws are enacted, and judgment decreed, assist with Thy Holy Spirit of counsel and fortitude the Members of this Congress; let the light of Thy divine wisdom direct their deliberations and shine forth in all the proceedings and laws framed for our rule and government, so that they may tend to the preservation of peace, the promotion of national happiness, the increase of industry, sobriety, and useful knowledge, and may perpetuate to us the blessings of equal liberty; through Christ our Lord. Amen.

The Journal of the proceedings of Saturday, June 6, was read and approved.

THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I ask unanimous consent that on Tuesday, June 9, the House stand in recess from 5 o'clock p. m. until 8 o'clock p. m.; that a session be held from 8 o'clock p. m. until 11 o'clock p. m. for the consideration in the House as in Committee of the Whole of bills on the Private Calendar which are not objected to, commencing with No. 132 on said calendar.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that to-morrow at 5 o'clock p. m. the House stand in recess until 8 o'clock p. m.; that there shall be a night session, extending not later than 11 p. m., for the consideration of bills on the Private Calendar which are not objected to in the House as in Committee of the Whole, to begin with No. 132 on the Private Calendar. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, why does the gentleman say 5 o'clock? If the House recesses at 6 o'clock until 8, it will be ample time for the Members to get their dinners.

Mr. POU. I thought 5 o'clock was about the usual time for recessing when we have an evening session.

Mr. FITZGERALD. Let the House meet at 11 o'clock a. m.

Mr. POU. The gentleman in charge of the appropriation bill [Mr. FITZGERALD] suggests that the House meet at 11 o'clock.

The SPEAKER. Is there objection to the double request—one, the request of the gentleman from North Carolina [Mr. POU] just stated by the Speaker, and the other, by the gentleman from New York [Mr. FITZGERALD], that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow a. m.? Is there objection to either request?

Mr. MANN. Reserving the right to object, will it not be practicable to have the Private Calendar considered during the daytime on some day a little later in the session?

Mr. POU. There are perhaps 75 bills on the Private Calendar which have never been considered by unanimous consent. My idea was that if we began at No. 132 we might finish the consideration of the Private Calendar by unanimous consent, and then later on there certainly ought to be one or two days given for the consideration of contested bills. I think we will scarcely finish the Private Calendar to-morrow night, in the manner in which we have been proceeding heretofore. I believe there is certainly more than three hours' work, and the pressure has been very great to have these bills considered in order to have an opportunity to pass upon bills which are not objected to. I think there are quite a number of bills on the calendar which will not be objected to.

Mr. AUSTIN. May I ask the gentleman why he omits the first 10 or 11 bills on the Private Calendar?

Mr. POU. I will say to the gentleman that we have had two nights for the consideration of bills by unanimous consent, and we got down to No. 132. Now, I think it would be only fair to begin at No. 132. The bills preceding No. 132 have already had their opportunity for consideration. By beginning at No. 132 and continuing until the end of the calendar it will give all bills an opportunity to be considered by unanimous consent.

Mr. MANN. What I asked was whether it would not be practicable to have this done at a day session. Twelve hours a day at this session, with the weather the way it is to-day and the way it is prophesied for to-morrow, in addition to other work which Members have, is rather a long session of the House.

Mr. POU. I would be very glad to accept the suggestion, if the House would agree to give the committee a day instead of a night; but we have been displaced so many times that I have hesitated to ask for a day, because the Committee on Claims wishes to preserve its usual attitude of humility.

Mr. FITZGERALD. The gentleman might get a day after we finish the sundry civil bill.

Mr. MANN. As far as I am concerned, I should think the gentleman might get a day after the sundry civil bill is finished, not to interfere with the contested-election case.

Mr. UNDERWOOD. I do not think we ought to attempt to agree on a day that far in advance at this time. I see no reason in the world, if gentlemen want to come here to-morrow evening to consider the Private Calendar, why they should not do so. Considering bills by unanimous consent can not hurt anybody, because one man's objection will send a bill over; but I think if any class of bills are badly treated in this House, the small claims on the Private Calendar are badly treated. Such a bill has nobody as its friend and no opportunity to be heard. Many of these cases could be disposed of by unanimous consent, and I think the request of the gentleman from North Carolina is eminently fair and correct. I would be willing myself at this time to agree to a unanimous-consent order that should take effect after the disposition of the sundry civil bill, because there are other matters of great importance that ought to be considered, and it will probably be 10 days or 2 weeks before we finish the sundry civil bill. We can not tell what the pressure at that time may be.

Mr. MANN. Mr. Speaker, the gentleman from Alabama [Mr. UNDERWOOD] who is very attentive to his duties, probably would not be here at the evening session. On the other hand, I would be here. It makes a rather long day. It seems to me that the House ought to be able to get an afternoon for the consideration of these bills, and I have no doubt will be able to do so a little later.

Mr. GARNER. Will the gentleman from New York [Mr. FITZGERALD] agree that next Saturday may be devoted to the consideration of private claims?

Mr. FITZGERALD. I will not agree to anything which will delay the consideration of the sundry civil appropriation bill. The passage of that bill is more important than anything else pending in the House. It ought to become a law before the 1st of July, and it can not if it is to give way to everything that comes up. It carries $107,000,000 for the conduct of the Government, beginning on the 1st of July, and gentlemen ought to realize its importance.

The SPEAKER. Is there objection to the double request stated by the Chair? It seems that they ought to go together.

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. J. R. KNOWLAND, for 10 days, on account of important business.

To Mr. IGOE, for one week, on account of important business.

To Mr. GOEKE, for one week, on account of important business.

To Mr. J. I. NOLAN, until June 20, on account of important business.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill, and I desire to ask the gentleman from Massachusetts if we can not agree on time to close general debate on the bill.

Mr. GILLETT. Mr. Speaker, I have promised two hours and a half of time for the minority, and the minority of the minority wants one hour in addition.

Mr. FITZGERALD. Oh, the gentleman has not promised that time; he means that he has had requests for it.

Mr. GILLETT. Gentlemen have asked me for that time, and I told them they might have it if the majority was reasonable, as I supposed it would be. We want two hours and three quarters besides one hour for the minority of the minority.

Mr. FITZGERALD. Mr. Speaker, how much time has already been occupied?

The SPEAKER. The gentleman from New York has occupied 1 hour and 21 minutes and the gentleman from Massachusetts 2 hours and 40 minutes.

Mr. FITZGERALD. Mr. Speaker, the request of the gentleman from Massachusetts involves more time than we can possibly consent to. I ask unanimous consent that when the House adjourns to-day general debate be closed.

Mr. GILLETT. I can not agree to that. I do not know what time the House proposes to adjourn.

The SPEAKER. What was the request of the gentleman from New York?

Mr. FITZGERALD. I ask unanimous consent that when the House adjourns to-day general debate on the bill be closed, the time to-day to be divided equally between the two sides.

Mr. GILLETT. What time does the gentleman propose to adjourn?

Mr. FITZGERALD. Between 5 and 6 o'clock.

Mr. GILLETT. That would leave us only three hours, whereas we want four.

Mr. FITZGERALD. We can stay until 7 or 8, as far as I am concerned. I am willing to stay until general debate is closed.

Mr. MANN. This is a hot day and everybody will be exhausted early.

Mr. FITZGERALD. If the speeches are attractive, Members will stay; and if they are not, I do not blame them for leaving.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day general debate on this bill shall be closed and the time to-day be equally divided.

Mr. MANN. I think the gentleman from New York ought to be reasonable in allowing time for general debate.

Mr. O'GORMAN. Simply to confirm the recollection of the Senator. I wish to say that a reference to the Democratic

justly and fairly—no entangling alliances, no enemies to punish. Our laws were uniform, and special favors were few.

(Afraid of California interference that would result from Panama ship has provoked the opposition of Great Britain.)

enjoyment of unrestricted privileges at Panama, but we can

not enforce the same rule against railroad boats owned in England, Germany, or France. There is no law on the statute books—one can not be passed—which will reach a railroad-owned vessel under a foreign flag. What becomes of equality of treatment among your customers when you can do that? The Canadian Pacific and the Grand Trunk may send their ships through this canal at pleasure, but American railroad-owned vessels must continue to go around Cape Horn.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. I do.

Mr. O'GORMAN. The Senator has now spoken for several hours and has not quite completed his observations. I understand it is the desire to occupy a brief time with an executive session.

Mr. SIMMONS. Will the Senator from New York yield to me for a moment?

Mr. O'GORMAN. Yes.

Mr. SIMMONS. I desire to perfect the amendment which I offered to-day so that it may appear in the RECORD in its perfected form. There is a mistake in the amendment. I had it ratified, speaking of the treaty of the 18th of November, 1901. That was the day when it was signed in duplicate. It should read ratified the 21st day of February, 1902, and between the word "to" and the word "exempt" I wish to add "discriminate in favor of its vessels by exempting."

Mr. GALLINGER. The Senator will have the amendment printed?

Mr. SIMMONS. I am offering it so that it may be printed in its perfected form.

The PRESIDING OFFICER. The correction suggested by the Senator from North Carolina will be made, and the amendment as modified will be printed.

Mr. SIMMONS's amendment as modified is as follows:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 21st day of February, 1902, or otherwise to discriminate in favor of its vessels by exempting the vessels of the United States or its citizens from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over or the ownership, control, and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield the floor?

Mr. SMITH of Michigan. No; I do not yield the floor.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Washington?

Mr. WILLIAMS. Has the Senator from Michigan yielded the floor?

Mr. SMITH of Michigan. I do not yield the floor, but I would do so for a recess or an executive session. I am tired, and if I may be permitted to resume my remarks in the morning, I shall not take long. I would prefer to do that.

Mr. WILLIAMS. Mr. President, we have had about three weeks of this debate, and it is about time that we were getting through with it somehow.

Mr. SMITH of Michigan. I will not finish until to-morrow, Mr. President. I have the floor.

Mr. WILLIAMS. I thought the Senator had yielded the floor. If so, while on my feet——

Mr. SMITH of Michigan. If the Senator wants me to go ahead, I will proceed.

Mr. WILLIAMS. I wish to make a few remarks in response to some of the historical references——

Mr. SMITH of Michigan. All right; the Senator can do that to-morrow.

Mr. WILLIAMS. I do not see any reason for taking a recess in order that either one of us may speak.

Mr. SMITH of Michigan. I will go ahead to-night if the Senator wants me to proceed.

Mr. WILLIAMS. I would rather agree with the Senator that we shall vote.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. SMITH of Michigan. I thought I was to yield for the purpose of an executive session.

Mr. SHIVELY. Do I understand that the Senator from Michigan does not desire to complete his speech this afternoon?

Mr. SMITH of Michigan. I did intend to complete it. If I am delaying Senators——

Mr. SHIVELY. I do not think there is any objection to the Senator concluding to-morrow.

Mr. SMITH of Michigan. I would prefer to finish my remarks to-morrow. I will not take a long time. If a short executive session or anything else is desired, I will yield the floor for that purpose.

Mr. O'GORMAN. I supposed a motion was to be made for an executive session. I wish to move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. JONES. Will the Senator yield to me?

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from Michigan yield, or does he yield the floor?

Mr. SMITH of Michigan. I will move that the Senate take a recess until to-morrow at 11 o'clock.

Mr. SHIVELY. Pending that, I move that the Senate proceed to the consideration of executive business.

Mr. OWEN. Mr. President, before that is disposed of, I move, as a substitute, that the Senate take a recess until 8 o'clock to-night.

Mr. WILLIAMS. I second the motion. I do not believe the motion is debatable; but it is time we were getting through with this measure, sometime, somehow.

Mr. SMITH of Michigan. I withdraw my motion.

The PRESIDING OFFICER. The Chair understands that the Senator from Indiana [Mr. SHIVELY] moves an executive session, and that has precedence over a motion for a recess.

Mr. WILLIAMS. I understood that the Senator from Oklahoma had moved that we take a recess until 8 o'clock this evening.

The PRESIDING OFFICER. The motion for an executive session has precedence over a motion for a recess.

Mr. OWEN. I understood that the Senator from Indiana [Mr. SHIVELY] made his motion subject to the disposition of the previous motion.

Mr. SHIVELY. I did not. I said pending that motion I would move an executive session.

Mr. GALLINGER. Regular order!

The PRESIDING OFFICER. The regular order is demanded.

Mr. SMITH of Michigan. Mr. President, a parliamentary question. I desire to give notice that if the motion of the Senator from Indiana is adopted I shall expect to proceed briefly with my remarks to-morrow morning.

The PRESIDING OFFICER. The Senator from Michigan has the floor and the Chair will recognize him to conclude his remarks when the bill comes up to-morrow.

EXECUTIVE SESSION.

Mr. SHIVELY. I ask for a vote on my motion.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After nine minutes spent in executive session the doors were reopened.

PETITIONS AND MEMORIALS.

Mr. KERN presented petitions of sundry citizens of Solsberry and Newark, in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Fort Wayne, and Terre Haute, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Burlington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Brewer, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Board of Aldermen of Malden, Mass., and a petition of the City Council of North Adams, Mass., praying for the enactment of legislation to grant pensions to civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. OWEN presented petitions of sundry citizens of Cushing, Lawton, Avard, Crescent, Tulsa, and McAlester, all in the State of Oklahoma, praying for national prohibition, which were referred to the Committee on the Judiciary.

PURCHASE OF STATUE OF GEORGE WASHINGTON.

Mr. LEA of Tennessee, from the Committee on the Library, to which was referred the bill (S. 5429) for the purchase of two bronze copies of the original marble portrait statue of George Washington, reported it without amendment and submitted a report (No. 580) thereon.

PENSION APPROPRIATIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 15280) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1915, and for other purposes, submitted a report (No. 586) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BANKHEAD:

A bill (S. 5759) for the relief of James Keith, jr., administrator (with accompanying papers); to the Committee on Claims.

By Mr. THOMAS:

A bill (S. 5760) granting an increase of pension to Elizabeth McKeever (with accompanying papers); to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 5761) to open for immediate homestead entry all remaining Government lands within the former Flathead Indian Reservation, in the State of Montana, opened to settlement under the act of Congress of April 23, 1904; to the Committee on Public Lands.

By Mr. RANSDELL:

A bill (S. 5762) to prevent unlawful restraint of trade; to the Committee on Interstate Commerce.

A bill (S. 5763) to provide divisions of mental hygiene and rural sanitation in the United States Public Health Service; to the Committee on Public Health and National Quarantine.

By Mr. OWEN:

A bill (S. 5764) to correct the military record of William Pearson (with accompanying papers); to the Committee on Military Affairs.

LABOR TROUBLES IN COLORADO.

Mr. OWEN. I introduce a joint resolution providing for the appointment of a commission to settle the labor disturbances in the State of Colorado, which I ask may be read twice by its title and referred to the Committee on Interstate Commerce.

Mr. THOMAS. I object, Mr. President, to the second reading and to the reference of the joint resolution. I ask that it may go over until to-morrow.

The PRESIDING OFFICER. The joint resolution will lie over.

AMENDMENTS TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. OWEN submitted an amendment proposing to appropriate $25,000 for an exhibit at the Panama-Pacific International Exposition of such articles, materials, and processes as may illustrate the progress of the Nation in the practice of hygiene and the art of sanitation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. RANSDELL submitted an amendment proposing to appropriate $12,000 for the purpose of constructing a new wharf at the New Orleans (La.) quarantine station, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RURAL CREDIT IN GERMANY.

Mr. JONES. I ask to have referred to the Committee on Printing for publication as a Senate document an address delivered by Ralph Metcalf, State senator and executive commissioner for the State of Washington of the American commission, before the Sixth Annual Convention of the Farmers' Educational and Cooperative Union of America, Division of Washington and Idaho, at Spokane, May 26, 1914. The address relates to agricultural problems of the United States and Europe, and so forth.

The VICE PRESIDENT. Without objection, the matter will be referred to the Committee on Printing.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until to-morrow morning at 11 o'clock.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate took a recess until to-morrow, Tuesday, June 9, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 8, 1914.

(Legislative day of June 5, 1914.)

CHIEF JUSTICE OF THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

J. HARRY COVINGTON, of Easton, Md., to be chief justice of the Supreme Court of the District of Columbia, vice Harry M. Clabaugh, deceased.

UNITED STATES ATTORNEYS.

Perry B. Miller, of Morganfield, Ky., to be United States attorney for the western district of Kentucky, vice George Du Relle, resigned.

Clarence Merritt, of McKinney, Tex., to be United States attorney for the eastern district of Texas, vice James W. Ownby, whose term expires July 1, 1914.

UNITED STATES MARSHAL.

Otho T. Wood, of Liberal, Kans., to be United States marshal, district of Kansas, vice John R. Harrison, removed.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenant with rank from June 4, 1914.

Otto Joe Cook, of Texas.
Alexander Lambert, of New York.
George Henry Richardson, of California.
Miley Barton Wesson, of Texas.
Udo Julius Wile, of Michigan.

PROMOTIONS AND APPOINTMENT IN THE NAVY.

Lieut. Lewis Coxe to be a lieutenant commander in the Navy from February 21, 1914.

Lieut. (Junior Grade) Joseph S. Evans to be a lieutenant in the Navy from March 10, 1914.

The following-named ensigns to be lieutenants (junior grade) in the Navy from June 5, 1914:

William W. Smith,
Harold T. Smith,
Gerard Bradford,
Benjamin V. McCandlish,
Alan G. Kirk,
Levi B. Bye,
Francis W. Scanland,
Joel W. Bunkley,
Leo L. Lludley,
Monroe Kelly,
Alfred L. Ede,
George K. Stoddard,
Charles H. Morrison,
Paul H. Rice,
Charles E. Reordan,
Virgil J. Dixon,
Franklin Van Valkenburgh,
Eugene M. Woodson,
James S. Spore,
Mark C. Bowman,
Ralph G. Haxton,
James M. Doyle, and
Ewart G. Haas.

Albert J. A. Hamilton, a citizen of Massachusetts, to be an assistant surgeon in the Medical Reserve Corps of the Navy from June 1, 1914.

The following-named assistant paymasters with rank of ensign to be assistant paymasters in the Navy with rank of lieutenant (junior grade) from June 5, 1914:

Arthur H. Mayo,
William Gower,
Thomas Cochran, and
Frederick C. Bowerfind.

Pharmacist Maury D. Baker to be a chief pharmacist in the Navy from April 17, 1914.

Ensign Henry G. Cooper, jr., to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1914.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1914:

Edward Ellsberg.
Edward L. Cochrane.
Noel Davis.
Robert W. Ferrell.
Warner W. Bayley.
George C. Manning.
Donald Royce.
Fred E. Pelton.
Adrian R. Marron.
Carl H. Jones.
John N. Laycock.
Conrad D. Fry.
Charles B. C. Carey.
Gordon W. Nelson.
Henry P. Samson.
Joseph L. McGuigan.
Carleton F. Bryant.
William J. Larson.
Fred M. Earle.
Alfred P. H. Tawresey.

Mr. SMITH of Michigan. As a matter of fact, the Senator quoted from Shakespeare, and just at this moment the quotation does not come back to me.

Mr. LEWIS. The Senator is confirming me in what I said, that his memory is inaccurate as to this matter; but I am not seeking——

Mr. SMITH of Michigan. Oh, do not take unfair advantage of my courtesy.

Mr. LEWIS. It is impossible for my feeble mind to assail the eminent Senator's argument.

Mr. SMITH of Michigan. If it fails of its own weight, I ask the Senator to let it alone. Why does the "galled jade wince"? If I am not saying anything that impresses the Senator, why not let me go ahead unheeded?

Mr. LEWIS. I desire to say to the Senator that the "galled jade" does not wince because my withers are not unwrung.

Mr. SMITH of Michigan. Mine are pretty nearly wrung, but the Senator may proceed.

Mr. LEWIS. I wish to correct the impression the Senator has unhappily created, that I had said somewhere something from which the deduction can be drawn that there has been an alliance between this country and England, or between the President and England, touching the Panama Canal.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. LEWIS. I desire to say that the able Senator is quite in error.

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. I am reminded by my colleague [Mr. TOWNSEND], who also heard the same statement, that the Senator said, "I will speak to thee though it blast me."

Mr. LEWIS. That is from Mr. Hamlet.

Mr. SMITH of Michigan. Well, I did not know Hamlet personally, but I think what the Senator said blasted him. [Laughter.]

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. LEWIS. I do not want to interrupt the Senator. I have just a word to say, and then I will not interrupt further. That is, the Senator is in error, unhappily for lack of memory, as to any assertion from me——

Mr. SMITH of Michigan. I am responsible for my errors.

Mr. LEWIS. Yes; I am not intimating that the Senator is not responsible.

Mr. SMITH of Michigan. I do not want the Senator to become chronic in his faultfinding; it would be contrary to his true nature.

Mr. LEWIS. I merely want to make this observation——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Illinois?

Mr. SMITH of Michigan. I do not yield.

The PRESIDING OFFICER. The Senator from Michigan refuses to yield. The Senator from Illinois will please take his seat.

Mr. LEWIS. I simply wish to say——

Mr. SMITH of Michigan. I do not want to yield further now.

Mr. LEWIS. I simply wish to say that the Senator is in error in assuming that any remark of that kind was made by me.

The PRESIDING OFFICER. The Senator from Michigan refuses to yield.

Mr. SMITH of Michigan. I wish to say that I shall look up the quotation accurately before I print my remarks to-night, and if I find that the Senator from Illinois did not horrify the peaceful feelings of this Chamber by a reference to our diplomatic chaos I will take my statement out of the RECORD.

Mr. LEWIS. I referred to the diplomatic situation, but I am talking now about the Senator's reference to an "alliance between the President and England."

Mr. SMITH of Michigan. I did not say there was any alliance between the President and England.

Mr. LEWIS. Or that he sought such.

Mr. SMITH of Michigan. I did not say that.

Mr. LEWIS. Then I misunderstood the Senator.

Mr. SMITH of Michigan. But I will tell the Senator from Illinois that Senators of his party, when the first Hay-Pauncefote treaty came here, had no hesitation in saying that there was an alliance between President McKinley and England. Does the Senator deny that? I have heard it over and over again.

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New York?

Mr. SMITH of Michigan. Certainly.

Mr. O'GORMAN. Simply to confirm the recollection of the Senator, I wish to say that a reference to the Democratic national platform of 1900 will show a condemnation of the Government respecting its proposed treaty with Great Britain at that time.

Mr. SMITH of Michigan. Mr. President, I thank the Senator from New York. Democratic platforms usually reflect the passing gloom. I have such high respect for my friend from Illinois that I do not wish to put him in a wrong light, and I know he does not wish to put me in a wrong light. I do say that when the first contract between Hay and Pauncefote was made it was generally believed throughout the country that an alliance had been made between Great Britain and the United States; and it was only the independence and fortitude and courage of Senators, some of whom are in my presence at this moment, that saved us from a most humiliating spectacle with reference to that treaty.

Is there a Senator on this floor who would vote for the first Hay-Pauncefote treaty now? Not one; not one. Why do they vote to repeal this law? Not because it is the habit of our fellow Senators upon the other side to give up anything, ordinarily, but because they have been commanded to do it, "right or wrong," in the interest of that "larger but undefined policy" wrapped up in the presidential bosom. What must we surrender next? What is the next thing for us to give up in the interest of peace? Are you going to surrender the canal just upon the eve of our celebration of its completion, when our hearts are filled with pride over the magnitude of that accomplishment, after all the money for its construction has been raised out of the pockets of the American people; and, now, do you propose to turn over to Great Britain its joint control for all future generations of men? Shame! Shame!

What will the doctor do next? I do not think he is a good diagnostician. If you stub your toe, I should expect him to doctor your brain.

Are we alone in the world? Have we no friends among the great family of nations? There was a time when our friends could be numbered in every part of the world. If we have lost them, we have lost them because we have not treated them all alike, large and small. We have not had one undeviating rule. We have been bungling and stumbling for over a year, and to-day, if we stand alone, our isolation is preferable to buying temporary allies at public expense.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from New Hampshire?

Mr. SMITH of Michigan. I do.

Mr. GALLINGER. Does the Senator think, or has the Senator any reason to suppose, that we have lost the traditional friendship of Russia or France or Germany because of anything we have done up to the present time?

Mr. SMITH of Michigan. Mr. President, in answer to the direct inquiry of the Senator from New Hampshire, I am obliged to say in truth that we passed laws in open defiance of Russia; we have offended her to the heart—Russia, which had been our friend in time of greatest need. When the diplomacy of our country could not stop the construction of British privateers for use against us in the War of the Rebellion, when the voice of our ambassador at the Court of St. James was powerless, the voice of Russia was heard in our defense, and had much to do with stopping the work upon British privateers and turning the tide of battle in our favor. I speak of this because I know it from the lips of one of the most eminent divines who ever graced the pulpit in God's service to humanity. I heard Dr. T. De Witt Talmage say—in fact, he told it to me, not in confidence, but with pride—that the old Emperor of Russia told him the contents of the sealed orders which he gave his admirals when they started for American waters at a critical time in our national existence, when British interference in behalf of the South seemed to have gone to the danger point, that Russian battleships should fire upon any foreign foe that attempted to interfere with the Government of Abraham Lincoln.

I say this in memory of my beloved friend Dr. Talmage, whom I knew intimately in his lifetime. He told me this upon his return from Russia, where he was the honored guest of the old Czar Nicholas for many days, and I never have forgotten it. Russia does not have to do over and over again courtesies for this country to deserve our good will and obtain, at least, fair treatment for herself in matters of international concern.

No, Mr. President; I can not say that there is no feeling of ill will toward us. I will say to the Senator from New Hampshire that I do not believe it is very strong against us. The American traveler formerly found everywhere a feeling of cordiality and good will toward our country, but we were then, however, pursuing an American policy and treating the world justly and fairly—no entangling alliances, no enemies to punish. Our laws were uniform, and special favors were few.

I think favoritism a mistaken policy of government, the breeding ground of jealousy and hate. The teachings of the great Virginia sage and father of our country still ring true to the spirit of our institutions. No matter what the President says, the world is not united against us on this matter. I indorse all that was said the other day by my honored friend from Iowa [Mr. CUMMINS]. I do not believe there is on record with the President of the United States a protest from any Government in the world against our policy at Panama, except the half-hearted and weak protest which Mr. Innes made in behalf of Great Britain, largely because he was asked to do it by the premier of Canada.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. The Senator from Michigan does not quote me with absolute accuracy.

Mr. SMITH of Michigan. I did not mean to quote the exact words of the Senator.

Mr. CUMMINS. I said that I knew of no protest from any nation, including Great Britain, challenging our right to exempt our coastwise traffic from the burden of tolls through the Panama Canal. There is a very emphatic protest against our right to give the President authority to discriminate in favor of our foreign shipping.

Mr. SMITH of Michigan. Mr. President, that is the statement I desire to approve. If there is any such protest I think we ought to have it. We are entitled to have it. The Vice President and the Speaker of the House were entitled to it. The Committee on Foreign Relations were entitled to it.

I do not think, however, that England contemplated quarreling with us over the tolls matter. I think she was asked to do this by Canada. It is a singular thing, but it is the truth, that Mexico upon our south and Canada upon our north—Mexico with probably fourteen or fifteen million people and Canada with nearly 10,000,000 people—are exercising more influence over the internal affairs of the United States of America than the rest of the world.

The other day I interrupted the Senator from Oregon [Mr. CHAMBERLAIN] and stated my impression that Canada had initiated this entire proceeding, and now I am going to give the reason for the charge.

I quote from a cable:

London, July 4, 1912—

We passed that law on August 24, 1912.

PREMIER BORDEN IN LONDON—THREE CANADIAN MINISTERS WITH HIM—MUCH INTEREST IN THE VISIT.

LONDON, *July 4, 1912.*

Robert L. Borden, the Canadian premier, with his colleagues, J. D. Hazen, minister of marine; C. J. Doherty, minister of justice; and L. P. Pelletier, postmaster general, arrived here this afternoon * * *.

Mr. Borden is the most heralded colonial visitor to come to London for years. The press and public are making much of his pronouncement, "I stand for a great navy," which is interpreted to mean that Canada is prepared to make a handsome contribution to the British Navy in the shape of two more dreadnaughts. * * * Among the many subjects to be discussed between the Canadian statesmen and the British Government is the proposal of the Senate committee in Washington that no ship owned by a railroad shall be allowed to use the Panama Canal.

Before returning to Canada Mr. Borden intends to visit Paris to discuss trade relations with the French Government, and the question of steamship connection between Canada and France.

[From the New York Times, Friday, July 5, 1912.]

ENGLAND ASKS CANAL BILL DELAY—REQUESTS THAT LEGISLATION BE HELD UP PENDING A FORMAL NOTE—MAY OBJECT TO TOLLS—ACTION SAID TO BE UNPRECEDENTED—BILL EXPECTED TO PASS AT THIS SESSION.

WASHINGTON, *July 10, 1912.*

* * * The notification from the British embassy that there was a desire to have the matter considered diplomatically was received this afternoon by mail from Michell Innes, the chargé of the embassy, who is spending the summer at Kineo, Me. Mr. Huntington Wilson, the Acting Secretary of State, promptly sent a note to Senator BRANDEGEE, chairman of the Senate Committee on Interoceanic Canals, informing him of the new turn in Panama Canal affairs, and submitted to him precisely as he had received it the request of the British Government.

The canal bill is now before Mr. BRANDEGEE's committee and has the prospect of prompt consideration and a favorable report within a very few days.

The British request came probably just in the nick of time, if it is to have the effect of delaying consideration * * *.

It is a fair guess that study of the question has tended to satisfy the British diplomats that the case is not a foregone conclusion for the British contention, and the best way to hold ground is to take it early in the game by a protest, even at the risk of the charge of interfering in our internal affairs.

[From the New York Times, Thursday, July 11, 1912.]

ENGLAND A MEDDLER IN WASHINGTON VIEW.

WASHINGTON, D. C., *July 11, 1912.*

* * * It is understood that Ambassador Bryce discussed the matter of canal tolls with Count Bernstorff, the German ambassador, and Mr. Jusserand, the French ambassador, several months ago.

(Afraid of California interference with West India fruit railroad ship has provoked the opposition of Great Britain.)

[From the New York Times, Friday, July 12, 1912.]

LONDON, *July 12, 1912.*

London Times editorial says submit to arbitration.

Morning Post editorial commenting on the same subject hopes that the British Government will stand firm in defense of the shipping interest of the Empire.

LONDON, *Friday, July 12, 1912.*

There are other points, however, about which the British foreign office, through the embassy at Washington, has addressed the United States Government; and since the arrival here of the Canadian premier, Mr. Borden, the question of the regulations in regard to steamers owned by railroads has been taken up; Canada has protested to the home Government on the ground that these regulations are inimical to her interest.

Senators, Senators, has it come to the point where our nearest neighbor on the north is to dictate our relations with England? We have always been kind to Canada. We have always been indulgent with her. She is our neighbor. I live near her border. In the name of all that is good, however, are they to influence England's course toward us? Must all our relations revolve around Canada?

O Senators, Senators, is it possible that we must now back somersault for the edification of the diplomatic world? We were asked to submit to arbitration, yet with hot foot Senators would have us hastily do the Executive will.

Mr. TOWNSEND. Will my colleague yield to me for a moment?

Mr. SMITH of Michigan. Certainly.

Mr. TOWNSEND. In connection with what my colleague is saying it might be well to understand also that at the time the bill of 1912 was being considered by the Senate Committee on Interoceanic Canals a representative of the Pacific Mail Co., which is owned by the Union Pacific Railroad Co., was before that committee most of the time. He was contending against the provision that would prevent railroad-owned boats going through the canal. After it was determined that the provision was going to be included in the bill he is reported to have gone to Canada and from there to England, and a statement was circulated that he was in that country at the time this contest over the Canadian Pacific Railroad was presented to Great Britain.

Mr. SMITH of Michigan. I am obliged to my colleague. He has contributed a most valuable piece of historical information at this point, and I thank him for it. The London Times says, "Submit to arbitration"; administration Senators say, "Pass the bill"; while distinguished Senators who sympathize with England put their propaganda before the British public.

Our tolls are so generous that the income will barely pay the annual expense of operation, while Great Britain imposes tolls for the use of the Suez Canal sufficient to pay the expense of operation and large dividends to the stockholders, of which she is the principal one. French money built the Suez Canal, but on its completion English money held control and dominated it.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. In connection with the statement just made by the junior Senator from Michigan [Mr. TOWNSEND], it ought not to be forgotten that in Lord Grey's letter, which fully developed the British position, he said:

I assume that the provision in the canal act excluding railroad-owned or railroad-controlled ships from the canal does not apply to the Canadian railroads.

Mr. SMITH of Michigan. When?

Mr. CUMMINS. That happened in November, I think, 1912. "If that part," said he, "of the act does apply to Canadian railroads, Great Britain will have something more to say to the United States." I recall that to the attention of the Senator from Michigan to ask him whether, in his opinion, if he has given study to the question, that part of the act does apply to the Canadian railroads, and to remind him of what I said the other day about it, that there is no question but that the Canadian Pacific and the Grand Trunk Railroads are both described by the bill.

Mr. SMITH of Michigan. There is some doubt about the meaning of the law; other Governments do not accept the Senator's interpretation.

Now, see what we have done. We have forbidden American railroad-owned vessels from going through the canal, have we not? Did the Senator vote for it? We have allowed railroad-owned vessels under the British flag to go through the canal. There is not a Grand Trunk or a Canadian Pacific Railroad owned vessel that can not pass through that canal under the law as it now stands. In other words, it makes a great deal of difference whether the railroad-owned boat flies the British flag or the American flag. We may keep our commerce from the enjoyment of unrestricted privileges at Panama, but we can

Mr. Clayton was very severely criticized because of the part he took in negotiating the Clayton-Bulwer treaty, and for the purpose of defending himself he sought election to the Senate. He was elected, and he had a particular animosity toward Mr. Cass and intended to attack Mr. Cass, but because Mr. Cass was at home in attendance upon his sick wife he then sought Mr. Douglas, who was Mr. Cass's chief lieutenant, and the great debate occurred between Mr. Clayton and Mr. Douglas under those circumstances.

Mr. SMITH of Michigan. Yes; the Senator from New Hampshire, as usual, is entirely correct.

Mr. LEWIS. May I ask the Senator from New Hampshire, whose knowledge of history is so accurate, for a correction of my own view or its confirmation? Am I not right in assuming that Douglas's attitude was one of opposition to that treaty?

Mr. GALLINGER. Absolutely so.

Mr. LEWIS. Such was my impression.

Mr. GALLINGER. It was one of violent opposition to Mr. Clayton's position.

Mr. SMITH of Michigan. As I was saying, when interrupted by the Senator from Illinois, the War with Mexico and our acquisition of California was the signal to Great Britain for a renewal of the claims of sovereignty at Greytown and Belize. She could not take her hands off these two points in Central America, although she had many times promised to do so, and when Lord Palmerston learned of the Granada-Nicaragua concessions and the plans of certain citizens of the United States to go ahead with a canal in 1849, he immediately established a protectorate on the Mosquito Coast to head off the pretenses of adventurous North Americans. This was the situation when Clayton and Bulwer got together.

Mr. President, the most caustic arraignment that I have been able to find of the duplicity of England in matters of treaty obligations was uttered by John M. Clayton, of Delaware, and yet he was caught in her meshes.

Spain urged England to quit Honduras and the Mosquito Coast. I will read what Mr. Fox, the British premier, said about the matter on the 18th of July, 1783, when Spain protested, and protested vigorously, that her sovereignty was interfered with, and that England had designs upon that territory.

"Get the treaty signed, no matter under what cost," is the motto of Britain, and a projected canal across Central America stirred her anew.

Mr. President, that marvelous diplomacy for which Britain is noted is a science. It is not a half-hearted, haphazard game of chance. Each succeeding head of the foreign office takes up the game where the last actor left it. It is a science, and each prime minister in England contributes his full share toward the perfection of her diplomacy. That she did not have her own way finally at Panama is no fault of her system; every semblance of virility and genuine Americanism, or, as Representative UNDERWOOD, of Alabama, says, we yield to the "un-American spirit of surrender."

President Wilson says in his message that he wants this done, "right or wrong." Why? To palliate Great Britain? Yes; although she has never asked us to give up the right of sovereignty in that canal. There can be no answer to the splendid argument of the senior Senator from Iowa [Mr. CUMMINS] upon that point; he tore that futile contention into shreds the other day by unanswerable argument.

I would not say anything to reflect upon the President of the United States. He is evidently a cultured and well-meaning man, but he has not the experience, foresight, or the courage of some of his predecessors or he would not have fallen into this grievous and unnecessary error.

Mr. President, his attitude on the tolls question may have been comforting to Great Britain, but it can not be otherwise than disappointing to the people of our country. What caused him to make that utterance? I wish I could give my impression of what drove him to such desperate straits, for I have very pronounced views upon the subject. They were gathered in the presidential presence while sitting as a member of the Committee on Foreign Relations. Other Senators sitting near me were there. I think I know why he took this step, but, of course, I can not in fairness reveal it; I may, however, with perfect propriety say what is common knowledge to us all, that he was undoubtedly moved to this action by an acute situation at that time existing in Mexico and as a result of a visit of the officers of a Japanese battleship to Gen. Huerta at Mexico City. That visit close upon the heels of a British protest for wrongs inflicted upon her citizens and unavenged by us aroused the keenest suspicions in this Capital, and the presence of a Japanese battleship at Vera Cruz did not accord with our policy of "watchful waiting."

The Senator from Mississippi [Mr. WILLIAMS], sitting near me, and the Senator from Utah [Mr. SUTHERLAND], sitting near me, I think, were both present at that conference, when for the first time the President indicated his intention to ask for repeal of the free-tolls law. What was the mysterious message? I should like to have the historical facts known. I did not hear it all read, but that night decided the fate of this bill. Congress was soon asked to repeal this law. I protested to the President against it, as did other Senators, and said if a future Congress reasserted the principle he would ask us to repeal, England would then have a grievance against us which did not exist at that moment. But the President was in trouble, and I was there reminded of a former occupant of the White House, who, when the French were upon the soil of Mexico, when their menacing guns sought to assert authority over a sister Republic in the Western Hemisphere, when France was begging the United States to recognize belligerency, that President Lincoln firmly said, "I can not do it; I will not do it; you must leave Mexico." Over and over again France begged Mr. Lincoln, as he was upon the verge of a war in his own country, to yield; but with all the burdens that were then upon him, he still had courage enough and fortitude enough and red blood enough to assert an American doctrine in the face of possible international complications, and it was the insistence of Mr. Lincoln that drove the French out of Mexico and kept the Monroe doctrine inviolate.

When the great French soldier De Latour D'Auvergne was the hero of many battles, but remained by his own choice in the ranks, Napoleon gave him a sword and the official title "the first grenadier of France." When he was killed the Emperor ordered that his heart should be intrusted to the keeping of his regiment and that his name should be called at every roll call; that his next comrade should make answer, "Dead upon the field of honor." So, Mr. President, with our martyred and immortal Lincoln, so long as the world lasts, some one of God's creatures, somewhere, in hovel or palace, on mountain or plain, will answer to his name, "Dead upon the field of glory."

Mr. President, I saw the entire diplomatic corps accredited to this Capital go to the White House in 1898 to beg of President McKinley not to go to war with Spain. The press and the country were aroused to a high degree of anxiety over the protest of these foreign powers. I remember distinctly when they entered the front door of the White House; I saw them there. The significance of their visit was reflected in this Chamber, not so much in the other Chamber, where I was then a member of the Committee on Foreign Affairs, as was my friend from Mississippi [Mr. WILLIAMS]. I heard Senators say "We are courting international trouble." The disposition of Spain's colonies had aroused anxiety. The nations of Europe had had their eyes on Cuba for a hundred years. England and France, in 1852, prepared a tripartite agreement, under which they asked the United States to assist in the perpetual government of Cuba for all time. When the British foreign office was asked about their anxiety with reference to Cuba, the Earl of Malmesbury replied "that the nation possessing Cuba might either protect or obstruct the commercial routes from one ocean to the other." Spain was being hard pressed by her creditors then, but the United States refused to enter into such an arrangement, the President saying that "the convention proposed would be viewed with disfavor by the United States Senate." Think of it, Senators! President Fillmore actually consulted the wishes of this body! How strange and ancient that practice has become! War with Spain now became inevitable. Senator Proctor's simple story of wrong and suffering brought the country to a realization of its duty, and the crimes committed by Spanish rulers could not longer be tolerated, while the destruction of the *Maine* inflamed the public mind to the fighting point.

What do you think President McKinley said when all of these diplomats went to the White House and begged him to desist? Do you think that he convened Congress in joint session and told it to undo some American policy forthwith, "right or wrong"? Did William McKinley call the two Houses together and then propose to them that we should yield up some measure of our national sovereignty in "ungrudging measure" in support of the foreign policy of the administration lest he should "not know how to deal with other matters of even greater delicacy and nearer consequence:"? No! A thousand times no! President McKinley looked these ambassadors straight in the eye and said to them: "Gentlemen, this is very courteous and thoughtful of you, but this is an American matter, and we will attend to it ourselves." And the diplomatic corps took their hats and returned to their embassies and their legations. We, the representatives of the people, proceeded here in this Capitol to draft a joint resolution fixing the purpose and the policy of the

American Government with reference to Spain in this hemisphere. I was here when President Cleveland called England to book for her pretensions in Venezuela, and the country rang with his praise.

My mind also goes back to the time when Perdicaris was held in bondage by a Tangier bandit. President Roosevelt did not wait to consult the convenience of bandits or what the effect would be on a personal foe, but he sent a cablegram to our consul general at Tangiers, saying "I want Perdicaris alive or Raisuli dead." Shades of Benton, upon what strange times have we come? Benton murdered, Americans slaughtered, and no reparation demanded in our name, because, forsooth, Villa is engaged in a holy cause. The Americanism of Lincoln and Cleveland, McKinley and Roosevelt cries out in despair; while they were in the presidential chair the standing of an American citizen in any part of the world was never questioned.

But President Wilson, in order to compose certain differences growing out of Mexican affairs, which have been made more complex by his halting and hesitating policy, calls us together immediately after the officers of a Japanese battleship paid a visit to Gen. Huerta, and asks us to surrender up a part of our sovereignty in the canal which we have just built across the Isthmus of Panama in the interest of peace, "right or wrong."

Why, Mr. President, we could have gone on and built that canal, just as my friend the Senator from Mississippi [Mr. WILLIAMS], and the Senator from Nevada [Mr. NEWLANDS], and the Senator from Colorado [Mr. SHAFROTH], and the Senator from Alabama [Mr. BANKHEAD], and the Senator from Virginia [Mr. SWANSON] wanted to do it in May, 1909. If those Senators believed as they then acted, why do they not vote as they believe now?

I do not know whether I have made my point clear, but nowhere in the Clayton-Bulwer treaty were we inhibited from building the Panama Canal; article 8 only provided that if we decided to go that way, rather than across Nicaragua, where England had territory, it would be the subject of future negotiations. I am very sure I am right about that. If there is any Senator here who thinks I am not right about it, I will cheerfully yield to him.

Mr. WILLIAMS (to Mr. SMITH of Michigan). Read the clause and you will find that you are wrong.

Mr. SMITH of Michigan. I will read the clause of article 8. I ask the Senator from Mississippi, is not that the only article that refers to Panama?

Mr. WILLIAMS. No; the whole treaty applies to a canal anywhere across the Isthmus.

Mr. SMITH of Michigan. Well, you evidently did not think so in May, 1900. I will see about that.

The United States of America and Her Britannic Majesty—

Begins the treaty—

being desirous of consolidating the relations of amity—

And so forth. I do not want to read it all, but in the first line of the first article of the treaty it is provided:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal—

What is "the said ship canal"? A—

ship canal which may be constructed between the Atlantic and Pacific Oceans by the way of the river San Juan de Nicaragua and either or both of the lakes of Nicaragua or Managua, to any port or place on the Pacific Ocean.

That is what the treaty says.

Mr. WILLIAMS. From what treaty is the Senator reading?

Mr. SMITH of Michigan. I am reading from the Clayton-Bulwer treaty.

Mr. WILLIAMS. I thought the Senator was referring to the Hay-Pauncefote treaty.

Mr. SMITH of Michigan. I repeat:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America.

Where is there in that language any inhibition upon the right of the United States to build a canal in some other place than in the territory described? Where is there in this treaty any inhibition against our Government building a canal or other means of communication at any other place than the places mentioned, namely, Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America? Central America is not the Isthmus of Panama. It has no political connection with the Isthmus of Panama, and it had not at the time this treaty was made in 1850. England had rights in Nicaragua; and those rights she was protecting, but she had no rights in Panama. Article 8 does provide that the United States and Great Britain—

hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America.

But that does not rise to the dignity of a contract. An agreement to agree is not an agreement. We said we would enter into future negotiations, but we were never asked to do so. An American railroad was constructed across the Isthmus and operated for more than 40 years without the slightest interference upon the part of Great Britain in the American right to regulate and control it.

No, Mr. President, England had a very bad case in the estimation of the House of Representatives in May, 1900. England was in a very trying situation in 1901, and she devoted herself to the purpose of getting what little she could out of it. She got the principle of neutralization, which only means that we will stand apart from her controversies; and she got equality of tolls among our customers, never questioning our right to prefer our own ships in our own way. May I ask Senators this plain, direct, and simple question: If the construction now placed upon this treaty by the Senator from Georgia [Mr. SMITH], with his great learning and ability, and by other Senators upon the other side of the Chamber, had been the construction placed upon the treaty when we were providing the money to build the canal, would there have been a dollar appropriated for its construction?

If we were considering now de novo the question of building a canal across the Isthmus of Panama under the strained construction which is sought to be given to our treaty rights, would Senators vote the money necessary to build it? I think not.

I was among those who voted the first money to build the canal. I would not have voted five cents to build it under the construction now placed upon our rights by the President. Oh, no. Mr. President, the truth is that the Chief Executive has been unduly alarmed by an acute but temporary situation in one of our neighboring Republics. He has been somewhat overanxious about the attitude of certain European and oriental States with reference to that controversy, and in his dilemma is seeking an ally to compose those differences. If Mr. Lincoln had taken the same course, he would have pleased France and England, for England came with France to Mexico just before the Civil War, but when she found the purpose of Maximilian's soldiers England withdrew. President Lincoln could see through the thinly veneered plans of these European States.

Mr. LEWIS. Mr. President, does the Senator from Michigan intimate that the President of the United States is seeking to make an ally of England, and, to compensate her for an alliance, is seeking to surrender a right of the American Government?

Mr. SMITH of Michigan. If that idea has been suggested, the Senator from Illinois is entitled to the credit for it, for he is the only man that ever made that statement on this floor.

Mr. LEWIS. Does the Senator from Michigan say to me that I ever made that statement?

Mr. SMITH of Michigan. I do. Standing in his place a few weeks ago the Senator stated that, at the risk of offending somebody, he was going to speak the truth, though it slew him, or something to that effect. The Senator then filled the air with dire prophecy about our relations to the outside world, creating undue alarm in our own country.

Mr. LEWIS. Mr. President, I desire, if I am not interrupting the Senator——

Mr. SMITH of Michigan. The Senator is interrupting me, and I am sorry that he persists in doing it, because I am very weary.

Mr. LEWIS. I want to give the Senator now a little rest by asking him to pause for a moment.

Mr. SMITH of Michigan. I would rather have the Senator speak in his own time, if he will permit me.

Mr. LEWIS. No; at this particular time I must correct the statement of the Senator, for he has inadvertently placed upon my statement a construction which I assure him can not be placed on any statement which has ever fallen from me in this place.

Mr. SMITH of Michigan. Does the Senator want me to read what he said?

Mr. LEWIS. No; my memory is accurate, my conduct has been just, and I have no reason for forgetting it.

Mr. SMITH of Michigan. Very well; I will not read it now.

Mr. LEWIS. I will recall it to the Senator, if he will permit me. The Senator said, if I understood him, that I in my place had said that I would take an opportunity to disclose the truth though it wrecked me, or something of that sort.

Said President Wilson to the notification committee—

by the mere paltry device of tolls.

Paltry device. You would think, from reading his message to Congress and from the speeches of some of our friends who advocate repeal, that this was a gigantic subsidy; that some one was going to reap a tremendous benefit from it; and yet the President, in his speech to Senator JAMES and his associates, said:

We shall not manage the revival by the mere paltry device of tolls. We must build and buy ships in competition with the world.

"A paltry device," he said, and yet he puts forward the repeal of this "paltry device" with great solemnity as the sine quo non of British friendship for us, as the one national favor which will unify the English-speaking people in both hemispheres in bonds of perpetual sympathy and love for all the future generation of men, and virtually says it can be accomplished in no other way. This "paltry device of tolls" which he had pressed forward in the campaign is now to be waived in order to cement the English-speaking race. O Mr. President, I marvel that he should have suggested such a "paltry" sacrifice, so meaningless and of so little advantage to the British Government, as a basis of American and British amity. It must be, Senators, that this waiver means more to England than appears upon the surface; it must be that our President is sorely perplexed; indeed, he admits it; but he does not tell us what it is about. Can it be that he has been rending Jean Paul Richter's dream of crashing worlds and has not yet awakened from its magic spell?

Mr. President, the attitude of the Chief Executive of the country is absolutely inexplainable. In his campaign he approved with great vigor this legislation, then before the House. He said nothing to deter his party associates in the Senate, who were about to ratify what the House had done; the policy pursued was supposedly his. He entered the campaign with the purpose firm in mind to permit the coastwise shipping of our country to enjoy the same privileges in Panama which they enjoy on every other waterway over which our flag is supreme.

He was then in harmony with the American purpose and hostile to the further control in any manner by England of the interoceanic canal. Is there any Senator here who doubts that? I should like to ask any of the numerous Senators who voted for the Hepburn bill in the House of Representatives May 2, 1900, or any other Senator here, if he doubts that the passage of that bill in the House of Representatives was distinctly inimical to the convention of 1850, prepared by Mr. Clayton and Mr. Bulwer? It ended all uncertainty and reflected our unalterable purpose to go into this project alone.

What did the old treaty do? Did the treaty of 1850 preclude the American Government from constructing a canal across the Isthmus of Panama? Certainly not. The treaty of 1850 provided that there should be joint supervision and control on the part of England and the United States over any canal built through Central America via Lake Nicaragua and Lake Managua and the Republic of Nicaragua. There is not a line or a syllable in that treaty which binds us at the Isthmus of Panama. Senators who support the administration may frown, but the treaty itself speaks in unmistakable language, and eminent Senators about me give encouragement to my contentions.

In the eighth article of that convention there was a provision that if any other route through the Isthmus of Panama were to be adopted as a means of communication either by water or rail it should be the subject of future negotiations. But there was no provision against our constructing a canal across the Isthmus of Panama. Central America and Nicaragua are not the Isthmus. Central America and Nicaragua have never been treated as the Isthmus by anyone. The Isthmus in 1850 was that territory controlled by New Granada, and New Granada had given the American Government an exclusive right to build a canal or a railroad across it. A little later Mr. Aspinwall and his associates built a railroad across there. Did Great Britain, through its foreign office, ask the United States to fix rules for its operation? No. Was there any treaty made by England and the United States with reference to its control? No. None was proposed and none was made. We were free to do as we pleased and did it unhampered by England. We had no treaty with England regarding the Isthmus of Panama until the second Hay-Pauncefote treaty, now before us, which gives Great Britain only such treatment as is accorded other customers of the United States in the use of the canal. If any Senator here doubts that statement, I invite him to rise and say so. What, will no one venture a contradiction?

The truth is that the only reference made to Panama was in the eighth article of the Clayton-Bulwer treaty, as I said a moment ago, and that article did not bind us with reference to a canal across the Isthmus, but said that if one was built it would be the subject of future discussion between the two countries, and it was not the subject of negotiations between the two countries until 1901, when this treaty was perfected.

What did the distinguished Senator from Mississippi [Mr. WILLIAMS] mean when he voted in favor of the Hepburn bill in the spring of 1900? Did he mean to violate the Clayton-Bulwer treaty without notice or was that act to be the notice? He was not overscrupulous then, and he was not overscrupulous when he voted for free tolls for our coastwise shipping two years ago.

What did my honored friend, the Senator from Nevada [Mr. NEWLANDS] mean when he voted, on the 2d of May, 1900, to pass the Hepburn bill directing the President to proceed with the construction of a canal across Nicaragua? Did the Senator mean to flaunt his Government in the teeth of Great Britain? Certainly, and he has never made an apology for it and never will; he is too intense in his Americanism.

Mr. President, for 25 years nearly everyone has treated the Clayton-Bulwer treaty as a dead letter. Mr. Arthur, while he was President, had made a treaty with Nicaragua giving us the right to construct a canal across Nicaragua in defiance of that treaty. Mr. Frelinghuysen, his Secretary of State, said the treaty had no binding effect; that it had outlived its usefulness; and no claim was seriously made on the part of Great Britain that it had any further legal vitality whatever, and yet there were many strong men who regarded it with awe. The learned Senator from Ohio [Mr. BURTON] was one of these. He struggled manfully to maintain his high standard of national virtue. He had offered an amendment proposing that a commission should be appointed to look over the routes; but we had had several commissions, I believe, up to that time, and the country was tired of them. The country was determined to build that canal in 1900.

We had been through the Spanish-American War and knew the necessity of uniting our Atlantic and Pacific ports without the necessity of going around Cape Horn or through the Straits of Magellan. The country was determined to act, and the desperate attempt of Great Britain to save some little remnant of her influence in whatever canal might be constructed between the two oceans commands my unadulterated admiration. The American people, however, would not stand for delay any longer; and in that situation Mr. Hay was directed to proceed in the new light of American public opinion. The second Hay-Pauncefote treaty was made not in the atmosphere of the convention of 1850, not in the fog of the convention of February, 1900, but in the light of this national declaration upon the part of the popular branch of Congress. In such a situation, is it any wonder that Great Britain should seek to save just as much as she could get out of the wreck of her hopes?

What did she save? She saved neutrality. I think the Senator from Connecticut [Mr. BRANDEGEE] said that neutrality meant that we were all on an equality at the Isthmus. I do not believe the distinguished Senator from New York [Mr. ROOT] indorses that definition of neutrality.

Switzerland and Belgium are both neutral States by contract. Does anybody deny that both Belgium and Switzerland can regulate their domestic affairs in their own way? The fact that they are neutral simply means that they will not pick a quarrel with the other States that have contracted to help maintain their neutrality or show preference between them. That is all. It does not mean a surrender of sovereignty. It means that they have elected to stand neutral between contending forces. It is an alliance of peace, not a declaration of war.

No one doubts that Belgium has absolute control over her domestic affairs, notwithstanding she is a neutral State. Luxenburg regulates her own domestic affairs and is content. Neutrality simply means that where there is a conflict between States which are its friends it will not use military or other force to influence the contest.

John Bassett Moore, in his very able elucidation of this principle, says:

A State is neutral which chooses to take no part in a war; and persons and property are termed neutral which belong to a State occupying this position.

In the name of Heaven, if we contracted to neutralize the canal at the Isthmus as between our customers, are we forbidden to exercise all the rights of sovereignty ourselves? Certainly not. There is no condition of neutrality anywhere which recognizes any such principle in the law of nations. If we were a semisovereign State, if we were controlled by a protectorate, our situation would be vastly different.

Belgium is as distinctly an independent State to-day as the United States of America. Does anyone doubt it? She makes treaties with other nations; she passes her own laws; she accredits her ministers to foreign courts; we accredit our minister to Belgium; and yet Belgium is a neutral State, because she has elected not to war upon her neighbors. We are neutral in our canal among our customers because our customers use the canal under conditions laid down by our Government. That American territory is calm and unvexed and tranquil; it can not become the football of warring nations and be useful to mankind. None of our patrons could enter the canal and do damage there without inviting at once the vengeance of the entire world. We said the canal should be neutralized among our customers; but this duty rests upon ourselves. Our right to protect it and govern it and control it is not challenged anywhere, and we have no constitutional right to surrender this sovereignty. It is little less than insulting for any Senator on this floor to ask us, in the interest of peace, to waive our sovereign rights lawfully acquired on the Isthmus of Panama.

Mr. President, all England saved out of the Clayton-Bulwer treaty was the principle of neutralization and equal treatment with other customers of the canal in the matter of tolls.

My honored friend from Utah [Mr. SUTHERLAND], an able lawyer, with whom I have served for many years, nods his assent to this suggestion. We accord to Germany the same treatment that we do to England by our law now upon the statute books. We are asked to do no more, and American Senators have no right to brief this case for England.

Mr. President, the Senator from Mississippi [Mr. WILLIAMS] seems to be examining my record, or the record of the House of Representatives, made in May, 1900.

Mr. WILLIAMS. Yes; the record of the House, not of the Senator from Michigan.

Mr. SMITH of Michigan. I am very glad he has it, and I am perfectly willing he shall explain to the Senate just how much deference he then showed for solemn foreign contracts.

My friend from Ohio [Mr. BURTON] seems to be agitated about something. [Laughter.] I cheerfully yield if he desires to make an observation; but in what I have to say about the Clayton-Bulwer treaty I acquit him of any ruthless disregard for international conventions.

The truth is that he resisted it with all his might, and he gathered together, as he usually does, a select company of rather distinguished gentlemen who, most of the time, are obliged to satisfy themselves in the minority, and I regret that in this instance his tribe seems to have increased.

If Great Britain had no rights under the Clayton-Bulwer treaty upon the Isthmus of Panama, then she sacrificed none when the treaty was nullified in 1901, and she needs no healing balm now to soothe her anger over certain slights put upon her citizens in our neighboring Republic south of the Rio Grande.

I charged one day, while sitting next to the distinguished Senator from Massachusetts [Mr. LODGE] and the distinguished Senator from New York [Mr. ROOT], that neither one of them could have known about the first Hay-Pauncefote treaty, or they would have counseled Secretary Hay against it, knowing that it could not be ratified in the Senate, and thus he would have been saved the humiliation of seeing his treaty so mangled by the Senate that it was beyond the power of Great Britain to recognize it when it finally reached the British foreign office. The Senator from Massachusetts [Mr. LODGE] said, "Oh, no; you are mistaken. I knew about the first treaty." I said I could not believe that a Senator so wise and so powerful could have known what was then in contemplation. But he did and helped to make it fairly acceptable. I think he reported the treaty to the Senate. That treaty was as objectionable as its earlier prototype and was proposed in the guise of a friendly intermingling of the two English-speaking races. The treaty of Clayton and Bulwer was in defiance of American public opinion. The Senator from Michigan at that time, Lewis Cass, hauled John M. Clayton, of Delaware, over the coals in this body with a vigor and earnestness and an intensity of Americanism which left no room for doubt that Mr. Cass regarded it as a betrayal of our rights.

Is there a Senator in this Chamber now, North or South, East or West, old or young, distinguished or with a reputation yet to make, who believes that the Clayton-Bulwer treaty was a desirable one for the United States? Is there a Senator in this Chamber who would have voted for its ratification if he had been here at that time? Senators, why do not some of you who have been defending its sanctity and significance rise? Is there a Senator in this Chamber who believes that it was conceived in wisdom?

England had been hovering around Central America for more than a hundred years before that treaty was made, seeking strategic points of advantage. Great Britain had asked Spain to give a few English people the right to go down the coast of Central America and cut a few mahogany logs. Spain said they did not want them to do so, because they might seek to assert some sovereign right over the territory, but England said, "No; we just want these people to cut a few logs." They went in there and cut a few logs, and put up a few fences, besides, and in every crisis since 1763, when Spain gave these English woodsmen a license to cut logs on the small islands in Fonseca Bay, Great Britain has fortified her position. In 1783 she disclaimed any ulterior purpose in remaining, and three years later agreed to leave. Even the British House of Lords questioned the justness of the claims of the King, while two acts of Parliament conceded England had no sovereign right or dominion over Honduras, and yet the foreign office persisted in staying there.

Mr. LEWIS. May I interrupt the Senator to ask as to the accuracy of an historical reference made by him?

Mr. SMITH of Michigan. Mr. President, I have known the Senator from Illinois now for a generation; I served with him in the House of Representatives nearly a generation ago. He has known me intimately all this time, and this is the first time in all our acquaintance that he ever questioned my accuracy.

Mr. LEWIS. Then, Mr. President——

Mr. SMITH of Michigan. I am amazed at the Senator from Illinois to thus seek to cast some suspicion upon the historical fact which I have just stated.

Mr. LEWIS. Will the Senator from Michigan allow me to elaborate a little further by asking him the query which I rose to propound, if I do not interrupt his trend of argument?

Mr. SMITH of Michigan. I am very glad to have the Senator interrupt me. I yield cheerfully to the Senator.

Mr. LEWIS. I desire to reciprocate the exquisite sentiment expressed by the Senator. I meant to ask him whether he has not fallen into a slight error of memory.

Mr. SMITH of Michigan. No; I have not fallen into any error.

Mr. LEWIS. The Senator anticipates me. He probably means if he fell into an error before, it was of a slight one.

Mr. SMITH of Michigan. No; I would not admit that; but if the Senator feels that his question is appropriate, I will let it stand.

Mr. LEWIS. I will withdraw the observation that the Senator has himself admitted any former error. Is he not in error as to the position of Senator Cass? My memory of the history is that the Clayton-Bulwer treaty, when it was made a subject of discussion in the Senate, was defended by Mr. Cass and was opposed by Mr. Douglas, the Senator then from Illinois, who had devised for himself a policy known as the American policy, which at that time opposed the execution of the treaty or the entrance upon it, and Mr. Cass, who then represented Michigan, sought to enforce that treaty over the proposition of the Democrat from Illinois, who regarded it as an un-American document.

Mr. SMITH of Michigan. Mr. President, I am very familiar with the attitude of Gen. Cass. The truth about the matter is that Gen. Cass chased Senator Clayton around this Chamber with a cut-o-nine-tails and basted him at every step he took for two or three days; because of his treaty, Mr. Clayton had come to the Senate and was upon equal ground with the Senator from Michigan, and he did it because for the first time he learned that an exchange of notes between Clayton and Bulwer fixed the status of England's claims in British Honduras, and it was a most amazing thing to Senator Cass that an understanding of that kind should have been entered into between the American diplomat and Lord Bulwer. He found great fault with it, and the records of the department indicate that that exchange of notes was so little known that even Mr. Cass with all his shrewdness never knew anything about it until after the treaty was ratified.

Mr. GALLINGER and Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. SWANSON in the chair). Does the Senator from Michigan yield, and if so, to whom?

Mr. SMITH of Michigan. Certainly; to the Senator from Colorado.

Mr. THOMAS. I merely wish to state that the Senator's statement concerning Mr. Cass's position is confirmed absolutely by the history of the Clayton-Bulwer treaty, written by Mr. Travers.

Mr. SMITH of Michigan. I am obliged to the Senator from Colorado. I know that Senator Cass did not know about this side agreement between Clayton and Bulwer, and it was upon that that Great Britain maintained her right to occupy British Honduras. The Senator from New Hampshire will pardon me. I yield to him.

Mr. GALLINGER. Mr. President, I may have read the history of that transaction incorrectly, but my recollection is that

view, no doubt, to guard it against the attack, which might be apprehended, from placing the power of declaring war in those hands which rejected everything of that character.

Mr. SMITH of Michigan obtained the floor.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Goff	O'Gorman	Smith, S. C.
Bankhead	Gronna	Overman	Smoot
Brady	Hollis	Owen	Stephenson
Brandegee	Hughes	Page	Sterling
Bristow	Johnson	Perkins	Stone
Bryan	Kenyon	Pittman	Sutherland
Burton	Kern	Ransdell	Swanson
Chamberlain	Lane	Shafroth	Thomas
Chilton	Lea, Tenn.	Sheppard	Thompson
Clark, Wyo.	Lea, Md.	Sherman	Thornton
Colt	Lewis	Shields	Tillman
Crawford	McCumber	Shively	Townsend
Cummins	Martin, Va.	Simmons	Vardaman
Dillingham	Martine, N. J.	Smith, Ariz.	Walsh
du Pont	Myers	Smith, Ga.	White
Fletcher	Nelson	Smith, Md.	Williams
Gallinger	Norris	Smith, Mich.	Works

The PRESIDING OFFICER. Sixty-eight Senators having answered to their names there is a quorum present.

Mr. SMITH of Michigan. Mr. President, I do not intend to prolong the discussion unnecessarily this afternoon. I think, however, in view of the statement of the Senator from Oklahoma [Mr. OWEN] on Saturday last, it may not be inappropriate to say that the latitude of debate in the Senate of which he complains has many times illustrated the wisdom of that method of procedure in this body. I have seen measures of far-reaching importance stripped of imperfections by elucidation and debate, resulting in legislation that was wholesome and of practical value to the country, while ill-considered bills rarely reflect the sober judgment of Congress or the people we represent. Hasty judgment smacks of sovereign decrees. Republics should forge no fetters in a night.

As I recollect it, when the tariff bill came over here from the other House a few months ago, many Senators, especially upon that side of the Chamber and newer Members of this body, deplored the fact that they could not enact that bill into a law without delay, and it was hinted that revenue bills were solely the function of the House of Representatives, and the Senate should promptly approve such bills without debate. Sir, we still remain a coordinate branch of the American Government, and while our methods are old-fashioned there remains much good work for us to do. Several eminent British diplomats, including Mr. Bryce, long accredited to Washington by the English sovereign, characterizes this body as unnecessary to the perfection of our system of Government, and deplores the delay and often the defeat of international contracts because of the local influences affecting our judgment. The King can bind the Empire of Great Britain; but since Valley Forge and Yorktown, no one man speaks with authority for this blessed Union of States. We changed schedule after schedule of the tariff bill and when it left this Chamber it was less imperfect than when we received it.

When the banking and currency bill, of which the Senator from Oklahoma had charge, left the committee of CARTER GLASS in the House of Representatives the President of the United States was quoted as saying that it was the most perfect banking and currency measure ever devised by man. Yet under the wide latitude of discussion afforded in this Chamber 50 per cent of the bill as it originally appeared in the House of Representatives was changed. Can anyone say that unlimited debate was harmful to that legislation?

Take the message of President Wilson on the Mexican situation. He forced through the House of Representatives without the dotting of an "i" or the crossing of a "t" a resolution so irregular and inappropriate that even the Democratic members of the Committee on Foreign Relations would not support it. When it reached here, instead of directing attention to wrongs and injuries we had suffered at the hands of prowling bandits and misgovernment in Mexico, he focused his animosity upon a defenseless and unfortunate soldier of fortune, then struggling with problems beyond his control, and sent our Army and Navy into his dominion, armed only with a searchlight and a microscope, with instructions to find this offender somewhere among the 17,000,000 of his countrymen and bring him forth for execution in the sight of the world.

Mr. LEWIS. Mr. President——

Mr. SMITH of Michigan. I do not want to yield, but I will yield of course.

Mr. LEWIS. I will not insist on interrupting the Senator.

Mr. SMITH of Michigan. I will yield to my honored friend from Illinois.

Mr. LEWIS. I think I prefer not to interrupt the discussion. I fear it would cause some debate.

Mr. SMITH of Michigan. Does any Senator doubt that the unlimited discussion given to that matter improved its form, that it was far more creditable to our Government and our statesmanship than when it passed the coordinate branch of Congress under whip and spur of Executive decree? Certainly not.

Now we are wrestling with the Panama tolls bill, of supreme national importance because it involves the reconstruction of a treaty with a great foreign power; perhaps we are laying down a rule which will burden our countrymen for generations to come; and yet we are told that the President is impatient with our delay. O sir, if we are to be unfaithful, we can at least be reverent. Thus far I have taken no time. I am not going to take time unnecessarily this afternoon; neither shall I traverse the statements so often and so strongly made upon both sides; but I am going to invite the attention of the Senators and the few sensible critics of our rules to the fact that the wide latitude of debate has given you time to adjust your differences and made possible at least a less dishonorable and ignominious surrender of your plighted faith than would have resulted had you followed the lead of our illustrious President.

Senators may come and go, as they do come and go with each passing year, but the wholesome latitude in debate afforded by our rules tends to avoid much unnecessary friction and insures a higher degree of efficiency in governmental affairs than could otherwise be obtained.

Mr. President, I am going to offer a suggestion regarding the tolls matter that I do not think has yet been made, a matter of my own observation and experience as a Member of Congress, and I am particularly pleased that so many Senators are doing me the honor to listen to my remarks. I am especially pleased that both the Senators from New York are here, and I invite the attention of the senior Senator [Mr. ROOT] to a phase of this situation which he has evidently overlooked in the consideration of this bill.

What was the political atmosphere in which the Hay-Pauncefote treaty was prepared? I was a Member of Congress in 1900. My honored friend the Senator from Mississippi [Mr. WILLIAMS], who sits near me, was a Member of the House at that time. What was the condition of the public mind when the present Hay-Pauncefote treaty was prepared? Perhaps the answer would throw a truer light upon the negotiations than many of the indefinite impressions now retailed for partisan purposes. The Clayton-Bulwer treaty still encumbered the records of the State Department. Officially it was not dead, although it had long since fallen into a subconscious state, but the great popular branch of Congress deliberately ignored it. While the first Hay-Pauncefote treaty, prepared by Secretary Hay, was pending in the Senate, the House of Representatives drove a steel blade squarely into the vitals of these bastard laws, and in defiance of the customs of stilted chancelleries spoke the voice of indignant protest against further artfulness or diplomatic chicane in dealing with a principle of government so important to us all.

I shall never forget the fruitless endeavor of my distinguished and honorable friend from Ohio [Mr. BURTON], who sits by my side, to check that ruthless onslaught against the diplomatic plans of Lord Pauncefote and Secretary Hay. Again and again he tried to rally the scattered remnants of peace, but even the talismanic voice of his party chieftain was drowned in the roar of the victor's cry, and the advancing hosts of American fair play scaled the mountain peaks of parliamentary obstruction as though they were paper barriers intended only to restrain children at play. Protests were vain, the Secretary of State was engulfed, and a resolution passed the House directing the President of the United States to enter upon the construction of a canal across the Republic of Nicaragua without waiting for the consent of any foreign Government. Did not the honored Senator from New York overlook this important historical fact in his brilliant description of the situation surrounding the negotiations at the time this treaty was made?

How well I remember that debate. My friend from Mississippi [Mr. WILLIAMS] voted to thus outrage the diplomatic policy of the country, and seemingly he did it with great joy. My honored friend from Colorado [Mr. SHAFROTH], a new Member of this body but at that time a Member of the House, voted to pass the Nicaragua canal bill in the teeth of the Clayton-Bulwer treaty and in defiance of the engagement of Hay and Pauncefote, not even according that treaty the merit of proper and appropriate funeral rites. My honored friend from Nevada [Mr. NEWLANDS] voted for that bill and is still consistently battling for freedom from foreign fetters. Is it not significant that in open defiance of both treaties, one old

and decrepit, the other young but wither-wrung, the President of the United States was by an overwhelming vote directed to acquire the territory and enter upon the construction of that canal without further parleying or delay?

Sir, that was the situation which the Senator from New York [Mr. ROOT] failed to recall when he made his notable contribution to this debate a few days ago. We who were here remember the scurrying about on the floor of the House of Representatives for negative votes. We remember how the leaders endeavored to line up Members against that international outrage, as it was called. And yet the bill passed that body by the tremendous majority of 224 to 36 and left no room for doubt as to the purpose of the American people regarding this canal project across Central America or through the Isthmus. Here is our second declaration of independence; listen, Senators:

A bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.

Be it enacted, etc., That the President of the United States be, and is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and defend a canal of such depth and capacity as will be sufficient for the movements of ships of the greatest tonnage and draft now in use, from a point near Greytown, on the Caribbean Sea, via Lake Nicaragua, to Brito, on the Pacific Ocean; and such sum as may be necessary to secure such control is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Does the Senator from New York [Mr. ROOT] or my honored friend from Ohio [Mr. BURTON] doubt for one moment that that bill when enacted into law would have sounded the death knell of the Clayton-Bulwer treaty, or its offspring, the first Hay-Pauncefote treaty? The nature of this action was flashed over the ocean, was promptly conveyed to the British foreign office, and fully understood by Mr. Choate, the American ambassador. The effect of our action was instantaneous and electric. Senators who have proclaimed their devotion to our treaty contracts with foreign nations, Senators who honor me with their presence here this afternoon, voted without the slightest hesitation to pass this drastic and revolutionary measure proposed by Mr Hepburn, of Iowa, on the 2d day of May, 1900. From that moment a new diplomatic alignment was imperative, if Great Britain was to save anything from this unexpected rebuff.

The first Hay-Pauncefote treaty, then pending in the Senate, attempted to perpetuate the Clayton-Bulwer treaty and give it new life; there is no question about that. That treaty proposed to deprive us of the right to fortify our canal; that treaty gave England the joint right with the United States to fix regulations for its management and control; that treaty was a copartnership with England from the first line to the last, and I have felt that some of the distinguished gentlemen who have taken such prominent part in this discussion may have had a part in the framing of the first Hay-Pauncefote treaty. I could not believe that my experienced and sagacious friend, the Senator from Massachusetts [Mr. LODGE], had had any hand in the framing of that treaty so generally regarded with disfavor through the country; I could not believe that the senior Senator from New York [Mr. ROOT] had had any hand in framing that treaty; and yet, as I now recall, the Senator from New York was then Secretary of War and sat at the Cabinet table with Mr. Hay and must have known all about that first treaty. If he consented to it, then he consented to the perpetuation of the odious Clayton-Bulwer treaty and a perpetual alliance with Great Britain in the management of this great American enterprise.

Mr. President, what did the Senate do with that treaty? It promptly extracted its vitals, reduced its impertinent swagger, and left the enacting clause only as a warning epitaph to its authors. It was emphatically un-American, and was so denominated over and over again here; and, Mr. President and Senators, that was the atmosphere in which the second Hay-Pauncefote treaty was prepared; that was the attitude of the American public mind toward this question; that was the condition of public opinion here. Is it a stretch of the imagination to say that nothing less than a complete abdication by England would have been acceptable to the American people?

Who voted against the Hepburn bill? The Senator from Ohio [Mr. BURTON], sitting by my side, was one of the little band of martyrs who voted against it and tried to stop its passage. He was an intimate personal friend of the American negotiator and was appealed to by the Department of State when the waters became rough; but the men in the House of Representatives at that time who voted for the Hepburn Nicaraguan bill while the first Hay-Pauncefote treaty was pending include that stalwart defender of the President in this unpatriotic struggle, Mr. Burleson, now Postmaster General of the United States; Mr. BANKHEAD, now Senator from Alabama; Mr. SHAFROTH, now Senator from Colorado; Mr. WILLIAMS, now Senator from Mississippi; Mr. SWANSON, now Senator from Virginia, and numerous others. Their solicitude about our treaty obligations seems to have developed suddenly, after an injection of a special brand of presidential serum, calculated to allay party pain and perfidy.

England was plainly discouraged in the face of this Yankee demonstration; the great popular branch of Congress had literally torn her hopes to tatters, and Lord Lansdowne and Lord Pauncefote began to take soundings on the diplomatic sea, where new and threatening shoals had been revealed by the lowering tide.

But, Senators, the vote was only 224 to 36, just a sandstorm on the desert, or a hurricane at Hatteras; that was all; only a slight indication of cosmic chaos. Is it any wonder that the able advocates of this bill should have overlooked this interesting page of history while calling our attention to the sacrifices made by England in surrendering her rights under the treaty of 1850?

Mr. President, are we not forced to the conclusion that the British foreign office fully understood then, if never before, that if they were to get anything at all as the result of the Clayton-Bulwer treaty, if they were to have any interest at all in the canal that we were about to construct, all England could hope to save would be the voluntary neutralization of the canal and just treatment as one of our customers in its use? There is not a line or a syllable in the correspondence which shows otherwise, and until American propagandists set their subsidized printing presses to work and American Senators took the side of England no confusion existed anywhere as to our rights or our duty. President Taft fixed the charges on foreign shipping, and Congress and the President gave the vessels flying our flag and engaged in purely domestic commerce from port to port the same privileges at Panama as we accord them on the Mississippi, the Ohio, the St. Marys, and all other internal waterways. President Wilson approved this plan in speeches during his campaign for the Presidency; the Baltimore platform, upon which he stood, approved it in the following terse and vigorous language:

We favor the exemption from toll of American ships engaged in coastwise trade passing through the canal.

His speech of acceptance said that the plan did not go quite far enough to rehabilitate the merchant marine.

Former President Roosevelt, who made the present treaty possible, approved the exemption of our coastwise ships from the payment of tolls, saying in his speech accepting the presidential nomination at the hands of the Progressive Party, August 6, 1912:

The Panama Canal must be fortified. It would have been criminal to build it if we were not prepared to fortify it and to keep our Navy at such a pitch of strength as to render it unsafe for any foreign power to attack us and get control of it. * * * We have a perfect right to permit our coastwise traffic with which there can be no competition by the merchant marine of any foreign nation, so that there is no discrimination against any foreign navy to pass through that canal on any terms we charge, and I personally think that no tolls should be charged on such traffic.

Mr. President, these declarations were a sufficient notice to Great Britain that we would never again enter into any arrangement for joint control of this proposed waterway. Senators, what base treachery is at the bottom of this cowardly surrender now?

What gives this treaty question so much prominence at this time? The President of the United States, in his speech of acceptance addressed to the Senator from Kentucky [Mr. JAMES] and the other members of the notification committee, did not think that we were conferring any great privilege upon our coastwise shipping by the exemption. He did not feel that our national honor was involved then; the plaudits of the multitude in his campaign easily drowned the roar of the British lion then. What did he say in his speech of acceptance to Mr. JAMES and his associates about it? Listen, Senators:

The very fact that we have at last taken the Panama Canal seriously in hand and are vigorously pushing it toward completion is eloquent of our reawakened interest in international trade. We are not building the canal and pouring out millions upon millions of money upon its construction merely to establish a water connection between the two coasts of the continent, important and desirable as that may be, particularly from the point of view of naval defense. It is meant to be a great international highway. It would be a little ridiculous if we should build it and then have no ships to send through it. There have been years when not a single ton of freight passed through the great Suez Canal in an American bottom, so empty are the seas of our ships and seamen. We must mean to put an end to that kind of thing or we would not be cutting a new canal at our very doors merely for the use of our men of war. We shall not manage the revival by the mere paltry device of tolls—

Richard Henry Lee, the Revolutionary general and a distinguished writer of the time when the Constitution was under consideration by the States for ratification, writing over the title of "The Federal Farmer," said:

"On a fair construction of the Constitution I think the Legislature has a proper control over the President and Senate in settling commercial treaties. By one article 'the Legislature shall have power to regulate commerce with foreign nations, etc., and by another article the President, with the advice and consent of two-thirds of the Senate, shall have power to make treaties. These clauses must be considered together; and we ought never to make one part of the same instrument contradict another, if it can be avoided by any reasonable construction. By the first recital clause the Legislature has the power—that is, as I understand it, the sole power—to regulate commerce with foreign nations or to make all the rules and regulations respecting trade and commerce between our citizens and foreigners. By the second recital clause the President and Senate have power generally to make treaties. There are several kinds of treaties, as treaties of commerce, of peace, of alliance, etc. I think the words 'to make treaties' may be consistently construed, and yet so as it shall be left to the Legislature to confirm commercial treaties. They are in their nature and operation very distinct from treaties of peace and of alliance. The latter generally require secrecy. But it is but very seldom they interfere with the laws and internal police of the country, and operate immediately on persons or property, especially in commercial towns—they have in Great Britain usually been confirmed by Parliament. They consist of rules and regulations respecting commerce; and to regulate commerce, or to make regulations respecting commerce, the Federal Legislature, by the Constitution, has the power. I do not see that any commercial regulations can be made in treaties that will not infringe upon this power in the Legislature. Therefore, I infer that the true construction is that the President and Senate shall make treaties, but all commercial treaties shall be subject to be confirmed by the Legislature. This construction will render the clauses consistent, and make the powers of the President and Senate respecting treaties much less exceptional."

Madison, in a speech in conflict between treaty and grant to Congress in 1796, is reported as follows:

"It was as important, and appeared to him to be a decisive view of the subject, that if the treaty power alone could perform any act for which the authority of Congress is required by the Constitution, it may perform every act for which the authority of that part of the Government is required. Congress have power to regulate trade, to declare war, to raise armies, to levy, to borrow, and appropriate money, etc. If by treaty, therefore, as paramount to the legislative power, the President and Senate can regulate trade, they can also declare war, they can raise armies to carry on war, and they can procure money to support armies. These powers, however different their nature or importance, are on the same footing in the Constitution and must share the same fate. A Member from Connecticut had admitted that the power of war was exclusively vested in Congress; but he had now attempted, nor did it seem possible, to draw any line between that and the other enumerated powers. If any line could be drawn, it ought to be presented to the committee; and he should for one be ready to give it the most impartial consideration. He had not, however, any expectation that such an attempt could succeed; and therefore should submit to the serious consideration of the committee that although the Constitution had carefully and jealously lodged the power of war, of armies, of the purse, etc., in Congress, of which the immediate Representatives of the people formed an integral part, yet, according to the construction maintained on the other side, the President and Senate by means of a treaty of alliance with a nation at war might make the United States parties in the war. They might stipulate subsidies and even borrow money to pay them; they might furnish troops to be carried to Europe, Asia, or Africa; they might even attempt to keep up a standing army in time of peace for the purpose of cooperating on a given contingencies with an ally for mutual safety or other common objects. Under this aspect the treaty power would be tremendous. The force of this reasoning is not obviated by saying that the President and Senate would only pledge the public faith, and that the agency of Congress would be necessary to carry it into operation. For what difference does this make if the obligation imposed be, as is alleged, a constitutional one, if Congress have no will but to obey, and if to disobey be treason and rebellion against the constituted authorities? Under a constitutional obligation with such sanctions to it, Congress, in case the President and Senate should enter into an alliance for war, would be nothing more than the mere heralds for proclaiming it. In fact, it had been said that they must obey the injunctions of a treaty as implicitly as a subordinate officer in the executive line was bound to obey the Chief Magistrate, or as the judges are bound to decide according to the laws.

"As a further objection to the doctrine contended for, he called the attention of the committee to another very serious consequence from it. The specific powers as vested in Congress by the Constitution are qualified by sundry exceptions deemed of great importance to the safe exercise of them.

"These restrictions are contained in section 9 of the Constitution, and in the articles of amendment which have been added to it; thus, 'the migration or importation of such persons as any of the States shall think proper to admit shall not be prohibited by Congress.'"

He referred to several of the other restrictive paragraphs which followed, particularly the fifth, which says that no tax shall be laid on exports, no preference given to the ports of one State over those of another, etc. It was Congress also, he observed, which was to make no law respecting an establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press; or of the right of the people peaceably to assemble, etc. Now, if the legislative powers specifically vested in Congress are to be no limitation or check to the treaty power, it was evident that the exception to those powers could be no limitation or check to the treaty power.

Returning to the powers particularly lodged in Congress, Madison took notice of those relating to war and money, or the sword and the purse, as requiring a few additional observations in order to show that the treaty power could not be paramount over them.

It was well known that, with respect to the regulation of commerce, it had long remained under the jurisdiction of the States; and that in the establishment of the present Government the question was whether, and how far, it should be transferred to the general jurisdiction. But with respect to the power of making war, it had from the commencement of the Revolution been judged and exercised as a brand of the general authority essential to the public safety. The only question therefore that could arise was whether the power should be lodged in this or that department of the Federal Government. And we find it expressly vested in the legislative and not in the executive department, with a view, no doubt, to guard it against the abuses, which might be apprehended, from placing the power of declaring war in those hands which would conduct it when declared; and which therefore, in the ordinary course of things, would be most tempted to put it into war. But according to the doctrine now maintained, the United States, by means of an alliance with a foreign power, might be driven into a state of war by the President and Senate contrary both to a sense of the Legislature and to the letter and spirit of the Constitution.

On the subject also of appropriating money, particularly to a military establishment, the provision of the Constitution demanded the most severe attention. To prevent the continuance of a military force for a longer term than might be indispensable, it is expressly declared that no appropriation for the support of armies shall be made for more than two years, so that at the end of every two years the question whether a military force ought to be continued or not must be open for consideration and can be decided in the negative by either the House of Representatives or the Senate refusing to concur in the requisite appropriation. This is a most important check and security against the danger of standing armies and against the prosecution of a war beyond its national objects; and the efficacy of the precaution is the greater, as at the end of every two years a reelection of the House of Representatives gives the people an opportunity of judgment on the occasion for themselves.

But if, as is contended, the House of Representatives have no right to deliberate on appropriations pledged by the President and Senate, and can not refuse them without a breach of the Constitution and of their oaths, the case is precisely the same, and the same effects would follow, as if the appropriations were not limited to two years but made for the whole period contemplated at once. Where would be the check for a branch of government whose very existence might be marked between two years, if at the end of two years the appropriation was to be continued by a constitutional necessity for two years more?

Albert Gallatin, Edward Livingstone, and other prominent statesmen of the day entertained the same position with Madison.

John Page, of Virginia, friend of Washington, Revolutionary soldier, and afterwards governor of Virginia, said:

"I may agree that it may be necessary to establish a commercial intercourse between two nations to their mutual advantage and satisfaction, but I must affirm that as that treaty would be a commercial regulation and as Congress is expressly empowered by the Constitution to regulate commerce, whenever such a treaty shall be made between the United States and any other nation Congress must either direct that the negotiation be commenced upon conditions approved or sanction the ratification of such treaty by some act showing that the regulation of commerce is made by the authority of Congress, in conformity to the Constitution. Besides, if the President and Senate can regulate the commerce of the United States with one nation, they can with all nations, and the same with all, what a nation can there be with whom Congress can regulate commerce? This argument must therefore fall to the ground. We are told, however, that the treaty-making power, from its nature, is competent to all the objects and is not to be controlled or checked by the House.

* * * * * * *

"If it be true, then, can the President repeal, as he has by the treaty, the laws of Congress, although by the Constitution he can not negative them? He can oblige Congress to levy taxes; can withdraw impost and tonnage from their reach; prohibit the exportation of sundry articles of produce of the United States, although the Constitution forbids the Senate and House of Representatives concurring to lay the smallest duty on the exportation of any article; he can create offices and annex salaries thereto, destroy the rights of the House, provoke war; in short he can do anything; but this we are sworn to deny. The absurdity of that construction must be evident, and *the recollections of our oaths* to support the Constitution, of which we have been reminded, must force us to revolt at the thoughts of adopting such a monstrous construction of the Constitution."

Mr. Page then said that the amendments submitted by Virginia were intended to remove the evils which the construction of those gentlemen put on the Constitution if adopted must produce.

He further said that if no objections had been made to treaties before, it might be said to be high time for us to make a stand, to examine into and check a little the expensive business of treaty making.

Mr. Richard Brent argued that treaties became supreme law of the land if they involved only executed powers; if it involved powers confided to Congress the President could only make a conditional treaty, and the treaty did not become a law until Congress so made it.

Brent contended that a treaty made by the President and Senate, as far as it relates to commerce, is not a treaty made under the authority of the United States until it has obtained the sanction of the Legislature. If treaties can repeal laws, then laws can repeal the Constitution, for the second laws are as the supreme laws, and the treaties are to the laws, therefore treaties could repeal the Constitution.

THE HOUSE ADOPTS THE SAME CONSTRUCTION.

April 6, 1796, the House of Representatives passed the following resolution written by Madison:

"*Resolved*, That it being declared by the second article of the Constitution that the President shall have power, by and with the advice of the Senate, to make treaties, provided two-thirds of the Senate present concur, the House of Representatives do not claim any agency in making treaties; but that *when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress* it must depend for its execution as to such stipulations on a law or laws to be passed by Congress. And it is the constitutional right and duty of the House of Representatives *in all such cases to deliberate on the expediency or inexpediency of carrying* such treaties into effect, and to determine and act thereon, as, in their judgment, may be most conducive to the public good."

FEAR OF USURPATION BY THE PRESIDENT.

The fear of Executive power by the people of the States was very general and marked. After the Constitution had been submitted to the States for ratification many amendments were submitted to the convention for its consideration. The people generally understood that the proposed Government was to be one of delegated powers only and that what was not especially delegated could not be exercised. Yet there was a desire to impress upon the prospective officeholders and the prospective Congress certain things that they should not do and certain powers they should not exercise. The people feared that without the prohibition the new Government would be led to exceed the powers delegated and usurp powers not mentioned.

The managers of the convention were fully aware that undelegated powers did not and could not exist in a Government of limited jurisdiction, but they did not deem it necessary to encumber the Constitution with a lot of what they deemed unnecessary prohibitions. Hence they rejected everything of that character.

As an evidence, however, of the fear in which the people stood of an Executive and of their desire that the lawmaking power should participate in everything, a few of these proposals by the different States may not be inappropriate to refer to.

Virginia proposed as an amendment to the Constitution—

"That all power of suspending laws or the execution of laws by any authority without the consent of the representatives of the people in the legislature is injurious to their rights and ought not to be exercised."

North Carolina proposed the same.

The States wanted to impress beyond question the principle that no power could supersede a law without the consent of Congress.

Maryland also considered proposing a similar clause, but neglected to submit it.

North Carolina submitted an amendment reading:

"That no treaties which shall be directly opposed to the existing laws of the United States in Congress assembled shall be valid until such laws shall be repealed or made conformable to such treaty, nor shall any treaty be valid which is contradictory to the Constitution of the United States."

Virginia also proposed—

"that no navigation law or law regulating commerce shall be passed without the consent of two-thirds of the Members present in both Houses."

Other proposals indicative of the disinclination to allow an Executive to act without the sanction of Congress and to impress it upon him, even though not necessary, because the Federal Government was one of delegated powers alone, were the following:

From New York came a provision reading—

"that a Standing Army in time of peace shall be raised or kept up in time of peace without the consent of two-thirds of the Senators and Representatives in each House."

"Money ought not to be borrowed on the credit of the United States without the assent of two-thirds of the Senators and Representatives in each House."

New Hampshire, Maryland, and Virginia also made the same proposal with regard to keeping up an Army.

John C. Calhoun, in his "Constitution and Government of the United States," says:

"But although the treaty-making power is exclusively vested, and without consultation or participation by the government of the United States, it is, nevertheless, subject to several important limitations. It is, in the first place, strictly limited to questions *inter alios*; that is, to questions between us and foreign powers which require negotiations to adjust them. All such clearly appertains to it. But to extend the power beyond these, be the pretext what it may, would be to extend it beyond its allotted sphere, and thus a palpable violation of the Constitution. It is, in the next place, limited by all the provisions of the Constitution which inhibit certain acts from being done by the Government or any of its departments, of which description there are many. It is also limited by such provisions of the Constitution as direct certain acts to be done in a particular way, and which prohibit the contrary, of which a striking example is to be found in that which declares that 'no money shall be drawn from the Treasury but in consequence of appropriations to be made by law.' This not only imposes an important restriction on the power, but gives to Congress, as the lawmaking power and to the House of Representatives as a portion of Congress, the right to withhold appropriations; and thereby an important control over the treaty-making power whenever money is required to carry a treaty into effect, which is usually the case, especially those of much importance."

John Randolph said:

"Where a treaty is made involving matters confided by the Constitution to Congress the Representatives are as free as the President or the Senate were to consider whether the national interests require or forbid their giving the forms and force of law to the articles over which they have this power."

Further illustrations of what the President and Senate could do if the supreme power of making treaties were true are unnecessary. Any reader may examine the Constitution for himself and see from the 17 exclusive powers given Congress what the President could do if his power to make a treaty without Congress were unlimited. Such an examination will convince any intelligent man, be he layman or lawyer, that the King's claim to power is inoperative and invalid.

Jefferson, in his Manual, a copy of which every Congressman and Senator has always at hand, speaking of the treaty-making power, says:

"By the Constitution of the United States this department of legislation is confided to two branches only of the ordinary Legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution nor are we entirely agreed among ourselves.

"1. It is admitted that it must concern the foreign-nation party to the contract or it would be a mere nullity, *res inter alios acta*.

"2. By the general power to make treaties the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and can not be otherwise regulated.

"3. It must have meant to except out of these the rights reserved to the States, for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing anyway.

"4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate."

Henry Clay in 1820 said, speaking of the treaty with Spain, relating to the boundary between Louisiana and Mexico:

"The Constitution of the United States has not defined the precise limits of that power, because from the nature of it they could not be prescribed. It appears to me, however, that no safe American statesman will assign to it a boundless scope. I presume, for example, that it will not be pretended that in a government *which is itself limited there is a functionary without limits*. The first great bound to the power in question, I apprehend, is that no treaty can constitutionally transcend the very object and purposes of the Government itself. I think also that wherever there are specified grants of power to Congress they limit and control, or, I would rather say, modify the exercise of the general grant of the treaty-making power upon a principle which is familiar to everyone. * * * But if the concurrence of this House be not necessary in the cases asserted, if there be no restriction upon the power, I am considering it may draw to itself and absorb the whole of the powers of the Government. To contract alliances, to stipulate for raising troops to be employed in a common war about to be waged, to grant subsidies, even to introduce foreign troops within the bosom of the country, are not infrequent instances of the exercise of this power; and if in all such cases the honor and faith of the Nation are committed by the exclusive act of the President and Senate, *the melancholy duty alone might be left to Congress of recording the ruin of the Republic*."

S. M. Cullom, late Senator from Illinois, on July 10, 1868, said:

"Congress can not originate a treaty, nor can the President and Senate raise revenue nor *regulate commerce*."

Mr. Upshur, in instructing Mr. Wheaton, minister to Prussia in 1843, regarding the treaty with the Zollverein, said to bear "always in mind that the sanction of Congress, as well as of the Executive, will be indispensably required."

In declining to ratify the treaty with the Zollverein in 1844, the Committee on Foreign Relations reported that—

"The Constitution in express terms delegates the power to Congress to regulate commerce and to impose duties, and to no other, and that the control of trade and the function of taxing belong, without abridgment or participation, to Congress."

William Loughridge, a celebrated lawyer of Iowa, on June 30, 1868, on the floor of the House, said:

"An attempt is made, through the means of the treaty-making power, to concentrate almost all of the power of this Government in the hands of the President, subject only to the advice and consent of the Senate. And this proposition is, if adopted, a long step in that direction. I hesitate not to say, sir, that if, without any explanation, disaffirmance, or protest, we make this appropriation, we shall, so far as this House can do it, have surrendered practically all the power of this government into the hands of the treaty-making department and reduced this House to the position of an involuntary agent of that power, with no discretion but to carry out its expressed will. That we are rapidly drifting in that direction, it seems to me, must be apparent to the most casual observer.

"By substituting a foreign Government or an Indian tribe in place of this House, on the principle claimed by the Executive, there is nothing within the whole scope of the legislative powers of the Government that can not be done without the consent or intervention of this House. I defy any gentleman to point out a single act of legislation that can not be done through and by the treaty-making power, if we admit that power to the extent claimed by the Executive.

"There is even another ground for holding this treaty to be invalid and that is the lack of power in the President and Senate and the King of Great Britain to deprive the American people of a right which they own. Whence this power to grant away any interests of the country without compensation? It is certainly not given by the Constitution. In England, for an ambassador to agree to do what is beyond his authority is ground for impeachment, and it was held even by Washington's friends that he might be impeached if he went beyond his authority in agreeing to the Jay treaty with England.

What say the writers of despotic countries on this subject? Martin (L. U., ch. 1, sec. 3, p. 49) says:

"Anything that has been promised by the chief or his agent beyond the limits of the authority with which the State has intrusted him is at most no more than a simple promise (spondio) which only obliges the promisor to use his endeavors to produce the ratification."

Again, he says that—

"Even the stipulation of a monarch, though he should be absolute, can not be valid if it militates against the fundamental law of the State unless ratified by the nation."

Floro, in his Volkerecht, section 98, says:

"All treaties are to be looked upon as null which are in any way opposed to the development of the activities of a nation, or which hinder the exercise of its own natural rights."

Heffer declares to the same effect.

Vattel (20 book, ch. 12, p. 298) says:

"A treaty pernicious to the State is null and not obligatory, no conductor of the nation having power to make such treaties. The nation itself can not enter into engagements contrary to its indispensable obligations. In the year 1500 the States General of the Kingdom of France, assembled at Tours, engaged Louis XII to break the treaty he had concluded with the Emperor Maximilian, and the Archduke Philip, his son, because that treaty was pernicious to the kingdom. They found that neither the treaty nor the oath that had accompanied it could oblige the King to alienate the dominions of the Crown. From the same reason, a want of power, a treaty is absolutely null."

Yet these writers were speaking of treaties made by monarchs, and not by a servant of the people, like the President of the United States, whose powers are limited by a written Constitution, and where the sole body that can make law is Congress.

Under what theory of interpretation can it be claimed that the President of the United States can make a treaty that a despot can not?

"The powers of the President * * * can not be enlarged by analogy to the powers of an English King, because the two have their origin and mode of existence in different and opposite principles." (10 Opin. Atty. Gen., 545.)

"But they are not prerogatives—they are legal powers vested in, and duties imposed upon, the President by the letter of the Constitution; and they are to be exercised and judged of as other granted powers and imposed duties are." (Ibid.)

Therefore the powers exercised by the King of Great Britain or of the chief executive of any foreign nation is not authority in the United States.

From the authorities to which I have called your attention it is clear this alleged treaty was a mere promise by the then President to use his endeavors to have it enacted into a law by Congress. As that was never done, there is no question of faith or contract involved. And every foreign Government may be presumed to have known when the treaty was signed that so far as it stipulated to regulate commerce legislative action was required. Great Britain knew this, particularly as her own laws require parliamentary action after the King ratifies a commercial treaty before it becomes binding on the Government.

With assurances of my high regard and admiration for the courageous stand you have taken on this Panama treaty matter, I beg to remain.

Yours, respectfully,

ARTHUR ENGLISH.

brought to my mind the instance of an old fellow I knew, of

people.

To pass this repeal measure I feel is to blot our boasted Americanism, and it is to defile a page of our Nation's history.

My country, my country, I cherish thee still,
Though many the ills that defile thee;
I weep o'er thy wounds and pray for thy weal,
Yet never, no, never, revile thee.

[Applause on the floor and in the galleries.]

The PRESIDING OFFICER (Mr. SWANSON in the chair). The Senate will be in order. Manifestations in the galleries are prohibited by the rules of the Senate.

Mr. MARTINE of New Jersey. Mr. President, I have a letter which was sent to me by a very profound and distinguished lawyer in New York—I will say, by the way, the son of a former Member of the House of Representatives and author—Thomas Dunn English. I ask that it may be printed at the end of my remarks.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

No. 27 CEDAR STREET,
New York, May 2, 1914.

Hon. JAMES E. MARTINE,
United States Senate, Washington, D. C.

MY DEAR SIR: In considering the question of repealing the clause of the act of 1912, exempting coastwise vessels from paying toll for passing through the Panama Canal, it appears that some advocates of the repeal claim the treaty with Great Britain of 1901 binds the United States to refrain from a regulation which discriminates in favor of the vessels of the United States as against those of other nations.

The first question which presents itself, before an examination of the words of the treaty, is whether or no the treaty itself is one of binding force on the Government. This entails an investigation as to the facts of its making and the effect of its being so made.

The treaty was negotiated and submitted to the United States Senate for ratification by the President, and the Senate ratified it by the necessary majority. So far as procedure is concerned the treaty was conducted throughout in the required constitutional manner.

But the power of the President to make such a treaty binding on the United States involves the subject matter to which it relates.

Its wording shows it to be a commercial treaty. It relates to navigation of a waterway constructed within territory solely under our control. It matters not whether that control be an easement or fee or whether a conditional estate in perpetuity or forever. This waterway is not a part of the high seas over which the vessels of all nations can alike and on equal terms transport their commerce. It is a privately constructed way provided by the United States, at its own and sole expense, for its own citizens and for such others as it may see fit to allow its use. No treaty with foreign nations was necessary to enable us to construct the canal as we finally decided to construct it; a cession of territory was all that was required, and we obtained that from Panama. There is no obligation on the part of the United States to allow the canal to be used by any foreign nation. To allow a canal built by the United States within its own territory, over which no foreign nation has any rights whatsoever, to be used by a foreign nation is a mere act of courtesy. We can extend that courtesy at such times and on such terms as Congress alone sees fit.

WHAT THE SUPREME COURT SAYS OF COMMERCE.

In Brown *v.* Maryland (12 Wheat., 419–445) Chief Justice Marshall says:

"The oppressed and degraded state of commerce previous to the adoption of the Constitution can scarcely be forgotten. *It was regulated by foreign nations with a single view to their own interests*, and our disunited efforts to counteract their restrictions were rendered impotent by want of combination. Congress, indeed, possessed the power of making treaties, but the inability of the Federal Government to enforce them had become so apparent as to render that power in a great degree useless. Those who felt the injury arising from this state of things and those who were capable of estimating the influence of commerce on the prosperity of nations perceived the necessity of giving the control over this important subject *to a single government*. It may be doubted whether any of the evils proceeding from the feebleness of the Federal Government contributed more to that great revolution which introduced the present system than the deep and general conviction that commerce *ought to be regulated by Congress*."

In accordance with the views above expressed by Marshall, the framers of the Constitution provided:

"ARTICLE I, SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

What does this mean? It means, to use the words of the Federal Court in United States *v.* Ormsbee (74 Fed., 209), that—

"The sovereign power to make national laws is vested in Congress * * *."

By section 8 the Constitution provides:

"The Congress shall have power * * * to regulate commerce with foreign nations and among the several States * * *."

In Gibbons *v.* Ogden (9 Wheat., 188) Chief Justice Marshall said:

"As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed our Constitution and the people who adopted it must be understood to have employed words in their natural sense and to have intended what they have said."

In the same case Marshall said:

"Commerce is traffic, but it is something more; it is intercourse. It describes the commercial intercourse between nations and parts of nations, in all its branches, and is regulated by prescribing rules for carrying on that intercourse. The mind can scarcely conceive a system for regulating commerce between nations which shall exclude all laws concerning navigation, which shall be silent on the admission of the vessels of the one nation into the ports of the other, and be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter.

"The word 'commerce,' used in the Constitution then, comprehends, and has been always understood to comprehend, navigation within its meaning; and a power to regulate navigation is as expressly granted as if the term had been added to the word 'commerce.'

"It has, we believe, been universally admitted that these words 'with foreign nations,' etc., comprehend every species of commercial intercourse between the United States and foreign nations. No sort of trade can be carried on between this country and any other to which this power does not extend.

"What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed.

"From the provisions of the Constitution and the words of the Supreme Court cited it is clear that Congress alone can make laws and that Congress alone can regulate commerce. Upon no other body are these powers conferred, hence commerce and navigation can not be regulated or interfered with by any department of the Government without the consent of Congress. And Congress comprises the Senate and the House of Representatives.

"The power vested in Congress to regulate commerce with foreign nations and among the several States and with the Indian tribes *is the power to prescribe the rule* by which that commerce is to be governed, and is a power complete in itself *acknowledging no limitations other than those prescribed in the Constitution*." (Lelsy *v.* Hardin, 135 U. S., 100.)

"Having power to regulate commerce with foreign nations and among the several States, and navigation being a branch of that commerce, it has the control of all navigable waters between the States, or *connecting* as the Stream, so as to preserve and protect their free navigation." (Miller *v.* New York, 100 U. S., 393.)

Mr. Justice Story, in The Barque *Chusan* (2 Story, 455–464), said:

"The power to regulate commerce includes the power to regulate navigation with foreign nations and among the States, and it is an exclusive power in Congress. This I conceive has been firmly established by the Supreme Court of the United States, and the doctrine stands, as I conceive, upon grounds which can not be shaken without endangering the interests of the whole Union, if not the very existence of the Constitution as a frame of Government for the professed objects and purposes which it was intended to accomplish.

"Congress has not, in fact, directly regulated it as much by what it leaves without positive regulations as by what it expressly provided for."

But why add more authorities? The Supreme Court Reports are filled with like expressions and in no case has that court ever held that the right to regulate commerce existed in any other department than the legislative.

The grant in the Constitution to Congress to regulate commerce is exclusive, and that means that no other body can exercise that power. It means that all rules which restrict or regulate or extend or interfere with commerce are void unless Congress has authorized them.

In March, 1785, Congress, knowing its exclusive jurisdiction over commerce, passed the following resolution:

"That provision ought to be made by law for holding a treaty to establish peace between the United States and the Wabash, Miami, and other nations of Indians northwest of the Ohio River; also for regulating trade and intercourse with the Indian tribes and the mode of extinguishing their claims to lands within the United States."

On August 7, 1789, Washington, recognizing or being advised of the exclusive powers of Congress over commerce, sent to Congress the following message:

"If it should be the judgment of Congress that it would be most expedient to terminate all differences in the southern district, and to lay the foundation for future confidence by an amicable treaty with the Indian tribes in that quarter, I think proper to suggest the consideration of the expediency of instituting a temporary commission for that purpose, to consist of three persons whose authority shall expire with the occasion."

Thus Congress recognized and Washington acknowledged that when any commercial matter was to be transacted it required that Congress should act; that in Congress alone lay the power to regulate commerce, and no other department of the Government could make any treaty or regulation concerning it.

But the Constitution, Article II, section 2, says that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present shall concur."

Congress and Washington, from the resolution and message heretofore cited, evidently did not think this power to make treaties thus conferred on the President extended to a treaty of commerce. Both the President and many Members of that Congress had sat in the convention that framed the Constitution, and it had gone into effect the same month the above resolution was passed, and but five months before Washington sent the message suggesting to Congress it make a treaty with the southern Indians.

But there are other clauses of the Constitution relating to treaties.

Section 2 of Article III provides that "the judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made or which shall be made, under their authority * * *."

What does "under their authority" apply to? Clearly it means under the authority of the Constitution and the laws made by Congress. Thus the judicial power only extends to treaties made under the authority of the Constitution or under some law of Congress. This would indicate beyond doubt that the framers contemplated that there would be some treaties at least that would require a law of Congress before they would become valid and that the law authorizing or making effective such a treaty would have to be one within the Constitution and not in violation of it. Does this word "their" limit the jurisdiction of the courts to such treaties as are made under authority of a law of Congress? Or is it a limitation on the character of treaties that the President and Senate can make? I think the latter.

What kind of treaties, then, would be those made under the authority of the laws of the United States? Clearly those treaties which contained any matter of which the Constitution had given Congress exclusive jurisdiction. Treaties relating to other matters could be made by the President and Senate without authority of Congress. Treaties which related to commerce, or war, or money, or the 17 matters specifically mentioned in article I could not be made alone by the President and Senate and make foreign rulers or Indian chiefs, because the subject matter had been confined exclusively to the lawmaking power, which meant the House and Senate, not the Senate and President.

But there is another provision of the Constitution on this subject and it provides, Article VII:

"This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any *State* to the contrary notwithstanding."

What means this provision that a treaty shall be the supreme law of the land?

It means, as declared in section 2, Article III, that treaties made under the authority of the United States shall be supreme law as against the Constitution and laws of the States. It certainly does not mean that the treaty shall be the supreme law as against the Constitution of the United States. Nor the supreme law as against the statute of the only body that the Constitution gives power to make laws. "Under the authority of the United States" means under the sovereign power of the United States and the sovereign power can only be expressed by Congress. This provision of Article VII must be read with section 2 of Article III and what it means is clear.

WHAT THE COURTS SAY.

What say the courts on this subject?

In Doe *v.* Braden (16 How., 635) Chief Justice Taney says:

"The treaty is therefore a law made by the proper authority, and the courts of justice have no right to annul or disregard any of the provisions, *unless they violate the Constitution of the United States*."

"The treaty power as expressed in the Constitution is in terms unlimited, except by those restraints which are found in that instrument against the action of the Government or of its departments and those arising from the nature of the Government itself and of that of the States. It would not be contended that it extends so far as to authorize what the Constitution forbids or *a change in the character of the Government or in that* of one of the States or a cession of any portion of the territory of the latter without its consent." (De Geofroy *v.* Riggs, 133 U. S., 258.)

In Slemmson *v.* Hofer (6 Cal., 252) Chief Justice Murray, of the Supreme Court of California, said:

"The treaty-making power can only be coeval with the express grant of power to the federal Government and can never be extended by implication to the reserved powers of the States and matters which belong to State sovereignty or the right which appertains to govern her own domestic concerns and establish her own police regulations, and the cons *the exercise of this* power with the President and Senate be extended to matters which are the proper subject of congressional limitation."

In Foster *v.* Nielson (2 Pet., 314) Marshall said:

"A treaty in its nature a contract between two nations, not a legislative act. In the United States a different principle is established.

"Our Constitution declares a treaty to be a law of the land. It is consequently to be regarded in courts of justice as equivalent to an act of the legislature whenever it *operates of itself*, without the aid of any legislative provision. *But when the terms of the stipulation import a contract—when either of the parties engages to perform a particular act*—the treaty addresses itself, not to the judicial, department, and the legislature must execute the contract before it can become a rule for the court."

After commenting on the treaty he continued:

"This seems to be the language of contracts, and if it is the ratification and confirmation which are promised must be the act of the legislature; until such act be passed the court is not at liberty to disregard the existing laws on the subject."

The treaty regarding the navigation of the Panama Canal is clearly a contract as to its use. It is a contract which gives all nations subscribing to the rules relating to navigation of that way certain privileges, and thus it is a commercial contract but inoperative until sanctioned by Congress.

In Turner *v.* American Baptist Missionary Union (5 McLean, 344) Justice McLean, of the United States Supreme Court, said:

"A treaty under the Constitution is declared to be the supreme law of the land. This unquestionably applies to all treaties where the treaty-making power, without the aid of Congress, can carry it into effect. It is not, however, and can not be, the supreme law of the land where the concurrence of Congress is necessary to give it effect. Until this power is exercised, as when the appropriation of money is required, the treaty is not perfect. It is not operative in the sense of the Constitution, as money can not be appropriated by the treaty-making power. This results from the limitations of our Government. The action of no department of the Government can be regarded as law until it can have all the sanctions required by the Constitution to make it such. As well might it be contended that an ordinary act of Congress, without the signature of the President, was a law as that a treaty which engages to pay a sum of money is in itself a law, and in such cases the representatives of the people of the States exercise their own judgment in granting or withholding the money. They act upon their own responsibility and not on the responsibility of the treaty-making power. It can not bind or control the legislative action in this respect, and *every foreign Government may be presumed to know that so far as the* treaty stipulates to pay money the legislative action is required."

This reasoning, of course, applies to a treaty relating to navigation.

In Taylor *v.* Martin (2 Curtis, 454) Justice Curtis, also of the Supreme Court, said:

"To refuse to execute a treaty for reasons that approve themselves to the conscientious judgment of the Nation is a matter of the utmost gravity and delicacy; but the power to do so is a prerogative of which no nation can be deprived without deeply affecting its independence. That the people of the United States have deprived their Government of this power in any case, I do not believe. That it must reside somewhere and be applicable to all cases, I am convinced. I feel no doubt that it belongs to Congress."

The words in each of the above decisions would apply to a regulation of commerce as to an appropriation of money. In either case the exclusive power of the subject is given to Congress and a treaty concerning it would be inoperative without the action of Congress and, as Mr. Justice McLean says, every foreign Government is presumed to know this.

Madison, in March, 1796, nine years after he had sat as an active member of the convention that framed the Constitution, said:

"The term supreme as applied to treaties evidently meant a supremacy over the State constitutions and laws, and not over the Constitution and laws of the United States; and it was observable that the judicial authority and the existing laws *alone of the States* fell within the supremacy expressly enjoined.

"There is still another clause in the Constitution that bears on this question. It is the eighteenth power given Congress in Article I, and it reads that Congress shall have power—

"to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, *and all other powers vested by the Constitution in the Government of the United States or in any department or officer thereof*."

This is a sweeping provision and well indicates the intention of the convention to repose a power in Congress that was supreme to all other powers granted.

This confers on Congress the sole power to make laws to carry into execution a decision of a Federal court or an act of the President. The courts have recognized it in their case. In the case of the President, while he is the Commander in Chief of the Army and Navy in time of war, his chieftainship is nothing without an act of Congress to carry it into execution. There are but very *few* acts of the President that he can carry into execution against the wishes of Congress. And when it comes to making a treaty which concerns one of the seventeen matters confided to Congress exclusively, the President is without any power whatsoever beyond negotiation and a promise to use his endeavors to have it sanctioned by Congress. Beyond that he is without power.

There is but one body that can make a supreme law of the land, and that is Congress. If the Czar of Russia and the Senate and the President could make a treaty concerning one of the matters delegated alone to Congress there is no word in the Constitution conferring the power. If these three could make a law, then there are two law-making bodies in the United States Government, and a say in one may be an alien despot or an Indian chief.

Is it possible that anyone who can read places such a construction on our Constitution—that he can find in the plain words of the Constitution the establishment of two law-making powers, each capable of repealing the law of the other?

Mr. Justice McLean, of the Supreme Court, in Smith *v.* Turner (7 How., 396) said:

"A concurrent power in two distinct sovereignties to regulate the same thing is as inconsistent in principles as it is impracticable in action. It involves a moral and physical impossibility. A joint action is not supposed, and two independent wills can not do the same thing. The action of one, unless there be an arrangement, must necessarily precede the action of the other; and that which is first, being competent, must establish the rule. If the power be exclusive, as in the case, both being sovereign, one may undo what the other does, and this must be the result of their action."

Soon after the adoption of the Constitution, the House of Representatives considered this very question. Almost without exception the party of Jefferson and Madison maintained that an treaty made by a foreign king with the aid of the Senate and President could make a law on any subject which the Constitution had exclusively confined to Congress by Article I.

At that time Hamilton was writing the messages of Washington and sent a message to Congress that combated the position taken by Madison and other Democratic Republicans in the House. Hamilton's position was absolutely destroyed by Madison and a host of other able statesmen. And later he himself refuted one of his own arguments, as also did the United States Supreme Court.

WHAT OUR STATESMEN SAID ON THE SUBJECT.

Jefferson, on March 13, 1816, writing of Washington's real attitude on the question at that time and also indicating his own, says:

"A writer in the National Intelligencer of February 24 who signs himself it., is endeavoring to shelter himself under the cloak of Washington, the power in enterprises of the Senate to wrest from the House of Representatives the power, given them by the Constitution, of participating with the Senate in the establishment and continuance of laws on specified subject. Their aim is by associating an Indian chief, or foreign Government, in form of a treaty, to possess themselves of the power of repealing laws become obnoxious to them, without the assent of the third branch, although that assent was necessary to make it a law. We are then to depend for the security of our laws, not on our immediate Representatives chosen by ourselves, and amenable in ourselves every other year, but on Senators chosen by the legislatures, amenable to them only, and that but at intervals of six years, which is nearly the common estimate for a term for life. *But no act of that minded worthy*, no thought of Gen. Washington, ever countenanced a chance of our Constitution so vital as would be the rendering insignificant the popular, and giving to the aristocratical branch of our Government the power of depriving us of our laws."

This accords with Washington's message to Congress in 1789, before given.

Jefferson, writing to William B. Giles on the subject on December 31, 1795, said:

"Randolph seems to have hit upon the true theory of our Constitution, that when a treaty is made, involving matters confided by the Constitution to the three branches of the legislature conjointly, the Representatives are as free as the President and Senate were to consider whether the national interest requires or forbids their giving the formal sanction of law to the articles over which they have a power."

By Randolph, Jefferson meant Edmund Randolph, of Virginia, who took an important part in framing the Constitution and was Attorney General under Washington.

On March 21, 1796, Jefferson wrote to James Monroe as follows:

"The British treaty has been formally at length laid before Congress. All America is astonished to see what the House of Representatives will decide on it. We cannot reconcile the constitutional doctrine to the fact though the President and Senate have the general power of making treaties, yet whenever they include in a treaty matters confided by the Constitution to the three branches of legislature, as act of legislation will be requisite to confirm them, and that the House of Representatives as one branch of the legislature are perfectly free to pass the act or to refuse it, governing themselves by their own judgment whether it is for the good of their constituents to let the treaty go into effect or not, on the precedent now to be set will depend the future construction of our Constitution, and whether the powers of legislation shall be transferred from the President and Senate and House of Representatives to the President and Senate and Plumings or any other Indian, Algerine or other chief."

On March 27, 1796, Jefferson wrote a letter to Madison in which, after commending Gallatin's speech on the treaty, he says:

"According to the rule established by usage and common sense, of construing one part of the instrument by another, the objects on which the President and Senate may exclusively act by treaty are much reduced, but the field on which they may act with the sanction of the legislature is large enough; and I see no harm in rendering their sanction necessary, and not much harm in annihilating the whole treaty-making power except as to making peace. If you decide in favor of your right to refuse cooperation in any case of treaty, I should wonder on what occasion it is to be used, *if not in one where the rights, the interest, the honor, and faith of our nation are so grossly sacrificed; where a faction has entered into a conspiracy with the enemies of their country to chain down the legislature at the feet of both.*"

portance to the people of the United States to understand it before it went any further.

Mr. MARTINE of New Jersey. Undoubtedly they will have ample time. The discussion will go on for days before it is either adopted or rejected.

Mr. WILLIAMS. If the Senator thinks his speech is of higher importance, I will waive my place.

The VICE PRESIDENT. The Senator from New Jersey is entitled to the floor.

Mr. MARTINE of New Jersey. Mr. President, I do not claim that I can bring any great amount of intelligence to this subject, which perhaps more than any other since I have been a Member of this body has been discussed and analyzed to an extent that has been quite remarkable. I can bring probably no information to this question; but I do feel, as a Senator from the little sovereign State of New Jersey, the home of the President of the United States, who has raised the question, that it is fitting and proper at least that I should assert myself as to where I stand, and why I stand in the attitude I do on this question.

Mr. President, I can not bring to this subject aught of legal knowledge, nor do I feel that there is any need of it. The Senate has been regaled with all knowledge in that direction. Two years ago, when the bill regulating the tolls was before the Senate, I was a most attentive listener to the debates. I also made some remarks on the bill and finally voted for the tolls as now existing. I confess, however, that even at that time it did not entirely meet my views. I wanted then, and I still want, to have the tolls bill grant free passage to American craft, both ocean and coastwise, and to have the rate for all the other nations of the world fixed at such a figure as shall give only enough return to maintain the physical condition of the canal, leaving the interest on the cost of construction as America's gift to the civilized world. No fair-minded nation on earth would dare protest against such a policy.

The splendid arguments of Senators on both sides of this question have been to me most illuminating and instructive. If I had had doubts, which I never had, they would have been completely dissipated by the discussions and arguments.

I was a delegate to the Baltimore convention. As a delegate, I voted to adopt the plank touching the matter of tolls in the Panama Canal. Later, on every hustings where I had the honor and privilege of speaking, I dwelt with all the earnestness of my nature upon the wisdom and justice of the policy declared in the platform of my party. I believed in it as ardently as ever a child believed the words that fell from its mother's lips.

Was I justified, Mr. President? Yes, answering my own question; for did not our standard bearer—Woodrow Wilson—reiterate and declare both the wisdom of the policy and its justice to the American people?

Further, it was my privilege to have conferred with the late Senator from Georgia, Mr. Bacon, on the subject; also former Senator Butler; also Hon. Hannis Taylor, who is deemed an authority on international subjects. All of these and many more authorities agreed not only as to our right, but insisted on the wisdom of resisting the repeal of this so-called tolls measure.

Aside from these verbally expressed opinions the voters at the polls have also ratified the plank declaring for exemption from tolls. The Democratic campaign textbook was placed in my hands and in the hands of every other stump speaker and in the hands of thousands of others. When handed to us we were bidden: "Now go forth and proclaim the true Democratic doctrine."

The textbook pressed with much force the justice and wisdom of this particular plank in our platform. To my mind it is most unfortunate and unfair now, after all this, to attempt to run away from the question and to disavow or disown this plank.

Mr. President, after most deliberate thought two years ago I voted for the present tolls bill, and I have heard no argument that has convinced me against the wisdom of my judgment at that time. To this day I declare myself as unalterably opposed to the repeal of this measure, and shall so vote.

I listened some weeks since to the exhaustive and instructive address of the Senator from Massachusetts [Mr. LODGE], which carried with it particular force to me because of the Senator's identification in the Senate with the construction of the Hay-Pauncefote treaty. His conclusion that there was no legal or moral reason to demand from the United States the repeal of the act was to me most forceful and convincing; but his conclusion that since we were so big and so rich that we might be justified in granting this claim and demand of Great Britain brought to my mind the instance of an old fellow I knew, of eccentric tastes, who lived near a little country schoolhouse. Two or three times a year he would stand in his door and throw from $8 to $10 in quarters in the road for the delight of seeing the boys scramble for them. When asked why he did this, his response was: "Oh, I do this just to impress the kids." [Laughter.]

This, I feel, is about the only justification that has been offered by the Senators on the other side for the repeal of this bill. It is just to tickle Great Britain.

Further, Mr. President, I can not subscribe to the doctrine and expressions of the Senator from Oklahoma [Mr. OWEN], in his address some weeks since, with reference to the platform. I believe in the platforms of our party. I believe in adopting platforms by nominating conventions, and when so adopted they are the creed of our party. To me politics is a religion. I believe in it and in the policies I advocate.

I was a delegate to the Baltimore convention and to four previous presidential conventions. In the campaigns following each of these conventions I pressed the claims of our party with all the earnestness, fidelity, and zeal of my nature. I believed in the platform; and, Mr. President, I would hesitate—I would be ashamed—to face my fellow citizens now and repudiate the words and the platform I then pressed. No; a thousand noes. Though I shall stand alone in this body, I will vote "no."

Senators, my countrymen, I plead, do not take this step. Do not commit this wrong upon the country and the posterity that may come after us.

A kindly disposed friend writes me: "We think it best that you should be with the procession on this repeal measure." Now, just whom "we" may constitute I do not know, for his is the only name signed to the letter. Mr. President, I want to state in the Senate and to my countrymen that I deem it better—yes, best—that I should stand right. But do you ask me, "What is right?" for great minds in the Senate differ widely. In answer, "My conscience and intelligence, as God has given me reason to see it—this must be my guide. This course to me is safer and better to follow than that of any man, be he king or potentate on earth."

Mr. President, my relations with the President of the United States have been, and I feel still are, particularly close and pleasant. As a Jerseyman, I say that the State of New Jersey owes to Woodrow Wilson a debt of gratitude that it can scarce repay; for it was he who, when governor of our State, opened to us a new pathway, and started us again upon a glorious future. The people of New Jersey breathe more freely now. We have faith in him, and we love him. Now, in the larger and broader field of President of this great Republic I believe the great masses of all our fellow citizens are still firm in the belief that he is an unselfish patriot. They believe he is prompted only by honest and patriotic motives. But, Mr. President, honest and patriotic though we know him to be, he may err; and I believe this measure is a most serious and unfortunate error, though I feel it is one of the head and not of the heart. Presidents are but human. There is none of us who is infallible. Then, Mr. President, in this dilemma, and yielding to my conscience, I shall be on the side of my country as against any man on earth.

I want to be with the President. It is hard, very hard, for me to be against him in this matter, for I believe him to be a patriot and a conscientious man; but I want to be with him in heart and in conscience. On this matter of yielding our rights to satisfy the greed of Great Britain—and it can be termed nothing else—both voice and vote shall be recorded on the side of my country, and I shall vote "no" to this proposition.

I am told by some that by opposing this repeal I am breaking allegiance with my party. This I deny. I love my party. There is no Senator in this body or elsewhere who has made greater sacrifices than have I for 45 years for my party's welfare, as God gave me reason to understand it. No; the charge is as ungenerous as it is untrue. I was fighting the battles of my party when my present accusers knew not where they stood, but ran, like frantic madmen, to and fro, worshiping false gods on every side.

Mr. President, we own the land upon which this gigantic work has been about completed. The brains of American men conceived and designed the great undertaking. American men did the work; $400,000,000 or more of the hard-earned money of the people paid for it; more than a thousand lives have been sacrificed in the accomplishment of this stupendous work. Of course, it was built primarily to advance the well-being of the American people; and to this end I feel that we have the right to grant exemption from tolls, both ocean and coastwise, to our own people.

Mr. President, I feel that the treatment that foreign powers have received at our hands in connection with this great waterway is fair, just, and generous, and naught but greed and avarice on the part of any foreign power can prompt fault-finding or protest. I shall stand by the rights of our Government as I understand them. If there be doubts—and great minds do doubt—then I shall give the benefit of the doubt to America, my country.

Mr. President, I clipped from the London Times the following little editorial. It says, after some other matter, referring to the tolls:

> It is, however, an unavoidable situation and will remain so as long as the Constitution gives Congress a share in the making of treaties.

Great God, Mr. President, they do not even like our form of government! Our Constitution is not right. They want to eliminate this. Is it not funny that some of the advocates of repeal on that side, and some of them on this side, have not had the wisdom to propose even our changing that to suit Great Britain?

The editorial says, further:

> It * * * will remain so as long as the Constitution gives Congress a share in the making of treaties, or until the country is sufficiently educated in foreign affairs—

"Oh, ignoramuses of America, educate yourselves, absolve yourselves, cleanse yourselves by voting to repeal," is the dictum of Great Britain.

I appeal to the chairman of the Committee on Education and Labor, the Senator from Georgia [Mr. SMITH], who unfortunately is on the English side of this question—I pray and beg him to formulate at once a bill that shall have for its purpose the education and teaching of the American people to give away their very souls to Great Britain without a whimper or a murmur.

Oh, what a humiliating spectacle! I fear this measure may pass this body. I ask, When will the bending and bowing of the American neck to the British yoke cease? I was taught that that ignoble habit on our part ended with the Battles of Princeton, of Monmouth, of Bunker Hill, and of Concord. Mr. President, have we, the sons of noble sires, degenerated? What will our sons say of us, what will the world say of us, if we yield to this unjust and unwarranted demand?

The whole demand is chiefly sentimental, after all. The President, in his address to the Congress, did not once claim that the United States were bound in law or morals to repeal this law; but he urged that since we are so rich, so big, so powerful, and so self-respecting we should accede to Great Britain's demand.

Ah, Mr. President, I feel the hour has come for America to assert herself, once for all, against these arrogant demands. Grant this unreasonable and unfair demand, and our children will not live to see the end of these unjustifiable claims.

I can see no justification or warrant in the proposition to submit this question to arbitration. Arbitration is only the escape door for doubtful minds, after all. I have no doubt on this matter. To submit it to arbitration would be an admission that we have doubts as to our own rights in our own territory.

Mr. President, arbitration? Arbitration? Did you ever hear of Great Britain pressing or assenting to arbitration with any nation except one stronger than herself? No! To a smaller or weaker power, the thundering of cannon and the clash of steel would be the answer.

Senators, run your minds back a few years. How well I remember it! Do you not recall the struggle of that Spartan band contending for justice, right, and liberty—the Boers? Did not they, while contending against brutal odds, ask for arbitration? What answer came back from this great Christian, peace-loving nation but more soldiers, the clash of steel, more cannon, and more blood?

It was most touching to me a short time ago to listen to the tremulous tones of the senior Senator from New York [Mr. ROOT], trying to place Great Britain in a good light before the world, and to give her a clean bill of health. Read back further, until you find the poor, helpless Sepoy band bound in front of the English cannon mouths and shot therefrom in order to impress their helpless captives!

All this and more I might recite, but I sicken at the task.

We are told, Mr. President, that all this was done in the interests of peace, and for the advancement of Christianity and civilization. God help our land!

As to the amendment offered by the Senator from North Carolina [Mr. SIMMONS], I say most respectfully, and in a most kindly spirit, that the proposition is to me as empty as a shell. It is as though, on the highway, I were robbed of my belongings, and I should tell the highwayman, "Use my money, spend it as you will; all I ask is that you acknowledge, when you have done so, that it belongs to me."

Oh, I can not vote for such tomfoolery under any conditions. [Laughter.]

Senators, Democrats and Republicans, patriots all, join with us to avert the humiliation and disaster that threatens our Nation through the repeal of the canal-tolls bill.

I have listened, almost to the degree of nausea, to the well-worn plea: "Even though we do grant this demand, we will be only yielding to a nation of our blood and our bone." Mr. President, none of my blood or bone. I will thank you! Oh, it is humbug and nonsense!

It crossed my mind but to-day that this is 1914. They love us, we are told. This is 1914. Only a hundred years ago—but a day in the life of a nation—in 1814, our so-called brothers, of our bone and our blood, so loved us that they set fire to and burned the very building in which to-day we deliberate! They acted then as though they loved us, and they still act in the same way. I say sadly, and without feeling of revenge, that too many of my colleagues seem willing to sing praises and hallelujahs to the Crown of Great Britain in a higher key than they have ever tuned their voices or hearts to the air of "My country! My country!"

Mr. President, this is not a party question. It transcends all party controversy. I feel that it is vital to my country. Yet I feel that the well-being of our country is so interlaced and interwoven with the Democratic Party that I look with jealous eyes on every step that may be taken by our party while it is the dominant party, the ruling party, of the Nation. Therefore I appeal to you, my Democratic fellow Senators, to stop and listen; do not be led, as willing lambs to the slaughter; for I tell you an outraged and wronged people will visit their vengeance on your heads.

I want to stimulate the building of ships, and I believe that with the completion of this great waterway, and exemption from tolls for both ocean and coastwise vessels, the dawn of a brighter day for the American merchant marine will be at hand.

Mr. President, listen:

> There is nothing in which I am more interested than the fullest development of the trade of this country and its righteous conquest of foreign markets.
>
> * * * * * * *
>
> I am sure that I speak the convictions of all of you when I say that one of our chief needs is to have a merchant marine, because if we have to deliver our goods in other people's delivery wagons their goods are delivered first and our goods are delivered incidentally on their routes.
>
> * * * * * * *
>
> If the shipowners of the nations carry your grain and cargoes, they are going to carry them by routes and to markets which suit them, not the routes and the markets which are chosen by you.

Those words I quote. You know whose they are. They were delivered in the White House on the 28th day of May, less than two weeks ago. I stand with that theory. These are not my words, but they contain my thoughts and views. As I say, they are the words of the President of the United States, expressed by him on the 28th day of May. I want to bring about these thoughts in the form of legislation as passed by the Senate.

I have here a little clipping which I gleaned from the London Times. Some people think that this canal will not amount to much. Take the opinion of the London Times. The London Times says:

> But the American foreign-carrying mercantile marine is comparatively small, and it is fairly certain that, as in the case of the Suez Canal, British ships will outnumber those of any other nation using the Panama Canal for a good many years to come.

That is, that America, owing to her small shipping interests, will be overdone by England for many, many years to come. God grant that America may have more. It has been my hope and my dream that I might live to the day when I should see the deep blue ocean decked with American-registered white-winged craft, messengers of peace, of plenty, of trade and commerce, carrying the products of our farms, our shops, our looms and mills, and the wealth of our mines to the remotest corners of the globe. It has been my hope and my prayer that each such craft might carry aloft our Starry Banner, and that it might go on and on to greet and reflect the morning sun in every clime and dip and drop only that it might kiss the waters of every sea.

Senators, thousands—yes, tens of thousands; aye, millions—of my countrymen share with me the same patriotic hope. Senators, will you dash from their lips this cup of glorious expectancy?

Mr. President, the dawn of a better day is near at hand. Stop, and do not take this step of weakness and imbecility.

I have not any doubt whatever that that kind of oozed in between the planks; I can see myself how it might be charged such a plank was only "to be relied on during the campaign"; and so the platform itself says it was not, but was likewise "to be kept when in office," and yet it may be discovered after all that it, like the tolls plank, is contrary to fundamental tenets of Democratic faith. Here is another one that must have gotten in by mistake:

We pledge the Democratic Party to the enactment of a law prohibiting any corporation from contributing to a campaign fund and any individual from contributing any amount above a reasonable maximum.

Of course, I do not know whether $35,000 from one man is "reasonable," or not. It may be that it was a trust or combination of men who contributed that amount and be acted as the syndicate representative. Anyway, we have not yet been able to determine: there has been no expression as to whether that plank is really in conflict with some other portion of the platform or not; it may be. It has been discovered, when there is a specific declaration in favor of exemption from tolls of domestic commerce between the States, that on account of there being a general provision in the platform against subsidies the special provision is of no effect. Of course, the rule of law is just the opposite of that; but that does not apply to this platform. Of course, the Democratic platform committee had no idea of the meaning of subsidies when they declared against them, and at the same time declared in favor of tolls exemption, and placed these two declarations not only in the platform but in juxtaposition in the platform.

It has been discovered since that time by many who desire this repeal that exemption from taxation is a subsidy. It was a long time before we had any income tax in this country. Exemption from income tax was a subsidy, I suppose, but we did not know it. We have an exemption now of a certain class of people from the operation of the income tax, who have an income of less than $4,000, and that I suppose is a subsidy. There are various forms and powers of taxation vested in the Government which are not exercised; but, according to this new definition of subsidy, every omission to tax the people with a stamp tax, or a capitation tax, or an inheritance tax, or a tax upon transportation, or a toll upon a road or in a canal, or in the shape of tonnage dues in a harbor, is a subsidy. If you allow a man to walk upon a street which is built and improved at public expense, he is obtaining a subsidy, although he does not know it. That is the theory upon which it is attempted to relieve the Democratic Party of the obligation of this plank in the platform.

But, Mr. President, the conditions now—and I must hurry to a conclusion—are the same as on August 8, 1912, when the distinguished Senator from Georgia [Mr. SMITH] made this declaration:

I am opposed to giving free passage through the canal in any event. I do not think it good policy. It is a very different proposition to extend free passage to the domestic trade and to broaden it to the foreign trade. The remission of tolls to ships in the domestic trade helps to regulate our transcontinental transportation by railroads; it benefits a far greater number of our people than would a like exemption in the case of the foreign trade. The number who derive the benefit is much less in the case of foreign trade. I do not, however, put it especially upon that ground; I put it especially upon the ground that I do not doubt the effect of such a course with reference to the final return of every dollar of tolls we collect from the vessels of other countries.

The people of this country, Mr. President, in their various homes, many of them out of touch with mediums of communication, yet whose opinions go to form the great body of public opinion, the wisest agency governing human action of which we know, long ago arrived at a conclusion upon this question without following the devious lines of legal argument and nice distinction as to the exact meaning of words about which even the men who framed these treaties differ.

The people have formed their opinions upon broad fundamental considerations. They have been taught to suppose that the law is founded upon justice. High terms have been used to define the wisdom and the justice of the law. It has been said that it is "a rule of action directing what is right, prohibiting what is wrong, enjoining the one and punishing the other." Bolingbroke declared that "of the law no less can be said than that its seat is the bosom of God, its voice the harmony of the world." Young lawyers starting out in their profession have been instructed by wise counselors to seek the very justice of a cause, and they would be apt to rest their feet upon the law. So our people in the instincts of justice and of righteous conduct, with a proper and decent self-respect, albeit a respect for their opponents, have been imbued in the very nature of this thing with the injustice, and consequently the probable illegality, of the British claim. I say that they would assume, without examining the documents, that it would hardly be unlawful that the United States, having constructed this work upon its own territory, should have the right of an owner to use it for the benefit of our own people so long as we deal equitably and justly and uniformly with foreign nations. Guided by those fundamental propositions, our people have arrived at the same conclusion that able and disinterested lawyers have arrived at after a minute and exhaustive examination of the documents and history of the case and a weighing of the particular words of the instrument.

England is acting like a Shylock. She is resting her case upon a narrow interpretation of certain words in the bond, and she demands that she shall have a part of the very heart and center of our system. Those men who acquired original holdings there, which became the basis of treaty negotiation, burned and plundered and ravished; and England held up her priestly hands in holy horror at their deeds; but she winked the other eye, and when they returned home some of them were made baronets and lieutenant governors of colonies. Wherever around the world a British commander—and there is no man who has more admiration for the fighting qualities of the British than have I, but I am an American, rather than British, and I can never forget the issues which have existed between us nor fail to oppose any infringement of our national rights by Great Britain—wherever her commanders upon some strategic point, like Hongkong, Gibraltar, the Straits Settlements, the plains of India, the ports of Egypt, have, even without authority and in violation of orders, seized a piece of land and hoisted the royal ensign above it, they have been supported and backed up by the British Government. So it is that she sits as mistress of all the great trade routes of the world. The English are great fighters; they are a race that has produced many heroes; and I am not one of those who believe that even yet she is a decadent nation.

How has she acquired this empire of the seas and the islands of the seas? By slow stages. First, probably by somebody on an exploring expedition, some trader among savage tribes. That is the germ. They usually have a gunboat footing around in the vicinity; and out of that grows what might be called the embryo that they call "spheres of influence." You will find that marked upon the map of nearly every continent of the world—"spheres of influence," British spheres of influence. Out of "spheres of influence" grow protectorates, over the Mosquito Indians and others, and out of protectorates has grown the absolute sovereignty of the soil.

Let us beware, in view of the history of Great Britain and its results, her masterly diplomacy, and her record of victories won on land and sea, her record of continuous and masterly advance, her flag following her trade—not some foreign flag, but her flag and her ships—that we do not find here in the repeal of this clause—recognizing the contentious and claims of Great Britain to a voice in the disposition of rates in the Panama Canal—the foundation of another "sphere of influence," the beginning of another "protectorate," which it may tax our strength and treasure at some future time to destroy.

Mr. MARTINE of New Jersey. Mr. President——

Mr. KENYON. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	O'Gorman	Smith, Mich.
Brady	James	Overman	Smith, S. C.
Brandegee	Johnson	Page	Smoot
Bristow	Jones	Perkins	Stephenson
Bryan	Kenyon	Pittman	Sutherland
Burton	Kern	Poindexter	Swanson
Chamberlain	Lane	Pomerene	Thomas
Chilton	Lea, Tenn.	Ransdell	Thompson
Clapp	Lewis	Reed	Thornton
Colt	Lippitt	Shafroth	Tillman
Cummins	Lodge	Sheppard	Townsend
Dillingham	McCumber	Sherman	Vardaman
du Pont	Martin, Va.	Shively	Walsh
Fletcher	Martine, N. J.	Simmons	Warren
Goff	Nelson	Smith, Ariz.	White
Gronna	Newlands	Smith, Ga.	Williams
Hollis	Norris	Smith, Md.	

Mr. KERN. I desire to announce the unavoidable absence of the following Senators, and to state that they are paired: The senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], the Senator from Nebraska [Mr. HITCHCOCK], the Senator from Alabama [Mr. BANKHEAD], and the Senator from Texas [Mr. CULBERSON]. This announcement may stand for the day.

The VICE PRESIDENT. Sixty-seven Senators have answered to the roll call. There is a quorum present.

Mr. NORRIS. Mr. President, several days ago I offered an amendment, which I believe is the pending question now before the Senate.

The VICE PRESIDENT. It is.

Mr. NORRIS. After some consultation with quite a number of Senators on both sides of the Chamber, particularly with the Senator from North Carolina [Mr. SIMMONS], I believe an understanding has been reached by which those who favor the kind of a proposition contained in my amendment can better unite upon an amendment which the Senator from North Carolina will offer. I therefore desire to withdraw my amendment and yield to the Senator from North Carolina to offer the substitute which he has.

The VICE PRESIDENT. The Senator from Nebraska withdraws his amendment.

Mr. JONES. Mr. President, does it not require unanimous consent to withdraw an amendment that is pending?

The VICE PRESIDENT. The Chair does not think so. Any other Senator can reoffer it who wants to do so.

Mr. JONES. The matter is in the hands of the Senate, and it seems to me that it would require unanimous consent to withdraw the amendment, and I do not know that I myself am prepared to give unanimous consent for its withdrawal at this time.

Mr. NORRIS. Any Senator has a right to withdraw an amendment at any time before any action is taken on it by the Senate, or at least before any amendment is offered to it.

Mr. JONES. I doubt very much whether it can be withdrawn after it has been presented to the Senate and is in the hands of the Senate.

The VICE PRESIDENT. The Chair rules that a Senator may withdraw an amendment when he chooses.

Mr. SIMMONS. I offer, as a substitute for the committee amendment, the amendment which I send to the desk, to take the place of the proviso in the bill as reported.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. In lieu of the amendment proposed by the committee, on page 2, section 2, it is proposed to insert the following:

Provided, That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain, ratified the 18th of November, 1901, or otherwise, to exempt the vessels of the United States, or its citizens, from the payment of tolls for passage through said canal, or as in any way waiving, impairing, or affecting any right of the United States under said treaty, or otherwise, with respect to the sovereignty over or the ownership or control and management of said canal and the regulation of the conditions or charges of traffic through the same.

Mr. REED. Mr. President, I desire to ask the Senator from Nebraska a question. He stated, in substance, that an arrangement had been effected by which his amendment would be withdrawn and the amendment presented by the Senator from North Carolina would be offered as a substitute. I want to ask him, lest it might be understood that it would be taken by general consent, with whom that arrangement was made?

Mr. NORRIS. Mr. President, I have no desire to intimate that it has been or should be taken by general consent. I had various conferences with various Senators on the subject of an amendment similar to the one I had offered. The Senator from North Carolina, who represented the committee, as I understand, or, at least, that portion of the committee favoring the pending bill, had various conferences with various Senators. I was only anxious that some amendment embracing the idea contained in the amendment which I had submitted should be adopted, and I agreed with the Senator from North Carolina that I would withdraw my amendment and yield the floor for the purpose of having him offer his amendment as a substitute for the committee amendment.

Mr. REED. Then, as I understand, the only understanding was between the Senator from Nebraska and the Senator from North Carolina?

Mr. NORRIS. I would not put it in that way. I am not claiming, however, that anyone is bound to support that amendment or to oppose an amendment to it or anything of that kind. I am not attempting to bind anyone. I have agreed to this arrangement because I have felt it would strengthen the likelihood of this idea, this principle, being put into the bill. I desire to preserve all our rights under the treaty, and I believe this amendment will fairly accomplish that fact.

Mr. REED. I merely wanted to have a clear understanding myself about it, and I am obliged to the Senator from Nebraska.

Mr. MARTINE of New Jersey obtained the floor.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Utah?

Mr. MARTINE of New Jersey. I yield to the Senator from Utah for a moment.

Mr. SUTHERLAND. Mr. President, a few days ago, in speaking upon this bill, I had occasion to criticize the amendment which had been reported by the committee, generally known as the Simmons amendment. That amendment reads:

Provided, That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States.

I think that amendment was utterly meaningless. It was a transparent sham. The amendment which the Senator from Nebraska and the Senator from North Carolina have now agreed upon is not quite so transparent, but it is a sham nevertheless. That proposed amendment reads:

That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain—

And so forth.

There is absolutely no assertion of any right on the part of the Government of the United States. It throws doubt upon any right by its very terms, the provisions being:

As a waiver or relinquishment of any right the United States may have—

Of course the United States may have a right, and the use of the words "any right the United States may have" necessarily implies the converse that it may not have any right. I undertake to say that a majority of the Members of the Senate believe that the United States has an undoubted right to exempt its coastwise shipping from the payment of tolls for the use of the Panama Canal, and, having that opinion about it, they owe it to the people of the United States to so declare and to declare in positive terms. I shall offer as a substitute for the amendment proposed by the Senator from North Carolina the amendment which I send to the desk and ask to have read.

Mr. SIMMONS. Mr. President——

Mr. SUTHERLAND. I ask the Senator to let the amendment be read.

The VICE PRESIDENT. The Secretary will read.

The SECRETARY. In lieu of the amendment offered by the Senator from North Carolina [Mr. SIMMONS] it is proposed to insert the following:

Provided, That nothing herein shall be considered as denying or abridging the right of the United States to discriminate in favor of the ships of commerce of its citizens in respect of the conditions or charge of traffic which may be imposed for the use of the Panama Canal, but, on the contrary, such right is hereby reasserted.

Mr. SIMMONS. I rise to a parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from North Carolina will state his parliamentary inquiry.

Mr. SIMMONS. Mr. President, I offered my amendment as a substitute for the committee amendment. I want to inquire if it is competent to offer a substitute to a substitute? I make the point of order that it can not be done.

Mr. SMITH of Michigan. Oh, yes; it can.

Mr. WILLIAMS. Mr. President, I wish to ask the Senator from North Carolina a question.

Yesterday some of us were consulted about this proposed change, and I understood—and I am asking the Senator from North Carolina now for information—that the words "or sovereignty, ownership, or" were to be inserted just prior to the words "treaty rights" or "rights under any treaty" in his original amendment.

It seems to me the amendment proposed now goes somewhat further. It reads:

That the passage of this act shall not be construed or held as a waiver or relinquishment of any right the United States may have under the treaty with Great Britain ratified the 18th of November, 1901, or otherwise—

The words "or otherwise," I take it, meaning there or under the treaty with Panama——

Mr. SIMMONS. Or in any other way.

Mr. WILLIAMS (reading):

To exempt the vessels of the United States or its citizens from the payment of tolls for passage through said canal.

Mr. MARTINE of New Jersey. Mr. President——

Mr. WILLIAMS. Now, there never has been any doubt about the right of the United States to exempt its own ships from the payment of tolls, provided it also exempted those of everybody else. The point involved is a point of discrimination, not a point of exempting——

Mr. MARTINE of New Jersey. Mr. President, I most respectfully rise to a point of order. I feel that I have the floor. I yielded for the presentation of an amendment, not for the discussion ad libitum of propositions that may end in froth, and I most respectfully ask——

Mr. WILLIAMS. Of course, I shall not interfere with the claim of the Senator from New Jersey to the floor; but this question having been brought up, I thought it was of some im-

ing its free use by its own people, have obstructed, and, in many cases—some to my own knowledge—have prevented the financing of independent companies seeking to build and equip ship lines to engage in our domestic commerce through the canal. The railroad monopoly is intimately connected with the money monopoly called the Money Trust.

I recollect that the Senator from Louisiana [Mr. THORNTON] argued in his speech that the rule which would govern rates through this canal would be "all that the traffic would bear," the maxim which the railroads have adopted. I have heard their experts swear in court, or at least before the Interstate Commerce Commission, that that was the only principle by which they were guided; that they looked into a business and found out the conditions of it and how much it would stand.

The Senator from Louisiana has been quite active in this matter—upon both sides of the question. Of course, he has the right to be on both sides of the question. I respect him and respect his opinion, whichever side he may be on. I think if a man has reason to change his views he ought to change them. The only difficulty about that is—and the same statement might be applied to most of his colleagues upon that side—that it creates some confusion in the minds of those who respect their views as to whether or not their views were sounder last year than they are this year.

The Senator from Louisiana, and I think others, have said that any exemption from tolls would not benefit the consumer, that the ship lines would absorb it, that they would levy on the traffic all it would bear, and he cast some animadversion upon those who, he said, sought to make political capital by attacking the railroads.

A number of Senators interested in this matter have attacked the railroads. As far as I am concerned, in whatever attacks I have made upon railroads I have endeavored to see that they were just and well informed.

There is no man who realizes the universal interests of the people in railroads any more than I do, but I have been free, in the great railroad abuses from which we have suffered—in some sections more than others—to express my opinion upon them. However, I am somewhat astounded to hear a Senator of the United States practically declaring that we must submit to that obnoxious policy of levying upon traffic "all that it will bear." That is what we have been fighting to free ourselves from, and to establish as the basis of rates not what a man can afford to pay, but what is reasonable for the railroad to receive. Notwithstanding the complacency with which Senators advocating the passage of this bill declare here in the Senate or elsewhere that we must suplnely submit, notwithstanding the fact that they declare in favor of the perpetuation of that oppressive policy of extortionate rates, we will not submit to it whether this bill passes or not, and we will insist that the rates paid by rail and by water are subject to public regulation; and if competition does not produce reasonable reduction and a reasonable basis for their regulation, we will establish governmental commissions or enlarge the powers of those already existing which will see to it that reasonable rates both by rail and by water are enforced. That power is in the Government, and whether it is exercised or not, the country may conclude to exercise it at any time; and if it does, would it not be right that such a commission, in fixing rates through the canal for freight, should take into consideration and make allowance for the tolls which the shipowners have to pay?

Of course, the fundamental proposition is that water transportation is the basic regulator of freight rates, and that the freer from tolls and charges and obstructions our transportation is the cheaper the rates will be. We have spent millions of dollars in blowing out rocks at Hell Gate, in New York, and from the Columbia River, and in digging mud from the bottom of the Missouri. For what purpose? Not to make navigation possible. It was possible before. Those were navigable streams, but we have improved them in order to make navigation cheaper and easier.

Are we going to apply that policy to every harbor and every river in the United States and to reverse it when it comes to the greatest waterway of the Nation and the greatest in the world, and instead of trying to make it cheaper make it more expensive by levying charges and tolls upon our commerce which goes through it? We do not have to do it, because it has been demonstrated in the most conclusive manner and has been admitted by Great Britain that there is nothing in the treaty that compels us to do it.

To say that it is a wise policy seems to me as a reversal of every public regulation and attitude which the Government has ever taken upon that question. The policy of the Government has always been, as expressed in the Constitution, to relieve interstate commerce of charges and tariffs and to make it free. The theory upon which this great Federal Government was constructed was that we should build up a great domestic commerce among ourselves—develop our home markets—so there should be no charges and tariffs in trade between the States, that whatever tariff was necessary to be levied should not be levied upon our trade, domestic or export, but should be levied upon the import trade of the country. That has been the policy of the Government from the foundation, and to start now for the first time in the history of the Government to reverse it in the very heart and center of the transportation system of the continent is an astounding proposition.

The people will not rest under it, in my judgment. The Senator from New Hampshire [Mr. HOLLIS], in his able speech in behalf of this bill, a part of which I heard, if I mistook him not, argued that under the Hay-Pauncefote treaty we could not exempt our domestic commerce, because it was a violation of the principles of the common law. That is a new application of the principles of the common law. The principles of the common law did not prevent Great Britain, by statute in 1651—at least they were not so precious to her that she could not change them by statute and give the exclusive monopoly of domestic commerce to her own ships. The principle of common law, as I have always understood it, if you are to apply the common law to a national and international question, is that each individual should use his own as he saw fit so long as he did not do injustice to another. I think one of the first things I learned in the law was the old maxim "Sic utere tuo ut non alienum laedas."

This canal belongs to us. Is there any principle of common law which would be obnoxious to using our own canal for our own benefit so long as we do no injustice or injury to anyone else? Certainly it is no injury to Great Britain, for with our own funds we have constructed a waterway for her vast commerce. The route of all her vessels to her possessions and to foreign countries in the west Pacific will be shortened by many thousands of miles of expensive travel.

But, as the Senator from Utah [Mr. SUTHERLAND] has said, international law is a domain of jurisprudence entirely separate and distinct from the common law; and I might add that questions of national policy are likewise so.

How has this matter been presented to us? In a strange way. It is said that we ought to repeal the law because of the opinion of foreign nations.

By the way, I have in my hand a statement issued by the board of trustees of the Carnegie Endowment for International Peace, in pursuance to the resolution I read a moment ago. Among the signers of it, I notice the name of Mr. Cleveland H. Dodge. I read the proceedings indicating the extent in which this endowment has concerned itself in this matter. Far be it from me to express an opinion as to whether or not the fact that Mr. Cleveland H. Dodge contributed $35,000 to the Democratic campaign fund had anything to do with the acuteness of the present issue. This is the exact language of the President:

> Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

That is one of the reasons advanced by the President of the United States in his short and strange message on this subject why Congress after having settled this matter should reverse its action whatever we may think about it; that is, I might paraphrase it that way, whatever differences of opinion we may have about it, because foreign opinion is against us. In other words, we must direct our policy even in this domestic matter of so much concern to our people not by our own judgment, not through the counsels of our own statesmen, not by opinions which may be formed here as to the law or the economics, not by our opinion of the treaty, not as to whether we are right or whether we are wrong, but because of foreign opinion on the question.

When Great Britain passed the navigation act of 1651, it was denounced by Holland and all the rest of Europe as being an outrage. She did not repeal it. It resulted in her control for centuries, and up until the present hour of the trade of the world. When in the history of the United States in any of the great affairs with which we have been compelled to deal in our short and simple story—in which "not once but twice the path of duty has been the path of glory"—have we paused to direct our action by the opinion of foreign countries?

Mr. President, even at the present time I want to call attention to another one of the current issues and to the opinion of foreign countries in regard to it. I see no indication of the administration changing its policy in order to suit that foreign opinion. I have in my hand a statement from the Literary

Digest, which is a responsible organ, of March 28, 1914, as follows:

> The European press almost universally condemn President Wilson's handling of the Mexican problem.

He has not changed his way of handling it, though, on that account. I am not criticizing it at this time, nor saying that he ought to modify it. I am calling attention to the fact that he ignores foreign opinion apparently, which he has stated to us in his message on the tolls question of March 5, 1914, should govern our action. Continuing to read:

> He is said to have tried to impose the standards of a civilized state upon an Indian Empire just as if he had gone into Central Africa and expected to find a condition of civilized order, or had visited Madagascar and lifted his hands in holy horror on witnessing the feuds and fights between clans of Hovas and Betsimisarakas. While the London Outlook thinks that he has complicated matters by lifting the embargo and speaks bitterly about it to the effect that "there has been nothing so cruelly immoral and so cynically cruel in the history of the world," other papers generously treat the President and his Secretary of State with more consideration, and charitably but pitylngly put the mismanagement down to want of training and experience, or sheer ignorance of the condition of things south of the Rio Grande. The leading paper of Paris, the Temps, deplores the way in which French interests are being sacrificed in Mexico, but puts it all down to our President's "mistakes."

In the same publication of May 23 is a digest of German opinion which I presume we ought to obey upon this question:

> Unqualified condemnation of President Wilson and his Secretary of State is dealt out by almost all of the leading papers of Berlin and the great German industrial centers. War has been begun without sufficient reason, on the pretext of the Tampico affair, we are told. Why did not Mr. Bryan put into practice his favorite theory of arbitration rather than rush hastily into what is sure to prove a bloody war, it is asked.

The Neueste Nachrichten (Leipzig) says:

> No one can fail to detect the absurdity and lying hypocrisy of the United States in their propositions of peace and of arbitration, while at the same time on a trifling pretext they immediately take the "big stick" in hand. This is the bankruptcy of their pacifism which ends in doing nothing but affix a mortal stigma on the peoples who refuse to do everything that England and the United States desire. While we may have little sympathy with Mexico, no one can hail with enthusiasm the policy of banditism pursued by the United States, whose sole aim is the possession of Mexico's oil wells.

That foreign denunciation has no effect on me, and I think little upon the average American citizen. I care nothing for it. I would prefer that our Nation and those who are responsible for its affairs should to our own country be true, and then let it "follow as the night the day" that they can not be false to any nation.

I would prefer that those standards of morality and conduct which have been worked out through a century and a quarter of trial—beginning in a death grapple for independence—our own ideas, our own standards and ethics, should guide our conduct rather than the opinion of Germany and France. And so they should guide our conduct with reference to the Panama Canal, notwithstanding the assertion in the President's message that we must yield to a hostile foreign opinion upon that question; a foreign opinion which, by the way, I have not seen nor heard, nor among all the advocates of repeal has it been presented upon this floor.

A new policy was advanced during his argument here by the Senator from Massachusetts [Mr. LODGE]. I might call it a policy of politics to the water's edge. I had better read what he said:

> We should determine what is right, without fear and without favor.

That is good. Then he goes on to say:

> The allurements of political advantage appeal as strongly to me as they can to any man. But when the relations of my country with other nations are involved I can not yield to them. My politics have always stopped at the water's edge. In any question involving our international relations I have always felt compelled to decide it upon its merits as they appeared to me, without regard to politics.

In other words, we must walk on a high moral plane of merit and justice when we come to dealing with foreigners, and we may take every political advantage we can of our neighbors at home.

There was a man in our town who was said to "walk on a high moral plane, skinning everybody he could." That seems to be this new theory of politics clear up to the water's edge. No sincerity in dealing with our domestic questions, every possible political advantage to be taken, concealment of real opinions and real motives when it comes to dealing with our own people. But when it comes to the Britishers, for God's sake let us be honest with them. Let us be more than honest, says the President; let us be generous. He says:

> We are too big, too powerful, too self-respecting a nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.

Let me warn Senators, if they will pardon me for doing it, that what might be regarded as pathetic and pitiable in the surrender of a little nation of its rights to foreign aggression is very apt to be considered contemptible when done by a great and powerful nation; and that what might be regarded as generous, if we were dealing with a little Republic like Panama or Mexico, is very apt in the eyes of the world to be interpreted as fear when we are dealing with England, the mistress of the seas, who sits like a colossus on every strategic point of commerce around the world.

One strange thing, Mr. President, about the message of the President of the United States was that you could read it and you could hear it, but you failed to recognize from it that he had ever entertained a different opinion. The farmers of New Jersey hung upon the honey of his lips when he painted to them in his masterly rhetoric the advantages of a free canal. And who will gainsay that if he had advocated a different policy at that time and the platform upon which he was nominated had declared that our domestic shipping must pay tolls through this canal that he perhaps would not have had the power or position to bring this question to the front at this time?

When a candidate of a great party—and I say it with the utmost respect, and everything else that I say in regard to him is in that spirit—had expressed himself formerly in the campaign for the election upon one of the cardinal principles of his platform, and if within a little more than one year after he had been inaugurated into the office to which he was elected upon that platform he saw fit to convene the two Houses of Congress and to declare to them an opposite policy upon that question, one would think that he would have explained to Congress why he had changed.

Was Mr. Wilson less wise in 1912 than he is in 1914? Of course that was before the obligations and the complexities which come out of political campaigns and which follow the inauguration of a new party into office; but we have no reason to suppose that he was less informed, less capable of reaching a just conclusion in 1912 than he is in 1914. The presumption in favor of one is equally as strong as in favor of the other, "if not more so." So it becomes necessary, or ought to become necessary, that if the President declares in this formal manner a change from the policy of the candidate for the Presidency the burden would be upon him to give some convincing reason for a change. Yet he not only gives none but fails to mention the fact that he ever entertained a different opinion. It is strange, passing strange. Here we witness the Charge of the Political Light Brigade.

> Was there a man dismayed?
> Though every Senator knew some one had blundered,
> Their's not to make reply,
> Their's not to reason why,
> Their's but to do and die.

Now, Mr. President, it was said that the platform was not binding—that is, that this plank of the platform was not binding. Of course, to deal with each plank of the platform in turn as they come I suppose some of them would be binding and some of them would not be binding; some of them were deliberately adopted, some inadvertently passed, some slipped in, some put in on purpose, varying in accordance with the exigencies of the occasion. I do not know of any other way of determining which ones slipped in and which ones did not slip in.

It is urged that this plank of the platform was not binding because when the Senator from Indiana [Mr. KERN], representing the committee on platform, read it to the convention there was so much noise and confusion in the convention hall that no one could hear a word that he said. Of course, if they could not hear a word that he said, they could not hear any part of the platform, and the whole platform would be abrogated by it.

We have been asserting conditions which practically abrogate the Hay-Pauncefote treaty—but it had not occurred to us to urge, what I have no doubt was true, that when it was read to the Senate there was so much disorder in the Chamber it could not be heard by all the Senators.

Here is another plank in the platform that I will read:

> The law pertaining to the civil service should be honestly and rightly (rigidly) enforced, to the end that merit and ability shall be the standard of appointment and promotion rather than service rendered to a political party.

This was adopted inadvertently during much noise and confusion and has not been binding on the party since the election.

> We favor a single presidential term—

That is right in the middle of the platform—

> and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

"*Resolved*, That the allotment of $6,000, made February 7, 1913, for the distribution of literature on the Panama toll question, be, and the same is hereby, increased to $25,000, and the treasurer is hereby authorized to disburse the said sum accordingly."

(Extracts from the minutes of the meeting of the executive committee of June 28, 1913.)

The following resolution, requested by the acting director of the division of intercourse and education, was also adopted by the committee:

"*Resolved*, That the sum of $7,469.40, or so much thereof as may be necessary, be, and the same is hereby, allotted from the appropriation for the division of intercourse and education for the fiscal year ending June 30, 1913, for work of propaganda on the question of the Panama Canal tolls."

Mr. President, what interest has the Carnegie Peace Society in the Panama Canal tolls controversy? Is the question of peace or war involved? The Senator from Massachusetts [Mr. LODGE], while giving a very striking picture here of a Quixotic Ajax defying an imaginary lightning, said that no nation on earth would think of going to war about this question of tolls in the Panama Canal. I apprehend that nations might think of going to war about it if other nations than those which are concerned were the principal parties to the controversy; but no nation will think of going to war with the United States about this question. There is not any danger of war; the question of peace and war is not involved; and why should the Carnegie Peace Society be pouring out the contents of its golden treasury in this propaganda against an American canal? One reason is that Andrew Carnegie is a British subject, registered as a voter in Great Britain. In the parish of Dornoch, in the county of Sutherland, you will find his name and the name of his secretary among the legal voters of Great Britain. You will find that he is an advocate of coalition between nations. He has made the title of one of his books "The Empire of Business." That is the only empire that he cares about. I hate to say anything about him, and I would not say anything about him if he would not, with the proceeds of his watered stock, meddle in this question. Of course, as an individual, he has a right to take part, but he is exerting more than the influence and the power of an individual; $500,000,000 becomes an international force. He believes that trade follows the flag, but he is like, it is said, the Ratner Bros. in Mexico—he does not care which flag.

The Ratner Bros. are American citizens, but they are supplying arms and munitions of war and friendly advice to Victoriana Huerta. I notice that some woman here in the city of Washington sent Huerta a locket placed in a receptacle of embroidered silk, bearing the name "Victoriana Huerta." You can excuse a woman for a thing of that kind. He may be mysteriously fascinating in some of his qualities; he has shown strength, if he has not shown virtue, and a woman, as a matter of sentiment, might send a locket to Victoriana Huerta and yet remain a good American citizen; but when it comes to men dealing in affairs of state it is a different proposition. They can not constantly live in an "empire of business," amidst the hard, metallic grinding of coin, and retain the fine flavor of patriotism which has made this a great people. That is the influence which has taken up this question, after it had been abandoned by Great Britain, and is carrying it forward.

Does anybody suppose that the day of the Tory is gone? Does anybody suppose that there is not in our midst to-day the same element, the same kind of people who opposed Washington and his patriot Army among his fellow citizens when we were struggling for our independence? Of course there are Tories to-day, and they are at work, and they are working to internationalize the United States.

Why should a "peace society" be concerned about this question? Let them confine themselves to the statesmanship of peace treaties. There is no peace treaty concerned here. They have gotten a number of distinguished Senators upon the membership of their executive board, and far be it from me to criticize the personal judgment of any Senator who cares to act with them; that is a question for them to determine; but I find them advocating strange doctrines, including universal arbitration, and some of them go so far as to believe in an international army, applying to governments the same principle of trusts and combinations that is applied to business. They seek to wipe out international lines.

Why, Mr. President, there are some things that I would not arbitrate; there are some things that the American people would not arbitrate. They dislike war. Every good fighter will go a long way around to avoid a conflict, if he can do so honorably, but there are limits to that. They will not arbitrate national existence; they will not arbitrate national independence; they will not arbitrate a question which would merge in any degree whatever the sovereignty of the United States, gained at so much sacrifice, with the sovereignty of Great Britain. As much as they dislike war, if war were necessary, they would undertake it for independence and life and sacred honor; and yet this "peace society" would arbitrate all those questions and accept the award of the arbitrators upon them. It is not an American doctrine. The same un-American influences have furnished the fine hand that has kept this fight alive and pressed it forward.

Another influence is a set of men who have done great engineering work on the canal. They have made themselves immortal for all time as engineers, and have become so absorbed in the canal and their pride in the canal that they are insisting on every ship that goes through it paying tolls in order that it shall yield a financial return, and the canal be on the safe side of the ledger so far as its financial accounts are concerned. They seem to have a mistaken notion that you can make the canal pay for itself by taxing the very people who have already paid for it. They forget the distinction between an enterprise built for commercial purposes by private individuals and an enterprise built upon the broad lines of national policy by a great government.

There is a third interest that has combined with these, and that is the transportation interest of the country, the railroad companies. As was said by Lewis Nixon, in a letter filed with the Chamber of Commerce in New York a short time ago on this question, the interests which are opposing free passage of our coastwise ships through this canal are doing so because they know that as soon as the canal is opened under this law every shipyard in the United States will be ringing with the sounds of industry, building ships to engage in our domestic trade through it.

Mr. President, it is an elementary proposition that water transportation is the basic regulator of the cost of moving our freight. It ought not to be necessary to cite instances in order to make that clear. The great discrimination between certain cities upon our railroads—some have low rates, some high rates—is justified in many instances by the railroads because they claim that it is necessary to put their rates down in order to meet water competition.

I have some specific illustrations, which I want in just one word to cite, illustrating the effect of water competition upon freight rates. When you demonstrate the effect of water competition upon freight rates, you demonstrate the fact that every transcontinental railroad in the United States is interested in imposing tolls, tolls, tolls, upon every ship that goes through the Panama Canal. Every cent that is imposed is that much of a discrimination and that much of an influence; and I desire to call attention to the fact that it does not require any very great difference in rates in order to control the channels of trade. A slight discrimination, a little lower rate, will control the trade. For that reason I wish to call attention in a moment to the fact, and to point out the reasons for it, that if our ships are thrown into competition with the ships of England passing through this canal, England will capture our domestic coast trade, notwithstanding the tariff.

The policy of tolls was long ago abandoned. They have not been collected on the Erie Canal since 1882. I wish to cite this instance in the case of that canal, which is as clear as it can be as to the effect of free passage by a waterway upon freight rates.

In 1871 the rate on wheat from Chicago to Buffalo by rail was 31 cents a bushel. Water transportation came in about that time—at least, I have figures for that year all the way by water—by lake and by canal. Immediately the rate by water was 20.24 cents a bushel, a difference of 10.76 cents per bushel in favor of water transportation between Chicago and New York. Through the operation of this influence constantly reducing the rates, by 1912 the rate had come down—and, of course, the railroads were compelled to put down their rates—to 9.6 cents per bushel by rail, while the rate by water had come down to 5.57 cents per bushel, a difference of 4.03 cents per bushel in favor of the water route.

In 1890 wheat was shipped from St. Louis to Liverpool by two different routes—one by rail via New York and the other by water via New Orleans. That furnishes a perfectly clear, succinct comparison as to the effect of water transportation upon freight rates. In 1890 the rate from St. Louis to Liverpool by rail via New York was 21.48 cents per bushel. The rate from St. Louis to Liverpool by water via New Orleans was 14.33 cents a bushel, a difference of 7.05 cents per bushel in favor of the water route. In 1903, through the operation of the same forces, the rate had been cut down by rail via New York to 16.02 cents per bushel, and by water via New Orleans to 10 cents per bushel, a difference of 6.02 cents per bushel.

I shall not go into the citation of figures at this time to show what is the universally recognized fact, that from various causes we can not compete upon equal terms with Great Britain in the operation of ships. British ships plying from the ports of

British Columbia in any trade in which they can compete with the American ships will get the trade, because they give lower rates; they employ cheaper labor; they are not subject to the same standards and regulations of operation that our own ships are. British ships plying from Great Britain through the Panama Canal to the Pacific coast will operate more cheaply than American ships plying from our Atlantic coast through the canal to the Pacific coast, for the same reasons which I have stated. If they are put upon equal terms, so far as the canal is concerned, the lower cost of operating the British ships, together with the lower cost of producing the merchandise in England, will give to England the trade and commerce of the Pacific coast, those great populous States which now buy their millions annually from the marts of New York and Boston and the other manufacturing towns of the Atlantic coast.

England can not get that trade now because of the transcontinental haul. She has to land her goods upon the Atlantic coast, and there they are subject to the same conditions as American goods, after having paid the cost of transportation across the Atlantic, as to the cost of transportation across the continent. If, however, we open the canal, with the cheaper water transportation with which the railroads can not compete, Great Britain will load her ships in England with the manufactured products of England, sail them through the canal to our Pacific ports, pay the tariff, and deliver them to the consumer at a lower rate than our Atlantic coast manufacturers can pay the cost of transportation from coast to coast by the more expensive American ships. That applies to the mighty trade, now domestic, which will then become foreign, imported by the Pacific coast States.

Let us reverse the consideration. One of the great exports of the Pacific coast is lumber. In 1911 the State of Washington produced 4,064,754,000 feet of lumber. The State of Oregon produced 1,803,698,000 feet. The State of California produced 1,205,561,000 feet; a total of 7,016,013,000 feet of lumber.

British Columbia is our great rival; and in the case of this lumber—which finds a market, much of it, on the Atlantic coast, a great deal of it because it is used for purposes for which no other adequate lumber is available—the ships of British Columbia, operated more cheaply, carrying similar foreign lumber, which is free of tariff charges, passing through the Panama Canal, will put our ships in the lumber trade out of business and capture the lumber trade of the Atlantic coast, which is now enjoyed by the great States of Washington, Oregon, and California.

The same thing is not true of some other products of the Pacific coast, such as apples, oranges, various other fruits, and wheat, which are produced in vast quantities on the Pacific coast, but which either, as in the case of wheat, are shipped mostly abroad rather than to the Atlantic coast markets of the United States, or, as in the case of fruits, are not produced in large quantities in British Columbia. That, however, involves another consideration.

For years, in fact ever since the Pacific coast was first occupied by the pioneers, who spent six months in crossing the plains with their ox wagons, taking up the land under the hardships of the wilderness, separated from their native country practically by the great intervening continent, they have been looking for this canal as a quick, cheap, easy connection between them and their mother States in the Mississippi Valley and upon the Atlantic coast. It is perfectly natural that, now that the obstacles to its construction have been overcome after 50 years of opposition by the railroad interests, and after the contest that was made to prevent the United States from fortifying the canal, which was finally won by the United States, they resent this last stand of the transportation monopoly to put burdens and costs upon our domestic commerce passing through the canal, thus lessening to the extent of every cent of those tolls the effect of the canal as a great band binding the Pacific States to the Atlantic States, and cementing in a material way the interests of the Union.

Thousands of tons of valuable fruit, for which the population of crowded cities in the East is famishing, rot upon the ground in the fertile irrigated valleys in California, Washington, and Oregon because the railroads have overlooked the principle of levying upon the traffic all that the traffic would bear, and have levied upon it more than it would bear, and have made it unprofitable to ship that produce to the consuming public, who are willing, if they can get it, to pay a reasonable price for it.

Every dollar of tolls that may be levied upon our domestic commerce, if this bill passes, will be a dollar levied upon the fruit and upon the lumber and upon all the products of the Pacific coast which should find a market not only in the coast cities of the Atlantic, but in every town and hamlet that can be reached by waterway, from the Gulf of Mexico and the Atlantic and all the great rivers that empty into them. I do not mean that necessarily in all cases they would be transported up the rivers by water, but that the possibility of water transportation will hold down freight rates, as it has done upon the Columbia and upon the Missouri from the time the country was settled. It means a dollar upon every ton of freight going east or west, by rail or water, from one side of the Rocky Mountains to the other.

Mr. President, if this canal is given its full effect it will connect the navigable waters of the Columbia, and all the great territory which it drains, and whose transportation is regulated by its navigability, with the waters of the Missouri. It will be equivalent to a canal through the Rocky Mountains, because it will be possible for freight from the great inland empires of the Pacific slope to go down the rivers of that slope to the sea, through the canal, and up the Gulf of Mexico and the Mississippi River and all of its tributaries. So it is not a local question. As I had occasion to say once before in this debate, there never has been and there never will be a public improvement which is so universal in its commercial and material effects upon the Nation as the Panama Canal. Every part of the country is affected by it, even the towns in the heart of the Rocky Mountains.

The Senator from Georgia [Mr. WEST] asked me here one day if Denver would be affected by it. Why, Mr. President, if the Senator from Georgia knew the lifelong struggle which the present inhabitants of Denver have made to relieve themselves of the extortionate freight rate which is based upon rates from the East to San Francisco and from San Francisco back to Denver, he would not have asked me that question. Every city which can be reached through the Hudson, the Erie Canal, and the Great Lakes, including the great city from which comes my friend the distinguished Senator from Illinois [Mr. LEWIS], has a direct and immediate interest in the free use for our domestic commerce of this great highway of transportation.

Chicago has dreams of becoming a seaport, and I have no doubt that with the increase of population and wealth and industry the time will come when it will have ship channels to the sea. I am told by contractors who worked upon the enlargement of the Erie Canal, in the expenditure of the $101,000,000 which the State of New York recently voted to enlarge that canal, that $40,000,000 more would have made it navigable for sea-going ships. It is unfortunate that it was not made so at that time, but the time will come when it will be enlarged and ships plying from Seattle and Portland and San Francisco and the cities which will grow up in Alaska, transporting the resources of those great, rich, new Territories which are needed by the people of Chicago, will sail through the Panama Canal and land their commerce upon the docks of the Chicago River.

Mr. President, the objection is made to the exemption from tolls of coastwise ships passing through the canal that it benefits a trust. I think I can settle that question with any reasonable man in five minutes. I will agree, and I think many Senators on this side will agree, to vote for a bill which will impose tolls on every trust-owned ship that goes through the canal. It seems absurd to say that, because the present law prohibits ships owned by trusts from going through the canal; and I say it only because the argument is made that exemption will benefit a trust.

When, however, did we come to the policy of regulating trusts by taxing all of the industry of the country? When did we adopt the policy of suppressing the Standard Oil Trust, for example, by levying a tax upon every person engaged in the oil business? Yet that is the result of the argument that we must levy tolls, which are nothing but a tax for a specific purpose, levied through the same governmental authority, on the same principle that any general tax is levied. We are confronted with the result that we must levy tolls upon all of our domestic commerce passing through the canal because, perchance, ships owned by a trust may go through it.

If the Senators who advocate this bill can stand upon that proposition before the people of this country, let them stand. The people of this country are intelligent, and they know that you can not excuse or justify a universal burden upon an essential element of their life, which transportation is, by saying that some ships owned by a trust might go through the canal without paying a tax. No ship owned by a trust can go through the Panama Canal.

Even if there were ships ready to go through the Panama Canal, by what authority and upon what information does anybody say that ships going through the Panama Canal are owned by a trust? What ships are going through the Panama Canal? Nobody knows. The same influences which obstructed the building of the canal and obstructed its fortification and are now fight-

owned by citizens of Great Britain she has a control?

I from that which I suggested

vessels of all nations, excluding the warships of Spain, let us see who are the real owners of the canal.

They were nearly all—

Says this author, Sir Howard Vincent—

as Lord Palmerston contemptuously said, "small people"—

That reminds me that Great Britain, although now controlling the Suez Canal, did everything she could in the first place to prevent its construction, threw every obstacle that the British Government could in the path of Ferdinand De Lesseps in that great undertaking—

They were nearly all, as Lord Palmerston contemptuously said, "small people," but not quite within his description of "Café waiters deceived by the newspapers lying on the tables, or grocers and dry-goods assistants entrapped by the paper in which they wrapped their wares." Only 369 were bankers and brokers, while clergymen numbered 430; schoolmasters, 434; doctors, 433; lawyers, 819; and workmen and mechanics, 910.

Those were the owners of the Suez Canal. Those were the people whose money constructed it. Yet Great Britain says that we must enjoy in the Panama Canal, constructed solely by our Government, no more rights than the nations of Europe enjoy in the Suez Canal.

The French people organized a committee of defence of their company against the aggressions of Great Britain, which aggressions finally accomplished her purpose to dominate and control the great canal at Suez. It was called a committee of defence of the Suez Canal, and it is most significant and interesting that the stockholders of the company were compelled to take proceedings of that kind. This author proceeds, and it is perfectly pertinent and applicable to the present situation:

It has been necessary to enter into some detail to give a clear account of these matters, as in some quarters an idea seems to prevail that the canal was dropped from heaven for the benefit of England.

That idea is pretty prevalent through the Senate of the United States as well as in Great Britain.

Furthermore, Mr. President, not only did the Egyptian Government, expending nothing on the Suez Canal, retain 176,000 shares of the stock out of 400,000 shares and 15 per cent of the gross proceeds, but, more important than either of those, she retained the reversion of the canal at the end of 99 years. At the time that this address to the London Chamber of Commerce was made in 1905, in summing up his conclusions Col. Vincent said:

That under present arrangements the British Government—

Mark this—

the British Government is undoubtedly trustee for Egypt and the Egyptian people, who in 64 years come into this vast property and everything appertaining to it.

They will own the canal absolutely, after having enjoyed the stock and 15 per cent of the gross proceeds since it began its operation. At the end of 64 years the privilege of the Suez Canal Co will be terminated, and Egypt, in the hollow of Great Britain's hand, will become the absolute owner and exclusive master of the canal. That is what Egypt got out of the Suez Canal. Yet it is said here that we must build our canal exclusively and bear the entire burden of its operation, and yet enjoy no greater commercial advantage in it than England or any other nation.

Now, Mr. President, what is the attitude of Great Britain with reference to her domestic commerce passing through the Suez Canal? Great Britain says that as to the Panama Canal we have no right to exempt from tolls our coastwise shipping. She says that we have no right to reimburse our coastwise shipping for the tolls which they would be required to pay if this bill passes, in passing through the canal, because that would be merely an evasion of the treaty and would be in effect an exemption.

There are so many preposterous propositions about this matter that it is difficult to discuss it in moderation. What I have said and am saying in regard to it, I feel more applicable to our foreign trade. It seems to me, from a common-sense view of the situation, that it will not be necessary to say a word in regard to our coastwise trade, although that at the present time is the only thing that is involved. The only contention that is being made is that the ships of both countries should be put upon an equal footing. There is nothing in this law as it stands now which interferes with that principle of equality as to ships of both countries. If there is a British ship that engages in our coastwise trade it would be exempt under the terms of this law. It is not the canal act that makes a discrimination between the ships abroad and the ships of the United States. The Panama Canal act, as I recollect it, does not say that the United States ships engaged in domestic commerce passing through the canal shall be exempt from tolls. It says that all ships engaged in our coastwise shipping passing through the canal shall be exempt.

Mr. NORRIS. Foreign ships can not engage in coastwise shipping.

Mr. POINDEXTER. Foreign ships could engage in coastwise shipping if we modified our shipping laws.

Mr. NORRIS. We would have to change our law.

Mr. POINDEXTER. We would not have to change the Panama Canal act.

Mr. NORRIS. No.

Mr. POINDEXTER. The Panama Canal act would stand just as it is now. It is not it that discriminates against the shipping of Great Britain in this matter, but it is the law which confines our coastwise shipping to our own ships. Great Britain has the same law as to her ships, and it is that law which has given her the maritime mastery of the sea. The importance of the Panama Canal to Great Britain is that she is the mistress of the world's trade. She became so when she revived her drooping commerce and took it from the ships of Holland by the passage of the great navigation act of 1651, in which she excluded Holland and every foreign country from participation in her coastwise or her colonial trade. Immediately her shipping increased, and from that time to this it has grown, and it is that act more than any other which has piled up in the British Isles the greatest wealth that any similar territory of the world has ever seen. And yet because we adopt the same policy as to our coastwise shipping and confine it to our own ships she protests, and by a quibble, by an equivocation, seeks to escape the effect of it by claiming that it is due to a discrimination in the Panama Canal.

I was proceeding to discuss, Mr. President, the British shipping in the Suez Canal. I will show later on just what they have done. On page 19 Col. Howard Vincent says—this is quite interesting as showing what Great Britain has gotten out of the Suez Canal—

To-day the market value of these 176,602 shares exceeds £32,000,000.

Great Britain taking advantage of the straitened circumstances of the more or less profligate Khedive of Egypt, by acting quickly in the masterly way in which many of her statesmen have acted, without waiting to consult Parliament, entered into negotiations with him and paid him £4,000,000 for the interest which Egypt had retained in the Suez Canal. That £4,000,000 had grown in 1905 through the appreciation of the value of those shares to £32,000,000.

In addition they—

The British Government—

have received over £12,000,000 in interest and dividends. The whole purchase price having been thus reimbursed threefold to the British public, really by the dues paid by British ships, it seems to me that after allowing, say, 10 per cent per annum upon the outlay thereon, the balance should be applied either for the benefit of British shipping as a whole, by the remission of light dues or some other imposts, or else for the benefit of the British ships earning this source of national income by a reimbursement of, say, 5 francs a ton.

Lewis Nixon, in Monthly Bulletin of New York State Chamber of Commerce, says:

Why not discuss the question if such discussion be enlightening? Other nations do directly rebate Suez Canal tolls, and the committee must know it and know, too, that the subsidies which it relies to make general are in most cases directly voted to equalize such tolls. So why run away from the issue, or must we only provide a free feast of commerce to which all the world is bidden to partake at our expense?

The Russian Government in 1909 appropriated 650,000 rubles in exact terms to pay the tolls of the merchant steamers of the Russian volunteer fleet, both for tonnage and for all men, women, and children carried.

The British P. & O. Co. receives in subsidies enough to nearly pay all its canal dues, although it operates through the canal a number of boats apart from the mail steamers.

The North German Lloyd receives an annual subsidy on its vessels using the canal of $1,385,000. Japan pays a subsidy of $1,358,847 to the Nippon Yusen Kaisha for its steamers through the Suez to Europe.

The Messageries Maritimes, the largest French company using the Suez Canal, was paid for its lines to China, Japan, Australia, and Madagascar $2,145,000 in subsidies.

Austria specifically provides by law for payment of Suez tolls on Austrian steamers from Trieste to Bombay, Calcutta, and Kobe.

The Swedish Government calculates its subvention to the Svenska Ostasiatiska Kompaniet to represent the amount of tolls paid by the ships of the company for passing the Suez Canal.

However, since the committee seems to draw comfort and inspiration from the utterances of the Commissioner of Navigation, I will quote him further: "A deliberate conclusion to tax directly American shipping to pay for the maintenance of that canal when no tolls are imposed on vessels, American or foreign, for the use of our other improved highways, will be well-nigh inexplicable save as the definite surrender of the oceans to others or the United States except as we may use its waters from time to time for the maneuvers of our war fleets.

If the same propositions were made to-day by Great Britain as to her ships passing through the Panama Canal, or which will pass through the Panama Canal, that Great Britain should reimburse those ships the amount that they had paid for tolls

at Panama, would we protest? I apprehend not. I apprehend we would have no ground to object. I can scarcely conceive that we would be so unreasonable as to assume an attitude which is manifestly untenable. If Great Britain can do that, why can not the United States, which is the proprietor of the canal, do the same thing? As Great Britain herself has said that would be equivalent, in another form, to the exemption of tolls, how does it change the substance of the matter if we pay the tolls into the Treasury before the ships go through the canal or if we pay the tolls after the ships go through the canal to the ships? There is no difference in principle. Great Britain can do it; why not we? Of course we can. Yet it is claimed by Great Britain and by the President of the United States that we can not; that is, it is now claimed by Great Britain that we can not, though it has been admitted by Great Britain officially that we can. I have a statement dated at Kluno, Me., British embassy, July 8, 1912. The Senate is more or less familiar with it, but I desire to read a few lines from it. It is from Mr. Innes. It is no more important than the views of another man as an individual expression, but it is of paramount importance as the official declaration of the British embassy in official negotiations with the United States in regard to this identical question. He says:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for United States vessels, would be benefited by this exemption, it may be that no objection could be taken.

How does Mr. Innes, how does Sir Edward Grey, know that it would not be so regulated? No man can tell until the event. That is a matter of administration. It can not be dealt with until it arises. The law does not provide for the exemption of anything except vessels engaged in the coastwise trade. Whether it is practicable to enforce the law remains to be seen. Here is the official declaration that, so far as the law is concerned, the British Government may not have any objection to it.

As a matter of fact, Mr. President, Great Britain had ceased to object upon this ground after the exchange of notes between Great Britain and the United States. As it has been pointed out very often here, the controversy was revived by a distinguished Senator upon this floor, who at the same time is a member of the executive committee of the Carnegie Peace Board, which has never slept nor rested in the campaign, which it has persisted in after the officials of Great Britain had abandoned it, to deprive the United States of its national rights and privileges in this canal and to fix upon it an international character.

I want to call attention to some of the minutes of that peace board. Of course its inspiration comes from Andrew Carnegie. He is a man who in many phases of his career is entitled to the greatest admiration. It would be unfortunate if anyone should envy him his great success. What I object to is not Mr. Carnegie or what Mr. Carnegie does, so long as he attends to his own business and confines his activities in legitimate channels; but I do object when he uses $500,000,000 and the power that that represents, acquired in the manner that it has been acquired—from the toil and the privation of American citizens—to oppose an American policy, and in the devious and insidious ways which wealth can command applies a powerful influence in behalf of a foreign country, and to give a foreign construction which is unwarranted by this treaty. The controversy was closed. This great power, always awake, always active, took it up. Here are some of the proceedings:

[June 12, 1912, page 7985 CONGRESSIONAL RECORD]

Mr. ROOT. Mr. President, in view of the various remarks which have been made about the report on the Panama Canal bill, I wish to say that in my opinion the bill, with regard to the exemption of tolls on American vessels, is in violation of our treaty with Great Britain, and I shall take occasion at an appropriate time hereafter to give my reasons for that belief. * * *

[July 15, 1912, page 9073.]

Mr. ROOT. * * * I feel very reluctant to make an argument regarding the rights of the United States under the treaty which have already come into diplomatic discussion. I feel the more reluctant because the view I entertain would require me to argue against the position which the Government of the United States may be bound to take if the opinion of the Senate should agree with the opinion of the House and this provision should be enacted into law.

The event was as he anticipated. The opinion of the Senate was the same as the opinion of the other House, the same as the opinion of the President and of the Attorney General, the same as the opinion of the country; and the question was settled. These questions involving human differences of opinion must be settled somewhere by human agencies. You can not remove the differences of opinion, but a self-governing people, capable of conducting a great nation, must recognize some authority which finally settles it. What higher authority could there be in the American Nation than its Congress and its executive department? All of the avenues of further presentation of the question to the Supreme Court which were open then remain open now if there has been a violation of any international right.

In part 63, page 4819, Hearings before the Committee on the Judiciary, August 7, 1912, appears the following letter:

WASHINGTON, D. C., *August 7, 1912.*

DEAR ADMIRAL ROWLES: Soon after my letter of the 31st ultimo the President sent for Representative KNOWLAND and others in accord with him, and they had a conference with the President, at which conference Secretary Stimson was present. The President explained that Mr. Stimson was very anxious to have the entire matter go over until the next session. Mr. KNOWLAND and his associates promptly informed the President that they would not agree to any such arrangement. * * *

* * * Some little progress was made on the bill in the Senate on yesterday, as you will see by extract from the CONGRESSIONAL RECORD yesterday that I send, which also contains the message of the President urging action at this session. At the time that he sent for KNOWLAND and the others I think he was favorable to the delay but did not wish to so express himself.

Now he has seen the handwriting on the wall and is for prompt action. I understand that Senator ROOT, who was the one who prompted Stimson to ask for delay, is against free tolls, while Senator O'GORMAN, of New York, is for free tolls, and if the bill goes through, therefore, it will perhaps serve to embarrass ROOT with the people.

Very truly, yours,

CLARENCE W. DE KNIGHT.

The note of Sir Edward Grey dated November 14, 1912, was handed to the Secretary of State December 9, 1912, and published in the press December 10, 1912.

The Carnegie endowment for international peace is controlled by a board of trustees presided over by President Elihu ROOT and includes among its members Senators BURTON and WILLIAMS (pt. 62, p. 4772). Appropriations of money are allotted to specific purposes by the executive committee, consisting of Messrs. Root, Scott, Butler, Fox, Montague, Pritchett, and Tower (p. 4773).

Two days after the publication of the British note the board of trustees of this institute held a meeting.

[Extracts from the minutes of Dec. 12, 1912.]

Miscellaneous business was next announced in order, and the board discussed at length the attitude which the endowment should assume with reference to the Panama Canal toll dispute between the United States and Great Britain. * * * The board recovened pursuant to adjournment and resumed the discussion of the Panama toll question. At the conclusion of the discussion the following resolution was adopted:

"*Resolved*, That a committee of five, of which the president of the board [Mr. Root] shall be chairman, be appointed by the chair to prepare a brief statement concerning the present discussion between the parties of the Hay-Pauncefote treaty, to be signed individually by members of the board and published."

The chairman appointed on the committee Mr. Butler, Mr. Cadwalader, Mr. Choate, Mr. Eliot, and Mr. Root, upon the adoption of the foregoing resolution. The advisability of having this committee report to the board was considered, and the following resolution adopted:

"*Resolved*, That when the committee which has been authorized and appointed has agreed upon a paper, a meeting of the board be called, to which the committee shall report."

On January 14, 1913, as appears from page 1482 of the CONGRESSIONAL RECORD, a bill (S. 8174) to prevent discrimination in Panama Canal tolls was introduced by Mr. ROOT and referred to the Committee on Interoceanic Canals.

On January 17, 1913, Secretary Knox replied to Sir Edward Grey's note.

On January 21, 1913, Senator ROOT made his speech in the Senate.

At a meeting of the executive committee of the Carnegie Endowment for International Peace, February 7, 1913, the following appears:

Mr. Eliot then read to the committee a statement which he had drafted as a member of the subcommittee of the committee appointed by the board of trustees on December 12, 1912, to prepare a statement concerning the present discussion between the parties to the Hay-Pauncefote treaty. The committee discussed the advisability of issuing the statement in view of the present state of the negotiations, but concluded so to do, and adopted the following resolution:

"*Resolved*, That the statement read to the committee by Mr. Eliot be printed and sent to each member of the committee appointed by the board to consider the Panama Canal toll question and to each member of the executive committee with the request that any suggestions concerning its phraseology be sent to Mr. Eliot at the earliest possible date.

"*Resolved further*, That when the statement has been completed it be sent to each member of the board, with a request for his signature."

* * * * * * *

The secretary then presented the following resolution to provide for the distribution of Senator ROOT's speech and other literature on the Panama Canal toll question, which, upon motion duly made and seconded, was adopted:

"*Resolved*, That the sum of $6,000, or so much thereof as may be necessary, be, and the same is hereby, allotted from the unallotted balance of the emergency appropriation for the fiscal year ending June 30, 1913, for the distribution of literature on the Panama toll question, and the treasurer is hereby authorized to disburse the said sum accordingly."

* * * * * * *

The following report was submitted by the secretary on the distribution of the statement issued by the trustees of the endowment on March 15, 1913, concerning the exemption of American vessels from the payment of tolls on the Panama Canal:

He recommended the further distribution of approximately 1,200,000 copies of the statement to the following selected lists of persons throughout the country and submitted an estimate of $10,000 to defray the cost of such distribution.

The committee concurred in the recommendation and adopted the following resolution:

their uncertainty about the meaning of what they were doing, if it had ever been supposed by any Senator upon this floor when those treaties were here for ratification that those rambling comments would be read into the treaty and be a part of the obligations of the United States.

Mr. Choate says:

I've not had time—

He had been negotiating with Lord Lansdowne and Lord Pauncefote about the specific provisions in this treaty, and after having said what he told Lord Lansdowne, he says:

I've not had time to study this question carefully, but my present strong impression is that they would—

Do so-and-so.

These are only my hasty suggestions after having Lord Lansdowne's papers in my hands for only two busy days. I told him what I thought, because he wanted to know, and I give them to you for what they are worth.

* * * * * * *

Upon the whole the prospect of a satisfactory settlement of this troublesome matter seems to me better than it has ever been before.

That is the degree of interest and of knowledge which our representatives had in the formulation of this treaty, either as to the interests of the United States or as to the meaning of the treaty which they were negotiating.

The Hay-Pauncefote treaty was said by Sir Edward Grey to be based upon the Suez Canal convention of 1888, in which Great Britain, France, Russia, Germany, Austria, Italy, Spain, and Turkey came to an agreement in regard to the Suez Canal. There has been considerable discussion as to that convention, because it is referred to in the Hay-Pauncefote treaty as the basis of certain articles in that treaty, and therefore it becomes of paramount importance. Strange to say, it has been assumed in this debate that the position of Great Britain with regard to the Suez Canal is the same as that of the United States with regard to the Panama Canal.

Great Britain did not construct the Suez Canal. Great Britain does not own the Suez Canal. She owns 176,000 shares out of the 400,000 shares in a stock company which does own and operate the canal. Under the charter of this company the voting power of any one stockholder is limited to 10 votes, so that Great Britain is entitled to only 10 votes out of 16,000 votes in the Maritime Canal Co., which owns the Suez Canal. Under the articles of association every 25 shares are entitled to 1 vote, but with the limitation of 10 votes to any one shareholder Great Britain has only 10 votes out of 16,000.

That is her sole interest of law and right in the Suez Canal; and yet she has assumed authority in regard to the Suez Canal, and undertakes here to claim that under these wholly different conditions the principles which have been adopted by a number of nations there which had no legal power or right whatever to make any regulations in regard to the Suez Canal should govern the United States Government, which owns not only the Panama Canal, the waterway itself, but a strip of dry land 5 miles wide upon each side of it, and is the exclusive sovereign of that territory, and makes the claim that the United States can have no greater rights than Great Britain, which is a minor stockholder and a small share voter, has in the Suez Canal, or, for that matter, no greater right than any one of the treaty powers have therein.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I do.

Mr. BORAH. Do I understand the Senator to say that Great Britain has only a minority stock holding in the Suez Canal Co.?

Mr. POINDEXTER. That is all. She has only a very small minority vote in the Suez Canal Co. There are 400,000 shares. Great Britain owns 176,000 shares. Under the articles of association, as they are called, which govern the company, each 25 shares is entitled to 1 vote, but no one shareholder can have more than 10 votes; so Great Britain is limited to 10 votes out of 16,000 votes.

Mr. BORAH. Has she observed that rule?

Mr. POINDEXTER. I suppose she observes it, but constantly violates it.

Mr. BORAH. I had understood that she controlled the majority of stock. That is the reason I asked the question.

Mr. POINDEXTER. She does not control the majority of stock. She controls the canal.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. POINDEXTER. I yield.

Mr. NORRIS. Is it true that with her stock and other stock owned by citizens of Great Britain she has a control?

Mr. POINDEXTER. That is unknown.

Mr. NORRIS. I have understood that was the fact. I have assumed that was true. I have read it a good many times.

Mr. POINDEXTER. I have here a statement in regard to that matter from most excellent authority, Col. Sir Howard Vincent, who is a very prominent business man in England, who made a study of the Suez Canal for the purpose of making this address before the London Chamber of Commerce on the subject. All that he says in regard to English stockholders is, after a most thorough discussion of the entire management of the canal and Great Britain's interest in it, that the presumption is that the citizens of Great Britain are well represented among the shareholders. Even if they were, however, the fact that private, individual citizens of Great Britain own stock in the Suez Canal would not give to the Government of Great Britain authority to control it.

Mr. NORRIS. Oh, no, no.

Mr. POINDEXTER. It would be an important circumstance, of course.

Let us compare for an instant the situation at Panama and the situation at Suez.

At Panama the United States owns the territory, and has constructed the canal. Sir Edward Grey says that there were certain rights reserved at Suez to Turkey, and to Egypt within the limits of her autonomy, because they are sovereigns. While sovereigns, however, they lack that most important interest which the United States has in being the owner of the canal itself. They are sovereigns over the country in which the canal is situated, but neither Turkey nor Egypt is the owner of the canal. Neither Turkey nor Egypt expended a dollar in its construction. Great Britain never expended a dollar in its construction.

Under those conditions it is agreed between the countries I have named, that the agents of all of them shall gather at stated intervals to observe whether or not the convention of 1888 is being carried out and enforced. How preposterous it would be for anyone to propose that the representatives of foreign powers should gather periodically at Panama to observe whether or not these rules were being enforced. Yet that is what could be done if the Panama Canal is to be put upon the same basis as the Suez Canal.

Great Britain, long before the convention of 1888, assuming an authority which she had acquired by force of arms through bombarding the peaceful city of Alexandria, making war upon Arabi Pasha, following it up by an attack upon the Mahdi and his followers in the Sudan, had undertaken to close completely the Suez Canal with her gunboats stationed at each end of it, and shut out the traffic of every nation on earth, although she was merely the minority stockholder I have mentioned, and had no other interest in it. Even as late as 1898—I suppose she did it as an act of friendship for the United States, or claimed that she did, but it was really an act of friendship for Spain—she refused to let the Spanish fleet go through the Suez Canal in order to attack the American fleet in the Philippines. She had no right to do that. It was purely an assumption on the part of Great Britain. Not only by the convention of 1854 but by the more formal one of 1888, in the specific convention terms which have been read here so often, the right of Spain to have her vessels pass through that canal was as clear as the title to any property or any right possibly could be. Great Britain nevertheless refused, with the predominant influence which she had there, to allow the Spanish vessels to pass through.

As throwing some light not only upon the so-called neutralization of the Suez Canal but upon the meaning of neutralization generally, and also as applied to the Panama Canal, it is interesting to read some expressions of authorized English statesmen when the Suez-Constantinople convention of 1888 was being negotiated among the nations which were parties to it. It is quite interesting.

On August 19, 1887, the Marquis of Salisbury wrote to Monsieur Waddington, the British representative at Paris, in regard to these stipulations. Speaking of the dangers which were to be avoided to the interests of the various countries in the Suez Canal he says:

These dangers may practically be divided into those which may arise from local disturbances and any attack which might proceed from one of the great European powers who are to be the signatories to this convention.

In regard to this latter danger—

That is, the danger of an attack by a great European power, notwithstanding it was a signatory to the convention—

far the more formidable of the two, I am glad to note that the course of discussion has brought us into accord. You admit in your letter under reply that in such a case the convention would be "qu'une feuille de papier sans valeur." This view does not perceptibly differ from that which I suggested in my letter of the 18th ultimo, when I

said that in the case supposed "the convention would be broken and annulled and all parties would resume their natural liberty."

* * * * * * *

It is obvious, however, that this question links itself closely with the definition of that which your excellency has designated as the region of the canal, a definition which, in the letter under reply, you invite me to discuss.

The restriction in question assumes a very different aspect if we interpret the word "canal," as your excellency seems inclined to do, to mean not only the portion of land covered by water, but a border of dry land upon each side. If there is to be on each side of the canal a space of greater or less width, to which the stipulations we are now considering are to apply, very serious difficulties will arise.

These spaces must be subject to a kind of neutralization fundamentally different from that which is to be provided for the real canal. If the formula is applied to them, that they are to be "open to all powers at all times," it is obvious that they will become rather common ground than neutral territory. Any power will be at liberty to place whatever amount of military force it pleases upon them at any time. On the other hand, if neutralization in its more ordinary sense is applied to them, and, instead of any power at any time being allowed to pass through them, it is provided that no power at any time shall do so, it is obvious that a band of territory will be marked out within the dominions of the Sultan which he will not be at liberty to enter, even at the request of the khedive, but which will be singularly at the mercy of a local insurrectionary movement, if any such should arise.

Mr. BORAH. What is the date of that letter?

Mr. POINDEXTER. August 19, 1887.

Mr. BORAH. At the time the Marquis of Salisbury wrote that letter it was some 10 or 15 years before the new definition of neutralization had been adopted to meet this situation.

Mr. POINDEXTER. Eminently so, and that is a very pertinent suggestion of the Senator from Idaho. I would like the Senate to apply the very clear and common sense views which the Marquis of Salisbury took of the condition, which is identical with the actual situation at Panama where we are the sovereigns of the strip of dry land on each side of the canal, and where Great Britain is attempting now through Sir Erward Grey to apply to it a definition of neutralization which created the situation which Lord Salisbury says would result in a great deal of difficulty.

Mr. BORAH. Of course it would be impossible to say that the word "neutralization" was never used in the sense of equality of tolls prior to the Hay-Pauncefote treaty, but I have gone through the English authors and I have investigated to a considerable extent the manner in which that term has been used by English writers and English statesmen, and the first instance I can find where the word "neutralization" was used as synonymous with equality of tolls or equality of charges was in Sir Edward Grey's letter, which the Senator referred to a short time ago. Prior to that time it was always used in the sense they are using it there, as neutral territory applying to a condition of war. Never before have I been able to find where they used it in the sense in which it is now used in this discussion by some as applied to equality of charges or equality of tolls.

Mr. SMITH of Michigan. I should like to suggest to the Senator from Idaho that that is the only word that they have upon which they can predicate their theory, and they are as wrong as the Senator from Idaho describes.

Mr. POINDEXTER. Lord Salisbury continues:

In fact, if such a stretch of land should be closed to the sovereign of the territory in which it is placed, it will be in a position for which no precedent in international law or practice can be found. It will be part of the Ottoman Empire, under the sanction of the treaty of Paris, but the Sultan will be forbidden to exercise on it any rights of sovereignty or suzerainty. It can not be expected that the Porte will accept such a proposal.

Yet it is expected and demanded that the great United States will accept such a proposal, and that this strip of dry land and the canal itself shall be deprived of its national character and become international through a perverted definition of the word "neutralization."

Mr. President, there is not a word in the articles of the Suez convention which provides for equal tolls. Whatever is the law requiring charges in the Suez Canal to be the same to all nations—and none of them occupy a position with regard to it that the United States occupies with reference to the Panama Canal—it is not found in the articles of the Suez convention, but is found in the concession which the Khedive granted to the Maritime Canal Co., which constructed it.

Mr. BORAH. That concession excepted the sovereign authority over the canal from the operation of that equality of charges, did it not?

Mr. POINDEXTER. Entirely so.

Furthermore, although not expending any money in the construction of the canal, in granting this concession Egypt reserved to itself 15 per cent of the gross proceeds of the canal, which would be far more than Egypt, even if she had ships passing through the canal and had commerce, would be required to pay in tolls.

Mr. President, the proposition is so preposterous that if the situation which exists in this canal and the rights governing it had been presented to the Senate of the United States in the form of the Hay-Pauncefote treaty, to be applicable to them, I doubt whether it would have received the vote of a single Senator. No American would ever have dreamed that the United States, having become sovereign of the territory and having bought the partially constructed canal, should become involved in the articles of the Suez Canal convention, confining ourselves to the same privileges and rights enjoyed by nations which did not pretend to have ever expended any effort or any money in the construction of that canal, and none of whom, with the exception of Great Britain, were even stockholders in it.

That reminds me of what I had overlooked before, that not only did Egypt, expending no money on the Suez Canal, retain 15 per cent of the gross proceeds, but retained or received in pursuance of her concession 176,000 shares of the capital stock, which Great Britain now owns, which, because of the financial difficulties of the Khedive, he afterwards parted with and sold to Great Britain.

That was the situation with reference to the little country of Egypt in the Suez Canal—not only acquiring almost half of the stock and entitled to the dividends upon that stock, but, in addition to that, receiving 15 per cent of the gross proceeds—expending nothing, reserving every right of sovereignty, while the United States, expending everything, is supposed to operate this canal for tolls which represent the actual cost of operation and is to be bound to give to its citizens no greater rights than every other country in the world may have.

Mr. SMITH of Michigan. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Washington yield to the Senator from Michigan?

Mr. POINDEXTER. I yield to the Senator.

Mr. SMITH of Michigan. If this were a proposition to vote the money to build a canal across the Isthmus of Panama in the light of the construction placed upon the treaty, I assert that there would not be a dozen men in this Chamber who would vote a dollar to build it on that theory, and the American people would not sustain it for a moment.

Mr. POINDEXTER. There is no question about that, Mr. President. I do not want to use strong language, but if, having been induced through their representatives to consent to this vast expenditure for the construction of this canal, they are now, through finespun technicalities of the construction of treaties and upon what are called principles of generosity toward the claims of a country which can afford no example of generosity in its diplomatic history, the American people are deprived of the full benefit of this canal, it will be the perpetration of an outrage upon a great people.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from Michigan?

Mr. POINDEXTER. Certainly.

Mr. SMITH of Michigan. The reason why I made the statement I did a moment ago was because I was one of the men who voted the original money to build this canal, and we had some difficulty even then in getting the appropriations to build it. It was a matter of controversy extending over a long period, but it never would have been done in the world upon any theory that the Government of the United States would build it, maintain it, defend it, and yet have no more interest in it than a country that did not contribute a penny toward it and gained by reason of its construction a thousand fold more by that fact than our own country.

Mr. CLARK of Wyoming. And was not made responsible for it.

Mr. SMITH of Michigan. No; that had no responsibility at all.

Mr. POINDEXTER. I am glad to have that view stated by the Senator who took part in the ratification of those treaties, and I will add to it the statement that in my judgment if that construction of these treaties is to prevail, and I say it in all candor and good faith, it would be a good business proposition for the United States to-day to surrender the canal and put the cost of its maintenance, and its operation, and its protection upon Great Britain and take our stand under the claim of equal rights in the canal under the treaty in the position which Great Britain now occupies.

Now, reverting to the Suez Canal, which is the parallel sought to be made to the Panama Canal and in respect to the international rights, bearing in mind the acts and authority which Great Britain has committed in reference to it, closing it to the

will upon conditions other than those contemplated at the moment when the contract was entered into; and, on the other hand, a contract ceases to be binding as soon as anything which formed an implied condition of its obligatory force at the time of its conclusion is essentially altered." Mr. Oppenheim, now professor of international law in the University of Cambridge, has, in his great work, Volume I, page 550, section 539, said:

"It is an almost universally recognized fact that vital changes of circumstances may be of such a kind as to justify a party in notifying an unnotifiable treaty. The vast majority of publicists, as well as all the Governments of the members of the family of nations, agree that all treaties are concluded under the tacit condition rebus sic stantibus."

In my own work on International Public Law (s. 394) I have stated the matter in this way:

"So unstable are the conditions of international existence, and so difficult is it to enforce a contract between States after the state of facts upon which it was founded has substantially changed, that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory so soon as the conditions upon which they were executed are essentially altered."

Having thus restated the rule, it was not strange, perhaps, that I should have been the first to apply it to the construction of the Hay-Pauncefote treaty of 1901, which contemplated the building of an interoceanic canal by the United States in foreign territory. It seems to me that a radical breach of the tacit condition, rebus sic stantibus, occurred when, in November, 1903, the Canal Zone became, by purchase, the domestic territory of the United States. It is hard to deny that by that event the tacit condition, rebus sic stantibus, was broken; and yet the subject is a delicate one—it should be approached with great calmness, great caution. The existence of the rule, rebus sic stantibus, as applied to the construction of treaties, has never been denied, so far as I know, and it is not at all likely that Great Britain will deny its existence in the present instance.

I want to cite one more authority.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. BORAH. I understand that the Senator from Washington takes the position that the change of conditions, which arose by reason of the purchase of the Panama Canal Zone and the building of the canal at a different point than that contemplated under the Hay-Pauncefote treaty, brings into existence the rule which he has just been discussing?

Mr. POINDEXTER. Partly those reasons and partly others, which made the difference of conditions still greater; in other words, a comparison between what was contemplated by the parties to the treaty as to conditions under which the canal should be built and the conditions under which the canal was actually built. In one case it was agreed by everybody, as I have the authority here to show—it was accepted by Great Britain, and it was expressly so stated over and over again—that the canal was to be constructed in Nicaragua, through territory owned by Nicaragua, at a point where Great Britain originally had a claim—an utterly lawless claim, in my judgment—and we considered the question foreclosed as to the origin of it, which she had in it, as a consideration for the construction of this canal; that the United States at that time did not dream of taking over and paying a large sum of money for a canal which was already in large part built and owned by a French company and acquiring from the government through whose territory it went the sovereignty over a strip of territory; that those conditions are so different that it makes the treaty inapplicable.

The other authority, Mr. President, which I want to cite in support of this principle, and applying it to this particular case, is Sir Edward Grey himself, in the principal official document which exists in the controversy over this question between the United States and Great Britain on the side of Great Britain. It is important not because Sir Edward Grey said it, but because it was the official expression of our opponents in this matter. He says:

I notice that in the course of the debate in the Senate on the Panama Canal bill the argument was used by one of the speakers that the third, fourth, and fifth rules embodied in article 3 of the treaty show that the words "all nations" can not include the United States, because, if the United States were at war, it is impossible to believe that it could be intended to be debarred by the treaty from using its own territory for revictualing its warships or landing troops.

I interrupt the reading here to say that there has been some confusion of argument, in my judgment, or misapprehension on the part of some of those who are interested in this question in assuming that articles 3, 4, and 5, as originally drawn, and when originally drawn were not intended to apply to the United States. The position is on both sides, as I understand that they were intended to apply to the United States when originally drawn, but that it is now conceded that they do not apply to the United States because of the changed conditions under which the canal was constructed from those which were contemplated at the time of the treaty.

The same point may strike others who read nothing but the text of the Hay-Pauncefote treaty itself, and I think it is therefore worth while that I should briefly show that this argument is not well founded.

The Hay-Pauncefote treaty of 1901 aimed at carrying out the principle of the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal.

I want, later, to refer to that régime to show how utterly impossible it was and would have been to apply it to this canal.

Rules 3, 4, and 5 of article 3 of the treaty are taken almost textually from articles 4, 5, and 6 of the Suez Canal convention of 1888. At the date of the signature of the Hay-Pauncefote treaty the territory on which the Isthmian Canal was to be constructed did not belong to the United States, consequently there was no need to insert in the draft treaty provisions corresponding to those in articles 10 and 13 of the Suez Canal convention, which preserve the sovereign rights of Turkey and of Egypt and stipulate that articles 4 and 5 shall not affect the right of Turkey, as the local sovereign, and of Egypt, within the measure of her autonomy, to take such measures as may be necessary for securing the defense of Egypt and the maintenance of public order, and, in the case of Turkey, the defense of her possessions on the Red Sea.

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

I am glad they do not, because I am sure if they had done so they would find great support in the United States Senate. How should the principle of rebus sic stantibus be applied or measured? As Mr. Taylor says, with justice, of course. I was very much struck in reading the former speech of the distinguished Senator from New York [Mr. ROOT], with his eloquent invitation to the Senate of the United States to not take such action as would give us the reputation among the nations of the world of making sharp bargains, of being guilty of sharp practice, of taking advantage of those with whom we were dealing. It would be hard, it would be too bad, it would be unfortunate, if the United States should be caught in the act, after having expended a vast sum of money for this canal, having constructed it through its own efforts upon territory with which Great Britain had no concern, that we should be guilty of driving the sharp bargain and of perpetrating the sharp practice of saying that Great Britain should not have an equal share with us.

Why, Mr. President, if you talk of sharp practice and driving sharp bargains, there will be a monument of shrewdness to go down the ages if the contention of Great Britain is to prevail in this case—that having given nothing, proposing in her official documents that she be relieved of responsibility, saying in this very letter of Sir Edward Grey that she does not expect to have the burden of protecting this canal, yet she should come out of her diplomacy and her negotiations with Mr. Hay and Mr. Choate as a partner in the enterprise.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. BORAH. The Senator having just spoken of England's being relieved of cost, expense, and responsibility by reason of the Hay-Pauncefote treaty, what possible commercial interest or commercial or business advantage would Great Britain have had under the Clayton-Bulwer treaty that she has not under the Hay-Pauncefote treaty, if she obtains the construction of the treaty for which she contends? Notwithstanding the fact that she has been relieved of all burden and all possible responsibility, is she not in just as good a position commercially, without any expense or without any responsibility, as she possibly could have been if she had expended upon the canal a sum of money equal to that spent by the United States?

Mr. POINDEXTER. Absolutely.

Mr. BORAH. Is there any commercial advantage, in other words, which England would have had under the Clayton-Bulwer treaty that she has not now?

Mr. CLAPP. Mr. President, will the Senator from Idaho permit an inquiry?

Mr. BORAH. Yes.

Mr. CLAPP. What other object could England have had in substituting the Hay-Pauncefote treaty for the Clayton-Bulwer treaty except to get the advantage the Senator refers to? Surely when England makes a treaty she wants to gain something by it, does she not?

Mr. BORAH. I am rather inclined to agree with the Senator from Minnesota, but the argument has been made here, and has had its effect undoubtedly, that England gave up a vast amount of consideration, benefit, and advantage when she yielded the Clayton-Bulwer treaty.

Mr. CLAPP. Surely no one who has studied the diplomatic relations between England and the United States would suggest that, because it would be such a novel suggestion in the light of our diplomatic relations with that country.

Mr. BORAH. It is true, however, that Sir Edward Grey made that contention, and that has been followed up here by repeated arguments to the effect that Great Britain would have

received nothing for what she gave up in the Clayton-Bulwer treaty. I was simply asking what did she give up?

Mr. POINDEXTER. Well, Mr. President, she agreed to give up all those peculiar things that she described in the Clayton-Bulwer treaty, such as protection over nations or governments and alliances and influences in Central America, and she agreed never to colonize or to occupy territory in Central America; but, as I read from an English authority a moment ago, she flagrantly violated her agreement and still occupies a most valuable and rich territory in Central America.

To answer the Senator's question further, the sum and substance of Great Britain's claim is this, that the United States shall enjoy no advantage from the Panama Canal which Great Britain shall not likewise enjoy; so that if Great Britain had expended the entire amount necessary for its construction, in the purchase of the property and the concessions, and owned it absolutely, so far as she hereself is concerned she could not have enjoyed any more benefits in the canal than she will enjoy if this bill passes and settles, as it will settle forever, the international status of that canal.

I think that no candid man could ever imagine, if Great Britain had constructed the canal upon her territory, the Hay-Pauncefote treaty and the Clayton-Bulwer treaty notwithstanding, that she would ever have countenanced for one moment or ever have entered into negotiations with the United States to consider the question of whether she could not do with it as she chose as to her own shipping.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

Mr. POINDEXTER. I yield.

Mr. CLAPP. Would the Senator blame England for taking that attitude?

Mr. POINDEXTER. I would rather admire her for taking it.

Mr. CLAPP. Yes: that is what I thought.

Mr. POINDEXTER. I would rather admire her for taking it; and that is the attitude which the United States ought to take.

I was just going to say, with reference to this principle of treaty law which I have been discussing, that it is not an unjust rule, and I am not advocating that it should be applied so as to do an injury to anyone, or so as to take advantage of anyone. I am trying to say what I can, in my feeble way, to protect the United States from having an injury done to her. The application of this rule under these circumstances, the United States having borne the burden of this great enterprise, the people of the United States from their hard efforts having paid the expense, is doing all that justice can call upon her to do if she opens the canal upon just and equitable rates to all the other nations of the world upon equal terms. Is there anything unfair about it? Is there any hardship from the application of the well-recognized principle of international law? I have not heard anybody demonstrate to the contrary.

Now, Mr. President, pursuing a little further——

Mr. BORAH. Mr. President——

Mr. POINDEXTER. I yield for a brief interruption.

Mr. BORAH. I only want to put in the RECORD a single statement in connection with what the Senator has said.

Mr. POINDEXTER. Very well.

Mr. BORAH. This is from the London Times, under date of December 31, 1913. It says:

The canal will be a boon to Europe. While the United States built it and glories in it, its commercial importance to the United States is a bagatelle as compared to its importance to the world's foreign trade.

Mr. POINDEXTER. Mr. President, I am very glad the Senator read that, and I want to follow it up by reading, in the first place, from Sir Edward Grey, who is my favorite author on this question. He says in this same official note:

The volume of British shipping which will use the canal will, in all probability, be very large. Its opening will shorten by many thousands of miles the waterways between England and other portions of the British Empire, and if, on the one hand, it is important to the United States to encourage its mercantile marine—

I pause to say that here and there in the utterances of British statesmen, I find only suggestion of an expression of the great concern which the United States, from a national standpoint, has in this canal. I have searched in vain among the letters and declarations of the diplomatists who were supposed to protect our interest in the negotiations for any indication that they understood, or if they understood, that they had a concern for the tremendous interests of our country that are involved in this question.

Sir Edward Grey refers to it here:

If, on the one hand, it is important to the United States to encourage its mercantile marine and establish competition between coastwise traffic and transcontinental railways—

That foreign statesman understood perfectly well what our own apparently were blind to. He says:

It is equally important to Great Britain to secure to its shipping that just and impartial treatment to which it is entitled by treaty, and in return for a promise of which it surrendered the rights which it held under the earlier convention.

Mr. Joseph Choate, who was in London during the formation of the Hay-Pauncefote treaty of 1900, the discussion which ensued in regard to the Senate amendment, and the negotiations for the formulation of the Hay-Pauncefote treaty of 1901, has indicated in his correspondence, which has been published, how the United States was represented and the spirit in which our interests were protected.

I wish to call attention at this point, because I probably shall not refer to it again, to the fact that in this document, which was published, I think, in response to the resolution of the Senator from Nebraska [Mr. NORRIS], supposed to contain all the correspondence with reference to these treaties, there are some rather significant omissions, including two letters from Mr. Choate. On page 10 a letter from Mr. Choate to Mr. Hay of January 15, 1901, is not published, and a notation appears to the effect that it is not on the department's files. On page 31 a letter from Mr. Hay to Mr. Choate, dated August 5, 1901, is referred to, and a notation is made that it is not on the department's files.

A gentleman who is interested in this matter has forwarded me some correspondence which he had recently with Mr. Choate in regard to the matter, and here is quite a significant statement, I think:

NAUMKEAG, STOCKBRIDGE, MASS., June 2, 1914.

DEAR SIR: Your letter of May 29 was duly received. I have now received the answer of the Secretary of State to my letter, whether he would have me comply with your request to have copies of the letters in question for publication in your pamphlet. The Secretary is of the opinion that I should not do so.

But we have a number of letters from Mr. Choate, and he seemed to be very much concerned about enabling the British Government to make a creditable showing to the House of Commons as to what it was doing in regard to this treaty. I should like to have the Senate know, particularly in the light of the question just asked by the Senator from Idaho [Mr. BORAH], Mr. Choate's concern about that matter and as to the benefits which Great Britain would receive from this canal.

He said:

Lord Lansdowne's object in insisting upon article 3a is to be able to meet the objectors in Parliament by saying that although they have given up the Clayton-Bulwer treaty they have saved the "general principle," and have made it immediately effective and binding upon the United States as to all future routes and have dispensed with future "treaty stipulations"—

The words "treaty stipulations" are in quotation marks. That is what the Clayton-Bulwer treaty provided—that they should make future treaty stipulations in regard to a particular railroad or a particular canal. This "general principle" was not roaming around the world establishing in and of itself specific rules and regulations for any old canal that might be constructed anywhere. The general principle under which these nations agreed was that when they were constructing a canal they would come together in a treaty. Now, he says, they left that out, thereby—

making it much stronger than it was before. I think his all-sufficient answer is that by giving up the Clayton-Bulwer treaty, which stood in the way of building any canal—

It did not, as a matter of fact, but this is what Mr. Choate says—

he has insured the building of a canal for the benefit of Great Britain at the expense of the United States——

Mr. NORRIS. Whose letter is that?

Mr. POINDEXTER. That is Mr. Choate's letter to Mr. Hay, explaining to Mr. Hay what Lord Lansdowne could say to the House of Commons—

relieving Great Britain of all responsibility about it, now and forever, and imposed upon the United States stringent rules of neutrality as to Great Britain and all mankind.

That is the American spirit which showed itself through the Court of St. James at a time when we should have had a representative who understood and was concerned and was able to protect the interests of the United States.

In this negotiation it seems to me that many of these letters and statements by our diplomatic representatives at that time, indicating that they did not know exactly what this or that language meant, and they had not had much time to examine it, and they hoped they would soon get through with the "troublesome business," are hardly more than mere chatter. None of it, I think, was written into the treaty. No treaty ever would have been ratified with the views—changing, apparently, as they were, from day to day—of Mr. Choate and Mr. Hay and

First. The duration of the privilege shall be for 99 years from the day on which the canal shall be wholly or partially opened to the use of the public or when the grantees or their representatives commence to collect the dues on transit and navigation.

* * * * * * *

ART. 6. The United States of Colombia reserve to themselves the right to pass their war vessels, troops, and munitions of war at all times and without paying any dues whatever. The passage of the canal is strictly closed to war vessels of nations in a state of open hostility with one or more other nations and which may not have acquired by public treaty with the Colombian Government the right to pass through the canal at all times.

* * * * * * *

The company shall carry gratis through the canal or on the auxiliary railway the men destined for the service of the nation, for the service of the State through whose territory the canal and railroad may pass, or for the service of the police, with the object of guarding against foreign enemies or for the preservation of public order, and shall also transport gratis the baggage of such men, their war materials, armament, and clothing which they may need for the service assigned to them.

* * * * * * *

The company guarantees to the Government of Colombia that the share of the latter shall in no case be less than the sum of $250,000 a year—

That is, from the proceeds of the operation of the canal—

which is the same as that received as its share in the earnings of the Panama Railroad, so that if in any year the 5, 6, 7, or 8 per cent should not reach said sum it shall be completed out of the common funds of the company.

Mr. President, as is well known, that concession was about to expire, and on December 26, 1890, it was extended for 10 years. I shall not detain the Senate to read that document, which I have in my hand. That extension in turn was about to expire, and on April 4, 1893, another contract was executed, signed by the representatives of the Republic of Colombia at Bogota and by the representatives of the French Canal Co., extending the franchise or concession, as follows:

The extension of 10 years granted in article 1 of the contract of 1890 to the liquidator of the Compagnie Universelle du Canal de Panama remains in force, subject to the conditions then provided, except the second, which is modified by the extension until October 31, 1894, of the period within which the new company is to be formed and work on the canal is to be resumed in a serious and permanent manner.

The term of 10 years shall begin to run from the date of the formal organization of the new company.

On April 26, 1900, another contract was executed between the Republic of Colombia and the representatives of the new canal company, granting a further extension of the franchise for six years.

When the United States, after having abandoned the idea of constructing a canal at Nicaragua—and I desire in a moment to call attention to the connection of its action in abandoning that route with the Hay-Pauncefote treaty—and, through the action of the Senate in reversing the action of the House of Representatives in 1902, concluded to construct a canal at Panama, it took up negotiations with this French canal company, which owned these existing franchises giving it a certain period in which to construct the canal and the privilege of operating it for 99 years after the commencement of its operation. The canal company, in proper form under French law, obtained authority from its stockholders to sell its franchises and its property to the United States for the sum of $40,000,000 in gold. That sum was paid to the new French canal company by the United States for the Panama Canal, and constitutes the principal foundation of its title.

Of course, before completing such a transaction the United States, as was perfectly natural, made the most careful investigation of this title and of the right of the French canal company to sell to the United States. It obtained the opinion of a most prominent French lawyer, Mr. Waldeck Rousseau, upon whose opinion and upon an independent investigation also the Attorney General of the United States, who, with his staff of legal advisers, had investigated the matter most thoroughly, both as to the rights of the French canal company under the French law and their rights under the concession granted by the Republic of Colombia and the laws of that Republic, advised the President that the title was good and that they had a right to transfer it and that its deed would convey to the United States this canal and all the rights and privileges specified in the concession.

I want to read very briefly just a few lines of the significant parts of the opinion of Mr. Waldeck Rousseau, whom the United States consulted. He says, in the first paragraph of his opinion:

The concession for the Interoceanic Panama Canal was obtained by M. Wyse. (Agreement of Mar. 23, 1878; law 28 of 1878, of Colombia.) Not only by its nature was it transferable, but its transfer to a company by the concessionary and by this company to other companies or capitalists was expressly contemplated by article 21.

Incidentally, he remarks:

There is no need of reviewing the difficulties encountered by the Compagnie Universelle or its financial vicissitudes. In 1889 it was driven to dissolution.

That was the old company.

In paragraph 19 he says:

Finally, besides the liquidator of the Compagnie Universelle and the new company, there was a third party interested in maintaining the rights which it had under the concession of 1878—the Government of Colombia. Without referring to other documents exchanged between this Government and that of the United States of America, it is enough to say that on April 18, 1902, the envoy extraordinary of the Republic of Colombia to the United States agreed with the Secretary of State of the United States upon a treaty, article 1 of which contains an authorization by the Government of Colombia, given to the new company, to sell and transfer to the United States its rights, privileges, property, and concessions, as well as the Panama Railroad, and all shares and parts of shares of this company. We shall omit, therefore, from the present opinion all objections based upon the prohibition of transfer to a foreign government contained in the law of 1878.

The first question, he states, is:

Has the New Panama Canal Co. a certain and absolute title to the property it has offered for sale to the Government of the United States?

And he answers it as follows:

The title of ownership—certain and absolute ownership—which is to be invoked for the benefit of the new company, comes from the contribution which was made to it by the liquidator of the Compagnie Universelle.

* * * * * * *

It is indisputable that everything which forms the subject of the present plan of transfer to the United States is comprised in the contribution enumerated in article 5.

There is no dispute as to the validity of the title of the Compagnie Universelle to the property which was the subject of this contribution.

If the Compagnie Universelle was indeed the owner of the concession and of what we have called its increment, had it the right to transfer them? Did it transfer them regularly? Such are the first two questions to be examined.

II.—The Compagnie Universelle had the right to transfer the concession, because it was the owner of it, the right to alienate being one of the elements of ownership.

To make it otherwise it must be shown that the instrument by which it acquired them contained a restriction of this elementary right. Now, not only does this restriction not exist in the contract of 1878, but it contemplates a transfer, and even successive transfers, and authorizes them. Furthermore, the transfer made was known to the original grantor—the Government of Colombia—it ratified it both beforehand and afterwards. (See especially the agreement of extension of December 26, 1890, stipulating that the liquidator shall transfer all the assets to a new company—article 1 of the agreement of April 5, 1893, giving the liquidator time to form a new company—the agreement of May 7, 1900, in which the newly formed company is expressly mentioned and recognized.)

The right of transfer by the Compagnie Universelle belonging to it, from the very fact that it was owner, this right not having been restricted by the agreement of concession, but, on the contrary, expressly recognized both by the agreements of concession and by the subsequent agreements above mentioned, we are of the opinion that the right of the Compagnie Universelle to transfer to the new company the whole of its rights is absolutely certain.

Mr. President, the subsequent transactions of the United States for the purchase of the canal with Colombia and with the Republic of Panama are well known. There have been disputes in regard to them, but suffice it to say, for the purposes of determining this issue, Great Britain was not concerned in them.

Mr. CRAWFORD. Will the Senator permit an interruption?

Mr. POINDEXTER. I yield to the Senator from South Dakota.

Mr. CRAWFORD. Before this transfer was made by the French company had the payments, the annuities of $250,000, been paid regularly right along by the French company?

Mr. POINDEXTER. Two hundred and fifty thousand dollars a year was to be paid out of the earnings of the canal when it was completed. Of course that was not paid, but——

Mr. CRAWFORD. There were payments from the proceeds of the railroad?

Mr. POINDEXTER. Yes; there were payments from the railroad prior to its acquirement by the Panama Canal Co.

Mr. CRAWFORD. What I had in mind was this: As I recall it, under the treaty with Panama the United States pays to the Republic of Panama an annuity of $250,000. The question is whether the origin of that obligation is not traceable back to this previous obligation on the part of the French company to the Colombian Republic.

Mr. POINDEXTER. Undoubtedly.

Mr. CRAWFORD. So the circumstances dovetail in that respect.

Mr. POINDEXTER. Undoubtedly they do. There were payments also made in a lump sum for the various renewals of the concession. I have here the proof—that is, the publication of the proof—of those payments having been made. There never has been any question as to the payment of any annuity that was due or of the purchase price of the original concession or of any renewal. Among the later payments, and that would in itself carry evidence that previous accounts had been satisfactorily taken care of, is this taken from the records of the deliberations of the council of administration of the New Panama Canal Co. at the session of January 9, 1902. Naming

the officers of the company present, the minutes recite as follows:

The council decides unanimously to make an offer—

This is not what I thought it was, but I will read it—

The council decides unanimously to make an offer at a fixed price for the cession to the Government of the United States of all the properties and rights which the new company possesses on the Isthmus, without any exception, for $40,000,000, and it delegates to its president, M. Bo, all powers to transmit that offer and effect and sign the said cession.

What I referred to previously is as follows:

On the 31st day of October proximo—

This is dated Bogota, September 12, 1896, Republic of Colombia, ministry of the treasury—

On the 31st day of October proximo deliver to the Messrs. Schloss & Bros., of London, 2,000,000 francs, being the annual payment due January, 1897—

This is addressed to the director of the New Panama Canal Co.—

Said delivery will be made in accordance with the contract between the Government of this Republic and the company you represent as administrator, respecting anticipated discount and formalities required in making the annual payment due. (1896.)

Your most obedient servant,

MANUEL PONCE DE LEON.

Document dated Republic of Colombia, ministry of treasury, Bogota, May 28, 1900:

Mr. ALEJANDRO MANCINI:

For your information I beg to transmit the following communication and the resolution pertaining to same:

Sec. 1, No. 159.] REPUBLIC OF COLOMBIA, MINISTRY OF WAR, *Bogota, May 26, 1900.*

The MINISTER OF THE TREASURY:

In conformity with authorization received from His Excellency the President of the Republic, communicated through the minister of state in the telegram I had the honor to transcribe for you in my official note No. 155, dated the 22d instant, I beg to state that this ministry notified the banking house of Fould & Co., of Paris, to accept as a deposit the 5,000,000 francs, French gold, which is to be paid by the New Panama Canal Co. for the concession of "prolongation," as I had the honor of informing you for the conclusion of the business.

I am, sir, your obedient servant,

MANUEL CASABLANCA.

This is followed with various other documents indicating that that order was carried out and most conclusive evidence that all those payments were made.

That constitutes, Mr. President, what the United States has in the way of title for the Panama Canal. When the United States paid $40,000,000 to the New French Canal Co. it was not paid on the condition that Great Britain should approve of it or that Great Britain should share in the amount of it. She had no original interest in the property, the franchises, the rights, the partially constructed canal for which $40,000,000 were paid, and none was created in her by the payment of the $40,000,000 to the New French Canal Co.

In other words, the United States not only acquired the physical property but it acquired the incorporeal right without any more conditions attached to it in the hands of the United States than were attached to it in the hands of the original concessionaries of the Republic of Colombia. The Hay-Pauncefote treaty with all the dispute about its meaning and effect never referred to this canal, which was already in existence and which Great Britain and the United States at the time the Hay-Pauncefote treaty was made had no right to make a contract in reference to.

All through the negotiations of the Hay-Pauncefote treaty, or which resulted in the Hay-Pauncefote treaty, the correspondence between the diplomatic representatives of the United States and Great Britain and the action of Congress subsequent to the negotiation and the proclamation of the treaty, the declarations of distinguished Senators who are advocating this repeal, such as the distinguished Senator from New York [Mr. ROOT], it is manifest and admitted that the Hay-Pauncefote treaty was made in the contemplation of the construction of a canal at Nicaragua, and if the general language referred to, by some vague and uncertain effect, would apply to canals constructed at other points it referred to some one of the 16 different points which at different times had been examined and reported upon as possible routes for interoceanic canals, and did not refer to the Panama Canal.

Now, Mr. President, I wish to refer to the Hay-Pauncefote treaty. I think the exposition of it has already been clear and conclusive, and all has been said that can be said by the advocates of repeal or the opponents of repeal of the tolls-exemption clause of the act of 1912. But there are some collateral questions connected with it which have not been referred to and which I want briefly to take up. I may be pardoned for repeating what, by the way, is admitted by the representatives of Great Britain, that the language which is in dispute in article 3 of the Hay-Pauncefote treaty can not apply to the United States; that is, that Great Britain admits that paragraphs 3, 4, and 5 can not apply to the United States.

Sir Edward Grey assumed the discretion of selecting out of the Hay-Pauncefote treaty certain material provisions and excluding them from any binding effect upon the two countries because of the changed conditions existing under which the canal was constructed from those which were contemplated at the time the treaty was negotiated. The United States has the same right that Sir Edward Grey, representing the Empire of Great Britain, has, to select the other paragraphs of article 3, upon the same ground on which he proposes to exclude several paragraphs, and to exclude these also from any binding effect upon the two countries.

I think Sir Edward Grey's reasoning is good. It is sound in international law. In the first place, if the Hay-Pauncefote treaty be given the construction claimed by the advocates of this repeal, that article 3 in its general language includes the United States, it would be impracticable of enforcement, utterly inconsistent with the situation in which the United States is placed, utterly impossible. To say that this country, having bought the canal for $40,000,000 from private owners and for $10,000,000 from the Republic of Panama in order to extend the concession from 99 years to perpetuity, or in all effect a perpetual franchise—in order to enlarge the concession paying this additional $10,000,000 to Panama and an annuity of $250,000 a year forever—having established herself as a sovereign upon the territory so acquired, and with the consent of Great Britain and the acquiescence of everyone who is interested in this treaty having erected there munitions of war, probably the greatest guns, the most formidable fortifications that we possess in all the wide sweep of our national territory; to say that under those conditions—operating the canal with these great guns guarding the passage of ships through it—the language of this treaty can be construed so that the ships of war of the United States in a state of belligerency shall not revictual in the canal, nor within 3 marine miles of the entrance of the canal, could not depart from the canal within 24 hours of the departure of its enemy, is to say what is impossible and impracticable and unreasonable. Conditions are so utterly different from those which were contemplated when the treaty was negotiated, when it was thought the canal would be constructed at Nicaragua, that by every authority of international law the treaty is utterly worthless, and is what Mr. Waddington, the British ambassador at Paris, said to Lord Salisbury with reference to the Suez Canal convention of 1888, which is of most paramount importance in the discussion of this case, and which I will refer to a moment later, "qu'une feuille de papier sans valeur"—a worthless leaf of paper.

Mr. President, a good authority upon this question, one of our own citizens, recognized both at home and abroad as an authority, author of a history of diplomacy, skilled in international law, David Jayne Hill, says in one of his articles on the subject:

On the other hand, Great Britain, as the greatest of maritime powers, might profit greatly by the construction of such a canal; and there was the possibility that the United States, whose position in the Western Hemisphere had been profoundly modified in the 50 years that had elapsed since the signing of the Clayton-Bulwer treaty, might consider it expedient to denounce that treaty, on the ground that treaties—

And this is the purpose for which I am reading this extract—the view upon the principle of law involved—

even when alleged to be perpetual, are morally binding only rebus sic stantibus, and cease to be so when conditions have essentially changed.

In the same connection and to the same effect I read from another American author, Mr. Hannis Taylor, author of various works on international law and the British and American Constitutions. He says:

As treaties stand upon a basis of their own, entirely apart from private contracts, the law of nations has always recognized the fact that all such agreements are necessarily made subject to the general understanding that they shall cease to be obligatory as soon as the conditions upon which they were executed are essentially altered.

I pause here to remark that this seems to be a principle of international law about which there is little dispute, and yet, strange to say, when it comes to the discussion of this Panama Canal question, it seems to be impossible to get the advocates of this repeal to recognize that such a principle ever existed. However, it is a substantial, vital, important principle, which governs not only this treaty but all treaties.

The principle that all treaties are concluded upon the tacit condition, rebus sic stantibus, clearly recognized by Grotius (Chap. XVI, s. XXV et seq.) and Vattel (Book 2 c. 13, s. 200), has been denied by no modern authority. Hall, the greatest of the recent British publicists, whose book is the vade mecum of the British foreign office, declares in his work on International Law (s. 116) that neither party to a treaty "can make its binding effect dependent at

Simmons	Smoot	Thompson	West
Smith, Ga.	Sterling	Thornton	White
Smith, Mich.	Sutherland	Tillman	Williams
Smith, S. C.	Swanson	Walsh	Works

Mr. LANE. I wish to announce the absence of my colleague [Mr. CHAMBERLAIN] on official business.

Mr. CHILTON. I wish to announce the necessary absence of the Senator from New Mexico [Mr. FALL]. He is paired with me.

Mr. WHITE. I wish to announce the absence of my colleague [Mr. BANKHEAD]. He is paired with the Senator from West Virginia [Mr. GOFF]. I will let this announcement stand for the day.

The VICE PRESIDENT. Fifty-six Senators have answered to the roll call. There is a quorum present.

Mr. POINDEXTER. Mr. President, that part of the pending measure which is of great significance reads as follows:

That the second sentence in section 5 of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

Mr. President, if this bill were of concern only to the section of the country which I in part have the honor to represent, I would not venture to intrude any observations into a debate which has already been somewhat extended and which has been characterized by a vast amount of research and a most learned exposition of the great principles involved in the bill. But it is not of concern alone to the State which I in part represent, nor to the Pacific coast, nor to any other section of the country. It involves the great question whether the Panama Canal is to be an American canal or whether it is to be an international canal, subject to the joint control of the United States and the other nations of the world, particularly represented by Great Britain.

The issues involved in this bill affect the national integrity of the United States. Later on I shall undertake to refer to some of the purposes and motives of the great interests which have been active in prosecuting this issue before the country and in Congress and to point out that they verge at least upon an attack on our national independence. Some of the people who have been most influential in this movement have on various occasions expressly declared their desire for a surrender of our national independence and for a merger with the great nation which is our principal antagonist in the effort to direct and control this great waterway.

The issues involved in this bill will determine the direction of the current of trade and the commerce of the world. Upon the determination of this question depends in large measure the future of the shipping interest of the United States—whether we are to build up a merchant marine and become a great commercial Nation, or whether we are to cast a blight upon what we already have and absolutely destroy the prospect of any future increase.

This great question, in my judgment—and I think it can be demonstrated—will determine whether the United States will enjoy the benefits of its own domestic commerce, or that commerce which is now domestic—all that vast trade which goes from that portion of the United States east of the Rocky Mountains, connected by the navigable waters of the Gulf of Mexico and the Atlantic Ocean and the rivers connecting with them—the commerce of which goes from that vast region to our own people of the Pacific coast—or whether that commerce, through economic forces that will be put in operation by the repeal of this law—beyond the control of any legislation—shall be turned over to a foreign country.

It involves the question whether the trade of our people coming the other way from the Pacific coast to the eastern parts of the United States, in the great natural products of our Pacific States, shall be retained in the hands of our own people as a means of their livelihood and an increase of their wealth, or whether by opening this canal upon such terms that it will be impossible for our people to compete, will throw that commerce also into the hands of the ships of Great Britain plying from the ports of Canada on the Pacific Ocean.

Strange to say, Mr. President, the entire interest which Great Britain has in this controversy, and which makes the issue, can be traced back, along clear and connected lines, to the violent and lawless acts of that strange nation of pirates called the buccaneers, operating in the Caribbean Sea in the early part of the seventeenth century.

The treaties which have been negotiated between the United States and Great Britain in regard to a canal were based upon the assumption that Great Britain had certain interests which it was necessary for the United States to acquire in order to construct a canal. Those interests consisted of the claims of Great Britain to what is called the Mosquito Coast, and they consisted of that alone. The Mosquito Coast was Spanish territory. It was a part of that vast area discovered by Christopher Columbus and visited by him in 1502, explored by Spaniards in 1521, and settled permanently by Spain in the following year.

Later on certain islands along that coast were occupied as a rendezvous by the buccaneers, who were devastating the Spanish commerce in that sea. Great Britain continued to make claims, having recognized the settlement of these lawless pirates and taken them under her protection later on, until toward the middle of the nineteenth century, when the matter of the construction of an Isthmian Canal by the United States had become a practical question and was attracting the interest and attention of our people and the people of the world. Great Britain's claims were constantly being extended, and her rights of suzerainty over the Mosquito Indians on the coast of Nicaragua were constantly disputed by the United States as being in violation of the Monroe doctrine.

There is no foundation of right or justice in international law or in morals for any claim which Great Britain had to seize the territory of Spain upon that coast, which in 1821 became the territory of the free, sovereign Republic of Nicaragua, which had been recognized and taken under the good will and protection of this great Republic; and yet, as the proposition of constructing a canal developed, Great Britain prosecuted her claims to that territory more and more vigorously, inciting a great deal of hostility in the United States.

In 1848, without warrant of authority, under the pretense of the Mosquito Indian protectorate, she seized the Atlantic terminus of the only canal route which the United States at that time contemplated. She seized it deliberately, in my judgment, for the express purpose of acquiring an interest in any future waterway which might be constructed there. That seizure created great excitement in the United States. Upon that and those events which preceded it, to which I have referred, are based the subsequent treaties, the present controversy, and every claim which Great Britain has, to a word, in the control and management of the canal which is now about completed.

The Clayton-Bulwer treaty was negotiated—and I shall not stop now to characterize it or to analyze it, because it is not relevant or important to the question to be here determined—but it was negotiated and, wisely or unwisely, in good or in bad form, for the purpose of freeing ourselves, so far as the canal was concerned, from the incubus which sat upon that great project through this lawless act of the seizure of Greytown, at the mouth of the river San Juan, on the Nicaragua shore, the Atlantic terminus and a necessary portion of the canal.

What was the consideration which Great Britain agreed to give in that treaty? I think, perhaps, the best way to state that is to call attention to the exact language of what Great Britain agreed to do. In article 1 of the Clayton-Bulwer treaty Great Britain agreed that she would never—

erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; nor will either make use of any protection which either affords or may afford—

That referred to the protection of the Mosquito Indians. The language is quite pertinent and significant as indicating precisely what sort of interest Great Britain had which she put into this contract as a consideration—

or any alliance which either has or may have to or with any State or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same.

That was the consideration which Great Britain gave or promised to give but which she failed to carry out. She has continued down to the present day, in defiance of that clear and express language, to do the very specific thing which in article 1 of the Clayton-Bulwer treaty she agreed not to do. She has colonized and has assumed and exercised dominion over parts of Central America. She possesses to-day in British Honduras, in defiance of this treaty and in violation of the consideration which she agreed to give, a great and rich territory 225 miles long, 40 or more miles in width, covered with valuable forests in some parts and containing fertile lands in other parts, with valuable seaports and islands; and her own authorities recognize the fact, as they express it, that it was a "flagrant" violation of her obligations under the Clayton-Bulwer treaty.

In a recent edition of the Encyclopedia Britannica, a British publication, in an edition printed at Cambridge, England, in 1910, volume 6, page 475, is this statement:

It seems to be a just conclusion that when in 1852 the Bay Islands were erected into a British "colony" this was a flagrant infraction of

the treaty; that as regards Belize, the American arguments were decidedly stronger and more correct historically.

That was the violated treaty which, in turn, was the basis and consideration for the Hay-Pauncefote treaty; and that, Mr. President, is the chain of title, so to speak, which advocates of this repeal set up as the deed and warranty of the United States to construct, own, and operate the Panama Canal, a canal constructed in another territory, upon the soil of another sovereign nation, where Great Britain never owned nor claimed to own a foot of soil, where she did not possess any of the authority which she describes in such peculiar language as a "protection" which she affords or an "alliance" which she may have with any State or people "or the Government" of any State or people.

Without referring for the moment to the terms of the Hay-Pauncefote treaties, which constitute the subsequent stages and links in this alleged chain of title to this great property, I here make the assertion that the title to the Panama Canal can not be traced through that chain of title, but is to be traced through an entirely different series of transactions, with other people, with which Great Britain had no concern and no connection whatever, and that other title, with which Great Britain had no concern, has no missing link, is clear and connected, and indisputable.

It is a peculiar thing, Mr. President, that in the discussion of this question and of the Hay-Pauncefote treaties it should be assumed by learned Senators that certain terms and language used in those treaties relate to the Panama Canal. Those treaties refer to a canal to be constructed and to rights to be acquired subsequently to the execution of the treaties. Why, Mr. President, the Panama Canal was partly in use; it was in large part constructed by the genius of the great French people long before the Hay-Pauncefote treaties were executed, and the title to it was perfect and secure. I propose to ask the indulgence of the Senate for a moment to call attention to the documents upon which that title rested, which seem to me to demonstrate that Great Britain has no ground upon which she can make the astounding claim that she has, to all intents and purposes, in the Panama Canal a partnership with the United States, which acquired it from the Republic of Colombia as the assignee and grantee of the concessionaire, who, in 1878, first acquired the necessary property rights to construct a canal at that point.

Mr. President, a great deal has been said in argument and in official papers, and particularly by Sir Edward Grey—and his statements are important because they are official, because they are the statements of the foreign minister of Great Britain, our antagonist in this matter—about the eighth article of the Clayton-Bulwer treaty; in fact, Sir Edward Grey bases his principal claim upon the eighth article of that treaty. He claims, as I have already said and as I repeat, in order that what I say may be clear, a part control in the Panama Canal, and because of that and because of its importance I want also to refer to the exact language of that article. It provides:

ARTICLE 8.

The Governments of the United States and Great Britain having not only desired, in entering into this convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

I desire to make it clear that I deny that this article has any force and effect. I think that was demonstrated most concisively by the distinguished Senator from California in his discussion of this question, but, because it is set up by Great Britain as the principal basis of her contention, I refer to it. The question, of course, is whether there is anything in the article, conceding that it has any effect whatever, that has any bearing upon the Panama Canal.

It has been asserted by a number of Senators in the Senate and by a great many people out of the Senate that the United States could not have constructed the canal without the consent of Great Britain. Mr. President, the United States had as much right on the Isthmus of Panama as had the Republic of France or as had the Compagnie Universelle du Canal de Panama, of France, the company which we call the Old Panama Canal Co., or as had the receiver or liquidator of that company, which took over its property and its works, or as had the New Panama Canal Co., which succeeded it. It has never been disputed that they had a right to construct a canal at Panama. They were constructing a canal there; they completed it in a large part. We took their route, and you can see upon the great cliffs which have been created by the cut at Culebra, a line marking the extent of the French excavation. We adopted their plan; we have taken their route. The Gatun locks and dam are in accordance with the French plan—larger, but substantially based on the same principle. It is their route; it is their work which we took advantage of. That is the canal which we now are ready to operate in its completed form; and, until this controversy arose under the Hay-Pauncefote treaty no human being ever heard a claim made by Great Britain or by any one in her behalf that she had an interest in the Panama Canal, which I have just described, or any right to be considered in the management of it.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. I am interested in the Senator's discussion of this phase of the question. I assume that the Senator is of the opinion, which seems reasonable, that if France had completed that project neither Great Britain nor any other nation would have felt that it had any special interest in the canal or could control it in any way or to any extent.

Mr. POINDEXTER. I am very decidedly of that opinion; so much so, in fact, and the evidence upon that subject is so conclusive, that it seems to me doubtful whether Great Britain herself would deny it.

I note that the language in article 8 which I have read refers not only to a canal connecting the two oceans, but to a railway or contemplated railway at Panama, and to any railway which might be constructed at Tehuantepec. I have never heard of any joint protection of the United States and Great Britain over the Tehuantepec Railroad nor over the Panama Railroad. Both are referred to in article 8 of the Clayton-Bulwer treaty. The point I am making is that it never has been contended that under article 8 of the Clayton-Bulwer treaty any rights were acquired by Great Britain or by the United States over a railroad either in Mexico or in Panama. It relates to entirely different matters. It refers, as will be noted, to treaty stipulations which were in the future to be made, and which never have been made. That point is referred to by our negotiators in the voluminous documents which have been printed here relating to the formulation of the Hay-Pauncefote treaty. The third line of article 8 says:

They hereby—

What? Establish a protection over a canal or over a railway? By no means—

agree to extend their protection by treaty stipulations.

Nobody has pointed out any treaty stipulation made in pursuance of article 8 of the Clayton-Bulwer treaty relating to any canal or to any railway other than the Hay-Pauncefote treaty, which, as I shall point out in a moment, related to a canal at Nicaragua, and said nothing about railroads.

How did we acquire the Panama Canal? We did not acquire it from Great Britain, because Great Britain never owned it or had any interest in it. If we had dug a canal at Nicaragua there might have been, however lawless its origin, some foundation for a claim on the part of Great Britain that the property necessary for its construction was acquired from her, but not at Panama.

In 1878 there was a concession granted—and this is the beginning of the title to the Panama Canal—known as the Wyse concession, and which begins as follows:

Eustorgio Salgar, secretary of the interior and of foreign relations of the United States of Colombia, duly authorized, of the one part—

Nobody denied that the United States of Colombia had a right to grant this concession—

and of the other part Lucien N. B. Wyse, chief of the Isthmus scientific surveying expedition in 1876, 1877, and 1878, member and delegate of the council of administration of the International Interoceanic Canal Association, presided by Gen. Etienne Turr, in conformity with powers bestowed at Paris from the 27th to the 29th of October, 1877, which he has exhibited in legal form, have celebrated the following contract:

ARTICLE 1. The Government of the United States of Colombia grants to Mr. Lucien N. B. Wyse, who accepts it in the name of the International Interoceanic Canal Association, represented by their council of administration, the exclusive privilege for the construction across its territory and for the operating of a canal between the Atlantic and Pacific Oceans. Said canal may be constructed without restrictive stipulations of any kind.

This concession is made under the following conditions:

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and of certain widows and dependent relatives of such soldiers and sailors;

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 28 minutes p. m.) the House adjourned until Monday, June 8, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting an urgent estimate of deficiency in the appropriation for sites for fortifications and seacoast defenses, fiscal year ending June 30, 1914 (H. Doc. No. 1021), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HARRISON, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 1991) to amend section 3 of an act entitled "An act in reference to the expatriation of citizens and their protection abroad," approved March 2, 1907, reported the same with amendment, accompanied by a report (No. 771), which said bill and report were referred to the House Calendar.

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (S. 654) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, reported the same without amendment, accompanied by a report (No. 772), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 16352) granting an increase of pension to Alexander Smith, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KETTNER (by request): A bill (H. R. 17096) for the relief of retired officers of the Navy who were retired for physical disability incident to the service when due for promotion to the next higher grade; to the Committee on Naval Affairs.

By Mr. JOHNSON of Kentucky: A bill (H. R. 17097) to fix the salary of the auditor of the Supreme Court of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. TAVENNER: A bill (H. R. 17098) providing a minimum wage for certain employees of the United States Government designated as laborers, helpers, skilled laborers, and others of similar skill; to the Committee on Labor.

By Mr. MITCHELL: A bill (H. R. 17099) authorizing the Secretary of War to donate to the city of Dover, Mass., two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

By Mr. GOULDEN: Concurrent resolution (H. Con. Res. 41) authorizing the printing of the Journal of the National Encampment of the Grand Army of the Republic; to the Committee on Printing.

By Mr. TAVENNER: Joint resolution (H. J. Res. 275) requesting the President to consider the expediency of effecting a treaty with the European powers providing for the neutralization of the Philippine Islands and the recognition of an independent government there when established; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BORLAND: A bill (H. R. 17100) granting an increase of pension to William Carson; to the Committee on Invalid Pensions.

By Mr. BROWN of New York: A bill (H. R. 17101) for the relief of Roscoe V. Wickes; to the Committee on Naval Affairs.

By Mr. BRUMBAUGH (by request): A bill (H. R. 17102) for the relief of the Columbus, Delaware & Marion Railway Co., of Columbus, Ohio; to the Committee on Claims.

By Mr. BYRNES of South Carolina: A bill (H. R. 17103) for the relief of the heirs of George W. Croft; to the Committee on War Claims.

By Mr CHURCH: A bill (H. R. 17104) granting a pension to James G. Wofford; to the Committee on Pensions.

By Mr. CRAMTON: A bill (H. R. 17105) granting an increase of pension to Charles S. Gilbert; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 17106) granting an increase of pension to Thomas B. Brown; to the Committee on Invalid Pensions.

By Mr. GARD: A bill (H. R. 17107) granting a pension to George Leveline; to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 17108) granting an increase of pension to Mrs. James McCauley; to the Committee on Pensions.

Also, a bill (H. R. 17109) to correct the military record of Charles Snow; to the Committee on Military Affairs.

By Mr. HARRISON (by request): A bill (H. R. 17110) to reimburse Epps Danley for property lost by him while light keeper at East Pascagoula River (Miss.) Light Station; to the Committee on Claims.

By Mr. KETTNER: A bill (H. R. 17111) granting a pension to Lucy Ord Mason; to the Committee on Invalid Pensions.

By Mr. KEY of Ohio: A bill (H. R. 17112) granting a pension to Victoria A. Davis; to the Committee on Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17113) granting a pension to Edward Plunkett; to the Committee on Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17114) granting a pension to Leroy E. Cuckow; to the Committee on Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 17115) granting an increase of pension to Lydia A. Lint; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 17116) granting a pension to Martha E. Hart; to the Committee on Invalid Pensions.

By Mr. TAYLOR of New York: A bill (H. R. 17117) granting an increase of pension to Anna M. Meissner; to the Committee on Invalid Pensions:

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions signed by pastors of certain churches in East Peoria, Ill.; Laurel Springs, N. J.; and Coles Ferry, Va., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions of the International Brotherhood Welfare Association of St. Louis, Mo., signed by the secretary of the association, favoring the appropriation of money for the purpose of carrying on the work of controlling floods on the Mississippi River and of reclamation of arid lands; to the Committee on Rivers and Harbors.

By Mr. BEAKES: Petitions of 29 voters of the second district of Michigan, in opposition to national prohibition; to the Committee on Rules.

By Mr. BRUCKNER: Petitions of the National Association of Retail Grocers in convention assembled at Louisville, Ky.; of Piel Bros., of Brooklyn, N. Y.; of 185 voters of the twenty-second congressional district of New York; of Michael A. McDonnell; and of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of the Brooklyn Chapter of the American Institute of Architects, relative to House bill 13880, which provides for an appropriation for a building for the Department of Justice; to the Committee on Public Buildings and Grounds.

By Mr. DANFORTH: Petition of Hustlers Lodge, No. 700, Association of Machinists, of Rochester, N. Y., favoring extension of the provisions of the boiler-inspection act; to the Committee on Interstate and Foreign Commerce.

Also, petitions of 29 residents of Rochester, of 23 residents of Walker, 1 resident of Hilton, 1 resident of Adams Basin, and 6 residents of Batavia, all in the State of New York, against national prohibition; to the Committee on Rules.

Also, petition of the Central Trades and Labor Council of Rochester, N. Y., favoring Government ownership of the mines and resources of Colorado; to the Committee on Mines and Mining.

Also, petitions of sundry citizens of Numda, Warsaw, and Castile, all in the State of New York, favoring passage of House bill 5308, to tax mail-order business; to the Committee on Ways and Means.

By Mr. DIXON: Petitions of 25 citizens of Lawrenceburg, Ind., and 30 citizens of Aurora, Ind., protesting against national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of A. B. Chambers, Charles Johnson, M. Vanderveort, George Flaherty, Frank O'Connell, Thomas Feely, Bernard Chambers, Robert Lambert, J. J. Pelleane, Richard Ruhe, John Rielly, William Malcomson, Fred Benter, J. P. King, Charles Hahn, Thomas Lynaugh, John Konig, W. F. Flaherty, J. F. Neasy, C. J. Hayes, William Campis, M. J. Reilly, William Smith, Lorente Cantor, E. H. Higgins, Vanderbilt Spader, J. V. Laffan, M. A. Snooks, J. J. P. Regan, E. F. Eagen, T. E. Fitzgerald, E. R. J. Bogan, J. J. Devening, E. J. Gallagahan, R. J. Klein, David Husband, E. H. Hogan, Joseph Talbe, W. J. Hagan, E. J. Healey, William Cullen, E. H. Higgins, W. J. Maxwell, E. Van Pouk, E. P. Cummings, J. F. Dale, W. A. Ganort, William Feeney, T. J. Flinn, James William, Thomas Conney, Charles Metzler, Harry Fletcher, Richard Callahan, O. Halloway, John Wuner, J. J. Burns, W. F. Burke, T. J. Brosnan, M. Hamelberger, F. N. Saunders, P. Fitzgibbons, J. J. Hynes, B. J. Mulligan, E. E. Mulligan, J. L. Wood, P. J. Connors, I. J. Hayes, Charles Mulligan, D. Meagher, Ben Schmidt, Charles Ohlmann, R. Bischoff, H. C. Manne, Fred Denny, Call W. Fisher, T. J. Cosgrove, D. Moore, J. J. Cleany, P. F. Lynch, A. B. Chambers, J. J. Thornton, R. J. Wilson, W. F. Campbell, H. O'Neill, L. Buckman, Thomas Moore, W. J. Gorman, R. A. Foster, H. A. Mason, S. W. Heney, Charles Walsh, E. McCormick, J. A. Reilly, J. J. O'Brien, M. Hardiman, William Catherwood, John Maning, L. H. Fasbach, Charles Klunder, G. F. Travers, William Condon, J. S. Molony, J. F. Farley, P. O'Keefe, William Maloney, J. F. Carr, W. J. McLaughlin, John Travers, Patrick Golden, W. J. Blatz, W. F. Schumann, L. F. Harris, G. H. Harris, H. C. Christgaer, W. F. Conlon, Robert Shulta, George Farley, William Morhoff, D. S. Higgins, R. H. Colgan, Charles McGrath, Patrick Brennan, Thomas O'Brien, Peter Brennan, P. Burke, Robert Derbyshire, Arch. Brewer, Edward Michel, J. L. Donlon, J. J. Kenney, James Deverson, William Quigley, Hugh Meeghan, M. Higgins, John Brady, A. Rand, G. B. Stille, W. F. Foley, F. S. Schultis, H. Schamel, C. J. Young, A. Buchann, N. A. Ellers, C. J. Dalton, J. Brunkhorst, E. J. Farrell, J. Nelele, C. E. Johnson, G. Meny, John Mahnten, H. J. Beck, William Priedligkeit, H. J. Meissner, Henry Wendel, William Ganther, T. J. Laffin, Cecil MacCoy, J. J. Manelch, George Weigelspeiyer, E. F. Hilloy, B. L. Reilly, Louis Luesson, and Courin West, all of Brooklyn, N. Y., against national prohibition; to the Committee on Rules.

By Mr. GOULDEN: Petition of 70 members of the Trinity Congregational Church of The Bronx, New York City, favoring national prohibition; to the Committee on Rules.

By Mr. HAMMOND: Petitions of four citizens of New Ulm, Minn., protesting against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petitions of sundry citizens and churches of Schuylkill Haven; Zion Baptist Church, of Girardville; 32 citizens of Port Carbon; and 600 citizens of Shenandoah, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Lincoln, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of 90 citizens of Framingham, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of the Methodist Episcopal Church South of Coalton, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Letter from the Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., indorsing House bill 12056, to regulate the hours of labor; to the Committee on Labor.

Also, indorsement of Mr. T. R. Hamilton and 16 other members of the National League of Government Employees residing in San Francisco, Cal., of House bill 12056, to regulate the hours of labor; to the Committee on Labor.

Also, petition of the Joplin (Mo.) Trades Assembly, favoring House bill 13871, to provide for the creation of a workers' homes bureau in the Department of Labor; to the Committee on Banking and Currency.

By Mr. O'LEARY: Petition of sundry citizens of the second congressional district of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of Frank Maurer and others, of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. RAKER: Resolutions of the Red Bluff City Union of Protestant Churches, of Red Bluff, Cal., favoring national prohibition; to the Committee on Rules.

Also, letter from F. S. Stevens, of Auburn, Cal., favoring House bill 12306, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Red Bluff City Union of Protestant Churches, of Red Bluff, Cal., favoring the Gillett bill, designed to check polygamy; to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of Los Angeles, Cal., favoring the San Carlos Dam project in Arizona; to the Committee on Rivers and Harbors.

Also, resolution of the San Francisco Labor Council, of San Francisco, Cal., protesting against an apparent cooperation between the Government and private hostile employers to outlet unions in damages under the Sherman antitrust law; to the Committee on the Judiciary.

By Mr. ROBERTS of Nevada: Petition of Walter E. Drabwick and sundry citizens of Goldfield, Nev., and W. T. Scott Butler and sundry citizens of Gerlace, Nev., protesting against national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petition of the Denver (Colo.) Clearing House Association, protesting against extension of parcel post; to the Committee on the Post Office and Post Roads.

By Mr. STEPHENS of California: Petitions of R. H. Morton and 5,000 other citizens of Los Angeles City and County, protesting against the Hobson prohibition resolution; to the Committee on Rules.

By Mr. TAYLOR of New York: Petition of the Methodist Episcopal Church and sundry voters of Haverstraw, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of I. M. Jordan and 41 other citizens of Delaware, Ohio, in favor of House joint resolution No. 168, relating to national prohibition; to the Committee on Rules.

By Mr. WILSON of New York: Petition of 108 citizens of the third congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petition of the National Association of Retail Grocers, against national prohibition; to the Committee on Rules.

Also, petition of the Brooklyn (N. Y.) Legislative Committee, favoring House bill 16130, to establish a national employment bureau; to the Committee on Labor.

SENATE.

MONDAY, *June 8, 1914.*

(Continuation of the legislative day of Friday, June 5, 1914.)

The Senate met at 11 o'clock a. m. on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 14385, the unfinished business.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Colt	Kern	Page
Borah	Culberson	La Follette	Perkins
Brady	Cummins	Lane	Pittman
Bristow	Fletcher	McCumber	Poindexter
Bryan	Gallinger	McLean	Reed
Burleigh	Gronna	Martin, Va.	Root
Burton	James	Martine, N. J.	Shafroth
Chilton	Johnson	Norris	Sheppard
Clapp	Jones	O'Gorman	Sherman
Clark, Wyo.	Kenyon	Overman	Smith

In the early part of the play the villain pushed Nellie off the Brooklyn Bridge. Later he threw her overboard from an Atlantic liner. Later still he thrust her under a descending elevator. The next time they met he said: "Nellie, why do you fear me?"

[Laughter and applause.]

The business interests of the country have grown afraid of the legislation that was threatened and that is being enacted by the Democratic majority. Yesterday we passed three of the so-called antitrust bills, the "three little maids from school." [Laughter.] One of them at least will again have a deterrent effect upon the business of this country—the so-called Clayton antitrust bill——

Mr. ADAIR. Did not most of the gentleman's party in the House vote for those bills?

Mr. KAHN. I am only responsible for my vote.

Mr. ADAIR. I think about two Republicans to one voted for them.

Mr. KAHN. I do not know what the proportion is, but I think my friend is mistaken. At any rate, there is one hope for the business interests of this country. In all the half-baked, undigested legislation to regulate business that has been passed by this House it has been so revised at the other end of the Capitol that in many instances it has been made less destructive than if it had been enacted in the form in which it left the House of Representatives.

Mr. FITZGERALD. Does the gentleman say that those bills would have a terrible effect on the business of the country?

Mr. KAHN. I say that they will have a deterrent effect on the business of the country.

Mr. FITZGERALD. You mean the crooked business that flourished under Republican administrations?

Mr. KAHN. The gentleman uses the arguments of the demagogue now, and they are unworthy of him.

Mr. FITZGERALD. Ah, I prithee, forgive me!

Mr. KAHN. Because it is the demagogue who tries to point out that all business is crooked.

Mr. FITZGERALD. Oh, no. These are not designed to affect an honest business, but designed to affect the crooked business under which the country has been robbed.

Mr. KAHN. Oh, yes. There has been a great deal of honest, legitimate, genuine business in the country, and always will be, and some of the legislation that is proposed in these bills will affect honest, legitimate business adversely.

Mr. FITZGERALD. But give them a legitimate chance, which they have not had prior to this time.

Mr. KAHN. They will kill legitimate business.

Mr. FITZGERALD. Oh, nonsense.

Mr. KAHN. Some of the provisions will kill legitimate business, and the gentleman knows there are features in that Clayton bill that are bound to affect business adversely.

Mr. BARTLETT. Will the gentleman yield for a question?

Mr. KAHN. In a few moments. I want to get on a little.

Mr. BARTLETT. Did not the gentleman vote for two out of the three bills?

Mr. KAHN. I voted for the first and third; yes, sir. [Laughter.] The first provides for a trade commission. There can be no harm in that. The third was a substitute, which was submitted in the closing hours of the debate for a very bad bill. The substitute embodied all the good points that the gentleman from Minnesota [Mr. STEVENS] contended for.

Mr. ADAIR. Does not the gentleman believe, if the antitrust bill is going to be detrimental, that the majority of the Republicans in the House who voted for it should take, at least, their portion of the blame for it?

Mr. KAHN. I do not know. It was legislation that emanated from the Democratic majority, and there is no doubt in my mind but that it will be toned down at the other end of this Capitol so as to make it a less dangerous piece of legislation.

Mr. ADAIR. But the majority of the Republicans thought it was good, or they would not have voted for it, I presume.

Mr. KAHN. Possibly, though not necessarily. A majority of the Republicans, I am informed, did not vote for it. There were about 54 Republicans, as I understand, who voted against it and only about 40 voted for it.

Mr. ADAIR. I understand that a majority of the Republicans voted for it.

Mr. KAHN. I can not yield further. My time is limited.

Now, Mr. Chairman, we have had further confirmation from high authority that there is business depression in the great manufacturing sections of our country. Yesterday the newspapers published a speech that was delivered by the Secretary of Commerce at Raleigh, N. C. I have a very high opinion of the distinguished Secretary of Commerce, who served in this House, and we all know he is a well-meaning, well-intentioned gentleman. He undertook to say that the business of the country was highly prosperous in every section except the Northeast. He likened the business conditions to the weather map, and asserted that it is clear and white in the West, and clear and white in the Mississippi Valley, and in the region of the Great Lakes, but that over in the Northeast it is dull gray. If he were to study the conditions thoroughly, he would find that there is more or less business depression in the West, the Northwest, the Southwest, the East, the Southeast, and in every section of the country. There is general complaint from every quarter that times are dull. Some industries feel it more than others. But there is no evidence of great prosperity anywhere. There are more men out of employment now than for many years past.

The distinguished gentleman who presides over the Department of Commerce should have taken another and, to my mind, a more appropriate illustration. He should have likened the country to the condition that is spoken of by Æsop in his fable of "The Belly and the Members." That fable runs as follows:

One fine day it occurred to the Members of the Body that they were doing all the work and the Stomach was having all the food. So they held a meeting, and after a long discussion decided to strike work till the Stomach consented to take its proper share of the work. So for a day or two the Hands refused to take the food, the Mouth refused to receive it, and the Teeth had no work to do. But after a day or two the Members began to find that they themselves were not in a very active condition; the Hands could hardly move, and the Mouth was all parched and dry, while the Legs were unable to support the rest. So thus they found that even the Stomach in its dull quiet way was doing necessary work for the Body, and that all must work together or the Body will go to pieces.

Mr. Chairman, the northeastern part of this country is like the stomach referred to in the fable. The raw material from the farms and the mines of this country go there to be converted into finished products. The food products of the farm are sent there to feed the operatives in the mills, the factories, and the workshops of that important area. The stomach is out of condition. It is disordered and ailing, according to the admission of the Secretary of Commerce, and that condition has its baneful effect upon every other section of the United States. Any man who will honestly investigate will find that there is business depression all over the United States, the Secretary of Commerce to the contrary notwithstanding. I rather think he is the Mark Tapley of this administration. [Laughter on the Republican side.]

In his speech at Raleigh the Secretary rejoiced that "we have sent large sums abroad of late." It were far better for the people of the United States if these large sums had been kept at home and invested in existing enterprises of this country or in the establishment of new ones. But capital is once more showing its timidity. It is afraid of your radical legislation, your legislation "with teeth in it," as was suggested on this floor a day or two ago. The exodus of these large sums to other lands is one of the surest signs, one of the best proofs, of business depression.

Mr. Chairman, the trouble is that at the present time dilettanteism is at the helm in this country. Doctrinaires and theorists occupy the positions of high station. The people are demanding that practical men shall again run the Government. And they will speak in no uncertain language at the ballot box next November. They know that there is dullness and uncertainty in the business world. The evidences of the depression are found everywhere. Take this item from this morning's Washington Herald as an illustration. It reads:

PENNSY'S IDLE EQUIPMENT.

Eighty-six million dollars' worth of freight cars and locomotives are standing idle on the sidetracks in the yards, roundhouses, and shops of the Pennsylvania Railroad system as a consequence of the depression in railroad traffic, which in the last fortnight, according to the figures showing the decline in the movement of loaded freight cars, has become more acute than at any time since the present era of retrogression began months ago.

Very nearly one-third of the freight cars owned by the Pennsylvania lines, east and west, are out of use. The number of cars idle, according to the latest reports which were available yesterday, is 80,000. The Pennsylvania lines own, altogether, approximately 250,000 freight cars. More than 300 locomotives are idle, out of a total of 7,000 owned. The percentage of idle freight cars is naturally greater than that of idle locomotives, because reducing the number of cars in a train is a more common proceeding than eliminating a train altogether.

That item tells its own story—a story that can not be controverted.

Contrast that condition with the one that prevailed only two or three years ago, under a Republican administration, when it was impossible to supply the various sections of the country with enough freight cars to move the great crops and carry the freight of the great business interests of this country. Yes; contrast the present condition with the condition of two or three years ago.

Mr. ADAIR. Mr. Chairman, will the gentleman yield for just a question there?

Mr. KAHN. Yes.

Mr. ADAIR. Does the gentleman mean to say that there were no idle freight cars in 1907, under a Republican administration? Thousands of them were idle all over the country.

Mr. KAHN. In 1907 there was a temporary condition of depression, due largely to overspeculation in Wall Street. It was very brief, and in the following years there was an enormous demand for cars. That demand continued practically through all the remaining years of Republican administration.

Mr. ADAIR. But the gentleman said that such a thing had never happened before.

Mr. KAHN. The gentleman evidently misunderstood what I said.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield there for an interruption?

Mr. KAHN. I believe I am correct when I say that there never were so many cars idle as at the present time.

Mr. RAGSDALE. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I can not yield.

The CHAIRMAN. The gentleman declines to yield.

Mr. RAGSDALE. I would like to know——

Mr. KAHN. I regret I can not yield. I have but little time left.

In looking over some of the publications of the present Chief Executive I find this statement in the American Political Science Review of February, 1911, in an article entitled "The law and the facts," in which the President, then Mr. Wilson, said:

I do not know how some students of politics get along without literature as some of them make shift to do—without interpretation of poetry or of any of the other imaginative illuminations of life—or without art, or any of the means by which men have sought to picture to themselves what their days mean or to represent to themselves the voices that are forever in their ears as they go their doubtful journey. They read history, indeed, in search of the "facts"; but if they miss the deepest facts of all, the spiritual experience, the vision of the mind, the aspirations of the spirit, that are the pulse of life, I do not see how they can understand the facts or know what really moves the world.

That in a measure may explain what the Chief Executive meant when he told the western business men that the business depression is "psychological." He has "visions of the mind." He sees visions of prosperity in this country where there is business depression; and he doubtlessly is surprised because the hard-headed, practical business men of the country, realizing that their enterprises are in a serious and uncertain condition, do not have visions of the same kind. The business man does not have to go in search of "facts," so far as existing conditions in the business and financial world are concerned. He finds them ready at hand wherever he turns. He has no "visions" of prosperity, because there is no prosperity at the present time.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. KAHN. I can not yield. I have only three or four minutes longer.

Now, the trouble with our friends on the other side is that they do not recognize actual conditions. They deal with theories. They see "visions." That is the unfortunate part of it. A good many of you on the Democratic side rebel inwardly at some of the legislation that is being forced through this House. It were better for the country if you were to rebel outwardly and refuse to bind yourselves to the enactment of drastic legislation which is bound to cripple the commercial interests of the United States. Fortunately, there is more deliberation at the other end of this Capitol. Fortunately, there is no resorting to gag rules to shut off debate and prevent proper discussion of great public problems in that body. There, at any rate, the Democratic majority on a recent vote showed they were not at all in accord with one of the highly lauded policies of the present administration. Let me illustrate: On October 27, 1913, the President of the United States delivered a speech at Mobile, Ala. It was a very excellent literary utterance. It was commended on all sides. Its high ideals met with general favor. In that speech the President said this:

I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest—

Now, in order to put the Democratic Party to the test at the other end of the Capitol, a distinguished Senator [Mr. LA FOLLETTE] offered an amendment to the "justification resolution" in the Mexican trouble that was then being considered in the Senate. That amendment read:

Be it further resolved, That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over Mexico or any portion of the same, except for the pacification thereof, and asserts its determination, when that is accomplished, to leave the government and control of Mexico and every portion thereof to its people.

That amendment was clearly in line with the President's altruistic sentiments uttered in the Mobile speech. Then the roll was called upon that amendment. It was defeated by a vote of 44 to 39. Of the 44 votes cast against it, 42 were Democrats, who refused to follow the President of the United States in his position never again to seek a foot of territory by conquest; 2 were Republicans. Of the 39 votes in favor of the amendment, 37 were Republicans, 1 was a Democrat, and 1 was a Progressive.

Mr. Chairman, I merely cited this instance as an evidence of the independence from Executive pressure of the Democratic majority at the other end of this Capitol.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I yield a minute to the gentleman from Texas [Mr. BEALL].

The CHAIRMAN. The gentleman from Texas [Mr. BEALL] is recognized for one minute.

Mr. BEALL of Texas. Mr. Chairman, the gentleman from California [Mr. KAHN] read an extract from the Washington Herald of this morning, written by whom I do not know. I want, in connection with that, to have incorporated in the RECORD an article from the Star of this afternoon, covering an estimate of the situation as made by Dun's review of trade and Bradstreet's review, as follows:

TRADE ADVICES OPTIMISTIC—IMPROVED SENTIMENT REFLECTED IN SOME EXPANSION IN VOLUME.

NEW YORK, *June 6*.

Dun's review of the week says:

"Advices from the leading commercial and industrial centers are more optimistic and the improved sentiment is reflected in some expansion in the volume of trade. Of late there has been marked increase in the number of orders placed with manufacturers, and there is much less idle machinery than a month ago.

"There is a healthier tone to the dry-goods market. A better inquiry is noted for wool, which has lost none of its former strength."

Bradstreet's review says:

"Sentimentally and fundamentally, trade conditions are better, even though irregularity is still in evidence. Jobbing trade at many points outside of the Southeast, and particularly in the Northwest, has broadened; interest in fall and winter goods is gradually developing; there is more doing in retail lines; some improvement has appeared in connection with collections; larger sales of southern pig iron are noted; wool is active at strong prices; textile mills are fairly well employed; crop conditions have improved; railway traffic is heavier."

I also wish to insert the following item from the Philadelphia Ledger of to-day concerning the improvement of the steel trade:

EQUIPMENT ORDERS CHEER STEEL TRADE—NEW YORK CENTRAL AND ILLINOIS CENTRAL BETWEEN THEM CONTRACT FOR 10,300 CARS—LOOK FOR PENNSYLVANIA RAILROAD RAIL ORDER TO-DAY.

NEW YORK, *June 5*.

Makers of railroad equipment and rails are encouraged by the orders placed this week, and they expect the orders will be increased to-morrow or early next week by a big rail contract from the Pennsylvania Railroad. This company has about completed arrangements for the purchase of some 70,000 tons of rails, in addition to 20,000 tons ordered two months ago, and it was reported in the steel trade that the contract would probably be approved by noon to-morrow.

The Steel Corporation is expected to receive a large part of the order. The earlier purchase of 20,000 tons was rolled by the Bethlehem and Pennsylvania Steel Cos., and it is understood that in the placing of these orders the specifications were altered slightly so as to make the cost of manufacture somewhat less on subsequent contracts.

The New York Central has ordered 7,300 cars, of which 4,300 will be made by the American Car & Foundry Co. and 3,000 by the Standard Steel Car Co. The Illinois Central has distributed contracts for 3,000 box cars among the Western Steel Car Co., Haskell & Barker, American Car & Foundry Co., and the Standard Steel Car Co.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14242. An act to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

get a better sense of what my question was than by listening

exported during April, 1913, in round numbers, $10,000,000.

Total exports	199,813,438	162,320,370	2,107,871,811	2,048,772,785

State and the price has increased 3 or 4 cents a pound under

the Underwood tariff bill. I would like to ask the gentleman if that is working a hardship on the farmers of his State?

Mr. MONDELL. The trouble is that the gentleman from Indiana does not state the fact. Wool has not increased 3 or 4 cents a pound under the Underwood tariff bill.

Mr. ADAIR. How much has it?

Mr. MONDELL. Wool has not increased in price at all under the Underwood tariff bill.

Mr. ADAIR. It is selling for more money now than it was.

Mr. MONDELL. A cent or two more than last year at this time. Last year's wool clip was sold before the Underwood bill became a law.

Mr. ADAIR. Well, whether 1 cent or 2, it is 3 or 4 cents in my State; has that increase worked a hardship on the farmers of his State?

Mr. MONDELL. If that is all the gentleman from Indiana has left to carry him through the coming campaign the gentleman will be left out in the cold. Now, Mr. Chairman, a little later I propose to discuss this entire wool and woolen situation. And when I do, I think I can convince even the gentleman from Indiana [Mr. ADAIR], biased as I fear he is, that the wool industry has suffered frightfully under the Underwood tariff bill, and will continue to suffer as long as that law remains on the statute books.

Mr. FITZGERALD. The gentleman says that wool is selling for more money now than it did a year ago?

Mr. MONDELL. A little.

Mr. FITZGERALD. The Underwood tariff bill has not been a law for a year. Then the gentleman says that wool has not increased under the Underwood tariff law.

Mr. MONDELL. It has not increased by reason of the Underwood tariff bill.

Mr. FITZGERALD. Oh, the gentleman did not say that. He said it had not increased under it. Wool is selling for more now than it did a year ago. The Underwood tariff bill has not been in effect for a year, and therefore, according to the gentleman's statement, wool is not bringing more under the Underwood tariff bill. Is not that the ordinary Republican standpat logic?

Mr. MANN. How much money has the Treasury lost on the importations?

Mr. MONDELL. Fifteen millions.

Mr. FITZGERALD. The gentleman from Wyoming is able to make his speech, Mr. Chairman, without any help from the gentleman from Illinois.

Mr. MANN. Or the gentleman from New York.

Mr. FITZGERALD. Although the gentleman from Illinois may imagine that nobody on that side can make a speech without his assistance, and I insist that the gentleman from Wyoming has just given a very valuable illustration——

Mr. MANN. Mr. Chairman, who is making this speech? [Laughter.]

Mr. FITZGERALD. A very valuable illustration of the character of logic believed in and adopted and pursued by the standpat Republicans that although something is bringing in more money now than it did a year ago, and although since that time a law was enacted, that those prices are not brought under that law.

Mr. MANN. And the gentleman from New York is guilty of the lack of logic that permeates all Democratic legislation.

Mr. MONDELL. Mr. Chairman, in view of the fact that I intend to discuss this whole matter a little later, and that I do not intend to allow the Democratic side to consume my entire hour by riveting attention to the one glimmer of hope on the whole gloomy Democratic horizon, I am going to make just one brief statement

Mr. FITZGERALD. Oh, I will give the gentleman another hour if he will make that kind of a speech.

Mr. MONDELL. As everybody who knows anything about wool knows, wool went to or below the foreign price as soon as you gentlemen had declared your intention to put it on the free list, in advance of the passage of the Underwood bill, as it did in advance of the Wilson bill.

Mr. FITZGERALD. Oh, they were trying to scare Congress.

Mr. MONDELL. And as it always will in advance of any tariff reduction.

Mr. FITZGERALD. Is not that an attempt to frighten Congress not to do what it desires to do? Is not that the old trick of these highly protected Republicans?

Mr. MONDELL. Oh, I suppose the gentleman imagines that the woolgrowers out in my State sell their wool at a low price and lose money on it just for fun and with the idea that they are going to influence Congress by so doing. That is the kind of argument that the gentleman from New York now advances, and it is hardly worthy of him.

Mr. FITZGERALD. Was it not a notorious fact that for the purpose of coercing and influencing Congress in that way, a large steel plant did stop operations in the district of the gentleman from Alabama [Mr. UNDERWOOD], the chairman of the Committee on Ways and Means, and did he not denounce that attempt to coerce and influence his action in this House when the steel schedule was under consideration?

Mr. MANN. And I suppose that is the reason that so many of them have stopped since.

Mr. FITZGERALD. Was not that an illustration of what these chaps, who have fattened and grown rich under Republican tariff, had been doing for years every time any attempt was made to give relief to the people? Have they not always tried to frighten Congress by saying that the bottom would fall out of prices? I see my colleague from New York [Mr. PAYNE] laughs. No wonder he laughs, for he understands it.

Mr. PAYNE. I think that kind of stuff might go down with the gentleman's constituents——

Mr. FITZGERALD. He now appreciates the joke for the first time in his life.

Mr. PAYNE. I think that kind of stuff might go down with the gentleman's constituents, but he could not go where people are intelligent and make them believe it.

Mr. FITZGERALD. Oh, if I made a speech in the gentleman's district, it would go Democratic, and he ought to thank me for not coming into it.

Mr. PAYNE. My majority would be double what it is now if the gentleman came up and made a speech. Come up and I will pay your expenses.

Mr. ADAIR rose.

Mr. MONDELL. Mr. Chairman, I feel that I can not yield further.

Mr. ADAIR. Mr. Chairman, the gentleman hardly gives me a square deal.

Mr. MONDELL. I will yield in just a moment, after I have taken care of the gentleman from New York. The gentleman from New York [Mr. FITZGERALD] has referred to some alleged happenings in the district of the gentleman from Alabama that I do not recall, but I do happen to have noticed that the industries down there in the district of the gentleman from Alabama are now protesting and wailing and rending the firmament. They say that the foreign producer of steel can lay down steel in Mobile for very much less than they can make it, and that the foreign steel men are invading their markets.

Mr. ADAIR. Mr. Chairman, before we close I just want to get into the RECORD the fact that nine out of eleven farm products have been higher in price since the Underwood bill passed than before.

Mr. MONDELL. Mr. Chairman, the gentleman from New York [Mr. FITZGERALD] and the gentleman from Indiana [Mr. ADAIR], having, without observing the rule, interjected their various observations, allegations, and imaginings into my speech, I trust I may now be allowed to say a few words myself. It will be observed that none of the gentlemen on the Democratic side who have interrupted me have attempted to question the facts I have presented as to the lamentable condition of the Nation's finances, its trade, and its industries. They pursue the ordinary Democratic method of confession and avoidance. They abused us for alleged extravagance, and promised economy, yet the sum total of their appropriations will be greater than under Republican administrations. They assured the people improved conditions of trade and employment and a lower cost of living. Trade and industry is paralyzed, employment is lacking, and they themselves confess that the cost of living has not been reduced—they even make a virtue of the claim that it is increased.

The fact is that things have come out just as we said they would under their policies, and even more unfortunately and rapidly than we had predicted. They have not a rag or a thread of argument left to hang to, and in their desperation they are adopting their customary tactics of each making the kind of argument which he hopes will save him in his particular district. They put wool on the free list not because the majority of them wanted to, but because the President told them they must to make wool and woolens cheaper. Their threat did make wool cheaper with a vengeance, and caused the American woolgrower a loss in last year's clip of many millions of dollars. Wool having quite naturally, slightly, and temporarily recovered from the lowest price of last year, they take that as a justification for a free-wool policy which they were driven to adopt, ignoring the fact that the wool industry is in a condition of depression, that the Government has lost many millions in revenue, and that no one has bought woolen goods any cheaper.

It ought not to have required the experience we are having to prove the fallacy of Democratic arguments and the incapacity

of the Democratic Party to wisely legislate in the interest of the people of the country. In fact, it did not require this further experience under Democratic policies to enlighten the people as to their disastrous consequences, but it has required this experience to convince Republicans that in settling their differences and disagreements they make an awful mistake when they carry them to a length that gives the Democratic minority a lease of power such as it now has. This lesson has, in my opinion, been brought home to Republicans with convincing emphasis, and the result will be that while there may still continue for a time some differences of view, mostly on nonessentials, among our people, the great majority of those who have believed in protection, who approve sane principles and methods of government, who want to be relieved and relieve the country from present unfavorable and unfortunate conditions, will unite in the coming election in the support of Republican candidates. [Applause on the Republican side.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Chairman, I yield three minutes to the gentleman from Alabama.

The CHAIRMAN. The gentleman from Alabama is recognized for three minutes.

Mr. UNDERWOOD. Mr. Chairman, I did not propose to become involved in this debate, and I only rose for the purpose of saying to the gentleman from Wyoming that I sincerely hope that he will print in the RECORD the information which he has just stated in reference to the district which I have the honor to represent. There has been a dull iron market and comparatively low prices for iron, but not nearly as low as I have seen them under Republican administration and under a Republican tariff bill. The lowest price that I have heard of pig iron selling in the Birmingham district in the last few months has been about $10 to $10.50 a ton, and I can recall a time when, under the Dingley bill, before the Spanish War, pig iron was selling in the Birmingham district at from $7 to $8 a ton, and they were glad to get it. Those conditions are brought about by general world conditions and conditions in the country——

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. I wish to call the gentleman's attention to a fact which I read in the papers this morning, which stated that there had been very large sales of pig iron in the Birmingham district at about $10.50 a ton just recently, and that there had been large shipments of pig iron to Italy and to Australia, and some to England, from the Birmingham (Ala.) district within the last 30 days. [Applause on the Democratic side.] If somebody has assumed that pig iron has been landed at Mobile cheaper than they could make it in Birmingham, that gentleman was working entirely on his imagination, because I will say to the gentleman this, that if I were a wagering man I would wager that you can not find where a ton of pig iron has been landed at the port of Mobile from any foreign country since the Payne law was repealed.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. MONDELL. The gentleman misunderstood me, if he understood me to say anything about pig iron. I spoke of steel.

Mr. UNDERWOOD. Well, pig iron is the basis.

Mr. MONDELL. I can understand how you can make pig iron, with the cheap black labor down there, very cheaply.

Mr. UNDERWOOD. I will renew the statement. I challenge the gentleman to show that there has been a pound of steel landed at the port of Mobile or that there has been a steel rail or a pound of pipe or a pound of steel that competes with the products of the Birmingham district.

Mr. MONDELL. The statement I made was taken from some newspaper article which I saw——

Mr. FITZGERALD. That is a Republican paper.

Mr. UNDERWOOD. Some gentleman theorizes that it can be done; but I am talking about the facts, and I challenge the gentleman——

Mr. MONDELL. It is under a Mobile date line.

Mr. UNDERWOOD. Well, it is a mighty easy thing for the gentleman to find it and put it in the RECORD. The importations of iron or steel at the port of Mobile are shown in the Treasury reports, and I challenge the gentleman to sustain his statement by the records that he can get if he wants to get them. [Applause on the Democratic side.]

Mr. FITZGERALD. I yield to the gentleman from Colorado [Mr. TAYLOR].

Mr. TAYLOR of Colorado. Mr. Chairman, I do not desire to speak on the pending bill, but to briefly mention another matter. I had the pleasure yesterday of visiting the United States Naval Academy at Annapolis and attending the graduating exercises of the class of 1914.

That class started four years ago with 231 members and graduated only 154. There were three Colorado boys in the class, and all three of them were within the 10 honor graduates of the class.

Midshipman Edward Ellsberg, of Denver, graduated with the highest honors and was the first one to be presented with his diploma by President Woodrow Wilson. Young Ellsberg not only graduated at the head of the class of 1914, but he led his class during the entire four years' course and was the honor man at the end of each year. In addition to the distinction of making the highest record in scholarship during the entire four years, he won several very highly prized medals. He won the splendid silver cup annually donated by the Daughters of the American Revolution for the one in each graduating class who attains the highest proficiency in seamanship and international law. He also won the honorary prize of a navigating sextant presented annually by Col. R. M. Thompson, of the class of '68, for the highest proficiency in navigation; also a medal for fencing, another for the championship in dueling, and two or three others for the best English essay work.

Another boy, Midshipman Frederick E. Pelton, of Denver, stood fourth in the class one year, fifth another, sixth another, and graduated eighth in the class.

I am supremely proud to say to the House that those two Colorado boys were my first appointments to Annapolis. [Applause.] They were the two highest in a competitive examination which I held during my first term in Congress.

The other Colorado boy that graduated with honors was Abraham Marron, also of Denver, appointed by the late Senator Charles J. Hughes, jr. His standing was ninth in the class. I believe I am safe in saying that no State in this Union has ever equaled this record. It speaks well for our school system and is an inspiration to the youth of our State. Colorado is proud of these boys, and they are entitled to this mention and this record, because the course at that academy is most awfully hard work.

By reason of their rank, Midshipman Ellsberg was allowed to select his ship, and he chose the new battleship *Texas*, while, I understand, young Pelton and Marron chose the battleship *Maryland*, to which they will be assigned.

This is the first time in the history of our State that Colorado has carried off the highest honors at Annapolis. Some 25 years ago Gen. Irving Hale, from Colorado, was the honor man at West Point, and he has been a credit to our State ever since; and I am confident that these three Colorado boys will likewise during the future years be an honor to our country, to the Navy, and to the Centennial State. [Applause.]

Mr. GILLETT. I yield 20 minutes to the gentleman from California [Mr. KAHN].

Mr. KAHN. Mr. Chairman, for many months there has been a constant denial on the part of the members of the present administration of any business depression in the United States. However, a few days ago, when a delegation of western business men called upon the Chief Executive at the White House and asked that some of the proposed antitrust legislation be put over until next winter, so as to allow business to adjust itself to the laws already passed, the President admitted that there was a business depression in the country, but said it is purely "psychological."

Many of us on the minority side of the House have constantly contended and have presented facts to prove that there is business depression all over the United States. But heretofore we have been called "calamity howlers." At last we have wrung a confession from high authority that there is business depression, although it is contended by the Democratic administration that there is no real reason for that depression.

The Democratic Party has constantly assured the manufacturers and business men of this country that there was nothing to fear from the legislation proposed by the members of that party. No doubt the manufacturers and producers for a time believed the statements that emanated from the lips of the distinguished gentlemen on the other side of the aisle and from the gentleman who heads the executive department of this Government. They have had an awakening. The New York Sun published a little item several months ago which exactly pictures the condition of the business world to-day. It is as follows:

"KIND WORDS CAN NEVER DIE."

To the EDITOR OF THE SUN.

SIR: The kind words from the administration to the business interests of the country remind me of the thrilling melodrama entitled "Nellie, the Beautiful Cloak Model."

[Laughter.]

believe we ought never to repeat it. The fact is, Jerusalem, more than almost any other place on the globe, is a place of religious dissension, where religious feeling is intense, and

case. The estimates submitted by the committee in one bill below the estimates it makes a cut of $17,600,000 in one bill below the estimates it may be assumed that the committee is doing some considerably

expenditures than they have been up to this time, we will soon reach the period when it will be necessary to resort to the char-

April, 1913, to be accurate, $15,991,013; in April, 1914, $20,414,438, an increase of almost four and one-half millions.

Mr. DIES. Now, to make those statistics valuable, does not the gentleman think that the exports for the corresponding month should be given?

Mr. MONDELL. I will give them if the gentleman will only give me an opportunity.

Mr. DIES. I will, with pleasure and patience.

Mr. MONDELL. Now, coming to manufactures ready for consumption, we imported in April, 1913, $28,937,438 worth; in April, 1914, $34,082,964 worth, or an increase in that month over the corresponding month of the year before of finished products ready for consumption of over $5,000,000.

Now, I do not know—perhaps some gentleman who has studied that matter more than I have can tell me—I do not know just what is the estimate of the average daily production of a man in the industries. You might say that his average wage in the United States would probably be in the vicinity of $2.50 or $3 a day. I do not know what his production would be, but it is entirely conservative to say that the increased importations of finished products in April, 1914, over April, 1913, probably means the loss of about half a million days' work to American citizens. Now, if the gentleman thinks that is a good thing, he is welcome to that view.

Mr. DIES. How does my friend reconcile his statement without giving to the House the benefit of the exportations of that month? If we are exporting more than we are importing for the corresponding month——

Mr. MANN. I will state to the gentleman that we are exporting less, and we shall give him the figures later.

Mr. MONDELL. I will say to the gentleman from Texas that I will give him that information if he is patient; and when he hears the figures he will not be happy over them, unless he takes a different view of things than I think he does.

Now, how about these exports? How about this foreign market that we were to find under the New Freedom? How about the ports of the earth that were to throw wide open their gates and invite us in with our cargoes of crude and manufactured articles under the new dispensation? How is that working out?

I want to remind the gentleman that these are figures. They are not "psychological" propositions. [Laughter on the Republican side.] They are matters of dollars and cents in trade, and they are not something that resides only in somebody's imagination. In the month of April in the year 1913 we exported of crude materials for use in manufacturing $47,526,871 worth, and in the unfortunate April that has just passed, under the dispensation of the party to which my friend from Texas belongs, we exported just a little more than $10,000,000 less; or, to be accurate, we exported $37,627,006 worth—$10,000,000 of loss in one class of exports. How long will it take us to lose all our foreign trade at that rate? The gentleman can figure it out.

Of foodstuffs in crude condition and food animals we exported in April, 1913, $13,269,610; in 1914, the April just passed, we exported $6,738,021. We lost more than half of our export trade that April, as compared with the export trade of the April before, in foodstuffs in crude condition and food animals—the sort of things that the farmers export. Of foodstuffs partly or wholly manufactured we exported in April, 1913, in round numbers, $26,000,000; in April, 1914, in round figures, $19,000,000—a loss of $6,000,000 in foodstuffs partly or wholly manufactured. Thus we are conquering the markets of the world under the New Freedom. [Laughter on the Republican side.]

Mr. DIES. Does my friend think that they will not take our goods because we have taken theirs? Is that his position?

Mr. MONDELL. Well, I do not feel called upon to furnish any hypothesis as to the whys and wherefores of this proposition of foreign trade, other than to say that the Democratic proposition that you have to import largely in order to get a market for your exports has been proven fallacious beyond the power of words to express, and every time we have tried it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. I will.

Mr. MANN. The gentleman from Texas just asked the gentleman from Wyoming if foreigners had not refused to take our goods because we had refused to take theirs.

Mr. MONDELL. Is that what he asked? I did not quite understand it.

Mr. MANN. That is the simple question he asked. I do not mean "simple" because easily understood, but because it could come only from a simple mind, after hearing your statement that we had increased our imports.

Mr. MONDELL. If that is the question, it is so simple that there is no difficulty, of course, in answering it. The facts speak for themselves.

Mr. DIES. No. I think the gentleman from Wyoming would get a better sense of what my question was than by listening to the gentleman from Illinois. My question was this: Do they refuse to take our exports because we have taken their imports?

Mr. MONDELL. The fact is they have not taken our exports, the prophecies of the gentleman's party and its advocates to the contrary notwithstanding.

Mr. FESS. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. FESS. I understood you to say that our loss was $10,000,000.

Mr. MONDELL. On one class of articles.

Mr. FESS. Ah! A year ago the balance of trade in our favor was nearly $54,000,000, and this year in April the balance was something like $10,000,000 against us, which would make something like $64,000,000 of loss.

Mr. MONDELL. I am afraid I did not make myself entirely clear. I said that we had lost $10,000,000 in exports in April, 1914, compared with April, 1913, in one class of articles.

Mr. FESS. I did not understand that.

Mr. MONDELL. Crude materials for use in manufacturing.

Mr. FESS. Will the gentleman give the whole sum of the loss?

Mr. MONDELL. Yes; I will do that if the gentleman from Ohio and the gentleman from Texas will be patient with me.

Mr. FESS. I beg the gentleman's pardon. I think there are other Members here who would like to have those figures.

Mr. DIES. I do not wish to interrupt the gentleman, but if I gather his philosophy it is this: A decrease of exports, an influx of imports, and the high cost of living remaining stationary.

Mr. MANN. It is going up.

Mr. MONDELL. A loss of trade abroad, a loss of employment at home, nobody benefited, and millions of men out of employment. [Applause on the Republican side.] That is the situation.

Mr. BEALL of Texas. What is the gentleman going to say as to the prophecy about wool, while he is talking about prophecies?

Mr. MONDELL. I was coming to that, if the gentleman will be good enough. I pointed out wool went to its lowest point when the Democratic Party got in a position to threaten to put wool on the free list. There was a slight increase immediately thereafter, to be followed—as every wool buyer at a meeting before the Department of Agriculture the other day agreed—by a still lower price next year than we had two years ago.

Mr. BEALL of Texas. In other words, we are still in the realm of prophecy as to what will happen next year.

Mr. MONDELL. But the prophecies came true. The price a year ago was some 5 or 6 cents less per pound in my country than we had the year before under a protective tariff. And our people have not forgotten that even though the reaction has brought the price up a cent or two since. This is what we are not forgetting. We are still getting several cents a pound less than we generally got under a protective tariff. Meanwhile no one, including the gentleman from Texas, has heard of anybody buying woolen goods any cheaper. The promise of lower cost of living has not been fulfilled.

Mr. SLOAN. Will the gentleman yield?

Mr. MONDELL. I yield.

Mr. SLOAN. In view of the question of the gentleman from Texas [Mr. BEALL], when the gentleman from Wyoming discusses the wool question will he also discuss the Angora goat-hair question?

Mr. MONDELL. Oh, yes. Of course, in Texas they cultivate the goat more than they do the sheep; and the Democratic Party carrying out its policy of playing favorites in its legislation and contrary to the Scripture proposition as to the division of these creatures—the Democratic Party has selected the goat for its favor, while the gentle sheep has fallen under the ban, and the industry is steadily decreasing.

Mr. BEALL of Texas. I will say to the gentleman that that may be on the theory that we have gotten the Republican Party's goat. [Laughter.]

Mr. MONDELL. Not for long, I will say to the gentleman.

Mr. DIES. The gentleman from Wyoming still recognizes that the country at large is still keeping the sheep on the right-hand side, does he not?

Mr. MONDELL. The country at large will ultimately put the sheep on the right-hand side. Not that we wish to do the goat any injury, but eventually we will also recognize the good qualities of the sheep and the tremendous importance of having the sheep industry prosper.

Now, Mr. Chairman, when I was interrupted I was calling attention to the tremendous loss in exports.

In the matter of manufactures ready for consumption we exported during April, 1913, in round numbers, $70,000,000;

in the month of April, 1914, we exported of the same articles $62,000,000, a trade loss in that one class of articles of over $8,000,000.

The total decrease of exports in April, 1914, below April, 1913, was $37,266,403, a loss of thirty-seven and a quarter million dollars of foreign trade in April, as compared with the corresponding month of the year before, under a bill that, according to its proponents, advocates, and defenders, was to open to us the markets of the world.

Taking those two items, exports and imports, for April, 1914, as compared with April, 1913, and adding together the increase of imports and the loss of exports, to show how the balance of trade is shifting against us, we find an unfavorable trade movement in that one month amounting to $64,968,418. Now, honor bright, I ask the gentlemen on the other side if anyone on this side of the House criticizing your tariff bill and prophesying, as you say, as to what would occur under it, made a prophecy at any time which would compare as a condemnation of Democratic policy with these cold, hard facts of conditions under your tariff legislation?

What does it mean? Why, it means that this loss of trade on the one hand and this increase of importations on the other, going on as it is constantly, increasing in volume and percentage almost in a geometrical ratio, will, if it is continued, paralyze the trade of the country within another 12 months. You can not have that sort of a condition of constantly increasing imports and decreasing exports go on for a year without bringing on a panic, because that means the closing of mills and factories, the shutting down of industry. It means millions of idle men. It means want and misery.

Mr. FESS. Will the gentleman yield there?

Mr. MONDELL. I yield.

Mr. FESS. If this process continues, what effect will it have upon the supply of gold that is required in the settlement of international balances?

Mr. MONDELL. No one understands that better than the gentleman who has just spoken. It means a constant and continuous drain, and a drain that in the course of time is likely to place us in the position that we were in under the last Democratic administration, where we had to issue bonds in order to buy gold to keep up the gold reserve.

Did I understand the gentleman from Texas to say that he was not sure about my figures?

Mr. DIES. I think I am sure about them. I feel that I am.

Mr. MONDELL. I am reading from a statement that I received from the Department of Commerce this morning, a statement they made for general circulation.

It is as follows:

ANALYSIS OF THE FOREIGN COMMERCE OF THE UNITED STATES FOR THE MONTH OF APRIL.

WASHINGTON, D. C., June 2, 1914.

The usual monthly statement of the foreign trade of the United States was to-day completed by the Bureau of Foreign and Domestic Commerce, Department of Commerce. The imports and exports by great groups during the month of April and the 10 months ended with April are presented in the following statement:

Groups.	Month of April.		10 months ended with April.	
	1913	1914	1913	1914
IMPORTS.				
Crude materials for use in manufacturing	*Dollars.* 52,987,663	*Dollars.* 65,969,163	*Dollars.* 535,404,090	*Dollars.* 520,344,419
Foodstuffs in crude condition and food animals	15,991,013	20,414,438	184,187,182	210,169,827
Foodstuffs partly or wholly manufactured	18,243,578	25,065,629	163,546,582	176,652,019
Manufactures for further use in manufacturing	29,278,333	27,298,294	292,240,550	269,849,425
Manufactures ready for consumption	28,937,438	34,082,964	356,636,245	380,760,880
Miscellaneous	705,436	1,167,025	13,623,605	14,661,484
Total imports	146,194,461	173,996,476	1,545,638,644	1,572,438,054
EXPORTS.				
Crude materials for use in manufacturing	47,526,871	37,627,006	655,178,548	722,056,276
Foodstuffs in crude condition and food animals	13,269,610	6,528,730	161,671,082	116,330,048
Foodstuffs partly or wholly manufactured	26,178,111	19,588,017	271,726,527	212,630,662
Manufactures for further use in manufacturing	37,044,590	31,844,667	340,478,584	312,503,818
Manufactures ready for consumption	70,664,000	62,757,755	646,994,412	605,207,040
Miscellaneous	1,180,324	1,021,188	7,228,124	6,240,622
Total domestic exports	196,233,706	158,967,363	2,077,277,678	2,018,083,447
Foreign merchandise exported	3,579,722	3,583,567	30,594,133	27,688,338
Total exports	199,813,428	162,540,870	2,107,871,811	2,045,772,785

Mr. DIES. I feel sure that if the gentleman uses figures to show that exports are decreasing and imports are increasing and the high cost of living is remaining stationary, his figures will be received with a degree of allowance by every sane person, whether he is in the gallery or on the floor.

Mr. MONDELL. Now, if the gentleman will let me proceed——

Mr. DIES. It is a wonder how exports can decrease and imports increase and the cost of living remain the same and nobody gets the benefit of it.

Mr. MANN. The foreigner gets the benefit of it.

Mr. MONDELL. How can anybody on this side of the water get the benefit of it? I will tell you gentlemen where we will find those who get the benefit of it. Let the gentleman visit Manchester or Birmingham or Hamburg or any of the manufacturing centers of the world outside of our borders and he will find who is getting the benefit of it.

Mr. DIES. They are getting less from us, getting a bigger price for their goods, and imports are increasing here, and the cost of living is remaining stationary. Wonderful, wonderful!

Mr. MONDELL. Oh, the gentleman from Texas can make his visionary, Democratic argument in his own time. I am stating facts. The gentleman, like our beloved President, may, if he can, get his people to agree with him, resolve all these facts on the hypothesis of psychology. He may get his people down in the back districts of Texas to believe that bad business and hard times is all psychological. [Laughter on the Republican side.]

Mr. DIES. I voted against free wool and free lumber, but how both the buyer and the seller can become bankrupt in the same transaction I can not see.

Mr. MONDELL. That is one peculiar thing in a Democratic administration—we get hit coming and going. Nobody has been able yet to understand anything about it except that it is a fact. [Laughter and applause on the Republican side.] Facts are facts to me, and they prove themselves. I do not find it necessary to analyze them.

I am telling you, gentlemen, just what the situation is. There is no reduction but rather an increase in the cost of living. The situation is just what we said it would be. It is just what I said it would be, it is just what the gentleman from Illinois [Mr. MANN] said it would be, just what the gentleman from California [Mr. KAHN] said it would be, just what the gentlemen from New York [Mr. PAYNE] and Ohio [Mr. FESS], and all of us on this side said it would be. Judging from what has occurred heretofore under the Democratic policies applying to your proposition the ordinary rules of logic, we said that if you legislated as you insisted on legislating you would close our factories, deprive our people of employment, open the factories abroad, and flood the country with foreign goods. We said that you would not benefit anyone on this side of the water, but that you would bring disaster to millions. It is all coming even faster than we anticipated.

Mr. DIES. In other words if I understand the gentleman, the sellers are getting less for their goods and the buyers are paying more.

Mr. MONDELL. If the gentleman understands how merchants are buying foreign goods, and I suppose cheaper goods than the same kind of American goods, and still selling them for the same price, well and good. What interests me is the fact that they are doing it, for no one even claims to be buying goods any cheaper.

Mr. DIES. The gentleman from Wyoming would vote to reenact the Payne tariff law, would he?

Mr. MONDELL. I would vote to-day with great enthusiasm to write on the statute books of the Nation a good, sound protective tariff bill. [Applause on the Republican side.]

Mr. DIES. Precisely.

Mr. MONDELL. And about 9 people out of 10 in the country would be mighty glad to give us a chance to do it. [Applause on the Republican side.]

Mr. DIES. Would the gentleman vote now, as he voted in 1909, for the Payne bill; would he do it again if he had it to do over again?

Mr. MONDELL. I vote for the best legislation for the time and conditions.

Mr. MANN. The gentleman from Texas, like all Democrats, is four or five years behind the times.

Mr. MONDELL. The gentleman said he did not like his own tariff bill, but the trouble with the gentleman was that he thought there were a lot of good things in it and some bad things in it. The fact is there was not anything good in it.

Mr. ADAIR. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. ADAIR. The gentleman's State is a large wool-producing State and the price has increased 3 or 4 cents a pound under

Mr. GILLETT. I believe so.

Mr. GARNER. And that this bill ought not to have passed?

Mr. GILLETT. I believe so.

Mr. GARNER. Does the gentleman know that this bill passed the House by unanimous consent?

Mr. GILLETT. I did not know it passed at all until it was called to my attention.

Mr. GARNER. It was passed by unanimous consent.

Mr. GILLETT. Very well. I do not see what that has to do with it.

Mr. GARNER. I simply want to call to his attention the fact that any gentleman might have prevented it by saying no.

Mr. GILLETT. Oh, the majority is responsible for it, and you can not evade responsibility for the act in that way.

Mr. GARNER. I am not trying to evade responsibility; but the gentleman or any other gentleman in the House could have stopped it by objecting.

Mr. MANN. As I understand it, the gentleman from Texas contends that it is the duty of the gentleman from Massachusetts to force the Democrats to observe their platform?

Mr. GARNER. The gentleman from Texas contends this, that where a gentleman sits on the floor of the House and permits a bill to become a law, he ought to be estopped thereafter from criticizing that law.

Mr. MANN. He did not sit on the floor of the House. The gentleman knows how it was passed. There were not 20 Members here when the bill was passed.

Mr. GILLETT. We are not all of us here when unanimous-consent bills are passed, and the gentleman knows that.

Mr. MANN. It was not passed on unanimous-consent day.

Mr. GARNER. That is true.

Mr. GILLETT. Just one further allusion to a matter which I discussed some weeks ago, and I am done. I refer now to the waiver by the President of the civil-service rules for the appointment of the Rev. Glazebrooke to be consul at Jerusalem. I referred to that some weeks ago in some remarks in the House, and I showed, as it seemed to me then, that it was a contradiction of the President's professed purposes. I have waited, hoping that some one would explain why it was necessary to waive that requirement.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SELDOMRIDGE. I know the gentleman who was appointed consul to Jerusalem, and I consider he is preeminently qualified by his experience and training to fill that post.

Mr. GILLETT. Experience and training in what?

Mr. SELDOMRIDGE. In the line of knowledge and intelligence and in adaptability for the difficult duties of the position.

Mr. MADDEN. Mr. Chairman, is not Jerusalem an extraterritorial place and does it not require a lawyer?

Mr. GILLETT. Certainly. Is the Rev. Glazebrooke versed in the law?

Mr. SELDOMRIDGE. He is not; but I presume his general knowledge of the law and the duties of the consulship at Jerusalem would more than offset any specialist in legal acumen.

Mr. GILLETT. He has been a clergyman all of his life, has he not?

Mr. SELDOMRIDGE. I presume he is. I think if there is any one office in the United States Consular Service that would require the services of a clergyman the consulship at Jerusalem is that particular office.

Mr. GILLETT. Now, Mr. Chairman, that is just where I differ with the gentleman. The President last summer said such an appointment would be an exception to the rule and would be made only when the convenience and good of the service clearly required such an exception. I have been waiting to ascertain why the good of the service required that exception. The gentleman says that he thinks he is eminently qualified as a clergyman to be appointed consul at Jerusalem. Does Jerusalem require a clergyman? In the first place, the consul at Jerusalem has extraterritorial jurisdiction and he has to sit as a judge. I do not know why the life of a clergyman gives a man the training and experience to which the gentleman refers as qualifying him. The gentleman would be wiser to take the attitude of the Secretary of State, that experience is not a qualification. The fact that the gentleman is a clergyman, to my mind, peculiarly disqualifies him from the post at Jerusalem. It undoubtedly makes Jerusalem more attractive to him, but we have tried that before. We have had a consul before at Jerusalem, very learned in oriental lore, and our experience with that consul was such as to make us believe we ought never to repeat it. The fact is, Jerusalem, more than almost any other place on the globe, is a place of religious dissension, where religious feeling is intense, and affects the life of the place. Why, Kingsley, if I am not mistaken, in his history of the Crimean War, said that one of the main causes of that war was a contest among the sects at Jerusalem as to displaying an emblem on the walls of the chapel. In Jerusalem, of all places, we do not want to be represented by a person who is a clergyman and will at once excite sectarian feeling.

It seems to me no reason at all has been given why the rule which the President approved and said he should enforce, of appointing as our consuls young, active, virile men who are acquainted with and would promote the business interests of the United States, should be broken by the appointment at Jerusalem of a clergyman 69 years old and who could not pass the regular examinations. The consul may be all the gentleman from Colorado states. I have no doubt he is an estimable and cultured man, but we do not want our Consular Service to become a sanitarium for venerable clergymen or a retreat for broken-down politicians. [Applause on the Republican side.]

Mr. SELDOMRIDGE. I would like to say to the gentleman that I do not wish to take up the gentleman's time in endeavoring to refute the gentleman's argument——

Mr. GILLETT. The gentleman can do that in his own time.

Mr. SELDOMRIDGE. But I would be very glad at some time to take a counter position to that occupied by the gentleman.

Mr. GILLETT. The gentleman can undoubtedly procure time; and I wish very much he would state why the convenience and good of the service required this appointment, as the President stated. Now, I wish to apologize to the committee for taking so much time; but you will bear witness that it was not my fault entirely that I have been much longer than I intended. I simply wished, in performing a function which I think devolved upon the minority of the committee, to call attention to some of these specific instances as specimens how the conduct of the Democratic administration squares with its professions and its platform. [Applause on the Republican side.]

Mr. FITZGERALD. Will the gentleman use some time?

Mr. GILLETT. I yield one hour to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, I do not think I shall use the hour which has been yielded to me; but I desire to make a few observations in regard to the bill which we are about to consider. The sundry civil appropriation bill, more than any other appropriation bill coming before the House, relates to or affects every part of the governmental service. It contains items making provision for almost every class of governmental activities. Taking that into consideration, this is a very remarkable bill. We are increasing in population in this country at the rate of about 2,000,000 per annum. We are widening and broadening and extending our governmental activities even more rapidly than we are increasing in population; and yet this bill, having to do with nearly every department of the Government service, is the smallest bill, as it stands now, of any sundry civil appropriation bill in nine years. We all know that in that period of time we have widely extended our governmental activities. We all know in that period of time we have increased our population very greatly, and under ordinary conditions of legislation the sundry civil appropriation bill should increase somewhat year by year; and yet this bill as reported not only carries less than the sundry civil appropriations for the last eight years, but very much less. It carries approximately $107,000,000 as against $124,000,000 carried in the sundry civil and deficiency appropriations in 1914. We must go back to 1906 to find a sundry civil appropriation bill in which the expenditures were anything like as small as the amount carried in this bill.

This bill as reported compared with sundry civil and deficiency appropriations under the same heads for the 10-year period are as follows:

Total in this bill	$107,696,759.28
1914	124,689,948.87
1913	118,126,982.96
1912	142,638,044.14
1911	115,158,726.82
1910	138,020,927.76
1909	124,465,338.23
1908	111,043,001.39
1907	111,146,884.66
1906	68,383,450.66

There is a reduction in the bill as reported of something like $17,000,000 below the estimates. The administration is undoubtedly laboring earnestly to keep the appropriations down; therefore the estimates were, no doubt, all considered essential. I am willing to give the administration credit for attempting to keep the party pledges touching economy. That being the case, the estimates were not excessive, and when the committee makes a cut of $17,600,000 in one bill below the estimates it may be assumed that the committee is doing some considerably

heavy trimming. And yet I want to say this in justice to the committee—to the chairman of the committee particularly, for he is very largely entitled to whatever credit or whatever discredit there may be in the size or character of the appropriations carried in the bill—while the reductions have been very great, they have not been made recklessly or carelessly or without due regard to the public service. As a matter of fact, under the management of the able chairman of the committee, much as the estimates have been pruned, much as the bill has been reduced, I am of the opinion that with a comparatively few exceptions there is no branch of the Government service that would seriously suffer in its present activities if this bill were not greatly increased over the amount which it now carries when it becomes a law. Of course we all know that the bill will be very greatly increased. We all know that when the bill, pruned as it has been far below the estimates—which in themselves, we must admit, were not high—reaches another body there will be great additions made to it, and then we shall have a real test of whether our Democratic friends are sincere, so far as these expenditures are concerned, in the matter of their protestations of economy.

We shall again have the fact illustrated that this is a growing and developing country, and that, talk as much as you will about economy, Government expenditures will grow unless you refuse to provide for proper growth and extension of governmental activities. I do not want to be misunderstood in what I have said relative to the character of the bill. I have said that there are comparatively few public services and activities that would be seriously unfavorably affected if the items of the bill were not greatly increased. The fact remains, however, that the bill, pruned as it is, necessarily fails to provide for the proper growth and extension of Government service, fails to provide for many things which, while we may be able to get along without, should be provided for.

In making up this bill the committee did what some committees in Republican Congresses have done, to a certain extent, that is, appropriate for nine months instead of for a year, and that fact explains to a very considerable extent the reduction of the bill below estimates, which are lower than our expenditures for similar purposes for a number of years past. I think the committee has fallen into this error of appropriating for only part of the year, this sharp practice, more than is justifiable. While it is not entirely essential that an appropriation bill presumed to care for certain public services for a year shall contain sufficient amounts to care for all services for 12 months, it certainly is better practice, fairer practice, more honest practice, to have the bill carry the necessary sums for the entire year rather than in many lines only enough to care for those services for eight or nine months. The expectation is that in the following bill, passed after the elections are over, amounts carried will be increased over what would otherwise be necessary, sufficient to make up for the deficiencies and shortcomings of the bill.

The public-building items illustrate this practice better perhaps than any other items contained in the bill. The public-building service will not suffer, because we only appropriate up to the 4th of March next, or a sum sufficient to care for public buildings up to the 4th of March next; still it would be very much more honest if the bill carried the entire amount which will be necessary for the entire year it is supposed to cover.

There are one or two items which are very considerably decreased by reason of changed conditions or views since the first estimates were made. There is a considerable reduction in the appropriations for the Panama Canal, but I believe the committee has given enough to carry on the work on the canal in a satisfactory way to completion. There is also a considerable decrease in the items for fortifications on the Panama Canal, due to the fact that it has been deemed wise to utilize as far as practicable the buildings we already have on the Canal Zone, rather than to erect new buildings for the housing of our troops. Whatever may have occurred elsewhere, whatever others may have done in disregard of the declarations of the Democratic Party in various matters, the chairman of the Committee on Appropriations has endeavored to keep faith in the matter of economy, and if his colleagues will stand by him, there is still some hope that they will not create so large a deficit through their appropriations for the coming fiscal year as has seemed inevitable heretofore.

And let it be remembered that it is up to the majority to practice economy, for of a free balance in the general fund of the Treasury, left by the late outgoing Republican administration, of over $150,000,000 there remains less than $74,000,000. Unless our Democratic friends are more lucky in the future in the matter of revenue and more careful in the future in the matter of expenditures than they have been up to this time, we will soon reach the period when it will be necessary to resort to the characteristic Democratic method of raising revenue through the issuance of bonds. Personally I shall be somewhat surprised if the administration does not find it absolutely essential to issue bonds before the first half of the coming fiscal year has passed. I have no doubt but that an earnest effort will be made to get beyond the November elections without resorting to this method of raising revenues. Possibly nothing further will be done than to have the plates ready and everything in preparation, waiting until after the ides of November to make the issue. Every fact and indication at the present time of revenues and expenditures points straight in the direction of such a deficit as will render a bond issue necessary in the no-distant future. In view of these facts, well known and appreciated by the chairman and all the members of the Appropriations Committee, it is not to be wondered at that this great bill has been so trimmed, scaled, and reduced. I again congratulate the chairman and the members of the committee that in the sweeping reductions deemed necessary in view of the situation they have not done more harm than they have. I want to say for the chairman that he and the other members of the subcommittee made an earnest effort to care for the public service so far as that could be done and keep this bill down to the very lowest penny. The majority members of that committee realize the situation that confronts us of increased cost of running the Government and reduced receipts. They realize business conditions in the country are such as to accentuate this situation in the future, and that unless there shall be a very radical change in affairs in the near future progression toward a deficit will be very rapidly accelerated.

Let us see what the business condition of the country is as indicated by our foreign trade. I happened to pick up this morning the advance statement of the Department of Commerce relative to exports and imports for the month of April, 1914, as compared with the exports and imports for the same month in 1913. I find that there was an increase of imports in April, 1914, over April, 1913, of $27,702,015; and the alarming thing about that increase of imports is that it is especially large in finished manufactures ready for consumption. There was an increase of imports in crude materials for use in manufacturing from approximately fifty-two to approximately sixty-five million dollars; in foodstuffs, crude, from $15,000,000 to $20,000,000, in round numbers; in foodstuffs, partly or wholly manufactured, from $18,000,000 to $25,000,000.

Mr. DIES. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. DIES. Does the gentleman think that the increase of imports has had a tendency to increase the high cost of living?

Mr. MONDELL. I am sorry to have to say, because I naturally regret anything that does not carry out the hopes and claims of the gentleman's party, that I have seen no evidences of any reduction in the cost of living.

Up to this time the only articles, so far as I know, that have been decreased in price are golf balls and automobile tires. I do not play golf. [Laughter.] Otherwise the cost of living has steadily increased.

Mr. DIES. The injury that the gentleman speaks of results in what?

Mr. MONDELL. What injury?

Mr. DIES. I suppose the gentleman's speech is a lamentation. That is what we have had from gentlemen on the other side of the House.

Mr. MONDELL. No; not a lamentation, but a statement of facts. But it happens that under Democratic administrations a statement of facts is necessarily a lamentation, because it shows an unfortunate condition of affairs. [Applause and laughter on the Republican side.]

Mr. DIES. Who is the injured party in that particular case?

Mr. MONDELL. I will try to enlighten the gentleman before I get through. I am calling attention to the fact that we are importing increased quantities of goods, and I do not need to explain to so intelligent a gentleman as the gentleman from Texas the truth of what Abraham Lincoln once said—that if you buy an article at home you have at home the money and the article, but if you buy an article abroad you have at home the article and the foreigner has your cash.

Mr. DIES. Precisely; and the gentleman has given us the imports for April. Will you give us the exports for the same month as compared with that month of last year?

Mr. MONDELL. If the gentleman had listened to me he would know I was comparing the various items of imports. I shall come to exports later. Possibly the gentleman has not been listening. I said a moment ago that of foodstuffs, for instance, in crude condition and food animals we imported in April, 1913, to be accurate, $15,991,013; in April, 1914, $20,414,438, an increase of almost four and one-half millions.

Mr. GARNER. Will the gentleman yield?

offices, the salaries of which drain the substance of the people.

Mr. FITZGERALD. In the deficiency bill passed in April a provision was inserted authorizing the President to appoint a commission to arrange ceremonies for the formal opening of the canal, the commission to consist of persons who had been members or were members of the Isthmian Canal Commission. Under the provisions of the law would it not have been a discrimination that could not have been justified if the President had appointed everyone else on the commission and excluded Mr. Metcalfe? For instance, the provision is—

For the purpose of paying the expenses of formally and officially opening the Panama Canal as provided in section 4 of the Panama Canal act, including the compensation of such persons as may be appointed by the President to provide for such opening under the direction of the governor of the Panama Canal, the President is authorized to use out of the moneys heretofore or hereafter appropriated for the construction, completion, operation, or maintenance of the Panama Canal the sum of $25,000, or so much thereof as may be necessary. The appointment of persons in the military and naval service of the United States is hereby expressly authorized.

Mr. GILLETT. I do not see that that says anything about appointing members of the Isthmian Canal Commission.

Mr. FITZGERALD. Our understanding——

Mr. GILLETT. I do not know anything about the understanding. There is the law which you yourself have read.

Mr. FITZGERALD. My recollection is that in the communication sent by the President, upon which this provision was inserted in the law, the statement was made that it was the purpose to appoint on this commission those persons who had been serving on the Isthmian Canal Commission.

Mr. GILLETT. Very likely; but that information was never communicated to me.

Mr. FITZGERALD. I am quite sure the gentleman saw it, because, as he well knows, I keep nothing from him, and he is as completely possessed of all the information I have about such matters as I am myself.

Mr. GILLETT. I thank the gentleman for his complimentary statement, though I suspect he means it humorously. Shortly after that time I do remember hearing gossip, or a report that this position was created in order to give a place to Mr. Metcalfe.

Mr. BARTLETT. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. BARTLETT. Does the gentleman recall that there was a letter to the chairman of the Committee on Appropriations of the Senate, which was read in conference, and which, in the discussion of the conference report I called attention to, and printed it in the RECORD, and read it to the House.

Mr. GILLETT. I had forgotten the fact.

Mr. BARTLETT. And when the conference report was considered, I, myself, objected to that amendment to the bill in conference and on the floor of the House, and the RECORD will show it.

Mr. MANN. Will the gentleman yield?

Mr. GARNER. If the gentleman will yield just there, the gentleman from Georgia has made a very important statement concerning this matter in connection with the gentleman from Massachusetts. If I understand, the gentleman from Georgia [Mr. BARTLETT] says that in conference he objected to agreeing to this amendment. The gentleman from Massachusetts [Mr. GILLETT] was on that conference committee, and he is now condemning the appropriation.

Mr. GILLETT. The gentleman is mistaken.

Mr. GARNER. If he had joined with the gentleman from Georgia [Mr. BARTLETT], the conference committee could not possibly have agreed to this item.

Mr. GILLETT. The gentleman is mistaken. I am not criticizing this appropriation. What I am criticizing is the appointment that is made under the appropriation.

Mr. GARNER. But the statement has just been made that the gentleman from Massachusetts was aware of the fact as to who it was contemplated would be appointed.

Mr. GILLETT. I do not remember ever seeing that letter.

Mr. GARNER. The gentleman from New York [Mr. FITZGERALD] has just said that it was well known in the conference committee that he had a communication from the President that he was going to appoint these identical officials to these positions.

Mr. GILLETT. The gentleman has not stated that fact.

Mr. GARNER. If the gentleman from Massachusetts did know that fact——

Mr. GILLETT. I did not.

Mr. GARNER. And if he did agree to the conference report over the protest of one of his fellow conferees, he was in a position to defeat it, and should not now condemn it.

Mr. GILLETT. As I say, I do not remember any such letter as the chairman of the committee speaks of, and I do not believe it was brought to my attention.

Mr. MANN. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. MANN. I want to plead guilty to some of this. The gentleman knows there was a very bitter conflict going on as to whether there should be an efficient government in the Panama Canal Zone, with Col. Goethals at the head of it, or whether there should be a political, inefficient government, composed of a commission; in which controversy a very distinguished gentleman having a very high standing with the present administration was exercising influence. It was proposed—the gentleman may not know that it was proposed, but I know it, because I was one of those consulted—that the advocacy of the inefficient government might be dissipated by making an appropriation which would take care of all the members of the Isthmian Canal Commission until the canal was officially opened; and that in common with a good many other Members of the House who believed in an efficient government under Col. Goethals down there, while we considered that we were being somewhat held up, we thought the price was cheap at $25,000.

Mr. GILLETT. I do not remember any such occurrence.

Mr. MANN. The gentleman may not.

Mr. FITZGERALD. Of course these obiter dicta statements by the gentleman from Illinois will not be regarded as of very much importance; but if the gentleman will permit me, I shou'd like to call his attention to a communication, under date of February 28 last, sent to me by the President. I think the gentleman from Massachusetts [Mr. GILLETT] saw the letter. He may have forgotten it, but, with his permission, I shall print it in the RECORD.

Mr. GILLETT. I would like to hear it.

Mr. FITZGERALD. The President wrote to me as follows:

THE WHITE HOUSE,
Washington, February 28, 1914.

HON. JOHN J. FITZGERALD,
Chairman Committee on Appropriations,
House of Representatives, United States, Washington, D. C.

MY DEAR MR. FITZGERALD: In accordance with the authority given me by the Panama Canal act I have issued an Executive order doing away with the Isthmian Canal Commission and establishing the permanent government of the Canal Zone under a governor, to take effect April 1, 1914.

As a result of this action the services of several members of the Isthmian Canal Commission will no longer be needed, and they will therefore discontinue their official connection with the Panama Canal.

I feel that after the able work done on the Isthmus by the Isthmian Canal Commission these members should have some official connection with the formal opening of the Panama Canal, which was directed under the Panama Canal act and which is set for approximately the first of next year. In order to cover this matter it has been suggested that these gentlemen might be appointed to a special commission, which should, under the governor, have charge of and be present at the formal opening of the canal, such commission to serve for a compensation which would be set by me. In order that these gentlemen may have their formal service with the Panama Canal continuous, it is desired that I be authorized to announce the commission at an early date, and if practicable, before the abolition of the Isthmian Canal Commission. I would therefore suggest the advisability of adding to the urgent deficiency bill a clause which will give me the necessary authority, it being noted that the Comptroller of the Treasury has ruled that I have not the authority to make payment to such a commission under existing appropriations. The clause referred to is as follows:

And then was set forth the draft of the clause desired, and, as I recall, the only change made in it was the insertion of the words "under the direction of the governor of the Panama Canal." The President's letter stated that the commission was to act under his direction; and so that there might be no misunderstanding and no conflict the provision suggested was modified by the insertion of those words; and the order which has been issued appointing the commission, if I recall correctly, designates Col. Goethals as chairman. As the order now stands, it provides that the commission shall perform the duties under the direction of the governor of the Panama Canal Zone and that Col. Goethals, now governor of the Panama Canal, shall be chairman of the committee. I was under the impression that the gentleman from Massachusetts was familiar with the correspondence, which is official, although he may not have understood entirely the purpose of the communication.

Mr. GILLETT. I do not remember seeing the letter. I am not saying that I did not, because my memory is uncertain about such matters. My recollection, however, is as I first stated, that I did not.

Mr. MANN. If the gentleman from Massachusetts will permit, I would like to ask the gentleman from New York if I understood him correctly in saying that this letter was a part of the official files of the committee?

Mr. FITZGERALD. Oh, I know to what the gentleman refers——

Mr. MANN. The gentleman knows that the President violates the rules of the House continually.

Mr. FITZGERALD. The President is not bound by the rules of the House.

Mr. MANN. The President and members of the Cabinet have recently got in the habit of writing official letters addressed to chairmen of committees expressing official wishes. All of them know the practice and rules of the House. Rule XLI of the House provides:

Estimates of appropriations and all other communications from the executive departments, intended for the consideration of any committee of the House, shall be addressed to the Speaker, and by him referred as provided by clause 2 of Rule XXIV.

If the President had complied with this rule, of which he is cognizant, there would be no question about its having come to the attention of the gentleman from Massachusetts, because it would be printed and all Members of the House would have cognizance of it. These secret official communications which the President and members of the Cabinet are now engaged in sending to chairmen of committees are one of the greatest abuses that can possibly take place in a representative form of government.

Mr. FITZGERALD. Mr. Chairman, if the gentleman will permit me, I think I have notified more members of the Cabinet and heads of bureaus than has any other Member of this House that communications addressed to me are for my personal use, and that if they desired to have them considered as official communications and for the use of the committee they should comply with the rule to which the gentleman has referred and address them to the Speaker. I have done so frequently during this session and during previous sessions, and the result has been that the formal communications have been sent. The letter addressed to me by the President reached me after the urgent deficiency bill had left the House. If it had come before the bill had passed the House, I would have suggested to the President the propriety of sending a message to Congress. I did inform him that as the matter had passed beyond the jurisdiction of the House it would be necessary, in order to have any action taken, that it should be taken up with the Senate. I do not recall in just what way it was taken up, whether formally or informally, but my impression is that the President addressed a communication to the chairman of the Appropriations Committee of the Senate.

At the beginning of this Congress I sent to all members of the Cabinet a little manual, which contained certain laws with respect to estimates and appropriations and the rules of the House particularly applicable to the members of the Cabinet, and requested them to familiarize themselves with them and observe them. I hope at least that this discussion will have the effect of making members of the Cabinet a little more particular about the observance of this particular rule. Its object is to make public the communications between the executive departments and Congress. If they are sent to the Speaker, they are printed and properly referred. I have never given very much consideration to communications, either in this administration or previous ones, addressed to me personally, other than those from the Chief Executive, and I do not propose to do so in the future. The rule is an important one, in the interest of the public, the proper transaction of public business, and it should be observed. [Applause.]

Mr. MANN. Mr. Chairman, I have no criticism of the gentleman from New York. I know his views would be very similar to mine. But I called attention to this because within a few days it came to my notice, as it would and will to the notice of other Members, that the Secretary of War, for whom I have the highest regard, wrote a letter to the President asking him to write a letter to the chairman of one of the committees urging the committee to make a favorable report of a claims bill, which the President did. It was not sent to the Speaker, as it should have been, so that Member of the House could have it.

Mr. GILLETT. Mr. Chairman, I am sorry that so much time has been taken on this little incident. I simply took it up as an illustration of the economy which the Democratic Party is professing as their guiding motive.

Mr. GARNER. I think the gentleman from Massachusetts ought to yield there. I think the gentleman's criticism is very unjust, considering the fact that the leader of his own party agreed to this arrangement. After the leader of the party agreed to it, it ought not to lie in the mouth of the gentleman from Massachusetts to criticize it.

Mr. MANN. You can criticize me; I am perfectly willing.

Mr. GILLETT. What the gentleman from Illinois stated was unknown to me. While the gentleman from Texas is possibly correct, that it takes away the charge of extravagance, it certainly adds another charge, which I think is much graver, and that is to accomplish a proper action in connection with the Canal Zone certain arrangements of patronage had to be made, which is not creditable to the administration.

Mr. FITZGERALD. I do not know anything about the secret intrigues of the gentleman from Illinois. I had no knowledge of them, had nothing to do with them, and I am not bound by them, and I will not be by any in which he may engage in the future.

Mr. GILLETT. I wish it to be distinctly understood by the gentleman from Nebraska, as well as others, that I mean no criticism on Mr. Metcalfe, for whom the office was made. My criticism is solely on the administration and upon its failure to carry out the profession.

Here is another illustration that came to my attention, and I am shocked to find how much time has been consumed; but Members will bear me witness that I have not used all of it or been wholly to blame——

Mr. BARTON. Will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BARTON. Might we not criticize the administration for not prosecuting more vigorously the charges in the commissary department at Panama? There is an indictment pending, but not much prosecution going on.

Mr. FITZGERALD. I think if the gentleman knew anything about it he would not make the statement that this administration or any other administration is subject to any criticism. I do not know whether the man is innocent or guilty, but an employee of the commissary department is under indictment.

Mr. MADDEN. Let him be tried, and that will settle it.

Mr. FITZGERALD. I think he ought to be given a chance to be tried without anyone making a statement that any administration should be criticized because he has not been prosecuted.

Mr. MADDEN. Mr. Chairman, I would like to ask the gentleman from Massachusetts to explain, if he will, what he meant by saying that his criticism was directed mainly to the fact that the professions of the party had not been lived up to.

Mr. GILLETT. I have already alluded to that. There is one other incident, Mr. Chairman, to which I desire to refer, which has come to my attention. On March 3, 1913, an act was passed which originated in the Senate and which designated to perform the duty of special resident commissioner of the Lincoln Memorial Hon. Shelby M. Cullom, who was to receive compensation at the rate of $5,000 a year. That was approved March 3, 1913. That bill was passed, as those who are here will remember, because Mr. Cullom, after an unusually long and useful and distinguished service, was leaving the Senate, and was supposed to be absolutely without means of support. I think it was generally understood that this was a sinecure, to give him $5,000 a year for the few remaining months which he obviously had to live, for he then seemed to be trembling upon the brink of the grave. The act originated in the Senate. It came over here and was passed. Whether it was justifiable or not I shall not undertake to say. It was done, at any rate, for a venerable man who was just finishing an eminent career in the Senate, who was on the edge of the grave, and who was supposed to be penniless.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. WILLIAMS. Does the gentleman know that the estate of Mr. Cullom inventoried approximately $100,000?

Mr. GILLETT. Yes; I do know it, and was as much astonished as everyone else; but it was supposed at the time that he was without means, otherwise I do not think the act would ever have passed. I think all of us were very much surprised to find that he had saved a handsome estate. In less than a year Mr. Cullom died. The sinecure ended. But this Democratic Party, that is pledged to abolish useless offices—and that this office is useful I think few will contend, because the Commissioner of Public Buildings and Grounds is the agent of the Lincoln Memorial here in the city, and there is no necessity for another official—this Democratic Party, pledged to economy and to the abolishment of useless offices, instantly revived the same bill, inserting, however, the name of Hon. Joseph C. S. Blackburn instead of that of Mr. Cullom. I have great admiration and regard for Mr. Blackburn. He also has done good service for his country. He is not and he was not at the time emerging from the Senate or from Government service. As to his pecuniary condition I have nothing to say. I am not upholding the bill which originally made the appointment. I am only saying that I should suppose the party whose banner and watchword was economy and the abolition of useless offices would have seized this opportunity to drop that office and not instantly revive it and put a new incumbent in the place.

Mr. GARNER. Mr. Chairman, does the gentleman really believe that this is an entirely unnecessary office?

ing the levying of such assessment, together with any deficit carried forward from the preceding half year."

bers of the board. Considerable rearrangements of the rooms are necessary for the proper handling of the business of the board.

to bear upon a comptroller to reverse a judicial decision, particu-

sel to the Interstate Commerce Commission. That is the only argument I can think of for the appointment.

Mr. CLINE. Will the gentleman yield?

Mr. GILLETT. I do.

Mr. CLINE. Does not the gentleman think that a man capable of revealing the rottenness of the New Haven Railroad system is worth $10,000 a year?

Mr. GILLETT. All that has been accomplished there might have been done by any incipient lawyer. What I have heard of the gentleman's conduct of that examination does not reflect credit upon his ability, though I did not wish to say anything about that.

Mr. CLINE. Does not the gentleman think the office of counsel to the Interstate Commerce Commission is important enough to command a salary of $10,000 a year, although there might be a man of lesser ability in the position than that required. In other words, is not the importance of the office such as to justify the appointment of a $10,000 man?

Mr. GILLETT. I think very likely it is. I do not criticize the salary of the office. What I am criticizing is that I can not repress the suspicion that the appointment of the well-known person who fills that position was not upon merit, but was pressed upon the Interstate Commerce Commission for political reasons.

Mr. MANN. Will the gentleman yield for a question?

Mr. GILLETT. Certainly.

Mr. MANN. Did the gentleman ever hear any criticism of the law officers of the Interstate Commerce Commission who had charge of the law business of that commission before this raise of salary was made?

Mr. GILLETT. On the contrary, I never heard anything but praise of them.

Mr. MANN. Does the gentleman remember any other case or any previous case where the Interstate Commerce Commission made a political appointment?

Mr. GILLETT. Well, the gentleman who has been chairman of the Interstate Commerce Committee is much better versed than I am, and I would like to ask him that question.

Mr. MANN. I never have; I have always thought the Interstate Commerce Commission was considered free from politics.

Mr. GARNER. Will the gentleman yield?

Mr. FITZGERALD. If the gentleman will permit me, it was not a political appointment. The Interstate Commerce Commission is not in sympathy with the administration politically.

Mr. MANN. If this was not a political appointment, I do not know what political appointments are.

Mr. GARNER. If the gentleman was a prominent person, there is no reason why it should be called a political appointment.

Mr. MANN. Because a man who was a candidate for President and then was not selected, and because he had a friendly Secretary of State was appointed Solicitor of the Department of State, a cheap job for a candidate for the Presidency, and then wanted a better job, and the Interstate Commerce Commission or the administration was forced to appoint this man to the place, I would consider that a political appointment.

Mr. HENSLEY. Will the gentleman yield right there?

Mr. GILLETT. Certainly I will yield.

The CHAIRMAN. To whom does the gentleman from Massachusetts yield?

Mr. GILLETT. I will yield to the gentleman from Missouri [Mr. HENSLEY].

Mr. HENSLEY. Has the gentleman from Illinois taken into consideration the fact that Gov. Folk, as circuit attorney in the city of St. Louis, has a record that the whole country is familiar with, as an able lawyer, as a prosecutor of graft and fraud, and so on, and that as governor of Missouri he was a distinguished official?

Mr. MANN. He was a good prosecuting attorney, I believe—so much so that he made a great many enemies in the Democratic Party in Missouri. But that was no excuse for putting him in as counsel of the Interstate Commerce Commission at double the salary that was ever paid to anyone before, when there was no complaint of the legal services being furnished to that commission.

Mr. BRYAN. The gentleman from Illinois [Mr. MANN] suggests that being mentioned as a candidate for the Presidency of the United States is somewhat connected with the disqualification.

Now, I want to suggest that I have heard recently the gentleman from Illinois himself suggested as an adequate and proper man to be a candidate on the Republican ticket for President of the United States. Does that disqualify the gentleman from serving in an important position? I will say from the reports I get from my State the people are proud of the work of Gov. Folk.

Mr. GARNER. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. GARNER. I believe the gentleman from Massachusetts agrees that this office is sufficiently important to command a salary of $10,000 a year, and as to the qualifications of Gov. Folk we all have, possibly, our separate opinions. As far as I can see, he seems to be making good so far. I want to ask the gentleman if the public policy in reference to making lump-sum appropriations and permitting the heads of departments to pay any salary they see proper out of that for services is not a bad public policy, and ought not these salaries to be fixed by Congress and through the Appropriations Committee rather than by making lump-sum appropriations and permitting such salaries as the departments may see proper?

Mr. GILLETT. I quite agree with the gentleman as to that.

Mr. SLOAN. Will the gentleman yield for a moment?

Mr. GILLETT. Yes.

Mr. SLOAN. I want to say in the absence of my Democratic colleagues from Nebraska, in answer to the charge of the gentleman from Illinois that the Secretary of State, who is a distinguished citizen of Nebraska, had something to do with this political appointment, that I deprecate that charge. I am sorry it was said, because I do not believe he would have had a hand in making an appointment if it smattered or smacked or savored of politics.

Mr. GILLETT. I appreciate the satiric humor of the gentleman's remark, but we have wandered far afield from what I intended. What I wanted to say was that, in my opinion, this was another instance where the administration had used political influence upon a body which is largely judicial in its functions. I think it is properly subject to criticism, and I deplore it.

Mr. GARNER. Why can not the Appropriations Committee, as it has done in this bill in a number of instances, limit these lump appropriations with the provision that the salary shall not be increased over the present salary until they have come back to Congress and gotten authority to do so, in order that Congress may keep its hand on the Treasury in the matter of increasing salaries until they have come back and consulted you gentlemen and Congress with reference to what we shall pay?

Mr. GILLETT. I agree thoroughly with the gentleman as to that policy, and it is true to-day with nearly all the departments of the Government. The Interstate Commerce Commission is an exception, as its province and functions to-day are very exceptional.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. GILLETT. Certainly.

Mr. BARTLETT. The gentleman, of course, knows that since the last Congress there have been quite a number of additional duties placed upon the Interstate Commerce Commission—the matter of the valuation of railroads, and that sort of thing—and the gentleman also knows that the railroads have attorneys employed specially here in Washington to represent them in that matter to whom they pay very large fees. In view of this increased duty of the Interstate Commerce Commission and responsibilities in that and other matters, I understand the gentleman to say he does not complain at the amount of the salary?

Mr. GILLETT. I do not complain of that, although I understand Gov. Folk has nothing to do with the railroad valuation branch. I complain of what I suspect to be the projection of political influence on the Interstate Commerce Commission, because I do not believe they would have ever selected the man they did select if left to their own judgment.

Mr. FOWLER. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FOWLER. Does the gentleman think a better choice could have been made than the ex-governor of Missouri?

Mr. GILLETT. I do. But I do not wish to go into personalities and discuss that.

Mr. FOWLER. In the light of what the gentleman from Illinois [Mr. MANN] said, that Mr. Folk in his prosecutions as district attorney in St. Louis has divided the Democratic Party, do you think in the light of that it is very much of a political appointment?

Mr. GILLETT. Certainly there has been no division between him and the Secretary of State. But I do not care to discuss that further.

Mr. HENSLEY. May I ask the gentleman a question?

Mr. GILLETT. Not on that point any further.

Now, I wish to turn to another instance. The Democratic platform says:

> We demand a return to that simplicity and economy which befits a democratic government and a reduction in the number of useless offices, the salaries of which drain the substance of the people.

Economy, you know, was the watchword on which you went into power, and we have been looking to see a few of those useless offices dropped off, but there came to my attention in the course of our hearings an order which has recently been promulgated by the President which indicates the kind of Democratic economy which is being practiced in destroying useless offices.

There was put in an appropriation bill this winter by Congress an appropriation of $25,000 for opening the Panama Canal and giving the President authority to provide a committee to superintend it. Whom did the President appoint on that committee, and how was that $25,000 to be spent? The President appointed on the committee Col. George W. Goethals, Hon. Richard L. Metcalfe, Col. William C. Gorgas, Col. H. F. Hodges, Col. William L. Sibert, and Civil Engineer H. R. Rousseau. All of these were engineers in the construction of the canal, except Mr. Metcalfe and Col. Gorgas, who was head of the department of sanitation.

Hon. Richard L. Metcalfe was, I believe, an editor of the Commoner, and was appointed when this administration came into power as governor of the Canal Zone, at a salary of $14,000 and a residence—probably the most lavishly remunerated office in the whole Government, considering the work which was to be done. You may remember, also, that he made a report suggesting that the new government of the canal should be vested in a commission of three, and not a single-headed government. But I am happy to say the President did not approve that, and Col. Goethals was appointed governor of the Canal Zone.

It seems to me that Col. Goethals and the officers with him were amply qualified to arrange the ceremonies for inaugurating the canal; yet it seems that it was considered necessary that Hon. Richard L. Metcalfe should also be appointed on that committee, and by the President's order each member of that committee was to receive an annual salary of $10,000, from which was to be deducted any salaries they were already receiving from the Government. Now, Col. Goethals, as governor, was already receiving a salary of $10,000, and Col. Hodges was receiving $10,000, and Mr. Rousseau was receiving $10,000. Col. Sibert had accepted a mission to China, with leave of absence, during which he should draw nothing from the United States, so that he could draw nothing of this $25,000. Col. Gorgas was the only person who had connection with the construction of the canal who would receive anything from it. He is now Surgeon General of the Army, receiving a salary of $6,000, so that his salary would be increased at the rate of $4,000 a year.

I am glad myself, considering the eminent and inestimable services that Col. Gorgas performed in the sanitation of the Canal Zone, that he should get this recognition of a small addition to his salary. But I can see no reason why Hon. Richard L. Metcalfe should be given $10,000 a year, to be joined with these men on this committee in preparing for the opening of the Panama Canal. I believe the other gentlemen have sufficient capacity and sufficient familiarity with the canal to perform their functions unaided, without the distinguished assistance of the associate editor of the Commoner.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. BARTLETT. That amendment was put on in the Senate, I believe?

Mr. GILLETT. Oh, no. That was the order of the President.

Mr. BARTLETT. I mean the appropriation. It was put on the urgent deficiency bill in the Senate?

Mr. GILLETT. I have forgotten about that. Very likely it was.

Mr. BARTLETT. And the gentleman was on the conference?

Mr. GILLETT. Yes.

Mr. BARTLETT. And if the gentleman had agreed with somebody else on the conference the House would likely have gotten an opportunity to vote for or against it?

Mr. GILLETT. I do not remember that.

Mr. BARTLETT. I think I remember that it was discussed in conference, and that two of the conferees were in favor of it.

Mr. GILLETT. I do not know as to that.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. BARTON. Is it not true that the law providing for the construction of the Panama Canal provided for the members of the board that governed the canal and fixed the salaries?

Mr. GILLETT. Which law?

Mr. BARTON. The law covering the management of the canal.

Mr. GILLETT. This was for the opening of the canal.

Mr. MANN. It did not. It did not fix the salaries.

Mr. BARTON. Did not the President fix the salaries, and appropriations were made for them?

Mr. GILLETT. Yes.

Mr. BARTON. And these positions were filled previously to this time, and the salaries were drawn?

Mr. GILLETT. Yes.

Mr. BARTON. Is there anything unusual for even a member of another party filling a position, if he has the qualifications to do so, drawing the same salary?

Mr. GILLETT. I do not understand the gentleman's question and I do not catch his point.

Mr. BARTON. Is there not authority vested in the Secretary of War to make the appointments to both of these positions?

Mr. GILLETT. No; it was the President who made them. The President made the appointment. I have seen the order issued by the President.

Mr. BARTON. Recommended by the Secretary of War?

Mr. GILLETT. Very likely.

Mr. BARTON. And not from the State Department?

Mr. GILLETT. I do not know. I do not know who recommended it. The President makes the order, and it is on his authority.

Mr. GARNER. Mr. President, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. GARNER. In order to ascertain just how much of this fund will go to Mr. Metcalfe, how long does this board continue?

Mr. GILLETT. It continues for nine months.

Mr. GARNER. From his appointment?

Mr. GILLETT. Yes; from his appointment.

Mr. GARNER. So that he will draw a salary at the rate of $10,000 a year for nine months incident to the opening of the canal?

Mr. GILLETT. Yes. And that recalls a singular incident in connection with this matter. The President's order was dated May 20, appointing this commission, but in the order he provides that the salary shall date back and commence on April 1, so that from April 1 to May 20, when the commission was not in existence, the salary is to be paid. It is also a singular coincidence that Mr. Metcalfe's former salary as governor ended on April 1, so that by making the pay for this new position date back to April 1—50 days before the position was created—there was no hiatus in the salary drawn from the Government by Mr. Metcalfe.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. GILLETT. Yes.

Mr. SLOAN. I regret very much that the gentleman has criticized the appointment of Mr. Metcalfe, a resident of our State and a distinguished and able gentleman; and I think I might say this as an absolute truth, that if appointments under this administration averaged 60 per cent as high as Mr. Metcalfe it would tend to increase the life of this otherwise short-lived administration. [Laughter on the Republican side.]

Mr. GILLETT. I am very glad to have the gentleman's assurance, because I do not have the honor of a personal acquaintance with the gentleman; and please understand that I am not saying this with the slightest reflection upon him. I accept the gentleman's assurance that he is amply fit for a high position as well as this purely ornamental one. But my contention is that here is a position created with absolutely no function for this gentleman to perform. No matter how able and admirable he might be, he could not exhibit his ability here. Col. Goethals and these other gentlemen are quite qualified to perform all the functions of this commission, and here simply a place is being created at a salary of $10,000 for the apparent purpose of giving the gentleman from Nebraska a solace for losing his position as governor of the zone at $14,000.

Now, I do not criticize him for accepting the position. What I do criticize is the administration for appointing him to this position, which is absolutely unnecessary. If there is need of somebody in Washington, here is Col. Gorgas, Surgeon General of the Army, who is receiving $4,000 a year in addition to what he would otherwise receive. He could certainly attend to what is needed to be done at this end of the line. And we all believe that Col. Goethals and the other gentlemen, who do not get any addition to their salaries, can attend to what is necessary at the other end.

Mr. FITZGERALD. Will the gentleman yield?

Mr. GILLETT. Certainly.

Mr. FITZGERALD. Mr. Metcalfe was a member of the Isthmian Canal Commission, designated as the civil governor.

Mr. GILLETT. Yes.

The CHAIRMAN. One hour and 15 minutes.

the chair as Speaker pro tempore, a message from the Senate, by

the departments the acts of Congress. If they are uncertain whether they can make an expenditure, they apply to the Comptroller of the Treasury and he interprets the act and informs them whether they can or can not make the desired expenditure, and his ruling is final, and if they disregard his ruling or if they run the risk that he will rule favorably, and he does not, their accounts are disallowed.

The Secretary of the Treasury, naturally aware of that, and apparently from his letter aware of the fact that it was questionable whether he had the right to make this expenditure in the Treasury Building as he desired, sent this letter on January 8 to the comptroller, and on January 17 the comptroller answered the letter and told him, as was quite obvious from the ordinary precedents, that inasmuch as there was a specific appropriation for making changes in the Treasury Building a general appropriation could not be diverted to that same use. That is a precedent which has been followed invariably by the Comptrollers of the Treasury. The Secretary of the Treasury, apparently acquiescing in this axiomatic decision, came to Congress and requested that special authority should be given him to expend money for changing the rooms in the Treasury as he desired. Congress declined to give him the desired authority. What reason the majority of Congress had in declining to give it to him I am not at all aware; but the fact appears that the request was made, that it was refused, and therefore the Secretary of the Treasury was limited to the amount which had theretofore been appropriated for the Treasury in order to provide the quarters he desired for the reserve board. Instead of acquiescing in this decision, the Secretary of the Treasury on the 6th of April wrote another letter to the comptroller, stating more fully the reasons why he desired to provide quarters for the reserve board in the Treasury Building, and that the regular appropriation was insufficient for that purpose, and asked the comptroller to revise his decision and reconsider it. On the 8th of April, two days after the receipt of that letter, the affable and accommodating comptroller wrote back to his chief a letter in which he quoted the letter to him, and I attach herewith both letters.

The letters are as follows:

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, January 17, 1914.

The SECRETARY OF THE TREASURY.

SIR: I have your letter of the 8th instant as follows:

"Your attention is respectfully invited to part of the Federal reserve act found at page 3 (Public No. 43, 63d Cong.), as follows:

"' * * * The organization committee shall have power to appoint such assistants and incur such expenses in carrying out the provisions of this act as it shall deem necessary, and such expenses shall be payable by the Treasurer of the United States upon voucher approved by the Secretary of the Treasury, and the sum of $100,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the payment of such expenses.'

"Under the provisions of the foregoing section and other parts of the act which authorize the Secretary of the Treasury to quarter the Federal Reserve Board in this building, the department feels that the above appropriation is available for such expenses as may be actually necessary in providing suitable space for the board in the Treasury Building. The contingent appropriation made by Congress for the upkeep of the Treasury Building is not sufficient to properly accommodate and house the members of the Federal Reserve Board. It is considered necessary that each member of said board ought to be provided with a large room and a small anteroom. The present construction of the quarters which it is proposed to assign the Federal Reserve Board is not at all adapted or suited to their purposes, and it will be necessary to erect certain partitions and make other changes.

"The premises considered, your opinion is respectfully requested as to whether the views of the department are correct that the foregoing appropriation of $100,000 is available for putting in proper shape the quarters for the Federal Reserve Board."

The Federal reserve act constitutes the Secretary of the Treasury, the Secretary of Agriculture, and the Comptroller of the Currency as the "Reserve Bank Organization Committee," and authorizes the committee, among other things—

"To employ counsel and expert aid, to take testimony, to send for persons and papers, to administer oaths, and to make such investigations as may be deemed necessary by the said committee in determining the reserve districts and designating the cities within such districts where such Federal reserve banks shall be severally located."

The act also empowers the organization committee to appoint such assistants and incur such expenses in carrying out the provisions of the act as it may deem necessary, and the appropriation quoted in your submission is made for the payment of such expenses.

The act also creates a Federal Reserve Board and provides (Public No. 43, p. 11) that—

"The Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board."

The changes contemplated being made because of the assigning of offices to the members of the Federal Reserve Board are not specifically stated other than "it will be necessary to erect certain partitions and make other changes."

Section 10 of the act (p. 11) provides:

"The Federal Reserve Board shall have power to levy semiannually upon the Federal reserve banks, in proportion to their capital stock and surplus, an assessment sufficient to pay its estimated expenses and salaries of its members and employees for the half year succeeding the levying of such assessment, together with any deficit carried forward from the preceding half year."

For many years specific appropriations have been made by Congress for the upkeep of the Treasury Building. The appropriations therefor for the current fiscal year, as made by the sundry civil act of June 25, 1913 (Public No. 3, p. 13-14), are as follows:

"Repairs and preservation of public buildings: For repairs and preservation of all completed and occupied public buildings and the grounds thereof under the control of the Treasury Department, and for wire screens therefor, Government wharves and piers under the control of the Treasury Department, together with the necessary dredging adjacent thereto, buildings and wharf at Sitka, Alaska, * * * : *Provided*, That of the sum herein appropriated, not exceeding $100,000, may be used for marine hospitals and quarantine stations, including wire screens for same, and not exceeding $12,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C. * * *

"Mechanical equipment of public buildings: For installation and repair of mechanical equipment in all completed and occupied public buildings under the control of the Treasury Department, including heating, hoisting, plumbing, gas piping, ventilating, vacuum cleaning, and refrigerating apparatus, electric-light plants, meters, interior pneumatic tube and intercommunicating telephone systems, conduit, wiring, call-bell and signal systems, and for maintenance and repair of tower clocks: * * * : *Provided*, That of the sum herein appropriated for mechanical equipment of public buildings, not exceeding $40,000 may be used for marine hospitals and quarantine stations, and not exceeding $9,000 for the Treasury, Butler, and Winder Buildings at Washington, D. C."

The use to which the appropriations last quoted have been put is shown by the following statements made by the chief clerk of the Treasury Department and the Supervising Architect before the House Committee on Appropriations (see hearings, sundry civil bill, 1914):

"Mr. WILLIAMS (p. 180). We probably could take care of that one item (painting and window frames) out of our maintenance fund. I want to say in connection with that, Mr. Chairman, there is $12,000 for repairs and preservation of the Treasury, Butler, and Winder Buildings, under which that particular item would come. That appropriation is used for everything in connection with these three buildings, except mechanical equipment. You give us, I think, $9,000 for mechanical equipment for the same buildings. There is 500,000 square feet of floor space in these three buildings. All of these buildings are old. That is not quite enough money to keep them up in proper shape."

* * * * * * * * *

"Mr. WENDEROTH (p. 101). Twelve thousand dollars is for repairs and preservation and $9,000 for mechanical equipment, or the other way around. Out of repairs and preservation there is an allotment of $12,000, and out of mechanical equipment an allotment of $9,000; that is, for all three buildings each year—Treasury, Butler, and Winder Buildings—and is for ordinary repairs, such as repairs to roof, changing of a partition now and then, cutting a door through, or something of that kind."

It is well established that the continued use of an appropriation should be consistent with the former use, where not clearly wrong, in the absence of a change in the appropriation acts by Congress.

I have the honor to advise you that the appropriations last quoted above, viz, "Repairs and preservation of public buildings" and "Mechanical equipment, public buildings," is more specific than the one quoted in your submission, and is therefore exclusively applicable for the expenses of making such changes in the building as erecting partitions, cutting doors, etc.

Respectfully,

GEO. E. DOWNEY, *Comptroller.*

TREASURY DEPARTMENT,
OFFICE OF THE COMPTROLLER OF THE TREASURY,
Washington, April 8, 1914.

The SECRETARY OF THE TREASURY.

SIR: I have your communication of the 6th instant, requesting reconsideration of a former decision of this office, and for the purpose of the better addressing my reply to the facts stated it is quoted in full, as follows:

"On behalf of myself as Secretary of the Treasury and as chairman of the reserve bank organization committee under the Federal reserve act, I desire to submit for your decision certain matters relative to the work necessary to be done preliminary to the organization of the Federal Reserve Board, in order that said board may be equipped for the proper discharge of its duties under the act, the expenses thereof to be paid from the appropriation of $100,000 carried by the said act.

"The Federal reserve act (Public, No. 43) creates 'the reserve bank organization committee,' and this committee is given broad powers extending not only to the creation of Federal reserve districts and the designation of Federal reserve cities, but also to the supervision of the preliminary organization of the reserve banks, the calling of subscriptions, etc.

"It was the evident intention of Congress that the organization committee should turn over to the reserve board a created system ready to be put into operation.

"These matters are only important for the purposes of this submission, because they show the necessity that the reserve board should be properly equipped for the transaction of its business from the very day of its organization.

"It is highly essential that the machinery of the system be ready to be put into operation upon the organization of the reserve board, and it is submitted that any interruptions or delays at that time incident to the preparation of quarters or the purchase of equipment for the use of the board will be very detrimental.

"The act provides that 'the Secretary of the Treasury may assign offices in the Department of the Treasury for the use of the Federal Reserve Board.' The word 'may,' I understand, is frequently construed as meaning 'shall' or 'must,' and such interpretation seems to be required in this instance, for the reason there is no authority contained in the act for the renting of quarters elsewhere.

"Space has been assigned the board in the Treasury Building in compliance with the terms of the act, but such space has heretofore been used for the most part by clerks, and the rooms as laid out are by no means suitable or properly equipped for the purposes of the members of the board. As the rooms now stand, some members of the board would have more room than necessary; others would not have sufficient room, and all the members of the board would have no privacy nor places for their stenographers and secretaries except in the rooms with the members of the board. Considerable rearrangements of the rooms are necessary for the proper handling of the business of the board.

"The act appropriates $100,000 for such expenses as the organization committee may deem necessary in carrying out the provisions of the act, and provides for payment thereof on vouchers approved by the Secretary of the Treasury.

"It is believed that Congress intended to vest in the organization committee and the Secretary of the Treasury an absolute discretion in the matter of expenditures within the limits of said appropriation, and that any expenditure necessary in the judgment of the committee preliminary to the turning of the system over to the reserve board, including proper rearrangement of rooms and equipment necessary for the transaction of its business by the board, is properly within the appropriation.

"The organization committee has determined that an expenditure of approximately $15,000 from the appropriation in question, for the purposes above stated, is an expense necessary to be incurred in carrying out the provisions of the said act.

"The submission of this question to you on January 8, 1914, upon which your decision of January 17, 1914, was predicated, was not made by me personally, and did not present the considerations which in my judgment ought to be conclusive. I have, therefore, to request reconsideration of your said decision of January 17, 1914, and to submit whether or not, on the statement of facts herein contained, the indicated expenditures from the appropriation in question may not be authorized."

The considerations suggested by you were not, as stated, brought to my attention when the question was previously considered. They present a condition quite apart from anything ordinarily for consideration in connection with such matters.

There is no necessity for repetition of facts stated, and upon your presentment of them I am led to conclude that if the reserve bank organization committee has determined, as stated, that the proposed expenditure is an expense necessary to be incurred in carrying out the provisions of the Federal reserve act the appropriation in question may be used therefor.

Vouchers for such expenditures should be certified as authorized by the organization committee and should be approved by you.

Respectfully,

GEO. E. DOWNEY, *Comptroller.*

Mr. GILLETT. You will observe that it took the comptroller nine days to answer the first letter and give his first opinion, but it only took him two days after receipt of the Secretary's second letter to reverse himself and give his chief the authority he had so urgently asked for.

It is easy to see the position in which the comptroller was placed. He is a judicial officer. Upon him was the duty of interpreting the acts of Congress, of saying what could be expended and what could not; but, and here is the point, he was an appointive officer. He had no tenure except at the will of his superior, and his superior was the Secretary of the Treasury. He is not in the civil service. He had been recently appointed by this administration. The Comptroller of the Treasury, who had rendered excellent service for many years, who had given admirable decisions, who had acquired experience and knowledge, had been unceremoniously dropped from the rolls by the incoming administration, and this present comptroller had been appointed. Then when the administration wished a particular appropriation, after the comptroller had once decided on the perfectly plain and patent facts that the appropriation was unjustified, the Secretary, his superior, wrote to him again, not arguing the question of law at all, which the comptroller had previously stated, but putting at greater length the reasons which he had before stated, why the authority was desirable, and the comptroller, subject to removal, uncertain of his tenure, promptly acquiesced in his wishes, and wisely, perhaps, does not discuss the law at all, but simply states that the Secretary's letter is convincing and conclusive. As a ruling by a law officer it is humorous.

Mr. Chairman, I am not much disposed to blame the poor Comptroller of the Treasury. He was there holding office at the will of his superior, and his superior asked of him, and pressed upon him, for a certain judicial decision, and he yielded, but I am disposed to criticize the Secretary of the Treasury for bringing that pressure to bear upon his subordinate. There were times, which have gone by, I am happy to say and to believe, such as are sometimes referred to as "the good, old times," when the administration in power had absolute control of all of its subordinates, when the spoils system flourished, when an administration was recognized as holding office and making appointments for the good of the party. There is a tradition that in those times, which I trust have passed forever, the President of the United States once sent for the Comptroller, of the Treasury, who had made a decision which backed some purpose of his, and reasoned with him, trying to induce him to reverse his decision, but the comptroller answered his arguments with other arguments and was obstinate. The President found that he could not convince him that he was wrong, and so finally said, "Well, I can not make you change your mind, but I can change my comptroller." Tradition has it that under that very forcible argument the comptroller saw a new light and reversed his decision.

I do not know what pressure there was in the present case more than the letter which is published, but it seems to me it is not creditable for a department officer to bring such pressure to bear upon a comptroller to reverse a judicial decision, particularly after he has once acquiesced in it and come to Congress and asked Congress to give him the appropriation he wished. After having failed in that, after his own party in Congress had decided that his wishes should not be granted, then he ought not to try again to get from the comptroller an opinion which allows him to do his will contrary to the wishes of his own party majority in Congress. It seems to me that is an improper interference with a judicial officer. I believe the comptroller ought to be made independent of any department or the President, even. I believe he is a judicial officer who is the only barrier between the different departments and the Treasury, and I believe that barrier ought not to be weakened, but to be made absolutely independent. I believe in some way he should be made independent of the Treasury Department or any other department, and this to me illustrates the need of such a law, although I do not believe such illustrations have often happened. There is much discussion nowadays about the independence of the judiciary. Some think the judiciary are too independent of the people. Personally I believe the judiciary should be absolutely independent. I believe the practice in my State of the governor appointing the judiciary for life has given us a splendid judiciary, which has the confidence of every class in the community more than in any other State in the Union. But whatever some believe about the independence of the judiciary of the people, I believe all agree that the judiciary ought to be independent of the Executive, and here is an officer whose functions are purely judicial and yet who is dependent for his place upon his superiors in office and liable to removal if his opinions do not conform to their wishes.

Mr. BARTLETT. Will the gentleman permit me to ask him a question?

Mr. GILLETT. Certainly.

Mr. BARTLETT. The gentleman says that the judiciary in Massachusetts are now appointed by the governor for life?

Mr. GILLETT. Yes.

Mr. BARTLETT. Has that always been the system?

Mr. GILLETT. Always.

Mr. BARTLETT. They have never been elected by the legislature or the people?

Mr. GILLETT. I think never.

Mr. BARTLETT. I thought there was a time when they were elected.

Mr. GILLETT. I do not think they ever have been. I saw recently what seemed to me another instance of interference by the administration with a body with judicial functions. A new office was created in the Interstate Commerce Commission, the office of counsel, at a new and largely increased salary. Before then the salary, I think, had been $5,000; suddenly there was an increase of the salary to $10,000, and simultaneously a gentleman of great political distinction was appointed to that office, Gov. Folk. Now, I have no criticism upon Gov. Folk. As far as I know, he has in political life led a distinguished and admirable career.

Mr. GARNER. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. GARNER. Was that office created by act of Congress and the salary fixed?

Mr. GILLETT. No.

Mr. GARNER. Then, by what authority was this office created and the salary placed at the figure which the gentleman has stated?

Mr. GILLETT. The commission had absolute power, I think.

Mr. GARNER. Paid out of the bulk appropriation?

Mr. GILLETT. Yes. Now, before that the commission had been admirably served, as far as I know, by the counsel at $5,000. Gov. Folk, who had always been a sturdy supporter of the Secretary of State, who had distinction politically, but I never heard of his having distinction as a lawyer, was appointed Solicitor for the State Department, at a salary of $5,000. When the Interstate Commerce Commission created this new office of counsel at $10,000, does anybody believe that, looking throughout the country to find a lawyer who would best fill that position, a lawyer who had been actively familiar with the kind of work which would come before the counsel of that commission—does anybody suspect that for a moment they would have thought of the Solicitor of the State Department? I do not. I believe myself that experience along this line was one of the characteristics that would have been demanded. To be sure, I believe the Secretary of State thinks that experience in diplomatic life, at least, is not at all essential; that it does not contribute to efficiency and performance of duty. Perhaps he thought that same way in reference to the appointment of counsel to the Interstate Commerce Commission. That is the only argument I can think of for the appointment.

that it is just as salable and just as edible and just as tasteful as the corn-fed cattle.

Mr. RAINEY. Well, the gentleman ought to go and talk to somebody who eats it, and try some of it himself. [Laughter.] He will find that the kind of information you get from men who eat it is different.

Mr. MANN. I have eaten some of it. I will say to the gentleman; and I will add that I am a fairly good expert on meat.

Mr. RAINEY. That kind of information is not of the kind that is valuable to the farmers.

Mr. MANN. The gentleman has evidently referred to old statistics, applying to the old long-horn cattle of Argentina. They now have modern Durham beef that is just as good as ours.

Mr. RAINEY. I expected somebody on that side of the House to champion the beef barons of Chicago in their efforts to oppress the farmers of this country, and I am delighted that the Republican leader on that side, speaking for his party, has assumed that burden. [Applause on the Democratic side.]

Mr. MANN. It is the gentleman who is championing the beef barons by taking the tariff off meat. I am not championing them. I am championing the American farmer, whom the gentleman is trying to put on the scrap heap. [Applause on the Republican side.]

Mr. RAINEY. You can not make the farmer believe it by that sort of an argument.

Mr. SLOAN. The farmers do believe it.

Mr. MANN. The farmers know it.

Mr. RAINEY. When we bring into this country at a lower price than we are able to get it now, the raw material out of which we make finished beef, we will be able to sell at a lower price than we sell now, and the farmer engaged in animal husbandry will make more money.

Now, we put cattle on the free list. They have tried to bring cattle in from Canada. There are only two places in the world from which cattle can come into this country, and those places are Canada and Mexico. Nearly all the cattle in the Argentine Republic are afflicted with the foot-and-mouth disease, and there is not any country in the world, as I understand it, which permits the importation of live cattle from the Argentine Republic. Talk about cattle with the foot-and-mouth disease competing with our corn-fed beef in the West! Why, no country in the world permits Argentine cattle to leave the vessel on which they arrive alive.

They tried to bring feeders from Canada down into our corn-belt section of the United States, and the result has been a failure. Cattle accustomed to those colder climes do not do well in our warmer climate. But cattle just across the line in Mexico will do well, and just across the Mexican line is the greatest expanse of grasslands in all the world, where grass grows the entire year. Whenever peace is restored there and their herds are replenished, the farmers of the corn belt will be able to get feeding cattle to eat the corn we raise on this land, worth from $250 to $300 an acre, at a price that will enable them to buy and feed and keep up the fertility of their land, worth from $250 to $300 an acre, at a price that will enprofit to themselves. If farmers are unable to get cattle to feed on their lands and keep up soil fertility, their lands will not long retain their present value.

Talk about frightening the farmers of the corn belt with Argentine corn produced by a little army of 500,000 or 600,000 men on 10,000,000 acres of land, competing with 107,000,000 acres of land here and 9,000,000 men producing corn on it. Can a little army like that compete, with the opportunities they have, with the great army of farmers in the corn-belt section of this country? The proposition is absurd. You gentlemen can not frighten the farmers of the corn-belt section of this country. Their ancestors came there when the country was new. They came down the rivers in flatboats and down the long forest avenues in oxcarts, facing the conditions of a frontier, always following our westward-moving frontier. Their grandsons are in the corn belt to-day, producing on the farms they made this tremendous corn crop of the United States. Do you think you can frighten men of that kind by holding up in front of them these scarecrows? Do you gentlemen have such contempt for the corn-belt farmers of your own section that you think you can scare them under such circumstances as these? Do you think your constituents have as little courage as you pretend to believe they have? [Applause on the Democratic side.]

Mr. SCOTT. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, how much time has been consumed?

The CHAIRMAN. One hour and 15 minutes.

Mr. FITZGERALD. I ask the gentleman from Massachusetts [Mr. GILLETT] to consume some of his time.

Mr. GILLETT. I yield five minutes to the gentleman from Iowa [Mr. GOOD].

Mr. GOOD. Mr. Chairman, at some future time I hope to make some observations in regard to the tariff as it affects corn and other cereals as well as our meat production. At the present time I only desire to call the attention of the House and the country to certain facts from which the gentleman from Illinois [Mr. RAINEY] draws his conclusions.

The gentleman from Illinois has brought with him some samples of Argentine corn, and has invited Members of the House to come down and examine that corn and test it. Gentlemen will remember that the test submitted by the gentleman from Illinois was to have a Member place a grain of corn between his teeth and try to break the corn or bite it. Who ever heard of testing corn in that way? The gentleman says he is a farmer, and this being true I am amazed at his method of testing corn to determine its food qualities. The idea of corn being more valuable because it is soft and palatable to the mouth will be something new to the farmers of the United States. If the gentleman is a farmer, he knows—at least every other farmer in the United States knows—that soft corn is not worth one-third what good dry corn is worth.

Mr. RAINEY. Will the gentleman yield?

Mr. GOOD. Yes.

Mr. RAINEY. The gentleman is an expert cattle feeder?

Mr. GOOD. No; I am not an expert cattle feeder.

Mr. RAINEY. I am glad to hear you are not, because I knew you were not or you would not have made those statements.

Mr. GOOD. If I were, I would not feed soft corn, and no expert cattle feeder in the United States would feed soft corn in preference to dry hard corn at the same price.

Mr. RAINEY. Do you think cattle can digest all these grains of hard corn? Why, usually farmers when they feed even our soft corn keep hogs following the cattle in order that they may not waste so much corn, and even hogs, after that corn has passed through the digestive tract of a steer, could not digest it.

Mr. GOOD. By his last statement the gentleman has again given abundant proof that he knows nothing about farming or stock raising.

Now, Mr. Chairman, the Agricultural Department under the present administration has caused a chemical analysis to be made of corn grown in Argentina and of corn raised in the United States. I read from page 12 of Farmers Bulletin 581:

TABLE 6.—*Chemical composition of four cargoes of Argentine flint corn as discharged at New York and of four cargoes of North American dent corn as loaded for export, calculated to a water-free basis.*[1]

Item.	Argentine corn crop of 1912 as imported at New York.	North American corn crops of 1910 and 1911 as loaded for export.
	Per cent.	*Per cent.*
Ash	1.72	1.43
Ether extract (oil)	3.12	4.07
Protein	11.01	9.41
Crude fiber	1.99	2.18
Pentosans	6.82	6.19
Invert sugar	.50	.38
Sucrose	1.08	1.13
Acid calculated as acetic	.33	.28
Undetermined	72.63	74.53

[1] Chemical analyses of the individual samples made by Cattle Feed and Grain Laboratory of the Bureau of Chemistry.

From Table 6 it will be seen that the ether extract or oil was approximately 1.5 per cent greater in the Argentine corn than in the United States corn, while the protein was 1.2 per cent greater.

Here is an analysis, made under the direction of the present Secretary of Agriculture, which shows that the food value of Argentine corn is equal to our own; and yet the gentleman from Illinois would make the House and the country believe that this corn is not fit for food products, but is only useful for chicken feed. If the other statements contained in the gentleman's speech on the subject of agriculture are no more reliable than that statement, then the whole argument he has made in regard to this subject ought to be cast aside as unworthy of consideration. [Applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CULLOP having taken the chair as Speaker pro tempore, a message from the Senate, by

Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

The message also announced that the Senate had passed bills and resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5255. An act conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States;

An act (S. 5433) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910.

Senate concurrent resolution 22:

Whereas the Government of the United States has erected a monument in Hollywood Cemetery at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument, and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. GILLETT. Mr. Chairman, I yield to the gentleman from Tennessee [Mr. AUSTIN].

[Mr. AUSTIN addressed the committee. See Appendix.]

Mr. GILLETT. Mr. Chairman, criticism is one of the functions of the minority; in fact, in this Congress, where the majority determines everything in caucus, it is about the only function that is left to the minority. It is always a useful function, because no matter how good the administration may be I believe it will be better if it knows that its conduct is being watched and its derelictions likely to be exposed.

Mr. SCOTT. Will the gentleman yield?

Mr. GILLETT. I will.

Mr. SCOTT. Does not that largely account for the splendid administration this country has had in the past under Republican rule?

Mr. GILLETT. I am inclined to think it would have been very splendid without a minority party, though I am willing to admit that fear of detection may have prevented some abuses. Now, as a member of the minority of this committee it is a part of my function to criticize this bill. I will say frankly at the outset that its general features do not call upon me for criticism. I, of course, do not approve of many items in it. There are many I would change, but I expect that that is true even of the chairman of the committee, who of course has more voice in the formation of the bill than anybody else.

A bill consisting of thousands of items pertaining to the administration of the whole country can not be formulated as any one man would wish it. There has to be taken into consideration the temper of the House, the temper of the country, the temper even of the Senate, and possibilities of success have to be considered, so that no bill is perfect to the mind of any one man. I am ready to admit that in my judgment this is a very good bill and upon its general aspects I desire to make no criticism. If it is not much worse when the House and Senate shall have acted on it I shall be both pleased and surprised.

But there are a few incidents which occurred in the hearings which I will advert to briefly, not particularly important in themselves, but indicating the spirit and tendency of this administration.

The committee's report at the outset speaks of a reduction of nearly $17,000,000 below the appropriations for the last fiscal year. We all know that economy was the great cry of the Democratic Party till they were elected, and while that statement of a reduction is correct, I think it is but fair to point out that that is not largely the result from any economies by this committee. For instance, of the $17,000,000, $8,000,000 are in the expenditure for public buildings in the coming year as against last year. Now, we are not economizing in public buildings, but it happened that the last bill appropriated for 18 months and this bill provides for only 9 months, so that accounts for the saving of $8,000,000.

The same is true of river and harbor appropriations. Last year we appropriated for 18 months as against 9 this year, and there $3,000,000 is saved. In Panama we save $2,000,000 this year in the combined cost of the fortifications and the expenses of the canal, because our fortifications are mainly completed. That is no particular credit to those who framed the bill. Last year we had an appropriation of $3,000,000 for the Capitol grounds and that is completed. So there are $16,000,000 that has dropped out accidentally and not as a matter of economy.

I should state in fairness that against this there is an additional appropriation of three and a half million dollars for the Interstate Commerce Commission which we did not have last year. There are a number of other smaller savings of a similar character, and I simply point out these facts to indicate that this saving of $16,000,000 can not fairly be claimed as an economy of this year over the last.

Now, as I stated, there are a number of small matters which I wish to refer to briefly as subject to criticism. One is the failure of the heads of the departments of this administration to attend the hearings of the committee. Since I have been on the Appropriations Committee it has been the custom for the heads of the departments to come before that committee and give us the benefit of their judgment, their opinions, their wisdom, and point out their policy and tell us why they made the estimates and why they desire these appropriations.

This year, except in the case of the Department of Commerce, the head of which has been very recently a Member of this House, not one of the heads of departments came before us. They sent down their subordinates. Possibly their subordinates knew much more than they did about the matters that we were investigating; but it is always well to have the man who is responsible, who outlines the policy of the department, before the committee, not only to volunteer information but to give us an opportunity to question him about that policy. I do not suppose there was any unwillingness to subject themselves to such inquiry, but for some reason or other no head of a department appeared. I remember in one case the head of a department did not appear when we were considering an appropriation for one of his bureaus of about $3,000,000. We could not get the head of the bureau nor the deputy, and we were referred for all information to the clerk of the department, who knew less about the subject than did the clerk of our committee.

Mr. MANN. Will the gentleman yield for a statement along the same line?

Mr. GILLETT. Certainly.

Mr. MANN. It has always been the custom of committees to refer many bills to the departments for report upon them. It used to be the custom for the head of a department to sign the report, which indicated, very often, the policy of the head of the department. The custom now is for some assistant secretary to sign the report, expressing his opinion upon it, and nobody knows whether that expresses the views of the head of the department or the views of some clerk. It is a reprehensible practice, I think, that has recently grown up.

Mr. AUSTIN. May I ask the gentleman if the committee requested the presence of the members of the Cabinet?

Mr. GILLETT. We sent notice to each, I suppose. I do not know certainly, and I will ask the chairman about that. I assume that notice was sent requesting the heads of the departments to appear.

Mr. FITZGERALD. Mr. Chairman, invariable practice of the Committee on Appropriations when matters are under investigation is to send to the chief clerk of the department notice that hearings are to be conducted upon certain subjects, and stating that the committee would be pleased to have the head of the departments appear, if it be convenient or desirable for him to attend.

Mr. GILLETT. Mr. Chairman, I now turn to one of the hearings which brought out facts properly subject to criticism. It appears in the hearings, page 1683, that on January 8 last the Secretary of the Treasury sent a letter to the Comptroller of the Treasury, telling him that he wished to provide rooms in the Treasury Building for the new reserve board, and stating at length the importance of changing some of the arrangements in the building to provide suitable quarters for the reserve board, and asking the comptroller whether under the law he had a right to expend the $100,000 which had been appropriated for the expenses of the reserve board in preparation for these quarters or whether they must be paid from the regular appropriation for maintenance of the Treasury Building. Of course, this House is familiar with the functions of the Comptroller of the Treasury. He is practically a judicial officer. It is his duty to interpret for all the accounting officers of

come in. During the month of May we brought in a little over 1 Argentine Republic, why did they not stop it at Cuba?

Mr. SLOAN. That is the latter half of the year.

Mr. RAINEY. The crop commences to mature in December. In 1898, the very next year after the Dingley law went into effect, corn, spot, sold in Chicago from 26 to 38 cents a bushel, the lowest price being in January of 1898 and the highest price being in December. I might say with reference to the Wilson tariff, which was superseded July 24, 1897, by the Dingley tariff, that we put corn on the dutiable list in our Democratic Wilson bill. It was not free. The tariff on corn in the Wilson bill was 20 per cent ad valorem, which was a higher rate than the Payne bill fixed. The Payne bill retained this Dingley specific rate of 15 cents per bushel, which, reduced to its equivalent ad valorem under the Payne bill, was 16.73 per cent. Therefore, if corn was higher in price under the Payne bill than under the Wilson bill, it was not because this tariff protection was higher—the rate was lower.

Mr. SLOAN. And in that connection it increased from the time it went into effect and kept on increasing until 1912, when it was the maximum, and it has been falling ever since.

Mr. GOOD. Will the gentleman yield? I am sure the gentleman did not intend to misrepresent the situation in his answer to the question of the gentleman from Missouri——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAUCH. Mr. Chairman, in the absence of the chairman of the Committee on Appropriations, I am authorized to yield the gentleman from Illinois 15 minutes additional.

Mr. GOOD. The gentleman has stated that in 1913 the export of the surplus of Argentina was 190,000,000 bushels and that is the largest crop Argentina produced. I will ask if it is not a fact that the estimated crop of 1914, both by Argentina and the Agricultural Department of the United States, is that the surplus for export from Argentina this year will amount to from two hundred and forty to two hundred and fifty million bushels?

Mr. RAINEY. I will say to the gentleman I do not know about that, but I do know that all the previous estimates as to the amount of corn that can possibly be exported from the Argentine Republic this year have been completely upset by the continuous rains in the Argentine Republic. There they harvest the corn and put it in bags for shipment, 5 bushels each, and it has no protection at all and easily molds, and they have had rain for two or three weeks on the unprotected corn, and a great deal has been ruined.

Mr. GOOD. Another brief question, if the gentleman will permit. I will ask the gentleman if he has read Farmers' Bulletin 587 of the Department of Agriculture, in which the department sets forth a chemical analysis of the corn grown here and comparing it with the corn of Argentina, and states the fact that the corn grown in Argentina is just as valuable a food product as the corn grown in the United States?

Mr. RAINEY. The bulletin to which the gentleman has called attention reaches no such conclusion as that.

Mr. GOOD. Will the gentleman allow me to publish in the RECORD——

Mr. RAINEY. Not in my speech.

Mr. GOOD (continuing). The chemical analysis of the Department of Agriculture showing that fact?

Mr. RAINEY. The gentleman can publish it in his speech if he wants to do so. I know what the chemical analysis is. It is that the food content compares favorably with our No. 2 corn. The president of the Corn Products Co. advises me that it contains less starch than our No. 2 corn, but it contains more oils, and for that reason is as valuable to them in their business in manufacturing it into sirup and glucose as our native corn. The Argentine corn is a good corn, so far as its food content is concerned, the elements which go to make up food, proteins, starches, and oils, and the lack of moisture, and it compares in those particulars favorably with our No. 2 corn, but not for stock-food purposes, and that is what we want to use corn for principally.

Mr. WILLIAMS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. WILLIAMS. Has my colleague investigated and can he tell us if any of this Argentine corn has reached the interior, for instance, of the State of Illinois?

Mr. RAINEY. I just went over that a while ago.

Mr. WILLIAMS. I am sorry I did not get in in time to hear the gentleman's statement.

Mr. RAINEY. Some of it has reached Illinois, one carload of it, to be used for experimental purposes in feeding chickens; that is all.

Mr. WILLIAMS. Will the gentleman permit one other question? Does the gentleman know or can he enlighten us whether this corn which came to Illinois and other interior sections of the country was in the natural course of trade, or whether it was induced to come by some kind of conspiracy for political purposes and effect?

Mr. RAINEY. Well, I do not know about that. I know that this carload of corn that went to Chicago was brought there for the purpose I have stated, and the firm bringing it there so stated.

Mr. ADAIR. Will the gentleman permit me to ask him a question?

Mr. RAINEY. Yes.

Mr. ADAIR. When we produce in this country a surplus of corn, as we have in many years gone by, and have exported corn each year, regardless of how high the tariff has been, it has had no effect upon the price?

Mr. RAINEY. No. When we export corn we sell it on world markets, in competition with Argentine corn; and Argentine corn, when we export corn, is just as much of a factor in fixing a world price for corn, if none of it comes here, as it would be if a very large part of it came here.

Mr. ADAIR. Then, if we should not produce a sufficient amount of corn for our own consumption, if our production should drop off 25 per cent or even 50 per cent, would it not be to the advantage of the American farmer to be able to buy corn imported without the duty upon it to feed the stock on his own farm?

Mr. RAINEY. I will say to the gentleman I am a farmer myself. I live on my farm, and I have a practical system of animal husbandry, and I feed all the corn I can raise. Last summer in a large portion of the corn belt of central Illinois there was a drought, and farmers there now are buying corn in carload lots—in one of the greatest corn-producing sections in the world. I paid a few weeks ago 75 cents a bushel for a carload of corn.

It came from the State of Iowa. I tried to buy some more a little while ago, and I found it would cost me 82 cents a bushel.

Mr. SLOAN. Will the gentleman yield right there?

Mr. RAINEY. Yes, sir.

Mr. SLOAN. I noted the answer—and I thought I understood it correctly—to the gentleman from Indiana [Mr. ADAIR] that the importation of corn into this country has not affected the price of corn?

Mr. RAINEY. The gentleman from Nebraska [Mr. SLOAN] would not answer it that way, I am sure.

Mr. SLOAN. Is that the way the gentleman answers it?

Mr. RAINEY. That is the way I understand it. I just offered some explanation for that.

Mr. SLOAN. Will the gentleman answer this, then? There has come in free of duty since the passage of the Underwood tariff bill, in round numbers, 8,000,000 bushels of corn, nearly all from Argentina, and if it has not affected the price, what has been the advantage——

Mr. RAINEY. To be fair with the gentleman, over 9,000,000 bushels of corn have come in, including the May delivery.

Mr. SLOAN. What has been the particular advantage, if it has not affected the price, in the casting away of the million and a quarter dollars of revenue that would have come in if that corn had come in under the 15 per cent duty of the former tariff?

Mr. RAINEY. I will answer that——

Mr. BORCHERS. What was the amount of production in this country in 1913?

Mr. RAINEY. We produce annually a little over 3,000,000,000 bushels of corn, and we had a shortage of nearly 700,000,000 bushels in 1913.

I want to tell you how the importation of Argentine corn benefits the farmer and does not hurt him any. The only fellows who are hurt are the speculators in Chicago. Corn has been as high or higher than it is now—spot corn in Chicago—only seven times, or perhaps eight times, in the last 43 years. In 1874 corn in Chicago ranged in price from 40 cents to 86 cents, the lowest price being in January of that year and the highest price being in September. In other words, those Chicago corn speculators paid the farmer 40 cents for his corn and sold it for 86 cents. The farmer did not get the benefit of that. By September he has disposed of his corn. He could not hold it. He had either fed it out by September or sold it. In 1882 was the next time when spot corn in Chicago was as high or higher than it is now. In that year the highest price paid was 81½ cents and the lowest price paid was 79½ cents. Again, in 1892, spot corn sold in Chicago in May for $1 a bushel, and the lowest price in that year was in January, when it sold for 37½ cents. In other words, those Chicago speculators knew they were shucking out their crops in January throughout the corn belt, on every acre of it, and they paid the farmer 37½ cents for it, and in the following May, when the farmers did not have any corn, they sold it for $1 a bushel.

In 1902 spot corn in Chicago ranged from 43¾ cents to 88 cents. It sold for the lowest in December, when the farmer was shucking it and putting it on the market, and those Chicago fellows kept it until the following July and sold it for 88 cents, when the farmer did not have any, and if he ran short he had to buy it back on that basis. In 1908 spot corn in Chicago ranged in price from 56½ cents to 82 cents. It sold in September and May for 88 cents, and in February it sold for 56½ cents. It sold for the lowest price in February. In other words, when the farmer had it for sale they paid him 56½ cents, and when they wanted to sell it they sold it back to him or anybody else who wanted it for 82 cents.

In 1911 spot corn ranged in price from 45½ cents to 76 cents in Chicago. Those Chicago dealers paid the lowest price in January, February, and March, when the farmer was putting his corn on the market, and they held it until November and sold it back to him, if he wanted it, at 76 cents a bushel. In 1912 spot corn ranged in price, in Chicago, from 47½ cents to 83 cents, the lowest, of course, in December, when the farmer had it for sale; and if he wanted any of it back in August he paid 83 cents for it, and then paid the freight from Chicago back to his farm. In 1913 corn ranged in price from 46½ cents a bushel to 78¼ cents; of course lowest in January, when the farmer had it for sale, and the highest in August and September, when he wanted to buy it.

That is the situation. These are the only years, in the last 43 years, when corn has ever sold at prices it sells for now or higher than it sells for now on the Chicago market. These corn speculators in Chicago have made more out of the corn that the corn-belt farmer of Nebraska, Illinois, Indiana, Ohio, Iowa, and Missouri produced, although the farmer made the crop, working under the hot suns of summer, than the farmer himself made.

Now, the Argentine corn crop matures in April. It commences to come to this country in May. It will commence under this law to come in when the farmer has no corn, when he has fed it out, or sold it to those Chicago speculators, and the only profits free corn can affect are the profits of the speculators in corn, who make more out of a bushel of corn every year than the farmer can possibly make.

The figures that I have been quoting are from the last report of the Chicago Board of Trade.

Now, considerable has been said about the effect on the value of farming lands of the importations of corn from the Argentine Republic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. How much more time does the gentleman need?

Mr. RAINEY. About 15 minutes.

Mr. FITZGERALD. I yield 15 minutes to the gentleman from Illinois [Mr. RAINEY].

Mr. SLOAN. Will the gentleman yield just for a question before he leaves that branch of his argument, a branch in which I am very much interested?

Mr. RAINEY. Yes, sir; I will yield.

Mr. SLOAN. Will the gentleman place in the RECORD the exports of the various corn-producing countries of the world for the last five or six years? As I understand it, the exportation of corn or any grain is the principal price-fixing factor.

Mr. RAINEY. Well, if I find it necessary in following the thread of my argument, or if I find it important, I will be glad to do it; but the gentleman can get as much time as I can, and if he thinks it advisable he can make that statement himself.

I want to print some extracts from local papers out in the corn belt in Illinois—I think nearly all of them are in my district—as to the price of corn lands at a time when these Chicago speculators and these Republican orators on that side have been trying to frighten farmers. Here is an extract from the Democrat Message, published at Mount Sterling, Ill., of March 28, 1914:

AT A CONSERVATOR'S SALE OF LAND HELD IN HANCOCK COUNTY RECENTLY $250 PER ACRE WAS BID FOR 105 ACRES OF LAND, BUT THE COURT REFUSED TO APPROVE THE SALE, CLAIMING THAT THE LAND DID NOT SELL FOR ITS FULL VALUE.

Here is one from the Franklin (Ill.) Times of February 5, 1914:

HIGH LAND PRICES.

ONE HUNDRED AND SIXTY ACRES OF LAND NEAR HOMER SOLD FOR $200 AN ACRE LAST WEEK AND 76 ACRES NEAR THERE CHANGED HANDS AT $230 AN ACRE. THE BYRON E. BURKE FARM OF 200 ACRES, 3 MILES EAST OF BLOOMINGTON, WAS SOLD TO A NEIGHBORING FARMER A FEW DAYS SINCE FOR $300 AN ACRE.

These are all corn lands, every acre of them. Some of them I know myself. Now I read from the Jacksonville (Ill.) Courier of March 14, 1914:

MORGAN COUNTY FARM LAND BRINGS HIGH PRICE.

MORGAN COUNTY LAND IS STILL VALUABLE, AS WAS INDICATED IN A PUBLIC SALE AT 2 O'CLOCK SATURDAY AFTERNOON AT THE COURTHOUSE. THE SALE WAS IN THE CASE OF MARY J. RATLIF AGAINST JAMES F. BROWN ET AL., AND THE LAND WAS A TRACT OF 80 ACRES LYING 1 MILE NORTH OF THE VILLAGE OF CONCORD. MRS. RATLIF, THE PLAINTIF IN THE SUIT, WAS THE PURCHASER, AND THE SUM PAID WAS $229.50 PER ACRE, OR A TOTAL OF $20,655.

From the Independent Press, Greggsville, Ill., of February 25, 1914, I read:

AT A RECENT SALE OF THE LANDS BELONGING TO THE LATE JOHN HARRIS, OF BUSHNELL, HON. J. E. HARRIS, OF THAT CITY, ONE OF THE HEIRS, PURCHASED 1,017 ACRES, PAYING $163,649.96, OR $160 PER ACRE.

Chicago Daily Farmers & Drovers' Journal of March 2, 1914:

INCREASED LAND VALUES MAKE PASTURES SCARCE.

THE INCREASING VALUE OF FARMING LANDS IN CENTRAL KANSAS HAS ALMOST PUT PASTURE LAND OFF THE MARKET ENTIRELY, AND PRAIRIE LANDS ARE BEING PUT UNDER THE PLOW MORE AND MORE. DURING THE PAST YEAR, 9,000 ACRES OF PRAIRIE LAND WAS "BROKE" IN SALINE COUNTY, ACCORDING TO THE REPORTS OF THE VARIOUS TOWNSHIP ASSESSORS, WHICH HAVE JUST BEEN MADE.

THE LAND VALUES ARE ON AN AVERAGE $1.05 AN ACRE HIGHER THAN LAST YEAR.

There is a shortage of cattle in this country at the present time, and the farmers of the West are just adopting a new system of animal husbandry in order to meet that shortage. Our pastures are being broken up and placed under cultivation. We are feeding now nearly 100,000,000 people, with less beef animals in the country than we had when we had less than 70,000,000 people. Recently the Department of Agriculture estimated that our beef shortage in this country was 18,000,000 head.

Now, this beef that is coming in from the Argentine Republic is simply fed on alfalfa. I have examined the statistics from the Argentine Republic as to the cattle industry there for the latest year for which statistics are available—the year 1908, I think—and, according to the statistics, they had there then in Argentina as many animals, counting dairy cows and everything else, as the shortage amounts to in this country. In other words, if they should bring to the United States every acre of land in the Argentine Republic that is in corn and annex it to this Republic, it would not supply the shortage in the area necessary for producing corn sufficient to support the population that we now have, and if they brought every ox and cow and steer in the Argentine Republic that was a beef animal, and if every one of them was brought in a body to the United States and turned loose here, they would not supply the cattle shortage in this country.

Mr. GOOD. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. RAINEY. Yes.

Mr. GOOD. Does the gentleman think the importation of this amount of chilled and frozen meats from Argentina has reduced the price that the American farmer and stock raiser gets for his product?

Mr. RAINEY. I do not think so.

Mr. GOOD. Then, if the reduction of the duty on corn and on oats and on wheat and on meat did not reduce the price, your tariff is a failure, so far as reducing the cost of living is concerned, is it not?

Mr. RAINEY. Oh, the tariff does reduce the cost of living, and it will reduce it more and more as time passes. These foodstuffs reach our congested coast cities, where they ought to have something to eat cheaper than they now get it. The Argentine beef can not compete with our beef any more than the broken-down dray horses they kill in Kansas City and manufacture into wienerwurst can compete with our corn-fed beeves. The Argentine beeves are grass-fed cattle. What the farmer engaged in animal husbandry in our country needs—and they will all be engaged in that soon—is exactly what we have given him in this tariff bill—free live cattle. He gets bigger prices now than he ever got before for his finished beeves, but he pays higher prices for the material out of which he makes them than he ever paid before.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Certainly.

Mr. MANN. Does the gentleman deny that the Argentine alfalfa-fed cattle of recent stock is not just as good meat as the corn-fed cattle?

Mr. RAINEY. Does the gentleman from Illinois—from that great cattle-feeding State—think so?

Mr. MANN. I assert it on the strength of information furnished to me by men engaged in the business in Chicago.

Mr. RAINEY. I advise the gentleman to get his information from a more reliable source, and then he will not ask these questions.

Mr. MANN. I get it from the most reliable source in the world, from such institutions as Armour's, Swift's, and——

Mr. RAINEY. Yes; you get it from the people who are interested in paying just as little to the American farmer as possible, and who do pay him as little as they can.

Mr. MANN. From the men who are interested in sending their meat to this country and other countries, and who find

The secretary of the Chicago Board of Trade, in one of his letters to me, told me that a through water rate from Argentina to Chicago for this proposed shipment had been made of 12 cents a bushel, and that this contemplated the transfer at Montreal of the cargoes to vessels that could go through the canal and included the expense of transferring the grain, which he stated was to be 2 cents a bushel. Of course, such an arrangement as this would be possible. It might be possible to assemble a fleet of lake vessels at Montreal to receive from these larger vessels I have named their cargoes of grain, but such an arrangement as this would not be at all probable, and the fact that the greater number of these vessels had regular routes and carry mail and could not be expected under any circumstances to go to Montreal shows that Chicago traders, anxious to keep down the price of May corn, deceived the officials of the Chicago Board of Trade as to this transaction. I will undertake to say that an examination of the papers of these vessels will show that not one of them had Montreal as its destination. If any one of these vessels was destined for Montreal, how was it possible to stop it in the high seas and land it at ports from which New England points could be reached, unless, of course, the vessels were equipped with a wireless apparatus? It is hardly possible that all of them were. At any rate the evidence I have collected shows that these pretended contracts for May delivery of Argentine corn in Chicago were a trick, an attempt to perpetrate a hoax upon the public, which, judging from the price of May corn in Chicago, was so clumsy that it did not succeed. The freight cost of delivering a bushel of corn from the Argentine Republic to Chicago by any possible ordinary route—by water to New York, by rail to Chicago—is 22 cents; of course, absolutely prohibitive, now and always.

Now, I have brought here this afternoon some samples of corn. I have here a sample of the old crop of Argentine corn and a sample of the new crop, which has just commenced to come in—all yellow corn. Side by side with these in another box is a sample of the yellow dent variety of corn raised in the corn belt of the West. This is the first Argentine corn of any kind to reach the city of Washington. The only Argentine corn that has ever come here was consigned to me, and I received it at my office. I have in my possession letters written to the Galt Co. feed store here in Washington, the leading company here handling corn, to whom I am indebted for some of these samples, written by New York dealers in Argentine corn a few weeks ago. In this letter these dealers made a price in New York of 71 cents per bushel, and advised the Galt Feed Store Co. here that it would cost 10½ cents per hundred pounds to get the corn down here to Washington. Of course this was prohibitive. Larger ships can reach Washington than can reach the city of Chicago from the Atlantic. Washington is a great corn-consuming point, and not a single bushel of Argentine corn, except these small samples that I have obtained here, has reached this city. Argentine corn at the present time reaches our seaport cities.

This corn is not used without grinding or cooking for feeding purposes, not even in the Argentine Republic. Up in New England and in New York they raise a flint corn which very much resembles this. They are accustomed to that kind of corn up there, and they use it for feed to a certain extent when they can not get our western corn. If any gentleman who knows anything about feeding stock thinks this Argentine corn, of either the old or the new crop, would do to feed whole to stock in that section of the Middle West where we raise corn and where we engage in animal husbandry, I want him to try to bite some of it and see whether he can or not. This is the hardest flint corn raised anywhere in the world. It could not be fed successfully to our beef animals in the West or to our hogs without either cooking it or grinding it. A gentleman who has just come down here to the table and examined it suggests that it looks very much like popcorn.

In the Argentine Republic they have about 10,000,000 acres in corn at the present time. We have in the United States 107,000,000 acres in corn. On the western continent there are 130,000,000 acres of corn lands, and we have within our boundaries the enormous acreage to which I have just called attention. We have a monopoly of the corn-producing business of the world, absolutely unassailable. If the entire product of the Argentine Republic could reach our shores, all they can ever possibly have to export, we would not know it ever came here if it were not for the speeches gentlemen on that side of the House so frantically make. I have obtained from these ports the shipments for the month of May. In the month of April we only brought 94,000 bushels of Argentine corn to the United States. Argentine corn matures in the month of April, and the new crop, of which I have a sample here, is just beginning to come in. During the month of May we brought in a little over 1,000,000 bushels of Argentine corn, probably most of it belonging to this new crop. We have brought up altogether from the Argentine Republic since the 3d of October, when the tariff bill went into effect, a little over 9,000,000 bushels of Argentine corn, including these May shipments. Now, that is all.

We have one county in the State of Illinois, McLean County, where they raise every year nearly twice as much corn as has reached the United States from Argentina since the Underwood tariff bill became a law. In McLean County, Ill., they raise every year over 16,000,000 bushels of corn. We have five counties in Illinois where they raise every year more corn than has yet come into this country from the Argentine Republic. The product of each of these five counties is all the way from 12,000,000 bushels to 16,000,000 bushels of corn every year. We raise in the State of Illinois alone, or in the State of Iowa either, twice as much corn as they can ever hope to raise for export in any one year in the entire Argentine Republic.

We have in corn in Illinois, and in Iowa also, an area larger than the entire corn area of the Argentine Republic. Recently Mr. Lavenir, of the agricultural department of the Argentine Republic, wrote an exceedingly interesting treatise on Argentine corn possibilities. His article has been carefully analyzed by that great farm paper, Wallace's Farmer. I presume they got it from his article. I know of no other place where they could have obtained this information. According to the analysis of Mr. Lavenir's article, compared with the corn situation in our country, Wallace's Farmer finds that our corn land is better than Argentine corn land; that it contains more of the elements which go to make up corn land than does the Argentine land, and that the Argentine corn land is already wearing out; that it is not likely, on account of the sandy nature of the Argentine soil, on account of the fact that alfalfa grows there so readily, that there will be any great extension of the area of corn land in the Argentine Republic.

We have engaged in the business of producing corn in the United States——

Mr. BUCHANAN of Illinois. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to how much corn Illinois and Iowa produce annually?

Mr. RAINEY. About 400,000,000 bushels each.

Mr. CULLOP. If the gentleman from Illinois will allow me, I want to suggest to the gentleman that in Indiana we produce more corn annually than is produced in the Argentine Republic.

Mr. RAINEY. And you do not claim to be a corn State, either. We have engaged in the business of agriculture in the United States, according to the last census of farmers, planters, and overseers, 5,281,557 persons, and of agricultural laborers 3,004,061—in all, 8,285,618, about one-twelfth of our population, are engaged in this industry. It is fair to presume that in the Argentine Republic about the same ratio prevails, although I have not been able to get any data on the subject. If that is true, then there are in the Argentine Republic about 600,000 persons engaged in producing corn. Six hundred thousand persons in the Argentine Republic competing with over 8,000,000 men trained to this industry in the United States, producing corn, and operating on only 10,000,000 acres as against our 107,000,000 acres—why, the situation is absurd.

They raise corn all over the world. There is not a nation of Europe that does not raise corn, and yet in all Europe they only raise 654,000,000 bushels of corn in a year. That is the best they can hope to do. In the United States our shortage alone last year was nearly 700,000,000 bushels. We raise over 3,000,000,000 bushels of corn within the boundaries of the United States. The shortage of corn alone in the United States last year was greater than the entire annual production of all Europe.

Mr. CULLOP. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. CULLOP. I would like to ask the gentleman if he has any statistics in regard to the amount of exports of corn this year by the United States?

Mr. RAINEY. Yes; we export corn every year. The figures for corn exported in April, the latest I have, is 709,098 bushels.

Mr. CULLOP. Has the gentleman the amount up to the 1st of April?

Mr. RAINEY. I have not.

Mr. CULLOP. I would like to state that the amount up to this time is something near 4,000,000 bushels, in round numbers.

Mr. RAINEY. I thank the gentleman. During April we sent to Canada 434,730 bushels of corn. Why did not Chicago traders buy Argentine corn for Canada? We shipped corn to Cuba in April, 223,508 bushels. If they had corn on the way from the Argentine Republic, why did they not stop it at Cuba?

Now, one-half the corn brought to this country goes to the Corn Products Co., at Edgewater, N. Y. I have here a series of letters which I received from the president of that company and from the export manager of that company. The Corn Products Co. have four plants, three in Illinois and one of them at Edgewater. The Edgewater plant was built for the purpose of manufacturing corn for export and for that purpose alone. That is the business in which they engage. On account of the scarcity of corn in the West—Illinois, where we had a drought—they have been temporarily supplying a small demand in the immediate neighborhood of their factory. They have been bringing in about half their supplies from the Argentine Republic. I have here a letter from the president of the Corn Products Co., dated June 4, day before yesterday, in which he advises me that if it had been impossible for him to have obtained Argentine corn this year that great plant would have closed, and we would have lost the tremendous export business from the Edgewater plant, amounting to 10,000,000 bushels every year. They employ there from 700 to 900 men. They could move their plant just as well to the other side. The business of manufacturing corn products is a highly competitive business. They could move the plant to England, and they could get there just as good ocean freight rates and, as he says, perhaps better freight rates from the Upper Plate River, from where this corn comes, than from the Upper Plate River to Edgewater, N. Y., where he can unload right at his factory. But he has been bringing the Argentine corn here, manufacturing it here, and shipping the product abroad. Now, 4,000,000 bushels is all the corn that has been brought to the United States since the bill went into effect that could possibly have come into competition with American farmers. And now let me analyze, if I can, what that situation is.

Mr. ADAIR. Mr. Chairman, will the gentleman yield before he gets to that?

Mr. RAINEY. Certainly.

Mr. ADAIR. Prior to the taking effect of the Underwood tariff law had this Corn Products Co. been importing corn for this Edgewater plant from any other country?

Mr. RAINEY. Yes; and manufacturing it under rebate, getting it practically free.

Mr. ADAIR. And some had come from the Argentine to this plant prior to the passage of this bill?

Mr. RAINEY. Yes; some had come from the Argentine, and some from the Danube Provinces, and during the month of September, before this bill went into effect, we brought into this country over 500,000 bushels of corn, nearly all of it coming from the Argentine Republic.

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Certainly.

Mr. GOOD. If I understand the gentleman correctly, his argument is to the effect that the importation of corn from the Argentine has not lowered the price to the American farmer of the corn that he has to sell?

Mr. RAINEY. Yes; and I am going to discuss that now. It would lower the price, perhaps, if it furnished serious competition. That is the only way to lower the price of anything. Let me see what the competition has been. We have brought in at the outside 4,000,000 bushels that could in any way be considered in competition with the American farmer. We really have not brought in that much. We raise in this country in a year, and we are talking now about a year's yield, 800 bushels of corn for every bushel of corn that has come into the country from the Argentine Republic to go on the market here.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. RAINEY. Yes.

Mr. HARDY. I understand the gentleman to take the position, though not definitely clear, that that corn which came in for export was not affected by any reduction of the tariff, because before the Underwood bill was passed it was introduced, by rebate, and exported without the payment of any tariff dues.

Mr. RAINEY. Yes; without the payment of any tariff except 1 per cent, absolutely nominal, just enough to reimburse us for keeping books at New York, and this could have continued just the same. For every 75 cents' worth of corn the Argentine farmer brings to this country, we produce over $600 worth of corn. Is there any competition about that?

Mr. GOOD. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. GOOD. If I remember correctly, last year we produced 2,445,000,000 bushels of corn.

Mr. RAINEY. Yes; about that much.

Mr. GOOD. Of which we fed on our farms 80 per cent, leaving to be sold less than 500,000,000 bushels of corn. This year in Argentina, if I understand the statistics correctly——

Mr. RAINEY. Mr. Chairman, I would rather the gentleman would not put his statistics in my speech.

Mr. GOOD. I just want to ask my question. The gentleman is dealing with statistics, and in order to ask my question I must, also. If I remember correctly, the Agricultural Department claims that the export surplus of corn from Argentina in the crop they are now harvesting will amount from 240,000,000 to 250,000,000 bushels. Therefore I want to ask the gentleman if it will not make serious competition for a country to import into this country corn free of duty, to the amount of from 240,000,000 to 250,000,000 bushels as against the crop the American farmer has to sell here of less than 500,000,000 bushels?

Mr. RAINEY. We do not export the amount of corn the gentleman talks about.

Mr. GOOD. I am talking about the amount that we have for sale.

Mr. RAINEY. We use it ourselves on our farms.

Mr. GOOD. We use 80 per cent.

Mr. RAINEY. Yes; the greater portion of what the farmer raises to sell is used also on farms.

Mr. GOOD. Oh, the gentleman is mistaken about that. The Agricultural Department has contended all along——

Mr. RAINEY. The Corn Products Co. uses 2 per cent of the entire product of this country and the greater portion of what remains is consumed here. We exported 190,000,000 bushels of corn in 1897, and we did that when the price of corn in Chicago ranged from 21 to 31 cents a bushel. We did that when there was a protection of 15 cents a bushel on corn. From 1897 to 1909 we added in this country to our corn-producing area 25,000,000 acres of land. The figures are not available as to how much we have added since 1909, but it is safe to assume that from 1897, when we had this low-priced corn under a Republican tariff of 15 cents a bushel and exported this amount, we have added to the corn-producing area in this country 30,000,000 acres of land, three times as much land as there is in corn in the entire Argentine Republic. We have furnished the farmers, the growers of corn, those who grew corn in 1897, with three times as much competition as could have been furnished by the Argentine Republic if the Argentine Republic had been moved bodily and set down here as a part of our coast, and yet corn has been going up in this country ever since, and there is a shortage in the country to-day in the corn area. We have not as many acres in corn as we ought to have in order to supply our immense and our rapidly increasing population, and while from 1897 until the present time the price of corn has been going up, the amount that we have exported has been going down until last year we only exported 45,000,000 bushels.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. ALEXANDER. The gentleman from Iowa [Mr. GOOD] stated that the farmers would sell about 500,000,000 bushels of corn, being the excess of the amount they feed, and that Argentina would have about 240,000,000 or 250,000,000 bushels for export. What proportion of that corn for export in Argentina would come to this country in competition with the 500,000,000 bushels?

Mr. RAINEY. The Argentine Republic raised in 1913 a bumper crop of corn. They had never raised so much corn there as they raised then, and they exported to all the world in that year only 190,000,000 bushels of corn, which was much more than they had ever exported before. If they raise a bumper crop every year and bring every bushel that they have for export to the United States, it will not amount to half as much as we can raise in the State of Illinois.

Mr. SLOAN. Mr. Chairman, will the gentleman yield?

Mr. RAINEY. Yes.

Mr. SLOAN. I call the gentleman's attention to the fact that he said that in 1897 we exported 190,000,000 bushels of corn, being at a time when there was a duty of 15 cents a bushel on corn. Now, my recollection is—I may be wrong—but my recollection is that during the latter part of 1897 there was no duty whatever upon corn; that we were then under the benign influence of the tariff, very much like the tariff we have now that puts nearly everything we raise in the Northwest on the free list. I think the Dingley law did not go into effect until the latter half of the year 1897, which the gentleman quotes.

Mr. RAINEY. I think the Dingley law went into effect in July of that year; it went into effect July 24, 1897.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. STEWS, by unanimous consent, was granted leave of absence, indefinitely, on account of illness in family.

CHANGE OF REFERENCE.

The SPEAKER. By clerical mistake the bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey was referred to the House Calendar. It should have been referred to the Private Calendar. Without objection, the change will be made.

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the naval appropriation bill, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take from the Speaker's table the naval appropriation bill, disagree to the Senate amendments, and ask for a conference—or does the gentleman from Tennessee ask to agree to a conference?

Mr. PADGETT. I ask for a conference. I understand the Senate has named the conferees.

Mr. MANN. I ask that the gentleman let it go over.

Mr. PADGETT. All right. Will it be satisfactory to call it up Monday?

Mr. MANN. Likely; but I will not say.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 17041, the sundry civil appropriation bill; and pending that, I will ask the gentleman from Massachusetts [Mr. GILLETT] if we can agree upon time for general debate?

Mr. GILLETT. I think it would be better to wait and let general debate run on for to-day. It may be possible to complete it to-day, but I doubt it, in view of the applications I have.

Mr. FITZGERALD. I think it might be much preferable if we could fix the time—the number of hours it will consume.

Mr. GILLETT. I am advised on this side that they are not ready to fix the time. I have had applications for five hours to-day.

Mr. FITZGERALD. I should think that the House would have talked itself pretty well out in the last two or three days.

Mr. GILLETT. I do not suppose that Members on this side desire to discuss the matters that have been occupying our attention for the last few days.

Mr. MANN. The Members on this side observed the recent rule, and only discussed the matters under consideration.

Mr. GARNER. That has not been invariable on that side.

Mr. MANN. I think it has.

Mr. GARNER. Oh, no. The gentleman from Pennsylvania [Mr. MOORE] made a political speech, and the gentleman from Ohio touched on that a little himself.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that the time for general debate be controlled one-half by the gentleman from Massachusetts and one-half by myself.

The SPEAKER. The gentleman from New York asks unanimous consent that the time be controlled one half by himself and the other half by the gentleman from Massachusetts. Is there objection? [After a pause.] The Chair hears none.

The question now is on the motion of the gentleman from New York [Mr. FITZGERALD] to go into Committee of the Whole House on the state of the Union for the consideration of the sundry civil bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17041) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes, with Mr. GARRETT of Tennessee in the chair.

Mr. FITZGERALD. Mr. Chairman, I yield 45 minutes to the gentleman from Illinois [Mr. RAINEY]. [Applause.]

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Indiana rise?

Mr. CULLOP. To ask unanimous consent to insert in the RECORD an article from the Terre Haute Tribune, of Terre Haute, Ind., of June 4, 1914, concerning the condition of the window-glass industry.

The CHAIRMAN. Does the gentleman from Illinois [Mr. RAINEY] yield to his colleague, the gentleman from Indiana?

Mr. RAINEY. I do.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent to insert in the RECORD the matter indicated.

Mr. MANN. We could not hear what the matter indicated was.

Mr. CULLOP. It is an article from the Terre Haute Tribune, of Terre Haute, Ind., relative to the condition of the window-glass industries in that city, in which city some of the largest factories in the United States are located, especially the North Baltimore plant. This article shows them to be in a most prosperous condition, unable to fill their orders.

The CHAIRMAN. Is there objection?

Mr. HUMPHREY of Washington. Mr. Chairman, reserving the right to object, I ask to insert an editorial from the Iron Trade Review in regard to the tin-plate industry, showing the increase of importations in that industry.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. RAINEY] is running. Does the gentleman couple his request with that of the gentleman from Indiana?

Mr. GARNER. Let us have each one of these requests put separately.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana [Mr. CULLOP]?

There was no objection.

Mr. CULLOP. The following is the article referred to:

"LOCAL GLASS PLANTS KEEPING FORCES BUSY—FULLY 2,000 MEN AT WORK AT THESE FACTORIES WITH SUMMER PROSPECTS UNUSUALLY GOOD.

"Prospects for the summer business at the glass factories in Terre Haute are better this year than in any previous year, according to the statements made at the three concerns Thursday. At the North Baltimore glass factory it was necessary to refuse several big orders recently, because the factory lacked the equipment to turn out the orders. The Turner and the Root glass factories both report that they are running full forces.

"'We are using about 900 men on full time at the present,' said A. L. Pfau, of the North Baltimore company. 'This is the twenty-seventh year for the plant, and we are turning out more goods now than ever before. We will keep our men working at capacity up until the first week in August. Business for next fall is coming in already, and we have several large contracts that will keep the men busy beginning with the first week in September. It will be necessary to enlarge two of the furnaces during the month of August, and this will increase the force to a hundred more men. We expect a record business next year.'

"RUNNING AT CAPACITY.

"At the Root glass factory the regular force is running at capacity. Between 600 and 700 men are employed regularly at the plant, and these men are kept busy supplying the orders on hand. According to a statement made by the manager of the plant, men will be used full time throughout the summer. The plant will draw its fires the first week in August and the work will open with a full force in September.

"'Although we are not working as many men as we would like to, we can't complain of the business,' said C. M. Turner, of the Turner glass factory. 'At the present we are working about 400 men. The explosion of a large glass tank last week made it necessary to lay off 100 men. Business is as well as could be expected. We intend to open next fall with a full force.'

"All fires at the glass plants will be drawn the first week in August and the plants will resume work the first week in September. At the North Baltimore plant the traveling men have been soliciting no orders since January 1, because the plant had all the orders it could take for the summer."

The CHAIRMAN. Is there objection to the request of the gentleman from Washington [Mr. HUMPHREY]? [After a pause.] The Chair hears none.

Mr. RAINEY. Mr. Chairman, I expect to discuss the question of corn, and I would like very much to be permitted to discuss that question and that question alone during the time I shall address the committee. On this floor for quite a number of weeks the tariff bill has been the subject of attack from the Republican side of this House, and those attacks usually center about that clause in the Underwood tariff bill which puts corn on the free list. It has been frequently asserted on the Republican side of this House that corn in large quantities was on its way to the city of Chicago. I called attention to what I believed then to be a fact during the address delivered by the gentleman from Minnesota [Mr. HAMMOND],

that only one carload of corn was on its way to Chicago or would likely reach Chicago. And some gentlemen on the other side most violently combated this statement, and insisted that hundreds of thousands of bushels of corn had been purchased for May delivery in Chicago, where prices for corn are made in this country, and which is our great corn market.

Now, whenever hundreds of thousands of bushels of corn from the Argentine Republic reach Chicago, Ill., they will commence to carry coals to New Castle. Some days ago there appeared in a Chicago paper, under great scare headlines, the statement that Argentine corn was on its way to Chicago, and under the headlines there appeared this article:

The first shipment of Argentine corn to come to Chicago is on its way here from New York. The buyers are Lounsis & Edwards, and the car contains 60,000 pounds. According to the junior partner of the above firm, the corn is coming here in the way of a trial as chicken feed.

When I made that statement on this floor, a distinguished Republican Member indulged in a ghost dance on that subject and denied the statement, insisting that a very large amount of corn, some hundreds of thousands of bushels, had been purchased for May delivery in Chicago. I took the matter up with the Secretary of Agriculture, and he, after investigating the matter, advised me that he could hear of only one carload of Argentine corn that had as yet reached Chicago, and this was well along in the month of May.

I took the matter up with the secretary of the board of trade in Chicago, and he wrote me a letter, to which I may have occasion to refer again soon, advising me that 500,000 bushels of Argentine corn had been purchased for May delivery in the city of Chicago.

Now, I knew no corn could reach Chicago. I watched the Chicago papers all through the month of May, and no corn reached Chicago—not a bushel—except this one carload that was shipped there for the purpose of experimenting with it to see whether chickens would eat it or not.

I was not satisfied with my examination of the daily papers of Chicago, and so I wired yesterday to the secretary of the board of trade in Chicago and asked him what had become of that corn intended for May delivery in the city of Chicago. He had previously in his letter told me that it was expected that that tremendous shipment of corn would be stopped at Montreal and would be shipped to New England points. He wired me in reply, advising me that the corn that was purchased for May delivery in Chicago had been all stopped on the Atlantic coast for sale in New England. In his prior letter to me he had advised me that corn was at that time being shipped from Chicago to New England, and therefore he considered it extremely unlikely that these 500,000 bushels would reach Chicago. It would not be good business judgment to pay the freight on it to Chicago and then ship it back to New England. In his telegram yesterday he advised me, as I stated, that these 500,000 bushels of corn were stopped at Atlantic ports for New England delivery.

A fleet of grain vessels was organized once in Chicago for the purpose of carrying grain from Chicago to Liverpool through the Welland Canal and the Laurentian Canals, all the way without breaking bulk. This fleet of vessels was organized by the late Charles Councilman. They drew less than 14 feet of water. They were less than 255 feet long, and therefore they could go out through the Welland Canal. They made only two or three trips, and the fleet of vessels was disorganized and the vessels were sold soon after Mr. Councilman started on this plan. I asked the secretary of the Chicago Board of Trade why this happened, and he told me—and, of course, the fact is apparent to everyone—he told me that these ships could get no return cargoes from Liverpool or other European ports to Chicago; that shipments of grain from Chicago to Liverpool were irregular, and you could not tell when a vessel ought to go, and therefore the business of Charles Councilman did not succeed, and after just two or three trips he was compelled to abandon it.

Now, for the same reason Argentine corn can never reach Chicago in vessels that can go through the canal, for the reason that return cargoes from Chicago to the Argentine Republic are simply out of the question. We shall never see the day in this country when Chicago has a trade with the Argentine Republic that will authorize the installation of a line of vessels.

I am aware of the fact, however, that a peculiar condition with reference to freight rates prevails to-day upon the high seas. Ocean freight rates are cheaper than they have been for years, and the whole carrying trade of the ocean highways of the world seems at the present time to be disorganized, and vessels are not making the same regular trips they have made heretofore. So I thought it might be possible that this particular corn was purchased in good faith; that the contracts were really made in Chicago for the shipment of this corn in vessels that could reach Chicago and go all the way there by water. The figures for importations of corn for the month of May are not yet available, and so yesterday I wired all the ports in the United States—all the collectors of customs at those ports—where Argentine corn is likely to enter. I wired the collector of customs at Mobile, the collector at New Orleans, the collector at Galveston, the collector at New York, and the collector at Philadelphia. I was advised by the department that corn was expected at no other ports than these. But in order to examine more thoroughly into the Chicago transactions I wired also Boston. I got the reply from the collector of the port at Boston that no Argentine corn had reached that port during the month of May. I got the reply from the collector at Philadelphia that no Argentine corn had reached that port in the month of May. Argentine corn reached New Orleans, Galveston, New York, and Mobile during the month of May. Four hundred and two thousand four hundred and one bushels reached New York in May.

Now, this was all the corn that was brought here during the month of May that could possibly be stopped on the Atlantic coast by these Chicago grain speculators to be shipped to New England. But the Corn Products Co. has been the most important buyer in this country. Their plant at which purchases of Argentine corn are made is located at Edgewater, N. Y. I wired the president of the Corn Products Co. at Edgewater, asking him to advise me how much corn he had received at his plant for manufacture during the month of May, and he advised me that he had received 120,000 bushels. Now, this left only 282,401 bushels that could be stopped by Chicago traders at any Atlantic coast port from which distribution points in New England could be reached. This amount has been just about the amount of Argentine corn purchased each month by New York traders for their customers in New York. Therefore I have reached the conclusion—and I think the evidence bears me out in the statement—that these corn transactions, apparently made of record on the Board of Trade of Chicago, were absolutely fraudulent. There was no intention ever to deliver 500,000 bushels or any number of bushels of Argentine corn in Chicago in May except the one carload of chicken-feed corn to which I have called attention. It was never delivered there. It was never diverted at Montreal. It was never stopped on the Atlantic coast. It was never even purchased in the Argentine Republic.

The corn that reached New York in May came on these five ships—the *Byron*, the *Van Dyke*, the *Anselm*, the *Queen Helena*, and the *Siam*. The *Byron* and the *Van Dyke*, as I find this morning by consulting the Chief of the Bureau of Navigation, have regular lines. They belong to the Lamport & Holt Line. They carry mails, and they are too big to get to Chicago. It is not at all probable that ships which carry mail and have regular routes could be even sent as far as Montreal. These two ships have never been in that trade.

The *Anselm* belongs to a Spanish company, is 284 feet long, and usually runs on regular routes. It never goes even to Montreal. Sometimes, however, it becomes a tramp steamer.

The *Queen Helena* belongs to a British company, the Dunlap Steamship Co., and is 364 feet long.

There are in the world four ships named *The Siam*. I do not know which one of them went to New York in May with corn from the Argentine Republic; but the very smallest of them is 258 feet long at the water line, and could not get through the Welland Canal. The Welland Canal locks are 270 feet long, have a depth over the miter sills of 14 feet, a width of 45 feet, and a ship 255 feet long on the water line is the very largest ship that can possibly go through that canal, owing to the fact that the extreme length of a vessel above the water line would be more than 270 feet if the vessel was over 255 feet in length at the water line. The smallest one of these five ships arriving at the port of New York was at least 3 feet too long to go through the Welland Canal. The evidence is absolutely convincing that these trades were never made. They were simply registered there in Chicago for the purpose of keeping down the price of May corn, and that is all there was to the transaction. They may have been made a matter of record there for the purpose of giving Republicans in this House an opportunity to make some speeches or some references to the question, and several of these gentlemen—I will not mention their names, for I do not wish to make them appear any more absurd than they have made themselves appear by believing these stories—several gentlemen on that side became victims of this sort of a hoax. No Argentine corn has reached Chicago. None of it will reach Chicago. No trades of this kind were made. The evidence is absolutely convincing, and that disposes of that argument.

Bessie P. Dummer, widow of Samuel R. Dummer, late captain Company H, Tenth Regiment United States Infantry, War with Mexico, $20 per month in lieu of that she is now receiving.

Thomas Ranahan, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th day of September, 1868, $20 per month.

Sigmund Schlesinger, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th day of September, 1868, $20 per month.

Eli Ziegler, late of the company of Indian scouts known as the Forsyth Scouts, commanded by Col. George A. Forsyth, United States Army, who participated in the battle with the Indians on the Arickaree Fork of the Republican River, in Colorado, on the 17th day of September, 1868, $20 per month.

Mr. SHIVELY. On page 1 I move to strike out lines 6, 7, 8, and 9, in the following words:

The name of Emma Sherwood, widow of John Sherwood, late of U. S. S. *Cumberland*, United States Navy, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

I move the amendment because the beneficiary has died since the bill was reported.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

IDA A. CHEW.

The bill (S. 31) for the relief of Ida A. Chew, owner of lot 112, square 721, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD STEWART.

The bill (S. 4311) for the relief of Edward Stewart was announced as next in order.

Mr. KERN. Let the bill go over.

Mr. CATRON. Mr. President, I should like to have the bill passed at this time. I hope the Senator from Indiana will withdraw his objection. Mr. Stewart is 84 years old. He served three and a half years in the war and was in nearly every battle in which his command was engaged during that time.

He enlisted in May, 1861, and served until March 31, 1863, when, at Louisville, Ky., the officers of his command went to a barbecue and left the soldiers standing in line; they had nothing to eat, and became dissatisfied, and quite a number of them went home. Mr. Stewart afterwards reenlisted in the Sixth Ohio Cavalry and served 17 or 18 months, when, at the close of the war, he was honorably discharged. His whole record is good. He is now 84 years old and in absolute need.

Mr. KERN. I have no objection to the passage of the bill.

The PRESIDING OFFICER (Mr. WALSH in the chair). The objection is withdrawn.

The Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Edward Stewart shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company C, Second Regiment Michigan Volunteer Infantry, on the 31st day of March, 1863, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS, ETC., PASSED OVER.

The joint resolution (S. J. Res. 120) creating a joint committee of Congress, and authorizing said committee to acquire, by purchase or condemnation, the property known as Monticello, and embracing the former home of Thomas Jefferson and the family graveyard in which his remains were interred, with such lands and grounds appurtenant thereto as the committee shall find necessary in order to carry out the various public objects and purposes in said resolution set forth, all of said property being located in Albemarle County, Va., was announced as next in order.

Mr. KERN. Let the joint resolution go over.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 3545) to provide for the highway-improvement work by the United States Department of Agriculture in cooperation with the highway departments of the several States was announced as next in order.

Mr. GRONNA. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

JOHN W. CUPP.

The bill (S. 201) for the relief of John W. Cupp was announced as next in order.

Mr. KERN. Let that go over.

Mr. BRISTOW. I do not think the Senator wants this bill to go over. It is for the relief of a postmaster who was authorized to put his money in a national bank. The bank failed, and this is to reimburse him.

Mr. KERN. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, in line 6, after the word "of," to strike out "$229.48" and to insert "$205.71," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury of the United States not otherwise appropriated, to John W. Cupp, late postmaster at Galion, Ohio, the sum of $205.71, to reimburse him for the payment of said sum, which, as postmaster, he had deposited as funds of the post office at Galion, Ohio, in the Galion National Bank, and which funds were lost by reason of the insolvency and failure of said bank.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ESTATE OF JAMES HARVEY DENNIS.

The bill (S. 3808) to carry out the findings of the Court of Claims in the case of James Harvey Dennis was announced as next in order.

Mr. JAMES. This is a very meritorious bill and carries out the findings of the Court of Claims. I sincerely trust that no Senator will object to its consideration. It pays a claim that ought to have been paid many years ago. A bill similar to this one, which has been favorably reported from the Committee on Claims of the Senate, has passed the House of Representatives and is now upon the calendar. It is House bill 11040, which I ask be substituted for this bill.

The PRESIDING OFFICER. Without objection, the substitution will be made.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 11040) to carry out the findings of the Court of Claims in the case of James Harvey Dennis. It proposes to pay to L. Helen Dennis, administratrix of the estate of James Harvey Dennis, deceased, the sum of $26,538, in accordance with the findings of the Court of Claims reported in Senate Document No. 619, Sixty-second Congress, second session, said sum to be accepted and receipted for in full of said claim against the Government; but L. Helen Dennis shall file in the Treasury Department a certificate showing her appointment as administratrix of said estate and a certified copy of her bond, which bond must be at least equal in amount to the sum hereby appropriated. If L. Helen Dennis be dead or no longer holding said office, payment shall be made to her successor upon his or her complying with the same requirements as herein provided with respect to the said L. Helen Dennis, administratrix.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. Let the Senate bill be indefinitely postponed.

Mr. JAMES. I move that the bill (S. 3808) to carry out the findings of the Court of Claims in the case of James Harvey Dennis be indefinitely postponed.

The motion was agreed to.

T. S. WILLIAMS.

The bill (H. R. 1055) for the relief of T. S. Williams was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 6, to strike out "$315.55" and insert "$47.17," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to T. S. Williams the sum of $47.17, in full compensation for payments made by the said T. S. Williams to secure the service of a mail carrier from August 6, 1900, to June 30, 1902, at Williamsburg, Idaho.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SIMON M. PRESTON.

The bill (S. 691) for the relief of Simon M. Preston was considered as in Committee of the Whole. It proposes to pay to Simon M. Preston, of Seattle, Wash., the sum of $5,838.36, the amount of the defalcation of D. C. Kearns, a deputy collector under Simon M. Preston, who was collector of internal revenue for the first election district of Mississippi from the 1st of June, 1869, to the 22d of May, 1873, which sum was repaid to the United States Government by Simon M. Preston, and its collection by him from D. C. Kearns having been hindered and prevented by his pardon by the President of the United States and the remission of the fine equivalent to said sum.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK J. ERNST.

Mr. SMITH of Maryland. Mr. President, the Senate has this afternoon pass the bill (S. 1128) for the relief of Frederick J. Ernst. I find on the calendar a similar bill which has passed the House of Representatives. I ask that the Senate reconsider the vote by which the Senate bill was ordered to a third reading, read the third time, and passed, and proceed to the consideration of the House bill.

The VICE PRESIDENT. Without objection, the vote by which the Senate passed the bill S. 1128 will be reconsidered. The Chair hears none.

Mr. SMITH of Maryland. I now move that the Senate proceed to the consideration of House bill 4405.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4405) for the relief of Frederick J. Ernst, which had been reported from the Committee on Claims with an amendment, on page 1, line 4, after the words "sum of," to strike out "$1,500" and to insert "$730," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Frederick J. Ernst the sum of $730, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for injury sustained by the breaking of a carboy of vitriol oil while storing the same for the United States Government at the Washington Navy Yard, September 12, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill read a third time.

The bill was read the third time and passed.

Mr. SMITH of Maryland. I now ask that the bill (S. 1128) for the relief of Frederick J. Ernst be indefinitely postponed.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

MISSOURI RIVER BRIDGE AT KANSAS CITY.

Mr. SHIVELY obtained the floor.

Mr. SMOOT. Will the Senator from Indiana yield for just a moment?

Mr. SHIVELY. I yield.

Mr. SMOOT. I want to ask unanimous consent on behalf of the senior Senator from Missouri [Mr. STONE] for the consideration of the bill (H. R. 14189) to authorize the construction of a bridge across the Missouri River near Kansas City.

Mr. BRISTOW. The next bill on the calendar is just as important as a bridge bill.

Mr. SMOOT. Of course, if the Senator from Kansas objects——

Mr. BRISTOW. Let us follow the regular order.

Mr. SMOOT. I understood the Senate was going into executive session, and that is why I made the request.

Mr. BRISTOW. I would like for the Senator from Indiana to withhold his motion for an executive session until the bill for the relief of Oakley Randall is passed. It is only for $160, to pay for actual service in the Army.

Mr. SHIVELY. Very well.

OAKLEY RANDALL.

The bill (S. 1216) for the relief of Oakley Randall was considered as in Committee of the Whole. It proposes to pay to Oakley Randall, of Worthington, Marion County, W. Va., $160, due him for services rendered as a volunteer soldier in the Fourteenth Regiment West Virginia Volunteer Infantry during the Civil War.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

Mr. SHEPPARD. Will the Senator from Indiana yield to me for a moment? I have waited here all the afternoon——

Mr. SHIVELY. I have been on the point of making this motion for the last 30 minutes, but I have been yielding.

Mr. SHEPPARD. I request the consideration of a bill which carries no appropriation.

Mr. SMITH of Arizona. I desire the consideration of the bill on the calendar after the one in which the Senator from Texas is interested.

Mr. SHEPPARD. I ask unanimous consent that when we consider the calendar the next time we begin at this point.

Mr. SMITH of Arizona. That would require a call of the roll.

Mr. SHIVELY. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

RECESS.

Mr. KERN. I move that the Senate take a recess until Monday morning next at 11 o'clock.

The motion was agreed to; and (at 5 o'clock and 30 minutes p. m., Saturday, June 6, 1914) the Senate took a recess until Monday, June 8, 1914, at 11 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 6, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

John L. Caldwell to be envoy extraordinary and minister plenipotentiary to Persia.

POSTMASTERS.

INDIANA.

William W. Drake, Greenwood.
Charles A. Steele, Rising Sun.

KANSAS.

A. H. Hecox, Iola.
Uriah C. Herr, Medicine Lodge.
Charles N. Page, Oberlin.
George E. H. Six, Lyons.

MASSACHUSETTS.

Robert H. Howes, Southboro.
Edward F. Maher, Hyannis.
Eugene Meagher, Rockport.
John O'Hearne, Taunton.

MICHIGAN.

H. W. Hagerman, Sturgis.

NEW JERSEY.

Emery Benoit, Edgewater.

TENNESSEE.

A. M. Riggs, Lafollette.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 6, 1914.*

The House met at 12 o'clock noon.

The Rev. N. H. Holmes, D. D., of Washington, D. C., offered the following prayer:

O Lord our God, hear our prayers we beseech Thee for our country's representatives, that wisdom and strength may be given them to perform their every duty to the approval of their conscience, their constituency, and, above all, to God, the Judge of all men.

Mercifully guard their loved ones, that no illness or death enter the gates of their home life, nor any harm come near their dwelling places, while they are absent one from another.

Grant, we humbly pray, that these leaders of a Nation may enjoy a growing acquaintance with the Man of Galilee to the exaltation of their views of life, duty, and death, and to sustain them in all their arduous toils, with the hope that when their workday is over a grateful country and a merciful God will pronounce upon each of them the plaudits, "Well done, good and faithful servant"; through Jesus Christ our Lord. Amen.

THE PHILIPPINE SCOUTS.

The bill (S. 1281) providing for the retirement of certain officers of the Philippine Scouts was announced as next in order.

Mr. KERN. Let that bill go over.

Mr. WARREN. Mr. President, I hope that bill may be considered. It is very short. It has passed the Senate twice and has been favorably recommended to the House. It applies only to three men, possibly, and perhaps only to one now, as one has died since, and possibly two.

Mr. KERN. All right; I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that any person who served at any time in the Volunteer Army in the Civil War and has heretofore served as captain in the Philippine Scouts, and has since been retired as an enlisted man, and whose time of actual service in the Regular and Volunteer forces of the United States shall aggregate more than 40 years, and whose aggregate of services, together with certificates of merit and honorable service, when computed as provided by existing law for the retirement of enlisted men, shall amount to not less than 50 years, may, upon nomination by the President and by and with the advice and consent of the Senate, be placed upon the retired list of the Army as a captain of Infantry in recognition of his long and efficient service in the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MATTHEW LOGAN.

The bill (S. 3761), for the relief of Matthew Logan, was announced as next in order.

Mr. KERN. Let the bill go over.

Mr. WARREN. Mr. President, these are very short bills; they are for the relief of very old people, so that they may have pensions, and I hope they will not be objected to. The individual cases have been carefully scanned.

This bill relates to a man who did excellent service for a long time. I hope the Senator will withdraw the objection.

Mr. SHIVELY. Yes; he performed over 50 years of splendid service.

Mr. KERN. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Matthew Logan shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Battery H, First Regiment Rhode Island Volunteer Light Artillery, on the 25th day of July, 1865, provided that no pension shall accrue prior to the passage of this act.

Mr. OVERMAN. Was any adverse report ever made on this bill by the Committee on Military Affairs?

Mr. WARREN. Never. The bill has passed the Senate twice, and has been favorably reported to the House, but it was not reached there.

Mr. OVERMAN. It has been a long time since the war. Sometimes these bills come before the committee and are reported adversely, and later are introduced again and reported favorably. I should like to know whether that has ever been done in this case.

Mr. WARREN. No; it has not.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN P. WAGNER.

The bill (S. 229) for the relief of John P. Wagner was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. KENYON. I hope the Senator will withdraw the request.

Mr. OVERMAN. Is the Senator interested in the bill?

Mr. KENYON. Yes; I am.

Mr. WARREN. I think if the Senator will read the report he will see that the bill is one that ought to be acted upon.

Mr. OVERMAN. Has there ever been any adverse report on this bill?

Mr. KENYON. No; there has not.

Mr. WARREN. This man has had two honorable discharges from the Army, after several promotions, in one case by expiration of time. He was mustered in for a third time as a second lieutenant and recruiting officer, and raised a company. Some altercation came up between him and a general officer, and he was dropped without any trial at all.

Mr. GALLINGER. I think a reading of the report will show that the bill ought to be passed. It says that he was sent from his command to get provisions, and among other things he got some intoxicating liquids, which he carried back internally. [Laughter.]

Mr. OVERMAN. I withdraw the objection.

Mr. GALLINGER. On his way back he failed to salute an officer and was summarily dismissed from the service.

Mr. WARREN. Without any trial.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John P. Wagner shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a captain of Company H, Two hundred and second Regiment Pennsylvania Volunteer Infantry, on the 12th day of November, 1864, provided that no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CAPT. HAROLD L. JACKSON.

The bill (S. 3768) to restore Capt. Harold L. Jackson, retired, to the active list of the Army was announced as next in order.

Mr. KERN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

BENJAMIN E. JONES.

The bill (S. 1803) for the relief of Benjamin E. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, on page 1, line 5, to strike out "$100" and insert "$70," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Benjamin E. Jones, junior engineer, United States Geological Survey, the sum of $70, and said amount is hereby appropriated out of any money in the Treasury not otherwise appropriated, said sum to be in full of all losses incurred and damages sustained by him in an accident while engaged in the Government service.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

S. W. LANGHORNE AND H. S. HOWELL.

The bill (S. 2334) for the relief of S. W. Langhorne and the legal representatives of H. S. Howell was announced as next in order.

Mr. SMOOT. There have been a great many bills similar to this from the Committee on Claims of the Senate. I remember one from my own State. I have always been unable to get a favorable report from the committee for paying rent for an office for the land office at Salt Lake City.

Mr. KERN. I am surprised at that.

Mr. SMOOT. I want to say to the Senator that I believe there are a great many cases of this kind all through the United States, and was it not understood——

Mr. BRISTOW. If the Senator will allow me, may I inquire if this is one of those cases where a land office in the old days provided its own building until the receipts amounted to a certain sum and then the Government repaid the rent?

Mr. SMOOT. I was going to ask the same question.

Mr. BRISTOW. If it is, there are scores of such claims lying around here, and we had better not go into the question now at this late hour in the afternoon anyway.

Mr. WALSH. Permit me to say that the merits of this bill have been fully considered by the committees of the House and the Senate, and a similar bill has heretofore passed both bodies. I think this bill passed this body twice before and the House once, and I think in each instance the bill failed to be enacted simply because of the state of the calendar.

Mr. BRISTOW. If it is the general type of bills of which a great many have been presented, they all ought to be considered together. They are all upon exactly the same basis and one ought not to go through and the others be denied.

Mr. WALSH. The report gives the entire facts. I do not understand that there is any doubt about the situation at all.

Mr. SMOOT. I have the report here, and I think this is one of those cases.

Mr. BRISTOW. One ought not to be allowed and the others held back.

Mr. SMOOT. Let the bill go over for the present, anyway.

The VICE PRESIDENT. The bill will go over.

PHILIP COOK.

The bill (S. 1063) for the relief of Philip Cook was announced as next in order.

Mr. KERN. Let the bill go over.

Mr. KENYON. I hope an objection will not be made to this bill. This man served over four years in the Army. He is an old man. He went home after the war was over and supposed that the matter was ended. It is very unjust, it seems to me, to refuse relief on that military record. He was in some 30 or 40 battles. He had a remarkable military record. I hope the Senator who objected will withdraw his objection.

Mr. KERN. Very well.

The bill was considered as in Committee of the Whole. It provides that in the administration of the pension laws Philip Cook, who was a private of Troop H, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said troop and regiment on the 31 day of August, 1865.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 543) to correct the military record of John T. Haines was announced as next in order.

Mr. KERN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 4405) to provide for and encourage the prospecting, mining, and treatment of radium-bearing ores in lands belonging to the United States, for the purpose of securing an adequate supply of radium for Government and other hospitals in the United States, and for other purposes, was announced as next in order.

Mr. SUTHERLAND. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 2806) relative to the appointment, pay, and rank of chief warrant officers in the Revenue-Cutter Service was announced as next in order.

Mr. KERN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (S. 1802) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908, was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The VICE PRESIDENT. It will go over.

The bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The VICE PRESIDENT. The bill will go over.

The bill (H. R. 8846) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, and under the provisions of section No. 151 of the act approved March 3, 1911, commonly known as the Judicial Code, was announced as next in order.

Mr. GALLINGER. Let that go over.

The VICE PRESIDENT. The bill will go over.

FREDERICK B. MCGUIRE.

The bill (S. 2245) for the relief of Frederick B. McGuire, trustee for Bessie J. Kibbey, owner of lot 75, square 628, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CLARA DOUGHERTY AND OTHERS.

The bill (S. 23) for the relief of Clara Dougherty, Ernest Kubel, and Josephine Taylor, owners of lot No. 13; of Ernest Kubel, owner of lot No. 41; and of Mary Meder, owner of the south 17.10 feet front by the full depth thereof of lot No. 14, all of said property in square No. 724, in Washington, D. C., with regard to assessment and payment for damages on account of change of grade due to the construction of Union Station, in said District, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CHARLOTTE J. PILE AND OTHERS.

The bill (S. 11) for the relief of Charlotte J. Pile, Eastmond P. Green, and Essie C. Gandell, owners of lots Nos. 53, 54, and 55, in square No. 753, Washington, D. C., with regard to assessment and payment of damages on account of change of grade due to construction of the Union Station, in said District, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DESTITUTE, INFIRM, OR AGED PARENTS.

The bill (S. 1653) providing against the abandonment of destitute, infirm, or aged parents was announced as next in order.

Mr. KERN. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4969) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

It proposes to pension the following persons at the rate per month named:

Emma Sherwood, widow of John Sherwood, late of U. S. S. *Cumberland*, United States Navy, War with Mexico, $20 per month in lieu of that she is now receiving.

Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. *Georgia*, United States Navy, $24 per month in lieu of that she is now receiving.

Mary Bottino, dependent mother of Celestin Bottino, late of Company D, Seventeenth Regiment United States Infantry, War with Spain, $12 per month.

Blanche Packard, late nurse, medical department, United States Volunteers, War with Spain, $12 per month.

Marion C. Turrill, widow of Henry S. Turrill, late brigadier general, United States Army, $50 per month in lieu of that she is now receiving.

Laura E. Hess, widow of Harry G. Hess, late of Sixty-ninth Company, United States Coast Artillery, $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Harry G. Hess until he reaches the age of 16 years.

Michael E. Breck, late of Company K, Second Regiment Massachusetts Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Francis M. Good, late of Capt. Gardner's company, Ninth Regiment Oregon Mounted Volunteers, Oregon Indian War, $20 per month in lieu of that he is now receiving.

Lucinda Randall, widow of William Randall, late of the U. S. S. *Raritan*, United States Navy, $12 per month.

William Cross, late chaplain First Regiment Arkansas Volunteer Infantry, War with Spain, $20 per month.

Nana E. Sears, widow of Walter J. Sears, late commander, United States Navy, $30 per month.

Harriet G. Hayes, widow of Edward M. Hayes, late colonel Thirteenth Regiment United States Cavalry, and brigadier general, United States Army, $50 per month in lieu of that she is now receiving.

James B. Romaine, late of Troop K, Eighth Regiment United States Cavalry, $20 per month in lieu of that he is now receiving.

Catherine J. Carter, widow of Jacob Carter, late of U. S. S. *Concord*, United States Navy, Florida Indian War, $20 per month in lieu of that she is now receiving.

Thomas Jordan, late of Company D, Second Regiment Oregon Volunteer Infantry, War with Spain, $12 per month.

Henry Luch, late of Company A, Fourteenth Regiment United States Infantry, $17 per month in lieu of that he is now receiving.

Eugene P. McFadden, late of Company A, Fifth Regiment Missouri Volunteer Infantry, War with Spain, $12 per month.

Nettie Nieschang, widow of Louis E. Nieschang, late of Company D, Nineteenth Regiment United States Infantry, $12 per month.

Leonidas Recob, late of Company C, Fifteenth Regiment United States Infantry, $12 per month in lieu of that he is now receiving.

Fred Kamm, late of Company G, Thirty-third Regiment Michigan Volunteer Infantry, War with Spain, $8 per month.

Emma E. Bear, widow of Henry A. Bear, jr., late of the United States Marine Corps, $12 per month.

THE PUBLIC HEALTH SERVICE.

The bill (S. 2616) to promote the efficiency of the Public Health Service was announced as next in order.

Mr. JAMES. Let that bill go over.

Mr. RANSDELL. Mr. President, I hope the bill will not be objected to unless there is some good reason for the objection. I do not want to object to the bills of other Senators. This bill has been on the calendar for a long time, and involves a matter of great public importance. I hope the Senator from Kentucky will withdraw his objection.

Mr. JAMES. I have no objection; I did not know the Senator was here.

Mr. RANSDELL. I am here and have been waiting to have it considered not only to-day but on many other days. I think the bill will take but very little time.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2616) to promote the efficiency of the Public Health Service, which had been reported from the Committee on Public Health and National Quarantine with amendments.

Mr. SMOOT. Mr. President, the Senator who objected to the consideration of the bill the last time it was reached on the calendar is not in the Chamber, and I believe he would like to be present when the bill is being considered.

Mr. SWANSON. Who made the objection?

Mr. RANSDELL. Who objected to it at that time? I do not recall.

Mr. SMOOT. The RECORD will show, Mr. President.

Mr. SWANSON. I think a similar bill has repeatedly passed the Senate.

Mr. RANSDELL. This bill has been on the calendar for a long time. It is, as I have said, a matter of great public importance, and I hope Senators will allow it to be considered and acted upon. It is not our fault that Senators who may want to object to it are not here to-day.

Mr. SMOOT. I am perfectly aware of that, Mr. President. I have not said anything about that, but if the bill is going to be considered I should like to ask some questions about it as to what the cost will be and what it really means.

Mr. RANSDELL. I will be glad to try to answer the questions.

Mr. SMOOT. I will ask the Senator, then, in what cost will the bill involve the Government?

Mr. RANSDELL. The estimated cost is about $50,000 per annum. That is according to the report from the Treasury Department, which is found on page 4 of the report with the bill at the lower part of the page.

Mr. SMOOT. The figures are $49,634.

Mr. RANSDELL. Yes; $49,634.

Mr. SMOOT. I will ask the Senator if this bill does not propose an increase in addition to the one that was granted two or three years ago?

Mr. RANSDELL. I can not say just when the other increase was granted, but I know that the bill is in the interest of fairness to this great health service. I believe that the officers of that service ought to be put on a par with the officers of the Army and Navy, and that is where the increase comes in principally.

Mr. SMOOT. Mr. President, I have not even had time to read the report on the bill, but I will say to the Senator that it seems to me that this was a part of a bill that was introduced two years ago, at which time there was a substantial increase granted to the officers of this service, and the legislation proposed in this bill was rejected by the Senate.

Mr. SWANSON. Mr. President, if the Senator will permit me, I think this bill has passed the Senate repeatedly. It has failed of passage in the House of Representatives on account of objection there.

Mr. SMOOT. If that is the case, then I am mistaken as to the bill, and I really feel that I ought to read over the report.

Mr. RANSDELL. I should like to say that the Senator was a member of the committee that reported this bill favorably and was present when part of the discussions were had with reference to it. He did not say anything of that kind when we were discussing it in the committee, as I recall.

Mr. SMOOT. I was not there when the bill was reported out. If it is the same bill that passed the Senate, with the amendments that were offered by myself on the floor of the Senate, two years ago, and failed of passage in the House, I really have no objection to it; but from hastily reading the bill, and without taking the time to read the report, it seems to me the items of increase provided in this bill are the items of increase that were disagreed to by the Senate at the time the increase was granted before.

Mr. RANSDELL. I will say to the Senator that I do not see how there can be any objection to the items of increase, because they simply provide for commutation of quarters for the medical officers of the Public Health Service and place those public health officers on terms of equality with the health officers of the Army and the Navy. Those are substantially all the increases that I know of, except that the bill does provide for the appointment of several additional officers in the Public Health Service, who are strongly urged by the Secretary of the Treasury—five additional professors in the Public Health Service. That, of course, would mean some additional pay, but it seems to me we can well afford to be a little bit liberal with the Public Health Service. We have been liberal with many things, and they do not use up a great deal of the public money. I should like to see just a little liberality displayed toward them, if we are going to be liberal with anything in the world.

Mr. GALLINGER. Mr. President, I am always a friend of the Public Health Service, and recognize the great importance and value of its work. I have not studied this bill, I will ask the Senator exactly why five professors are appointed? What do they do? Do they lecture?

Mr. RANSDELL. No; I do not understand that they are to lecture. To be entirely frank with the Senator, I can not tell him exactly why they are called professors, except that they wish to give them some title. They wish, I may say, to keep them in the service. A good many of their very best men have left the service because of increased pay and increased honors offered elsewhere, and it was thought that this would help to keep them in the service.

Mr. GALLINGER. In view of the title, I should think they must be teachers in some capacity; and, if so, that is desirable. I do not question the advisability of it; it was only that the term attracted my attention.

Mr. RANSDELL. I will say very frankly that it was thought by the head of the Public Health Service that this title would be helpful in retaining the services of these very valuable men. The service has lost some men of very great professional ability recently and it is in danger of losing some others. Whenever the men develop great ability some college or other educational institution tries to get them, and offers them bigger salaries. There is a tendency to quit the health service because the pay is so small. This, I imagine, is an attempt to help keep them by giving them more honorary titles anyway.

Mr. GALLINGER. If this title confers an honor, I do not see why it should not go to men now in the service.

Mr. RANSDELL. I may say that they propose to give it to several of the men who are already in the service.

Mr. GALLINGER. It says "five additional professors."

Mr. RANSDELL. That is true; and it also says:

That the chiefs of the Divisions of Zoology, Pharmacology, and Chemistry in the Hygienic Laboratory may, upon the recommendation of the Surgeon General of the Public Health Service, be appointed by the Secretary of the Treasury as professors of zoology, pharmacology, and chemistry, respectively, of the Public Health Service, and they shall be entitled to leaves of absence as now provided by law for the commissioned medical officers of the Public Health Service.

And so forth.

Mr. GALLINGER. It continues the matter a little further. The men who are in this service are all graduates, and they have all undergone a very rigid examination. It seems to me rather strange that we should now assign men to instruct them in zoology, pharmacology, and chemistry. I am not going to object to it. I only wished to get the information; that was all.

Mr. SWANSON. If the Senator will read the report on page 3, he will see that these five men are to engage in research work. I do not think any department of the Government has done more good work and done more to benefit the country than the Public Health Service of this Government.

Mr. GALLINGER. We all recognize that.

Mr. SMOOT. Nobody denies that.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Louisiana yield to the Senator from Iowa?

Mr. RANSDELL. I do.

Mr. KENYON. I should like to ask if these men, designated as professors, are doctors?

Mr. RANSDELL. They are.

Mr. KENYON. And the committee feel that by calling them professors they will be able to retain them better than by calling them doctors?

Mr. RANSDELL. Yes. I understand they are physicians.

Mr. KENYON. I call that to the attention of the Senator from New Hampshire as being worthy of serious consideration.

Mr. SMOOT. I wish to say to the Senator that no one has a higher regard for the Public Health Service than I. I think a law ought to be passed consolidating all of our public health activities into one public health service, taking them from the different departments, and having that great service perform all of the work along that line that the Government has to do. I have introduced a bill to that effect upon more than one occasion, but it has failed of passage.

I do not understand this bill, however; and it is for that reason, and that alone, that I am going to ask that it be passed over for a day. I will promise the Senator in charge of it that I will take the report home to-night and read it, and I will also take the bill passed by the Senate two years ago and compare it with this one; and if this is the same as the bill that passed the Senate two years ago I will assist the Senator in any way I can to secure its passage. I object to its consideration at this time, however.

The VICE PRESIDENT. The bill will be passed over.

Mr. WARREN. Mr. President, I ask permission to say to the Senator who has charge of the bill that before it comes up again I wish he would consult the Army law regarding this 10 per cent matter. He will find that this bill does not correspond to the rate paid in the Army, which I understand it is the intention of this bill to follow.

Mr. RANSDELL. I thank the Senator for the suggestion. I was taking what the Secretary of the Treasury said in regard to it. He was probably misinformed.

Mr. WARREN. Furthermore, there should be some information as to how these professors are to be appointed. As their rank will be that of lieutenant colonel, we want to know where they will come from.

Mr. RANSDELL. I thank the Senator, and I will make the investigation.

FRANK AUSTIN AND OTHERS.

The bill (S. 4449) for the relief of Frank Austin and others was considered as in Committee of the Whole.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the parties named herein or their legal representatives, the following amounts of money that are their pro rata parts of the sum of $5,618.51, the balance due one J. B. Greer, under his contract with the Eastern Branch, National Home for Disabled Volunteer Soldiers dated, September 25, 1907, for the improvement of sewerage and a drainage system at the Eastern Branch, National Home for Disabled Volunteer Soldiers at Togus, Me., and which sum was not paid to the said J. B. Greer, but was retained by the treasurer of said Eastern Branch to meet the claims of persons and corporations who furnished materials and labor to said Greer in connection with said contract and was afterwards covered by the said treasurer into the Treasury of the United States after the parties herein named had filed notice of their claims stating the character and amount of the same with the treasurer of said Eastern Branch, namely: Frank Austin, $25.90; Harold Bickford, $34.97; H. Brown, $4.10; Bennett & Stoddard Co., $18.13; Brooks Hardware Co., $278.15; E. B. Bean, $11.55; E. E. Brookings, $3.29; M. L. Bayard & Co., $418.09; John F Burns, $58.71; J. H. Cogan & Co., $242.69; Mark T. Clifton, $4.40; Decker & Day Hardware & Coal Co., $32.73; W. A. French, $5.29; C. M. Fossett, $4.60; Patrick Fog, $7.56; George Fuller Sons, $20.90; J. A. Ferguson, $34.97; R. A. Fossett, $0.80; Fifield Bros., $8.43; John Goodine, $11.51; W. Henry, $46.44; A. R. Hayes & Co., $34.41; Kennebec Central Railroad Co. $94.34; Kennebec Construction Co., $228.63; Ira Marston, $4.15; William J. Marston, $5.40; L. L. Newcomb, $2.25; Oakland Manufacturing Co., $262.02; Pacific Flush Tank Co., $507.24; Proctor & Bowie, $99.29; Portland Stoneware Co. $1,164.67; Peter Rackliff, $7.56; George E. Reed, $68.48; W. H. Radcliff, $3.24; Charles Rockliff, $18.37; Caud Rockliff, $7.55; Roe Stephens Manufacturing Co., $231.53; R. C. Shaw, $103.74; H. M. Springer, $107.19; Charles E. Sturzis, $20.72; J. A. Shaw, $230.31; W. J. Skehan & Co., $20.33; Charles Stockbridge, $3.24; Charles W. Shaw, $108.37; Alfred O. Turner, $28.35; L. L. Wellman, $115.56; F. A. Witham, $5.29; O. R. Wellman, $84.50; W. D. Harrington, $89.51; W. L. Blake, $32.69; Leo. Rafeal, $649.51; total, $5,618.51.

Mr. SMOOT. Mr. President, I notice that the Senator reporting the bill is here. In the report I notice nothing from any of the departments as to the justice of the claim or what the claim may be.

Mr. JOHNSON. I call the attention of the Senator from Utah to the fact that the report says:

The president of the Board of Managers of the National Home for Disabled Volunteer Soldiers recommends the passage of the bill in a letter dated March 2, 1914, to the Secretary of War.

Mr. SMOOT. That may be true, but——

Mr. JOHNSON. Very briefly, I will explain to the Senator the object of the bill.

A contractor undertook to put in a system of sewerage and drainage at the Soldiers' Home at Togus, Me. He entered into a contract and failed to carry out his contract. In the meantime the material men and labor men who had furnished material and labor filed claim for lien, and the amount of $5,618.51 was retained by the Government to meet these claims. The Government afterwards went on and performed the contract and charged it up to the contractor. After the payment of all the bills and performing the work this money was left with which to pay these lien claims. In the meantime the money was covered into the United States Treasury, because under the law it had to be returned after a year, I think, and it is in the United States Treasury now. These people filed their claims, however, and they were approved, and the treasurer of the home reported that they had been approved and the amounts agreed upon fully decided upon; and here they have asked to have their pro rata part of this money which was held back by the Treasury.

Mr. SMOOT. I will ask the Senator why these people did not get their money from the bondsman of the contractor?

Mr. JOHNSON. The bondsman proved to be unable to satisfy the claim. This money in the hands of the Treasury did not belong to the United States. It was money due the contractor, the balance of the contract price which was not needed to complete the work.

Mr. SMOOT. Does the Senator know whether, after the work had been completed by the Government, it cost the Government more than the original contract called for?

Mr. JOHNSON. This balance was left after the work was done.

Mr. SMOOT. Surely that can not be the case.

Mr. JOHNSON. Yes; I mean that. I have looked through the matter, and that is exactly what I mean. After the work was completed by the Government there was left of the contract price this balance that was not needed to reimburse the Government for the work which it had performed in completing the contract. That was covered back into the United States Treasury. Claims to the amount of $12,000, I think, were filed; but there was only this sum to meet those claims, and I have asked here that these men may be paid their pro rata part of the balance.

Mr. SMOOT. Has it cost the Government no more to do the work itself than if the contractor had been successful?

Mr. JOHNSON. No more, and this balance was left.

Mr. SMOOT. That being the case, I have no objection to the consideration of the bill. The report ought to state it, however.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BOLOGNESI, HARTFIELD & CO.

The bill (S. 1882) for the relief of Bolognesi, Hartfield & Co. was announced as next in order.

Mr. GALLINGER. There is an adverse report on that bill. Let it go to Rule IX.

The VICE PRESIDENT. The bill will go to the calendar under Rule IX.

AIDS TO NAVIGATION IN ALASKA.

The bill (S. 3900) making an appropriation for aids to navigation in Alaska was announced as next in order.

Mr. KERN. Let the bill go over.

Mr. CHAMBERLAIN. Mr. President, I hope the Senator will not ask to have this bill go over, unless there is some particular reason for it. It is very much needed along the coast of Alaska, and it is recommended by the department, as shown by the report. The bill is a very short one. It is simply carrying out an appropriation that has been heretofore made for the same purpose.

The Senator knows that there have been a great many wrecks up there and great loss of life, simply because that coast has been neglected; and it seems to me the bill ought to be passed.

Mr. KERN. I withdraw the objection, then, if it will not take any time.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 for the establishment of aids to navigation and the improvement of existing aids to navigation in Alaska, in accordance with the estimates submitted by the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 531) to set apart certain lands in the State of Oregon as a public park, to be known as the Saddle Mountain National Park, was announced as next in order.

Mr. SMOOT. I am requested to ask that that bill go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (H. R. 4938) providing for the issuance of patents to transferees of town lots purchased from the United States at public sale in certain cases was announced as next in order.

Mr. KERN. Mr. President, I ask to have that bill go over.

The VICE PRESIDENT. The bill will be passed over.

Mr. BRYAN. Mr. President, this pensioner was placed on the pension roll by special act. He could not get upon the rolls under the law applying to soldiers of the Civil War. In 1866 he was granted a pension by special act. He served as second lieutenant in a Kentucky cavalry company from May 9, 1865, to September 20, 1865. The Interior Department held that it would not consider that he had taken part in the Civil War unless he showed actual engagement in battle or service; that the burden was upon him.

In view of the finding of the Interior Department the name of the pensioner was dropped from the rolls, he having been on the rolls before they found it out, I suppose. Then he applied to the Secretary of the Interior to reinstate him. He could only get upon the rolls by a special act. In 1906 he was placed upon the roll by a special act, and this bill is to increase his pension. He was not enlisted during the period of the war, as held by the Secretary of the Interior. The Secretary was right in his holding. I think there can be no doubt of this case. The House committee incorporates the former finding. I can see no reason why this name should appear in the bill to pension soldiers engaged in the Civil War, because he never enlisted until after the war was over.

Mr. SHIVELY. There is something formal and technical in the Senator's objection. It certainly does not go to the merits. There is no reason in the ground stated why the name of this beneficiary should be stricken out. Senators will observe that the report on this case is quite a long one. I will not detain the Senate by reading it. It is one of the cases in which the late lamented Senator from Kentucky, Mr. Bradley, took an interest.

On page 24 the report states:

Claimant is now 77 years of age and, as the evidence shows, in poor health and needy circumstances. His physician and neighbors testify that claimant is feeble and broken down and entirely incapacitated for any kind of labor to earn a living. The testimony further shows that claimant has no property except a small cottage home and no other income than his pension, namely, $12 per month, which is entirely insufficient for his support.

An increase of this soldier's pension to $20 per month is justified by the proofs on file, and your committee so recommend.

Mr. BRYAN. The Senator from Indiana reads in defense of the action of the committee from the report of the House committee showing that he is old and poor. The Senator does not undertake to meet the proposition that he never had any war service at all. If that is to be the test, we will have many more upon the pension roll. There are now many people old and poor who have as much right to be upon the pension roll as Mr. Pollard, whose name I move to strike out of the bill.

Mr. SMOOT. There is this difference, however, in Mr. Pollard's case: When he made application for a pension at the Pension Office he was allowed a pension at $8 per month. He had drawn a pension for a number of years when, after an investigation, the department held that having been stationed in one particular place and not in direct service and not having participated in any engagement of the Civil War——

Mr. BRYAN. Oh, no; the Senator will pardon me. He was not enlisted until May 19, 1865.

Mr. SMOOT. That is true; but the legal end of the war was August 20, 1865.

The Senator has been on the committee for a long enough time and he knows that there have been many pensions granted where the enlistment was even later than this one.

Mr. BRYAN. Mr. President, if the Senator will permit me, I do not deny that. I think that is true. I think if the Senator appeals to precedent he can find any kind of precedent——

Mr. SMOOT. Many of them.

Mr. BRYAN. Yes—that will justify any kind of a pension. There is no doubt about that.

Mr. SMOOT. I want to conclude what I have to say. In this case Mr. Pollard was granted a pension by the department, and it was found by the department that he was suffering from rheumatism and other disabilities contracted while he was in the service, but after he had been drawing a pension for a number of years at $8 per month there was another examination made, and under a rule of the department, as he had not been in any engagement in the Civil War, the pension was withheld from him.

Mr. GALLINGER. I recall very distinctly, Mr. President, that what is stated in this report is the exact truth, because I discussed it more than once with the late Commissioner of Pensions, and that is that the Pension Bureau made a ruling that the technical legal termination of the war was August 20, 1866, but—

Subsequently the Secretary of the Interior held that service under the second section of the act of June 27, 1890, must have been rendered both during and in some necessary connection with the War of the Rebellion as a part of its belligerent operations.

That is the technicality in this case. This soldier came under the ruling of the Bureau of Pensions and was granted a pension——

Mr. SMOOT. Of $8 per month.

Mr. GALLINGER. Of $8 per month. Subsequently the Secretary of the Interior made a different ruling as to the time of the termination of the war, and I suppose the soldier was dropped from the rolls as a consequence of that ruling.

Mr. SMOOT. He was dropped from the rolls.

Mr. JAMES. I want to say, if the Senator will permit me, that I know Mr. Pollard well. He lives in the adjoining county to mine. I have often talked with him about his pension case; he used to come to see me about it. It seems to me that if he went into the service of his country, though the war was technically over and though he was in no real engagements, yet if he did service to the Government, and by reason of that service contracted the disease that has afflicted him, as I know it has——

Mr. SMOOT. All his life.

Mr. JAMES. And he is a very deserving old fellow. I do not think a technicality of this sort ought to be invoked to keep him out of a pension, and I shall very gladly vote to give it to him.

Mr. GALLINGER. The report shows that—

During the period of his service was on detached duty at Bowling Green, Ky., and that his company, during the whole period of its existence, was stationed at Russellville, Owensboro, and Louisville, Ky.

So he apparently was in the service though he did not happen to be in any engagement, because the war was practically over.

Mr. SMOOT. I want to say further that this pensioner is 77 years old. The late Senator from Kentucky, Mr. Bradley, virtually made the same statement to the committee that the Senator from Kentucky [Mr. JAMES] has now made. The late Senator from Kentucky knew this pensioner personally; he knew the physical disabilities of the man and what he was suffering. The committee for that reason, and for the reason that the department has passed upon the question of his contracting the disease while in the Army, thought it was nothing more than right that he should be given a pension of $20 a month.

Mr. JONES. I want to ask the Senator a question. I have no objection to this bill, but, as I understand it, this pensioner is already drawing a pension by special act?

Mr. SMOOT. Yes; of $12 a month.

Mr. JONES. I had the impression—I do not know whether or not I am wrong—that the Committee on Pensions would not consider a bill where the pensioner was already drawing a pension under a special act. I want to know about that.

Mr. SMOOT. I will say to the Senator that there are particular cases where by a special act a pension is granted to a soldier or to a soldier's widow, but it is only in a case where they are utterly helpless, requiring a constant attendant, and where the condition of the soldier has materially changed for the worse since the first act was passed.

Mr. JAMES. If the Senator will permit me, while I was a Member of the other House I introduced the special act for Mr. Pollard, something like 10 years ago.

Mr. JONES. The granting of the pension has probably been delayed on the ground that the committee could not consider a bill where a pension by special act had already been secured.

Mr. JAMES. The special act was passed giving him $12 a month.

Mr. JONES. I want to say to the Senator from Utah that I have had one or two such cases. I remember one where a man was getting a pension by a special act, and he became paralyzed, actually absolutely helpless.

Mr. SMOOT. Requiring an attendant?

Mr. JONES. He had to be rolled around in a chair; but the committee absolutely refused to consider the bill for his relief.

I had another case where a man had secured a pension by special bill and became absolutely blind, and the committee said—I think it was the House committee, probably—that they would not consider a bill where they had granted a pension by special act. I think it is unjust, and I got the impression that the Senate committee would not consider bills of that kind; that that was an actual rule adopted by the committee.

Mr. BRYAN. It is.

Mr. SMOOT. There is a rule of the committee that a second special act for the relief of a soldier shall not be considered; but that rule, I will say to the Senator from Washington, has been violated—if you call it a violation—in a few cases; but it has been violated in no case, unless there has been a material

change in the condition of the soldier from the time of the passage of the first act. In nearly every such case the pensioners are utterly helpless and require the constant attendance of a nurse.

Mr. JONES. I am glad to know that the committee will relax the rule in some cases upon a certain showing, because I have had cases that appealed very strongly to me as to which I was unable to get action.

Mr. BRYAN. Mr. President, of course if the Senator from Kentucky, the Senator from Indiana, and the Senator from Utah base this pension upon either of the grounds stated, that the Senator from Kentucky knows the pensioner, that he lives in an adjoining county, or that the late Senator from Kentucky was much interested in the case, or, as they all wind up their statement with the claim that he is old and poor, there is no answer to that; and I have no doubt the amendment I have offered will be disagreed to. But it will not be disagreed to with the Senate acting under the belief that this man suffered any injury in the service during the war. He does not claim to have done so, and this report does not say that he so claims.

Mr. JAMES. Will the Senator yield for a question?

Mr. BRYAN. Not just now.

Mr. GALLINGER. Mr. President, if the Senator from Florida will permit me, I will say that I became rather the champion of the Mexican War veterans. They were receiving pensions of eight and ten dollars a month, and I introduced a bill, which I think became a law, increasing their pension to $20. That was done solely upon the ground that they were old and poor. Many of these men did not have any wounds or disease contracted in the service. This is a very exceptional case, and I think we may well pass the bill.

Mr. BRYAN. It is an old-age pension, pure and simple, and nothing else.

Mr. GALLINGER. Not quite that, Mr. President, because this man did render service.

Mr. BRYAN. Not in the war.

Mr. GALLINGER. Then the report is not correct.

Mr. BRYAN. How could he render service in the war when the war was over, as the Senator knows, on May 17, 1865?

Mr. GALLINGER. We have granted pensions to hundreds of men who never reached the battle field. Many of the soldiers in the Mexican War were only en route to Mexico, and yet we granted them all pensions.

Mr. BRYAN. That is true.

Mr. GALLINGER. In the Spanish War there were regiments from New England that never got beyond Georgia, and yet they contracted disease there, and we pension them.

Mr. BRYAN. Of course, that has been true in all wars, Mr. President.

Mr. GALLINGER. Yes.

Mr. BRYAN. But they had enlisted while the war was going on; this man had not.

Mr. GALLINGER. But this man enlisted, he was accepted as a soldier, and he was given certain duties to perform as an officer. He could not very well participate in an engagement at that period, but he nevertheless owed allegiance to the Government as a soldier.

Mr. BRYAN. Oh, yes. Forty-nine years ago he was over 21 years of age, and his enthusiasm could have become aroused some years earlier; but he waited until a month after the war was over. Then it happened to occur to him that it would be a good idea to enlist; and now, after almost 50 years have elapsed, we are putting him on the pension roll; and the members of the committee who argue in favor of the claim do so upon the ground that he is old and poor. You can not distinguish his claim from the claim of any other old, poor, and dependent person.

Mr. JAMES. Mr. President, if the Senator will yield, I should like to ask him a question. The Senator announces the doctrine, if I gather the thought he suggests correctly, that a man in order to be entitled to a pension must have participated in a battle or a conflict.

Mr. BRYAN. The Senator did not gather my contention correctly.

Mr. JAMES. The Senator said that the war was over before this soldier enlisted. This soldier was in the service of his country, and whether he was in a conflict or not, whether the war had ended or not, if, while wearing the uniform and doing service under the flag, he contracted disease, in my judgment, he is as much entitled to a pension as if he were wounded in front of the cannon's mouth. It makes no difference provided he was serving his country; and you can not establish the doctrine that we will pension only those who are wounded, and say to a man who has, in the service of his country, contracted disease which has taken away from him his earning power and has racked him with pain, "Oh, no; we will not pay you anything because you were in no battles that were fought; you were in no conflicts; you stood ready to serve, however; you were serving——

Mr. BRYAN. In time of peace.

Mr. JAMES. "But the war was over." Many soldiers, and among them many of the best soldiers, are soldiers in time of peace because they help to preserve peace.

Mr. BRYAN. Mr. President, the Senator from Kentucky can not base this proposed increase of pension upon the ground that this man claims to have suffered or to have contracted any disease because of his enlistment in the Army. He did not claim that for himself.

Mr. JAMES. The report of the committee shows it.

Mr. SHIVELY. Has the Senator read the words on page 23 of the report?

Mr. BRYAN. I have; and they apply to the time before he enlisted, when he claims that he was a scout, and that his horse was shot from under him. He was not enlisted in the Army of the United States at that time and he does not claim that while he was a soldier after the war was over he contracted any disease. The Senator from Indiana and the Senator from Utah can only base action in this case on the ground that the claimant is old and poor.

Mr. SHIVELY. Mr. President, I base it on the ground that he was a soldier; that he was in the service of the United States; that he did serve over 90 days; that he served honorably; and that now he is old and poor.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. BRYAN. I move to strike out, on page 27, lines 3 to 5, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, after line 2, it is proposed to strike out:

The name of Jennie F. Wilson, widow of William K. Wilson, late surgeon Tenth Regiment Illinois Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

Mr. BRYAN. Mr. President, I make this motion in order that it may be brought to the attention of the Senate that this widow was married after June 27, 1890. She was married on June 3, 1891. Her age is given as 62. I do not believe that it is proper to be picking out cases here and there and granting pensions in cases in which the rule of the committee says it will not be done and the law says it will not be done. I think all ought to be treated alike. Personally I do not believe the date ought to be brought down to the present time, but there is no reason for singling out an individual who can get the ear of a Member of Congress and persuade him to introduce a bill for her relief.

Mr. SHIVELY. Mr. President, of course this pension could not be allowed under the general law or the case would not be before us. There are a few cases in which we have granted pensions to those who married soldiers within a brief time after June 27, 1890. If the widow had married the soldier before that time, as I have said, she would be entitled to a pension under the general law. The facts are exceptional and the case meritorious.

Mr. SMOOT. Mr. President, there is another point in this case. She was a faithful nurse to the soldier, as the report states, "during many years of complete invalidism"; and that was taken into consideration.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. BRYAN. On page 19, I move to strike out lines 3 to 6, inclusive.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 19, after line 2, it is proposed to strike out:

The name of John M. Nelson, who served as pilot, second class, on the U. S. S. *General Sherman*, Mississippi Squadron, United States Navy, and pay him a pension at the rate of $24 per month.

Mr. BRYAN. Mr. President, this man was a Mississippi River pilot and never enlisted at all.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Florida.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

executive mansion at Juneau, Alaska, entered into by and

per month in lieu of that she is now receiving.

John E. Wheelock, late of Company D, Thirteenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John Myer, late of Company D, Forty-fourth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George L. Freeman, late of Company B, First Regiment Oregon Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Warren Rich, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, $15.50 per month, the same to be paid to him without further recovery or rebate on account of former alleged overpayments or erroneous payments of pension.

Frederick R. Davis, late of Company H, Thirteenth Regiment Illinois Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

George W. Taylor, late of Company E, One hundred and fifty-first Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William B. Houck, late of Company D, Twenty-first Regiment Pennsylvania Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Chandler Swift, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Albinia J. Pierce, widow of Jerome Pierce, late of Company H, Thirty-sixth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jacob W. Smith, late of Company A, Fifth Regiment Iowa Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Pleasant W. Logan, late surgeon First Regiment Tennessee Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

James K. Brooks, late of Company A, Ninth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John F. Sacks, late of Company M, Third Regiment West Virginia Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Hiram Focht, late of Company I, Fiftieth Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles Duggan, late of Company D, Twenty-eighth Regiment Connecticut Volunteer Infantry, and landsman, U. S. S. *Victoria*, *St. Lawrence*, and *Poppy*, United States Navy, $40 per month in lieu of that he is now receiving.

Edward P. Champlin, late captain and assistant quartermaster United States Volunteers, $50 per month in lieu of that he is now receiving.

Henry H. Helphenstine, late of Company A, Eighteenth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

William McKinsy, late of Company C, First Regiment Oregon Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Henry Snyder, late captain Company E, Forty-sixth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Abbie E. Fairbanks, widow of Benjamin L. Fairbanks, late of Company F, Twenty-first Regiment Massachusetts Volunteer Infantry, $12 per month.

Simpson Newman, late of Company D, Fifteenth Regiment Illinois Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

William R. Warren, late of Company H, First Regiment United States Lancers, Michigan Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

William J. Keen, late of Company A, Eighteenth Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

William Green, late of the U. S. S. *Rattler*, *Great Western*, and *Tyler*, United States Navy, $36 per month in lieu of that he is now receiving.

Junius T. Turner, late of Company E, Second Regiment Massachusetts Volunteer Cavalry, and captain Company F, Third Regiment Maryland Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Henry J. Groves, late of Company E, Eighth Regiment Iowa Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin Snyder, late of Company B, One hundred and twenty-third Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John M. Miller, late of Company K, One hundred and second Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

James M. Nelson, who served as pilot, second class, on the U. S. S. *General Sherman*, Mississippi Squadron, United States Navy, $24 per month.

Maria L. Johnson, widow of Daniel L. Johnson, late first lieutenant Company C, Fifty-eighth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Mary A. Eisenhard, widow of Lewis Eisenhard, late of Company A, One hundred and seventy-sixth Regiment Pennsylvania Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William G. Simpson, late of Company D, One hundred and forty-sixth Regiment Illinois Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Edward McMillan, late of Company A, Ninety-fifth Regiment, and Company A, Forty-seventh Regiment, Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Jacob W. Perkins, alias William West, late of Company L, Third Regiment Wisconsin Volunteer Cavalry, $24 per month in lieu of that he is now receiving.

James R. Beaty, late of Company H, Fifty-fifth Regiment Indiana Volunteer Infantry, $18 per month.

Robert R. Polk, late of Company C, Thirty-sixth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Florence M. Craigie, widow of David J. Craigie, late brigadier general, United States Army, $50 per month in lieu of that she is now receiving.

Amelia Peabody, widow of John B. Peabody, late of Company H, Sixteenth Regiment Wisconsin Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Delia D. Watson, widow of Gilbert Watson, late of Company G, Twenty-first Regiment Maine Volunteer Infantry, $12 per month.

Eliza F. Withee, widow of John Withee, late of Company H, Nineteenth Regiment Maine Volunteer Infantry, $12 per month.

Amelia Raschig, widow of Gustavus F. E. Raschig, late captain Company F, Sixty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Joseph Stall, late of Company I, Forty-fifth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Burden H. Barrett, late of Company A, Sixteenth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

George W. Carroll, late of Company A, First Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Hanah Meece, widow of Greenup Meece, late of Company G, Nineteenth Regiment Kentucky Volunteer Infantry, $12 per month.

Jobe Morris, late of Company A, Forty-seventh Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Henry C. Taylor, late of Company G, Thirty-fifth Regiment Kentucky Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Margaret T. Fuger, widow of Frederick Fuger, late major Fourth Regiment United States Artillery, and lieutenant colonel United States Army, retired, $50 per month in lieu of that she is now receiving.

Marshal B. Burk, late of Company K, Forty-fourth Regiment New York Volunteer Infantry, and first lieutenant and captain Company C, Ninth Regiment New York Volunteer Heavy Artillery, $40 per month in lieu of that he is now receiving.

Asa J. Alexander, late of Company B, Ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Thomas A. Harvey, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Israel A. Gardner, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Sewell B. Harriman, late of Company E, Seventh Regiment Maine Volunteer Infantry, and landsman, United States Navy, $36 per month in lieu of that he is now receiving.

Helen E. Sturtevant, widow of Josiah H. Sturtevant, late second lieutenant Company E, Eightieth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Isaac P. Whitesides, late sergeant major One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. Hayes, late of Company G, Thirty-fifth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Dudley L. Chase, late of Company C, Ninth Regiment Minnesota Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Lydia Richardson, widow of David P. Richardson, late first lieutenant Company I, Twentieth Regiment Illinois Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Elizabeth H. Smith, widow of Otis H. Smith, late first lieutenant Company B, One hundred and sixty-first Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Frederika L. M. Christman, widow of Charles C. Christman, late of Company C, First Regiment Minnesota Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

James W. Dunbar, late of Company E, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John B. Haley, late of Company H, Second Regiment Missouri Volunteer Light Artillery, $40 per month in lieu of that he is now receiving.

James A. Tylor, late of Company G, Eighteenth Regiment Michigan Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Judson Kellogg, late of Company G, First Battalion Minnesota Volunteer Infantry, $18 per month in lieu of that he is now receiving.

Joseph Wilson Whittier, late of Company E, Second Battalion, Seventeenth Regiment United States Infantry, subsequently Company K, Twenty-sixth Regiment United States Infantry, $24 per month in lieu of that he is now receiving.

Richard M. J. Miller, late of Company B, Third Regiment West Virginia Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Mary McGowan, helpless and dependent daughter of Anthony McGowan, late of Company G, Thirty-fifth Regiment Indiana Volunteer Infantry, and Company F, Twelfth Regiment Veteran Reserve Corps, $12 per month.

David Crandell, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Wallace W. Chaffee, late of Company C, Twenty-eighth Regiment Wisconsin Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Stephen M. Buckner, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that he is now receiving.

Leonidas Folckemmer, late of Company A, One hundred and tenth Regiment Ohio Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Alexander H. Farmer, late second lieutenant Company H, Thirty-second Regiment Kentucky Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Augusta C. Bennett, widow of James E. Bennett, late of Company F, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Alferetta S. Bond, widow of William Bond, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Bushnell, widow of John C. Bushnell, late of Company A, Twenty-sixth Regiment Connecticut Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Julian H. Bushnell, helpless and dependent child of said John C. Bushnell, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah L. Bushnell the name of the said Julian H. Bushnell shall be placed on the pension roll at $12 per month from and after the date of death of said Sarah L. Bushnell.

Sarah M. Chaffee, widow of Samuel J. Chaffee, late captain Company D, Forty-ninth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Bridget O'Loughlin, widow of Michael O'Laughlin, late of Company C, Twenty-fourth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Caroline M. Smith, widow of Benajah E. Smith, late of Company A, Twenty-first Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Happy M. Smith, widow of Benjamin G. Smith, late of Company C, First Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Bertha H. Tiesler, widow of Bruno Tiesler, late of Company C, Second Regiment Massachusetts Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Timothy W. Reardon, late of Company F, First Regiment Minnesota Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Joseph H. Truax, late of Company G, Forty-ninth Regiment New York Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Maria Roberson, widow of Albert Roberson, late of Company K, One hundred and first Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Jacob C. Roberson, helpless and dependent child of said Albert Roberson, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Maria Roberson the name of the said Jacob C. Roberson shall be placed on the pension roll at $12 per month from and after the date of death of said Maria Roberson.

Elisha N. Mullinnix, late of Company F, One hundred and forty-third Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

William P. McGuire, late of Company F, Forty-ninth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

James Allen Wood, helpless and dependent child of Oliver Wood, late of Company F, First Battalion, Louisville Provost Guard, Kentucky Volunteer Infantry (Company F, Thirty-fourth Regiment Kentucky Volunteer Infantry), $12 per month.

Sophia Armstrong, widow of John Armstrong, late of Company A, Seventh Regiment, and Company I, Eleventh Regiment, Missouri Volunteer Infantry, $12 per month.

Mary E. Fales, widow of James M. Fales, late of Company E, and second lieutenant Companies F and A, First Regiment Rhode Island Volunteer Cavalry, $20 per month in lieu of that she is now receiving.

Catharine Burroughs, widow of Jeremiah Burroughs, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah F. Johnson, former widow of Charles J. Patterson, late of U. S. S. *Colorado*, United States Navy, $12 per month.

Lewis Estes, late of Company B, One hundred and seventeenth Regiment United States Colored Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Mary W. Kilgore, widow of John Kilgore, late of Company B, One hundred and thirty-third Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Susanah S. Ramsey, widow of James Ramsey, late of Company B, Second Regiment North Carolina Volunteer Mounted Infantry, $20 per month in lieu of that she is now receiving.

August Schnelle, late of Company M, First Regiment Minnesota Volunteer Heavy Artillery, $24 per month in lieu of that he is now receiving.

Daniel Prince, late of Company A, Eighth Regiment Vermont Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Mary C. Grant, widow of Robert Grant, late of First Independent Battery, New York Volunteer Light Artillery, $20 per month in lieu of that she is now receiving.

Mr. SHIVELY. I move to strike out lines 23 and 24, on page 17, and the first two lines on page 18, in the following words:

The name of William B. Warren, late of Company H, First Regiment United States Lancers, Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

I move the amendment because the soldier has died since the bill was reported.

The amendment was agreed to.

Mr. SHIVELY. On page 24, line 21, the name "Tylor" should be "Tyler." I move to strike out "Tylor" and insert "Tyler," so as to read "James A. Tyler."

The amendment was agreed to.

Mr. SHIVELY. On page 25 I move to strike out lines 19, 20, 21, and 22, in the following words:

The name of David Crandell, late of Company K, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. BRYAN. On page 9 I move to strike out lines 1, 2, 3, and 4, which read as follows:

The name of Allison W. Pollard, late second lieutenant Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POSTAL SAVINGS DEPOSITORIES.

The bill (H. R. 9318) to amend the act approved June 25, 1910, entitled "An act to establish postal savings depositories for depositing savings at interest with the security of the Government for repayment thereof, and for other purposes," was announced as next in order.

Mr. GALLINGER. Let the bill go over.

The VICE PRESIDENT. The bill will go over.

POSTAL SAVINGS SYSTEM.

The bill (H. R. 7967) to amend the act approved June 25, 1910, authorizing a postal savings system was announced as next in order.

Mr. GALLINGER. Let that likewise go over.

The VICE PRESIDENT. The bill will go over.

Mr. BRYAN. Does the Senator from New Hampshire ask to have the bill go over?

Mr. GALLINGER. If it can be acted upon immediately, I will not object. There is an amendment pending, I believe.

Mr. BRYAN. I think there will be no further debate upon it. It has been discussed quite fully.

Mr. GALLINGER. The two Senators from Massachusetts are much interested in the bill. They are both absent. I will ask that the bill go over for the day.

Mr. BRYAN. Of course the Senator can do that, but the Senators from Massachusetts have understood all the time that at the first opportunity the bill would be called up. I served notice upon both of them and upon the Senate, and I appeal to the Senator from New Hampshire to let the bill come up and be voted upon. It has been postponed and kicked about for three months.

Mr. GALLINGER. That is equally true of the entire calendar, or most of the calendar. We have been unfortunate in not passing many bills. We have passed only several in the last two hours or hour and a half. I am very sure that the Senators from Massachusetts would wish to be present when the bill is considered. One other Senator has suggested to me that he wishes to have the bill go over. He did not speak for himself and I do not want to speak for him, but this is a very important measure. I hope the Senator from Florida will not feel that any injustice is being done him. I think the bill ought to be acted upon at some time, but it is a House bill and we have yet some time in which to pass House bills. Our rule has been in former Congresses when nearing the close of a session to take up only House bills and act upon them.

Mr. BRYAN. This is not such a bill as can be passed on a few moments' consideration, but the bill has been considered several days, though the consideration has always been fragmentary. The bill passed the House in December and was referred to the committee in February and reported here in March. Because of the grain-inspection bill and other bills it has been postponed. The last time the Senator from New Hampshire objected to the bill because of the absence of the Senators from Massachusetts. I stated then, as the Senator can verify by the RECORD, that I would give notice to every Senator that at the first opportunity when the bill was reached upon the calendar I intended to ask that it be considered. We have been upon the calendar for an hour and a half this afternoon, and, certainly, if either of the Senators from Massachusetts wanted to speak further on the bill—and they have already spoken upon it two or three times—they had an opportunity to find out that it would be reached, and they could be here.

Mr. GALLINGER. I do not at all speak for the Senators from Massachusetts, and in view of the fact that the Senator from Florida did give that notice, which I distinctly recall, and the Senators from Massachusetts are not present, I withdraw my objection.

Mr. BURTON. I must object, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill goes over.

PANAMA CANAL TOLLS.

Senate resolution 289, requesting the President to inform the Senate what "other matters of even greater delicacy and nearer consequence" are referred to in his message of March 5, 1914, was announced as next in order.

Mr. JAMES. Let that go over.

The VICE PRESIDENT. The resolution will go over.

CHRIS KUPPLER.

The bill (S. 2304) for the relief of Chris Kuppler was considered as in Committee of the Whole. It proposes to pay to Chris Kuppler, of Seattle, Wash., $2,137.21, in payment of the amount withheld from him as liquidated damages under a certain contract for the construction of the United States executive mansion at Juneau, Alaska, entered into by and between the duly authorized officer of the Treasury Department, representing the United States of America on the one part, and the said Chris Kuppler on the other part, dated August 1, 1912.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FREDERICK J. ERNST.

The bill (S. 1128) for the relief of Frederick J. Ernst was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 4, to strike out "$1,500" and insert "$730," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Frederick J. Ernst the sum of $730, which sum, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, said sum to be payment in full for injury sustained by the breaking of a carboy of vitriol oil while storing the same for the United States Government at the Washington Navy Yard September 12, 1906.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

The bill (S. 4845) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole.

It proposes to pension the following persons at the rates given per month:

Lemuel White, late of Company F, One hundred and nineteenth Regiment United States Colored Volunteer Infantry, $20 per month in lieu of that he is now receiving.

Adaline Stoker, widow of Joseph Stoker, late of Company B, Twenty-eighth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Robert A. Henderson, late of Company C, Thirty-sixth Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Katharina Britsch, widow of Bartholomew Britsch, late of Company B, Seventh Regiment New York Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah L. Bentley, widow of George D. Bentley, late of Company C, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Elizabeth Fogg, widow of Charles H. Fogg, late of Company I, Second Regiment Connecticut Volunteer Heavy Artillery, $20 per month in lieu of that she is now receiving.

Emily H. Bailey, widow of Joseph A. Bailey, late of Company D, Twenty-eighth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Sarah McMunigale, widow of Samuel McMunigale, late of Company E, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Emma F. Dimmock, widow of Thomas Dimmock, late of Company B, Seventh Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jane E. Peck, widow of Franklin G. Peck, late of Company A, Sixteenth Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Jefferson Conklin, late of Company M, Sixth Regiment New York Volunteer Cavalry, and Company M, Second Regiment New York Provisional Volunteer Cavalry, $30 per month in lieu of that he is now receiving.

Henry W. Bradley, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

James W. Smith, late of Company E, Fifth Regiment Michigan Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Charles Van Dusen, late captain Company B, Thirty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Joseph Hiller, late of Company G, Third Regiment Missouri State Militia Cavalry, $40 per month in lieu of that he is now receiving.

David P. DeTar, late of Company C, Twelfth Regiment Kansas Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Annie A. Voigt, widow of Charles H. Voigt, late of Company I, Thirty-third Regiment Indiana Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Amanda M. Dixon, widow of Rufus S. Dixon, late of Company K, Twenty-first Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Andrew J. Merrill, late of Company F, Twenty-second Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Richard F. Jacks, late second lieutenant Company C, One hundred and fiftieth Regiment Indiana Volunteer Infantry, $24 per month in lieu of that he is now receiving.

George W. Shreeve, late first lieutenant Companies B and D, Seventh Regiment Indiana Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Alfred H. Fodrea, late of Company A, One hundred and first Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Thomas Jared, late of Company K, Thirty-second Regiment Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Samuel Waggoner, late of Company B, One hundred and twentieth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Moses N. Jones, late of Company F, Third Regiment Provisional Enrolled Missouri Militia, $24 per month in lieu of that he is now receiving.

Sarah W. Loud, widow of Thomas B. Loud, late of Company H, Thirty-fifth Regiment Massachusetts Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Addison C. Walker, late of Company B, Twenty-third Regiment New York Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Almira J. Sterling, former widow of Josiah Gibson, late of Company A, Third Regiment Pennsylvania Volunteer Heavy Artillery, $12 per month.

Charlotte H. Ely, widow of John J. Ely, late captain Battery E and major First Regiment Michigan Volunteer Light Artillery, $25 per month in lieu of that she is now receiving.

Francis C. Sturtevant, late of band, Fifth Regiment Connecticut Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Ithamar Spurlin, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Susannah M. Smith, widow of William R. Smith, late of Company A, Eighth Regiment, and Company C, Tenth Regiment, Iowa Volunteer Infantry, $12 per month.

Joel Yeager, late of Company I, Forty-seventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

George W. North, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Harriet J. Tuttle, widow of Elisha Tuttle, late of Company F, Twenty-third Regiment Connecticut Volunteer Infantry, $20 per month in lieu of that she is now receiving.

William H. Murch, late of Company G, Fifteenth Regiment United States Infantry, $36 per month in lieu of that he is now receiving.

John B. Craig, late of Company K, Thirty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John F. Spence, late of Company C, Seventy-second Regiment Illinois Volunteer Infantry, $50 per month in lieu of that he is now receiving.

James F. Brann, late of Company D, Eleventh Regiment Indiana Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Harriet A. Frasier, widow of Benjamin Frasier, late of Company A, Third Regiment Michigan Volunteer Infantry, $12 per month.

Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, $12 per month.

Nathan Long, late of Company D, Fifth Regiment Ohio Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

John J. Schneller, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Allison W. Pollard, late second lieutenant Company K, Seventeenth Regiment Kentucky Volunteer Cavalry, $20 per month in lieu of that he is now receiving.

Abel Williams, late of Company C, Ninety-fourth Regiment, and Company H, Thirty-seventh Regiment, Illinois Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Daniel Igo, late of Company E, Eleventh Regiment, and first lieutenant Company I, Twe hundred and eleventh Regiment, Pennsylvania Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Logan McD. Scott, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John B. Salaman, late first lieutenant Company H, Sixth Regiment Missouri Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

Andrew Fifer, late of Company B, Eighty-ninth Regiment Indiana Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Robert G. Sleater, late of Company H, Sixth Regiment Iowa Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Tillman H. Snyder, late of Company H, Thirty-eighth Regiment Wisconsin Volunteer Infantry, $24 per month in lieu of that he is now receiving.

Catherine E. Brown, widow of David H. Brown, late of U. S. S. *Little Rebel*, United States Navy, $12 per month.

Charles M. Sanderson, late of Company C, First Regiment Michigan Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Mary A. Forbes, widow of William B. Forbes, late of Company A, Tenth Regiment Michigan Volunteer Infantry, $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Isolina M. Forbes, helpless and dependent child of said William B. Forbes, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary A. Forbes the name of the said Isolina M. Forbes shall be placed on the pension roll at $12 per month from and after the date of death of said Mary A. Forbes.

Truman S. Bigelow, late of Company K, Twenty-first Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Edwin H. Dana, late of Company B, Tenth Regiment Vermont Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Henry Hahn, late of Company D, Seventieth Regiment Ohio Volunteer Infantry, $36 per month in lieu of that he is now receiving.

John W. Shults, late of Company M, First Regiment Tennessee Volunteer Cavalry, $40 per month in lieu of that he is now receiving.

Caroline Smith, widow of Orville B. Smith, late first lieutenant Company F, Twenty-second Regiment New York Volunteer Infantry, $25 per month in lieu of that she is now receiving.

Michael Andrews, jr., late of Company I, Twenty-ninth Regiment Maine Volunteer Infantry, $40 per month in lieu of that he is now receiving.

Franklin K. Prescott, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, $36 per month in lieu of that he is now receiving.

Jennie F. Wilson, widow of William E. Wilson, late surgeon Tenth Regiment Illinois Volunteer Cavalry, $12 per month.

Martin Judy, late of Company G, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, $30 per month in lieu of that he is now receiving.

Charles H. Bailey, late of Company E, Twenty-fourth Regiment Maine Volunteer Infantry, $30 per month in lieu of that he is now receiving.

John Walker, late of Company F, Ninety-seventh Regiment Pennsylvania Volunteer Infantry, $50 per month in lieu of that he is now receiving.

Edwin R. Partridge, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, $36 per month in lieu of that he is now receiving.

Frank Boone, late of Company G, Second Regiment Missouri Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mary F. Helmer, widow of John Helmer, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, $20 per month in lieu of that she is now receiving.

Benjamin A. Hey, late of Company A, Fifty-third Regiment Kentucky Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Torgus Haraldson, late of Company E, Second Regiment Minnesota Volunteer Infantry, $50 per month in lieu of that he is now receiving.

John J. Evans, late of Company H, Thirteenth Regiment Kentucky Volunteer Cavalry, $50 per month in lieu of that he is now receiving.

John Campbell, late of Company I, Fifty-second Regiment Illinois Volunteer Infantry, $30 per month in lieu of that he is now receiving.

Mr. SMOOT. Simply the syringes. Everything else is the drug itself, and the word "drugs" cover that; but when we

The VICE PRESIDENT. The bill will be passed over.

The next amendment was, on page 14, after line 6, to strike out:

The name of Susie B. Kellogg, widow of Charles R. Kellogg, late of Company H, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 15, before the word "widow," to insert "former," so as to make the clause read:

The name of Phoebe Jane Cosgriff, former widow of James Cosgriff, late of Company B, Thirty-first Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 16, line 19, after the word "receiving," to insert "*Provided*, That in the event of the death of Alice G. Morse, helpless and dependent child of said Asa Morse, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Marianne F. Morse the name of the said Alice G. Morse shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Marianne F. Morse," so as to make the clause read:

The name of Marianne F. Morse, widow of Asa Morse, late of Company B, One hundred and seventy-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice G. Morse, helpless and dependent child of said Asa Morse, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Marianne F. Morse the name of the said Alice G. Morse shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Marianne F. Morse.

The amendment was agreed to.

The next amendment was, on page 18, line 5, before the words "per month," to strike out "$50" and insert "$40," so as to make the clause read:

The name of William Cassidy, late of Company I, Sixth Regiment United States Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the words "per month," to strike out "$24" and insert "$36," so as to make the clause read:

The name of Frank Fuquay, late of Company G, Seventeenth Regiment United States Colored Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, after line 6, to strike out:

The name of Louisa M. Buchanan, widow of Charles H. Buchanan, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $36 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Viola L. and Nora J. Buchanan, helpless and dependent children of said Charles H. Buchanan, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Louisa M. Buchanan, the name of said Viola L. and Nora J. Buchanan shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month each from and after the date of death of said Louisa M. Buchanan.

The amendment was agreed to.

The next amendment was, on page 20, line 5, before the words "per month," to strike out "$24" and insert "$30," so as to make the clause read:

The name of Stephen S. Kelly, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 4, after the word "determine," to strike out "*And provided further*, That in the event of the death of Mary A. Austin, the name of said Carl L. Austin shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary A. Austin," so as to make the clause read:

The name of Mary A. Austin, widow of Eli Austin, late of Company H, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Carl L. Austin, helpless and dependent child of said Eli Austin, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

IMPORTATION OF CONVICT-MADE GOODS.

The bill (S. 4161) to prohibit the importation and entry of goods, wares, and merchandise made in whole or in part by convict, pauper, or detained labor, or made in whole or in part of materials which have been made in whole or in part or in any manner manipulated by convict or prison labor, was announced as next in order.

Mr. POMERENE. Mr. President, that was originally a Senate bill, and I think Order of Business No. 490 is a House bill relating to the same subject matter. There is also a favorable report upon that bill.

While the chairman of the committee is not here, I am disposed to think that he would prefer to have the House bill taken up for consideration and passed when it is reached. For that reason I suggest that this bill be passed over.

The VICE PRESIDENT. The bill will be passed over.

Mr. GALLINGER. I give notice that when the bill is reached, if I am in the Senate, I shall move to include goods, wares, and merchandise made by any trust.

BILLS OF LADING.

The bill (S. 387) relating to bills of lading was considered as in Committee of the Whole.

The VICE PRESIDENT. The bill has heretofore been read.

Mr. POMERENE. I send to the desk an amendment which I offer to the bill.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Strike out the first paragraph, lines 3, 4, 5, and 6 on page 1, in the following words:

That bills of lading issued by any common carrier for the transportation of goods from a place in a State to a place in a foreign country or from a place in one State to a place in another State, shall be governed by this act.

And in lieu to insert:

That bills of lading issued by any common carrier for the transportation of goods in any Territory of the United States or the District of Columbia, or from a place in a State to a place in a foreign country, or from a place in one State to a place in another State, or from a place in one State to a place in the same State through another State or foreign country, shall be governed by this act.

Mr. SMOOT. I should like to ask the Senator having the bill in charge whether this was a unanimous report from the Committee on Interstate Commerce?

Mr. POMERENE. I will say that it was, and also that the bill as presented now passed the Senate in August, 1912.

Mr. SMOOT. I knew a bill similar to it had passed the Senate. I did not know whether it was a unanimous report.

Mr. POMERENE. It was.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from Ohio.

The amendment was agreed to.

Mr. POMERENE. On page 20, line 13, I move to strike out "fourteen" and insert "fifteen," so as to read:

SEC. 49. That this act shall take effect on the 1st day of January, 1915.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. POMERENE. For the information of Senators and Representatives who may not be familiar with the bill I ask that the report which was submitted may be printed in the RECORD. It consists of only about 5 pages.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

[Senate report No. 309, Sixty-third Congress, second session.]

BILLS OF LADING.

Mr. POMERENE, from the Committee on Interstate Commerce, submitted the following report to accompany S. 387:

The Committee on Interstate Commerce, to which was referred Senate bill 387, reports it back to the Senate with the recommendation that it pass.

This is the same bill passed by the United States Senate on August 24, 1912. It represents the result of the labors of the commissioners on uniform State laws of the American Bar Association after repeated conferences with representatives of the American Bankers' Association, the railroad organizations, and the shippers' associations. It was originally prepared for the purpose of having it enacted by the various State legislatures, so as to provide uniformity of legislation upon this subject. It has already been enacted by 10 of the leading commercial States—Connecticut, Illinois, Iowa, Louisiana, Massachusetts, Maryland, Michigan, New York, Ohio, and Pennsylvania. The pending bill does not vary substantially from the acts passed by the legislatures of the several States just named, save that it is made applicable to interstate and foreign commerce.

NECESSITY FOR FEDERAL LEGISLATION.

In the hearings before the Interstate Commerce Committee it was testified that bills of lading were annually issued in American commerce representing consignments of merchandise valued at $25,000,000,000; that 99 per cent of the tonnage and value of the commodities shipped and covered by these bills of lading involved interstate and

foreign commerce and 1 per cent intrastate commerce. On these bills of lading it was estimated that $5,000,000,000 in cash was advanced annually by the banks. It must follow, therefore, that any reasonable legislation which will lead to the security of these bills of lading in the hands of their owners or holders must be of immense value to all parties concerned.

In 1886 the Supreme Court of the United States in the case of Friedlander v. Texas & Pacific Railroad (130 U. S., 416) held:

"A bill of lading fraudulently issued by the station agent of a railroad company without receiving the goods named in it for transportation, but in other respects according to the customary course of business, imposes no liability upon the company to an innocent holder who receives it without knowledge or notice of the fraud and for a valuable consideration."

Under the agreed statement of facts in this case it appears that the bill of lading issued November 6, 1883, was executed by one Easton, the agent of the railroad company, fraudulently and in collusion with one Labenstein, and without receiving any of the cotton represented by the bill of lading to have been received and without any expectation on the part of Easton to receive it. A conspiracy had been entered into between Easton and Labenstein to issue these bills of lading for Labenstein's benefit. They had been guilty of similar transactions without receiving the cotton. The court held that under these circumstances the agent was acting beyond the scope of his authority, and therefore the railroad company was not bound.

Whether this decision was sound doctrine or not, it was based upon precedent, and ever since has been recognized as the law of the land by the Federal courts as well as by some of the State courts.

This rule has resulted in great losses to the buyers of merchandise who have the right to depend upon the bona fides of bills of lading, to bankers and financial men who have bought or discounted drafts secured by these bills of lading, and to the sellers of cotton, grain, or other products who are honest and whose transactions are discredited by reason of the frauds which have been permitted to be perpetrated by fraudulent shippers conspiring with freight agents.

As a further result of this rule millions of dollars have been lost to commerce.

The pending bill (sec. 25) modifies the law as laid down in the Friedlander case by declaring:

"SEC. 25. That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to a person who has received in a straight bill or (b) the holder of an order bill who has given value in good faith for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue."

Other defects in the present law which it is sought to correct by this bill may be classified under the heads of: (1) Shipper's load and count; (2) Duplicate bills of lading; (3) Altered bills of lading; (4) Spent bills of lading; (5) Forgeries.

SHIPPER'S LOAD AND COUNT.

Many abuses have arisen by carriers marking a bill of lading "Shipper's load and count." This, of course, affects their value for banking and credit purposes. These abuses are sought to be remedied by sections 23 and 24 of the bill, which provides:

"SEC. 23. That when goods are loaded by a carrier such carrier shall count the packages of goods if package freight, and ascertain the kind and quantity, if bulk freight; and such carrier shall not, in such cases, insert in the bill of lading "Shipper's load and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

"SEC. 24. That when goods are loaded by a shipper, at a place where the carrier maintains an agency, such carrier shall, on written request of such shipper, and when given a reasonable opportunity by the shipper so to do, count the packages of goods, if package freight, and ascertain the kind and quantity if bulk freight, within a reasonable time after such written request, and such carrier shall not, in such case, insert in the bill of lading "Shipper's load and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein."

DUPLICATE BILLS OF LADING.

The regulations with regard to duplicate bills of lading are found in sections 6, 7, and 18. They read as follows:

"SEC. 6. That order bills issued in a State for the transportation of goods to any place in the United States on the Continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of the other parts: *Provided, however*, That nothing contained in this section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries, or to impose the liabilities set forth in this section for so doing.

"SEC. 7. That when more than one order bill is issued in a State for the same goods to be transported to any place in the United States on the Continent of North America, except Alaska and Panama, the word 'duplicate,' or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill: *Provided, however*, That nothing contained in this section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries be interpreted or construed so as to require the placing of the word 'duplicate' thereon, or to impose the liabilities set forth in this section for failure so to do.

"SEC. 18. That a bill upon the face of which the word 'duplicate,' or some other word or words indicating that the document is not an original bill, is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability."

ALTERED BILLS OF LADING.

Section 16 provides:

"SEC. 16. That any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same, either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor."

SPENT BILLS OF LADING.

Many frauds have been committed in the commercial world by using bills of lading after the goods have been delivered because they were not taken up or canceled. Frequently these bills of lading have been used for the purpose of securing credit. The railroads have not been responsible because they have been able to prove the delivery of the goods. Sections 14 and 15 of the bill remedy these abuses. They read as follows:

"SEC. 14. That except as provided in section 29, and except when compelled by legal process, if a carrier delivers goods for which an order bill has been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

"SEC. 15. That except as provided in section 29, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails either—

"(a) To take up and cancel the bill, or

"(b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired titled to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto."

FORGED BILLS OF LADING.

While the laws of the several States penalize the forging of bills of lading, it is believed, because of the fact that by far the greater part of the commerce is interstate in character, there should be some Federal legislation making the forging and issuing of forged bills of lading punishable by the Federal courts. This is done by section 44 of the pending bill.

It is not intended by this report to call especial attention to all of the provisions of the bill, as they are self-explanatory. Suffice it to say that in addition to the correction of the abuses hereinbefore specially referred to the bill is a codification of the principles now controlling interstate shipments. It defines the rights and liabilities of the common carriers, consignors and consignees, and all other intermediate owners and holders of bills of lading. It will serve to make more uniform the commercial laws of our country.

CONSTITUTIONALITY OF THE BILL.

Congress is given the right "to regulate commerce with foreign nations and among the several States and with the Indian tribes." Under this provision of the Constitution it seems clear that interstate shipments are subject to the control of Congress. Bills of lading are but representatives of the goods therein described, defining the rights and liabilities of the carriers, the consignor, and the consignee, and other holders thereof. If the goods shipped are subject to the rules and regulations of interstate commerce, then clearly it seems bills of lading, representing them, also must be interstate commerce, and Congress therefore has the right to declare the terms and conditions upon which they may be issued, used, and retired.

Without intending to discuss the many decisions of our Supreme Court defining the power of Congress over interstate commerce, we believe the constitutionality of the pending bill by analogy clearly follows from the doctrine laid down in Southern Railway v. United States (222 U. S., 20). The syllabus reads as follows:

"The safety-appliance act of March 2, 1893 (27 Stat., 531, ch. 196), as amended March 2, 1903 (32 Stat., 943, ch. 976), embraces all locomotives, cars, and similar vehicles used on any railway that is a highway of interstate commerce, and is not confined exclusively to vehicles engaged in such commerce.

"The power of Congress under the commerce clause of the Constitution is plenary and competent to protect persons and property moving in interstate commerce from all danger, no matter what the source may be; to that end Congress may require all vehicles moving on highways of interstate commerce to be so equipped as to avoid danger to persons and property moving in interstate commerce."

Mr. Justice Van Devanter, who delivered the opinion of the court, said, at page 26:

"We come, then, to the question whether these acts are within the power of Congress under the commerce clause of the Constitution, considering that they are not confined to vehicles used in moving interstate traffic, but embrace vehicles used in moving intrastate traffic. The answer to this question depends upon another, which is, Is there a real or substantial relation or connection between what is required by these acts in respect of vehicles used in moving intrastate traffic and the object which the acts obviously are designed to attain, namely, the safety of interstate commerce and of those who are employed in its movement; or, stating it in another way, is there such a close or direct relation or connection between the two classes of traffic, when moving over the same railroad, as to make it certain that the safety of the interstate traffic and of those who are employed in its movement will be promoted in a real or substantial sense by applying the requirement of these acts to vehicles used in moving the traffic which is intrastate as well as those used in moving that which is interstate? If the answer to this question, as doubly stated, be in the affirmative, then the principal question must be answered in the same way. And this is so, not because Congress possesses any power to regulate intrastate commerce as such, but because its power to regulate interstate commerce is plenary and competently may be exerted to secure the safety of the persons and property transported therein and of those who are employed in such transportation, no matter what may be the source of the dangers which threaten it. That is to say, it is no objection to such an exertion of this power that the dangers intended to be avoided arise, in whole or in part, out of matters connected with interstate commerce."

The SECRETARY. The amendment of the committee reads:

Or hypodermic syringes or needles adapted to administer any of the above drugs.

To that an amendment was agreed to, as follows:

Except veterinary hypodermic syringes and needles, and hypodermic syringes and needles designed and used for the administration of serums, vaccines, toxins, and analogous products.

Mr. THOMAS. Yes; I remember now quite distinctly that that amendment was then proposed and adopted; but of course that does not do away with the force of the criticism made by the Senator from Utah.

Mr. SMOOT. No; as the Senator says, that does not do away with the criticism to which I have called the Senator's attention. That does away with the criticism as to a certain kind of instrument where the serums are used.

Mr. THOMAS. If the Senator cares to move to strike out the proposed amendment, I shall not oppose it.

Mr. SMOOT. I really feel that it ought to go out, and I do not believe the Senate should pass the bill with that language in it. If the Senator does not object, I shall move that that amendment be stricken from the bill, and also the words "or articles" wherever they have been put in the bill by the committee. That will cover the whole of the objections of the department in one motion.

Mr. WARREN. Mr. President, I wish to ask the Senator in charge of the bill, owing to the confusion and the fact that there are only about 13 pages in the bill and some 1,300 amendments so far—I do not know exactly how many—whether he feels confident that the bill, when passed here, will be in a condition to go to conference, or whether it ought not to be rewritten and have a reexamination by the committee before it passes out of the Senate?

I merely make the suggestion. I have no objection to the bill. It is a very serious condition, however, I should think, when a bill is subject to so many amendments, made on various days, and when no one seems to understand where the bill is now. I doubt if any man in his seat here now has an idea what this bill provides and what it does not provide.

Mr. THOMAS. The amendments which were made to the bill heretofore were made to the part of it which preceded the portion that has been read and amended to-day.

Mr. SMOOT. Yes; all of them.

Mr. THOMAS. I am quite willing to act upon the suggestion of the Senator from Wyoming after the amendments have been agreed to.

Mr. WARREN. I do not suggest it in order to create delay. I simply suggest it as a warning, perhaps, as to whether it ought to be rewritten or whether the committee is satisfied to have it passed as it is.

Mr. THOMAS. I do not believe there ought to be any further needless delay in the passage of this bill. Its importance, of course, is well known. I imagine that it can be printed and laid before the Senate so that we can consider it on Monday, and doubtless an opportunity will present itself where, by unanimous consent, a final vote may be taken upon it. I am willing to take that course, if desired.

Mr. GALLINGER. I think that would be a wise course to pursue. In the meantime the Senator can go carefully over the bill.

Mr. THOMAS. Yes. In the meantime I think the motion of the Senator from Utah should be disposed of, because that will make a great difference.

Mr. SMOOT. Yes; I think all of the Senate will agree that that amendment should be disagreed to. If that is the case, with all of the amendments that were put into the bill on account of this amendment—that is, the words "or articles,"—stricken out, it would be well to have the bill reprinted, and then the Senator can go over it carefully, as suggested by the Senator from Wyoming.

The VICE PRESIDENT. The question is on reconsidering the amendment as amended, at the top of page 2.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question now is on agreeing to the amendment as amended.

The amendment as amended was rejected.

The VICE PRESIDENT. The Senator from Utah moves that wherever the words "or articles" or the words "and articles" have been included in the bill the vote by which the amendment was agreed to may be reconsidered.

Mr. BURTON. I should like to understand that. Do the words "or articles" include only the items specified at the top of page 2?

Mr. THOMAS. Yes.

Mr. SMOOT. Simply the syringes. Everything else is the drug itself, and the word "drugs" cover that; but when we put in the amendment about hypodermic syringes and needles we designated them thereafter as "or articles" or "and articles." It applies only to this amendment.

Mr. BURTON. I had supposed that was inserted for greater conclusiveness.

Mr. THOMAS. No, Mr. President; it was meant only to cover the syringes and needles.

Mr. BURTON. Merely for those?

Mr. THOMAS. That is all.

The VICE PRESIDENT. The pending question is whether the motion to reconsider the various amendments embracing the words "or articles" and "and articles" shall be agreed to.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendments.

The amendments were rejected.

Mr. THOMAS. The committee proposes, on line 24, page 2, after the word "Navy," to insert the words "the Public Health Service."

The VICE PRESIDENT. That language has been all stricken out, and an amendment has been adopted at that point.

Mr. THOMAS. Then I withdraw the request, Mr. President. I had no note of that action here, and I did not want to overlook the amendment.

The VICE PRESIDENT. The Chair will call the attention of the committee—it is not the Chair's business, but it will assume it—to the fact that on the first page of the bill it is provided that it shall go into effect on the 1st day of January, 1914.

Mr. THOMAS. That was changed to "October."

The VICE PRESIDENT. It has not been changed by the record.

Mr. THOMAS. It was the first amendment offered.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out the word "January," on page 1, line 3, and to insert in lieu thereof "October."

The amendment was agreed to.

Mr. LANE. Mr. President, I should like to call the attention of the Senator from Colorado to section 6, on page 10. This bill is one, I presume, to curtail the use of drugs such as opiates and cocaine; and yet in that section there is a provision which allows any street faker or anyone else to dispense a solution containing 2 grains of opium to each fluid ounce of a preparation—a grain to a tablespoonful. That is not a good provision. It should be better guarded than that. That will permit the use of these drugs in soothing sirups, cough mixtures, and all kinds of dopes which can be sold by fakers, and which are deadly to infants. That is a deadly dose to an infant or a child under a year old. A teaspoonful of that mixture will kill a child, and such a provision ought to be looked into.

I should like to have the committee, before they put the bill on its final passage, hear some testimony on that subject. That is directly contrary to every principle which seems to govern the remainder of the bill.

Mr. THOMAS. Mr. President, that section has been the subject, I suppose, of as much discussion, particularly by way of correspondence, from the National Drug Trade Association and from physicians and dealers, as any other of the various sections of the bill. The consensus of their statements is in favor of this section as it has been drawn by the House and amended by the Senate.

I am quite willing to turn over to the Senator from Oregon the accumulated correspondence which I have upon the subject. I am unable at this time to give him the general course of the arguments which were used in favor of the measure as it has been reported.

Mr. LANE. That would be interesting reading. I would like to see some of that correspondence. I submitted this bill to the State Board of Health of Oregon, and criticism was made in regard to that feature, and they did not indorse it. I know of no board of health that has indorsed it. On the other hand, there has been a lot of correspondence from people who are manufacturing those mixtures and preparations and from dealers and druggists. You can, no doubt, secure many indorsements from manufacturing druggists who make patent medicines, for the reason that they sell them at a profit, and they are in many patent medicines.

Mr. THOMAS. I will give the Senator the correspondence in my possession, and meantime I will have the bill printed.

Mr. GALLINGER. Printed with amendments?

Mr. THOMAS. Printed with amendments, of course.

Mr. LANE. That is all I ask.

The VICE PRESIDENT. The bill will be passed over.

BILLS PASSED OVER.

The bill (H. R. 6827) to amend an act entitled "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes," approved August 14, 1912, was announced as next in order.

Mr. SMOOT. Let that bill go over, Mr. President. One of the Senators who wanted to speak on it is absent.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 2902) to reduce fees in the United States district courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws, was announced as next in order.

Mr. SMOOT. Let that bill go over, for the same reason.

The VICE PRESIDENT. The bill will be passed over.

EMORY SCOTT LAND.

The bill (S. 67) for the relief of Emory Scott Land was announced as next in order.

The VICE PRESIDENT. The bill has been reported adversely.

Mr. GALLINGER. Let it go to Rule IX, Mr. President.

The VICE PRESIDENT. The bill will go to the calendar under Rule IX.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 12045) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 1, line 9, after the word "receiving," to insert: "*Provided*, That in the event of the death of Pearl Schnader, helpless and dependent child of said Edward D. Schnader, the additional pension herein granted shall cease and determine; *And provided further*, That in the event of the death of Clara P. Schnader the name of the said Pearl Schnader shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Clara P. Schnader," so as to make the clause read:

The name of Clara P. Schnader, widow of Edward D. Schnader, late of Company C, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Pearl Schnader, helpless and dependent child of said Edward D. Schnader, the additional pension herein granted shall cease and determine; *And provided further*, That in the event of the death of Clara P. Schnader the name of the said Pearl Schnader shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Clara P. Schnader.

The amendment was agreed to.

The next amendment was, on page 2, after line 19, to strike out:

The name of Patrick Mahan, late of Company B, One hundred and twenty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. SHIVELY. Mr. President, on page 3, I move to amend by striking out lines 23 and 24, and on page 4 by striking out lines 1 and 2, the soldier having died.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, beginning with line 23, it is proposed to strike out lines 23 and 24 and lines 1 and 2 on page 4, in the following words:

The name of Conrad Stephan, late of Company C, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 4, after line 15, to strike out:

The name of John J. Haley, late civilian pilot, Mississippi River, and pay him a pension at the rate of $30 per month.

The amendment was agreed to.

The next amendment was, on page 5, after line 10, to strike out:

The name of Charles R. Gentner, late of Company D, Sixth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 22, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Elizabeth Dorman, widow of Louis Dorman, late of Battery F, First Regiment Missouri Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 6, I move to strike out lines 7, 8, 9, and 10. The soldier is deceased.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6 it is proposed to strike out lines 7, 8, 9, and 10, in the following words:

The name of John Beckley, late of Company H, Fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment of the Committee on Pensions was, on page 6, after line 22, to strike out:

The name of Eliza A. Stevenson, widow of David K. Stevenson, late of Company E, One hundred and fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to strike out:

The name of Rebecca L. Scarbrough, widow of Martin L. Scarbrough, late of Company D, Sixty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 7, line 25, before the words "per month," to strike out "$24" and insert "$20," so as to make the clause read:

The name of Louis Krott, late of Company K, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, after line 8, to strike out:

The name of Minnie S. Rector, widow of John E. Rector, late of Company F, Fiftieth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 7, before the words "per month," to strike out "$17" and insert "$20," so as to make the clause read:

The name of Juliet Burt Norton, widow of Oliver D. Norton, late acting assistant surgeon United States Army, and pay her a pension at the rate of $20 per month.

The amendment was agreed to.

The next amendment was, on page 11, after line 11, to strike out:

The name of Ruth E. Hering, widow of Samuel Hering, late of Company I, Fourth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to strike out:

The name of Rosa T. Wallace, widow of William J. Wallace, late of Company A, Thirteenth Regiment New York State Militia Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

Mr. SHIVELY. On page 12, the soldier having died, I move to strike out lines 15, 16, 17, and 18.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 12 it is proposed to strike out all of lines 15, 16, 17, and 18 in the following words:

The name of Andrew J. Bruer, late of Company D, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I will ask the Senator from Indiana if in all cases where these paragraphs are stricken out the beneficiaries have died since the bill was reported?

Mr. SHIVELY. Not in all cases.

Mr. GALLINGER. In most of them?

Mr. SHIVELY. In all cases where I have tendered the amendment to-day that is true.

The next amendment of the Committee on Pensions was, on page 13, after line 6, to strike out:

The name of L. Maggie Morris, widow of James S. Morris, late of Company M, Ninth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 10, to strike out:

The name of Winchester E. Moore, late acting third assistant engineer, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

gested that amendment before the bill was reported to the Senate, but the changes which have been made on page 3 of the bill, I think, require that those words should be left out of the bill; in other words, that the amendment should be disagreed to. I will ask the Senator from Colorado if that is not correct?

Mr. THOMAS. So far as I am able to judge offhand, I should say that the words "or articles" are proper. I do not know that I understand the reason given by the Senator for suggesting that the amendment inserting those words be disagreed to.

Mr. SMOOT. If the Senator will note the amendments suggested in Senate Document 473, he will find on page 4 of that document a suggested amendment in line 3, page 7, to strike out the words "or articles."

Mr. THOMAS. All of those amendments, I will say to the Senator, were suggested by the department and depended upon disagreeing to the amendment reported by the committee on page 2, lines 1 to 3, proposing to insert the words "or hypodermic syringes or needles adapted to administer any of the above drugs." Those words have not been stricken out, and consequently the retention of the words "or articles" is necessary throughout the bill.

Mr. SMOOT. I understood, Mr. President, that the amendment referred to by the Senator was to be stricken from the bill. If it is not, then the Senator is perfectly correct; but if it is to be stricken from the bill the amendment inserting the words "or articles" is proper.

Mr. THOMAS. I should not feel authorized to agree to striking out the proposed amendment concerning hypodermic syringes in the absence of the senior Senator from Mississippi [Mr. WILLIAMS], who really has charge of the bill. Personally I should not object to the elimination from the bill of that amendment.

Mr. SMOOT. All these amendments will go to conference.

Mr. THOMAS. Yes.

Mr. SMOOT. And if it is finally decided to eliminate the words read by the Senator from Colorado covering hypodermic syringes or needles, then the words "or articles" will likewise have to be dropped out in conference.

Mr. THOMAS. Certainly.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment reported by the Committee on Finance was, in section 4, page 7, line 22, before the word "the," to strike out "or" and insert "the Territory of Alaska"; in the same line, after the words "District of Columbia," to insert "or any insular possession of the United States of America"; in line 25, after the words "District of Columbia," to insert "or insular possession"; and on page 8, line 5, after the word "or," to strike out "to," and insert "in pursuance of," so as to read:

SEC. 4. That it shall be unlawful for any person who shall not have registered and paid the special tax as required by section 1 of this act to send, ship, carry, or deliver any of the aforesaid drugs or articles from any State or Territory, the Territory of Alaska, the District of Columbia, or any insular possession of the United States of America, to any person in any other State or Territory or the District of Columbia or insular possession: *Provided*, That nothing contained in this section shall apply to common carriers engaged in transporting the aforesaid drugs or articles, or to any employee within the scope of his employment, of any person who shall have registered and paid the special tax as required by section 1 of this act, or in pursuance of the written prescriptions of physicians, dentists, and veterinary surgeons who have registered under this act.

The amendment was agreed to.

Mr. THOMAS. The committee proposes an amendment to strike out all after the word "act," in section 4, page 8, line 5, and to insert in lieu thereof the amendment I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, page 8, line 5, after the word "act," it is proposed to strike out the remainder of the section down to and including the word "employed," in line 11, and in lieu thereof to insert:

Or to any person who shall deliver any such drug or article which has been prescribed or dispensed by a physician, dentist, or veterinarian who has been specially employed to prescribe for the particular patient receiving such drug or article.

The amendment was agreed to.

The next amendment of the Committee on Finance was, in section 5, page 8, line 16, after the word "section," to strike out "four" and insert "three"; in line 20, after the words "District of Columbia," to insert "or any insular possession of the United States of America"; in line 24, after the word "drugs," to insert the words "or articles"; on page 9, line 4, after the words "District of Columbia," to insert "or any insular possession of the United States of America"; in line 14, after the words "District of Columbia," to insert "or any insular possession of the United States of America"; and in line 18, after the word "drugs," to insert "or articles," so as to make the section read:

SEC. 5. That the duplicate-order forms and the prescriptions required to be preserved under the provisions of section 2 of this act, and the statements or returns filed in the office of the collector of the district, under the provisions of section 3 of this act, shall be open to inspection by officers, agents, and employees of the Treasury Department duly authorized for that purpose; and such officials of any State or Territory, or of any organized municipality therein, or of the District of Columbia, or any insular possession of the United States of America, as shall be charged with the enforcement of any law or municipal ordinance regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs or articles. Each collector of internal revenue is hereby authorized to furnish, upon written request, certified copies of any of the said statements or returns filed in his office to any of such officials of any State or Territory or organized municipality therein, or the District of Columbia or any insular possession of the United States of America, as shall be entitled to inspect the said statements or returns filed in the office of the said collector, upon the payment of a fee of $1 for each 100 words or fraction thereof in the copy or copies so requested. Any person who shall disclose the information contained in the said statements or returns or in the said duplicate-order forms, except as herein expressly provided, and except for the purpose of enforcing the provisions of this act, or for the purpose of enforcing any law of any State or Territory or the District of Columbia or any insular possession of the United States of America, or ordinance of any organized municipality therein, regulating the sale, prescribing, dispensing, dealing in, or distribution of the aforesaid drugs or articles, shall on conviction be fined or imprisoned as provided by section 9 of this act. And collectors of internal revenue are hereby authorized to furnish upon written request to any person a certified copy of the names of any or all persons who may be listed in their respective collection districts as special-tax payers under the provisions of this act upon payment of a fee of $1 for each 100 names or fraction thereof in the copy so requested.

The amendment was agreed to.

Mr. THOMAS. In section 6, page 10, line 5, after the word "than," on behalf of the committee I move to strike out "one-twelfth" and insert "one-fourth."

The amendment was agreed to.

Mr. THOMAS. The committee also ask that the amendment reported by the committee in section 6, page 10, line 16, proposing to insert after the word "act" the words "*Provided*, That the amount of any drug herein mentioned shall be shown upon the label of the container of such remedy or preparation," be disagreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was rejected.

The next amendment of the Committee on Finance was, in section 8, page 11, line 7, after the word "drugs," to insert "or articles," so as to read:

SEC. 8. That it shall be unlawful for any person not registered under the provisions of this act, and who has not paid the special tax provided for by this act, to have his possession or under his control any of the aforesaid drugs or articles.

The amendment was agreed to.

Mr. THOMAS. In section 8, page 11, line 12, on behalf of the committee I move the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 8, page 11, line 12, after the word "person," it is proposed to insert the words "or to a nurse under the supervision of a physician, dentist, or veterinary surgeon registered under this act."

The amendment was agreed to.

Mr. THOMAS. In the same section, page 11, line 13, after the word "employment," I move, on behalf of the committee, to insert the words "or occupation."

The amendment was agreed to.

Mr. THOMAS. In the same section, page 11, line 14, after the word "drugs," I move, on behalf of the committee, to insert the words "or articles."

The amendment was agreed to.

Mr. THOMAS. Also, on behalf of the committee, in section 8, page 11, line 18, after the word "drugs," I move to insert the words "or articles."

The amendment was agreed to.

Mr. THOMAS. That completes the committee amendments.

Mr. SUTHERLAND. Mr. President, I notice that all the way through this bill when it speaks of the United States it says "the United States of America." What is the necessity of having the words "of America" in the bill? It is unusual and unnecessary in legislation. We can legislate only for the United States of America. It seems to me we had better follow the usual form, and simply say "the United States."

Mr. THOMAS. I am perfectly willing to strike out the words "of America," Mr. President. We are so accustomed in this body to using more words than are necessary that I supposed it would do no harm in this case. [Laughter.]

Mr. SUTHERLAND. I notice that in two or three places in the bill the words "the United States" are used, but in a great majority of cases it says "the United States of America."

Mr. THOMAS. Let the last two words go out, Mr. President.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. Wherever the words "United States of America" occur in the bill it is proposed to strike out the words "of America."

The amendment was agreed to.

Mr. GALLINGER. Mr. President, I notice that in one part of the bill the words "registered under this act" are stricken out, and I am sure an amendment was agreed to a moment ago retaining those words. The registration is under an entirely different act of Congress, and the words ought to be stricken out of this bill. I refer to the amendment which was acted upon a moment ago.

Mr. THOMAS. What part of the bill does the Senator refer to?

Mr. GALLINGER. The amendment concerning veterinary surgeons, and so forth, where the words "registered under this act" are used. Manifestly they are not registered under this act, there being a general law on the subject.

Mr. THOMAS. Do I understand that the Senator asks to have the words "registered under this act" inserted in the bill?

Mr. GALLINGER. I ask to have them stricken from the bill.

Mr. THOMAS. They were stricken from the bill.

Mr. GALLINGER. They were, in one case, but I am very sure an amendment was read a moment ago in which those words occurred.

Mr. LANE. The amendment was in section 8, page 11, line 16. I think that is the one to which the Senator refers.

Mr. GALLINGER. I think wherever those words occur they should be stricken from the bill.

Mr. WALSH. Mr. President, I call the Senator's attention to the fact that under the provisions of section 1 anyone dealing in those articles must register; and I apprehend that the registration refers to the provisions of that section.

Mr. GALLINGER. I know very little about it. The bill is too complicated for me to comprehend.

Mr. WALSH. I inquire of the Senator from Colorado if that is not correct?

Mr. THOMAS. The Senator from Colorado can not definitely answer that question. I do not recall that the words "registered under this act" appear more than once in the act.

Mr. GALLINGER. Oh, yes, they do; several times.

Mr. THOMAS. If they do, I am inclined to think the suggestion made by the Senator from New Hampshire should be followed.

Mr. WALSH. Under the provisions of section 1, everyone dealing in these articles is required to register with the collector of the district.

Mr. THOMAS. There is a provision in the act which dispenses with registration, which was stricken out for reasons set forth in the document which deals with the amendments, although I am not able to turn to it immediately in my copy of the bill; and I do not recall that any amendment offered includes those words.

Mr. SMOOT. Mr. President, on page 11, line 12, after the word "person," the following amendment was agreed to:

Or to a nurse under the supervision of a physician, dentist, or veterinary surgeon registered under this act.

Mr. JAMES. That is all right. It can be stricken out in conference.

Mr. SMOOT. Mr. President, may I ask whether the amendment of the committee on page 2, beginning in line 1, and ending with the word "drugs" in line 3, was agreed to?

The VICE PRESIDENT. The Secretary informs the Chair that it was.

Mr. SMOOT. Now, Mr. President, I wish to ask the Senator having the bill in charge——

Mr. THOMAS. Just a moment, if the Senator please. I think the amendment which was offered on page 11, line 12, properly required registration. The purpose of striking out the words "registered under this act" in subdivision "(a)" in section 2 on page 4 was to remove the necessity of such registration in cases of the dispensing and distribution of the drugs or articles provided for in that subsection and others. In other words, it was designed to make an exception that might be necessary in cases of exigency. Therefore I am inclined to think the suggestion made by the Senator from New Hampshire is not sound.

Mr. GALLINGER. I quite agree with the Senator, upon examining the bill more closely. The words ought not to be stricken out at that point.

Mr. SMOOT. Mr. President, I wish to inquire of the Senator whether he intends the bill to pass with the amendment of the committee on page 2, beginning in line 1, and ending with the word "drugs" in line 3; that is to say, in these words:

Or hypodermic syringes or needles adapted to administer any of the above drugs.

Mr. THOMAS. Mr. President, that amendment was offered by the senior Senator from Mississippi [Mr. WILLIAMS], who is the chairman of the subcommittee having this bill in charge. It was adopted by the subcommittee, and the report has been made upon it. The report I have heard concerning that amendment practically convinced me that there was no necessity for including these instruments in the bill; but, as I say, in the absence of the Senator from Mississippi I can not consent to having them eliminated. They can be taken care of in conference.

Mr. SMOOT. I wish to call attention to the fact that the National Drug Trade Conference, the Treasury Department, and the Internal-Revenue Office all object to those words going into the bill, and I think give excellent reasons why they should not be in the bill.

For instance, the Commissioner of Internal Revenue states:

The reasons for striking out the committee's amendment are as follows—

Referring to the particular amendment to which I am now calling attention.

The bill is designed to control the use of narcotics. If it is effective in the control of such drugs, it is wholly unnecessary to regulate the instruments by which they are administered. Further, the committee's amendment would make it necessary for all manufacturers of any kind of a hypodermic syringe or needle to register under the act. To this the Internal Revenue Bureau of the Treasury Department is opposed, because of the great labor that would be required and the unnecessary records that would have to be kept, thus adding greatly to the expense of administering the act.

Then, at the National Drug Trade Conference the association took almost the same position as that taken by the Treasury Department.

Mr. GALLINGER. Mr. President, the National Drug Trade Conference suggests that if the hypodermic-syringe provision is stricken out, the words "or articles" should not go in the bill; and yet we have been inserting those words here for the last half hour.

Mr. SMOOT. That is true, and I called attention to it a little while ago. Of course if the Senator feels that he would rather let this bill go to conference, and thrash it out there, I will state frankly that it can be done, because all of these are amendments made by the Senate.

Mr. THOMAS. I do not feel that I can do otherwise in the absence of the Senator from Mississippi.

Mr. SMOOT. Then I shall not insist.

Mr. THOMAS. I fully sympathize with the views expressed by the Senator from Utah. I think they are sound.

Mr. SMOOT. All right.

Mr. BURTON. Mr. President, I am in receipt of very strenuous objections to that amendment from physicians and others. It is my recollection that the Senator from Colorado proposed an amendment as a substitute for that when this bill was up before. Attention was called to this when the bill was considered on a prior occasion. I think the senior Senator from Indiana [Mr. SHIVELY] objected to it.

Mr. SHIVELY. I was under the impression that the objection that has been made had been obviated by a change of the language.

Mr. BURTON. It is my own recollection that the Senator from Colorado [Mr. THOMAS] proposed an amendment which was to be inserted as a substitute for this, and which would remove the objections which were made.

I do not feel like objecting to the further consideration of the bill because of this amendment; but very strong objection has been made to it by dealers, physicians, and others. It seems to me utterly unnecessary. It would require every physician who has an instrument of that kind to register.

Mr. THOMAS. When the bill was before the Senate heretofore, it was in charge of the Senator from Mississippi. I assisted him in proposing some amendments to the measure, but I have no recollection of proposing a substitute for this amendment.

The VICE PRESIDENT. If the Chair may be permitted to interrupt, it was amended on the 16th of April by the Senator from Colorado, whose amendment the Secretary will read.

The VICE PRESIDENT. The resolution goes over.

Senate resolution No. 84, providing that any Senator upon his own request may be recorded and counted as present in order to constitute a quorum, was announced as next in order.

Mr. OVERMAN. Let that go over.

The VICE PRESIDENT. The resolution goes over.

Senate resolution No. 218, proposing an amendment to the standing rules of the Senate, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The resolution goes over.

The joint resolution (S. J. Res. 26) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. GALLINGER and Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 3023) relating to the duties of registers of United States land offices and the publication in newspapers of official land-office notices was announced as next in order.

Mr. BURTON. I ask that the bill may go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 94) to authorize the Secretary of Commerce to investigate the condition of trade in China, for the purpose of determining the desirability of establishing there a permanent exposition of the products of the United States of America, was announced as next in order.

Mr. SMOOT. I ask that the joint resolution may go over.

The VICE PRESIDENT. The joint resolution goes over.

The bill (S. 2425) to authorize the Roanoke River Development Co. to construct and maintain a dam across the Roanoke River in Mecklenburg County, in the State of Virginia, approximately 20 miles below the town of Clarksville, in said State, was announced as next in order.

Mr. BURTON. Let the bill go over.

The VICE PRESIDENT. The bill goes over.

The bill (S. 3971) to provide for permanent exhibits of the resources of the States of the Union in or near Washington, D. C., was announced as next in order.

Mr. SMOOT. I ask that the bill may go over.

The VICE PRESIDENT. The bill goes over.

The joint resolution (S. J. Res. 10) proposing an amendment to the Constitution of the United States, fixing the time for the convening of Congress and commencement of the terms of the President, Vice President, Senators, and Representatives, was announced as next in order.

Mr. SUTHERLAND. Let that go over.

The VICE PRESIDENT. The joint resolution goes over.

Mr. SHAFROTH. Mr. President, that is a measure of which I gave notice a number of times, and I ask unanimous consent that it may now be taken up and considered immediately after the disposition of the tolls bill.

Mr. SUTHERLAND and Mr. WALSH. I object.

The VICE PRESIDENT. There is objection, and the joint resolution goes over.

The bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller was announced as next in order.

Mr. GALLINGER. This bill and the two bills following have been reported adversely. I ask if any Senator has any objection to their indefinite postponement, thereby getting them off the calendar?

Mr. SMOOT. The senior Senator from Michigan [Mr. SMITH] has asked that they go over. I understand he desires to make a statement before they are indefinitely postponed.

Mr. GALLINGER. Then I shall merely ask that they may go over.

Mr. OVERMAN. I ask that they may go to the calendar under Rule IX.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bills go to the calendar under Rule IX.

The bills referred to are as follows:

A bill (S. 1986) to remove the charge of desertion from the military record of Henry Fuller;

A bill (S. 3594) to correct the military record of Peter Duchane; and

A bill (S. 1900) to correct the military record of Samuel J. Kearns.

The resolution (S. Res. 254) to create a special committee of five Senators to assist the Interstate Commerce Commission in investigating certain facts regarding the methods and practices of the Louisville & Nashville Railroad, and for other purposes, was announced as next in order.

Mr. LEA of Tennessee. I ask that the resolution go over.

The VICE PRESIDENT. The resolution goes over.

The bill (S. 392) to create in the War Department and Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, was announced as next in order.

Mr. BRYAN. I ask that the bill may go over.

The VICE PRESIDENT. The bill goes over.

Mr. KENYON. I ask unanimous consent that this bill be taken up immediately after the vote on the tolls bill.

Mr. BRYAN. I object.

Mr. KENYON. I gave notice on the 9th of March that I would ask for the taking up of this bill. I know that does not give it any right, but I think it is a bill which ought to be acted on during this session.

Mr. BRYAN. Mr. President, I understand the Senator's request would require a roll call, so as to ascertain the presence of a quorum; and to save that, I object.

The VICE PRESIDENT. Objection is made, and the bill goes over.

The bill (S. 121) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade was announced as next in order.

Mr. OVERMAN. I object.

The VICE PRESIDENT. The bill goes over.

TRAFFIC IN OPIUM.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

Mr. OVERMAN. The bill has been heretofore read.

Mr. GALLINGER. Let the first committee amendment be reported.

Mr. THOMAS. I think that bill has been considered.

The VICE PRESIDENT. The pending amendment proposed by the Committee on Finance will be stated.

The SECRETARY. In section 2, on page 4, line 6, before the word "municipal," it is proposed to strike out "and," and after the word "municipal" it is proposed to insert "and insular," and in line 9, after the word "drugs," to insert the words "or articles," so as to read:

And the State, Territorial, District, municipal, and insular officials named in section 5 of this act. Every person who shall give an order as herein provided to any other person for any of the aforesaid drugs or articles shall, at or before the time of giving such order, make or cause to be made a duplicate thereof on a form to be issued in blank for that purpose by the Commissioner of Internal Revenue, and in case of the acceptance of such order, shall preserve such duplicate for said period of two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

The amendment was agreed to.

Mr. THOMAS. In section 2, page 4, line 20, after the words "veterinary surgeon," I move to strike out "registered under this act."

The amendment was agreed to.

The VICE PRESIDENT. The next amendment proposed by the committee will be stated.

The SECRETARY. In section 2, on page 4, line 21, after the word "*Provided*," it is proposed to strike out "*however*," and in line 22, after the word "shall," to strike out "personally attend upon such patient" and to insert "have been specially employed to prescribe for the particular patient receiving such drug: *And provided further*, That such drug shall be dispensed in good faith and not for the purpose of avoiding the provisions of this act," so as to read:

Provided, That such physician, dentist, or veterinary surgeon shall have been specially employed to prescribe for the particular patient receiving such drug: *And provided further*, That such drug shall be dispensed in good faith and not for the purpose of avoiding the provisions of this act.

The amendment was agreed to.

Mr. THOMAS. On behalf of the committee I offer an amendment to come in following the committee amendment in line 2, on page 5.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After the word "act," on page 5, section 2, line 2, it is proposed to insert the following:

Provided also, That a record of the drugs thus dispensed shall be made in a suitable book kept for that purpose, and shall be preserved for two years in such a way as to be readily accessible to inspection by the officers, agents, employees, and officials hereinbefore mentioned.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THOMAS. On page 5, section 2, line 4, after the word "drugs," the committee offers an amendment to insert the words "or articles."

The amendment was agreed to.

Mr. THOMAS. The committee also offers an amendment on page 5, section 2, line 4, to strike out the word "pharmacist" and to insert the word "dealer."

The amendment was agreed to.

Mr. THOMAS. On page 5, section 2, line 10, after the word "such," the committee offers an amendment to strike out the word "pharmacist" and to insert "dealer."

The amendment was agreed to.

Mr. THOMAS. On page 5, section 2, line 11, after the word "such." I move on behalf of the committee to strike out "prescriptions" and to insert "prescription."

The amendment was agreed to.

Mr. THOMAS. On behalf of the committee, on page 5, section 2, line 12, before the word "prescription," I move to strike out "each" and to insert the words "the same."

Mr. SMOOT. I suggest to the Senator that the word "such" should be inserted there instead of the words "the same."

Mr. THOMAS. I accept the suggestion of the Senator from Utah. The word "such" should be inserted. I move to insert the word "such" instead of the word "each."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, section 2, line 12, before the word "prescription," it is proposed to strike out "each" and to insert "such."

The amendment was agreed to.

Mr. THOMAS. On page 5, section 2, line 17, after the word "drugs." I move, on behalf of the committee, to insert the words "or articles."

The amendment was agreed to.

The next amendment reported by the Committee on Finance was, in section 2, subsection (c), page 5, line 18, after the word "America," to insert "or any Territory or the District of Columbia or any of the insular possessions of the United States of America"; and in line 20, after the word "country," to insert "regulating their entry in accordance with such regulations for importation thereof into such foreign country as are prescribed by said country, such regulations to be promulgated from time to time by the Secretary of State of the United States," so as to read:

(c) To the sale, exportation, shipment, or delivery of any of the aforesaid drugs by any person within the United States of America, or any Territory or any of the insular possessions of the United States of America, to any person in any foreign country, regulating their entry in accordance with such regulations for importation thereof into such foreign country as are prescribed by said country, such regulations to be promulgated from time to time by the Secretary of State of the United States.

The amendment was agreed to.

Mr. THOMAS. On behalf of the committee, I offer the amendment which I send to the desk, to come in at the end of subsection (c).

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 5, it is proposed to insert the following:

(d) To the sale, barter, exchange, or giving away of any of the aforesaid drugs or articles to any officer of the United States Government or any State, county, or municipal government lawfully engaged in making purchases thereof for the various departments of the Army and Navy, and for Government, State, county, or municipal hospitals or prisons.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment reported by the committee was, on page 6, line 23, after the word "drugs," to insert the words "or articles."

Mr. SMOOT. Mr. President, I should like to call the attention of the Senator from Colorado to an amendment that should be inserted on page 6, line 10. It reads as follows:

Provided, That such forms shall be furnished by the collector without cost to the officers of the United States Government or the State governments who are lawfully engaged in making purchases of the aforesaid drugs for the various departments of the Army and Navy and for Government and State hospitals.

Mr. THOMAS. On what page of the printed bill?

Mr. SMOOT. Page 6, line 10.

Mr. THOMAS. What is the page of the document where the amendment is suggested?

Mr. SMOOT. On page 4, Senate Document 473, about the middle of the page. It is suggested that, on line 10, page 6, after the word "district," the proviso which I have read should be inserted.

Mr. THOMAS. That is proper, Mr. President. On page 6, line 10, after the word "district," I move, on behalf of the committee, that that amendment be inserted.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, line 10, after the word "district," it is proposed to insert:

Provided, That such forms shall be furnished by the collector without cost to the officers of the United States Government or the State governments who are lawfully engaged in making purchases of the aforesaid drugs for the various departments of the Army and Navy and for Government and State hospitals.

The amendment was agreed to.

The next amendment reported by the Committee on Finance was, on page 6, line 23, after the word "drugs," to insert the words "or articles"; on page 7, line 1, after the word "drugs," to insert "or articles"; and on the same page, line 3, after the word "drugs," to insert "or articles," so as to read:

Whenever any collector shall sell any of such forms, he shall cause the name of the purchaser thereof to be plainly written or stamped thereon before delivering the same; and no person other than such purchaser shall use any of said forms bearing the name of such purchaser for the purpose of procuring any of the aforesaid drugs or articles or furnish any of the forms bearing the name of such purchaser to any person with intent thereby to procure the shipment or delivery of any of the aforesaid drugs or articles. It shall be unlawful for any person to obtain by means of said order forms any of the aforesaid drugs or articles for any purpose other than the use, sale, or distribution thereof by him in the conduct of a lawful business in said articles or in the legitimate practice of his profession.

The amendment was agreed to.

Mr. THOMAS. In section 2, line 5, on page 7, before the word "articles," I move, on behalf of the committee, to insert the words "drugs or."

The amendment was agreed to.

Mr. THOMAS. On page 7, after line 5, on behalf of the committee, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, page 7, after line 5, it is proposed to insert:

The provisions of this act shall apply to the United States of America, the District of Columbia, the District of Alaska, the Territory of Hawaii, the insular possessions of the United States, and the Canal Zone. In Porto Rico and the Philippine Islands the administration of this act, the collection of the said special tax, and the issuance of the order forms specified in section 2 shall be performed by the appropriate internal-revenue officers of those Governments, and all revenues collected hereunder in Porto Rico and the Philippine Islands shall accrue intact to the general governments thereof, respectively. The courts of first instance in the Philippine Islands shall possess and exercise jurisdiction in all cases arising under this act in said islands. In the Canal Zone the administration of this act, the collection of the said special tax, and the issuance of the order forms specified in section 2 shall be performed by such officer or officers in said Canal Zone as the President may designate for that purpose. The courts of the Canal Zone having jurisdiction of crimes and offenses committed in said zone shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with having violated any of the provisions of this act within the limits of said Canal Zone.

Mr. GALLINGER. Mr. President, in that amendment I observe that Alaska is designated as a District. Is not Alaska a Territory?

Mr. SMOOT. It is.

Mr. GALLINGER. I suggest that the word "District" be stricken out and the word "Territory" be inserted.

Mr. THOMAS. I think that is an excellent suggestion, Mr. President. Alaska is a Territory, and I modify the amendment in that way.

The VICE PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment reported by the Committee on Finance was, in section 3, page 7, line 11, after the word "drugs," to insert "and articles," so as to make the section read:

SEC. 3. That any person who shall be registered in any internal-revenue district under the provisions of section 1 of this act shall, whenever required so to do by the collector of the district, render to the said collector a true and correct statement or return, verified by affidavit, setting forth the quantity of the aforesaid drugs and articles received by him in said internal-revenue district during such period immediately preceding the demand of the collector, not exceeding three months, as the said collector may fix and determine, the names of the persons from whom the said articles were received, the quantity in each instance received from each of such persons, and the date when received.

The amendment was agreed to.

The next amendment was, in section 4, page 7, line 21, after the word "drugs," to insert "or articles," so as to read:

SEC. 4. That it shall be unlawful for any person who shall not have registered and paid the special tax as required by section 1 of this act to sold, ship, carry, or deliver any of the aforesaid drugs or articles from any State or Territory.

Mr. SMOOT. Mr. President, is that amendment right? Should not the amendment on page 7, line 21, inserting the words "or articles," be disagreed to? The committee sug-

Mr. STERLING. I will say that I think the original bill will not lead to debate. There is an amendment proposed by the Senator from Washington [Mr. POINDEXTER] that is pending. The rest of the bill has been acted upon in Committee of the Whole, and agreed to in Committee of the Whole; I understood that there will be no objection to it.

Mr. CLARK of Wyoming. Do I understand the Senator to say that the bill as it stands has been acted upon in Committee of the Whole, and agreed to?

Mr. STERLING. Yes, sir; it has been acted upon in Committee of the Whole, and agreed to. I think the RECORD will so show.

Mr. CLARK of Wyoming. Does the Senator understand that the bill will lead to any debate as it now stands?

Mr. STERLING. I do not expect that it will lead to any debate. The bill has been quite fully considered.

Mr. CLARK of Wyoming. The amendment that the Senator spoke of has already been offered?

Mr. STERLING. The amendment has been offered.

Mr. SHAFROTH. I should like to ask the Senator from South Dakota whether there is anything in the bill which involves the question of leasing any of the mineral lands?

Mr. STERLING. There is not anything in the bill which involves the question of leasing.

Mr. SHAFROTH. Then, I have no objection to its consideration.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. GALLINGER. Let the amendment be stated.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from Washington [Mr. POINDEXTER].

The SECRETARY. It is proposed to add as an additional section the following:

SEC. 2. That all lands reserved as timberlands or for other purposes within diminished Indian reservations shall be open to mineral entry and location under the mining laws of the United States: *Provided*, That upon every producing mine developed thereon the Secretary of the Interior shall levy and collect a reasonable royalty at a rate to be fixed by him, the proceeds thereof to be paid into the tribal funds of the Indians for whose benefit said reservation was made.

Mr. SHAFROTH. I understand that there was nothing in the nature of a leasing proposition to be upon the bill. If the Senator will agree to strike out the proviso, I have no objection whatever to the bill.

Mr. POINDEXTER. Mr. President, if the Senator insists upon his objection, rather than have the bill fail I will agree that it shall go out, but I should like the Senator to withhold the objection for a moment until I state very briefly the nature of the amendment.

Mr. SHAFROTH. Very well.

Mr. POINDEXTER. It applies only to Indian lands. There was objection made by some Senators to the amendment because they apprehended that it would shut off lands from entry or establish a royalty system upon lands which they thought ought to be subject to the public-land laws without any special conditions. The lands covered by the amendment are not now subject to mineral entry at all. The reason why I introduced the amendment was in the interest of the Indians as well as in the interest of the white people. If there are any valuable minerals on these lands, it is obviously a wise policy to encourage the development of them. The lands belong to the Indians. They are not public lands. If the Senator from Colorado will consider it carefully, I think he will conclude as to those lands which belong exclusively to the Indians that it would be wrong or unwise not to allow some return to the Indians for any valuable proceeds that may come from them. I am not in favor of a royalty system as applied to public lands generally, but these are not public lands. I should like very much to have the Senator withhold his objection, or if he insists upon it, that we may dispose of it in conference. I will not insist upon the amendment to the extent of defeating the bill.

Mr. SMITH of Arizona. Will the Senator yield to me for a moment?

Mr. POINDEXTER. I yield to the Senator from Arizona.

Mr. SMITH of Arizona. These are not Indian lands, for if they were they could not be reduced in size without an act of Congress. Is this an Executive reservation or a reservation created by act of Congress?

Mr. POINDEXTER. It does not cover any Executive reservation, and could have no effect whatever upon the class of Executive reservations which the Senator has in his part of the country. It simply covers a case where there is an Indian reservation that has been by act of Congress opened up for the settlement of agricultural lands. All the agricultural lands that have not been allotted to Indians are open to homestead entry by white people. Outside of agricultural lands in these reservations there are timberlands that were not opened for settlement, but are still reserved as an Indian timber reservation not subject to entry of any kind.

Mr. SMITH of Arizona. Are there timber reservations reserving the timber for the Indians?

Mr. POINDEXTER. Yes; there have been for a number of years. It is the purpose of this amendment to open up those reservations for mineral entry.

Mr. SMITH of Arizona. The point I make is simply this: Some time ago I introduced a resolution, and if I can ever get an opportunity when my modesty will permit me to interrupt the exciting proceedings of the Senate on the tolls bill or at any subsequent time, I wish to submit some remarks to the Senate on the power of an Executive reservation to carry mineral lands with it. My contention is that no Executive order extending or creating an Indian reservation can carry with it minerals. Therefore I feel that any reservation of these mineral lands in a diminished reservation, not lands thrown out from the reservation, are not in control by the Federal Government as against a man who wishes to locate it, and no tax or imposition of any kind can be placed on that mineral property. It strikes me as absolutely opposed to the whole spirit of our mining laws that such an imposition should be made, and it ought not to be done.

Mr. POINDEXTER. I am very much in sympathy with the views of the Senator from Arizona in regard to that, and I have myself insisted in reference to several reservations which are supposed to contain minerals that under the law they are now subject to entry. Nevertheless, entries are impossible because the executive branch of the Government refuses to allow them, and, as a practical matter, they never will be made, however great the mineral resources developed, unless there is an act of this kind expressly authorizing mineral entry upon the land.

I am very much afraid the Senator from Arizona misapprehends the nature of the land designated as diminished Indian reserves. It is just the opposite of what the Senator referred to. It is not lands that have been thrown out from a reservation, but it is lands that have been kept in the reservation when some others have been thrown out.

Mr. SMITH of Arizona. But that is one of the reasons of my objection. The Senator will understand I do not wish to antagonize his bill, but there is no doubt in my mind, at least—and to that question I have given some consideration recently—that the lands even within an Executive reservation that contain mineral are open to location and settlement by miners. But whether that be true or not, I do not want that open question foreclosed by an act of Congress. If we settle it with this act of Congress, we recognize the right that I claim the President does not have in these reserves.

In answer to the further suggestion of the Senator, that you can not sue the Government, my judgment is that a valid mining claim on an Executive-order reserve is to-day open to location and settlement, and if it be true that you can not sue the Government, you can get an injunction against the particular individual who attempts to stop you from mining, and therefore foreclose the Government by the judgment of the court from further interference with the location. For these reasons I hope the Senator will leave the proposed section out of the bill.

Mr. POINDEXTER. Mr. President, I hope that the Senator from Arizona will not press his objection. I should like to have an opportunity to have the amendment placed on the bill, and I feel in a perfectly reasonable frame of mind in regard to it. I do not want to press it unduly, and I want the Senator from Arizona to agree with me about it, because I am satisfied that our object is the same; that is, to allow the use of valuable minerals which under the present law will be locked up forever. The Indians never will develop it. White people are not allowed to enter the lands, and as long as they remain there locked up there is an exaggerated idea about the value of the minerals in them. It creates a state of public opinion which is very disagreeable. I think the people have some reason to object to a policy which would shut off from any kind of development or entry lands of this kind.

Mr. SMITH of Arizona. I heartily agree with the Senator that these lands ought to be developed. They are of no earthly use to the Indians. In fact, the development of them would be of great advantage to the Indians, because they would find work among their neighbors. I dislike to see the precedent established now. I would be glad if the Senator would let the bill go over.

Mr. POINDEXTER. If the Senator will withhold his objection I will later on consent to an amendment excepting Executive-order reservations.

Mr. SMITH of Arizona. I would be obliged to the Senator if he would pursue that course, for I am very averse to raising any objection to his bill, and he and I agree on this proposition, for our purpose is exactly the same.

Mr. CLARK of Wyoming. Will the Senator yield to me a moment?

Mr. POINDEXTER. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. It seems that my objection to the bill lies on an entirely different ground from that of the Senator from Arizona. These are Indian lands on a diminished reservation, that portion of the reserve which is not separated from the Indians but continues to be Indian lands.

Mr. POINDEXTER. Exactly.

Mr. CLARK of Wyoming. All the land belongs to the Indians; all the timber and all the mineral land still adheres to it. Have we the right, by an act of Congress, without an agreement with the Indians, especially upon a treaty reservation, to say what disposition shall be made of the lands upon that diminished reserve? I do not think so. I think we would have to have an agreement with the Indians before we could legislate.

Mr. GALLINGER. I rise to a point of order, Mr. President. The reason why the calendar has become so voluminous results from the fact that when we proceed to it we do not observe the rule of the Senate, which is that each Senator can speak five minutes and only once on a bill. Heretofore we have spent hours in debating a single bill on the calendar under Rule VIII. Under the unanimous-consent agreement, unless the rule is to be observed, I will object to the further consideration of the bill.

Mr. POINDEXTER. I will not make any further argument on the question.

Mr. GALLINGER. If the bill can be passed, I have no objection.

Mr. POINDEXTER. I ask the Senators to withhold their objection and let it, in view of the congested calendar, go through. Then in conference, if we can not agree upon it, I shall be perfectly willing to withdraw it.

Mr. CLARK of Wyoming. I can hardly, with the view that I hold, agree to Congress disposing of Indian property without the consent of the Indians any more than I could consent to the idea of one man entering another man's bank and taking out what he chose to take.

Mr. POINDEXTER. The Indians have consented.

Mr. SUTHERLAND. Mr. President, I think I shall have to object to the further consideration of the bill if the Senator from Washington insists upon the consideration of his amendment. It presents a very important question—a question that ought to be looked into, it seems to me, by a committee.

Mr. SHAFROTH. I ask the Senator from Washington whether he will not withdraw the proviso. My objection to the leasing provision contained in this bill is——

Mr. SUTHERLAND. I object to the further consideration of the bill.

Mr. POINDEXTER. Did the Senator from Utah withdraw his objection to the bill?

SEVERAL SENATORS. Regular order!

Mr. POINDEXTER. If the Senator from Utah will withdraw his objection to the bill, I will withdraw the amendment to which he objects.

Mr. SMOOT. Regular order!

Mr. SUTHERLAND. I withdraw the objection, and I ask if we can pass the bill?

Mr. SHAFROTH. With the understanding that the amendment is withdrawn, the bill is perfectly satisfactory, and I hope it will pass.

Mr. CLARK of Wyoming. Just a moment. I do not want to object; but I want to put the bill into some kind of shape if we can do so. There is no provision in the bill for coal at all; and yet under the provisions of the bill these lands shall "be disposed of under the general provisions of the mining and coal-land laws of the United States." I move to strike out the words "and coal-land," as they are surplusage. Of course, we can not dispose of this land as coal land is disposed of. The words to which I refer are found on page 2 of the bill, in line 14.

Mr. SHAFROTH. As I understand, the amendment proposed by the Senator from Washington [Mr. POINDEXTER] is withdrawn.

Mr. CLARK of Wyoming. I know; but I am calling attention to another portion of the bill, on page 2, line 14, where it is provided that these lands—

Shall be open to exploration and purchase and be disposed of under the general provisions of the mining and coal-land laws of the United States.

In the first place, the words "and coal-land" are surplusage; and, in the next place, if they are not surplusage, they are not applicable to this particular kind of land.

The VICE PRESIDENT. It will be necessary to reconsider the vote whereby the amendment heretofore adopted was agreed to. Is there objection? The Chair hears none, and the vote whereby the amendment was agreed to is reconsidered. The Senator from Wyoming now proposes an amendment to that amendment, which will be stated.

The SECRETARY. In section 1, page 2, line 14, it is proposed to amend the amendment by striking out the words "and coal-land."

The amendment to the amendment was agreed to.

Mr. LANE. Mr. President, this bill is one with which I am not familiar, but it seems to me that it will be far-reaching in its effects; it is an important measure, and it will apply to lands belonging to Indians all over the United States. The Indians object to it. I have letters from them in my office. I was not looking for this bill to come up to-day, or I would have brought the letters with me and presented them to the Senate. The Indians object to having these lands taken away from them without their consent. They wish to be fully advised as to what measures are to be taken in regard to them.

The Indians of this country have been deprived of an immense deal of property of enormous value, for which they have received no return. They have been deprived of their agricultural lands, of their mineral lands, of all manner of lands, and they have had nothing in return for them. Their condition is pitiable. If this is a proposition to reach out another hand and take from them other great resources without their consent, I want to object to its passage and do all I can to defeat it.

Mr. STERLING. Mr. President, I think the Senator from Oregon is under a misapprehension as to the meaning of this bill. It does not purport to dispose of Indian lands at all. The lands covered by the bill have already been opened to settlement, but no provision has been made by Congress in regard to the disposition of the lands containing these particular kinds of mineral; that is all. This bill is simply to permit of the disposition of lands containing kaolin, kaolinite, fuller's earth, and fire clay.

Mr. LANE. "And other minerals."

Mr. STERLING. And minerals of that kind.

Mr. LANE. The bill says "and other minerals," and that phrase includes every known mineral.

Mr. CLARK of Wyoming. There are two prints of the bill.

Mr. STERLING. It does not include other minerals, but it refers to other mineral lands. The provision in regard to minerals is stricken out and the bill relates specifically to the particular kinds of minerals named in the bill. They are kaolin, kaolinite, fuller's earth, china clay, and ball clay—minerals found within reservations heretofore opened up for exploration and settlement, but for the disposition of which there was no provision of law at all, and the bill allows of the disposition of them under the general mining laws.

Mr. SMOOT. Mr. President, in comparing the copy of the calendar I have with that of the Senator from Wyoming [Mr. CLARK] I find that there are two bills being considered by the Senate. The bill that is on the Senator's calendar is entirely different from the bill which is on mine. I tried to follow the Senator's amendment and could not. I think the Senator from Oregon has another bill. For that reason I think we had better have an opportunity to know what we are acting upon, and so I object to the further consideration of the bill.

Mr. STERLING. Mr. President, I will say that the bill before the Senate is a reprint.

Mr. SMOOT. Regular order, Mr. President.

The VICE PRESIDENT. There being objection, the bill goes over.

Mr. WALSH. Mr. President, though I was here during practically all of the session to-day, I was unfortunately out of the Chamber when the calendar was taken up. I therefore ask unanimous consent to recur to Calendar Order 90. I believe there is not any opposition to it.

Mr. GALLINGER. That could not be done under the agreement. The agreement was that the Senate should proceed to the calendar under Rule VIII, and consider unobjected cases in their order.

Mr. SMITH of Arizona. Regular order!

BILLS AND RESOLUTIONS PASSED OVER.

Senate resolution No. 156, limiting expenditures for telegrams sent or received by Senators, was announced as next in order.

Mr. GALLINGER. Let that go over.

Mr. WORKS presented a petition of sundry citizens of Pasadena, Cal., praying for national recognition of Dr. Frederick A. Cook, which was referred to the Committee on the Library.

Mr. NORRIS presented petitions of sundry citizens of Chase County, Nebr., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of J. Henry McGreevy, of Burlington, Vt., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. LODGE presented petitions of sundry citizens of Newburyport, Fitchburg, and West Brookfield, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Nies Club, of Dorchester, Mass., favoring national censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Board of Aldermen of Malden, Mass., and a petition of the City Council of North Adams, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

Mr. SHIVELY presented memorials of George Issler, William Grillin, Frank Wayne, and 19 other citizens of Fort Wayne, Terre Haute, and Indianapolis; of the Central Labor Union of Elkhart and of Local Branch No. 60, Glass Bottle Blowers' Association, of Terre Haute, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of Charles Hoover, W. C. Trayle, E. A. Stanton, and 22 other citizens of Middlebury, Goshen, Orland, and Milford, all in the State of Indiana, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SIMMONS presented a petition of sundry citizens of Greensboro, N. C., praying for national recognition of Dr. Frederick A. Cook, which was referred to the Committee on the Library.

Mr. BURLEIGH presented a petition of Smyrna Mills, Me., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented petitions of sundry citizens of Weld, and of Cumberland County, in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of South Carolina, presented a memorial of sundry citizens of Laurens, S. C., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of General O. O. Howard Circle, No. 45, Ladies of the Grand Army of the Republic, of Port Townsend, Wash., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

FEDERAL TRADE COMMISSION.

Mr. NEWLANDS. I submit an amendment, in the nature of a substitute, which I intend to propose to the bill (S. 4160) to create a Federal trade commission, to define its powers and duties, and for other purposes. I ask that it may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the amendment was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Amendment, in the nature of a substitute, intended to be proposed by Mr. NEWLANDS to the bill (S. 4160) to create a Federal trade commission, to define its powers and duties, and for other purposes, viz:

Strike out all after the enacting clause and insert the following:

"A commission is hereby created and established, to be known as the Federal trade commission, composed of five members, not more than three of whom shall be members of the same political party, and the said Federal trade commission is referred to hereinafter as 'the commission.'

"The words defined in this section shall have the following meaning when found in this act, to wit:

"'Commerce' means such commerce as Congress has the power to regulate under the Constitution.

"The term 'corporation' or 'corporations' shall include joint-stock associations and all other associations having shares of capital or capital stock, organized to carry on business for profit.

"'Antitrust acts' means the act entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' approved July 2, 1890; also sections 73 to 77, inclusive, of an act entitled 'An act to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 27, 1894; and also the act entitled 'An act to amend sections 73 and 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes,"' approved February 12, 1913.

"SEC. 2. Upon the organization of the commission, the Bureau of Corporations, and the offices of Commissioner and Deputy Commissioner of Corporations, shall cease to exist, and the employees of said bureau shall become employees of the commission in such capacity as it may designate. The commission shall take over all the records, furniture, and equipment of said bureau. All work and proceedings pending before the bureau may be continued by the commission. All appropriations heretofore made for the support and maintenance of the bureau and its work are hereby authorized to be expended by the commission for said purposes.

"The Bureau of Corporations and the offices of Commissioner of Corporations and Deputy Commissioner of Corporations are, upon the organization of the commission and the election of its chairman, abolished, and their powers, authority, and duties shall be vested in and exercised by the commission free from the direction or control of the Secretary of Commerce.

"Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. A vacancy in the commission shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

"The commissioners shall be appointed by the President, by and with the advice and consent of the Senate. The terms of office of the commissioners shall be seven years each. The terms of those first appointed by the President shall date from the taking effect of this act, and shall be as follows:

"One shall be appointed for a term of three years, one for a term of four years, one for a term of five years, one for a term of six years, and one for a term of seven years; and after said commissioners shall have been so first appointed all appointments, except to fill vacancies, shall be for terms of seven years each. The commission shall elect one of its members chairman for such period as it may determine. The commission shall elect a secretary and may elect an assistant secretary. Said secretary and assistant secretary shall hold their offices or connection with the commission at the pleasure of the commission. Each commissioner shall receive a salary of $10,000 per annum. The secretary of the commission shall receive a salary of $5,000 per annum. The assistant secretary shall receive a salary of $4,000 per annum. In case of a vacancy in the office of any commissioner during his term, an appointment shall be made by the President, by and with the advice and consent of the Senate, to fill such vacancy for the unexpired term. The office of the commission shall be in the city of Washington, but the commission may at its pleasure meet and exercise all its powers at any other place, and may authorize one or more of its members to prosecute any investigation, who shall have and exercise the powers herein given the commission necessary to such investigation. The commission shall have such attorneys, accountants, experts, examiners, special agents, and other employees as may, from time to time, be appropriated for by Congress, and shall have authority to audit their bills and fix their compensation.

"With the exception of the secretary and assistant secretary and one clerk to each of the commissioners, and such attorneys, accountants, experts, examiners, and special agents as may be employed, all employees of the commission shall be a part of the classified civil service. The commission shall also have the power to adopt a seal, which shall be judicially noticed, and to rent suitable rooms for the conduct of its work.

"The Auditor for the State and Other Departments shall receive and examine all accounts of expenditures of the commission.

"All the expenses of the commission including all necessary expenses for transportation incurred by the commissioners or by their employees under their orders in making any investigation or upon official business in any other place than in the city of Washington, shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the commission.

"Witnesses summoned before the commission shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"SEC. 3. The commission shall have power, among others—

"(a) To investigate from time to time, and as often as the commission may deem advisable, the organization, business, financial condition, conduct, practices, and management of any corporation engaged in commerce and its relation to other corporations and to individuals, associations, and partnerships.

"(b) To require any corporation subject to the provisions of this act which the commission may designate to furnish to the commission from time to time information, statements, and records concerning its organization, business, financial condition, conduct, practices, management, and relation to other corporations, or to individuals, associations, or partnerships, and to require the production for examination of all books, documents, correspondence, contracts, memoranda, or other papers relating to or in any way affecting the commerce in which such corporation under inquiry is engaged or concerning its relation to any individual, association, or partnership, and to make copies of the same.

"(c) To prescribe as near as may be a uniform system of annual reports from such corporations or classes of corporations subject to the provisions of this act as the commission may designate and to fix the time for the filing of such reports, and to require such reports, or any special report, to be made under oath or otherwise, in the discretion of the commission.

"(d) To make public, in the discretion of the commission, any information obtained by it in the exercise of the powers, authority, and duties conferred upon it by this act, except so far as may be necessary to protect trade processes, names of customers, and such other matters as the commission may deem not to be of public importance, and to make annual and special reports to the Congress and to submit therewith recommendations for additional legislation.

"(e) In any suit in equity brought by or under the direction of the Attorney General as provided in the antitrust acts if the court finds for the complainant it may, upon its own motion or the motion of any party to such suit, refer the matter of the form of the decree to be entered to the commission as a master in chancery; whereupon the commission shall proceed in that capacity upon such notice to the parties and upon such hearing as the court may prescribe, and shall as speedily as practicable make report with its findings to the court, which report and findings having been made and filed shall be subject to the judicial procedure established for the consideration and disposition of a master's report and findings in equity cases.

"(f) Wherever a restraining order or an interlocutory or final decree has heretofore been entered or shall hereafter be entered against any defendant or defendants in any suit brought by the United States to prevent and restrain any violation of the antitrust acts, the commission shall have power, and it shall be its duty, upon the application of the Attorney General, to make investigation of the manner in which the order or decree has been or is being carried out, and as to whether the same has been or is being violated and what, if any, further order, decree, or relief is advisable. It shall transmit to the Attorney General a report embodying its findings as a result of any

such investigation with such recommendations for further action as it may deem advisable and the report shall be made public in the discretion of the commission.

"(g) If the commission believes from its inquiries and investigations, instituted upon its own initiative or at the suggestion of the President, the Attorney General, or either House of Congress that any corporation, individual, association, or partnership has violated any law of the United States regulating commerce, it shall report its findings and the evidence in relation thereto to the Attorney General with its recommendations.

"For the purpose of prosecuting any investigation or proceeding authorized by this section the commission, or its duly authorized agent or agents, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documents or writings of any corporation being investigated or proceeded against.

"SEC. 4. The powers and jurisdiction herein conferred upon the commission shall extend over all trade associations, corporate combinations, and corporations as hereinbefore defined engaged in or affecting commerce, except banks and common carriers.

"SEC. 5. Any person who shall willfully destroy, alter, mutilate, or remove out of the jurisdiction of the United States or authorize, assist in, or be privy to the willful destruction, alteration, mutilation, or removal out of the jurisdiction of the United States of any book, letter, paper, or document containing an entry or memorandum relating to commerce, the production of which the commission may require under this act, or who shall willfully make any false entry relating to commerce in any book of account or record of any trade association, corporate combination, or corporation, subject to the provisions of this act, or who shall willfully make or furnish to said commission or to its agent any false statement, return, or record, knowing the same to be false in any material particular, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding $5,000 or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"Any employee of the commission who divulges any fact or information which may come to his knowledge during the course of his employment by the commission, except in so far as it has been made public by the commission, or as he may be directed by the commission or by a court, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

"SEC. 6. The commission shall have and exercise the powers possessed by the Interstate Commerce Commission to subpena and compel the attendance and testimony of witnesses and the production of evidence, and to administer oaths. All the powers, requirements, obligations, liabilities, and immunities imposed or conferred by the act to regulate commerce, as amended in relation to testimony before the Interstate Commerce Commission, shall apply to witnesses, testimony, and evidence before the commission.

"SEC. 7. The district courts of the United States, upon the application of the commission alleging a failure by any corporation, or by any of its officers or employees, or by any witness, to comply with any order of the commission for the furnishing of information, shall have jurisdiction to issue such writs, orders, or other process as may be necessary to enforce any order of the commission and to punish the disobedience thereof.

"SEC. 8. The several departments and bureaus of the Government, when directed by the President, shall furnish the commission, upon its request, all records, papers, and information in their possession relating to any trade association, corporate combination, or corporation subject to any of the provisions of this act."

Amend the title so as to read: "A bill to create a Federal Trade Commission, to define its powers and duties, and for other purposes."

Mr. NEWLANDS. I am directed by the Committee on Interstate Commerce, to which was referred the bill (S. 4160) to create an interstate trade commission, to define its powers and duties, and for other purposes, to report it with an amendment in the nature of a substitute, and I submit a report (No. 583) thereon. I ask that the bill may go to the calendar.

The VICE PRESIDENT. The bill will be placed on the calendar.

STEPHEN MORRIS BARLOW.

Mr. MYERS, from the Committee on Military Affairs, to which was referred the bill (S. 4054) for the relief of Stephen Morris Barlow, reported it with an amendment, and submitted a report (No. 584) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 5749) granting an increase of pension to Frank Steunn (with accompanying papers); and

A bill (S. 5750) granting a pension to Eliza J. Arthur; to the Committee on Pensions.

By Mr. THOMAS:

A bill (S. 5751) authorizing the Secretary of the Interior to grant patent to E. M. Palmer for certain lands in the State of Colorado; to the Committee on Public Lands.

By Mr. POINDEXTER:

A bill (S. 5752) for the relief of John Morrow; to the Committee on Military Affairs.

A bill (S. 5753) granting an increase of pension to William H. Satterthwait; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5754) for the relief of Miles Cook (with accompanying papers); and

A bill (S. 5755) for the relief of Jesse J. Clemmons (with accompanying papers); to the Committee on Military Affairs.

By Mr. POINDEXTER:

A bill (S. 5756) providing for farm loans from funds deposited in postal savings banks; to the Committee on Post Offices and Post Roads.

A bill (S. 5757) to amend the commerce act, approved June 29, 1906; to the Committee on Interstate Commerce.

A bill (S. 5758) providing for mineral entries on lands in diminished Indian reservations; to the Committee on Indian Affairs.

By Mr. OLIVER:

A joint resolution (S. J. Res. 157) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Relations.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. O'GORMAN. Mr. President. I do not know that there is any other Senator present who desires to discuss the canal tolls bill to-day. Two Senators have announced that they will speak on Monday if they have the opportunity. I know of no others who intend to participate in the discussion. Under the circumstances, so that we may make as much progress as possible on Monday and perhaps reach a vote Monday evening, I move that the Senate take a recess until 11 o'clock Monday morning.

Mr. GALLINGER. I ask the Senator to withhold that motion. May we not devote an hour to the calendar this afternoon?

Mr. O'GORMAN. I have no objection to that. I withdraw my motion and ask that the tolls bill be temporarily laid aside.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Without objection, the unfinished business will be temporarily laid aside and the motion for a recess is withdrawn.

THE CALENDAR.

Mr. GALLINGER. I ask unanimous consent that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? Without objection, such will be the order, and the Secretary will announce the first bill on the calendar.

The bill (S. 1240) to establish the legislative reference bureau of the Library of Congress was announced as first in order.

Mr. GALLINGER. Let that go over.

The PRESIDING OFFICER. It will go over.

The bill (S. 655) authorizing the Secretary of the Interior to survey the lands of the abandoned Fort Assiniboine Military Reservation and open the same to settlement was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

The joint resolution (S. J. Res. 41) authorizing the Secretary of the Interior to sell or lease certain public lands to the Republic Coal Co., a corporation, was announced as next in order.

Mr. SMOOT. Let that go over also.

The PRESIDING OFFICER. The joint resolution will go over.

The bill (S. 2242) making it unlawful for any Member of Congress to serve on or solicit funds for any political committee, club, or organization was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will go over.

MINERAL LANDS IN INDIAN RESERVATIONS.

The bill (S. 2651) providing for the purchase and disposal of certain lands containing kaolin, kaolinite, fuller's earth, and other minerals within portions of Indian reservations heretofore opened to settlement and entry was announced as next in order.

Mr. CLARK of Wyoming. Let the bill go over.

Mr. STERLING. This bill has been up several times and has gone over under objection. I should like very much to have the bill acted upon this afternoon. It is a matter of considerable interest to the people of my State.

Mr. CLARK of Wyoming. I am perfectly willing that it shall be called up, but I want to remind the Senator and the Senate that it will probably lead to debate. I understood that the calendar was to be called simply for the consideration of unobjected cases.

Mr. GALLINGER. That is right.

Mr. CLARK of Wyoming. I have no objection whatever to having the bill considered, if it does not lead to debate.

no need of placing ourselves in a position which will subject us to criticism, or even call into question our rights under any treaty, especially when by not doing so we are to be the chief beneficiaries.

The Democratic Party has always been opposed to granting subsidies and special privileges. The Panama Canal act contains both features. It is true that the last Democratic platform declared for free tolls, but this provision is inconsistent with the fundamental principles of the party and inconsistent with other provisions in the platform declaring against special privileges and subsidies. This plank was not discussed in Kansas during the campaign of 1912, and has since been repudiated by four-fifths of the delegates who created it at the national convention. But even if it was in our platform, and if it had been consistent with our former declarations, but should appear to us at this time to be wrong, as the representatives of our party now we ought to be big enough and brave enough to correct the wrong. Two wrongs never make a right, and many wrongs may be righted by doing right at the proper time. It takes courage to acknowledge a wrong, but, after all, it only shows the best spirit and greatest strength to do so.

The American people have no fears whatever of this administration committing any act or doing anything that will reflect in any way against the honor of the Nation. They have too great confidence in the President to believe, imagine, or even suspicion any such thing. It may take a little time, but sooner or later it will be clear to the people of the country that there could be no possible benefit to them by subsidizing the shipping interests of the country, and that the people of the United States as a whole are the true beneficiaries of this legislation.

Therefore, in harmony with the true Democratic doctrine of "equal rights to all and special privileges to none," I will vote for the repeal bill as amended by the Senate committee.

Mr. WORKS. Mr. President, the Committee on Interoceanic Canals has reported an amendment to this bill that can have no other effect than to mislead and deceive the public without any beneficial effects. There is but one single right involved here and that is our right to exempt our ships, engaged in the coastwise trade, from the payment of tolls for passing through the canal, while imposing tolls on the ships of other nations. We provided for this exemption by statute. The bill as it came from the House is one to repeal that clause of the statute fully, without reservation, condition, or limitation. The bill goes to that question alone. It is in plain terms a surrender of that right because of the influences that have been brought to bear to bring about such surrender. The British Government protested against the exemption of our coastwise ships because they might carry foreign goods, and their exemption might increase the tolls to be exacted from foreign ships. This claim, made by Great Britain, had been fully and conclusively met by our State Department. It has never since been renewed or urged by that Government. It was left to the senior Senator from New York [Mr. ROOT] to again raise the question after it had been practically settled, and to make broader and more unjustifiable claims against his own Government and in favor of England than she had claimed for herself.

It was an unjust assault upon the good name of our country and the good faith of its Congress. It had the desired effect. It aroused and manufactured a sentiment that seems to have changed the mind of the President on this vital question of national honor involving the right and sovereignty of the Government over the canal. While before, the President and his party had stood firmly for the exemption, and the Democratic Party had declared for it in its national platform, the Chief Magistrate has changed his mind, has violated the platform under which he was elected, and denounced the exemption as a violation of the treaty with Great Britain. He says in his message:

> In my own judgment, very fully considered and maturely formed, that exemption * * * is in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

Why he changed his mind no one knows. Such a surrender of the views of a public official on a matter so important was never known in the history of the country. Such an open and willful violation of a party platform by any high official was never heard of. The willingness of Members of Congress to stand by this repudiation of their party platform will look to the future historian like a political scandal.

Now, Mr. President, why should the President put himself and his political friends in Congress in this most unfortunate situation? It could not have been on economic grounds alone. If an economic mistake had been made, surely the President would not on that account have sacrificed himself by this remarkable change of front and the violation of the platform of his party or have asked Democratic Members of Congress to make a like sacrifice.

No; this question of repeal involves only the question of a violation of a treaty with a foreign country. It has been presented, almost wholly, on this issue. Senators are going to vote for it on that ground and that only. The people of this country know it. History will so record it. If we pass this bill, we will have stultified ourselves and the country and confessed ourselves guilty of a willful and intentional violation of a solemn treaty with another and friendly nation for a money advantage. Singularly enough, in this effort to bring ourselves and the country into disgrace and disrepute, the President and the senior Senator from New York have become firm allies and are supported by Senators who do not believe as the President and the Senator from New York seem to do—that the exemption is a violation of the treaty. It is a strange alliance, resting upon a marvelous foundation.

With this condition of things confronting us, and because of the wave of popular protest and indignation that has swept over the country at this betrayal of a party pledge and surrender of the rights of the country, the attempt is now made by, not the friends of repeal, for they can be counted on the fingers of your two hands, but by those who are obsequiously bowing to the will of the President, to deceive and mislead the people and turn away their wrath by the amendment proposed by the committee. This is it:

> *Provided*, That neither the passage of this act nor anything therein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States.

What right of this Government involved here could by any possibility be guarded or preserved by such an amendment as this? It must be borne in mind that the only matter in dispute is our right to exempt our own ships from the payment of tolls. There is no reason or occasion for attempting to protect any other right. Does anybody really believe that we acquired this right by treaty? By no means. On the contrary, we have the right solely because of our ownership of and sovereignty over the canal, and the contention against it is that we surrendered the right by the terms of the Hay-Pauncefote treaty. The claim is not that we acquired the right by the treaty, but that we lost it in that way. How absurd and misleading it is, then, for Congress to provide that by surrendering a right not acquired by treaty the act shall not affect any right so acquired. We never gained a right by any such means that could be lost or preserved, and we surrender a right in one sentence of the act and then by proviso say the act shall have no such effect if it was acquired by treaty. Such false and misleading legislation would be an insult to an intelligent people and discredit the lawmaking body that enacted it.

Mr. President, there should be no call for any attempt by proviso to preserve our right as owner of the canal to pass our own ships through it on such terms as we may elect. The bill itself presents a false issue. No one should ever have thought of surrendering this right so clearly an incident of ownership and sovereignty. The idea that we have estopped ourselves to exercise the right by the terms of the Hay-Pauncefote treaty has few supporters among our own people. Unfortunately one of these is the President. With all his power he will coerce others to adopt his view, who do not agree with him in the least. Unfortunately again, the votes of Senators who do not agree with him, but who will respond to his request and support this repeal bill only because he asks them to do it, will hold the balance of power when the bill comes to a vote and their support will pass it, if it passes at all.

So, Mr. President, we shall have another law vital in its consequences that is passed by unwilling votes cast against the judgment and opposed to the convictions of a large majority of the Members of this body. It will be one more added to the list of laws enacted by this Congress at the will of one man without whose dictation it would never have passed.

This being the situation, we are called upon to protect, in direct terms, and without evasion, subterfuge, or ambiguity, the one and only right that is assailed and about to be surrendered, namely, the right as the owner of the canal, and not by treaty, to exempt our ships from the payment of tolls. If we pass the bill as it came from the House we will have surrendered our right for all time. The President asks the repeal because the exemption is in violation of the treaty. If we pass the bill without a declaration to the contrary, the surrender will be complete and forever. The record, taking the President's message and the following passage of the bill, would be so made and we could not escape from it; and it would be a falsehood thus established against our own people. I think it may be safely said that not a half dozen Members of this body believe that the exemption is in violation of the treaty.

But if we pass this repeal bill, a majority will have declared to that effect and seal it by statute. However willing Senators may be to repeal the exemption clause of the statute, it would be inexcusable to make such a record as that with the hope of protecting ourselves and the country from such a misfortune. I have proposed and shall offer the following amendment:

> *Provided*, That neither the passage of this act nor the imposition upon or collection of tolls from the ships of this country or its citizens for passing through the Panama Canal shall deprive the United States of the right, as owner of said canal, to exempt from the payment of such tolls any and all ships of the Government and its citizens at any future time, nor shall this act be construed as a waiver of such right or as an acceptance of or consent to such a construction of any treaty with a foreign country as will deny or abridge the same.

With such an amendment we can safely and consistently say that we have not repealed the statute because of or upon the theory that the exemption it provides for is in violation of the Hay-Pauncefote or any other treaty, but for economic or other reasons not affecting the rights of any other nation. And this would be strictly true. If this bill presented but the one question of the violation of the Hay-Pauncefote treaty and Senators voted their own sincere convictions, it would not receive 10 votes in this body. Every Senator here knows that to be true; but, unfortunately, there are Members who do not believe we have violated the treaty, but will vote for the bill on economic grounds, and one who, according to his own declarations, will vote for it to make other nations believe we are honest. What a fearful sacrifice to make to secure the good opinion of other nations! Have we sunk so low as to make it necessary to sacrifice our sovereignty over the canal to make other nations think better of us? The senior Senator from Massachusetts [Mr. LODGE] seems to think so. I do not. I think better than that of my country. It is most unfortunate that any Senator should have conceived such an idea. It is little less unfortunate that any Member of this body should vote for the bill, under the circumstances, on economic grounds. Say what he may, explain his vote as he will, his vote will be counted in the estimation of the people of the country and of other nations as in support of the President's declaration that the exemption of our ships was in violation of the treaty, and will help to place the country in the attitude of having willfully violated a solemn pledge.

The amendment I have proposed will enable such Senators, if they feel they are in duty bound to vote for the bill on economic grounds, to so declare, in effect, in the law itself. The adoption of the amendment, if the bill passes, will at least leave us free to assert our right at any future time and at the same time free us from the humiliating position of confessing that we have violated a treaty when a large majority of the Members of this body do not believe we have done any such thing. It would be a shameful thing to do.

Mr. President, I have not proposed the amendment because I believe there is any good reason for passing this repeal bill; but if the majority of the Senate are going to vote for the bill, then I sincerely hope we will at least maintain the honorable ground that we are not doing it at the dictation of England or because we have violated any of her rights.

I hope the amendment will be favorably considered.

Mr. BORAH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Borah	Jones	Page	Smith, Md.
Brady	Kern	Perkins	Smith, S. C.
Bristow	Lane	Poindexter	Smoot
Bryan	Lea, Tenn.	Pomerene	Stephenson
Burton	Lee, Md.	Ransdell	Sterling
Catron	Lippitt	Reed	Sutherland
Chamberlain	Lodge	Root	Swanson
Clapp	McCumber	Saulsbury	Thomas
Clark, Wyo.	Martin, Va.	Shafroth	Thompson
Cummins	Martine, N. J.	Sheppard	Thornton
Gallinger	Nelson	Sherman	Vardaman
Goff	Norris	Shively	Warren
Hitchcock	O'Gorman	Simmons	West
James	Oliver	Smith, Ariz.	Works
Johnson	Overman	Smith, Ga.	

Mr. KERN. I wish to announce the unavoidable absence of the following Senators: The senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], the junior Senator from New Hampshire [Mr. HOLLIS], the senior Senator from Alabama [Mr. BANKHEAD], and the senior Senator from Texas [Mr. CULBERSON], all of whom are paired. This announcement may stand for the day.

Mr. GALLINGER. I desire to announce the unavoidable absence of the junior Senator from Maine [Mr. BURLEIGH], who is paired with the junior Senator from New Hampshire [Mr. HOLLIS].

Mr. CHAMBERLAIN. I was requested to announce that the senior Senator from Mississippi [Mr. WILLIAMS] is absent on official business. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

The PRESIDING OFFICER. Fifty-nine Senators have answered to their names. There is a quorum present.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 15613. An act to create an interstate trade commission, to define its powers and duties, and for other purposes;

H. R. 16586. An act to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes; and

H. R. 15657. An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were signed by the Vice President:

H. R. 3234. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.;

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors;

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Interstate Commerce:

H. R. 15613. An act to create an interstate trade commission, to define its powers and duties, and for other purposes; and

H. R. 16586. An act to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

H. R. 15657. An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes, was read twice by its title.

Mr. OVERMAN. I move that the bill be referred to the Committee on the Judiciary.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. PERKINS presented a petition of Local Branch No. 228, National Association of Letter Carriers, of Pasadena, Cal., praying for the enactment of legislation to grant compensatory time privilege to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union of Ripon, Cal., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a petition of the Church Federation of Palo Alto, Cal., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. THOMPSON. I yield to the Senator.

Mr. MARTINE of New Jersey. I do not want to interfere with the Senator, but I do trust in all reason that we may not have a session to-night.

Mr. SIMMONS. I want to say to the Senator that I do not think anybody contemplated a session to-night, unless we saw at the usual hour of adjournment some possibility of getting through with this matter to-night.

Mr. MARTINE of New Jersey. I desire to say that I feel an intense interest in this matter, and while I can not add to the enlightenment of the Senate in any degree I feel that my constituency have a right to know, at least, where I stand and why I take the position which I do take. It is not convenient just now for me to give expression to my views as I should like to do, and I trust that the bill may go over until Monday. I do not think there is any prime necessity for passing it to-night. The heavens are not going to fall, whether the exemption clause of the Panama Canal tolls act is repealed or not. It has stood reasonably quiet since we adopted it in 1912, and I think the world will go on if we do not adopt this measure until Monday or Tuesday, or even later next week. I am as anxious to get home and to get through with the business of the session as any man can possibly be, but it is a big subject; it is a matter that affects every man, woman, and child in our land, and in the name of all that is good and fair do not try to stifle debate.

Mr SIMMONS. Mr. President, the Senator knows that I have said nothing that indicated that I wanted to stifle debate or cut off debate. I have no such desire.

Mr. MARTINE of New Jersey. I do not believe the Senator has any such desire, but if you insist——

Mr. O'GORMAN. Mr. President——

The PRESIDING OFFICER. The Senator from Kansas has the floor. To whom does he yield?

Mr. THOMPSON. I yield to the Senator from New Jersey until he concludes.

Mr. MARTINE of New Jersey. I do not believe the Senator from North Carolina does want to stifle debate, but if you insist upon staying here until midnight and securing action to-night the result would be to stifle debate.

Mr. SIMMONS. I have not said that we are to do it; I have not said that I would unduly press the matter at all. I said if, when we reached the usual hour of adjournment this evening, 6 o'clock, the conditions were such as to make it possible that we could finish up this work to-night, I knew of a number of Senators who are exceedingly eager that we should conclude the matter in order that they may go home. A number of Senators have made that statement to me, and I know that there is a feeling and a desire here that this matter shall be disposed of as soon as possible. Of course the Senator is right in saying that there is no great necessity of passing the bill to-night, except to serve the convenience of Senators who want it disposed of.

Mr. MARTINE of New Jersey. Of course we want to finish the business of the Nation.

Mr. SIMMONS. I shall not, however, to the point of excluding anybody who wants to speak, ask that the matter be acted upon to-day.

Mr. O'GORMAN and Mr. POINDEXTER addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Kansas yield?

Mr. THOMPSON. I yield to the Senator from New York, who wants to say a word and who requested recognition a while ago.

Mr. O'GORMAN. Mr. President, I simply desire to say that, with the very best of intentions on the part of some of my colleagues, we are just now wasting time, as we did waste all of yesterday, so far as this particular legislation is concerned. I do not wish to be understood in that connection as saying that the time was lost, because I think the topics that were discussed yesterday were of great public interest and a day might very well be devoted to them, although some of us who are interested in expediting the consideration of and in reaching a vote on the tolls bill might have preferred that some other time should have been selected for that purpose.

As I understand, the Senator from Washington, who, within the knowledge of Senators, has been detained from the Senate for a few days by public duties, desires to speak, but is not desirous of speaking to-day, and has given notice that he will speak on Monday. I tell him, with all the desire on the part of the entire Senate to expedite the disposition of this legislation, he will have ample time on Monday to address the Senate, because no vote will be reached on the amendments before Monday.

I think the only thing now in order, Mr. President, is to allow the Senator from Kansas, who desires to address himself to this subject, to proceed with his remarks.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield further to the Senator from North Carolina?

Mr. THOMPSON. I yield.

Mr. SIMMONS. Mr. President, I do not know, of course, what is in the mind of the Senator from New York. He may know of speeches to be made that would make it utterly impossible to finish this matter to-day. I do not myself know of such speeches, and I have merely suggested to the Senator from Washington that if it were not too inconvenient for him he might go on to-day; but if it is inconvenient to the Senator, I withdraw that suggestion. I simply threw it out to him, and that was all.

Mr. POINDEXTER. Mr. President, I desire to say that of course I did not intend in anything that I said to intimate that the Senator from North Carolina had been endeavoring to unduly limit debate. I think, on the contrary, that he has been very reasonable about the matter; but it will be impossible to reach a vote this afternoon. I would be very glad to see Senators have an opportunity to dispose of this business in order to go away; I should like to take a holiday myself; but I think the Senator from Indiana [Mr. KERN] is going to insist on the Senate remaining in session for the consideration of trust legislation, and we are likely to reach a vote on trust legislation immediately after the disposition of the Panama tolls question, so that it would be dangerous for Senators to leave even after we dispose of the pending measure.

Mr. THOMPSON. Mr. President, for reasons very apparent to the Senate in this preliminary discussion, I would prefer not to be interrupted during the course of my few remarks. If any Senator wishes to ask my question, when I am through I will be glad to answer him as best I can.

I do not want to tax the patience of those Senators who desire to vote instead of talk or listen to further talk, but before voting I wish to make a few remarks in explanation of my vote and in behalf of the pending measure.

In my judgment there has been much more excitement and anxiety raised over the subject involved than the true situation really justified. There has been a great deal of exaggeration, misrepresentation, and some misunderstanding of the necessary consequences of the legislation. Some severe criticisms have been made against the President and his purpose in recommending the repeal. The President was clearly within his constitutional rights in suggesting the legislation, and from his viewpoint could not have honestly evaded the responsibility. Although it is a subject which was perhaps somewhat unpopular at the particular time the legislation was initiated, yet its recommendation took all the more courage and demonstrated with greater certainty the absolute sincerity and conscientious belief of the President in the wisdom of the legislation.

Regardless of the rant and fustian of the opposition the people of the United States fully understand that there is not going to be any un-American or unpatriotic act committed by the administration, and they also know there will be no surrender of any American rights or privileges to Great Britain under any treaty, as has been so often charged. To make this plain, so that our action in the matter can not be misunderstood by anyone now or at any future time, I introduced an amendment to the repeal bill providing, as follows:

> That by the passage of this act it shall neither be regarded as a construction of any treaty between the United States and any foreign country, nor a waiver, surrender, or abandonment of any rights or privileges of the United States thereunder, nor the waiver of any rights by the United States in the maintenance and control of the Panama Canal.

The committee, however, reported an amendment which has for its purpose the same thing I had in mind, but expressed in a little different language, as follows:

> *Provided*, That neither the passage of this act nor anything herein contained shall be construed or held as waiving, impairing, or affecting any treaty or other right possessed by the United States.

I also understand the committee will make further amendments to cover every question even more specifically than embodied in my amendment. I shall therefore not press my amendment, but will vote for the bill as amended by the committee.

I have never believed that the Panama Canal act violated the Hay-Pauncefote treaty. It is true that lawyers are greatly divided in opinion on this question. It is generally conceded to be a doubtful question. Being doubtful, I would prefer to resolve the doubt in favor of the act, and thereby uphold the

good faith of the people of the United States in passing it than to resolve such doubt against the law. When the legality or constitutionality of an act is involved, it is the universal rule of law to resolve all doubts in favor of sustaining the act, and I think the same rule should apply here.

The term "all nations" in rule 1, article 3, of the Hay-Pauncefote treaty, being one of the six rules prescribed by the United States as a basis of the neutralization of the canal in its use by other nations, wherein it is stated "all nations observing these rules," necessarily excludes the United States. Five of the six rules prescribed clearly apply to other nations than the United States, hence they can not possibly be said to include the United States. Furthermore, by reason of the changed conditions since its ratification, the Panama Canal can not possibly be burdened with the provisions of the treaty. The treaty was made in 1901, and the United States did not acquire the territory through which the canal was built until 1903.

When the treaty was negotiated the representatives of both Governments expected and assumed that the canal would be constructed on alien territory. At that time the contemplated route was through the Republic of Nicaragua, and Panama was not even thought of or suggested. Hence the important and controlling surrounding conditions have completely changed and we have had no treaty regarding the canal with Great Britain under the new and present existing conditions. There is no rule of international law better established than that a treaty ceases to be binding when the conditions upon which it was executed are essentially altered.

The proposition, as I view it, is therefore reduced to a purely economic question. It is estimated that the total cost of maintaining and operating the canal, including military protection and the interest on the indebtedness, will amount, in round numbers, to about $25,000,000 annually, and that the income from reasonable charges on all "over-sea" vessels will amount to only about $10,000,000. According to the report of Prof. Emory Johnson, of the University of Pennsylvania, whom President Taft intrusted with the task of ascertaining what the toll rate at Panama should be, based on actual world shipping in 1910, there were 8,328,029 tons of water freight which would have naturally passed through the Panama Canal had it been in existence. At $1.20 per ton the tolls collected would have been $9,993,634, or approximately $10,000,000. He also estimated the 1914 and 1915 tonnage at 10,500,000 tons, which, if all paid tolls, would produce $12,600,000. It is estimated of this amount approximately 800,000 tons, or about 8 per cent, would have been American coast-to-coast shipping. Exemption from tolls would therefore deprive the United States Treasury, in which all the people of the Nation are interested, of about $960,000 tolls on this traffic, or practically $1,000,000 annually. On the basis of $25,000,000 actual cost of maintenance and operation of the canal, the tolls for 1914 and 1915 would yield only 50 per cent of the charge if made against all vessels using the canal, which would necessitate drawing upon the Treasury of the United States for the balance.

The American people would, therefore, have to contribute about $12,500,000 by congressional appropriation for the maintenance and operation of the canal for the first year. Including the proportion of this expense on the 800,000 tons of American coastwise shipping free tolls would result in a total gratuity to the coastwise shipping corporations of $1,960,000, or practically $2,000,000, annually. This donation would go to relatively a very few corporations, which now, under the law, are permitted to operate as a complete monopoly as against any foreign competition in the coastwise trade. If the proposition was to pay them $2,000,000 annually direct from the Treasury, it would not receive a single vote in the Senate.

At the hearings recently held before the Senate committee it was clearly demonstrated that about 92 per cent of the coastwise vessels were owned by the railroads and that one-half of the remaining 8 per cent constituted a shipping monopoly. For the present, therefore, there would seem to be no good reason why vessels of any character should pass through the canal free of charge outside of war vessels and other vessels owned by the United States Government itself, which it is generally conceded will pass through free under every reasonable construction of the treaty. There is certainly no reason why such a great special privilege should be granted any shipping monopoly. Therefore, instead of the people receiving any benefit by free tolls, the only benefit would go to a monopoly. Monopolies are not usually formed for humanitarian purposes. Instead of filling the pockets of the people they usually empty them and fill their own pockets. So, under these conditions, it would certainly not cause a reduction in freight rates, which, after all, is the principal thing which those who favor free tolls are fighting for. All of the arguments against the repeal finally dwindle down to the single one of aid to shipping, and consequent lowering of freight transportation.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. THOMPSON. I announced in the beginning that I should prefer not to yield until I got through, but I will answer the question of the Senator.

Mr. GALLINGER. My attention was attracted by the statement the Senator made that 92 per cent of the coastwise vessels were owned or controlled by railroads. Did I understand the Senator correctly?

Mr. THOMPSON. That, as I understand, is the testimony of witnesses before the Interoceanic Canals Committee of the Senate.

Mr. GALLINGER. If the Senator will turn to the Alexander report—Mr. ALEXANDER being the chairman of the committee of the House making the report, and a Democrat—he will find that only 330 vessels are controlled, in any way, by railroads out of the 27,000 vessels, I think, engaged in the coastwise trade. Ninety-two per cent of the regular lines are thus controlled; but that does not include the vast number of American vessels engaged in the coastwise trade which do not come under that head.

Mr. THOMPSON. That is the testimony of some of the witnesses, as I understand it, that the proportion is about 92 per cent of the regular lines now engaged in the coastwise trade.

Mr. GALLINGER. That is the report of Mr. ALEXANDER, the chairman of the House committee which made the investigation.

Mr. THOMPSON. I shall be glad to look at the report. My understanding of the testimony given before the Senate committee is as I have given it here.

It is argued that to deny American shipping this aid is to give away all the benefits of the canal and to leave the people of either coast at the mercy of the transcontinental railroads. It would certainly be no worse to leave the people at the mercy of the railroads, which are controlled by the Interstate Commerce Commission, than to leave them at the mercy of a Shipping Trust, which controls itself. The more we study into the relations between the tolls to be collected from American ships using the Panama Canal and the rates charged by the transcontinental railroads the more difficult it becomes to see any merit in the contention that has been made by the opposition to the repeal that the collection of tolls from American ships would be of material benefit to the railroads. We are forced to the conclusion that the sole beneficiary of the free tolls would be the corporations engaged in coastwise trade, and that the railroads would not profit by the repeal of the exemption. Consequently the chief beneficiary of the repeal would be the American public, who built the canal at the enormous expense of about $400,000,000. So instead of the profits from the exemption going into the coffers of the steamship corporations that use the canal, in the form of additional dividends, according to the usual practice of all monopolies, the tolls charged the American ships will go into the United States Treasury, to be distributed generally to the benefit of the people throughout the country. By charging everybody reasonable tolls the people of the whole country will save in taxes the amount of the toll charges. The whole people of the country are therefore to be benefited by this legislation, instead of the few interested in coastwise shipping. By the passage of this act with the amendment we are declaring that for the present we can not afford and do not wish to grant free tolls, when we are morally certain that the people would not get the benefit of it in lower freight rates.

By the express provisions of the amendment to the bill we are saving all rights of the American people under the treaty and all rights of the United States Government in the maintenance and control of the canal, so that we may grant free tolls or favor our home trade at any time in the future, should we desire to do so. We are simply saying, for the present, at least, the free-tolls proposition is economically wrong, and the law should therefore be repealed. If at any time later an independent American shipping business should grow up in this country which would merit special consideration by the Government, and wherein there would be some reasonable assurance or guaranty that the people would receive the benefit of the free tolls in lower freight rates or otherwise, then the law granting free tolls can be passed again.

So there is no need of anyone becoming excited over the situation or unfurling the American flag and frantically declaring that the honor of the Nation is betrayed if we repeal a law which now seems to us to be wrong in justice to ourselves as well as other nations which have questioned our good faith. There is

reflect upon the consequences of our act. You are about to put that interpretation upon this treaty, I care not how you phrase the qualifying provision. The President has said that this repeal is demanded because it is in violation of our agreement. He has said that it is demanded because all the nations of the world insist that it is a violation of our agreement, and that to stand four square before the peoples of the world we must accept that interpretation and agree that we have no right under the treaty to discriminate in favor of our own trade, our coastwise trade being the subject just at this moment under consideration.

When that interpretation is insisted upon by the President of the United States, when you eminent, distinguished, and learned Senators and patriots arise and declare that it is the proper interpretation of the treaty and that we did violate our solemn obligation when we exempted our coastwise ships, then action following these declarations and under these circumstances must be an admission to the world that we have parted forever with this vital right.

What can you know of the development of the United States in the next half century? What can you foretell with respect to the currents of her trade? What can you say with regard to the magnitude of our interests? How can you declare what ties will bind the two coasts of America together in the next century? How can you manacle and shackle unborn generations? How can you part with our right to deal with our own affairs according to the interests of our own people? How do you know that within the next quarter of a century it may not be demanded—that the life of the country, the life of business, may not demand—that the United States itself shall carry on the trade between our eastern and our western coasts in her own ships, manned by her own officers; and yet the moment you put the interpretation for which you stand so earnestly apparently on this treaty, you have denied to the United States the chance to serve her people in that way. I do not suggest that there is any exterior or perulcious influence exercising itself here or elsewhere; but I know—I believe I know—why there are interests in the United States so deeply intent in attaching to this treaty the construction that the President asks.

If we do it, then, when the United States shall enter this traffic in an attempt to serve the people of the country by carrying on the trade in her own ships, Great Britain will say, "No, no; you have already assented to a construction of the Hay-Pauncefote agreement which forbids that activity on the part of your Government." The United States can not pay itself. It can not receive money from its own ships. Its own ships can not pay it money in the way of tolls. Whenever you declare that it is not within our right to pass an American ship engaged in the coastwise trade through the canal without charge, you have declared that the United States can not pass one of its own ships through engaged in commerce.

I should like to know whether the people of this generation are willing to accept the responsibility of binding the next generation against the exercise of that right which may be essential to the life of our institutions. I can not conceive a situation more crowded with grave consequences than the one in which we are now placed. I can not conceive of a question more important than the one we are now discussing. I am not asking for the free passage of our ships. I myself do not believe that they should pass free. I have a view upon that subject which I will present at a later time in connection with an amendment I shall propose. I am not pleading for free ships. At this time I am pleading for the integrity of the Union, the preservation of the strength of our mighty Nation. I am begging that we will not make the mistake that was made in 1850 when we entangled ourselves with Great Britain in the Clayton-Bulwer treaty. I am begging that we will not perpetuate what I regard to be a mistake made in 1901 when we recognized the right of Great Britain to interpose between us and the construction of a canal across the Isthmus at Panama. Let us not write another chapter in this book of blunders. Let us stand firm and fast and true to our plighted word; but let us not yield what we believe to be our unquestioned rights. In such fashion we will not only perpetuate our Nation's honor, but we will serve the interests of the greatest people on earth.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VARDAMAN in the chair). The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Bristow	Crawford	Hitchcock
Borah	Burton	Cummins	Johnson
Brady	Catron	Gallinger	Kenyon
Brandegee	Chamberlain	Gronna	La Follette
Lane	Page	Smith, Ga.	Thompson
Lea, Tenn.	Perkins	Smith, Md.	Tillman
Lewis	Poindexter	Smith, S. C.	Townsend
Lodge	Ransdell	Smoot	Vardaman
McCumber	Reed	Stephenson	Walsh
Martine, N. J.	Shafroth	Sterling	Warren
Newlands	Sheppard	Stone	Weeks
Norris	Sherman	Sutherland	
O'Gorman	Shively	Swanson	
Overman	Simmons	Thomas	

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent on important business.

Mr. MARTINE of New Jersey. I desire to state that the Senator from Mississippi [Mr. WILLIAMS] is absent on official business, and that he is paired with the Senator from Pennsylvania [Mr. PENROSE].

The PRESIDING OFFICER. Fifty-three Senators have answered to their names. There is a quorum present.

Mr. HITCHCOCK. Mr. President, I favor the amendment offered by my colleague, Senator NORRIS, and I shall favor any other amendment of like import which will attach to this bill a declaration that its passage shall not be construed as a surrender of the American right to discriminate in favor of American vessels in the use of the Panama Canal.

I should be willing to go even further, Mr. President, and favor a specific declaration, reaffirming and asserting that right, because that would express my own convictions in the matter.

I favor the repeal bill not because I think the exemption of American coastwise vessels is a violation of the treaty but because I think the exemption was bad policy and against public interest. I think that the great investment made by the people of the United States in the Panama Canal should not be thrown open to the free use of any vessels operated for pleasure or profit, but that all should be required to pay the very moderate, I may say the very low, charge provided in the original canal act and carried into effect by the President's proclamation. I am opposed to the free passage of such vessels now, and I have always been opposed to their free passage.

Ordinarily, Mr. President, to meet my views, it would be sufficient to pass this repeal measure as originally drafted had the movement originated in the Congress and been based upon domestic or economic considerations. When, however, the President of the United States took the initiative and pressed the repeal upon Congress for the chief reason, as stated by him, that the canal act was a violation of our treaty, the situation is changed, and to act upon his suggestion without qualification may perhaps put Congress in the light of indorsing his reasons and might put the United States on record as abandoning its former interpretation of the treaty and assenting to the interpretation placed upon it by Great Britain. I am not willing to do that, if it is possible to attach to this bill a declaration to prevent it. I believe the United States should stand by the position it has taken and continue to maintain and to insist upon its interpretation of the treaty which was made officially by both branches of Congress and by the President in the passage of the canal act of 1912. That is the dignified attitude, the correct attitude, and it is an honorable attitude, providing at the same time this country stands ready, as it should, if Great Britain insists upon its interpretation as we insist upon ours, to submit the matter to an impartial tribunal for arbitration, as provided for in our existing arbitration treaty with Great Britain.

This course, Mr. President, is, in my opinion, the only one which is fair to both countries, and it is the only course which is fair to the opposing views of people in our own country. We can not shut our eyes to the fact that sentiment in the United States is widely divided on this subject. Very many distinguished public men contend for the interpretation placed upon the treaty by the President, but probably an equal number contend for what I feel justified in calling the American interpretation. Both of these elements can be properly recognized by the passage of the bill with this amendment. Those who agree with the President will have amended the canal act so as to conform to his recommendations, while the other class will have reserved and reasserted the American interpretation of the treaty, leaving the final decision ultimately to the arbitration which we are solemnly bound to accept. Thus the change in the law would not operate to alter the attitude of the United States on the interpretation of the treaty.

Those, in brief, Mr. President, are my reasons for favoring the amendment offered by my colleague. Those will be my reasons for supporting other amendments which have already been drafted, and which may possibly come before the Senate, having the same purport, intending to save the country what rights it may possess, and to avoid giving away those rights without at least having our day in court to assert them.

My own views, Mr. President, after studying the history of these unfortunate treaties with Great Britain, beginning with the Clayton-Bulwer treaty and ending with the second Hay-Pauncefote treaty, are that the history of those treaties and the letter of those treaties argue in favor of the contention that we have the right to discriminate in favor of American vessels in the use of the canal.

The eighth article of the Clayton-Bulwer treaty has been often referred to on the other side in this argument; but, to my mind, the eighth article of the Clayton-Bulwer treaty can bear no other interpretation, read in the light of the subsequent Hay-Pauncefote treaty, than that the power which constructs and agrees to defend the canal reserves to itself the right to the best treatment on the subject of tolls, and that any power not constructing and not defending the canal has no special right, but only the right to equal tolls with other nations not constructing or defending the canal. Listen to the concluding words of the eighth article:

> And that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Mr. President, suppose under that eighth article we, in partnership with Great Britain, had constructed the canal, will anyone contend that any other country would have had the right for its citizens or its subjects to equal treatment with our citizens, except in such case as it should become a constructor and defender of the canal? I put a question to the Senator from Georgia [Mr. SMITH] a day or two ago which he answered fairly and which I think settles this matter. I said to him, "Suppose the canal had been constructed jointly by the United States and Great Britain, would it not follow that the United States and Great Britain, the constructors and the defenders of the canal, would have had the right to charge higher tolls to other countries participating neither in the construction nor in the defense of the canal?" and the Senator from Georgia answered "Yes." Great Britain has stepped aside, has stepped out of the class of the United States, has ceased to be either a constructor or a defender of the canal, and does it not follow as a natural consequence that the United States now has what the United States and Great Britain formerly had jointly—the right to discriminate in favor of its own citizens?

It is written in this eighth article of the old Clayton-Bulwer treaty that the condition of equal treatment is participation in the protection of the canal. If it was intended to extend this right to citizens and subjects of countries not so participating, why was the correct language not used in the second Hay-Pauncefote treaty? Why did those negotiators not put in plain English the statement that the citizens and subjects of any nation observing the rules of the canal should have the same rates or tolls as citizens of the United States? That would have settled it; that would have been language easily secured, easily inserted in the treaty if both sides were willing to agree to it. In fact, that language was considered; and to my mind the very fact that it was considered and rejected is the strongest possible circumstantial evidence that it was not intended to put it in the treaty. Let me read a proposed and rejected section of that treaty. On August 20, 1901, while the treaty was under negotiation, our ambassador to Great Britain, Mr. Choate, wrote Mr. Hay a review of the situation as it then existed in London, and proposed an article to our Secretary of State which reads as follows:

> In view of the permanent character of this treaty, whereby the general principle established by article 8 of the Clayton-Bulwer treaty is reaffirmed, the United States hereby declares (and agrees) that it will impose no other charges or conditions of traffic upon any other canal that may be built across the Isthmus (or between the Atlantic and Pacific Oceans) than such as are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms.

So the very language which would have rendered unquestionable the right claimed by Great Britain was not only considered by Mr. Choate but was presented to Mr. Hay. Why was it not accepted? We all know why it was not accepted. It was because of the attitude of the Senate of the United States. I have no doubt that Ambassador Choate and Secretary Hay would have been willing to incorporate that generous proposition in the treaty, and that the only reason it was not put into the treaty was the realization that it would result in the rejection of the treaty by the Senate or in the amendment of the treaty, as the former treaty had been already amended by the Senate, in standing up for American rights and American interests.

Mr. President, these are some of the considerations which lead me to feel that the correct interpretation of the treaty gives to the United States, as the power which not only builds but protects the canal for the use of the world, the right to discriminate in favor of its own vessels.

While I hold this belief, I also cling with equal firmness to two other beliefs. One is that it is contrary to public policy for us to give the free use of the canal to ships owned and operated for pleasure or for profit. I believe that the taxpayers of the United States, having built this great waterway and being expected to pay the annual losses which its operation will involve, are entitled to demand of every ship which goes through the waterway a reasonable charge for the service rendered. I do not believe that those companies owning such vessels should have the free use of that waterway any more than that those companies should have the free use of the United States mail. They should pay a reasonable charge for the use of the canal.

I also cling to the other belief that while we maintain the American construction of this treaty, while we insist upon it and reassert the doctrine that we are entitled to exempt our coastwise vessels from the payment of tolls under the treaty, I also think that we should carry out in good faith our agreement with Great Britain, and if she insists upon her interpretation should submit the matter to the arbitration of a fair and impartial tribunal.

Mr. THOMPSON obtained the floor.

Mr. POINDEXTER. Mr. President, will the Senator from Kansas yield to me for a moment?

The PRESIDING OFFICER (Mr. KENYON in the chair). Does the Senator from Kansas yield to the Senator from Washington?

Mr. THOMPSON. I yield.

Mr. POINDEXTER. I desire to give notice, Mr. President, that, unless it conflicts with some previous notice, immediately after the routine morning business on Monday next I will submit some observations upon the Panama Canal tolls question, the pending bill.

Mr. THOMPSON. I will say, for the benefit of the Senator from Washington, that I will only occupy a short time, if he desires to go on to-day.

Mr. POINDEXTER. I do not desire to go on to-day.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from North Carolina?

Mr. THOMPSON. I do.

Mr. SIMMONS. I wish to say to the Senator from Washington that, while I do not think it altogether probable that we can reach a vote upon this question to-day, I think it possible that if we should stay here some time to-night we might reach a conclusion, unless some Senator makes a very long speech; and I hope the Senator from Washington will go on to-day, if it is not inconvenient for him to do so, and not foreclose the possibility—I admit it is a mere possibility—of our reaching a vote to-night.

Mr. POINDEXTER. Mr. President, if the Senator from Kansas will pardon me, I am willing to agree to anything reasonable to facilitate the disposition of this business. I do not think, however, that the final disposition of it will be hastened in any way by holding night sessions or pressing the matter through unreasonable hours at this time. It seems to me, if we go on in the usual way, that it will ultimately hasten a conclusion of the business. I scarcely think that it is possible to dispose of it to-day.

Mr. SIMMONS. The Senator realizes the fact that Senators on both sides of the Chamber are exceedingly anxious to get through with this matter at the earliest possible moment.

Mr. POINDEXTER. I do.

Mr. SIMMONS. And I myself know of only two or three Senators who desire to speak now upon the main question. The Senator from Washington [Mr. POINDEXTER] is one, the Senator from Wisconsin [Mr. LA FOLLETTE] another, and the Senator from Kansas [Mr. THOMPSON], who, I understand, will only occupy a short time, is the third; and we might get through——

Mr. MARTINE of New Jersey. Mr. President——

Mr. SIMMONS. Just a moment, if the Senator please. We might get through the general discussion this evening by 6 o'clock if the Senator from Washington is not going to make a very long speech and if the Senator from Wisconsin does not make a very long speech. That would bring us to a vote on the amendments and make it possible to dispose of the matter to-night. The opinion has been expressed to me by quite a number of Senators that if it is possible to get through by staying here until 10 or 11 o'clock to-night, they would be very glad to subject themselves to that inconvenience. Some Senators want to leave here early next week.

Mr. MARTINE of New Jersey. Mr. President——

interest—I do not mean that he is an enemy of the public wel-

Senator from North Carolina will bear with me a moment, and

now yield to the Senator from North Carolina.

That is my construction of it.

Mr. CUMMINS. Mr. President, I am glad the Senator from North Carolina has restated his position.

Mr. SIMMONS. Now, if the Senator will permit me, as he gave an illustration, I should like to give an illustration——

Mr. CUMMINS. Mr. President——

Mr. SIMMONS. I will not interrupt the Senator's speech further.

Mr. CUMMINS. The Senator from North Carolina has stated his position, and I would prefer that he would elaborate his reply at another time. I am only sorry that there are not other Senators in the Chamber who are joining and cooperating with the Senator from North Carolina in endeavoring to secure the passage of this bill, that I might ask them whether they concur in the view now expressed by the Senator from North Carolina. I should like to know whether the Senator from Georgia [Mr. SMITH] is willing to adopt the argument just made by the Senator from North Carolina. I should like to know whether the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. ROOT] are willing to adopt the view which the Senator from North Carolina has just so clearly and, as I might well say, so eloquently stated, because if we can bring this controversy to the issue just stated by the Senator from North Carolina and make the outcome of the vote about to be had depend upon the validity of the position just assumed by the Senator from North Carolina, it is a foregone conclusion.

The Senator has, in substance, departed from everything that has been heretofore said in support of the bill to repeal the exemption clause in the canal act of 1912. He says it is true Great Britain has not insisted that to carry our coastwise trade or traffic through the Panama Canal is a violation of the treaty; he admits it. He proposes broadly and comprehensively——

Mr. SIMMONS. I made no such admission as that.

Mr. CUMMINS. To abandon for the time a right which he now says England has not insisted that we shall surrender. He says that we ought to repeal the exemption, and that we ought to say to the world that we surrender our right to deal in the future with our coastwise shipping, because England has suggested that there are difficulties, grave difficulties, in the way of confining the trade within its true limits, because it is the opinion of the British Foreign Office that when we come to frame a law or issue regulations which shall govern this trade from coast to coast, we will not be successful in limiting to our own people the favor that we are trying to extend to our own people and to our own trade. That is the most marvelous, the most extraordinary assertion and admission I have ever heard in all the debate upon this subject.

Now, Mr. President, I intended to go forward and see to what extent the colleagues of the Senator from North Carolina agree with him.

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I intend to inquire what the President's view is with regard to that matter, because my mind is bent on just one thing: it is to find out how much further the advocates of repeal insist on going than Great Britain has demanded that we shall go. I want to know how much of our sovereignty we are called upon to surrender because England wants it, and how much we are called upon to surrender by these philosophical altruists who seem to fear that in some fashion or other our honor is in danger in the civilized world.

Mr. SIMMONS. Will the Senator permit me an interruption now?

Mr. CUMMINS. I think the Senator has had an opportunity to explain his view fully, and I should prefer to go on just a little further before he interrupts me.

Mr. SIMMONS. The Senator misrepresented me a little while ago, and I desire to state in what particular he misrepresented me.

Mr. CUMMINS. I may have done so, Mr. President. Of course I have not quoted anything the Senator has said. I have drawn my conclusions from what he has said, and all who have heard the debate are at liberty to draw their conclusions. I have not imputed to the Senator from North Carolina any specific words, and I am very desirous of making the argument somewhat continuous.

Mr. SIMMONS. But I say the Senator misrepresented me, and I think the Senator ought to permit me in a few words to state the respect in which he has misrepresented me.

Mr. CUMMINS. Well, Mr. President, I yield.

Mr. SIMMONS. If the Senator does not want to be interrupted——

Mr. CUMMINS. I think I am probably an exception in this great debate. Every other Senator notified the Senate in advance that interruptions would not be allowed. I presume, however, the matter can be reached in this way better than in any other, and I yield to the Senator.

Mr. SIMMONS. I shall be exceedingly brief.

The Senator said that I had admitted that these difficulties could be removed by legislation. I did. Mr. President I said that the first difficulty could be removed by legislation, the second could be removed by legislation, and the last could be removed by legislation, so far as that is concerned. When, however, the Senator states that I am basing my contention in favor of a repeal simply upon the fact that Great Britain contends that the exemption of our coastwise trade would be giving a preference to our shipping and prejudicial to hers, when he puts me in the attitude of taking that position simply and solely for the purpose of meeting the protest of Great Britain, whether that protest addresses itself to my judgment as correct or not, he puts me in a position that I will not occupy.

Not only to-day, but elaborately in the speech which I made a few days ago, I undertook to show that to permit our coastwise ships to pass through the canal without the payment of tolls, even if they were circumscribed to purely coastwise trade, would be a discrimination against the over-seas ships of the balance of the world. If the Senator will read my speech, he will see that I made that contention as my contention. If Great Britain makes that protest, I believe that protest is just because I believe it is capable of demonstration, and I believe I demonstrated it in my speech, as I think others have demonstrated in this argument, that however closely you may circumscribe coastwise trade in this country, if you permit it to go through the canal free there will be a necessary and inevitable discrimination against the over-seas ships of the balance of the world using the canal to reach the ports of our coasts where their cargoes will be sold in competition with those of our coastwise vessels; and therefore I said that in my judgment the protest was properly made.

Mr. CUMMINS. Mr. President, the Senator has risen to answer an accusation which, if made, has been made by his own conscience. I did not make it. I do not know how the thought which he has just expressed came into his mind. I did not say that the Senator from North Carolina was yielding or surrendering to the demand or view of Great Britain. I said that we were going far beyond the demand of Great Britain. The very thing that he protests against is the very thing that I admit.

The Senator from North Carolina is not trying to carry out the views of Great Britain, as erroneous as those views are, as selfish as those views are. Great Britain has not insisted that we should surrender our right to allow our coastwise trade to pass through the canal free. It is the Senator from North Carolina who has insisted upon that.

When we come before the great forum of the people you will not hear the Senator from Iowa claiming that the Senator from North Carolina yielded under the duress of a foreign pressure. You will hear him claiming that the Senator from North Carolina and all other Senators who join with him have yielded to some other influence—the influence, I will assume, of their own convictions. All that I have said is that it is marvelous to me, inexplicable to me, that any American is willing to put on this treaty a construction so much more unfavorable to his own people than has been put upon it by the great nation whose history convinces every impartial man that she claims everything to which she is entitled.

But, Mr. President, I was about calling the attention of the Senate very briefly to the origin of this controversy in the Senate so far as this legislation is concerned. I have shown, I think, what Great Britain asks, and if I have not shown that Great Britain does not ask us to abandon or surrender our right to deal with our real coastwise trade as we think it ought to be dealt with, then I am unable to understand the force of the English tongue.

This is what the President said, and this is the way in which he initiated the movement which we are now carrying forward:

> I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

Mark, Senators, the very thing that Great Britain has really protested against is not mentioned by the President at all. The protest or objection of Great Britain against that part of the canal act which gave to the President the power to discriminate in favor of our foreign ships is not brought to the attention of Congress. It was not in the mind of the President. He declares that he comes before Congress simply to ask it to repeal the exemption of coastwise ships.

I should like some Senator who is in the confidence of the President or in the confidence of the Democratic councils to tell the country why it is that when the President comes before

the legislative body seeking a repeal or seeking legislative action he confines his request to coastwise trade, without even a suggestion relating to that part of the canal act against which England did positively, emphatically, argumentatively launch her objection, namely, the discretion that we gave to the President to discriminate in favor of our ships doing a foreign trade. If anyone can answer that, it will explain a great mystery that has enveloped my mind ever since I heard this message.

Our Executive then proceeds to give his reason for the recommendation he makes or the request that he prefers. He says:

> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

I have no reason to doubt the sincerity of his conclusion with regard to the matter. I never enter a man's inner consciousness and endeavor to ascertain whether or not he sincerely thinks what he says. The President says that in his opinion it is in plain contravention of the treaty of 1901, although England has never so declared, England has never so suggested, and, so far as I know, not a nation on earth has made the suggestion.

I limit that statement to my own knowledge, of course. I do not know what may be in the archives of the State Department; but if there is a protest there from England, or if there is a protest there from any other nation, we have a right to know what it is and from whence it comes. We must deal with this subject upon the hypothesis that there is nothing in the diplomatic records of this country upon this subject of which we have not been advised.

The President, however, gives another reason for the repeal of this exemption. He says:

> But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal.

Has a President of the United States a right to ask this legislation upon this ground without submitting the proof to Congress? When did Great Britain put upon the treaty the interpretation stated by the President? In what communication? When did France or Germany or Belgium or Norway or Sweden or Austria or Spain or Italy or Russia or Turkey put upon the treaty the interpretation that is asserted in the message of the President?

I challenge any advocate of repeal to furnish any evidence of an official representation upon the part of any nation insisting that we have no right to deal with our coastwise trade as our interests may require. Great Britain has not done it. I have shown that, as I think, so conclusively that it must satisfy any reasonable mind.

This message is brought to us recommending a repeal, first, because in the opinion of the President an exemption of our coastwise trade is in violation of the treaty. With that I have no quarrel. I do not believe his conclusion is correct, but I grant him the right to hold that opinion. When, however, he says: I ask you to repeal this statute because Great Britain holds another interpretation of the treaty, or because any other nation holds a different interpretation of the treaty, then I demand the proof. It is vain, with a serious subject, for the President to ask us to exercise our legislative power upon evidence of which we are entirely ignorant, and which many of us—and I have no hesitation in enrolling myself among that number—believe does not exist.

If the President puts upon the communications from Great Britain the same interpretation that has been put upon them by the Senator from North Carolina, then he could say that Great Britain has demanded this repeal, but I do not know whether he does or not. Under the admissions of those who have treated the subject here, especially the statements of the Senator from North Carolina—and I look upon him as the leader of this movement so far as Congress is concerned—I can not believe that there is any evidence whatever that Great Britain has ever demanded a repeal of the exemption for coastwise trade.

Great Britain has said you must confine it to coastwise trade, and if we do confine the exemption to coastwise trade then we will not have violated the treaty. But until that time comes it seems to me not only in the highest degree unwise but utterly indefensible for Congress to proceed as it is now proposed to proceed.

But I take one step further in order to compare Great Britain's view with the views in this Chamber. The first Senator, as I remember it, who made a speech upon this subject was the Senator from Massachusetts [Mr. LODGE]. Mr. LODGE said he had no doubt about the construction of this treaty, that it gave us the right to deal with our foreign shipping as we might see fit, and much the more, that it gave us the right to deal with our coastwise shipping as the good of our people might require. He declared himself in favor of the repeal. Why? Because he did not want to flaunt an American right in the face of the public opinion of Europe. I may not quote him with exactness, but that was the substance of what he said. He wanted the repeal, because he accepted the declaration of the President that all the nations of the earth had declared against our sovereignty in this respect, and that we ought to yield to that foreign opinion and reach the same result by subsidizing our ships that might pass through the canal, and in that way give them the favor which we have attempted to give them through the exemption.

Such is the opinion of the Senator from Massachusetts, and I reply to him as I have said so many times. He is wrong when he says that Great Britain has insisted that we could not exempt our coastwise trade, and therefore even if I wanted to be so submissive as to be unwilling to flout my American right in the face of foreign opinion—and I do not want to be offensive, of course, to the other nations of the world—but if that were so, the basis is wrong; there is no such foreign opinion. Great Britain has made no such demand, and the American who proceeds upon that hypothesis is making a fundamental mistake.

I now refer to the Senator from Georgia [Mr. SMITH]. I ask you to remember what his opinion is and see how that corresponds with the judgment of the President or the judgment of the Senator from Massachusetts. The Senator from Georgia is of the opinion that the exemption of the coastwise ships is a violation of the treaty, because the treaty commands equality of treatment as between the citizens of the United States and the citizens of Canada and the citizens of Mexico and the citizens of any other country that might use the canal in coastwise trade. I shall not stop here to discuss the validity of that position. I am endeavoring only to point out how far you are asking us to go beyond the claim made by Great Britain out of which all this dispute arises. Great Britain has not asked us to repeal the exemption clause on any such ground as that. Great Britain has not claimed that the citizens of Canada are entitled to an equality of treatment with the citizens of the United States in so far as our coastwise trade is concerned. That is a theory of the Senator from Georgia. I understand its origin; he has explained it upon more than one occasion; but I am simply pointing out that he is projecting an argument against the entire coastwise trade, and that Great Britain has only insisted that the coastwise trade must be limited and confined to that trade so that the exemption shall not be enjoyed by international trade.

I pass from the Senator from Georgia to the Senator from New York [Mr. ROOT]. He wants the exemption clause repealed. Why? Not because he has any doubt the coastwise trade may be properly exempted—real coastwise trade, as he terms it—but he does not agree with the Senator from Massachusetts; he does not agree with the Senator from Georgia, or the Senator from North Carolina. He also takes a ground never before occupied by anyone who has debated this topic. He says we can not exempt the coastwise trade because traffic from the one coast of this country to the other through the Panama Canal is not coastwise trade, inasmuch as the ships that carry it on must be large ships, and they must venture into the open sea before reaching the canal. This is his reason for believing that we can not exempt coastwise trade. Again I say that he is building up a barrier between the people of his own country and their welfare and prosperity never dreamed of by Great Britain, the other party to this contract.

In view, Senators, of these things, if I have recited them correctly, if I have correlated them so that they are understandable, will you not agree with me that I stated the truth in my first sentence when I declared that the spectacle now presented in the Senate of the United States is without precedent in the history of mankind? You may search the records of humanity and organized governments in vain for such an instance as we are now witnessing, when one nation, party to a treaty, has asked one thing, has objected to an assumption of power on the part of the other, and that then the other not only rushes to accept everything that is demanded but insists upon pouring out, through pure magnanimity, through pure generosity, a great volume of the sovereignty of the country.

You may put it down that it is a spectacle that will never be repeated. It has no predecessor, and it will have no successor. I am not willing to do that; but if we are willing to do it, we ought at least to be content with granting to Great Britain all that she demands. When we go further and entangle future generations in the meshes of this interpretation, we may well

statements with reference to the effect upon British shipping of by the British Government that the exemption of American

He then adds:

But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping, and consequently in an infraction of the treaty.

Earl Grey, secretary of the British foreign office, writing upon the same subject, said:

Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade.

Mr. O'GORMAN. Mr. President——

Mr. SIMMONS. I understand the meaning of those statements on the part of Earl Grey and Mr. Innes to be that they insist that Great Britain and all the beneficiaries are entitled to absolute equality with respect to their traffic passing through the canal, and that any exemption or any regulation which will place their traffic at a disadvantage in passing through the canal, whether it affects a coastwise vessel or an over-seas vessel, would be a violation of the agreement, and that any such discrimination in the charges upon the canal against the ships of other countries in favor of the ships of this country would be inadmissible under the treaty.

Mr. O'GORMAN. Mr. President——

Mr. SIMMONS. I could elaborate that argument, but I simply wanted to state it to the Senator from Iowa.

Mr. CUMMINS. I yield to the Senator from New York.

Mr. O'GORMAN. I dislike to trespass further upon the time of the Senator from Iowa, but on account of the personal allusion made by the Senator from North Carolina I ask to say a word. The Senator stated that in quoting the first note of protest from Great Britain I did not refer in detail to the entire statement.

Mr. SIMMONS. That he did not quote the entire statement.

Mr. O'GORMAN. That I did not quote the entire statement. The Senator is in error in his recollection.

Mr. SIMMONS. If I am, I withdraw that statement.

Mr. O'GORMAN. I called attention to the fact that in that note of protest the British Government recognized the propriety of the American Government exempting American coastwise vessels from the payment of tolls going through the canal. I then added that the British Government pointed out the difficulty, as they viewed it, in the way of restricting coastwise vessels to local trade, and in that connection I stated that the British Government probably knew less than our own officials as to the ease with which coastwise vessels could be confined to local trade, because the Commissioner of Navigation, Mr. Chamberlain, who testified before us, said there would be no difficulty in so regulating our navigation as to confine our coastwise vessels to strictly coastwise trade, and I prefer to take the judgment of our own Commissioner of Navigation as to how our own navigation laws can be enforced rather than the judgment of a member of some foreign Government.

Mr. SIMMONS. Mr. President, I hope the Senator from Iowa will permit me.

Mr. CUMMINS. I will have to exact a promise from the Senator from North Carolina that he will not consume very much time. I desire to proceed.

Mr. SIMMONS. I will not take much time. I want simply to say in reply to the Senator from New York that I notice in his speech he quoted the first sentence in the paragraph of Mr. Innes's letter and did not quote the remainder.

Mr. O'GORMAN. But I referred to it.

Mr. SIMMONS. I notice the Senator from Louisiana [Mr. RANSDELL] did the same thing. I think the first sentence separated from the second sentence conveys just the reverse of the impression that was intended by the writer. Now, Mr. President, if the Senator will permit me just one word——

Mr. CUMMINS. Just one word.

Mr. SIMMONS. In further reply to the Senator from New York, the Senator has said that we can and that the Commissioner of Navigation said we could confine our coastwise vessels strictly to trade between the two coasts of this country. We can; I have no doubt about that. I think that is a clear proposition. But when you do that, Mr. President, as I think I could show if I had the time, and I think I have shown in the speech I made, you still have the fact that our coastwise shipping is in competition with the vessels of every other nation in the world that trade in American ports upon either one ocean or the other ocean, and it is against the discrimination that results from imposing a burden upon these vessels actually competing with our coastwise vessels that Great Britain makes the protest, as I understand it. I thank the Senator.

Mr. CUMMINS. Mr. President, it is in the last sentence of the Senator from North Carolina that his whole error lies. He seems so desirous to construe this treaty against the American interest—I do not mean that he is an enemy of the public welfare, but he has intellectually in some fashion or other reached the conclusion that we have no rights in this canal that are not held by all the other nations of the world, and he seems so determined to square all the applications of that theory to American affairs that he sacrifices the American good and destroys American sovereignty.

Now, I will point it out to him in a minute. Whatever he may say of the Senator from New York—I was not present when that former colloquy occurred—he can not assert that I did not read the entire note of Mr. Innes, so far as that paragraph is concerned. I read it on Thursday, and I commented upon that part of it which the Senator from North Carolina now seems to think he brings for the first time to the attention of the Senate.

Mr. SIMMONS. Oh, not at all.

Mr. CUMMINS. Not only so, Mr. President, but I read the other sentence which he has quoted from Earl Grey's letter, and I am about to read it again. If it is true that England has protested against the act of 1912 simply because in some way or another the exemption of coastwise ships from tolls will help American trade and will make them more effective in competition against English trade, then that is some ground for his conclusion. I deny that. I assert with all the emphasis that I can command that England has never suggested to the United States or to the world that our coastwise trade could not be exempted because it might affect injuriously British commerce. Of course it may affect British commerce. I hope it will. I hope that the eastern part of this country may be able to supply our western coast with the products of our mills and our factories against the competition of Great Britain or of France or of Belgium.

If the Senator from New York or any Senator does not desire that we shall be able to supply our western country with the commodities which have been produced in the manufacturing parts of the United States, and wants that trade turned over to Great Britain or to France or Germany, then I think he can very well reason that we not only ought to attach the same tolls to our own shipping that we attach to foreign shipping, but we ought to make our shipping bear a greater burden than is borne by foreign countries. I assume that England would not complain, nor would any other country complain, nor could complaint well be made possible under the treaty, that instead of putting $1.20 a ton upon our trade we should put $2.40 a ton upon that and $1.20 upon the English, German, French, and Belgium trade. But, of course, no one contemplates anything of that kind.

There is the vital mistake. You Senators upon the other side of this controversy are proceeding upon the theory that England has claimed that if exemption from tolls of coastwise shipping makes it easier for us to compete with England in the markets of San Francisco, Los Angeles, Portland, or Seattle, then we have violated the treaty. England has not the assurance to make any such complaint. She never has made it, and I think she would lose her standing in the minds of all honorable men if she did assert so absurd and so unjust a claim against the United States. She has asserted all that she dare assert. You can not find in the history of England in her diplomatic career a single instance in which she has not claimed all that under any possible circumstances she was entitled to receive, and she has claimed it all here in a most carefully worded instrument, in a communication that evidently has received the most deliberate thought of the best minds of Great Britain, minds that were determined to put a construction upon this treaty that would give to that great country the advantage she has always sought in the commerce of the world.

Now, I intend to read the paragraph out of which the Senator from North Carolina extracted a sentence. I read part of it the other day. I was just on the point of reading it when he interrupted me, and I am very glad of the interruption, because he has very frankly stated his position. It is a position that I think does great credit to him. I want you to remember what he said. He said that so far as the inclusion of our commerce in order to reach a basis for the fixing of tolls for our foreign ships was concerned, that could be easily taken care of, if it has not already been adjusted, and that there is nothing in that that would demand a repeal of this law. He said, further, that if England's objection involved only the claim that we could not confine our coastwise trade within its true limits, then that could be very easily adjusted, and that there would be no reason for the repeal of the law which is now under consideration.

Mr. SIMMONS. Mr. President, will the Senator pardon an interruption?

Mr. CUMMINS. I intend to read a further extract, if the Senator from North Carolina will bear with me a moment, and

then I will yield to him to make another statement, if he desires to do so.

Mr. SIMMONS. I simply want to correct the Senator's statement about what I had said; that is all.

Mr. CUMMINS. Wait until I finish this particular subject, and then I shall be glad to yield to the Senator. Now, mark the language of Lord Grey:

It has been argued that as the coastwise trade of the United States is confined by law to United States vessels, the exemption of vessels engaged in it from the payment of tolls can not injure the interests of foreign nations. It is clear, however—

Now, mark—

that the interests of foreign nations will be seriously injured in two material respects.

Does the Senator from North Carolina think that the comprehension of this great statesman would not have gathered in any other respects in which it would materially injure foreign shipping, if there were any other such respects?

We proceed, bearing in mind now that he has stated that there are two respects in which the exemption of our coastwise trade will materially injure foreign nations:

In the first place, the exemption will result in the cost of the working of the canal being borne wholly by foreign-going vessels, and on such vessels, therefore, will fall the whole burden of raising the revenue necessary to cover the cost of working and maintaining the canal. The possibility, therefore, of fixing the toll on such vessels at a lower figure than $1.25 per ton, or of reducing the rate below that figure at some future time, will be considerably lessened by the exemption.

That is the first respect in which it is claimed that our law exempting coastwise traffic will injure foreign interests. The Senator from North Carolina, if I did not misunderstand him, has said that this objection could be removed—possibly it has been removed; that all he desires is that its removal shall be in the form of a permanent law instead of in the form of a proclamation by the President; and he has said, substantially—this is a conclusion; I am not quoting from him now—but the effect of that which he has just said is that, so far as this respect is concerned, there is no reason for the repeal, of which he is one of the distinguished champions.

Mr. SIMMONS rose.

Mr. CUMMINS. Now, one moment further.

In the second place—

We are now dealing with the second respect in which it is said that exemption will injure foreign nations, and I assume he uses that as the equivalent of saying it would be a violation of the treaty—

In the second place, the exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the "coastwise trade" in a preferential position as regards other shipping.

Why? Lord Grey answers that question in a manner that admits of no possible difference of opinion. He continues:

Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade. To take an example, if cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship could be sent to its destination more cheaply, through the operation of the proposed exemption, by being landed at a United States port before reaching the canal, and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board the foreign ship.

Again, although certain privileges are granted to vessels engaged in an exclusively coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade, and consequently from entering into direct competition with foreign vessels while remaining "prima facie" entitled to the privilege of free passage through the canal. Moreover, any restriction which may be deemed to be now applicable might at any time be removed by legislation, or even, perhaps, by mere changes in the regulations.

These are the two respects in which he says we shall injure foreign nations, and the Senator from North Carolina has now admitted—and I do not see how he could well avoid the admission; every candid man must join in the admission—that the first is easily removable and constitutes no reason for this repeal. He has admitted that the second is likewise removable by Congress without difficulty, namely, by either such law or such regulation as will confine the traffic of a coastwise ship to the traffic belonging to the people of the United States.

I now assert again that Great Britain has put before us the full extent of her objections to this law, and there is not within that objection, there is not within the correspondence anywhere, the suggestion that we ought to repeal our coastwise-exemption law, or that we would violate the treaty by allowing a ship departing from the port of New York laden with commodities to be used by the people of California to pass through the Panama Canal without any charge whatsoever. The American who finds in this correspondence any suggestion of that kind, it seems to me, has begun his inquiry with a prejudiced mind. I now yield to the Senator from North Carolina.

Mr. SIMMONS. Mr. President, the Senator, I think, misrepresents my position, especially with reference to the conclusion to be drawn from my position.

Mr. CUMMINS. Mr. President——

Mr. SIMMONS. If I am going to be allowed to interrupt the Senator, I hope he will permit me to do so to the extent of stating my position with some degree of clearness. I was a little hurried in doing so a little while ago, because the Senator showed some little impatience.

Mr. CUMMINS. The Senator from North Carolina understands the office of an interruption just as well as I do. I want to yield to a proper interruption, but I do not want to yield to a reply to my speech.

Mr. SIMMONS. I am not going to attempt to reply to the Senator's speech; I am simply going to state my position, which I think the Senator has, unintentionally, of course, misrepresented.

Mr. President, as I understand this correspondence—and I have studied it very closely, and nothing which the Senator has said has changed my opinion about the meaning of it—Great Britain made the point, first, that by exempting our coastwise vessels we threw a greater burden upon the shipping of the balance of the world in order to maintain the canal. President Taft responded to that by saying, "I have avoided that, temporarily at least, by the basis upon which I have fixed rates for ships passing through the canal." I stated that, so long as that act of the President remained in force, possibly it might remove that objection; but I also stated that that was not a permanent regulation, and that it would require legislation in order to make it permanent in its effect upon the shipping of the balance of the world. In other words, that to me this objection of Great Britain, providing that objection was found to be valid, might be removed through legislation.

The next objection of Great Britain with reference to this matter was that at present our coastwise vessels engage in foreign trade. That is admitted to be a fact. Great Britain was speaking about an actual condition when she said that our coastwise vessels do now, as a matter of fact, engage in foreign trade. I do not know whether or not they are being permitted to engage in foreign trade as a result of a proper and correct interpretation of the present navigation laws, but I assume that they are. I assume that the authority now granted them under their enrollment to engage in foreign trade is sanctioned by the law. It would require legislation in order to adjust that, if Great Britain's contention is sound, just as it requires legislation to remove the discrimination produced by the act of 1912.

But Great Britain, after saying, "Here are two particulars in which we would be affected; first, as to the rate of tolls being extended, because American coastwise ships will not participate in paying the expenses of the canal, and, second, because your coastwise vessels engage, like your over-sea vessels, in foreign trade," in answer to the argument made on the part of this Government that we can circumscribe our coastwise trade so that it will not be permitted to engage in foreign trade, Great Britain says:

It appears to our Government that it is impossible for you to so circumscribe your coastwise trade that you will not by this exemption give a preference to the traffic carried in your coastwise vessels over the traffic carried in the over-sea vessels of other countries, and you can not, therefore, by circumscribing it, you can not by confining it absolutely to local trade, you can not by prohibiting your coastwise vessels from engaging to any extent in foreign trade, remove the fundamental objection that exemption from tolls gives your vessels going through the canal a preference in the competition which our vessels going through the canal have to meet in every American port where the cargoes of the coastwise vessels and the cargoes of foreign vessels are sold in competition.

That I understand to be the situation.

I can not understand what is meant when Mr. Innes says:

But it appears to my Government that it would be impossible to frame regulations—

That is in reply to the suggestion that regulations might be framed by which we could circumscribe our coastwise vessels to local trade and prohibit them from engaging in foreign trade—

But it appears to my Government that it would be impossible to frame regulations—

Regulations controlling the coastwise trade, regulations limiting the coastwise trade to strictly coastwise traffic—

which would prevent the exemption—

Exemption of what? Exemption of the strictly coastwise trade carried through the canal and sold in competition with the cargoes of British vessels in every port of the United States in which the vessels would meet—

which would prevent the exemption from resulting, in fact, in a preference to United States shipping and consequently an infraction of the treaty.

That is my construction of it.

that regard. In order that it may be in the minds of Senators, I will read the provision of the canal act as to this subject:

No vessel permitted to engage in the coastwise or foreign trade of the United States—

I think I will have to recall what I have just said. My recollection was that it was limited to the coastwise trade, but it is not—

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies."

This, it is seen, is confined not to the coastwise trade but to our coastwise trade and to our foreign trade. That, I take it, however, could never affect England or Great Britain, because ships engaged in foreign trade, flying a foreign flag and under foreign register, can not come within the provisions of that part of the act.

The fifth and last objection made by Great Britain with regard to the act of 1912 relates to coastwise ships, and I reassert that England has never suggested that coastwise trade was within the scope or the meaning of the Hay-Pauncefote treaty. On the contrary, in the most pointed way, diplomatically, she has agreed that our coastwise trade is not within the purview of the treaty. She says, however, that from her standpoint it is impossible to restrict the coastwise trade within its proper limits, and that we will find it impossible to carry on coastwise traffic without at the same time carrying on foreign traffic. That is an admission with regard to the meaning of the treaty as applied to coastwise trade, but a reservation with regard to the regulations under which the trade is actually conducted.

Lord Grey says, in the letter to which I have referred, first, that he objects because by the exemption of our coastwise trade in the computation a greater burden is put upon foreign ships with regard to the cost of maintenance and operation and original investment, and that therefore a charge so computed is not just and equitable. Now, we all agree that these charges made to all the foreign ships must be just and equitable. That particular claim was immediately answered by the Secretary of State, Mr. Knox, in which he pointed out that Lord Grey's letter was probably written in ignorance of the proclamation that had been issued by President Taft, which showed that in ascertaining what the charge should be upon foreign ships the entire tonnage of the canal had been taken into account. That entirely disposed of the first objection.

The second objection which Lord Grey makes is that if the ships engaged in the coastwise trade are permitted to enter any foreign port upon their passage from one coast to the other and do a business from a foreign port to a port in the United States, then, under the guise of coastwise trade, we shall be actually carrying on foreign business. Granting the British construction of the treaty that we are bound by these rules to equality of tolls, the claim of Great Britain in that respect would be true; but if we so frame our regulations, if we so exercise and execute this exemption, that a coastwise ship shall not do an international business, then we have answered the extreme claim of Great Britain.

Further, Lord Grey says that the traffic carried in coastwise ships, when landed at a port on one coast or the other of the country, might be taken up and loaded in a ship destined to a foreign port, and in that way the commerce might receive the benefit of the exemption against the British construction of the treaty. I grant that if that were done, under the British view it would be a violation of our agreement. Great Britain says there is danger that it would be done; but it is not necessary that it shall be done, and that has nothing to do with the principle for which we are contending, namely, that we have an absolute right to deal with our internal shipping and our internal affairs as we think best; that we have a right to exercise all the sovereignty which a nation inherently possesses with regard to our internal affairs and our internal interests to promote the welfare of our own people and to enhance the common good of all our citizens.

This, Senators, is the view of Great Britain.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. SIMMONS. I desire to say, in interrupting the Senator, that I am not doing so in a controversial spirit; and I would not interrupt him at all but for the fact that I think, as a result of the failure to quote the whole of Mr. Innes's and Lord Grey's statements with reference to the effect upon British shipping of the exemption of our coastwise trade, an erroneous impression has been created, and I have risen simply to make that correction.

Before I do that, however, I wish to say to the Senator that I think probably he is correct in the statement that the British note to our Secretary of State would seem to indicate three objections, which the Senator has mentioned. The first is that the exemption of our coastwise trade probably would throw an additional burden upon the ships of other countries, because our ships would not participate in paying their pro rata part of the cost of maintaining the canal. The Senator said that inasmuch as the proclamation of the President fixing the rates bases those rates upon the assumption that all American coastwise trade shall pay tolls, that eliminates the difficulty.

Possibly that might be true if that were a part of the permanent law of the land; but I wish to call the Senator's attention to the fact that this is done merely in a proclamation of the President fixing present rates, and the basis of rates for the present time. Those rates can be changed in any respect or in all respects in six months. I think the provision is that after giving six months' notice they can be changed.

That expedient, therefore, is one that is not permanent. It is subject to change by the present Executive, or by the next Executive, or at any time the United States might see fit to base the tolls upon some other arrangement than the assumption that the American coastwise trade paid tolls.

I do not know whether I make myself clear or not. I hope I do.

Mr. CUMMINS. Perfectly so.

Mr. O'GORMAN rose.

Mr. CUMMINS. I will yield in a moment to the Senator from New York.

Mr. SIMMONS. Will the Senator from New York permit me to finish my several statements? I am just directing the attention of the Senator from Iowa to——

Mr. CUMMINS. May I reply to one statement made by the Senator from North Carolina, in order that we may get together as nearly as possible?

Mr. SIMMONS. Yes.

Mr. CUMMINS. I recognize the truth of the statement just made by the Senator from North Carolina, and I recognize its force. There ought to be in the canal law a provision that would make it compulsory upon the President to take into account the entire tonnage of the canal in fixing the rates on foreign ships.

That, however, is one thing, and the repeal of the exemption is quite another; and to put a construction on the treaty by a repeal under the recommendation of the President so that we are bound for all time, save at the risk of great offense, to accept an interpretation which compels us to put the same charge upon our coastwise trade that we impose upon our foreign trade is a very different thing.

If the Senator from North Carolina will propose a substitute for this bill taking away that discretion from the President, and making it mandatory that all the tonnage of the canal shall be considered in fixing the tolls upon foreign ships, so that the United States alone will bear whatever burden may be created by the exemption of coastwise ships, I will support it with very great pleasure.

Mr. O'GORMAN rose.

Mr. SIMMONS. If the Senator from New York will pardon me just a minute, I simply meant to say that so far as that particular objection on the part of Great Britain is concerned—and I want to be entirely frank in the discussion of this question—I thought that objection would be removed if the basis upon which tolls are fixed in the President's proclamation were a part of the law, and permanent, instead of being subject to change at the will of the administration. That was the only point I wished to make about that.

Mr. O'GORMAN. Mr. President——

Mr. SIMMONS. I should be glad if the Senator would let me finish my statement.

Mr. O'GORMAN. I desire to say a word——

Mr. CUMMINS. Perhaps the Senator from New York wishes to make a suggestion on this point?

Mr. O'GORMAN. I do; on this point.

Mr. CUMMINS. I am glad to yield to him.

Mr. O'GORMAN. I am surprised that the Senator from North Carolina views the suggestion contained in the second note of protest——

Mr. SIMMONS. I have not reached that.

Mr. O'GORMAN. I beg the Senator's pardon.

Mr. SIMMONS. The Senator is anticipating what I was about to say.

Mr. O'GORMAN. The Senator has referred to the claim made by the British Government that the exemption of American

coastwise vessels might result in imposing upon foreign vessels an undue share of the cost of the maintenance and upkeep of the canal.

Mr. SIMMONS. Yes.

Mr. O'GORMAN. I am surprised that the Senator from North Carolina, who at various times has viewed this subject from different angles, and at various times has adopted various views of this controversy, in all his investigation of it has not been impressed with the fact that the fixing of these rates has not been upon the basis of securing an adequate or a reasonable return to the Government that built the canal; that these rates never can be self-sustaining; that these rates are fixed as low as they are now because of the commercial necessity of having the Panama Canal compete with the Suez Canal, a canal that cost but one-quarter as much as the Panama Canal, and in which canal the present rate is the equivalent of practically $1.20 per ton, the same figure fixed in the proclamation of President Taft.

The generally recognized opinion as to the cost of maintenance of this canal fixes the amount at $27,000,000 a year—$5,000,000 for actual cost of maintenance, $10,000,000 being the minimum amount that will be required for the military defense of the canal and for the necessity of preserving its neutrality, and $12,000,000 more representing a 3 per cent return on the initial cost of $400,000,000. From abundant evidence presented to the committee, of which the Senator from North Carolina is a member, it is estimated that for a number of years there will pass through the Panama Canal but 10,000,000 tons a year. If the total cost imposed upon this Government in the maintenance of the canal is $27,000,000 a year, and the traffic passing through will be but 10,000,000 tons, that would place upon each ton, on a fair and equitable basis, a charge of $2.70 instead of $1.20.

In no instance can any foreign Government—Great Britain or any other nation—complain that our rates are unjust, discriminatory, or inequitable unless the charge per ton should exceed $2.70 instead of being placed, as it is, at the low and inadequate rate of $1.20. I say "inadequate" in view of the cost of the canal and the cost of maintenance; but the charge is necessarily made inadequate because if we charged more we could not divert business from the Suez Canal, in which Great Britain to-day has the largest commercial interest of any nation on earth.

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. I yield further to the Senator from North Carolina.

Mr. SIMMONS. Undoubtedly in fixing rates below the $1.25 limit prescribed in the act the President did have in view the fact that this canal would compete with the Suez Canal. There is no question about that. The President himself, however, in his Ottawa speech to which I have heretofore alluded, and which, if I can find, I shall be glad——

Mr. CUMMINS. Mr. President, may I make a suggestion to the Senator from North Carolina? I wish he would pursue his debate with me, leaving to some other time a reply to the Senator from New York.

Mr. SIMMONS. I will say just a word in reply to the Senator. The President, in his Ottawa speech, said that he had fixed the toll rate upon the canal upon the basis of assuming that American coastwise trade was to pay tolls, and because of that he said that neither England nor any other foreign country had any right to complain of that exemption. Now, it is true, as the Senator says, that the canal is not going to pay expenses right away. The Suez Canal did not in the beginning. It soon did. This canal also, paralleling the history of the Suez Canal, will soon be paying all the expenses of operation, and more. I have no question in the world about the fact that in the course of a very few years this canal will be making a profit, and in the course of 30 or 40 years, a very small time in the history and life of a nation, the canal, like the Suez Canal, will become a great profit-bearing property. The President was seeking to fix a basis not for the present but for the future. That was the theory of the President, and that was the theory that is advanced in all the subsequent declarations with regard to this matter. I should like to have answered the Senator very fully, but I appreciate the situation, and I do not wish to trespass unnecessarily upon the time of the Senator from Iowa.

I was going to say, when the Senator interrupted me, if this were a permanent arrangement; if it were a part of the law of the land that the rates should be based upon the theory that coastwise trade did pay tolls, then that part of the British protest might lose its force. I say that in frankness.

The Senator says that the British Government has protested also upon the ground that our coastwise vessels do now actually engage in foreign trade. That, I believe, was established in the hearings before the committee from the testimony of the Commissioner of Navigation. They do now actually engage to some extent, and a very considerable extent, I think, in foreign trade. The British Government protests with reference to that. That also might be adjusted. That might be arranged. As the Commissioner of Navigation said, and as is perfectly apparent, this Government could prescribe such rigid regulations that our coastwise vessels would not be permitted hereafter to engage to any extent whatever in foreign trade, and that part of the British protest would lose its force.

Mr. O'GORMAN. Mr. President——

Mr. SIMMONS. I do not understand, however——

Mr. O'GORMAN. Just one question.

Mr. SIMMONS. I hope the Senator will let me state my position.

Mr. O'GORMAN. I wish to ask just a simple question at this point. Of course, when the Senator speaks of our coastwise shipping engaging in foreign trade he does not mean that our coastwise ships engage in over-seas trade. They do occasionally engage in Cuban and Mexican trade adjacent to our southern border.

Mr. SIMMONS. With South America or Central America. I do not mean to say that they go to Europe or to Asia, but I mean to say that they do engage in foreign trade as a matter of fact, in our trade with all the countries of this hemisphere. There is no dispute about that.

Mr. CUMMINS. We are discussing a principle. Of course it does not apply to Europe and Asia, but it does apply to the coasts of Central America and Mexico and possibly some other South American ports; but the principle remains the same.

Mr. SIMMONS. I say that could be avoided by restricting by legislation more rigidly the rights of vessels enrolled for the coastwise trade. But I do not understand that that is the gravamen of the contention of Great Britain with reference to the exemption of our coastwise trade from tolls. My understanding is that the contention is that under the stipulations of the treaty this Government has entered into an agreement with Great Britain, of which the balance of the world become the beneficiaries, that we will not impose any charges upon the canal that will, in effect, discriminate against the shipping, the traffic, of other countries. It is not a question of vessels at all, but a question whether the effect of the imposition of tolls upon one class of vessels and the exemption of another class of vessels results in a discrimination against the traffic of the citizens or the subjects of another country. That is the gravamen. Now——

Mr. CUMMINS. Does the Senator desire to do more than to call that to my attention?

Mr. SIMMONS. Yes; I do.

Mr. CUMMINS. I can not, of course, yield to allow a full and complete argument.

Mr. SIMMONS. If the Senator will permit me just a minute——

Mr. CUMMINS. Very well.

Mr. SIMMONS. I was simply going to read from the notes and correspondence that the Senator has just referred to, stating his contention, to show that the Senator had not, in my judgment, read the correspondence correctly, or rather had not stated it correctly, as I understand it.

Mr. CUMMINS. I have read a part of it, and I am about to read more of it.

Mr. SIMMONS. That is the very point. I thought the Senator had not read the whole of it. I know the Senator from New York read only a part of it. I think the part he read left an interpretation which was directly the reverse of that which the full context imports. Now, if the Senator will permit me——

Mr. CUMMINS. I will be very glad to hear the Senator read that part of it which he thinks bears some other construction.

Mr. SIMMONS. In the first note of Mr. Innes he said:

If the trade should be so regulated—

Meaning the coastwise trade—

If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

Several Senators in discussing it have read that and stopped there. The Senator from New York did that in his speech. The next sentence, however, shows exactly what he did mean, and it shows he meant exactly what I said a minute ago, that the contention of their Government was that there should be absolute equality, and anything that interfered with absolute equality was in contravention of the treaty.

R. I., favoring erection of a statue to John Ericsson; to the Committee on the Library.

Also, petition of Mrs. John McElroy, of Providence, R. I., against national prohibition; to the Committee on Rules.

Also, petition of William M. Harris, jr., of Providence, R. I., against repeal of tolls-exemption clause in Panama Canal bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Chamber of Commerce of Providence, R. I., favoring House joint resolution 183 to authorize the Secretary of Commerce to investigate the conditions of trade with China; to the Committee on Interstate and Foreign Commerce.

Also, petition of the executive board of the Rhode Island State Federation of Women's Clubs, indorsing the President's policy as to acquiring foreign territory as enunciated in his Mobile (Ala.) speech; to the Committee on Foreign Affairs.

Also, petition of the Charles E. Hancock Co., of Providence, R. I., favoring Newlands river-regulation bill; to the Committee on Rivers and Harbors.

Also, petition of sundry citizens of Newport, R. I., favoring woman's suffrage; to the Committee on the Judiciary.

Also, petitions of Philip B. Simonds and Joseph J. Bodell, of Providence, R. I., relative to appropriation for dredging at Willapa Harbor, Wash.; to the Committee on Rivers and Harbors.

Also, petition of Gustaf II Adolf Lodge, U. O. of A., Providence, R. I., favoring bill for memorial to John Ericsson; to the Committee on the Library.

By Mr. PLATT: Papers to accompany a bill for relief of the Montgomery & Erie Railway, of Goshen, N. Y.; to the Committee on Claims.

By Mr. PLUMLEY: Petition of the Woman's Christian Temperance Union of Ludlow, Vt., favoring national prohibition; to the Committee on Rules.

By Mr. REED: Petitions of J. Lee Cronin, of Wolfeboro, N. H., and Frank L. Young and 23 others, of Portsmouth, N. H., protesting against national prohibition; to the Committee on Rules.

By Mr. REILLY of Wisconsin: Petition of sundry citizens of the sixth congressional district of Wisconsin, against national prohibition; to the Committee on Rules.

By Mr. SCULLY: Petitions of sundry citizens of Perth Amboy, Freehold, Farmingdale, Adelphia, and Ardena, N. J., favoring national prohibition; to the Committee on Rules.

Also, petition of the Italian Chamber of Commerce in New York, against national prohibition; to the Committee on Rules.

By Mr. SMITH of Idaho: Petition of 59 citizens of Idaho, against national prohibition; to the Committee on Rules.

Also, petitions of various churches, representing 1,100 citizens of Twin Falls, 57 citizens of Greenleaf, and 19 citizens of Caldwell, all in the State of Idaho, favoring national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of 49 citizens of Barstow, 200 citizens of Fort Myers, 250 citizens of Arcadia, and sundry citizens of Dunnellon, all in the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. STEVENS of Minnesota: Memorial of the Trinity Methodist Episcopal Church, of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Papers to accompany House bill 17003, for the relief of Marshall Cox; to the Committee on Invalid Pensions.

Also (by request), petition of sundry voters of the twenty-fourth congressional district of Pennsylvania, protesting against national prohibition; to the Committee on Rules.

Also, petition and affidavit in support of House bill 17003, for the relief of Mrs. Delilah Kirker; to the Committee on Invalid Pensions.

By Mr. TREADWAY: Memorial of the city council of North Adams, Mass., favoring passage of House bill 5139, for the relief of civil-service employees; to the Committee on Reform in the Civil Service.

By Mr. UNDERHILL: Petitions of sundry citizens of New York State, favoring national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of J. E. Baldridge and 71 other citizens of Delaware, Ohio, in favor of House joint resolution No. 168, relating to national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petitions of 25 citizens of Millville, 125 citizens of Worcester, and 30 citizens of Uxbridge, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

SENATE.

SATURDAY, *June 6, 1914.*

(Continuation of the legislative day of Friday, June 5, 1914.)

The Senate reassembled at 11 o'clock a. m. on the expiration of the recess.

The VICE PRESIDENT. The Senate resumes the consideration of House bill 14385, the unfinished business.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	Martine, N. J.	Smith, S. C.
Borah	Goff	Nelson	Smoot
Brady	Gronna	Norris	Sterling
Bristow	Jones	O'Gorman	Sutherland
Bryan	Kenyon	Overman	Swanson
Burton	Kern	Owen	Thornton
Catron	Lane	Page	Townsend
Chamberlain	Lea, Tenn.	Perkins	Vardaman
Chilton	Lee, Md.	Root	Walsh
Clark, Wyo.	Lodge	Sheppard	West
Colt	McCumber	Sherman	White
Culberson	McLean	Simmons	Williams
Cummins	Martin, Va.	Smith, Ga.	Works

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Chamber.

Mr. WHITE. I wish to announce that the Senator from Alabama [Mr. BANKHEAD] is necessarily absent, and that he is paired with the Senator from West Virginia [Mr. GOFF]. I will allow this announcement to stand for the day.

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. There is a quorum present.

Mr. CUMMINS. Mr. President, a longer time has elapsed than was expected since I suspended the discussion of the subject I was considering on Thursday. I do not regret the delay. When I yielded to the Senator from Indiana [Mr. KERN] to move an adjournment in order that Senators might witness the noble and inspiring ceremonies about to occur at Arlington I had in mind the character of the occasion. I knew that the lofty and patriotic sentiments which would fall upon the ears of that audience must in some measure awaken the American spirit which I desire so much to invoke. The scene of the men of 1861, of the North and the South, standing in a sacred place, united by common sentiment and by common brotherhood, could not have an effect other than to intensify the patriotism and devotion we feel for the country of which we are all citizens. And when yesterday Senators desired to recall the services of the men of 1861 of the Union Army I could make no objection, for I knew, as you all knew, that to revive the memories of these immortal days was to increase the great debt of gratitude which every loyal heart feels toward the men of that heroic time, and the discussion could but awaken the spirit of Americanism and devotion to American interests in the light of which the problem before us ought to be solved.

When I think of those days and speak of the men of the Union Army—I am not disparaging the men of the southern army, inspired with like courage, led, I believe, by a like sense of duty—I must pause to pay these veterans of the Army of the North the tribute which rises instinctively to my lips. I have seen many a badge, many a decoration. I have seen the cross of the Legion of Honor, sometimes beautiful with its color and flashing with its jewels, which France bestows upon the men whom she delights to honor. I have seen the Iron Cross of Germany that that stalwart nation pins upon the bosom of men who have done great deeds for her. I have seen the badge which England gives to the men who have written chapters of glory for her. But I have never seen any badge or any decoration that so stirs every emotion of the patriotic soul as the little bronze button that rises and falls with the heartbeats of the member of the Grand Army of the Republic. And whenever those days of 1861 are recalled, no matter from what point of view, whether from the standpoint of the sons of the South or the standpoint of the sons of the North, I know that those who hear will be moved by a livelier sense of the duty that we of this generation owe to the country which they so much loved and which they still are willing to serve.

What little I have to say this morning in concluding my remarks of Thursday I hope will be heard in that spirit. I call

upon that new flood of light to illuminate the duty, the judgment, the mind, the heart of every patriotic American citizen.

It will be remembered that in my discussion of Thursday I did not attempt to express my opinion with regard to the proper interpretation of the treaty of 1901. I will do that before the debate has closed in connection with an amendment that I shall offer to the pending bill. I devoted myself rigidly to the task of showing what Great Britain thought of this treaty, and in what respects that nation believed we had violated it in passing the act of 1912.

I had expressed extreme wonder and amazement that there could be found an American citizen who was willing to put upon the treaty an interpretation far more unfavorable to the American Nation than had been put upon it by Great Britain herself, whose commerce is said to be involved and whose profits are said to be at peril. I can not yet understand why an American is not willing to assume that the keen self-interest of Great Britain will not carry the interpretation as far as it can be carried, even from a selfish standpoint, against the United States.

I restate very briefly the British view—and there is no doubt about the British view; it is not collected in vague and fugitive opinions which may have been set afloat by irresponsible persons who may be subjects of Great Britain. The British view is set down accurately with reasons in the form of an argument by the authorized representative of that Government. I had recalled to the attention of the Senate the letter written by Lord Grey, the final word upon this subject by the British foreign office, and expressive of the final conclusions of that Government. I had shown that in Lord Grey's letter the statute of 1912 was assailed, first, because we had given to the President of the United States the power to discriminate in favor of American shipping engaged in business between nations. That objection raises the whole dispute with regard to the construction of the treaty, and unquestionably England does take the position that we are bound by the rules of the Hay-Pauncefote treaty, and are bound to give to the ships of all nations the same advantages and to impose upon them the same rates of charge that are made against our ships engaged in foreign trade. That is a controversy which must be settled in some way. I think, as I will show hereafter, that it ought to be settled, first, by exhausting all the resources of diplomacy, fellowship, good feeling; and that failing, it ought to be settled by arbitration, not, however, in The Hague tribunal, all the members of which would be chosen from nations interested adversely to the United States, but settled by a tribunal created for the occasion composed of an equal number of Americans and Englishmen and an arbiter between them if they can agree upon one.

I pass that and come to the second objection which England makes, and it is in the nature of a forecast rather than in the nature of a present protest. England says, practically, that we have no right to allow the ships of Panama to pass through the canal without charge. I am sorry the Senator from New York [Mr. ROOT] is not here. He has a decided view with regard to the interpretation of this treaty; he has expressed it with great fullness, with great argumentative force, and I should like to know from him, or from any other Senator who so highly values the good will of Great Britain and the esteem of the world—I should like to know from some Senator who takes the view that we have no other rights in the canal save those which are shared by all the nations of the world, whether we ought to yield to this suggestion on the part of Great Britain in order to hold her esteem and to recognize in a broad, magnanimous way her insistence in that respect. In all this debate, in all this evident attempt to court the good opinion and the favor of the nations of the world, we have never heard the suggestion that in this respect we ought to change the construction that we have already put upon this agreement.

Third, England says—I use that name synonomously with Great Britain, of course—if our provision touching railroad-owned ships or ships in which railroad companies have an interest comprises the railroads of Canada—she does not use the name "Canada," but the inference is so plain that no one can avoid it—that if our provision with regard to railroad-owned ships affects the interest of Canada, then she stands ready to protest against that part of our act.

Now, let us inquire of these advocates of extreme and servile, as I look at it, desire to stand well with the rest of the world, why do they not ask that we repeal that provision in the act of 1912? I should like some one to answer that question before this debate has concluded. The President of the United States does not ask Congress to repeal that provision in our law. Why does he not? England's attitude toward that phase of the matter is more decided, more positive, as we can gather from inference, than is her attitude toward our provision with regard to the coastwise trade. That, however, leads me to inquire—for the argument would not be complete unless I did—whether Canadian railroads are affected by our provision prohibiting railroad owned or controlled ships from the use of the canal? Let us see. The Panama Canal act provides:

> From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever—by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner—in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic.

The sole question, then, in order to settle the inquiry I have just made, is this: Are the Canadian railroads, or any of them, subject to the provisions of the act of 1887, being an act to regulate commerce? I do not believe there will be any controversy about that. They are subject to that act; they are subject to the jurisdiction of the Interstate Commerce Commission, in so far as they do business in the United States, and there are at least two of the Canadian railroads that have recognized the jurisdiction of the Interstate Commerce Commission, as I have been informed and as I believe. They are the Grand Trunk Railroad and the Canadian Pacific.

Let me read just a paragraph from the act of 1887, in order to show that these Canadian railroads will either be compelled to quit doing business in the United States and with the United States or they will fall within the provisions of the canal act, as they have fallen heretofore within the provisions of the act of 1887. That act, after reciting certain other corporations that are within the act, says that it shall apply—

> to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment) from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

This quotation from the interstate-commerce act suffices to show how well founded is the fear of Great Britain, expressed in the letter of Lord Grey, that some of her railroads would fall within the prohibition of the act of 1912, and that a Canadian railroad can no more own ships or control ships passing through the Panama Canal when the commerce of the United States is affected than can an American railroad, and it ought to be so. We ought to protect the interests of the people of the United States; and if a Canadian railroad doing business in the United States threatens the welfare of our people by owning or controlling ships passing through the Panama Canal, this act applies. I should like to know from the advocates of the British construction of the treaty in that regard what they propose to do when England reasserts that we have violated the Hay-Pauncefote treaty because we have forbidden railroad-owned ships that may be under the Canadian sovereignty from passing through the canal.

I suppose that when that contingency arises, as my friend from Idaho [Mr. BORAH] said a day or two ago, we will be called upon to take another bitter dose of humiliation; but the President has not asked us to repeal the law in that regard, although Great Britain has expressed an opinion about it, and I assume that it is a cause of irritation that in the foreign policy of the administration ought to be allayed.

The Senator from Georgia [Mr. SMITH] and the Senator from North Carolina [Mr. SIMMONS] did not ask us to repeal our law in that respect, although from some standpoints it is more obviously a violation of the treaty than is the exemption of our coastwise trade from tolls. But I pass from that to the next objection.

The next objection that England makes is that if the provision in the law of 1912 relating to trust-controlled ships is applicable to her, then she desires to make further representations. I assume that she will never be vexed in that respect, because it is very clear that this provision of the act of 1912 does not apply to Great Britain and can not apply to Great Britain. The reason is that our act limits the operation of this provision of the statute to coastwise traffic; and, inasmuch as Great Britain can not engage in that traffic, it is not to be presumed that she will ever claim that there is a violation of the treaty in

10. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Harmony* in the case of Insurance Co. of North America and others v. the United States (H. Doc. No. 1012); to the Committee on Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Clarissa* in the case of The Insurance Co. of North America v. The United States (H. Doc. No. 1011); to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DAVENPORT, from the Committee on the Territories, to which was referred the bill (H. R. 5851) to authorize and provide for the manufacture, maintenance, distribution, and supply of electric light and power within the Lihue district and the Koloa district, county of Kauai, Territory of Hawaii, reported the same without amendment, accompanied by a report (No. 767), which said bill and report were referred to the House Calendar.

Mr. SMITH of New York, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 14128) granting permission to Lieut. Col. John P. Finley to accept and wear a decoration presented by the Sultan of Turkey, reported the same without amendment, accompanied by a report (No. 769), which said bill and report were referred to the House Calendar.

Mr. MOON, from the Committee on the Post Office and Post Roads, to which was referred the bill (H. R. 17042) to amend the postal and civil-service laws, and for other purposes, reported the same with amendment, accompanied by a report (No. 770), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13470) to remove the charge of desertion from the record of James Grady, reported the same with amendment, accompanied by a report (No. 768), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 3575) granting an increase of pension to Samuel R. Price; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 6110) to remove the charge of desertion against William H. Benjamin, alias Charles Clarke; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

A bill (H. R. 16861) granting a pension to Michael E. McGrath; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16966) granting a pension to Joseph E. La Roque; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16967) granting a pension to Henry F. Baldwin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HOWELL: A bill (H. R. 17067) to amend the acts of July 1, 1862, and of July 2, 1864, relating to the construction of a railroad from the Missouri River to the Pacific Ocean, to declare a forfeiture of certain public lands granted as a railroad right of way, and for other purposes; to the Committee on the Judiciary.

By Mr. MOSS of Indiana: A bill (H. R. 17068) for securing the uniform grading of grain, preventing deception in transactions in grain, and regulating traffic therein, and for other purposes; to the Committee on Agriculture.

By Mr. TAVENNER: A bill (H. R. 17069) providing a minimum wage for certain employees of the United States Government designated as "laborers," "helpers," "skilled laborers," and others of similar skill; to the Committee on Labor.

By Mr. MOON: Resolution (H. Res. 531) fixing a time when it shall be in order to consider H. R. 17042; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRUCKNER: A bill (H. R. 17070) for the relief of Edward F. McDermott, alias James Williams; to the Committee on Military Affairs.

By Mr. CARR: A bill (H. R. 17071) granting an increase of pension to Jefferson Walters; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 17072) granting an increase of pension to Marion Marshall; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 17073) granting an increase of pension to Elias England; to the Committee on Invalid Pensions.

By Mr. DRUKKER: A bill (H. R. 17074) for the relief of the Paterson & Hudson River Railroad Co.; to the Committee on Claims.

By Mr. KELLY of Pennsylvania: A bill (H. R. 17075) granting a pension to Bertha S. Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17076) to correct the military record of James Brewn; to the Committee on Military Affairs.

By Mr. KONOP: A bill (H. R. 17077) granting an increase of pension to Treflay Cayan; to the Committee on Invalid Pensions.

By Mr. KORBLY: A bill (H. R. 17078) to provide compensation for injuries received by George F. O'Hair; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 17079) granting an increase of pension to James Wheeler; to the Committee on Invalid Pensions.

By Mr. McCLELLAN: A bill (H. R. 17080) to correct the military record of Augustus York; to the Committee on Military Affairs.

By Mr. O'HAIR: A bill (H. R. 17081) granting a pension to William Gilman; to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 17082) granting an increase of pension to Mary F. Pinkley; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 17083) granting a pension to Sarah W. Wilcox; to the Committee on Pensions.

By Mr. PATTEN of New York: A bill (H. R. 17084) granting an increase of pension to Rudolph A. Lünsenhoff; to the Committee on Invalid Pensions.

By Mr. PLATT: A bill (H. R. 17085) for the relief of the Montgomery & Erie Railway Co.; to the Committee on Claims.

Also, a bill (H. R. 17086) for the relief of the Goshen & Deckertown Railway Co.; to the Committee on Claims.

By Mr. PLUMLEY: A bill (H. R. 17087) granting a pension to Belle A. Allen; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 17088) granting an increase of pension to Joseph Quinn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17089) granting an increase of pension to Horatio N. Warren; to the Committee on Invalid Pensions.

By Mr. TAVENNER: A bill (H. R. 17090) granting an increase of pension to Mordica Terry; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 17091) granting a pension to Sarah E. Tally; to the Committee on Invalid Pensions.

By Mr. THOMSON of Illinois: A bill (H. R. 17092) granting a pension to Charlotte Alice Drury; to the Committee on Invalid Pensions.

By Mr. TREADWAY: A bill (H. R. 17093) granting an increase of pension to Mortimer S. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17094) granting an increase of pension to Edwin N. Hubbard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17095) granting an increase of pension to Caroline E. Smedley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the Chamber of Commerce and the Commercial Association of Porto Rico, and the Guild of Retail Merchants of San Juan, praying for the annulment, on ground of unconstitutionality, of act No. 24 passed by the Legislative Assembly of Porto Rico, to amend certain sections of the penal code; to the Committee on the Judiciary.

Also (by request), resolutions signed by pastors of various churches and presidents of various societies of Yankton and Ethan, S. Dak.; Greencastle, Ind.; and Philadelphia, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BRUCKNER: Petitions of the American Association of Foreign Language Newspapers, sundry citizens of New York, and 440 voters of the twenty-second New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. BURKE of South Dakota: Protests of sundry citizens of Sioux Falls, Hartford, Clear Lake, Bemis, Hoven, Altamont, Menno, Watertown, Zell, Rockham, Blunt, Canning, Aurora, Brookings, Leola, Eureka, Carter, Webster, Waubay, Ferney, Burke, Ward, Selby, Belvidere, Huron, Belle Fourche, and Bowdle, all in the State of South Dakota, against national prohibition legislation; to the Committee on Rules.

By Mr. CANTOR: Petitions of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. CARR: Petitions of sundry citizens of Pennsylvania, against national prohibition; to the Committee on Rules.

Also, petitions of 320 citizens of Masontown, 135 citizens of Mayersville, and 350 citizens of Vanderbilt, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. CHURCH: Telegrams from the Congregational, Baptist, Christian, and Methodist Churches of Tulare; the Woman's Christian Temperance Union of Fresno County; the Baptist, Methodist, and Presbyterian Churches of Hanford; the Presbyterian Church of Coalinga, the First Baptist Church of Dinuba, and the Oakdale Bible Class, of Oakdale, all in the State of California, favoring national prohibition; to the Committee on Rules.

Also, petitions of 500 citizens of the seventh congressional district of California, protesting against national prohibition; to the Committee on Rules.

By Mr. CURRY: Petitions of 44 citizens and residents of the third California district, protesting against national prohibition; to the Committee on Rules.

Also, petition of 61 citizens and residents of Yolo County, Cal., protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of Paul Horen and other citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petitions of 975 citizens of Wessington Springs, S. Dak., favoring national prohibition; to the Committee on Rules.

By Mr. DIXON: Petition of 35 citizens of Jackson County, Ind., against passage of House joint resolution 168, for nation-wide prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of sundry citizens of Bridgeport, Conn., favoring House bill 13205, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. GERRY: Petitions of 57 residents of Providence, R. I., urging the passage of legislation providing for national prohibition; to the Committee on Rules.

Also, petitions of 18 residents of Coventry, R. I.; 87 residents of West Warwick, R. I.; Walentin Saltzslok, Peter Y. Wetzelaer, Edward E. Hertell, E. T. Cahoone, Jacob Wemmer, Jacob Mach, 2d, H. E. Jordan, Randolph Mitschke, Karl Spiller, William Reichert, Stephen Keidel, all of Cranston, R. I.; Hermann Bernott, P. H. Breard, A. E. Merrifield, William J. Nilhsner, Gottlieb Nonnenmacher, George Brehm, A. Kraff, Johan Docekal, Max E. Wuensch, Martin Trendlamin, Gustav Theibner, Max Hoffman, and Charles Mende, all of Providence, R. I., protesting against the passage of legislation providing for national prohibition; to the Committee on Foreign Affairs.

Also, petition of the Rhode Island Federation of Women's Clubs, of Providence, R. I., urging an indorsement of President Wilson's Mobile pledge; to the Committee on Foreign Affairs.

Also, petition of the Northeastern Federation of Women's Clubs, urging an appropriation of $150,000 to celebrate half century of negro freedom; to the Committee on Appropriations.

Also, petition of Rhode Island District Lodge, No. 3, Order of Vasa, urging an appropriation of $100,000 for a statue in memory of Capt. John Ericsson; to the Committee on the Library.

Also, petitions of 15 residents of East Greenwich, 5 residents of Apponaug, and 10 residents of River Point, all in the State of Rhode Island, urging passage of House bill 5308, compelling certain consumers to contribute their portion of funds toward upkeep of the local community, county, and State; to the Committee on Ways and Means.

By Mr. GRAHAM of Pennsylvania: Petition of the Italian Chamber of Commerce of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. HOXWORTH: Petition of sundry citizens of the fifteenth congressional district of Illinois, protesting against national prohibition; to the Committee on Rules.

By Mr. HULINGS: Petitions of 68 voters, members of the United Presbyterian Church, and 81 voters, members of the First Methodist Episcopal Church, all of Sharon, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the Tolerton & Warfield Co., of Sioux City, Iowa, favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. LONERGAN: Petitions of Charles M. Goddard and other citizens of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Petitions of 6 citizens of Hudson, N. Y., and 1 citizen of Greenport, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petitions of Percy R. Stull, of Windham; 40 citizens of Plattehill; and 50 citizens of Gardiner, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, protests of Frank G. Jacobs, of South Cairo; M. T. A. Rourke, of Hudson; Lee Youngs, of Cobleskill; A. H. Craig, of Sharon Springs; Henry Austin, of Central Bridge; W. Scott Gillespie and G. A. Hart, of Kingston, all in the twenty-seventh congressional district of New York, protesting against national prohibition; to the Committee on Rules.

Also, protests of Peter Furr, Charles Mayer, Charles Andres, William Hasselman, of Kingston, N. Y., and William Carter, of Hudson, N. Y., against national prohibition; to the Committee on Rules.

By Mr. MAHAN: Petition of A. B. Newell and 18 other citizens of Rockville, Conn., asking for the passage of House joint resolution 168, proposing an amendment to the Constitution of the United States for nation-wide prohibition of the traffic in intoxicating liquors as a beverage; to the Committee on Rules.

Also, petition of the James H. Bunce Co. and 14 other business firms of Middletown, Conn., and John Donovan, grocer, and 6 other business firms of East Hampton, Conn., in support of House bill 5308, asking that legislation be enacted which will compel concerns selling goods direct to consumers entirely by mail to contribute their portion of funds in the development of the local community, the country, and the States; to the Committee on Ways and Means.

By Mr. NEELEY of Kansas: Petitions of 29 citizens of Reno County, Kans., protesting against national prohibition; to the Committee on Rules.

Also, petitions of 75 business men of the seventh congressional district of Kansas, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. NELSON: Petition of 10 citizens of Richland County, Wis., against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of the Bank of California, of San Francisco, Cal., against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, protest of the National Retail Grocers' Association of the United States, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, protest of the Italian Chamber of Commerce in New York City, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, letters from the Council of Women for Home Missions of New York City; the Charity Organization Society of Buffalo, N. Y.; and Mr. George F. Shepard, of Bethel, Conn., favoring the passage of House bill 16130, providing for the creation of a national bureau of labor employment; to the Committee on Labor.

By Mr. O'SHAUNESSY: Petitions of the Central Labor Union of Pawtuxet Valley, R. I., and E. L. Jordon and others of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petitions of Rhode Island District Lodge No. 3, Order of Vasa, and the Swedish Workingmen's Association, of Providence,

The Clerk called the name of Mr. GERRY, and he answered "Present," as above recorded.

Mr. FORDNEY. Mr. Speaker, I voted "no." I find I am paired with the gentleman from Tennessee, Mr. GARRETT. I wish to withdraw my vote and answer "present."

The Clerk called the name of Mr. FORDNEY, and he answered "Present," as above recorded.

Mr. MOON. Mr. Speaker, I desire to vote "aye" on this bill. I do not know whether I am entitled to vote or not. I was in the committee room in the preparation of a matter that is to be presented to the House before adjournment. I did not hear the bell for roll call until a few moments ago.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. TOWNSEND. Mr. Speaker, can I be recorded on this vote?

The SPEAKER. What is the gentleman's request?

Mr. TOWNSEND. I wish to vote "aye" on this bill.

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. TOWNSEND. I was not, Mr. Speaker. I thought it was a call of the House.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

On motion of Mr. WEBB, a motion to reconsider the vote whereby the bill was passed laid on the table.

REGULATION OF RAILWAY STOCKS AND BONDS.

The SPEAKER. The next bill reported from the Committee of the Whole House on the state of the Union is the bill 16586, to amend section 20 of an act to regulate commerce to prevent overissues of securities by carriers, and for other purposes, and the question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BARTLETT. Mr. Speaker, I desire to submit a motion to recommit.

The SPEAKER. Is the gentleman from Georgia opposed to the bill?

Mr. BARTLETT. I am.

The SPEAKER. Does any gentleman on the minority of the committee that reported the bill desire to offer a motion to recommit? [After a pause.] Apparently not. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. BARTLETT moves to recommit the bill to the Committee on Interstate and Foreign Commerce, with instructions to report the bill back to the House with the following amendment: Add, on page 10, after the word "court," in line 26, the following: "*Provided*, That nothing contained in this act shall deprive the railroad commissions or public service or utilities commissions of the various States from exercising all the powers now conferred upon them by the various States."

Mr. ADAMSON. Mr. Chairman, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were 39 ayes and 228 noes.

So the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

Mr. RAYBURN and Mr. MANN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 325, nays 12, answered "present" 2, not voting 94, as follows:

YEAS—325.

Abercrombie	Bathrick	Burke, S. Dak.	Clark, Fla.
Adair	Beakes	Burke, Wis.	Claypool
Adamson	Bell, Cal.	Burnett	Cline
Aiken	Bell, Ga.	Butler	Coady
Alexander	Blackmon	Byrnes, S. C.	Collier
Allen	Booher	Byrns, Tenn.	Connelly, Kans.
Anderson	Borchers	Calder	Conry
Anthony	Bowdle	Campbell	Copley
Ashbrook	Britten	Candler, Miss.	Covington
Aswell	Brousard	Cantor	Cox
Austin	Brown, N. Y.	Cantrill	Crosser
Avis	Brown, W. Va.	Caraway	Cullop
Bailey	Browne, Wis.	Carlin	Curry
Baker	Bruckner	Carr	Danforth
Baltz	Brumbaugh	Cary	Davenport
Barkley	Bryan	Casey	Davis
Barnhart	Buchanan, Ill.	Chandler, N. Y.	Decker
Bartholdt	Bulkley	Church	Dedrick
Barton	Burgess	Clancy	Dent
Dershem	Hayes	McLaughlin	Sharp
Dickinson	Heflin	MacDonald	Sherwood
Dies	Helgesen	Madden	Shreve
Dillon	Henry	Maguire, Nebr.	Sims
Dixon	Hensley	Mahan	Sinnott
Donovan	Hill	Maher	Sisson
Doolittle	Hinds	Mann	Slemp
Doremus	Hinebaugh	Mapes	Sloan
Driscoll	Hobson	Mitchell	Small
Drukker	Holland	Mondell	Smith, Idaho
Dupré	Houston	Moon	Smith, J. M. C.
Eagle	Howard	Morgan, La.	Smith, Md.
Edmonds	Howell	Morgan, Okla.	Smith, N. Y.
Edwards	Hughes, Ga.	Morrison	Stafford
Elder	Hullings	Moss, Ind.	Stedman
Esch	Hull	Moss, W. Va.	Stephens
Falconer	Humphrey, Wash.	Mott	Stephens, Tex.
Farr	Igoe	Murdock	Stevens, Minn.
Ferguson	Jacoway	Murray, Mass.	Stevens, N. H.
Ferris	Johnson, Ky.	Murray, Okla.	Stone
Fess	Johnson, S. C.	Neeley, Kans.	Stringer
Fields	Johnson, Utah.	Neely, W. Va.	Sumners
Finley	Johnson, Wash.	Nelson	Sutherland
Fitzgerald	Kahn	Nolan, J. I.	Switzer
Fitzhenry	Keating	O'Brien	Taggart
Floyd, Ark.	Keister	O'Hair	Talcott, N. Y.
Foster	Kelley, Mich.	Oldfield	Taverner
Fowler	Kelly, Pa.	O'Leary	Taylor, Ark.
Frear	Kennedy, Conn.	Page, N. C.	Taylor, Colo.
French	Kennedy, Iowa	Paige, Mass.	Taylor, N. Y.
Gallagher	Kennedy, R. I.	Palmer	Temple
Gallivan	Kent	Park	Thacher
Gard	Kettner	Patten, N. Y.	Thomas
Gardner	Key, Ohio	Peters, Mass.	Thompson, Okla.
Garrett, Tex.	Kiess, Pa.	Peterson	Thomson, Ill.
Gerry	Kindel	Phelan	Towner
Gillmore	Kinkaid, Nebr.	Plumley	Townsend
Glass	Kinkead, N. J.	Porter	Treadway
Goeke	Kitchin	Post	Tribble
Good	Konop	Pou	Tuttle
Goodwin, Ark.	Korbly	Powers	Underhill
Gorman	La Follette	Quin	Underwood
Goulden	Langley	Ragsdale	Vare
Graham, Pa.	Lazaro	Ralney	Vaughan
Gray	Lee, Pa.	Raker	Vollmer
Green, Iowa	Lenroot	Rauch	Volstead
Greene, Vt.	Lesher	Rayburn	Walsh
Gregg	Lever	Reed	Walters
Griffin	Lieb	Reilly, Wis.	Watkins
Guernsey	Lindbergh	Riordan	Weaver
Hamill	Linthicum	Roberts, Nev.	Webb
Hamilton, N. Y.	Lloyd	Rothermel	Whitacre
Hamlin	Lobeck	Rouse	White
Hammond	Logue	Rucker	Williams
Hardwick	Lonergan	Ruple	Willis
Hardy	McAndrews	Russell	Wilson, Fla.
Harris	McClellan	Saboth	Wingo
Harrison	McCoy	Saunders	Winslow
Hart	McDermott	Scott	Woodruff
Haugen	McGillicuddy	Scully	Woods
Hawley	McGuire, Okla.	Sedgwick	
Hay	McKellar	Sells	
Hayden	McKenzie	Shackleford	

NAYS—12.

Bartlett	Dunn	Gillett	Payne
Buchanan, Tex.	Fairchild	Moore	Watkins
Cramton	Garner	Parker	Witherspoon

ANSWERED "PRESENT"—2.

Fordney	Stephens, Miss.

NOT VOTING—94.

Ainey	Falson	Langham	Roberts, Mass.
Ansberry	Flood, Va.	Lee, Ga.	Rogers
Barchfeld	Francis	L'Engle	Ruby
Beall, Tex.	Garrett, Tenn.	Levy	Shedley
Borland	George	Lewis, Md.	Slayden
Brockson	Gittins	Lewis, Pa.	Smith, Minn.
Brodbeck	Godwin, N. C.	Lindquist	Smith, Saml. W.
Browning	Goldfogle	Lott	Smith, Tex.
Burke, Pa.	Gordon	Manahan	Sparkman
Callaway	Graham, Ill.	Martin	Stanley
Carew	Greene, Mass.	Merritt	Stephens, Cal.
Carter	Griest	Metz	Stephens, Nebr.
Connolly, Iowa	Gudger	Miller	Stout
Cooper	Hamilton, Mich.	Montague	Talbott, Md.
Crisp	Helm	Morin	Taylor, Ala.
Dale	Helvering	Norton	Ten Eyck
Difenderfer	Hoxworth	Ogleby	Walker
Donohoe	Hughes, W. Va.	O'Shaunessy	Watson
Dooling	Humphreys, Miss.	Padgett	Whaley
Doughton	Jones	Patton, Pa.	Wilson, N. Y.
Dyer	Kirkpatrick	Peters, Me.	Young, N. Dak.
Eagan	Knowland, J. R.	Platt	Young, Tex.
Estopinal	Kreider	Prouty	
Evans	Lafferty	Reilly, Conn.	

So the bill was passed.

The Clerk announced the following additional pairs:

On the vote:

Mr. DALE (for the bill) with Mr. LEVY (against).

Mr. STEPHENS of Mississippi with Mr. AINEY.

The result of the vote was announced as above recorded.

Mr. ADAMSON. Mr. Speaker, I think it is necessary to amend the title.

The SPEAKER. Without objection, the title will be amended in accordance with the text.

There was no objection.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

GILL AGAINST DYER.

The SPEAKER. The Chair desires to make this announcement. By agreement of those concerned the contested-election case of Gill against Dyer will be called after the reading of the Journal on the morning of Thursday, June 18, and continued on the 19th if necessary.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. NEELEY of Kansas, indefinitely, on account of important business.

To Mr. GORDON, indefinitely, on account of illness in his family.

To Mr. BRODBECK, for five days, on account of death and burial of his brother-in-law.

ENROLLED BILLS SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title, when the Speaker signed the same:

H. R. 3234. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The SPEAKER announced his signature to enrolled bills of the following title:

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4357. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill:

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

HOUR OF MEETING TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-night it adjourn to meet at 11 o'clock to-morrow morning.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-night it adjourn to meet at 11 a. m. to-morrow. Is there objection?

Mr. MANN. Oh, I object.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17041, the sundry civil appropriation bill.

The SPEAKER. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17041.

Mr. FITZGERALD. And pending that motion, Mr. Speaker, I desire to inquire of the gentleman from Massachusetts [Mr. GILLETT] if we can agree upon the time for general debate?

Mr. MANN. Mr. Speaker, I do not think the gentleman from Massachusetts needs to bother himself about that to-night. The gentleman intends to rise as soon as he dispenses with the first reading of the bill?

Mr. FITZGERALD. Yes; I am going to move to rise, but I desire to see if we could not fix some time for general debate. I ask unanimous consent that the time for general debate be equally divided, one-half to be controlled by the gentleman from Massachusetts [Mr. GILLETT] and one-half by myself.

Mr. MANN. I object. It is not a proper request to be made to-night; make it to-morrow.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17041, with Mr. HARDWICK in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17041, the sundry civil appropriation bill, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from New York asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HARDWICK, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17041, the sundry civil appropriation bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. FITZGERALD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 36 minutes p. m.) the House adjourned to meet to-morrow, Saturday, June 6, 1914, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the case of the Insurance Co. of the State of Pennsylvania *v.* The United States in the French spoliation claim relating to the sloop *Rebecca* (H. Doc. No. 1020); to the Committee on Claims and ordered to be printed.

2. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the cases of George F. Chace, administrator of Stephen Chace, and others *v.* The United States in the French spoliation claims relating to the schooner *Regulator* (H. Doc. No. 1015); to the Committee on Claims and ordered to be printed.

3. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the cases of Francis M. Boutwell, administrator of Abraham Touro, and others *v.* The United States in the French spoliation claims relating to the schooner *John* (H. Doc. No. 1016); to the Committee on Claims and ordered to be printed.

4. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the cases of the Insurance Co. of the State of Pennsylvania and others *v.* The United States in the French spoliation claims relating to the ship *Active* (H. Doc. No. 1019); to the Committee on Claims and ordered to be printed.

5. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the case of the president and directors of the Insurance Co. of North America *v.* The United States in the French spoliation claims relating to the brig *Friendship* (H. Doc. No. 1014); to the Committee on Claims and ordered to be printed.

6. A letter from the assistant clerk of the Court of Claims, transmitting findings of fact and conclusions of law in the case of the president and directors of the Insurance Co. of North America *v.* The United States in the French spoliation claims relating to the schooner *Phoenix* (H. Doc. No. 1018); to the Committee on Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the French spoliation claims relating to the snow *Light Horse* in the case of the Maryland Insurance Co. and others *v.* The United States (H. Doc. No. 1010); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions in the French spoliation claims relating to the schooner *Polly* in the case of Brooks Adams and others *v.* The United States (H. Doc. No. 1017); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Lydia* in the case of The Insurance Co. of North America and others *v.* The United States (H. Doc. No. 1013); to the Committee on Claims and ordered to be printed.

1914, the Bureau of Corporations shall cease to exist, and all the employees, officials, funds, and records of said bureau, and all the powers and duties thereof and of the Commissioner of Corporations shall be transferred to and conferred upon the Interstate trade commission. The Commissioner of Corporations holding such office on said date shall be ex officio a member of the commission for the first year of its existence. The remaining six members of the commission shall be appointed by the President, by and with the advice and consent of the Senate, and the terms of office of such commissioners so first appointed shall be for two, three, four, five, six, and seven years, respectively, from January 1, 1914, as designated in each case by the President and thereafter all the commissioners shall hold office for seven years and be appointed by the President, by and with the advice and consent of the Senate. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The commission shall choose a chairman from its own membership, and appoint a secretary, who shall receive a salary of $5,000 a year. The commissioners shall each receive a salary of $10,000 a year. A majority of the commission shall constitute a quorum for the transaction of business; but any one of the members of the commission may administer oaths and affirmations and sign subpœnas. The commission may, by one or more of the commissioners, prosecute any inquiry necessary to its duties in any part of the United States into any matter or question of fact pertaining to the business of any corporation or association subject to the provisions of this act. All orders adjudicating matters in controversy before the commission shall be approved by a majority of the commissioners.

"SEC. 2. That every corporation or association shall be subject to the jurisdiction of the commission which is engaged in commerce among the several States or with foreign nations, and which, by itself or with one or more other corporations or associations owned, operated, controlled, or organized in conjunction with it so as to constitute it and them substantially a business unit, has annual gross receipts exceeding $3,000,000 from business within the United States, excepting corporations or associations subject to the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, but including pipe-line companies.

"SEC. 3. That the term corporation or association, as used in this act, shall include all incorporated associations of two or more persons organized to carry on business as coowners with a view to profit and all unincorporated associations of two or more persons organized to carry on business as coowners with a view to profit.

"SEC. 4. That it shall be the duty of the commission and the commission shall have the power—

"(a) To determine whether any corporation or association engaged in commerce among the several States or with foreign nations, excepting corporations and associations, subject to the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, but including pipe-line companies, is subject to the jurisdiction of the commission, and to determine whether any particular number or group of such corporations or associations are so owned, operated, controlled, or organized as to constitute substantially a business unit, having annual gross receipts exceeding $3,000,000 from business in the United States and are therefore subject to the jurisdiction of the commission. The determination of such questions of jurisdiction by the commission shall be final.

"(b) To require from all corporations or associations, subject to the jurisdiction of the commission, information as to their organization, conduct, management, security holders, financial condition, and business transactions to such a degree and extent and in such form as the commission may require, and to require from such corporations or associations complete access at all reasonable times to their records, books, accounts, minutes, papers, and all other documents, including the records of any of their executive or other committees.

"(c) To make, alter, enforce, and repeal regulations proper and necessary to enforce the provisions of this act.

"(d) To require, by regulations duly made, uniform or comparable methods of accounting by the corporations or associations subject to the jurisdiction of the commission, and to prescribe the forms of accounting necessary to that end.

"(e) To make public, from time to time, the information received by it in such form and to such extent as the commission shall by regulations prescribe.

"(f) To point out and make public, from time to time, specifically and separately, in such form and to such extent as in the discretion of the commission will best advance fair, honest, and efficient business, all cases of material overcapitalization, unfair competition, misrepresentation, or oppressive use of credit of which any corporation or association subject to the jurisdiction of the commission may have been guilty, and whenever any action of such corporation or association shall, in the opinion of the commission, constitute a violation of the laws of the United States, to present such case to the Attorney General for prosecution.

"(g) To make an annual report which shall be transmitted to Congress, setting forth data obtained by the commission relevant to the general question of the regulation of interstate commerce, together with any recommendations for further legislation which the commission may desire to present.

"(h) To make an investigation and report as to the methods best adapted to the carrying out of a final decree of dissolution under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, when such a decree shall have been entered against any corporation subject to the jurisdiction of the commission and when the court having jurisdiction of the enforcement of such decree shall refer the case to the commission for its action as herein provided.

"SEC. 5. That for the purposes of this act and in aid of its powers herein granted the commission shall have power to compel the attendance and testimony of witnesses and the production of documentary evidence equivalent so far as applicable within its jurisdiction to the power conferred upon the Interstate Commerce Commission by the act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and specifically the commission shall have power to require by subpœna the attendance and testimony of witnesses and the production of all books, papers, contracts, agreements, documents, or other things of every kind and nature whatsoever relating to any matter under investigation by the commission. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States at any designated place of hearing, and in case of disobedience to such subpœna the commission, or any party to a proceeding before the commission, may, with the aid of the commission, invoke the aid of any court of the United States in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section.

"And any of the district courts of the United States within the jurisdiction of which such inquiry is carried on may, in case of contumacy or refusal to obey a subpœna issued by the commission to any corporation or association, subject to the provisions of this act, or other person, issue an order requiring such corporation or association, or other person, to appear before said commission (and produce books, documents, and papers, if so ordered) and give evidence touching the the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying.

"The testimony of any witness may, with the consent of the commission, be taken at the instance of a party in any proceeding or investigation pending before the commission by deposition at any time after the inquiry is instituted. The commission may also order testimony to be taken by deposition in any proceeding or investigation pending before it at any stage of such proceeding or investigation. Such deposition may be taken before any person authorized so to do by the commission and who has power to administer oaths.

"Any person may be compelled so to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the commission as hereinbefore provided. Such testimony shall be reduced to writing.

"Witnesses whose testimony is taken under the provisions of this act shall severally be entitled to the same fees as are paid for like service in the courts of the United States.

"No person shall be excused from attending and testifying, or from producing books, papers, documents, or other things before this commission, or in obedience to the subpœna of the commission, whether such subpœna be signed or issued by one or more of the commissioners, on the ground, or for the reason, that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify under oath or produce evidence, documentary or otherwise, before said commission in obedience to a subpœna issued by said commission: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. The purpose of this provision is to give immunity only to natural persons who under oath testify in response to a subpœna of the commission or produce evidence, documentary or otherwise, under oath, in an inquiry instituted by the commission, in response to such subpœna.

"And to carry out and give effect to the provisions of this act, the commission is hereby authorized to designate and employ special agents or examiners, who shall have the power to administer oaths, examine witnesses and documentary evidence, and receive evidence.

"SEC. 6. That it shall be the duty of every corporation or association subject to the provisions of this act to comply with the terms hereof, and to comply with the orders and subpœnas of the commission issued pursuant to the authority herein granted, and it shall be the duty of every corporation, association, or person to furnish to the commission such information as the commission may deem necessary and proper to determine whether any corporation or association is subject to the jurisdiction of the commission.

"SEC. 7. That it shall be the duty of every corporation or association subject to the jurisdiction of the commission, within four months after January 1, 1914, or, if becoming subject thereto after said date, then within two months after so becoming subject thereto, to file with the commission written statements under oath showing such facts as to its organization, conduct, financial condition, management, security holders, operations, and business transactions as may be prescribed by the commission, and it shall be the duty of every corporation or association subject to the jurisdiction of the commission to furnish to the commission from time to time such information as to its organization, conduct, financial condition, management, security holders, operations, and business transactions, and to such degree and extent and in such form as may be prescribed by the commission, and to afford to the commission or its duly authorized agents complete access to all its records, books, accounts, minutes, and papers, and all other documents, including the records of any of its executive or other committees.

"SEC. 8. That neglect or failure by any corporation or association or by the officers or agents of any such corporation or association, subject to any of the provisions of this act, to comply with the terms hereof or failure or refusal to furnish information required by the commission within 60 days after written demand for such information, shall constitute a misdemeanor and shall be punished by fine of not more than $100 for each and every day of the continuance of such neglect or failure. Any person who shall willfully make or give to said commission any false or deceptive return or statement required by this act, knowing the same to be false or calculated to deceive in any material particular, shall be deemed to be guilty of a misdemeanor and upon convicting shall be punished by fine of not more than $5,000 or by imprisonment for not more than two years, or by both fine and imprisonment.

"SEC. 9. That if any provision or requirement of this act shall for any reason be held unconstitutional the validity of the remaining provisions or requirements of this act shall not be affected thereby."

Mr. ADAMSON. I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. MURDOCK) there were—ayes 19, noes 151.

Accordingly the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. ADAMSON, a motion to reconsider the last vote was laid on the table.

THE SPEAKER. The next bill reported from the Committee of the Whole is the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes. Is a separate vote demanded on any amendment?

Mr. MANN. There is but one amendment.

Mr. GARDNER. There were other amendments.

Mr. MANN. They were amendments to the amendment.

Mr. GARDNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER. I rise to ask whether it is true that when a bill is reported back from the Committee of the Whole with a perfected amendment it is impossible to get a record vote on an amendment to that amendment adopted in committee?

The SPEAKER. It comes back to the House in the form of one amendment.

Mr. GARDNER. The reason I asked the question was that when the rule was introduced it was specifically stated that it would be possible to get a separate vote on certain amendments.

Mr. GARNER. That was in Committee of the Whole.

Mr. GARDNER. A record vote.

The SPEAKER. Who made that statement? The Chair did not.

Mr. GARDNER. The Chair did not state it.

The SPEAKER. There is only one amendment to this bill. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. WEBB. Mr. Speaker, I demand the yeas and nays.

Mr. MANN. Mr. Speaker, I ask for the yeas and nays.

Mr. MURDOCK. I ask for the yeas and nays, too, Mr. Speaker, if everybody is making the demand.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB], the gentleman from Illinois [Mr. MANN], and the gentleman from Kansas [Mr. MURDOCK] demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were yeas 276, nays 54, answered "present" 3, not voting 90, as follows:

YEAS—276.

Aiken	[illegible]	[illegible]	Page, N. C.
Adair	[illegible]	[illegible]	Palmer
Adamson	[illegible]	[illegible]	Park
Aitken	[illegible]	[illegible]	Patten, N. Y.
Ansberry	[illegible]	[illegible]	Peters, Mass.
Ashbrook	[illegible]	[illegible]	Peterson
Austin	[illegible]	[illegible]	Phelan
Bathrick	[illegible]	[illegible]	Porter
Beall, Tex.	[illegible]	[illegible]	Post
Bartlett	[illegible]	[illegible]	Pou
Bartholdt	[illegible]	[illegible]	Quin
Britten	[illegible]	[illegible]	Ragsdale
Browne, Wis.	[illegible]	[illegible]	Rainey
Butler	[illegible]	[illegible]	Raker
Calder	[illegible]	[illegible]	Ranch
Chandler, N. Y.	[illegible]	[illegible]	Rayburn
Dainforth	[illegible]	[illegible]	Reed
Drukker	[illegible]	[illegible]	Reilly, Wis.
Dunn	[illegible]	[illegible]	Riordan
Edmonds	[illegible]	[illegible]	Roberts, Nev.
Esch	[illegible]	[illegible]	Rothermel
Fairchild	[illegible]	[illegible]	Rouse
Fergusson	[illegible]	[illegible]	Rucker
Fitzgerald	[illegible]	[illegible]	Ragley
Fitzhenry	[illegible]	[illegible]	Russell
Floyd, Ark.	[illegible]	[illegible]	Sabath
Foster	[illegible]	[illegible]	Saunders
Fowler	[illegible]	[illegible]	Scott
Freer	[illegible]	[illegible]	Seldomridge
French	[illegible]	[illegible]	Shackleford
Gallagher	[illegible]	[illegible]	Sims
Gallivan	[illegible]	[illegible]	Sinnott
Gard	[illegible]	[illegible]	Sisson
Gardner	[illegible]	[illegible]	Sloan
Garner	[illegible]	[illegible]	Small
Garrett, Tex.	[illegible]	[illegible]	Smith, Idaho
Gillmore	[illegible]	[illegible]	Smith, J. M. C.
Glass	[illegible]	[illegible]	Smith, Md.
Goeke	[illegible]	[illegible]	Smith, N. Y.
Good	[illegible]	[illegible]	Stafford
Goodwin, Ark.	[illegible]	[illegible]	Stedman
Gordon	[illegible]	[illegible]	Stephens, Miss.
Gorman	[illegible]	[illegible]	Stephens, Tex.
Goulden	[illegible]	[illegible]	Stevens, N. H.
Gray	[illegible]	[illegible]	Stone
Green, Iowa	[illegible]	[illegible]	Stringer
Gregg	[illegible]	[illegible]	Sumners
Griffin	[illegible]	[illegible]	Sutherland
Hamill	[illegible]	[illegible]	Taggart
Hamlin	[illegible]	[illegible]	Talcott, N. Y.
Hammond	[illegible]	[illegible]	Tavenner
Hardwick	[illegible]	[illegible]	Taylor, Ark.
Hardy	[illegible]	[illegible]	Taylor, Colo.
Harris	[illegible]	[illegible]	Taylor, N. Y.
Harrison	[illegible]	[illegible]	Temple
Hart	[illegible]	[illegible]	Thacher
Hasgen	[illegible]	[illegible]	Thomas
Hawley	[illegible]	[illegible]	Thompson, Okla.
Hay	[illegible]	[illegible]	Thomson, Ill.
Hayden	[illegible]	[illegible]	Towner
Heflin	[illegible]	[illegible]	Tribble
Helgesen	[illegible]	[illegible]	Tuttle
Henry	[illegible]	[illegible]	Underhill
Hensley	[illegible]	[illegible]	Underwood
Hill	[illegible]	[illegible]	Vare
Hinebaugh	[illegible]	[illegible]	Vaughan
Hobson	[illegible]	[illegible]	Vollmer
Howland	[illegible]	[illegible]	Walsh
Houston	[illegible]	[illegible]	Walters
Igoe	[illegible]	[illegible]	Watkins
Jacoway	[illegible]	[illegible]	Weaver
Johnson, Ky.	[illegible]	[illegible]	Webb
Johnson, S. C.	[illegible]	[illegible]	Whitacre
Johnson, Wash.	[illegible]	[illegible]	Williams
Keating	[illegible]	[illegible]	Wilson, Fla.
Kelley, Mich.	[illegible]	[illegible]	Wingo
Kelly, Pa.	[illegible]	[illegible]	Witherspoon
Kennedy, Conn.	[illegible]	[illegible]	Woodrow
Kennedy, Iowa	[illegible]	[illegible]	Woods
Kent	[illegible]	[illegible]	
Kettner	[illegible]	[illegible]	
Key, Ohio	[illegible]	[illegible]	
Kindel	[illegible]	[illegible]	
Kinkaid, Nebr.	[illegible]	[illegible]	
Kinkead, N. J.	[illegible]	[illegible]	
Kitchin	[illegible]	[illegible]	
Konop	[illegible]	[illegible]	
Korbly	[illegible]	[illegible]	
La Follette	[illegible]	[illegible]	
Lazaro	[illegible]	[illegible]	
Lee, Pa.	[illegible]	[illegible]	
Lenroot	[illegible]	[illegible]	
Lesher	[illegible]	[illegible]	
Lever	[illegible]	[illegible]	
Lieb	[illegible]	[illegible]	
Lindbergh	[illegible]	[illegible]	
Linthicum	[illegible]	[illegible]	
Lloyd	[illegible]	[illegible]	
Loback	[illegible]	[illegible]	
Logue	[illegible]	[illegible]	
Lonergan	[illegible]	[illegible]	
McAndrews	[illegible]	[illegible]	
McClellan	[illegible]	[illegible]	
McCoy	[illegible]	[illegible]	
McDermott	[illegible]	[illegible]	
McGillicuddy	[illegible]	[illegible]	
McKellar	[illegible]	[illegible]	
McKenzie	[illegible]	[illegible]	
McLaughlin	[illegible]	[illegible]	
Macdonald	[illegible]	[illegible]	
Maguire, Nebr.	[illegible]	[illegible]	
Mahan	[illegible]	[illegible]	
Maher	[illegible]	[illegible]	
Mapes	[illegible]	[illegible]	
Mitchell	[illegible]	[illegible]	
Mondell	[illegible]	[illegible]	
Morgan, La.	[illegible]	[illegible]	
Morgan, Okla.	[illegible]	[illegible]	
Morrison	[illegible]	[illegible]	
Moss, Ind.	[illegible]	[illegible]	
Moss, W. Va.	[illegible]	[illegible]	
Murdock	[illegible]	[illegible]	
Murray, Mass.	[illegible]	[illegible]	
Murray, Okla.	[illegible]	[illegible]	
Neeley, Kans.	[illegible]	[illegible]	
Neely, W. Va.	[illegible]	[illegible]	
Nolan, J. I.	[illegible]	[illegible]	
O'Brien	[illegible]	[illegible]	
O'Hair	[illegible]	[illegible]	
Oldfield	[illegible]	[illegible]	
O'Leary	[illegible]	[illegible]	
Palmer	[illegible]	[illegible]	
Peters	[illegible]	[illegible]	
Pou	[illegible]	[illegible]	
Quin	[illegible]	[illegible]	
Ragsdale	[illegible]	[illegible]	
Rainey	[illegible]	[illegible]	
Raker	[illegible]	[illegible]	
Ranch	[illegible]	[illegible]	
Rayburn	[illegible]	[illegible]	
Reed	[illegible]	[illegible]	
Reilly, Wis.	[illegible]	[illegible]	
Riordan	[illegible]	[illegible]	
Roberts, Nev.	[illegible]	[illegible]	
Rothermel	[illegible]	[illegible]	
Rouse	[illegible]	[illegible]	
Rucker	[illegible]	[illegible]	
Rupley	[illegible]	[illegible]	
Russell	[illegible]	[illegible]	
Sabath	[illegible]	[illegible]	
Saunders	[illegible]	[illegible]	
Scott	[illegible]	[illegible]	
Seldomridge	[illegible]	[illegible]	
Shackleford	[illegible]	[illegible]	
Sims	[illegible]	[illegible]	
Sinnott	[illegible]	[illegible]	
Sisson	[illegible]	[illegible]	
Sloan	[illegible]	[illegible]	
Small	[illegible]	[illegible]	
Smith, Idaho	[illegible]	[illegible]	
Smith, J. M. C.	[illegible]	[illegible]	
Smith, Md.	[illegible]	[illegible]	
Smith, N. Y.	[illegible]	[illegible]	
Stafford	[illegible]	[illegible]	
Stedman	[illegible]	[illegible]	
Stephens, Miss.	[illegible]	[illegible]	
Stephens, Tex.	[illegible]	[illegible]	
Stevens, N. H.	[illegible]	[illegible]	
Stone	[illegible]	[illegible]	
Stringer	[illegible]	[illegible]	
Sumners	[illegible]	[illegible]	
Sutherland	[illegible]	[illegible]	
Taggart	[illegible]	[illegible]	
Talcott, N. Y.	[illegible]	[illegible]	
Tavenner	[illegible]	[illegible]	
Taylor, Ark.	[illegible]	[illegible]	
Taylor, Colo.	[illegible]	[illegible]	
Taylor, N. Y.	[illegible]	[illegible]	
Temple	[illegible]	[illegible]	
Thacher	[illegible]	[illegible]	
Thomas	[illegible]	[illegible]	
Thompson, Okla.	[illegible]	[illegible]	
Thomson, Ill.	[illegible]	[illegible]	
Towner	[illegible]	[illegible]	
Tribble	[illegible]	[illegible]	
Tuttle	[illegible]	[illegible]	
Underhill	Walsh	Whitacre	Woodruff
Underwood	Walters	Williams	Woods
Vare	Watkins	Wilson, Fla.	
Vaughan	Weaver	Wingo	
Vollmer	Webb	Witherspoon	

NAYS—54.

Anthony	Foss	Kless, Pa.	Sells
Austin	Gillett	Langley	Shreve
Bartholdt	Graham, Pa.	McAndrew, Okla.	Slemp
Britten	Greene, Vt.	Madden	Stephenson
Browne, Wis.	Guernsey	Mann	Stevens, Minn.
Butler	Hamilton, N. Y.	Moore	Switzer
Calder	Hayes	Mott	Treadway
Chandler, N. Y.	Hinds	Nelson	Volstead
Dainforth	Howell	Paige, Mass.	Wallin
Drukker	Humphrey, Wash.	Parker	White
Dunn	Johnson, Utah	Payne	Willis
Edmonds	Kahn	Platt	Winslow
Esch	Keister	Plumley	
Fairchild	Kennedy, R. I.	Powers	

ANSWERED "PRESENT"—3.

Bartlett	Fordney	Gerry

NOT VOTING—90.

Atney	Eagan	Kreider	Reilly, Conn.
Ansberry	Dershem	Lafferty	Roberts, Mass.
Avis	Evans	Langham	Rogers
Barchfeld	Falconer	Lewis, Md.	Ruby
Beall, Tex.	Flood, Va.	Lewis, Pa.	Sherley
Bulkley	Francis	Lindquist	Slayden
Brockson	Francis, Ohio	Loft	Smith, Minn.
Broussard	Gallagher	Martin	Smith, Saml. W.
Burke, W. Va.	Gardner	McCoy	Smith, Tex.
Bowdle	Garner	McDermott	Sparkman
Carlin	Gillespie	McGillicuddy	Stanley
Cullop	Graham, Ill.	Martin	Stephens, Cal.
Curry	Gronna	Mann	Stephens, Nebr.
Davenport	Hamlin	Moss	Stout
Davis	Hughes, Ga.	Miller	Talbott, Md.
Decker	Hughes, W. Va.	Montague	Taylor, Ala.
Dodds	Humphreys, Miss.	Morgan	Ten Eyck
Doolittle	Jones	Murdock	Townsend
Doughton	Kirkpatrick	Peters, Me.	Young, Tex.
Dyer	Knowland, J. R.	Prouty	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. GRAHAM of Illinois with Mr. SAMUEL W. SMITH.

Mr. REILLY of Connecticut (for the bill) with Mr. BARCHFELD (against).

Mr. PADGETT (for trust bill) with Mr. ROBERTS of Massachusetts (against).

Mr. YOUNG of Texas with Mr. HAMILTON of Michigan.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. HILL with Mr. COPLEY.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. CALLAWAY with Mr. ROGERS.

Mr. AINEY with Mr. COLLIER.

Mr. OGLESBY with Mr. PROUTY.

Mr. CARTER with Mr. AVIS.

Mr. DOOLING with Mr. COOPER.

Mr. FLOOD of Virginia with Mr. KREIDER.

Mr. GOLDFOGLE with Mr. LAFFERTY.

Mr. SMITH of Texas with Mr. LANGHAM.

Mr. HOWARD with Mr. LINDQUIST.

Mr. HUMPHREYS of Mississippi with Mr. MANAHAN.

Mr. LEE of Georgia with Mr. MILLER.

Mr. SHERLEY with Mr. NORTON.

Mr. TALBOTT of Maryland with Mr. STEPHENS of California.

Mr. CAREW with Mr. YOUNG of North Dakota.

Mr. GITTINS with Mr. BROWNING.

Mr. SPARKMAN with Mr. DYER.

On this vote:

Mr. BARTLETT with Mr. MARTIN.

Mr. WATSON (for the bill) with Mr. PETERS of Maine (against).

Mr. WILSON of New York (for the bill) with Mr. MORIN (against).

Mr. DOUGHTON (for the bill) with Mr. METZ (against).

Mr. SMITH of Minnesota (for the bill) with Mr. PATTON of Pennsylvania (against).

Mr. RUBEY (for the bill) with Mr. GERRY (against).

Mr. BROMWICK (for the bill) with Mr. GRIEST (against).

Mr. DALE (for the bill) with Mr. LEVY (against).

Mr. DONOHOE (for the bill) with Mr. MERRITT (against).

Mr. MONTAGUE (for the bill) with Mr. GREENE of Massachusetts (against).

Mr. GERRY. Mr. Speaker, I am paired with the gentleman from Missouri, Mr. RUBEY. I wish to withdraw my vote of "no" and answer "present."

attempt has been made to force the railroads to install electrically operated automatic gates. At least not on the part of the governor or the legislature. If the Indiana legislators decide to stop the railroads from jeopardizing the lives of whole families, they will have to abandon the "reasonable" attitude and make laws that are "unreasonable." It is better to have unreasonable laws that place the railroads under heavy expense than to sacrifice the farmer and let that money go into the idle gold hoap of the corporations.

Why should Gov. Ralston, of Indiana, put "reasonable" in his declaration for legislation?

Not another governor has done this. Gov. Eberhart did not simply because he is aware of the fact that the railroads have been and are astoundingly unreasonable with the farmers and everybody else when money is concerned, and particularly when the farmers have literally begged them for protection. They are unreasonable because railroad representatives coerce and buy off legislators who would otherwise frame and pass bills that would instantly stop the railroads from killing farmers and cost the railroads thousands of dollars a year. After killing a farmer, the railroads will take the matter to court if the survivors of the dead demand too much gold. The roads laugh at the ordinances made by municipalities demanding protection.

[From the Chicago Daily Farmers and Drovers' Journal, Saturday, May 23, 1914.]

BODY OF SLAIN FARMER CARRIED ON PILOT OF ENGINE FOR 40 MILES.

In a tangle of harness, the horribly mangled body of Nicholas Gelson, 50, a Westville, Ind., farmer, was found on the pilot of a fast Lake Shore & Michigan Southern train in the La Salle Street Station in Chicago Saturday.

Gelson was smashed to death when struck on a grade crossing near Westville and the body not found until Chicago was reached.

When the train stopped in the La Salle Street Station Edward Bailey, the engineer, found the lifeless bundle amid the pieces of harness and bits of smashed buggy. He immediately notified the South Clark Street police, and the bloody body was removed to Ball's undertaking rooms at 500 South Dearborn Street.

The identification was made from a notebook found in one of the pockets of the torn clothing, which gave his address as Rural Free Delivery No. 1, Westville, Ind.

The belief is that Gelson was struck and killed while driving over one of the unguarded grade crossings near Westville, but Engineer Bailey asserts that neither he nor the firemen knew that the train smashed into a buggy during the night.

Immediately after the mangled body was taken from the pilot, Chicago police sent a telegram to the Westville police in an endeavor to positively identify the victim.

The train runs between Boston and Chicago, and it is believed that at the time of the killing it was traveling faster than 55 miles an hour.

This is the third bloody accident of the kind that has occurred inside of three weeks, and it is said that it could have been prevented had the grade crossing been protected by gates, which would have fallen and kept the farmer from driving upon the tracks. The killing occurred during the night, when it was too dark for the engineer to see the tracks far in advance of the engine.

During the past two years the Lake Shore trains have been forced by legislation of the city councils of South Bend and Laporte, Ind., to cut down the speed from 85 miles an hour, owing to the fact that life is jeopardized at every grade crossing. When there are no gates to fall and give warning before the approach of a train, and especially in the dead of the night, where there is a turn in the tracks or the track is obscured by trees, death is imminent at all times.

Simultaneously with the police investigation for positive identification, officials of the railroad started an investigation to learn where the killing happened. From the great amount of blood on the pilot, it is thought that the horse was carried some distance also.

The inquest was held in Ball's undertaking parlors by Coroner Peter M. Hoffman at 3 o'clock Saturday afternoon.

[From the Chicago Daily Farmers and Drovers' Journal, Monday, May 25, 1914.]

UNGUARDED CROSSINGS TAKE APPALLING TOLL OF LIFE; MANY MAIMED.

Clyde Guy, 36, was struck and killed Monday afternoon near Granger, Ind., by a fast passenger train when he drove his horse and buggy upon a dangerous grade crossing a short distance from that city.

When in the middle of the track, which is obscured by shrubbery, the train swept from behind, smashed the buggy to kindling wood, and carried his lifeless body many yards on the pilot before the train could be stopped.

Two more farmers were killed instantly Sunday near Norfolk, Ohio, when Charles Altman, 42, and his baby daughter, Lillian, 7, were smashed to death on an unprotected grade crossing by a fast Lake Shore mail train traveling at a rate of 70 miles an hour.

The automobile in which they rode was demolished. The bodies were carried a quarter of a mile on pilot before the train could be stopped, and both were terribly mutilated.

Altman's widow, who is left with a 6-weeks-old baby, is prostrated and not expected to live.

When a Chicago, Burlington & Quincy freight train crashed into an automobile on another unprotected grade crossing near Herrin Hill, Ill., Sunday John Kline and his 3-year-old baby daughter were smashed to death, and D. T. Hartwell, Marion, State's attorney; Miss Ludia Altman and Miss Frances Freeman, school-teachers; and Mrs. Kline were severely injured.

Mrs. Kline was horribly maimed and is not expected to live. The two school-teachers were injured so badly that it is thought they will be crippled for life.

Baby Kline was killed instantly.

Two other victims were claimed on an unprotected grade crossing near Kansas City, Mo., Sunday, on the Parthersville road crossing, when the Excelsior Springs Electric Line steel train crashed into an automobile driven by W. C. Dunn, instantly killing him and his wife. Their 4-year-old son was hurled 50 feet through the air and had a miraculous escape.

Mr. and Mrs. Dunn were hurled 20 feet into the air over the shelter station, and the bodies were badly battered and torn.

The Parthersville crossing is used every day by farmers and hundreds of automobiles going and coming between Kansas City and Excelsior Springs. No protection of any kind has ever been installed, and hundreds of lives are constantly endangered.

When a Santa Fe passenger train hurtled over the unprotected grade crossing at Ancona, near Streator, Ill., Sunday, Mrs. C. G. Sauers and her daughter-in-law, Mrs. Bert Sauers, of Dana, Ill., were smashed to death and their automobile was wrecked.

Mrs. Koengsen, a family friend, and Bert Sauers, who were sitting in the front seat, escaped sudden death by jumping.

Mrs. C. G. Sauers was frightfully mangled, but lived an hour.

The husbands of the dead women are in the grain business. Mrs. Bert Sauers was a bride, and recently graduated from Knox College, and was a daughter of Dr. Ensign, of Rutland.

[From the Chicago Daily Farmers and Drovers' Journal, Monday, May 25, 1914.]

INDIANA FARMERS BLAME LAWMAKERS FOR GELSON DEATH.

The gruesome Indiana grade-crossing tragedy at Otis Saturday, when Nicholas Gelson, 40, a prosperous farmer, was smashed to death by a fast Lake Shore & Michigan Southern mail train, which carried his mangled body, unnoticed on the pilot of the engine, out of the State of Indiana to the La Salle Street Station in Chicago, has stirred the smoldering enmity of every farmer in the Nation.

The scene of this death—an unguarded grade crossing—was visited by a staff reporter and a staff photographer of the Farmers and Drovers' Journal Sunday. Their pictures, one drawn with words and the other an actual photograph, are given in the Farmers and Drovers' Journal.

In a tangle of harness, horribly mangled, the head cut open and the brains spilled over the pilot, the body was found by Edward Bailey, the engineer, upon alighting from the cab of his engine in Chicago. Bailey was attracted first by the wild exclamations of a horror-stricken crowd which congregated on the other side of the station gates and gazed at the ghastly spectacle. The body was covered by a horse blanket as it lay on the pilot. This same blanket was used to convey it to the undertaking parlors. The inquest was held by Deputy Coroner C. P. Kennedy, and a jury returned a verdict of "death through accident."

Following the inquest over the body in Chicago it was taken to Otis for a second investigation, on demand of Coroner Osborn, of Laporte, who conducted the second inquest Monday.

The killing occurred in the dead of the night, on one of the most dangerous grade crossings in Indiana. Farmer Gelson, whose farm is 2 miles from Otis, had been visiting his brother, Emil Gelson. They parted at midnight. According to Emil Gelson, shortly after his brother got into his buggy and rode away the midnight express thundered through the village and cleared the crossing at a rate of 55 miles an hour.

The buggy was exactly in the middle of the tracks when the engine swept down upon it. The horse was found browsing near the railroad station, 300 yards above the crossing, the following morning. The fact that the horse was not injured, nor even knocked off its feet, shows that the train was traveling at a terrific rate. The buggy was knocked into 1-foot lengths and strewn along the tracks many feet from the crossing. The shafts, that still clung to the dead horse, were clipped as cleanly as though a cannon ball had struck them.

ENGINEER ADMITS SPEED.

Bailey, the engineer, asserted that the night was foggy and he was not even aware that his engine had hit anything. He said there was no jar, which usually records a collision, and admitted his train was traveling from 50 to 60 miles an hour at the time he passed Otis until he drew his train into the suburbs of Chicago.

The express trains always travel at more than 55 miles an hour over the Otis crossing. Hundreds of farmers pass over it every day, and many during the night. Very seldom the trains blow a warning when crossing this "chasm of death."

Hundreds of infuriated farmers swarmed into Otis Sunday. They did not blame the railroad so much as they did the lawmakers, who should have forced the railroad to install electrically operated automatic gates. This is the second killing on the Otis grade crossing. John Shannon, a farmer near Otis, was smashed to death a short time ago. His body was so badly mangled that his clothing had to be searched for identification, as was Gelson's when taken from the pilot in Chicago.

Fortunately, Nicholas Gelson had no wife or children, but his brother is prostrate with grief. The dead man was at the prime of his life, and his life was too precious to have been sacrificed. He died when death seemed furthermost from him, and he never had a chance to get out of the way of the steel monster that plunged with his body to its terminal in another State.

The railroad blamed the killing on the darkness of the night. The farmers near Otis blamed the killing on the railroad and the legislators. Both are guilty. One did the killing and the other allowed it. If the legislators in the State of Indiana had made laws forcing the railroads to protect the grade crossings, where hundreds of farmers are killed, and particularly this one, Gelson would have arisen with the sun on Monday morning and gone whistling to his farm work. Instead, another bloody slaying exemplified Indiana's legislative negligence.

Sunday hundreds of farmers visited the grade crossing, and the sentiment was that Gov. Ralston and his legislators "would get the surprise of their lives if they were to take a look."

Felix Maraski, a wealthy farmer near Otis, said: "Many would have been killed in this 'death chasm' had the farmers relaxed their watchfulness for one minute. Everybody is exceedingly careful, because the crossing is a damnable thing. Gelson was careful, because he realized the danger to which his life was constantly exposed. It was the same thing in the killing of George Shannon, who was horribly smashed. It is high time that the State government took action. A bill should be passed forcing the railroads of Indiana to protect the death traps. If a man is to comply with the 'safety first' signs that are plastered over the State, he might as well quit traversing the country highways. Everybody is shouting 'safety first,' and the legislators, who have the power to make the slogan mean something, are idle. I am willing to start a fight for legislation in this community, such as the Farmers and Drovers' Journal is waging in behalf of the farmer. The railroads are making their money from the people and should do something to safeguard them."

[From the Chicago Daily Farmers and Drovers' Journal, Tuesday, May 26, 1914.]

FIVE INJURED AT GRADE CROSSING IN NEBRASKA.

When a fast freight crashed into an automobile driven by Frederick C. Casey at an unprotected grade crossing near Burchard, Nebr., his collar bone was broken and he was badly bruised and cut. Mario, his baby daughter, is lying in a hospital with concussion of the brain, and Mrs. Casey and two other children were severely slashed and bruised.

Heavy foliage, that obscured the crossing and shut off a view of the tracks, is responsible. Casey avers that he slowed down his car and took every precaution before driving upon the tracks.

[From the Chicago Daily Farmers and Drovers' Journal, Wednesday, May 27, 1914.]

JURIES BLAME ST. PAUL RAILROAD FOR DEATHS AT GRADE CROSSINGS.

The Chicago, Milwaukee & St. Paul still continues to slaughter persons at its unprotected grade crossings. The railroad has taken more than its share of human life. Almost every time it has taken a life coroner's juries have returned a verdict of death due to the gross negligence of this road to guard its "death traps" with automatic gates.

Mrs. Pauline Kalkellik, of Morton Grove, Ill., was smashed to death on a Morton Grove grade crossing by a fast passenger train last Thursday. She died instantly. A jury was impanneled by Coroner Peter M. Hoffman, who investigated the death. The investigation proved conclusively that the killing was caused by the negligence of this railroad. But there was only one brave, honest man on that jury who dared express his own candid opinion. Milton Jones was the man. He could not agree with the others that Mrs. Kalkellik's death came through accident. He held tenaciously that the Chicago, Milwaukee & St. Paul was guilty of taking a human life when it could have been avoided.

Other members of that jury acted like some of the legislators in those States where the grade crossings are claiming a great number of lives—they were dubious as to whether the railroad should protect its own crossings. Perhaps the railroad was too fearful a power for them to render a verdict against.

Coroner Peter Hoffman was of the same opinion as Milton Jones. He is convinced that the Chicago, Milwaukee & St. Paul is guilty of killing a human being, and at heart he commended the stand taken by Milton. The jury was out exactly one hour and a half and could not return a verdict of "death through accident" because Milton disagreed. Coroner Hoffman apparently became disgusted and discharged the "bickering five" who would mask "a murder as an accident."

Three weeks ago this road snuffed out the lives of Louis Hoffman's babies at the Glenview, Ill., grade crossing. Coroner Peter Hoffman made the investigation and a jury returned a verdict of gross negligence. At this crossing the Chicago, Milwaukee & St. Paul had taken two lives prior to the killing of the Hoffman children and the maiming of their mother. In both cases the railroad was warned that unless it stationed a flagman at the crossing for a period of 12 hours each day a charge of murder would be lodged with the grand jury. The railroad complied with the verdict. But at the end of three weeks the flagman suddenly vanished. Then came another killing. This time the Chicago, Milwaukee & St. Paul was ordered to install automatic gates to protect the farmers' lives. The road promised. This was followed by the Hoffman killing. It took three killings to convince the railroad that it was high time to protect the Glenview grade crossing.

Coroner Hoffman did not forget about the killing of his cousin's children in the brutal maiming of Mrs. Rosie Hoffman. He kept after the railroad, and they treated him with a great amount of consideration. They put a flagman at the Glenview crossing and have sent Coroner Hoffman a blue print of the gates that are being installed.

The coroner says that the killing should stop. He is indignant at the way the railroads have been allowed to kill—take human life—and then go right on taking it, because no one is strong enough to make them give a thought to the protection of human beings. The sacrifice is awful. The Chicago, Milwaukee & St. Paul probably will pay the beneficiaries of Mrs. Kalkellik a certain amount of gold. It is the same old thing over and over again.

The Milwaukee kills people and then sends them to the personal-claim agent—he pays for all killings.

[From the Chicago Daily Farmers and Drovers' Journal, Thursday, May 28, 1914.]

TWO HURLED TO DEATH, TWO SEVERELY HURT AT GRADE CROSSINGS.

A man believed to be W. D. Patton, a veterinarian of Siloam Springs, Ark., was killed early Thursday at a grade crossing near St. Joseph, Mo., when the Rock Island train struck and demolished the automobile which he was driving.

The body was terribly mutilated and the papers in his pocket did not confirm the identification.

A high embankment shuts off the view of the crossing, and it was impossible for Patton to see or hear the approaching train. His car was hit near the front end and hurled many feet from the track.

Patton's shoulder was caught in the wreckage and ground to pieces.

MISSOURI TAKES ACTION.

The public-utilities commission of Missouri has started to eradicate the reign of death and terror on the unprotected railroad grade crossings in Missouri. The first real action was taken Thursday, when Judge John Kennish, of the supreme court, sitting at the Baltimore Hotel, as representative of the State-utilities commission, considered the advisability of altering the Fifteenth Street unprotected grade crossing over the Rock Island tracks.

The hearing is the outcome of a request filed with the State board by Frank Rezzelle, county counsellor, acting under instructions from the county court.

This hearing is expected to bring out evidence of the number of people maimed and injured at this dangerous crossing. The extent of the railroad's share in remedying the condition, should a viaduct be deemed necessary, also will be determined. The hearing is expected to have the whole situation concerning the danger or lack of danger at this grade crossing where people have been hurt.

James Cox was instantly killed and Mrs. Cox, Mrs. Edward Borchard, and Miss Tillie Olson, all of Beloit, Wis., were injured severely when a Chicago & North Western train crashed into their automobile on an unprotected grade crossing near Janesville Thursday.

Mr. ADAMSON. Mr. Chairman, I ask for a vote on the substitute.

The CHAIRMAN. The question is on agreeing to the substitute offered by the gentleman from Indiana [Mr. CULLOP].

The substitute was agreed to.

The CHAIRMAN. The question now recurs on the original bill as amended by the substitute.

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The Chair was putting the motion on the passage of the original bill as amended by the substitute.

Mr. ADAMSON. There is only one committee amendment, Mr. Chairman, and I move that the committee rise and report the bill as amended by the substitute, with a favorable recommendation.

The CHAIRMAN. The Chair is under the impression that the proper motion is to agree to the original bill as amended by the substitute.

Mr. MANN. That comes after the motion to rise.

Mr. ADAMSON. I would not mislead the Chair. Just follow me. [Laughter.]

Mr. MANN. Mr. Chairman, I take it that the motion that the gentleman from Georgia makes is to rise and report this bill favorably, and also the other bills that have been laid aside with a favorable recommendation.

Mr. ADAMSON. We have amended the bill we were considering by adopting a substitute for it.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] moves that the committee do now rise and report the substitute——

Mr. MANN. And the other bills that have been laid aside with a favorable recommendation.

Mr. ADAMSON. That is right. I move, Mr. Chairman, that all bills under consideration embraced within the special order be reported to the House with favorable recommendation that they pass as amended.

Mr. MANN. There are just three that have been laid aside.

The CHAIRMAN. The gentleman from Georgia moves that the committee rise and report the bill H. R. 15613, the bill H. R. 15657, and the bill H. R. 16586, with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 15613) creating an interstate trade commission, to define its powers and duties, and for other purposes; the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes; and the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, and for other purposes, had directed him to report each bill with amendments, with the recommendation that the amendments be agreed to, and that the bills as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee, under the special rule, having had under consideration House bill 15613, House bill 15657, and House bill 16586, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

Mr. ADAMSON. I believe, Mr. Speaker, the rule provides that the previous question is ordered.

The SPEAKER. Yes; it is already ordered.

Mr. ADAMSON. The first bill is the trade commission bill.

The SPEAKER. The first bill is House bill 15613. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, were there any amendments?

The SPEAKER. The Clerk advises the Chair that there is one amendment. The Clerk will report it.

The Clerk read as follows:

On page 12, line 7, strike out the word "thirteenth" and insert the word "thirtieth."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, and was read the third time.

Mr. MURDOCK. Mr. Speaker, I make the following motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. MURDOCK. I am not.

The SPEAKER. Is anybody in the House opposed to it, and wants to offer a motion to recommit? If not, the Chair will entertain the motion of the gentleman from Kansas [Mr. MURDOCK], which the Clerk will report.

The Clerk read as follows:

By Mr. MURDOCK: I move to recommit the bill (H. R. 15613) to the Committee on Interstate and Foreign Commerce, with directions to that committee to report said bill back to the House forthwith, with the following amendment, viz: Strike out all after the enacting clause and insert in lieu thereof the following:

"That there is hereby created and established an interstate trade commission, which shall consist of seven members. On January 1,

How many railroad officials—the big men who sit in their offices and control the dollars and cents and lament the farmer's death by tendering gold when his life is smashed out—would abandon this plush chair and fight? Railroad presidents have been found to be crooked. Recent investigations show it. They have been bribed, too. They manipulate shady political deals, and when men do these things they are undesirable citizens.

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[From the Chicago Daily Farmers and Drovers' Journal, Friday, May 15, 1914.]

FAST-GROWING TOLL OF GRADE-CROSSING DEATHS STIR STATE TO ACTION.

Two farmers and a farm woman were smashed to death on a grade crossing Friday at Kaufman, Ill., when an automobile in which they were riding was struck by a Toledo, St. Louis & Western express train, which was plunging along at 50 miles an hour.

The dead, who lived near Marine, Ill., were:

John Stuckwisch.

Mrs. John Stuckwisch.

Oscar Maurer, brother of Mrs. Stuckwisch.

The grade crossing where the killing occurred is near an embankment and several persons who witnessed the killing assert that the automobile was stopped near the crossing and that the man who was driving looked for a train before he proceeded upon the track.

Harry Groot, the engineer, says that he did not see the automobile upon the tracks and that he was shooting his train along at a terrific rate. He says the foliage about the crossing obscured his view, or the accident could have been averted. Where the accident occurred the railroad crosses a wagon road at an angle of 45 degrees.

The automobile was smashed to pieces and carried many yards before the train could be stopped. Two of the bodies were crushed in the demolished automobile and the other was horribly smashed on the pilot. All of them were mangled beyond recognition.

Protection of the farmer's life campaign at rural grade crossings in behalf of the farmer by the Farmers and Drovers' Journal is having its effect in Illinois. Thursday the Illinois public utilities commission assigned experts from the engineering department to investigate grade crossings on the Indiana Harbor Belt Railroad at Arlington Heights, following deaths and complaints of dangerous conditions.

During the last five years many farmers have been killed at grade crossings on the Indiana Belt Line, and the demand has been made time and time again that the road install gates and other devices. A short time ago the farmers appealed to the Belt Line officials to place flagmen at the crossings where the farm traffic is heaviest. The railroad officials declared they would consider the matter, but too much time elapsed before an answer was returned, and so the matter was placed before the Illinois public utilities commission.

Thursday, when the investigation was started, the railroad officials protested that watchmen were not needed, and charged that the protests did not come from the farmers, but were filed by real estate agents seeking to increase the value of their property.

Invariably the railroads shy at a little expense and are never wanting when the time arrives to trump up excuses. It would cost them a large amount of money to install gates that would decrease the railroad killings at grade crossings. The Indiana Harbor Belt Railroad officials hold that real estate agents are responsible for the demand to install flagmen. Even if the real estate men are they should be commended. They value human life and are wise enough to see where a man's life is in constant danger he will not buy property.

It does not make any difference who made the demand for protection. The essential thing is that it is absolutely necessary. Think of the farmers who come and go across that grade crossing. They are not buying real estate, but they live near there. The railroad argument is preposterous, outrageous. Sooner or later it will smash the life out of some farmer and will offer to pay for the murder in gold. If there were more real estate men operating near railroad crossings in the country there would be more public utility commission investigations.

Within two weeks railroads have crushed the lives out of six persons, maimed one for life, killed horses, and smashed wagons and automobiles on grade crossings.

Every one of the killings occurred on grade crossings where the farmers have demanded that the railroads either install flagmen for a period of 12 hours each day or automatic gates. In each case the railroads frankly refused and coolly informed the farmers that they should keep their eyes open.

SIX KILLED IN TWO WEEKS.

The most notable killings within the last two weeks follow:

Farmer Louis Hoffman's baby daughters, smashed to death on the grade crossing at Glenview, Ill., by a Chicago, Milwaukee & St. Paul express train. Mrs. Bessie Hoffman, skull fractured, body badly maimed. She will be an invalid for life.

Farmer Absolom Meyers and wife, smashed to death on a grade crossing near Olathe, Kans. Meyers's clothes had to be searched for letters to identify him. He is survived by nine children.

W. H. Kenney, an insurance agent, driving his automobile over a grade crossing near Hammond, Ind., was struck by a Michigan Central passenger train traveling 50 miles an hour. Both the machine and Kenney were carried more than 600 feet on the pilot of the engine.

Dominick Dernardi died after being struck by a southbound Chicago & North Western express train on the grade crossing at Skokie Road, near Glencoe.

These are just a few of the killings that have been brought to the notice of the Farmers and Drovers' Journal. Farmers come every day and point them out as horrible examples of the negligence of legislators and the thrift of begrudging railroad officials who hate to see a few dollars squeezed out of their coffers to protect lives.

For a long time the farmers were the only ones to protest, but now cities, municipalities, and counties have entered in the fight. The residents of the cities are safe enough, because city ordinances compel railroads to install gates, flagmen, signal lamps, and other appliances. But the residents of the cities have become cognizant of the heinous murder of the men who feed them, who till the fields of golden grain to make the Nation prosperous.

It is incredulous to think that it takes the protests of the entire Nation to rouse the legislators from their seeming lethargy to the fact that the railroads are killing the farmers like flies at grade crossings. And it is awful the way the railroads protest against being forced not to continue to kill, and it is monstrous the way the railroads coldbloodly offer a fixed amount for the human harvest of souls they reap.

Killing farmers must stop. It is the blackest blotch on society. The laws do not allow the ruthless taking of life. The penalty for taking life is death. Railroads take life—scores of lives—every year. The only penalty they pay is in dollars and cents. The penalty is cheap—a mere pittance for these monster, money-grabbing corporations.

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[From the Chicago Daily Farmers and Drovers' Journal, Monday, May 15, 1914.]

THREE MORE SMASHED TO DEATH—FOUR INJURED AT GRADE CROSSING.

HERE IS WHAT GOV. RALSTON, OF INDIANA, SAYS.

I favor reasonable legislation for protecting life and property.

HERE IS WHAT GOV. RALSTON, OF INDIANA, SHOULD SAY.

Laws should be made forcing every railroad to place electrically operated automatic gates, flagmen, and other devices to halt the numerous killings.

Railroads are killing farmers like flies.

Public-service utilities commissions must be given absolute power to force railroads to protect the farmer.

Every time a train plunges across an unprotected crossing lives are endangered.

Every day farmers are killed on grade crossings.

The railroads pay so much gold for the lives they smash out; but they go right on killing.

Gold is insignificant; life is invaluable.

Therefore the onward march of death must halt, and drastic legislation that gives no quarter, that does not consider expense, is necessary in every State in the Union.

Indiana farmers are being killed like flies on the unprotected railroad grade crossings. Sunday R. E. Davis, his son Claude, and his brother-in-law, J. C. Schaeffer, were smashed to death on a grade crossing at Fort Benjamin Harrison, and four other members of the family were injured. Monday farmer Davis, who is an Indiana Union Traction car hurled from behind a clump of trees that obscure the crossing and crashed into the automobile in which the family was riding. Mr. Davis was driving his automobile slowly at the time, and infinite caution was taken before he drove upon the track.

Coroner Durham said Monday:

"The crossing is dangerous.

"The crossing is dangerous. It is diagonal and prevents 'holding back' and closely paralleled a railroad track."

There are hundreds of grade crossings as dangerous as this one, and hundreds of farmers have been slain every year on them. Conditions are awful; death stalks everywhere.

The killings in Indiana are appalling. The railroads have positively refused to install gates and the legislators only offer sympathy. Gov. Ralston sits in his gilded office and says that he is sorry. He even goes so far as to say that he is in favor of "reasonable legislation for protecting life and property." This is the statement he makes to the Farmers' and Drovers' Journal.

Gov. Ralston is "in favor of only reasonable legislation." How about some quick action, Gov. Ralston? You gave your promise to the farmers of Indiana to protect them when they put you in office. That is one of the reasons you are drawing a fine salary. The bulk of that salary comes out of the pockets of the farmers. You begged them with tears in your eyes for the job. Now, when the railroads are butchering them at railroad crossings you sigh in a weak voice that you only favor stopping the blood spilling.

The farmers are tired of a man who allows railroads to kill them. They have begged the railroads to put up gates to protect them, but railroads are not in the habit of spending money when there is no return. The farmers have appealed to the legislators; the governor has heard their pleas. But nothing ever has been done. No bill demanding that railroads install electrically operated automatic gates, signals, or flagmen have ever been put through. The legislators have promised—so did the railroads promise.

Drivers are being smashed out every day, week, month—hundreds every year. The gross negligence of the legislators has caused a storm of protest. At every meeting of farmers and cattlemen in the State grade-crossing death is the main topic of discussion. The howl of protest is being raised to get some immediate action on the part of Gov. Ralston, the man who favors saving life, but who does not raise a finger to put into black and white laws that will eradicate outrageous murder.

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[From the Chicago Daily Farmers and Drovers' Journal, Monday, May 18, 1914.]

TOLL OF THE DEADLY GRADE CROSSINGS FOR TWO WEEKS ENDING SUNDAY, MAY 17.

THE DEAD.

Mrs. Polly Lindsey and Mrs. Susan Lattman, Quincy, Mich., killed on a grade crossing by a Michigan United Traction train, near Albion.

Absolom Meyers and wife, Olathe, Kans., killed by a Frisco passenger train at Pleasant View crossing.

Dominick Dernardi, Glencoe, Ill., killed by a Chicago & North Western train on a crossing near Glencoe.

R. E. Davis, his son Claude, and his brother-in-law, J. C. Schaeffer, killed by an Indiana Union Traction car on a crossing near Fort Benjamin Harrison.

Louis Hoffman's two baby daughters, killed by a Chicago, Milwaukee & St. Paul train on the grade crossing at Glenview, Ill.

W. H. Kennedy, killed by a Michigan Central train on a grade crossing at Hammond, Ind.

Mr. and Mrs. John F. Stuckwisch and Oscar Maurer, killed by a Toledo, St. Louis & Western express on a grade crossing at Kaufman, Ill.

THESE ARE FIGHTING FOR LIVE FROM INJURIES.

Mrs. George Lindsey, Quincy, Mich., badly smashed and maimed.

George Lindsey, Quincy, Mich., probably will be a cripple for life.

Ambrose Lattman, Quincy, Mich., badly cut.

Mrs. Bessie Hoffman, Glenview, Ill., skull fractured, near death.

R. E. Davis and wife, Nauvoo, Mich., both injured seriously; not expected to live.

Richard Boutel, Samuel Quick, and Frederick Boutel, South Bend, Ind., badly mutilated, are dying.

Three members of Thomas O. Stoot's family injured; reported dying.

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[From the Chicago Daily Farmers and Drovers' Journal, Tuesday, May 19, 1914.]

FIVE NEAR DEATH AS TRAIN SMASHES AUTO AT GRADE CROSSING.

Five men narrowly escaped death on an unprotected grade crossing Tuesday afternoon near Brookfield, Mo., when a Burlington passenger engine crashed into a car driven by Hugh Green. Green and his com-

panions, Frank and William Guest and Gus and Edward Petska, were thrown from the car and injured seriously.

Hugh Green, the owner of the car, said that he could not hear the train coming and the grade crossing was obscured by trees. Just as he drove upon the crossing the express train shot out from behind the trees and smashed into the car, carrying it many yards before the engine could be stopped. Fortunately the car hung in an upright position on the pilot and the occupants were able to fling themselves off the automobile into the ditch.

GOV. M'GOVERN PRAISES GRADE-CROSSING WARFARE.

Farmers in the State of Wisconsin are not treated like so many flies. Railroads are no longer allowed to wipe them out on unprotected grade crossings, simply because the Wisconsin legislators, backed by Gov. McGovern, have put into force drastic laws that compel railroads to install automatic gates, signals, flagmen, or cut down the foliage that obstructs the view of the crossings. Promptly, in accordance with orders from the railroad commission, which is vested with absolute authority to protect the grade crossings—and Wisconsin's farmers.

There is no horrible red trail of blood from one boundary of the State to the other, and death does not stalk everywhere as it does in Illinois, Indiana, Iowa, and several other States. Farmers can drive on the grade crossings in perfect safety.

This was not always the case in Wisconsin, however. Wisconsin farmers were smashed to death on the crossings just the same as they are in Indiana until the Farmers and Drovers' Journal was appealed to. The Farmers and Drovers' Journal took the initiative and bore the brunt of the great campaign for legislation to protect the life of the farmer.

Whenever a Wisconsin farmer registers a complaint with the railroad commission advising the installation of gates, the railroads have to spend money on gates or whatever protection is ordered. It costs the railroads a vast amount of money each year. They do not like to pay that money, but Gov. McGovern and the legislators do not "double" with railroads—the foes of thousands of railroads, and point to the law that says: "Wisconsin farmers must not be smashed to death on grade crossings."

The Wisconsin commission is experimenting constantly with all sorts of new apparatus that will make the crossings more secure. Whenever some new device is considered worthy of experiment the commission orders the railroads to pay out so much money for the new apparatus and it is tried out for a trial.

The newest device that the railroads have had to buy is an "automatic flagman," which is being installed under the direction of the railroad commission on a crossing of the North Western road in the town of Geneva, near Williams Bay. It is a device which raises a red flag, which it waves, shows a light, and rings a bell when a train is approaching. It also shows another light to the engineer, which shows him that it is in operation. The railroad commission ordered this trial at the expense of the North Western Railroad, and if it proves more effective other appliances will have to come down and go into the scrap heap, perhaps. It will not only cost the North Western Railroad a pretty penny, but every road in the State of Wisconsin will have to install this new appliance.

SEVEN LIVES ARE LOST.

S. C. Costley, Graettinger, Iowa, says: "Seven lives were lost two years ago on the North Western grade crossing near Graettinger, Iowa. At some of the crossings the railway company has installed bells, but they are useless, because they are always out of order. I will aid in any way possible the Farmers and Drovers' Journal in its fight for decent legislation."

C. E. Hilton, Mills County, Iowa, says: "In recent years seven farmers were killed on the unprotected grade crossings near my farm in Mills County, Iowa. The Burlington and North Western roads run through the county and the farmers' lives always are in danger. I think a bill should be passed in the State of Iowa forcing railroads to install appliances on all grade crossings. The Farmers and Drovers' Journal is doing a great deal of good, and I think through its efforts proper legislation will be brought about."

F. I. Cannon, of Mitchell County, Iowa, says: "During the time I lived in Ames and Sheridan, Iowa, many farmers lost their lives and many were injured for life on the grade crossings. It was a shame the way the farmers were killed. This is a farmers' fight, but it is great the way the Farmers and Drovers' Journal is bearing the brunt of the battle for protection. I am in favor of legislation forcing railroads to install automatic gates."

H. W. Martin, of Maxwell, Iowa, says: "The only appliance that will do any good is the automatic gate. The Milwaukee line passes through Maxwell, and three farmers have been killed during the past two years. In the near-by towns several have been killed and maimed. I commend the Farmers and Drovers' Journal for the sincere fight it is waging for protection."

Fred Robinson, Rhodes, Iowa: "Automatic gates or elevation will save life. This is the only way out. I believe legislation is the only way to secure safety. The Farmers and Drovers' Journal is conducting the right sort of a campaign."

J. P. Burkholder, Maple Hill, Iowa: "The Farmers and Drovers' Journal is making a brave fight for the life of the farmer. I hope it is successful. There is a grade crossing in a cornfield near Maple Hill that is obscured from all sides. Two people were killed there a short time ago by a Rock Island passenger train. We need the legislation that the Farmers and Drovers' Journal is fighting for."

J. F. Wendling, Independence, Iowa: "The installation of automatic gates or crack elevation is the only way to stop this constant killing. Several farmers have lost their lives on the grade crossing near Independence."

John Kriepon, Brooklyn, Iowa: "Automatic gates should be installed or flagmen stationed at the crossings. One man was run down on a grade crossing this year at Brooklyn. Something must be done right away. There is a curve in the track where this killing took place, and it is a death trap. I indorse the Farmers and Drovers' Journal campaign. I take the paper and am proud of it. The daily editorial department is great. It bears an awful but truthful message."

J. E. Vaughn, Northwestern, Iowa: "The North Western and Rock Island lines have claimed seven farmers' lives within two years. I think the Farmers and Drovers' Journal is fighting a winning battle for the farmer. What is needed most are the automatic gates. Tunnels are the surest, however. Right now the farmers want anything that will even reduce the death rate."

P. A. McCreey, Rolfe, Iowa: "The Farmers and Drovers' Journal is fighting for us. I believe that the only solution is drastic legislation. There have been no killings near my home, but it is more good fortune than anything else that farmers have not been run down."

K. C. Rigger, Cameron, Iowa: "Public opinion will eventually force the railroads to protect the grade crossings by elevation or automatic gates. The Farmers and Drovers' Journal is a great instrument of assistance to the farmers. The paper has always fought for the farmer, and I feel sure that its campaign will be closed soon with a victory."

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[From the Chicago Daily Farmers and Drovers' Journal, Wednesday, May 20, 1914.]

DAY FAILS TO PASS WITHOUT FATALITIES AT GRADE CROSSINGS.

Five persons were smashed to death and one injured seriously late Wednesday, when a Scioto Valley Traction car struck an automobile on an unprotected grade crossing near Ashville, Ohio.

The dead are:

William Miller, cashier of the Ashville Bank.

Mrs. Miller.

Mrs. Agnes Stalzer (Miller's sister).

Mrs. C. H. Hill and her 6-year-old daughter.

Miss Viola Bond, a sixth member of the party was burned severely. She was rushed to a hospital at Chillicothe, Ohio.

Mrs. Stalzer and Mrs. C. H. Hill and her little daughter were burned to death in the flaming wreckage of the automobile.

Miller and his wife were thrown from the car and killed instantly.

Scioto Valley Traction cars are operated by the third-rail system, immediately following the accident the wrecked automobile and the interurban car were enveloped in flames.

Bodies of the victims were saved from the flames by rescuers. The wreckage was consumed by the flames. It is thought the occupants who were only smashed so they could not escape were electrocuted.

MISSOURI LAWS SAVE FARMERS FROM DEATH AT GRADE CROSSINGS.

The hideous death specter, that gorges itself with farmers' lives and blood in Indiana, Illinois, and Iowa on the railway-grade crossings, does not cause a reign of terror among Missouri farmers any longer. Gov. Elliott W. Major and his legislators put a stop to the grewsome killings. They had precisely the same proposition to cope with as the other States, where the farmers are now being slain daily, and there are no laws that demand grade-crossing protection.

The railroads in Missouri killed the farmers at random, played politics, cowered or bought off debauchery lawmakers, laughed at the municipal ordinances, and literally tore them up and threw the bits into the faces of the men who framed them.

Conditions went from bad to worse. Farmers died by scores at the grade crossings; homes were plunged in darkness and hearts filled with pain and anguish. This was followed by a mighty wave of protest for justice from the farmers that shocked the capital. Immediately a bill was framed forcing railroads to install automatic gates, flagmen, and any other devices demanded by the public-service commission, which is vested with absolute power to demand any protection of grade crossings to protect the farmer.

Just as soon as the bill was approved and passed by the Missouri legislators the grade-crossing deaths decreased from a score of killings every six months to none. Where hundreds of death-trap crossings formerly took an enormous toll of life all now are protected by automatic gates and other devices, and hundreds of others have been eliminated entirely by tunneling and elevation. The Missouri commission now has under consideration the elimination of 45 other grade crossings. Every one of these crossings which are to be eliminated is protected by gates, but in a majority of cases they still are considered dangerous, and Missouri legislators will not tolerate another killing if it can be averted, and it can be.

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[From the Chicago Daily Farmers and Drovers' Journal, Thursday, May 21, 1914.]

HEAVIEST DEATH TOLL AT GRADE CROSSINGS TAKEN ON SUNDAYS.

WHAT GOV. A. O. EBERHART, OF MINNESOTA, SAYS.

"I am heartily in favor of all legislation that will reduce accidents and protect human life."

Gov. Eberhart sent this reply in response to a telegram from the Farmers and Drovers' Journal, asking his views on the campaign now being waged for legislation forcing the railroads to protect the grade crossings.

With sickening fear in their hearts, the farmers of Indiana, Iowa, Illinois, Kansas, and many other States where the grade crossings are grossly neglected, drive across the dangerous death traps daily. The killings in these States are not so frequent during the week days, but on Sunday—a day set aside as holy; a day of prayer, peace, and rest—the greatest toll is taken by the grade crossings, and often as many as 10 farmers' lives are sacrificed. When the killings have been most numerous the days always have been beautiful and sunny.

Far across the wooded vales and fields of golden grain that feed the Nation's millions the church bell summons. Hundreds of carriages filled with happy farmer folk on their way to church drive over the unprotected grade crossings, and many of the grade crossings are obscured by heavy foliage. Express trains plunge across these unprotected crossings with impatient passengers anxious to arrive at some eastern or western metropolis. The railway companies have guaranteed to carry the passengers to their destinations on scheduled time, and these trains are not very often behind time.

They travel at a rate of from 40 to 50 miles an hour. Even the local trains make exceptionally fast time, and all of them clear these unprotected grade crossings at high speed. The engineers can not see the approaching farm carriages on account of the growths that hedge the tracks. Consequently, during the summer hundreds of farmers, their mothers, fathers, sisters, sons, and daughters are killed—whole families at a time are wiped out.

In almost every instance the appalling killings that have stirred the farmers and people of Indiana, Kansas, and Illinois recently have happened on beautiful, sunny Sundays, and of the 15 persons killed 10 of them were on their way to church.

GOV. EBERHART ACTS.

It is horrible—awful—the way these farmer lives are smashed out. Almost invariably on a holy day, the day of rest and prayer.

This is why Gov. Eberhart, of Minnesota, is heartily in favor of drastic legislation to eliminate killings of this sort—to wipe out the trail of blood that has reddened the American Continent from sea to sea. Gov. Eberhart does not "favor reasonable legislation"; he favors and advocates "absolute legislation," whether the cost to the railroads is reasonable or not. Gov. Ralston, of Indiana, only favors "reasonable legislation," and Indiana is the scene of many horrible killings. There is no protection on the grade crossings there, and no

And so forth.

The CHAIRMAN. The gentleman from Illinois [Mr. RAINEY] is recognized for five minutes.

Mr. RAINEY. Mr. Chairman, I desire to offer an amendment at this time, which I am aware is not germane to this bill. At the conclusion of the five minutes allotted to me I shall withdraw the amendment, when I have called attention to the evils mentioned in it. I now send it to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend the substitute by adding a new paragraph to be known as section 20b, as follows:

"SEC. 20b. That the commission is hereby authorized to require the owners of all railroads engaged in interstate commerce as defined in this act to equip all crossings along the line of said railroads, where public highways cross the right of way of said railroads at grade, with gates which will close automatically when a train approaches and passes said crossing, or with electric bells which will ring continuously when a train is within one-half mile of said crossing. Said commission is authorized to require either or both of said devices at said crossings in the discretion of the commission, said devices to be such as meet with the approval of said commission, or said commission may require that the owners of said railroads shall station a flagman at any of said crossings, in which event said electric bells or automatic gates may, in the discretion of the commission, be not required at said crossings where said flagman is stationed. The owners of said railroads shall equip all such crossings as required in this section prior to January 1, 1915: *Provided*, That the commission, in its discretion, may make such reasonable extensions of the time to so equip said crossings as may to it seem advisable, and if the owners of any railroads subject to the provisions of this act shall fail to equip any grade crossing or crossings as provided in this section within the time specified, or within the time extended by the commission for so equipping the same, such owners shall forfeit to the United States the sum of $100 for each and every day they shall continue to be in default with respect to each of such crossings as shall not be so equipped."

Mr. ADAMSON. Mr. Chairman, I wish to claim the benefit of the gentleman's admission that it is not in order. I reserve it.

The CHAIRMAN. Does the gentleman from Georgia make a point of order?

Mr. ADAMSON. I reserve the point of order.

Mr. RAINEY. Mr. Chairman, while this amendment may not be germane to the bill we are considering, I am satisfied that legislation of this character is proper and ought to be considered by the Congress and adopted. The act that we are amending here—the act to regulate commerce—provides for regulation of switch connections, of water competition, for continuous carriage of freight, for continuous billing on through routes. Congress in other acts has already provided for safety appliances for trains engaged in interstate commerce. We have protected the lives of the men who operate the trains, which are the medium through which interstate commerce is transacted, but we have made no provision for protection so far for the lives of the people in the several States who are killed at these grade crossings by trains engaged in interstate commerce.

I have a compilation here, which I will not read, but I will print it as a part of my remarks, which I have made from the files of a single paper published in the United States for the month of May of this year of these grade-crossing accidents; and this compilation, made from the Chicago Daily Farmers and Drovers' Journal, a great newspaper published in the Middle West, shows that during the month of May, at grade crossings in the United States, 31 members of farmers' families were killed and 23 members of farmers' families were either fatally injured or maimed for life.

Now, these are all farmers and their families, nearly all of them riding in automobiles, except perhaps in one or two instances. If the fatalities in May at these grade crossings are a fair average for all the months of the year, then during the 12 months of the year at these grade crossings 648 members of farmers' families in the United States will be killed or maimed for life.

Trains move faster than they did a quarter of a century ago. Farmers are investing in automobiles. Country roads are better. Vehicles move faster over country roads. Automatic brakes, compressed-air brakes, improved roadbeds, improved methods of laying tracks, all have decreased the amount of noise that an approaching train makes; and trains move faster than they ever did before. The old methods of protecting grade crossings by requiring signs to be placed there reading, "Look out for the cars," "Stop, look, and listen," and all that sort of thing belong to that period when the country was not so thickly populated as now—when men traveled slowly over the country in prairie schooners and in oxcarts.

With but slight expense—only a few dollars—the crossings on these roads engaged in interstate commerce—and they are almost all engaged now, under the decisions, in interstate commerce—there can be installed a bell that rings at these grade crossings when a train is within half a mile of the crossing either way, and that would save the lives of hundreds of members of farmers' families every year.

I will print here the memoranda I have prepared of grade-crossing accidents for May:

GRADE-CROSSING ACCIDENTS IN MONTH OF MAY, 1914.

May 3, 1914. Two Hoffman children killed, grade crossing, Glenview, Ill. Mother, with skull fractured, in hospital.

May, 1914. Farmer Johnson, son, wife, and baby daughter killed at grade crossing, Merrill, Iowa. At same crossing a funeral carriage was run down and three persons killed prior to that time.

May 14, 1914. Absolom Meyers and wife killed at grade crossing, Olathe, Kans., going to church. Nine children survive.

May 15, 1914. Two farmers and farm woman killed, grade crossing, Kaufman, Ill., by Toledo, St. Louis & Western train, riding in automobile—John Stuckwisch and wife and Oscar Maurer.

May 17, 1914. R. E. Davis, son, Claude, and brother-in-law, J. C. Scheffer, killed, grade crossing, Fort Benjamin Harrison, Ind. Four other members of family probably fatally injured. Automobile. Killed by Union Traction car.

May 19, 1914. Five persons narrowly escape death, Brookfield, Mo., when Burlington passenger train collided with car driven by Hugh Green.

May 20, 1914. Five persons killed when Scioto Valley Traction car struck automobile at grade crossing near Ashville, Ohio.

May 20, 1914. One man killed, five persons probably fatally injured, Crescent, Ina.; struck by Pennsylvania flyer; grade crossing.

May 19, 1914. Body of J. H. Swan, mayor, South Fulton, Tenn., found decapitated; grade crossing.

May 21, 1914. Missouri, Kansas & Texas and Frisco trains collided near Parsons, Kans.; grade crossing. Brakeman received serious injuries, and three passengers.

May 23, 1914. Nicholas Gelson killed on grade crossing near Westville by fast Lake Shore & Michigan Southern train; body discovered on pilot of locomotive when train reached station in Chicago.

May 25, 1914. Clyde Guy killed; grade crossing near Granger, Ind.; passenger train.

May 24, 1914. Charles Altman, daughter Lillian, killed, Norfolk, Ohio; Lake Shore mail train; Sunday, May 24; in automobile; bodies carried quarter of a mile on pilot before train stopped; widow left, with 6-weeks-old baby.

May 24, 1914. John Klein and 3-year-old baby daughter killed. D. T. Hartwell, of Marion, Ill., State's attorney; Miss Lydia Aikam and Miss Francis Freeman, school-teachers; Mrs. Klein; severely injured, not expected to live. Teachers crippled for life. Grade crossing near Herrin Hill; Chicago, Burlington & Quincy freight train.

May 24, 1914. W. C. Dunn and wife killed. Parthersville road crossing, near Kansas City, Mo.; automobile; Excelsior express, electric line steel train.

May 24, 1914. Mrs. G. C. Sauers and daughter-in-law, Mrs. Bert Sauers, Dana, Ill., killed on grade crossing, Streator, Ill.; automobile; Santa Fe passenger train. Mrs. Bert Sauers, a bride, recently graduated from Knox College.

May 26, 1914. Five persons injured by freight train; grade crossing; riding in automobile near Burchard, Nebr. (Noted in papers of that date.)

May 27, 1914. Pauline Kalkerlik, Morton Grove, Ill., killed on grade crossing; fast passenger train, Chicago, Milwaukee & St. Paul.

Total killed, 31; total maimed, 23.

Grade-crossing accidents are more frequent than they ever were before. The legislatures of States have not acted in the matter. In most of the States the railroads still furnish favors to members of the legislature. In many States, however, passes have been discontinued, but even those States have not acted. The amendment I have just had read from the Clerk's desk, I am aware, is not germane to this bill. It is a proper subject, however, of legislation by the Congress. We have, as I have just stated, provided safety devices to be used on trains engaged in interstate commerce for the purpose of protecting the lives of the men who operate the trains. Is it not perfectly proper also to provide for the safety of persons whose lives are in danger on grade crossings by trains engaged in interstate commerce? I have provided in this amendment for automatic gates or bells that will ring when a train is a half mile away from the grade crossing, or a flagman. There are no other known methods than these three of protecting lives at grade crossings. Under this amendment the Interstate Commerce Commission can require either a bell or automatic gate, or both, or a flagman and neither of the other devices, or one or both, in its discretion. The chances are that at nearly all grade crossings in rural districts the commission would find that a bell would be a sufficient warning. A bell could be installed for a few dollars, and the result would be the saving of the lives of hundreds of people every year. Railroads engaged in interstate commerce are generally equipped now with semaphores and block systems, requiring the frequent adjustment of electric wires and the constant patroling of tracks by electricians to keep these signals in order. Installation of bells or automatic gates would not require the employment of additional electricians. The cost to the railroads would be slight and these horrible grade-crossing accidents would end forever.

A great newspaper, the Chicago Daily Farmers and Drovers' Journal, devoted to the interest of farmers, has started the fight for proper signals at grade crossings. I can not hope to discuss the question as eloquently, as ably, and as forcefully as it has been discussed the past month in the columns of that paper, and I propose to print with my speech at this point the story of grade-crossing accidents for the month of May as it has appeared in that newspaper. The record for this one month alone is sufficient to show the absolute necessity of speedy legislation by the Congress on this great question.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. RAINEY. I withdraw the amendment, Mr. Chairman, because I know it is not germane.

The CHAIRMAN. The amendment offered by the gentleman from Illinois [Mr. RAINEY] is withdrawn.

The articles referred to by Mr. RAINEY are as follows:

[From the Chicago Daily Farmers and Drovers' Journal, Thursday, May 7, 1914.]

RAILROADS SELL SPEED, NEGLECT CROSSINGS, AND KILL FARMERS.

"Evils of the grade crossing could be eliminated if the American people would slow down. There is too great a desire for speed, and the people have failed to exercise caution. Coupled with this there should be a little cooperation between the railroads and the municipalities where there are grade crossings." (W. H. Scribbins, general agent and superintendent of the Pennsylvania Railroad.)

This statement was made following the killing of the two little Hoffman children last Friday on the grade crossing at Glenview, Ill., when the farmers were stirred to drastic action in defense of their lives.

It isn't the American people who demand speed so much as it is the railroads, who sell and guarantee speed to those who will buy what they can get. Furthermore, the statement that the municipalities should cooperate with the railroads is a preposterous statement in face of the fact that the farmers in every municipality in the State of Illinois have endeavored to cooperate with the railroads year after year to fix safety appliances at crossings. The railroads have absolutely refused to listen to the farmers, who have almost begged them to spend a few dollars for signal lights, and every time a heavy passenger train shoots across any crossing, especially the one at Glenview, which is the scene of one of the bloodiest atrocities and an example of the gross neglect on the part of the railroads, farmers' lives are endangered. Farmers' lives are taken, their homes are darkened, their hearts are broken, poverty and deprivation follow in many instances, when it is a father or a grown son who handles the business of the farm. The wives and daughters can not work the farm. Does the American farmer demand the speed or do the Chicago, Milwaukee & St. Paul sell their speed to those who will buy what they can get?

The Chicago, Milwaukee & St. Paul was selling its speed to those who would buy, and could not stop for a mere farmer's wife and her babies.

Mrs. Bessie Hoffman gained consciousness again Wednesday and was able to recognize her husband. Her skull is fractured and her face and body smashed frightfully. When she saw her husband standing near the bed the first question that quivered weakly to her lips was, "How are the children, Louis?"

Louis Hoffman did not answer. He looked at his wife and smiled. She stared at him fearfully, and a horrible look of fear came to her eyes. To tell her meant death, and he had to allay her fear.

"They are all right," he replied, at length.

Mrs. Hoffman is one of those persons who is afraid of a train or a railroad crossing. Most women are especially afraid when children are along. This woman took all the caution anybody could take when she drove the buggy and its sacred load upon that grade crossing. There was not a sound. The train did not whistle, and there wasn't even a cloud of silent smoke to send the warning. Still the heavy passenger train hurtled from behind a clump of foliage just when Mrs. Hoffman had gained the middle of the track, but then it was too late. Hundreds of people are too late every year, and it will take all the fingers on both hands to count those who are killed throughout the United States every month.

"Evils of the grade crossing could be eliminated by the exercising of a little care on the part of the farmers when approaching crossings." (R. C. Richards, chairman of the central safety committee of the Chicago & North Western Railroad.)

Care! Why don't the railroads put flagmen at the crossings or pay a few of their dollars to fortify against taking human life. Are farmers no better than a lot of animals? If a railroad runs over a farmer and kills it, why, they are usually sued and pay a small sum to the farmer. That is precisely what they do in case of taking a farmer's life. They are immediately sued, and, of course, they pay a certain amount, say they are awfully sorry, and let it go at that.

Farmer Louis Hoffman will sue the Chicago, Milwaukee & St. Paul and get damages. There is no doubt about it. The railroad will get real good and make a lot of promises. To show their good intentions and sorrow over the outrage they are responsible for they may even go so far as to place a flagman at the crossing—a week or more, as they did before.

Before this blows over and the killing grows stale there is one thing for the farmers to do, and the Farmers and Drovers' Journal will help: Get out that bill that Gov. Dunne so faithfully promised to aid in passing and which was sidetracked. Get it out and throw it into the teeth of the legislators at Springfield.

[From the Chicago Daily Farmers and Drovers' Journal, Friday, May 8, 1914.]

CLAIM AGENT WILL PAY FOR FARMER'S BABIES WITH GOLD.

"Louis Hoffman is satisfied, and we will fix the matter up with him. It's a wonder you people would not let this trouble rest a while. There is no use of stirring up a fuss." (A. D. Aeltil, personal claim agent, Chicago, Milwaukee & St. Paul.)

Farmer Louis Hoffman can not be satisfied, when the railroad smashed and took the lives of his little daughters. What is more, the Farmers and Drovers' Journal knows he isn't satisfied to be compensated with filthy hush gold, when everything that he lived for has been taken from his life. Since the killing of his children last Sunday at the grade crossing in Glenview, Ill., he has been trying to pace out his anguish at St. Francis's Hospital in Evanston, Ill., where his wife, with a fractured skull and a badly hacked-up face, hovers between life and death. The railroad can not "fix the matter with him," because it has taken two lives that all the gold in the world could not pay for; it has mutilated his wife and injured her to such an extent that if she should live life will be a torment; and it plunged Louis Hoffman's life into an abyss of darkness and despair.

The Farmers and Drovers' Journal was asked to let the trouble rest a while. Why should it rest a while? The bill that was framed to protect the farmers from being brutally smashed to death at grade crossings was sidetracked by the worthy solons at Springfield, Ill. It was literally kicked into the drink. Who was responsible for this action in the legislature? Gov. Dunne and several other legislators, who went among the farmers and asked their support and who promised to support the bill, suddenly forgot. Everybody forgot except the farmers, and they were silent because their begging proved futile.

But the railroad men were there—the representatives of the grand officials. They were there for a purpose. Their effort to squelch the bill was highly successful. In squelching it they were instrumental in bringing about the death of Hoffman's children.

But these atrocities can not be hushed up any longer. This one is too bloody and grewsome. Its awfulness is appalling. It is a thing that won't be kicked back into the drink by a lot of unfaithful legislators, because it is a shriek of warning that the Chicago, Milwaukee & St. Paul gold can not wipe out. Bills come and go, and the one that came and went at the capital has a red smear across its printed face.

The farmers demand that it be washed off now, because it is getting dirtier every year. Killings take place every month. The time is ripe to issue a challenge and go to war with the men who connive with railroad officials. The railroads always pay for the lives they snuff out, but it is the legislators who allow the snuffing out.

Why was that bill requiring railroads to equip grade crossings with elevators and flagmen killed? Every farmer in the State of Illinois should write to Gov. Dunne and ask the reason. Probably he would stir the valorous solons to action. But more than likely he would hire an extra secretary to carry the flood of mail out of his gilded office. Many suppositions are probable.

What the farmers demand right now worse than anything else is action. They demand action, because every time a farmer drives over a railroad crossing his life is endangered. The American farmer is the backbone of the Nation; he feeds its millions, and therefore he should be protected. The farmer has been humiliated long enough by railroads. The legislators have had their laugh, and now it is time to bring out that bill and do some honest legislating.

[From the Chicago Daily Farmers and Drovers' Journal, Thursday, May 14, 1914.]

FAST TRAIN HURLS TWO MORE TO DEATH AT GRADE CROSSING.

Another farmer's home was plunged in sorrow when Absolom Meyers and his wife were smashed to death on a grade crossing near Olathe, Kans., by a Santa Fe Frisco limited. Their nine children were insane with grief when the unrecognizable remains were brought to the farmhouse. The children are of tender age and their screams attracted a score of farmers passing on their way to church.

The Meyers killing was precisely the same as that of Louis Hoffman's little daughters by a Chicago, Milwaukee & St. Paul train at the grade crossing in Glenview, Ill. The Santa Fe Frisco limited plunged along at a rate of 55 miles an hour toward the crossing, which is surrounded by trees. The whistle was not blown, and, unaware of the approaching express train, Farmer Meyers drove upon the track. The engine smashed the buggy to kindling wood, knocked the horse 50 feet into the air, smashed the farmer and his wife against the pilot of the engine, and carried them a quarter of a mile before the train could be stopped.

The pilot of the engine dripped with blood, spattered the tracks, and covered the overalls of the fireman and engineer and made them look like smeared butchers fresh from a killing. The bodies were so badly mutilated that Farmer Meyers's pockets had to be searched for letters to identify him.

Farmer Meyers and his wife were on their way to church. Near the crossing is an electric line which runs parallel at the place where the accident occurred. After crossing the electric line tracks an oncoming train can not be seen, and there are no bells to sound a warning. This grade crossing has worried the farmers for years, and they have protested and demanded that the railroad install signal lights and bells, but the railroad refused, just as the Chicago, Milwaukee & St. Paul refused to put a signalman at the grade crossing in Glenview, Ill. As a result, Farmer Hoffman's daughters were smashed to death and his wife was maimed for life. Farmer Meyers's life is the second horrible example. The killings are two weeks apart. Four bodies—smashed to pulp—two of them babies, and two adults, have smeared engines with blood. In both cases the bodies were so badly mangled that the men who dragged them from the engines had to cover their faces. It is not murder—it is butchery. Heinous blood spilling by great corporations who endeavor to atone by offering filthy gold. These corporations will not spend one cent to protect the life of the farmer. They don't care.

They know that if they fix up one grade crossing that they will have to fix them all. The railroads would have to spend a few hundred dollars to fix every grade crossing in the States of Illinois, Kansas, Iowa, and the various other States where killings occur daily, weekly, monthly—always bloody, always casting farmers' homes in sorrow and despair, and bringing poverty and deprivation.

Isn't a farmer's life worth just as much as the man who lives in the city?

In the cities every railroad crossing is protected by automatic gates, signal lights, and flagmen. When a killing occurs every newspaper prints columns of scathing criticism, city councils meet, mayors give orders, there is a general clamor for vengeance, and the railroad does not hesitate an instant to do anything that is demanded. But when the farmer is smashed to death, like Absolom Meyers and his wife and Hoffman's babies and wife, the railroads take their time about looking into the matter, give weak excuses, and blame the municipalities for neglecting to contribute funds to put up such appliances as will protect the lives of the farmers.

LITTLE RECOURSE FOR FARMERS.

The railroads give him very poor service, bribe the legislators whom the farmers elect to pass bills that will protect their lives, and then butcher at random and notify the personal-claim agent to pay out so much gold to the survivors of the victims. If the farmers protest the sum of money offered, the railroads pocket the money and tell the farmer to take the case to the courts. And the judge usually says the farmer has no business driving over sacred railway property, and it is on record where the court has ordered the railroads to pay less gold than the primary offer.

What does a farmer's life amount to?

It amounts to this: He is the hardest working, most honest, patriotic, law-abiding citizen in the United States. He can not be bribed. He supplies more than 100,000,000 Americans with food, and they would starve without him. His life is clean and wholesome, his progeny are red-blooded and sturdy, and are among the first to step forward in defense of their flag and those 100,000,000 who depend upon the farmer for the food they eat. When these loyal sons fall in battle they bleed to defend the United States and everything in it—including the railroads who murder him.

be sadly shattered if this bill is passed.

We have already authorized and the commission is now engaged in a valuation of all of the railroad properties of the United States. For what purpose? As a matter of idle curiosity or in order to give the commission something to do? Absolutely no. Simply because we have come to realize that if we are ever going to really and effectively regulate freight rates in this country the commission which regulates them must have before them some standard of valuation for the properties in order to do it intelligently. And now, before that valuation is completed, we are apparently going to take a step which should not precede that valuation, but should follow it. Otherwise you run the risk of bringing about complications attending the capitalization of these corporations, which will make it at least difficult, if not impossible, to regulate them according to their valuation after you shall have secured the valuation. As a matter of practical working, we know this, that when a question of fixing a certain rate comes before the commission——

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. My time is too limited. As a matter of practical proof, when a complaint is made to the commission involving a certain rate, the railroad company comes in and says that it must have enough money out of the earnings from their rates on freight and passengers to permit them to pay interest on their liabilities and dividends upon their stock. That is the railroad position; and just as soon as the commission reduces the rates sufficiently to prevent the railroad from doing that thing, then there comes trouble in that corporation, and if the rate is sustained and continued at a figure which is too low to enable them to pay that interest and dividend, then there must be a reorganization of that corporation and some of that watered stock must be squeezed out. Anyone who heard the able discussion of the stock watering of the different railroads of the country as presented by the gentleman from Wisconsin [Mr. ESCH] on yesterday must realize that stock watering is not an isolated thing at all.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield five minutes more to the gentleman.

Mr. CRAMTON. Mr. Chairman, that is not an isolated case here and there, but it is apparently an ordinary practice wherever the banking interests have gotten into the railroad business. That means that there are quantities of railroad stocks and securities in this country that do not represent value. If you allow the law to remain as it is until we have completed our valuation and then have the Interstate Commerce Commission pass upon applications, with the knowledge of the value of the railroad property before them, they can act intelligently, and they can prevent any issue that is going to exceed the fair valuation of the property, and the Supreme Court has already pointed out the fair value of the property as the basis for rate regulation.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Briefly.

Mr. WILLIS. I simply want to ask the gentleman to again state his amendment in substance. There was so much noise that I did not hear it.

Mr. CRAMTON. It is to prevent the application of this law to any railroad until it shall have been valued by the Interstate Commerce Commission. If under the present law this question of rate regulation comes up, then stocks and bonds that have been issued must take their chances. But suppose under this law the Interstate Commerce Commission authorizes a further issuance of liabilities which in themselves may be necessary and legitimate? In order thereafter that the commission shall hold good and protect the securities which it itself has authorized and in a way approved, then it would have to protect likewise millions and millions of stock or securities previously issued. For instance, take a corporation with a valuation really of $50,000,000 and securities outstanding to the amount of $100,000,000.

If that carrier corporation should go before the commission under this act and ask for an expenditure of $10,000,000 for needed betterments, thereafter that $10,000,000, the last issued, would be the first to suffer in case the rates of that company were reduced to a point that did not permit it to pay interest and dividends on $110,000,000. We are putting the cart before the horse. Let the valuation of the roads first be determined; then we can logically regulate their issues of securities. In this amendment I am simply asking to insert the language I have proposed so that it will read:

That from and after the passage hereof it shall be unlawful for any common carrier subject to the act to regulate commerce, as amended, the valuation of which shall have been fixed by the Interstate Commerce Commission, to issue any capital stock—

And so forth.

I present the amendment and ask for its adoption, and yield back the remainder of my time.

Mr. ADAMSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield two minutes more to the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, by inserting at the end of the paragraph, in line 26 of page 14, the following:

"Such application shall not be approved in any case where an increase in the securities of the carrier is proposed, unless the valuation of said carrier as considered for purposes of rate regulation will not be exceeded by the increased total securities of such carrier."

Mr. CRAMTON. Mr. Chairman, I will not unduly take the time of the committee further than to call attention to the purpose of this amendment, which is similar to that just offered, and which, I am sorry to say, was not accepted.

This amendment would provide that when an application is made to the commission for approval of certain securities the commission shall not approve of such issuance if it appears to the commission that with such issuance the liabilities of the carrier corporation would be greater than the assets of the corporation. I submit that unless that policy is followed the Government is going to approve of the issuance of unsound securities.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield two minutes to the gentleman from Minnesota [Mr. LINDBERGH].

Mr. LINDBERGH. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the period in line 3, on page 15, and insert a comma, and add the following words: "and no act of the commission shall estop the United States from showing the actual value of any property, bonds, or stocks involved in any proceeding in which the United States shall become a party, nor shall the value fixed by the commission upon any property, bonds, or stocks in accordance with the provisions of this act be prima facie evidence of their value in any proceeding of condemnation or other proceeding in which a State or the United States shall be a party."

Mr. LINDBERGH. Mr. Chairman, the amendment I offer is self-explanatory and does not require any discussion to understand its meaning, and I therefore would ask for a vote.

Mr. RAYBURN. The amendment needs no explanation. The committee thinks it is hardly necessary, and I ask for a vote.

The question was taken, and the amendment was rejected.

Mr. STEVENS of Minnesota. I yield three minutes to the gentleman from Illinois [Mr. THOMSON].

Mr. THOMSON of Illinois. Mr. Chairman, I would like to ask the chairman of the committee, if I may, the meaning of the last sentence in this bill. One would suppose after the divers and sundry editions we have had of this bill that when we got the last one, the sentences would at least mean something. I would take it from the reading of that sentence that it is proposed that a violation of the provisions of this paragraph, upon conviction, was to be punished.

Mr. MANN. That is what it says.

Mr. THOMSON of Illinois. Does not the committee feel that the punishment ought to be meted out to some person who was convicted of such violation?

Mr. ADAMSON. That is what it says.

Mr. THOMSON of Illinois. It does not say so.

Mr. RAYBURN. It says "shall be fined and imprisoned not exceeding three years in the discretion of the court."

Mr. THOMSON of Illinois. Then it proposes a fine or imprisonment of the violation.

Mr. ADAMSON. It would not be a violation unless some person violated it.

Mr. RAYBURN. It hardly could be a violation without a violator.

Mr. THOMSON of Illinois. The sentence says:

Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine not exceeding $10,000 or imprisonment for a term not exceeding three years, or by both such fine and imprisonment, in the discretion of the court.

Is the violation to be fined or imprisoned? Is that what the committee meant?

Mr. RAYBURN. I think it is the usual language.

Mr. THOMSON of Illinois. Very well; I just wanted to know how the committee proposed to punish the violation—whether they really proposed putting the violation in jail.

Mr. ADAMSON. What we tried to do was to punish crime when we find the crime.

Mr. THOMSON of Illinois. The committee apparently has not bothered about the criminal. Why not punish him?

Mr. ADAMSON. Crime is punishable.

Mr. THOMSON of Illinois. I have not offered an amendment, as I realize from the experience of other Members of the House that no amendment has any hope of success unless it comes from the committee or that side of the House, but I thought I would at least call the attention of the committee to this.

Mr. ADAMSON. I congratulate the gentleman on having made a brilliant and witty speech instead of failing with a foolish amendment. [Laughter.]

Mr. STEVENS of Minnesota. Was the amendment of the gentleman from Illinois disposed of?

The CHAIRMAN. The gentleman did not offer an amendment.

Mr. STEVENS of Minnesota. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, by adding at the end of line 3, page 15, the following as a new paragraph:

"Any issue or disposition of securities contrary to the terms and conditions stated in the application of the carrier and approved by the commission shall be unlawful."

Mr. LENROOT. Mr. Chairman, if I may have the attention of the committee——

Mr. ADAMSON. Mr. Chairman, I did not hear the amendment; my attention was distracted otherwise.

Mr. LENROOT. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. LENROOT. Mr. Chairman, notwithstanding what the gentleman from Illinois [Mr. THOMSON] has said, and the fate of prior amendments which have been offered, I sincerely trust that the Committee on Interstate and Foreign Commerce will accept this amendment, for, in my judgment, if this bill, or this section, too, is to amount to anything more than a mere publicity agency, the adoption of this amendment is absolutely necessary.

Now, Mr. Chairman, four years ago this entire question of stock watering was discussed upon the floor of this House, but upon quite a different theory then than is presented now. At that time the foundation of the regulation of the issuance of stocks and bonds was the value of the property. Since that time we have provided for the valuation of railway property, and we all now see to make that the basis and to attempt to apply it at this time would mean that there could be no issue of railway securities for perhaps two or three years to come, so the committee, I think, has very wisely taken the position that they will not attempt to limit the issue of stocks and bonds based upon value of the property, but will only attempt to see that in future issues that there shall be value returned to the carrier and that the proceeds shall be used by it in the public interest, but unless my amendment be adopted, Mr. Chairman, I insist that the result is not accomplished. The approval of the commission required is that the issue is reasonably necessary or proper for the purposes stated.

No power is given the commission to prescribe the terms or conditions of the sale of the issue. No power is given the commission to see that the proceeds are actually used for the purpose for which the issue is made. There is no penalty prescribed in the bill for any misstatement or false statement made in the application of the carriers. The moment this issue is approved by the commission they may go and sell their securities for 25 cents on the dollar or 50 cents on the dollar, so far as this bill is concerned; they may violate every provision that is made in their application to the commission and upon which the commission has given their approval, and yet there is not one word in the bill that would either punish them for it or permit an injunction against them for it, or provide any relief whatever to the public.

So outside of the mere fact of publicity, as the bill now stands, instead of a bill that will tend to prevent stock watering in the future it might be a medium for any unscrupulous railroad financiers to use as a means for defrauding and deceiving the public. And so, Mr. Chairman, I feel certain that upon mature consideration the committee will see that it is necessary, if this bill is to accomplish what its authors intend, that any issue of stocks and bonds in violation or contrary to the terms and conditions stated in the application and approved by the commission shall be unlawful.

The last paragraph of the bill provides for punishment for the directors and officers for issuing securities in violation of the law, and on page 15 all issues of securities contrary to the provisions of the section may be enjoined; but I will ask the chairman when he concludes to point out a sentence in this bill that makes an issue of securities sold at a price different than that stated in the application contrary to the terms of this bill. I ask him to state what there is in the bill that will prevent a railroad company, after making application, after securing the approval of the Interstate Commerce Commission, from making any terms whatever, if they choose, with respect to it?

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman one minute more.

Mr. LENROOT. I ask the chairman to state, if they should not accept this amendment, what there is in this bill to prevent, after the approval by the Interstate Commerce Commission, the railroad company from selling those securities, those approved by the commission, at any price they choose? There is nothing in the bill as it stands now that permits the commission to fix the price. There is nothing in the bill now that permits the commission to fix the terms. But if my amendment be adopted, they may require all those things to be stated in the application, and then, when they finally approve the application, my amendment will make it unlawful to issue securities contrary to the application made by the carrier and approved by the commission. I sincerely hope my amendment will be accepted.

Mr. ADAMSON. Mr. Chairman, the words of the eloquent gentleman from Wisconsin [Mr. LENROOT] are music in my ear. They are more musical than they commonly are, although his cadences are always musical to me. Sometimes he is logical, but music is not always logical nor reasonable. Among other things which I oppose is tautology. There is no use of loading a bill down with repetition of the English language. The reason, however, that his language is musical to me is that I have been the victim of rolling billows of execration, mountain high, from people who imagine that this bill is too drastic. He comes in and pours balm on my wounded soul and soothes my feelings by saying it is not drastic enough, and that there ought to be more pains and penalties, and more folks in jail. We have taken care, Mr. Chairman, to safeguard everything which it is necessary to safeguard. We have protected by writ of injunction and by criminal punishment any deviation from the course pointed out in the provisions of this bill. And I ask for a vote.

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. LENROOT. I would like to ask the gentleman where an injunction will lie to prevent stock watering at all under the terms of the bill as it stands?

Mr. ADAMSON. It is expressly provided that injunction will lie against any violation of the plan laid down in this bill, and it is also expressly provided that there may be criminal punishment.

Mr. LENROOT. Will the gentleman yield for one more question? Will the gentleman point out any provision whatever in the bill that forbids in itself stock watering?

Mr. ADAMSON. It is certainly in here, plain and palpable. I do not admit that we have to put all the language in the bill the gentleman may imagine is necessary. There may be a great many things done without using all the extravagant ideas various gentlemen may wish to put in the bill. I say that this bill does safeguard the interests we seek to safeguard by the bill. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. LENROOT. Division, Mr. Chairman.

The committee divided; and there were—ayes 31, noes 57.

So the amendment was rejected.

Mr. MANN. Let us rise now.

Mr. ADAMSON. I would like to use a little time. I have not used all my time, and would like to use five minutes. I wish to yield that much to the gentleman from Illinois [Mr. RAINEY].

have under consideration an important bill of this sort we ought | it is essential, because the Senate has passed another amend-

reregulation and resupervision of all the common carriers of the United States, affecting their billions of capital and their hundreds of thousands of employees. The Rayburn bill, which is the last of the three antitrust bills which Congress must pass to please the President, was given long consideration by the 21 gentlemen who constitute the personnel of the Interstate and Foreign Commerce Committee, headed by the distinguished gentleman from Georgia [Mr. ADAMSON]. This morning, shortly after the House met, we were called upon to discard the carefully prepared and tremendously important Rayburn bill, and without any dicussion of a general nature to proceed at once to the consideration of a substitute for the entire bill, which substitute was scarcely dry from the printer's press. Thus the great deliberative body of the American people is expected to pass upon and settle the railroad problem of the Nation. If we succeed in doing it, it will be the greatest demonstration of confidence in the few leaders of the Interstate and Foreign Commerce Committee that has been witnessed in recent years, and it will demonstrate how easily the judgment of 100,000,000 people may be expressed by a few men in a few hours.

Mr. RAYBURN. Will the gentleman yield?

Mr. MOORE. I can not yield in five minutes. Let me finish my remarks. Personally, I do not believe the country is going to be satisfied with this railroad bill, nor with the two other bills that Congress has been forced to consider under a special rule. There is ample evidence that much of the unrest which now prevails in business circles throughout the country is due to excessive legislative tinkering, in pretended compliance with the declarations of hazy political platforms.

In the five minutes I am able to obtain under the rules I hope briefly to make plain my reasons for voting against these three administration antitrust bills. The least objectionable of them all, perhaps, is the Covington or trade-commission bill, which carries over to a commission the machinery of the Bureau of Corporations and takes that bureau away from Executive domination. This bill, however, increases the power to investigate and inquire into and disturb the affairs of large and small industrial corporations and makes it almost impossible for a small business concern to comply with its drastic provisions. The larger concerns, like the Steel Corporation or the Harvester Trust, can better afford to do business under this bill than any of their smaller competitors. They have the money and the facilities in better array than independent business men, whose money and facilities under undue pressure would be the sooner exhausted. In passing such legislation we are not serving the people generally, because if we make investigation and supervision onerous to the independent business man, we promote monopoly and throttle competition.

Second. The antitrust bill, now known as the Webb bill, is an exceedingly objectionable measure, and has the earmarks of a sop to certain classes of our citizens who have a great voting power. It is so radical in terms, however, as to suggest the substitution of some other for our present form of government, which assumes to protect the rights of men and property. This bill makes it a crime for an industrious man to seek a market for his own products if he holds that market against the faker or the counterfeiter of commodities. It opens the way for the fraud to avail himself of the avenues of trade established by honest merchants and manufacturers. It establishes the dubious principle that a man can not own certain kinds of property if some one else wants it. It places a certain class of men in favor before the law as against a larger body of men who are not so favored. It minimizes the influence of the courts and compels certain men who are aggrieved and who fear the loss of life or property to make their appeal to those who, in some cases, might use their power to oppress them, rather than to the courts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. MOORE. Lawyers may differ as to what this bill means, but the spirit, if not the letter of it, proposes class legislation, in open defiance of the equality of the rights of man as stated in the Declaration of Independence. The spirit of this bill, so far as the exemption of farmers' organizations is concerned, is intended to convey to the farmer the impression that certain kinds of combinations to raise and fix the price of food supplies may be permitted, in defiance of persistent Democratic promises to reduce the cost of living to the consumer. The American doctrine of an equality of rights for all men before the law may be sadly shattered if this bill is passed.

Third. The Rayburn bill—few of us have had time to analyze the substitute upon which we are now acting—is objectionable, because, in attempting to further regulate the alleged mismanagement of railroads, it is subject to the same fault that underlies all this legislation born of hysteria. It punishes the innocent railroad managers and common carriers as well as the guilty, and, because the innocent far outnumber the guilty, does more harm than good. Furthermore, the bill is a curb upon new railroad construction, since it practically estops any new enterprise of an interstate character that requires money in its incipiency before the common carrying begins.

I shall vote against all these bills, because their tendency will be not to quiet the public mind, but to further disturb the business of the country. If these bills are passed, they may increase the number of big and little agitators, learned in the law and otherwise, who have fattened upon recent investigations; they may add to the large number of specialists, detectives, muckrakers, and others of the supereducated brood who have no useful occupations; but they will be more likely to vastly increase the nonemployment and depression of active, honest, and industrious men, who constitute the great mass of our people and who are the backbone of legitimate industry and enterprise. [Applause.]

Mr. CULLOP. Mr. Chairman, I will say to the gentleman from Mississippi [Mr. HARRISON] in regard to this provision of the bill which he is attempting to amend, that it is exactly in the language that the utility commissions, public-service commissions, and railroad commissions of the different States desire. Last October——

Mr. HARRISON. Will the gentleman yield?

Mr. CULLOP. Let me get through with this statement. Last October they had a national meeting here in the city of Washington, which unanimously passed a resolution requiring this provision to be put in this bill exactly as it is reported by the committee. Not only that, but a number of the commissions of the different States have written to the chairman of the Interstate and Foreign Commerce Committee, requesting that this provision be put into this bill in the exact language in which it is in the bill.

Mr. ADAMSON. It is just as they wanted it.

Mr. CULLOP. Just as they wanted it. Now, one thing about the amendment of the gentleman from Mississippi: He is trying to get inserted into this bill a provision that will emasculate the power which this bill confers for the regulation of the transportation companies of this country. The very provision that he is seeking to get adopted here would, if adopted, destroy the great benefits which will flow from this legislation. The gentleman, by offering his amendment, is opposing the consensus of opinion of the public-service commissions of the different States.

Mr. HARRISON. Will the gentleman yield now?

Mr. CULLOP. Yes.

Mr. HARRISON. The gentleman has made that statement. How many State railroad commissions or public-service commissions will the gentleman state have expressed themselves as favoring this provision?

Mr. CULLOP. Nearly every State in the Union that has a public-service law, a railroad-commission law, or a public-utility law was represented in that convention by one or more members.

Now, further than that, if the gentleman will take the pains to read the examination of Commissioner Clements, set out in the hearings—one of the ablest and most experienced members of the Interstate Commerce Commission—he will find that this provision is exactly as Commissioner Clements requested it to be. If the provision offered by the gentleman from Mississippi was adopted, it would do just what Commissioner Clements said—destroy the uniformity of the workings of this bill, because different States would adopt different rules and different methods of procedure and would eliminate the great vitality that is contained in this measure.

Now, let me say to the gentleman from Mississippi again, who is a supporter of the doctrine that he thinks this bill is infringing upon, but it is not as he thinks, that if his amendment should be adopted it would strike this bill the most deadly blow that could be dealt it. He would exempt from the provisions of this bill the terminal railroad systems of every great city in the United States, and instead of rendering a benefit to his constituents he would be imposing a hardship, by continuing the exploitation of these monopolies upon his constituents and the people of the United States. This amendment, if adopted, would destroy the purposes of this measure and enable the continuance of the present deplorable conditions, which have made every investor in railroad securities suspicious, because of the disgraceful exposures recently made

in the manipulation of stocks and bonds. This measure is directed at all such operations, and if adopted as presented here by the committee will furnish the means for prohibiting their repetition. The honest investor needs the protection, the public requires it, and the best interests of the country demand it.

Railroad stocks and bonds ought to furnish a safe investment and one in which the public should have confidence. There is no good reason why, if honestly managed and intelligently handled, they should not be considered a safe investment, subject to little fluctuation, and they would be so if it were not for the dishonest manipulation of them by the controlling officials in charge of their corporate affairs.

The development of certain conduct recently in the management of the affairs of some of the best properties have caused the public to lose confidence in this class of securities. This measure, if adopted as reported to the House, will prevent a recurrence of these outrages upon innocent investors and restore public confidence, and give them in the markets of the country a stable value and make desirable investments. I hope the amendment of the gentleman from Mississippi will be voted down.

Mr. ADAMSON. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HARRISON].

The question was taken; and on a division (demanded by Mr. HARRISON) there were 2 ayes and 49 noes.

So the amendment was rejected.

Mr. ADAMSON. Mr. Chairman, I would like to ask the gentleman now if we can not agree to some limitation of time for debate on the substitute and amendments?

Mr. CRAMTON. I have several amendments I want to offer.

Mr. LENROOT. I have an amendment I would like to discuss.

Mr. ADAMSON. How much more time do gentlemen on that side want?

Mr. STEVENS of Minnesota. The gentleman from Michigan has four amendments, and if they could be presented in order he would discuss them all together.

Mr. MANN. We would like 40 minutes on this side.

Mr. ADAMSON. Can not the gentleman get along with less?

Mr. MANN. If we can, we will. We are as anxious to get through as is the gentleman from Georgia.

Mr. ADAMSON. Suppose we say that debate shall not exceed one hour? That will give 30 minutes on a side.

Mr. MANN. If the gentleman will give us 40 minutes, I do not care how little time he takes.

Mr. ADAMSON. All right, we will say an hour. I ask unanimous consent that all debate on this substitute and amendments thereto be closed in 1 hour, 40 minutes to be controlled by the gentleman from Minnesota [Mr. STEVENS] and 20 minutes by myself.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that all debate on the substitute and amendments thereto be closed in 1 hour, 40 minutes to be controlled by the gentleman from Minnesota [Mr. STEVENS] and 20 minutes by himself. Is there objection?

Mr. LENROOT. Reserving the right to object, will not the gentleman include in that the request that the amendments be voted upon at the conclusion of the debate in the order presented?

Mr. MANN. The hour is for debate. The amendments will be voted upon as they are offered.

The CHAIRMAN. The Chair hears no objection, and it is so ordered.

Mr. CULLOP. Mr. Chairman, I was going to ask if all the amendments could not be submitted and read and be pending, so that we would know just what the amendments were presented for consideration.

Mr. MANN. They would have to be reread each time.

Mr. CULLOP. Then, that would not conserve any time, and I will not ask it.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. CRAMTON].

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, by inserting in line 26, page 15, after the words "twenty A," the following: "or any application of the proceedings thereof otherwise than for the purpose authorized by the commission in its approval of the issue thereof."

Mr. CRAMTON. Mr. Chairman, I offer this amendment in the hope that the committee may concede its value. I take it that the committee desires not only to legislate but to provide penalties that will make the legislation efficient. This amendment is designed to provide a penalty in case a corporation comes in and secures approval of the issue of securities for a certain purpose and then applies that issue to some other purpose. Under the provisions of the bill, when they come before the commission asking an approval of an issue of securities, they must state the purpose for which they propose to use it. The commission gives consideration to that fact, and having given consideration and found that it is a desirable purpose, they can approve the issue. Thereafter the officers of the carrier are compelled under this bill to report for what purpose they have used the money, but, as a matter of fact, there is no penalty provided in the bill to cover a case where they secure the issue for one purpose and use it for another, as, for instance, in case they should secure the money for an extension of the line and use it for building a terminal, or for refunding.

In the State of Michigan within the last two or three years a certain railroad company made application for an issue of $8,000,000 new securities. The commission granted the application with the express understanding that five and one-half millions should be used for refunding and two and one-half millions for certain betterments on the system. The company not only made false returns, but when the truth was finally ascertained it was discovered that instead of using two and one-half million dollars for betterments they had not used anywhere near that amount, but had broken faith with the commission. The money was spent, the securities were issued, they were in the hands of innocent purchasers, and there was no remedy. At any rate, you ought to have in this bill a penalty to cover cases where they break faith with the commission. In the best of faith I ask the committee to give that amendment consideration.

Mr. RAYBURN. Mr. Chairman, no one on this side wants to be heard, and I will ask for a vote.

Mr. CRAMTON. If the gentleman will pardon me, I will restate my amendment. In this paragraph, at the bottom of page 15, you have provided for certain penalties, for the issue of securities contrary to the provisions of the section, and that the issue thereof may be enjoined, and also that any director or officer who assents to or agrees to any issue of securities forbidden by this section shall be subject to a penalty. I only propose to add a provision that any director or officer who should assent to or agree to any application of the proceeds of any issue otherwise than for the purpose authorized by the commission in its approval of the issue, and so forth.

The CHAIRMAN (Mr. FOSTER). The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were—ayes 30, nays 53.

So the amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting in line 15, on page 14, after the word "notice," the following: "of said application and of all hearings thereon."

Mr. CRAMTON. Mr. Chairman, my purpose in offering this amendment is to perfect the bill. The committee provide in that for notice to the different State commissions, but there is no statement as to what the notice shall cover. I simply specify that the notice shall cover the application and all hearings thereon.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting in line 7, on page 11, after the word "amended," the following "the valuation of which shall have been fixed by the Interstate Commerce Commission."

The CHAIRMAN. Does the gentleman from Minnesota yield more time to the gentleman from Michigan?

Mr. STEVENS of Minnesota. Mr. Chairman, I yield five minutes more to the gentlemen from Michigan.

Mr. CRAMTON. Mr. Chairman, this amendment I do not offer with the same hope of adoption as in the previous cases, but to my mind it embraces the most important phase of this problem, and it has not been discussed heretofore in this debate. It is my judgment that this bill proposing to regulate the issuance of securities of railroad carriers is either 25 years too late or 5 years too soon. You are putting the cart before the horse. Regardless of what may be our views here as to whether the capitalization of carriers is to be considered in connection with the fixing of railroad rates, that is the settled policy of this Government.

affairs of corporations created by them, and I intend to vote for it, and to say, as I have said before on the floor of this House, aided at the time by some who now take the opposite position, that the Government has not the right under the Constitution to undertake to say that the States shall not regulate the issuance of the stocks and bonds in those corporations that it creates, and to assert that the issuance of stocks and bonds is not commerce.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. RAYBURN. Mr. Chairman, does the gentleman recall another part of the platform that also says that we demand legislation to prevent the overissue by railroad companies of securities?

Mr. BARTLETT. I just read it.

Mr. RAYBURN. Is not the gentleman good enough lawyer to know that under the commerce clause of the Constitution, and generally under the Constitution, any power that Congress has has already been delegated by the States, and that when Congress has the power to enter a field of legislation and does enter it, it does it to the exclusion of the States?

Mr. BARTLETT. I do; and what I say is that this power to regulate the issue of stocks and bonds has never been delegated by the people of the States to the Congress of the United States, but remains by the tenth amendment preserved to them and the people thereof, and if I had the time I would read now some of the decisions of the Supreme Court which declare that the issuance of stocks and bonds is not commerce and that therefore we have not the right to do what we are attempting to do.

But I am not going to change my position upon this bill, because the gentleman from Illinois [Mr. MANN] knows I fought that out with him in the Sixty-first Congress, and the gentleman knows what remarks I made at that time, and I am not ashamed of them, and I stand by them now.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. GARNER. If the gentleman's amendment should be adopted, it would not prohibit what the gentleman from Texas desires to do?

Mr. BARTLETT. No.

Mr. GARNER. And that is for the Interstate Commerce Commission here to regulate interstate railroads.

Mr. BARTLETT. That is all.

Mr. GARNER. It only reserves the right to the States to control that which is within their border.

Mr. BARTLETT. Yes; and which the Democratic Party by its platform promised the people it would do, that it would only exercise that right in conjunction with the various States and not deprive them of their power.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. MANN. The gentleman stated that he had not changed his position?

Mr. BARTLETT. Yes.

Mr. MANN. I agree with the gentleman. But does not the gentleman admit, in view of the fact that his party almost unanimously voted against the stock-and-bonds provision which I had in the bill four years ago and has now reported substantially the same thing, that his party has changed its position?

Mr. BARTLETT. Mr. Chairman, I am not here to criticize what anybody else has done, but I am here to say and to repeat and to maintain it by the decisions of the courts that the duty of issuing stock and bonds by a corporation is not commerce, and in proof of my position I used at that time the language of no less distinguished jurists than Judge Harlan and Judge White and others.

Now, I read from the One hundred and sixty-first United States Court Reports in the case of the Louisville and Nashville Railroad Co. against The State of Kentucky. The two roads undertook to combine in this case against the public policy expressed by the constitution and laws of Kentucky that no railroad or telegraph company should consolidate its capital stock or pool its earnings, in whole or in part, with any other railroad.

Now, what do they say about that? I will read:

Section 201 of the constitution of the State of Kentucky is a legitimate exercise of the police power of the State, and forbids the consolidation between the Louisville & Nashville Co. and the Chesapeake, Ohio & Southwestern Co., which is the subject of the controversy in this suit, at least so far as the power to make it remains unexecuted.

They undertook to say in this bill, which they filed against the State of Kentucky, that they could consolidate notwithstanding the laws of Kentucky and the constitution, because they were interstate railroads, and therefore when Kentucky undertook to prevent a combination it undertook to pass a law which interfered with interstate commerce. I will read:

But little need be said in answer to the final contention of the plaintiff in error that the assumption of a right to forbid the consolidation of parallel and competing lines is an interference with the power of Congress over interstate commerce. The same remark may be made with respect to all police regulations of interstate railways. All such regulations interfere indirectly, more or less, with commerce between the States in the fact that they impose a burden upon the instruments of such commerce and add something to the cost of transportation by the expense conferred in conforming to such regulations. These are, however, like the taxes imposed upon railways and their rolling stock, which are more or less, according to the policy of the State within which the roads are operated, but are still within the competency of the legislature to impose.

* * * * * * * * *

It has never been supposed that the dominant power of Congress over interstate commerce took from the States the power of legislation with respect to the instruments of such commerce, so far as the legislation was within its ordinary police powers. Nearly all the railways in the country have been constructed under State authority, and it can not be supposed that they intended to abandon their power over them as soon as they were finished. The power to construct them involves, necessarily, the power to impose such regulations upon their operation as a sound regard for the interests of the public may seem to render desirable. In the division of authority with respect to interstate railways Congress reserves to itself the superior right to control their commerce and forbid interference therewith, while to the States remains the power to create and to regulate the instruments of such commerce, so far as necessary to the conservation of the public interests.

If it is to be assumed that the States have no right to forbid the consolidation of competing lines because the whole subject is within the control of Congress, it would necessarily follow that Congress would have the power to authorize such consolidation in defiance of State legislation, a proposition which only needs to be stated to demonstrate its unsoundness. As we have already said, the power of one railway corporation to purchase the stock and franchises of another must be conferred by express language to that effect in the charter; and hence if the charter of the Louisville & Nashville Co. had been silent upon that point, it will be conceded that it would have no power to make the proposed purchase in this case. As the power to purchase, then, is derivable from the State, the State may accompany it with such limitations as it may choose to impose. It results, then, from the argument of the appellant that, if there be any interference with interstate commerce, it is in imposing limitations upon the exercise of a right which did not previously exist, and, hence, if the State permits such purchase or consolidation it is bound to extend the authority to every possible case or expose itself to the charge of interfering with commerce. This proposition is obviously untenable.

That opinion was by Judge Brown, and was concurred in by all. The court further says:

That, conceding that the requisite power existed in both the above companies, section 201 of the constitution of 1891 was a legitimate exercise of the police power of the State, and forbade such consolidations, at least so far as such power remained unexecuted.

So that the Kentucky case, which permitted the consolidation of the Louisville & Nashville with other roads, contrary to the laws of the State of Kentucky, saying that the State had no right to forbid them because the whole subject was in control of Congress, is a proposition which only needs to be stated in order to demonstrate its unsoundness.

I am somewhat concerned about this, because my State has this in its constitution:

Article 4 of paragraph 3 of the constitution of Georgia says:

The general assembly shall have no power to authorize any corporation to buy shares and stock of any other corporation in this State or elsewhere, to make any contract or agreement with any such corporation which shall have the effect to lessen competition in their respective business or to encourage monopolies, and all such contracts and agreements are void.

We have in my State two great railroad lines, which could not be consolidated under the laws of the State of Georgia. And yet, if they desire to consolidate, the Interstate Commerce Commission is to be consulted, and, although they are competing lines, the laws of Georgia are to be destroyed by stretching the power of Congress under this elastic shield of interstate commerce, permitting any violation of the policy of my State, or all other States, to consolidate or destroy competition.

I am opposed to the provisions of the bill which endeavor to regulate

THE ISSUES OF STOCKS AND BONDS AND CONSOLIDATION OF COMPETING LINES.

The case chiefly relied upon is the Northern Securities case, volume 193. But that case does not sustain the contention nor justify the provisions in this bill relative to the control of the issues of stocks and bonds by railroads engaged in interstate commerce, or the right of Congress under that power to authorize the consolidation of competing lines contrary to the laws of the States where such railroads may have been chartered and where they operate. That question was distinctly stated by

Justice Harlan not to be a question in that case. On page 333 he says:

It is said that whatever may be the power of a State over such subjects Congress can not forbid single individuals from disposing of their stock in a State corporation, even if such corporation be engaged in interstate and international commerce; that the holding or purchase by a State corporation or the purchase by individuals of the stock of another corporation, for whatever purpose, are matters in respect of which Congress has no authority under the Constitution; that, so far as the power of Congress is concerned, citizens or State corporations may dispose of their property and invest their money in any way they choose; and that in regard to all such matters citizens and State corporations are subject, if to any authority, only to the lawful authority of the State in which such citizens reside or under whose laws such corporations are organized.

This was the claim made in the case, and, continuing, Justice Harlan says, on page 334:

It is unnecessary in this case to consider such abstract general questions. The court need not concern itself with them. They are not here to be examined and determined.

Continuing, Justice Harlan said:

In this connection it is suggested that the contention of the Government is that the acquisition and ownership of stock in a State railroad corporation is itself interstate commerce, if that corporation be engaged in interstate commerce. This suggestion is made in different ways, sometimes in express words, at other times by implication. For instance, it is said that the question here is whether the power of Congress over interstate commerce extends to the regulation of the ownership of the stock in State railroad companies by reason of their being engaged in such commerce. Again, it is said that the only issue in this case is whether the Northern Securities Co. can acquire or hold stock in other State corporations. Still further, it is asked, generally, whether the organization or ownership of railroads is not under the control of the States under whose laws they come into existence? Such statements as to the issues in this case are, we think, wholly unwarranted and are very wide of the mark; if is the setting up of mere men of straw to be easily stricken down. We do not understand that the Government makes any such contentions or takes any such positions as these statements imply. It does not contend that Congress may control the mere acquisition or the mere ownership of stock in a State corporation engaged in interstate commerce. Nor does it contend that Congress can control the organization of State corporations authorized by their charters to engaged in interstate and international commerce.

So that in this case, if we take the view of Justice Harlan, who pronounced the opinion of the court, instead of deciding the question contended for by those who assume that Congress has the power to regulate the issuance of stocks and bonds of railroad corporations because they are engaged in interstate commerce, or to prescribe the manner in which they shall so issue, or acquire competing lines, the court stated positively that that question was not involved.

Justice White, in his dissenting opinion in behalf of himself and three other justices, cited the case in the One hundred and sixty-first United States as controlling, but as the majority of the court decided that that question was not there to be examined and determined, the Northern Securities case can not be invoked to sustain the action of the committee. In this dissenting opinion Justice White refers to the case decided by Justice Jackson, In re Green, Fifty-second Federal Reporter, with approval, and quotes from that decision, as follows:

Congress may place restrictions and limitations upon the right of corporations created and organized under its authority to acquire, use, and dispose of property. It may also impose such restrictions and limitations upon the citizen in respect to such restrictions and limitations upon the citizen in respect to the exercise of a public privilege or franchise conferred by the United States. But Congress certainly has not the power or authority, under the commerce clause or any other provision of the Constitution, to limit and restrict the right of corporations created by the States or the citizens of the States in the acquisition, control, or disposal of property. Neither can Congress regulate or prescribe the price or prices at which such property, or products thereof, shall be sold by the owner or owners, whether corporations or individuals. It is equally true that Congress has no jurisdiction over, and can not make criminal, the aims, purposes, and intentions of persons in the acquisition and control of property which the States of their residence or creation sanction and permit. It is not material that such property, or the products thereof, may become the subject of trade or commerce among the several States or with foreign nations. Commerce among the States, within the exclusive regulating power of Congress, consists of intercourse and traffic between their citizens, and includes the transportation of persons and property, as well as the purchase, sale, and exchange of commodities. * * *

Continuing, Justice White said that if this opinion had been written in the case now considered, it could not more completely than its reasoning does have disposed of the contention that the ownership of stock by a corporation in competing railroads was commerce.

We do not understand that the Government makes any such contention, nor does it contend that Congress can control the organization of State corporations organized by their charters to engage in interstate commerce.

Another case from which I read to show that the issue or transfer of stock and bonds is not interstate commerce, is that of Hatch v. Reardon (204 U. S., 153), in which the court held:

The protection of the commerce clause of the Federal Constitution is not available to defeat a State stamp tax law on transactions wholly within a State because they affect property without that State or because one or both of the parties previously came from other States. The tax of 2 cents a share imposed on transfers of stock, made within that State, by the tax law of New York of 1905, does not violate the equal-protection clause of the fourteenth amendment. * * * nor is it as to such transfers of stock an interference with interstate commerce.

On page 160 the court say:

The other ground of attack is that the act is an interference with commerce among the several States. * * * There is not a shadow of ground for calling the transaction described such commerce. The communications between the parties were not between different States, * * * and the bargain did not contemplate or induce the transport of property from one State to another, as in the Brummer cases. * * * The bargain was not affected in any way, legally or practically, by the fact that the parties happened to have come from another State before they made it. It does not appear that the petitioner came into New York to sell his stock, as it was put on his behalf. It appears only that he sold after coming into the State. But we are far from implying that it would have made any difference if he had come to New York with the supposed intent before any bargain was made.

Here it is plainly stated that the taxing of these kinds of property, though the sale is made between citizens of different States, is not an interference with commerce. Another case which to me seems to be directly in point is Chicago, and so forth, Railway Co. v. Solan, to be found in One hundred and sixty-ninth United States Reports, page 133. In the opinion of the court, pronounced by Justice Gray, we find, on page 137, the following:

Railroad corporations, like all other corporations and persons doing business within the territorial jurisdiction of a State, are subject to its laws. It is in the law of the State that provisions are to be found concerning the rights and duties of common carriers and the measures by which injuries resulting from their failure to perform their obligations may be prevented or redressed. A carrier exercising his calling within a particular State, although engaged in the business of interstate commerce, is answerable to the laws of the State for acts of nonfeasance or of misfeasance committed within its limits. * * *

It is equally within the power of the State to prescribe the safeguards and precautions foreseen to be necessary and proper to prevent by anticipation those wrongs and injuries which, after they have been inflicted, the State has the power to redress and punish. The rules prescribed for the construction of railroads and for their management and operation designed to protect persons and property are strictly within the scope of the local law. They are not in themselves regulations of interstate commerce, although they control in some degree the conduct and the liability of those engaged in such commerce.

But it may be, Mr. Chairman, that I am lagging somewhat, lagging behind in progressiveness. It may be that devoted as I am to the theory of government that that which is not delegated by express language, or by language which is implied that it is necessary to carry out the powers granted, can not be exercised; it may be I am mistaken in following the old law writers and the decisions of the Supreme Court which declare the regulation of the internal affairs of a corporation, such as the issuance of stocks, the issuance of bonds, is a police power belonging to the State which granted the charter; but if I am in error, my path of error is blazed by great statesmen and approved of by great judges. I can not content myself without such an amendment is adopted in full conformity with the Democratic platform; I can not content myself to vote for this bill, and will not do it, unless we ingraft upon that bill such a provision, without which it sails out into a sea of infinite federalism and Hamiltonism. Why? Because we meant when we put that in the Democratic platform that the rights of the States can not be taken away in this day of mad federalism and mad days of centralizing all the power in the Federal Government. [Applause.] Others may follow that path; others may seek promotion, office, and the approval of the unthinking crowd. For myself I will be content to surrender the commission that I have borne for 20 years from my constituency rather than advance along the line of federalism, advance along the line of Hamiltonism, do that which will drive a dagger to the hearts of the States—that will destroy them. [Applause.]

Mr. SIMS. Mr. Chairman, all of us who have served as long with the distinguished gentleman from Georgia [Mr. BARTLETT] as I have know that he is a good lawyer and a sincere and honest man. He never makes a mere play for political effect; in everything he does he is sincere. I want to say, as far as I am concerned, that I have no more desire that Congress should take upon itself jurisdiction to which it is not entitled under the Constitution than is the gentleman himself. There is not a line in this bill that undertakes anything of that kind, neither in purpose nor in fact. Now, as the gentleman from Texas said a moment ago, there are fields of legislation authorized by the Constitution to be exercised by the National Legislature, the Congress. That field may be of great benefit to a State, and if Congress does not legislate, and the State legislates, the legislation of the State is good and valid to the extent of its powers, because Congress has not seen proper up to that time to occupy that field. But the moment Congress does see proper to act, it occupies that field to the exclusion of the State. As it were, the State is not a legislative trespasser, although not exer-

there will necessarily be receiverships of solvent companies, and such a condition will surely bring disaster upon the business affairs of this country. Now, my amendment is solely designed to provide that for the purpose of caring for existing obligations secured by mortgages, or pledge of securities, that in such cases the carrier may issue its notes without approval of the commission, to care for that kind of obligation. If it desires to issue its securities or its notes for anything else for any other purpose, then the provisions of the bill with its regulation should apply. This amendment is only designed to act for the temporary purpose of preventing receiverships and enabling solvent corporations to care for themselves in this emergency, until this litigation shall be settled. For that reason I offer the amendment.

Mr. RAYBURN. Mr. Chairman, I oppose this amendment, for the reason that I believe the exceptions in this bill have already been carried far enough. It seems to me when we say that a railroad company, without the approval of the Interstate Commerce Commission or without that commission having the right to exercise their veto power, shall have the right to issue notes running two years or less, and that that amount may come up to 5 per cent of the outstanding securities of the carrier at that time, that is giving latitude enough, and, as far as I am individually concerned, when I first submitted this part of the bill to the committee it had in it only the provision that they could issue notes to an amount equaling 5 per cent of their outstanding stocks and bonds and that the notes should not run for more than one year. But after much consultation we decided that possibly it would be fairer and better if they were allowed to issue notes running two years or less equal to 5 per cent of their outstanding obligations. I want to say that this one specific provision has been submitted to the Interstate Commerce Commission more than once, and, as I understand it, they stand almost solidly behind the proposition that this is as much latitude as the railroad companies should be allowed in this particular instance. I hope the committee will vote down the amendment, and if nobody else desires to be heard I should like to have a vote.

Mr. SIMS. Mr. Chairman, I had risen to my feet to say substantially what the gentleman from Texas [Mr. RAYBURN] did say; but I wish to refer to one thing to which he did not refer. Every once in a while it turns up that some railroad company is in a terrible financial condition that was not previously known. We do not know how many companies are now in that condition. Now, if they are permitted to issue their notes, stocks, and bonds under this amendment without submitting to the Interstate Commerce Commission, it becomes a power of refunding that might not be authorized if submitted to the commission, and I think where the amount is larger than 5 per cent of the entire stock and bond issues of a road it is too important to allow them to be freed from the necessity of submitting that matter to the Interstate Commerce Commission, especially when they can issue notes to the extent of 5 per cent of their outstanding stocks and bonds, and for a term of two years or less without approval by the commission. Therefore, I think the amendment ought to fail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The amendment was rejected.

Mr. STEVENS of Minnesota. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 16: Strike out lines 5 to 11, both inclusive, and the first three words in line 12, and insert in lieu thereof the following:

"It shall be unlawful for any person to hold the position of officer or director of two or more carriers subject to the act to regulate commerce as amended, which shall substantially compete with each other."

Mr. STEVENS of Minnesota. Mr. Chairman, the provisions of this amendment are that instead of excluding all——

Mr. ADAMSON. If the gentleman will pardon me, the conversation around me prevented my getting the scope of the amendment. Does it strike out the entire paragraph and substitute that language?

Mr. STEVENS of Minnesota. No; it strikes out from lines 5 to 11, both inclusive, and the first three words of line 12, on page 16. It strikes out the prohibitory provision against all interlocking directorates, and inserts in lieu of that a provision against interlocking directorates in competing corporations.

The reason for that is this: It has been shown in this debate this morning that quite a number of States, like Oklahoma, Texas, Missouri, and other States in the West and South, compel the corporations to have a local domicile or to be reincorporated in those States for the purpose of doing business. The situation is, then, that some of these transcontinental railroad systems are compelled to have local incorporations, and in order to have the proper control of those local corporations they have the officials of the parent line as officials and directors of the local corporations. They could have dummy directors, of course, but as good public policy we do not want and should not allow that. We want the responsible men who operate these corporations to be the responsible directors and managers of them. These State laws compel local incorporation, and they ought to have the best class and quality of directors. That is the best way to encourage honest, capable, and responsible management of our business concerns. Under these circumstances it is for the interest of the public that that shall be done, and there can be no question that when that fact shall be presented to the Interstate Commerce Commission under the provisions of this bill the Interstate Commerce Commission will at once grant such request that those responsible officials be allowed to serve as directors. There is no doubt about such a policy. Again, many of these through lines are made up of subsidiaries, branch lines, extensions of lines, and these lines maintain their corporate entity for various good reasons; but the stock is entirely or mostly owned by the parent corporation. For that reason also these subsidiary corporations have as directors the officers of the main line.

When that fact shall be presented to the Interstate Commerce Commission, of course it will make an order allowing these men to act as directors of these subsidiary corporations. The result will be that several thousand of these corporations under the provision of your substitute must be presented to the Interstate Commerce Commission within the next two years requesting an order allowing them to serve. The Interstate Commerce Commission will grant such request, and they ought to, but the result will be that it will place an additional burden on the commission. It compels them to do much work that is unnecessary. It compels the carriers to do work that is unnecessary. The evil which is desired to be cured is against the practice of acting as interlocking directors in competing lines. Is it not the best thing to do to put a straight prohibition against that evil, as provided by my amendment, subject to the penalty provision in your paragraph, and that is all that is intended or covered by my amendment.

Mr. ADAMSON. Mr. Chairman, the question of competition, although important in a great many situations, is not the entire moving cause for this part of the legislation. That can easily be taken care of. The greatest evil of interlocking directorates is in cases where railroads are wrecked by speculation and wreckers getting charge of the different corporations whether they are competing lines or not. The strongest argument before us for giving them the control of all this matter was that some States would not authorize them to issue stocks and bonds to use on their line in other States, which was abhorrent to the moral sense, because each State has a right to tax the property in the State and look to the preservation of that property to some extent. The trouble is that a little coterie of men would get possession of a number of railroads through being directors of all. They may sacrifice one of these roads in order to build up another, not primarily for the purpose of building it up, but because by that particular transaction they can pocket more gains from speculation. This statement is borne out by the history of all the wrecks that have disgraced the transportation conditions of this country. [Applause.]

Now, the first result of this amendment will be that corporations will quit trying to fill offices with a few men. There are enough good men in the world to fill the offices; and there are not enough offices to go around. It will be only when peculiar conditions make it necessary for some man to be a director in different railroads, and when those conditions exist the Interstate Commerce Commission will already know it, because under the operation of section 20 as amended they keep themselves posted all the time as to who are the directors and other officers of the railroad. These conditions would have to be proven to the commission. The burdens of the commission will not be increased, because the occasions for this provision will be fewer and fewer. When they find out what the law is the corporations will quit putting excuses up to them except in meritorious cases.

The CHAIRMAN (Mr. HOUSTON). The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ALEXANDER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent children of such soldiers and sailors;

S. 4290. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent children of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent children of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent children of such soldiers and sailors.

REGULATION OF RAILWAY STOCKS AND BONDS.

The committee resumed its session.

Mr. STEVENS of Minnesota. Mr. Chairman, I present another amendment, which is my last.

The Clerk read as follows:

Page 16, line 26, after the word "court," insert the following:

"SEC. 3. That section 24 of the act to regulate commerce, approved February 4, 1887, as amended, be, and the same is hereby, further amended so as to read as follows:

"'SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of nine members with terms of seven years, and each shall receive $10,000 compensation annually. The qualifications of the members and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional interstate commerce commissioners, one for a term expiring December 31, 1920, one for the term expiring December 31, 1921. The terms of the present commissioners, or of any successors appointed to fill a vacancy caused by the death or resignation of any of the present commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Not more than five commissioners shall be appointed from the same political party.

"'That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the act to regulate commerce and all acts amendatory thereof shall apply to any and all proceedings and hearings under this act.'

"SEC. 4. That in the performance of the duties prescribed by this act the Interstate Commerce Commission, for such time as it may deem necessary, may authorize a division of three commissioners, to be selected by the chairman of the commission, to have full power to investigate, order, certify, report, and determine as to all matters arising under this act.

"In any such proceeding, such division shall have all the jurisdiction and powers and may proceed as provided under said act to regulate commerce as amended, the same as therein authorized to or for said commission, subject to the order of the commission.

"In carrying out the provisions of this act the commission may consider all facts within its jurisdiction, and whenever it shall deem necessary, it may utilize, for the purpose of carrying out the provisions of this act, such of its employees, experts, or engineers as may be employed in the duties provided in section 15a of the said act to regulate commerce, as amended. In such case, an accurate account shall be kept of such use and the expense thereof, which shall be borne and shall be paid by said applicant to said Interstate Commerce Commission, which shall deposit the same in the Treasury of the United States, to be credited to the general fund, taking the receipt of the Treasurer therefor, and filing the same in its office with said application. If the applicant shall refuse or neglect to pay the expense of said appraisal, the Interstate Commerce Commission shall dismiss such application."

Mr. ADAMSON. Mr. Chairman, I make the point of order that that amendment is not germane to this portion of the bill or to any other portion of the bill.

Mr. STEVENS of Minnesota. Will the gentleman reserve his point of order?

Mr. ADAMSON. I will reserve it if the gentleman desires to be heard.

Mr. STEVENS of Minnesota. Mr. Chairman, the provisions of this bill put upon the Interstate Commerce Commission a very large burden and a very great increase of duties. It is absolutely necessary for the public welfare that these duties imposed by this bill shall be properly performed. Unless they are so performed, not only will the operation of the law be a failure but a great injury will be liable to be visited upon the carriers, on the public, and on the investors in the securities of the carriers. More than that, there will be a temptation for the Interstate Commerce Commission itself, in order to perform some of the many duties imposed on it by this law, to neglect its other work. There is a growing complaint throughout the country that this is being done now, that too much of the commission's important work is being done by subordinates, by examiners, and by clerks. The work under this bill could not be so performed. It ought to be done by the commissioners personally. For that reason I have introduced this amendment to increase the number of the members of the commission, to provide how the work shall be performed by a subdivision of three, with authority to do the work provided by this measure. If they do the work personally, it will be well done. Unless the work shall be done by the commissioners in that way, under their personal supervision and personal responsibility, the work will not be well done and injury will come to the work of the commission, to the foresight of the commission, and to the country.

For that reason I have introduced this amendment. I admit that it is not germane if the gentleman from Georgia cares to enforce the rule on me. But I think it is my duty to apprise the committee of the situation which will arise and of the remedy which ought to be presented now, and which must be faced some day in the near future by this House. [Applause.]

Mr. ADAMSON. Mr. Chairman, I make the point of order with less reluctance than I should if I had not consulted with the commissioners about it. They do not approve of it as necessary in carrying out the provisions of the existing or proposed law. We, furthermore, are going ahead now with the general consideration of all amendments proposed to be made to the interstate-commerce law, and we will thrash out all these questions and try to report to the House a bill as early as possible, with such amendments as we deem meritorious. A bill comprising this amendment is already before the committee, and I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, line 26, after the word "court," insert: "*Provided*, That nothing contained in this act shall deprive the railroad commissions or public service or utilities commissions of the various States from exercising all the powers now conferred upon them by the various States.

Mr. BARTLETT. Mr. Chairman, we are told by the gentleman from Kentucky [Mr. BARKLEY] and others that the compelling reason to pass this bill is that a promise to do so is contained in a certain part of the Democratic platform made by the Democratic Party in 1912 at Baltimore, and the gentleman from Kentucky has read a few lines on which he bases his support of this bill—more extreme in its provisions, Mr. Chairman, than was ever dreamed of by Hamilton or any Federalist that advocated the Hamiltonian theories of government. The platform at Baltimore does contain three lines, which I will read:

Also legislation preventing the overissue of stocks and bonds by interstate railroads, express companies, telegraph and telephone lines.

But that platform contains sentences and sections which assert in no uncertain terms the rights of the States, and the promise to preserve the rights of the States, and I want to read to the gentleman from Kentucky and his conferees on the Interstate and Foreign Commerce Committee what they seem, in the preparation and report of this bill, to have forgotten, which is a part of the platform, namely, a duty to sustain the rights of the States now proposed by this amendment, and to call to their attention their duty to the States as demanded and required by the Democratic platform. Let us see what it says:

RIGHTS OF THE STATES.

We believe in the preservation and maintenance in their full strength and integrity of the three coordinate branches of the Federal Government—the executive, the legislative, and the judicial—each keeping within its own bounds and not encroaching upon the just powers of either of the others.

Believing that the most efficient results under our system of government are to be attained by the full exercise by the States of their reserved sovereign powers, we denounce as usurpation the efforts of our opponents to deprive the States of any of the rights reserved to them and to enlarge and magnify by indirection the powers of the Federal Government.

We insist upon the full exercise of all the powers of the Government, both State and National, to protect the people from injustice at the hands of those who seek to make the Government a private asset in business. There is no twilight zone between the Nation and the State in which exploiting interests can take refuge from both. It is as necessary that the Federal Government shall exercise the powers reserved to them, but we insist that Federal remedies for the regulation of interstate commerce and for the prevention of private monopoly shall be added to, and not substituted for, State remedies.

Gentlemen, I pause to call your attention back to that promise of the party when you propose by this bill to substitute for State remedies in control of interstate commerce roads the remedies you now propose, and to call your attention to the fact that this amendment I have offered rings with the declaration of the platform, preserving to the State every right it has to regulate by its railroad commission or its public-utilities commission, whatever it may be named, as it exists in my State and in the State of Kentucky and in the State of Michigan and in the State of Wisconsin, and all these States, the internal

Mr. CULLOP. If it does an interstate business, it is. The commission in Texas would not be impaired by this, so far as the citizens of Texas are concerned in intrastate shipping. The intrastate transportation of products would be identically under the same jurisdiction as it is now, and the Interstate Commerce Commission would only affect interstate commerce transported over the railroads in that State. The jurisdiction would remain the same as it now is. The railroad commission of that State can not regulate charges for interstate shipments, but its jurisdiction is limited to intrastate matters only.

The adoption of this amendment would destroy the purposes for which this measure is intended, and I hope it will be defeated.

Mr. STEVENS of New Hampshire. Mr. Chairman, I would like to call the attention of the committee to one result of this amendment, certainly in its present shape. A great many roads of the eastern part of the United States have been built up by consolidations of small lines, lines which still retain to-day their own organization, issue their own stocks and bonds. They are frequently held by the parent company on long-term leases. The Boston & Maine system as it exists to-day is composed of many separate complete organizations. The same way with the Pennsylvania Railroad system. This amendment would exempt from this law every one of those original separate roads which have really become part of a big system but retain their own organization and their own stocks and bonds. It would mean that some of the most important railroad systems of the country would be entirely relieved from the provisions of this act.

Mr. HULINGS. Will the gentleman yield?

Mr. SUMNERS. Will the gentleman yield?

Mr. STEVENS of New Hampshire. Yes.

The CHAIRMAN. To whom does the gentleman yield?

Mr. STEVENS of New Hampshire. To the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I would like to ask the chairman of the committee a question. Assuming that a railroad that had gone into Texas and had built a line within the State and had been built under the conditions and provisions established by their State commission, then, if this bill be passed, will the Interstate Commerce Commission oust the jurisdiction of that State commission?

Mr. ADAMSON. They can overrule it if the commission acts unwisely. It will interdict any unwise issue that the State commission allows.

Mr. HULINGS. And it does oust it?

Mr. ADAMSON. Yes; to that extent. If it is engaged in interstate commerce. The rest is. Does it do business in interstate commerce?

Mr. BARKLEY. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. BARKLEY. I would like, if the gentleman would yield long enough in this argument for me to read into the RECORD a part of the Democratic platform on this subject.

Mr. ADAMSON. The gentleman from Pennsylvania [Mr. HULINGS] has the time.

Mr. HULINGS. I desired only to ask the question which seemed to me to meet the crux of this situation.

Mr. BARKLEY. I wish to read into the RECORD a statement from the Democratic platform on this subject, as follows:

We favor such legislation as will effectually prohibit the railroads, express, telegraph, and telephone companies from engaging in business which brings them into competition with their shippers or patrons, also legislation preventing the overissue of stocks and bonds by interstate railroads, express companies, telegraph and telephone lines.

Mr. HARRISON. You do not find anything in the Democratic platform, however, that says we have a right to take away from the States those powers that are now exercised by the railroads and public-utility commissions of those States, do you?

Mr. BARKLEY. But we are not trying to do that in this bill.

Mr. HARRISON. You admit that—that you are——

Mr. BARKLEY. I do not admit anything of the kind.

Mr. HARRISON. I understood the gentleman to say, and also the chairman of the committee [Mr. ADAMSON] to say, that the public-service commission of a State may pass certain orders about this matter, but that they must be approved by the Interstate Commerce Commission, and that the Interstate Commerce Commission might accept or reject the recommendations of the railroad or public-service commissions of the States.

Mr. BARKLEY. Not unless the order of the commission permits the issue of stocks and bonds that affect interstate commerce.

Mr. HARRISON. But you can overrule the public-service commission of a State?

Mr. BARKLEY. A State commission can not regulate interstate commerce, because Congress has the exclusive right to regulate interstate commerce and things that affect it. But if the railroad commission of Texas or any other State should permit the issue of stocks and bonds that affect only intrastate business, the Interstate Commerce Commission would have no right to exercise power over that.

Mr. GREGG. Will the gentleman yield?

Mr. BARKLEY. I yield.

Mr. GREGG. If could state what series of bonds issued by a railroad would affect interstate commerce and what series would affect intrastate commerce?

Mr. BARKLEY. We are not called upon to settle that question.

Mr. GREGG. The gentleman said that if the bonds authorized by the State only affected intrastate traffic, then this bill would not affect it.

Mr. BARKLEY. The application for the bond itself by the interstate carrier must show that it affects interstate business.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. BARKLEY. I yield to the gentleman.

Mr. BARTLETT. The gentleman has read from the Baltimore platform. Will he turn to pages 168 and 169 and read the extended assertion there of the rights of the States and of the duty of the Democratic Party to preserve and maintain in their integrity the rights of the States?

Mr. BARKLEY. That is a very lengthy provision. I can not read that in the time that I have, but I will answer the gentleman by saying that there is not a word or syllable, line, or sentence in the bill now under consideration that in any way abridges the right of the State to regulate their internal affairs.

Mr. BARTLETT. There is not a line in it that does not destroy it.

Mr. MANN. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is on the amendment offered by the gentleman from Texas [Mr. GARNER].

Mr. DECKER. Mr. Chairman——

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. DECKER. I want to speak on the amendment, if it is in order.

Mr. HARDY. Is it in order to offer an amendment to the amendment of the gentleman from Texas [Mr. GARNER]?

Mr. MANN. The gentleman can offer an amendment later.

The CHAIRMAN. The regular order is on the amendment, as all debate has been exhausted. The question is on the adoption of the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. BARTLETT. Division, Mr. Chairman.

Mr. GARNER. Mr. Chairman, I ask for a division.

The committee divided; and there were—ayes 9, noes 76.

Mr. HARDY. Mr. Chairman, I voted against the amendment offered by Mr. GARNER a moment ago, but I wish to offer an amendment to this section of the bill which incorporates what I have understood from more than one member of the committee was their understanding. In other words, I do not believe where the State jurisdiction has limited the amount of stocks and bonds of a railroad wholly within that State the Interstate Commerce Commission, or the United States itself, ought to undertake to raise the limit.

The CHAIRMAN. There is nothing before the House for the gentleman to address his remarks to.

Mr. STEVENS of Minnesota. Mr. Chairman, have I the floor?

Mr. HARDY. Mr. Chairman, I believe I had the floor for the purpose of offering an amendment.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] offers an amendment, which the Clerk will report.

Mr. HARDY. I have it in my own language, and, if I may be permitted, I will read it.

Mr. MANN. It will have to be sent to the Clerk's desk to be reported.

Mr. HARDY. I think the Clerk can read it. If not, I will go and help him.

The CHAIRMAN. The Chair thinks the amendment is offered to the original bill and not to the substitute we have under consideration.

Mr. HARDY. I offer it to the substitute, as we are considering the substitute.

The CHAIRMAN. The gentleman will have to show where the amendment is offered to the substitute.

The Clerk read as follows:

Amendment offered by Mr. HARDY: Page 15, line 19, of substitute bill, after the word "thereof," insert: "*Provided further*, That nothing in

this act shall authorize or legalize the issue of any stocks or bonds by any railroad wholly within any State in excess of the amount of such stocks and bonds as fixed and limited by the law of such State."

Mr. HARDY. Mr. Chairman, if we are to preserve any authority in the State administrations over the amount of bond issues and stock issues of railroads—a matter which the State of Texas has for a number of years endeavored to do by passing laws limiting the amount of stocks and bonds which railroads organized within that State may issue—we ought to adopt the amendment I offer. I have no objection to supplementing the State's action by providing that even though a State commission does authorize the issuance of stocks and bonds, the Interstate Commerce Commission may have the veto power on it and may say that those bonds or that amount of bonds shall not be issued; but I think that when the State of Texas or any other State, by its legal authorities, has said to a railway organized and wholly lying within its boundaries that "the value of your property does not warrant the issuance of more than so much of bonds or stock" there ought not to be a higher authority to override that veto and say that "notwithstanding the State of your residence or habitation has limited the amount of your bonds to, say, $20,000 a mile, we will give you authority to issue $30,000 a mile."

If it be true, as the chairman of the committee said a moment ago, that the purpose of this bill was not to authorize an appeal by the railroads from the action of the State or an increase of bonds over the limitations fixed by a State, then we ought to adopt this provision, which provides that nothing contained in this law shall authorize the Interstate Commerce Commission to authorize the issue of more bonds or stocks than are permitted by the State. My amendment will make this matter plain and free from doubt or question.

Now, I have said all that is involved in the matter. If it is right, if the chairman is right in his opinion, if that is the intention of this bill, it ought to be so clearly written into the face of the bill that it can not be questioned.

Mr. BARKLEY. Mr. Chairman, it would be manifestly unwise to limit the jurisdiction of the Interstate Commerce Commission in matters over which it has exclusive jurisdiction as proposed by the amendment of the gentleman from Texas [Mr. HARDY].

There can not be two jurisdictions over interstate commerce. Wherever the Federal Government enters upon fields which by the Constitution are given to it exclusively it enters them exclusively, so far as other jurisdictions over those particular things are concerned; and to adopt the amendment which has been offered here by the gentleman from Texas, that notwithstanding the fact that the Interstate Commerce Commission has exclusive and supreme jurisdiction to regulate not only interstate commerce but things that affect interstate commerce or that may affect it, would simply be to prescribe a rule to the effect that they can perform within their jurisdiction only so long as they are permitted to do so by a State railroad commission.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Minnesota?

Mr. BARKLEY. I will yield to the gentleman.

Mr. STEVENS of Minnesota. The amendment proposed by the gentleman from Texas [Mr. HARDY] proposes that nothing in this act shall be construed to legalize or authorize the issue of any stocks and bonds by any railroad wholly within a State in excess of the amount of such stocks and bonds as fixed and limited by the State law. Is there anything in this act that is intended to legalize any issue of securities?

Mr. BARKLEY. There is nothing in this bill that undertakes to legalize an issue of bonds. It merely gives the Interstate Commerce Commission the right to approve or consent to the issue, but it does not bind the United States Government to guarantee either their legality or the forms through which the companies may have gone in order to bring it about. Therefore the amendment would be vicious in that respect.

Mr. GARRETT of Texas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kentucky yield to the gentleman from Texas?

Mr. BARKLEY. I do.

Mr. GARRETT of Texas. I understood from the statement of the gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, a few moments ago, that if the Railroad Commission of Texas should grant to the railroads of that State the right to issue bonds to a certain amount and the railroads desired to issue a greater amount than that and should appeal from the decision of the Texas commission to the Interstate Commerce Commission for an increase, this law would not apply to that increase, and that he did not so construe it or understand it to mean that the Interstate Commerce Commission could override the State commission and allow this increase in the issuance of bonds and securities?

Mr. BARKLEY. The chairman of the committee has made his position plain on that subject. I would like to read this provision here.

Mr. GARRETT of Texas. Do you agree with his position on that?

Mr. BARKLEY. Let me read it.

Mr. GARRETT of Texas. I would like to have the gentleman's opinion.

Mr. BARKLEY. I will answer the gentleman if I get the time. I read:

That it shall be unlawful for any common carrier subject to the act to regulate commerce——

And so forth. Now, bear in mind that no carrier is subject to the act to regulate commerce except an interstate carrier, a carrier engaged in interstate commerce.

Mr. GARRETT of Texas. I believe they are nearly all engaged in interstate commerce.

Mr. BARKLEY. No. There is one in my district only 10 miles long.

Mr. ADAMSON. Mr. Chairman, we have spent a great deal of time on this section and different amendments concerning the same subject, and I want to call for a vote. I do not want to cut off the gentleman from Texas [Mr. HARDY], who is such a quiet, modest gentleman. Let his amendment be read again.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. ADAMSON. If the gentleman from Illinois [Mr. MANN] will consent, I shall not object to this modest gentleman.

The CHAIRMAN. Does the gentleman from Illinois object to the Clerk reporting the amendment?

Mr. MANN. Oh, no.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Page 15, line 19, of substitute bill, after the word "thereof," insert: "*Provided further*, That nothing in this act shall authorize or legalize the issue of any stocks or bonds, by any railroad wholly within a State, in excess of the amount of such stocks and bonds as fixed and limited by the law of such State."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Texas [Mr. HARDY].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HARDY and Mr. LINTHICUM demanded a division.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 12, noes 15.

So the amendment was rejected.

Mr. STEVENS of Minnesota. Mr. Chairman, I have an amendment which I wish to offer.

The CHAIRMAN. The gentleman from Minnesota [Mr. STEVENS] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. STEVENS of Minnesota: Page 15, line 18, after the word "outstanding," strike out the period and insert a comma and the following language: "Or to notes issued by such carriers for the purpose of discharging lawful obligations of the carriers, secured by pledge of or lien upon any securities or property of said carriers."

Mr. STEVENS of Minnesota. The effect of that amendment is as follows: The bill provides that the Interstate Commerce Commission shall have jurisdiction to regulate the issuance of notes issued by carriers, exceeding 5 per cent of the total amount of stocks and bonds then outstanding.

Mr. SIMS. Not to run over two years.

Mr. STEVENS of Minnesota. Carriers have the right to issue notes to an amount less than 5 per cent of the amount of outstanding stocks and bonds without the approval of the commission. This amendment authorizes the carriers to issue notes without the approval of the commission whenever necessary to pay outstanding indebtedness secured by property or securities of the carriers.

The reason for that is this: It is very evident from the discussion here that there is a violent difference of opinion as to whether this authority be exclusive or not in the Interstate Commerce Commission. We realize that this question is fundamental and must be settled by the Supreme Court. And until these questions shall be settled, not one dollar of securities can be sold or marketed under the operation of this bill. Now, the railroads have large amounts of securities maturing from time to time, and while this litigation shall be in progress these securities will continue to mature, and unless we suitably provide for the proper discharge of those securities and provide in some way that they can be settled or refunded and cared for,

the Federal Government to interfere with any railroads that run through Texas, as to the issuance of stocks and bonds. The reason that impelled us was that the issuance of stocks and bonds had been abused; there was speculation, there was robbery, there was inefficiency and carelessness, and the railroads were practically so far destroyed that they could not perform their duty as carriers. I have as much regard for my State as the gentleman has for his State, but I do not think it will be necessary to interfere much with my State because we have also a good railroad commission. But I want to warn my brethren not to be misled by the specious propositions of gentlemen appealing to the idea of State rights. I am not the only original State rights man, and I hope I will not be the last State rights man, and I want my State to enjoy the privileges and perform the duties of discharging its part of the functions of the Government as much as any man here. The question is, Do you want to pass this law authorizing the Federal Government to prevent the overissue of stocks and bonds? If you do, you had better steer clear of these amendments. This amendment would exempt every railroad in the United States. The Constitution protects wholly domestic railroads, and the language of this bill exempts wholly domestic business of railroads. The test of interstate commerce is not where the railroad is chartered. Any railroad, no matter where, is subject to the regulation by the Interstate Commerce Commission if it engages in interstate-commerce business.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. GARRETT of Texas. Will the gentleman state just what rights and powers would be left to the railroad commission of Texas to control the issue of bonds after this bill is passed as now reported?

Mr. ADAMSON. The railroad commission of Texas may pass upon proposals to issue stocks and bonds, and if the Interstate Commerce Commission thinks that it is unwise, if it thinks that it is an overissue, if it thinks that it is reckless and not within the law, the Interstate Commerce Commission will veto that issue.

Mr. GARRETT of Texas. In that case the Interstate Commerce Commission is supreme over the Texas commission?

Mr. ADAMSON. The word "supreme" is misused by everybody talking about this matter. The question is one of function. Is it a Federal function or a State function? If it is a Federal function, the Supreme Court has declared that under the commerce clause of the Constitution there is plenary power to regulate it by the Interstate Commerce Commission. If it is a Federal function conferred by the Constitution, there is no question of supremacy about it.

Mr. GARNER. Will the able and distinguished chairman of the committee yield?

Mr. ADAMSON. If the gentleman is referring to me, I will. I could not help it. [Laughter.]

Mr. GARNER. If a road in Texas doing an interstate-commerce business should apply for the issuance of stocks and bonds, they would have to come to the Interstate Commerce Commission in Washington.

Mr. ADAMSON. I think the plan of this bill is that they shall apply to their own authority, and if that authority grants it they can ask the Federal commission to sanction it, and it would be all right; but if they veto it, it is all wrong.

Mr. GARRETT of Texas. Suppose the railroad of Texas should go to the Texas commission, and the commission should go out and inspect the physical property, inspect the road, and say to the railroad, "You are not entitled to the issuance of any more stocks and bonds," and the road appeals to the Interstate Commerce Commission and they say they may issue the stocks and bonds, which will control?

Mr. ADAMSON. It was not our intention to encourage anything of that sort in this bill.

Mr. GARRETT of Texas. It is not what you intend, but what the law will provide.

Mr. ADAMSON. It was our purpose to write the bill so that the law would cover only the veto power, but the gentleman from Minnesota contends that they could take original jurisdiction. I do not think it is so.

Mr. GREGG. Does not the commission have appellate jurisdiction, at least?

Mr. ADAMSON. That is the veto power.

Mr. GREGG. If the State commission refuses, can not the Interstate Commerce Commission grant it?

Mr. ADAMSON. I do not think so.

Mr. GREGG. If the State refuses to permit the bond issue, does the gentleman say that the Interstate Commerce Commission can not grant it?

Mr. ADAMSON. I do not see why it is necessary to interfere there.

Mr. GREGG. Mr. Chairman, will the gentleman agree to an amendment saying that in the bill?

Mr. ADAMSON. I do not think so. I hope it does not.

Mr. HARDY. Will the gentleman agree to an amendment saying that?

Mr. ADAMSON. No.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. ADAMSON. Mr. Chairman, may I proceed until I finish the statement that I desire to make?

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed with his statement for five minutes. Is there objection?

There was no objection.

Mr. ADAMSON. Mr. Chairman, if it is our purpose to regulate the overissue of stocks and bonds, I hope my brethren will not be misled by ideas of State sovereignty to take out of the operation of the bill every solitary railroad in the United States. I admit one good thing would be accomplished, but others would not say that that is a good thing. The first result of adopting any of these amendments would be the breaking up of every consolidation in the country. The railroads would get out of the jurisdiction of the Interstate Commerce Commission by resolving themselves into their original elements. I would welcome that, but others would not.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Because they are made up of independent sections, originally chartered in the different States, coupled together in these consolidations. It is impossible to exempt one without destroying the entire scheme, unless it is one already exempted under the Constitution and terms of the bill by being entirely within a State and not doing any interstate business at all.

Mr. SUMNERS. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. I will yield first to the gentleman from Texas [Mr. GARNER].

Mr. GARNER. I yield to my colleague.

Mr. SUMNERS. Mr. Chairman, I desire to ask the chairman of this committee what inducement there would be under this bill for these big railroad systems to break up because of the fact that their status is fixed by the character of the business they do and not by their charter?

Mr. ADAMSON. One can not always tell definitely what they will do in a given case, but this is the general rule, that whatever authority is trying to regulate them at that time they try to avoid that, hoping no other would operate. When we first tried to regulate they plead State rights, and when the States regulated they went into the States and plead the other side of the proposition. Their law and their insistence depend entirely on what their temporary interests may seem to be.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. ADAMSON. Yes.

Mr. CULLOP. This provision that they are seeking to amend does not apply to the regulation of freight, but to the issue of stocks and bonds.

Mr. ADAMSON. I am perfectly familiar with that fact.

Mr. CULLOP. I suggest that in reply to the gentleman from Texas [Mr. SUMNERS].

Mr. ADAMSON. And I will say to the gentleman that, rather than have an amendment of this sort adopted, they better follow the gentleman from New York [Mr. PAYNE], who is consistent, and who wanted to strike out the enacting clause of the bill. It will have the same effect and cause less trouble.

Mr. SUMNERS. Mr. Chairman, will the gentleman again yield?

Mr. ADAMSON. Yes.

Mr. SUMNERS. In practical operation every railroad in the United States doing a common-carrier business does an interstate business, does it not?

Mr. ADAMSON. If it accepts or delivers freight or passengers or express or any business to or from railroads in other States, it does.

Mr. SUMNERS. In practical operation they all do interstate business?

Mr. ADAMSON. Yes.

Mr. MURRAY of Oklahoma rose.

The CHAIRMAN (Mr. HOUSTON). The gentleman from Oklahoma [Mr. MURRAY].

Mr. MANN. Mr. Chairman, I call for the regular order.

Mr. ADAMSON. That would be a vote on the amendment of the gentleman from Minnesota [Mr. STEVENS].

Mr. GARNER. Mr. Chairman, I ask unanimous consent at this time to offer my substitute.

Mr. ADAMSON. I object.

Mr. MURRAY of Oklahoma. Mr. Chairman, I believe I was recognized.

Mr. MANN. Mr. Chairman, I demand the regular order.

Mr. MURRAY of Oklahoma. But I was recognized before the gentleman made that demand.

Mr. MANN. That would not make any difference.

The CHAIRMAN. The gentleman from Oklahoma would not be in order in face of the demand for the regular order.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask unanimous consent to address the committee for five minutes.

Mr. MANN. Mr. Chairman, I do not like to object, but I shall have to demand the regular order at this time.

The CHAIRMAN. The regular order is to vote on the amendment of the gentleman from Minnesota. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. GARNER. Mr. Chairman, I now offer the amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, line 19, after the word "thereof," insert the following:
"The provisions of this section shall not apply to carriers whose total mileage is wholly within one State."

Mr. MURRAY of Oklahoma. Mr. Chairman, referring to what the gentleman from Georgia [Mr. ADAMSON], the chairman of the committee, said a while ago, it does not occur to me that this is a question of State rights. It may be a question of State power—regretful enough with our present Constitution that in the matter of the control of transportation and transmission companies the power is too much divided, and too much of the twilight zone. I rather believe it would be wisest to turn over to the Federal Government the entire control of such carrier by amendment to the Constitution.

This does not involve the question of State rights, but it does involve under present conditions the rights and interests of a great people in different sections of the country. I do not know of another State similarly situated to the State of Texas. They began in their old republic with a provision that "no bonds or stocks should be issued for the roads except for money paid, labor done, and property actually received." They have another clause that compels every railroad company to become a State corporation. Unfortunately many other of the Western States, and I include my own, had their railroads built before they were enabled to make a constitution. We tried the same experiment in Oklahoma, but we failed because the railroads were constructed before the constitution was made, but I know that the conditions existing in Texas are such that under that strict power which is stronger than the Federal policy this Federal authority, if permitted, would do injury to those companies who are holding and who have always held their stock down to these three defined in their constitution.

Now, in reply to what the gentleman from Kentucky said, let us take the State of Texas. The M., K. & T. of Texas and the M., K. & T. of Kansas are not only distinct corporations in name, but they are distinct in the matter of expenses, in the matter of their operation, in the matter of their bonds; so I sympathize with the amendment offered by the gentleman from Texas, because I realize the possibility of a great damage being done to the people of Texas. It does not affect my State, because we were unable to do it——

Mr. CULLOP. Will the gentleman yield for a question?

Mr. MURRAY of Oklahoma. I do not wish to break my line of thought. The gentleman does not want to get information from me, but he wants to interrupt me, and I will not permit the interruption. The great trouble about the proposition is perhaps this may not be the proper amendment, and yet I believe it could be framed so as to take care of all the questions concerned if the provision were made that no bonds and stocks should be granted to any railroad company operating or chartered under the State—in other words, an intrastate railroad—by the Interstate Commerce Commission of the United States without the permission of the State railroad or corporation commission. This would relieve the situation and do no damage, which is feared by the gentleman from Georgia, and yet at the same time leave those few States which have been enabled to meet the situation of the common carriers as they have. Now, I think that this bill without some provision will do an injury to the people of the State of Texas without doing thereby any benefit to the people of other sections of the country. Therefore I feel like voting for this amendment, but I raise the question that perhaps it would be wiser to provide that there shall be no increase in those States without the permission of the State corporation commission.

Mr. CULLOP. Mr. Chairman, a moment ago I rose to interrupt the gentleman from Oklahoma, who said that this amendment would not affect the people of his State. This amendment would affect the people of his State. There is no State in the Union that has been complaining as much of the oppression of the pipe lines of the Standard Oil Co. as the citizens of the State of Oklahoma. Pipe lines are common carriers and come under the provisions of this bill. Now let us see what the effect of this amendment would be. Take the great terminal lines at Chicago and St. Louis and other large cities.

Mr. GARNER. They do not go outside of Oklahoma.

Mr. CULLOP. They go to the Oklahoma State line and then are under the name of another corporation. Now, if this amendment is adopted it would exempt terminals in every big city in this country. There is not a more oppressive railroad institution in the land than the terminals at Chicago and St. Louis. That is what this amendment, if adopted, would do, and that is the injury and oppression that would be kept upon the people of this country if the amendment of the gentleman from Texas should be adopted here. In other words, for the purpose of upholding his Texas law, which would not be impaired in fact by the passage of this measure, by the adoption of this amendment he is willing to oppress and asks that the millions of people throughout the other States of this Union shall be oppressed by the adoption of his amendment. It will not destroy the power of the railroad commission of the State of Texas.

There is nothing that can be done under the operations of this bill unless the railroad commissions of the different States or the public-utilities commissions, the commissions that have jurisdiction, are notified and have the right to appear and be heard on the subject to be investigated. But if this amendment is adopted, you will add a burden to every shipper in the United States whose product is shipped through from one State to another. It would relieve terminals like St. Louis, which is the commercial emporium through which most of the products of Texas either go or come, from the provisions of this law; and when you adopt this amendment, instead of relieving the people of Texas you will place a burden upon them by subjecting them to the exorbitant charges of terminal lines in our large cities, over which the major portion of the freight of the country must necessarily pass. I concede Texas has a good railroad law, much better than most of the States.

Mr. BARKLEY. Will the gentleman yield?

Mr. CULLOP. I will.

Mr. BARKLEY. Would it not be better to adopt an amendment exempting the whole State of Texas from the operations of this law than to adopt this amendment which is now under consideration?

Mr. CULLOP. Certainly it would. Whenever we adopt this amendment we bring about a dangerous condition and make it possible to be continued. Relief from present conditions the country demands. Two hundred miles is just about an average division of railroads. They can then incorporate to the State line and operate their divisions under separate corporations, and thereby escape entirely this law. A number of the largest and most populous States of the Union are not more than 200 miles wide. The State of Illinois is not 200 miles wide, and every railroad crossing that State could make a separate organization and incorporate under the State laws of Illinois and be relieved from the provisions of this act.

Mr. GARNER. Will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. GARNER. If they did organize under the Illinois statute and became wholly within the State, could not the commission of Illinois require the issuance of stocks and bonds? Has not the gentleman confidence enough in the people of Illinois to believe that they can prevent the issue of watered stocks and bonds?

Mr. CULLOP. Oh, State laws on this subject would not all be uniform, and then we would have a diversity of regulations which complicate rather than simplify conditions. We could have a different rate for the same product practically in every State in the Union, and then all control would be lost; the situation would be chaotic, and relief would be impossible under such a system. One of the troubles we have is to get a uniform classification. There is in the gentleman's State one classification, and there is a different one for the same product in New York.

Mr. GARNER. Will the gentleman yield?

Mr. CULLOP. Yes.

Mr. GARNER. This bill has nothing to do with the question of rates; it is a question of the issuance of stocks and bonds. Does the gentleman from Indiana believe that the Interstate Commerce Commission is better qualified to pass upon the issue of stocks and bonds of a railroad wholly within his State than the railroad commission of Indiana?

within the State, I doubt whether that part of the amendment would have very much effect.

Mr. SIMS rose.

The CHAIRMAN. The Chair will state that debate is exhausted on this amendment under the rule.

Mr. SIMS. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion would not be in order under the rule.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. RAYBURN] may discuss the amendment for five minutes.

Mr. BRYAN. Mr. Chairman, I ask unanimous consent that I may have five minutes.

Mr. GARNER. Mr. Chairman, we ought to have some kind of understanding at this time in reference to the discussion of amendments offered to this substitute. It would be in the interest of bad legislation, if the Chair will indulge me for a moment, to hold to the rule that five minutes' debate on each amendment offered to this substitute, which is being considered really as an original bill, is all that can be had, not giving the House an opportunity to get all of the information possible in respect to any amendment that is offered. I make this request, that all amendments to this substitute be discussed pro and con until the chairman of the committee may ask that debate be limited and cut off.

Mr. ADAMSON. Mr. Chairman, I ask that debate on this amendment end in 20 minutes, one half to be controlled by myself——

Mr. MANN. It is not usual for the Chair to invoke the rule unless it is made by a Member on the floor of the House.

Mr. GARNER. I want to call the attention of the Chair at this time to the very great importance of the various amendments that are likely to be offered to this bill, and if debate is confined to five minutes on a side it will not give the House the information to which it is entitled.

Mr. MANN. It will not be; the gentleman need not worry.

Mr. ADAMSON. I only want a few minutes to help the gentleman from Illinois answer the gentleman from Minnesota, and I think the gentleman from Texas will do it as well as I can.

Mr. SIMS. I want to discuss this amendment.

Mr. GARNER. It is seldom that I take up the time of the committee in discussing propositions, and I would like to be heard on this amendment.

Mr. ADAMSON. Then, I ask unanimous consent, the gentleman from Illinois and the gentleman from Minnesota having spoken, that debate be concluded in 20 minutes, I to consume 5 minutes, the gentleman from Texas 5 minutes, the gentleman from Tennessee 5 minutes, and the gentleman from Texas [Mr. GARNER] 5 minutes.

Mr. CRAMTON. I would like to ask the gentleman from Minnesota a question, if he is willing to answer it.

Mr. STEVENS of Minnesota. I have not the floor.

Mr. MANN. The gentleman from Michigan wants five minutes.

The CHAIRMAN. Will the gentleman from Georgia please repeat the request?

Mr. ADAMSON. Mr. Chairman, I withhold the request for the present. There seems to be a disposition to talk.

The CHAIRMAN. The gentleman from Tennessee asks to proceed for five minutes.

Mr. ADAMSON. But, Mr. Chairman, I first requested that the gentleman from Texas have five minutes.

The CHAIRMAN. The Chair did not hear the gentleman.

Mr. ADAMSON. That is the first request I made.

The CHAIRMAN. The Chair will state the request. Is there objection to the request of the gentleman from Georgia?

Mr. BRYAN. Mr. Chairman, reserving the right to object, the Chair suggested that further debate was out of order, and, of course, if that is not to be enforced, I have no objection to proceeding without any further request.

The CHAIRMAN. The Chair is aware that under the five-minute rule where amendments to strike out in the nature of a pro forma amendment are in order there is no difficulty as to extending the time; but the Chair has not felt called upon to recognize gentlemen——

Mr. ADAMSON. The history is this: The Chair has stated that, and I asked unanimous consent for five minutes for the gentleman from Texas.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. RAYBURN. Mr. Chairman, as indicated by my question a while ago to the Chair about the divisibility of this amendment I stated at that time I would be willing to support the first part of it; but since I have reread the amendment I do not believe that the first part of it accomplishes anything whatever, and I am absolutely against the second part of it. As stated by the gentleman from Illinois and by others here, this bill can not apply to any transaction or to the business of a carrier that is wholly within a State and not connected with or does not affect its ability to do an interstate business.

Mr. GOEKE. Does the gentleman think there is a road in the country that will come within that exception? Every railroad in the United States does some kind of interstate business.

Mr. RAYBURN. There could be an amendment offered, I think, to the bill applying to lines wholly within the State, but this amendment certainly does not apply to that instance. Now, as to the second part of this amendment, I think it is going far afield. Mr. Chairman, I have in mind the transcontinental division of the Texas & Pacific Railroad that has a Federal charter. That railroad is something like 200 miles long, running from Texarkana, Tex., to Fort Worth, Tex. That corporation has for years been defying the people of Texas and the shippers who live along that line for the simple reason that the Texas Railroad Commission could not touch it, because each time they would make an order upon it it would jump behind its Federal charter and say that the Texas Railroad Commission has no right to control. This is one of the roads we hope to reach by this legislation, Mr. Chairman, and under the provisions of the amendment of the gentleman from Minnesota it would absolutely let that railroad out. As I said before, it has a Federal charter, and we can not reach it, and if this law does not reach it it can not be reached at all.

I will tell you what is the fact, for the simple reason the railroad can not be reached by the Texas Railroad Commission, the roadbed is in such a bad condition that within 12 miles I have known seven wrecks to occur in four days, not because the trains were running fast, because they were cut down to 18 miles an hour, but because, in my judgment, the tracks were so soggy and the roadbed was in such condition that it absolutely could make no more time than that, and even with making that time they had seven wrecks in four days, and it might be interesting to note further that, according to the statistics, it is the best paying piece of railroad in the State of Texas.

Mr. BARTLETT. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. BARTLETT. The gentleman says this road has a Federal charter.

Mr. RAYBURN. Yes.

Mr. BARTLETT. What is to prevent the Congress which chartered this road to make any regulations or pass any statute it pleases without regard to whether it is engaged in interstate commerce or not, because if it is a Federal chartered road, then the authority that charters it can deal with it, whether it is interstate commerce or not.

Mr. RAYBURN. Nobody has contested for a moment that the road is in interstate commerce, but if it is 200 miles or less, under the Stevens amendment, it would be exempt from the operations of this law.

Mr. BARTLETT. I understood the Stevens amendment to apply in words, if not in spirit, to those railroads that were chartered by the State.

Mr. RAYBURN. It says nothing about that whatever. It says a railroad that had its lines wholly within the State or a railroad that had a mileage of 200 miles or less.

Mr. BARTLETT. Then if the amendment of the gentleman from Minnesota applies to State chartered railroads, the gentleman would not have any objection to it?

Mr. RAYBURN. I certainly would, and I am opposing that very amendment because I do not think it reaches anything, because I believe that railroads that amount to anything and that could be controlled by Congress under the act to regulate commerce can not be excluded by this bill; and the second part of this amendment, as I have just stated in connection with the Texas & Pacific Railroad of Texas and many other railroads of that character, I believe would render this amendment very detrimental to the bill.

Mr. GARRETT of Texas. Will my colleague yield?

Mr. RAYBURN. Yes; I will yield.

Mr. GARRETT of Texas. I understand from my colleague that if this amendment should be adopted, it would exempt the Texas-Pacific from being a Federal chartered railroad——

Mr. RAYBURN. It does not make any difference whether it is a Federal chartered railroad or State chartered railroad, because it applies to 200 miles or less.

Mr. GARRETT of Texas. I understand, then, if this amendment should be adopted the Texas-Pacific, not being under the regulation of the Texas Railroad Commission and being exempted by this law, would pass out from under the control of both commissions, Federal and State?

Mr. RAYBURN. It would pass out from under it as far as this bill is concerned.

The CHAIRMAN. The time of the gentleman from Texas [Mr. RAYBURN] has expired.

Mr. SIMS. Mr. Chairman, I am opposed to this amendment in toto. The Constitution settles this as to commerce wholly within a State, though performed by a railroad engaged in interstate commerce. Therefore we do not need it, so far as that is concerned. And the second provision, that it shall not apply to a railroad whose mileage does not exceed 200 miles, will practically destroy this bill.

Now, there are a number of terminal companies that own all the trackage which reaches a great terminal station and charge for its use that do not have 200 miles of track or anything like it, and why will not this amendment exempt every terminal company in the country from complying with this act? We ought not to exempt a railroad 10 miles long from the provisions of this bill. A railroad from the center of Manhattan Island to Jersey City can carry hundreds of millions of tons of freight each year, and under this amendment would not be subject to the provisions of this bill. This amendment, if adopted, will practically destroy this bill. Take a railroad running from Mobile, Ala., through a portion of Mississippi into New Orleans, La., connecting two great seaports less than 200 miles apart—it will not have to comply with the provisions of this section.

Mr. ADAMSON. Will the gentleman permit an interjection there?

Mr. SIMS. I will.

Mr. ADAMSON. Two of the most important railroads I know of in this country have a common management. One of them about 87 miles long, from Atlanta to West Point, all in Georgia, and the other 87 miles long, all in Alabama, together about 175 miles. The two combined make an important link between the Southern Railroad at Atlanta, Ga., and the Louisville & Nashville at Montgomery, Ala., and make one of the most important links in connection with interstate traffic in the United States. It would be entirely exempt under the amendment of the gentleman from Minnesota.

Mr. SIMS. And they do an immense interstate business.

Mr. ADAMSON. That is only one. There are many more cases which are similar.

Mr. SIMS. Which would be determined from the reports to be filed, and, consequently, the reports of the roads with which they are connected would not be complete, and the information furnished the Interstate Commerce Commission would not be the information that would enlighten the commission, but information that would obscure and confuse the commission. There is no need of the first part of this amendment, as we can neither add to or take away the powers of the States that are preserved under the Constitution, whether the limit is 200 miles, 100 miles, or 50 miles. So far as railroads doing an interstate business are concerned, they should not be exempt from the provisions of this bill.

Mr. STEVENS of Minnesota. Does not the gentleman understand that only this section as to reports would apply as to these railroads? They would make their reports just the same.

Mr. SIMS. The section as amended has reference to reports as I caught it.

Mr. STEVENS of Minnesota. Oh, no.

Mr. ADAMSON. It does require reports, the gentleman will admit, as to expenditure of money.

Mr. SIMS. I may have gotten mixed upon the different editions of the substitute bill.

Mr. BARKLEY. I would suggest to the gentleman, if these 200-mile railroads are to be exempt from the provisions of this bill there would be no use for them to report, because the reports would not be complete.

Mr. SIMS. And if this amendment is adopted, any number of such amendments can follow and so amend the bill as not to have any of its provisions apply to any railroad not over 200 miles in length, regardless of what the provisions may be.

Now, I think it is very important to vote down this amendment regardless of the application that it may have to this part of the bill. If an interstate road or one doing an intrastate business is not covered by the provisions of this bill, then I do not think the bill is worth passing.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. BRYAN. Mr. Chairman, it seems to me that the committee has taken a different position than what it seemed they were going to take when this amendment was offered, and I am glad of that. The only effect this amendment can have, no matter what are our views as to State rights and other rights concerned, would be to weaken this section. It only provides a loophole to help some get away from the restrictions we are putting on interstate commerce. I say "interstate commerce" advisedly. It does not make any difference whether it is a hundred-mile railroad or a ten-mile railroad; it is interstate commerce if it handles interstate traffic. That is all we are considering and all we have a right to consider in Congress; and whenever we weaken the power of the Interstate Commerce Commission to handle interstate commerce we weaken this bill; we weaken a movement that has been going on all over the country to strengthen the Interstate Commerce Commission and to tighten the people's hold on the railroads. The first amendment proposed by the able gentleman from Minnesota [Mr. STEVENS] had to do with reorganization. That suggestion is enough. If we leave loopholes in this bill and enable railroads to reorganize within State lines and then get out of the jurisdiction of the Interstate Commerce Commission we had better not pass this bill. If we incorporate an amendment of this kind in this bill, we would weaken the act as it now stands, and instead of progressing we would be going backward. Certainly we would not agree to do that. The State of Texas is a big State and has tremendous areas. We can not take their 200 miles or 300 miles or 400 miles as a measuring rod and say that a railroad which is that long or that short shall not be subject to the Interstate Commerce Commission.

Mr. GARNER. Would the gentleman object to an amendment saying it should not apply to railroads wholly within the State?

Mr. BRYAN. I certainly would. We do not want to take them out from under the jurisdiction of the Interstate Commerce Commission simply because they are in the State. Look at my State of Washington. We have five or six transcontinental railroads with terminals at Seattle, and all they would have to do would be to incorporate their properties in the State of Washington into a separate corporation, and all the interstate commerce that starts from one side of this continent and terminates on the other side of the continent, in the great Northwest, would be relieved from the regulation of the Interstate Commerce Commission the very moment it got into the boundaries of the State of Washington. Of course we do not want anything of that kind. Every time there has come up in this Congress a measure for strengthening the hands of the Federal Government against institutions of this kind some one on this side or on that side has proposed to the other side that the question of State rights is involved and that State rights are about to be invaded, in order to weaken the power of Congress by talking about the power of some State. We are dealing with the power of the people and with the rights of the people of this Nation, and we ought not for one moment to listen to a proposition to weaken a bill like this, or to enable the transportation companies of any State to avoid responsibility to the Interstate Commerce Commission. I would like to extend that responsibility so that every railroad, even where both its termini are in one State and where it can not handle interstate commerce, would be subject to the provisions of the Federal law; but under our Constitution we can not do that. But we can make every railroad that deals with interstate commerce subject to the provisions of the law. I say let us not accept any amendment that would limit that proposition.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. GARNER. Mr. Chairman, I ask unanimous consent to offer to the committee a substitute for the amendment offered by the gentleman from Minnesota [Mr. STEVENS].

Mr. ADAMSON. I would like to hear the substitute read.

Mr. GARNER. I ask unanimous consent to offer a substitute for the substitute offered by the gentleman from Minnesota.

Mr. ADAMSON. I am willing to hear it read; then I will decide whether I shall object or not. I reserve the right to object to its being offered or considered.

The CHAIRMAN. The Clerk will report the substitute proposed by the gentleman from Texas.

The Clerk read as follows:

Page 15, line 19, after the word "of," insert the following: "The provisions of this section shall not apply to carriers whose total mileage is wholly within one State."

The CHAIRMAN. The gentleman from Texas asks unanimous consent——

Mr. ADAMSON. I object, Mr. Chairman.

[Mr. GARNER addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I am glad to hear the gentleman from Texas give such a good report from that State. I hope when the bill goes into effect it will not be necessary for

Mr. ADAMSON. This bill was corrected and reprinted last night, and there is a stack of that print on the desk of the Doorkeeper, at the left of the Speaker's chair, and I have time and again requested the pages to furnish all gentlemen with them.

Mr. MANN. And the gentleman has had circulated over here on this side this morning a print of the bill dated June 3.

Mr. ADAMSON. No; that is not my fault.

Mr. MANN. It is not our fault.

Mr. ADAMSON. I am sorry that the gentleman from Illinois has been furnished with literature that is obsolete. I hope the gentleman will be furnished with the print of June 4, and that all gentlemen wil receive that print.

Mr. MANN. Is the print of June 4 the latest edition?

Mr. ADAMSON. Yes. There is an abundant supply of them, and I hope it will remain the latest edition.

Mr. BUTLER. Will the gentleman answer a question?

Mr. ADAMSON. If I can.

Mr. BUTLER. I am sure the gentleman can. Is there any report accompanying this last edition?

Mr. ADAMSON. The gentleman may adapt to it the last report made, coupled with——

Mr. BUTLER. That is dated May 16.

Mr. ADAMSON. That report covers the last print.

Mr. BUTLER. Under date of May 16?

Mr. ADAMSON. Yes; coupled with the statement I just made, if the gentleman will use his ears. I understood him to say that he could not hear on account of the disorder, and I hope we will have better order.

Mr. BRYAN. I should like to ask the gentleman if this print, which is headed "Confidential committee print," is the one that we are considering?

Mr. ADAMSON. If it is dated June 4, it is.

Mr. BRYAN. It is a confidential proposition, is it?

Mr. ADAMSON. It is dated June 4, and it is now released from its confidential character. The gentleman can publish it now.

Mr. STEVENS of Minnesota. Mr. Chairman, the amendment which I offer enlarges the scope of the authority for which the securities may be issued. It seems to me there is some doubt whether the paragraph on page 11, lines 7 to 21, allows securities to be issued for the purpose of corporate organization and reorganization. This morning I examined the statutes of the various States as far as I could within the limited time, and I find that about half of them contain these words and about half of them do not in granting authority to their commissions to regulate the issuance of securities.

This amendment that I propose was taken from the law of Wisconsin, which is as well drafted as any one of the State laws, and it clearly authorizes the issuance of securities for organization and reorganization.

The reason I suggest it is this: There will be many legal contests over our constitutional powers and statutory powers. I think these legal contests ought to be limited as far as possible, and the question might be raised as to whether or not the language in this paragraph did grant this authority. To make it clear and to eliminate the possibility of this kind of a lawsuit, I offer this amendment.

Mr. ADAMSON. Mr. Chairman, we do not regard that amendment as at all necessary. We think the bill confers ample power, and I am ready for a vote.

SEVERAL MEMBERS. Let the amendment be reported again.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 11 of the substitute of June 4, line 17, after the word "purpose," insert the words "for corporate organization or reorganization or."

Mr. GARRETT of Texas. Let the Clerk read it as it would be if amended.

The CLERK. So that the paragraph as amended will read:

(a) Unless it be for some purpose for corporate organization or reorganization or within its corporate powers and in the public interest, necessary or appropriate to the proper performance of its service for the public, and not tending to impair the financial ability of the carrier to discharge its duty to the public.

Mr. PAYNE. Do I understand that the chairman of the committee accepts this amendment?

Mr. ADAMSON. No; I do not. We went over this language very carefully, studied it thoroughly, conferred with the commissioners and their attorney about it, and we have no doubt that sufficient authority is conferred to cover all proper cases. I ask for a vote.

Mr. PAYNE. I did not know but the gentleman might be persuaded to accept an amendment striking out the enacting clause of the bill.

Mr. ADAMSON. I would not be at all surprised if the gentleman should propose that.

The CHAIRMAN. The question is on the amendment of the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. STEVENS of Minnesota) there were—ayes 46, noes 67.

Accordingly the amendment was rejected.

Mr. STEVENS of Minnesota. Another amendment, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 15, line 19 of the substitute, after the word "thereof," insert the following:

"The provisions of this section shall not apply to carriers whose property or business may be wholly within one State or whose total mileage as reported to the Interstate Commerce Commission may be less than 200 miles."

Mr. STEVENS of Minnesota. Mr. Chairman, the purpose of this amendment is to take out from the provisions of this regulatory section the small carriers.

Those of you who have kept track of what are described as the Tap Line cases, recently decided by the Supreme Court, will recall that the Supreme Court held a few weeks ago that these small lumber railroads, especially in the Southwest, were common carriers within the provisions of this act. There are quite a number of them which have been before the commission, I think, for several years. Some were built by lumber companies, some by mining companies. They are intended to be used as common carriers for the benefit of the people adjacent to these places, and they are so used.

Mr. GOEKE. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. GOEKE. Would the effect of this amendment be to take out of the operation of this law electric urban street railroads that operate on lines less than 200 miles in length?

Mr. STEVENS of Minnesota. Yes; every carrier within the scope of the interstate-commerce act would be taken out of it if less than 200 miles in length.

Mr. GOEKE. Would it not be better to take them out of the operation of the law and leave it to the States?

Mr. STEVENS of Minnesota. Yes; I intended to say that the scope of the interstate-commerce act covers electric lines, telephones, express, and cable companies.

Mr. GREEN of Iowa. If the gentleman will yield, I think he inadvertently made a misstatement. The gentleman said that the scope of the interstate-commerce act applied to street railways.

Mr. STEVENS of Minnesota. I thought it did not, but I took the suggestion of the gentleman from Wisconsin. It occurred to me that there was an exclusion in the act.

Mr. MANN. Not in the act, but by the decision of the courts.

Mr. GREEN of Iowa. By a decision of the Supreme Court.

Mr. STEVENS of Minnesota. Yes; I recall, the gentleman is correct. However, the purpose I had in mind was to except these small companies that are within the scope of the interstate-commerce act. They are financed by small concerns, and it would be an expensive and unnecessary burden for them to come here to Washington and present their securities for approval to the commission. It would prevent their formation; it would prevent their operations; it would prevent their development; it would prevent the development of considerable sections of the newer portion of the country. Unless such a provision be adopted, you will much retard and injure the newer sections of the South and West. The testimony before the committee was that some such elimination should be made in the interest of development of the newer sections of the country.

Section 20, which we have had read, provides for all of them reporting to the commission to the fullest extent within its provisions. They are obliged to report to the other officials and examiners investigating all their affairs, so that there is the utmost publicity as to what they may have to do. The reasons which rendered necessary the passage of an act like this in the interest of investors for furnishing general facilities of transportation to the people do not apply to these small concerns. The Interstate Commerce Commission can investigate them at any or all times and see that the proper things are done, but I do not believe it is best for the commission to be loaded with this sort of small business, or for the small business to be loaded with the burdens provided by this section.

Mr. ADAMSON. Mr. Chairman, I could not hear distinctly the reading of the gentleman's amendment—if the 200 miles limit it to one State, or may it run into different States?

Mr. STEVENS of Minnesota. First, within the State which may be subject to the jurisdiction of the Interstate Commerce

Commission under the Minnesota rate case, and, secondly, 200 miles, wherever it may extend.

Mr. ADAMSON. If it is under 200 miles long, it would be exempt even if it ran into different States?

Mr. STEVENS of Minnesota. Yes.

Mr. SIMS. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. SIMS. The gentleman's amendment applies to ordinary steam railroads, does it not?

Mr. STEVENS of Minnesota. It would apply to all sorts of common carriers.

Mr. SIMS. Take the State of Tennessee, which is about 110 miles wide. A railroad running from Decatur, Ala., through the whole State of Tennessee to some place in Kentucky, and doing a very large interstate business, would be exempt from the operation of this law if determined by the length of the road rather than by the service rendered?

Mr. STEVENS of Minnesota. Does the gentleman desire to ask a question?

Mr. SIMS. Take the State of Connecticut, a railroad could run through that State and into New York and New Jersey and yet be exempt.

Mr. STEVENS of Minnesota. The gentleman can make those statements in his own time. The financing of a road 200 miles long is not a very important transaction. The securities practically do not get to the public. They are not dealt with on the exchange and there is no speculation in it. There are not evils existing in that kind of securities which there are in the great corporations. As a rule, most of such lines would be entirely within the State and subject to State regulation. There is no particular reason why 200 miles should be the limit, but it is for the purpose of exempting the small lines that I offer this amendment.

Mr. GARNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. GARNER. What the Texas Members are agitated about is that the proposition limits it to 200 miles. Now, where a railroad is wholly within a State, the mileage entirely within the State, does the gentleman see any reason why the State authorities should not control?

Mr. STEVENS of Minnesota. I think that ought to be done.

Mr. GARNER. The amendment does not go to that extent. The amendment says that a railroad 200 miles or less in length; so that a road over 200 miles in length, although it is entirely within a State——

Mr. STEVENS of Minnesota. No; the amendment is drafted with two conditions—wholly within the State or less than 200 miles in length.

Mr. GARNER. I would like to have the amendment reported, Mr. Chairman, because I have looked at it, and it is limited to 200 miles.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 15, line 19, after the word "thereof," insert the following: "The provisions of this section shall not apply to carriers whose property or business may be wholly within one State or whose total mileage as reported to the Interstate Commerce Commission may be less than 200 miles."

Mr. GARNER. Mr. Chairman, I apologize to the gentleman from Minnesota; he is correct.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, I yield to my colleague from Texas [Mr. RAYBURN].

Mr. RAYBURN. I want to make a parliamentary inquiry. I want to know if this amendment is divisible. As far as I am individually concerned, I would like to vote for the first part of the amendment; but as to the latter part of it, I do not want to vote for it.

The CHAIRMAN. The present impression of the Chair is that the amendment is not divisible.

Mr. HARRISON. Mr. Chairman, will the gentleman from Minnesota yield?

Mr. STEVENS of Minnesota. I yield to the gentleman.

Mr. HARRISON. I understand from the amendment that the gentleman says these roads doing business wholly within the State are exempt from the operations of the act?

Mr. STEVENS of Minnesota. That is what I intended.

Mr. HARRISON. I would like the gentleman's opinion on whether or not he believes the provisions of this bill will apply to railroads operating wholly within a State and not engaged in interstate commerce?

Mr. STEVENS of Minnesota. Oh, no; the railroads must engage in interstate commerce, of course, to come within the scope of the commission; but there are very few railroads entirely within the State but that come within the scope of the interstate commerce act, under the decisions of the Supreme Court.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. BARKLEY. The provisions of this bill, as has been suggested by the gentleman from Mississippi, exclude all railroads except those that come within the purview of the act to regulate commerce. Is not that true?

Mr. STEVENS of Minnesota. Yes.

Mr. BARKLEY. And that means that only railroads that are interstate railroads or doing an interstate business are regulated by the act to regulate commerce, and, therefore, is not the gentleman's amendment unnecessary?

Mr. STEVENS of Minnesota. Mr. Chairman, the gentleman has just made a statement which shows the necessity for it. He spoke of railroads doing an interstate business. The Supreme Court held this doctrine in a Colorado case. There was a narrow-gage road entirely within the State of Colorado, not having any possible physical connection with roads outside, and yet the Supreme Court held that such road was doing an interstate business and came within the scope of the safety-appliance act and, I think, other acts of that kind. Under the construction of that case as applied to this statute, that road would be obliged to submit its securities to the Interstate Commerce Commission and be taken out of the power of the authorities of the State of Colorado.

Mr. BARKLEY. With reference to the latter part of the amendment, limiting it to railroads 200 miles in length, notwithstanding they may cross State lines, would not that bring about this situation: That a railroad company which ran from one State into another, although it had only 200 miles of road or less, might make such connections and traffic arrangements and leases and contracts with other railroads that had more mileage than that, so as to form a complete system of many hundreds of miles, and by this provision absolutely escape the provisions of this law?

Mr. STEVENS of Minnesota. Oh, no; that would come under other arrangements and rules prescribed in the act to regulate commerce. All of the traffic arrangements would come within the general scope of the act to regulate commerce.

Mr. GARRETT of Texas. Mr. Chairman, is it not well recognized that there are practically no roads in the country that do not do an interstate business?

Mr. STEVENS of Minnesota. I think the gentleman is right.

The CHAIRMAN. The time of the gentleman from Minnesota has again expired. The gentleman from Texas [Mr. RAYBURN] made a parliamentary inquiry with reference to the divisibility of the pending amendment. On further examination the Chair is inclined to modify the former opinion and to answer that the amendment, in the judgment of the Chair, would be divisible.

Mr. MANN. Mr. Chairman, in the first place, no road or other carrier whose business is wholly confined to intrastate business is affected by this bill or by the Interstate Commerce Commission at all. The language of the amendment of the gentleman from Minnesota [Mr. STEVENS] undertakes to exempt carriers whose property and business is wholly confined to a State. I confess I do not quite understand what that means, and I would like the gentleman from Minnesota to state whether carrier business wholly confined within the State may be interstate business.

Mr. STEVENS of Minnesota. Yes; it may be under the decision in the Minnesota rate case; if it is a burden on interstate commerce or affects it directly, it may be.

Mr. MANN. If a lumber tap line takes lumber from a point in Louisiana and carries it on the tap line which is wholly within the State of Louisiana for shipment to Chicago, is that business, as far as the tap line is concerned, wholly within the State of Louisiana and exempt under the provisions of the amendment, or is it business which is interstate? I do not know what the gentleman intended by his amendment, but it seems to me that that business is interstate, and that if you want to exempt at all you must exempt either upon the basis of the amount of business per mile or the total business which is done by the railroad company or according to the mileage of the company. I do not believe there is a railroad in the United States of any importance, and I doubt whether there is any of no importance, whose business is wholly confined to intrastate business. They all connect in some way with other lines, and they all carry freight and passengers from in and out of the State, and unless the gentleman should define the word "business" as the business of the carrier and separate it from interstate business and say that, although it carried an interstate shipment, its own business was wholly

of $100 for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority to prescribe rules, and to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this law, or by any other law, to inquire or to keep itself informed or which it is required to enforce, *including the matter of making public, by appropriate means, any information regarding the issuance by said carriers of stocks, bonds, or other evidences of interest or indebtedness. In such periodical or special reports the commission may require of the carrier, in addition to its income account, a balanced statement of its receipts and expenditures on capital account, and of the surplus of the income account accruing during the period covered by such statement, as well as of all other financial transactions that have taken place during such period, with whom had, whether in cash, in securities, or in other valuable consideration. The commission may also require the carrier to compile for the information of its stockholders such facts in regard to the financial transactions of the carrier for its fiscal year and in such form as the commission may direct.*

[and] "Such periodical or special reports *to the commission, and reports of the carriers to stockholders*, shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report, *or report to its stockholders*, within the time fixed by the commission, it shall be subject to the forfeitures last above provided.

"Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

"The oath required by this section may be taken before any person authorized to administer an oath by the laws of the [State] *place* in which the same is taken.

"*The commission shall have the power to investigate all financial transactions of said carriers and to examine into the actual cost and value of property acquired by, or services rendered to, said carriers. The carrier may be required by order of the commission to disclose every interest, direct or indirect, of the directors, stockholders, officers, agents, attorneys, employees, receivers, or operating trustees of such carrier in any transaction under investigation. In addition to the certificates and reports herein mentioned, the commission may require the carrier to furnish any further statements of fact or evidence that it may deem necessary or appropriate relating to business transactions of, for, or with said carrier.*

"The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, and it shall be unlawful for [such] *said* carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission.

"In case of failure or refusal on the part of any [such] *said* carrier [receiver, or trustee] to keep such accounts, records, and memoranda [on the books and] in the manner prescribed by the commission, [or to submit such accounts, records, and memoranda as are kept to the inspection of the commission, or any of its authorized agents or examiners, such] *said* carrier [receiver, or trustee] shall forfeit to the United States the sum of $500 for each such offense and for every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.

"The commission shall at all times have access to all accounts, records, [and] memoranda, *correspondence, documents, papers, and other writings, regardless of the office thereof,* [kept by carriers subject to this act,] *relating to financial transactions of, for, or with said carriers, and kept or preserved by or for, or in the custody or under the control of—*

"(*a*) *Any carrier subject to this act;*

"(*b*) *Any director, stockholder, officer, agent, attorney, employee, receiver, or operating trustee of said carrier;*

"(*c*) *Any other person, persons, corporation, joint-stock company, or corporate combination having, or having had, any financial transactions with or for said carrier.*

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Would it be in order to move to strike out the last word now for the purpose of discussion under the five-minute rule, or must we wait until the reading is completed?

The CHAIRMAN. It would not be in order. The substitute would have to be read and considered as one amendment.

Mr. MOORE. This is the close of the paragraph; but we must not discuss it until the close of the reading of the section?

The CHAIRMAN. That is the Chair's understanding of the parliamentary situation. The Clerk will read.

The Clerk resumed the reading of the substitute, as follows:

[and it] *The commission* may employ special agents or examiners, who shall have authority under the order of the commission to inspect [and] examine *and take copies of* any and all accounts, records, [and] memoranda, *correspondence, documents, papers* [kept by such carriers. This provision shall apply to receivers of carriers and operating trustees], *and other writings to which the commission has the right of access as above provided. Failure or refusal to afford such access shall constitute an offense for which the offender shall forfeit to the United States the sum of $500 for each such offense, and for each and every day of the continuance of the offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act.*

"Any person or *persons, natural or artificial,* who shall willfully make, *or cause to be made,* any false entry in [the] *any* accounts, [of any book of accounts, or in any record] *records,* or memoranda kept by a carrier *subject to this act,* or who shall willfully neglect or fail to make, *or cause to be made,* full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep *or cause to be kept* any other accounts, records, or memoranda *of said business* than those prescribed or approved by the commission, *or who shall willfully file, or cause to be filed, any application, certificate, or other paper required under this act containing false or erroneous statements of fact,* or who shall willfully destroy, mutilate, alter, or by any other means or device falsify *any* [the record of any such account, record, or] accounts, *records,* memoranda, *correspondence, documents, papers, or other writings to which the commission has the right of access as above provided,* shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than [$1,000] $5,000 or, *if a natural person,* to imprisonment for a term of not less than one year nor more than three years, or to both such fine and imprisonment, *in the discretion of the court. In construing and enforcing the provisions of this section, the act of any director, stockholder, officer, agent, attorney, employee, receiver, operating trustee, or other person acting for or employed by any carrier, corporation, joint-stock company, or other corporate combination, acting within the scope of his employment, shall be deemed the act of the carrier, corporation, joint-stock company, or other corporate combination, as well as that of the person so acting.* [: *Provided,* That the] *The* commission may, in its discretion, issue orders [specifying such] *designating* the operating, accounting, or financial papers, records, books, blanks, tickets, stubs, [or] documents, [of carriers] *or other papers or writings in which the commission has the right of access as aforesaid,* which may, after a reasonable time, be destroyed, and prescribing the length of time [such books, papers, or documents] *that all or any of the same* shall be preserved.

"Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission, or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or to imprisonment for a term of not exceeding two years, or to both *such fine and imprisonment, in the discretion of the court.*

"[That the] *The* [circuit and] district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with, or a violation of, any of the provisions of said act or to enjoin the carrier from the commission of any act supplementary thereto or amendatory thereof, by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said acts, or any of them.

"And to carry out and give effect to the provisions of [said acts, or any of them] *the act to regulate commerce or any amendment thereof* the commission is hereby authorized to employ special agents or examiners, who shall have power to administer oaths, examine witnesses, and receive evidence.

"[That any] *Any* common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided,* That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

"[That the] *The* common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof."

Sec. 2. That the act to regulate commerce as amended be further amended by inserting therein a new section, to be designated section 20a, to be placed after section 20 and before section 21, to read as follows:

"*Sec. 20a. That from and after the passage hereof it shall be unlawful for any common carrier subject to the act to regulate commerce, as amended, to issue any capital stock or certificate of stock or any bond or other evidence of interest in or indebtedness of the carrier (hereinafter collectively termed "securities"), or to assume any obligation or liability as lessor or lessee of another carrier, or as lessee, guarantor, surety, or otherwise in respect of the securities of any other person, natural or artificial, if connected with or relating to that part of the business of such carrier governed by the act to regulate commerce as amended, even though permitted by the authority creating the carrier corporation—*

"*(a) unless it be for some purpose within its corporate powers and in the public interest, necessary or appropriate to the proper performance of its service for the public, and not tending to impair the financial ability of the carrier to discharge its duty to the public; and*

"*(b) unless and until, and then only to the extent that, upon application by the carrier, and after investigation by the commission of the purposes and uses of the issue and the proceeds thereof, such issue is approved by order of the commission as reasonably necessary or appropriate for the purposes stated.*

"*Each such application shall be made in such form as the commission may from time to time determine and prescribe, and shall set forth such matters as the commission may require, including:*

"*First.* (*a*) *The total amount of proposed issue, and how authorized by or on behalf of the carrier;*

"(*b*) *The number and amount of all of its securities outstanding at any time prior to the date of such application, the amount thereof retired prior to said date, the amount thereof then undisposed of, and whether such amount is held in the treasury of the corporation as a free asset or pledged, and, if pledged, the terms and conditions of such pledge;*

"(*c*) *The number and amount of securities then to be issued, and whether to be sold, pledged, or held in the treasury of the corporation as a free asset, or otherwise disposed of or applied, as the case may be, specifying number and amount in each case; if any such securities are to be sold, the terms and conditions of sale; if any part of the consideration to be received therefor is other than money, an accurate and detailed description of such consideration; if any such securities are to be pledged, the terms and conditions of* [such] *pledge; or if other disposition or application is to be made, a full and detailed explanation thereof;*

"(*d*) *The number and amount of its securities so authorized, but not then to be issued;*

"(*e*) *If the issue is of shares of stock, the number thereof, the face or par value thereof, if any, specifying whether common or preferred, and the number and kinds of then outstanding shares previously issued.*

"*Second. The preferences or privileges granted to the holders of any such securities; the dates of maturity, rates of interest, or fixed dividend, whether cumulative or not, and any conversion rights granted to the holders thereof, one the price, if any, at which any such securities may be retired or redeemed.*

"*Third. The purposes to which the proceeds of the issue are to be devoted, in such detail as the commission may require.*

"*Fourth. In case of proposed assumption of any obligation or liability in respect of the securities of any other person, natural or artificial, like showing shall be made as to the financial condition of said other person, as also of the objects sought and benefits to be realized by the carrier from such assumption, to be accompanied by copies of any agreements or contracts therefor.*

"*Every application for authority, as also every certificate of notification hereinafter provided for, shall be made out under oath, signed, and filed on behalf of the carrier by its president, a vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein set forth and duly designated for that purpose by the carrier.*

"*Whenever any securities set forth and described in any application for authority or certificate of notification as pledged or held as a free asset in the treasury of the carrier shall, subsequent to the filing of such application or certificate, be sold, pledged, repledged, or otherwise disposed of by the carrier, such carrier shall, within 10 days after such sale, pledge, repledge, or other disposition, file a certificate of notification to that effect, setting forth therein all such facts as are required by subdivision (e) of the foregoing first paragraph, or as may be required by the commission.*

"*Upon application to the commission for approval of proposed issues of securities the commission shall cause notice to be given to the railroad commission or public service or utilities commission, or other appropriate authority, of each State in which the applicant carrier operates. The railroad commission, public service or utilities commission, or other appropriate State authority thus notified shall have the right to present before the commission such representations as they may deem fit and proper and such commission shall give the right and interests of their people and the State, respectively, as involved in such proceeding. The commission may hold hearings, if it sees fit, to enable it to determine its decision upon the application for authority.*

"*Nothing herein shall be construed to imply any guaranty or obligation as to such issues on the part of the United States.*

"*The foregoing provisions of this section 20a shall not apply to notes to be issued by any said carrier payable at a period of two years or less after the date thereof and aggregating not more than 5 per cent at any time of the securities of said carrier then outstanding. Within 10 days after the date of such notes the carrier issuing the same shall file with the commission a certificate of notification, in such form as may from time to time be determined and prescribed by the commission, setting forth as nearly as may be the same matters as those required in respect of applications for authority to issue other securities.*

"*The commission shall require periodical or special reports from all carriers hereafter issuing any securities, including such notes, which shall show, in such detail as the commission may require, the disposition made of said securities and the application of the proceeds thereof.*

"*All issues of securities contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, or of any director, officer, or stockholder of the carrier proposing to make the issue; and any director, officer, attorney, or agent of such corporation who assents to or concurs in any issue of securities forbidden by this section 20a shall upon conviction be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment, in the discretion of the court.*

"*From and after two years from the passage hereof it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to the act to regulate commerce, as amended, unless such holding shall have been authorized by order of the commission, upon due showing, in such manner and form as may be by the commission, that neither public nor private interest will be adversely affected thereby. From and after the passage hereof it shall be unlawful for any officer or director of any such carrier to receive for his own benefit, directly or indirectly, any money or thing of value in respect of the negotiation, hypothecation, or sale of any securities issued or to be issued by said carrier, or to share in any of the proceeds thereof, or to participate in the making or paying of any such securities by an operating carrier from any funds properly included in capital account, or otherwise than from the revenues of said carrier. Any violation of these provisions shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine not exceeding $10,000, or imprisonment for a term not exceeding three years, or by both such fine and imprisonment, in the direction of the court.*"

Mr. ADAMSON. Mr. Chairman, the proposition of the committee is to strike out all the original bill after the enacting clause and substitute the new matter beginning with section 1, in line 3, as read by the Clerk. The committee has no disposition at all to press the original bill, but prefers the substitute. Therefore we hope that gentlemen offering amendments will offer them to the substitute, and it will not be necessary to go through the routine under the rule of trying to perfect the original, because we do not desire to stand for that, but desire to perfect the substitute.

Mr. GARNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARNER. If we could get unanimous consent to consider the substitute as an original bill for the purpose of offering amendments, it would give greater latitude in perfecting the substitute in this, that an amendment could be offered as if it were an original bill, and then an amendment to that amendment, and also a substitute for the amendment, whereas if you consider this substitute as one amendment you can offer only one amendment to it, and there is no opportunity to perfect the proposed amendment to the substitute. I hope the gentleman from Minnesota [Mr. STEVENS] and the gentleman from Illinois [Mr. MANN] will agree by unanimous consent that we may consider this substitute as an original proposition for the purpose of offering amendments.

Mr. MANN. Well, there will be plenty of opportunity to amend unless the gentleman from Georgia [Mr. ADAMSON], supported by a majority of the House, moves to close debate upon the amendment to the section, which he could do at any time, but which I think he will not do as long as any actual matter is pending before the committee. But if it is opened, as the gentleman suggests, there will be practically no way to limit debate at all except by limiting debate on each amendment as it is offered. It seems to me that it is to the interest of the House at present to proceed according to the rules. If it develops differently, that is all right. I think no one wants to prevent reasonable debate or consideration.

Mr. ADAMSON. Mr. Chairman, if the gentleman has finished, I will go on with the statement I started to make. The substitute is substantially little more than a division of the original bill into two sections, the entirely new part of the bill beginning on page 11—in the original bill at the bottom and in the substitute at the top of page 11—the new part of the bill, providing for the regulation of stocks and bonds, which a great many members of the committee insist ought to be in a separate section, being made section 2. The committee yielded to that insistence, and therefore drafted a substitute, placing in a second section the new part, and leaving the old part of section 20, with its verbal amendments, in section 1. There are a few linguistic changes, though none that radically affect the bill; but, such as there are, they can be dealt with in amendments to the substitute, and I am perfectly willing to enter into any sort of agreement for amendments to be offered to the substitute and for fixing a time for debate on the substitute, and not waste time to perfect the original bill, because we do not want to consider the original bill, but wish to consider the substitute and perfect it in Committee of the Whole if the committee is willing to adopt it in Committee of the Whole.

Mr. STEVENS of Minnesota. Mr. Chairman, for the purpose of expediting the matter, I think we should consider the substitute, and not allow the suggestion of the gentleman from Texas [Mr. GARNER] to prevail. It would save time in the committee to offer each amendment by itself; and I therefore request that the substitute may now be considered as open to amendment as a substitute. I offer an amendment, Mr. Chairman.

Mr. ADAMSON. Then I suggest to the gentleman from Minnesota that we agree that amendments may be offered and that we agree upon a limit of debate, and, when that limit has expired, to vote on all the amendments and on the substitute.

Mr. STEVENS of Minnesota. I do not think we can agree on that at this time.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. Under the present status, then, an amendment to the amendment will be entirely out of order. In other words, all of these amendments will be construed as an amendment to an amendment, and therefore we can not perfect any amendment that is offered here on the floor by an amendment in a subsequent degree.

The CHAIRMAN. An amendment to the amendment proposed to a substitute would be an amendment in the third degree.

Mr. BRYAN. The Clerk will report the amendment offered by the gentleman from Minnesota [Mr. STEVENS].

The Clerk read as follows:

Page 11, line 17, after the word "purpose," insert "for corporate organization or reorganization or."

Mr. STEVENS of Minnesota. Mr. Chairman, there is a request among Members around me here that the amendment may be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection.

The amendment was again read.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Perhaps the Chairman can not answer this parliamentary inquiry; but I would like to know if it were possible to obtain the "5.30 edition" of this bill. I have the "noon edition," but that is a little behind the times. [Laughter.]

Mr. ADAMSON. Mr. Chairman, this bill in serial form——

Mr. MANN. I received the noon edition a little after 11 o'clock. I understand there is a 5.30 edition.

Mr. ADAMSON. The serial form of this bill has not yet reached the class and grade of the political papers on which the gentleman relies for his information.

Mr. MANN. We have what the gentleman sent to me this morning as the proposed substitute, and that is not the one that is now before us. I ask if it is possible to obtain copies of the one that has been offered.

and rearranges some of the matter, in every respect making it much more satisfactory to the committee. And we can save time if we would read the substitute for amendment and discussion in lieu of the original bill.

Mr. MANN. That will come later when the gentleman offers a substitute in the regular order.

Mr. ADAMSON. The difficulty is that I thought it would come so much later that we could save time by reading the substitute now.

Mr. MANN. I think it would save time in this way.

The CHAIRMAN. Objection is heard to the request of the gentleman from Georgia [Mr. ADAMSON]. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That section 20 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended, be amended so as to hereafter read as follows.

Mr. ADAMSON. Mr. Chairman, would it be in order at the end of the reading down to the end of line 6 to offer a substitute to that section, with the understanding that we will move to strike out all the remainder of the bill?

The CHAIRMAN. The Chair will state to the gentleman that when the first section of the bill is read——

Mr. ADAMSON. There is but one section to the bill.

The CHAIRMAN. Just one section. The rule of the committee in considering bills other than revenue and appropriation bills is to read them by sections instead of by paragraphs.

Mr. ADAMSON. Could I get unanimous consent here to offer a substitute?

Mr. MANN. Mr. Chairman, I think the original bill reported to the House ought to be read to the House.

Mr. ADAMSON. All right; go ahead.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill, as follows:

SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act; to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual report shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees, and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

Said detailed reports shall contain all the required statistics for the period of 12 months ending on the 30th day of June in each year, or on the 31st day of December in each year if the commission by order substitute that period for the year ending June 30, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within 30 days from the time it is lawfully required so to do, such party shall forfeit to the United States the sum of $100 for each and every day it shall continue to be in default with respect thereto. The commission shall also have authority by general or special orders to require said carriers, or any of them, to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matters about which the commission is authorized or required by this law, or any other law, to inquire or to keep itself informed or which it is required to enforce, including the matter of making public information regarding the issuance by said carriers of stocks, bonds, or other evidences of indebtedness. In such periodical or special reports the commission may require of the carrier, in addition to its income account, a balanced statement of its receipts and expenditures on capital account, and of the surplus of the income account accruing during the period covered by such statement, as well as of all other financial transactions that have taken place during such period, with whom had, whether in cash, in securities, or in other valuable consideration. The commission may also require the carrier to compile for the information of its shareholders such facts in regard to the financial transactions of the carrier for its fiscal year in such form as the commission may direct.

Every common carrier subject to the provisions of this act shall file with the commission on or prior to the date of issuance of any stocks, bonds, notes, or other evidences of indebtedness payable at periods of more than 12 months after the date thereof, and now or hereafter to be authorized, a certificate of notification in such form as the commission may from time to time determine and prescribe, which shall show:

First. (a) The total amount thereof authorized.

(b) The number and amount thereof outstanding prior to the date of such certificate; the amount thereof theretofore retired; the amount thereof then undisposed of, and whether such amount is held in the treasury of the corporation as a free asset or pledged, and if pledged, the terms and conditions of such pledge.

(c) The number and amount thereof then to be issued and whether to be sold, pledged, or held in the treasury of the corporation as a free asset; if such securities are to be sold, the terms of sale if a contract for such sale has been made, and if any part of the consideration to be received therefor is other than money, an accurate and detailed description thereof; if such securities are to be pledged, the terms and conditions of such pledge.

(d) The number and amount thereof remaining unissued.

(e) If the issue is of shares of stock, the certificate shall also show the par value thereof; or if the issue is of shares of stock that have no specified nominal or par value, the number of such shares, and the number of then outstanding shares previously issued.

2. The preferences of privileges granted to the holders of any such shares of stock; the dates of maturity, rates of interest of any such bonds, notes, or other evidences of indebtedness, and any conversion rights granted to the holders thereof, and the price, if any, at which such shares or bonds may be redeemed.

3. The purposes, in detail, to which the proceeds of the issue are to be devoted.

Whenever any securities set forth and described in any certificate of notification as pledged or held as a free asset in the treasury of the corporation shall, subsequent to the filing of such certificate, be sold or repledged or otherwise disposed of by the corporation, such corporation shall file a further certificate of notification to that effect, setting forth therein all such facts as are required by subdivision (c) of the foregoing first paragraph.

The provisions in regard to certificates of notification shall apply to notes or evidences of indebtedness running for periods of 12 months or less, and to the pledging or repledging of stocks, bonds, or other evidences of indebtedness to secure such notes or evidences of indebtedness running for periods of 12 months or less, except that such certificates may be filed within 10 days after the issue thereof instead of on or prior to the date of such issue.

The certificates of notification shall be signed and verified by the auditor, comptroller, or other acting fiscal head of the carrier.

Periodical or special reports to the commission, reports of the carriers to its stockholders, or certificates of notification shall be under oath whenever the commission so requires; and if any such carrier shall fail to make and file any such periodical or special report, or report to its stockholders, within the time fixed by the commission, it shall be subject to the forfeitures last above provided. If any such carrier shall refuse or fail to file certificates of notification as above provided, it shall be subject to a forfeiture of not less than $100 nor more than $5,000 for each such offense, and $100 for each day of the continuance of such offense; and the officer or officers of the carrier whose duty it is to cause the certificate to be filed shall, upon refusal or willful neglect to cause it to be filed, be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000, or imprisonment for a term of not less than one year nor more than three years, or both such fine and imprisonment.

Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this act.

The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken.

It shall be the duty of the commission to make public by appropriate means the information received as in its discretion it may deem proper; and the certificates of notification shall at all times be deemed public records and open to inspection.

The commission shall have the power to investigate all financial transactions of said carriers and to inquire into the good faith thereof, to examine the books, papers, and correspondence of carriers, construction or other companies, or of firms or individuals with which the carrier shall have had financial transactions, for the purpose of enabling it to verify any statements furnished, and to examine into the actual cost and value of property acquired by it or services rendered to such carrier. The carrier may be required by order of the commission to disclose every interest of the directors of such carrier in any transaction under investigation. In addition to the certificates and reports hereinbefore mentioned, the commission may require the carrier to furnish any further statements of fact or evidence that it may deem necessary or appropriate.

The commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this act, including the accounts, records, and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys. The commission shall at all times have access to all accounts, records, memoranda, correspondence, and other documents and papers regardless of the data thereof kept by carriers subject to this act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the commission, and the commission may employ special agents or examiners, who shall have authority under the order of the commission to inspect and examine any and all such accounts, records, memoranda, correspondence, documents, and papers, and also the books, papers, and correspondence of carriers, construction or other companies, or of firms or individuals with which a carrier shall have had financial transactions. This provision shall apply to receivers of carriers and operating trustees.

In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the commission, or to keep such correspondence and other documents and papers, or to submit such accounts, records, memoranda, and other documents and papers to the inspection of the commission, or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of $500 for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this act. Failure or refusal of carriers, construction or other companies, or firms or individuals with which a carrier shall have had financial transactions to submit their books, papers, and correspondence for examination shall subject them to the same forfeitures, to be recovered in the same manner.

Any person who shall willfully make any false entry in the accounts of any book of accounts, or in any record or memoranda kept by a carrier, or who shall willfully alter any certificate or other paper required under this act containing false or erroneous statements of fact, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, memoranda,

correspondence, or other documents or papers, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than $1,000 nor more than $5,000 or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the commission may, in its discretion, issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved.

Any examiner who divulges any fact or information which may come to his knowledge during the course of such examination, except in so far as he may be directed by the commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than $5,000 or imprisonment for a term not exceeding two years, or both.

That the district courts of the United States shall have jurisdiction, upon the application of the Attorney General of the United States at the request of the commission, alleging a failure to comply with, or a violation of any of the provisions of said act to regulate commerce, or of any act supplementary thereto or amendatory thereof, by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said act, or any of them.

That it shall be unlawful for any common carrier subject to the act to regulate commerce as amended to issue any capital stock or certificate of stock or any bond or other evidence of indebtedness or to assume a liability in the nature of a guaranty for the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, except for some purpose within its corporate powers necessary to the proper performance of its service for the public and not tending to impair the financial ability of the carrier to discharge its duty to the public. Extensions and improvements of its railroads and terminals used in connection therewith, increasing and renewing its equipment, refunding and retiring existing bonds, and similar and kindred purposes, shall be held to be necessary purposes in the meaning of this paragraph. It shall likewise be unlawful to issue any such stock or bonds for purposes hereinbefore mentioned or for any other purpose connected with or relating to that part of the business of such carrier governed by the act to regulate commerce as amended unless and until upon application and after investigation in the premises by the Interstate Commerce Commission of the purposes and uses of the issue and the proceeds thereof, such issue is approved by said commission as necessary and appropriate for the purpose stated: *Provided*, That nothing herein shall be construed to imply any guaranty or obligation as to such issue on the part of the United States: *Provided, however*, That the provisions of this section shall not apply to notes issued by such carrier maturing not more than two years after their date, when such notes do not at any time aggregate more than 5 per cent of the total amount of the stocks and bonds of such carrier which may have been issued and are then outstanding: *And provided further*, That upon application to the Interstate Commerce Commission for approval of proposed issues of stocks and bonds the said commission shall cause notice to be given, with copy of application and any other proceedings had, to the railroad commission or public-service or utilities commission, or wherever other appropriate authority may exist; and, if none, then to the governor and attorney general in each State through which any railroad or part of the system concerned passes or through which the carrier making the application operates any part of its lines. The railroad commission, public-service or utilities commission, governor, attorney general, or other appropriate State authority thus notified shall have the right to present before the Interstate Commerce Commission such representations as they deem just and proper for preserving and conserving the right and interests of their people and the States, respectively, as involved in such proceeding, and the right to be heard touching the same; the allegations thus presented to be fully considered and determined by the Interstate Commerce Commission, in each instance, as may be just and reasonable, along with the other matters and things involved in said proceeding or application pending before that body as aforesaid.

All issues of capital stock, certificates of stock, bonds, and other evidences of indebtedness, contrary to the provisions of this section, may be enjoined by any court of competent jurisdiction at the suit of the United States, or of any director, officer, or stockholder of the carrier proposing to make the issue; and any director, officer, or stockholder of such corporation who assents to, or concurs in, any issue of securities forbidden by this section shall be punished by a fine of not less than $1,000 nor more than $10,000, or by imprisonment for not less than one year nor more than three years, or by both such fine and imprisonment.

That after two years from the passage hereof, unless the previous approval of the Interstate Commerce Commission shall have been secured, it shall be unlawful for any person to hold the position of officer or director of more than one carrier subject to the act to regulate commerce, or for any officer of such carrier to issue any certificate of stock, or issue and deliver any bonds until the approval of the Interstate Commerce Commission shall have first been secured. It shall also be unlawful for any president, vice president, chairman of board of directors, or directory of any such carrier to appropriate, pay, or receive as salaries or dividends any money resulting from the sale of stocks or bonds. Any violation of this provision shall be a misdemeanor, and on conviction in any United States court having jurisdiction shall be punished by a fine or imprisonment, or both, in the discretion of the court.

And to carry out and give effect to the provisions of said acts, or any of them, the commission is hereby authorized to employ special agents or examiners, who shall have power to administer oaths, examine witnesses, and receive evidence. That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof.

Mr. ADAMSON. Mr. Chairman, I would like to make a suggestion to the gentleman from Minnesota [Mr. STEVENS] and see if we can not reach an agreement as to considering the substitute sent to the desk by the gentleman from Indiana [Mr. CULLOP] in lieu of the original bill. If amendments are to be offered and arguments addressed to them, I would like to get an agreement that they be offered to the substitute instead of the original bill. It is unnecessary, I think, to proceed to perfect the original, because our committee is practically unanimous on agreeing to the substitute in lieu of the original, and if we can agree to let further consideration be directed to the substitute instead of the original bill, I think it would be better.

Mr. STEVENS of Minnesota. The substitute is composed of more than one section, and the rules of the House should apply, as usual, to the substitute.

Mr. MANN. The substitute is offered as one amendment.

Mr. STEVENS of Minnesota. But I know it would be more convenient. However, Mr. Chairman, it is satisfactory to us.

Mr. ADAMSON. Then the proposition is that further consideration of the matter be addressed to the substitute offered by the gentleman from Indiana [Mr. CULLOP].

Mr. MURDOCK. Does the gentleman mean by that that no amendment will be in order?

Mr. ADAMSON. I am willing that the substitute shall be considered instead of the original. I do not want to abridge amendments at all.

Mr. MANN. Has the substitute been offered?

Mr. ADAMSON. It has been sent to the desk.

Mr. CULLOP. I offer it now.

Mr. MANN. I call for the regular order, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] offers a substitute to the section of the bill just reported.

Mr. ADAMSON. The unanimous consent request is that amendment and argument be addressed to the substitute.

Mr. MANN. I ask for the regular order.

The CHAIRMAN. The regular order is demanded. The substitute will be read.

The Clerk read as follows:

(Proposed substitute for H. R. 16586.)

[NOTE.—The parts of the bill in italics are new legislation proposed by the committee bill; parts in brackets are present law, to be omitted.]

A bill to amend section 20 of an act to regulate commerce, to prevent overissues of securities by carriers, and for other purposes.

Be it enacted, etc., *Section 20 of an act* entitled "An act to regulate commerce," approved February 4, 1887, as amended, be amended so as hereafter to read as follows:

"SEC. 20. That the commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this act, and from the owners of all railroads engaged in interstate commerce as defined in this act; to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the commission may need information. Such annual report shall show in detail the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid; the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees, and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof;] the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this act, prescribe a period of time within which all common carriers subject to the provisions of this act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept.

"Said detailed reports shall contain all the required statistics for the period of 12 months ending on the 30th day of June in each year, or on the 31st day of December in each year if the commission by order substitute that period for the year ending June 30, and shall be made out under oath and filed with the commission at its office in Washington within three months after the close of the year for which the report is made, unless additional time be granted in any case by the commission; and if any carrier, person, or corporation subject to the provisions of this act shall fail to make and file said annual reports within the time above specified, or within the time extended by the commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within [30 days from] the time it is lawfully required so to do[*fixed by the commission*, such party shall forfeit to the United States the sum

Mr. O'GORMAN. May I ask what is the amendment to which the Chair refers?

by a vote of the majority of its Members, to dispose of time any question before the Senate. The matter of unanimous

matter, as far as the discussion of to-day is concerned, if the as speedily as possible. I do not believe

on either side to filibuster. For what has happened to-day the gentlemen who have participated are solely responsible, and I do not think it has been done by them with any view to postponing the vote upon the tolls bill, although it has had that effect.

I wish to give notice that if some other Senator does not do so, immediately after the reading of the Journal to-morrow I shall object to the consideration of any measure except the tolls bill.

Mr. O'GORMAN. In order to insure expedition in the consideration of the tolls bill to-morrow, I move that the Senate take a recess until 11 o'clock to-morrow, at which time the Senator from Iowa will be permitted to proceed with his discussion.

Mr. OLIVER. Will the Senator from New York withhold that motion for a moment?

Mr. O'GORMAN. Yes.

Mr. OLIVER. Inasmuch as evidently no business will be transacted to-morrow except in connection with the tolls bill, I wish to say that after to-morrow I shall be compelled to be away for at least 10 days, and I wish to ask unanimous consent for the present consideration of House bill 14242. It is a bill to increase the cost of the public building at Harrisburg, and one in which our people are greatly interested. It is a House bill and has been favorably reported from the Committee on Public Buildings and Grounds of the Senate.

Mr. O'GORMAN. I yield for that purpose.

PUBLIC BUILDING AT HARRISBURG, PA.

Mr. OLIVER. I ask the Senate to proceed to the consideration of the bill (H. R. 14242) to increase the limit of cost for the erection and completion of the United States Federal building at Harrisburg, Pa.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to so amend the provision in section 2 of the public-building act of June 25, 1910, for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Harrisburg, Pa., as to increase by $75,000 the limit of cost fixed by that act for the work; and the Secretary of the Treasury is authorized to enter into contracts for the completion of the enlargement, extension, remodeling, and improvement of the building within the limit of cost as hereby extended.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. O'GORMAN. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

Mr. BRISTOW. Let me suggest to the Senator from New York that a single objection will prevent any delay at all by reason of the morning business. A Senator can not make a speech or do anything else that will consume time except by unanimous consent, and it is in the power of the Senator from New York to object.

Mr. SMITH of Georgia. There are resolutions coming over upon which Senators will have a right to speak.

Mr. O'GORMAN. Unless the Senator from Kansas has some business that he thinks ought to be presented to-morrow morning, I believe the wiser course is simply to take a recess, so that as soon as we convene the consideration of the tolls bill may be resumed.

Mr. BRISTOW. I have no desire to open up any debate upon resolutions that are pending. There is routine business that comes in which sometimes ought to be attended to at once. I will make no objection to the motion of the Senator.

Mr. O'GORMAN. Very well. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p. m.) the Senate took a recess until to-morrow, Saturday, June 6, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 5, 1914.*

The House met at 11 o'clock a. m.

Rev. Ulysses G. B. Pierce, D. D., of All Souls Church, Washington, D. C., offered the following prayer:

Our Father who art in heaven, ere we turn to the labors to which Thou hast called us, we pause to acknowledge Thy goodness and to implore Thy guidance. Grant, we humbly pray Thee, that this day we may so labor as to receive the benediction of Thy favor. And as we ask Thy grace so do we render to Thee all glory now and forevermore. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

The Clerk read as follows:

CAMDEN, N. J., *June 4, 1914.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

MY DEAR MR. SPEAKER: I met with an accident last week; I had a fall and broke two bones in my hand, and I am practically helpless. I would respectfully request that I be granted leave of absence indefinitely, or until I recover the use of my hand.

Yours, very truly,

WM. J. BROWNING.

The SPEAKER. Without objection, the request is granted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 3334. An act authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass.

The message also announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 155. Joint resolution to remit, under certain conditions and for the year 1914, the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914; and

S. 4522. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

NATIONAL STAR-SPANGLED BANNER CENTENNIAL CELEBRATION.

Mr. LINTHICUM. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 148.

The SPEAKER. The gentleman from Maryland asks to take from the Speaker's table Senate joint resolution 148, there being one of similar tenor on the House Calendar. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

Resolved, etc., That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by their accredited diplomatic agents to the United States at the National Star-Spangled Banner Centennial Celebration to be held at the city of Baltimore, Md., in September of the year 1914: *Provided*, That no appropriation shall be granted by the United States for expenses of delegates or for other expenses incurred in connection with said invitation.

The joint resolution was ordered to be read a third time, was read the third time, and passed; and House joint resolution 200 of similar tenor was laid on the table.

SPEECH OF HON. PATRICK H. KELLEY, OF MICHIGAN.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by my colleague, Hon. PATRICK H. KELLEY, of Michigan.

The SPEAKER. The gentleman from Michigan [Mr. CRAMTON] asks unanimous consent to extend his remarks in the RECORD by printing a speech by his colleague, Gov. KELLEY. Is there objection? [After a pause.] The Chair hears none.

EXTENSION OF REMARKS IN THE RECORD.

Mr. FESS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a dispatch that was carried in the papers yesterday relative to whether the Monroe doctrine is in danger of being superseded by some other doctrine by the mediators at Niagara Falls.

The SPEAKER. The gentleman from Ohio [Mr. FESS] asks unanimous consent to extend his remarks in the RECORD by printing a dispatch that was in the papers yesterday to ascertain whether the Monroe doctrine is still extant or whether we are going to have a new doctrine. [Laughter.] Is there objection?

Mr. BARNHART. Mr. Speaker, being a newspaper man and believing everybody in the United States reads the newspapers and that they have read this article, I shall object.

The SPEAKER. The gentleman from Indiana objects.

Mr. MANN. Will the gentleman withhold his objection for a moment?

Mr. BARNHART. Yes.

Mr. MANN. Mr. Speaker, yesterday morning the gentleman from Ohio [Mr. GORDON] asked unanimous consent to extend his remarks in the RECORD by printing a speech by Mr. Untermyer made some time ago——

Mr. BARNHART. Will the gentleman yield?

Mr. MANN (continuing). And the gentleman from Indiana objected.

Mr. BARNHART. That was day before yesterday.

Mr. MANN. It may have been day before yesterday. Yesterday morning the gentleman from Ohio was recognized for half a minute and stated, under leave to print, he would extend his remarks, which he did by inserting the speech. That was contrary to the rule. The leave to print under the rule provides that debate shall be confined to the subject matter under discussion and that the right to print shall be upon the bill. Doubtless the gentleman from Ohio was not aware of this fact, but I think the Members of the House ought to know that leave to print under the rule under which we are operating is not a leave to print generally, and does not authorize the insertion of a lot of matter in the RECORD which is not pertinent to the subject under discussion.

Mr. FESS. Will the gentleman withhold his objection for just a moment?

Mr. BARNHART. Yes; to accommodate the gentleman.

Mr. FESS. I raised the question here some time ago whether the program of mediation might not reach this point. This dispatch of yesterday is no criticism of the administration, but rather complimentary to it, and I thought that probably there would be no objection to my having it inserted in the RECORD, indicating that I have not been dreaming on that question, and I would ask the gentleman if he would object, under the five-minute rule, to my inserting the dispatch?

Mr. BARNHART. I would have no disposition to object under the five-minute rule. I have no more control over that rule than any other Member of the House.

Mr. MANN. I will say under the five-minute rule the debate must be confined to the bill.

Mr. BARNHART. I understand that. In order to be understood in reference to this matter I desire to state that when I became chairman of the Committee on Printing I was asked by some leaders of the House if I could not be effective in preventing abuses of the CONGRESSIONAL RECORD by extending remarks including newspaper and magazine articles. I have tried to do it in a modest way, and probably given some offense at times in endeavoring to do so, for which I am very sorry. Members have their rights under the regular rules of the House to insert speeches and addresses and extend remarks, and if they take advantage of that and impose upon the rights and privileges and consistency in the use of the RECORD that is no more my affair than it is of any other Member of the House; but what I have been trying to do is to prevent the publication of miscellaneous newspaper and magazine articles and addresses by Tom, Dick, and Harry, who are not Members of the House, on subjects which many times are entirely foreign to legislative matters, but which is no doubt wholesome reading to the man who wants it inserted. I have no objection to the ambition of speakers to get their remarks in the RECORD, but, so far as I am concerned, I am going to continue to object to the insertion of newspaper articles and such miscellaneous stuff when they are offered.

Mr. FESS. Mr. Speaker, I appreciate fully the situation of the chairman of the Committee on Printing. I have no criticism personally; but I should like, however, to get this matter before the House some time, because I regard it a matter sufficiently important to ask for its publication. Yesterday under the general debate we did violate the rule by discussing subjects not pertinent to the subject under discussion, and there was no objection then. However, if the gentleman has objected to it, I will have to submit.

Mr. DONOVAN. Mr. Speaker, was the request of the gentleman from Ohio agreed to?

The SPEAKER. No; the gentleman from Indiana [Mr. BARNHART] objected.

CORRECTION IN A VOTE.

Mr. BAILEY. Mr. Speaker, I wish to have a correction made in the RECORD. On page 9800 of the RECORD it is stated that I was among those who failed to answer to the roll call yesterday. I was in the Chamber and answered "present."

The SPEAKER. Without objection, the correction will be made both in the Journal and the RECORD.

Mr. DONOVAN. Mr. Speaker, I want to reserve the right to object.

The SPEAKER. The gentleman from Connecticut [Mr. DONOVAN] reserves the right to object. Will the gentleman from Pennsylvania [Mr. BAILEY] give his attention?

Mr. DONOVAN. Now, I object for this purpose. The gentleman from Ohio [Mr. FESS] and the gentleman from Indiana [Mr. BARNHART] and the gentleman from Illinois [Mr. MANN] have more or less to say all the time as to what shall go into the RECORD. Here is a most villainous article in the RECORD, put in a few days ago, and I can not find for the life of me where the gentleman got any right or permission to put it in the RECORD. It is placed there by a Member from Wisconsin, one who is very seldom here, and it appears on page 10510. Now, that one article alone ought to eliminate everything from being extended or inserted in the RECORD. This Member practically calls a citizen of the District of Columbia a thief, and also accuses some of the officials of the District of Columbia. Now, the point I want to make is that the gentleman from Ohio and the great leader from Illinois allow those things to take place, as does the gentleman from Indiana, without any objection. I withdraw my objection.

Mr. RAYBURN and Mr. BARNHART rose.

The SPEAKER pro tempore (Mr. ADAMSON). The gentleman from Indiana [Mr. BARNHART] is recognized.

Mr. BARNHART. Mr. Speaker, just a word of explanation. I think if the gentleman from Connecticut [Mr. DONOVAN] will look at the RECORD he will discover that that speech is there by permission of the House, granted at the request of the Member to extend his remarks in the RECORD. The gentleman from Connecticut is just as much responsible to the House and to the country for having permitted what he thinks is an improper speech to be inserted in the RECORD as any other Member on the floor of the House, if he sits there dumb when requests are made for the extension of remarks. I have no means of knowing what a Member is going to say when he asks to extend his own remarks in the RECORD, and doubt if I have any right to object, and do not know that I could keep them out if I did object.

The SPEAKER pro tempore. The Chair understands that the gentleman from Connecticut has withdrawn his objection. Is there objection now to the request of the gentleman from Pennsylvania [Mr. BAILEY]?

Mr. DONOVAN. I want to say that there was no request made to insert the speech, according to the RECORD.

Mr. MANN. Regular order, Mr. Speaker.

Mr. RAYBURN. Mr. Speaker, the regular order.

Mr. MANN. I hope the gentleman from Connecticut [Mr. DONOVAN] will be in order for once. He so seldom is in order.

REGULATION OF RAILWAY STOCKS AND BONDS.

The SPEAKER pro tempore. The regular order is the further consideration of the stock-and-bond bill, H. R. 16586, and the House resolves itself automatically into the Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HULL] in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16586 and other bills embraced in the special order of the House. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. CULLOP. Mr. Chairman, I desire to send to the Clerk's desk a committee substitute for the pending bill. Copies of it have been distributed to the Members here, and I shall ask the chairman of the committee to see if he can not make some arrangement for the consideration of the substitute at this time.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] offers a substitute——

Mr. MANN. A substitute is not in order.

Mr. GARNER. Mr. Chairman, the original bill has not been read.

Mr. ADAMSON. Mr. Chairman, I will not try to press that until I have an understanding about it. I wish to ask unanimous consent on behalf of the committee that in lieu of the bill the substitute, copies of which were circulated and are on the desk, shall be read and considered in lieu of the original bill, with all the rights and privileges of the bill.

Mr. MANN. Mr. Chairman, I will have to object to that at this time. The bill has been reported. Let it be read, so that it will be printed in the RECORD, at least.

Mr. ADAMSON. I have no objection to its being printed in the RECORD. But I will say to the gentleman from Illinois [Mr. MANN] that the committee has worked on the bill in light of the objections and discussions, and we are practically unanimous on the substitute, which divides the bill into two sections

The Interstate Commerce Commission, upon its own motion, after investigation, decided that such was the intention of Congress, and ordered such "private pipe lines," so called, to file tariffs and charges and rules and regulations with said commission. Those pipe lines, however, which did not profess to be common carriers secured an injunction against said order of the commission by application to the Commerce Court, which said court sustained, and the question has been appealed to and now is under consideration by the Supreme Court of the United States.

While there can be no question of the general recognition of the public interest in all State and interstate transportation of petroleum or gases by pipe lines, yet from all the facts heretofore set out it must be obvious that such control and regulation will always be attended with its embarrassing features, and that the entire interest of the public in such utilities can never be adequately accomplished or perfected until Congress shall exercise its sovereign power in the acquisition and operation of all interstate pipe lines.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. TOWNSEND. Mr. President, I ask permission to print as a part of my remarks a letter written on March 27, 1914, to J. P. Tumulty, Esq., Washington, D. C., by J. H. O'Neil. I do not agree with the writer that the railroads are entitled to the higher rates they ask. I do not agree that the depressed conditions mentioned by him are due to too low rail rates. I insert this letter from a Democrat to the President's secretary because the facts mentioned have a bearing on the prosperity issue which has been raised this afternoon.

The VICE PRESIDENT. Is there any objection? The Chair hears none.

The matter referred to is as follows:

FEDERAL TRUST CO.,
Boston, Mass., March 27, 1914.

J. P. TUMULTY, Esq.,
Washington, D. C.

MY DEAR MR. TUMULTY: Pardon me for bothering such a very busy man as you, but I know you are interested in the success of the party, and I want you to believe that I have no other object in writing. I have written Judge Clements and Secretary McAdoo, urging them to do something to hasten the case of railroad rates. In my opinion, anything would be better than nothing.

It is impossible to blink at the fact that slowly but surely business is getting to a standstill. For the first six months of the administration business was first class; for the second six months it was fair, but to-day it is dragging. One of the oldest machine shops in New England, down in Biddeford, Me., laid off 250 men; the New Haven shops at Readville have shut down, throwing 1,500 men out, and the Boston & Maine shops at Billerica, in this State, which have a capacity of employing 6,000 men, will not open. Now, these two latter may, of course, be blamed to local railroad conditions, but that is not true in the case of the Biddeford shop, nor in the case of the Pennsylvania Railroad Co., which has recently thrown out 15,000 men, 8,000 of them east of Pittsburgh. The Sturtevant Blower Works here has just let 250 men go. My information is that this is true pretty generally throughout the country.

For the past 30 years I have believed that the nub of any question in this country was the railroad situation; that when the railroads were prosperous the country was prosperous. While I admit that the railroads have done many, many things for which somebody should go to jail, I do not see why the present generation should be punished for the faults of those who have gone before. A 10 per cent increase in freight rates, as I pointed out to Judge Clements, on a case of shoes shipped from Boston to San Francisco would mean an additional cost of 1 cent per pair, but this 10 per cent increase in freight rates would mean $3 a week in the pockets of hundreds of thousands of men who would have to buy shoes, because it would give them work.

As I wrote Mr. McAdoo, I think in regard to many corporations, they ought to adopt the old Chinese custom, and when crimes are committed by corporations some heads should be lopped off and dropped into the basket—be cut close off to the shoulders. But we are facing a condition to-day, not a theory. Now, mind me, I do not own a share of railroad stock, and do not know that I ever shall, but I am writing you as one who can put in a word at the right place close up, and as you are a practical man, like myself, and know conditions as I think I know them, from practical experience, I hope that you will do your best to see that something is done, and done at once.

Should the roads not be allowed to increase their rates, then they must face bankruptcy or make a reduction in wages. I am opposed to a reduction in wages—radically and unalterably. Wages are none too good now. If it may be claimed that the railroad capitalization is excessive, I will admit it, but I do not think that the workingman, working for his day's wage, should be the one to be punished; rather give them a fair wage, a chance to live, and punish the fellows who have put the water into the road and arranged to squeeze it out. This is not a difficult thing to do, although it may take some time.

Now, I take the liberty of writing you on account of the friendly spirit you showed when I met you with Congressman MURRAY, and also because I believe you to be a practical man, who realizes, as I do, what these facts mean. Do this thing, and, in my opinion, the Republican Party need not nominate a candidate against us in 1916; do not do it, and I do not think there is the least necessity of our nominating one.

I may be in Washington some time next month, and, if so, I shall take the liberty of calling on you to say "How are you?"

With kindest regards, I am,
Yours, very truly, J. H. O'NEIL.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS] in lieu of the amendment proposed by the committee.

Mr. O'GORMAN. May I ask what is the amendment to which the Chair refers?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In lieu of the amendment at the end of the bill offered by the committee, the Senator from Nebraska offers the following——

Mr. O'GORMAN. The Chair was speaking, then, of the amendment of the Interoceanic Canals Committee.

Mr. President, the tolls bill has been nominally before the Senate all day; but owing to the peculiar rules of this body everything else has been discussed, and no opportunity has been given to the Senators who desired to be heard on this question to present their views.

I would ask at this time unanimous consent to make the tolls bill the business of the Senate to the exclusion of all other business until a vote can be reached, but I understand that making that request at this hour would involve calling the roll. I shall, however, make that request to-morrow morning; and I hope nothing will be presented to the Senate in the way of a discussion that will interfere with the tolls bill, and an opportunity to take a vote upon it at the earliest practicable moment.

Mr. SMITH of Georgia. Mr. President, I had thought of suggesting that instead of adjourning to-day we take a recess until 10 o'clock to-morrow morning.

Mr. SMOOT. I hope the Senator will not do that.

Mr. SMITH of Georgia. Or a recess until 8 o'clock to-night.

Mr. SMOOT. Oh, no; not to-night. If the Senator will leave that matter until to-morrow and see if a unanimous-consent agreement can be reached, such as the Senator from New York gave notice he would ask, I think more than likely it will be granted, and then we can go right along and get through with the bill in the early part of the week.

Mr. CUMMINS. Mr. President——

Mr. O'GORMAN. Unless the Senator from Iowa wishes to proceed——

Mr. CUMMINS. Will the Senator from New York yield for a moment?

Mr. O'GORMAN. Yes.

Mr. CUMMINS. I desire only to suggest that the unanimous-consent agreement which he has proposed, which he says he will bring before the Senate to-morrow, ought to contain a provision that will give the President of the Senate power to confine the discussion taking place here to the bill before the Senate. Otherwise it will accomplish nothing, inasmuch as we have had the canal bill before us all day long and not a word has been said with regard to it.

Mr. O'GORMAN. Mr. President, I agree with the suggestion of the Senator from Iowa. The unanimous-consent agreement would amount to nothing unless Members should respect the spirit of it, refrain from injecting other matters into the discussion until such a time as a vote is had upon the unfinished business.

Mr. CUMMINS. Of course I do not suggest that for the purpose of having it written into the agreement, but I do suggest it in order to create a proper spirit in the Senate if the agreement shall be made. I suspended a speech upon this question yesterday in order to permit the Members of the Senate to attend a very notable and worthy ceremony which was about to take place. I have been waiting all day long for an opportunity to resume the observations I was then making upon the canal bill. While I suppose I have no technical right to the floor, I hope that before many volumes shall have been filled with extraneous discussion I may be permitted to finish the argument I began.

Mr. OWEN. Mr. President, on Thursday, April 16, 1789, this was the rule of the Senate:

VIII. While a question is before the Senate no motion shall be received, unless for an amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

IX. The previous question being moved and seconded, the question from the Chair shall be: "Shall the main question be now put?"

I think the time has come to restore this venerable rule of the United States Senate, and to have a cloture in the Senate; to have the previous question.

The Senate of the United States has lost in large measure the respect of the people of the United States and of Senators on this floor by the abuse of the privilege of free speech in this body. I wish to enter my protest against the continuance of the custom which permits unending debate upon any question. I wish to enter my emphatic dissent from the practice of the Senate.

Last summer I called attention to this matter and introduced a proposed modification of the rule, establishing the previous question in the Senate, or at least permitting the Senate, by a vote of the majority of its Members, to terminate at some time any question before the Senate. The matter of unanimous

consent which is in vogue in this body has the effect of denying to the majority of the Senate the right to conduct the affairs of the Senate. It permits any bill or any number of bills to be used for the purpose, or at least with the effect, of killing time ad libitum; and in that way the majority is excluded from discharging its obligations to the people of the United States.

The Democratic Party, although in nominal control of this body, is absolutely unable to carry out its pledges to the people of the United States because of the obstruction of the business of this body by unlimited debate, a debate to which nobody listens. Senators rise on this floor and talk for hours——

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if a cloture rule requiring him to address himself to the subject before the Senate would not preclude him from making his present speech?

Mr. OWEN. It would; and it would preclude the Senator from Georgia from making many speeches he has delivered on this floor.

Mr. SMITH of Georgia. I should like to have the Senator call attention to them.

Mr. OWEN. I will hunt through the RECORD and try to do so. If not, he is the only exception.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I had concluded what I wished to say.

Mr. GALLINGER. It would also have prevented the Senator from Oklahoma from filibustering for six or eight hours a little while ago to defeat a bill which the Senator did defeat.

Mr. OWEN. If the Senator is referring to the occasion when I objected to Arizona being kept out of the Union, I plead guilty. I will say to the Senator, moreover, that so long as our rules permit that kind of thing any Senator with sufficient resolution can do as he pleases on the floor of this body. I do not think it ought to be permitted. I am opposed to it for myself, and I am opposed to it for the Senator from New Hampshire.

Mr. GALLINGER. It is a matter of regret to some of us that the Senate has lost the reputation it formerly enjoyed in the estimation of the Senator from Oklahoma; and yet I apprehend the Senate will go along and transact its business exactly as it would have done if the Senator from Oklahoma had not read his lecture to the Senate to-day. There is no trouble about it. The Senator has offered his amendment to the rules, and I apprehend that the Senator will live to be as old as I am, at least, before it shall be adopted.

Mr. OWEN. Mr. President, I thank the Senator from New Hampshire for his lecture read to the Senator from Oklahoma; but I advise him that no amount of lecturing or hectoring on his part will abate one iota the opinion of the Senator from Oklahoma on this question.

I serve notice on the Senator, and on the Senate, too, that at some convenient time the unanimous consent in this body will be discontinued.

Mr. KENYON. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Iowa?

Mr. OWEN. I have yielded the floor.

Mr. KENYON. I wish to ask the Senator a question, if he pleases.

Mr. OWEN. I shall be glad to answer any question I can.

Mr. KENYON. Where is the Senator's amendment now? What is the status of it?

Mr. OWEN. It is lying, as all matters of this kind lie, in the bosom of the committee.

Mr. KENYON. What does the Senator propose to do about it? I am very much in sympathy with his amendment, and I wish to support it. I wish to have an opportunity to vote on it. Why does not the Senator press it?

Mr. OWEN. Because of the hope that the matters which have so urgently pressed upon the attention of the Senate might be disposed of, and because that matter itself, under the rules of the Senate, would be made a subject of unlimited debate and would preclude the consideration of anything else at this time.

Mr. KENYON. I wish the Senator could get it in the program of work for the summer.

Mr. OWEN. If I were making the program, it would be the first on the list.

Mr. SMOOT. Mr. President, the Senator referred to the fact that the majority in this body could not control legislation, and complained that the time was wasted by unnecessary talk.

Mr. OWEN. Yes; there is no question whatever about it.

Mr. SMOOT. Mr. President, to be perfectly honest in this matter, as far as the discussion of to-day is concerned, if the Senator had been in the Chamber he would have known that the great majority of the time of this body has been taken by members of the majority party.

Mr. OWEN. Oh, well, this is the practice of the Senate, and Senators avail themselves of it; but it is a bad practice, and against the practice I enter my emphatic protest. There are many other Senators here who are silent now who realize as well as the Senator from Oklahoma the unwisdom of this rule, and the fact that it is impairing the standing of the Senate, and is degrading the Senate in the respect of the people of the United States.

Mr. GALLINGER. Mr. President, I have been a Member of this body for 23 years, and I do not recall a single important measure that has ever been before the Senate that has not been voted on, with one exception, and that was defeated by a Democratic filibuster.

I think we have attended to the business of the country diligently. We have debated questions of importance at great length, it is true; they needed such debate; but they have always been voted on, and a majority of the Senate has determined whether or not they should become laws.

I do not think the evil is so great as the Senator from Oklahoma imagines it to be. I feel quite sure that if we should adopt the rule that prevails in another body, where debate on these great questions is almost absolutely forbidden, we would live to rue the time when we made the change.

Mr. SMITH of Georgia. Mr. President, I rose to ask the Senator from Iowa at what hour it would suit him to-morrow morning to speak.

Mr. CUMMINS. Personally, one hour would suit me as well as another, but I see no reason for convening earlier than the usual time. There is no difficulty about this matter, Mr. President. If we will adhere to the subject before the Senate, we will finish the debate very soon.

Mr. SMITH of Georgia. What I wished to say was that if it would suit the Senator from Iowa, promptly after 11, I hope, although we can not make a unanimous-consent agreement this afternoon, the Senator from New York will move to take up the bill immediately after the approval of the Journal to-morrow, and that without taking any time for morning business to-morrow we may proceed with the unfinished business.

Mr. CUMMINS. I have no objection to convening at 11 o'clock and going forward immediately with what I have to say. We have a very important meeting of the Committee on Interstate Commerce at 10 o'clock to-morrow, which I feel I must attend. I hope there will be no effort made to convene the Senate before the usual time.

Mr. SMOOT. I wish to say to the Senator from Georgia that we have the matter in our own hands. We can object to anything outside of the routine morning business, and that will not take over 10 minutes in the morning. We can object to any consideration of outside matters.

Mr. SMITH of Georgia. Of course, one certain way to avoid it would be to take a recess until 11 o'clock to-morrow morning, and then have no morning hour.

Mr. BRISTOW. Mr. President, I desire to express my opinion, and I think it is the opinion of a great many Senators on this side of the Chamber. I do not speak for them except that I have heard expressions in conversation in the cloakroom. There is no desire on the part of anyone on this side, so far as I have had any conversation with Members, to delay a vote upon the tolls bill. The time that has been taken to-day has been taken by the majority. There has nothing been injected in this debate and no bill has been used upon the part of anyone on this side of the Chamber to delay the discussion. It seems to me if the majority want to keep the tolls bill before the Senate, so that we may consider it hour after hour, we will get to a vote, and those of us who attempt to attend to business faithfully will not be required to be here at unusual hours, either morning or evening.

So far as I am concerned, I do not want to put any obstacle in the way of a prompt disposition of this measure. I do not intend, if I can help it, to spend another summer in working day and night continuously with a program before us that will keep us here at least until October. I am willing to stay until October, if it is so decreed by those who are in control of the legislation of the country, but I am not willing to spend unusual hours so as to impair my health and the health of other Members of this body.

Mr. SIMMONS. Mr. President, I wish to say in reply to the Senator from Kansas [Mr. BRISTOW] that I think I know the feeling of Members on this side and on the other side, too. There seems to be a feeling on both sides of the Chamber unusually strong that we should get to a vote upon this question as speedily as possible. I do not believe [illegible] discussion

The fifth question propounded by the Interstate Commerce Commission was:

"Does the utilization by a pipe line of a highway acquired for or dedicated to the public use impress upon that pipe line the obligations of a common carrier?"

This question arose from the facts shown in the record that in many instances private pipe lines, so called, extended along public highways, and in all instances, where necessary, crossed such highways, consent usually having been obtained from county commissioners or road commissioners in districts through which such pipe lines passed.

It will thus be seen that in the rights of way enjoyed by pipe-line companies, obtained by private arrangement and not by the exercise of eminent domain, that such pipe lines are necessarily trespassers upon public rights.

Very nearly all pipe-line companies, especially those that are so-called private pipe lines, are purchasers as well as transporters of crude oil. In coupling together the control of purchase and transportation, it necessarily follows that the sellers are at the mercy of the buyers, because the product must be transported in order to be available for use, and hence, have a market value. Since the pipe lines furnish the only means of reaching a final market, this leaves the seller of crude oil entirely at the mercy of the buyer and transporter, and consequently deprives the seller of the right to freely enter the market to dispose of his products, differing in that respect from other sellers of other products. The means of transportation as well as the product transported being owned by the pipe-line companies, the product is then directed to such receivers of the transportation as the pipe-line companies shall elect, and again they intermise their power to prevent buyers generally from securing this commodity. From the fact that the stockholders of the large Standard refineries and the stockholders of these pipe-line companies are practically the same, it is obvious that this situation will continue as long as the present status of the pipe-line companies exist.

While it may be true that the evils above described might be overcome in a measure by proper procedure under the existing laws, the fact remains that they have not been, and probably will not be without further remedial legislation, although these questions have been before our Federal tribunal.

5. *For proper Government purposes private property may be taken.*

The fifth amendment of the Federal Constitution provides that private property shall not be taken for public use without due compensation. This provision does not prevent the United States Government from taking property by the right of eminent domain, subject to reimbursement to the owner of the property. In United States v. Jones (109 U. S., 513) it was said:

"The power to take private property for public uses, generally termed the right of eminent domain, belongs to every independent government. It is an incident of sovereignty, and, as said in Boom v. Patterson (98 U. S., 403), requires no constitutional recognition. The provision found in the fifth amendment of the Federal Constitution and in the constitutions of the several States, for just compensation for property taken, is merely a limitation upon the use of the power. It is no part of the power itself, but a condition upon which the power may be exercised. * * * The proceeding for the ascertainment of the value of the property and consequent compensation to be made is merely an inquisition, to establish a particular fact as a preliminary to the actual taking, and it may be prosecuted before commissioners or special boards or the courts, with or without the intervention of a jury, as the legislative power may designate. All that is required is that it shall be conducted in some fair and just manner, with opportunity to the owners of the property to present evidence as to its value and to be heard thereon."

In Kohl v. United States (91 U. S., 367) it was held that no State can interfere with the United States' right of eminent domain.

6. *Such ownership will protect producers and refiners from commercial duress.*

In re Debs (158 U. S., 582), the court said:

"The strong arm of the National Government may be put forth to brush away all obstructions to the freedom of interstate commerce or the transportation of the mails. If the emergency arises, the Army of the Nation and all its militia are at the service of the Nation to compel obedience to its laws."

In the "Pipe Line cases," before the Supreme Court of the United States, Nos. 481, 482, 483, 506, 507, and 508, considered together, the Solicitor General, in his brief before that court, at page 56, said:

"In practical result—and that is the thing courts and legislatures are concerned with—the small well owner is in a position closely resembling that of the mine owner in Strickley v. Highland Boy Gold Mining Co. (200 U. S., 527), who had no right of way out of his mines, or the owner of the arid land in Clark v. Nash (198 U. S., 361), who had no means of bringing water in, and was allowed to use his neighbor's irrigation ditch. The shipment of oil except by pipe line is a practical impossibility. No other means of transportation can possibly compete with it. Without a pipe line the oil producer is, as it were, shut in by an impassable barrier.

"But even these analogies do not adequately express the difficulties of the small producer. The possibilities of duress are even greater in the case of oil wells than in the case of mines and arid lands. The mine owner can shut up his mine and hold it, but the wells once opened can not be closed to await a more convenient season. And if they could be, or if they were not opened in the first place, the owner of the oil land would only lose instead of gain by waiting, because oil lies in great subterranean reservoirs, and the pumping of the wells upon adjacent lands would drain the common source. (Ohio Oil Co. v. Indiana, 177 U. S., 190.) Therefore the small producer is compelled either to sell his oil or to sell the wells themselves to the owner of the pipe lines at whatever terms the latter may choose to offer. He is caught beneath the sheer weight of capital and has no alternative except to yield.

"The court below says that there is no connection between monopoly and a situation where 'the greater number of oil producers are virtually compelled to sell their output to the owners of private pipe lines'; but Mr. Justice Holmes said, in Swift v. United States (196 U. S., 375, 402):

"'No more powerful instrument of monopoly could be used than an advantage in the cost of transportation.'

"'It is largely the use of this potent instrument that has built up these enormous capitalizations, that has paid these enormous dividends, that once, at least, has thrown the oil industry of the whole United States into the hands of a single group of capitalists. The evidence in the Standard Oil case proves this; the statistics in the Government reports prove it; the facts were in the mind of Congress when it passed this legislation. Congress has declared the possibility of its recurrence a menace to the public welfare. Congress has struck down monopoly full grown. It now seeks to destroy the source from which it sprang.

"But the court below says that Congress is quite mistaken; that pipe lines have no relation to monopoly; that the right to injure the public in general and one's neighbors in particular is merely one of the legitimate and inviolable advantages arising from the acquisition of substantial amounts of property."

7. *Such ownership would prevent the evils sought to be remedied by the principle embodied in the "commodities clause" of the act to regulate commerce.*

At page 70, in the Solicitor General's brief in the "Pipe Line cases" above referred to, the following language is used:

"The commodities case, United States v. Delaware & Hudson Co. (213 U. S., 366), is directly in point. It was there held that Congress could prohibit common carriers from carrying their own coal, despite the fact that many of the companies affected had invested enormous sums of money in the business of mining prior to the passage of the law. There is no substantial distinction between that case and the present. In both the motive of Congress was the same—to prevent an unconscionable use of an advantage in the means of transportation. In the one case the owner of a railroad is forbidden to carry his own coal, unless he first parts with ownership; in the other the owner of a pipe line is forbidden to carry his own oil, unless he transports also the oil of others for reasonable compensation. The same reasoning which supported the one supports the other."

The Solicitor General might have noted further the difficulties attending even the application of the principle of the "commodities clause" to the operation of the "commodities clause" were to be extended in the control of pipe lines by regulation. In the instances of the Prairie Oil & Gas Co. and the Ohio Oil Co. the evidence in the "Pipe Line cases" shows that these companies are engaged in producing as well as purchasing and transporting oil. As producers and purchasers they claim the right to use the pipe lines which they have built and own to carry their own commodities. Unless such pipe lines are held to be common carriers by the Supreme Court, their status will remain the same as it is at present. If they are held to be common carriers, in order to make them effectively such, further legislation extending the application of the "commodities clause" to pipe lines will be necessary. The organization of a producing company to purchase and take over the producing properties will be a fiction supported by a mere matter of bookkeeping to avoid the effectiveness of the provisions of the "commodities clause" principle. The stockholders, who are the real parties at interest, will continue to be the same as now. The great bulk of transportation offered to the pipe lines will be by the owners of the producing and purchasing companies, whose stockholders are the same as those of the pipe-line companies. If such pipe lines are owned and operated by the Government, no such embarrassment and complications can arise.

8. *Government ownership and operation of transportation in interstate commerce not forbidden by any provisions of the Federal Constitution.*

In the broad declaration of Federal powers in McCulloch v. Maryland, supra, it was said:

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

During the early period in the history of this Government, when constitutional construction was less liberal than it afterwards became, unless there was a specific grant of power, the Federal Government was slow to act. There is no such specific grant of power as to permit the Government to appropriate money for internal improvements. On March 3, 1817, President Madison vetoed a bill to set apart the bonus and Government dividends of the national bank as a fund for constructing roads and canals and improving navigable rivers, on the ground that the Constitution did not provide for the expenditure of money for internal improvements. On March 14, 1818, the House of Representatives passed a resolution declaring the Congress had the power to appropriate money for such improvements, and on March 3, 1823, the first bill was passed for the construction of internal improvements, since which time, without specific authority, but on the ground that the end was legitimate and not forbidden by the Constitution, huge enterprises have been undertaken by the Government, such as the construction of the Panama Canal, the Alaskan Railroad, great irrigation projects, the improvement of rivers and harbors, all of which are of undoubted advantage and promote the general welfare. While the doctrine of the conservation of natural resources is fully accepted as a Federal policy, it is equally important that the Government should guard all of its natural resources from the encroachments of private monopoly, that the entire welfare of the people may thereby be promoted.

Since, therefore, there is no prohibition in the Constitution, and since the Government has already entered the field of ownership and transportation, there can be no question on this ground but what the Government would be justified in such ownership and operation of interstate pipe lines.

9. *State laws recognize the public interest in pipe lines by requiring them to become common carriers.*

In very nearly all of the States in which oil is produced in quantities, and through which pipe lines pass, are to be found statutes provided that pipe lines shall be common carriers, thereby indicating the public interest residing in such means of transportation.

ARKANSAS.

The Statutes of Arkansas of 1911 (Kirby's Digest, pp. 253, 254; title "Eminent domain—oil and gas companies") provide:

"Sec. 2906. Any corporation organized by virtue of the laws of this State for the purpose of developing and producing mineral oil or petroleum or natural gas in this State, and marketing the same, or transporting or conveying the same by means of pipes from the point of production to any other point or points, either to refine or market such oil or conduct such gas to any point to be used for heat or light, may construct, operate, and maintain a line or lines of pipes for that purpose along and under the public highways and the streets of cities and towns with the consent of the authorities thereof, or across and under the waters and over any lands of the State, and on the lands of individuals, and along, under, or parallel with the rights of way of railroads and the turnpikes of this State: *Provided*, That the ordinary use of such highways, turnpikes, and railroad rights of way be not obstructed thereby or the navigation of any waters impeded, and that just compensation be paid to the owners of such lands, railroad rights

of way, or turnpikes by reason of the occupation of such lands, railroad rights of way, or turnpikes by said pipe line or lines."

CALIFORNIA.

Pomeroy's Code of Civil Procedure of California, 1901, title 7, page 692, provides:

"Sec. 1237. Eminent domain is the right of the people or Government to take private property for public use. This right may be exercised in the manner provided in this title.

"Sec. 1238. Subject to the provisions of this title, the right of eminent domain may be exercised in behalf of the following public uses: * * *"

10. *Oil pipe lines.*

COLORADO.

The Revised Statutes of Colorado, 1908, chapter 45, 689, provide:

"Sec. 2436, subsection 22: Any foreign or domestic corporation organized or chartered for the purpose, among other things, of conducting or maintaining a pipe line for the transmission of power, water, air, or gas for hire to any mine or mining claim or manufacturing, milling, mining, or public purpose, shall have the right of way for the construction, operation, and maintenance of such pipe line or pipe lines, for such purposes, through any lands, without the consent of the owner thereof, where such right of way is necessary for the purpose for which said pipe line shall be used."

"Sec. 2436, subsection 25: Any such corporation or corporations organized or chartered for any or all of the purposes hereinbefore mentioned shall be deemed a common carrier or common carriers and shall fix and charge only a reasonable and uniform rate to all persons who desire the use of any such tunnel, pipe line, electric power transmission line, or aerial railway."

ILLINOIS.

The Legislature of Illinois in 1913 passed an act entitled "An act to provide for the regulation of public utilities," which provides inter alia:

"Sec. 10, subparagraph (a): May own, control, operate, or manage, within the State, directly or indirectly for public use, any plant, equipment, or property used or to be used for or in connection with the transportation of persons or property or the transmission of telegraph or telephone messages between points within this State; or for the production, storage, transmission, sale, delivery, or furnishing of heat, cold, light, power, electricity, or water; or for the conveyance of oil or gas by pipe line," etc.

INDIANA.

Burns's Annotated Indiana Statutes, Volume II, chapter 40, provide:

"Sec. 5148. Whenever three or more persons desire to form a company to lay on, over, or underneath the ground iron pipes or tubes, to erect pumps and pump stations and tanks for storing oil, and also to erect telegraph lines along said line or lines of pipe, and to carry on by means thereof the business of transporting and storing petroleum, they shall make, sign, and acknowledge before some officer capable to take acknowledgments of deeds, a certificate in writing which shall state the corporate name adopted by the company, the object of its formation, the amount of capital stock, the term of its existence (not, however, to exceed 50 years), the number of directors and their names, who shall manage the affairs of such company for the first year, and the names of the counties in which its operations are to be carried on, and the county where its principal office shall be located, and file the same in the office of the recorder of such county, which shall be placed upon the record, and a duplicate thereof in the office of the secretary of state."

KANSAS.

Dassler's General Statutes of Kansas, 1909, chapter 48, article 4, title "Transportation of oil," provide:

"Section 1. All pipe lines laid, built, or maintained for the conveyance of crude oil within the State of Kansas are hereby declared to be common carriers and said conveyance of oil shall be in the manner and under the restrictions of this act."

KENTUCKY.

Carroll's Kentucky Statutes, 1909, chapter 93a, title "Oil and gas—condemnation of land for," provide:

"Sec. 3766b. All corporations or companies organized for the purpose of constructing, maintaining, or operating oil or gas well or wells or pipe lines for conveying, transporting, or delivering oil or gas, or both oil and gas, are hereby vested with the right and power to condemn lands and material in this Commonwealth, or the use and occupation of so much thereof as may be necessary for constructing, maintaining, and operating such pipe line or lines, and all necessary machinery, pumping stations, appliances, and fixtures, including tanks, telephone and telegraph lines, for use in connection therewith, together with rights of ingress and egress to examine, alter, repair, maintain, and operate or remove such pipe line or lines, all such being hereby declared to be a public use."

LOUISIANA.

The Acts of the State of Louisiana, 1906, page 54, Act No. 39, approved June 29, 1906, provide:

"Section 1. That corporations, whether domestic or foreign, organized with the power of constructing and operating pipe lines for the transportation of oil or gas, or either, shall have the right to expropriate rights of way for such pipe lines and for telegraph and telephone lines incident to the operation of such pipe lines, and lands for pumping and tank stations, making part of such lines, or of storage stations connected therewith and necessary to the purpose thereof."

And Act No. 36, declaring pipe lines common carriers, provides:

"Sec. 1. That all pipe lines through which gases, oil, or other liquids are conveyed from one point in the State to another point in the State, for a consideration, are hereby declared to be common carriers, and are placed under the control and subject to regulation by the Railroad Commission of Louisiana."

NEBRASKA.

Sections 4575 and 4581, chapter 64, Compiled Statutes of Nebraska, 1911, provides—

"That any company, corporation, or association formed or created for the purpose of transporting, transmitting, or conveying petroleum or other like oil, and desiring or requiring a right of way for the laying and maintaining of any pipe line for such purpose within the State of Nebraska, and being unable to agree with the owner or lessee of any land, lot, or right of way on the amount of compensation for the use and occupancy of so much of any lot, land, real estate, or right of way as may reasonably be necessary for the laying, relaying, and maintenance of any such pipe line, shall have the right to acquire the same for such purpose, as hereinafter provided * * *."

NEW YORK.

Birdseye, Cumming & Gilbert's Consolidated Laws of New York, 1909, volume 5, page 6311, article 6, title "Pipe lines corporations," provide:

"Sec. 50. The pipe lines of every such corporation shall be open for transportation to the public use, and all persons desiring to transport products through such pipe line shall have the absolute right upon equal terms to such transportation in the order of application therefor on complying with the general requirements of such corporation, as to delivery for and payment of such transportation; but no application for such transportation shall be valid beyond or for a greater quantity of products than the applicant shall then own and have ready for delivery for transportation to such corporation, and every such corporation shall provide suitable and necessary receptacles for receiving all such products for transportation, and for storage at the place of delivery until the same can reasonably be moved by the consignee, and shall be liable as common carriers therefor from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment and ready for delivery to the consignee, which time shall be fixed by general regulation by the corporation, and shall not be less than two days from and after the same shall be ready for delivery and notice thereof given to such consignee; and all rates and charges of every description, for or on account of or in any manner connected with the transportation of any products, shall be fixed by such corporation by general rules and regulations which shall be applicable to all parties who shall transport any products through such pipe line, or deliver or contract to deliver products for transportation, and shall be written or printed and exposed to public view and at all times open to public examination."

OHIO.

Page and Adams Annotated Ohio General Code, Volume IV, pages 1002, 1003, provides:

"Sec. 10132. Such company or companies, for the purpose of transporting natural gas, oils, or other, and electricity, shall be a common carrier and subject to all the duties and liabilities of such carriers under the laws of this State."

OKLAHOMA.

Snyder's Constitution of Oklahoma, 1908, page 220, article 9, provides:

"Sec. 4. All oil pipe-line companies shall be subject to the reasonable control and regulation of the corporation commission, and shall receive and transport each other's manufactured oils, or commodities, under such rules and regulations as shall be prescribed by law or such commission."

Section 756, chapter 11, article 1, provides:

"Every one who offers to the public to carry persons, property, or messages is a common carrier of what he thus offers to carry."

PENNSYLVANIA.

Pepper and Lewis Digest, 1910, volume 1, page 1903, title "Pipe line companies," provides:

"Sec. 458. * * * That any company organized for such purposes, under the provisions of said act, shall have the right to transport, store, insure, and ship petroleum, and for that purpose to lay down, construct, and maintain pipes, tubing, tanks, offices, and such other machinery devices, or arrangements as may be necessary, and to enter upon, use, and occupy such lands as may be requisite for the purposes of the company; and for rights of entry upon lands, rights of way, and the use of materials necessary for the construction, maintenance, and operation of said lines of pipes and fixtures as aforesaid they shall be entitled to all the rights and privileges, and be subject to all the limitations and restrictions, of railroad companies as contained in the act relating to railroad companies approved February 19, 1849, and the supplements thereto: *Provided*, That the act hereinbefore contained shall be construed to authorize the construction of any railroad."

TEXAS.

Herron's Supplement to Sayles's Texas Civil Statutes, 1897-1906, chapter 15a, page 104, title "Oil, gas, salt, etc., corporations," provides:

"Section 1. Any number of persons, not less than three, may organize themselves into a corporation for the purpose of storing, transporting, and selling oil and gas, salt, brine, and other mineral solutions in this State.

"Sec. 3. Such corporation shall have power to store and transport oil and gas, brine, and other mineral solutions, and to make reasonable charges therefor.

"Sec. 6. It shall be unlawful for any corporation organized under this act to discriminate against any person, corporation, firm, association, or place in the charge for such storage or transportation, or in the service rendered; but shall receive, store, or transfer oil or gas for any person, corporation, firm, or association upon equal terms, charges, and conditions with all other persons, corporations, firms, or associations for like service."

WEST VIRGINIA.

West Virginia Code, 1906, chapter 62C, title "Transportation of petroleum or other oils or liquids," provides:

"Sec. 2850. Any company hereafter or heretofore organized for the purpose of transporting petroleum or other oils or liquids by means of pipe line or lines shall be required to accept all petroleum offered to it in merchantable order, in quantities of not less than 2,000 gallons, at the wells where the same is produced, making at its own expense all necessary connections with the tanks or receptacles containing such petroleum, and to transport and deliver the same at any delivery station, within or without the State, on the route of its line of pipes which may be designated by the owners of the petroleum so offered."

WYOMING.

The constitution of Wyoming, section 7, article 10, title "Corporations," provides:

"All corporations engaged in the transportation of persons, property, mineral oils and mineral products, news or intelligence, including railroads, telegraphs, express companies, pipe lines, and telephones, are declared to be common carriers."

Congress itself has recognized the public interest in interstate transportation by pipe lines in its amendment to the act to regulate commerce of 1906. It was undoubtedly the intention of Congress to include all pipe lines, whether common carriers or private (so called), engaged in the transportation of petroleum in interstate commerce.

to all buyers of such crude petroleum indifferently and without unreasonable restriction.

3. Government ownership and operation of interstate pipe lines would encourage development and conservation.

Prospecting for the discovery of oil would be encouraged by the knowledge that wherever found the producer would have the certainty of being able to transport his oil to an available market to the best advantage. Whenever oil was discovered in large quantities the ability of the Government to furnish facilities for its transportation would be undoubted, and the enormous waste to sudden and flush production which has characterised the history of this industry would thereafter be avoided. The refiner would have the certainty of being able to acquire his crude supplies delivered at his plant at a minimum and reasonable transportation charge.

4. Discrimination would be prevented through Government ownership and operation of interstate pipe lines.

While the regulatory power of the Government over interstate commerce has constantly in view the prevention of undue discrimination, it is obvious that under Government ownership instead of regulation of interstate pipe lines there would exist no discriminations such as unavoidably creep in with respect to private operation of all instrumentalities of interstate commerce.

5. Governmental ownership and operation of interstate pipe lines would result in the standardization of the different crudes in the different fields.

The history of the petroleum industry shows that the prices of the different crudes produced in the different fields of production have heretofore been fixed in an arbitrary way. As the Interstate Commerce Commission observed, such control of transportation enabled the owners of the instrumentalities of transportation to arbitrarily fix the price to be paid to the producer and also the price to be paid by the consumer for the finished commodity. While some relation to value would necessarily be observed, no equivalence would be maintained based upon the inherent refining values of the different kinds of crude oil produced. The operation of the pipe-line systems would enable oil refiners to obtain their crude from whatever field of production was most advantageous for their purposes, and would necessarily fix the standard of value to each class of crude oil.

6. Governmental ownership of pipe lines would prevent the abandonment of production before exhausted.

The history of the production of petroleum has shown that the opening of large pools of flush production has been followed by a marked reduction in the price paid for the crude oil. The result has always been to make unprofitable the production of oil in the older and partially exhausted fields and the abandonment of such fields by reason of the low prices of crude, thereby losing enormous quantities of oil that would otherwise have been produced. The question of the conservation of the production of petroleum and the prevention of premature abandonment of fields before exhausted is an important one, and is entirely in line with the policy of conservation wisely adopted by this Government in all matters under its control. Frequently several strata of underlying sands are saturated with oil, which if production had been continued in a partially developed field would have been found to be more prolific than the first stratum. Undoubtedly many millions of dollars worth of oil lies in such deeper strata of sands in abandoned territory.

An interesting paper has recently been issued by the Bureau of Mines in its Bulletin No. 51, by L. G. Huntley, treating of the causes of declining yield, all of which might be controlled by proper regulations if the Government owned and operated the instrumentalities of oil transportation. The waxy sediment that obstructs the passage of the oil into the well is a prolific cause of waste. The decline of gas pressure in the oil districts decreases the production. Decrease of oil supply within the drainage area of a well on account of near-by development decreases production. Also flooding by salt water, flooding by fresh water; also by the use of improper casing, unwise rate and time of pumping, and failure to clean, due to poor management—all are sources of waste which might, by proper surveillance, be eliminated.

7. Government ownership of pipe lines would aid the Navy Department in securing supplies of fuel oil.

It is perhaps unnecessary to point out the advantages of the use of oil as a fuel in the Navy Department, since that has been demonstrated by the department itself. It is a well-known fact that the requirements of the Navy Department this year of fuel oil will be nearly three times the quantity used last year. In the Associated Press, on December 30, 1913, the following item appeared:

"The new twin-screw oil-burning torpedo boat destroyer *Parker*, largest of its class and called the 'destroyer of destroyers,' has been turned over to the Government by the builders here. The *Parker* will be equipped with four 4-inch rapid-firing guns and four twin 8-inch torpedo tubes. One hundred men, including four officers, will be assigned to the ship. With its tanks loaded to their capacity of 2,000 tons of oil, the *Parker* is capable of 7,000 miles at cruising speed, or 800 miles at its highest velocity."

The American Review in a recent issue published a very interesting article, from which we quote:

"In a great war, such as all the European nations are preparing for, there will be no such thing as the respecting of the rights of the non-belligerents who are not powerful enough to protect themselves, in the same way the oil fields of the lesser powers would undoubtedly be seized by the first nation, or coalition, that felt it could further its own ends by their possession. Of such are the great fields of Roumania and the Dutch Indies, Sumatra and Borneo. The oil fields of Mexico would also be included in this list but for the fact that the protecting wing of the Monroe doctrine renders them fairly safe from European aggression. If the United States, however, became hard pressed for oil, as might happen in a war, this 'law of might and expediency' would undoubtedly be invoked to justify our seizure of the Mexican fields."

At the present time the Government is investigating the desirability of building and operating a pipe line of its own for the primary purpose of protecting the Navy in securing its supplies of fuel oil. Its investment in such a proposition would necessarily be considerable. Fuel oil, however, is manufactured and not produced, and this would require the investment by the Government in a refinery. A Government refinery, if built, would necessarily be operated in competition against privately owned refineries, and would not and could not be extended to the monopoly of the refining business in the hands of the Government, because by its nature the refining business is not such a natural monopoly as the transportation of oil by means of pipe lines. It would thereby invade the realm of private enterprise, which is undesirable.

By means of the acquisition and operation of existing interstate pipe-line systems, however, the Navy would be fully protected, not only by having deliveries made to it at Gulf points already reached by existing pipe lines and refineries located at such points, but also at all seaboard points where refineries are already established from which the Navy could secure its supplies of fuel oil in competitive markets. It would also be able to select the best quality of fuel oil under standard specifications which could be manufactured at interior points and transported through the pipe lines for delivery in large quantities to seaboard points.

Since the ownership and operation by the Government of pipe lines would prevent the arbitrary fixing of prices in any field of production, the Navy Department would be protected from an arbitrary advance in the price in any one particular field with the price in other fields was arbitrarily reduced. At the present time the price of Pennsylvania crude is $2.50 per barrel, Crude which is of nearly equal value is sold in the midcontinent field at 90 cents a barrel. The power that can make this artificial difference in prices can exactly reverse those prices, if to its advantage to do so.

8. Revenue would be produced to the Government through its ownership and operation of pipe lines.

From the information that the Government has already acquired through its investigation of the oil industry, it is obvious that the pipe lines have been the chief source of profit to the monopoly existing in the petroleum industry since the abolition of the railroad rebate. From the table shown on page 32 of this declaration, stating the plant investments and yearly profits for the year 1906 of the various pipe-line companies and yearly profits for the year 1906 of the Interstate Commerce Commission, as required by the act to regulate commerce, it may be seen that there would be a sufficient guaranty of revenue to the Government accruing from its operation of pipe lines, even at a reasonable rate; and, as a transportation tax is one most easily collected and of little hardship upon the consuming public—an indirect tax—its burden would rest very lightly upon those who would pay it.

The cost of transportation by means of pipe lines, as compared with the value of the service, is inconsiderable, and as there is nothing in the intricate in pipe-line operation inasmuch as it requires but a small number of employees, the Government would be able to keep the expense of operation at a minimum. Plant cost and maintenance, as compared with the value of the service, is lower with respect to pipe lines than any other means of transportation. Depreciation of plant, or obsolescence, is not a most noticeable factor. From the nature of the commodity transported frictional wear is almost entirely eliminated, than pipes are invariably laid underneath the surface of the ground, and consequently are not affected by atmospheric changes nor by contact with other activities. There is no deterioration of the metal itself from the oil transported, which is in itself a preservative coating. Terminal and station is covered with an adequate preservative coating. Terminal and station facilities are not costly and are easily and quickly provided. The volume of transportation, the plant considered, is enormous. So that every opportunity exists to provide a permanent revenue to the Government, at small cost of operation and without burden upon the public, through governmental operation of pipe lines.

III. PRACTICABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.

1. Such Government ownership and operation is harmony with other governmental enterprises.

The acquisition and operation of interstate pipe lines is entirely in harmony with what the Government has undertaken of an industrial nature, such as the Postal System, including the Parcel Post System, the Forestry Department, the Alaskan railroad, Panama Canal, irrigation dams, and many other activities undertaken by the several executive departments of the Government.

2. Valuation of interstate pipe lines within the scope of the Interstate Commerce Commission.

In connection with its work of valuation of railroads the valuation of the properties of the interstate pipe lines would be an easy matter for the Interstate Commerce Commission, with all of its equipment for arriving at valuations, and that said commission could accurately and quickly return an estimate of what the Government should pay for such properties.

3. Pipe lines could be readily operated by the Department of the Interior.

On account of the vast properties of the Government which are placed under the jurisdiction of the Department of the Interior, the operation of interstate pipe lines could be readily undertaken by that department without great expense and with best results, since the necessary administrative control of other governmental properties has already established the machinery for the general superintendence of a proposition of this kind.

4. The cost of acquisition of interstate pipe lines by the Government not prohibitive.

While the cost of the properties to be acquired by the Government for the operation of a system of interstate pipe lines is not accurately available, reference to the capitalization of the various pipe-line companies, or to the plant investments of such companies, as shown by their balance sheets, will be of assistance in determining this cost. Taking the figures as shown in such balance sheets and making due allowance for the investments of such pipe-line companies in producing properties, large storage farms where oil is accumulated and stored for future shipment, refinery investments, etc., it will be found that the amount necessary to compensate the owners of such pipe-line properties would be much less than the same expended on many of the projects already undertaken by the Government.

The total cost can be roughly estimated by taking the total mileage of the trunk pipe lines and multiplying that by a careful estimate of the average cost per mile, based upon the investigation of costs shown in the extensive report of the Commissioner of Corporations.

However, the cost could not reasonably be urged against the practicability of Government ownership, since, whatever that might be, the Government would have it within its power to recoup such cost by the imposition of transportation charges, and that without burdening the industry. In fact, the present pipe-line transportation charges are such that any reasonable rates which the Government might fix would at once work a reduction in the cost of petroleum and its products to the ultimate consumer.

From every standpoint of view, therefore, it is entirely practicable for the Government to acquire and operate interstate pipe lines.

IV. THE VALIDITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.

1. Fundamentally such ownership and operation would be in harmony with the purposes of government as expressed in the preamble of the Constitution—the "general welfare" of the people.

In the Commentaries on the Constitution of the United States, by Joseph Story (vol. 1, p. 338), it is stated:

"The importance of examining the preamble for the purpose of expounding the language of the statute has been long felt and universally conceded in all juridical discussions. It is an admitted maxim in the ordinary course of the administration of justice that the preamble is a key to open the mind of the makers as to the mischiefs which are to be remedied and the objects which are to be accomplished by the provisions of the statute."

Having in mind, then, the purposes of the Constitution, any of its specific provisions or the powers delegated to Congress thereunder would be interpreted in relation to such declarations found in the preamble.

And at page 362, in discussing the "general-welfare" clause, the same author says:

"We pass in the next place to the clause to 'promote the general welfare.' And it may be asked, as the State governments are formed for the same purpose by the people, why should this be set forth as a peculiar or prominent object of the Constitution of the United States? To such an inquiry, two general answers may be given: The States separately would not possess the means; if they did possess the means, they would not possess the power to carry the appropriate measures into operation."

First, with respect to the means, the great enterprises entered upon by the Federal Government have, in the extent of their expenditures, been beyond the revenues of many of the States. And even if such projects could be contributed to by the revenues of the States as a whole, by their unanimous consent, a just distribution of the whole burden would be extremely difficult and an almost insurmountable problem.

And, second, with respect to the powers of the State, the powers of a State can not extend beyond the territory of its sovereignty, and, consequently, are confined to all of those matters which are internal; can not attempt to regulate affairs extending beyond its own territory. Commerce among the States must be controlled by the Federal Government, because its powers alone are commensurate with such commerce.

At page 364 the same author says:

"If a system of regulations, on the other hand, is prepared by a general government, the inequalities of one part may, and ordinarily will, under the guise of wise councils, correct and ameliorate those of another. * * * The navigation and commerce, the agriculture and manufactures, of all the States have received an advancement in every direction by the Union which has far exceeded the most sanguine expectations of its warmest friends.

"But the fact alone of an unlimited intercourse, without duty or restriction, between all the States is of itself a blessing of almost inconceivable value. It makes it an object with each permanently to look to the interests of all, and to withdraw its operations from the narrow sphere of its own exclusive territory. Without entering here into the inquiry how far the General Government possesses the power to make or aid the making of roads, canals, and other general improvements which will properly arise in our future discussions, it is clear that if there were no General Government, the interest of each State to undertake or to promote in its own legislation on any project would be far less strong than it now is, since there would be no certainty as to the value or duration of such improvements, looking beyond the boundaries of a State. * * *

"Independent of the exercise of any authority by the General Government for this purpose, it was justly foreseen that roads would be everywhere shortened and kept in better order; accommodations for travelers would be multiplied and meliorated; an interior navigation on our rivers would be opened throughout almost the entire extent of our coast; and, by canals and improvements in river navigation, a boundless field opened to enterprise and immigration, to commerce and products, through the interior States, to the farthest limits of our western territories."

It is true that the above-quoted language refers to things as they were 80 years ago, before the advent of railroads, telegraphs, telephones, and pipe lines, but the fact that the great commentator saw that the powers of the Government could be exercised, unless forbidden by the Constitution, along these avenues, shows that the same principles when applied to this question will be seen to be in entire harmony therewith.

2. It is an exercise of the Government's constitutional grant of power to regulate commerce among the States. (Federal Constitution, Art. 1, sec. 8, par. 3.)

In volume 2, page 2, Story on the Constitution, it is stated:

"The want of this power (as has been already seen) was one of the leading defects of the Confederation, and probably, as much as any one cause, conduced to the establishment of the Constitution. It is a power vital to the prosperity of the Union, and without it the Government would scarcely deserve the name of a national government and would soon sink into discredit and imbecility. It would stand as a mere shadow of sovereignty, to mock our hopes and involve us in a common ruin."

If from the facts heretofore stated relating to the use made by the private pipe-line companies to control commerce among the States the conclusion is inevitable that these instrumentalities are not now regulated by this power of the Government, it stands as a "mere shadow of sovereignty", with relation to these instrumentalities, unless by the exercise of that power it can and does effectually regulate the commerce which flows through them. That it is commerce over which the power of the Government extends and that the Government has the power to regulate such commerce was well established in the early case of Gibbons v. Ogden (9 Wheat., 1), in which Chief Justice Marshall, at page 196, said:

"It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. This power, like all others vested in Congress, is complete in itself, may be exercised to its fullest extent, and acknowledges no limitations other than are prescribed in the Constitution."

As to the means by which this commerce can be regulate, this is amply set forth in the celebrated case of McCulloch v. Maryland (4 Wheat., 167), the syllabus of which is:

"The Government of the Union is a Government of the people; it emanates from them; its powers are granted by them, and are to be exercised directly on them and for their benefit.

"The Government of the Union, though limited in its powers, is supreme within its sphere of action, and its laws, when made in pursuance of the Constitution, form the supreme law of the land.

"There is nothing in the Constitution of the United States similar to the Articles of Confederation, which exclude incidental or implied powers.

"If the end be legitimate and within the scope of the Constitution, all means which are appropriate, which are plainly adapted to that end, and which are not prohibited, may constitutionally be employed to carry it into effect."

As said by the Supreme Court in re Debs (158 U. S. Rep., 564):

"Constitutional provisions will not change, but their operation extends to new matters as the mode of business and habits of life of the people vary with each succeeding generation. The law of the common carrier is the same to-day as when transportation on land was by coach and wagon, and on water by canal boat and sailing vessel, yet in its actual operation it touches and regulates transportation by modes then unknown—the railroad trains and steamships. Just so it is with the grant of power to the National Government over interstate commerce. The Constitution has not changed; the power is the same, but it operates to-day upon modes of interstate commerce unknown to the fathers, and it will operate with equal force upon any new modes of such commerce which the future may develop."

And, again, in Pensacola Telegraph Co. v. Western Union Telegraph Co. (96 U. S. Rep., 1, 24 L. ed., 708):

"They extend from the horse and wagon to the stage coach, from the sailing vessel to the steamboat, from the coach and steamboat to the railroad, from the railroad to the telegraph, as these new modes are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances."

In Interstate Commerce Commission v. Brimson (154 U. S. Rep., 476), it is said:

"Congress has plenary power, subject to the limitations imposed by the Constitution, to prescribe the rule by which commerce among the several States is to be governed. Congress may, in its discretion, employ any means not forbidden by the Constitution to carry into effect and accomplish the objects of power given to it by the Constitution."

Cases might be multiplied upon this question of power and what it includes and the means that the Government may make use of in putting such power into effect, as the "commerce clause" has been considered by the court of last resort more frequently in the last half of the National existence than any other clause in the Constitution. But this is not necessary, either to substantiate the power or the means of exercising such power so long as the power and means are exercised with respect to the regulation of commerce among the States.

3. Interstate transportation of oil by pipe lines is a monopoly of such nature as to properly restrict it to the Federal Government.

In United States v. Knight (156 U. S. Rep., 1) Mr. Chief Justice Fuller, at page 12, made use of the following language:

"The power to regulate commerce is the power to prescribe the rule by which commerce shall be governed, and is a power independent of the power to suppress monopoly. But it may operate in repression of monopoly whenever that comes within the rules by which commerce is governed or whenever the transaction is itself a monopoly of commerce."

Again, in Pearsoll v. Great Northern Railway Co. (161 U. S., 646), the Supreme Court said:

"There is, and has been, for the past 300 years, both in England and in this country, a popular prejudice against monopolies in general which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter upon which the legislature is entitled to pass judgment. At least there is sufficient doubt of the propriety of such monopolies to authorize the legislature, which may be presumed to represent the views of the public, to say that it will not tolerate them unless the power to establish them be conferred by clear and explicit language."

In Texas & Pacific Ry. Co. v. Interstate Commerce Commission (162 U. S., 197) it is stated:

"Before we consider the phraseology of the statute it may be well to advert to the causes which induced its enactment. They chiefly grew out of the use of railroads as the principal modern instrumentality of commerce. While shippers of merchandise are under no legal necessity to use railroads, they are so practically. The demand for speedy and prompt movement virtually forbids the employment of slow and old-fashioned methods of transportation, at least in the case of the more valuable articles of traffic. At the same time the immense outlay of money required to build and maintain railroads, and the necessity of resorting, in securing rights of way, to the power of eminent domain, in effect disable individual merchants and shippers from themselves providing such means of carriage. From the very nature of the case, therefore, railroads are monopolies, and the evils that usually accompany monopolies soon began to show themselves and were the cause of loud complaints."

Again, in Swift v. United States (196 U. S., 375), Mr. Justice said:

"No more powerful instrumentality of monopoly could be used than an advantage in the cost of transportation."

4. Privately owned pipe lines from their very nature trespass upon public rights.

In the investigation by the Interstate Commerce Commission, "In the matter of pipe lines," Docket No. 4196 (1, and 8.), after taking a large amount of testimony, the commission formulated seven questions of law upon which it requested counsel for the proponents and respondents to argue before the commission. The fourth question propounded by the commission was:

"Does the utilization by a pipe line of the right of way of a common carrier railroad impress upon that pipe line the obligations of a common carrier?"

The question arose by reason of the fact that the testimony before the Interstate Commerce Commission showed that in a great many instances the rights of way acquired by railroad companies had been utilized by pipe-line companies by arrangement with the railroad companies and without the consent of the abutting property owners. For instance, along the line of the Santa Fe, for more than 300 miles, the private pipe line of the Prairie Oil & Gas Co. extended. Other instances are referred to of other pipe lines occupying the rights of way of railroad companies, and in every instance, where necessary, such pipe lines crossed the rights of way belonging to the railroad companies.

The Commissioner of Corporations, in his report above referred to, at page 425, says:

"While the prices of illuminating oil in the principal foreign markets have for years been relatively lower than the prices in the United States, this disparity became especially conspicuous during the years 1903, 1904, and 1905. During those years the domestic price stood at a much higher level than for many years before, while prices in the principal foreign markets, particularly in 1904 and 1905, were sharply reduced, with the result that the average price in leading foreign markets, like the United Kingdom, Germany, and the Orient, stood at times from 2 to 3 cents below the average price in the United States, transportation costs, difference in quality of oil, etc., being taken into account."

And on page 427 of the same report:

"The policy of the Standard Oil Co. in charging much higher prices in the domestic than in the foreign trade is an injustice and injury to the American consumer which is not compensated for by any material advantage to American producers of crude oil or to American labor." (See Report of the Industrial Commission, vol. 1, p. 570.)

The Interstate Commerce Commission, in its report to Congress in obedience to public resolution No. 8, approved March 7, 1906, made January 29, 1907, at page 13, says:

"The only knowledge this commission has of the competitive methods of the Standard Oil Co. is derived from the evidence taken in this investigation. We have already said that this testimony was under oath; that the witnesses were subject to cross-examination by the attorneys of the Standard Oil Co.; that that company was given permission to explain or rebut the facts shown. This evidence, if true, demonstrates that in the past the competitive methods of that company have been unfair and often disreputable; that its motto has been the destruction of competition at any cost, and that this policy has been pursued without much reference to decency or conscience. It is significant that the larger independent refiners sell the greater part of their product in foreign countries. One of these testified that 75 per cent of his product went abroad, and that he could compete with the Standard Oil Co. in Germany, where its methods in this country would not be tolerated, but that he could not compete with it here."

And at page 4 of the same report the commission said:

"Refined oil is sent from the Standard Co.'s refinery at Whiting, Ind., which is practically the same as Chicago, to both New Orleans and Denver, the distance being almost exactly the same, and the actual cost to the railway of transporting petroleum to these two points is not much different. The rates upon which it moves, however, is about 2 cents per gallon higher in case of Denver than in case of New Orleans, and the cost to the Standard Co. at these two points differs to that extent. The price paid by the consumer in New Orleans was said to be 8½ cents a gallon; in Denver, 20 cents a gallon. Our impression from this whole record before us is that the chief effort of the Standard Oil Co. in the past has been to destroy competition, and that its principal profit has come from eliminating, in one way or another, its competitor."

TRANSPORTATION BY PIPE LINES.

As this declaration deals with the question of transportation by pipe lines, and advocates the ownership by the Government of such pipe lines engaged in the transportation of petroleum in interstate commerce, this question will be discussed under the following heads: I. The monopolistic nature of pipe lines; II. The desirability of Government ownership and operation of interstate pipe lines; III. The practicability of Government ownership and operation of interstate pipe lines; and IV. The validity of Government ownership and operation of interstate pipe lines.

I. THE MONOPOLISTIC NATURE OF PIPE LINES.

1. *The cost of transportation of petroleum by pipe line is so low as to preclude other means of transportation in any large volume.*

In the report of the Commissioner of Corporations on the "Transportation of petroleum," published May 2, 1906, at page 60, it is stated:

"The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transportation of crude oil through the trunk line from Humboldt, Kans., to Sugar Creek, Mo., a distance of 117 miles, is less than 1 cent per barrel of 42 gallons. * * * An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 2¾ cents per barrel of crude oil of 42 gallons." Reported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than about half its full capacity; and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore, 2 cents per barrel is sufficient allowance for interest and depreciation."

The Commissioner of Corporations in his "Report on the petroleum industry," part 1, published May 20, 1907, at page 231, gives the estimated cost of transporting oil through the trunk pipe lines of the Standard and Tide Water Lines. The cost per barrel for operating expense is stated to be 3.32 cents; depreciation (5 per cent on investment of $15,543,000), 2.51 cents; interest on investment, at 10 per cent, 5.01 cents; total, 10.84 cents. With interest on investment at 5 per cent the cost, including interest and depreciation, would be 8.34 cents per barrel.

The cost is also given, at page 233 of the same report, for transporting oil by pipe line from Lima, Ohio, to Bear Creek, Pa., as follows: Operating cost, 1.98 cents per barrel; depreciation (5 per cent on investment of $5,500,000), 2.28 cents; 5 per cent on investment, 2.28 cents; making a total cost of 6.54 cents per barrel.

On page 234, same report, the cost is also estimated for transporting oil from Lima, Ohio, to seaboard, as follows: Operating expense, 5.30 cents per barrel; depreciation, 4.79 cents; interest, at 5 per cent, 4.79 cents; total cost, 14.88 cents. Also, on page 237, the cost from Lima, Ohio, to Whiting, Ind., including interest and depreciation, is given at 5.02 cents per barrel; and, at page 238, from the midcontinent field to Griffith, Ind., the cost is given as being about 6 cents per barrel, making the through charge, equivalent to the sum of the local charges, 28 cents per barrel from the midcontinent field to seaboard, including 5 per cent depreciation and 5 per cent interest on investment.

The rail rate on petroleum in carload lots from western Pennsylvania to New York Harbor is 10½ cents per 100 pounds, which is equivalent to 45 cents a barrel. To Philadelphia the rail rate is 14½ cents per 100 pounds, which is equivalent to 39 cents a barrel, which is the pipe-line charge. And without further comparisons it may be said, generally, that the pipe-line tariffs published by such pipe-line companies as are professedly common carriers are practically the same as the rail rates, although no tariffs are published by the Prairie Oil & Gas Co. for transportation from the midcontinent field to Griffith, Ind., or by the Ohio Oil Co. or Tide Water Pipe Co. from the Illinois field to seaboard.

The conclusion of the Commissioner of Corporations, at page 239, same report, referring to the rate to New York, says:

"It is obvious, therefore, that the rate of 45 cents was altogether extortionate, and it is no wonder that no use whatever was made of it by independent shippers."

At page 240 the following table is given, showing a comparison of selected rates by the Standard's pipe lines, with estimated cost of transportation:

[Cents per barrel of 42 gallons.]

From—	To—	Distance by pipe line.	Published rate.	Operating cost and depreciation.	Operating cost, depreciation, and interest at 10 per cent.	Difference between published rate and— Operating cost and depreciation.	Difference between published rate and— Operating cost, depreciation, and interest.
		Mi.	*P. ct.*	*Per ct.*	*Per ct.*	*Per ct.*	*Per ct.*
Preble, Ind.	Lima, Ohio	49	15.0	0.8	1.6	14.2	13.4
	Cleveland, Ohio	252	28.0	4.3	8.3	23.7	19.7
Downs, W. Va.	Franklin, Pa.	[1] 129	25.0	2.2	4.3	22.8	20.7
Scio, Ohio	do	[1] 140	25.0	2.4	4.6	22.6	20.4
Moundsville, W. Va.	Philadelphia, Pa.	274	39.0	4.7	9.0	34.3	30.0
Corning, Ohio	do	402	39.0	6.8	13.3	34.2	25.7
Cygnet, Ohio	do	530	53.5	9.0	17.5	44.5	36.0
Do	Uniontville, N. Y.	546	52.0	9.3	18.0	42.7	34.0
Lima, Ohio	Philadelphia, Pa.	577	53.5	9.8	19.0	43.7	34.5
Do	Uniontville, N. Y.	593	52.0	10.1	19.6	41.9	32.4
Griffith, Ind.	Buffalo, N. Y.	604	52.5	10.3	19.9	42.2	32.6
Do	Philadelphia, Pa.	766	68.5	13.0	25.3	55.5	43.2
Do	Uniontville, N. Y.	782	67.0	13.3	25.8	53.7	41.2

[1] Part of distance is estimated.

The Interstate Commerce Commission, in their report under public resolution No. 8, approved March 7, 1906, under date of January 29, 1907, at page 5, said:

"The expense of pumping oil is very much less than the cost of transporting it by rail. It was said that the actual cost of pumping a barrel of oil 100 miles was about 2 cents; and while this must vary with different conditions, the estimate seems to be sufficiently high on the average. The cost to the Standard of transporting a barrel of oil from the Kansas field to the Atlantic seaboard would not be much, if any, above 30 cents."

2. *The right of way must be secured by grant of sovereign power.*

At page 11 of the brief for the United States, in the Supreme Court of the United States, in United States et al. v. The Ohio Oil Co. et al., Nos. 481, 482, 483, 506, 507, and 508, appeals from the United States Commerce Court, which cases are commonly known as the "Pipe Line cases," the following statement is made:

"It may be further stated that the pipe lines in question were located in part upon or across the rights of way of various railroad companies, upon or across public highways, and that 'said pipe lines are and always have been located, maintained, and operated over public highways or on the rights of way of railroad companies,' and 'that petitioner's predecessors in title did at certain points lay the pipe lines in question along or across public highways and streets in said State, and that at various points petitioner's pipe lines are laid and are being operated upon, along, or across the rights of way of railroad companies engaged in interstate commerce.' (No. 482: R. 86-88.) In its answer the United States alleges that the predecessor in title of petitioner did for long distances lay said pipe in, along, and across certain of the navigable rivers of the United States, including the Hudson River, any private use whereof is contrary to the public policy of the United States. (No. 482: R. 35.) Petitioner does not deny that its pipe was so laid, though it does deny that such act did in that behalf is contrary to the public policy of the United States."

And at page 14 of the same brief:

"Its line to Griffith, Ind., is the only pipe line extending from the mid-continent field eastward. This is laid in part over the right of way of the Atchison, Topeka & Santa Fe Railway Co. from Sibley, Mo., to Joliet, Ill., a distance of about 500 miles (No. 506: R. 32-33), and portions of the company's lines are laid over the public domain in the Indian Territory and Oklahoma." (No. 506: R. 41 to 61, inclusive.)

The above instances of the use of railroad companies' rights of way, navigable rivers, public territory, and highways might be repeated with respect to the lines of all trunk pipe lines. In addition to which it appears in the record of the "Pipe Line cases," above referred to, that in the States of New York, Pennsylvania, West Virginia, Ohio, Indiana, Oklahoma, and Texas pipe-line companies are organized as common carriers, having the right of eminent domain and the power to condemn private property. It is true that the grant of the right of eminent domain comes from the State instead of national sovereignty, but if these rights are used to provide instrumentalities of interstate commerce, such instrumentalities, by reason thereof, fall under the control of the Federal Government to the same degree as though the Government itself had exercised its power of eminent domain for the establishment of a post road or a Government railroad.

3. *The cost of construction of interstate pipe lines is beyond the range of ordinary business investment.*

In part 1 of the "Report on the petroleum industry," by the Commissioner of Corporations, published May 20, 1907, at page 217, the cost per mile of the pipe line laid from Humboldt, Kans., to Kansas City, Kans., and from Chanute, Kans., to Humboldt, and from Caney, Kans., to Neodesha, Kans., is given. For the 8-inch lines from Humboldt to Kansas City, 117½ miles long, the cost per mile was as follows: For pipe, $4,381.07; for fittings, $7.63; for right of way, $78.47; for construction, $1,030.38; making a total cost per mile of $5,497.55.

The 6-inch line, from Chanute to Humboldt, 84 miles: For pipe, $2,799.94; fittings, $0.10; right of way, $8.03; construction, $573.78; total, $3,381.85.

The 6-inch line, from Caney to Neodesha, 33 miles: For pipe, $2,551.99; fittings, $0.31; right of way, $40.03; construction, $606.26; total, $3,178.59.

From the record of testimony, volume 7, on pages shown in the following table, in the case of the United States of American v. The Standard Oil Co. of New Jersey et al., in the District Court of the United States for the Eastern Judicial District of Missouri, the following is a summary of the investments and net profits of the various pipe line companies as of December 31, 1906:

Name of company.	Plant investment.	Net profit per year.	Page.
Buckeye Pipe Line Co.	$15,326,661.40	$7,028,568.40	164
Southern Pipe Line Co.	4,326,822.17	4,649,305.26	172
Indiana Pipe Line Co.	4,652,666.25	2,513,553.69	180
Crescent Pipe Line Co.	977,630.46	466,355.77	189
Eureka Pipe Line Co.	7,155,544.59	2,435,103.83	189
Northern Pipe Line Co.	2,795,474.57	1,501,614.22	197
South West Penn Pipe Line Co.	3,122,591.59	373,383.67	198
New York Transit Co.	5,924,466.13	2,243,222.59	206
National Transit Co.			
East Ohio Gas Co.			
New Domestic Oil & Gas Co.	11,801,636.00	10,686,349.20	233
Cumberland Pipe Line Co.			
Connecting Gas Co.			

In the same record of testimony, volume 8, page 619, the plant investment of the Prairie Oil & Gas Co. is stated as $18,008,445.27; but as this company has no pipe-line charges, its profits in transportation are not shown; and since the same is true concerning the Ohio Oil Co. and the Midwater Pipe Co., a statement concerning these companies need not be made.

It is very evident, therefore, that the construction of interstate pipe lines is of such magnitude as to be beyond the resources of ordinary capital.

4. *Duplication of plants an economic waste.*

At page 649 of Volume II of the "Report on the petroleum industry," by the Commissioner of Corporations, published August 5, 1907, the following is stated:

"The advantage of the possession of a number of plants is intimately connected with the existence of the pipe-line system of transporting crude oil. In the absence of such a system there would, of course, be refineries in different parts of the country, because there are crude-oil fields in different parts of the country, but most of the refineries would be found in or very near to the oil fields, and there would be no advantage in locating refineries, as the Standard has done, at a number of points distant from the oil fields but convenient to centers of consumption and distribution. The transportation of refined petroleum products by rail costs no more than that of crude oil by rail. Consequently, if the Standard did not possess a great pipe-line system the advantage which it could derive from the ownership of a number of refineries would be quite limited. It is true, even under these conditions, if the Standard had refineries at each of the great oil fields it would have an advantage in the cost of transportation to certain markets, but such a situation would not be likely to arise. On the contrary, it would naturally be expected that in each of the important oil fields there would be competing refineries. To a large extent, therefore, the advantage of the Standard connected with the possession of numerous refineries resolves itself into its advantage through the control of the pipe-line system."

In Senate Document No. 399, Sixty-third Congress, second session, entitled "Government Ownership of Electrical Means of Communication," at page 10, it is stated:

"It is needless here to enter into the manifold advantages and benefits that would accrue to the people from a uniform telephone service. The telephone has now become an indispensable aid to business and a means of social intercourse to which all classes properly aspire. As it has done with the mails, it is the duty of the Government to make this facility available to all of its citizens without discrimination.

"There is only one other alternative, the enforcement in accordance with law of a condition of competition in the telephone and telegraph business. Without considering whether this could be done effectually in the case of an enterprise inherently so monopolistic, it is sufficient to note that while the execution of such a plan would be fraught with difficulty, its effect would not be to improve service and reduce rates, but the reverse. Competition applied to this public utility has clearly been shown to result in waste and inefficiency due to duplication. Not artificial restraint but natural development under Government control is the true policy for the public interest."

The similarity of the monopoly of communication by electrical means and the monopoly of transportation by pipe lines is striking. There is no room for a second system of pipe lines. A duplicated plant would not only add to the cost of the entire plant investment, but would likewise increase the cost of operating and expense. The production of crude oil is located. There are defined fields. The points to which crude oil is desired to be transported is also fixed. Transportation by pipe line is entirely unlike transportation by rail, where all kinds of commodities from all places of production are transported to all points of consumption. A single commodity is transported through the pipe line from the point of production to the point of manufacture. The plant can be used for no other purpose and in no other place. Any duplication of the present properties would be an economic waste; any increase in the quantity of transportation can be most economically done by adding to the existing plants.

5. *Transportation by pipe lines susceptible to restriction in service by owner.*

The characteristics of transportation of petroleum or other substance by pipe line tend always to a restricted use. From the point of production to the point of delivery there is but one line. Lateral branches for service to others do not mark pipe-line transportation. Pipe lines are generally built to a required capacity, and unless the transportation increases additions are not made. The quantity and capacity are generally balanced one with the other as nearly as possible. The owner, for various reasons, can require a certain character of petroleum to be presented in certain quantities to avoid mixture during the process of passing through the line.

As illustrative of the restrictive regulations, reference may be made to the joint tariff of the National Transit Co. in connection with the New York Transit Co., I. C. C. No. 1, effective August 28, 1906, as follows:

"REGULATIONS.

"This company will receive crude petroleum for interstate transportation only to established delivery stations on its own lines and lines of connecting pipe line companies on the following conditions:

"First. It will receive crude petroleum for interstate transportation when the shipper has provided the necessary facilities for receiving said petroleum as it arrives at destination.

"Second. It will forward such crude petroleum when there has been tendered to it by the shipper, individually, or by him and others, a quantity of the same kind and quality of crude petroleum amounting in the aggregate to not less than 75,000 barrels, all of which shall be consigned for delivery to the same delivery point.

"Third. All such crude petroleum will be accepted for transportation only on condition that it shall be subject to such changes in quality while in transit as may result from the mixture of said petroleum with other petroleum in the pipe lines or tanks of this or the connecting company or companies.

"Fourth. Orders for the shipment of any specified kind of such crude petroleum shall only become effective when orders from the shipper, in connection with orders from others shippers, for the same kind and quality of petroleum shall amount in the aggregate to 75,000 barrels or more, consigned to the same point of delivery; and, subject to this requirement, orders for shipment shall become operative in the order in which they shall have been received.

"Fifth. Crude petroleum will only be accepted for transportation when free from all liens and charges.

"Sixth. This company is not engaged in the transportation of refined oil, and will not therefore accept the same for transportation."

Referring to joint tariff of the Indiana Pipe Line Co., in connection with the Buckeye Pipe Line Co., Northern Pipe Line Co., National Transit Co., and New York Transit Co. (I. C. C. No. 1, effective Aug. 28, 1906), the same regulations are incorporated, with the exception that the quantity is increased from 75,000 to 300,000 barrels of crude petroleum as the minimum shipment.

The above regulations characterize all of the tariffs filed by the various pipe-line companies, acknowledging their obligations as common carriers to the public.

II. THE DESIRABILITY OF GOVERNMENT OWNERSHIP AND OPERATION OF INTERSTATE PIPE LINES.

1. *Monopolies should be owned and operated by the Government.*

It is a well-settled principle that the grant of a monopoly can be acquired only from sovereign power, and the sovereign power granting such monopoly may operate it for the benefit of all.

Whenever a monopoly is granted to private individuals or enterprises it should be properly guarded and regulated so that the interest of the public shall not be exploited or individual rights invaded.

In the report of the Industrial Commission, volume 1, page 797, in 1899, Mr. John D. Rockefeller stated:

"To perfect the pipe-line system of transportation required in the neighborhood of fifty millions of capital. This could not be obtained or maintained without industrial combination. The entire oil business is dependent upon this pipe-line system. Without it, every well would shut down and every foreign market would be closed to us."

A power so vast in its consequences can not safely repose in unregulated private interests. The temptation to its abuse is unavoidable. The public is helpless against it except through the intervention of the Government. Complete safety to the public is only attainable by Government ownership and operation.

If the distribution of the mail were in the hands of a private monopoly instead of in the hands of the Government, what opportunities for exploitation would exist if the institution controlling it were endowed with vast capital and vast power similar to that which controls the pipe-line system? Or supposing that the great systems of railways were to combine and refuse to carry for the public generally, except under prohibitive restrictions, and were to force every producer and manufacturer to sell his commodities to the railways at the railway company's prices and force the consuming public to buy such commodities at the transportation company at prices fixed by the transportation company to the consumer; and yet this condition is exactly similar to that which exists at present, as a practical matter, through the private ownership of the pipe-line systems.

2. *The Government would operate interstate pipe lines to public advantage instead of private gain.*

Taking the Postal Department of this Government as best illustrating the public advantages resulting from Government operation of a monopoly, it is plain that the greatest benefits to the public have thereby been accomplished. It is in accord with the fundamental declaration of "public welfare," for which the Government was formed.

Referring to Senate Document No. 399, of the Sixty-third Congress, entitled "Governmental ownership of electrical means of communication," at page 8, it is stated:

"The telegraph and telephone systems have long been recognized as necessary adjuncts to a complete postal service. As with all other privately-controlled public utilities, these facilities have been extended in our country only in proportion as the service to be performed has insured substantial dividends for the stockholders. Under private ownership, therefore, the telegraph and telephone are for the classes. Under Government ownership, through the postal machinery, which is conducted in the interest of the whole people and already reaches every man's door, the benefits of these facilities could be extended to the masses.

"It is obvious that the longer the acquisition by the Government of these facilities is deferred the greater will be the cost. Moreover, it is economic waste to permit private enterprise to build up vast properties that must eventually be taken over by the Government in resuming its constitutional monopoly at a cost out of all proportion to the value of the parts of such properties that may be utilized to advantage in the postal system."

The pipe-line system in the hands of the Government would be made to reach out its lines to all fields of production and to each producer having a reasonable quantity to offer for transportation. It would afford the opportunity of such transportation and delivery

In the year 1874 the Pennsylvania Legislature passed a bill regulating pipe line companies, requiring them to make monthly statements of runs, stocks, and receipts. In the same year a large number of independent pipe lines were consolidated under the name of the United Pipe Lines, and this association or merger was the first step taken in the direction of settling the question of transportation of oil by pipe lines for all time. It erected hundreds of 35,000-barrel oil tanks to store the oversupply of oil, made pipe-line connections to all of the tanks at the wells, and built pumping stations where they were needed to handle the oil.

In 1880 the business of the American Transfer Co. was transferred to the United Pipe Lines, and in 1884 the United Pipe Lines were transferred to the National Transit Co., all of which were Standard Oil properties, and the National Transit Co. became the Standard Oil Co.'s agency for acquiring, operating, and promoting transportation of petroleum by pipe line throughout all of the fields of the United States, except in the State of California.

2. Control of transportation.

At page 33 of the "Report on the transportation of petroleum," May 2, 1906, by the Commissioner of Corporations, it is said:

"The petroleum industry affords a striking example of the importance of the transportation problem. The cost of transportation is an exceedingly large factor in the cost of oil to the consumer. Consequently, any difference in transportation costs, as between different producers and refiners of oil, has a powerful influence upon their respective positions in competition.

"The importance of transportation, with respect to petroleum, grows chiefly out of the fact that petroleum and most of its products are low-priced commodities. They are heavy in proportion to their value. Moreover, the value of the raw material, crude petroleum, is a large proportion of the total cost of the finished product, while the cost of refining is comparatively small, and a reasonable profit to the refiner is also a comparatively small factor per unit of product. Even an apparently slight difference in transportation rates may, therefore, enable one refiner to sell at a profit while his competitor is losing money."

And, at page 29 of the same report, it is stated:

"Chief among the advantages which, aside from present railroad discriminations the Standard possesses, are the immense pipe-line systems of the company, which enable it at low cost to collect crude oil at highly favorable locations for refining. The great majority of the competitors of the Standard are located in, or very near to, oil-producing territories, and are thus dependent upon railroads for the transportation of oil almost the entire distance from the wells to the final consumer. The Standard Oil Co., on the other hand, often transports its crude oil hundreds of miles in pipe lines in order to refine it at points much nearer to great consuming markets."

The Interstate Commerce Commission, in its report on "Railroad discriminations and monopolies in coal and oil," in obedience to public resolution No. 8, approved March 7, 1906, entitled "Joint resolution instruction the Interstate Commerce Commission to make examinations into the subject of railroad discriminations and monopolies in coal and oil, and report on the same from time to time," which report was made to the Senate and House of Representatives under date of January 28, 1907, at page 5, said:

"The main purpose of this report is to point out in a general way the methods by which the Standard Oil Co. has built up and perpetuated this monopoly, and the relation of the agencies of transportation to that monopoly. At the basis of the monopoly of the Standard Oil Co. in the production and distribution of petroleum products rests the pipe line. * * *

"The advantages which the possession of these pipe lines give to the Standard are apparent upon the surface. The refineries of the independent producer who, as a rule, has no pipe line of any considerable extent, and who generally depends upon that of the Standard for his supply of crude material, are located for the most part near the source of the crude supply. * * *

"The possession of these pipe lines enables the Standard to absolutely control the price of crude petroleum and to determine, therefore, the price which its competitor in a given locality shall pay. * * * In any industry whoever controls the avenues of transportation of either the raw material or the finished product can speedily drive all competitors out of existence. The production and distribution of petroleum is no exception to this rule. While there may be a feeble competition in limited areas, even that must rest largely upon the sufferance of the Standard Oil Co. so long as it has practically the exclusive use of its present system of pipe lines. * * *

"We have in this record a vivid account of several attempts of this character—the construction and operation of pipe lines by independent concerns—and whoever has listened to this testimony will readily appreciate why success was difficult of attainment in these cases and why capital might well hesitate before embarking in such an enterprise. In the past every obstacle has been thrown in the way of such undertakings, and especially have they been opposed by the railroads of the country, whose right of way has generally stood as a Chinese wall against all attempts to extend pipe lines. This can be understood from a railway standpoint, for the pipe line takes the traffic which the railway otherwise obtains. What is difficult of comprehension is that the railways has in the cases brought to our attention extended to the Standard every facility for the construction of pipe lines, while doing all in its power to prevent their construction by the competitors of the Standard."

3. Cost of transportation.

In the report of the Commissioner of Corporations on the "Transportation of petroleum," May 2, 1906, at page 60, it is stated:

"The advantage of the location of the seaboard refineries and of the Whiting refinery grows out of the fact that the cost of pipe-line transportation to them from the oil fields is much less than the cost of rail transportation which the competitors have for the most part to pay in order to reach the same points. The Bureau of Corporations has not secured exact information as to the cost to the Standard Oil Co. of transporting oil through its great trunk pipe lines. The reports of the Prairie Oil & Gas Co., which is controlled by the Standard, show, however, that the operating expense of transporting crude oil through the trunk pipe line from Humboldt, Kans., to Sugar Creek, Mo., a distance of about 117 miles, is less than 1 cent per barrel of 42 gallons, and it is highly probable that the operating expense does not increase proportionately with an increase of distance. Even supposing expense to increase proportionately with distance, the operating cost of transporting oil from the Appalachian oil fields to New York Harbor, an average distance of about 300 miles, would still be less than 3 cents per barrel. If the figures of the Prairie Oil & Gas Co. may be taken as typical. * * *

"An allowance of 5 per cent for depreciation and 5 per cent for interest upon the actual investment of the Prairie Oil & Gas Co. in its pipe line from Humboldt to Sugar Creek is equal to about 24 cents per barrel of crude oil (42 gallons) transported during the first five months of 1905. But the pipe line does not seem to have been used during this period to more than half its full capacity, and its capacity has since been increased more than one-half at a much less than proportional increase of investment. Even if the line is operated at considerably less than its full capacity, therefore 2 cents per barrel is a sufficient allowance for interest and depreciation, provided, of course, that the oil fields continue to produce largely for a long period. * * *

"A liberal allowance for the entire cost of transporting crude oil by trunk pipe line from the Appalachian field to the Atlantic seaboard would not exceed 10 cents per barrel of 42 gallons, or about one-fourth or a cent per gallon. It is quite likely that the cost is less than 8 cents per barrel, or about one-fifth of a cent per gallon. * * *

"This estimated cost of transportation by pipe line is only about one-fourth the cost of rail transportation from the refineries of the independent concerns in these oil fields to the seaboard and to Chicago, respectively. The freight rate from western Pennsylvania refineries to New York Harbor is almost exactly 1 cent per gallon, and to Chicago about 14 cents."

4. Monopoly of control and use of pipe lines.

The report of the Commissioner of Corporations, heretofore referred to, at page 37 says:

"The Standard Oil Co. has all but a monopoly of the pipe lines in the United States. Its control of them is one of the chief sources of its power. While in the older oil fields pipe lines are by the State laws common carriers, there has been little attempt by the States to regulate their charges. The Federal Government has not yet exercised any control over pipe lines engaged in interstate commerce. The result is that the charges made by the Standard for transporting oil through its pipe lines for outside concerns are altogether excessive, and in practice are largely prohibitive. Since the charges exceed the cost of service, the Standard has a great advantage over such of its competitors as are forced to use its pipe lines to secure their crude oil."

MANUFACTURE.

1. Ownership and location of refineries.

The refineries owned and operated by the Standard Oil companies may be roughly divided according to location as follows: Seaboard, Eastern Interior, Lima-Indiana, Mississippi Valley, Texas, California, and Rocky Mountain territory refineries. The Standard Oil Co. of New Jersey owns the Bayonne works, at Bayonne, N. J.; the Eagle works, at Constable Hook, N. J.; the Bayway works, at Bayway, N. Y.; the Baltimore works, at Baltimore, Md.; the Baton Rouge works, at Baton Rouge, La.; and the Parkersburg works, at Parkersburg, W. Va. The Standard Oil Co. of New York owns the Pratt works, at Brooklyn, N. Y.; Long Island works, at Long Island City; Bone & Flemling works, at New York, N. Y.; and the Buffalo works, at Buffalo, N. Y. The Atlantic Refining Co. owns the Philadelphia works, at Point Breeze, near Philadelphia, Pa.; the Eclipse works, at Franklin, Pa.; and the Pittsburgh works, at Pittsburgh, Pa. The Vacuum Oil Co. owns the Olean works, at Olean, N. Y. The Solar Refining Co. owns the works at Lima, Ohio. The Standard Oil Co. of Ohio owns the works at Cleveland, Ohio. The Standard Oil Co. of Indiana owns the works at Whiting, Ind., the works at Sugar Creek, Mo., and the works at Wood River, Ill. The Standard Oil Co. of Kansas owns the works at Neodesha, Kans. The Standard Oil Co. of California owns the works at Point Richmond and also the works at El Segundo, Cal. The Magnolia Refining Co. the works at Beaumont and also the works at Corsicana, Tex. The United Oil Co. the works at Florence, Colo. These are the plants owned and operated by the various Standard Oil Co. interests, all of which were controlled by the holding company, the Standard Oil Co. of New Jersey, prior to May, 1911, when the holding company was required by court decree to return its stock to the stockholders of the various subsidiary companies.

Of the refineries independent of the Standard interests, there are at present 38 located in the State of Pennsylvania—2 at Markus Hook, near Philadelphia; the remainder at Bradford, Warren, Titusville, Oil City, and Pittsburg, or in the immediate vicinity of those points. In Kansas there are 16 independent refineries located in the Kansas producing district; in Ohio 6—1 at Marietta, 2 at Cleveland, 1 at Findlay, and 3 at Toledo; in Oklahoma there are 27 located in the field of production; 4 in Illinois; 7 in Texas; 3 in New York; 1 in New Jersey; 4 in Louisiana; 2 in Wyoming; 1 in Missouri; 1 in Arkansas; and 44 in California.

2. Products and processes.

The products of petroleum are so numerous and varied that any specific description of them would be beyond the necessities of this declaration; and the same is true concerning the processes of manufacture. The Commissioner of Corporations, in his Report on the Petroleum Industry, part 1, published May 20, 1907, at page 254, states:

"Petroleum is a mixture of numerous hydrocarbons. The process of refining consists of the separation, through distillation, of the crude oil into certain fractions and the purification and standardization of these so that they meet commercial needs. The chief characteristics of the several divisions which indicate their serviceability for commercial uses are gravity, inflammability, color, and viscosity. * * * As the vapor comes from the still there is no immediate break in its character, but instead a gradual change, so that any fraction has the average quality of the vapors coming over between the limits set for it. If these limits be not too widely separated, the fraction is comparatively homogeneous. By changing the limits, both the quantity and quality of the fraction is affected. * * * Much skill may be exercised, not only in making the original separations, but also in manipulating the products so as to obtain the highest quality and the largest yield of the more valuable products. The number of possible products is so large and each is subject to so wide a range in quality that the refining business is more intricate than is perhaps ordinarily supposed."

At page 258 of the same report the commissioner gives the separations resulting from refining Pennsylvania crude by two processes, the first known as the "tar process," now practically abandoned, and the second known as the "cylinder stock process." By the first process the products obtained are:

1. Cymogene and rhigolene—usually not condensed.
2. Crude naphtha, redistilled, giving—
   a. Gasoline (chiefly 86° to 90° Baume).
   b. Gasoline or naphtha (chiefly 68° to 76° Baume).
   c. Benzine.
   d. Gas naphtha.

3. Illuminating oil distillates, treated, giving—
   Water white.
   Prime white.
   Standard white or export.
4. Tar or residuum, redistilled, giving—
   a. Gas oil.
   b. Fuel oil.
   c. Paraffin distillate, pressed, giving—
      (1) Paraffin wax.
      (2) Paraffin lubricating oils.
   d. Greases, pitch, roofers' wax, coke.

By the cylinder process:

1, 2, and 3 are obtained and handled as in the tar process.

4. Wax distillate, redistilled, giving—
   a. Gas oil, heavy illuminating oil.
   b. Wax distillate, pressed, giving—
      (1) Pressed oils, reduced, giving—
         (a) 300 Illuminating oil.
         (b) Neutral oils, filtered, etc., giving spindle oils, wool oils, engine oils, etc.
      (2) Paraffin wax.
5. Cylinder stock residuet, i. e., unfiltered cylinder oil.
   a. Filtered cylinder oils.

The percentages of each product obtained by the above processes have varied materially in the different qualities of crude, the different methods of operating the refineries, and to accommodate the changes in market requirements. At page 261 of the same report this latter phase is graphically shown by a comparison of the percentages of the various products for the years 1880, 1889, 1899, and 1904, or practically a period of 25 years. In 1880 the percentage of illuminating oil derived from crude was 75.2 per cent; in 1904, 48.2 per cent; fuel oil and residuum, 1.6 per cent and 19.5 per cent, respectively; lubricating oils, 2.1 per cent and 11.6 per cent; naphtha and gasoline, 10.3 per cent and 10.3 per cent; paraffin wax, 0.1 per cent and 1.4 per cent. At the present time the average percentages of each of the above products might be stated as follows: Illuminating oil, 45 per cent; fuel oil and residuum, 5 per cent; lubricating oils, 23 per cent; naphtha and gasoline, 20 per cent; and paraffin wax, 2 per cent. But even these averages are subject to very wide differences according to the different processes used in refining. For instance, in the mid-continent field and in the fields producing asphaltum oil many refiners merely distill off the gasoline and illuminating oil, selling the entire residuet as fuel oil, thereby incurring an economic waste. The better equipped and more scientifically operated refineries in any field produce the largest possible quantities of those products in ready sale at highest margin of profit. At the present time gasoline and motor spirits are being produced in quantities averaging 30 per cent of the entire crude product.

3. Capacities for refining.

Referring to Dr. Day's "Report on the production of petroleum" for the year 1912, at page 15, it will be noted that there was delivered for refining during that year 177,016,475 barrels of crude oil, for fuel purposes during the same period 58,560,039 barrels, making a total delivery of 236,476,514 barrels, or a decline during the year in total stocks of over 14,000,000 barrels. The total stocks of crude on hand on December 31, 1912, was 122,865,702 barrels, nearly half of which was held in the mid-continent field.

While it is difficult to state the exact amount of crude consumed by each individual refinery on account of these being no statistics published showing such amounts, for obvious reasons, yet from the best obtainable information the annual refining capacities of the various refineries are stated in the following table as approximately but not entirely correct. From the total amount of the refining capacities of all refineries therein shown, being 198,310,000 barrels, it will be seen that this amount is approximately 112 per cent of the total amount of crude delivered for refining during the year 1912. Inasmuch as refineries can only be operated to the greatest advantage by being continually operated at their maximum capacities, and that their operation requires very little idle time and are usually run during all days of the year and all hours of the day, the excess would indicate the nearest to accuracy in the figures submitted in the table:

STILL CAPACITIES FOR REFINING CRUDE PETROLEUM.

Standard Oil refineries.

[Annual capacities in barrels (42 gals.).]

Refineries owned by—	
Standard Oil Co. of New Jersey	36,500,000
Standard Oil Co. of New York	7,300,000
Standard Oil Co. of California	20,725,000
Standard Oil Co. of Indiana	21,170,000
Standard Oil Co. of Ohio	12,000,000
Standard Oil Co. of Kansas	4,000,000
Atlantic Refining Co.	18,250,000
Solar Refining Co.	6,500,000
Vacuum Oil Co.	1,300,000
Total	107,895,000

Independent refineries.

Refineries located in—	Number.	Annual capacities in barrels (42 gallons).
Pennsylvania	38	11,650,000
Kansas	16	8,213,500
Ohio	7	1,090,000
Oklahoma	27	15,080,000
Illinois	4	4,000,000
Texas	7	22,400,000
New York	3	700,000
New Jersey	1	3,500,000
Louisiana	4	516,000
Wyoming	2	2,263,000
Missouri	1	72,000
Arkansas	1	60,000
California	44	19,504,330
Total	155	90,413,730

Total capacities of all refineries, 198,310,730 barrels.

MERCHANDISING.

1. Jobbers, dealers, and distributing stations.

In the sale and distribution of the manufactured products of petroleum generally, i. e., manufacturer sells to the jobber or distributor, he to the dealer, and the dealer to the consumer. This normal condition formerly prevailed in the marketing and distribution of petroleum and its products. At the present time it is estimated that the number of independent jobbers in petroleum and its products in the United States is about 1,500, whose business is largely that of buying from the refiners in carload lots and making distribution in smaller quantities to dealers in the territory surrounding the location of such jobber. There are dealers in these products in every city and town in the United States, usually the grocer or hardware dealer, or both.

For the purpose of securing as large a profit in the petroleum business as possible, the Standard Oil Co. at an early date adopted the practice of putting in distributing stations, ignoring the jobber and dealer in many instances. These distributing stations are now located in nearly every important town in the United States, and consist of tanks for receiving the oil in bulk shipments by tank cars and distributing it throughout the town in which such tank station is located, and also in the outlying district by tank wagon so far as gasoline and illuminating oil are concerned. It is fair to say that, in a rough way, there are more than 5,000 such stations belonging to the Standard Oil interests throughout the United States, and many of the large independent refineries have felt it necessary to adopt the same method of distribution as a settled commercial condition. This method undoubtedly eliminates a great deal of waste and unnecessary cost to the final consumer, but can only be maintained by the provision of enormous capital.

Commenting upon the relation of marketing methods the Commissioner of Corporations in his "Report on the petroleum industry," part 1, May 20, 1907, at page 20, says:

"The relatively greater use of the bulk system of delivery by the Standard than by independent concerns has an important bearing on the degree of monopoly power enjoyed by the Standard Oil Co. * * * In the first place, the shipper of oil in barrels or other small packages pays freight on the weight of the container as well as on the contents, whereas a tank-car shipper pays only on the weight of the oil. As a barrel weighs one-fifth as much as the full load of oil, this means to the case of barrel shippers an increase of about 25 per cent in freight charges alone. Again, freight must be paid on the empty barrel when returned or if sold without returning there is often some loss. Furthermore, the cost of teaming oil in barrels or other packages after it has been delivered at railroad stations is often greater than the corresponding cost of local delivery in bulk. This is particularly true where the volume of business is large. Finally and most important, the bulk system is greatly preferred by retail dealers as cleaner and safer. All of this means that shippers of oil in barrels or other small packages are at a disadvantage in competition. * * * The Standard can maintain excessive prices in towns where competitors use only barrel delivery without much danger of losing control of the greater part of the trade.

"In the second place, the Standard's system of direct sale to retail dealers, in conjunction with the advantage of bulk delivery, favors the practice of price discrimination so destructive of competition. If the Standard Oil Co. sold its oil through jobbers, it would have to charge substantially the same net price for all parts of its product, as the logical result of a large wholesale business is always to equalize prices after allowing for cost of delivery. With the jobber eliminated, it is possible to maintain differences in prices between different towns and sections of the country all out of proportion to differences in cost. * * * This method of predatory competition keeps independent concerns small and weak and often destroys their business entirely. Only a competitor with enormous resources can afford so to extend his marketing business as to fight the Standard on equal terms."

2. Domestic and export markets.

The Commissioner of Corporations in his "Report on the petroleum industry," part 2, published August 5, 1907, at page 316, says:

"The export of illuminating oil in 1904, according to the estimate of the Standard Oil Co., was 58.9 per cent of the production of such oil, and according to the census figures and export statistics 56.1 per cent. The naphtha exported, on the other hand, according to the census and export statistics, was only about 8.6 per cent of the total production of naphtha. The lubricating-oil exports were about 27.6 per cent of that product. Of paraffin wax—a product small in quantity, but high in value—the exports are proportionately large, about 58 per cent of the production in 1904."

Dr. Day, in his report on the "Production of petroleum" in 1912, at page 106, gives the total amount of exports of mineral oils from the United States for that year, in comparison with the total production of oil in the United States for that year, the total production in gallons being 9,328,755,156, the total exports in gallons 1,883,479,897, or roughly 20 per cent of the total amount produced was exported. Of the total amount exported 1,028,138,080 gallons were illuminating oil or the lighter products, 216,895,000 gallons were lubricating oils, and 200,256,000 gallons residuum, the total value of which was $124,210,382. From the above figures it will appear that the consumption of petroleum in the United States is enormous as compared with that of any other country.

3. Prices and profits.

It is a well-known fact that the petroleum prices, both crude and refined, are fixed by the Standard Oil Co. or companies in affiliation known as Standard interests. The prices of crude oil in the various fields bear no relation to each other based upon refining values. While oil produced in the mid-continent field is transported to all refineries located east thereof belonging to the Standard interests through pipe lines owned by the Standard interests, the prices in such fields bear slight relation to the average prices fixed in the various domestic or foreign markets. Prices in the different localities for the finished products in the United States bear little relation to the cost of crude, the cost of refining, or the cost of transportation, but depend more upon the amount of competition against the Standard in any particular market.

In competitive areas prices are held low. In noncompetitive areas prices are held, relatively, exorbitantly high. In the foreign markets, if it suits the Standard to attempt to drive out competition, prices in that particular foreign market will be low as compared with the average export prices, while in such foreign markets without competition prices are held higher than the prices in the domestic markets.

interesting to note the effect upon these men when they read the Senator's arguments showing that times are good and that business is booming. I can imagine what they will think of those arguments, for they know that times are not good and that business is not booming with them. Senators may declare prosperity from this floor, but such declarations will not dispel adversity in the country.

The Senator dislikes to hear Members of Congress complain of the business depression of the country. Ah, if the Senator and his party had possessed that feeling in the years gone by, we would not be in the condition we are in to-day. It was through a misrepresentation of business conditions, through persistent and willful misrepresentations, that the Republican Party was retired from power in 1910 and 1912. Calamity has been Democracy's campaign material for years. Most of the arguments and statements which the Senator has presented have been to show that business is improving. Improving over what? Not over the conditions that maintained prior to two years ago, but over the conditions that existed six months ago or perhaps three months ago—improvement in Democratic conditions.

Mr. REED. Oh, Mr. President, the Senator ought not to make that statement, when every figure I gave went back to 1912.

Mr. TOWNSEND. I repeat the statement that there is nothing that has been presented—at least if there has been, I did not so understand it—that shows that conditions are better than they were under the Republican administration of this country prior to the agitation and the election of 1912.

Mr. REED. I will have to ask the Senator, then, to read the articles which I have had incorporated into the RECORD, because they go back to that very time.

Mr. TOWNSEND. Mr. President, my attention has been called to several letters similar to the one from Mr. Leland, but I do not care to take up the time of the Senate in repeating what is known to every Senator, namely, that there is business unrest; that there is business disturbance and retrogression all over our country.

I have just returned, after a week spent in Michigan. While in a certain large shoe store in my home city, the proprietor presented to me what is known in the shoe business as a trade journal. In that journal appeared what had never been seen before, viz, several advertisements by English shoe makers and dealers. The English manufacturer was advertising his wares as of superior worth and less cost than those of his American competitor. They would not advertise if they did not expect to sell. If they sold, they would supplant the American product, and thereby injure the American producer and the American laborer. The domestic shoe business can not be prosperous if the foreigner gets its markets. Of course, the Democratic Party wants foreign goods sold in our markets; that is what they passed the Underwood tariff bill for. That measure was enacted for the purpose of promoting the importation of goods made abroad.

A late report from the Democratic Secretary of Commerce shows, if I recall the figures correctly, that we sold abroad about $37,000,000 less in value of goods during the month of April of this year than we did a year ago last April, and that we purchased of foreign countries $27,000,000 more than we did in April, 1913. You may say that that is a good thing for the consumers of the country, but the business man, the laboring man, the man of common sense in the United States knows that when our country sells less abroad and buys more from other nations the result is detrimental to the laboring and manufacturing interests of the United States. The policy of opening our markets free to the agricultural interests of the world without opening the markets of other countries to the products of our farms may be popular in this Senate, but it is not popular with the American farmer.

I will agree with the Senator from Missouri that the prices of things will eventually go down. The prices of things measured in dollars and cents will undoubtedly be less just as, according to the Senator's statement, they were less during the period of the former Wilson tariff law; but the cost of goods measured by the ability to buy will be materially increased. The gauge of prosperity in this country is a man's ability to buy.

Of what advantage to a man is a cheap price if he has not that price? Workmen who are out of employment do not have the ability to purchase. The man with falling business must economize even to the extent of privation many times. That is what has happened in this country. Savings accumulated in the past are being dissipated, new enterprises are not to any considerable extent being launched, and the march of progress is being halted. All the arguments that Senators may make will fall on deaf ears when they reach the men who are suffering from the conditions which prevail now. The people want a cessation of hostile legislation, not theoretical arguments which do not square with experience.

All of this discussion grew out of the letter from the gentleman from Detroit who called upon Congress to finish its work and go home. I repeat he was but uttering the sentiment of hundreds of thousands of business men in this country; and it does no credit to the Senator from Missouri to charge this man with being engaged in a criminal business. I do not believe he is; I do not believe that the company with which he is connected has ever been operating in restraint of trade; I do not believe there is an organization of higher standing than that particular company; but I repeat, if it is true that it is in violation of law, it should be the business of the Department of Justice to investigate it; and if it is found to be so operating, to prosecute it and all similar concerns.

But we come back to the fact that the statement which the gentleman makes, and which is corroborated by thousands of similar statements all over the country, is that industry is suffering from too much ill-digested, speculative legislation. That is the trouble with the country; and you can not cry it down by eloquent denunciation in the Senate. The people are affected by legislation. They will decide whether it is beneficial or otherwise. They have already spoken at the election recently held in New Jersey, and they are waiting now for an opportunity to express themselves on the wisdom or unwisdom of the legislative policy that has so far been carried out.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Nebraska to the amendment proposed by the committee.

Mr. REED. Mr. President, just a word. Again we are told that the country is being flooded with foreign-made goods, and in the same breath that prices have gone up.

Mr. TOWNSEND. If the Senator will allow me, he does not charge me with saying that? I have stated distinctly that prices would go down eventually if the tariff works as its advocates claim it will, because I can not conceive how foreign goods made at a cheaper cost will not finally supplant the American product.

Mr. REED. Then the Senator does not agree with the philosophy of the Senator from Utah, who holds that reduced prices never reach the ultimate consumer.

Mr. SMOOT. Mr. President——

Mr. REED. Just a moment, and I will yield.

Mr. SMOOT. I do not want the Senator to yield.

Mr. REED. If the price of boots and shoes has not gone down, then the foreign competition has not injured anybody. If it has gone down the consumer has received the benefit. It may be of some interest to say that two years before the present tariff law became effective, I know that a large shipment of foreign goods was brought in under peculiar circumstances, but it never had any effect.

Did the Senator desire to ask me something?

Mr. SMOOT. No.

Mr. REED. Very well. I have one further observation to make, and then I am through.

The Senator from Michigan told us that only a few years ago this Automobile Trust was in financial difficulties. He did not exactly specify the time. I showed in my remarks from Poor's Manual that last year its net profits were over $4,000,000. I also called attention to the fact that the year before its net profits were over $4,000,000. I know of no failure since that time. If there was any failure before that, or any financial trouble before that, it is a little peculiar that in 1912 this institution declared a stock dividend of 150 per cent on the common stock. It could not have failed before that, or it would not have had any assets on which to issue a 150 per cent stock dividend. That year it made over $4,000,000 net, and last year it made over $4,000,000 net. I am a little curious to know when it was in financial difficulties.

Mr. TOWNSEND. The Senator from Michigan nowhere stated that the Cadillac Motor Co. had ever been in financial straits. I was talking about the General Motors Co.

Mr. REED. That is exactly what I am talking about, if the Senator please. The Cadillac Motor Co.'s profits do not appear in this book, because the Cadillac Motor Co. exists to-day as a paper organization, every share of its stock and every one of its bonds being in the control of the General Motors Co.

Mr. TOWNSEND. I desire further to remind the Senator that I attempted to make no defense of any condition that is wrong there, and I know of none; and in referring to the conditions which had obtained I was simply calling to memory things that had appeared in the newspapers several years ago.

I have not given the matter any attention, and the statements I made as to those difficulties may be entirely unreliable.

Mr. OWEN. Mr. President, is it not a fact that the General Motors Co. also holds the stock and bonds of 15 or 20 of these so-called independent concerns or companies?

Mr. REED. I put a complete list of them in the RECORD, as far as I had them. There may be others.

PRODUCTION OF OIL IN OKLAHOMA.

Mr. OWEN. Mr. President, some days ago I introduced a bill, Senate bill 5550, with regard to public ownership of pipe lines, desiring that the matter might be considered. The State of Oklahoma now has an output of about 75,000,000 barrels of oil. Recently there have been the most drastic cuts in the price of the oil in Oklahoma, in the Healdton field it being cut down to 50 cents a barrel.

I desire to place in the RECORD a declaration in regard to this matter by the independent oil refiners, favoring this bill, through their counsel. I do not wish to take the time of the Senate to read it, but I should like to have it appear in the RECORD, if there be no objection.

The VICE PRESIDENT. Is there any objection?

Mr. SMOOT. I will ask the Senator whether it is very long?

Mr. OWEN. Yes; it is quite long.

Mr. SMOOT. Would the Senator be just as well satisfied with making it a public document?

Mr. OWEN. No; I would not.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DECLARATION ON BEHALF OF INDEPENDENT OIL MEN ADVOCATING THE GOVERNMENT OWNERSHIP AND OPERATION OF PIPE LINES FOR THE TRANSPORTATION OF PETROLEUM IN INTERSTATE COMMERCE.

(By C. D. Chamberlin, general counsel the National Petroleum Association, Cleveland, Ohio.)

[Senate bill 5550.]

DECLARATION.

This declaration on behalf of the independent portion of the petroleum industry in support of the Government ownership and operation of pipe lines for the transportation of oil in interstate commerce involves two essentials—the desirability and the validity of such action on the part of Congress.

Petroleum is among the most wonderful of nature's products, and perhaps exceeds any other in the number of differing forms and uses when finally manufactured. More than 2,000 principal and by-products are said to be found in the list of commercial articles produced in whole or in part from petroleum. In one form or another it enters every home and industry—a necessity to the poor, a luxury to the rich.

While the substance has been known for centuries, the petroleum industry is but a half century old, and during this comparatively short period by its monopolization has made one man the richest in history. During four-fifths of the time since the birth of the industry the most implacable commercial contest has waged between monopoly and its competitors ever recorded in industrial annals. The struggle has been more than commercial; it has been physical, political, social, and legal, and finally has engaged even the power of the sovereignty of the Nation and the end is not yet.

The natural divisions of the petroleum industry under normal conditions are four: (1) Production, (2) transportation, (3) manufacture, and (4) merchandising.

PRODUCTION.

3. Discovery in commercial quantities.

While it is true that petroleum as a substance has been known for hundreds of years, its discovery in commercial quantities was made about the year 1840 in connection with the production of salt in the salt wells or salt springs in northwestern Pennsylvania by Samuel Kier, who bottled and sold it for medicinal purposes under the name of "Kier's Petroleum or Rock Oil," and was used chiefly as a liniment.

In 1854 George H. Bissel, a graduate of Dartmouth College and by profession a journalist and teacher, saw a sample of this bottled "rock oil" in the laboratory of his old college and was impressed with the commercial possibilities of the product, and at once organized the Pennsylvania Rock Oil Co., the first oil company in the United States. Mr. Bissel sent a sample of the oil to Prof. Silliman, who made an analysis which predicated its commercial value. The company employed Edwin L. Drake to locate and drill a well near Titusville, Pa., which he completed in 1859. The well was only 70 feet deep, and was drilled through the rock by means of a spring pole. It took three months' time to complete it, and cost $3,000. The well came in at 25 barrels a day, and the oil sold at $18 a barrel.

The second well was drilled by William Barnsdall, a Titusville tanner. This was completed on February 1, 1860, and was also a 25-barrel well. In five months he had sold over $16,000 worth of the oil.

Production progressed rapidly from that time on, so that by the end of 1860 the total production of petroleum in the State of Pennsylvania amounted to 500,000 barrels. The average price for which the oil sold was $20 a barrel. (See pp. 12-38, Production of Petroleum in 1912, by Dr. David T. Day, Director of the Petroleum Division of the United States Geological Survey.)

2. The fields of production in the United States.

The field of production known as the Pennsylvania or Appalachian field, in which petroleum was first produced in commercial quantities by Col. Drake in 1859, extended rapidly over the entire western portion of Pennsylvania into New York and in a southwesterly direction, following the mountain trend, through West Virginia, southern Ohio, Kentucky, and Tennessee and, with the close of the year 1912, had produced nearly 2,000,000,000 barrels of crude oil.

In the year 1876 the production of California was 12,000 barrels of petroleum; in the year 1887 Colorado produced 76,000 barrels; in the year 1889 Indiana produced 33,000 barrels; in the same year Illinois produced 1,460 barrels and Kansas 500 barrels; in 1896 Texas produced 1,450 barrels; in 1894 Wyoming produced 2,000 barrels; in 1900 Oklahoma produced 6,000 barrels; and in 1902 Louisiana produced 548,000 barrels. The above dates mark the discovery of substantial fields of oil in these several States.

The total amount of oil produced in California ending with the year 1912 was 542,000,000 barrels; in Colorado, over 10,000,000 barrels; in Indiana, over 100,000,000 barrels; in Illinois, nearly 200,000,000 barrels; in Kansas 49,000,000 barrels; in Texas, 168,000,000 barrels; in Oklahoma, 300,000,000 barrels; in Wyoming, nearly 20,000,000 barrels; and in Louisiana over 63,000,000 barrels; the total production of the United States ending the year 1912 being 2,820,426,549 barrels, having a total value of $2,338,032,130.

In area the Pennsylvania or Appalachian field is greatest in extent and its production has been greatest, but for some years past has been gradually decreasing, its highest point having been reached in the year 1891, when it produced over 54,000,000 barrels of petroleum. The area of the Indiana field is limited and has probably been defined, since its production has been gradually decreasing during the last five years. The Illinois field is also a field of limited production and has likewise been decreasing during the last five years. The mid-continent field, including Kansas, Oklahoma, northern Texas, and Louisiana, rivals the Appalachian field in the extent of its territory and is not wholly defined, its production having rapidly increased during the last five years. The Texas field proper is essentially that portion of Texas bordering upon the Gulf, and has likewise been decreasing, so that in all probability its extent is defined. The California field, at present producing the largest amount of any field of production in the United States, extends over the entire southern half of the State and has shown the most rapid increase in production during the last five years of any field within the United States.

3. The amount of production.

The rapidity with which this wonderful industry has developed is perhaps most graphically shown by stating the total production by decades. In 1850 there were produced in the United States 500,000 barrels of petroleum; in 1870, 5,260,000; in 1880, 26,286,000; in 1890, 45,823,000; in 1900, 63,620,000; in 1910, 209,557,000. In 1913 the estimated amount by Dr. David T. Day on the data that he has already compiled shows the total production to be 242,000,000 barrels, which has added over $250,000,000 to the Nation's wealth.

4. The world's production.

The United States, the first country to produce oil in commercial quantities, has during the entire period maintained its place as first in the rank of producing countries. In the year 1912, as shown in Dr. Day's report above referred to, at page 135, the other countries, in order of their rank, were Russia, Mexico, Roumania, Dutch East Indies, Galicia, India, Japan, Peru, Germany, Canada, and Italy, the total production for the year being 351,178,236 barrels, of which amount the United States produced 222,113,218 barrels, or 63.25 per cent. No other single country produced more than 5 per cent except Russia, which produced less than 20 per cent. From these figures it is plain how important this industry is to the United States and to the world.

5. Value.

The total value in dollars of the production of petroleum in the United States for the year ending 1912 is reported by Dr. Day in his report for that year as $2,338,000,000. Adding the value of the production for the year 1913 would bring the total up to the enormous figure of $2,600,000,000; and it must be remembered that this is merely the value of the oil at the mouth of the well. The amount of property invested in production, refining, transportation, and marketing of this product in the United States has never been estimated, but must run into the hundreds of millions of dollars, and the increased value of the various products obtained by the process of manufacture renders the total value produced by the industry almost incalculable. Its value in money, however, tells but a small part of the wealth of the petroleum industry to the human family. No other product is so rich in its various uses, and no other product has become so essential to the material, social, and political progress of the country.

TRANSPORTATION.

1. The vehicles of transportation.

When oil was first produced the only method of transportation known from the well to the refinery was by means of the ordinary wooden barrel, which was loaded upon a wagon and drawn to the nearest refinery or the nearest railroad station, and in the latter case loaded upon a car and transported to a refining point or to seaboard for export.

Much of the oil produced in the early development of the Pennsylvania field was barreled and loaded upon barges and floated down the streams to refineries located at Pittsburgh, Pa. The loss by reason of defective cooperage suggested the building of a tank upon the barge and carrying the oil in bulk. This in turn suggested the building of a tank upon a car, the first tank cars being merely cars mounted with wooden tanks, which were rapidly succeeded by the cylindrical iron tank cars. The tank barge, floated upon the streams, developed into the tank vessel that is now in use upon the ocean, the Great Lakes, and the navigable rivers for the transportation of oil in bulk.

With the advent of the tank containers in transportation the pipe line suggested itself as a convenient and less expensive method of transporting the oil from the well to the refinery or to the railroad station. Gen. S. D. Karns, of Parkersburg, W. Va., in 1860, was the first to use the pipe line for the transportation of oil. This pipe line was laid from Burning Springs to Parkersburg, W. Va., the oil flowing by gravity a distance of 36 miles. A few years later J. S. Hutchison, the inventor of the rotary pump, conceived the idea of forcing the oil through pipes by means of his pump. The first pipe line through which oil was forced in this manner was laid from the Sherman well, near Titusville, Pa., to the terminus of the railroad at the Miller farm, a distance of about 8 miles, the pipes being made of cast iron.

In 1862 a bill was introduced in the Pennsylvania Legislature to authorize the construction of a pipe line from Oil Creek to Kittanning, but this bill was defeated by those interested in teaming oil.

Samuel Van Syckle, of Titusville, Pa., was the first to put down a working pipe line. It was only 1 miles long, extending from Pithole to Miller's farm, and carried but eight barrels of oil per day. By the end of the year 1871 more than 20 pipe lines had been constructed in northwestern Pennsylvania. In the year 1872 the free pipe line bill was passed by both houses of the Pennsylvania Legislature, being the first pipe line legislation. In the same year the American Transfer Co. began to build and acquire by purchase pipe lines in the vicinity of Oil Creek and in the lower oil fields. This was the first Standard Oil Co. pipe line.

stores along State Street have had good sales in the last two months, and the prospects of the spring trade are better than they have been for several years.

"I can not reconcile Mr MANN's statement to the trade conditions. But there may be certain circles of business which have suffered a depression, but it does not seem to me that the condition can be general throughout all lines of industry and in all parts of the country. If such conditions are general, Chicago should be grateful that such is not the case in this city. Representative MANN's statements do not fit in with the reports of the stores of Chicago, but I can not speak in regard to other lines of industry."

Then follows a statement by Mr. Spiegel, treasurer of Spiegel, May, Stern & Co., and one by Mr. Hulbert, treasurer of the Merchants' Loan & Trust Co., both of them repudiating the claim that is being set forth here.

These articles come from all parts of the United States, and the statements which were true then are true to-day.

Mr. President, instead of sitting here in the Senate of the United States and proclaiming disaster, we ought to stand here endeavoring to produce a feeling of just confidence, and that confidence can be bottomed upon circumstances which are world-wide and which have to-day their happiest culmination in the United States.

Everybody who is candid admits that there was a great financial stringency in all of Europe which began something like two and a half or three years ago. The Balkan War increased that stringency, not so much because of the money actually consumed in the war as because it was feared that all of Europe might be plunged into that war. In consequence the European rate of exchange and discount mounted to almost unprecedented figures. The banks of Germany charged at one time 9 per cent. The Bank of England raised its discount rate almost to the top notch. The Bank or Banks of France had done the same thing. The result, of course, was that as European money would bring a higher rate of interest in Europe than in the United States, the payment of European loans was demanded. At the same time and for the same reason it became almost impossible to sell American securities in European financial markets. That meant, of course, that many great enterprises that could only be floated or would only be floated when money conditions were easy hesitated and awaited the day when there would be a better tone and a lower interest rate.

The rates in Europe are inevitably reflected in this country; but the rates in Europe have dropped, and the rates in this country are correspondingly dropping. Accordingly enterprises which would not begin their operation under conditions as they existed 12 months ago are to-day beginning to prepare to exploit their various adventures.

I know of one proposition, involving the expenditure of $30,000,000, that absolutely stopped because it was found that the interest rates would amount to probably 6 per cent, whereas it had been expected the money could be obtained at 4 or 5 per cent, as it could have been had it not been for the European disturbances. Now that a better condition exists, enterprise is reaching to grasp opportunity, the while Senators sit here crying, "Woe, woe, woe; bankruptcy is upon us!"

Mr. SHAFROTH. Mr. President, if the Senator will yield for an observation, I will say that out of a list of stocks that was furnished by the New York Stock Exchange about 10 days ago of 63 companies the stocks of which were quoted, all but 10 showed a substantial increase in price over the corresponding low price of 1913, and that is caused unquestionably by the lower rates of interest.

Mr. REED. Mr. President, coincident with a better condition in Europe—indeed, I might almost say in anticipation of it—we passed our banking bill, a bill which was denounced the other day by a Republican Senator as a bankers' bill and as having been enacted in the interest of bankers. Thus we are by one branch of the Republican Party verbally crucified upon a very clumsy cross because we are doing something to prevent financial panics. At the same time the stand-pat remnant is with an exceedingly dull ax sharpening a stick upon which they hope to impale us as the enemies of property and business. Whatever we do, we are sure to displease one or the other branch of the other side.

But what is the fact with reference to this banking system? Let us be fair about it. The solitary effect it has had up to this date is a steadying one, growing out of the fact that financiers looking ahead understand that the day is coming when financial panics will probably be a thing of history. But, of course, the system has not yet been inaugurated. The banks have not yet been opened. The good that is to come from them, the large measure of good, all except its anticipatory effect, has not yet been realized. But we are working along toward the establishment of the banks, and it is a singular and a very propitious fact that it is admitted now by financiers all over the world that when the system is in full operation we shall have immensely added to the general stability of the financial system of the United States. No man can well doubt this who looks candidly at the circumstance that practically every national bank in the United States came into the system, a thing which would not have occurred had the system not been sound.

It was said here by the Senator from Kansas [Mr. BRISTOW] the other day that this was all for the benefit of bankers. I admit frankly that its primary benefits go to the bankers. But what are the character of the benefits going to the bankers? They are not benefits which increase their ability to charge interest or to make exactions or to impose hard conditions upon their customers. The benefits are simply those which make for the solidity of the banking system. It takes out of the banking system or away from the banking system the great danger of panics, and therefore enables the banks of the country to proceed with their business without fear of destruction, for which they are in no way responsible, coming out of the night.

How, then, does that affect the customer of the bank? Certainly not to his evil. The bank that knows that a panic may come at any minute must husband its resources to meet the panic or the possibility of a panic. Hence, it must circumscribe the loans to its customers and to a certain extent it must charge the customer a heavier rate of interest to compensate it for the risk. But just in proportion as you remove that risk, just in proportion as you make bank business secure, you make it possible for the banker to extend greater accommodations to his customers. If we could make every bank in the United States so secure that it could never fail and never have a loss, inevitably the customer of the bank would get the larger portion of the benefit, because of there being an active competition between the banks, and as you improve the conditions of the banks you improve the opportunity of the customer.

Mr. President, at the same time that the calamity howl is being raised and they tell us that everything is closed up and nobody has any money, the effort is being made to tell the farmers that they are being ruined. Tons of literature is being sent out, telling the farmers how the wicked Democrats have exposed them to competition with foreign countries and destroyed their opportunity to make a living; and yet I read in the paper of to-day that Kansas City prices are as follows:

Steers, $8.80 to $9.25 per hundredweight.
Hogs, $8.15 to $8.25 per hundredweight.
Lambs, $9.15 per hundredweight.
Wethers, $8.85 per hundredweight.
Corn, No. 2, 71 cents to 72 cents per bushel.
Wheat, No. 2, red, 94½ cents per bushel.

Mr. President, with good prices to the farmer, with lower prices for money, with better conditions in Europe, we ought to feel encouraged.

But there is an additional circumstance which, of course, is not due to the Democratic Party, although if there were a Republican administration it would be immediately appropriated by that modest organization. I refer to the fact that crop prospects are excellent.

For the last 50 years the Republican politician has declared himself to be the fountain spring of all prosperity. When the farmer in earliest spring wades knee deep in mud in preparation for planting; when from break of dawn to fall of night he trudges behind the plow; when with tireless sinews and generous hand he scatters seed upon the fruitful soil; when a kindly God, reproducing the miracle of creation, washes the land with silvery rain, warms it in the fiery mantle of the sun, fans it with the four winds of heaven, carpets it with green, and decks it with the harvest's shimmering gold; when, with sweat oozing from every pore, the farmer, tugging, straining, and enduring the very agony of toil garners in the precious sheaves—when all this, through the providence of God and the labor of man, has been achieved, the Republican politician blandly tells the farmer that he should repudiate the beneficence of God, forget his own industry and husbandry, and humbly thank the Republican Party for prosperity.

The Democratic Party advances no such absurd or insolent pretense; but we may be permitted to say it is a happy thing that from the Atlantic to the Pacific, wherever the eye is cast it embraces vast landscapes divided into splendid checkerboards of varying green, rich valleys covered thick with grasses, hillsides resplendent in the lighter emerald of growing wheat and oats, long, straight rows of corn, where every hill stands rank with vigor. Everywhere the farmers are cultivating the soil. On all hands are the evidences of a prosperous year.

Mr. President, if the weather only stays good and the howlings from the Senate at Washington do not too much disturb atmospheric conditions, we may hope that in due course of time there will be a great crop harvested. If the farmers of the country market that crop and their fat cattle and swine at the prices now being paid there will be in this country so much money that all the jeremiads of disgruntled politicians will be forgotten, and sad hearts will be found only in the bosoms of Republican politicians, who prefer political supremacy to national happiness.

Mr. TOWNSEND. Mr. President, this discussion has grown out of the letter introduced by me into the Senate yesterday written by Mr. Leland, of the Cadillac Motor Car Co. It has been charged by the Senator from Missouri that the company with which the writer is connected is in a criminal trust. I know nothing about that, but I do not believe it is true. I do not believe it exists and operates in violation of law. If it does I shall not defend it. I am confident that it needs no defense. I feel sure that if this company was subject to the penalties of the Sherman antitrust law that fact would have been discovered long before this.

I can not at this moment recall the history of the organization of the General Motors Co. My memory is, however, that it grew out of a patent known as the Selden patent, which is a device absolutely necessary to the mechanism of all gasoline motor cars. Some gentlemen, or a company, claimed to own this patent and served notice upon the manufacturers of cars that they could not proceed with their manufacture unless a royalty was paid to the owner of the patent. A number of automobile companies, as I remember, proceeded to make terms with this patent holder, and were permitted to manufacture under a royalty. These, I believe, constitute the General Motors Co. I am not sure, however, that this is true. Other automobile companies in the United States resisted this patent, although a decision had been rendered in an eastern Federal court confirming title to the patent in the alleged owners of it. The case was taken to the Supreme Court of the United States, where it was reversed. If my memory is correct, no manufacturing company has joined the General Motors Co. since then, and but very few concerns joined originally. I am not clear that my understanding is correct, and so far as my position is concerned it makes no difference as to how the organization was effected.

The General Motors Co. is not a very large factor in the manufacture of automobiles; it is certainly not sufficiently important to offer any restraint upon trade. I think that that company a few years ago, by common report, was in financial difficulties; I am sure that some of the companies connected with that organization are now not strong. I do not, however, care to discuss that matter further. If the General Motors Co., of which the Cadillac Motor Car Co. is a constituent part, is operating in violation of law the Attorney General should be able to determine the fact and prosecution should be instituted against it. I will join the Senator from Missouri [Mr. REED] in invoking action by the Department of Justice if such is the case.

I think, however, it ill becomes Senators to take advantage of their constitutional privilege on such information as has been presented here to attack by the use of violent and harsh language, by the charge of criminality, an organization which has at least the reputation of being an institution of good character and high standing and against which nobody, to my knowledge, except the Senator from Missouri, has ever lodged any complaint. The legal status of the Cadillac Motor Car Co., however, is not the real issue here; it is the false issue raised to divert attention from the true one. It does not answer the arguments presented by Mr. Leland to bring in some outside matter and charge the organization with which he is connected as being engaged in an unlawful business. The question raised by that gentleman in his letter to me and now a part of the record is whether the country is suffering from the acts of this administration or not. He has improved his opportunity to petition Congress through his Representative and has stated his views on the conditions of the country. The Senator from Missouri has charged this man with being connected with a trust, and has made the argument that the trusts of the country are opposing legislation which has been enacted. I do not believe that the record will disclose that that is true. If there are any concerns which are going to survive, even temporarily, the ill-advised experimental legislation of this Congress, it will be the large, strong concerns, not the small ones. I think that it is true that probably every Senator in the Senate has received letters similar to the one that I read yesterday. It must be true, because those with whom I have talked have told me that they have received letters asking that this session of Congress dissolve as soon as possible.

The senior Senator from Massachusetts [Mr. LODGE], who was called from the Chamber a moment ago, handed me a letter from a concern for which he vouches as being not only not in a trust but as being a concern of the highest character and standing. The treasurer and general manager of that company wrote him this letter——

Mr. REED. Will the Senator kindly give us the name of the writer?

Mr. TOWNSEND. If the Senator will be patient, I will read the communication. This is a letter on the stationery of the American Steam Gauge & Valve Manufacturing Co. It is as follows:

AMERICAN STEAM GAUGE & VALVE MANUFACTURING CO.,
Boston, Mass., May 29, 1914.

The Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: We wish to bring the fact before your mind just as clearly as possible that business in this country is being terribly hurt through too much legislation.

The great big units at whom the larger part of this legislation is pointed are backed up with such tremendous resources and surplus that they can stand a long siege of legislation without being in any serious danger. The smaller concerns who are only doing a moderate-size business are not situated in this way, and many of them will have to stand the brunt of the present legislative program.

In other words, the people at whom the legislation is aimed are not going to suffer through it, but, rather, be the gainers, as every time a small company is put out of business—unable to hold up its head under such disastrous conditions as are now existing—it makes things just so much safer and better for the big fellow.

By this we mean that the present legislation, rather than accomplishing what it aims to, will have, to a considerable extent, the contrary effect.

Take, for instance, this company, if you care for an example. Last year was the largest business in our history, amounting to $549,000, which shows that under reasonably normal conditions we forge ahead. The sales for the first three months of this year were exactly 20 per cent below last year's average. Our pay roll is $1,600 per week less than last year's average, showing that we had to let a lot of men go, and they are consequently out of positions and suffering through lack of work. This is to say nothing of what may have happened to their families through this same cause.

Orders taken during the present month, with only to-day to go, are over 34½ per cent less than they were last year, and over 15 per cent less than they were last month, showing that things are getting much worse instead of better.

In addition to this, we are keeping employed on full time at present a great many more men than we actually require, simply because they are good, faithful, capable men; and we feel it a necessity to keep such men as these employed through the need of them in better times, and also the fact that they need the work. This company has always gone the limit in keeping just as big a force going as possible. By so doing now we are accumulating stock which, although it can probably be sold at some future time, is not really good business policy, through the fact that it ties up too much money in merchandise for a small-size concern.

At the same time we are obliged to maintain in its entirety our expensive sales force, as it is impossible during a dull business period to do away with salesmen, as this is the time when they are urged harder than ever to obtain business. In this way the expenses for keeping the salesmen out on the road hustling for orders, when there are very few to be had—but through the necessity of getting every possible order we are obliged to make the effort just the same—practically absorbs all of the profit. In fact, under the present circumstances, very probably more than the profit, so that there is nothing left for the stockholders.

For all the reasons heretofore stated we urge most sincerely on you the necessity of an early adjournment of Congress and for an end to further legislation, especially that connected with business and the railroads. We ask you to do everything in your power to bring about the earliest possible adjournment, in order that this country may have at least a brief period in which to convalesce.

Business in this country is sick, terribly sick, and any more medicine of the sort that we have been having will prove more than disastrous. Instead of recovering and getting into a convalescent state, business in many cases will die outright, and through just one thing—too much medicine and too little rest.

It doesn't seem possible for me to put on paper how deeply I feel on this subject, but I can assure you that there are thousands and thousands of honest, straightforward, hard-working business men in this country who are bound to suffer, in most cases due to wrongs of others and an effort to right these wrongs.

We realize as deeply as anyone else the necessity of good laws and their enforcement, but there is always a time when wisdom calls for a cessation of activity in the legislative program, and if that time has ever come, it is here now.

We don't say that further legislation is not necessary, and we do not pretend to pass on this part of the proposition. The only point that we wish to make clear is that any further legislation now is not only dangerous but criminal. For the sake of the hard-working business men and the hard-working laboring men, please bring about an early adjournment of Congress if you can.

Yours, very truly,
RALPH B. PHILLIPS,
Treasurer and General Manager.

Mr. President, I introduced yesterday a letter and resolutions adopted by a strong and reputable business association of the city of Grand Rapids, Mich. It was along the general line of the Leland letter. I have heretofore filed communications from various business organizations to the same effect. Those gentlemen—business men, not politicians—not caring very much about what party controls this Government so long as it is controlled properly, state that business is depressed; that the country is not prospering as it ought to prosper; that enterprise is halting and prosperity waning.

I am glad that the Senator from Missouri has made his argument. He has presented the Democratic defense. I suppose it was made for the purpose of being circulated, and that it will go out to the business men of the country. It would be

Says this gentleman—

however, to tell you whether this reduction in the price of cloth will be passed on to the consuming public in materially lower prices on garments made up ready to wear.

A little later on in the letter is the statement, frankly made, that this concern is one believing in protection and making the argument that the prices in the end will not be of very great benefit. I think I will read that part of the letter, for I want to be fair to the writer of the letter. I think he is a very sincere man.

We are not trying to make a protectionist argument to you, although we ourselves are of that school. We accept the new tariff in the spirit that we are going to make the best of it, but we do not believe that you or your colleagues passed this bill with any intentions other than to benefit the consuming masses, and we feel that when they go to buy their clothes next fall they will pay $10 or $20 or $30 for the same clothes that they bought a year ago at those prices, and that they will not be able to buy at $9.20 or $19.20 or $29.20 and save the 80 cents per garment for themselves, the consumers.

That is his opinion, although he previously said it was too early to tell. Then he adds:

To sum up, answering your questions:

First. There has been a decided reduction in the price of cloth at the mills.

Second. We fear very much that this reduction will never reach the consumer. We hope for the best, however.

I read a portion of a letter written by Passavant & Co., of 440 Fourth Avenue, New York City:

The plain serges, one of the largely used fabrics, are being quoted at from 10 to 20 per cent below last year's prices. It is extremely difficult to give any positive opinion, because things have not settled down to a steady gait yet.

The rest of the letter is of the same tenor, but that is the only part bearing directly upon the reduction in prices. I have the letter here, of course, for any Senator to see it if he so desires.

Mr. President, in this connection I call attention merely to the headlines in a number of papers, running from the 19th to the 22d day of December, 1913:

Prices rise briskly.—Market makes quick response to Washington news.—Dealings on a large scale.—Felt that American Telephone dissolution agreement will lessen talk of Government ownership.—Statement by President Wilson of administration's hope as to business a favorable factor.

The beginning of the article is:

Emphatic response was made by the stock market to-day to the news from Washington of the American Telephone dissolution agreement and the passage by the Senate of the currency bill. Dealings were on a much larger scale and prices moved up vigorously.

The Democratic Party seems to be at present in this peculiar position: If the Democrats pass a bill which strengthens the financial situation of the country and the stock market responds and shows improvement, immediately Senators upon the other side rise and, with eyes rolling in a fine fury and with froth dropping from the corners of their mouths, declare that the Democratic Party has surrendered itself to the great financial interests; but if there is a trust or a combination on earth that sets up a wail we are immediately denounced as the enemies of honest business.

Mr. CLARK of Wyoming. Will the Senator give the date of the last headline which he read?

Mr. REED. New York, December 30, 1913. I call attention to another headline:

Market again strong. Further response is made to news from Washington. Early losses are made up. Substantial gains are recorded in many cases at close of business. Weakness during fore part of day due to foreign influences. Berlin unloads Canadian Pacific.

Another article, under date of December 19, is headed:

Retailing holds up. Christmas sales compare well with those of 1912. Railroad orders broaden. Large buying of pig iron encourages producers. Vast amount of new wealth created by the soil. Some lines quite optimistic. Preparations for inventory.

Under date of December 19, another headline reads:

Broad rise in prices. Stock market gives evidence of inherent strength. Investment buying large. Traders regard passage of currency bill as a favorable factor.

And because the traders did so regard the currency bill, at least one Senator arose on the other side to-day and declared the new currency law was a bankers' law for the benefit of bankers, and left the impression that it necessarily plucked everybody else. If prices rise, the Democratic Party is to be damned; if prices drop, the Democratic Party is to blame; but in any event let it be understood that the ultimate consumer gets no benefit of lower prices; it is always an understood thing, according to the logic of our Republican brethren, that the ultimate consumer never gets anything but "the worst of it."

I read another. This is dated January 12, 1914:

Boston wools strong. Higher prices looked for. Market is in healthy condition. Prospects indicate higher prices rather than lower.

Now, Mr. President, just to ascertain whether the country is actually going to perdition, and whether the chasm of universal bankruptcy is opening before us, I call attention to the stock-market reports in the American of yesterday. I read:

Range of the market: Daily average price of 32 stocks, 20 railway and 12 industrials: Average yesterday, 91¾; average Wednesday, 91¼; average week ago, 92⅛; average a month ago, 91¼; average a year ago, 89⅞.

So that upon these 32 great stocks, selected by this paper as typical of the conditions of the market, the average of the last four days being given in comparison with the average of a year ago, there is shown a distinct advance in the value of these stocks. Nevertheless Senators who prefer political success to that confidence which is essential to all business rise on the floor of the Senate every day to declare that stringency is upon us and the precipice of disaster immediately before us.

Mr. President, here is a comparison of bond sales in the New York World of Friday, June 5:

Total sales, June 4, 1914, $2,058,000; same day of week last year, $1,001,000.

From January 1 to date, $327,182,000; same period a year ago, $253,082,000.

Mr. President, those figures do not indicate that business has been entirely arrested; they do not point the road to ruin. With prices better upon stocks and a greater sale of stocks than there was for the corresponding period last year, it does not seem that we are about to be plunged into the gulf of universal bankruptcy.

Of course every time a trust can induce a Senator to read one of its letters proclaiming that woe is ahead of us some people will be frightened, the business of the country to some extent retarded; those who are timorous will experience a financial chill and begin to hoard their dollars. This propaganda of the trusts is carried on in the hope that the people can be deceived into believing that Democratic policies are ruining the country, and thus to induce them to return to power the Republican Party. The trusts know on which side their bread is buttered. Accordingly, they are willing to write letters as long as they can get Republican Senators to give them a place in the CONGRESSIONAL RECORD. There has been a persistent effort to convince the country that it is ruined.

I took part in a special congressional election in the State of Iowa last winter. I found circulated with every farmer in that district an excerpt from the speech of a Republican Senator, telling them that hundreds of millions of bushels of Argentine corn had already been imported. According to that statement more corn had already been imported into the United States from Argentina than Argentina's entire production. The farmers were told that in the very near future Argentina would drive the American farmer from the American market; whereas the truth is that Argentine corn can not sell in competition with the corn of the United States for feeding purposes. Argentine corn is fit only for certain manufacturing purposes. Besides, the entire amount shipped to the United States did not equal the production of one good corn county. Argentine corn was a bogy joyfully introduced and proudly paraded by Republican statesmen, who place party supremacy above national prosperity.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. REED. I do.

Mr. POMERENE. Mr. President, I remember very distinctly during the tariff discussion the representatives of the pottery industries of Ohio and elsewhere were here protesting against any reduction of the duties on pottery, and insisting that, if there were any substantial reduction, it was going to seriously hamper the business. I have before me extracts from different papers in the vicinity of the pottery industries of Ohio, and I want to take the liberty of reading into the RECORD just three or four of them.

One is from the Sebring Times. Sebring is a town of eight or ten thousand people, about 60 miles west of Pittsburgh. In its issue of Tuesday, March 24, 1914, it says:

The past two weeks hold the record for the biggest output of pottery in the history of Sebring. Fifty-four glost kilns were made during that time, and the most gratifying feature is that the ware is not going into stock, but is being used to fill orders and is being shipped as soon as made.

China, Glass, and Lamps, the trade journal of the pottery trade, published in Pittsburgh, in its issue of Tuesday, April 14, said:

Never before in the history of the American potting industry have there been so many kilns in use or so many potteries in active operation. All the general ware plants are being rushed to the limit to fill orders on hand and take care of new business being booked. Large forces of operatives are working as well as the well-paid operatives of the American potteries usually work, and shipments are greater than ever before in the history of the trade.

The East Liverpool Review, which is a Republican paper printed in East Liverpool, Ohio, the center of the pottery industries, in its issue of May 1, said:

Business in the domestic potteries continues even better than was expected the first of the year, and there is not a general ware plant in the country without orders on its books and in sight to keep it in steady operation until the summer shutdown. But, as usual, there is a fly in the ointment. It is the lack of competent workmen.

In the issue of May 14 the East Liverpool News-Review, a Republican paper, says:

A seven-kiln pottery plant, modern in every respect, will be erected at Clarksburg, W. Va., during the next few months by the McNicholl China Co., of this city, to be operated entirely separate from the local plant. The structure will represent an investment of nearly $125,000. A railroad siding for the new pottery is being laid.

The East Liverpool News-Review of May 14 says, with reference to local real estate conditions there—and there are quite a number of pottery plants there, as every Senator knows—as follows:

We have it from the lips of a local real estate man that East Liverpool needs 500 new houses to meet the present demand. There is absolutely not a house vacant that is fit for occupancy, and the only source of relief for the newcomers is to buy homes outright. The large influx of newcomers must be provided with shelter, and the only way out of the dilemma is for those who own vacant lots to improve them at once.

Mr. President, I felt that in view of the statements that have been made by the Senator from Missouri these quotations from these papers would be quite apropos.

Mr. REED. I am obliged to the Senator from Ohio for his contribution. I ought to say that while I was on the floor speaking the Senator from Mississippi [Mr. WILLIAMS] handed me a number of papers, the headlines of which I read. The evidence comes from every side. The Senator from New Jersey [Mr. MARTINE], who lives in that State characterized this morning by the Senator from Michigan as so wicked, has just handed me the New York Tribune of June 5, containing this interesting little item:

The New York Central has placed an order for 4,300 cars with the American Car Foundry Co., and for 3,000 cars with the Standard Steel Car Co.

An order for 7,300 cars in one day by one railroad from one factory is indicative of good railroad business. I presume the reduction in the tariff made it possible for the manufacturer to make a lower price. I wonder if my Republican brethren will claim that the ultimate consumer—to wit, the railroad—did not receive any benefit from the reduced price.

It is interesting, in connection with some of the wails we have heard, to call attention to a little evidence from the homes of some of the Job's comforters who have been performing here in the Senate.

I hold in my hand a copy of the New York Herald of February 18, in which I find the following:

SALT LAKE CITY, UTAH (Tuesday).

"Calamity howling," which was heard immediately after the last presidential election, has died out. Following the passage of the currency bill there was a quick change for better feeling, especially among the bankers. Business men have returned to Salt Lake with praise for the stability of this community.

Senator SMOOT's insistent statements that hard times are ahead are repudiated by stanch Republicans here, as the following statements will show:

Lester D. Freed, president of the Freed Furniture Co. and a Republican said: "I feel that we are going to have a big wave of prosperity. The feeling not only exists here but is strong everywhere. On the strength of the feeling my company is arranging to do heavier advertising than has ever been done before in its history."

Col. Maurice M. Kaighn, receiver of the United States land office, having been appointed by Mr. Roosevelt and reappointed by Mr. Taft, in a speech before the Mining Exchange last Saturday night, declared that the policy pursued by the United States Interior Department toward the mining men of the West for several years has been all wrong, and he congratulated the present administration on the reversal of this policy.

I shall not take more time to read that particular statement, but I ask leave to insert it in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

The policy of the Government in requiring prospectors to prove that their property was a paying mine before granting them a patent was just the same as requiring a homesteader to prove that his land was capable of producing crops before permitting him to settle on the land. "Such a policy," he said, "was the result of ignorance and antagonism toward the mining industry."

Major Samuel C. Park, a Republican, who operates a retail and wholesale jewelry house and who is well posted on business conditions, said to-night: "Salt Lake enjoyed prosperity during 1913. The coming year promises to exceed last year. Business men are confident that when the business world accommodates itself to the general readjustment, we will have a period of prosperity which will make us all forget predictions of disaster."

Mr. REED. I read now, because it comes distinctly, I think, from the other side of this controversy and not because it is Democratic at all, this statement:

Guy E. Tripp, chairman of the board of directors of the Westinghouse Electric & Manufacturing Co., whose offices are in No. 165 Broadway, was enthusiastic regarding the outlook for business and the articles calling attention to the improvement. As directing head of the Westinghouse company, which not only has extensive plants at Pittsburgh, Cleveland, and Newark, but also has large subsidiaries in Canada, Great Britain, and France, Mr. Tripp is constantly in touch with the situation in many important lines of business.

"I must certainly approve the Herald's efforts to bring to public attention the facts," said Mr. Tripp, "and I strongly disapprove manufactured pessimism, although I recognize there is some pessimism that is not manufactured.

"The Westinghouse company had better orders in January than in December, and so far in February the orders are larger in proportion than those received in January. The new business is well distributed in all departments of the corporation. The indications are that the improvement in business should not be regarded as temporary. In fact, this improvement gives every reason for the belief that the upward movement will be continued. The betterment may not be rapid, but it will be steady and permanent."

That was said after this wicked Democratic Congress had been ruining the country for 14 months.

Joseph W. Harriman—

I quote him again, because I think words coming from gentlemen engaged in these large adventures will appeal to my friends on the other side—

Joseph W. Harriman, president of the Harriman National Bank, a director of the Merchants' National Bank, and head of the New York Stock Exchange firm of Harriman & Co., said:

"The attitude of the Herald is splendid. It has restored confidence to those who were becoming apprehensive under the continued wails of the calamity howlers. If persons will only read the facts as presented by the Herald instead of heeding the lamentations of the quacks, political and legal, who when brought to book are unable to place a finger on any really sore spot, they would be much better off mentally and financially. It is a pity that the mumps, which I notice has broken out in the United States Senate, did not attack some of these gentry long ago, that whatever 'holler' they might have been compelled to make would have been of a different character and not so likely to injure innocent and hard-working persons.

"So far as the banking business is concerned, there is improvement all along the line. Our correspondents speak most optimistically. The outlook for the crops is excellent. Nature has done her part to put everything in splendid shape, and it is up to us to do the rest."

Hugh Frayne, of the American Federation of Labor, says:

In some branches of work it is practically impossible at present to obtain efficient men. On the other hand, there are hundreds of men idle in New York who are affiliated with the building trades, because of a halt in operations in this line.

Mr. Frayne said that the big steel mills at South Chicago, Gary, Bethlehem, Pittsburgh, Wheeling, Martins Ferry, Canton, East St. Louis, Bessemer, and other points are practically working full time, and that orders have been booked which will mean a continuance of these conditions until late in the spring, at least.

A statement from Connecticut is interesting:

It may safely be said that "prosperity is here" in this center of one of the most extensive cotton manufacturing districts of New England. A careful canvass of the mill towns and villages within a radius of 25 miles around Putnam not only shows not a single skilled hand out of employment if able and willing to work, but a great scarcity of help.

With seven cotton mills and a dozen woolen and worsted mills around here running day and night, or part of the night, all are employed. And the 7,000 hands employed in this district have, with very few exceptions, had their wages increased in the last month. At Wauregan, some of the Killingly villages, Jewett City, Taftville, and Willimantic at least 1,000 more hands could find employment to-day.

These articles in the Herald, which come from all parts of the United States, were printed last February. They had the effect at the time of quieting the howling; but a little time has elapsed, and again the wail goes up, if not from Jericho, at least from the other side of this Chamber.

I might read here until nightfall statements from the Herald. I want to put in one which I have only partially glanced at:

Those Jeremiahs in Washington who have been busy prophesying the opening of soup houses and the closing of factories because they were not running the Government have been pretty busy with their lamentations.

It occurred to the Herald that they might have been so busy that some of them had not had time to find out what the folk at home thought of them. So for their information in part, but principally for the benefit of the general public, this newspaper inquired the views of Republicans among the constituents of the chief mourners over the "national peril."

With a unanimity that may pain the soup house prophets these same constituents proceed to prove with facts and figures that their conduct is prejudicial to the prosperity that is with the Nation.

JAMES R. MANN'S FEARS ARE NOT SHARED BY REPUBLICAN CONSTITUENTS IN CHICAGO.

Then is quoted a statement from Mr. MANN, together with this reply from the people of his home city:

Republican business men of Chicago take exception to the "hard-times" speeches made by Representative JAMES R. MANN, saying that his ideas and statements were not borne out by conditions in Chicago.

"Representative MANN has got the wrong idea, for business has been excellent," said Charles A. Stevens, president of Charles A. Stevens Bros., dealers in women's wear. "This store and most of the other

inability, not out of unwillingness at all.

broad lines.

ings of woolen overcoatings, especially chinchillas, are reported to have sold well. Moreover, it is asserted by some mill men that certain staple worsteds, which have been kept up to a fixed standard hitherto are obtaining decided recognition from the clothing trade. One well-known manufacturer of medium-priced staple worsteds is reported to have recently sent abroad certain samples to see at what price they could be duplicated, and it is further reported that the results showed a price only 15 cents a yard in favor of the foreign goods, not taking into account the difference in freight nor the 35 per cent duty.

THE WEEK'S SALES IN DETAIL.

Transactions in the local market have been principally of the fine and fine medium grade territory wools of the clothing order, on the basis of 46 to 47 cents for the fine medium and about 50 cents for clean for the best fine wools, possibly 51 cents for choice. Best Montanas, which are now scarce, are quoted at 17 cents in the grease and good fine and fine medium Utahs, shrinking around 65 to 66 per cent, are quoted firm at 18 cents. A sale of over a half million pounds of graded Montana wools is reported, including fine, half-blood and three-eighths blood staple, as well as half-blood clothing wools. For fine staple, 18 to 18½ cents in the grease is reported and for half-blood 19 to 19½ cents is said to have been taken, while 19½ cents is reported on three-eighths blood. About a quarter million pounds of low wools, including common and braid, quarter and low quarter, have also been cleaned up at around 19 cents.

Several lots of original wools are also reported, including some Montana, Idaho, Wyoming, New Mexican, and Colorado at prices ranging from 43 to 44 cents for the poorer wools up to 49 to 50 cents for the best lots. Altogether close to 3,000,000 pounds of territory wools are reported as sold this week.

Manufacturers are carefully going over the stocks of foreign wool in the market and are sampling these wools very extensively as well as the domestic fleece. The usual call for fine Australian clothing wools has been in evidence again at former rates, namely, 60 to 63 cents for 64s-70s wools according to condition.

Included in the week's transactions were several hundred bales of New Zealand and Australian crossbreds.

Mr. President, if there has been one institution in the United States that has told us that the tariff would close down the factories, produce starvation, send the pale-faced laborer out to tramp upon the highways, do no good, and give us no reduction in prices, it was the Pittsburgh Plate Glass Co. It was always here when a tariff bill was up. Like the poor, it was eternally with us. Here is a letter from the Pittsburgh Plate Glass people. I read a part of it. It is dated back in March, when I intended to use some of this material.

MARCH 4, 1914.

* * * * * * *

We are in receipt of your communication of the 16th ultimo, which has been carefully noted.

It is not a simple matter to answer your question directly, because of the many conditions bearing upon the matter of price, and for the further reason that the effect of the present tariff has not been fully determined. To comply as accurately and concisely as circumstances will permit, the prices of plate glass may be considered in three general classifications, with the following comparisons:

Selected quality, used almost entirely for high-grade mirrors:

	Per square foot.
1912 prices—	
2 feet 8 inches by 5 feet	$0.37
5 by 10 feet	.51
Present prices—	
2 feet 8 inches by 5 feet	.32½
5 by 10 feet	.40½

Second quality, used principally for cheaper grade mirrors and automobiles:

	Per square foot.
1912 prices—	
2 feet 8 inches by 5 feet	$0.32
5 by 10 feet	.42
Present prices—	
2 feet 8 inches by 5 feet	.29
5 by 10 feet	.37

Glazing quality, used principally for exterior of buildings, show cases, table tops, etc.:

	Per square foot.
1912 price—	
Average assortment, 1 by 120 feet	$0.30
Present price—	
Average assortment, 1 by 120 feet	.28

The prices in first and second classification are shown in two brackets only, because grades of glass involved are used almost entirely in sizes under 10 square feet. Price in the third classification is based upon average assortment, accepted by wholesale trade buying glazing quality.

I wish the Senator from Utah [Mr. SMOOT] was here.

The above are wholesale prices, but retail prices for the same period would compare relatively.

Mr. VARDAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Johnson	Page	Sutherland
Borah	Jones	Perkins	Swanson
Brady	Kenyon	Pomerene	Thomas
Bristow	Kern	Reed	Thompson
Burton	Lane	Saulsbury	Townsend
Chamberlain	Lea, Tenn.	Sheppard	Vardaman
Chilton	Lee, Md.	Sherman	Warren
Clark, Wyo.	Lewis	Shively	Weeks
Colt	Martin, Va.	Simmons	West
Cummins	Martine, N. J.	Smith, Ariz.	White
Gallinger	Nelson	Smith, Md.	Williams
Gronna	Norris	Smith, Mich.	Works
Hitchcock	O'Gorman	Smoot	
Hughes	Oliver	Sterling	
James	Overman	Stone	

Mr. CHILTON. I wish to state that the Senator from New Mexico [Mr. FALL] is necessarily absent from the Senate.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present. The Senator from Missouri will proceed.

Mr. WILLIAMS. Mr. President——

Mr. REED. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I wish to report, under the instructions of the Committee to Audit and Control the Contingent Expenses of the Senate, the resolutions which I send to the desk. If there should be any discussion in connection with any of them, I will withdraw them at once. I ask unanimous consent for their consideration. One of them is to pay the funeral expenses of the late Senator Bradley, and others are routine matters connected with the death of employees and the usual six months' allowance. Two of them propose to continue certain employees a month or two longer.

FUNERAL EXPENSES OF THE LATE SENATOR BRADLEY.

Mr. WILLIAMS. from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 381, submitted by Mr. JAMES on the 28th ultimo, reported it favorably without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the late Senator William O. Bradley, from the State of Kentucky, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

EMELIE SMITH.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 378, submitted by Mr. NELSON on the 27th ultimo, to report it favorably with amendments. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution. The amendments were, in line 6, to strike out the word "he" and insert "she," and in the same line, before the word "death," to strike out "his" and insert "her," so as to make the resolution read:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Emelie Smith, mother of Eli Smith, late a messenger to the Committee on the Five Civilized Tribes of Indiana, a sum equal to six months' salary at the rate she was receiving by law at the time of her death, said sum to be considered as including funeral expenses and all other allowances.

The amendments were agreed to.

The resolution as amended was agreed to.

ASSISTANT CLERK TO COMMITTEE ON NAVAL AFFAIRS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 377, submitted by Mr. TILLMAN on the 26th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the Committee on Naval Affairs be, and it is hereby, authorized to continue the employment of an assistant clerk, at $1,440 per annum, to be paid from "miscellaneous items" of the contingent fund of the Senate, until July 1, 1914.

Mr. SMITH of Michigan. Mr. President, a parliamentary inquiry. The unfinished business being before the Senate, can the Senate pass these resolutions?

Mr. WILLIAMS. These are routine matters.

The VICE PRESIDENT. It can only be done by unanimous consent, and it is in direct violation of the rules.

MONUMENT TO PRESIDENT JOHN TYLER.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate concurrent resolution 22, authorizing the appointment of a committee of Congress to attend the unveiling of a monument to President John Tyler at Richmond, Va., to report it without amendment. I ask that that resolution may go to the calendar.

Mr. SWANSON. I should like to have the resolution passed at once. The exercises will be held very soon. I ask unanimous consent that the resolution be adopted.

The resolution was considered by unanimous consent and agreed to, as follows:

Whereas the Government of the United States has erected a monument in Hollywood Cemetery at Richmond, Va., over the grave of President John Tyler; and

Whereas exercises will be held very soon to unveil the said monument and it being considered very appropriate that the Senate and House of Representatives should be properly represented on this occasion: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a committee of 10 members be appointed, 5 by the President of the Senate and 5 by the Speaker of the House of Representatives, to represent the Congress of the United States to attend said ceremonies, and authority is hereby given to expend $250 from the contingent fund of the Senate and $250 from the contingent fund of the House of Representatives to defray the expenses of said committee, upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and the Committee on Accounts of the House of Representatives, respectively.

SENATOR FROM MARYLAND.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 379, to pay BLAIR LEE expenses incurred in proceedings involving his right to a seat in the Senate, submitted by Mr. KERN on the 28th ultimo, to report it without amendment.

Mr. KERN. Mr. President——

Mr. WILLIAMS. I ask that the resolution may go to the calendar unless the Senator from Indiana desires its present consideration.

Mr. KERN. I rose to ask unanimous consent for its immediate consideration.

Mr. GALLINGER. I will ask that the resolution be read once more.

The Secretary again read the resolution.

Mr. GALLINGER. I have nothing to say about it, Mr. President.

Mr. OVERMAN. That is a new precedent in the Senate.

Mr. GALLINGER. I wondered about the payment from the contingent fund.

Mr. OVERMAN. I think the resolution had better go over. We have had such resolutions before and declined to take action in this way.

Mr. WILLIAMS. I am perfectly willing to let the resolution go to the calendar.

Mr. WARREN. Such resolutions have always gone to the Committee on Appropriations and the appropriation has been made in the regular way.

Mr. OVERMAN. The resolution ought to go to the Committee on Appropriations.

Mr. GALLINGER. What attracted my attention was that it proposes to make the payment from the contingent fund of the Senate. It strikes me that there ought to be an appropriation made for the purpose.

Mr. WARREN. It should be regularly appropriated for.

Mr. WILLIAMS. That may be so. I ask that the resolution go to the calendar.

Mr. OVERMAN. Let it go to the Committee on Appropriations. I ask that it be referred to the Committee on Appropriations. That is the place where it belongs.

Mr. WILLIAMS. I agree to that.

The VICE PRESIDENT. The resolution will be referred to the Committee on Appropriations.

HON. FRANK P. GLASS.

Mr. WILLIAMS. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 380, to pay Frank P. Glass expenses incurred in proceedings to establish his right to a seat in the Senate by appointment of the governor of Alabama, submitted by the Senator from Indiana [Mr. KERN] on the 28th ultimo, to report it without amendment. I ask that the resolution take the same course.

The VICE PRESIDENT. The resolution will be referred to the Committee on Appropriations.

THE COMMITTEE ON INTEROCEANIC CANALS.

Mr. WILLIAMS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 385, submitted by the Senator from New York [Mr O'GORMAN] on June 3, reported it without amendment, and it was considered by unanimous consent and agreed to as follows:

Resolved, That the provisions of resolution of April 6, 1914, authorizing the Committee on Interoceanic Canals to employ temporarily a stenographer be extended for 30 days from the adoption of this resolution.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. REED. Mr. President, when I yielded to the interruption I was reading a letter from the Pittsburgh Plate Glass Co., showing the schedule of prices, with reductions, and I had called attention to this sentence:

The above are wholesale prices, but retail prices for the same period would compare relatively.

At the close of the letter this statement is made:

Indications now point to materially lower prices in the near future, particularly for the third classification.

In connection with the reduction in the price of woolens I have here a letter from S. Slater & Sons, of Webster, Mass., which reads as follows:

WEBSTER, MASS., *February 18, 1914.*

Mr. JAMES H. REED,
Chairman United States Senate Committee on Manufactures,
Washington, D. C.

DEAR SIR: Receipt is acknowledged of your inquiry of February 17, and in reply I am sending you herewith a memorandum showing the prices made on 10 of our staple styles for the fall of 1912 and also for the fall of 1914. The largest reductions are on styles which contain a percentage of foreign wools; the others are all domestic.

Yours, truly,

S. SLATER & SON (INC.),
By F. BARTLETT, *Treasurer.*

Here is the memorandum referred to in the letter:

Staple woolens.

Style.	Fall, 1912.	Fall, 1914.
382	$2.50	$2.40
614	2.15	2.05
1001	1.90	1.80
L. B.	1.40	1.20
L. X.	1.75	1.55
1500	2.35	2.15
1021	2.474	2.25
1218	1.60	1.45
Savoy	2.60	2.40
Sil twill	2.75	2.55

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. REED. I do.

Mr. GALLINGER. In a large manufacturing establishment in my own State the superintendent informed me that the product was being sold for a little less than a year ago; but, he added, that he had made an investigation and found that the ultimate consumer did not get any benefit from it.

Mr. REED. Oh, yes. I discussed that. Of course, if they made these goods for nothing and gave them away, the ultimate consumer would not get any benefit; if they made them for half the price now charged, the ultimate consumer would not get any benefit; if there was a reduction of 25 per cent, the ultimate consumer would not get any benefit; we all understand that; yet, singularly enough, we all know as an invariable rule of trade that when wholesale prices decline permanently in the end the reduction must reach clear down the line unless there is a combination that can absolutely control the market and fix prices.

Mr. GALLINGER. Well, of course, if the Senator is looking to the future for a reduction to the consumers, that may come some time, but they certainly have been waiting patiently now for a good many months, and it has not reached them as yet.

Mr. REED. Oh, Mr. President, that is all well enough to assert, but I have read a letter from the great Pittsburgh Plate Glass Co., the largest concern in the world, I suppose, in that line, saying that these prices have reached the ultimate consumer. I read a letter a few moments ago from a very large manufacturer, asserting that the reduction in the prices of woolens had reached and gone to the benefit of the consumer. I also put alongside those letters the very common sense of the situation, which is that, in the absence of monopoly or combinations, reduction at the wholesale establishment must finally reach the ultimate consumer.

I call attention now to a letter from Jeremiah Williams & Co., of Boston, Mass., dated February 19, 1914. This letter is written from the standpoint of those who believe in a very high tariff, but it contains this statement:

Our customers tell us that manufacturers' prices on samples of woolen and worsted goods shown in New York last month for delivery next summer, to be made up into clothing and sold next fall by the retailer, are lower than they have been for years, so ably lower than at any time since the previous low tariff under the Wilson-Gorman bill; in other words, in order to meet threatened foreign competition on their product, we believe manufacturers have in many instances put prices on their fabrics below the actual cost of production. There is no question in our mind but that those well posted in this line of manufacturing could demonstrate to you that woolen and worsted goods have been offered and sold for next fall's heavy-weight season at lower prices than for many years.

It is too soon—

cover that there had been a reduction, especially in blue serges and summer light woolen underwear.

Mr. SUTHERLAND. I will say to the Senator that I patronize a very good tailor, but——

Mr. WILLIAMS. While I am on my feet I want to say something further on this point. My boy came to me lately and said: "Papa, I want $4. I want to buy a straw hat. I want a hat just like I had last summer, and that is what it cost." I gave him the $4, and he came back to me later and gave me back 75 cents, and said: "The man is selling them cheaper this year, and he told me it was on account of the tariff." [Laughter.] Now, I do not know whether the man meant that or not, but he was selling the hat 75 cents cheaper just the same.

Mr. SMITH of Michigan. It was due to a shortage of customers.

Mr. SUTHERLAND. I will say to the Senator from Mississippi that that has not been my experience. While I patronize a very good tailor, if the Senator from Missouri will yield to me just a moment——

Mr. REED. Yes.

Mr. SUTHERLAND. I am rather modest in my tastes. I have not been in the habit of buying high-priced clothing or high-priced anything else, but I have been unable to get better prices for the things that I bought than I did a year ago.

Mr. WILLIAMS. The Senator never will get better prices from an exclusive tailor.

Mr. SUTHERLAND. I paid the same price for a straw hat that I did a year ago. I paid a little more for shoes. I find, on the whole, that the things I buy at retail are about the same.

Mr. WILLIAMS. If the Senator will just join the holy army of men that God created with such perfection of physical form that they can be fitted at a ready-made clothing store, the Senator will find out that the goods are cheaper. [Laughter.]

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. Oh, yes.

Mr. SMOOT. If the goods are sold by the manufacturer to the clothing man 10 cents a yard cheaper than they were last year, inasmuch as it takes 3½ yards to make a suit of clothes, that would be 32½ cents on the suit of clothes; and I do not think the Senator himself will claim that the retailer is going to sell a $15 suit of clothes for $14.67½. Those are the absolute facts, Mr. President, and that is where you have to come in order to arrive at whether or not the ultimate consumer buys a suit of clothes cheaper.

I wish to say another thing to the Senator right in that connection. If the cloth of which he speaks costs $1.10, even if it took 3½ yards to make a suit of clothes, all the cloth in the suit of clothes would cost would be $3.85. Now, it is not in the price of the cloth. The cloth that the Senator's suit is made of, for which they charge him $55 here in Washington, will not cost more than $4.85 to $5. It is not in the price of cloth. There is hardly any cloth that ever costs more than 97½ cents a yard. Years ago it did not cost any more than that, and the Senator has quoted the prices of it to-day. There are only 3½ yards in a suit; and I want to say to the Senator that a difference in price of 10 cents a yard to the retailer makes no difference in the retailer's price.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator from Utah a question.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. Oh, yes.

Mr. WILLIAMS. Has the Senator from Utah definitively surrendered his old war cry that the country was to be immediately ruined by ruinously low prices?

Mr. SMOOT. Why, I do not know what the Senator refers to, I am sure. I have not had any such war cry, nor uttered it upon this floor.

Mr. WILLIAMS. But I remember, Mr. President, when we had the tariff bill under discussion, that the Senator from Utah said that we were to be flooded by goods of foreign production at such ruinously low prices that American industry would have to come to a stock-still status. Now, I want to know, merely for my own information, whether or not the Senator from Utah has surrendered that contention, because he seems to me to be making an entirely different contention now.

Mr. SMOOT. Oh, no, Mr. President; the Senator from Mississippi does not understand, or will not understand, what the Senator from Utah has said in the past, or his position.

Mr. WILLIAMS. Oh, I beg the Senator's pardon; it is not a matter of will at all. If I do not comprehend it is out of inability, not out of unwillingness at all.

Mr. SMOOT. Let the figures speak as to whether there is not a great increase of importations.

Mr. REED. Mr. President, I am not going to yield for any such discussion as this.

The PRESIDING OFFICER. The Senator from Missouri declines to yield.

Mr. REED. It has not anything more to do with the question we are discussing at this moment than the story of the fall of Sodom and Gomorrah has to do with the Constitution of the United States. I yielded to the Senator and gave him full time to talk about the matter I am talking about. The question of how many goods are being imported or exported has not anything to do with the question of prices, not the least.

Mr. SMOOT. Mr. President, I did not ask the Senator to yield, nor do I ask him now to yield. The Senator from Mississippi asked me a question, and I proceeded to answer it, but out of the wonderful and unbounded courtesy of the Senator I shall not do so.

Mr. REED. Mr. President, let me not be put in that sort of light.

Mr. SMOOT. I was not asking the Senator to yield to me.

Mr. REED. I gave the Senator full opportunity to ask me any question he wanted to ask. He got into a controversy with the Senator from Mississippi.

Mr. SMOOT. No; I did not get into any controversy at all.

Mr. REED. As long as they were talking about something that bore a faint, infinitesimal resemblance to the question I was talking about, I was willing to follow them, but I am not willing to go at this moment into the question of what the exports and imports of the country are. I am willing to take that up and discuss it as a separate proposition.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. LIPPITT. Mr. President——

Mr. REED. I want for a moment now to reply to the Senator from Utah on a suggestion he made. When I am through with that I shall gladly yield to my friend from Rhode Island.

I have heard the threadbare argument that if you reduce the factory price of the goods the reduction never reaches the ultimate consumer until I think it will at least relieve me to say what I think about it. The argument is bottomed upon the idea that the cost of the raw material entering into a suit of clothes or into a dress has nothing to do with the cost of the garment. I utterly deny that. I deny that it is based upon fact or that it can be sustained by common sense. I deny that if the cloth going into a suit of clothes costs $2 per yard, and it is reduced to $1 per yard, some of that benefit does not in the long run reach the ultimate consumer.

Of course the Senator loves to take the cloth and say there are so many yards of cloth, and if you reduce it 25 cents a yard that ruins the manufacturer, does not enrich the middleman, and leaves the ultimate consumer just where he was before, and anyway that it is so small a sum that it amounts to nothing; but the Senator can not maintain the position that the cost of the raw material entering into a suit of clothes does not have something to do with the price of the suit of clothes.

In addition to the cloth, of which the Senator speaks, buttons, thread, lining, and a dozen or twenty other things enter into a suit of clothes. If you reduce that cost by 25 per cent it amounts, on a first-class suit of clothes, to several dollars. On a very cheap suit of clothes it amounts to a few dollars. It is utterly ridiculous to say that some benefit does not flow on down to the ultimate consumer. If that be not true, if the Senator's logic were carried to its ultimate conclusion, it would amount to this—that if you doubled the price of all the raw materials entering into a garment the price of the garment would still stay the same; if you made it four times as great, the price of the garment would still stay the same to the ultimate consumer; or if you divided it by four, the price would remain the same. I deny the soundness of that proposition. That argument is devoid of sense.

I desire now to call attention, at the point where I was interrupted, to the fact that not only the American Woolen Co. but other companies have marked down their prices.

Mr. LIPPITT rose.

Mr. REED. I promised to yield to the Senator from Rhode Island, and I gladly do so.

Mr. LIPPITT. Mr. President, before the Senator from Missouri leaves the case of the American Woolen Co., which he has been describing, I should like to know whether he has there any figures which show the result of the reductions he has been talking about upon the American Woolen Co. itself. I think those figures are quite instructive. They were published in the paper a short time ago. I have not a copy of the article, but I have a very distinct recollection of the statement in its broad lines.

Of course the Senator understands that the American Woolen Co. is a very large corporation, employing a very large amount of capital and a very large number of operatives. The result of this statement was that for the last year, as the result of these tariff changes, where the American Woolen Co. had been averaging a profit of about $3,000,000 a year, it showed for that year a loss of $800,000.

Mr. REED. For what year?

Mr. LIPPITT. I think it was the year ending last January.

Mr. REED. But, Mr. President, the Senator must know that these prices, made only last January, could not have caused a loss the year before.

Mr. LIPPITT. If the Senator will pardon me just one moment, in addition to showing this enormous loss, they were only enabled to employ from 50 to 60 per cent of the number of operatives they had been in the habit of employing.

We have heard a great deal from the Senator's party about what was going to be done to gentlemen who said they were injured by the tariff. Here is a report in cold figures of a corporation which for years under a Republican tariff had been averaging a little profit on the capital it had invested, and as the result of putting into operation this Democratic tariff it has been obliged to throw a very large number of its employees entirely out of employment and shows a very large loss on the capital that is invested in its business.

There is no mystery about the cause of the present business conditions in this country. The case of the American Woolen Co. is fairly representative. I think that if, as a result of that, there is some fraction of a cent saved on a suit of clothes, and it is done at a cost to the business of results that will make it impossible to continue the business if the results continue, there is something that the Senator ought to consider on that side of the question.

Mr. REED. Mr. President, I am glad the Senator has interrupted me to make this statement, because it throws a flood of light upon all of the criticisms that are now being put forward by those who are willing to wreck the finances of the United States if they can gain a little political advantage out of it; who would bring on a panic to-morrow, and do it gladly, if by that panic they could return themselves to power.

The Senator has told us that last year the American Woolen Co. was obliged to cut down its dividends; that it not only failed to make a profit last year, but that it suffered a loss last year; and yet all of that occurred the year before the tariff bill was passed by Congress, and it is charged up here now to the tariff.

Mr. LIPPITT. What was the date when the tariff bill was passed by Congress?

Mr. REED. The woolen schedule went into effect on the 1st of last January.

Mr. LIPPITT. Does the Senator suppose for a minute that business is conducted on the basis of not taking account of the results that are going to occur and the laws that are going to be put in force? The facts of the case are that for years under a Republican tariff that business was conducted at a reasonable profit; and the facts of the case are that the instant the Senator's ideas of tariff legislation are put into effect the operatives are thrown out of employment, and the legitimate profit on the capital disappears.

Mr. REED. In other words, they charged up a loss a year in advance. The law did not go into effect until last January, but they anticipated the loss and charged it up, and charged it to the woolen schedule which had not yet gone into effect. That is the logic of the Senator.

Mr. LIPPITT. The Senator talks about anticipating a loss, but this loss actually occurred.

Mr. REED. And they also discharged the employees a year before they even knew what the woolen tariff would be. Now, then, I think that points a moral and adorns a tale. I have not the slightest doubt that some of these protected industries would gladly close their mills for a year if they could force the American people to bow down once more and worship them and the theory out of which they enriched themselves.

The Senator makes the astonishing statement that a year before the tariff law was enacted this company suffered a loss, and that the loss is chargeable to the fact that a year afterwards a tariff bill was enacted. And yet, Mr. President, that is exactly the sort of evidence being manufactured and studiously urged against the tariff. If at the time the tariff bill was enacted there was anywhere an institution on its last legs; if it was doomed to certain death by its own diseased condition; if gangrene, beginning at the toes, had eaten clear up to the heart; if its arteries were drained dry by the rascality of its officers; if the coffin was, in fact, ordered when the tariff bill was passed, nevertheless the death is blamed on the tariff. But this is the first time I have known a Senator to assert that we ought to blame on the tariff a loss that occurred a year before the tariff bill was enacted.

The American Woolen Co. was not alone in publishing a reduction in prices. In the same paper—the Journal of Commerce of date January 13, 1914—I find the advertisements of other great houses. I present a few:

METCALF BROS. & CO. PRICES—FINE GRADES DOWN FROM 17½ CENTS TO 25 CENTS A YARD FOR FALL 1914.

Metcalf Bros. & Co. opened their finer grades of wool goods at prices that showed reductions of from 15 cents to 25 cents a yard compared with the quotations for fall 1913.

On the cheaper grades of men's wear woolens the reductions averaged 7½ cents a yard.

It was stated that serge prices would not be made for the fall 1914 season for a week or 10 days.

Here is another:

PRICES ON WATERLOO SERGES—PATTERSON & GREENOUGH REDUCE HEAVYWEIGHTS ABOUT 12 PER CENT.

Patterson & Greenough, selling agents for the Waterloo Woolen Manufacturing Co., opened the Waterloo serges and unfinished worsteds at the following prices:

Ontario grade serge.

Style:	
5114, 14 ozs.	$1.20
5116, 16 ozs.	1.30
5118, 18 ozs.	1.42½
Sereen.	
5214, 14 ozs.	1.30
5216, 16 ozs.	1.45
5218, 18 ozs.	1.60
Unfinished worsted.	
51014, 14 ozs.	1.25
51016, 16 ozs.	1.33
52014, 14 ozs.	1.35
52016, 16 ozs.	1.50

These prices show a reduction of about 12 per cent compared with last year.

Here is the statement of our old friend:

ARLINGTON SERGES SELL WELL—MANY NEW NUMBERS OFFERED AT ATTRACTIVE PRICES.

William Whitman & Co. have made prices on Arlington Mill serges that are from 25 cents to 35 cents a yard lower than a year ago. These goods, it was stated yesterday, have been open for a week. In addition to the regular standard numbers many new staple fabrics are being offered by this corporation.

One of the best sellers is 2226, which cost $1.32½. An 11-ounce cloth, style No. 2228, is being offered at 80 cents. This cloth is causing a good deal of comment. Another new fabric is No. 2233, at $1.25.

The serge No. 2004, which was opened last August at 75 cents and subsequently advanced to 82½ cents, is being offered for the next fall season at 72½ cents. Serge No. 2034, which a year ago was opened at $1.82½ and lowered last August to $1.62½, is $1.55 for fall 1914 delivery.

The advance business placed on Arlington serges is reported to be substantial.

Mr. President, in the same paper which published the statements showing a reduction in woolen goods I find some evidence that those who spent all last summer prophesying the ruin of the sheep men and wailing over the decimation of their flocks and herds were somewhat in error.

Why, when the tariff bill was up for discussion a distinguished Senator, whose magnificent physique suggests the broad plains of the West and the manly virility of its sturdy population, stood up in the Senate daily looking like a monument of unshed tears; he could vocalize only in notes that were so pathetic that they would melt the stony heart of even a free-trade Democrat as he told us that the price of wool would all go to smash; that the disconsolate little lambs, refusing longer to gambol on the green, would pine away and die; that the wise old wethers, heartbroken at the thought of lower prices, would droop their sad heads, seek the underbrush, shrivel up, and blow away; that the cactus once more would embrace the surface of the earth in its thorny arms and the prairie dog build his lair in the streets of Cheyenne; that ruin and desolation would settle down upon our beloved country and the howl of the coyote would again be heard in the land. [Laughter.] But wool did not go down much; cows still have calves, and hens lay eggs, and chickens hatch, and pigs multiply, and the goat still distills his odoriferous sweets upon the plains of the great West.

For, after all these wailings, I read in a trade paper of January 13, 1914, this:

BOSTON WOOLS STRONG, HIGHER PRICES LOOKED FOR—TRANSACTIONS PRINCIPALLY IN FINE AND FINE MEDIUM TERRITORY—FOREIGN MARKETS FIRMER.

BOSTON, *January 12.*

There is no mistaking the very patent fact that raw wool the world over is master of the wool textile situation. The disinterested attitude which buyers adopted only a short time ago when examining wool, has disappeared and buyers are free to confess that wool prices are against them on Summer Street. The market is in a healthy condition and the prospects indicate higher prices rather than lower.

Probably the best feature of the whole trade, however, is the fact that manufacturers appear more cheerful over the outlook on goods. Some factors are understood to have done fairly well on their heavyweight openings and this is of no little significance this season. Certain show-

sorbing, in a little while we will all be riding in some of its cars, if we ride at all.

Mr. SMITH of Michigan. You will be sure of getting to your destination if you do that. [Laughter.]

Mr. REED. Possibly; and if the proprietors of that concern, of that trust, are allowed to act as the chauffeurs of the Republican Party, they will land the Republican Party inside their works, and they will also be sure to land all of their friends back here in the Senate.

Mr. SMITH of Michigan. Mr. President, if there are any of those who make Cadillac motor cars out of employment now, I think we may safely look to them to defend our party principles in the next campaign. They are high-grade, high-class men.

Mr. REED. Ah——

Mr. SMITH of Michigan. The Senator from Missouri knows that their car is efficient.

Mr. REED. Why, certainly.

Mr. SMITH of Michigan. And their management is efficient; and if they are organized in defiance of law, let the Department of Justice call attention to it.

Mr. REED. The Senator says the car is efficient, and therefore these men are good men. He reminds me of a gentleman keeping a faro bank who insisted that his bank——

Mr. SMITH of Michigan. I protest, Mr. President——

The PRESIDING OFFICER. One at a time, Senators.

Mr. SMITH of Michigan. I protest against this comparison.

Mr. REED. Was mechanically accurate, and that therefore he was violating no law.

Mr. SMITH of Michigan. I protest. That may be proper in debate in Missouri, but it ought not to be indulged in in the Senate. I protest against any comparison of that kind.

Mr. REED. I would not offend my friend for anything in the world, but the comparison exactly illustrates the lack of logic in what he says.

Mr. SMITH of Michigan. Let us let the logic go.

Mr. REED. I was discussing, Mr. President, the question of whether this organization was a trust, running in violation of the law, and the Senator seeks to divert the question to one as to whether the Cadillac car runs well or does not run well; and I say it reminds me exactly of a man who would insist that his roulette game ought not to be interfered with because the balls roll smoothly and the bearings are well greased and the wheel does its business effectively. [Laughter.]

Mr. President, the Senator says that this concern has not been prosecuted; that it has existed for many years and has not been prosecuted. I grant that. It has existed now for some 14 or 15 or 16 months under the present Attorney General without being prosecuted; but prior to that time, from 1908 until Woodrow Wilson was inaugurated, it existed under Republican Attorneys General and was not prosecuted. The fact that it has or has not been prosecuted does not settle the question that it is a combination in restraint of trade, a combination organized in the teeth of the statute.

I want to read a telegram that has been sent to me:

FLINT, MICH., *June 5, 1914.*

HON. JAMES A. REED,
United States Senate, Washington, D. C., U. S. A.:

I notice in the morning press dispatches that there was read in the Senate yesterday a letter from Mr. Henry M. Leland, of the Cadillac Motor Co., Detroit, Mich., in which the writer indicates that there is business depression existing, and painting a mournful tale as to conditions generally and charging such an alleged situation to Congress. Mr. Leland is a man of high character, and his business and personal honor is unquestioned. It is, however, interesting to note that this is the same Mr. Leland whose name appeared in connection with protected manufacturers upon a full-page advertisement which was run quite generally in Michigan newspapers in October, 1912, about 10 days before election. These signed advertisements were scare proclamations, intended to inflame, intimidate, and frighten the voters, and especially the laboring men, by the prediction that unless Mr. Taft were elected President ruin would result. That such roorback methods have no influence is clearly shown by the fact that Mr. Taft carried only two small States, Utah and Vermont. An important feature, however, bearing upon Mr. Leland's endeavor to get nation-wide publicity to his assertions as to business depression is the fact that the corporation with which he is connected, the General Motors Co., a holding company, of which the Cadillac and Buick are the two leading subsidiary companies, shows an advance in the market price on its stock of nearly 300 per cent during the past year and an advance of 100 per cent within the past six months. To make this clear, let it be understood that General Motors preferred advanced from 55 to 95, and this is based upon actual earnings and profits. The Buick Co. have manufactured and actually sold and received the cash therefor an output for 1914 models of 32,000 pleasure cars and 1,500 commercial cars, being the largest year in its history, and the outlook for 1915 is so promising that plans have been made and some contracts for material let upon a basis of 40,000 cars. Detroit, Mr. Leland's home city, is one of the most prosperous cities in the world—more building, increased bank deposits, everything flourishing, notwithstanding the thousands of dollars paid out during the 1912 campaign for the full-page advertisements bearing Mr. Leland's name predicting dire disaster. Does Mr. Leland claim that the business depression in Canada and some other nations is due to the United States Congress? That President Wilson's program may be carried out and constructive legislation enacted along the lines of his recommendation is the earnest hope of a great majority of the American people.

EDWIN O. WOOD.

Edwin O. Wood is a Democrat; he is the Democratic national committeeman from that State. And the Senator from Michigan will, I think, say that Edwin O. Wood is a man of the highest character.

Mr. SMITH of Michigan. Mr. President, lest my silence might be construed as disagreement with the statement of the Senator from Missouri, I want to say, without any qualification whatever, that Mr. Wood is a man of the highest character, a man of fine attainments, one of my warm personal friends, and I commend the statement which he has made to the Senator from Missouri. It indicates at least that there is one branch of industry in that State that has not yet suffered the blight of Democracy.

Mr. REED. Yes, Mr. President; there is one branch of industry that has not suffered the blight. This great concern, making last year nearly $5,000,000 net, this concern, the stock of which has advanced 300 per cent within the last 18 months, this concern, which is a criminal combination organized in defiance of law, which is extending its business and multiplying its profits, comes here to the Senate of the United States and says to it, "Lift your hand if you dare; enact any legislation that will stop us in our marauding expeditions at your peril. We proclaim that you are destroying the country."

Mr. President, we are going "to have it out" with concerns of this ilk pretty soon—if I may be pardoned a common slang expression. We are going to determine in the near future whether or not the criminal trusts have become so potential that their mere threats can compel Congress to adjourn and their wrath can arrest the powers of the Federal Government.

It has been said often here that some of these concerns were organized in the State of New Jersey. How does that fact answer the charge that they are engaged in criminal practices? It is a sad truth that the wise laws of many States of the Union have been practically nullified by the fact that under the interstate-commerce provision of the Constitution a corporation organized in one State can do business in another, and, consequently, that while many of the States have passed statutes limiting the capital of corporations and making other wise provisions, all these safeguards enacted by various States have been rendered nugatory by the conduct of certain other States in granting corporations franchises without limit as to capital and without any other proper limitation.

My own State for many years had upon its statutes a provision that a corporation could not be organized with a greater amount of capital than $15,000,000, unless it were a corporation engaged in operating a railroad. That statute was rendered null and void, so far as its effectiveness was concerned, by the existence of other States where there was no such limitation, and by the fact that being there organized corporations could enter my State where the limitation existed and do business, although they could not have received a Missouri charter.

The fact that the General Motors Co. was organized under the laws of New Jersey does not change the situation. If it was wrong to organize it in New Jersey, the fact that Woodrow Wilson in his short term as governor was not able to wipe out all of the wrongs and iniquities existing does not give the trust a clean bill of health. We must none the less meet the question and settle it upon its merits.

What I am at this time particularly calling attention to is the startling fact that a criminal trust, its pockets bulging with profits, gained in violation of law, coolly comes to the Congress of the United States and, in effect, orders Congress to adjourn, attaching to the demand the implied threat that big business will injure the country if Congress does not obey its commands.

The demand we have of this automobile trust is couched in language calculated to impress one with the fact that impudence frequently characterizes criminality.

Mr. President, while I am on my feet, and since the Senator has said "here is one concern that has not yet been wrecked," I call attention to one other matter. We have been repeatedly told here from the other side of the Chamber that nearly every business house in the United States is being closed up; that ruin and desolation are stalking across the earth; that the bats are now roosting in all of the workshops where once the music of labor delighted the ear; and we are told at the same time that prices have not been reduced a penny. It was stated here only the other day that there never has been any reduction in prices. Of course, it is a little difficult for a man to understand why a factory that can get the same prices now that it got three years ago should shut down; why it would not keep on running if its prices were just as high.

It is a little hard to understand how a man who is selling an article at a given price and making money, and his entire plant is buzzing and humming and whirling with industry, should shut that plant down as long as the prices stay just where they were. So, it is a little hard to understand, if prices have stayed up, why all the great factories of the country should be closing down. The truth is prices have been lowered and the factories have not shut down.

I want to put into the RECORD part of a letter from the National Cloak & Suit Co., of New York. I do not see on the floor the Senator from Utah [Mr. SMOOT] or the Senator from Rhode Island [Mr. LIPPITT]. They could tell us all about the various samples of cloth which are attached to this letter; but here they are [exhibiting]. I will ask to print the letter without reading it, except an excerpt or two, which I will take the liberty of reading:

Answering the above, we would say that the tariff has been the cause of reducing prices on woolens by the yard, and this will in turn enable the manufacturer of garments to give a better piece of material in a garment at fixed retail price than he did a year ago, or to sell the same garment he made a year ago at a lower price.

The letter then goes on to take up the question of woolens, which is the business in which this concern is engaged.

Here are these samples. I can not tell you what kind of goods they are, but they look like pretty good woolen goods. Here is a sample that was sold last year at $1.32½ a yard, which is now being sold at $1.02½. Another sample which was sold last year at $1.37 a yard is now being sold at 87½ cents. Another sample which was sold last year at $1.30 is now being sold at 97½ cents. Another sample which was sold last year at $1.45 is now being sold at $1.02½, and another sample which was sold last year at $1.37 is now being sold at 98½ cents. All of these samples are attached to the letter of this large concern. While I can not give the technical names, the various samples are all of various worsteds.

I call attention now to the Journal of Commerce and Commercial Bulletin, under date of January 13. That is a good way back. I am introducing this to show that at that early period there was a reduction in prices, that it was general, and that all this talk to the effect that there has been no reduction of prices has been in the face of the published price lists since January, 1914.

The anxiously awaited prices on staple men's wear serges for fall 1914 delivery were made yesterday by the American Woolen Co.—

Certainly a very large concern—

The prices named showed sharp concessions from the figures made a year ago, but the downward revisions announced by the leading factor were by no means so great as to disturb the market unduly. The figures decided upon for the next heavyweight season were about what buyers generally anticipated. The reductions ranged from 10 cents to 37½ cents a yard compared with the opening quotations for the fall 1913 season.

The greatest cut was made on the Wood serge style No. 9118–010. This cloth, which was $2.10 a year ago, was dropped to $1.72½. On cloths that were priced last July for spring 1914 only slight changes were made.

I shall not read all of the article, but I shall ask to insert it.

The PRESIDING OFFICER. Without objection, that may be done.

The balance of the article referred to is as follows:

Serge No. 3194, one of the leading fabrics made in the Fulton Mill, was reduced from $1.37½, the price named last July for spring 1914, to $1.35. That the price of this cloth would be $1.35 was foreshadowed in these columns a couple of weeks ago.

Serge No. 3844, which was reduced from $1.82½ to $1.62½ last July, was lowered 7½ cents, making the total reduction on this number 27½ cents a yard during the past year. Two of the unfinished worsteds made in the Washington Mill were reduced 20 cents and 35 cents a yard. Ayer serge No. 1814–44 was reduced from $1.55 for fall 1913 to $1.25.

The reductions made by H. W. T. Mall & Co., which ranged from 27½ cents to 55 cents a yard, compared with the fall 1913 prices, were the talk of the market. Patterson & Greenough reduced Waterloo serges and unfinished worsteds about 12½ per cent. Metcalf Bros. & Co. made no prices on Wanskuck serges, and it was announced that quotations would not be ready for a week or 10 days. S. Slater & Sons (Inc.) will make serge prices later in the week. At the office of the George H. Gilbert Manufacturing Co. it was stated that prices would not be named yesterday. The Coronet Worsted Co. expected to be ready about the end of the current week. The United States Worsted Co. serges will be opened to-day.

According to reports current in the market, the advance business booked on staple worsteds is substantial, and the indications point to a very satisfactory application during the season, in spite of the foreign lines that are being offered. It is apparent that domestic factors are determined to keep the staple worsted business in this country, but it is stated that this was possible only because of the low prices named, which, it is contended, are the closest ever made.

The advance orders placed late last week, coupled with the contracts accepted yesterday by the largest worsted corporation, were reported to be up to all reasonable expectations.

Fancy worsteds were also opened by the American Woolen Co. The lines shown by department 2 comprised fancy piece dyes with silk decorations, silk mixtures, skein dyes, vigoureux mixtures, and compound mixtures.

Those in charge of the selling end of the company declined to give out any information as to prices for the next heavy-weight season on goods of this description, but it was learned from other sources that the quotations were relatively as low as those made on staples.

Style number.	Fall, 1914.	Fall, 1913.
WASHINGTON STANDARD CLAYS.		
317, 12-ounce	$1.17½	$1.37½
338, 14-ounce	1.25	1.50
614-5	1.10	.....
615-5, 15-ounce	1.15	1.40
815-4	1.32½	.....
200, 16-ounce	1.37½	1.62½
WASHINGTON SERGES.		
2091-1	.65	.....
313-16	1.00	1.25
815-13	1.37½	.....
UNFINISHED WORSTEDS.		
113-5	1.30	1.52½
115-5, 15-ounce	1.40	1.65
815-6	1.30	1.55
8154-2	1.60	1.82½
9013-1	1.02½	1.12½
9014-1	1.07½	1.20
9010-1, 15-ounce	1.12½	1.25
9115-75	1.50	1.80
9116-037	1.52½	1.87½
FRENCH SACKS.		
716-12	1.50	1.75
WOOD SERGES.		
9714-8	1.25	1.47½
9715-8	1.35	1.57½
9815-29	1.40	1.62½
9816-29	1.45	1.67½
9116-9	1.57½	1.90
9118-010	1.72½	2.10
FULTON SERGES.		
3194	1.35	1.60
4077, 16-ounce	1.47½	1.72½
3844	1.55	1.82½
5048, 18-ounce	1.40	1.65
5048	1.15	1.40
FULTON UNFINISHED WORSTEDS.		
3850	1.00	1.35
AYER SERGES.		
1614-3	1.07½	1.30
1814-44	1.25	1.55
1114-41	1.42½	.....
1115-29	1.55	.....

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. REED. I do.

Mr. SUTHERLAND. Are these wholesale prices that the Senator is quoting?

Mr. REED. They are prices that are made by the American Woolen Co. in this particular instance; yes.

Mr. SUTHERLAND. They are wholesale prices?

Mr. REED. Oh, yes.

Mr. SUTHERLAND. Can the Senator tell us whether or not there has been any decrease in the price of clothing? That is, can a man go to a clothing store here and buy clothing cheaper than he could a year ago?

Mr. REED. Undoubtedly. I have just introduced a letter from a manufacturer on that subject. I think the Senator was not here at the time.

Mr. SUTHERLAND. I am speaking of the retail price of a single suit of clothes.

Mr. REED. Yes.

Mr. LANE. Mr. President, if the Senator goes to a tailor for a suit I think he will find that the tailors are selling the same quality of suits for less than they did last year.

Mr. SUTHERLAND. I shall have to call that to the attention of the tailor I patronize, then, because I have not been able to get a lower price.

Mr. LANE. I think it would be a wise thing for the Senator to do.

Mr. WILLIAMS. Mr. President, if the Senator will pardon me, the Senator from Utah is too high-toned and aristocratic.

Mr. SUTHERLAND. Oh, no.

Mr. WILLIAMS. Probably his tailor will not make a reduction; but if he belonged to the ordinary Democrats of the country and bought his clothes from the shelf in a ready-made clothing store, he could go down in Washington to-day and dis-

General Motors Co.—Continued.

	1911	1912
LIABILITIES.		
Preferred stock	14,333,500	14,936,800
Common stock	15,822,330	16,371,183
6 per cent first-lien gold notes	14,002,000	12,452,000
Capital stock, subsidiary companies	1,436,000	578,000
Surplus, subsidiary companies	1,166,528	413,338
Accounts payable	2,143,847	2,853,022
Notes payable (Weston-Mott Co.)		600,000
Liabilities accrued not due	641,768	629,855
Reserve for dividends	335,848	261,394
Reserves for special purposes	3,263,076	4,299,471
Surplus	1,249,175	1,262,595
Total	54,388,072	54,956,158

Capital stock: Authorized 7 per cent cumulative preferred, $20,000,000; common, $40,000,000; total, $60,000,000. Issued July 31, 1912: Preferred (outstanding, $14,936,800; in treasury of company, $1,322,000; in treasury of subsidiary companies, $1,770,600), $18,038,400; common (outstanding, $16,371,183; in treasury of company, $3,173,147; in treasury of subsidiary companies, $329,700), $19,874,030; total (preferred, $18,038,400; common, $19,874,030), $37,912,430; shares, $100.

Transfer agent, etc.: Transfer agent, Corporation Trust Co., Jersey City, N. J.; registrar of stock, Equitable Trust Co., New York, N. Y.; stock dealt in on the New York curb market.

Dividends: Semiannual dividends of 3½ per cent each on the preferred stock were paid from April 1, 1909, to May 1, 1913, inclusive. A stock dividend of 150 per cent on the common stock was paid in common stock on November 15, 1909. Owing to change in dates of dividend payments from April 1 and October 1 to May 1 and November 1, a dividend of 4⅓ per cent (at rate of 7 per cent per annum) for the seven months to May 1, 1912, was paid May 1, 1912, to holders of record April 15, 1912.

Voting trust: A majority of the company's outstanding preferred and common stock has been deposited under a voting-trust agreement with James N. Wallace, Frederick Strauss, James J. Storrow, William C. Durant, and Anthony N. Brady, voting trustees. The voting trust is dated October 1, 1910, and runs to October 1, 1915, and until all of the 6 per cent notes described below at any time issued shall have been paid in full. The voting trustees may make earlier delivery at any time in their discretion. Transfer agent for voting-trust certificates, Central Trust Co., New York, N. Y.; registrar, Columbia-Knickerbocker Trust Co., New York, N. Y.; voting-trust certificates for both classes of stock listed on New York Stock Exchange.

NOTES OUTSTANDING MAY 1, 1913.

Thirteen million three hundred thousand dollars General Motors Co. of Michigan 6 per cent, first-mortgage, five-year gold notes, dated October 1, 1910; secured by a first mortgage upon all lands, plants and equipment, patents, etc., which the company then owned or shall hereafter acquire; trustee, Central Trust Co., New York, N. Y. Prior to the execution of this mortgage all real estate, plants, other fixed assets, and patents of the Buick, Cadillac, Olds, Oakland, Elmore, Northway, Pentenuar, Rapid Motor, Reliance, Welch of Detroit, Welch Motor, Champion Ignition, Jackson-Church-Wilcox, Michigan Motor Castings, and Oak Park Power Cos. had been conveyed to the General Motors Co. of Michigan, so that through the pledge of these $13,300,000 first-mortgage notes with the trustee the 6 per cent first-lien notes are secured by a first lien upon all of those properties as well as by a first lien upon the capital stocks named.

Eleven million nine hundred and twenty-one thousand dollars 6 per cent first lien sinking fund gold notes, dated October 1, 1910, due October 1, 1915, interest April 1 and October 1 at the company's agency in New York, N. Y. Coupon bonds, $1,000; registerable as to principal. Subject to call as a whole or in part through sinking fund on any interest date at 102½ per cent and accrued interest. An annual cash sinking fund is provided, payable on or before October 1 in each year—$1,000,000 in 1911; $1,500,000 in 1912; $2,000,000 in 1913; and $2,000,000 in 1914—to be used to retire these notes through purchase at not exceeding 102½ per cent and interest or by drawing at that price. These sinking fund payments may be increased at the option of the company. Trustee, Central Trust Co., New York, N. Y. Secured by a first lien upon securities pledged with trustee, including the securities which constitute the entire interest of the General Motors Co. in subsidiary companies engaged in or directly connected with the motor car manufacturing industry. For statement of securities pledged see table preceding.

Authorized $20,000,000, of which $11,921,000 were outstanding May 1, 1913, after sinking fund payments of $3,079,000 had been applied, the remaining $5,000,000 can be issued from time to time only when approved by the board of directors and by finance committee.

While any of these notes are outstanding it is provided that none of said subsidiary companies, a majority of whose capital stocks is pledged thereunder, shall mortgage its properties or market or dispose of any bonds, notes, or other evidences of indebtedness maturing three months or more from date unless all such mortgage or other indebtedness is simultaneously acquired by the General Motors Co. and pledged with the trustee as further security for these notes; that if any such company shall incur any indebtedness other than for current operating expenses, or shall fail to pay indebtedness incurred for current operating expenses, then General Motors Co. will pay or acquire the same; also that none of such subsidiary companies shall issue any stock having preference or priority over the stock now pledged; also that if any company stock of which is pledged increases the present amount of its stock, the General Motors Co. must acquire and pledge, as further security for these notes, a proportionate amount of such increased stock as shall be required to preserve the percentage of the whole now held; also that while any of these notes are outstanding the company will not distribute in cash dividends on its common stock more than one-half of the net profits subsequent to October 1, 1910, applicable to such dividends, and that the net quick assets of the companies, as carefully defined, must always equal at least 133⅓ per cent of the amount of these notes outstanding plus an amount equal to the total cash dividends, if any, paid on the common stock. Listed on New York Stock Exchange.

Directors: Anthony N. Brady, J. H. McClement, Albert Strauss, Jacob Wertheim, New York, N. Y.; Edwin D. Metcalf, Auburn, N. Y.; Emory W. Clark, Andrew H. Green, Jr., C. W. Nash, M. J. Murphy, Thomas Neal, Joseph Boyer, Detroit, Mich.; W. C. Durant, Flint, Mich.; James J. Storrow, Boston, Mass.; N. L. Tilney, Orange, N. J. Officers: Thomas Neal, chairman of board; C. W. Nash, president; Emory W. Clark, vice president; Standish Backus, secretary; James T. Shaw, treasurer; Thomas S. Merrill, assistant secretary and assistant treasurer; W. H. Alford, comptroller, Detroit, Mich. Office, Detroit, Mich.

An examination of the foregoing figures shows that this holding company owns substantially every dollar of the stock of all the companies. Referring especially to the Cadillac Motor Co., we find that it has $1,500,000 of stock, every dollar of which is owned by the General Motors Co.

So that it will be seen that the gentleman who wrote this letter denouncing Congress and ordering it home is simply a hired man of the trust. He does not even enjoy that doubtful dignity which attaches to the boss or even a director of a trust. He is an underling, a serving man, who serves a trust for a salary. I have no doubt he would not venture upon the subject of legislation without consulting his bosses; indeed, I apprehend in this instance he has merely carried out the demands of the trust magnates for whom he works. I suspect that every hired man who draws his weekly stipend from this trust has been ordered to write an epistle, expressing his independent righteous indignation at the wickedness of Congress in daring even to dream of passing statutes aimed at combinations in restraint of honest trade.

I challenge attention to the fact that this is not only a trust but it is an up-to-date concern, for you will observe in the statement in Poor's Manual, above quoted, that a majority of the trust's outstanding preferred and common stock is tied up in a voting-trust agreement, so that we have here a trust so airtight that even its stockholders are deprived of all control, the trust being in turn controlled by a voting trust.

Mr. President, this cold statement contained in Poor's Manual demonstrates beyond a peradventure to my mind that the Cadillac Motor Car Co. and all of the other subsidiary companies named in this table, a list of which I read, are simply parts of a trust organized in open defiance of the Sherman Antitrust Act. I am calling public attention to that fact. I am publicly directing the attention of the Attorney General of the United States to the fact, and am publicly asking him to investigate this concern and take the necessary steps to bring about its dissolution and punishment.

Here is an institution that comes in crying about poor business, and yet year before last its net profits were $4,447,146.53. Last year——

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. Just as soon as I finish the sentence. Last year its net profits were $4,438,448. This criminal trust that is making over $4,000,000 a year comes here and undertakes to lecture Congress and the President and demands that Congress shall adjourn. Instinctively one recalls the ludicrous scene in the comic opera where outlaws demand, with great indignation, that the posse comitatus shall not be assembled, and resolve with much earnestness that the sheriff should go home and attend to his own business and let honest buccaneers proceed with theirs.

I now yield to the Senator from Nebraska.

Mr. NORRIS. Before I ask the Senator my question, I want to commend him for what he has just said in stating publicly that he calls the attention of the Attorney General to this trust. However, I want to suggest to the Senator that the other day when I undertook publicly to call attention to what I believe to be a violation of the Sherman antitrust law, and called the attention of the Attorney General to it by way of a resolution regarding a combination of railroads, the Senator himself was very strenuous in his objection and found fault with it, and he intimated that it was a reflection on the Attorney General to do it this way and that I ought to have done it by a private letter.

Mr. REED. Mr. President, the Senator entirely misapprehends the position I took. I do not intend to object, and I think nothing in my remarks as printed will show that I objected to directing the attention of the Attorney General to any matter. What I objected to was the method employed.

Mr. NORRIS. Now, I should like——

Mr. REED. Let me finish, and I will explain the difference to the Senator. The Senator brought in what purported to be a recitation of facts, and asked the Senate to adopt it as a true statement. Without being able himself to vouch for its correctness, he asked the Senate to solemnly make it of record that the facts were as set forth, and requested that the Senate demand from the Attorney General——

Mr. NORRIS. Why, Mr. President——

Mr. REED. Wait a moment—his opinion as to whether these alleged facts, which, if they were true, plainly showed a violation of law, were a violation of law. I said then, if the Senator was willing to assume responsibility for the facts, he should do so, and not ask the Senate to commit itself.

Mr. NORRIS. I was willing to assume that responsibility, and I called attention at the time——

The PRESIDING OFFICER. One moment. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I always yield.

Mr. NORRIS. I called attention to the fact then that the evidence upon which I based my statement was Poor's Manual, the very document the Senator from Missouri has offered here today in defense of his position; and I want the Senator from Missouri to understand, as I said in the beginning, that I am not criticizing the Senator for the position he takes; but I replied upon inquiry, either of the Senator from Missouri or some other Senator, in regard to what those facts were, that I had gathered at least a portion of them from Poor's Manual, and that another portion of them had been taken from an opinion rendered by the Interstate Commerce Commission. Although I was willing, when the Senator said there might be a doubt about these whereases, to amend the resolution even as he suggested, he said this could be nothing but notice to the Attorney General, and since he had had one notice, there would not be any use in giving him another, and it could be nothing but a reflection upon the Attorney General. The Senator, I think, used those very words. Now, because I was courteous enough to the Attorney General to first ask his opinion, it seems to me that I was more courteous than the Senator now is to take from Poor's Manual a statement of the facts and make the assertion, without any qualification, that this affair is a criminal trust.

Mr. REED. Mr. President, the Senator from Nebraska may entertain that opinion if he desires, but I say that the distinction between the Senator and myself is this: The Senator undertook to commit the Senate of the United States to a certain statement of facts, and then demanded from the Attorney General, by the United States Senate, an opinion upon those facts. I did not question the right of the Senator to rise in his seat and denounce in any way anything he saw fit as a criminal conspiracy. In that event he would be taking the responsibility himself and would be within his rights. I am doing that now; I am taking the full responsibility of calling the attention of the Attorney General to the situation as it is laid out in this book.

Mr. SMITH of Michigan rose.

Mr. REED. Just one moment. I do not question, and I never have questioned, the Senator's right to do that. The Senator, however, sought to do something more; he sought to commit the Senate to a statement of fact and to commit the Senate to a demand for a legal opinion, which is a very different thing from what I am now doing.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri further yield to the Senator from Nebraska?

Mr. REED. Yes.

Mr. NORRIS. Is not the Senator from Missouri seeking now to commit the Attorney General?

Mr. REED. I am not seeking to commit him. I am committing myself to a statement; I am making it publicly; and the Attorney General must take notice of it or not, as he sees fit.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. REED. I do.

Mr. SMITH of Michigan. I hope when the Senator from Missouri calls the attention of the Attorney General and of the President to this conspiracy, this combination in restraint of trade—the General Motors Co.—that he will also call their attention to the fact that that company was organized under the laws of New Jersey, when Woodrow Wilson was governor, or it continued to maintain its organization after he became governor, and not a step has been taken to repeal the law under which they are organized. Perhaps that will help in some way to clarify the situation.

Mr. REED. Mr. President, that is about as logical as it would be if a man indicted for stealing horses were to plead that the indictment ought to be quashed because on the date of the larceny Woodrow Wilson was governor of New Jersey.

Mr. SMITH of Michigan. Well, Mr. President, we will dismiss the question that he was governor of New Jersey. This institution was legalized under the laws of New Jersey, and not under the laws of Michigan.

Mr. REED. Mr. President, the laws of New Jersey were passed in the good old Republican days——

Mr. SMITH of Michigan. And retained.

Mr. REED. When a Democrat scarcely dare show his head above the surface; passed in the good old days when the Republican Party of New Jersey held to the doctrine that the more trusts we had and the bigger they were the better it was for New Jersey and all the rest of the world. In those good old days before the Progressive had lifted his voice to disturb the equanimity and sanctity of the old Republican household, before the Democrats had become powerful enough to in any way disturb the vested interests; in those good old days when your Hannas and Rockefellers and Morgans and Perkinses and Guggenheims and other high priests of the trusts were bossing the Republican Party, when you were passing laws that were made by "the interests" in the interest of "the interests," you put upon the statute books of New Jersey a great many wicked laws, and among others this law. The particular trust I am discussing was incorporated in 1908. Was Woodrow Wilson the governor of New Jersey at that time? Surely not.

Mr. SMITH of Michigan. He has been since then, and had a legislature of his own political party. He could have repealed any law in the State of New Jersey.

Mr. REED. But he could not have repealed the charters that had been granted by a previous legislature.

Mr. SMITH of Michigan. The Senator from Missouri is not speaking with his usual accuracy when he charges that these laws were passed by a Republican legislature. That is not the case. The Senator from Missouri will be unable to verify his statement. The laws could have been changed; you had plenty of Democratic authority to change them; and organizations are being made from day to day in New Jersey, and were all during the times that Democrats were dominant in the affairs of that State.

Mr. REED. The most you can say for the Senator's argument is that I ought not to have denounced this concern as a criminal conspiracy and a trust because Woodrow Wilson, as governor of New Jersey, did not choke it to death.

Mr. SMITH of Michigan. No, Mr. President; but the Senator from Missouri and his party have been in control of Congress for some time; they have had the Attorney General's department; and they have not seen fit to level any of their guns against this company as yet. This company has been in existence, its status has been known, and it needs no defense at my hands. It is one of the most honorable and upright in its management of any of the institutions of our State. Its products and the products of its labor and its genius are the pride of our Commonwealth; and it little becomes the Senator from Missouri to charge this concern with being a conspiracy, and a criminal conspiracy, when for over a year the Attorney General has rested securely in the impression that it was a lawful and legitimate business in the country.

Mr. REED. Ah, Mr. President, the trouble has been this: There are too many men in high places like the Senator who has just spoken, who rise and proclaim the high and honorable mission of criminal trusts.

Mr. SMITH of Michigan. Oh, Mr. President, everybody proclaims the efficiency of the Cadillac motor car, and even the Senator from Missouri has made his campaigns in that State in that car.

Mr. REED. The Senator is mistaken——

Mr. SMITH of Michigan. The Senator has done it many times.

Mr. REED. The Senator from Michigan is mistaken about my making my campaigns in that car; but I will admit that the Cadillac motor car is probably a very good car.

Mr. SMITH of Michigan. Yes; but the Senator——

Mr. REED. But I am not aware of the fact that the question of whether the Cadillac motor car runs smoothly has anything to do with whether the Cadillac Motor Car Co. runs honestly and in accordance with law.

Mr. SMITH of Michigan. Or whether Mr. Henry M. Leland, who sent the communication presented to the Senate yesterday by my colleague [Mr. TOWNSEND], has a perfect right, as any other citizen has, to memorialize Congress.

Mr. REED. Mr. President, I am going to bring the Senator from Michigan back to just the point that he has been avoiding by this pleasantry about my riding in a Cadillac motor car.

Mr. SMITH of Michigan. I will withdraw that, if it is offensive to the Senator.

Mr. REED. It would be no discredit to ride in a Cadillac motor car. In truth, if this concern keeps on growing and ab-

shall select the man believed to be the most competent and efficient for the place and recommend him to the President for appointment, and providing—and this, I think, is the best provision in the bill—that no Member of Congress or Cabinet member shall have the right to recommend or aid in securing the appointment of anybody to office. This is a legislative body. It should not be here doing politics at all. It should have nothing whatever to do with the selection of other public officials. It is no part of the duty of a Senator of the United States to do any such thing. The duty is imposed upon us of passing upon appointments made by the President, and it is inconsistent with that duty, on our part, that we should become the champions of anybody seeking appointment at the hands of the President.

I have felt that the Democratic Party has been unjust to the old soldiers now in its employ. The real spirit and purpose of the law preferring the old soldier has been violated. If the Democratic Party believes that it had a right under the system that prevailed here to appoint Democrats in places held by Republicans that would have been better than to have sent these old soldiers away into dark places and inferior positions. There is no justification for that course. The political system that prevails here does not justify it, but it has been done in a great many instances. The case that has been referred to by the Senator from Massachusetts of a doorkeeper sitting at that door receiving $1,800 and one sitting at this door receiving $840 is a palpable injustice. I do not care anything about what the politics of the two of them may be, because as a matter of fact we all know the duties of a doorkeeper at this door are greater and more onerous than of the one at the back door of the Chamber. I do not mean to say that the Democratic Party purposely and maliciously reduced the salary.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. In just one moment. It reduced the salary of the doorkeeper here and retained the full salary to the doorkeeper there, and that has come about in some way which I say is unjust. Now I yield to the Senator from North Carolina.

Mr. OVERMAN. Perhaps some things ought not to be stated here on the floor as to the reasons which moved us in this matter. I think the doorkeeper at that door should thank his stars that he is there at all, because there are Republican Senators who think we did a kindly thing in keeping him at a lower salary.

Mr. WORKS. There is no justification——

Mr. OVERMAN. There are two sides to all these questions.

Mr. WORKS. I do not care what may have induced it, the injustice remains. I have no doubt in the world that many of these old soldiers are very glad to remain here at reduced salaries.

Mr. REED. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Missouri?

Mr. WORKS. I do.

Mr. REED. I think the Senator from California is too fair a man to select a particular instance and to leave the impression, intentionally or otherwise, that there has been a discrimination by Democrats that did not exist when the Republicans had control of this body. I wish to ask the Senator if it is not true that the Democrats since they came in control of the Senate have been just as generous to their political opponents who are now in the minority as the Republicans were to the Democrats when the Republicans were in the majority?

Mr. WORKS. Mr. President, I am not discussing this question on political grounds. I do not know whether the Senator from Missouri is right or wrong. It does not make the slightest difference to me whether the old soldier whose salary has been reduced is a Democrat or a Republican. That has nothing to do with it, in my estimation; but if the Democratic Party has reduced the salary upon that ground, then there is no justification for it, and if Republicans have reduced the salary or dismissed employees of the Senate because they were Democrats that was equally unjustifiable.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from North Carolina?

Mr. WORKS. I do.

Mr. OVERMAN. I wish to give the Senator one case where an ex-soldier was reduced who was thoroughly incompetent.

Mr. WORKS. I want to say I am not questioning that at all.

Mr. OVERMAN. The Senator says there was a man getting $1,800 and we reduced him to $840. He came to me and expressed his gratification that we kept him. The Senator does not complain of that.

Mr. WORKS. I have not complained.

Mr. OVERMAN. The Senator is very generous, and I am glad that he is an old soldier and has made the remark he has. They can be put against the remarks of some of the gentlemen who did not fight and would not have fought if they had been old enough to fight during the war. I am glad the Senator is in this Chamber. He is generous and kind. He was one of the old soldiers, and as an old soldier he has a kind feeling for the Confederate soldiers. That is the feeling of the old soldiers who fought on the same side the Senator did. It is only those who did not fight who are attacking them and seeking to make a political question out of it, and I say from the character of their remarks they would not have fought if they had been old enough. That is the kind of men who talk and rage in matters of this kind 50 years after the war. I have never seen an old ex-soldier of the Union yet who is not gracious and kind in his remarks about the Confederate soldier. When a man stands up in the Senate for political purposes on account of the Confederate soldiers I think it is contemptuous. I say I thank the old soldier on the Republican side for making the generous remarks he has made about these matters.

I happened to be on the committee, and I just want to cite an instance as to the old soldier who received $1,800 a year and who was reduced to $840. He admitted his incompetency, and he came to me and thanked me. The old soldier at the door there was reduced because he insulted the daughter of a Senator on this floor. We did not discharge that one from Massachusetts. All we did was to reduce him. If all the facts were known, there would not be this complaint made here on the floor. We have investigated the matter thoroughly. All these old soldiers are receiving pensions. Some of them could not do the work. We did the best we could to retain every one of them on the roll.

Mr. WORKS. I think I said in the beginning that where an old soldier was competent and able to perform the duties of the position his salary should not be reduced simply for the purpose of giving a place to somebody else who is receiving a higher salary.

Now, taking the case mentioned by the Senator from North Carolina, of course if an old soldier is incompetent and can not perform the duties of the position, he has no right to ask to be retained in the position; and if in the case mentioned he was given another position where he could perform the duties of that place, and was paid the salary that belonged to it, he might well be grateful; at least, he would have no reason to complain.

The question of the Confederate soldier has been mentioned here. Mr. President, I have shown by some remarks that I have made on the floor of the Senate on previous occasions that I have no animosity toward the Confederate veteran; none whatever. That question is not up here for discussion, except as it has been mentioned by the Senator from Mississippi. I know nothing about the number of Confederates who are employed. There is no reason why they should be excluded from employment simply because they are Confederate soldiers or because they come from the South. I have no sympathy with any feeling of that sort.

Mr. WILLIAMS. Mr. President, I hope the Senator will understand that he was not excluded from employment because he was a Confederate soldier. He has been excluded from employment because of an arbitrary age limit that has been fixed which happens to cover all Confederate soldiers; that is all.

I wish to add, before I take my seat, that no one is more appreciative than I am of the broad, tolerant attitude which the Senator from California has always shown, bearing malice toward none and good will toward all in this country. If you think we do not appreciate it, you are mistaken. We appreciate it, and we realize it perhaps more than you do.

Mr. WORKS. That is very kind of the Senator from Mississippi. I hope I am able to keep my mind from prejudice or animosity toward any class of people. I try to do that, at least.

Mr. President, I should not have said anything on this subject, except that I do entertain some feeling about any discussion of this kind involving the old soldier when it takes on a political aspect. I do not like to think of the old soldier in connection with politics at all in any employment he may have, and I regret myself that there should have been any occasion for a discussion of this kind on the floor of the Senate.

Mr. REED. Mr. President, on yesterday the Senator from Michigan [Mr. TOWNSEND] presented a letter which he said was

in the nature of a petition from the Cadillac Motor Co., and which afterwards he read into the RECORD, giving it his personal sanction. I would not advert to this matter at all if it were not for the fact that the RECORD is constantly being lumbered up with material like the Cadillac letter. This letter was put into the RECORD ostensibly as the expression of a business concern that had no interest in legislation except that which is common to all honest business.

Mr. President, in view of that fact, I want to ask the attention of the Senate for a few minutes to who and what the protestant in this particular instance is. If an honest business concern, honestly capitalized, honestly observing the law and having fair purposes, protests against a course of legislation, it may be well for Congress to hearken; but if the protest comes from the pen or the lips of a violator of the law, of a criminal who hates the law as it exists and yet fears that the law may be made even stronger, then we perhaps ought to regard the warning as an indication that Congress is proceeding in the right direction.

Now, what is the Cadillac Motor Car Co. that has the temerity to come here to the Senate with a statement such as is contained in this letter? What is it that it should undertake to lecture the President, to lecture Congress, to lecture the men who here under their sworn duty are doing the best they can as God gives them the light?

Mr. President, I have here Poor's Manual of Industrials for the year 1913. I looked for the "Cadillac Motor Car Co." in the index. The index referred me for information about the Cadillac Co. to the topic "The General Motors Co." It appears that the Cadillac Motor Car Co. no longer has an existence as an independent company. It has been absorbed by the General Motors Co. Turning to the General Motors Co., this is what Poor's Manual states:

It was incorporated September 16, 1908, in New Jersey, "as a holding company."

In other words, it is the latest and last word in the formation of a criminal trust. I read further:

Has acquired practically all of the capital stocks of the following companies engaged in the manufacture and sale of motor cars and parts.

Here follows a list of 26 companies, including the Cadillac. The list will appear later.

I observe also that the combination has already established branches in Europe. Evidently it is ambitious to become an international trust.

Now, this criminal trust, organized in defiance of the Sherman antitrust law, and which is out of place every day it is out of jail, has the temerity to lecture Congress, lecture the President, and lecture every man who seeks in any way to enact legislation that may interfere with its criminal career. When the organized gamblers, crooks, and blacklegs of the town denounce the prosecuting attorney for the enforcement of the law their denunciation is, in fact, a compliment; so also when a trust existing in violation of law denounces the administration and Congress for attempting to strengthen the trust statutes its denunciation is likewise a compliment. "No rogue e'er felt the halter draw with good opinion of the law."

I am willing for Congress to adjourn at an early date, but I am not willing that it should adjourn at the demand of corrupt business. I am willing to listen to the advice of all honest business, but I am not prepared to vote to adjourn Congress at the dictation of a hired man of the trusts. I am willing to adjourn and go home at an early date, but Congress will hardly consent to being kicked home by concerns that ought to be practicing "the lockstep."

The Cadillac Motor Co. is simply an integral part of the trust combination known as the General Motors Co.

This is the institution the Senator from Michigan brings here and tells us—

There is nothing in our country to warrant the present distress but a nation-wide distrust of Washington.

I think the thing "that warrants the present distress" is that criminals have seized great business institutions and, in violation of the law of the land, have proceeded to pile combination upon combination until they have become so powerful they can meet every attempt to arrest their aggressions with a total or partial paralysis of the general business of the country.

There may be something the matter with some of the business of the country, but the affliction does not appear to have reached this particular institution.

I read:

The net profits for 1912 of all the constituent companies, after deducting expenses of manufacture, including maintenance and depreciation, selling, and administration, as well as taxes, insurance, and interest on temporary loans, was $4,828,448.

So complete was the ownership of the subsidiary companies by the General Motors Co. that its proportion of the above profits was $4,746,756. The profits going to outside stockholders only amounted to $91,688. The fact that the General Motors Co. is a trust and combination in the form of a holding company is thoroughly demonstrated by the statement found at page 636, Poor's Manual of Industrials for 1913, which is as follows:

General Motors Co.—Incorporated September 16, 1908, in New Jersey as a holding company. Has acquired practically all of the capital stocks of the following companies in the manufacture and sale of motor cars and parts:

Buick Motor Co., Flint, Mich.; Cadillac Motor Car Co., Detroit, Mich.; Cartercar Co., Pontiac, Mich.; Champion Ignition Co., Flint, Mich.; Elmore Manufacturing Co., Clyde, Ohio; General Motors Co. of Michigan, Detroit, Mich.; General Motors (Europe) (Ltd.), London, England; General Motors Truck Co., Pontiac, Mich.; General Motors Export Co., New York, N. Y.; Jackson-Church-Wilcox Co., Saginaw, Mich.; McLaughlin Motor Car Co. (Ltd.), Oshawa, Ontario; Michigan Auto-Parts Co., Detroit, Mich.; Michigan Motor Castings Co., Flint, Mich.; Northway Motor & Manufacturing Co., Detroit, Mich.; Oakland Motor Car Co., Pontiac, Mich.; Oak Park Power Co., Flint, Mich.; Olds Motor Works, Lansing, Mich.; Peninsular Motor Co., Saginaw, Mich.; Randolph Motor Car Co., Flint, Mich.; Rapid Motor Vehicle Co., Pontiac, Mich.; Reliance Motor Truck Co., Owosso, Mich.; Welch Co. of Detroit (The), Detroit, Mich.; Welch Motor Car Co., Pontiac, Mich.; Weston-Mott Co., Flint, Mich.

Income account, year ended July 31, 1912.—Net profits for year, after deducting expenses of manufacture (including maintenance and depreciation), selling, and administration, as well as taxes, insurance, and interest on temporary loans, $4,828,448. General Motors Co. properties thereof $4,746,756. Deductions: Accrued interest on 6 per cent first-lien notes, $350,463; preferred dividends (7 per cent), $1,040,211; total, $1,390,674. Surplus for year, $2,856,083.

The following table shows amounts of capital stock of subsidiary companies owned by General Motors Co., the operations and accounts of which are included in the following income and profit and loss accounts and general balance sheet (see below):

Mortgage obligations.	Total outstanding.	Owned and pledged.[1]
General Motors Co. of Michigan 6 per cent gold notes	$13,300,000	$13,000,000
CAPITAL STOCKS.		
Buick Motor Co., preferred	800,000	800,000
Buick Motor Co., common	2,000,000	2,000,000
Cadillac Motor Co.	1,500,000	1,500,000
Olds Motor Works	3,132,300	1,132,300
Oakland Motor Car Co.	800,000	800,000
Elmore Manufacturing Co.	600,000	600,000
Cartercar Co., common	847,720	847,720
Cartercar Co., preferred	50,000	
Northway Motor & Manufacturing Co.	725,000	725,000
Peninsular Motor Co.	800,000	800,000
Randolph Motor Car Co.	300,000	300,000
Rapid Motor Vehicle Co.	500,000	500,000
Reliance Motor Car Co.	481,400	481,400
The Welch Co. of Detroit	375,000	375,000
Welch Motor Car Co.	250,000	250,000
General Motors Co. of Michigan	100,000	100,000
Champion Ignition Co.	100,000	75,000
Jackson-Church-Wilcox Co.	240,000	240,000
Michigan Auto-Parts Co.	300,000	300,000
Michigan Motor Castings Co.	100,000	100,000
Oak Park Motor Co.	200,000	200,000
McLaughlin Motor Car Co. (Ltd.)	1,000,000	500,000
Weston-Mott Co.	1,500,000	1,500,000
General Motors Export Co.	100,000	100,000
General Motors Truck Co.	250,000	250,000
General Motors (Europe) (Ltd.), preferred		98,000
General Motors (Europe) (Ltd.), common		12,000

[1] Owned by General Motors Co. and pledged as security for that company's 6 per cent notes.

Profit and loss account, year ended July 31, 1912: Surplus July 31, 1911, $1,240,175; surplus for year (as above), $2,856,083; total, $4,096,258.

Contra: Reduction of inventory and assets as carried on books October 1, 1910, and liquidation losses, $2,833,043; surplus, as per balance sheet, $1,262,596; total, $4,096,258.

Comparative condensed consolidated balance sheet of General Motors Co. and subsidiary companies directly connected with the manufacture of motor cars and parts, July 31.

	1911	1912
ASSETS.		
Real estate, plants, and equipment	$17,632,093	$19,200,889
Patents, agreements, etc.	2,042,837	1,871,436
Miscellaneous investments	854,843	500,000
Cash	4,054,844	3,090,021
Notes receivable	230,630	302,373
Accounts receivable	4,416,436	3,984,039
Inventories	17,205,716	17,378,388
Prepaid expenses	191,179	422,736
Good will	7,003,988	7,984,188
Total	54,398,072	54,986,186

at that time, and so did the Senator from Washington. This was two and a half years ago or less. How did it happen that the Argus-eyed representatives of the Republican section of the press did not exploit that? How did it happen that Dr. Gleason and Mr. Gordon, of this city, and others cooperating with them in this city, did not then call public meetings to adopt resolutions of protest and denunciation? Not a word, however, was printed in the press or couched in resolutions or uttered in public speech; but when this administration, not in a department, but in a local post office, finds it necessary in the reorganization of its force in the interest of economy and better administration to separate from the service or demote fifty-odd employees, nine of them being ex-soldiers, a great uproar is started, and an effort made to impress the remnant of the old soldiers of the land with the idea that this being a Democratic administration they might expect the grossest injustice done them. To arouse prejudice, passion, and partisanship was the primary purpose of this movement, and, though Senators on the other side may say that they have no partisan feeling, when they stand here to defend what has been done on the outside, the color of partisanship is reflected on them.

Now, Mr. President, just a word more. When Mr. Cleveland went out of office as President of the United States it is a fact that practically every Democrat in the various departments of the Government was separated from the service or demoted, old soldiers included. I was told but a moment ago by a Senator that it was a fact within his knowledge that a number of old Democratic soldiers from his State, who had been given places in the public service during the Cleveland administration, were demoted on the incoming of the Republicans, to the end that Republican soldiers might be given their places. I am not complaining that that was done; I have never complained, and never will; but what I complain of is that if a Republican soldier found holding a position in any department of the Government is demoted and a Democrat put in his place we are accused of unfriendliness to the men who wore the blue and fought the battles of the Republic. Right here in the Senate, when Republicans got control some years ago, Democratic soldiers employed by the Senate were not demoted, but dismissed. Our friends who have spoken on the other side are not entirely ingenuous or disinterested. What are you trying to do, if you are not trying to make party capital out of this?

I do not like to hear men disclaiming a partisan purpose, with honeyed words and soft speech, while at the same time their words and conduct can have but one intelligent meaning, and that is to arouse partisanship.

Mr. WILLIAMS. Mr. President, it has been nearly five decades since Jefferson Davis was captured, and the War between the States thereby terminated. This administration, a Democratic administration, has made a rule for admission into the public service under which no ex-Confederate soldier "need apply." Every one of them is barred by the age limit. The boy that entered the Confederate Army in 1862 at 14 years of age—and there were some of them—is barred by the age limit. The statute books bear an expression of preference for ex-Union veterans which must be obeyed.

The War between the States, five decades ago, has ended. At that time the States of these United States were separated into two independent groups. One group retained the old name, "The United States of America"; the other group assumed a new name, "The Confederate States of America." The muse of history will never contemplate a picture equal to that of those two warring factions of the States, of those who stood by their States, because the northern soldier stood by Iowa and Massachusetts just as much as the southerner stood by Mississippi and Texas. There will be no picture of human valor, when the end comes, to equal that which both sides displayed. It is pitiable that now, five decades afterwards, men should seek to stir the embers of the old strife for pitiable, miserable, contemptible partisan advantage; and that, too, when there were more Federal soldiers dismissed and discharged and demoted under McKinley than under either Cleveland or Wilson.

It was a psychological problem. The Democratic Party had been accused of disloyalty, and it dared not discharge even inefficient Federal soldiers; whereas a man who had been major in the Federal Army, like Mr. McKinley, upon becoming President of the United States, could disport himself freely.

I wish to read a list of the men who were demoted, forced to resign, or discharged under the McKinley administration from March 4, 1897, to December 31, 1898; and after I have read it I hope this discussion will cease.

SOLDIERS AND SAILORS AFFECTED ADVERSELY FROM MARCH 4, 1897, TO DECEMBER 31, 1898.

Aspinwall, A. A., reduced from chief of division, $2,000 to $1,800.
Albert, A. D., reduced from principal examiner, $2,000 to $1,300.
Ake, W. S., reduced from $840 to $720.
Archer, J. W., reduced from $1,400 to $1,200.

These are chiefs of division as a rule.

Bell, H. C., resigned (?).
Bassett, George T., dismissed.

Every one of these is a Union soldier.

Bonorden, H. S., reduced from $1,400 to $1,300 to $1,200.
Boorom, C. R., reduced from $1,400 to $1,200.
Brown, Henry B., reduced from $1,400 to $1,300.
Buckley, J. D., reduced from $1,400 to $1,300.
Bibs, W. W., reduced from $750 to $720.
Britton, Wiley, reduced from $1,300 to $1,200.
Clayton, E. P.,* reduced from $1,600 to $900.
Clements, John T., reduced from $1,400 to $1,300.
Crosby, W. O., reduced from $1,300 to $1,200.
Chipp, Rodney, reduced from $1,400 to $1,300.
Clark, Elwn E., reduced from $1,400 to $1,300.
Clark, John B., reduced from $1,600 to $900.
Davis, M. C., reduced from $1,400 to $1,300.
Davis, J. A., reduced from $1,400 to $1,300.
Davis, William P., reduced from $2,000 to $1,400.

They seem to have been a little hard on the Davises; I do not know why, particularly; perhaps because they are a good old Welsh family and because Jeff Davis bore the name.

Dick, J. M., dismissed.
Dungan, Irvine, dropped.

As I put these names in print Senators will notice that some of them bear the asterisk. The asterisk indicates that the men belonged to the Regular Army or Navy. The balance of them were volunteers.

Ellis, H. G., reduced; dismissed.
Elliott, Edward P., reduced from $1,400 to $1,200.
Erdman, Adolph, dropped.
Eager, J. H. L., reduced from $1,400 to $1,200.

Mr. Eager, as I am informed, was a member of the old Howard Eager family of Baltimore who kept the Star-Spangled Banner afloat when Key wrote about it.

Elliot, James H., reduced from $1,400 to $1,300.
Fleming, George B., dismissed.
Fristle, W. H., reduced from $2,000 to $1,400.
Foss, W. H., reduced from $1,300 to $1,200.
Fernald, George W., reduced from $1,400 to $1,300.
Fairbanks, Charles, reduced from $1,400 to $1,300.
Fawcett, Thomas R., dismissed.
Fierce, W. W., dropped.

Oh, I am not complaining about these things, Mr. President. I expect these men were inefficient from superannuation; but if a Federal major and a Republican President could afford, without hostile criticism, to do all these things, I say it is time for you to shut your mouths when you are talking about this administration.

Foote, J. M., reduced from $1,400 to $1,300.
Freeland, John J., reduced from $2,000 to $1,600 to $1,400.
Fritts, James E., reduced from $1,800 to $1,600 to $1,400 to $1,300.
Fairhurst, Jeremiah F., reduced from $750 to $720.
Gray, Thomas P., reduced from $1,200 to $900.
Gallenne, J. B.,* reduced from $1,000 to $900.

By the way, I happened to know something about him. He was in the Regular service, and had done remarkably good service, and he was reduced from $1,000 to $900.

Guernsey, A. W., reduced from $1,300 to $1,200.
Goldstein, Moses,* dismissed.
Gury, Louis C., reduced from $1,000 to $900.
Hanback, Charles, reduced from $1,600 to $1,400.
Harris, C. E., reduced from $1,300 to $1,200.
Hughes, William, reduced from $1,400 to $1,300.
Hale, James D., dismissed.
Halley, Noah W., reduced from $2,000 to $1,400 to $1,300.
Harding, A. C., dismissed.
Helphringer, William H., dismissed.
Hersey, S. R., reduced from $2,000 to $1,800 to $1,400.
Harnit, J. N., reduced from $1,400 to $1,300.
Hoffliger, F. J., reduced from $1,300 to $1,200.
Hunter, A. J., reduced from $1,300 to $1,200; dismissed.
Hurah, E. G., reduced from $1,400 to $1,300.
Ingram, Thomas D., reduced from $2,000 to $1,400.
Jefferson, Ralph, reduced from $1,400 to $1,200.
Johns, L. E., reduced from $1,600 to $1,400.
Johnson, William L., dismissed; watchman.
Jones, F. C., dismissed.
Kennedy, James N., reduced from $1,400 to $1,300.
Kinney, A. T., reduced from $1,400 to $1,300.
Livingston, George S., reduced from $1,800 to $1,600.
Lucas, N. A., reduced from $1,400 to $1,300.
Lake, D. D., reduced from $1,400 to $1,300.
Lamson, H. P., reduced from $1,400 to $900.
Loomis, George C., dismissed.
Luke, D. D., reduced from $1,400 to $1,300.
Liverpool, W. H., reduced from messenger to assistant messenger.
Lowe, Heman, dropped.
McClain, Dow, reduced from $1,400 to $1,300.
Macy, W. W., reduced from $1,400 to $1,300.
Maxwell, E. H., reduced from $1,400 to $1,200.
Maxwell, H. P., reduced from $1,400 to $1,200.
Mays, Charles P., reduced from $1,400 to $1,300.
Miller, Martin R., reduced from $1,300 to $1,200.
Moler, Henry H., reduced from $2,000 to $1,300.
Melbourne, W. F., reduced; dismissed.
Martin, Henry T., reduced from $750 to $720.
Noble, P. S., reduced from $1,400 to $1,300.
Offley, Holmes E., dismissed.
Okey, C. W., reduced from $1,400 to $1,300.
Patterson, John S., dropped.

Patton, H. N., reduced from $1,400 to $1,300.
Perkins, H. E., reduced from $1,300 to $1,200.
Proctor, William H., reduced from $1,300 to $1,200.
Paine, John L., reduced from $1,400 to $1,300.
Palmer, A. B. P., dismissed.
Parkinson, E. C., reduced from $1,400 to $1,300.
Pearson, Samuel P., reduced from $1,800 to $1,600.
Peck, Fred C., reduced from $1,600 to $1,300.
Powell, Ransom T., reduced from $1,400 to $1,300.
Riley, John, dismissed.
Riley, Thomas F., reduced from $1,000 to $900.
Ribble, George T., reduced from chief of division, $2,000 to $1,200.

This was done for no reason that anybody has ever discovered, except that he was a Democrat.

Russell, Leonidas, reduced from $1,800 to $1,400.
Schuckers, William F., reduced from $1,400 to $1,300.
Shafer, Elias, reduced from $1,400 to $1,300.
Shanks, C. D., reduced from $1,400 to $1,300.
Sidman, George D., reduced from $1,400 to $1,200.
Smith, George M., reduced from $1,400 to $1,300.
Stibbs, J. H., reduced from $1,400 to $1,200.
Shoemaker, J. A., dismissed.
Stevens, Charles, reduced from $1,300 to $1,200.
Stockinger, T. A., reduced from $1,600 to $1,400 to $1,200.
Smith, Napoleon J., dismissed.

Even the name "Napoleon" could not save him under the Republican administration, he being a Democrat.

Smith, William, reduced from $2,000 to $1,400.
Sprague, F. H., reduced from $1,400 to $1,300.
Swaim, George M., dropped.
Schaffer, M. R., reduced from $1,600 to $1,400.
Stevens, C. A., reduced from $1,600 to $1,200.
Sues, O. L.,* reduced from $1,400 to $1,200.
Tassill, Charles F.,* reduced from $1,200 to $1,000.
Teicher, John G.,* dismissed.
Tegethoff, Anthony, reduced from $1,200 to $900.
Thompson, Charles W., reduced from $1,800 to $1,600.
Tierney, Matthew, reduced from $1,000 to $900.
Tyers, Frederick, reduced from $1,600 to $1,400.
Vail, Henry W., dropped.
White, William L., reduced from $1,600 to $1,200.
Wolston, J. R., reduced from $1,400 to $1,300.
Wright, Moses B. C., reduced from $2,000 to $1,800.

And that is not all, Mr. President.

Mr. SMITH of Arizona. Mr. President——

The PRESIDING OFFICER (Mr. MARTINE of New Jersey in the chair). Does the Senator from Mississippi yield to the Senator from Arizona?

Mr. WILLIAMS. I do.

Mr. SMITH of Arizona. As the Senator was reading the list of these many demotions and dismissals, I was wondering whether or not he knew the particular party to which those demoted or dismissed belonged?

Mr. WILLIAMS. I do not, except in a few cases that I have mentioned.

Mr. SMITH of Arizona. And I was wondering whether, amid all these demotions and dismissals, any ordinary or very loud complaints were made on the floor of the Senate by reason of them?

Mr. WILLIAMS. Not that I ever heard of.

Mr. President, I do not know the politics of these men, except in a few cases where I happened accidentally to know them. I do know, however, because I was serving in the other branch of Congress at the time, that a Democratic soldier stood no more chance under McKinley's administration than any other Democrat, as far as demotions were concerned. They dared not, as a rule, remove them outright, because there was a law expressing a preference; but in every department of this Government every chief of a division, whether an ex-Union soldier or not, if he were a Democrat, was removed and a Republican, whether an ex-Union soldier or not, took his place.

We are all Americans. The war is over, thank God, and it settled some things. Among other things that it settled was that these States were to continue as an indestructible union of indestructible States; and yet, under a national administration, there is a law upon the statute books giving the preference to ex-Union soldiers, and there is a rule of the departments cutting off all hope of public employment for ex-Confederate soldiers, both of them American soldiers, both of them fighting for a part of these United States.

It seems to me it is too late, and yet at the same time premature, and that it is wrong to indulge in a foul calumny against this administration to try to produce in the popular mind the impression that Woodrow Wilson is prejudiced against ex-Union soldiers. I could produce a much better case to prove him prejudiced against ex-Confederate soldiers—the rule of his departments.

Why, I recommended during this administration, for the office of assistant United States district attorney, a man who had been a Member of Congress, a man who had been a major in the Confederate army, a man who had borne along between the battle lines at Franklin—under God's providence, without losing anything except one finger—a command from Gen. Claiborne to Gen. Adams; and I was coolly told that he was "too old." The age limit affected not him alone, but all ex-Confederates. He had been an assistant United States district attorney under Cleveland, and he had borne himself splendidly in his position; but I was told that he was "too old." I said: "If he is too old, every man that wore the gray is too old. This man entered the Confederate service at 15 years of age." I begged for him; but my begging amounted to nothing. There was the rule.

I am not complaining. Perhaps he was too old. I do not think so. My friend the Senator from Michigan [Mr. SMITH] will remember him—Maj. Pat Henry, from Mississippi, who served with him and me in the House—and I think younger than either of us in spirit—but he was turned down. Yet you come up here now, at the last day, trying to calumniate Woodrow Wilson with the charge of prejudice against Federal soldiers. Why? Ah, because you know he was born in Virginia of southern parents, and you think, perhaps, the charge will take. You think perhaps people will think that that has influenced him to entertain prejudice against those who wore the blue.

He not only does not entertain that prejudice, but even I do not entertain it. If I knew the very man who shot and killed my father, I could shake hands with him and tell him that his duty was to shoot, and shoot true, and shoot right, and shoot a colonel, if he could, rather than a private. This attack on this Democratic administration is contemptible.

Mr. WORKS. Mr. President, I happen to be an old soldier myself, and as such I resent any effort on the part of a Republican or a Democrat to exploit old soldiers for political purposes. It is a pitiable thing to me that the names of these old veterans should be bandied about this Chamber for the purpose of securing some political advantage, either to Republicans or to Democrats.

The preference that has been given heretofore to old soldiers was not confined to Republican veterans or to Democratic veterans. The question whether they should be employed or retained in their positions as old soldiers should have nothing whatever to do with their politics, whether it be Republican or Democratic.

I have no means of knowing what reason there might have been for the discharge or demotion of the old veterans who have been referred to by the Senator from Mississippi. There may have been the best of reasons for taking that course. I do not know what may be the merits of the question of the discharge or demotion of the old soldiers in the post office here in Washington. It may have been entirely justified and in the proper exercise of the duties of the postmaster, so far as I know.

I have been surprised, however, at the position taken by the junior Senator from Indiana [Mr. KERN]. He says an old friend of his, maimed and crippled on the field of battle, appealed to him for a position here under the Senate. He was good enough to the incumbent to deny that request and continue in his place an old soldier who was a Republican; but he or his party retained the Republican old soldier upon a reduced salary. Now, if the Senator from Indiana can be held responsible for that course, he has committed two wrongs to two old soldiers. He has denied one of them employment here at the salary that had been theretofore allowed and has taken away a part of the salary from a Republican old soldier and given the higher salary to somebody else.

With all due respect to the Senator from Indiana, I say there is no justification for any such position as that. If the old soldier, whether he be a Democrat or a Republican, is competent and able to perform the duties of any position, he should be paid the salary that belongs to that position. To demote him or to reduce his salary, if he is able to perform the duties of his position, is an injustice; I do not care what his politics may be.

If the Senator from Indiana believes that under the political system that governs affairs here, I am sorry to say, he would have been justified in displacing the Republican veteran and putting in his place a Democratic veteran, that would have been infinitely more just than to deny one of them a position and reduce the salary of the other.

I regret exceedingly that politics should enter into the question of appointments of any of the employees of the Senate. The system itself is vicious and should be abolished. The idea of the Senate of the United States spending a large portion of this day, or any other, in discussing this question of place, upon political grounds, is an abomination.

I introduced only a short time ago, in an effort to correct this condition of things, a bill which provides for the appointment at the beginning of the term of a newly elected President of a commission to receive and pass upon all applications and recommendations for office, providing that that commission

country to-day, of equal merit to any of these, who would be glad to have these places, and who point us to the example set by the Republicans and want to know of us why there are no places about the Senate for them.

It seems to me in view of this generous treatment on the part of the majority of these men it comes with poor grace for Senators now to claim that there has been bad treatment of any ex-soldier here on the part of the Democratic majority.

So far as I know, and I have talked with many of them, the old soldiers who have been kept on the roll here, notwithstanding their partisanship, in the place of Democratic soldiers who want their places, are very well satisfied that they are kept here. I have heard no complaint from them. I know there were some from my own State who were personal friends of mine who were very glad to hold their places at a reduced salary, and regarded the treatment as generous because their places were not taken from them and given to Democratic ex-soldiers of equal merit.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. JONES. Certainly.

Mr. NORRIS. Mr. President, it seems to me that this system, whether practiced by a Democratic Senate or by a Republican Senate, is wrong. It is just as bad for the Republican organization to take partisanship into consideration and to remove men from office and to replace them with others of a different political faith as it is for Democrats to do it. In neither case do we get the most efficient service. I recognize, as I think everybody else does, that when the Democrats came into control of the Senate they were confronted with a large number of constituents and friends who had been out in the cold for a great many years, and they did not have nearly enough places to go around; they were in a very difficult position, and they are yet in that position. There is not any doubt that so long as you fill these places as a reward for political service, when a political party takes control of a body of this kind or of a similar body, the same difficulty will arise.

I understand it to be the fact that there is a law applying particularly to the old soldiers who are employees of the Senate. No matter how bad that law might apparently hurt, it ought to be enforced in good faith. If there is a law against the removal of an old soldier who is on the Senate roll, and that old soldier is transferred, as the Senator from Washington suggested had been done in some cases, to some work that he is unable to do, in order to put him in a position where he can not perform his work and would necessarily either have to resign or be discharged, it seems to me that is not the enforcement of the law in good faith.

I believe these places ought to be under some kind of a civil-service arrangement, not only with the idea of getting more efficient service but for the protection of the men themselves who have to dole out this patronage. It is a mistake in the Senate, as it is everywhere else, to think that the man who has a lot of political patronage to dole out is therefore in a position of advantage over the man who does not have any, as I presume a great many Democrats who have been out of power for a great number of years have learned since they came into power; at least many of them have said so to me privately. The greater reason why, as I look at it, it is wrong is because it does not bring about the most efficient service. As I understand from what I have heard Senators say here and from what little information I had before, there is a law making specific provision in regard to the employment of old soldiers in the Senate. There is a law—and it has been read here to-day—applying to the appointment of old soldiers in the several departments that has been often violated, I think, from information that has come to me not only in the Senate—I have not got any information in regard to the Senate—but in the departments in a great many instances, for partisan political reasons. When Republicans came into power after the Democrats, they did the same thing; they removed men for partisan political reasons. Democrats have done the same thing when they came into power. That, as a matter of fact, in my judgment, is a violation, in spirit at least, of the civil-service law.

Several old soldiers in the different departments have come to me and told me privately of being demoted and of being asked to resign. Several who were not old soldiers told me they were asked to resign, and were frankly told the reason for it was that the party in power had to have their places for Democrats.

When the Republicans came into power after the Democratic administration went out some of those men who were still in office, particularly in the Government Printing Office, were removed for the same offense. It is not a thing, in my judgment, that can be charged up alone to one party; but, nevertheless, it is a thing to be regretted. As I view it, it would be to the benefit not only of good service, but to the members of the political party in power themselves to say: "We will enforce the law in good faith; we are not going to resort to any circumlocution in order to put one man out and put another one in because they are of different political faiths."

Mr. JONES. Mr. President, I agree fully with what the Senator from Nebraska has said.

Mr. WEEKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Massachusetts?

Mr. JONES. I yield to the Senator from Massachusetts.

Mr. WEEKS. Mr. President, the suggestion has been made by two or three Senators that there may be some difference in the construction of the ratings of the men who have been referred to in this discussion, but certainly there can be no dispute as to the quality of the service of those men who are immediately under the eye of the Senate. I am not surprised that Democratic Senators wish to avoid any possibility of being charged with unfairness to the old soldiers.

The Senator from Indiana [Mr. KERN] has said that, in his judgment, the old soldiers on the roll of the Senate were treated generously when the present organization of the Senate was made at that time. In my judgment, if Republican soldiers had been replaced with Democratic soldiers, Democratic Senators could not have been charged with unfairness, but that course was not followed in some cases and it was not done in the case of a few men who are serving right on this floor. Now, there are 14 doorkeepers employed on the floor of the Senate. Of those 14 men, 11 are Democrats and 3 are Republicans. The 11 Democrats are receiving an average of $1,520 per year and the 3 Republicans, all of whom are old soldiers with excellent, if not distinguished, records, are receiving an average salary of $946 a year.

Mr. KERN. Will the Senator state to the Senate how many Democrats were employed at those doors during the time of the Republican control of the Senate?

Mr. WEEKS. I am not complaining because Democrats have been employed at these doors, but there were two Democrats employed at that door over there [indicating], the Democratic door, under a Republican administration. One of them was paid a salary of $1,800 a year.

Mr. KERN. They are there yet, are they not?

Mr. WEEKS. They are there yet, and one of them, a distinguished veteran of the Confederacy, was paid a salary of $1,800 a year, which he is now receiving, and I do not complain of that, but I do complain that the man occupying a corresponding place at this door [indicating], a Republican with a distinguished record, is paid $840 a year. This Democratic Congress has demoted him from $1,440 to $840. The Democrats of the Senate owe it to themselves to see that these men who are performing the same service on this floor that they were performing before March 4, 1913, the same service that is being performed by Democrats in the same positions, should have their salaries restored to what they were before the change. It is an outrage that old soldiers who were occupying such places, and who have always performed their duties acceptably, should be reduced from $1,440 to $840 a year, as has been done in this case.

Mr. SMOOT. And in some cases to $720.

Mr. WEEKS. And I hope calling the attention of the Democratic Senators to this case will be sufficient to restore such salaries.

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. I yield.

Mr. KERN. I understand the Senator from Massachusetts—or was it some other Senator—said the Democrats would have been entirely justified if they had taken those places and filled them with deserving and worthy Democratic soldiers.

Mr. WEEKS. Mr. President, I said that I did not think the Democrats could have been greatly criticized if they had done it, but I think they can be greatly criticized if they demote these men who are perfectly able to perform the duties which they are performing. If you are looking for an economical administration, here is an opportunity to put it into force. You are saying that Republican doorkeepers should only be paid $1,000 a year and that Democratic doorkeepers be paid, on an average, $1,520 a year. If a thousand dollars a year is enough for a Republican, it is certainly enough for a Democrat, and you can save $6,000 every year here on the floor of the Senate.

Mr. KERN. If the Senator will allow me, the thing I had in mind when I asked the question was this: I know an old soldier in my State, I have known him for many years, indeed since my boyhood, who lost an arm at Shiloh. He served, I think, up to the Battle of Shiloh, and has gone lame through life ever since. When the Democrats came into control of the Senate, he came to me and insisted on knowing why he should not have a place on the soldiers' roll of the Senate. He called my attention to the fact that none of these soldiers were maimed as he was, that none of them could be quite as deserving so far as disability was concerned, that none of them had a higher character. Many of them he said had been on the pay roll for years, while he had never received any recognition of any kind at the hands of the Government, and he appealed to me as the caucus chairman—for it was after I was made caucus chairman—to use what little influence I had to take the place of some one of the Republican soldiers who had been on the pay roll here for years, and give it to him. Notwithstanding the loss of limb, he was entirely able to sit at a door. I turned a deaf ear to his request. He wanted to be on the soldiers' roll; it was the roll of honor; and he called my attention to the fact that when the Republicans came into control of this body every Democratic veteran was fired out. He wanted to know why, in view of those circumstances, he would not be permitted to sit at a door here as a long-deferred reward for the service he had rendered the country.

If the man who sits at the door is complaining that his salary was reduced, that under a Democratic administration he does not receive as much money as he did before, if these gentlemen are not satisfied with their salaries, if there is a disposition here to complain, I will agree to find one-armed and one-legged Democratic soldiers—men who lost a leg or an arm at Shiloh or at Antietam or at Gettysburg, as good soldiers as ever wore the blue—to fill every one of these places with men who will be satisfied.

I thought when we maintained this soldiers' roll of Republicans that we were rendering a favor to those men. If it is not so regarded, then men can be brought here who are every whit as worthy, men who are maimed, men who need the places, men who have never had an office, men who are willing to come here and take these places without any murmuring.

Mr. WEEKS. I understand perfectly well, and so does the Senate, that the majority can take that course if it sees fit; and if it sees fit to do so, I am not going to make complaint; but what I say to the Senator is that he had the power to give that maimed soldier a place, because there have been nine changes made among the doorkeepers on the floor of the Senate, and many of these places have been filled by men who are not maimed or who did not wear the blue, or the gray either.

Mr. KERN. Are they on the soldiers' roll?

Mr. WEEKS. Not on the soldiers' roll.

Mr. KERN. I am speaking of the soldiers' roll.

Mr. WEEKS. That could have been provided at the time. What I am saying is that you are asking Republican soldiers with distinguished records to perform the same service, one at $840 a year and two others at a thousand dollars a year, for which other men are receiving an average of $1,520 a year. That is the complaint I make.

Mr. KERN. I understood that we were rendering favors to these men when we permitted them to remain here. If it is not to be regarded as a favor, if it is not to be regarded as an act of generosity on our part, then we had as well understand it.

Mr. WEEKS. I am speaking for myself entirely. I do not consider it a favor or an act of generosity; I consider such a condition an insult to the men who wore the blue.

Mr. JONES. Mr. President, just a word, and then I am through. This resolution, as I have said, was introduced to get the facts with reference to certain resignations and removals in the departments and in the Washington post office. Certain facts have been secured and others that were not in the report have been brought out here in the discussion. They show that certain soldiers were discharged; that, while they are set down in the record here as having resigned, those resignations were forced; and that many of these soldiers had a very high rating of efficiency at the time of their resignation or discharge. It appears also that we have a law, the spirit of which at least says that no soldier who is efficient shall be discharged, removed, or demoted; that this law was passed as late as 1912, and that it expresses the sentiment not only of Congress, but of the country.

I do not know anything about the politics of the men who have been discharged. I do not think there ought to be any politics in this matter. There was no politics in my mind when I introduced the resolution, and there will be no politics made out of it, so far as I am concerned, unless it is shown that the wrong which has been done them is not rectified, and I hope that the administration will rectify the wrong which, in my judgment, has been done these men without delay.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Colorado?

Mr. JONES. I yield.

Mr. THOMAS. I should like to inquire of the Senator, if he will permit me, whether he does not think that the basis of this whole thing is politics?

Mr. JONES. I do not think so. I am speaking for myself, and I want to say to the Senator that I had no idea of politics when I introduced the resolution. I know that when matters of this kind come up statements are sometimes made in the newspapers that are not in accordance with the facts; I know that things are represented that do not exist; I know that there are two sides to these questions; and I introduced this resolution simply to get the facts with reference to this matter, and, so far as I am concerned—and I speak for myself—at any rate I have not endeavored to make politics out of it. I do not want any politics in it. I simply want justice done to the men who helped save this country, and whom our Democratic friends, I believe and hope, honor just as much as I do, and who would do them an injustice just as unwillingly as I would. That is the spirit that animates me. This Nation can not pay the debt it owes these men. They gave of their youth in its defense, and it can not afford to deny them aid, help, and a competence in their hour of need.

Now, Mr. President, I ask that I may print in the RECORD section 4 of the act of 1912, and it will speak for itself.

The PRESIDING OFFICER. Without objection, permission to do so is granted.

The section referred to is as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Mr. STONE. Mr. President, as the Senator from Washington has obtained permission to print the entire section 4 as a part of his remarks I will not make the same request, as I had intended to do, but I will call attention to the proviso in that section, as follows:

Provided, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

That is the language of the proviso in the statute; so, clearly the impression which the Senator from Utah had and which he gathered from a newspaper from which he read is inaccurate.

I do not care to add more than a word or two to what I have said. The Senator from Washington [Mr. JONES] has disavowed any partisan purpose or thought in offering his resolution, and I accept his disclaimer. He has not made a partisan speech to-day; and that is in accord with what he declares to have been his purpose. The Senator from Utah [Mr. SMOOT] has injected a little more of the virus of partisanship into his observations. I agree with the Senator from Colorado [Mr. THOMAS] that this whole business was started and has been prosecuted, in the main at least, in the hope of deriving some partisan advantage from it. It has been exploited all through the country with that object in view.

There is one thing that makes it clear to my mind that partisanship is at the base of this propaganda. Old soldiers were discharged and demoted in salary and station under the administrations which preceded the present one, and no complaint was made here or by the people who started this noise around Washington and in the press. I have called special attention to the year 1911, when 15 veterans of the Civil War were demoted, one of them demoted twice during that year, or nearly twice as many soldiers as have been demoted during this entire administration. We did not hear anything about that. The Senator from Utah occupied a seat in this Chamber

Mr. LODGE and Mr. JONES. Oh, no.

Mr. LEE of Maryland. I was so advised by the department, and that these ratings do not show the present efficiency. I should like to ask——

Mr. LODGE. The rating is made from year to year. They are given fresh every year.

Mr. LEE of Maryland. There is a fresh statement every year, but based upon considerations that go back for many years.

Mr. LODGE. The Senator is mistaken. The ratings are made from year to year. They do not make them 40 years back.

Mr. LEE of Maryland. But are they not made upon that basis? That is the question.

Mr. LODGE. They do not average them.

Mr. JONES. I understand that the ratings are based on service and the capacity for service not 40 years past, but the present. Under the law that we passed in 1912 we require the Civil Service Commission to "establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment, with such frequency as to make them as nearly as possible records of fact." That must mean records of fact up to date, not 40 years ago, and under this law these ratings must have been made.

Mr. LODGE. If the Senator will allow me, in the city post office the ratings are constantly made because the promotions are automatic and according to the ratings.

Mr. SMOOT. It may be one thing one year and another thing another year.

Mr. LODGE. Yes; it may be one thing one year and another thing another year. They do not average the ratings over a period of 40 years anywhere.

Mr. STONE. Postmaster Praeger states in his communication that the ratings cover the entire service and are based upon that.

Mr. JONES. They must be based upon the existing capacity of the employee. We have no right, it seems to me, to assume anything else.

Mr. LODGE. One of the men had been only seven months in the department, and his rating must have been for seven months. It could not have been for anything else.

Mr. LEE of Maryland. Obviously different facts are presented here, because I am advised by the assistant postmaster that the ratings go back over a large number of years and do not necessarily show present efficiency. That is a subject to be inquired into.

Mr. President, there is one other question——

Mr. LODGE. Does the Senator mean to tell the Senate that the ratings are averaged?

Mr. LEE of Maryland. That is what I have just been told by the assistant postmaster.

Mr. LODGE. The assistant postmaster is mistaken. They do not take the average for 1900, 1901, 1902, 1903, and then average them for 1914. They do not average the rating; at least they never did before. Probably the present man is doing it. I should think he is capable of it.

Mr. LEE of Maryland. The service for a number of years is considered in these ratings. I am advised. The question is whether the statement of the Senator from Massachusetts is the fact or the statement of the assistant postmaster to me is the fact.

Mr. LODGE. I say I think the assistant postmaster of the city, whoever he may be, who has just come in, evidently, does not understand the postal business. It is not surprising that he should not.

Mr. LEE of Maryland. It is a civil-service process, is it not?

Mr. LODGE. What is a civil-service process?

Mr. LEE of Maryland. The whole rating business.

Mr. LODGE. The rating is civil service.

Mr. LEE of Maryland. There is one other question I should like to ask the Senator. Has the place of this particular employee who was demoted or discharged been filled by any other person? My advices are that only three of these places have been filled at all, and those places that have been filled have been filled strictly from the civil-service list, the next person available in order.

Mr. JONES. They could not be filled in any other way.

Mr. LEE of Maryland. Then, of necessity, there was no political sinister meaning or significance in their removal.

Mr. JONES. I have not said anything and I have not suggested anything of the kind. I only said that I thought injustice had been done, and I am trying to suggest that if any injustice has been done when attention is called to it, it will be rectified by the administration. I am not concerning myself about the filling of these places, the dismissals are what is in issue now.

Mr. OLIVER. Will the Senator allow me?

Mr. JONES. Certainly.

Mr. OLIVER. Alluding to the statement of the Senator from Maryland that only three places have been filled, I should like to say there is no doubt whatever that quite a number more than three have been unfilled, and that is what we are talking about.

Mr. JONES. There is no question raised here as to the filling of the positions after the vacancies were created or putting somebody else in or anything of that sort. I do not understand that they were dropped in order to put somebody else in their place, but the question is whether these people have been justly and properly dropped from the service.

William W. Mills, mentioned here, is 77 years of age, has been in the service 42 years, and his rating is 88. That is a pretty high rating. I may be mistaken, but I understand the rating for admission into the service is 70. Here is a man who has a rating of 88 of efficiency of service, and yet he is dropped. Others may be put in on a rating of 70. I do not mean in this class, but I mean in general under the law. It seems to me that those are facts which show that injustice has been done.

The Senator from Pennsylvania [Mr. OLIVER] has called my attention to one sentence in the report of the Postmaster General that is printed here. It reads as follows:

> The ratings here given were made on January 1, 1914, and covered the period from July 1, 1913, to December 31, 1913. They were the only ratings with which the men were credited either on March 4, 1914, or at the time of their demotion or separation from the service.

That apparently shows that they have not gone back over many years and averaged up, but that the rating that he made shows his capacity as of the last year.

O. T. Putnam, 71 years of age, has been in the service 11 years. He has a rating of 75.

G. T. Galliher is 68 years of age. A great many men of 68 are very efficient. He has been 32 years in the service, and he has a rating of efficiency of 85. 15 per cent higher than is necessary for admission into the service. He has been reduced.

Then here is Augustus Ridgely, 78 years of age, 51 years in the service. His rating is only 69.1. He is a little below what would allow him to enter the service in the regular way. There might be some justification for his reduction or dropping him from the roll, although I do not think so myself; but on the figures and on the facts shown there is some justification for that.

Then here is John J. B. Lerch, 81 years of age, 56 years in the service, and his rating is 50.2 per cent, still lower.

Then here is Joseph Randall, 77 years of age, 47 years in the service, with a rating of 94.6 per cent. It seems to me that shows clearly that Mr. Randall has been unjustly dealt with and that there is no excuse for his discharge. Ninety per cent is a high rate in any work, and a man who maintains that rating is surely entitled to great consideration, whether a soldier or not, and when a soldier no thought of disturbing him should enter the mind of anyone.

Then here is William A. Hutchins, 77 years of age, 19 years in the service, 84.1 per cent rating, or 14 above the percentage required for admission into the service of those first taking the examination.

In this report it is stated that several of these employees have resigned, and that is all that is said about it. That gives the impression they left the service voluntarily. I am reliably informed, as the Senator from Utah [Mr. SMOOT] also mentioned a while ago, that these resignations were forced and brought about in this way: Some time ago these employees were told that unless they resigned to take effect on the 30th of June they would be dropped from the rolls on the 15th of May, and under those conditions the resignations were sent in. I have this from such a source that I consider it as a fact, and as a fact that ought to get into this record and ought to be considered in passing upon the justice of the action taken by the postmaster.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Wyoming?

Mr. JONES. Certainly.

Mr. CLARK of Wyoming. I understood the Senator from Missouri [Mr. STONE] in his statement to give what I supposed to be authority that that was not the fact. It seems that there is a dispute here as to the facts. I understood from the Senator from Missouri that these resignations were absolutely voluntary and the persons seemed to be very ready and quick to separate themselves from the service.

Mr. JONES. Of course, that does not look to be reasonable. It looks to be very unreasonable. Men holding these positions so long and as efficient as they appear to be would not voluntarily resign.

Mr. STONE. I made no such statement that the Senator from Wyoming credits me with. I said nothing about their resignations except that they had resigned. I said in answer to the Senator from West Virginia that no resignations had been asked by the Post Office Department.

Mr. CLARK of Wyoming. Of course it was my dull comprehension—I should suppose that under the statement of the Senator from Washington that that was pretty definite asking for the resignations. Of course the Senator from Missouri and myself may misunderstand the import of that sort of language.

Mr. JONES. I understand the Senator from Missouri confined his statement, whatever that was, to the executive department. Apparently from his contention in reference to the law that we have read here that does not include the city post office, and these employees were in the city post office.

So I do not think now there is any difference with reference to the facts. It must be conceded and is conceded that the resignations of these men were asked for and they were told unless they did resign they would be dropped from the roll on the date stated.

Mr. SMOOT. Mr. President, I want to say to the Senator from Missouri I do not know whether it is true or not, but one of the old soldiers of the Post Office Department told me that there was a request from the Post Office Department for the resignation of 13 old soldiers. The letters were handed to them to sign, and the following day they were told not to sign the letters, that there had been a mistake made, and that their resignations were not called for. I say that is what they tell me. Whether it is true or not, of course I can not say.

Mr. JONES. Mr. President, we have the facts with reference to these discharges and these demotions. The facts show that there were a number of soldiers discharged or their resignations forced in the city post office. The record also shows that their record of efficiency in many cases was high, and so far as the record discloses there was no justification for the dismissal or the forced resignation of several of these men.

I am in favor of efficiency in the Government service. I am in favor of economy. I believe that our service should be as efficient as possible, that it should be done as economically as possible. I think there are many places in the Government service where we can begin to economize without impairing efficiency, but I do not believe we ought to begin or that the country expects or asks us or hopes that we will begin upon the old soldiers in the public service, even though those soldiers may not be as efficient as others who might take their places. I do not believe that even if we find an old soldier in a place where the work he is doing is not really necessary that simply for the purpose of saving a few dollars the people of the country expect or ask us or expect or ask any department of the Government to discharge that man and put him aside into the world without anything and without any way or means of sustenance. He helped to save this country when it needed the best of our men. They responded in the country's need, and they have a right now in their need and old age to expect that they will be taken care of by the people and by the Government, and the people themselves expect it. I am satisfied that the people will not condemn any administration even if it allows men of this character to be on the roll when their services are not efficient or not really necessary. I do not believe they would condemn it. I know I would not. I do not feel that these discharges have been made out of hostility to the soldier. I do not feel that at all, and I hope that is not the case; and I therefore look to see this injustice righted without delay.

I accept the statement of the postmaster here that he wants to reorganize his service and make it efficient and make it economic; but I do say he ought to take into account and consider these men and their services and what they have rendered the Government, and the way in which the people of the country regard them and ought to regard them. If he does that, if that is done by the administration, I am satisfied that some care and provision will be made for these men for their remaining few years. A man of 88 years will not be long with us. He will not be a burden upon the Government very long, and we can well afford to take care of these men in the positions that they are filling, and which the facts show they are capable of filling with efficiency, until the grim reaper takes them to their reward. Let us make their last days happy. Let them not feel embittered against the Nation they helped to save because of its apparent ingratitude in their declining years.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. JONES. I yield.

Mr. SIMMONS. I was going to ask the Senator to permit me to interrupt him for a parliamentary inquiry. I wish to inquire of the Chair if the unfinished business is before the Senate, notwithstanding the fact that it was not laid before the Senate when the morning hour expired? I wish to inquire if it is still before the Senate?

The PRESIDING OFFICER. The unfinished business was laid before the Senate prior to the time when the Senator from Missouri [Mr. STONE] took the floor.

Mr. SIMMONS. It is still before the Senate, notwithstanding the expiration of the morning hour?

The PRESIDING OFFICER. It is.

Mr. JONES. Now, just a word with reference to the employees of the Senate. I have not given any particular attention to that phase of this matter, and I do not know anything about the details except as to one employee of the Senate. The Senator from Missouri suggested that several old soldiers had resigned from the Senate roll. I know one of the old soldiers who as soon as the reorganization of the Senate took place, who had been filling a position on the Senate roll, was directed to take another place at a lower salary where he could not possibly do the work. He was directed to go away down into the folding room somewhere and put on overalls and do some heavy work. He could not stand that work. He was too old for it. He could fill efficiently the place he had been holding, but he could not do this work. It looked like it was done for the purpose of forcing him to resign, just as these men were forced to resign. While I have not looked into it, I know it was suggested that in a great many cases old soldiers who were employees of the Senate were placed in positions and placed at work where it was reasonable to suppose they could not stand it, and, whether that was the purpose or not, it was thought that the purpose was to force them to resign. Now, it may be that that is one reason why several of those to whom the Senator from Missouri referred have separated themselves from the Senate roll.

Mr. STONE. Only two.

Mr. JONES. I understood the Senator suggested that about 26 had resigned.

Mr. STONE. Oh, no; only two.

Mr. JONES. I misunderstood the Senator.

Mr. STONE. I said 26 are now on the roll; that there were 30 when the Democrats became the majority party in this body; that 2 had died since and 2 resigned.

Mr. JONES. I misunderstood the Senator, then; but many of them have been reduced, as the Senator from Utah [Mr. SMOOT] has just suggested, and put in other positions or continued in their old places at lower salaries, while increases have been made in other positions.

Mr. NORRIS. I should like to inquire if the Senator can give any information as to how many of these 26 have been demoted and are getting a less salary than when the Senate changed political control.

Mr. JONES. I have not gone into that myself, and I can not give the Senator that information.

Mr. SMOOT. All but four. I will say to the Senator.

Mr. NORRIS. They are demoted?

Mr. SMOOT. Yes; if the Senator does not——

Mr. KERN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Indiana?

Mr. JONES. Yes.

Mr. KERN. On the reorganization of the Senate there was a very earnest desire expressed on the part of some people that the example set by the Republicans of this body some years ago be religiously followed—that the soldiers' roll be maintained as heretofore, but that the Republican soldiers should give way to Democratic soldiers of equal merit. That proposition, apparently fair in the game of politics, was regarded as fair by the Republican Members of this body. It was regarded as fair throughout the country where Republicans were in control. It was voted down in the Democratic caucus, and there was a declaration made that these old soldiers, notwithstanding their politics, should be kept in office—not in the choice places which they held. We thought we were dealing generously by them in the way of comparison when we permitted them to remain here at all and did not fill their places from among the ranks of thousands of ex-soldiers of equal valor who are Democrats, who fought as they did to maintain the flag and honor of the country. There are thousands of old Democratic soldiers in this

EMPLOYEES REDUCED IN SALARY—continued.

Name.	Former salary.	Reduced to—	Age.	Years of service.	Rating.	Character of work.	Remarks.
William R. Williams	$1,200	$900	78	8	91.8	State distribution	Overpaid for character of work performed. Transferred from Norfolk, Va., Sept. 16, 1905.
Charles C. Miller	1,200	900	52	14	85.9	do	Same as above. Appointed Oct. 4, 1899.
Percival Marshall	1,200	900	40	15	90.8	Minor station work	Overpaid. Appointed Dec. 1, 1898.
Harry L. Walcott	1,200	1,000	52	32	74.7	Simple distribution	Overpaid. Appointed Apr. 1, 1882.
Charles W. Seville	1,100	1,000	43	19	93.6	do	Overpaid. Appointed Feb. 9, 1894.
Thomas W. Short	1,000	900	43	(1)	85	State distribution	Overpaid for character and quality of work performed. Transferred from Post Office Department Nov. 5, 1913.

[1] Only 7 months.

Mr. SMOOT. Mr. President, I think the Senator from Missouri [Mr. STONE] will acquit me of any intention whatever of inflaming the mind of the public or of any particular class of people against the administration. What I have said in relation to the demotion and the discharge of old soldiers—and I now wish to say that I have said very little, indeed—I have said, because I think that a wrong has been done them. I know that I never would treat men who worked for me as long as some of the men discharged have worked for the Government in such a way as they have been treated by the Government, nor would I think, if men had saved my very existence, as the old soldiers did the existence of our Nation, of ever discharging them from my service so long as I had the power to give them employment.

Mr. President, I have read the report made in answer to the resolution of the Senator from Washington [Mr. JONES], and I want to call the attention of the Senate now to the cases reported by the Postmaster General of dismissals and demotions. I shall call them to your attention in detail, but before doing so, I want to call attention to a law that has been passed by Congress, later than the one that was read by the Senator from Missouri, referring particularly to the employment of old soldiers by our Government.

This is the law:

Provided, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped, or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

Mr. President, let us take the names of the ex-soldiers who have been dismissed from the service, not in the Post Office Department but in the city post office, as stated by the Senator from Missouri.

Mr. STONE. Mr. President, will the Senator yield to me for a moment before he does that?

Mr. SMOOT. Certainly.

Mr. STONE. The law the Senator read is contained in a proviso in the legislative, executive, and judicial appropriation bill, is it not?

Mr. SMOOT. Yes; of the date of August 23, 1912.

Mr. STONE. It is an appropriation bill. The Senator will observe that it forbids, under penalties, the removal of any soldier serving in one of the executive departments. That is the language of the law. It does not, by any fair construction, relate to the post office.

Mr. SMOOT. Mr. President, the law does not say "executive departments." The law specifically says:

No honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Mr. JONES. Mr. President, will the Senator permit me a word?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. JONES. The first part of the section of which the proviso the Senator read is a part is as follows:

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment——

Mr. SMOOT. Yes; "independent establishment."

Mr. JONES (reading)—

With such frequency as to make them as nearly as possible records of fact.

Then the proviso appears at the close of that section.

Mr. SMOOT. Which, of course, includes the Washington City post office.

Mr. JONES. It includes everything.

Mr. SMOOT. Now, I want to call attention to the name, the age, the length of service, the efficiency rating, and the action taken in each of the cases referred to by the Senator from Missouri, and let the Senate decide for itself whether these men should have been dismissed from the service upon the rating that has been given them. I wish also to call attention to the fact that this rating has been given to them since this administration has been in power.

Take William E. Tew. His age is 74. His length of service is 37 years. His rating is 78.4. "Resigned."

Now, I want Senators to understand that these resignations were not given because the old soldiers desired to resign. They were requested.

Mr. STONE. I should like to ask why they resigned, if, as the Senator contends, the law making it a crime to dismiss them applied to the city post office. Of course I insist that the law does not apply to the city post office, for it says specifically, in words, that they shall not be dismissed from the executive departments.

Mr. SMOOT. No, Mr. President.

Mr. STONE. I have it right before me, and the language is as I have stated.

Mr. SMOOT. Mr. President, if the Senator will allow me to conclude, I am perfectly willing that he shall put in the RECORD the exact words of the law. They have already been put in the RECORD by the Senator from Washington; and I am perfectly willing to have Senators judge whether that language applies only to the executive departments or whether it applies to all of the departments of the Government, including the independent establishments.

Mr. STONE. But the Senator ought not to make such a statement, and insist upon it, when the very language of the law is, "in the event of reductions being made in the force in any of the executive departments."

Mr. SMOOT. I will let the law speak for itself, just as it reads.

Now we will take Samuel R. Strattan. His age is 71. The report says he has a length of service of seven months, with an efficiency rating of 85; "resigned." What are the facts? Mr. Strattan has been in the employment of the Government for nearly 20 long years, working in the dead-letter office in this city. Only seven months ago he was transferred from the dead-letter office to the Washington City post office, and, of course, the record shows that he served only seven months, whereas every Senator who knows him knows that he has been here nearly 20 years, and knows that he is an efficient man. Why, his very rating of 85 proves that he is efficient, and yet he is classed as one who "resigned."

William A. Hutchins; age 77; length of service, 19 years; with a rating of 94.4 per cent.

Joseph Randall; age 77; length of service, 47 years; with a rating of 94.6 per cent.

Mr. SMITH of Michigan. In what department?

Mr. SMOOT. In the Washington City post office, with a forced resignation.

Mr. GALLINGER. Did I understand you to say that those ratings have been recently made?

Mr. SMOOT. They have. All of the ratings have been given since this administration has been in power.

I am not going to go into the record of all, because there is no need of taking the time of the Senate to do so; but I do not believe there is a Senator in this Chamber who will say that a man holding a rating under the civil service of 94.6 per cent is inefficient——

Mr. GALLINGER. With a Democratic commission.

Mr. SMOOT. Or that he should be dismissed, or virtually dismissed, from the service of our Government.

It is true that one of the old soldiers is deaf, and perhaps it is true that every order that is given him by his superior must be given to him in writing. I want to say to the Senators that it was fighting for the preservation of the Government, and it was the roar of cannon that caused that affection. Now,

for efficiency's sake, for economy, this man who offered his life for his country, and through that service brought an affliction of deafness upon himself, must, because there may be a younger and more capable man, be demoted and driven from the service of this Nation.

Mr. President, where a man has worked for this Government, and is a soldier of the Civil War, with a service of 47 years, and there is not a charge against his character, and during that whole time his rating has been good, I do not believe there is a community in all the United States that would justify his dismissal from the service of the Government.

Is it only in the city post office? If it were only these few that I have named, this whole question might have been called a "tempest in a teapot"; but I wish to say to the Senate that it is in nearly all the departments of this Government. Not only that, but it is in the Senate itself.

It is true that there were 30 old soldiers in the service of the Senate when the Democratic Party came into power, and it is true that those who have not resigned and those who have not died are still in the service of the Senate; but what is their position? Every one of them, with the exception of four, has been demoted—demoted from the highest salary of $2,500 to $1,440; from a salary of $2,250 to $1,200; from a salary of $1,440 to $720.

Mr. President, we find right at the doors of this Chamber men who have served in the Civil War, who were wounded in that war, with a service in the war of three years and a service in the Government of nearly a quarter of a century, drawing salaries of $840 a year, while others, doing exactly the same work, guarding the same doors, are drawing salaries of $1,440. It is not that the old soldier who is drawing the $840 does not attend to the doors as well as anyone else, for he does, but it is a change made by the powers that be.

Mr. President, the Senator referred to the fact that there is no law for paying a man when he is inefficient and when he is incapable of performing his duty. How many Senators are there in this body now who do not remember, only three years ago, when there was a committee appointed by this body to consider the question of patronage. Do you not remember that the report to the Senate showed that there were certain individuals who never served one day in the year, who were continually away from Washington, who were drawing a salary? I remember when the vote was taken upon the continued payment of wage to John Jones. He was not in the city; he was absolutely incapable of doing any work; but because he was the bodyguard of Jeff Davis he was allowed to draw his salary, and is drawing it to-day.

If we are going to economize, I believe we ought to begin with the legislative appropriation bill, which will be considered by this body in a very few days, and strike from that bill clerks of Senators who spend very little time in the city of Washington. If we must have economy, let us not begin with the old soldier. Let us not cut him off. I believe the Senator from Missouri himself, if he had a man working for him as long as these men have worked for the Government, would be inclined to take care of him, particularly if he had saved the Senator's home or his family.

The Senator asks, "What would you do with an old soldier who has become physically incapable of performing his labors?" Mr. President, the report that is made to the Senate of the United States from the Post Office Department does not show that they are incapable of performing their duties. A man who holds a rating of 94 per cent is capable of performing his duties. I want to say frankly to the Senate and to the country that as far as I am concerned every old soldier would be kept in his position, even if some other person had to supervise his work, as intimated is the case in the report.

Mr. President, I want to say to the Senate that I have told the people of the intermountain country more than once that the expense of running this Government is greater than it ought to be; I have told them that it could be cut in many departments; and when I called their attention to the fact that there is one class of citizens in the Government service who perhaps could be discharged and others more competent employed and make a saving to the Government, but that was a class who saved this Nation, men in the departments with one arm, with one leg, with one eye, and in no instance has there been a single one who ever objected to the money paid to the soldiers of the Civil War by our Government.

I wish to say to the Senator that the honorary Senate roll of the Senate, created nearly a quarter of a century ago, is not composed of all Republicans. When I first came into the Senate a third of those on that roll were Democrats, and they have remained on the roll until death came to them, and I believe the Senate as a whole think they should have remained until they resigned or death took them to the great beyond.

Mr. President, I do not think that this question ought to be a partisan one. What I am saying here to-day is not a criticism of the party in power. I believe when the attention of the country is called to it this administration will rectify the wrong and see that these old soldiers are taken care of as long as they live. If we do that nobody will complain, no citizen of the United States will object.

Mr. President, there is not an appropriation bill passed at this session of Congress that with only a part of the appropriations for many items would pay the salary of every old soldier in the Government service, and as far as I am concerned I would just as leave see the money go to taking care of them in their last days, and a great deal more so, than to have the hundreds and thousands and millions of dollars appropriated for the eradication of humiliary bugs.

Mr. President, the happiness of an old soldier to me is just as dear as the happiness of a man who might have saved my home or my life, and I want, for one, to protest against any movement on the part of Congress to demote or dismiss them from the service.

I hardly think, Mr. President, that I will say more to-day. I want it understood that I have not the least feeling in my heart against anyone, and I only speak because I believe an injustice has been done to these few old men. I trust, as I stated before, that when attention is called to it it may be rectified.

Mr. JONES. Mr. President, I introduced this resolution simply for the purpose of getting the facts. I was not consulted by anyone before it was done. I had seen these statements and charges in the papers with reference to the discharge and demotion of soldiers in the Post Office Department and in the city post office, and I wanted to get the facts. It was not done to further any civil-pension propaganda or anything of the kind.

The Senator from Missouri has suggested that this is a political or partisan matter. I want to say that until he suggested it it never entered my mind, as far as that is concerned. There ought not to be any partisanship about it. There ought not to be any politics in it; and, if there should be any politics developed from it, it will come probably from what the Senator from Missouri has said and suggested and those who try to justify the acts taken and excuse the facts that appear to exist.

The resolution called for the facts. Some have asked why the resolution is confined to the time since the 4th of March of this year. The only reason why it was done was that no suggestion of any improper discharges or demotions or transfers had been made until lately, and that date was supposed to cover all the necessary facts in connection with this controversy. The fixing of that date had no significance whatever. If any suggestions had been made of improper transfers or demotions or discharges before that time—even a year or two years back—I should have been glad to have covered that time, because it would not make any difference to me what administration is in power with reference to a matter of this kind.

It seems to me that the facts as disclosed by this report show that injustice has been done to some of these soldiers, and that our Democratic friends and the administration should be just as anxious to rectify it as I am, because in nothing that I shall suggest shall I intimate that they are any more unfriendly to the old soldiers than anyone else. I hope they regard him and his services and sacrifices as highly as I do.

Attention has been called to the record by the Senator from Utah [Mr. SMOOT]. I want to reiterate it and to call attention to two or three or more of these discharges and as to what the ratings here show, because as to whether or not the soldiers were efficient and whether their discharge is justifiable will appear from the record itself. If we take the facts that have been sent to us by the department, it seems to me that they show clearly that an injustice has been done whether intentional or not.

Here is George Dean, who was dropped. He has been in the service for 41 years and his rating is 88. The statute says that if the rating is good the old soldiers shall not be dropped. I assume that that rating of 88 would be considered as good.

Mr. LEE of Maryland. Mr. President——

The PRESIDING OFFICER (Mr. JAMES in the chair). Does the Senator from Washington yield to the Senator from Maryland?

Mr. JONES. Certainly.

Mr. LEE of Maryland. I should like to ask the Senator two questions. The first is, are not these ratings made upon past services going back 20 or 40 years?

with a contagious or infectious disease, such as malignant cancer, what would you do with him? Such cases are cited by the Washington City postmaster in his communication printed in the RECORD. Would you allow these unfortunate men to hold their desks nominally, and crowd them into rooms occupied by numerous associate clerks and maybe subject them to the danger of disease? What would you do in such cases? If a man is incapable of performing the service for which he is employed, but is still kept on the pay roll, would not that be in effect a civil pension—a civil pension added to his military service pension—and would that not be in violation of the statute of 1909, which I have quoted? Of course, we sympathize with those who have grown old, infirm, and incapacitated, whether they have served in the Army or not; but there is no provision made by the law to care for them, except in the case of soldiers who draw a pension for military service and who can enter a soldiers' home if necessary. In the meantime it should not be forgotten that the public work must go on if the Government is to be effectively administered. If a man who can not perform the duties of his position is kept at his post, then the public service must suffer. If the work committed to an employee, man or woman, is important, then it must be efficiently performed, or else the public service will be impaired. If the work is useless or unnecessary, then it would be a waste of public funds to continue it. The executive departments were not intended to be eleemosynary institutions. Mr. President, men should be reasonable, and I think the people generally will be reasonable, about matters of this kind. Strive as they may, it will be a difficult task for any set of men to inflame the public mind against the Government or the administration, when only things reasonable and fair and just are done. In this connection it is apropos to call attention to this provision of an act approved March 4, 1913, as follows:

> That the appropriations made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated, otherwise than temporarily, for performing such services.

Is not that a proper and just law, and is it not in the public interest? Mr. President, partisanship may cut fantastic capers before the country, but not many people will be misled by fustian intended to deceive. The people are quick to detect a pretense. One might suppose from the sensational partisan accounts printed during the last month that no old soldiers had ever been dismissed or demoted, and that no resignations had ever been accepted, until since the Wilson administration was inaugurated; but all these things were done under Taft, under Roosevelt, and under previous administrations. I hold in my hand a list showing the demotion in 1911 of 15 old soldiers in the Post Office Department alone. I ask leave to insert this table at the end of my remarks.

The VICE PRESIDENT. Without objection, permission to do so is granted.

The paper referred to will be found at the end of Mr. STONE's remarks.

Mr. STONE. Mr. President, these 15 demotions of Civil War veterans occurred, mind you, not in the Washington City post office, but in the Post Office Department itself, and occurred under a Republican Postmaster General; and here I call special attention to the fact that on July 1, 1913, 2 of the 15 men demoted—L. S. Mortimer and A. Anderson—were restored by Postmaster General Burleson to their former positions and salaries. No one heard any roar from Fulton R. Gordon or Dr. Gleeson or any other man about these demotions in 1911, nor did you hear any roar from anybody about demotions, dismissals, or resignations in the Post Office Department or any other department during any year of former Republican administrations. Of course not, for that was a gray horse of another color. It appears to have been all right in the estimation of these men and papers who assail Gen. Burleson if a Republican Postmaster General demoted or fired employees who had seen service in the field.

Mr. GOFF. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from West Virginia?

Mr. STONE. Yes.

Mr. GOFF. Does the table to which the Senator from Missouri alludes, relative to the resignation of these soldiers, give information as to the number of requests for resignation that were made during the present fiscal year?

Mr. STONE. No; I think not. The table contains several columns under proper headings, stating the facts.

Mr. GOFF. I desire simply to know whether or not the information which the Senator has shows the requests that were made by the department for resignations?

Mr. STONE. I will undertake to say that the department has not requested the resignation of any man.

Mr. GOFF. I mean, as a matter of course, those in authority over the parties who did resign.

Mr. STONE. The table, to which I suppose the Senator from West Virginia refers, was prepared by Mr. Praeger, the postmaster of Washington City, which I have asked and obtained leave to insert at the end of my remarks, and which, of course, the Senator may examine.

Before closing there is one other thing of more immediate concern to the Senate to which I might allude. When some 14 or 15 years ago the Republicans regained control of this body they speedily fired Democratic Senate employees, whether ex-soldiers or not, and substituted Republicans. Only the other day—in fact, during the present week—an old ex-Civil War veteran from Ohio, who was severely wounded in battle, told me that he was dismissed from the position he held as a Senate employee to make room for a Republican ex-soldier whom Senator Dick, of Ohio, desired to have appointed. The name of this soldier is James W. Byrne, now residing in Washington. He is a Democrat, and he told me that he was discharged solely to make room for a Republican. After you Republicans had about cleaned the platter, and when at a later period the weather began to grow squally for you and Democratic prospects were brightening you passed this resolution in the Senate:

> *Resolved*, That the Secretary of the Senate and the Sergeant at Arms of the Senate are hereby directed to retain in the employ of the Senate those persons who served in the Union Army during the late Civil War and whose service in the Senate is necessary and satisfactory and who are not otherwise provided for, and to continue such persons in their positions until cause for their removal shall have been reported to and approved of by the Senate and their removal directed.

July 11, 1911, is the date of that resolution. When the Democrats recovered control of the Senate, on March 4, 1913, we found 30 ex-Federal soldiers on the Senate pay rolls. Since then 2 of these 30 employees have voluntarily resigned and 2 have died. Of the remaining 26 only 1 is a Democrat and 25 are Republicans. But we have let the resolution of 1911 stand. We have made no effort to repeal it or to modify it. These 25 Republicans remain, although some of them are so old and feeble that long leaves of absence have been necessary and have been granted. Still they have been retained on the roll. This situation affords a striking contrast and shows how much greater consideration Democrats pay to old soldiers, without regard to politics, than Republicans accord them.

Mr. President, all these things are well calculated to make reasonable men who believe in fair and honorable fighting exceedingly fatigued and somewhat painfully weary over such outbursts as have recently regaled our ears. I wanted to say this much so that the Senate, the press, and the country might have some reliable information respecting these matters about which such a hullabaloo has been made. And yet, after all, I can not much blame Republicans. Since they are so hard pressed and can find no serious mistakes to criticize and no large things to complain of, they must of necessity invent something, even though very small, to quarrel with as about. But, as usual in such cases, the "thunder in the index" dwindles into a low, muffled growl as the story unfolds under the subduing light of truth.

The matter referred to by Mr. STONE is as follows:

Reductions of Civil War veterans during the year 1911, Post Office Department.

Name.	Date.	From—	To—
J. B. Moulton	Jan. 1, 1911	[1] 1,400	[1] 1,200
W. E. Sye	do	840	720
D. M. Gould	Mar. 16, 1911	2,000	1,600
C. B. Dickey	do	1,600	1,400
L. S. Mortimer [2]	do	2,000	1,600
H. A. Kelly	Dec. 16, 1910	1,600	1,400
H. Sherwood	Mar. 16, 1911	1,600	1,400
A. Anderson [2]	do	1,600	1,200
J. E. McCabe	do	1,600	1,400
J. Burroughs	Oct. 1, 1910	1,600	1,400
W. A. MacNutt	Mar. 16, 1911	1,600	1,200
A. H. G. Richardson	Jan. 1, 1911	1,600	1,200
E. L. Richmond	Mar. 16, 1911	1,600	1,400
G. W. Smith	do	1,600	1,400
S. R. Strahan	do	1,600	1,200

[1] Promoted July 1, 1911, to $1,600. [2] Promoted July 1, 1913, to $1,400.

MAY 28, 1914.

Hon. POSTMASTER GENERAL,
Washington, D. C.

SIR: Supplementing my letter of this date, giving the information called for in the Senate resolution of May 23, I herewith transmit a complete list of all demotions and separations from the service resulting from the reorganization of the Washington post office. In this connection I would call attention to the fact that the ratings given are misleading and valueless as an indication of the value of the employee to the Postal Service, inasmuch as the ratings generally took into consideration the past history and past standing of the superannuated employees, particularly war veterans.

The complete list is hereto attached.

Very respectfully,

OTTO PRAEGER, *Postmaster.*

EMPLOYEES RESIGNED.

Name.	Salary.	Age.	Years of service.	Rating.	Character of work.	Remarks.
Mrs. Grace W. MacPherson	$1,600	46	13	75	Addressing pay envelopes	Stricken paralysis Oct. 2, 1912, and only partially recovered. Services of no value kept on pay roll for half-day service from Apr. 28, 1913, to May 15, 1914. All her work had to be reviewed. Transferred from Moorestown, N. J., Sept. 1, 1910.
Mrs. May Barlow	900	72	(1)	(2)	Lightest work in directory service and stamping postmaster's name on cards.	Services entirely valueless and work unsatisfactory. Transferred from Post Office Department Oct. 30, 1913.
Bliss N. Davis	1,800	43	(3)	(4)	1 of 2 assistant superintendents in money-order division.	Efficient, but unnecessary to the service and no place to put him. Transferred from Post Office Department July 1, 1913.
William A. Hutchins	1,200	77	19	84.8	Stamp clerk at Station A	Position abolished and services unnecessary. Appointed Nov. 24, 1891.
Mrs. Elizabeth Malmwaring	1,000	38	(3)	61.2	Directory searcher	Inefficient and services unnecessary. Excessive number of clerks on this work. Transferred from Post Office Department Oct. 8, 1913.
Mrs. Jennie W. Coleman	900	50	(3)	69	do	Same remarks as next above in every particular.
Miss Augusta L. Smith [5]	1,100	47	11	82	do	Services unnecessary. Appointed Feb. 27, 1903.
Reuben T. Reeve	1,200	77	14	87.9	do	Services unnecessary. Transferred from Nyack, N. Y., July 1, 1909.
Miss Mary R. Sheets	1,000	71	12	85	do	Services unnecessary. Position abolished. Transferred from Philadelphia, Pa., Jan. 2, 1902.
Wm. E. Tew	900	74	37	78.4	Cutting table	Services unnecessary. Incapacitated by complete deafness and age. Appointed Dec. 11, 1876.
Samuel R. Strattan	1,200	74	(3)	85	Work in "Nixe" room, on misdirected packages.	Unnecessary. Transferred from Post Office Department, Oct. 8, 1913.
Gustav A. Knabe	1,000	70	31	65	Custody and care of band stamps for postmarking mail, etc.	Services unnecessary. Appointed June 13, 1882.
Augustus Ridgely	1,100	78	51	69.1	Work in "Nixe" room, on misdirected mail.	Inefficient, due to advanced age. Appointed January, 1863.
Joseph Randall	1,200	77	47	84.6	Cutting table	Services unnecessary. Appointed May, 1867.
William W. Nottingham	1,200	65	31	80	Cabeling and dispatch of mails	Services unnecessary. Appointed Mar. 22, 1883.
J. J. B. Leech [6]	900	81	51	59.2	Opening and distributing sacks of "Nixe" mail matter, and helping on returning undeliverable mail.	Unsatisfactory and unnecessary. Incapacitated by age. Appointed Apr. 15, 1863.
Andrew A. Davis	720	74	11	88.5	Picking up paper from approaches to building.	Inefficient by reason of advanced age and infirmities. Appointed Sept. 15, 1902.
Guylott W. Bird	720	77	14	90	Watchman in carpenter shop	Unnecessary and incapacitated by age. Appointed Sept. 1, 1899.

EMPLOYEES DROPPED.

Name.	Salary.	Age.	Years of service.	Rating.	Character of work.	Remarks.
Dean, George	$1,200	69	41	83	Cutting table, and reviewing mail for Senators and Representatives.	Incapacitated by affliction. Also, services unnecessary. Appointed Sept. 5, 1872.
William W. Mills	1,200	77	42	88	Cutting table, and carrying inward letter mail to distributors.	Incapacitated by affliction. Also, services unnecessary. Appointed Apr. 9, 1872.
Charles White	720	68	21	75	Laborer at station	Services of little or no value, due to advanced age and infirmities. Appointed Aug. 22, 1892.

[1] Only 7 months.
[2] No rating, on account of short period of service in this office.
[3] Only 11 months.
[4] No rating; supervisory officers not rated.
[5] Transferred to post office at Alexandria, Va., May 16, 1914.

EMPLOYEES REDUCED IN SALARY.

Name.	Former salary.	Reduced to—	Age.	Years of service.	Rating.	Character of work.	Remarks.
George T. Galleher	$1,100	$800	68	32	85	Witness in opening remittance letters.	Overpaid for character of service rendered. Appointed July 11, 1881.
John J. Hill	900	800	71	30	70	Watchman, special delivery section	Overpaid. Incapacitated by age and physical infirmities. Appointed May 1, 1875.
Harrison Wilson	900	800	73	31	70	do	Overpaid and incapacitated by age. Appointed Sept. 15, 1862.
John N. Mitchell	1,100	800	77	44	85	Employed in inquiry section on simple work	Overpaid for character of service rendered. Appointed July 1, 1869.
Edward L. Rosse	1,400	1,200	63	30	92.5	Clerk, Registry Division	Overpaid for character of work performed. Transferred from Patent Office June 11, 1843.
Miss F. L. Hamilton	1,400	1,200	66	40	100	do	Overpaid for character of work performed. Appointed June 1, 1868.
Joshua Gideon	1,000	900	54	79	68.8	Clerk, Registry Division, on simplest kind of work.	Overpaid for character of service rendered. Appointed Aug. 1, 1854.
John B. Quay	1,200	1,000	60	2	87.2	Clerk, Station C	Overpaid for character of service rendered. Transferred from Baltimore, Md., Mar. 26, 1912.
Edward Rouzer	1,200	1,000	44	22	83.5	State distribution	Overpaid for character of service rendered. Appointed June 6, 1892.
Philip W. Shippen	1,200	1,000	57	26	80.8	State distribution	Overpaid for character of work performed. Appointed Aug. 17, 1887.
William T. Hutchinson	1,200	1,000	61	31	75.3	Primary separation and dumping paper mail	Overpaid for character of work performed. Appointed Feb. 15, 1883.
Henry A. Minor	1,100	900	54	22	80	State distribution, Station H	Same as above. Appointed Aug. 5, 1891.
Edwin Campbell	1,100	1,000	69	32	85.5	Box section, Delivery Division	Same as above. Appointed Aug. 1, 1881.
Orville T. Putnam	1,000	800	71	11	75	General station work	Efficiency impaired. Appointed May 1, 1893.
William M. Kennedy	1,100	900	55	29	80	Cutting table	Overpaid for character of work performed. Appointed July 15, 1881.
Herman W. Davis	1,200	1,000	66	40	90	Distributor	Overpaid for character and quality of service rendered. Appointed July 1, 1873.
William White	1,100	900	50	21	94	Watchman	Overpaid for character of service rendered. Appointed July 20, 1872.
John Holland	1,200	900	58	31	82.2	Distributor	Overpaid for character and quality of work performed. Appointed Apr. 1, 1883.
Allan R. Searle	1,100	900	67	22	88.1	Cutting table	Overpaid for character of work performed. Appointed Aug. 15, 1891.
James Holmes	1,100	900	60	11	85	do	Same as above. Appointed Dec. 29, 1902.
Henry Hood	$1,100	$900	43	13	86.5	do	Overpaid for character of work performed. Transferred from Niles, Mich., July 1, 1893.
James F. Johnson	1,000	900	57	31	80	Messenger and utility	Overpaid. Appointed Apr. 18, 1883.
John Biddle	1,200	1,000	66	40	80.3	Directory searcher	Efficiency impaired by advanced age. Appointed July 1, 1873.
Anthony L. Dennison	1,200	900	69	37	59.9	Abbreviated distribution	Overpaid for character and quality of work performed. Appointed Dec. 15, 1884.

It is understood, and perhaps at some future time attention will be called to it.

Mr. SHAFROTH. Mr. President, I should like to ask the Senator before he takes his seat whether or not this bill simply limits the exchange to a national park. I do not like the idea of the ordinary forest reserves——

Mr. CLARK of Wyoming. No; as I understand—and if I am incorrect, the Senator from Montana will correct me—the bill provides that the Secretary of the Interior may exchange lands now in private ownership in the Glacier National Park for dead or matured timber in the park, or may exchange it for other lands in national forests in Montana. I think that is what the bill provides.

Mr. WALSH. The Senator has correctly stated the substance of the bill.

Mr. SHAFROTH. I do not see any objection, if the Government is going to have a national park out there, to its having absolute control of every foot and every acre of it. I am very much opposed to that policy as applied to the ordinary forest reserves, because they are supposed to be open to entry for homesteaders, and also for mining; and for that reason there is no occasion for any such exchange as to forest reserves. As to a park, however, it seems to me that it occupies a different position from a forest reserve, because there the Government is supposed to exercise jurisdiction and sovereignty over it. A national park is something of which it has control in every respect, whereas in forest reserves the Government is not supposed to have that control.

Mr. CLARK of Wyoming. I think the Senator from Colorado hardly understood my view upon the matter. I am not objecting to the Government getting under its administration and control and owning all the land within the borders of the Glacier National Park. I think that is proper; I think it is right for the proper administration of the park which has been created. I am, however, calling attention to the fact that the department and the Forestry Service are now saying that they are willing to let private individuals come in and acquire portions of the national forests. We have insisted all the time that if there are any portions of the national forests that are not absolutely required for the purposes for which they were created, they should be thrown open to the general public, and that a man should not be given an advantage simply because he owns a piece of land in a national park. That is the statement I wish to make.

Mr. SHAFROTH. I will state to the Senator that I am heartily in accord with that. I think it is proper.

Mr. SIMMONS rose.

Mr. WALSH. Mr. President, if the Senator will indulge me, we can dispose of this bill, I think, in just a few moments.

I merely desire to say that I trust no Senator will regard this as in any sense a local matter. The preservation of the beauty of the Glacier National Park as a national park is most distinctly a national consideration in the very highest sense. I trust that most of us shall live to see the day when that region, very appropriately spoken of as the Switzerland of America, will attract annually the great crowd of tourists who flock to the real Swiss mountains instead of visiting the beauties of our own country as they are there disclosed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, and read the third time.

Mr. GALLINGER. Mr. President, before the bill is passed I simply wish to say that I have no objection to it, but I do object to the Senator from Montana taking from New Hampshire the appellation of "the Switzerland of America."

The VICE PRESIDENT. The question is, Shall the bill pass? The bill was passed.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. I ask that the tolls bill be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. STONE. Mr. President, I take advantage of this occasion to say what I wanted to say yesterday.

Mr. BRISTOW. Mr. President, will the Senator from Missouri yield to me for just a moment, for a resolution?

Mr. STONE. I will.

THE COMMITTEE ON CUBAN RELATIONS.

Mr. BRISTOW. Mr. President, I submit a resolution and ask for its immediate consideration. I desire to say that it requires no appropriation to provide for these clerks, for it is already provided in the appropriation bill.

Mr. STONE. Mr. President, I will say to the Senator that I have no personal objection to it, but I rather think that can not be done under the rules.

Mr. BRISTOW. If the Senator was making a speech, that is perhaps true, but I did not think the Senator had begun his speech.

Mr. STONE. I had addressed the Chair. I make no objection, however.

The resolution (S. Res. 337) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Cuban Relations be, and it hereby is, authorized to appoint a clerk, at $2,220 per annum; an assistant clerk, at $1,440 per annum; and a messenger, at $1,200 per annum.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. O'GORMAN. Mr. President, do I understand that the tolls bill is now before the Senate?

The VICE PRESIDENT. It is. The Senator from Missouri [Mr. STONE] has the floor.

Mr. CUMMINS. Mr. President, will the Senator from Missouri yield to me?

Mr. STONE. Mr. President, the Senator from Iowa was not present when the bill was laid before the Senate, and I had addressed the Chair with the intention of making some remarks. The Senator had the floor at adjournment yesterday, and if he especially desires to proceed at this time I will yield.

Mr. CUMMINS. I am perfectly willing that the Senator from Missouri shall make the address that he has it in mind to make. I assume that it is not upon the tolls bill.

Mr. STONE. No; it is not.

Mr. CUMMINS. The Senator very kindly yielded to my appeal yesterday morning, and I do not feel that I ought to interpose any obstacle in the way of his making the address this morning. Therefore I shall very gladly wait until the Senator from Missouri has finished.

Mr. SMOOT. Mr. President, I suppose the Senator from Iowa will not object to one or two other Senators following the Senator from Missouri?

Mr. CUMMINS. No, Mr. President; I will not. I realize the fairness and justice of the discussion being completed when once begun. I hope, however, that if I do not go on now, I shall not be required to go on until Senators have had an opportunity to get their lunch. I do not care to speak while they are eating.

Mr. STONE. Mr. President, on May 23 the Senator from Washington [Mr. JONES] presented a resolution calling on the Postmaster General to furnish the Senate with complete information respecting the resignation, discharge, and demotion since March 4, 1914, of employees in his department and in the Washington City post office who had ever served in any war of the United States, together with their efficiency ratings.

On Monday last the Postmaster General made his reply to this resolution, submitting the information called for. This resolution was the outgrowth of a "teapot tempest" raised by a rather odd combination of people in Washington over the alleged dismissal of 18 or 20 old Civil War veterans—that was the indefinite number stated more than once in the press—who had been employed in the Post Office Department and in the Washington City post office.

Several partisan newspapers, one or two partisan local Grand Army officials, and a lot of Washingtonians who are seeking to force the enactment of a law to pension civil employees of the Government have worked in concert to stir up a popular feeling against this administration because of these alleged dismissals, and thus force along the larger scheme for civil pensions. Public meetings have been held which have adopted denunciatory resolutions, and a number of newspapers have been filled with pictorial and printed stories to show that a great outrage has been committed. But back of all this furor has been a purpose, starting with using the names of old, decrepit soldiers to promote this civil-pension proposition. This propaganda has been apparently managed by one Fulton R. Gordon, a gentleman whose time seems to be chiefly employed in promoting various schemes out of which he gets a lot of free advertising, even though he may get nothing else.

Mr. GALLINGER. I did not understand the gentleman's name. Will the Senator repeat it?

Mr. STONE. Fulton R. Gordon.

Mr. GALLINGER. He is a lawyer here.

Mr. STONE. He has a long tin horn which he toots from day to day, gathering promiscuous crowds before whom he

shows himself that he may exploit his beneficent deeds arduously done for the public good.

One of his fads now is the civil-pension fad, his noble purpose being to organize and lead on a valiant fight to pension a great body of people who have been in the civil service of the Government, drawing salaries, for many years. For evident reasons we know it is not a difficult task to arouse a responsive sentiment in Washington to a movement of that kind.

When this story about the discharge of these old soldiers was started Mr. Gordon was in the front of it, clamoring for the restoration of these scarred veterans of war, and hoping out of the fuss and fume to find a chance for promoting his larger scheme for a civil-pension law.

On Monday night last a meeting was held here in Washington to consider this whole subject, over which Mr. Gordon presided as permanent chairman. According to the press reports, he was full of ardor and the glowing fire of a great enthusiasm. He made a speech to this meeting, from which I quote:

> We are going to take this battle to headquarters. We are not going to allow these old men to be made the sport and toy of politicians. * * * Furthermore, we will not allow the aged civil-service employees of Washington to be the coin with which political debts may be paid back home.

He speaks with the high tone of one in authority. He is dictatorial, and seems determined, willy-nilly, to force Congress into obedience. Whether there is merit in this propaganda, I will not say. Indeed, there may be. We can better discuss that, however, after Mr. Gordon has marched in under the dome of the Capitol and laid down his ultimatum at the door of the Senate. I wish now merely to say that it is easy to make a noise if men are permitted to invent their facts, to exaggerate and discolor the truth, and can find sympathetic newspapers to do the necessary exploiting. The sensational publications with which this community and other communities have been recently flooded have led many people to believe that 18 or 20 old soldiers had been, in fact, peremptorily and arbitrarily dismissed from the service of the Post Office Department since the 4th day of last March. That impression has been scattered through the country. Now, what are the real facts? Not a soldier—not one—has been dismissed or demoted in the Post Office Department since March last. Not only so, but, with one exception, not a soldier who ever served in any war on any side has been dismissed or demoted in the Post Office Department since Woodrow Wilson was inaugurated as President on March 4, 1913. The one exception was that of George Marshall, a colored laborer in the department, who served in the Spanish-American War. He was demoted from $720 per year to $660 per year as a disciplinary measure because he had been guilty of the excessive use of intoxicants; but this demotion was with the understanding that he would be restored to his former grade at the expiration of two months provided he should abstain from the use of liquor. Accordingly on May 24, that being the end of the two months' period, he was restored to his former position. That is the only instance of the dismissal or demotion of an ex-soldier serving in the Post Office Department during this administration.

Now, as to the Washington City post office. This post office, of course, stands on the same plane of any other city post office. The postmaster, Mr. Praeger, reports that since March 4, 1914, six Union soldiers employed in the city post office have resigned, two have been dropped from the rolls, and one reduced from $1,000 to $800 per year; also, that one ex-Confederate soldier had been reduced from $1,000 to $800 per year. That covers the whole case since March 4, 1914. Prior to that only one other ex-soldier serving in the Washington City post office had been dismissed or demoted since the incoming of the Wilson administration. That one was Henry L. Johnson, whose salary was reduced in 1913, when the postmaster was a Republican. This reduction was based on charges contained in a letter from Mr. Fulton R. Gordon—the same Gordon who now cries out so vociferously against the crime of demoting an employee who has ever served in the Army of the United States.

From all this it will be seen that since this administration began, 15 months ago, 6 ex-Union soldiers have resigned, 2 have been dropped without their consent, and 2 have been demoted, making 10 in all. One ex-Confederate soldier has also been demoted, as I have stated. There are very few ex-Confederates in the departmental service or in the city post office. Postmaster Praeger states in his letter to the Postmaster General, printed in Monday's RECORD, that all these changes, except in the case of Henry L. Johnson, demoted on Gordon's charges, resulted from a necessary reorganization of the Washington City post office, when a large number of changes were made in the clerical force, the reasons for which are clearly stated in Mr. Praeger's letter. I will ask leave to print as a supplement to these remarks a table furnished by Mr. Praeger, explaining in each individual case why the changes were made. An examination of this table will show that, considering the number of ex-soldiers employed in the Washington post office, the per cent of soldiers affected by the reorganization was small. So much for the facts.

Now, I wish to make a few general observations with reference to this matter. I cordially agree that the Government and people of the United States should deal generously with the men who have endured suffering and honorably imperiled their lives in the military service of the United States. No matter in what war our soldiers fought, it is the patriotic duty of the American people to care for them with tender and generous hands; and that, happily, this Government and people have done. No other nation in the whole history of the world have ever even approached the liberality which this Nation has displayed in caring for those who have fought and suffered under the American flag. We have allowed liberal pensions not only to the men who wore the national uniform, but to their widows and dependents even unto the second and third generations. Pensions have been allowed not only to those who served in the regular organizations in times of war or peace, but also to many who, when the stress of war was on, rendered service to the Government outside of any regular organization. Thousands upon thousands of special bills have passed Congress to pension men who could not establish a legitimate claim under the terms of the law. Since 1806 the United States have paid out in pensions $4,586,966,346.

In 1913 $176,714,907 were appropriated for the current fiscal year, and the report of the Commissioner of Pensions for that fiscal year shows that there are on the pension rolls at this time 820,200 persons, and this more than 50 years after Fort Sumter was fired upon. In addition to that, the United States have established 10 or 12 homes and branch homes for Federal soldiers in different parts of the country. These soldiers' homes are established on a magnificent scale. One of them near this city embraces a broad, picturesque domain of several hundred acres beautifully improved in every way, and with quarters on a splendid scale for the accommodation and comfort of the inmates. Recently I had occasion to visit the home at Hampton, Va., on the shores of Chesapeake Bay, which is one of the most beautiful and attractive spots in all the South. No expense is spared to make these places real and attractive homes for the old men who enjoy their hospitalities. For the support of these establishments we appropriated for the current fiscal year ending June 30, 1914, the munificent sum of $3,981,265. In addition to this, many of the States have provided State homes, run, for the most part, at State expense, as agreeable habitations for the old soldiers living within their borders. We have one such home in my State of Missouri. For this Federal soldiers' home the State makes annual appropriations. The General Government aids the States in the maintenance of these establishments. During this fiscal year we have appropriated for that purpose $1,200,000. Altogether, for the support of soldiers' homes, State and National, we are now appropriating out of the Federal Treasury between $5,000,000 and $6,000,000 per year. In addition to all that, we have enacted laws which give to old soldiers in the civil employment of the Government privileges and preferences not common to the people at large. Yes, Mr. President; the American people have been appreciative of the services rendered the country by the men who have borne arms in its defense. Far from begrudging this generous action, I applaud the patriotic American spirit which has prompted it.

But, Mr. President, we have no civil pension law nor civil pension list—at least, not yet. It may be that in the near future the Government, moved thereto by Fulton R. Gordon and like effervescent patriots, will be prevailed upon to load an additional burden of multiplied millions upon the taxpayers for the support of men and women who have long been favored with positions with good salaries in the civil service of the Government. But so far civil pensions have not been authorized; but to the contrary we now have, at least for the regulation of the Post Office Department, a law against civil pensions. By an act of Congress approved April 1, 1909, it is provided that—

> The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the Postal Service from the existing laws respecting employment in such service, is hereby prohibited.

Now, what would you do with an old soldier employed in the civil service who becomes incapacitated? What would you do with a man who becomes mentally or physically so infirm as to be unable to perform with efficiency the duties of the place he may hold? Suppose a man should be paralyzed so that he lost the use of both hands and arms, what would you do with him? Suppose one became stone blind in both eyes, what would you do with him? Suppose one became old, infirm, and so utterly deaf that he could only be communicated with by writing, what would you do with him? Suppose one should be afflicted

On motion of Mr. KERN, it was

Ordered, That Senator HOKE SMITH, of Georgia, be appointed a member of the Committee on Rules to fill the vacancy occasioned by the death of Senator Bacon.

On motion of Mr. LODGE, it was

Ordered, That the following appointments be made to the committees of the Senate:

Mr. DU PONT to the Committee on Expenditures in the Department of Justice;
Mr. STERLING to the Committee on Post Offices and Post Roads;
Mr. KENYON to the Committee on Agriculture and Forestry;
Mr. SHERMAN to the Committee on Pensions;
Mr. FALL to the Committee on Privileges and Elections;
Mr. McLEAN to the Committee on Claims; and
Mr. COLT to the Committee on Military Affairs.

Mr. KENYON was, at his own request, excused from further service on the Committee on Military Affairs.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4260) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

That the House recede from its amendment numbered 1.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4657) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4, and agree to the same.

That the House recede from its amendments numbered 2, 3, 5, 7, and 8.

That the Senate recede from its disagreement to the amendment of the House numbered 6, and agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "$24"; and the House agree to the same.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4353) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The report was agreed to.

Mr. SHIVELY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4167) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of other wars than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, 4, and 5.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.
JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

The report was agreed to.

CLAIMS OF SISSETON AND WAHPETON SIOUX INDIANS.

Mr. GRONNA. Mr. President, I inquire if morning business has closed?

The VICE PRESIDENT. It has.

Mr. GRONNA. I ask unanimous consent for the present consideration of the bill (S. 5255) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States.

Mr. President, I wish to state that this is a bill to which there can be no possible objection. The Indians who are interested in this legislation have for years been coming to Congress asking that a commission be appointed to investigate their claims. The Department of the Interior was opposed to the appointment of a commission, but drew a bill recommending that the claims be referred to the Court of Claims. The bill for which I ask consideration is practically the bill that was drawn by the department. The Committee on Indian Affairs unanimously recommend that the bill be passed, and in order that it may go to the House and be enacted into law at this session of Congress it is necessary that action here should be taken upon it immediately.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. GALLINGER. Let the bill be read first, Mr. President.

The VICE PRESIDENT. The Secretary will read the bill.

The Secretary read the bill (S. 5255) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Sisseton and Wahpeton Bands of Sioux Indians against the United States; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Indian Affairs with amendments, on page 3, line 1, after the words "by the," to strike out "Court of Claims" and insert "Secretary of the Interior," and in line 4, after the word "exceed," to strike out "5 per cent of the mo...ys found to be due said bands of Indians" and insert "$15,000," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature which the Sisseton and Wahpeton Bands of Sioux Indians may have or claim to have against the United States shall be submitted to the Court of Claims, with the right to appeal to the Supreme Court of the United States by either party, for the amount due or claimed to be due said bands from the United States under any treaties or laws of Congress; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine all claims of said bands against the United States and to enter judgment thereon. If any such question is submitted to said court it shall settle the rights, both legal and equitable, of said bands of Indians and the United States, notwithstanding lapse of time or statute of limitations. Such action in the Court of Claims shall be presented by a single petition, to be filed within one year after the passage of this act, making the United States a party defendant, which shall set forth all the facts on which the said bands of Indians base their claims for recovery; and the said petition may be verified by the agent or authorized attorney or attorneys of said bands, to be selected by said bands and employed under contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior, in accordance with the provisions of existing law, upon information or belief as to the existence of such facts, and no other statements or verifications shall be necessary. Official letters, papers, reports, and public records, or certified copies thereof, and oral testimony, depositions, and sworn statements by members of said bands of Indians may be used as evidence. Whatever moneys may be found due the Sisseton and Wahpeton Bands of Indians under the provisions of this act, less attorney's fees, shall be placed to their credit in the Treasury of the United States: *Provided*, That the compensation to be paid the attorney or attorneys for the claimant Indians shall be determined by the Secretary of the Interior, but in any event shall not be greater than the amount named in the approved contract: *Provided further*, That such compensation shall in no event exceed $15,000.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GLACIER NATIONAL PARK, MONT.

Mr. WALSH. I ask unanimous consent for the present consideration of the bill (S. 5433) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910. The bill was reported from the Committee on Public Lands on Tuesday last, the 2d of June.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SIMMONS. Mr. President, I shall not object to the request, provided no debate follows——

Mr. WALSH. I should not ask unanimous consent otherwise.

Mr. SIMMONS. But I give notice at this time that I shall object to further requests for unanimous consent to consider bills this morning.

Mr. SHAFROTH. I should like to know the nature of the bill before consent is given.

Mr. WALSH. The bill, Mr. President, provides for the exchange of land held in private ownership within the Glacier National Park in the State of Montana for dead, decadent, and matured timber within the park, and for the exchange of lands held in private ownership within the park for lands within national forests outside of the park, the exchange to be made by the Secretary of the Interior; but if the lands are selected outside, the selection to be made only with the approval of the Secretary of Agriculture.

I will state, Mr. President, to the Senate the immediate purpose of the bill. The Glacier National Park is entered from the western entrance at Belton by a magnificent boulevarded road 3 miles long to the lower end of the central feature of the park, Lake McDonald. That road is bordered by a magnificent grove of cedar trees. I should like to give you some kind of an idea of the beauty and grandeur of the cedars in that section of the country, but I will not take time now further than to say that many of them are at least 20 feet in circumference and tower to a height of a hundred feet, with magnificent spreading branches. This beautiful grove of cedars, just on the border of this boulevarded road, is on land held in private ownership. The owner of the land, as a matter of course, desires to avail himself of the timber upon it, but he is also desirous of preserving the beauty of the park. He does not want those trees destroyed, and he offers to exchange that land for dead, decadent, and matured timber somewhere else in the park, to be designated by the Secretary of the Interior. We desire to have an opportunity to make that exchange, and thus preserve the beauty of the scenery through which the road passes.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Montana whether the Northern Pacific Railroad Co. owns any lands in this park, to be exchanged for other lands?

Mr. WALSH. No, Mr. President; it does not own any; nor does any railroad company.

Mr. THOMAS. Of course, the Senator well knows that large amounts of worthless railroad lands have been intentionally included in a great many of these reserves and parks which have afterwards been exchanged for the finest timberland in the country. Inasmuch as there is just a little of it left outside of the lands which thus far they have been able to secure under the operations of the forestry system, I am a little suspicious of all bills of this character.

Mr. WALSH. The question of the Senator is quite pertinent, and I am very glad to assure him that the Northern Pacific grant does not extend that far. The Northern Pacific Co. owns no land within the park.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. SHAFROTH. Mr. President, this bill does not affect the exchange of lands in any other place than in the State of Montana?

Mr. WALSH. None except those within the Glacier National Park. It is intended to preserve the trees that line the routes of travel within the park.

Mr. SMOOT. Mr. President, I notice there is no report from the department on this bill. Does the Senator know whether or not it has been passed upon by the different departments?

Mr. WALSH. The Senator will find there is a report. The report of the committee says:

The necessity for the legislation contemplated by this bill is suggested in the Annual Report of the Secretary of the Interior for the fiscal year ended June 30, 1912, wherein he discusses the matter of securing title to private holdings in the various national parks.

I speak from personal knowledge of every feature of the park and the particular grove of trees that it is intended thus to preserve.

Mr. SMOOT. I think myself the object of the bill is a worthy one, and I have no objection whatever to its provisions.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. SIMMONS. Mr. President, I make the reservation that I indicated a few moments ago.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of eliminating private holdings within the Glacier National Park and the preservation intact of the natural timber along the roads in the scenic portions of the park, both on patented and park lands, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the lands held in private or State ownership within the boundaries of said park, by the exchange of dead, decadent, or matured timber that can be removed from any part of the park without affecting the scenic beauty thereof or from the Government lands within the metes and bounds of the national forests within the State of Montana, and also, in his discretion, to exchange for patented lands in the Glacier National Park Government lands of equal value within the metes and bounds of the national forests within said State: *Provided, however*, That the lands in the national forests to be offered in exchange shall be determined by the Secretary of Agriculture.

SEC. 2. That the value of all patented lands within said park, including the timber thereon, offered for exchange, and the value of the timber on park lands, or on Government lands within the metes and bounds of the national forests within the State of Montana, proposed to be given in exchange for such patented lands, shall be ascertained in such manner as the Secretary of the Interior and the Secretary of Agriculture may jointly in their discretion direct, and all expenses incident to ascertaining such values shall be paid by the owners of said patented lands; and such owners shall, before any exchange is effective, furnish the Secretary of the Interior evidence satisfactory to him of title to the patented lands offered in exchange; and if the value of timber on park lands or on the Government lands in the national forests within the State of Montana exceeds the value of the patented lands deeded to the Government in exchange, such excess shall be paid to the Secretary of the Interior by the owners of the patented lands before any timber is removed, and shall be deposited and covered into the Treasury as miscellaneous receipts. The same course shall be pursued in relation to the exchange of patented lands in the park for Government lands in the national forests within said State: *Provided*, That the lands conveyed to the Government under this act shall become a part of the Glacier National Park.

SEC. 3. That all timber on Government lands in the park must be cut and removed under regulations to be prescribed by the Secretary of the Interior, and any damage which may result to the roads or any part of the park or the national forests in consequence of the cutting and removal of the timber therefrom shall be borne by the owners of the patented lands, and bonds satisfactory to the Secretary of the Interior and the Secretary of Agriculture, jointly, must be given for the payment of such damages, if any, as shall be determined by the Secretary of the Interior so far as the same relates to lands within a national park and by the Secretary of Agriculture where the same relates to lands in the national forests.

Mr. CLARK of Wyoming. Mr. President, this seems to be almost entirely a local matter; therefore, I shall not oppose the bill. I do wish, however, to call attention at this time and in connection with this bill to the manipulations that are constantly going on in regard to our forest reserves, of which this is but another sample.

Many of the western Members of Congress and Senators have protested against the creation of so many of these forest reserves. They have been met by the forest reservists and others with the argument that the timber is absolutely necessary; that it should be protected for the future; and that the forest reserve embraces country that should not pass into private ownership under any circumstances. It has also been urged that land within the forest reserve, whenever it should be discovered to be available for agricultural purposes, should be thrown out of the reserves and made subject to agricultural purposes.

I understand from the Senator from Montana that this bill meets the approval of the departments of the Government. It is simply and solely an exchange by which private individuals are allowed to go into the national forests and acquire public lands. It seems to me that it is not consonant with the avowed purpose of the Forestry Service in meeting objections, that when lands should be found to be not necessary for forest reserves they should be passed into private ownership through the operation of the general land laws.

It seems, however, that in the national forests of Montana there are areas, large or small, which the Forestry Service do not consider necessary for the purposes of that service and the purpose for which the forests were originally reserved, and this bill proposes to exchange those lands for patented lands now held within the Glacier National Forest. It is only of a piece with the sort of legislation and manipulation that has been going on in regard to the public lands, forested and unforested, in the West and Northwest.

I desire to enter this statement now so that it can not be assumed by anybody that the effect of this bill is not understood.

He also presented memorials of members of the United Mine Workers of America, of Bloomington, Williville, Herrin, Girard, Thayer, Mount Olive, Cary, Coal City, Percy, and Murphysboro, and resolutions passed at the international Labor Day meetings has not debased them, but has raised the level of the Supreme Court of the United States, etc., intended to be pro-

Detroit, Ypsilanti, and Grand Rapids, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

ness has not become diffused through both sexes but has fled from both. To put the whole matter in a short phrase: The association of the sexes in the family circle, in society, and in business having proved improving to both, there is neither history, reason, nor sense to justify the assertion that association in politics will lower the one or demoralize the other.

Hence we would do better to approach the question without trepidation. We can better leave the "sphere" of woman to the future than confine it in the chains of the past. Words change nothing. Prejudices are none the less prejudices because we vaguely call them "nature" and prate about what nature has forbidden when we only mean that the thing we are opposing has not been hitherto done. "Nature" forbade a steamship to cross the Atlantic the very moment it was crossing, and yet it arrived just the same. What the majority call "nature" has stood in the way of every progress of the past and present, and will stand in the way of all future progress. It has also stood in the way of many unwise things. It is only another name for conservatism. With conservatism the minority have no quarrel. It is essential to the stability of mankind, of government, and of social life. To every new proposal it rightfully calls a halt, demanding conversion, whether it be friend or foe. The enfranchisement of women must pass the ordeal like everything else. It must give good reason for its demand to be or take its place among the half-forgotten fantasies which have challenged the support of mankind and have not stood the test of argument and discussion.

The committee claim that suffrage is not a right, but a privilege to be guarded by those who have it, and to be by them doled out to those who shall become worthy. That every extension of suffrage has been granted in some form or other by those already holding it is probably true. In some countries, however, it has been extended upon the principle basis of expediency, and in others in obedience to a claim of right. If suffrage be a right, if it be true that no man has a claim to govern any other man except to the extent that the other man has a right to govern him, then there can be no discussion of the question of woman suffrage. No reason on earth can be given by those who claim suffrage as a right of manhood which does not make it a right of womanhood also. If the suffrage is to be given man to protect him in his life, liberty, and property, the same reasons urge that it be given to woman, for she has the same life, liberty, and property to protect. If it be urged that her interests are so bound up in those of man that they are sure to be protected, the answer is that the same argument was urged as to the merger in the husband of the wife's right of property, and was pronounced by the judgment of mankind fallacious in practice and in principle. If the natures of men and women are so alike that for that reason no harm is done by suppressing women, what harm can be done by elevating them to equality? If the natures be different, what right can there be in refusing representation to those who might take juster views about many social and political questions?

Our Government is founded, not on the rule of the wisest and best, but upon the rule of all. The ignorant, the learned, the wise, and the unwise, the judicious and the injudicious are all invited to assist in governing, and upon the broad principle that the best government for mankind is not the government which the wisest and best would select, but that which the average of mankind would select. Laws are daily enacted, not because they seem the wisest even to those legislators who pass them, but because they represent what the whole people wish. And, in the long run, it may be just as bad to enact laws in advance of public sentiment as to hold on to laws behind it. Upon what principle in a Government like ours can one-half the minds be denied expression at the polls? Is it because they are untrained in public affairs? Are they more so than the slaves were when the right of suffrage was conferred on them? It should also be considered, upon the proposition that to admit women would be temporarily to lower the suffrage on account of their lack of training in public duties, that what is now asked of us is not immediate admission to the right, but the privilege of presenting to the legislatures of the different States the amendment, which can not become effective until adopted by three-fourths of them. It may be said that the agitation and discussion of this question will long before its adoption have made women as familiar with public affairs as the average of men, for the agitation is hardly likely to be successful until after a majority, at least, of women are in favor of it.

We believe in the educating and improving effect of participation in government. We believe that every citizen in the United States is made more intelligent, more learned, and better educated by his participation in politics and political campaigns. It must be remembered that education, like all things else, is relative. While the average American voter may not be all that impatient people desire, and is far behind his own future, yet he is incomparably superior to the average citizen of any other land where the subject does not fully participate in the government. Discussions on the stump and, above all, the discussions he himself has with his fellows, breed a desire for knowledge which will take no refusal and which leads to great general intelligence. In political discussion, acrimony and hate are not essential, and have of late years quite perceptibly diminished and will more and more diminish when discussions by women, and in the presence of women, become more common. If, then, discussion of public affairs among men has elevated them in knowledge and intelligence, why will it not lead to the same results among women? It is not merely education that makes civilization, but diffusion of education. The standing of a nation and its future depend not upon the education of the few, but of the whole. Every improvement in the status of woman in the matter of education has been an improvement to the whole race. Women have by education thus far become more womanly, not less. The same prophesies of ruin to womanliness were made against her education on general subjects that are now made against her participation in politics.

It is sometimes asserted that women now have a great influence in politics through their husbands and brothers. That is undoubtedly true. But that is just the kind of influence which is not wholesome for the community, for it is influence unaccompanied by responsibility. People are always ready to recommend to others what they would not do themselves. If it be true that women can not be prevented from exercising political influence, is not that only another reason why they should be steadied in their political action by that proper sense of responsibility which comes from acting themselves?

We conclude, then, every reason which in this country bestows the ballot upon man is equally applicable to the proposition to bestow the ballot upon woman, that in our judgment there is no foundation for the fear that woman will thereby become unfitted for all the duties she has hitherto performed.

T. B. REED.
E. D. TAYLOR.
M. A. MCCOID.
T. M. BROWNE.

ADDRESS BY SENATOR ASHURST.

Mr. O'GORMAN. Mr. President, I ask consent of the Senate for the insertion in the RECORD of some remarks made by the Senator from Arizona [Mr. ASHURST] at a meeting of the Society of the Friendly Sons of St. Patrick, of Philadelphia, on the 17th of last March. They bear in part upon a question that is now agitating the country and receiving the attention of the Senate, and make special reference to the Panama Canal controversy.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is agreed to.

The matter referred to is as follows:

"THE UNITED STATES," HON. HENRY F. ASHURST.

Mr. Toastmaster and members of the Friendly Sons of St. Patrick, my first duty is to return my thanks to the members of the committee who honored me with their kind invitation to be present upon this occasion, and I congratulate your society upon arriving at its one hundred and forty-third anniversary. Your freedom from sectarian and political bias is commendable, and worthy of emulation by many societies throughout our land.

The response you have assigned to me, "The United States," is so vast and varied that, in speaking upon it, I feel as if I were trying to grasp a globe so large that it permits the hand to obtain no hold.

If a student of the firmament, whose vigils are consecrated to exploring the skies and searching the heavens, were asked to describe in a single speech the influence of the sun upon our solar system, the student would stand amazed at the immensity of his task. Not less immense is the task of the speaker who attempts, in a single speech, to respond to the toast, "The United States."

Commencing with the War for Independence and extending down to this good hour, a great nation was and still immeasurably is in the making; fundamental principles of government, of infinite importance to the human race, have been and are now being applied and tested; new ideas are constantly taking hold; new truths constantly being discovered; reforms are being made in institutions and laws; a population noted for tireless energy and unconquerable spirit has pushed its way westward, founded towns, cities, and States, built roads, bridged rivers, joined great lakes by waterways and canals, built factories, mined for metals, covered prairies with mantles of waving grain, and dealt on a gigantic scale and in a new manner with economic, scientific, and financial problems in a vast country where nature has poured forth her resources with generosity, yea, extravagance.

Civilizations were built up in ancient times, notably in Greece and Rome, but it is an unhappy circumstance that it occurred to but few of the moral philosophers and statesmen of those early civilizations that to build an enduring State all the people must have equal civil and natural rights, and the recognition of this truth by our early statesmen largely accounts for our growth and opulence.

The discovery of America gave birth to an amazing awakening, for soon the stories of the discoveries of Columbus kindled the imagination of men. These discoveries doubled the earth, and ships of conquest, adventure, glory, and science began to cut through the billows of every sea. The expanse and magnificence of this new physical world thus opened had, as such things always have, its beneficent influence upon human character and the trend of the world's events, because a contemplation of the external charms of nature inevitably produces a mental and moral evolution and growth which excite a lively and intense interest in human existence.

In 1771 the population of the American colonies was composed principally of the descendants of persons who had felt the oppression of European tyrants, and had emigrated hither to enjoy freedom of conscience, speech, and worship.

The American colonists were descended from the most persevering, thrifty, and energetic races—they were intolerant of restraint and possessed a noble enthusiasm for civil and religious liberty, which even to-day is the dominant and characteristic trait of the American people. Large numbers of the sons and daughters of Erin's sturdy race, a race noted for bravery of spirit and loyalty to free government, were scattered through the colonies. Their ancestors had been tortured in dungeons, murdered on scaffolds, robbed of the fruits of their sweat and toil, scourged by famine, plundered by the avarice of heartless power, and driven by tyrants and despots like the leaves of autumn before the keen wintry winds. These various families of men, transplanted to this new soil and welded together by events and years, became a race of blood and iron. They evolved the Declaration of Independence and with their bayonets wrote

another charter of American liberty on the backs of the fleeing soldiers of Gen. John Burgoyne and Lord Cornwallis. [Applause.]

If by the potent influence of some magical wand, or some mysterious chant, we could be transported to the time when, 143 years ago, your ancient and honorable society held its first banquet, and then compare the conditions of 1771 in North America with the conditions of 1914, we would almost be persuaded to forsake our disbelief in Aladdin's lamp and Fortunatus's purse. In the intervening time between your first and your one hundred and forty-third annual dinner there has sprung up a nation, "The United States," which for strength and growth is unparalled in the annals of the human race, and the wildest hyperbole becomes prosaic in attempting to describe the social and moral advance made by our people during this period; the progress in mechanical and electrical contrivances, transportation, scientific research, educational facilities, and the multiplied accomplishments of liberty and civilization which have made life broader, more useful, and beautiful. [Applause.]

Your society held its first annual dinner just five days after Sam Adams had written to Mr. Charles Lucas and said, "The man who nobly vindicates the rights of his country and mankind shall stand foremost in the lists of fame." I would say nothing in this splendid presence that might savor of invidious distinction in any offensive sense; yet, how may one eulogize Pericles and not speak of the glories of Athens; how may one commemorate Cæsar and be silent concerning the achievements of his legions; how, then, may I speak of the United States at a banquet of the Friendly Sons of St. Patrick and omit to make the observation that the Irish race has nobly vindicated the liberty of our beloved country, and, therefore, is entitled, in the eloquent language of Sam Adams, "to stand foremost in the lists of fame." [Applause.]

When you held your first annual dinner, had any traveler possessed the fortitude—yea, the hardihood—to endure the discomforts and brave the dangers of a journey through the thirteen colonies, over the wretched roads, in jolting buckboards, ramshackle stagecoaches, or irregular packet boats, he would have found less than 3,000,000 people. Here in Philadelphia our traveler would have found Dr. Benjamin Franklin, known even then in the most remote corners of civilization as our American pioneer of experimental science—Dr. Benjamin Franklin, who later stood unabashed before kings and princes and challenged the admiration of Europe's best trained diplomats.

It is said that when Thomas Jefferson appeared before the King of France as the successor of Franklin, before that glittering court of letters and fashion, the King exclaimed to Jefferson, "So you have come to take the place of Dr. Benjamin Franklin?" and that Jefferson replied, "Sire, no man will ever take the place of Dr. Benjamin Franklin; I simply succeed him."

Our traveler would have found Chestnut Street, now so cluttered with banks and trust companies, to be the fashionable walk where ladies, wearing gorgeous brocades and taffetas and shoes with high wooden heels, gravely returned the stately salutations of gallant gentlemen wearing colonials and their faces besmeared with a prodigious profusion of white powder. Our sojourner would have found Philadelphia all unknown to the distinction which was later to come to her as the city where were to be enunciated the immortal principles of the Declaration of Independence. Our traveler would have found in the Eastern States a sturdy people, engaged largely in shipbuilding. Indeed, writing of the extent to which American timbers were found in English ships, Allen, a poet of ante-Revolutionary fame, says:

Even the tall masts that bear your flag on high
Grew in our soil and ripened in our sky.

And these same timbers a few years later furnished the gallant little navy that was baptized with the blood of fighting "Jack" Barry and John Paul Jones. [Applause.]

Our traveler would have found that George Washington had marched with Gen. Braddock to the fatal field of the Monongahela and had there exhibited a dauntless courage in the face of danger, disaster, and hardship, surpassed only by the wisdom, fortitude, and iron will he later exhibited in holding the little colonies united and determined amid all the grief and all the glory of Valley Forge and Yorktown.

At the time of your first annual banquet James Madison and Aaron Burr were students in Princeton, Thomas Jefferson had shown himself to be a young lawyer of erudition and ability, and was serving with distinction as a youthful and useful member of the house of burgesses. Alexander Hamilton, aged 14 years, was showing signs of genius at his desk in a countinghouse on the island of Nevis, and freckle-faced, sandy-haired Irish Andrew Jackson was 4 years of age, down on Waxhaw Creek, waiting in homely indigence the summons that was later to call him to New Orleans and immortal fame.

Looking back through the dust of history over the mutations of time we are justly proud of our country's achievements. We are the heirs and beneficiaries of heroes who sacrificed much that we might enjoy the rights which we exercise today. American citizenship is an inheritance which has been attained only by virtue of stupendous sacrifices that have been made by those who have gone before to secure this inestimably valuable boon for us. [Applause.]

While we of the present day are enjoying the fruits of the labors of those who have passed across the disk of human existence, we should not proceed with smug indifference to enjoy these blessings, for destiny casts upon us a duty as great, if not greater, than the duty so faithfully performed by our people in the past. Not only must we retain the advances ground they nobly won, but we must resolutely attempt to solve the problems of the present and the future. The happiness of the people now in existence and the rights of our innocent and unborn posterity should ever engage the attention and solicitude of the statesmen of the present, for civilization's mighty sweep is each year multiplying our problems and augmenting their complexities.

I shall now briefly discuss the question concerning a certain strip of land, 10 miles wide and 40 miles long, owned by the United States and called the Panama Canal Zone.

Through this zone, at an expense to the American people of $375,000,000, we have constructed a ship canal. And in discussing this question I do so without reserve, for neither the proprieties of this occasion nor the careful guarding of official speech require that an American Senator shall withhold an open expression of the opinion he maintains upon the imminent questions of the day. Moreover, I was never much given to the habit of hamstringing my words in a tank of diplomatic antiseptic before I allowed them utterance. I represent, in part, a great Commonwealth—Arizona—whose heroic history shows that she has never been enamored of those public men who in their mind harbor one thought while their lips tell another. We are in full possession of the Canal Zone, having acquired this territory from the Republic of Panama. The United States, by the express terms of the grant, is made the sovereign and proprietor of the zone and the land through which and in which the canal is built. The American Flag flies over the canal and over the zone; the American Congress makes laws for the governing of the canal and zone. The zone and canal are as much the property of the United States as is Alaska. Of the nations of the world that have assumed any burden in constructing the canal the United States of America is the only one. Of the multitudes of the earth, the Americans are the only people who have been taxed to build this canal. Great Britain has protested that if we exempt our coastwise vessels passing through the canal from the payment of tolls we will have discriminated against her. How specious becomes such protest when we remember that foreign vessels are by law prohibited from engaging in our coastwise or local trade and that England, under an act not dissimilar, passed in 1815, guaranteeing equality of ships for 99 years, favored her local shipping.

Granting, for the sake of argument only, that the exemption of our own coastwise shipping from the payment of tolls is not a wholesome domestic policy, we would still be unable to adopt the British view, for its adoption would be the entering of the thin wedge which sooner or later would mean that our canal would be controlled from London instead of Washington. It does not require the services of a soothsayer to foretell that if we should yield to Great Britain on this point, the inexorable logic of the situation would compel us to yield to Great Britain on other points, for the present attitude of Great Britain on this question is simply the initial move on her part of a series of moves yet to be made by her, looking to the degrading of our country at Panama from the position of sovereign to the position of toll-gate keeper.

In conclusion, allow me to say I believe that as the years glide by your society and its descendants will maintain the same record for virtue, rectitude, and patriotism that you have maintained during the past 143 years. [Applause.]

COMMITTEE SERVICE.

On motion of Mr. KERN, it was

Ordered, That the Committee on Cuban Relations be reestablished with five members, as follows:

Senator J. L. HARBOUR, of KANSAS, chairman.
Senator SMITH, of Michigan.
Senator SUTHERLAND, of Utah.
Senator WHITE, of Alabama.
Senator WEST, of Georgia.

Whereas all Denver daily newspapers, under the gandy pretext of maintaining popular rights, are aiding and abetting lawlessness, riot, and anarchy: It is further

Resolved, That such newspapers are unworthy the moral or financial support of the law abiding citizens of the State; and

Whereas the State militia called to service by the legally constituted authority and representing the sturdy manhood of the State has been doing its duty as fully as did the young men of a generation ago, who bared their breasts to the assaults of disunion, we protest against the unpatriotic, false, and libelous vituperation that has been so unjustly used against our young soldiers as destructive to a wholesome military spirit that may stand the Republic in good stead in the not-distant future; and

Whereas we believe that the sovereignty of the State of Colorado and not the private disputes of individuals or corporations is the issue we are facing to-day: We therefore

Resolve, That it is the duty of every loyal citizen to sustain by word and deed the governor of the State at whatever cost in putting down rebellion, punishing treason by whomsoever instigated, and redeeming the State from the humiliation of standing as a mendicant, hat in hand, at the door of the White House, begging for the protection we are too feeble to afford ourselves, and to protest to the world that the mouthings of near statesmen, frenzied women, and parlorlo for revenue only is not the voice of the sovereign State of Colorado.

Mr. THOMPSON presented a petition of sundry citizens of Manhattan, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented memorials of sundry citizens of Illinois, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Illinois, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of lodges of International Association of Machinists of Bloomington and Mount Carmel; of the Federal Labor Union of Hillsboro; of the Trades and Labor Assemblies of Streator and Ottawa; of the United Mine Workers of Thayer, East Peoria, Springfield, and Rutland; of the Brick, Tile, and Terra Cotta Workers of Grant Park; of the Brotherhood of Blacksmiths and Helpers of Danville; of the Glass Bottle Blowers of Streator; of the Cigar Makers of Centralia; of the Electrical Workers of Chicago; of the Brewery Workmen of Peru and Quincy; of the Typographical Unions of Mount Morris, Quincy, and Galesburg; of the Packing House Teamsters and Chauffeurs of Chicago; of the Iron, Steel, Tin, and Granite Ware Workers of Granite City; of sundry post-office clerks of Chicago; of the Coopers' Union of Alton; of the Painters' Union of Chicago; of the Railroad Telegraphers of Forest City; of the Cement Workers and Helpers of Springfield, all in the State of Illinois, praying for the enactment of legislation to make lawful certain agreements between laborers and employees and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Illinois, praying for national recognition of the services of Dr. Frederick Cook in his polar efforts, which was referred to the Committee on the Library.

He also presented memorials of Pope Post, No. 411, Grand Army of the Republic, of Pana; of Dunham Post, No. 141, Grand Army of the Republic, of Decatur; of Abraham Lincoln Circle, No. 2, Ladies of the Grand Army of the Republic; of Corps No. 199, Woman's Relief Corps, of Pana; of Washington Alexander Post, No. 176, Grand Army of the Republic, of Bethany; of J. Q. A. Jones Post, No. 526, of Havana; and of Lovejoy Circle, No. 99, Ladies of the Grand Army of the Republic, of Brighton, all in the State of Illinois, remonstrating against any change in the American flag, which were referred to the Committee on the Judiciary.

He also presented petitions of Local Division No. 302, Brotherhood of Locomotive Engineers, of Chicago; of the joint protective board, Brotherhood of Locomotive Firemen and Enginemen, of Murphysboro; of the Brotherhoods of Railroad Trainmen, No. 24, of Galesburg; No. 647, of Chicago; and No. 578, of Murphysboro; of Lodge No. 477, Locomotive Firemen and Enginemen, of Galesburg; of Friendship Division, No. 81, Order of Railway Conductors, of Beardstown; of sundry citizens of Decatur; of New Hope Baptist Church, of Lakewood; of the Brotherhood of Railroad Trainmen, of Douglas Park Lodge, and of Victory Lodge, of Chicago; of Brotherhood of Railroad Trainmen, Calumet Lodge, and Hobbs Lodge, of Chicago; of Brotherhood of Locomotive Engineers, No. 826, of Chicago; of the State legislative board, Locomotive Engineers, of Blue Island; of the legislative committee, Order of Railway Conductors, of Peoria, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were ordered to lie on the table.

He also presented memorials of members of United Mine Workers of America, of Bloomington, Williarville, Herrin, Girard, Thayer, Mount Olive, Cary, Coal City, Percy, and Murphysboro, and resolutions passed at the international Labor Day celebration at Rockford, all in the State of Illinois, remonstrating against labor conditions in the mining districts of Colorado, which were referred to the Committee on Education and Labor.

He also presented memorials of the medical societies of Fulton, Wayne, Clark, Cass, Mercer, Whiteside, and Kendall Counties, all in the State of Illinois, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which were ordered to lie on the table.

He also presented a petition of the congregation of the Central Presbyterian Church, of Joliet, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of Typographical Local Union of Danville, Ill., remonstrating against an increase of second-class postage rates, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Post Office Clerks Local Union No. 1, of Chicago, Ill., praying for the enactment of legislation to reduce night work and overtime work in the Chicago post office, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Young Men's Christian Association of Chicago, Ill., praying for an appropriation of $165,000 for the maintenance of the Children's Bureau, which was ordered to lie on the table.

He also presented a petition of the Trades and Labor Assembly of Bloomington, Ill., praying that an increase be made in the pay of printers employed in the Government Printing Office, which was referred to the Committee on Printing.

He also presented a petition of Camp No. 54, United Spanish War Veterans, of Chicago, Ill., praying for the enactment of legislation to provide pensions for widows and orphans of veterans of the Spanish-American War, which was referred to the Committee on Pensions.

He also presented a petition of District Council No. 6, United Garment Workers, of Chicago, Ill., praying for the enactment of legislation to regulate the interstate commerce of prison-made goods, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Retail Druggists' Association of Chicago, Ill., praying for the enactment of legislation to provide publicity of prices, etc., which was referred to the Committee on Interstate Commerce.

He also presented a petition of Douglas Lodge, No. 832, International Association of Machinists, of Villa Grove, Ill., praying for the enactment of legislation to provide a more thorough inspection of boilers and appurtenances, which was referred to the Committee on Interstate Commerce.

Mr. SMITH of Michigan presented petitions of the Woman's Christian Temperance Union of Wheeler, of the congregation of the First Baptist Church of Ithaca, and of sundry citizens of Dowagiac, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Metal Polishers, Buffers, and Platers' Local Union No. 7, of Grand Rapids, Mich., and a memorial of sundry citizens of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of Texas, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Texas, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented memorials of sundry citizens of Worcester, Holyoke, South Boston, Boston, New Bedford, Chicopee, Roxbury, Lawrence, Lowell, Springfield, and Fall River, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Marley, Detroit, and Grand Rapids, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Grayling, Detroit, Ypsilanti, and Grand Rapids, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. COLT. I present resolutions adopted by the Chamber of Commerce of Providence, R. I., which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Whereas the Chamber of Commerce of the United States of America having by referendum presented to this organization for an expression of opinion the recommendations of their special committee on trust legislation in regard to the proposals to create an interstate trade commission; and

Whereas Government supervision and control of business concerns and operations as outlined in pending legislation before Congress, among which is included a bill to create an interstate trade commission, is a subject fraught with momentous consequences to American business and should receive careful analysis and deepest study: Now, therefore, be it

Resolved, That the Providence Chamber of Commerce most emphatically protests against the enactment of such legislation as is contained in the above-mentioned bills pending before Congress until ample time shall have been given for the consideration and discussion of these new proposals by all the people of the country, that provision be made for obtaining testimony from business men and business organizations throughout the United States whose activities would prevent their appearing at Washington to express their views, and that in order to prevent hasty and ill-considered action it is urgently requested that Congress refer passing such or similar legislation until a later session of Congress, thereby allowing time for a clearer comprehension and more thorough discussion and a resulting complete expression of opinion throughout the country, to the end that what shall finally be determined upon shall be the product of mature judgment and that which will be likely to inure to the benefit and not to the injury of the interests of all the people; and be it

Further resolved, That the Providence Chamber of Commerce accordingly defer voting upon the referendum of the Chamber of Commerce of the United States of America at this time; and be it

Further resolved, That a copy of these resolutions be forwarded to said chamber, as well as to the President of the United States and Rhode Island Senators and Representatives in Congress.

PENSIONS AND INCREASE OF PENSIONS.

Mr. SHIVELY, from the Committee on Pensions, to which was referred the bill (H. R. 14738) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, reported it with amendments and submitted a report (No. 582) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 5739) to present the steam launch *Louise*, now employed in the construction of the Panama Canal, to the French Government (with accompanying papers); to the Committee on Foreign Relations.

By Mr. BRISTOW:

A bill (S. 5740) granting an increase of pension to Jacob C. Remniker (with accompanying papers); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 5741) granting a pension to Alice S. C. McNaught; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5742) granting a pension to Daniel Howery; to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5743) granting an increase of pension to George W. Evans (with accompanying papers); and

A bill (S. 5744) granting an increase of pension to Jacob M. Stark (with accompanying papers); to the Committee on Pensions.

By Mr. PAGE:

A bill (S. 5745) granting a pension to Jennie C. Potter; to the Committee on Pensions.

By Mr. McLEAN:

A bill (S. 5746) granting an increase of pension to Horace Page (with accompanying papers); to the Committee on Pensions.

By Mr. TOWNSEND:

A bill (S. 5747) granting an increase of pension to Margaretta B. Sayre; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 5748) to establish a fish-cultural station in the State of Oklahoma; to the Committee on Fisheries.

By Mr. O'GORMAN:

A joint resolution (S. J. Res. 156) providing for a commission to contract for finishing the historical frieze in the Rotunda of the Capitol; to the Committee on the Library.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. OLIVER submitted an amendment proposing to appropriate $20,000 to purchase 25 oil portraits of the Justices of the Supreme Court of the United States, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on the Library and ordered to be printed.

WIDOWS' PENSIONS.

Mr. JONES. Mr. President, I offer an amendment which I intend to propose to House bill 13044. I ask that it may be read, and I call the attention of the Committee on Pensions to the amendment, because I expect to press it when the bill referred to is called up for consideration.

The VICE PRESIDENT. In the absence of objection, the Secretary will read the amendment.

The Secretary read as follows:

Amendment intended to be proposed by Mr. JONES to the bill (H. R. 13044) to pension widows and minor and helpless children of officers and enlisted men who served during the War with Spain or the Philippine insurrection or in China, between April 21, 1898, and July 4, 1902, viz: At the proper place insert the following as section 3:

"SEC. 3. That every widow who is now receiving or may hereafter be entitled to a pension under present laws of less than $20 per month by reason of the Civil War shall, upon due proof that she was the wife of a soldier at any time during said war and continued his wife until his death, be entitled to a pension of $30 per month, the same to begin from the date of filing her application under the provisions of this act."

Mr. JONES. I ask that the amendment lie on the table and be printed.

The VICE PRESIDENT. The amendment will lie on the table and be printed.

PANAMA CANAL TOLLS.

Mr. SUTHERLAND submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, approved August 24, 1912, which was ordered to lie on the table and be printed.

WOMAN SUFFRAGE.

Mr. CLAPP. I ask to have printed in the RECORD the views of the minority submitted by Hon. Thomas B. Reed, of Maine, from the Committee on the Judiciary of the House of Representatives April 24, 1884, relating to the right of suffrage to women.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Mr. Thomas B. Reed, of Maine, from the Committee on the Judiciary, submitted the following views of the minority:

No one who listens to the reasons given by the superior class for the continuance of any system of subjection can fail to be impressed with the noble disinterestedness of mankind. When the subjection of persons of African descent was to be maintained, the good of those persons was always the main object. When it was the fashion to beat children, to regard them as little animals who had no rights, it was always for their good that they were treated with severity, and never on account of the bad temper of their parents. Hence, when it is proposed to give to the women of this country an opportunity to present their case to the various State legislatures to demand of the people of the country equality of political rights, it is not surprising to find that the reasons on which the continuance of the inferiority of women is urged are drawn almost entirely from a tender consideration for their own good. The anxiety felt lest they should thereby deteriorate would be an honor to human nature were it not an historical fact that the same sweet solicitude has been put up as a barrier against every progress which women have made ever since civilization began. There is no doubt to-day that if in Turkey or Algiers, countries where women's sphere is most thoroughly confined to the home circle, it was proposed to admit them to social life, to remove the veil from their faces and permit them to converse in open day with the friends of their husbands and brothers, the conservative and judicious Turk or Algerine of the period, if he could be brought to even consider such a horrible proposition, would point out that the sphere of women was to make home happy by those gentle inspiritings which education would destroy; that by participation in conversation with men they would learn coarseness, debase their natures, and men would thereby lose that ameliorating influence which still leaves them unfit to associate with women. He would point out that "nature" had determined that women should be secluded; that their sphere was to raise and educate the man child, and that any change would be a violation of the divine law which, in the opinion of all conservative men, always ordains the present but never the future.

So in civilized countries when it was proposed that women should own their own property, that they should have the earnings of their own labor, there were not wanting those who were sure that such a proposition could work only evil to women, and that continually it would destroy the family, discordant interests would provoke disputes, and the only real safety for woman was in the bondship of man, not that man wanted superiority for any selfish reason, but to preserve intact the family relation for woman's good. To-day a woman's property belongs to herself; her earnings are her own; she has been emancipated beyond the wildest hopes of any reformer of 25 years ago. Almost every vocation is open to her. She is proving her usefulness in spheres which the "nature" worshiped by the conservative of 25 years ago absolutely forbade her to enter. Notwithstanding all these changes, the family circle remains unbroken, the man child gets as well educated as before, and the ameliorating influence of woman has become only the more marked. Thirty years ago hardly any political assemblage of the people was graced by the presence of women. Had it needed a law to exclude them to be present, what an argument could have been made against it! How easily it could have been shown that the coarseness, the dubious expressions, the general vulgarity of the scene, could have had no other effect than to break down that purity of word and thought which women have and which conservative and radical are alike solicitous to preserve. And yet the actual presence of women at political meetings has not debased them, but has raised the other sex. Coarse-

Francisco, against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

Also, resolution of the Annual Convention of the Protestant Episcopal Church, Diocese of Los Angeles, Cal., favoring the passage of the Palmer child-labor bill; to the Committee on Labor.

By Mr. O'LEARY: Petition of the Italian Chamber of Commerce, of New York, against national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Memorial of the Italian Chamber of Commerce, of New York, protesting against national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union of Meriden, Conn., favoring the passage of House bill 15222, relative to compensation for Federal employees in case of accident, etc.; to the Committee on the Judiciary.

By Mr. SELDOMRIDGE: Petitions of Miss Bessie Morefield and Mrs. John M. Price, of Mancos; 50 citizens of Lycan, 75 citizens of Mosca, 60 citizens of Florence, 150 citizens of Las Animas, 30 citizens of Idaho Springs, 30 citizens of Olney Springs, 100 citizens of Holbrook Center, 50 citizens of Hugo and Mead, and various Highland Lake churches, all in the State of Colorado, favoring national prohibition; to the Committee on Rules.

By Mr. SLOAN: Petition of the Nebraska State Association of Bonded Abstracters, protesting against the passage of House bill 12989, to establish national farm-land banks; to the Committee on Banking and Currency.

By Mr. TOWNER: Petition of the Page County (Iowa) Sunday School Association, favoring the enactment of national constitutional prohibition amendment; to the Committee on Rules.

By Mr. WALLIN: Petition of sundry residents of the thirtieth congressional district of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of sundry residents of the thirtieth congressional district of New York and sundry citizens of Gloversville, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of O. H. Rumser and 50 other citizens of Delaware, Ohio, in favor of House joint resolution 168, relating to national prohibition; to the Committee on Rules.

By Mr. WOODS: Petitions of various societies and individuals of the tenth congressional district of Iowa, favoring amendment to the Constitution for national prohibition; to the Committee on Rules.

Also, petitions signed by numerous persons of the tenth congressional district of Iowa, protesting against amendment to the Constitution for national prohibition; to the Committee on Rules.

SENATE.

FRIDAY, *June 5, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, if there be master spirits among us who are capable of reading the signs of the times, if there be great souls that have healing in their touch, these are Thy gifts to us as a Nation and are tokens to all the people of Thy continued care for us. We pray Thee to give to Thy servants in places of power and authority the special qualifications for leadership, that Thou wilt endue them not only with wisdom concerning the passing phases of the world's life but with that deeper wisdom that understands the purpose of God in view of the ultimate end. This day may Thy blessing abide upon this Senate. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Overman	Smoot
Brady	Johnson	Page	Sterling
Bristow	Jones	Perkins	Sutherland
Bryan	Kenyon	Pittman	Swanson
Burton	Kern	Pomerene	Thomas
Catron	La Follette	Root	Thompson
Chamberlain	Lane	Saulsbury	Thornton
Clapp	Lodge	Shafroth	Tillman
Clark, Wyo.	McCumber	Sheppard	Townsend
Clifton	McLean	Sherman	Vardaman
Cummins	Martin, Va.	Shively	Walsh
Gallinger	Martine, N. J.	Simmons	Weeks
Goff	Nelson	Smith, Ga.	West
Gronna	Norris	Smith, Mich.	White
Hitchcock	O'Gorman	Smith, S. C.	Works

Mr. WHITE. My colleague [Mr. BANKHEAD] is unavoidably absent. He is paired with the junior Senator from West Virginia [Mr. GORE]. This announcement may continue for the day.

Mr. CHILTON. The Senator from New Mexico [Mr. FALL] is necessarily absent to-day. He is paired with me.

I wish to state that the Senator from Tennessee [Mr. LEA] is also necessarily absent.

Mr. MARTIN of Virginia. I wish to announce that the senior Senator from Maryland [Mr. SMITH] is detained from the Senate by official business. He is paired with the Senator from Vermont [Mr. DILLINGHAM].

The VICE PRESIDENT. Sixty Senators have answered to the roll call. There is a quorum present.

ENROLLED BILL SIGNED.

The VICE PRESIDENT announced his signature to the enrolled bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the Judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, which had previously been signed by the Speaker of the House.

FRENCH SPOLIATION CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims transmitting the findings of fact and conclusions of law filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings of the court relating to the following causes:

The schooner *John*, Walter Jeffrey, master (H. Doc. No. 1016);

The schooner *Regulator*, Stephen Chase, master (H. Doc. No. 1015);

The snow *Light Horse*, James Gibson, master (H. Doc. No. 1010);

The schooner *Polly*, Alexander Ross and Justin McCarthy, masters (H. Doc. No. 1017);

The brig *Lydia*, John Allison, master (H. Doc. No. 1013);

The brig *Harmony*, Richard Pennington, master (H. Doc. No. 1012);

The brig *Clarissa*, Daniel Brewton, master (H. Doc. No. 1011);

The ship *Active*, John Garde, master (H. Doc. No. 1019);

The sloop *Rebecca*, William Clark, master (H. Doc. No. 1020);

The schooner *Phoenix*, Robert Miller, master (H. Doc. No. 1018); and

The brig *Friendship*, Gad Peck, master (H. Doc. No. 1014).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a petition from the Marine Engineers' Beneficial Association, of San Francisco, Cal., praying for the enactment of legislation to protect the lives of passengers and crews of vessels at sea, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of Yankton and Erhan, S. Dak.; of Greencastle, Ind.; and of Philadelphia, Pa., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. SIMMONS. Mr. President, I send to the desk and ask unanimous consent to have read a telegram communicating a resolution adopted by the Democratic State convention which met in North Carolina on yesterday concerning the matter of the repeal of the tolls exemption.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

RALEIGH, N. C., *June 4, 1914.*

Senator F. M. SIMMONS,
United States Senate, Washington, D. C.:

The Democratic State convention this afternoon, by a unanimous vote, adopted the following resolution, introduced by me:

"*Be it resolved*, The Democracy of North Carolina, in convention assembled, guided by the fundamental principles of the party in opposition to subsidies and bounties, gives its full indorsement to President Woodrow Wilson in his position for the repeal of the Panama Canal tolls exemption clause, applauds the action of the United States House of Representatives in voting for such repeal, and calls upon the Democratic majority in the United States Senate to uphold the President and sustain the time-honored and underlying principles of the Democratic Party."

EDWARD E. BRITTON.

Mr. ASHURST. Mr. President, I also have received a large number of telegraphic dispatches and letters in relation to the Panama Canal question, and, following the example set by the eminent Senator from North Carolina [Mr. SIMMONS], I shall

read one telegram. This which I now read is signed by a gentleman who is one of the most powerful orators and profound thinkers in our State. It is proper for me to state that this telegram is in response to a question I had asked of Mr. Cleary as to his opinion on the Panama Canal question. It is as follows:

[Telegram.]

BISBEE, ARIZ., *May 29, 1914.*

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.:

There is but one way for you to vote, and that is against the repeal of free tolls. Have followed all arguments in Senate in favor of repeal. The one including our Nation in the term "all nations" is made absurd by the very reading of the entire treaty; the one on the ground of it being a subvention is weak, because even Jefferson stood for subventions relative to public schools; and your Underwood tariff law recognizes subventions as proper; besides, France, the most paternalistic country in the world, has its wealth more equally distributed. The case against the platform is perilous. Lastly, Arizona, as well as the entire West, should not be denied nor curtailed in receiving the whole benefits of the canal. All Arizona against repeal save those connected with railroads and corporations. Be an American and stand for your country and Arizona will remember you.

WILLIAM B. CLEARY.

This telegram is signed by Mr. William B. Cleary. I ask that it may go with the telegram sent to the desk by the Senator from North Carolina.

Mr. CLAPP. Mr. President, I should like to inquire of the Senator from North Carolina if he is personally acquainted with the sender of the telegram that he had read?

Mr. SIMMONS. Of course I am.

Mr. CLAPP. Is he the man who held the Democratic convention at Baltimore for several hours in earnest protest against subsidy involved in the plank which declared for free tolls?

Mr. SIMMONS. I do not think Mr. Britton was a delegate to the convention. I never heard that he was.

The VICE PRESIDENT. The telegram read by the Senator from Arizona will lie on the table.

Mr. GALLINGER. I present a telegram in the nature of a protest, which I ask to have read.

There being no objection, the telegram was read and referred to the Committee on Interstate Commerce, as follows:

[Telegram.]

CONCORD, N. H., *June 4, 1914.*

Hon. JACOB H. GALLINGER,
United States Senate, Washington, D. C.:

At a meeting of the representatives of New Hampshire national banks, held in Concord June 4, 1914, the following resolution was unanimously adopted:

"*Resolved*, That we emphatically oppose the passage of House bill 15657 or any other measure which will prevent the same person from acting as a director in more than one national bank or in a national bank and savings bank and trust companies. We believe that any such measure would be detrimental to the best interests of both the banks and the people of the State, and that copies of this resolution be sent to our Senators and Representatives in Congress, with the request that they use their influence and vote in opposition to any such measure."

LESTER F. THURMIN, *Chairman.*

Mr. WALSH. I send to the desk and ask unanimous consent to have read a letter concerning the radium bill received from a miner of carnotite ores in the State of Colorado.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. THOMAS. I was unable to understand what the Senator from Montana said.

Mr. WALSH. I send to the desk a letter received from a miner of carnotite ores in the State of Colorado in relation to the radium bill.

The Secretary read as follows:

NATURITA, COLO., *May 29, 1914.*

Hon. THOMAS J. WALSH,
Chairman Mines and Mining Committee,
United States Senate, Washington, D. C.

SIR: Speaking not only my own convictions, but also the sentiments of every bona fide prospector and miner in the carnotite region to whom I have talked, I earnestly pray the passage of the so-called radium bill, S. 4405, reported to the United States Senate on March 16, 1914.

I am owner of carnotite claims in both San Miguel County and Montrose County, and know that bill S. 4405 not only does not imperil any of my rights in these claims, nor in prospecting for and locating carnotite claims from lands now in the public domain, but that it offers to me the most positive encouragement in the vigorous prosecution of the mining of carnotite ore and acquirement of more property. Any man of good character can easily secure ample credit covering all legitimate expenses of the mining and transportation of carnotite ore if the United States Government is a steady buyer of the ore, as the facility of conversion of the value of the ore into cash and the absolute certainty attending such exchange makes the ore itself, in a way, a medium of exchange. These are the selfish reasons which actuate those engaged in the carnotite business in this region to favor bill S. 4405.

But in this carnotite region we have the most convincing proof of the curative powers of radium, for in this year one of our local miners was treated by radium for a deep-seated cancer by Dr. Howard A. Kelly. The terrible tortures of cancer had prevented this poor man from sleeping for three weeks; for many months he had been incapable of working; surgery had been ineffective. Nothing seemed before him but suffering, misery, and an early grave. That man came back home with clear eyes and buoyant spirits, 30 pounds heavier, and feeling 20 years younger, as he expressed it. Radium snatched this man from the grave. This is the proof which makes us steadfast in our faith in radium. When the Secretary of the Interior proposes that the hospitals of the Army and Navy shall be provided with sufficient radium to treat patients suffering from cancer and that this radium shall be furnished to those hospitals at actual cost, he is proposing only that which any decent man with knowledge of the facts must uphold him in.

You have reported a wise and efficient law and you have the support of the people of this carnotite region now, just as the United States Bureau of Mines will have the enthusiastic loyalty of our miners and prospectors in the practical operation of the law.

Respectfully, yours,

CHAS. F. CURRAN.

NATURITA, COLO., *May 29, 1914.*

Hon. JOHN F. SHAFROTH,
United States Senate, Washington, D. C.

DEAR SENATOR: I attach hereto copy of letter to Hon. THOMAS J. WALSH, chairman Committee on Mines and Mining of the United States Senate, in which I advocate the immediate passage of bill S. 4405, as reported to the Senate March 16, 1914.

When this bill was reported to the Senate it was taken for granted out here that it would become a law within a comparatively few weeks, but the long delay in its consideration has given us a very uneasy feeling, for I won't attempt to disguise the fact that our material prosperity is dependent upon the passage of this bill.

In securing amendments to the bill as originally framed by which the status of location, acquisition, and maintenance of carnotite claims was unaffected our neutrality was assured, but when provision was made that the Government should buy large quantities of the ore at competitive prices our position was changed to active partisans of the bill.

As an independent miner I realize that there is one concern operating in this region that has the resources to supply the European users of carnotite with all the ore they would require and cut off this European market entirely from the independent miner. If, then, that large concern should refuse to buy ore, the independent eventually would be forced to sell his holdings at whatever price the buyer might fix. This is a possibility which might easily become a probability if the situation is left as it exists to-day. Even the originally framed bill is preferable to such condition, for no sane miner will contend that it were better for the Standard Chemical Co. to fix values for profit than for Secretary Franklin K. Lane to fix them in the perfunctory exercise of the duties of his high office.

I know your notable record of service to the workingman, to the welfare and progress of the young man struggling to get a foothold in business and to swing himself onto the ladder of success. I know that you sympathize with men who, like me, have gone into the waste places and in sweat and toil try to acquire the minerals hidden by mother nature. I know that you understand the brutal callousness of big corporations in their relations with us, of the trickery, chicanery, and fraud to which they resort habitually, and that if we are left unprotected you would thereby foster the destruction of the very elements that are the very soul of independent manhood.

With sincere regards, I am,

Yours, respectfully,

CHAS. F. CURRAN.

Mr. CLARK of Wyoming presented petitions of sundry citizens of Pine Bluffs, Powell, Carpenter, Wheatland, and Cheyenne, all in the State of Wyoming, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRISTOW presented petitions of sundry citizens of Plainville and Paico, in the State of Kansas, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Ottawa, Kans., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of the Farmers' Union of Pleasanton, Kans., praying for the enactment of legislation to make lawful certain agreements between laborers and employees and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, which was referred to the Committee on the Judiciary.

Mr. THOMAS. Mr. President, I have been requested by citizens of Longmont, Colo., to present and ask to have inserted in the CONGRESSIONAL RECORD certain resolutions which they adopted at a mass meeting on May 25, 1914, relative to labor conditions in that State. I ask unanimous consent to have the resolutions inserted in the RECORD without reading, accompanying the request with the statement that I do not either approve of or disavow the sentiments therein expressed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is agreed to.

The resolutions referred to are as follows:

Resolutions adopted by a mass meeting of citizens of Longmont, Colo., May 25, 1914.

Whereas a certain class of people, whose only claim to publicity is their ability and purpose to breed contempt of law, to encourage riot, murder, and incendiarism, are posing before the world as the representatives of the patriotic citizens of the patriotic State of Colorado: It is

Resolved, That we deny that this small class of agitators represents in any large sense the public sentiment of this State, and we denounce in any large sense the public sentiment of this State, and we denounce as unworthy of citizenship these people who to advance their political ambitions, to gratify their silly vanities, and thrust their otherwise obscure personalities into the limelight would befoul the nest that shelters them, incite ignorance to lawlessness, plunge the State into anarchy, and hold it up to the world emasculate and unworthy a place in the galaxy of Commonwealths; and

the Constitution, which, creating a nation, equipped it with an authority, supreme and plenary, to control national commerce and to prevent that control, exercised in the wisdom of Congress, from being obstructed or destroyed by any opposing action. But, as we said at the outset, our system of government is a practical adjustment by which the national authority, as conferred by the Constitution, is maintained in its full scope without unnecessary loss of local efficiency.

As decided in Smith v. Ames (169 U. S.), securities issued by a railroad have a relation to the reasonableness of its rates because their market value is an important element in determining the value of the property. The issue of such securities is necessary to the construction of the railroad and to its continuance and maintenance. The supervision of the issue of these securities is necessary in order to give assurance that they are issued for legitimate purposes and that the money obtained has been rightly expended. For many years the commerce clause of the Constitution has been the basis of a large amount of important legislation. It is the result of new conditions, the growth and advancement of the country, the spirit of discovery and invention, and the ceaseless energy of the American people. On every side industries have sprung up and prospered, while the products of the farm have increased in a still greater proportion. These activities, of great variety and enormous extent, have made necessary the development of the great systems of transportation by which the distribution of all the products and all the merchandise of the country is affected. These are the means by which the commerce between the States becomes possible. It is not necessary to speak of the relation it bears to the people of this country. Its public functions are many and important, and the efficient management of each unit in this vast system is a matter of deep public concern. So this bill seeks not only to protect these companies from the effects of legislation in every State through which each line may pass but to give assurance to the people themselves that in contracting new obligations the safeguards are extended so that the interests of the stockholders and the public will be fully protected by careful oversight of the purposes for which the issue of such securities is authorized and by a proper scrutiny of the manner in which the proceeds are expended.

Mr. ADAMSON. Mr. Chairman, under the agreement made in the House to-day, the general debate ends when we adjourn to-day. We have exhausted our general debate; and with the understanding that the bill will be read under the five-minute rule when we next meet, I move that the committee do now rise.

The CHAIRMAN. Without objection, general debate is closed. The question is on the motion of the gentleman from Georgia that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. UNDERWOOD having taken the chair as Speaker pro tempore, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16586 and other bills embraced in the special order, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH of Minnesota, for two weeks, on account of important business.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 49 minutes p. m.) the House adjourned until to-morrow, Friday, June 5, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting copies of separate communications of the Postmaster General submitting estimates of urgent deficiencies in the appropriations for the Postal Service, payable out of the postal revenues, for the fiscal year ending June 30, 1914 (H. Doc. No. 1007); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication of the Acting Secretary of the Smithsonian Institution submitting suggested provision for inclusion in the sundry civil appropriation bill for fiscal year 1915, authorizing the Secretary of the Interior to permit the Smithsonian Institution to procure for the national collections specimens of elk and other animals from the national parks under the jurisdiction of the Secretary of the Interior (H. Doc. No. 1008); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. O'HAIR, from the Committee on Military Affairs, to which was referred the bill (H. R. 14155) to amend an act of Congress approved March 28, 1900 (Stat. L., p. 52), entitled "An act granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas State Agricultural College and a western branch of the State normal school thereon, and for a public park," reported the same with amendment, accompanied by a report (No. 762), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. VAUGHAN, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 12060) to enable the Secretary of War to pay the amount awarded to the Malambo fire claimants by the joint commission under article 6 of the treaty of November 18, 1903, between the United States and Panama, reported the same without amendment, accompanied by a report (No. 764), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. LEVER, from the Committee on Agriculture, to which was referred the bill (S. 110) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately, reported the same with amendment, accompanied by a report (No. 765), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of Utah, from the Committee on the Public Lands, to which was referred the bill (S. 2068) to authorize the allowance of second homestead and desert entries, reported the same with amendment, accompanied by a report (No. 766), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. GITTINS, from the Committee on Military Affairs, to which was referred the bill (H. R. 13329) to place the name of Charles B. Gaskill on the unlimited retired list of the Army, reported the same with amendment, accompanied by a report (No. 761), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 10426) granting a pension to Rebecca Eldridge, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 17040) providing for the payment to the Territorial government of Hawaii for the care of citizens of continental United States who are, or who may become, affected with leprosy; to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD: A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. MOON: A bill (H. R. 17042) to amend the postal and civil-service laws, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. MORGAN of Louisiana: A bill (H. R. 17043) authorizing a survey of Tangipahoa River, La., from its mouth to Davies Iron Bridge; to the Committee on Rivers and Harbors.

By Mr. NEELEY of Kansas: A bill (H. R. 17044) to provide for the retirement of employees in the Postal Service; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: Resolution (H. Res. 529) providing for the appointment of a board to examine into the mental and physical condition of John R. Early, now confined under the quarantine regulations of the District of Columbia as a leper; to the Committee on Interstate and Foreign Commerce.

By Mr. RAKER: Resolution (H. Res. 530) to print forest laws of States; to the Committee on Printing.

By Mr. LOBECK: Joint resolution (H. J. Res. 274) to remit, under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by July 1, 1914; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of South Dakota: A bill (H. R. 17045) for the relief of William L. Wallis; to the Committee on the Public Lands.

By Mr. CRAMTON: A bill (H. R. 17046) granting a pension to Norman B. Hyde; to the Committee on Pensions.

Also, a bill (H. R. 17047) granting an increase of pension to Mary Johnson; to the Committee on Invalid Pensions.

By Mr. GILMORE: A bill (H. R. 17048) granting a pension to Walter A. Powers; to the Committee on Pensions.

By Mr. KAHN: A bill (H. R. 17049) granting a pension to Laurence Kidd; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 17050) granting a pension to John H. Hipple; to the Committee on Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 17051) granting an increase of pension to Josiah R. V. Atkinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17052) granting an increase of pension to Henry R. Boatman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17053) granting an increase of pension to Jacob T. Martin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17054) granting a pension to Harlan P. Reeves; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17055) granting an increase of pension to Milly Schmitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17056) granting an increase of pension to Walter Walsh; to the Committee on Invalid Pensions.

By Mr. MOSS of West Virginia: A bill (H. R. 17057) granting an increase of pension to Hiram J. Knight; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 17058) granting an increase of pension to William Brackney; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 17059) granting a pension to Maria A. Leland; to the Committee on Pensions.

By Mr. PHELAN: A bill (H. R. 17060) granting a pension to Sophia Murray; to the Committee on Invalid Pensions.

By Mr. ROGERS: A bill (H. R. 17061) granting a pension to Alice Taylor; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 17062) granting an increase of pension to Charles R. Dunham; to the Committee on Invalid Pensions.

By Mr. SELLS: A bill (H. R. 17063) granting a pension to William A. Hathaway; to the Committee on Pensions.

Also, a bill (H. R. 17064) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17065) granting an increase of pension to J. M. Hendrickson; to the Committee on Invalid Pensions.

By Mr. WALLIN: A bill (H. R. 17066) granting an increase of pension to Ira N. Haney; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions by pastors of various churches of Long Branch, N. J.; Denton, Tex.; Danville, Pa.; Fair Haven, Ohio; Malvern, Pa.; Birmingham, Iowa; Hobart, Okla.; Caledonia, N. Y.; Owatonna, Minn.; and Charleroi, Pa., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ANSBERRY: Petition of various members of the Methodist Episcopal Sunday School of Napoleon, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petition of the Allegheny County Grand Army Association, of Pittsburgh, Pa., protesting against demotion or dismissal of veterans of the Union Army in the Government's employ; to the Committee on Reform in the Civil Service.

By Mr. BARTON: Petitions of various churches, representing 345 citizens of Edgar, 320 citizens of Clay Center, and sundry citizens of Culbertson, all in the State of Nebraska, favoring national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petitions of the Consistory of the Heidelberg Reformed Church, the Official Board of West Street Methodist Episcopal Church Ministers' Association, the Council of St. Luke's Lutheran Church, the Board of Ridge Avenue Methodist Episcopal Church, all of York, Pa., protesting against section 6 of House bill 12928, relative to Sunday work for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. BROWN of West Virginia: Petitions of sundry citizens of Reedsville, Shenandoah Junction, Shepherdstown, 410 citizens of Harpers Ferry, 82 citizens of Jenningston, all in the State of West Virginia, favoring national prohibition; to the Committee on Rules.

By Mr. BULKLEY: Petitions of 5,732 residents of Cleveland, Ohio, protesting against national prohibition legislation; to the Committee on Rules.

Also, petitions of the temperance committee of the First Friends Church, members of Grace Congregational Church, the Ministerial Association of the Disciples of Christ, and Rev. Alonzo R. Stark, all of Cleveland, Ohio, favoring House joint resolution 168, by Mr. HOBSON, for national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petitions of Antonio Canero and others of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. CARY: Petition of the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. CRAMTON: Petition of William L. Sutton and 5 other business concerns of Sebewaing, Frank Peslick and 5 other business concerns of Reese, A. J. Aldridge and 6 other business concerns of Fair Grove, and W. Hillman and 10 other business concerns of Akron and Unionville, all in the State of Michigan, in support of the Hinebaugh bill for taxation of mail-order concerns; to the Committee on Ways and Means.

Also, protest of Oscar Bartlett Post, No. 223, Grand Army of the Republic, of Wales, Mich., against any change in the United States flag; to the Committee on Military Affairs.

By Mr. CURRY: Petitions of 50 citizens and residents of the third California district, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of the National Association of Retail Grocers of the United States and John Schandel and John Behr, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DYER: Petition of Henry J. Schmidt, Henry Bauer, William Hannon, Christ Bohmer, John P. Strack, A. Gutting, M. Gruber, and Sid L. Barnard, against national prohibition; to the Committee on Rules.

By Mr. GARDNER: Petition of sundry citizens of Newburyport, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of Baroda, Mich., against national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petitions of various voters of Coos and Clackamas Counties, Oreg., protesting against national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petitions from Mrs. C. Fletcher, Mrs. Margaret Schnow, Mrs. R. Maw, and 27 other voters of Salt Lake County, Utah, protesting against House joint resolution 168, Senate joint resolutions 50 and 88, and all similar prohibition measures; to the Committee on Rules.

Also, petitions of William H. Wright, W. D. Walton, T. B. Gibson, and 30 other voters of Weber County, Utah, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all similar prohibition measures; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Richard J. Gibbs, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Resolutions of the Beacon Street Methodist Episcopal Church, Sunday School, and Ladies Aid Society, of Bath; mass meeting of various churches of Rockland; the Dierling Memorial Methodist Episcopal Church, of South Paris; the First Congregational Church of Paris; the Women's Foreign Mission Society of Bath; North Star Grange, No. 130, of Byron; and citizens of South Paris, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petitions of the Baraca and Philathea Classes of the Methodist Episcopal Church South, of Henryetta, Okla.; 502 citizens of Cleora, and 5,530 citizens of Oklahoma City, Okla., favoring national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Henry Miller and 39 other citizens, and M. J. Reynolds and 21 other citizens, all of San

commission may require the carrier to compile for the information of its shareholders such facts regarding its financial transactions as may be necessary for their protection and the protection of the public.

Under the provisions of this measure, when any common carrier subject to the act to regulate commerce shall apply to the commission for its permission to issue stock or bonds or evidences of debt as provided in the bill, it is made the duty of the carrier to file with the commission a certificate of notification, showing the following facts: The total amount authorized; the number and amount thereof outstanding prior thereto; the amount theretofore retired; the amount then undisposed of, and whether same is held in the Treasury as a free asset or is pledged, and the terms and conditions of the pledge; the number and amount to be issued, and whether sold or pledged or held as a free asset, and if sold whether any part of the consideration is to be received in property other than money; the par value of the stock; the preferences or privilege granted to the holders of any of such shares of stock; and the purposes or uses, in detail, to which the proceeds of the issue are to be devoted. In short, the application shall set forth in detail every fact connected with the transaction showing the condition of the company, the necessity for the issue, and the uses to which the proceeds are to be put, and the Interstate Commerce Commission is authorized to make public the information which it thus obtains as in its discretion it may deem proper.

It is believed that the publicity thus made possible under this bill concerning the financial transactions of these great public-service corporations, affecting as they do the public interests with such vital force, will go far to bring about a more wholesome condition that will in the end reflect itself in better service to the people, better equipment, better safeguards in behalf of the employees, and a more solid foundation upon which to construct these great arteries of commerce and maintain them in the future. Indeed, it has been contended by very earnest and very intelligent and patriotic men that publicity itself concerning these financial connections and operations would be sufficient to eradicate the evils against which we are seeking to legislate. But it has been deemed wise and proper to go further and provide for supervision and control, or, rather, the exercise of the veto power of the Government over the issue of such stocks and bonds and securities as vitally affect the ability of the common carriers to meet their obligations not alone to those who hold mortgages or debts against them but to the public, in whose interest they were created.

We recognize that railroad corporations, like other great business enterprises, are occasionally required to borrow large sums of money for the improvement of their equipment, for the extension of their lines, for the building of depots, terminals, and other necessary facilities for carrying on their business. And it is not the desire or the intention of Congress to abridge their right or their power to obtain credit or the loan of money in large or small quantities for such purposes. But the history of recent events in this country, revealing the exploitation and the wrecking of great railway systems through frenzied speculation in high finance, resulting in great loss to innocent stockholders, in loss of employment by hundreds of employees, and the impairment of the service to the public, has made it necessary for Congress to take notice of these tendencies and seek, if possible, to remedy them by appropriate legislation.

We believe the bill which we present to this Congress affords the remedy which is sought. It is approved by the Interstate Commerce Commission and by the business world in general and by the people. It is approved by this Democratic administration, which is now doing so much to aid business of every character to settle down upon solid rocks of financial strength sanctioned by law. It is approved by the Democratic platform, which declares against the overcapitalization of these public-service corporations, and in the end, if not already, it will be approved by the business conscience of the Nation and will be recognized as not only a lawful exercise of governmental authority, but a wise and proper exercise of such authority in behalf of the owners of the railroads, those who are employed by the railroads, and those who are served by the railroads in the transportation of the commerce of this Nation to and from its remotest boundaries. [Applause.]

I desire, in conclusion, to call attention briefly to the provision against the interlocking of directors in railroads engaged in interstate commerce. One of the great evils of this generation, not only in the managing of railroads but other large corporations as well, has been the fact that the same men have been and are officers and directors in many corporations which ought to be competing companies, but which, by reason of the duplication of directors and officers, are bound together by unnatural and unholy ties. We seek to change that condition in this bill with reference to railroads in an effort to unloosen the cords that join in unnatural wedlock concerns which ought to be and by nature and circumstances are competitors. We believe that the public will reap the benefit of this change by a clearing of the business atmosphere. And when these provisions are written into the law, we hope those who are affected by them will accept them in the spirit of patriotism and true devotion to the public cause, to the end that honest business and honest prosperity may walk hand in hand. [Applause.]

Mr. ADAMSON. The provision in the bill is that although the local authorities may authorize an issue it shall not be done until the Interstate Commerce Commission has approved it. That commission may veto it or approve it. This bill does not give them initial power in the matter, and their action does not depend on where the railroad is or how long it is nor in what county or State it is, but whether it is engaged in interstate commerce.

I yield to the gentleman from New York [Mr. CANTOR].

[Mr. CANTOR addressed the committee. See Appendix.]

Mr. ADAMSON. Mr. Chairman, I now yield to the gentleman from New York [Mr. TALCOTT].

Mr. TALCOTT of New York. Mr. Chairman, the supervision of the issue of stocks and bonds of railroads by a governmental body is not a new procedure. Many of the States now have statutes imposing this duty upon some State board or commission. The pending bill charges the Interstate Commerce Commission with such a duty in connection with railroads engaged in interstate commerce. It would undoubtedly have been of great public benefit if this had been done when the act to regulate commerce was enacted. But it is probable at that time, even if such legislation had been proposed, that it would not have been seriously considered. The States for a long period watched with apprehension every extension of the powers of the General Government, fearing possibly an interference with powers reserved by the Constitution to the States. There was deep opposition often to any extension of the application of the powers delegated to the General Government and a certain jealousy manifested sometimes of the exercise of those powers. This antagonism, which was often an obstacle and hindrance, happily has in great part passed away. And it seems that only by the exercise in full measure, when required, of the powers granted the Federal Government by the Constitution can the way be opened to national growth and prosperity.

But the conviction that the legislation of the States in relation to the issue of securities by railroad companies was of necessity incomplete and unsatisfactory became so widespread that in 1910 Congress provided for the appointment of a commission to examine the matter and to report concerning it. The commission was composed of men who had gained distinction in the study and discussion of the railway problems of this country. Hearings were held by the commission at New York and Chicago, as well as at Washington, and the report was submitted to the President November 1, 1911. It dwelt emphatically upon the importance of accurate knowledge of the facts concerning the issue of securities by railroad companies engaged in interstate commerce and the expenditure of their proceeds as the one thing upon which the Federal Government could effectively insist and the fundamental thing which must serve as a basis for additional regulation in the future. With the report was a supplementary statement containing suggestions relating to legislation to be enacted as amendments to the act to regulate commerce, so that proper publicity should be secured. The suggestions of the commission are embodied in the pending bill with other provisions relating to publicity, which render the legislation more effective. In this way a complete procedure is established for carrying out the recommendations of the commission. Although these recommendations were limited to methods by which publicity could best be secured, the report plainly discloses that the commission carefully considered the subject of the direct supervision by the Federal Government of the issue of stocks and bonds by railroad corporations; but while it found that enforced publicity was immediately needed, it reached the conclusion that enforced uniformity by substituting exclusive Federal control for the jurisdiction of the several States was not then attainable. Not only was there apprehension expressed that constitutional difficulties might stand in the way of accomplishing the latter object, but the commission was of opinion that, as a mere matter of expediency, the time was not ripe for any such immediate or forcible transfer of jurisdiction. Since the report of the commission was submitted to the President many events have occurred which have a direct bearing upon this question.

The decision of the Supreme Court in the Minnesota rate case has rendered more clear and definite the power of Congress over commerce, removing altogether many of the objections discussed by the commission to the direct control of the issue of stocks and bonds by the Federal Government. Many investigations have been instituted. The investigation of the United States Steel Corporation and the money power by committees of this House, the investigations of the Frisco's financial dealings and the involved affairs of the New York, New Haven & Hartford by the Interstate Commerce Commission have made public many facts in relation to railroad management which render direct control of the issue of railroad securities seem imperative. The evasions of law by which the affairs of railroad companies are brought under the complete control of persons outside their responsible management, the holding companies, the boards of directors that either do not direct or direct unlawfully, the presidents of companies who leave the real authority to others, and the sale of securities by a company when insolvent, all disclose the need of adequate regulation. In many cases there seems to have been a financial machine not unlike a political one, irresponsible but vested with all real power, and becoming at length an arbitrary system of administration. Such a system is not new. At the trial of Warren Hastings, Burke, attacking such a system in the Government of India, said:

> An arbitrary system indeed must always be a corrupt system. There never was a man who thought he had no law but his own will who did not soon find that he had no end but his own profit. Corruption and arbitrary power are of natural unequivocal generation necessarily producing one another.

Now, many railroad securities have been issued under the influence of an arbitrary system of control; they have been issued often without adequate consideration and they have been issued, too, for objects foreign to the proper purposes of the corporation. The power to supervise the issue of stocks and bonds of railroads will give the Interstate Commerce Commission the power to control their issue for a sufficient consideration and for lawful and reasonable purposes. It will not be a guaranty of the securities by the Government, but it will be proof that the securities are properly issued. It will be a restraining influence.

Recent revelations of railroad management have startled the country and safeguards will be necessary to restore the confidence which has been lost. The shock caused by these revelations is the chief cause of the present financial condition. It is not the loss of money alone, it is the distrust awakened in the service of those to whom great trusts are committed. Plain people suspect that Mr. Mellen was chosen president of the New Haven, not because of his strength but because of his weakness; not because of his ability to direct and administer but because of his willingness to take orders. This distrust among those seeking investments can only be removed by the knowledge that the reckless management of great railroads is at an end, that their resources can not be wasted nor their money lavishly and foolishly expended. It is not that wrongdoers alone feel the effects of this distrust, it has extended its blighting influence over many systems of transportation honestly administered and has unjustly created a prejudice where wholly undeserved. Such a condition of public distrust is serious, and especially so at a time such as this, when large sums are needed for railroad improvement. The necessity of improvement in equipment, ways, and terminals is admitted by everyone who has made only a casual examination of the operation of the railroads. The average capitalization of railroads per mile in this country is only $60,000; in England, $265,000; in France, $137,000; in Germany, $109,000; in Belgium, $177,000. Those countries have what we need and what in the next few years increased density of population and increased traffic will render indispensable here. If improvements are not made in a reasonable time, there will be an interference with traffic that will affect injuriously industrial production as well as agriculture. When the means of distribution become clogged and unreliable, production is embarrassed, for delay in reaching the market means a total loss in some cases and a serious loss in all. The problem is pressing for solution. It is not to be solved by hostility to railroads, by ill-judged, intemperate, and hasty legislation, but by the establishment of proper methods, by forcing officials to meet the full responsibility of the positions they hold, and by the encouragement of stockholders to take active participation in the affairs of the corporations of which they are members.

The remedy for corruption in government has not been an increase of power in those administering it, but an increase of civic responsibility by the direct primary, and the remedy for corruption in railroads is not Government ownership, but a quickened sense of responsibility in officials, directors, and stockholders. However successful Government ownership may have proven in other countries, I, for one, believe that conditions prevail in this country which render it impracticable. From their very nature railroads are monopolies and they must receive adequate regulation in order that private ownership may be responsible, efficient, and honest. The provisions of the pending bill, if enacted, will not produce all the results claimed by some who have advocated them, but they will exert a strong influence for better methods and more careful administration. By these provisions it is made unlawful for any common carrier subject to the act to regulate commerce to issue any capital stock or any bond or other evidence of indebtedness or to assume any obligation as lessor, guarantor, or surety for the securities of any other person, natural or artificial, except for some purpose within its corporate powers necessary to the proper performance of its service for the public, and not tending to impair the financial ability of the carrier to discharge its duty to the public.

It is likewise made unlawful to issue any such stock or bonds for such purposes or for any other purpose relating to the business of such carrier governed by the act to regulate commerce, unless, upon application and after investigation by the Interstate Commerce Commission of the purposes and uses of the issue and proceeds thereof, such issue is approved by said commission as necessary and appropriate for the purpose stated. It is provided that nothing contained therein should be construed to imply a guarantee or obligation as to such issues on the part of the United States, and that the provisions referred to shall not apply to notes issued by such carrier, maturing not more than two years after their date, when they do not at any time aggregate more than 5 per cent of the total amount of the stocks and bonds issued and outstanding, and further, that upon application to the Interstate Commerce Commission for approval of a proposed issue of stock and bonds notice shall be given to the appropriate authority of each State through which the railroad passes or through which the carrier making the application operates any portion of its lines, and the State authority thus notified shall have the right to present to the commission such representations as are deemed just and proper for preserving and conserving the right and interest of their people and the States, respectively, as involved in the proceeding, and the right to be fully heard touching the same. Issues of stock or bonds contrary to these provisions may be enjoined at the suit of the United States, or of any director, officer, or stockholder of the carrier proposing to make the issue. Directors, officers, or stockholders of any such corporation are rendered subject to fine or imprisonment, or both, for assenting to or concurring in any issue of securities so forbidden.

It is the hope that the courts will find these provisions valid under the Constitution. The construction of a railroad, the equipment, ways, bridges, terminals, by which its operation is made possible, are the legitimate objects for which money is provided by the sale of stocks and bonds. They are the direct instruments of interstate commerce. It is true that the Minnesota rate case involved the question of rates only, but is it to be inferred that the relation of rates to commerce is more intimate than the very instruments by which that commerce is established and continued? State legislation has been productive of much benefit, but it lacks the scope necessary to provide the proper supervision of the issue of stocks and bonds by railroads in interstate commerce. In the report of the Railroad Securities Commission the following example is given of inadequate and harmful State regulation:

> When the Chicago, Milwaukee & St. Paul Railroad wished to build its Puget Sound extension it had to pass through several States whose laws forbade corporations chartered under laws of other States to build roads within their borders except as a connection or prolongation of a road actually built to the State line. In order to conform to these restrictions the St. Paul road would have had to build its line slowly, step by step, instead of doing work in several States at once and putting the road through as promptly as possible. To avoid this difficulty, it had to organize a separate company to build the road in each State which had such a law. This in itself was not a serious evil; it simply involved additional expense—to have separate corporations do things piecemeal which might have been done as a unit without such intermediaries. But it tended to render State control less effective, instead of more so. The system thus forced upon the St. Paul road would give every opportunity for deception to a road which might want to deceive.

In the recent investigation of the Frisco and New York, New Haven & Hartford systems the need of Federal supervision is plainly shown, if the financial integrity of railroads is to be maintained. In relation to the power of Congress it is interesting to turn to the opinion in the Minnesota rate case, in which the court, after reviewing the decisions upholding the power of the State to prescribe rates for commerce within the State, said:

> To suppose, however, from a review of these decisions, that the exercise of this acknowledged power of the State may be permitted to create an irreconcilable conflict with the authority of the Nation or that through an equipoise of powers an effective control of interstate commerce is rendered impossible is to overlook the dominant operation of

Railroads and other common carriers are recognized both in fact and in law as public servants. They are more peculiarly clothed with the attributes of public servants than other and ordinary corporations, because, in theory at least, they were created and are permitted to exist, not primarily that their owners may become rich, but that the public may the better and more conveniently be served in the things that are necessary in these modern days than they could without their creation. Railroads and other common carriers are instruments of commerce, and Congress is by the Constitution given exclusive power to regulate commerce between the States and with foreign nations, which carries with it also the power to regulate the instruments of commerce.

The powers of the Interstate Commerce Commission over these interstate railroads has been gradually increased by act of Congress until they now have the authority to regulate the rates of charges of freight carried in interstate commerce, prescribe uniform systems of accounting among the railroads, prevent discrimination in rates, compel the installation of safety appliances designed to prevent the loss of life, as well as many other general and specific powers which need not be enumerated; and Congress has by recent enactment authorized the commission to bring about a physical valuation of all the railroad property in the United States for the purpose of using that information in connection with the fixing of rates and charges for the service rendered to the public. The commission, by the wise, patriotic, and beneficial manner in which it has constantly exercised the powers granted to it, has abundantly justified its creation and existence. Many of the evil practices of railroads have been eliminated. Many of the unfair methods of discrimination have been eradicated. Exorbitant rates have been lowered. The railroad companies have been thus compelled to abandon a policy which in the old days amounted almost to extortion, robbery, and exploitation, and adopt methods which recognize the rights of the public and are somewhat in keeping with the objects of their creation in the first instance.

However, there is yet prevalent one evil practice among the railroads which the Interstate Commerce Commission has not been able to reach for lack of authority, nor has any other agency of the Government been able to reach or prohibit it for the same reasons. That is the evil of overcapitalization, wildcat speculation, and other forms of money madness, which not only injure innocent stockholders and investors, but dissipate the power of the railroad or other carrier to perform its duty to the public.

That is the evil we are seeking to cure by the measure now under consideration. And this is a legitimate and proper exercise of the constitutional powers of Congress as well as of the commission which Congress has created as its agent to carry into effect the provisions of the law which it enacts. Not only so, but if Congress has the exclusive authority to regulate commerce as well do the agencies of commerce, it likewise has the power to regulate those matters which affect interstate commerce or the ability of interstate carriers to perform their full duties as agencies of commerce between the States and with foreign nations. No railroad company has a moral or legal right so to dissipate its assets or so manipulate its stocks or bonds, or its power to obtain credit, as to endanger its ability to measure up fully to the requirements of the public in its capacity as a public carrier. Whenever a railroad system is wrecked, the injury is not confined to the stockholders alone, but the public is also injured because of the lessening of the ability of the railroad to perform its duty to the public.

The remedy proposed in this measure is also made necessary and desirable because of the great diversity of laws of the communities and States through which an interstate railroad may run, many of them conflicting and incapable of harmonious observance.

Mr. GARNER. Will the gentleman yield there?

Mr. BARKLEY. Yes; I will yield.

Mr. GARNER. If I understand the purport of this bill as defined by the gentleman from Minnesota [Mr. STEVENS], it provides that the Interstate Commerce Commission shall regulate the issuance of stocks and bonds of railroads that do an interstate business. Even if their mileage is entirely within a State, if they do an interstate business, then the question of issuing stocks and bonds is with the Interstate Commerce Commission.

Mr. BARKLEY. In so far as its traffic may be interstate traffic. If its traffic was wholly intrastate then this bill would not cover it.

Mr. GARNER. Take a concrete case in Texas. The Missouri, Kansas & Texas Railway Co. of Texas is one corporation. The Missouri, Kansas & Texas Railway Co. of Kansas is another corporation, but the entire line is known as the Missouri, Kansas & Texas, and its traffic originates in St. Louis and ends at Galveston. The entire mileage of the Missouri, Kansas & Texas Railway Co. of Texas is in the State of Texas, but it connects with the Missouri, Kansas & Texas of Kansas which runs to St. Louis. Now, the Interstate Commerce Commission will control the issuance of stocks and bonds, so far as the Missouri, Kansas & Texas of Texas is concerned, under this bill, will it not?

Mr. BARKLEY. Yes; in so far as the issue of such stocks and bonds may have to do with its character as an interstate carrier.

Mr. GARNER. It certainly would if it issued stocks and bonds——

Mr. BARKLEY. If it issued stocks and bonds for the purpose of assisting and furthering its ability to carry inter-state commerce, for the purpose of better equipping its tracks for interstate commerce, then the Interstate Commerce Commission would step in and take authority.

Mr. GARNER. Yes; and that to the exclusion of the authority of the Railroad Commission of Texas, whatever that may be.

Mr. BARKLEY. Yes; the Texas commission has no control over interstate commerce.

Mr. GARNER. In other words, to make it perfectly plain, if the Railroad Commission of Texas that now has supervision of the issue of stocks and bonds of the Missouri, Kansas & Texas Railway of Texas should decline to permit them to issue certain stocks and bonds requested by that road, and they should then come to the Interstate Commerce Commission here and ask for permission to issue those stocks and bonds, and that permission was granted, the stocks and bonds could be issued under this law.

Mr. BARKLEY. Oh, yes; if it affected interstate commerce, the Interstate Commerce Commission would have authority to regulate it.

Mr. GARNER. Would the gentleman as a member of that committee object to an amendment to this bill that would say——

Mr. BARKLEY. I want to answer the gentleman a little more fully there.

Mr. GARNER. Would there be any objection to an amendment to this bill that would provide that wherever a railroad company has its entire mileage within a State, then the permission of the State railroad commission should be had before that railroad company could issue stocks and bonds under the interstate-commerce law?

Mr. BARKLEY. Let us see. For instance, are the two Missouri, Kansas & Texas Railway Cos. both under the same general management?

Mr. GARNER. Yes; they have the same stockholders.

Mr. BARKLEY. They are practically the same.

Mr. GARNER. Identically the same thing.

Mr. BARKLEY. For all practical purposes it is one railroad company?

Mr. GARNER. One railroad company.

Mr. BARKLEY. If the Missouri, Kansas & Texas Railway Co. of Texas should make application for permission to issue a certain amount of stocks and bonds, notwithstanding the fact that the Texas commission may have denied them the right to do it, the Interstate Commerce Commission would, of course, notify them of the application, and if it could be shown that this particular issue of stocks and bonds had no connection with interstate commerce, but was wholly within the State of Texas, the Interstate Commerce Commission would not have the authority under the bill to permit them to issue the securities. If they were to be used wholly within the State of Texas and had only to do with commerce that was wholly within the State of Texas and did not affect its character as an interstate carrier, the Interstate Commerce Commission would not have any authority to act. And if after notification to the railroad commission of Texas and they had come here and were able to show to the Interstate Commerce Commission that this issue of bonds was for intrastate purposes, I do not think the Interstate Commerce Commission would grant the power.

Mr. GARNER. After all, the bill leaves it entirely to their discretion?

Mr. BARKLEY. It leaves it to them to determine.

Mr. GARNER. As a member of the committee, would the gentleman object to an amendment to the bill that would make it specific and direct without equivocation, that where the entire mileage of the road is in the State that the matter of the issue of stocks and bonds should be left to the State commission?

Mr. BARKLEY. No; I would not commit myself to an amendment of that kind at this time, because the separate incorporation of blocks of railroad may have come about by design, and for all practical purposes it may be that the Texas Railway Co. did it for that purpose. The Missouri, Kansas & Texas Railway of Texas is just a part of the Missouri, Kansas & Texas system, which crosses several States.

Mr. GARNER. It was one continuous company until the State of Texas adopted a constitutional amendment in which they said that no railroad could run through that State without becoming a separate and distinct Texas corporation. Therefore there is not a single line of railroad in the State of Texas but that is a corporation with no outside influence.

Mr. BARKLEY. The fact that they have incorporated in Texas is a legal technicality to get rid of the provision of the Constitution.

Mr. GARNER. It is; and I want the State of Texas to reserve the right for our commission, elected by the people, to determine how much bonded indebtedness can be issued on the line that is wholly in Texas.

Mr. BARKLEY. If it were shown that the issue of bonds for the Texas corporation was to be used wholly in Texas on the lines owned by the Texas corporation, the Interstate Commerce Commission would not give authority, but it would be wholly for the State of Texas.

Every railroad that runs through different States is practically a home corporation to the extent that it has to comply with the laws of each State before it can enter and before business of any kind can be done, and yet that does not deprive it of an interstate character. That is amply provided for in the bill by the provision that no interstate corporation shall be permitted to issue bonds before the Interstate Commerce Commission shall give them authority to do it. They are required to notify the railroad commission of every State through which the line runs, and if there is no commission they are required to notify the governor and the attorney general, so that the State officers may have an opportunity to appear and present such facts as would protect the interests of the State.

Mr. ADAMSON. Mr. Chairman, touching the question asked by the gentleman from Texas [Mr. GARNER], the gentleman from Minnesota stated his views of the case and was satisfied with them. Our view as to the effect of this provision is that if the railroad in the State of Texas is authorized by the law of Texas and the commission of Texas to issue stocks and bonds, it could not be done until this Federal commission determines whether it will exercise the veto power or not. If the States of Texas refused to issue the bonds, that ends it. It could not be brought before the Interstate Commerce Commission under this bill.

Mr. BARKLEY. It could not be; but if it is an interstate corporation doing an interstate business under the bill they would have a right to make application. You could not deny them the right to make the application.

Mr. ADAMSON. Yes; they are not authorized to make application except for ratification of the issue authorized by the State authorities. This bill will not authorize the Interstate Commerce Commission to interfere until appealed to after action by State authority, and even then when the authority to issue is refused by the State authority.

Mr. BARKLEY. I am frank to say that I do not so construe the bill.

Mr. GARNER. In other words, taking the concrete case of the Missouri, Kansas & Texas Railway, if the officials of the Missouri, Kansas & Texas Railway, beginning at St. Louis and terminating at Galveston, should apply for a bond issue covering the entire line, and the Interstate Commerce Commission should grant them authority to issue it, they could issue bonds covering that portion of it in Texas.

Mr. BARKLEY. Is the gentleman referring to the bill originally introduced or to the substitute proposed?

Mr. ADAMSON. They are both exactly alike in substance.

Mr. BARKLEY. Mr. Chairman, I call the gentleman's attention to the fact that the language of this bill provides that, regardless of the local authority creating the corporation, the Interstate Commerce Commission shall have power over the issue of these bonds if it is an interstate transaction.

So, therefore, taking into consideration not only the welfare of the people who depend upon the railroads for transportation, but the stockholders themselves, who have frequently very little voice in the real management of the railroad company, this committee has brought into this House and asks it to pass this bill giving to the Interstate Commerce Commission the power to pass upon the proposed issue of stocks, bonds, or other evidences of indebtedness of railroad corporations, and prohibiting their issue for any purpose except for the legitimate purposes of enabling the railroad company to perform its duty to the public as a common carrier. I desire to read this exact provision at this point, so that there may be no misunderstanding of its meaning:

That it shall be unlawful for any common carrier subject to the act to regulate commerce, as amended, to issue any capital stock or any bond or other evidence of indebtedness or to assume any obligation as lessor, guarantor, or surety for the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, except for some purpose within its corporate powers necessary to the proper performance of its service for the public and not tending to impair the financial ability of the carrier to discharge its duty to the public. Extensions and improvements of its railroads and terminals used in connection therewith, increasing and improving its equipment, refunding and retiring existing bonds, and similar and kindred purposes shall be held to be necessary purposes in the meaning of this paragraph—

And so forth. I will not read the whole paragraph at this time.

You will observe from this language that no railroad company or common carrier can issue any stock, certificate of stock, bond, or any other evidence of indebtedness, nor assume or become guarantor for any such obligation or indebtedness, except for the purpose of carrying out the legitimate objects of its existence as a common carrier. No common carrier under this provision can issue bonds or certificates of stock or borrow money and become liable therefor for the purpose of speculating in independent enterprises having no real or legitimate connection with the business of the railroad.

The necessity for such a provision is obvious. Suppose a railroad company wanted to issue bonds to the extent of $1,000,000 or $10,000,000 for the purpose of engaging in some hazardous speculative enterprise not connected with its own business of acting as a common carrier of freight and passengers for the people. Suppose that enterprise is a failure, involving the total loss of the amount invested. In the meantime the property of the railroad company has become liable for the amount of the indebtedness, and the carrier's power and ability to perform its functions as a public servant have been crippled in proportion to the extent of the loss. In many such cases the inevitable result has been the appointment of a receiver or other costly and tedious methods of rehabilitating the carrier in its own ability and in the confidence of the people. Who suffers under such conditions? The railroad company? Yes. The stockholders, many of whom may have invested all the little surplus they possessed in a few shares of stock and who had no voice in determining the policy of the company, frequently lose the value of their investment, and frequently, also, the financial pirates and manipulators of the artificial rise and fall of stocks and bonds have reaped a rich harvest at the cost of the legitimate investor. But whatever the result of such transactions, the public has been made to suffer, either by reason of crippled and insufficient service from the railroads or by the appalling loss of life due to faulty or defective equipment or by increases in freight charges based upon such fictitious increases in capitalization. The object, therefore, of this measure is to protect the public from the evils of railroad overcapitalization, from unlawful and unprofitable speculation, from stockjobbing and aviating on the part of these great public-service corporations in the attitudes of high finance to the injury and detriment of the public interests.

The bill further provides that—

It shall likewise be unlawful to issue any such stock or bonds for purposes hereinbefore mentioned or for any other purpose connected with or relating to that part of the business of such carrier governed by the act to regulate commerce as amended, unless and until upon application and after investigation in the premises by the Interstate Commerce Commission of the purposes and uses of the issue and the proceeds thereof, such issue is approved by said commission as necessary and appropriate for the purpose stated.

In other words, the meaning of these provisions simply is that no common carrier can issue any stocks, bonds, or other evidences of indebtedness except for legitimate purposes, and before it can issue them for that purpose it must make application before the Interstate Commerce Commission for its consent and lay all the facts connected with the proposed issue, as well as the facts concerning the financial condition, the purposes for which issued, and the uses which are to be made of the proceeds and receive the consent and approval of the commission before such issue may be made. And in exercising this power the commission is required to ascertain whether the proposed issue is for a purpose permitted under the law, for they could not authorize a carrier to involve itself in an indebtedness which the laws would not permit it to incur.

The commission may also require the carrier to submit periodical and special reports showing its income account, a balanced statement of its receipts and expenditures on capital account, and of its surplus of income accruing during the period covered by the report as well as all other financial transactions taking place during the period, with whom had, whether in cash, in securities, or other valuable considerations. And the

tain its credit and at the same time make proper provisions for maintaining the service without charging excessive rates. While capitalization thus affects rates I am not willing to concede that rates can properly be based upon capitalization, and I think it is unfortunate to contend that the power to fix rates argues a right to regulate the issue of stock and bonds. The National Government is not only authorized to fix rates and charges, but its duty is just as imperative to see to it that the public highways are kept open for traffic and in a condition for service. It may be suggested that this is a good reason for controlling the issue of bonds, but not for the issue of stock. It is said that stock simply represents a share of the property of the corporation, and that it is immaterial whether a person has one or two certificates for the same share. Upon reflection this fallacy is easily exploded. To illustrate, take a corporation that has a hundred million dollars in stock that is worth 100 per cent, or a hundred million dollars. If a hundred million more shares of stock are issued, they could ordinarily be sold for the same as the old shares, or $100,000,000, but if sold at 50 per cent there would be a loss to the corporation of $50,000,000, a loss that might greatly impair its usefulness. The sale of stock is almost as valuable to a solvent corporation as a means for raising money as the issue of bonds. For many purposes stock may be considered an encumbrance. It seems perfectly apparent to me that Congress must have power to prohibit a corporation from doing anything that will so directly tend to impair its efficiency and value as a common carrier.

In addition to the foregoing consideration, I would urge as a further reason that Congress has this power under the well-known doctrine that all matters that affect interstate commerce, not local but national in character, may be governed by national laws.

Nearly all railways were at first mere local roads, beginning and ending in the same State, and were then only incidentally engaged in interstate commerce. They have outgrown that condition and have become national highways and national post roads, chiefly engaged in interstate commerce. State commerce in many States and upon many roads is incidental and almost negligible in quantity. These corporations have long since outgrown State lines. Their traffic extends from sea to sea and reaches even beyond that to distant continents. Take as an illustration the Great Northern, incorporated under the laws of my State. Its lines of rail cross five States and extend into a number of others. The prosperity of these States depends in a large measure upon the wise management of this road.

If Minnesota unwisely controls it, that State is not alone affected, but every State that the road serves. If Minnesota permits this corporation to waste its resources so that it can not perform its duties to the public, it may be more of an injury to other States than to Minnesota. If Minnesota has the power to control the management of this corporation in matters that affect service to the public, it follows that it may by its laws directly affect industries in other States and materially lessen or enhance their prosperity; in other words, legislate for other States. Shall these States for all time to come be compelled to depend upon the Legislature of the State of Minnesota for laws to control this corporation in matters of vital concern to their people?

If the National Government can not regulate the issue of stock and bonds of the Great Northern, it is evident that the State of Minnesota is the only power that can. None of the States can exclude it from doing an interstate business or regulate the issue of its stock and bonds. Should it be necessary to enlarge terminal facilities, better the tracks, or provide cars to do interstate business in the State of Washington, the Great Northern might apply to the State of Minnesota for leave to issue stock or bonds to secure the necessary funds therefor. Should the State deny this request, what remedy would there be? Practically none, unless the power which the United States has over interstate commerce is sufficient to afford the relief.

I have no doubt our Supreme Court would very promptly set aside such refusal as interfering with interstate commerce. The doctrine laid down in the St. Louis Southwestern Railway v. Arkansas (217 U. S., 136) not only makes that evident but is well-nigh conclusive.

The Supreme Court has repeatedly held that any matter that affects interstate commerce, which is not local but national in character, and that admits of and requires a uniform rule for its control, is exclusively for the will of Congress. It is said in Brown v. Houston (114 U. S., 622)—

That pilots, harbors, wharves, roads, bridges, tolls, and freights were for many years subject to State control.

State quarantine laws applied to interstate commerce until Congress passed a quarantine law. Safety appliances upon trains were matters of State regulation, but Congress superseded such regulations by the national safety-appliance act. The effect of overcapitalization of interstate carriers is not in any sense local, but national in character. It is much more so than most of the objects to which this rule has been applied. It is a matter that admits of and that public interest requires should be governed by some national law of uniform application that will protect the interests of all the people. It may be argued that Congress may restrict the capitalization of State corporations, but can not confer upon them the power to issue stock and bonds in violation of their charters. Is this distinction sound? I think not.

It may be said in support of the distinction that States possess only the power to exclude the foreign corporation or to prescribe conditions upon which it may do an intrastate business, but it does not follow that Congress is without other remedies. A State can not repeal or modify the laws of another State, but Congress can if such laws interfere with interstate commerce. Many State laws have been superseded by Federal laws. To give a concrete example: Could a corporation, in answer to a demand that it furnish the necessary facilities to reasonably care for interstate commerce, plead a provision in a State charter that forbade the issue of the necessary stock and bonds to obtain funds for that purpose? I doubt that anyone will contend that such a plea would be accepted. It seems to me that the plea would demonstrate the necessity for a Federal law and would show that Congress had power to pass such a law because of its necessity in protecting interstate commerce.

I can see no good reason why our Supreme Court should not hold that Congress may control a State corporation engaged in interstate commerce as fully as can the State that creates it. This is practically the doctrine laid down by Justice Brown in Hale v. Henkel (201 U. S., 43). He there said:

It is true that the corporation in this case was chartered under the laws of New Jersey and that it received its franchise from the legislature of that State, but such franchises, so far as they involve questions of interstate commerce, must also be exercised in subordination to the power of Congress to regulate commerce. Being subject to this dual sovereignty, the General Government possesses the same right to see that its own laws are respected as the State would have with respect to the special franchises vested in it by the laws of the State. The powers of the General Government in this particular are the same as if the corporations had been created by an act of Congress.

Mr. STEVENS of Minnesota. Mr. Chairman, I now yield to the gentleman from Minnesota [Mr. STEENERSON].

[Mr. STEENERSON addressed the committee. See Appendix.]

Mr. STEVENS of Minnesota. Mr. Chairman, I now yield to the gentleman from Nebraska [Mr. BARTON].

[Mr. BARTON addressed the committee. See Appendix.]

Mr. STEVENS of Minnesota. Mr. Chairman, I now yield to the gentleman from Washington [Mr. BRYAN] for three minutes.

Mr. BRYAN. Mr. Chairman, I do not want to let a debate of this kind close without making what I consider the real vital argument, advancing the real vital proposition in connection with this whole situation. The Congress of the United States and the public men of the country have been handling the railroad problem with a great deal of energy since the creation of the Interstate Commerce Commission, and to-day we hear about Federal control, Federal organization, Federal license, Federal incorporation, and we are advancing step by step to a situation which simply demands the Government ownership of railroads. There is every reason in the world why the United States Government should take over these lines and own and operate and manage them. The railroads collect every year a toll from the people of the United States in excess of $3,000,000,000, over three times as much as it costs to manage this entire Government. The railroads have a capitalization on paper of over $20,000,000,000, in capital and bonds. Every obligation that exists against the railroads is a debt of the people on which toll will be collected by the railroads. Every bond they issue is a Government bond. The only difference is that they pocket the money and the people pay the debt, but in the case of sure-enough Government bonds the people get the money as well as pay the debt. There is no reason in the world why that kind of power and authority ought to be in the hands of any private institution or set of men. We are taking their power away every day, and we get a great chunk through this bill—that is why I favor it.

I just want to suggest three new pointers toward Government ownership of railroads, and I will amplify these suggestions in the Record later. In the first place, rates—the present controversy before the Interstate Commerce Commission to

raise the freight rates in this country. That might be called a mental argument, appealing to the minds of the people. Then we have Mellen; that suggests a moral argument which involves corruption and the morality of the situation. Then we have the Panama Canal and Alaska—a physical argument, the real application of the proposition.

The Panama Canal, with the Panama Railroad and the steamship lines operated by the United States Government, was too big to be handled by any private corporation, and the Alaskan railroad was a proposition so involved that it could not be handled by individuals. So we have an argument here from every standpoint for Government ownership of railroads, and I am for this bill because it reaches out and closes just so much more of the gap that exists between private ownership and Government ownership. Brains and common sense demand Government ownership. Good morals and the Ten Commandments demand it, and it works out right in practice.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. BRYAN. Certainly.

Mr. GARNER. Is the gentleman speaking for the Progressive Party?

Mr. BRYAN. I am not speaking for any party. I am speaking my own beliefs, but I believe the Progressive Party will have Government ownership of railroads in its platform before long, because I believe the people of this country stand for Government ownership of the railroads, and that they are going to find expression of their sentiment in the Progressive platform more quickly than in the platform of either of the old parties.

Mr. GARNER. Does the gentleman come to that conclusion from talking with his colleagues and associates in the Progressive Party on this floor?

Mr. BRYAN. There are quite a number of my colleagues who are Progressives who believe in Government ownership of railroads.

Mr. GARNER. Does the leader, the gentleman from Kansas [Mr. MURDOCK]?

Mr. BRYAN. The gentleman from Kansas is entirely able to represent himself on the floor, and I am not authorized to speak his views.

Mr. GARNER. Then I will ask the gentleman if the real leader of the Progressive Party, Col. Roosevelt, is in favor of Government ownership?

Mr. BRYAN. I have never heard Col. Roosevelt express himself on the Government ownership of railroads, and I have never read anything from him on that subject, except that he said that if regulation failed we necessarily would go to Government ownership of railroads; and he did not go through all sorts of fits and spells as though he was scared to death at the prospect, either.

The CHAIRMAN. The time of the gentleman from Washington has expired.

Mr. STEVENS of Minnesota. I yield the gentleman one minute more.

Mr. BRYAN. The man who was the head of the gentleman's party over here at Baltimore only a few years ago declared, when he came back from Germany and his trip around the world, that he was for Government ownership of railroads, and he has not changed his mind, either. And so William Jennings Bryan, who is supposed to be the leader of the party of the gentleman from Texas, and who was the leader at Baltimore, and I suppose he is the leader of your party to-day, as far as that is concerned, is for Government ownership of railroads, and I think the Democratic Party is subject to censure for not following his leadership and that the gentleman himself is subject to mild censure for lagging behind his party leadership.

Mr. FESS. Will the gentleman yield?

Mr. BRYAN. Yes.

Mr. FESS. Does the gentleman regard this legislation as a step toward it?

Mr. BRYAN. I believe it does fill up the gap a little. I believe we are taking a more complete hold on the railroads by this statute than has ever been done before, and the tighter the hold the better I like it. We will get them, bag and baggage, a little later.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEVENS of Minnesota. We have no further speakers.

Mr. ADAMSON. Mr. Chairman, I am sure the gentleman from Washington is trying to beat this bill. [Laughter.] The gentleman says he is going to vote for it; but if his opinions and reasons are any account, his opposition to the bill outbalances his vote. Of course if we can not get his vote for a right reason, we will accept his vote for a wrong reason; but if we believed this legislation was going to result in Government ownership, I have no doubt there would be almost a unanimous vote to defeat the bill and consign it to the everlasting demolition bow wows.

Mr. BRYAN. That is the advantage of the situation; that it is such a good opportunity to put it over on the old-time statesmen of the country that we are going to do it.

Mr. ADAMSON. It looks like the gentleman is putting it over now. That appears to be their idea of doing things, "to put it over"; and judging from the gentleman's argument, he is now operating according to the way that gang usually proceeds. They seize upon whatever they think will strike a popular breeze and put in their platform whatever they think the people will stand for. That is the way I understand their principles. Mr. Chairman, I now take pleasure in yielding to the able gentleman from Kentucky [Mr. BARKLEY], who will close the general debate in a most able and eloquent address.

Mr. BARKLEY. Mr. Chairman, as a member of the Committee on Interstate and Foreign Commerce, which framed this measure, I desire to discuss it briefly and call attention to some of the provisions of the bill and the reasons for their enactment. In doing so I am not unmindful of the temptation to wander far afield in discussions of railroads and their relations to the public; but I hope that this temptation may be somewhat restrained in view of the limited time allowed for debate, and the necessity for the speedy enactment of the bills now under consideration for strengthening the antitrust laws.

However, in considering a measure giving increased powers to the Interstate Commerce Commission for the regulation and control of the operations of the railroads of the country, we can not afford to lose sight of the public scope and character of their operations, nor the relationship existing between the common carriers and the public at large.

The history of railroad development in this country reads like a romance. It is perhaps true that in no other enterprise has there been invested so much of capital, so much of energy, so much of skill, so much of labor and of the inventive genius of man as in the establishment and improvement of the facilities of transportation throughout the United States. During the last half century we have seen vast stretches of wilderness transformed into fertile areas in which cities have grown, the whir and hum of the wheels of industry have been heard, and millions of people have found homes and employment. We have seen the pilot of the railroad engine push its nose into the density of the forest, bridging the streams and tunneling the mountains, until this whole Nation is spiked down with a network of railroads, bringing the people of every section into closer communication. This marvelous development did not take place without public approval or invitation. So anxious has this Government appeared in the past concerning railroad development, and the consequent development of mine, field, and forest, that it has granted to railroads and prospective railroads large areas of public lands as an inducement to them to extend their operations into the undeveloped regions of the country. Not only that, but in former days States and counties were authorized by law to issue bonds payable from the public treasury in aid of railroads which were contemplating the extension of their lines through such States and counties as did not possess railroad facilities. So flagrant and so far-reaching did this system become that many of the States were compelled to enact statutory and constitutional barriers against the continuance of this system.

In a new country seeking new enterprises and the improvement of older ones, it is but natural for speculation to run riot and cloud the judgment not only of individuals, but of the public as well. This was peculiarly true of railroad development. After the grants of public lands and other bounties had been received by the railroads, they drifted, or perhaps I might better say they voluntarily entered, upon a period of exploitation seldom experienced in this or any other country. After obtaining the favors of the public, which enabled them to become established, they became forgetful of the ladder upon which they had mounted, and "Scorned the low degrees by which they ascended," and proceeded arbitrarily to dictate not only the character of the service which they rendered to the public, but the rates which they would charge therefor. In many instances the service to the public was painfully inadequate, and the rates charged therefor exorbitantly high. This condition of affairs grew from bad to worse until Congress created the Interstate Commerce Commission and clothed it with authority to regulate and supervise not only the character of the service rendered to the public but the compensation they might receive therefor. This sort of public supervision and regulation was justified not only by reason of the conditions which prevailed as to service and rate but by reason also of the nature and scope of the corporations themselves.

Mr. STEVENS of Minnesota. I yield to the gentleman from Washington [Mr. JOHNSON].

The CHAIRMAN (Mr. BALTZ). The gentleman from Washington is recognized.

Mr. JOHNSON of Washington. Mr. Chairman, I wish to occupy a few moments of the time of the committee on the question of the transportation of lepers in interstate traffic, concerning which strict regulations exist.

A most distressing situation has arisen with regard to an unfortunate citizen of the United States, a veteran of the Spanish-American War, the leper John Early, who first turned up some four years ago in the city of Washington. He was most generously cared for by the people here, I am told, but was finally persuaded to leave the city of Washington to go where he pleased on condition that he would not return to this city. In the course of time he arrived near Tacoma, Wash., with a wife and several children.

Mr. RAKER. Is there any evidence that the authorities of the city of Washington knew that this man had leprosy and then turned him loose upon this country on condition that he would not return to the city of Washington, but go elsewhere?

Mr. JOHNSON of Washington. I can not say as to all the steps taken at that time by the authorities of the District.

Mr. RAKER. Such a condition of affairs would be worse than turning loose a band of murderers.

Mr. JOHNSON of Washington. Let me say, however, that a dispute arose as to the disease from which the man suffered. Both the medical authorities of the United States Public Health Service and of the District of Columbia insisted that he had leprosy, and their diagnosis has since been confirmed beyond all question. However, a doctor came here from New York and insisted that Early did not have leprosy; and while the controversy was raging he was given money and urged to disappear. The District of Columbia, although it gave him a house and gave his wife another, disclaimed him as a citizen. They disclaimed him then; they disclaim him now; and they are starting the steps which they think will result in sending him back to the State of Washington.

Mr. Chairman, John Early is not a citizen of the State of Washington, but simply because he turned up there, because he was well treated there, and finally placed in the United States quarantine station at Diamond Head, in the congressional district which I have the honor to represent, it seems that all hands desire now to send him back there.

The point is this: Diamond Head is no more a leper colony than is Fishers Island, in Chesapeake Bay, between Cape May and Cape Henry. Diamond Head is a Government quarantine station, and until Early appeared there we never had any lepers there. Once Early was placed in that quarantine station the people of western Washington were good enough to raise no protest. They did not want the man persecuted. They did not, however, accept him as a citizen. They made no protest whatever until the Government commenced to send other lepers, one by one, to that quarantine station.

This kept on until there were at one time six lepers at Diamond Head.

Now, Early has escaped. He is back in the District of Columbia. A hue and cry is raised, and it is proclaimed that the unfortunate man must be sent back to my State almost by the first train. I have just received the following telegram from the governor of the State of Washington:

OLYMPIA, WASH., *June 4, 1914.*

Hon. A. JOHNSON,
Congressman, Washington:

Understanding that the District of Columbia Commissioners are urging the Secretary of the Treasury to return Leper Early to Diamond Head, in this State, on the ground that that point is an official leper colony, I beg to protest as chief executive of this State against his return. I also protest against having Diamond Head officially designated as a leper colony for the United States. Hope you will be able to convince the Secretary of the Treasury that such action would be unfair to this State and to the residents in the vicinity of Diamond Head.

ERNEST LISTER, *Governor.*

Mr. GARNER. Is this a Government station?

Mr. JOHNSON of Washington. It is a quarantine station, just as is the station off the coast of Maine, the one at Golden Gate, or the one at Fishermans Point, and others elsewhere on both coasts.

Mr. GARNER. It is maintained at the cost of the Government?

Mr. JOHNSON of Washington. Yes.

Mr. GARNER. Then would not the officials have a right to place a leper there?

Mr. JOHNSON of Washington. Yes; but it is not officially a leper colony. Would the gentleman like some Government station or reservation in his district gradually worked over into a leper colony?

Mr. GARNER. No; but the gentleman was challenging the authority of the Government to send him there, or your governor was.

Mr. JOHNSON of Washington. No; the governor resents the sending of lepers across the United States to that station one after another, and his protest is based on the assumption that in the course of time that point will, through nonresistance, become an official colony for lepers.

Mr. RAKER. Will my learned and distinguished friend from Washington yield?

Mr. JOHNSON of Washington. The gentleman flatters me; but I will yield.

Mr. RAKER. How did Early get out of the station at Diamond Head?

Mr. JOHNSON of Washington. I have not the exact details, but it may be assumed that these unfortunate men are allowed in the main to care for themselves.

Mr. RAKER. The authorities let them come and go as they please?

Mr. JOHNSON of Washington. Oh, no. But of necessity they let them care for themselves, and five of them have escaped—all except one.

Mr. RAKER. Are not the Government officials supposed to control them, or did they turn them loose?

Mr. JOHNSON of Washington. They did not turn them loose, but the lepers have no nurse constantly by them, and no attendant wants to lay hands on or come in close contact with these men. If this man Early should be taken back across the United States, 3,300 miles, to Diamond Head, permission would have to be secured from every State through which he passed. He would be placed in a car alone, with no attendant in the car, keeping in the Molokai colony, in Hawaii, any citizen of the train at Chillicothe, Ohio, or Chicago or St. Paul or any other place.

Now, Mr. Chairman, I had no intention of going into details concerning this one case. There are other cases—not many, but enough to warrant the United States, as a matter of humanity and for the conservation of the health of its people, in taking a decisive step and taking that step now. I am addressing the committee for the purpose of calling attention to a bill which has been introduced to-day by myself after consultation with many interested persons. It is a bill proposing that the United States shall pay to the Territorial government of Hawaii for keeping in the Molokai colony, in Hawaii, any citizen of the United States who is so unfortunate as to be afflicted with leprosy.

Mr. ADAMSON. Mr. Chairman, I will yield the gentleman whatever time I may consume of his if he will yield.

Mr. JOHNSON of Washington. I will yield gladly.

Mr. ADAMSON. If the gentleman will kindly designate some place where afflicted people would be acceptable to the community, he would very greatly aid our committee. There are bills before the committee for a leprosarium and tubercularium, but we do not know where to put them. One time we brought in a bill locating one of these sanitariums in Arizona or New Mexico, and the gentlemen from that part of God's globe got up and got on our necks, and they beat us horse, foot, and dragoon, and I doubt if the bill received half the votes of the members of the committee when up in the House. No one wants them. If the gentleman can help us at all on that particular question we will know how to deal with these bills asking that these people be segregated and that a location be fixed for their entertainment and treatment.

Mr. JOHNSON of Washington. I am grateful to the gentleman from Georgia, and I make this suggestion: It seems to be impracticable to find any place in continental United States that will receive without protest these unfortunate people. I thought yesterday that one of the many islands comprising the Aleutian group in Alaska could be used as a leper colony; that they could be put to gardening and homesteading. The climate there is good; perhaps a little damp in winter. But the Delegate from Alaska protested almost immediately; and who can blame him?

I thought, too, that the United States might secure an island in Hawaii and there construct and maintain a leprosarium. But why go to such expense, when Hawaii already has a well-conducted colony at Molokai, and where we can care for our lepers better and at less expense than at Diamond Head or another point in the United States proper?

All of these plans for the purchase of islands contemplate the expenditure of a large sum—from $150,000 to $500,000. The smaller sum will pay for the care of the lepers we are likely to send to Hawaii in 20 years. There are but few in the United States. The most—about 200, I am told—are in a State colony in Louisiana. There are a few in Connecticut, a few in Minnesota, a dozen or so in New York City—and, by the way, these are allowed considerable freedom—and one remaining at Diamond Head, in my State. The disease is not so contagious or infectious as is believed. Since the days of Esther, described in the Old Testament, a leper has been an outcast, shunned and driven away with the cry "Unclean! unclean!" ringing in his ears.

In the Molokai colony, where lepers intermarry, I am told that 9 per cent of their progeny become afflicted. It is unfortunate, but a leper nowadays is pursued as he was long before Christ. He has no chance. He must go away. Mr. Chairman, I sincerely hope this Congress may provide a way to pay the Territorial government of Hawaii for the care of all American lepers who are willing to go to the colony at Molokai.

Mr. MURDOCK. Will the gentleman yield?

Mr. JOHNSON of Washington. Yes; certainly.

Mr. MURDOCK. I would like to ask the gentleman where Early came from this last time?

Mr. JOHNSON of Washington. Originally he was a citizen of North Carolina, enlisted in the Army, fought in the Philippines, and there contracted this disease. Then he returned to North Carolina. It was a matter of dispute for some time as to whether he had the disease, and he came to Washington for the purpose of consulting the leading surgeons here. Then he left and bobbed up near Tacoma, in my State.

Mr. MURDOCK. He has been gone a number of years. Where did he come from this last time?

Mr. JOHNSON of Washington. May 17 he escaped from the Diamond Head Quarantine Station in Washington, crossed the Straits of Fuca into Victoria, British Columbia, stayed there at the leading hotels, took one of the finest trains on the Canadian Pacific Railroad, and traveled east with some of the most prominent citizens of that country, among others former Attorney General Grey. He stopped in New York. He came here to this city and spent four or five days in one of the leading hotels here, went up to another and hobnobbed with officials of the United States, and finally called out to the Government, "I am Early, the leper, the unclean, helpless, dependent on you."

Mr. MURDOCK. He was probably at some time in the gallery of the House.

Mr. JOHNSON of Washington. I have no doubt that he was here, and if he could have addressed this House he would have said what he has said in an interview, as follows:

The John Early that was is dead to the world. I have put the world behind me. From now on I am willing to be isolated, to have the warning bell of the "unclean" rung as I approach, to feel that men shrink from me with the world-old fear of the terrible disease that has been laid upon me, but I want my appeal to be heard.

This unfortunate man also said to a reporter:

To demonstrate how easy it is for a leper to mingle in cities, I planned my present trip six months ago. I knew that it is only when a great truth is sent home to the hearts of the people that attention is paid to it. I knew that if I mingled among the well-to-do and the rich and exposed them to contagion that they would arise out of self-protection and further my plan of a national home. That is why I chose the Pullman car, why I slept at the best hotels, ate in the best restaurants. No one cares what happens to the poor. If I had kept to the slums in my travels, the agitation would have been little. I had no desire to hurt anyone. I do not believe that the present stage of my disease is contagious. I had the money to travel as I did. I saved my wages and my pension for months to do so, and I hope the lesson has struck home.

Mr. Chairman, this man is willing to go to Molokai. My bill provides for the sending of only those who are willing to go. It provides for the payment to each American leper who goes there a small gratuity—$20 a month. This is humane; it is right.

In an afternoon paper a charge is made that the city of Washington and the State of Washington have been unfair and ungenerous in the treatment of Early. This is not quite correct. Both city and State have done only what is so graphically depicted in Gen. Lew Wallace's great novel, Ben Hur. The city of Washington was generous to Early, and the city of Tacoma, in my State, was more than generous. Its people bought him a farm. They gave him a large purse. They provided well for his family. His acts have not repaid them, but he is forgiven.

The Nation has done what it could for him. It has given him a liberal pension. It has put him on the Government pay roll as a nurse to himself, but it has not given him a home. He is still an outcast.

Let me append an editorial appearing in this afternoon's Washington Times:

THE CASE OF EARLY.

The case of John Early, leper, has been an amazing series of demonstrations that American civilization is yet afflicted with a good deal of the barbarism of the Middle Ages.

Early has been handled in the District of Columbia, in the State of Washington, and elsewhere throughout the country, in a way that shows how liable the public is to fall into panic over that which it does not understand. Leprosy is a disease almost unknown in this country. It is said that there are perhaps 300 cases of it in continental United States.

Nowhere has provision been made for humane treatment of these unfortunates. They are a terror of society, largely because of its incapacity to determine how it shall deal with them; and the menace which they represent is of course vastly increased by reason of the hesitancy and uncertainty of the community in dealing with them.

Early crossed the continent without difficulty after getting away from his asylum in Washington State, traveled on the best trains, and returned to this city, the scene of his most pitiful experiences, immediately after he was authoritatively decided to be a leper. After he got here he went to a hotel, and not until he himself notified the authorities of his presence was it suspected.

Now, there is a renewal of the old quarrel as to what jurisdiction is responsible for him. Nobody wants him, and nobody, in the face of the strange, medieval terror inspired by his disease, seems concerned whether he shall be given civilized treatment; to get him as far away as possible and to insure that he will not return is the uttermost ambition of everybody and every community that he might possibly impose himself upon. It is a pitiful reflection of the inefficiency of provision for such cases.

I will add the regulations of the Government concerning the transportation of lepers:

TRANSPORTATION OF LEPERS IN INTERSTATE TRAFFIC.

Paragraph 9. Common carriers shall not, under authority of paragraph 8, accept for transportation nor transport in interstate traffic any person suffering from or afflicted with leprosy unless there has been obtained from the Surgeon General of the Public Health and Marine-Hospital Service or his accredited representative a permit stating that said person may be received under such restrictions as will prevent the spread of the disease, and said restrictions shall be specified in each instance: *Provided*, That, in addition to the above, permits shall also be obtained from the health authorities of the States, Territories, or districts to and from which the patient intends to travel.

Paragraph 10. No person knowing or having reason to believe that he is a leper shall accept transportation nor engage in travel in interstate traffic unless permits have been obtained, as set forth in the preceding section, and unless said person shall have agreed in writing to comply with the restrictions as specified in the permits mentioned above.

Paragraph 11. Any person who presents symptoms of leprosy and who is traveling or who has left the State where he resides, in violation of the above regulations, shall be detained, and if proven to be a leper shall be returned to such State or removed to such Federal quarantine station as the Secretary of the Treasury may designate and the proper health authorities notified.

Paragraph 12. Compartments or places in cars, vessels, or conveyances operated in interstate traffic and that have been occupied by persons afflicted with leprosy shall be immediately closed after being vacated by the patient and so kept until after proper disinfection.

And, in conclusion, Mr. Chairman, I appeal to the Congress of the United States to settle the matter along the lines which have been suggested, as generously, as liberally, and as quickly as possible.

I thank the Members for their attention.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. VOLSTEAD] such time as he may desire.

Mr. VOLSTEAD. Mr. Chairman, some years ago I became interested in the question of whether Congress has the power to regulate the issue of the stocks and bonds of a railway corporation created by a State but engaged in interstate commerce.

I concluded that Congress has the power, but I find that the reasons that appeal to me in support of my faith differ from that usually assigned. It is generally urged that capitalization may be considered in fixing rates, and that therefore the power to control capitalization is a necessary power in fixing rates. I can not agree to this proposition. The market value of the capitalization may be considered in determining the physical value of the railway, but rates can not be fixed with reference to the par value of the stocks and bonds that a road may have outstanding.

I would rest the right to regulate the issue of stock and bonds upon different grounds. First, any corporation that engages in interstate commerce assumes the duty of making suitable provisions for and taking care of that commerce. This doctrine is emphatically laid down in the case of the Atlantic Coast Line v. North Carolina Corporation Commission (206 U. S., 1). It is a familiar doctrine. Much of our legislation in regard to common carriers rests upon it. It is a proper doctrine, as railways are necessarily monopolistic in character. They occupy the public highways, and if they do not discharge their duties to the public they obstruct traffic. As such it is necessary to make reasonable provisions for maintaining and increasing their facilities as traffic may require. To enforce this obligation Congress must have the power to prevent railway corporations from squandering their resources and impairing their credit.

To the extent that railway companies sell their stock or bonds below their value they deprive themselves of funds that could be used for maintaining and improving the service, and to that extent needlessly encumber their properties and deprive themselves of credit. It is self-evident that an overcapitalized corporation can not pay interest and dividends necessary to sus-

GOOD ROADS.

All of the Republican Representatives from West Virginia, I believe, voted at this session for the passage of the good-roads law. The particular law does not entirely meet with my approval. It does not, among other things, appropriate as much money as I think should be appropriated for national aid to good roads, and the working plan of the bill is not as I would have it. True to the promise I made to the people in the last campaign, I introduced in this Congress a good-roads bill, which was referred to the Committee on Roads, before whom I made an argument in its favor. I also made a speech on the floor of the House in support of my bill, but the committee, in its wisdom, recommended the passage of the bill introduced by its chairman, and rather than see all good-roads legislation fail, and believing that that bill, in part at least, covered the ground, I gave it my support. I hope that this will only be an entering wedge and that by congressional legislation we can in future years give a new impetus to that important national project of giving aid to the building, construction, and preservation of good solid highways for the use of the people.

THE TRUE FRIEND OF THE OLD SOLDIER.

It has been my pleasure, serving as a Member of this House, to support consistently and uniformly all reasonable measures that have come before the House for the relief of the old soldier. During the last campaign it was claimed by the Democrats of my district and elsewhere that the Democratic Party and its congressional candidates had become real friends of the old soldiers, but in a speech which I made in this House several months ago I showed by the RECORD that upon the passage of the original Sherwood bill almost every Member voting against that bill was a Democrat, and that upon the passage of the conference bill which finally became a law every single Member of the House voting against that bill was also a Democrat. In a debate in which I participated on the floor of the House some weeks ago my opponent, who is a Democrat from the State of Texas, admitted that the fact was that the Democrats had espoused the cause of the old soldier as a political bid for their support. The true friend of the old soldier is the Republican Party. It has been tried and tested on this question for almost 50 years, and the old soldiers, knowing their best interest, will not be led astray from that party by any claim made by the Democratic Party of new-formed friendship.

Mr. Speaker, ofttimes in the stilly night you can hear a faint and murmuring sound which amid the busy hours of day could not be heard. And so to-day amid the depressing quiet of industrial stagnation you can hear the approaching footsteps of the Republican host which, on the 3d day of November next, will reach the polls, and will there render a solemn verdict against the continued domination of that party that now, as in the past, has ever brought industrial depression and disaster to our beloved country. [Applause on the Republican side.]

And so, Mr. Chairman, I thus briefly go over the Democratic record on these measures, not, as some of my friends on the other side think, for the purpose of engaging in partisan controversy, but for the purpose here and now of calling attention to what has happened heretofore when some on this side of the Chamber have united in supporting some of the policies that have been advocated on that side, and to express the hope that while a great many Republicans and Progressives will support this measure—to express the hope, I say, that the administration of the same will not be attended by the results that have been witnessed with reference to the tariff and the currency bills. [Applause.]

Mr. GORDON. Will the gentleman yield to me for a question?

The CHAIRMAN. Will the gentleman from West Virginia [Mr. Moss] yield to the gentleman from Ohio?

Mr. MOSS of West Virginia. Yes.

Mr. GORDON. Has the price of farm products dropped in West Virginia?

Mr. MOSS of West Virginia. They are beginning to drop; yes, sir.

Mr. GORDON. What is the price of wool down there?

Mr. MOSS of West Virginia. What is the price of wool?

Mr. GORDON. Yes; compared with a year ago.

Mr. MOSS of West Virginia. I thought you wished to ask me a pertinent question.

Mr. GORDON. I did.

Mr. MOSS of West Virginia. Then ask me a sensible question.

Mr. GORDON. You were complaining, if I understood your remarks, that the farmers were terribly injured by this tariff bill.

Mr. MOSS of West Virginia. I am speaking of statistics.

Mr. GORDON. I am speaking of facts. I am not speaking of statistics. I want to know what the facts are. You live there.

Mr. MOSS of West Virginia. Yes; I certainly do. And I can tell you that the facts are that for the first time since we had the last Democratic administration we are feeling a business depression in West Virginia.

Mr. GORDON. Now, I want to interrogate you about that depression. Is it among the farmers?

Mr. MOSS of West Virginia. It is partly among the farmers.

Mr. GORDON. What farm products have you in West Virginia?

Mr. MOSS of West Virginia. You can not injure any set of people without injuring your neighbors.

Mr. GORDON. What farm products have suffered injury in West Virginia?

Mr. MOSS of West Virginia. When you injure a business man or a laboring man you injure the farmer.

Mr. GORDON. Name one farm product in West Virginia that has been injured.

Mr. MOSS of West Virginia. The gentleman keeps on talking, and gives me no opportunity to answer. The gentleman does not want an answer, evidently.

Mr. GORDON. I am asking the gentleman questions.

Mr. MOSS of West Virginia. It would, indeed, be inconsiderate of me did I not attempt at least to satisfy the thirst for knowledge of my good Democratic friend from Ohio [Mr. GORDON], who insists upon my stating to him the prices of various farm products. By his interruption he sought to convey the impression that I was wrong in my statement that the price of farm products to the farmer had suffered because of the operation of the Underwood tariff law. The bad effect of that law upon the farmers, as I stated, has begun to be felt, but it will be felt more and more as these farm products from foreign nations continue to be imported in increasing quantities. The fact is that just as soon as the country saw that a Democratic administration was inevitable, owing to a split in the Republican Party, and that therefore a free-trade tariff law was inevitable, the anticipation of these events caused a depreciation in some of the products of the farm. I now give to the House, for the benefit of my friend from Ohio, and also my inquiring friend from Indiana [Mr. CULLOP], statistics comparing the months of April and May, 1914, with the same months of 1912, showing the prices of corn, wheat, and wool, specially prepared by the Department of Agriculture:

Date.	In the United States.			In West Virginia.		
	Wheat per bushel.	Corn per bushel.	Wool, unwashed, per pound.	Wheat per bushel.	Corn per bushel.	Wool, unwashed, per pound.
April:	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1914	84.2	70.7	16.8	101	83	20
1912	92.5	71.1	17.3	105	89	21
May:						
1914	83.9	72.1	17.2	100	87	21
1912	90.7	79.4	17.8	110	92	22

I trust that these conclusive figures will satisfy these gentlemen, as actual experience has already satisfied the farmers of this country, that the Underwood tariff law has reduced prices paid to the farmers, and thus injured them, as well as other classes of people in this country.

Mr. ADAMSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. CULLOP].

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] is recognized for 5 minutes.

Mr. CULLOP. Mr. Chairman, I am quite sure that the gentleman from West Virginia [Mr. Moss] would not want to make a great mistake in his speech, and I would therefore call his attention to the Underwood Tariff Act, page 57, paragraph 644. I will read it to the gentleman, to show that wheat is not on the free list, and the gentleman ought to correct his speech in that regard, as I am sure he desires, or ought to desire, to state the facts on this subject.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. CULLOP. Yes.

Mr. STEENERSON. Is not the gentleman reading from the free list?

Mr. CULLOP. Sir, if the gentleman will listen, he will find out the Underwood bill does not put wheat or flour on the free list, but, on the contrary, both are on the dutiable list.

Mr. STEENERSON. The gentleman is reading from the free list now.

Mr. CULLOP. Oh, if the gentleman from Minnesota will be patient for a moment. I will satisfy even him that wheat, under the Underwood bill, is not on the free list. I read:

644. Wheat, wheat flour, semolina, and other wheat products not specially provided for in this section: *Provided*, That wheat shall be subject to a duty of 10 cents per bushel, that wheat flour shall be subject to a duty of 45 cents per barrel of 196 pounds, and semolina and other products of wheat not specially provided for in this section, 10 per cent ad valorem, when imported directly or indirectly from a country, dependency, or other subdivision of government which imposes a duty on wheat or wheat flour or semolina imported from the United States.

Mr. STEENERSON. Now, if the gent'eman will yield——

Mr. CULLOP. I decline to yield to the gentleman from Minnesota now. He can have his own time. I know he is impatient, but he must possess himself in peace. This refutes the charge, as the tariff act shows there is a duty of 10 cents a bushel on wheat. Wheat now is a better price under Democratic times than it was in 1912 under Republican rule. [Applause.]

Now, I desire to call the attention of the gentleman from West Virginia [Mr. Moss] to labor conditions, in order that he may correct his speech on this question, as I have no doubt he desires to give conditions as they really are and not as he and some of the calamity howlers would have them. Labor is in demand, as I shall show. I read from the St. Louis Post-Dispatch, an independent paper:

MIGHTY-TWO THOUSAND HARVEST HANDS NEEDED TO REAP WHEAT.

WASHINGTON, June 3.

Kansas, Missouri, and Oklahoma raisers of wheat need at least 82,000 more men to help in harvesting their crops, and the commissioners of labor of those States have asked Secretary of Labor Wilson to have his department cooperate with them in obtaining the necessary workers.

The men will be wanted by June 15, and the pay, it is stated, will range from $2 to $3.50 a day. The period of employment will be from three to five or six months.

Various local organizations in the three States will arrange for distributing the men among the wheat farmers.

Now, Mr. Chairman, if the gentleman from West Virginia will look up his vast army of idle workmen about which he speaks, he can find remunerative employment for them; but he will look in vain. This idle army only exists in his fertile imagination; but I fear that the gentleman's prophecy about idle men in West Virginia is about as near correct as it was a year ago, when he made the prophecy that putting wool on the free list would drive the sheep husbandry out of the State of West Virginia. And yet at this time, this year, when wool is on the free list, it is selling at from 3 to 6 cents a pound higher than it sold at the same time last year, when there was high duty upon it. The sheep and wool industry is thriving better free of duty than it did a year ago under the high duties of the Payne-Aldrich law.

Mr. MOSS of West Virginia. Mr. Chairman, will the gentleman yield?

Mr. FESS. Now will the gentleman yield?

The CHAIRMAN. Does the gentleman yield, and to whom?

Mr. CULLOP. Let me get through. I do hope the gent.eman will possess his patience. I know these facts make him impatient.

The CHAIRMAN. The gent'eman declines to yield.

Mr. CULLOP. I am sure the gentleman is not willing to have those idle workmen—if any are to be found there—leave his State and go to places where they can get remunerative wages, if they are not doing so now; but he will want them to remain in the State for the fall elections, with the hope that they will stand by the Republican Party, but I prophesy that in this he hopes in vain, as they will indorse the Democratic Party and its wholesome legislation and return an overwhelming majority against the Republican Party in the State of West Virginia. I know our Republican friends are frantic in their desperation, hoping that labor is idle, that wages are low, that business is stagnant, and that industry will shut down in order that they can howl calamity as the result of Democratic policies; but in spite of their frantic efforts business continues good, labor employed, and the people satisfied. [Applause on the Democratic side.]

Mr. FESS. Mr. Chairman, will the gentleman yield now?

Mr. CULLOP. Certainly.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman may have one minute more.

Mr. DONOVAN. Regular order. Mr. Chairman.

The CHAIRMAN. The regular order is demanded.

Mr. MOSS of West Virginia. Mr. Chairman, my time has not entirely expired. I wish to answer the gentleman.

The CHAIRMAN. The gentleman's time has expired.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Colorado [Mr. SELDOMRIDGE] five minutes.

The CHAIRMAN. The gentleman from Colorado [Mr. SELDOMRIDGE] is recognized for five minutes.

Mr. SELDOMRIDGE. Mr. Chairman, I am heartily in favor of the legislation proposed by the bill now pending before the committee.

I believe that the revelations which have recently been given to the country in connection with the management of some of our great railroad systems demonstrate beyond any question the need for legislation of this character. The Interstate Commerce Commission has been given authority over the income of the railroad companies through its control and regulation of rates, but no control has been given to the commission to regulate the issuance of stocks and bonds, to fix the amount of capitalization which should form the true basis of rate determination. A study of the financial management of the New York, New Haven & Hartford Railroad Co., the Chicago, Rock Island & Pacific Railroad Co., the Baltimore & Ohio Railroad Co., and other companies demonstrates conclusively to my mind that there is an urgent and pressing demand for this legislation. The truth of the matter is, Mr. Chairman, that those who have controlled the policy and management of our great railroad systems have not been altogether animated by the desire to develop those systems along just and honest lines. Railroads have fallen into the control of individuals and of interests that have exploited them for their own benefit and welfare, and the consequence has been that a toll has been levied upon the consumers of the country in the matter of transportation charges and in the shrinkage of investment values which, to my mind, has proven to be one of the most powerful factors in what we term the increased cost of living.

If this Congress has performed no other service of value to the country than this, it will receive the thanks and applause of the American people. In my opinion, it will not only be of benefit to the people but it will also firmly establish in public confidence the worth of the securities of railroad corporations. It will give to the investing public an assurance of stability and of fair dealing in the matter of railroad management, which has been so lamentably lacking. We are making history in the line of public welfare by the passage of this bill.

I am glad that the bill has come before the House so generously indorsed by members of the committee representing all shades of political opinion. It is a matter for congratulation that the committee and the membership of this House can consider a measure of such far-reaching importance divested of any political bearing, and I predict, Mr. Chairman, that there will be recognition given by the people of the country to the membership of this House for the service which is being rendered to the country by the passage of this bill. The time has come when the Government must step in and exercise its power in the interest of the great masses of the people. And I want to say that, as a member of the majority party, I will join forces with the gentleman from Minnesota [Mr. STEVENS] in support of a measure providing for the Federal incorporation of railroads. I believe we have passed the point where we can deal with these great organizations of capital, reaching out and controlling the destinies of commerce in so many States, through the medium of the State governments. They require the oversight and the control of Federal authority, and the time will come in the near future, I believe, when the Government will, through legislation, seek to put all of these great corporations under the operation of some general directing law. Until that time comes we will find ourselves constantly beset by the necessity for piecemeal legislation, which, in my judgment, will be more or less ineffective. The time must arrive when we will face this problem from a national standpoint and when we will see the interests of the country demand that these corporations shall all be treated alike, and that there shall be some general law which will control them in all departments of their operation and that will not leave them to the conflicting acts of the various State legislatures. [Applause.]

Mr. ADAMSON. Will the gentleman from Minnesota [Mr. STEVENS] yield some time?

which to catch flies, but it was a solemn pledge to the people which must be observed. The contemplation of Democratic performances must therefore bring sadness to the heart of President Wilson. Not only has this party violated its promise to reduce the cost of living, but, at the insistence of this same Woodrow Wilson, it has unblushingly repudiated a solemn plank of the platform upon which the people elected a Democratic administration. That platform expressly declared:

We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

The people believed that this was not "molasses to catch flies"; but, alas, the people are sometimes forgetful of past Democratic promises. Hardly was the administration settled into power before it began an agitation to break its pledge to the people and to call for the repeal of the law of 1912 which exempted our coastwise ships from the payment of tolls through the Panama Canal. Whether you are for or against the repeal of that law as a concrete proposition, you can not defend the action of any party in breaking faith with the people. It is but adding insult to injury to offer the silly and paltry excuse that another part of the platform declares against subsidies. That only goes to show that the Democratic Party in convention assembled did not regard as a subsidy the exemption of American coastwise ships from tolls. That declaration against subsidy was as sounding brass and tinkling cymbals, for in the very first administration bill that was introduced in Congress—the Underwood tariff bill—they indorsed a subsidy by allowing a reduction in duty of 5 per cent on all goods imported in American bottoms. This is a clear and direct subsidy; and so the American people will not listen to the hypocritical excuse that they did not mean to declare for free tolls, because that would be an indirect subsidy. No; if there ever was a broken promise by a political party in the history of this Nation this is one, and I do not believe that the American people will reinstate in power any party that willfully and deliberately violates its platform pledges.

But what is this tolls question? First, there would be no tolls question were it not for the fact that the administration insisted upon raising it. England was at one time apparently satisfied, because her minister of foreign affairs informed this Government that if the United States would, in good faith, exempt only its coastwise ships from tolls, he did not believe England could complain. Of course she could not complain. Did she not construe the treaty of 1815, which provided for equal treatment as to port charges on vessels of commerce of both nations entering English and American ports, as not being intended to cover her coastwise ships, and has she not for a century exempted her coastwise ships from the payment of such charges? Does she not know, and does not every well-informed person know, that we have had for many years a law which prohibited any foreign vessel from engaging in our coastwise trade? And therefore is it not clear that, as only American vessels are engaged in American coastwise trade, no discrimination is made against foreign vessels by exempting from the payment of tolls these American coastwise vessels? Does England not know, and does not every well-informed person know, that the tolls upon her vessels of commerce passing through the Panama Canal have been fixed by our Government at a rate exceptionally low and reasonable, and that therefore she has no reason to complain on economic grounds of generous treatment to our own vessels engaged purely in domestic commerce? Is it not common knowledge that England and other European nations pay direct subsidies to their vessels and thereby give them an advantage in their competition with our ships? On what consistent ground could England then complain even if we exempted from canal tolls not merely our coastwise but also our across-seas ships of commerce? It is admitted by the partisans of repeal that the only ground upon which they can stand is the claim that the United States is included in the term "all nations" in the clause of the Hay-Pauncefote treaty which says:

The canal shall be free and open to the vessels of war and commerce of all nations observing these rules on terms of entire equality.

Who lays down these rules? The treaty expressly provides that the United States shall do so. Who ever heard before of a person who gave permission to other persons to use his roadway or his waterway, paid for by his money, and who, in order to insure equal treatment to all such licensees, laid down rules for their government—who ever heard of such person being bound down by those rules himself? And likewise who ever heard of a nation which has spent $400,000,000 and sacrificed hundreds of lives to build a great waterway connecting two mighty oceans, and who has generously given permission to other nations to use that waterway and has laid down certain rules for their government—who ever heard of such a nation being bound by the very rules that it lays down for the government of those nations upon which it has bestowed such generosity?

The construction that these advocates of repeal put upon this treaty is unreasonable, if not ridiculous, and international law lays down the principle that—

If, for example it would appear that it would have been unreasonable, if not inconceivable, for a contracting State to agree to any but a particular signification of any particular terms employed, the necessary inference that any such State had acted reasonably, if not wisely, will prevail, although such a signification may be at variance with the literal sense of the words of the compact. (2 Am. Journal International Law, p. 55.)

Again, if it is claimed that the United States was intended to be included among the "all nations observing these rules," then look at what these rules say, and again answer whether it would not be ridiculous for the Nation that built this canal to intend to bind itself to be governed by such rules. Here are some of the rules:

The canal shall never be blockaded, nor shall any right of war nor any act of hostility be committed within it.

Vessels of war of a belligerent shall not revictual nor take in stores in the canal, except so far as may be strictly necessary.

* * * * * * *

No belligerent shall embark or disembark troops, munitions of war or warlike materials in the canal. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end.

Vessels of war of a belligerent shall not remain in any such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible.

Now, mark you, that vessels of war and vessels of commerce are placed upon exactly the same footing in this treaty. If we are bound by the rules, and can not exempt our vessels of commerce, then we are also bound by the rules when it comes to our vessels of war *in time of war*, and we, as a belligerent nation, in time of war would thus be prevented by the rules that I have quoted from using our canal for our purposes, from giving aid and relief to our soldiers and sailors passing through the canal, from leaving our ships in the canal and within 3 marine miles from either end longer than 24 hours; and, in fact, if this be the construction of the treaty, we will have built, at the cost of hundreds of millions of dollars, one of the greatest engineering structures of the centuries, with the result that it will endanger our very national existence by furnishing a convenient passageway to an enemy's ships, after attacking one of our coasts, to go to the other coast within 12 hours in order to devastate that other coast, when, without that canal, it would have taken them weeks to have reached that other coast by going around the continent. And so you see this is a vital question. It is not merely a question of whether or not you are going to let the transcontinental railroads of this country deprive American citizens of cheap transportation through their canal in order that the railroads may be able to charge a higher rate—although this is important enough—but it is a question that involves perhaps the very salvation of this Nation in time of war.

Now, if we admit by unconditional repeal of this solemn law of Congress, which granted exemption to coastwise ships, that we were wrong in passing that law, and that the treaty would not permit such law, we are thereby also admitting that our ships of war are also governed by those "rules" and that our rights in that canal are but fleeting shadows—the right to build it, the right to pay for it and keep it up, the responsibility of conducting it, without one cent of compensating advantage to us, either in time of peace or in time of war. No wonder that all over this Nation to-day a storm of protest is beating upon the doors of the Capitol and the White House—a protest of red-blooded American citizens, who deny the right of any President or any Congress, at the mere command of a foreign power, to sacrifice and voluntarily surrender, without even an attempt at diplomatic negotiation, the property and the privileges for which we have paid so dearly. And this protest comes, not as a partisan cry, but it comes from patriotic American citizens of every class, party, and creed, who believe in the great and immortal doctrine of American preservation and American supremacy.

THE COLOMBIAN TREATY.

But the tolls question does not exhibit the only striking illustration of the willingness of this administration to agree to unreasonable foreign demands. A few weeks ago the country was shocked to hear that our Department of State had negotiated a treaty with Colombia by which we were to pay that country a cool $25,000,000, and, in addition to that, render to that country an apology for refusing at the time we acquired the Panama Canal Zone to submit to its attempt at blackmail. Anyone familiar with the negotiations between Colombia and the United

States from the beginning to the end knows that the former country, starting with small demands and gradually increasing them until they became extortionate and outrageous demands, has been attempting to hold up this country because of its acquisition of a narrow strip of land from the Republic of Panama, to be used in the canal enterprise. One might think, from the size of the demand, that we had taken the whole Colombian nation. The administration is lavish indeed in its promises and payments to other nations, and many there be who wish that such generosity could be transferred to the people of America, to the extent, at least, of adopting such policies as would give them work and prosperity.

THE MEXICAN POLICY.

At this present time it would seem that after Villa has finished his campaign of cold-blooded murder and rapine, the administration may be able to make terms of peace with him, and thus insure for a time the cessation of hostilities in Mexico. There are no hostilities now being carried on between the United States and Mexico, and so it is eminently proper that we should consider briefly the history of the administration's attitude and activities toward that benighted nation. First, we submit, as declared by the platform of the Republican Party of West Virginia, adopted in convention on May 20, 1914, that—

either it was our duty to keep hands off in Mexico and recognize the existing Government, or else it was our duty to acknowledge our responsibility for the welfare of our sister Republic, and to take prompt and sufficient steps to prevent a continuation of the deplorable conditions which have existed in that ill-fated land. As the latter policy was adopted by the administration, we believe it should have been determined and vigorous, and worthy of the traditions of our great Nation. The policy of "watchful waiting," which, while denying recognition to the existing form of government, has, by listless inactivity, permitted the continuance of unspeakable atrocities, not only upon the citizens of Mexico, but upon American citizens—men, women, and children—is to be greatly deplored.

I recognize the fact that when an American citizen goes to or resides in a country where a state of war exists he must take his chances, if he gets in the way, of injury to his person or his property. But we do protest that this country should never have permitted, as it has done, American citizens to be especially picked out by Mexicans for insult, imprisonment, and slaughter, and we believe that had the administration taken a firm stand upon the killing there, under such circumstances, of the first American citizen, instead of waiting until after the killing of a British subject, the lives of many American citizens, men, women, and children, would have been spared.

THE RESERVE-BANK CITIES.

Many of us Republicans voted for the currency bill advanced by the administration because we believed that it was a step in the right direction and that its operation would serve to relieve the money stringency which would surely follow the passage and operation of the Underwood tariff law. After the passage of this currency bill the Secretaries of the Treasury and the Department of Agriculture took a vote of the national banks, calling for their desire as to location of from 8 to 12 reserve banks called for by that law. In addition to this, these enterprising Cabinet officers made a long and luxurious trip all over the country, presumably for the purpose of ascertaining the desires of the people in this regard. We had a right to expect that the result of this apparent anxiety to reach a right conclusion would bring beneficial results; but, on the contrary, it would seem that more accurate and more beneficial results would have followed from a blindfold drawing or from the toss of a coin. Time will not permit a discussion of this whole subject at this time, but as an illustration of the subject failure to carry out the spirit of this law, let me refer to the fate of my own State of West Virginia. First, it was split in two, in uneven and unequal parts; a part of it was fastened to the distant city of Cleveland, when the trend of business from that part was distinctly toward the city of Pittsburgh; and the other part of it was fastened to the city of Richmond, when the trend of business of that part was distinctly elsewhere. The result is that there will now be an artificial attempt to change the trend of business—a thing that will cause confusion worse confounded—and the time is now gone by when West Virginia can hope to derive much benefit from the new currency law. It has been suggested that the reason why Richmond was selected as the reserve city where most of the West Virginia national banks must do their business and must make their deposits was because if the Supreme Court of the United States should render a decision against West Virginia in her controversy with Virginia over the Virginia debt, Virginia could compel payment because she would have within her own borders an amount of money sufficient to pay that judgment. I can not bring myself, however, to believe that this motive entered into the selection of Richmond as a reserve city, nor that the Hon. John Skelton Williams, of Virginia, now Comptroller of the Currency, could or would have exercised such an influence.

THE VIRGINIA DEBT.

The people of West Virginia are vitally interested in that debt suit. I take the same position to-day that I took from the first—that West Virginia does not owe one single cent of debt to Virginia—and I will not admit such debt until and unless the Supreme Court of the United States, by a regular judgment, adjudicates that debt against my State. Who raised this debt question? Would it ever have been raised had not Virginia, by its voluntary act, seceded from the Union of States and thereby altered the implied contract which existed between her eastern and her western portions to remain a part of the Union. She chose to secede. Western Virginia refused to secede, as she had a right to do. If Virginia had not seceded there would be no Virginia debt question to settle. I therefore hold that she, having raised that question by her secession, must settle it herself, and she can not now call upon the loyal State of West Virginia to assume a responsibility which Virginia herself created. This is only one of many strong reasons against inflicting this huge debt upon the people of West Virginia.

A great deal of foolishness has been exhibited by a small portion of the Democratic press of my district in reference to the action of my predecessor, Hon. John M. Hamilton, in regard to this debt. While the case was pending in the Supreme Court, where it still pends, and before that court had rendered any judgment against West Virginia, which it has not yet done, Mr. Hamilton introduced a resolution in Congress which showed on its face that the owing of such a debt was recognized. This resolution was to the effect that it was the sense of Congress that the debt owing from West Virginia to Virginia should be paid by the United States Government. The introduction of this resolution at that time was a decided mistake for the following reasons:

First. When a case is pending before a court in which the defendant denies it owes any debt it surely does not help the defendant any in the minds of the court for the defendant to say, in effect, that what debt he does owe ought to be paid by somebody else.

Second. Even though the resolution had been passed by Congress, which it was not, it would have done absolutely no good, because it merely expressed the sense of Congress and did not appropriate one cent for the payment of any debt.

Third. Introduced as it was prior to the campaign of 1912, and prior, as stated before, to the rendering of any judgment against West Virginia, it created the impression in the minds of many people that it was merely a political move, and thereby the question which has no business there was injected into the maelstrom of politics.

Mr. Hamilton made an argument for the resolution, not before Congress, as I understand, but before a committee or subcommittee, and this argument has been heralded abroad by some of the Democratic press as if it were an argument made before Congress itself upon some vital matter pending before Congress. As a matter of fact, the resolution never was acted upon by Congress and did absolutely no good. And even the Democratic members of the committee to whom Mr. Hamilton's resolution was referred reported to Congress that the resolution was premature.

Now, there has been a whole lot of claptrap about this resolution in an effort to make the people of the fourth district of West Virginia believe that this was, indeed, their salvation and that its author was their savior in the Virginia debt matter. I said in a public speech last campaign that if West Virginia had to pay the debt, I also would be in favor of asking the United States to pay it and would agree with the principle of Mr. Hamilton's contention; and he knew I said that. I was misrepresented by that same small portion of the Democratic press, which tried to make it appear that I had given full indorsement to the action of my predecessor from beginning to end on this resolution. I repeatedly stated in subsequent speeches that if the debt was finally adjudicated against the State of West Virginia, I would introduce a bill in Congress—and not a mere empty resolution—for the appropriation of money out of the Treasury of the United States to pay the amount of the judgment against the State of West Virginia. And I still intend to do so should the Supreme Court render such judgment. Now, that is all there is to the political side of the Virginia debt question in my district, and I do not believe that falsification and misrepresentation on the part of a small portion of the Democratic press of that district will in the future even fool as many people as it did prior to the last election.

amount of the stock issued should represent the exact value of the property. An overissue of stock means an issue of stock beyond the value of the property. There can be no legitimate benefit in this. To pretend that the value is greater than it is does not in fact increase its value. The act is in itself a fraud. It is done with intent to deceive. It injures both the stockholders of the corporation and the public. It benefits only the manipulators.

What is a bond? A bond is simply a mortgage issued in parts on the property of the corporation. An overissue of bonds means simply an overmortgaging of property, creating liens on it beyond its value. Bad as is the overmortgaging of farms, still worse is the overmortgaging of railroad corporations. It injures those who issue and those who buy.

It would take too much time to enumerate the various ways these bad practices work harm. President Roosevelt in his message to Congress in 1905 well summarized the evils of stock watering with its attendant abuses:

Of these abuses perhaps the chief, although by no means the only one, is overcapitalization, generally itself the result of dishonest promotion, because of the myriad evils it brings in its train, for such capitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor, discourages thrift, and encourages gambling and speculation; while, perhaps, worst of all is the trickiness and dishonesty which it implies. For harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do to the public.

To even mention the notable instances where enormous injury and positive wickedness have accompanied these practices would be impossible in the time at my command. They have already been well and ably depicted by gentlemen on the floor of the House. The gentleman from Wisconsin [Mr. ESCH], the gentleman from Michigan [Mr. CRAMTON], and the gentleman from Iowa [Mr. GREEN] have presented to the House cases of such enormity as almost to stagger belief. The Chicago & Alton case, where an increase of stock and liabilities of over $82,000,000 was made without one dollar of consideration; the increase of over $51,000,000 of the Southern Pacific, not a dollar of which went into its treasury; the Frisco, the Pere Marquette, the Boston & Maine, the New Haven, are cases sufficiently recent to be remembered. As is well known, the great Rock Island system has been ruined by this process of watering and rewatering. It is a significant fact that in the reorganization made necessary by these practices, the plan submitted cuts out the enormous sum of $357,000,000 of watered securities.

It is interesting to note the progress of public opinion with regard to the necessity for this legislation. Present conditions, which assure its success, are the result of a process of education, of experimentation, of experience. One of the principal reasons why national legislation on this subject was not earlier secured was the apprehension of the States of what they believed was an invasion of their rights. They feared to grant the General Government power to control in any way corporations operating under State charters, in the belief that it might lead to Government control of all State corporations. How far we have advanced from this may be shown by the action last year of the State railway commissions in their annual meeting by a unanimous vote adopting resolutions recommending national legislation such as is now proposed. It is apparent that, because State power is limited to State lines, the scope of State operations is necessarily limited.

Now we are to give the regulatory power to the Interstate Commerce Commission, whose jurisdiction extends to fully 85 per cent of the transportation companies of the country. With the power of control given this national body over interstate commerce and the power exercised by the commissions of the various States over intrastate commerce, there will be no "twilight zone" within whose precincts abuses can exist.

Mr. Chairman, I believe this bill will pass both the House and Senate and become a law. Not in its present form, but in substance it will become an act of the Sixty-third Congress. As such it will reflect credit upon us, for it will prove of such great and lasting benefit as to commend itself to the approval of all who desire to secure and preserve the welfare of the Nation.

Mr. STEVENS of Minnesota. Mr. Chairman, how much time did the gentleman use?

The CHAIRMAN. The gentleman consumed 8 minutes.

Mr. ADAMSON. Mr. Chairman, I yield 30 minutes to the gentleman from New Hampshire [Mr. STEVENS].

[Mr. STEVENS of New Hampshire addressed the committee. See Appendix.]

[Mr. REILLY of Wisconsin addressed the committee. See Appendix.]

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 30 minutes to the gentleman from West Virginia [Mr. MOSS].

Mr. MOSS of West Virginia. Mr. Chairman, it is my purpose to support this particular bill, which has in view the regulation of the issue of stocks and bonds of the railroads—one of the antitrust bills. I do so because, while I believe the bill is imperfect, while I believe it has many imperfections, yet there is more good in it than bad. It is a progressive measure, and I have tried to support truly progressive measures which have come before Congress during my term.

Again, I think it better to push through these bills, instead of retarding them, in order that the business of this country may have a rest from the uncertain agitation that has hung over it since Democracy came again into power. It is pertinent in this connection to inquire what strange reason permitted the intelligent voters of this country, after a lapse of 16 years and in apparent disregard of the sad experience of the past, to again bestow such power upon the Democratic Party, and lastly, to inquire how that party has used that power.

THE CAUSE.

The American people are impatient of delay. So remarkable has been the advance of this Nation from the time of its birth that it is no wonder that at times we become dissatisfied and demand a change. And so it is, though practically every great national reform has been accomplished under a Republican administration, yet, because of the misdeeds or failings of its individual members, the Republican Party is occasionally ostracized by the people. In addition to this, unfortunately, a bitter controversy between two personal friends, leaders of the Republican Party, contributed to a crushing defeat in the year 1912.

Mr. GOODWIN of Arkansas. Will the gentleman yield right there?

Mr. MOSS of West Virginia. I have not time just now.

This controversy culminated at Chicago, where an attack was made upon the ancient rules of the party governing national conventions, which permitted too much control to rest in the hands of southern delegates, who represented but a very small Republican constituency. These rules were wrong and should have been changed long since. West Virginia has now already voted to change them, and a large majority of the States will so vote, so that never again will this particular bone of contention menace our success. Again, certain political leaders—or bosses, if you please—became too prominent and too autocratic, and the people, naturally, perhaps, confounded the party with these few individuals. These men do not now and never have constituted the Republican Party. No party has ever existed that did not have connected with it some undesirable characters. A party should not be held responsible for such men. The rank and file of a party is the bone and sinew of that party, and it is up to the rank and file, and they have the power, to tell these self-constituted bosses to step to the rear and let somebody else do the leading. And that is exactly what the Republican Party is doing to-day. We are cleaning house from the inside—a process much quicker, much more desirable, much more patriotic, than that of pulling down the house from the outside and thus destroying it. There is no excuse for destroying the party of Abraham Lincoln.

Mr. BARKLEY. Mr. Chairman——

The CHAIRMAN (Mr. BALTZ). Will the gentleman from West Virginia yield to the gentleman from Kentucky?

Mr. MOSS of West Virginia. I have not the time. I am very sorry.

Its mission to-day is as vital to American welfare as it was upon its first birthday, and you and I will be dead and gone, and some of us will perhaps be forgotten, long before the Republican Party shall meet its doom. This is not merely my prediction, but it is the sure and certain pronouncement which the people all over this Nation are making to-day by their ballots, which prove conclusively, wherever registration has been had or an election held, that this grand old party is coming back into its own, and that those who left that party for a while, in order to voice a temporary but an earnest protest against the application of a worm-eaten rule, or against the defeat of their candidate for President by what they conceived to be unjust and fraudulent methods, have come back home, and are uniting in a determined effort to rescue this country from the bonds of Democracy. This does not mean the abandonment of progressive principles. It does mean that sensible men realize they can more rapidly advance these principles by preserving a united party.

Mr. BARKLEY. Mr. Chairman, I am not asking the gentleman to yield. I rise to a question of order. Under the rule which was adopted for the consideration of this bill there is a provision that those who speak during general debate shall confine themselves to the bill under consideration. Now, I am

not intending to object to the gentleman's continuation of his speech, but I do want to make the statement that, under the rule, the gentleman is out of order, and while I do not intend to raise the point, I think it might be well for the gentleman's constituents, who will in due time receive this speech, to know that he is proceeding against the rule we have adopted here.

Mr. ADAMSON. I hope the gentleman from Kentucky will not insist on his point of order.

Mr. BARKLEY. I do not object to the gentleman proceeding, but I want that to go into the RECORD.

Mr. STEVENS of Minnesota. The committee has been liberal, so far, with both sides of the House, and I hope the gentleman from Kentucky will be liberal. It will expedite matters to do that.

Mr. FESS. I want to say that when the gentleman from Texas [Mr. EAGLE] was making a speech, which we all enjoyed, although it was political, nobody objected.

Mr. MOSS of West Virginia. The gentleman, I understand, merely wants to get what he has to say in the RECORD.

Mr. BARKLEY. I want the gentleman's constituents to see that.

Mr. ADAMSON. We are getting along harmoniously here, and I hope these interruptions will not be taken out of the gentleman's time.

The CHAIRMAN. They will not.

Mr. ADAMSON. When a gentleman makes a digression into other subjects I regard it as merely forfeiting that much time. I wish that he could be yielded time enough to make up for the interruptions.

Mr. MOSS of West Virginia. Mr. Chairman, I think the gentleman will find out—the gentleman who said he desired to get his remarks in the RECORD so that my constituents could see them—that what I have to say on this subject will be very pertinent.

DEMOCRACY'S RECORD.

This is no time for theories. We will talk facts. There is no teacher like experience. The experience of a year and a quarter of Democratic administration is a sufficient argument in this year of our Lord 1914. The campaign is again upon us. The day of reckoning has come to the Democratic Party, and it is up to the people of this country to decide whether they want to indorse that Democratic record or whether they have had enough.

THE TARIFF.

A year and a quarter is a short time, but I want to compare here to-day the situation under Republican administrations with the situation under the present Democratic administration, and ask, "Choose ye whom ye will serve." I said in a speech delivered upon the floor of this House on the 25th day of April, 1913, before the Underwood tariff bill became a law:

It does seem superfluous after a century of tariff experience to argue that free trade or any approach to free trade is disastrous to this country. Every time it has been tried we have had desolation and distress. Every time a truly protective tariff law has been enacted it has been followed by unexampled prosperity, and yet our friends on the other side, in order again to test the theories which they profess to love so well, are ready to turn their backs upon the light of experience and again grope in the dark night of experiment. And the American people must pay the penalty.

And again, I said:

I predict, my friends, that the great moving cause that will unify that great Republican Party and make these men forget their feuds and factions when confronted by the call of their country's good, will be the dire result of the passage of the Underwood bill, which will follow as surely as the darkness of night follows the splendor of day.

My friends, prophecy is a dangerous thing, but I took the chance. Let us see whether my prophecy came true. Prior to the election of 1912 this Nation enjoyed prosperity. The factories and mills and shops were busy turning out American products made by American workingmen, receiving good wages and living like freemen. Not only did we supply our own markets but our exports to foreign countries increased year by year, and far surpassed our imports. We became a creditor Nation. We became an important factor in the world's supply. We competed in the world's markets. We preferred to and did give work to the American and, if needs be, let the foreigner across the sea stand idle rather than reverse the position and let the American stand idle while the foreigner worked. In the field of agriculture our success was equally momentous. The farmer received the highest prices for his products, and the American people largely lived upon the necessities of life produced at home.

Now let us look at the other side of the picture. Let us contemplate the scene after a Democratic tariff bill has started its deadly work. Let us look conditions in their face, not seeking to exaggerate nor, again, seeking to minimize, but rather seeking to obtain the exact truth. There are some exceptional communities, like my home city of Parkersburg, where, owing to an abundance of public improvements or the inherent advantages it has enjoyed even in time of panic elsewhere, still retains its prosperity, but throughout the Nation, speaking generally, there is a business depression. Capital has become frightened. Factories and shops have either closed their doors or are running at half speed. Hundreds of thousands of laboring men are idle, trying to eke out an existence and support their families until relief comes. They no longer are supplying the American people. Their places have been filled—not here, 'tis true, but across the water—by the pauper labor of Europe, which as the months go on is furnishing an increased supply of products for consumption in America. Every month of Democratic administration is now showing an increase in imports from foreign countries, and therefore showing a decrease in American production. The latest statistics of the Department of Commerce show that April imports aggregated $172,640,724, against $146,194,461 in April of last year, an increase of imports for one month of 26,446,263 good, hard dollars of American money which, instead of being paid to and used among our own people, has been paid to the foreigner. Abraham Lincoln once said:

I don't know much about the tariff, but I do know that when we buy the goods abroad we get the goods but the foreigner gets the money, but when we buy our goods at home we get both the goods and the money.

Europe is having a picnic with us, but what becomes of the American? We were told, however, that this new tariff law would increase our exports; that American business would be freed from its shackles, and, while losing its grasp upon the rich American market, would easily make up the difference by capturing a large share of foreign markets. What has been the result? Comparing April of this year with April of last year, the Department of Commerce reports that there has been a falling off in foreign sales amounting to $37,000,000. Taking the imports and exports together, they show a total loss to our commerce of sixty-three and one-half million dollars in one month, or at the rate of over $700,000,000 annually.

The farmer has not escaped the plague of this Democratic tariff. Canada puts a duty on our wheat, but we, in the goodness of our hearts, practically let Canada's wheat in free, and hundreds of thousands of bushels of it are being brought into this country to depress the price of our own product. Even Irish potatoes are coming in by the shipload from abroad. Cargo after cargo of Argentine grain, stock, and other products is landed in our ports, and from every side the American producer is menaced by destructive foreign competition and the American citizen is retreating further and further from his position of industrial supremacy.

But we were promised by the Democratic Party that all this hostile legislation would, at least, bring about one great result—it would, at least, help the consumer; the cost of living would be reduced, and thus the great mass of people would be benefited. They seem to forget that the great mass of the people belong to the producing class, and when they are deprived of the power to produce, when they are deprived of the opportunity to work, no reduction in the cost of their necessities would be of avail, because they would not have the money with which to purchase them. But the point that I want to sink deep into the minds of every hearer is that not only has this Underwood law sacrificed American industry and American labor, not only has it turned the channels of trade away from this country and brought to us the menace of pauper-labor competition, but it has also failed to bring to the American consumer the relief that was so solemnly promised. But hold! It is claimed that though this tariff bill has closed down and destroyed practically all beet-sugar factories, and although it has already ruined the sugar plantations of this country, there has been a reduction to the consumer of one-seventh of a cent per pound. Think of it! For every 2,500 cups of coffee you drink you save 5 cents; and this is your compensation for ruining a great American industry and throwing out of employment thousands of American workmen. My friends, the American people are not fools. They do forget about once in 16 or 20 years, and they do sometimes get mad, as they did in 1912; but I can not help believing that at last they have learned their lesson well and that they will seize the first opportunity to escape from the thralldom of a Democratic tariff policy which has already wrought such havoc to the industry of this country.

Mr. CULLOP. Mr. Chairman, will the gentleman yield there to supplement what he has to say about the unemployed of the country?

The CHAIRMAN. The gentleman from West Virginia declines to yield.

THE PANAMA CANAL.

Mr. MOSS of West Virginia. Candidate Woodrow Wilson said, in a public speech, that a platform was not molasses with

required in order to enable them to earn, above expenses, a fair return upon their investment, which they allege to be their volume of outstanding securities. Whether the securities were fairly issued in the first instance and represent money or property acquired or service performed is not known, or whether, in greater or less degree, they are stocks and bonds representing fictitious values is not known; but certain it is that, for all time to come, increases of stocks and bonds and other forms of permanent indebtedness against the common carriers, or new forms of securities for common carriers yet to be constructed, should be subject to scrutiny and to approval by the disinterested commission before issuance, in order that the commerce of the future be not unjustly burdened with excessive freight charges. The principle of this bill is that the commission shall ascertain whether such securities proposed to be issued tend to strengthen the common carrier in the discharge of its duty as such common carrier. It is indispensably necessary thus to establish a veto power in the commission against the issuance by the common carriers of fictitious stocks and bonds, in the interest of the stability and efficiency of the carriers themselves, to prevent them from impairing their financial strength and as a consequence incapacitating themselves from performing their functions to the public as common carriers; and it will furthermore protect the stockholders against the cupidity of managing trustees and directors and other officials, who have too often wrecked the common carriers for their individual private profit.

Considering the observations of the distinguished gentleman from Minnesota [Mr. STEVENS], it is proper to say that it is not intended by this bill, nor would it be competent, for Congress to prescribe the terms or conditions under which any State may authorize corporations either to organize or do business; because the granting clause, either by statute or by State constitution in any State in the Union, is not to be set aside by act of Congress, and it would be unconstitutional for Congress to set the same aside. Nothing which the Congress might do could compel any State in the Union to abridge its absolute power and authority to prescribe the terms and conditions under which a foreign corporation may enter such State for the purpose of doing business. Furthermore, it is evident that it would not be competent for Congress, nor does this bill propose, to make any limitation upon what the laws of any State shall be with reference to the issuing of securities by any corporation within that State, whether it originates and ends in such State or ends in another State. But the underlying reason for this bill is that interstate commerce is indispensable to our people, and the Constitution confers upon Congress its regulation; and the Congress definitely knows that, whether rightfully so or not, freight rates, when they come to be made, are largely influenced by the condition and amount of the securities outstanding against such common carrier engaged in interstate commerce; and, therefore, it is proposed by this law to provide that no common carrier doing an interstate business shall issue securities in such volumes as to burden commerce and cripple the railroads. The bill proposes to secure enforcement of the law by inflicting criminal penalties upon the responsible heads of the railroad companies. It is my deliberate judgment that when the president, vice president, secretary, treasurer, or the executive head of any common carrier understands definitely that a fine of $1,000 to $5,000, or a prison sentence of a year, must be the result of violating this statute, there will be no violations of it.

This bill goes far to purify one of the most prolific sources of industrial, financial, and transportation evils of the times. In prohibiting interlocking directorates after two years from its enactment, in any common carriers except in those instances where upon full showing the commission may approve. It is greatly to be doubted if any single cause has contributed more to business corruption than the modern corporate business procedure of interlocking directorates. It is shown by a recent congressional report that in a given instance one man in a great city of our country was a director at one time in 67 great companies, at least one-half of them being railroad companies and one of them being the greatest industrial enterprise in the Nation, which sold its products to those same railroads, and at the same time he was fiscal agent for the railroad companies—thus he was fiscal agent, buyer, and seller at one and the same time. Of course, efficiency in enterprise can not be secured by such methods. But this bill does not deny absolutely the right of one man to serve as director in more than one railroad company, and it is wise in that provision, because there are instances in which it is entirely just to the railroad in the discharge of its duty to the public, and just to the public also, that one man may serve as director of more than one common carrier. I have in mind at the moment two railway systems entering and running through my own great State of Texas—the Missouri, Kansas & Texas Railway and the Southern Pacific Railway. The first-named runs through the States of Missouri, Kansas, Oklahoma, and Texas, and yet it is required by the laws of those several States to have a charter for the portion thereof within such States. In that case manifestly it is only proper for the Interstate Commerce Commission, upon a full showing, to permit the same persons to act as directors of each of those corporations making up the entire line. And so with the Southern Pacific, which traverses the State of Louisiana under one charter name, and the State of Texas under another. But it is manifestly against the interest of the public, as well as of the stockholders and the common carriers, to permit one man to be a stockholder in two competing common carriers; and it is the object of this bill to prevent such procedure.

This law is not intended to cripple and impair, but rather to safeguard and serve, the interests of the common carriers themselves, as well as to protect the public against the effects of their improper management. Furthermore, when this bill shall be in full and successful operation, it will make American railway securities absolutely stable in value and desirable as permanent investments throughout this country and the balance of the world. And while it is not the object of this law to create or to maintain commercial values for such securities, it will be wise, constructive legislation if it have such indirect effect, because it will enable the common carriers of the present time and those to be constructed in future to summon from all quarters a vast amount of funds for investment in such securities; and so this bill will make for the security and the permanent prosperity of the common carriers and the welfare and happiness of the American people.

It is truly a noble privilege to serve here while this mighty work is being done. As a people we have passed through the formative period of our Nation's growth and development. Our forefathers established wisely and well the foundation of our national institutions by a constitution of political principles that is the admiration of the world and has been the guaranty of the people's freedom and prosperity. Under it we have lived and grown, in a little more than a century, from 3,000,000 people to 100,000,000 people. Our aggregate wealth as a Nation is about $140,000,000,000. We have developed the most amazing civilization and industrial greatness of all the ages. Conditions of life are better in the United States than in any other country. There is no cloud remaining upon the national horizon except the selfish aggressions of great aggregations of wealth upon the industrial freedom of the people; and that cloud will disappear in the light of the morning of the new day of equality of industrial opportunity before the law of all the people by the enactment of this legislation. The Democratic Party invites all patriotic members of all parties to join it in this mighty work; and we know that the hopes and prayers of a great majority of the people urge us to finish this work and thus earn their gratitude and the blessing of all the generations to follow. It is a grand thing to do a plain duty, and a severe test of character to perform that duty resolutely when the weighty pressure of mighty forces is operating against us as it is at present. But to my mind nothing is so noble as a sincere heart and enlightened mind, a clear conscience, a lofty patriotism, and a resolution unbending to do right. No permanent good can come to any State or nation, even as no permanent good can come to any individual, except upon the secure basis of absolute justice; but just as with individuals, so also with States and nations, prosperity and good-fellowship follow in the wake of wisdom and of plain duty resolutely performed. Let us preserve, as we are doing, that which is best and noblest in our Constitution and laws, our institutions and civilization, our business fabric and national customs, as a heritage for our children; but let us also, under the providence of God, by an enlightened statesmanship in the enactment of these wholesome laws, assure and secure to posterity the priceless legacy of industrial freedom and economic independence.

Mr. ADAMSON. Mr. Chairman, will the gentleman from Minnesota [Mr. STEVENS] use some time?

Mr. STEVENS of Minnesota. Yes; I will yield to the gentleman from Iowa [Mr. TOWNER] such time as he may desire. I know that he will be reasonable.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized.

Mr. TOWNER. Mr. Chairman, I am in sympathy with the purpose of this legislation, and shall support this bill. I do so with some reservations, realizing its imperfections, and I would regret to see it pass in its present form. These defects, both of form and substance, are such as can be corrected when we consider the bill for amendment. I sincerely hope we may so

perfect it that it will not only satisfy ourselves, but meet with the approval of the people.

I congratulate the gentleman in charge of the bill, the distinguished chairman of the Interstate and Foreign Commerce Committee [Mr. ADAMSON], not alone for presenting a bill which in its object is so necessary, and in its general features is so admirable, but I also congratulate him upon the high and generous spirit which he exhibits with regard to this proposition. He declares himself willing to accept suggestions, to welcome from any source help in perfecting the text, and to accept gladly amendments which may tend in any way to strengthen the legislation.

This particular bill is the third of the antitrust series, and has for its object the regulation of the issuance of stocks and bonds by transportation corporations. There is no question of the necessity of this legislation to prevent the continuance of the evil practices which, especially in the last few years, have become so prevalent. The people are demanding and are entitled to receive immediate relief. And, important and necessary as it is that these evils should be eliminated in the interest of the general public, it is equally important and necessary in the interest of the corporations themselves. Indeed, it is hardly too much to say that the primary and principal benefit of such legislation will accrue to them.

Mr. ADAMSON. Mr. Chairman, will the gentleman allow me to interject an observation right there?

Mr. TOWNER. I shall be glad to do so.

Mr. ADAMSON. One of the controlling inspirations moving me to the extent of supporting this bill is that the developments of the last five years have demonstrated that it is necessary to protect the corporations themselves.

Mr. TOWNER. Yes; it is necessary to protect them from themselves. Much as the people generally have suffered from the shameless manipulations of corporate securities and the overissue of watered stock, the stockholders have suffered still more. The holders of small amounts of these securities, often widows and children and old people desiring to have a little assured income to keep them while they lived, have seen their holdings rendered worthless and their little income destroyed by the reckless gambling operations of conscienceless schemers.

If this legislation is secured, the iniquitous operations which have brought the good name of our country into disgrace in the eyes of the world will not be repeated in the years to come. Hereafter the interests of the minority stockholders must be and will be considered. Hereafter the managers of these corporations can not sacrifice the real interests of the corporation to serve their own individual and selfish purposes.

And so I rejoice that this legislation is coming. It will bring a better day, both for the companies and the people. It is true that the corporations, or rather the managers of them, protest that such legislation will injure and cripple them in their operations. In so far as that protest is an appeal to continue nefarious practices, it may be absolutely disregarded. In so far as it is an honest apprehension of injury to the legitimate development of their work, I am sure the corporations are mistaken.

Take the requirements of this bill that the issuance of stocks and bonds must be approved by the Interstate Commerce Commission. That proposition is regarded by some honest corporation managers as a harmful limitation on their liberty of action and as likely to seriously hamper and injure them in their work. I am sure that is a mistaken idea. I am sure it will help rather than harm them.

To secure the approval of the Interstate Commerce Commission of an issue of stocks or bonds will constitute an official indorsement which will add to their desirability and enhance their value on the market. An intending purchaser will want to know whether the offered security has such approval, and will become, if such indorsement is shown, a more ready purchaser. Desirability determines whether a stock or bond is marketable and its price. There is no other element that makes a security desirable in the esteem of a purchaser equal to an assurance of its safety. The indorsement of the commission will almost amount to that. An official indorsement of this character will add to the value of such securities, aid in their sale, and thus benefit rather than injure the corporation. I will go further, and say that if in addition to this requirement is added the requirement of the approval of a State commission, this double approval will add to the value and aid in the sale of the stocks and bonds thus issued.

I have no doubt that if this legislation is secured there will be less fluctuation on the stock market. This may result in less business and profit for the stock brokers. I am inclined to think, however, that the people of the country will view such result without great grief. Stocks and bonds will sell for more nearly their real value than ever before. The market will be more stable and flurries and panics less frequent.

So, gentlemen, I am glad we are going to have—for I believe we will have—this legislation. I hope to secure some changes in the bill which I think ought to be made. They will make it better, I am sure, if adopted. I hope the same open mind promised by the chairman will pervade the House. Let us with open mind work together in securing this greatly needed legislation for the people. This will be infinitely better and more to our credit than to try to direct our action in an endeavor merely to secure some poor, petty political advantage.

If we desire, as surely we must, to remove some of the reproach which is cast upon the American Congress for playing politics, let us be large enough, generous enough, intelligent enough to write our legislation on this great subject so that the people may say: "That measure, at least, has received the intelligent consideration of Congress, on its merits, uninfluenced by party or political reasons."

I am pleased to note the change in sentiment which has come about in the last few years with regard to this legislation. This has been already referred to by the gentleman from Minnesota [Mr. STEVENS] and the gentleman from Wisconsin [Mr. ESCH]. As early as 1887 Senator Cullom, from the committee which reported the original interstate-commerce act, declared that overcapitalization had "unquestionably done more to create and keep alive a popular feeling of hostility against the railroads of the United States than any other one cause." Various efforts since then have been made to devise legislation to cure the evil. As in so many other ways, the States have led the Nation. They have passed laws which, in many instances, have been effective in regulating purely intrastate business. In Massachusetts, New York, and other States public-service commissions were created to regulate the issue of stocks and bonds and with such beneficial results that even the corporations approve. The benefit to them has been so apparent, and the benefit to the people so manifest, that no proposition to return to unregulated conditions would be considered.

I am sure our Democratic friends will pardon me for referring to the fact that this legislation is entirely Republican in origin. The movement was begun in Republican States, bills were drawn and the legislation pressed by Republican leaders, and the desired laws were first passed by Republican legislatures. It is true that many Democratic leaders have actively aided in securing such results, and that some Democratic States have followed the many Republican States in placing the laws on their statute books, but both in the States and the Nation Republicans have led.

President Roosevelt recommended such legislation. In 1908 the Republican platform declared:

> We further such national legislation as will prevent the overissue of stocks and bonds in the future by interstate commerce.

In 1911 President Taft in a special message strongly recommended it. The Mann act of 1910 contained such a provision and was passed by the Republican House.

Now the present Democratic majority have wisely adopted this Republican measure and are making it part of their party program. They have done well and certainly are entitled to Republican support in both the perfecting and the passage of the bill. I am glad that now the friends of this legislation are not confined to one party. It is a healthy sign that in this instance the real interests of the people are considered supreme over partisan considerations.

Mr. Chairman, we have made great progress in the control of railway corporations in the last few years. They have been brought under the control of the law, both State and National. Pooling has been stopped, rebating prevented, special favors eliminated. Rates and fares have been reduced and made more nearly equitable and uniform. The prevention of competition has been in a great measure stopped. There remain several minor matters which need remedying, and one large and important item. That is the prevention of overcapitalization, the issuance of watered stock and its accompanying features. The wrecking of roads, the manipulation of stocks and bonds for speculative purposes, the consolidation of companies, not for the betterment of extension of business but for the flotation of stocks and bonds for individual profit—these are some of the evils incident to the unregulated issue of stocks and bonds. This bill is intended to prevent the continuance of these wrongs.

It may be well to consider briefly some elementary principles. What are stocks? They are merely the evidences of part ownership. One thousand men may own a railroad. They may each own one one-thousandth part, or they may own it in unequal parts. The stock is the evidence of ownership of the proportionate share the holder has in the property. The total

First. It has passed the tariff bill, which has unfettered industry and commerce. No selfish interest dictated it; but it was based upon the Democratic principle that no taxes, under the Constitution, should be laid except for revenue only.

Second. It has enacted the banking and currency law, which will prevent any selfish banking interests from precipitating panic for selfish ends, and will allow those who produce the national wealth to reap its benefits.

Third. It has perfected and put in operation the amendment to the Constitution imposing an income tax, under whose provisions a hundred million dollars will be paid each year by the wealth of the Nation for the support of the Government.

Fourth. It has passed the industrial arbitration act, by which the great industrial and transportation companies, and their millions of employees, may adjust their differences in a civilized manner, without injuring either themselves or their best interests or the interests of the Nation.

Fifth. It has perfected and put into operation the amendment of the Constitution providing for the election of United States Senators by direct vote of the people.

Sixth. It has put the lobby out of business as an institution around the Halls of Congress.

Seventh. It has further extended the blessings of liberty to the Filipino people and aided them in the development of self-government.

Eighth. The Democratic Secretary of the Treasury at a critical time placed $50,000,000 of funds in the banks of the country to aid, during the year 1913, in the movement of the crops, thus allaying apprehension and preventing business depression and avoiding complete reliance by the country upon the Wall Street bankers in a time of national peril.

Ninth. The Democratic President has cooperated with the business men and the business interests of the Nation, helping them to eliminate unlawful practices and to establish right practices, without wrecking their institutions by litigation.

Tenth. The Democratic Postmaster General has, for the first time in the history of the Government, so managed the Post Office Department that, instead of a deficit of nearly $2,000,000, he has produced a profit in that department of more than $4,500,000; and he has extended the Parcel Post System and the Rural Free Delivery System so as to cheapen rates and increase that facility to the masses of the people.

Eleventh. Many prosecutions have been entered upon and successfully ended for the enforcement of the existing antitrust laws.

Twelfth. It has enacted the Alaska railway bill, providing $35,000,000 for the building of 1,000 miles of railroad in that rich country, and so opening that vast storehouse of wealth for the common good of the American people instead of permitting it to be monopolized by a few private interests.

Thirteenth. It has enacted laws for farm-extension work, which are destined to increase the effectiveness and the productive capacity of the American farms.

Fourteenth. The foreign policy of the administration has been a revelation of wise statesmanship and applied Christianity. It has withdrawn its support from the policy inaugurated by the Republican Party, to stand sponsor and guarantor for American capital in securing subsidy and concession from foreign weaker nations, which ultimately would have involved this Nation in wars and would have violated the historic and traditional policy of this Nation to form no entangling alliances and not to interfere with the internal affairs of foreign nations. And, in each instance of the many delicate situations confronting our State Department, its wisdom and patience, resolution and diplomacy, have preserved our peaceful relations with all other countries and increased our prestige throughout the civilized world.

Fifteenth. And the administration of the departments of this Government, when fully understood by the masses of the people, will win their grateful appreciation, notably (a) the action of the Treasury Department, as indicated; (b) of the Post Office Department, as indicated; (c) of the Department of Justice, as indicated; (d) the action of the Navy Department, with reference to vocational and technical instruction of the enlisted men aboard ship; (e) the new public-land policy by the Interior Department; (f) the splendid work of the Commissioner of Indian Affairs for the Indian people; (g) the work of the Agricultural Department in broadening the work of that department to the home life of the farmer, increasing his knowledge of farm domestic conditions; (h) the action of the Navy Department in requiring competitive bids for armor plate entering into the construction of ships, with enormous saving resulting; (i) the system of markets inaugurated by the Department of Agriculture; (j) the extension of the pure-food act to meat inspection; (k) the policy of the Department of Commerce in making efficient for the first time the Consular Service; (l) the action of the Department of Labor in establishing close relations as intermediary between the laboring men of the Nation and their employers—in every department, work which makes for the enlarged prosperity, better understanding, and increasing happiness of the people.

While the Democratic Party is not committed by its platform or otherwise to the following policies, still it is evident to my mind as one of the tendencies of the time which will come to full fruition in due course, that the American people, while preserving entirely their Constitution and their institutions and their individuality and industrial system with free competition as its foundation principle, will so regulate their business and concerns, through congressional enactment, as to provide (a) for the supervising and regulating of issues of corporate securities; (b) for representation in corporations of minority stockholders; (c) for the preventing of dummy directors; (d) for prohibiting interlocking control of competitive business; (e) for prohibiting holding companies that restrain competition; (f) for preventing, under the guise of competition, the sale of articles in one community for less than in another, considering transportation charges, in order to strangle business rivals and thereby create monopoly; (g) for providing a greater relief to those unlawfully injured by the methods of unlawful combinations; (h) for providing more adequate means for the enforcement of all antitrust laws; (i) for preventing interlocking directorates in either industrial or manufacturing or financial institutions, so as to restore competition; and (j) for other legislation which will make all men, who are theoretically free under our Constitution and system, absolutely free in practice from molestation by unfair business methods at the hands of the strong and powerful, so that heart may be put into the individual man in this marvelous country to undertake in business the enterprises his genius conceives and his ambition cherishes, without fear that industrial rivals will crucify him by unfair methods.

Certain conditions exist in our beloved country at this time, which every one of us definitely knows are not good and satisfactory conditions. It is not my purpose at this time as a partisan to blame preceding administrations for those conditions, nor to defend the present administration for those conditions, especially as it is not responsible for such conditions, but briefly to trace some of the reasons for such conditions. We all know, and the entire country knows, that ever since the climax of big business run mad, in 1907, not only in this country but throughout the civilized world, business and business men have been in a state of apprehension, and the normal condition of business in its larger aspects has for several years been supplanted by business unrest and apprehension. Men everywhere, regardless of party, deplore it, and partisans magnify it and attribute it to what cause pleases their several fancies. But the fact remains that throughout the civilized world, since 1907, when the Republican Party was in power even as it remained in power during the five years following, that condition obtained, and to greater or less degree it obtains at this hour. The conditions are world-wide. In the great financial center, New York City, at this time money has piled up in the banking institutions to an unparalleled extent. Money is an absolute drug upon the market, and yet it can not be had except for short-time loans upon stock-exchange securities. If the reason be not that those who control it desire to clog the wheels of industry until this Congress shall adjourn, leaving corrupt and selfish men in control of the industrial destiny of the people of this Nation, then the only other reason is an international dread and fear partly growing out of conditions in different nations and very largely growing out of dealings which such men in this Nation have had with multitudes in other nations. As the gentleman from Minnesota [Mr. STEVENS] has just remarked, there is absolutely no market for railroad securities. In that remark he uttered the plain fact; and he might also, with equal accuracy, have said that there is little market in a larger way for any other American securities. The fact is, as I think, that so-called big business has dealt, on the whole, fairly with the American people. We should do nothing here which injures big business in its legitimate career. We are a Nation of big people with big aspirations and with big powers. As a people we have created, and we own, and we need vast wealth, and our only concern should be that vast wealth thus aggregated is used for the blessing of the people instead of for their oppression.

The Democratic Party is not an enemy of big business, but it is determined that selfish men who have controlled and now control big business, in many lines of enterprise, shall cease to use their trusteeship not only to pillage and plunder the properties they control, and to injure and wreck their minority stockholders,

and to settle vast burdens upon the people of the United States that they themselves may reap untold dishonest rewards, but also to pervert the principles of competition and to destroy the hope of the masses for industrial freedom. Mention has been made in these debates of the recent scandal of the great New Haven Railroad system, which traverses the heart of New England; and it is true that the revelation of how a director, by secret orders, pillaged $11,000,000 from the treasury of that great corporation, has horrified the country. But it is equally true that those same trustees and directors declared and paid $60,000,000 of dividends upon the statement that they were paid out of net cash earnings, when the disclosure now is that not one dollar was thus earned, but upon the strength of those representations $200,000,000 of securities were sold at several times their par value, and which have found their way to foreign lands. Now when such revelations of mismanagement and official misconduct horrify the people of this country and also the investors in American securities in all other nations, when it becomes evident that the trustees of the largest business interests of this Nation have so used their trust as to make it a private enterprise of corrupt profit for themselves, wholly disregarding the interests of the people and the interest of fair dealing, then and thereupon investors from foreign lands throw back their securities upon the American market at one-fourth the price paid for them—glad to be rid of their investments in American securities at any figure. No wonder that no present market exists for American railroad or other securities. And there is no higher duty of statesmanship in this generation than by this legislation—the interstate trade commission bill, the antitrust bill, and the amendment to section 20 of the commerce bill—to provide for all time to come for publicity of issues of stocks and bonds through the Interstate Commerce Commission, so that the whole world may know of the validity of future issues and so that our industrial fabric can not in future be shattered by the dishonesty of managing trustees and directors of our noble American enterprises. And it is entirely evident that permanent business prosperity can not be had until this legislation is enacted and in force, and therefore until all American business men are able to adjust their business to the new and enlightened standard of publicity and honest dealing—which the vast majority of them have already done and would do even independently of legal requirement. And it is equally evident that the time has come when, if the Congress, in the interest of the whole people, does not enact this legislation, industrial freedom is absolutely to die in this country, competition is absolutely to pass as the rule of business conduct, and a few enormous interests are to dominate every line of business and shut the door of equality of opportunity in the face of every man in this Nation who is not upon the inside of those few combinations and trusts.

The Democratic Party will have kept faith with the American people by the enactment of the three bills making up its antitrust program, to wit: (a) The interstate trade commission bill, (b) the bill amending the Sherman antitrust law, and (c) the bill now under consideration amending section 20 of the interstate-commerce act of February 4, 1887, as heretofore amended; and it believes that thereby it will have made business and business conditions stable and secure throughout the country, rendered it possible to dissolve the trusts and combinations in restraint of trade and prevented further and other forms of monopoly, and prevented the managers of interstate common carriers from loading such quasi-public properties with useless issues of stocks and bonds to burden the present and future generations. There was practically no opposition here in the House to the trade commission bill, and it has been laid aside with favorable recommendation. Likewise, we have considered the antitrust bill, and have laid it aside with favorable recommendation. And now we have come to consider the bill amending section 20 of the interstate-commerce act. This bill has to do with four ideas, in substance: First, to confer greater power and authority on the Interstate Commerce Commission to ascertain more completely the facts, figures, and dealings of these interstate common carriers subject to regulation by the Interstate Commerce Commission, in order to give greater publicity and understanding of their acts and doings, and so as to allow the stockholders themselves a remedy against the evil practices of dishonest trustees and managing directors who have their utmost confidence and who have too often violated it, and so as to allow the body of the American people, who pay the freight charges, to know upon what basis securities of stocks and bonds and other form of indebtedness are issued and the valuations upon which they are being ordered and allowed—the Interstate Commerce Commission being the intermediary by whose approval such securities are to be issued, and to act alike as protector of the security holders, of the common carriers, and of the public upon whom the burden is laid of freight charges; second, to amend the present law as amended, so as to make it unlawful for any common carrier subject to the provisions of the interstate-commerce act to issue any capital stock or bonds without giving notice to the Commission of its intention so to do, stating in such notice precisely what securities it proposes to issue and showing the purposes to which the proceeds are to be applied, and unless such proposed issue be for some purpose within its corporate powers and in the public interest and necessary or appropriate to the proper performance of its corporate service to the public and not tending to impair its financial ability to discharge all of its duties to the public as a common carrier; Otherwise the commission may deny such application, or the minority stockholders, as well as State officials through whose territory the common carrier runs, may enjoin the issuance of such securities until it can be judicially ascertained whether such securities tend better to strengthen the common carrier in the discharge of its duty as such common carrier, under penalty of imprisonment for those officials violating this provision; third, to prohibit, after two years, interlocking directorates in common carriers except in those instances approved by the Interstate Commerce Commission; and, fourth, to give to the shippers the right to collect from the common carrier to whom they consign their goods, if such goods are lost in transit, the value thereof, allowing such common carrier to reimburse itself therefor from its connecting common carrier.

The public have a very present and actual interest in the amount of securities outstanding against such interstate common carrier. Such common carrier is a quasi-public institution. It derives its revenues exclusively from the public. It receives its grant of charter rights by authority of the public. Its right of eminent domain is a concession from the public. In almost every instance in which application is made to a State authority or to a national authority by State common carriers or by interstate common carriers, respectively, for an increase in freight rates, the matter of the net earnings upon the outstanding stocks and bonds in one of the principal considerations urged for such increase. It is true that such is not in law the proper basis for fixing freight charges, but rather a fair return for a proper service rendered; and yet, in each application and hearing and argument, the volume and amount of the outstanding securities is pressed with vigor as a basis on which charges are urged to be predicated. At the present time the great systems of eastern railroads—those east of the Mississippi River and north of the Ohio River—have before the Interstate Commerce Commission, and have had for many months, an application for a 5 per cent increase of freight rates. The President of the United States has been importuned, both in Congress and out of Congress, to use his supposed influence to procure such increase, and the matter has been continuously argued and presented to the commission, and much of the daily press of the country has carried a vast burden of argument in favor of such freight-rate increase; and while neither Congress nor the President has either authority or voice in the matter, the effort has been made to influence by the weight of public sentiment the commission to grant such increase, and the chief argument has been that the great volume of outstanding railroad securities, without such increase, will receive no sufficient dividends. And therefore it is evident that, while it should not be so, still it is a fact that, in each instance of application for an increase in freight rates, the volume of outstanding securities of the common carriers is one of the few controlling factors urged upon which to predicate increase in freight rates, and is one of the very few determining factors influencing the final result.

As the public pays the freight charges, it follows that the public, through the Congress, have a very great and proper interest in the matter of the securities outstanding against the common carriers. Neither I nor any other Member of Congress should assume to express an opinion whether the great eastern transportation companies are entitled to such increase in freight rates. Of course we know that they employ over 2,000,000 men and have outstanding over $14,000,000,000 of securities, and that they are the chief purchasers of iron and steel and lumber and other products of American industries which employ millions of American workingmen, and that their prosperity contributes mightily to the common prosperity and that their adversity would affect vitally every line of industry in our country; and yet whether they are entitled to such increase should depend—not upon the opinion and will of Congress or of the President, and not upon a reasonable dividend or return on their outstanding volume of securities—but solely upon a fair price for a proper service rendered. But it still remains true that one of the controlling reasons they have assigned, in their documents and briefs, is that the increase is

Again, he says:

Our (Progressive) policies would have secured the passing around of prosperity.

In 1907, after six years of his own "progressive" rule, he did succeed in passing prosperity around, but he passed it around the farmer and the laborer and passed it over to the great monopolies of this country.

When the people passed him out of power he grew very solicitous about the "common people," and began running over the country shouting that he had quit the old Republican Party and stood for its destruction. He succeeded well in destroying it permanently, but do you know when he quit that party? He quit at Chicago when he failed to get the nomination. Everybody recalls the report that he went to Chicago with two speeches ready—one in case he got the nomination, the other in case he did not. They kicked him out, and he then declared that he had quit the old boss-ridden Republican Party.

When the great traveler returns from this voyage and awakes from his dream of selfish ambition to enjoy again the intoxicating thrill of political position and power he will find that the work the people demand for their liberation from the grasp of monopoly will have been done by the leaders of the Democratic Party, and it will have been done so well that he may continue to travel over the earth, making wild explorations and wilder reports of same, as he enjoys the liberty guaranteed to him at Chicago and delivered to him by the people of the country at the last November elections.

He will find that these men in control—Wilson, Clark, Burleson, Underwood, and the rest—do not claim to be heroes or demigods. They need not be, though a divinity is encompassing their acts. Human weakness is present in them, yet the divine inspiration of duty so lifts them out of self that the hardships they are so willing to suffer here is not the blind obedience to special privilege, expediency, or selfish greed, but it is for the vindication of a truth, a cause, a principle; it is the losing of self, the exaltation of the finest and best in man, the eager willingness to give themselves in the service of their country. Such is the spirit that characterizes the work that will have been done by the Democratic Party and the independent men on the other side of this Chamber before the traveler awakes from his dream of power to realize that the people have discovered that in his years of control he failed utterly to do one of the things he now says he would do to give the country relief. Were his gyrations not so dramatic, in the face of his record his preachments would be funny. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Texas [Mr. EAGLE] 40 minutes.

Mr. EAGLE. Mr. Chairman, I think that every serious-minded man must feel a sense of solemnity when he comes to participate in the deliberations of Congress and realizes that the thing he does, whether appearing to himself to be important or unimportant, directly affects many people and indirectly affects all of the people of the Nation. In the matter of this body of antitrust legislation, our action will directly affect all of the larger business enterprises throughout the country, and upon their prosperity and continued good fortune depends directly the good fortune of their owners and of their millions of employees; while our action, to greater or less degree, will have its influence upon every man, woman, and child in the United States.

The Democratic Party, in the year 1912, took a solemn and binding contract with the people of the United States to do certain specific things. That contract consisted of the platform and candidates of the Democratic Party tendered to the voters, upon the one part, and of the votes cast in acceptance of that platform and those candidates by the voters of the Nation, upon the other part. The American people entered into that contract with the Democratic Party in perfect good faith and with definite knowledge and understanding. While there are many different provisions embodied in that contract, I believe that each Member present will agree with me in the statement that perhaps three, and only three, provisions in that contract—or planks in our platform—made up the points upon which the masses of the American people were influenced in declining to retain in power the Republican Party, in declining to intrust with power the Progressive Party, and in determining to intrust with power the Democratic Party. Those three provisions were with reference to the tariff, with reference to the currency, and with reference to the trusts.

The Congress has been in continuous session during the past 15 months, laboring with zeal, and upon the Democratic side, practically with unanimity, devising ways and means to keep that contract with the people.

We have faithfully attended to the matter of the tariff by reducing the duties on imports from an average of 43 per cent, as it existed under the Republican law called the Payne-Aldrich bill, down to a general average of 26 per cent, and have done it without disturbing the legitimate business enterprises of the country to any appreciable extent. And, while we have thus reduced the tariff taxes from the general average of 43 per cent down to 26 per cent, there has been, up to June 1 of this year, within $100,000 of as much revenue derived from the Democratic Underwood-Simmons tariff bill during the time it has been in operation as during a similar period under the former protective tariff bill enacted by the Republican Party, and there has been as much revenue derived from the Democratic tariff law as was anticipated up to the 1st of June of this year; while the Treasury experts estimate that, by June 30, $20,000,000 more will have been derived than it was either supposed or estimated, by the experts on the Ways and Means Committee of this House or by the Treasury Department, would be needed. And yet we have accomplished this gratifying result by reducing the tariff upon those articles which are a common necessity to the average man throughout the Nation in his daily life, and at the same time have given sufficient revenues to operate the Government.

The Democratic Party has faithfully kept with the people another promise—which the Republican Party has also been making to the country for the past 40 years, but has never had either the wisdom, coherence, or courage to perform—that is, it has enacted a banking and currency law by which the 25,000 banking institutions of the country are assessed upon their capital stock and surplus to make up a fund sufficient to conduct 12 regional reserve banks, to which the member banks may rediscount their paper to the full extent of the business requirements and the increasing necessity of extending credit facilities to the various sorts of business throughout the Nation—the Government retaining control of the issue of the new currency and the control of the governing boards, and by which the reserves required to be held by the banking institutions have been so decreased as to release for the purpose of extending credit facilities a vast sum of money, and rendering panic and the consequent wrecking of banks impossible in the future, and so making the banking and currency system of the Nation so sound and stable that in the future the fabric of the people's business prosperity can never again be wrecked or seriously disturbed. By this currency law the Democratic Party has met a pressing need a half century old, and has written a bill so wise, just, and conservative that all classes of our people will share equally in the sublime opportunity it affords for stable business conditions in the future.

And yet, in my deliberate judgment, it would not afford the complete relief to which the people of this Nation are entitled and to which the Democratic Party is pledged, merely to have enacted this just tariff law and this comprehensive banking and currency system. We must take the third and remaining step in order to make this edifice complete—we must enact this body of antitrust laws in order to take the fingers of monopoly off of the throat of American industry. We must not leave the trusts and combinations in restraint of trade, that form of monopoly in practically all of the lines of enterprise, still free to fix arbitrarily the price of the necessities of life of the producing and consuming masses—of their food supplies, their clothing, and all their other daily necessities. Of what avail is it to have reduced the tariff tax upon any article so that its price to the consumer would be decreased under the ordinary laws of competition, and of what avail is it to have enacted the currency law making for the stability of business conditions throughout the country, if we shall now adjourn leaving absolute monopoly in control of the people's welfare as heretofore, to stifle competition and arbitrarily to fix the price at which the consumer may purchase his supplies in the market? Practically every class of supplies necessary to the daily life of the American people is already monopolized by combinations and trusts, so that the price to the consumer is arbitrarily fixed; and in all those classes of supplies monopoly has practically stifled competition so that the laws of supply and demand no longer control the price. The American people understand this as a fact; and it is the noblest mission yet remaining to the Democratic Party to fulfill, to open the door of industrial opportunity to all men, and to restore again competitive conditions.

I am aware that there is great diversity of opinion, both in Congress and throughout the country, as to the wisdom of legislation upon this subject at this time. Never before since I have served in Congress has there been such tremendous pressure to postpone or to defeat legislation upon any subject as now exists to postpone or defeat consideration and passage of any legislation at this time affecting these matters. For one, my conviction and voice are for proceeding as resolutely to the fulfillment of this mission, by the Democratic Party at this time,

as heretofore for the carrying out of our platform pledges with reference to the tariff or with reference to the currency. When the tariff bill was under discussion, Congress and the country were told, by the Republican press and statesmen and by the selfish business interests of the country, that to disturb the protective-tariff law meant to wreck the fabric of the people's business prosperity; and yet we resolutely pressed forward and fulfilled our promise faithfully, and earned the gratitude of the Nation. When the currency legislation was under consideration last year, we were told, by the Republican press and statesmen and by the selfish business interests, that if we proceeded resolutely to complete that program the wheels of industry must stop because we were revolutionizing the existing system of American business; and yet we resolutely pressed forward in good faith and performed a service for the people that has already come to meet the universal appreciation and commendation of practically the entire body of the people and of all business interests as well. And now, when we come to consider this antitrust legislation, and resolutely undertake to enact it, we are met with such a deluge of protest and opposition that the strongest heart feels the pressure and must summon all its courage to the performance of a plain duty. It is argued that the Democratic Congress having passed such a vast body of constructive legislation, the business men and institutions of the country require a period of legislative rest in order to adjust their affairs to the new laws. But my conviction is that the threat of impending change is more disastrous to business than a speedy enactment of law will be when that law is sane and sensible; and therefore the sooner this body of antitrust legislation is enacted, the sooner will American business adjust itself to the new business status thus created, and the sooner will the wheels of industry move smoothly along. Besides, the sooner we remove the fingers of monopoly from the throat of the public, the sooner will American citizens be free from the oppression and dominance of the trusts, the sooner will competitive conditions be restored, the sooner will the prices of the articles daily purchased by the people fall in price to a legitimate value based on the law of supply and demand, and the sooner will heart and hope enter into the masses of the people who have so long been burdened with the exactions of oppressive trusts and combinations.

My own conviction is that certain selfish big business interests have deliberately determined to clog the wheels of industry, to create a condition of nation-wide depression, and to create a false sentiment against this just legislation, in the hope of breaking the courage and success of the President and the Democratic Party, so that Congress will adjourn without enacting these laws which will break their grip of monopoly; and, therefore, we should remain resolutely at our post of duty until this remaining key is placed in the arch of our triumph as faithful representatives of the highest interests of the masses of the people.

The people have come to new and novel industrial and financial conditions—different from those ever heretofore confronting any other people in the history of the world. As a people, our inventive genius has exceeded that of all other peoples. We have more nearly mastered the forces of nature, and the laws of mechanics, than any other people have ever done. We have practically developed a continent in only a few generations. We have piled up wealth beyond even the dreams of avarice. And we have learned perfectly how to employ these forces and this vast wealth, both for the general good and also for selfish ends. Our great masters of finance, of industry, of transportation, of manufacture, of commerce, are at one and the same time the admiration and the hatred of the whole civilized world; and, in our own country, we often lose our admiration for their genius in our hatred for their greed and selfishness, and quite as often forget our dislike and distrust of their selfishness in our pride and satisfaction in their genius and achievements. We have, in the past quarter century, very largely revolutionized industry and our former industrial system. Individualism has prostrate under the foot of industrial combination. The great wealth, great ability, great courage, and great achievement of our business men and the strength of our business enterprises would be an unmixed blessing, if only they had stopped before entirely changing our industrial system, before stifling competition, before destroying individual enterprise. But the facts may as well be faced—that, in this marvelous age, aggregation of wealth and of men is the established order, the old order has very largely passed, industrial individualism is dying, competition is being stifled; and, unless Congress can arrest such tendencies and restore competition, the door of equal industrial opportunity will be closed in the face of future generations. That statement is not a theory—it is the statement of a plain fact.

Of course the Republican Party can not be trusted by the masses of the people to correct any of these evil present conditions or tendencies. During its long reign of power at the head of every department of the Government, it was sponsor for combinations and trusts. Those which most oppress the people were organized under its administration and very largely with its approval. Its whole teaching and the trend of its administration and legislation conclusively prove that it is in league with industrial combinations and trusts and that it cares little for the welfare of the producing and consuming masses if only it can faithfully serve the trusts which its administration protected and which, in turn were the largest contributors to its campaign fund.

The Progressive Party can not be trusted to correct these present-day evil industrial conditions—because its founder and leader, Col. Roosevelt, while President of the United States, connived at the formation of the trusts, and did not prevent or suppress them; and in the most notable instance—that of the absorption by the United States Steel Corporation of its only substantial rival, the Tennessee Iron & Coal Co.—had full knowledge in advance and gave his full consent and assistance; while the leader of the Progressive Party on this floor, Mr. MUNDOCK, has actually introduced a bill (H. R. 6300) to prevent competition; and its national chairman, Mr. Perkins, is the organizer and guiding head of the Harvester Trust.

The time has come when, not alone the competitive system, which is the pride and industrial principle of our civilization, not alone the preservation of the rights of the masses from the oppression of the trusts and combinations, but our very civilization itself, is at stake. Upon the one extreme the Republican Party stands as the sponsor and protector of corrupt big business with its coteries of unpunished managers and directors who have not only oppressed the masses but have also pilloried and plundered the properties committed to their charge; and upon the other extreme stands the Progressive Party with its indefinite and vague program for legalizing and regulating monopoly, and to which the yearning eyes of all of the discontented elements of our national society have turned—the socialistic, the discontented, the destructive element of society in general, the impractical and visionary—all those elements of our society which have little or no respect for the Constitution and Bill of Rights, but accept with eagerness any promise of radicalism held out to them either by the platform or leadership of the Progressive Party. Between these two extremes stands the Democratic Party—where it has stood for 100 years—understanding and upholding the Constitution, preserving the noble fabric of our political institutions, holding with veneration to the sanctity of judicial decrees, of property rights, and of the rights of private contract, and standing for the personal freedom and general happiness of the people, and holding to its ancient doctrines with the faith of a martyr and the zeal of a crusader.

The Democratic Party believes now, as it has believed through all the century of its existence since Thomas Jefferson set it upon its path, that the individual citizen is sovereign and that he possesses all powers not yielded up to make our Government; that individual liberty and local self-government are the foundation stones upon which the Nation rests; that the Nation possesses no powers except those delegated to it in the Constitution by the people and the States; that the States possess all power not yielded up to the Federal Government or prohibited to them by the Federal Constitution; that equal justice to all men and special privileges to none, is the fundamental principle of a free republic of equal citizenship; that absolute acquiescence by the minority in the will of the majority, when constitutionally expressed, is the highest evidence of civilization even as it is the surest guaranty of the perpetuity of our free institutions; that, in matters of legislation, the greatest good to the greatest number is a sound fundamental teaching; and that the only object of a just government is the preservation of the rights of freedom, of property, of justice, and of happiness of the masses.

The principles of the Democratic Party are so plain and simple that the humblest intellect comprehends them, and so true and noble that the greatest intellect venerates them.

By those principles we have enacted a tariff law which equalizes taxation, and a currency law which preserves the fabric of the people's business prosperity; and by those principles we will enact this body of antitrust laws which will open the door of industrial opportunity alike to each man beneath the American flag.

By these principles this Democratic Congress and administration, in the brief 15 months, has accomplished noble results in the interests of the masses, without doing in any instance injustice to any good man or to any legitimate business interests in the country.

be for the purposes of the public work of the carrier and not for the personal advantage of the officials. They have the right to know that such issuance will be of real and proportional benefit to the carrier and not tend to impair its ability to perform its public functions. Minor officials can not judge these important conclusions; only officials of broad views, experience, and wisdom can do so. Unless you can have such judgment, the public, the investors, and the carriers will be disappointed and deceived.

Mr. GOODWIN of Arkansas. Will the gentleman yield for a question?

Mr. STEVENS of Minnesota. Yes.

Mr. GOODWIN of Arkansas. In your opinion would the Interstate Commerce Commission have power and authority to pass upon the securities of an intrastate road unless the road or its traffic had relation to interstate commerce?

Mr. STEVENS of Minnesota. No.

Mr. GOODWIN of Arkansas. It would not under the decision of the Minnesota rate case?

Mr. STEVENS of Minnesota. No; unless it entered into or directly affected interstate commerce in some way.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STEVENS of Minnesota. Five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota is recognized for five minutes.

Mr. TOWNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. TOWNER. This matter is of very great importance. Will the gentleman who has called attention to it take time to tell us how he obviates that difficulty in his substitute?

Mr. STEVENS of Minnesota. Yes. I provide for two additional commissioners, making nine Interstate Commerce Commissioners in all. Then I provide that the commission may delegate this authority provided in this bill to a decision of three commissioners. In other words, these two which may be additional and one of the present commission shall have the power to exercise this authority. This is not a permanent arrangement, but temporary, under the orders of the commission until a better method shall be devised. As it is now, practically one commissioner exercises such authority. This provision of mine would give the personal views and authority of three. I think that is a temporary way to work it out until something better can be found.

Mr. TOWNER. I will say to the gentleman that everybody realizes the fact that the Interstate Commerce Commission is now overworked, and everybody must realize that this would entail a very large additional burden upon them; and I think the gentleman is right in saying that something must be done in order to meet that condition.

Mr. GARRETT of Texas. Will the gentleman from Minnesota yield?

Mr. STEVENS of Minnesota. Yes.

Mr. GARRETT of Texas. I understood the gentleman to say a few moments ago that the committee had avoided the question of leaving to the commission the power to fix the price at which these securities should sell. Now, does not the gentleman think it would at least be wise for Congress to enact a law providing whether these securities shall be sold at par, or to fix a figure below par below which they shall not be sold? Would we not protect the investors of the country in that way, instead of lodging that discretion entirely with the commission? The gentleman knows that many of the States have fixed the price at which the securities shall be sold. Would it not be well for us at least to put some limit on this discretion?

Mr. STEVENS of Minnesota. No, Mr. Chairman, at the present time I think not, for two reasons: In the first place, the interests of this country are so diversified and so vast that no one rule can be adopted safely. A price that might be fair for securities in New England would not be fair for securities in Texas; and I do not believe we could place any provision in the bill that would be at all satisfactory as a minimum that would work out well. Now, if we attempt to place a price that will be at all high, no securities at all can be sold. That would mean practically a stoppage of all development in the country, and of course nobody wants that. If we place the minimum too low, it would not be of any help to anybody. Therefore we thought it best to leave the whole subject to the commission. If we find in the light of subsequent experience that something else is necessary to be done, of course we can do it; but at the present time, when we know that the market for securities is such that practically none could be sold under such a limitation, we have not deemed it wise to put it in the bill. We want the securities to be sold. The substitute provides that they must be for the specific purpose stated in it. The commission itself can regulate that and then check them up to ascertain whether good faith has been exercised. The substitute gives ample authority to see that the proceeds are not diverted. We have not sought to lay down rigid statutory rules for all of these different requirements, as many of the States have done. One State can safely do that, because its field is limited and its diversity not so great. Even in such cases, too rigid rules have operated harshly and worked badly for the people. We were impressed by this fact, that there were broad general regulations which should be prescribed, with the administrative details to be worked out under the discretion of a wise and able commission. But if we attempted to place such details in legislation, it would work badly more often than it would work well. This would result not only in an injury to the carriers affected by it, but it would injure the people more, because their needed facilities might not be furnished at all if too many expensive burdens be laid. Or if such be furnished they might be delayed or be made more expensive, and this must be ultimately met by the people who are to be served. We believed the only safe rule was to leave this initiative and the policy and details to be worked out by the railroad management, with a veto power and an accounting power to the commission. That is as far as we should go. That is all sought to be accomplished by this measure, and I am confident will operate to the best advantage of all to be affected by it.

Mr. SABATH. But there is nothing in the bill that would safeguard the purchase of the securities.

Mr. STEVENS of Minnesota. Oh, we could not do that. I do not think we have any authority to do that unless we guarantee the securities, and we expressly refused to do that.

Mr. SABATH. There is nothing in the bill that would restrict the issuance and sale of such stock for double the amount of the real and actual value of it, is there?

Mr. STEVENS of Minnesota. Oh, the commission could regulate that. The application is very carefully guarded. It provides a lot of details, as the gentleman will see if he will read it, and that practically stops that sort of thing. I do not think the gentleman need have any apprehension. Then after that there is a general requirement of what shall be done and what shall not be done. The commission then will have the authority to check the matter up and see that the proceeds are not diverted. The commission must consider whether the issue would impair the ability of the carrier in its future work. That requirement is sufficient to protect, as the gentleman desires. That is put there for that purpose.

Mr. SABATH. In that way the public would be safeguarded.

Mr. STEVENS of Minnesota. Oh, yes; the public is amply protected.

Mr. BURKE of South Dakota. I think the gentleman has stated already, but I wish he would state again what amount of securities will probably have to be issued, say in the next 10 years, in order to carry out the business that will be absolutely necessary for the railway companies to handle the commerce of the country.

Mr. STEVENS of Minnesota. I stated that the best authorities that have come to us indicate that the amount is between $5,000,000,000 and $10,000,000,000, an enormous amount, and we should realize that this vast sum, or any considerable part of it, can not be obtained unless, first, the investors know they will be safe from lawsuits and the validity of their holdings can not be assailed, and, second, they must know and we must realize that no man will invest a dollar unless he feels sure he will get it back again with a reasonable and fair interest rate on his investment. He will not take chances, because he does not have to.

There are too many places in the world where money can be invested safely and profitably. The American railroads must compete with this world-wide demand for investments, and this bill must not unduly handicap them in such competition. Every sensible and fair person believes in proper and strict and appropriate regulation by one governmental authority, but it must be fair, it must be practical, and it must be efficient, or you burden the carriers and investors, so they can not use it. If that occurs, you realize that the people of this country will suffer most of all.

Now, Mr. Chairman, I have used much more time than I intended. One thing more. I think a mistake is made in including in the substitute of the gentleman from Georgia a prohibition of interlocking directorates. My own judgment is that that should be handled in another bill, after more consideration. Remember this, that quite a number of States, including the State of Texas, require State incorporation.

Mr. ADAMSON. If the gentleman will yield just in that connection——

Mr. STEVENS of Minnesota. Yes.

Mr. ADAMSON. Some gentlemen here seem to think that some other things ought to have been included in the bill. I wish the gentleman from Minnesota would advise them that we have made a special order in our committee from now on—the work of considering all propositions to amend the act to regulate commerce—and we intend to consider every proposition on the subject.

Mr. STEVENS of Minnesota. Yes; the gentleman from Georgia is correct, as he generally is, as we all realize. Your committee has under way a plan for hearings and consideration of quite a number of amendments to the interstate-commerce law. Some of them are of much importance, but they could not well be included in this measure for want of time and adequate consideration, and they did not pertain to this particular subject, as I think the prohibition of interlocking directors does not. Just remember this, gentlemen, that quite a number of States require State incorporation of railroad companies. The clerk of the committee, who is always courteous and capable, will prepare for my printed remarks a statement, which is contained in one of the books of our library, showing the number of States that require each railroad company to have a local domicile and a local incorporation in the State. That means that each one of these States requires local directors, and that means that each one of these States must have a separate corporation, with directors who probably also act in the parent corporation in order to handle it to advantage.

You will remember that the trunk lines are composed of subsidiary and branch lines, and these ought not to be handled by dummies. Dummies lead to fraud and opportunities for corruption. The way to handle these matters is by straightforward responsibility by capable men of high character and standing. You ought to have nothing in the bill which would prohibit that kind of men serving on the boards of directors, especially when the State makes it necessary under these circumstances. I think that paragraph ought to be taken from the bill.

The way to meet this situation as to interlocking directorates, the way to meet the troublesome question of holding companies, the way that some of us have long advocated, is the system that you gentlemen will have to take some day. Four years ago you would not have passed this kind of a bill giving the Interstate Commerce Commission this authority. We ought to, and will in the future, pass a bill providing for Federal incorporation of railroads. If we do, we can settle this whole question of interlocking directors, we can settle the whole question of holding companies, we can settle all of these questions about regulating the price at which securities can be issued, we can settle the question of about how they shall be issued. Most of these matters now troubling Congress and the various States can be settled under the plan of Federal incorporation of railroads. I am in favor of it and I think a number on our side and I believe on your side are in favor of it, and I shall congratulate you gentlemen when you take the next step in the way of incorporating railroad companies under a Federal charter. [Applause.]

Mr. FESS. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. FESS. When the Interstate Commerce Commission approves the issue of these securities the Government is assuming no obligation?

Mr. STEVENS of Minnesota. No; the bill provides for that distinctly.

Mr. FESS. In any case where the stock is issued and taken and it proves to be bad, what effect would that have, generally, on the Government?

Mr. STEVENS of Minnesota. It would have this effect: Of course the United States assumes no responsibility, but undoubtedly if the commission made a mistake the holders of the securities would come before the commission and say, "Here, you ought to provide by your system of regulation of rates that this carrier should have the right to earn money enough to pay the interest on these securities which you have approved." That was pointed out by the State commission in this volume, and the Hadley Commission's report discussed that subject. Many witnesses have attested to it and raised the very serious query as to the effect of the approval by the Interstate Commerce Commission when the investment did not prove to be a profitable one. We were shown that some of the worst of the Frisco securities had been approved by the Texas commission, some of the New Haven by the Massachusetts commission, so that public investigation and approval did not avail to save the public or the investor. It could be infinitely more serious to have such an occurrence on the part of the Interstate Commerce Commission, so that makes it doubly important that the Interstate Commerce Commission itself by its own members should regulate the issuance of these securities.

Mr. PLATT. Will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. PLATT. Does the gentleman think that it is possible to fix the railroad rates in accordance with the capitalization?

Mr. STEVENS of Minnesota. No; I do not. I think that is only a matter of evidence and of not much importance at that. If we depended on that basis for our action, I do not believe anything would be done. We must rest on a broader and better basis for this legislation than using it for the fixing of rates. To me that is about the last consideration. I think this legislation should be considered as assuring more adequate and just regulation in the interest of the public, insuring better and more adequate service and safety. It will protect the credit of the carriers and in that way care for its facilities, safety, and ability in the future. It is an act of sovereignty to adequately care for the corporate acts and necessities of its public corporations and those caring for its public functions, even though created by a State. If the people think they will have rates based upon the approval under this act, they are apt to be disappointed. We are doing more important work than that—looking after their safety, their facilities, growth, and development, for the future, the prosperity, and opportunities for our people and their industries, the basis for working out their ambition and their hopes and their life's endeavor in the fast onward march of our country. These great thoughts are the basis for this legislation. We are performing such an act in this measure.

Mr. ADAMSON. Mr. Chairman, I yield to the gentleman from Louisiana [Mr. ASWELL.].

Mr. ASWELL. Mr. Chairman, the importance of passing this antitrust legislation speedily is being greatly emphasized, not only by the friends of the bill but by the expressed solicitous concern of the enemies of the Democratic Party. The enemies of the party seem much disturbed over the fact that the Democratic Party will actually fulfill its pledges and place this legislation on the statute books at this session of Congress. They have almost lost hope of their original plan to produce a panic and demoralize business before the Democratic Party could correct the evils and oppression under which the great plain people have suffered for 16 years—evils of special interests, trusts, and monopolies, saddled upon the small business man, the farmer, and the industrial wage earner by Republican rule, a rule of monopoly and special privilege which was dictated for 7 years by one man in person and 4 years by him by proxy. This great traveler, explorer, and discoverer of doubtful rivers, admired for his personal courage, vigor, and audacity, strikes a note of despair in a mad effort to produce a panic as he sails on another voyage. The panic of 1907 proved him a master panic producer, but he forgets that a new day has come, with men of another stamp in control, who take their instructions not from the favored few nor from him, but from the toiling masses. They are men in whom the people confide and from whom the people know they will get permanent relief from the monopolies of the country.

The Sunday papers quote him as follows:

> It must be remembered that I have been out of the country for nearly 8 months and have been home only 10 days, and therefore have not been able to acquire the necessary information that will enable me to respond intelligently to many of the inquiries made of me.

He admits by this statement that he knows nothing of conditions to justify his charges against the Democratic Party with reference to trust legislation, but seems to be on his job, which is to make noise, disturb business conditions, array one class against another, and set up his usual scarecrow of pending calamity, caused, he evidently believes, by his being down and out, for which those who love our country should be thankful.

He speaks of widespread apprehension and says:

> We can not ignore the conditions which have brought this state of things.

He should have added "conditions which I created." He continues:

> Not the slightest progress has been made in solving the trust question.

He should have said: "It took me seven years to saddle these monster trusts upon the people, and the Democratic Party is about to control them in one year, and I must make a big noise, to turn attention away from my record of seven years of faithful obedience to special interest and monopoly. I want the people to forget my connection with the Steel Trust and the Harvester Trust."

limited by the commerce clause, and we can place such provisions in one section and secure the publicity advised by the Hadley Commission and outlined so ably by the gentleman from Wisconsin [Mr. ESCH]. This section need not be tested in the courts, because there is no question about its validity. Then we can put in another provision covering the questions as to regulation and draft it carefully, making it broad and practical and comprehensive, so that it shall be tested as to those propositions as it ought to be, as shown by our debate.

Mr. TOWNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. TOWNER. I called the attention of the chairman of the committee to that matter, and he told me that the committee had, at least, under contemplation, a redraft of the bill according to the gentleman's idea.

Mr. ADAMSON. That is the matter about which I wish to interrogate the gentleman when he completes his argument. I did not want to interrupt his argument.

Mr. STEVENS of Minnesota. I yield to the gentleman from Georgia.

Mr. ADAMSON. If you have finished the argument.

Mr. STEVENS of Minnesota. I have finished that part of it.

Mr. ADAMSON. I have noticed the able presentation of the case by the gentleman from Minnesota—and he never makes any other kind—and I observe with pleasure that he is in accord with us on most of the propositions. He appears to be perfectly satisfied with his theory as to that part of the bill which authorizes action by the Interstate Commerce Commission. If he is satisfied with it, I am. I have noted the gentleman's objections, both here and on the committee, and I have, in conjunction with other members of the committee, looked over the bill, and I think a committee substitute would be offered if it were acceptable to the gentleman from Minnesota [Mr. STEVENS]. So I ask the gentleman if he has had time to examine the tentative substitute which I tendered to him, in which the suggestion he has just made as to the division of the bill into two sections has been provided for?

Mr. STEVENS of Minnesota. Is that the question of the gentleman?

Mr. ADAMSON. I ask him if he has had time to examine it, and if it would not largely modify his objections to the bill if that substitute were adopted?

Mr. STEVENS of Minnesota. I think this committee is entitled to know the interesting experiences we have had. I did inform the Committee on Interstate and Foreign Commerce of my objections to the pending measure much as I have stated them here, and in cooperation with our distinguished chairman and with the distinguished leader, Mr. MANN, and with the gentleman from Wisconsin [Mr. ESCH] I prepared a substitute to cover these objections, which substitute I hold in my hand and which is printed and I planned to offer to the bill under consideration. This morning I was served by the gentleman from Georgia [Mr. ADAMSON] with a substitute which he has prepared, and I will have to admit that many of the objections I make to the measure are removed and met by his substitute. They were included in my substitute, much the same as he has included in his. He has stolen my thunder again. [Laughter.]

Yes, Mr. Chairman, he has segregated the propositions which we have just been discussing. I still contend that there are two or three other important propositions which he has not met and I do not believe can be successfully met. Three constitutional ghosts which I have discerned lingering about the old bill are allayed, so far as they can be, by the substitute. The main and important question which we have discussed is presented in his substitute in a concrete section, No. 20a, and so it leaves the publicity features in section 20, to which there is no practical or constitutional objection, so that they must remain in force even if section 20a be declared unconstitutional.

Mr. FESS. That is an interesting statement. Is it possible to pronounce a section of a law unconstitutional without the whole law falling, under the Constitution?

Mr. STEVENS of Minnesota. Yes, sir. I think the subject matter is so separated that the courts would recognize such a situation—that one subject did not at all depend upon the enactment of the other subject; that there are two entirely different constitutional cases for the two sections—one is to render the general sovereign power to ascertain the facts necessary for proper public action; the other is the enforcement of the commerce clause. In such cases that is done. When we come to discuss the substitute presented by the gentleman under the five-minute rule there will be some very interesting debate, I think, on some objections which I shall make as to that. It does not meet quite the situation which I think ought to be met. But the general propositions which we on this side have advocated and the general purposes to be covered by such legislation and the general results to be secured are met and covered very well by the proposed substitute of the gentleman from Georgia.

The original bill as it stands on the calendar does not include adequately many things which are necessary for the welfare of the country. The gentleman from Pennsylvania [Mr. MOORE] raised the point about organization and reorganization of railroads. I do not think either of these can be accomplished under the bill as it stands on the calendar, and I have some question whether the substitute of the gentleman from Georgia [Mr. ADAMSON] meets that proposition. I have some doubt whether the railroads now in the hands of receivers, like the Wabash and the Frisco and the Pere Marquette and others, can be reorganized and issue securities for that very desirable purpose under the provisions of the substitute of the gentleman from Georgia, and I commend that to his consideration before he finally offers his substitute. I have very much doubt whether he has confined the business to be done under this bill to the commerce clause of the Constitution as required by the employers' liability cases. I commend that to his attention, because if we have any regulative power at all it must be under the commerce clause of the Constitution; and that has been construed to be dealing with interstate commerce and a commerce that is incidental to it, and I doubt if he has met that proposition in his substitute.

Mr. ADAMSON. I will state to the gentleman, Mr. Chairman, that those words were left out of this committee print by inadvertence, and I shall confer with the gentleman about restoring them.

Mr. STEVENS of Minnesota. That is the difficulty. Hole after hole is plugged up on which I expected to make a great speech.

Mr. ADAMSON. The reason I live and move and study is to try to learn something, and I have as much right to profit by the wisdom of the gentleman from Minnesota as from any other source of knowledge of which I know. And while I am interrupting the gentleman I wish to state that I have some copies of that tentative substitute, if any gentleman wants them. Of course, it is not perfected yet.

Mr. STEVENS of Minnesota. Now, Mr. Chairman, those of you who shall study that substitute should understand that an interstate carrier—and remember, by the word "carrier," as the gentleman from Wisconsin [Mr. ESCH] has defined it, under the interstate-commerce acts, are included pipe lines, and sleeping-car companies, and express companies, and telegraph companies, and telephone companies, and cable companies—that all of them must have the right to issue securities under such a measure as this in the right kind of a way. So I ask the members of this committee to consider the substitute with that situation in mind and reflect as to whether such a measure grants to those companies the right to ask an approval by the commission for an issue of securities in order to adequately conduct their business. The original bill did not allow carriers to issue securities to improve their water lines or facilities as to navigation. It did not allow any improvement of their hotels on parks or real estate not used directly for railroad purposes. This would prevent the Flagler line improving Florida, the Santa Fe its hotels, the New York Central its valuable properties over its New York terminals, and the Great Northern, Northern Pacific, and Union Pacific the facilities in Yellowstone and Glacier Parks. It would mean a very great deprivation to our people.

The CHAIRMAN. The gentleman from Minnesota has consumed 45 minutes.

Mr. STEVENS of Minnesota. I shall proceed for 10 minutes more, Mr. Chairman.

You realize, gentlemen of the committee, that the State commissioners, when they passed that resolution concerning interstate commerce, demanded that there should be three requisites—first, exclusiveness; second, practicability; and third, proper administration—knew what they were about. They knew that all of those conditions were absolutely necessary for the success of such a measure; otherwise such an act might be a disaster instead of a benefit to the country. You realize, too, from our discussion that the bill as originally recommended by the committee was impractical and would so restrict operations as to be of much injury to our people. It did not meet the situation required by the State commissions.

I will now address myself briefly to the second and last point raised by the State commissions and ascertain whether that situation has been met by the existing legislation. I will read from the report of the last convention of the State commissions, which met in Washington in October last. Mr. Maltbie, of New

York, made this statement, and I think probably a dozen State commissioners made similar statements. Mr. Maltbie said:

> There are two or three things about this subject that have struck me rather forcibly. I start with the major premise that ineffective, incomplete, inefficient control of securities by governmental authority is worse than no control whatever.

PROPER CONTROL NECESSARY.

Mr. Chairman, you realize that it is incumbent upon us to provide proper administration in this legislation for the issuance of securities. There is not a word in this bill or in this substitute giving the Interstate Commerce Commission any additional facilities or assistance to supervise this most important legislation. I believe every one of you who has served on the Committee on Interstate and Foreign Commerce and who knows the tremendous labors and responsibilities of the Interstate Commerce Commission is proud of that commission, of the work that has been done and the results which have been obtained by it. We are jealous of its reputation. We know that the welfare and the contentment of this country are in very large part dependent on the wise and patriotic exercise of the tremendous power of that commission, and we should not do anything which would impair its powers or its beneficent influence throughout the country. We must uphold its hands, because it is that commission and the tremendous authority which is vested in it which keeps the different sections of the country in accord with the other. Our country is so diverse and tremendous, our business interests are so intricate and complicated, that we must have just such a commission as this to compose the differences of opinion and of interests which necessarily arise between different sections and parts of our country; and for that reason we must be extremely jealous to know that that commission shall be maintained in all its powers and opportunities and prestige.

IMPAIRS COMMISSION.

I am afraid that this measure as it stands will tend to diminish these, for this reason: The Interstate Commerce Commission has a great diversity of business, and it has a splendid organization to do its work. I think those of us who have some acquaintance with it are very proud of that organization and very proud of the results that have been obtained by it. But you all realize that a very considerable part, and practically all of the details, as is proper, of its work, is done by subordinates, and only the ultimate results come before the commissioners themselves.

Most of the work is necessarily done by examiners, who go into the field or wherever it may be necessary. They have authority under the law to take such testimony. They practically write up the cases, and very many of the opinions of the commission are practically outlined by these examiners. That is causing some complaint among those who have business with the commission throughout the country, because they think they do not get sufficient personal attention from the commission. I have myself heard from many shippers and shippers' organizations in different sections of the country who complain that they can not get quite the satisfactory sort of hearing to which they think they are entitled. One examiner takes the testimony; a commissioner hears the argument and finally determines the matter from rather a superficial consideration of it. The matter is so vast, the amount of business is so great, that there is but slight opportunity for a rehearing if the commission happens to make a mistake. But, fortunately, the orders of the commission under the law are limited as to time. They extend not to exceed two years, and then, after that, a rehearing can be had as a matter of right upon proper application, so that the subject of these complaints is only a temporary situation, though it may very seriously affect large sections of our country, large business, industrial, and economic interests, and may seriously affect the welfare and contentment of millions of people. But with the issues of securities the situation is entirely different. The issuance of railroad securities is a permanent matter. It has become so at the present time all over the world that when a public carrier, a railroad carrier, issues its securities they remain a permanent and perpetual charge against that property which probably never will be finally discharged. The result is that this very important work of supervising and approving such issues can not be done by boys; it can not be done by examiners. It must be done by the commissioners themselves. If it is not done by the commissioners, then the authority is practically worthless. The public, the investors, the carriers, have a right to look to this approval as carrying some weight. Unless it so does it is of no use. So this proceeding must not be perfunctory, and must be personal in the highest degree. It must be the result of their most mature wisdom, experience, and character, based upon the facts presented. This must necessarily be the personal act of the commissioners.

What this bill contemplates, what the States contemplate in yielding their authority, what these great business interests contemplate in coming before the commission, is that the vast wisdom, the experience, the ability, the high character of that commission shall be put into its certificate of approval. Unless that is done that certificate of approval is worthless. The result is that this matter can not be delegated. Remember, most of the work nowadays is delegated—necessarily delegated. This work can not be delegated, because the country has the right to demand that these vast powers shall be exercised by men who are responsible and by those in whom the country has confidence. Unless that is done the authority and the prestige of the commission will begin to be diminished.

NO EXISTING MACHINERY.

Now, if we do not grant better machinery I fear that the commissioners can not do that work. They can not delegate it, and we serve notice right now that this work must not be delegated to subordinates in the way in which the ordinary work of the commission is done. It must be performed by the commissioners themselves in order to get any results out of this bill. If it be performed by the commissioners themselves, I very much fear that the other business of the commission will not be adequately cared for. I very much fear that the welfare of your localities, that transportation interests all over the United States, business interests all over the United States, will be sacrificed to that extent in order to care for the burdens of this bill. If that is brought about and the transportation and business interests shall be sacrificed to that extent, that means that a prejudice will gradually arise against the commission and its work; that its prestige will be diminished; that its influence will be impaired. No one must underrate what that will mean in this vast country of ours. Our communities and localities are intensely energetic and seeking to advance and successfully compete with their rivals. Transportation is the lifeblood of these tremendous activities, and its facilities, safety, and fairness must be the basis of all progress and contentment everywhere. Bitter contentions must arise between these conflicting and competing interests, which must be composed and settled by this commission. So long as they all feel that they have a suitable and adequate forum for their disputes, can have a fair chance and a fair hearing, the vanquished will not much complain. But if the notion becomes prevalent, as it is being started, that inexperienced, irresponsible subordinates are doing this work and the real men necessarily can not do it, because of the multifarious burdens upon them, then you will have a real grievance and a real trouble to compose which will tax your best energies. So that it is of importance first of all to know that this work will be properly done, and at the same time that the other work of the commission will be properly performed.

Mr. BURKE of South Dakota. I should like to ask the gentleman to tell us how he would compel and require the members of the commission to do this work personally.

Mr. STEVENS of Minnesota. My substitute contains such a provision, which is not contained in the substitute of the gentleman from Georgia.

Mr. BURKE of South Dakota. Would the substitute, if adopted, prevent their delegating the work as they do to-day, as the gentleman has stated? These examiners in fact do much of the work of the commission, but in the final outcome it is the work of the commission, and the country so understands it, does it not?

Mr. STEVENS of Minnesota. Yes.

Mr. BURKE of South Dakota. Would it not be the same with this other work?

Mr. STEVENS of Minnesota. I think not. I think the commission must understand that this work necessarily must be personal. This work is so important, so tremendous, so intricate, that it must be personal and can not be delegated to examiners as other work must be, and for that reason I call attention to it.

Now, if this work is not adequately done, then remember that the statements made by the State commissions will have tremendous force throughout the country, and this legislation will be an injury rather than a benefit. Such action will mislead people, will mislead investors, will mislead shippers, and the benefits which the people have the right to expect of a bill like this will not be realized. The substitute proposed by the gentleman from Georgia and my substitute set forth the basis of what the people have a right to expect. They want to know that the issuance of securities approved by the commission shall

many of the managers of railroads appearing before our com-

railroads to do this work properly, and it is the issue of this

Mr. TOWNER. I am very glad to have the gentleman's idea.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. STEVENS of Minnesota. Yes.

Mr. GARNER. We have a law in Texas that prohibits a railroad company doing business in that State and issuing stocks or bonds without the permission of the railway commission. We also have a law saying that a railroad can not do business in that State unless it is domiciled there, unless it has officials there. Does this bill take away from the State of Texas the right to limit the issuance of stocks and bonds on railroads that do business in the State of Texas?

Mr. STEVENS of Minnesota. No; it does this: A Texas corporation desiring to do interstate business, which most of them must do, and issuing its securities must go to the Interstate Commerce Commission and get its authority, and it makes no difference in such a case what the authorities of the State of Texas decide or do.

Mr. GARNER. But our State constitution provides that every railroad in Texas, regardless of whether it is part of an interstate line, must have its domicile in Texas and be a Texas corporation, and wherever it reaches the line it ceases to be a Texas corporation, although it is doing interstate business, but not interstate business in so far as the Texas line is concerned.

Mr. STEVENS of Minnesota. A great many States so provide. The gentleman has stated what a dozen States provide. My understanding of this bill is that the railroad in Texas, if it desires to do an interstate business and issue stocks or bonds, must come to the Interstate Commerce Commission and get its approval of its securities; and it makes no difference what the State commission of Texas may or may not do, or what the constitution or laws of the State of Texas may prescribe as to the conditions covered by the Federal law. Suppose the State of Texas should provide that these bonds must be sold at par—as I think the State has some such requirement—the Interstate Commerce Commission may make an order that it makes no difference what may be the price at which the stock is sold; and if the Texas commission makes any order to the contrary, the authority of the Texas commission is void as against the order of the Interstate Commerce Commission when it has authority to act on that point. I want to show gentlemen the extent of this legislation. When it is comprehensive, as it should and must be to be practical, it completely obliterates the power of the States in so far as that power conflicts with the power granted in this bill. This bill is not and should not be supplementary to the authority of the States, as suggested by the gentleman from Iowa, Judge TOWNER; it is not supplementary to the authority of the State, as suggested by the gentleman from Texas, Mr. GARNER. It is exclusive. It wipes them all out, so far as the issuance of the securities of any railroad entering into interstate commerce is concerned; and my own opinion is that it may cover all commerce, because the two can not well be separated; and the only public authority needed for the issuance is that provided in this bill, from the Interstate Commerce Commission.

Mr. GARNER. I would like to know whether the Interstate Commerce Commission would have the power to determine the price at which securities should be sold? That is left to the States?

Mr. STEVENS of Minnesota. No. Practically, it might, but it is for the Federal authority to decide the policy. There is nothing in this bill that makes any such regulation. We carefully omitted that. We thought it was not wise under the circumstances to go into that field, and I doubt if the States under this would have any regulative authority which would conflict with this provision; that is, if the regulatory direction of the States burdened the issuance so it would directly interfere with interstate commerce it would be void.

Mr. GARNER. Let me put a concrete case: For instance, we have in the State of Texas doing business the Missouri, Kansas & Texas of Texas. Then there is the Missouri, Kansas & Texas, which leaves St. Louis and has a terminal at Galveston. The Missouri, Kansas & Texas, as known throughout the country, is a part of the same line, but that portion in Texas is the Missouri, Kansas & Texas of Texas. If the railroad commission of Texas should refuse to permit them to issue stocks and bonds on the Missouri, Kansas & Texas of Texas, could they come to the Interstate Commerce Commission here and get permission to issue stocks and bonds on the entire line, including that portion in Texas?

Mr. STEVENS of Minnesota. Oh, yes; the railroad company could come to the Interstate Commerce Commission under this act and get its approval for the issuance of stocks and bonds on the Texas portion alone or on the whole railroad covering the Texas portion. That is what this bill is for. The Texas commission would be summoned and object, but that would not be fatal to the order of the Federal commission.

Mr. ADAMSON. Mr. Chairman, if the gentleman will permit, he is at this time on a question incident to the discussion of this matter every time it has ever come up, and he will pardon me for calling attention to the fact that while he announces his interpretation of this law there are a number of us who entertain a quite different interpretation of the effect of it. If we could unanimously agree on what it should be, we could not agree on a bill at all, for we would go to one extreme or the other, and we never could have reported a bill. We have agreed to let each side put its own interpretation upon this feature of the bill, and then let the court decide in the end what it is. Having said that much, I desire to ask the gentleman touching a matter that he passed a moment ago, and that was the character of the order of the commission as to approving or disallowing bonds. I say it is a veto power and the gentleman says it is an initiatory power. If the commission should arbitrarily, contrary to the evidence presented, the weight and truth of the matter, refuse to approve an issue, does not the gentleman think the corporation making the application would have its right to redress in the courts?

Mr. STEVENS of Minnesota. Yes; if such a case be presented; and yet there is a discretion left to that commission within certain limits, and the courts have no jurisdiction to tell the commission how that discretion shall be exercised. If the courts attempt to direct that commission how it shall exercise its discretion, then the courts are legislating. But if the commission exercises its discretion without any regard to the facts, then the courts have the right to compel the commission to regard the facts; or if the commission shall act without any material facts as a basis for its action, then the courts may interfere. Such cases are the main jurisdiction of the courts against the commission.

Mr. ADAMSON. If the corporation files its application and proves the facts to be within the terms laid down in this bill which we are about to enact into law, then has the commission any discretion to refuse to sanction it if the application and the evidence come up to the terms prescribed as conditions on which it shall be approved, and can not mandamus be sued out against the commission if it refuses?

Mr. STEVENS of Minnesota. Mr. Chairman, if that be true, then this bill is of no value to anybody. If that be true, then this commission is nothing but a rubber stamp, and, as the State commissioners unanimously voted, would do more harm than good to the railroads of this country and to the business affairs of this country. Unless you give this commission some discretion, especially on this point, then this bill or any similar bill is worthless. Such power is necessary to the proper performance of its service to the public. Who is to decide the pivotal question as to whether there should be such issuance from the public standpoint and for the public welfare? The commissioners are to decide that, not the court. That is the very substance of their discretion and the reason for their action. They know the facts, have the experience, and this bill gives them the power. Look at its provisions, "tending to impair the financial ability to carry out and discharge its duties." Who is to determine that point as to whether such issue would impair the ability of the carrier? Who should have protected the public in the Alton case and in the Pere Marquette case? It would be discretion not of the court but of the commission. If the commission renders a decision that its approval is based on the facts, and it must have the facts before it, the decision of the commission is final and not subject to review. The court can not act as an appellate tribunal in such case. It can only ascertain whether the commission complied with and kept within the law. Unless that power does exist, unless we give them that authority with such safeguards, then this bill will not be worth the paper it is written on and we better abandon the whole subject.

Mr. TOWNER. Will the gentleman yield?

Mr. STEVENS of Minnesota. I will.

Mr. TOWNER. I have a very high opinion of the gentleman's legal knowledge and especially with reference to these questions, and I know it to be much more extensive than my own. Let me state this particular question to the gentleman and then I will ask what he thinks about it. Suppose the Illinois Central Railroad is an Illinois corporation. Suppose the Illinois law is that before any corporation can issue stocks and bonds it must secure the approval of the Illinois State Railway Commission. Now, suppose the Illinois Central Railroad should make their application to the commission for the issuance of stocks and bonds and it is refused. Then they make application to the Interstate Commerce Commission and it is granted. Did I understand the gentleman to say that this would empower the corporation to issue the stocks and bonds?

Mr. STEVENS of Minnesota. Certainly. Unless Congress will give the Interstate Commerce Commission this power, as I said, the bill is not good for anything, and the business interests and people of this country will correspondingly be injured by this supplementary unwise restriction.

Mr. TOWNER. That is the reason I was making the inquiry. Let me ask the gentleman this: Could not the Illinois State commission bring an action in the State court by injunction against a corporation which has its existence in the State of Illinois against the issuance of stocks and bonds contrary to the provisions of their law?

Mr. STEVENS of Minnesota. Clearly they would have the right to do it, and just such an action probably will test the provisions of this measure, both as to the right of Congress to grant such power and as to whether the powers granted be sufficient to accomplish these results.

Mr. TOWNER. In that case what would be supreme?

Mr. STEVENS of Minnesota. Then it is for the United States Supreme Court to determine, and that is exactly the proposition I address to this committee. My own judgment is that unless in a case exactly like that the authority of the Interstate Commerce Commission is supreme, and the Illinois commission has no authority in conflict with it, then this bill is not worth anything, and Congress has no power at all to legislate as to the issuance of securities. That is the point which is fundamental and must be settled first of all. Let us view a case which is extreme, more extreme than that of the gentleman from Iowa, if you will allow me.

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. STEVENS of Minnesota. I yield myself 15 minutes more. If you will allow me to follow a case still more extreme, which, I think, appears in the testimony before the committee. The Southern Railroad is a corporation of the State of Virginia, and the law of Virginia provides for a limit on the amount of stock; for example, as an illustration, say, $20,000 a mile and bonds of, say, $20,000 a mile, which can be issued upon that railway, and that limit has been reached in the issues. Now, the States of Alabama, Georgia, North Carolina, and South Carolina have commissions which require, or, rather, have jurisdiction to compel, or have commissions which have charge of the physical service and the operation of railroads, and so forth, and such commissions make orders compelling the Southern railroad to install grade crossings and to construct certain bridges and make certain permanent improvements, which require more capital. The Interstate Commerce Commission is given authority to do similar things in the interest of interstate commerce. All of these commissions make these orders and serve them on the Southern Railroad Co. to compel such work in the interest of commerce. That railroad company answers, "We have not any authority in our charter from the State of Virginia to issue more stock or more bonds, and the State of Virginia will not grant us any such authority; but we will do the best we can." So the company provides for an issue and appears before the Interstate Commerce Commission. Remember that its authority under the law of Virginia is exhausted. It comes to the Interstate Commerce Commission and asks authority to issue $5,000 more of stock or bonds per mile over and above what the law of Virginia authorizes it to issue. Unless Congress has authority to grant that request in some way to the Southern Railroad for the purpose of protecting and helping interstate commerce, then our power is worthless and we might as well quit trying to regulate carriers and their securities. There is no pretense such power is given in the present bill, but it must come some day. I desire to call attention to these cold facts about the railroads and their probable financing in the future.

I think it is also my duty to direct attention to the great political and economic change which must follow the enactment of such a measure, and all authorities and all commissions of this country have got to face it by the passage of this measure. My contention and that of those who believe in the exclusive power of the Federal Government is that unless the Interstate Commerce Commission be granted authority by appropriate legislation to grant the Southern Railroad the right to issue that additional $5,000 a mile, notwithstanding it has exceeded the authority of the State of Virginia, then this law can not be made worth the paper upon which it is written. Remember that the Federal Government has a complete right of visitation over the interstate business of this State corporation. It also has the perfect right to create a Federal corporation to do the same work. These are sovereign powers of the Federal Government for which there is no limitation in the Constitution. It seems to me these can be combined or used separately or applied to a State corporation to accomplish a public purpose provided by the Federal Constitution. Unless Congress can do these things it is not sovereign as to interstate commerce.

Now I will yield to the gentleman from Iowa [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, my colleague from Iowa [Mr. TOWNER] indicated a case where application had been made to the State commission and that commission had refused the application, and then they had made it to the Interstate Commerce Commission, and that commission sought to act, and the State commission then challenged the right of the Interstate Commerce Commission in the court, and I understood the gentleman from Minnesota to say then it would be a question for the United States Supreme Court. Now this question occurs to me. What question would be for the United States Supreme Court? Would it not be a question of power of this Interstate Commerce Commission rather than the question of exercising that power, and if the Supreme Court of the United States held that the Interstate Commerce Commission, under this bill, had the power, would it not stop there and rest the discretion in the commission?

Mr. STEVENS of Minnesota. That is it, exactly; the gentleman has caught and stated the point. If the Supreme Court once determines that Congress has the power to vest such authority in the commission, then it must ascert in the extent we have done so. After that has been clearly laid down, then within such limits the commission would be supreme as far as exercising its discretion upon the facts presented.

Mr. SCOTT. Then, what would be the determination of the fact if the power of the State commission was wiped out?

Mr. STEVENS of Minnesota. The determination as to interstate commerce must rest with the Federal authority. It is exclusive where there is a conflict. The gentleman has stated it clearly and precisely and, I think, accurately.

Mr. GARNER. You have undertaken to give in this bill the Interstate Commerce Commission that power indicated by the gentleman from Iowa [Mr. SCOTT].

Mr. STEVENS of Minnesota. I think so, clearly, notifying the State commissions that they must come before the Interstate Commerce Commission and make their showing, and the Federal commission may determine the proper course after all the interests are before it.

Mr. CLINE. I want to ask whether this whole proposition is predicated on the case of Gibbon versus Ogden. Ninth Wheaton, where Chief Justice Marshall said the Federal Government under the interstate-commerce clause of the Constitution should not divide its empire with the States when it once took jurisdiction of the subject matter under the interstate-commerce clause?

Mr. STEVENS of Minnesota. I think the gentleman is correct, and unless he is right I think we need spend no further time on this bill. Not only that, but where State regulations as to intrastate matters directly burden or interfere with interstate commerce—in such cases also the State authority must yield to the national.

Mr. ADAMSON. Has the gentleman from Minnesota completed his argument on the bill? There are one or two other things to which I wish to call his attention after he has finished his line of argument.

Mr. STEVENS of Minnesota. These various interrogations illustrate what I stated to the committee, that before a decision be made with respect to the securities which can be marketed under this bill these various matters must be determined by the Supreme Court, so that it is important that this bill first be framed so that these fundamental propositions will be litigated in the best possible, clearest, and most expeditious way; and, secondly, while they are being litigated the power of the Interstate Commerce Commission as to publicity of such matters shall not be impaired.

DEFECTS OF BILL.

Under the pending bill there are two difficulties: First, it is composed, as you will notice, of only one section. If for any reason—and I think there are three reasons why this section is unconstitutional—if for any reason this section be declared unconstitutional, it eliminates the whole bill, which contains much new and excellent legislation. So for that reason the measure ought to be redrafted so that it can present concisely the propositions we have been discussing. In the meantime there should accompany it adequate provisions along the line of publicity, something as outlined in the report of the Hadley Commission. This is essential, because the Supreme Court has held, and very clearly, that publicity of affairs and the supervision of accounts and reports does not depend upon the interstate-commerce clause.

The commission has a plenary authority of the sovereign power of the United States to ascertain the necessary facts so that public affairs can be properly acted upon. So it is not

what is of more importance, would continue and encourage that strong individual initiative force which has been the most potent factor in the building up of this country.

Yours, very truly,

B. F. YOAKUM.

Mr. ADAMSON. Mr. Chairman, will the gentleman from Minnesota [Mr. STEVENS] use some of his time now?

Mr. STEVENS of Minnesota. Mr. Chairman, will you notify me at the end of 30 minutes?

As one of the minority, I desire to express our entire sympathy with the general purpose of this legislation and our sympathy also with the spirit and sentiment of the debate thus far; but I also desire to notify the committee that when the bill was reported from the Committee on Interstate and Foreign Commerce I then reserved the right to criticize and oppose the bill, if necessary, because I believed it was, and as it now stands is, inadequate for the purposes which we desire to make effective.

So this afternoon I will not indulge in discussion of the general subject, as the others have done, but I shall address myself particularly to the details of the bill before the committee and point out what seem to me radical defects in it, which must be corrected if effective legislation is to be written upon the statute books.

REPUBLICAN LEGISLATION.

Mr. Chairman, you must recall that this bill follows the line of legislation on the same subject heretofore proposed on the Republican side of this Chamber. As the gentleman from Wisconsin [Mr. ESCH] so strongly pointed out in his very able speech, a similar measure was made a part of the Mann-Elkins bill as it passed this House in 1910. When the bill providing for the physical valuation of railroads was before the House, the gentleman from Illinois [Mr. MANN]—and I, in my humble way, sought to assist him—wanted to have inserted as a part of that bill, as I think should have been done, the same measure providing for the regulation by the Interstate Commerce Commission of stocks and bonds issued by common carriers. It is a necessary corollary to that legislation for the valuation of such carriers. You gentlemen on the Democratic side of the House objected on both occasions to such legislation as this. Instead of the Mann-Elkins provision as passed by the House, the Hadley Commission was appointed under the act of 1910, and I desire to call attention particularly to their report. It was not altogether in accord with the statement of my friend from Wisconsin [Mr. ESCH], because the Hadley Commission, as one of the strongest reasons in its recommendation for publicity of the proceedings of all carriers in issuing their securities, stated that it would seem at that time to be impossible that Congress would grant exclusive powers to the Interstate Commerce Commission to regulate this subject and exclude such regulatory powers from the State.

HADLEY COMMISSION.

The Hadley Commission stated, on page 12 of its very able report, that—

If we were ready to substitute exclusive Federal control for the jurisdiction of the several States over their railroad corporations, much could be said in behalf of the establishment of a national authority to supervise both the issuance of stocks and bonds and the actual expenditure of their proceeds. But apart from the constitutional difficulties which might stand in the way of such a procedure, your commission is of the opinion that as a mere matter of expediency the time is not ripe for any such immediate or forcible transfer of jurisdiction.

Now, the world has moved in four years. You gentlemen on the other side of the House—and I congratulate you upon it—apparently have changed your opinions, so that now you are ready to vote solidly for a bill which does not allow the regulatory power of the State to be exercised on this subject but does confer such exclusive power to regulate the issuance of these securities upon the Interstate Commerce Commission. So that the very basis of the Hadley report has changed, and the time has now come when the results which the Hadley Commission stated as desirable to be accomplished can be had by the bill under consideration.

STATE COMMISSIONS.

Another wonderful thing has happened along similar lines during the last four years. Last October, the twenty-fifth annual convention of the railroad commissioners of the various States was held in Washington, and by a unanimous vote they adopted a resolution advocating exactly this kind of legislation, and expressing the desire that the power to regulate the issuance of stocks and bonds of interstate common carriers be delegated to the Interstate Commerce Commission. Of course all lawyers understand that unless otherwise expressed such power would be exclusive and supersede the States in such work. So the States have joined with you gentlemen in advising that this be done. The business associations all over the United States and very many of the managers of railroads appearing before our committee and in other places have advised that this sort of legislation be passed, granting exclusively such power to the Interstate Commerce Commission.

CONDITIONS OF POWER.

But, gentlemen, all of these various authorities—the Hadley Commission, the Association of State Railroad Commissioners, the managers of railroads, and the managers of large business institutions—all based their opinions and advice upon three preliminary conditions before this legislation should be effective. Those conditions were as follows:

First. That the power in the Interstate Commerce Commission must be exclusive and supersede the authority of the States. Practically the States themselves advocated such legislation as to interstate carriers.

Second. That the legislation should be practical and not prohibitive as to such issuances.

Third. That there should be proper administrative authority in the Federal Government to make this power effective. This bill fulfills the first requirement. It does make the power exclusive in the Interstate Commerce Commission. It does not fulfill the other two requirements. It is not practical. It is prohibitive, and there is not proper administrative authority provided for transacting the tremendously important business which must be done under the provisions of this bill. For these reasons, as the bill now stands, unamended, I am opposed to the measure.

Mr. RAGSDALE. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RAGSDALE. I make the point of no quorum.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and two Members present, a quorum.

REQUIREMENTS OF COUNTRY.

Mr. STEVENS of Minnesota. Mr. Chairman, if the committee will consider the situation which now confronts the country, you will realize the necessity for those conditions. There have been issued and in the hands of investors outside of railroad holdings, up to and including the year 1913, approximately $15,294,625,146 worth of securities by the various railroad companies of the United States, covering 242,177 miles of railroad. There are about 10,000 miles more not included in these amounts of these securities. A little more than one-third of this amount is invested in stocks and a little less than two-thirds of such outstanding securities are bonds. The business prosperity and the material development of this country can not improve, we can not secure the degree of prosperity which we all desire, unless the carriers shall and can furnish adequate facilities for the transportation of the products and merchandise of this country. It will be of no avail for the farmers to produce their grain and fruit and meats if they can not speedily and cheaply reach the consumer. The miner can pile up his stores and the lumberman his timber or finished products; the manufacturer can work his mill in vain; unless these can all be transported where they should be to the best advantage of both the producer and ultimate consumer, so that the results of this measure in either assisting the proper financing of the common carrier for the welfare of the people or in increasing barriers and throwing burdens upon them, will go far toward the prosperity or injury to the country and its industries.

Mr. ADAMSON. Will the gentleman yield for a moment?

Mr. STEVENS of Minnesota. Certainly.

Mr. ADAMSON. It appears not to be generally understood that the House this morning by unanimous consent passed an order that when the House adjourns to-day general debate shall end. So, all who are scheduled for speeches must speak to-day, or they will not get to speak at all. Therefore, I want to request all Members to be present for a while, because every time the point of no quorum is made, if a quorum is not found to be present, we shall be delayed 40 minutes, and it may be 10 or 11 o'clock to-night before we can finish general debate. If we can keep a quorum here we will not be delayed.

Mr. STEVENS of Minnesota. Mr. Chairman, as I before stated, unless these facilities shall be furnished by the common carriers business can not be carried on properly or profitably. Our country can not develop; our communities and their industries will be dwarfed. So that it is of the utmost importance that these proper facilities be afforded, and that can not be done unless a proper system of financing be encouraged for the common carriers of the United States.

NEEDS FOR FUTURE.

It has been estimated by various authorities, and has been shown to our committee, that in the next few years there will be needed between $5,000,000,000 and $10,000,000,000 for the railroads to do this work properly, and it is the issue of this

vast mass of securities which must be regulated by a measure of this kind, and it is the importance of the results to be attained by such issuances which must be constantly had in mind in the consideration of this measure. These carriers and their public work, these securities which they may issue, are only the means for our people utilizing themselves and their resources and their localities to the best advantage. It is of the greatest necessity for our people that we provide such resources and not prohibit their issuance or use by unwise or too restrictive provisions. We must be practical and meet world-wide conditions as we find them. We can not make them over as we would. The difficulty is not with the general principle of this bill. Nearly everybody agrees with that. The real difficulty is with its details as to whether they really provide the protection we desire to extend over the issuance of securities, at the same time not burdening or unduly restricting such issuance and consequent development.

DIFFICULTIES IN SUBJECT.

So, Mr. Chairman, there are serious difficulties in arranging the details of a measure of this kind. It is an easy thing to state, as some of the gentlemen have assumed, that we can pass a bill granting the Interstate Commerce Commission the exclusive authority to regulate railroad securities without realizing the practical difficulties which are embraced within that problem. Remember that at the present time there is no market at all for railroad securities. As you have read the newspapers for the last few weeks you will notice that practically no railroad stocks and bonds can be sold. Only short-time notes can be disposed of, which is an extremely dangerous sort of financing for the great railroad corporations, because no one can foretell what may be the situation at their maturity.

If they can not be met at maturity, the carriers must go into a receivership, and that means injury and possibly disaster to the general business of the country. Such an occurrence may paralyze the credit of even the strongest institution. We note, too, that many more bonds than stocks are issued and sold by railroads. This is a menace also, because these fixed charges must be met under all conditions or a receivership occurs. It should be for the real interest, then, of the people for our legislation to encourage financing as much as possible by legitimate stock issues, then of bonds, and lastly by means of notes.

At the very outset, if we pass legislation giving the Interstate Commerce Commission the right to regulate the issuance of securities, we will be met by two constitutional propositions which must be settled before any such law can be made effective, and securities sold under it.

No prudent investor will buy a share of stock or a bond with a lawsuit attached to it. He must know beyond question that such security is entirely legal and valid and can not and will not be attacked.

So before any of these securities under this act can be made available or can be sold in the markets of the world, these constitutional questions must be settled by the Supreme Court of the United States. These questions are as follows:

CONSTITUTIONAL QUESTIONS.

First. Can Congress, under the commerce clause of the Constitution, grant the exclusive power to the Interstate Commerce Commission to regulate the financial affairs, including issuance of its securities, of State corporations engaged in interstate or foreign commerce? Second. Is the language of the act in question sufficiently definite to so do, and at the same time to establish proper basis and standards and scope of action for the commission to carry out the legislative will in these respects? Remember that the State is the creator of these corporations. It regulates how they shall exist, how their securities shall be issued, in what manner and how they shall be sold; and I think ten or a dozen States have provided in their constitutions minimum prices for them.

You note how important it is to have that matter settled speedily and certainly. Has Congress the right to delegate to the Interstate Commerce Commission the power to override or supersede these requirements of the constitutions of possibly 48 States?

Mr. TOWNER. Will the gentleman yield right there?

Mr. STEVENS of Minnesota. Certainly.

Mr. TOWNER. In any given case where a corporation issues its stock or its bonds and the matter is submitted to the Interstate Commerce Commission for their approval and the commission makes that approval, how in any event can the question be raised as to the validity of the issuance of the stock and bonds?

Mr. STEVENS of Minnesota. The question of right of the commission to act at all and its right to supersede contradictory State action, of course, can arise, and I presume could be tested in several ways. If the approval be granted by the commission, then the question of such approval can be tested by a proceeding as to whether or not it is valid as an authorized act under the Constitution, also as against some conflicting requirement of the State constitution or of the statutes under it.

Mr. TOWNER. The gentleman will recognize that the only question he stated was as to the validity of the issuance, and that has been determined.

Mr. STEVENS of Minnesota. I should have said the validity of the issuance and the approval.

Mr. TOWNER. I think the gentleman is correct in stating it in that form. If it be approved by the Interstate Commerce Commission, the issue goes upon the market, and how can that question be tested? The corporation will not test it for it is anxious to put them on the market. No person who purchases the bonds could object to the approval by the Interstate Commerce Commission because that adds to the validity of the security.

Mr. STEVENS of Minnesota. Any State authority or stockholder or creditor of the railroad could test it.

Mr. TOWNER. How could the question be raised?

Mr. STEVENS of Minnesota. By an injunction against the financial officers as to the right to issue the bonds, because they had not complied with some requirement of the State laws.

Mr. TOWNER. Yes; but that would be before they were placed on the market.

Mr. STEVENS of Minnesota. There would be no market for such securities if these two questions that I speak of remain unsettled. There can be no market until these things are cleared beyond question.

Mr. MADDEN. Will the gentleman yield?

Mr. STEVENS of Minnesota. Certainly.

Mr. MADDEN. Would a railroad proposing to issue securities first submit their right to do so to the State which created the corporation?

Mr. STEVENS of Minnesota. No; that depends on the scope and terms of this bill, as I have stated. But the carrier coming before the Interstate Commerce Commission would have to show its organization, necessarily. This would be done under the State law. Then upon that basis the securities would be issued upon which the approval of the Interstate Commerce Commission must be obtained.

Mr. MADDEN. Does this bill propose to take the power away from the States?

Mr. STEVENS of Minnesota. Practically. The bill provides that the State commission shall be summoned or notified, so that it may make any sort of a showing before the Interstate Commerce Commission it sees fit.

Mr. MADDEN. If the State commission protested and the Interstate Commerce Commission overruled the protest, then the protest would be of no avail.

Mr. STEVENS of Minnesota. That is correct; it would not.

Mr. TOWNER. In cases where the States require corporations which have been granted franchise in their domain that before they can issue stocks and bonds they must secure the approval of the State commission, would not it be requisite that they should first secure the approval of the State commission, and then afterwards that of the Interstate Commerce Commission?

Mr. STEVENS of Minnesota. Not at all; it is within the power of the Interstate Commerce Commission to do as it pleases. If it does not care to consider the requirements or protests of the States, it need not do so; that is, if the Federal statute be broad enough to cover the similar legislation of the States. In such cases the Interstate Commerce Commission would be supreme and the States must acquiesce.

Mr. CANTOR. Would it not be subject to review by the courts?

Mr. STEVENS of Minnesota. Not as to the merits of the application, if the Federal act be clear and comprehensive. That is one of the questions I am raising, a question that will have to be settled before the securities can be marketed.

Mr. TOWNER. This is the point I had in mind: Would it not be necessary, if the law is passed, to secure the approval of the State commission and the Interstate Commerce Commission?

Mr. STEVENS of Minnesota. No. That is, if the Federal law be broad enough to cover the general subject, as I think this may.

Mr. TOWNER. Does this bill take away the necessity where such State authority exists for securing the approval of the State commission?

Mr. STEVENS of Minnesota. Yes; entirely within its scope. That is, I think that the State authority is not necessary so far as this legislation extends.

Mr. SIMS. Five minutes only will hardly be of advantage to me.

Mr. STEVENS of Minnesota. I yield the gentleman five minutes more.

The CHAIRMAN. The gentleman is recognized for 10 minutes.

Mr. DECKER. Mr. Chairman, I would like to ask the gentleman from Tennessee [Mr. SIMS] to yield to me just a minute to make a request, and I think the gentleman knows me well enough to appreciate that I would not interrupt him with any ulterior motive.

Mr. SIMS. Go ahead.

Mr. DECKER. I would like to ask unanimous consent that at 2 o'clock the committee rise, so that the Members of this House, from all parts of the United States, may have the opportunity to attend the ceremonies at Arlington Cemetery and to participate in and witness the unveiling of the monument to the Confederate veterans who sleep there and in other cemeteries of this country. I make this request as a son of a Union soldier, who taught me that one way to honor the men who wore the blue was to pay respect to those brave men who wore the gray, who fought for what they thought was right with the courage and grim determination that could have been resisted by no men on earth save by the men who wore the blue. And I ask unanimous consent that at 2 o'clock this committee rise, in order to give the Members an opportunity to participate in those ceremonies. [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. DECKER] asks unanimous consent that at 2 o'clock the committee rise for the purpose of permitting all Members to attend the ceremonies at Arlington. Is there objection?

Mr. RAYBURN. Mr. Chairman, for the present I object.

Mr. RAGSDALE. Then, Mr. Chairman, I make the point of no quorum.

The CHAIRMAN. The gentleman from South Carolina makes the point that there is no quorum present. The Chair will count.

Mr. GARDNER. I hope the gentleman will withdraw that point.

Mr. RAGSDALE. No, sir, I will not.

Mr. GARDNER. The gentleman will not improve the chances of the committee rising later by insisting on his point of no quorum.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. RAGSDALE. I insist on my point of order.

The CHAIRMAN. The Chair will count. [After counting.] No quorum is present.

Mr. RAYBURN. One minute, Mr. Chairman.

Mr. STAFFORD. Regular order, Mr. Chairman.

The CHAIRMAN. The regular order is called for, and the Clerk will call the roll.

The Clerk proceeded to call the roll, and the name of Mr. ABERCROMBIE was called.

Mr. RAGSDALE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The regular order is called for.

Mr. RAGSDALE. Did the Chairman announce that a quorum was present?

The CHAIRMAN. There is no quorum present.

Mr. RAGSDALE. Then I move that the roll be called.

The CHAIRMAN. The Clerk will continue the calling of the roll.

The roll was called, and the following Members failed to answer to their names:

Ainey	Dale	Griffin	Kitchin
Ansberry	Davis	Gudger	Knowland, J. R.
Avis	Deitrick	Guernsey	Korbly
Archfield	Dies	Hamilton, Mich.	Kreider
Bartholdt	Difenderfer	Hamlin	Lafferty
Bathrick	Dooling	Harris	Langley
Bell, Cal.	Doughton	Hay	Lee, Ga.
Brown, W. Va.	Dyer	Hayden	L'Engle
Browne, Wis.	Eagan	Heim	Lever
Browning	Estopinal	Helvering	Levy
Bruckner	Faison	Hill	Lewis, Pa.
Burke, Pa.	Fields	Hobson	Lindbergh
Barnett	Flood, Va.	Houston	Lindquist
Calder	Floyd, Ark.	Howard	Lloyd
Callaway	Fowler	Hoxworth	Loft
Cantrill	Francis	Hughes, W. Va.	Logue
Carew	Gard	Hulings	McAndrews
Carlin	Garrett, Tenn.	Humphreys, Miss.	McClellan
Clancy	George	Johnson, Utah	McDermott
Clark, Fla.	Gittins	Johnson, Wash.	McGuire, Okla.
Coady	Goldfogle	Jones	Maher
Collier	Gorman	Keating	Manahan
Connolly, Iowa	Goulden	Keister	Mann
Conry	Graham, Ill.	Kennedy, Conn.	Martin
Cooper	Gray	Kennedy, R. I.	Merritt
Covington	Greene, Mass.	Kinkead, N. J.	Metz
Crisp	Griest	Kirkpatrick	Miller
Montague	Porter	Smith, Md.	Temple
Morin	Pou	Smith, Saml. W.	Ten Eyck
Moss, Ind.	Prouty	Smith, Minn.	Thompson, Okla.
Mott	Reed	Smith, Tex.	Townsend
Nelson	Rogers	Sparkman	Tuttle
Norton	Rubey	Stanley	Underhill
O'Shaunessy	Rupley	Stedman	Wallin
Padgett	Scully	Stephens, Cal.	Walsh
Page, N. C.	Sharp	Stephens, Nebr.	Watson
Parker	Sherley	Stephens, Tex.	Webb
Patten, N. Y.	Sherwood	Sutherland	Whitacre
Patton, Pa.	Sisson	Switzer	Wilson, N. Y.
Peters, Me.	Slayden	Taggart	Woodruff
Peters, Mass.	Small	Talbott, Md.	Young, N. Dak.
Plumley	Smith, Idaho	Taylor, Ala.	Young, Tex.

Thereupon the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, and other bills embraced within the special order of the House, and finding itself without a quorum, he had caused the roll to be called, when 266 Members responded, and he presented therewith a list of the absentees.

The SPEAKER. Two hundred and sixty-six Members are present—a quorum—and the names of the absentees will be published in the RECORD.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to be permitted to submit a privileged report (H. Rept. 763), so that the bill may be printed.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to be permitted to make a privileged report. Is there objection?

There was no objection.

Mr. FITZGERALD. By direction of the Committee on Appropriations I report the sundry civil appropriation bill.

The SPEAKER. The Clerk will report it by title.

The Clerk read as follows:

A bill (H. R. 17041) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1915, and for other purposes.

The SPEAKER. The bill is ordered printed and referred to the Committee of the Whole House on the state of the Union.

Mr. GILLETT. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] reserves all points of order on the bill. The committee will resume its sitting.

REGULATION OF RAILWAY STOCKS AND BONDS.

Thereupon the committee resumed its sitting, with Mr. HULL in the chair.

Mr. SIMS. Mr. Chairman, I have 10 minutes remaining, 5 yielded by the gentleman from Michigan [Mr. DOREMUS] and 5 by the gentleman from Minnesota [Mr. STEVENS].

The CHAIRMAN. The Chair understood that the gentleman's time had been exhausted.

Mr. SIMS. No; I had not got started on my extension of time.

The CHAIRMAN. The gentleman will proceed.

Mr. SIMS. Now, suppose your $100,000,000 road proposes to add to its trackage, terminal facilities, and other permanent improvements, equal in value to $50,000,000, upon the theory that when it is added the road will be worth $50,000,000 more than it is; that it can render 50 per cent more service and earn 50 per cent more money; and if they sell $50,000,000 worth of stock and put all the money into the road, they do not necessarily impair the price of that stock one dollar, either old or new, because after the stock is sold the railroad company has $50,000,000 it did not have before.

Mr. PLATT. But the gentleman disregards the element of risk. They are taking $50,000,000 and investing it in a risk.

Mr. SIMS. In an exceedingly well-equipped road, on which it is desirable to have a risk.

Mr. PLATT. Everything is a risk that is new.

Mr. SIMS. Mr. Chairman, there are only two more questions that I wanted to discuss, but I shall not have time in which to do it. One of those questions is, it is alleged and claimed by some who oppose this legislation that the Interstate Commerce Commission will not be able to attend to the duties imposed on it by this measure.

I do not think that that great body would have asked so often for just such authority if they were not capacitated for exercising it and will not have the time to properly discharge the duties they will be called upon to perform. Besides, if it were necessary in the public interest that those duties shall be performed, shall Congress cease to legislate and refuse to serve the public because an existing commission is already charged with duties

to the extent of its capacity to perform them? There is no question but that by additional legislation, if it should be found necessary—suggested by the commission itself—we can supplement its help, and it can be reorganized in such a way as to enable it to perform the functions that we here impose upon it, to the benefit and satisfaction of the country.

There is another point that I want to call attention to, and that is that the bad system of financing employed by so many railroads has discredited all railroad securities, both at home and abroad. It is to the interest of the public, it is to the interest of the railroads and the owners of railroad securities, that their credit should be restored and increased.

The fact that hereafter, before they do issue stocks and bonds, they must give notice of the amount of the issue and what it is for, and that it must be submitted to the Interstate Commerce Commission, that great expert body, and that body to approve of the issue must find that the issue which the railroad proposes to make is made in compliance with the law, gives assurance that will at once advance the market price of such securities all over the world. No underwriting syndicate, no house of Morgan & Co., can give tone and credit and value to these railroad securities equal to that of such a Government body representing the whole Nation, authorized by Congress to pass upon the necessity for the issue and to require reports as to its application. Therefore we shall benefit the roads by increasing and enlarging their markets for the securities. It will require fewer bonds and stocks to be issued, and in that way it will require less earnings to be made by the passenger and freight traffic of the roads, and will no doubt result in a benefit to the roads and to the public to be served by them. If Congress does not take some such action as this bill provides, it will practically furnish good cause for every State in the Union to further legislate and thus further complicate the issuance of stocks and bonds until such securities will practically have no market value at home or abroad.

How many of you gentlemen now, in view of existing conditions, would put a dollar in railroad stocks? How many of you would invest in such stocks when 48 States have power to affect their earnings, as also the National Government? Legislation of this character is in the interest of the public that patronizes the roads. It is in the interest of the security holders of the road, and those who are to become security holders.

I will put in my speech a letter written by Mr. Yoakum to the chairman of this committee, in which he says that the saving in interest alone, if the securities of the roads were guaranteed by the Government, would amount to $180,000,000 per annum. Whenever you increase the confidence in the solvency of stocks and bonds you increase their price. Therefore it will not require so large a volume of these issues to be placed upon the market in order to get the money necessary to perform the services required of the roads to the public.

I am glad that this is no party measure; that it is no Republican, no Democratic, no Progressive Party bill. This legislation, if this bill is passed, will be the people's legislation. It will be in the interest of the public, in the interest of the railroads, in the interest of the holders of present securities and of the investors in future issues of such securities; but because it will be thus it will not for one moment preclude any defense that may be made equitable or otherwise against any issue thus made and put out by the carriers before this law was in operation.

That idea that the Government is morally bound for and is morally indorsing all previous issues and will morally estop in the future the Interstate Commerce Commission from imposing a reasonable rate, providing that that rate will not give a reasonable earning upon all stocks and bonds that have been previously issued, has no force to me.

The Interstate Commerce Commission is not directing anything; but we, the Congress of the United States, say, "You shall not put on the market any bonds or stocks except under certain conditions." The company authorizes the issue and issues the bonds or other securities, but before it can sell them without committing a crime we require that the company shall submit its application to the Interstate Commerce Commission for the judgment of that commission as to whether the company has complied with the law which we are enacting. The commission is not authorized to exercise an arbitrary power. It can not substitute its judgment for that of the issuing company as to whether the profits in the future will be this, that, or the other figure, but simply that the commission shall see to it that the issuing company is complying with the requirements of the laws of Congress. We do not authorize it, we do not direct it. We simply approve it whenever it is done in accordance with the law of Congress which we are now passing. [Applause.]

NEW YORK, *March 14, 1914.*

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives, Washington, D. C.

MY DEAR SIR: In response to your suggestion, I beg to present my views upon the subject of a law requiring the approval of the Interstate Commerce Commission of securities issued by the railroads.

As long as 14 years ago I filed a document with the Interstate Commerce Commission suggesting a plan for cooperation between the Government and the railroads. I am still of the same opinion, and believe the time is opportune for the establishment of closer working relations.

There is no doubt as to the advisability of railroad securities being subject to the approval of some one established authority, either the Federal Government or the different States, some of which now have laws supervising their issuance. The approval of the Government would be preferable as to interstate railroads, and would simplify the work both for the Government and the railroads. It would obviate the multitude of divergent views that might arise as to the necessity of issuing securities to carry on the work of development, additions, and betterments asked for by interstate carriers.

This subject is such a broad one that it should be viewed from a more comprehensive standpoint than merely whether the National Government or State authorities should control. Together with Federal approval of securities there should also be a way found to establish effective cooperation between the Government and the railroads. Among other things this would lead to cheaper money for the railroads for the improvement of their property and facilities, and would enable them to more economically handle their freight and passenger business. The price of money to the railroads is just as much a factor in the cost of transportation as the price of coal and other things that they must buy in conducting their business. To illustrate: If the coal consumed by the railroads in 1913 could have been purchased for 20 cents per ton less than was actually paid, it would have meant a saving in the cost of transportation in one year of approximately $17,000,000. (These statistics are based on the compilation of Slason Thompson.) Again, a reduction of 1½ per cent per annum in interest on the $11,000,000,000 funded debt of the railroads (Interstate Commerce Commission statistics as of June 30, 1912) would effect an annual saving in the cost of transportation of $165,000,000, which now constitutes mere economic waste. In other words, each one-half of 1 per cent reduction in interest rates would mean a saving of $55,000,000 per annum, or $5,000,000 more than the Government paid to the railroads of this country for carrying the mails last year.

In considering the problems of transportation for the future it is interesting to look back a few years. Thirty years ago, which is a short period in the life of a nation, there were 125,000 miles of railroad in the United States, and the mileage has doubled in the last 30 years. If our population increases in the same ratio in the next 30 years as in the last, or 77 per cent, there will be in 1944 about 175,000,000 people. If our railroad mileage increases in proportion to our population, which will be necessary for the country's development, it will require the construction of about 195,000 miles of new railroad during the next 30 years; therefore it is important to consider the transportation question not only for what we now need but for the country's requirements in the near future.

The average cost of money for construction, additions, and betterments is estimated at about 5½ per cent per annum, including discount. If new railroad mileage in this country, including construction, ballasting, equipment, and adequate terminal facilities, costs, say, $60,000 per mile, the next 30 years' requirements of 195,000 miles would call for about $12,000,000,000. The difference between 4 and 5½ per cent in the rate of interest on this amount is $180,000,000 per annum, which colossal sum would be saved in the cost of transportation.

If the Government should approve a railroad security, it would in effect, morally speaking, indorse it, and this high approval of the issue should make such a bond sell at the lowest rate of interest current for gilt edge securities, thereby reducing the cost of transportation.

A quasi copartnership, without risk or cost to the Government, might be established through a Federal license or charter involving a profit-sharing plan for such interstate railroads as prefer to operate under a Federal charter. A national charter need not interfere with the authority of State railroad or public-utility commissions in supervision of intrastate business or State regulation, except as to the issue of interstate securities. These would come under Federal supervision only, and the Government would participate in the profits of the road under an equitable profit-sharing plan. The profits thus accruing to the Government could be distributed for the benefit of the various communities served by such railroad, as, for example, the upkeep of improved public highways.

The system of profit sharing of corporations and the public is proving successful and having a good effect upon all interests. I have one illustration particularly in mind. Prior to 1907 there was constant friction between the surface lines in Chicago and the city authorities as to extensions, facilities, service, and fares. All the surface lines on the North and West Sides were consolidated into one company, and all the lines on the South Side were owned by another company. Under a mutual understanding the city adopted a contract ordinance February 11, 1907, under which the city receives 55 per cent of the net revenue of the surface companies after deducting interest, taxes, discount on bonds, and a stipulated amount for depreciation and other contingencies.

Within the last few months the two companies have been permitted to unite in a plan of joint operation, under which unification all facilities are used for the general interest, and the companies are able to handle traffic in congested districts where much trouble and expense had theretofore existed. The city's portion of the net revenue, I am informed, at the present time has aggregated about $12,000,000, which, under the terms of the ordinance, must be expended for the improvement and extension of transportation facilities in the interest of the Chicago public. The success of this cooperative arrangement is further demonstrated by the fact that a passenger can ride farther for 5 cents in Chicago than in any other city. If this can be done with one of the largest city and interurban systems of the country is there any reason why the same principle can not be applied and as successfully carried out with a railroad engaged in interstate business? Evolution of public sentiment and consequent legislation is unmistakably tending this way. I believe that nothing short of a concrete experiment along profit-sharing lines will satisfactorily determine the question.

There are reasons why a working plan of this character with the Government is better for the people than Government ownership. Such a plan would tend to increase investments in railroad properties, and

The CHAIRMAN. The gentleman will proceed.

gentleman from Pennsylvania [Mr. MOORE], would be projects

It was testified before our committee that in some of the States where interstate railway companies whose lines went through those States, as well as other States, made application for the issuance of stocks and bonds in which States such applications and permission is required. Before the State authorities would authorize the issuance of those stocks and bonds it was necessary for the railroad companies to guarantee that a certain per cent of the proceeds of the issue should be expended within each State granting the permission. Such a requirement might be very wise and beneficial as to a particular State; but the fact that a certain per cent of the authorized issue of a railroad operating through a number of States must be expended in a particular State might reduce the amount that ought to be expended upon the lines of that railroad in other States, and result in a corresponding injury to interstate commerce, so far as that particular line was concerned.

As I said before, I am no enemy to railroads. We must have them, and we will have them. They must and will be a success. If private ownership and private enterprise do not make a success out of interstate railroads, they are so important and so absolutely necessary to the very existence of our commerce that the Government will have to step in and take charge of them and operate them, even if at loss to the Government. So we are right up to the parting of the ways. We must either by legislation make private ownership of interstate carriers a success to the Nation as a whole, or else the Government by the very necessities of the situation will have to take charge. We are not now confronted with the question of whether or not we shall have Government ownership of railroads. We are confronted with this question: What can we do to prevent Government ownership?

In a private enterprise, not a public utility, it makes no difference to the public what are the earnings on the investment.

A bank, although a quasi-public institution, if it makes 100 per cent on its capital and loans its money in competition with others at a low rate of interest, the country is not interested as to the gross amount of money the bank should make on its capital stock. The result is that some banks have shares of capital stock that in market value exceed many times their par value. Yet you find no public complaint or agitation growing out of such a condition. The public is just. The people do not care how much money you make out of your own property as long as you do not oppress others in doing so or deprive anyone else of any rights he is entitled to. So in private business it is permissible to get the greatest amount of earnings on capital investment and to get the greatest amount of return for the smallest amount of service rendered.

But when we come to public-utility facilities we must take another view of the question. It is then no longer a question of how great shall be the earnings, net or gross, on the amount of money invested, nor how great shall be the earnings in proportion to the amount of service rendered; but it becomes a question of how much service can be rendered for the least amount of investment, how much service can the public get out of public utilities for the least amount of burden or tax?

If private enterprises assume government functions as common carriers, they must not conduct their business as though they were individual owners of that business in which the public has no interest. They have some of the benefits of private ownership; indeed, they have much of it, they control their property, they elect their officers, they pay such salaries or compensation as suits them; but they must render such a service as the public is entitled to have rendered, and for such compensation as is just and reasonable and as will promote the public service and not hinder or impair it. [Applause.]

Mr. Chairman, it is useless to go over the great number of instances of bad financial management of railroad property. The gentleman from Wisconsin [Mr. ESCH] detailed a number of them, but neither he nor I have the time within the limits of this debate to detail but very few of them.

There is a misconception in the public mind as to what railroad stocks really are, and it comes about by use of the dollar mark as a measure of ownership. The trouble is, stocks, which are nothing but certificates of ownership, or evidence of title to a proportionate part of the property of the corporation, are determined by the use of the dollar mark, instead of a suitable unit for the measure of ownership by quantity instead of value.

When you speak of land you speak of acres of land, or square feet, or front foot. You do not say so many hundred dollars' worth of land. You measure land by the proper unit of measurement applicable to it, and your deed is the title to the land. When a farmer puts an improvement on his land that is necessary to its preservation, when he builds a new fence in order to protect his crops, when he digs a ditch to drain it, he is not entitled to an increase of rent in order to recoup himself, unless he has increased the yield of the land per acre, but he gets his recoupment by the added value to his farm.

Now, what do we mean by an overissue of stocks and bonds? That is what is prohibited in the Democratic platform and seems to be the same in all the others. You must remember that stocks are not a monetary obligation. Stocks are not evidence of indebtedness any more than a deed to a piece of land is a monetary obligation. A bond is a monetary obligation, a lien not only on the revenues of the road but upon all of its property—a mortgage. What is an overissue of bonds? That is just as simple as overmortgaging your own property. One of the evils is that when a railroad is overmortgaged—in other words, overbonded—which bonds being a lien on the property and earnings, those earnings which must go to payment of interest must be secured in some way or the railroad goes into the hands of a receiver. The desire to prevent receiverships and to boost credit often induces the payment of interest on bonds when the earnings do not justify such payment by resorting to short-time loans.

Dividends on stock for the market effect on the stocks are often paid when the net earnings do not justify it. But there are some glaring instances of overissue of stocks whereby the ability of the carrier to perform its duty to the public is materially impaired.

Having erroneously gotten into the habit of treating stocks as indebtedness of the corporation, it is difficult to get the public to think of them as mere evidence of title to a certain ownership interest in the property of the corporation, and therefore incurring no obligation on the public to pay a freight rate that will enable dividends to be paid on these stocks, or to claim any moral right to charge such a rate as will enable them to pay such dividends, as being in the nature of fixed charges.

One gentleman appeared before our committee and said:

> We have a bridge on a road, and the engines are made heavier, and it is therefore necessary to strengthen that bridge. We have to add $200,000 or $500,000 to our indebtedness in order to build a new bridge over which our own engines can pass with safety.

Is there any economy to the road in the big engines? Of course there is. It is a saving to the road to have the large engines. It is a benefit to the road to have the bridge, and the payment for that bridge ought to come out of the surplus earnings of the road before one dollar is paid as dividends on stock, and why? Because when you put $500,000 in the bridge, the road, as a whole, is worth $500,000 more than it was before the bridge was built, and the stockholder gets his dividends in the increased value of his own property.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. SIMS. Certainly.

Mr. MOORE. The gentleman recalls the question I asked the gentleman from Wisconsin [Mr. ESCH] with regard to starting a new enterprise?

Mr. SIMS. Yes.

Mr. MOORE. Suppose the argument of the gentleman now with reference to taking the funds needed for improvements out of the earnings should be applied to some such enterprise as the Panama Canal, if it should be operated by a private corporation, how would you begin the work and where would you get the money?

Mr. SIMS. The gentleman means to start a new railroad?

Mr. MOORE. Yes; how would you do it?

Mr. SIMS. Just as you would start any other enterprise—get your charter, tell the public and the financiers what you have, and let individuals take stock in it, just like anything else; and if they want to issue the stock all they need to do is to go before the Interstate Commerce Commission, and if the Interstate Commerce Commission does not veto it you can issue the stock. In other words, the purpose of these stock and bond issues is to build or improve the railroad for which the issue is sought.

Mr. ADAMSON. Mr. Chairman, will the gentleman permit me to reply to the gentleman from Pennsylvania?

Mr. SIMS. Certainly.

Mr. ADAMSON. I do not see how the gentleman can figure that an incipient enterprise could come within the purview of this bill. It can not engage in interstate commerce until it is organized and goes to work.

Mr. SIMS. I understand what the gentleman means, but an incipient enterprise could be a proposition to build a railroad from here to the Pacific coast; such an incipient enterprise could be an enterprise to build a new railroad entirely through many States, if you mean by "incipient" a new proposition. In other words, if you want to build a railroad from Chicago to the Gulf it is a new proposition, and to that extent is incipient.

Mr. ADAMSON. The act to regulate commerce deals with carriers engaged in interstate commerce, not things that are trying to be born and organize and grow until they can operate in interstate commerce.

Mr. MOORE. If the gentleman from Tennessee [Mr. SIMS] accepts the statement of the chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], that answers so far as the committee is concerned; but I caution the gentleman that this proposed revision of the act to regulate commerce will prevent many worthy men who desire to engage in legitimate enterprise from starting railroads from one State to another, which would be interstate railroads. They would not have the means with which to proceed; they would not have the money with which to pay wages or to provide the surveys or to do those other things necessary to start an enterprise of that kind.

Mr. SIMS. I do not think the gentleman is correct in that statement; it is therefore not necessary to discuss it.

Mr. MOORE. If the gentleman does not think it is necessary to discuss it, very well.

Mr. SIMS. I do not think it is necessary to discuss it with reference to whether it is necessary to make the passage of this bill to depend on it. The truth of the matter is that there are no longer any independent roads constructed that are not intended to operate in connection with some other roads doing an interstate business.

Mr. MOORE. It might be that we would want to get into the gentleman's State on an entirely new line.

Mr. SIMS. The gentleman puts a lot of hypothetical propositions to me when I want to discuss things which are not hypothetical.

Mr. MOORE. I think it is an extremely practical matter.

Mr. SIMS. The gentleman might think so, but he will have to let some of us differ with him.

Mr. GORDON. The question of the gentleman is, How is anybody who has no money going to build a railroad? That is what he wants to know.

Mr. SIMS. I do not know.

Mr. MOORE. Suppose gentlemen in the gentleman's State engaged in industrial enterprises want to get a railroad built into the gentleman's State, an entirely new line, how will the bona fide business men who want to start that railroad raise the money on stocks and bonds?

Mr. SIMS. Just like any other railroad.

Mr. MOORE. Why, they are forbidden.

Mr. CARY. He better not start it unless he has the money.

Mr. MOORE. That, of course, is a brilliant idea, but I would like to see the gentleman start a railroad enterprise involving millions of dollars, with all the money in hand at the start.

Mr. ADAMSON. If the gentleman will permit me, I think I can answer the question.

Mr. MOORE. The gentleman has undertaken to do it once or twice, very cleverly, and I am oblized to him, as his is one intelligent answer I have had on the subject.

Mr. ADAMSON. If I desired to build a new railroad in my State, and thought that I could get the money in any way, I would get a charter from my State, and then I would try to get the money. Then I would try to build the road, and when I got ready to operate it, if I wanted to put it into interstate commerce, I would get it into interstate commerce, and then it would be subject to this law.

Mr. MOORE. But if the road runs from the gentleman's State to another State, what then?

Mr. PAYNE. Perhaps the gentleman could use "psychology" to arrive at it.

Mr. ADAMSON. If the gentleman from New York is an authority on psychology——

Mr. SIMS. Mr. Chairman——

Mr. MOORE. Will the gentleman answer? If I may have the indulgence of the gentleman from Tennessee for one moment, I will ask the gentleman from Georgia if he will not consider the railroad that is to be organized under a charter granted by the State of Georgia as running into another State, and then answer that question——

Mr. ADAMSON. I do not think you would have any trouble. When you get it built and are going to operate in interstate commerce——

Mr. MOORE. But you have to have money to start it.

Mr. ADAMSON. That is a big trouble with all of us; if we had the money we could do a whole lot of things.

Mr. SIMS. Now, Mr. Chairman, what are some of the patent instances of the overissue of stocks? Bonds are easy, and many railroads have issued beyond what they ought to have issued, and in case of such an overissue, and the company fails to pay the interest, you can sell it out, foreclose the mortgage, and reorganize, but no railroad company can be put in the hands of a receiver because it does not pay dividends on its stock, because these dividends are not an operating charge or a lien obligation, but in a way they do affect rates, which the gentleman from Wisconsin described awhile ago. But in the public mind they have a good deal to do with it, whether strictly accurate, or legally or technically accurate, or not. It is practically the universal rule that when a railroad company decides to issue new stock, the outstanding stock of which is above par in the market, that in authorizing such issues it provides that the stockholders of record, at a date in the future fixed in its authorization, shall be permitted to subscribe for this stock at par. There is no use referring to the numbers of instances of that sort, as they are numerous. Now, take a road the market value of whose stock is, for instance, $150 a share.

Mr. PLATT. Will the gentleman yield?

Mr. SIMS. Yes.

Mr. PLATT. I do not think that is true—that they always authorize the subscription at par. Take, for instance, the Pennsylvania Railroad. They have made a number of issues of stock authorizing the stockholders to subscribe at considerably above par.

Mr. SIMS. But they authorize the subscription below the market price.

Mr. PLATT. Below the market price, but above par, and the stock immediately went down below that market price or near to it.

Mr. SIMS. That is all right, but I am going to give the reason——

Mr. PLATT. Will the gentleman permit another question?

Mr. SIMS. Let me give the reason and let me answer one thing at a time until I get through. Suppose a good road, a going concern, a well-established property, and the stock is selling upon the stock exchange, privately or otherwise, at not less than $150 a share. Now, suppose that good, solvent, going railroad concern desires to issue some additional stock. Say it wants to raise $10,000,000 and it wants to issue stock sufficient to procure this $10,000,000 to be used on its railroad for betterments, or for any purpose—reorganization or what not. The duty to the public of that railroad is to sell no more of its stock than will be necessary to realize the $10,000,000. Is not that correct? But how do they do it? I am only making this statement to illustrate. Whenever that railroad company through its board of directors authorizes the sale of that stock, not at the market price, not to the highest bidder at public sale, it permits the stockholders of record at a day specified in the future to have the privilege of subscribing to that stock at less than its market value, so that you have got to sell more stock to get the same amount of money to put on the road. What is the result of such a sale? I would like for the gentleman from New York to give his attention, and I will try to answer him. Suppose your stock is selling at $150 a share and you want $10,000,000.

If you sell to the public, to the highest bidder, it will not take $10,000,000 of stock at par value to realize the desired $10,000,000. It would not take $8,000,000 to bring you $10,000,000 in money, and money is all you want; and you only need $10,000,000 in money to be used for railroad purposes. Whenever you sell stock at the market value and put the entire proceeds derived from the sale in the treasury of your company you have not reduced the value of a single share in it. While you have issued more additional certificates of ownership, you have got more property owned by your railroad. Such stock issues have operated to reduce the value of the stock, the market value of it, by allowing the then stockholders to buy this stock for less than it is worth and pocket the difference in the value of what it was worth and what they got for it, which was private gain and never was applied to the improvement of the railroad or any portion of it; nor did it go in aid of any service to be performed by the railroad in behalf of the public.

Mr. PLATT. Will the gentleman yield again right there?

Mr. SIMS. Yes.

Mr. PLATT. Does the gentleman mean to contend that a railroad that has $100,000,000 capital and wants to get $50,000,000 more can issue that extra stock at the market value without having the market value go down, and will not the additional amount of stock, the greater quantity, force the market price down, anyway, and are not the stockholders entitled to protection in that regard?

Mr. SIMS. Now, let me answer——

The CHAIRMAN. The time of the gentleman has expired.

Mr. DOREMUS. Mr. Chairman, I am authorized by the chairman of the committee to yield the gentleman five minutes additional.

must at all times keep itself prepared to serve all alike and on equal terms. The General Government is interested in seeing to it that this constant readiness to serve is not impaired. If overcapitalization destroys credit, increases the burden of fixed charges, so that little or nothing is left for maintenance, repairs, and improvements, and traffic is thereby delayed and jeopardized, Congress can and should supply the remedy against such obstructions of the highways of commerce.

Jeremiah Black, in a speech before a committee of the Pennsylvania senate in 1883, clearly defined the functions of railroads, as follows:

The functions of railroad corporations are as clearly defined and ought to be as universally understood as those of any servant which the State or General Government employs. Without proprietary rights in the highways, they are appointed to superintend them for the owners. They are charged with the duty of seeing that every needed facility for the use of these thoroughfares shall be furnished to all citizens, like the justice in Magna Charta, without sale, denial, or delay. Such services, if faithfully performed, are important and valuable, and the compensation ought to be a full equivalent; accordingly they are authorized to pay themselves by levying upon all who use the road a tax or toll or freight sufficient for that purpose. But this tax must be reasonable, fixed, certain, and uniform, otherwise it is a fraud upon the people which no department of the State government, nor all of them combined, has power to legalize.

TERMS OF PROPOSED LEGISLATION.

Having given some details as to the nature and extent of the evils of present and past overcapitalization of common carriers engaged in interstate commerce, and discussed hastily and perhaps inconclusively the constitutional difficulties which beset any legislative remedy through Congress, it seems proper to suggest some of the salient provisions which any such remedy should contain.

First. That there should be the fullest publicity of the security issues in accordance with the recommendations of the securities commission.

Second. That no common carrier shall issue stock, bonds, or notes payable more than one year from date of issue except for and when necessary for the following purposes: (a) The acquisition of property, (b) the extension or improvement of its line and facilities, (c) the improvement or maintenance of its service, or (d) the discharge or refunding of its lawful obligations.

Third. That the right to make such issues should be based upon application to and investigation by the Interstate Commerce Commission to determine their necessity and appropriateness for the purposes stated

Fourth. It should be unlawful to issue either a scrip dividend or stock dividend or pay any dividend except in cash derived from earnings.

Fifth. That the consent of the Interstate Commerce Commission should be first secured as to all proceedings looking to the consolidation, reorganization, or merger of carriers subject to its jurisdiction, including the amount and valuation of stocks, bonds, or other evidences of indebtedness connected therewith.

Sixth. The Interstate Commerce Commission should be granted visitatorial powers in all matters connected with capitalization.

Seventh. That all provisions of this proposed legislation, so far as applicable, should be extended to all carriers subject to the interstate-commerce act as amended, including telegraph, telephone, sleeping-car, cable, pipe-line, and express companies, and also holding companies.

Eighth. That provision should be made for suitable penalties, including imprisonment.

BENEFITS OF SUCH LEGISLATION.

While the effects of Federal control, as thus imperfectly outlined, can only be conjectured, we have reason to hope that they will be as beneficent to both people and the carriers as they have been in regard to the regulation of rates through the Interstate Commerce Commission. Wise legislation does not seek to benefit one class or industry at the expense of another, but aims to promote the general good. When the evil is coextensive with the country, the separate laws of the States, differing in standards and degrees of enforcement, can not afford the proper relief. While such able and efficient railroad or public-utility commissions as those of Massachusetts, New York, Texas, Wisconsin, and Minnesota have accomplished much and brought about wise reforms within their respective jurisdictions, they all recognize, when interstate commerce and its regulation is involved, their limitations.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. ESCH. Mr. Chairman, I would like to have two minutes more.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman such additional time as he may desire.

Mr. ESCH. I need only two minutes.

The CHAIRMAN. The gentleman will proceed.

Mr. CLINE. Inasmuch as you have all the time you need, will you allow me to ask you one question?

Mr. ESCH. Yes, sir.

Mr. CLINE. The detailed explanation you have given us of a plan for the regulation and the future control and management of railroads is a good one, but the evil is now in connection with railroads that have issued, according to the gentleman's statement, a large amount of fraudulent stocks and put them on the market. Now, in adjusting future rates, is it the idea of the gentleman that these fraudulent stocks should be eliminated as a factor in fixing the rates?

Mr. ESCH. I suppose that the Interstate Commerce Commission would give to such stock issues as you refer to such weight as in their best judgment was wise and proper. Of course we can not invade the inviolability of contracts, under the Constitution, and this legislation could only affect future issues and would not relate back to those already on the market or in the hands of innocent purchasers.

Mr. CLINE. Is not that the purpose of having a physical valuation of railroads—to fix those rates?

Mr. ESCH. Yes; to aid the commission in the determination of the justice of the rates.

Mr. CLINE. Would not that necessarily eliminate a fraudulent issue of stock that had been made by a railroad company?

Mr. ESCH. Yes. So far as the commission is concerned, they might not be required to take that fraudulent issue into consideration in determining the reasonableness of the rate, and I doubt, if the evidence was clear that it was fraudulent, that they would take it into consideration.

Mr. TOWNER. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Iowa?

Mr. ESCH. Certainly.

Mr. TOWNER. They would have the right, legally, to ignore every such issue, would they not?

Mr. ESCH. Yes.

Mr. TOWNER. But if a showing was made that perhaps the value of the property at the time was equal to the fullest extent of the issuance of the stock and bonds, they might for that equitable reason give them consideration. Is not that true under the law?

Mr. ESCH. Yes; under the law.

Mr. TOWNER. Of course you are just speaking now of the legal phase of the case.

Mr. CLINE. There is another side to the equitable proposition, and that is that this fraudulent stock had drifted into the hands of innocent purchasers.

Mr. ESCH. Yes; and it makes a very grave situation. I realize the gravity of it.

Mr. BAILEY. Mr. Chairman, if the gentleman will pardon me——

Mr. ESCH. Yes——

Mr. BAILEY. I would like to recur to the earlier part of the gentleman's very interesting speech and ask him the question, whether I understood rightly that the unearned increment could properly be in part appropriated by the railroads—the value of their franchises?

Mr. ESCH. I think that was the fact in the Minnesota case.

Mr. BAILEY. That was decided by the court that it could properly be appropriated?

Mr. ESCH. Yes; in part, as I understand.

Mr. MOORE. While we have such an able exponent of railroad affairs on the floor, I crave the privilege of asking one more question, and that is this: Eliminating all present bad management of railroads, and assuming that we want to build a new road, with entirely new managers, who are presumed to be honest and not guilty of the tricks of the trade that the gentleman has described, would it be possible for them, without having money in hand, to begin the construction of a railroad under this legislation? That is to say, would there be any way by which they could raise money from the public or from investors, under this legislation, to begin that new enterprise?

Mr. ESCH. They would probably have to make a thorough preliminary survey.

Mr. MOORE. Which would cost money, of course.

Mr. ESCH. Yes; which would cost money.

Mr. ADAMSON. Mr. Chairman, will the gentleman permit a suggestion right there?

Mr. ESCH. Yes.

Mr. ADAMSON. How can an incipient enterprise be hampered or controlled by this act until it has got into operation and begun to engage in interstate commerce?

Mr. ESCH. Most of these new projects, I will state to the gentleman from Pennsylvania [Mr. MOORE], would be projects

confined to a State, and they would therefore be very largely under the control of State commissions. They would not be the large extensions and the building of transcontinental lines such as characterize the railroad building era of the seventies and early eighties.

Mr. MOORE. Would the Interstate Commerce Commission under this new provision have the right to authorize the new board of directors of that proposed new company to issue stocks and bonds to obtain capital with which to proceed with the work?

Mr. ESCH. I do not believe the commission would have anything to say about the board of directors. That is left to the initiative of each company or carrier.

Mr. MOORE. They would have to have money to proceed?

Mr. ESCH. Certainly.

Mr. MOORE. And they would have to have authority to raise money, would they not?

Mr. ESCH. If the preliminary survey disclosed it to be such that it would promote commerce and trade in a certain region, it would be like any other industrial project, in that it would need capital to float it.

Mr. MOORE. Could they proceed without the approval of the commission to engage in interstate commerce?

Mr. ESCH. If they became interstate carriers, then this act would become operative as to them.

Mr. CRAMTON. Mr. Chairman, will the gentleman yield further?

Mr. ESCH. Yes.

Mr. CRAMTON. As a matter of information, would you state whether, in the practical operation of this proposed statute, it would not have the effect of validating past stock issues in the case of a company which was already grossly overcapitalized in the event that they should then come in and ask for an authorization for a new issue, which was to be used for legitimate purposes? Such an issue being authorized, should there thereafter come up a question of rates, would not the authorization of this last issue for legitimate purposes in a way tend to compel them to validate former improper issues, the later issue being an issue which would naturally be subordinate to the former one?

Mr. ESCH. I do not think it would validate a former fictitious issue. Of course, that raises a question, which was quite a prominent one in the hearings, as to whether, if the commission gives a certificate allowing the issuance of stocks or bonds, there does not follow a certain degree of moral responsibility.

Mr. CRAMTON. I do not want to impose on the gentleman's time, but I would like to suggest that if any of these improper issues are to be retired, it must be by the squeezing out of the water by a reduction of rates which will make it impossible for them to pay charges on those improper issues.

Mr. ESCH. That might result in a reorganization.

Mr. CRAMTON. Then if in the meantime an issue for legitimate purposes has been authorized, that issue would be the first one to be affected by a reduction.

Mr. ESCH. I wish to close now and not impose further on the time of the committee.

With Federal control along the lines suggested we may expect the following benefits:

First. The right to reduced fares and freight made possible because of the absence hereafter of an inflated and speculative capitalization upon which dividends and interest have to be paid.

Second. Absolute and complete publicity as to all corporate transactions relating to stock, bonds, and obligations of common carriers.

Third. Increased confidence on the part of investors in the value of their securities and the stabilizing effect of such increased confidence upon our financial markets.

Fourth. The prevention of manipulating the stock market by directors and leaders of systems and syndicates in the reckless and unconscionable manner that has heretofore characterized them.

Fifth. Protection of innocent investors and popularizing our railroad securities as a form of investment among the people here as well as abroad.

Sixth. By force of law insisting upon such safe and sane capitalization as will permit and require the carrier at all times and under all conditions to perform its duty to the public.

Commissioner Prouty, in a recent address, declared that—

The Government can not rightfully grant an increase in railroad rates until it knows that the money so raised shall be prudently and properly expended. That will be when railroads can not expend money except for railroad purposes, when they can not buy the securities of other railroads, when they can not issue securities of their own without the consent of the Federal Government, and when they can not put securities to any use except those specified.

When legislation along the line suggested shall have been put upon the statute books, much of the prejudice which now exists against railroads will be removed, and it is to be hoped that a spirit of fairness will prevail.

Were it not for human greed and fondness for speculation on the part of many of our great organizers of corporations there would be no reason why a corporation, like an individual, "should not be well born, well bred, and throughout its life be well behaved."

Mr. STEVENS of Minnesota. Mr. Chairman, how much time was used by the gentleman from Wisconsin [Mr. ESCH]?

The CHAIRMAN. One hour and 10 minutes.

Mr. ADAMSON. I yield to the gentleman from Tennessee [Mr. SIMS] 30 minutes.

Mr. SIMS. Mr. Chairman, I hope these good Republican friends who have stayed here and given this subject so much attention and have received so much benefit by staying will put off their lunches just a little while longer, and by remaining receive still further benefit. [Laughter and applause.]

The gentleman from Wisconsin [Mr. ESCH], who has just taken his seat, has so completely covered the provisions of this legislation as to fundamentals and even as to details that, as far as I am concerned, I am ready to vote now. I do not mean that we should not read the bill in Committee of the Whole, but I am ready to vote as far as the general scope of the bill is concerned. I am relieved of labor by the gentleman from Wisconsin which I might otherwise have to perform.

Mr. Chairman, railroads are absolutely necessary to our civilization. The progress of this country will be checked, if not destroyed, if our transportation systems are throttled and ruined. The man who is an enemy to railroads as such is an enemy to the best interests of his country. But if we want the railroads to serve the public, for which they exist, that is no reason why we who so believe should be called enemies, and it is no reason why we should not attempt to further legislate, if necessary, to accomplish such a purpose.

The gentleman from Wisconsin [Mr. ESCH] read platform declarations from all existing political parties, if I understood him correctly, which, in so far as platforms can, have committed all parties to legislation along the line proposed. I want to say that I believe the bill that will pass this House will be a better bill than any individual bill that has been introduced, although I introduced one myself. I am ready to lay aside any pride I have in my own bill if by doing so we can pass a better bill. The product of all the minds of the Committee of the Whole is going to be better than the product of the mind of any one member of the Committee on Interstate and Foreign Commerce or any one member of this Committee of the Whole.

This bill is open to unlimited amendment by way of substitute or otherwise, as it ought to be. I think we ought to look upon this subject as so serious as to call for our very best consideration and best thought. I do not care whether a bill has my name on it, in it, or about it, just so we get what the country wants, needs, and ought to have.

Mr. Chairman, it is estimated and admitted without controversy that at least 85 per cent of all the business of all the railroads is interstate; that not over 15 per cent is wholly within the separate States, or wholly intrastate. That measures the importance to the railroads and to the country of legislation by the States or legislation by Congress. If Congress legislates, it is with reference to 85 per cent of the commerce of the country transported by railroads, about which the States do not legislate at all. Is not the legislation pertaining to interstate commerce far more important and necessary to the general welfare and prosperity of the whole country than is legislation confined and limited to the 15 per cent of commerce that is wholly intrastate? Therefore I think the very fact that 85 per cent of the business done by the carriers of the country is interstate makes it the duty of the only legislative body that can act on interstate commerce to act. We will not legislate with reference to local benefits, while the States do and must so act.

As the gentleman from Wisconsin [Mr. ESCH] said, 20 States of this Union have already passed laws with reference to the issuance of securities by corporations doing business in those States, or chartered by same. We all know who study this question that there are fields of legislation which under our Constitution can properly be occupied by Congress, which if not so occupied may be occupied by the States, and may be beneficially occupied in the absence of action by Congress. So the possibilities are, if we do not have national legislation along these lines, every State in the Union will occupy this field, and we will then have 48 controlling sovereignties in this field, with as many different shades of opinion as there are States.

Mr. MOORE. Within the State?

Mr. ESCH. Yes, sir.

Mr. MOORE. But it may be expected if this paragraph passes that the existing charter rights of companies would be affected so that there would be a Federal rather than a local or State jurisdiction?

Mr. ESCH. I think that would be the tendency.

Mr. FESS. Will the gentleman yield there?

The CHAIRMAN. Will the gentleman yield further?

Mr. ESCH. Yes.

Mr. FESS. Would not the railroads be better satisfied, in your judgment, if they were under one regulation by the Government rather than under many?

Mr. ESCH. That was the burden of the testimony presented to the committee.

Mr. GORDON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Ohio?

Mr. ESCH. Yes.

Mr. GORDON. If that is true, then why is it that this strong recommendation made by President Roosevelt in 1905 to do this very thing has never been consented to by the railroads? If they have been so anxious all these years, why is it that this legislation has not been passed?

Mr. ESCH. I think it is due to the fact that since that recommendation was made many of the States have given the power of stock and bond control to State commissions, and hence there are 29 States in the Union that now have similar control; and it is because so many separate units have separate control that these complexities and diversities have been brought about in the matter of stock and bond issues.

Mr. GORDON. Then it is the enactment of State legislation that has finally driven the railroads to come to Congress?

Mr. ESCH. Yes. They prefer to have one control instead of 48.

Mr. SIMS. If the gentleman will permit me, is it not a matter of fact that none of these bills has been introduced at the instance of any railroad?

Mr. ESCH. That is correct. In fact, many protests have been lodged against this legislation with our committee.

BASIS OF CAPITALIZATION.

What constitutes a proper basis of capitalization? Not the original cost of construction, the actual investment of capital being the money paid in for stocks and bonds, for this in some cases would give us too high and in others too low a capitalization; not earning capacity, for reasons already mentioned; not cost of reproduction, as declared in 1896 by the Supreme Court of Minnesota in the case of the Great Northern Railway Co.; but the rule as laid down by the Supreme Court of the United States in the Texas Railroad Commission case and the case of Smyth against Ames, already cited, namely, that—

A fair basis is to be found only by taking into consideration both cost of reproduction and earning capacity.

The constitutional warrant for Federal control of stock and bond issues of interstate carriers arises out of the connection which such issues may have with rates, and not because of any protection to investors which may result from such control. It is, therefore, pertinent to consider the relation between capitalization and rates. Chairman Knapp, of the Interstate Commerce Commission, in a hearing before our Committee on Interstate and Foreign Commerce in February, 1911, declared that under existing conditions he had not been able to trace any material relation between capitalization and rates, although before the Industrial Commission some years ago he admitted that when the reasonableness of a particular rate was called into question capitalization had to be considered in determining what the road in question ought to charge. Leading experts in railroad financing at the same hearing testified that the relation of cause and effect did not obtain between capitalization and rates, and that, therefore, no legislation was necessary. The Interstate Commerce Commission in two or three of its recent reports recommended legislation to regulate the issue of railroad securities, meeting the contention that capitalization has no influence upon rates, as follows:

It has frequently been urged that capitalization exercises no influence upon rates, but such an assertion is at best a partial truth. When one holds in mind how persistently the courts oppose the enforced approach of railway tariffs to the line of confiscation; when one comes to realize how eager the carriers are to restore to their property accounts the value of the improvements of past years paid out of revenues; when one clearly understands that so long as railways which operate on different levels of cost continue to compete for the same traffic there must result a permanent differential profit to the more fortunate road; and, finally, when one reflects upon the fact that securities once issued are ordinarily beyond recall and beyond control, it is difficult to see how one can assert that the kind and amount of securities issued by a public-service industry have no bearing on the problem of railway tariffs, as that problem must be regarded by the commission and by the courts. It is, in fact, the setting in which the problem is most frequently submitted for judicial consideration.

Judge Clements, a member of the commission, in an address delivered before the Atlanta Freight Bureau in January, 1909, argued in favor of Federal control of capitalization on the following grounds:

That the public may be better protected from unjust rates exacted to make good dividends and interest on stocks and bonds not necessary to be issued for legitimate purposes in the conduct and conservation of the property; that bona fide investors, trustees, and others may be reasonably protected from deceit, and that the proceeds of securities issued shall be devoted to the benefit of the property and not lugged off by manipulators and speculators as booty in the pockets of bandits. Transactions of this kind should be scheduled by the law with fraud and cheating, where in ethics and good morals they belong, and be dealt with accordingly. * * * Public conscience will be satisfied with nothing short of rules of action not inconsistent with the spirit of the more humane and apt expression, "Live and let live."

In testifying before the commission in regard to the Alton deal a few years ago Mr. Harriman justified the enormous increase of stocks and bonds on the ground that as the new liabilities drew only 3½ per cent, whereas the old drew 7 or 8 per cent, the fixed charges were not increased, and hence the rates would not be, as though it would never become necessary to pay the principal. Under this philosophy uncontrolled capitalization would lead inevitably to repudiation and disaster. It is common knowledge that stock issues increase and bonds are never paid, but refunded.

It is claimed that the Alton road, after the Harriman reorganization, could not recoup itself by increasing its rates because of the competing of six other roads traversing the same territory. This is true, and where there is genuine and active competition capitalization will have little effect on rates; but this emphasizes the need of control over roads like the Southern Pacific, which for years was master of a mighty empire and exacted tribute from thousands in the way of exorbitant charges. If the financial athlete can work the pump in the case of the Alton, is it not high time that through legislation he be forbidden from working the pump in the case of the Alton's rivals?

I desire to state both sides of my thesis. I shall not follow the precedent of the Irish justice of the peace, who refused to hear the arguments on both sides because it would confuse him in reaching a decision. Opponents to Government control over capitalization contend with much force that it would destroy initiative, paralyze effort, and check construction. If this be true, then enterprises of great pith and moment must depend upon the gambling spirit, upon bonuses and free gifts of stock, though the stock be given dividend capacity by the development of the country. For risk run in the launching of a new enterprise there should be proper and even generous reward; but in these days the preliminary survey is so thorough, the calculations of present and future traffic so accurate, that the risk is minimized. As new lines or extensions are generally intrastate they have come under State control. Many States—Texas since 1892, Massachusetts since 1893, New York and Wisconsin since 1907, and others—have laws controlling the issue of stocks and bonds of State railroads. So far as I have knowledge these laws have not had the effect to retard construction. In fact, the increased confidence which such laws have created in such stocks and bonds has encouraged investors, stabilized values, and promoted improvements. Bankers, promoters, and underwriters of securities find opportunity for gain in heavy capitalization, but such capitalization is injurious to the interests of investors and the public generally.

Officials of common carriers insisting that excessive capitalization can have no effect on rates stultify themselves when, as witnesses before courts, the Interstate Commerce Commission, or committees of Congress, in opposing suits or legislation looking to a reduction of rates, they at once and systematically claim the existing or higher rates to be absolutely necessary to pay the interest on bonds and dividends on stock of their respective roads. When, six years ago, our committee was considering the Sherman bill providing for a 2-cent passenger rate, the passenger and traffic experts of the leading roads of the country protested that if such rate were fixed by law it would be impossible to meet fixed charges. During the hearings before the commission in the Spokane case the carriers interested followed a like plan of defense.

Federal control might further be justified in giving publicity to and regulating the modern practice of the officials of one carrier buying up the capital of another to justify new stock and bond issues to increase monopoly and destroy competition. As bonds have no voting power and bondholders no share in the management, only the stock, whether common or preferred, which has the voting power, is purchased. The result is that

it requires but a comparatively small amount of stock to secure control. An actual investment of only $5,000,000 in the Atlantic Coast Line Co., some years ago, gave control of over 11,000 miles of road.

We have thus far gone on the assumption that Congress had the right under the Constitution to regulate the stock and bond issues of interstate carriers. If it has such right, it must be found in the commerce clause which gives Congress the power "to regulate commerce with foreign nations and among the several States"; the idea of the framers being that commerce between the States should be forever free and untrammeled and subject only to regulation by Congress, and as to such commerce its powers were to be plenary.

Under the provisions of the Constitution it must be shown that stock and bond control is a regulation of commerce. The delegation by Congress to a commission of the power to declare what is a just and reasonable rate is no longer questioned, but is conceded to be a regulation of interstate commerce, the freedom or restraint of which commerce being dependent upon the amount of the rate. If, therefore, the rate is subject to control by Congress, then that which affects the rate, such as capitalization, should be subject to like control.

The Nebraska case already cited held that in arriving at the reasonableness of rates "the amount and market value of the bonds and stock" of the carrier are to be considered. As the whole embraces a part, authority to regulate rates implies the power to regulate those constituents which go to make up the rates.

In many cases before State commissions and the Interstate Commerce Commission and before the courts the amounts of stocks and bonds and their market value are put in evidence to effect the determination of the rate. In the Spokane case the defendant companies, the Northern Pacific and the Great Northern, at great expense and after much labor presented elaborate statements to show the cost of reproducing their physical properties, and claimed that the rates proposed by the commission would seriously impair their ability to meet their fixed charges. An authoritative valuation and stock and bond control through Federal enactment would simplify and expedite every rate controversy.

At the very threshold of this constitutional inquiry we are met by the objection that the National Government can not determine the amount of stock and bonds which a railroad corporation chartered by a State can issue, even when it engaged in interstate business.

This objection raises the question as to the extent of control by Congress over interstate commerce. In the absence of authorities directly in point we may get some light from an examination of the leading cases wherein the jurisdiction of State and Federal authorities as to interstate commerce was involved.

In the noted case of Gibbons v. Ogden (9 Wheat.), Chief Justice Marshall decided that—

Congress may control State laws, so far as it may be necessary to control them, for the regulation of commerce.

Again:

The power to regulate commerce * * * amounts to nothing more than a power to limit and restrain at pleasure * * *. The grant of the power carries with it the whole subject, leaving nothing for the State to act upon.

And again:

The power of Congress over commerce is not a power incidental to that of regulating commerce, but is the thing itself.

This decision clearly announces the supremacy of Federal over State laws in matters relating to commerce between the States, for under the Constitution all laws passed by Congress pursuant to the powers therein delegated to it are the supreme law of the land; and this is true, even though the State laws be enacted in the exercise of powers not controverted.

In the case of County of Mobile v. Kimball (102 U. S., 691), arising out of improving the harbor of Mobile, lying wholly within the State of Alabama, the Supreme Court held:

The power conferred upon Congress by the commerce clause of the Constitution is exclusive so far as it relates to matters within its purview which are national in their character and admit or require uniformity of regulation affecting all the States. * * * For the regulation of commerce there can be only one system of rules applicable to the whole country, and the authority which can act for the whole country can alone adopt such a system. Acting upon it by separate States is not, therefore, permissible.

In view of the fact that over three-fourths of the commerce of the railroads of the country is interstate, and that there are few doing such an intrastate business as to be without question subject only to State control, would State regulation as to capitalization of roads within its borders under this decision be supplanted by the enactment of a Federal law of similar import? I should say yes. In the words of Judge Story:

The full power to regulate a particular subject implies the whole power, and leaves no residuum. A grant of the whole is incompatible with the existence of a right in another to any part of it. A grant of a power to regulate necessarily excludes the action of all others who would perform the same operation on the same thing.

The answer to this question depends on the rule laid down in Cooley v. Board of Wardens of Philadelphia (12 How., 290), viz:

The power of Congress is exclusive wherever the matter is national in its character or admits of one uniform system or plan of regulation.

In the Minnesota rate cases recently decided by the Supreme Court of the United States, in speaking of the completely internal commerce of a State, which is reserved for the State itself, the court held:

This reservation to the States manifestly is only of that authority which is consistent with and not opposed to the grant to Congress. There is no room in our scheme of government for the assertion of State power in hostility to the authorized exercise of Federal power. The authority of Congress extends to every part of interstate commerce and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations. That is not to say that the Nation may deal with the internal affairs of the State as such, but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions have become so interwoven therewith that effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere.

The organization of over 240,000 miles of railroad in the United States under six or seven great systems, some of them transcontinental in extent, controlled by two powerful banking syndicates, has resulted in increased capitalization under single charters. Should the laws of New Jersey or West Virginia control in Minnesota? Should the capitalization of a Minnesota railroad corporation result in restraint of trade, in inadequate facilities, in Idaho or Washington? Would not the uniformity resulting from Federal control of capitalization compensate the States in some measure for the loss of jurisdiction?

If a common carrier engaged in interstate commerce, chartered by a State, either with or without authority from such State, waters its stock to such extent as to materially affect its rates or create liabilities with no return to its treasury, but for speculative purposes, there ought to be some authority to afford relief to the public, which ultimately must carry the load. Under these conditions, as Justice Harlan decided in Smyth v. Ames, the carrier "may not impose upon the public the burden of such increased rates as may be required for the purpose of realizing profits upon such excessive valuation or fictitious capitalization."

Such authority could well be lodged with the Interstate Commerce Commission. The means of carrying into execution the powers delegated to the Government are left to the discretion of Congress.

From these authorities and the Addyston Pipe and the Northern Securities Co. cases, and others, it is clear that Congress has full power to legislate over all matters that pertain to interstate commerce or the regulation thereof, and that, while at times Congress has allowed the States to exercise certain control over commerce which affected interstate relations, as soon as Congress occupied the field its control became exclusive.

A railroad corporation, as the creature of the State, is subject to such restrictions as to capitalization which the State may prescribe as a condition precedent to doing business within its borders, and Congress could not dictate to the State the limitations as to capitalization which it should require of such railroad before it granted it its charter; but as soon as such railroad operates without the limits of a State it at once subjects itself to Federal control, and Congress has the power to prescribe what it must do before it can carry on an interstate business. Congress could therefore require it to take out a Federal license or could set limits upon its capitalization, and there is no constitutional prohibition against it being compelled to come under the Federal law.

Conceding that, if capitalization has no direct effect upon rates, our argument in support of this proposed legislation must fail, we can ground it irrefutably upon this proposition, that as it is the duty of every common carrier engaged in interstate commerce to provide "proper equipments and appliances to carry on its business in a safe, expeditious, and efficient manner," Congress to this end by suitable legislation can prevent such carrier from impairing its financial ability by assuming unwarranted pecuniary burdens by the improvident issue and sale of securities without adequate consideration.

A railroad being in the very nature of things a monopoly created for a public purpose, even though by private capital,

session. General debate will not quite be ended at 5.30, but it

by proxy, and let him go on and celebrate his glad event.

the conditions precedent to the just and wise determination of a contested rate or charge. Suffice it to say that in all other transactions the cost of the plant bears a close relationship to the price of its output.

These two factors, physical valuation and stock and bond control, will supply data upon which the reasonableness of a rate can be more accurately determined. In justification of such legislation, I cite the opinion of Justice Harlan in the leading case of Smyth v. Ames (169 U. S., 546), commonly known as the Nebraska case:

> The basis of all calculations as to the reasonableness of rates to be charged by a corporation maintaining a highway under legislative sanction must be the fair value of the property being used by it for the convenience of the public. And in order to ascertain that value, the orginal cost of construction, the amount expended in permanent improvements, the amount and market value of its bonds and stock, the present as compared with the original cost of construction, the probable earning capacity of the property under the particular rates prescribed by statute, and the sum required to meet operating expenses, are all matters for consideration and are to be given such weight as may be just and right in each case. We do not say that there may not be other matters to be regarded in estimating the value of the property. What the company is entitled to ask is a fair return upon the value of that which it employs for the public convenience. On the other hand, what the public is entitled to demand is that no more be exacted from it for the use of a public highway than the services rendered by it are reasonably worth.

If, then, according to the Supreme Court, the market value of stocks and bonds of a carrier are to be considered in determining the reasonableness of a rate, legislation which will give to some Federal authority, like the Interstate Commerce Commission, the right to demand full publicity as to the issue of stocks and bonds and full publicity as to the method in which the proceeds derived from the sale of such stocks and bonds shall be expended is absolutely necessary, as is also legislation regulating the control of such issues.

STOCK WATERING.

The declarations in the party platforms and the recommendations of the President and the tardy consideration by Congress are the direct results of the rapid and enormous increase in the capitalization, especially during the last decade, of the telegraph, telephone, cable, express, sleeping-car and railroad companies of the country. President Roosevelt, with an insight as remarkable as it was accurate, in his message in 1905, used these trenchant words:

> Of these abuses perhaps the chief, although by no means the only one, is overcapitalization—generally itself the result of dishonest promotion—because of the myriad evils it brings in its train; for such capitalization often means an inflation that invites business panic; it always conceals the true relation of the profit earned to the capital actually invested, and it creates a burden of interest payments which is a fertile cause of improper reduction in or limitation of wages; it damages the small investor discourages thrift, and encourages gambling and speculation; while, perhaps, worst of all is the trickiness and dishonesty which it implies—for harm to morals is worse than any possible harm to material interests, and the debauchery of politics and business by great dishonest corporations is far worse than any actual material evil they do the public.

According to the Statistics of Railroads, a Government publication, the cost per mile of road, based on the total issue of stocks and bonds and miscellaneous obligations, for the period prior to 1890, was $60,340; for the period from 1890 to 1900, $36,900; and for the year 1910 it was $93,400. According to this publication, the actual cost of building and equipment of railroads in the United States in 1900 did not exceed $30,000 per mile. This figure, low as it seems in comparison with the cost as based on the total issue of stocks and bonds and miscellaneous obligations, is too high, according to the latest valuations made by commissions in the States of Michigan, Texas, and Wisconsin.

Stock watering, as defined by the Industrial Commission in its final report published in 1902, "is the issuing of securities that do not represent money invested in the property; water includes all that is put into the property except actual money." Such hydraulics have characterized the financing of common carriers more than any other of our corporate interests, although some of our largest industrial and manufacturing stocks show like dropsical tendencies.

Stock watering is resorted to for several reasons:

First. To encourage investment by appealing to the gambling spirit in investors, who secure stocks at great discounts and often free as a bonus with bonds.

Second. To secure an initial profit by sale of new stock.

Third. To conceal regular profits by keeping down the rate of dividend by issuing additional bonds.

The practice is indefensible on business as well as moral grounds. Better pay high dividends than water stock, for dividends can be reduced during lean years, but lower dividends on excessive capitalization can not then be still further lowered without discontent. Excessive capitalization gives excuse to maintain high rates and fares, and labor's demands for a higher wage go unheard.

The ways of stock and bond inflation have been devious and many. In the early seventies, in the palmy days of Drew, Gould, and Fisk, the stock of the Erie was increased from $17,000,000 to $78,000,000 for no other purpose than to manipulate the stock market.

Another device was the organizing of dummy companies. Members of a strong company organize a dummy corporation to build a new road. The latter authorizes a bond issue sufficient to build the road, and a stock issue of equal amount. The stronger parent company then issues its own securities to an amount necessary to build the road, and with the proceeds takes over the bonds of the dummy company and receives the stock as a bonus. Here, although there are issues of securities, the proceeds of the bonds of the dummy company alone bring the new road into being, but the people pay interest on all three. This device was used by Huntington in the construction days of the Southern Pacific, and has not been unknown in very recent Pacific railroad history, as the career of the Western Pacific Railway Co. fully attests.

Again, directors of a railroad company would purchase other railroad properties, and sell them to their own at exorbitant prices, or they would authorize the gift of stock as a bonus for bonds they desired to float.

The latest methods of stock watering make the earlier methods seem coarse. Now, we have stock dividends and melon cutting—like the Wells-Fargo Express Co. some time ago declaring a 300 per cent cash dividend overnight out of accumulated surplus.

Consolidation of properties, with consequent issues of new stock; substitution of stock issues for funded debt, as when 8 per cent stock is substituted for 4 per cent bonds, whereby the absorption of increased earnings in the future is facilitated; the funding of contingent liabilities by issues of interest-bearing scrip, instead of meeting them out of earnings—all have been employed to justify or extenuate increases of corporate liabilities.

Concrete examples of this evil practice are found in the recent reorganization of the Chicago & Alton Railway Co. Prior to 1898 this road, under conservative management and with average dividends of over 8 per cent, had total liabilities amounting to about $34,000,000. In that year a syndicate, consisting of Messrs. Harriman, Schiff, Gould, and Stillman, bought the stock, paying $200 a share for the preferred and $175 for the common, or a total of about $40,000,000. Within seven years the capital indebtedness was expanded to over $114,000,000, or an increase of about $80,000,000, with $18,000,000 paid out for actual improvements and additions, leaving an increase of its stock and liabilities, without one dollar of consideration, of about $62,000,000, or $66,120 per mile of the 946 miles of road owned by the company June 30, 1906.

On June 30, 1905, the bonds and stocks outstanding of the Southern Pacific Railroad Co. were $252,473,400, or an average of $76,880 per mile. Just one year later, in 1906, the capitalization had been increased to $284,158,500, or an average of $86,342 per mile. In other words, although but 8 miles of road were added, the debt had increased $31,680,040. No great improvements were made or contemplated, for but 11 miles of road were added during the year 1907. The truth is that not a dollar of this added debt of over $31,000,000 went into the treasury of the Southern Pacific Railroad Co. It was just a stock dividend, mere water, for which nobody paid a dollar, and was distributed among its stockholders, and these constituted the Southern Pacific Co., which owned every share of the Southern Pacific Railroad Co., according to Poor's Manual for 1907. Thus are fortunes amassed by printer's ink and a resolution.

But we can find abundant illustrations in more recent years. The evils complained of are not those incident only to the construction period of new railroads, but are to be found in the financial history of roads long established. The evils of which the Cullom committee complained were those chargeable to the construction era and against the great builders. The evils now complained against are those of consolidation and reorganization, under the manipulation of great bankers and banking syndicates. Bankers now control railroads and railroad systems and not their builders, and under this new control, through interlocking directorates and the desire for commissions, the holdings of thousands of stockholders are as mere pawns on the chessboard of high finance. The evil, therefore, exists to-day as it did a quarter of a century ago, differing only in character and degree.

At this very hour the Department of Justice and the Interstate Commerce Commission and various State public-utilities commissions are engaged in seeking the truth with reference to

certain reckless, illegal, and unconscionable operations of high finance which have brought some of the leading railroads of the country either into the hands of receivers or to the verge of bankruptcy. Within the last year the country has been aroused and innocent investors have been alarmed over the disclosures of the looting, by men high in the financial world, of such promising roads as the Frisco, the Rock Island, Pere Marquette, Boston & Maine, and the New Haven. The testimony of ex-President Mellen, of the New Haven road, just given before the Interstate Commerce Commission, shows the officers and directors of that road to have been mere puppets in the hands of a powerful banking syndicate in New York.

In this particular instance—

Says Mr. Samuel Untermeyer in an address delivered at Pittsburgh a few days ago—

> the investigation thus far has barely scratched the surface. It relates mainly to a single phase of the New Haven road and involves the diversion of only about $11,000,000 out of a total of over $200,000,000 that will have to be accounted for some day, provided the comatose shareholders will ever awaken and have the sense or can summon the courage to assert their rights. If the investigation of the Interstate Commerce Commission is extended into the other transactions so as to include the vast purchases of comparatively worthless competing properties at fabulous prices for the purpose of destroying competition, the dimensions of the offenses committed against the stockholders of that company will be of a character to render the exposures incident to the French Panama Canal scandal as a moonlight silhouette compared to a volcanic eruption.

In 1902 the Rock Island was one of the best equipped and most prosperous of the trans-Mississippi roads. It supplied a fertile region and connected great and growing terminals. In that year a syndicate secured control, and according to the gentleman from Iowa, Mr. GREEN, who appeared before our committee, began an era of expansion and exploitation by raising the capital stock from $60,000,000 to $75,000,000 and the bonded indebtedness from $71,000,000 to $258,000,000, an increase of the bonded indebtedness of $187,000,000. Three thousand miles of road, much of it nonproductive, were added to the system. Little of the proceeds of this vast increase of indebtedness went to the improvement of the way and of the service. To-day service is inadequate, roadway and equipment in poor condition, and the bonded indebtedness, on which the public is charged, has been raised from $18,230 to over $38,000 per mile.

The Pere Marquette road, which covers the State of Michigan, connects large cities, passes through thickly settled sections, having 1,800 miles of track, is to-day in the hands of a receiver. According to the gentleman from Michigan, Mr. CRAMTON, who also appeared before our committee, the funded debt of this road increased from $25,000,000 in 1900 to over $78,000,000 in June of last year. The total earnings increased by almost $4,000,000 in 1913 over those of 1906, yet notwithstanding such increase there has been no material increase in equipment; in fact, the road to-day is in a worse condition physically and financially than it was in 1906. This road has been the victim of financial exploitation and of hurtful domination by its rival, the Michigan Central, a domination which in a large degree continues in its present receivership.

As a result of the investigation of the purchase of the Chicago & Eastern Illinois Railroad by the St. Louis & San Francisco Railroad, made by the Interstate Commerce Commission, pursuant to a resolution of the Senate of June 10, 1913, one of the most significant facts disclosed was the enormous discounts on bonds and notes and other short-term notes issued by the Frisco and lines which it controls, amounting to over $30,000,000, in 12 years. The payment of such ruinous discounts, according to the report of the commission, was due either to the fact that the credit of the Frisco was very poor or "that bankers obtained the securities at prices which may or may not have been as high as could have been obtained from those not directly interested in the finances of the road." Four per cent on these $30,000,000 of net discounts and commissions represents an annual expenditure of over $1,200,000 for interest on money which the road never received and represents a fixed charge which the public is called upon to pay and forms a basis for a demand for an increase of rates.

With publicity of all issues of stocks and bonds and publicity as to the purposes for which their proceeds are to be expended, required by the pending bill, no such financial jugglery would be possible. Another significant fact disclosed in this investigation of the Frisco and which is pertinent in this discussion is the comparison of its interest-bearing liability with its stock liability. In May, 1913, its total capital amounted to $295,000,000 in round numbers, of which only $51,000,000 was capital stock and $244,000,000 was funded debt, including equipment trust notes. The capital stock was only 17.37 per cent of the total capital liability, while the funded debt amounted to 82.63 per cent. In the Rock Island, the ratio of funded debt to capital liability is 75 per cent. No other roads in territory west of the Mississippi have anything like such a ratio. In explanation of this unhealthy condition, the commission states:

> That the excessive issue by the Frisco of interest-bearing securities, instead of capital stock, may be due in part to the requirement of the State of Missouri that capital stock of railroads may not be sold at less than par, while no such restriction is placed upon the sale of bonds. It is also customary in issuing additional capital stock to deal with the stockholders for a portion at least of the new issue, while the disposition of bonds is usually a transaction with banks or bankers to whom profits accrue.

When a single State can thus in the charter it grants fix the limitations on stock issues and can thereby increase the burden upon not only its own shippers but the shippers of all other States through which the road operates, by compelling the road to increase its interest-bearing liabilities or fixed charges, which must be paid out of income derived from traffic or go into a receivership, instead of allowing it to increase its stock liability on which dividends need only be paid when earned, the situation and its burdensome consequences is a strong argument in favor of exclusive Federal control.

As justification for such financing railroad officials declare that a common carrier has the right to capitalize its earning power, and this without regard to the original cost or cost of reproduction of the plant. While it is entitled to some increase because of increase of value which a growing population gives to right of way, franchises, and terminal facilities, it ought not to absorb all of the "unearned increment," but should share it with the public by reducing its rates and charges and improving its facilities.

Capitalization based on earning power, according to the report of the Industrial Commission, "obscures the relation between rates, wages, and profits. It is impossible to discover, without a careful appraisal of the property, whether an overcapitalized road is earning more than a fair return upon the investment. The principle is generally accepted at the present time that capital is not entitled to more than a certain fair rate of profits. The issuance of additional securities on the basis of increasing earning power makes it possible for a company covertly to secure exorbitant returns on the actual investment. This objection seems conclusive against the policy of full capitalization up to the limit of the earning power."

It is also true, as claimed by railroad statisticians, that the capitalization of our American roads is less than those of the leading countries of Europe, being but one-fourth that of Great Britain and one-half that of France. British railroads, however, "make a practice of charging expenditures for improvements to capital rather than to revenue." More double and quadruple track mileage in proportion to the total mileage further accounts for the difference.

Mr. MOORE. Mr. Chairman, will the gentleman yield before he proceeds to that?

Mr. ESCH. Yes; for just a question.

Mr. MOORE. The gentleman has dealt very largely with what might be termed the mismanagement of certain roads. I ask him whether there is not sufficient law already to meet such mismanagement, or does he insist there must be Federal control over and above such State legislation as exists?

Mr. ESCH. The existence of the evils I have thus recounted is pretty clear evidence that there is not at present sufficient law.

Mr. MOORE. Then, taking the bill we have before us and referring to the new paragraph on page 12, which proposes to make it unlawful for any common carrier to issue stocks, bonds, and so forth, or other evidence of indebtedness, "even though permitted by the authority creating the carrier corporation," are we to understand that that last line, "even though permitted by the authority creating the carrier corporation," would supersede the charters of all existing railroads?

Mr. ESCH. When Congress under its constitutional powers occupies the field it does it to the exclusion of the States, and I am one who believes that it is wise, if we are to take up this legislation at all, to make it exclusive, and thus give one Federal control, with uniformity of management and uniformity of decision and uniformity of operation.

Mr. MOORE. All existing railroads, then, wheresoever chartered, would begin anew under Federal direction, and the authority creating them would be abrogated? Is that the understanding?

Mr. ESCH. The congressional power granted by this bill or the bill which will be offered by the gentleman from Minnesota [Mr. STEVENS] will give to the commission the power of regulation of stock and bond issues of interstate carriers. It would not affect the stock and bond issues of a road that was purely intrastate.

Mr. FESS. Suppose the resolutions are on postal cards and you have got a thousand of them?

Mr. BARNHART. They are from a certain post office or certain post offices, and this plan would cover all succinctly.

The SPEAKER. Put on the back "John Smith et al."

Mr. MURDOCK. Mr. Speaker, while this matter is up I want to propound an inquiry to the Speaker for my own information, and I think it will inform the House. We have a temporary CONGRESSIONAL RECORD and a permanent CONGRESSIONAL RECORD. How long after the temporary RECORD is the permanent RECORD made up? I ask the question because in the RECORD this morning——

The SPEAKER. It used to be four days.

Mr. MANN. It is about 10 days.

The SPEAKER. But they have stretched it now gradually until it is about a week or more, but it is a good deal safer to get it in in the four days.

Mr. MURDOCK. In this morning's RECORD is a speech made by the gentleman from Virginia [Mr. GLASS] on the currency conference report on December 22, 1913. How can that get into the permanent RECORD?

Mr. MANN. It can get in the appendix.

The SPEAKER. It goes automatically into the permanent RECORD.

Mr. MURDOCK. But the permanent RECORD in this case has been printed months ago.

Mr. MANN. It goes in the appendix.

The SPEAKER. It goes in the appendix.

Mr. MURDOCK. The Speaker says that you do get it into some sort of a permanent RECORD in spite of the rule about the four days.

Mr. MANN. There is no rule about it.

Mr. MURDOCK. Well, the practice.

The SPEAKER. The four days' limit, or whatever it is now—it has been stretched, as I said before—was intended to give a chance for revision, straightening out the grammar, spelling, and so on.

Mr. MURDOCK. And if you do not get it in within the time limit, it goes into the appendix.

The SPEAKER. If you do get in the revised remarks within the limit, it goes in first as in the temporary RECORD, and if you leave it out past the time they make up the permanent RECORD, it goes in the appendix. That is the only place it could go. I know that I undertook to hunt up one of the greatest speeches that was ever made in the Senate, one by the Hon. James S. Green, of Missouri, a speech on the Le Compton constitution, and I hunted it up for a week before I could find it, and I had to go way back in an appendix somewhere to find it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 14034. An act making appropriations for the Naval Service for the fiscal year ending June 30, 1915, and for other purposes.

The message also announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 148. Joint resolution authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 4741. An act for the protection of the water supply of the city of Salt Lake City, Utah; to the Committee on the Public Lands.

SPEECH OF HON. JAMES M. MONROE.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of Hon. James M. Monroe, of Annapolis, delivered at the Maryland Agricultural College on the 30th of May, 1914, wherein he depicts the organization and establishment of the first agricultural college in this country.

Mr. BARNHART. Mr. Speaker, I object.

REGULATION OF RAILWAY STOCKS AND BONDS.

The SPEAKER. The House automatically resolves itself——

Mr. ADAMSON. Before doing that, Mr. Speaker, I would like to ask the House to make an agreement in reference to the session. General debate will not quite be ended at 5.30, but it will be soon after the committee resumes its session after the recess, and I ask unanimous consent that we may proceed with the reading under the five-minute rule until not later than 11 o'clock to-night.

The SPEAKER. The gentleman from Georgia asks unanimous consent to modify the rule under which we are operating to the extent that when the committee resumes its session at 8 o'clock when general debate is finished the committee may proceed with the five-minute debate until not later than 11 o'clock.

Mr. STEVENS of Minnesota. Mr. Speaker, reserving the right to object, I would ask the gentleman how he calculates the time when general debate will be exhausted?

Mr. ADAMSON. My understanding is there are about seven hours remaining on the two sides, and that will carry us beyond 6 o'clock.

Mr. STEVENS of Minnesota. Mr. Speaker, I do not believe the House would care to take up this bill under the five-minute rule in the evening; it is too important.

Mr. ADAMSON. There is a general desire to complete this bill this week, and I heartily concur in that desire myself.

Mr. STEVENS of Minnesota. Mr. Speaker, the bill has only one section, and the five-minute debate can not be very extensive if the committee does not desire it to be so.

Mr. ADAMSON. I do not wish to ask the House to burden itself with any inconvenience at all, but I would be glad to get along with the bill. You do not know how long the five-minute reading is going to last.

Mr. MANN. Mr. Speaker, I would like to get through with this bill as soon as possible, and hoped that we might get a vote to-morrow, but I do not believe it is desirable to have the bill considered under the five-minute rule to-night. I think the gentleman would do a favor to the House if he would ask unanimous consent that there be no evening session, whether he finishes his general debate to-night or not.

Mr. ADAMSON. Mr. Speaker, inasmuch as my first request does not seem to meet with favor, I am going to withdraw it, and in lieu thereof make the request that general debate be concluded before we adjourn, and then we will have no recess.

Mr. MURDOCK. Then not take up the bill under the five-minute rule to-day?

Mr. ADAMSON. No evening session.

Mr. MURDOCK. What the gentleman wants to do is to dispense with that part of the rule of the House adjourning at 5.30 until 8 o'clock p. m.?

Mr. ADAMSON. To dispense with the recess.

Mr. BARNHART. Mr. Speaker, this is probably one of the most important bills in behalf of human welfare on which I have ever voted or ever shall vote, and I beg the indulgence of Members while I briefly speak of a personal matter. There is a very attractive event ahead of me for Saturday evening at 8 o'clock, in Indiana, one of the most important of the pleasant ones of my life, and which takes me home. It is to meet a manly son and a splendid girl at a bridal altar and welcome her to my family circle; and much as I want to have the honor of voting for this antitrust legislation I am going to witness the start in life of these two young people and wish them God's blessing, vote or no vote, as the bill is going to pass by an overwhelming majority, anyhow. And so, Mr. Speaker, if there is any criticism of the request of the gentleman from Georgia in charge of the bill, let me hear it. If the proposed hastening of the passage of these bills would be in any way detrimental to wholesome results, I would not have suggested it. Instead, I believe a little more hurry up by Congress would be applauded by the country.

That, however, is neither here nor there. I asked the chairman of the committee if he thought it possible to hold an evening session, so that we could reach a vote to-morrow. He graciously said that he would be glad to do anything to that end that he could. I have been here a number of years, you have all been kind to me, and this is an important bill to me, but I do not wish to urge any special favor. However, if we could commence this evening under the five-minute rule, so that we might have a vote to-morrow, I would like very much to do so. But if this is not in harmony with the judgment of those interested in making this legislation the best possible, I cheerfully abide your pleasure.

Mr. MANN. Mr. Speaker, I worked very hard the other day to hurry through the Clayton bill in order to accommodate the gentleman from Indiana as to his event, for which I got soundly scolded on this side of the House. I do not see how it is possible to dispose of this bill at an evening session to-night. Surely some one would make the point of no quorum, and there would not be a quorum here.

Mr. ADAMSON. We might authorize the gentleman to vote by proxy, and let him go on and celebrate his glad event.

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to modify the rule under which we are operating, to the extent that we take a recess at not later than half past 5, be done away with, that there be no night session, and that we continue the debate on this bill until general debate is finished before adjournment.

Mr. MANN. I suggest that the gentleman do not ask the last. The gentleman has it in his power to continue general debate if the other is set aside, but there might be some emergency.

The SPEAKER. The gentleman asks unanimous consent, then, to modify the rule so as to do away with taking a recess at not later than half past 5.

Mr. ADAMSON. All I desire is to complete general debate before we adjourn to-day.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16586, and the gentleman from Tennessee [Mr. HULL] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 16586 and other bills embraced in the special order of the House. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. ADAMSON. Mr. Chairman, will you kindly announce how the time stands?

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] has consumed an hour and 41 minutes and the gentleman from Minnesota [Mr. STEVENS] 1 hour and 8 minutes.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman from Minnesota [Mr. STEVENS] will consume some time now. However, the gentleman from Ohio [Mr. GORDON] desires me to yield to him one-half minute.

Mr. GORDON. Mr. Chairman, I avail myself of the privilege under the rules to extend my remarks in the RECORD.

Mr. ADAMSON. Mr. Chairman, I hope the gentleman from Minnesota will proceed.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield one hour to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Chairman, the question of Federal control over capitalization of interstate carriers is not a new one. It has been in the public mind for many years, but agitation has thus far failed to crystallize into legal enactment. It was a question which had grown to sufficient importance to challenge the attention of the committee appointed by the Senate in 1885, presided over by Senator Cullom. Even at that early date it was complained "that the capitalization and bonded indebtedness of the railroads largely exceeded the actual cost of their construction or present value, and that unreasonable rates are charged in the effort to pay dividends on watered stock and interest on bonds improperly issued." This committee, whose labors resulted in the original interstate-commerce act, approved February 4, 1887, declared as follows:

This pernicious practice (fictitious capitalization, popularly known as stock watering) has unquestionably done more to create and keep alive a popular feeling of hostility against the railroads of the United States than any other one cause. It has imposed a serious and continuous illegitimate burden upon commerce. Excessive capitalization operates as a mortgage upon the industry of the country.

Notwithstanding these findings of the Cullom committee, the original interstate-commerce act contained no remedial legislation looking to the control of capitalization, nor was consideration given to the subject in the Hepburn Act of 1906. The Committee on Interstate and Foreign Commerce, in reporting to the House the Mann-Elkins Act of 1910, amending the original interstate-commerce act, recommended provisions giving to the Interstate Commerce Commission large powers over combinations, mergers, and consolidations of interstate carriers and control over the issuance of their securities. These provisions were adopted by the House, but were stricken out by the Senate, and in their place was substituted a provision authorizing the President to appoint a commission "to investigate questions pertaining to the issuance of stocks and bonds by railroad corporations, subject to the provisions of the act to regulate commerce, and the power of Congress to regulate or affect the same, and to report thereon." The result of this provision was the Railroad Securities Commission, of which President Hadley, of Yale, was the chairman. In its report, rendered in November, 1911, the commission closed with the following recommendation:

Upon the whole, your commission believes that accurate knowledge of the facts concerning the issue of securities and the expenditure of their profits is a matter of most importance. It is the one thing on which the Federal Government can effectively insist to-day; it is the fundamental thing which must serve as a basis for whatever additional regulation may be desirable in the future.

But the commission went no further than to recommend completest publicity as to the financial transactions on the part of the carriers.

During the last 10 years many bills have been introduced in Senate and House seeking to give to the Interstate Commerce Commission control over capitalization, and during the same period many of the States have created railroad or public utilities commissions and given them control over the issue of stocks and bonds of common carriers, subject to their jurisdiction. The action of the several States in this particular has disclosed the inadequacy of their powers in handling a subject broad as the country itself. It has also disclosed the possibilities of conflict of jurisdiction. Unless the jurisdiction given to the Interstate Commerce Commission under legislation looking to the control of capitalization of interstate carriers is exclusive, conflict of jurisdiction can not be avoided, and instead of having one tribunal with one set of standards we would have as many tribunals administering as many different standards as there are States.

The necessity of this legislation, referred to by the Cullom committee over a quarter of a century ago, has been pointed out repeatedly by Presidents in their messages, by the Interstate Commerce Commission, and by parties in their platforms. In his annual message of December, 1904, President Roosevelt uttered these significant words:

The Government must in increasing degree supervise and regulate the workings of the railways engaged in interstate commerce, and such increased supervision is the only alternative to an increase of the present evils on the one hand or a still more radical policy on the other.

The Republican platform of 1908 contained this declaration:

We favor such national legislation and supervision as will prevent the overissue of stocks and bonds in the future by interstate carriers.

A declaration almost similar in verbiage occurs in the Democratic platform of 1912. The Progressive platform of 1912, while making no specific declaration on this subject, favors such legislation in spirit at least. In consonance with his party's platform declaration of 1908, President Taft, in his special message dated January 7, 1911, declared as follows:

I recommend that the law be amended so as to provide that from and after the date of its passage no railroad company subject to the interstate-commerce act shall, directly or indirectly, acquire any interests of any kind in capital stock, or purchase or lease any railroad of any other corporation which competes with it respecting business to which the interstate-commerce act applies.

He further recommended the enactment of a law—

providing that no railroad corporation subject to the interstate-commerce act shall hereafter for any purpose connected with or relating to any part of its business governed by said act issue any capital stock without previous or simultaneous payment to it of not less than the par value of such stock, or any bonds or other obligations (except notes maturing not more than one year from the date of their issue), without the previous or simultaneous payment to such corporation of not less than the par value of such bonds or other obligations, or, if issued at less than their par value, then not without such payment of the reasonable market value of such bonds or obligations as ascertained by the Interstate Commerce Commission; and that no property, services, or other thing than money shall be taken in payment to such carrier corporation of the par or other required price of such stock, bond, or other obligation, except at the fair value of such property, services, or other thing as ascertained by the commission; and that such act shall also contain provisions to prevent the abuse by the improvident or improper issue of notes maturing at a period not exceeding 12 months from date, in such manner as to commit the commission to the approval of a larger amount of stock or bonds in order to retire such notes than should legitimately have been required. Such act should also provide for the approval by the Interstate Commerce Commission of the amount of stock and bonds to be issued by any railroad company subject to this act upon any reorganization, pursuant to judicial sale or other legal proceedings, in order to prevent the issue of stock and bonds to an amount in excess of the fair value of the property which is the subject of such reorganization.

While the Hepburn Act of 1906, supplemented by the Mann-Elkins Act of 1910, strengthened the control of the Government over the interstate carriers so as to declare "the just and reasonable rate to be charged," these acts do not contain the standards by means of which such rate can be invariably fixed. In other words, they did not supply the yardstick of measurement. The courts can always be appealed to to set aside the confiscatory rate. There remains, therefore, a field of legislation as yet unoccupied, namely, such grants of power to the commission as would aid it and guide it in reaching just conclusions as to the reasonableness of rates. The physical valuation of all railroad property and control of stock and bond issues of interstate carriers will furnish such aid and guidance. Physical valuation, as a result of legislation enacted in the last Congress, is now in progress. It is not my purpose to discuss the merits of physical valuation of railroad property, as one of

Now, mark you. I am not saying here nor at any time that I believe that any ship engaged in business for profit ought to pass through the canal free. I shall show hereafter, at least to my own satisfaction, that no ship ought to pass through the canal free. That, however, is a domestic question. That means simply a consideration of the rights of our own people. What we are now doing is to consider what the treaty means. This debate has pointed our action toward an interpretation of the treaty, as was seen by the message of the President which brought about the consideration of the bill.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I do.

Mr. WORKS. Before the Senator passes to that subject I should like to ask him whether, in his judgment, the ships passing through other canals owned or constructed by the Government should pass free of tolls? In other words, why should there be any discrimination in that respect as between other canals and the Panama Canal?

Mr. CUMMINS. Mr. President, I intend to answer that question fully later on, but I answer it now by saying that every subsidy must be considered in and of itself. No subsidy is warranted unless it results in the general good. It is a violation of the fundamental principles of government to take from the Public Treasury any sum of money and expend it save for the public good.

We are subsidizing people and things all the time. The last Agricultural appropriation bill, amounting to $20,000,000, contained at least $10,000,000 of pure subsidies. We thought those subsidies were warranted because we believed that, although intended for and although resulting in the profit of a particular class of our citizens, yet in the end they promote the general, common good. If I believed that to exempt coastwise ships from any toll whatsoever in passing through the Panama Canal would result in the general good, I should not hesitate to grant them the subsidies that would be involved in that transaction.

When it comes to the consideration of vessels passing through the Sault Ste. Marie Canal, or passing over our rivers, or into our harbors, if we allow them to use these facilities without payment, which is the equivalent of a subsidy, and that free use does not promote the common good—if the benefit which arises out of the use is not so generally diffused among all the people as to give them practically and substantially an even share in the advantage or benefit—we ought not to do it.

I am not prepared to say, Mr. President, that we ought to allow ships to pass through the Sault Ste. Marie Canal without tolls. I do not know. I have not investigated the subject sufficiently to have a definite or final opinion with regard to the matter. I have, however, examined this particular subject of the Panama Canal sufficiently to believe that the American commerce that passes through it should bear its fair proportion of the expense of the service that the United States renders to it. At another time I shall attempt to show what proportion of the expense of the service, or what proportion of the investment and the cost of maintenance and operation, ought to be charged upon our commerce and what proportion ought to be charged to the people generally, because the canal was built, the money was spent in its construction, and will be spent in its maintenance and operation, largely for the national defense. Therefore that part of it which has been or shall be spent for the national defense ought not to be charged upon commerce; and it is just as unfair to charge American ships the same toll that is charged to foreign ships as it is to allow American ships to pass through without any charge whatsoever.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. I yield to the Senator.

Mr. WORKS. The Senator has not answered my question.

Mr. CUMMINS. Nor can I.

Mr. WORKS. I hope the Senator may be able to do so at some future time. If, however, the Senator insists that ships passing through the Panama Canal should be required to pay tolls, and has not investigated the question whether other ships passing through other canals should do the same thing, I think it is about time that he should investigate those figures, because it is certainly an injustice to exact tolls from ships passing through the Panama Canal and relieve our ships passing through other canals from that charge, as a matter of principle.

Mr. CUMMINS. That may very well be, Mr. President, and I express no opinion upon it; but it is not a question of principle anywhere at any time. It is simply a question whether the service that we are rendering the ships at the Sault Ste. Marie Canal is for the general good. I do not know whether it is or not. I do not know whether it is so promotive of the general good as to warrant the free passage of those ships. I have not entered into the subject. It may be that the Senator from California is entirely right about it; but you can not announce as a general principle that all expenditures of the public money are for the general good. Each case must stand upon its own foundation.

Mr. KERN. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. KERN. A number of Members on both sides of the Chamber have expressed a desire that there should be an adjournment had at this time in order that they may attend the exercises at Arlington this afternoon, which are to be participated in by the ex-soldiers of the late war on both sides, it being the first occasion, I think, where the soldiers of the two contending armies of long ago have had a reunion in the National Capital. In deference to that desire, I move that the Senate adjourn until 11 o'clock to-morrow morning.

Mr. O'GORMAN. I ask that the canal-tolls bill may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. SMITH of Georgia. Mr. President, before that is done——

Mr. KERN. I withhold the motion for the present.

THE INCOME TAX.

Mr. SMITH of Georgia. I ask permission to report Senate joint resolution 155, to which I referred earlier in the day, and which relieves those subject to the income tax of its penalties for not making a return before the 1st of March. There is not a Senator who has not an interest in it, and we would have put it through this morning, but it was suggested that an addition should be made. I have prepared this addition:

And penalties which have been paid are hereby remitted and directed to be returned.

I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 155) to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act in cases where said returns are completed by June 1, 1914.

Mr. SMITH of Georgia. I send to the desk an amendment, which I ask to have read.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to add at the end of the joint resolution the following:

And penalties which have been paid are hereby remitted and directed to be returned.

So as to make the joint resolution read:

Whereas the income tax has gone into effect for the first time during the present year; and

Whereas through misapprehension of the law many parties have failed to make their proper returns prior to March 1, 1914: Therefore be it

Resolved, etc., That the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, be, and the same are hereby, remitted for the present year in all cases where said returns are completed by June 1 of the present year, and where the failure to make said returns was not due to a purpose willfully to refrain from making the same; and penalties which have been paid are hereby remitted and directed to be returned.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KERN. I renew my motion, with the understanding that it may be necessary to have a session to-morrow night, in order to make up for the time lost this afternoon.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. A motion to adjourn is not debatable.

Mr. CUMMINS. There is no agreement about it.

The PRESIDING OFFICER. The motion is not debatable. The Chair will put the motion.

The motion was agreed to; and (at 2 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 5, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 4, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We lift up our hearts in gratitude to Thee, our Father in heaven, that we are living in the opening years of the twentieth century; that we are citizens of the United States of America; that the religion which fills our breasts inspires to nobler life and holier living; that pessimism invites defeat, while optimism insures victory; that love, the crown of all humanity, will outlast the stars and live on forever in immortal youth. So may we trust, so may we hope, so may we aspire. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

PRINTING OF PETITIONS.

Mr. WILLIS. Mr. Speaker, I desire to submit a parliamentary inquiry, or, rather, to propound a question to the Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. Mr. Speaker, I notice, in examining the RECORD, that differences seem to obtain in the practice of different Members in the way in which they present petitions and have them printed in the RECORD. All Members, of course, receive petitions signed by a large number of people, and I notice that some Members present them in a particular form, simply giving the name of the person who heads the list of the petitioners and giving the subject about which the petition is presented, and stating generally the number of other people who sign the petition, while other Members have printed in the RECORD the names of all of the signers of the petition. I desire to inquire of the Speaker what the proper practice is in that particular?

The SPEAKER. The practice is to put the petitions in the basket, with any kind of indorsement thereon which the Member may desire.

Mr. MURDOCK. Mr. Speaker, will the Chair permit me to interrupt him?

The SPEAKER. Certainly.

Mr. MURDOCK. Mr. Speaker, I desire to say that I went through this agony a short time ago, and I found that one can get from the office of the Clerk little slips, and whatever the Member writes on that slip which accompanies the petition is printed in the RECORD.

Mr. WILLIS. Mr. Speaker, will the gentleman from Kansas yield?

Mr. MURDOCK. Certainly.

Mr. WILLIS. I understand about that. There is no difficulty about that whatever. I have written whatever I desired on the jacket which I always have prepared with the petition, and that is always printed, but I am trying to ascertain what the proper practice is.

Mr. MURDOCK. I have found that that is not the case, that I could not get into the RECORD what I wrote on the jacket.

Mr. WILLIS. I suggest that the gentleman probably wrote something that he ought not to have written.

The SPEAKER. The Chair will give his own experience about the matter. He started in at first to make an individual indorsement on each one of these petitions, but there were so many that it imposed on the clerks too much work, so he fastened them together and wrote on the back, "Petition from John Jones and several others."

Mr. MANN. Mr. Speaker, I noticed in the RECORD the other day, and I do not know how often that may have occurred, where some gentleman presented a petition from certain persons, giving the list of names a column long. I think that is a gross abuse of the use of the RECORD. It is an impossibility to maintain the RECORD and have the name of every person attached to a petition printed in the RECORD, as a part of the index, practically, of the petition.

Mr. BARNHART. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. BARNHART. That probably occurred because some Member on the floor rose and asked unanimous consent to have it done.

Mr. MANN. No; that is not the case at all. This was a petition presented through the basket, and I think the Committee on Printing ought to stop it.

Mr. BARNHART. I do not understand how the Committee on Printing has any authority to do that.

Mr. MANN. The Committee on Printing has control over the printing of these matters in the RECORD.

Mr. BARNHART. Yes; but they are presented and printed before the Printing Committee knows anything about it, and so long as there is no rule established against it there is no way of preventing a man from printing, as you say occurs in the RECORD, a long list of names of petitioners and also a speech some 10 pages long consisting mostly of what somebody said about somebody somewhere.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. BARNHART. Certainly.

Mr. WILLIS. What we are talking about here is not what is put into the RECORD under leave to print by unanimous consent, but the printing of a large number of names of signers to petitions, and if the gentleman will look in the RECORD he will discover in a recent copy that there was a full column of names printed.

Mr. BARNHART. I saw it.

Mr. WILLIS. If every other Member of the House did the same thing and printed the names of all of his constituents, as he might like to do, there would not be anything in the RECORD except names. For example, in the last Congress I presented a petition with nearly 2,000 names on it; this, if printed in full, would have filled many pages of the RECORD. However, in that instance I followed my usual practice in presenting petitions and gave only the name of the person heading the petition, the number of signers, and the substance of the petition. What is the opinion of the gentleman as to the proper practice?

Mr. BARNHART. The proper practice when a petition is introduced is to write out on a slip and attach it to the petition something to the effect that these are petitions for or against so-and-so from citizens of so-and-so.

Mr. WILLIS. In the "so-and-so" does the gentleman mean to state the names of all of the signers or to simply give the number?

Mr. BARNHART. Of course, he should not print the names of the signers; but there is no means by which a Member of Congress can be regulated in his disposition to abuse the privilege of the RECORD. That is up to the individual.

Mr. WILLIS. The gentleman does consider the printing of a column of names an abuse of the privilege?

Mr. BARNHART. Certainly; and so does every other Member, including the gentleman from Ohio.

Mr. WILLIS. I quite agree with the gentleman.

Mr. MANN. Mr. Speaker, that is not the privilege of a Member at all. A Member does not decide the caption under which these are printed, except as a matter of common consent on the part of the printing clerk. There are in this morning's RECORD petitions with names nearly a column long. I had not noticed that until a moment ago, but a few days ago the same Member inserted petitions with names a column long. I have a petition in my office that would cover several pages of names in the RECORD. Does the gentleman from Indiana mean to say that every Member has the right to have all of these names printed in the RECORD?

Mr. BARNHART. The gentleman from Indiana is not prepared to say, for he is not advised of any rule of the House which prevents it. Along the lines of the same general abuse of the RECORD I recall that a few weeks ago one Member of this House utilized 26 pages of the RECORD to print in full every bill that he has introduced since the beginning of this session.

Mr. MANN. Well, the gentleman is talking about leave to print, and that is not what we are talking about. These petitions are indexed; they are under title; the printing clerk determines that and determines it, or should determine it, under the direction of the Committee on Printing or the Speaker.

The SPEAKER. Those of us who have been here any considerable length of time remember on one occasion—I have forgotten what it was about—there were petitions brought in here on one subject that took six or eight men to carry them in, and if all those names had been printed it would have taken five or six hundred pages in the CONGRESSIONAL RECORD.

Mr. FESS. Will the gentleman from Indiana yield?

Mr. BARNHART. I yield.

Mr. FESS. I have received from some parts of my district a resolution printed on postal cards, with a blank left to put in the name, and I think I have received as many as 150 of those in one mail, all sent out at once, the gentleman understands. My practice is to put these together, bind them together, and put on the slip for the direction of the clerk, "Petition on so-and-so, signed by so-and-so and others."

Mr. BARNHART. Well, my idea of that is it is a better way, when a petition is introduced, to say on a memorandum slip attached petition in favor of whatever the subject matter may be, from citizens of Kokomo, Keokuk, Kalamazoo, and so on. That is the shortest method of listing and labeling.

should not pass through the canal. England has protested against that in an anticipatory way, just as she has protested against the regulation concerning coastwise commerce. Why does not the President of the United States ask us to repeal that part of the law? Why does he not ask us to repeal the part of the law relating to the ships of Panama? Why does he not ask us to repeal the part which forbids the use of this canal by ships controlled by railway companies competing for the traffic of the country? I confess that I am utterly unable to understand that patriotism which selects just one thing that England would like to have removed from the law. I say she would like to have it removed from the law; I have no doubt of that; but she has not demanded that it be removed from the law; she has not said that our treaty requires that it shall be removed from the law. I have no doubt, however, that she would like to have it removed from the law. If we are courting the favor of the world, if it is necessary in order to stand well with the world that we pay this extreme deference to the opinions of men of other nations, why shall we not repeal that part which allows Panama's ships to go through free? Why shall we not repeal that part of it which forbids railroad-owned ships and forbids ships controlled by a trust in violation of law to pass through at all?

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. Perhaps the plan is to take it in broken doses. We have no right to assume that if the precedent shall be established with reference to the first, that later there will not be a demand with reference to the others.

Mr. CUMMINS. I never thought of that. Possibly those who are so insistent about the repeal of this exemption and so insistent about winning the good will of the world by the surrender of our rights, will eventually demand that we also modify the law in those respects. I can only treat of it, however, as we have it before us now.

I have now referred to the bill as it passed Congress. After it passed Congress, and about contemporaneously with the proclamation issued by President Taft fixing the tolls, a letter from Lord Grey was communicated to the United States, in which the English position is somewhat shifted, at least it is very much elaborated. I ask your attention now to the final protest or demand made by Great Britain with regard to this subject. If, after I have done that, it has not been conclusively shown that the Senators who are standing here day after day insisting that to exempt coastwise vessels of commerce from the payment of tolls is a plain violation of the treaty are insisting upon something that never entered the mind of a British statesman, I have lost the power of understanding my mother tongue. I can not understand why we want to do something for Great Britain in order to maintain our honor, which Great Britain does not seem to think we need to do in order to comply with this treaty. I am speaking now, of course, mainly to those whose votes will be influenced by the suggestion or the argument that we must heed the views of the world with regard to this matter, and especially that we must construe this agreement, the Hay-Pauncefote treaty, in the way that our adversaries construe it; that to make Great Britain feel that we are willing to fulfill every obligation into which we have entered we must adopt her construction of the treaty.

Now, mark you, I read again from the same volume, the one that has been printed by order of the Senate, a letter which was written on the 9th of December, 1912, and which will be found at page 85 of the Diplomatic History of the Panama Canal. After reciting the history of the relations between Great Britain and the United States growing out of the Clayton-Bulwer treaty—a subject on which I may have something to say later—I come to that part of the letter which points out the objection which Great Britain has to the law which we passed, and to repeal a part of which this bill is now before us.

It remains to consider—

Says Lord Grey on page 90:

> It remains to consider whether the Panama Canal act, in its present form, conflicts with the treaty rights to which His Majesty's Government maintain they are entitled.
>
> Under section 5 of the act the President is given, within certain defined limits, the right to fix the tolls, but no tolls are to be levied upon ships engaged in the coastwise trade of the United States, and the tolls, when based upon net registered tonnage for ships of commerce, are not to exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal. There is also an exception for the exemptions granted by article 19 of the convention with Panama of 1903.

England couples in the same sentence and under the same objection the authority given by the act to the President to establish a different rate of toll upon our foreign commerce from that which is attached to the ships of other countries and the exemption in favor of the vessels of war belonging to the Republic of Panama. They are put together; they stand together in the opinion of Great Britain.

I have no doubt that giving to the President of the United States the power to attach a different charge for our ships engaged in foreign commerce than is attached to foreign ships engaged in the same kind of commerce is a violation of this treaty, provided we are bound by the rules concerning which so much has been said, and it is very plain that England protested against the power thus given to the President of the United States, and, under her view of the treaty, she had a right to protest; but bear in mind that in the very breath in which she protested against that, she protested against the exemption of the ships belonging to the Republic of Panama.

Now, I proceed with this category of objections:

> The effect of these provisions is that vessels engaged in the coastwise trade will contribute nothing to the upkeep of the canal. Similarly vessels belonging to the Government of the Republic of Panama will, in pursuance of the treaty of 1903, contribute nothing to the upkeep of the canal. Again, in the cases where tolls are levied, the tolls in the case of ships belonging to the United States and its citizens may be fixed at a lower rate than in the case of foreign ships and may be less than the estimated proportionate cost of the actual maintenance and operation of the canal.

This reasoning was upon an entirely erroneous basis. In the proclamation issued by the President and upon the information then possessed by the President, all the ships that were expected to pass through the canal were taken into consideration in determining the tolls that should be charged to foreign ships, and foreign ships were not required to pay any part of the cost of maintenance or operation or interest upon the investment that could be justly attributed to the passage of either the ships of Panama or our coastwise vessels. That, of course, has been made perfectly clear since that time; and the protest or objection of Great Britain in this respect is entirely without foundation.

Now, mark this:

> In the second place, the exemption will, in the opinion of His Majesty's Government, be a violation of the equal treatment secured by the treaty, as it will put the "coastwise trade" in a preferential position as regards other shipping.

Here is a reference to the exemption in the law of coastwise trade. Is there any objection to it as coastwise trade? No. England never has in any way even suggested that we had not a right to exempt our real coastwise trade from the payment of tolls; but Lord Grey proceeds:

> Coastwise trade can not be circumscribed so completely that benefits conferred upon it will not affect vessels engaged in the foreign trade.

That is the objection that England has to the exemption of coastwise vessels—not that we have not a right to deal with them as we like; but we must so deal with them that their exemption will not affect vessels engaged in the foreign trade; that is to say, so that it will not affect their foreign commerce.

> To take an example, if cargo intended for a United States port beyond the canal, either from east or west, and shipped on board a foreign ship could be sent to its destination more cheaply, through the operation of the proposed exemption, by being landed at a United States port before reaching the canal, and then sent on as coastwise trade, shippers would benefit by adopting this course in preference to sending the goods direct to their destination through the canal on board the foreign ship.

If our exemption results in that, if our regulations do not prevent that evasion, or, rather, that abuse, of the coastwise privilege, then, of course, a coastwise ship would stand, in the estimation of Great Britain, upon exactly the same basis as a ship engaged in foreign commerce; but if we can by regulation prevent that result, this record is free and clear of any protest or any objection on the part of Great Britain, and it has never been claimed by her most enthusiastic and ardent supporters or her most patriotic and loyal statesmen that, as to coastwise trade itself, we have not a right to deal with it as we like and that it is within the provisions of this treaty.

I see that the Senator from Georgia [Mr. SMITH] is now in his seat, and I have this to say with regard to his argument yesterday as to the difference between ships or the owners of ships and commerce. In all the correspondence with Great Britain in the two protests or arguments which have been made by Great Britain, there is never the suggestion of the distinction relied upon by the Senator from Georgia. Great Britain does not claim that there is any discrimination against the people of Canada because our coastwise vessels carrying trade between ports of the United States pass through the Panama Canal free. It is impossible to extort or to wring any such interpretation out of the communications between the two countries.

Mr. SMITH of Georgia. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. In just a moment. I am not entering just at this moment into an argument upon the merits of that difference. If there be one; I am only calling the attention of the Senator from Georgia to the fact that Great Britain, in informing us why we should not insist upon this law, has not made the distinction; and, in my opinion, she has not done so, because there is no room for that distinction in the Hay-Pauncefote treaty. I now gladly yield to the Senator from Georgia.

Mr. SMITH of Georgia. Mr. President, I do not desire to inject into the Senator's speech any discussion of that subject. I only want to say this: I do not understand, even when we forced our construction of the Welland Canal treaty, that Canada and Great Britain conceded that we were right; they yielded to our contention. My insistence was simply that the construction that we had placed upon that treaty would be entirely applicable to this one. That was the line of thought which I presented.

Mr CUMMINS. Mr. President, I understood the general trend of the argument of the Senator from Georgia, but I could not help thinking when he made it that just before his speech came the very eloquent oration of the Senator from North Carolina [Mr. SIMMONS], in which he based his change of opinion upon the "flood of light" which had poured in upon this subject since 1912. I suppose that the same flood of light may illuminate the American mind and the American conscience with respect to our contention in regard to the Welland Canal; and if Senators, upon the other side of the Chamber especially, can change their minds in two years with regard to the meaning of words and the interpretation of a treaty; if they can change their minds with regard to our rights under the treaty and what we should insist upon, can we not do the same thing when we are sought to be held up to the standard of the insistence with regard to the Welland Canal?

I will not enter into the argument as to the Welland Canal. I think that there can be a very clear distinction made, and it has been made in part; but even if we did do it in regard to the Welland Canal and were wrong, why should we not be right now? Why should we be bound by that precedent any more than the Senator from Georgia is bound by his precedent in 1912, and especially any more than the Senator from North Carolina should be bound by his declarations in the great debate of that year?

I have no criticism upon a man or a nation that changes his or its mind. I am assuming that many of the Senators on the other side of this Chamber have reconsidered their judgment and have changed their convictions either because of additional reflection or because of additional evidence—of facts brought to light which were not known then. It does them the very highest credit to frankly confess their error in 1912 and to take up the path which their best judgment requires them now to follow; but you can not say in the same breath that Blaine or Harrison or Cleveland insisted upon the right thing in the Welland Canal simply because they did insist upon it, and adopt that as a guide in the construction of this treaty, any more than you can hold your own record inviolate against change at this time. You have changed, nearly all of you, and, as I have said, far be it from me to disparage or discourage the tendency to be illuminated by new floods of light. I am glad that you are able occasionally to see the sunshine in all its clearness; and I am glad when any man is courageous enough to stand up here and say that he did not know in 1912 that we were granting a subsidy to coastwise ships, but subsequent reflection has convinced him that we were. That is the courageous thing to do, though I do not think that anybody ever doubted that this favor to coastwise ships is a subsidy. It was stated in 1901 that it was a subsidy. John Hay understood that it was a subsidy, if there was any favor granted. Secretary Knox understood that it was a subsidy when he exchanged letters with Lord Grey in 1912; and that it is a subsidy, in the broad sense of that word, no intelligent man can deny; and that it was just as plainly a subsidy in 1912 as it is in 1914 no intelligent man will deny; and I find it hard to discover the "flood of light" which makes the meaning of that word any clearer now than it was then.

I proceed, however. I have now given one of the reasons which the British Government set forth in objection to exemption from tolls upon coastwise traffic. The second one is:

> Again, although certain privileges are granted to vessels engaged in an exclusively coastwise trade, His Majesty's Government are given to understand that there is nothing in the laws of the United States which prevents any United States ship from combining foreign commerce with coastwise trade, and consequently from entering into direct competition with foreign vessels while remaining "prima facie" entitled to the privilege of free passage through the canal. Moreover, any restriction which may be deemed to be now applicable might at any time be removed by legislation, or even, perhaps, by mere changes in the regulations.

There is the second reason given by the British Government for what I call the anticipatory protest against coastwise exemption. It is that there is nothing in our law that will prevent a coastwise ship from entering a foreign port and doing business between that port and an American port.

I assume that there is nothing in our law that will prevent a ship from so carrying on commerce; but that does not touch the question. The regulations which are provided for in the canal act are the vital things regarding coastwise trade. While I do not at all agree with the construction of the treaty that is insisted upon here—namely, that we can not deal with our ships, either foreign or domestic, as we please—yet, assuming that we can not discriminate in favor of our foreign trade, why can we not discriminate in favor of our domestic trade?

England grants that we can; England concedes it, and she simply insists that when we do exempt the coastwise trade we must so exempt it that the trade of foreign countries can not be discriminated against under the pretext that the ship is engaged in coastwise trade. If, however, we provide in the regulations against the first contingency, which I mentioned a few moments ago, and if we provide against the second contingency—namely, that a ship enjoying the exemption which we have here provided shall not enter a foreign port and do business upon the voyage during which she receives the exemption, between a foreign port and a domestic port—we have answered the objection of Great Britain, because her protest is not against the exemption of coastwise trade; it is against the abuse to which that exemption may lead. She simply asks the United States to "see to it that these ships of yours which are passed through the canal without charge shall not engage in foreign trade, and that the cargo which they bear shall not be so manipulated that it will be really a cargo destined from a foreign country to our country, or destined from our country to a foreign country." This is all that Great Britain has asked.

I have now considered all that the British Government has said with regard to our coastwise trade, and I again challenge contradiction of my interpretation of these communications. You will search in vain for any objection on the part of Great Britain to the exemption from tolls of our coastwise trade. You will find, however, in these communications the claim that this law which does exempt coastwise trade can not be administered so that it will not really exempt foreign trade as well as coastwise trade.

If we are able to frame regulations that will hold this trade within its limits, then, if we refuse to exempt our coastwise vessels, we shall have done something that our adversary—and I am speaking of Great Britain as our adversary in a purely contractual way—has not asked us to do and we shall have put upon this treaty a construction against the United States which never has been demanded by the other high party to the obligation.

I can not understand why, in the consideration of a treaty right, Americans can bring the approval of their consciences to insist upon an interpretation of the treaty that destroys an interest in the United States which our friends across the sea admit is not required by the terms of the treaty. I have yet to hear any explanation of that situation and that view taken by any Senator.

The senior Senator from Georgia [Mr. SMITH] says that he has no doubt that neither the coastwise trade nor the foreign trade can be exempted under this treaty, and the senior Senator from New York [Mr. ROOT] says the same thing. I know they are sincere about that. Now, England agrees with you with regard to the foreign trade. She has objected to the power that we have given to the President to discriminate in charges between our foreign trade and her foreign trade; but England, looking upon this treaty with an eye single to her own interests, at least unprejudiced so far as her own people are concerned, does not say, as the Senator from Georgia declares or as the Senator from New York declares, that we can not exempt our coastwise trade, and that is an excess of sensitiveness that I confess I do not appreciate.

Knowing Great Britain as we do, understanding her history as we understand it, valuing her friendship as we value it, appreciating the intellectuality of her statesmen as we have reason to appreciate it, it seems to me that it might be well for us at least to go no farther in the construction of this treaty against ourselves than is required by the insistence of that great country, and she has admitted diplomatically, as clearly as the English language can admit anything, that we may exempt our coastwise trade from tolls.

Mr. TOWNSEND. That have already been paid. It ought to cover those cases.

Mr. SMITH of Georgia. I think so, too.

Mr. TOWNSEND. I should like to have it surely cover all those cases. I think the joint resolution ought to pass at once, but——

Mr. SMITH of Georgia. I think that amendment can be put on it very easily. It never occurred to me that any of them had been already paid, because they had until the last of June to make the payment.

Mr. O'GORMAN. Mr. President, I think the joint resolution referred to by the Senator from Georgia will encounter no obstruction or opposition; but, in my judgment, it ought to be amended in the manner indicated by the Senator from Michigan [Mr. TOWNSEND]. If such an amendment is put on, the joint resolution can be taken up at any time during the afternoon, and it will take only a moment to put it through. Meanwhile I ask that the tolls bill may be laid before the Senate.

Mr. SMITH of Georgia. I will withdraw the joint resolution for the present and prepare a short amendment to that effect, and ask unanimous consent a little later on to take it up and pass it this afternoon.

LAND IN HAMPDEN COUNTY, MASS.

Mr. LODGE. Mr. President, I will ask the Senator from New York to withhold his motion for just a moment. I am very anxious to have passed a bill that was reported yesterday from the Committee on Public Lands, simply to grant a quitclaim deed to some land that was deeded to the Government in 1825.

Mr. O'GORMAN. I withhold my motion temporarily.

The VICE PRESIDENT. Is there any objection to the consideration of the bill referred to by the Senator from Massachusetts? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3334) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass., which was read as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized and directed, by quitclaim deed for and on behalf of the United States, to convey to John D. McKnight and William H. McKnight, or their heirs and assigns forever, all right, title, and interest it may have in and to all of that plat or parcel of ground described as containing 40 rods of land, together with a right of way "situated in Springfield in Hatch's pasture, so called, near Garden Brook," Hampden County, Mass., and acquired by the United States through the deed of Solomon Hatch, dated September 14, 1825, recorded September 15, 1825, in book 75, at page 186, of the records of Hampden County.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL TOLLS.

The VICE PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14385.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

The VICE PRESIDENT. The question is on the amendment offered by the committee.

Mr. NORRIS. To that amendment I offer the following substitute.

The VICE PRESIDENT. It will be read.

The SECRETARY. As a substitute for the amendment of the committee, at the end of the bill, insert the following proviso:

Provided, That the passage of this act shall not be construed as a surrender of the right claimed by the United States Government to regulate the traffic passing through the Panama Canal by giving to vessels engaged in the coastwise trade of the United States and other vessels of the United States and its citizens either partial or total exemption from the payment of tolls when passing through said canal.

Mr. NORRIS. Mr. President, I have no desire to discuss this particular question now. I understand that the Senator from Iowa [Mr. CUMMINS] wants to proceed.

Mr. CUMMINS. I had it in my mind to make some observations upon this subject, but I want to submit them in connection with the amendment which I have offered to the bill. However, I am rather inclined to prefer to say what I have to say, at least upon one phase of the subject, before a vote is taken upon the substitute offered by the Senator from Nebraska.

Mr. NORRIS. I anticipated, I will say, that there are probably several other Senators who will want to debate this amendment. I have no desire, of course, to crowd it to a vote now, although I am ready to discuss it. Before we vote upon it I expect to discuss it at sufficient length to make its meaning and application plain.

Mr. CUMMINS. Mr. President, although I shall defer the consideration of the treaty generally until the amendment I have proposed is before the Senate, there is a preliminary matter upon which I desire to say a few words.

I was impressed yesterday with a statement in the argument of the Senator from Idaho [Mr. BORAH], and it is his address which leads me to the suggestions I am about to make. He said that there are Senators here who, contrary to the general rule which prevails everywhere, and which has prevailed from time immemorial, intend to solve any doubt with regard to the interpretation of the treaty against their own country. I do not intend to reiterate what he said so eloquently and so forcibly, but I do desire to say that his statement comprised but half the truth.

It seems that there are Senators and there are persons in the United States who are determined to give the treaty an interpretation vastly more unfavorable to the United States than has ever been suggested directly or indirectly by Great Britain. It is an amazing, extraordinary spectacle now presented not only to the American people, but to the people of the whole world. We are about to give to Great Britain rights that she does not claim under this treaty. We are about to surrender to her privileges upon which she has never insisted. We are about to abandon a portion of the sovereignty of the United States that has never been challenged by any nation in so far as I know.

This is an extraordinary, unusual, unprecedented position upon the part of some of our own people, and I am not a partisan about this, because these people, in so far as they are Senators, sit on this side of the Chamber as well as upon that side, and in so far as they are not within these walls are indiscriminately Republicans and Democrats.

I must not be understood as trying to awaken any party feeling. The consideration of this subject ought to be lifted high and far above any partisan rancor or partisan differences of opinion. In view of the fact that the debate is practically ended and everything that can be said upon either side has been said, I am about to inquire with a little care and somewhat analytically just what Great Britain has demanded of the United States. I am about to inquire into her construction of the treaty and the reasons that she gives for the conclusions to which she has come.

I am not one of the Senators or persons to whom the distinguished Senator from New York [Mr. ROOT] referred the other day when he implied that there were men who believed that the attitude of Great Britain was insolent or unfriendly, I rather admire the attitude of Great Britain. Great Britain is a strong, resolute nation. She is now and she always has been. She takes all that she can and she keeps all she takes. Her attitude here in insisting upon her rights as she views them arouses nothing in my mind but admiration and respect.

The only regret I have is that the people of this country are not as resolute in defending their privileges and their rights and their interests as Great Britain is determined in asserting and defending that construction of the treaty which she believes to be essential to the welfare of the British commerce.

Great Britain deliberately and designedly created the situation out of which grew the Clayton-Bulwer treaty. Finding the United States in a position of weakness she so manipulated the affairs of Central America, or her relation to the affairs of Central America, that it became apparently wise to enter into the obligations of this treaty.

I do not in the least think that Great Britain ever intended to cooperate in the building of a canal through Central America or over the territory of Panama. I do not believe that she intended more than to put the United States in such a position that when a canal should be built we must ask her consent to carry on the enterprise. It was one of the farsighted acts of the great British statesmen, and although they probably did not see and could not have seen the conditions of 1901, the foresight of Great Britain did result in precisely the thing which it was hoped would come about.

Not more than five or six years after Great Britain had thus surrounded the United States with this mesh of obligation she took her position toward the Suez Canal. What was it? It was an attitude of inflexible opposition, and for 10 years the influence of Great Britain prevented even the beginning of that mighty work.

Why did Great Britain interpose every obstacle that the wit of man could conceive and her vast influence with the nations of Europe could create in opposition to the building of the Suez Canal? Because she wanted no waterway between Europe and the British possessions in the East Indies. But finally her opposition was overcome, and what then resulted? Before the canal was fairly opened she began that series of maneuvers which resulted in not only the ownership of the majority or a controlling interest in the stock of the maritime canal built in

Egypt, but resulted in such a domination and control of Egypt herself that the canal became practically an English canal, as it is to this day.

I shall not attempt to weigh the moral quality of all that England has done in order to strengthen her position in the world and to promote the welfare of her commerce, but I will not be heard to criticize her for the energetic and persistent efforts she has always made to lift up and build up what she believes to be the interests of her own people.

It seems to me, Mr. President, that dealing with such a nation, keenly alive to its own welfare, keenly intelligent in perceiving every right or every shadow of right she has, Americans might well be content in confining their gratuities and their magnanimity within the limits of her demands. And yet what we are asked to do passes far beyond the English demand. We have voiced in this country an interpretation of the treaty that never came from English lips, and we are, I fear, about to surrender to her a most vital portion of our sovereignty that she has never impeached.

It is worth while, in view of that startling situation, to inquire with some particularity after this long debate just what England does ask of the United States. Even if we are to yield to her—that is, if we are to comply with that decent regard for the opinions of mankind which has been so often mentioned in the debate—if in order to hold our place in the family of nations and hold the respect of people of honor the world over we are to do what seems to be necessary in order to fully satisfy the whole demand of the remainder of the world, it is worth while to know and to have clearly in mind what that demand is.

I do not pretend to have discovered any new interpretation of this history or any new chapter in this history, but I think the attitude of England has been somewhat obscured in this long debate, and therefore I intend to call the attention of the Senate to it.

In 1912 the canal act was under consideration. It had been somewhat debated and the views of various Members of Congress had been stated with some fullness and clearness. So on the 8th day of July, 1912, Mr. Innes, then the representative of the British Government in Washington, communicated the views of his Government to our Secretary of State. I desire to read briefly from this communication, having in view what I have just stated, my desire to ascertain just what England wants the United States to do, or, rather, just what she insists the United States should do:

The proposals—

That is, the proposals of the bill that was then pending in Congress—

may be summed up as follows:

(1) To exempt all American shipping from the tolls.

(2) To refund to all American ships the tolls which they may have paid.

Neither of these proposals was contained in the bill as it finally passed.

(3) To exempt American ships engaged in the coastwise trade; (4) to repay the tolls to American ships engaged in the coastwise trade.

Of these proposals the bill finally adopted but one, namely, the exemption of American ships engaged in the coastwise trade. Mr. Innes says:

The proposal to exempt all American shipping from the payment of the tolls would, in the opinion of His Majesty's Government, involve an infraction of the treaty; nor is there, in their opinion, any difference in principle between charging tolls only to refund them and remitting tolls altogether.

There seems to have been some change in the English view with regard to that matter, and especially is there an emphatic insistence in this Chamber that while it would be dishonorable and a plain, palpable violation of our obligation to exempt coastwise shipping from tolls, it would be entirely consistent with the highest standards of honor and be entirely in harmony with the provisions of the treaty to impose a charge upon coastwise shipping as it entered the harbor of Colon and to repay to that shipping the charges so imposed as the vessel emerged from the harbor at Balboa. That is a matter for future consideration.

The result is the same in either case, and the adoption of the alternative method of refunding the tolls in preference to that of remitting them, while perhaps complying with the letter of the treaty, would still contravene its spirit.

We have not done that as yet.

It has been argued that a refund of the tolls would merely be equivalent to a subsidy and that there is nothing in the Hay-Pauncefote treaty which limits the right of the United States to subsidize its shipping. It is true that there is nothing in that treaty to prevent the United States from subsidizing its shipping, and if it granted a subsidy His Majesty's Government could not be in a position to complain. But there is a great distinction between a general subsidy, either to shipping at large or to shipping engaged in any given trade, and a subsidy calculated particularly with reference to the amount of user of the canal by the subsidized lines or vessels. If such a subsidy were granted it would not, in the opinion of His Majesty's Government, be in accordance with the obligations of the treaty.

We provided for no subsidy, save by way of exemption, and therefore to the point I have now gone there is nothing in the protest presented by Mr. Innes that is in conflict with the bill as we actually passed it. He now proceeds:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken. But it appears to my Government—

Mark now the real protest, the real objection—

But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping, and consequently in an infraction of the treaty.

I have now read all that part of the protest which relates to the subject.

Mr. President, I should like some Senator more potential, more eloquent, more powerful than I am to tell the people of the United States just what England objects to in this letter; that is, just what we have done that is in conflict with this letter. We have not given any ship a subsidy or a refund of tolls. We have exempted certain ships from tolls, and Mr. Innes says substantially that we have a right to exempt them from tolls, provided the regulations under which the commerce is conducted are so drawn and so enforced that the exemption applies only to coastwise commerce.

We have not as yet adopted the regulations concerning coastwise traffic through the Panama Canal. The time has not come for the promulgation of regulations concerning this commerce. We have not attempted to frame those provisions, those restrictions which would confine our exemption to coastwise commerce.

Then tell me what is it that we have done in conflict with the first protest of Great Britain against the United States with reference to this treaty. It is utterly impossible to do it. There is no Senator with wit enough, there is no Senator with intellect so keen that he can point out a single phrase of the canal act as finally passed that is in conflict with the letter written by Mr. Innes in July, 1912, and which was intended to warn the American President and the American Congress of the real position of Great Britain.

It is full of observations regarding things that we did not do, and it may be that the legislation was very materially affected by this communication. But I repeat, we did nothing in the passage of the act which can by any possibility be construed into a repudiation or into a refusal to observe the protests made by Great Britain in 1912. I now come, however, to another phase of it, and probably a more interesting one.

The bill was passed on the 24th of August, 1912. What did the bill provide? It provided, first, that the President of the United States could, if he desired to do it, discriminate between ships of the United States engaged in foreign commerce and foreign ships engaged in similar commerce. That subject was not even suggested in the letter filed by Mr. Innes in July. The bill provided, second, that coastwise ships should be exempt from all tolls. That is precisely what Mr. Innes said in July that we had a right to do, although he said he believed it would be found difficult, if not impossible, to frame regulations that would confine that exemption within its true and proper limits; but we have never reached the question of regulation; we have never attempted to make regulations having for their object the restriction of ships doing coastwise commerce to that commerce and to no other. It will be time enough to listen to Great Britain with regard to that subject when these regulations are promulgated and it is discovered that they are not efficient in protecting foreign commerce from the effects of the discrimination in favor of domestic commerce.

But we did one thing more. We exempted the ships of the Republic of Panama. Mr. Innes did not protest against that, although Lord Grey subsequently does protest against it. I have not heard a word from any Senator, and my friend from New York [Mr. ROOT] has never suggested, that we ought to be of so sensitive honor as to yield to the anticipatory demand of Great Britain with regard to the ships of Panama. Why is it that if we are to yield to Great Britain at her suggestion and adopt her construction of the treaty with regard to other things we should not yield to her construction with regard to the ships of Panama?

The bill did two further things. It forbade ships owned and controlled by railways doing business in the canal. England has protested against that with much more emphasis and much more certainty than she has protested against the exemption of our coastwise commerce, as I shall presently show.

But we did one thing more. We said that ships controlled by a trust, ships controlled by a combination in violation of law,

the amount of recovery. The Interstate Commerce Commission | stock.

CUMMINS] feels that it makes such a change in the bill that it might endanger its passage, if it were not for that fact I would support the amendment, because it seems to me we are giving too much power to the Interstate Commerce Commission in regulating traffic.

The VICE PRESIDENT. The Chair will put the question on the amendment of the Senator from Missouri. [Putting the question.] The noes seem to have it.

Mr. REED. I ask for a roll call on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence from the Chamber I withhold my vote.

Mr. SIMMONS (when his name was called). I wish to inquire if the junior Senator from Minnesota [Mr. CLAPP] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. SIMMONS. I am paired with that Senator; but I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE], who is absent, and on that account I withhold my vote.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT], and therefore withhold my vote.

Mr. WARREN (when his name was called). I have a pair with the Senator from Florida [Mr. FLETCHER], and therefore withhold my vote.

Mr. SMITH of Arizona (when the name of Mr. WILLIAMS was called). The Senator from Mississippi [Mr. WILLIAMS] is necessarily absent. He is paired with the Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "yea."

Mr. THOMAS. I transfer my pair with the senior Senator from New York [Mr. ROOT] to the senior Senator from Indiana [Mr. SHIVELY] and vote "yea."

Mr. CHILTON. I have a pair with the Senator from New Mexico [Mr. FALL], which I transfer to the Senator from Ohio [Mr. POMERENE] and vote. I vote "yea."

Mr. GALLINGER. I desire to announce the pair between the junior Senator from Maine [Mr. BURLEIGH] and the junior Senator from New Hampshire [Mr. HOLLIS].

I also desire to announce the pair between the Senator from Washington [Mr. JONES] and the Senator from New Jersey [Mr. MARTINE].

Mr. SUTHERLAND. I transfer my pair with the Senator from Arkansas [Mr. CLARKE] to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. SWANSON. I desire to announce the pair of the Senator from Maryland [Mr. SMITH] with the Senator from Vermont [Mr. DILLINGHAM]. Both Senators are unavoidably detained from the Senate.

The result was announced—yeas 26, nays 38, as follows:

YEAS—26.

Ashurst	Lewis	Shepparó	Tillman
Borah	Martin, Va.	Smith, Ga.	Vardaman
Chilton	Norris	Smith, S. C.	Walsh
Gore	O'Gorman	Stone	West
James	Owen	Swanson	White
Lane	Reed	Thomas	
Lea, Tenn.	Shafroth	Thompson	

NAYS—38.

Brady	Gallinger	McLean	Smith, Ariz.
Brandegee	Gronna	Myers	Smith, Mich.
Bryan	Hughes	Nelson	Smoot
Burton	Johnson	Newlands	Stephenson
Catron	Kenyon	Oliver	Sterling
Chamberlain	Kern	Page	Sutherland
Clark, Wyo.	Lee, Md.	Poindexter	Townsend
Colt	Lippitt	Ransdell	Works
Crawford	Lodge	Saulsbury	
Cummins	McCumber	Simmons	

NOT VOTING—31.

Bankhead	Fall	Overman	Shields
Bristow	Fletcher	Penrose	Shively
Burleigh	Goff	Perkins	Smith, Md.
Clapp	Hitchcock	Pittman	Thornton
Clarke, Ark.	Hollis	Pomerene	Warren
Culberson	Jones	Robinson	Weeks
Dillingham	La Follette	Root	Williams
du Pont	Martine, N. J.	Sherman	

So Mr. REED's amendment to the amendment of the committee was rejected.

The VICE PRESIDENT. The question recurs on agreeing to the amendment proposed by the committee.

Mr. REED. Mr. President, it may be of interest to Senators who have voted on this amendment to know this fact: The Senator from Iowa stated that the amendment was entirely satisfactory to him and that it would meet the objects he had in view, but that he would vote against it because he feared the bill could not become a law if the amendment were adopted. That, of course, must have meant opposition in the other branch of Congress.

Now, it may throw some light upon the future amendments to know that in the other body where the opposition was deemed possible the committee has already reported the proposition favorably just as it would have stood if my amendment had been adopted a few minutes ago instead of being turned down; so I do not think there is any danger of defeat there. At least, the surface indications do not point in that direction.

Mr. President, I sought to have adopted an amendment which would make the carriers of this country absolutely liable for goods they lost and would take away from them the right of arbitrarily limiting the value of goods. That amendment has failed. I now send to the desk an amendment which I ask to have read.

Mr. KENYON. Mr. President, may I ask the Senator a question?

Mr. REED. Certainly.

Mr. KENYON. I should like to ask the Senator if he had this information as to the action of the House committee before the vote was taken?

Mr. REED. I did not. A copy of the bill was handed to me on the floor of the Senate since the vote was taken.

Mr. KENYON. My vote was cast on the statement that had been made. I favored the amendment of the Senator from Missouri, but I felt that it might imperil the bill.

Mr. REED. Perhaps the Senator would feel like moving to reconsider the vote. I should thank him if he would. I can not move it myself.

Mr. CUMMINS. Mr. President, I think we first ought to inquire into the accuracy of the statement. I do not so understand the bill, if we may be permitted to refer to it, which has been reported in the House.

Mr. REED. Mr. President, I was handed this bill by a Senator, with the statement that the bill had been reported favorably. I have not the report, but I am relying entirely upon the statement of one of our Senators, who I know spoke in the best of faith.

Mr. CUMMINS. May I ask the Senator from Missouri whether it is the same bill, and whether he has examined it in order to discover whether what he stated a few moments ago is accurate, namely, that the very thing that we have refused to do has been done or reported favorably in the House? I think, I am sure, that no such bill has been reported in the House. A bill has been reported there, but, in my opinion, it does not afford anything like the remedy that this bill will afford if it is passed as reported by the committee.

Mr. REED. Mr. President, the bill which was handed to me, and which my informant stated had been favorably reported, contains the language I am about to read, and which will be found on page 15. If the Senators will follow the language of the bill we are now considering, which was offered by the Senator from Iowa, I think they will find the language identical:

That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof.

The bill which I hold in my hand was referred on May 15 to the Committee on Interstate and Foreign Commerce and ordered to be printed. On May 16 it was committed to the Committee of the Whole House on the state of the Union and ordered to be printed. I know nothing about whether it has been favorably reported except the statement of the Senator to which I have referred, and which I know was made in good faith.

Mr. SUTHERLAND. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state his point of order.

Mr. SUTHERLAND. It seems to me this entire discussion with reference to what has occurred in the other House is entirely out of order. The general rule is stated in Jefferson's Manual, page 96:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

I had always understood it to be a general parliamentary rule, universally observed in this body, that the proceedings of the other House were not to be referred to in the way they have been referred to here in an attempt to influence the action of the Senate, because the action of the Senate and the action of the House are to be entirely independent of one another. I think, under that point of order, this discussion is out of order.

The VICE PRESIDENT. The Chair is of the opinion that it is the unwritten law of the Senate that any reference to what has been done in the House of Representatives for the purpose of controlling the action of the Senate is out of order; but the Chair remembers that the statements made this morning were called out entirely by the statement that it was clear that the other House would not concur in the action of the Senate. The Chair does not believe the statements were made with the intention of influencing the conduct of the Senate.

The question is on agreeing to the amendment proposed by the Senator from Missouri, which the Secretary will state.

The SECRETARY. On page 3, beginning on line 22, after the word "void," it is proposed to strike out all down to and including the word "stated," on page 4, line 12, and in lieu thereof to insert:

Provided, however, That if the goods are hidden from view by wrapping, boxing, or other means, and the carrier is not notified as to the character of the goods, the carrier may require the shipper to specifically state in writing the value of the goods, and the carrier shall not be liable beyond the amount so specifically stated, in which case the Interstate Commerce Commission may establish and maintain rates for transportation dependent upon the value of the property shipped as specifically stated in writing by the shipper. Such rates shall be published as are other rate schedules.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri.

Mr. CUMMINS. Mr. President, I do not believe the amendment is as good as the bill reported by the committee, changed as we have several times suggested, but I am so desirous of having a vote on the bill before 1 o'clock that I do not intend to oppose the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE PRESIDENT. The question is on agreeing to the committee amendment, known as section 2, which will be stated

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 2. That this act shall take effect and be in force from 90 days after its passage.

The amendment was agreed to.

Mr. SHEPPARD. Mr. President, I will state that the amendments I send to the desk are acceptable to the Senator from Iowa.

The VICE PRESIDENT. The amendments proposed by the Senator from Texas will be stated.

The SECRETARY. On page 2, line 20, after the word "State," where it first appears in the line, it is proposed to insert the words "or Territory or the District of Columbia."

The amendment was agreed to.

The SECRETARY. After the word "State," where it occurs the second time in line 20, it is proposed to insert a comma and the words "Territory, District of Columbia, or a foreign country."

The amendment was agreed to.

The SECRETARY. One page 3, line 1, it is proposed to strike out the word "or" and insert, after the word "regulation," the words "or other limitation of any character whatsoever."

Mr. CUMMINS. The committee has no objection to that.

The amendment was agreed to.

The SECRETARY. On page 3, line 8——

The VICE PRESIDENT. The next amendment is in a committee amendment which has been already agreed to. Is there any objection to reconsidering the committee amendment? The Chair hears none, and the vote whereby the committee amendment was adopted is reconsidered.

The SECRETARY. On page 3, line 8, in the committee amendment, after the words "District of Columbia," it is proposed to insert the words "or to a foreign country."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. On page 3, line 10, after the words "bill of lading," it is proposed to insert the words "or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not."

The amendment was agreed to.

The VICE PRESIDENT. The Chair will say to the Senator from Texas that the next amendment would come within the amendment of the Senator from Missouri [Mr. REED], which has been agreed to, and that part of the bill has been stricken out.

Mr. LODGE. It is not in order at this time.

Mr. CUMMINS. The amendment just suggested becomes unnecessary, and indeed impossible, in view of the action of the Senate in adopting the amendment of the Senator from Missouri.

Mr. SHEPPARD. I then withdraw the amendment.

The SECRETARY. On page 4, at the end of line 15, it is proposed to insert the following words:

Provided further, That it shall be unlawful for any common carrier to provide by rule, contract, regulation, or otherwise a shorter period for giving notice of claims than 90 days, and for the filing of claims for a shorter period than four months, and for the institution of suits than two years: *Provided, however*, That if the loss, damage, or injury complained of was due to delay or damage while being loaded or unloaded, or damaged in transit by carelessness or negligence, then no notice of claim nor filing of claim shall be required as a condition precedent to recovery.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CUMMINS. I desire to withdraw the resolution submitted by me on this subject.

The VICE PRESIDENT. Without objection, the resolution is withdrawn. Morning business is closed, and the calendar under Rule VIII is in order.

THE CALENDAR.

The first business on the calendar was the bill (S. 1240) to establish the legislative reference bureau of the Library of Congress.

Mr. LODGE. I ask that the bill may be passed over.

The VICE PRESIDENT. The bill will be passed over.

Mr. O'GORMAN obtained the floor.

THE INCOME TAX.

Mr. SMITH of Georgia. Mr. President, the Senator from New York has consented to yield to me for a moment.

A few days ago I introduced a joint resolution relieving persons subject to the income tax from the penalties incident to failure to make their returns before the 1st of March. I suppose every Senator has heard from many of his constituents, who, on account of the fact that it was a new law and they did not understand it, have made a mistake and failed to get in their returns. The statute is absolutely compulsory. The department would relieve them from the penalty in most of the instances, but it has not the authority to do so.

I have introduced a joint resolution, which was referred to the Finance Committee, simply relieving from the penalty those who made their returns by the 1st of June and who did not designedly disregard the law. Every member of the Committee on Finance who has considered the joint resolution has agreed to it and approved it; and I think we might well pass it and send it right over to the House.

Mr. GALLINGER. Does it specify the length of time they may have?

Mr. SMITH of Georgia. Up to the 1st of June. They must have made their returns by the 1st day of this month.

Mr. GALLINGER. But how much longer does it give them?

Mr. SMITH of Georgia. It gives them no longer time. Nearly all of them have made their returns, but they did not get them in by the 1st of March. I learned from the department that there were hundreds of returns that came in a few days after the 1st of March, by one little accident or another, and I have simply named the 1st of June.

Mr. GALLINGER. That is all right.

Mr. TOWNSEND. Mr. President, may I ask the Senator if this would allow the Commissioner of Internal Revenue or the Government to refund the fines that have been paid? I am informed that a number of them have been paid.

Mr. SMITH of Georgia. Fines that have already been paid?

Mr. NELSON. I take it that the proposition the Chair is submitting is in respect to the amendment commencing on line 11, page 3?

The VICE PRESIDENT. Line 11, page 3. That is before the amendment offered by the Senator from Missouri.

Mr. REED. Oh, I misunderstood——

Mr. NELSON. And the question is on the adoption of that particular amendment? Am I correct?

The VICE PRESIDENT. That is the question—the amendment on page 3, beginning on line 11.

Mr. REED. I understood the Chair to submit the question whether there were any further amendments to any of the committee amendments.

The VICE PRESIDENT. To this particular committee amendment.

Mr. REED. I was in error.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The VICE PRESIDENT. The Senator from Missouri now presents an amendment to the committee amendment, which will be stated.

The SECRETARY. It is proposed to amend by striking out all after the enacting clause down to and including the word "void," on page 3, line 22.

Mr. CUMMINS. Mr. President, does the Senator from Missouri desire to strike out all after the enacting clause down to and including line 22, on page 3? That strikes out the entire bill.

Mr. REED. No; it does not. It strikes out all of section 1, after the word "void," in line 22, on page 3.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. It is proposed to strike out all of section 1, after the word "void," in line 22, on page 3.

Mr. REED. Mr. President, just one word in regard to this proposition.

At the common law a carrier was liable for the loss of goods; but it appears that at common law it might, by a reasonable contract entered into for a sufficient reason, limit its liability. It could not entirely escape liability, but it might limit its liability, provided the limitation was reasonable.

Following along after that doctrine was fully settled in this country, the legislatures of various States passed statutes declaring void all contracts limiting liability, and declaring that the shipper should be liable for the actual value of the goods. When the Carmack amendment was offered, undoubtedly the purpose of the author was to preserve intact those statutory regulations of the States; but the courts have decided in a long line of decisions—that is, the United States Supreme Court—that the effect of the Carmack amendment and the effect of the legislation to which it was amendatory has been for Congress to take over the whole subject of regulating contracts for interstate shipment, and that the old common law is preserved, and that the railroads may limit their liability. Accordingly, the railroads and all transportation companies have adopted once more the plan of absolutely limiting their liability.

The evil of such a system is perfectly manifest. The shipper has no real option when he brings his goods and a contract or a bill of lading is handed to him with an arbitrary value stated in it, and if he protests against the value he must pay an excessively high rate.

Accordingly I think that this legislation ought to stop at the point I have indicated in the bill, for up to that point there is an absolute prohibition against limiting liability. I think we ought to adopt the rule which was in vogue in many of our States for many years and which was nullified by this national legislation, namely, that a carrier must be liable if he loses the goods, and liable not according to an arbitrary value he has set forth in a printed bill of lading or otherwise put into a contract; for instance, in the printed conditions of a railroad ticket limiting liability upon baggage. I think we ought simply to adopt here the rule which was in vogue for many years in many of the States, which absolutely prohibited any limitation and let the carrier when goods are consigned to him take care of them, and if he does not take care of them pay for them.

So the effect of this amendment is to strike out all qualifications and to leave the carrier liable for the damage that he may occasion.

Mr. CUMMINS. Mr. President, with the general view stated by the Senator from Missouri I concur, but there are instances in which I think it would be right to allow a limitation upon recovery—not a limitation upon liability, but a limitation upon the amount of recovery. The Interstate Commerce Commission possibly has the power to deal with it now. The evil results very largely from the effort upon the part of the railway companies to exact a rate for the full value in cases in which the full value is recoverable; that is unreasonable for the additional risk.

We had this bill before the Interstate Commerce Commission. Two members of the commission appeared before the committee and testified or gave their opinions with a great deal of fullness. If before the railroad company could limit the recovery upon any property carried by it the rate for the increased risk incident to full value had been submitted to the Interstate Commerce Commission and that commission had definitely and affirmatively passed upon the question and decided what rate was fair and reasonable for the recovery of full value, this trouble probably never would have arisen.

It is said by members of the commission, and said by others who appeared before us, that many merchants desire to bring their goods to a common carrier and take a low rate that is based upon the transportation of goods of a low value. That is to say, they would rather take the risk themselves than to pay the higher rate. It was on account of these considerations that the Interstate Commerce Commission urged our committee to except from the prohibition those instances in which the commission had or might thereafter affirmatively, after an investigation, fix a rate based upon the value of the property transported. The truth is that the Interstate Commerce Commission or some member of it wrote the exception which is found in the bill, and we incorporated it because it seemed to be the view of these men, who have had long experience and training in the matter, that there should be that exception.

Now, with regard to the other exception, namely, where the goods are hidden from view simply, I think the Senator from Missouri is entirely right, and so far as I can do so I am willing to accept the amendment which he proposed the other day and which will be found in a memorandum that I handed to the Senator from Minnesota, namely, to eliminate the exception covering goods that are simply hidden from view, leaving the prohibition with just one exception, namely, the instance in which the Interstate Commerce Commission has affirmatively fixed a rate based upon value.

I fear if the amendment now proposed by the Senator from Missouri were to prevail the relief I hope may be afforded to those who are not wholly but most largely interested would not be secured.

Mr. NORRIS. I wish to ask the Senator a question.

Mr. CUMMINS. I yield to the Senator from Nebraska.

Mr. NORRIS. Bearing out the Senator's suggestion, I wish to ask him for his opinion in regard to an amendment that it seems to me would go a long way toward bringing about the settlement of the dispute along the lines suggested. On page 4, in line 1, if the word "or" were stricken out and the word "and" inserted in lieu of it, would not that reach the difficulty?

Mr. CUMMINS. No; not entirely. That would limit the power of the Interstate Commerce Commission to make a rate dependent on value unless the rate is upon an article hidden from view.

Mr. NORRIS. Why should it not be so limited?

Mr. CUMMINS. For the reason I tried to state yesterday. As an illustration—and this illustration was given to us during the hearing—a man desires to ship a very valuable horse, one that is worth $25,000. The rate that would be put upon that horse by the railroad company if the railroad company were to assume the full risk and be liable for full value would be prohibitive. But I think it is entirely fair that the Interstate Commerce Commission shall in such an instance be permitted to say what the rate shall be upon various values which may be agreed upon between the shipper and the railroad company.

Mr. NORRIS. Does the Senator think that if the change was made as suggested by me the Interstate Commerce Commission would be prohibited from fixing a different rate?

Mr. CUMMINS. What I propose, and I thought it was just what the Senator from Missouri originally suggested, is to change the exception so that it would read in this way:

Provided, however, That, except as to ordinary live stock, if with respect to such property so offered and received for transportation, express authorization has been heretofore granted or shall be hereafter granted by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof, dependent upon the value of the property shipped, and so forth.

Then we have just one exception, namely, the intervention of the affirmative power of the Interstate Commerce Commission affixing what it would believe to be a reasonable rate for a certain value, and from that power is excepted ordinary live stock.

I hope, therefore, just for the sake of safety and the success of the bill, that the amendment proposed by the Senator from Missouri will not be adopted.

Mr. REED. The Senator said he thought the amendment I offered would imperil the bill. I take it he does not mean to say that the amendment I offered would not carry out the ideas he has, but he means to say it would imperil the passage of the bill.

Mr. CUMMINS. That is all.

Mr. REED. If it is passed in the form I propose and the bill should become a law, it would constitute an absolute protection to the shippers.

Mr. CUMMINS. Undoubtedly. I do not mean to say that it would render the bill ineffective, but I fear that with the view many people entertain with regard to the subject, and especially in consideration of the position taken by the Interstate Commerce Commission, it would be almost impossible to secure the passage of the bill in the House.

Mr. REED. Mr. President, of course I do not want to criticize the Interstate Commerce Commission, because that commission has been wearing a halo so long that it would be an act of violence to in any manner disturb it; but I am unwilling to concede to the Interstate Commerce Commission the right to control legislation in the Congress of the United States. I am unwilling to concede to it a veto power upon the action which the Senate may take or which the House of Representatives may see fit to take. If there is any objection to the amendment which I have offered which goes to its merits, if it be not sound, and if those considerations are offered here in the Senate, I am very sure that they will control the action of the Senate. They will control my action, at least, if I am capable of understanding their import.

But I believe two propositions are indisputable. One is that it is the business of the Interstate Commerce Commission to enforce the laws of Congress coming within the purview of its authority, and the other is that the Congress of the United States ought to enact legislation to the best of its ability, regardless of departmental interference or control, and I am getting to the opinion that we might extend that declaration of independence beyond mere departments.

I think this amendment will cut out the possibility of the legalizing in part of a wrong which has for many years existed. Do not understand me as criticizing the Senator from Iowa, because the Senator from Iowa is endeavoring to give us a partial remedy. In so far as the bill goes as presented it is an advantage. I think, however, we are in a position to get a complete remedy and at the same time to be just to the shippers.

The difficulty when we come to consider a question of this kind is that we are likely to overlook the hardships of conditions. It is true if a man wanted to consign to the care of another man his goods and if the price he charged for caring for the goods was dependent upon the value of the goods it might be entirely reasonable for these two parties to contract with reference to the value and to agree upon what the value should be, to stipulate, if you please, for liquidated damages; and that is the reason which is constantly advanced by these transportation companies. But while that rule is perfectly fair between individuals it can become the instrumentality of great oppression and wrong when it is employed by the great transportation companies of the country.

To illustrate, these contracts are printed somewhere upon a bill of lading or upon a telegraph blank. A man goes to an office and wants to send a telegram and he writes the telegram. There is not one out of a thousand people who ever read the conditions printed upon the telegraph blank, but there printed, practically hidden away from view, are conditions which cut off or attempt to cut off the right of recovery or to limit it to the mere value paid for transporting the message. The sender of the message has no option. He must send his message; he must send it in haste; he has no time to stop and make special contracts and agreements or arrangements. The result is he is practically forced to accept the blank that is tendered him and to take it with the conditions.

That serves to illustrate a similar condition in shipments. A man takes his goods to a depot. They are exposed to view. The agent sees them. The agent hands him a blank in which there is printed "These goods are valued at $50 unless it is expressly stipulated otherwise." That is made out in the form of a bill of lading and handed to him. It is not read by the shipper, but when he seeks to recover he finds that the railroad company by virtue of having handed him that blank which somewhere or other he signed, not intending to sign the contract or the blank or the printed matter but simply to sign his name as a shipper of goods, that because of the construction given the Carmack Act the contract of the railroad company has been vitalized and every State statute limiting this power of corporations has been stricken down.

I repeat that until the Supreme Court annulled the statutes of these States by declaring that the Carmack amendment had cut the life out of the statutes, in State after State statutes existed just as this statute will read if we here enact it. In other words, when a railroad company takes your goods or mine, it must respond for their value or it must deliver the goods. It can not put a limit upon the amount you can recover. I have sent for the decision, which I have not yet read, a decision in which, I understand, the Supreme Court has held that a limitation of $100 upon recovery for a package lost will be enforced, although the solitary contract, if you can call it a contract, was some printed matter upon the passenger's ticket which he never read and was never called upon in the exercise of ordinary diligence and care to read. I have not read that opinion, and I therefore do not want to be understood as stating absolutely that that is its import; but my information is to that effect.

Mr. President, I do not care whether the Interstate Commerce Commission likes it or dislikes it; I do not care whether the Interstate Commerce Commission are opposed to or in favor of a remedial statute such as this will be if the amendment I offer prevails. I am not fearful, if the Senate passes this bill, that the Interstate Commerce Commission can go into the other branch of Congress and there defeat it. If the Interstate Commerce Commission is engaged in any such business as that, I want to know it; and when I become convinced that it is engaged in such business as that, I shall be ready to vote for its dissolution.

Mr. CUMMINS. Mr. President, I shall not prolong the debate a moment, for I am very anxious to get through with the consideration of this bill by 1 o'clock; but I desire to suggest to the Senator from Missouri that he has overlooked the fact that the last proviso in section 1 of the bill is a part of the present law, and a very essential part of the present law. I am sure that he does not desire to strike that out.

Mr. REED. Well, Mr. President, if that last proviso was not written anywhere, it would exist as a matter of law. It is not necessary to specify that you are reserving your legal rights. The proviso referred to by the Senator from Iowa reads:

Provided further, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law.

There is nothing in the section that purports to deprive him of that, and it is not necessary to recite a right which he has, and which has not been taken away, unless there is something calculated to give that impression.

Mr. CUMMINS. But, Mr. President, it is in the present law; and if we strike it out the courts might give some significance to our action in so doing. It is perfectly easy to limit the amendment.

Mr. REED. Well, Mr. President, out of consideration for the views of the Senator from Iowa—and I think when he has a doubt I ought also to have one in regard to a matter of this kind—I will, with the permission of the Senate, modify my amendment.

The VICE PRESIDENT. The Chair has uniformly held that the committee reporting a bill have the right to perfect it before a motion to strike out is made; and the Chair is impressed with the view that before putting the question on the amendment proposed by the Senator from Missouri [Mr. REED], the amendment proposed by the committee at the top of page 4 should first be put to the Senate.

Mr. REED. Well, Mr. President, nobody has raised that point.

The VICE PRESIDENT. The Chair was about to put the question on the committee amendment, so that the amendment of the Senator from Missouri would then be in order.

Mr. REED. If this amendment is defeated, I then wish to offer an amendment perfecting and changing the language of the committee amendment; that is the difficulty. I trust, as the time is short and we desire to get to a vote, that that may be permitted. Since this matter has been discussed and a vote taken upon it, I have modified my amendment so as to leave in the bill the last proviso just referred to.

The VICE PRESIDENT. The amendment as proposed to be modified by the Senator from Missouri will be stated.

The SECRETARY. In section 1, page 3, line 22, after the word "void," it is proposed to strike out the words down to and including the word "stated," on page 4, line 12.

Mr. CRAWFORD. Mr. President, I merely wish to say that, while I shall not vote for the amendment offered by the Senator from Missouri [Mr. REED] because the Senator from Iowa [Mr.

of the Panama Canal tolls bill, but it comes on regularly, according to the rules of the Senate, at 1 o'clock. I supposed it was understood yesterday morning that I might have this bill taken up this morning; but the objection being made, I move that the Senate proceed to the consideration of Senate bill 4522, notwithstanding the objection.

Mr. KERN. Mr. President, I do not quite understand to what the Senator from Iowa refers in speaking of the understanding of yesterday. There may have been an understanding had in my absence, but——

Mr. CUMMINS. I refer to the statement made by the Senator from Georgia [Mr. SMITH], to which, as I remember, there was no dissent. There was no other understanding than that on yesterday morning he stated, I am sure in the utmost good faith, that if the bill to which I refer went over until this morning there would probably be no objection to its consideration after the disposition of morning business.

Mr. SMITH of Georgia. And, Mr. President, I added that I hoped we could agree on the amendments and pass the bill at once. If the Senator from Missouri [Mr. REED] has been able to agree with the Senator from Iowa [Mr. CUMMINS] upon the amendment to the portion of the bill which they had under consideration, I believe we can consider the bill and dispose of it in 15 minutes.

Mr. CUMMINS. I have had some conversation with the Senator from Missouri. I think that we desire to reach the same end, but I have had no conference with him with regard to the form of any proposed amendment which he may desire to offer.

Mr. SHAFROTH. I hope there will be no objection to the consideration of the measure at the present time. I feel that if this measure should become the unfinished business it would supersede notices which have been given, and that, it seems to me, would not be fair. The Senator from Iowa says he thinks he can end the matter in a short time—probably in half an hour. If that is the case, it seems to me we had better let him proceed.

Mr. KERN. Mr. President, of course the Senator from Iowa understands that I am in entire sympathy with the bill——

Mr. CUMMINS. I have no doubt of that.

Mr. KERN. And after reading from the RECORD what occurred yesterday morning, I withdraw the objection I have made.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Georgia [Mr. SMITH] to the amendment of the committee, which the Secretary will state.

The SECRETARY. On page 3, line 12, it is proposed to amend the committee amendment by striking out the word "caused" and inserting the word "transported."

Mr. SMITH of Georgia. Mr. President, I desire to ask the Senator from Utah [Mr. SUTHERLAND], who had on yesterday the authorities with him, to call the attention of the Senate to the decision of the Court of Appeals of Georgia, construing the language of the Carmack amendment.

Mr. SUTHERLAND. Mr. President, the amendment offered by the Senator from Georgia, as I suggested when it was offered, would probably have the effect of broadening the liability of the common carrier beyond that imposed by the common law. I have since taken occasion to look at some of the cases on the subject, construing the provisions of the Carmack amendment. There is a case recently decided by the Supreme Court of Georgia, reported in Sixty-fifth Southeastern Reporter, page 908, the case of Louisville & Nashville Railroad Co. against Warfield & Lee, a decision rendered by Judge Powell, who, the Senator from Georgia tells me, is a most excellent lawyer and judge. In commenting upon the language of the Carmack amendment that court says:

This view does not commend itself to our judgment. As we endeavored to point out in the Crenshaw case, supra, we think that Congress intended to adopt, as against the initial carrier in interstate shipments, the ordinary common-law liability, and to forbid the common-law right to contract for special exemptions therefrom. It is true the statute speaks of losses and damages "caused" by the carrier; but it must be kept in mind that the law was dealing with carriers, a class upon which already rested, by general law, an affirmative duty to receive goods, to transport them safely, and to protect them from outside interference. When used of a person or other subject charged with an affirmative duty of care and diligence, or of good conduct, so to speak, the word "caused" implies not only active misconduct and deeds of commission, but also passive neglect, deeds of omission, and failures to exercise duties faithfully. (Carroll v. Allen, 20 R. I., 144, 37 Atl., 704; Comites v. Parkerson (C. C.), 50 Fed., 170, 171.) Any injury that a common carrier permits to befall the property while in its custody, otherwise than through the act of God or the public enemy, is in a juridic sense caused by it.

That case seems to be very plainly in point, and it emphatically holds that the provisions of the Carmack amendment simply enforce the common-law liability of the common carrier; that is, that the words "caused by it," used in the act, do not have the effect of in any way limiting the liability of the carrier. I find the same conclusion was arrived at by the Interstate Commerce Commission in a case reported in Thirteenth Interstate Commerce Commission Reports, at page 552. That was a case where the question was precisely presented to the Interstate Commerce Commission. I read from that case:

In the absence of express stipulation the liability of a common carrier is not limited to loss occasioned by its negligence or other misconduct. The law has cast upon it an extraordinary responsibility; it is to a large extent an insurer of the goods intrusted to it for carriage. The rule, roughly stated, is that a common carrier is liable for all losses not occasioned by the act of God or the public enemy.

I may pause at that point to say that that was the rule of the old common law—the only exceptions were those two, namely, the act of God or the act of the public enemy; but those exceptions have been extended by later decisions, and by a majority of the cases in the United States the law now recognizes three other exceptions in addition to those two. They were all accurately stated by the Senator from Georgia the other day.

But the carrier's right to relieve itself to some extent from this complete responsibility by special agreement or notice has long been recognized. It may strip itself of its insurer's liability and remain responsible only for its negligence and other misconduct. (York Manufacturing Co. v. I. C. R. R. Co., 3 Wall., 107; N. Y. C. R. R. Co. v. Lockwood, 17 Wall., 357.)

The law on this point is well settled, and a careful study of the provisions of the Hepburn Act will show that the carrier's right in this respect has not been abrogated. The law reads that the carrier shall be liable "for any loss, damage, or injury to such property caused by it * * * and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed." The scope of this prohibition must turn largely upon the construction to be placed upon the word "caused." The word "caused" is not susceptible of a narrow interpretation—it is broad enough to comprehend all losses due to the carrier's misconduct, whether positive or negative in character. But it can not possibly be extended to cover losses due to causes beyond the carrier's control. We are necessarily driven to the conclusion, therefore, that the law places no restriction upon the carrier's efforts to exempt itself from liability for losses which occur without fault on its part. We are of opinion, in short, that in the absence of agreement or notice the carrier's liability is governed by the ordinary common-law rule; but that a stipulation for exemption from liability for losses due to causes beyond the carrier's control is open to no legal objection.

The Supreme Court of the United States has had frequent occasion to pass upon the statute; but I shall only stop to call the attention of the Senate to two of those decisions, and that very briefly. In Two hundred and twenty-sixth United States, at page 506, the Supreme Court said:

What is the liability imposed upon the carrier? It is a liability to any holder of the bill of lading which the primary carrier is required to issue "for any loss, damage, or injury to such property caused by it," or by any connecting carrier to whom the goods are delivered. The suggestion that an absolute liability exists for every loss, damage, or injury, from any and every cause, would be to make such a carrier an absolute insurer and liable for unavoidable loss or damage, though due to uncontrollable forces. That this was the intent of Congress is not conceivable. To give such emphasis to the words "any loss or damage" would be to ignore the qualifying words "caused by it." The liability thus imposed is limited to "any loss, injury, or damage caused by it or a succeeding carrier to whom the property may be delivered."

And the court adds:

And plainly implies a liability for some default in its common-law duty as a common carrier.

Under that decision the court holds that the words "caused by it" have a useful place in the statute. If they were not there, the plain implication of the decision is that the liability of the carrier would be extended beyond the rule of the common law, and that the effect of those words in the statute is to limit the liability of the carrier to that of the common law.

The danger which would arise from the adoption of the amendment proposed by the Senator from Georgia or that which is now proposed by the Senator from Ohio [Mr. POMERENE] would be that we would leave out of the statute these limiting words, which simply declare the common-law liability of the carrier, and extend the liability of the carrier to the cases which were excepted by the common law; that is, the carrier under that sort of an amendment would be liable for an injury or loss of goods due to the act of God or the act of the public enemy, the seizure of the goods upon process of a court, inherent defects of the goods, and those things which are recognized by the common law as constituting exceptions to its liability.

The only remaining case that I call attention to is a case reported in Two hundred and twenty-seventh United States, at

page 672, where the court in a single sentence very tersely determines the meaning of the statute. The court says:

The liability imposed by the statute is the liability imposed by the common law upon a common carrier, and may be limited or qualified by special contract with the shipper, provided the limitation or qualification be just and reasonable and does not exempt from loss or responsibility due to negligence.

The effect of the bill which is now proposed by the Senator from Iowa is to continue the provision of law respecting the common-law liability of the carrier, but to remove the condition which now exists in the statute under which the common carrier is permitted to exempt itself from liability by special agreement.

Mr. SMITH of Georgia. Mr. President, I still think the language in the original Carmack Act, using the term "caused by it," was perhaps a little unfortunate; that language might have been used which would have prevented any possible doubt that the act intended to continue the common-law liability of the carrier, which is that of insurer, subject to the five limitations that have been stated, beginning with the act of God and the public enemy, which are two of them.

It seems, however, that the language has been construed, and that the courts have declined to narrow the liability on account of this language. With the view that the language is not intended to carry any narrowing effect as to the liability of the common carrier, but that the liability is to remain that of insurer subject to the recognized exceptions—beginning, as I have before stated, with the act of God and the public enemy—I shall not insist upon the amendment.

The amendment I proposed might, in view of the construction of this language, itself give rise to a doubt as to what was intended by the act, and I think probably it is best to leave it just where it is.

The VICE PRESIDENT. As the Chair understands, then, the Senator withdraws his amendment, and the question is upon agreeing to the committee amendment.

Mr. TOWNSEND. Mr. President, what I shall have to submit does not apply particularly to this bill, although it perhaps may be construed as in the general list of measures mentioned by my correspondent. I endeavored to place it before the Senate before the Senator from Iowa called up the pending bill, but objection was made and I am taking advantage of my first opportunity.

I have here a letter which I received this morning from the president of the Cadillac Motor Car Co., of Detroit, which is as follows:

CADILLAC MOTOR CAR CO.,
Detroit, Mich., June 1, 1914.

Hon. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

DEAR SIR: I am loyal to my country, and during a long and busy life have conscientiously done what I could to promote its welfare. Because of that interest I urge you to exert all your influence to bring the present Congress to a speedy close.

Members of Congress and administrative officers are evidently shut-eyed to the conditions which have developed within the country, and are therefore sublimely unconscious of the fact that market values are shrinking, wheels of industry are either slowing down or are silent, millions of loyal and willing employees are out of work, and a sense of instability has palsied all effort, while Congress courts the ranters, the theorists, the agitators, and outrages the tariff, the currency, the interstate commerce, and every established principle upon which the Nation's prosperity has been built.

There is nothing in our country to warrant the present distress but a nation-wide distrust of Washington, and it is time that Congress looked into a mirror to find out who threw the wrench into the machinery. The present erratic smash-and-bust policy has already bred a work poverty which administrative apologists can not conceal and which, if allowed to continue, will remain in history as the outstanding event of this period of American life. If Congress has any more damage to do, let it be done speedily, for not until after this Congress has ceased to exist can a merchant, manufacturer, or employer venture to gather together the things which remain, that upon them he may reconstruct his business.

I do not charge the administration or Congress with being insincere or dishonest, but it is now patent to thinking men that both are terribly mistaken.

Its theories in regard to the questions of tariff, antitrust regulation, capital and labor, and the so-called big business are such that business and our industries are rapidly approaching "closed-shop" conditions, not as advocated by the American Federation of Labor but rather a "closed shop" in the sense of drawing the fires and locking the doors.

Congress has been in continuous session now for more than one and a half years. If Congress continues this orgy of hallucination with its "Pandora box," its unlimited bills for "regulating" business, and its other vicious and iconoclastic legislation, then the "big business" and the "capital and labor" problems will be solved indeed, for there will be no "big business," no available capital.

The shrinkage in railroad, industrial, and real estate securities and values during the past few years shows a greater destruction of all real values than this country suffered at the hands of our destructive Civil War. It is time Washington awoke to the fact that the present Congress and administration are making rapid progress toward classifying themselves in history as the greatest and most potent destructive and ruinous force our country has yet produced.

All the elements of prosperity are with the country except the administration. We should now be on the high wave of prosperity, as we have the glad promise of abundant crops and plenty of money to use in business enterprises. Instead, the baleful influence of Washington like a black pall hangs over the Nation, and capital, always sensitive and conservative, upon which the country depends for initiating business, hides in the cyclone cellar and waits till the breaking of the storm. Having a prospect of a let up in this senseless campaign of destruction, good judgment would prompt the great wheels of commerce and constructive business to go ahead at full speed, instead of having factories running short time, closing down, or failing entirely, as at present. There is something in the situation that certainly calls to memory Nero and his fiddle.

The Nation has had enough of this legislation. It now needs industrial peace and prosperity. Believing that confidence can not be restored until after this Congress has passed into history, I ask you, as one of my Representatives in the National Legislature, to do your utmost to bring about this speedy adjournment, and urging this, I add that I do not think that anything in Washington is of more importance to the country.

Very truly, yours,

HENRY M. LELAND.

I present this letter, Mr. President, because I know from having talked with many business men in the country, without any regard at all to partisan politics, that they feel that Congress is not contributing to the welfare and prosperity of the people at the present time. This Congress has been in session now, as is stated by Mr. Leland, for a year and a half continuously. It has been in forced session. It has been legislating many times against the will of a majority of the Senators themselves.

I concur in the sentiment uttered in this letter to the effect that we should get through with our business and go home. Democrats and the Republicans are alike interested in the return of prosperity. It can not and will not return so long as we are injecting uncertainties into the business conditions of the country. Speculative and illy considered legislation is dangerous to progress and prosperity.

Mr. STONE and Mr. LODGE addressed the Chair.

The VICE PRESIDENT. The Senator from Missouri.

Mr. CUMMINS. Mr. President, will the Senator from Missouri yield to me for just a moment?

Mr. STONE. I will.

Mr. CUMMINS. I regret more than I can express that the Senator from Michigan has chosen this opportunity to read the letter which has just been read. If by the reading of the letter he defeats the bill which is now before the Senate, which is intended mainly for the benefit of the farmers of this country in the shipment of their live stock, I believe he will also regret it.

I appeal to Senators who may desire to reply to the Senator from Michigan to take some other opportunity to do so, and allow the Senate to have sufficient time to consider and pass this bill. There will be abundance of time to discuss that matter; but when the hands of the clock reach 1 o'clock, if I have not then succeeded in securing a vote upon this bill I may never succeed in doing so.

Mr. STONE. Mr. President, I think what I rose to lay before the Senate would be very pertinent at this juncture, following the letter read by the Senator from Michigan and the remarks which he made. I fully appreciate, however, the force of what the Senator from Iowa has said, and I shall yield to his suggestion and lay before the Senate at a later hour what I have in my hand.

The VICE PRESIDENT. Are there further amendments to the committee amendment?

Mr. SHEPPARD. Mr. President, I understand the amendment of the Senator from Georgia is not now pending.

The VICE PRESIDENT. It has been withdrawn.

Mr. SHEPPARD. I have a few amendments which I wish to offer to the bill.

The VICE PRESIDENT. Are they amendments to the committee amendment?

Mr. SHEPPARD. They are not.

The VICE PRESIDENT. Then the question is on agreeing to the amendment of the committee.

Mr. REED. Mr. President, I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The Chair will first put the question on the committee amendment under consideration.

Mr. REED. But, Mr. President, this directly strikes at the committee amendment.

The VICE PRESIDENT. Yes; but it is the rule of the Senate that the committee has the right to perfect the text before there is a motion to strike out.

Mr. NELSON. Mr. President, will the Senator from Missouri yield to me?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. REED. I do.

of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4552. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 4657. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Malvern and West Sunbury, in the State of Pennsylvania; of Fair Haven and Jewett, in the State of Ohio; of Owatonna, Minn.; of Long Branch, N. J.; of Denton, Tex.; of Birmingham, Iowa; of Caledonia, N. Y.; and of Hobart, Okla., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. CLAPP presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Minnesota, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CATRON presented memorials of sundry citizens of New Mexico, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. TILLMAN presented a petition of sundry citizens of Congaree, S. C., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. COLT. I present resolutions adopted by the Legislature of Rhode Island, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

IN THE GENERAL ASSEMBLY OF THE STATE OF RHODE ISLAND.

Joint resolution favoring bill S. 2337, Sixty-third Congress, second session, "To create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service."

Whereas the maintenance of the highest standard of efficiency in the saving of life and property from shipwreck is of great importance to the commercial and shipping interests of the State of Rhode Island; and

Whereas the United States Senate has passed and there is now pending in the House of Representatives a bill (S. 2337) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, which will assure greater efficiency by bringing together for more concerted effort in the saving of life and property from shipwreck two important branches of the Government service (charged with that duty, one operating from the shore and the other on the seas and the Great Lakes; and

Whereas the existing provisions of law for retirement, longevity pay, and allowances for the officers and men of the Revenue-Cutter Service are by the bill referred to justly extended to the superintendents, keepers, and surfmen in the Life-Saving Service: Therefore be it

Resolved by the General Assembly of the State of Rhode Island, That the Representatives of the State of Rhode Island in the Congress of the United States be, and hereby are, earnestly requested to give their urgent support to bill S. 2337 and to use their efforts to secure its early passage by the House of Representatives of the United States; and be it further

Resolved, That a copy of these resolutions be sent to each Representative in Congress from the State of Rhode Island and to the chairman of the Committee on Interstate and Foreign Commerce of the House of Representatives, and to the General Superintendent United States Life-Saving Service.

STATE OF RHODE ISLAND,
OFFICE OF THE SECRETARY OF STATE,
Providence, May 6, 1914.

I hereby certify the foregoing to be a true copy of the original resolution approved by his excellency the governor on the 6th day of May, A. D. 1914.

In testimony whereof I have hereunto set my hand and affixed the seal of the State aforesaid the date first above written.

[SEAL.] J. FRED PARKER,
Secretary of State.

Mr. COLT presented petitions of sundry citizens of Coventry, Providence, and Newport, all in the State of Rhode Island, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented resolutions adopted by Local Union No. 137, United Brotherhood of Carpenters and Joiners of America, of Norwich, Conn., favoring the enactment of legislation to make lawful certain agreements between employees and laborers and persons engaged in agriculture or horticulture and to limit the issuing of injunctions in certain cases, which were referred to the Committee on the Judiciary.

Mr. PAGE presented the memorial of Dexter M. Jones, of Orange County, Vt., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. NORRIS presented a petition of sundry citizens of Arnold, Nebr., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Shelby, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of the congregation of the Trinity Methodist Episcopal Church, of Elkhart, Ind., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of Captain Kiser Circle, No. 31, Ladies of the Grand Army of the Republic, of West Point, Ind., remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Trinity Methodist Episcopal Church, of Elkhart, Ind., praying for the enactment of legislation to provide Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SMITH of Maryland presented petitions of sundry citizens of Baltimore, Md., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented a petition of Bunker Hill Camp, No. 38, United Spanish War Veterans, of Charlestown, Mass., and a petition of the Board of Selectmen of Adams, Mass., praying for the enactment of legislation to provide pensions for civil-service employees, which were referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of Mount Hermon Commandery, No. 261, Ancient and Illustrious Knights of Malta, of Whitman, Mass., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. KERN presented a memorial of the Central Labor Union of Elkhart, Ind., and a memorial of Local Branch, Glass Bottle Blowers' Association, of Terre Haute, Ind., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of Captain Kiser Circle, No. 31, Ladies of the Grand Army of the Republic, of West Point, Ind., remonstrating against any change in the American flag, which was referred to the Committee on the Judiciary.

Mr. JOHNSON presented a memorial of W. S. Heath Circle, No. 13, Ladies of the Grand Army of the Republic, of Waterville, Me., remonstrating against any change being made in the American flag, which was referred to the Committee on the Judiciary.

He also presented a petition of Welcome Lodge, Independent Order of Good Templars, of Biddeford, Me., and a petition of sundry citizens of South Paris, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of the Grand Rapids Association of Commerce, of Michigan, remonstrating against the enactment of legislation to create an interstate trade commission, which was referred to the Committee on Interstate Commerce.

Mr. TOWNSEND. I send to the desk to have read a letter in the form of a petition from the president of the Cadillac Motor Car Co. on the legislation enacted and proposed by this Congress.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read.

Mr. REED. I move that the communication be referred to the appropriate committee.

Mr. TOWNSEND. I did not understand the motion of the Senator from Missouri.

The VICE PRESIDENT. Is there objection to the reading of the communication?

Mr. REED. I am objecting, and asking that the communication may be referred to the appropriate committee. It has come to this, Mr. President, that a Senator is not allowed to take the floor and utter an observation upon a pertinent matter. If that is to be the rule of the Senate, we had better quit having read desultory communications that are sent in by everybody who is inspired with a notion of taking his pen in hand. If we are going to be so strict, let us apply it all along the line.

Mr. TOWNSEND. I desire to state to the Senator that this is a memorial in the form of a petition directed to me as United States Senator in reference to proposed legislation and with especial attention to industrial measures now pending. I can, of course, read the communication in my own time on an occasion when it will be in order. It is a two-page letter, and I think it is entirely pertinent.

Mr. REED. If the letter is of that character, if it is not one of the kind of letters that have been so frequently read lately criticizing people, and if it is simply a petition to Congress, or a petition to Congress addressed to a Senator, I shall not object to it.

Mr. TOWNSEND. It is no attack upon anybody, but a criticism of the general legislation of this Congress, both Democratic and Republican, in reference to legislation affecting business men.

Mr. REED. I withdraw the objection.

The VICE PRESIDENT. The Secretary will read the communication.

The Secretary read as follows:

CADILLAC MOTOR CAR CO.,
Detroit, Mich., June 1, 1914.

HON. CHARLES E. TOWNSEND,
United States Senate, Washington, D. C.

DEAR SIR: I am loyal to my country and during a long and busy life have conscientiously done what I could to promote its welfare. Because of that interest I urge you to exert all your influence to bring the present Congress to a speedy close.

Members of Congress and administrative officers are evidently shut-eyed to the conditions which have developed within the country, and are therefore sublimely unconscious of the fact——

Mr. REED. Mr. President, this is not at all the character of communication I was given to understand it was, and I object to the further reading of it.

The VICE PRESIDENT. There is objection to the further reading of the letter.

Mr. TOWNSEND. I will withdraw the letter and present it at the proper time.

WILLIAM CRONLY.

Mr. HUGHES, from the Committee on Pensions, to which was referred the bill (S. 5731) for the relief of William Cronly, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs, which was agreed to.

RETURN OF CASES TO COURT OF CLAIMS.

Mr. BRYAN, from the Committee on Claims, reported the following resolution (S. Res. 396), which was considered by unanimous consent and agreed to:

Resolved, That in compliance with the request of the assistant clerk of the Court of Claims, pursuant to an order of the court, under date of June 2, 1914, the Secretary of the Senate be, and he is hereby, instructed to return to the Court of Claims the order of dismissal in the following cases, namely, estate of William A. Watkins, deceased, against the United States, No. 14117; John R. McGinnis against the United States, No. 14105; and the estate of Minor Knowlton, deceased, against the United States, No. 15002, subnumbered 9, and the said court is hereby authorized to proceed in said case as if no return therein had been made to the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 5732) repealing a certain section contained in the urgent deficiency act approved December 22, 1911; to the Committee on Claims.

By Mr. CLAPP:

A bill (S. 5733) granting an increase of pension to Thomas W. Eckert; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 5734) to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas; to the Committee on Public Lands.

By Mr. WEST (by request):

A bill (S. 5735) for the relief of Annie F. Neil; to the Committee on Claims.

By Mr. SAULSBURY:

A bill (S. 5736) for the relief of the Delaware Transportation Co., of Wilmington, Del.; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 5737) granting an increase of pension to Samuel A. Leazer (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 5738) for the relief of Simon Bollinger (with accompanying papers); to the Committee on Claims.

AMENDMENT TO SUNDRY CIVIL APPROPRIATION BILL.

Mr. SMOOT submitted an amendment proposing to appropriate $75,000 for making additional tests of the coals in different parts of the Bering River coal field, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

REMEDIES FOR HOG CHOLERA (S. DOC. NO. 489).

Mr. NORRIS. Mr. President, I rise for the purpose of asking unanimous consent to have printed as a Senate document an address delivered by the junior Senator from Iowa [Mr. KENYON] on the 26th day of January, 1914, on the subject of the prevention of and providing remedies for hog cholera. In this address the Senator from Iowa incorporated a vast amount of valuable information. There are a great many requests for it, even from the Agricultural Department, but more particularly from the West and the Middle West.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nebraska? The Chair hears none, and it is so ordered.

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

The SECRETARY. Senate resolution 363, providing that the Joint Committee on Postage on Second-Class Mail Matter, and so forth, be requested to advise the Senate when they will be able to report.

Mr. SMITH of Georgia. I desire that the resolution go over until Saturday next, Mr. President. A report on the subject will probably be presented to-day or to-morrow.

The VICE PRESIDENT. Without objection, the resolution will go over until Saturday.

LIABILITY OF COMMON CARRIERS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 384) submitted by Mr. CUMMINS on the 1st instant, as follows:

Resolved, That immediately after the final disposition of the bill now the unfinished business the Senate take up for consideration S. 4522, to amend the interstate-commerce act relating to liability of common carriers.

Mr. CUMMINS. Mr. President, in accordance with the understanding of yesterday morning, I ask unanimous consent to take up at this time Senate bill 4522, being the bill referred to in the resolution just read.

The VICE PRESIDENT. Is there objection?

Mr. KERN. Mr. President, I think we should proceed with the consideration of the Panama Canal tolls bill. I therefore object, and I shall continue to object, to any other business intervening until the Panama Canal tolls bill is disposed of.

Mr. CUMMINS. Mr. President, I have already said on more than one occasion that I do not desire to delay the disposition

FUJI MICRO SAFETY N

Also, petitions of 27 citizens of Edison, Wash., and of 90 citizens of Anacortes, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. IGOE: Petitions of F. J. Johnson, George Lay, Jesse Lay, Albert Booker, Joe Gray, Samuel Sewell, George Page, Pleas Rathman, Pete Anderson, John W. Bayant, J. H. Gauman, Leon Sewell, William Silvester, Frank Carlyel, William Goar, D. F. Walter, Charley George, Dud Sewell, Tomie Walton, J. Newhouse, Martin Gates, Fritz Darrien, Fred Kogge, S. Gates, Herman Totten, E. J. Ritter, Julius Dulliny, Otto Koch, William Tuepker, Jacob Crutsinger, Edward H. Schabery, Samuel Page, O. L. Seitz, A. F. Lay, William E. Grote, C. G. Grumke, David John, Frank Hugenueller, J. A. Murry, John H. Werterhold, C. A. Murry, Frank James, Frank Twente, Otto Hindersmann, Fred C. Schwarz, Charlie Price, Ray Studdard, Floyd M. Lale, R. E. Davis, A. Braedale, Thomas Price, W. H. Breuer, T. J. Schaberg, E. R. Sellmeyer, Charles E. Seitz, Elmer Goan, Edgar Hanna, George Talbert, Walter Lancee, J. H. Slade, H. W. Canter, Elic Page, Tom Sewell, George Ahring, John O'Donnell, H. B. Mullharyt, Simon Jelisir, Oliver Grass, Francis Coguard, Victor Laurent, jr., Victor Laurent, sr., Alfred Dumas, Hugo Riesmeier, Dennis O'Leary, Harry Kendrick, George Kruel, Willie Reader, G. L. Cook, P. Short, Nelson Walker, George Osthoff, Joseph Engling, J. S. Slade, Earl Anderson, Wiley J. Reed, W. H. Bates, James Hannah, Watkins Larkin, Henry Hergenueller, John Baumer, Charles E. Lauck, Will Sebastian, I. I. Ritter, Claude Gau, Nels Olson, John Toebloz, William Duncan, William Meganigall, T. L. Rhudny, P. Finck, William Rutsinger, Gust Kruel, Pete Rukavim, A. H. Kuhlman, E. Hessenflown, C. L. Thompson, Julius Hundler, W. H. Bird, Elmer Brok, W. A. Johnson, Ernest Kohlstaedt, Henry Rawie, Charles Paulsueyer, F. W. Wahle, N. A. Waller, Pat McNally, O. B. Garner, J. E. Welforn, Lewis Roedel, William Carpenter, Marion Lay, W. M. Hicklin, Elmer Dikir, John W. Curtner, Frank Mautino, J. Holtherdsen, E. H. Boese, W. S. McLaddin, Toni Feniglio, Joe Gerir, Theodore Wantellet, Robert Johnson, John Gerir, Leon Dumas, John Manutinn, Louis Schoppenhorst, Dan Lyons, E. L. Avinbruster, G. Lyons, W. E. Bryant, J. H. Brulsmeyer, John Campbell, W. Brown, R. E. Lale, L. R. Lander, Fred Peterson, W. F. Multhaupt, Harry H. Limberg, J. J. Wheeldon, R. Heins, all of Wellington, Mo.; also, A. E. Stinsmeyer, N. Clemens, M. J. Clark, R. A. Keller, Louis Dugnay, Lee Grivet, Joseph Janechek, F. A. Ray, Theodore Reindguest, H. C. Pavitt, William Willer, Fred Johnson, John M. Dennison, H. Springmeyer, Harry Bliss, W. Drebes, W. A. Miller, A. Landy, John Casey, Jack Hoert, F. O. Conner, R. A. Pond, George Werges, Frank Vogt, Mike Gregor, Henry B. Ess, William Pletka, G. Zivyben, William T. Ballak, D. Wuderman, Carl Rohrbach, Frank Ott, R. C. Dickhans, Clem E. Thrush, Joseph Vogel, M. McAuliffe, S. J. Lapin, Thomas Prior, R. M. Cullen, Ed McCarthy, R. C. Pulley, Theodore Bode, Edwin Pabst, D. B. Hunt, W. D. Rutherford, Gus Zogg, Roy Davis, William P. Doyle, John Lester, Robert Bullock, Fred D. Brown, F. W. Carrington, Henry C. Moore, Gus H. Palfrath, Joseph Green, Joseph Cavir, John W. Finney, all of St. Louis, Mo., protesting against the passage of House resolution 168 and Senate resolutions 50 and 88, and all similar prohibition legislation; to the Committee on Rules.

Also, petition of the St. Louis Stereotypers' Union, favoring the passage of the Bartlett-Bacon bill (H. R. 1873); to the Committee on the Judiciary.

Also, petition of the wine and liquor committee of the Italian Chamber of Commerce of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Thurston, Pierce, and Lewis Counties, and citizens of Raymond, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Olympia, Wash., favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Iowa: Petition of the Friends' Meeting at Salem, Iowa, favoring national prohibition; to the Committee on Rules.

Also, petition of the Friends' Meeting at Salem, Iowa, against House bill 11312; to the Committe on Military Affairs.

By Mr. KENNEDY of Rhode Island: Memorial of the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

Also, memorial of the New England Shoe and Leather Association, of Boston, Mass., protesting against passage of the interstate trade commission bill; to the Committee on Interstate and Foreign Commerce.

By Mr. LAZARO: Petition of the Central Trades and Labor Council of Lake Charles, La., relative to strike conditions in Colorado; to the Committee on Mines and Mining.

By Mr. LOBECK: Petitions of Michael Brunski and the Hotel Men's Association, of Omaha, Nebr., against national prohibition; to the Committee on Rules.

Also, petition of C. F. McGrew, of South Omaha, Nebr., favoring H. R. 16710, the Federal reserve act; to the Committee on Banking and Currency.

Also, petition of the Omaha Bar Association, favoring McCoy bill, providing for appointment of shorthand reporters for the district courts of the United States; to the Committee on the Judiciary.

By Mr. LONERGAN: Petition of August Haertl, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McKENZIE: Petitions of sundry citizens of Dixon, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. METZ: Petitions of various voters of the tenth congressional district and the Italian Chamber of Commerce of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MOON: Papers to accompany House bill 10117, for the relief of Frank F. Griffith; to the Committee on Pensions.

By Mr. MOORE: Memorial of the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. NELSON: Petition of 7 citizens of Dane County, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. O'LEARY: Petitions of sundry citizens of New York and Piel Bros., of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Union Evangelical Church of Corona, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. PATTEN of New York: Petitions of sundry citizens and the Italian Chamber of Commerce of New York, protesting against national prohibitoin; to the Committee on Rules.

By Mr. PETERS of Maine: Petitions of Monmouth Grange, No. 39, sundry citizens of Madison and Jefferson, and the First Baptist Church of Jefferson, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

Also, petition of M. McCauley, of Bar Harbor, Me., protesting against national prohibition; to the Committee on Rules.

By Mr. PORTER: Petitions of various churches and organizations of Pittsburgh, Aspinwall, Bellevue, Avalon, Hoboken, Perrysville, Braddock, and McKees Rocks, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petitions of various organizations, societies, and citizens of the twenty-ninth congressional district of Pennsylvania, against national prohibition; to the Committee on Rules.

By Mr. SCULLY: Petition of sundry citizens of Long Branch, N. J., protesting against section 6 of House bill 12923, relative to Sunday work of postal employees; to the Committee on the Post Office and Post Roads.

Also, petition of 60 citizens of South River, N. J., and various members of the First Methodist Protestant Church of Elizabeth, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. SHARP: Petitions of various organizations and individuals in the fourteenth congressional district of Ohio, favoring the passage of House joint resolution 168 and Senate bill 86, for national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petitions of 253 citizens of Fort Myers, 72 citizens of Dunnellon, 109 citizens of Weirsdale, and 46 citizens of Clearwater, all in the State of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. TEMPLE: Petition of various members of Jefferson Grange, No. 314, of Washington County, Pa., in favor of Government ownership of telegraph and telephone systems; to the Committee on the Post Office and Post Roads.

By Mr. UNDERHILL: Petition of the wine and liquor committee of the Italian Chamber of Commerce of New York, and sundry citizens of Elmira, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. WILLIS: Petition of Alice Bishop and 36 other citizens of Ashley, Ohio, in favor of House joint resolution 168, relative to national prohibition; to the Committee on Rules.

By Mr. WOODRUFF: Petition of sundry citizens of the State of Michigan, protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of the tenth congressional district of Michigan, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Rules.

Also, petition of sundry citizens of Cheboygan, Mich., for a free press and free speech; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Wolverine, Mich., favoring passage of national prohibition; to the Committee on Rules.

SENATE.

THURSDAY, *June 4, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we lift our hearts to Thee. As we open our eyes to the light of every new day, with its blessed ministry, with its far-reaching invitations to service, so we open to Thee our hearts at this morning hour. We pray Thee to look upon us with fatherly pity, compassion, and mercy. Minister to us with the riches of Thy grace. Sanctify to us the experiences that we gain day by day, and give to us knowledge out of the history of the past, that we may not only know but comprehend the needs of men and minister the trust Thou hast committed to us in the interest of all. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. JAMES and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. JAMES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gallinger	O'Gorman	Sterling
Brady	Goff	Page	Stone
Brandegee	Hughes	Perkins	Sutherland
Bryan	James	Pomerene	Thomas
Burton	Jones	Reed	Thompson
Catron	Kenyon	Shafroth	Thornton
Chamberlain	Kern	Sheppard	Tillman
Chilton	Lane	Sherman	Townsend
Clapp	Lippitt	Simmons	Vardaman
Clark, Wyo.	Myers	Smith, Ga.	West
Colt	Nelson	Smith, Mich.	White
Crawford	Newlands	Smith, S. C.	Works
Cummins	Norris	Smoot	

Mr. CHILTON. I wish to announce that the Senator from New Mexico [Mr. FALL] is necessarily absent and that he is paired with me.

Mr. WHITE. I wish to announce that my colleague [Mr. BANKHEAD] is unavoidably absent and that he is paired with the Senator from West Virginia [Mr. GOFF]. This announcement I make to continue during the day.

Mr. KERN. I wish to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], the Senator from Maine [Mr. JOHNSON], and the Senator from Alabama [Mr. BANKHEAD], all of whom are paired. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-one Senators have answered to their names. A quorum is present.

POST-OFFICE EMPLOYEES.

Mr. STONE. Mr. President, on Monday last the Postmaster General made a reply to Senate resolution 373. The report of the Postmaster General is lying upon the Vice President's table. I ask that it be now taken up, and I wish to move——

The VICE PRESIDENT. Is there objection?

Mr. SMITH of Michigan. We can not hear.

Mr. CUMMINS. We have not been able to hear what the request is.

Mr. STONE. I call up the report of the Postmaster General made on Monday last in response to Senate resolution 373, which is lying on the Vice President's table. I wish to move that it be printed as a Senate document, and upon that motion I desire to submit a brief statement.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. STONE. I do this for the reason that so much has been said about the subject matter of the resolution it ought not to be passed by by merely printing the reply of the Postmaster General in the RECORD.

Mr. SIMMONS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I do.

Mr. SIMMONS. I desire to inquire of the Senator from Missouri if, in case the matter leads to any general discussion, he will ask consent that it be laid aside?

Mr. STONE. Oh, I——

Mr. SIMMONS. I am not at all objecting to the Senator making his statement, but I apprehend that possibly it might precipitate a general discussion which would last for quite a time. I will make a parliamentary inquiry of the Chair. At any time may I interpose an objection and demand the regular order if it leads to a long debate?

The VICE PRESIDENT. There is not any doubt that during the morning business it is the right of a Senator to demand the regular order.

Mr. SMOOT. Then, Mr. President, if that is to be the policy of the Senator from North Carolina, as I understand from his statement he intends to take a Senator off his feet, I think the best course to pursue is to have it understood right now and to object to proceeding with this matter any further.

Mr. SIMMONS. The Senator from Missouri had stated that he wanted to make a brief statement. I did not desire to interfere with his making a brief statement, but if it is going to lead to debate, then I would want to interpose an objection.

Mr. SMOOT. I will say to the Senator now that there will be some debate upon the question, and I would not like the Senator to have a misunderstanding about it.

Mr. STONE. What is it that the Senator from North Carolina is specially interested in at this moment?

Mr. SIMMONS. My desire is that the Senate shall proceed with the consideration of the canal-tolls bill as soon as possible, and I did not wish that to be displaced by a lengthy debate upon the report of the Postmaster General.

Mr. STONE. Mr. President, if I can not proceed at this time, then I will proceed to make the statement I have to make when the first opportunity occurs to-day; so no time will be saved.

Mr. SIMMONS. I am not going to object to the Senator making a statement, but I am going to object if it leads to prolonged debate.

Mr. SMOOT. If that is the case, then, Mr. President, I think the best——

Mr. REED. Mr. President, I should like to ask for some kind of order.

The VICE PRESIDENT. The Chair would be very glad if the Senate would be in such a condition of order that the Chair could hear what a Senator is saying.

Mr. SMOOT. I desire to state that if the position taken by the Senator from North Carolina means that there is to be a statement upon one side and not a statement upon the other, I, too, would prefer that the Senator from Missouri should make his statement when the canal-tolls bill is under consideration, and then we can also, upon that measure, make whatever statements we have to make. Therefore, Mr. President, I object, if that is to be the policy of the Senator from North Carolina.

Mr. BRANDEGEE. I ask for the regular order.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The regular order having been called for, the Chair lays before the Senate a communication from the Secretary of War, transmitting reports of the chiefs of the several bureaus and divisions of the War Department giving a list of papers in their respective offices not needed or useful in the transaction of current business and which have no permanent value or historical interest. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Houses to the following bills:

S. 4167. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4168. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4260. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors;

S. 4352. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 4353. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and

that there is no baseball game, and therefore there must be some

Mr. STAFFORD. Would not this be a good place to rise?

agree to the same with an amendment as follows: In lieu of the sum proposed by said amendment insert the sum "$24"; and the House agree to the same.

JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

DISPOSITION OF USELESS PAPERS.

The SPEAKER laid before the House the following communication:

IN THE SENATE OF THE UNITED STATES,
June 3, 1914.

The Vice President appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

Attest:
JAMES M. BAKER, *Secretary.*

INVALID PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (S. 4552) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

Mr. STAFFORD. May I inquire whether the conference report has been printed under the rule?

Mr. RUSSELL. It has been printed under the rule.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 713).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4552, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 7, and agree to the same.

That the House recede from its amendments numbered 2, 3, 4, 6, and 8.

Amendment numbered 5:

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$30"; and the House agree to the same.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (S. 4352) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 712).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4352, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, and 3.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

Mr. BARTON. Mr. Speaker, may I ask what that bill is?

The SPEAKER. It is a private pension bill.

Mr. RUSSELL. It is an omnibus pension bill.

The conference report was agreed to.

Mr. RUSSELL. Mr. Speaker, I call up the conference report on the bill (S. 4168) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report as follows:

CONFERENCE REPORT (NO. 711).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4168, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

That the House recede from its amendments numbered 1 and 3.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20"; and the House agree to the same.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.
BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

ADJOURNMENT.

Mr. WATKINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned until Thursday, June 4, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting reports of the several bureaus and divisions of the War Department, giving a list of papers of their respective offices not needed or useful in the transaction of current business and which have no permanent value or historical interest (H. Doc. No. 1005); to the Joint Select Committee on Disposition of Useless Papers and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting schedules and lists of papers and documents on the files of the Office of the Auditor for the Navy Department, the offices of collectors of internal revenue, and in the office of the collector of customs, Duluth, Minn. (H. Doc. No. 1006); to the Joint Select Committee on Disposition of Useless Papers and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on the Public Lands, to which was referred the bill (H. R. 15907) authorizing the survey and sale of certain lands in Coconino County, Ariz., to the occupants thereof, reported the same with amendment, accompanied by a report (No. 759), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (H. R. 11318) authorizing the sale of lands in Lyman County, S. Dak., reported the same with amendment, accompanied by a report (No. 760), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. JOHNSON of Washington: A bill (H. R. 17011) providing for the establishment on an island of the insular or territorial possessions of the United States a home for lepers; to the Committee on Interstate and Foreign Commerce.

By Mr. DUPRÉ: A bill (H. R. 17012) to amend and reenact section 861 of the Revised Statutes of the United States, relative to the mode of proof in common-law actions; to the Committee on the Judiciary.

By Mr. HAYES: A bill (H. R. 17013) to provide for the erection of a monument at the summit of Fremonts Peak, Cal., to commemorate the unfurling of the flag of the United States upon that spot by Gen. Fremont at the outbreak of the Mexican War; to the Committee on the Library.

Also, a bill (H. R. 17014) for the erection and maintenance of a steam fog whistle on Point Pinos, Cal.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 17015) to establish a lighthouse of the first order on Point Pinos, Cal.; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYDEN: A bill (H. R. 17016) authorizing the construction of the San Carlos irrigation project, and for other purposes; to the Committee on Indian Affairs.

By Mr. MACDONALD: A bill (H. R. 17017) to provide for the establishment of a national employment bureau under the direction and supervision of the Secretary of Labor; to the Committee on Labor.

By Mr. BRITTEN: A bill (H. R. 17018) to provide for the erection of a national leprosarium; to the Committee on Appropriations.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17019) donating land in the city of Malden, Mass., for park purposes; to the Committee on Naval Affairs.

By Mr. BUCHANAN of Illinois: A bill (H. R. 17020) to amend an act entitled "An act relating to the liability of common carriers by railroad to their employees in certain cases," approved April 22, 1908, and amended April 5, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. SHARP: Joint resolution (H. J. Res. 273) requesting the President of the United States to invite foreign Governments to participate in the International Congress on Education; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 17021) granting an increase of pension to Mary Johnson; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 17022) granting a pension to Diantha Staley; to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 17023) for the relief of Joseph Eckert; to the Committee on Military Affairs.

By Mr. BEALL of Texas: A bill (H. R. 17024) granting a pension to Lucy E. Howard; to the Committee on Pensions.

By Mr. BORLAND: A bill (H. R. 17025) granting an increase of pension to Mary Hawks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17026) granting an increase of pension to Elizabeth McKeever; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17027) granting an increase of pension to Jennie M. Carroll; to the Committee on Invalid Pensions.

By Mr. EVANS: A bill (H. R. 17028) for the relief of W. W. Taylor; to the Committee on Claims.

By Mr. FESS: A bill (H. R. 17029) granting an increase of pension to Lizzie Q. Taylor; to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 17030) granting the right to select certain lands to Oliver P. Pring; to the Committee on the Public Lands.

By Mr. HAMLIN: A bill (H. R. 17031) for the relief of James M. Lineback; to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 17032) granting an increase of pension to Cyrus Gere; to the Committee on Invalid Pensions.

By Mr. NEELEY of Kansas: A bill (H. R. 17033) authorizing the issuance of a patent to the northwest quarter, section 20, township 26 south, range 37 west, Dodge City (Kans.) land district, to Jesse Mitchell; to the Committee on the Public Lands.

Also, a bill (H. R. 17034) granting an increase of pension to William Brackney; to the Committee on Invalid Pensions.

By Mr. PETERS of Maine: A bill (H. R. 17035) for the relief of Georgia Somes Smith; to the Committee on Claims.

By Mr. ROBERTS of Massachusetts: A bill (H. R. 17036) granting an increase of pension to Erskin Hawley; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 17037) granting a pension to Sarah E. Benjamin; to the Committee on Invalid Pensions.

By Mr. YOUNG of North Dakota: A bill (H. R. 17038) granting an increase of pension to Luther A. Barnard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17039) for the relief of A. K. Boyd; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions from certain citizens of Jewett, Ohio; Wheeling, W. Va.; Milo, Iowa; Callery, Pa.; Carmichaels, Pa.; Rochester, Pa.; Maryville, Tenn.; Truxton, Mo.; Fosterburg, Ill.; Brighton, Ill.; and Hightstown, N. J., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), memorial of the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. BROWNING: Petition of 16 citizens of Camden, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of sundry citizens of Columbus, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. CANTOR: Petition of sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of the Italian Chamber of Commerce of New York, and Piel Bros. and sundry citizens of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DANFORTH: Petitions of John W. Carson, of Scottsville, N. Y., and the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

Also, petitions of Miss Catherine Randall and 33 others, of Knowlesville, N. Y., and the Woman's Prohibition League of Shreveport, La., favoring national prohibition; to the Committee on Rules.

Also, petition of Local No. 98, International Association of Machinists, of Rochester, N. Y., favoring extension of the Federal locomotive-boiler inspection law; to the Committee on Interstate and Foreign Commerce.

By Mr. ESCH: Memorial of the directors of the Wisconsin Audubon Society, relative to conservation of bird life in the United States; to the Committee on Agriculture.

Also, petition of the Italian Chamber of Commerce of New York City, protesting against national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of 23 citizens of Moscow, Ohio, protesting against national prohibition; to the Committee on Rules.

Also, petitions of various business men of the State of Ohio, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GILLETT: Petition of various Protestant ministers of Palmer, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. GILMORE: Petition of the Norwood (Mass.) Merchants' Club, favoring passage of House bill 13305, the standard-price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of Mount Hermon Commandery, No. 261, Ancient and Illustrious Order Knights of Malta, of Whitman, Mass., favoring passage of the immigration bill (H. R. 6060); to the Committee on Immigration and Naturalization.

Also, petitions of the Italian Chamber of Commerce of New York and Rockland (Mass.) Central Labor Union, protesting against national prohibition; to the Committee on Rules.

Also, petition of Lodge No. 391, International Association of Machinists, favoring passage of Senate bill 5303, relative to safety in railroad travel; to the Committee on Interstate and Foreign Commerce.

By Mr. GOEKE: Petition of David Mikesell and others, of Darke County, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. GRIEST: Petition of 277 citizens of Lancaster, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. HAMILTON of Michigan: Petitions of sundry citizens of South Haven, Sturgis, Lawton, Dowagiac, Cassopolis, Paw Paw, Niles, Wayland, Plainwell, and of the Woman's Christian Temperance Union of Penn Township, all in the State of Michigan, favoring national prohibition; to the Committee on Rules.

By Mr. HINDS: Petition of Welcome Lodge, International Order of Good Templars, of Biddeford, Me., favoring national prohibition; to the Committee on Rules.

By Mr. HULLINGS: Petition of 22 members of the Clintonville (Pa.) United Presbyterian congregation, favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington State, against national prohibition; to the Committee on Rules.

suggestions of any other cases, it might be considered.

public manner for the space of 14 days at or near the place of trial;

linquent postmasters, contractors, or other officers, agents, or employees

the right to proceed against the surety of a defaulting official

where the surety himself is attempting to move out of the district or attempting to move some of his property from the district?

Mr. SCOTT. Oh, there will be authority in case my amendment is adopted.

Mr. STAFFORD. I am doubtful, perhaps without cause.

Mr. SCOTT. The only difference would be the writ of attachment would not run against the property of the surety merely because some other party has violated the provisions and conditions.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WATKINS. Mr. Chairman, if I am not mistaken in the verbiage of the amendment, it will have exactly the opposite effect to that which the gentleman contemplates. I ask that the Clerk will report the amendment again.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was again reported.

Mr. WATKINS. Mr. Chairman, the argument of the gentleman is that the word "or" would be a safeguard, whereas the word "and" requires that both the principal and the surety, or either of them, should be a nonresident.

Mr. SCOTT. The word following before the word "employee."

Mr. WATKINS. That is the "or," is it?

Mr. SCOTT. I was going to suggest to the gentleman that inasmuch as the word "or" precedes the word "employee" it prevents the construction which the gentleman is giving.

Mr. WATKINS. No; you are mistaken about that. The words "officer, agent, or employee" refer to the same class of people, and the word "and" joins together the words "sureties" and "or either of them."

Mr. SCOTT. The language is "when such officer, agent, or employee." That is, the defaulting officer or his sureties, or either of them, is a nonresident. Now, if any of them are in his district or in the territory or jurisdiction of the court, then the law is satisfied; but if all of them are absent, then the provision comes in.

Mr. WATKINS. Well, as it stands now, if either of them is a nonresident, the writ may run against any of them.

But the comma after the word "employee," the words "officer, agent, or employee," referring to the debtors to the Government, or "defaulters," as the case may be, are one class of persons and the comma after the word "employee" disconnected from the "and" makes it clear that the gentleman's interpretation is wrong, and I ask that the amendment be voted down.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WINGO. Mr. Chairman, I move to strike out the last word. This is a very important amendment, as I understand it.

The CHAIRMAN. There is an amendment pending now, the Chair understands.

Mr. WINGO. I move to strike out the last word.

Mr. WATKINS. Talk on the amendment.

Mr. WINGO. Then I will talk on the amendment. I feel constrained to take part in the debate on account of the attractiveness of it and the importance of the subject. As I understand, the amendment is to strike out the word "or" and substitute the word "and," or strike out the word "and" and substitute "or," as the case may be. The amendment is important, but I have noticed that it is not important enough to lure back to his labors the distinguished timekeeper of the Republican Party, the gentleman from Ohio [Mr. FESS], although it has attracted several distinguished Members from the other end of the Capitol.

Mr. MOORE. So long as the gentleman is good enough to call attention to this, will be also note the absence of the official timekeeper on the other side, the gentleman from Connecticut [Mr. DONOVAN]? By doing so he will retain the equilibrium.

Mr. WINGO. I am anxious to retain the equilibrium, and will make the notation suggested by the gentleman from Pennsylvania. Now, I hope we will not be delayed longer by this important amendment. I understand it has been suggested that we adjourn at half past 5 o'clock. I hope when we get back into the House we will take a recess until 8 o'clock and work from 8 until 11 o'clock, so that we can get through. I think we can get unanimous consent, because the workers are here and the drones are not, provided we can avoid the rule which prevents recess on Calendar Wednesdays.

Mr. MURDOCK. That is a pretty serious reflection on the Congress, when he says that the drones are not here and the workers are, because there are so few men present.

Mr. MOORE. Will the gentleman take cognizance of the fact that there is no baseball game, and therefore there must be some other reason for the absence of the gentlemen from the other side.

Mr. MURDOCK. There is a concert outside.

Mr. WINGO. I suppose the few Democrats who are absent have joined the many Republicans who are out at the concert. Of course, there are something less than 200 on the Democratic side, it is true, but the ones here include the faithful workers—the gentleman from Missouri [Mr. LLOYD] and the gentleman from Louisiana [Mr. WATKINS] and other faithful ones.

Now to get back to my proposition, and it is this: These Members do not have to do this work. And why not? If we go back into the House, take a recess until 8 o'clock, and then work until 11, and thereby expedite the public business, this would not interfere with those gentlemen who voted against my motion this morning and immediately left. They will not be here.

Mr. STAFFORD. Why not make the suggestion that we rise now and then have the House move to take a recess?

Mr. WINGO. We want to get as far as we can, as there is grave doubt whether the Speaker can entertain a motion to recess on Calendar Wednesday.

Mr. MOORE. Will not the gentleman kindly note, before he takes his seat, the presence and activity of the distinguished Speaker of the House?

Mr. WINGO. He is always present. [Applause.]

Mr. MOORE. Will not the gentleman also kindly note the presence of Mr. STAFFORD, of Wisconsin?

Mr. WINGO. I object to going further in an enumeration——

Mr. MURDOCK. It is impossible to omit Mr. STAFFORD [laughter]——

Mr. WINGO. The gentleman awhile ago stated that comparisons are odious, and I feel that individual designations under the circumstances might be equally odious. [Laughter.]

Mr. BARTON. Mr. Chairman, will the gentleman yield?

Mr. WINGO. Yes.

Mr. BARTON. You ought to have mentioned the other S. [Laughter.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SCOTT].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 193. At any time within 20 days before the return day of such warrant the party whose property is attached may, on giving notice to the district attorney of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached to be in the defendants or either of them. In such case the court may, upon application of either party, order an immediate trial by jury of the issues raised by the affidavit and plea; but the parties may by consent waive a trial by jury, in which case the court shall decide the issues raised. Any party claiming ownership of the property attached and a specific return thereof shall be confined to the remedy herein afforded, but his right to an action of trespass, or other action for damages, shall not be impaired hereby.

Mr. STEPHENS of Texas. Mr. Chairman, I want to call the attention of the gentleman from Louisiana [Mr. WATKINS] to the word "hereby," in line 16, page 107. It ought to be "thereby." That is in section 193. I think it should read "shall not be impaired thereby."

Mr. WATKINS. Mr. Chairman, I see that the original law has it "hereby." I presume it is right, although I do not think it is good grammar. I shall not make any motion with respect to it.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 194. When the property attached is sold on any interlocutory order of the court or is producing any revenue, the money arising from such sale or revenue shall be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the orders of the same.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. Do I understand the chairman of the committee to disagree to the suggestion of the gentleman from Texas [Mr. STEPHENS]?

Mr. WATKINS. Yes; it refers to the provisions of section 193, and "hereby" is the proper word there.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 195. Immediately upon the execution of any such warrant of attachment the marshal shall cause due publication thereof to be made in the case of absconding debtors for two months and of nonresidents for four months. The publication shall be made in some newspaper published in the district where the property is situate, and the details thereof shall be regulated by the order under which the warrant is issued.

Mr. STAFFORD. Would not this be a good place to rise?

The CHAIRMAN. The Chair calls the attention of the gentleman from Louisiana to the fact that "marshal" is spelled with a double "l" on page 107, line 24.

Mr. WATKINS. I move, Mr. Chairman, that the final "l" be stricken out.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 196. After the first publication of such notice of attachment as required by law, every person indebted to, or having possession of any property belonging to, the said defendants, or either of them, and having knowledge of such notice, shall account and answer for the amount of such debt and the value of such property; and any disposal or attempt to dispose of any such property, to the injury of the United States, shall be illegal and void. When the person indebted to, or having possession of the property of, such defendants, or either of them, is known to the district attorney or marshal, such officer shall see that personal notice of the attachment is served upon such person; but the want of such notice shall not invalidate the attachment.

Mr. WATKINS. Mr. Chairman, I move that the committee do now rise.

Mr. BRYAN. Mr. Chairman, I hope the gentleman will withhold that motion for a moment, and let a brief telegram that I have sent to the desk be read. It is only about 40 words.

The CHAIRMAN. Does the gentleman from Louisiana [Mr. WATKINS] withhold his motion to rise?

Mr. WATKINS. If it is anything that sheds light on the subject under discussion I will.

The CHAIRMAN. The question is on agreeing to the motion to rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RUSSELL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 15190. An act to amend section 193 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

IRRIGATION-EXTENSION BILL.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent that the brief telegraphic message that I send to the Clerk's desk be read.

The SPEAKER. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to have read a brief message. Is there objection?

Mr. KINDEL. Reserving the right to object, Mr. Speaker, I would like to know what that telegram is about.

The SPEAKER. The only way to find out is to read it.

Mr. BRYAN. If the gentleman will let me state what it is about, I think he will not object. It is a very urgent message from the Commercial Club of Prosser, Wash., urging the passage of Senate bill 4628, the irrigation bill, that has been passed over. The farmers of the Yakima Valley urgently desire its passage.

Mr. Speaker, I ask that it be extended in the RECORD without being read.

The SPEAKER. The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD by having the telegram inserted. Is there objection?

There was no objection.

Following is the telegram referred to:

PROSSER, WASH., *June 2, 1914.*

Hon. J. W. BRYAN,
Representative, Washington, D. C.:

Prosser Commercial Club urges the passage at this session of Congress of the irrigation-extension bill (S. 4628), in the interests of the Reclamation Service and the small farmers, 80 to 90 per cent of whom, in the Yakima Valley, can not possibly meet payments required by present law.

PROSSER COMMERCIAL CLUB,
By L. L. LYNN.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill S. 4167, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 736).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4167, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 2, 3, 4, and 5.

JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up conference report on the bill S. 4280, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 738).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 4280, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same.

That the House recede from its amendment numbered 1.

JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill S. 4353, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 737).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4353, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

JOHN A. KEY,
WM. H. MURRAY,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

The conference report was agreed to.

Mr. KEY of Ohio. Mr. Speaker, I call up the conference report on the bill S. 4657, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 739).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4657, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 4, and agree to the same.

That the House recede from its amendments numbered 2, 3, 5, 7, and 8.

Amendment numbered 6: That the Senate recede from its disagreement to the amendment of the House numbered 6, and

of said court and of such additions and modifications thereof as said courts may adopt.

Mr. WATKINS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 98, line 1, strike out the section and insert in lieu thereof the following:

"In suits commenced under the twentieth paragraph of section 24 of the Judicial Code, and under section 145 of the Judicial Code, the jurisdiction of the district courts and of the Court of Claims of the United States, including the right of exception and appeal, shall be governed by the law as to other cases, in so far as the same is applicable and not inconsistent with the provisions hereinafter contained; and the course of procedure shall be in accordance with the established rules of said courts and of such additions and modifications thereof as said courts may adopt."

Mr. STAFFORD. I should like to inquire of the gentleman from Louisiana whether there is any material change in the amendment proposed by him from what is carried in the bill?

Mr. WATKINS. No. It includes the Court of Claims, together with the other courts.

Mr. STAFFORD. I thought perhaps that might be the object of it.

The amendment was agreed to.

The Clerk read as follows:

SEC. 176. The plaintiff in any suit mentioned in the preceding section shall file a petition, duly verified, with the clerk of the district court in the district where the plaintiff resides. Such petition shall set forth the full name and residence of the plaintiff, the nature of his claim, and a succinct statement of the facts upon which the claim is based, the money or any other thing claimed, or the damages sought to be recovered, and praying the court for a judgment or decree upon the facts and law.

Mr. WATKINS. Mr. Chairman, I have another amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 98, in line 13, after the word "clerk," insert the words "of the Court of Claims or."

Mr. WATKINS. Mr. Chairman, that simply makes that section conform to the other section, and includes the Court of Claims.

The amendment was agreed to.

The Clerk read as follows:

SEC. 177. The plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of the same, by registered letter, to the Attorney General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein suit is instituted an affidavit of such service and the mailing of such letter. It shall be the duty of the district attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within 60 days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counterclaim, set-off, claim for damages, or other demand or defense whatsoever of the Government in the premises: *Provided*, That should the district attorney neglect or refuse to file the plea, answer, demurrer, or defense, as required, the plaintiff may proceed with the case under such rules as the court may adopt in the premises; but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

Mr. CULLOP. Mr. Chairman, I offer the following amendment: In line 6, before the word "petition," insert the article "the." As it is now, it does not read right.

Mr. WATKINS. That is correct.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 99, by inserting before the word "petition," in line 6, the word "the."

The amendment was agreed to.

The Clerk read as follows:

SEC. 178. In every suit mentioned in the last preceding section it shall be the duty of the court to cause a written opinion to be filed in the cause, setting forth the specific findings by the court of the facts therein and the conclusions of the court upon all questions of law involved in the case, and to render judgment thereon. If the suit be in equity or admiralty, the court shall proceed with the same according to the rules of such courts.

Mr. WATKINS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 99, line 18, after the word "in," strike out the words "the last preceding section" and insert the following: "Section 175."

Mr. WINGO. Mr. Chairman, I would like to ask the gentleman what the purpose of the amendment is.

Mr. WATKINS. To make it conform to section 175.

Mr. STAFFORD. Ought not written opinions to be filed in other cases than those mentioned in section 175?

Mr. WATKINS. Perhaps so; but if the gentleman makes any suggestions of any other cases, it might be considered.

Mr. STAFFORD. Before the amendment was offered the law requires the court to file opinions in writing in all cases. The purpose of this amendment seems to be to limit it to these suits in which the Government is a party.

Mr. WATKINS. If the gentleman desires it, I will have section 175 read. That will cover the point.

Mr. STAFFORD. If the gentleman is sure that it does not restrict it, that it carries out the intendment of the present law, I have no further question about it.

Mr. WATKINS. I think it does; I am satisfied with it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The amendment was agreed to.

The Clerk read as follows:

SEC. 179. When the findings of fact and the law applicable thereto have been filed in any case as provided in the preceding section, and the judgment or decree is adverse to the Government, it shall be the duty of the district attorney to transmit to the Attorney General of the United States certified copies of all the papers filed in the cause, with a transcript of the testimony taken, the written findings of the court, and his written opinion as to the same; whereupon the Attorney General shall determine and direct whether an appeal or writ of error shall be taken or not; and when so directed the district attorney shall cause an appeal or writ of error to be perfected in accordance with the terms of the statutes and rules of practice governing the same: *Provided*, That no appeal or writ of error shall be allowed after six months from the judgment or decree in such suit. From the date of such final judgment or decree interest shall be computed thereon at the rate of 4 per cent per annum until the time when an appropriation is made for the payment of the judgment or decree.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word in order to ask the chairman a question. Commencing with the proviso, it says that no appeal or writ of error shall be allowed after 6 months from the judgment or decree in such suit. Does not the gentleman think that that ought to be 12 months instead of 6?

Mr. WATKINS. No; I think 6 months is too long a time. I think 3 months or 60 days would be plenty of time.

Mr. CULLOP. In most of the States in which I have practiced they have given 12 months to perfect an appeal. It seems to me that 6 months is a very short time. Mr. Chairman, I move to strike out the word "six," in line 14, and insert the word "twelve."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, in line 14, strike out the word "six" and insert the word "twelve."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. Will the chairman kindly explain whether, beginning on line 13, we have any new law in reference to the interest paragraph?

Mr. WATKINS. No; it is the same old law.

Mr. MOORE. Four per cent interest on judgments is the interest now allowed by law.

Mr. BARTLETT. This deals with judgments against the Government.

Mr. MOORE. In certain cases interest is not allowed against the Government.

Mr. BARTLETT. Not until after judgment, and after judgment is had against the Government the interest runs at 4 per cent.

Mr. MOORE. That is existing law?

Mr. BARTLETT. It is.

The Clerk read as follows:

SEC. 182. The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice, to be used, in suits in equity or admiralty, by the district courts.

Mr. WATKINS. Mr. Chairman, at the end of line 25 is a period. I move to strike out the period and insert a comma after the word "admiralty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 100, line 25, after the word "admiralty" strike out the period and insert a comma.

The amendment was agreed to.

The Clerk read as follows:

SEC. 189. When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause 14 days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of 14 days at or near the place of trial;

and proclamation shall be made in such manner as the court shall direct. If no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

Mr. MOORE. Mr. Chairman, I move to strike out in lines 22 and 23 the words "some newspaper" and insert in lieu thereof the words "two daily newspapers."

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 104, lines 22 and 23, strike out the words "some newspaper" and insert in lieu thereof the words "two daily newspapers."

Mr. MOORE. Mr. Chairman, I presume when this law was enacted providing for publication in "some newspaper" daily newspapers did not have the influence they have to-day nor the circulation. "Some newspaper" is indefinite, and would indicate a monthly, a weekly—a newspaper which might not give sufficient notice to the parties in interest. We are proceeding to-day in all modern communities with daily newspapers which are the common avenues of communication between the people; and it seems to me that a daily newspaper ought to be specified, because if there is one thing that can be done by litigants or by skillful attorneys sometimes to avoid notice being given to parties in interest it is to seek out some monthly or weekly newspaper and put the advertisement therein. I think frequently in certain cases it is found convenient in order that proceedings may go along unhampered to find a paper of small circulation or a periodical, not a daily newspaper, in which to bury the legal notice. For that reason I suggest that the words "two daily newspapers" be inserted in lieu of the indefinite "some newspaper." I do not object to having it in one newspaper, though it would be fairer to all parties to have two.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MOORE. Certainly.

Mr. CULLOP. Suppose there was no daily newspaper there in which to insert it. This provides that it shall be inserted at the place where the libel took place. Suppose there was no daily newspaper there, or only one daily newspaper, or one weekly, would the litigant have to establish a daily newspaper there in order to make publications?

Mr. MOORE. Mr. Chairman, I question whether in these times an action would be brought anywhere where a district court is established where there is not a daily newspaper.

Mr. CULLOP. But this is not where the court is established; it is where the seizure is made.

Mr. MURDOCK. Near the place.

Mr. CULLOP. The gentleman is wanting an amendment put here that would make notice impossible, according to the terms of this statute, and it may occur under the terms of this statute as it is in some instances.

Mr. MOORE. The amendment could be framed slightly differently. It could be made to appear in the daily newspaper, if a daily newspaper were published there.

Mr. CULLOP. And then he would have notice given where nobody interested would see it or know what it was about.

Mr. MOORE. I want to avoid that very thing. I think it is fair to the defendant that he should have notice, and if it is put in "some newspaper" in that indefinite form that "some newspaper" may be a paper of no circulation at all or it may be a monthly or a weekly, which would never be seen by the parties interested.

Mr. WATKINS. Mr. Chairman, this law has been in existence for over a hundred years and has operated satisfactorily. I do not know of any criticism ever having been made of the law before, and it is a fact that in some places there might not be a daily newspaper, as suggested by the gentleman from Indiana [Mr. CULLOP], or ever a weekly newspaper. I do not think there is any danger at this late day of the law being used to the disadvantage of the defendant.

Mr. STAFFORD. Mr. Chairman, I desire to make inquiry of the chairman of the committee in respect to another matter. It is now after 5 o'clock. There are only a handful of Members here, and I would like to inquire of the chairman of the committee how late he plans to run?

Mr. WATKINS. Mr. Chairman, I had hoped to be able to go until 6 o'clock, but it seems we are not making quite the headway I had hoped, and I will say I will move to rise about half past 5.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The amendment was rejected.

The Clerk read as follows:

SEC. 190. In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employees of the Post Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employee, and his sureties, or either of them, in the following cases:

First. When such officer, agent, or employee, and his sureties, or either of them, is a nonresident of the district where such officer, agent, or employee was appointed, or has departed from such district for the purpose of permanently residing out of the same, or of defrauding the United States, or of avoiding the service of civil process.

Second. When such officer, agent, or employee, and his sureties, or either of them, has conveyed away or is about to convey away his property, or any part thereof, or has removed or is about to remove the same, or any part thereof, from the district wherein it is situate, with intent to defraud the United States.

When any such property has been removed certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. Alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

Mr. SCOTT. Mr. Chairman, I desire to offer an amendment.

Mr. STAFFORD. Mr. Chairman, I presume we are considering this bill by sections and not by paragraphs.

The CHAIRMAN. The Clerk will finish reading the section.

The Clerk concluded the reading of the above.

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 105, in line 14, after the word "employee," strike out "and" and insert "or."

Mr. SCOTT. Mr. Chairman, the purport of this amendment is to make it necessary before an attachment may issue against some surety that such surety fall within the provisions of the paragraph. In other words, that attachments shall not issue against the property of the surety and his property be tied up merely because of the nonresidence of the principal. In a suit brought in a district against an officer or an employee and his sureties a ground may exist for an attachment against the principal, but I think it is a hardship and without reason when the surety resides in the bailiwick and is present and his property there and he is solvent, that his property should be attached merely because another party to the suit is absent or has done some act that would justify the attachment of his property.

Mr. STAFFORD. Will the gentleman yield?

Mr. WATKINS. I want to be heard on this.

Mr. SCOTT. I will.

Mr. STAFFORD. As I understand, the Government is not to have the right to seize the property of sureties of a defaulting officer, agent, or employee unless there is no property of the principal in the district available for attachment.

Mr. SCOTT. No; that is not the point. An attachment is a writ that issues before judgment and usually for some cause that imperils the plaintiff's right to recovery.

Mr. STAFFORD. But in this case we are by statute giving the Government the right to attach in these cases of a defaulting postmaster, contractor, or other officer, agent, or employee of the Post Office Department.

Mr. SCOTT. Yes.

Mr. STAFFORD. Now, when they are nonresidents of the district, according to this first paragraph, then the Government will have the right to levy either upon the property, as I understand it, of these defaulting officials or contractors or upon that of the sureties.

Mr. SCOTT. Yes. Now, in the case of an attachment, I see no reason why, when the surety is present in the district, his property in sight, who is solvent and substantial, his property should be tied up by a writ of attachment because of a default of the principal, he not having done any act that imperils the right of the Government to recover. This section, as it stands, is contrary and at variance with the whole system of legislation with respect to attachments. There is no statute that permits an attachment against property because of an act done by some other man. He must have been guilty of the act which imperils the right to recovery.

Mr. MOORE. Does the gentleman want to relieve the surety of responsibility?

Mr. SCOTT. No; it does not relieve him at all; his property may be levied upon when judgment is obtained, but this giving the right of attachment previous to judgment might cause great damage and inconvenience to business men who are perfectly solvent.

Mr. STAFFORD. The gentleman will realize this writ is only to apply when either of these delinquent and defaulting officers of the Government or contractors are removing their property, or when the sureties are removing their property, or attempting to take that status which will not insure protection to the Government. Why should not we give the Government the right to proceed against the surety of a defaulting official

Mr. CULLOP. Well, I beg to disagree with the gentleman upon that, for it is just the reverse in my State, absolutely. I have heard the judge in numerous trials tell the jury that such and such a witness testifying to so and so should not be regarded.

Mr. SCOTT. I am not speaking upon that proposition; that falls within the gentleman's amendment.

Mr. CULLOP. On the other proposition of taking a case from the jury, I have likewise, and I think it is the experience of many lawyers, others I know of, have heard the court say, upon the motion to instruct the jury for the defendant at the close of the plaintiff's evidence, "You have the evidence; I do not believe the witness."

Mr. SCOTT. That deals with the gentleman's amendment and the substitute we adopted a moment ago.

Mr. CULLOP. Now, this amendment prevents the court from doing that, and gives that plaintiff in court his constitutional right to have the facts submitted to the jury and decided, and not the court, and comes just within the very spirit and language of the decision I read of the Supreme Court of the United States upon that identical question. Now, if the gentleman's theory should prevail, courts can continue to do as they have been doing—make up their minds that they do not believe the testimony of a witness, and say to the jury that the jury shall not consider those things and thereby deprive the plaintiff of his rights by taking the case from the jury and directing it to return a verdict for the defendant without leaving the box.

Mr. SCOTT. Does the gentleman contend that in the State of Indiana in any trial in a Federal court where there is evidence offered and introduced tending to support every essential issue presented by the pleadings that the Federal court can take that case from the jury under the law?

Mr. CULLOP. Oh, the gentleman says "can not." Doubtless if an appeal was had the Supreme Court would do as it has been doing in the past, and because it could not do it. The gentleman's question reminds me a good deal of the fellow who sent for a lawyer to advise him in regard to being locked up in jail——

Mr. SCOTT. I can not yield——

Mr. CULLOP (continuing). And when the lawyer said, "They can not put you in jail on that charge," the fellow said, "Look here, Jim, they have already done it; what's the use of your talking that way?" They have done it, and we want to pass a law that prohibits them from repeating and doing any such things as that. That is the object of this amendment.

Mr. SCOTT. That story is just as interesting as it was the first time I ever heard it. [Laughter.] The fact remains that the gentleman's argument concedes that the law is now just as he would have it. What can you gain by repeating what already exists if it is now the law and the plaintiff on appeal can obtain his remedy and reverse the court? What advantage would you gain by repeating the same law in other words?

Mr. CULLOP. If the gentleman will permit me, I will answer. There is no statute now. It is simply the law as held by the court. You have got to go to the old laws with reference to getting a remedy. Now we propose to write the law into the statute so that the court must be bound by the statute in the first instance.

Mr. SCOTT. The gentleman is entirely mistaken. It is not only in the statute at the present time, but it is guaranteed in the Constitution at the present time—a common-law trial according to the rules of common law.

Mr. ALLEN. Will the gentleman yield for a moment?

Mr. SCOTT. I will.

Mr. ALLEN. Has not the court of appeals held in similar cases that if the judge came to the conclusion that it was a matter which would warrant him in giving a new trial in case of motions intervening there would be no error if he instructed a verdict?

Mr. SCOTT. That is the test. If there is a lack of evidence to support an essential fact the court in such a case would take the case from the jury, but if he inadvertently permitted it to go to the jury and then discovered the error he might grant a new trial. It is the one question. Unless this section 169 is read out of the statute after you adopt it, unless it is construed to be absolutely nothing, then it will deprive the court of the right to withdraw the case from the jury when an essential fact is without support in the evidence.

The CHAIRMAN. The question is on agreeing to the substitute.

The substitute was agreed to.

The CHAIRMAN. The question now is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

Mr. BARTLETT. Mr. Chairman, I have an amendment, which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of line 26, page 95, insert the following:

"In all cases of indirect contempt wherein the defendant is charged with contempt of court not committed in the presence of the court, or so near thereto as to interfere with the administration of justice, upon the demand of the defendant, the trial shall be by jury, as in criminal cases.

Mr. WATKINS. Mr. Chairman, I reserve a point of order on that. We have already passed that section.

Mr. BARTLETT. No; we have not.

Mr. WATKINS. We have already read section 169, and passed over that, and have incorporated two other sections.

Mr. BARTLETT. That amendment was sent up at the same time—I was recognized by the Chair, and sent the amendment up at the same time the gentleman from Indiana sent up his amendment.

Mr. WATKINS. Whether that is true or not, the gentleman did not insist on it. The amendments have already been considered, and two new sections have been put in the bill.

The CHAIRMAN. Has this amendment been offered before?

Mr. BARTLETT. Yes; and has been at the Clerk's desk all this time.

Mr. STAFFORD. It has never been reported before. I do not think the gentleman from Georgia [Mr. BARTLETT] will question that.

Mr. BARTLETT. No; it has not been reported before.

The CHAIRMAN. The Chair understands——

Mr. LLOYD. Mr. Chairman, in order to settle the matter, I ask unanimous consent that we may recur to section 169, and then the gentleman can offer it.

The CHAIRMAN. Is there objection?

Mr. WATKINS. Mr. Chairman, this will create a very lengthy discussion. We saw from the argument in the House yesterday how much interest is taken in this matter, and I do not think it is necessary to load down the bill with matters of this kind. For that reason I object to going back to section 169.

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. WATKINS. Certainly.

The CHAIRMAN. The Chair understands that section 169 has been passed and two additional sections have since been added. The Chair is willing to hear the gentleman from Georgia [Mr. BARTLETT] on the point of order, but the Chair is of the opinion that we have already passed section 169 and adopted two other sections.

Mr. BARTLETT. Very well. All right, sir. I will not be caught again by my modesty.

The CHAIRMAN. The Chair thinks the point of order is well taken. The Clerk will read.

The Clerk read as follows:

SEC. 170. Issues of fact in civil cases in any district court may be tried and determined by the court, without the intervention of a jury, whenever the parties or their attorneys of record file with the clerk a stipulation in writing waiving a jury. Upon the request of either of the parties the court shall submit in writing its findings of fact and conclusions of law therefrom, and the finding of the court upon the facts, whether general or special, shall have the same effect as the verdict of a jury.

Mr. BARTLETT. Mr. Chairman, I move to amend this section by inserting, after the word "jury," in line 5, page 96, section 170, the amendment which is at the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 96, by inserting, after the word "jury," in line 5, the following:

"In all cases of indirect contempt wherein the defendant is charged with contempt of court not committed in the presence of the court or so near thereto as to interfere with the administration of justice, upon the demand of the defendant the trial shall be by jury as in criminal cases.

Mr. BRYAN. That is a good amendment.

Mr. BARTLETT. Just a word. I do not propose to have any discussion on it. We had a discussion yesterday and the day before on the antitrust bill as to this, and as we are revising the law, and if that bill ever becomes the law, that provision will be in it, I apprehend, and we might as well anticipate what will be the law and put it in the revision of the law. But whether it becomes the law or not, the fact remains that a man charged with criminal contempt ought, upon his demand, to have the right of trial by jury.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Chairman, in section 169, line 23, the word "next" is used, and as two sections have been added since then it is necessary now to strike out that word "next"

and insert "170," so that, after the word "section," strike out "next," and insert, after the word "section," "170," so as to make it intelligible. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman asks unanimous consent that the amendment be made as suggested.

Mr. WATKINS. That the word "next," on line 23, page 95, be stricken out, and that, after the word "section," "170" be inserted.

The CHAIRMAN. The Clerk will report the amendment. Will it not be necessary to strike out the word "the" also?

Mr. WATKINS. Yes; both words.

The Clerk read as follows:

Amend, page 95, by striking out, in line 23, the words "the next" and inserting, after the word "section," the words "one hundred and seventy."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SCOTT. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa.

The Clerk read as follows:

Page 96, line 6, after the word "its," insert the word "special."

Mr. SCOTT. Mr. Chairman, the italicized words in this section, I presume, were intended to change some rule of law that now exists and possibly to do away with some defect.

The statute as it exists under the present interpretation, in cases where juries waived, permits the trial court, in his discretion, to return findings of fact, either general or special. The parties may file requests for a special finding of fact under existing law, but the court exercises its discretion as to whether or not it will return a special finding of facts.

Now, in case the court returns a special finding of fact on appeal, two matters of review may be brought up: First, on a special finding of fact, the court may review the question as to whether that special finding supports judgment; second, the court may review any ruling of the progress of the trial. If the finding is general, the appellate court, whether it is the Circuit Court of Appeals or the Supreme Court, is confined in its review to the rulings of the court in the progress of the trial.

Now, this amendment italicized in section 170 provides that upon request of either of the parties the court shall submit in writing its findings of fact and conclusions of law therefrom; and the findings of the court upon the facts, whether general or special, shall have the same effect as the verdict of the jury.

Now, the question occurs when the request provided for in this amendment is filed and presented: May not the court exercise its discretion as to whether the findings that are to be made shall be special or general findings? If the court may exercise its discretion in that respect, then no change has been wrought into existing law. If the word "special" be inserted before the word "finding" then the evil or the defect that now exists is cured. The court may be required to return special findings, which gives the party presenting the request the opportunity to have reviewed not only the rulings during the progress of the trial but the question of law as to whether the special findings made by the court support the judgment.

I would like to ask the chairman of the committee, for the information of myself and the House, whether, in his opinion, the purpose of this italicized amendment was to permit the party presenting it to have the opportunity of review in the upper court upon the question of law as to whether the findings support the judgment? I would like to have the attention of the chairman of the committee.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] is being interrogated.

Mr. SCOTT. I have asked the courtesy of an opinion.

Mr. WATKINS. I will be glad to give it, if I can.

Mr. SCOTT. I will repeat what I said. I asked the gentleman whether it is the understanding of the gentleman's committee that this italicized amendment of existing law gives to either party the right to have reviewed the question of whether the findings made support the judgment of the court?

Mr. WATKINS. I think the expression "findings" there would cover special findings as well as general findings.

Mr. SCOTT. Yes; but what is to prevent the court from exercising its discretion in returning either a special finding or a general finding?

Mr. WATKINS. I would think the greater clause there, the greater privilege, the greater right, would include the lesser, and the expression there would be broader and would cover a special finding. I do not see any trouble about it all.

Mr. SCOTT. Perhaps the gentleman does not. But if the court has discretion to determine whether the findings shall be special or general, then you have not changed the law. You can have reviewed only one question, the rulings in the progress of the trial, if the finding is general, whereas if the court is compelled to return a special finding you have both classes of questions reviewed.

Mr. WATKINS. I have no objection to that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. WATKINS. Reserving the right to object, Mr. Chairman, if the gentleman wants that 5 minutes' time for the purpose of convincing anybody of the propriety of the word "special" in there, I do not think he need take it. I do not think anybody objects to it at all; and for the sake of economy of time, to get a vote, if there is no objection to the word "special" being used, I will consent to a vote. I think it is a useless consumption of time to discuss it further. I do not desire to unnecessarily occupy the time of the House, but I do want the amendment agreed to.

The CHAIRMAN. Does the gentleman from Iowa [Mr. SCOTT] desire the floor?

Mr. SCOTT. I have no desire to occupy the time of the committee uselessly.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 96, at the end of line 9, insert the following proviso:

"*Provided*, That in all cases, civil or criminal, the jury shall be the exclusive judges of the weight of the evidence and the credibility of the witnesses, but they must look to the charge of the court for the law of the case."

Mr. STAFFORD. I make the point that that is not germane. We have already considered that very proposition for an hour and a half. Perhaps the gentleman from Texas was not here at the time, but that has been gone over very thoroughly this afternoon, and has been virtually adopted.

Mr. STEPHENS of Texas. Then I withdraw the amendment.

The CHAIRMAN. If there be no objection, the amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 171. The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the district courts, shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in like causes in the courts of record of the State within which such district courts are held, any rule of court to the contrary notwithstanding.

Mr. WINGO. Mr. Chairman, it seems to me I ought to suggest the absence of a quorum, in view of the fact that there are only three Republicans and two Progressives present, and the official record keeper of the Republican Party, the gentleman from Ohio [Mr. FESS] is not here.

Mr. MOORE. I call the attention of the gentleman to the fact that there is one more Republican here.

Mr. STAFFORD. Mr. Chairman, I think comparisons are odious, unless the gentleman states the number of Democrats present.

Mr. MURDOCK. There are nine Democrats here.

Mr. FOSTER. More than that.

Mr. MURDOCK. Count them.

Mr. FOSTER. You count them.

Mr. STAFFORD. If these small numbers present are going to be talked about here, I shall make the point of no quorum myself.

The CHAIRMAN. Does the gentleman make the point?

Mr. STAFFORD. I am not responsible for the gentleman making the statement he has just made.

Mr. WINGO. I do not want so heavy a responsibility, and I will not make the point now, but I will later.

The CHAIRMAN. The gentleman withdraws the point, and the Clerk will read.

The Clerk read as follows:

SEC. 175. In suits commenced under the act of March 3, 1887, an act to provide for the bringing of suits against the Government of the United States, the jurisdiction of the district courts of the United States, including the right of exception and appeal, shall be governed by the law as to other cases, in so far as the same is applicable and not inconsistent with the provisions hereinafter contained; and the course of procedure shall be in accordance with the established rules

as a workman, than for a man who is on the land. I want to drive that thought home. That kind of a distinction is going to be put out of business, and those of us who are so enthusiastic for jury trials are sooner or later going to get driven into our noodles the idea that a jury trial that is so essential for a man on land is just as essential for a man on the water.

Mr. VAUGHAN. Does not the gentleman think that in enacting a Federal statute on this question it is very safe to follow the language of a statute that has received a well-defined construction?

Mr. BRYAN. Why do you not follow the interpretation of a statute instead of introducing the amendment you have introduced here? The whole purpose is to change the statute, to make the terms providing for jury trial for a man on the land stronger. I asked a while ago to open the door a little bit to a man on the water. You refused that; and then you tell me, "Why not follow old statutes? Why change existing law?"

Mr. VAUGHAN. The gentleman does not understand my question. I asked him if he did not think that in conserving the right of trial by jury we should follow those State statutes on the question that undertake to preserve it.

Mr. BRYAN. Follow nothing that is not just. You are so particular to safeguard jury trial for a man with a claim in court concerning a land dispute, but I say you ought to give the right of trial by jury in a civil case to a seaman or to a man on a boat, a man who suffers injury on the ocean or in a river or on a bay. You ought to give him the same right of trial by jury as you give to a man who is hurt on a railroad train or anywhere else.

Mr. BARTLETT. I think so, too.

Mr. BRYAN. Yet my amendment has been voted down by a small company of men here on this floor who are unanimous in their insistence on jury trial as one of the most precious rights of our Constitution. All you need is to look at this matter from the standpoint of common sense. Where do you get the idea that a human being on the water is any less entitled to his constitutional rights than on the land?

Mr. STAFFORD. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. After this amendment is voted upon, will there be opportunity for discussion on the second amendment?

The CHAIRMAN. The original amendment was offered as one amendment, but an arrangement was made by which a division of the question was permitted. It is really only one amendment, but the sections will be voted on separately.

Mr. STAFFORD. The notes of the reporter will show that I asked unanimous consent that it be considered as two amendments, as the subject embodied two separate propositions.

The CHAIRMAN. I presume there could be no objection to that.

Mr. STAFFORD. Then, Mr. Chairman, I ask for recognition. I may be in the minority on this proposition now being considered by the committee, but I am not one of those who view with alarm any encroachment upon the privileges of litigants by the Federal judiciary. I know that it is popular in many branches to attack the Federal courts. There may be instances, and there are always exceptions in any branch of the Government, or in any branch of human endeavor, where criticism may be had, but it is my opinion that the great body of the Federal judiciary is above criticism. I may not have had as large an experience as some Members who have discussed this question, but in my limited experience and practice in my State I have never found the judges encroaching on the rights of the jury. In the State of Wisconsin we never had any limitation on the rights of the judges to instruct the jury upon the questions at issue. For one, I believe that juries should receive some instruction in regard to the facts. Many times they come for their first initiation in the trial of a case, and with this amendment you are going to hamstring them for the purpose of following a bugaboo.

Every litigant has his right of appeal in case there is any abuse; but if you pass this character of amendment you are going to add to the number of errors that would creep into the trial of causes. It is no longer the fashion of the latter-day saints to regard with favor our judiciary, but from the time of the establishment of the Government our fathers and those great statesmen who have succeeded them have believed that the present procedure and practice was not criticizable, but worked for the ends of justice.

Now, are you going to limit the judges so that they can not express any opinion on the facts to the jury? What is the judge in the trial of a case? He is an experienced man. Although trial by jury is a great institution, I am not certain that it works justice in all cases. Under the pending amendment you are taking away the right of the judge to take the case from the jury in case there is no legal evidence to support the case.

Mr. WINGO. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. WINGO. The gentleman does not mean to say that this amendment would take away from the judge the right to take a case from the jury when there was no evidence to support it?

Mr. STAFFORD. No real evidence to support the issues of the case; there may be testimony, but whether there be evidence or not, the second amendment would take that privilege away from the judge.

Mr. GARNER. Will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GARNER. Suppose it did take it away from the jury, could not the judge set aside the verdict?

Mr. STAFFORD. Then what is to be gained? There is nothing to be gained; it is a subterfuge. The judge should have the right in the first instance, if there is no real evidence to support the issue involved, to take the case away from the jury.

Mr. WINGO. If I understand the gentleman, he thinks the judge should be given the sole right to determine the weight and credibility of the testimony.

Mr. STAFFORD. He should be given the right to determine whether there is any evidence to support any of the issues. If there is any evidence to support the issue, then the case should go to the jury, but the judge should determine in the first instance whether there is any evidence to support the issue in question.

Mr. WINGO. Let me give the gentleman a concrete illustration. Suppose a witness on the stand, without any effort to impeach him, swears positively to a state of facts, which, if they be true, would unquestionably make out the innocence of the defendant or the plaintiff's case or the defendant's case. Does the gentleman think the judge should have the right to say "I do not believe that witness's testimony" and take the case from the jury?

Mr. STAFFORD. No; and that has not been established in any court of the Federal judiciary.

Mr. WINGO. Does the gentleman think that no Federal judge has gone that far?

Mr. STAFFORD. No; not to pass on the credibility of the witness, but simply to say whether there has been any evidence or not to support the issue.

Mr. WINGO. And that he never told a jury that their witness was not entitled to any credence?

Mr. STAFFORD. I answered the gentleman's question.

Mr. WINGO. Is not the correct rule, the better rule, this, as it is in most of the States: That the jury is the sole judge of the evidence, while the court gives them the law, and is not that the experience in those States that have prohibited the judge from singling out a particular fact and commenting on it to the jury?

Mr. STAFFORD. In my State there is no such limitation. I do not think these amendments should be passed haphazardly. They involve a change in procedure that has been established since the organization of our Government, and I do not think we ought on the spur of the moment to pass this character of an amendment.

Mr. CULLOP. Mr. Chairman, I think the gentleman from Wisconsin [Mr. STAFFORD] is clearly in error when he says that the court has more experience and is better able to pass upon a question of fact than 12 jurors. The Supreme Court of the United States, I will say to the gentleman, have said just the reverse. They have passed upon that question, and as the gentleman from Wisconsin does not want to come in conflict with the court, as it might feel distressed in the failure to have his approbation, I am, however, sure the decision the Supreme Court has rendered on this question will have his hearty support, and to be in accord with it he will give his support to these amendments. Now, let me read what the Supreme Court said on this subject:

> It is in relation to these intermediate cases that the opposite rule prevails. Upon the facts proven in such cases it is a matter of judgment and discretion, of sound inference, what is the deduction to be drawn from the undisputed facts. Certain facts we may suppose to be clearly established from which one sensible, impartial man would infer that proper care had not been used, and that negligence existed; another man equally sensible and equally impartial would infer that proper care had been used and that there was no negligence. It is this class of cases and those akin to it that the law commits to the decision of a jury. Twelve men of the average of the community, comprising men of education and men of little education, men of learning, and men whose learning consists only in what they have themselves seen and heard—the merchant, the mechanic, the farmer, the laborer—these sit together, consult, apply their separate experience of the affairs of life to the facts proven, and draw a unanimous conclusion. This average judgment thus given it is the great effort of the law to obtain. It is assumed that 12 men know more of the common affairs of life

> than does one man; that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge.

That is what the highest court of the land has said on this subject, and yet if the argument of the gentleman from Wisconsin [Mr. STAFFORD] were to prevail in his idea that right would not obtain to any litigant in the court, because he says a single judge is better qualified to decide a question of fact than 12 jurors.

Mr. Chairman, I know it is the favorite argument of gentlemen who want to protect these antiquated rules and arbitrary methods which work hardships and wrongs upon the litigants in court to assail every man who will ask for a remedy of these wrongs, for a rectification of these abuses, by standing up in the halls of Congress and charging that he is criticizing the Federal judges. If the gentleman only would be willing to admit it, he knows that many of them need criticism; that sometimes the Supreme Court administers to them in the rendition of its opinions in reversing their judgment severe criticisms, and it is only of recent occurrence that within a stone's throw of this Chamber the highest court in the world—the Supreme Court of the United States—rendered an opinion blistering a Federal judge for an erroneous opinion that he had made in the District of Columbia and for which in part there are impeachment proceedings now being heard. And yet the gentleman says that if we undertake to legislate to correct these evils we are criticizing the Federal judiciary. The highest court in the land is constantly criticizing the Federal judiciary. There is nothing wrong, if they have done wrong, in trying to pass laws that will compel them to do right, to conduct the trials before them in the proper way and let the citizen who goes into the courts have his constitutional right of submitting questions of fact to a jury of his peers. Constantly the practice as it now prevails is denying these constitutional rights to the citizens of this country.

Under the Constitution there is a provision that the jury shall be the sole judge of the facts in civil cases and the sole judge of the law and the facts in criminal cases, and yet under the practice as it has grown up and has been perpetuated for years this constitutional right is denied the citizen, and his case is taken from the jury and the jury given no right or opportunity to pass upon it and say who testified to the truth and who did not. The highest court of the land has said that the best place to settle a question of fact and to settle it right is in the jury box—that 12 men, called from all walks of life, are better qualified to solve the question of fact than a single judge in the trial of a cause—and yet, because we want to correct this abuse, because we want to right this wrong, because we want to prevent this imposition upon litigants, they say we are attacking the Federal courts. We are not attacking the Federal courts. We are trying to protect them from criticism. We have a right to make the law which the Federal judge must obey as well as the citizen of this country, the law that he is called upon to administer, and we have the right to define the manner in which he shall administer it. It is the duty of Congress to pass such laws upon any subject its wisdom may direct, and that is all we are attempting to do here. We want to correct this abuse and remove this evil.

If this works a wrong on the defendant, we will be as liberal with the gentleman from Wisconsin [Mr. STAFFORD] as he is with us, and say to him the injured party can appeal to the higher court and have the wrong corrected. We never allow anyone to be more generous than we. The gentleman says that the plaintiff may appeal, and I say to him that we will be equally as liberal and let the defendant appeal, and let the plaintiff answer in the higher court to his appeal. Mr. Chairman, I hope the amendments will be adopted for the reason it will remove the cause which now exists for criticism, sometimes just and sometimes unjust. I can conceive of no more important topic for legislation than the adoption of any measure which will raise the courts above criticism. Furnish them every possible available means to elevate them above reproach, so that every citizen will repose confidence in every act they perform. The administration of justice is a sacred thing. Confidence in the courts once destroyed, and the basis of law and order has been dealt a deadly blow, and the security of our institutions shaken from turret to foundation. The courts should have every security possible thrown around them to shield them from criticism, and if we enact the law which affords such protection and any court fails to avail itself of its provisions, then criticism will be deserved and upon it should with severity fall.

Mr. WATKINS. Mr. Chairman, as I before stated, when the question was asked by the gentleman from Indiana, neither this amendment now being considered nor the substitute to the amendment was ever submitted to the committee for examination, and for that reason I am not authorized by the committee as its chairman to make any concessions whatever. I wish to say, however, that if any of these amendments are to be adopted, my individual preference would be for the substitutes, because, first, they are shorter and more concise, and being terse in form, and being clear of expression. I prefer the substitute to be adopted to the original amendment offered. So far as my own position on the question is concerned, without reference to what may be the desire of the committee of which I have the honor to be the chairman, I will state that I propose from an individual standpoint to cast my vote in favor of the substitute which has been offered, and I shall do so largely because of the fact that in my own State the law is similar, and it has met the general approval of the people throughout the State of Louisiana.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. Certainly.

Mr. SCOTT. May I ask the gentleman whether he includes in his expression "substitute" both of the sections that are offered?

Mr. WATKINS. Of course I prefer both of them, but the last can be considered separately from the first.

Mr. STAFFORD. The second will be considered later.

Mr. SCOTT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. Are we to have debate on the second proposition after the first is disposed of?

The CHAIRMAN. The Chair understands they are entirely separate.

Mr. SAUNDERS. Mr. Chairman, I would like to have reported the substitute on which we are to vote.

Mr. STAFFORD. Mr. Chairman, there are a good many Members who have come into the Chamber since the matter was first presented, and I ask unanimous consent that the original amendment and substitute be reported.

The CHAIRMAN. The gentleman from Wisconsin desires the original amendment reported?

Mr. STAFFORD. The original and the substitute, for the benefit of those Members who have come into the Chamber since this matter was presented.

The CHAIRMAN. Without objection, the original amendment and substitute will be reported.

The Clerk again reported the Cullop amendment 169a and the Vaughan substitute for 169a.

The CHAIRMAN. The question is upon the substitute.

Mr. CULLOP. Mr. Chairman, I desire to say that I am perfectly willing to accept the substitute for the original amendment.

The question was taken, and the substitute was agreed to.

The CHAIRMAN. The question now is upon the amendment as amended by the substitute.

The question was taken, and the amendment as amended was agreed to.

The CHAIRMAN. There is another amendment, 169b, and substitute for it, and, without objection, the Clerk will report them to the House.

The Clerk again reported the Cullop amendment, 169b, and the Vaughan substitute for 169b.

The CHAIRMAN. The question is upon the substitute.

Mr. SCOTT. Mr. Chairman, it seems to me that the substitute indicates merely an expression of the existing law, although I think it is extremely likely that it may receive an interpretation that goes much beyond that and would be very detrimental to orderly procedure of trials in common-law cases. It seems to me that the language is not well chosen. The issues are framed by the pleadings, not determined by the evidence. Wherever there is a lack or a failure of evidence to support any essential issue as furnished by the pleadings, the court, as a matter of law, should have the right to withdraw the case from the jury. Wherever there is evidence to support all of the issues as framed by the pleadings essential to a recovery, then under existing law the court does not have the right or the power to withdraw the case from the jury. This substitute, if enacted into law, can do nothing more than to confuse the existing statutes of procedure. It seems to me that it ought not to be adopted——

Mr. CULLOP. Will the gentleman yield for a question there?

Mr. SCOTT. Yes.

Mr. CULLOP. I presume the gentleman is speaking in reference to the practice in the gentleman's State?

Mr. SCOTT. I am speaking with reference to the practice in the Federal courts.

Mr. CULLOP. Of the gentleman's State?

Mr. SCOTT. No; in all the States.

desire to accomplish something. Now, the gentleman says that in instructing the jury as to the facts the judge shall not express an opinion. I will get the amendment and quote it exactly. I suggested to him that this would answer all he desires and would not go to the extent that he does:

In all cases where any trial is had by a jury the judge in instructing the jury shall not express an opinion as to what has or has not been proven by the evidence.

It seems to me that that is not only in the language of my own statute but is in the language of the various statutes of the other States with which I am familiar.

Mr. STEENERSON. I think the statutes of the State of Minnesota say that he shall not express an opinion on the question of fact.

Mr. BARTLETT. In instructing the jury?

Mr. STEENERSON. Yes.

Mr. BARTLETT. I will put it that way. I think "opinion as to what has or has not been proven——"

Mr. STEENERSON. They are not synonymous.

Mr. BARTLETT. They are not synonymous; but if he can not express an opinion as to what has or has not been proven, it would answer the same purpose.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that these two propositions be considered separately. They are virtually two amendments, and we ought to have them considered separately.

Mr. CULLOP. I think we ought to have them voted on separately myself.

Mr. SCOTT. Mr. Chairman, I am in sympathy with the idea of the gentleman from Indiana, but I fear his section is unhappily worded. As I understand the law governing trials at common law in Federal courts the court has the authority to say to the jury that any essential and controlling fact is not supported by any evidence, because that is the pronouncement of a proposition of law. Unlike the practice in the State courts, under a decision of the Supreme Court of the United States the Federal trial judge may with impunity express an opinion to the jury upon the weight of the evidence as directed to some essential fact. In other words, he can express his opinion to the jury as to what the evidence in fact proves, that opinion not, however, being binding upon the jury. I believe that that doctrine, which has prevailed from the beginning in the Federal court, is wrong. It is not in accord with the general fundamental principles of our judicial system. I do not think it would be safe to say, however, that the court shall not instruct the jury upon any question of fact, because that would invade the right of the court to pronounce upon matters of fact concerning which there was no evidence, and thereby invade the constitutional right of the court to proceed in accordance with the common law. I think that as far as Congress can go in this matter is to prohibit the court from expressing opinions to the jury either upon the weight of the evidence or upon the facts which the evidence in his opinion proves. It seems to me that the amendment as suggested by the gentleman from Georgia [Mr. BARTLETT] would meet the situation fully; at least, if it is made so as to prohibit the court from expressing such an opinion while giving the charge to the jury.

Mr. COX. Mr. Chairman, I do not want to consume the time of the committee but a very few minutes. I think this is the most important amendment that has been offered to this bill, and I hope the chairman in charge of the bill will see his way clear, when the amendment is framed up to meet the evil that now certainly exists, to accept it.

Mr. WATKINS. I wish to state to the gentleman that this amendment, not having been submitted to the Committee on the Revision of the Laws during its consideration of this bill, I would not feel authorized personally to comply with his request. Therefore I will not have anything to say one way or another.

Mr. STAFFORD. Will the gentleman yield right there?

Mr. WATKINS. I will.

Mr. STAFFORD. I would like to have the attention of the committee. Everyone recognizes the very great importance of this provision, as it changes the entire procedure of the trial of cases in the Federal court, and I would ask the chairman whether he does not think it of sufficient importance to have these provisions passed over and have them considered in the interim between now and the next meeting day?

Mr. WATKINS. It seems almost impossible during the consideration in the committee to keep a quorum here.

Mr. STAFFORD. I am not insisting on a quorum, but it seems hardly fair to the membership of the House to have this matter considered at the present time.

Mr. WATKINS. The Members ought to be here.

Mr. STAFFORD. The Members ought to be here, and if this matter could go over until the next session the chairman of the committee would have ample time to give thought to it, and other Members would have ample time. The second amendment that has been proposed is in such an awkward phraseology that we would have to vote it down even if we agreed with the principle of it.

Mr. WATKINS. There will be a substitute offered which I think may remedy that trouble.

Mr. BRYAN. If we are going to stay here and work until we come to something important and then pass it over, we had better quit altogether. I think we had better go on with the work.

Mr. STAFFORD. The gentleman does not believe in deliberation.

Mr. BRYAN. I do not believe in stopping the work.

Mr. COX. Mr. Chairman, I believe I have the floor. I am glad to have the chairman of the committee express an opinion so far as he does. Like the gentleman from Georgia [Mr. BARTLETT], I am not going to offer any criticism upon any court of the Nation, Federal or State. But it is an indisputable fact, Mr. Chairman, that criticisms most severe have been directed against the judiciary of the Nation for the last 15 or 20 years. Now I shall not stop in this short time to go into the reason for this criticism or what has brought it about. But there is an idea, at least as to some of the Federal courts, that they are all-wise and all-powerful, and arrogate to themselves modes of procedure. And I am not going to criticize them for that, because in all likelihood the real criticism should be directed against the Congress of the United States because of the failure heretofore to outline a clear, clean-cut mode of procedure to govern the judiciary in these things.

But to sit by, Mr. Chairman, in a Federal court or a State court and have a judge absolutely withdraw a case from the jury and refuse to submit the questions of fact to the jury, in my judgment, is a subversion of the right of trial by jury. [Applause.]

I have seen instances in Federal courts, and no doubt other lawyers have time and again seen them, in connection with questions of negligence, where that question is a disputed question both by the plaintiff and the defendant, pro and con, such as ordinarily the question of the right or the law of self-defense is disputed between the State on one side and the defendant on the other, where that court, with an array of facts before it all on one side, without any contradictory evidence having been introduced at all by the defendant, of his own motion, his own will, his own accord, not asked for by the defendant, has withdrawn the case from the jury strictly and solely on a question of negligence, with possibly the doctrine of the assumption of risk to a certain extent entering into it.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Indiana yield to the gentleman from Minnesota?

Mr. COX. Yes.

Mr. STEENERSON. Is not that exactly the kind of a case that ought to be determined by the court or the judge?

Mr. COX. No, sir. Never in this world will I surrender my rights as an American citizen, or the rights of an American constituency on this earth to take from the jury the finding of a question of fact.

Mr. STEENERSON. Does not the gentleman admit that when facts are undisputed they raise a question of law, and when they are disputed they raise a question of fact?

Mr. COX. There is where your false premises are when you undertake to fortify the judgment of the court by assuming that the court is right, when he says that the plaintiff, although he has introduced a tremendous amount of evidence, has not yet made out his case.

Mr. STEENERSON. Yet the gentleman's own statement of the case was where there was no dispute as to facts at all.

Mr. COX. Oh, no. The gentleman did not make that statement at all. The gentleman misunderstood me entirely.

Mr. STEENERSON. Read the RECORD and see.

Mr. COX. To recapitulate, Mr. Chairman: It is an absolute mockery—that is all it is—to let a judge, after hearing all the evidence introduced by the plaintiff, say, "I will concede everything you have testified to here, Mr. Plaintiff, and everything your witnesses have said, and still in law you have not got a case." Why, the very purpose of a jury trial, taking men from all walks of life—some of them farmers, some of them mechanics, some of them bankers, men following this occupation and that occupation, likely drawing different conclusions—is to secure their judgment; and who, after all, is going to say that a Federal judge is a better judge of what a given state of facts proves or tends to prove than the average man?

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. COX. So I hope. Mr. Chairman, that the amendment may be whipped into shape in some way or manner so that it can become a part of this law.

Mr. VAUGHAN. Mr. Chairman, I offer a substitute.

The CHAIRMAN. The gentleman from Texas [Mr. VAUGHAN] offers a substitute.

Mr. WINGO. Mr. Chairman, I understand this is a very important question. It looks as though we ought to have more Members present. We have now but nine Democrats and four Republicans, and the official score keeper, the gentleman from Ohio [Mr. FESS], is absent [laughter], as I see. I shall not make the point of quorum now, but if gentlemen can not stay here to transact business of this importance I shall have to insist upon a quorum.

Mr. STAFFORD. If the gentleman is going to insist upon the point of no quorum I suggest that he do so before this matter is considered, so that a sufficient number of Members may be here to act on it intelligently.

Mr. VAUGHAN. Mr. Chairman, I offer a substitute for the amendment of the gentleman from Indiana [Mr. CULLOP].

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Substitute for the Cullop amendment to section 169:

"SEC. 169a. In jury trials the judge shall not express to the jury any opinion on the facts or make any comment on the weight of the evidence.

"SEC. 169b."——

Mr. STAFFORD. Mr. Chairman, I understand we are considering these amendments separately.

Mr. VAUGHAN. Yes; I am offering that as a substitute. We are offering them together, but they are to be voted on separately.

The CHAIRMAN. They will be reported upon separately, but will be discussed together.

Mr. VAUGHAN. Yes; discussed together.

Mr. STAFFORD. Mr. Chairman, a few moments ago I asked unanimous consent that two amendments, virtually different propositions, should be considered separately, and it was agreed to.

Mr. VAUGHAN. Mine embraces both of these matters, and I am desirous of having the amendment read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 169b. No judge shall take from the jury in any case the determination of the issues of fact arising under the evidence.

Mr. VAUGHAN. Mr. Chairman, these two substitutes, if adopted, will accomplish the purpose intended by the gentleman from Indiana [Mr. CULLOP]. Perhaps his language would do so, but I think the language I have used is shorter, simpler, and more easily understood, and makes it clear that the judge shall not comment upon the weight of the evidence. Judges of the Federal courts may now do so.

Of course, it will be necessary to except to such conduct if it is indulged by the court after these substitutes become law. But every issue of fact raised by the evidence will be for the determination of the jury alone.

I think the adoption of section 169a would accomplish what is designed, but we ought to be certain about it. The proposed section 169b would preclude the court from instructing the jury to return a verdict for or against any party in any case where there are any issues of fact raised by the evidence. I do not suppose anyone would insist that a case should be submitted to the jury when there are no issues raised by the evidence, the determination of which by the jury would determine in whose favor a verdict should be rendered.

Mr. SCOTT. Will the gentleman yield?

Mr. VAUGHAN. For a question.

Mr. SCOTT. Does the gentleman understand that his substitute, if enacted, could deprive the court of the power to take a case from the jury where some essential fact was without the support of evidence:

Mr. VAUGHAN. No; it would not.

Mr. SCOTT. I think the gentleman's amendment goes that far.

Mr. VAUGHAN. I think not.

Mr. SCOTT. Will the Clerk report the amendment again? It is very brief.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk read as follows:

SEC. 169b. No judge shall take from the jury in any case the determination of the issues of fact arising under the evidence.

Mr. VAUGHAN. The determination of the issues of fact arising under the evidence is for the jury. Of course, if there is no issue of fact arising under the evidence——

Mr. SCOTT. The issue would have to arise under the pleadings.

Mr. VAUGHAN. It would have to arise under the evidence also, or there would be nothing to submit to the jury. I know that the pleadings make the issues upon which evidence is admitted pro and con; but the issues submitted to juries for their decision are issues of fact raised by the evidence introduced at the trial, and it does not matter how many issues are raised by the pleadings, unless there is an issue of fact raised by the evidence there is nothing to submit to the jury.

Mr. SCOTT. The question is whether the court could determine whether any one issue or fact pleaded is without the support of evidence.

Mr. VAUGHAN. Under the substitute I offer, if there is a single fact which a party must prove in order to entitle him to a verdict, and he fails to introduce any evidence to prove it, the court may direct a verdict for the opposing party; and it is a question of law, whether or not there is any evidence to prove that fact; and if there is no evidence to prove it, the court may say so and direct a verdict; but if there is any evidence to prove it, then it is a question for the jury to determine whether or not the fact is proved.

Mr. SCOTT. Will the gentleman yield?

Mr. VAUGHAN. I yield for a question.

Mr. SCOTT. On the gentleman's construction of the second section of the substitute, is not that identically the present law?

Mr. VAUGHAN. No; I think not.

Mr. SCOTT. Do you understand that the court may take from the jury an issue of fact where there is substantial evidence on both sides, or substantial evidence upon one side, to support it?

Mr. VAUGHAN. I did not use the word "substantial," if the gentleman will notice.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAUGHAN. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. VAUGHAN. The weight to be given to the testimony in any case, be it much or little, is for the jury. It is not for the court to say whether or not he believes it. It is for the jury. That is the peculiar province of the jury, and the jury may believe one man against a hundred. No court should have the right to tell the jury that they must believe or disbelieve any witness or any number of witnesses or what weight they should give to any fact or circumstance in evidence. The judges of the Federal courts have that right now. They exercise that power now.

Mr. BARTLETT. If the jury find a verdict that is contrary to the weight of the evidence, or without evidence to support it, the judge can grant a new trial.

Mr. VAUGHAN. He has the power to set aside the verdict now. I do not think, Mr. Chairman, that any man is good enough or safe enough or wise enough or fair enough to be trusted with the right to determine the issues of fact in cases constantly arising. It is too great a power to put in the hands of any one man, to trust him with the decision of the questions of fact instead of the jury, or to give him the power to give his opinion upon the facts. The Federal judges now have that power. It ought to be taken away from them. They ought not to have the power to comment upon the weight of testimony or to express opinions upon it. It is almost giving them the power to decide the case to permit them to comment upon the weight to be given to the testimony. I think these two substitutes I offer will make it absolutely certain that every issue of fact in a jury trial is for the jury to determine.

Mr. BRYAN. Mr. Chairman, I am in favor of the proposition, but I think the amendment the gentleman has just offered carries the matter in too general terms. But I am in favor of the proposition, and however it may be finally offered I am going to support it.

But I am not going to lose the opportunity to clinch the argument that I made a few minutes ago. We are all here trying to apply the right of jury trial in more liberal terms to the cases that come under our immediate views, those that affect us more directly. But a while ago I suggested that we grant the fundamental proposition of a jury trial to a man on a boat, and that amendment was refused by this committee. In other words, it is the purpose and determination of this body to lay down a different rule for a man on the water, whether as a passenger or

Mr. WATKINS. Very well; I will ask the Clerk to read the letter from the Department of Justice.

The Clerk read as follows:

OFFICE OF THE SOLICITOR GENERAL,
Washington, D. C., May 12, 1914.

MEMORANDUM FOR THE ATTORNEY GENERAL.

(In re H. R. 15578, sec. 169.)

I see no objection to this section as it appears in the proposed bill, nor do any necessary additions occur to me.

The present law, Revised Statutes, 566, provides for a trial by jury in cases of admiralty and maritime jurisdiction relating to any matter of contract or tort with reference to certain vessels on the Great Lakes. As pointed out in the report of the committee, page 13, this provision is a remnant of the act of February 26, 1845—an act to establish admiralty jurisdiction of the United States over vessels on the Great Lakes. Later it was decided by the Supreme Court that such jurisdiction existed independently of legislation. (Genesee Chief v. Fitzhugh, 12 How., 443; in re The Eagle, 8 Wall., 25.) The act mentioned was therefore omitted from the Revised Statutes, except that portion relating to trials by jury in these cases. I agree with the committee that this provision is anomalous and serves no useful purpose.

Mr. WATKINS does not indicate what new provisions will be suggested on Wednesday, the 13th, and it is therefore manifestly impossible to discuss them.

I recommend that he be advised that the department has no criticism to offer of the section as proposed.

Respectfully,

JNO. W. DAVIS,
Solicitor General.

Mr. BRYAN. Mr. Chairman, I do not see that there is any reason offered in the letter from the Department of Justice why my amendment should not be agreed to.

Mr. WATKINS. There is no reason except the Solicitor General thinks that the provision is sufficient to cover all the contingencies necessary.

The CHAIRMAN (Mr. FOSTER). The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will now report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Page 95, at the end of section 169, add the following additional sections:

"169a. In all cases where the questions of fact are submitted to a jury for trial the court shall instruct the jury only on the law applicable to the issues joined under the pleadings in the case.

"169b. In all cases where issues of fact are submitted to a jury for trial the court can not take said case from the jury except by agreement of parties only on motion of the defendant at the close of the plaintiff's testimony in chief, and for the reason that the plaintiff has not produced any testimony in support of some material allegation essential to a recovery, and in no case where a reasonable dispute may arise as to what the facts testified to establish."

Mr. WATKINS. Mr. Chairman, I ask unanimous consent that the discussion on this section and amendments thereto close in 30 minutes.

Mr. BARTLETT. I have no objection, except that I want to offer an amendment and have it pending.

Mr. STAFFORD. I suggest to the gentleman to let the debate run along a little.

Mr. CULLOP. Mr. Chairman, I reserve the right to object, and I suggest to the chairman that we let the debate run some little time. This is a very important matter in the formation of this code, and I think the matter can be adjusted in less time than it would if we fix the time.

Mr. WATKINS. I will withdraw my request, Mr. Chairman.

Mr. CULLOP. Mr. Chairman, section 169a, offered as an amendment to this provision of the code, is that in all cases of fact in any case submitted to a jury for trial, the court shall only instruct the jury as to the law under the pleadings upon the issue joined and not upon the facts.

Every citizen in this country is entitled to a jury trial in cases both of criminal and civil nature except in equity cases.

Mr. BRYAN. And if he is a seaman or works on a boat.

Mr. CULLOP. And with that exception. Now, it is the experience of almost every lawyer in the Federal courts—the practice now prevails that the court instructs the jury as to what the facts prove, and sometimes singles out witnesses and comments to the jury on their testimony and the consideration it should receive. That is a denial of every man's constitutional right of trial by jury when he is entitled to submit his case to a jury for trial. In the Supreme Court of the United States, the highest court of the land, in a decision rendered, the court said that experience had taught the people that a jury was the safest and best tribunal there was to determine a question of fact; that 12 men called from all the different walks of life were better prepared, were better qualified from experience and knowledge in their association with men to determine questions of fact and give the result of their consideration than a single man, it mattered not what his experience in life had been.

There is good reason for that doctrine. How frequently do we find in the reports of cases in the Federal court where the judge arbitrarily has said to the jury that this or that man's testimony is not worthy of belief. It is at that system that this provision is striking. In nearly all of the State courts if a judge instructing the jury attempts to tell the jury what the evidence of any witness establishes it constitutes reversible error, because it is taking from the jury the prerogative of the jury to determine the question of fact involved in the issues. One word of reflection against the testimony of a witness by a judge to a jury trying a case has great weight with the jury, because of the position of the judge. The judge ought to be required to tell the jury only what was competent testimony under the rules of the law. That he does in the progress of the trial when the evidence is being delivered, and not when he comes to instruct the jury before they retire to consider of their verdict in the case. This practice has been abused. It has been abused in nearly every judicial circuit in the Federal courts in the United States. This amendment is offered for the purpose of correcting that abuse; for the purpose of preventing a recurrence of that abuse. Judges sometimes do not give the same attention to the testimony that the jurors do. Their attention may be attracted to something else. They may not be in a position to weigh the testimony as carefully as the jurors whose duty it is to pass upon the questions of fact and to determine what facts are established and what facts are not established in the trial of a case; and yet in the Federal courts, the only courts in the country, the judge may sit upon the bench and say that this man's testimony or that man's testimony is not worthy of belief. He has a right to do it under the present practice, and does it.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. This amendment is directed at that abuse, at this denial of the constitutional right of the litigant to have the facts determined by a jury. It is the law now in nearly every State in the Union that the judge can not instruct the jury upon the facts, as to what the facts prove or do not prove, or as to what this or that witness's evidence establishes or what weight should be given it.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield for a question?

Mr. CULLOP. Certainly.

Mr. BARTLETT. Does not the gentleman think his amendment better be phrased so as to forbid the judge to express an opinion upon the facts, rather than that he should not instruct the jury on the facts? My suggestion is made because I agree with the gentleman in what he has said as to the evils that exist under such practices; but the statute of my State, and I think of every other State, provides that the judge, in charging the jury, shall not express an opinion as to what has or has not been proven. The gentleman's amendment narrows that down to where the judge shall not instruct the jury upon the facts. It becomes necessary for the judge very often, without expressing an opinion as to what the facts establish, to instruct the jury as to the facts, to call their attention to the evidence in the case, and that might be construed to be an instruction on the facts, whereas I apprehend the evil the gentleman seeks to correct is not the instruction as to the facts but the instructions which carry with them an opinion as to what the facts do or do not establish.

Mr. CULLOP. Mr. Chairman, I realize the position of the gentleman from Georgia, and I knew that he was too good a lawyer not to agree with me on this question that the abuse now existing ought to be corrected by a statute; and I was sure that I would have the assistance of the gentleman from Georgia, whom I regard as one of the ablest lawyers in this House, and his support in correcting this evil and injustice. His experience doubtless has enabled him to witness frequently the abuses perpetrated on the litigants and the constitutional rights of the citizens in the Federal courts in his own State.

Mr. BARTLETT. Mr. Chairman, I will state to the gentleman that it is a positive requirement by our statute that a new trial shall be granted by the Supreme Court in any case where the judge expresses an opinion on the facts.

Mr. CULLOP. It is in all the States practically. In my State the law prohibits the judge from expressing an opinion to the jury upon the facts. The expression of an opinion by the court is cause for a new trial. If we simply limited it to the expression of an opinion of the court alone, that might prevent the court from giving his reasons for ruling upon the admission of evidence during the course of the trial. I want to see this abuse corrected, and I have no doubt the great member-

ship of the lawyers of this House recognize the abuse and recognize that the evil ought to be wiped out.

The second section that I have offered, in substance, is this: It prohibits the court from taking the case from the jury where there is room for reasonable men to dispute about what the testimony proves. It is frequently true in the trial of a case that upon motion of the defendant at the close of the testimony in the case, or at the close of the testimony of the plaintiff in chief, the rules differing in different States, that the court takes the case from the jury, not because there is no evidence tending to support every material averment in the complaint, declaration, or petition necessary to recover, but sometimes because the court says he does not believe the witnesses. Whenever a court takes the case from the jury for such reason he is invading the constitutional right of the party, and that is the right to have a trial by jury.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. CULLOP. Mr. Chairman, as a portion of my time was taken up in the colloquy with the gentleman from Georgia [Mr. BARTLETT], I would like to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. Mr. Chairman, almost every lawyer has had that experience in the courts at some time. The very reason that the court in many instances has expressed for taking the case from the jury was the question of fact to be settled by the jury and not by the court. The rule is on this question in all of the States is that the court can not upon motion of the defendant take a case from the jury at the close of the plaintiff's testimony or at the close of the whole testimony, if there is any evidence tending to support the material allegations of the plaintiff's case necessary for a recovery, or if the facts produced are such as reasonable men might dispute about what they tend to establish. That is the rule as near as I can state it, and, as I believe, the correct rule. This is the rule violated about which we complain.

Mr. STEENERSON. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. STEENERSON. Is it not the rule now that the Federal courts in the trial of civil actions follow the practice of the State where the trial is held as to the method of charging the jury, and so forth?

Mr. CULLOP. Emphatically no; it is not the rule. Not very long ago my colleague from Indiana [Mr. COX] raised that identical question in a Federal court, and the rule and practice is just as I have stated it, not as it was in the State courts. In that observation the gentleman from Indiana [Mr. COX] will clearly bear me out. I have known the question to arise in Federal courts in different jurisdictions.

The rules of pleading are the same in the Federal courts as in the courts of the State where situated, but when you come to instructing a jury, then they seem to differ, and the Federal rule is as I have stated it in all Federal jurisdictions with which I am acquainted. But if it is as in the States, then this amendment is appropriate, and will serve a good purpose. It will not trouble the situation in the State of the gentleman from Wisconsin or in any other man's State. Now, this provision, or rather the want of it, has been the means of working a positive denial of justice in many instances, where the court and jury would have disagreed doubtless as to what the facts established in the case. Courts and juries frequently disagree. The judge may sometimes say that the testimony of some witness is not reasonable to him, and he does not believe it, but 12 jurors that are acquainted with the everyday affairs of life, from their knowledge and association with men in the communities where they reside, would say it was reasonable, and are better qualified, therefore, to pass upon it, as the Supreme Court of the United States has distinctly said in passing upon this question. Now, I submit that these two amendments, if adopted, rectify an evil now existing in the practice in Federal courts, that will be of great value to the people, the litigants who may be compelled to go into court for the trial and disposition of their causes, and I submit that their adoption will bring about a better and a fairer administration of justice than exists now in the trial of causes in the Federal courts. But some one may say, "Oh, the plaintiff can appeal if he is dissatisfied." Maybe he can, and maybe he can not. We have all seen cases put out of court, the right of trial denied for the want of just such statutes as these, where the plaintiff could not appeal because he could not get the means to prosecute the appeal from the lower to the higher court on this proposition. The want of such a provision works a hardship on poor litigants.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. BARTLETT. Mr. Chairman, this is a very important proposition and one that ought to be given very careful consideration, because it concerns a matter which will revolutionize the present practice in the United States courts that has prevailed since their organization and at the same time involves all those who may be called into a United States court, either as a party plaintiff or a party defendant, or to answer charges by way of indictment or accusation. My State early in its history passed a statute, now nearly 100 years old, which forbids a judge in the trial of any case in charging a jury or instructing a jury to express an opinion as to what the fact did or did not establish, recognizing that well-accepted fact, recognized and accepted as a fact by all those who have lived under the Anglo-Saxon system of jury trial, that no other means has ever been devised by man so admirably suited for the trial and settlement of disputed facts as 12 men in a jury box. The Supreme Court of the United States itself in numerous cases has given utterance to the statement that no other tribunal or means has been devised so well adapted to the settlement of questions of disputed facts, and yet we all know that in the trial of cases in the Federal court where jury trials are had, both in civil and criminal cases, the opinion of the judge as to the facts not only often but with rare exception does settle the matter and control the jury. And I might recall instances of a trial in a district in the United States where the jurors sometimes thought it proper to exercise their power of differing with the judge where they have received the censure of the judge. I do not rise, however, to criticize the judiciary of my country, because the bad judges, in my opinion, under our system are not in the majority, but in the minority; but whether bad or good, the question of the disputed facts ought to be settled by the tribunal that the law provides for the settlement, and it ought not to be so minimized and so intrenched upon as absolutely to destroy that right. Now, it is true that the Supreme Court of the United States in numbers of cases have said that it is the duty of a jury and their sole province to determine questions of fact, even though they may differ with the judge, and although a learned and experienced judge, one of great ability, who knows how to express an opinion of the facts, may put them to the jury—you know how prone juries are to shift responsibility from their shoulders and to follow the suggestion of a judge and his opinion as to the facts.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Jurors are prone to follow that course except in case where men of firm minds and stubborn wills sometimes act upon the theory that they will assert their own opinions. We know how futile it is in many, many cases not to expect the jury to follow the judge upon his opinion of the facts. I could recall quite a number of cases in my experience, Mr. Chairman, cases that involved life and liberty and property of vast amount, where the question of disputed facts was absolutely determined by the opinion that the judge entertained in reference to them. Without referring to the place where it occurred, I might call attention to the fact that I recall a time in a United States court where a judge absolutely threatened to punish an attorney who asserted the right of the jury to find the facts as they might determine, though they differed with the judge. I might recall a case where the attorney in the case, where a life was at stake, was compelled to fortify his position as to the right to argue to the jury its duty to differ with the judge as to the facts involved before he was permitted to take that position.

I do not, as I say, propose to criticize the judiciary of my country, but I do, if I can offer this amendment, propose to do that which the advanced thought of the lawmaking power and the lawyers and the people of the various States have done—say that the jury and not the judge shall decide questions of fact. And it is but giving to the people and the courts a stone when they ask for bread, and a serpent when they ask for fish, when you say that the juries are to be judges of the fact and then permit the judge with all his power and environment, of learning and ability, to take one side of the case and represent the plaintiff and defendant in his charge, for that is what it means; so that, sometimes as you walk into a court where a case is being tried you would naturally ask, as a stranger did when he walked into a court when they were trying a case, and after hearing the judge instruct the jury, inquired who represented the plaintiff besides the judge. So I think the spirit of it, the intention of the proposed amendment, is right. But I suggest to him that it would answer the purpose, and it is not from any desire to correct him in any particular beyond the

that "the sum so allowed shall be paid out of the judiciary fund." In this bill we are making provision for a definite salary for clerks. The thought came to me that perhaps this authorization might warrant the clerk in receiving these fees in addition to his salary.

Mr. WATKINS. I think not. I think we have sufficiently safeguarded that in the language of the amendment which was prepared, in which it is stated that each clerk should receive a salary in lieu of all other compensation, except the $3,000 in naturalization cases, to compensate his assistants in naturalization cases.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 158. The acts of the legislature of any State or Territory or of any country subject to the jurisdiction of the United States shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory or of any such country shall be proved or admitted in any other court within the United States by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form; and the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] moves to strike out the last word.

Mr. STAFFORD. This provision is the enactment which has been on the statute books for more than a hundred years. I direct the attention of the chairman and the members of the committee to the phraseology in the second line of the section, "or of any countries subject to the jurisdiction of the United States." I wish to suggest to the chairman and the committee whether it would not be preferable to have the clause inserted, "or any of its possessions." We have no countries subject to the jurisdiction of the United States other than our insular possessions, and I ask whether that would not be more acceptable language under the status of our insular possessions than this, which appears in the same form as it was when this was first enacted?

Mr. WATKINS. I have no preference as to which language is used. The word "jurisdiction" there is more generally used as a law phrase than the other expression.

Mr. STAFFORD. I direct attention to the last clause of the section, and wish to inquire of the chairman whether our insular possessions would be comprised in the general phrase "within the United States"? These authenticated copies, you will notice, are to have full faith and credit given to them in every court within the United States. It is of doubtful construction whether the insular possessions can be consistently construed to be within the United States, and I would suggest, in order to remove all doubt, the addition of the words "or any of its possessions." Certainly it is intended to have these authenticated copies of judicial proceedings acceptable for full faith and credit in our insular possessions as well as in the States and Territories.

Mr. WATKINS. Are you speaking of the word "possessions" to be used in line 24?

Mr. STAFFORD. I will direct the attention of the chairman to the exact phraseology in line 24, page 89.

Mr. WATKINS. There is where you propose to substitute the words "and its possessions"?

Mr. STAFFORD. The words "or any of its possessions."

Mr. WATKINS. I have no objection to that.

Mr. STAFFORD. Does not the gentleman believe that it would clarify the intendment of the statute?

Mr. WATKINS. I think so.

Mr. STAFFORD. Mr. Chairman, I offer an amendment to insert, after the words "United States," in line 24, page 89, the words "or any of its possessions."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 89, line 24, after the word "States," insert the words "or any of its possessions."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 161. The edition of the laws and treaties of the United States published by Little & Brown shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof. The pamphlet copies of the statutes and the bound copies of the acts of each Congress published in pursuance of Title XLV, and all acts amendatory thereof and supplementary thereto, shall be legal evidence of the laws and treaties therein contained in all the courts of the United States and of the several States therein.

Mr. WATKINS. Mr. Chairman, I have a committee amendment to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 92, line 8, after "XLV," strike out the comma and insert "of the Revised Statutes."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. My purpose, Mr. Chairman, is to inquire of the chairman of the Committee on the Revision of the Laws whether there is any need of the first sentence of this section? It makes evidence the publication of the laws and treaties published by Little & Brown. We all know that the firm of Little & Brown is now out of existence, although it has been succeeded by the firm of Little, Brown & Co., or by a corporation. But the original firm of this name is no longer in existence.

Furthermore, I would like to inquire whether the committee has taken into consideration the question of making in evidence the laws published by private publishers, such as the West Publishing Co.?

Mr. WATKINS. I will state to the gentleman that we incorporated this section as we found it in the statutes. At that time the compilation of Little & Brown was the most exhaustive treatise on the subject. It was thought proper at that time, in order to give it authenticity, to place it in such form as could be used in the courts as authentic, and it could be authentic only through or by virtue of an act of Congress. It was carried in the statutes and given authenticity in that way, and the law is still the same as it was then, although the firm has gone out of existence and has been superseded by other members. But still the work on treaties is extant.

Mr. STAFFORD. But the gentleman knows, as the footnote shows, that this was passed in 1846, when it was not the practice of the Federal Government to publish its own laws or treaties, but to have private publishing houses do that work.

Mr. WATKINS. If we strike out that now it will prevent it from being authentic, whereas if we leave it there it will still be authentic.

Mr. STAFFORD. Of course, the gentleman knows that the compilation of treaties published by Little, Brown & Co. half a century ago is rarely used at the present time? The compilation of treaties that is now used in the courts and the like is the volume prepared by the State Department.

Mr. WATKINS. I will state, from the use which I have had occasion to make of that compilation, that it is occasionally used in the courts yet, and it is serviceable. There may be later compilations which are more thorough, and may be more accurate and up to date.

Mr. STAFFORD. Has the gentleman's committee considered the advisability of extending the authenticity of the statutes to the compilations of other private concerns?

Mr. WATKINS. Yes; we have considered present-day customs, and have thought that at this time it would hardly meet with public approval for us to designate any particular companies that are issuing publications. We have thought that to give the sanction of the House of Representatives or of Congress to any particular publication would be an advertisement that we would not be authorized to make of those publications.

Mr. STAFFORD. Then, as I understand, the position of the gentleman is that the only real purpose in continuing this paragraph is to provide for those rare cases where this old tome of treaties published by Little & Brown might be used in evidence?

Mr. WATKINS. Yes; that is correct.

Mr. STAFFORD. The occasions would be very rare. I do not believe anyone of us will ever live to see that volume used.

Mr. WATKINS. We are not contending that that section shall remain in. We simply say we think it will not do any harm, although it will very seldom do any good.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. MANN. Mr. Chairman, I notice this section provides that the pamphlet copies of the statutes and the bound copies of the acts of each Congress, published in pursuance of title 45 of the

Revised Statutes, and so forth, shall be legal evidence. I do not recall just what are the provisions of title 45 of the Revised Statutes, because since that time we have passed a printing act which entirely changes those provisions. We publish now, first, a separate copy of a law; then after that we publish a pamphlet copy of the acts of a session of Congress; then after that we publish the acts of the Congress in a bound volume as a portion of the Statutes at Large. Apparently this would not include all of those copies. I do not recall what the provision is as to pamphlet copies, but I should suppose that perhaps it referred to the session laws. Certainly the separate copy of the law as published ought to be made evidence. And, by the way, I should like to suggest to Members of the House that we frequently see copies of acts published, Public, No. so-and-so, although it may relate to years ago. In each Congress as acts are published in leaflet or separate form, each is given a number, public, so-and-so, or private, so-and-so. Until recently there was nothing to indicate what Congress passed an act, except the date. Some time last summer I suggested to the State Department that that be changed so that if the act was public, No. 1, it be "Public, No. 1, Sixty-third Congress," and that new style was adopted with the beginning of this session of Congress. So that hereafter people who get a copy of the separate form of an act of Congress can refer to it by number in connection with the Congress and it can be identified. Has the gentleman from Louisiana a copy of the statute there which is referred to in this section?

Mr. WATKINS. Yes. Does the gentleman desire me to read it?

Mr. MANN. I do not care whether the gentleman reads it, if he can state it. I think that has been entirely changed by the printing law.

Mr. WATKINS. Yes; it refers to public printing, advertisements and public documents. The whole chapter refers to the public documents that are printed.

Mr. MANN. There has been an entirely new printing act passed since that was passed.

Mr. WATKINS. The section as we have presented it provides for that.

Mr. MANN. Yes; this would cover acts amendatory thereof and supplementary thereto.

Mr. WATKINS. It would cover all of them.

Mr. MANN. But I am under the impression that this language in the bill antedated the Revised Statutes and was in conformity with the printing act then in force, and that since that time we had begun to print an extra form of the acts, which, as a matter of fact, is now received in evidence, and I am sure the gentleman would not want to change that.

Mr. WATKINS. No.

Mr. MANN. In other words, the separate copy of the act. When the bill goes to the President and is signed, and then goes to the Secretary of State, he immediately causes a certified copy of it to be made, which is sent to the Printing Office, and that is printed as a separate copy of the law; and that is the only copy that we have until the session laws are printed. All of these ought to be admissible in evidence, and I think they all are now. I call it to the attention of the gentleman, hoping that he will investigate the matter.

Mr. WATKINS. I will state to the gentleman that it would be too loose a way of doing business to give official authenticity to any leaflet put out in that way unless there was some verification of it. If it is incorporated in a bound volume, and the whole volume is properly certified to, then it is authentic; but if you just allow anybody to take a pamphlet and put the word "approved" at the bottom of it, without having any signature to it, if it is not certified to at all, that would be a very loose way of proceeding.

Mr. MANN. None of these are certified to. They are all just printed. The Revised Statutes are not certified to.

Mr. WATKINS. The Revised Statutes, however, are provided for by law to be in a certain form.

Mr. MANN. Yes.

Mr. WATKINS. And the law itself verifies them.

Mr. MANN. They are made admissible in evidence. Copies of the laws published everywhere, by the States and the United States, are made admissible in evidence.

Mr. WATKINS. That is correct.

Mr. MANN. And these copies of the acts that we print here are, I think, now admissible in evidence. We pass a law to-day, it is approved by the President, and is printed in separate form by the State Department. Certainly we ought not, then, to be compelled to go to the Secretary of State and have a certified copy made before we can introduce that in evidence.

Mr. WATKINS. I think so.

Mr. MANN. I think not.

Mr. WATKINS. I think so, unless it is authenticated in some way.

Mr. MANN. I think that copy is now admissible in evidence, and ought to be.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Clerk read as follows:

SEC. 160. The trial of issues of fact in the district courts shall be by jury, except to causes of equity and admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy and by the next section. In causes of admiralty and maritime jurisdiction the court may, in its discretion, summon a jury for the purpose of assisting it in the assessment of damages.

Mr. CULLOP. Mr. Chairman, I offer an amendment, to follow this section as two new sections.

Mr. BRYAN. Mr. Chairman, I desire to offer an amendment to the pending section, which I think precedes any new sections.

Mr. CULLOP. My amendment is to follow section 160, two new sections, to be numbered 160a and 160b.

The CHAIRMAN. The gentleman from Washington offers an amendment to perfect the text, which will be in order first.

The Clerk read as follows:

Amendment by Mr. BRYAN:

Page 98, lines 21 and 22, strike out the words "and admiralty and maritime jurisdiction."

Also strike out the word "in" where it last occurs in line 23, and strike out all of lines 24, 25, and 26.

Mr. BRYAN. This amendment simply proposes to strike out the words "and admiralty and maritime jurisdiction" from the exceptions to jury trials. In other words, its purpose is to provide for jury trials in an admiralty tort the same as any other kind of tort or injury or damage.

Under the present law if a man is injured on a railroad train or in a coal mine, or in any way on the land, he has a right to a trial by 12 jurors and the jury assesses the damages. This is a right we all prize very highly. It is protected by the Constitution and ought to be protected. Now, why it is that when a man on a steamboat gets scalded half to death or gets one of his limbs disabled or sustains any bodily injury that man can not have the benefit of a jury trial is something I can not understand.

The *Titanic* went down a little over a year ago and several cases were brought in England and were tried by juries and damages assessed and allowed, and the plaintiffs have got their money and spent it I suppose. But here in this country there were several cases filed against the company—one in Chicago, one in Minnesota, and one in New York—and they have no right to a jury trial whatever. It is not right, there is no reason for it, and no justification in any sense that appeals to me. To cut a man off from a jury trial because he was pushe off from a boat instead of being injured on a railroad train is without reason.

Mr. GARNER. What has been the law heretofore in admiralty cases?

Mr. BRYAN. This section as submitted by the committee does not change the law in principle nor in matter of detail. The old idea was that the master of the ship was the lord of everything and he had supreme power, and the present law grew out of it; but under the existing condition of things where the man's case is to be tried in the same court, by the same judge, under identically the same rules of evidence, I do not believe that he ought to be subjected to that distinction, but that we should give the seaman and the sailor—the man who works on the sea, who works aboard boats and steamers—the same advantages in our courts as you do to the railroad-train brakeman or the worker in the coal mine. There is no reason in the world that could be suggested against this amendment, and I think the committee ought to agree to it. The report shows that in England the right of jury trial is granted absolutely under the Lord Campbell act, which pertains to land and sea the same. We certainly ought to have that provision here, and we ought not to require a man to go before a Federal judge without reason except some old tradition that has no meaning or sense to it. We are behind English practice in this. We are guilty of favoritism. We tend to degrade the service on the sea, and we limit the legal remedy of passengers as well as of seamen.

Mr. WATKINS. Mr. Chairman, I was about to state what the Department of Justice said about this matter, but it seems to me that it is totally unnecessary, and I will not take up the time in argument.

Mr. STAFFORD. I think we ought to have the reasons presented.

WASHINGTON, D. C., *April 18, 1914.*

DEAR SIR: The statements and attack being made against Mr. Kram are wholly without foundation.

Mr. Kram has a character that is unblemished when it comes to honesty, and it is only because he is "doing things," making his clerks work, is the sole reason for this attack.

I have been in his office for almost 10 years, and I am on piece rate, making more than I ever made, and I don't hear the "key punchers" voicing their dissatisfaction, if any. There are some few—what we speak of as trouble brewers—who have tried to cause discontentment, and I think it is their failure to accomplish their end that has made them forget and throw aside any truthfulness that they might have had before making their attack; and I am surprised that men of any intelligence would go ahead and attack a man that they really had no cause—just cause—to attack, without looking into matters.

AN EMPLOYEE.

Mr. BRYAN. I would like to couple with that request that I may be permitted to insert quite a number of letters, particularly one which I received this morning.

Mr. COX. The gentleman can make that request in his own time.

Mr. Chairman, I do not believe the criticism imposed upon Mr. Kram is just. I do not believe there is any merit or any basis for the criticism at all. During the progress of these debates I have been referred to particularly by the gentleman from the State of Washington because I stated during the debates, while the legislative, executive, and judicial appropriation bill was under consideration, that some of the employees of the auditor's office tried to get me to investigate it. It is true they did come to my office and endeavor to get me to inaugurate an investigation of Mr. Kram's office, including the system of work that was then being tried out by him. I went in person to the auditor's office in response to the request made to me by the employees and investigated it, and I gave it then as my judgment that the employees who were objecting to it were making an unjust and erroneous criticism not only upon Mr. Kram personally, but the method of his work. Mr. Chairman, what has been the result of the system of work employed by Mr. Kram? So far as the system inaugurated by Mr. Kram is concerned it has certainly inured to the financial benefit of a large number of the employees in his office. Of the employees who earned $720 per year prior to the inauguration of the system many of them are now earning from $800 to $1,100 per year, and at the same time many of these employees are able to do and conclude their day's work in from four to five or six hours per day; and I am informed by Mr. Kram and many of the employees under him that if he would not fix a maximum amount for a day's work many of these employees would earn from $1,200 to $1,400 per year who prior to the inauguration of this system earned only $720 per year, and yet Mr. Kram must be sat upon, personally abused, and attacked by Members upon the floor of this House for having brought about a betterment of the condition of his employees by increasing their wages and shortening their hours of employment, as testified to by the employees whose letters are printed herein.

The system he has inaugurated to a very large extent develops the individuality of the person and appeals to the employee to make good, and to advance himself according to his own ability to make advancement, and does away with the system heretofore largely accused of being in force—that of having a political pull—and places each employee upon his or her own merit, and enables them to go to the top by their own ability unaided and unassisted by any inside or outside political help.

If inaugurating a system whereby employees can increase their salaries from 20 to 33⅓ per cent and at the same time reduce the number of hours of labor per day works to an injury of such employees, then perhaps some of the criticism waged against Mr. Kram and the system he has inaugurated might be just. If, on the other hand, these things work to the benefit of the employee, from the viewpoint of any ambitious man or woman desiring to better their condition, instead of him being censured and criticized he ought to be commended and upheld. The system inaugurated by him in this department, the largest auditing department in the Government, being the biggest department of the Government except the Treasury, has enabled the Postmaster General to decrease the number of employees in the department between 70 and 80. The postal business increases each year between 7½ to 10 per cent in volume of business. This carries with it a corresponding increase in the number of employees to do and transact the business of the department, but no increase in employees has been added to the force of Mr. Kram. Notwithstanding the increase of business he has been able to decrease the number of employees. Certainly for this he ought to be commended instead of condemned. It looks to me very much like that when a man does his duty as a public official, brings efficiency to bear upon his work, and also economy to the taxpayers of this country, instead of being commended on all sides we hear him condemned. This is not much encouragement to a man honestly endeavoring to serve his country, but I am glad to know that the views of the gentleman from the State of Washington are not shared in by very many Members of this House. But no condemnation heaped upon Mr. Kram either personally or upon his system will detract from his ability and efficiency as a public official. It will stand out in bold relief and defy all criticism, no matter if it comes from employees in his department or falls upon deaf ears on the floor of this House.

Recently the Federal Reserve Board asked the Postmaster General that Mr. Kram be detailed to go to the city of New York to enable the members of the board to put in force the same system now in force in the Post Office Department in the great regional reserve bank to be established in the city of New York.

Mr. BRYAN. Will the gentleman yield?

Mr. COX. Does that show success or does it show failure?

Mr. BRYAN. Will the gentleman yield?

Mr. COX. For a question only.

Mr. BRYAN. Did they put the system in or was it rejected?

Mr. COX. I do not know whether it was put in or not, but I imagine they are going to put it in. The reserve board sent for Mr. Kram and selected him above all others to go to New York, the great financial center of the Nation, for the purpose of teaching men of experience, men in high finance, and men who have studied every system from an economical viewpoint, and they sought him out to tell them how to inaugurate a perfect system in their new and proposed regional bank, so as to enable it to reduce expenses to a minimum.

Mr. Chairman, I can not believe that Mr. Kram is inhuman, tyrannical, or autocratic. On the contrary, I believe that he is fully possessed of every principle of wide, broad, and comprehensive humanity. I think the fault lies with a large number of the clerks in his department. To quote from one of these letters:

So many clerks have been on the so-called pension plan for so long that the giving of a full day's work for a full day's pay is very foreign to their policies.

It should be the object and aim of every clerk—and, in fact, everyone connected with Government service, be the position high or low—to feel the solemn duty of rendering to their employer, the Government, a full day's work; they should not feel simply because they are working for the Government that they are not under the same obligation to do a full day's work that they would be under if working for a private individual.

Full freedom is granted to each clerk in this line of work and a maximum placed upon the amount of work each clerk can do, and beyond that maximum no clerk is permitted to go, and that maximum is so arranged that any clerk with ordinary ability can easily do his or her day's work if they be but willing so to do.

If it is found that a clerk is unfitted for this kind of work, they are transferred to some other department. In other words, no clerk is required to work here against his or her will. If they find they are unable to do this kind of work, all they have to do is to ask for a transfer, and it will be quickly granted. It is peculiar, when other departments of the Government are constantly taking on employees, at a tremendous cost and expense to the people, and though the business of Mr. Kram's office is increasing each year by leaps and bounds, yet he has not only been able to do this work with the employees that he had when he began the system, but he has not taken on any additional employees, and has brought about such a condition and improvement as to enable the Postmaster General to dispense with from 70 to 80 employees in the department; but for all this he is to be condemned, and condemned in a place where his voice is not to be heard. I have no interest on earth in Mr. Kram personally, except the interest that I have in my fellow man, in seeing that full, fair justice be meted out to each and all as merit is due each and all.

I hope this controversy will cease and, as some of these writers in these letters say, that they will have peace down there; and let those who are not willing to do piecework seek employment elsewhere, and if they are not satisfied with it, and can not get employment elsewhere, let them quit the service entirely and seek employment in private life. It is wrong, unjust, and unfair to criticize a man for having done nothing but his solemn duty, and for one I refuse to remain idly by and fail to raise my voice in defense of a man who I believe has done nothing but his duty.

The CHAIRMAN. Does the gentleman from Washington [Mr. BRYAN] wish to extend his remarks?

Mr. BRYAN. Yes; by inserting these letters.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to extend his remarks by inserting the letters referred to. Is there objection? [After a pause.] The Chair hears none.

Mr. BRYAN. I wish also to incorporate figures to show that this pretense about this remarkable saving is all bosh; that he has not made any saving, and has not raised the salary of employees.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 149. The transcripts into new books made by the clerks of the district courts in the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas, in pursuance of the act of June 27, 1864, chapter 185, from the records and journals transferred by them, respectively, under the said act, to the clerks of the circuit courts in said districts, when certified by the clerks, respectively, making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. The certificates of the clerks of the circuit or district courts, respectively, of transcripts of any of the books or papers so transferred to them shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

Mr. WATKINS. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Louisiana [Mr. WATKINS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 84, line 7, strike out all of section 149 and insert in lieu thereof the following:

"SEC. 149. That in any proceeding before a court or judicial officer of the United States, where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

Mr. MANN. I reserve a point of order on the amendment.

Mr. WATKINS. Mr. Chairman——

Mr. MANN. May I ask the gentleman if section 149 is entirely obsolete now?

Mr. WATKINS. My amendment is to strike out that section and insert the other in place of it.

Mr. MANN. Is section 149 now entirely obsolete?

Mr. WATKINS. So far as I can find from investigation I have made, it appears to be. I can not find any use to which it can be put at this time at all. The circuit court being abolished, I think it invalidates that section. That operated so long as the circuit court was in force.

Mr. MANN. This relates to the district court. I will take the gentleman's statement in reference to that.

Mr. WATKINS. If the gentleman will look at line 13, he will understand what I mean.

Mr. MANN. I see.

Mr. WATKINS. Now, Mr. Chairman, it may be necessary to make a short statement in reference to that.

Mr. MANN. Mr. Chairman, I ask to have the amendment reported again.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. WATKINS. Mr. Chairman, the point of order has been reserved, and the objection has been stated that it is not germane. It is the striking out of what I consider to be an obsolete statute.

Mr. MANN. Will the gentleman yield?

Mr. WATKINS. Yes, sir.

Mr. MANN. Of course, I take it the gentleman is perfectly willing to let section 149 go out as obsolete.

Mr. WATKINS. I am.

Mr. MANN. And then was proposing to make use of the opportunity to put a section in there.

Mr. WATKINS. Just preserving the number, as we are on the subject of evidence.

Mr. MANN. After all, it is not germane to this part of the bill.

Mr. WATKINS. I do not claim that.

Mr. MANN. Why do you not put this section in where it belongs?

Mr. WATKINS. It will fit in there about as well as anywhere else. That is a recent law passed by Congress.

Mr. MANN. It is right in the middle of the law with reference to transcript of testimony, and so forth. It has nothing to do with this subject matter. What harm would it do to put that section in where it belongs, and then these numbers along here can be easily changed.

Mr. LLOYD. Put it in at the end of chapter 3.

Mr. STAFFORD. Would it not be better at the end of section No. 111 or 112?

Mr. WATKINS. I was trying to utilize that section by using the number, and when the bill goes to the Senate we can rearrange the numbers.

Mr. MANN. Well, I do not care. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] withdraws the point of order. The question is on the amendment striking out the section and inserting a new section.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LLOYD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 5574. An act to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States.

The message also announced that the Vice President had appointed Mr. PAGE and Mr. LANE members of the joint select committee on the part of the Senate, as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the Treasury Department.

REVISION OF THE LAWS—JUDICIARY TITLE.

The committee resumed its session.

The Clerk read as follows:

SEC. 151. The transcripts into new books made by the clerks of the circuit courts of appeals and district courts in pursuance of any law or order of the court, when certified by the clerks, respectively, making the same to be full and true copies from the original books, shall have the same force and effect as record as the originals. The certificates of the clerks of said courts, respectively, of transcripts of any of said transcribed records shall also be evidence with the like effect as if made by the proper clerk from the originals from which such records were transcribed.

Mr. WATKINS. Mr. Chairman, there are two clerical errors in that section which I wish to correct. I send up an amendment. At the end of line 10, under section 151—if I can get the attention of the Clerk before my amendment is offered, Mr. Chairman—the final "e" is left out. I move that the "e" be inserted.

Mr. STAFFORD. In the copy of the bill that I have the "e" is there.

Mr. MANN. It is the same way in the copy I have.

Mr. WATKINS. Then that does not make any difference. Let the Clerk read the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Page 85, line 15, after the word "as," where it first occurs, strike out the word "record" and insert the word "records."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 157. Whenever any of the records or files in which the United States are interested, of any court of the United States, have been or may be lost or destroyed, it shall be the duty of the attorney of the United States for the district or court to which such files and records belong, so far as the judges of such courts, respectively, shall deem it essential to the interests of the United States that such records and files be restored or supplied, to take such steps, under the direction of said judges, as may be necessary to effect such restoration or substitution, including such dockets, indices, and other books and papers as said judges shall think proper. Said judges may direct the performance, by the clerks of said courts, respectively, and by the United States attorneys, of any duties incident thereto; and said clerks and attorneys shall be allowed such compensation for services in the matter and for lawful disbursements as may be approved by the Attorney General of the United States, upon a certificate by the judges of said courts stating that such claim for services and disbursements is just and reasonable; and the sum so allowed shall be paid out of the judiciary fund.

Mr. WATKINS. Mr. Chairman, I offer an amendment to correct a clerical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 88, line 18, after the word "States," strike out the word "are" and insert in lieu thereof the word "is."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I would like to inquire whether this provision would not authorize the clerk to receive the fees for this service. You will notice that the very last clause of the paragraph is

the gentleman proceed to get an exemplified copy, if you belonge, an amendment combining this phrase?

injurious. The electrical machines afford bonanza jobs comparatively speaking. Some of them tabulate, others assort. The operators of these machines are, as a rule, very well pleased. Most of them are men.

The machines complained of have no more connection with electricity than the North Pole has with the Equator. This controversy arises over the card-punching machines, and they are not electrified. It is wrong for Auditor Kram to talk about electricty when discussing these machines.

The auditor says a number of employees are not adapted to these machines and adds:

There are persons who are not adapted to the work of typewriting, but typewriting would not be condemned for that reason. The operation of a key-punching machine is similar to the operation of a typewriting machine, and experience has shown that there are a few employees not adapted by temperament or training to the operation of this device. They are a small minority, and their dissatisfaction or inefficiency in this respect should not be seized upon as an opportunity to condemn a system which has demonstrated its superiority over the method of audit formerly in use.

CLAIM MANY ARE AFFECTED.

Auditor Kram has used a typewriter, and he should realize the comparison is not justified. He told me himself that men are not qualified for these punching machines. Not a man is employed. He said he himself could not operate them. Are the men in his office a "small minority"? No; they are a large majority.

All the men and very many women are disqualified for these piece-rate punching machines. He demands young women. They are mostly District women and girls who have no Congressmen or Senators to look after their interests. Those who are in line for promotion belong elsewhere, for piece-rate workers have no promotion ahead.

The operation of a typewriter and one of these punching machines are no more subject to comparison than joy riding and sewer digging. It is an outrage for an intelligent man to attempt such a comparison. Why are men disqualified? Simply because men are accustomed to voting and will not stand subjection and abuse. Put 10 men in one of those rooms with 10 of those machines to be operated piece rate and subject to error slips, and in a week they would all quit or fight; if they did not, they would go crazy.

Why does Mrs. Archibald Hopkins complain to the Health Bureau? Why do the operators go to the doctors? Why does Auditor Kram slam the door shut in the face of the Government Health Bureau? The women and girls are eager to make something for their support, and he holds out better wages by piece rate, and by a series of bulletins and classifications the fastest ones make their mark while they last. When they come to themselves, and he begins to suspect that they will tell facts about his system, he has them dismissed, as he did Miss Nellie M. Corrigan the other day, because she closed a transom that some one else had opened eight years ago.

AVERAGES CRITICIZED.

Kram's figures are misleading. When he talks about averages, he does not consider the key punchers alone, but includes a lot of other employees. The claims of the auditor about saving money to the Government are mostly electrified figures, according to the very best information I can gather.

The auditor says:

When we question a postmaster's statement of money-order accounts, we virtually charge him with embezzlement.

Yet there are barrels of letters in the office now from postmasters who refuse to accept the audit of these machines. A southern postmaster wrote the auditor a "sassy" letter recently, in substance as follows:

I keep accurate records; your audit is crazy. I have advanced some money out of my own pocket to satisfy some of those holes punched by your tired piece-rate workers, but I'll do that no more.

Another one out West wrote him that he had allowed him a credit for a certain substantial amount to which he was not entitled, and the western postmaster expressed surprise that Uncle Samuel had such a silly auditing system.

BALANCE SHEETS SAID TO BE OFF.

They are supposed to strike a trial balance with the offices of the several States. I am reliably informed that most of the State balance sheets are hopelessly off.

The office is a crazy house. In the course of the audit, cards are found for which there is no possible accounting. They are called stray cards, and there is a "mating room," where girls attempt to make them match. It looks more like a game of solitaire. Each ill-mate is an error on some postmaster, who, the auditor says, gets charged with embezzlement.

But for all this the auditor has applied a new remedy. His recent "muzzle-and-gag" rule is the most preposterous and absurd order ever issued in a Government department.

There is an order in the Treasury Department which reads as follows:

Clerks and employees will not be permitted to visit each other or to receive visits during office hours except on official business, and then only with the knowledge and concurrence of their immediate superiors. Frequenting or loitering in the corridors of buildings will not be permitted.

Pretending to recite and post this order, but omitting the words "during office hours," the following has been issued by Auditor Kram:

The Treasury Department rule which forbids clerks and employees to visit each other or to receive visits except on official business, and then only with the knowledge and concurrence of their official superiors, must be strictly observed.

Visiting by employees on one floor with those on another floor, or between those in different divisions, is positively forbidden.

MUST NOT VISIT.

Card-punch operatives must not visit or receive visits from adding-machine operators or examiners on either the paid or issued side.

These directions are effective during office hours, luncheon half hour, and any period of attendance, before or after office hours.

By direction of the auditor.

It will be seen that Kram's order prohibits the employees from talking from one department to another at noon or before office hours, in time which is their own and is designed for recreation. The rule says "visit," which means, of course, that they are not permitted to confer one with another about any subject on earth. This rule is not in force in any department or private manufacturing plant in the country, and is so absurd as to brand his system as absolutely impossible.

I received the following letter recently:

MAY 5, 1914.

Hon. Mr. BRYAN.

SIR: I can not refrain from a few remarks regarding the wonderful Mr. Kram, Auditor for the Post Office Department. "He is such an efficient man." Was there ever an efficient man before Mr. Kram? It seems not, as most of them have retired and had their places ably filled. Now, who has proven Mr. Kram's efficiency? No one save Mr. Kram, for, as you are aware, he will not dare let the office be investigated. If his office is beyond reproach, I should think that he would welcome an investigation and be vindicated of the charges made against him. No; he would not dare let the eyes of an honest man see into the black corners. In penalizing he has not done so to the men; he has discriminated against one class of women, and even now, instead of fighting openly, he is dodging behind a few women in the office to try to carry on his sweatshop system.

Sincerely,

_____.

I have dozens of letters and have had dozens of interviews on this subject. I shall publish here a letter received from a Central State. If I give the name of the city, I fear Auditor Kram could locate the woman referred to and probably fire her because she opened a transom eight years ago.

Hon. Mr. BRYAN, *Washington, D. C.*

MY DEAR Mr. BRYAN: I take the liberty to write you a few lines regarding a matter which I know you will be interested in greatly.

As you are one out of many Congressmen who has the courage of your convictions and man enough to come to the defense of the poor and helpless girls employed by the Auditor of the Post Office Department of the Treasury, Mr. Kram, who seems to enjoy putting the bulk of burden upon the girls who have little influence or none to work in their interest and who work in his health-wrecking and degrading office because they have to work for a living, I wish to enter my protest and objection against the method of treatment and manner carried on in the office of the auditor. My sister * * * accepted a position under Auditor Kram about two years ago temporarily on some clerical work which lasted three or four months. When my sister went home Auditor Kram was as nice as pie, saying that he would have her name restored on the eligible list; but she learned afterward that he did not report her name eligible for appointment until six or more months after she was dismissed, and her name should have been on the list. I can not go into detail, but Kram tried his very best to prevent her reinstatement, and in spite of Mr. GRAHAM's efforts he delayed her reinstatement to the very last minute, and when my sister reached Washington he said that "We had an awful time getting you back."

Well, she was placed upon those nerve and health wrecking punching machines, although she is rather nervous disposition. As the weeks and months passed there was still no promotion offered. It has been seven months now since she started. Girls who came in two or three months later than sister have been promoted to positions of good pay and pleasant work. There was another department a kind for my sister at two different times to fill a position, but Kram stood in her way, saying that my sister was satisfied and doing nice work. And Mr. Kram refused to let her go, saying that he was satisfied with the work she was doing and had refused both times to let her go into the other department, but pushed some of his favorites into the position who had worked only a short time. Kram did not even ask my sister if she would accept the position offered or tell her that she had been called upon. I want you to call my sister for an interview immediately, and I believe that my sister and scores of other girls under him can give you some heart-rending stories of solid fact regarding the auditor's office if they have courage to testify against him. I know that practically every operator of those machines are afraid to say anything against the auditor for fear of losing their jobs or gaining his ill will, in which case one has no alternative except quitting or working to death, Kram caring very little which is chosen.

My sister is literally a nervous wreck and eyesight so greatly affected by close work that both nerves and eyes may be permanently injured, and if something is not done immediately in the way of betterment for the employees I believe that the department head should be held responsible for such conditions, and I believe that such conditions as now exist are a disgrace to a civilized nation and are indefensible.

Mr. Kram's machines may save money in one way, but I do not believe in holding the dollar so close to the eye that the condition of the employees can not and are not to be seen.

I am writing this in behalf of all of those employed on those awful machines, and ask that in the name of justice, in the name of humanity, that you and Congress abolish such machines, as well as such auditors.

I am,

Yours, very respectfully.

_____

I withhold the name of this party for obvious reasons.

Mr. MANN. Mr. Chairman, it is one of the blessed privileges of being elected a Member of this House that you have the right to abuse anybody you want to, and especially if it is some other Government official, you can abuse him as often as you can get the floor. I take it that if at any time during the night, when the gentleman from Washington was sound asleep, somebody should whisper the words "Auditor for the Post Office Department," he would instantly, either awake or asleep, be making a speech abusing that auditor. It is an obsession with the gentleman from Washington. Everyone else, or nearly everyone else, believes Mr. Kram to be one of the best officials in the Government service. That is testified to by the high standing that he has under a Democratic administration. If, as suggested by the gentleman from Washington—and I am not posted on the matter—he was originally placed in office through the influence of Senator PENROSE, no one accuses him of having any political influence with the Democratic administration or with the Progressive Party. Now, the gentleman again repeats the statement that the Auditor for the Post Office Department, who is under the control of the Secretary of the Treasury, refused to permit the Public Health Service, which is also under the control of the Secretary of the Treasury, to investigate the auditor's office. I take it that that is an impossibility. This investigation would be by order of the Secretary of the Treasury; and if the Secretary of the Treasury, who has control of the Public Health Service, should direct an investigation of the auditor's office, also under his control, there would be no way of escaping it.

Mr. BRYAN. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. BRYAN. The gentleman remembers that I stated here recently that Dr. Rucker, of the Health Bureau, told me that he was sent there to investigate these objections, and that Mr. Kram objected to the investigation and plead jurisdiction, and that the only way the bureau could investigate was to ride over him, roughshod, or words to that effect.

Mr. MANN. Why, if the Public Health Service should send a doctor to my office to investigate it, I would throw him out.

Mr. BRYAN. The gentleman is like Mr. Kram on that.

Mr. MANN. Yes; absolutely. There is a method, a proper method, by which the Public Health Service has authority. It has no right to make these investigations except by proper order of the Secretary of the Treasury; he is the one to give the order to make the investigation; and if he gives such an order, it will be obeyed. Without such an order, the Public Health Service has no business to stick its nose in the matter.

Mr. COX. Mr. Chairman, I move to strike out the last word, and ask the indulgence of the committee a few moments. The other day, when the legislative, executive, and judicial bill was under discussion, several Members of the House, including the gentleman from the State of Washington [Mr. BRYAN], took occasion to severely criticize Auditor Kram of the Post Office Department. I did not believe that the criticism was just and merited for anything that Mr. Kram had done, and in defense of him I said a few words in his behalf. Since that time I have received several letters from employees working in his office, every one of them commending him in every way, not only for his humaneness but commending the system he had inaugurated, and each one of them denying the charges made against him by Members on the floor of this House that he was an autocrat or a tyrant.

Mr. WILLIS. Will the gentleman yield?

Mr. COX. For a question.

Mr. WILLIS. I understood the gentleman to say that the correspondents were condemning the methods of Auditor Kram.

Mr. COX. Oh, no; commending. If I said condemn, I will correct it in my remarks.

Mr. WILLIS. The gentleman said some eight letters commended him.

Mr. COX. I have received five or six letters commending him, and am going to ask the privilege of inserting those letters and making them a part of my remarks.

WASHINGTON, D. C., *April 17, 1914.*

Hon. WILLIAM H. COX,
House of Representatives, Washington, D. C.

DEAR SIR: I am employed in the office of the Auditor for the Post Office Department as a piece-rate operative.

I wish to state that I have worked on an average of five and one-half hours each day, and received amounts varying from $100 to $120 per month.

I have always been treated very fairly by the officials in this office, and hope that the present piece-rate system will continue.

Thanking you very kindly, and with best wishes for your success, I am,

Respectfully, yours,

_____

WASHINGTON, D. C., *May 7, 1914.*

Hon. W. E. COX,
House of Representatives, Washington, D. C.

SIR: Having recently read of the many abuses and hardships that the piecework system in the Office of the Auditor for the Post Office Department has worked against the employees of that office, and being employed there myself, and desiring to be fair and equitable to all concerned, I would like to add a word of praise from an unprejudiced standpoint.

I firmly believe that the placing of employees on a basis wherein they are paid for actual work turned out is, in my judgment, the only fair way to compensate, for this gives each and every individual an opportunity to demonstrate their fitness, and, as a consequence, does away with the possibility of favoritism being shown.

In the second place, I believe that there are very few instances where those who have been taken off the regular roll and placed on the basis of pay for what you do have suffered very much of a reduction, as far as actual cash is concerned.

Before this system was installed, when an employee was promoted it was not uncommon to hear comments about the favoritism that was being shown in the matter of promoting people; now this is all done away with, so far as I can hear.

Of course, it is hardly possible to find any two people who will turn out the same amount of work; but, then, this ought to be no excuse to condemn the method of payment, for how often do we find men and women drawing from two to six hundred dollars per year more than the employee sitting next to them, and who turn out less work than this employee; and yet were an effort made to give their salary to the person doing more work than they, there would be a great big hallo made about it.

I have seen many instances where employees have been transferred from one work to another when they demonstrated that they were unable to perform that work; and this is more consideration than is given in some places, for it would be possible to dismiss an employee if it were found that he was unable to perform work assigned, and the employee would have no recourse; but the auditor has, I firmly believe, tried to take care in some way or other of all of the employees whom he has learned were unable to perform duties assigned, if not in his office, in other branches of the service.

Now, as to the complaints about the driving propensities of the auditor, those I am unacquainted with, for personally he has always been very considerate whenever I have had an occasion to converse with him.

While it is true that the leave periods were somewhat disturbed during the last year, this, to my judgment, was not done from a standpoint of unfriendliness toward the employees, but due to the fact that the new system of accounting being in its embryonic stage necessitated a full force being present as near all the time as was practicable in order that the work might go on unhampered.

In conclusion permit me to say I for one am not so biased or prejudiced that I can not see some good in the system of pay for what you actually do.

Respectfully, yours,

_____

P. S.—I do not know whether you care to use this letter or not in any public way, but prefer that you not use my name unless it be actually necessary, for I would not care to win the displeasure of any Member of Congress who might be opposed to the system now in vogue in the Office of the Auditor for the Post Office Department.

OFFICE AUDITOR POST OFFICE DEPARTMENT,
April 30, 1914.

Hon. WILLIAM COX, M. C.,
House of Representatives.

DEAR SIR: I have been reading with interest your defense of the Auditor for the Post Office Department, Charles Kram. Prior to this system now in vogue I received a salary of $960 per annum; worked side by side with clerks who received $720, $780, $840, and $900 per annum for the same work performed. It was more of a sweat shop in those days than to day, and a veritable hell in seven volumes.

There are several, nay, a goodly number of clerks who are not afraid to speak up, and all we do want is piece, with peace—simple peace—thrown in. The ones who disfavor piece rate desire the old method restored, which means favoritism, and the auditor's office under former auditors headed the list for large pay for little work, small pay for efficient workers.

The auditor, Charles Kram, came as a godsend to overworked women, who were discriminated against year after year and who are now making a decent, honest living. The work requires the mind's attention and a quick eye, and there are some people that can only look after their neighbors' business from morn to night. My sentiments are piece rate and God bless our auditor.

BETHESDA, MD., *April 13, 1914.*

Hon. WILLIAM E. COX,
Washington, D. C.

DEAR SIR: I wish to commend you for so loyally defending our auditor, Mr. Kram, during the discussion of last week, in which not only this new system was attacked, but Mr. Kram himself.

It was all so unfair and so unjust that I wonder what motive could prompt one person to make such a remark about another as did Mr. NOLAN about Mr. Kram. I am operating an electrical tabulating machine in this office, and I can knowingly say that many things said about this system and the manner of operating it are false. The trouble is this: So many clerks have been on a so-called pension plan for so long that the giving of a full day's work for a full day's pay is very foreign to their policies. Mr. Kram does not drive us, neither does he measure out the amount of work to be done in a day; the clerks determine that themselves—those who are not afraid to work.

There are a few agitators in this office who spend a portion of each day in the "rest room" criticising the new system, Mr. Kram, and the clerks who are trying to assist him.

I am going to ask you to treat this letter as a private matter, but if there are any questions you want to ask me, I am ready to answer anything you want answered. I am,

Respectfully, yours,

_____

or a bureau in a department. Then section 134 would not be necessary.

Mr. STAFFORD. The gentleman knows that there are many other bureaus in the Treasury Department where cases develop that other Government establishments besides the executive departments do have the right to give these certifications, and

Mr. WATKINS. They could use the seal of the head of the department.

Mr. WILLIS. I do not think it would admit of such an interpretation as that, because obviously a bureau that does not have a seal by law could not use a seal, and in those bureaus that do not have seals, of course all the exemplifications would have to be given by the head of the department. But in those bureaus that do have seals they could give exemplified copies without any confusion. That is precisely the point I was trying to make; and if we should amend that section in that way, then it would do away with the necessary confusion that will result if we do not do something of that kind. There are bureaus that have seals that are not mentioned in this bill, and if we pass it as it stands, that must inevitably lead to confusion.

Mr. WATKINS. These bureaus that have seals and are not authorized to use them by this bill would have to get the seal under the head of the department. I think it would make it too general, and I do not think it would be a safe proposition.

The CHAIRMAN. The question is on the amendment of the gentleman from Wisconsin to strike out section 134.

Mr. MANN. Mr. Chairman, I can not agree with my friend from Wisconsin [Mr. STAFFORD] in regard to this matter, nor do I agree with the gentleman from Ohio [Mr. WILLIS]. Section 133 is a general section authorizing transcripts of evidence, and so forth, under the seal of the department; or, in the case of the Interstate Commerce Commission, under the seal of the commission as an establishment other than a department. But there are certain officers in the various departments who have control of certain things that do not go through the head of the department. The Solicitor of the Treasury is an officer that has certain powers that are not subject to the control of the Secretary of the Treasury. The Comptroller of the Treasury is another officer with similar powers, and under the law, under the provisions of this bill, these officers have seals to certify copies of papers in their control, and those are to be taken as evidence, and they are not required to go to the head of the department. If the word "bureau" was inserted in section 133, as suggested by the gentleman from Ohio, I am not sure whether it would be sufficient to include them. They are not covered under the term "bureau" ordinarily. They are covered under the term "office." There are many other bureaus of the Government, using the term generically, which come in close contact with the people in their official relations, and they now furnish evidence under the seal of that particular office. It is undoubtedly true that it would be possible to frame a general provision authorizing any bureau which had a seal to certify under the seal of that bureau the transcript of testimony, but it is not entirely certain that that would be desirable. Most of the bureaus which are under the actual control of the head of the department probably ought to submit papers to the head of the department, and obtain the seal in that manner from the head of the department.

Mr. BARTLETT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. BARTLETT. Does the gentleman understand the word "establishment" to cover the Interstate Commerce Commission?

Mr. MANN. Undoubtedly.

Mr. BARTLETT. And the Commissioner of Insular Affairs?

Mr. MANN. No. I think it would not cover any establishment inside of an executive department, and the Insular Bureau is in the War Department.

Mr. BARTLETT. I intended to say the Isthmian Canal Commission.

Mr. MANN. Oh, yes.

Mr. BARTLETT. The Solicitor of the Treasury would not come under the head of "establishment."

Mr. WILLIS. It would be a bureau.

Mr. MANN. In using language in the past in reference to this matter we have used the words "bureau," "office," and two or three other terms, so as to be sure to include everything of the kind.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. WILLIS. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. WILLIS. Now, I want to ask the gentleman, suppose the Children's Bureau has a seal——

Mr. MANN. I have just looked that up, and it has not one.

Mr. WILLIS. Then take a bureau that does have a seal.

Mr. BRYAN. The Auditor of the Post Office Department has a seal.

Mr. WILLIS. Take a bureau that does have a seal; how would the gentleman proceed to get an exemplified copy, if you found that bureau was not authorized to issue exemplified copies?

Mr. MANN. I would apply to the head of the bureau for an exemplification, and it would be prepared and furnished under the seal of the department.

Mr. WILLIS. Notwithstanding the bureau had a seal, it could not use it?

Mr. MANN. It could not use it in that case, undoubtedly. As a matter of fact, I do not think a bureau ought to have a seal unless there is a special reason for it.

Mr. BARTLETT. I was going to say that I think the wisdom of the policy is not to give a seal to the bureau where there is not too much inconvenience to require the seal of the head of the department.

Mr. SLOAN. Mr. Chairman, I have looked around on the vast unoccupied public domain in this House, and not desiring to raise the question of no quorum, I desire to submit a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SLOAN. Would it be proper now to make a filing for a homestead on this great unoccupied American domain? [Laughter.]

The CHAIRMAN. That is not a parliamentary inquiry. The question is on the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. WATKINS) there were 4 ayes and 10 noes.

So the amendment was rejected.

The Clerk read as follows:

SEC. 136. Every certificate, assignment, and conveyance executed by the Comptroller of the Currency in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Do I understand the purport of the present section that certified copies of the certificates, assignments, and conveyances executed by the Comptroller of the Currency would be received as evidence in all the courts and places outside of the jurisdiction of the United States? Was not the provision originally a part of the law that limits its effects to United States courts?

Mr. WATKINS. These laws of evidence apply to United States courts as a rule. It is enacted for the purpose of being used in United States courts.

Mr. MANN. Oh, no; they are good anywhere.

Mr. WATKINS. They are for the courts in the United States.

Mr. STAFFORD. Of course, there is no limitation in this particular section. It struck me that there ought to be a clause limiting it to the jurisdiction of the United States.

Mr. WATKINS. We could not enact laws for other countries.

Mr. STAFFORD. I am quite well aware of that; but I think it would be made clear by the addition of the words "within the jurisdiction of the United States."

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 137. Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate.

Mr. MANN. Mr. Chairman, I move to strike out the last word, and suggest to the gentleman that he prepare and probably later put into this part of the bill a provision in reference to the organization of the Federal reserve boards, and so forth.

Mr. WATKINS. Mr. Chairman, I will state to the gentleman that my understanding is that the same official now signs those certifications who signed them under the late law; at least, he is continuing to do that up to the present time.

Mr. MANN. The same official may sign them, but this language is:

Organization certificate of any national banking association.

Mr. WATKINS. Yes; he is signing them right now.

Mr. MANN. I know; but the Federal Reserve Board is not a national banking association. In the codification that may as well be included, so as to have it all in this law. Of course it is covered by existing law, but that was passed by act of Congress since this matter was arranged, probably.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CULLOP. Why not add to this section, where it properly belongs, an amendment containing this phrase?

Mr. MANN. I did not undertake to say what language would be sufficient, but I call the attention of the chairman of the Committee on Revision of the Laws to it, so that he might have an amendment prepared and return to it and insert it, if he desires.

Mr. CULLOP. I was going to make that suggestion to the gentleman. Why not have this section passed until the gentleman can see what language the amendment should be in that should be made to this section for the purpose of having it cover that matter?

Mr. WATKINS. Mr. Chairman, in answer to the gentleman's question, I will state that the Comptroller of the Currency is still signing these certificates and using the seal, and, I suppose, will continue to do it. I do not know of any reason why there should be any change.

Mr. MANN. But the gentleman will notice that section 137 provides:

Copies of the organization certificate of any national banking association duly certified by the Comptroller of the Currency, etc.

A "national banking association" is the title of a national bank under the law.

Mr. WATKINS. Would there not be time when we get to section 137 to consider that?

Mr. MANN. That is what we are considering now.

Mr. WATKINS. I thought we were on 136. My attention was called off, and we passed 136 without my knowing it. I beg the gentleman's pardon. I stand corrected.

Mr. CULLOP. Mr. Chairman, will the gentleman ask to have the section passed until a proper amendment can be prepared?

Mr. WATKINS. Mr. Chairman, I have no objection to that.

Mr. BARTLETT. Does not the gentleman think we ought to still leave it here? There may be cases arise in which they would require a certified copy from the comptroller's office.

Mr. MANN. I am not objecting to that at all; but I suggested, as long as we are codifying, that we add to that what is carried as to the Federal Reserve Board.

Mr. BARTLETT. I think that is true; but we ought not to strike this out.

Mr. MANN. Oh, no. Nobody has suggested that.

Mr. WATKINS. Mr. Chairman, I see no objection to passing this over and considering it at our next session.

The CHAIRMAN. The gentleman from Louisiana asks unanimous consent to pass over temporarily section 137. Is there objection?

There was no objection.

The Clerk read as follows:

SEC. 141. Copies of the quarterly returns of postmasters and of any papers pertaining to the accounts in the office of the Auditor of the Treasury for the Post Office Department, and transcripts from the money-order account books of the Post Office Department, when certified by the said auditor under the seal of his office, shall be admitted as evidence in the courts of the United States in civil suits and criminal prosecutions; and in any civil suit, in case of delinquency of any postmaster or contractor, a statement of the account, certified as aforesaid, shall be admitted in evidence, and the court shall be authorized thereupon to give judgment and award execution, subject to the provisions of law as to proceedings in such civil suits.

Mr. BRYAN. Mr. Chairman, I move to strike out the last word. I have very serious doubt that so much importance ought to be paid to these accounts in the office of the Auditor of the Post Office Department as is provided for in this section. There may be basis of criminal prosecutions by this section, but according to the best information I can gather things are in such shape down there that those accounts and claims that are filed against the post offices over the country are not receiving any great indorsement from the postmasters, and the auditor down there generally has to back up when the postmasters come back against him and attempt to show him his inaccuracy. Of course the Auditor of the Post Office Department is a man who was advanced by the request of Senator PENROSE and Senator OLIVER of Pennsylvania, and he is very well versed in Republican systems, and all that sort of thing, and has, no doubt, rendered great and efficient service to the Republican Party in precinct, county, State, and Nation, and it is a $5,000 job, and I have no doubt somebody thinks that he is the only man in the United States who can do that work or else he would not keep the job. But I am sure the auditor has the wool pulled over the eyes of those who have charge of things. The auditor's office is about a year behind now. A short time ago they threw six months' work entirely away, never having audited it. He has special clerks there now auditing on stuff that involves the year 1912.

A short time ago he ordered a woman suspended. It is claimed that he ordered her suspended because he thought she had given out some information revealing his faulty methods, but he alleged as a reason—the principal reason—that she was a trouble maker, and that eight years ago, 1906, she had closed a transom that allowed a draft between her room and an adjoining room. That was the only point against her definitely, so she protested earnestly and vigorously to the Secretary of the Treasury and asked that she be reinstated, or be removed from the cruel jurisdiction of this man, and went after him hot and heavy. I published her answer in the RECORD. Others brought the matter to the attention of the Assistant Secretary of the Treasury, Mr. Hamlin, and the woman was reinstated and transferred to another department, showing that the auditor himself was to blame; he was not vindicated; and I am quite sure that the administration that is so obsessed with the idea that this PENROSE politician is the only man in the world that is able to do that work and that there is nobody else who could do it, if it would make an investigation would find that it is entirely off on that matter, and would learn of the accusations made of the way he treats his employees, trying to cut them out of their leave, and terrorizes them with every form of petty restriction.

I understand he is attempting to relieve this key-punching arrangement now by declaring a 5-minute recess every hour, and when 55 minutes comes they ring a bell and the clerks running these punching machines get a 5-minute recess, and they must take it. Of course, that merely indicates the proposition I have already advanced that they are not operated under right conditions. He has not yet consented for the Bureau of Health to investigate, and, although complaints have been filed with the Bureau of Health and that bureau has tried to investigate him, he has refused to permit the investigation, and so I think that the provisions that are included here in this section pay entirely too much attention to the auditor's findings and give entirely too much consideration to his certifications under seal.

If the gentleman from Indiana [Mr. COX] would publish the letters and complaints he has received against Mr. Kram and his methods, he would reveal a condition that would demand an investigation. In a former statement Mr. COX mentioned the fact that very violent complaints had been lodged with him against the auditor, but Mr. COX declared that upon investigation he had discovered that there was no merit to the complaints. The way Mr. Kram puts it over on these newly empowered Democrats is really amusing. Take a man who knows nothing about shoe machinery through a big shoe factory and praise all the machinery and tell him how it all works; he will agree with the expert when he is through the factory; but let a real expert go through and a different report may be made. Mr. Kram takes Mr. Congressman up to those men, piece-rate workers, who hold down the bonanza jobs, many of them colored men, who formerly received lower pay than they now receive, and they simply fill the Congressman full, stuff him; yes, Kram him, and he goes away and peddles the dressing.

They do not know anything about the system; they do not hear complaints, because a complaining clerk knows what will happen if Mr. Kram hears any complaints.

There is not one of these defenders of the wonderful Mr. Kram on this floor that could explain his system to any inquirer. I went through and heard him tell how it was all done, and it all seemed plausible. But when I asked him to let me talk with the bookkeepers who receive the postmasters' kicks against his audit he balked. There are barrels of letters there from postmasters who will not pay up on his demands, and generally when the postmaster writes as though he knows what he is talking about, the auditor writes back, "All right, sir; we will just drop the matter."

Mr. George B. Furman, a clerk who received Mr. Kram's commendation for his efficiency, wrote the Secretary of the Treasury on March 27, 1913, that Kram's audit was a farce. Furman is in another department now. He told the Secretary to interrogate certain men in Kram's department if he wanted the facts. Does anybody suppose that Secretary McAdoo knows anything himself about this? I am sure he would not claim such knowledge. I do not want to repeat the figures I put in the RECORD on May 11, 1914, but I refer Mr. COX and the defenders of this system to page 8767 of the CONGRESSIONAL RECORD for figures which have been given to me as accurate, which show that the system is wasting money at a lavish rate. I do not claim to know that these figures are accurate, but they are declared to be by parties who ought to know, and I challenge the defenders of the auditor to show wherein the figures are wrong. The auditor is not fair in his claims. In a recent statement he said:

It was recognized at the time the electrical tabulation system was installed that there were a number of employees in the office not adapted or not qualified to perform the work under the new system.

There is just enough truth in that statement to make it false. No one has ever claimed that anybody employed on the electrical tabulating machines is not qualified or that these machines are

Mr. DOUGHTON with Mr. HUMPHREY of Washington.
Mr. EDWARDS with Mr. KELLEY of Michigan.

Page 75, line 1, after the word "States," strike out the words "are parties or have" and insert "is a party or has."

The Clerk read as follows:

SEC. 133. Copies of any books, records, papers, or documents in any of the executive departments, or other Government establishments, authenticated under the seals of such departments or establishments, respectively, shall be admitted in evidence equally with the originals thereof.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to direct the attention of the committee, and particularly that of the chairman of the committee, to the following section and inquire as to the need of having section 134, and also other sections which cover this same authority, only in different language. I would like to inquire of the chairman whether this general authority now found in the pending section is not broad enough to cover the specific authority granted in the following section, which has identical language, and vests with the Solicitor of the Treasury the right to certify the documents, records, and papers in his office?

Mr. WATKINS. I will state to the gentleman that it is, in effect; that in several of the sections various officials of the various departments are authorized to give these certificates of record, and they are enumerated, and that grows out of the fact that at various times statutes have been enacted giving authority to one, then to another, as the departments were created. These authorities were given at various times, and we incorporated the language as found in the statute, except as shown in italics. We could have said generally all of the departments of the Government, but we did not think it was necessary to do it.

Mr. STAFFORD. In the present section you are extending the scope so as to include other Government establishments.

Now, if the gentleman will look up the history of the next section he will find that it is section 2 of the act of February 22, 1849. The first section of that act conferred some authority that was not provided for generally, but even at that time this same authority was vested in the head of the executive department. In going over this bill I thought that this was somewhat out of the ordinary, and I called up the Solicitor of the Treasury this morning and pointed out to him the obvious duplication, and I was informed by his assistant that they are rarely called upon to furnish certification of records in their office; and it was his opinion that the general authority as found in section 133 was adequate. Now, if we are codifying and not merely just combining the laws—if we are really codifying the laws—I submit in all seriousness to the gentleman, what is the need of carrying in the statute a superfluous section in which similar authority is conferred in another existing section?

Mr. MANN. Where is the other section?

Mr. STAFFORD. Section 134—the one that follows. I contend it is merely superfluous, and that the authority contained in section 133 is fully adequate to confer the authority specially given in section 134. I did not wish to take it upon myself to strike out section 134 without making some inquiry; so this morning I called up the Solicitor of the Treasury and his assistant informed me that they have really little occasion to furnish certification of records in their office; and even if they would have, the authority found in section 133 would permit it.

Mr. MANN. If the gentleman will permit, I think the two sections are somewhat mixed anyhow. Section 133 authorizes transcript of papers under the seal of the department. Section 134 authorizes transcript under the seal of the Solicitor of the Treasury. Now, there are a number of departments which have bureaus in them which have seals distinct from the seal of the department. That is the case, I think, with the Patent Office. We created a bureau here recently, giving it a seal.

Mr. STAFFORD. Will the gentleman yield? The gentleman recognizes that if there was not existing this authority as found in section 134, if the certified copy of any documents had the seal of the department it would be considered as good evidence under the provisions of section 133.

Mr. MANN. If it had the seal of the department, it would be; but the Solicitor of the Treasury has a seal of his own.

Mr. STAFFORD. But the Solicitor of the Treasury informs me they have very little call for certified copies of documents in their office.

Mr. MANN. None of the departments have much call for it, except the Patent Office.

Mr. STAFFORD. The Indian Office——

Mr. MANN. And it is not a question of how much call you have. I think what is now in section 134 was originally put into the statutes because that office was given a seal of its own. But I remember that a number of the bureaus now have seals of their own, and really section 133 ought to be changed so that it would permit transcripts under the seal of the departments or a bureau in a department. Then section 134 would not be necessary.

Mr. STAFFORD. If that would be changed accordingly, then we would obviate the need of section 135 and two or three of these following sections, which confer authority upon bureau chiefs for certification of documents in their respective bureaus.

The CHAIRMAN. The time of the gentleman has expired. The pro forma amendment will be considered withdrawn.

Mr. BORLAND. Mr. Chairman, I want to make some remarks on this bill, but I shall ask unanimous consent to extend them in the RECORD.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend in the RECORD his remarks on this bill. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 134. Copies of any documents, records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as solicitor for the time, shall be evidence equally with the originals.

Mr. STAFFORD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the paragraph.

Mr. STAFFORD. The reason for striking out that paragraph has been stated by me in discussing the prior section. If I had not made inquiry of the Assistant Solicitor of the Treasury and ascertained that there is no need of this, and that there is an incongruity in these two provisions, I would not presume here to offer to strike it out; but I find upon inquiry that there is no need of it, that the language in the section preceding, general in form, will be ample to carry out all cases referred to in this section. I think the chairman should accept the amendment.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Georgia?

Mr. STAFFORD. I will be very glad to yield.

Mr. BARTLETT. Has the gentleman ever had any experience with the Solicitor of the Treasury? The Solicitor of the Treasury, as I understand it, has the records of suits pending in court. I have had occasion myself in one or two cases to procure copies of those records from the Department of Justice, in cases of forfeiture of bonds and appearances of parties in internal-revenue cases, and various things of that kind. The records of proceedings are kept in the office of the Solicitor of the Treasury. As I understand it, copies of records of what has been done and of the advice that is given are kept, and the records of the proceedings in the case; and it may become necessary, as I know it has been in two cases that came up from my district in Georgia, to consult the Solicitor of the Treasury and get copies of the records.

Mr. STAFFORD. I grant all that, because that is the function of this bureau. But I ask the gentleman—I recognize his erudition in law—whether the——

Mr. BARTLETT. That has been my experience; that is all.

Mr. STAFFORD. Whether the general authority conferred in section 133 would not be all-sufficient to meet every case for a certified copy of any record in the office of the Solicitor of the Treasury. I was informed by the Assistant Solicitor of the Treasury this morning that this is mere surplusage.

Mr. BARTLETT. I doubt it, because this says "any of the executive departments or other Government establishments." I do not know what is meant by that.

Mr. STAFFORD. The Solicitor of the Treasury is certainly a part of the executive department.

Mr. BARTLETT. The solicitor's office is not a department.

Mr. STAFFORD. It is a part of the executive department. It is a bureau in an executive department.

Mr. BARTLETT. It is the solicitor's office. It is not a bureau or a department. I do not know whether it is a separate establishment, but it has officials of its own in the Department of the Treasury.

Mr. STAFFORD. Does not the smaller include the greater?

Mr. BARTLETT. I think so. I think if you wanted a record in the office of the solicitor, and got a copy thereof certified to by the Secretary of the Treasury, or some one authorized to so certify and attach the seal of the department to it, that would be permissible. That is my judgment about it as a lawyer. I apprehend that this provision was put in the statute for the convenience of the department and for the convenience of those who might require the certified copies of the papers or the records in that office, and not require you to go to the Secretary of the Treasury and have him investigate it, but go directly to the solicitor's office.

Mr. STAFFORD. The gentleman knows that there are many other bureaus in the Treasury Department where cases develop

for need of copies of their records, and they are all certified to by the Secretary of the Treasury. Now, I am told by the Assistant Solicitor of the Treasury that he is rarely called upon for certification of documents in his office, and I can not see any need for this separate provision.

Mr. WILLIS. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. I will be very glad to.

Mr. WILLIS. The gentleman is calling attention to the fact that there is a repetition in sections 135, 136, and 137.

Mr. STAFFORD. Particularly as to sections 133 and 134.

Mr. WILLIS. Yes. Does not the gentleman think that if we would amend section 133, in line 15, by inserting the word "bureaus" after the word "departments," so that it would read "copies of any books, records, papers, or documents in any of the executive departments, bureaus, or other Government establishments, authenticated under the seals of such departments," and again, in line 17, after the word "departments," insert the word "bureaus," so that it would read "under the seals of such departments, bureaus, or establishments, respectively," that would cover all the cases the gentleman has in mind, and that would make it possible to strike out that part?

Mr. STAFFORD. That would be truly a codification of the statutes. As I understand it, we are codifying and getting rid of the unnecessary sections in the existing laws.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes. I want to pursue this inquiry.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. WILLIS. I wanted to call the gentleman's attention to what would be the situation if we passed this as it stands. It would lead to confusion, because, as the gentleman from Illinois [Mr. MANN] pointed out, there are a number of bureaus not mentioned in this bill which have seals. Now, if we should amend section 133 by inserting the word "bureaus," it would cover all of these cases.

Mr. STAFFORD. I certainly approve the suggestion of the gentleman from Ohio. It would not only tend to relieve this bill of unnecessary sections, but it would be scientific in its administration, in throwing the work upon the respective bureaus. This is not a very delicate subject. If a document is lodged in any bureau, the seal of the bureau, if there is a seal, should be sufficient to carry an exemplification of it.

Mr. WILLIS. I think so. Mr. Chairman, I ask unanimous consent to return to section 133 for the purpose of offering an amendment. Before the gentleman objects——

Mr. WATKINS. Reserving the right to object, there is no necessity at all for that. We propose to antagonize any effort to cut out section 134, and to give our reasons in due time.

Mr. WILLIS. Does the gentleman mean to say, then, that he intends to object?

Mr. WATKINS. I intend to object, but reserve my objection so that the gentleman can make his statement.

Mr. WILLIS. I thank the gentleman for his courtesy. I was asking unanimous consent to return to section 133, so as to insert the word "bureaus" after the word "departments" in line 15, and also after the word "departments" in line 17. By so doing we will have a complete and definite statement of the method by which exemplified copies can be obtained. It seems to me, if we let it stand as it is, there will be confusion, because there are many bureaus that have seals that are not enumerated here in the bill; and if we are going to enumerate some of the bureaus that have seals, we ought to enumerate all of them, but they are not all enumerated in this bill. Therefore it seems to me it would be better to make a general provision, such as I have suggested, by amending section 133; and I ask unanimous consent to return to section 133 for the purpose of offering that amendment.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to return to section 133 for the purpose of offering an amendment. Is there objection?

Mr. WATKINS. I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Louisiana objects.

Mr. WATKINS. Now, Mr. Chairman, I wish to be recognized on the pending amendment offered by the gentleman from Wisconsin [Mr. STAFFORD]. The gentleman who offers to strike out section 134 gives as his reason for so doing that section 133 covers the law which is intended to be enacted and which is now enforced in section 134. The gentleman is mistaken about that. It is true that in section 133 the Committee of the Whole, having passed over that, have left the statement in the section that other Government establishments besides the executive departments do have the right to give these certifications, and that they are to be recognized, but section 134 is confined to the Solicitor of the Treasury. The Solicitor of the Treasury is not a department of the Government, nor is he one of the establishments of the Government. He has been provided with a seal. There was no doubt a reason at the time the law was enacted providing him with a seal why it should be done, and up to the present time I have heard no reason assigned except that it is not a frequent occurrence when he is called upon to use that seal in these certifications. I know of a number of cases now which in all probability in a short time will require his certification and his seal. There is a bill now pending in the Senate which I am sure, if it is enacted into law, will require a number of instances in which this seal will have to be used, and it will be a great convenience to the department to have the solicitor himself use the seal, instead of always going to the Secretary, the head of the department, and having him or his secretary stamp his seal on the documents which are certified to by the solicitor.

If that is not done, if he does not go to the head of the department each time to have his seal stamped on the document that is certified, he will have himself to be furnished with the seal of the head of the department. It is not advisable that the various solicitors in the several departments be authorized freely and at their will to use the seal of the head of the department, and it is much better, more practicable, easier, and more satisfactory for the man who is provided with the seal to use his own individual seal, and let the impression of that seal carry its authority along with it. For that reason I oppose the amendment to strike out section 134.

Mr. WILLIS. Will the gentleman yield for a question?

Mr. WATKINS. Certainly.

Mr. WILLIS. I understand the gentleman to be contending that the office of the solicitor would not be an executive department or a Government establishment, and I quite agree with him in that contention.

Mr. WATKINS. Yes.

Mr. WILLIS. According to the language of section 133, as I proposed to amend it, would it not be regarded as a bureau, and would not these others mentioned in sections 135, 136, and 137 come under the language already suggested as an amendment? Would they not be bureaus? What is the gentleman's objection to that amendment?

Mr. WATKINS. The objection is that it would be too general. It would give too many parties the right to use the seal, and when those parties were using a seal they would be expected to use the seal of the head of the department, or else the seal would have to be placed in the possession of these subordinates and let them use the seal of the head of the department.

Mr. WILLIS. The gentleman does not contend that the amendment as I have suggested it would permit any bureau to use a seal if it were not already given a seal by law. It could not lead to any confusion in that respect.

Mr. WATKINS. I did not understand the gentleman's suggestion to go that far.

Mr. WILLIS. My suggestion was simply this, to insert the word "bureaus" after the word "departments," in line 15 and in line 17, so that any bureau which now has by law a seal could give exemplified copies. It would not extend the right to any bureau that does not now have a seal by law. I would not favor such a proposition as that for a moment.

Mr. WATKINS. In what part of section 133 does the gentleman propose to insert that language?

Mr. WILLIS. I shall be glad to call the attention of the gentleman to that. My proposition was to amend section 133 so that it would read as follows:

SEC. 133. Copies of any books, records, papers, or documents in any of the executive departments, bureaus, or other Government establishments, authenticated under the seals of such departments, bureaus, or establishments, respectively, shall be admitted in evidence equally with the originals thereof.

Mr. WATKINS. Does not the gentleman realize that if he should use that language, that would require these various bureaus to use the seal of the head of the department?

Mr. WILLIS. No; I do not so understand it. It would require the heads of bureaus that now have seals by law to furnish exemplifications under their seals; but a bureau that does not have any seal would not have any different authority from what it now has.

Mr. WATKINS. The gentleman does not state that those who do not have seals shall not have that authority.

Mr. WILLIS. That would not be necessary, because, of course, those who do not have seals would have no authority and no occasion to give the exemplifications.

Mr. WATKINS. They could use the seal of the head of the department.

The bill was filed yesterday, and it has been placed on the Pri-

Untermyer this morning, and therefore I object.

Hawley	Lenroot	Payne	Stephens, Tex.
Hay	Lewis, Md.	Peters, Mass.	Stevens, Minn.
Hayden	Lieb	Peterson	Stone
Hayes	Lindbergh	Phelan	Stringer
Helm	Logue	Platt	Sutherland
Helgesen	Lonergan	Post	Taggart
Henry	McAndrews	Powers	Tavenner
Hensley	McDermott	Prouty	Taylor, Ark.
Hinds	McGillicuddy	Quin	Taylor, Colo.
Hinebaugh	McKellar	Raker	Taylor, N. Y.
Holland	McLaughlin	Rauch	Temple
Houston	Mahan	Rayburn	Thacher
Howell	Metz	Roberts, Mass.	Thomson, Ill.
Hughes, Ga.	Mitchell	Roberts, Nev.	Towner
Hull	Montague	Rothermel	Tribble
Igoe	Moon	Rupley	Underhill
Jacoway	Moore	Russell	Vaughan
Johnson, S. C.	Morgan, La.	Sabath	Vollmer
Johnson, Utah.	Morrison	Scott	Volstead
Kahn	Moss, Ind.	Sells	Walker
Keating	Moss, W. Va.	Shackleford	Walters
Keister	Murdock	Sharp	Watkins
Kelly, Pa.	Murray, Mass.	Sims	Weaver
Kennedy, Iowa	Murray, Okla.	Sinnott	Whaley
Kennedy, R. I.	Neeley, Kans.	Sisson	Whitacre
Kent	Nolan, J. I.	Slemp	Williams
Key, Ohio	O'Brien	Sloan	Willis
Kiess, Pa.	Oglesby	Small	Wilson, Fla.
Konop	O'Hair	Smith, J. M. C.	Winslow
Kreider	Oldfield	Smith, Md.	Witherspoon
La Follette	Page, N. C.	Smith, N. Y.	Woods
Langley	Palze, Mass.	Stafford	
Lazaro	Park	Steenerson	
Lee, Pa.	Patten, N. Y.	Stephens, Miss.	

ANSWERED "PRESENT"—9.

Bartlett	Gillett	Johnson, Wash.	McKenzie
Cantor	Johnson, Ky.	Lloyd	Mann
Fordney			

NOT VOTING—174.

Ainey	Edmonds	Korbly	Reilly, Wis.
Ansberry	Edwards	Lafferty	Riordan
Barchfeld	Estopinal	Langham	Rogers
Bartholdt	Faison	Lee, Ga.	Rubey
Barton	Flood, Va.	L'Engle	Rucker
Bathrick	Floyd, Ark.	Lesher	Saunders
Bell, Cal.	Francis	Lever	Scully
Brodbeck	Frear	Levy	Seldomridge
Broussard	Gard	Lewis, Pa.	Sherley
Brown, W. Va.	Gardner	Lindquist	Shreve
Browne, Wis.	Garrett, Tenn.	Linthicum	Slayden
Browning	George	Lobeck	Smith, Idaho
Bruckner	Gerry	Loft	Smith, Minn.
Burke, Pa.	Gittins	McClellan	Smith, Saml. W.
Burnett	Goldfogle	McCoy	Smith, Tex.
Butler	Goulden	McGuire, Okla.	Sparkman
Calder	Graham, Ill.	Madden	Stanley
Callaway	Greene, Mass	Maguire, Nebr.	Stedman
Campbell	Griest	Maher	Stephens, Cal.
Cantrill	Gudger	Manahan	Stephens, Nebr.
Carew	Guernsey	Mapes	Stevens, N. H.
Carlin	Hamill	Martin	Stout
Carter	Hamilton, Mich.	Merritt	Sumners
Clancy	Hamilton, N. Y.	Miller	Switzer
Clark, Fla.	Hardwick	Mondell	Talbott, Md.
Claypool	Hardy	Morgan, Okla.	Talcott, N. Y.
Connolly, Iowa	Helm	Morlu	Taylor, Ala.
Conry	Helvering	Mott	Ten Eyck
Cooper	Hill	Neely, W. Va.	Thompson, Okla.
Copley	Hobson	Nelson	Townsend
Covington	Howard	Norton	Treadway
Crisp	Hoxworth	O'Leary	Tuttle
Dale	Hughes, W. Va.	O'Shaunessy	Underwood
Davis	Humphrey, Wash.	Padgett	Vare
Dellrick	Humphreys, Miss.	Palmer	Wallin
Dershem	Jones	Parker	Walsh
Dies	Kelley, Mich.	Patton, Pa.	Watson
Dooling	Kennedy, Conn.	Peters, Me.	Webb
Doremus	Kettner	Plumley	Wilson, N. Y.
Doughton	Kinkaid, Nebr.	Porter	Woodruff
Driscoll	Kinkead, N. J.	Pou	Young, N. Dak.
Dyer	Kirkpatrick	Ragsdale	Young, Tex.
Eagan	Kitchin	Reed	
Eagle	Knowland, J. R.	Reilly, Conn.	

So, two-thirds not having voted in favor thereof, the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. SCULLY with Mr. BROWNING.

Mr. UNDERWOOD with Mr. MANN.

Mr. BARTLETT with Mr. BUTLER.

Until further notice:

Mr. BATHRICK with Mr. AINEY.

Mr. BRODBECK with Mr. BARTHOLDT.

Mr. BURNETT with Mr. BARTON.

Mr. CANTRILL with Mr. BELL of California.

Mr. CARLIN with Mr. CALDER.

Mr. CARTER with Mr. BROWNE of Wisconsin.

Mr. CLARK of Florida with Mr. CAMPBELL.

Mr. CLAYPOOL with Mr. COOPER.

Mr. CONRY with Mr. DYER.

Mr. COVINGTON with Mr. EDMONDS.

Mr. DEITRICK with Mr. FREAR.

Mr. DOREMUS with Mr. GREENE of Massachusetts.

Mr. DOUGHTON with Mr. HUMPHREY of Washington.

Mr. EDWARDS with Mr. KELLEY of Michigan.

Mr. ESTOPINAL with Mr. J. R. KNOWLAND.

Mr. FAISON with Mr. LAFFERTY.

Mr. FLOOD of Virginia with Mr. KINKAID of Nebraska.

Mr. FRANCIS with Mr. LANGHAM.

Mr. GOLDFOGLE with Mr. LINDQUIST.

Mr. GEORGE with Mr. MCGUIRE of Oklahoma.

Mr. HARDWICK with Mr. MONDELL.

Mr. HARDY with Mr. MANAHAN.

Mr. HELVERING with Mr. MILLER.

Mr. HOWARD with Mr. MORIN.

Mr. HUMPHREYS of Mississippi with Mr. NORTON.

Mr. KITCHIN with Mr. PORTER.

Mr. LEVER with Mr. TREADWAY.

Mr. LEVY with Mr. WALLIN.

Mr. LINTHICUM with Mr. VARE.

Mr. MCCLELLAN with Mr. PARKER.

Mr. MCCOY with Mr. NELSON.

Mr. PADGETT with Mr. PLUMLEY.

Mr. PALMER with Mr. PATTON of Pennsylvania.

Mr. POU with Mr. ROBERTS of Nevada.

Mr. REED with Mr. ROGERS.

Mr. REILLY of Connecticut with Mr. SHREVE.

Mr. RIORDAN with Mr. SMITH of Idaho.

Mr. RUCKER with Mr. SMITH of Minnesota.

Mr. SAUNDERS with Mr. STEPHENS of California.

Mr. SHERLEY with Mr. GRIEST.

Mr. TALBOTT of Maryland with Mr. SWITZER.

Mr. WATSON with Mr. WOODRUFF.

Mr. WEBB with Mr. YOUNG of North Dakota.

Mr. SPARKMAN with Mr. DAVIS.

Mr. LEE of Georgia with Mr. JOHNSON of Washington.

Mr. GRAHAM of Illinois with Mr. SAMUEL W. SMITH.

Mr. YOUNG of Texas with Mr. HAMILTON of Michigan.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. DALE with Mr. MARTIN.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Until further notice:

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GUDGER with Mr. GUERNSEY.

Mr. CALLAWAY with Mr. MERRITT.

Mr. JOHNSON of Kentucky with Mr. MADDEN.

Mr. RUBEY with Mr. LEWIS of Pennsylvania.

Mr. TOWNSEND with Mr. GILLETT (commencing May 28, ending June 4).

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. STEDMAN with Mr. PETERS of Maine.

Mr. HELM with Mr. MCKENZIE.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. HILL with Mr. COPLEY (commencing May 22, ending 10 days).

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD, and I desire to withdraw my vote of "no" and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The Doorkeeper will open the doors. Two-thirds not having voted in favor of dispensing with Calendar Wednesday, the motion is lost.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BROWNING was granted leave of absence indefinitely, on account of a broken arm.

REVISION OF THE LAWS—JUDICIARY TITLE.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15578, and the gentleman from Missouri [Mr. RUSSELL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15578, with Mr. RUSSELL in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15578, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WATKINS. Mr. Chairman, I offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 75, line 1, after the word "States," strike out the words "are parties or have" and insert "is a party or has."

Mr. WINGO. Mr. Chairman, owing to the confusion I could not hear the amendment read.

Mr. WATKINS. Mr. Chairman, it is simply to correct a grammatical error. It says "the United States are" and it should be "the Government is."

Mr. WINGO. I could not hear the amendment read.

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I desire to offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 75, line 2, after the word "the," strike out "court or the commissioner" and insert in lieu thereof the word "officer."

The question was taken, and the amendment was agreed to.

Mr. WATKINS. Mr. Chairman, I desire to offer another committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 75, line 3, after the word "such," strike out "court or commissioner" and insert in lieu thereof the word "officer."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 130. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he can not safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within 100 miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpenaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpenaed in behalf of the United States.

Mr. WATKINS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 2, strike out "such witnesses" and insert in lieu thereof "all such witnesses as may be material and necessary."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 132. Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and for that purpose may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. The said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge.

Mr. WATKINS. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 25, after the word "States," strike out the words "are parties or are" and insert in lieu thereof "is a party or is."

The question was taken, and the amendment was agreed to.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I wish to inquire of the chairman whether in his opinion he does not believe it is advisable to extend this same authority to proceedings and actions under the antitrust laws? The present section merely extends it to proceedings in criminal actions. I can conceive how it would be highly advisable to detain witnesses in proceedings under the antitrust laws. We know when proceedings are about to be instituted for a violation of the antitrust laws of the United States that sometimes witnesses find it convenient to make a hasty exit from this country. If we are going to make such a provision, this would be the proper place. I have prepared an amendment, somewhat hastily it is true, but as this bill will be submitted to the Senate for their consideration, I think perhaps it might be well to place it in this section. If the gentleman approves it, and when the bill goes over to the other body they may pass upon it and put it into complete and final form. I suggest to the gentleman that after the word "proceeding," in line 24, page 77, to insert these words, "in any proceeding, suit, or action under the antitrust laws of the United States."

Mr. WATKINS. I do not see any objection to that. It is true in this codification we deal with only one subject at a time, as near as we can, but the general rule of criminal law is applicable to that section which we are now considering. I do not see, however, that it will harm anything by putting it in.

Mr. STAFFORD. The gentleman realizes here is one provision of the law which gives authority to the United States to detain necessary witnesses in criminal prosecutions.

Mr. WATKINS. I shall interpose no objection.

Mr. STAFFORD. Mr. Chairman, I offer the following amendment, to be inserted after the word "proceeding," in line 24, page 77.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 77, line 24, after the word "proceeding," insert the words "or in any proceeding, suit, or action under the antitrust laws of the United States."

Mr. BRYAN. This is an amendment to the amendment.

Mr. STAFFORD. No; the amendment was adopted, and I withdraw the pro forma amendment and offer this.

Mr. BRYAN. Mr. Chairman, in this provision it is arranged that in criminal proceedings witnesses can be compelled to give recognizance, and if they do not, they go to jail, of course, or are detained in some way by the authorities. Now, that is all right in criminal proceedings, and all criminal proceedings under the antitrust laws would come within the provision as it is now worded, and if the amendment is adopted all civil proceedings under the antitrust laws would be subject to the same provision; and is it not subject to some question whether we should extend the right to detain witnesses and compel them to give recognizances, and, if they do not, for them to go to jail, in civil suits? I think that goes too far, and I hardly believe that the amendment ought to be adopted and the power extended to civil suits in any case. It is an entirely new departure, and the statute itself is broad enough to cover any criminal proceeding under the antitrust laws, so why make it cover civil proceedings?

Mr. STAFFORD. If the gentleman will yield. The gentleman is quite well aware in the suits instituted for violations of the antitrust laws there are suits in equity. In these proceedings it is very necessary to have witnesses available when they would be needed to testify to prove the Government's case. They may be very wealthy persons, who can conveniently absent themselves when they have a fear that they are going to be compelled to testify in these trust proceedings.

I know the gentleman can see the efficacy and need of such a provision as this.

Mr. BRYAN. I can see what the gentleman from Wisconsin is driving at, but the very rich men to which he referred are held by the bond of public opinion, and the matter of a small money bond amounts to nothing to them. If the power of the court to punish for contempt of court would not detain them if they wanted to go and subject themselves to the contempt of court, as they do when a subpoena is served upon them and they disobey it, then a thousand-dollar bond would be nothing—absolutely nothing. In a trust case, where the Government sues a certain railroad, and the railroad determines to get a large number of laboring men, for instance, or employees, to attend the trial, they can cause all of those men to be put into jail if they can not give a bond to attend the trial, under this provision. Now, I think that is going entirely too far. I think that kind of a right ought not to be allowed in civil cases.

Mr. STAFFORD. The gentleman recognizes they can not be put in jail, even in the extreme case the gentleman imagines, unless it has the approval of the judge of the United States court. Can the gentleman even, with his very easy imagination, conceive of a case where the judge of the United States court would imprison witnesses, as he refers to?

Mr. BRYAN. If the defendant corporation comes in and says, "Here are a lot of witnesses that are essential to establish the fact that we are not a trust, and we want them detained, and the law authorizes us to detain them," then the judge is going to say, "All right; detain them." And he would be expected to do so, and he would not be expected to use his discretion in such a way as take from this corporation the evidence. I do not think we ought to put on the books any authority in a civil case to any judge to require a body of citizens who have committed no offense to be tied up in this way. It is bad enough in criminal cases. A lot of times it is abused, and many times it works a great injustice, and I would not want to extend any such provision as that to a civil case.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. STAFFORD].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BRYAN. Division, Mr. Chairman.

The committee divided; and there were—ayes 17, noes 8.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

First Lieut. Otto W. Rethorst, Ninth Cavalry, to be captain from April 26, 1914, vice Capt. Edward D. Anderson, Sixth Cavalry, promoted.

First Lieut. Robert Sterrett, Thirteenth Cavalry, to be captain from April 30, 1914, vice Capt. George P. White, Ninth Cavalry, promoted.

Second Lieut. Frederick S. Snyder, Second Cavalry, to be first lieutenant from April 26, 1914, vice First Lieut. Otto W. Rethorst, Ninth Cavalry, promoted.

Second Lieut. William C. Christy, Fifth Cavalry, to be first lieutenant from April 27, 1914, vice First Lieut. Nathaniel M. Cartmell, Third Cavalry, retired from active service April 26, 1914.

Second Lieut. Sloan Doak, Fifth Cavalry, to be first lieutenant from April 30, 1914, vice First Lieut. Robert Sterrett, Thirteenth Cavalry, promoted.

Second Lieut. Leland Wadsworth, jr., Fifteenth Cavalry, to be first lieutenant from April 30, 1914, vice First Lieut. Anton H. Schroeter, First Cavalry, who died April 29, 1914.

INFANTRY ARM.

Lieut. Col. Charles H. Barth, Infantry, unassigned, to be colonel from May 30, 1914, vice Col. Robert H. R. Loughborough, Twentieth Infantry, retired from active service May 29, 1914.

Lieut. Col. Walter H. Chatfield, Twenty-seventh Infantry, to be colonel from May 30, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 3, 1914.

SECRETARY OF EMBASSY.

Post Wheeler to be secretary of the embassy at Tokyo, Japan.

POSTMASTERS.

CALIFORNIA.

C. W. Corey, Escondido.

IDAHO.

R. S. Story, Burley.
Joseph F. Whelan, Wallace.

KENTUCKY.

John J. Berry, Paducah.

MARYLAND.

Edward A. Rodey, Ellicott City.

OHIO.

Elijah T. Dando, Wellston.
Frank H. Davet, Madison.
Franzo D. Miller, Alliance.

SOUTH DAKOTA.

C. W. Marley, Colome.
William S. Small, Gettysburg.

UTAH.

James Gowans, Tooele.
W. J. Munford, Milford.

WASHINGTON.

J. F. Payne, Auburn.

WISCONSIN.

Olaf R. Skaar, La Crosse.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 3, 1914.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Lord God, our heavenly Father, be graciously near to us as we enter upon the new congressional day, that we may be quick to conceive, strong to do the right as it is given us to see the right, for of Thee and through Thee are all things; hence we realize that if our work is not in consonance with the laws Thou hast ordained it will come to naught. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

HOMESTEAD PATENTS FOR DESERTED WIVES.

Mr. RAKER. Mr. Speaker, the Committee on the Public Lands reported a bill to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives. The bill was filed yesterday, and it has been placed on the Private Calendar, No. 255. It is clearly a bill that ought to go to the Union Calendar. I ask that the transfer of the bill be made accordingly.

The SPEAKER. What is the bill about?

Mr. RAKER. The bill is about the issuing of patents for homesteads to deserted wives. It is a general bill, and relates to no particular person or individual. It is a disposition of public lands, and it is clearly a mistake that it went to the Private Calendar.

Mr. MANN. What is the bill?

The SPEAKER. The number of the bill is House bill 16296, to provide for issuing of patents for public lands claimed under the homestead laws by deserted wives.

Mr. RAKER. I have a copy of the bill here as amended by the committee. The bill as amended is as follows:

Be it enacted, etc., That in any case in which persons have regularly initiated claims to public lands as settlers thereon under the provisions of the homestead laws and the wife of such homestead settler or entryman, while residing upon the homestead claim and prior to submission of final proof of residence, cultivation, and improvement as prescribed by law, has been abandoned and deserted by her husband for a period of more than one year, the deserted wife shall, upon establishing the fact of such abandonment or desertion to the satisfaction of the Secretary of the Interior, be entitled to submit proof upon such claim and obtain patent therefor in her name in the form, manner, and subject to the conditions prescribed in section 2291 of the Revised Statutes of the United States and acts supplemental thereto and amendatory thereof: *Provided*, That in such cases the wife shall be required to show residence upon, cultivation, and improvement of the homestead by herself for such time as when, added to the time during which her husband prior to desertion had complied with the law, would aggregate the full amount of residence, improvement, and cultivation required by law: *And provided further*, That the published and posted notices of intention to submit final proof in such cases shall recite the fact that the proof to be offered and patent sought by applicant as a deserted wife, and, prior to its submission, notice thereof shall be served upon the husband of the applicant in such a manner and under such rules and regulations as the Secretary of the Interior shall prescribe.

The SPEAKER. It was evidently an accidental clerical error, because House bill 16476, also introduced by the gentleman from California [Mr. RAKER], is evidently a private bill, and that is on the Union Calendar.

Mr. RAKER. No, Mr. Speaker; I understand that the Speaker ruled two years ago that when a bill provides anything for a municipality it is not a private bill. The bill the Speaker refers to grants 40 acres of land to the city of Susanville. Therefore that bill should go upon the Union Calendar.

Mr. MANN. That is correct. The bill is properly referred.

The SPEAKER. If there be no objection, the bill H. R. 16296, Private Calendar, No. 255, will be transferred from the Private Calendar to the Union Calendar.

There was no objection.

LEAVE TO EXTEND REMARKS.

Mr. GORDON. Mr. Speaker, I desire leave to extend my remarks by publishing an address delivered by Mr. Samuel Untermyer at Pittsburgh on the 22d of May last.

The SPEAKER. About what?

Mr. GORDON. Upon the reasons and remedies for our business troubles. It discusses at length these bills that are now pending.

The SPEAKER. The gentleman from Ohio [Mr. GORDON] asks unanimous consent to extend his remarks by printing in the RECORD a speech made by Mr. Samuel Untermyer at Pittsburgh in May.

Mr. BARNHART. Reserving the right to object, I should like to inquire what it is about.

Mr. GORDON. It discusses at length these three bills that are now being considered in Committee of the Whole.

Mr. BARNHART. The trust bills?

Mr. GORDON. The bills now pending.

Mr. MANN. Oh, no; not pending. Two of them have been disposed of.

Mr. GORDON. None of them have been disposed of.

Mr. MANN. They have been disposed of in Committee of the Whole.

Mr. GORDON. None of them have been voted on.

Mr. MANN. Oh, yes; they have, in Committee of the Whole.

Mr. BARNHART. I do not see that this speech should be printed in the RECORD now, and I will object for the present.

Mr. GORDON. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes.

The SPEAKER. The gentleman from Ohio asks unanimous consent to address the House for 15 minutes. Is there objection?

Mr. MANN. Reserving the right to object, upon what subject?

Mr. GORDON. I want to read this speech into the RECORD.

Mr. MANN. I do not think it is necessary to hear from Mr. Untermyer this morning, and therefore I object.

ORDER OF BUSINESS.

The SPEAKER. This is Calendar Wednesday. The unfinished business is the bill (H. R. 15578) to codify, revise, and amend the laws relating to the judiciary.

Mr. WINGO. Mr. Speaker, I move to dispense with the proceedings under Calendar Wednesday for to-day and to resume considerations of the trust bills under the continuing order of the House.

The SPEAKER. The gentleman from Arkansas moves to dispense with Calendar Wednesday business for to-day and to proceed with the trust bills.

Mr. WINGO. Mr. Speaker, I want to be heard on that motion, and under the rules I am entitled to five minutes.

The SPEAKER. The gentleman will proceed.

Mr. WINGO. If my motion carries, the result will be to put in an additional day in the consideration of the trust bills. That will mean that we will get through with these bills this week. It will mean that we will get through with them a day earlier, that we will get through with this session of Congress a day earlier, and get home a day earlier.

I made the same motion on last Wednesday, and some 13 of us who had a desire to hasten the public business voted for the motion. Most of those 13 stayed here. One or two and possibly three of those who voted against it stayed here. The other gentlemen, I know, were engaged in public business—evidently they were, although some of them attended the ball game, some went to the golf links, and some attended an afternoon tea and sipped tea with the ladies. There is no ball game this afternoon at the ball park, there is no afternoon tea, and the golf links are not in very good condition. Therefore, I trust that gentlemen will vote for my motion and stay here and continue the consideration of the trust bills. I am perfectly willing to stay here until hog-killing time, so far as I am concerned, to pass the bills constituting the party program; but if we can expedite business and get through a little bit earlier I think we should do so. I have heard one or two suggestions from the gentleman from Ohio [Mr. FESS] that the country wants a rest, and he quoted a good Democratic authority last night, saying that the country wants a rest. But however that may be, this is a practical proposition that I have offered, and I do not think it will destroy the sanctity of Calendar Wednesday, as some have complained that we want to do.

I think it would be treating Calendar Wednesday with more respect than to continue the performances that have been going on for four or five Calendar Wednesdays.

Mr. UNDERWOOD admitted my charge that this is an unjustifiable filibuster. Does any man dare to stand up and defend this proceeding? You know good and well that you do not expect to pass this bill at this Congress. You know that it is perfectly impossible. Then why play buncombe as you are doing?

Mr. MANN. Mr. Speaker, I am not in favor of the motion of the gentleman from Arkansas. When the codification bill came before the House the first time on Calendar Wednesday, I raised the question of consideration. We had a roll call in the House on the question of consideration. This side of the House voted almost if not quite unanimously against the consideration of the bill, simply because of the time that would be consumed. The gentleman from Arkansas [Mr. WINGO] voted in favor of the consideration of the bill, although he knew that if it was continued it would occupy Calendar Wednesday for a number of days. That side of the House quite generously voted against consideration, although my colleague from Illinois [Mr. FOSTER], who just interrupted the gentleman from Arkansas, voted against the consideration.

The gentleman from Missouri [Mr. LLOYD] has taken a very active part in the actual consideration of this bill and has been here, I think, continuously. Last Wednesday I voted against the motion of the gentleman from Arkansas [Mr. WINGO], and later in the day went to a ball game. If there was a good ball game to-day, I do not know but that I would follow suit; and I am sure that my absence from the House last Wednesday after 3 o'clock did not in any way whatever delay the consideration or the expedition of this bill. [Laughter.]

If the House does not wish to consider the codification bill, it is a matter very easily arrived at. The House can refuse to consider it at any time; but this is an effort to break down Calendar Wednesday. Now, I appreciate the desire of my friend from Arkansas to expedite the public business in words, while in votes he is the one that is largely responsible for what he calls the pussy-footed filibuster. When we took the vote the Democratic side of the House voted for the consideration of this bill, in order to prevent other questions being reached for consideration of the House. We have got a situation now where Calendar Wednesday is occupied. We have had a bill made the continuing order which has not been taken up for consideration so that nothing else can come in except that bill if we happen on any day to run out of meat. We are now in the situation under the reform rules of the House where no nonprivileged matter can be reached or considered except by unanimous consent, or by the grace of the great mogul from Texas, chairman of the Committee on Rules, Mr. HENRY. [Laughter and applause.]

Mr. HENRY. Mr. Speaker——

Mr. MANN. I thought I would get a rise from the gentleman.

Mr. HENRY. Does not the gentleman agree that the House is being fed enough grist to grind?

Mr. MANN. The Committee on Rules has now usurped the proper functions of the House. Where the House heretofore always had the power of determining for itself what it would consider, under the present rules, under the control of the Committee on Rules, we can not consider any matter unless it meets the approval of the Committee on Rules and, as I now understand, unless what is going into the bill meets with the approval of the Committee on Rules.

Mr. HENRY. The gentleman from Illinois and others frequently vote against the rule which the committee brings into the House.

Mr. MANN. Oh, yes; we do that frequently, the presumption in my mind being adverse to any bill brought in by the Committee on Rules.

Mr. HENRY. Mr. Speaker, I wish to say to the gentleman if he continues that way, the crowd will grow smaller each day on that side of the House.

Mr. MANN. Very likely the gentleman has high hopes which he enunciates, though he does not have them in the bottom of his heart, for he knows, as everybody else in the House knows, that if an election were held to-day that side of the House could be put in two tiers of seats. [Applause on the Republican side.]

Mr. BARNHART rose.

The SPEAKER. The time is exhausted.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. FOSTER. Mr. Speaker, I think we ought to enforce the rule on this proposition.

Mr. BARNHART. Does the gentleman from Illinois object?

Mr. FOSTER. I think I will have to call for the regular order.

Mr. BARNHART. Very well. I will ask the gentleman not to forget that.

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. WINGO], to dispense with Calendar Wednesday for to-day.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 12, noes 60.

Mr. WINGO. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas, 21, nays 229, answered "present" 9, not voting 174, as follows:

YEAS—21.

Austin	Burke, Wis.	Hastings	Thomas
Baltz	Finley	Kindel	White
Barnhart	Goeke	MacDonald	Wingo
Booher	Gordon	Rainey	
Butchers	Griffin	Rouse	
Borland	Hart	Sherwood	

NAYS—229.

Abercrombie	Buchanan, Ill.	Davenport	FitzHenry
Adair	Buchanan, Tex.	Decker	Foster
Adamson	Bulkley	Lesl	Fowler
Aiken	Burgess	Dickinson	French
Alexander	Burke, S. Dak.	Difenderfer	Gallagher
Allen	Byrnes, S. C.	Dalton	Gardiva
Anderson	Byrns, Tenn.	Dixon	Garner
Anthony	Candler, Miss.	Donohoe	Garrett, Tex.
Ashbrook	Caraway	Donovan	Gilmore
Aswell	Carr	Doolittle	Glass
Avis	Cary	Drukker	Godwin, N. C.
Bailey	Casey	Dunn	Good
Baker	Chandler, N. Y.	Dupré	Goodwin, Ark.
Barkley	Church	Elder	Gorman
Beakes	Cline	Esch	Graham, Pa.
Beall, Tex.	Coady	Evans	Gray
Bell, Ga.	Collier	Fairchild	Green, Iowa
Blackmon	Connelly, Kans.	Falconer	Greene, Vt.
Bowdle	Cox	Farr	Gregg
Britten	Cramton	Ferguson	Hamlin
Brockson	Crosser	Ferris	Hammond
Brown, N. Y.	Cullop	Fess	Harris
Brumbaugh	Curry	Fields	Harrison
Bryan	Danforth	Fitzgerald	Haugen

in very good condition. Therefore, I trust that gentlemen will vote for my motion and stay here and continue the consideration of the trust bills. I am perfectly willing to stay here until hog-killing time, so far as I am concerned, to pass the bills constituting the party program; but if we can expedite business and get through a little bit earlier I think we should do so. I have heard one or two suggestions from the gentleman from Ohio [Mr. FESS] that the country wants a rest, and he quoted a good Democratic authority last night, saying that the country wants a rest. But however that may be, this is a practical proposition that I have offered, and I do not think it will destroy the sanctity of Calendar Wednesday, as some have complained that we want to do.

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The gentleman from Missouri [Mr. LLOYD] has taken a very active part in the actual consideration of this bill and has been here, I think, continuously. Last Wednesday I voted against the motion of the gentleman from Arkansas [Mr. WINGO], and later in the day went to a ball game. If there was a good ball game to-day, I do not know but that I would follow suit; and I am sure that my absence from the House last Wednesday after 3 o'clock did not in any way whatever delay the consideration or the expedition of this bill. [Laughter.]

If the House does not wish to consider the codification bill, it is a matter very easily arrived at. The House can refuse to consider it at any time; but this is an effort to break down Calendar Wednesday. Now, I appreciate the desire of my friend from Arkansas to expedite the public business in words, while in votes he is the one that is largely responsible for what he calls the pussy-footed filibuster. When we took the vote the Democratic side of the House voted for the consideration of this bill, in order to prevent other questions being reached for consideration of the House. We have got a situation now where day on that side of the House.

Mr. MANN. Very likely the gentleman has high hopes which he enunciates, though he does not have them in the bottom of his heart, for he knows, as everybody else in the House knows, that if an election were held to-day that side of the House could be put in two tiers of seats. [Applause on the Republican side.]

Mr. BARNHART rose.

The SPEAKER. The time is exhausted.

Mr. BARNHART. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. FOSTER. Mr. Speaker, I think we ought to enforce the rule on this proposition.

Mr. BARNHART. Does the gentleman from Illinois object?

Mr. FOSTER. I think I will have to call for the regular order.

Mr. BARNHART. Very well. I will ask the gentleman not to forget that.

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. WINGO], to dispense with Calendar Wednesday for to-day.

The question was taken; and on a division (demanded by Mr. WINGO) there were—ayes 12, noes 60.

Mr. WINGO. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. Evidently there is not a quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll; and there were—yeas, 21, nays 229, answered "present" 9, not voting 174, as follows:

YEAS—21.

Austin	Burke, Wis.	Hastings	Thomas
Baltz	Finley	Kindel	White
Barnhart	Goeke	MacDonald	Wingo
Booher	Gordon	Rainey	
Borchers	Griffin	Reuss	
Borland	Hart	Sherwood	

NAYS—229.

Abercrombie	Buchanan, Ill.	Davenport	FitzHenry
Adair	Buchanan, Tex.	Decker	Foster
Adamson	Bulkley	Dent	Fowler
Aiken	Burgess	Dickinson	French
Alexander	Burke, S. Dak.	Difenderfer	Gallagher
Allen	Byrnes, S. C.	Dillon	Gallivan
Anderson	Byrns, Tenn.	Dixon	Garner
Anthony	Candler, Miss.	Donohoe	Garrett, Tex.
Ashbrook	Caraway	Donovan	Gilmore
Aswell	Carr	Doolittle	Glass
Avis	Cary	Drukker	Godwin, N. C.
Bailey	Casey	Dunn	Good
Baker	Chandler, N. Y.	Dupré	Goodwin, Ark.
Barkley	Church	Elder	Gorman
Beakes	Cline	Esch	Graham, Pa.
Beall, Tex.	Coady	Evans	Gray
Bell, Ga.	Collier	Fairchild	Green, Iowa
Blackmon	Connelly, Kans.	Falconer	Greene, Vt.
Bowdle	Cox	Farr	Greene
Britten	Cramton	Fergusson	Hamlin
Brockson	Crosser	Ferris	Hammond
Brown, N. Y.	Cullop	Fess	Harris
Brumbaugh	Curry	Fields	Harrison
Bryan	Danforth	Fitzgerald	Haugen

(a) The treaty is a contract by which the proprietor of a canal fixes the terms upon which it grants the use of the canal to its customers.

* * * * * * *

It can not reasonably be argued that, in fixing terms for the use of its canal by customers, the United States looked upon itself as one of the customers.

(c) The words under construction are in substance the first of a set of six rules adopted by the United States as the basis of the neutralization of the canal.

But the other five certainly apply only to parties other than the United States, so that there is the strongest reason for holding that the first of them is to be given a like application.

It was the view of Mr. Olney that these five rules did not apply to the United States, and therefore the provision in rule 1, "all nations observing these rules," could not include the United States, because the United States could not observe those rules.

Mr. BRANDEGEE. Mr. President, the United States, in exempting or in taxing its coastwise trade, is not regarding itself as one of its customers. The United States does not own the vessels upon which it proposes to bestow this favor. They are owned by citizens of the United States. The United States, of course, is not its own customer. As Mr. Olney says, nobody contends that it is. If, however, the Senator from Idaho still has such a high opinion of the authority he has quoted as he appears to have when he makes that statement, I should advise him to follow his lead and vote for this repeal, because Mr. Olney advocates doing so.

Mr. BORAH. Yes; but he advocates it for a reason that does not apply to me. He put it on the ground of party loyalty.

Mr. BRANDEGEE. But if he is such a high authority, the Senator ought to follow him in all he recommends.

Mr. BORAH. He gives as a reason that we should follow the President. If I were a member of the Democratic Party and was following anybody, I do not know of any man I would rather follow than the President; but I do not feel any obligation to change my vote until I change my mind, in view of the fact that I am not a member of that party. I do not understand that Mr. Olney has changed his view of the treaty.

Mr. SMITH of Georgia. Mr. President, when the Senator from Idaho, in one of his speeches some time ago, did me the honor of referring to some remarks I made two years ago when the canal-tolls bill was before the Senate, I hoped at the conclusion of that speech to obtain the floor and to make a brief reply, but I did not obtain recognition. Since then, in one of his later statements, he has referred to the meaning of the word "neutralization." Before I undertake to reply to his reference to my speech of two years ago I wish to call attention to the fact that, as the Senator from South Dakota [Mr. STERLING] has mentioned, not only does Mr. Moore, in his digest of international law, refer to the term "neutralization" as having the meaning of impartial treatment with reference to commerce, as distinguished from what was formerly considered its meaning, impartiality of treatment with reference to war, but Mr. Choate, in his correspondence with the Secretary of State, refers to the term "principle of neutralization" in this treaty as meaning equality of treatment between the citizens of the United States and the citizens of Great Britain in their commerce. That will be found in a letter of Mr. Choate's dated August 20, 1901, in which he says:

And that said "canals or railways" being open to the subjects and citizens of Great Britain and the United States on equal terms shall also be open on like terms to the subjects and citizens of other States, which I believe to be the real general principle of neutralization (if you choose to call it so) intended to be asserted by this eighth article of the Clayton-Bulwer treaty.

Mr. BORAH. Yes; "if you choose to so call it."

Mr. SMITH of Georgia. Ah, but it is so called. He regards the term as rather a novel use.

Mr. BORAH. Yes; with Mr. Choate's knowledge, I should think he would.

Mr. SMITH of Georgia. I do not desire to debate the matter with the Senator from Idaho just now, as I have waited so long to get the floor. I desire to finish what I have to say now rather than be interrupted. I did not interrupt the Senator, hoping to get the floor myself later on.

Mr. BORAH. I shall not interrupt the Senator.

Mr. SMITH of Georgia. He does concede that it is a novel use, but he says that that is its meaning as we use the term in this treaty, according to the eighth article of the Clayton-Bulwer treaty. The fact that we give the words its modern use was declared by Mr. Choate while the treaty was being negotiated by him.

Mr. McCUMBER rose.

Mr. SMITH of Georgia. I yield to the Senator from North Dakota.

Mr. McCUMBER. I simply wish to say to the Senator that that is just exactly what Mr. Hay said in January of 1901, in his correspondence with the British ambassador. If the Senator will allow me, I will read just what he said in answer to the proposition contained in article 3-A, proposed by Lord Lansdowne. On this point his answer is:

The preamble of the draft treaty retained the declaration that the general principle of neutralization established in article 8 of the Clayton-Bulwer treaty is not impaired.

Now, there is no neutralization in article 8 unless the neutralization pertains to equality, because article 8 deals only with the matter of equality.

Mr. BORAH rose.

Mr. SMITH of Georgia. Mr. President, I ask the Senator from Idaho not to interrupt me until I finish the few remarks I wish to make. It is late and I desire my reply to a part of his speech made at once.

As the Senator from North Dakota has said, there is nothing left in article 8 of the Clayton-Bulwer treaty which we continue in existence except the equality of treatment of the commerce of citizens of the United States and citizens of Great Britain. The other provisions of the treaty were provisions providing joint protection by Great Britain, the United States, and other countries. We wiped that out by the Hay-Pauncefote treaty, and the only thing we continued we declared to be the principle of neutralization. That is equality of treatment of the citizens of the two countries in the use of the canal; and Mr. Choate expressly declares in his letter to Mr. Hay that that is what we meant by the term.

The Senator called attention to some extracts from remarks I made two years ago. If he had read a little further from what I then said, he would have seen that I expressed the opinion that the effect of letting our coastwise vessels go through the canal free would in all probability be that we must also permit the vessels of the Dominion of Canada to go through free as well as our own.

At that time, so far as I know, the debate upon the floor of the Senate treated the question of equality provided for in the Hay-Pauncefote treaty as one affecting the owners of the vessels. The broader meaning applying it to the commerce of the countries did not attract my attention, and I think it attracted little the attention of any of the Senators. Since then there has been brought to our attention the action of Mr. Cleveland and of Mr. Harrison.

The Welland Canal treaty undertook to secure "to the citizens of the United States the use of the Welland, St. Lawrence, and other canals in the Dominion of Canada on terms of equality with the inhabitants of the Dominion." This language Mr. Cleveland and Mr. Harrison and the Congress of the United States declared extended not alone to the owners of vessels but to the commerce of the citizens of the two countries. We made an issue with Great Britain and enforced our view and enforced recognition of the fact that under that language in the Welland Canal treaty equality of treatment of the commerce of the two nations must be given. We enforced the proposition that Canada could not be permitted to give to vessels landing at Montreal a rebate of tolls charged at the Welland Canal which was not also given to vessels landing in New York State.

Upon the same principle there could not be given to a vessel sailing from New York and landing at Seattle a rebate of tolls charged at the Panama Canal which was not also given to a vessel landing at Vancouver. There could not be given to a vessel sailing from New York to San Francisco a rebate that was not also given to a vessel sailing from Halifax to San Francisco.

How does the language of the present treaty vary from the language of the Welland Canal treaty?

The language of the present treaty is:

The canal shall be free and open * * * on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise.

It is not limited to the owners of the vessels; it extends to the commerce of the citizens; so that the United States is squarely committed to the proposition on a similar treaty that we can not avoid its effect by showing that we have not discriminated against the owners of vessels. The United States is committed to the proposition that there must be no discrimination as to the commerce of the citizens of the two countries; and if we were right in our contention with reference to the Welland Canal, we are wrong now if we undertake to give free passage to our coastwise vessels and not extend the same free passage to the commerce of the citizens of the Dominion of Canada. We are committed to that proposition.

But the Senator from Idaho, when I called attention to the Welland Canal treaty about two weeks ago, said that while Canada yielded and repealed the rebate she never conceded

that our construction of the treaty was right. I found from the press that he had discovered something which simply wiped out my argument by the discovery. I found that out the next morning in a city paper. Unfortunately, I was called away when he made those remarks, and I did not have an opportunity at the time to answer them.

Mr. President, of course Canada never yielded her construction of the treaty, but she yielded to our contention. She never admitted that our construction was right, but she revoked her rebates and gave us what we demanded.

It is not a question as to what Canada insisted upon then, but a question as to what we insist upon. Are we now to insist upon something that we then repudiated? We then insisted that the treaty extended to the commerce of the citizens. We have never withdrawn from that contention. We went so far as to put a penalty on Canada. We passed the retaliatory statute. Two Presidents of the United States and the Congress of the United States strongly declared that the treaty extended to the commerce of the citizens, and an act of Congress was passed and the President issued a proclamation of retaliation against Canada. Canada then thought she was right, but she yielded.

What do we do now? We are proposing to reverse the position that we then took as to another treaty without reversing our position as to that treaty. We stand as to the Welland Canal treaty on the act of Congress, which has never been repealed. Under that act to-day, if Canada should again give a rebate, the President would be required to stop it by retaliatory procedure.

What matters it whether Canada thought we were right or wrong? She yielded and we stand committed to such a construction of the treaty. Are we now on the other treaty to take an entirely different view? Are we to say that we stand on the act of Congress requiring the President to place a retaliatory duty upon Canadian commerce if she undertakes to give a rebate in Canada to goods discharged at Montreal, and yet as to this treaty shall we take exactly the opposite view, though the language is just as broad as the language in the Canadian treaty? The act of Congress commits us to prevent Canada from discriminating against the commerce of citizens of the United States in favor of the commerce of citizens of Canada. Shall we force our construction on Canada to help our citizens in the one case and disregard that construction to the injury of citizens of Canada in the other case?

Mr. CLARK of Wyoming. Will the Senator permit just one question?

Mr. SMITH of Georgia. Yes.

Mr. CLARK of Wyoming. Is not the Senator's argument as to the similarity of the two treaties based upon the contention that the term "all nations" in the Hay-Pauncefote treaty includes the United States?

Mr. SMITH of Georgia. Oh, yes.

Mr. CLARK of Wyoming. Of course, the Senator's argument, then, would not be addressed to those who do not so believe.

Mr. SMITH of Georgia. I have already presented that part of the discussion. I am now replying to the effort to discriminate the coastwise trade from the vessels of the United States engaged in foreign trade. I am meeting the contention that the coastwise trade can be discriminated from the vessels engaged in foreign trade, and I am undertaking to show that for us to undertake now to make that discrimination is to fly in the teeth of an existing act of Congress.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from New York?

Mr. SMITH of Georgia. Certainly.

Mr. O'GORMAN. Do I understand the Senator from Georgia to be arguing that there is no distinction to be drawn under the treaty between the coastwise trade and overseas trade?

Mr. SMITH of Georgia. No; I do not argue that.

Mr. O'GORMAN. I gathered that from the Senator's statement.

Mr. SMITH of Georgia. The position I am taking is that under the language of the Welland Canal treaty it was insisted that the equality of treatment extended to the commerce of the citizens, not simply to the owners of the vessels. That there is a distinction between coastwise trade and vessels engaged in foreign trade is undoubtedly true; but under the Welland Canal treaty we insisted that mere equality of the treatment of the owners of the vessels did not meet the requirement of the treaty; that the treaty——

Mr. O'GORMAN. Mr. President, with the Senator's permission, what our Government insisted upon in the Welland Canal controversy was that the equality provided for in that treaty was evaded by a system introduced by the Canadian Government which operated as a positive discrimination against the American commerce carried by American ships engaged in our lake and canal trade.

Mr. SMITH of Georgia. I am very familiar with what our contention was. Canada insisted that the treaty only extended to equality of treatment with the owners of vessels—Canada gave the same rates through the canal to vessels owned by citizens of the United States that were charged vessels owned by British subjects. We insisted that the treaty required equality of treatment of commerce of citizens of the two countries, and both President Cleveland and President Harrison repudiated the suggestion or the claim of Canada that the treaty stopped with equality of treatment of the owners of vessels. Canada extended equality of treatment to the owners of the vessels of the two countries. She charged the same tolls for vessels owned by citizens of Canada that she charged for vessels owned by citizens of the United States. But when the vessels of Canada discharged their commerce at Montreal she gave them a rebate of 90 per cent of the tolls. Our contention was that that was a failure to give equality of treatment to the commerce of the citizens of the two countries; that merchants of New York buying on the New York side, when the vessels delivered cargoes there, were entitled as to their commerce to the same charges when going through the canal that merchants of Montreal were entitled to as to a charge on their commerce.

What I say is that if our contention was sound about that, then the merchants of Halifax are entitled to the same rates at the canal on their commerce coming from San Francisco that the merchants of New York are entitled to on their commerce coming from San Francisco, and that the commerce of the citizens of Halifax can not be burdened with toll charges from San Francisco through the canal when the commerce of the citizens of New York is charged with no such tolls. All along the entire coast the same principle will follow. As the treaty extends to the commerce of the citizens, it makes it equally as impossible for us to permit the coastwise vessels to go through free as it would be impossible for us to admit vessels engaged in foreign trade to go through free.

Of course, if we have the right to let all of them go through free, there is no use for this argument. I am only undertaking to meet, by the use of the Welland Canal treaty, and the attitude of the United States upon it, the suggestion of the Senator from Idaho that we can permit the coastwise vessels to go through free even if vessels engaged in foreign trade can not go through free.

I am also calling attention to this treaty, as the Senator wished to know if any information had come to me since the discussion of two years ago. I am calling his attention to my present information about this treaty and about the attitude of the United States with reference to it, which I did not have at that time and which was not considered, so far as I can recall, in the discussion two years ago. At any rate, I had not grasped it.

I believe, Mr. President, that the construction we placed upon the Welland Canal treaty was sound. I believe the language of this treaty is so broad that it extends to the commerce of the respective countries, and that we can no more exempt our coastwise vessels than we can exempt the vessels engaged in foreign trade.

Some little time ago, during the afternoon, I presented briefly an argument, which satisfied me, to show that under the terms of the treaty, under the language of the preamble, and under the reference to the Suez Canal, we were entirely committed to the proposition that the Panama Canal should be a common carrier for commercial vessels which would transport the vessels of citizens of Great Britain and of the United States upon terms of entire equality.

EXECUTIVE SESSION.

Mr. SHIVELY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 4, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 3, 1914.

UNITED STATES MARSHALS.

Vincent Y. Dallman, of Springfield, Ill., to be United States marshal for the southern district of Illinois, vice William H. Behrens, whose term has expired.

McDuffie Cain, of Montgomery, Ala., to be United States marshal for the middle district of Alabama, vice Benjamin E. Walker, resigned.

Mr. BORAH. Exactly.

Mr. HITCHCOCK. And in article 3 the opening paragraph rather settles what is meant by "neutralization."

Mr. BORAH. I do not think so, if it be meant that it settles it favorable to equality of tolls.

Mr. HITCHCOCK. I let me read it to the Senator.

Mr. BORAH. I shall be very glad to have the Senator reread that portion of the treaty.

Mr. HITCHCOCK. Of course I think the equality of tolls is only a very small part of the neutralization; but here is what the treaty says in article 3:

ARTICLE 3.

The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable."

Then follow paragraphs 2, 3, 4, 5, and 6, which relate largely to war——

Mr. BORAH. Exactly.

Mr. HITCHCOCK. And the condition of neutrality of the canal during war.

Mr. BORAH. Well, Mr. President, if the Senator will yield to me for just a moment, article 3, rule 1, does not say that this canal shall be free and open to all nations or to any nation, but it says:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

The five rules which follow are just as much an obligation of observation in order to get in on the floor of equality as is any other part of the treaty.

I do not think the Senator from Nebraska will contend that the United States is bound by rules 2, 3, 4, 5, and 6 to observe them, the same as are the other nations of the earth, and yet no nation can secure the freedom of this canal on terms of equality unless it observes rules 2, 3, 4, 5, and 6.

Mr. HITCHCOCK. I agree with the Senator fully, and I also agree with him upon the interpretation of rule 1. I think that the word "nations" there means customer nations, not the proprietor Nation; but I think that the neutralization does include, among a large number of other things, equality of tolls among customer nations.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. I call the attention of the Senator from Idaho to another authority; it is not the authority of Sir Edward Grey nor of Mr. Choate, but an authority which spoke before this treaty was negotiated. I refer to Mr. John Bassett Moore himself, who, writing in the New York Times of March 4, 1900, says:

Equality of tolls has also been treated as a feature, or, perhaps, rather as a condition, of neutralization.

Mr. BORAH. Yes; I am familiar with that statement of Mr. Moore, but I have never found anywhere that Mr. Moore himself accepted that doctrine. That was true with reference to one particular instance which Mr. Moore cites in his works, but Mr. Moore—and I think I am justified in saying this—judging from his books, has never indorsed that doctrine of neutralization; and I will say to the Senator, who I know has given some attention to it, that I would be glad if the Senator would bring into the Senate any leading author of international law who gives the construction of the word "neutralization" which is sought to be given to it in this treaty in order to sustain the proposition of equality of tolls. That doctrine may exist somewhere, but I have gone through the authorities and collected them in a brief, which I have at my office, and which, if the Senate wants to hear later, I may use, and I have been unable to find a single leading author upon this subject who treats the doctrine of neutralization in this sense. I do not assert such may not be found, but I have not found them.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. BORAH. I yield.

Mr. BRANDEGEE. Whether or not the Senator has been able to find any writer upon diplomatic subjects or upon international law who states that equality is necessarily a part of neutralization, I do not know and I do not care; and I do not see why anybody else should care. We are construing this treaty, and this treaty says that the United States adopts as the basis of neutralization certain rules, the first of which provides for entire equality of treatment. That puts entire equality of treatment at the very basis and foundation of the whole thing.

Mr. BORAH. What the treaty says is:

The United States adopts, as a basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople.

Now, I wish the Senator from Connecticut would draw upon his memory and tell me what article in the Constantinople convention provides for equality of tolls?

Mr. BRANDEGEE. I do not have the book in my hand, and my memory is like the old pump—it would suck if I attempted to draw upon it; but the Hay-Pauncefote treaty does provide for entire equality. Whether the Suez Canal convention does or does not, I do not know; I assume it does. I think, after reading the report of the great chairman of the Senate Committee on Foreign Relations, Cushman Davis, in which he exulted that that great principle had been firmly established and extolled the virtues and magnanimity of all the nations of the Old World because they had thrown the Suez Canal open on terms of entire equality to the commerce of all the world, that it is a late day to question the fact that there is equal treatment in the Suez Canal.

Mr. STERLING. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from South Dakota?

Mr. BORAH. I yield.

Mr. STERLING. I have here, I will say to the Senator from Idaho, article 12 of the Suez Canal convention, which I think is a counterpart practically of rule 1 of the Hay-Pauncefote treaty, and which reads as follows:

The high contracting parties, by application of the principle of equality as regards the free use of the canal, a principle which forms one of the bases of the present treaty, agree that none of them shall endeavor to obtain with respect to the canal territorial or commercial advantages or privileges in any international arrangements which may be concluded.

Mr. BORAH. I do not understand that that covers the question of tolls at all.

Mr. STERLING. I think it does by fair implication and intendment cover the question of tolls.

Mr. BORAH. You might argue by implication that it covered it, but certainly there is no specific designation of it; neither have I been able to find it in the Suez convention at all. You can have the free use of a canal; you can admit all the ships of all countries to a canal and inhibit yourself from preventing any ship of any nation from going through the canal without disposing of the question of equality of tolls. That is one of the vices of the argument which has been based upon Mr. Blaine's contention. Mr. Blaine did not contend that we should have exclusive control of the canal. Nobody has ever contended that we should have exclusive control of the canal; but to say that we shall not have exclusive use of the canal is a different thing from saying that we shall not have the advantage which arises by reason of the incident of ownership.

Mr. STERLING. Mr. President, I can not construe "equality of treatment" in any other way than involving equality of treatment as to the tolls paid for passing through the canal, and I think that is surely what is meant by article 12 of the Suez convention. The word "free" is used several times throughout the Suez Canal convention, but it is only in article 12 that reference is made to equality of treatment in that canal, and that no advantage shall be taken in any agreement that may be made between the different nations in regard to the use of the canal.

Mr. BORAH. Well, rule 12 of the Suez convention is not in the Hay-Pauncefote treaty, in any event.

Mr. STERLING. I say that rule 12 is not, but that rule 12 in the Suez Canal convention is the foundation for rule 1 of the Hay-Pauncefote convention; that it is the counterpart of rule 1.

Mr. BORAH. Mr. President, reading further from this letter, it says:

That they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

Mr. President, the only thing that Mr. Hay is discussing there is the question of neutralization; and if neutralization involves the proposition of equality of tolls, of course Senators are correct who claim that Mr. Hay placed that construction upon the treaty; but you have got to give the word "neutralization" an interpretation which has never, in my opinion, been given to it before upon a contested matter, whenever you say that "neutralization" involves the question of equality of tolls.

Mr. BRANDEGEE. Mr. Hay says in his letter that we are bound by the rules; and rule 1 provides for equality.

Mr. BORAH. Does the Senator claim that the United States is bound by rules from 2 to 6 the same as the other nations of the earth?

Mr. BRANDEGEE. I do not wish to interfere with the Senator from Georgia [Mr. SMITH], who, I understand, desires to take the floor; but, with his permission, I will say that my judgment about that is that these rules are substantially as embodied in the convention of Constantinople, that they were made with reference to the alternative proposition of whether the canal would be built by the United States Government as an owner or by a canal company; and I think that so much of the rules as are applicable to us in the situation in which we are placed will bind us, and that the portion that is inappropriate from the fact that we have become the owner will not bind us. I think that the rules bind us furthermore for this reason, among others. Rule 2 provides:

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

Now, the Senator says we are not bound by that rule. If we are not, why did they go on and say—

the United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder?

If they did not think that rule bound the United States, why did they want to exempt the United States to that extent?

Mr. BORAH. Do I understand, then, that the Senator takes the position that, if the United States were at war with any nation on earth, and should violate the rule which provides that—

the canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it—

it would forfeit its right to the use of the canal?

Mr. BRANDEGEE. I do not think that the right of the United States will be forfeited by doing its duty under the treaty. I think if the United States were at war, if it were a belligerent, of course, these rules would not apply to it at all. If we should become involved in war, we would manage that canal to protect this country, and not to make it of service to our enemies. That is admitted in the correspondence by the foreign office of Great Britain.

Mr. BORAH. Oh, yes; Great Britain conceded that to us after a time, on the theory that we had extended our sovereignty; but that was a concession which Great Britain made to us. What I want to know is, what would be the contention upon our part as to what our rights are in case Great Britain should not see fit to concede them?

Mr. BRANDEGEE. If the Senator is in the business of receiving concessions from Great Britain, he can stay in that line of business. I am not.

Mr. BORAH. I misunderstood the Senator. I thought that was his precise attitude.

Mr. BRANDEGEE. No; Great Britain admits it, I say. She admits that. She makes no claim to the contrary.

Mr. BORAH. But suppose she did not admit it?

Mr. BRANDEGEE. If she did not admit it, she would have to fight. She would have to fight to take the canal away from us or to manage it.

Mr. SMITH of Arizona. War does away with the treaty.

Mr. BRANDEGEE. If we are at war, the provisions of the treaty which may interfere in any way with our military operations, or which may in any way imperil the successful defense or offense that this country wants to make, will be set aside and not observed. Nobody expects a belligerent to do otherwise. Furthermore, the frequent queries as to whether we are obliged, because we have guaranteed equality of treatment, to transport through the canal the vessels of war of some foreign power with whom we are at war, so that they can get into a better position to assault us, is, of course, absurd. Of course we would not do it. We are not bound to do it when we are a belligerent, and even if I have no fear of any foreign Government I have enough respect for their intelligence to think that they would not be hasty to put their sole weapons of offense in our custody to be transported from one ocean to the other.

Mr. BORAH. In other words, here is a treaty containing five rules which were made to cover a condition of war; they relate to a condition of war; and yet the Senator evades the proposition of whether or not they apply to us by saying that if we should be engaged in war of course the treaty would be suspended.

Mr. BRANDEGEE. Why, absolutely.

Mr. BORAH. Yet the very purpose of making those rules was to control a condition of war.

Mr. BRANDEGEE. Why, the purpose is to neutralize the canal from warlike operations and destruction of the canal, and also, unless we are one of the belligerents, to compel us to treat all belligerents on terms of equality and not to play favorites or play one against the other.

If two other nations are at war with each other, we shall have to administer the canal absolutely impartially between them. The rules specify how their vessels shall enter and leave, that the vessel of one belligerent shall not leave until 24 hours after the vessel of the other belligerent, and so on. We must enforce all those rules. I think myself that the proposition is sown with dragon's teeth, and I think we shall get into all manner of trouble in the future by attempting to hold the scales evenly between foreign contending parties; but that is neither here nor there with relation to this question. As to these rules applying to us as sovereign owner of the canal, to be used against us by a belligerent in arms against us, it never occurred to me, in my wildest flights of imagination—and I have seen some strange visions on some occasions—to think that anybody would claim that.

Mr. BORAH. I hope I have not unduly aggravated the Senator.

Mr. BRANDEGEE. Not in the least. I will shake hands with the Senator very gladly.

Mr. BORAH. If the Senator has lit from his flight of imagination, let me call him back to a proposition:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules.

We have to observe the rules; but the Senator contends that we are relieved from observing them because they are suspended at the very time we should observe them.

Mr. BRANDEGEE. No; I claim that in time of war we are not bound to observe them.

Mr. BORAH. They were made for time of war.

Mr. BRANDEGEE. They were made with reference to the conditions I have suggested, in order that the use of the canal might not be granted to some belligerents and denied to others.

Mr. BORAH. The same argument would apply to the vessels of commerce, because vessels of commerce and of war are in the same phrase.

Mr. BRANDEGEE. I think they are in the same phrase; but what is the argument that applies to both of them?

Mr. BORAH. Why, our sovereignty has been extended over the canal, which was intended to be built in the first instance by a private corporation, and therefore certain conditions and certain rules were to obtain. If by reason of the fact that it was built by the Government itself those rules have been suspended, why would not that apply to vessels of commerce as well as to vessels of war?

Mr. BRANDEGEE. Mr. President, I do not believe there is an international authority on the face of the globe who would deny that when we are belligerents, when we are at war with a foreign power, the provisions of this treaty, under the rules that operate against us as a belligerent, would be absolutely set aside under the law of nations. That is a well-known international principle.

Mr. WEST. Mr. President, I should like to interrupt the Senator from Connecticut for a moment.

Mr. BORAH. I think I have the floor.

Mr. BRANDEGEE. I do not think I have the floor, Mr. President.

Mr. WEST. Was not that precisely the case when the War between the States came on? The Constitution recognized slavery, but it was in time of war. Lincoln made his proclamation of emancipation while the Constitution recognized slavery; but that was in time of war.

Mr. BORAH. Mr. President, I do not exactly see the application of the Senator's suggestion, but it may come to me later.

In order to relieve myself from the perilous position in which I have been placed by advancing this doctrine, in the mind of the Senator from Connecticut, whose esteem I covet at all times, I wish to read from Mr. Olney, a fair authority upon the subject, I think—certainly a great lawyer, and, to my mind, a great Secretary of State. He had a vast amount of Americanism in him, which is a very valuable thing in that office, I think, at all times.

Upon page 86 of the proceedings of the American Society of International Law for the year 1913 he says:

It seems difficult to successfully contend that the United States is included.

in view of the fact that the Senator was one who had to pass upon the treaty and ratify or reject it?

Mr. BRANDEGEE. The intention of the gentleman who drew the treaty and conducted the very able correspondence, which is also published, with the party who signed the treaty in behalf of the other high contracting party is of some weight with me in deciding what the Government officials of this country thought they were doing at the time, and what they intended to do.

Mr. BORAH. I understand, then, the Senator from Connecticut, long prior to the time this valuable piece of evidence came into existence, had made up his mind as to what the treaty meant.

Mr. BRANDEGEE. Great minds move in the same channel, Mr. President. The Senator is quite correct. I had also made up my mind upon that question, though not so firmly as it exists at present, because I regard nearly every argument made on both sides of this question as having fortified me in my original opinion. But I also think it is a grossly inexcusable economic policy to grant this privilege to a specially permitted class of vessels, and I have always thought so. On that reason alone I would vote to repeal the exemption, if no question of the treaty was involved.

Mr. BORAH. I understand the Senator, then, is not controlled alone by the treaty, but he is opposed to this exemption as an economic proposition?

Mr. BRANDEGEE. Absolutely and ab initio.

Mr. SMITH of Michigan. Right or wrong?

Mr. BRANDEGEE. I will not say right or wrong, but always right.

Mr. GALLINGER. Mr. President, the Senator says that his opinion has been strengthened by speeches on both sides. I hope I did not strengthen the Senator's opinion in the discussion I indulged in on that point.

Mr. BRANDEGEE. I exempt the Senator, because I did not have the pleasure of listening to all of his very able discussion of the question.

Mr. GALLINGER. I will supply the Senator with a copy of my speech if he will promise to read it.

Mr. BRANDEGEE. As between Senators I do not wish to make any invidious distinction.

Mr. BORAH. Mr. President, I rose to call attention to the fact that it was evident the Senator from Georgia made his interpretation of this treaty upon facts which were available two years ago and that there has been nothing new to the Senator from Georgia; that his interpretation was founded at first upon the face of the treaty, and, secondly, upon the testimony with the available outside facts which were then in our possession?

Mr. SMITH of Georgia. Is the Senator asking me a question?

Mr. BORAH. No; I was simply speaking with an interrogation point at the end of my remarks.

Mr. SMITH of Georgia. Then I will not interrupt the Senator, but when he finishes I will show him that there have been a number of matters brought to my attention since two years ago that have helped me to form my present opinion of the treaty.

Mr. BORAH. Mr. President, how could anything help the Senator to arrive at a conclusion as to the meaning of the treaty when the Senator says that the treaty itself is plain enough upon its face as to what it means, so far as he is concerned?

Mr. SMITH of Georgia. Does the Senator ask that as a question?

Mr. BORAH. Yes; I ask that as a question.

Mr. SMITH of Georgia. I will answer that, so far as the general terms of the treaty are concerned, I think the language is perfectly clear, and the view I now have I formed two years ago. At that time I was inclined to the opinion that we could let our coastwise vessels go through free, but that it would probably also require us to let the vessels of the Dominion of Canada go through free, and I so stated on the floor of the Senate. At that time also I had not observed the fact that the treaty went beyond the owners of vessels and equality of treatment to be extended to the owners of vessels and went to the commerce of the two countries. I have read with a great deal of interest the message of President Cleveland and the message of President Harrison and the debate in the House upon the Welland Canal treaty, the act passed by Congress authorizing President Harrison to retaliate in the Welland Canal matter; and my attention has been called to the fact that the treaty extends to the commerce of the citizens of the two countries as well as to the owners of the vessels of the two countries. That had not occurred to me when the subject was up for discussion two years ago.

It is upon that line especially that I have obtained additional information within the past two years, and in one sense I have modified my construction of the treaty as presented at that time. At that time I was disposed to believe that it only applied to the owners of vessels of the two countries, and I thought that would extend to the owners of vessels of the Dominion of Canada, and I so stated. But now I believe that it extends to the commerce of the citizens of the two countries, accepting the view taken by President Cleveland and President Harrison and by Congress with reference to the Welland Canal.

Mr. BORAH. Mr. President, the Senator referred to the debates two years ago, and I therefore call attention——

Mr. SMITH of Georgia. Yes; Mr. President, it is perfectly evident the Senator was preparing to call attention to them, and as he asked the question I answered him in advance, instead of waiting until he finished and answering him when he closed.

Mr. BORAH. I am very glad to have the Senator explain his views before I call attention to them, and I call attention to them with no desire other than to arrive at what really controlled the Senator in making up his mind upon this question.

I think we may justly insist—

Says the Senator—

I doubt whether it would be successfully controverted—that, so far as our coastwise vessels are concerned, this treaty does not apply to them.

The Senator at that time, as I understand him, had made up his mind by reason of the facts which were before him, to wit, the treaty and the correspondence which he referred to in his last remarks to-day, all of which were in existence at that time, to the effect that the coastwise vessels were not included under the treaty.

Indeed, in the communication from the Attorney General embodying the views brought to our attention by Great Britain, it is stated that upon that subject, with proper regulations, it is probable that no question by Great Britain would be made.

I think that is true. I think that Great Britain has really never made any serious contention as to the coastwise trade. I think when you construe the letter of Mr. Innes together with the letter of Earl Grey, you will find that, taken together, there can not be evolved from them a distinct objection to the coastwise trade; at least, they were not willing to put it beyond the power of diplomacy to settle. I think this question of exempting the coastwise trade is a thing which we have urged and accentuated here at home far more than it has been urged abroad. It is an evidence of our generosity.

Now, fortifying that view, one that we can logically deduce from article 3, section 1, and the attitude of Great Britain upon it, with the decision of the Supreme Court of the United States in the Galveston case, in which they held, in effect, that language of this kind was not applicable to coastwise vessels; that it was no discrimination under language practically similar to the language found in this treaty to extend privileges to coastwise vessels that were not extended to foreign vessels, we can sustain the provision freeing coastwise vessels from tolls.

That decision squarely sustains the position that the treaty does not apply to coastwise vessels.

I call attention to that, Mr. President, to demonstrate the fact that it was not necessary to have this which the Senator from North Carolina has referred to—the new evidence, the flood of light—to enable Senators to arrive at a definite conclusion as to our coastwise vessels. That proposition was easily sustainable, as I understand from the language of the Senator, by reason of the facts which were then before him, and that no new facts have been added, so far as that particular feature of the controversy is concerned.

If that be true, a vast amount of this discussion would seem to be wholly irrelevant, so far as the particular matter that we have under consideration is concerned, because we are only dealing with coastwise vessels, not vessels engaged in coastwise trade, and not only vessels of the United States, but vessels which belong to the nationals.

I do not care to go further into the matter this evening.

Mr. BRANDEGEE. Mr. President, in reference to what the Senator from Idaho [Mr. BORAH] has said about the fact that the terms coastwise vessels or coastwise ships or coastwise trade do not appear in the treaty I have simply to say that if the rules prescribed in the treaty bind us at all, if section 1 of article 3 binds us to equality of treatment to the ships of the subjects or citizens of the countries, it is equality that we contracted for. It is not equality as to ships in the coastwise trade or in the river trade or in the foreign trade. In the language of the treaty they are on terms of entire equality, so that there shall be no discrimination as to ships, subjects, citizens, or countries as to the conditions or rate of tolls through the canal. That is what we contracted for—equality. If it is equal treatment to say that we will pass all our ships in the coastwise trade through free and we will charge the ships of every other nation in their coastwise trade, so be it. But that does not seem to me to be equality. If an owner of a Canadian ship has to pay $5,000 or $10,000 to get through that canal and to

his competitor, the owner of an American ship in the coastwise trade, the guard takes off his hat and says, "No charge, sir; pass through free." I would not consider that as being treated on terms of equality, so that there is no distinction or discrimination between me as a citizen or a subject or between the country that I belong to or the flag that I support and the vessel or citizen with whom I was competing.

It is that which is contracted for, and I am unable to understand how anybody who admits that we are bound to equality of treatment can claim that it is not a discrimination to charge all Canadian vessels engaged in exactly the same trade from the east or Atlantic coast of their country to the west or Pacific coast of their country, as they will be engaged in it, through that canal, their trade only originating and terminating a few degrees of latitude to the north of us. I can not conceive how that absolute inequality of treatment can be considered to be equality of treatment.

This is not simply a question involving Canadian ships as compared with our coastwise ships. While the ships of Mexico or any other nation that is willing to observe the rules as they are laid down here have no contractual right, which was especially avoided by the negotiators of the treaty, as the high contracting parties had when they signed the contract, any nation that is willing to observe the rules has all the rights to equality of treatment that either high contracting party has.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Connecticut yield to the Senator from Idaho?

Mr. BRANDEGEE. I yield the floor.

Mr. BORAH. I understood the Senator to assume in his argument that he believed the treaty bound us to equality of treatment, and coastwise vessels did not come within that term.

Mr. BRANDEGEE. Oh, no. I understand the position of the Senator from Idaho is that we are not bound to equality of treatment under the treaty.

Mr. BORAH. Neither with reference to coastwise vessels nor over-sea vessels.

Mr. BRANDEGEE. But the men who drew the treaty, Mr. President, stated that we were bound by these rules. I will be very brief, because I consider that the subject is worn almost threadbare. Mr. Hay, in his letter to Senator Cullom, distinctly stated that we were bound by these rules. In his opinion——

Mr. SMITH of Michigan. An American canal.

Mr. BRANDEGEE. He did say that, and it is an American canal.

Mr. SMITH of Michigan. And it is owned by the American Government.

Mr. BRANDEGEE. And it is owned by the American Government.

Mr. SMITH of Michigan. But we seem to have a partnership with England in its management, according to the Senator from Connecticut.

Mr. BRANDEGEE. We have all the rights in the canal as an owner and operator and maker of regulations. We can do anything we want in the canal as our own, provided we live up to the agreements that we have made.

Senators might just as well claim that when we made a contract with the Republic of Panama, from whom we got our right to build the canal, we are not bound to give them the conditions of use of the canal which we stated in the treaty.

Now, John Hay says:

No foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal—

That was under the Clayton-Bulwer treaty—

that no other power had now any right in the premises, or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely—

That is, the other powers—

upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth, and that it was not quite correct to speak of the nations other than the United States as being bound by the rules of neutralization set forth in the treaty; that it was the United States which bound itself by them as a consideration for getting rid of the Clayton-Bulwer treaty, and that the only way in which they were bound by them was that they must comply with them if they would use the canal.

That is what the man who drew the treaty and sent it to Senator Cullom thought about it.

Mr. BORAH. What has that to do with tolls?

Mr. BRANDEGEE. It has to do with equality of treatment, and as to whether we are bound by the rules which provide for equality of treatment.

Mr. BORAH. Yes, exactly; but that is arguing in a circle. The question is, What do the rules require us to do?

Mr. BRANDEGEE. The question which the Senator asks and the foundation of his whole argument rests upon the fact that we are not bound by the rules, but that only other nations are bound by the rules; and I am saying that the man who drew the treaty says we are bound by the rules and that the other nations are bound only by the rules if they want to use the canal, and the only penalty for their violation of the rules is that they must cease to use the canal if they are not bound by them; we are not only bound by the rules but we are bound to enforce the rules. Senators who claim that America has the sole jurisdiction over the canal must admit that if we are not to enforce the rules, of course they will not be enforced at all.

Mr. SMITH of Michigan. Who would enforce them?

Mr. BRANDEGEE. The canal would be thrown loose to the wide, wide world, to be wrangled over by everybody, if we did not enforce the rules over our own canal.

Mr. BORAH. Will the Senator from Connecticut permit me to continue reading Mr. Hay's communication?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Georgia. As soon as the Senator from Idaho finishes there are a few words which I wish to say.

Mr. BORAH. Mr. Hay continues:

But the President was apprehensive that such a provision would give to the other nations the footing of parties to the contract and give them a contract right to the use of the canal. And in view of the action of the Senate on the former treaty, striking out article 3, which provided for bringing the treaty, when ratified, to the notice of other powers and inviting them to adhere to it, which seemed to mean practically the same thing, he believed that the proposed provision would meet the same fate. This was represented to His Majesty's Government, and it was also insisted on the part of the United States that there was a strong national feeling among the peoples of the United States against giving to foreign powers a contract right to intervene in an affair so peculiarly American as this canal when constructed would be; that, notwithstanding the similar provision in the Clayton-Bulwer treaty, no foreign powers in the 50 years that had elapsed had effectively intimated a desire to participate in or contribute to the construction of the canal; that no other power had now any right in the premises or anything to give up or part with as the consideration for acquiring such a contract right; that they must rely upon the good faith of the United States in its declaration to Great Britain in the treaty that it adopts the rules and principles of neutralization therein set forth.

Does the Senator from Connecticut contend that "neutralization" means equality of tolls?

Mr. BRANDEGEE. That is my understanding of it; yes.

Mr. SMITH of Georgia. Exactly.

Mr. BRANDEGEE. And I think that was John Hay's understanding of it. He says it was.

Mr. BORAH. Well, Mr. President, I do not understand Mr. Hay to make any such statement. Mr. Hay was too familiar with the word "neutralization" to contend that "neutralization" meant equality of tolls. For instance, that canal could be neutralized in the sense in which we use the word "neutralization" and yet charge a different toll to every nation in the world whose vessels passed through it. I have never heard until in connection with this particular treaty that "neutralization" meant equality of tolls. It does not mean that in the Suez Canal. I do not believe it was used in that sense in the Hay-Pauncefote treaty or can fairly receive such an application.

Mr. STERLING. Will the Senator from Idaho permit me to interrupt him?

Mr. BORAH. Yes.

Mr. STERLING. Was it not the contention of Sir Edward Grey that that was what was meant by the words "equality of tolls" in the case of the Suez Canal?

Mr. BORAH. That was the contention which he made after this controversy arose, but it was not the contention which was made prior to that time, so far as I know. It was certainly not the doctrine of English authors on international law and treaties.

Mr. STERLING. It seemed to be the understanding of our ambassador, Mr. Choate, was it not, in his interview or conversation with Lord Lansdowne?

Mr. BORAH. I do not so interpret Mr. Choate's letter. The word "neutralization" necessarily implies a controversy between two parties, and a third party who is neutral as between them—a condition of war and a neutral territory; and the United States might be absolutely neutral and agree to devote the canal to neutrality and yet have an entirely different proposition as to charging tolls on the vessels of various countries.

Mr. HITCHCOCK. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield to the Senator from Nebraska.

Mr. HITCHCOCK. I suggest, however, to the Senator from Idaho that he is, to some extent, bound by what the treaty itself says on the subject.

Mr. SMITH of Georgia. I believe that is the case; but I do not intend to carry my discussion to the action of individual Senators upon the floor of the Senate. I wish simply to bring this history down to the treaty itself and to the preamble of the treaty. I do not think any outside evidence is necessary to find out what the treaty means; but if there were any doubt, unquestionably its history, in connection with the preamble, carries the broad principle of neutrality of the eighth article of the Clayton-Bulwer treaty into the Hay-Pauncefote treaty.

Mr. HITCHCOCK. Mr. President, will the Senator submit to a question?

Mr. SMITH of Georgia. Yes.

Mr. HITCHCOCK. Was it not stated in the eighth article of the Clayton-Bulwer treaty that the reason for giving equal rights to the citizens and subjects of Great Britain and those of the United States was because of the fact that those two countries were to protect the canal?

Mr. SMITH of Georgia. No; I do not think that language is used as the Senator uses it.

Mr. HITCHCOCK. I call the attention of the Senator to the last six or eight lines of the article, and ask him whether it can be properly claimed under that article that the citizens or subjects of any country were to be entitled to the same treatment as the citizens of the United States, except those of a country giving protection to the canal?

Mr. SMITH of Georgia. I think the latter suggestion of the Senator is correct—that the eighth article provided that the equality of treatment was to be extended—

on the terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

Mr. SIMMONS. Mr. President, if the Senator please——

Mr. SMITH of Georgia. I would rather not be interrupted just now. I wish to answer the Senator from Nebraska.

The principle of neutralization contained in that treaty, however, was equality of treatment to the citizens and subjects of Great Britain and the United States in the use of the canal. The reason for it in article 8, the Senator may contend, certainly, so far as other countries were concerned, was the extension to the canal of the same protection by the other countries. Now, it is true that under the Clayton-Bulwer treaty both the United States and Great Britain were to extend protection to the canal; but the equality of treatment which is the principle of neutralization was equality of treatment to the citizens of Great Britain and the citizens of the United States using the canal, both as to their commerce and as to their vessels.

Mr. HITCHCOCK. Now, will the Senator answer this question: Suppose that partnership had been carried out, and Great Britain and the United States had jointly constructed the canal, and the citizens and subjects of the two countries had been given the use of the canal upon equal terms, would not the two countries have been perfectly at liberty to charge to the citizens and subjects of other countries higher tolls?

Mr. SMITH of Georgia. Yes.

Mr. HITCHCOCK. Then, if Great Britain withdrew from that partnership and ceased to give her protection to the canal, would she not be in the same position as the other countries?

Mr. SMITH of Georgia. Not under the terms of this treaty that we have made, because under its terms she agreed to withdraw and leave the sole protection to the United States, provided we would retain the principle of neutralization; and that principle of neutralization was equality of treatment to her citizens and to our citizens.

Mr. HITCHCOCK. The Clayton-Bulwer treaty provided for neutralization, and the condition of neutralization would have existed even though the citizens and subjects of the United States and those of Great Britain had lower tolls than the citizens and subjects of other countries.

Mr. SMITH of Georgia. That is true.

Mr. HITCHCOCK. There would have been neutralization just the same.

Mr. SMITH of Georgia. No; the only neutralization contained in article 8 is equality of treatment of the subjects of Great Britain and of the United States in the use of the canal. Under the Clayton-Bulwer treaty it is true that both were to extend their protection to the canal. Now, Great Britain agreed at the instance of the United States that she would retire from her right to exercise protection, but she said: "Although I retire at your request, I do so upon condition that you will retain the principle of neutralization contained in article 8, which is equality of treatment of the vessels of citizens of Great Britain and of the citizens of the United States in the use of the canal."

That is all that is left in article 8. We made an agreement with Great Britain at our instance by which the part of article 8 which required Great Britain to exercise part of the protection should cease. We asked Great Britain to abandon that right, that voice in the control of the canal. We requested that all the feature to which the Senator refers should be removed. Great Britain conceded to our request upon condition that the principle of neutralization should not cease; and that principle of neutralization is equality of treatment of the citizens of the two countries in using the canal as to their vessels and as to their commerce.

So, Mr. President, at the very outset of this treaty we refer back to our past history and we begin with the declaration that there shall be equality of treatment to the citizens of the two countries in the use of the canal.

The next proposition in the treaty is the declaration that "the basis of the neutralization of such ship canal" shall be according to "the following rules, substantially as embodied in the convention of Constantinople" as to the Suez Canal.

Nobody disputes the proposition that as to the Suez Canal the commerce of the citizens of all countries goes through on the basis of equality.

I do not desire to continue this discussion further. I only wish to go far enough to show that if we invoke the cotemporaneous history and invoke the correspondence we find it is all in perfect harmony with the construction which we put upon the treaty, namely, that it does declare for equality of treatment to the owners of the vessels and of the commerce of the citizens and subjects of the two countries passing through the canal.

I do not desire to refer to the part of the argument of the Senator from Idaho [Mr. BORAH] which has reference to the construction that should be put upon a treaty where there is doubt, namely, as some contend, that we should resolve that doubt against ourselves, or, as others contend, that we should resolve it in favor of ourselves. I think the sound rule is that we should honestly seek to find out just what we did agree to do, and then live up to it.

In case of doubt, if I thought it was important to my Government, and I really seriously doubted what agreement it had made, I might favor, not legislative action seeking to resolve that doubt, but some reference of the question to an impartial arbitration by which it could be resolved. I do not agree to the view that in every instance we ought to resolve a question of doubt against our own Government. I should not be willing to do it myself. If we had made an agreement—and I did not think the agreement required us to do something that another country insisted we were required to do, and I thought doing that thing would injure our own country—I should be disposed, if I fairly reached the conclusion that we had a right that was being denied, to stand up for it and fight over it.

My own view as to this treaty is that in it we have simply agreed to what we have always stood for; in it we have simply agreed to what we stand for if we had no treaty and to what we ought to stand for if we had no treaty. If we had no treaty, I believe the traditional policy of the United States would be to charge the same rates to all commerce that passed through the canal, and I believe that policy wise and right.

If there were not any treaty, I should be in favor of making these vessels pay their part of the expense. If we reach a point where we determine that it is the wise policy of the United States to contribute something to our merchant marine, in some way to help it, I am in favor of doing it openly and above board, and plainly declaring we are doing it. If we believe we ought to give something to vessels that fly the American flag, I think the way to do it is by direct legislation and not by indirection.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Connecticut?

Mr. SMITH of Georgia. I do.

Mr. BRANDEGEE. If the Senator were going to confer any favor upon vessels that fly the American flag in the coastwise trade he would confer it upon the whole trade, would he not?

Mr. SMITH of Georgia. I would rather confer it upon the vessels engaged in foreign trade than upon the coastwise vessels.

Mr. BRANDEGEE. But if the Senator were going to confer it upon the coastwise trade he would not limit it to the part which went on a certain course, would he?

Mr. SMITH of Georgia. Not at all; and with reference to the suggestion that has been made several times, that other countries could give their vessels the tolls they pay, and that the construction we take would preclude the United States from doing so, I do not think that view is sound. Under my construction of the treaty we could not give back exactly the tolls, and I do not believe any other country could give its vessels just the amount of the tolls because they went through the canal.

I do not believe Great Britain could do so without violating the terms of the treaty. Great Britain, however, may have a general policy of helping the vessels that fly the British flag and contributing toward them whether they pass through the Panama Canal or whether they pass through the Suez Canal or whether they sail without passing through any canal.

I think the United States is in no sense prevented by this treaty from giving a subsidy in any way it sees fit toward vessels that fly the American flag, provided the effort is not made simply to give it to vessels passing through the Panama Canal for the purpose of returning the tolls which they pay.

If there were no treaty, I should be thoroughly against such a plan. I think the vessels that go through the canal have already received a substantial contribution to their business through the fact that the canal has been built. I think they already will save something like two to three dollars per cargo ton by reason of the canal, even though they pay the tolls.

If we are to embark on the policy of subsidy to American vessels, at present I suppose I would be precluded from voting for a subsidy to any kind of vessel; but if we are to do it—and I am not sure that the time may not come when we will—the vessels that, above all others, I should wish to see fostered are those that are not engaged in the coastwise trade, because the coastwise vessels already have so much help through our laws which exclude the vessels of foreign countries from competing with them.

I admit a great desire to see the Stars and Stripes float all around South America. I wish to see our vessels floating in the waters of all countries. I wish to see them sail from New York to every harbor down on the eastern coast of South America, without reference to the canal. I wish to see them sail from San Francisco to all parts of the western coast of South America, and also to other foreign waters. When the time comes, if it does come, that Congress determines to do something, I think it ought to do it directly and squarely, and where the help is most needed, and in a way most beneficial to the entire country——

Mr. BORAH. Mr. President, I do not know whether the Senator from Indiana desires to continue this discussion or not. I thought he indicated that he might move for an adjournment.

Mr. KERN. I desire to take a vote on this bill.

Mr. SMITH of Michigan. To-night?

Mr. SMITH of Georgia. Just as soon as possible.

Mr. BORAH. Mr. President, I wish to say just a few words before the vote. [Laughter.]

I was surprised to hear the Senator from Georgia say that we do not need any outside evidence whatever to determine the meaning of this treaty.

Mr. SMITH of Georgia. That was not exactly my language. I said that I had no doubt as to its meaning without the outside evidence. Was not that what I said?

Mr. BORAH. I took it down, but I may have been in error. I understood the Senator to say what I have just stated. I do not think, however, there is very much difference between the two propositions. As I understood the Senator's statement it was that he had no trouble in arriving at the meaning of this treaty upon the face of the treaty itself and that outside evidence was not necessary for him to satisfy himself as to its true meaning. I think that is a fair statement of what the Senator said.

Mr. SMITH of Georgia. That is substantially what I said.

Mr. BORAH. I understood the Senator also to say that if we had no treaty he would be in favor of doing precisely what we are going to do under the treaty.

Those two propositions, to my mind, rather shut off the "flood of light" which is supposed to have come to us since the last session. We had the treaty before us at the former session, and certainly we had before us the policy as to whether or not we should under any circumstances, regardless of treaty, give our coastwise vessels passageway through the canal without cost. Those propositions were just as clearly before us at the former session as they are now.

The Senator also called attention to the fact that Mr. Davis's report as chairman of the Committee on Foreign Relations very clearly disclosed the purpose, the intent, and understanding of those who made the treaty, and it was to the effect that our treaty excluded us from freedom in the canal unless we extended the same freedom to all other nations; in other words, his contention being that Mr. Davis's report clearly established that all nations included the United States as well as the other nations of the earth.

The Senator also referred to the letter of Secretary Hay to the chairman of the Foreign Relations Committee transmitting the treaty the last time to the Foreign Relations Committee, in which he stated what he understood to be the meaning of the treaty, and the Senator was of the opinion that that letter was very clear in indicating the purport and meaning of the treaty.

The Senator also called attention to the letter of Secretary Hay to the President, in which he called attention to the terms and purport of the last treaty, and he called attention to President Roosevelt's letter of transmittal of the treaty to the Senate.

Now, Mr. President, all those documents were before us in 1912. We had the treaty——

Mr. BRANDEGEE. Was the letter from the Secretary of State, Mr. Hay, to Mr. Cullom before us?

Mr. BORAH. If it was not actually in print before us it was available.

Mr. BRANDEGEE. There has been a communication from the Department of State to us saying that it had just been taken out of the private locker of the estate of the late Secretary, and it was furnished by his wife.

Mr. BORAH. That shows how important it is to have it before us now, and remarkable is this rule which we have come to accept that we will be guided in our interpretation or construction of a treaty by a letter which was not before us when we ratified the treaty.

Mr. BRANDEGEE. I agree with the Senator.

Mr. BORAH. That kind of testimony, which was locked up and unknown to the ratifiers of the treaty, is to be taken into evidence when we come to construe the treaty.

Mr. BRANDEGEE. No; it was sent to the chairman of the committee that reported the treaty. It was a letterpress copy. It was directed to Senator Cullom, the chairman of the Committee on Foreign Relations.

Mr. BORAH. Was it before us two years ago?

Mr. BRANDEGEE. I think not. As I said, it was just sent in by the Secretary of State in answer to a Senate resolution, with a statement, which I put into the RECORD, describing how he came by it.

Mr. BORAH. Did the Senate have before it the letter to which the Senator is referring at the time it ratified the treaty?

Mr. BRANDEGEE. The Committee on Foreign Relations had it. It was addressed to its chairman, Senator Cullom.

Mr. BORAH. Then do I understand it has been available to the Senate at all times since?

Mr. BRANDEGEE. I do not think so. I inquired of the committee, and it was not on file with the committee. Whether Senator Cullom read it to the Senate in executive session or not, of course I have no means of knowing. Nothing is preserved of the proceedings of the executive session.

Mr. BORAH. Then I understand that a letter which was not before us at the time the treaty was ratified is now before us, and that it is one of the pieces of evidence which has to do with the interpretation of the treaty at this time.

Mr. BRANDEGEE. It is one of the pieces of evidence the Senator mentions as having been before the Senate in 1912. I simply wanted to show what my understanding of the situation was.

Mr. BORAH. I do not understand that the Senator from Connecticut lays any stress upon that letter as to the interpretation of the treaty.

Mr. BRANDEGEE. I lay considerable stress upon it; so much so that I put it into the RECORD, because it is a statement from the man who authorized the negotiation of the treaty, and the same man who afterwards negotiated and signed the treaty with Panama in which the Hay-Pauncefote treaty is referred to.

Mr. BORAH. And in which he exercised the right to grant exemption from tolls to Panama.

Mr. BRANDEGEE. In which he said that the canal should be open and operated in all respects under the terms provided in section 1 of article 3 of the Hay-Pauncefote treaty, which he had also drawn.

Mr. BORAH. Then I get the position of the Senator from Connecticut that, as a lawyer, he thinks in the interpretation of a treaty we must take into consideration at this time a letter interpreting it which the treaty-making power, the ratifying power, had no knowledge of at the time the treaty was ratified; that is, the Senate as a whole as distinguished from its committee.

Mr. BRANDEGEE. The Senator will allow me to state my own position. I take into consideration, and I think it is proper to take into consideration for what it is worth, the view of the gentleman who drew the treaty, as I think it is evidential of what he thought about it. Whether the letter was brought to the attention of the Senate which ratified the treaty of which the Senator is speaking, I have no means of knowing.

Mr. BORAH. Does not the Senator from Connecticut think that his conception of what the language found in the treaty means is quite as good as that of the man who wrote the letter,

Mr. SIMMONS. It would not be so valuable.

Mr. SMITH of Georgia. I would suggest to the Senator if they had taken entirely opposite views as to what the language should mean before the treaty was agreed on originally, the natural consequence would have been to have stopped and written another treaty, or else each would have been so certain of his own meaning that it would have been left entirely to the treaty to determine what it meant. But neither one of the two letters would have helped at all in the construction of the treaty.

Mr. SUTHERLAND. Mr. President, I do not understand that Mr. Bulwer and Mr. Clayton differed as to the construction of the treaty. I understood that they agreed, but that Mr. Clayton said that he would neither affirm nor deny the British claims; and while saying that, speaking for himself, he understood the treaty as Mr. Bulwer did. That is my recollection of the position.

Mr. BORAH. The fact is that Mr. Clayton simply refused to put a construction upon that note. He neither affirmed nor denied what Mr. Bulwer claimed.

Mr. SUTHERLAND. But he did say, speaking for himself, that he understood it in the same way. That is as I recall it.

Mr. BORAH. Here is another incident of that transaction.

Mr. SMITH of Georgia. Has the Senator the Clayton letter?

Mr. BORAH. I have the Clayton letter, and I have another Clayton letter that I want to read. Mr. Clayton to Senator King, July 4, 1850, says:

> I am this morning writing to Sir H. L. Bulwer, and while about to decline entering the treaty at the time of exchanging ratifications, I wish to leave no room for a charge of duplicity against our Government, such as I fear we now incur, by allowing that Central America in the treaty includes British Honduras. I shall therefore say to him in effect that such construction was not in the contemplation of the negotiators or the Senate at the time of the confirmation.

Then Senator King writes to Mr. Clayton on the same day:

> The Senate perfectly understood that the treaty did not include British Honduras. Frankness becomes our Government, but you should be careful not to use any expression which would seem to recognize the right of England to any portion of Honduras.

Now, Mr. President, at the time this negotiation was going on and before the final exchange took place and before the final delivery was had this correspondence took place, and one of the Members of the Senate declared as to what the Senate understood, and yet no American diplomatist or Secretaries of State to whose attention this was called ever recognized that as the proper construction of the Clayton-Bulwer treaty. They always contended that the Clayton-Bulwer treaty by its language using the words "Central America" included British Honduras, and that as Stephen A. Douglas and President Buchanan and a number of them declared it was a plain violation of the Clayton-Bulwer treaty, notwithstanding this exchange of notes, when they undertook to erect British Honduras into an English colony.

Here is an instructive lesson upon this question of going out and hunting up evidence outside of the record for the purpose of determining what the plain words of a treaty mean. It does not make any difference——

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. SMITH of Georgia. Does the Senator mean that the Democratic representatives at that time agreed with Mr. Bulwer? They disagreed with him, did they not?

Mr. BORAH. Stephen A. Douglas disagreed with him. He belonged at that time to the men who were opposed to making the Clayton-Bulwer treaty at all. He thought it was conceding a right to the English Government which ought not to be conceded. He said it would give us a vast amount of trouble, and President Buchanan said it would in all probability involve this country in war with Great Britain. They were opposed to the treaty entirely, but nevertheless Mr. King, as I remember chairman of the Foreign Relations Committee, writes this letter:

> The Senate perfectly understood that the treaty did not include British Honduras. Frankness becomes our Government, but you should be careful not to use any expression which would seem to recognize the right of England to any portion of Honduras.

That construction placed upon this treaty by Mr. King and that note of Mr. Bulwer were discarded entirely when the question arose afterwards as to whether or not Central America did include British Honduras, and the position which the United States took was contrary to the position which is stated here, that treaty did not include British Honduras. In other words, our statesmen and diplomats repudiated the interpretation which Mr. King put upon it. They rejected the interpretation which Mr. Bulwer put upon it.

Mr. SMITH of Georgia. But did not Mr. King say that he should be careful to use no language which would include it?

Mr. BORAH. Certainly; but he says, "The Senate perfectly understood that the treaty did not include British Honduras," but he warned the Secretary of State not to furnish an affirmative evidence of title in Great Britain by admitting it.

In other words, the position was that they did not know to whom British Honduras belonged. It might be a separate independent Government down there. He simply warned him not to admit that England owned it, but he said at the same time that it was not included in this treaty. It might have been owned by Spain; it might have been an independent government. What he desired Mr. Clayton to do was not to admit the title of Great Britain; but afterwards, you remember, Great Britain contended that Central America did not include the British Honduras and we contended it did. Notwithstanding Mr. King had said, "The Senate understood at the time that it did not." Why? Because we relied upon the language of the treaty and rejected all these letters and exchange of notes and interpretations made at the time of the exchange. No, Mr. President; I repeat, as I said a while ago, this is a new doctrine, and it is the most dangerous doctrine that this country could possibly lay down with reference to the interpretation of treaties.

How shall we ever know when a treaty is ratified what our rights are if lying back in the undeveloped somewhere are letters and negotiations, and so forth, which may give it a meaning the treaty-making power did not entertain.

Does the Senate ever call before it the letters and the negotiators and put them upon the witness stand to find out what their understanding and intent were? Certainly not. We bring a treaty before us, pass upon its language, and ratify it, and doing so act upon the language which we find in the treaty; and it does not concern us at the time to know what interpretation somebody outside ourselves may put upon it.

That contention is a twin brother to the other proposition that we have lately invoked with reference to international affairs; and that is, that wherever there is a doubt we shall resolve it against ourselves; wherever we have an important right, give it up; let us have no controversy at all. If England should break away from her usual modesty and should claim something that really does not belong to her, if she should make a contention under the treaty which might be hard to sustain, let us have no controversy; let us give it up; it does not involve anything except our right over our domestic commerce; it involves a small affair like controlling our own territory; it only involves the control over a very vital strategic portion of our Government. These are small and inconsiderable and inconsequential affairs, and as England, in behalf of international brotherhood and the peace of mankind, is seeking to secure that advantage to herself and that disadvantage upon us, the new doctrine is, the new sense of national honor and national integrity is, yield our contention; it is dishonorable to stand up and argue for American rights, whether we be right or wrong—yield to the opposing Government.

Why, Mr. President, if that rule had been invoked when we made the treaty in 1783 with Great Britain, when Great Britain delayed giving up the Northwest Territory and the posts which she had established there, if the American Government had said, "Very well, you are our mother country; we will yield upon this point," a vast amount of that great territory, which is now the pride of the United States, might not now be ours.

We have been in a contention with that great Government from the hour of our birth over important treaty rights; and for the first time, in the morning of the twentieth century, we have announced the doctrine that when in her sense of right she demands a thing, we shall yield it.

Another thing, Mr. President, passing from that, the Senator from North Carolina was of the opinion that this matter was not very fully considered at the time that we had it up in 1912.

Mr. George C. Butte, a distinguished writer upon this subject, calls particular attention to that phase of the matter. He says:

> Seldom has any proposed legislation been the subject of such a thorough and general discussion in the Congress of the United States as this—

That is, the act of 1912.

> Aside from the reams in the CONGRESSIONAL RECORD of the debates upon various aspects of the proposed canal act, above all with reference to the tolls questions, several volumes covering hearings before congressional committees, reports of military, scientific, legal, and commercial experts, etc., were ordered printed and distributed among the Members. The hearings before the House committee alone cover 1,127 pages, and before the Senate committee nearly a thousand pages. During the consideration of this act the Clayton-Bulwer treaty and the Hay Pauncefote treaty were printed in their entirety and laid upon the desks of the Members of Congress, in one document or another, nine different times. During the discussion of the tolls question, and a month before the enactment of any law, the Congress enjoyed the very exceptional benefit of having communicated to it officially the views of the British Government as to some of the legal aspects of granting American ships free passage through the canal.

Mr. President, before we had concluded our work we were notified by Great Britain of the importance of this step and that the conditions were not satisfactory to her. The act of 1912 was passed under all sense of responsibility as to the controversy which might arise, and the campaign of 1912 was made with full knowledge of the contention of the English Government. The Baltimore convention met at the very time that this contention was being urged by the British Government. There is not, so far as the great fundamental propositions are concerned, a single new proposition or a single new situation in this controversy. We had the treaty; we had the correspondence; we had the hearings; we had the protest of Great Britain; we had everything available which we have to-day, except the opinions of a few more experts.

Mr. President, I do not challenge, of course, the reasons which actuate men in their change of position and view; it is not my purpose in this debate to do that. But I can not refrain, as a just and legitimate argument, to note that our friends who now oppose us were once with us, and, with their great abilities, argued the cause of our Government with great power and conclusiveness.

Mr. SMITH of Georgia and Mr. CUMMINS addressed the Chair.

The VICE PRESIDENT. The Senator from Georgia.

Mr. CUMMINS. A parliamentary inquiry, Mr. President. I supposed that I had the floor, and I yielded to the Senator from Idaho [Mr. BORAH] to continue a colloquy with the Senator from North Carolina [Mr. SIMMONS]. I am not anxious about the matter, of course, but I should like to know my parliamentary status.

The VICE PRESIDENT. The Chair has been here, he thinks, an hour and a half, during which time the Senator from Idaho [Mr. BORAH] has been occupying the floor. The Chair hardly thinks the Senator from Iowa can yield the floor for an hour and a half.

Mr. CUMMINS. I did not intend to do so, Mr. President, but I have no quarrel with the ruling of the Chair. I suppose that at some time I shall be able to secure recognition.

Mr. SMITH of Georgia. Mr. President, I do not desire to interfere with the wishes of the Senator from Iowa if he desires the floor at this time. I only wish, if it will not interfere with him, to make a very brief answer to the Senator from Idaho.

Mr. CUMMINS. I would vastly rather hear the voice of the Senator from Georgia than my own.

Mr. SMITH of Georgia. Mr. President, I am not surprised that the Senator from Idaho should wish to remove this treaty, when we consider its meaning, entirely away from the correspondence of our diplomatic representatives who negotiated it, from the letter of the Secretary of State to the chairman of the Committee on Foreign Relations, and from the report to the Senate upon it by the former chairman of the Committee on Foreign Relations, Mr. Davis.

I do not contend that the contemporaneous history or that the various correspondence can in any sense change the meaning of the treaty, but I do believe that it is a splendid magnifying glass to help us see the real meaning of the treaty and the real purpose of the parties to the treaty.

With reference to the correspondence of Mr. Bulwer and Mr. Clayton, to which the Senator has called attention, that occupies an entirely different position from the correspondence and the history brought to bear upon this treaty. In that case the treaty had been signed and ratified by the Senate of the United States and by the Parliament of Great Britain. The parties with the power to make the agreement had agreed. England sought, through the letter of Mr. Bulwer, to place a limited meaning upon the treaty which had already been ratified. It was not pretended that, pending the negotiations, any such meaning was suggested by either of the parties. On our side we did not agree to the view presented by Mr. Bulwer. I do not think that that letter from Mr. Bulwer, under the circumstances, would have any effect in helping to determine the meaning of the treaty.

But what is the present case? The United States for years had insisted upon the policy of equality of treatment of the vessels of subjects of Great Britain and of citizens of the United States in the waters of each of the countries. That had been our policy, and that was the demand of the United States in its dealings with foreign Governments.

When the Clayton-Bulwer treaty was made it announced fully and clearly the doctrine of equality to be extended in the waters of any canal built across Central America or the Isthmus to the subjects of Great Britain and the citizens of the United States whose vessels of commerce passed through the canal. Not only so, but across any railroad that might be built from the Atlantic to the Pacific the same equality of treatment was required. The Clayton-Bulwer treaty all the way through demanded for the citizens of each country equality of treatment in the waters of any canal or over any railroad that might be constructed connecting the Atlantic and Pacific Oceans across Central America or the Isthmus of Panama.

Here was an established policy; here was a treaty unmistakably declaring for that policy. But under the Clayton-Bulwer treaty the canal was to be constructed only under the joint promotion of the two countries.

The United States concluded that it desired to be relieved of so much of the Clayton-Bulwer treaty as gave to Great Britain a partnership in the proposed canal.

In the opening of the negotiations it was not suggested by the Secretary of State to our representative that we wished to get rid of the recognized policy of the United States to demand and concede equality of treatment to the owners of vessels and the commerce of the citizens of each of the countries in any canal that might be built across Central America or across the Isthmus.

When Mr. White first opened the negotiations in 1898 he reported to the Secretary of State that he believed Great Britain would yield us the complete direction of any canal and the status of sole promoter of the canal, and that she would only insist that we retain, in connection with such canal, the equality of treatment to the owners of vessels and to the commerce of the citizens of the two countries which was so fully required by the Clayton-Bulwer treaty.

Mr. Blaine, in his letter, declared that of course the United States stood for equality of treatment for the citizens of both countries as to their vessels and as to their commerce.

Mr. Choate later took up the negotiations, and all through the correspondence between Mr. Choate and Lord Pauncefote is the conceded proposition that equality of treatment to the citizens of the two countries as to their commerce and as to their vessels passing through the canal to be constructed was to be continued.

For the United States, in connection with this treaty, to have demanded a different status as to the canal would have been utterly contrary to its past policy, to a policy which it had advocated and for which it had pleaded for nearly a hundred years. Every letter that was exchanged indicated the purpose to continue that policy and to make the canal a public-service waterway, open alike and on equal terms to the citizens of both countries as to their commerce and as to their ships.

Mr. President, when the matter came to the Senate Mr. Davis, then chairman of the Committee on Foreign Relations, in his report to the Senate clearly disclosed the purpose on the part of the United States to make a treaty which was to maintain this established policy of the United States and to continue equality of treatment to the subjects of Great Britain and to the citizens of the United States, both as to their vessels passing through the canal and as to their commerce.

You can not read the letter from Secretary Hay to the chairman of the Committee on Foreign Relations, the late lamented Senator from Illinois, Mr. Cullom, without finding in it the clearest declaration that as to equality of treatment of the business of the citizens of the two countries, the United States maintain in the new treaty the same rule which was declared by the Clayton-Bulwer treaty; and in the short letter of the Secretary of State to the President, handing him the last treaty, although it covers only a few lines, he dwells upon the fact that we retained in this treaty the principle of neutralization contained in the eighth article of the Clayton-Bulwer treaty; and President Roosevelt, in sending the treaty to the Senate, although the letter of transmission was short, took space to declare that we retained in the treaty the principle of neutralization contained in the eighth article of the Clayton-Bulwer treaty.

What was that principle of neutralization which both the Secretary of State—although he wrote only about half a dozen lines about the treaty—deemed it important to mention, and the President, although he only wrote about half a dozen lines, deemed it important to remention? The eighth article of the Clayton-Bulwer treaty has nothing about war; the principle of neutralization to which it applies is impartiality of treatment of the subjects of Great Britain and the citizens of the United States in the use of the canal. We declare in the very opening of the treaty, in the preamble, that the principle of neutralization contained in the eighth article of the Clayton-Bulwer treaty is to remain in force under the new treaty.

Mr. WEST. And did not the late Senator Bacon try to have that provision stricken out, and did he not fail by a vote of 18 to 60?

or otherwise affect its application to the two contracting powers for the purposes which they sought to subserve by virtue of it. Indeed Mr. Clayton informed the British minister that no alteration in the treaty could be made without the assent of the Senate.

Mr. BORAH. Has the Senator the exact date of the Clayton-Bulwer treaty?

Mr. THOMAS. I can perhaps find it for the Senator in a moment. I am not able to turn to it immediately; but ratification preceded the exchange of the notes to which the Senator refers.

Mr. BORAH. The ratification preceded?

Mr. THOMAS. Yes.

Mr. BORAH. When did the ratification take place?

Mr. THOMAS. The ratification by the Senate?

Mr. BORAH. By the Senate and by the English authorities.

Mr. THOMAS. The English Government ratified the treaty prior to May 28, that being the date upon which notice was given that the Queen's ratification would be prepared without delay. The Senate ratified the treaty prior to that time and before it was sent to Great Britain for ratification.

Mr. BORAH. Before the final exchange took place and before the treaty was ratified by both the Governments these notes, I understand, were exchanged.

Mr. THOMAS. I think the Senator is mistaken about that.

Mr. BORAH. I feel very certain that I am not mistaken.

Mr. THOMAS. I am very sure if these notes had been exchanged prior to ratification the Senate of the United States would not have approved the treaty.

Mr. BORAH. That is precisely what one of the Senators said, that if they had known of this interpretation—President Buchanan, I think it was, said it would not have been ratified.

Mr. THOMAS. One of the Senators so stated, and that was the general temper of the American public upon the subject.

Mr. BORAH. In order that we may have the benefit of this for what it is worth, let me recall now that on the 29th of June, 1850, Sir Henry Lytton Bulwer, the British minister at Washington, handed to Mr. Clayton, the American minister, the following declaration, in writing:

> In proceeding to the exchange of ratifications of the convention signed at Washington on the 19th April, 1850, between Her Britannic Majesty and the United States of America relative to the establishment of a communication by ship canal between the Atlantic and Pacific Oceans the undersigned, Her Britannic Majesty's plenipotentiary, has received Her Majesty's instructions to declare that Her Majesty does not understand the engagements of that convention to apply to Her Majesty's settlement at Honduras or to its dependencies. Her Majesty's ratifications of the said convention is exchanged under the explicit declaration above mentioned.

The exchange took place upon the part of Great Britain under the explicit declaration that it did not apply to British Honduras. This was the English Government speaking at the time that the exchange took place.

Mr. THOMAS. But after the ratification of the treaty by both Governments.

Mr. BORAH. That might be true, but nevertheless at the time the contract is delivered by one of the parties the exchange takes place. You have this interpretation or construction put upon it.

I should like to ask the Senator from Colorado if he thinks that kind of evidence could carry with it less verity than a letter written by a minister of the United States after the exchange had taken place or by an interview a newspaper man is supposed to have had with Mr. Hay several months after?

Mr. THOMAS. No, I do not; but I do believe it carries less verity and importance than the statements which were made by those who negotiated the treaty as to what the understanding of the treaty was between the parties during negotiation and at the time of ratification.

In making this statement I am not asserting the proposition that the treaty, if otherwise framed, can be affected by the understanding between the parties at the time of its acceptance, but I do think there is a very material difference between a declaration of one of the signatory powers to a treaty as to its interpretation of that treaty made at the time of the exchange and subsequent to ratification, and statements which embody the understanding between the parties and were made during the negotiations.

Mr. BORAH. There may be a difference in what you might call the strength of the evidence as a probative fact. This same author, in discussing this proposition, referring to the note which I have just read, said:

> The ratifications were not, as this action and document implies, exchanged at this time. Their exchange took place several days later.

Then we find here this note delivered——

Mr. THOMAS. The exchange took place July 4, 1850.

Mr. BORAH. Yes. We find several days before the exchange of treaties took place the note handed by one of the negotiators to one of the other negotiators, and we find in the statement this:

> Her Majesty's ratification of the said convention is exchanged under the explicit declaration above mentioned.

That Honduras was not included in Central America.

Mr. SMITH of Georgia. Mr. President——

Mr. BORAH. I will yield in just a moment. Mr. President, there we have certainly about as strong a piece of that kind of evidence as could be had. It is certainly infinitely more conclusive, if that kind of evidence is to be binding at all, than a vast mass of evidence which has been called into existence as to the declarations of Mr. Hay and the declarations of Mr. Choate, and of this party and that party afterwards. It only shows that when we wander off into that interminable wilderness of correspondence and negotiations outside of a treaty we are at sea in a ship without a compass.

Mr. THOMAS. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I merely wish to add, as bearing upon this branch of the discussion, that Mr. Bulwer consented to receive Mr. Clayton's counter declaration after considerable discussion. It was asserted by Reverdy Johnson, whose authority, of course, no one can dispute, and who conferred freely with both the negotiators, that it was distinctly understood by both Clayton and Bulwer that the declarations were of no validity in law and could not affect the treaty. I do not think there can be any question about that.

Mr. BORAH. I suppose so.

Mr. THOMAS. What does the Senator say?

Mr. BORAH. If I understand the statement of the Senator, I do not disagree with him.

Mr. THOMAS. In view of the fact that the declaration was made and these notes exchanged under circumstances verified by so high an authority as Reverdy Johnson, and in view of the additional fact that these notes were exchanged subsequent to the actual ratification of the treaty by the two Governments, but prior to the exchange of the treaty between the two officials, it certainly seems to me that it occupies a very different place from that line of testimony which goes to show the understanding of the signatory powers during the time of negotiation and acceptance of the proposed treaty.

Mr. SMITH of Georgia. I wish to ask the Senator from Idaho a question, if he will yield for a moment. Have you the date of the answer to the Bulwer letter by Mr. Clayton?

Mr. BORAH. It was July 5, 1850.

Mr. THOMAS. The exchanges were made on the 4th of July.

Mr. BORAH. Here is the memorandum.

MEMORANDUM.

> DEPARTMENT OF STATE,
> *Washington, July 5, 1850.*

That is the memorandum which Mr. Clayton made.

> The within declaration of Sir H. L. Bulwer was received by me on the 29th day of June, 1850. In reply, I wrote to him my note of the 4th July, acknowledging that I understood British Honduras was not embraced in the treaty of the 19th April last.

So his letter would seem to be dated the 4th of July. The memorandum which was made was dated on the 5th of July.

Mr. SMITH of Georgia. Was not Mr. Clayton's letter, dissenting from the view of Mr. Bulwer, delivered prior to the exchange of the treaties? I am not sure that I am accurate, but it has always been my impression that the two notes passed taking a different view of the treaty, and yet the treaties were exchanged.

Mr. BORAH. Exactly. We have now a line of this kind of evidence. The parties who represented the two nations each placed a construction upon the treaty. I understand the logical position of the Senator from Georgia and the Senator from North Carolina is that this evidence dehors the record is not good unless all the parties to the negotiation agreed exactly as to what it meant; and it is not a question of the kind of evidence, but it is a question whether or not you find a condition of affairs in which all the parties agreed as to the meaning of the treaty.

Mr. SIMMONS. Mr. President, I have not said that, but I did say that in this particular case, with reference to this particular question, there was entire accord between the negotiators, as disclosed in the correspondence.

Mr. BORAH. Suppose they had not been in accord. Suppose Mr. Hay had taken one view and Mr. Pauncefote the other. What, then, would the Senator have done with this evidence outside the record?

the meaning of the treaty. Let me, however, call the Senator's attention to a precedent which he will recollect. He is very familiar with the Clayton-Bulwer treaty, and, as I understand, he places much reliance upon that treaty as supporting his position.

When we executed the Clayton-Bulwer treaty, at the very time it was executed and exchanged, Mr. Bulwer handed to Mr. Clayton a note stating what he understood to be the meaning of the words "Central America," and that the words "Central America" did not include the Belize Islands or British Honduras. That note was passed to Mr. Clayton at the time the treaties were exchanged. Mr. Clayton made no reply to it immediately, but did so a few hours or days afterwards. That note, handed to Mr. Clayton, has been consistently repudiated by American diplomatists as having nothing to do with the language of the Clayton-Bulwer treaty. It was under that duplicitous and somewhat shrewd practice upon the part of Mr. Bulwer that England justified her violation of the Clayton-Bulwer treaty when she erected British Honduras into a colony in 1862; but Mr. Blaine and the American diplomatists never for a moment recognized the binding effect of Mr. Bulwer's note.

Mr. SIMMONS. The Senator certainly has not understood me to mean that we had to accept, as importing absolute verity, every statement made by the negotiators. I hope the Senator has understood me to mean that these notes and this correspondence should have no application except in case of a doubtful construction, and then they could be used only for the purpose of making clearer that uncertain construction.

Mr. BORAH. I understood the Senator exactly, and I understand him now

Mr. SIMMONS. If the Senator will permit me to finish, however——

Mr. BORAH. Yes.

Mr. SIMMONS. I wish to say that with reference to these disputed questions concerning the second Hay-Pauncefote treaty I do not now recall that there is the slightest conflict between the American and the British negotiators at any point upon any question relating to the first clause of the third article.

Mr. BORAH. I do not think I misunderstood the Senator's contention with reference to the purpose for which the notes on the side could be used. It was to throw light upon the meaning in case there was doubt. That was precisely the situation with reference to the Clayton-Bulwer treaty. When the Clayton-Bulwer treaty was executed, or when the exchange took place, you will remember that the words "Central America" were used in the inhibition against England or the United States obtaining further possessions or territory in Central America. England claimed that Central America at that time consisted of five States, and did not include British Honduras and the Belize Islands. When the treaty was executed, or when an exchange was had, England placed her construction upon that treaty by handing us a note as to the meaning of the words "Central America," but the United States never has recognized for a moment that contention.

Again, in the Welland Canal controversy, you will recall that the English Government notified the United States that it was hardly necessary to remind the United States that the terms of the treaty, whatever they were, controlled, and that, exterior or dehors, the record evidence could have nothing to do with it.

Mr. SMITH of Georgia. Mr. President, I wish to ask the Senator if he does not think there is a substantial difference between the effect of a note written ex parte by Mr. Bulwer at the conclusion of the negotiations, giving his view of the meaning of the treaty, and answered by us, giving a different view of the treaty, and the cotemporaneous letters written pending the negotiations, as to the effect the two should have in helping us find out the real meaning of the treaty?

Mr. BORAH. Mr. President, the Senator from Georgia is a very able lawyer——

Mr. SMITH of Georgia. I am very much obliged to the Senator.

Mr. BORAH. And he has had a vast amount of experience in the practice of law. I will ask him a question. Suppose he were in court to recover upon a contract, and that contract had been the result or brought about through correspondence, through letters exchanged by the parties, but finally, after the letters had been exchanged, they signed a contract, would not the Senator contend that the contract alone controlled and that the letters were merged in the contract, and that that and that alone was the thing upon which their minds met? Now, the treaty-making power of the United States and the treaty-making power of Great Britain made a treaty, and they did not ratify any individual's views. If the treaty-making power had one view and the mere scribes and signers another, I apprehend the former should control.

Mr. SMITH of Georgia. I would, but I would make this qualification: If there was language in the contract the meaning of which was doubtful, and the letters between the parties clearly indicated not different views but concurring views as to what the language of the contract was to mean, those letters could be used to help determine an uncertain term in the contract.

The language of the contract, of course, would be conclusive; it would be the language of the contract which would control; but if the meaning of an expression in the contract was doubtful, letters passing between the parties prior to that time expressing their purpose as to what the contract was to mean and showing an agreement between them could be used to help determine the actual meaning of the contract, not, however, to vary it at all as it was finally made.

Mr. BORAH. Let me call the Senator's attention to what a dangerous precedent he would be establishing in matters of international law and the conclusion of treaties.

The Senator says that when the language of a treaty is doubtful he would go back to the letters for the purpose of ascertaining the meaning of the treaty. Then you fall back not upon your treaty for your final rights, but you really rest your rights, be they important as they may, involving national sovereignty or anything else, upon the letters which led up to the treaty.

No such rule as that has ever been established, to my knowledge, among the nations of the earth. In the first place, it would lead to too much trickery and deception, as diplomacy is carried on. In the second place, it would be too dangerous a proposition, because the Senate of the United States, for instance, is the final arbiter and judge upon the treaty; and as it interprets the language and as it ratifies the treaty we are to be bound, and not by what some discharged agent—I say "discharged" because the negotiations had ended and the service was at an end—has said in regard to it. It is the view and the understanding of the treaty-making power as the treaty is finally ratified and passed upon by the treaty-making power. We will regret the day if we establish in this controversy the precedent that upon such language as is used in this treaty we are willing to go back to letters to determine what it means and what our rights are.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I do.

Mr. THOMAS. I am very much interested in the Senator's argument, as I am in all discussions upon the floor of the Senate. I think, however, that his reference to the note which accompanied the exchange or attempted exchange of the Clayton-Bulwer treaty is not entirely analogous to the situation here.

After the Clayton-Bulwer treaty had been signed by the negotiators it was submitted to the Senate of the United States, where it was ratified by a vote of 42 to 11. That disposed of the treaty so far as the action of the Senate was concerned. It was then sent to Great Britain and was ratified by that Government. Notice was then given, under date of May 28, that the Queen's ratification would be prepared without delay. Afterwards, on June 8—and I am referring to the history of the Clayton-Bulwer treaty by Mr. Travis—Lord Palmerston directed Bulwer to make the following declaration on the exchange of ratifications:

> Her Majesty's Government do not understand the engagements of the convention as applying to Her Majesty's settlement at Honduras or its dependencies.

So it would appear that after the Senate had ratified the treaty, and after the British Government had ratified the treaty, this note, which attempted to limit its application to the part of Central America which was exclusive of Honduras, was delivered by Lord Bulwer to Mr. Clayton. It therefore would seem to be a declaration subsequent to the ratification of the treaty, and could not affect the understanding of the meaning or terms of the treaty, either at the time it was prepared or at the time it was ratified.

In that instance Mr. Clayton first concluded to make no exchange whatever of the treaty. He afterwards concluded that he had better do so, but took care to limit his acceptance of the note of Lord Bulwer by replying that the treaty was not understood "to include the British settlement in Honduras, commonly called British Honduras, as distinguished from the State of Honduras, nor the small islands in the neighborhood of that settlement which might be known as its dependencies." As a matter of course this transaction which followed the negotiation and the ratification of the treaty could not under any circumstances be permitted to either limit

which, if tolls were not imposed, would make very large investments on the Pacific coast in the vicinity of San Francisco, amounting to something more than $50,000,000, in developing latent resources in that part of the country for the purpose of shipping the products of those resources to the eastern part of the United States, and that if tolls were imposed that investment would not be made, because the requirement of tolls would prohibit the traffic?

Mr. SIMMONS. Mr. President, I do not remember the exact statement made by Mr. Dunn with reference to the concrete proposition suggested by the Senator from Kansas, but I do recall that he stated with reference to lumber that, after the canal was opened, lumber could be carried through the canal from the Pacific coast—from Oregon, Washington, and San Francisco—to New York, using petroleum instead of coal for fuel, for $4 a ton, and that it would be absolutely impossible for the railroads to meet that rate. I remember, also, that he said that other large, bulky, and heavy articles, which would naturally seek transportation by water, would be carried by boat at a like rate, and that it would be impossible for the railroads to meet that competition. He did say, also, that, as a result of the fact that the railroads could not meet this competition, they would only retain a fraction of their transcontinental business, and that that would be made up of such character of merchandise as boats do not ordinarily carry. For that reason, he made it clear that the exemption from tolls would not operate to affect water transportation in the lines of traffic which would naturally seek water transportation, because the rates by water would be so far below—one, two, or more times less than transcontinental rates by rail—that the small amount of 60 cents or a dollar a ton, measured by weight, on the average imposed on traffic through the canal in case coastwise ships were not exempted would not affect water competition by the canal at all.

When the railroads lose to the steamboats the major part of their through traffic, of course the question arises, Will they be permitted to recoup their losses? That is a question for the Interstate Commerce Commission. That they would have an opportunity to recoup their losses is, if so permitted by that commission, beyond all dispute, because if boats carry these products, they will carry them from a coast city to a coast city, and only a small part of the merchandise so carried will be consumed in these coast cities, so that the greater part of it will have to be retransported to the interior by rail. Five hundred miles is about the average back-haul zone, and when you get beyond that back-haul zone, Mr. President, that 500 miles stretching around the coast of our country, you are confronted with a zone vastly larger, a zone stretching 2,000 miles across the continent and 1,500 miles up and down the continent, to which the coast products must be carried by rail. The question is, If the result of this loss of business by the railroads because of their inability to compete with the water carriers shall reduce the revenues of the railroads, will the railroads be permitted to recoup themselves by increased rates to the interior? Should that become necessary, that may continue as giving concerns upon the basis of reasonable profits. And that, as I have stated, is a question for the Interstate Commerce Commission to deal with.

Mr. President, in the last investigation every angle of this question was considered. That had never been done before. The investigation was as thorough and complete as it could be made. Two years ago representatives of the railroads came here, as did representatives of the shipping interests. The railroad people were then opposing, as I have said, not primarily but incidentally, the exemption of coastwise ships from the payment of tolls. This year when we had our investigations I undertake to say that neither the Senator from Idaho nor the Senator from Kansas can mention the name of a single man interested in railroads, directly or indirectly, so far as the testimony before the committee showed, who came before the committee and asked the privilege of making a statement.

Why, Mr. President, did they come two years ago and oppose tolls exemptions, and why did they fail to come this year and ask for tolls? I take it, Mr. President, it was because of the fact that the railroads in the meantime had reached the conclusion which I, and I think other members of the committee, have reached, that the difference between the cost of transportation by vessels through the canal would be so great that railroad competition in any of the subjects of traffic which ordinarily would seek transportation by water was impossible.

Mr. President, I am not troubled because of the fact that I made a speech two years ago in support of exemption from tolls for coastwise vessels, as many other Senators did who have since changed their opinion and as many Representatives did who have changed their opinion. I am not disturbed by that fact. I change my opinion whenever conditions and situations are such as to make that change reasonable and proper. I change my position upon any question whenever a more thorough investigation and study of the subject changes my real opinion about the question.

If the Senator from Idaho has any trouble in his mind about my attitude in this matter, I have made my speech to-day; I have discussed the very questions that I discussed two years ago; I have discussed them with additional light—I had little light then, I have a flood of light now—and I am perfectly willing that the speech I have made to-day upon each of these questions to which he has referred in my speech two years ago shall be taken as my answer to that speech.

Mr. CUMMINS obtained the floor.

Mr. BORAH. Mr. President, will the Senator from Iowa yield to me for just a few moments?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. BORAH. I wish to say only a word. I do not wish to leave with the Senate the impression that my mind is at all troubled about the attitude of the Senator from North Carolina, nor that the Senator from North Carolina has fallen in my esteem by reason of the fact that he has changed his position. Neither did I rise for the purpose of discussing that particular feature of the situation. I rose for the purpose of calling to the attention of the country a most able presentation of this matter as we now view it by the Senator from North Carolina, which neither the Senator from North Carolina nor anyone else has undertaken to answer. The Senator's speech to-day does not answer his speech of two years ago. It does not cover the subjects that the Senator from North Carolina covered two years ago. I listened to the speech with a great deal of interest.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I yield.

Mr. SIMMONS. I did not read every portion of my speech, as was stated at the time. If the Senator will permit me, I will now read the part of the speech which I omitted to read, which covers the very matter to which the Senator refers.

Mr. BORAH. Mr. President, of course I could speak only of the part of the Senator's speech which I heard. I do not challenge the word of the Senator. If it is in his speech and will be printed to-morrow, I will read it; and if I conceive that his former speech has been properly answered, I shall be glad indeed to read it and reread it.

Mr. SIMMONS. I commend it to the Senator from Idaho, and I hope he may read it. In the interest of saving time I did not read it. It embraces a number of pages, however, and I passed it over, stating at the time I did so that I was both weary and somewhat indisposed, and had taken up more time than I intended to take, and I supposed the Senate would not object to my inserting it without reading. I will read it now, however, if the Senator would like to hear it.

Mr. BORAH. No; I think I shall not take up the time of the Senator to have him read it now. I assure the Senator that I shall read his speech. I either listen to his speeches or read them at all times.

Mr. President, the Senator has suggested in his reply some things which apply not to the Senator personally but generally to this discussion that I am going to ask the indulgence of the Senator from Iowa for a few moments while I make a suggestion or two. I refer to this "flood of light" which has come in these later days; this revelation, as it were. It has had its effect in some quarters. It has not reached other quarters. The prayer of sincere men is that it will permeate all parts of the earth, and after a while we all shall be able to judge of our position with the aid of that "flood of light."

What is this "flood of light," Mr. President? First, let us take the treaty. We had the treaty two years ago, and had had it since 1901. It is the same old treaty now. The language is precisely the same. The "flood of light," Mr. President, of which the Senator speaks, is not a thing which it is legitimate for the Senate to consider at all.

What has a letter of an agent of a government to do with the language of a treaty which we are called upon to ratify and which we are called upon to construe? Mr. President, you could not go into court and introduce this kind of evidence, which they say here should control, instead of the language of the treaty itself, to modify the most ordinary contract.

We did not ratify Mr. Hay's interview with some newspaper man. We did not ratify Mr. Choate's letter nor his view of the treaty. We ratified the treaty. It was our treaty. We made

it. Mr. Choate's letter or Mr. Hay's interview with this enterprising newspaper man were not before the Senate. The treaty making power made this treaty just as it reads, and by its language we stand and within its four corners we must find all rights and all obligations.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. BORAH. I do.

Mr. SIMMONS. Does the Senator seriously contend that in the construction of a treaty we can not consider and ought not to consider the diplomatic correspondence which preceded the making of that treaty? Does the Senator seriously contend that that is not competent to aid in the correct interpretation of the treaty?

Mr. BORAH. What is the date of this interview with the newspaper man?

Mr. SIMMONS. I am not speaking about the interview with the newspaper man.

Mr. BORAH. But that is one of the things to which the Senator referred.

Mr. SIMMONS. The Senator said——

Mr. BORAH. I will get to that in a moment. What is the date of it and what possible thing has the interview of Mr. Hay with the newspaper man to do with this treaty?

Mr. SIMMONS. The Senator knows perfectly well that I offered that statement of Mr. Hay to Mr. Fletcher Johnson for the purpose of meeting the argument that had been made to the effect that Mr. Hay thought the term "all nations" excluded the United States.

Mr. BORAH. Let me put a question to the Senator.

Mr. SIMMONS. That is a different proposition altogether. It is purely and simply in answer to a contention here as to what Mr. Hay thought about this matter—not expressed in the diplomatic correspondence, not contemporaneous with the execution of the treaty, but subsequent to the treaty. I understood the Senator to be asserting the proposition that the contemporary correspondence between Mr. Hay and Mr. Choate, our ambassador who participated in the negotiation of this treaty on behalf of this country, and between Mr. Choate and Mr. Hay and Lord Lansdowne and Lord Pauncefote, who participated in its negotiation on the part of Great Britain, was not competent in any court as affording any light which the Senate would care to receive and have in reaching a just and correct interpretation as to the meaning of the treaty. Do I understand the Senator as taking that view?

Mr. BORAH. Yes; I take that position. I claim that we are bound by the language of the treaty, and that some man's view of what he thought it meant is not and should not be in any sense controlling.

Mr. SIMMONS. Then, Mr. President, I do not agree with the Senator. I think it is the custom of nations to preserve carefully, as a memorial, all the diplomatic correspondence leading up to these international agreements, and to preserve it so that in case a dispute should afterwards arise as to the meaning of a treaty it may be there for the purpose of throwing light upon the meaning of the treaty and its proper interpretation.

Mr. BORAH. Mr. President, if there is such custom prevailing among the nations of the earth, I am unfamiliar with it. On the other hand, the very opposite, in my judgment, is true. When we fell back upon letters and negotiations in regard to treaty interpretations England notified us more than once that it was hardly necessary to remind our Government that a treaty was to be construed according to the language found in the treaty and not according to letters passing between the parties who negotiated the treaty. True, she has taken an opposite position, but never conceded it when against her, and I do not know of any nation that ever did.

Mr. President, that treaty was negotiated by those agents, and it was sent here to the Senate. Certain amendments were suggested, and they were finally adopted, and it was signed by these parties. That treaty was made here. Those vital and important amendments were suggested here. These agents were selected simply for the purpose of exchanging and signing the treaty, as it were; but the language which we have to construe and the language which binds us, and which alone binds us, is found in the Hay-Pauncefote treaty. This "flood of light" with reference to the interpretation of the treaty is the kind of evidence which would not be admitted in a court of justice to change the terms of a contract of any kind. But upon this outside evidence and outside views, not before the Senate or considered by it, we are now asked to yield up most vital and substantial interests of our Government and our people.

Mr. SIMMONS. Then, Mr. President, conceding, for the sake of the argument, the legal proposition of the Senator that of course in the last analysis the treaty must speak for itself, does the Senator contend that where the language of the treaty is obscure, ambiguous, or uncertain we can not look to the diplomatic negotiations in its making, with a view to resolving that doubtful and ambiguous meaning?

Mr. BORAH. I do contend that we can not do so. When the language is ambiguous, then there is occasion to open up diplomatic relations to adjust our differences; but where it is on a plain question of yielding rights, it should never be done on letters or views outside the treaty.

Mr. SIMMONS. Then the Senator and myself can not agree upon a legal proposition.

Mr. BORAH. How would the view, for instance, of Lord Pauncefote in any sense express the view of the treaty-making power of Great Britain; and how could it be said that the individual view of Mr. Hay was the view of the 96 or 90 Senators who assembled here and passed upon the treaty? The Supreme Court itself has passed upon that question, so far as concerns going back into the debates of Congress to determine the meaning of a statute, and has settled the proposition. While the language of Mr. Hay may give some consolation to those who desire to take that view, if there was any tribunal controlled by the rules of legal evidence which was to pass upon this proposition I venture to say that his language would not be accepted by that tribunal to determine the meaning of the final contract.

Mr. President, I wish to call attention now to another matter.

Mr. SIMMONS. Mr. President, I do not contend that it would be accepted in a court of justice, to use the illustration of the Senator a little while ago; but I have entirely misunderstood the principle of international law with reference to construing ambiguous phrases in a contract between nations if an international tribunal, authorized to construe and interpret it, has not the right; and it is not the habit under recognized international custom and procedure to look to things outside the treaty but which pertain to the negotiation of the treaty, especially the correspondence and notes between the representatives of the respective Governments in negotiating the treaty in dispute.

Mr. BORAH. Mr. President, suppose we take the rule the Senator has suggested, and undertake to follow it out to its legitimate and logical conclusion. Mr. Hay, we will say, has one view of what happened. The ex-President, Col. Roosevelt, has another view. David Jayne Hill has another view. It seems that this party and that party entertain different views as to what the language meant and what the treaty meant, what we were to do under the treaty, and what we had a right to do under the treaty. All these parties were interested in the negotiation. They represented the Government which was making the treaty. Having different views, would the Senator select the particular party who signed the treaty as being the sole custodian of the intent and purpose of the treaty; or would he associate with him the other parties who represented his Government, but who, under the mere forms of government, were not required to sign the treaty?

Mr. SIMMONS. Mr. President, I have stated to the Senator that it is my understanding that it is the custom of nations, in negotiating these treaties, to consult carefully to writing their negotiations. The fact is, in connection with this very treaty, when it was completed, that there is something in the correspondence which shows that the British ambassador asked that our ambassador or the Secretary of State, I do not recall which, should make a concrete statement of his understanding with reference to the meaning and intent of the treaty; and I take it that the British Government has in its files a like statement. These negotiations reduced to writing, these final statements of the negotiators filed with the State Departments of their respective Governments, are filed there for the purpose of remaining as a memorial of the facts and circumstances connected with the negotiation of the treaty, for the purpose of their use in case any future controversy should arise as to the meaning of any doubtful clause in the treaty.

If that was not so, why were we passing resolutions here in the Senate, when this matter was under consideration before the Committee on Interoceanic Canals, requiring the State Department to transmit to the Senate, for the use of this committee in the hearings before it and for the use of the Senate, all of this correspondence and all of these negotiations and every fact connected with them that was reduced to writing and on file in the department, in order that we might have them for the purpose of enabling us the better to determine the meaning of these doubtful phrases?

Mr. BORAH. As I said a moment ago, there is doubtless a vast amount of balm and consolation for one who is seeking a certain interpretation in finding some one who has written a letter, or given a supposed interview, as to what he considered

ator from Mississippi, that your conscience did not begin to work until after the election.

But the Senator from North Carolina says further:

Mr. President, when it was proposed to construct this canal connecting the two oceans I have no doubt the desire that we should bring the two oceans together for military purposes and for purposes of general use had much to do with it; but I think if the people had not believed that it would furnish a means by which they could escape from the grip and the oppression of the transcontinental railroads, the Isthmian Canal would never have been constructed.

Have the transcontinental railroads been destroyed? Are they out of business? Is the incentive which moves to gain and to destroy competition any less than it was two years ago? Has the economic or the industrial situation changed? If not, what can we say as to our anxious solicitude for the people that they be protected prior to the great election and our contentment that they may shift for themselves thereafter?

Who was here opposing that canal? Who for more than a score of years delayed the beginning of this great work? Was it not the same railroads that are now saying they are anxious to utilize it as a means of transportation in the interest of the people? Why were they trying to defeat it then? Was it not because they knew it would interfere with their monopoly? Why are they seeking now to get control of it? Is it not because they want to continue their monopoly?

Oh, Mr. President, the idea of a subsidy; the idea of a monopoly for coastwise shipping; a monopoly in which every single individual under the American flag may engage and have an interest; a monopoly in which every citizen may invest his money, into which he may go as a business, was not the monopoly which you presented to the electorate of this country in 1912. The monopoly and the subsidy which you said would be granted to that monopoly was the monopoly of the transcontinental railroads, combined and controlled by interlocking directorates and in absolute control of the transportation interests from the Atlantic to the Pacific. It was to revive and keep alive competition between these two powerful transportation interests that you advocated with zeal and effect free tolls two years ago—what has changed the economic situation since then?

It was to get from under the grip of that combine which some of the great journalists of the country now say is mere demagogy to call to the attention of the people; it was to get from under the control of that powerful interest that we went as a party—and the Democratic and the third party went—before the people and pledged them that this canal, which had been built at the expense of the American Treasury, should be dedicated to free competition.

Vast and uncontrollable and immeasureable must be the influence of the powers and other nations of the earth to cause not only Presidents and Cabinets and Representatives and Congress, but the whole American people, to change their position on the preservation of competition so essential to our future industrial triumphs and the common welfare of all our people.

We have built that canal at a cost of $400,000,000, a sum that staggers the imagination—the greatest engineering feat of all the ages. It is the property of the people. The question is, Shall we so safeguard and protect that property as to make it an instrument in the accomplishment of the will and purpose of the people in its construction or shall we, by indifference and carelessness, fail to do that and permit the men who fought it, the men who for so many years delayed it, to get control of it and measurably defeat one of the main purposes of its construction? Shall we do that? I hope not.

If we want to secure to the people the full measure of benefit which they have a right to expect from the construction of this great enterprise, there are two ways in which we can do it. One is to make it a free canal for American ships. The other is to exclude from it all vessels owned by competing rail lines.

It was a simple proposition, it was accomplished, it was written into the law, it was practically settled. The American people had passed upon it. Every political party had indorsed it. It was said to the American electorate that we have done a vast thing; we have driven monopoly from the canal; the railroads shall not enter with their ships; and then we have dedicated that canal to free ships. We have kept out the monopoly and we have injected a new period and a lease of life in competition. These two great interests must bid against one another for the carrying of your grain, your live stock, and your merchandise.

The railroads are behind this demand for tolls. They favor tolls, whether they are allowed to use the canal or not. The higher these tolls are made the better the railroads will like it.

Suppose you impose a toll of $2 a ton on American commerce passing through the canal. What would be the effect? Would not the transcontinental railroads make the people pay the same amount of tolls in the shape of increased rates upon every pound of freight that they haul across the continent on their rail lines? The amount of domestic tonnage through the canal will be small compared with the transcontinental tonnage, and in that proportion the tolls in the form of high rates paid these railroads will exceed those paid through the canal.

Take these tolls by the water route off, and the rail routes, unless they own the water route also, will have to that extent to come down on the rail rates. With tolls retained, and railroad-owned vessels allowed, the Treasury of the United States would take in a few dollars, but the people would have to pay on the great commerce that crosses the continent five times as much in higher rates to the railroads.

Mr. SUTHERLAND. Who is saying that?

Mr. BORAH. The Senator from North Carolina [Mr. SIMMONS].

The Government would save a few dollars and the people who make up the Government and supply it with all its funds would lose many dollars.

Mr. CHAMBERLAIN. I should like to ask the Senator from whom he has just been reading. I do not know.

Mr. BORAH. I am quoting from the distinguished Senator from North Carolina [Mr. SIMMONS].

I think, Mr. President, as was said by the Senator from Mississippi [Mr. VARDAMAN], that this is no ordinary and passing question. I am not so old that I expect to pass away before there is an opportunity for its fulfillment, so I am going to take the hazard of making a prophecy—I see my friend the Senator from Georgia shakes his head, and he doubtless remembers the statement that it is always dangerous for a public man to prophesy—that this vote here in this Congress on the repeal of this law will not settle the question. You will have to meet it before the great American electorate; you will have to meet it upon the stump; you will have to meet it before those to whom you made your pledge. It will never be settled until it is settled right and in favor of the clear rights of the American people. It will not be settled until that tribunal from whose judgment there is no appeal passes upon it; it will not be forgotten in 60 days, but on the 4th of November next it will be as fresh as it is to-day. Why? First, my friends, for the reason that whether you are right or wrong, whether you are correct in your position or not, your solemn pledge and your able speeches have all been to the contrary, and the American people will not be satisfied until this question is re-presented to them. When it is re-presented who will answer the able speech of the Senator from North Carolina [Mr. SIMMONS]? Where is the man upon that or this side of the Chamber who will confute his irrefutable argument made two years ago? Does anybody doubt that the transcontinental railroads fought the construction of the Panama Canal for 25 years; that they opposed its building, and that they were interested in the question of tolls? Did not their representatives appear here day after day? Can anyone confute the able argument of the Senator from North Carolina, or will anyone confute his other equally important statement, that where there is a doubt as to a probable right, and that doubt under that treaty right involves a matter of grave concern to the Government, every nation will decide the doubts in favor of its own interests.

Mr. SMITH of Georgia. Will the Senator allow me to ask him a question?

Mr. BORAH. Yes.

Mr. SMITH of Georgia. Does the Senator say that the representatives of these railroads appeared here from day to day demanding that freedom from tolls be repealed or that the free passage of vessels be not allowed, or was the Senator referring to their resistance years ago to the construction of the Panama Canal itself?

Mr. BORAH. I was referring to both.

Mr. SMITH of Georgia. I should like to ask the Senator to state the names of their representatives who appeared here in connection with this tolls proposition. I never heard of any of them.

Mr. BORAH. Well, Mr. President, I could, if I desired to do so, give the names of the parties to the Senator; but that they were here neither the Senator from North Carolina nor myself can doubt, and he has stated, when it was fresh in his mind, that they were here. I conversed with them. The records and hearings show their position. They have made no concealment. Did not the New Haven investigation show money expended in and about the tolls bill?

Mr. SIMMONS. Mr. President, when the Senator from Idaho has concluded, I shall make some observations; but when the Senator makes the statement that I had said that those representatives were here, he is referring to my statement made two years ago——

Mr. BORAH. Yes, sir.

Mr. SIMMONS. And not to my statement made as to their appearance before the Committee on Interoceanic Canals this year.

Mr. BORAH. Mr. President, I do not contend that the representatives of the railroads have been here this time. There was no necessity for them to come this time. The matter was being cared for through the foreign office of Great Britain.

There is, however, no doubt there is no Senator who was here at that time who does not know that the railroads opposed this proposition. They have been opposed to it from the beginning, and they are opposed to it now. The situation has not changed. I do not quite understand the argument presented by the Senator from North Carolina, which ignores the conditions that he pointed out so plainly two years ago. No one in this body respects his ability more than do I, but I have found no one who undertakes to answer those particular propositions, and the Senator from North Carolina did not seek to do so this morning.

Mr. SIMMONS. Mr. President, the Senator from Idaho [Mr. BORAH] began his remarks by a reference to statements made by me in my observations submitted to the Senate this morning in respect to the attitude of ex-President Taft. The Senator entirely misconstrued what I said with reference to ex-President Taft; and putting up his misconstruction as a man of straw, he proceeded to knock him down.

In speaking of acts of ex-President Taft contemporaneous with his approval of the canal act, I referred, first, to the fact that he accompanied his approval of the act of 1912 with the suggestion that the controversy between the two Governments be submitted to arbitration, and, secondly, to the fact that in fixing by Executive proclamation the basis upon which tolls were to be paid, which was upon the basis and assumption that the coastwise trade was also to be taken as having paid tolls as indicating that President Taft had grave doubt as to our right under the treaty to pass the act of 1912. I also referred to President Taft's subsequent declaration, namely, his speech in New York in 1913, in which he declared his willingness and his eagerness, if the matter came to a point during his administration, to submit the question to arbitration. I also referred to his Ottawa speech, in which he said that exemption upon the basis of tolls payment fixed in his proclamation was tantamount to the payment of the tolls upon our coastwise vessels by the Government; and I contended that those two contemporaneous acts of the ex-President, taken together with these subsequent declarations, indicated the state of his mind with reference to the question of our right under the treaty with respect to exemption of our vessels from tolls.

I did not say that President Taft had taken the position that in construing the treaty we ought to resolve all doubts in favor of this country. On the contrary, President Taft took the position that we were complying with the treaty, because, under his Executive order and proclamation, we were actually, through Government subsidy, paying tolls upon our coastwise vessels. So, so far as the Senator's argument, based upon the theory that I had represented President Taft as contending that all doubts should be resolved in favor of the United States, the Senator from Idaho was simply putting up a man of straw and knocking him down.

Mr. President, I did say two years ago, and I have said probably many times in my life, because it is a well-established principle of legal construction and of human action, if there is a doubt about your right to do an act which you regard as being in your interest, you have a right to resolve that doubt in your own behalf. That is not only a rule of construction but it is a rule of human action. And, Mr. President, when the canal act was passed, not only myself but a great many other Senators and Members of the House of Representatives, who have since changed their position on the tolls question, entertained very grave doubt about what were our rights with respect to this question under the Hay-Pauncefote treaty, and we did feel we might resolve those doubts in behalf of the United States.

I want to say that in 1912 the committee gave comparatively little consideration to this question, and though I was a member of the committee then, as I am now, I was not present at any time during those hearings, except during the statements of two members of the Interstate Commerce Commission, because I was engaged with another matter a part of the time and was ill another part. There were extended hearings on the bill before committee, but the testimony was directed to railroad-owned ships and divorcing railroads from water transportation. The Senator from Louisiana [Mr. THORNTON], in his speech, stated a few days ago—and stated correctly—that when this question came up to a vote in committee he and I refused to vote upon it, because, as we then stated, we had not made sufficient investigation to satisfy our minds in the matter. I did entertain doubts about what was the proper course of action at that time. When that matter came before the conference committee, of which I was a member, I was still in a state of doubt about tolls exemption, but that was not the only question before the conference; there was another matter connected with this question before the conference committee, in which I was deeply interested, and about which I had no doubt. That matter was the question of separating railroads from water transportation. For years since I have been in the Senate I have tried to promote legislation to accomplish this result. That was my chief concern in connection with the action of that committee and the legislation involved. The other matter was a matter which I had not thoroughly investigated, and upon which I had no maturely formed opinion, as many other Members of Congress, who then voted for the bill and conference report and have since changed their position upon the matter, had not thoroughly investigated it.

Since that time, Mr. President, a flood of light has been shed upon this question, both with respect to the treaty and the economic aspects of it; since that time the American people have been studying it; since that time the Members of the Senate and the Members of the House, as is shown by the debates which have taken place upon this question both in the House and the Senate, as compared with the debates which took place two years ago, have been carefully studying the question.

This time we have had the most thorough investigation before the Interoceanic Canals Committee. It extended over nearly three weeks, sitting from 10 o'clock a. m. to 5 or 6 o'clock p. m. The Senator and myself are both members of that committee. I attended the hearings of the committee for nearly three weeks; I was present practically the whole time, and, in the light of the testimony that was presented to that committee, in the light of earnest personal study and the investigation I have made of this question, there is no longer in my mind a question of doubt; but to my mind it is clear that the United States has not the right to exempt its coastwise trade from the payment of tolls while exacting tolls from the vessels of other nations.

The Senator says that two years ago I discussed the question of railroad connection with this matter. Two years ago the railroads were here, as the Senator has stated, in full force. They were here chiefly, however, Mr. President, in connection with the proposition to exclude railroad-owned ships from passage through the canal and in connection with the proposition to divorce railroads from water carriers. They did incidentally, however, discuss the question of tolls, and I think the Senator was right in saying that they were opposed to the exemption of coastwise vessels from tolls, although I do not now recall the testimony of any railroad witness with respect to that question.

It is true, as the Senator says, and as I said two years ago, that the railroads have always opposed the construction of an isthmian canal, and for many years they delayed and defeated its construction. The railroads, now that it is constructed and about to be opened, regard it as a great menace to their prosperity and interests. Mr. President, it was natural that the railroads should oppose the construction of the Panama Canal. Tolls or no tolls, it is perfectly apparent to any man that the construction of the canal is going to cut enormously into the business of the railroads, but the effect of the payment of tolls upon that competition, in the light of the testimony in the hearings, will be negligible.

It did not appear to me two years ago that it would be negligible; it appeared to me two years ago that the question of tolls or no tolls might be an important factor in that competition. But, Mr. President, not only the testimony of those who appeared before the Committee on Interoceanic Canals for repeal, but the testimony of those who appeared before that committee against repeal, is replete with unanswerable evidence that the question of tolls will cut but small figure in the matter of transcontinental railroad rates and competition; that the difference between water rates by the canal and the rail rates across the continent when the canal is opened will be so tremendous that railroad competition, tolls or no tolls, will be absolutely impossible, and one of the chief witnesses against repeal before the committee was Mr. Dunn, who gave voluminous testimony containing facts and figures. The deduction from his whole testimony was that the opening of the canal, whether tolls were imposed or were not imposed, would result inevitably in diverting two-thirds—that is, two millions of their three millions of through traffic—of the transcontinental traffic now carried by the railroads to the water carriers, and that that would follow from the fact that the rate by water would be so far below that at which it was possible for the railroads to carry the freight, so infinitely below the actual cost of railroad transportation, that the railroads would simply have to go out of that business and surrender it to the ships.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. Certainly.

Mr. BRISTOW. Let me inquire of the Senator if Mr. Dunn did not testify that he was connected with certain interests

tion that we were complying with the treaty, because, under his Executive order and proclamation, we were actually, through Government subsidy, paying tolls upon our coastwise vessels. So, so far as the Senator's argument, based upon the theory that I had represented President Taft as contending that all doubts should be resolved in favor of the United States, the Senator from Idaho was simply putting up a man of straw and knocking him down.

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Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. SUTHERLAND in the chair). Does the Senator from North Carolina yield to the Senator from Kansas?

Mr. SIMMONS. Certainly.

Mr. BRISTOW. Let me inquire of the Senator if Mr. Dunn did not testify that he was connected with certain interests

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Mr. President, it is a sad thing to think that misguided men should thus convert this centennial year, marking so long an epoch of peace, into the beginning of an era of unfortunate warfare, which can never end until the great wrong, now threatened, has been righted.

In this matter I stand firmly. First, as the advocate of my party, pleading with its members not to wreck its power in the hour of triumph; not to end the usefulness of an administration which has made such a brilliant beginning. The truest friends of the President are those of us who are striving to save him from a fatal mistake, which I fear will go far toward wrecking his political future. And his future welfare is so intimately linked with the future welfare of the whole country that you can not separate the two. His mistakes are the mistakes of the Nation, and whatever misfortunes may overtake him the Nation will suffer also.

I am not so much interested that certain men should hold certain offices, but I believe in the policies and principles underlying the Democratic Party. I believe its creed is the Ark of the Covenant of American institutions. I hold that fidelity to the policies and principles of the Democratic Party will give new life and vigor to the original principles and policies enunciated by the founders of the Government. As the head of the party, the President should be careful; he owes it to the country to move slowly.

In the second place, I stand here as a steadfast friend to the all-important moral alliance between the two great divisions of the English-speaking people upon which the future of civilization so largely depends. Why imperil anything so vital and important to us and the whole world without at least an effort to preserve it? Is such an effort not worth a trial? Is it not worth while for us to try the experiment of a diplomatic conference in the hope that some escape may be found without even the necessity for arbitration? If the effort fails, time for deliberation will be given, without the possible impairment of prestige, sacrifice of honor, or the loss of a single dollar.

Mr. President, I feel very deeply about this question. I feel that this moment, this occasion, is big with far-reaching consequences. I want to protect the rights of the American people. I believe the canal belongs to them; that there is no shadow upon their title to it and no limit upon their authority, so far as fixing tolls for ships flying the American flag is concerned. I want to respect the feelings and concede to England all of her rights. I want to maintain that cordial relation with the executive branch of our own Government. The President of the United States has not within this body a more devoted well-wisher than I am; but, Mr. President, I shall follow no man or body of men who carry the red flag of party infidelity, who will sanction the violation of a solemn platform promise. If there shall be doubt as to the meaning of the treaty, the only safe course that I can pursue will be to resolve that doubt in favor of the expressed will of the voters of this Republic. In the absence of instructions from the people I shall follow the torch of my own reason, stimulated, encouraged, and sustained by the one consuming desire of my soul, and that is to serve my country and my countrymen as they deserve.

To paraphrase the language of another, I am going to be true to myself and to my promise. I am going to let all my ends and aims be my country's good, and if I shall err it will be an error committed in the service of what I believe to be the truth.

Mr. President, in the final arrangement of things the sovereignty of the United States over the Panama Canal may be surrendered, the fruits of the enormous sacrifice of blood and treasure made by our people may be yielded up as the price we shall pay for sympathy and help in our international complications, and the canal dedicated to the unselfish service of the world, to be maintained and defended by the United States Government and the men and their children who gave their money and their lives to build it. But it shall not be done with my consent until I shall know the reasons why and be directed by my masters, the people, to make the servile surrender.

> The paths of Truth in every age have led men to
> Gethsemane—to mocking and a cross.
> Its sacred light hath rent the veil behind
> Which error long has been concealed; and, though
> The priests of wrong have raged and sought to bind
> With iron chains the souls of men, right on the tides
> Of truth have swept; nor mobs, nor hate, nor yet
> The Cross can stay the morning of its triumph.

Mr. BRANDEGEE. Mr. President, I think there are some of us who will endeavor to bear up, if the prophecy of the Senator from Mississippi [Mr. VARDAMAN] comes true, that coincidently with the passage of this bill the Democratic Party will pass out of power. But I did not intend to devote any time to felicitating the country upon that prophecy.

The Senator from Mississippi has made the statement that this question would not have arisen had it not been for a speech made by the senior Senator from New York [Mr ROOT] in December, 1913, as he stated. I simply desire at this time to put into the RECORD a bill introduced by Mr. SIMS, a Democratic Representative from the State of Tennessee, on the 24th day of August, 1912, which was the same day that the Panama Canal tolls bill containing this exemption was approved. The bill provided—

> That so much of the act approved August 24, 1912, which reads as follows: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," be, and the same is hereby, repealed.

On March 9, 1914, the same Mr. SIMS introduced House bill 14385 in the House of Representatives, and it is that bill which was passed by the House and is now before the Senate.

So it seems that a distinguished Democrat in the House had something to do with the attempt to repeal the coastwise exemption.

Mr. WILLIAMS. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. WILLIAMS. If the Senator will pardon an interruption, during the discussion of the tariff bill in the House the exemption was denounced over and over again as a subsidy, and a majority of the Democrats in the House voted against it.

Mr. BRANDEGEE. Ninety-one Democrats in the House voted against the exemption of coastwise vessels.

Mr. WILLIAMS. That was before there was either a Republican or a Democratic platform formed or a speech made by the Senator from New York.

Mr. BRANDEGEE. And only 71 Democrats voted in favor of the exemption.

Mr. BORAH. Mr. President, there has been a very interesting discussion of the tolls question to-day. Two able speeches have been made on opposite sides of the question, and my friend the Senator from Connecticut [Mr. BRANDEGEE] finds vast consolation in the fact that he is following the majority of the Democratic Party in the House.

I was impressed this morning with the views expressed by the Senator from North Carolina [Mr. SIMMONS]. I followed his argument with much interest, for the reason, among others, that he is supposed to speak in large measure in this matter at this time for his party, and for the further reason that he is recognized as the leader of his party in charge of this important bill.

I was particularly impressed with some of the more controlling points which he made in support of his present position. I could not repress within me the spirit of contrast, and memory insisted on getting busy with another debate and a former occasion. He referred to the fact that the ex-President, Mr. Taft, had given it as his legal opinion that we have the right under the treaty to exempt vessels engaged in the coastwise trade, but he found sufficient evidence in the views of the ex-President to warrant him in the belief that the ex-President entertained some doubts nevertheless as to that view. As I understood the argument, listening from across the Chamber, of the distinguished Senator it was to the effect that the ex-President should have resolved those doubts in favor of a charge of tolls that we might sustain and maintain national integrity and honor. I so understood the drift of his argument. In any event he made much of the discovery that the ex-President, an able lawyer, entertained a doubt.

It is very possible that the ex-President, in resolving that doubt in favor of the American Government, found some consolation in the fact that the distinguished Senator from North Carolina had with great earnestness and precision announced the same principle in the debate upon this question two years ago. Possibly he was actually following an illustrious precedent. I call attention, as prefacing my remarks, to that principle so earnestly and ably announced. It was that if there was a doubt as to whether we had the right, a reasonable and substantial doubt, that doubt should be resolved in favor of the American Government and American interests. That seems to me to be an entirely creditable position and an entirely honorable position and quite a natural position.

It is only of late months, Mr. President, that we have come to the conclusion that it is a part of national honor to resolve all doubts against our interests. That has never been a principle as between Governments heretofore. No Government in the world has ever adopted the theory or the principle, in dealing with another nation, that all doubts should be resolved against itself. No stronger advocate of the opposite principle has ever been known than the English Government itself.

Mr. President, such matters have always been presented from one standpoint by every nation; and that is, where there is a reasonable doubt, the doubt shall be resolved in favor of the

nation which is making the particular contention for the retaining of a questioned right or interest. As was said by Mr. Olney in his famous address, so often referred to, there is one principle of international law too well established to admit of discussion, and that is that where sovereign rights are involved or vital interests such as these, unless the language is so plain and unmistakable that it can not be misread or misunderstood, the doubt is resolved in favor of the sovereignty of the Government and of the challenged Government retaining its rights and interests.

But not only have we the authority of international law writers and the authority of such men as the ex-President, Mr. Taft, and the ex-Secretary of State, Mr. Olney, but we have the explicit and direct statement of the distinguished Senator himself upon this question. It will be found, under the date of August 6, 1912, that the following colloquy took place between the Senator from North Carolina [Mr. SIMMONS] and the Senator from Massachusetts [Mr. LODGE]:

> Mr. SIMMONS. I understood the Senator from Massachusetts to say that in his mind there was but little doubt that the other maritime nations would pay the tolls of their ships through the canal.
> Mr. LODGE. Other foreign nations.
> Mr. SIMMONS. That is what I mean—other foreign nations; and it would put American shipping on a great disadvantage if our vessels have to pay toll.
> Mr. LODGE. Yes; unless we pay their tolls or let them go through free.
> Mr. SIMMONS. In that condition of things, bringing about this discrimination against American shipping in favor of foreign shipping passing through the canal, if it were not for our treaty obligations the Senator would think that we ought to allow our vessels to go through free?
> Mr. LODGE. Certainly.
> Mr. SIMMONS. The Senator's second proposition, as I understood him, was that the treaty is subject to more than one construction. Under one construction we would not have the right to relieve our vessels of tolls and under another construction we would have the right to relieve our vessels of tolls.
> Mr. LODGE. That is correct.
> Mr. SIMMONS. Now, the proper and legitimate legal construction is a matter of doubt.
> Mr. LODGE. Yes.
> Mr. SIMMONS. Shall we solve that question of doubt in the interest of American commerce to relieve it of this discrimination or shall we solve it against American commerce and impose this discrimination?
> Mr. LODGE. The doubt certainly ought to be solved in favor of American commerce, but the moment you solve that doubt in favor of American commerce you are obliged to go to The Hague, as is required under our treaties of arbitration.
> Mr. SIMMONS. That is the question.
> Mr. LODGE. In other words, we can not solve the doubt. It has to be solved elsewhere.
> Mr. SIMMONS. But if there is a doubt we have to solve it here against ourselves or we have to solve it for ourselves and take the chances of The Hague tribunal.
> Mr. LODGE. Certainly.
> Mr. SIMMONS. The question I ask is, Does the Senator hold that we should solve that doubt as to the proper construction of the treaty against American shipping interests, or should we solve that doubt in favor of American shipping interests?
> Mr. LODGE. Mr. President, I do not think that I favor making a test case, because, as I said, there is a possibility of getting but one decision from a tribunal where the judges will be furnished from nations whose interest it is to pay tolls on their own ships and force us to collect tolls from ours. There is no use in going to a tribunal constructed in that way, but, unfortunately, we are supposed to go to it under another treaty for the promotion of peace and good feeling, and if we are forced to go there we shall find ourselves in the position of having to exact tolls from our own vessels, and there will also be the imputation that we have not acted in good faith. To that I do not care to expose the country.
> Mr. SIMMONS. Then the Senator would solve the doubt about this matter against American shipping?
> Mr. LODGE. No; I should not.
> Mr. SIMMONS. How are you going to get to The Hague?
> Mr. LODGE. I should simply do as other nations. I should take the tolls and pay them or remit them as they go through, taking the tolls of the vessels at one end and handing it back at the other end, or whatever way you choose. It is what every other nation on earth will do for its vessels except ours.
> Mr. SIMMONS. That solves the doubt against us, I think.
> Mr. LODGE. How? It would not cost the Government a cent any more than a free vessel, but of course I understand how profound the terror is that in some way the Government of this country may help what remains of American shipping. I have not been here all these years without learning that.
> Mr. SIMMONS. The Senator certainly does not understand me as desiring to do anything against American shipping. I want to solve it by letting those vessels go through free, and if that makes a case for The Hague tribunal I can not help it, so far as my vote is concerned.

Now, Mr. President, more of that material may be found in that very able presentation of the matter by the Senator two years ago, but it certainly established with his authority, backed up by the authority of the most distinguished writers upon this question, that if there is a doubt, not only then but now, that doubt should be resolved in favor of American interests and of the American Government.

Upon what theory was it essential to national honor and national integrity that the doubt was resolved in our favor two years ago and that that doubt to-day shall be resolved against us? I can imagine changes in economic conditions and in industrial conditions and the rising up of new economic principles which would justify a change of vote. I challenge no man's integrity and impeach no man's purpose by reason of his change of vote; but by what logic and upon what theory do we resolve a doubt in favor of the Government at one time and at another time against our Government?

No, Mr. President, the true rule was announced by the distinguished Senator two years ago. It is a rule which will be found embedded in common sense and in the common practice of the nations of the earth in international law and by all writers upon this subject. It is a rule reasonable, just, and honorable, founded in courage and not in cowardice. Where a valuable right or great interest of the nation is involved and the language is doubtful, the doubt is always resolved against the nation which seeks to take that right or that interest away from another nation. In this instance Great Britain is contending for a most valuable interest, a powerful advantage, upon what is at most doubtful language—language which has been construed in different ways by great writers and publicists many different times—and, as Mr. Olney says, that question alone ought to settle this proposition. Where the doubt arises, the doubt must be resolved in favor of the sovereignty of this Government. And certainly those who advocate repeal can not contend that the language is other than doubtful under this rule when the greatest minds of the age are arrayed on either side, and especially when some of the greatest minds of the age have been on both sides.

Another proposition which interested me, Mr. President, in the speech this afternoon of the Senator from North Carolina was that of the high moral impulse and purpose back of this repeal; that those who were advocating repeal were advocating it out of a sense of national honor, implying more or less disregard for national honor on the part of those who are opposed to repeal; that involved in this controversy is the question of national integrity.

Mr. President, I do not doubt that that sentiment actuates those who are advocating repeal to some extent. Some of them, perhaps, are entirely controlled by that proposition. Others see different propositions with reference to the domestic interests, and so forth; but I make no question of their good faith. But again I call attention to the fact that some of us who believe that there were selfish private interests back of this repeal have no more able advocate of that proposition than the Senator from North Carolina. Some of us who believe that this matter would have been permitted to die, to rest where it was, practically settled forever by diplomacy, had it not been for powerful private interests, have no more thorough presentation of that issue and of that proposition to console and encourage them than was presented by the Senator from North Carolina on a former occasion.

Mr. President, those conditions have not changed. Those interests are still active. They did not sleep; they did not rest; and whether the Senator is conscious of the fact or not, the picture which he drew two years ago has its application in conditions which prevail at this time.

In his speech on August 9, 1912, in discussing this particular question, the Senator said:

> During the last quarter of a century the greatest problem connected with our industrial situation has been the question of preserving commercial competition, protecting the people from the monopolization of production, protecting the people from the monopolization of the distribution of the products of industry. That is the great problem with which we have struggled. It has grown, as the years have passed, more and more acute; and to-day, if I understand anything about the signs of the times, the most vital question before the American people, outside of the tariff—and the tariff naturally affiliates itself with this question—the most vital question outside of the tariff before the American people, and the one that is going to exercise the most potential and determining influence in the presidential contest in which we are now engaged, is the question, How are we to preserve the essential principle of competition in our business life?

There is the genesis of the Democratic platform at Baltimore. You were going before the electorate for the vote and for support. You were advising the people that the most vital question in American industrial life was the preservation of competition, and that you were struggling against the great transcontinental railway combine which was throttling competition, and you advised the American electorate that vital and indispensable to the settlement of that question was to open the canal free of tolls.

I take a vast amount of pride in the courageous statement just made by the Senator from Mississippi [Mr. VARDAMAN], which will live long as a declaration upon the floor of this body for its courage, its incisiveness, and its true and devoted loyalty to the first principles of democratic government. You may cast aside and taunt those who claim that we should obey party platforms in this hour, but when you get back to the American electorate they will ask you to explain, and your explanation will be, whatever your words may be, as was said by the Sen-

the future welfare of the Nation. It is the trusted, capable guard of the Ark of the Covenant of American institutions. I have introduced an amendment which I believe furnishes the remedy, and if adopted will lead us out of this wilderness of doubt and difficulty and land us safely in the Promised land of peace with the world, with all of our platform promises redeemed and our obligations to our country and duty to England absolved.

I ask to have that amendment be inserted in my remarks. I presume the Senate is familiar with its provisions, so I will not have it read.

The VICE PRESIDENT. Without objection, that may be done.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. VARDAMAN to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912, viz: Strike out all after the enacting clause and insert in lieu thereof:

"That the second sentence in section 5 of the act entitled 'An act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone,' approved August 24, 1912, which reads as follows: 'No tolls shall be levied upon vessels engaged in the coastwise trade of the United States,' shall be suspended and shall not take effect as a statute of the United States until July 1, 1915, on which date it shall have full force and effect as a statute law of the United States. It is further provided that the proper authorities operating said Panama Canal, who shall, prior to said date, collect tolls levied upon vessels engaged in the coastwise trade of the United States, are hereby directed to set apart all such tolls so collected and retain the same in a separate fund until July 1, 1915. On that date, or as soon thereafter as possible, such tolls so collected shall be returned to the parties from whom they were collected, provided no contrary disposition has been made by law prior to that time.

"That so soon as practicable after the passage of this act the President of the United States is hereby authorized and directed to appoint a commission, consisting of not less than three nor more than five persons to be selected by him, for the purpose of meeting a like commission to be appointed by His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British dominions beyond the seas, in a diplomatic conference, to be held at such time and place as His Britannic Majesty and the President of the United States may agree upon. The purpose of such diplomatic conference shall be to take into consideration the controversy now pending between Great Britain and the United States as to the proper construction of the Hay-Pauncefote treaty, so far as the provisions of the same involve the right of the latter to regulate by its own legislation the levying of tolls upon vessels engaged in its coastwise trade and passing through said Panama Canal. It shall be the duty of such diplomatic conference, acting in the light of the discussions that have already taken place, to seek, in an equitable and friendly spirit, some practical solution of the entire question now at issue, which will worthily round out a hundred years of peace and friendship by respecting and conserving the interests and honor of both nations. The conclusions reached by such diplomatic conference shall be reported at its close to the Governments of Great Britain and the United States by their respective commissioners; but such conclusions shall not be binding upon either Government until accepted by both, and duly ratified upon the part of the United States by the necessary and appropriate legislation.

"That the expenses and compensation of the said commissioners to be appointed to attend said diplomatic conference upon the part of the United States shall be paid out of the contingent fund of the Department of State according to law."

Mr. VARDAMAN. If my amendment shall be adopted, it will lift the controversy out of the domain of partisan politics, certainly for the present, and give us until July, 1915, to adjust matters. During that interval the people can be consulted upon the entire subject. We can ascertain whether or not the pledges given to them in the Baltimore platform and reaffirmed by the President on the hustings may be overthrown or approved, and in that way the gravest menace to the Democratic Party that has threatened it for many years can be averted by an appeal to the people themselves.

Now, what is the essence of my amendment? Let us analyze it and see just what it proposes to do.

It proposes a diplomatic conference between Great Britain and the United States. Its provisions are in perfect harmony with the cordial relationship existing between the two nations and in perfect accord with the terms of the treaty which we have entered into with Great Britain for the settlement of disputes of this character. It is happily appropriate in this centennial year of international peace.

What is a diplomatic conference? International law knows two kinds of assemblies of representatives of nations which meet in order to discuss and then dispose of pending controversies settled by treaties or less formal agreements. The assemblies to which I refer are congresses and conferences. Discussing the difference between a diplomatic congress and a diplomatic conference, Lord Beaconsfield said:

> I really can not explain the difference between a congress and a conference, because I do not recognize any difference between them. There is a common idea that a congress consists of sovereigns, and a conference of plenipotentiaries; but there is no foundation for this distinction.

It may, however, be said that the term "diplomatic congress" may be applied to gatherings in which the governments' affairs are dissected and settled, while "diplomatic conference" is generally applied to gatherings in which less grave and more informal matters are discussed and disposed of.

The most important diplomatic conferences of recent years are as follows:

I quote here from the work of Dr. Hannis Taylor on International Law, and I ask permission to insert it in my remarks.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

> The conference of St. Petersburg in 1825, which paved the way for the independence of Greece; the conference of London in 1831, which arranged the separation of the Kingdom of Belgium from Holland; the conference of Geneva in 1864, which gave direction to the first European effort to introduce greater humanity into the rules and practices of war; the conference of St. Petersburg in 1868, which resulted in a declaration prohibiting the use, on land or sea, of projectiles below a certain weight; the conference of London in 1871, which modified the treaty of Paris of 1856; the conference of Brussels of 1874, which met to discuss the laws of warfare on land; the conference of Constantinople in 1877, which vainly endeavored to obtain from the Porte guaranties for the better government of its Christian subjects; the west African conference of Berlin in 1884–85, which met to regulate the affairs of that region, including the boundaries and independence of the Kongo Free State; the marine conference of Washington in 1889, which is said to have been the first world conference ever held for purposes of quasi legislation; the conference of Brussels in 1890, which resulted in a final act for the suppression of the African slave trade; and the conference of peace at The Hague in 1899, which embodied the results of its labors in three treaties. * * *

Mr. VARDAMAN. A diplomatic conference must not be confused with a board of arbitration, because the primary purpose of the conference is to render arbitration unnecessary. The great hope which I entertain is that a body of prudent, peace-loving citizens of Great Britain and the United States may meet together now, and, after the whole subject has been thrashed out, they may find a way in which these subjects may be disposed of to the satisfaction of both Governments. If such a conference ever meets, its first effort will be to bring the negotiations back to the point it had reached in the summer of 1912, after the note of Mr. Innes, dated July 8, 1912, the British chargé d'affaires, who said that Great Britain would be satisfied if a guaranty could be given her that only bona fide coastwise trade of the United States should be exempted from the payment of tolls.

The Senate will recall the language employed by Mr. Knox in his letter of January 17, 1913. He said on this point:

> No question has yet arisen within the rule of the existing arbitration treaty between the United States and Great Britain which may not have been possible to settle by diplomacy, and until then any suggestion of arbitration may be well regarded as premature.

It was Mr. Knox's contention that the entire subject was still within the domain of diplomatic negotiation, and the proposition to submit the matter to arbitration was regarded by him as premature. Until such a negotiation has exhausted all of its resources, Great Britain has no right to request a call for arbitration.

Mr. President, I think I am well within the limits of conservative truth when I say that this question never would have been brought up, it would not now be threatening the overthrow of the Democratic Party, it would not now be disturbing the country, but for the speech made by the distinguished senior Senator from New York [Mr. ROOT] on January 21, 1913. It strikes me that the Democratic Party has fallen upon evil lines, its poverty of leadership has become pathetic when it has to rely upon the distinguished senior Senator from New York [Mr. ROOT], that astute, resourceful, untiring lawyer whose professional career is distinguished by his successful defense of predatory interests and "the malefactors of great wealth," this erudite, radical exponent of the Hamiltonian theory of government. For this man to become the defender of the Democratic faith, the leader and chief counsel of the Democratic administration, and the keeper of the conscience of the Democratic organization in the matter of the tolls controversy, I repeat, Mr. President, it is unfortunate, indeed, for the Democracy that this man, remarkable, distinguished, and great in certain lines as he is, should become the leader and be followed by the adherents of the party of Jefferson and of Jackson—that party which has held sacred the rights of the people, which stands for the preservation of the Constitution, the dignity of labor, the equality of Anglo-Saxon manhood, and the sanctity of the platform promise.

> Lord, God of hosts, be with us yet,
> Lest we forget, lest we forget.

Think of Bryan and ROOT pulling together shoulder to shoulder for the moral, mental, and material uplift of the American people and the preservation of our national honor!

Does any Senator imagine that the repudiation of platform promises will be overlooked and forgotten by the people because the distinguished Senator from New York tells us it is the right thing for us to do? Will his eloquence and logic be soothing and

strong enough, oily and persuasive enough, convincing and overwhelming enough to justify our repudiation of our platform promise and convince our masters that in doing so we have done right? Will the cogency of the appeal of the distinguished Senator from New York so hypnotize the public mind that they will forget the excoriations which Secretary of State Bryan gave to the violators of platform promises in his remarkable address to the Pennsylvania Legislature on May 13, 1913?

An extract from that address is pertinent.

I want you to ruminate it—chew it mentally. I want you to teach it to your children until it becomes an instinct of the race. I want you to remember it, and—

> Forget it not till the crowns are crumbled
> And the swords of the kings are rent with rust;
> Forget it not till the bills lie humbled
> And the springs of the sea run dust.

Listen:

> The fact that we not only have platforms, but that the platform is becoming more specified year after year, is conclusive proof that the people believe in the Democratic theory, and they write their platforms because they believe, and those who run upon them lead the voters to believe, that they believe a platform is binding upon those who stand upon it.
>
> As a believer in the Democratic theory of representative government, I desire to announce it as a settled principle not to be questioned in this country, that a platform is binding upon every honest man who runs upon that platform. I have heard it said by men after an election that they could not conscientiously support something in their platform; and it raises a very important question whether a man should violate his conscience as a public servant, and I frankly tell you that I believe that no man should violate his conscience, either as an individual or as a public servant. Far be it from me to say that any man elected to office should as an official do a thing that his conscience condemns. But does that mean that he should violate his platform? No; it seems that his conscience should commence to work before the election and not hibernate until after the election.
>
> I lay it down as a proposition, and I am prepared to defend it anywhere, that the representative who secures office upon a platform and then holds the office and betrays the people who elected him is a criminal worse than the man who embezzles money intrusted to him.

Mr. Bryan has had something else to say about the duties of the President which it is not out of place to refer to here. In an article published in The Commoner on "The conception of the Presidency," July 18, 1908, he said:

> A President must have counselors—
>
> I do not see how he could get along without them. If he had more counselors and advisers and fewer flatterers—O, Mr. President, I sometimes think it would be a godsend if we could print in golden letters upon the door of the White House the immortal words from Thomas à Kempis:
>
> > Grant me prudence to avoid him that flatteth me,
> > And to endure with patience him that contradicteth me.

Mr. Bryan said:

> A President must have counselors, and to make wise use of counselors he must be open to conviction. The President is committed by his platform to certain policies, and the platform is binding. * * * There ought to be cordial relations also between the President and those who occupy positions of influence in the coordinate branches of the Government, for our Government is not a one-man Government—

I expect he would take that back now. [Laughter.]

> But a government in which the chosen representatives of the people labor together to give expression to the will of the voters.

These are wise words and worthy of most careful consideration.

If a diplomatic conference shall be assembled, it can take into consideration, first, whether or not the plan of settlement contained in the note of Mr. Innes to Mr. Knox in the summer of 1912 can be worked and made practicable; second, it can take into consideration the plan of settlement suggested by the Senator from Montana [Mr. WALSH], who proposes to refer the matter to the judgment of the Supreme Court of the United States; third, it can take into consideration the plan of settlement suggested by the Senator from Iowa [Mr. CUMMINS], whereby an adjustment may be made through a proportional contribution to the expenses of the canal by the foreign countries using it. They will not be limited to the consideration of any fixed number of rules, methods, schemes, or plans. The widest latitude should be given to the discussion of all the questions bearing upon the controversy. And if all these expedients fail the conferees or commissioners can consider the plan of the Senator from Utah [Mr. SUTHERLAND] for arbitration. If that fails, then the conference may find some plan of arbitration of its own acceptable to both parties.

Mr. President, I have no doubt that if this commission, chosen by the United States and Great Britain, shall come together in the spirit in which I am sure they will come together for the settlement of this dispute in such a way as to protect to its fullest extent the right of both parties to the controversy, and at the same time allay any feeling of bitterness that may follow an adjustment, I repeat, I have no doubt in the world about the success of their undertaking.

The people of the United States do not want anything except that which is justly and unquestionably their own. I am very sure that I voice the sentiment of nine-tenths of the American people when I say that in the settlement of this controversy they would have the President and the Congress so act as to win the cordial approval of the right-thinking world. They would not have us be otherwise than generous in dealing with our opponents.

We must fulfill to the fullest measure the terms of every promise that we have made directly or impliedly as a nation. Our constituents would not have us do less, and under the terms of the commissions which we hold as the representatives of the people, executing and performing a great trust, we can not do more.

Mr. President, I do not in any way share the feeling of hostility toward the English people or the British Government which some of my fellow countrymen have manifested in this discussion. I realize that the future development and the moral and material uplift of the world would be greatly promoted by that moral alliance between the two great branches of the English-speaking peoples which has been growing and strengthening for the last hundred years. We must not do anything ourselves or permit anything to be done by others which would in any way disturb the harmony and cordial cooperation of the two countries in working out and solving the great world problems. The most scrupulous regard for the rights and prerogatives of each other must be observed. For the mere appearance of trying to drive a hard bargain or take undue advantage by either nation to this controversy will necessarily minimize the impelling influence for good.

There should be no conflict between England and America. There should be no competition between the British subject and the American citizen, except that healthy spirit of rivalry which only serves to stimulate the patriotism, quicken the energies, and sharpen the intellect in the great world's service of solving the problems, industrial and otherwise, which confront the civilization of the century.

"There is a destiny that makes us brothers;" there is a superiority which distinguishes this great branch of the human family, which makes it the "heir of all the ages in the foremost files of times." Its brain, its prowess, its all-including qualifications are but the expressions of an infinite purpose, the infallible proof that God has selected this race to lead the nations of the world to the highest point of excellency. Through this instrumentality I confidently hope for the realization of Tennyson's dream:

> When the common sense of most shall hold a fretful realm in awe,
> And the kindly earth shall slumber, lapt in universal law.

If the pending bill, whose ultimate purpose is to acknowledge equal copartnership with Great Britain in the management and control of the Panama Canal, shall pass, I believe it will result in creating a bitterness of feeling in this country against Great Britain such as has not existed since the settlement of the *Alabama* claims.

Let those who imagine that they are friends of Great Britain pause and meditate before they take the final step. Where Great Britain has an ounce of common interest in the benefits to be derived from the pending repeal bill she has a pound of interest in preserving that great moral alliance which now unites the two great divisions of the English-speaking peoples.

I will venture to make two predictions, and I do not want to be regarded as a prophet of evil or as threatening the members of my own party. I am sure that those who differ from me are just as patriotic and as desirous of promoting the interests of the party as I am, but I think they are wrong in their judgment.

I believe, if this bill is driven through the Senate in its present form, the day the President signs it, if he does not sign the death warrant of the party it will be the warrant which will remove the party from power, I fear, for many years to come. As a consequence we will be swept from power in the House of Representatives at the November election, and then will end the power of the present administration to complete the program of reform to which we are pledged by the Baltimore convention, some parts of which we have so splendidly redeemed. Second, if this repeal bill is driven through the Senate, the day the President signs it he will sign the death warrant of that moral alliance which has so happily united the two divisions of the English-speaking peoples for many years. So soon as the American people realize that they have been deprived by the unfaithfulness of their own representatives of their right to control their own property in their own way, at the demand of a foreign power, they will turn in anger upon that power and renew a warfare which I hoped had ended forever.

so learned and clothed with such rare accomplishments, he asks the Congress, a coordinate branch of the Government, to repudiate its promises, which would involve a betrayal of the voters of the country, subordinate their own judgments, and yield to his wishes on this important question, without even inquiring as to whether the things they were doing were right or wrong.

Mr. President, fidelity to platform promises has through all the years of our national life been the foundation of our party system, and the cornerstone of American political morality has been the faith which the people placed in the integrity of those who pledged, in exchange for their votes, the assurance that the promises of the party platform would be faithfully carried out. The idea of any one human being, however great in his own conceit or wise in the estimation of others, imagining that he has the power to absolve himself from such a pledge in order to substitute some theory of his own in place of it is a heresy in political religion in the United States which is now being preached and practiced by the leaders of the Democratic Party for the first time. It may be treason to the crown, but I can not approve it. I will not subscribe to such a doctrine. I regard a platform promise as a political confession of faith, and just as binding upon the servants of the people as the oath which a Senator takes when he enters this Chamber and assumes the duties of his great office. It is conceivable that contingencies may arise which would justify a violation of platform promises, but such contingencies have not arisen in this case and are not likely to arise out of the question at issue. I can not believe that any power in the world short of the people themselves has a right to absolve one from a solemn promise given to the people in exchange for their votes, cast on the strength of a definite pledge. To take any other view of this matter would render nugatory and vain all platform utterances and immunize men elected to office upon such platforms from the shame and disgrace of the crime of treachery, for which they should be punished.

Mr. President, since there is no power short of the people themselves that can absolve a President, a Representative, or a Senator from a solemn pledge given in writing or by word of mouth upon the hustings directly to them in consideration for their suffrage, I must decline to be a party to this repudiation of the Baltimore platform until I have an opportunity to consult the people, to whom I owe first allegiance, on the subject, and permit them, if they see fit, to absolve me from my promise to them.

Having been a member of the Baltimore convention and a member of the committee on platform, I think it would not be out of place for me to give my recollection of the adoption of this plank, which reads as follows:

> We favor the exemption from tolls of American ships engaged in coastwise trade passing through the Panama Canal. We also favor legislation forbidding the use of the Panama Canal by ships owned or controlled by railroad carriers engaged in transportation competitive with the canal.

As to who proposed the plank, I can not now recall. I am advised, however, that probably the distinguished Senator from New York [Mr. O'GORMAN] suggested it. In its original form railroad-owned ships were not prohibited from using the canal, as I remember, but in the discussion generally the advantages to the people which would result from prohibiting railroad-owned ships from passing through the canal and thereby destroying the healthy competition with the transcontinental railroad lines, which the free-tolls plank was intended to bring about, Mr. Bryan, who was always watchful and solicitous of the interests of the toiling masses, suggested an amendment which prohibited railroad-owned ships from passing through the canal. It was an admirable suggestion; and, like almost every other suggestion made by the distinguished citizen from Nebraska, it was promptly accepted by the committee. The purpose of this plank was manifest. Free tolls to ships engaged in coastwise trade was to lower freight rates and thereby promote the interests of the consumer. Nobody then questioned the purpose of the free-tolls plank. Nobody regarded it as a subsidy in the interest of the Shipping Trust.

Let us stop for a moment and ponder the well-selected words and clearly expressed ideas of candidate Wilson on this subject. We find this great scholar, statesman, and patriot on the 16th day of August, 1912, at Washington, N. J., pleading with an audience of farmers in behalf of the Democratic Party and in the interest of beneficent government. Mr. Wilson stood squarely on the Baltimore platform, and the most persuasive, the most meritorious plank that he could plant himself upon was the free-tolls plank in the platform: He said:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports; to allow all the farmers on what I may, standing here, call this part of the continent, to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast or down the coast of South America.
>
> Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate, as it had passed the House—provides for free tolls for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company. You see the object of that, don't you?

And then the crowd applauded. They saw it. It struck a responsive chord in the minds of the honest, patient, patriotic tillers of the soil. The earnest, patriotic candidate was telling the unvarnished truth, and the silent, long-suffering, patient multitude applauded. But that was not all that candidate Wilson said. Continuing, he gave them the reason why railroad-owned ships should not go through the canal. Listen:

> We don't want the railroads to compete with themselves, because we understand that kind of competition. We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. * * *

The argument was a clincher. It was unanswerable. The speech delivered that day was seed sown upon fertile soil, and the harvest was many trustful votes. Mr. Wilson told the farmers more than that. He said further:

> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not willing to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are taking notice in a way which they never took notice before—
>
> Mark that—
>
> and gentlemen who talk one way and vote another are going to be retired to a very quiet and private retreat.
>
> Weigh those words. You may have an opportunity to refer to them in the very near future.

Was anything said about subsidy to ships? Does anybody believe that candidate Wilson thought of subsidy then or cares for subsidy now? There was no intimation in that confidential heart-to-heart conversation with the farmers about this plank being put into the platform in the interest of the Shipping Trust. Mr. President, I am afraid that Senators who prate so much about subsidy are not as ingenuous as they should be. Does anybody believe that there is a Democrat in Congress who would have raised the question of subsidy if the honorable senior Senator from New York [Mr. ROOT] had not suggested repeal and the President followed suit? No; they do not. To believe that candidate Wilson thought it was a subsidy and in the interests of the Shipping Trust and gave it his indorsement in words so carefully selected and sentences so maturely formed is a reflection upon his morality and intellectual honesty, which I am sure his bitterest enemy does not approve. You can not conceive of this great scholar, this writer of books, and good books, this man familiar with the story of the rise and fall of nations and the growth and decay of civilization and empires, learned in the science of government, master of political economy, and gifted with such rare genius for expression—does anyone believe for a moment that these words were uttered without being carefully weighed and accurately measured? No; you do not. He understood what he was saying, and there was truth in what he said then, and there is as much truth in it now as there was then. It is a singular thing, I am advised, that every Democratic Senator who spoke upon this question, both in the Senate in 1912 and on the stump during the campaign, interpreted the platform just as the candidate for President had interpreted it. They approved the measure in all of its phases, "economic, ethical, and political." I voted for the free-tolls plank in the platform, because I wanted to reduce the cost of living. I wanted to make it cheaper for the American people to get their goods to market. I voted for it for the reason that I am going to vote in the Senate for the rivers and harbors bill, which carries an enormous appropriation to be used in improving the navigation of the rivers, dredging the harbors, deepening the canals, and buying more canals, because I believe the Government is justified in making this great outlay, this great expenditure of money, that commerce between the States may be facilitated and transportation cheapened.

It might be proper, Mr. President, for me to state, in this connection, that as an original proposition, after consultation with my constituents, I think I should be in favor of having our ships pay the actual cost of transporting them through the canal, I am opposed to special privileges or governmental favoritism of any kind. But that is not the question involved in this controversy. A larger and more important question is involved than the mere matter of dollars and cents. The President has made the issue, and sovereignty over the canal is the question we are called upon now to determine. But I shall come to that later.

Mr. Bryan did not regard the free-tolls plank in the platform as a declaration in favor of subsidy when he moved to amend the proposition so as to prohibit railroad-owned ships from passing through the canal. He did not see then the economic heresy that now disturbs his patriotic heart. He thought that he was rendering a distinct service to the wealth-producing masses of the American people, whose devoted friend Mr. Bryan had always been.

Mr. President, as a matter of fact to pass ships engaged in coastwise trade through the canal free of tolls is not a subsidy in the sense in which that term is usually employed. It is no more a subsidy than that which the ships which ply the rivers of the United States enjoy; it is no more a subsidy than the free use of our canals and harbors, which are dug and dredged and kept in order at the expense of the United States Government. I can not help but think that the subsidy argument is an afterthought, rather an unfortunate expedient resorted to in order to justify the betrayal of a pledge. It is not complimentary to the candor, ingenuousness, and straightforward course which usually characterizes the discussion of a great question in this body.

Mr. President, the canal has cost an enormous amount of money. Before it is completed I have no doubt that quite half a billion dollars will be expended upon it. It was a stupendous undertaking. It is a marvelous achievement; the greatest piece of civil engineering the world has ever known. Somebody has very happily said that "it is the greatest liberty that man has ever taken with nature." An interoceanic canal has been the dream of the wise men for more than a hundred years. The great German poet Goethe discussed it away back in the early morning of the last century. It will not be out of place to quote his observations. He said:

> Humboldt has with a great knowledge of his subject given other points where, by making use of some streams which flow into the Gulf of Mexico, the end can be, perhaps, better attained than at Panama. All this is reserved for the future and for an enterprising spirit. So much, however, is certain, that if they succeed in cutting such a canal that ships of any burden and size can be navigated through it from the Mexican Gulf to the Pacific Ocean immeasurable benefits would result to the whole human race, civilized and uncivilized. But I should wonder if the United States were to let an opportunity escape of getting such work into their own hands. It may be foreseen that this young State, with its decided predilection to the West, will, in 30 or 40 years, have occupied and peopled the large tract of land beyond the Rocky Mountains. It may furthermore be foreseen that along the whole coast of the Pacific Ocean, where nature has already formed the most capacious and secure harbors, important commercial towns will gradually arise for the furtherance of a great intercourse between China and the East Indies and the United States. In such a case it would not only be desirable but almost necessary that a more rapid communication should be maintained between the eastern and western shores of North America, both by merchant ships and men-of-war, than has hitherto been possible with the tedious, disagreeable, and expensive voyage around Cape Horn. I therefore repeat that it is absolutely indispensable for the United States to effect a passage from the Mexican Gulf to the Pacific Ocean, and I am certain that they will do it.

It will be noticed that this farsighted seer, who dipped into the future far as human eye could see, saw the vision of the world and the canal just as it would be in 1914, and he dwelt upon the importance of the canal being an American enterprise, the property of the United States. Well, it is the property of the United States. The United States expended their money for it; they furnished the genius to direct its construction; the necessary sacrifice of blood and treasure was made in order that the world might enjoy this great highway of commerce. It is practically finished; and since the work has been accomplished, as it has been accomplished, the question is now raised, Shall the builders and owners control it?

I am not going to enter upon an extended discussion of the treaty. That has been so thoroughly and completely covered by men more able than myself that any effort on my part to further illuminate the subject would be vain and unavailing. To my mind, after most careful and deliberate consideration, I have no doubt that the United States are well within their rights when they propose to exempt their ships engaged in coastwise trade from the payment of tolls. Indeed, I believe that they have the right to exempt all their ships from the payment of tolls. I agree most thoroughly with the conclusions reached by Dr. Hannis Taylor, an eminent authority on international law, a man of great learning, wide observation, and large experience. Mr. Richard Olney, the foremost lawyer of the New England bar, a diplomat of consummate skill and ability, believes that we have the right, under the treaty, to exempt our ships engaged in coastwise trade from the payment of tolls. Mr. Longe, the senior Senator from Massachusetts, a man of ripe scholarship and erudition, of large legislative experience, and a diplomat of learning, believes that we have the right under the treaty to exempt American ships engaged in coastwise trade from the payment of tolls. Ex-President Taft, an accomplished lawyer, whose connection with this controversy gave him a coign of vantage from which he might view it in such a way as to discover the truth, believes that we have the right, under the treaty, to exempt our coastwise ships from the payment of tolls. Mr. Knox, the Secretary of State under President Taft, who directed some of the negotiations, is also a lawyer of great ability; a diplomat of training, of skill, and sound judgment; and he agrees with the distinguished gentlemen whom I have just mentioned. I could go on, Mr. President, and name a number of others of equal merit, equal learning, equal patriotism, equally altruistic in the spirit of their utterances bearing upon this question. But, notwithstanding the consentient sentiment entertained by the learned men to whom I have referred, there are men equally learned, equally patriotic, who hold different opinions, and in that way an issue has arisen. England has mildly protested that the exemption of our ships from the payment of tolls is a violation of our treaty obligations.

Mr. President, nations, like individuals, should respect the rights and opinions and pay proper attention to the demands of others. I am one of those who believe that the same code of morals should control nations in their intercourse with each other that men demand their fellows to observe in their dealings with each other. We can not ignore the opinion of our fellows, if honestly and justly entertained. A contingency has arisen which must be met, and met in the proper way. It is the duty of the President and of the Congress of the United States to protect the interest of the American people in this controversy. But in protecting the interest of the American people and upholding the rights of the American Government we should not forget that we protect ourselves best when we recognize and respect the rights of others.

The British Government evidently believes that some of the terms of the Hay-Pauncefote treaty have been violated. There are three questions involved in this controversy—the sovereignty of the United States Government over the canal, the rights of the British Government in the canal, and the binding obligation of party platform promises. The President and the Congress are to settle these questions. Can it be done to the satisfaction of all parties to the controversy? I believe it can.

We can not afford to be unjust to England. We can not afford to surrender any rights that belong to our own Government; and above and beyond all, as high as the heavens hang above the earth, we can not afford to betray the trust reposed in us by our constituents.

Mr. President, there is a psychological side to this question which must not be ignored. I know of nothing more disastrous in its consequences, more to be regretted, than for the people to lose faith in the honesty and veracity of their public servants. Now, what is the way out of the difficulty?

We are committed by treaty to the policy of settling differences of this character by diplomatic consideration, and I think we ought to exhaust every diplomatic resource, we should try every expedient within the range of diplomatic negotiations, before we consent to a settlement of the matter as has been suggested by the Chief Executive and proposed in the bill under consideration. We can not ignore the fact that there is intense and profound feeling on this question on the part of a large majority of the American people. Settlement of the matter by the passage of this bill would leave bitterness in the hearts of our people and create prejudice toward the English people, which once existed, but which the cordial relations existing between the two nations for nearly a century had well nigh extinguished. Our first obligation is to the American people.

The party in power, as stated heretofore, must not overlook or disregard the binding force of its platform promises. We have condemned our opponents for violating party pledges. We distinctly stated in the Baltimore platform that every plank in our platform was made to be kept. The President significantly stated it was "not molasses to catch flies." I trust it will not be out of place for me to suggest that it becomes the duty of the President to see that the interests of the American people are not flies to be caught in somebody else's molasses.

I believe there is a vital principle in the maintenance of party organization. I believe the highest order of patriotism is involved in the observance of campaign promises. I know that no great question of political economy or governmental scheme was ever crystallized into law but that it had behind it a well-organized and properly disciplined political faction. I am sure that reform is impossible; I am convinced that the maintenance of our system of government is practicable only through the instrumentality of party organization.

The Democrats can not afford to be unfaithful. We can not afford to betray those who have trusted us. We must be true to every political obligation or the result will be disastrous to the party and more disastrous still to the country, because I believe that upon the success of the Democratic Party depends

Coastwise shipping must be either domestic commerce, and therefore not subject to any foreign treaty obligations, unless specifically mentioned, or else it must be external, or foreign commerce, and therefore subject to all the provisions of all the treaties with foreign powers covering navigation in general. Where so much is left to inference and "interpretation," as in this controversy arising out of the Hay-Pauncefote treaty, the first duty of everyone is to arrive at clear definitions of all the elements of the debate. And the most important matter to define first of all is the status of our coastwise commerce, either as part of our internal or domestic commerce or as no such thing, for it can not be treated as half one and half the other.

To many of us it seems that there is no ground for debate as to what our coastwise commerce is. And until the construction of the canal there was no one to raise the question. Nor is it now raised directly. Yet the whole controversy of the tolls seems to rest upon just this alone, whether the coastwise commerce of the country is foreign or domestic deep sea, and so a world question, or internal, and so only a national one.

The canal was built by the United States primarily to serve as a means of communication between the extreme East and the extreme West of our country, if the purpose of its construction has any place in the interpretation of the Hay-Pauncefote treaty. Its service to all the world for all the world's commerce was for us a secondary consideration. Should it be determined that our coastwise commerce is really deep sea and not domestic commerce, as is implied by those who attempt to place it under the provisions of the Hay-Pauncefote treaty, then the only way in which our coastwise commerce could use the canal and preserve the conditions of the treaty would be for us to throw open our coastwise commerce to the ships of all nations equally with those of the United States, for otherwise there would be discrimination of the most flagrant kind between ships using the canal. Our only other recourse would be for our coastwise ships, plying between two American ports on the Atlantic and Pacific coasts, to go around the Horn or through the Straits of Magellan, never using the canal at all. There can be no logical middle ground in this matter of fixing the status of our coastwise commerce, which we are doing really in the guise of defining the scope of the Hay-Pauncefote treaty; it comes under the provisions of that treaty either fully or not at all.

Another question comes up here as well, bearing upon the status of our coastwise commerce—that is, the provision restricting the use of the canal by the ships owned by railroad corporations. How else but on the premise that our coastwise shipping is part of our domestic commerce can such a provision be enacted or enforced? Premise that this coastwise commerce is anything but domestic commerce and this enactment directed against railroad-owned ships is impossible. It is a proof of the real attitude we hold toward this part of our shipping. Yet we can employ this position to damage American use of the canal, while we refuse to employ it in greater justice to give advantages to American use of it. This is the illogicality of the position taken by the supporters of equal tolls for all shipping using the canal applied in practice. If this Hay-Pauncefote treaty applies at all to our coastwise shipping, then it must apply to our control of that shipping itself in discrimination against a portion of it.

We have no other honorable course than to fulfill all the provisions of the treaty which forms a fundamental condition of the existence of the canal and to fulfill these provisions for all time to come. But we must construe these conditions and provisions with common sense and logic, according to the accepted laws among nations. And the first step in so doing must be to determine whether our coastwise commerce is or is not part of our domestic commerce. For if it is part of our domestic commerce, then it can not be subject to the Hay-Pauncefote treaty, since our domestic commerce is in no way mentioned or referred to in that treaty; while if it is not part of our domestic commerce, then it is wholly subject to that treaty, and therefore can not rightly use the canal at all under the present laws governing it, without any reference to tolls whatever.

ARTHUR MOORE.

VILLA BOSCORELLO, *Florence, Italy, May 5.*

Mr. VARDAMAN obtained the floor.

Mr. CHAMBERLAIN. I ask the Senator from Mississippi to yield to me for a moment.

Mr. VARDAMAN. I yield to the Senator from Oregon.

WOOL PRICES.

Mr. CHAMBERLAIN. Mr. President, at the time the recent tariff bill was under discussion ruin was predicted for the woolgrowers of the country. I ask to have inserted in the RECORD statements as to the wool market from the woolgrowing section of my State. These consist of a clipping from the Portland Oregonian of March 28, 1914, and one of the 22d of May, 1914, and one from the East Oregonian of the same date, published at Pendleton, showing conditions and prices both before and after the shearing season.

The first two clippings are from the leading Republican paper of the State and the last from a leading Democratic paper in the heart of the woolgrowing section of eastern Oregon.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Portland Oregonian, March 28, 1914.]

WOOL SALES LARGE—ACTIVE MARKET FOR NEW CLIP IN WASHINGTON—KOSHLAND HEAVY BUYER—TRANSFERS TO DATE AMOUNT TO ABOUT 1,250,000 POUNDS—PRICES RANGE FROM 12 TO 18 CENTS—NO OREGON CONTRACTING.

The most active wool market in the Northwest is in Washington, particularly in the Yakima section, where growers have been selling freely during the past week. In eastern Oregon trading is at a standstill. Buyers are anxious to contract wool, but growers are firm and holding out. Shearing in the eastern counties will not begin before the middle of April, and it is not likely there will be much doing in the way of buying before that time.

Isidore Koshland, who has just returned to this city from Yakima, where he was a heavy buyer, said:

"The only shearing in the Northwest has been in the Yakima Valley. The wool is selling as fast as shorn, and buyers are even making contracts for wool on the sheep's back where the clip is known to be good. Sales have been made at North Yakima, Kiona, Toppenish, Kennewick, Prosser, Mabton, Sunnyside, and other points.

"Altogether about 1,250,000 pounds of Washington wools have been sold to date. The prices, which ranged from 12 to 18 cents, were about the same as last year, in some instances a little more and in others a little less. The growers are well satisfied with the prices they received. The clip is by far the best for several years in point of quality, condition, and length of staple.

"There has also been some shearing along the Columbia River, but on the S. P. & S. scarcely will not be general until the middle of April. One of the largest deals in Washington wool was the sale of the Hartley clip of about 125,000 pounds at Kahlotus."

Mr. Koshland, who is going back to Washington in a few days to make further purchases, has secured the following clips:

	Pounds.
H. Stanley Coffin, Kennewick	6,000
S. O. Stewart, Kiona	2,500
George Prior & Son, Kiona	9,000
George Chambers, Kiona	2,500
Hubbard & Co., Kiona	2,500
Ellis Regan, Kiona	2,500
P. Agee, Kiona	8,000
R. Rennie, Kiona	3,500
Kays Bros., Mabton	2,500
Kersey, Mabton	2,500
Coleman, Mabton	2,500
Yakima Sheep Co., Prosser	10,000
U. F. Highman, Mabton	10,000
Olney Bros., Wapato	10,000
J. Frohl, Toppenish	4,000
McGee & McGuffy, Toppenish	4,000
H. Jensen, Toppenish	3,500
Toppenish Live Stock Co., Toppenish	3,500
T. H. Smith, North Yakima	2,500
Mrs. Reese, North Yakima	4,500
P. Yakes, North Yakima	2,500
Collin Bros., North Yakima	1,500
W. M. Wilson, North Yakima	3,500
E. Butler, Sunnyside	6,000
P. Oliver, Sunnyside	2,500
Anderson & Rothrock, Sunnyside	5,000
Mercer & Roberts, Prosser	2,500

WOOL HIGHER THAN FOR MANY YEARS—IN SOME INSTANCES PRICES HAVE NOT BEEN EXCEEDED SINCE 1897.

The high prices being paid by wool contractors in parts of the West are said to be the top level since 1897, on the average. Appreciation of this may be had, according to a mail report from Boston yesterday, when it is considered that former prices were under a duty of 11 cents per pound on foreign wool. Without this protection, growers are said recently to have secured the highest prices for 17 years. In fact, the case is cited of a clip being sold this year at 17 cents upon which an offer of 14½ cents was withdrawn in 1913 at shearing time. Other bids of that year for this clip were around 12½ cents, and it ultimately was consigned to the market for selling by a dealer. An eastern wool writer says: "All this brings us back to the fact that nothing but continued firmness abroad can justify the situation. Dealers will not be able to turn over these later-bought wools except by advancing prices even beyond the recent local increases, which would bring them up against a snag in the event of any weakening in foreign wools. As it is, manufacturers are in danger of foreign competition, and must practice economy in some direction, so they will naturally hang back as far as possible from paying more for their raw material."

WOOL PRICES ARE HIGH—FIGURES EQUALED ONLY TWICE BEFORE IN 25 YEARS—TOTAL OF 500,000 POUNDS OF UMATILLA COUNTY'S CLIPS CHANGES HANDS—EVERY CLIP OFFERED IS SOLD.

PENDLETON, OREG., *May 21.*

Only twice before in 25 years has Umatilla County wool sold for prices equal to those secured by Pilot Rock growers at the public sale held in that place to-day.

This was the first public sealed-bid sale held in Oregon this year. More than 500,000 pounds changed hands. Every clip offered was sold.

The prices received ranged as much as 5¼ cents in advance of the prices paid for the same clips last year.

An unusual feature of the sale was the fact that the "fine wool" clip of the J. E. Smith Co. topped the market at 19¾ cents. As a rule the "coarse" wool brings the higher price.

The following is the list of the growers, with the amounts sold and prices received:

Cunningham Co., 110,000 pounds, at 18 cents; Pat Doherty, 40,000 pounds (coarse), at 10 cents; Pat Doherty, 10,000 pounds (fine), at 17¾; S. G. Jones, 18,000 pounds, at 16¾; A. P. Warner, 9,000 pounds at 17½; C. W. Matthews, 15,000 pounds, at 18½; Rugg Bros., 9,000 pounds, at 19¼; K. G. Warner, 60,000 pounds, at 18¾; A. A. Cole, 49,000 pounds, at 18¾; Andy Rust, 28,000 pounds, at 18¾; Morgan Edwards, 12,000 pounds, at 18; Joe Pedro, 40,000 pounds, at 18½; Charles Johnson, 36,000 pounds, at 18½; J. E. Smith Co., 65,000 pounds, at 19¾ (this is 5¼ cents higher than the price bid for this clip last year).

The Cunningham clip, the largest sold, brought 4 cents more than last year.

IMPOVERISHING THE SHEEPMEN.

At the Pilot Rock wool sale yesterday the J. E. Smith Livestock Co. sold their fine wool at 19¾ cents per pound. The price was 5¼ cents more than the price offered for the same wool a year ago, when the high tariff law was still in effect. The price was 2¾ cents higher than the price paid for the same wool in May, 1912, before the presidential election had occurred and before anyone knew the tariff would be revised.

The Cunningham Sheep & Land Co., of which company Senator J. N. Burgess is manager, sold its fine wool yesterday at 18 cents per pound. That price was 4 cents more than the price paid for the same wool a year ago and 1½ cents more than the price paid in May, 1912.

There could not be a more striking refutation of the old campaign chestnut that to remove the tariff on wool would bring ruin and poverty upon the sheepmen. Last September the tariff was absolutely removed, and the country now has free trade in wool. Yet, instead of ruin, our sheepmen get the highest prices they have had in years. The Smith Co. gets 5¼ cents more for wool than a year ago, when the tariff was in force, and the Cunningham Co. sold its fine wool at 4 cents more than the 1913 price. The wool buyers have been more

feverish to get wool this spring than for many seasons past. The sheep market is likewise stronger than in several years. In other words, the sheepmen of eastern Oregon are actually in clover, when they were led to believe they would be facing the poorhouse.

Where now are the calamity howlers? Where are the newspapers that prophesied ruin and bankruptcy for the sheepmen when Schedule K was amputated. Now is the time for them to come to the front and explain wherein our sheepmen are being impoverished by being paid 4 and 5 cents a pound more for their wool than they received when the high tariff was in force.

What has become of the earthquake?

Mr. SMOOT. Mr. President, in this connection I desire to say to the Senator from Oregon that the world price of wool to-day is about three times what it was in 1894. There is a shortage of about 240,000,000 pounds of wool in the world's production for the last year, and on account of that shortage there is a great demand for it all over the world and the prices are exceedingly high.

I simply make this statement to have it understood that if the conditions were the same in the world's wool market to-day that they were in 1894 there would be no such articles presented to the Senate. If there was a duty on wool, the woolgrower would be getting higher prices than he is getting to-day.

Mr. VARDAMAN. Mr. President——

Mr. CHAMBERLAIN. Will the Senator from Mississippi yield to me for a moment?

Mr. VARDAMAN. I will yield to the Senator for a moment.

Mr. CHAMBERLAIN. I will merely say that those conditions were not particularly called to the attention of the Senate when the tariff bill was passed, but ruin was predicted no matter what the world's condition might be, and the woolgrowers, according to the prophets of disaster, were going to be put entirely out of business throughout the West. Notwithstanding these predictions, the prices of wool in my State are higher than they have been in 25 years with the exception of 2 years in all that time.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. VARDAMAN. I would very much prefer that this discussion should take place after I shall have concluded.

Mr. SMOOT. I do not ask the Senator to yield.

Mr. VARDAMAN. If the Senator has anything he wants to say, I shall yield to him.

Mr. SMOOT. I do not ask the Senator to yield.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. VARDAMAN. Mr. President, when the Democrats met in national convention at Baltimore on the 25th day of June, 1912, every thoughtful member of that organization recognized the fact that a crisis confronted the party. The long and uninterrupted tenure of the Republican Party, with its special privileges and favoritism, had so offended the public conscience and outraged the public judgment, that a change was inevitable. But just where the dissatisfied voter would go, the work of this Democratic convention would largely determine. There was a feeling of unrest among the voters of the country. New leaders were springing up. Discord prevailed in the ranks of the Republican Party, and a new hive was about to be formed. The political atmosphere in the city of Baltimore was charged with the electric current of change, as it were. The delegates were an expression of anxiety, and the gravity and importance of the situation was perceptible to the most casual observer.

In the organization of the Democratic convention a few inharmonious elements served to disturb the serenity of its proceedings, but finally the common sense of most prevailed, order came out of chaos, and turmoil gave way to proper procedure. A platform of principles was adopted which, to my mind, was the most Democratic of all documents of its character that had been proclaimed by a political party since the days of Thomas Jefferson.

At the suggestion of the former leader of the party, Hon. W. J. Bryan, the platform was not reported to the convention by the committee on resolutions until the candidate for President was selected. This unusual course was followed for the reason, as expressed by Mr. Bryan, that we did not want an issue to arise during the campaign which was to follow between the platform and the candidate nominated for President. Finally, however, the candidate for President was nominated, the platform completed—it having received the unanimous indorsement of the convention—the candidate for Vice President chosen, the convention adjourned, and the delegates returned to their respective homes full of hope, in high spirits, and the determination to win the election the following November.

We had nominated a man for President who, although of short political career and with limited experience in practical politics, enjoyed the prestige of a brilliant record as governor of his State, a scholar of rare finish, a historian of profound and accurate learning, and an orator of great force and charm, whose genius for expression fitted him for the great campaign which he was now called upon to make.

Mr. President, it seemed to me that from the moment the campaign opened victory for the Democracy was assured. Triumphantly elected, Woodrow Wilson entered the White House with the almost unanimous approval of the American people. Such unanimity of approving sentiment has rarely happened to encourage a man in the performance of the great work which President Wilson was undertaking. Then the Congress met, fresh from the people—the source of all political power in this Republic. *Do not forget that.* It was an auspicious and also an inspiring spectacle. The President's inaugural address was well worthy of the patriotism and scholarship of its author. It breathed a spirit of love of country, of lofty purpose, and indicated a comprehensive grasp of the great questions which were to engage the attention of the Congress. In pursuance of platform promises, the tariff was the first, the paramount, problem to be solved. After long and patient effort on the part of the Congress, stimulated and encouraged, sustained and assisted, by the approval and wise counsel of the Executive, that epoch-making bill in the course of time became the law. Then close upon the heels of the tariff bill followed the currency bill. This latter measure, though unique in character, with no precedent in American annals to guide the legislative body in its deliberations, a magnificent monumental measure, was constructed and put upon the statute books. It is a measure which, if wisely enforced and faithfully construed, will prove to be an almost infinite benefaction to the American people. It is a safe and sure check upon the commercial pirate and the financial bandit that haunt the great money centers of this Republic.

Up to this time the Democratic Party had fulfilled its promises. A grateful and appreciative constituency freely gave it the meed of unstinted praise and approval, and the banner of Democracy floated triumphantly upon the breeze. It had done well. Hope filled the hearts of the adherents of that party throughout the Nation, and the prospect for the future grew brighter and brighter with each succeeding day. We had kept the faith. We had shown our capacity for government. We had put to shame our traducers and slanderers who were wont to say that the Democratic Party could always be "relied upon to do the wrong thing at the right time"; that it was "deficient in constructive statesmanship," and for that reason its supremacy must necessarily be ephemeral. A part of the program had been carried out with consummate skill and fidelity. But, Mr. President, in the midst of this inspiring situation, with not a cloud as large as a man's hand upon the political horizon, when the sun of hope was at meridian height, with every Democrat in the Nation in fighting mood and the enemy disappointed, rent in warring factions and on the run, like a fire bell whose disturbing tones rend the somnolent air of night, the word went out that, in defiance of the pledges made in the Baltimore platform, in defiance of the notable speech made by the candidate on the Democratic ticket during the campaign, in spite of our boasted protestations of undeviating and unfailing loyalty to campaign promises, the President had resolved upon an entirely new policy of his own, formed without consultation with his party, and proclaimed without the consent of the people who had elected him, so far as the Panama Canal tolls question is concerned—a policy that involved a direct and complete repudiation of that part of the platform which exempts from the payment of tolls American ships engaged in coastwise trade.

Mr. President, when I first heard it suggested that the President might take this unfortunate step, I did not give it serious consideration. I could not believe it. But when I heard it from his own lips I was amazed. I was dumbfounded; I doubted the veracity of my own ears; I could not think it possible that one who had given such hearty approval to the plank in the platform which he now asked the Congress to repudiate—I could not believe that one who had spoken such scorching words of condemnation of those who failed to keep their platform promises—I could not, Mr. President, understand how the President could now ask others to do the very thing which he had so unsparingly condemned. The President gave no valid reasons for the change of front which he demanded that Congress should make. He advanced no arguments. No facts were submitted. He did not even admit his own error of judgment or give a reason for his change of heart. But with an assurance unbecoming—I use the term with great respect—of one

The exemption from tolls of our coastwise shipping, we are told, will reduce transcontinental railroad rates. That argument was greatly stressed two years ago. Since the hearings before the Committee on Interoceanic Canals it has not been so much relied upon, because these hearings practically exploded it. Still much is sought to be made out of the opposition of these railroads to the canal, both before and since its construction.

It is true, Mr. President, that the railroads opposed the construction of the canal, and it is true that now that it is about to be opened for traffic they regard it as a menace to their prosperity.

I have no doubt many of them would rejoice if an earthquake should come and blow it up. Why did the railroads oppose the canal, and why do they still fear it? For the simple reason they know, as everybody knows, that, tolls or no tolls, the canal is going to cut enormously into their present business.

EFFECT OF WATER COMPETITION ON TRANSCONTINENTAL RAILROAD RATES.

Mr. Dunn, one of the star witnesses against repeal before the committee, calculated that of the 3,000,000 tons through traffic now carried by the transcontinental railroads, when the canal is opened, 2,000,000—or two-thirds of the amount—would be lost by the railroads to boats. This will result from the fact that the difference between the cost of transportation by water and rail would be so great that there could be no competition in such heavy and bulky articles as usually seek waterway transportation, and competition being impossible, the railroads will simply let the business go. He estimated that by using petroleum instead of coal, lumber could be carried by water from the Pacific coast to New York for $4 per thousand, and other heavy and bulky things in like proportion. Manifestly, the railroads could not meet such competition, even though the toll charges were several times greater than is proposed. Would forcing the transcontinental railroads out of these lines of business result in a reduction of their freight rates upon the business which they would retain?

The boats can only carry the traffic from port to port. Relatively, only a small part of the coastwise trade passing through the canal will be consumed by the seaport cities. It will have to be distributed by the railroads. It is assumed that the back haul of this traffic will not extend much more than 500 miles from the coast. That will leave a strip outside of this back-haul zone—infinitely greater than the zone itself—stretching 2,000 miles across the continent and 1,500 miles up and down the continent, which will have to be supplied with coast products exclusively by the railroads, as at present. Will they be allowed to recoup the loss of revenue resulting from losing two-thirds of their through haul by an increase in the rates both upon the back haul and into the broad zone beyond the back haul? Doubtless they will increase these rates, and so recoup themselves if the Interstate Commerce Commission shall find it expedient to allow them to do so, in order that they may realize a reasonable profit and continue as going concerns.

Undoubtedly the canal will greatly stimulate traffic between our two coasts. It will be of inestimable benefit to this country, as well as to the world. It will operate, undoubtedly, to some extent in regulating rail rates. But its benefits will be greatest to our seaports and the country adjacent and commercially tributary to those ports. Indirectly all parts of the country will be benefited, but that there will be any appreciable reduction in transcontinental rail rates is exceedingly problematical, to say the least.

EXEMPTION HANDICAPS COMPETITION BETWEEN DOMESTIC AND FOREIGN WATER CARRIERS.

But let us look at this matter from another standpoint. You say you wish to reduce rail rates across the continent by establishing intercoastal water competition. Well, the canal will effectually do that without the remission of tolls. After securely establishing competition between these intercoastal carriers and the railroads by the construction of the interoceanic canal, do you want to protect these intercoastal vessels against competition with foreign vessels when both use the canal to reach the same ports of the United States? I would think not. Is it not clear that in exempting one and charging the other tolls on the basis of cargo tonnage you will not only embarrass but handicap competition between those competing water carriers, but you will also protect the domestic merchandise carried in intercoastal vessels against competition of foreign merchandise carried in foreign vessels through the canal and sold in United States ports just as effectively as if you imposed a protective tariff duty of $1.20 per ton on the merchandise imported in the latter in addition to the duty, if any, otherwise imposed by law?

NO SURRENDER OR ABRIDGMENT OF OUR RIGHTS INVOLVED.

It is said that the protest of Great Britain against our action in this tolls matter is a denial of our right to exempt our vessels from toll, and is therefore an impeachment of our right as the sovereign of the territory and owner of the canal to do as we please with respect to it. There is no foundation for these suggestions.

Great Britain does not deny our right to exempt our vessels from tolls; her position is exactly the reverse. She admits that right. She admits not only our right to pass our coastwise vessels but our over-sea vessels without the payment of tolls. She simply says, if we shall see fit to exercise that right, and exempt our vessels, that we have entered into a binding agreement with her to exempt hers also. Is that an impeachment of our sovereignty? If we should yield to her suggestion, would it be a surrender of our sovereignty? If so, then we have, in identically the same way and to the same extent, surrendered our sovereignty at least half a hundred times in the last 100 years to curious and sundry nations of the earth. We have to-day, I think, 20, probably more, treaties of commerce and navigation with various and sundry nations of the world, by the terms of which we agree that we will accord to their vessels the identical treatment in our ports which we accord to our own vessels. If we should refuse to comply with the terms of these agreements, and they should protest, and we finally acquiesced in their contention, would anybody contend that that was a surrender of our sovereignty? Would anyone contend that they were officiously interfering with our affairs? That very thing has recently been done, and there was no clamor or outcry of base surrender.

It has been said that the present tariff law carries a differential of 5 per cent in favor of merchandise carried in American bottoms. That is true. There is such a provision in the present tariff law. But when it was made clear that it would be a discrimination against foreign vessels, in violation of our treaties of commerce, by which we agreed to accord equal treatment in our ports and harbors, we added a proviso to the effect that the differential should not apply to the vessels of any nation with which we had a treaty of this import. Was that a surrender of our sovereignty? Was the protest of certain nations, with which we had these treaties, an officious interference with our domestic affairs—an assault upon our sovereignty?

We could not do as we please in this matter because we had solemnly agreed to do otherwise; just as we can not do as we would please with reference to canal tolls, because we have solemnly agreed otherwise.

I will dismiss from consideration this talk about our surrender to Great Britain—this talk about Great Britain's attack upon our sovereignty—by quoting the language of ex-President Taft, when he said in his Ottawa speech—

> Now, we shall doubtless have to arbitrate the matter, unless Congress reverses itself. There are some hot-heads that talk in absurd tones about the right of the United States to manage her own canal and her own property as she likes, no matter what she has agreed to; but that is all froth. Those are the explosivistas.

PREFERENTIAL CANAL EXEMPTION NOT ANALOGOUS TO FREEDOM OF OUR DOMESTIC WATERS.

It is said that if canal exemption is a subsidy, so is the free use of our rivers and harbors, upon which we have spent millions upon millions, a subsidy. There is a clear differentiation between the two cases. We have spent enormously—probably twice as much in the course of our history in the development of our internal waterways as we have spent in the construction of the canal. From time immemorial these waterways have been free not only to our own people but to the world. We have discriminated against nobody. The money has been distributed as equally as is possible between all sections of the country. We have looked for compensation for the investment in the development and expansion of our trade and the accommodation of our commerce. We have adopted freedom in the use of these waterways as a matter of public policy, and it is, I think, a wise public policy. We have charged nobody for their use. If this is a subsidy, who, I ask, has been the recipient of the special favor which the idea of subsidy involves and presupposes?

If we proposed to pursue the same policy upon the canal, there would be no question of subsidy. We would look to the accommodation and enlargement of both our domestic and international trade for compensation. But the policy we have adopted is one of recompense. The question is, Shall we apply the principle of equal treatment or of unequal treatment? Shall we require all vessels using the canal to pay their proportionate part of the burden, or shall we require a part to bear the whole cost and exempt a part from any contribution whatever? If we exempt a part, as is proposed by the opponents of repeal, then a special privilege will be accorded to that part, and a special privilege is what the public understand to be implied in the word "subsidy," although that may not be its technical meaning.

WE BUILT CANAL FOR THE WORLD, AND NOW WOULD FORCE THE BALANCE OF THE WORLD TO PAY FOR IT.

Much stress is laid upon the fact that we built the canal at a cost of $400,000,000 and must maintain it at an annual cost, exclusive of military operations, of some $17,000,000, and that we generously propose to let the world use it. Our magnanimity in this respect is much exploited. And yet if the policy which is insisted upon shall be pursued, if we shall exempt our shipping, coastwise and over-sea, from tolls while taxing that of the balance of the world, what will be the result? For a few years, of course, we would not realize enough to pay the cost of operation. In the beginning the Suez Canal did not pay. In less than 10 years, however, the Suez Canal was more than paying expenses; and it was not long before it was paying large dividends. To-day it is one of the greatest profit-earning properties in the world.

It will be likewise with the Panama Canal. What is the proposition with which we are now confronted? It is to exempt our vessels—not only our coastwise, but it is suggested by some that we have the right and should exempt our over-sea vessels as well—and throw the whole burden of maintaining the canal and amortizing the capital invested in its construction upon the balance of the world.

If this course is pursued, is it not manifest that in a comparatively short time, as time is counted in the life of a nation—if the history of the Suez Canal is paralleled with respect to the development of traffic, and it undoubtedly will be—that all the operating expenses of the canal, the $400,000,000 invested, together with interest, will have been returned to us, and this great property, with its world-wide clientele of paying customers, will be ours without having cost us a cent. This most wonderful accomplishment of the ages, which we boasted that we would build for the benefit of mankind and without any thought of self-gain, will in fact have been built by us not for the benefit of mankind, but, thanks to our shrewd construction of the treaty, will have been built by the rest of mankind for us and its vast unincumbered income turned over to us and our children in perpetuity.

DECENT RESPECT TO RIGHTS AND OPINIONS OF OTHERS.

Mr. President, Great Britain and the other commercial nations of Europe—Canada to the north of us and the countries of South and Central America to the south of us—believe that the act of 1912 reserving special treatment to our coastwise vessels through the canal discriminates against their vessels trading in competition with them in the various ports of our two coasts and therefore contravenes the treaty.

The President of the United States, responsible under the Constitution for the conduct of our foreign relations, has declared in a solemn message to Congress his maturely formed opinion that the discriminations in this act violate our treaty promises. The Secretary of State—equal to any of his predecessors in that great office—who acts for the President in all matters pertaining to our foreign relations, is understood to agree with him in the opinion expressed in his message. The exact per cent of the division no one knows, but all will admit that a large portion of our own people also believe that this act violates our treaty obligations.

If we had the undisputed right to construe the treaty as our own interests may suggest, without regard to the construction of others interested in it, either contractually or otherwise, in the light of this division of opinion among our own people—to say nothing about the adverse attitude of the world—can we afford to pursue a course which the President, who has been chosen by the people to represent our Government in its foreign relations, in an official utterance declares is in contravention of a contract we have made with a friendly nation, and in the performance of which all maritime nations of the world are interested? Is it not, in these conditions, the course of wisdom, while expressly reserving all our rights under the treaty, to restore the original status quo, leaving the disputed question unembarrassed by the ex parte action of either party, to be settled in such way and manner as such differences between friendly nations should be settled, and can only be satisfactorily settled?

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chamberlain	Goff	Kern
Borah	Chilton	Gronna	La Follette
Brady	Clark, Wyo.	Hitchcock	Lane
Bristow	Crawford	Hughes	Lewis
Bryan	Cummins	James	McLean
Burton	du Pont	Jones	Martin, Va.
Catron	Gallinger	Kenyon	Martine, N. J.
Nelson	Root	Smith, S. C.	Vardaman
Norris	Shafroth	Smoot	Walsh
O'Gorman	Sheppard	Stephenson	West
Owen	Shively	Sterling	White
Page	Simmons	Swanson	Williams
Perkins	Smith, Ariz.	Thomas	
Randell	Smith, Ga.	Thompson	
Reed	Smith, Md.	Thornton	

Mr. CHILTON. I wish to announce again the necessary absence of the Senator from New Mexico [Mr. FALL]. He is paired with me.

Mr. JONES. I wish to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent from the city.

The PRESIDING OFFICER. Fifty-seven Senators having answered to their names, a quorum is present.

Mr. NORRIS. I desire to offer an amendment to the pending bill. I ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. Is there objection? There being none, the Secretary will read the amendment.

The SECRETARY. It is proposed to add a new section at the end of the bill as follows:

SEC. 3. If any nation shall provide by law or regulation for the payment of any part of the tolls of the vessels of its citizens passing through the canal, or if the vessels of any nation or its citizens shall be granted any other form of subsidy bonus or rebate on account of such vessels passing through the canal, the President of the United States shall by proclamation increase the tolls of such vessels above the amount provided for in this act by an amount equal to the sum so received or to be received by such vessels by virtue of such law or regulation or on account of such subsidy bonus or rebate.

The PRESIDING OFFICER. The amendment will lie on the table and be printed.

Mr. JONES. Mr. President, I have here a very carefully prepared article on the coastwise traffic and its relation to the Hay-Pauncefote treaty from the New York Sun of May 23, 1914. I ask that it may be printed in the RECORD.

There being no objection, the article referred to was ordered to be printed in the RECORD as follows:

COASTWISE SHIPPING—PART OF DOMESTIC COMMERCE AND NOT SUBJECT TO THE HAY-PAUNCEFOTE TREATY.

To the EDITOR OF THE SUN.

SIR: I have read with great interest much that has appeared in the Sun and in other publications regarding the canal-tolls matter now in dispute between the United States and the whole world.

It appears certain that we entered into very solemn agreement with Great Britain by treaty regarding our administration of the canal, and for us to break the conditions of such a treaty would leave us beyond the pale of civilized nations. For this treaty, being a fundamental condition to the construction of the canal across the Isthmus of Panama, can not after the canal is built be changed or abrogated excepting by the consent of both parties to it. This Hay-Pauncefote treaty, in that it was a preliminary condition necessary to the construction of a permanent waterway, and since that waterway was built, as it has been built, because of the consummation of this contract, is not analogous with ordinary treaties governing commercial and diplomatic relations that have no permanent form and no physical existence. Therefore the Hay-Pauncefote treaty must be considered as a permanent fact of international law rather than a temporary engagement established by virtue of such international law.

The only possible ground for debate must be in the interpretation of this treaty and in definition of those subjects which may properly be the subject of a treaty between two powers where no specific mention is made of them.

It may be supposed generally that those things never subject to treaty are not subject to this Hay-Pauncefote treaty unless specifically mentioned therein, while those things which have always been acknowledged to be subject to treaties and that have been the actual subjects of treaty, specifically and by inference, many times are logically included by implication, even if not specifically mentioned.

Now, among the many things that are seldom, if ever, subject to any treaties whatever is domestic commerce or internal commerce of a sovereign power. In its entirety and separated into its component parts internal commerce has scarcely ever been by specific mention or by implication the subject of treaties among the great powers or between one of these powers and one of the smallest of the weaker and lesser States. So that it is only reasonable to premise that American domestic commerce is not included, either as a whole or in part, by implication or supposition, as it surely is not by specific mention, in the Hay-Pauncefote treaty. And this must apply whether this domestic commerce uses as a channel the Panama Canal or goes around the Horn, or uses the rivers and lakes and railroads of the country. So long as the internal or domestic commerce of the United States has never been the subject of a treaty, or even so long as it has not been commonly the subject of a treaty, the weight of reasonable supposition is that it was not a subject of the Hay-Pauncefote treaty, rather than that it was such.

That our coastwise commerce is part of our domestic or internal commerce seems to be almost beyond dispute, for only as such could it be reserved to American ships in the strict manner that it is reserved by our laws to the complete disadvantage and exclusion of all foreign ships. Nor is this reservation of coastwise commerce as a part of the domestic commerce unique with the United States. Every other nation in the world reserves its coastwise commerce for special control and regulation as being exclusively the nation's personal affair and not at all a matter of international or alien interest. And no nation has relinquished this control by treaty or otherwise, so far as I know.

On the other hand, if this coastwise commerce is not domestic commerce, therefore excluded from all modification by treaty with a foreign power, the passage of vessels plying in the coastwise trade through the canal is a more flagrant breach of the Hay-Pauncefote treaty than the tolls-exemption measure contemplated, since the exemption from tolls is a far smaller discrimination in favor of American shipping than is the drastic coastwise-shipping act under which our coasting vessels now sail from port to port.

which the canal is built. In every way known to diplomacy it is asserted and buttressed.

MISCONSTRUCTION OF TREATY.

The opponents of repeal do not stop with the misconstruction of this article of the old treaty, and the effect of its modified incorporation in the new treaty, but to make assurance doubly secure they go further and seek by construction to eliminate it from the new treaty altogether. The ground upon which they seek to throw it out is the contention that the preamble in which it is first affirmed is not a part of the treaty except in so far as it may throw light upon the interpretation of any doubtful provisions; and that its reaffirmation in the fourth article does not make it a part of the treaty so far as the canal we have constructed is concerned, and that the treaty should therefore be construed as if it did not mention the general principle of neutralization or article 8 of the Clayton-Bulwer treaty at all. This is an amazing contention in view of the undisputed facts in connection with the negotiation of this treaty and its ratification by Great Britain. Speaking generally, there can be no question about the fact that while Great Britain yielded to our demands for the modification of the old treaty; to our demands for the right of exclusive construction, ownership, and management; to our demands in regard to the right of fortification, at every stage of the procedure, throughout all the conferences, she demanded that the general principle of neutrality embodied in article 8 of the Clayton-Bulwer treaty should be retained in all of its vitality and vigor, and there was no dissent on the part of our negotiators or our Government. She made it plain through her representatives that unless that was retained and written in the treaty in such a way as to leave no doubt that it was retained that neither the cabinet, the Parliament, nor the people of Great Britain would consent to the modification which we sought of the original treaty.

In the light of these facts we are asked to accept the proposition implied, in the arguments advanced here, that the treaty was so unskillfully, so inartificially, so incompetently drafted as to leave out of it the only principle which Great Britain was specially anxious to put in it, and which, with the free hand in this behalf our representatives willingly accorded her, she tried in every known way to securely write into it and ingraft upon it.

"ALL NATIONS OBSERVING THESE RULES."

It will be interesting and helpful to examine for a moment the argument the opponents of repeal rely upon as conclusively proving their construction that the term "all nations" does not include the United States. This so-called conclusive argument is based upon the phrase "all nations observing these rules," used in the first clause of the third article. The use of these words, they contend, makes it clear and certain that the United States is not included in the words "all nations," because, they confidently assert, the maker of rules of action is under no obligation to observe them himself.

I do not wish to argue either the logic or morals of that proposition further than to express my dissent. But, Mr. President, these words which they claim excludes the United States from the all-nations provisions of the second Hay-Pauncefote treaty, it will be noted, do not appear in the corresponding clause or elsewhere in the first Hay-Pauncefote treaty. The language of that clause of the first treaty, is "The canal shall be free and open in times of war as in times of peace to vessels of commerce and of war of all nations, upon terms of entire equality," and so on, and that clause of the treaty was adopted by an almost unanimous vote of the Senate when that treaty was ratified by that body.

If the insertion of the words "observing these rules" in the clause of the second treaty under discussion proves that the United States is not included in its "all nations" clause, their omission in the corresponding clause of the first treaty would seem to logically prove that the United States was included in the "all nations" clause of that treaty, and that its inclusion at that time was acceptable to the Senate.

WHO ASKED FOR THE INSERTION OF THESE WORDS?

It is important, in view of these facts, to inquire at whose instance the words "observing these rules," which did not appear in the first treaty, were inserted in the second treaty? Did Mr. Hay ask it? Did Mr. Choate ask it? The Senate certainly did not ask it. While many amendments were offered and several adopted to the first treaty, none to this effect were either offered or adopted. Who, then, asked it? The diplomatic correspondence answers: It was Lord Lansdowne who asked their insertion. He did not originally suggest the exact language used in the final draft. His original suggestion was "all nations agreeing to these rules." Neither Mr. Choate nor Mr. Hay desired the emendation. Mr. Choate strongly objected to the word "agreeing." He thought it might be construed to imply an invitation to foreign nations, which he did not wish his Government to make, and he suggested the word "observing" in place of the word "agreeing"; and that change of verbiage was accepted by Lord Lansdowne and the phrase was so worded.

So that we have the astonishing proposition that the British foreign office being offered a treaty which included the United States in the term "all nations," deliberately refused to accept it, and demanded an amendment the effect of which, it is contended, excludes the United States from the term "all nations," and produced the result the British negotiators had been so strenuously endeavoring to forestall and prevent.

The true purpose of the British Government in asking for inclusion of these words in this clause of the treaty is made clear by the diplomatic correspondence.

Lord Lansdowne evidently thought that the makers of these rules would be bound by them. He did not agree with Senators who now claim that the maker of these rules is not bound by them. Lord Lansdowne knew that his Government, being a party to the contract in which these rules were made, in legal intendment assented to the rules, and although it did not assume the obligation of enforcing them it was, by virtue of its assent and being a party to the contract in which they were promulgated, logically bound by them, and very naturally he insisted that other countries should not enjoy the benefit of the canal without being also bound to comply with them.

UNITED STATES DID NOT WANT GREAT BRITAIN'S HELP IN MAKING OR GUARANTEEING RULES.

The argument that, if the United States is included in the "all nations" provision of the first treaty, it is because in that treaty Great Britain and the United States jointly adopted rules of neutrality and jointly guaranteed those rules, and that the United States is not included in the "all nations" provision of the second treaty because under that treaty the United States alone adopted rules and guaranteed their observance is an argument which can not be sustained in the light of the facts of the case.

The United States did not want Great Britain to help in making these rules, or in guaranteeing them. On the other hand, the United States was almost, if not quite, as anxious to be relieved from the copartnership with Great Britain in making these rules and in protecting them as she was to be relieved from the copartnership with Great Britain provided in the Clayton-Bulwer treaty in the construction of the canal. Great Britain was well aware of this feeling, and she knew she did not have to surrender anything, especially the only thing she had demanded for herself in connection with this whole business in order to secure release from the obligation of protection involved in the joint making of the rules of neutrality.

It is not reasonable to suppose that Great Britain consented to a change in the second treaty, which denied her ships equal treatment with those of the United States, in order to get release from an obligation from which she knew the United States was anxious to relieve her.

RIGHTS OF BELLIGERENCY.

Much stress is laid by those opposed to this bill upon the contention that if the five last rules of the Hay-Pauncefote treaty relating to belligerency do not apply to the United States equally with other nations, that likewise the first rule thereof relating to equal charges against vessels and merchandise passing through the canal do not apply to the United States.

The argument is plausible if you look only to the letter of the treaty, but in the light of the radical changes in the determinative facts respecting belligerency between the time of the making of that treaty and the building of the canal the argument is, I think, clearly unsound. The Hay-Pauncefote treaty antedated the Panama treaty by two years. When therefore these rules were prescribed we had not acquired sovereignty over the canal territory; nor indeed had it been settled where the canal would be located or whether the United States would build it or secure its construction by private capital under its auspices and protection. When, in 1903, the United States acquired sovereignty over the canal territory through the treaty with Panama that fact, coupled with the right to fortify it and the duty of policing it, settled our right to exercise belligerent rights for our own protection, and the right has never since been questioned by Great Britain or anyone else.

The common sense of mankind could not refuse to recognize the controlling effect of these changes in conditions upon the stipulations in the rules pertaining to belligerency. But with respect to rule 1, relating to equality in charges of the commerce passing through the canal, it is a question not of changed conditions, but it is a question of original construction.

Great Britain was promised that her commerce should be put upon an equal footing with the commerce of the United States

in the matter of charges and conditions of transit through the canal. The fact that the United States as a result of subsequent acquisition built the canal through its own land instead of through the leased land of some one else does not in the least change the status or the interest of the two contracting parties in the matter of equal terms of transit.

The effect of discrimination against the commerce of Great Britain would be the same in the one case as in the other, and the effect upon the United States of equality of treatment would be the same in the one case as in the other.

In addition to this, Mr. President, it seems to me that the sovereignty argument is effectually disposed of by the provision in the fourth article to the effect that no change of territorial sovereignty of the country or countries traversed by the canal should affect the general principles of neutralization, which means the principle of equality of treatment prescribed in the eighth article of the Clayton-Bulwer treaty.

WELLAND CANAL.

It is said by the opponents of repeal that the Welland Canal case has no analogy to the case under consideration. This conclusion seems to be based upon the theory that Canada and Great Britain, after having refused to yield to our contention that they were proceeding in violation of our treaty rights, were ultimately persuaded by the retaliatory measures adopted by us to yield as a matter of policy, though not admitting our contention. I am not particularly concerned about Canada's attitude in that matter, or why she receded from her position. I do not think, so far as this controversy is concerned, it makes any difference whether she receded because of our retaliatory legislation, or because she finally become convinced that she did not have the right to disregard our construction of the contract with her, and to act upon her own construction. What I am concerned about in connection with this historical incident is what we ourselves did—the position that we took and maintained in that controversy—and whether, if we were right then, we are not wrong now. As I see it, our contention then was substantially the same as Great Britain's contention is now. We contended then that Canada, by virtue of its agreement through Great Britain with us, had promised equality of treatment to our commerce passing through her canal, and that by her order in council she had discriminated against our commerce in favor of her own commerce passing through the canal, and we asked that she desist from this discrimination. When she refused to desist, we resorted to retaliation. Great Britain has not gone that far, and we did not go that far for a long time. Whether Great Britain will eventually go that far is for the future to determine.

EFFECT OF CANADA'S ACTION ON HER RELATIONS WITH THE WORLD.

It is said that Canada has not suffered in her relation with the balance of the world by reason of her refusal to consider our protest and rescind her arbitrary order in council except under the pressure of retaliation. I am not so sure about that. There is in this Senate to-day an anti-British feeling—an anti-Canadian feeling. The same sentiment obtains with many throughout the country. Who will say what part this little episode in our history has played in keeping alive that feeling of irritation and hostility which has existed to a greater or less extent throughout our whole history against the one great nation of the world who is "bone of our bone and flesh of our flesh"? Who can say that but for this little incident there might not have been a different sentiment, if not a different relationship, between this country and our neighbor at the north from that which now exists and has obtained for years?

Suppose, all the balance of the world had been interested in opposition to the action of Canada in this matter to the same extent as all the balance of the world is interested in opposition to our attitude with reference to the exemption from canal tolls of our coastwise vessels. Who in that case would undertake to measure the possible effect the action of Canada in the Welland Canal matter might have had upon the sentiments of amity and friendship of the balance of the world toward her and the extent to which her political and commercial fortunes might have been affected.

WE ARE SOVEREIGNS OF THE CANAL ZONE, BUT UPON WHAT ASSURANCES WAS IT ACQUIRED?

Elaborate arguments have been made to show that we own the Canal Zone—that our title and sovereignty over it is as complete as that over the ground upon which this Capitol is built. O Mr. President, I suppose we own this Canal Zone.

Let us dismiss all question about the legality of our title and sovereignty over the Canal Zone. Still the question remains, How did we get that title and acquire that sovereignty? I have no reference now to the secession of Panama from Colombia and her recognition by us and the balance of the world as an independent Republic. I refer solely to our acquisition of this 10-mile-wide strip of land from ocean line to ocean line through the very heart of her territory.

The $10,000,000 we paid for this strip of land and its appurtenances of inestimable value is a mere bagatelle compared with its actual value. The payment of this money was not the real consideration for this extraordinary territorial and political concession. The real consideration was the assurance and promise, ungrudgingly given by us and implicitly relied upon by Panama, that we would construct a canal through the center of this strip sufficient to accommodate the largest seagoing vessels and maintain and operate it in perpetuity, on terms of entire equality to the interoceanic commerce of the world, thus bringing this great world traffic through the eastern and western gateway and past the very doors of the little infant Republic.

GREAT BRITAIN NOT ALONE CONCERNED, BUT ALL THE WORLD.

This question has been discussed as if nobody was concerned in the guaranty of equality except Great Britain. Even Panama's rights have been ignored in order to more effectually twist the lion's tail. That is wide of the mark. Great Britain and Panama alone have contractual rights in this behalf, it is true, but all the world, under the terms of the treaty, are joint beneficiaries of the promises and guaranties made to these two countries.

If we should repudiate these guaranties, neither Great Britain nor Panama would go to war with us about it—neither would the other beneficiaries. But not only Great Britain and Panama, but all the balance of the world, would be disappointed in their just expectations. They would be aggrieved. They would be resentful. Their antipathy would be aroused and their distrust excited. And while we would not be confronted with a world in arms, we would be confronted with what would be equally as serious a matter to us in our political and commercial relations with mankind, namely, a world-wide public sentiment of chagrin, distrust, disapproval, and resentment.

What would be the effect of this situation upon our commercial and political relations with the balance of the world, especially with our neighbors of the American Continent, no man can foretell.

WHO WILL GET BENEFITS OF EXEMPTION.

Let me devote a few minutes to the question as to who will get the benefit of the remission of these tolls and its effect upon transcontinental railroad rates. Of course it is clear that exemption from tolls of coastwise vessels will take that much money out of the Treasury which the people will have to make good, but will the people in some other way get this money back? Will the shipowners appropriate it all to themselves or will they give it all to the shipper or to the consumer, or will they divide it up between themselves and the shipper and the consumer? Will it tend to the reduction of transcontinental railroad rates, as was suggested at the time the canal act was passed, or will it result simply in the transcontinental railroads hopelessly losing this trade to the new water route and recouping their losses by such increases as the Interstate Commerce Commission may allow under the circumstances upon rates to interior points?

From our experience with special privileges we may fairly assume that in this case, as in other cases, the consumer will get nothing except what the owners of the boats are absolutely compelled to allow him, and as whatever the consumer gets will first have to filter through the hands of the boat owner, the strong probability is that he will get about the same share of this subsidy as the consumers of tariff-taxed articles get from a prohibitive tariff.

SHIPPING TRUST AND CONFERENCE-MADE RATES.

Opponents of repeal ridicule the idea of a shipping trust in connection with the canal. According to them there is to be unrestricted competition for the benefit of the consumer. I do not know whether there is a shipping trust or not in our coastwise trade, but the evidence before the committee showed that these boats were now making enormous profits, paying big dividends, and, in some instances, annually carrying to surplus two or three times as much as the amount paid in dividends.

Experts assured the committee that if the combinations now alleged to exist between those boats were broken up, or if they were put under the control of the Interstate Commerce Commission, rates would hereafter be fixed, as are railroad rates and prices in other lines of competitive business, by conference agreements, and that the rates charged by all would likely be practically the same; and that these rates would be fixed just low enough to get the business, and that within that limitation they would be as much as the business would bear.

That is to say, paid the tolls for them. And then he adds:

If Canada is affected that way, she, too, can subsidize her trade from Quebec to Vancouver.

In other words, according to the views expressed in this speech, the ex-President based the validity of the act of 1912 upon a subsequent act of the Executive and his assumption that the remission of tolls was equivalent to their payment by the Government of the United States.

Verily, the ex-President in this exposition comes dangerously near admitting, if indeed he does not in fact admit, the principle contended for by those who favor repeal.

NEGOTIATORS ACT UPON SENATE RECORD AND NOT UNDISCLOSED MOTIVES OF SENATORS.

Again, Mr. President, those who contend that our coastwise vessels and trade are not included in the terms of the treaty find themselves upon the very threshold of this controversy confronted by the adverse vote upon the amendment offered in the Senate to the first Hay-Pauncefote treaty by ex-Senator Bard, of California, expressly exempting our coastwise trade from the operation of the treaty. To avoid the effect of this adverse vote, which would otherwise have to be admitted as a controlling fact in this controversy, it is suggested that some Senators voted against the amendment not on its merits but because they thought it unnecessary. That is a way of disposing of a deliberate act of a legislative body which, I take it, will not appeal very strongly to the public. However that may be, after everything by way of explaining away this vote is said that can be said, the fact remains that the motives which actuate Senators in casting their votes, even when the debates upon questions are taken down and preserved, very frequently remain locked in their breasts; but where the vote is in executive session, where the discussions are not taken down and preserved, as in this case, the outside public, at least, has nothing but the concrete action of that body to guide it in reaching a conclusion as to the basis of its action. Looking to the record, which is supposed to import verity as the certain expression of the thought and purpose of the Senate with respect to this amendment and upon which the public, especially foreign Governments, had the right to rely, what is disclosed?

It discloses two concrete record facts, each of tremendous import in this controversy, namely, the report to the Senate of the majority members of the Committee on Foreign Relations and the vote of the Senate on the Bard amendment.

The Committee on Foreign Relations had maturely considered the treaty; it had reached a conclusion. The treaty was favorably reported, and accompanying it was a majority report, drawn by the chairman, ex-Senator Cushman Davis, admittedly a great lawyer and as profoundly familiar with the subject and its history as any public man of that day. This report declared in terms it was impossible to misunderstand that in entering into this treaty the United States had no purpose of reserving to itself any exclusive benefit in the use of the canal; that it was to be constructed for the equal use of mankind; that it would be unworthy of the United States, in view of its professions with respect to this project, stretching over a half century, to seek any selfish advantage or preferential rights over other nations in the use of this waterway.

The action of the Senate upon the Bard amendment, taken by itself and speaking for itself, was a clear, emphatic declaration that the Senate disapproved of so amending the treaty as to reserve to the United States the right to exempt from tolls its coastwise vessels through the canal without exempting those of other nations.

NO EVIDENCE OF MOTIVES OF SENATORS DISCLOSED TO NEGOTIATORS.

While the motives of Senators with respect to their votes upon this amendment were of course known to themselves, they were not known to the public; there is no evidence that they were made known to Mr. Hay or to our Secretary of State; there is no evidence that they were made known to our ambassador to Great Britain, Mr. Choate, or to Mr. White, our chargé d'affaires. There is no evidence that they were made known to Lord Pauncefote or Lord Lansdowne, the British negotiators; or that they were made known to the members of the British cabinet, which approved the second treaty, or to the members of the British Parliament. But while these men, representing the high contracting parties in negotiating and making the second treaty, had no knowledge of the motives of Senators in the votes cast by them in secret executive session in the consideration of the first treaty, they did have knowledge, Mr. President—because it was a matter of public record—of the report of the majority members of the Committee on Foreign Relations, prepared by its chairman, Senator Davis; and they did have knowledge of the adverse vote of the Senate on the Bard amendment, and they had the right to consider these record facts as correctly reflecting the sentiments of the Senate, and there is no reason to suppose they did not so consider them.

I submit it would be unreasonable to suppose, so far as these negotiators were concerned, especially the British negotiators—and so far as the British cabinet, which approved the treaty, and the Parliament of Great Britain, which adopted it, are concerned—that in making the second treaty they acted without a thorough knowledge of these solemn, official declarations and acts as expressing the thought and purpose of this Government in regard to the rule of equality "in conditions or charges or otherwise" which was to obtain with respect to the use of the canal by the nations of the world, including Great Britain and the United States.

IS "ALL NATIONS" INCLUSIVE OR EXCLUSIVE OF THE UNITED STATES?

The other contention upon which the opponents of repeal most rely is that the phrase "all nations," as used in the guaranty of equality, means all "other" nations and does not include the United States.

It has been intimated that ex-Secretary of State Hay, who negotiated the treaty, and in whose knowledge, sincerity, and patriotism all repose implicit confidence, did not think the United States were included in the term "all nations," and his great name has been invoked in support of that contention.

I have read the correspondence between Mr. Hay and our ambassador, Mr. Choate, and Lord Pauncefote and Lord Lansdowne. There is not a line in this correspondence to sustain this contention. On the contrary, it is incredible to me that anyone who has carefully read that correspondence can doubt what Mr. Hay's intentions were—can conclude that he intended that the treaty as agreed to should reserve to the United States any preferential right or exclusive benefit in the use of the canal. Mr. Choate's letters since Mr. Hay's death, as well as their correspondence when the treaty was under negotiation, would seem to make this clear.

"ALL MEANS ALL"—MR. HAY'S VIEWS AND STATEMENT TO MR. W. FLETCHER JOHNSON.

In the Clayton-Bulwer treaty equality between the United States and Great Britain was in express terms provided for, and all other nations were to come in on like terms. Those provisions seem to have been always present in the minds of Mr. Hay, Mr. Choate, and Mr. White, and there was never any expression used by either of them in this correspondence of a different import.

That was the basic idea pervading the entire negotiations, and, although it at times found expression in the general term of "all nations," yet on several occasions there was particular mention made of equality as between the United States and Great Britain, and as between the United States and all other nations.

In his letter to Secretary of State Hay, dated August 20, 1901, Mr. Choate, in suggesting a modification of the proposed article 4, which was intended to extend the general principle of this treaty to future canals, asked the question, "Assuming that some such article must be retained, how would this do?" And then he outlined in the following terms his opinion of what the proposition should be, namely:

In view of the permanent character of this treaty whereby the general principle established by article 8 of the Clayton-Bulwer treaty is reaffirmed, the United States hereby declares (and agrees) that it will impose no other charges or conditions of traffic upon any other canal that may be built across the isthmus (or between the Atlantic and Pacific Oceans) than such as are just and equitable, and that such canals shall be open to the subjects and citizens of the United States and of all other nations on equal terms.

This question shows beyond peradventure Mr. Choate's idea as to what it was intended the treaty should provide with respect to equality of terms of treatment of commerce through the canal.

Well knowing Mr. Choate's mind, Col. Hay, on September 2, 1901, replying to Mr. Choate's letter of the 20th of August, and referring to the views expressed by him in that letter, used this language:

Your views are so clear and definite and so entirely in accord with my own that I find it unnecessary to give you any extended instructions as to this very important matter.

These two letters not only show that Mr. Hay and Mr. Choate were in entire accord, but it discloses what, in their opinion, should be the scope and purport of the agreement between the two countries with respect to equality of treatment.

But if the record we have of Mr. Hay's connection with this transaction does not make his attitude clear beyond peradventure, we have the positive testimony of a reputable and distinguished journalist of a conversation with Mr. Hay upon this identical subject and point which leaves no room for doubt as to what Mr. Hay understood and intended and as to what he thought the treaty as drawn accomplished in this regard. I refer to the statement of Mr. William Fletcher Johnson, published in the May, 1914, issue of the North American Review, who claims to recall distinctly a conversation he had with Mr. Hay upon this subject in 1904. I quote Mr. Johnson's words. He says:

I asked Col. Hay plumply if the treaty meant what it appeared to mean on its face, and whether the phrase "vessels of all nations" was intended to include our own shipping or was it to be interpreted as meaning "all other nations." The Secretary smiled, half indulgently, half quizzically, as he replied:

"'All' means all. The treaty was not so long that we could not have made room for the word 'other' if we had understood that it belonged there. 'All nations' means all nations, and the United States certainly is a nation."

"That was the understanding between yourself and Lord Pauncefote when you and he made the treaty?" I pursued.

"It certainly was," he replied. "It was the understanding of both Governments, and I have no doubt that the Senate realized that in ratifying the second treaty without such an amendment it was committing us to the principle of giving all friendly nations equal privileges in the canal with ourselves. This is our golden rule."

WHY ANTI-REPEALERS WOULD ELIMINATE OUR TRADITIONAL POLICY.

Mr. President, I do not wonder at the eagerness of the opponents of repeal to have us leave the history of these canal treaties and our traditional policy of equality of treatment of all vessels of all nations out of this discussion and have us decide the debated questions with regard to the correct interpretation on the cold reading of the treaty, because, as I see and understand it, every line of that policy and of that history condemns their contention.

The United States to-day has treaties of commerce and navigation with nearly every nation of importance in the world. These treaties provide for the reciprocal and equal treatment of the vessels of the contracting parties in the matter of duties and charges. By similar arrangement nearly all the leading nations of the world to-day are under contract to grant to foreign vessels equal treatment with the vessels of their own country. This equality of treatment has become a fixed and settled principle of international maritime intercourse. The benefits that have accrued from it have been mutual and incalculable alike in the promotion of amity, peace, civilization, and commerce. What nation, I ask, Mr. President, was the pioneer in the inauguration and bringing about these happy international relations? I answer with pride, Mr. President, it was the United States of America!

In 1815, after a third of a century of fruitless effort, we concluded our present subsisting treaty of navigation and commerce with Great Britain, by which each of the contracting parties put the vessels of the other upon an equal footing with their own with respect to duties and charges. It was a radical innovation from the customary policy pursued by nations up to that time. It was a forerunner of the abolition of the old restriction and discrimination practiced toward each other by nearly all the maritime nations of the world. It was a great advance in international friendship and amity.

It is now insisted, because we have built a canal at a heavy cost, we shall, for a doubtful advantage, repudiate this great principle of reciprocal equality which we ourselves inaugurated and established as the great corner stone in the regulation of commercial relations between modern nations, and become the leader among the nations of the world in a reactionary movement to reestablish the old principle of selfishness and isolation which it supplanted.

But there is more of this history. For nearly one-half a century before the adoption of the Hay-Pauncefote treaty we had periodically sought a modification of the Clayton-Bulwer treaty. We wanted to be released from the copartnership and arrangement of that treaty. We wanted the right to build and own the canal in severalty. We wanted the right to fortify and defend it. Repeatedly during these years we appealed through our State Department and otherwise to Great Britain for a modification of the treaty in these respects, and in these respects alone.

Let me impress upon you, Senators, the fact that in all of these communications, from that of Mr. Reeves to Lord Palmerston, 1853; that of Mr. Cass, in 1857; that of Mr. Blaine, then Secretary of State, in 1881; and those of Mr. Hay and others, while various other modifications were sought, there was never so much as a suggestion that this Government wanted or sought relief or release from the obligations of the provisions of the Clayton-Bulwer treaty with reference to the free and equal passage of the ships of the world through the canal on equal terms with our own.

STATEMENT OF EX-SECRETARY OF STATE JAMES G. BLAINE.

I wish, with the consent of the Senate, to have printed as an appendix to my remarks extracts from these official statements with regard to our purpose and position in this matter, as well as extracts from the diplomatic correspondence bearing upon the same subjects. I will not take the time of the Senate to read these extracts except the one from ex-Secretary James G. Blaine. I wish to read this statement of Mr. Blaine's because for 30 years he was a bright, particular star in our political firmament and because his brilliant and masterful account of the political and economic occurrence of that period in his work entitled "Thirty Years in Congress" establishes his right to speak with authority upon this subject. For these reasons I would especially invoke the authority of his great name in behalf of a fair and liberal interpretation of our written promises in this matter and an ungrudging performance of them in spirit as well as in letter.

Now, let me read to you, Senators, Mr. Blaine's significant and emphatic statement:

Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare, at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal shall apply with absolute impartiality to the merchant marine of every nation on the globe; and equally in time of peace the harmless use of the canal shall be freely granted to the war vessels of other nations.

Mr. President, in all these years the first suggestion that we have any selfish motive on our part in this matter—that we wanted any preferential treatment for our own ships—that we did not accept in the fullest measure the rule of equality prescribed in article 8 of the Clayton-Bulwer treaty, was in 1912, when the canal was nearing completion, and then for the first time the voice of the new "dollar diplomacy," which came into being during the administration of President Taft and Secretary of State Knox, was heard pleading for preferential consideration for our ships—especially our coastwise ships—already enjoying special favors and exceptional privileges under our navigation laws.

Mr. President, it is now proposed to reverse this well-established policy, to repudiate all these assurances with respect to our purposes toward the commerce of other nations should we build the canal—and by a technical, not to say shrewd, ex parte interpretation of the letter of the contract establish our right to pursue a course of unrestricted discrimination in favor of our own ships engaged in coastwise or foreign trade.

CHANGE GUARANTORS DOES NOT AFFECT OR IMPAIR GENERAL PRINCIPLE.

To accomplish this purpose without properly repudiating the treaty, it becomes necessary to construe the eighth article of the Clayton-Bulwer treaty and the general principles of neutrality as defined in it out of the Hay-Pauncefote treaty. The argument relied upon to support this construction is based upon two propositions.

First. The contention that the general principle of equality guaranteed in the eighth article of the Clayton-Bulwer treaty is conditioned upon the stipulated guaranty of the joint protection of the canal wherever it should be decided to construct it, and that therefore the agreement for equality ceased to be effective when Great Britain was released from the obligation of protection.

Second. The contention that no part of article 8 of the old treaty is efficaciously incorporated in the new treaty.

Mr. President, article 8 embraces two propositions—one is the establishment of the general principle that the vessels of all nations, including those of the contracting parties, Great Britain and the United States, shall have the right of passage through the canal on terms of entire equality. This is the so-called principle of neutralization.

The other proposition is a stipulation for the joint protection of the canal, by whatever route constructed, by the United States, Great Britain, and other nations using it. These two propositions, though coupled as interdependent stipulations, are in fact separate and distinct things. The general principle of neutralization provided in this article is one thing and the guaranty of protection is quite another and different thing, and I submit that a change made in the personnel of the guarantors of protection by the mutual agreement of the contracting parties can in no way affect the validity of the general principle, especially when the agreement for a change of the guarantors is accompanied with an agreement for the retention of that principle.

The Hay-Pauncefote treaty relieves Great Britain and all other foreign nations using the canal from the duty and obligation growing out of the stipulated guaranty of protection in article 8, and devolves that duty exclusively upon the United States; but it is stipulated that this change in guarantors shall not in any way impair or abridge the general principle of equality therein enunciated. On the contrary, the general principle is to remain intact, indeed, is reaffirmed, not only in the preamble but in article 4, and it is reiterated in the treaty with Panama by which we secured our title to the territory upon

given judicial construction which has never to this day been questioned.

The Circuit Court of the United States in the case of the United States v. Cutler (1 Curtis, U. S. Circuit Rept., at pp. 503 to 515) decided this very question in 1853 and decided it directly contrary to the interpretation now sought to be given it by the Senator from New York and other Senators who have followed his lead. The decision in that case turned upon the meaning of the term "vessels of commerce" in the act of 1850. The act referred to will be found in the Ninth Statute at Large, page 515, and contains the following proviso:

Provided, That flogging in the Navy and on board of vessels of commerce be, and the same hereby is, abolished from and after the passage of this act.

The question involved in that case was whether a whaling vessel was included in the meaning of the words "vessels of commerce" as used in this act, and it was held—that distinguished jurist, Judge Curtis, then a justice of the United States Supreme Court, delivering the opinion—that the term "vessels of commerce" used in that act meant all vessels which are a subject of jurisdiction within the constitutional power of Congress, within its power to regulate commerce with foreign nations and among the several States. "In the strictest sense, therefore," says the court, "such vessels (meaning whaling vessels) are engaged in commerce, and may be called, though it is in legislation a new phrase, 'vessels of commerce.' In this sense," says the judge delivering the opinion, "I shall construe that Congress used the words, intending to embrace all vessels within the commercial power of Congress."

It will be seen that by this decision the court held that the term "vessels of commerce" includes all vessels over which Congress has jurisdiction, both vessels engaged in foreign commerce and vessels engaged in commerce between the States.

THE JURISDICTION OF THE TREATY-MAKING POWER.

The Senator from Louisiana [Mr. RANSDELL], in an elaborate argument, contends that while the Constitution confers upon the treaty-making power certain jurisdiction in the matter of regulating foreign commerce, under the Constitution Congress alone can regulate commerce between the States, and he strenuously contended that the controverted provision of the Hay-Pauncefote treaty is null and void because, he argued, it attempts to regulate interstate commerce, over which Congress, by the Constitution, is given exclusive jurisdiction. If the soundness of the argument of the Senator, with respect to the treaty provisions or stipulations which are alleged to affect interstate commerce, was admitted—and it is not admitted—his argument in this behalf is completely answered by the fact that the Hay-Pauncefote treaty does not in any way attempt to regulate domestic commerce. It does not attempt to fix the rates of tolls charged against vessels of the United States, but it leaves the settlement of that question entirely to the United States. Congress can impose such tolls as it sees fit upon our domestic or over-sea vessels, or it can exempt them altogether if it sees proper. The treaty in no way attempts to interfere with the right of Congress to do as it pleases in this matter. It merely provides that if Congress, in the exercise of its right to regulate these charges, shall decide to impose tolls upon our vessels, it shall impose no greater rate of tolls upon foreign vessels, and if it shall decide to exempt our vessels it shall also exempt foreign vessels from such payment.

The provisions of the Hay-Pauncefote treaty are in this respect the same as those contained in practically all of our treaties of commerce and navigation with respect to the duties and charges of vessels embraced in the terms of those treaties.

Clearly, I submit, the argument of the Senator from Louisiana is without force in its application to the facts in the case under discussion.

OUR COASTWISE TRADE AND NAVIGATION LAWS.

Mr. President, the argument most relied upon by the opponents of repeal is their contention that our coastwise trade is not included in the terms and stipulations of the Hay-Pauncefote treaty, not because it is expressly or impliedly excluded, but because under our navigation laws only domestic vessels are permitted to engage in this trade.

In the consideration of this argument it is important that there should be a clear understanding of the function of the canal in connection with general commerce and of the conditions against which it was sought by that treaty to safeguard such commerce as might seek passage through it.

In the interest of clarity in the presentation I shall make, let me state my understanding of that situation.

The United States was getting ready to undertake the construction of a canal at some point across the Isthmus connecting the two oceans. It was to become a great international interoceanic highway for commerce of all kinds and of all nations. It was, of course, foreseen by all that the United States would impose a charge for the use of the canal which would in the course of time pay the cost of its operation and amortize the capital expended in its construction.

In these conditions two things became of paramount importance to the prospective customers of this waterway represented in this treaty by Great Britain:

First, it was of the utmost importance that all commerce through the canal, without regard to the kind or the character of vessels in which it was carried, or from whence it came or where it was going, should contribute its equitable and pro rata part to this general fund.

Second, it was of still greater importance that there should be no discrimination against citizens of different countries in the conditions and charges imposed for the use of the canal which would abridge or disturb the equal opportunity of competition and intercourse in the markets of the world to which, of right, they were equally entitled; in other words, that the canal should not be made the instrument of revolutionizing and upsetting the established equilibrium of world commerce.

The provisions of the treaty for equality of treatment of vessels and against traffic discrimination must be interpreted in the light of the purposes embraced in these two general propositions—propositions in which the United States as builder, as well as the other nations as customers, were interested.

From this standpoint I propose to consider the argument that the exemption in the act of 1912 of our coastwise trade does not contravene the treaty, because only domestic vessels can engage in that trade under our navigation laws.

The Hay-Pauncefote treaty does not, as does the treaty of 1815—referred to in the Olsen case—differentiate between vessels engaged in different kinds of trade. It refers to vessels only as vehicles of trade. It is directed mainly to traffic. It seeks to put traffic—the commerce—of all countries upon an equal footing with respect to canal charges, and to this end it stipulates that the canal shall be open to vessels of all nations upon terms of entire equality, so that there may be no discrimination in the use of the canal between the citizens of one nation in favor of those of another nation in the conditions or charges of traffic or otherwise.

Therefore the paramount object sought is the protection of those interested in this merchandise, whether as seller or buyer, against discrimination, and any regulation with reference to the vehicles in which this merchandise is conveyed which has the effect of placing a burden upon the merchandise of the citizens of one country from which the citizens of another country are exempt necessarily violates the treaty guaranty of equal treatment.

It is true that no foreign vessel can engage in our coastwise trade. But it is equally true that vessels of practically all countries enjoy unrestricted freedom of trade in any and all ports upon our two coasts. Foreign vessels are just as free to sell their incoming cargoes and to buy their return cargoes of merchandise in the cities of New York or San Francisco as an American coasting vessel. They can not engage in coastal or intercoastal trade, but at every port in the United States the trade in which they are permitted to engage comes in direct competition with the trade in which the American coastwise vessels engage.

Is it not clear under these circumstances, when they both use the canal in reaching their destination, the law which this bill repeals will inevitably work a discrimination against the merchandise in the foreign vessel and in favor of the merchandise in the domestic vessel?

CONCRETE ILLUSTRATION OF DISCRIMINATORY EFFECT OF EXEMPTION.

Let me illustrate with a concrete example which will be of everyday occurrence and which will show the result I have indicated:

When the canal is opened the Pacific coast will buy its coal, let us say, either from Wales or from some Atlantic coast port of the United States. If from Wales, it will have to be transported in a foreign vessel or in an American over-sea vessel which, like a foreign vessel, will be required to pay tolls. If shipped from our Atlantic coast, say Baltimore or Norfolk, it will have to be transported in an American coastwise vessel. Both of these vessels will have to pass through the canal—the one from Wales will pay tolls and the one from Baltimore or Norfolk will pay no tolls. Their cargoes of coal will be sold in San Francisco or some other Pacific port of the United States—the one burdened and the other not burdened with a charge for passing through the canal, at the rate of $1.20 per net registered ton.

This illustration makes it clear that the fact that foreign vessels can not engage in our coastwise trade is immaterial in so far as competition at the place of sale upon the other coast of this country is concerned, and therefore that exemption of our coastwise vessels from tolls will be just as much a discrimination against foreign vessels trading in these ports in coal as would be a similar exemption of our over-sea vessels trading in coal at the same ports.

This is exactly what the statement of the British chargé d'affaires, Mr. A. Mitchell Innes, meant in his letter of July 18, 1912—a detached excerpt of which has been quoted by Senators so as to give it a meaning the very reverse of which the full text imports—when he said: "It appears to my Government that it would be impossible to frame," that is, for the Government of the United States to frame, "regulations which would prevent the exemption" of United States coastwise vessels "from resulting, in fact, in preference to United States shipping and consequently in an infraction of the treaty."

It is exactly what Sir Edward Grey, of the British foreign office, meant in his letter to Mr. Knox, our former Secretary of State, when he said that "coastwise," meaning American coastwise, "trade can not be circumscribed so completely that the benefits conferred upon it will not affect vessels engaged in the foreign trade, and thereby constitute a discrimination in plain contravention of the provisions of the treaty."

But let me give another illustration of the practical workings of this exemption of our coastwise vessels in its discriminatory effect upon vessels in the over-sea trade which not only establishes the point I am now making, but which will at the same time establish one or more other controverted propositions which have been asserted in this discussion.

STATEMENTS OF FACTS WHICH SUPPORT SEVERAL CONTROVERTED CONTENTIONS.

In the hearings before the Interoceanic Canal Committee there appeared some gentlemen from the Pacific coast—from the Oregon and Washington country—who developed strong opposition to the pending bill. They said, among other things, that lumber was a great industry of the section from which they came. This section, they declared, manufactured large quantities of fir pine, much of which was of a low grade, and for which there was no adequate market on the Pacific coast. They wanted to ship this low-grade lumber to the Atlantic coast of the United States, to be sold in competition with like lumber, the product of the Atlantic Coast States, and wished exemption from tolls in part to better enable them to meet this competition. But they said that the manufacture of the same kind and grade of lumber was also one of the chief industries of British Columbia—located just across the border from the State of Washington—with which lumber they would also have to compete in their prospective trade with our Atlantic coast. This Oregon and Washington lumber, they said, would have to be shipped in American coastwise vessels, while the lumber of British Columbia would be shipped in foreign vessels, and they contended that by reason of the lesser cost of construction and operation of these foreign vessels they would be put at a disadvantage in this competition, and they therefore argued if our coastwise vessels were exempt from tolls, while foreign vessels were required to pay tolls, it would tend to equalize this difference in the cost of transportation and, to that extent, the conditions of competition between their lumber and that of British Columbia at our Atlantic ports would be measurably equalized. This character of argument ran through much of the testimony that was presented to the committee.

Is it not apparent that this argument admits several things?

First, it admits that the benefit of the remission of tolls to our coastwise vessels would be appropriated by the owners of these vessels to overcome the lesser operating expenses of their foreign competitors.

Second, it admits that the exemption would be a discrimination against the citizens of British Columbia competing with citizens of our Pacific coast for the lumber trade of the Atlantic ports of the United States.

Third, it admits that a cargo of British Columbia lumber passing through the canal in a foreign vessel and a cargo of Oregon and Washington State lumber passing through the canal in a coastwise vessel would eventually meet upon common ground and be sold in competition, the one with the other, say, in Baltimore, Philadelphia, or New York, to the identical extent that the respective cargoes of two coastwise vessels loaded with lumber, the product of the State of Washington or Oregon, would eventually meet upon common ground and be sold in competition, the one with the other, at these ports of our Atlantic coast.

Could the case of discrimination of the very kind denounced in the treaty be more conclusively established than by the grounds upon which exemption from tolls in this case was advocated and demanded?

SERIOUS SITUATION WITH REFERENCE TO OUR CONTINENTAL NEIGHBORS.

In order to press home the seriousness of the situation with respect to our trade relations, especially with our continental neighbors to the north and to the south, which will inevitably result from the proposed discriminatory canal rates, it is only necessary to contrast the present conditions of transit from coast to coast of this continent with the conditions which will exist when the canal is opened, unless the bill under consideration is passed. Under present conditions the Pacific coast trade of the United States, of Canada, and of South and Central America is upon a basis of absolute equality so far as transit across the continent is concerned, whether that transit be by the Tehuantepec route or by the Panama Railroad or around the Horn. This is true not only with respect to European traffic but it is equally true with respect to the traffic of these Pacific coast countries with the Atlantic ports of the United States.

Under present conditions the Atlantic coast traffic of the United States, of Canada, and of South and Central America with the Orient and the Pacific ports of the United States is likewise upon terms of absolute equality so far as transit across the continent is concerned by either of the three presently available routes.

When the canal is opened, whether that event occurs this year, next year, or later, this situation would be changed and the present conditions of equality will cease.

Does anyone believe that our neighbors to the north and to the south will view with complacency the discriminatory conditions following the opening of the canal which I have described? Does anyone doubt that this discrimination, not only against their commerce but against their vessels, will arouse antagonism? Does anyone doubt it will not only prejudicially affect our present friendly relations with them but will tend to defeat one of the main objects we had in view in the construction of this canal, namely, to further cement our political relations and to extend our trade and commerce with the countries of this hemisphere?

In view of the consequences certain to result from these discriminatory rates, is it not apparent, even if we were under no treaty guaranty of equality, if we were absolutely free and untrammeled to do what we pleased with respect to charges and conditions of traffic through the canal, that a sound and wise public policy, in the interest of peace and amity and of commerce, would dictate that we should not for a small and, to say the least, doubtful, advantage deliberately pursue a course which will inevitably lead to such disastrous consequences to our political and trade relations with our neighbors and friends upon this continent, to say nothing about similar though less acute complications in our commercial and political relations with the other nations of the world?

TAFT'S CONTEMPORANEOUS ACTS AND SUBSEQUENT DECLARATIONS ANALYZED.

Ex-President Taft is cited as a great lawyer who believes we have the right under the treaty to discriminate in favor of our coastwise trade, and his declaration to that effect when he signed the act which it is sought to repeal is referred to as the statement of a great lawyer acting under the heavy responsibility of public duty. Mr. President, I submit that the grounds upon which ex-President Taft based that opinion, as shown both in his contemporaneous act and in his subsequent declarations upon the subject, disclose the fact that he entertained grave doubts as to the soundness of the views he expressed then and is tantamount to an admission of the principle for which those who advocate repeal of that act now contend. If the ex-President had no misgivings as to the correctness of the opinion then expressed, why, then, did he supplement his approval of the canal act of 1912 with a memorandum suggesting the passage of an act by Congress submitting the question of our right to make this discrimination to the Supreme Court of the United States for its advice and decision?

If ex-President Taft had no misgivings as to our rights in the premises, why his emphatic declaration made in his speech at the International Peace Forum in New York January 18, 1913, of his willingness—yes, even his eagerness—to submit this question to the arbitration and settlement of an impartial tribunal?

But infinitely stronger than this recommendation and this speech of the ex-President as showing not only his misgivings but the state of his mind with reference to this question is the basis upon which he fixed the rate of tolls for passage through the canal, namely, assuming the payment of tolls by our coastwise vessels, and the statement made in his Ottawa speech, delivered in January of this year, in support of his contention that with the adjustment of the tolls as fixed in his proclamation the exemption did not contravene the treaty.

In that speech Mr. Taft, speaking to a Canadian audience, said:

Tolls have been fixed on the canal for all the world on the assumption that coastwise traffic is to pay tolls. Our giving it immunity from tolls does not, in our judgment, affect the traffic of other countries in any other way than it would affect it if we voted a subsidy equal to the tolls remitted to our ships.

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ough inspection of locomotive boilers and appurtenances thereto, which was referred to the Committee on Interstate Commerce.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 4180) to validate title to certain town sites in the State of Montana, reported it without amendment and submitted a report (No. 579) thereon.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 3334) authorizing the quitclaiming of the interest of the United States in certain land situated in Hampden County, Mass., reported it without amendment and submitted a report (No. 580) thereon.

INTERNATIONAL TRIBUNAL OF ARBITRATION.

Mr. SUTHERLAND, from the Committee on Foreign Relations, to which was referred Senate resolution 376, requesting the President to open diplomatic negotiations for the settlement of the Panama Canal tolls question by international arbitration, reported it with amendments and submitted a report (No. 581) thereon.

CENTENNIAL CELEBRATION OF STAR-SPANGLED BANNER.

Mr. O'GORMAN. From the Committee on Foreign Relations I report back favorably, without amendment, the joint resolution (S. J. Res. 148) authorizing the President to extend invitations to foreign Governments to participate, through their accredited diplomatic agents to the United States, in the National Star-Spangled Banner Centennial Celebration, and I submit a report (No. 578) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which was read, as follows:

Resolved, etc., That the President be, and he is hereby, authorized to extend invitations to foreign Governments to be represented by their accredited diplomatic agents to the United States at the National Star-Spangled Banner Centennial Celebration to be held at the city of Baltimore, Md., in September, 1914: *Provided*, That no appropriation shall be granted by the United States for expenses of delegates or for other expenses incurred in connection with said invitation.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FLATHEAD INDIAN RESERVATION.

Mr. ASHURST. I ask that the bill (S. 647) to amend an act entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," approved April 23, 1904 (33 Stat. L., p. 302), as amended by the act of March 3, 1909 (35 Stat. L., p. 796), being Order of Business 492 on the calendar, be recommitted to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, the bill will be recommitted to the Committee on Indian Affairs.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRADY:

A bill (S. 5721) granting an increase of pension to Thomas Mullen (with accompanying papers); to the Committee on Pensions.

By Mr. SHAFROTH:

A bill (S. 5722) granting an increase of pension to Isaiah Mitchell; and

A bill (S. 5723) granting an increase of pension to Frederick D. Bailey; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 5724) granting an increase of pension to Ray W. Burkdoll; to the Committee on Pensions.

By Mr. BRISTOW:

A bill (S. 5725) granting an increase of pension to Anna M. Foster (with accompanying papers);

A bill (S. 5726) granting an increase of pension to May O. Jones (with accompanying papers); and

A bill (S. 5727) granting an increase of pension to Arthur E. Strimple; to the Committee on Pensions.

By Mr. WORKS:

A bill (S. 5728) granting an increase of pension to Joseph S. Pray (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5729) granting a pension to William Gehlback (with accompanying papers); to the Committee on Pensions.

By Mr. HUGHES:

A bill (S. 5730) granting a pension to Julia E. Robinson; and

A bill (S. 5731) for the relief of William Cronly; to the Committee on Pensions.

DONATION OF CANNON.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

THE COMMITTEE ON INTEROCEANIC CANALS.

Mr. O'GORMAN submitted the following resolution (S. Res. 385), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the provisions of resolution of April 6, 1914, authorizing the Committee on Interoceanic Canals to employ temporarily a stenographer, be extended for 30 days from the adoption of this resolution.

LIABILITY OF COMMON CARRIERS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day.

The SECRETARY. Senate resolution 384, by Mr. CUMMINS——

Mr. CUMMINS. I ask unanimous consent that we take up Senate bill 4522, it being the bill which was under consideration for a short while yesterday.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Perkins	Stephenson
Brady	Jones	Pittman	Sterling
Brandegee	Kenyon	Pomerene	Thomas
Bristow	Kern	Ransdell	Thompson
Bryan	La Follette	Reed	Thornton
Burton	Lane	Saulsbury	Tillman
Catron	Lea, Tenn.	Shafroth	Walsh
Chamberlain	McCumber	Sheppard	West
Clark, Wyo.	Martine, N. J.	Sherman	White
Crawford	Myers	Simmons	Williams
Cummins	Nelson	Smith, Ariz.	Works
Gallinger	Norris	Smith, Ga.	
Goff	O'Gorman	Smith, Mich.	
Gronna	Page	Smoot	

Mr. WHITE. I wish to announce that my colleague [Mr. RANKHEAD] is unavoidably absent, and that he is paired with the Senator from West Virginia [Mr. GOFF]. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-three Senators have answered to the roll call. There is a quorum present. The pending amendment is the amendment offered by the Senator from Georgia [Mr. SMITH].

Mr. CUMMINS. I am informed that the Senator from Missouri [Mr. REED] has an amendment which he desires to present and he wishes a little further time to prepare it. Therefore I am willing that the bill shall be laid aside, and I give notice that to-morrow morning at the close of the routine business I shall again ask for unanimous consent to consider it.

Mr. SMITH of Georgia. I hope the Senator from Missouri [Mr. REED] and I can agree with the Senator from Iowa [Mr. CUMMINS] as to whether certain amendments which each of us has suggested are necessary. I am disposed now to believe that the one I suggested is not necessary. I should like to look at the authorities called to my attention by the Senator from Iowa, and I believe we can speed the measure. I think that my amendment will probably be out of the way to-morrow. I will confer with the Senator from Missouri and I hope he will confer with the Senator from Iowa, and possibly we may eliminate any further discussion and be able to take up the bill to-morrow and vote upon it to-morrow——

Mr. CUMMINS. I hope so.

Mr. SMITH of Georgia. Because we are both just as warmly in favor of the measure as is the Senator from Iowa.

Mr. CUMMINS. I have no other desire save to secure speedy action on the bill, and I suggest that course. I do not know just what motion I ought to make or what consent I ought to ask in order to accomplish it.

Mr. SHEPPARD. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I yield.

Mr. SHEPPARD. I have a few amendments which I desire to offer to this bill, but I can offer them to-morrow as well as to-day.

Mr. CUMMINS. Mr. President, in order to get what I want before the Senate, I ask unanimous consent that to-morrow morning immediately after the conclusion of the routine morning business the bill be taken up for consideration.

Mr. SMITH of Georgia. That would require a roll call under the rules before we could vote on it. I do not believe the unanimous consent would be now given, but I believe it will be given to-morrow morning. If we can work it out so that the bill can be disposed of in an hour, I am sure that there will be no one on this side who will not join with the Senator from Iowa.

Mr. CUMMINS. I am quite willing to accept the suggestion of the Senator from Georgia; and, with that understanding, the unanimous consent I asked for a moment ago may be vacated, if that can be done.

The VICE PRESIDENT. By unanimous consent the bill will go back to the calendar.

Mr. CUMMINS. Very well.

Mr. POMERENE. I desire to give notice of an amendment intended to be proposed by me to the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the amendment was ordered to lie on the table and to be printed in the RECORD, as follows:

On line 12, page 5, strike out the words "to such property caused by it or by" and insert in lieu thereof the words "occurring to such property while in its possession, or under its care, or while in the possession or under the care of."

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, I ask unanimous consent that the Panama Canal tolls bill be laid before the Senate, so that the Senator from North Carolina [Mr. SIMMONS] may address himself to it.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. SHAFROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	Oliver	Stephenson
Borah	James	Page	Sutherland
Brady	Kern	Perkins	Swanson
Brandegee	La Follette	Ransdell	Thomas
Bristow	Lane	Reed	Thompson
Catron	Lea, Tenn.	Root	Thornton
Chamberlain	Lee, Md.	Shafroth	Vardaman
Chilton	Lippitt	Sheppard	Walsh
Colt	McCumber	Shively	Weeks
Crawford	McLean	Simmons	West
Cummins	Martin, Va.	Smith, Ariz.	White
Gallinger	Martine, N. J.	Smith, Ga.	Williams
Goff	Nelson	Smith, Md.	Works
Gore	Newlands	Smith, Mich.	
Gronna	Norris	Smith, S. C.	
Hitchcock	O'Gorman	Smoot	

Mr. KERN. I desire to announce the unavoidable absence, on official business, of the Senator from Delaware [Mr. SAULSBURY] and the junior Senator from Ohio [Mr. POMERENE].

I also desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE], the junior Senator from Arkansas [Mr. ROBINSON], the junior Senator from New Hampshire [Mr. HOLLIS], the senior Senator from Texas [Mr. CULBERSON], the senior Senator from Florida [Mr. FLETCHER], the senior Senator from North Carolina [Mr. OVERMAN], and the senior Senator from Maine [Mr. JOHNSON], all of whom are paired. This announcement may stand for the day.

Mr. CHILTON. I wish to announce the unavoidable absence of the Senator from New Mexico [Mr. FALL]. He is paired with me.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate. I understand that he is paired to-day with the junior Senator from Florida [Mr. BRYAN]. I make this announcement to stand for the day.

The PRESIDING OFFICER. Sixty Senators have answered to their names. A quorum is present. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, I dislike very much to interfere with the notice given by the Senator from Mississippi [Mr. VARDAMAN]. That Senator, however, is not here, and we have given notice that we would desire, beginning with to-day, that the bill be constantly kept before the Senate. Inasmuch as no other Senator is ready to proceed, I shall do so myself.

Mr. President, following the example set by the distinguished Senator from New York [Mr. O'GORMAN], who opened this debate against repeal, and of other Senators who have reduced their remarks to writing and read them to the Senate, I ask my colleagues to refrain from interruption while I am proceeding with my statement.

Mr. President, the opponents of repeal rely upon the decision of the Supreme Court of the United States in the case of Olsen against Smith as an authority for their contention that the exemption of our coastwise trade through the canal from tolls does not entitle other nations to claim like exemption for their vessels. I deny that there is any analogy between that case and the one now under discussion.

If the question presented in the Olsen case had been the question here presented, the jurisdiction of the Supreme Court would have been, to say the least, questionable; and a decision without jurisdiction is mere dictum. If a case of this sort was justiciable by the Supreme Court, we would not have the proposal of both ex-President Taft and the learned Senator from Montana—himself a great lawyer—to confer by congressional action jurisdiction upon that court to hear and decide the controversy here involved. But if the question here involved were justiciable by that court, and if that court had decided it in an analogous case in favor of the contention now made, Great Britain would not be any more bound by that decision than we would be bound by a decision to the contrary by the court of last resort of Great Britain.

But, putting aside this technical objection, the two cases upon their merits are in no important particular alike. The clause of the treaty referred to in the Olsen case, and so often quoted in this discussion, applies to ships and not to traffic, as does the provision in the Hay-Pauncefote treaty now under discussion. That this clause in the treaty of 1815 applies only to vessels and not to traffic, appears not only from the language of the clause itself, but from the circumstance that the terms and condition of traffic between the two countries are prescribed in an altogether different clause from the one relating to vessels.

But, independently of these facts, it is obvious that only oversea vessels were intended to be embraced, or could, in the nature of things, be embraced, in the clause quoted in the Olsen case, because, by the plain language of that treaty, the reciprocal commerce in which these vessels were to be engaged is confined to "commerce between the territories of the United States of America and all the territories of Great Britain in Europe." As trade between territories separated by an ocean must of necessity be carried in over-sea vessels, it is clear that only oversea traffic was contemplated.

That coastwise vessels were not included in that clause is further evidenced by the fact that at the close of the article containing the clause with respect to vessels there is a separate clause which deals with commerce between the United States and the West Indies and Canada—dependencies of Great Britain—which expressly provides that with respect to such intercourse "each party to the contract should remain in the complete possession of its rights."

In further corroboration of this construction, there is also a provision in a subsequent article of that treaty with respect to commercial intercourse between the United States and the territories of Great Britain in the East Indies which expressly excludes the vessels of the one country from engaging in the coastwise traffic of the territories and possessions of the other.

Comparing the provisions of the treaty of 1815, upon which the Olsen case was decided, with the provisions of the Hay-Pauncefote treaty, involved in this controversy, it is impossible to escape the conclusion reached with respect to this matter by ex-Secretary of State Richard Olney, one of America's greatest lawyers, when he expressed the positive opinion that "there was no analogy or resemblance between the two cases."

"VESSELS OF COMMERCE."

It has been contended by some Senators that the phrase "vessels of commerce," used in this treaty, is a purely technical phrase, and in legal intendment means not vessels engaged in general commerce, but only vessels engaged in foreign trade. The junior Senator from New York, who raised this contention, based it upon the authority of a few lines from an English law dictionary and a clipping from an English newspaper.

Mr. President, the phrase "vessels of commerce" was incorporated in our statutory law over 60 years ago and has been

50 members of the First Congregational Church of Dighton; 90 members of the First Universalist Church, 162 members of Central Methodist Episcopal Church, 156 members of the Woman's Christian Temperance Union, and 51 members of Winslow Publishing Co., all of Taunton, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

Also, petition of Albert Reed and 1,992 others of Fall River, and Joseph Taylor and 263 others of Taunton, all in the State of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. HAY: Petition of 200 citizens of Bridgewater, Va., favoring national prohibition; to the Committee on Rules.

By Mr. HOWELL: Petition of Kahn Bros. Co., W. S Henderson Wholesale Co., Symns Utah Grocer Co., Anderson-Taylor Co., and other firms of Salt Lake City, Utah, favoring the passage of House bill 13305, the Stevens bill; to the Committee on Interstate and Foreign Commerce.

Also, petitions from certain citizens of Price and Eureka, Utah, protesting against national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Rhode Island State Federation of Women's Clubs, against further acquisition by the United States of foreign territory; to the Committee on Foreign Affairs.

Also, petition of Warfield-Pratt-Howell Co., of Sioux City, Iowa, favoring passage of House bill 15988, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KIESS of Pennsylvania: Petition from sundry citizens of the fifteenth congressional district of Pennsylvania, favoring the Hobson prohibition amendment; to the Committee on Rules.

By Mr. LOBECK: Petition of 25 citizens of Omaha, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petition of 27 citizens of Douglas County, Nebr., against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Fred Goetz, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View and Lincoln, Nebr., favoring national prohibition; to the Committee on Rules.

By Mr. MERRITT: Petition of 150 citizens of Plattsburg, N. Y., and 125 citizens of Keeseville, N. Y., favoring national prohibition; to the Committee on Rules.

Also, petition of the Musicians' Mutual Protective Union, Local No. 6, San Francisco, Cal., against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protests of Gail Harrington and 7 other women voters; Joseph T. Sager and 49 other citizens; William B. Travers and 36 other citizens; John Hughes and 49 other citizens; G. C. Gunther and 56 other citizens; and John J. Brogan and 41 other citizens, all of San Francisco, Cal., against the passage of the Hobson nation-wide prohibition resolution; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Petitions of sundry citizens of Fitchburg and Gardner, Mass., favoring national prohibition; to the Committee on Rules.

Also, petitions of various business men of Fitchburg, Clinton, Webster, Oxford, North Brookfield, Brookfield, Warren, West Warren, and Thorndike, all in the State of Massachusetts, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petition of Allison C. Hinds, of Orange, Mass., protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Memorial of the Methodist Episcopal Church of Griggsville, Ill., protesting against polygamy in the United States; to the Committee on the Judiciary.

Also, petition of W. M. Potts and 17 other citizens of White Hall, Ill., favoring national prohibition; to the Committee on Rules.

Also, petition of 23 citizens of Boardstown, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. J. M. C. SMITH: Petition of 295 citizens of Battle Creek, Mich., favoring national prohibition; to the Committee on Rules.

Also, petition representing 18,000 club women of Michigan, against acquiring land in Mexico by conquest; to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of 75 citizens of Bald Eagle Lake, Minn., and 31 citizens of St. Paul, Minn., favoring national prohibition; to the Committee on Rules.

By Mr. TAVENNER: Petition of E. Siever, of Keithsburg, Ill., favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of John H. Nelson and 12 others, of New Castle; R. Frank McGowan and 21 others, of Beaver Falls; and sundry citizens of New Castle, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. THACHER: Petition of sundry citizens of Massachusetts, relative to national prohibition constitutional amendment; to the Committee on Rules.

By Mr. VOLLMER: Petitions signed by P. W. Knapp and 54 others, protesting against House joint resolution 168 and Senate joint resolutions 88 and 50 and all other prohibition measures introduced in Congress; to the Committee on Rules.

By Mr. WINGO: Petition of sundry citizens of Magazine, Ark., favoring Federal censorship of motion pictures; to the Committee on Education.

SENATE.

WEDNESDAY, *June 3, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we seek Thee, we trust, with true hearts, that our inward life may be brought into conformity with Thy will. By Thy grace may we be enabled to understand the things that we see. By Thy guidance may our wills be brought into harmony with Thy will, our consciences with Thy law, and our hearts with Thy love, so that our lives may be God-centered and may be expressive of God's will in the world. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISPOSITION OF USELESS PAPERS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting schedules of useless papers in the office of the Auditor for the Navy Department, the offices of collectors of internal revenue, and in the office of the collector of customs, Duluth, Minn., which are not needed in the transaction of the public business and have no historical value. The communication and accompanying papers will be referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, and the Chair appoints the Senator from Vermont [Mr. PAGE] and the Senator from Oregon [Mr. LANE] members of the committee on the part of the Senate. The Secretary will notify the House of Representatives of the appointment thereof.

IMPORTATION OF CONVICT-MADE GOODS.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, which will be read.

The Secretary read as follows:

TREASURY DEPARTMENT,
Washington, June 2, 1914.

The PRESIDENT OF THE SENATE.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate of May 23, 1914, directing me to furnish to the Senate a detailed statement indicating all commodities the importation of which would be affected by H. R. 14330, now pending in the Senate.

This department is not now in possession of sufficient information as to prison labor to furnish the Senate with the information desired.

I shall at once take steps to secure the information and will furnish it to the Senate at as early a date as practicable.

Respectfully,

C. S. HAMLIN, *Acting Secretary.*

The VICE PRESIDENT. The communication will lie on the table for the present.

RETURN OF CASES TO COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, requesting, by order of the court, the return of the case of William A. Watkins, deceased, against the United States, which case was certified to the Senate December 19, 1913, as being dismissed for nonprosecution, which was referred to the Committee on Claims and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, requesting, by order of the court, the return of the case of John R. McGinniss against the United States and of the case of Minor Knowlton, deceased,

against the United States, which cases were recently certified to the Senate for nonprosecution, which were referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Fosterburg, Brighton, and Indianola, in the State of Illinois; of Rochester, Carmichaels, Juniata, and Callery, in the State of Pennsylvania; of Dayton, Ohio; of Hightstown, N. J.; of Truxton, Mo.; of Wheeling, W. Va.; and of Milo, Iowa, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of St. Paul, Minneapolis, Owatonna, and Duluth, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Minneapolis, Motley, Owatonna, Pine Island, and Beardsley, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Evansville, of the Minnesota Woman Suffrage Association, and of sundry citizens of St. Paul and Duluth, all in the State of Minnesota, praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which were ordered to lie on the table.

Mr. BRANDEGEE presented resolutions adopted by the Young People's Society of Christian Endeavor and of the Woman's Christian Temperance Union of Goshen, Conn., favoring the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. BRADY presented memorials of I. P. Bailey and 27 other citizens of Bonner County, Idaho, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Page County and Davis County, in the State of Iowa, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the Congregational Conference of Iowa and of the Oskaloosa Friends Meeting, of Iowa, praying for the employment of peace methods to the very limit of their effectiveness in the Mexican situation, which were referred to the Committee on Foreign Relations.

Mr. THORNTON presented a memorial of Local Union No. 215, Woman's International Union Label League, and Trades Union Auxiliary, of Shreveport, La., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. SHIVELY presented petitions of Lee Burkman, I. E. Elliott, W. J. Schult, and A. Hunsuth, of Elkhart, Ind., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of Harry F. Peats, Leslie Wright, Harry Jones, Luigi Gill, John Cinotto, Joe Hervath, and 94 other citizens of Indianapolis, Fort Wayne, Terre Haute, Vincennes, Clinton, and Marion, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Common Council of Michigan City, Ind., praying for the enactment of legislation to grant pensions to certain civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. BRISTOW presented a petition of sundry citizens of Burlington, Kans., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. MYERS presented a memorial of Federal Labor Union, No. 12648, of Helena, Mont., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. ROOT presented petitions of sundry citizens of Brooklyn, New York City, Buffalo, Syracuse, and Albany, all in the State of New York, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New York City, Yonkers, Brooklyn, Auburn, Buffalo, Newburgh, and Prospect, all in the State of New York, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of the presidents of sundry trust companies of Brooklyn, N. Y., praying for the enactment of legislation permitting the deposit of postal savings funds in qualified banks, whether or not they are members of the Federal reserve system, which were referred to the Committee on Banking and Currency.

He also presented a petition of sundry citizens of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Troy, N. Y., praying for the enactment of legislation to provide for the purchase of the Chesapeake & Delaware Canal by the Federal Government, which was referred to the Committee on Commerce.

He also presented a petition of Local Union No. 2, Woman's Christian Temperance Union, of Syracuse, N. Y., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. WEEKS presented a memorial of the New England Shoe & Leather Association, remonstrating against the passage of the so-called interstate trade commission bill, which was referred to the Committee on Interstate Commerce.

Mr. CHAMBERLAIN presented a petition of sundry citizens of Oregon, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a petition of sundry citizens of Oregon, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Oregon, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented petitions of the Woman's Home Missionary Society of New Haven; of the First Methodist Church of New Haven; of the Bridgeport Pastors' Association, of Bridgeport; and of sundry citizens of Rockville and Waterbury, all in the State of Connecticut, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Middletown, Conn., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. DU PONT presented memorials of sundry citizens of Wilmington, Del., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Dover, Del., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of South Paris, Howland, Woolwich, and Byron, all in the State of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. TOWNSEND presented petitions of sundry citizens of Cass County, Petoskey, Lapeer, Spring Arbor, South Haven, Detroit, Allegan, Wolverine, Calumet, and Battle Creek, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Isabella, Sault Ste. Marie, Detroit, Escanaba, Rapid River, Grand Haven, Watson, Cornell, Gladstone, Ann Arbor, East Saginaw, and Kalamazoo, all in the State of Michigan, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Limecreek Grange, Patrons of Husbandry of Michigan, praying for the Government ownership of telephone and telegraph lines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Central City Lodge, No. 95, International Association of Machinists, of Jackson, Mich., praying for the enactment of legislation to provide a more thor-

Republicans on our committee were fit types of the Republican Party it would stand much higher in the estimation of the

neglect to notice the fact that the Progressives are represented here.

may take the vessel safely through, according to the time-tried

adjourn.

The motion was agreed to; accordingly (at 11 o'clock p. m.) the House adjourned until to-morrow, Wednesday, June 3, 1914, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 16476) authorizing the Secretary of the Interior to issue patent to the city of Susanville, in Lassen County, Cal., for certain lands, and for other purposes, reported the same with amendment, accompanied by a report (No. 740), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

My HAY, from the Committee on Military Affairs, to which was referred the bill (H. R. 13923) authorizing and directing the Secretary of War to appoint a commission to designate, define, and survey the battle field of the Crater, at Petersburg, Va., and to collect certain data concerning the same and make report thereupon, reported the same with amendment, accompanied by a report (No. 744), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. ASHBROOK, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 4182) to authorize the installation of mail chutes in the public building at Cleveland, Ohio, and to appropriate money therefor, reported the same with amendment, accompanied by a report (No. 745), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16579) to authorize the construction of a bridge across St. John River at Fort Kent, Me., reported the same with amendment, accompanied by a report (No. 756), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 16350) to authorize the construction of a bridge across the Sabine River, in the States of Louisiana and Texas, about 2 miles west of Hunter, La., reported the same with amendment, accompanied by a report (No. 757), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16172) to give the consent of Congress to the construction of a bridge across the Mississippi River at or near New Orleans, La., reported the same with amendment, accompanied by a report (No. 758), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 13123) for the relief of Charles H. Rayfield, alias Charles H. Czarnowsky, reported the same without amendment, accompanied by a report (No. 741), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Arkansas, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 16431) to validate the homestead entry of William H. Miller, reported the same without amendment, accompanied by a report (No. 742), which said bill and report were referred to the Private Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 16296) to provide for issuing patents for public lands claimed under the homestead laws by deserted wives, reported the same with amendment, accompanied by a report (No. 743), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 6196) for the relief of Rittenhouse Moore, reported the same with amendment, accompanied by a report (No. 746), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16063) for the relief of the United States Drainage & Irrigation Co., reported the same with amendment, accompanied by a report (No. 747), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13167) for the relief of the legal representatives of the estate of Robert B. Pearce, reported the same without amendment, accompanied by a report (No. 748), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 13965) to refund to the Sparrow Gravely Tobacco Co. the sum of $173.52, with penalty and interest, the same having been erroneously paid by them to the Government of the United States, reported the same with amendment, accompanied by a report (No. 749), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 2703) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors, for surveying Yosemite Park boundary, reported the same with amendment, accompanied by a report (No. 750), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 16163) for the relief of Theodore Bagge, reported the same with amendment, accompanied by a report (No. 751), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 13108) for the relief of George H. Hammond, reported the same with amendment, accompanied by a report (No. 752), which said bill and report were referred to the Private Calendar.

Mr. EDMONDS, from the Committee on Claims, to which was referred the bill (H. R. 13569) providing for the refund to the Colonial Realty Co. certain corporation tax paid in excess, reported the same without amendment, accompanied by a report (No. 753), which said bill and report were referred to the Private Calendar.

Mr. STEPHENS of Mississippi, from the Committee on Claims, to which was referred the bill (H. R. 2978) for the relief of the estate of Thomas F. Swafford, deceased, late of the State of Louisiana, for carrying United States mail on route No. 8263, in the State of Louisiana, during the period from January 1, 1861, to May 31, 1861, reported the same without amendment, accompanied by a report (No. 754), which said bill and report were referred to the Private Calendar.

Mr. McKELLAR, from the Committee on Military Affairs, to which was referred the bill (H. R. 3586) granting an honorable discharge to Francis Tomlinson, reported the same with amendment, accompanied by a report (No. 755), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McCLELLAN: A bill (H. R. 16991) to amend the act of March 3, 1885, entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States"; to the Committee on Claims.

By Mr. STOUT: A bill (H. R. 16992) for the purchase of a site and the erection thereon of a public building at Glendive, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. LANGLEY: A bill (H. R. 17005) authorizing the fiscal court of Pike County, Ky., to construct a bridge across Tug Fork of the Big Sandy River, at or near Williamson, W. Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 272) authorizing direct review by the Supreme Court of judgments and decrees of the district court for the eastern district of Oklahoma in certain cases involving title to Indian allotments; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16993) granting a pension to Gertrude Schwoerer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16994) granting an increase of pension to Rosanna Myers; to the Committee on Invalid Pensions.

By Mr. BLACKMON: A bill (H. R. 16995) granting an increase of pension to Sallie F. Sheffield; to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 16996) granting an increase of pension to George Lewis; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 16997) granting a pension to Theodore A. Melter; to the Committee on Pensions.

By Mr. GRAY: A bill (H. R. 16998) granting an increase of pension to Electa Henderson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16999) granting an increase of pension to Sarah E. Parish; to the Committee on Invalid Pensions.

By Mr. HINEBAUGH: A bill (H. R. 17000) granting a pension to Frank Trs; to the Committee on Pensions.

By Mr. LOBECK: A bill (H. R. 17001) granting an increase of pension to Albert Kneller; to the Committee on Invalid Pensions.

By Mr. TEMPLE: A bill (H. R. 17002) granting an increase of pension to Marshall Cox; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17003) granting an increase of pension to Delilah Kirker; to the Committee on Invalid Pensions.

By Mr. VOLLMER: A bill (H. R. 17004) for the relief of S. L. Burgard; to the Committee on Claims.

By Mr. FARR: A bill (H. R. 17005) granting a pension to William Bowen; to the Committee on Pensions.

Also, a bill (H. R. 17007) granting a pension to Harry A. Caskey; to the Committee on Pensions.

Also, a bill (H. R. 17008) granting a pension to Henry Graf; to the Committee on Pensions.

Also, a bill (H. R. 17009) granting an increase of pension to George Hudson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17010) granting an increase of pension to Eliza A. Scull; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petitions of the Woman's Christian Temperance Union, 1,000 members, and the Wesley Chapel, Methodist Episcopal Church, 300 members, of Washington, D. C., favoring national prohibition; to the Committee on Rules.

Also (by request), resolutions of certain citizens of Oakland, Cal.; Mount Chestnut, Pa.; Pleasant Hill, Ill.; Beaver Falls, Pa.; Prospect, Pa.; Claysville, Pa.; Elgin, Oreg.; Slatington, Pa.; Baltimore, Md.; Eagleville, Pa.; and Stafford, Kans., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. BARTHOLDT: Petitions of 5 citizens of Franklin County, Mo., and 50 citizens of St. Louis County, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Wayne Manufacturing Co., the Charles Schultes Brass Works, the Bowman-Blackman Machine Tool Co., the N. O. Nelson Manufacturing Co., the John B. Schmidt Sign Co., the Scullin-Gallagher Iron & Steel Co., the Robert Jacob Engine & Machine Co., the Randolph Press Printing Co., the F. E. Schoenberg Manufacturing Co., the American Mineral Water Co., the Central Telephone & Electric Co., the National Ammonia Co., the West St. Louis Machine & Tool Co., the Lambert-Deacon-Hull Printing Co., and Cigar Makers' Union No. 44, all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Teamsters' Joint Council of St. Louis and Vicinity, No. 13; the St. Louis Stewards' Club; the Mercantile Trust Co.; St. Louis Brewery Engineers, No. 246; the Missouri Paint & Varnish Co.; the Hunkins-Willis Lime & Cement Co.; the A. Gilbert & Sons Brass Foundry Co.; the Modern Typewriter Supply Co.; the Coopers' International Union; and the Westinghouse Air Brake Co., all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petitions of the Skinski-Arbeiter Printing Co., the Krenning-Westermann China Co., the Day Rubber Co., the Hammer Dry Plate Co., the Charles E. Gottermann Printing Co., the Abel & Gerhard Plumbing Co., the Oscar R. Witte Insurance Co., and the Schurk Iron Works, all of St. Louis, Mo., and the Milwaukee Malting Co., of Milwaukee, Wis., against national prohibition; to the Committee on Rules.

Also, petitions of the Continental Portland Cement Co., the Hesse Envelope & Lithographing Co., the St. Louis Lumber Co., the Harmonie Saengerbund, the Skinski-Arbeiter Printing Co., the West Disinfecting Co., the Peter Hauptmann Tobacco Co., the Western Valve Co., the Alvis Aufrichtig Copper & Sheet Iron Works, and the Steinvender-Stoffregen Coffee Co., all of St. Louis, Mo., and the Crown Cork & Seal Co., of Baltimore, Md., against national prohibition; to the Committee on Rules.

By Mr. BEAKES: Telegrams of 93 citizens of the second district of Michigan, protesting against national prohibition; to the Committee on Rules.

Also, petitions of the Seventh-day Adventist Church of Detroit; the Sabbath School of the Methodist Episcopal Church of Petersburg; a union meeting of 400 people held at Monroe; and 50 citizens of Detroit, all of the State of Michigan, in favor of national prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of 645 citizens of Tyrone, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. CALDER: Petition of sundry citizens of New York, favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Edward G. Hauck, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Mr. DANFORTH: Petitions of Miss Ethie E. Crouch and 35 others, of Medina, and of Rev. R. C. Grames and 9 others, of Springwater and vicinity, all in the State of New York, favoring national prohibition; to the Committee on Rules.

Also, petition of John C. Holmes and 123 others, of Batavia, N. Y., favoring the passage of House bill 14895, to create a new division of the Bureau of Education to be known as the Federal motion picture commission, and defining its powers and duties; to the Committee on Education.

By Mr. DAVIS: Petition of the Methodist Episcopal Church of Northfield, Minn., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. DYER: Petition of Peter Jones, C. B. Smith, Joseph P. Egan, David McNulty, H. Sweeney, Thomas Kelly, Joe Gelmer, Louis Powers, J. A. Buhl, J. H. Braun, Joseph Krebs, Arthur Schaefer, and Henry L. Hunter, against national prohibition; to the Committee on Rules.

Also, petitions of the St. Louis Gallaudet Union, and of the Missouri Association of the Deaf, favoring the passage of House bill 15317, to create a bureau for deaf and dumb in the Department of Labor; to the Committee on Public Buildings and Grounds.

By Mr. FERGUSSON: Petition of the National Woman's Christian Temperance Union, signed by Mrs. Eloisa Luna Bergere, Mrs. M. H. Byrd, and Miss Katherine Patterson, praying for the passage of the Hobson prohibition amendment; to the Committee on Rules.

Also, petition of John A. Logan Circle, No. 1, Ladies of the Grand Army of the Republic, of Albuquerque, N. Mex., protesting against any change in the American flag; to the Committee on the Judiciary.

Also, petition of the Ministerial Alliance of Las Cruces, N. Mex., by C. K. Campbell, Thomas A. Mitchell, and H. F. Vermillion, favoring national prohibition; to the Committee on Rules.

By Mr. FITZGERALD: Petitions of John Connolly, John Kellerman, John F. Appleby, Walter F. Smith, Edward Cranny, Harry M. Snyder, John M. James, William F. Powers, Peter Loom, John Mulligan, all of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. GARNER: Petitions of 5,132 citizens of Beeville district, Bee County; 189 citizens of Corpus Christi; and sundry citizens of Normanna, all in the State of Texas, favoring national prohibition; to the Committee on Rules.

By Mr. GRAY: Papers to accompany House bill 16664, for relief of Maria A. Endsley; to the Committee on Invalid Pensions.

Also, papers to accompany a bill for relief of Electa Henderson; to the Committee on Invalid Pensions.

By Mr. GREENE of Massachusetts: Petitions of the Liquor Dealers' Association, the Bartenders' Association, and sundry citizens of Fall River; the Hathaway Advertising Co., the Washington Social and Musical Club, the Workingmen's Improvement Society, Smith Bros., Theophile Lebeau, and sundry citizens of New Bedford, all in the State of Massachusetts, against national prohibition; to the Committee on Rules.

Also, petitions of 25 members of the Pacific Union Church; 120 members of the Sunday school and 38 members of Friend Church, all of Westport; 57 members of the Methodist Episcopal Church and Sunday school of Westport Point; 40 members of the Christian Endeavor Society of South Westport and 684 members of Sunday school; 1,075 members of the churches of Fall River; 100 members of the Methodist Episcopal Church of Hebronville; 8 members of Maurich Farms, of Lakeville; 40 members of Guild Memorial Church, of North Attleboro; 24 members of the First Evangelical Church of Westport Factory; 200 members of the Woman's Christian Temperance Union and Frederick W. Lincoln and Wesley R. Canfield, of Attleboro;

unfair presentation from a partisan standpoint of matters transpiring here and in the Nation by the gentleman from Ohio [Mr.

the world over, and there is in certain lines of industry a depression in business. It is more imaginary than real, due to

the payment of an income tax commenced to pay long before such abuses.

First. Outlaw all persons and corporations operating purposely in the undue restraint of trade to the detriment of the people, and having in mind the destruction of competition to the end that harvests may be reaped where not sown.

Second. Provide the machinery to obtain the facts, and then, with an honest administration, results will be achieved.

I stand ready now to support any proposition that will compel fair and honest competition between American business men, giving each in his sphere a fair opportunity to pit his genius and ability against that of every other man. I am not opposed nor ever have been to honest "big business," where the "big business" has been established by honest efforts and the efficiency of the men in control of the "big business," for I realize that in "big business" there is economy, and when honestly operated the masses of the people are benefited in the lower price of the product produced through the greater efficiency and economy of a large organization.

However, I am unalterably opposed to the forcing out of the man doing the smaller business by any other than the natural laws of trade and business efficiency. He should have his opportunity, and then it is up to him to make good. I wish to say, further, that while I am in favor of laws regulating the conduct of our American business men among themselves I am also in favor of giving them a square deal. It is not unjust to require honesty and fair dealing on the part of American business men, but it is absolutely unfair and unjust to hedge them about with laws and regulations for the protection of the masses of the American people, and at the same time enact a tariff law that will permit the unfair competition of the business man across the sea, over whom we have no jurisdiction and who, with his cheaply paid labor, including women and children, becomes at once an unfair competitor, and who sooner or later will destroy American business. I would regulate the conduct of our own business men and at the same time I would, by our revenue laws, say to the foreign business competitor, we have certain regulations in this country governing the conduct of business; we prevent the employment of children; we require proper sanitary regulations; we pay our workmen a living wage; our business men are taxed heavily to support our Government, and before you can come in and rob him of his market and the workman of his opportunity, you must lay down in form of a license a sufficient revenue to at least put you on an equality with him, before you are permitted to dump your cheap labor-made goods into our channels of trade.

To my mind, gentlemen of the committee, this is not only just but it is wise. I want to say also in relation to the amendments proposed to the section of this bill dealing with labor that I have never felt that the only way to benefit the workingman was to place him in a class by himself and exempt him from some of the laws of the land in which he lives, but I would protect him further as I endeavored to do a short time ago by my vote on the immigration bill, by saying to him who would come from a foreign land, you shall not come into this country of ours and take from the American laboring man his place in the industrial world at a lower wage. In this way I would protect him against unjust and unfair competition, and this is the character of protection the American workingman desires and should have.

In connection with the proposed amendments relating to the farmer I have but a word. It was my good fortune to be born and reared on an Illinois farm. And I am sure if the law is made effective on those who would take undue advantage of the farmer no complaint would be heard from him. It is not the desire of farmers to establish monopolies or combinations for the purpose of extorting unreasonable prices for their products from the consumer, but all they ask is a fair opportunity and protection from illegal combinations with whom they may be compelled to deal, and the further privilege of enjoying the home market, which, I am sorry to say, is now thrown open to all the world, and sooner or later, unless the law is changed, the American farmer will suffer serious injury from the competition of foreign agricultural products in our market. [Applause.]

Mr. ADAMSON. Mr. Chairman, touching the reference the gentleman made to partisanship, I wish to assure him that on our committee we treat Republicans just like they were as good as we are, and that or some other cause has made them powerful good men. If all Republicans were as good as they, they would not receive so much abuse from the third party and from the Democratic Party or from the people. [Laughter.]

But I tell you that if old man FRED. STEVENS and the other Republicans on our committee were fit types of the Republican Party it would stand much higher in the estimation of the people than it does. [Applause.] That is all I want to say in behalf of our committee.

Mr. STEVENS of Minnesota. Mr. Chairman, I hope that will not be charged to the time controlled by the gentleman from Georgia. [Applause.]

Mr. ADAMSON. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. VOLLMER].

The CHAIRMAN. The gentleman from Iowa [Mr. VOLLMER] is recognized for 15 minutes.

Mr. VOLLMER. Mr. Chairman, the countless generations who have enjoyed the verse of the blind bard of ancient Greece have found therein no more delightful story than that of Ulysses and his wanderings after the fall of Troy and the many trials imposed upon him by the wrath of the Olympian gods. In that story there is no more thrilling chapter than the account of how he had to steer his little bark through a narrow strait between two terrible monsters, one called Scylla and the other Charybdis.

That exploit, however, was no more difficult to perform than is the task forced on the statesmen of this country to-day by the conditions produced by the stupendous and abnormal development—industrial, financial, and commercial—of recent years. For the question which is now propounded "by the Sphynx of fate to our advancing civilization and which not to answer means to be destroyed" is this: How can you guide our ship of state safely between plutocracy on the one hand and state socialism on the other? For the optimist who believes, or wishes to believe, that it can be done successfully, no more reassuring thought can come at the present moment than that there is now at the helm of that precious craft, freighted as she is with all the hopes of humanity, a man who more nearly than almost any Chief Executive this country has ever had, in subtle, profound, and all-encompassing intellectuality, resembles the mythological hero of ancient Ithaca as Homer paints him. [Applause.]

I know that in some quarters latterly it has become the fashion to sneer at Woodrow Wilson. His great heart has been sorely wounded by it, though in the nature of the case he has not been as directly and personally and continuously exposed to it as we on this floor who believe in him and who almost every day for months of the session have had to take the gaff of carping and unjust criticism, of malevolent innuendo, and of vitriolic vituperation directed at him, his administration, and our party. And when you consider it rightly and think of the source of these vicious and unceasing attacks and see them poured out on that devoted head in increasing volume in connection with the very subject now under discussion, one hardly knows whether to weep or to laugh, or to be consumed in sheer amazement at the unblushing audacity, the marvelous nerve, the sheer effrontery, the triple-plated, brazen cheek frequently displayed in the proceeding. For who are they that are making these assaults? Are they not the sole surviving representatives of the party whose policies have produced the exceedingly grave condition in which the country now finds itself? Are they not the people who for many years entered into unholy compact with the great special interests and in return for campaign contributions and political support conveyed special privileges to the favored classes at the expense of the toiling masses of the land? Are they not the ones who converted the home market into the closed preserves of domestic monopoly, and by a false economic system, a sophistical hothouse-forcing process, a tariff of abominations, developed these industrial Frankensteins, the trusts of to-day, in whose gigantic shadow the tender plant of individual enterprise, unable to find the life-giving light of the sun of opportunity, must inevitably sicken and die? We now see certain old political owls come flapping out of the ruins and sit blinking in the bright light of the morning of a progressive era, and think that with their discordant hoots and screechings they can bring back the reactionary night which has gone forever. [Applause.]

It seems to me that it ill becomes gentlemen representing that party on this floor to stand here and sneer, in season and out of season, at honest and sincere efforts at reform of bad conditions on our part, no matter how much they may differ from us as to the wisdom of the policies involved.

Mr. ADAMSON. Mr. Chairman, will the gentleman yield?

Mr. VOLLMER. I do.

Mr. ADAMSON. I wanted to suggest to the gentleman from Ohio [Mr. FESS] that it would be a good time now to count the heads on the other side of the House. I see two over there, and as he has held up his fingers he has evidently recorded them. [Laughter.]

Mr. BRYAN. Mr. Chairman, I hope the gentleman will not neglect to notice the fact that the Progressives are represented here.

Mr. ADAMSON. One more. That is one of our particular friends, the Bull Moosers. [Laughter.]

Mr. BRYAN. We are as punctual in our attendance as anybody else in the House. [Applause.]

A MEMBER. Order!

Mr. VOLLMER. My Republican friends, for 24 years it has been attempted to correct abuses patent to all by means of a law for which you claim the credit, though it is not solely yours, and during all this time the trusts have multiplied and grown more powerful day by day. The country has looked on hopelessly at your unavailing efforts, and when the Government's sporadic and well-advertised successes in the courts in such notable cases as the Northern Securities, the Standard Oil, and the American Tobacco Co. cases were followed by a practical continuance of the same old monopolistic system and an actual increase in prices and in stock values, as shown by listings on change, of the concerns involved, then it was that the country rose up against you and howled you from long-held power, and you were able to retain in the Electoral College only ossified old Vermont in the East and the Mormon State in the far West and the impotent Lilliputian minority on this floor.

Your hopes are reviving now, because you think that the old dodge is going to work again this fall; that the people have not sufficient intelligence and capacity for self-government to bear on a fair test for the reforms which we have inaugurated and are about to inaugurate, but will allow themselves again to be misled by those who have the power to produce depression in trade and industry in order to discredit the party which dares to honestly attempt genuine reform in the people's interests.

If the voters are always going to fall for that old bunco game, we might as well give up the Republic and frankly adopt in its stead the benevolent (or otherwise) feudalism of trust domination, which means colossal fortunes in the hands of the few, wrung from the producing millions, and an economic absolutism, tempered perhaps with occasional gifts of libraries and universities, even as the old Cæsars were accustomed to placate the mob of Rome with gifts of corn and circus. Yours is the old Hamiltonian doctrine that the Government should take care of the rich and let the rich take care of the poor.

Your proposition now is to do nothing, but continue blindly and vacuously with your old Sherman law, whose inability to produce substantial change for the better in business conditions ought to be visible to a blind man to-day.

If the people should demonstrate their political incompetency by depriving of power the party which, under the guidance and leadership of Woodrow Wilson, is attempting to do something substantial for them before the attempt is fairly tested as to its efficacy, the day is not far distant when a few colossi of modern finance will absolutely dominate this fair land of ours and the rest of us expropriated and disinherited Americans, robbed of our God-given and inherent right to equal opportunity, "can peep about under their huge legs to find ourselves dishonorable graves." And this will, indeed, be a fine finish for the dream of Washington, the ideal of Jefferson, and the experiment of Abraham Lincoln. Steer the ship of state in that direction and perhaps it will seem to drift more easily for a while, but not far away I can see the yawning whirlpool of popular revolution and anarchy, and as history, with sublime irony, has so often recorded the same old story, out of the night of chaos will come riding the man on horseback, bringing with him law and order, but as its price military despotism.

On the other hand and at the other extreme, we have with us again the pied piper, whose strenuous fluting possesses such hypnotic power over mice and men in the Hamelin of American politics. Fresh from the jungles of South America, he wants to lead the American people into the jungles of Bull Moose philosophy on this question.

Let us keep clearly before us that their policies of recognition, legalization, and attempted regulation of the trusts can have but one finish, and that is State socialism, which Herbert Spencer calls "the coming slavery."

If the country is to escape both of these actually imminent dangers—plutocracy, the most sordid and degraded form of government, with its denial of all our Democratic and Republican ideals, on the one hand, and socialism, with its chimerical program unsquared to human nature as it is, doomed to failure and certain to eventuate only in a policy of confiscation and plunder, which will mean destruction to civilization, on the other hand; if our Government is to be preserved on the basis of economic individualism, under the forms of constitutional representative government, the people must now rally to the support of the great, quiet, gentle, self-contained man who stands at the helm of our ship of state. They should strengthen the spirit and hold up the arm of this modern Ulysses, so that he may take the vessel safely through, according to the time-tried chart of Jeffersonian Democracy, into the haven of the new freedom, where there shall be some liberty, some equality, and some fraternity for all of us.

Leaving the domain of generalities, what in sober detail do we now propose? A trade commission, which will supplement the juristic work of the courts with the expert, administrative aid of business experts, both in the discovery of wrongs done, the prevention of others, and the effective rectification and restoration of business conditions.

Then in terms of express and exact statute law, definitions which can not be misunderstood, which he who runs can read, and which shall illumine with the light of day the celebrated twilight zone of the Sherman law. Then some plain provisions, calculated to prevent or adequately punish certain favorite methods by which monopoly has been built up in this country, such as unfair competition, arbitrary price discrimination, tying contracts, interlocking directorates, monopolistic exploitation, and denial of access to those things that are the gifts of nature, its forces and its products, which no man has created and without which men can not live, and which constitute the basic essentials of effective and complete monopoly. Also, what all political parties have promised, but up to date none has performed—a bill of rights for labor against government by injunction with all its evil implications; against prosecution of labor in its union and of the tiller of the soil in his grange under the rigidly construed letter of the Sherman law; and then arresting the statutes of limitations and by the estoppal provision giving to private litigants the benefit of years of effort in their behalf by officers of the Government in successful trust prosecutions.

And finally now we have before us the last of the three legislative brothers, a bill which shall prevent the extension of the blanket mortgage of stocks and bonds put on the country by the financial manipulation of the railroads in the wholesale issue of securities on which they claim the right to earn dividends and interest, a measure designed to insure a dollar of real value behind every dollar of such paper floated on the markets for the protection of the investing as well as the shipping and consuming public of the United States.

Gentlemen, we have people who can not see the woods on account of the trees, as the old German proverb says. We have had much analytical discussion of the various clauses of these bills. I thought it was time that somebody made a little synthesis of the essential natures of these three bills, since they constitute another and an important chapter of the program of constructive and progressive legislation that will go down in history linked with the name of Woodrow Wilson.

I have attempted to do this hastily in this cursory résumé. I am glad to have had some part, even though a very inconspicuous and humble one, in this great work. On behalf of my colleagues on this side of the Chamber, I believe I can say that we can confidently appeal to an intelligent and unbiased posterity, as to the rectitude of our intentions and the essential wisdom of our policies. [Applause.]

Mr. ADAMSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. RAKER, as Speaker pro tempore, having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16586) to amend section 20 of the act to regulate commerce, and other bills embraced under the special rule, and had come to no resolution thereon.

COLORADO MINING STRIKE.

Mr. KINDEL rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. KINDEL. I wish to ask the privilege of inserting in the RECORD a resolution by the chamber of commerce and the Masons of Denver on the mining-strike situation as it is now developed since the military is in control of the Colorado coal fields.

The SPEAKER pro tempore. The gentleman from Colorado asks unanimous consent to insert in the RECORD a resolution from the chamber of commerce——

Mr. KINDEL. Together with the report of the mining inspectors thereon.

Mr. BUCHANAN of Illinois. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. BUCHANAN] objects.

ADJOURNMENT.

Mr. ADAMSON. Mr. Speaker, I move that the House do now adjourn.

of the leaders, and, discerning, abandon faithless leaders(?).

it was true third-party movements never would occur, and

ceased "to reflect the convictions of the people" by an unscrupulous use of money and machine politics, and government not by the people, but by the "boss system," is the result.

This is the trouble with the Republican leadership. It has not kept step with public sentiment. It has chosen instead the road to political death. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. I yield to the gentleman two minutes more.

Mr. HULINGS. The Democratic Party, now in power through a division of the opposition, burdened now by the responsibilities of a dominant party, is pursuing precisely the same methods that divided the Republican Party, and which will inevitably divide it.

Upon the great questions—the tariff, civil service, trust control, railroad regulation, monopolies, social justice, the right of the people to rule—the old parties are torn and divided in factions; only in pernicious use of the caucus, the gag, secret committees, and the boss system do they agree.

No man can choose either of them and be sure of what he is getting. The powerful indictment of the Democratic Party by the gentleman from Kansas [Mr. MURDOCK] for the arrogant use of the "gag rule" and the "secret caucus" saw the Democrats sit speechless. The Congress has ceased to be a really deliberative body. It goes through the motions of debate and consumes time in sham discussions of measures that are predetermined by a single mind. Instead of "pitiless publicity" we have had the most secretive administration known to American politics. Democratic Members of important committees never knew what bills they would report until the party boss issued his orders.

When the party boss gave his orders that we should have no more rights in the Panama Canal than any other nation, except the right to pay the bills, he gave no reasons. When he demanded that our markets be thrown open to foreign manufacturers, on the plea that it would reduce the cost of living, it was a grave mistake.

To provide places for Democratic officeholders the Democratic Party violated the civil-service reform in three distinct assaults. Our Diplomatic Service has fallen—I do not like to say into disgrace—into doubt.

Mr. ALLEN. The River of Doubt. [Laughter.]

Mr. HULINGS. The American flag is no longer a protection to American citizens in foreign lands. The spectacle of an American fleet of warships sailing from Tampico and leaving nearly 2,000 American men, women, and children to seek and get protection from a British warship should cause every American cheek to blush with shame.

The Progressive Party alone is united, keeping step with enlightened, progressive public sentiment.

The bulk of all parties is just as desirous of good government, just as honest and sincere as the Progressives can be. They continue to vote their old party ticket, conscious that things are wrong, but earnestly hoping for reforms within the party, failing to see that by following leaders that do not believe in "government by the people" they are losing the substance of reforms by supporting the "machine" that makes reforms impossible.

The Democratic "machine" cries "Stick to your party or the Republicans may win." The Republican "machine" cries "Come back into the party or the Democrats will win again." This is the strongest plea the Republican leaders can make, for the general public is sick of the Democratic tariff and wants a protective tariff, but the general public is not likely to forget that these same leaders so abused the tariff when they controlled it that the general public put a majority of Democrats in this House before there was a Progressive Party.

The Progressive Party makes a better plea. It believes in a protective tariff, but it wants an honest tariff, and no logrolling and special privileges. It stands for what the people have demanded for years. It is at war with the entire boss system. It believes in government by the people; it believes that through governmental agencies a larger measure of social justice can be secured; it believes that it is the business of the Government to see that the powerful do not oppress the weak; that the weak and the average man are protected from the strong.

It believes in newer and better things; it believes in endeavor and progress; it believes in itself and the great American people and their capacity to maintain a cleaner and a wiser Government. And for these things the true Progressive will stand firm. [Applause.]

Mr. ADAMSON. I yield to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, we have listened this evening, as this House is frequently called upon to listen, to a one-sided, unfair presentation from a partisan standpoint of matters transpiring here and in the Nation by the gentleman from Ohio [Mr. FESS]. This evening he carefully read statistics as to the attendance on this side of the House during these long speeches, when very few feel like attending, and carefully refrained from reading any statistics as to the much smaller attendance on that side of the House. I have noticed that during the progress of legislation in this House when the vital time comes to overcome those tendencies and influences that have dominated this country for 16 years under the Republican Party he finds, and the country finds, every Democrat here in his seat, on guard back of the banners of Democracy, seeing that real Democratic principles prevail and win in the battles on this floor. [Applause on the Democratic side.]

He quoted carefully the statistics as to imports and exports during the month of April of this year. He did not discover these statistics; he did not dig them out. They were figures quoted in the Senate a few days ago by Senator SMOOT. The gentleman from Ohio [Mr. FESS] quoted them again on this floor without paying the slightest attention to the complete reply made to Senator SMOOT by the Secretary of Commerce. Here is what Secretary Redfield had to say about Senator SMOOT's figures, which Senator SMOOT presented a little while ago in the Senate, and which the gentleman from Ohio presented here this evening as discoveries of his own.

Secretary Redfield, in reply to Senator SMOOT, said:

Looking back to the last time when imports exceeded exports, we discover that it was while the Payne-Aldrich law was in effect that this event took place.

The trade balance in our favor during the 10 months ending with April, 1910, was $170,931,416, or over $300,000,000 less than during the 10 months ending with the present April. Not only so, but during the first year of the Payne-Aldrich tariff law five months showed the imports in excess of the exports, and one of these months—March, 1910—showed an excess of imports of $10,341,578.

Any statement as to the effects of a tariff based upon figures for six or eight months is necessarily illusive; but if the present tariff is to be judged that way and condemned because of the excess of imports in one month since its passage, what shall be said of the Payne law when in a like period after it came into effect there were three months in which the imports exceeded exports? And in one of these that excess was nearly double that about which so much is now said.

It is true of tariff making in this country that it frequently happens that there are some months soon after the new bill goes into effect when the imports exceed the exports. For some months there is a balance of trade against us. That is probably due to the fact that importers bring here foreign goods and manufacturers of foreign goods are seeking under new tariff conditions to establish in this country, where tariff rates have been changed, a new trade for themselves. We have tried to place on the statute books a tariff for revenue only in accordance with the principles of the Democratic Party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ADAMSON. I will yield to the gentleman five minutes more.

Mr. RAINEY. As I said, Mr. Chairman, we have tried to place on the statute books a tariff for revenue only and we have succeeded. We have not tried, as the Republican Party has in their tariff laws, to protect the profits of the manufacturers in this country, and we have not done so. We have not injured them in any way. They are manufacturing just as much as they ever manufactured. We are consuming more and more every day in this country than we ever consumed before. We have succeeded in our attempts. At the close of business to-day we had collected within $100,000 of as much money as we expected to collect at our ports of entry during this entire fiscal year. [Applause.] In other words, at the going down of the sun to-morrow night, if we did not collect another dollar at our ports of entry from that time until the last day of this month, we would have collected as much money as we expected to collect under the estimates furnished by the Ways and Means Committee on the last day of this month. [Applause on the Democratic side.]

The Underwood bill is what we tried to make it—a tariff for revenue only. We have wiped out every vestige of the old war tariff, and we will find on the last day of this month that we have collected at our ports of entry $20,000,000 more than we expected we would have collected on that day. [Applause on the Democratic side.] Customs receipts for the present fiscal year under the new tariff law will exceed the committee estimates by $20,000,000. For every one of the 25 working days during the month of May we collected over $832,000.

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. Yes.

Mr. FESS. What is the reason for the depression in business to-day?

Mr. ADAMSON. It is in the minds of the Republicans.

Mr. RAINEY. The reason for the depression in business is that it is world-wide. There is a readjustment of conditions the world over, and there is in certain lines of industry a depression in business. It is more imaginary than real, due to

just such speeches as the gentleman from Ohio is capable of making. [Laughter and applause on the Democratic side.]

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. No; I can not yield longer, for I have not the time.

Mr. FESS. Why is it in Democratic times?

Mr. RAINEY. The depression in business is general all over the world. It is felt less here than in other parts of the world. It would not be noticed here at all if it were not for the efforts of Republican politicians to convince the country that there is a business depression.

Mr. FESS. Will the gentleman yield?

Mr. RAINEY. I have not the time. If I can get more time, I will be glad to yield later to the gentleman. Just a few months ago we heard of a great army of unemployed gathering in various parts of this country ready to march in overwhelming numbers upon this Capital, demanding work for the starving laborers of this country. The general in command of the army lived in the gentleman's own State, and he started from there.

Mr. FESS. And he is a Democrat.

Mr. RAINEY. He is a prophet of calamity, as is also the gentleman from Ohio. He attempted to gather together his hosts from all over the country, and once in a while we heard that straggling bands of recruits were coming to join his army. A few days ago they arrived here in the city, and I, with some others upon this side of the House, went out to interview this tremendous army of unemployed. We found that it consisted of seven men, one woman, and a mule. [Laughter and applause on the Democratic side.] All the rest of them had yielded to the seductive opportunities for employment on the route and were at work. Finally this magnificent army marched up the center steps of the Capitol and this distinguished general from the gentleman's own State, the twin prophet of calamity with the gentleman who just interrupted me, made his speech out there on the steps in front of the Capitol.

Talk about the tariff law not being successful, talk about approaching hard times! I will tell the gentleman what is approaching now. Down in Oklahoma and for a thousand miles across parallels of latitude the northward march of the self-binder is commencing; and I advise the gentleman to tell his friends who are out of employment to go down to Oklahoma and to Nebraska and to Missouri and to Illinois, and we will give them all work in our wheat fields at $2.50 and $3 a day. [Applause.]

On 46,000,000 acres the wheat is ripening under the summer sun. We are producing this year not an ordinary crop of wheat, but a bumper crop of wheat. Soon our granaries will be filled to bursting with the garnered grain. In the great wheat fields of the West there is work enough for all at from $2.50 to $3 per day during all of the summer months and almost until the frost comes. I am aware that this is not good news for Gen. Coxey and the gentleman from Ohio and all those others who delight in prophesying hard times under a Democratic administration. We all recall the events which occurred during the recent Republican panic of 1907. On every hand was heard the crash of failing banks. Can the gentlemen on the other side of this House call attention to failing banks at the present time?

Our exports have held their own in spite of the fact that we have almost ceased to be an exporter of corn, our greatest agricultural product. Last year there was a shortage of nearly 700,000,000 bushels, and the exportation of that product has almost ceased.

No man can criticize this Democratic Congress upon the theory that it has failed in its duty to the country. We are able to call attention to the following remedial legislation, all of which has passed the lower House of Congress, and the greater part of which is written into law. We have enacted in the short period we have been in control more legislation in the interest of labor than the Republican Party ever accomplished or even attempted to accomplish during the entire period of its supremacy, the lowest tariff law written since the war, an income-tax system demanded by the people for a quarter of a century, one of the most effective parcel post systems in the world which has already compelled important reductions in express rates, the opening up of Alaska, Government aid for roads, election of Senators by direct vote of the people, effective campaign publicity measures, the reforming of our currency legislation. We submit that this is a record of performance, of promises kept, not equaled by the Republican Party during its entire existence as a party, and we have but just entered upon the period of Democratic control.

Our income tax did not become effective until March 1 of this year. It was not expected that payments would be made until after the first day of the present month, and yet men subject to the payment of an income tax commenced to pay long before the first day of this month. Up to the end of May we had collected on our corporation and income taxes $10,557,221.31. We are collecting more corporation taxes than have been collected before. Our miscellaneous receipts are about the same as they always have been. Our internal revenue, exclusive of corporation and income tax, at the end of the present fiscal year will about reach the average figure, from two hundred and ninety to three hundred million dollars. When we placed on the statute books the Underwood tariff law we estimated that the receipts for the fiscal year, which ends with the last day in the present month, would be slightly over $270,000,000. When the sun goes down to-morrow night we will have collected at our ports over $270,000,000, and there will remain yet 23 working days in the present fiscal year, on each one of which the revenues collected at our ports ought to be nearly a million dollars. I might also call attention to the fact that since our Post Office Department has been under Democratic control the postal deficiency has been reduced from $463,874.31 to $686.34. The country will be satisfied at the end of this fiscal year with our stewardship. We have kept the faith. From the strongholds of trusts and law-defying corporations, accustomed to profit at the expense of the people by legislation passed by this body, come the only murmurs of discontent and disapproval.

Carrying out the traditions and the history of the Republican Party in recent years, its leaders upon this floor are giving voice to the disapproval coming from these sources. We have not tried to obtain the approval of that class of business in this country which asks special favors from this body at the expense of the great mass of the consumers of the country. We have been true to the principles of the Democratic Party and the teachings of its great leaders. As a unit both Houses of the Congress have stood back of the Democratic administration and have made it possible to enact into law these great measures. We propose to continue true to Democratic theories, keeping our pledges to the last, proceeding in the course we have laid out. We have confidence in the man at the wheel. We know how to avoid the rocks. We do not fear the storms. In the sky the sun is shining. A new day is here.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. STEVENS of Minnesota. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. MCKENZIE].

Mr. MCKENZIE. Mr. Chairman, laws are necessary in order to restrain those who would take an undue advantage of their fellows.

He who would reap where he has not sown by extorting from his fellow man by means of monopoly or combination in restraint of trade violates a principle of justice for which he should pay a penalty and be enjoined from a repetition of such practices. In modern commercial and industrial life, with all its complexities, intricate and far-reaching ramifications, it is possible for an ingenious and evil-minded business man to so cover his tracks that the ordinary individual may not be able to discover wherein the rights of the masses are being encroached upon. From the dawn of civilization to the present time the evil inclinations in the breasts of some men have ever prompted them to take undue advantage of others, and this will continue to be true until man's nature has undergone a change and he accepts and practices the teaching of "doing unto others as he would be done by."

Many efforts have been put forth to prevent in one way or another by law the unjust practices in commerce and industry. At each stage of development through the genius of the human mind it has been found possible to evade the law, due in a large measure to the fact that the laws have been made in too definite or specific terms. It is well known that while certain individuals are endeavoring to construct burglar-proof safes, at the same time other individuals are planning to blow them, and usually succeed. So it is with a law applying to monopoly and unlawful combinations in restraint of trade. When an attempt is made to include in a law in definite terms what shall constitute an offense, all else is, under all rules of construction, excluded, and immediately the designing individual, together with his legal experts, begins to formulate plans to evade the specific provision of the law.

Any monopoly or unlawful combination which purposely restrains trade for gain at the expense of the masses is wrong, no matter under what guise or in what manner the result is attained. Therefore, I have always felt that the general terms of the Sherman antitrust law were wise, and I feel now that any attempt to specifically define illegal combinations would be a mistake. There are but two things to be considered, in my judgment, in the enactment of a law of this character to correct such abuses.

statute books, with a banking and currency law upon the statute books, and with the trusts of this country regulated in the interest of justice and fair dealing, the gentleman may look for an overwhelming Democratic majority in the fall election. [Applause on the Democratic side.] And the man who sits at yonder end of the Avenue in the White House, the people of the country will say to him and to us, "Well done, thou good and faithful servants." [Applause on the Democratic side.]

Mr. ADAMSON. Does the gentleman from Minnesota desire to proceed further now?

Mr. STEVENS of Minnesota. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. HULINGS] 20 minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HULINGS] is recognized for 20 minutes.

Mr. HULINGS. Mr. Chairman and gentlemen, I do not know how far afield this discussion will be permitted to go. I think it has already gone to some distance remote from the bill itself which is now under consideration. But I am reminded of the fact that the Democratic Party accounts itself responsible for what is done here, and properly so, though it is generally regarded as simply an agent "ungrudgingly" doing what is directed to be done from the other end of the Avenue.

We were reminded to-day by the gentleman from Illinois [Mr. MANN] of the differences between the Republican Party and the Democratic Party and the Progressive Party, of which he said I was a little leader [laughter], thereby doing me altogether too much credit, and it seems to me that this is a good time to consider—at least, I am desirous of the opportunity to place before this House—what I regard as the fundamental differences between these parties.

Mr. Chairman, I find at page 4382 of the CONGRESSIONAL RECORD a speech purporting to have been delivered in this House by the gentleman from Ohio [Mr. FESS] when the appropriation for the Department of Agriculture was under consideration. It is labeled, "The Future of the Progressive Party."

It is greatly to be regretted that the distinguished author, who always delights the House with the graces of his utterances, embalmed his "prophecies" in the pages of the CONGRESSIONAL RECORD, although there they will doubtless serve as a campaign document equally well as though they had been actually delivered in the House.

The speech is evidently designed as a coat of whitewash for the present leaders of the Republican Party, who control its methods and policies, and would serve admirably as a bid for the Republican nomination for governor of Ohio if the gentleman has ambitions in that way. [Laughter and applause.]

But Republican leadership needs disinfectants, not whitewash. [Laughter.]

The gullibility of the average college president when he takes a hand in politics is generally recognized by the astute leaders of the boss system, and they are constantly "setting springes to catch woodcock." [Laughter.]

The boss system feels most nowadays the need of "respectability," and in the learned professions, especially those most remote from practical experiences and activities, they secure "respectability" by inducing men of the character of Chancellor Day of the Syracuse University, President Butler of Columbia University, President Fess of Antioch College, and gentlemen of like high personal character and political credulity, to become their advocates, apologists, and adherents. [Laughter and applause.]

Mr. FESS. Will the gentleman yield?

Mr. HULINGS. No; my time is very short; I hope the gentleman will excuse me. The speech abounds in much learning, in specious argument, and false logic. The gentleman's prophecies will surely cause his "clients" to smile at his ardor in their defense and gratefully to acknowledge the cloak of respectability with which he drapes the pirates who have seized the organization of the Republican Party. [Applause and laughter.]

Mr. BRYAN. Good! That is right.

Mr. HULINGS. The learning displayed is interesting and abundant, but the reader of the speech will be at a loss to reconcile some of its statements.

In one paragraph the gentleman says "the Republican Party owes its rise and growth to no single issue." In the next paragraph he says "the rise of the Republican Party was wholly due to the attitude of the leading parties upon the all-embracing issue before the people," the "inherent wrong of the traffic in human beings."

The speech is designed to show that third-party movements never succeed, or, more specifically, that the Progressive movement can not succeed.

And then he gives his reasons. He says third-party movements contain these prominent elements:

1. Young men who know their ability and truly discern the motives of the leaders, and, discerning, abandon faithless leaders(?).
2. Reformers.
3. The clergy and the scholar in politics.
4. Discredited leaders.
5. Soreheads.
6. A class whose chief motive is to punish its party; those whose unsettled minds are a fertile field for the cheap magazine, with its penny-a-line articles of protest.
7. Citizens who feed their "distrust upon the food of popular magazines" and "mutterings of suspicion."

These, according to the honorable gentleman, furnish a large portion of all third-party movements—of course referring particularly to the Progressive Party—and the conclusion, of course, is that it can not succeed.

But the Republican Party was a third party. It contained "preeminently" these elements, and logically, therefore, could not succeed. But as a matter of fact it did succeed, and it succeeded because the gentleman's philosophy and fine "writin'" is not true. It succeeded precisely for the same reason that the Progressive Party will succeed, and that is because it rose from the hearts of the people when the old party leaders no longer responded to the public will. [Applause.]

In all these movements, whatever number of the people leave an old party, taking with them the jealousies, disappointments, selfishness, suspicion, and "unsettled minds" that the gentleman insists compose third-party movements, they naturally take back with them when they return to the old party. If the gentleman is correct, would not the old party be better without them? Why, then, this anxiety that they should return? If the old party has gotten rid of the cranks and the soreheads, why do they want them back? [Laughter.]

According to his view the people who remain in the old party monopolize the wisdom and patriotism and "settled minds." But how is it when the boot is on the other foot?

Suppose party leaders, usurping the tremendous power of a great national party organization, build up a system, with its ramifications in every State, county, and township, buttressed and supported by enormous official patronage and by a great party newspaper press, financed by the trusts, the railroad, the banking, and other great business organizations whose interests it serves; suppose, in short, that the iniquitous "boss system," as it is known of all men "slates" all candidates from President down to poundmaster and uses the tremendous power of the "machine" to elect them, making the "system" autocratic in the party and intolerant of public demands; and suppose in such case the bulk of the party, the youth, the thinkers, the readers, the scholars, the reformers, the dissatisfied, rise in mass and leave the party, as 4,200,000 of them left the Republican Party in 1912, proving beyond all doubt by this unprecedented movement, country wide in extent, that the party had failed to satisfy the people or to respond to the public will, what do *they* gain by a return to the party, under the same discredited leadership, that continues to flout these demands, regarding them as the "frenzy of the mob"?

The gentleman makes a brilliant defense of the protective tariff, which has been overturned by the Democratic Party, but he fails to say that this overthrow was the result of the long-continued practice of the boss system to use the protective tariff to deal out special privileges to big business, and by the failure to keep promises made to the people to reduce the tariff to proper protective schedules. If the Republican bosses had kept faith with the people there would have been no division in the party, no Democratic victory, and no assault upon the protective tariff.

It is impossible to enact a proper tariff law, involving thousands of kinds of goods, when the legislator must vote yea or nay in gross for all in a single bill, always with scant information. The only rational way is to consider each schedule alone, after full information has been laid before Congress by a nonpartisan scientific expert commission.

This is the ground taken by the Progressive Party which for this very reason makes it a better protective-tariff party than the Republican Party. The Progressive Party is thoroughly committed to the protective-tariff policy, while in the present Congress both the Republican and Democratic Parties voted against the nonpartisan commission proposed by the Progressive Party, and among the opponents of this rational common-sense measure the distinguished gentleman from Ohio was found.

The gentleman's tributes to Lincoln and the Republican Party are quite aside from the mark.

It is quite unthinkable that Lincoln, if living, would be found in the company of PENROSE, Barnes, SMOOT, Guggenheim, Crane, ROOT, and men like them who, in the broad light of day, overthrew the plain will of the people at Chicago in 1912 and for years had been secretly doing the same thing. [Applause.]

The off-hand dictum of the gentleman that "the leaders invariably reflect the conviction of the people," like most of his conclusions, simply is not true. [Laughter and applause.] If it was true third-party movements never would occur, and

neither the Republican nor Progressive Parties would ever have been organized. There would have been no excuse for a revolt.

The Sherman antitrust law was never intended by the bosses of either party to become operative. For many years it was a dead letter, until Theodore Roosevelt gave it vitality in spite of the wild clamor of the special interests and their subsidized press that he was "disturbing business." The exposures in insurance and banking circles and the Beef, Sugar, Tobacco, Oil, and Railroad Trusts, and the revelations of the "working arrangements" between big politicians and big business created a frightful stench. It was called muckraking, as a term of reproach by those who had no reprobation for the corruption exposed. It did disturb business. Prosecutions have been ineffective. The antitrust laws need amendment; but again the cry is heard from stand-pat leaders and the press of both parties, "You are disturbing business," "Persecution," "Give business a rest." And so the proposed amendments by the Democratic administration would treat the predatory trusts very gingerly and "very nicely."

But it was precisely because Roosevelt did not treat the "interests" nicely that he was opposed by them. He had the whole country behind him, but he was confronted by the opposition of the "leaders" of the Republican Party and their bipartisan allies. He was turned down by them at Chicago and hated by them ever since, not because he was not a good tariff man, not because he was not a good Republican, but because he attacked the citadel of special interests, which was "garrisoned" and defended by the leaders.

For more than a generation the people protested against the iniquity of rebates and discriminations in railroad freights; valiantly did the railroads and the "leaders" oppose legal regulation. After a law was enacted, efforts to render it nugatory were never relinquished, and no sooner was Mr. Taft elected than he signalized his surrender to big business and the "leaders" by proposing an administration bill which, if passed, would have been a substantial repeal of the laws regulating railroads, and the "leaders" would have succeeded in enacting the law except for the opposition of some of the "unsettled minds" and "insurgents," who were read out of the party by the "leaders" and put on the patronage black list by President Taft for their opposition. [Applause.]

The gentleman holds a possible gubernatorial nomination and the good will of the "leaders" too close to his eye to get a true view of the situation. His belittling of the Progressive Party and his defense of the corrupt leadership that split the Republican Party in twain is a performance that an artist would call a "pot boiler." It is not the best work he can do, but it is the kind of work that will best serve the present plight of Republican leadership.

Beyond all question, if the people had not been robbed at Chicago of their right to name the candidate of their choice, the platform of the Republican Party would have been substantially the platform on which the Progressive Party now stands.

The people favor the things for which that party stands. No other proof of this is needed than the fact that large elements in the old parties call themselves Progressive Democrats and Progressive Republicans; and even the standpatters, the stipendiaries of privilege, the "kept" editors, and the very high priests of the boss system are now finding the erstwhile despised Progressive doctrines so popular that they are lustily claiming that they themselves are the only Simon-pure Progressives.

Every man cherishing the Republicanism of Abraham Lincoln can join the Progressive Party without the surrender of a single tenet of his beliefs. He abandons nothing except a leadership that wrecked his party and disgraced its name. [Applause.]

The Progressive recognizes that the chief function of government is the mutual protection and helpfulness of all. His face is set against the boss system, which plunders the many that a few may flourish.

The difference between the Progressive Party and the Republican leaders is fundamental. The Progressive Party believes that the people are of right the source of all power in government. The right of the people to rule is the bedrock of American liberties and the foundation of the Progressive movement in America.

The Republican leaders believe that this is a Government by a "representative class" that knows better than the people what the people ought to have.

Now, the beliefs of the boss system, if it can be said to have any moral perceptions [laughter], never stand in the way of anything necessary to achieve its purposes, but it pretends to believe that the people are really incapable of self-government and must be muzzled lest they bite themselves. [Laughter.]

The fact is that "government by a representative class," called more properly by the shorter name "the boss system," is utterly unrepublican. It is actually "class" government, that always has and always will use the powers of government for the advantage of the "class." And that is precisely what all the trouble is about. [Applause.]

This, as I conceive it, is the vital reason why Progressives should not return to the Republican Party while it is dominated and controlled by leaders who do not, as the gentleman fondly believes, "invariably reflect the conviction of the people," but who do not even believe the people have intelligent convictions. [Applause.]

The basis of my hope for the success of the Progressive Party is that the rank and file of all parties need no argument to convince them of the crying need of political reforms, will come to realize the futility of the hope of securing these reforms by voting the old party ticket for candidates "slated" by the boss system and sooner or later will see in the destruction of that hateful system their chief public duty and, as practical men, will join the Progressive Party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STEVENS of Minnesota. How much more time does the gentleman desire?

Mr. HULINGS. I would like about five or six minutes more.

Mr. STEVENS of Minnesota. I yield to the gentleman five minutes.

Mr. HULINGS. A world-wide social movement is stirring every civilized country to the depths. You find it in England, you find it in Germany, you find it in Australia, and all over the world. It is the awakening of an enlightened democracy; it is the quest of humanity for betterments; it is the groping, searching, yearning of mankind for an enlarged social justice; it is the recognition by the plain people of their rights and their might; that class legislation is social injustice, robbing the masses of a fair share of the products of labor and depriving the people who do the real work of the world of an equitable division of the advantages and ameliorations of civilization.

It is a great evolutionary development of man's equality and brotherhood. The fundamental purpose of all society, all government, is mutual protection and helpfulness. This is the heart and soul of the progressive movement in all lands. The "classes" for centuries have muzzled the masses. This movement proposes to muzzle the wolves of society.

This great movement is confusing and disrupting party lines in all foreign countries. The same effect is seen in our own country. Disorganization and realignment is going on in both the old parties. Irreconcilable elements are found in both.

Men call themselves Democrats who have nothing in common. The fact that they distinguish themselves as Bryan Democrats and Murphy Democrats, as progressive Democrats and standpat Democrats proves the process of realignment.

In the Republican Party standpat Republicans and progressive Republicans have nothing in common. PENROSE and CUMMINS both call themselves Republicans, but they are as far apart as Wilson and Murphy, who both call themselves Democrats.

The rank and file of the old parties by a vast majority believe in the progressive doctrines, but it is idle to expect them to be adopted by a party that is half standpat and half progressive.

The Progressive Party is the only party that is unitedly and consistently progressive.

It sets out a great program of social reforms that are dear to the hearts of the people, and it alone offers the hope that they will be realized.

Gentlemen need not deceive themselves. This great, swift-moving evolution can not be sidetracked. As surely as the "rivers run to the seas" there will be a realignment of parties. On the one side will be a liberal progressive successful party, that will move with the present, that will grasp from the future by the hand of faith and endeavor better things in life and government than we now dream of, and on the other side will be a standpat reactionary party, that may be useful as the necessary brake.

What the name of this great successful party shall be matters little to the people. The substance of these reforms and not party names concern them.

But whatever name it is known by, it must be a party that is all progressive, and at present there is only one such party. The Progressive Party is already blazing the way, which the leaders of both the old parties, though at heart despising the Progressive Party and its doctrines, are haltingly and grudgingly following step by step.

Party organization is essential in republican forms of government. Without it the necessary concert of action can not be secured. With it naturally goes leadership. But long continued in power, the leaders are prone to become arrogant, self-sufficient, maintaining themselves in power, long after they have

Mr. Chairman, less than nine months ago I called the attention of this House to a danger growing out of the two Democratic measures—the tariff and currency. I warned you against turning a marvelous balance of trade against us. This balance of trade must be paid in gold. You provided for a greater demand on gold and at the same time you reduced the ability to supply it by a provision in the currency bill. In addition your tariff measure, you were told, might necessitate gold being sent out of the country, and you laughed at my statement when I made it. Now look at the figures. One year ago last April we exported from this country goods worth $54,000,000 more than we imported. In other words, we sold $54,000,000 worth of goods more than we bought. That was under a protective tariff. This April, six months after the Underwood bill took effect, we imported into this country how much? Study these figures. We imported thirty-seven and a half million dollars more than in April a year ago. In April of 1913 the balance of trade was in our favor to the amount of $54,000,000. We imported this April thirty-seven and a half million dollars more than we did a year ago. We exported this year $27,000,000 less in April than we did a year ago. Note the result: The balance of trade in our favor in April, 1913, under the Payne law, was $54,000,000. In April, 1914, it was $10,000,000 against us. That is not all. The flow of gold has reversed and is now toward Europe. Since January 1, 1914, over $31,000,000 in gold have gone out of this country to Europe. For the first time in 20 years we are buying from the foreign producer, employing foreign labor, more than we are selling of American production, employing American labor.

Note the current of business. Our imports are piling up at a dangerous figure. When these imports are analyzed the surprising fact is that imports of raw materials have decreased. The vast increase is in the finished product. That means the raw material once imported to be worked into the finished product by our own labor is now retained in Europe to be worked there into the finished product. That means the labor once employed here to work up the raw material is now shifted from the American workman to the foreign workman. We do not buy the raw material, but we do buy it after it is worked into the finished product. Our exports have greatly fallen off, which means the finished product, once made here by our workmen and sold in the foreign market, is now being increasingly made in the foreign market. There can be but one result. The American producer, employing our own labor, must see his product displaced by the foreign product. If he does not wish to retire from business he has but one alternative, namely, place the wages of this country where he can compete with the wages producing the foreign competitive article. Mr. METZ well said on the floor of this House that hundreds of businesses were today running at a loss to keep their labor employed and their organization intact. This statement from this Democrat of the Empire State is at once true and patriotic, as well as courageous. Last Sunday I was in Youngstown, Ohio. I asked an attorney friend, a Democrat, about the business of his city. He replied, "It is bad. About 50 per cent of our labor is employed."

The business situation can well be discerned by news items taken at random from various quarters of the country. Note a few:

On May 23, there was a deficiency in the general fund of the United States Treasury of $40,007,771, against a surplus of $3,113,815 last year—a difference "to the bad" of $43,121,586.

April imports were $172,640,724, against $146,194,461 in April, 1913. Domestic exports in April were $158,996,594, a decrease of $37,237,312 as compared with April, 1913. The excess of the imports over exports in April was $10,271,872.

Gross earnings of United States railroads making weekly returns to Dun's Review continue in moderate volume, the total so far for the first two weeks of May amounting to $12,616,493, a decrease of 7.4 per cent, as compared with the earnings of the same roads for the corresponding period a year ago.

The New York Sun gives a succinct statement of the situation in the following words:

Six months experiment with President Wilson's recipe for "sharpening the wits of American manufacturers" by opening our doors to the manufacturers of other parts of the world has given four very definite results:

First. An increase in importations of manufactures.
Second. A slowing down of our own factories.
Third. A falling off of the exports of manufactures.
Fourth. A falling off in revenues.

The official record for the first half year of the tariff law's operation is now available, the Department of Commerce's statement of imports and exports for the month of March completing the following figures for the six months.

INCREASED IMPORTS OF MANUFACTURES.

Imports of manufactures have materially increased, the quantity of manufacturers' material drawn from abroad has been greatly reduced, exports of the products of American manufacturers have fallen off, and the receipts from customs are far below the normal.

The value of finished manufactures imported in the six months' operation of the law, October 1 to April 1, is $228,000,000 against $215,000,000 in the same period of last year; the value of manufacturers' material imported is $469,000,000 against $517,000,000 in the corresponding months of last year; the value of manufactures exported is $511,000,000 against $582,000,000 in the like period of last year, and the receipts from customs are but $140,000,000 against $165,000,000 in the same months of last year.

A MOUNTING DEFICIT.

Meantime the deficit in the Treasury accounts continues to mount, yesterday's official statement showing the "excess of ordinary disbursements" for the fiscal year $37,097,955, against an excess of revenue receipts of $7,595,700 for the same period of last year, when the much berated Payne tariff was in operation, or, to put it in ordinary terms, a deficit of $37,000,000 this fiscal year against a surplus of $7,333,000 at this time last year. Of course, the administration is depending on the income tax to pull it out of the hole.

In every month of the period in which the new law has been industriously "sharpening the wits of American manufacturers" by bringing in foreign manufactures at reduced rates of duty the customs receipts have fallen below those of the corresponding period of last year.

MORE FINISHED IMPORTS, LESS MATERIALS.

In five of the six months the imports of finished manufactures have exceeded those of the same months of the preceding year; and in four of the six months the imports of manufacturers' materials and the exports of manufactures have fallen short of the record of the corresponding months of last year.

Thus, the first month of the new law did show on its face a lower valuation of manufactures imported than in the same month of the preceding year, but this was due to the fact that much of this class of merchandise had been imported and placed in warehouse in the preceding month, thus appearing in the import records of September, while the goods in fact entered in October under the new law. In every other month of the period the imports of finished manufactures is greater than in the same months of last year.

A PROGRESSIVE INCREASE.

This increase in the imports of finished manufactures has been progressive. The closing month of the period showed also larger total imports than any other, $183,000,000, against $133,000,000 in its first month. On the other hand, the exports of domestic products have steadily fallen, the figures for October, 1913, having been $269,000,000 and in March, 1914, only $184,000,000. This seems to illustrate the fallacy of the Democratic theory that "if you don't buy, you can't sell."

The imports in the six months increased more than 57 per cent, while the exports decreased more than 31 per cent in the same period.

It is in the persistent fall in the importation of manufacturers' materials, however, that there is the gravest concern. No part of the machinery of the Government gives such excellent opportunity to measure the activities of the manufacturers of the country as does the record of the imports of their requirements for manufacturing and of the manufactures which come in competition with them.

NOT DUE TO LOWER PRICES.

It can not be said that the fall in value of manufacturers' materials imported is due to lower prices. An examination of the detailed records of the period shows in many cases much smaller quantities of the various materials brought in.

The total quantity of raw cotton imported in the six months under the new law is only 51,000,000 pounds, against 79,000,000 pounds in the same period of last year; pig tin for use in the tin-plate factories, 37,000,000 pounds, against 46,000,000; hides and skins, 280,000,000 pounds, against 295,000,000; rubber, 62,000,000 pounds, against 65,000,000, and in many other articles of this class there is a like falling off in quantity imported.

In those articles of manufacture in which the duty was reduced in order to "sharpen the wits" of their producers at home, there has been a striking increase in importation and in most cases a corresponding decrease in exportation, due, apparently, to a slowing down in production by our manufacturers.

In tin plate, for example, in which the duty was decreased about one-third, the imports of the six months under the new tariff were more than 32,000,000 pounds, against less than 3,000,000 in the six months of last year, an increase of 1,000 per cent, while the exports fell from 74,000,000 pounds in the six months of last year to 43,000,000 pounds in the six months under the new law.

LEATHER AND COTTON.

In leather and its manufactures, in which the duties were either removed or largely reduced, the imports increased more than 40 per cent, while the exports declined about 15 per cent.

In cotton manufactures, on which there was a reduction of duties, the imports show an increase of nearly $5,000,000, while the exports show a falling off in total value, despite the fact that the Department of Commerce is industriously tooting its horn about the wonderful work it is doing in finding markets for our cotton goods.

Duties on iron and steel manufactures were reduced and the exports of iron and steel manufactures have fallen $30,000,000 in the six months' period.

Meantime the talk about increased supplies of food and reduced prices through removal of duties on foodstuffs is making manifest its real qualities. The records of the six months show an importation of $3,000,000 pounds of fresh beef in that period, or about 2 ounces a month for each individual in the United States.

The official records of the Department of Commerce show that prices at which the importation occurred were more than 20 per cent higher in March under the new law than in September, the last month of the old law, while on many other of the articles on which duties were reduced the prices abroad were promptly advanced.

This is not confined to the manufacturer. It is bound to reach the American farmer in an increasingly hurtful result. Note the items of interest to the farmer.

Last week Argentine corn was offered in Chicago for June and July shipments.

The New York Times noted a sharp decline of exports from the United States to the South American countries in the early part of the year, but unprecedented importations of corn, fresh beef, cattle, hides, and wool.

Does it take a prophet to foretell what the American farmer will say at his earliest opportunity what his opinion is of such a policy or a party supporting such a policy?

He does not relish such news items as this:

One day last week a steamer from Liverpool, England, brought to Philadelphia 105,000 pounds of Argentine beef and 360,000 frozen eggs which had come all the way from China.

The situation of the Treasury is not encouraging with a deficit of $40,000,000 in the revenues in the last six months of the fiscal year. No one can yet tell what the income tax will bring forth. We now hear some mutterings that the tariff is to be restored upon sugar, an industry that is destined to probable total destruction unless some relief is forthcoming. I take this from a Washington dispatch to the Cincinnati Enquirer:

WASHINGTON, *May 31.*

The administration, facing a Treasury deficit and fearing destruction of both cane and beet sugar industry through free sugar, is about to reverse its free-sugar policy by amending the Underwood tariff law to retain a duty of 1 cent a pound on sugar.

It is estimated such a duty will yield to the Federal Treasury annually about $37,000,000. The Treasury is now running short on revenues about $500,000 a day while awaiting collections from the income tax and other sources. It is the opinion of both sugar-cane growers in Louisiana and sugar-beet growers in Colorado that the 1 cent a pound duty will permit those industries to survive. It is contended still that they will not be profitable except under the most favorable economic conditions.

Acting for the Democratic administration, Secretary Redfield, of the Department of Commerce, has had experts make a study in Louisiana of the actual cost of raising sugar cane and of its reduction into raw sugar. The Louisiana sugar planters insisted that free sugar would make it impossible for them to compete with Cuban-grown sugar cane. Many of them went out of the sugar-cane growing business, and sugar plantations are now on the market selling for nominal prices.

Even Untermyer, whose utterances are the final word for this administration, has admitted that business is bad. When the Representatives of my State and that of Illinois, representing at least 20,000 employers employing 1,000,000 men and an industry amounting to three-quarters of a billion dollars, asked the President to suspend further legislation that business might get on its feet, the President's reply was that the business situation is psychologic. It was a state of mind. The Philadelphia Ledger then put the pertinent query:

Can an extra dose of psychology give back to 2,500,000 railroad owners that $98,000,000 which their properties have lost in eight months this fiscal year, compared with the year before the Wilson régime started?

Is it only a dream or a concrete fact that 1,000,000 workmen are now out of a job?

Can a mental state account for the amazing reversal in America's international trade figures, where a monthly excess of exports ranging up to $50,000,000 has turned into a balance against us of $10,000,000 for April?

Does mere sentiment reduce our steel mill output to 60 per cent of its capacity? Was it hysteria that blew out 15,000 Pennsylvania coke ovens?

No; it was not a "merely psychological" notion that unloaded American-made traffic from 230,000 freight cars and put them out of commission. Baldwin's didn't discharge more than half their employees out of pique.

Building operations in the United States have not fallen greatly simply to create political sentiment. Our bankers are not sending shiploads of gold to Europe to spite somebody.

When securities have been liquidated in 18 months to a level $2,000,000,000 below their former value the country is not suffering psychologically, but concretely.

It is an outrageous mockery for those whose excessive legislative meddling is largely responsible for our present trade ills to pretend that the people who have suffered the loss and who are out of work are themselves to blame.

The President says there is "nothing more dangerous for business than uncertainty." But his party has left business in no uncertainty whatever, except as to the extent of the calamity which it may inflict.

One of the best business barometers is the idle car surplus.

The following comparison of the first six months of 1913, when still under a protective system, with the first six months under the Underwood bill will be enlightening.

AMERICAN RAILWAY ASSOCIATION REPORTS A NET SURPLUS OF 238,642 CARS ON MAY 15.

Following is a table showing the surpluses and shortages in the last year at various recent dates:

1914.	Surplus
May 15	239,406
May 1	230,533
April 15	213,924
April 1	141,525
March 15	132,910
March 1	159,480
February 14	199,385
February 1	211,960
January 15	217,274
January 1	190,521
1913.	
May 31	60,291
May 15	61,269
May 1	53,977
April 15	76,715
April 1	68,792
March 15	57,998
March 1	68,529
February 15	52,700
February 1	62,015
January 15	53,230

Mr. Chairman, this situation of the country in the first six months of the Underwood tariff will not be greatly relieved by the promise of the most bountiful harvest of crops ever known. This feature will assist but it will not relieve the situation.

Democrats may call us calamity howlers; they may ridicule the recital of facts; but whistling to keep up courage is not a substitute for confidence. The President may declare it a mere state of mind, but even Christian Science, whatever spiritual efficacy it may possess, does not claim to dominate the laws of trade.

Cabinet members may indict us as "little thinkers," but innuendo or epithet will not restore the prosperous condition of our people of 1912.

Statesmen may declare the depression is world-wide; but that does not answer the query, Why is it coincident in this country with Democratic administration?

No, Mr. Chairman, it would be wise for the Congress to adjourn and give the country a rest.

I now repeat what I said on April 25, 1913, when I declared that the Underwood bill ought to be entitled "An act in the interest of foreign countries as against the United States." I then declared that if the bill passed history would repeat itself; that the only way the Democrats would reduce the cost of living would be to destroy the purchasing power of the consumer.

I leave it to any fair-minded citizen whether history is not repeating itself; whether the cost of living will be reduced by this administration except by disruption of business.

While the leaders of this administration attempt to make believe that it is only a mental state, I now warn them that by the time the ides of November appear a new awakening will come. Ere that time the people of the country will have spoken. I am perfectly willing to leave it with them; and I am sure I but repeat the real situation when again I say the most anxious moment of the people of this Nation is that glad time when they can issue the order of disunion to the majority party now oppressing the industrial life of the Nation. I have no doubt of the issue.

Mr. ADAMSON. I yield five minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, we have Members here, it seems, for all purposes. [Laughter.]

Mr. ASHBROOK. General purposes?

Mr. HEFLIN. A gentleman from Ohio [Mr. FESS] has been occupying a seat on that side, who came here recently for the sole purpose, it appears, of keeping tab on the membership of this side——

Mr. ADAMSON. A timekeeper.

Mr. HEFLIN. Yes; he has constituted himself the official timekeeper, or political record writer, of the remnant of Republicans now left in the House. [Laughter.] I would like to know of the gentleman how he kept up with the attendance of the House on the day that he was at the ball game. [Laughter.] I would like to know if the gentleman would insert in his speech the situation that we see here now, with 80 Democrats——

A MEMBER. Eighty-five——

Mr. HEFLIN. Eighty-five Democrats and 18 Republicans and Progressives altogether. [Laughter and applause.]

A MEMBER. Thirteen——

Mr. HEFLIN. Thirteen. Worse and worse. [Laughter.]

Let me remind the gentleman from Ohio that he will have trouble in explaining back home just how 14 Democrats could outvote the entire Republican membership of this House. Somebody will ask where were the Republican Members. [Laughter and applause.]

"Why was it that you did not get certain provisions in the bill?" they will ask you. "If you Republicans were there, you could watch your opportunity and when you caught the Democrats napping you could put your amendments over." But where were the Republicans——

A MEMBER. At the ball game. [Laughter.]

Mr. HEFLIN. On the two or three occasions mentioned by the gentleman there were more Democrats here than Republicans? The gentleman knows that when these bills are introduced, Members see them, and when the committees act upon these bills and report them, and when the reports are printed, the Members read them, and they know just what is in the bill; and often during general debate on the measure they do not all of them remain in the Hall to hear the speeches; but the gentleman knows that whenever they are needed to pass the bill they are right here to vote.

It is true that this side is responsible for legislation, and I want to say to the gentleman from Ohio that when we finally leave this Hall at the end of this session, with an income tax upon the statute books, with a tariff for revenue only upon the

spiracies under the Sherman law. I would not vote for any measure that would deny either labor or farmers the right to organize for mutual helpfulness. Upon the other hand, I would not vote for any law that would exempt either from punishment for the violation of law. This amendment which I supported allows organization of these various interests, but it subjects them to punishment under the law if they do unlawful acts. I have no doubt myself upon this provision; however, there seems to be some dispute among the Members. This feature should have been clearly stated so that the courts would not have been necessary to decide it. When the direct question was put to the chairman in charge whether the bill permitted a secondary boycott, he replied it did not, and he would not vote for a measure that did. Then an amendment was offered specifying that it did not authorize it. This the committee refused to accept. It should have accepted the amendment. The bill is at fault in the sense that it lacks clearness. It will take the courts to define its meaning. This is another reason for my withholding my support.

That being the case, for these reasons, as well as others. I will have to withhold my support of this measure. I believe it catches business going and it catches it coming. Business is already in the air, and it will be more so than ever before if this act becomes a law as it goes out of this House, especially if not modified materially.

Mr. Chairman, I do not believe that the country is as much interested in this particular line of legislation as you gentlemen think it is. It would like to have Congress adjourn. The people demand it. The press demands it. Business wants a rest. I do not think this Congress is interested in this line of legislation as much as you gentlemen think it is. I do not want to be cruel. It is my nature to approve. No man in this Chamber has heard me say anything ugly purely for partisan advantage, for it is not my nature to do so. But I want to prove to you that the Democrats in this House are not interested in this legislation. Some of us have been in constant attendance in this Chamber for the past 14 months. What does the small attendance upon the sessions signify? I have kept the roll of the Democratic side of the House for the last 10 days, making an actual record every 30 minutes, and I have it in my pocket, and I would like to read it to you to show that this Democratic Congress is not interested in this legislation. The only Democrats interested seem to be the President and the members of the Judiciary Committee. And even they, I am persuaded to think, would like to be relieved in response to the demands of the country. You are not here to take part in the discussion, and a quorum is not here now, and I can easily show you that even presidential persuasion is not sufficient to compel interest in these measures.

Mr. ADAMSON. Will the gentleman yield?

Mr. FESS. I am always delighted to yield to the gentleman from Georgia.

Mr. ADAMSON. I thank the gentleman; he is always fair and courteous. I understand the gentleman's remarks just made apply to the bill which was laid aside to-day from the Judiciary Committee.

Mr. FESS. Yes; I refer to the last 10 days.

Mr. ADAMSON. And not to the stock and bonds bill?

Mr. FESS. No. I am not suggesting a lack of interest in your measure.

Mr. HEFLIN. Will the gentleman yield?

Mr. FESS. Yes; with pleasure.

Mr. HEFLIN. The gentleman suggests that he has been keeping a record of the attendance of Members on this side of the House. I would like to ask him if he has kept a record of the presence of Members on the other side of the House.

Mr. FESS. I knew that you or some one else would ask that question.

Mr. HEFLIN. I will ask the gentleman to look on that side of the Chamber now and compare it with the attendance on this side.

Mr. FESS. I repeat that I knew that you or some one else would ask the question. I did not count the Members on the Republican side of the House, except to satisfy my own curiosity now and then, because the country will not hold the Republican side of the House responsible for legislation in this Congress, with 145 Democratic majority.

Mr. TAYLOR of Arkansas. Which side is "this side"?

Mr. FESS. "This side" of the House is responsible for legislation. "This side" is the Democratic side and that side is the other side. [Laughter.]

Mr. GORDON. Will the gentleman yield?

Mr. FESS. Yes; certainly I will yield to my colleague.

Mr. GORDON. Upon what theory does the gentleman claim immunity for the Republicans? You draw the same salary on that side that we do on this.

Mr. FESS. A great many people in this world think there is nothing except drawing salaries. I am not so much concerned about that.

Mr. RAKER. Before the gentleman reads the roll, will my delightful and learned friend yield for a question?

Mr. FESS. I could not help it now. [Laughter.]

Mr. RAKER. Would the gentleman's record of the attendance compare favorably with the House as it is now? There are present in the House and in the lobbies 14 Republican Members and about 50 or 60 Democrats.

Mr. FESS. Such inquiries are not a satisfactory excuse for the majority party to fail to maintain a working quorum.

Mr. MONDELL. It will be noticed that the gentleman said "in the lobby."

Mr. FESS. I want to say to my friend from California that he can not draw me away from the point at issue. This is a Democratic Congress, not a Republican, and the responsibility for legislation is with you. I want to impress this fact, that while the President, for whom I have the highest regard, as everybody knows, insists upon our enacting this legislation the country would like to have us adjourn and go home. Mr. UNDERWOOD said in this Chamber recently that the country needs a rest, and under ordinary circumstances you would agree with him; but under the new tutelage of the Democracy the Congress lingers with empty seats. I do not believe that the facts here prove the statement of the President that it is wise to finish the operation.

To prove it I am going to read the record. May 21, roll call to secure quorum at 12.30; at 2 o'clock, with the appropriation bill, carrying nearly $7,000,000, before the House, Democrats in the House, 15. At 2.30, VICTOR MURDOCK on the floor discussing the interstate trade commission, Democrat, in the House, 16; 2.43 o'clock, 11 Democrats in the House; 3 p. m., 16 Democrats in the House; 3.15, 18 Democrats in the House. At this time Gov. MONTAGUE, the distinguished Member from Virginia, was speaking most learnedly and effectively upon the interstate trade bill and there were but 18 Members of your party here by actual count. At 5 o'clock a roll call was ordered to secure a quorum.

Friday, May 22, 11 a. m., Journal read, 10 Democrats present; 11.15, point of no quorum was made; 2.30 p. m., 30 Democrats present; 3 p. m., 25 Democrats present; 3.30 p. m., 22 Democrats present; 4 o'clock, with the Clayton bill, the antitrust legislation under discussion, and Mr. WEBB on the floor, 28 Democrats present; at 8.20 in the evening, 26 Democrats present.

Saturday, May 23, antitrust bill in discussion; 11.15 a. m., 14 Democrats present; at 11.30 a point of no quorum was made; at 3 o'clock p. m. 22 Democrats were present; at 3.30 o'clock p. m. 14 Democrats were present; at 4 o'clock p. m. 16 Democrats were present; at 4.30 p. m. 14 Democrats were present; at 5 o'clock 16 were present. At this time the President's message was received. We then adjourned with 15 Democrats in the House. Just before adjournment a unanimous-consent request was made by the gentleman from North Carolina [Mr. WEBB] to modify the rule which provided for evening session so as not to have a meeting that night, but to have the House adjourn over until Monday. Pending the request, it was stated the reason to be that no one was ready to speak, when everybody knew that a quorum was impossible.

Mr. TAYLOR of Arkansas. Is it not true, according to the gentleman's report, that the gentleman was the only Republican present at all of these times?

Mr. FESS. Oh, I am not doing this in jest. I am informing the country of the lack of interest, especially among the Democratic Members, in the subject before us.

Mr. RAINEY. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. RAINEY. Is it possible that the gentleman from North Carolina made the statement that there was no one present who wanted to speak and the gentleman himself was here? [Laughter.]

Mr. FESS. Oh, I would not expect to have time yielded to me by the gentleman from North Carolina [Mr. WEBB], whose measure I am not supporting. The gentleman's sarcasm is accepted.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. FESS. Oh, I think I can read to the gentleman more interesting matter than he can give to me.

Mr. HEFLIN. Just one interruption.

Mr. FESS. Very well.

Mr. HEFLIN. The gentleman has cited instances where there were only 12 and 14 and 16 Democrats present. How can he account for the fact that the Republicans were unable to get in any amendments, when they have one hundred and thirty-odd Members in the House? Where were they?

Mr. FESS. It is not a matter of Republican legislation in a Democratic Congress. If it were, the country would know the difference. It is a matter of your people being here. On Monday, at 11 o'clock a. m., there were 12 Democrats present. I have the names of them here. At 11.20 there were 28 present in the House, and Mr. TAGGART had the floor, producing argument worthy of the House. At 12 o'clock there were 37 Democrats on the floor, and at 12.25 the House adjourned on account of the death of Senator Bradley. On Tuesday, May 26, the Journal was read at 11 o'clock, and at 11.10 o'clock a. m. there were 19 Democrats present, and the antitrust question was under consideration. Keep in mind that all speeches made, even in general debate, were confined to the issue. At 11.30 a. m. there were 28 present, at 1 o'clock there were 19 present, at 2 o'clock there were 9, and at 2.30 there were 18 and at 3 o'clock there were 24. At 3 o'clock and 2 minutes the point of no quorum was made, and when the point of no quorum was made the Chair announced that there were 62 Members present altogether, Democrats and Republicans.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. HARRISON. Was that the afternoon when I saw the gentleman and the leader of the Republican Party, Mr. MANN, at the ball game?

Mr. FESS. No; indeed, it was not. At 4 o'clock there were 56 Democrats present, with Mr. CARLIN speaking. At 4.55 there were 28 present, when we took an adjournment.

Mr. DECKER. Mr. Chairman, will the gentleman yield?

Mr. FESS. Certainly.

Mr. DECKER. Would the gentleman undertake to say that there were only 56 present when Mr. CARLIN made his speech?

Mr. FESS. There were 56 Members present at 4 o'clock, with Mr. CARLIN speaking. I would not make a record that was false. There could be nothing gained by that.

Mr. DECKER. He spoke about three hours. How many were present when he started?

Mr. FESS. He used 1 hour and 13 minutes of the 2 hours and 18 minutes yielded him. The point of no quorum was made to secure an audience for him. I suggested to him myself that I would make the point if some one else did not. My friend from Connecticut [Mr. DONOVAN] came to the rescue.

Mr. BRYAN. I submit that is a delicate question.

Mr. FESS. I should like to state to my genial friend that I have kept this account in this way: At 2.30, at 3, at 3.30, and at 4. At 3.02 the point of no quorum was made.

Mr. DECKER. How many were present after the point of no quorum was made?

Mr. FESS. The gentleman can consult the RECORD.

Mr. DECKER. I understand; but how many were here during the speaking?

Mr. FESS. I kept the count. I have no other record except at 4 o'clock.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. STEVENS of Minnesota. I yield the gentleman five minutes more.

Mr. FESS. We will now take the next day—Wednesday. At 12 o'clock the point of no quorum was made. At 1 p. m. there were 20 Democrats present, at 1.45 p. m. there were 11 present, and at 2 o'clock there were 8 present. At 2.20 there were 7 present, at 3 there were 12 present, and at 3.50 there were 13 present. On page 9338 of the CONGRESSIONAL RECORD we find that there was a division called for, and the record vote was ayes 6, noes 10. On page 9340 of the CONGRESSIONAL RECORD we find another division was called for, and the vote was ayes 4, noes 6.

Mr. GARNER. Was not that on Wednesday when they were discussing the codification bill?

Mr. FESS. That is on May 27, Wednesday. That does not change fact any. The Democrats were not here.

Mr. ADAMSON. Mr. Chairman, I will yield the gentleman one more minute if he will allow me one more question.

Mr. FESS. Certainly.

Mr. ADAMSON. In the gentleman's opinion, would it not afford some relief from this deplorable situation and give these lusty orators a better attendance on hot days, if you gentlemen who have an interlocking interest in both the baseball game and the proceedings of the House could adjust an allotment and division of the time, so that you could attend one in the afternoon and one in the forenoon, and have a quorum at both places. [Laughter.]

Mr. FESS. I hope the gentleman does not include me in the interlocking arrangement, because I am not a baseball fan.

Mr. ADAMSON. The gentleman did not deny being at the baseball game when the gentleman from Mississippi [Mr. HARRISON] asked the question.

Mr. FESS. Well, I was at the baseball game once. [Laughter.] You remember my record shows we adjourned one day at 12.25.

Mr. BARKLEY. Will the gentleman yield?

Mr. FESS. I yield to the gentleman.

Mr. BARKLEY. Was the House in session at the time the gentleman from Ohio was at the ball game?

Mr. FESS. I presume it was, unofficially, probably over at the ball park. I am not sure as to that. And so the record runs. I will admit that the last two days we have had a better attendance and it shows up fairly well. The interest in the labor items of the bill seems to be attractive to absent Democrats. I have the record here, and this is what I have in mind, not to twit anybody and not to put anything that is hurtful to anybody in the RECORD. I have the names and could give them, but I have no desire to do that, for it would not add to my purpose to show that this Democratic Congress is absent. I repeat that the average membership here is wanting to give the country a rest. While we are in session formally, we are exemplifying "watchful waiting" beautifully. I do not believe that the country demands this sort of legislation designed to unsettle all business. Here is the greatest institution on earth. We are dealing with the country's business, that amounts to a hundred and thirty billion dollars of wealth. It is the greatest business on earth, and yet when we have proposed acts that look to the very life of business we do not have a quorum here, and that at a moment when the President insists we must stay here and do this specific thing. I am not ugly nor facetious when I call attention to the fact that our presence in this Chamber and our participation in the discussion do not indicate that we believe the business is important as we seem to believe. I am going to state another thing, which appears to me important at this stage.

Mr. BARKLEY. Will the gentleman yield?

Mr. FESS. I can not yield, because my time is going so rapidly. I want to say another thing. On the 17th day of last September I called attention to an incident that created laughter on this side of the House. I said, discussing that provision of the currency question where it provides the receipt of Federal notes in the payment of duties which heretofore were required to be paid in gold—I said at that time that you are providing a method by which you reduced the sum of gold in the Treasury. I desire to quote here what I then said, as taken from the RECORD of September 13, last year:

> Now, if you mean to maintain the gold standard and make it the redemption money in this bill, just observe what you are doing. Look at the burden which is put upon gold. First we have $346,681,000 in greenbacks, with $100,000,000 in reserve to keep them at par. This reserve fund, under law, must not be intrenched upon, even at the cost of issuing bonds. We have over $2,000,000 of Sherman notes out of the $156,000,000 of original issue, and we keep $50,000,000 of gold in the Treasury to maintain them at par. Then we have over $1,000,000,000 of gold certificates out in the country, and the gold funds must be kept without infringement to maintain the redemption of these certificates if the holders should call for them.
>
> Then listen. We have in silver certificates and silver dollars nearly $700,000,000, all of which since 1890 must be redeemed in gold. At least the Government is compelled to keep them at a parity. Add to the greenbacks, to the Treasury notes, to the gold certificates, to the silver certificates, to the silver dollars, an unlimited amount of United States notes—Federal notes—provided in this bill, and where will you get the gold to redeem all of that? That is the question. What provision are you making for the gold?
>
> Listen, men. Instead of your providing for an increase of gold, you are keeping the gold supply out of this country by a provision in this bill. You say the Treasury note shall be receivable for customs, and customs have always been paid from the beginning in gold in order to supply our gold needed for redemption. Where on earth will you get the gold? You can not pick it off the trees; it can not be found that way. We collect it through the revenue officers in the custombouses of the country; but here, instead of doing with these notes what you did with the greenbacks, what you have done with the national-bank notes, what you really do with the certificates, both gold and silver, you make them acceptable for the payment of customs, whereby every note that you receive in payment of customs will deplete the gold to that degree. While you are providing for an increased demand for gold, if you mean to preserve it as a standard, you are cutting off the real source of its supply.

Mr. BARTLETT. Will the gentleman yield?

Mr. FESS. I will yield to the gentleman from Georgia.

Mr. BARTLETT. It is true that the national-bank note and the silver certificates can be received now for customs.

Mr. FESS. The national-bank note can not. I would not say as to the silver certificate, but am inclined to think not.

Mr. BARTLETT. They pay customs duties now in checks by a recent law.

Mr. FESS. The checks are redeemable in money which ultimately is gold.

Now, here is another question that I want to ask the Democratic Members. They will not agree with me in this, but I think it is worth while to think about it. Your tariff measure is professing to collect from imports into the country a large sum of money, and by your competitive system you promise a large increase of importations. If through the Underwood bill you increase the importations to this country to the point, which you might reach, of turning the trade balances against us instead of for us, so that we will be buying more goods from Europe than we are selling, then the balance will have to be settled in gold, the money of international exchange. If you reach that point, this country will be drained of its gold. Between the two bills, the tariff measure, which provides for an increased importation, and the currency bill, which provides for receiving notes instead of gold for customs duties, between these two plans you are increasing the demand for gold and reducing the supply at both ends.

A JOURNAL'S MORAL RESPONSIBILITY.

Every man on this floor familiar with the facts knows that the "inside of the pork barrel" was not presented to public view by that article. I say this with profound regret, because of the far-reaching influence of that great journal. To say that its management has been imposed upon is, I believe, to express the judgment of Congress, whatever may be the verdict on the pork barrel. The moral responsibility to the country of any journal is as great as that of any Member of Congress, while the influence of the Post for good or bad is greater than that of any Member of either branch of Congress, because it speaks to a million people every week. In my humble judgment, its influence cast against the 1914 river and harbor bill would have insured the bill's defeat, because the pork barrel is built in the dark, and it will quickly fall to pieces when exposed to searching publicity.

The author of that article, the gentleman from Mississippi, has given public testimony that my action is based upon the belief that by seeking the defeat of the pork barrel I am serving my country well. I am content to offer no excuse in seeking to have the truth regarding that measure placed before the country. The Post article, sent through the CONGRESSIONAL RECORD, purports to give a view of the "inside of the pork barrel," but its attractive picture, made up of glittering generalities, bears no more resemblance to the Janus-faced, vicious measure of 1914 than a fragrant bouquet bears to the garbage barrel. Surely it is a marked coincidence that the ill-smelling garbage barrel is attractive only to those animals that find their last resting place in another famous barrel dedicated to their kind.

THE BURDEN TO EVERY HOUSEHOLDER.

In my remarks of March 26, following a five days' discussion of the bill in the House, an effort was made to fairly show the true inwardness of the pork barrel, and that analysis was supported by the best obtainable testimony, including reports of examining Government engineers, together with Government statistics, that have not been controverted. The wasteful measure now approximating $88,000,000, as it comes out of the Senate committee, in actual obligations, places an average burden on the head of every family in the country approximating $5. Future obligations which are to be met for this same wasteful purpose increases the average burden to each family head to $15, and for every $1,000,000,000 of pork-barrel projects which are now impending, backed by men of national repute, according to Chairman SPARKMAN's official statement, the burden will be increased to $50 for the head of every family in the country on the general average. In my remarks of March 26 I sought to present the vast waste of taxpayers' money when viewed from the inside of the pork barrel.

Mr. Chairman, in these remarks here hurriedly presented I have tried to disclose the hidden springs which lurk inside the barrel and which determine its character and its course. Contributions by railroads to influence Congressmen have been shown, as revealed by the statement of the secretary of the Humphreys-Ransdell organization. Masked guns aimed by business interests have been trained upon Congressmen, according to a responsible waterways publication. A $50,000,000 annual logrolling association built around "mutual bribery" is disclosed by one of the greatest commercial bodies in the country. Incidentally it has been shown that the pork barrel has been destroying the river frontage and undermining adjacent property in great cities, wasting millions of dollars annually on a stream in which over $75,000,000 has already been poured, and ruining the 7 per cent remainder of navigation now existing after a 93 per cent loss in 20 years. None of these conditions, which are upheld by testimony from high authority, has been mentioned in the Post article.

WHERE PRESIDENTS CONDEMN, THE POST APPROVES.

Opposed to the judgment of the gentlemen from Mississippi and Louisiana, who give the "inside of the pork barrel" their approval by its incorporation in the RECORD and by the secret campaign waged in favor of the Humphreys-Ransdell $60,000,000 bill, I offer the disapproval of public men who have believed they were serving their country well by public condemnation of the barrel. President Cleveland, among other severe criticisms, wrote that many of its objects are not related to the public welfare but are for the aid of private interests. That is notoriously the case in the 1914 pork barrel. President Taft declared:

> I once reached the conclusion that it was my duty to interpose a veto in order, if possible, to secure a change in the method of framing these bills.

He was dissuaded only because no bill had been passed for three years. The 1914 bill is open to every objection urged by President Cleveland and by President Taft. A distinguished Senator declared the whole system is a "humbug and a steal," and no one in the Senate questioned the utterance. Another Member of the upper House once declared, "The people will not forever stand silently by and see this reckless, this wasteful expenditure of their money." Can we question that statement?

These opinions, judging from editorial utterances I have received from leading papers in many different States, are shared by the country at large. So far as my knowledge goes not one reputable newspaper in the country has said any good words for the 1914 notorious pork barrel. It is shunned by leading journals as a class, and few people have the hardihood to defend the hypocritical measure in aid of navigation. I append editorials from two of the greatest newspapers of the country, whose fearless utterances on public shams have rendered great service to their country. They reflect the general sentiment expressed in a score of others and in many letters that have come to me on the same subject.

[From the Chicago Tribune of Monday, June 1, 1914.]

THE GIANT GRAFT OF THE PORK BARREL.

Readers of Tribune editorials not infrequently encounter the word "pork," and doubtless think they comprehend what is meant. We have no doubt our readers do know what we mean by "pork," but of the importance of the word and of the cost of "pork" to the Nation we are afraid a very small proportion are informed.

"Pork" is money taken from the public till ostensibly for public improvements, but actually to build a Congressman's fences. "Pork" is an appropriation made by Congress from the United States Treasury ostensibly for the construction of some public work of benefit to the public, but actually to benefit Congressmen, either by pleasing local pride or profiting some private interest of influence upon the Congressman's fortunes.

"Pork" does not mean money spent on necessary and beneficial public improvements, the construction of which legitimately belongs to the Nation. "Pork" is money of the public spent for private benefit, money of the Nation spent for local profit. "Pork," in short, is graft and a graft so tremendous that compared to it all the direct peculations and profits of which dishonest officials have been guilty in the history of the Nation are as a molehill to a mountain.

One of the chief forms of "pork" is harbor and river improvements. The aggregate of money which is wasted under guise of river and harbor improvement would stagger the Nation if it were ascertained. For years this waste has been going on, not merely in the form of projects which had a reasonable excuse for being and which only experience could prove unwise, but in the form of numberless projects which had no excuse from the beginning, which were plain steals made possible only under the system of logrolling.

Year after year some Congressman, usually a new hand, has fought this "pork" graft to find that his most unchallengeable objections, his most eloquent protests, were remorselessly ignored. The latest of these forlorn hopes was led by Representative JAMES A. FREAR, of Wisconsin, whose work in committee and whose speech in the House March 26 against the pending river and harbor bill brought out the evils of "pork barrel" legislation and unscrupulous logrolling with commendable courage.

It is difficult to select from the examples offered in Representative FREAR's speech because there are so many that illustrate the inexcusable waste in this field of public expenditure. To many readers the case of the Kissimmee will appeal. This river is in Florida and is dry several months in the year—in 1907, 8 months; in 1908, 5 months. But it has been under "improvement" since 1903 and has had $30,400 spent on it. There is a politician and ex-Congressman interested in selling a tract along this river to settlers from the North.

Then there is the Coosa River project, planned in 1890 and modified in 1892, providing for 23 locks and dams at an estimated cost of $5,106,422. By June, 1909, $401,372 had been expended in completing 4 per cent of this enterprise, and the engineers reported in that year that "on account of the numerous rapids this part of the river has never been navigable," that "as yet—after 19 years—no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system." In 1913 the engineers reported that "a small commerce in the rafting of logs and square timber can only be carried on when the river is about 12 feet above low water, and no reliable estimate of its value can be ascertained."

The amount required for the completion of this great public enterprise is $6,659,013.

The harbor and river bill appropriates $43,289,004. New projects started in 1914 will, if carried on, involve a further expenditure of $33,000,000, so that the "pork" to be paid or promised in this bill comes to the tidy sum of $76,000,000.

If Representative FREAR exaggerates when he declares that nine-tenths of this great sum will be wasted, he will be excused by anyone who reads the long list of cases he cites. Certainly public opinion should be aroused to this gigantic graft. The President would do a public service by vetoing the present bill, not only to prevent the waste directly involved but to call nation-wide attention to the whole evil of pork. The Tribune will return to this subject.

[From the Washington Times, Thursday, May 7, 1914.]

THE FREAR RESOLUTION.

Congressman FREAR, of Wisconsin, on March 26, delivered a remarkable speech in the House. The river and harbor bill was his subject, and he made a telling analysis of the measure. Taking up project after project, he quoted from the engineering reports to show conditions surrounding them and the pitifully small volume of traffic that could possibly be benefited by enterprises for which hundreds of thousands of dollars were asked, demonstrating that the measure as a whole plainly aimed to distribute a lot of Federal money as equitably as might be, rather than to devote it to work that would be of substantial value.

Mr. FREAR's speech demonstrated that he had made a great study of the subject. He followed it on May 4 by introducing a concurrent resolution which probably will be duly smothered for the present, but which contains an idea that is certain before many years to be adopted.

This Frear resolution sets forth that, while these appropriations have increased 500 per cent per annum, navigation on the rivers has fallen off 80 per cent. Projects now adopted, or contained in the pending bill which is expected to pass, involve a future expenditure of $305,000,000; surveys are authorized for projects costing another $100,000,000; and other huge projects are now being insistently advocated which would involve billions. Mr. FREAR declares that many millions have been spent in the past on rivers to benefit navigation, and that these projects have since been abandoned as of no value and represent a dead loss.

In short, Mr. FREAR presents a startling indictment of the whole river-improvement program, insists that most of the money spent on it—several hundreds of millions—in the past has been wasted, and that unless there is a change of policy billions more will go the same way, and he winds up his resolution with a direction that the Interstate Commerce Commission shall investigate and report on the whole subject. Among other things, he would have the commission find out how much value there is in the $305,000,000 worth of projects to which the Government is now committed, what virtue there is in the billions of dollars' worth of additional projects that are insistently demanded, and what are the organizations, interests, etc., boosting them. He wants to know about paid lobbyists in this connection, and requires detailed information as to all river and harbor improvements begun and afterwards abandoned, and how much this waste has aggregated. He asks the commission to learn whether it is true that certain privately owned canals, whose stock is practically worthless, are being unloaded on the Government for huge figures, and why. He yearns for light, too, as to the extent of the property values that would be benefited by certain great river improvements that are urged; and he wants to be informed why States and cities along the Mississippi, for instance, should not pay a big slice of the expense for flood protection and the like of which they would be the beneficiaries.

In short, Mr. FREAR has cut out for the Interstate Commerce Commission a job which it couldn't possibly handle and for which it has no possible indictment, but, none the less, a job that very decidedly ought to be attended to. It should be given, not to the Interstate Commerce Commission, but to some other body. Perhaps the Department of Commerce is the right authority. Anyhow, the broad investigation that Mr. FREAR wants is demanded by the enlightened sentiment of the whole country.

We have spent hundreds of millions on our waterways; several times as much, for instance, as Germany has spent on hers. Yet at the end what do we see? Germany has restored a vast and fast-increasing traffic to her rivers; we have let the traffic be driven from our rivers. Germany has got immense returns from its river investments; we have wasted ours, for the greater part, and are going right ahead to waste more.

Some organization, coordination, and practical judgment in the selection of projects would make the river expenditures worth while. They are not worth while now. They are a reproach to every Congress that passes one of these budgets. The Frear crusade will accomplish some good and useful results if Mr. FREAR will stick by his guns and keep right on fighting till he gets a hearing.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman from Ohio [Mr. FESS]. [Applause.]

Mr. FESS. Mr. Chairman, I am in sympathy with the purpose of the program that has been announced on the trust legislation by the authors of the bills. [Applause.] You are applauding too soon. The purpose of the legislation, as it is expressed in every speech made upon this floor in support of the various measures can not, I think, be objected to. Part of these bills I favor. I shall give my support to the interstate trade commission, and do it heartily, because I believe it supplements the Sherman law, that in a sense has been effective, but not entirely so. However, this ineffectiveness is due not to the law so much as to the administration of it.

I am not satisfied with this measure now before us and can not now give my approval of it. If it is amended along the lines suggested by Mr. STEVENS of Minnesota, I will support it. I hope it will be so modified. The measure that was laid aside to-day, the Clayton antitrust bill, is a measure seeking to do a thing that I have desired to see done for years. As a student for some time of the subject of concentration and control, as set forth by the investigations of Dr. Van Hise, Bruce Wyman, and a great number of experts, such as Dr. Ripley, Prof. Jenks, and Prof. Ely, I have well-defined convictions. This bill is designed by its proponents to regulate big business, without destroying the small man, but I can not see that this bill is reaching the thing that you men think it will reach. My belief is not the result of prejudice, not a desire to avoid responsibility. I have tried to be absolutely honest in my own mind. I have come to this proposition in this spirit of an open mind. If it were introduced in a Republican Congress and I could see my way to support it as a Republican measure, I would support it in this Democratic Congress, introduced by a Democrat. I have come with that open mind, rather to be fair to myself as a legislator. But if I am not mistaken, you are not striking the monopoly as you think you are, and you are striking the small business man as you think you are not. In other words, you are not hurting the enemy of business, but you are distressing the friend of it. When you deny the exclusive contract to the large business corporation, in order, as you profess, to insure competition for the small man, your limitation will not in this law interfere with monopoly, because you allow the big business concern to supersede the small dealer to whom it sells its goods by putting in his place its legal representative, a man who becomes its agent, and upon a contract where the title does not pass from the corporation to the seller, but where the seller is simply a distributor of the goods of the corporation. In such a law you are not harming the corporation, you are not lessening the danger from the big man, but you are interfering with the little man, whom you are superseding by the agent of the big man.

By this act, if it becomes a law as it now stands, the great authracite-coal corporations will cease to make exclusive contracts with the various retail dealers in the country, but it will not interfere with the corporation sending its agents as distributors to the various localities. No one will seriously contend that such displacement of the retailer will hinder the corporation in its monopolistic tendencies, but most people must see its effect upon the retailer. What is true of anthracite coal will be true of every big concern which approaches monopolistic dimensions. It will assist the tendency of concentration without providing the necessary control we all seek, and at the same time to the distress of the small dealer.

I tried to put these questions to the men who are the proponents of the bill. They say that my fears are unfounded; but I am confident that when the Standard Oil Co. does not sell to an individual under an exclusive contract, because of the limitation in this law, that will not interfere with the Standard Oil Co. putting a distributor of its goods into every little town. To-day the exclusive contract can be reached under the Sherman law if it can be shown that it either produces monopoly or is in restraint of trade. To-day this remedy can be reached without affecting the small business man. Under this law as proposed you invite the Standard Oil Co. to distribute its products through agents instead of through the middle man. You do not reach the company, but you do affect the thousands of middle men.

Mr. GORDON. Will the gentleman yield?

Mr. FESS. I yield for a question.

Mr. GORDON. Has not the Standard Oil Co. got a distributing agent in every town now?

Mr. FESS. Yes; it may have, but that does not change this provision any, and I am referring to that simply as an example. What it has done you invite every big concern to do under this bill, and I take it that is the thing you do not want to do. This injury to the small man is not confined to the exclusive contract in the bill. You do it in the price discriminating provision, if I can read the matter right, and I have tried to be honest in this matter with myself.

You forbid the sale of goods except upon quality and quantity at different prices. I know your purpose, which is good. But your purpose will not be realized. This feature will not hurt the monopoly, but it will hurt the small dealer.

I have no great dealers of monopoly proportions in my district, so far as I know. But I have a most highly intelligent group of small dealers. Note how this bill operates upon them. Take, for example, the shoe industry. My constituent can not enter the market in competition with the Douglas shoe concern. The latter has its organization represented by the hundreds of representatives. It does not need to discriminate in price to secure trade, to develop a new field. The campaign of advertising, the personal persuasion of its representatives are the means to do that. This law does not harm that firm. But take the small shoe manufactory in my district, limited in its output because of its inability of developing new trade. This concern, without its agents and its campaign for new business, is denied under this law to reduce the price upon the initiation of the contract, as an inducement to take consignment, unless the same reduction is made in places where trade is already established, upon penalty of a $5,000 fine, a year imprisonment, or both.

How will the small man compete in the market with the big man? How will he develop any new trade? Wherein do we see the harm to the big man? Wherein do we see the good to the small man? I can not see it in the bill.

This is not the only feature I fear. The denial of an operator of a mine to choose his own customer is serious. In a year I have an occasion, as the president of a college, to order about 300 tons of coal. Suppose I choose not to purchase from a coal dealer in my town. I order directly from the mine. This law, in section 2, compels the operator to sell to me if I am responsible. Who is to say whether I am responsible. If he refuses arbitrarily, whatever that means—and of course that will require the courts to say—he will be subject to a fine of $5,000 and a year's imprisonment or both.

That is not all; he must not sell to me higher than to another in my town. In other words, the only way the coal dealer can buy at less price is in the question of quantity. In that case the dealer must know how much I ordered to know what he can pay. What effect will such a provision have upon the hundreds of small operators of mines? What effect will it have upon the retail dealer in the country over? Again, you do not disturb so much the few great operators, but think of the confusion of the small operator and the retailer.

I voted for the amendment which declared that labor and farmer organizations as such shall not be considered as con-

That commerce on practically all inland waterways, excepting the Great Lakes, has greatly decreased and often been driven from the rivers by railway competition;

That the Interstate Commerce Commission and railway commissions of the several States have general powers to reduce railway freight rates wherever conditions warrant and to prevent increase wherever reduction has once been made;

That the river and harbor bill for 1914 as passed by the House appropriates or authorizes an expenditure of $43,289,004, in addition to $32,895,871 in new projects begun and to be maintained by continuing appropriations from future Congresses, in all calling for a proposed expenditure of $76,184,875. To this vast amount, judging from past experience, will be added from $4,000,000 to $5,000,000 before the bill is returned from the Senate;

That the adopted projects which we are obligated to complete, including those embraced in the 1914 bill, involve a future expenditure of $305,500,000;

That in addition thereto the Army engineers have recommended 93 new projects, which will require a further expenditure of $92,500,000 whenever Congress can be prevailed upon to make such appropriations;

That 120 additional surveys are authorized by the 1914 bill as it passed the House, which will require an indefinite amount for such projects, possibly reaching $100,000,000, judging from the average last noted;

That to these extravagant expenditures will eventually be added billions of dollars, according to the opinion of the chairman of the Rivers and Harbors Committee of the House, whenever men of national repute now advocating and supporting other projects can secure their adoption;

RIVER NAVIGATION HAS DECREASED OVER 80 PER CENT.

That the 1914 bill as it passed the House appropriated $9,500,000 for the Mississippi River, 84 per cent of which is to be expended on the lower river, notwithstanding its commerce decreased over 80 per cent during the past 20 years;

That the Mississippi River Commission on April 14, 1914, at St. Louis, recommended to Congress a further appropriation of $12,000,000 for the Mississippi River for next year;

That the 1914 bill as it passed the House appropriates $2,000,000 for the lower Missouri River, between Kansas City and the Mississippi, which appropriation is part of a $20,000,000 project for that portion of the river, notwithstanding traffic is negligible and actual commerce is alleged to have cost the Government approximately $100 per ton for 1912;

That the 1914 bill as it passed the House appropriates $5,000,000 for canalizing, near the Ohio River, a $64,000,000 project, comprehending 63 locks, but no part of the open-river service. Canal freight for 1912 is alleged to have cost the Government over $35 per ton, after allowing full railway freight rates for coal traffic;

That after spending many millions of dollars on the Coosa, Trinity, Brazos, and Red Rivers, these projects are now alleged to be of no practicable benefit to navigation;

That the intracoastal waterways project, present and postponed, as reported by Government engineers, involves a past, present, and proposed expenditure, with many connecting links not included, of $96,931,006;

That this system includes the construction of new canals of doubtful value, the purchase, through the 1914 bill, of a bankrupt canal proposition the stock of which is shown to be worthless; of projects that propose to especially benefit certain communities to the injury of others, and projects which it is alleged will drive legitimate private waterway ventures into bankruptcy;

That the 1914 bill as passed by the House contains appropriations for projects where the expenditure, according to engineers' reports, is exclusively for local private business interests and not for use by the general public;

That the 1914 bill as passed by the House contains appropriations for creeks which, according to the accompanying engineers' reports, are dry for eight months in the year;

That the 1914 bill as passed by the House contains appropriations for creeks involving in a single instance an appropriation of $750,000, wherein it is alleged the engineers' report was reversed after real estate speculators had brought political pressure to bear in such case;

That the 1914 bill does not carry appropriations for the full amount required to complete projects as asked for by engineers in many cases, thereby preventing the Government from entering into proper or profitable contracts until full appropriations are made;

That the 1914 bill is open to all the objections urged by President Taft against the 1910 bill for the last-mentioned reasons and contains wasteful appropriations amounting to many millions of dollars: Therefore for the foregoing reasons it is

Resolved by the House of Representatives (the Senate concurring), That the Interstate Commerce Commission be, and hereby is, authorized and directed to immediately investigate and as soon as practicable report to Congress the following information:

1. The character and amount of proposed expenditures by the Government now being advocated and supported "by men of national repute," as stated on the floor of the House, the adoption and carrying out of which will cost billions of dollars.

2. The character and value to the general public of projects to which the Government is now committed aggregating $305,000,000.

3. The character and value to the general public of 93 new projects recommended by Army engineers but not yet adopted by Congress which will require a further expenditure of $92,500,000.

4. The character and value to the general public of 120 new surveys authorized by the 1914 bill as it passed the House, which will require an indefinite amount reaching to over $100,000,000, based on the average last noted, providing such projects are recommended by the Army Engineers.

5. To report all river or harbor projects begun and afterwards abandoned by the Government within the past 40 years, together with all expenditures so wasted and reasons for such abandonment.

6. To report as to the truth or falsity of the statement made upon the floor of the Senate that "the whole scheme of river improvement is a humbug and a steal," and to report further as to the truth or falsity of statements made during debate in the House that the river and harbor bill for 1914 as it passed the House is a fraud upon the people, a pork-barrel raid upon the Federal Treasury, approximating in its scope an expenditure of over $76,000,000, and more vicious in character than any of its predecessors.

CONGRESS SHOULD KNOW THE FACTS.

7. To investigate and report all active influences urging the adoption of the Mississippi River reclamation, the Ohio River canalization, the Delaware & Chesapeake Canal, and other projects contained in the 1914 bill as it passed the House, together with the names of all organizations, companies, individuals, or hired lobbyists now actively engaged in urging such projects.

8. To report fully as to the Mississippi River reclamation project, its probable cost, local benefits to be conferred and value of any lands to be reclaimed; the ownership of such lands; the contributions equitably required from adjoining States, municipalities, or individual interests, if any; the injuries to Memphis, Vicksburg, and other communities alleged on the floor of the House to have been caused by ill-advised engineering projects, and further to report as to the permanence of the reclamation project and probable value compared with Government expenditures required.

9. To investigate and report as to the desirability of having the Government take over the Chesapeake & Delaware Canal at double its actual value fixed by the House committee; to report whether the canal company stock is worthless and its bonds valued at only 50 cents on the dollar, as stated on the floor of the House; to report whether this canal project can be completed for $10,514,290, as estimated by Army engineers; to report whether such amount includes the Government contribution of $450,000, made about 90 years ago, and accumulated interest and dividends wrongfully withheld during that period; and to report further whether or not the project is to be taken over for the especial benefit of canal bondholders and shipping interests of Baltimore and Philadelphia. In making such investigation the commission is directed to not limit its hearings to stock and bond holders of the canal company, or to local political influences or interested shipping interests of Baltimore or Philadelphia.

10. To report further what river and harbor projects now under consideration are for the benefit of strictly private business interests without corresponding benefits to the general public, and the influences that secured such projects for such interests.

11. To report what property and benefits should occasion contributions, and to what extent, from local communities, particularly where improvements are of strictly local value and of no material aid to navigation.

12. To report the financial policy or absence of policy pursued by the Government as to rivers and harbors during the past 40 years; benefits that have accrued to the public through improved river navigation and increased river traffic, if any, resulting from such improvements, together with all further available information on the subject that may be had, together with such recommendations based thereon as may be found proper to make in the premises, having particular reference to the following information:

13. To report the practicability of taking away from the Chief of Army Engineers the exclusive right and power of determining the commercial necessity of river and harbor projects and leaving with the Army Engineers Bureau the single question of technical engineering work.

14. To report the practicability of turning over to the Interstate Commerce Commission or to the Department of Commerce all river and harbor improvements, with full power to exercise all the duties now imposed upon the Army Engineering Bureau, excepting such duties as strictly pertain to civil engineering.

SMOTHERING A RESOLUTION.

Mr. Chairman. I have recited the facts on which the resolution is based and the authority for each separate provision of the resolution which to me seems possessed of merit and has a vital relation to public morals, legislative practices, and "the interests of the tax-paying public." The resolution was introduced in all seriousness, and in some form is sure to eventually receive the attention it deserves, although the irony of fate never played a better hand against its present consideration than when the resolution was referred to the Rivers and Harbors Committee.

I offer no invidious criticism against the Rivers and Harbors Committee individually or collectively, but ask any Member not utterly devoid of a sense of humor to picture to himself the possibility of securing a genuine investigation or a favorable report on such a resolution at the hands of that committee. It is sufficient to say that the resolution has been in the hands of the committee for about a month. Nothing has been heard of it. Nothing will be heard of it. Smothered in the interests of expediency and harmony, the resolution is sure to die a peaceful death.

The Mulhall investigation would never have occupied the attention of Congress but for the publicity forced through the columns of the press. I believe that some publicity will be directed at the notorious pork barrel and the legislative atmosphere surrounding it within the near future. The smug complacency with which the Post article reviews the situation and brushes aside specific charges of fraud shown to exist in the bill is not a discouraging sign of moral inertia, but rather evidences the degree to which public conscience has been dulled by what the New York Board of Trade terms "log rolling" by a system of "mutual bribery." Members of the House and Senate frankly admit the truth of this statement and denounce the system, repudiating the whole dishonest pork-barrel scheme. Constituents who demand local improvements, whether warranted or wasteful, are primarily to blame. They force Members to stand for some local improvement, and this one improvement becomes but a single stave in the great pork barrel which stands or falls through a union of purposes, good and bad, in a raid on the Federal Treasury.

The Saturday Evening Post article is placed in the RECORD as the best defense the pork barrel can make, although, as stated before, its primary purpose is to forestall public opinion if the iniquitous 1914 bill becomes a law—which the Lord forbid. I could have wished that, with all the splendid influence the Post possesses of a million circulation, the heavy guns of its able corps of editorial writers had been trained against the bill. This was much to expect; and yet I believe it must eventually come to that, however great may be the present home pressure exerted by powerful interests in favor of this bill.

PAPERS THAT REFLECT PUBLIC SENTIMENT.

Mr. Chairman. I could present to the House many columns of strong commendatory editorials from scores of leading papers all over the country that declare the light is just begun and that the pork barrel must go. An extract from an editorial published by one of the greatest papers in the country, both in circulation and in aggressive efforts for the moral uplift of the country, says:

The Tribune is in sympathy with Congressman Fitzgerald's discount with the gigantic evil of the pork barrel, the gigantic waste of public funds on public works which are not public improvements, but merely local grafts.

The foregoing sentiment is respectfully referred to the distinguished author of the Post article for thoughtful consideration. A column editorial from another great daily, possessed of one of the most forceful editorial writers in the country, says, after a careful analysis of the question:

The proposed river expenditures are a reproach to every Congress that passes one of these budgets.

Another paper, in a strong, comprehensive editorial, says:

The most notorious of the so-called pork-barrel measures which regularly are adopted by Congress is concededly the river and harbor bill—a system based on politics and so unjust, unfair, unreasonable, and absolutely wasteful that it loudly calls for drastic reform.

The able writer of the Post article to the contrary notwithstanding. Still another daily, in a long editorial, concludes with the uncontrovertible statement that—

the river appropriations constitute the greatest pork barrel that was ever devised.

I could quote from many other strong editorials which have come to my hands all, without exception, in the same general vein. While the unpleasant task had brought many kind words which are highly prized, it is a disagreeable duty to perform, this taking off of the lid. Disagreeable because I would gladly prefer to serve fellow Members to the extent of my ability, nor would I willingly even inferentially question the motives of any individual Member; but, although I regret having to attack a bill that contains some desirable and meritorious projects, I consider it my duty in a humble way, however futile in effect, to continue to point out indefensible items in and methods of this indefensible pork barrel.

WHY THE PRESIDENT SHOULD VETO THE BILL.

Mr. Chairman, I know the power of the opposition and realize that to expect defeat for the 1914 bill is probably an idle dream. I do hope that its viciousness will be exposed by able men at the other end of the Capitol so as to gain the attention of the public to pork-barrel projects. A conscientious, strong public official as I believe the President to be, will not, in my judgment, remain blind or deaf to the facts concerning this vicious bill, and to him we have a right of appeal. Such appeals have not fallen on deaf ears in the past. I refuse to believe they will fall with an administration which was placed in power because of its promises of public honesty and economy.

Mr. Chairman, the 1914 bill as it passed the House appropriated $43,289,004 in cash and over $76,000,000 in present and future obligations assumed this year. Pending amendments at the other end of the Capitol are reported to increase the cash appropriated to nearly $50,000,000 and present and future obligations to $88,000,000. While considering these enormous figures presented to a waiting public by a Congress pledged to economy, I came across a presidential veto message, promulgated in 1896, that furnishes a model form for ready letter writing when the enormous 1914 pork barrel takes its place upon the witness stand before President Wilson.

In his veto message (54th Cong., H. Doc. 393) President Cleveland denounced the $14,000,000 "humbug and steal" and the practice of running up continuing obligations, of which $310,000,000 confront us to-day. His message reads in part:

To the House of Representatives:

I return herewith without approval House bill No. 7577, entitled "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes."

There are 417 items of appropriation contained in this bill, and every part of the country is represented in the distribution of its favors.

It directly appropriates or provides for the immediate expenditure of nearly $14,000,000 for river and harbor work. This sum is in addition to appropriations contained in another bill for similar purposes amounting to a little over $2,000,000, which have already been favorably considered at the present session of Congress.

The result is that the contemplated immediate expenditures for the objects mentioned amount to about $17,000,000.

A more startling feature of this bill is its authorization of contracts for river and harbor work amounting to more than $62,000,000. Though the payments of these contracts are in most cases so distributed that they are to be met by future appropriations, more than $3,000,000 on their account are included in the direct appropriations above mentioned. Of the remainder, nearly $20,000,000 will fall due during the fiscal year ending June 30, 1898, and amounts somewhat less in the years immediately succeeding. A few contracts of a like character, authorized under previous statutes, are still outstanding, and to meet payments on these more than $4,000,000 must be appropriated in the immediate future.

If, therefore, this bill becomes a law the obligations imposed on the Government, together with the appropriations made for immediate expenditure on account of rivers and harbors, will amount to about $80,000,000. Nor is this all. The bill directs numerous surveys and examinations which contemplate new work and further contracts, and which portend largely increased expenditures and obligations.

There is no ground to hope that in the face of persistent and growing demands the aggregate of appropriations for the smaller schemes not covered by contracts will be reduced or even remain stationary. For the fiscal year ending June 30, 1898, such appropriations, together with the installments of contracts which will fall due in that year, can hardly be less than $30,000,000; and it may reasonably be apprehended that the prevalent tendency toward increased expenditures of this sort and the concealment which postponed payments afford for extravagance will increase the burdens chargeable to this account in succeeding years.

In view of the obligations imposed upon me by the Constitution, it seems to me quite clear that I only discharge a duty to our people when I intimate my disapproval of the legislation proposed. Many of the objects for which it appropriates public money are not related to the public welfare, and many of them are palpably for the benefit of limited localities or in the aid of public interests.

"UNWISE EXPENDITURE OF MILLIONS."

On the face of the bill it appears that not a few of these alleged improvements have been so improvidently planned and prosecuted that after an unwise expenditure of millions of dollars new experiments for their accomplishment have been entered upon.

* * * * * * *

Individual economy and careful expenditure are sterling virtues which lead to thrift and comfort. Economy and the exaction of clear justification for the appropriations of public moneys by the servants of the people are not only virtues, but solemn obligations.

To the extent that the appropriations carried in this bill are instigated by private interests and promote local or individual projects, their allowance can not fail to stimulate a vicious paternalism and encourage a sentiment among our people, already too prevalent, that their attachment to our Government may properly rest upon the hope and expectation of direct and especial favors, and that the extent to which they are realized may furnish an estimate of the value of governmental care.

I believe no greater danger confronts us as a Nation than the unhappy decadence among our people of genuine and trustworthy love and affection for our Government as the embodiment of the highest and best aspirations of humanity, and not as the giver of gifts, and because its mission is the enforcement of exact justice and equality and not the allowance of unfair favoritism.

I hope I may be permitted to suggest, at a time when the issue of Government bonds to maintain the credit and financial standing of the country is a subject of criticism, that the contracts provided for in this bill would create obligations of the United States, amounting to $62,000,000, no less binding than its bonds for that sum.

GROVER CLEVELAND.

EXECUTIVE MANSION, *May 29, 1896.*

"WE CALL ATTENTION TO RECORD OF ECONOMY."

Practically every argument urged by President Cleveland against the small 1896 bill applies with far greater force to the 1914 measure, judging from the reports of engineers and the enormous raid about to be made upon the Federal Treasury.

What would President Cleveland have said had he been confronted with the present $88,000,000 pork barrel, a $310,000,000 obligation for future projects, and a river traffic which has decreased over 80 per cent since his day and age? What would Democracy's President of 1896 say, when officially advised that measures costing billions of dollars are now being advocated and supported "by men of national repute"? What would the man of 1896, greater than his party, say upon reading in the Baltimore platform declaration—

We call the attention of the patriotic citizens of our country to the record of economy and constructive legislation of the Democratic House of Representatives.

Or that other sounding declaration—

We denounce the profligate waste of money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses. * * * We demand a return to that simplicity and economy which befits a democratic Government.

When he viewed the monumental hypocrite that is waiting with $88,000,000 in its barrel, knocking at the White House door, he would have said things that ought not to be uttered—even by Presidents. What would Cleveland do to-day if in the White House? What will President Wilson do with this unprecedented "humbug and steal" that is lauded by the Post article?

Mr. Chairman, I have concluded to offer these observations with some reluctance, but I am firmly convinced that the Saturday Evening Post article which has now been incorporated into the CONGRESSIONAL RECORD should not go to the country unchallenged. Believing the article to be misleading in character and shrewdly timed for the purpose of influencing public sentiment and legislation on the 1914 bill, I have expressed my dissent from the views contained in the Post article.

with us to right a great wrong and change back to its original course the Mississippi River, which, at a prodigious expense, has been deflected by Government engineers until it now undermines the river front of the city of Memphis. With genuine anguish and convincing argument, he declared:

Our city will be washed away. We have been flooded twice since we asked for the survey. We have got to act now, for the flood comes annually since the levees have been built, and Memphis has bonded itself for a million and a half dollars.

The Government, through its Army engineers, is shown to have inflicted irreparable loss in Memphis, and, as we are informed, this is also the case with Vicksburg and other communities. Like a foolish boy with an unloaded gun, some one is sure to get hurt while trying to see what an unloaded gun will do. Memphis and Vicksburg have reason to know, because they have been shot, and their indictment of the incompetence of Army engineers is based on a knowledge of the present status of the reclamation folly.

To the piteous appeal from Memphis, the committee chairman made a response that sounds like the voice of a Spartan mother who sacrifices her first born on the altar of battle. However, this is not a cry from the home State of the committee chairman, where Kissimmee Creek and Oklawaha Creek "ha-ha" together over the $800,000 of Government money about to be poured into those creeks, apparently to aid two Florida real estate propositions, according to engineers' reports. Florida seemed ready to sacrifice Tennessee to the ravages of flood caused by our Government engineers, when the chairman replied:

The Mississippi River Commission can take care of the banks of the river at any point where there is any danger. We appropriate money enough for them. Why should we be called upon, after furnishing the large sums of money we are appropriating in this bill—$9,500,000—to furnish specific sums for any particular part of the river?

Will the Tennessee Senators be satisfied with any such cold-blooded proposition, or will they kick in the head of the pork barrel and demand that the Government of the United States right the wrong it has done and is doing by this reckless reclamation experiment? Memphis, flooded by a Mississippi River Commission's reclamation mistakes, is turned over to that commission for relief. It is as sensible a proceeding as to refer a resolution of investigation of the pernicious pork barrel over to the River and Harbor Committee, which stands sponsor for the barrel. And that has actually been done, as I propose to show in a few moments. What does Memphis say of the Ransdell-Humphreys $60,000,000 Mississippi pork-barrel bill? Quoting from the Memphis Scimitar of January 12, 1914, we find this opinion:

It is claimed by those high in authority that the Ransdell-Humphreys bill should be entitled "A bill to destroy the navigability of the Mississippi River and to eventually make it impossible to protect the valley from devastation by floods."

A BILL TO DESTROY NAVIGABILITY.

We should remember that this is the bill prepared and championed by the gentleman from Mississippi, who so entertainingly explains in the Saturday Evening Post about the inside of the 1914 pork barrel. Some interesting features of this particular piece of pork he forgot to mention, as I shall endeavor to point out later. Before doing so, however, I quote further from a letter written by George H. Maxwell, on December 6, 1913. He is a man who has made a study of the reclamation project, which is fathered and mothered by the gentlemen from Mississippi and Louisiana, respectively, both of whom contribute generously, each in his own way, to the circulation of the Saturday Evening Post article. Mr. Maxwell writes:

The Ransdell-Humphreys bill, instead of providing a remedy for this inevitable destruction of our greatest natural waterway, provides a system that will expedite the destruction. That is a fact which can not be controverted, no authority in support of the statement being necessary except a reference to the reports of the Army engineers of the War Department of the United States.

Nothing that a new Member can offer to a patient public which foots the bills will approach in severity this castigation of the $60,000,000 Humphreys-Ransdell bill, included, but not mentioned, in the Post article.

SEVERAL RAILROADS THAT FOOT THE BILLS.

Mr. Chairman, whence comes the powerful influence behind the Humphreys-Ransdell bill, and, incidentally, in favor of the 1914 pork barrel? I have before me what purports to be a photographic copy of a typewritten statement made by John A. Fox, secretary and manager of the Mississippi Levee Association, wherein he states as follows in regard to the bill:

It has been estimated that a minimum fund of $30,000 per annum is necessary for this organization to do its work in a complete and thorough manner, and already a considerable portion of this sum has been pledged annually for five years (of $150,000 in all). The subscriptions are as follows:

Southern Railway Co.	$1,000
Mobile & Ohio R. R.	1,000
Frisco R. R.	$1,000
Missouri Pacific R. R.	1,000
Chi. R. I. & Pac. R. R.	1,000
St. Louis and So. Wes. R.	1,000
Illinois Central	1,000
Y. & M. V.	1,000
Chi. Mill. & Lumber Co.	1,000
Caldwell & Smith, Memphis	1,000
International Harvester Co.	1,000

Assurance has been given of other substantial amounts.

Mr. Chairman, the full purport of this statement should not be overlooked. We have no means of knowing how this $150,000 was spent or is to be spent in a "complete and thorough manner" while promoting the gospel of the Humphreys-Ransdell bill before Congress or while incidentally advancing the pork barrel, which is destined to carry $12,000,000 for the Mississippi River next year. The Post article, in its scintillating shafts of wit poked at new Members, makes no mention of this fund.

Until a rigid investigation is held to ascertain the influence of money and of lobbyists from this and other quarters in promoting publicity and the fortunes of the "pork barrel" no one can speak positively of the extent or use of funds contributed to push along the barrel; but it is significant that a number of railway companies now doubtlessly pounding at the doors of the Interstate Commerce Commission for a 5 per cent raise in freight rates are among the substantial contributors of stockholders' money to the Humphreys-Ransdell bill. How many other pork barrels, public and private, are being aided by these public-service corporations is a matter of speculation only to be revealed upon a proper investigation such as I have proposed by resolution.

CONGRESS SHOULD HAVE THE FACTS.

When railways subscribe to a fund which is to be used in urging upon Congress the passage of the Humphreys-Ransdell bill it is well to inquire what other agencies are being employed. By what right do railways take stockholders' money for the purpose of advancing this river scheme or any other scheme? By what legal right have eight railways obligated themselves to contribute annually to this corrupt fund? Corrupt in character because hidden from public gaze, to be used secretly, as far as the general public is concerned. One hundred and fifty thousand dollars for the promotion of what and by what methods? The Post article is silent on this interesting point. Members of Congress have a right to know who got this money. Has it all been spent, or what is the status of the fund? What other funds have been raised for influencing Congressmen in favor of the Humphreys-Ransdell bill? Only an investigation by a disinterested body will give us the facts to which we are entitled.

As if to further prove the fallacious, untrue, and ridiculous claims of waterway advocates that the railways fear water competition—which has disappeared from our rivers—we here find eight great railways contributing annually to a fund for the purpose of pushing a waterway proposition on the greatest river in the country. A statement of the facts is sufficient without argument, unless the purpose of the Humphreys-Ransdell bill is to completely destroy possibilities of navigation, as is stated by the authorities I have quoted.

THE HUMPHREYS-RANSDELL BILL'S BIG STICK.

In addition to its $150,000 promotion fund, the Humphreys-Ransdell bill, or, more correctly speaking, its supporters, are charged with swinging a big stick on other organizations to force the measure through Congress. This charge does not come from irresponsible sources, but from an association presided over by one of the ablest Members upon this floor and one of the most vigorous champions of the intracoastal system, Hon. J. HAMPTON MOORE, of Philadelphia. The association supports a monthly journal devoted to waterways. In a recent number, published in February, 1914, the following vigorous protest speaks volumes for the effective work now being secretly carried on for the $60,000,000 Humphreys-Ransdell bill. It reads as follows:

Business men in the Eastern States may not realize the systematic campaign which is being waged from points in the Mississippi Valley to dragoon everyone into the ranks for an unprecedentedly large and continuing appropriation for the Mississippi River. Some of these letters amount practically to threats of transfer of business unless eastern houses fall in line and go on record with their Congressmen in favor of the project. Without present discussion of the merits of the bill, and for obvious reasons omitting names, the following letter sent us by an eastern correspondent is herewith reproduced as a matter of information:

"GENTLEMEN: Will not your firm kindly aid in the matter of securing national legislation such as will prevent a recurrence of the disastrous floods of 1912 and 1913 on the lower Mississippi River?

"A measure known as the Ransdell-Humphreys bill, providing for the expenditure of $60,000,000 by the National Government to complete the levee system during the next five years and thereby prevent these disastrous floods, is now before Congress.

"This measure was framed in accordance with the plans and recommendations of the Army engineers and provides the only practicable and feasible means of solving the problem.

"The people of the region affected have already contributed $70,000,000, and it is considered but right that the Nation contribute its share toward controlling the flood waters from so great a part of the country on a stream of such national magnitude.

"Letters from your firm asking the delegation from your State to support the measure in Congress will help us very greatly, and as our loss is your loss and our prosperity your prosperity, we hope that you will feel a personal interest in the matter."

CONGRESSMEN MUST FAIRLY DIVIDE "POKE."

"For ways that are dark" this threatening campaign is original. "Our loss is your loss and our prosperity is your prosperity." Was this a reference to mutual claims upon the pork barrel, or did it mean that southern business houses were about to secede from northern connections unless the Pennsylvania Congressmen came across with their support?

The waterways journal, from the City of Brotherly Love, understands it to be the demand of a legislative highwayman organization, and it protests against this unprofessional campaign carried on by the Ransdell-Humphreys bill. With the ethical standards of either organization we are not concerned, but what other interesting leads might be developed by an investigation of the $150,000 promotion fund or the wielding of a big stick whereby hesitating Congressmen are forced to join in an irresistable political push on the pork barrel. A careful perusal of the Post article fails to discover any of these interesting facts. The article does devote a large share of its space to a leading Senator whose opposition to the bill is frankly admitted and feared by both parties to the gentlemen's agreement known as the Humphreys-Ransdell bill; but why was a column and more of valuable space in the Post accorded a curiously mixed challenge and appeal to the Senator, when a great reading public would have been more deeply interested in the methods pursued by those who keep the barrel rolling? What interesting facts might have been disclosed in the Post regarding the use of the railway corruption fund which was expected to reach $150,000. What novel campaign methods might have been disclosed of big-stick methods in connection with the pork barrel. All these topics of intense interest in connection with the $60,000,000 Humphreys-Ransdell bill were missing from the entertaining Post article written by the distinguished Member from Mississippi and placed in the RECORD by his no less distinguished coadjutor, the Senator from Louisiana.

A MUTUAL BRIBERY ASSOCIATION.

The public would like to know the power behind the pork barrel. It would like to know what methods are pursued by the various waterways associations. I am not attributing improper methods to any organization, but urge that enough has been developed to justify a thoroughgoing investigation. In this connection I offer an extract from the report of a subcommittee of the New York Board of Trade and Transportation made to the board and adopted by it. The report covers several pages, but I shall offer only a few extracts of an extremely illuminating report. It says of a prominent waterways association that is organized to push the pork barrel:

Its object, as stated in its circulars, is to arouse public interest to such an extent that a united demand coming from all sections of the country for regular and adequate rivers and harbors appropriations will induce Congress to provide an annual rivers and harbors bill of $50,000,000.

Continuing, the report says of the association:

A general indorsement is given of all projects heretofore approved by the United States Engineers, the completion of which would require from $320,000,000 to $350,000,000, but no effort is made to ascertain or verify the necessity or value of such projects and plans. The organization, while advocating and demanding enormous and unprecedented appropriations from the Public Treasury, thus cleverly attempts to avoid all the responsibilities for its proper and honest expenditure. Another advantage to them of this policy is that they avoid all dissensions among themselves over questions of merit as to projects proposed. They welcome to the support of their cause everybody who wants an appropriation from the Treasury, and none is repulsed. The wonder is that their numbers are not larger.

Again, the report says of the association:

There will be more money to go around, but if the Rivers and Harbors Congress should succeed in their plan "to arouse public interest (they should have said cupidity) to such an extent that a united demand coming from all sections of the country" would develop new sets of improvement before unheard of, the demands for appropriations for unworthy projects would be increased far out of proportion to the worthy ones, and so the difficulties would be aggravated. It would foster beyond all previous experience the most pernicious of all methods of procuring legislation, known as "log rolling," a species of mutual bribery among those actively interested already too much in evidence for the health of the public morals and the interest of the tax paying public.

RIVER IMPROVEMENT A "HUMBUG AND STEAL."

This report is sent out by one of the greatest business organizations of the country. It calls a spade a spade. It calls "logrolling" a species of "mutual bribery" among those "too much in evidence for the health of public morals and the interest of the tax paying public." What organization did the New York Board of Trade have reference to and what has been its activities in past years? What interesting reading this report would be to the million readers of the Post, who pay taxes and confidently believe, after reading "The Inside of the Pork Barrel," that solid chunks of wisdom, scintillating with witticisms, furnished by the Post's high congressional authority, justify the existence of the 1914 pork barrel—the worst in the history of the country.

What a suggestive definition comes from the New York Board of Trade when it says "log rolling is a species of mutual bribery." Almost as comprehensive as the utterance of a distinguished Senator a dozen years ago, when he said, "The Mississippi has quit having any steamboats on it almost, and the whole scheme of river improvement is a humbug and a steal." And yet the author of a bill to appropriate $60,000,000 for the Mississippi says, in his Post article, "criticism of those who speak without knowledge and the censure of those who scold without reason may well be disregarded."

A certain wise old ancestor of ours said, many centuries ago, "Dissembling profiteth nothing; a feigned countenance and slightly forged external deceiveth but very few." Speaking impersonally, Old Seneca must then have had in mind some of the pork-barrel projects that are damned by faint praise by their promoters when he gave to the world his words of wisdom.

SOME THINGS NOT EXPLAINED.

Mr. Chairman, with full knowledge that the rivers and harbors bill of 1914 is what the distinguished Senator declared it to be, "a humbug and a steal"; with full knowledge that scores of wasteful projects aggregating millions of dollars are to be abstracted from the Government Treasury for such faked improvements; with knowledge that Army engineers have attempted to withstand the political influence back of certain real estate projects to be financed by the Government, as shown by the reports; with full knowledge that the whole scheme of dribbling appropriations for river improvements is unbusinesslike, wasteful, and responsible for pork-barrel methods; with full knowledge that the 1914 river and harbor bill as it passed the House was worse than any of its predecessors which have come to my attention; with full knowledge that the 1914 bill, which comes back to the House, will be notoriously worse than when it passed the House and worse than any of its predecessors; with full knowledge that many of the projects are for private interests and not urged for the public interest; with full knowledge that there prevails throughout the country a clear, well-defined opinion that there is something rotten nearer home than Denmark, when river and harbor legislation is being slipped through Congress; with full knowledge that the stultifying measure is repellant to a great majority of the Members of Congress who are caught under the barrel by the unjust and improper demands of their constituents; with full knowledge that eight railways and various other concerns have been improperly using moneys belonging to stockholders of such concerns to secretly force Congress to pass a pork-barrel measure; with full knowledge that an association in 1914 has been swinging a big stick among the customers of its members in order to unfairly compel Congressmen to fall in line for this same pork barrel; with full knowledge that the New York Board of Trade refused to become a supporter of a nation-wide association which was proposing to put through an annual pork barrel of $50,000,000, based on the principle of "mutual bribery"; with full knowledge of all these facts based on evidence which seemed to me to be conclusive and which I am ready and willing to submit to any investigating body prepared to learn the truth, I introduced the following concurrent resolution in the House on May 4:

WHY AN INVESTIGATION IS ASKED.

Whereas many millions of dollars of public moneys are annually wasted on our rivers and an absence of businesslike methods is being pursued by the Government in carrying on river and harbor improvements, the following facts are submitted as a preamble in support of this resolution:

That on March 17, 1914, the chairman of the Rivers and Harbors Committee stated to the House as follows: "Why, there are propositions advanced, some of them now before Congress, advocated and supported by men of national repute, the adoption and carrying out of which, it is said by competent engineers, would cost billions of dollars";

That river and harbor appropriations have increased approximately 500 per cent, whereas navigation on rivers has decreased 60 per cent, as shown by the following Government data:

Appropriations for rivers and harbors: Eighteen hundred and seventy-five to eighteen hundred and ninety-four—20 years—$187,699,000; 1894 to 1904—10 years—$184,425,000; 1911 to 1914—4 years—$184,345,000.

The following river traffic is reported from the city of St. Louis: Missouri River, 1896, 21,285 tons; 1906, 6,050 tons; loss, 99 per cent. Lower Mississippi, 1890, 765,880 tons; 1906, 141,576 tons; loss, 81 per cent.

the corridors of this Capitol were thronged throughout every session with the opponents of important railway legislation, and the railway power extended beyond the corridors to the floors of Congress.

The bill before us is most "paternalistic" in character, to use an old, familiar term, more drastic in its provisions and more far-reaching than the wildest dreams of railway magnates of a decade ago. It determines the justification for the issuance of stocks, bonds, and other evidences of railway indebtedness, the amount that shall be authorized, the purposes of issuance, while one provision of section 20 authorizes the commission to inquire into every business transaction of any railway company and to give full publicity to its discoveries. Personal guilt of officers and directors for refusal to furnish correct information, supported by fines or imprisonment, assure the law's observance.

All these features are covered by the bill, and yet not one lobbyist nor railway official nor shipper is in evidence in the corridors to-day, nor is any pronounced protest urged against this legislation, because in the short space of 10 years we have learned that the business of the common carrier is the people's business, and that those who pay the freight shall have a voice in determining the business methods of their authorized agents. Certainly the world moves and Congress has compelled honest and open business dealings on the part of others, a policy that recommends itself to a wide field of public service.

THE REAL SUFFERERS FROM RAILWAY MISMANAGEMENT.

I speak of that in order to show the progress we have made in legislation and to show how far we have gone, and yet practically we have not realized it. One important phase of this bill which impresses me is that indicated by the suggestion of the gentleman from Colorado [Mr. KINDEL], a point that is pertinent here, I believe, and that is as to parties in interest who are dealing with the railroad companies. It is important to know that stocks shall have a fixed value. Less than a week ago a widow came to me and spoke of stock that she had in the New York, New Haven & Hartford Railroad Co., which when given to her was worth 250 per cent, but which is to-day worth, as she said, 68 per cent; and she added, "What am I to do?" That was practically all that she had for her support. It was not the railroad officials who suffered, nor the directors; but a poor widow. And I know the situation is just as I have pictured it, and just as she told me. But you avoid a repetition of that by this bill, not only through the provision which requires the board or commission itself to pass upon these securities, but from the light of publicity that is brought to bear.

There is another thing that occurs to me in connection with this bill and similar legislation, although it does not directly refer to what is contained in the bill. One of the most important suggestions that come from the New Haven investigation and similar investigations which we have had throughout the country is, in my judgment, that the officials who have been examined state it as their desire that the Government itself should take over these great corporations which are now doing business in the country. And why? That would have been impossible for consideration 10 years ago. But the spirit of speculation is being taken out of these propositions by reason of this very legislation that we have been having in recent years. It is bringing the railways up to strict business standards, and that is the reason why many men feel there is nothing to be gained by this system of speculating as evidenced in the New Haven Railway, when some one must bear the punishment eventually.

I notice one or two smiles, but let me say this: Ten years ago we never expected legislation of the kind we have to-day. Ten years from now it may not be thought possible to have railroads controlled or owned by the Government. But 50 years from now—and governments live for centuries—50 years from now it may be possible, and it may be the disposition of this Government at that time; and if so, legislation of this character, which seeks to determine that honest business methods shall be observed by the different companies, will be of extreme value in aiding the Government to a determination of what shall be paid for the roads.

I have a hobby, as many Members have. Mine is not like that of the gentleman from Colorado [Mr. KINDEL], and I see him looking at me with interest. We all recognize his. Mine has been born of recent experience, but in the pursuit of that hobby it seems to me that a barrel has been found of wasted money. I am impressed with the fact that the 1914 appropriation embodied in the bill that passed for rivers and harbors—that is, money appropriated and money pledged for expenditure in the future—would have been sufficient to build a transcontinental railway from New York to San Francisco. The money that has been expended for the Panama Canal would build 15,000 miles of railway. That depends, of course, upon the valuation per mile, but that is at over $25,000 per mile. So it is entirely within the range of possibility that within a few years we shall be enabled to undertake as a business proposition an investment in these roads, and we will be aided by this legislation.

Mr. STEVENS of Minnesota. Before the gentleman leaves the question of the cost of construction of railroads, has this ever come to his attention—I think it came before our committee at one time—that the cost of constructing a line from Chicago to New York would not equal the amount that it would cost to construct a line from the Harlem River down to the Grand Central Station, in New York City.

Mr. FREAR. I presume that has been found true, Mr. Chairman, and I realize that in England, if that is to be considered, railways cost hundreds of thousands of dollars per mile, but in my own State a road which was constructed at $16,000 a mile is now capitalized at something like $60,000 a mile, and very little actual money has gone into the business since its construction.

But of course it is a question here of fictitious value, as was so well explained by the gentleman who last addressed us [Mr. RAYBURN], and that is what this bill seeks—to drive the water out of business and put it upon an honest and sound basis, as he said, and that seems to me to be one of the important things in which the Government as well as the individual is interested. [Applause.]

I now desire to present a few observations that have not a direct bearing upon the bill, but which are of vital interest to the people of the country.

THE INSIDE OF THE PORK BARREL.

Mr. Chairman, in the CONGRESSIONAL RECORD of May 28 appears an extended article on the 1914 "pork-barrel" bill, so denominated by the author of the article, the gentleman from Mississippi [Mr. HUMPHREYS]. This article, originally appearing in the Saturday Evening Post, is courteously placed in the RECORD by Senator RANSDELL of Louisiana. By anyone familiar with the subject it will be found to be a clever presentation by an able lawyer of a bad and indefensible cause enveloped in glittering generalities. Written to forestall public opinion, which is becoming aroused over the most vicious pork barrel ever foisted on the country, it is ushered into notice at the right moment through one of the greatest publishing agencies in the world—the Saturday Evening Post. A casual reading discloses the article has also been written for the purpose of placating a leading Senator, whose powerful influence against the bill is feared by its supporters, and significantly also the Post article appears while the bill is before the Senate committee. It apparently seeks to counteract injurious reports from the other end of the Capitol that the 1914 bill is to be loaded down with many additional objectionable and indefensible items, and it attempts to forestall well-merited criticism by light airy generalities and ridicule.

A careful perusal of the Post article, copied in last Thursday's RECORD, is urged upon every Member in order that the pitiable weakness of argument put forth by the pork barrel's foremost champion in the House may be digested. My own ineffective opposition to the bill is entirely impersonal and taken because of the many vicious projects contained in it. For unimpeachable testimony on this score I quote from the RECORD of March 26, also found on page 7079 of the RECORD of April 10, the following:

> During the past several days the gentleman from Wisconsin [Mr. FREAR] has moved to strike out numerous items contained in the bill. I do not say now and have not heretofore said and shall not hereafter say anything in criticism of him for that. I am perfectly satisfied that he did it because he believed by so doing he was serving his country well. It is just a difference of opinion.

ELOQUENT FIGURES CONCERNING THE PORK BARREL.

This kindly sentiment came from the distinguished gentleman from Mississippi, the author of the Saturday Evening Post article, a gentleman for whose abilities and estimable personal qualities I have profound respect. In the RECORD of April 10 I collated facts presented to the House by myself during the five days' discussion under the five-minute rule. In that statement I showed river and harbor appropriations had grown from about $187,000,000 for the 20 years from 1875 to 1894, when river commerce was at its height, to $184,424,918 for the 10-year period from 1895 to 1904, or 100 per cent average increase per annum. Also that the notorious pork barrel now reaches $184,345,034 for the four years from 1911 to 1914, inclusive, although the last figures may amount to $200,000,000 before the present bill returns from the Senate. Further, that in addition to a 500 per cent increase in the size of the pork barrel within the period mentioned, the Government is obligated to an amount of

$205,000,000 additional for continuing projects proposed in recent years; yet, notwithstanding all this enormous expenditure of over a half billion dollars and an additional debt of $300,000,000, our river commerce on the Mississippi, Missouri, and practically every other river, with one exception, has decreased over 80 per cent, and it has materially decreased on all rivers. This statement there made was supported by official Government statistics as to the appropriations and traffic. It is not denied in the Post article. It can not be successfully denied.

During that discussion, I gave official statements from Army engineers showing that the 1914 pork barrel contained river projects some of which were dry for eight months in the year, others for scarcely less periods. One of these had a depth of 1 inch at the head of navigation after an expenditure of $32,000. Others were improvements for the exclusive use of private factories for private purposes. Others were real-estate projects, reaching in one case to three-quarters of a million dollars. Others were for projects that are now costing the Government $100 for every ton of freight shipped by water. Others, like the Coosa River project, referred to in the Post article, are to cost millions of dollars and will be valueless. To be more specific, the Coosa has been "improved" for 24 years. Its cost is estimated by Army engineers at $6,059,913. At the present rate of improvement it will take over 100 years to finish, and after many years of wasted time and money the engineer reports: "As yet—after 19 years—no benefit has been derived from this improvement, and its value is entirely dependent on the completion of the entire system." The Coosa River project is a grim joke on the people, and yet it is the one project especially mentioned with approval in the Post article. Where is the unnavigable Coosa River for which $6,059,913 is to be appropriated? How many Members of the House or taxpayers of the country know the whereabouts of this undiscovered stream?

THE SHAMEFUL BILL IS EXCUSED, NOT DEFENDED.

Mr. Chairman, I do not intend to repeat arguments urged upon the House, but I do say that the 1914 pork barrel is filled with many wasteful, vicious projects, only a few of which I attempted to point out. That notwithstanding the 1914 bill is the worst bill ever foisted on the American people, according to the opinion of experts whose opinions are of value, not one item could be stricken out in the House for fear of its supporters that the barrel would fall to pieces if a stave were pulled off. Not one of the facts supported by engineer's reports have been denied or explained in the Post article. Legislation which brings the blush of shame to men who are honest but helpless because of powerful influences behind the barrel, is palliated and excused, but not defended in the Post article. The bill can not be defended. Its only salvation lies in silence as to vicious provisions and it makes an unparalleled plea for more Federal money with which to improve a lost river traffic for boats which no longer run the river.

These facts have been presented to the House together with unimpeachable statistical testimony that the bad outweighs the good in the 1914 pork-barrel bill. At the same time the facts were laid before the editors of the Saturday Evening Post with the hope that a great magazine might be induced to raise its voice in the people's cause. On the contrary, it has become the vehicle for an attempt to justify the worst pork barrel ever presented to the American people. I did not feel permitted to question the Post's position or the article before its insertion in the RECORD, but to remain silent now, when a misleading message is sent approvingly by Government agency throughout the country, is to stultify one's self. The people will some day know about the pork barrel. All the golden gags distributed throughout the land can not much longer keep the barrel afloat. It is loaded down with so many wasteful, deadweight projects that it is about due to sink.

The Post article justifies the intracoastal canal folly, glosses over appropriations poured into scores of unknown creeks and rivulets to satisfy hungry constituencies with small slices of local graft; it approves the purchase of bankrupt, worthless canals; it declares the Trinity, Brazos, and other engineering failures, as evidenced by Government reports, are worthy ventures; it ignores the millions of dollars carried along in dribbling appropriations that make the whole river-improvement scheme a farce and absurdity; it ignores the startling statement of Chairman SPARKMAN that waterway ventures demanding billions of dollars are knocking at the doors of Congress, backed by men of "national repute"; and it seeks to avoid a discussion of the real facts surrounding the pork barrel by airily boosting the Coosa River project, one of the worst in the bill, and praising other projects that are supposed to bring senatorial influence dependent upon their incorporation in the 1914 bill.

Mr. Chairman, I will not take up the Trinity, Brazos, and other visionary projects which are wicked and wasteful items beyond belief, but are wittily glossed over by the buoyant article in the Post. Many of these projects were riddled on the floor of the House during discussion under the five-minute rule, and some of them are exposed by engineers' reports in the argument of March 26, which appears in the RECORD of April 10. I do not desire to repeat, but will add a few suggestions which are invited by the Post article appearing in the RECORD.

THE HUMPHREYS-RANSDELL $60,000,000 BILL.

It may be fair comment to suggest that the writer of that article is possibly biased in his views, because of generous appropriations shoveled into the Mississippi and Louisiana creeks and bayous, together with the rich $7,000,000 plum in the 1914 bill for the lower Mississippi, where traffic has decreased 93 per cent, according to Government statistics. Or it may be that he is unconsciously influenced by the Humphreys-Ransdell bill to appropriate $60,000,000—a bill which overshadows all other waterways projects to-day. By a surprising coincidence, Mr. HUMPHREYS, who wrote the Post article, and the Senator who secured its insertion in the RECORD are joint collaborators, partners, and proprietors in and of the hyphenated Humphreys-Ransdell $60,000,000 Mississippi River bill, which makes some claim to our attention at this time.

Mr. Chairman, on page 7078 of the RECORD for April 10 I made a brief observation of the Mississippi River reclamation scheme, a statement based on the deliberate and disinterested opinion of different river men familiar with river conditions for 50 years and more, which gives their unbiased judgment much weight. Summed up in a few words, it is, as I then stated, as follows:

RECLAMATION PROJECTS.

> We are informed that the disguise is now to be thrown off. A new theory to justify wasteful expenditures has been devised. Navigation has almost vanished. It is no longer a word to conjure by, and so the country is hearing a new call to arms, with its slogan "Reclamation."
>
> Far be it from me to measure individual judgment with technical Army engineers or interested parties who paint highly colored pictures for Presidents and lesser officials on junketing trips.
>
> The reclamation of the Mississippi is to be embarked upon by these same willing Army engineers, who estimate it will cost $275,000,000 to harness both banks of the Mississippi River for a distance of 1,800 miles, to the mouth of the river. Experienced rivermen with whom I have talked, and who know every foot of the river, laugh at this new evidence of stupendous engineering folly, which proposes to spend $275,000 per mile. Who is right? I will not trespass on the time of the committee further than to make a brief criticism, based on common sense, an unknown factor with Government engineers when embarking on the Oklawaha, Coosa, Kissimmee, Trinity, and other valueless engineering schemes.
>
> Sane men, with knowledge of the tremendous visionary plan approved for the Mississippi River, declare that no reclamation can ever be moderately successful, and that $275,000,000 will not make any more lasting impression on the Mississippi River as a whole than the $100,000,000 already thrown into the river. A few favored localities may be temporarily benefited, but no State in the Mississippi Valley could be prevailed upon to contribute one-half of the expense proposed to be incurred along its own borders, because the proposition is chimerical and the slight proportionate benefits are local and largely for private interests. Army engineers do not frighten the paymaster by estimating the expense of a temporary Mississippi levee construction at a billion dollars, but this is no extravagant figure, according to river-men familiar with the Mississippi River and its varying moods.
>
> Presidents and public officials are accustomed to view the river when it slumbers. As well judge danger from a raging drunken outlaw armed to the teeth, by viewing him asleep and bereft of arms. The Mississippi River varies 70 feet in height at Vicksburg. It stretches out for miles in width along its turbulent course. At flood time it is a mighty rushing wall of water 70 feet in depth and reaching miles in width. The reclamation project proposes to cope with the Creator by harnessing this irresistible flood, made up by three of the greatest South rivers in the world, the upper Mississippi, the Missouri, and the Ohio. Scores of other flood streams empty into the great rushing Father of Waters that has irresistibly swept down to the sea for thousands of centuries, and will continue to do so, unharnessed and unimpeded, for all time to come. All the temporary obstructions that can be raised by puny hands of man will be swept away, in his own time, by this raging drunken outlaw. Addle-pated engineers may waste millions of dollars of Government money in seeking to change its course. They may undermine the cities of Memphis, Vicksburg, and other cities with a criminal disregard for the consequences of their acts and the rights of citizens along its borders. To guide the Mississippi may be possible in places, although often disastrous in its consequences; to attempt to harness it from the Ohio to the Gulf, with a thousand miles, no more on either side subject to flood action, is to invite the pity of an overruling Providence. Engineers may dig the Panama Canal, a wonderful feat of engineering; they may be able to canalize the Rocky Mountains, using glacier and artesian waters with which to moisten the locks, in an effort to force Jim Hill to reduce Great Northern Railway rates by visionary water competition; they may institute any number of nonsical canalization schemes until Uncle Sam's strong box reaches the same low-water level they are seeking to obviate elsewhere; but they will never harness the Mississippi.

IMPROVEMENTS THAT WASH AWAY CITIES.

The most pathetic picture witnessed by this House during the present session and which aroused the righteous indignation and sympathy of the Members generally was offered when the eloquent gentleman from Tennessee, Mr. MCKELLAR, pleaded

I believe that this provision with reference to stocks and bonds is a proper amendment to section 20 to regulate commerce, for in the sixth and last recommendation of the Hadley Commission it is said substantially that the commission shall have full and accurate knowledge concerning the securities of railroad companies as a basis for further legislation on the question; and this is further legislation on the question. It, therefore, would seem silly to me for a man to say that this is not a proper amendment to section 20 of the act to regulate commerce.

Mr. ANDERSON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ANDERSON. The gentleman has stated that stock and bond issues have much to do with the fixing of the rates. In the last Congress we passed a bill authorizing and directing the Interstate Commerce Commission to make a physical valuation of the property of the railroads. I understood at that time, and many of us believed, that the physical valuation should be the basis of rate making. This bill authorizes the commission to O. K. a stock and bond issue. The question in my mind is this: If the commission O. K's a stock and bond issue, as a practical proposition, will it not be obliged to permit the railroad company to earn a reasonable dividend on those stocks and bonds and thus practically nullify the value of the physical valuation?

Mr. RAYBURN. Mr. Chairman, I do not think so, because I believe that we are finally coming to the proposition in this country that rates will be almost wholly fixed upon value, but I believe that at the present time—and I believe it will run on—the capitalization proposition will be taken to a great extent as value, and will be brought as it is now by attorneys of railway corporations into hearings on this question.

Mr. SIMS. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. SIMS. The bill itself provides that the Government shall not be bound by this approval of stock and bond issues.

Mr. ANDERSON. I understand the bill provides the Government shall not guarantee the revenue or dividend on any stocks or bonds which the commission may O. K., but as a practical proposition, when the commission has said to the railway companies, "You may issue bonds and stocks to a certain amount," it practically finds that there is a value somewhere which warrants the issue of those stocks and bonds, but in substance it says to the investor that the Government will permit the railway company to make a reasonable dividend on the stocks and bonds which it authorizes to be issued. I do not see any escape from that proposition.

Mr. McKENZIE. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. McKENZIE. Is it not a fact that the proposition suggested by the gentleman from Minnesota [Mr. ANDERSON] would only apply in case of a noncompeting line? For example, there are three main lines extending from Chicago to St. Louis—the Illinois Central, the Chicago & Alton, and the Wabash. One of those might be capitalized for twice as much as the other and yet the rates would of necessity be the same. Therefore the physical valuation would cut no figure, in my judgment.

INTERLOCKING DIRECTORATES.

Mr. RAYBURN. The third and last of the former enumerated provisions of this bill provides, substantially, that two years from the passage of this act no person shall be an officer or director in more than one corporation subject to the act to regulate commerce, unless it has the approval of the Interstate Commerce Commission.

Mr. Chairman, I believe that the interlocking of directorates of great corporations of this country has been one of the greatest of the evil tendencies of the times. [Applause.] We have instances on record where one man will be president of many corporations. In some of them he will have a small amount of stock; others in which he will have, in many instances, a controlling interest in the corporation. These corporations buy from and sell to each other. It is as natural for a man who controls these corporations to work for the interest of the one in which he has the greatest pecuniary interest as it is for water to flow downhill.

Coming to the question directly under consideration, do you believe that it is safe to the country and its institutions for one man to be president or to sit upon the board of many railway corporations? The same doctrine just announced in regard to other corporations in general will apply in equal force with regard to railroads. It may be said by some that it is sufficient to say that the interlocking of directorates of competing corporations shall be stopped. But do you know that one of the hardest problems to solve with reference to any business is whether or not railroads are really competing lines?

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. HARRISON. In that section I notice an exception is made that after two years they can not hold a directorship in two or more railroads unless previous approval of the Interstate Commerce Commission shall have been secured. Why is that exception put in there?

Mr. RAYBURN. We thought that in many instances of small railroads an injustice might be done, not only to the directors and stockholders themselves but that a great injustice might be done to the public, for the simple reason that in some of these smaller institutions, not alone railroads but other corporations, we find in some communities it is absolutely necessary for one set of men to practically control all of the small corporations in that town. Take a small town and let a few men there organize a bank. Perhaps there will be half a dozen men in the town who are able to organize the bank. After a while they will want to build a flouring mill, or they will want, in the South, to build a cotton mill, or they will want to build a cotton press, or they will want to build a cottonseed-oil mill, and if you prevent the interlocking directorates in those things absolutely and totally and leave no discretion in anybody, in many instances, we think, you are likely to do a serious injustice not only to the men who own stock in the corporation but you do an injustice to the public in impairing the ability of the corporation to perform its functions and duty to the public.

Mr. STEVENS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. STEVENS of Minnesota. Does not the gentleman recall that he himself raised the point before the committee, which, I think, answers the gentleman from Mississippi [Mr. HARRISON], that most of these railroads, especially the larger systems, are made up of subsidiaries and of several smaller lines, and some of the larger ones, especially in the West and the Southwest, are composed of railroad lines which are compelled to be incorporated anew in each State through which the carrier runs, and for that reason it was necessary, in those cases, that the officers of the parent line should also be the officers of the subsidiary line?

Mr. RAYBURN. That is exactly it—made absolutely necessary, I think.

Mr. ADAMSON. The gentleman from Minnesota [Mr. STEVENS] struck the thought I had in mind. I was going to suggest a concrete instance to the gentleman in answer to the gentleman from Mississippi that there are many systems of railroads which have grown up by putting together roads which are practically extensions of one another. There are several lines running from this city and Norfolk to the Mississippi River, each made up of roads originally chartered within certain States. All of those lines are now operated by one company, forming one continuous line, and they have maintained the old autonomy, and each old company still has its board of directors. We thought on representation in cases like that the Interstate Commerce Commission might properly, without injury to the public or any private interest, permit the same directors to operate the entire line and all its parts.

Mr. RAKER. Will the gentleman permit a question?

Mr. RAYBURN. Yes; I yield.

Mr. RAKER. Is there any State in the Union that would prohibit a railroad being built into and through the State? If it should organize its corporation, for instance, in Indiana and start west across the various States, are there any of those States that would prohibit these corporations from continuing the main line on through that State without organizing a new railroad company in each State for the purpose of connecting at the State line? Is there any case of that kind?

Mr. STEVENS of Minnesota. I will answer yes.

Mr. RAKER. Where?

Mr. STEVENS of Minnesota. The Chicago, Milwaukee & St. Paul Railroad Co. was compelled by State laws to incorporate in five different States. After having incorporated in one State with the right specifically in the articles of incorporation where they were going to build on through various States, the States they built in prohibited them from doing it without reincorporating in that State.

Mr. RAKER. I doubted that, but I am not going to doubt the gentleman, because he has had experience in the matter and I have not especially looked it up, but my observation of these matters is that most of these new corporations are formed and organized in the States for the purpose of getting bonuses from the citizen—the counties—where they go, whereas the main line is continued on through and they could not get it, and therefore they have a new incorporation and get these large

bonuses, and then the company gets the road built and turns it over to the main corporation.

Mr. RAYBURN. That is possible. Of course there are not many States that will refuse, and it usually ends in the railroad company getting the line through.

Mr. ADAMSON. If my friend will kindly yield again.

Mr. RAYBURN. Certainly.

Mr. ADAMSON. In proposing this legislation in the nature of a new departure, was not the prime purpose in making this exception to provide for existing conditions rather than to encourage future consolidation?

Mr. RAYBURN. Oh, yes.

Railroads are not compelled to be parallel in order to be competing lines. Of course, you may say that this is lodging great power and discretion in the Interstate Commerce Commission. That I admit; but we feared that to say unconditionally that under no circumstances could one person be a director in two railroads a serious injustice might result. There may be conditions and circumstances under which it would not be to the detriment of the public, and in which it may be to the interest of the public in inconsequential instances for a man to sit as a director in two railroad corporations. Admitting that this is a great power and discretion to lodge in the Interstate Commerce Commission, we must remember that the Interstate Commerce Commission is a great body, made up of high-class, honorable men who represent the Government, and when representing the Government they represent the people, and I will say for the Interstate Commerce Commission, although they need no defender, there has been as little criticism of the personnel or the acts of that great body as of any department of this Government. Believing that there has been another great abuse, and that great crimes were committed by officers of railroad companies, we have provided another thing in this bill, and that is that it shall hereinafter be unlawful for any president, vice president, chairman of board of directors, director, or directory of any carrier subject to the act to regulate commerce, to appropriate, pay, or receive as salaries or dividends any money resulting from the sale of stocks and bonds. I believe that the proceeds of these stocks and bonds should be applied and used for the purposes set out in the application to the commission, and that is to go for some necessary purpose that will help the carrier and increase its ability to perform its obligations to the public.

Thus I have gone over in a meager way the provisions of this bill. I do not expect that it shall escape criticism, nor do I claim that it does not contain defects and imperfections. No human instrumentality is capable of escaping this penalty. Some have said that the penalties prescribed in this bill are too drastic. Some have criticized one thing about this bill; some another.

Mr. Chairman, I believe that guilt is personal. The single remedy of fining a corporation and allowing the individual malefactors to go free has not come up to the expectations of its most enthusiastic advocates. When you assess a great fine against a corporation, one of two things must necessarily result. It must increase the price of its products or its service, or else its ability to perform its rightful functions must be impaired by this drain on its treasury, and dividends must be cut down. The innocent shareholder of these great corporations must then suffer as much as the criminal shareholder.

I believe, Mr. Chairman, that this is no adequate way for punishment, merely. I believe that guilt is personal, and I believe that punishment should be personal; hence the provisions of this bill, which says that a violation of the express provisions of this bill by the individual responsible for the violation should be held absolutely responsible; hence we have provided that those who violate the provisions of this law shall be fined or imprisoned for a term of not less than one nor more than three years, or both such fine and imprisonment. [Applause.] I believe that when a man makes a contract he should with scrupulous fidelity live up to it. [Applause.] I believe further that when an individual or a corporation or the individuals of a corporation make a contract with the Government for the performance of a specific duty these men should be forced with the same scrupulous fidelity to live up to that contract with the Government.

Mr. Chairman, this legislation carries out the ideas in the way of national legislation adopted in the State of Texas years ago under the leadership of that great commoner, James Stephen Hogg, and advocated in State and Nation by Texas's grand old man, John H. Reagan. I believe that the provisions of this bill are salient and will redound to a great good and benefit to the people if it is enacted into a law. I believe that when the trust program of this administration becomes the law of the land and when business has had time to adjust itself to the changed conditions—when the law is made definite and understandable—we may with fond anticipation look to a brighter day in this country and to a season of prosperity the land over. [Applause.]

Mr. Chairman, the Democratic Party is not the enemy of capital or of big business. We know that there must be large aggregations of capital to carry on the great and growing business of the country; hence we would be more than foolish to do anything that would hinder or retard the growth of the country. [Applause.] We intend to do simple justice to business, and, on the other hand, we are determined that business shall deal justly with the people. No honest man will ask more, and no man, be he honest or otherwise, may expect less. [Loud applause.]

Mr. STEVENS of Minnesota. Mr. Chairman, how much time has the gentleman from Georgia used?

The CHAIRMAN. One hour and ten minutes.

Mr. STEVENS of Minnesota. I yield 15 minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Chairman, I realize full well that it would be well worth our while to listen for a much longer time to the gentleman who has just spoken [Mr. RAYBURN], and in expressing my own appreciation of what he has said I wish to call the attention of those present to what just occurs to me. The State which he represents is the one which gave to all States right direction in railroad legislation when the railroad commission of the State of Texas was headed by a gentleman who once sat in this body, Mr. Reagan, who did so much for this country in railroad legislation. [Applause.]

And it was eminently fitting that the gentleman who just spoke should be the one to direct the way for us at this time. I desire to speak more particularly on another branch of the subject relating to transportation after complying with the rule by offering a few remarks on the bill before us; but the chairman of the committee [Mr. ADAMSON] has served notice on us that we were not to discuss "post-office affairs or astronomy or the business of other committees." If I quote him correctly; and for that reason——

Mr. ADAMSON. If the gentleman will permit, he misunderstood me. I was calling attention to the etiquette observed by our committee; that we framed bills according to our jurisdiction, without soaring to the stars or trenching upon the jurisdiction of other committees. [Applause.]

Mr. FREAR. The gentleman has very properly done so in the light of our experience in the past, as we can all testify, and I shall only speak briefly in accordance with a suggestion that came to me when I was asked if I cared to discuss the particulars of the bill itself. What I shall say does not relate directly to the particulars of the bill, but the pending bill is one, I think, of great value, and I do not think there will be any disposition to criticize it very severely on either side, by either party in the House. A thought has come to me to-night, after reading the bill and listening to the splendid analysis of it by the gentleman who has just spoken, that only 10 years ago it would have been looked upon as socialistic and impossible—the passage of a bill of this character.

Less than a dozen years ago organized attempts were made by pioneer States in railway legislation toward securing laws to regulate these common carriers. New Haven scandals, Alton bubbles, and a long list of speculative railway kiting ventures existed on every hand. The only difference between conditions then and now lay in the fact that graft and high financiering by "captains" of the railway world, as we called them, were kept secret then, through the time-honored custom of addition, division and silence, a custom that might be abolished with profit to the country in all fields of interstate business. To-day we train the searchlight of publicity upon big business, including railways, and experience has demonstrated it is easy to direct the rays of the machine.

THE POWERFUL LOBBYIST HAS DISAPPEARED.

Mr. Chairman, when restrictive legislation was proposed throughout the country, the State capitols were besieged by lobbyists, railway presidents, attorneys, stockholders, and other protestants, even down to conductors' and brakemen's organizations. The same master mind directed the fight against the laws and the same hand pulled all the strings. Hundreds of shippers thronged the corridors of the capitol of my own State, intermingling with the railway lobbyists, cheering the public utterances of opponents to railway legislation, yet whispering words of encouragement to us in secret. That is the history of every fight for railway control waged in other States, and it is the history of the fight for Federal control. Only a few years ago

at this time, or a majority of the committee deem necessary at | carrier shall have had financial transactions."

mission—that they believe some steps along the line of Federal control of the issues of securities engaged in interstate commerce is absolutely necessary and imperative; and being in harmony with this law, your committee has added another paragraph to section 20 to regulate commerce, which says that it shall be unlawful for any common carrier subject to the act to regulate commerce to issue any capital stock or certificate of stock of any bond or other evidence of indebtedness or assume any other obligation or become the lessor of any other railroad——

Mr. ANDERSON. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield to the gentleman from Minnesota?

Mr. RAYBURN. Yes; but let me get to a period always.

Mr. ANDERSON. Finish the sentence.

Mr. RAYBURN. It is several lines long.

Mr. ANDERSON. I merely wanted to ask the gentleman whether that section referred to new stock issues or would permit the refunding of outstanding obligations?

Mr. RAYBURN. I am just coming to that—what we consider as necessary purposes. It shall be unlawful for any common carrier to become the lessor of any other railroad, or the guarantor or surety for the securities of any other person, natural or artificial, even though permitted by the authority creating the carrier corporation, except for some purpose necessary to the proper performance of its service for the public and not tending to impair the financial ability of the carrier to discharge its duty to the public, and goes on to say that extensions and improvements of its railroads and terminals in connection therewith, increasing and improving the equipment, refunding and retiring existing bonds, and similar and kindred purposes, shall be held to be necessary purposes in the meaning of this law.

Does that answer the gentleman's question?

Mr. ANDERSON. I think it does.

Mr. RAYBURN. Then we say that it shall be unlawful for any railroad corporation to issue any such stocks and bonds hereinbefore mentioned or for any purpose connected with or relating to that part of the business of the carrier covered by the act to regulate commerce unless and until the Interstate Commerce Commission shall have approved the purposes of the issue and the proceeds thereof. Then we add another provision, which we believe is wise under all of the circumstances, which says that the provisions of this paragraph shall not apply to notes issued by a carrier maturing not more than two years from the dates thereof.

Mr. BARTON. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Nebraska?

Mr. RAYBURN. Yes.

Mr. BARTON. Are we to understand from that statement that if a company wanted to issue stocks or bonds they would have to lay that proposition before the commission before they could fix upon the number of bonds?

Mr. RAYBURN. No. As I understand railroad operations, those in charge meet and authorize an issue of stock and bonds. Of course they go upon the market when that is done, and they sell them. Under this provision, when they meet and approve an issue of stock or bonds, before they can finally issue them they must come before the Interstate Commerce Commission and show the reason for the issue, and also lay before the Interstate Commerce Commission all the facts as to what they intend to do with the proceeds thereof, and so forth.

Mr. BARTON. They are required to make a showing as to what they will do with the proceeds?

Mr. RAYBURN. Yes. They must show the Interstate Commerce Commission that it is for a necessary purpose, and the necessary purpose is contained in one of the enumerated provisions that I have just read.

By the unbridled and unregulated system in the past of the railroads of the country loading themselves down with unnecessary and inappropriate issues of stocks and bonds I believe that the railroad companies have placed themselves in a position where they have not been able to perform their duties to the public. I do not say that capitalization is the all-controlling factor in the making of rates, but I do say that it is one of the great determining factors in making and promulgating railroad tariffs. When a railroad company is allowed to unnecessarily load itself down with spurious securities of one kind and another every thoughtful man will agree that the ability of the carrier to perform its functions is impaired. The present deplorable condition of the railroads of this country is but an echo of bad management upon the part of the railway officials.

Mr. SUMNERS. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman yield to his colleague?

Mr. RAYBURN. Yes; I yield.

Mr. SUMNERS. On what ground does your committee exempt the issuance of two-year notes?

Mr. RAYBURN. The first provision in this bill, until it was finally thrashed out by the committee, when I first drew it, provided that they might issue stock and securities running for one year without having the previous permission of the Interstate Commerce Commission. The committee took it up, and after much consideration we decided that two years would probably be better. We thought that for little running expenses and matters like that it was not necessary for a railroad company, in order to do right by the public, to come before the Interstate Commerce Commission and wait for their approval of a bond issue, or an issue of any kind of securities running a short time, in order that they could better carry on their business.

Mr. ADAMSON. Right there, will the gentleman explain under that provision——

The CHAIRMAN. Does the gentleman yield?

Mr. RAYBURN. Yes.

Mr. ADAMSON. That these current notes ought to be limited to a small proportion of the outstanding liabilities?

Mr. RAYBURN. Yes; and these notes and securities for the issuance of which they do not have to have the approval of the Interstate Commerce Commission before they are issued can never at any time exceed 5 per cent of the existing stock and bonds of the railroad company.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Iowa?

Mr. RAYBURN. Yes.

Mr. GREEN of Iowa. Under the provisions of your bill would it be permissible for one railroad to buy the stock of a connecting line so as to get control thereof? For instance, could a railroad running east of Kansas City buy stocks from a railroad running beyond Kansas City in order to get control of it?

Mr. RAYBURN. I do not think it would be prohibited by the bill.

As I just said a moment ago, they can issue stocks and bonds for that purpose, and, of course, it is presumed that they could buy and extend their lines, because that is construed in this bill as one of the necessary purposes for the extension and improvement of the line.

Mr. GREEN of Iowa. I did not mean the buying of the line itself, but control of the stock.

Mr. SIMS. There would be no difference between getting it in one way or the other.

Mr. RAYBURN. I think it would be permissible. They are before the Interstate Commerce Commission at this very hour clamoring for a 5 per cent increase in freight rates all over the country, and they are very able, considering their spurious securities, to make such a showing that under the present rates allowed by the Interstate Commerce Commission it amounts to almost confiscation. I do not presume to speak for the Interstate Commerce Commission, nor do I know what they are going to do with the pending application of the railroads for this increase, but I do venture this assertion, that if the Interstate Commerce Commission, after a full, fair hearing and complete investigation, finds that it is their duty to grant this increase in the rates it will be almost wholly on account of the railroads in the past being able to do an almost unbridled wildcat business in overloading themselves with spurious and unnecessary obligations. I believe that this is a vicious habit, and has already been condemned by every thoughtful and patriotic man, and one that ought to be stopped, and stopped now. Nobody will deny that in many instances the railroad companies of the country are in a bad shape financially, and that their ability to perform their functions and to fulfill their obligations to the public are impaired to the fullest and most ridiculous extent. I believe that this bill when enacted it to a law will have the effect of a house cleaning among railroad corporations of the country and, under the administration of this beneficent provision, that the railroads of the country will not again be found in the condition in which they are to-day.

In this bill we provide against any railroad becoming the lessor of another railroad or the guarantor or surety for the security of any other corporation.

Mr. QUIN. Will the provisions of this bill prevent the railroad corporations from being looted and plundered, like the New York, New Haven & Hartford?

Mr. RAYBURN. That is exactly one of the things we are driving at. If there had been absolute publicity in all the transactions of the railroad in new issues of stocks and bonds and other securities; if they had been compelled to come before the Interstate Commerce Commission and lay down before them the reasons upon which they made their application, and if these issues had been required to be approved before it would have been possible for the railroad company to have made the issue, we do not believe it could have been done.

Mr. BAILEY. Assuming that the Interstate Commerce Commission shall grant this 5 per cent increase in rates, is it not reasonably certain that the railroad companies will capitalize on that increased earning power? That is what they have done heretofore.

Mr. RAYBURN. We are having a revaluation of the railroads now.

Mr. BAILEY. Is there anything in this bill to prevent their recapitalizing on that increased earning power?

Mr. RAYBURN. I can not conceive that they will capitalize that increase.

Mr. BAILEY. They have always done it.

Mr. RAYBURN. I do not think they will do that under the provisions of this bill.

Mr. CANTOR. That can not be done except with the consent of the Interstate Commerce Commission, anyhow.

Mr. RAYBURN. No; and I do not think it will be done under this bill.

Mr. CULLOP. Will the gentleman yield?

Mr. RAYBURN. Yes.

Mr. CULLOP. I will say to the gentleman from Pennsylvania [Mr. BAILEY] that they could not increase their loans or bonds to any extent without first filing a petition with the Interstate Commerce Commission, specifying for what the expenditure shall be made; and if the petition is granted by the Interstate Commerce Commission and the bonds and stocks are sold, they must report to the commission the disposition of the proceeds of the sale, so that the commission will know that the purpose for which the loan was made has been accomplished. That is the purpose of this bill.

Mr. BAILEY. Will this bill prevent an increase of capitalization?

Mr. CULLOP. The Interstate Commerce Commission must first grant the permission, and it has the right to refuse it.

Mr. BAILEY. They will have increased earning power.

Mr. ADAMSON. I will ask the gentleman from Texas [Mr. RAYBURN], the author of this bill, if this bill will not, in his opinion, if enacted into law, prevent all future issues of stocks and bonds to be paid for in water or wind?

Mr. RAYBURN. That is one of the purposes of the bill, and that is our intention in presenting the bill.

Mr. McKENZIE. I would like to ask the gentleman from Texas this question: In case a railroad company should make a good showing to the Interstate Commerce Commission, would the Interstate Commerce Commission under this bill have the arbitrary right to absolutely refuse to permit them to issue bonds?

Mr. RAYBURN. I think that would be a question that they could take into the courts if it was for an absolutely necessary purpose. I do not think the Interstate Commerce Commission could arbitrarily put up their decision as final. It would be like the question of rates. The railroad companies have the right to appeal to the courts, and I think they would have a right to appeal from this decision of the Interstate Commerce Commission.

Mr. McKENZIE. Is it not one of the main purposes of this bill to give stability and value to railroad stocks and bonds for the protection of the men and women who invest their money in these stocks and bonds in good faith, so that the rate to be charged by the railroads is not the only material fact in the bill?

Mr. RAYBURN. It is not; but the gentleman's question answers itself and answers it much better than I can, and I thank him for it.

I believe, Mr. Chairman, that this is one of the most salient provisions in this bill. Many times railroad companies themselves do a great business, the proceeds of which would be sufficient to make the property a paying investment, but by becoming the lessor of unprofitable railroads, or by becoming the guarantor or surety of some other corporation, are themselves milked of all of the proceeds of this paying corporation, and it redounds to the great detriment of the small stockholder in the parent company. To my mind this is one of the vicious practices, and one that long ago should have been prohibited by law. Under this law when a railroad company comes before the Interstate Commerce Commission asking the right to make an issue of stocks and bonds they must prove absolutely to that commission, first, that this issue is for a necessary purpose; and, second, they are compelled by the commission to make known the purposes for which the proceeds of this issue are to be applied, following up the first amendment to section 20 on publicity.

Many people doubt the power of Congress along this line. I for one do not. I believe that Congress has the power under the Constitution to enter this field, for under the commerce clause of the Constitution the Federal Government has the power of the regulation of interstate commerce, and following that we are brought to the necessity of concluding that Congress has the power over all matters that affect the carrier in trying to carry out its contracts with the public to do an interstate business. There is no proposition better settled in law than that when the Federal Government has the right to enter a field of legislation, and does enter that field, it then occupies it exclusively.

Many people have spoken to me and said that the celebrated case of the Louisville & Nashville Railroad against Kentucky was a case in point to prove that the Interstate Commerce Commission did not have the power and authority to enter this field. Now, I want to quote from that case the most salient provision and the one bearing upon this point which these gentlemen pin their faith to—that this will be an unconstitutional bill on account of the Interstate Commerce Commission not having this power which it is sought to be conferred by Congress:

> It is plain that the provision in question does not in terms embrace the case of interstate traffic. It is restricted in its regulation to those who own or operate a railroad within the State, and the long and short distances mentioned are evidently distances upon the railroad line within the State. The particular case before us is one involving only the transportation of coal from one point in the State of Kentucky to another by a corporation of that State. It may be that the enforcement of the State regulation forbidding discrimination in rates in the case of articles of a like kind carried for different distances over the same line may somewhat affect commerce generally; but we have frequently held that such a result is too remote and indirect to be regarded as an interference with interstate commerce; that the interference with the commercial power of the General Government to be unlawful must be direct, and not the merely incidental effect of enforcing the police powers of a State. (183 U. S., pp. 518, 519.)

That is the provision upon which several gentlemen hinge their faith that Congress does not have the power to enter this field. That proposition does not touch the one concerning the power of Congress to regulate interstate-commerce transactions or interstate-commerce business. It simply says that when products or commodities are shipped from one part of the State to another it does not come within the commerce clause of the Constitution of the United States, and that it does not affect its ability to do interstate commerce; and if it does affect it in any way, it is too remote for the court to take cognizance of it as an interstate transaction.

Now, I want to read a brief extract from another opinion, an opinion by Chief Justice Marshall in the case of McCollough against Maryland, as follows:

> While our Government must be acknowledged by all to be one of enumerated powers, the Constitution does not attempt to set forth all means by which such powers may be carried into execution. It leaves Congress large discretion as to the means that may be employed in executing a given power. The sound construction of the Constitution, this court has said, "must allow to the National Legislature that discretion with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

That same thought, in slightly different phrase, has been repeated by the Supreme Court of the United States as late as Two hundred and nineteenth United States. I read a brief extract from its opinion in the case of the Atlantic Coast Line Railroad v. Riverside Mills (219 U. S., 203), as follows:

> Having the express power to make rules for the conduct of commerce among the States, the range of congressional discretion as to the regulation best adapted to remedy a practice found inefficient or hurtful is a wide one. If the regulating act be one directly applicable to such commerce, not obnoxious to any other provision of the Constitution, and reasonably adapted to the purpose and the rule provided, the question of power is foreclosed.

I believe that under that ruling of Chief Justice Marshall, not dissented from, and brought down through an unbroken line of decisions in our Federal courts, it is absolutely certain that Congress has the power to enter this field of legislation, and the question of the constitutionality of this act is foreclosed.

We all know that capitalization, as said before, is one of the determining factors in the making of rates, and is also brought in evidence in the rate hearings; and I believe that the Government has the right to say whether or not this evidence shall be ficttious. Knowing that the Interstate Commerce Commission ought to have full information regarding any carrier making application to it for approval of any issue of stocks and bonds,

Mr. MANN. I think the gentleman had better not try to pass that to-night.

The SPEAKER. You can not amend a conference report in the House. The only thing to do is to withdraw it.

Mr. KEY of Ohio. I will ask to withdraw the conference report, and will have it sent back to the Senate to be fixed up.

RECESS.

Mr. ADAMSON. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening.

The SPEAKER. The gentleman from Georgia moves that the House take a recess until 8 o'clock to-night.

The motion was agreed to.

Accordingly (at 4 o'clock and 52 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order by Mr. RAKER as Speaker pro tempore.

REGULATION OF RAILWAY STOCKS AND BONDS.

The SPEAKER pro tempore. The House will automatically under the rule resolve itself into Committee of the Whole House on the state of the Union, with the gentleman from Tennessee [Mr. HULL] in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. ADAMSON. Mr. Chairman——

Mr. GARNER. Mr. Chairman, will the gentleman from Georgia yield? I would like to suggest the absence of a quorum in order that the bells might be rung to notify Members that the committee is in session for the discussion of a very important measure to-night.

Mr. ADAMSON. I am surprised that my genial friend from Texas suggests ringing the bell instead of ordering the sheriff to call in the people from the public square as he does at home when he wants them to hear him speak. [Laughter.]

Mr. GARNER. Mr. Chairman, I suggest the absence of a quorum.

The CHAIRMAN. The gentleman from Texas makes the point of no quorum, and the Chair will count.

Mr. GARNER. Mr. Chairman, I withdraw the point of no quorum.

Mr. ADAMSON. Mr. Chairman, I take pleasure in yielding to the distinguished gentleman from Texas the author of the bill [Mr. RAYBURN], who although a young Member is old in wisdom and accomplishment. I yield him such part of the five hours allotted to me as he may see proper to use.

Mr. RAYBURN. Mr. Chairman, much has been said in recent years about the proposition of securities of railway corporations. Much has been printed, much has been said in Congress and out of Congress upon this question, and it has reached the stage when national parties have taken cognizance of it and have placed some provisions in their platforms on this question.

Your Committee on Interstate and Foreign Commerce considered it of enough importance to report the bill that is now under consideration. We had before that committee many distinguished witnesses, men of broad experience in affairs of this kind—the attorneys of railway corporations and the members of the Interstate Commerce Commission, and men of that character and that type.

I do not believe that there was a man who appeared before the committee who did not recommend in some way that Congress take some steps for the control and the regulation of the issue of stocks and bonds by railway corporations. It is true that some went much further than others; some believed that publicity alone, carried through the proper channels by the Interstate Commerce Commission, would be all that was needed to cure these evils. Others as distinguished and as well known in the country believed that we should not only enact further and greater publicity provisions into law, but that the Congress should go far enough to lodge in somebody—and, of course, it was the general consensus of opinion that it should be lodged in the Interstate Commerce Commission—the power of veto. In other words, that we may have the right to say whether or not under a given state of facts the railroad corporation should have the right to issue stocks and bonds. Along this line we have worked in this bill, both along the publicity line and along the line of giving the Interstate Commerce Commission the veto power over the application for the issue of stocks and bonds by railroads engaged in interstate commerce.

This bill contains three provisions which we deem necessary at this time, or a majority of the committee deem necessary at this time, for the protection of the public in the proposition of railway regulation:

First. Greater publicity in financial transactions of railway corporations.

Second. Making it unlawful for railway corporations to issue stocks and bonds or other evidence of indebtedness except for certain specified purposes, and that they shall not be issued for those specified purposes until previous approval by the Interstate Commerce Commission shall have been had.

Third. That two years after the passage of this act it shall be unlawful for any person to hold the position of director or officer in more than one railroad which is engaged in interstate commerce and subject to the act to regulate commerce, and provides, further, that it shall be unlawful for any president, vice president, chairman of board of directors, director, or directorates of any such carrier to appropriate, pay, or receive as salary or dividends any money resulting from the sale of stocks and bonds.

Mr. Chairman, some people are going to criticize the form and not the substance of this bill, while others are going to criticize the substance and not the form. Some will say that it is not proper legislation to incorporate in section 20 of the act to regulate commerce. It shall be my purpose in taking up this bill to discuss it under the three subheads enumerated to show that these provisions are proper matter into which to expand section 20. Section 20 of the act to regulate commerce deals almost wholly with the subject of publicity of the actions of common carriers with respect to their dealings with the public. The Hadley Commission, appointed under act of Congress in 1910, and composed of a body of men of high character and established reputation along this line, went into an investigation of railroad securities with the purpose of recommending to Congress some legislation along this line. The report of the Hadley Commission deals wholly with the subject of publicity of securities of common carriers. This I believe brings the bill absolutely as a proper amendment to section 20 of the act to regulate commerce. Section 20 of the act to regulate commerce, which provides that railroad corporations shall make annual reports and such special reports as the Interstate Commerce Commission may direct, and says that the commission shall have at all times access to all accounts, records, and memoranda kept by such carrier, is reenacted. In fact, the whole of section 20 as it now stands is reenacted with the additions in this bill. But this bill goes further and uses the following language, following up that just stated: "Correspondence and other documents and papers, regardless of the dates thereof." In the past much has been covered up in the correspondence and papers of the carriers which could not be made accessible under the old law. Believing that this was a defect, and a vital one, we have added that as part of the existing law. You will also note that the bill provides that this correspondence and these documents and papers shall be accessible to the commission, regardless of the dates thereof. The reason of this language may be made clear by quoting from the statement of Commissioner Clark before the Committee on Interstate and Foreign Commerce, as follows:

> A situation has grown up since our annual report was submitted to Congress and under which the railroads take the position that the provisions of section 20 have no application to any books, records, memoranda, etc., which are older than the effective date of the so-called Hepburn Act. In other words, that under section 20 we can go back through all of these records—except that they have challenged our right to go into the correspondence—to August 28, 1910, but beyond that is a sealed book. If this was so, if the law is permanently so considered, it means that a great deal of the vitality shall have been sapped.

This was in the celebrated Louisville & Nashville case, in which the Interstate Commerce Commission was acting in response to a resolution of the Senate. The case is now held up for final adjudication in the courts, and the commission can do no more until the court has passed on the question, and then can do nothing if the court should hold that it is beyond the power of the commission to look into this matter.

From this statement from a member of the Interstate Commerce Commission you can readily see the absolute necessity for the bill's provision making these papers, documents, correspondence available regardless of their date. In our determination to get full information in regard to the business transactions of the carriers, we did not stop with this, but went much further, as will be seen from the following language used in connection with the power of the commission to employ special agents or examiners who shall have authority, under orders of the commission, to inspect and examine into all such records, documents, accounts, and memoranda, and then we add, "and also the books, papers, correspondence of carriers, construction or other companies, or of firms or individuals, with which a carrier shall have had financial transactions."

We believe this is a proper authority to give the commission, and further believe that it is absolutely a necessary power to give it in order that it may surround itself with all of the facts regarding financial transactions of these railroads in order that they may be able at all times from this great fund of information at hand to deal with all applications of railroads in the matter of rates and regulation otherwise.

I believe, Mr. Chairman, that the transportation business of the country should be divorced as nearly as possible from all entangling alliances with other business. The Congress in the past has taken some steps along this line, and I believe that the time is ripe when other and further steps should be taken, and I believe that before long you will find coming from your Committee on Interstate and Foreign Commerce bills to carry out this thought.

Mr. Chairman, much has been said about the power and sufficiency of publicity. Some have spoken of it in a very derogatory manner; others seem to think that in publicity alone may be found the panacea for all of the evils that afflict us. I do not join in the sentiment of the first class at all, nor do I agree in toto with the latter. But I do believe that when the white light of publicity is thrown upon the business transactions and associations of men it will be one of the great factors in causing men to cease doing many of the reprehensible and unwise things that they are now doing. I do not join in the great chorus going up from the pessimists of this country in which they seek to convey the idea that the world is getting worse instead of better, and that men are less amenable to publicity to-day than they were in former times. There is no decent man but that desires to be respected by his fellow man, and when he is engaging in practices that he knows will be condemned by all right-thinking and right-acting people if it were known, I believe that that man will be deterred to a great extent from engaging in these practices. We go further than these provisions just suggested and we say that the Interstate Commerce Commission may in its discretion call upon the railroad companies to make public to their shareholders such information as the commission desires and in such form as the commission may direct. A great wrong has been practiced along this line by those higher up in authority in these carrier corporations by keeping the men who hold the shares of stock, and who are vitally interested in the business of the companies, absolutely in the dark as to the financial transactions in which they have an interest. I believe that when that part of this bill becomes a law it will be a great boon to the small investor in railways in this country. In other words, Mr. Chairman, I believe that it takes this, added to the other provisions requiring publicity in this bill, to round it out and make it what it should be along the lines of publicity. Remembering what was said in the beginning, that section 20 deals with the power of the Interstate Commerce Commission to call for facts concerning the financial transactions of railroads, and taking into consideration the amendments to the existing law that I have discussed, I say that I believe this is a proper amendment to section 20 of the act to regulate commerce. And to further justify the position that we have taken upon this publicity proposition in this bill, I quote from section 6 of the recommendation of the Hadley Commission as follows:

> Upon the whole, your commission believes the accurate knowledge of the facts concerning the issues of securities and the expenditures of their proceeds is a matter of utmost importance. It is the one thing on which the Federal Government can effectively insist to-day; it is the fundamental thing which must serve as a basis for whatever additional regulation may be desirable in the future.

I believe in toto in that statement, and I believe that when we have built up this great line of publicity as suggested in this bill, if it alone were put into this bill, it would be a great boon to the country, and its beneficent results would be felt throughout the country, especially among the people who are dealing with the railroads and who are engaged or in any way connected with the securities of railroad corporations.

APPROVAL BEFORE ISSUE.

I now come to the second part of the amendment to section 20, that of the control of the issues of stocks and bonds and other securities of railroads and the approval of the Interstate Commerce Commission before any issues of stocks and bonds or other evidences of indebtedness may be made. Much has been said of late years concerning, and much proper criticism has come from the public in regard to, the overissue of stocks and bonds and overcapitalization of railroads, and many abuses along this line have brought us to believe that legislation along this line is absolutely necessary at this time. Commissioner Clements in his testimony before the Committee on Interstate and Foreign Commerce substantially says:

> I have believed for a good many years that there ought to be some regulation, at least to the extent of restricting and limiting the power of corporations engaged in interstate commerce to issue stocks and bonds. This condition has been a matter of growth in my own mind and judgment. I have always been rather inclined to the general theory of as little regulation as was necessary as being better than to have any that is superfluous.

Mr. KINDEL. Will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. RAYBURN. Yes.

Mr. KINDEL. The gentleman having invited us to ask him any questions, I would like to ask if, in the gentleman's opinion, these stocks and bonds have anything to do with the classification of freight rates, express rates, and parcel-post rates?

Mr. RAYBURN. It certainly does, and I am going to come to that; capitalization certainly is a great factor in the determination of freight rates.

Mr. KINDEL. Exactly; I wanted to know how the gentleman bases that as having anything to do with the question of rates.

Mr. RAYBURN. I am coming to that, and I think I can demonstrate easily to every one to whom it is possible to demonstrate anything that the proposition of the capitalization of a railroad is not the all-determining factor in making rates and promulgating tariffs, but it is one of the great determining features in it.

Mr. KINDEL. The same authorities the gentleman just quoted—Clark and Clements—are the ones who have established the express rates, and these same authorities are responsible for the parcel-post rates, which are 200 per cent higher than the express rates in our section of the country——

Mr. RAYBURN. If the Interstate Commerce Commission has made a mistake——

Mr. KINDEL. A mistake?

Mr. RAYBURN (continuing). I am not standing for them; I am not an apologist for them along any line.

Mr. KINDEL. I want to arrive at the benefit we are going to receive from this.

Mr. GARNER. The gentleman will come to that in a moment.

Mr. RAYBURN. I desire to say I will endeavor to answer any pertinent question, but the proposition of the parcel-post rates is not a pertinent question to this proposition.

Mr. ADAMSON. If the gentleman will permit a suggestion from his colleague——

Mr. RAYBURN. Yes; certainly.

Mr. ADAMSON. I would ask if it is not a pertinent place to remind all anxious inquirers that the control of the overissue of stocks and bonds might prevent speculators and wreckers from rendering the carriers unable to discharge their duties at all? [Applause.]

Mr. RAYBURN. That is exactly what we are driving at in this bill; that is, to have a house cleaning among the railroads of this country that they may not overload themselves with unnecessary and spurious securities that will incapacitate them from performing their functions as public carriers in this country. [Applause.]

Mr. KINDEL. Will the gentleman permit another question?

Mr. RAYBURN. Yes.

Mr. KINDEL. If it is true that we ought to have a house cleaning, get rid of things, had we not better start at the Post Office Department?

Mr. RAYBURN. My dear sir, there are lots of things down at the Post Office Department that I would like to clean out, but I am not going to put them in this bill. [Laughter.]

Mr. KINDEL. I want to see whether the Interstate Commerce Commission in the same breath will make a rate 200 per cent higher than for the express.

Mr. ADAMSON. Mr. Chairman, will my colleague yield?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Georgia?

Mr. RAYBURN. Yes. I always yield cheerfully to the chairman.

Mr. ADAMSON. I suggest to the gentleman that, in view of the laborious character of the work of our committee, it is wise to postpone, until after we dispose of pressing affairs, the Post Office affairs, the study of astronomy, and the jurisdiction of all other committees. [Laughter.]

Mr. RAYBURN. That has been the purpose of our committee. That is the reason why we work so harmoniously among ourselves, and that is the reason why we work so harmoniously in the House. We seek to attend to the matters that properly come before that committee, and do not invade the jurisdiction of other committees of this House.

Now, continuing, Commissioner Clements said:

> But experience and observation have convinced me that there should be some regulation at the base as well as at the top of this matter of common-carrier organization and operation.

You will see from this statement—and I believe that it is concurred in by a majority of the Interstate Commerce Com-

tleman from New Jersey took its place as a substitute for the amendment which is pending. We have accepted the amendment of the gentleman from Wisconsin.

The CHAIRMAN. That arrangement was made before the present occupant took the chair.

Mr. MANN. There was no agreement about amendments. The agreement was as to debate.

Mr. CARLIN. The agreement was to close debate on the paragraph and all amendments.

Mr. MANN. Yes; but that does not close or shut off amendment. The committee offered an amendment, and the gentleman from Wisconsin offered an amendment to that amendment, and the gentleman from New Jersey offered a substitute to the amendment.

The CHAIRMAN. The Chair understands that the vote will come first on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Arkansas. Then the substitute will be voted upon.

Mr. MANN. The vote would come first on the amendment offered by the gentleman from Wisconsin to the committee amendment and then upon the substitute offered by the gentleman from New Jersey and finally upon the amendment as amended, if it should be amended.

The CHAIRMAN. The Chair so understands. The question is on the amendment offered by the gentleman from Wisconsin to the amendment offered by the gentleman from Arkansas.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the substitute offered by the gentleman from New Jersey [Mr. McCOY] for the amendment offered by the gentleman from Arkansas.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The Chair understands the gentleman from Washington offered a substitute. The question is on the amendment offered by the gentleman from Washington [Mr. BRYAN] in the nature of a substitute.

The question was taken, and the amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Arkansas [Mr. FLOYD], a member of the committee, as amended by the gentleman from Wisconsin [Mr. LENROOT].

The question was taken, and the amendment as amended was agreed to.

Mr. RAKER. Mr. Chairman, I ask unanimous consent that the proposed amendment which I send to the desk, to section 10 of the bill, may be read; and after it is read, then it is my purpose to prefer a request for unanimous consent to return to section 10 in order that it may be offered.

The CHAIRMAN (Mr. HULL). The gentleman from California asks unanimous consent to return to section 10 in order to offer an amendment. Is there objection?

Mr. MANN. Mr. Chairman, I object. As the Chair states the request, it is to return to section 10.

Mr. RAKER. Mr. Chairman, my proposition is that this proposed amendment be first read, and then, after it is read, it is my purpose to ask unanimous consent to return to the section. I wish the gentleman from Illinois would let me have the amendment read.

Mr. MANN. What is it about? Is it about anything in the section?

Mr. RAKER. Yes; it covers the provisions of the section, and I will ask the gentleman to let me have it read.

The CHAIRMAN. The gentleman from California asks unanimous consent that the amendment be reported for information. Is there objection?

There was no objection.

The Clerk read as follows:

On line 3, page 31, after the word "inhabitant," amend by adding the following words: "or where the principal place of business of such corporation is situated"; and on line 4, page 31, after the word "district," insert the following words: "where the contract is made or is to be performed or where the obligation or liability arises or the breach occurs or," so that as amended it will read as follows:

"SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant or where the principal place of business of such corporation is situated, but also in any district where the contract is made or is to be performed or where the obligation or liability arises or the breach occurs, or wherein it may be found or has an agent."

Mr. RAKER. Mr. Chairman, I now ask unanimous consent that the committee return to section 10 for the purpose of considering the amendment.

The CHAIRMAN. The gentleman from California asks unanimous consent that the committee return to section 10 in order to consider the amendment just read for information. Is there objection?

Mr. WEBB. Mr. Chairman, I object. I now move that the bill as amended be laid aside under the rule with a favorable recommendation.

The CHAIRMAN. The question is on the motion of the gentleman from North Carolina that the bill as amended be laid aside with a favorable recommendation.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, before that motion is put I desire to call the attention of the chairman of the committee to the fact that there should be a verbal correction made in one of the amendments which was presented and adopted.

Mr. WEBB. Mr. Chairman, that is right; and I ask unanimous consent that the gentleman may be permitted to offer his proposed amendment as amended.

The CHAIRMAN. To which section does the amendment apply?

Mr. WEBB. And I ask unanimous consent that we return to that section for that purpose alone. It is to section 11.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to section 11 to permit the correction of an amendment. Is there objection?

Mr. RAKER. Mr. Chairman, reserving the right to object, let the amendment be reported first.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I will explain to the gentleman that the amendment offered has already been adopted by the committee, but that it was drawn hastily, and there are some verbal corrections necessary.

The CHAIRMAN. Without objection, the Clerk will report the proposed amendment for information.

The Clerk read as follows:

Amendment by Mr. GRAHAM of Pennsylvania:

Page 31, line 9, after the word "district," insert the following:

"*Provided*, That in civil cases no writ of subpœna shall issue for witnesses living out of the district in which the court is held at a greater distance than 100 miles from the place of holding the same, without the permission of the trial court being first had, upon proper application, and cause shown."

The CHAIRMAN. Is there objection?

Mr. RAKER. Does that limit the distance?

Mr. MANN. The gentleman offered his amendment a while ago, but as adopted it applies to criminal cases.

Mr. RAKER. That may be true; but if it is possible to keep out the question of distance, it ought to be kept out. In my State men have to travel four and five hundred miles in one district.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, if the gentleman will permit, I will explain. It was the thought of districts like the gentleman's that suggested the importance of making this change. I know there are districts in which the extent from one end to the other would be four or five hundred miles, and therefore the limitation of 100 miles which applies with us in the eastern districts would not apply to them, because this amendment now leaves it so that the writ of subpœna runs all through the district, and the limitation is in the language of the old law, that where the witness resides outside of the district he can not be compelled to attend more than 100 miles.

Mr. RAKER. Outside the district?

Mr. GRAHAM of Pennsylvania. Yes; in conformity with the old statute. It is merely a verbal correction to make it conform to the law.

Mr. RAKER. With the amendment proposed by the gentleman, irrespective of what distance might be in the district—200, 300, or 500 miles—the subpœna will run to the outermost limits of that district?

Mr. GRAHAM of Pennsylvania. That is exactly the purpose of that amendment, and it does that.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

Mr. MANN. That is to strike out the amendment that was inserted and insert this amendment in lieu thereof; practically it has to be done by unanimous consent.

Mr. WEBB. This is to be adopted in lieu of the amendment the gentleman offered an hour or so ago?

Mr. MANN. The gentleman asks unanimous consent to modify his amendment and adopt it as read.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to modify his amendment previously adopted by the committee by inserting the amendment just read. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WEBB. Mr. Chairman, I move that the bill as amended be laid aside with a favorable recommendation that it do pass.

The question was taken, and the motion was agreed to.

[Applause.]

ORDER OF BUSINESS.

Mr. ADAMSON. Mr. Chairman, I ask that the Clerk report the next bill to be considered under the rule—H. R. 16586.

The CHAIRMAN. Under the rule, the first reading of the bill H. R. 16586 is dispensed with, and the Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 16586) to amend section 20 of an act to regulate commerce.

Mr. ADAMSON. Mr. Chairman, I desire to ask the gentleman from Minnesota [Mr. STEVENS] as to his idea of proceeding with debate at this time.

Mr. STEVENS of Minnesota. Mr. Chairman, I have yielded all of my time, but none of them are ready to proceed right now.

Mr. MANN. It will be the other side of the House to proceed first.

Mr. ADAMSON. The reason I asked the gentleman the question, I will state to the gentleman from Illinois, is unless I look a little further than the end of my nose we might get tangled up to-night. If there is no speaker to proceed, we would just as well give direction to the session at this time and have an understanding.

Mr. MANN. I will ask the gentleman if it would not have the same effect if we would hold a night session and if no speakers are ready to proceed, we will use up three hours of debate in that way?

Mr. ADAMSON. Well, if the gentleman from Minnesota is willing to cancel out that much of his time I will put in an hour to-night.

Mr. MANN. I am not referring to the speakers of the gentleman from Minnesota; they would give us real meat.

Mr. ADAMSON. Mr. Chairman, it is well that gentlemen should compliment themselves, otherwise they might go without compliments. It is better to wait until the feast is served before discussing the quality of the viands. I will state, Mr. Chairman, if it is the pleasure of the committee to rise at this time I have one speaker who can consume an hour to-night; and if the other side will use an hour, that will enable us to finish general debate on Thursday.

Mr. STEVENS of Minnesota. I may be able to find some one this evening; but this is a very important section, and the speakers who will address the House from this side of the House deserve a quorum, because they will discuss the merits of the proposition.

Mr. ADAMSON. If the gentleman is going to get lonesome and require the presence of a quorum, he might just as well say so.

Mr. STEVENS of Minnesota. I think under the circumstances this evening we shall insist on a quorum.

Mr. ADAMSON. I call attention to the fact that if we consume the entire 10 hours allowed for debate we could not finish general debate on Thursday, unless we consume some time this evening, and I shall move that the committee rise; but I can use an hour to-night, and I hope the gentleman can use enough time so that we can finish the general debate on Thursday.

Mr. MURDOCK. Rise until when?

Mr. ADAMSON. I do not suppose that the gentleman from Minnesota apprehends that he will be lonesome in the daytime; it is at night that he fears he will be lonesome.

Mr. STEVENS of Minnesota. Mr. Chairman, the rule covers the mode of procedure, and we are willing to abide by the rule. But if the speakers on this side of the House to whom I have yielded time should not be present, I wish to give notice that I shall want to protect those to whom I have yielded time.

Mr. ADAMSON. If gentlemen will return to-night for a short service and tell all the folks that they will hear one good speech, I shall have an hour occupied [laughter]; and I move that the committee do now rise.

The CHAIRMAN. The gentleman from Georgia moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. HULL, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16586) to amend section 20 of the act to regulate commerce and other bills under the special order of the House and had come to no resolution thereon.

REPRINT OF THE CLAYTON ANTITRUST ACT.

Mr. MANN. Mr. Speaker, I ask unanimous consent, or suggest to the gentleman from North Carolina [Mr. WEBB] that he ask unanimous consent, to have the antitrust bill that was just laid aside and favorably reported reprinted as it has been amended by the committee.

Mr. WEBB. I make that request, Mr. Speaker. I think it is a good suggestion.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent to have a reprint made of the antitrust bill as agreed to in committee. Is there objection? Were any amendments adopted to it?

Mr. MANN. Yes; a number of them; but the reprint should not show that they are amendments. I think the whole thing, being a committee amendment, should be printed as agreed to in the committee.

The SPEAKER. Is there objection to the request? [After a pause.] The Chair hears none, and it is so ordered.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2860. An act providing a temporary method of conducting the nomination and election of United States Senators.

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request.

The Clerk read as follows:

WASHINGTON, D. C., *June 2, 1914.*

To the Speaker and Members of the House of Representatives:

I respectfully ask leave of absence from attendance at the House of Representatives for an indefinite period on account of the meeting of the Japanese-American group of the Interparliamentary Union at Tokyo and the Interparliamentary Union at Stockholm, both of which I desire to attend as a delegate of the American group.

Respectfully,

W. D. B. AINEY.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

CHANGE OF REFERENCE.

Mr. GREENE of Vermont. I ask unanimous consent that the Committee on Invalid Pensions be discharged from the consideration of the bill (H. R. 16866) granting a pension to Joseph E. La Rocque, and that the bill be referred to the Committee on Pensions.

The SPEAKER. Is there objection to the request of the gentleman from Vermont? [After a pause.] The Chair hears none, and the change of reference will be made.

SPEAKER PRO TEMPORE FOR NIGHT SESSION.

The SPEAKER. The Chair designates Mr. RAKER, of California, to act as Speaker pro tempore to-night.

PENSIONS.

Mr. KEY of Ohio. Mr. Speaker, I desire to call up a couple of conference reports on Senate bills.

The SPEAKER. The Clerk will read the first conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 711).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 4168, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 2.

That the House recede from its amendments numbered 1 and 3, and agree to the same.

Amendment numbered 4:

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$20"; and the House agree to the same.

J. A. M. ADAIR,
JOE J. RUSSELL,
Managers on the part of the House.

BENJ. F. SHIVELY,
CHARLES F. JOHNSON,
REED SMOOT,
Managers on the part of the Senate.

Mr. MANN. Mr. Speaker, that is no conference report. It says—

That the House recede from its amendments numbered 1 and 3, and agree to the same.

Mr. KEY of Ohio. The Clerk of the Senate committee prepared the report. It is not from our committee, anyway. It is the wrong report.

Mr. BRYAN. Mr. Chairman, I offer this amendment, which I send to the Clerk's desk. I do not ask for time to debate it.

Mr. STAFFORD. Mr. Chairman, a question of order. Is this amendment being offered for information? The gentleman can not get recognition, as the time is in the control of the gentleman from Minnesota and the gentleman from North Carolina.

Mr. BRYAN. I do not want any time.

Mr. STAFFORD. But the gentleman can not offer an amendment unless he gets time.

Mr. BRYAN. Mr Chairman, the time to offer an amendment is not included in the time that is divided up for debate. I have offered the amendment, and I have already been recognized for that purpose.

Mr. STAFFORD. But I raise the question of order that the gentleman is not entitled to recognition.

Mr. BRYAN. The gentleman is too late.

Mr. MANN. There was an amendment pending.

The CHAIRMAN (Mr. SIMS). The Chair understands there is a substitute amendment pending.

Mr. LENROOT. This amendment is not in order. The amendment is a substitute.

Mr. BRYAN. Well, Mr. Chairman, my amendment had been offered after I was recognized, and I certainly expect it to be reported by the Clerk.

Mr. VOLSTEAD. Mr. Chairman, I want to offer this amendment, to strike out the section and insert——

Mr. BRYAN. Mr. Chairman, I want to make a point of order against any amendment being offered while mine is pending.

Mr. MANN. He moved to strike out the section. That is in order.

Mr. BRYAN. My amendment is a motion to strike out section 12 and substitute therefor what I sent to the desk. That is the proposition

Mr. MANN. It will not be voted upon until later.

Mr. BRYAN. If it is out of order to read my amendment, it will be out of order to read the gentleman's amendment.

Mr. MANN. The gentleman will have time to offer his amendment.

The CHAIRMAN. The Chair will state that there will be 30 minutes' debate on this section, to be equally divided. The Chair understand that the gentleman from Minnesota [Mr. VOLSTEAD] yields himself time to offer his amendment.

Mr. BRYAN. I simply want my amendment read, Mr. Chairman, and of course I will accomplish that.

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] and the gentleman from North Carolina [Mr. WEBB] control the time.

Mr. VOLSTEAD. Mr. Chairman, I want to oppose this proposition. It is evident there is a disposition on the part of the majority to weaken instead of strengthen the Sherman antitrust law. It would be infinitely better to leave the law as it stands and depend upon the general principles of criminal jurisprudence to apply its provisions to acts of individuals than to add a section such as that which is proposed.

There can be no question but that, under the proposed amendment, it would be necessary first to establish the guilt of a corporation before you could convict an officer; and, besides, there is nothing in this proposed amendment that broadens or in any way strengthens the criminal statute as it stands to-day.

Gentlemen complain that we have not succeeded in convicting men in the years past. That is not true. In a great many instances men have been convicted and punished under the Sherman Antitrust Act. In some instances they have been sent to prison, although as a rule they have not been sent there for any great length of time. Under the law as it stands they can be convicted, and are constantly being indicted and convicted.

Why should we take away the power we have to-day to protect commerce against unlawful restraints and monopolies? That is what you are trying to do. You are trying to place between the Government and these offenders an additional obstacle to conviction of the individual by first requiring the conviction of the corporation. You are asking the Government to prosecute a suit that is absolutely needless and useless in most cases. You can not put a corporation in jail—corporations must be reached, under the equity powers of a court. But you are going to insist that before the individual can be punished the Government must waste its money on a criminal conviction of the corporation. This simply means that you are going to let go free the men who restrain commerce and create monopolies—the men who, in my judgment, are doing as much as anybody to increase the cost of living. [Applause.]

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] consumed two minutes.

Mr. WEBB. Mr. Chairman, I yield one minute to the gentleman from New Jersey [Mr. McCOY].

The CHAIRMAN. The gentleman from New Jersey [Mr. McCOY] is recognized for one minute.

Mr. McCOY. Mr. Chairman, I offer the following as a substitute for the committee amendment.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. Is an amendment in order now, at this time?

Mr. McCOY. I offer my amendment as a substitute.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] yields to the gentleman from New Jersey [Mr. McCOY] one minute. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 12. Any person who while acting or purporting to act as director, officer, or agent of a corporation shall authorize, order, or do any of the acts prohibited by the antitrust laws shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both in the discretion of the court.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry. Do I understand this amendment is being read for information?

The CHAIRMAN. Yes. The gentleman has been yielded time.

Mr. McCOY. Mr. Chairman, this amendment relieves the section from the criticism as it now stands or as the substitute proposes to do—that you must first convict the corporation before you can find any of these officers guilty. It simply provides that when any person acts or purports to act—and that would cover an ultra vires act—does the thing prohibited, he may be convicted. It makes guilt as personal as it can be.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Washington [Mr. BRYAN] half a minute.

Mr. BRYAN. Mr. Chairman, I ask that my amendment be read.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized for one minute.

Mr. BRYAN. Mr. Chairman, I ask that the amendment be read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, strike out all of section 12 and substitute the following: "That any person or corporation that violates any of the provisions of the antitrust laws, or any director, officer, or agent of any corporation that authorizes, orders, or permits to be done any act done by any corporation in violation of the antitrust laws, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or be imprisoned not exceeding one year, or both, in the discretion of the court."

Mr. BRYAN. I think that is almost identical with the amendment offered by the gentleman from New Jersey [Mr. McCOY], but it provides that in order to make the individual guilty he must have advised, permitted, or authorized something to be done that was actually accomplished by the corporation in violation of the law.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. The gentleman from Wisconsin [Mr. LENROOT] is recognized for three minutes.

Mr. LENROOT. Mr. Chairman, I believe the committee amendment has been improved upon, but is still open to criticism. I think the amendment of the gentleman from New Jersey [Mr. McCOY] is subject to criticism in this, that the whole thought and purpose has been that where there was guilt upon the part of the corporation any officer, agent, or director responsible in any degree for contributing to that guilt should also be personally guilty. The amendment of the gentleman from New Jersey simply provides that where the officers, agents, or directors shall be guilty of any prohibited act they shall be punished, as I understand it.

Mr. McCOY. Will the gentleman yield?

Mr. LENROOT. I yield to the gentleman from New Jersey.

Mr. McCOY. It provides that any officer, agent, or director who authorizes or commits——

Mr. LENROOT. Any prohibited act.

Mr. McCOY. Any prohibited act.

Mr. LENROOT. That is just the trouble, because the act itself may not be prohibited by the antitrust law, and it takes the illegal combination and the act done in furtherance of it before it becomes a prohibitive act. Therefore we must have guilt on the part of the corporation, because in other cases your antitrust law without this section reaches the individual in every case.

Mr. WEBB. I thought the gentleman was one of those who did not want the necessity of proving guilt on the part of the corporation before we could reach the directors or officers.

Mr. LENROOT. I do not want to be compelled to convict the corporation before you can proceed against the officer, but I do insist that you must show in your action against the officers that the corporation is guilty, and then that the man you are proceeding against has performed some act that has contributed to the violation by the corporation; and when he has, he ought to be punished.

Mr. WEBB. You can only prove guilt by a conviction.

Mr. LENROOT. Yes, certainly; but you can prove the guilt of the corporation in your proceeding against the individual, or for this purpose you might first prove the guilt of the corporation in an equity action, if your amendment was properly framed to cover that, though, of course, that would not bind the defendant in the criminal action. I shall offer an amendment which, I think, covers the case.

Mr. BARKLEY. Is not the real object of the section that there shall be unlimited power of prosecution, both of individuals and corporations, but the additional power that when the corporation itself is convicted the officers and directors shall also be guilty of the thing which is denounced by the law.

Mr. LENROOT. Not denounced by the law, but where they have contributed in any degree to the violation, although their act, standing alone, might not be a violation.

Mr. BARKLEY. The amendment covers this ground specifically.

Mr. LENROOT. My amendment is to strike out the balance of the section and insert, so that it will provide that whenever the corporation shall violate any of the provisions of the antitrust laws—not leaving it to be determined in a criminal action; it may be determined in an action in equity—such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized or ordered or done any of the acts constituting in whole or in part any such violations. Those acts standing alone might be absolutely innocent, but if they have contributed in whole or in part to the violation by the corporation, then they make the party guilty. Then it goes on——

Mr. WEBB. I understand what the gentleman proposes. May I ask the gentleman from Minnesota [Mr. VOLSTEAD] if he agrees to the amendment of the gentleman from Wisconsin?

Mr. CARLIN. I think that is all right.

Mr. VOLSTEAD. Which amendment?

Mr. WEBB. The Lenroot amendment.

Mr. VOLSTEAD. I do not understand the provisions of it.

Mr. LENROOT. I ask that it be reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amend the committee's substitute by striking out all after the word "corporation" and inserting the following:

"That whenever a corporation shall violate any of the provisions of the antitrust laws, such violation shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of the acts constituting in whole or in part such violation, and shall be deemed a misdemeanor; and upon conviction therefor of any such director, officer, or agent he shall be punished by a fine of not exceeding $5,000 or by imprisonment for not exceeding one year, or by both, in the discretion of the court."

Mr. WEBB. I will ask the gentleman from Minnesota [Mr. VOLSTEAD] if he is satisfied with this amendment?

Mr. VOLSTEAD. I am not able to discover where the difference comes in.

Mr. WEBB. I will ask that the amendment be again read, to see if we can not come to some agreement about it.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. LENROOT] has expired.

Mr. LENROOT. I shall be glad to explain the difference if I can get the time.

Mr. WEBB. I understand the difference, and I think the House does. Mr. Chairman, I think the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] expresses the judgment of the House on both sides; that is, that we wish to make guilt personal; that whenever a corporation violates any of the provisions of the antitrust laws the agents or directors, or those who are responsible for those violations, shall be deemed guilty of a misdemeanor, and fined or imprisoned. Now, I think that is exactly what my friend from Minnesota [Mr. VOLSTEAD] wants done, and we are perfectly willing to accept the amendment offered by the gentleman from Wisconsin [Mr. LENROOT].

The CHAIRMAN. Does the gentleman from North Carolina withdraw the committee amendment?

Mr. FLOYD of Arkansas. This is an amendment to the committee amendment. I offered the committee amendment, and I accept the amendment of the gentleman from Wisconsin.

Mr. McKENZIE. Mr. Chairman, I ask unanimous consent that the committee amendment may be read, and then the amendment offered by the gentleman from Wisconsin read in connection therewith, so that we may have an understanding of the whole matter.

Mr. FLOYD of Arkansas. If the gentleman from Illinois will permit, I will state that the amendment offered by the gentleman from Wisconsin [Mr. LENROOT] supersedes the entire amendment that I offered except the first word.

Mr. MANN. I ask for the regular order.

The CHAIRMAN. Without objection, the Clerk will again report the amendment of the gentleman from Wisconsin.

The Clerk again read the amendment.

The CHAIRMAN. The gentleman from Minnesota has five minutes remaining.

Mr. VOLSTEAD. I will yield two minutes to the gentleman from Wisconsin, in order that he may answer some questions. Does this include all of the gentleman's amendment?

Mr. LENROOT. It does. It is in the form of a substitute.

Mr. VOLSTEAD. What part of the original amendment does the gentleman retain?

Mr. LENROOT. The words "whenever a corporation shall"; that is all that is retained of the original amendment. Then it strikes out all of the balance of the amendment, so that it will read "whenever a corporation shall violate," and so forth.

Mr. WEBB. I hope the gentleman from Minnesota will accept the amendment.

Mr. VOLSTEAD. No, Mr. Chairman; I shall not accept the amendment. This amendment is still open to the same objection that I made to other amendments—that it does not take into consideration the fact that for some offenses under existing law the fine is one sum and for other offenses it is a different sum. This makes a uniform punishment of a fine of $5,000 for every offense. We have some provisions in this bill that provide for a fine of $100 a day. Now, will this mean $5,000 a day? And this amendment does not add a particle to the existing law.

I believe that under the existing law we can reach every offense that could possibly be reached under this provision and a number of others.

In years past we have been able to prosecute and convict people under the antitrust laws. The trouble has not been that we did not have law enough; the trouble has been that jurors did not want to convict and officers did not always want to prosecute. They have had some sympathy for the men who have had the genius to build up these great combinations and their industries. It was not the fault of the law. It was the fault of the men who sat in judgment on the men who committed the offenses.

I am not going to consent to weaken the law. I can not see how you add a single thing to the law; on the other hand, you limit it by expressly providing that an individual is only liable if he authorizes or directs an act to be done. It is a familiar principle of the criminal law that anyone who knowingly aids or assists in doing an illegal act is guilty. You do not have to authorize or direct. Anyone that participates in doing a criminal act is guilty. You require that the offense shall be done in a particular way, and thereby exclude other methods of committing the crime. This is not going to add a single thing to the law; on the other hand, I can see clearly that it is going to weaken it very much. The effect of this amendment is to shield the individual and make the law less drastic than it is to-day. [Applause.]

Mr. McCOY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN (Mr. SIMS). The gentleman will state it.

Mr. McCOY. I understand the amendment of the gentleman from Wisconsin as a substitute for the committee amendment has been accepted.

The CHAIRMAN. The Chair understands it is offered as an amendment to the committee amendment.

Mr. McCOY. And the committee has accepted it.

Mr. LENROOT. It can not be accepted. It has to be voted upon.

Mr. McCOY. What is the status of the substitute which I offered for the committee amendment?

The CHAIRMAN. The present occupant of the chair understands the gentleman's amendment was simply read in his time for information.

Mr. McCOY. I got the time in order to offer it as a substitute, and the Clerk so read it.

The CHAIRMAN. The Chair understood that it was offered for information of the committee, to be offered in the regular order at the proper time.

Mr. McCOY. Assuming that is so, when is the time to offer it?

The CHAIRMAN. The agreement was made before the present occupant took the chair.

Mr. CARLIN. Under the unanimous-consent agreement all the amendments had to be offered. The amendment of the gen-

Mr. GREEN of Iowa. That distinction was made by the gentlemen who drew the bill, and not by me.

Mr. MANN. The gentleman from Iowa was supporting it.

Mr. GREEN of Iowa. No; the gentleman misinterpreted me.

Mr. MANN. If the gentleman does not change his remarks in the RECORD he will find that I am right.

Mr. GREEN of Iowa. Mr. Chairman, as I stated a moment ago, the amendment of the gentleman from Minnesota puts in force a principle of the criminal law that whoever assists a criminal to do a criminal act shall himself be liable. It is not a strange provision; it is one that has been applied in the Sherman law as it now stands. The amendment of the gentleman from Minnesota does not weaken the Sherman law, and I am inclined to think it strengthens it. Therefore I am in favor of the amendment of the gentleman from Minnesota. We ought to have in this bill at least one provision that does not detract from the present law, and here is an opportunity to get it. I hope the amendment of the gentleman from Minnesota will prevail.

Mr. HULINGS. Mr. Chairman, I move to strike out the last word. I believe that much of the failure of the antitrust law is because, in most cases, the courts simply fine the corporation. I believe all these restrictive punitive statutes on this subject fail greatly for that very reason. I can not quite understand, although I know the courts have so held, how a corporation, the creature of the law, having no existence save for authorized purposes, can do an illegal act. Every unlawful act of a corporation is ultra vires, and the corporation is, in strict logic, incapable of doing anything except that which is in the proper sphere of its creation. Anything wrong or unlawful that is done is the authorized act of an individual, a director, officer, or agent of that corporation. I believe if you make these punitive statutes apply strictly to the officers of corporations who willfully do these ultra vires acts that you will eradicate much of the evils of corporate management. We have seen that fines amount to nothing. The officers of the corporation, and in the name of the corporation, go on and repeat the acts in spite of the repeated fines, but if you punish the men who use the powers of the corporation outside of the proper sphere of their duty, you will stop these repeated violations of the law. If you take hold of these men and punish them by imprisonment, much of the present disregard of law will cease. That is the way to stop this sort of thing. The fining of corporations means nothing; they simply go on with the acts of monopoly and collect those fines again from the people. [Applause.]

For these reasons, Mr. Chairman, I believe it to be much more important that this section of the bill should clearly provide for the prosecution of the responsible officers and agents of corporations violating the antitrust laws, independently of any prosecution of the corporation, chiefly for the reason that such personal liability is the practical way to stop the abuse of corporate power and for the additional reason that, logically and ethically, a corporation, having no power except for lawful purposes, can not conceive the intent to commit a crime, although I know the courts have held that a corporation may be indicted for a crime.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. FLOYD of Arkansas) there were 39 ayes and 24 noes.

Mr. FLOYD of Arkansas. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. VOLSTEAD and Mr. WEBB.

The committee again divided, and the tellers reported that there were 40 ayes and 50 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Arkansas.

The Clerk read, as follows:

On page 31 amend by inserting in lieu of section 12 the following:

"SEC. 12. That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws the offense shall be deemed to be a misdemeanor, and such offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation who shall have authorized, ordered, or done any of such prohibited acts, and any corporation violating any of the provisions of the antitrust laws or any director, officer, or agent thereof who shall have authorized, ordered, or done any such prohibited acts, upon conviction therefor shall be punished, if a corporation, by a fine of not exceeding $5,000; if a director, officer, or agent of a corporation, by a fine of not exceeding $5,000 or by imprisonment for not exceeding one year, or by both such fine and imprisonment in the discretion of the court."

Mr. WEBB. Mr. Chairman, I will ask if we can not have some agreement as to the time on this section?

Mr. VOLSTEAD. This is a very important amendment, and I think we ought to have some time on it.

Mr. WEBB. I ask unanimous consent that all amendments and discussion of this section be closed in 10 minutes.

Mr. VOLSTEAD. Oh, we want 15 minutes on this side.

Mr. WEBB. Very well; then I will ask that the discussion on this section and all amendments thereto be closed in 30 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the paragraph and amendments thereto close in 30 minutes.

Mr. VOLSTEAD. Mr. Chairman, I shall move to strike out section 12 entirely, and I may want a little time on that.

Mr. WEBB. And, Mr. Chairman, I ask that 15 minutes of the time be controlled by the gentleman from Minnesota and 15 minutes by myself.

The CHAIRMAN. And the gentleman further asks that one-half of the time be controlled by the gentleman from Minnesota and the other half by himself.

Mr. GREEN of Iowa. A parliamentary inquiry, Mr. Chairman. Does this request apply to this amendment or to the section?

The CHAIRMAN. It applies to this section and all amendments thereto. Is there objection? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I regard this as a very important proposition, and I hope that gentlemen will hear me in defense of it.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. Does the gentleman's proposed amendment require the corporation to be convicted before a director or agent can be convicted?

Mr. FLOYD of Arkansas. I do not so understand it.

Mr. GARNER. I just read the amendment a moment ago, and I think it specifically states that when a corporation is convicted that then the acts of its agents and directors shall be considered——

Mr. FLOYD of Arkansas. Oh, I beg the gentleman's pardon, but it says guilty.

Mr. THOMSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. THOMSON of Illinois. Who is to determine whether the corporation is guilty?

Mr. FLOYD of Arkansas. This is a question to be established by proof, as a matter of course.

Mr. THOMSON of Illinois. Then it would have to be established in court.

Mr. FLOYD of Arkansas. I desire to be perfectly frank. I desire to state that our idea was to so write the law that when one of those corporations had been found guilty that the parties who were responsible for that violation of law could be punished for the acts that constituted that violation of law as individuals.

If they commit acts held to be unlawful they can be punished now, as I suggest, but we can not reach the men who are really responsible, the men who authorize and direct the acts to be done. They shelter themselves under technical provisions of the law, and some subordinate or minor employee of the corporation, some man who is paid $5 a day for his services, as in the sugar case, is convicted and sent to the penitentiary, while the rich director or officer who sits back in his room and directs the employee to do the things prohibited and gives him $5 a week extra to violate the law is never touched and never convicted. Our purpose is certainly good, and if the House can help us in perfecting the amendment we will welcome their assistance. But we regard this section as important. If the individual now violates the Sherman law he can be convicted independently of the conviction of the corporation, but we seek to impute to the individual in this provision the guilt of the corporation, and subject him to punishment, but in all fairness we do not make him guilty without further trial. We provide he shall be indicted, tried, and proceeded against in the usual way. That is the purpose of this section.

Mr. TOWNER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. TOWNER. Would it not be absolutely necessary in any prosecution against any individual to allege in the indictment that the corporation had been convicted, and would not the indictment be subject to demurrer unless that allegation was made in the indictment?

Mr. FLOYD of Arkansas. Under this particular section I will state to the gentleman that that might be true, but still that very fact would enable us to reach a class of cases that we can not now reach under existing law. But if the individual independently had violated the Sherman law and was guilty of violation of it in any way as an individual, he could be convicted without ever convicting the corporation, while if the guilt of the corporation is imputed to his acts as an individual, and those acts as an individual would not constitute a violation of the Sherman law, then under this provision, if written into the law, such acts would become unlawful and the adoption of this provision would bring these forbidden acts within the purview of the law and make the director, officer, or agent guilty, the guilt of the corporation being imputed to him.

Mr. TOWNER. But the injurious effect would be that you never could convict any individual without previously convicting the corporation.

Mr. FLOYD of Arkansas. The purpose of this section is to enable the Government, when it has convicted the corporation, to reach those responsible officers who have been proven in the trial to be guilty of a violation of law by presentment of an indictment and trial. It authorizes their conviction not only for acts done but for acts authorized or ordered to be done, and gentlemen who think this would be any protection to the corporation or its directors, officers, or agents and would give them any leniency entirely misconceive the purpose of this provision.

Mr. VOLSTEAD. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. VOLSTEAD. Is not this true, that the Government very seldom indicts a corporation? It brings a suit in equity, while this compels a double action if you seek to hold the individual criminally. It compels first a criminal action against the corporation and then perhaps a suit in equity, while under the law as it now stands you can indict and convict the individual without paying any attention to the corporation, so far as any criminal procedure is concerned, and you can at the same time pursue your remedy in equity.

Mr. FLOYD of Arkansas. In answer to the gentleman's question I will say this: That this in no way affects the procedure under existing law, either criminal or civil. If an individual is guilty of violating the Sherman law, he can be indicted independently of this provision; but the series of acts which constitute a violation of the Sherman law are not crimes within themselves under existing law. If we adopt this provision, whenever a corporation is convicted of violation of the Sherman law and the guilt of the corporation is imputed to the individual officers or agents of the corporation, then acts done in furtherance of an unlawful combination become within this provision specifically indictable offenses that are not indictable now; and the result would be that you could indict and convict the officers and agents that were responsible for that violation on a state of facts on which they will go free now, no matter how often you indict them, because those isolated acts are not sufficient in themselves to constitute a violation of the Sherman law.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. WEBB. I yield five minutes more to the gentleman.

Mr. RAKER. Mr. Chairman, will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. RAKER. Under this provision you would have to indict and convict the corporation, and then in the indictment against the individual you would have to allege the fact that the corporation had been indicted and convicted before you could convict the individual personally.

Mr. FLOYD of Arkansas. I do not so interpret it, but I do admit that you would have to show by proof in that trial that the corporation had been guilty of violating the Sherman law, or else prove that it had been indicted and convicted. But I do not admit that you would necessarily have to convict the corporation before you could proceed against the individual; the first burden of proof would be upon the Government, to show that they had violated that law, before the guilt of the corporation could be imputed to the acts of its officers or agents.

Mr. THOMSON of Illinois. Will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this time. I desire to make this point clear. Now, we think this provision very important. We all understand that under the Sherman law, as it is written, there have been no criminal prosecutions of any consequence. Take the extreme position which seems to be entertained by those who oppose this amendment. They would have you believe that before proceeding against individuals you would have to convict first the corporation. What has been lost by the Government in criminal prosecutions if their construction is correct? How many convictions have been had in criminal cases in the 24 years of the existence of that law? The criminal provisions of the Sherman antitrust law have proven a failure in the past, and we are seeking by this provision and by this legislation to strengthen it and reach the men who are really responsible for its violations and if we can succeed in doing that we will have fewer violations of law, because the men connected with these great corporations do not desire to go to jail and do not desire to be convicted of crimes.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. For one question.

Mr. VOLSTEAD. Does the gentleman contend that a person is not guilty under the present law if he authorizes or directs a violation of the law? Is there any question on that proposition?

Mr. FLOYD of Arkansas. I do not know how you can convict him if he has merely authorized and directed it.

Mr. MCCOY. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. MCCOY. Would the committee accept this as an amendment:

Any person who, while acting or purporting to act as a director, officer, or agent of a corporation, shall authorize, order, or do any of the acts prohibited by the antitrust laws shall be deemed guilty of a misdemeanor——

And so forth?

Mr. FLOYD of Arkansas. Mr. Chairman, I reserve the balance of my time.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I would like to have the attention of the committee. The chairman of the committee is certainly right in saying that this is a very important matter. Nowhere else in the criminal law, either in State or Nation, is it necessary to convict two entities before one of them can be punished. By the provisions of this section it will be absolutely necessary to convict a corporation of which the individual is a member before you can ever convict any individual. In fact, it will be necessary that the indictment itself shall allege, in order to charge an indictable offense against the individual, that a conviction against the corporation of which the man is a member has been secured before the individual can be even placed on trial. I desire to call the attention of the committee further to this fact, that if you place any corporation on trial and it should be found that the act was not the act of the corporation, but was the act of an individual, ultra vires, without authority, then you would fail in the indictment against the individual, because you could not convict the corporation. The corporation would be acquitted, and you could secure no penalty against the corporation, and then you never could proceed against the individual, because, as a prerequisite to every indictment against an individual, if you adopt the form of amendment which the committee presents, it will be absolutely necessary to convict the corporation. I want to call the attention of the committee, if I can have it for a moment, to a substitute which I would like to have them consider, and this will be the only way, perhaps, to have it considered. It is to strike out all of the section and insert this:

That in any case where a corporation has been convicted of a violation of any of the acts, matters, or things prohibited or declared to be unlawful in the antitrust laws the said conviction shall not be proof, offered, or received as defensive evidence or held as a prior conviction in a prosecution against any officer, director, agent, or member of such corporation.

I suggest to the committee that it will be necessary that you have some such provision if you intend to prosecute both the corporation and the individual, as I hope you do so intend. The section should contain a provision that the conviction of the corporation should not be held to be a prior conviction of an individual member of it. And then should follow this clause:

And any officer, director, agent, or member of such corporation, who has authorized, ordered, or knowingly aided and abetted any act, matter, or thing prohibited or declared unlawful in the antitrust laws shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in such antitrust laws.

It is in substance the same as the substitute offered by the gentleman from Minnesota and that suggested just now by the gentleman from New Jersey. I think it is in better form than either of them, and in addition to what they contain is the provision that the conviction of the corporation can not be plead as a prior conviction of any individual member of the corporation. I submit it for the consideration of the committee without much hope of its being adopted, but at least we will have discharged our duty if we try to make the bill what it ought to be.

Mr. FLOYD of Arkansas. Mr. Chairman, I was not aware the gentleman from Minnesota had a substitute pending.

Mr. WEBB. Mr. Chairman, there is no doubt about the gentleman from Minnesota having offered a substitute, and I asked to pass over the section until to-day, hoping to get together on an amendment.

Mr. GARNER. I suggest the gentleman from Arkansas withdraw his substitute.

Mr. FLOYD of Arkansas. I withdraw my amendment for the present.

The CHAIRMAN. Without objection, the gentleman from Arkansas will be permitted to withdraw his substitute for the present. The Clerk will report the substitute offered by the gentleman from Minnesota on yesterday.

The Clerk read as follows:

Strike out section 12 and substitute:

"Any person who shall do, or cause to be done, or shall willingly suffer and permit to be done any act, matter, or thing prohibited or declared to be unlawful in the antitrust laws or shall aid or abet therein, shall be deemed guilty of such prohibited and unlawful acts, matters, and things and shall be subject to the punishments prescribed therefor in the trust laws."

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to change the word "and" in the second line to the word "or," and also by inserting in the last line the word "anti" before the word "trust," so as to make it read, "antitrust laws."

The CHAIRMAN. The Clerk will report the proposed modification.

The Clerk read as follows:

Modify the amendment by striking out the word "and" in line 2 of the amendment and substitute the word "or"; and in the last line place the word "anti" before the word "trust."

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. VOLSTEAD. Mr. Chairman, I would like to call attention to this and to some extent compare it with the amendment which was offered by the gentleman from Arkansas. I think this would meet the situation better than the one he has offered. In the first place, this does not undertake to change the extent of the punishments. This simply says that as to any act that is criminal under existing law, if any person does anything to aid or assist in doing that act, he shall be guilty just the same as the corporation. Now, that seems to me better, because you do not have to consider whether the punishment of $5,000 is the proper one, the sum mentioned by the amendment proposed by the gentleman from Arkansas. Different sections of this act provide for different punishments, some greater than others.

This amendment is drafted in line with a similar provision contained in the interstate-commerce law and seeks to accomplish the purpose of that provision in substantially the same language. It uses languages quite generally used in criminal statutes. I do not see why we should not go as far as this does. The amendment proposed by the gentleman from Arkansas [Mr. FLOYD] does not go nearly as far as this, because it only provides punishments in case the individual authorizes or orders an unlawful act.

Now, why should not a person who willingly suffers or permits a thing to be done or who aids or abets in doing a thing denounced as a crime be guilty under this statute, just as he is under almost any other criminal statute? It seems to me there is no reason why we should be so extremely lenient to these violators of the law. Why should we not apply to them a statute like the statutes we apply to other offenders?

I do not think that there is anything further that I care to add. It is a simple proposition. If you desire to draw this statute so as to make the crime personal and carry out the promises made in your stump speeches let us put it in language so that it means something.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD]. He has very correctly stated that his proposed amendment goes very much further than the amendment proposed in section 12 as it is now written, and further than the amendment I propose to offer as a substitute for section 12, in case this is voted down. I have several objections to the wording of this provision. I think it is indefinite. I think it is too drastic and goes too far. It not only proposes to make unlawful the act of any person that aids and encourages, but also makes unlawful the acts of those who assist in any way those who violate the antitrust laws.

Now, in the operations, these great corporations with which we are dealing, under the broad terms of this language, every man that aids in any way in carrying out any unlawful purpose of the corporation would come within the scope of this provision.

Mr. MANN rose.

Mr. FLOYD of Arkansas. Mr. Chairman, I yield to the gentleman.

Mr. MANN. Mr. Chairman, as I understand the purpose of this section, it is to make the act of the individual punishable, although he is an officer of the corporation, and to make the corporation itself punishable.

Mr. FLOYD of Arkansas. Yes; the corporation itself.

Mr. MANN. Why does not this language, inserted in a number of laws, cover the case identically—

When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

Mr. FLOYD of Arkansas. Well, I think that is entirely different. That makes the act of the individual the act of the corporation and holds the corporation responsible for the act of the individual, and the purpose of that provision is entirely different from and the reverse of the purpose of this section.

Mr. MANN. It makes the act of the individual punishable as to the individual, and also punishable as to the corporation. I understood that was the purpose of this section.

Mr. FLOYD of Arkansas. Certainly; it makes the act of the individual punishable within itself, and also attributes to the corporation guilt on account of the act of the individual.

Mr. MANN. Yes. Here is an officer of a corporation who performs an act.

Mr. FLOYD of Arkansas. Our proposition is the reverse of that, in a sense.

Mr. MANN. The corporation must act through individuals. There is no other way for it to act. Now, you propose in a section, as I understand, that where an act is committed by a corporation, which, of course, must be committed through individuals, the individuals may be punished if they are officers or employees of the corporation. That is identically what is accomplished by this provision which I read, which I think, in the exact form it is in, was carried in the pure-food law, but it has also been carried in a number of acts passed since then. But it has met the construction that where an individual who is a member or an officer of a corporation fails to perform an act or commits an act the corporation can be punished for that and so can the individual.

Mr. FLOYD of Arkansas. That is correct; but I like the provision that we present much better than that provision. Under the existing law the corporation may be convicted. True, as the gentleman from Illinois states, the corporation can only violate the law through the acts of its agents, officers, or employees; but we are proposing and seeking by this provision to visit guilt upon the real offenders.

Now, under the existing law, the man who does the act which constitutes a violation of the law can be punished as an individual, just as the corporation can be punished on account of the unlawful act of its agents or officers. But we propose by this provision to hold as responsible under the criminal statutes the man who authorizes or orders wrongful things to be done. In other words, we are seeking to reach the directors and the high officers of these corporations who authorize or direct their employees to do acts which constitute violations of the antitrust laws, and we much prefer the language we have used to that proposed by the gentleman from Minnesota [Mr. VOLSTEAD] or that suggested by the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas may proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. VOLSTEAD. I want to ask the gentleman from Arkansas this question: Are you quite sure that this does not make it necessary, first, to convict the corporation before you can indict the individual? I want to call your attention to the first part of this amendment. It says that "whenever a corporation shall be guilty, such offense shall be deemed also that of the individual directors." Now, are you quite sure that a court would not hold that you must first prove that the corporation is guilty?

Mr. FLOYD of Arkansas. In answer to the gentleman's question, I will state that if it said "whenever a corporation is convicted" it would mean what he suggests.

Mr. VOLSTEAD. It says "when they are guilty." They are not guilty in law until they are convicted.

Mr. FLOYD of Arkansas. I do not think the language here used would admit of that interpretation.

Mr. VOLSTEAD. It seems to me that this is open to the same objection as the original section. While it is true that the original section requires a conviction, this section requires first a showing that the corporation is guilty, because until there is proof of guilt the court could not say that the corporation is guilty. Nearly all our antitrust suits are brought as equity suits, because it is of very little use to bring a criminal suit against a corporation. Consequently this will practically shield the persons participating in the guilty act by making their conviction depend upon the conviction of the corporation, which is not likely to take place.

Mr. FLOYD of Arkansas. I will say to the gentleman from Minnesota that we do not make the conviction of an individual conditional upon the guilt of the corporation. We provide that where the corporation is guilty it shall be deemed the offense of the officers, directors, or agents authorizing, ordering, or doing the thing prohibited, but they may be guilty independently of that, and if guilty may be tried and convicted without reference to the guilt of the corporation.

Mr. VOLSTEAD. I know; but if you make the guilt of the officers dependent upon the guilt of the corporation, you can not convict the officers until you convict the corporation. There is only one way known to the law under which you can prove the guilt of the corporation, and that is by a conviction; you do not want that, because you are wasting your time and energy in proving the corporation guilty. What you want to do with the corporation is to bring your suit against it in equity. And you want to be at liberty to bring your criminal suit against the officers at the same time for any violation of the antitrust law.

Mr. FLOYD of Arkansas. I hope the House will vote down the amendment of the gentleman from Minnesota.

Mr. BEALL of Texas. I should like to ask the gentleman from Arkansas a question.

Mr. FLOYD of Arkansas. I yield to the gentleman from Texas.

Mr. BEALL of Texas. In the amendment which you have offered do you still include this phrase—

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws——

Mr. FLOYD of Arkansas. Yes.

Mr. BEALL of Texas. Mr. Chairman, I think there is something in the suggestion made by the gentleman from Minnesota [Mr. VOLSTEAD]. I do not believe, if that phrase remains in the section, any officer of a corporation can be convicted of a violation of the antitrust laws until after the corporation of which he is an officer has been convicted of it.

Mr. BRYAN. Criminally guilty, too.

Mr. BEALL of Texas. Criminally guilty. Now let us look at it:

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws, the offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation, and upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Now, as a condition precedent to the convicting of any one of these officers or agents you have first to establish the fact that the corporation has been guilty of a violation of the antitrust law through a judicial conviction.

Mr. BRYAN. And you have got to put it in your indictment.

Mr. BEALL of Texas. It is true that the corporation acts only through officers and agents, but it seems to me it would be much more direct language, and a much plainer provision, if you should say that any person acting or purporting to act as the agent or as an officer of an offending corporation, who does any of the things forbidden by the antitrust laws shall be guilty of a misdemeanor, and shall be punished so and so, and eliminate this requirement which, if it remains, must be given some meaning. You are seeking to convict a man of some criminal offense, and one of the conditions which the prosecution will be required to meet will be to prove the fact that the corporation has been guilty of a violation of the provisions of the antitrust laws. I think the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] is preferable.

Mr. McCOY. Will the gentleman yield?

Mr. BEALL of Texas. With pleasure.

Mr. McCOY. Is it not perfectly possible also that an officer of a corporation might commit an ultra vires act and the corporation not be liable, whereas all the while he might be doing something in violation of the law?

Mr. BEALL of Texas. That is true. A man who does something in violation of the provisions of the antitrust law may be doing something that is entirely beyond his authority as an officer or agent of the corporation, but yet the effect of his act is to bring about a violation and a transgression of the law as laid down in the antitrust statutes. It is my opinion that the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] is in better form and reaches the evil which you are seeking to reach more directly and certainly and perhaps more efficiently than the amendment suggested by my colleague on the committee, the gentleman from Arkansas [Mr. FLOYD].

Mr. LENROOT. I should like to ask the gentleman whether it is not true that there are a great many acts which, standing alone by themselves, are not wrongful, are not within the condemnation of the antitrust law, but which become wrongful only when committed or performed in furtherance of an unlawful combination, and therefore you must have the unlawful combination in connection with the performance of the act in order to reach what we ought to reach by this amendment?

Mr. CARLIN. In other words, you must have the offense by the corporation.

Mr. BEALL of Texas. That may be true in some instances, but it is also true that there are certain things forbidden by this bill that we are now passing—certain specific acts that if a man commits he violates the antitrust law. He need not be in conspiracy with anybody. It is not required that he shall be cooperating with anybody. If he commits any one of these acts, he violates the antitrust law. Now, why not say that the man who does one of these forbidden things, acting as an officer or agent of a corporation, shall be guilty of a violation of the antitrust law, and in that way make his guilt personal?

Mr. GREEN of Iowa. Mr. Chairman——

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. GREEN of Iowa. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GREEN of Iowa. I did not understand that there was any agreement limiting debate.

The CHAIRMAN. The gentleman may move to amend the amendment.

Mr. GREEN of Iowa. I move to strike out the last word.

The CHAIRMAN. The gentleman from Iowa moves to strike out the last word and is recognized for five minutes.

Mr. GREEN of Iowa. Mr. Chairman, I agree with the gentleman from Arkansas [Mr. FLOYD] that the language read by the gentleman from Illinois was intended to operate just the converse of what is intended by this section, namely, to make the corporation liable for the act of the individual; but I agree also with the gentleman from Texas [Mr. BEALL] who states substantially that the amendment of the gentleman from Arkansas [Mr. FLOYD] does not obviate the objections to the section as it now stands.

The section as it now stands undoubtedly requires two convictions before the guilt of the individual can be established and he be punished. As the gentleman from Texas has properly said, under the amendment proposed by the gentleman from Arkansas the conviction of the corporation will still be required as a condition precedent. The gentleman from Arkansas said he thought the amendment proposed by the gentleman from Minnesota was too drastic, but it only embodies a general principle of the criminal law that whoever aids, abets, assists, assents to, or consents in an affirmative way to any criminal act is liable to all the consequence of it and may be punished.

Mr. MANN. Will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. MANN. The gentleman made a distinction between corporations being held responsible for the acts of the officer or agent and the agent and officer being held responsible for the acts of the corporation. Does the gentleman believe that if you convict the Standard Oil Co. of a criminal act, that that authorizes the conviction of every agent of the Standard Oil Co. throughout the United States in a criminal prosecution?

Mr. GREEN of Iowa. Oh, the gentleman either misunderstood me or I made a statement which I did not intend. As a matter of fact, I do not think this provision is needed at all.

Mr. MANN. As a matter of fact, can you convict a man of an offense of which he knew nothing and in which he did not participate?

Mr. GREEN of Iowa. No; and the amendment of the gentleman from Minnesota proposes nothing of the kind.

Mr. MANN. I am not talking about the amendment of the gentleman from Minnesota. The gentleman from Iowa undertook to distinguish between a corporation being held responsible for the acts of the officers and the agents, and the agent or officer being held responsible for the act of the corporation. That distinction I can not get through my cranium.

Mr. KINDEL. Mr. Chairman, I make the point of order that the gentleman is not talking to the matter before the House.

The CHAIRMAN. The gentleman from Colorado makes the point of order——

Mr. DAVENPORT. Mr. Chairman, I did not understand that the gentleman from Colorado made a point of order.

Mr. MURDOCK. The gentleman from Colorado has made the point of order, but the gentleman from Illinois is entitled to proceed.

The CHAIRMAN. The Chair understood the gentleman from Colorado to make a point of order that the gentleman from Illinois was not confining his remarks to the subject. The gentleman from Illinois will proceed.

Mr. BUCHANAN of Illinois. I want to say now that the gentleman from Colorado made an erroneous statement a short time ago when he said that I objected to his remarks. I did object to his inserting some matter in the RECORD in regard to the Colorado strike, but I never objected to the gentleman making a statement on the floor.

Mr. KINDEL rose.

The CHAIRMAN. For what purpose does the gentleman from Colorado rise?

Mr. KINDEL. I want to correct the gentleman from Illinois.

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. BUCHANAN of Illinois. No; I do not yield. As I was saying, the President stated in his speech accepting the Democratic nomination:

> The working people of America—if they must be distinguished from the minority that constitutes the rest of it—are, of course, the backbone of the Nation. No law that safeguards their life, that improves the physical and moral conditions under which they live, that makes their (the working people of America) hours of labor rational and tolerable, that gives them freedom to act in their own interests, and that protects them where they can not protect themselves, can properly be regarded as class legislation or as anything but a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

Therefore, I say, Mr. Chairman, that when the President lends his support to legislation such as the amendment labor desires to secure in this bill, he has not undergone a change. I want to say, in addition to what I have said, that those who can not distinguish the difference between human physical and mental activity and commodities, in my opinion, are mentally unfit to pass upon matters that concern humankind. Before they are capable of coming to the right conclusions in regard to the matter they must understand that labor is not in the same class with commodities, that a human being can not be placed in that class. In regard to the injunction, to me it is a reflection upon the republican form of government in this country where our forefathers spent their blood and lives for freedom and liberty that it becomes necessary to pass an act to give the citizens of our Republic that equality and liberty which the Constitution guarantees; and when we are passing measures to curb injunction judges, or, in other words, when judges enjoin citizens from exercising their legal and constitutional rights, they are usurping power and therefore committing a crime. I hear much said about the dignity of the judges, and I agree that the position of judge is a dignified position, but when those who are holding that position do not conduct themselves in accordance with the dignity of the position it is all the more reason why they should be criticized for the wrongs they commit.

The usurpation of power by the judges of our country has created public mistrust and contempt for our judiciary. When our judges are guided by the justice and patriotism of our forefathers, who freed us from the tyranny of monarchy, public respect and confidence will be restored; but when their decisions and constructions of the laws are influenced by the vicious combinations of the criminal rich they will continue to lose the confidence and respect of the great masses of the people.

Section 18 of this bill is a prohibition of restraining orders and injunctions by the courts of the United States. It does not legalize any act that is not already legal and constitutional, and therefore it is for the purpose of preventing judges from usurping power by issuing injunctions to prevent citizens from exercising their legal and constitutional rights.

I am unalterably opposed to government by injunction. I do not think that judges have any right to issue injunctions restraining citizens from violating the laws of the country, because in every State, county, city, District, and Territory of the United States the Government has its officials to enforce the laws, and in my judgment justice will be better served if the laws against violence and other necessary prohibitions are enforced in the regular way by giving a hearing and trial by jury, as provided in the Constitution and laws of the country. If wage workers violate the law they should be prosecuted the same as anyone else, no matter whether there is industrial strife or industrial peace; in fact, all they ask is to be on equal terms before the law with every other citizen.

The justice which affects men and women is not some impersonal, universal thing, but a force which accords them their rights in the relations with other men and women. Justice must be made effective in all the interests and phases of life. Since justice can only result through the conductivity of a human will, the human agent is the most important factor in securing it. Theoretically absolute justice is, of course, never realized in the actual, but we must at least approximate it. To be an agent of justice is a most serious function, requiring the highest qualities of heart and mind.

To do justice one must understand the past and the future. Whatever the judge knows of the past is part of his own mental background. Whatever he knows of the future is his prophetic instinct born of his knowledge of the human heart.

Knowledge is the mass of usable impressions and facts that have accumulated from environment, thought, and life. This knowledge is the means of interpreting the present. Whatever experience is not a part of one's knowledge can not influence the mind in deciding present problems. A judge whose mental capacity has never been keyed to the whir of modern industry and does not contain real experiences that enable him to step into the shoes of the man who works for an employer for wages can never get the viewpoint of those who view life from the machines of industry. If he can not get the viewpoint, he can never enter into that life to a sufficient degree to enable him to know justice for the affairs of that life, for he could never understand what it was all about. A man who does not take for granted the great things in human nature can not be an agent of justice, for he has no sense of the future into which the whole world is swinging. A judge who does not believe in the masses can apply only the letter of the law without understanding the spirit of justice.

Perhaps no more conspicuous example of the absence of the true judicial temperament can be found than Alston G. Dayton, Federal judge for the northern district of West Virginia. His official acts prove either that he is unable to understand the life of the masses of the people or that he has deliberately allied himself with a particular class interest against the welfare of the masses. Whichever is true, he is incapable of unprejudiced decisions and unable to perform duties in a manner requisite to justice.

In the article by Samuel Gompers, president of the American Federation of Labor, appearing in the current issue of the American Federationist some of Judge Dayton's official acts were discussed which have aroused condemnation of him as a judge and have brought criticism upon that which he represents. The miners in West Virginia endeavored to bring the judicial abuses of this judge before those authorized to remove him from office. Another effort to secure his removal is a resolution for impeachment proceedings against him introduced in this House by Congressman NEELY of West Virginia.

In the passage of the legislation embodied in this bill the Democratic Party is fulfilling its promises to the American wageworkers by enacting a law to protect them against judicial usurpation of authority and to secure to them full enjoyment of their rights, and it will secure for this administration and the Congress the confidence and support of the great masses of the American voters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. WEBB. Mr. Chairman, I ask unanimous consent to return to section 9 to make a correction.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to return to section 9. Is there objection?

There was no objection.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

> On page 28 amend as follows:
> "In line 20, after the word 'director,' amend by inserting the words 'officer or employee.' On page 29, in line 1, amend by inserting after 'director' the words 'officer or employee.' And in the same line, after the word 'elected' insert the words 'or selected'; and in line 3, on the same page, amend by inserting after the word 'election' the words 'or employment.'"

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. FLOYD of Arkansas. Mr. Chairman, I offer the following further amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> On page 30, after line 18, amend by inserting as a new paragraph the following:
> "When any person elected or chosen as a director or officer or selected as an employee of any bank, or other corporation, subject to the provisions of this act, is eligible at the time of his election or selection to act for such bank or other corporation in such capacity, his eligibility to act in such capacity shall not be affected, and he shall not become or be deemed amenable to any of the provisions hereof by reason of any change in the affairs of such bank or other corporation, from whatsoever cause, whether specifically excepted by any of the provisions hereof or not, until the expiration of one year from the date of his election or employment."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> On page 28, line 14, strike out "$2,500,000," and insert "$1,000,000."

Mr. WEBB. Mr. Chairman, a parliamentary inquiry. Is that amendment in order unless the gentleman has unanimous consent to offer it?

Mr. MURRAY of Oklahoma. The gentleman returns to the section by unanimous consent, and he did not specify any particular amendment, and that opened section 9 for any other amendment.

The CHAIRMAN. The Chair is inclined to the opinion that under the terms on which this section was returned to the amendment would be in order.

Mr. WEBB. Mr. Chairman, this section 9 was not passed by unanimous consent. Section 12 was the only one that was passed by unanimous consent. I asked unanimous consent to return to section 9 to make some corrections.

Mr. MANN. It was for the purpose of offering amendments.

Mr. WEBB. That is true.

The CHAIRMAN. The gentleman from Oklahoma is entitled to offer his amendment, the Chair thinks, and the gentleman is recognized for five minutes.

Mr. MURRAY of Oklahoma. Mr. Chairman, I drafted this amendment while the gentleman was talking, and the amendment ought to apply not only to line 14 but also to line 18. The purpose of my amendment is this: The bill provides that only those corporations having a capital stock and surplus of $2,500,000 can come within this act, prohibiting interlocking directors. Without this lowering of the amount to $1,000,000 many large banks, trust companies, and other concerns will escape the prohibition against interlocking directors. I really believe that $1,000,000 stock banks is too high to reach the evil, but certainly $2,500,000 banks will let too many out to reach the evil. I therefore trust the committee will let this amendment go in.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

Mr. MANN. Mr. Chairman, I ask unanimous consent to return to section 11, for the purpose of offering an amendment.

Mr. WEBB. But one amendment?

Mr. MANN. Yes.

Mr. CARLIN. I suggest that the gentleman make it specific.

Mr. MANN. Mr. Chairman, I ask unanimous consent that we return to section 11, in order that the gentleman from Pennsylvania [Mr. GRAHAM], a member of the committee, may offer an amendment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the committee return to section 11 for the purpose stated. Is there objection?

Mr. FOWLER. Mr. Chairman, reserving the right to object, I would be glad if the gentleman would indicate what amendment he desires to offer.

Mr. WEBB. Mr. Chairman, I hope the gentleman from Illinois will not object. The committee is advised of what the amendment is.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the amendment.

The Clerk read as follows:

> Page 31, line 9, after the word "district," insert:
> "*Provided*, That no writ of subpœna shall be issued to run for more than 100 miles from the trial court without the permission of the court being first had, upon proper application, and cause shown."

Mr. GRAHAM of Pennsylvania. Mr. Chairman, section 11, as I understand it, has been introduced for the purpose of enlarging the scope of the service of a subpœna. By its terms as the section stands the subpœna will run now throughout the whole of the United States without any limit or hindrance; and when one remembers that a subpœna is a writ of right and that upon paying the fee a subpœna may issue one can readily see how this bill puts it in the power of a person to summon an individual from California to come to New Jersey and vice versa, or from one end of the country to the other. Now, that is an extraordinary power that would expose all of our citizens to a severe hardship. It might lead to the ruin and destruction of a man's business, besides the severe inconveniences to which it would subject him.

Mr. CARLIN. Will the gentleman yield for an interruption?

Mr. GRAHAM of Pennsylvania. Yes.

Mr. CARLIN. I think if the gentleman would change the amendment so as to read the writ should run to the judicial district the committee might accept it.

Mr. GRAHAM of Pennsylvania. I want to say in answer I am perfectly willing, although the existing law permits service of a subpœna upon citizens living outside the district for not over 100 miles from the court.

Mr. FLOYD of Arkansas. I understand the existing law permits the running of a subpœna 100 miles outside of the State. If it was limited to 100 miles within the State, there are plenty of judicial districts in the United States——

Mr. GRAHAM of Pennsylvania. I beg leave to say that I am correct in my statement about the service.

Mr. FLOYD of Arkansas. Anywhere in the judicial district?

Mr. GRAHAM of Pennsylvania. And 100 miles from the courthouse for citizens living outside of the district. That is the law as it stands to-day. It may be necessary in some cases, there may be isolated exceptional cases, in which the power given in this bill ought to be exercised; but while we grant this power we should put a certain limitation upon it, that it must be made upon proper application and cause shown. It seems to me to be in the interest of all our citizens that this amendment should be allowed.

Mr. WILSON of Florida. Does the gentleman's amendment apply to criminal cases as well as civil?

Mr. GRAHAM of Pennsylvania. No.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced the noes seemed to have it.

Upon a division (demanded by Mr. GRAHAM of Pennsylvania) there were—ayes 59, noes 15.

So the amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I have an amendment to offer to section 12.

The CHAIRMAN. That will not be in order without unanimous consent to return to section 12.

Mr. TOWNER. I am not asking for unanimous consent.

Mr. GARNER. Mr. Chairman, is this amendment to be offered by unanimous consent or by right of a Member?

Mr. MANN. We passed over section 12 yesterday.

The CHAIRMAN. The Chair stated that it will not be in order except by unanimous consent.

Mr. MANN. We passed over section 12, and I think the committee is entitled to recognition.

The CHAIRMAN. The Chair will recognize the gentleman from North Carolina [Mr. WEBB].

Mr. WEBB. Mr. Chairman, I ask to return to section 12, which was passed over yesterday, and I ask the Chair to recognize the gentleman from Arkansas [Mr. FLOYD], who has a substitute for section 12, and no other amendment.

The CHAIRMAN. The gentleman from Arkansas offers a substitute, which the Clerk will report.

Mr. FLOYD of Arkansas. Mr. Chairman, I send to the Clerk's desk a substitute for section 12, which I offer.

Mr. STAFFORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. STAFFORD. Did the chairman of the committee ask unanimous consent to return to this section for the purpose of offering an amendment?

Mr. WEBB. It was passed over last night, and we have a right to return to it. That is the order of business now.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

> Page 31, amend by inserting in lieu of section 12 the following:

Mr. VOLSTEAD. Mr. Chairman, I make the point of order that there is already a substitute pending. I offered a substitute for this same section yesterday.

The CHAIRMAN. The present occupant of the chair was not present on that occasion.

Mr. STAFFORD. It is shown in the RECORD.

no matter by what kind of an organization they are fostered. To prohibit them by legislation except where they are perpetrated by labor or fraternal organizations or farmers' associations or the members thereof is as clear an example of unwarranted class legislation as can be furnished.

It is mere folly to contend that simply because labor is a human attribute and capital is a mere inanimate thing that combinations of those who deal solely in the former ought not to be hampered in such acts as operate to restrain trade while those who deal in the latter commodity ought to be prohibited from doing any acts having such a tendency.

Again I say, if restraint of trade and monopoly and conspiracy to that end are wrong, what matters it whether that restraint is brought about by the manipulation of that which is a human attribute or that which is an inanimate thing? The antitrust laws relate to combinations of persons, not of capital nor of labor as such, and to certain acts by those persons. Capital in itself can do nothing, nor can labor. It is with the owners and the manipulators of these things and the way in which those owners use these things as distinguished from the things themselves that the laws should have to do.

But this amendment says that these laws shall not apply to these persons so long as the thing that they use and manipulate to restrain trade is a human attribute—labor—and that all such persons shall be exempt from the operation of the law.

If the Webb amendment had specified certain proper acts and kinds of acts usually engaged in by such organizations as are named in the amendment, and which are now prohibited by a strict construction of the antitrust laws, and had provided that they might be legally done notwithstanding the antitrust laws, I would have supported the amendment.

It is the acts proper in themselves that should have been excepted from the operation of the antitrust laws, and the laws, with the exceptions adopted, should apply to everybody and every kind of organization. But in excepting certain organizations and classes of individuals from the operation of the law not only acts proper in themselves, such as a peaceful strike, are legalized, but acts not proper in themselves, such as a secondary boycott, are legalized.

I am opposed to any exemption which has such an effect or which might be so construed, and therefore I did not support the Webb amendment, and I also voted against the MacDonald and Thomas amendments.

Mr. BRYAN. Mr. Chairman, section 22 includes among the exceptions any case in the name of or on behalf of the United States. Does not that exception include receivership cases, where railroads, for instance, would be in the hands of the court and the court would enter orders concerning them? Are not all those cases conducted in the name of the United States?

Mr. WEBB. No; this is where the United States is a party to the suit.

Mr. BRYAN. But it does not say that. It says—

In the name of, or on behalf of, the United States.

My present impression is that these orders in receivership cases are issued in the name of the United States in the Federal courts.

Mr. WEBB. I think this does not cover those cases.

Mr. BRYAN. I will not offer any amendment, but I think you will discover an indefiniteness here.

The Clerk read as follows:

SEC. 23. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment to come in as a new section.

The CHAIRMAN. Are there any amendments to perfect the text of section 23?

Mr. BUCHANAN of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. BUCHANAN of Illinois. Mr. Chairman, I have not taken up any of the time of this committee during this debate. Those who desire the freedom of action of the labor people of the country expected that we were going to have the practically unanimous support of the House to those amendments that we believed would exempt the labor people of the country—organized labor—in their liberty of action that the Constitution of the United States is supposed to guarantee.

It was stated on the floor, in the discussion of section 7, that the amendments adopted were a compromise on the part of the representatives of labor. While I do not assume to speak for organized labor, and while I am not wholly familiar with their thoughts in regard to the matter, I believe it is safe to say that they consider the question of exemption from the operation of such laws as the Sherman antitrust law, and laws created for the purpose of preventing the monopoly of commodities, as being entirely separate and apart from the questions involved in the activities of organized labor. They consider it so important to have human beings in their normal activities freed from the operations of the Sherman antitrust law that there is absolutely no chance for them to agree to any sort of a compromise, so far as that is concerned. While it is true that those of us who considered this question of such great and vital importance to the wageworkers of the country at first desired an amendment providing that the antitrust laws shall not apply, we believed that the amendment finally agreed upon was fully as strong as the amendment that we had first proposed.

I wish to say we did not accept that amendment as any sort of a compromise. We believed that the Democratic Party, the Progressive Party, and even the Republicans, the great majority of the Members of this House, had seen the light in regard to this question. We believed that they had plainly seen the difference between commodities and living human beings; in other words, that they had come to the conclusion that humanity was in a different class from a ton of coal, a bolt of cloth, or a pile of bricks, and therefore did not consider this to be class legislation of any sort, or any special privilege. In other words, labor organizations do not desire to be permitted to buy up and monopolize any commodity for the purpose of profit, but they do want to be placed in the same status—in other words, to be restored to the same status—in which they were before the Sherman antitrust law was twisted to apply to their activities. On this question there could be no compromise. If it was simply a question of language that meant the same thing, then we were not so much concerned. While personally I believed in making the language short and clean-cut, so that there could be no doubt in regard to the matter, and while so far as I was concerned I was willing to make the issue a clean-cut one, I claim that it is high time that the people of this country know how their public servants stand on this question, whether or not they really mean to give to the labor people of this country, who bear the burdens of industry, that freedom of activity guaranteed them by the Constitution. They believe the time has now come when judges shall not be permitted to strangle justice and liberty by construing and applying laws contrary to the intention of the creators of the law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

Mr. KINDEL. I object.

The CHAIRMAN. The gentleman from Colorado objects.

Mr. MORGAN of Oklahoma. Now, Mr. Chairman, may I offer my amendment?

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend, on page 40, by adding a new section, to follow section 23, and to be numbered section 24, as follows:

"SEC. 24. That whenever any United States attorney shall have reliable information that any corporation engaged in commerce in the manufacture, sale, or distribution of any necessity of life, or of any article, product, or commodity in common use is a virtual monopoly, or by reason of the nature, character, or extent of its business the absence of effective competition or for any other cause possesses the power to arbitrarily control the price or prices of any necessity of life, or of any article, product, or commodity in common use, or controls the price or prices paid to the producers of any article, commodity, or product in common use, or controls the price or prices paid for the product of any mine, or of any oil or gas well, it shall be the duty of said United States attorney, under the direction of the Attorney General, to file a petition in the United States court against said corporation alleging the aforesaid facts, and praying that the said corporation shall be adjudged a quasi-public corporation and made subject to the control of the Commissioner of Corporations or subject to the control of any commission that, at the passage of this act or thereafter, may be the successor of the Commissioner of Corporations, in all its practices, prices, and charges in like manner and to the same extent that common carriers are now subject to the control of the Interstate Commerce Commission; and if the court shall find that the material facts alleged in the petition are true it shall render a decree adjudging the said corporation to be a quasi-public corporation, and adjudging the said corporation to be subject in all its practices, prices, and charges to the control of the Commissioner of Corporations or the commission, as the case may be, as prayed for in the petition: *Provided*, That thereafter the practices of said corporation in conducting its business and the prices at which it shall sell its products and the price or prices it shall pay the producer of any of the articles, commodities, or products mentioned in this section shall be just and reasonable."

Mr. MORGAN of Oklahoma. Mr. Chairman——

Mr. CARLIN. I desire to make the point of order that the amendment is not germane to this bill.

Mr. MORGAN of Oklahoma. I should like to be heard on that point of order. I did not quite get the ground of the point of order, and I wish the gentleman would state it again.

Mr. CARLIN. That it is not germane. As I understand, the amendment relates to the duties of the trade commission.

Mr. MORGAN of Oklahoma. No; it provides for a proceeding whereby we may control a virtual monopoly.

Mr. CARLIN. I withdraw the point of order. Let the gentleman discuss the merits.

The CHAIRMAN. The gentleman from Virginia withdraws the point of order.

Mr. MORGAN of Oklahoma. Mr. Chairman, I do not present this amendment as expressing my conception of what should be done as a broad, comprehensive, effective measure to control the industrial corporations of this country, commonly known as trusts.

In the bill No. 18711, which I introduced in the Sixty-second Congress and which I reintroduced in this Congress, I have presented my idea of the administrative machinery that is needed in the form of a Federal trade commission, the power that should be conferred upon this commission, and the laws that should be enacted to enable the Federal Government to exercise the proper and necessary control over our large industrial corporations in both their practices and prices. But we have completed the consideration of the bill to create an interstate trade commission without conferring any adequate power upon the commission to exercise the control over our large industrial corporations which is demanded for the proper protection of the people of this country.

We have had this bill—House bill 15657—under consideration for a number of days. The last section has been read, and I propose a new section to follow the last section, which I believe would add materially toward securing substantial and beneficial results under the bill.

While the amendment does not express my idea of what should be done, I am certain it is a step in the right direction, and if it were adopted splendid results would follow therefrom. Then, having ascertained that the majority in this House will not go as far as I think we should go, I present this proposition, hoping the majority will go a part of the way in the right direction, for a half of a loaf is better than none.

Mr. Chairman, I want the Members of the House to get clearly in mind that this provision only applies to corporations which arbitrarily control the price or prices of some necessity of life or of some article in common use among the people.

It does not apply to all industrial corporations, however much their capital or wealth may be, but it narrows it down to providing a procedure against a corporation that possesses the arbitrary power to control the prices of a product in common use or of some necessity of life. And before that power shall be exercised, under this section that I propose, the United States attorney is required to file a suit in court, citing and bringing the corporation into court, giving that corporation the right to defend, and if after a full hearing the court shall find on the single issue that the corporation does control the price of a product in common use or of some necessity of life, then the court is given authority to adjudge that corporation a quasi public corporation and subject to the control of the Commissioner of Corporations or the commissioner that may be made his successor in the same manner that common carriers are subject to the control of the Interstate Commerce Commission.

In proceeding under the Sherman antitrust law we have two remedies. We may dissolve the corporation or fine it. The amendment which I have offered provides a new remedy. And a new remedy is needed. Under the Sherman law the American Tobacco Co. and the Standard Oil Co. were dissolved. But it is generally believed that some of these companies still possess the power to control prices of their products, yet there is no remedy, no procedure, for relief. In my own State the Standard Oil Co., or one of the branches into which it was divided by the court, absolutely controls the price of petroleum and its products in that State. The same company controls the price of products throughout other States of the Union. Under the law as it now exists our people are powerless. There is no procedure by which they can free themselves from the monopolistic power of this gigantic corporation.

Now, when you undertake to dissolve a corporation under the Sherman antitrust law you must prove the conspiracy and you must prove many things before you get a decree against it. In this procedure there would be one single proposition to prove, one single issue—Does the corporation control the price of any necessity of life or of any product in common use among the people? If, after a hearing in court, this question shall be answered in the affirmative, say, that the corporation ought not to be brought under the control of the Federal Government, who will say such corporation should be permitted to continue with this power to levy tribute upon the people? Such corporation has ceased to be a mere private business concern, making reasonable profits under competitive conditions. It is not profits it makes, but it is levying tribute; for a great corporation, controlling the production and the prices of an article in common use, really possesses the taxing power.

Now, I appeal to you to let this section go into this law. Give the people an additional remedy. Give the people a procedure whereby they may go into court and determine what power a big corporation has to arbitrarily control prices of articles in daily use among the people.

We hardly realize, I think, to what extent the prices of products in common use in this country are within the arbitrary control of great corporations. The farmer goes to town, and perhaps he wants to buy coal. He visits the coal yards, and they have all the same price. He wants to buy lumber, and he visits the lumber yards, and they all make the same price. He goes into a dry goods store to buy clothing for his family, and he finds that they all sell at the same price. He wants to borrow some money, and he goes to the banks, one after another, and they all charge the same rate of interest. Now, the local merchants are not to blame; they must have a reasonable profit; but they buy of big corporations which practically fix the prices at which local dealers must sell. But the farmer comes to town to sell his corn, wheat, or cattle, or hogs. He finds the prices at which he must sell his products are largely fixed by big corporations doing business in the great cities, the centers of trade and commerce. This is what the people are complaining about. This is the thing from which they ask relief. Do you propose to pass this trust bill without giving the people a single additional remedy? Do you think the people will think you have done your duty when you have prohibited a few things? The things which you have prohibited in this bill will not materially change present conditions. All the provisions in this bill are not sufficient to destroy a single trust or to take away from a single corporation the power to control the prices of articles in common use. [Applause.]

In our antitrust legislation we should keep clearly in mind what we want to accomplish, the evil to be eradicated, the result to be attained. We should have a definite program in mind. As I see it, this is what we want to do: Destroy monopoly, maintain competition, prohibit unfair practices, prevent unjust discrimination, secure equality of opportunity, insure reasonable prices, give protection to the people, encourage enterprise, reward industry, and promote prosperity. The one thing that is dangerous in a large corporation is its power to arbitrarily control prices—the prices not only of what people buy, but the prices of what farmers and other producers have to sell. Now, this is a power that no private corporation should have or can have with safety to the people. Now, then, I have suggested a procedure and the judicial and administrative machinery by which any corporation suspected of possessing this power may be brought into court and the question determined. If the corporation is found to possess this power, then I provide that its practices and the prices of its products shall be subject to the control of a Federal commission so long as that power exists. We control the rates and charges of our transportation companies and of our public utility companies solely on the ground that their charges are not controlled by competition. I submit that we have the same moral and legal right, and that there is the same public necessity to control the prices of the products of our great industrial corporations when they possess a like power to control the prices of articles in common use. More than this, it will have a great moral effect upon the great business concerns of this country when the Government may, by a judicial proceeding, determine what degree of monopolistic power they possess; and, in addition to this, when you have demonstrated to the people that either through effective competition or governmental control they shall be fully protected from monopolistic prices and charges, you will have taken a long step toward social and industrial peace. You will have contributed to the material progress of our country. You will have laid the foundation for the highest possible expansion of our trade and commerce. You will have strengthened the fabric of the Republic and added to the prosperity, contentment, and happiness of the American people.

Mr. BUCHANAN of Illinois. Mr. Chairman, labor's representatives do not consider that they have compromised in regard to the amendments to this bill. I do not consider that the President has made any compromise nor undergone any change. To bear out my position I want to read what the President said about this legislation in his speech accepting the nomination of the Democratic Party.

Mr. WEBB. That is to protect the big trusts of the country.

Mr. MURRAY of Oklahoma. And when that is brought, a man may be a thousand miles away, and under this provision he has not a jury trial. I am not urging that he has not even an opportunity to be heard in a case like that. Now why, if one is a reflection on the court, is not the other also a reflection on the court? I would be the last man in the world to reflect upon the courts as such. I believe in preserving to the courts power enough to protect the dignity of the courts.

Mr. WEBB. Did you ever hear of a case where a court did not give a man a right to purge himself of contempt?

Mr. MURRAY of Oklahoma. The usage in this bill is the old usage. It was the usage in the old Territory of Oklahoma. I have been fined myself more than once in that way. [Laughter.]

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Kansas?

Mr. MURRAY of Oklahoma. Yes.

Mr. CAMPBELL. Has it never occurred to the gentleman from Oklahoma that we are legislating here for other States than Oklahoma? [Laughter.]

Mr. MURRAY of Oklahoma. They do not do that now in Oklahoma, because this is in the constitution, and we have no difficulty in preserving the dignity of the court.

Mr. CAMPBELL. There is no such practice in other courts. Even if a man has been convicted, the court allows the defendant to say something before sentence is pronounced.

Mr. MURRAY of Oklahoma. That has been the practice in the inferior Federal courts. That is the usage, not the law.

Mr. CAMPBELL. That does not obtain in Kansas in any court, not even in a justice's court.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MURRAY of Oklahoma. A division, Mr. Chairman!

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 31, noes 47.

So the amendment was rejected.

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Illinois [Mr. THOMSON] moves to strike out the last word.

Mr. THOMSON of Illinois. Mr. Chairman, the statements made this morning by one of the Washington papers as to my attitude on the Webb amendment to section 7 of the bill now pending so completely misrepresented my position in the matter that I wish to state on the floor here as clearly as I can just what my position was and is on the matters involved in that amendment. I did not vote for it. In my judgment, the contentions of Mr. MURDOCK and Mr. MACDONALD to the effect that the amendment is ambiguous and uncertain, and probably will prove ineffectual so far as the purposes sought to be accomplished by the labor organizations are concerned, are correct.

But assuming that it does go as far as its proponents say it does, it then exempts "fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations"—to quote the language of the bill—from the operation of the antitrust laws.

The real friends of this amendment contend that in effect it excludes these organizations from the operation of the antitrust laws just as clearly as the amendment offered by Mr. MACDONALD, of Michigan, proposed to do in very plain terms. I am opposed to any such wholesale exemption of these or any other organizations from the operation of the antitrust laws.

I do not believe that the acts of combinations of labor should be regarded by the law precisely as the acts of combinations of capital are. Their legitimate objects are different, and the proper means employed to reach their ends are likewise different, and therefore their operations should be regulated differently by the law, but nevertheless the acts of both should be regulated. Laws should be enacted regulating the activities of each kind of organization—the one founded on capital and the one founded on labor.

I will admit that the so-called antitrust laws are designed primarily to regulate combinations involving capital. But they prohibit the doing of certain specified things and the making of certain kinds of contracts by anybody. These laws now are held by the courts to operate to prevent organizations of labor from doing certain things that I believe they ought to have the right to do under the law. A strict interpretation of the law might, as their leaders contend, threaten the very existence of the organizations. In these respects the laws should be changed. Organizations of the kind mentioned in this amendment have a right to exist. They have rendered a great service to civilization. They have a field of activity which is proper, is needed, and in the exercise of which the law should protect them.

But also the antitrust laws operate to prevent these organizations from doing certain other things that I believe they ought not to have the right to do under the law. The Webb amendment does not distinguish between these two classes of activities which such organizations indulge in, but with one stroke exempts such organizations from the law entirely, thus making it possible for them to engage not only in proper acts, but improper ones. For instance, under this amendment a labor organization could not only engage in a strike, entirely justified under conditions existing, which might operate to restrain interstate commerce, but it could establish a boycott or a secondary boycott.

It seems to me that a proper amendment would be one seeking to take out from the operation of the law not certain kinds of organizations, but the doing of certain acts. It is the act itself that should be the criterion. Certain acts should be prohibited and others permitted, and the law should apply to everybody and to all kinds of combinations. But to me it becomes unwarranted class legislation when we prohibit the doing of certain things and then provide that certain persons or combinations of persons shall not be bound by the law. That is what this amendment does, and therefore I could not support it.

The Sherman law declares that every "contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations is hereby declared to be illegal." That law also says that every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and shall be punished as provided in the law. Further, the law says that every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished as provided.

The Webb amendment will, if this bill passes, write into the law of this country a paragraph providing that fraternal, labor, consumers', agricultural or horticultural organizations, orders, or associations instituted for the purpose of mutual help, and not having capital stock or conducted for profit, and the members of such organizations "shall not be construed or held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

I am as good a friend of labor as my Progressive colleague from Michigan [Mr. MACDONALD] or my Progressive colleague from California [Mr. NOLAN] or my colleague from Illinois [Mr. BUCHANAN] or any other Member of this House. I am against every form of oppression and unfair and unreasonable treatment that the laboring man has had to endure, and in some cases is still enduring. And I shall do all I can for the early enactment of every reasonable and proper law that seeks to put an end to such things. I will vote for all measures included in the program of social justice, but I could not support such an amendment as this. Labor organizations have long been seeking equality of treatment with organizations representing the other end of the economic structure. I think they should have that treatment, and am willing to do all I can to give it to them. But why they should have more than that I fail to see. I am just as much opposed to creating a privileged class out of the organizations specified in this amendment as I have always been to creating a privileged class out of organizations of capital. One practice is just as vicious as the other.

The Webb amendment goes to the length of saying that a monopoly or a restraint of trade shall not be indulged in by any kind of organization except those specified in the amendment. In determining what organizations or what kinds of organizations come or should come within the antitrust laws, the true test to apply is not what is the organization, one involving capital or one involving labor, but the true test is what does the organization do. Does it restrain commerce or not; is it a monopoly or is it not.

If a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is undesirable and is illegal, as it is declared to be by the Sherman law, it is so no matter who the person or what the organization may be that is involved. Can it be that a restraint of trade or a monopoly or conspiracy to that effect is bad where a corporation for profit is the actor involved but is perfectly harmless and quite proper where a labor union or a farmers' organization is the one involved? If monopolies or conspiracies in restraint of trade are a bad thing, they are a bad thing, no matter by whom,

Mr. MURRAY of Oklahoma. Yes; but it does this: It gives opportunity to have a record made, and when the record is made he, when he is punished or attempted to be punished, may appeal to the higher court and in that case invoke the right of habeas corpus to liberate him upon the record that shows he ought to be liberated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that the time of the gentleman from Oklahoma may be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Massachusetts. There might be a record of certain facts, but is there any record of impartial testimony or an impartial finding on impartial testimony?

Mr. MURRAY of Oklahoma. There is a record on both sides in the hearing in the one case, just as the judge makes a finding upon knowledge in his own mind. Under the proceeding I offer, you have the statement of the accused, you have both sides of the question, and you have a higher court to pass upon it.

Mr. MURRAY of Massachusetts. But in the first instance, before the higher court passes upon it at all, there is a decision of the judge that there has been contempt committed in his presence, and the judge in whose presence the contempt was committed would send this man to jail or——

Mr. MURRAY of Oklahoma. It does not follow in that case in his presence alone, if he violates any writ——

Mr. MURRAY of Massachusetts. Well, let us take first the direct contempt, committed in the presence of a judge. The gentleman's plan, as I understand it, is he would have the judge against whom the contempt was directed immediately suspend a trial that might be going on for the purpose of hearing the testimony in reference to the alleged contempt.

Mr. MURRAY of Oklahoma. No, sir; it is true the judge in the exercise of discretion left him under the law will wait until he is through with the case until an opportune moment, and then try, but he would not punish until he had that trial.

Mr. MURRAY of Massachusetts. Well, I know, but my objection is not as to the time nor the manner in which the trial for contempt is had. I do not like the idea of the same judge who says the man has been in contempt, trying the man who he says had committed the contempt.

Mr. MURRAY of Oklahoma. I do not agree to the idea every time some man wants to swear a judge off the bench it ought to be permitted. I believe, in the first place, in giving the court enough power to preserve the dignity and strength of the court, and I believe in that doctrine thoroughly; but I do not believe in the case of contempt against the judge that some other judge ought to be summoned, but I do believe in giving the accused an opportunity to get in his evidence, and——

Mr. MURRAY of Massachusetts. Is not there as much opportunity of maintaining and preserving the dignity of the court by a proceeding before a jury or before a separate justice? Is it not a far better plan to preserve the dignity and security of the court to have the proceeding before a jury of impartial men than to have a finding by a man who says he was aggrieved when the man committed the contempt?

Mr. MURRAY of Oklahoma. Not in the case of a direct contempt.

Mr. MANN. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes, sir.

Mr. MANN. I could not hear what the gentleman said in reference to the provision in the Oklahoma constitution about not permitting people to be locked up until they had been tried; but I understood the gentleman to say that if a policeman arrested a drunk or disorderly or arrested a man committing a crime he could not lock him up until after he has been tried.

Mr. MURRAY of Oklahoma. Could not punish.

Mr. MANN. "Could not lock him up," the gentleman said a while ago.

Mr. MURRAY of Oklahoma. "Punish" is the word used in this amendment. He may hold him in custody.

Mr. MANN. Does not the gentleman make a distinction between locking up and punishing?

Mr. MURRAY of Oklahoma. Punishing and imprisoning.

Mr. MANN. Locking up is imprisonment; punishment may not be, but locking up is.

Mr. WEBB. Mr. Chairman, we can not agree to go so far as my friend from Oklahoma desires us to go in his amendment. This section provides that a judge may punish for contempt summarily those contempts committed in his presence.

Now, something has been said about the integrity of the courts, and I want to make this observation: If you take that power away from the courts, then you do destroy the very basis of the court's integrity and its power to protect itself. In other words, it ceases to be a court.

Another is where the contempt is committed not in the actual presence of the judge but so near thereto as to disturb the proceedings of the court; that is the business of the people.

The third is where a person violates an order in a suit brought by the United States. That provision was put in there, gentlemen, as most of you know, for the purpose of giving the court the power to enforce its orders in antitrust suits.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Oklahoma?

Mr. WEBB. Yes.

Mr. MURRAY of Oklahoma. Does the gentleman understand that this amendment changes that a particle?

Mr. WEBB. Yes. You provide for a trial, and it would be a farce for a judge sitting on a bench to hear a man, say, break out in some cursing language or abusive language, or some violent outburst of temper, and then say, "I will try you to see if you did that," when he was sitting there himself and heard it. A farce like that ought not to be required in a courthouse.

Mr. MURRAY of Oklahoma. How does that trial lessen the dignity of the court when the judge of the court himself finally tries and passes upon the evidence and the law and fines the defendant? How does it check his ability to conduct the court?

Mr. WEBB. There are some things that ought not to be allowed in a court, and when a man infringes on the privileges of the court the judge ought to have the right to stop him right there, without going through the formality of a trial.

Mr. MANN. Mr. Chairman, will the gentleman yield there?

Mr. WEBB. Yes.

Mr. MANN. Suppose a man on trial went into a court room with a dozen rotten apples in his pocket, and he fired one at the judge, and the gentleman from Oklahoma, acting as a judge, should postpone consideration of that until the man had fired another rotten apple, and still another, and so on until he had fired a dozen? [Laughter.]

Mr. WEBB. Do you say rotten apples?

Mr. MANN. Yes; or it might be rotten eggs, for that matter.

Mr. MURRAY of Oklahoma. Mr. Chairman, will the gentleman yield again?

Mr. WEBB. Yes.

Mr. MURRAY of Oklahoma. Do you object to the provision of this amendment that says he shall have a hearing? Would you be willing to strike out the word "trial" and say he shall not be punished until the accused has an opportunity to be heard?

Mr. WEBB. Mr. Chairman, in reply to that, there may be a few judges in this country who are so arbitrary as not to give a man a chance to purge himself of contempt; but I know very few of them, and rather than cast suspicion and reflection on every judge by passing this sort of an amendment I would prefer to take the chances of impeaching the judge who violates that rule in his practice.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, I ask unanimous consent for just five minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for five minutes. Is there objection?

Mr. CARLIN. Reserving the right to object, Mr. Speaker, how many minutes does the gentleman desire?

Mr. MURRAY of Oklahoma. Say three minutes.

Mr. CARLIN. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MURRAY of Oklahoma. Mr. Chairman, the gentleman from North Carolina [Mr. WEBB] urges that this is a reflection upon the courts. How much more a reflection is it to take away from the court entirely the trial of the case and put it before a jury? There is your first reflection upon the court.

Mr. WEBB. Let me answer the gentleman there.

Mr. MURRAY of Oklahoma. Let me finish, and then I will yield to the gentleman.

Mr. WEBB. When a crime is committed, say, 10 miles from the presence of the court, and it does not involve the organization and integrity of the court——

Mr. MURRAY of Oklahoma. Yes; and you except every writ and order and every decree and every command wherever a suit is brought on the part of the United States and in its behalf.

Mr. WEBB. Oh, yes; it is. The gentleman says "Oh," but I will read it to him. Section 23 of the Judicial Code says:

Whenever a party to any action or proceeding, civil or criminal, shall make and file an affidavit that the judge before whom the action or proceeding is to be tried or heard has a personal bias or prejudice either against him or in favor of any opposite party to the suit, such judge shall proceed no further therein, but another judge shall be designated in the manner prescribed in the section last preceding, or chosen in the manner prescribed in section 23, to hear such matter. Every such affidavit shall state the facts and the reasons for the belief that such bias or prejudice exists.

That is all my friend asks.

Mr. BRYAN. Does it not leave it discretionary with the court?

Mr. WEBB. Oh, no; not at all.

Mr. BARTLETT. And the circuit court of appeals for the fifth circuit have decided that it is not discretionary; that the judge has to get off the case.

Mr. BRYAN. I thought it left it discretionary with the judge.

Mr. WEBB. I think it is already covered by the statute. I hope the gentleman will withdraw it.

Mr. BRYAN. Then I will withdraw it.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to withdraw his amendment? Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, I move to strike out the last two words. When I interrupted the gentleman from Mississippi [Mr. QUIN] I was trying, very imperfectly, owing to my lack of legal training, to explain a thought which I have had for a long time, to wit, that the attack on the courts of the United States, so strikingly prominent in recent years, arose substantially from two causes: First, our Constitutions, State and National, impose on our courts the duty of passing on the constitutionality of legislative acts. That is an unpopular function for our courts to perform, but I believe it to be a function which our courts ought to perform. Second, upon our judges has been imposed, either by judicial decision in times past or by statute, the duty of trying without a jury persons charged with the violation of injunctions issued in connection with labor disputes.

Mr. MURRAY of Massachusetts. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. MURRAY of Massachusetts. May I ask my colleague whether there is any alternative to this position? Is it not a fact that there is not any statute imposing these duties except such statutes as may be declaratory of the common law? The difficulty in this regard is because of the crystallized abuse in which, in the first instance, the judges usurped this matter of issuing injunctions in labor cases.

Mr. GARDNER. The first instance, I have been told, occurred in Massachusetts.

Mr. MURRAY of Massachusetts. The first instance arose in England.

Mr. GARDNER. The fact is, I think, that some one or other made up his mind that a jury would not convict strikers. Yet a trial by jury under the terms of the Constitution is guaranteed to every man accused of crime. Some court somewhere—and I was under the impression that it was in my own State—devised the ingenious plan of converting a crime into a contempt of court by the simple process of ordering persons to refrain from acts which the statute had already declared to be crimes. Hence a practice arose under which a judge would step in and say, "Not only does the State declare in the law that this act which you are perhaps going to commit is a crime, but, what is more to the point, I, the judge, also say that it is a crime." Now, what was the object of that performance? Why, sometimes, doubtless, it was this: If the person enjoined went ahead and committed the forbidden act, the question of the court's dignity became involved and the accused got punished, not for a crime but for contempt of court. I have very little patience with any device to deprive a striker or anyone else of his constitutional right to a jury trial by the issuance of an injunction designed to convert a crime into a contempt of court. For this and other reasons I give my approval to the anti-injunction and trial-by-jury features of this bill.

Great Britain has been going through pretty much the same sort of evolution which we are going through. Yet during this period of change and attack on old institutions the courts of Great Britain have not been assailed. The reason, in my opinion, is that the British courts have not been faced with the necessity of declaring laws to be unconstitutional, nor has the writ of injunction in Great Britain been used in such a way as to negative the right of jury trial which ought to be assured to every man accused of wrongdoing.

Mr. BRYAN. Mr. Chairman, I rise to oppose the pro forma amendment. Mr. Chairman, the section of the statute that the gentleman from North Carolina read is a new section put into the statutes since I had the matter under consideration in the State of Washington, when I introduced the same measure in the senate of that State. A number of lawyers and the attorney general declared that it was the most outrageous and ridiculous proposition they ever heard of. It was the hardest effort of my legislative life to keep the governor from vetoing the statute at the request and advice of the attorney general. I am glad to see that the same principle has been put into the Federal statutes. It is right, and the lawyers and litigants, as well as the judges, of the State of Washington know now that it is right, and it would be impossible to repeal it.

Mr. MANN. Mr. Chairman, I move to strike out the last two words. I do not propose to discuss the matter under consideration in the House, largely for physical reasons. I notice with great regret that it seems to be a very popular thing in this body to denounce the courts. During this debate I think I have heard no one on this floor say a word sustaining the integrity of the courts, but I have heard considerable denunciation.

Courts do not always decide cases the way I would like to have them decide them, or at least they did not when I was an active practitioner at the bar. I do not always agree with the decisions of the courts in their construction of legislative acts, nor do I agree with gentlemen on this floor when they say that the courts have lost the confidence of the people. I think the courts have the confidence of the people to a far greater degree than has this House. As far as I am concerned, I have faith in the integrity of the courts as courts, in the integrity of the judges who fill those positions in the courts, and I believe that when the time comes, if it ever does come, which God forbid, that the people really believe, as certain gentlemen have stated on the floor of this House to-day that they do believe that the courts have lost the confidence of the people of this country, that what we will receive is first anarchy and then absolutism. I do not think that time will ever come. I think the courts and the judges of the courts can probably afford to smile good-naturedly at the wild and foolish denunciations which are leveled at them, go ahead, following their duty as best they can, and that in the end they will find that the people sustain them and sustain the doctrine that the last resort in this country in a case of controversy is to judicial determination. [Applause.]

The Clerk read as follows:

SEC. 21. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified, as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed, and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States or any court of the District of Columbia.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "Columbia," in section 21, line 15, strike out the period and insert a colon and add the following: "*Provided*, That the procedure for writ of error or appeal as in this act provided shall not be construed by any court to supersede the writ of habeas corpus, but the right of such writ shall never be denied to liberate any citizen from false imprisonment in charges of contempt."

Mr. MURRAY of Oklahoma. Mr. Chairman, it may be a bit difficult to explain the purpose of this amendment, but nevertheless I feel it ought to be suggested to the House. Section 20 provides a remedy for the trial of contempt cases. Section 21 provides the method of appeal. The contempt has been stated to be inherent in every court of record under common law. It is not a crime; it is inherent because of the necessity of some power for the self-preservation of the court. It will be a very sad day when the court will not exercise or have that power. However, we have found that there should be limitations upon that power, like there have been upon other powers.

In section 20, as I stated, we have provided for a jury trial. In section 21 we place the contempt along in the category of crimes, and we provide that it shall be under the law governing criminal cases.

Of course gentlemen may reply that the Constitution prohibits the suspension of the writ of habeas corpus, but it does not take away the power to supersede it with additional or other writs. Suppose in a certain jurisdiction it was not a violation to sell liquor and some one was imprisoned for selling it. In such a case there would be no remedy in criminal procedure, and the only relief would be the writ of habeas corpus. But suppose it was made a crime to sell liquor, then he could not be liberated under the writ, because the law making it a

crime would provide a procedure, so that the writ of habeas corpus in that case would be superseded. In this bill you have a writ of error, and it provides for a bond. The fellow who can not make the bond you have subjected to burdens, which could not be permitted under a writ of habeas corpus. If he can not make his bond, he will have to lie in jail, while the writ of habeas corpus, the highest writ of liberty, gives him a speedy relief, and I offer this amendment in view of those changes in the matter of procedure, and I think it essential to protect those men who happen to be fined for contempt, who would be unable to make bonds. I think it was an error to place contempt cases side by side with criminal trials.

Mr. WEBB. Mr. Chairman, this is a criminal matter. It has been generally known as criminal contempt we are dealing with. If that were not so, we would not be interposing a jury between the judge's sentence——

Mr. MURRAY of Oklahoma. Oh, no; that is a question only of limitation—the interposition of a jury, just as we have limited their powers in other branches, and it is not a question of crime.

Mr. WEBB. Wherever a judge can put a man in jail we regard that as a sort of criminal or quasi criminal action, and therefore we have no apologies to make for preserving the defendant's rights in this bill as rights should be preserved in all criminal cases.

Mr. WILSON of Florida. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. WILSON of Florida. There is nothing to keep the defendant in a contempt case from suing out a writ of habeas corpus.

Mr. WEBB. Nothing.

Mr. MURRAY of Oklahoma. There are some classes that could not under this procedure.

Mr. WEBB. If he is indicted for murder or robbery, he always, of course, has the right of suing out a writ of habeas corpus.

Mr. MURRAY of Oklahoma. The gentleman does not undertake to say that in an indictment for murder a man could be liberated under the writ of habeas corpus except where he alleges that he was denied bail when he had the right to bail?

Mr. WEBB. He ought not to be allowed to do that in any case unless he alleges something entitling him to the writ.

Mr. MURRAY of Oklahoma. He can do it if he alleges that he is denied bail when he has the right to bail, but he can not relieve himself from the charge of murder by a writ of habeas corpus.

Mr. WEBB. Of course not.

Mr. MURRAY of Oklahoma. You place contempt as a crime. It is merely a disrespect of the court under a power given to the court for self-preservation only.

Mr. WEBB. Mr. Chairman, contempts are divided into criminal and civil contempts, and we are dealing with the criminal contempt in this bill, and we preserve the right to appeal and the right to sue out a writ of habeas corpus if the defendant can show that the court has no jurisdiction or that he has been subjected to an unusual or cruel punishment or excessive bail, and so forth, has been required. In those circumstances he can then go to court and sue out a writ of habeas corpus as in all other criminal cases, and we have preserved the defendant's rights absolutely in this section, which seems to be satisfactory to our labor friends and all others, so far as I know, and I do not see the necessity of accepting this amendment, because the rights of every defendant under this bill are preserved. So far as the writ of habeas corpus is concerned, that is a constitutional right, and a defendant can always exercise it whenever he has a proper case.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Oklahoma.

The amendment was rejected.

The Clerk read as follows:

SEC. 22. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of, or on behalf of, the United States, but the same, and all other cases of contempt not specifically embraced within section 19 of this act, may be punished in conformity to the usages at law and in equity now prevailing.

Mr. MURRAY of Oklahoma. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, on page 20, line 25, after the word "prevailing," strike out the period and insert a colon and add the following: "*Provided*, That in no case shall a penalty or punishment be imposed for contempt until a trial is had and an opportunity to be heard is given the accused."

Mr. MURRAY of Oklahoma. Mr. Chairman, the unfortunate part of this paragraph is the closing words:

And all other cases of contempt not specifically embraced within section 19 of this act may be punished in conformity to the usages at law and in equity now prevailing.

What are these "usages"? In some jurisdictions the "usage" has been for the court to say, "Mr. Marshal, place the man in jail." I remember in the old Indian Territory, under the Federal jurisdiction, as a practitioner at the bar, I was fined $25 by the court without a word. That was the usage there. I remember on a subsequent occasion I said to the court that he had no power to charge the jury, because his court was less than a court of record under the common law. He ordered me to jail for three days, and on a writ of habeas corpus I was liberated. That is the usage in many jurisdictions.

Gentlemen seem to enjoy the fact that the court sent me to jail. He ordered me to jail, but I did not go. I have been fined for contempt many times, but I never have suffered the penalty.

Mr. MANN. The gentleman did not go to jail, and instead they sent him to Congress. [Laughter.]

Mr. MURRAY of Oklahoma. Yes; later.

Mr. CARTER. But not for the same offense. [Laughter.]

Mr. MURRAY of Oklahoma. No.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

Mr. MURRAY of Oklahoma. No; I desire to get back to my subject.

Mr. MOORE. This is right in point. If they did not send the gentleman to jail, did they not send him to Congress?

Mr. MURRAY of Oklahoma. Those fellows did not send me to jail, but the people who limited their powers sent me to Congress. So in this provision in this law the only difference between it and the Oklahoma constitution is that wherever the United States is a party there is no jury trial. I think it is correct to provide in the law that the judges shall fine as for contempt where the contempt is in the presence of the court or is liable to obstruct the due process of justice. I think that is necessary and that the court should have the right without a trial by jury. But no man should be imprisoned without a hearing. The first element of contempt is the intent, just as in the "intent" coupled with an act which makes a crime. And so we placed in the Oklahoma constitution, and I think it is proper here, a provision that no man should be punished for contempt without a trial, without a hearing. You have provided over here a trial by the court or a trial by the jury, if the one committing the offense demands a trial by jury; but in this case, where the contempt is committed in the presence of the court, there is no trial, or in the case of the disobedience of a writ, where a suit is brought on behalf of the United States, which may be outside of the court, the defendant is not guaranteed a trial by court or by jury. I am not urging in this kind of cases that there ought to be a trial by jury, but I believe, as Judge Hurt, of Texas, said when Jerome Kirby cursed Judge Flint in the open court and the judge sent him to jail without writing the charge on the docket, that no man should be sent to prison without putting upon the docket why he was sent to prison. To do so would jeopardize the liberty of the citizen.

So, in this class of cases, let the trial be before the court; let him have a trial and let him have an opportunity to be heard and let him state whether it was intended or show such extenuating circumstances that might tend to liberate him so that the record might be made.

Mr. MURRAY of Massachusetts. Will the gentleman yield?

Mr. MURRAY of Oklahoma. Yes.

Mr. MURRAY of Massachusetts. Would you have that trial take place before the same judge?

Mr. MURRAY of Oklahoma. Certainly I would; and then we have a record——

Mr. MURRAY of Massachusetts. And would the gentleman have it take place at the immediate time when the contempt was alleged to have been committed, or subsequent, or when?

Mr. MURRAY of Oklahoma. I would let the judge fine him for contempt, but no punishment to be had until the accused was heard and had a trial.

Mr. MURRAY of Massachusetts. Heard before whom?

Mr. MURRAY of Oklahoma. Before that same judge.

Mr. MURRAY of Massachusetts. When?

Mr. MURRAY of Oklahoma. At any time when it suited the judge, but he can not "punish" him, understand.

Mr. MURRAY of Massachusetts. Is not that a proceeding where the very fact there is any proceeding at all shows the judge who is going to do the trying says in advance there has been a contempt?

Federal judges of this country. In many instances the judge has spent his life as the retained attorney of the special interests, and it matters not how honest he may be, he sees the law from a different viewpoint as distinguished from the ordinary citizen. The great corporate interests believe in the Federal courts, and the sweeping injunction is the weapon which they can always use in an unfair and unjust manner.

Every intelligent citizen knows that many judges have abused the right to adjudge a citizen to be in contempt of the court, and the same judge try and sentence him. In late years the freedom of the press has been abridged by some autocratic judges.

The United States is a Government of the people, and the original framers of our Constitution never intended that the courts should usurp any authority or infringe upon the liberties of the people. The privilege of a Federal judge to deny the right of trial by juries in contempt cases has grown to be one of the greatest abuses in our scheme of government. I do not believe any judge ought to hold his position for life, as there is too much danger of him growing to be an autocrat and intolerant of the views and the rights of others. This section in the antitrust bill which allows the persons charged with contempt to be tried by a jury is one good step in the right direction. Yet there is nothing in the bill to prevent the judge from charging the jury orally and from his seat of power tell the jury that he thinks the individual accused is guilty. He may not do it in so many words, but he will give the jury to understand that he thinks the fellow ought to be convicted. Gentlemen, that is the next evil Congress will be called on to correct. These Federal judges ought not to hold office over a certain term of years. The Constitution should be amended making the term of office of Federal judges for a period of four years, and if any judge holds longer it would be necessary for him to be reselected. I regard life tenure in any functionary position of the Government as indefensible. What good reason can there be assigned for making any man a judge on the bench for life? I am happy to vote to force the courts to grant the jury in contempt cases, and I will be still happier in voting to bar life appointments of judges. The people of this country can never rule in reality as long as the judges hold for life. The laws we are passing this week constitute a real bill of rights, a veritable Magna Charta in which the American citizenship can see hope for the future.

Mr. BRYAN. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 39, line 4, after the word "months," add the following:

"In all trials for contempt in such cases the judge whose order has been disobeyed shall not be eligible to sit as presiding judge where any defendant files a motion for change of judge on the ground that he believes such judge to be prejudiced or that a fair and impartial trial can not be had before such judge."

Mr. BRYAN. Mr. Chairman and gentlemen, I think that amendment ought to receive the careful consideration of this House and be adopted. The gentleman from Massachusetts [Mr. GARDNER] just suggested that the burden imposed upon the courts in these matters is one of the reasons for the lack of confidence on the part of the people in the courts in a great many cases.

Mr. MURRAY of Massachusetts. Will the gentleman suggest the origin of this duty of the court; how it came about that the courts have such authority?

Mr. BRYAN. The courts have held that in contempt cases they have inherent rights to try and punish. State judges have held that their rights are superior to the legislatures of the several States, and that their right to fine for contempt does not depend upon legislative enactment; and especially was that illustrated in the Idaho case, where an editor, whose name, I think, was Broxon, published a criticism by Theodore Roosevelt on the action of the court out there in shutting out Progressive electors, and the judges of that court said they were proceeding by inherent right and not under authority conferred by the legislature. But that is aside from the question.

Mr. BARTLETT. How does the gentleman's amendment remedy that defect?

Mr. BRYAN. The gentleman from Massachusetts [Mr. MURRAY] led me off on that line. He probably did not intend to; but my amendment proposes that where a defendant is brought before a judge for violating an order of that judge, the judge who has issued the order is not to try the case if the defendant requests a change of judge. There is no reason why a judge who has been angered by the violation of one of his orders should sit and try the case. That has been spoken of here by the gentleman from Georgia [Mr. BARTLETT]. That is sought to be remedied in this act by calling a jury of 12 men; but the judge who rules on the admission of testimony and who charges the jury and interprets the law can many times force a conviction from the jury, and it is not a fair and impartial tribunal where a man is haled before the court to be tried on a summons issued by direction of the court for violating an order that the judge of that court himself has issued. If you want to make this fair, if you want to make it so that a defendant before the court will have a chance of a fair trial, give him an opportunity to be freed from standing before the judge who has ordered him arrested.

The legislatures of a number of the States have provided that in any case where a man comes before the court and files his application for a change of judge and enters an affidavit stating that he believes the judge sitting on the bench is prejudiced against him and that he can not have a fair trial before that judge, then the judge sitting in that court must call in another judge to try that case. There are many Federal judges in this country, and these judges have their prejudices. I do not believe that a defendant ought to be compelled to go to trial before a judge under those conditions. It is true that you can not make this absolute. You can not get perfection. It may be that the second judge will feel the same way, and this amendment only provides for one change, one substitution; but there is at least a better chance at obtaining an impartial judge. It is very easy for the judge to call some one else to try the case. The same statute is on the books of the State of Washington. The same statute is on the books of the State of Ohio. There is nothing new or wrong or abhorrent about it. There is no reason why it ought not to be adopted, especially in a contempt case.

THE CASE AGAINST GOMPERS, MORRISON, AND MITCHELL.

The decision of the Supreme Court of the District of Columbia in American Federation of Labor v. Buck Stove & Range Co. (33 App. Cases, D. C., 83) is one that attracted tremendous attention. As an outcome of a violation of the "inherent right" of the court to punish for contempt, the head of the American Federation of Labor till a few days ago stood condemned to serve a term in a Federal prison. I shall not attempt to discuss this case except to cite it as one of unusual significance. Mr. J. W. Van Cleave was the principal owner of the Buck Stove & Range Co., of St. Louis. He was also the president of the National Manufacturers' Association, with its manipulations as a corruptionist and insidious lobbyist, with its Mulhall and its millions. The Buck Stove & Range Co. employed union and nonunion men. Thirty-five union men in one branch of the company's service got into a dispute with their employer over matters pertaining to hours of work. The difficulty was not satisfactorily adjusted and a strike ensued. The American Federation of Labor indorsed the action of the men, ordered a boycott of the products of the company, and placed its name upon the federation's "We don't patronize" list. The company applied to the Supreme Court of the District of Columbia for an injunction to restrain such boycott. On December 18, 1907, the court granted an injunction, pendente lite, restraining the defendants as prayed for in the bill.

The injunction granted pendente lite in this case was in violation of the Constitution, and the appellate court so decided. It was an absurd autocratic order that trampled upon individual freedom, the freedom of the press, and was entirely unjustified. This is established by the majority opinion of the appellate court, by which the absurd injunction was materially modified, but, in my judgment, the dissenting opinion of Chief Justice Shepherd should have been the conclusion of the majority. The injunction both as originally granted and as modified by the majority opinion of the court prohibited the publication of the "We don't patronize" list in the American Federationist, the journal of the labor organizations.

The people of this country are not going to permanently stand for such power as permits a life-tenure judge to order an editor in advance of a trial on an ex parte hearing not to publish this or to publish that. Surely if the judge can say what the editor can not publish, by the same token he can tell him what he must publish. The term "freedom of the press" becomes a silly and meaningless phrase under such conditions. The learned judge in his dissenting opinion cited Chancellor Kent, as follows:

It has become a constitutional principle in this country that every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right, and that no law can rightfully be passed to restrain or abridge the freedom of speech or the press.

Chief Justice Shepherd continues:

The true ground for the denial of jurisdiction to restrain the publication of a libel destructive of property is that the exercise of such jurisdiction would amount to an abridgement of the freedom of the press by establishing a censorship over the press so enjoined. The

soundness of this view is demonstrated in an able opinion by Fenner, J., speaking for the Supreme Court of Louisiana, in such a case. (State, ex rel. Liversey, v. Civil District Judge, 34 La. Ann., 741, 745.) He says: "There would be no safe course except to take the opinion of the judge beforehand or to abstain entirely from alluding to the plaintiff. What more complete censorship could be established? Under the operation of such a law, with a subservient or corrupt judiciary, the press might be completely muzzled and its just influence upon public opinion entirely paralyzed. Such powers do not exist in courts, and they have been constantly disclaimed by the highest tribunals of England and America. It has passed into a settled rule of jurisprudence that 'courts of equity will not lend their aid to enjoin the publication of libels or works of a libelous nature, even though the libelous publication is calculated to injure the credit, business, or character of the person against whom it is directed.'"

In view, then, of the provision of the first amendment, I can come to no other conclusion than that the only remedy for libelous or otherwise malicious, wrongful, and injurious publications is by civil action for damages and criminal prosecution. There is no power to restrain the publication.

For the reasons given I can not agree to the terms of the decree as modified. In my opinion it should be modified so as to restrain the acts, only, by which other persons have been or may be coerced into ceasing from business relations with the Buck's Stove & Range Co., but so as not to restrain the publication of the name of that company in the "we don't patronize" columns of the American Federationist, no matter what the object of such publication may be suspected or believed to be.

Chief Justice Shepherd believes the attempt to enjoin Gompers, Morrison, and Mitchell from publishing this list in the American Federationist and from talking about the Van Cleave outfit as unfair was an infringement of the Constitution of the United States, and that Gompers, Morrison, and Mitchell had the right to print and talk about the matter and that no court could take that right from them. Is it surprising that Gompers, Morrison, and Mitchell believed the same thing?

THE COURT'S ORDER MUST BE OBEYED, THOUGH UNCONSTITUTIONAL.

The labor leaders at once appealed from the order to the higher court. They put up their bond on appeal, just like the Mulhall employers had put up their bond on obtaining the order. Notwithstanding the appeal, the order remained of full force till reversed. The fact that the appellate court would modify the order and deliver an opinion that it was an outrage on the Constitution could not abate in the slightest its "inherent"—from God descended—power. "What if it does violate the Constitution, this court's order must be obeyed." This is the uniform position taken by all courts as to their injunctions. It does not lie in the mouth of any puny man or labor leader to question a court's order—if it violates the Constitution, reverse it if you can by the regular, tedious, and expensive course of the law's delays, and by the order of a brother judge, but in the meantime, obey is the word.

It is worthy of note that obedience does not need be granted to a statute of Congress which violates the Constitution. Not for a moment. If Congress violates the Constitution in the enactment of a statute, no attention need be paid to it. Such a statute is void ab initio. Anyone is at liberty to violate it with impunity; the quicker it is violated and wiped off the statute books the better for all concerned. If Congress were to enact into law the principles of the iniquitous injunction issued for Mulhall's overlords by the court, prohibiting certain publications and ordering people not to talk about the Mulhall crowd being unfair, no newspaper publisher would for a moment attempt to obey the statute. They would fall back on the Constitution and their rights, as they have done hundreds of times, and then the court would say, as it has said hundreds of times: "You did right; you did not need to obey Congress; the law was unconstitutional." And by its later doctrine the court has found that an "unreasonable" statute is absolutely void and need not be obeyed.

Not only are unconstitutional legislative orders void and entirely unworthy of notice or obedience, although solemnly passed by the House and the Senate and duly signed by the President, but Executive orders, presidential proclamations, treaties with foreign countries and all forms of Executive demands are void and not worth the paper on which they are written if not in accord with the Constitution. All such may be held in contempt or may be totally ignored.

AN EX PARTE INJUNCTION IS PRIVILEGED ABOVE A STATUTE.

Not so when a judge at the behest of the Mulhall crowd orders men at the head of a great movement for the bettering of labor conditions to suspend exercising their constitutional rights. What if the order does violate the Constitution, it is the voice of the court. It is not the puny legislative or executive department that now speaks; it is the department of the judiciary, which rules like the Kings of England once ruled—by "inherent" right.

Gompers, Morrison, and Mitchell knew this, and they did their very best to obey the order. They took the Mulhall concern off the unfair list and tried to edit their paper to the liking of the court. While the order was on appeal, however, these three men were, on motion of an attorney who was a fellow employee of Mulhall, brought before court and ordered to pay heavy fines and to go to Federal prison, there to do hard labor for 12, 9, and 6 months, respectively, for "contempt" alleged to have been committed in the violation of the injunction. No trial by jury; of course not! Jury trials are designed for the other branches of the Government—the legislative and executive. This is the judiciary enforcing its decree. It makes no difference that the order was made ex parte, before trial, and is yet to be set aside by the United States Supreme Court. In this case the court is acting under powers superior to statute and the Constitution. It is acting under "inherent" rights derived from God Himself under procedure set in motion by Mulhall's associate, as an humble agent in the hands of God to work out His immutable decrees!

FACTS INVOLVING CONTEMPT VERY INDEFINITE.

Gompers had written and published editorials, had appealed for funds, and had advised the members of the federation as to their duty and their rights, and had made references to this suit and to labor's constitutional rights in campaign speeches. Morrison was in contempt because he had allowed old copies of the American Federationist to be circulated that had this "We don't patronize" list in them. They had obeyed the order and allowed the judge to edit their magazine to the extent of eliminating the "We don't patronize" list from all editions after the order was signed. Malefactor Morrison had also sent out printed copies of the printed official proceedings of a prior convention of the American Federation of Labor which contained a record of officers and committee reports of the convention relative to this very controversy. He had also sent out copies of the Federationist. Mitchell had violated the order of the judge against talking or printing by presiding at a convention of the United Mine Workers of America where a resolution was introduced calling upon the members of the union not to patronize this outfit of lobbyists and stove makers.

There is nothing in the record of this case to show that this National Manufacturers' Association was, through one of its representatives, just about this time attempting to bribe Gompers to throw down his work for organized labor and pass into a life of ease, in which case, of course, the case would have been dismissed and the contempt of court duly purged, so far as the court and the complaining lobbyists are concerned.

Of course, it is now well known that this contempt case has been settled by the order of the Supreme Court dismissing it.

I have in mind other contempt cases not involving labor difficulties where the same rule should prevail. The Idaho case which I have already referred to, where C. O. Broxon, editor of the Boise Capital News, offended the feelings of some judges that ought to have been impeached by criticizing their decision by which Roosevelt electors were denied the right to have their names published on the official ballot. These judges ordered Broxon and R. S. Sheridan and A. R. Curzen imprisoned; and they actually served their term of 10 days because of the publication of the Roosevelt criticism. It was an outrage against the spirit of our institutions that these judges could do this without a verdict of guilty from a jury to precede the sentence. Yet the judges said they were acting by inherent authority, and that the legislature had no right either to limit or regulate their authority in contempt matters.

Then, take the case of Col. Nelson, of the Kansas City Star. I do not remember all the details of that attempted judicial outrage, but it stands out to-day as an illustration of the absolute necessity of ordering the courts of this country to give up their self-assumed rights to imprison editors and others where they feel aggrieved. Except for the resourcefulness of Col. Nelson and the order of an appellate court he would have gone to jail.

In my own experience I was the editor and proprietor of a weekly paper published at Bremerton, Wash. I still own the paper, though it is now published in the adjoining town of Charleston, Wash. I was in a fight with a corporation-owned judge in that county, and I used to go to court to try my cases with an appeal bond in my pocket already signed in blank, so that I would be ready to perfect an appeal quick and save temporary incarceration for some unavoidable display of the contempt I felt for that judge.

I had urgent need of that bond, too, one day, and later I needed more than a contempt-of-court bond. But I will say that that particular judge is not in the State of Washington now; he is not away on a visit, either.

Mr. WEBB. Mr. Chairman, the committee will have to oppose this amendment, not because it is not meritorious, but because it is already provided for in the statutes of the United States.

Mr. BRYAN. Oh!

from the scene where the injury has been inflicted and where the poor man will be unable to follow it up, take his witnesses to court, and conduct his litigation as it ought to be conducted. Why impose hardships on litigants? And yet the gentleman from Arkansas says that a measure that seeks to bring these cases at home and let the poor man try his case in the court where he resides, where the injury was inflicted, and where the witnesses reside, that such a measure is in the interest of the trusts and of the big corporations of this country. The gentleman will not stand by that declaration for a moment, because it is not only ridiculous, but it is contradicted by the facts, as the experience of every individual will verify. The reverse is true, and every man knows or ought to know it.

Mr. FLOYD of Arkansas. Will the gentleman yield at that point?

Mr. CULLOP. Certainly.

Mr. FLOYD of Arkansas. I did not make the statement attributed to me by the gentleman from Indiana.

Mr. CULLOP. Then I misunderstood the gentleman from Arkansas, and I am glad to know he did not desire to be so understood.

Mr. FLOYD of Arkansas. The statement I made was this: That if we load this measure down with amendments of far-reaching import like this, it would tend to defeat the legislation, and that would result in the interests of the trusts.

Mr. CULLOP. I beg to disagree with the gentleman. How does this load it down? Are not the judges of the State courts as capable, as learned, as honest, and conscientious as the judges of the Federal courts to try and determine the questions involved in this legislation? Upon what meat does the Federal judge feed that makes him so much greater than a judge of a State court? [Applause.] Who are these judges of the Federal courts? They are the men who have been taken off the benches of the State courts from the bars over the country. What has made them more able to construe a statute than a State judge? Where and how is this measure loaded down with any such amendments? What complication does this amendment involve? I defy the gentleman or any other gentleman to point out how any harm may come from the adoption of this amendment. It simply gives the right of trial in the locality where the cause of action arises and at home where the witnesses are. It gives opportunity for a full and fair hearing of a cause. It assures economy in the administration of justice. It assures a speedy trial in a competent tribunal. Does anybody have objection to this? If so, let him state it. Can anyone who desires fair play in our courts take exceptions to it? If so, I would be pleased to have him do it. We are now legislating on a subject of much interest to the American people. Relief has been promised them from the extortions of remorseless organizations, in which greed and avarice have been the dominating features in their operations. They have stifled competition, bankrupted their weak and unfortunate competitors, and out of the ruins of the unfortunate created monopoly, through which the people have been unmercifully plundered. Let us furnish the best and easiest method for a redress of grievances, in order that the people may take advantage of its provisions and secure relief. With that end in view I offered this amendment, and no one will here deny but what it will afford great benefit in the administration of this law.

The people expect us to afford them a complete remedy and a convenient method for its administration. Their eyes are upon us; they are patiently scanning every move made, because they know how they have suffered for the want of appropriate and adequate legislation on this subject, how often it has been promised, and how often they have been deceived in this matter. They must not be deceived now, but we must afford them a full and complete means of relief and a convenient and economic method for the enforcement of the same. This amendment means much for the success of this legislation, and the poor man, the man who needs this legislation most, will hail its adoption with satisfaction and delight. The committee in charge of this bill and this House should be interested in its success. If it will assist in destroying monopoly, in dissolving combinations operating as a restraint in trade, in restoring competition, it will be hailed with delight by millions of people all over our country and will redound to the glory of all who helped enact it. The amendment under consideration will assist in carrying out the good purposes it proposes and will make it available to many who otherwise could never invoke its provisions or take advantage of the protection it affords. I hope it will be adopted, so that its provisions may become available to the poor as well as the rich, to the weak as well as the strong. [Applause.]

Every line and every word will be closely scrutinized by thousands of patriotic people who have suffered for the want of such legislation and who hope to secure relief through its provisions. They are watching every move made here, every vote cast, in order to know how each man stands, whether friendly to them or friendly to the special interests which have thrived at their expense. They have been promised means for relief; they demand every obligation contained in that promise be scrupulously kept and the fullest measure of relief afforded within the power of this lawmaking body. We will comply fully with the obligation if we adopt this amendment. [Applause.]

The CHAIRMAN (Mr. MURRAY of Oklahoma). The time of the gentleman has expired. The question recurs on the amendment offered by the gentleman from Indiana as a new paragraph to the section.

The question was taken, and the Chair announced he was in doubt.

The committee divided; and there were—ayes 35, noes 30.

Mr. WEBB. Mr. Chairman, I ask for tellers.

Tellers were ordered.

The committee again divided; and the tellers (Mr. CULLOP and Mr. WEBB) reported that there were—ayes 32, noes 34.

So the amendment was rejected.

The Clerk read as follows:

SEC. 20. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided*, however, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

In all cases within the purview of this act such trial may be by the court, or, upon demand of the accused, by a jury; in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impanneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment, either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt, or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

Mr. BARTLETT. Mr. Chairman, I move to strike out the last word, unless the gentleman from North Carolina has an amendment to offer.

Mr. WEBB. No; I have no amendment to offer.

Mr. BARTLETT. Mr. Chairman, this provision in this bill and subsequent provisions of it, especially that provision that requires that a party charged with indirect contempt of court must be accused, tried, or convicted of contempt by a jury as in criminal cases, is a step in the direction of proper trials in court in such cases. We boast, Mr. Chairman, those of us who live under the English system of laws, that the system of jury trials as handed down to us from English jurisprudence is the greatest palladium of the liberties of the English-speaking people, yet in a case which involves imprisonment and fine, forfeitures and punishment by both imprisonment and fine, we have been struggling in Congress for 20 years or more in order to have enacted into a statute of the United States the right of the American citizen to be tried by a jury of his peers in this class of cases when his liberty and property are at stake. We are about to realize a successful completion of the efforts of the men who have struggled long and patiently to obtain that end. The first bill I had the honor to introduce as a Member of Congress, when I became a Member of it in 1895, was a bill to permit and require, when demanded by a man who might be charged with indirect contempt of the court, that the trial should be by jury.

I have at each succeeding Congress introduced a bill to that effect. It was never considered favorably by a Republican committee or House, but a bill of like character was favorably reported at the last Congress and passed by this House.

The Senate of the United States in 1896, at the instance of Senator Hill, of New York, did pass a bill, introduced by him, providing for jury trials in indirect contempt cases. It came to this House, and went to the Committee on the Judiciary of the House, where it slept the death that knew no waking. The Democratic platform in 1896 embodied a demand for the passage of that bill, and from 1896 down to 1912, again and again, it has been reiterated in every Democratic national platform that trials of indirect contempt cases in the courts shall be by jury when that demand is made by the accused.

Mr. Chairman, this bill gives to the American citizen, charged with the violation of an order or an injunction of the court in these cases that we know to be indirect contempts, the right that he ought to have had from the foundation of the Government—the right to have his case, when he is charged with a criminal offense or a quasi-criminal offense, tried by a jury of his peers. This bill further contains a provision giving a right which has not heretofore been enjoyed by those who undergo these trials, namely, the right of appeal. We know the history of these trials, and——

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. I ask for three minutes more.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] has no more time.

Mr. BARTLETT. I ask the Chairman.

The CHAIRMAN. The gentleman asks unanimous consent?

Mr. BARTLETT. I asked unanimous consent, and I addressed myself to the Chair.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent that the gentleman from Georgia [Mr. BARTLETT] proceed for five minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman will proceed.

Mr. MANN. Make it 10 minutes.

Mr. BARTLETT. I want only 5 minutes. We who have investigated the matter and have kept pace with it know the history of these cases. It is shocking to my sense of justice; it has always been a matter that offended my sense of what the right of American citizens was, that when charged with crime the judge should be grand jury, prosecutor, and jury to find a verdict and then as judge to pronounce a sentence. Therefore, during all these years, at least since I have been a Member of this House—which on the 4th day of March next will be 20 years—the struggle has gone on, and during those years I have devoted whatever energy and ability I possess to the accomplishment of what this bill accomplishes; that is, to have the right of trial by jury enjoyed by the accused in these contempt cases.

I have been in a United States court, Mr. Chairman, and seen cases of constructive or indirect contempt tried by the judge when those cases were instigated, inaugurated, prosecuted, heard, and tried and judgment rendered and sentence pronounced by the judge who instigated and had the prosecutions started, and when the men thus accused, thus tried, thus convicted, and thus punished, undertook to find relief from what those who had investigated the case or heard it thought and believed to be an outrage upon the rights of a citizen, an illegal and unjust punishment, by appeal to a higher court, they would find that it was embodied as a principle in our jurisprudence that no appeal lay from any such judgment in any such case.

And so, when the American people had wakened up to the idea that there were cases where men could be criminally punished, could be criminally accused, could be tried and convicted as in a criminal case, could be imprisoned and placed in jail and within prison walls, and have their money and property taken from them and be incarcerated in prison; that there was not the right accorded to them which every American citizen and every man who lives under the Anglo-Saxon system of jurisprudence ought to have; when they realized this fact the campaign proceeded and has gone on and on, and the doctrine which was asserted, that the courts have in themselves the inherent power to punish for contempt, and that no one should decide that question except the judge, has been dissipated. These sections in this bill, and those that permit—or require, rather—criminal information and the facts to be set out in the trial of a man accused before a jury, give him a right that he never had before to appeal that case to a higher court and have it considered on its merits.

These are the things which the Democratic Party's platform has demanded, and these are the things which the Democratic Congress intends by this bill to place upon the statute books. It breaks the chains that bound the people to the unjust and tyrannous decisions of unjust judges. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. QUIN. Mr. Chairman, I move to strike out the last word.

Mr. BARTLETT. Mr. Chairman, I withdraw the pro forma amendment.

Mr. QUIN. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] moves to strike out the last two words.

Mr. QUIN. Mr. Chairman, at least to my conception of law, justice, and right, this section, which gives a trial by jury in contempt cases, is writing into the statute laws of this land enlightened thought. It shows the spirit of the age—that we are moving away from the old archaic idea that all wisdom and all justice is within the cranium and heart of one man, that of a judge appointed for a term lasting until he is dead.

Gentlemen, that has been one of the prerogatives that the courts of this country have possessed since the Constitution was first adopted. It has been more abused than any other right that the courts have had, and I am proud to have the opportunity to vote for a bill that takes that right away from the courts. Not that the judge himself is not honest, but some judges get so far removed from the people that they can not feel for the man who is down in life. [Applause.]

I know from personal experience something of contempt cases, where a Federal court issued a sweeping injunction in a strike that covered every man in the community that was indirectly or remotely involved; and, regardless of what he did, he was amenable to that court under contempt proceedings, and no jury could he have.

I believe that this bill will give the people of the country more confidence in the courts. It will give them more respect for the courts, and it will give the courts to understand that the people have rights, and that those rights can be passed upon by their peers.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. QUIN. I do.

Mr. GARDNER. Is it not the gentleman's opinion that one of the great causes of attacks upon the courts of this country is the fact that they have had imposed on them, or have assumed, the duty of trying persons without a jury for the violation of restraining orders issued in labor cases?

Mr. QUIN. I think the gentleman from Massachusetts is correct. However, I believe myself that some of the courts of the country have brought themselves into the contempt of the people because of that right being frequently abused by autocratic judges.

Mr. GARDNER. The gentleman ought not to understand——

Mr. QUIN. The American people ought to love the courts, but instead of doing that the usurped and assumed power by the courts has made them, in a measure, the object of contempt.

Mr. GARDNER. I hope the gentleman will not imbibe from my remarks the idea that I am blaming the courts. I am blaming the law or the practice which imposes on the courts the duty of trying without a jury those cases of contempt of court in the matter of labor injunctions. I do not blame the courts, however, for doing what they believed to be their duty. Fortunately it will no longer be their duty after this law shall have been passed.

Mr. QUIN. The gentleman is correct. But the long following of that rule leads the judge to entertain the idea that he is all-powerful, and sometimes he gets to be a tyrant. That is what the people of America complain of.

If the judge knew he would be on the bench only for a few years, and that his reappointment depended on his method of trying cases, it is very likely that he would always try to be in harmony with the people and the law. A judge can make mistakes as well as any other person.

And the judicial tyranny of this country is to-day written through the decisions. If you will read those decisions, you can see tyranny there that is equaled nowhere on earth except by the Czar of Russia or, perhaps, the ruling of some military court; and there is not a man in the United States who could ever have any respect for the ruling of a court-martial. I say that the courts of this country have had a power that they ought not to have had under the constitution of a republic. Some of them have used it properly, but others have used it improperly. It has been a method of oppression, a tool with which to oppress the people. [Applause.]

It has been too easy for the great and powerful corporations to be either directly or indirectly instrumental in naming the

not an amalgamation, and whatever the outcome may be, the gentleman from Kansas will be left out in the cold. He was elected as a Republican. He repudiated the party which he followed until he had been elected, and when the Progressives come back to the Republican Party, as the voters will, these little so-called leaders in the House, who can not think for themselves, who have no position upon any question until they have asked the colonel, and now can not find out from the colonel—they can still continue to be Progressives, but enough of the people will come back into the Republican fold until this House will be Republican the next time. [Applause on the Republican side.]

Mr. HULINGS. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD] to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

Mr. GRAHAM of Pennsylvania. May we not have the amendment reported again? After this desultory debate we have lost sight of the amendment.

The CHAIRMAN. The Clerk will report the amendment and the amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WEBB:
At the end of section 18, line 23, on page 36, strike out the period and insert a semicolon and add:
"Nor shall any of the acts specified in this paragraph be considered or held unlawful."
Amendment to the amendment offered by Mr. VOLSTEAD:
Page 36, at the end of the amendment offered by Mr. WEBB, add:
"But nothing in this act shall be construed to permit a secondary boycott."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was agreed to.

Mr. WEBB. A division, Mr. Chairman.

Mr. FOWLER. Mr. Chairman, I ask for a division.

The CHAIRMAN. The Chair thinks the gentleman is too late.

Mr. GARNER. Mr. Chairman, the Chair did not state that the ayes seemed to have it, and therefore the gentleman from North Carolina was in time, because the Chair announced that the ayes had it and hardly gave the gentleman from North Carolina an opportunity for division.

The CHAIRMAN. The Chair only heard one vote in the negative, and for that reason announced the resul.. The Chair is of the opinion that the request for division comes too late unless some gentleman was on his feet.

Mr. HENRY. The gentleman from North Carolina was on his feet as quickly as possible asking for a division.

The CHAIRMAN. The Chair thinks the request comes too late. The Clerk will report the amendments in the order in which they were offered.

The Clerk read as follows:

Amendment offered by Mr. MACDONALD:
Page 35, line 23, after the word "employment," insert the following: "In a case where a strike or lockout exists, or is threatened, or in any other case."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MACDONALD) there were 15 ayes and 80 noes.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read the next amendment.

The Clerk read as follows:

Second amendment by Mr. MACDONALD:
Page 36, line 6, strike out the word "such."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Amendment offered by Mr. HULINGS:
Page 35, line 20, after the word "case," strike out all down to and including the word "employment," in line 23.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. CULLOP. Mr. Chairman, I offer the following amendment which I send to the desk as a new section.

Mr. FOWLER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FOWLER. If an amendment is offered as a new section, will that deprive a Member of the right to offer an amendment to section 18?

The CHAIRMAN. The Chair will state to the gentleman that the committee has disposed of section 18. The gentleman from Indiana offers an amendment as a new section, but the Chair is unable to determine its application until the amendment is read.

Mr. BARTLETT. But we have not passed section 18. The gentleman from Illinois has an amendment to section 18, and he is entitled to offer it now.

Mr. CULLOP. Mr. Chairman, we had passed section 18 and the Chairman had instructed the Clerk to read, and I offered my amendment as an additional section.

The CHAIRMAN. The Chair has so stated to the committee.

Mr. FOWLER. Mr. Chairman, I do not desire to interfere with the gentleman from Indiana at all, except that I do not want to pass section 18 without the right of offering a very slight amendment.

The CHAIRMAN. The Chair will be obliged to hold that the gentleman must have unanimous consent to return to section 18.

Mr. FOWLER. Then, Mr. Chairman, I ask unanimous consent to return to section 18.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to section 18.

Mr. MANN. Reserving the right to object, Mr. Chairman, my colleague from Illinois arose and offered to submit a preferential amendment to section 18. We had not passed section 18, except to close debate, and the gentleman from Indiana proposed to offer an amendment as a new section. My colleague could not tell whether the gentleman from Indiana proposed to offer a new section or to amend section 18 until the gentleman from Indiana stated his purpose. When he did my colleague said that he desired to offer an amendment to section 18. Certainly that was in order as a preferential motion, not debatable, of course, because debate has been closed.

The CHAIRMAN. In any event the Chair hears no objection to the request of the gentleman from Illinois.

Mr. FOWLER. On page 35, line 20, I move to insert after the word "case" a comma.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 20, after the word "case" insert a comma.

Mr. FOWLER. Mr. Chairman, I have but one word to say.

Mr. MANN. Mr. Chairman, debate is closed.

The CHAIRMAN. Under the order of the committee the gentleman from Illinois can not be recognized to discuss his motion. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 3, noes 27.

So the amendment was rejected.

The CHAIRMAN. The gentleman will now report the amendment offered by the gentleman from Indiana [Mr. CULLOP].

The Clerk read as follows:

Amend, page 36, by adding a new section to be known as section 18a:
"The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to a court of the United States."

Mr. WEBB. Mr. Chairman, I reserve a point of order against that amendment, to its germaneness and to its insertion in this place in the bill.

Mr. MANN. Oh, let us have the point of order disposed of. I demand the regular order.

The CHAIRMAN. The regular order is called for.

Mr. CULLOP. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. Has the point of order been made?

The CHAIRMAN. The Chair will hear the gentleman briefly on the point of order. The regular order has been called for. The Chair understood the gentleman from North Carolina to make the point of order.

Mr. WEBB. I make the point of order.

Mr. CULLOP. Mr. Chairman, this being an independent section, it can be introduced at any place in the bill. It is not dependent on any other section; it is not an attempt to amend any other section or to qualify other than extend the process of the courts or the jurisdiction of cases to be tried under the provisions of the act, so that it is not material whether it be introduced after section 18, after section 14 or 15, or any other section. It might come at the end of the bill, and would be

applicable there, so that not being an amendment to any particular section of the bill it is germane in any place in the bill at which it may be introduced, because it is a new section and a section that gives jurisdiction to State courts as well as the Federal courts in actions arising under the provisions of this act.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. BARTLETT. This amendment does not simply confine the right to sue in the State courts to the matter of granting injunctions, but it is general in its jurisdiction. Is that true?

Mr. CULLOP. That is true.

Mr. BARTLETT. In other words, that any proceeding under this bill to enforce the law provided for in the bill can be brought in a State court as well as in the Federal court?

Mr. CULLOP. Yes.

Mr. BARTLETT. In other words, it confers concurrent jurisdiction on the State courts with the Federal courts to enforce any part of this bill, either civil or criminal?

Mr. CULLOP. That is the object of it; but, of course, it would apply to civil cases. Mr. Chairman, if it was simply applying to any particular section of the bill in reference to the bringing of suits and the trying of cases, then its germaneness might be attacked, as it is now, because it should be made a part of the section to which it would be applicable under the circumstances; but being applicable to every provision of the bill, giving jurisdiction to State courts to try any violation defined under any provision of the bill, it is germane at any point in the bill, as an independent section.

The CHAIRMAN. The Chair thinks the amendment is in order.

The question is on agreeing to the amendment.

Mr. CULLOP. Mr. Chairman, I desire to be heard on the merits of the proposition. This amendment is offered for the purpose of bringing convenience to the people who may have litigation under any provision in this act which we are now considering. The language of this section is precisely the same as that enacted by Congress in 1910 in the employers' liability act, which reads:

The jurisdiction of the courts of the United States under this act shall be concurrent with that of the courts of the several States, and no case arising under this act and brought in any State court of competent jurisdiction shall be removed to any court of the United States.

The language of this amendment is taken directly from the language of the amendment which was offered to the employers' liability act of 1910. Let me call the attention of the committee to this situation. Some of these Federal judicial districts are very large. Many people reside a long distance from the place where the courts are held. A gentleman from California the other day said that some of the people there were living 400 and 500 miles from the place where the courts were held. In such circumstances where there were violations of this act the suits could be brought in the State courts, tried and determined at home, and it would be a matter of convenience as well as economy to the litigants who might have to resort to the courts for redress of grievances under the act.

Mr. GORDON. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Yes.

Mr. GORDON. Where does the gentleman find authority in the Constitution of the United States giving this Congress the right to confer any jurisdiction, civil or criminal, on a State court?

Mr. CULLOP. Oh, that is too well settled to take up any time in the discussion of it here.

Mr. GORDON. Will the gentleman give me an authority for it?

Mr. CULLOP. Why, we have an act of Congress to which I have referred; that is the best of authority for it. Why not? This Congress has conferred jurisdiction of this character on the State courts. It is simply giving a cause of action under a statute, and Congress has a right to confer jurisdiction in the State courts.

Mr. SINNOTT. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. SINNOTT. For the benefit of the gentleman from Ohio who asked the question, I will state that that matter has been decided in the Two hundred and twenty-third United States.

Mr. GORDON. In a criminal case?

Mr. SINNOTT. No.

Mr. GORDON. Does the gentleman think we would have authority to confer jurisdiction in a criminal case?

Mr. SINNOTT. This is conferring jurisdiction in a civil case.

Mr. GORDON. And in a criminal case, also.

Mr. CULLOP. We are conferring the jurisdiction here in a civil case.

Mr. SINNOTT. I think it should be confined to a civil case.

Mr. CULLOP. The same is true under the national banking act. The benefit of this would be that people who have to resort to the courts for a redress of grievances under this statute would have the convenience of being able to do so in their own home courts, which would be an economy, and the matter could be tried and determined just as well as in any Federal court; and I hope the amendment will be adopted for that reason.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to speak in opposition to the amendment. This legislation is supplementary to the Sherman Act. Jurisdiction under the Sherman Act is confined to the Federal courts, and I think properly so. There are a number of reasons why this proposed amendment of the gentleman from Indiana should not be incorporated into this bill. In the first place, it would be a burden to the State courts to have jurisdiction over these cases conferred upon them. This Federal Government has exclusive jurisdiction of this class and character of legislation and should retain full jurisdiction in the trial of such cases. Dissolution suits are under the control of the Attorney General of the United States. We have district courts throughout the country, with district attorneys employed by the United States to look after the Federal business, and I think that the proposition of the gentleman from Indiana to confer jurisdiction over these cases upon the State courts would be an injustice to the people of the States and to the courts of the States; and I oppose it for that reason. In the second place, this is a very broad and far-reaching statute in its provisions.

It deals with the business interests of people of all classes—railroads, manufacturers, industrial concerns, combinations, and conspiracies in restraint of trade—and we think it would likewise be an injustice to parties litigant to take them away from the jurisdiction of the Federal courts and confer jurisdiction upon State courts to try this character of cases. It broadens the scope of the law. It is one of those things which if attached to this legislation will make it all the more difficult to pass the legislation, and we do an injustice to the cause and principle which we seek to establish by this legislation if we broaden the measure with far-reaching and momentous questions such as the gentleman from Indiana offers as an amendment. Any friend of this legislation, as I am sure the gentleman from Indiana is, ought not to aid those who are fighting this legislation—the trusts and the combines of this country—by loading it down with questionable amendments that will tend to defeat it and destroy it in the end. For these reasons the committee opposes the amendment and hopes that it will be rejected.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Debate on this question is exhausted.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word. Mr. Chairman, the doctrine just advocated by the distinguished gentleman from Arkansas [Mr. FLOYD] is a very dangerous doctrine, indeed. In its last analysis it means to many a denial of justice, and a failure to enforce the law in all its phases. Who are the parties that have been always running to the Federal courts? Has it been the individual or has it been the trusts and the big corporations? The answer is easy and is within the knowledge of all. It is the experience, I am confident, of every man on this floor that the men who seek cover under the ample folds of the Federal courts of this country are the owners of the trusts and big corporations of the country, and by so doing they are constantly forcing the poor man out of the benefits of such legislation as this by seeking that forum for the adjudication of their cases. Aye, gentlemen, if it is desired to protect the trusts, to protect the big corporations of this country, under this act, then confine its jurisdiction to the Federal courts and it will well nigh destroy the advantages of the legislation we are attempting to adopt here to-day for the relief of the people. Who is it that has been running to the Federal courts for the last quarter of a century? Who is it that has taken refuge in the Federal courts of this country? Has it been the poor individual or has it been the trusts and the big corporations which seek to be relieved from penalties and from punishment provided for in the law of the land? Go read the petitions for removals from the State to the Federal courts of this country, and it will be found that in every instance they are filed by the corporations or rich and powerful individuals for the purpose of escaping the penalties of the law. It has been their refuge for escape from deserved punishment. Cases are removed frequently for the purpose of getting away

next paragraph, because by the use of the word "such" in line 6, the next paragraph——

Mr. CLINE. Will the gentleman yield?

Mr. MACDONALD. I just want to finish this. The equity power conferred in this part of the law is limited absolutely to four classes laid down in paragraph 1, and if you leave out the word "or," or its equivalent, you limit these cases to four classes only, and you leave out cases where strikes exist; but if you put the word "or," or its equivalent, in you make it five classes and include these cases.

Mr. WEBB. Will the gentleman yield for a question?

Mr. MACDONALD. Yes.

Mr. WEBB. What other case can the gentleman imagine could be included in this? Any case involved or growing out of a suit concerning terms or condition of employment. Does not that cover the whole range of strikes, employment, wages, hours of labor, and so forth?

Mr. MACDONALD It says in any case growing out of a dispute between persons employed and persons seeking employment. Now, it has been argued, and I think it is true, that a person on strike or after he has struck or has been discharged is not a person seeking employment.

Mr. WEBB. He is seeking employment—that is why he strikes.

Mr. MACDONALD. But the language says, "or between persons employed and persons seeking employment," and the previous language is "in any case between an employer and employees or between employers and employees or between employees." Now, the use of the disjunctive makes a new class named herein, and clearly includes all involved in disputes of the character described in the language that follows.

Mr. WEBB. That is where the gentleman and I differ. It covers every case involving or covering every phase of employment.

Mr. MACDONALD. I desire to offer, and I shall offer, an amendment, page 35, line 23, after the word "employment," to insert the following: "In the case where a strike or lockout exists or is threatened, or in any other case"; and also, when we reach it, I wish to offer an amendment to strike out the word "such," in line 6, page 36.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield the gentleman from Pennsylvania [Mr. HULINGS] four minutes.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Michigan will be reported for information.

The Clerk read as follows:

Page 35, line 23, after the word "employment," insert the following: "In the case where a strike or lockout exists or is threatened, or in any other case."

The Clerk reported a second amendment of Mr. MACDONALD, as follows:

Page 36, line 6, strike out the word "such."

Mr. HULINGS. Mr. Chairman, the facetiæ of the gentleman from Illinois indicates that the Democratic Party has all its inspirations from the gentleman at the White House. It seems to me he seems to indicate, in his opinion, that the gentleman from Kansas [Mr. MURDOCK] trails after Col. Roosevelt, and he gets his inspiration there and he spreads that among the members of the Progressive Party. Well, if this were true, it must be conceded that the Democrats have a good man to go to [applause on the Democratic side], and the Progressives have a good man to go to, but where in the world do the Republicans themselves have to go? [Laughter and applause.] It seems to me they have to go to the classic shades of Yale to get inspiration from a dead one. [Laughter and applause.] He charges the Progressives have no consistency, and for heaven sake if there ever was any inconsistency is not it demonstrated in the Republican ranks on this side, where a great many of them have been elected as Progressives, indorsing that platform and agreeing to stand by that platform, and coming down here and going in with the same old gang.

Mr. GREEN of Iowa. And a good many Progressives have been elected as Republicans who did not stand by that party.

Mr. MURDOCK. This is Exhibit A.

Mr. HULINGS. This is Exhibit A and that is Exhibit B. [Laughter.] Mr. Chairman, aside from jesting, and I want you to understand there is a whole lot of truth in that jest, but aside from that, referring to the thing right in point, it seems to me that all of this controversy can be set aside by striking out, in line 20, after the word "case" on page 35, down to and including the word "employment" in line 23, so that the language will read:

That no restraining order or injunction shall be granted by any court of the United States, etc., in any case involving, or growing out of, a dispute concerning terms or conditions of employment—

And so forth.

Now, without any question, there may be cases in which injunctions will be applied for as against or involving persons who are not employees, because when a labor organization orders a strike and men cease to work and march out they are in no sense employees. They may be joined by men who never were the employees of the party seeking the injunction, who are the very ones doing the things complained of. But the suggestion I make here would leave out all difficulty of that kind. You would include every person in any case involving or growing out of a dispute concerning terms or conditions of employment. I wish to bring that to the attention of the committee, and especially the gentleman from North Carolina, because I believe it will commend itself to him as a reasonable, rational, and very clear exposition of what is intended in this section. I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULINGS. Mr. Chairman, I desire to send this amendment to the desk and ask to have it read for information.

The CHAIRMAN. Without objection, the Clerk will report the amendment for information.

The Clerk read as follows:

Amendment by Mr. HULINGS:

Page 35, line 20, after the word "case," strike out all down to and including the word "employment," in line 23.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Mr. Chairman, I hope some one will send for the gentleman from Pennsylvania [Mr. MOORE]. Can not the gentleman yield to me later when he gets back?

Mr. HULINGS. I suggest the gentleman from Kansas go after him.

Mr. MURDOCK. No; I will let him come back.

Mr. WEBB. Does the gentleman from Minnesota desire to use any more of his time?

Mr. VOLSTEAD. Not at this moment.

Mr. WEBB. Mr. Chairman, just one word. It is quite evident that Members of the House have a wide difference of opinion as to this particular section, and I want to say the committee has worked over it again and again and again, we have gone over it for two years, and that this particular language in this particular section has been indorsed probably by every labor union in the United States. It is an excerpt from what is known as the Bacon-Bartlett bill, and it covers in a proper way, we think, every possible angle of the strike situation. We think any sensible man will agree that a striker is a person who seeks employment, otherwise he would not strike, and those are the ones we ought to take care of, at least the labor organizations of America think so, and I trust that the committee will leave the section as it is. If you begin changing the section I do not know where it will land us.

Mr. HULINGS. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Pennsylvania?

Mr. WEBB. Yes.

Mr. HULINGS. What would you think, then, of the application of this section in a case of this kind. You are an employer of labor; your men cease work; I am in sympathy with them; I never was in your employment, and I do not seek any employment, but I go in and make common cause with them against you, and you take me into court. What would you do in that case?

Mr. WEBB. You would have no business hanging around there. You would have no business "butting in," if you are not a party in the dispute. That is labor's own cause, and if the employer and the employee grip on the proposition, we will take care of that.

Mr. HULINGS. In a section later you justify me in going in and making common cause against them.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Missouri?

Mr. WEBB. Certainly.

Mr. ALEXANDER. In the case mentioned by the gentleman from Pennsylvania this writ of injunction would not apply at all. This injunction would go against other people?

Mr. WEBB. Certainly. We want to confine the language to the parties to the dispute, and no others.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes; I yield to the gentleman from Massachusetts.

Mr. GARDNER. The gentleman says that he thinks the language "persons seeking employment" covers persons on strike?

Mr. WEBB. Yes, sir. That is the opinion of the committee.

Mr. GARDNER. But section 18 does not mention disputes between "employers and persons seeking employment."

Mr. WEBB. Oh, yes. I think that is covered.

Mr. GARDNER. Oh, no. The wording relates to cases "between persons employed and persons seeking employment."

Mr. WEBB. I think that is covered.

Mr. GARDNER. Oh, no. A dispute between "persons employed and persons seeking employment" is a very different proposition from a dispute between employers and people seeking employment. There might be something in the gentleman's contention if the clause referred to cases "between employers and persons seeking employment." I call the gentleman's attention to line 22, which refers to cases "between persons employed and persons seeking employment." I think that that clause refers to disputes between persons known as "scabs" and the usual force of employees in any establishment.

Mr. WEBB. I do not know what you mean by "scabs," but it says "between persons employed and persons seeking employment."

Mr. GARDNER. It is all qualified by what goes before it. What is your objection to extending the definition of the word "employees" by a proviso at the end of the section. I suggest something like this: "The term 'employees' in this section shall be held to include persons whose status as employees has been suspended by a strike or lockout." What is your objection to that?

Mr. WEBB. You might weaken the section by doing it. Now I yield three minutes to the gentleman from Kansas [Mr. MURDOCK].

The CHAIRMAN. The gentleman from Kansas [Mr. MURDOCK] is recognized for three minutes.

Mr. MURDOCK. Mr. Chairman, the gentleman from Pennsylvania [Mr. MOORE] this morning took occasion to drive up to my front door and leave a bouquet. [Laughter.] I want to make acknowledgment of the fact.

Mr. MOORE. There were some thorns among the roses. [Laughter.]

Mr. MURDOCK. If the gentleman will permit me to go on, I will yield to him later. The gentleman from Pennsylvania makes a general charge of cowardice against the membership of Congress. When asked the simple question how he would have voted yesterday had he been here, he followed the characteristic Republican attitude, and dodged. How would the gentleman from Pennsylvania have voted in the House yesterday? Will the gentleman answer the question and stop dodging?

Mr. MOORE. If I had thought that a vote "aye" would have meant to specialize a certain class of the 20,000,000 of workers in this country, I would not have voted "aye," nor would I have played the game of buncombe which has been played since this agitation began.

Mr. MURDOCK. The gentleman from Pennsylvania typifies the political situation that prevails in the country. "Truth is mighty and will prevail." There is talk in New York and in Washington, with the aid of the press, in San Francisco and St. Louis, of amalgamation between the Progressive Party and the Republican Party. Do you think there is any chance of amalgamation between a set of men who want to go forward and a set of men, typified by the gentleman from Pennsylvania, who evade, dodge, and sidestep on everything? [Laughter and applause.]

Mr. MOORE. Mr. Chairman——

Mr. MURDOCK. The gentleman from Illinois [Mr. MANN] also demonstrates this morning, I think, the situation of the country, and proves that there is no prospect of harmony between the Progressive and Republican Parties. The gentleman from Illinois typifies by his charge against me—facetious enough in its way—precisely what has been the matter with him in the last six or seven years with respect to the political situation. He did not consult Col. Roosevelt enough. By having consulted Col. Roosevelt a little more he and his party would be—well, somewhere else than on the road to destruction and decay, as it is. [Laughter.] Col. Roosevelt can not be justly accused of dodging or evading any public question.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. MURDOCK. I would like just two minutes more.

Mr. WEBB. I will give the gentleman two minutes more.

Mr. MURDOCK. The three parties are shown precisely as they stand before the Nation in the attitude of the gentleman from Pennsylvania [Mr. MOORE], that of the gentleman from Illinois [Mr. MANN], and that of the gentleman from North Carolina [Mr. WEBB] and the Progressives on this floor. For a matter of four or five years, to my knowledge, under the leadership of Mr. Taft, backed up by the gentleman from Illinois [Mr. MANN], the reactionaries here and at the other end of this building absolutely locked away in committee every bit of remedial legislation that labor wanted. Every man within the sound of my voice knows that that is true.

In those days every time we succeeded in getting an amendment in favor of the exemption of organized labor we had to do it by revolution, over the protest and veto of the Republican leader in this country, Mr. Taft, and I think sometimes over a rather serious protest from the gentleman from Illinois [Mr. MANN], although I am not certain about that.

The Democrats came into power with a plain pledge in their platform to exempt labor, after a record of amendments in the House and Senate which gave in terms exemption. And what did the Democrats do? Why, they have followed their usual plan of action and have brought into the House for the indorsement of the Members an amendment that is ambiguous. If you put the Progressives in power, Mr. Chairman, we will not dodge as the Republicans have dodged, we will not be ambiguous as the Democrats have been ambiguous; we will bring in an exemption clause that will mean business.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield three minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE. Mr. Chairman, I have not dodged any issue, and I have not waited for a nod from the galleries to determine how I shall vote, as the gentleman from Kansas has persistently done throughout this debate.

Mr. MURDOCK. Will the gentleman yield?

Mr. MOORE. No; I will not. I have not even changed the RECORD, as the gentleman from Kansas [Mr. MURDOCK] has done this morning. After pleasing our labor friends in the galleries by frequent glances up that way, and by smiles and nods, and after referring to the National Association of Manufacturers, possibly forgetting that the late Progressive candidate for governor in Massachusetts, Mr. Bird, was not only a Progressive but a leading member of the Manufacturers' Association which he denounced, and for which denunciation he received applause, the gentleman from Kansas changed the RECORD this morning so that instead of calling that association the "corrupt" National Association of Manufacturers he has, with Col. Bird, the Progressive, in mind, changed it to the "powerful" National Association of Manufacturers. I do not have to correct the RECORD in that way, because I am not constantly watching what Mr. Gompers and Mr. Morrison and that able band of labor leaders up there in the gallery are doing or thinking as to my vote. I should feel myself despicable indeed if I stood here as a representative of the people and voted to exempt Mr. Samuel Gompers or Mr. Frank Morrison or others up there in the gallery from the operation of the criminal laws of this country and made a special class of them or any hundred of them. I would not exempt John D. Rockefeller from the operation of the criminal laws of this country, nor would I exempt Andrew Carnegie from the operation of those laws; but before and within the law I would hold each man responsible for his own acts, the man who employed and the man who was employed alike. I would not make fish of one and fowl of the other. And if it be a crime in the presence of the labor representatives who have been in the galleries dictating this legislation for the last 10 days to make this declaration in favor of the rights of the workingmen of this country regardless of union or nonunion, then I stand convicted before them; but before the people and before my conscience I am grateful for the opportunity to say that I would not vote for special legislation exempting crime nor for the amendment offered by the gentleman from Kansas, who is playing politics and has been playing to the galleries from one end of this debate to the other.

Mr. MURDOCK. Will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for two minutes.

Mr. MANN. Mr. Chairman, the gentleman from Kansas [Mr. MURDOCK], who was elected as a Republican——

Mr. CAMPBELL. And he could not have been elected if he had not been.

Mr. MANN (continuing). Like a number of other gentlemen in the House who were elected as Republicans—some of whom now have the courage to call themselves Progressives and abuse the Republican Party all the time, although they never were elected upon any ticket except the Republican ticket—will have the opportunity next November of running as Progressives. There has been talk of amalgamation, as the gentleman from Kansas [Mr. MURDOCK] says, but the so-called Progressives throughout the country, the men who voted for Col. Roosevelt the last time, are coming back to the Republican Party. It is

give rise to further controversy that may be disastrous. There is no reason for the insertion of the comma. As it is, it breaks the clause and makes its application uncertain.

Mr. FLOYD of Arkansas. Will the gentleman from Iowa yield?

Mr. TOWNER. Certainly.

Mr. FLOYD of Arkansas. I desire to transpose the language so as to give the meaning as I understand it, without changing the wording, except transposing the words:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning terms or conditions of employment between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, unless necessary to prevent irreparable injury to property——

And so forth. That is exactly what it means as it is written; but by transposing the words you get the meaning more clearly.

Mr. TOWNER. I think if the gentleman will transpose those words it might have the effect that he desires, although——

Mr. FLOYD of Arkansas. That is what it means now. The word "involving" modifies the word "case" and nothing else.

Mr. TOWNER. No; the gentleman is mistaken about that. You can not take a lot of instances which are marked off from one another by the word "or" and then have these words "involving or growing out of a dispute" follow one of those disjunctive instances, without limiting its application to that disjunctive instance. That is very clear. It will serve the purpose the gentleman desires if he places it where he has just read it, because then it would not follow or modify or limit one of those clauses.

Mr. FLOYD of Arkansas. The purpose was to make the phrase "involving or growing out of a dispute" modify the word "case." We understand that is what it means now, and we are perfectly willing to transpose the words as indicated.

Mr. TOWNER. It might serve the purpose intended by transposition, but certainly it does not do so now.

Mr. FLOYD of Arkansas. The committee is convinced that that is what it means.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report. Without objection, the amendment will be considered as pending.

The Clerk read as follows:

Page 36, at the end of the amendment offered by Mr. WEBB, add the words "but nothing in this act shall be construed to permit a secondary boycott."

Mr. VOLSTEAD. Mr. Chairman, I desire to call attention to this language, so that members of this committee may know just what they are voting for. I will read it, omitting matters not pertinent, so as to call to the attention of the committee the point I have in mind. The second paragraph of this section reads:

No injunction shall prohibit any person from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

That is the plain reading of the provision. In the light of decisions that we have had on the subject of a secondary boycott, can it be questioned that the amendment offered by the gentleman from North Carolina [Mr. WEBB] will legalize the secondary boycott? I want this House to know just what is proposed, so there can be no dispute in the future as to the attitude that we are assuming. While I have always strongly sympathized with labor, may not friends of labor hesitate? With this amendment we shall erase from the statute books practically every Federal law that can reach organized labor or any kind of labor. Is that what we desire? If it is, let us be frank enough to say so. There are two sides to this proposition.

If there is to be no law to protect property or the man who seeks to labor, if the courts are to be deprived of their power to protect property and personal rights, the only thing left is civil war. How long do you suppose the public is going to submit to such a program. A strike does not only injure the parties engaged in it. The community in which it occurs suffers severely. I recall very vividly the effect of the coal strike that occurred some ten or twelve years ago. The suffering which the country endured was very great. Should another strike of that kind occur, in what condition would we be in the absence of any law to protect persons or property and in the absence of the restraining influence of the courts? Would not public indignation write upon the statute books far more drastic laws than anything now complained of. It is true that State laws will apply to and condemn many acts, but such laws can not protect the free flow of interstate commerce, and without such commerce the country must suffer severely. Those who refuse to protect the people now may not then find it easy to explain their course.

Do we want to place ourselves in the attitude of exempting any class of our citizens from the operation of the law that applies to other citizens? It seems to me that this is the real question that is before this House, and one that you can not avoid or dodge. It seems to me that we ought to face it as it is, and not pretend that this section means something different from its plain reading. I have asked you to write an amendment into this act so as to make it plain that it means what you say it means. I do not believe the President will sign this bill with a provision in it which legalizes the secondary boycott. I do not believe any such law can be constitutional. A person not a party to the dispute may be absolutely ruined by such a boycott. Is he to have no remedy under the laws of this land?

Mr. MAHER. Will the gentleman state what his opinion is of a secondary boycott?

Mr. VOLSTEAD. I can not go into that; it has been discussed in the courts, and it has always been condemned. I do not know that there ever was a decision in its favor.

Mr. MAHER. Some people do not know just what it means. I would like to have the gentleman's idea of a secondary boycott.

Mr. VOLSTEAD. A secondary boycott affects and injures a party not concerned in the dispute.

Mr. MAHER. In case of a dispute between railroad employees on a trolley road and their employers, where an employer locks them out, as it were, issues an order that on and after a certain day they will not be employed on account of their connection with a labor organization, and the merchant on the outside doing business down town takes the part of the employer and patronizes the employer, is he not taking the part of a secondary boycott?

Mr. VOLSTEAD. I am not going into a discussion of the different phases of a secondary boycott. The question of what is a secondary boycott is pretty well understood.

Mr. MAHER. It is from one side.

Mr. VOLSTEAD. I have not the time to go into it more fully.

Mr. MOORE. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MOORE. The gentleman has been dealing with the secondary boycott in which property rights may be invaded, and where the injured party may not be concerned in the dispute between capital and labor. Will the gentleman explain what is meant by this language, on page 36, line 10:

And no such restraining order or injunction—

And so forth—

shall prohibit any person or persons from attending at or near a house or place where any person resides or works or carries on business or happens to be—

And so forth.

Does that mean any person or persons, organized or unorganized may assemble in or at the house of a workingman?

Mr. VOLSTEAD. Yes; and in as large numbers as they choose.

Mr. MOORE. And interfere with his peace and right of employment. Is not that an invasion of personal liberty, to say nothing of the invasion of the rights of property? Does not this tend to restrict the liberty and labor of the person owning or occupying that house?

Mr. VOLSTEAD. I think it does. Mr. Chairman, I ask the other side to consume some of its time.

Mr. MOORE. I understood the gentleman to say that it does restrict personal liberty?

Mr. VOLSTEAD. Yes; it may. The fear inspired by large numbers may and often is as effective as the actual force, though no actual force is used.

Mr. WEBB. Mr. Chairman, I should vote for the amendment offered by the gentleman from Minnesota if I were not perfectly satisfied that it is taken care of in this section. The language the gentleman reads does not authorize the secondary boycott, and he could not torture it into any such meaning. While it does authorize persons to cease to patronize the party to the dispute and to recommend to others to cease to patronize that same party to the dispute, that is not a secondary boycott, and you can not possibly make it mean a secondary boycott. Therefore this section does not authorize the secondary boycott.

I say again—and I speak for, I believe, practically every member of the Judiciary Committee—that if this section did legalize the secondary boycott there would not be a man vote for it. It is not the purpose of the committee to authorize it, and I do not think any person in this House wants to do it. We confine the boycotting to the parties to the dispute, allowing parties to cease to patronize that party and to ask others to cease to patronize the party to the dispute.

Mr. MOORE. I call the gentleman's attention to line 10, page 36, where one of the privileges against which restraining orders may not issue is "attending at or near a house or place where any person resides or works or carries on business or happens to be." Does not that mean an invasion of the constitutional right of the citizen, and that men, organized or unorganized, embittered against one of their number or prejudiced in the extreme, may sit on the doorstep in your house and discuss with your wife while she is preparing the evening meal your right to work?

Mr. WEBB. Oh, my friend does not mean to put that language in, because it is ridiculous.

Mr. MOORE. That is what it seems to say.

Mr. WEBB. I will not say ridiculous, but it is an absurd conclusion to draw from this language.

Mr. MOORE. You gentlemen, as lawyers, know that you have to take the text, and you propose to put this language into law. Now, I will not say the Federation of Labor, because I believe that to be a law-abiding body, but the Industrial Workers of the World. Under this paragraph they may go to your house or attend "at or near your house"——

Mr. WEBB. It does not say that they may go into a man's castle.

Mr. MOORE. You may have a little garden around your house, and they can go into that garden, and that is "at" your house.

Mr. WEBB. It does not say that you can go onto the premises that you are forbidden to enter. That is a man's castle and sacred all over the world where the Anglo-Saxon tongue is spoken. We do not authorize anything like taking charge of a man's home. A man can do these things to-day, if he does it in a peaceful way.

Mr. MOORE. We have recently heard of "gun men" going to a man's premises, revolvers in their pockets, "peacefully" to persuade a man not to go to work until some understanding has been had with him; and that in cities, where the people are packed together, not out in the country. I do not lay this to legitimate labor unions.

Mr. WEBB. What did the gentleman's city authorities do under those circumstances?

Mr. MOORE. Oh, the police authorities, if they can reach such men, do it.

Mr. WEBB. Do what?

Mr. MOORE. Seize the gun men.

Mr. WEBB. They can do the same thing under this act.

Mr. MOORE. I question whether they could in certain interstate relations.

Mr. WEBB. Mr. Chairman, I decline to yield further. My friend refuses to read the further portion of this same sentence.

Mr. MOORE. I know this pertains to a Federal injunction.

Mr. WEBB. It says for the purpose of peacefully obtaining or communicating information or of peacefully persuading any person to work or to abstain from work. The idea of peacefully assembling runs all the way through this entire section, and unless it is done peacefully it is in violation of the law.

Mr. MOORE. I understand the peaceful part of it thoroughly; but suppose we take the instance of Tarrytown, N. Y., and substitute a workman who is earning two or three dollars a day for John D. Rockefeller, jr. I presume he would be entitled to some protection. I presume the cause of the trouble did not originate in Tarrytown, N. Y., but out in Colorado.

Mr. WEBB. And does the gentleman want to deny to the laboring man——

Mr. MOORE. And I presume in that case your Federal injunction——

Mr. WEBB. Mr. Chairman, I decline to yield further, unless the gentleman will permit me to ask him a question or to answer one of his.

Mr. MOORE. This is a very important question, and the gentleman has limited the time for debate.

Mr. WEBB. Would the gentleman deny to a laborer or to any other person in the United States the right to peacefully assemble and discuss his grievance?

Mr. MOORE. I certainly would not.

Mr. WEBB. Then the gentleman should vote for this section.

Mr. MOORE. But I would vote to sustain the humblest individual in his right to have his home protected.

Mr. WEBB. This section does that, because it does not include the criminal law of the land.

Mr. MOORE. I think the gentleman can not have had very much experience with "peaceful persuasion."

Mr. WEBB. Whether it be a laboring man or a lawyer or a merchant or a banker who violates the law, the law will consider him.

Mr. MOORE. And when you permit the Industrial Workers of the World, who have a pretty broad field—and it is said that they also operate in Europe, where we can not reach them—to camp on the gentleman's doorstep in North Carolina, or on that of some laboring man who may not agree with them, it might be that he would like to have some court to go to when he found he was unable to protect himself. He ought to have some place to go.

Mr. WEBB. I want to tell the gentleman that we have courts to go to to protect ourselves under those circumstances, and if the gentleman has not in Pennsylvania, I invite him to come down to North Carolina.

Mr. MOORE. I am going to say something about the industrial conditions in the gentleman's State in a day or two, but I am referring now to the Industrial Workers of the World and others who may or may not respect the law.

Mr. WEBB. Does the gentleman mean the "I won't work" people?

Mr. MOORE. I believe the gentleman to be the friend of labor, as I believe all of us want to be, but I think most men in a great House like this, a deliberative assembly of the people's representatives, ought to be fair to all labor. We ought to deal with all of the workers of the land without specializing a few. It is a question whether under the badge of organization we are bound to pass laws here covering 30,000,000 wage earners in this country, most of whom are unorganized and not represented here at all. I question whether the hundred millions of people of this country do not look to this Congress to deal fairly with every man who has a right to protection under the Constitution of the United States.

Mr. WEBB. Mr. Chairman, while I like to hear my friend talk——

Mr. MOORE. Oh, I know, and thank the gentleman, but I have gotten in a little of something that ought to be said.

Mr. WEBB. After that beautiful piece of eloquence, I will ask the gentleman if he did not vote for the amendment which I offered yesterday?

Mr. MOORE. Which amendment?

Mr. WEBB. The amendment providing for the exemption of labor organizations and farmers' organizations.

Mr. MOORE. I was not here yesterday when that vote was taken. There are certain legal phases of that question which are open to dispute, but if I believed his amendment was in favor of a legal classification of labor against other classes of labor, I would have voted against it.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MURDOCK. Mr. Chairman, I do not think the gentleman completed that colloquy. The gentleman from Pennsylvania [Mr. MOORE] indicates that he might have done differently from the other 207 of us.

Mr. MOORE. I think the 207 ran away like a flock of sheep yesterday. They were terrorized, too much terrorized to do the business of this country for a hundred million people, rather than for the few gentlemen who seem to hold this House in the hollow of their hands.

Mr. MURDOCK. The gentleman, then, would have voted against this proposition?

Mr. MOORE. I think I would have voted against almost anything the gentleman from Kansas brought in, because he does not know legislation or the rights of the people.

Mr. WEBB. Mr. Chairman, I yield the floor. How much time have I used?

The CHAIRMAN. Five minutes.

Mr. VOLSTEAD. Mr. Chairman, I yield four minutes to the gentleman from Michigan [Mr. MACDONALD].

Mr. MACDONALD. Mr. Chairman, just a word in regard to what the gentleman from Illinois had to say, facetiously, I presume, as to the position of the Progressive Party upon the amendment yesterday. In view of the fact of the condition of the Republican Party upon this trust legislation, as is shown by the varying minority reports that are filed by the Republican members of the Judiciary Committee, it seems to me that it ill becomes the gentleman from Illinois to comment upon any diversity of opinion upon any branch of this subject.

Mr. Chairman, the amendment that has been suggested here by a number of gentlemen, involving the use of the word "or" in line 23, unmistakably makes a new class of cases that will be included if the word "or" or language substantially accomplishing the same purpose is inserted. And I want to call attention again to the fact that has been mentioned by my colleague from Kansas, and that is that this becomes doubly important in view of the use of the word "such" in line 6 of the

Mr. MURDOCK. I hope the gentleman is right.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. GARDNER. I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. GARDNER. Now, will the gentleman from Kansas listen to me? He wishes to insert the word "or" before the word "involving," and that would make the clause read as follows:

SEC. 18. That no restraining order or injunction shall be granted * * * in any case * * * between employees * * * or involving or growing out of a dispute—

And so forth.

In other words, if an employee had a case against another employee, no matter what the cause, whether a labor dispute or anything else, under the gentleman's amendment no restraining order could issue. I believe the gentleman from Kansas is correct when he says that strikers are not employees; but I suggest an amendment which I think may fix it properly. In line 21, after the word "employees," insert the words "or persons seeking employment," so as to read:

That no restraining order shall issue in any case between employer and employees or persons seeking employment.

If the men were on strike, they would be seeking employment. Would not that amendment remove the difficulty?

Mr. MURDOCK. I suppose it would if you define persons seeking employment as referring to strikers. Yes; I think it would.

Mr. GARDNER. The same amendment must also be inserted in line 21, after the word "employees." I think if the gentlemen on the Judiciary Committee will turn their minds to the matter they will see that there is something in the contention of the gentleman from Kansas.

Mr. GORMAN. Will the gentleman yield?

Mr. MURDOCK. Yes.

Mr. GORMAN. I have listened to the discussion with a great deal of interest, and have given some study and thought to the question. I have discussed it also with some Members. I had in mind, when the committee amendment was disposed of, to suggest an amendment which I hope the committee will adopt. I think the gentleman from Kansas has suggested a weakness that ought to be corrected. The amendment I had in mind to propose is, on page 35, line 21, after the word "employee," insert "or persons between whom the relation of employer and employee is temporarily suspended because of a strike or lockout."

As I view it, a man on a strike has not necessarily terminated his employment, but the employment is temporarily suspended. But it might be construed that it was a complete cessation.

Mr. WEBB. He is seeking employment.

Mr. GORMAN. It might be construed differently.

Mr. MURDOCK. I think the gentleman's amendment would include my suggestion.

Mr. DICKINSON. Mr. Chairman, if the gentleman will yield, I want to call attention to the language that strikes me may cover the situation. On page 35, line 23, suppose you were to add the words "or desiring" between the word "seeking" and the word "employment," in line 23. Would not that help the situation?

Mr. MURDOCK. I did not catch the language.

Mr. DICKINSON. In line 23, before the word "employment," insert "or desiring," so it shall read "seeking or desiring employment." I do not think that parties who are not either seeking employment or desiring employment, but who are simply creating trouble without wanting employment, ought to have any protection under this law, but those seeking or desiring employment should be protected.

Mr. MURDOCK. That would introduce a new element, and I am not prepared to say whether I would like it or not.

Mr. DICKINSON. If you put in the word "desiring" or "wanting employment," that would broaden it and cover that class of men who would strike and want employment, but leaves out that class of men who are trying to interfere between the employer and employee and do not want to work at all, and I suggest the addition of the words "or desiring employment."

Mr. DECKER. Mr. Chairman, I would like to ask the gentleman from Kansas if he would not make that plainer and entirely clear it up, and I would like to have the attention of the gentleman from Massachusetts [Mr. GARDNER] in connection with the point he raised. Would it not be better to insert, before "involving," the following words: "or in any case," so that the section would then read:

That no restraining order or injunction shall issue in any case between the employer and employees or between employers and employees or between employees, or between persons employed and persons seeking employment, or in any case involving or growing out of a dispute—

And so forth. Now, the reason for that is this: As I understand this section, the word "involving" modifies the words "in any case."

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. MURDOCK. The gentleman can take the floor in his own right.

Mr. DECKER. I will move to strike out the last word. Mr. Chairman, the trouble with the section, and the only trouble, is the word "involving" modifies the words "in any case," but being at the end of the paragraph and so far from the words "in any case," it might, at first reading, be thought to modify the word "employment," which it follows, and so I think the amendment should be "or in any case," inserted before the word "involving."

Mr. GARDNER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will state that debate is exhausted on a similar amendment.

Mr. GARDNER. But I move to strike out the last word.

The CHAIRMAN. The Chair has stated that an amendment is already pending to that effect.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the amendment to strike out the last word be withdrawn.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

Mr. GARDNER. Now, Mr. Chairman, I move to strike out the last two words. The amendment suggested by the gentleman from Missouri is the same amendment suggested by the gentleman from Kansas, only in a different form. It has the effect of which I complained in the case of the amendment offered by the gentleman from Kansas. The effect of inserting the language which the gentleman suggests would be that no restraining order could be granted by any court of the United States in any case between employees, whether the dispute referred to a labor difficulty or to some other kind of difficulty.

The result of the gentleman's wording is the same as the result of the wording suggested by the gentleman from Kansas. It would forbid the issuing of a restraining order in any case between employees, no matter what the cause was. The dispute might perhaps refer to the blocking of a water course. I suggest to the gentleman from Missouri that perhaps the words "or persons seeking employment" would not cover strikers inasmuch as strikers would not necessarily be seeking employment. Not being a lawyer, I feel a good deal of doubt as to my wisdom in making suggestions of this sort, but I suggest, in order to clear up this section and to leave the wording beyond peradventure of a doubt, that the members of the Judiciary Committee ought to insert some words in this section which would embrace strikers engaged in contest with their employers under the significance of the word "employees."

Mr. HULINGS. Will the gentleman yield?

Mr. GARDNER. Certainly.

Mr. HULINGS. What is the gentleman's idea of the effect if you simply strike out all in line 20 after the word "case" down to and including the word "employment," in line 23, so that it would read:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning terms or conditions of employment.

Mr. GARDNER. Now, I am not at all sure but what that is a solution of the whole question.

Mr. PHELAN. Will the gentleman yield?

Mr. GARDNER. Yes.

Mr. PHELAN. Let me ask the gentleman if this will not take care of the whole thing? By changing the order of this clause what it really means is this:

That in any case involving or growing out of a dispute concerning terms or conditions of employment between employer and employee—

And so forth.

Now, that covers the case of strikers, because the case originally grows out of a dispute between the employer and employee. I think that is just what it means, but the order of the words should be changed for clearness. It says in any case between employer, and so forth, whereas it means a dispute arising between employer and employee concerning terms or conditions of employment.

Mr. GARDNER. I see the gentleman's point, and it strikes me as being very ingenious. The dispute, of course, must have originated when the strikers were still employees.

Mr. PHELAN. The case where a dispute arises is in the case of a strike. If the word "employee" does not include a striker, it does not mean anything in this case, but it would simply mean there shall not be a restraining order between an employee and the man at present employed.

Now, if you change the order of that wording I believe the whole thing will be taken care of and there will be no misunderstanding.

Mr. GARDNER. The gentleman is right in the idea that when the dispute arose it was between the employer and employees, but it has been suggested by one of the gentlemen near me that many times people are engaged in a strike who never were employees of the employer with whom the dispute arose. At the same time, so long as the whole matter arises out of a dispute between employers and employees, it seems to me that that is where the suggestion of the gentleman from Massachusetts is pertinent, and that is what we are trying to arrive at.

Mr. PHELAN. The section does not say you shall not have a restraining order against employees. It says you shall not have a restraining order where a dispute arose between employers and employees, and it does not classify those against whom the order is to be made.

Mr. GARDNER. I think the gentleman's idea is a good one.

Mr. WEBB. Mr. Chairman, I will ask the gentlemen of the committee if we can not come to a limitation of time to the convenience of all. We have spent a good deal of time, and I am afraid we are splitting hairs.

Mr. MURDOCK. The gentleman from Pennsylvania [Mr. HULINGS] will speak for 5 minutes and the gentleman from Michigan [Mr. MACDONALD] will offer an amendment.

Mr. MANN. We want half an hour on this side.

Mr. WEBB. Is not that too long?

Mr. MANN. It may be; but still we want it.

Mr. STAFFORD. It is not all on the word "or."

Mr. MURDOCK. No; it is not on the word "or" entirely.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that the debate on the pending section and amendments thereto close in 50 minutes; 30 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 20 minutes by myself.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that all debate on the pending section and amendments thereto close in 50 minutes; 30 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 20 minutes by the gentleman from North Carolina [Mr. WEBB]. Is there objection?

There was no objection.

The CHAIRMAN. If there is no further discussion——

Mr. VOLSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for 5 minutes.

Mr. MANN. Mr. Chairman, we were told by the distinguished gentleman from Texas [Mr. HENRY] that this amendment had been submitted to the President, and met his approval. We have not yet been told by the distinguished gentleman from Kansas [Mr. MURDOCK] that this amendment has been submitted to Col. Roosevelt [laughter], although a few days ago the papers all carried the statements, repeated day after day, that the gentleman from Kansas and the members of the Progressive Party were going over to New York to find out what their attitude was on these labor amendments. [Laughter.]

We know that the Democratic side of the House does not know what its attitude is until the matter has been submitted to the President, and we were told that the Progressive Members of the House did not know what their attitude was until they had had a chance to consult Col. Roosevelt. Evidently, when the gentleman from Kansas went over and saw "the colonel" he did not derive very much comfort and did not get the information which he sought on this labor amendment, for yesterday, when the gentleman from Michigan [Mr. MACDONALD] offered an amendment to exempt all labor organizations and farmers' organizations from the operation of the antitrust laws, his colleague from Michigan [Mr. WOODRUFF], the other Progressive Member from that State, did not vote with him, and the chairman of the congressional committee of the Progressive Party, a very distinguished gentleman of this House, for whom I have a high regard, my colleague [Mr. HILLIAMS], did not vote with the gentleman from Michigan on his amendment. So I take it that when my friend from Kansas [Mr. MURDOCK] went to New York and asked "the colonel" what the gentleman from Kansas thought [laughter] on the subject of these labor amendments the colonel was not able to tell the gentleman from Kansas, and hence the Progressive Party yesterday was split up the back. [Laughter and applause.]

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly; even for an explanation. [Laughter.]

Mr. MURDOCK. I know the gentleman from Illinois is a very busy man. I will ask him if he has ever read the Progressive platform on this proposition?

Mr. MANN. Oh, that would not make any difference, whether I had or not.

Mr. MURDOCK. The platform is very specific, and I want to say to the gentleman from Illinois, if he will let me answer all his question, that "the colonel" stands on the Progressive platform, and the Progressive platform is all right.

Mr. MANN. How was it, then, that yesterday, when the gentleman from Michigan [Mr. MACDONALD] offered an amendment and voted one way, the other gentleman from Michigan [Mr. WOODRUFF], his compatriot Progressive, voted the other way, and that the gentleman from Kansas [Mr. MURDOCK], the leader of his party on the floor, voted one way and the gentleman from Illinois [Mr. HINEBAUGH], the chairman of the congressional committee of the Progressive Party, voted the other way? [Laughter.] Evidently they did not know how to read the Progressive platform [laughter], or else in that respect, as in many others, no one can tell, after reading it, what it means. [Renewed laughter.]

Mr. MURDOCK. Will the gentleman let me answer that question? He has asked the question why there was a division.

Mr. MANN. I have not asked any question. I have commented upon a fact, though if the gentleman denies the fact I will yield to him.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Kansas?

Mr. MANN. Yes.

Mr. MURDOCK. I will answer the gentleman's question by saying that the members of the Progressive Party, unlike those of the Republican Party and the Democratic Party, are not hog tied in this House. They vote their own sentiments. That is the genius of our party.

Mr. MANN. Exactly. [Laughter.]

Mr. MURDOCK. We leave the individual free.

Mr. MANN. Yes.

Mr. MURDOCK. But I would make this exception, that the gentleman from Illinois—if the gentleman will permit me——

Mr. MANN. I would like to have a little of my own time. The gentleman from Kansas says that the Progressives vote their sentiments. That is true; but they do not know what their sentiments are until after the gentleman from Kansas goes over to New York and asks "the colonel" what the gentleman from Kansas thinks. [Laughter.]

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] is recognized for five minutes.

Mr. TOWNER. Mr. Chairman, referring again to the matter in controversy, I want to call the attention of the committee to this fact: I think the gentleman from Kansas [Mr. MURDOCK] was undoubtedly right in his contention; but I think he is wrong, and others are wrong, in saying that the phrase and others following it "involving or growing out of" refers back to "any case." If that were true, then there would be no necessity for the disjunctive "or."

But I call the gentleman's attention to this fact, that this is a prohibition against any restraining order being granted in cases, first, of a dispute between an employer and employee; second, between employers and employees; third, between employees; fourth, or between persons employed and persons seeking employment.

Now, if you desire another class, you will have to use another disjunctive "or," else the words following it are only qualifying or limiting words to the phrase:

Or between persons employed and persons seeking employment.

There is no question whatever about the grammatical effect of the words—

Involving or growing out of a dispute concerning terms or conditions of employment.

As it now is, it limits the statement immediately preceding "or between persons employed or persons seeking employment," because the words "or between persons employed and persons seeking employment" are one clause, and you should have following that the words "or in cases involving or growing out of a dispute concerning terms or conditions of employment" if you wish the section really to mean what you intend it to mean. I call the attention of the committee also to this fact, that however this may be interpreted, you certainly ought not to allow the comma to follow "of" in line 23, page 35. If you leave it there, it will further cloud the meaning of the section and

Mr. HENRY. Yes; substantially. The amendment was submitted to us, and we agreed that it was correct, and that we must organize to make a fight for it, because the affable gentleman from Illinois had said, when the rule was debated, that he proposed to vote so as to make all the mischief possible for the Democratic Party, and we did not want to be taken unawares. So we were organizing to put this amendment through.

Mr. MANN. But the amendment did not originate with the gentleman.

Mr. HENRY. Oh, well, I have no pride of personal authorship. All I say is that I stand with these men for their amendment, and they ought to be exempted from the provisions of the antitrust laws, and this right ought to be written into all these statutes.

This amendment was submitted, considered, and agreed to in the conference held in the Committee on Rules, and the gentlemen there assembled obligated themselves to support and press it.

Mr. WEBB. Will the gentleman yield?

Mr. HENRY. I yield to the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I ask for an extension of one minute.

Mr. AUSTIN. I ask unanimous consent that it be two minutes. I want to ask a question.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent that the time be extended two minutes. Is there objection?

There was no objection.

Mr. WEBB. As far as the committee are concerned, the first time we ever heard of this amendment was when it was presented to the subcommittee by Mr. DAVID J. LEWIS, of Maryland, a Member of the House.

Mr. HENRY. That is the first time you ever heard of it?

Mr. WEBB. Yes.

Mr. HENRY. I am not taking any issue with the Judiciary Committee.

Mr. WEBB. Certainly not.

Mr. HENRY. I am not going into any controversy with them; but the fact remains that the Judiciary Committee had drawn their sections, 7 and 18, and they were not satisfactory, and we were trying to get together with the Judiciary Committee and shape up this matter so as to prove our friendship for the labor forces of this country and carry out our platform demands. Now, I have no pride of authorship about anything I may have suggested and do not claim anything, but do say we do not want any vague or doubtful history hereafter, and these things ought to be stated here and written down as they occur. Now I yield to the gentleman from Tennessee.

Mr. AUSTIN. In view of a statement in the editorial columns of a Philadelphia paper this morning that the President of the United States has changed his position on this legislation, I wish to know what the gentleman knows in reference to that statement?

Mr. HENRY. Changed his position when and on what?

Mr. AUSTIN. On this labor proposition.

Mr. HENRY. I do not think the President has ever changed his position. I think the President has always been in favor of complying with the Baltimore platform and giving labor everything to which it is entitled. I do not think he has changed his position. You surprise me.

Mr. WEBB. The President has not changed his position with reference to any of these amendments that have been adopted here.

Mr. AUSTIN. What contemplated provision was it that the President threatened to veto?

Mr. HENRY. I never knew of any threats to veto. I think the gentleman must be mistaken about that. The gentleman has got his information from some wild rumor printed in a newspaper.

Mr. AUSTIN. Printed in the local press here.

Mr. HENRY. Sometimes the local press do not always state things exactly as they occur, because they do not get the correct information. They print what they believe, but sometimes they make mistakes.

Mr. AUSTIN. But the statement was also carried in the Associated Press.

Mr. HENRY. Sometimes the Associated Press is misinformed and has to correct things, and it will have to correct this, because the President is not going to veto this bill.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word.

I think the amendment just offered by the gentleman from North Carolina [Mr. WEBB] undoubtedly strengthens this section; but there are some things about the section that I should like to discover, and I am going to address myself to the gentleman from North Carolina [Mr. WEBB].

The section has two paragraphs, and the first paragraph, which I am going to read in order to get it into the RECORD, is the paragraph fixing jurisdiction in granting exemptions. It reads as follows:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

Now, Mr. Chairman, I have compared this paragraph with former proposals, and in the Pearre bill and in the Wilson bill as amended——

Mr. MACDONALD. And also in the Bartlett bill.

Mr. MURDOCK. The gentleman from Michigan correctly says "also in the Bartlett bill"; but not in the Clayton bill. There was included, before the word "involving," as is now found, in line 23, on page 35, the word "or," which seemed to extend the area of this provision of exemption. The exemption proposed under the terms of this bill is to extend to any case—

Between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment.

Now, the inclusion of the word "or" before the word "involving" would, I think, undoubtedly increase the area of the exemption granted to labor. I will not ask the gentleman to answer me just now, but I will ask him to answer me a little later on, when I have also called his attention to the fact that the second paragraph of the section is tied to the first paragraph by the inclusion of the word "such" before the word "restraining" in line 6, page 36, for the second paragraph begins as follows:

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be—

And so forth.

Now, that second paragraph, while granting certain rights, is so tied to the first paragraph that there is a probability, to my mind, that you have narrowed the exemption you intended to offer, because the abuse of the injunctive process occurred, as the gentleman knows, in a majority of cases in connection with strikes; and it seems to me the relation of employer and employee ceases when there is a strike, and strikers are not included here. The strikers are no longer employees, and the exclusion of the word "or," it seems to me, takes out of the purview of the first paragraph of exemptions the right of the striker.

Mr. WEBB. No; I think the gentleman is mistaken.

Mr. MURDOCK. I hope the gentleman has followed me. I think the point has merit.

Mr. WEBB. Mr. Chairman, I am sorry that this argument appears to me to be extremely technical. I can not understand the difference.

Mr. MURDOCK. I know; but that is a general statement. I suppose the gentleman believes that he has done that in this case. In the former bills, in the amended Wilson bill and in the Pearre bill and latterly in the Bartlett bill, the word "or" was inserted before the word "involving," and that seemed to extend the exemption granted to a case of strikers, who are no longer employees. I will ask the gentleman if he believes that strikers having struck are still in the relation of employees to a former employer? They may have been discharged.

Mr. WEBB. Exactly. Then what further does the gentleman want?

Mr. MURDOCK. It does not seem to me the definitions the gentleman has given there in the first paragraph—

In any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment—

and so forth, includes the case of a striker. I do not believe you can find it in those classifications.

Mr. WEBB. How would the gentleman include his suggestion?

Mr. MURDOCK. By including the word "or," and making it read:

In any case between an employer and employees, etc., or involving or growing out of a dispute—

And so forth.

Mr. WEBB. We have the word "involving" in the section now.

Mr. MURDOCK. Yes; but without the word "or" preceding it you do not include strikers.

The CHAIRMAN. The time of the gentleman from Kansas has expired.

Mr. BORLAND. Mr. Chairman, I ask unanimous consent that the gentleman have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BORLAND. Is it not sufficient where it says "or growing out of a dispute"?

Mr. MURDOCK. If the word "or" were inserted, it certainly would be, but without the word "or" I do not believe it is. I am going to ask the gentleman if he will accept that amendment?

Mr. WEBB. Mr. Chairman, I could not agree to that. I think the phrase "involving or growing out of" is sufficient. I think that would include a strike, and that is what we intend it to include.

Mr. MURDOCK. Why not be certain about it by including the word "or"?

Mr. WEBB. I think the use of that word might make it uncertain.

Mr. MURDOCK. I would like to have the gentleman explain to me in what way it would make it uncertain.

Mr. WEBB. I will say to the gentleman that we have gone over this very carefully and drawn the section, having in view the decisions on the matter, and we passed it through this Congress two years ago just as it is written, although the gentleman was not here to vote for it, I believe, by a vote of 243 to 18, and I should feel loath to change the wording of it now.

Mr. MURDOCK. Will the gentleman take time to explain to me, and I will be obliged to him if he will, how strikers are included in this definition as given at the bottom of page 35 without the inclusion of the word "or," before the word "involving"? I would like to know if an employee who has severed his connection with an employer is still an employee; and if he is, how can you include him in this paragraph?

Mr. WEBB. After he has ceased work he cares nothing more about the relation, provided he can not be compelled to go back to work, and we do not permit that in the bill. He could not be punished for persuading others to do likewise, and how would the word "or" help the situation?

Mr. MURDOCK. But these prohibitions against the use of the injunctive process are confined to the classes of cases set forth in the first paragraph of section 18, and that does not include strikers.

Mr. WEBB. It covers the entire field of strikes, primary boycott, and everything incident to a strike.

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. BUCHANAN of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for another two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MURDOCK. I yield to the gentleman from Illinois.

Mr. BUCHANAN of Illinois. Mr. Chairman, my understanding is that strikers are employees who are seeking work under different conditions than they were working under when they struck. Strikers are really seeking work, but they are seeking their positions back under conditions which they desire.

Mr. MURDOCK. I do not think the gentleman can read that into the proposition.

Mr. BUCHANAN of Illinois. I do not think that as long as judges are going to construe laws in the narrowest possible way against labor that we will ever get anything right.

Mr. MURDOCK. That is what I am trying to guard against. I would like to ask the gentleman from Illinois if he can read into those various definitions of classes of cases where the position of a striker is included, and if the gentleman from Illinois realizes that the second paragraph of section 18 by the use of the word "such" in line 6 may narrow the very privileges that the gentleman is trying to expand?

Mr. BUCHANAN of Illinois. I would construe or define a striker as one seeking work under different conditions. As long as he is on strike he is certainly desirous of going back to work again on different terms. He is an employee until his place is filled, and as far as my understanding of it goes, while I do not believe we ought to leave any opening at all in regard to this, because our experience is that the judge has always put a narrow construction upon it——

The CHAIRMAN. The time of the gentleman from Kansas has again expired.

Mr. GARDNER. Mr. Chairman, I ask unanimous consent that the gentleman may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GARDNER. Mr. Chairman, where does the gentleman from Kansas suggest the insertion of the word "or"?

Mr. MURDOCK. Before the word "involving," in line 23, page 35, and I want to say to the gentleman from Massachusetts that my point was this: I may not have made it plain. The various definitions of classes of cases immediately preceding that line in the bill do not, to my mind, include strikers, and the abuse of the injunctive process which we are seeking here to cure has in the great majority of cases arisen from strikes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman allow me to ask him a question?

Mr. MURDOCK. Yes.

Mr. GRAHAM of Pennsylvania. Would not the insertion of the word "or" before the word "involving" destroy the symmetrical construction and the real meaning of the sentence, because you must go back in reading this section to the beginning and, skipping over what I shall omit, read it in this way:

That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case involving or growing out of a dispute concerning the terms or conditions of employment.

That is what it means.

Mr. MURDOCK. Now, if the gentleman will follow me, what I am attempting to do is to read that paragraph in this way:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, or in any case involving or growing out of a dispute—

And so forth.

In other words, we want to add another class of cases to those already in the bill.

Mr. GRAHAM of Pennsylvania. I suggest to the gentleman that he has all of that in the language of the section as it now stands, because it reads, beginning at the beginning and proceeding on to line 20—

In any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment involving or growing out of—

And so forth.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. FLOYD of Arkansas. I desire to state that the insertion of the word "or" before "involving" would not improve the section, but, to my mind, would complicate it. "Involving" relates back to "case," and if you insert the word "or" I do not know what it would relate to.

Mr. MURDOCK. I grant that "involving" does refer back to "case," but by the inclusion of the word "or" you would make a new class of cases and include strikers. The gentleman from Arkansas knows that under this paragraph there are several kinds of classes to which are granted exemption; that is, cases between employer and employees, between employers and employees, and between two sets of employees, and between persons employed and persons seeking employment; but none of these classes of cases, to my mind, include strikers. And it was the strike which caused this proposition to be offered.

Mr. FLOYD of Arkansas. There is where I take issue with the gentleman.

Mr. MURDOCK. Will the gentleman explain how strikers are included?

Mr. FLOYD of Arkansas. I will give the gentleman my construction of it.

Mr. MURDOCK. I would like to hear it.

Mr. FLOYD of Arkansas. The provision reads:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment—

And so forth.

I think in every case of a strike where the purpose of the strike relates to the terms and conditions of employment it is included in the language of the bill. I can not agree with the gentleman from Kansas that when strikers temporarily quit work, demanding better terms and conditions before they resume, that the relation of employer and employee has ceased. It may have ceased temporarily, but this broad language used in the provision would undoubtedly include them.

Leonard Davis Frescoln, of Pennsylvania.
Oscar Amadeus Hansen, of Illinois.
John Everett Hewitt, of Kansas.
Allen Jones Jervey, of South Carolina.
Homer Hill Lewis, of Pennsylvania.
William Hay McLain, of West Virginia.
Robert Daniel Maddox, of Ohio.
Irwin Beede March, of California.
Harry Stoll Mustard, of South Carolina.
John Henry Wallace Rhein, of Pennsylvania.
Michael Joseph Sheahan, of Connecticut.
William Atmar Smith, of South Carolina.
James Evans Stowers, of Maryland.
Julius Frederick Zenueck, of New Jersey.

POSTMASTERS.

IDAHO.

Joseph F. Whelan to be postmaster at Wallace, Idaho, in place of John Joseph Presley.

INDIANA.

William W. Drake to be postmaster at Greenwood, Ind., in place of John H. Van Dyke. Incumbent's commission expires June 10, 1914.

Charles A. Steele to be postmaster at Rising Sun, Ind., in place of Hugh S. Espey.

ILLINOIS.

George Taylor to be postmaster at Evanston, Ill., in place of John A. Childs. Incumbent's commission expired April 15, 1914.

KANSAS.

Uriah C. Herr to be postmaster at Medicine Lodge, Kans., in place of Luther M. Axline. Incumbent's commission expired May 31, 1914.

John B. Kay to be postmaster at St. John, Kans., in place of Herbert J. Cornwell. Incumbent's commission expired May 31, 1914.

George E. H. Six to be postmaster at Lyons, Kans., in place of William M. Jones. Incumbent's commission expires June 14, 1914.

KENTUCKY.

John J. Berry to be postmaster at Paducah, Ky., in place of Frank M. Fisher. Incumbent's commission expired May 18, 1914.

MARYLAND.

Edward A. Rodey to be postmaster at Ellicott City, Md., in place of Clarence H. Oldfield.

NEW JERSEY.

Emery Benoit to be postmaster at Edgewater, N. J., in place of John J. McGarry. Incumbent's commission expired May 31, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 2, 1914.

PROMOTIONS AND APPOINTMENTS IN THE NAVY.

The following-named assistant surgeons in the Navy to be passed assistant surgeons:

James G. Omelvena.
Jasper V. Howard.
Lester L. Pratt.
Clarence C. Kress.
Eueidas K. Scott to be an assistant surgeon in the Medical Reserve Corps.
Richard C. Reed to be an assistant paymaster.
Asst. Naval Constructor Paul H. Fretz to be a naval constructor.
John J. Brady to be a chaplain.

POSTMASTERS.

NORTH CAROLINA.

S. W. Smith, Wilson.

PENNSYLVANIA.

Cornelius P. Reing, Mahanoy City.

WITHDRAWAL.

Executive nomination withdrawn June 2, 1914.

Harry O. De Vries to be postmaster at Ellicott City, in the State of Maryland.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 2, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever living God, our heavenly Father, we thank Thee that the way is always open for larger life and greater usefulness for those who will enter in and avail themselves of the opportunities which wait on the faithful. May it be ours to do of Thy good pleasure, following ever in the wake of Him who "increased in wisdom and stature and in favor with God and man," till we all come unto the measure of the stature of the fullness of Christ, passing from glory unto glory, and Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

ANTITRUST LEGISLATION.

The SPEAKER. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special order, and the gentleman from Tennessee [Mr. HULL] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special rule, with Mr. HULL in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced in the special order of the House. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman, when we adjourned on yesterday evening we had finished reading section 18, and it is now open to amendment, as I understand, and I desire to send forward the following amendment, which is a committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 18, line 23, on page 36, strike out the period and insert a semicolon and add "nor shall any of the acts specified in this paragraph be considered or held unlawful."

Mr. MANN. Will the gentleman explain this?

Mr. WEBB. Yes, sir. If you will notice section 18, it says that in labor disputes no injunction shall be issued restraining a person from ceasing to work, commonly known as striking; no injunction shall be issued against a person for advising or persuading others to quit work—that is, to strike; no injunction shall be issued against a person or persons prohibiting them from assembling peacefully together at a place they may select; no injunction may issue against a person forbidding him to cease to patronize a party to the dispute; no injunction shall be issued against a person or persons or labor organizations forbidding them to pay strike benefits or withhold strike benefits.

Mr. VOLSTEAD. Would not this also legalize the secondary boycott? I want to call the gentleman's attention to lines 16 and 17, on page 36.

Mr. WEBB. Mr. Chairman, I do not think it legalizes a secondary boycott.

Mr. VOLSTEAD. Let me read the lines, if the gentleman will permit. And no such restraining order or injunction shall prohibit anyone—

From ceasing to patronize those who employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do.

Now, does not the word "others" in that instance refer to others than parties to the dispute?

Mr. WEBB. No; because it says in line 15:

From ceasing to patronize or employ any parties to such dispute.

Mr. VOLSTEAD. Can the gentleman suggest as to what the word "others" refers to if it does not refer to others and parties to the dispute? Can there be any doubt this is intended or does, in fact, legalize the secondary boycott?

Mr. WEBB. I will say frankly to my friend when this section was drawn it was drawn with the careful purpose not to legalize the secondary boycott, and we do not think it does. There may be a difference of opinion about it, but it is the opinion of the committee that it does not legalize the secondary boycott and is not intended to do so. It does legalize the primary boycott; it does legalize the strike; it does legalize persuading others to strike, to quit work, and the other acts mentioned in

section 18, but we did not intend, I will say frankly, to legalize the secondary boycott.

Mr. TOWNER. Is it not true, I will ask the gentleman, if these statements, every one of them contained in this paragraph of this section, have been time and time again declared by the supreme courts of the United States not to be illegal or unlawful acts?

Mr. WEBB. Not time and time again by the Supreme Court of the United States, but time and time again by various inferior Federal courts and the Supreme Court.

Mr. TOWNER. By the supreme courts, I said.

Mr. WEBB. Mr. Chairman, we are frank to say in our opinion everything set forth in section 18 is the law to-day.

Mr. VOLSTEAD. But would the gentleman be willing to accept an amendment which would expressly exclude the secondary boycott?

Mr. WEBB. Well, with our present view and understanding of the section we feel it is not necessary to accept such amendment.

Mr. VOLSTEAD. So there can be no doubt as to what it is, and it seems to me that we ought to know just what is intended to write into this law.

Mr. WEBB. The word "others" is confined to the parties to the dispute.

Mr. VOLSTEAD. Others than parties to the suit.

Mr. WEBB. It does not say "others than."

Mr. VOLSTEAD. Read lines 15, 16, and 17, on page 36. It seems to me the word "others" can refer to nobody else but others outside of the parties to the dispute.

Mr. WEBB. There may not be any others and probably will not be, and if there are others they must be parties to the dispute where the strike takes place.

Mr. VOLSTEAD. If the gentleman will accept an amendment, I will offer one.

Mr. WEBB. I will say this section was drawn two years or more ago and was drawn carefully, and those who drew this section drew it with the idea of excluding the secondary boycott. It passed the House, I think, by about 243 to 16, and the question of the secondary boycott was not raised then, because we understood so clearly it did not refer to or authorize the secondary boycott.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. Mr. Chairman, this is a very important amendment that has been offered, and I think the House ought to thoroughly understand it.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Kansas?

Mr. HENRY. Yes.

Mr. MURDOCK. Will the gentleman have the amendment read again, so that we can get it clearly in mind?

Mr. HENRY. Yes. I have no objection.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

At the end of section 18, line 23, page 36, strike out the period and insert a comma, and add "nor shall any of the acts specified in this paragraph be considered or held unlawful."

Mr. WEBB. Mr. Chairman, if the gentleman from Texas [Mr. HENRY] will yield, I would like to have about five minutes more, because most of my former five minutes was taken up by yielding to questions.

Mr. HENRY. Very well. I will resume the floor later.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WEBB. Now, I will say to the gentlemen of the committee, having recognized and legalized the acts set forth in section 18, so far as the conscience side of the court is concerned, the committee feels that no harm can come from making those acts legal on the law side of the court, for anything that is permitted to be done in conscience ought not to be made a crime or forbidden in law.

That is the view we take of it, and that is the reason why we offer this amendment, which provides that the acts and things set forth in section 18 shall not be construed to be unlawful. That is as clear, Mr. Chairman, as I can make it, and I think it covers the section and is easily understood.

Mr. HENRY. Mr. Chairman, I regard this as a very important amendment. Section 18 may be truly regarded as a bill of rights for the labor organizations. This bill was passed through the House before. This section as a separate bill was held up in the Senate. I am glad that we are now about to make it a part of the antitrust program.

Some of us, after reading this section in connection with the other provisions of the general bill, did not believe that it was quite explicit, and that there ought to be some addition to section 18. So, on the evening of May 21 of this year, Mr. KITCHIN, of North Carolina; Mr. TOWNER; Mr. HINEBAUGH, of Illinois; Mr. GRAHAM, of Illinois; Mr. LEWIS, of Maryland; and myself met in the rooms of the Committee on Rules for the purpose of examining this section and certain other sections of the bill, and we came to the conclusion that this amendment which has been offered by Mr. WEBB and accepted by the Committee on the Judiciary should be made a part of the bill.

On that evening we formulated this amendment exactly as it has been tendered, and on Sunday morning submitted it to the American Federation of Labor, because we did not want any misunderstanding about this question. We believed that we ought to make history clear; that there ought not hereafter to be any cloudy or foggy history as there was after the Sherman antitrust law was passed. So in connection with the amendment, which was agreed to as a part of section 7, this amendment was agreed to, and we asked the officers of the American Federation of Labor to submit this amendment to their counsel in order that we might clearly understand it and cooperate with them.

They did so, and they have agreed that this amendment is appropriate and indeed necessary; and we concur with them, and the President and the Committee on the Judiciary has concurred with them, and for a very good reason. Section 18, as originally drawn in connection with the other parts of this bill, should be amended in this respect.

Section 18, in connection with other parts of the bill, only referred to the equity powers of the courts, and we thought that it ought to go further, and that there should be an amendment saying that the things mentioned in section 18, if they were done, should not be illegal, not only as far as the equity courts were concerned but that no court should be able to lay its hands upon the members of the organizations touching the rights guaranteed in section 18.

Now I will yield to the gentleman.

Mr. GRAHAM of Pennsylvania. I understand the gentleman to say that this has been submitted to the Committee on the Judiciary and approved by it. If so, I would like to know when and under what circumstances?

Mr. HENRY. I presume it was. It was submitted to the subcommittee. I have not been in attendance on the meetings of the committee, but suppose it was submitted to the members of the general committee. But this amendment is satisfactory to the American Federation of Labor; it is satisfactory to the President of the United States; and was and is satisfactory to the chairman of the Committee on the Judiciary and the members thereof with whom I have talked; and it ought to be added at the end of section 18 so as to preserve, protect, and perpetuate the rights that are given to labor organizations in section 18, and not only prohibit courts of equity from violating those rights, but also restrain the courts of law from undoing any of those things that we have guaranteed in this section.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from Illinois?

Mr. HENRY. I will.

Mr. MANN. The gentleman has stated that conferences with certain Members of the House agreed upon this amendment and submitted it to the officers of the American Federation of Labor.

Mr. HENRY. Yes.

Mr. MANN. Is it not a fact that the officers of the American Federation of Labor submitted practically this amendment to the gentleman and other gentlemen of the House before this conference met at all?

Mr. HENRY. Yes; that is true, substantially.

Mr. MANN. So that this amendment did not originate, as the gentleman would have us believe—I will not say "as the gentleman would have us believe"—but as we might believe from the gentleman's statement as to this little conference, that this amendment originated with the officers of the American Federation of Labor?

Mr. HENRY. I think those gentlemen desired this kind of an amendment. And we did agree on certain language in two amendments.

Mr. MANN. This is the amendment which the American Federation of Labor submitted to the gentleman, is it not?

Mr. HENRY. Yes.

Mr. MANN. I read:

Nor shall any of the acts specified in this paragraph be considered or held unlawful—

By the courts of the United States?

then used. The way this paragraph reads, there can be no club about it until after this factory is worked to its full capacity and more powder is then needed.

We will suppose, for instance, that you are building a factory for a club, and that you propose to allow certain contracts to be let to private parties. Let us see how this reads:

That in expenditures of this appropriation, or any part thereof, for powder, no powder shall at any time be purchased unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity.

Mr. SWANSON. Mr. President, if the Senator will permit me, this is applicable alone to this appropriation. It can apply only to the appropriation in this bill.

Mr. WARREN. Very true; but this appropriation is for the next 12 months, and we are likely to need to buy powder within those 12 months.

Mr. SWANSON. The $500,000 that is appropriated can not produce an increase in the capacity of the factory under 12 months.

Mr. WARREN. We do not know about that.

Mr. SWANSON. So this provision can not affect the powder that could be made by the increased appropriation of $500,000. It would simply require the factory to be operated to its full capacity now, getting powder at 40 cents instead of paying 53 cents for it.

Mr. WARREN. Mr. President, I am so much a man of peace that if the Senate wants to tie its hands and the House wants to tie its hands and tie the hands of the Government so that it is impossible to buy any arms, any powder or ball or cannon until such time as you may have an immediate necessity for it and have no reserve and then find no one to buy from, because the foreign countries can not sell it to us because it is contraband, and our private works here that you have discontinued using at all or giving contracts to are turned over to the making of commercial powder exclusively, then I must, of course, be satisfied; but that is the direction in which you are legislating, and I think it a dangerous direction.

Mr. KENYON. Mr. President, I should like to ask the Senator from Wyoming whether this is a private factory or a Government factory?

Mr. WARREN. This is a Government factory.

Mr. KENYON. I was not clear as to that.

Mr. WARREN. It seems to me the Government, or those who are in command, say, the Secretary of the Navy and certainly the President of the United States, ought to have the privilege, in case of impending trouble, of buying powder beforehand and storing it and having it on hand when necessary. That would be impossible under this amendment.

Mr. SWANSON. Not at all. Under the provisions of this bill we can not buy powder except in excess of what we can make ourselves.

Mr. WARREN. Yes.

Mr. SWANSON. If we need more powder than we can make ourselves, we buy it. This provision is simply to compel the Government to operate the factory at Indianhead to its full capacity, and we can not use this money to buy powder except such as it can not manufacture.

Mr. WARREN. Yes; but the Senator is laboring under the impression that the buying of arms and powder could be calculated beforehand upon the regular consumption of various departments, we will say; whereas, as a matter of fact, we are at all times in some liability of war, and it would seem as if we are to be more so just now and during the coming year than usual; and this provision absolutely forbids any surplus. If it should seem necessary, there can be nothing bought.

Mr. SWANSON. Oh, if the Senator will permit me, this bill provides for the purchase of 4,000,000 pounds of powder, roughly 3,810,000 pounds. Under the present operation of the Indianhead factory about half of it is made by the Government and half of it is purchased from the Du Pont Powder Co. This provision, which has been carried in the bill, requires the Government to run its Indianhead factory to the full capacity, making the 2,000,000 pounds. It makes it at 40 cents a pound, and for the powder we buy we have to pay 53 cents. It saves 13 cents on every pound of powder. Instead of leaving it to the discretion of the people in the department to run it or not to run it, and to pay 13 cents a pound more than is necessary for powder, Congress has seen fit to say that we shall use this money to make all the powder we can there, which at present is 2,000,000 pounds a year. We do not leave it discretionary with anyone to determine whether we shall buy powder at 53 cents when we can make it at 40 cents.

Mr. WARREN. There is no objection to that. The point I make is that under this legislation and what it implies you can only buy powder after you have an immediate necessity for use over and above what this provides for. In other words, you can make no storage, and in war immense quantities are required and on short notice, and great quantities can not be procured on short notice, but must be provided for long beforehand or the battle is lost.

Mr. SWANSON. This provision simply says that if you want to buy some powder to-morrow you can not buy any more than you need, less what the factory at Indianhead can make to-morrow.

Mr. OLIVER. Mr. President, I should like to have the paragraph read as it will read if the amendment of the Senator from Oregon is agreed to.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

Purchase and manufacture of smokeless powder, $1,150,000: *Provided*, That no part of any money appropriated by this act shall be expended for the purchase of powder other than small-arms powder at a price in excess of 53 cents a pound: *Provided further*, That in expenditures of this appropriation, or any part thereof, for powder no powder shall at any time be purchased except in case of emergency.

Mr. OLIVER. Mr. President, it seems to me that would absolutely shut out the department from the purchase of any powder at all until an emergency arose under which it would be required. I think it is a very unwise amendment and that the paragraph had better remain as it came from the House.

Mr. SWANSON. I fully agree with the Senator from Pennsylvania. If the amendment offered by the Senator from Oregon prevails, it will make it impossible for us to buy next year about 2,000,000 pounds of powder until the new factory has been completed. It will make it impossible even to furnish ammunition for the battleships that we commission next year. It seems to me the provision we have at present in the bill is a sufficient protection to the Government.

Mr. WARREN. I think it is more than sufficient.

Mr. SWANSON. It is ample. The difficulty with the amendment offered by the Senator from Oregon is that if that prevails, next year, when we commission a battleship and desire to equip it with ammunition, we will not be able to do so, because no emergency will exist.

Mr. LANE. Mr. President, I think that is arguing on the assumption that everybody connected with the Government has lost his wits. If the Government officials are building a battleship, and have enough intelligence to construct it, they ought to be wise enough to provide powder for it when it is completed. If they have not, then an emergency will exist, and they can go and buy it. That is ample to cover it.

Mr. SWANSON. Mr. President, if the Senator will permit me, the maximum capacity of the factory at Indianhead is 2,000,000 pounds a year. It might run to two millions and a half. We use about four millions; and this amendment would really prohibit the Government from getting enough powder to equip a battleship.

Mr. LANE. It does not limit it in any way. It allows the Government to go on and produce all the powder it can, and compels it to do so, instead of buying it at private sale. That is my test. Then, if an emergency exists, the Government can go and buy powder, but only in case of emergency. It is designed to put the Government factories to work.

Mr. SMITH of Georgia. Mr. President, I think we all know that the policy of the present Secretary of the Navy is, as far as possible, to construct what is needed for the Navy in Government yards. I am sure of that.

I wish to say here that in voting a day or two ago against the provision which requires one battleship to be built in our own navy yards I did so solely because I was sure the Secretary of the Navy would build both of them in our navy yards if he could. If I had had any doubt about his doing so, I would have voted to require him to build one of them there. I am not sure that I did not make a mistake in not voting that way, because we might have a Secretary of the Navy later on who would not be disposed to build in our own yards, and I think he ought to do so. I hope we shall build both of our battleships in the near future in our own yards. I think they ought to be built in that way, and I think we ought to make all of our powder that we can.

Mr. LANE. I am willing to concede that the present Secretary of the Navy is an able man, a good man, and also the handsomest Secretary of the Navy we have ever had, but he might die, and I want to fix this law so that in case any accident happened to him we could go on with the work.

Mr. SWANSON. The provision now in the bill directs that the powder factory at Indianhead shall be run to its full capacity. They have there now three shifts of hands, each working eight hours a day all the time, making every ounce of powder they can. If the amendment of the Senator from

Oregon prevails, we can not buy 2,000,000 pounds of powder a year out of this appropriation unless an emergency should arise.

Now, how do we determine what is an emergency? An emergency does not mean lack of powder to equip some battleships. It means war, or something of the kind. These battleships are armed as soon as they are commissioned. The ammunition is put in them, and we do not wait until they are engaged in a conflict or something of the kind. This would simply preclude equipping a battleship when it went into commission.

The bill at present provides that we can not buy any powder unless the Government powder factory is run to its full capacity, which means three shifts a day, which are being run now. The effect of it would be simply to cause a delay in commissioning these ships until the completion of the enlarged powder mill at Indianhead, which I favored, and voted to appropriate $500,000 to construct.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oregon [Mr. LANE].

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. The question is, Shall the bill pass?

Mr. GALLINGER. Mr. President, in former bills there has, as a rule, been an equitable distribution of the appropriations for the several navy yards of the country. I will take but a moment in calling attention to what I think is an inequitable distribution in this bill.

When the bill came from the House there was an appropriation for the Boston yard of $22,000 and a provision to appropriate an unobligated balance of $148,000, making $170,000.

The navy yard at New York was allowed $122,000. This was increased by an amendment to $143,500, with an additional authorization of $85,000.

For the navy yard at Philadelphia, as the bill came from the House, there was $65,000 appropriated, which by an amendment has been increased to $265,000.

The navy yard at Washington, D. C., had no appropriation and by an amendment it is granted $100,000.

The navy yard at Norfolk, Va., had $450,000, which has been increased $200,000, with an added authorization of $2,900,000.

The navy yard at Charleston, S. C., was granted $170,000, which, to my surprise, has not been increased.

The navy yard at Mare Island, Cal., was granted by the House $207,000, which was increased to $257,000, with an added authorization of $50,000.

The navy yard at Puget Sound, Wash., had $155,000 as it came from the House.

The naval station at Key West, Fla., had no appropriation in the bill as it passed the House, but it gets $100,000, with an authorization of $500,000 more.

Mr. President, for some reason or other the navy yard at Portsmouth, N. H., got lost in the consideration of both the Secretary of the Navy and the Committee on Naval Affairs. Turning to page 33, I do find that the amount of $10,000 is given to that yard for repairs and improvement of machinery and implements.

Mr. President, I am not going to find any particular fault with this matter. It is settled. The bill will pass. I shall not obstruct it. But I can not help expressing regret that in a moment of mental aberration and for the purpose of doing a pleasant thing I voluntarily retired from the Committee on Naval Affairs, and as a result I fear that the appropriations for the navy yard in my State have suffered.

I simply desire now to suggest that before another naval appropriation bill appears in the Senate I shall try to cultivate the acquaintance of the Secretary of the Navy and to get on the blind side of the Committee on Naval Affairs of the Senate, in the hope that the Portsmouth Navy Yard may not be entirely forgotten in the future.

Mr. WARREN. Mr. President, I have one suggestion to make. I am rather pleased to see that in the bill $100,000 and over has been provided for the entertainment of visiting naval officers and forces.

We have tried repeatedly heretofore to obtain some relief in Army bills. We have been modest enough to ask sometimes for only $5,000 or $10,000, so that the military representatives from foreign countries could receive some attention or entertainment when visiting this country, and that we should not have to choose between the two extremities of either utterly ignoring such visitors when every other country in Christendom provides for their receiving attention or else we must exact from the general officers and others who happen to be at the post where they may visit that such officers must raise money enough of their own in some way from their salaries or from loans—and they oftentimes run in debt quite largely to obtain the funds with which to entertain—to do for the visiting brethren what other Governments do and what the United States now proposes to do for its naval visitors.

I hope we may hear from the Secretary of War, if he has not already made some estimate, so that in some bill which follows this there may be an appropriation subject to the Secretary of War the same as this is subject to the Secretary of the Navy to enable us to entertain the few foreign army officials who may come to this country under the orders of foreign Governments.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

Mr. THORNTON. I move that the Senate request a conference with the House of Representatives on the bill and amendments, and that the Chair appoint the conferees on the part of the Senate.

Mr. WARREN. Mr. President, I have no personal objection to the motion of the Senator from Louisiana [Mr. THORNTON], but I call his attention to the fact that it is unusual, and we ought to send the bill to the other House and have it ask for a conference. Then in the usual course it gives the papers to the Senate, and they can report the results of conference first.

I notice in the debate in the House a few days since a great deal of fault was found with the Senate Committee on Agriculture because we sent the Agricultural appropriation bill over with a request for a conference without giving the House the opportunity of first agreeing or disagreeing, and, if disagreeing, for the House to ask for conference.

My objection to the motion is that it is unusual, and I think it puts the Senate at a disadvantage. The bill with the amendments of the Senate ought to first go to the House, as has been the rule and practice since time immemorial with only very few exceptions, and those of late. Sometimes the House concurs in all the amendments to a bill and then no conference becomes necessary. The House will hardly do it now, perhaps, but we ought not to change the rule and practice.

Mr. THORNTON. My object is to get through with this business as quickly as possible, and therefore I insist on my motion.

The motion was not agreed to.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, June 3, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 2, 1914.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Benz W. Long, of New Mexico, now Chief of the Division of Latin-American Affairs, Department of State, to be envoy extraordinary and minister plenipotentiary of the United States of America to Salvador, vice William Heimke, appointed Chief of the Division of Latin-American Affairs, Department of State.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Capt. Laurence C. Brown, Coast Artillery Corps, to be major from May 27, 1914, vice Maj. Edward J. Timberlake, detailed in the Quartermaster Corps on that date.

First Lieut. Walter Singles, Coast Artillery Corps, to be captain from May 27, 1914, vice Capt. Laurence C. Brown, promoted.

Second Lieut. Edward L. Dyer, Coast Artillery Corps, to be first lieutenant from May 27, 1914, vice First Lieut. Walter Singles, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from May 29, 1914.

George Schuyler Bangert, of New Jersey.
Arthur William Charles Bergfeld, of Texas.
Joseph Hideman Bissell, of New York.
Swithin Chandler, of Pennsylvania.
Leo Ploessar, of California.
Erle Franklin Fisher, of Illinois.

oil storage is provided for in the bill; every item that was estimated for is there; and this item is not estimated for. The committee knew nothing about it.

Mr. GORE. Mr. President, the reason I made the suggestion that the Senator from Massachusetts misapprehended the amendment was the fact that I had offered another amendment which used language which the Senator began to quote. I will say to the Senator that the bill does make provision for the storage of oil at some point in Rhode Island and at Norfolk, in Virginia; I think at the latter place making an appropriation of $150,000 and at the former $20,000. The bill also makes an appropriation for the storage of oil on Puget Sound, carrying $105,000; an appropriation of $100,000 for the storage of oil at San Francisco; and $50,000, I believe, for the storage of oil at San Diego, Cal. There is, however, no provision made for the storage of oil at any point on the Gulf of Mexico. There is at least a remote possibility that there may be some occasion for the use of oil in that vicinity; and as the point referred to in the amendment is in the vicinity of one of the largest oil fields in the United States, it had seemed to me that it would be wise and expedient to provide for the storage of oil in that locality. I hope the Senator from Massachusetts will not insist on his point of order.

Mr. LODGE. Well, Mr. President, I have no objection to having one oil storage tank put on the Gulf, if it is thought to be necessary. It is not estimated for, but I am perfectly willing to withdraw the point of order.

The VICE PRESIDENT. The point of order is withdrawn, and the question is on agreeing to the amendment.

Mr. GALLINGER. I renew the point of order, Mr. President.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. O'GORMAN. Mr. President, I propose to offer an amendment, which I shall send to the desk. Before the amendment is read, however, I desire to call the attention of Senators to a change that I think should be made in the bill. On page 60 there is a provision, beginning at line 9, which reads as follows:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply.

The provision is that no such purchases shall be made if the navy yards are equipped to supply them. Then follow several exceptions, and among them are the following:

Unless such Government plants are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants are unable to complete the work within the time required, and except in cases of emergency.

The purpose of the amendment which I shall have read is that no such purchases shall be made elsewhere, provided the Navy Department can supply them, except when the Government plants are unable to complete the work within the time required, and in cases of emergency. I think those two exceptions are sufficient, and that they should not be extended by the other exceptions, by which, taking them as the words apparently mean, the power is conferred upon the head of the Navy Department in any case to go outside and make his purchases if this language is to be retained.

Mr. LODGE. I should like to hear the amendment. I confess I do not understand it.

The VICE PRESIDENT. The Secretary will state the amendment proposed by the Senator from New York.

The SECRETARY. On page 60, beginning in line 16, after the words "Government plants," it is proposed to strike out the following words:

Are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants—

So that, if so amended, the paragraph will read:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, unless such Government plants are unable to complete the work within the time required, and except in cases of emergency.

Mr. WARREN. Mr. President, I do not oppose the amendment, but I should like to call the attention of the Senator proposing it to page 18, line 18, and the language following, which reads:

Purchase and manufacture of smokeless powder, $1,150,000: *Provided*, That no part of any money appropriated by this act shall be expended for the purchase of powder other than small-arms powder at a price in excess of 53 cents a pound:

But the crux of the case is in the following language:

Provided further, That in expenditures of this appropriation, or any part thereof, for powder, no powder shall at any time be purchased unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity.

I only suggest that the same attention which the Senator is giving to the paragraph which he proposes to correct should be given, I think, to that.

Mr. O'GORMAN. I see no inconsistency between those two provisions. They can be read together and are quite in harmony.

The VICE PRESIDENT. The question is on agreeing to the amendment submitted by the Senator from New York.

Mr. SWANSON. I make the point of order against the amendment that it is general legislation.

Mr. O'GORMAN. I do not know——

Mr. LODGE. The amendment proposes to strike out the text of the bill.

Mr. SWANSON. The provision proposed to be stricken out is a statute and has been carried in the law for a long time. It is simply, as I understand, a reiteration of the existing law, and is carried in the appropriation bill every year.

Mr. O'GORMAN. Does the Senator offer that as a reason in support of his point of order?

Mr. SWANSON. The provision affects the conditions under which the Government can do its own work. We have appropriated $500,000 for a powder plant; and it seems to me the Government ought to operate it to its fullest extent, except when powder can be purchased elsewhere. I do not know the purpose of the amendment or the effect of it.

The VICE PRESIDENT. The Chair does not know either; but the Chair thinks that a motion to strike out from the bill is always in order.

Mr. SWANSON. Not if it is a general statute which is proposed to be stricken out and the amendment changes existing law.

The VICE PRESIDENT. The language could be stricken out of the bill without being stricken out of the statute.

Mr. LODGE. Mr. President, if I may be heard for one moment on the point of order, the provision which the Senator from New York seeks to strike out is a part of the House bill and is open, of course, to amendment in any form, to strike out, to change, or to in any way modify.

Mr. SWANSON. The point I make is this: As I understand, this provision is a general law governing certain purchases made by the Government; it is a general statute, and is simply carried in the appropriation bill. The amendment of the Senator from New York would change existing law in connection with Government purchases and Government work.

Mr. LODGE. It is a provision carried in the Naval appropriation bill from year to year.

The VICE PRESIDENT. The point of order is not well taken. The question is on agreeing to the amendment submitted by the Senator from New York.

The amendment was agreed to.

Mr. O'GORMAN. I offer another amendment, to which the attention of the Senate was called a day or so ago by the Senator from Iowa. On page 58, beginning at line 18, there is this provision:

The Secretary of the Navy shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

I seek to amend that by providing that "except where otherwise directed" the Secretary of the Navy may do so and so. If the language remains as it is on page 58, he might have a power which would nullify an express provision on a preceding page instructing him with respect to the construction of the two battleships.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. O'GORMAN. I ask that the amendment be read.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 58, line 18, before the words "Secretary of the Navy," it is proposed to insert "except where otherwise directed," so as to read:

Except where otherwise directed the Secretary of the Navy shall build—

And so forth.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, whatever difference of opinion may exist as to the advisability of the Government establishing an armor-plate plant or of adopting the recommendation of the Secretary of the Navy that we should provide for the Government furnishing and refining its own oil for the use of battleships, I am sure that there can not be any difference of opinion among Senators as to the value of any proposition that will protect the integrity of the work done under contract for the Government.

Abundant evidence has been developed in the investigations made from time to time by Congress that the Government has been defrauded on work performed for it by private parties, and I am going to offer an amendment that I think will aid in protecting the Government from being imposed upon in the carrying out of its contracts with private parties for the furnishing of armor plate and other munitions of war. It may possibly be subject to a point of order as general legislation, but I am sure no Senator here will feel it to be his duty to invoke the rule against an amendment that will aid in securing honest work from Navy contractors. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, line 20, after the word "each," it is proposed to insert the following:

Any person who shall first inform of the cause, matter, or thing whereby any fine, penalty, or forfeiture shall be recovered from any person, firm, or corporation engaged in a combination or conspiracy to defraud the Government of the United States in the construction, or in the quality of any of the materials used, armor or armament of said battleships, or in any war material purchased by the Government of the United States, shall receive from any moneys in the Treasury of the United States not otherwise appropriated a sum equal to 10 per cent of the amount of such fine, penalty, or forfeiture collected. The informer entitled to receive such payment shall be ascertained by the court which shall have imposed or decreed any such fine, penalty, or forfeiture.

Mr. GALLINGER. Mr. President, I do not rise to make a point of order against the amendment. I think the purpose of it is laudable; but I had supposed that the principle of moieties had been pretty well abandoned in this country. I will ask the Senator if that is not a fact?

Mr. LA FOLLETTE. I have drawn this amendment, Mr. President, upon several existing statutes. It is modeled after laws that are now on the statute books.

Mr. GALLINGER. I know that not long ago it was customary in our customs service to grant moieties for discovering smuggling, for instance; but the Government, I think, has entirely abandoned that policy, and I have an impression that of late years the practice has been not to encourage that sort of thing.

Mr. LA FOLLETTE. I have simply adapted the statute which is a part of the internal revenue law to this bill.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMITH of Georgia. I should like to hear it stated once more, with special reference to the informer feature. Of course, the amendment is open to objection. It goes out if anybody objects to it. I should like to catch the informer feature a little better.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 56, at the end of line 20, it is proposed to insert:

Any person who shall first inform of the cause, matter, or thing whereby any fine, penalty, or forfeiture shall be recovered from any person, firm, or corporation engaged in a combination or conspiracy to defraud the Government of the United States, in the construction, or in the quality of any of the materials used, armor or armament of said battleships, or in any war material purchased by the Government of the United States, shall receive from any moneys in the Treasury of the United States not otherwise appropriated, a sum equal to 10 per cent of the amount of such fine, penalty, or forfeiture collected. The informer entitled to receive such payment shall be ascertained by the court which shall have imposed or decreed any such fine, penalty, or forfeiture.

Mr. SMITH of Georgia. Is that the whole of it?

Mr. LA FOLLETTE. That is the whole of it.

Mr. WHITE. Mr. President, it occurs to me that that would be a very good amendment if the amount should be deducted from the fine or penalty; but the Government might be called on under this amendment to pay the amount whether the penalty was ever recovered or not.

Mr LA FOLLETTE. The Senator is mistaken about that. It provides that it shall be deducted from the amount collected.

Mr. WHITE. I do not think so. I will ask for the reading of that part of the amendment.

The Secretary read as follows:

Shall receive from any moneys in the Treasury of the United States not otherwise appropriated, a sum equal to 10 per cent of the amount of such fine, penalty, or forfeiture collected.

Mr. LA FOLLETTE. The Senator will observe that it uses the word "collected."

Mr. WHITE. I did not catch the word "collected."

The VICE PRESIDENT. The question is on agreeing to the amendment. All in favor of the amendment will say "aye."

Mr. SMITH of Georgia. I make the point of order on the amendment that it is legislation on an appropriation bill.

Mr. LA FOLLETTE. I think the point of order comes too late.

The VICE PRESIDENT. A point of order, in the opinion of the Chair, can never come too late. The Chair will be compelled to sustain it.

Mr. GORE. Mr. President——

Mr. GALLINGER. Mr. President, if the Senator from Oklahoma will permit me, some time ago I made a point of order against an amendment offered by the Senator from Oklahoma. I desire now to withdraw the point of order and have the amendment again submitted.

Mr. GORE. I wish to express my appreciation to the Senator from New Hampshire. I ask that the amendment may be stated from the desk.

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 26, line 24, after the semicolon and the numerals "$100,000," it is proposed to insert:

For fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000.

Mr. SMITH of Arizona. Mr. President, the amendment proposed by the Senator from Oklahoma stipulates that this point shall be accessible to the oil fields. How accessible does he propose to have it to the sea?

Mr. GORE. I will state that the location of the storage tanks or facilities is left discretionary with the Secretary of the Navy. They may be placed at Port Arthur, Tex., or Galveston, Tex., or Aransas Pass, or any of those points, or wherever, in the judgment of the Secretary, they would be most desirable.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LANE. I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 18, line 24, it is proposed to strike out all after the word "purchased"——

The VICE PRESIDENT. Does the Chair understand that the rest of the bill is to be stricken out?

Mr. LANE. No; all on that page.

The SECRETARY. It is proposed to strike out all on that page after the word "purchased" and to insert "except in case of emergency."

Mr. LANE. I think it would be a good idea if we struck out the rest of the bill, but I do not intend to have that done.

Mr. GALLINGER. How would it read if amended?

The SECRETARY. It is proposed to strike out the following words:

Unless the powder factory at Indianhead, Md., shall be operated on a basis of not less than its full maximum capacity.

And to insert:

Except in case of emergency.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. LEE of Maryland. Mr. President, I should like to suggest that this amendment is distinctly in contravention of the theory upon which the increase of $500,000 for Indianhead was requested the other day, as suggested by the Secretary of the Navy. It was distinctly stated on this floor that the Secretary did not necessarily intend to use the plant to hammer private manufacturers unjustly; that it was in the interest of the Navy and of the war efficiency of the United States Government that the private factories should be encouraged to exist upon a reasonable basis; and that the addition to the Government plant was largely for the purpose of obtaining a fair price and of increasing the manufacture of powder in this country when an emergency should so demand.

The amendment just submitted is distinctly contrary to the whole theory of the other amendment and the arguments that were laid before the Senate in its favor.

Mr. WARREN. Mr. President, I do not know whether I understand the remarks of the Senator from Maryland, but the argument on the floor the other day, when this matter was under consideration, was that they wished $500,000 to enlarge the powder factory so that they might have the power not to exclude the business of the Government from private enterprises entirely—they were disposed to patronize them—but they wanted this $500,000 addition to the powder plant to use as a club to enforce low prices. I use the word "club" as it was

that in the building of that ship certain plans and specifications should be followed? It is part of the appropriation. It is part of the very purpose of the appropriation. We are simply directing how the appropriation shall be expended. It would be quite a different thing, however, to add to an appropriation for a battleship a provision relating to agriculture, because that is legislation of a general character.

I maintain that as long as the qualification which we add by way of an amendment bears direct relation to the expenditure of the particular money that is appropriated and comes within the general objects of that appropriation, it is not general legislation at all.

Mr. WARREN. But, Mr. President, the appropriations already made in the bill are for specific objects, each one having its own amount of money and its use. This amendment proposes, in one of the sections, to assemble all of those and make them accessible to draw on for entirely different purposes from those for which we have made the appropriations.

Mr. REED. Accordingly, I claim that when the Senate is called upon to vote six or seven million dollars for a battleship it can lay down the rule by which that money is to be expended without being guilty of general legislation. It is not general; it is special. It is a special direction and qualification applied to that particular item of appropriation. It is a mere limitation upon the appropriation.

I wish first to try to make that point plain, if I am correct in it. I may be in error, but I feel very confident of it. Then I wish to proceed to the other questions that have been raised by the Senator.

In the Precedents of the Senate, at page 54, is this item:

No subject is more widely discussed in the Senate during the consideration of appropriation bills and amendments thereto than the question, "What is general legislation on a general appropriation bill?"

The Century Dictionary says:

"General legislation, that legislation which is applicable throughout the State generally, as distinguished from special legislation, which affects only particular persons or localities."

"Or a particular subject matter" might have been added.

"Local legislation, local statute, such legislation or statute as is in terms applicable, not to the State at large, but only to some district or locality and to the people therein."

Bouvier (vol. 1, p. 877): "General law (legislation), laws which apply to and operate uniformly upon all members of any class of persons, places, or things, requiring legislation peculiar to themselves in the matters covered by the laws." "Statutes which relate to persons and things as a class. Laws that are framed in general terms, restricted to no locality, and operating equally upon all of a group of objects which, having regard to the purpose of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves."

Now, a little further:

"'General,' with reference to the subject matter of the statute, is synonymous with 'public' and opposed to 'private,' but with reference to the extent of territory over which it is to operate, is opposed to 'local' * * * and means that the statute to which it applies operates throughout the whole of the territory subject to the legislative jurisdiction." * * * "Further, when used in antithesis to 'special,' it means relating to all of a class instead of to men only of that class." * * * "In deciding whether or not a given law is general, the purpose of the act and the objects on which it operates must be looked to * * *."

I take it that applying that language—which, of course, was written by law writers with reference to statutory law rather than to a point of order—it means that the philosophy of it is this: Whenever an amendment is offered which is not confined to the purposes of the appropriation bill and does not undertake to regulate and control the appropriation bill, but goes outside of that and undertakes to regulate other subjects, it becomes general legislation. But as long as it is confined to the subject which is embraced within the appropriation bill, and directs how the particular appropriation shall be expended, how the books shall be kept, how the accounting shall be had, it is a part of the appropriation bill. It is not general in its character; it is special in its nature; and therefore it is not subject to the point which has been raised.

Now, there are a number of decisions under the different subheads in which this question is discussed. On the Agricultural appropriation bill, in the Fifty-first Congress, on a reported amendment to the Agricultural bill, which reads:

That any manufacturer of sugar from sorghum may remove from distillery warehouses to factories used solely for the manufacture of such sugar from sorghum distilled spirits in bond free of tax—

And so forth. The Senate by a vote of 29 to 23 decided that it was not general legislation on an appropriation bill.

Mr. GALLINGER. But, Mr. President, does the Senator lay great stress upon the decision of the Senate upon a point of order?

Mr. REED. I hope we will be able to lay greater stress as the years go on.

Mr. GALLINGER. Yes.

Mr. REED. I am citing it for just what it is worth. I have no lamp by which my feet are guided except the lamp of precedent.

Mr. GALLINGER. But has not the Senator observed that the Senate frequently decides a point of order without very much reference to the rules?

Mr. REED. I think too often.

Mr. GALLINGER. I think so.

Mr. REED. I admit the value of the Senator's criticism, and therefore I am appealing to the Senate that it now decide this question upon its real merit, not to decide it upon the question whether they want the amendment to pass or not to pass.

Manifestly the citation I have given, if it be good parliamentary law, would admit this amendment, because you will observe that that was an amendment which did not either raise or lower the appropriation, but it added to the bill itself a direction as to the handling of the subject matter with reference to which the appropriation was made.

In the Sixtieth Congress I find this note:

On the question to agree to the reported amendment on page 55, after line 23, viz: "Commission on Country Life: For all necessary expenses to enable the Secretary of Agriculture to digest, compile, and publish the material already gathered by the Commission on Country Life, including the employment of the necessary clerical assistance in the city of Washington and elsewhere, $25,000."

Mr. Kean raised a question of order, viz, that the amendment as amended proposed general legislation to a general appropriation bill, and was therefore not in order.

You will observe that while this amendment had relation to the subject matter for which money was being appropriated and appropriated an additional sum of money, it went further and created a commission, and yet it was held by a vote of the Senate that that could be done. It added a new proposition.

If you can raise the amount or lower the amount, then you ought to be allowed to do those things necessary to the proper raising or the proper lowering or the proper expenditure of that amount. It is not general legislation because it applies to the particular subject matter included within the appropriation bill.

Is it possible that if the House of Representatives sends us a bill appropriating money for six battleships the Senate could not add an amendment requiring one or more of those vessels to be built according to certain plans and specifications or to be built in a Government yard or to carry an armament of a certain size? That is not general legislation. It is legislation which has to do solely and alone with the question how the money is to be expended which we are then and there appropriating. It is not necessary to go as far as was gone in this precedent in order to add these qualifications to the expenditure of the money which we may desire to add.

Under appropriations for the Army in the Fifty-sixth Congress the amendment which was offered was as follows:

All military, civil, and judicial powers necessary to govern the Philippine Islands acquired from Spain by the treaties concluded at Paris on the 10th day of December, 1898, and at Washington on the 7th day of November, 1900, shall, until otherwise provided by Congress, be vested in such person and persons and shall be exercised in such manner as the President of the United States shall direct for the establishment of civil government and for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion: *Provided*, That all franchises granted under the authority hereof shall contain a reservation of the right to alter, amend, or repeal the same.

Mr. Pettus raised a point of order, namely, that the amendment proposed general legislation to a general appropriation bill, and was therefore not in order, under the third clause of Rule XVI.

The President pro tempore submitted the question to the Senate, and the Senate decided the amendment to be in order by a vote of 39 to 23.

I am frank to say, without having examined the bill itself, but assuming it to be a mere appropriation bill, it seems to me that this particular decision went too far. It seems to me that the subject with reference to which Congress was then legislating probably was enlarged by this particular amendment; but it goes to show that the hard and fast rule that the Senate can do nothing to an appropriation bill except to pass it is not the correct rule.

Mr. President, I do not know that I have succeeded at all in making the point that I have in mind clear to the Senate. It seems to me to be clear. I maintain that the term "general legislation" means that class of legislation which does not have relation to the appropriation, which does not provide for the method of its expenditure, which does not provide for the character of accounting, but proposes to go outside of the subject matter and engage in the enactment of some general law which is not confined to the appropriation; but as long as you are confining the question to the appropriation, and determining how the appropriation shall be expended, it is not general legislation.

Accordingly, I hold that if the House of Representatives were to send us a bill containing an appropriation for the purpose of building a fortification at one end of the canal, and the Senate should add a provision that no part of the money shall be expended until a treaty of a certain kind shall have been negotiated, it would not be general legislation, because it affects that particular appropriation. We could provide that no part of the money should be expended for a given time, and it would not be general legislation, because is affected that particular appropriation. But if the bill said nothing whatever in regard to an appropriation for the canal, and was dealing with an entirely different subject, and then we sought to provide that no money should be expended to put in fortifications at the canal until certain treaties had been negotiated, it would be of a general character, and might be subject to a point of order.

Mr. President, so far as that is concerned, I think that is clear. There is another question which has been raised here in regard to the estimates not having been made. There is not a dollar that will be affected by this amendment that has not been estimated for and is not covered by the present estimates.

The VICE PRESIDENT. There is more general legislation than is embraced in the definition of general legislation in Bouvier's Law Dictionary, and some of the things that are defined as general legislation in that dictionary have been held by the courts not to be general legislation.

The Chair is quite satisfied that the ruling of the Chair yesterday upon the amendments as presented then were correct. There is a statute of the United States of America which is applicable to all the officers of the Government, and consequently a general statute, because it applies to a class of people, declaring that they shall not make any expenditure of public money except in accordance with an appropriation made by the Congress of the United States and after an estimate therefor. That is not the exact language, but that is the substance of the statute.

The amendments presented yesterday simply struck out every appropriation in this naval bill and made a lump sum of it and turned it over to the Secretary of the Navy to expend as he pleased, using his own judgment as to what should be done with this fund, that fund, and the other fund, if any charge was to be made at all. But the amendment presented to-day is of a different character. The Chair has very carefully read this amendment, and takes into consideration in ruling upon it the statement of the Senator from Maryland that it is not his intention in the amendment to suffer or permit the Secretary of the Navy to add a dollar for any single purpose except as the same has been appropriated in this bill, and that the sole purpose of the amendment is to permit the Secretary of the Navy hereafter, if he chooses to do so, to make an estimate as to the actual cost of a ship; in other words, to permit him, according to his opinion, to deduct from the $7,800,000 appropriated for one of these ships any sums of money which he thinks ought not to have been legitimately charged up to that ship. But the amendment does not permit him to shift the different appropriations in the bill or to extend it otherwise than the bill itself provides.

The amendment does not, therefore, seem to the Chair to be general legislation. It appears to be simply a special permission in the bill given to the Secretary of the Navy, if he chooses to avail himself of it, to estimate what, in his opinion, one of these battleships did actually cost.

It is not for the Chair to say what value such an estimate as that may have in the future. That is no business of the Chair. The Chair believes that the amendment simply authorizes the Secretary of the Navy at any time when he wants to say what one of these ships cost to deduct from the items that he has paid out in the construction of the ship such items as he thinks ought not to have been legitimately charged against the building of the ship. The Chair overrules the point of order.

Mr. WARREN. Mr. President, the construction that the Presiding Officer gives the amendment is different from what I understood from the portion that I heard read, and as we all ought to know what it is the Chair decided I ask that the Secretary may read the amendment.

The VICE PRESIDENT. The Secretary will read it again. If the Chair believed that the amendment would authorize the Secretary of the Navy to expend any one of the items estimated for and contained in the bill otherwise than as the appropriation is made in the bill, the Chair would sustain the point of order.

Mr. GALLINGER. I should like to hear the amendment read.

The VICE PRESIDENT. The Secretary will read the amendment. There was a modification made by the Senator from Maryland.

Mr. WARREN. I wish it read as it is now before the Senate. I understand from what the Chair has stated that it merely gives to the Secretary the power to estimate what was its cost.

The VICE PRESIDENT. That, in the opinion of the Chair, is what the amendment really means. The Secretary will read it.

The Secretary read as follows:

Any and all items which are appropriated for under the terms of this act shall be expended for and accounted for in accordance therewith. But the Secretary of the Navy, in estimating the actual cost of a ship built by the Government, may deduct from the cost of such ship as built under the appropriation therefor any sums which he deems not just to be charged thereto. This right to so estimate the cost of a ship shall, however, not be construed to affect any change in the purposes of the expenditures herein authorized.

Mr. WARREN. It seems to me that the Senator who offers the amendment should qualify it a little further and say that the Secretary may deduct from the estimated cost. That can be easily effected by adding a word. It reads:

But the Secretary of the Navy in estimating the actual cost of a ship built by the Government may deduct from the cost.

I think it should read that he "may deduct from the estimated cost."

The VICE PRESIDENT. Is there any objection to that modification?

Mr. LEE of Maryland. I object to it for the reason that the cost is the legal cost, and the estimated cost is what we are trying to get at. The cost is provided by this appropriation bill, and to use any other expression would be antagonistic to the appropriation. That is particularly what I am trying to avoid.

Mr. WARREN. The language is a little ambiguous if you do not expect to spend any money and only estimate it. That is the suggestion I have to offer.

The VICE PRESIDENT. The question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KENYON. I offer an amendment as a separate paragraph, to come in on page 61, between lines 7 and 8.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 61, after line 7, insert:

That for the purpose of obviating the growing expenditures by the powers of the world to maintain the military forces of such powers, and to reduce such expenditures, and to secure an agreement by all the formidable nations of the world for the immediate suspension of the present naval-construction program, the President be, and is hereby, empowered to invite delegates from the countries of the world to meet in Washington, in the District of Columbia, in the United States, during the autumn months of the year 1914, to deliberate upon and to take action to secure the approval of such agreement; and to provide for the reception of said delegates and to carry out on the part of the United States the terms and conditions of such agreement a sum sufficient in amount therefor, not exceeding $5,000, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and the Secretary of the Treasury is hereby authorized to pay said sum to the Secretary of State for the disbursement of the same for said purposes.

Mr. THORNTON. I make the point of order against that amendment.

Mr. KENYON. What is the point of order?

The VICE PRESIDENT. The Chair is not advised as to what is the point of order.

Mr. LODGE. It is general legislation, and it is an unestimated item proposed on an appropriation bill.

The VICE PRESIDENT. The point of order is sustained.

Mr. GORE. Mr. President, I offer an amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Oklahoma will be stated.

The SECRETARY. On page 26, line 24, after the numerals "$100,000," it is proposed to insert:

For fuel-oil storage, at some point accessible to the oil fields of Texas and Oklahoma, to be determined by the Secretary of the Navy, $150,000.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Oklahoma.

Mr. LODGE. Mr. President, I make the point of order against that amendment, that it is not estimated for, and that bill contains a provision for storage tanks. This is proposing to vote unobligated balances for a purpose not estimated for.

Mr. GORE. The Senator misapprehends the amendment. I ask that it be again stated, and I hope the Senator will not interpose a point of order against it.

The VICE PRESIDENT. The Secretary will again read the amendment.

The Secretary again read the amendment proposed by Mr. GORE.

Mr. LODGE. I did not misapprehend the amendment. It proposes an item which is certainly not estimated for. Fuel-

at least, that we might regret having indorsed legislation such as has been suggested.

The VICE PRESIDENT. The Chair would like to ask the Senator from Maryland whether this clause—

This right to so estimate the cost of a ship shall, however, not be construed to effect any change in the purposes of the expenditures herein authorized—

is meant to authorize, or is understood as authorizing, the Secretary of the Navy in the construction of a ship to charge to some other appropriation under this bill anything that may either go into the ship or may necessarily be erected or utilized for the purpose of constructing the ship?

Mr. LEE of Maryland. Mr. President, I should say not. It simply authorizes the Secretary of the Navy, as it were, to cancel that latter type of expenditure with reference to the computation of the actual cost of the ship. It does not in any sense affect what he must do under the terms of this act, but, quite the contrary, it is intended to preserve the terms of this act, even should the Secretary exercise the right, which he probably could exercise to-day, of deducting certain items from the cost of the construction of a ship in making an estimate of strict construction costs. Suppose he did make such a deduction, Mr. President, what would be the effect of it? It would complicate the $7,800,000 appropriated for the battleship; that is all; and without authorization for such estimated reduction he might have to ask for a deficiency appropriation or something of that kind.

Mr. CLARK of Wyoming. Mr. President——

Mr. LEE of Maryland. If the Senator will excuse me for one moment, I wish to add that for this reason this amendment tends to strengthen and protect the provisions of this act.

Mr. CLARK of Wyoming. Mr. President, I want to ask the Senator from Maryland a question. I am not familiar at all with the operations of our navy yards or with the construction of ships, and I want to ask the Senator from Maryland, in view of this amendment, whether or not it has been the custom in our navy yards to reckon or charge up against the cost of the construction of a ship any items of expense that do not properly there belong?

Mr. LEE of Maryland. I infer from the general drift of this debate that that has been the fact.

Mr. TILLMAN. I say, unhesitatingly, yes.

Mr. CLARK of Wyoming. That being the case, I should like to know what those items of construction may be that have been improperly charged to the account of the ship? That is the purpose of my inquiry.

Mr. LEE of Maryland. Mr. President, I think the Senator's question is entirely too comprehensive to be answered without consultation with the responsible authorities of the Navy; but it is perfectly obvious that there have been substantial items included in the cost of these ships that tend to create a fictitious appearance of expenditure that somebody wants to keep as a cloud over the situation.

Mr. CLARK of Wyoming. Then, it seems to me, Mr. President, that some action ought to be taken in regard to the officers of our Department of the Navy who make charges against the construction of a ship that do not properly there belong. It does not seem to me that it is a difficulty which we can guard against by law, but it is something for which the officers responsible should be "jacked up."

Mr. HUGHES. Mr. President, I do not think it is possible for anybody to answer the question propounded by the Senator from Wyoming, at least within the limits of ordinary debate; but there is no doubt that costs have been juggled in various yards, and not necessarily with any improper motive. In fact, I do not know of anything more difficult right now than to perfect a correct system of cost keeping in connection with Government construction. I am certain that I myself would not attempt to install a method of fixing costs, and I do not know of anybody who could do so.

Mr. CLARK of Wyoming. No; but if the Senator himself were running a shipyard and building a ship, I have an idea that he would know exactly what that ship cost to turn out.

Mr. HUGHES. I would.

Mr. CLARK of Wyoming. And I do not see how there is any great difficulty, when the Government itself constructs a ship, of ascertaining, as a matter of fact, exactly what the cost of that ship is.

Mr. HUGHES. There are greater difficulties, I will say to Senators in connection with Government construction than in connection with private construction. If I went into the shipbuilding business to-morrow, the first thing I would have to do would be to buy real estate, and on that real estate I would have to construct buildings. Then I would have to install machinery. My bills would show me what that cost was; but the Government is in a different position, and when an attempt is made to discover the overhead costs that should be charged to the Government, experts will differ as to what should properly be included. As I said on another occasion, I remember one instance where overhead charges were juggled to such an extent that a $300 pump was made, apparently, to cost the Government $1,500.

Mr. CLARK of Wyoming. Well, that comes right back to the statement that I made before, that it is altogether the fault and crime of the officer who makes the computation, and we can not by legislation of this sort correct that.

Mr. HUGHES. I would not say that it was a fault or a crime.

Mr. CLARK of Wyoming. I think it is a fault or a crime for any public official to juggle figures in the discharge of his duty. I use the same term the Senator used.

Mr. HUGHES. I would not say that it was a fault or a crime; it may have been a mistake; it may have been a mistake in judgment and it may have been for a perfectly proper purpose at the time; but it would not matter very much what the cost was if we were familiar with the method of obtaining the cost figures. What we need is some standard system of accounting.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Georgia?

Mr. HUGHES. I do.

Mr. WEST. In the overhead charges in connection with the construction of a battleship ought not part of the upkeep and deterioration of the plant be included?

Mr. HUGHES. Of course; but I was not speaking of a battleship in particular. There is an infinite variety of articles that are made at navy yards, with reference to which it is much more difficult to fix overhead charges and costs than it would be in the case of a battleship.

Mr. SMOOT. Mr. President, I have heard a number of Senators discuss the same question heretofore, but it does not seem to me that it should be difficult for the Government in running a factory, in constructing battleships or anything else, to ascertain the overhead charges, any more than it would be for a private concern to do so. The only difference would be that the Government has not the real estate to purchase, perhaps, and therefore its overhead charges would not include the interest upon the real-estate investment; but all business men know what are the overhead charges of any business. They are charges that are to be paid by the business, but which do not of themselves create a portion of the product of the plant, such as taxes, such as secretaries, bookkeepers, foremen, managers, and everything that has to be paid for by the institution which does not enter into the direct making of the article itself.

The Government can ascertain such charges just as well as can a private concern. It does seem to me that if there has been any juggling of figures in the past that it is wrong; and there is no necessity for it. It has not been done for any good purpose, nor to arrive at any real information as to the cost of producing any article.

Mr. HUGHES. I agree in the main with the Senator. It should be easy enough for the Government to arrive at what the overhead charges really are.

Mr. PAGE. May I interrupt the Senator?

Mr. HUGHES. Certainly.

Mr. PAGE. The Senator from Utah [Mr. SMOOT] says, very properly perhaps, that it is perfectly easy to tell what are and what are not overhead charges. I think he is mistaken on that point.

Mr. SMOOT. I never found any trouble in doing so.

Mr. PAGE. For instance, in building a large battleship you may be compelled to put in a lot of new machinery for building that particular ship. The question then arises in the mind of the manufacturer, is that machinery something that he will be likely to use in making another ship hereafter, or will the use for that added machinery terminate when he builds the one ship? It is a matter which every manufacturer has to consider with a great deal of care.

Mr. HUGHES. That is true.

Mr. PAGE. It has been said that a man can involce himself rich or poor in his income each year according as he is willing to be conservative or otherwise with regard to his overhead charges.

Mr. HUGHES. Undoubtedly that is true, and that is one of the difficulties; but that difficulty confronts the private manufacturer just as it confronts the Government. The comptroller's decision was made on that very question.

The Senator has cited an instance which is of rather common occurrence, I imagine. I remember that at one time Congress

appropriated a large sum of money for the purchase of a crane for the Brooklyn Navy Yard, and the particular type of ship which they were about to build could not be constructed unless they had this crane. The manufacture and installation of the crane cost a tremendous sum of money. It is quite within the bounds of possibility that the navy yard could have been employed immediately after the construction of the ship for which the crane was purchased in the construction of smaller craft for which the crane would have been absolutely useless. The question, then, at once confronted the man who was making up the overhead cost on the smaller type of craft which did not need the crane, whether that tremendously expensive equipment should be charged partly against them or whether it should all have been charged against the battleship.

Whatever the ship may be, however, there ought to be a system; and whatever it is, we ought to know what it is, and we ought to know what it is in detail, because without any question of crime or fault, but perhaps only through a mistake of judgment, an officer of the Navy might charge all of the overhead expense either against the big ship or against the smaller ships and do injustice, as far as the particular piece of construction is concerned, to one or the other.

Mr. SMOOT. The trouble about that is that the crane should not have been charged to either ship. It was machinery, and it should have been charged to that account, and not to overhead expenses.

Mr. HUGHES. That is the Senator's judgment. That perhaps might be my judgment, but that might not have been the judgment of the officer who assigned the particular charge. Whatever is done, we ought to know how it is done, and there ought to be some way for us to settle this long-mooted question with reference to the cost of the construction of battleships by the Government.

Mr. WARREN. Mr. President, will the Senator permit an interruption?

Mr. HUGHES. Certainly.

Mr. WARREN. It seems to me we are getting far afield. The question is not as to cranes; the question is whether this is proper legislation in an appropriation bill.

Mr. HUGHES. I am anxious to have the Government put in a position to install some method whereby Congress can tell something about these overhead charges. I am not altogether familiar with the amount of law we have on the subject at the present time.

Mr. WARREN. Mr. President, the very argument the Senator is using——

Mr. SHEPPARD. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Texas will state his point of order.

Mr. SHEPPARD. Has this amendment been submitted to the Senate by the Chair?

The VICE PRESIDENT. It has not.

Mr. SHEPPARD. I make the point of order that the debate is out of order.

Mr. REED. Mr. President, I hope the Chair will permit me to say a word on the question of order.

Mr. SHEPPARD. I insist on the point of order.

Mr. WARREN. I thought I had the floor to address myself for a moment to the point of order. I have no objection to yielding, of course.

Mr. REED. I did not know the Senator intended to address himself to it. I simply did not want to——

The VICE PRESIDENT. The Senator from Texas makes a point of order, and asks whether this discussion is going on under a submission of the question to the Senate. The Chair has no intention of submitting it to the Senate. The Chair intends to rule on this question.

Mr. SHEPPARD. I insist on the point of order, that the debate is out of order.

Mr. REED. Mr. President, a parliamentary inquiry. Has the point of order yet been made against the proposed amendment?

The VICE PRESIDENT. It has been.

Mr. SHEPPARD. I insist on the point of order.

The VICE PRESIDENT. As there probably will be an appeal from the ruling, the Chair will rule, and then there will be an opportunity——

Mr. GALLINGER. If I may be permitted a word, Mr. President, it is competent for the Chair to hear argument, if the Chair sees fit to do so, on the point of order. Now, is it competent for a Senator, while the Chair is permitting that privilege, to make a point of order against the debate? The Chair can terminate it at any moment.

Mr. HUGHES. Mr. President, so far as I am concerned, I was discussing the merits of the proposition.

The VICE PRESIDENT. Yes; the point of order was not being discussed.

Mr. HUGHES. I was speaking without any strict right to do so, and I therefore have no objection to the interposition of the point of order.

The VICE PRESIDENT. The Chair thinks the Senator from Texas was not objecting to the Chair's hearing Senators upon the point of order, but was objecting to the general discussion of the amendment.

Mr. SHEPPARD. I insist on the point of order, that the debate is out of order.

The VICE PRESIDENT. While the Chair is ready to rule, the Chair will hear what the Senator from Wyoming has to say.

Mr. WARREN. I have only a word to say on the point of order. Of course, the matter is very much the same as the one that came up yesterday. It is simply an effort to get under the fence instead of going through it. In this particular amendment we are delegating legislative power to the Secretary of the Navy, which would be, of course, against our rules. This is not estimated for. Besides that, it is general legislation, and it strikes at the very fundamental rule of appropriation bills in that it seeks to give the Secretary of the Navy authority to use money appropriated for one purpose to expend it on another.

The VICE PRESIDENT. The Chair will hear from the Senator from Missouri, who desires to be heard on the point of order.

Mr. REED. Mr. President, may the amendment be stated from the desk?

The VICE PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 58, after line 17, it is proposed to insert:

Any and all items which are appropriated for under the terms of this act shall be expended and accounted for in accordance therewith and in accordance with law; but the Secretary of the Navy, in estimating the actual cost of a ship built by the Government, may deduct from the cost of such ship as built under the appropriation therefor any sums which he deems not just to be charged thereto. This right to so estimate the cost of a ship shall, however, not be construed to effect any change in the purposes of the expenditures herein authorized.

Mr. REED. Mr. President, the point of order that this is general legislation, if it is sustained, I think goes further than we ought to go.

I understand the distinction between general legislation and legislation with reference to the particular appropriation before the Congress to be that you can not, under the guise of an appropriation, attach to it some legislation of a general character—that is, of a character which goes beyond the general purpose of the appropriation—but that you can change the direction of the appropriation, you can add conditions to the appropriation, you can raise the appropriation, or you can lower it.

If I am sound in that, then the point of order, I think, is not well taken.

Let me illustrate. We bring in an appropriation for $50,000 for a certain item. Nobody questions the fact that you can increase that appropriation or you can lower that appropriation here in the Senate, and you are not out of order when you do so.

Mr. WARREN. Mr. President, the Senator certainly does not mean that we can exceed the estimates—that anyone on the floor of the Senate can move an amendment to exceed the estimates for any or all objects of expenditure and still be in order?

Mr. REED. I am discussing the other question.

Mr. WARREN. The rule in regard to points of order is specific, to the effect that we can not exceed the estimates for the several items of appropriation in an appropriation bill, unless the item sought to be increased has gone to a committee and has been properly recommended by the committee.

Mr. REED. Mr. President, if I may be permitted to proceed on the question whether this is general legislation or not, I will come to the other question later. I can not discuss both of them at once.

You can raise an appropriation without being guilty of violating the rule against general legislation; you can lower it; you can provide for the expenditure of the appropriation in a particular way as long as the particular way in which it is to be expended comes within the general purview and object of the appropriation itself. If you could not do that, then the Senate never could amend an appropriation bill, and the House could not amend certain bills which we might pass.

The distinction between general legislation and legislation which affects the particular item is a very plain one in most instances. You can not take an appropriation bill and put in legislation which affects other matters than the appropriation, because that is general legislation; but when you simply affect the appropriations that are provided for it is not general legislation; it is legislation that is confined to the subject matter of the bill, and to the very item you are considering.

Who is there who will dispute that if we were appropriating money for the purpose of building a battleship we could say

among officers on the active list of the line of the Navy who have served with credit in the grade of rear admiral in command of a fleet, squadron, division, or other command afloat: *Provided*, That no officer shall be appointed a vice admiral until his physical fitness to perform all the duties of that grade has been established to the satisfaction of a board of medical officers appointed by the Secretary of the Navy: *Provided further*, That any officer now or hereafter carried in the grade of rear admiral as an extra number shall cease to be an extra number if appointed a vice admiral: *Provided further*, That the total number of vice admirals and rear admirals shall not exceed the number of rear admirals of both grades now provided by law.

That the annual pay of vice admirals when on sea duty, or on shore duty beyond the continental limits of the United States, shall be $11,000; when not on such duty they shall be entitled to the pay and allowances of a rear admiral of the upper nine.

That vice admirals shall be placed on the retired list at the age of 65 years: *Provided*, That vice admirals on the retired list shall receive the pay allowed retired rear admirals of the upper nine.

That vice admirals shall be ordered to duty as commanders in chief of the United States Atlantic, Pacific, and Asiatic Fleets, or to such other duty as the Secretary of the Navy may direct.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Florida [Mr. BRYAN].

Mr. WARREN. Mr. President, I think that ought to take its regular course. I am opposed to yielding to the House and allowing them to neglect all our legislation unless we force it through on an appropriation bill. I make the point of order that the amendment is general legislation.

The VICE PRESIDENT. The point of order is sustained.

Mr. JONES. I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 25, line 26, after the numerals "$155,000," insert:

building slip and equipment, $200,000.

Mr. THORNTON. I make the point of order against the amendment.

The VICE PRESIDENT. Will the Senator from Louisiana state his point of order? Upon what ground is it made?

Mr. THORNTON. The point of order is that there is no estimate for the amendment, and it is increasing the appropriation.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. The point of order is sustained. The Senator from Mississippi.

Mr. WILLIAMS. I was about to say that the point of order should not be sustained, and I was about to submit a few remarks to the Chair upon it. It is in extension and in continuance of existing work, and it is a continuing appropriation.

Mr. LODGE. I desire to offer an amendment to the bill. On page 29, line 23, I move to add $200 to the pay of the dental surgeon at Annapolis because that officer becomes entitled to that increase on the 15th of November, owing to longevity.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 29, line 23, add, after "$2,400," the words, "with longevity increase of $200, based on 15 years' service from November 9, 1914."

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Massachusetts.

The amendment was agreed to.

Mr. LODGE. I offer an amendment, to come in on page 22, line 2.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 22, line 2, after the numerals "$425,000," insert the following proviso:

Provided, That the laws relating to annual leave contained in section 7 of the legislative act approved March 15, 1898, and the deficiency act approved July 7, 1898, shall hereafter apply to classified civil-service per diem employees of the clerical, drafting, inspection, messenger, and watch forces at navy yards, naval stations, and other offices or stations under the Navy Department.

Mr. THORNTON. The department has advised the committee that that is utterly impracticable of accomplishment unless there should be an appropriation of about $150,000 added to the bill. The amendment is not in order.

Mr. WARREN. Did I understand the Senator from Louisiana to make a point of order against the amendment?

Mr. THORNTON. I did not make a point of order. I dislike to make a point of order against a member of the committee who offers an amendment. I think it ought to come from some one else.

Mr. GALLINGER. In this connection, I want to express regret that I retired from the committee some time ago.

Mr. WARREN. I make the point of order, then, as I am not a member of the committee, that it is legislation.

Mr. JONES. I ask the Senator in charge of the bill why it is that a member of the committee should have more consideration as to a point of order than any other Member of the Senate?

Mr. THORNTON. For myself I can give no other reason for it except simply as a matter of courtesy to a brother committeeman; that is all.

The VICE PRESIDENT. The point of order is sustained.

Mr. LODGE. I do not contest the point of order or the decision of the Chair. I ask that a statement in regard to the amendment which I send to the desk may be printed without reading. It simply shows why I have asked for the adoption of the amendment.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORANDUM CONCERNING LEAVE OF EMPLOYEES OF THE CLERICAL, DRAFTING, INSPECTION, MESSENGER, AND WATCH FORCES.

The leave of employees in the Navy Department is governed by the legislative act approved March 15, 1898, and the deficiency appropriation act of July 7, 1898. These acts give the head of a department authority to grant such employees 30 days' annual leave with pay and, under certain conditions, 30 days' sick leave in addition. (See departmental order No. 21, revised, attached hereto.) In the absence of restrictive legislation in regard to per annum employees at navy yards, etc., the above-mentioned laws are construed as governing their pay.

Section 1545 of the Revised Statutes restricts these laws from applying to per diem employees in navy yards.

The leave of per diem employees of the clerical, drafting, etc., forces at navy yards and stations is governed by the act of March 3, 1909. (See navy-yard order 158, fourth revision, p. 3, attached hereto.) This authorizes the Secretary of the Navy to grant all employees 15 days' leave with pay after they have served 12 consecutive months, and, in case of personal illness, 15 days more sick leave with pay may be given to meritorious cases.

The amendment proposed would give the per diem employees 15 days additional leave with pay, and, in certain cases, 15 days additional leave with pay in case of sickness.

The amount of the appropriation would probably not be increased, by this amendment, as leave would either be given when work was slack or the other employees would have to work that much harder in turn.

Mr. LODGE. I have one other amendment which, personally and not as a committee amendment, I desire to offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 17, insert the following additional proviso:

And provided further, That the pay of electrical-expert aids and electrical experts in the classified service of the Navy be as follows: First class, $3,600 per annum; second class, $3,000 per annum; third class, $2,400 per annum; fourth class, $1,800 per annum.

Mr. WARREN. I should like to ask if that is estimated for.

The VICE PRESIDENT. The Chair has no means of knowing.

Mr. LODGE. Does the Senator put that question to me?

Mr. WARREN. I will put it to the Senator.

Mr. LODGE. I regret to state that I think it is not estimated for.

Mr. WARREN. The amendment is clearly out of order, and I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. CUMMINS. I offer an amendment to be inserted after line 13, page 50.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 50, after line 13, insert:

That there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $8,600 for the correction of the acoustics of the United States Naval Academy chapel and auditorium, $6,000 for the chapel and $2,600 for the auditorium; the same to be immediately available and paid out upon the order of the Secretary of the Navy. A satisfactory bond shall be given by the contractors for the system in an amount to be fixed by the Secretary of the Navy conditioned upon the successful and satisfactory accomplishment of the improvement to the acoustics of the two buildings above mentioned. When the work is done and approved by a board composed of the chairmen of the two Naval Committees of Congress, the Secretary of the Navy, the Assistant Secretary of the Navy, the Chief of the Bureau of Navigation, and a like number familiar with the problems involved to be named by the Secretary of the Navy, the final money shall be paid: *Provided, however*, That after the installation of the new system should the acoustics of the chapel and the auditorium be not satisfactory to the above-mentioned board the said contractor shall be required to restore the chapel and the auditorium to the condition in which they were before the alterations were undertaken, without any expense to the Government.

Mr. CUMMINS. Mr. President, one word in explanation of this amendment. It is a bill introduced by the Senator from South Carolina [Mr. TILLMAN], which was referred to the Committee on Naval Affairs, and was reported favorably and passed by the Senate. We have already acted upon it. I feel no doubt about its merit, and there seems to be uncertainty with respect to its passage through the House as an independent measure. I have therefore offered it as an amendment, and I think it is a very proper one, to the naval appropriation bill.

Mr. LODGE. I desire to say, Mr. President, that this amendment, I think, is clearly in order, because it is a bill that has passed the Senate, which relieves it from the point of order that it was not estimated for, and it is not general legislation. It is an appropriation for immediate purposes of the Navy.

Mr. CUMMINS. There has been no point of order made against it.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. LEE of Maryland. I offer the following amendment.

The VICE PRESIDENT. The Senator from Maryland offers an amendment, which will be stated.

The SECRETARY. On page 58, after line 17, insert:

Any and all items which are appropriated for under the terms of this act shall be expended and accounted for in accordance with law. But the Secretary of the Navy, in estimating the actual cost of a ship built by the Government, may deduct from the cost of such ship as built under the appropriation therefor any sums which he deems not just to be charged thereto. This right to so estimate the cost of a ship shall, however, not be construed to affect any change in the purposes of the expenditures herein authorized.

Mr. MARTIN of Virginia. I make the point of order against the amendment. It has been discussed over and over here today. I simply make the point of order.

Mr. LEE of Maryland. Mr. President, I presume that the point of order is on the ground of general legislation. In discussing amendments proposed here yesterday to accomplish the same object the objection of general legislation was advanced, and the phraseology of those amendments seemed to lay them open to that objection. In this case the amendment provides nothing whatever save that which applies to an item of appropriation in this act. It is a temporary amendment because it is not general or permanent in its effect.

The Senator from Wyoming [Mr. WARREN] yesterday objected to one of the amendments offered on the ground that the terms of that amendment would enable the Secretary of the Navy actually to change the applicability of the money appropriated under a given item of appropriation, and the Senator from Wyoming was absolutely correct, in my humble judgment, in making that objection. But the proposition here advanced is one to establish and solidify the operation of the action of the appropriating clauses of this bill and to make them so strong that even though the Secretary of the Navy does exercise his lawful right to make an estimate which may differ from these appropriations, yet he does not in any way affect these appropriations; this estimate may be made without getting him in trouble with the accounting officers of the Treasury Department. Therefore this amendment is absolutely germane to the items of this appropriation bill and is not general legislation.

Mr. WARREN. Mr. President, I think the point of order is good, but I did not hear the first part of the amendment read.

The VICE PRESIDENT. It all comes back to the construction of language, and, after all, one man's constructions is not another's. It reads:

Any and all items which are appropriated for under the terms of this act shall be expended and accounted for in accordance with law.

That is the first clause. The Chair assumes that if anything becomes a part of this act, it is a law.

Mr. LEE of Maryland. After the words "in accordance," I desire to modify the amendment so as to read, "shall be expended and accounted for in accordance therewith," and omit the words "in accordance with law."

Mr. GALLINGER. Mr. President, if I understand the proposed amendment correctly, it gives the Secretary of the Navy authority to deduct items of cost on a ship constructed in the navy yards if, in his judgment, they ought to be deducted. Is that correct?

Mr. LEE of Maryland. And without affecting the items of this appropriation act; without affecting his accounting status before the Treasury Department.

Mr. GALLINGER. Ought there not, to make the matter equitable, be some person designated to do the same thing for a ship constructed in a private yard?

Mr. LEE of Maryland. Mr. President, it is perfectly obvious that the ship-constructing concerns will do that for themselves, and get it here.

Mr. GALLINGER. Yes; but it would not have the force and effect that it would have if it came from the Secretary of the Navy. Perhaps he had better do it in both cases.

Mr. LEE of Maryland. It has had a good deal of force and effect up to date, and it is only fair to suggest that some one person—the Secretary of the Navy—had better take care of the public interest involved in such estimates, as the other side seems simply able to take care of itself.

Mr. GALLINGER. I was interested the other day in listening to a debate in which two Senators, both well informed, differed very widely as to the cost of the construction of a ship in the navy yards. The Senator from Wisconsin [Mr. LA FOLLETTE] gave some statistics which seemed to be convincing as they were read, and some other Senator—I have forgotten which. Senator it was—gave another list of expenditures, which differed very widely from those given by the Senator from Wisconsin. They both, I think, claimed that they were reasonably authoritative. Now, it occurs to me that if we lodge in the hands of the Secretary of the Navy the power—and I do not speak of the present Secretary of the Navy, for if we do it once we will probably do it again—to deduct from the cost of a ship in the navy yards any charges that in his opinion seem fair and just to be deducted, it is rather a dangerous power, because it is reasonably well known that there are those in official life, both here and in the Navy Department, who are partisans for the building of ships in the navy yards, and while they probably would not do an unfair thing if they were aware of it, yet their prejudices run in that direction and they would try to make the cost of building a ship in a navy yard as low as possible. Is it not safe enough to leave it, I will ask the Senator, as it now is, to let the laws and principles governing transactions of that kind apply and to let each Senator or each Member of the other body determine for himself whether or not the charges are fair and just?

Mr. LEE of Maryland. The Senator from Virginia [Mr. MARTIN] made a suggestion here yesterday pretty much along the line of the one which the Senator from New Hampshire now makes, that the Secretary of the Navy ought to go right ahead, and when he is going to repair a dock or a navy yard that he ought to so state and apply the money.

Mr. MARTIN of Virginia. The Senator from Maryland is very much mistaken. I never suggested at any time in my life that the Secretary of the Navy should vary the application of the money from the application provided for by Congress. I never entertained such a thought or expressed such an idea. It is obligatory upon the Secretary of the Navy to expend the money in accordance with the purposes for which the money was appropriated.

Mr. LEE of Maryland. That was what interested me so much in the remarks of the Senator from Virginia, because I did not see how the Secretary of the Navy could go ahead and make an application that was not authorized by law or was not under the accounting system of the Treasury Department considered as being authorized by law.

Now, it is perfectly obvious that this expression "appropriated for the building of a ship" has from time immemorial in the Navy been construed to cover all of the incidents that went with the building of that ship. In olden times they had ship houses where they worked in the winter in the building of ships in a northern climate; perhaps they had cradles and all the essentials that went to holding together the structure, and the repair of those facilities which now are dock-yards and parts of docks and yards. Such items were charged and probably will continue to be charged to the building of the ship; and yet the United States must have yards and docks, places in which to build and repair ships, looking forward to the inevitable possibilities of war, when it must repair its ships, and repair them efficiently and speedily. Under those circumstances the United States must have these places; it must have its navy yards; it must have its docks. It is not fair, therefore, to charge the maintenance of the yards and the docks which the Government must have to the construction of ships, even though under the terms of this law and of previous laws such expenditures are made out of the money appropriated for the building of a ship. That is where the whole difficulty arises; that is where the whole confusion exists. So it is impossible for the public to get any definite conception or for the Secretary of the Navy to make any statement in behalf of the Navy, or for any competition to be started between two navy yards that will actually show what the ships built by the Government actually cost the Government to construct. That is the object of the amendment, to state cost of shipbuilding without regard to other items; and the amendment is so drawn that it clearly does not come under the objection of being general legislation. It simply permits the Secretary of the Navy to do this thing, and prevents his so doing from interfering with the terms of this appropriation bill.

Mr. GALLINGER. Mr. President, it occurs to me that it practically delegates legislative power to the Secretary of the Navy; but, however that may be, I will say that with some hesitation I voted on yesterday to build one of the proposed battleships in a Government navy yard. In doing so, however, I voted the conviction, at least, that the navy yard would be given no advantage over a private concern in the matter of cost. If it shall develop, and can be satisfactorily shown, that it costs any considerable amount more to build ships in navy yards my inclination would be to vote against building ships in the navy yards, although I am a friend of the yards; I am a friend of the workingmen there employed, and I should like to keep them occupied; but, after all, we must take a broader view than that. I will simply content myself by saying that I think this is rather a dangerous power to put in the hands of the Secretary of the Navy; and, while it might not be abused to any great extent, yet there is an apprehension, in my mind

the benefit which comes from national indebtedness, and which makes it the greater national calamity.

Mr. President, some time ago, I think during the past year, Mr. Churchill, of the British ministry, proposed a naval holiday, to the end that all the nations might find temporary surcease from this huge outlay of needless expenditure. In some countries his proposition was greeted with derision; in others it inspired epithets and abuse; but in America it found an appropriate and generous response in the action of the House of Representatives and in the suggestions of the Secretary of the Navy. The nations have virtually rejected that suggestion; at any rate, they have paid no attention to it, and the budgets for naval construction in nearly all of the countries of the world are far greater than they ever have been before.

Mr. President, why can not this great country, dedicated in principle and theory to peace among the nations, isolated from all contact with any power sufficiently great to menace its institutions—why can not this mighty Republic, in the good year 1914, set an example to all the kingdoms and principalities of the world by declining to go into naval construction at all this year, followed or accompanied by an announcement that its policy will be continued if the other nations will cooperate, to the end that the burdens which the people carry in this mad effort to see which can obtain the biggest and most expensive battleships shall be brought to a happy termination?

Mr. President, before I take my seat—and I shall not detain the Senate much longer—I wish to refer to one of the apprehensions, one of the so-called menaces, one of those dread, but nameless, menaces which are annually concentrated upon Congresses and chancelleries to the end that their purse strings may be opened in the interest of those who profit by battleship building. I refer to the charge that Japan is our natural enemy, which will at some time contend with us for the mastery of the Pacific, and which is looking with longing eyes upon our western slope; that that nation, ambitious, unscrupulous, and powerful, only waits the opportunity to invade the shores of the United States for the purpose of waging an offensive and destructive war of conquest; and that unless we have at hand a huge army and a huge navy, which should be provided for now, at whatever cost, we shall, when it is too late, realize the fact that the destruction of the Republic is near at hand and that we could, if we would, have preserved it.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Georgia?

Mr. THOMAS. I do.

Mr. WEST. I should like to ask the Senator from Colorado a question right there. It is not so much the fear of invasion of our western coast, is it, as it is the fear that the Japanese will obtain the Philippines? I will ask the Senator further if he does not think that is the thing that has given the great impetus to the increase in our armament for the last 10 or 12 years?

Mr. THOMAS. O, Mr. President, the only benefit to anybody that our accession of the Philippines has thus far conferred has been to give the war trust one more point to press home upon the apprehensions of the American people and enable them to get bigger appropriations for war and naval purposes. The greatest mistake that was ever made in the history of this country, or one of the greatest, was when Dewey, after destroying the Spanish fleet, failed to sail away from the harbor of Manila and leave that country to its own destinies. I say no, Mr. President; that is merely one of the pretenses for this enormous armament.

Why, Japan is the most terribly debt-burdened country that exists. Its indebtedness—and I can not give the exact amount—is greater than that of any other nation. The taxes, if my information is correct, amount to 25 per cent of valuation and of production. Tell me that a country so handicapped, however warlike, can possibly wage an offensive war against a great nation like ours; that a country so conditioned can be formidable to any distant land, whatever its feeling of hostility against that land may be!

It is true that in the event of hostilities the Philippines might fall an easy prey to a Japanese fleet, but that would be only the beginning of the end. The most remarkable part of this Japanese scare is involved in the notion that "an invading army of 150,000 men may be landed upon our shores overnight."

Has anybody ever calculated what that means—an army of 150,000 men transported 6,000 miles across the sea for the purpose of waging an offensive warfare against more than 90,000,000 people? How many vessels would it require to bring such an army of men over with their officers, their engineers, their medical and hospital and quartermasters' departments, their stands of small arms, their rounds of ammunition, their machine guns, their provisions, their field and siege artillery, the ammunition for them, their horses, their horse feed, medical supplies, tents and camp equipment, supply wagons, fuel for men-of-war and transports, aeroplanes, miners' and sappers' equipments, and so forth? Why, Mr. President, I am unable to say, but I believe that the amount of tonnage that would be required for the transportation of such an expedition passes comprehension.

Von Moltke once said that he had devised three satisfactory schemes for landing an army from Germany in England, to be transported less than 150 miles, but he was never able to devise a scheme for getting them out of there after they were once landed. Men are generally thoughtless. We are governed by our apprehensions, our fears, our prejudices, and not by our reason. Say "Japan" to any half a dozen men in the United States and it will come pretty near stampeding them; a fact well known to the War Trust at whose suggestion we rush into our committees here and vote millions in order to protect ourselves against this imaginary foe.

Why, Mr. President, such a thing as perfect preparedness for war is an impossibility. Thank God for it! The nation that comes nearest to being prepared for war in order that it may escape war is precisely the nation which in all probability will first be involved in war. The nations which are least prepared are more immune to-day from trouble than any others.

Was it the great armaments of France and Germany which kept those two nations from each other's throat over the Morocco incident? No, Mr. President; it was the common man of France and Germany meeting en masse and refusing to fight who served notice upon their respective Governments that war should not be. As far as people can be made to perceive—and, thank God, they are learning it—that it is they who fight the battles and pay the cost; that it is their children whose blood flows freely in case of armed conflict; and their children's children who pay interest upon the debts which war creates—these, Mr. President, are the surest modern safeguards against wars between the nations.

What is the real feeling of Japan toward this country? We are told that it is one of hostility. Everywhere is spread the contagious notion that the people of that nation are only waiting an opportunity to strike, and strike hard, because of the race question, so called, and for other causes of dissatisfaction which need only a spark to be fanned into a flame of war and of rapine.

Mr. President, I desire to read into the RECORD a part of the report made by Mr. Hamilton W. Mable in 1913 to the trustees of the Carnegie Endowment for International Peace. I am aware of the fact that this institution is regarded with much disfavor by some of the Members of this body, who believe that it has been unduly interesting itself in the matter of canal tolls. Whether that be true or not, I shall not attempt to say; but I do wish to emphasize the fact that between a Carnegie endowment for peace and a war trust that is putting its slimy fingers in the pockets of every taxpayer in the world, I will cast my lot with the peace endowment.

This is what Mr. Mable said concerning the attitude of the Japanese people toward ourselves:

> I desire to emphasize this quality because it is a national characteristic, and because the courtesy shown us was a courtesy to the American people whose representatives, in an informal way, we happened to be. It was an expression of a friendship for this country based on the consistent helpfulness of our National Government toward Japan and an expression of the feeling, widely prevalent, that there is a closer intellectual affinity between us and them than between any other eastern and western countries. The fairness of spirit and consideration for Japanese honor and interests shown by Commodore Perry, who secured access to the country 60 years ago, and by Mr. Townsend Harris, who a little later negotiated the first treaty between Japan and a foreign country, produced a deep and lasting impression on the Japanese people and laid the foundation of a genuine friendship for this country. It is my conviction that the Japanese are the only foreign people who have liked us as a Nation. Other people have liked individual Americans, but the Japanese have liked the United States. They hold the names of Perry and Harris in great honor, and a statue of Perry stands near the place where he landed.
>
> The attitude of the Japanese when the so-called anti-Japanese land legislation was before the California Legislature was highly significant. The stories of mobs in the streets of Tokyo "clamoring for war," which appeared in many newspapers in this country, were without foundation; the feeling was not belligerent; it was rather a feeling of keen disappointment that an old and tried friend had turned against Japan and had deliberately treated her as an inferior; an offense which this country would instantly have resented if the conditions had been reversed. The friendship of Japan has an importance in our future relations with the Far East which ignorance alone can ignore or undervalue.

We know, Mr. President, what the attitude of the Japanese people toward us was represented to be only a few short months ago, and we now know how false that representation was. What malign influence so misrepresented them, and for what purpose? If I continue to accuse my neighbor of unworthy motives; if I continue to suspect and to express my suspicion

of his relations toward myself; if I constantly insinuate that he only wants an opportunity to take my life or destroy my property the time inevitably comes when a rupture occurs between that neighbor and myself; and my own conduct is largely, if not wholly, responsible for the unfortunate consequences. So it is with nations. If these interests so largely involved in the construction of battleships and furnishing munitions of war are to continue to plant the seeds of discord and distrust and enmity between the nations, they will do more toward kindling a state of war than all the other influences that can be resorted to and persisted in.

One more word, Mr. President, and I am done. I contend that the Navy which this Nation now possesses is more than ample for all of its present needs and the needs of its immediate future. We have more vessels to-day than we can man and officer. Mr. WITHERSPOON, one of the ablest men in public life, a gentleman who understands the naval situation not only of the United States but of all countries better, I believe, than any other man in Congress, has declared, if I remember his figures correctly, that the present Navy of the United States is short of equipment 3,000 officers and 6,000 men.

If we were obliged to mobilize every vessel we have to-morrow, we would not be able to do so because of the lack of officers and men. The two vessels provided by this bill will cost not less than $32,000,000, and will be completed, perhaps, about 1917 or 1918. Long before then Great Britain will have laid the keels for larger ones, and Germany and France; and so we, in order to keep up with the procession, will be required to do the same. When 1925 shall have arrived the most of us will have disappeared from the scene of active and possibly of actual life; but I should not be at all surprised but that a part of the naval appropriation bill would then provide for the sale of the vessels for which we are now providing because no longer available for our protection.

Mr. President, when is this mad expenditure of the public moneys going to cease? When will a condition of sanity overtake the American public mind? When will we awake to the fact that we are simply contributing millions of dollars to a world-wide combination dealing in everything that makes for human disaster, corrupting public officials and private individuals of influence all over the country and all over the world, and intent only upon increasing the vast accumulation of the millions which in the past 35 years it has garnered to itself? I am not only in favor of the amendment offered by the Senator from Mississippi [Mr. VARDAMAN], but I shall also offer one going to the entire proposition as soon as a vote can be taken upon it.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Mississippi [Mr. VARDAMAN].

Mr. VARDAMAN. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. NORRIS. I ask that the amendment may be stated.

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Under "Increase of the Navy," it is proposed to strike out "two first-class battleships" and in lieu thereof to insert "one first-class battleship."

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. Not knowing how he would vote, I will withhold my vote. If I were permitted to vote, I should vote "yea."

Mr. JONES (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH] and therefore withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Arkansas [Mr. CLARKE]. I transfer that pair to the Senator from Connecticut [Mr. BRANDEGEE] and vote "nay."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT] and therefore withhold my vote. If I were at liberty to vote, I would vote "yea."

Mr. WARREN (when his name was called). I announce my pair with the Senator from Florida [Mr. FLETCHER] and withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the Senator from Louisiana [Mr. RANSDELL], I vote "yea."

The roll call was concluded.

Mr. CHILTON. I have a general pair with the Senator from New Mexico [Mr. FALL], but I understand if he were present he would vote as I would upon this amendment, and I will therefore vote. I vote "nay."

Mr. BRYAN (after having voted in the negative). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND] which I transfer to the junior Senator from Arkansas [Mr. ROBINSON] and allow my vote to stand.

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Nevada [Mr. PITTMAN] and vote "yea."

Mr. CLARK of Wyoming. I ask if the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. I have a general pair with that Senator and I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. SUTHERLAND (after having voted in the negative). Since I transferred my pair to the Senator from Connecticut [Mr. BRANDEGEE] I observe that he has entered the Chamber. I therefore withdraw my vote.

Mr. SIMMONS. I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. MARTIN of Virginia. I desire to announce that the senior Senator from Maryland [Mr. SMITH] is unavoidably absent and that he is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. GALLINGER. I was requested to announce a pair between the junior Senator from Maine [Mr. BURLEIGH] and the junior Senator from New Hampshire [Mr. HOLLIS].

The result was announced—yeas 16, nays 42, as follows:

YEAS—16.

Ashurst	Kenyon	Norris	Thompson
Bristow	La Follette	Shafroth	Vardaman
Burton	Lane	Sheppard	West
Cummins	Myers	Sterling	Williams

NAYS—42.

Borah	Hughes	Oliver	Smith, Ga.
Brady	Lea, Tenn.	Overman	Smith, Mich.
Brandegee	Lee, Md.	Page	Smoot
Bryan	Lewis	Perkins	Swanson
Catron	Lippitt	Pomerene	Thornton
Chamberlain	Lodge	Reed	Tillman
Chilton	McCumber	Saulsbury	Walsh
Colt	Martin, Va.	Sherman	White
Crawford	Martine, N. J.	Shively	Works
Gallinger	Nelson	Simmons	
Hitchcock	O'Gorman	Smith, Ariz.	

NOT VOTING—37.

Bankhead	Goff	Owen	Stephenson
Burleigh	Gore	Penrose	Stone
Clapp	Gronna	Pittman	Sutherland
Clark, Wyo.	Hollis	Poindexter	Thomas
Clarke, Ark.	James	Ransdell	Townsend
Culberson	Johnson	Robinson	Warren
Dillingham	Jones	Root	Weeks
du Pont	Kern	Shields	
Fall	McLean	Smith, Md.	
Fletcher	Newlands	Smith, S. C.	

So Mr. VARDAMAN's amendment was rejected.

Mr. THOMAS. I desire to offer an amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 56, beginning with line 13, strike out all the remainder of page 56, together with all of pages 57 and 58.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Colorado [Mr. THOMAS].

The amendment was rejected.

Mr. BRANDEGEE. On page 56, line 16, before the words "first-class battleships," I move to strike out "two" and insert "three."

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from Connecticut [Mr. BRANDEGEE].

The amendment was rejected.

Mr. BRYAN. Mr. President, in February of this year, during the present session of Congress, Senate bill 4247 was passed, which provides for six vice admirals. The bill has been reported to the House with amendments, but on account of the congested condition of the calendar there it is feared that the bill may not be reached speedily. Inasmuch as the cause which called forth the bill in the first place is more apparent now than it was then, I offer as an amendment to this appropriation bill the bill already passed by the Senate, to come in at page 33, line 3.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 33, after line 3, insert:

> That the active list of the line of the Navy shall include the grade of vice admiral, which grade shall consist of six officers, four of whom shall be appointed within one year from the passage of this act, and the remainder shall be appointed as soon thereafter as practicable. Appointments to the grade of vice admiral shall be made by selection by the President, by and with the advice and consent of the Senate, from

I will simply repeat, Mr. President, the suggestion that I hope the point of order will not be made against the amendment, but that the matter will be allowed to go to conference. Whatever happens to it there will not be questioned by me. I hope that the point of order will not be made against it. If, on the other hand, the amendment should finally go out in conference, I shall be satisfied with the action of the committee of conference. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment offered by the Senator from New Hampshire will be stated.

The SECRETARY. After line 15, on page 26, it is proposed to insert the following:

NAVY YARD, PORTSMOUTH, N. H.

New dry dock at the Portsmouth Navy Yard, N. H., of sufficient size to accommodate the largest battleship, and to be at least 1,000 feet in length, designs and specifications to be determined by the Secretary of the Navy (to cost $2,500,000), $200,000.

Mr. THORNTON. Mr. President, I make the point of order against that amendment. I regret to do so on account of my personal feelings for the Senator from New Hampshire, inasmuch as he earnestly requested that it be not done, but I feel that it is my duty to do so.

Mr. GALLINGER. Mr. President, I appreciate the courtesy of the Senator from Louisiana. He is always kind, and I regret that he can not see his way clear to let this amendment go on the bill and go to conference; but, as I said before, the amendment is undoubtedly subject to a point of order, and the Senator from Louisiana is acting entirely within his rights in making that point against it. When the next naval appropriation bill comes before the Senate I will have something more to say on the subject, believing that the Portsmouth yard is entitled to an additional dock.

The VICE PRESIDENT. The point of order is sustained.

Mr. VARDAMAN. Mr. President, I wish to offer an amendment, in line 16, on page 56, after the word "constructed," to strike out "two" and insert "one," so as to provide for the construction of but one battleship.

Mr. President, I am not going to take the time of the Senate to discuss this question at any great length, but I want to say that I think the American people are going wild on the subject of making ready for war. We are talking about war and about getting ready for war. Whenever one of these bills is up for consideration it is not infrequent that mysterious information is sent to the committee, and the newspapers talk about the probability of an assault being made on us from the west. I think if we would talk more about peace, think more about peace, and do more for the promotion of peace, it would not be necessary to make such expensive provision for war.

The United States Government is in a position where it can set an example, where it can lead the world in the matter of forming sentiment; and, after all, Mr. President, Governments, like individuals, are controlled and influenced by sentiment. Laws are but the crystallization of public sentiment. I think that in these expensive preparations for war the influence of the men who are interested in the manufacture of armament in writing these bills is greater than any other influence that enters into the consideration. And I think those men who, for their own interest, insist upon a great Navy and large Army and in that way increase the burdens of taxation upon the people are a greater menace to our country and enemies more to be dreaded than the enemy who lives across the seas. This phase of the question calls for the most careful scrutiny by the Congress.

I, for one, am tired and sick of this policy of depauperating and burdening the toiling millions of this Republic with the enormous expense of maintaining armies and navies. I am advised that probably 70 per cent of the appropriations made by Congress go to pay the expenses of the wars of the past and to get ready for another war. I repeat, if we would talk more about peace, if we would make preparations for peace, there would be less necessity for this tremendous outlay of money and therefore less likelihood of war. I think nations, like individuals, when they are ready to fight, when they are conscious of their strength and preparedness, are very much more inclined to "pick a fuss," if I may use that old expression, or a difficulty with another nation than they would be if they were not so well prepared. I have never known a man who carried a gun or went armed all the time looking for somebody to insult him that did not find some excuse for a row.

Mr. President, if we could write more of the spirit of the Golden Rule into our laws and less of the damnable spirit of the rule of gold, if we could discard the old barbarous theory in government of "the survival of the fittest," and so conduct ourselves in our relations to other Governments as that all Governments might be helped to become fit to survive, this terrific burden would be taken from the shoulders of the toilers of this country.

War is barbarous and out of harmony with the spirit of the times, and the burden which Congress puts upon the shoulders of the producers of this country in making preparations for war is, to my mind, highly immoral; it is an unwarranted misuse of the fruits of human effort.

Mr. WORKS. Mr. President, I would like to ask the Senator from Mississippi if he does not think this Government ought to prepare for war when it invades a weak and crippled foreign nation and commences the taking of human life for no better reason than that a usurper in that country has failed to salute the flag of this Nation?

Mr. VARDAMAN. Well, I do not think, Mr. President, that one possible mistake would justify the committing of another. As to the motives which induced the present administration to go to Mexico, of the facts behind that movement I am not advised. I will say, since the Senator propounded the question, that I personally have about come to the conclusion that it would be infinitely better for the American people if we would attend to our business and let the other nations of the earth attend to theirs; it would be much better for us. I am tired of the United States Government playing the rôle of policeman for the Western Hemisphere. It is rather a costly policy, and I fail to see what we will get out of it except the hatred and deep-seated animosity of the people whom we regulate.

Mr. LANE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. VARDAMAN. I do.

Mr. LANE. I should like to ask the chairman of the committee, or the Senator who represents the committee, if this bill carries any deficit; and, if so, to what amount? Are all of these live appropriations to be expended during the next fiscal year, or are some of them for deficits as they come in here?

Mr. THORNTON. The bill carries no deficit.

Mr. THOMAS. Mr. President, the only criticism which I feel justified in making of the amendment just offered by the Senator from Mississippi [Mr. VARDAMAN] is that it does not go far enough. The purpose of that amendment is to reduce the number of battleships to be provided by this bill from two to one. I shall at the proper time, but without any expectation that it will be carried, offer another amendment, which will go much further than that portion of the bill relating to two battleships. I do not presume that what I shall say—and I shall be as brief as possible—will have any particular effect upon the fate of this measure; but I do indulge the hope that it may attract some attention outside of this Chamber and thus aid in strengthening a public opinion already asserting itself against this policy.

I voted for the amendment offered by the Senator from New York [Mr. O'GORMAN] providing for the construction of one of these vessels in a navy yard belonging to the Government, and I should, with equal pleasure, have voted for an amendment providing that all of this construction should be so carried on, because just in proportion as the Government assumes responsibility of building its own vessels, just in that proportion will the real inducement that operates to cause these enormous appropriations disappear. When the Government builds its own vessels and manufactures its own armor plate and its own powder and its own munitions of war, the period of retrenchment in naval construction will have arrived. So long as these vessels are constructed by private enterprise, so long as armor plate and all the munitions of war are manufactured by private enterprise, just so long will the Congress of the United States continue to emulate the bad example of other nations and make appropriation after appropriation for the building of these huge monsters of destruction that become practically obsolete before they are complete.

Mr. President, I sometimes wonder how long this "endless chain" of battleship building is going to continue. We all know how it began and why it persists. Great Britain builds four battleships every year, we will say, because Germany builds two; and Germany builds two because England builds four and France builds two; and France builds two because Germany constructs two and England four; and Japan builds two because France builds two and Germany builds two and Great Britain builds four; and the United States builds two because Japan builds two and France builds two and Great Britain builds four and Germany constructs two. There used to be a saying in Georgia when I was a boy that "we raise cotton to get money to buy niggers to raise cotton to get money to buy niggers to raise cotton to get money to buy niggers." So, the great powers of the world are building battleships because each of them is engaged in the game, and because the motive

power to all of it is furnished by the greatest, the most conscienceless and infamous trust that ever disgraced civilization, a combination, Mr. President, whose chief asset is the creation of discord among nations, which manufactures war and rumors of war, which plays upon the apprehensions of mankind, which warns each nation against the devilish machinations of all its neighbors, and assures them that absolute preparedness is essential to national safety and the preservation of public peace.

This trust finds expression in many ways, Mr. President, and avails itself of all of them. The press, the Army, the Navy, the pulpit, the Navy League, and various other agencies are constantly engaged in warning all people of the necessity of preparedness for war and calling attention to the superiority of foreign armaments as compared with domestic ones; to the plans of foreign governments as to increased armament; to menaces against the Monroe doctrine; and to that terrible shopworn specter of an invading army from Japan appearing suddenly upon our Pacific coast and spreading destruction and desolation among our defenseless people.

Mr. President, it seems to me—and I believe that every nation should have a fair navy, an adequate navy—that we have already more ships than we know what to do with. Our battleships number 39; and this bill provides for the sale of two of them. Why? Because we do not need them or because they are obsolete, or both? If they are good vessels and we need them, why should we sell them to any foreign nation, which may afterwards, if the war trust shall be credited, turn their guns against us? If they are obsolete, if they are deficient, so that they can not stand against the great battleships of the present day, is it not fair to assume that in 10 years from now the battleships of to-day will be equally unreliable, and must consequently be sold or go to the scrap heap?

Mr. President, this sort of competition in the manufacture of great modern weapons for the destruction of human life has been going on some 35 or 40 years, and the progressive increase of armament carries progressive increase of cost, which has been advancing by leaps and bounds, so that the national debts of the world to-day, according to the last estimates, aggregate $42,000,000,000, which, added to State, railway, municipal, and public utilities debts, it is fair to say, makes the public and semipublic indebtedness of the civilized nations $100,000,000,000, drawing annual interest at not less than an average of 4 per cent, or $4,000,000,000, an amount representing perhaps 50 per cent of the productive energy of the civilized world; in other words, Mr. President, the people of the world who produce, who bear the burdens of life, before any of their earnings can be utilized for ordinary affairs, must pay $4,000,000,000 as interest to those who hold their securities, and of this stupendous national debt fully two-thirds has been contracted in offensive and defensive wars, in the expenses consequent upon the waging of war, and in preparation for wars that are to come.

On December 4 last the New York World, under the title "A sign of sanity," published this editorial:

The fall of the Barthou ministry in France was occasioned by a proposal to make the new bond issue tax free. The real cause was growing irritation with the militarist program; with a $260,000,000 addition to a national debt now more than $800 for each family; with the withdrawal of the youth of the land from industry for a three-year service; with war costs, besides the loss of these young men's time, which tax the average family more than $70 a year in a land of low wages and general economy. It is significant that M. Caillaux, who opposes the three-year enlistment, is the man of the hour.

This situation in France is a sign of sanity. Is it not time for a similar revolt here? Is not the world ready for it?

The French Government spends 60 per cent of its ordinary revenues on war purposes. Our proportion has not greatly changed since Representative TAWNEY figured that 71 per cent of the yearly appropriations went that wasteful way.

The increase is most startling in naval expenditures:

1883	$14,903,559
1893	23,543,267
1894	22,104,061
1898	33,003,234
1899	56,098,782
1900	48,029,969
1903	78,856,363
1908	98,958,507
1909	122,662,485
1910	106,935,199
1911	131,410,568
1912	126,405,509
1913	129,151,538
1914	140,718,434

I may digress here for a moment, Mr. President, to refer to the fact that, so far as naval construction in this country has gone, we have paid our way, but the fact nevertheless remains that the money which we have used to pay our way has been raised by taxation and is as much a part of the public burden as though we had borrowed money and were paying interest upon it.

In 20 years the population of the country has grown 47 per cent; naval expenditure more than 500 per cent. Twenty years ago the Army, properly regarded as Indian police and as a skeleton organization in war, cost more than the Navy, though both combined ran to but $26,329,701 in 1884. The Navy, the big-stick branch of the service, has now surpassed even the enlarged Army in cost. If Representative HOBSON'S idea had been followed of an Atlantic and a Pacific fleet, each equal to any other in the world, we should have to-day for the Navy alone a budget of $600,000,000. 272,000 men withdrawn from production for sea service, and very likely a doubled national debt. And what should we have gained by it, except harder times, more destitution, and the hatred of our menaced neighbors?

The fall of the Barthou ministry, the bitter memory in Germany of the failure to float new war bonds last spring at low prices, and the ascendancy of the pacific Liberal party in Great Britain are conditions favorable to the "naval holiday" proposed by Winston Churchill and again by Secretary Daniels in his report. Why can not the great nations agree to stop this bankrupting race for one year? If for one year, why not for five years? Why not altogether? And why should not the great Republic lead the way?

About the same time, Mr. President, the Saturday Evening Post contained an editorial, the title of which is "The Largest Scrapheap," which I will also read:

Various foreign governments, according to reports that have been received in Wall Street of late, are arranging or contemplating bond issues that aggregate one billion and a half dollars. The list begins with Russia, which wants half a billion, and ends with Argentina, which can get along with sixteen millions. Pretty nearly two-thirds of the total is for military purposes.

A bulletin recently published by the Department of Commerce recites that the aggregate indebtedness of all nations for which data can be had was two and a half billion dollars in 1800, eight and a half billions in 1850, thirty-one and a quarter billions in 1900, and forty-two billions in 1912. The present total, therefore, is equal to about one-third of the total wealth of the United States, which is the richest country in the world.

By far the greater part of this tidy sum represents sheer economic waste.

And that, Mr. President, is the great indictment of such expenditures—

the dreadnaughts of a dozen years ago that are now mere junk, or those of last year that will be mere junk by 1920; powder and shell shot away; the cost of transporting a great army from England to South Africa, where it tilted at a Dutch windmill and then came home, leaving the windmill practically intact, and so on.

A few persons have profited, namely, statesmen, Army and Navy officers, and manufacturers of arms and munitions. For their sakes and in support of a tradition that has no rational relationship to modern conditions the game goes on at a constantly accelerating pace. It is interesting to consider how high the scrapheap will grow in the next 20 years.

A few persons have profited, Mr. President, largely; a great many persons have profited by the construction of battleships and other naval armament very considerably. The sensation which greeted the world last year when Liebknecht called attention to the fact that the War Trust had reached out and embraced within its tentacles officers of the German Army, men high in the councils of that great Empire, had scarcely died away before a similar sensation occurred on the other side of the world. Japan found herself face to face with the humiliating and disgraceful fact that the War Trust had its representatives touching the throne; that officers high in the navy and others in authority were receiving contributions and compensations from this aggregation, which by playing on the fears of mankind supplies the nations of the earth with engines for their own destruction; that its corrupting influences were securing imperial patronage through the corruption of public servants.

Members of the ministry were compelled to resign, and the world knows to-day that the corruption and grafting of the war trust has permeated the inner circles of the great Kingdom of Japan.

Fortunately, as far as we are concerned, we have thus far escaped the contagion of scandal; but if this mad race for naval supremacy continues, how long will it be before the United States will be compelled to hang its head in shame over disclosures that may involve some of our public men with its methods and its policies?

More important than all, however, is the question whether this competition is to continue until the nations are face to face, as they must be, with inevitable bankruptcy. How long must the people of the world continue to pay interest on billions upon billions of public debt, the principal of which never will be and never can be paid, and which is continuing to swell yearly in its huge and ponderous aggregate? How long can the industry of the world stand the burden of the ever-increasing annual interest charge?

No man is visionary enough to imagine for a moment that the national debts of the world ever will be paid. They constitute a constant burden, permanently resting upon the shoulders of mankind, increasing in its weight and in the awful tax that it wrings from production. It must end either in policies which will end the constant increase of the amount or in repudiation. Indeed, we hear now from some sources the threat of repudiation. It comes from those who pay the toll, from those whose earnings are diverted from their normal purposes and their own comfort to the chests of the money changer, and who reaps all

and adopted it as his views. If he did such, then it was the speech of the Senator and his remarks entering into his speech, and for myself I can not vote to establish the precedent that a Senator can have his remarks either stricken from the RECORD or be prevented from making them because they partake of censure or criticism or condemnation of a public official when in the exercise of conduct known as public conduct.

It was because of that that I asked the Senator from Pennsylvania if he would give attention to the part of the letter which is regarded as obnoxious to the rule of the Senate and thus eliminate it upon his own volition. That he, for reasons satisfactory to himself, declines to do.

Mr. OLIVER rose.

Mr. LEWIS. Does the Senator from Pennsylvania wish to interrupt me?

Mr. OLIVER. I was waiting until the Senator from Illinois would conclude.

Mr. LEWIS. I yield to the Senator now.

Mr. OLIVER. Then I intended to say just what I really propose to do.

Mr. LEWIS. I would rather yield now to the Senator.

Mr. OLIVER. I think when my remarks are read it will be seen that what I said alluded to the arguments presented in the letter of Mr. Dickson as stating the case better than I could state it; that is, on the armor-plant proposition. I wish to say that I did not intend to adopt his language as a whole, but I discover that there is in the letter a reflection upon the Secretary of the Navy which certainly does not reflect my views, and which if I had examined more carefully I certainly would not have included, because for the Secretary of the Navy personally I have a very high regard, and I am unwilling that anything should go into the RECORD, at least at my instance, that would make a statement such as is made in this letter. I do not want the language to go into the RECORD, and I would ask, therefore, Mr. President, that the last sentence of the next to the last paragraph be omitted from the letter of Mr. Dickson.

Mr. THOMAS. I will ask the Senator if that covers all the expression which I included in parentheses.

Mr. OLIVER. I have not looked at it, but I presume it does. I will have the Secretary look at it and see.

Mr. THOMAS. I think the Senator will discover that the portion which is included in parenthetical lines is all that need be omitted. The previous part of the sentence is entirely unobjectionable.

Mr. OLIVER. I will omit it.

Mr. THOMAS. I personally want to thank the Senator for his courtesy in the matter.

The VICE PRESIDENT. Does the Senator from Oregon still insist on his motion?

Mr. CHAMBERLAIN. I withdraw it, in view of the statement of the Senator from Pennsylvania.

The VICE PRESIDENT. The motion of the Senator from Oregon is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. TILLMAN. Mr. President, with the permission of the Senator from Louisiana in charge of the bill, I ask the Senate to recur to pages 18 and following. I wish to offer an amendment there. I will explain the amendment later on. The Secretary can read it.

The VICE PRESIDENT. The Secretary will read the amendment proposed by the Senator from South Carolina.

The SECRETARY. Page 18, line 2, after the word "all," strike out "$5,800,000" and insert in lieu thereof "$5,400,000."

Page 21, line 22, after the word "leave," strike out "$1,600,000" and insert in lieu thereof "$3,600,000."

Page 37, line 17, after the word "vessels," strike out "$9,788,000" and insert in lieu thereof "$9,288,000."

Page 41, line 19, after the word "engineering," strike out "$8,080,000" and insert in lieu thereof "$7,780,000."

Page 59, line 4, after the word "expended," strike out "$17,647,716" and insert in lieu thereof "$17,047,617."

Page 59, line 13, after the word "expended," strike out "$14,877,500" and insert in lieu thereof "$14,677,500."

Mr. TILLMAN. Mr. President, with the permission of the Senate, I will explain just what I am seeking to accomplish.

Much has been said in both House and Senate as to what it costs to build a battleship. Figures have been quoted to show that navy-yard work is more expensive than outside work; and two separate amendments submitted by the Secretary of the Navy have been ruled out on points of order, although they sought to give the responsible head of a great executive department an opportunity to properly carry on the duties of his office and intelligently economize in the expenditure of Government funds.

These amendments were unfortunately worded, perhaps, and not as clear as they should have been; but I am certain there was no purpose to deceive Congress or to use money unwisely or wastefully.

Last evening I held a conference with the Secretary of the Navy, and talked this whole matter over with him. I pointed out the necessity for changing the sums to be appropriated in the bill. He suggested the amendment which I will send to the Clerk's desk, stating at the same time that the bureau chiefs, for want of time, could only make guesses of the approximate amounts permissible or that could be spared from the other appropriations to make up the $2,000,000 necessary for "maintenance, yards and docks." He has promised that the next naval estimates sent to Congress shall comply strictly with section 3666 of the Revised Statutes—the law in regard to estimates. So far as I can promise, as chairman of the Committee on Naval Affairs of the Senate, I will see to it that the law is carried out to the letter. The House, of course, is primarily responsible for all appropriation bills, and they have sent us the best one they could under the circumstances. That it is not at all accurate or satisfactory is the fault of the system of bookkeeping in the Navy Department. Under the system which the Secretary will inaugurate on his own motion, I am sure there will be no cause for complaint hereafter.

The present system of cost accounting for work done at navy yards was inaugurated July 1, 1910, by order of Secretary of the Navy Meyer, this system having been devised by Marwick, Mitchell & Co., certified public accountants. The system had for its stated object the standardization of Navy accounts in such manner as to more accurately distribute charges among the various naval appropriations, and purported to absorb into the cost of work all expenditures of every kind in any way connected with or incident to the doing of the work. This system failed to take into account the fact that navy yards must and will be maintained in a condition of military preparedness, without regard to the volume of output work; and, in attempting to graft a commercial system onto an establishment largely military the authors ignored section 3678, Revised Statutes, or did not know of its existence. And the Secretary of the Navy did the same thing or he would not have issued the orders to institute this system of bookkeeping at all. While his intentions were no doubt good, the results have been the deplorable confusion which now exists. Secretary Daniels, when he took charge of the Navy Department, found this system of bookkeeping already in force there, and as he could not get any accurate information concerning costs he set about investigating the bookkeeping. He was unwilling to overturn his predecessor's work without good reason. He has had two accomplished naval officers, Pay Inspector McGowan and Col. Radford, of the Marine Corps, at work for months trying to find out just what was the matter. This system of bookkeeping was authorized under the act of June 24, 1910, and Congress appropriated $30,000 to pay the experts who devised it. Instead of clarifying and simplifying matters, as was claimed, it has wrought confusion worse confounded, and Secretary Meyer can not be congratulated upon the success of his experiment.

It all comes to this: The amount of money carried by the appropriation, "Maintenance, yards and docks," is $2,000,000 less than is required for the various purposes named in the said appropriation, and the present accounting rules offer an ingeniously devised system of augmenting one appropriation for another—the result being excessive costs on some items, but no apparent deficiency. The amendment now offered is to increase the appropriation, "Maintenance, yards and docks," by $2,000,000 deducted here and there from various other appropriations made too large by erroneous estimates which have grown up under the iniquitous system against which the Secretary of the Navy most earnestly set himself from the moment he found it out.

Mr. GALLINGER. Mr. President, I confess to not understanding the composite amendment of the Senator from South Carolina as offered, but I will venture to ask the Senator if the figures that he has given in his amendment correspond with the estimates of the department.

Mr. TILLMAN. They do.

Mr. GALLINGER. On all points?

Mr. TILLMAN. The amounts are the same. We do not add an additional dollar, but change the items and deduct from some and make up $2,000,000 for yards and docks.

Mr. GALLINGER. They do not correspond with the estimates for the various items sent to Congress, I assume.

Mr. TILLMAN. I do not think they do, because the estimates were based on the erroneous system of bookkeeping that the Secretary of the Navy is trying to get rid of.

Mr. GALLINGER. Does the Senator think we have even the right to increase and decrease amounts so that they do not agree with the estimates that were sent to Congress from the department?

Mr. TILLMAN. I think the Senate ought to be able to do it.

Mr. GALLINGER. Does not the Senator think it would be very dangerous legislation for us to go into that kind of a thing, because if we can do it on this appropriation bill we can do it on all appropriation bills, and we can carry out our own notions in reference to the different appropriations without any regard to the opinions of the head of the department.

Mr. TILLMAN. The head of the department himself has asked that this change be made, and he has given an explanation of the reason why he asks it. He has a system of bookkeeping there which, as I said, is confusion worse confounded, and the more he tried to unravel it and to find out what he ought to estimate the more befuddled he became.

Mr. GALLINGER. Then he did not know at the time he made his estimate what he has since learned?

Mr. TILLMAN. Of course he did not know or he would not have sent it down here.

Mr. GALLINGER. I confess, Mr. President, this is extraordinary legislation; but if the majority side of the Chamber feel that it is safe legislation I have nothing more to say.

Mr. TILLMAN. I am sure it is safe on this one bill.

Mr. GALLINGER. I have never known legislation of this kind to be indulged in in the Senate before.

Mr. MARTIN of Virginia. Mr. President, I not only consider it unsafe, but most extraordinary. It is re-forming the naval appropriation bill in the teeth of estimates sent to Congress officially by the Secretary of the Treasury, who has been advised by the Secretary of the Navy. This is in violation of the rules of the Senate. This increase of $2,000,000 has not been estimated for.

Mr. TILLMAN. It is no increase whatever; it is just a change.

Mr. MARTIN of Virginia. Then I am unable to understand the English language. There is a distinct statement that it is an increase of $2,000,000 for yards and docks. It is true it is not an increase in the aggregate, but these appropriations must be treated separately, and they will have to be voted upon separately, if the amendment ever comes to a vote. It is impossible to offer 15 or 20 amendments, scattered through the bill, and expect that they shall be voted upon as one proposition.

But I do not think it will ever come to a vote. It is a most extraordinary proposition that the Secretary of the Navy, discharging the obligations of his office, should make estimates and furnish them to Congress and afterwards, when the bill is in the final stage of its passage, the same Secretary should come here and in defiance of his previous estimate ask that the bill be changed to the extent of $2,000,000. While there may be no increase in the aggregate there is an increase to the amount of $2,000,000 in some places and there is a diminution in other places.

I make the point of order that there is an increase and that it is not estimated for. It is plainly out of order. There is no estimate for any increase of the estimates as given in the bill and reported to the Senate by a committee of the Senate. The Senate has a right to expect from the Secretary of the Navy a careful estimate of each item of expenditure required by his department. He has made that estimate with the aid of his bureau chiefs and has sent it to Congress. The committee of the Senate has acted on it and has reported to the Senate in accordance with those estimates.

Now, here comes an informal statement, privately made by the Secretary of the Navy. He gives a private memorandum to a member of the committee. The committee itself has had no opportunity to consider this radical change, amounting in the aggregate to $2,000,000. Wherever there is an increase to any clause or clauses by this amendment it is an increase without an estimate, and is plainly out of order.

Mr. TILLMAN. There has been enough decrease to make up the $2,000,000 item. It is merely transferring from some items and putting them in this yard-and-dock item.

Mr. MARTIN of Virginia. On that principle the entire bill might be changed.

The VICE PRESIDENT. The point of order is sustained. The amendment is not in order.

Mr. THORNTON. I now ask that the amendment on page 31, after line 6, heretofore submitted, which was temporarily passed over at the suggestion of the Senator from Wyoming, be taken up.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 31, after line 6, insert:

> That the act approved August 22, 1912, making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended to read as follows:
>
> "That hereafter immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster General of the Navy shall cause to be paid to the widow and, if no widow, to the children, and, if there be no children, to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, exclusive of any expenses of interment which the Government defrays under existing law."

Mr. WARREN. Mr. President, the matter is legislation of a general character. It seeks to amend a statute that is already in the general statutes of the country, and I make the point of order against it.

The VICE PRESIDENT. The point of order is sustained.

Mr. GALLINGER. Mr. President——

Mr. THORNTON. The committee has not finished offering amendments.

Mr. GALLINGER. Very well.

Mr. THORNTON. I send up the following committee amendment and ask to have it read to the Senate.

The SECRETARY. On page 61, after line 17, add at the end of the bill a new section, as follows:

> SEC. 2. That all appropriations contained in this act shall be immediately available from the date of the passage thereof.

The amendment was agreed to.

Mr. THORNTON. That completes the committee amendments.

Mr. GALLINGER. Mr. President, I was not privileged to be in the Chamber much of the time during the consideration of this bill, having been occupied as a member of a conference committee.

In looking over the RECORD I notice that a new dry dock, at a cost of $3,000,000, has been provided for the Norfolk yard. I believe it was estimated for, and it was properly before the Senate. If I read the RECORD correctly, I believe the junior Senator from Virginia [Mr. SWANSON] admitted that there are now three dry docks at Norfolk—I ask the junior Senator from Virginia if that is correct—and that this will be the fourth dry dock at that station.

Mr. SWANSON. There is an old one. I think there is only one in very much use for large ships. One of them is very old.

Mr. GALLINGER. Mr. President, I am not finding fault with that legislation, because I apprehend that the dock is needed at that important yard to care for the large ships of the Navy. But I want to call attention to the fact that there are other yards, and I speak particularly of one yard that ought to be provided with an additional dock, and that is at Portsmouth, N. H. The climatic conditions, Mr. President, where that dock is located are of the best, and it is the only harbor north of Hatteras that does not freeze in the wintertime. It is always open; it is open the year around, and it will probably continue open for all time to come.

There is very deep water in the harbor of Portsmouth. I think deeper than in any other harbor in the country; at any rate, it is more than sufficient to accommodate the largest ships that have ever been built or that ever will be built. We have in that community an abundance of skilled labor of the highest quality, and the work done there is beyond criticism. We have one dock in Portsmouth, I believe 750 feet in length, constructed a few years ago to take the place of an old wooden dock that was out of commission, and the new dock is of a most excellent quality, being constructed of granite, and is answering its purposes, so far as its capacity allows; but we really need another dock in that navy yard, and it ought to be of modern construction and practically of the same size as the one already ordered for Norfolk. For that reason I am going to offer an amendment providing for a new dock for the Portsmouth yard. In entire frankness, I will say that it has not been estimated for, and that the amendment on that point is subject to a point of order. I hope, however, that no point of order will be made against it, but that it will be allowed to go to conference, where the friends of the appropriation will be permitted to present reasons that can not now be presented for its retention in the bill. Had I been in the Senate chamber when the Norfolk dock was discussed I would have presented reasons why a new dock should be constructed at the Portsmouth yard, but the Senator in charge of the bill is anxious to get a vote, and I will not detain the Senate long.

Mr. KENYON. How, then, can the Senator attach them to the rivers and harbors bill? [Laughter.]

Mr. BORAH. I do not know, but I will undertake to demonstrate it when we get there.

Mr. MYERS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. BORAH. I yield.

Mr. MYERS. I wish to say that I am in hearty accord with the Senator from Idaho about the urgent necessity and justice of some legislation for the extension of time for settlers to make payments on their lands under the Government reclamation projects; but the Senator speaks of testing the Senate as between that proposition and the rivers and harbors bill. I merely desire to suggest to the Senator that the bill to which he refers, granting an extension of time for payments on land under the reclamation projects, has passed the Senate and is now in the House. The Senate has nothing to do with it. It has no choice between that and the rivers and harbors bill.

Mr. BORAH. Oh, yes; the Senate will have a vast amount to do with it before the rivers and harbors bill gets through here. It will have a vast amount to do with it.

Mr. MYERS. If the Senator means that if one bill is defeated the other must be defeated, I can see what the Senate has to do with it; but it has no choice now as to passing the law granting 20 years in which to make these payments.

Mr. BORAH. Oh, I understand that perfectly; but there is such a powerful momentum behind certain forms of legislation in the Congress of the United States that every man knows that if he wants to ride through the Congress he had better get on that particular wagon.

Mr. THORNTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from Louisiana?

Mr. BORAH. I yield.

Mr. THORNTON. With the permission of the Senator from Idaho, I should like to ask him how long this discussion is to continue. When he rose to speak, the moment the speech of the Senator from California [Mr. PERKINS] was concluded, I supposed that, of course, he was going to address the Senate on the subject of the Panama Canal tolls bill. Otherwise I certainly should have moved that the naval appropriation bill, the pending bill, should be taken up.

I am very anxious to proceed with that bill. If we do not get through with it to-night we will not get through with it for a week. I never would have consented to the Senator taking up this time if I had not supposed he was going to speak on the subject of the Panama Canal tolls.

Mr. BORAH. Mr. President, with all due respect to my friend from Louisiana—for whom, as he knows, I have a very kindly regard—the Senator from Louisiana has nothing to do with consenting to my occupying the floor.

Mr. THORNTON. Mr. President, to that I will say that while the Senator is on the floor I can not interfere with him, but I could have objected to his speaking on any other subject except the Panama Canal tolls bill; and I should have called up that measure, which is a preference bill, if I had known the Senator was going to speak on any other subject. I am not trying to take him off his feet now, but I asked that he would give me an idea as to how much longer this discussion would continue. Before he began I spoke to him, having understood from the chairman of the Interoceanic Canals Committee that he wanted to speak on the subject of tolls. He told me he desired to speak about 20 minutes. He rose the very moment the Senator from California had concluded, and, of course, I supposed he was going to talk on the subject of tolls. It is well known that the naval bill comes up every day immediately after the discussion of the tolls bill.

Mr. BORAH. Mr. President, I would not inconvenience the Senator from Louisiana in passing an appropriation bill. I know how important it is to get through appropriation bills; but I wish to say to the Senator from Louisiana in all candor that if he knew the situation in the West, and the necessity of this legislation, he would not become irritated with the Senator from Idaho because he undertakes to present in a very few minutes what the Senator from Idaho deems the very unfortunate situation of the portion of the country which he has the honor in part to represent.

Mr. THORNTON. Mr. President, the situation is simply this: The naval appropriation bill is a preference bill, and had the right of way the moment the tolls bill was laid aside. I had the right to call it up, or ask that it be called up, and I think the Senate would have granted the request that it should be called up, as it has done every day heretofore.

Mr. BORAH. Mr. President, the Senator could not have kept me off the floor, although had he requested me to remain off the floor I would have done so until another hour; but had the Senator called up this bill, I should have simply addressed myself to this subject under the subject of appropriations. I wanted to discuss this matter; everything seemed quiet and calm and practically nobody was here. There were only three Senators in the Senate Chamber when I began to speak. I did not see any wild rush to discharge public business or any great agitation of mind over getting these bills through, and I thought it was a good opportunity to add a little respectability to the rivers and harbors bill by informing the Senate that I was going to offer some amendments to it.

Mr. THORNTON. Mr. President, I can only repeat what I said before. The Senator would never have spoken with my consent, and I do not believe the Senate would have agreed to allowing him to do so. If I had known that he was not going to speak on the subject of Panama Canal tolls, because he knows as well as everybody else here knows that the naval bill had the right of way the moment the Panama Canal tolls bill was out of the way.

Mr. GALLINGER. It had no right of way.

Mr. TILLMAN. Mr. President, I want to appeal to my friend from Idaho please to let us go on with the naval bill. He is so eloquent that we all like to hear him; I particularly like to hear him; but I appeal to him now to let us go on with the naval bill.

Mr. BORAH. If the Senator from South Carolina is making this a personal matter, I shall certainly yield.

Mr. TILLMAN. I do make it a personal matter. I ask the Senator to yield, as a friend of mine.

Mr. BORAH. I know the Senator from South Carolina is not in good health.

Mr. TILLMAN. I sympathize with the Senator in his desire to help his constituents out there, and perhaps I will vote with him.

Mr. BORAH. I should like to have the Senator make it a little stronger than "perhaps." [Laughter.]

Mr. President, I am going to yield on this proposition to-day, with the suggestion that when I can get on the floor without inconveniencing my colleagues I am going to continue the discussion. I want to discuss particularly an amendment to the homestead bill and for increased loan for the reclamation fund. These are the three measures which we can pass and which we should pass. I shall present the matter later. I now yield at the request of my friend from South Carolina.

Mr. O'GORMAN. I ask that the Panama Canal tolls bill may be temporarily laid aside.

Mr. THORNTON. The Senator might have said that it was laid aside practically half an hour ago, when the Senator from Idaho began to talk on conservation.

The VICE PRESIDENT. Without objection, it will be temporarily laid aside.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I ask that the Senate resume the consideration of the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

The SECRETARY. The pending amendment is the amendment of the committee, on page 59, after line 13, where it is proposed to insert:

A committee is hereby authorized to be appointed to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and special-treatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available.

Mr. OLIVER. Mr. President, I make the point of order against this amendment that it is general legislation on an appropriation bill.

The VICE PRESIDENT. The Chair does not believe it is general legislation. It has been some time since the Chair tried to practice law, but it is his recollection that general legislation is any legislation which applies generally to the people of the United States or which applies generally to any class of citizens of the United States who may come within the purview of the legislation, or any legislation which attempts to limit, alter, or change that which has been heretofore fixed by the statutes of the United States as applying generally to departments or officers.

The Chair does not believe this amendment comes within any of those rules; but it is special in character, and applies to one particular subject.

The Chair therefore overrules the point of order.

Mr. OLIVER. Mr. President, I am not sufficiently familiar with what is known as parliamentary law or parliamentary usages to argue this proposition. Not being able to argue it, I shall not appeal from the decision of the Chair, although from what little light I have upon the subject I can not concur in the views expressed by the Vice President.

On the merits of this proposition, however, I am opposed to it, because I am opposed to extending the operations of the General Government into the domain which ought to be left to private enterprise.

As a part of my remarks I wish to send to the desk and ask to have read a letter which I received some time ago upon this very subject from one of the most eminent lawyers in the State of Pennsylvania. He is a lifelong Democrat. I might style him the nestor of the Philadelphia bar. He expresses his views upon the subject in such strong language and in such apt terms that I think what he says will express my views much better than anything I could say.

I ask that the Secretary may read the letter.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

(Personal.)

LAW OFFICES,
DICKSON, BUTLER & MCCOUCH,
750 Bullitt Building, Philadelphia, May 27, 1913.

Hon. GEORGE T. OLIVER,
United States Senate, Washington, D. C.

DEAR MR. OLIVER: You ought to be better qualified than anyone else in Washington to expose the absurdity of the proposal of the Secretary of the Navy to build an armor plant, and you would be doing a great public service if you would make a brief statement of the facts.

It is hard to understand what notion he would have of building an armor plant without undertaking to produce the steel to be used in making the plates, and the cost of a complete plant would probably prove to be nearer $10,000,000 than $5,000,000.

Assuming that the Navy Department was in possession of such a plant, no matter how well designed and equipped, how could it possibly run it with a shifting force of employees? To insure armor of the quality required by the department it would probably cost in the Government plant two or three times as much as if made by the three concerns which are now making it. You could easily get information as to the mistakes which must be counted on and the incidental losses, which can, however, be put to use in the other departments of such plants. * * * [Clause read subsequently omitted from the RECORD.]

I have no other interest in the matter than as a citizen and as a Democrat who is disgusted with the incompetency and disregard of Democratic doctrine by the people who are now usurping the name of the party which in former years deserved the respect of those who believed in its principles. The men who are now masquerading as Democrats have no more notion of the true function of the State than the Czar of Russia, and the only definite purpose which they seem to have in view is to multiply its officeholders and to intermeddle with the business of the citizen.

Truly, yours,

SAMUEL DICKSON.

Mr. KENYON. I should like to ask the Senator from Pennsylvania, is the writer of this letter a manufacturer of armor plate or connected with the manufacture of armor?

Mr. OLIVER. Not at all. He is a lawyer, and all his life has spent his time in his law office.

Mr. KENYON. Is he employed by a manufacturer of armor plate?

Mr. OLIVER. Not to my knowledge. He wrote to me simply as a citizen of Pennsylvania writing to his representative in the Senate.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Pennsylvania if he thinks it is proper to insert in the RECORD a letter which makes such a reference as this letter does to the Secretary of the Navy and also to his supporters in the Senate. It seems to me that on sober second thought the Senator will withdraw at least that part of the letter from the RECORD which refers to the Secretary of the Navy.

Mr. OLIVER. I should like to know to what part the Senator refers.

Mr. THOMAS. That part which refers to the Secretary of the Navy and his supporters in the Senate. It may be in accordance with the notions of a distinguished Philadelphia Democrat, but he should not make such reflections upon a portion of this body and upon the Secretary of the Navy. I certainly do not believe the Senator from Pennsylvania would approve of it.

Mr. OLIVER. I have nothing further to say, Mr. President.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. SMOOT. Mr. President, I do not rise to appeal from the decision in relation to the point of order raised against the amendment, but I wish to say that in my opinion it is legislation upon an appropriation bill, and I can not help but believe that the point of order should be sustained. I am not going to appeal from the decision of the Chair. I am not particularly interested in the item, and therefore I do not raise the question at this time.

The VICE PRESIDENT. The rule says "general legislation," not "legislation."

Mr. SMOOT. I am aware of that, but the practice of the Senate has been in the past that items of this kind, which are purely legislation and can not be classed as special legislation, have always fallen under the head of general legislation. That is as I understand it.

Mr. CHAMBERLAIN. Mr. President, I move to strike from the RECORD the letter which was read at the request of the Senator from Pennsylvania. I think with the Senator from Colorado [Mr. THOMAS] that it is an unjust reflection not only upon officers of the Cabinet but upon Members of the Senate as well. Further than that, I think the Senator from Pennsylvania adopted the language as his own when he said that it expressed his views better and more clearly than it would be possible for him to do himself. I do not think the letter ought to be placed in the RECORD at all.

Mr. THOMAS. The part of the letter to which I object, and which I think should go out—not the entire letter upon the motion of the Senator from Oregon—is the part which I have included in parentheses on page 2.

The VICE PRESIDENT. The question is on the motion of th Senator from Oregon [Mr. CHAMBERLAIN] to strike the letter from the RECORD.

Mr. LEWIS. May I not offer as a substitute motion that the Senator from Pennsylvania tendering the letter be permitted to withdraw from the letter the portion which has been designated as obnoxious, and on his own motion, he having had it called to his attention?

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon to strike out the letter from the RECORD.

Mr. MARTINE of New Jersey. Mr. President, I would be quite as much a stickler for the dignity and respect of the Senate of the United States as anyone in this Chamber, but, after all, I think this is a good deal of a tempest in a teapot and it is perfectly harmless. The protest by this distinguished gentleman from Pennsylvania is entirely in harmony with that element that thinks everything the Democratic Party does is wrong. It is in harmony with the protest which was made when we started the parcel-post legislation. There came up what seemed to be a universal protest stating how the Government was running wild, that we were running into business, and all that sort of thing. When we started the proposition of appropriating $500,000 for a powder plant in order to make a little powder the same sort of protest was made. It has been made in years past and it will continue to be made as long as time lasts. It is utterly harmless.

I do not believe that Secretary Daniels will feel one whit smaller after having seen this letter spread upon the CONGRESSIONAL RECORD than before he read it. I believe it is just spending our time for naught. I would be perfectly willing to let the protest go on. It does not hurt us, and I do not believe it dignifies and advances the distinguished man who wrote the letter or the distinguished Senator who presents it.

Mr. LEWIS. But, Mr. President, upon the motion made to strike out this document from the RECORD I have this observation to make: I regard the general tendency a very dangerous one that has lately arisen and apparently seems now to grow in this body, that because a document may contain some observation not agreeable to the tastes or the sense of refinement of any Member the document must be stricken from consideration.

In this particular case there are statements which good taste would not have permitted and which offend against that form which has prevailed in discussion in this body; but what interests me is this: The Senator from Pennsylvania, unless I misunderstood him, and I now invite his attention to what I am saying, said that he offered this letter as a part of his remarks

Development of irrigation	50,000
Steam navigation on Danube River	250,000

stood abroad as at home.

through this body some time ago an act providing for the extension of the period of time for payment upon reclamation projects. That was a measure which was earnestly recommended by the Secretary of the Interior in his exceptionally able report, to which I have already called attention heretofore in a former debate; but I want to read, if I may, a single paragraph from it. It says:

> But there is one matter of great moment to these people which should be corrected by law as soon as possible.

Of course, as we do business here, and as the Government moves upon a century plan, it might be said that a year or two years or five years is "as soon as possible"; but for the man who is out upon the homestead, whose credit has been exhausted, whose title is likely to be impeached, and whose financial condition is up to the limit, "as soon as possible" does not mean a year or two. It means within a few months, or it means the forfeiture of his title and the loss of his earnings for the last five or six years. Yet, Mr. President, what the Secretary of the Interior says should be taken care of as soon as possible has been lying here in the tomb of legislation for months and months, and during all that time men have been sacrificing what has really constituted their earnings for the last several years.

I know that since the Congress of the United States has ceased to be at all active upon this question more than one homesteader in my State upon these reclamation projects has given up his all, and has undertaken to find employment at day labor or something to take care of his family.

Mr. THOMAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. BORAH. I yield.

Mr. THOMAS. I wish to inquire of the Senator if he does not think the Senate is in part to blame for this condition? Do we not waste more than half our time here in idle and useless discussion which might easily be obviated, and the time devoted to giving attention to the public business?

Mr. KENYON. Did the Senator say half of our time?

Mr. THOMAS. I wanted to be as moderate as possible. [Laughter.]

Mr. KENYON. I thought the Senator's statement was rather moderate.

Mr. BORAH. I will agree to that, if the Senator did not mean a personal reflection upon the present speaker. [Laughter.]

Mr. THOMAS. On the contrary, I am quite as guilty as my colleagues of using up a good deal of time that might perhaps be devoted to useful purposes.

Mr. BORAH. Mr. President, I think these bills could be passed without any further discussion at all, in all likelihood, and that if they were brought to the attention of the Congress they would be passed without any considerable further discussion, because they have been worked out to a great extent. They have been before committees; the Secretary of the Interior and his very able assistant have had to do with them, and there is very little left to discuss. I think they are agreeable to all parties interested, but for some inconceivable reason there is no movement behind them.

I will read another line or two from the report of the Secretary of the Interior.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES. I simply wish to suggest in that connection that there certainly was not any unnecessary delay in the Senate in the passage of the bill to which the Senator has referred, and no particular discussion in regard to it. It was passed hurriedly, in one day.

Mr. BORAH. The Secretary says

> We mistook the ability of the farmer to pay for his water rights. Ten years was the time given. His optimism and our own was too great. That time should be doubled. This should be done not alone because of the inability of many to meet their obligations to the Government, but because it will prove wise policy to give a free period within which the farmers may more fully use their farms. They can put their lands to a more profitable use, both to themselves and to the country, by being allowed to cumulate their earnings in the early years, and be thus enabled to make investments in stock and machinery which will make for larger profits later.
>
> I feel the keenest sympathy with those upon these projects who are entering into this work of putting the desert into public service. They are genuine pioneers in a new field of work, on the success of which depends greatly the reseuing of a vast territory. The enemy of the Government and of the farmer is the land speculator. He is of two kinds. Sometimes he is a farmer who does not expect to farm, but to sell out at a higher price and go elsewhere. Generally, however, he is the holder of a large tract of private land within the project, who creates false values and burdens those who buy and attempt to farm with a load of debt which handicaps them in their efforts. Both of these are hostile to the welfare of the enterprise, and tend to destroy the value of the service which the Government is attempting. But such matters may, I trust, be overcome by new methods of administration.

So several months ago, after a visit to the West, the Secretary of the Interior urged it; and he has not drawn the picture to its full color. So far as he has gone he is entirely accurate, but he has been modest in his statement as to the conditions which prevail there.

I say to the Congress of the United States now, and I weigh my words, that if this session ends without the passing of that bill it will be a most wrongful and unjust thing to thousands of settlers who have been invited by the Government to go upon those lands. It will work an irreparable injury to them. They never can be compensated. They will have given up all they have, and their sacrifices upon those desert places will have been made in vain.

I appeal to the Congress and to the administration in power to consider the welfare of these people, though they be but few as compared with the 90,000,000 people of the United States, and to pass this measure before this session ends. It will be not only an act of justice, but an act of humanity, and it will be an act of injustice and inhumanity if we fail to do it.

I do not know whether we shall leave here before the 1st of September or not; but no Senator sits here who could not afford to stay 30 days to relieve those men of the situation in which they find themselves.

I ask leave to insert in connection with my remarks the bill which has passed the Senate, which has had the approval of the Secretary of the Interior, which has had the approval of the Representatives of the House who met with the Secretary of the Interior, and which, so far as I know, is without objection as to its details.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Without objection, it will be so ordered.

The bill referred to is as follows:

[As reported in House of Representatives, showing committee amendments.]

(Omit the part in brackets and insert the part printed in italic.)

Be it enacted, etc., That any person whose lands hereafter become subject to the terms and conditions of the act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," and acts amendatory thereof or supplementary thereto, hereafter to be referred to as the reclamation law, and any person who hereafter makes entry thereunder shall at the time of making water-right application or entry, as the case may be, pay into the reclamation fund [2] 5 per cent of the construction charge fixed for his land as an initial installment, and shall pay the balance of said charge in 15 annual installments, the first 3 of which shall each be 3 per cent of the construction charge and the remainder *shall each be* 7 per cent until the whole amount shall have been paid. The first of the annual installments shall become due and payable on December 1 of the fifth calendar year after the initial installment: *Provided*, That any water-right applicant or entryman may, if he so elects, pay the whole or any part of the construction charges owing by him within any shorter period: *Provided further*, That entry may be made whenever water is available, *as announced by the Secretary of the Interior*, and the initial payment be made when the charge per acre is established.

ACT SHALL APPLY TO EXISTING PROJECTS.

SEC. 2. That any person whose land or entry has heretofore become subject to the terms and conditions of the reclamation law shall pay the construction charge, or the portion of the construction charge remaining unpaid, in 20 annual installments, the first of which shall become due and payable on December 1 of the year in which the public notice affecting his land is issued under this act, and subsequent installments on December 1 of each year thereafter. The first 4 of such installments shall each be 2 per cent, the next 2 installments shall each be 4 per cent, and the next 14 each 6 per cent of the total construction charge *or the portion of the construction charge unpaid at the beginning of such installments*.

PENALTIES.

SEC. 3. That if any water-right applicant or entryman shall fail to pay any installment of his construction charges when due there shall be added to the amount unpaid a penalty of 1 per cent thereof, and there shall be added a like penalty of 1 per cent of the amount unpaid on the first day of each month thereafter so long as such default shall continue. If any such applicant or entryman shall be one year in default in the payment of any installment of the construction charges and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund, but no homestead entry shall be subject to contest because of such default: *Provided*, That if the Secretary of the Interior shall so elect, he may cause suit or action to be brought for the recovery of the amount in default and penalties; but if suit or action be brought the right to declare a cancellation and forfeiture shall be suspended pending such suit or action.

INCREASE OF CHARGES.

SEC. 4. That no increase in the construction charges shall hereafter be made, after the same have been fixed by public notice, except by agreement between the Secretary of the Interior and a majority of the water-right applicants and entrymen to be affected by such increase, whereupon all water-right applicants and entrymen in the area proposed to be affected by the increased charge shall become subject thereto. Such increased charge shall be added to the construction charge and payment thereof distributed over the remaining unpaid installments of construction charges: *Provided*, That the Secretary of the Interior, in his discretion, may agree that such increased construction charge shall be paid in additional annual installments, each of which shall be at least equal to the amount of the largest installment as fixed for the project by the public notice theretofore issued. And such additional installments, with the increased construction charge, as so agreed upon, shall become due and payable on December 1 of each year subsequent to the year when the final installment of the construction charge under such public notice is due and payable: *Provided further*, That all such increased construction charges shall be subject to the same conditions, penalties, and suit or action as provided in section 3 of this act.

OPERATION AND MAINTENANCE.

SEC. 5. That in addition to the construction charge, every water-right applicant, entryman, or landowner under or upon a reclamation project shall also pay, whenever water service is available for the irrigation of his land, an operation and maintenance charge based upon the total cost of operation and maintenance of the project, or each separate unit thereof, and such charge shall be made for each acre-foot of water delivered; but each acre of irrigable land, whether irrigated or not, shall be charged with a minimum [maintenance] *operation* and [operation] *maintenance* charge based upon the charge for delivery of not less than 1 acre-foot of water: *Provided*, That, whenever any legally organized water users' association or irrigation district shall so request, the Secretary of the Interior is hereby authorized, in his discretion, to transfer to such water users' association or irrigation district the care, operation, and maintenance of all or any part of the project works, subject to such rules and regulations as he may prescribe. If the total amount of operation and maintenance charges and penalties collected for any one irrigation season on a project shall exceed the cost of operation and maintenance of the project during that irrigation season, the balance shall be applied to a reduction of the charge on the project for the next irrigation season, and any deficit incurred may likewise be added to the charge for the next irrigation season.

PENALTIES.

SEC. 6. That all operation and maintenance charges shall become due and payable on the date fixed for each project by the Secretary of the Interior, and if such charge is paid on or before the date when due there shall be a discount of 5 per cent of such charge; but if such charge is unpaid on the first day of the third calendar month thereafter, a penalty of 1 per cent of the amount unpaid shall be added thereto, and thereafter an additional penalty of 1 per cent of the amount unpaid shall be added on the first day of each calendar month if such charge and penalties shall remain unpaid, and no water shall be delivered to the lands of any water-right applicant or entryman who shall be in arrears for more than one calendar year for the payment of any charge for operation and maintenance, or any annual construction charge and penalties. If any water-right applicant or entryman shall be one year in [default] *arrears* in the payment of any charge for operation and maintenance and penalties, or any part thereof, his water-right application, and if he be a homestead entryman his entry also, shall be subject to cancellation, and all payments made by him forfeited to the reclamation fund. In the discretion of the Secretary of the Interior suit or action may be brought for the amounts in default and penalties in like manner as provided in section 3 of this act.

FISCAL AGENT.

SEC. 7. That the Secretary of the Interior is hereby authorized, in his discretion, to designate and appoint, under such rules and regulations as he may prescribe, the legally organized water users' association or irrigation district, under any reclamation project, as the fiscal agent of the United States to collect the annual payments on the construction charge of the project and the annual charges for operation and maintenance and all penalties: *Provided*, That no water-right applicant or entryman shall be entitled to credit for any payment thus made until the same shall have been paid over to an officer designated by the Secretary of the Interior to receive the same.

RECLAMATION REQUIREMENTS.

SEC. 8. That the Secretary of the Interior is hereby authorized to make *general* rules and regulations governing the reclamation of arid or irrigation of the lands within any project, and may require the reclamation for agricultural purposes and the cultivation of [one-fourth] *one-half* the irrigable area under each water-right application or entry within three full irrigation seasons after the filing of water-right application or entry, and the reclamation for agricultural purposes and the cultivation of [one-half] *three-fourths* the irrigable area within five full irrigation seasons after the filing of the water-right application or entry, and shall provide for continued compliance with such requirements. Failure on the part of any water-right applicant or entryman to comply with such requirements shall render his application or entry subject to cancellation.

LANDS NOT SUBJECT TO RECLAMATION ACT.

SEC. 9. That in all cases where application for water right for lands in private ownership or lands held under entries not subject to the reclamation law shall not be made within one year after the passage of this act, or within one year after notice issued in pursuance of section 4 of the reclamation act, in cases where such notice has not heretofore been issued, the construction charges for such land shall be increased 5 per cent each year until such application is made and an initial installment is paid.

WITHDRAWN LANDS SUBJECT TO ENTRY.

SEC. 10. That the act of Congress approved February 18, 1911, entitled "An act to amend section 5 of the act of Congress of June 25, 1910, entitled 'An act to authorize advances to the reclamation fund and for the issuance and disposal of certificates of indebtedness in reimbursement therefor, and for other purposes,'" be, and the same hereby is, amended so as to read as follows:

"SEC. 5. That no entry shall be hereafter made and no entryman shall be permitted to go upon lands reserved for irrigation purposes until the Secretary of the Interior shall have established the unit of acreage per entry, and water is ready to be delivered for the land in such unit or some part thereof and such fact has been announced by the Secretary of the Interior: *Provided*, That water entries made prior to June 25, 1910, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the reclamation law."

WATER SERVICE.

SEC. 11. That whenever water is available and it is impracticable to apportion operation and maintenance charges as provided in section 5 of this act, the Secretary of the Interior may, prior to giving public notice of the construction charge per acre upon land under any project, furnish water to any entryman or private landowner thereunder until such notice is given, making a reasonable charge therefor, and such charges shall be subject to the same penalties and to the provisions for cancellation and collection as herein provided for other operation and maintenance charges.

ADMISSION OF PRIVATE LANDOWNERS TO NEW PROJECTS.

SEC. 12. That before any contract is let or work begun for the construction of any reclamation project hereafter adopted the Secretary of the Interior shall require the owners of private lands thereunder to agree to dispose of all lands in excess of the area which he shall deem sufficient for the support of a family upon the land in question, upon such terms and at not to exceed such price as the Secretary of the Interior may designate, and if any landowner shall refuse to agree to the requirements fixed by the Secretary of the Interior, his land shall not be included within the project if adopted for construction.

DISPOSITION OF EXCESS FARM UNITS.

SEC. 13. That all entries under reclamation projects containing more than one farm unit shall be reduced in area and conformed to a single farm unit within two years after making proof of residence, improvement, and cultivation, or within two years after the issuance of a farm-unit plat for the project, if the same issues subsequent to the making of such proof: *Provided*, That such proof is made within four years from the date as announced by the Secretary of the Interior that water is available for delivery [to] *for* the land. Any entryman failing within the period herein provided to dispose of the excess of his entry above one farm unit, in the manner provided by law, and to conform his entry to a single farm unit, shall render his entry subject to cancellation as to the excess above one farm unit: *Provided*, That upon compliance with the provisions of law such entryman shall be entitled to receive a patent for that part of his entry which conforms to one farm unit as established for the project: *Provided further*, That no person shall hold by assignment more than one farm unit prior to final payment of all charges for all the land held by him subject to the reclamation law, except operation and maintenance charges not then due.

ACCEPTANCE OF THIS ACT.

SEC. 14. That any person whose land or entry has heretofore become subject to the reclamation law who desires to secure the benefits of the extension of the period of payments provided by this act shall, within six months after the issuance of the first public notice hereunder affecting his land or entry, notify the Secretary of the Interior, in the manner to be prescribed by said Secretary, of his acceptance of all of the terms and conditions of this act, and thereafter his lands or entry shall be subject to all of the provisions of this act.

SEC. 15. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

[SEC. 16. That the district court of the United States for the district where the lands, or some portion of the lands, included within any reclamation project are situated shall have jurisdiction of all suits brought by the United States or the Secretary of the Interior for the enforcement of the provisions of this act, and jurisdiction of all suits now pending or which may be hereafter instituted by any legally organized water users' association or irrigation district in behalf of the water users and settlers thereon for the enforcement of the provisions of this act and of the provisions of the reclamation law as referred to and defined in section 1 of this act.]

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. BORAH. I yield.

Mr. JONES. I fully agree with the suggestions made by the Senator as to the importance of passing this measure. I thought I would ask the Senator whether he does not feel that we would be justified, if necessary, in taking advantage of some of the opportunities we have to delay the passage of some measures that may be urged until that legislation is passed in another body?

Mr. BORAH. Mr. President, I have offered one amendment to the rivers and harbors bill covering a western subject. I am going to offer the bill which I have just asked to have printed in the RECORD as an amendment to the rivers and harbors bill, and I am going to offer another one covering the homestead question. I am going to test the sense of the Senate as to whether it thinks more of that kind of legislation which has come to be designated the country over as the "pork barrel" or of the interest of those who are trying to make homes in the western country. I am going to know before the session closes whether we will appropriate out of the Treasury of the United States millions of dollars, 40 or 50 per cent of which will likely be wasted before it ever gets to the place where it ought to be expended, and put aside legislation which does not cost the Government one cent in the end, but which enables the wandering settler of the West to locate himself and his family and to become an estimable citizen of this Republic.

If the Senate should come to the conclusion that it thinks more of the rivers and harbors bill than it does of that situation, I shall test the Senate upon another question, and that is whether or not it will pass the rivers and harbors bill at all.

Mr. KENYON. Mr. President, will the Senator yield to me for a question?

Mr. BORAH. I yield.

Mr. KENYON. I wish to ask the Senator whether the amendments he proposed to the rivers and harbors bill would raise the question to which he has been speaking this afternoon. As I understand, the Senator's propositions are not "pork-barrel" propositions.

Mr. BORAH. No.

word—than to assert seriously that by these two great acts of her people and her legislature the State of New York aimed to give subsidies to the owners and captains of her canal boats and to raid the State treasury and rob the people for the benefit of the few who chanced to have put their money in these humble craft?

FREE TOLLS NOT A SUBSIDY.

The passage of American ships in commerce between the States from New York to San Francisco through the Panama Canal free of tolls is no more a subsidy, to my way of thinking, than the passage of less pretentious vessels from New York to Cleveland or Chicago free of tolls through the Erie Canal.

The fundamental rule in each case is the same, that the commerce between the States by right ought to be free from Federal taxation or charges, save only when the necessities of war require Congress to push the taxing power to its furthermost limits.

This well-established principle of freedom of intercourse between the States has been challenged during the discussion of the pending measure, and I am not certain that the responsible majority in its desire to do things differently from the way in which they always have been done will not use the pending bill as the first step in the policy of erecting national tollgates on all navigable rivers and canals which have received the favorable attention of Congress.

The charge of subsidy to shipping business seems to me without force or effect for the reason that there is no single track between any of the ports of the United States bordering on the ocean, and anyone can build and operate a vessel without restriction, engage in the coastwise and ocean trade, and go where he pleases.

If it is called a subsidy by the shipping interests, then it seems to me equally fallacious as vessels that are built in American shipyards, by American mechanics who are citizens of this country or capable of becoming, give the profits to the American people rather than to foreign people; also money expended in this country for labor and raw material used in the construction of American ships help to build up the industries of this country rather than foreign industrial activity.

These ships in this country also pay a city, county, and State tax, and assessments in some form are levied by most States on this kind of property. New York being the exception by exempting American vessels engaged in domestic and foreign trade from direct taxation as property.

Wages paid to sailors and officers on ships flying the American flag are nearly double those paid on foreign ships. For the same reason, because of higher wages paid to American mechanics, the cost of building a ship in this country is approximately one-third more than anywhere else in the world.

Of course, ships flying under foreign colors pay nothing to this country in the way of taxes, and come from foreign ports to the ports of the United States, and in no way help to decrease the burden of taxation of this country.

The charge that this subsidy is a huge monopoly and trust in vessels engaged in the coastwise trade by those advocating the repeal of free tolls shows that they have given but little consideration to this measure, for the reason that railroads which have a monopoly have paid by far a better rate of interest on investments than companies who have shipping interests and who have paid but a fair rate on the capital invested, the hazard of loss being very great.

I have endeavored to show how meaningless is the use of the word "subsidy" in the discussion of the bill before us, but that word has no terrors for me or for the people of the State of California, whose future lies on the sea.

The policy of subsidies is consistently followed by the maritime nations of the world mainly for military and postal services, and I have no doubt in time that the United States will give up its rule of isolation and singularity in this respect, just as it changed its policy about 30 years ago and started to become a first-class naval power.

As an American, and especially interested in navigation and anything pertaining to industrial pursuits, I think that anyone giving this question the necessary attenton and study will agree with me that the coastwise trade should be kept open and unrestricted to the people of our country.

I am sure the Senators who are supporting the pending bill will give respectful consideration to the recent report of the British Board of Trade to the British Parliament, showing the following subventions paid to merchant ships:

Austria (1910).

Mileage bounty, Austria Lloyd	$1,030,000
State subsidies to A. Lloyd	250,000
Dalmatian service	190,000
Development of navigation	40,000
Steam navigation on Danube River	250,000
Postal subsidies	$310,000
Reimbursement Suez Canal dues	480,000
Working and voyage subsidies to nonsubsidised navigation	1,450,000
	4,000,000

Hungary (1910).

Contract lines	545,000
Noncontract lines	75,000
	620,000

France (1910).

Construction bounties	1,800,000
Navigation bounties	5,200,000
Postal subventions	5,500,000
	12,500,000

Germany (1910).

Postal subsidies to North German Lloyd and German East Africa Line	1,750,000

Also:
German East Africa and German Levant Line get indirect bounties in form of largely reduced transportation rate on all German State railways to goods exported on through bills of lading from inland places by either line.

Italy (1910).

Commercial, maritime, and postal services	2,400,000
Navigation and construction bounties	1,600,000
	4,000,000

Japan (1911).

Extending steamship routes	5,600,500
Encouraging navigation	838,000
Encouraging shipbuilding	550,000
Training seamen	2,500
Subsidy to lifeboats	10,000
	7,000,500

Russia (1912).

Encouragement of mercantile marine	3,675,000
Subsidies to river steamship companies	225,000
Encouragement of shipbuilding	55,000
	3,965,000

Great Britain and Colonies.

Subventions and mail pay (1908)	3,220,000
Admiralty subsidy to Cunard Line (1909)	730,000
Royal naval reserves (1909)	1,785,000
Canadian subsidies and mail pay (1910)	1,580,000
Canadian fisheries bounty (1909)	160,000
Australia and New Zealand subsidies and mails (1909)	1,295,000
Cape Colony subsidy (1909)	655,000
Jamaica subsidy (1909)	195,000
	9,620,000

United States (1912—Act of 1891).

Mail pay (includes encouragement of commercial and naval facilities)	980,000

EXEMPTING COASTWISE VESSELS NO DISCRIMINATION AGAINST ANY NATION.

I have endeavored to show that the opponents of this bill occupy a position fortified at every point by recognized principles of American policy, including the policy of extreme liberality in the commercial treatment of other maritime nations, while the advocates of the bill, starting with the rejection of the most recent declarations of the three national parties and their national leaders during the last presidential election, are already driven to advocate measures and theories subversive of those which have been consistently followed from the beginning of our Government.

There is no question in my mind that the Panama Canal act of 1912, by exempting our coastwise vessels from Panama Canal tolls, involved no discrimination of any kind against Great Britain or any other nation.

I well recall that during the discussion of the Hay-Pauncefote treaty in executive session the late William P. Frye, Senator from the State of Maine, than whom the Senate has never seen a more just and impartial counsellor in our foreign relations and a more devoted advocate of the merchant marine—I recall, I say, that Senator Frye in executive session distinctly took the view that the proposed amendment of my colleague, Senator Bard, of California, to the Hay-Pauncefote treaty by specifically exempting our coastwise trade in terms in the treaty was entirely unnecessary, though perhaps harmless, because foreign ships could not engage in the coasting trade from the Atlantic to the Pacific either through the Straits of Magellan or through the transisthmian canal when opened; that the question of discrimination accordingly could never arise, because this rule of our maritime conduct was as well understood abroad as at home.

THE MEANING OF THE BRITISH PROTEST.

The British protest, as I read it, takes no other or different view. It merely expresses the fear that the principle of coastwise exemption may be so administered as to lead to discrimination against British vessels in contravention of the treaty. This fear does not involve national honor; it is not a charge of perfidy against the Congress which passed and the President who signed the Panama Canal act of 1912; it does not intimate that the national platforms and the national candidates of 1912 were lost to all sense of propriety and all understanding of the solemnity of international obligations.

This expression was merely a reasonable admonition that in the administration of the canal act officers responsible for government shall see to it that all the rights we have conceded to other nations shall be scrupulously observed and shall not be lost sight of by those charged with the control of the canal.

I must confess that the fear expressed by Sir Edward Grey and Mr. Mitchell Innes, of the British embassy, would have seemed to me more reasonable if it had been uttered after instead of before the action of the officers of the administration with reference to the discriminating-duty section of the Underwood Tariff Act.

Be that as it may, if I have read with understanding the British notes, the remedy for the situation lies in careful instructions by the President, the Secretary of the Treasury, the Secretary of War, and the Secretary of Commerce, in their respective spheres, to subordinate officers in their several departments who have to do with Panama Canal affairs and the duties of collectors of customs.

Until this remedy has been tried; until some reasonable proposition for arbitration or mediation, if there be any question to arbitrate or mediate, has been tried and has failed, the Senate should hesitate long before taking a step the ultimate consequences of which may be fraught with serious perils to the Republic.

Mr. BORAH. Mr. President, I understand that there is no Senator who desires to discuss the tolls question at this time. If there is, I will give way; but if there is not, I desire, under the protection of this measure while it is before the Senate, to perform the modest task of making a few suggestions to the President of the United States and to the Democratic Party.

It appears by the public press that we are to have no legislation at this session upon western questions, and I feel that I may properly appeal to those in charge of legislation to consider seriously the question whether such legislation should be put aside. We have been in session now for nearly two years. Some measures covering western legislation vital to the interests of the West have already been put into shape and form and passed by this body, which could be passed by the other body and become the law of the land after a few hours' consideration.

A short time, Mr. President, after the incumbent of the White House was elected he delivered an address at Chicago upon the subject of conservation, an address which met with the approval of the entire West. In the first place, it was a clear and definite statement as to the necessity of some practical legislation, and, in the second place, it seemed to suggest that legislation along practical, sane, and safe lines. As I have said, it met with the approval of all those who live in what is known as the arid-land or public-land States, or those States which are yet in the course of development where there are large areas of public lands and where the natural resources are yet to be developed. I took occasion to write the President after he delivered that address, expressing, as an humble member of the western delegation, my approval of the principles which he announced and the purposes which he foreshadowed as to his administration.

The President followed up the address, as an evidence of his good faith, by appointing as Secretary of the Interior, Franklin K. Lane, than whom no better man could have been found for the position, a western man, but thoroughly alive to the necessity of protecting the natural resources of the West against the inroads of monopoly, a man who understands the necessity of development and the pressing need of legislation in order to promote development; in other words, a man who believes that the tying up of natural resources is not conservation. There are only a few people in this country at large who still believe in that proposition.

Mr. Lane made his report on June 30, 1913, in which he outlined the purposes and policies of the administration. This report met with the entire approval of the people of the West, and it was supposed that legislation would follow within a reasonable time and that relief would be granted from a condition which can not be too thoroughly discussed or too well understood.

As I have said, so far as actual legislation is concerned, nothing up to this time has been done and the situation in some respects is deplorable. I do not believe that the President understands the situation in the West or the conditions which prevail there at this time. Neither do I believe that he understands the situation here with reference to legislation upon that subject; or, otherwise, there would be an insistence upon his part that some legislation be enacted at this session.

I understand, Mr. President, that there are some kinds of legislation, or, rather, some bills covering some subjects of conservation, which would require a vast amount of time; and perhaps, in view of other matters which are pending and which are deemed to be more important—though I do not think so—we can not expect that legislation be had upon those subjects. For instance, we might concede that, so far as legislation dealing with the grazing lands in the West is concerned, that it could hardly be framed, put into shape, and passed at this session. We might concede that, so far as the power question is concerned, it would require more time than we could possibly give to it at this session; but I do want to say, Mr. President, that there is no subject before Congress of more concern and consequence, not only to the people of the West but to the entire country, than the question of the proper solution of the power problem.

There is now in process of organization and creation in this country the most gigantic combination designed to control the power possibilities of this country that we have had any knowledge of in the entire history of combinations. Men representing $200,000,000 are behind the movement to take control; and the attitude which the Government has assumed for the last few years enables them to do so with greater prospect of success. I would not say that a law dealing with that question could be passed at this session, requiring the consideration and study that it will, but I do say that we could well afford to spend time upon the subject and, in my judgment, some other matters which will be dealt with in a superficial way could be put aside for the purpose of dealing with this matter in a substantial way.

I do not, however, rise to urge those two particular propositions. There are some measures here which we can enact after a few hours' consideration. They are measures which have been discussed. They have been hammered into shape. Committees from the House of Representatives and from the Senate, in connection with the Secretary of the Interior, have gone over them and worked them out. Some of them have passed this body, and it would only require a few hours to make them statutes; and the result would be of incalculable benefit to the people of the West, who are trying to settle up the arid lands and make homes there. Those people have disclosed great courage, a great love for homes, in taking hold of these desert lands, and we owe a duty to them, and that is to act promptly and to act efficiently.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator for just a moment?

The PRESIDING OFFICER (Mr. RANSDELL in the chair). Does the Senator from Idaho yield to the Senator from Oregon?

Mr. BORAH. I yield.

Mr. CHAMBERLAIN. The Senator referred to the conduct of the administration as having placed it in the power of these water-power monopolies to get control; and I think the Senator limited this administrative policy to the last two years, or possibly three years.

Mr. BORAH. Oh, no; I did not limit it to that.

Mr. CHAMBERLAIN. I think the Senator did not intend to convey that idea. It really dates back six or eight years.

Mr. BORAH. I did not limit it to the last two years. I said "the last few years."

Mr. CHAMBERLAIN. I did not think the Senator intended to do so.

Mr. BORAH. I did not rise to-day to assail the administration or to criticize it. I am calling attention to a condition. Wherever the chips fall they will have to fall, whether on preceding administrations or on this administration.

Mr. CHAMBERLAIN. I did not think the Senator intended to convey that idea, but from what the Senator said I rather drew the inference that he confine it to the last two or three years. I think the policy of which he speaks really dates back about eight years.

Mr. BORAH. I did not intend to confine it to this administration. I said "the last few years."

I was about to say that there are some measures here which need not take any considerable length of time. We passed

effected and the national colors which those ships will display. To my regret, in the carrying trade to be opened by the Panama Canal between the west coast of South America, for example, and the Continent of Europe, the United States will also have no part. The lion's share of that carrying trade, under existing conditions, will be conducted by British ships.

I do not intend to burden the Senate with any statistics, nor is it my purpose to quote from the voluminous correspondence relating to the Panama Canal. In the many able speeches which have been made in both branches of Congress, and from all points of view during the discussion of the last few years, such information has already been fully set forth, and I could merely add one more interpretation or construction of official correspondence to the many already before the Senate. I would, however, ask your attention to one very simple computation. The first cost of the canal with its accessories and of operation during its first year will be in the neighborhood of $400,000,000.

Over one-half of the anticipated trade through the canal will be, as I have stated, trade strictly between foreign countries, in which the United States is to have no share. So, over $200,000,000 of our investment we may set down to pure philanthropy from the strictly commercial point of view. Of this trade between foreign nations one-half, at least, and probably more, will be carried on in British ships, so that of our outlay of $400,000,000, the immediate and undisputable beneficiary, at least to the extent of $100,000,000, will be ships under the red ensign.

I wish here and now distinctly to disclaim any hostility against England or any desire to bring into this discussion any considerations which in any way would violate the warning of Washington, in his Farewell Address, against "permanent inveterate antipathies against particular nations and passionate attachments for others."

In all our differences and discussions with England which have come under my notice—the Alaska boundary controversy, also fisheries limitation treaties and other treaties covering disputed questions, and as a Member of the Senate, and especially as a member of the committees which have had to deal with these differences and disputes—I have found the representatives of the British Government fair men, moderate in the presentation of the views of their Government and animated by the desire to secure an amicable and just settlement of differences which necessarily from time to time arise in the relations of neighboring nations.

IMMEDIATE GAIN TO GREAT BRITAIN OF $100,000,000.

The immediate beneficiary of $100,000,000 of our investment will be British ships engaged through the canal in trade between countries foreign to us.

In 1875 Great Britain paid £4,000,000, say $20,000,000, for its immense block of shares in the Suez Canal, which up to that time had cost much less than $100,000,000. It does not seem to me, therefore, quite in accord with the fitness of things that the British Government should allege undue discrimination on the part of the United States in its own favor in the legislation which we have enacted.

I have, of course, read the notes in which the British Government has expressed its views, and I find in them none of the vehement denunciation, none of the imputations of bad faith and national dishonor, no trace of the passionate insistence that one side in this controversy is altogether right and the other side is altogether wrong which have characterized the discussion on the subject at times in Congress, and even more the discussions in the public press. I find in these notes a candid, straightforward recognition of the fact that there is a difference of opinion as to the construction in actual administration to be put upon certain phrases in the Hay-Pauncefote treaty.

We have all along been aware of such differences, and it seems to me that we should be very cautious before we put ourselves irretrievably in the attitude of affirming that we are altogether right or altogether wrong.

In the general division of the Panama Canal trade which we have thus far considered—namely, the exchange of imports and exports exclusively between foreign nations, carried exclusively in foreign ships, and constituting, as estimated, over one-half of the business of the canal—we have more than met all the obligations of the broadest humanity.

THE UNITED STATES HAS PUT $400,000,000 IN THE CANAL.

We have invested over $400,000,000 for that purpose, and we have fixed a rate of tolls so low as to fall short of the estimated expenses of operating the canal and all its appurtenances, the maintenance of the necessary armed force, and proper sanitation, without any provision for a sinking fund to meet the original obligation.

This is a splendid gift to mankind.

COMMERCIAL ADVANTAGES.

The second great division of trade through the canal will be the trade between the Atlantic and Gulf ports of the United States and foreign ports in the Pacific Ocean, and trade between the ports of our Pacific States, Alaska, and Hawaii and foreign ports on the Atlantic.

This trade has been roughly computed at about 35 per cent of the anticipated trade through the canal, measured by the tonnage of ships passing through the locks.

In all the benefits that accrue from the exchange of imports and exports between nations the United States will share so far as this branch of trade is concerned. And how has the canal legislation treated it? On terms of absolute equality with no discrimination as between other nations or as between other nations and ourselves. Congress, in enacting the canal legislation, has treated this branch of trade precisely in accord with the principle of maritime reciprocity which has been the guiding principle of our commercial and maritime policy for a hundred years and is identical with the maritime policy of the world.

THE TARIFF IN RELATION TO THE CANAL.

This is not the time to enter into a discussion of the merits or demerits of the policy of discriminating duties, imposts, or other charges, but I can not refrain from suggesting that the paragraph in the recent tariff act proposing a discriminating reduction in the duties on cargoes brought in American ships furnished much better ground for protest than does the Panama Canal act of 1912, and that a rare opportunity to affirm the sanctity of treaty obligations was lost when the House of Representatives passed unbindered a section so plainly in violation of treaty obligations that the Senate with little discussion speedily sought to correct it.

Subsection 7 of paragraph J of section 4 of the Underwood-Simmons tariff provides:

> J. Subsection 7. That a discount of 5 per cent on all duties imposed by this act shall be allowed on such goods, wares, and merchandise as shall be imported in vessels admitted to registration under the laws of the United States: *Provided*, That nothing in this subsection shall be construed as to abrogate or in any manner impair or affect the provisions of any treaty concluded between the United States and any foreign nation.

Unlike the Panama Canal legislation which is under review in the present discussion, this section of the tariff law owes its existence entirely to the responsible political majority in both branches of Congress and to the national administration which was consulted in the preparation of the Underwood tariff. I presume that the subsection was intended to be a fulfillment of the following plank in the Democratic national platform:

> Merchant marine: We believe in fostering by constitutional regulation of commerce the growth of a merchant marine, which shall develop and strengthen the commercial ties which bind us to our sister Republics to the south, but without imposing additional burdens upon the people and without bounties or subsidies from the Public Treasury.

Whether this plank is a "little plank" or a big plank, whether its meaning was understood at the time or was not understood by those who voted for it, and whether it will be necessary to take another poll of the delegates to the Baltimore convention to find out whether this plank should be lived up to or abandoned, I am not in a position to state. This much, however, is a matter of public knowledge. The Attorney General has held that the subsection consists of mere words—of sound and nothing further. In brief his ruling is:

> The 5 per cent discount to American vessels only, which was the primary object of the subsection, can not be given without impairing the stipulation of existing treaties between the United States and various other powers, and consequently the subsection, by the express terms of the proviso, is inoperative.

The Secretary of the Treasury, accordingly, has declined to enforce this part of the act.

The Board of United States General Appraisers, which is equally with the Secretary of the Treasury and the Attorney General a part of the responsible administration and is charged, I believe, specifically with the administrative decision of matters relating to the tariff, over a month ago decided as follows:

> We conclude that subsection 7 of paragraph J of section 4, tariff act of 1913, should be enforced according to its letter.
>
> That dutiable goods imported in vessels admitted to registration under the laws of the United States should be conceded a 5 per cent discount from the duties provided for in the other parts of the statute.
>
> That the most-favored-nation clauses in treaties with foreign countries are not applicable to the questions at issue here, as subsection 7 does not extend any special favor to any particular country, but is an offer or promise by the United States to importers, wherever residing, for the benefit of American shipping, with incidental benefits to the importer; that it is not gratuitously given in any sense of the word, but is in consideration of the necessary trouble and expense incumbent upon the shipper who selects American vessels, and the enforcement of the law does not abrogate or in any manner impair or affect the provisions of any treaty.
>
> That the more specific commercial treaties here in question are not self-executing; they are executory; and the question of their application is a political one and not within the jurisdiction of the courts.

There can be no doubt whatever that should this ruling of the Board of General Appraisers be enforced by the Treasury Department protests of discrimination would be filed by all the great maritime nations with which we are in treaty relations.

OUR FOREIGN RELATIONS.

The subject covered by this paragraph of the tariff has to do exclusively with foreign trade and foreign relations. I am at a loss to understand, therefore, why those who are keen for our scrupulous regard for our international promises—and in that regard I yield to no one—should have begun with a matter involving solely our coastwise trade, which to the minds of many of us appears to be a purely domestic concern. Before them is a larger matter of foreign trade involving indisputably our commercial relations with foreign powers which have been regulated for nearly a hundred years by treaty in accord with a uniform policy of maritime reciprocity. This issue is squarely before the national administration and the responsible majority in Congress. Has Congress been asked to repeal this section? Has a choice been made between the attitude of one part of the administration that the section is an empty and meaningless jumble of words put forth in the hope that it would delude men into the belief that the Baltimore convention platform had been fulfilled, and the attitude of another part of the administration that we are at entire liberty in the face of 20 treaties to discriminate in favor of American ships "in consideration of the necessary trouble and expense incumbent upon the shipper who selects American vessels"?

THE BALTIMORE PLATFORM.

I have profound respect for the President of the United States and for the Senators who are ably supporting his views and reaffirming their own views on the subject of the Panama Canal toll legislation, enacted with the approval of the last national administration, but I must confess that they seem to me to be "straining at a gnat and swallowing a camel" so long as the discriminating duty provision in subsection 7 of paragraph J of section 4 of the Underwood tariff remains on the statute books. If that section is a jumble of words, let it be repealed and take its place with the other discarded lumber of the Baltimore platform. If, on the other hand, the section is real, vital law, "fostering by constitutional regulation of commerce the growth of a merchant marine," then let it be enforced. If it is not enforced because the administration believes that its enforcement would violate 20 treaties or more, and with real reason give offense to those nations with whom we wish to maintain friendly intercourse, then let us have a frank avowal of the fact, and a prompt repeal of the subsection would follow without admonition from the President. At all events, it strikes me that it would be more seemly before we remove the "mote" in the Panama Canal act of 1912 to extract the "beam" from the Underwood-Simmons tariff measure.

THE DISAPPEARING AMERICAN MERCHANT MARINE.

Sixty-one years ago, in the summer of 1853, I was a sailor boy at $7 a month on board the square-rigged American ship *Golden Eagle*, loaded with cotton from New Orleans, in the harbor of Havre, France.

The *Golden Eagle* was built at Kennebunkport, in my native State of Maine, and I can assure you she was a sailing ship of which the American of that day or of this night well have been proud. I recall that at that time there lay in that great French harbor docks 12 full-rigged American ships, loaded not only with the products of our own country, but some of them with the products of the remote parts of the world. There were but two British ships in the harbor at that time, and it is pleasant for me to recall that a favorite air of the military bands of this great French seaport was the Star-Spangled Banner, played in honor of the kind of ships and the sort of men with which the United States was conducting its commerce with our sister Republic. Before I was 18 years old I had made six voyages to Europe and one to California around Cape Horn on merchant ships flying the American flag. During my lifetime I have been closely identified with the American merchant marine in every capacity from that of a cabin boy and seaman on the sailing ships of years ago to a part owner in a considerable fleet of American steamships on the Pacific coast.

Lest some one outside the walls of the Senate Chamber may think that in my words and vote on this bill I am moved by personal interests, I take the liberty of stating that before I came to Congress, 21 years ago, I divorced myself from all business interests which could in any way be affected by congressional legislation, excepting that general legislation which relates to the whole country. My interest in the subject of the merchant marine, however, is unabated. In my own experience I have come to realize the value of a merchant marine in the promotion of foreign trade, and more particularly its inestimable value to the Nation as an element of the national defense in time of war.

THE LOYALTY OF THE AMERICAN MERCHANT MARINE.

In every war in which the United States has participated during my lifetime the American merchant marine, ships and sailors, have filled an honorable and necessary part, and it is with profound regret and sorrow that from time to time during the discussion of the pending bill I have heard shipowners denounced in terms which in my young manhood would not have been applied to the most hardened lawbreaker.

I have heard men denounced as parasites and leeches on the Public Treasury whom we all know risk their capital and devote their best energies of mind and body to the prosecution of ventures on the sea which have helped to give us the commerce that renders profitable all form of industrial enterprise and labor at home. To these very men in time of emergency the Nation has always turned first for help and met with prompt and generous response.

I have seen the time when the United States was a close second to Great Britain—so close that the race was neck and neck between us for the title of "Mistress of the Seas."

I shall not enter into an examination at this time of the causes which for the past few decades have made us a laggard in the race and have transferred easily to our rival the title for which we once fairly competed. It was my national pride and glory then to see the American flag flying in foreign ports; but now, to my profound sorrow, our flag is now hardly found or seen in any foreign port.

I have seen it gradually disappear, first from the remote ports, then from those nearer at home, until to-day, as Senators are well aware, our flag is seldom seen abroad, and American ships are engaged almost exclusively in the coastwise trade.

COASTWISE TRADE RESERVED TO THE UNITED STATES UNDER OUR NAVIGATION LAWS.

The coastwise trade of the United States for a century has been reserved to American vessels. This fundamental principle of our economic system has been known to other maritime nations for generations. In fact, I doubt if we have any other rule of conduct which is so generally known abroad as is this rule. It is as well understood in London and Hamburg as in Washington that the carrying trade of the United States from the Atlantic to the Pacific coast can be conducted only in vessels of the United States, whether the route be around Cape Horn, through the Straits of Magellan, or through the Panama Canal.

The principle of the reservation of the coasting trade was established by the fathers of the Republic, Jefferson and Madison, as well as Franklin and Hamilton, and up to the present time the wisdom of that policy has not been disputed.

I now, however, note with regret that the author of the pending Panama Canal toll bill in the other branch of Congress has introduced a measure to open our coasting trade to foreign vessels, and it may perhaps be that the bill before us is the first step in a policy subversive of all our maritime traditions. The pending bill is certainly in conflict with one of our most firmly established commercial principles. I had always believed until the last few months that the unrestricted commerce between the States was a cardinal principle of our economic faith.

If I have read history correctly, the removal of charges upon and impediments to the navigation of the Potomac between the Colonies of Maryland and Virginia was one of the prime causes for the meeting of the Annapolis convention which was the first step toward the union of the Colonies, the Declaration of Independence, and the establishment of the United States of America.

Certainly for 90 years Congress has made it perfectly clear that—

> no tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may hereafter be acquired or constructed.

There are none left in Congress of those who voted for this measure in 1884, but I venture the suggestion that the late John G. Carlisle, who presided over the House of Representatives which passed this measure, and the late Allen G. Thurman, who was a member of the Senate which concurred in enacting it—to call to the minds of our latter-day exponents of Democracy the names of only two leaders who really understood and lived up to the traditional principles of their party—it would be a surprise to these men, I say, could they be told, as we are being told, that freedom of navigation between the States in another name for wholesale subsidy to shipping and is inconsistent with the principles of the Democratic Party.

The great State of New York a generation ago abolished the tolls on the Erie Canal, and a few years ago voted upwards of a hundred million dollars for the improvement of that waterway. Would anything be more fantastic—to use no stronger

under circumstances under which they are not now liable; but, being liable, I want to make them pay the full value of the articles for which they may be responsible.

I do not, however, agree with the Senator from Utah that the word "transported" would enlarge the liability of a common carrier, inasmuch as this bill does not purport or pretend to prescribe their liability in that respect, but only their liability with regard to contracts of limitation.

Mr. President, I feel very much obliged to the Senate for its courtesy this morning; and I intend to ask to-morrow morning if it can be done without undue interruption of the tolls bill, for a continuation of its consideration. Meanwhile I ask that my resolution may be passed over without prejudice.

Mr. SMITH of Georgia. Whenever that resolution comes up I think it can be clearly shown that it is out of order and in violation of the rules.

Mr. CUMMINS. Very well.

Mr. SMITH of Georgia. I hope the Senator will not take any time in pressing it.

Mr. CUMMINS. I shall not take a moment so long as I can get time for the consideration of the bill.

Mr. SMITH of Georgia. I believe we all want to help the Senator to get a vote on his bill.

PANAMA CANAL TOLLS.

Mr. O'GORMAN. Mr. President, if there is nothing else occupying the attention of the Senate, I ask that the Panama Canal tolls bill may be laid before the Senate, in order that the Senator from California [Mr. PERKINS] may address himself to that question.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. PERKINS. Mr. President, as a member of the Interoceanic Canals Committee it seems proper that I should state the reasons as to why I can not consistently favor the passage of the pending bill for the repeal of the tolls on coastwise vessels passing through the Panama Canal.

I supported the bill which is now a law on the statute book providing for free tolls for ships of American register engaged in coastwise trade.

I also voted for the Hay-Pauncefote treaty, believing then as now that it could not in any way interfere with our domestic commerce or barter away any rights which have been imposed for more than a hundred years.

I have attended the hearings of this committee and patiently listened to the arguments of those advocating the repeal of a law which I believe is in the interest of American shipbuilding and American seamen, and up to the present time I fail to be convinced that the action of Congress in prohibiting the granting of free tolls to vessels engaged in domestic trade would be a good economic policy, and I know of no reason yet advanced which shows that we are morally or legally called upon to repeal a law which was duly enacted after a free discussion by Congress.

It seems that we have forgotten a well-known maxim to which we have paid reverence for a long time, "be sure you are right and then go ahead" and have adopted a new creed, "go ahead, no matter whether you are right or wrong."

From a nautical standpoint this would mean a very disastrous result to navigators, and the majority of ships now engaged in coastwise trade would be lying upon the rocks of the lee shore.

No prudent navigator would think of adopting such a new regulation, for it is an elementary law that the cautious mariner keeps well in mind the three L's—that is, a sharp lookout, attention to the log showing the distance run, and the lead line showing the depth of the water under the vessel's keel.

I know of no reason why our country should depart from such a prudent course and enter upon an uncharted sea, in which are sunken rocks, thereby escaping the Scylla only to fall prey to Charybdis.

COMMERCE OF THE CANAL.

The trade in the Panama Canal will fall into three grand divisions, each sharply defined by its nature and by principles of regulation which are well understood and of general application among maritime nations.

It seems to me that an examination of these three divisions of trade will contribute to a clearer understanding of the duty of the Senate in the situation which is presented by the pending bill.

1. With the completion of the canal a new and better trade route will be opened between the nations of Europe and the nations of the west coast of North and South America; between the nations of Europe and Japan and part of the coasts of China, at least as far south as Shanghai; and particularly for Great Britain with the west coast of British North America, with New Zealand, and with British possessions scattered throughout the Pacific Ocean.

2. We confidently expect as a result of the canal a large increase in the trade between the Atlantic ports of the United States with ports of the west coast of Central and South America, of Asia, and with the islands of the Pacific, and also increased trade between our ports on the Pacific and all the countries of the Old World, with possibilities of commerce between these ports and the eastern coast of South America.

3. We are assured that the interchange of commodities between our own Pacific Coast States, our Gulf States, and the States of the Atlantic, and of the States which do not lie directly on the seaboard, will receive a great impetus from the reduction in rates of transportation made possible by the substitution of water routes for all-rail routes and the greater economies of water transportation.

COMMERCIAL ADVANTAGES TO FOREIGN NATIONS.

With the benefits to commerce which will accrue from the increased facilities for transportation between foreign nations we have no direct commercial concern.

We can contemplate with satisfaction the growth of trade between Chile and Peru, on the one side, and, on the other, England, Germany, and France, and the States of the Mediterranean, without envy and with the complacency with which all right-thinking men view the welfare and prosperity of others, in whatever part of the world it may be.

We certainly are not troubled by the fact that while nations are striving, each by all the means in its power, to develop its own foreign trade at the possible expense of other nations, we on our part have contributed to the growth of an international commerce in which we not only have no share ourselves but which possibly might have been diverted to our own shores had we been less generous and listened to the promptings of self-interest.

ESTIMATED TONNAGE.

The tonnage passing through the canal during the first or second year of its full operation has been roughly estimated at 10,000,000 net tons of shipping, and of this total it is estimated that practically 60 per cent will be of vessels going to and from foreign ports and never during the course of the voyage approaching nearer to the United States than the gateways of the canal.

I do not wish to be vainglorious or boasting, but I recall no instance in history where a nation has been so generous in its treatment of commercial rivals as has the United States in its prosecution of the work of the Panama Canal and in its plans for the future operation of the canal.

We have spent, or shall before long have spent, in the construction and early years of operation of the canal the sum of about $400,000,000.

There can be no question of doubt that the canal would not have been built—certainly in our time—had not the Government of the United States assumed the burden.

The task has been colossal, and could have been carried to success only by a great power; and this fact is appreciated nowhere else, I venture to say, more thoroughly than at the great maritime centers of the Old World.

THE CANAL NOT A MONEY MAKER.

The canal, too, from its very nature, can not be a money-making enterprise, and in this respect it must be sharply distinguished from the other similar great trade route, the Suez Canal.

The acquisition of the majority of shares of the Suez Canal by the British Government was rightly considered one of the great triumphs of Lord Beaconsfield's diplomacy—not merely for the political interests which it gave England in the canal and in the future of Egypt, but also because it was a good investment. A sure return of about 20 per cent per annum with a necessary trade route between Europe and Asia as security, the neutrality of which is guaranteed by the great powers of Europe. I need scarcely say is a particularly sagacious investment.

All the conditions of our investment in the Panama Canal make it perfectly clear that long before we shall be able to meet running expenses and set apart even a modest 1 or 2 per cent as a sinking fund to liquidate the first cost of the canal, we shall be compelled to incur still further expenditures in lowering the level at the time we increase the length and width of the locks. The rate of tolls which has already been fixed is necessarily a competitive rate determined by the rate which obtains at the Suez Canal, and even the most sanguine

do not anticipate that the receipts will soon meet the necessary expenses, including those of sanitation, the military garrison, and charges entailed by the free transit of our own warships. We have voluntarily placed ourselves in a position where we propose to tax our own people annually for years to come to promote the trade between the nations of Europe on the one hand and the west coast of South America, Asia, and the islands of the Pacific on the other. If there be another such instance of commercial altruism in history I do not recall it, and if in this instance there be any discrimination, surely our discrimination has not been in our favor. Bear in mind, too, that the division of trade of which I am now speaking—the trade through the canal strictly between foreign countries in which the United States is to have no share itself—comprises more than half of the anticipated canal traffic.

WHICH OF THE NATIONS PROTEST?

With these indisputable facts before them, which of the nations of the world protests that we have been unfair and are seeking for ourselves selfish gain from a project which from its very inception in the time of Henry Clay we have all proclaimed should be for the benefit of mankind? Certainly not the ally of our earlier years as a nation struggling for independence, our old-time friend, France. The work which she undertook on the Isthmus and failed to carry through we have assumed and brought to the verge of successful completion.

Where Ferdinand de Lesseps—disheartened by lack of funds, by want of popular confidence, by the ravages of disease, and by stupendous engineering obstacles—was forced to surrender, there the work was taken up, backed by the unlimited resources of the Government of the United States, protected by sanitary conditions the best which modern medical science could devise, and directed by as fine a body of engineers as was ever assembled, and carried to completion by Col. George W. Goethals.

It seems to me that the French Republic should hesitate before protesting against our action, and if there be any such protest it certainly has not come to my knowledge, whatever may be the knowledge in the possession of other Members of the Senate.

Can it be possible that a protest has come from Germany, keen to push her commerce to all parts of the world and already a formidable competitor with England for the commercial mastery of the seas?

German maritime enterprise has already established its steamship lines all around the two Americas and the canal. To these German lines, by economy of time and coal and all the factors of expense dependent thereon, the canal offers the opportunity for a large expansion of trade that will add to the prestige of the German merchant flag. If there has been any protest from the German Government or from the German steamship lines against our legislation, it has not, so far as I am aware, come to the notice of the Senate.

GREAT BRITAIN PROTESTS.

The only protest from foreign Governments of which the Senate has knowledge is the protest of the British Government, and British ships do more than half of the world's ocean carrying trade.

It has been intimated during the discussions on the pending bill that the British protest and this measure had their origin in the notion that in some way or other our good neighbor to the north, the Dominion of Canada, and particularly the great Provinces of British Columbia and Alberta, and Saskatchewan, of the Pacific hinterland, would be adversely affected by free tolls for American ships in the coastwise trade.

ADVANTAGES OF THE CANAL TO CANADA.

Senators may be surprised at the statement that for last year the gain to the farmers of Alberta alone in diminished freight rates, had the Panama Canal been open to trade, would have amounted to $20,000,000, and that in the not remote future, for which harbor and dock facilities are already being completed by our northern friends, the canal will be a free gift to the Provinces of Alberta and Saskatchewan estimated at $200,000,000 a year. These estimates are not mine, nor do I envy the Dominion the great period of development which awaits her to the north of my home on the Pacific.

I mention these facts as a reason for my reluctance to believe that the people of Canada put forth any claim that in the construction of the Panama Canal and the legislation to provide for its administration the Congress of the United States has not acted fairly and with a liberality of which it is hard to find any parallel.

The figures I have given are from an address delivered in London less than a month ago before the members of the Royal Colonial Institute, in the formation of which the late Cecil Rhodes and other British Empire builders participated in order to create an agency for the promotion of imperial policies.

"In urging upon the institute the important work being carried out by the Vancouver Dock Extension Co., with its proposed 25 miles of docks and 24 square miles of area, connecting with every great railroad coming into Vancouver and every steamship sailing from that port, Mr. F. B. Vrooman, a well-known authority on the commercial and industrial development of Canada, said that so profound was the change to be wrought in Canada that the Panama Canal was already throwing up across the Dominion a new economical divide. This meant that soon the movements on the new Pacific would draw two-thirds of the surplus resources of the Dominion toward it.

"Two-thirds of the future products of Canada were destined to be tributary to the western sea. The all-rail transcontinental haul for the products of western Canada would soon be a thing of the past. Were the capacity of the railroads equal to Canada's growing needs, the single element of cost would be enough to drive so much of Canada's traffic from eastward to westward that it would change the economic equilibrium of Canada itself.

"It must be remembered that the actual cash value of the Panama Canal to the prairie farmer of Canada accrues not only to the export grain—indeed, not to grain alone—but to every commodity, export or import, of mine, factory, forest, and farm, whose cost of freight into or out of or within the country would be reduced by the Panama highway.

WENT CANADIAN GRAIN RATES LOWERED.

"Grain rates from Vancouver to Liverpool via Panama would be less than half the rate from Albertan points to Vancouver.

"What did this mean? It meant that the Panama Canal would put an Alberta farmer in the summer about 7 cents a bushel nearer Liverpool, and in the winter 15 cents a bushel nearer Liverpool. Average this, and state it in round numbers, and it meant that the Panama Canal henceforth would add 10 cents a bushel to the value of every bushel of grain to be grown in Alberta. They could approximate the saving for the western half of Saskatchewan at 4 cents, and that for Alberta at 10 cents the year round. They had in all of Alberta and half of Saskatchewan something like 300,000,000 bushels of grain. Bring one train an hour into Vancouver and it would take two years to bring the grain crop of 1912 from all of Alberta and half of Saskatchewan to the docks of Vancouver.

"It was needless to say that it would take very different dock and harbor facilities in Vancouver from what they have there now to handle even 5 per cent of the grain traffic, to say nothing of the other export products and the volume of trade due from the new Pacific to the Canadian continent.

"Let them look ahead to the time when 60 per cent instead of 6 per cent of Alberta and Saskatchewan was under crop. That time was not far distant. That time must be provided for by railway facilities through the continent and by dock and harbor facilities at the port of transshipment. If Alberta and Saskatchewan produced, at a round estimate, 150,000,000 bushels of wheat alone in 1913, all of which would lie well on the Pacific economic slope, such a time as he referred to would easily see 1,200,000,000 bushels of wheat per annum. They would have 60,000 trainloads of wheat to get into the elevators of Vancouver and to transport again on Pacific ships. Bringing in a train every 30 minutes, it would take four years to get one year's crop into Vancouver and unload it, and they would have waiting around somewhere on the side tracks something like 800 trains more for the next year. In other words, to handle such a crop it would require railway and terminal facilities for a trainload of wheat about every 7 minutes in the elevators and docks of Vancouver.

"It meant that had the canal been finished and had there been proper dock and harbor facilities at Vancouver to handle it this canal would have given a clear gain to the farmers of Alberta alone of about £4,000,000 on the crop of 1912. It was easy to see not far hence for the farmers of Alberta and Saskatchewan a free gift from this canal of something in the neighborhood of £50,000,000 a year in freight rates saved."

ANTICIPATED TRAFFIC OF THE CANAL.

In stating that more than half of the anticipated traffic of the Panama Canal would be trade strictly between foreign countries in which the United States is to have no share, I had in mind especially the exchange of imports and exports between nations by which nations parties to the exchange thrive; by which their lines of productive activity give employment to their labor and capital, increase and prosperity to their inhabitants, with all the gain in moral, mental, and physical well-being which comes to a nation whose people are steadily and happily employed—I had these things in mind at the moment rather than the carrying trade—the ships by which this exchange is

declaration. Of course, the declaration is well known by everybody to be false; I mean as to value. The shipper says the steers are worth $25 or $50 apiece; and the liability of the railroad company is limited to that amount. The shipper has no more chance to enter into an agreement with the railroad company upon even terms than a child would have in a wrestling match with a prize fighter.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. I yield to the Senator.

Mr. REED. I have the floor, Mr. President.

Mr. CUMMINS. I want to reply, however, to the Senator from Missouri. The subcommittee has given this matter a great deal of thought; we had long hearings upon the subject. The very thing that the Senator from Missouri thinks might be done, or ought to be done, I think is provided for here. The Interstate Commerce Commission is given authority to take certain things out of the prohibition of the statute if it grants express authority to make a rate based on value declared in writing. That is just what is done.

Let me suggest why that is necessary. Take a Kentucky race horse worth $25,000 which is delivered to the railroad company for shipment. The railroad company will not take the horse for anything like a reasonable or payable rate unless there is an agreement with regard to the amount of recovery. If the railroad company is held to be the insurer of that animal to the extent of $25,000, the rate becomes so high that shipment becomes impossible, and we must allow in such cases, if the Interstate Commerce Commission authorizes it, a recovery based upon declared value in order to secure a transportation rate that the shipper can pay and still accomplish his purpose.

I think if the Senator from Missouri will look further into the particular part of the amendment he is considering he will find that the very thing that he wants to accomplish is accomplished by the amendment.

Mr. REED. Mr. President——

Mr. WEEKS. Now, Mr. President——

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. REED. I have the floor and have not yielded it. I am willing, however, that it shall be divided up in any amicable sort of way.

Mr. WEEKS. I was on my feet to ask a question 15 minutes before the Senator from Missouri got the floor. I want to ask the Senator from Iowa, if the Senator from Missouri will permit me——

Mr. REED. Certainly.

Mr. WEEKS. To extend somewhat the example which he has just given us. What I wanted to ask was, whether there are classifications of live stock so that the shipper will pay a rate dependent upon the classification? For instance, would he pay twice as high a rate on registered stock from Iowa to Chicago as he would on other stock worth one-half the price of the registered stock?

Mr. CUMMINS. I can not quite answer the question of the Senator from Massachusetts, because the registered stock might be of high value or it might be of low value.

Mr. WEEKS. I mean assuming that it is twice the value of ordinary stock.

Mr. CUMMINS. All the railroads at this time have rates dependent on value in the shipment of live stock. The value is determined by the declaration of the shipper under the circumstances which I have just stated. If the shipper wants full value, and the value is not beyond the ordinary or common value of registered or pure-bred stock, he must pay 10 per cent or 15 per cent or 25 per cent more than the rate upon an ordinary live-stock shipment. That rate as applied to the ordinary case is prohibitive; the shipper can not pay it and do business, for, of course, the amount of it is absurdly high. It is based only on the idea that the higher rate is necessary to compensate the railway company for the increased risk; but it is greatly more than that in all the cases that I have examined. I object to it, however, as a matter of policy in ordinary shipments. The railroad companies only apply it to 10 or 12 subjects; they apply it to copper ore and iron ore, because they can not know what the value of ore is; they apply it to household goods; and they apply it to live stock. The live-stock shipments that are made under the rule established by the railroad companies, and which we seek to overturn here, I suppose, constitute 90 per cent of all the shipments that would be affected by this rule.

Mr. WEEKS. Mr. President, let me take the Senator's own example of a Kentucky horse worth $25,000. Would an insurance company insure that horse for transportation any cheaper than would the railroad? Could it afford to do so?

Mr. CUMMINS. I have never instituted that comparison; I do not know.

Mr. REED. Mr. President, I think the difficulty here does not lie in the fact that a rising rate charge is imposed, but it lies in the fact that the railroad company being given the power to fix a rising rate uses that power in such a way as to practically force a limitation on the liability they incur; in other words, let us say the ordinary shipping rate is $50 a car and that that is a fair rate. They hand the shipper a contract limiting the liability to one-tenth of the real value; he has the option to sign that contract or to pay $100 a car; and by that device they force him to take the risk which the law seeks to impose upon them. That being the case, it seems to me what we ought to require is a fair disclosure of the value to the carrier. A man ought not to be barred from that disclosure by the mere fact that he has put his goods in a box; and, having required a fair disclosure, then one thing further is necessary; it should be provided in the law that the carrier in making an advanced charge on account of the value must make only a reasonable charge, a charge that will reasonably compensate him for the risk incurred above the value of the ordinary article carried; and that power to regulate the advanced charges ought to be exercised either by Congress through law or by conferring the power upon the Interstate Commerce Commission. If the Interstate Commerce Commission regulates it, then manifestly the condition the Senator from Ohio [Mr. POMERENE] speaks of would not be permitted to obtain; the carrier would not be allowed to say, "The ordinary rate for hauling cattle worth $10 a head is $50 a car; we will hand you a contract at $10 a head value; but if you want to have a contract that will allow $75 a head, the real value, then you will have to pay seven or eight times the fair rate charged." That would not do; and that being the device, the species of trickery, if you please, resorted to by these companies, it seems to me we ought to write into this bill a provision permitting the Interstate Commerce Commission to regulate the charges which shall be imposed above the value of the ordinary article shipped, and then provide that there shall be no limitation of value below that by the railroad companies.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. Certainly.

Mr. WEST. I should like to get from the Senator from Missouri the information that I sought some time ago from the Senator from Iowa. It is this: Nine hundred and ninety-nine bills of lading out of a thousand are signed by the shipper without ever reading the bill of lading. There is a contract in them. Before 1906, I know, the shipper was in no way bound by the contract; but here is the great trouble about shipping on a bill of lading: A shipper, knowing the value of what he is shipping, as the Senator says, ought to declare it. Very often, however, a shipper carries something to the depot, turns it over to the agent, and does not know the real value. He may let the agent of the company know what the article is; yet the shipper does not know the real value, and he ought not to be bound by the bill of lading which he signs in order to make the shipment.

The Senator from Iowa referred to a Pennsylvania case where a horse was shipped, and the stipulation was that the owner should not recover more than $100. What I wanted to ascertain was whether that was a specific bill of lading or a general bill of lading that was signed in shipping the horse?

Mr. REED. I have not examined the decision, but judging from what I know of the decisions, I have no doubt that it does not make any difference whether it is what the Senator terms a specific bill of lading or a general bill of lading. The case certainly goes to the extent of holding that when a man signs a contract of shipment, that will constitute the specific contract for that particular case, though it might be a form which is handed out over the counter to every man and to which he signs his name without reading, just like a telegraph blank; when you write your message on it there is a contract printed on the back of it or at the top of it or at the bottom of it which you never read.

Mr. WEST. And which does not bind the sender of a telegram.

Mr. REED. It has been held in some States that it does bind him, but the great majority of modern decisions are the other way.

Mr. SMITH of Georgia. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. REED. I yield the floor to the Senator.

Mr. SMITH of Georgia. Mr. President, I wish to call the attention of the Senator from Iowa a little further to the committee amendment on page 3, in which provision is made for liability for "actual loss, damage, or injury to such property caused by it or by any common carrier."

I am just a little afraid that this language might change the standard of liability by the common carrier of freight. The liability is that of an insurer, with certain exceptions. A liability might exist for the common carrier although the damage was not caused by the common carrier at all, the common carrier's liability being that of an insurer, subject, as I recall, to five exceptions, the exceptions being when the injury to the freight is caused by the act of God, public enemies, acts of the public authorities, acts of the shipper, and the inherent nature of the goods.

I desire to ask the Senator if perhaps it would not be better, instead of using the term "caused by it," to use the term "transported by it," so that the standard of liability might remain that of an insurer. I do not know that "transported by it" would do. That might broaden it too greatly.

Mr. CUMMINS. I am strongly inclined to think the Senator is right, and I have no objection to that kind of an amendment; but I may be permitted to say that I am using there the precise language of the Carmack amendment. This is a revision or rewriting of that amendment. If the Senator will turn to page 2, where the present law is quoted, he will discover that this is the test:

> And shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by the common carrier, railroad, or transportation company to which such property may be delivered.

I have not sought to change the law more than was necessary to reach my point.

Mr. SMITH of Georgia. Has that language received a construction by the courts holding that it continues the same degree of liability?

Mr. CUMMINS. I do not remember any case in which it has been construed.

Mr. SMITH of Georgia. I ask the question because unquestionably at common law the carrier of freight is liable for damage to freight while in its possession not caused by the carrier at all.

Mr. CUMMINS. I understand that, but I have not attempted to rewrite the whole law relating to the liability of a common carrier. I have taken the law as it is and have attempted to reach just one point. If others desire to change the law in other respects, I shall not oppose the change.

Mr. SMITH of Georgia. I should like to suggest to the Senator the change of the word "caused" to "transported," so that instead of reading "to such property caused by it" it will read "to such property transported by it."

Mr. CUMMINS. I am perfectly willing that that amendment shall be made. I think it would help the law.

Mr. WEST. Mr. President——

Mr. SMITH of Georgia. I am in full sympathy with all the Senator is seeking to do, and in perfect accord with his effort to pass this measure. I have felt for some time that it ought to be passed.

Mr. CUMMINS. In so far as I can I shall be glad to accept the amendment suggested by the Senator from Georgia.

Mr. SMITH of Georgia. I realize its importance, and I hope we will all help to see that the Senator gets a vote upon it at this session of Congress and at as early a date as possible.

The VICE PRESIDENT. The question is on reconsidering the vote whereby the amendment commencing on line 11, page 3, was agreed to.

The motion to reconsider was agreed to.

The VICE PRESIDENT. The Senator from Georgia proposes an amendment to the amendment which will be stated.

The SECRETARY. On line 12, page 3, it is proposed to strike out the word "caused" and to insert in lieu thereof the word "transported."

Mr. SUTHERLAND. Mr. President, I think the Senator from Georgia has accurately stated the rule of the common law, that the common carrier was liable as an insurer. Of course there were exceptions to that.

Mr. SMITH of Georgia. I stated the exceptions.

Mr. SUTHERLAND. I did not recall whether the Senator did or not; but at all events there are exceptions.

Mr. SMITH of Georgia. I mentioned the five exceptions.

Mr. SUTHERLAND. I did not observe the Senator.

Mr. SMITH of Georgia. The Senator simply did not hear me. I added the five exceptions in my statement.

Mr. SUTHERLAND. If the Senator's amendment should be adopted, would not the effect of it be to broaden the liability of the carrier beyond the common-law liability, and to make it liable even though the loss might be occasioned by the public enemy or by the act of God?

Mr. CUMMINS. Mr. President, may I answer that question? I do not think it would, because the purpose of this bill is to leave the liability of the carrier untouched and unaffected by any agreement for limitation growing out of a representation or agreement as to value. I do not think it will broaden the rule to which the Senator from Utah has referred. That is to say, it will not make the common carrier liable for the act of God or the public enemy.

Mr. SUTHERLAND. I had already suggested to the Senator from Iowa that I feared the language of the Carmack amendment, as well as the language of this bill, which limits the cases where the carrier shall be liable to those where the damage is caused by it, is too narrow; but I am afraid the language which the Senator from Georgia desires to write into the bill, if adopted, would be too broad. I think what we want to do here is to assert the common-law liability of the carrier. That is the purpose of the bill, as I understand.

Mr. CUMMINS. No; that is not the purpose of the bill.

Mr. SUTHERLAND. Does the Senator desire to make the railroad company more than an insurer of the goods?

Mr. CUMMINS. No.

Mr. SUTHERLAND. That is what I thought.

Mr. CUMMINS. But under the common law, as declared by the Supreme Court of the United States, there can be a limitation upon the amount of recovery upon a statement of value. I want to get rid of that part of the common law, but not the part of the common law to which the Senator from Utah has just referred, namely, that the common carrier shall not be liable in the event of injuries caused by the act of Providence or the public enemy. I do not care to increase the liability of the carrier so far as that part of the law is concerned.

Mr. SUTHERLAND. That was my understanding. I think the common carrier ought to be made liable as an insurer of the goods precisely as it was liable at common law. I do not think there ought to be any limitation upon that liability. The only question in my mind is——

Mr. O'GORMAN. Mr. President——

Mr. SUTHERLAND. Let me finish, if the Senator will pardon me. The only question in my mind is whether the introduction of the amendment suggested by the Senator from Georgia will not do more than that.

I wish to make another suggestion, also. The Senator from Georgia suggests that we write in place of the words "caused by it" the words "transported by it". If that is done, the section will then read:

> That any common carrier * * * shall be liable to the lawful holder of such receipt or bill of lading for the full actual loss, damage, or injury to such property transported by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass.

That makes the initial company not only responsible for the loss that may be occasioned, as I view it, by the acts of God or the public enemy while the property is in the hands of the initial carrier, but also liable for the same sort of loss while the goods are in the hands of some connecting company. I think if we should write into the law, instead of "caused by it," the words "suffered by it," or some such language as that it probably would cover what all of us desire.

Mr. CUMMINS. "Suffered?"

Mr. SUTHERLAND. Instead of "caused by it."

Mr. SMITH of Georgia. Mr. President, we shall not be able to act on this bill before 1 o'clock. That is perfectly evident. I suggest, therefore, that the amendment I have proposed be passed over until to-morrow without action.

My desire is to do just what the Senator from Utah indicated that he thought it was my desire to do. I do not wish to carry it any further on one side than I was afraid the language of the bill might carry it on the other side. I believe if we think it over we can put in language about which there will be no possible doubt.

I understand that the Senator from Iowa used just the language of the Carmack amendment; but now that we have the subject up, I think it would be well to put in language about which there could be no possible question. The Senator from Iowa has given us all a clear insight into the bill and just what are its purposes. We are in a position to look at it more critically to-night, and we can come back to-morrow or within a day or two, and if we have any suggestions that we think would help him perfect it, offer them. I believe there probably will be no opposition. I know of none. I do not think there ought to be any opposition.

Mr. CUMMINS. I think the Senator from Georgia is right. There is no difference between the Senator from Utah and myself. I do not desire to make the railroad companies liable

Mr. POMERENE. If I may call the Senator's attention to the language just read, the thought has occurred to me that perhaps it was not broad enough to grant the relief which is desired in this respect.

Reading from line 11, the amendment is:

For the full actual loss, damage, or injury to such property caused by it or by any common carrier.

Of course if the injury was due directly to some act or omission on the part of the railroad company, then the holder of the bill of lading could recover the loss. Suppose, however, the property which was being transported was stolen or was injured by the act of some third party, would the company be liable for such injury under the terms of this amendment?

Mr. CUMMINS. I think the carrier would be liable if the damage came through any failure on its part to exercise that degree of care or that caution which the law imposes upon the common carrier. It was not the purpose, of course, in this amendment to either enlarge or diminish the care which the common carrier must bestow upon goods committed to its possession, or, in other words, to change its liability as an insurer.

Mr. POMERENE. I am quite sure it was not the intention of the draftsman to limit that rule, but I was fearful that the language employed was not broad enough to cover it.

Mr. CUMMINS. If the Senator has an amendment that will cover it I will be glad to have him present it.

I was about to say, in cases where goods so offered to a common carrier are hidden or boxed it is impossible for the carrier to know what it is receiving. So we all thought, and I am sure you will all think, that it would be fair and reasonable for the carrier to stipulate a limitation upon its liability.

Mr. WARREN. Mr. President——

Mr. CUMMINS. In just a moment. The other contingency is if express authorization has been heretofore granted or shall be hereafter granted by the Interstate Commerce Commission then this prohibition against limitation of recovery does not apply. That exception, however, does not apply to ordinary live stock.

Mr. WARREN. Right there—the provision in line 22 on page 3 is a little blind to me. After the exception as to ordinary live stock, it goes on and speaks of property hidden from view by wrapping, boxing, and so forth. Is that exception intended to be made to cover ordinary live stock only and differentiate it from all other shipments of every nature? And does it prevent the practice prevalent heretofore in the shipment of live stock?

Mr. REED. Mr. President, it is impossible to hear the Senator from Wyoming.

Mr. CUMMINS. That is just what it is made to cover. That is the object of the bill. It will cover other things; but the real necessity for the bill arises from the impositions that are now being practiced by the common carriers upon the shippers and owners of live stock in this country.

Mr. WARREN. What I want to get at is this: When the bill passes, in what relation are the shippers of live stock and the railroads? Do they then operate under an agreed value of the live stock, and does that value cover any damage or loss?

Mr. CUMMINS. They do not. The very purpose of the bill is to prohibit the agreement with regard to a release of value to a certain point. That is to say, taking our State, our ordinary cattle, we will say, are worth $100 or $120 a head. They are now released, under the practice of the railroad company, to thirty or forty or fifty dollars a head, and when anything happens to them the shipper must accept his indemnity or his damages based upon this released value, or diminished value. The purpose is to put an end to that practice. It began since 1906, and it ought not to continue.

Mr. WARREN. In this proposed amendment of the law the language reads as follows:

Provided, however, That, except as to ordinary live stock, if such property so offered and received for transportation is hidden from view by wrapping, boxing, or by other means, or if express authorization has been heretofore granted or shall be hereafter granted by the Interstate Commerce Commission—

And so forth.

I do not quite see how that exception is grouped with the property hidden from view by wrapping, boxing, and so forth.

Mr. CUMMINS. Suppose I bring to an express company a watch, and it is in a box. So the express company does not know——

Mr. WARREN. That part I understand perfectly, but not the regulation as to live stock where it says "except as to ordinary live stock."

Mr. CUMMINS. Of course, the latter part of that clause contains two things: First, if the goods shall be hidden from view by wrapping or boxing. That, of course, does not touch live stock.

Or if express authorization has been heretofore granted, or shall be hereafter granted, by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof dependent upon the value of the property shipped.

Mr. WARREN. Why make an exception as to live stock? The Interstate Commerce Commission will still have the power to permit higher rates on live-stock transportation if insurance and higher risk rates or values are insisted upon.

Mr. CUMMINS. It does not permit the Interstate Commerce Commission to make a rate upon live stock dependent upon value; that is, ordinary live stock I am speaking of.

Mr. WARREN. Then that exception is to retain and reserve from the Interstate Commerce Commission power to make rules or directions as to the shipment of live stock only, while allowing it to cover every other commodity or shipment of every nature. I see no good reason for that.

Mr. CUMMINS. That is the purpose.

Mr. NELSON. Will the Senator from Iowa yield to me?

Mr. CUMMINS. I yield.

Mr. NELSON. It seems to me that great danger lurks in the words in italics at the top of page 4:

Or if express authorization has been heretofore granted, or shall be hereafter granted, by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof dependent upon the value of the property shipped, as stated in writing by the consignor, and reference given in the rate schedule to such authorization.

If you will study this language carefully, you will find it authorizes the Interstate Commerce Commission practically to establish, in the case of each commodity, two special rates, one flat rate where there is an unconditional liability for loss or damage, and another rate by which the company can limit its liability. This is broad enough to cover everything but live stock; so that the Interstate Commerce Commission may, in respect to any commodity, establish two rates, and say that for such a rate there is unlimited liability, and for such a lower rate you can limit your liability by the bill of lading.

It seems to me that this is extending the right of the Interstate Commerce Commission to an unlimited extent. We know how it works in actual practice. A man comes to the railroad company to ship a certain commodity. He is handed a bill of lading, and he signs it, oftentimes without reading it. It may be a limited-liability bill; and the man wakes up when the loss or damage occurs to find out that he can only collect a limited amount of the damage sustained.

I think it is a most dangerous power to confer upon the Interstate Commerce Commission, and that there ought not to be in any case any right to relieve themselves from liability.

Mr. CUMMINS. What the Senator from Minnesota has said is unquestionably true. The thing he overlooks is that the Interstate Commerce Commission not only now has the power to which he refers but it has exercised the power in many instances. The Interstate Commerce Commission has made a complete schedule of rates for the express companies of the country, and those rates are based upon value. The Interstate Commerce Commission has formulated and published the receipts or bills of lading or contracts which these companies make with their shippers, and in all of them, as I am informed, there is this limitation.

It is perfectly right, Mr. President, that there should be the limitation in such cases, simply because, first, the property may be entirely hidden, and, second, because in the great markets of the country there are many large shippers of certain kinds of articles who would rather bear the risk themselves and receive from the express companies a rate correspondingly less than the rate which would be imposed if the express company became the insurer against the higher value.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I do.

Mr. REED. I take it that the Senator from Iowa in this bill only intends to protect a railroad company or a common carrier from being mulcted in heavy damages through the loss of some package the contents of which they did not have the opportunity to know. He does not mean to exempt them simply because the goods happen to be in a box?

Mr. CUMMINS. Oh, not at all.

Mr. REED. I think this bill does that identical thing. I want to call the Senator's attention to it. My examination has been somewhat hasty, and I may be in error. Beginning at line 23, on page 3, it reads:

That, except as to ordinary live stock, if such property so offered and received for transportation is hidden from view by wrapping, boxing, or by other means.

The language of the bill preceding that is that there shall be a liability. Then comes the proviso which excepts certain things out of the operation of the bill. It reads:

Provided, however, That, except as to ordinary live stock, if such property so offered and received for transportation is hidden from view by wrapping, boxing, or by other means—

Now, omitting the other language—

Then the rule of the common law shall apply.

In other words, if it is in a box hidden from view the rule of the common law absolutely applies. But the rule of the common law also applies if the Interstate Commerce Commission shall make certain rules and regulations. So, if a man brings to a railroad a box the contents of which are not visible the rule of the common law applies and there can be no recovery in that instance if there has been a contract limiting the liability imposed upon the shipper.

Mr. CUMMINS. There——

Mr. REED. The Senator will pardon me that I may make my point plain by a further word. Now, conceding the railroad ought to be given the right to limit its liability in the event it does not know and has not the means of knowing the contents of a package, still the test ought not to be the exemption; it ought not to exist simply because a thing is in a box and hidden from view. It might be reasonable to require a disclosure by the shipper, and if the shipper failed to make known the contents or falsely stated the contents then to deny him the right of recovery, but to make the fact that the article is inclosed in a box the test seems to me not to be in accordance with what I know the Senator from Iowa honestly desires to accomplish.

Mr. CUMMINS. Mr. President, in answer to the Senator from Missouri, in these two events, namely, if the property is hidden from view or if it is expressly authorized by the Interstate Commerce Commission, the contract or rule or regulation of the common carrier is judged by the common law instead of by the statute which is here imposed. I agree that in some instances that will work injustice, but the hearings before the committee convinced us that in cities like New York, Philadelphia, Boston, and Chicago, where the express companies gather up tens of thousands, hundreds of thousands, of packages in the course of an afternoon, it would be impossible to have the express company make an inquiry of the shipper with regard to the contents of each of those packages. Indeed we had great difficulty in the committee in preserving in the bill the words "in writing." It was contended by a great many that oral representations on the part of the shipper ought to be sufficient, and I hope that because we have not gone as far as we might go the Senator from Missouri will not regard that as an obstacle to the passage of the bill, because the things that are excepted from the prohibition found here are now subject to the common law. We are in no worse case because we have not attempted to cover them all in the bill.

Mr. REED. Would the Senator from Iowa really want to present a bill in this form: The rule of the common law shall apply to everything which is inclosed in a package whether the contents of the package are known to the common carrier or not? Now, that is what this bill means, if I interpret it aright.

Mr. CUMMINS. That is what it means.

Mr. REED. In other words, the minute you put a thing in a box the railroad company can limit its liability.

Mr. KERN. You limit it.

Mr. REED. You limit it by boxing it, although it may be a thing that has to be boxed. The Senator from Indiana [Mr. KERN] says no; you limit it. That is to say, when you present it you are required to sign a contract which, as the Senator from Minnesota [Mr. NELSON] has very wisely said, is signed in ninety-nine cases out of a hundred without reading, and thereby you find that a loss has occurred through the negligence of the shipper, and because you put it in a box you have been exempted from the beneficient operations of this law.

Mr. CUMMINS. No; the Senator from Missouri is hardly fair about that. Possibly he has not observed the latter part of the amendment. It must be hidden from view.

Mr. REED. Very well.

Mr. CUMMINS. The value must be stated in writing by the consignor, and the rate must be based upon that lesser value. Those three things must concur in order to bring this exception within the rule of the common law.

Mr. REED. If it does not interrupt the Senator—I do not want to impose upon his good nature—it seems to me that the true test ought to be this: Did the common carrier know the contents of the package; not was it boxed and hidden from view, but did he know or have fair means of ascertaining the contents of the package? Now, suppose a man were to bring a package to an express company and suppose there was an invoice of the contents of that package printed right on it, so that the company had before it as complete knowledge as it could possibly obtain if the goods had been unwrapped, surely in that case the company has not been imposed upon; and if it is just to set aside the provisions of the common law when the goods are exposed actually to view, then the provisions of the common law should not be held to obtain when full knowledge as to the contents of the package is furnished an express company. I think that the language ought to be modified.

The Senator will pardon me for making a further suggestion. It will be noticed that the language of the exception is in the alternative. The goods are excepted from the beneficent provisions of the statute if they happen to be boxed, also any goods of any character except live stock, whether boxed or unboxed, hidden from view or disclosed to view, can be excepted by the action of the Interstate Commerce Commission. I very much doubt the wisdom of that, and, frankly, I have but little patience with any limitation upon the liability of a common carrier, except such a limitation as will protect it from fraud on the part of the shipper.

Now, mark you, there can be no liability on the part of a common carrier unless the common carrier has in some way been negligent. Of course, he is practically the insurer of the goods, but he does not insure against the act of God or of the public enemy, the unprecedented storm, or anything of that kind. You bring him the goods; they are put into his care; it is his duty to deliver them; and in State after State laws have existed for many years, which have been held to be valid, which absolutely provided that there could be no limitation in a contract which would exempt the company from full liability. Recently the Supreme Court of the United States has annulled all of those statutes by the decision to which the Senator refers.

I think it would be very much wiser to provide that no company could limit its liability, except where the shipper had falsely stated the value and contents of a package. In that event it would not be fair to hold a common carrier for full value, because if a man saw fit to ship a package of diamonds worth a large sum of money and upon being interrogated by the agent of the common carrier should say that the package contained some article of trifling value, that would be, in effect, a fraud upon the company; but where the contents are known, either through the fact that they can be seen by the agent of the common carrier or where the contents are made known at the time of the shipment, it seems to me there ought to be no limit of liability.

It might be entirely proper to permit a rising scale of prices for transportation, fixed upon the value; but that scale ought to be regulated by the Interstate Commerce Commission, and not be left to the common carrier, and for this reason: A good illustration, although it is not exactly pat here, is the custom of the telegraph companies. For many years they had contracts—indeed, they have them yet, although they are not any longer enforced—saying that "This message is an unrepeated message; if you want it repeated, it will cost one-half more; and because it is an unrepeated message we are liable only for the price paid for transmitting the message." That contract was declared void by many of the courts of the States; but it illustrates the fact that when you give the common carrier the opportunity to make a rule by which he fixes his liability he will make the advanced charge so great, so onerous, so burdensome, that the shipper will not pay it; and if you are going to permit the common carrier to limit his liability in a contract, then the conditions upon which he can limit it ought to be very carefully fixed; otherwise we should find that the common carrier would impose every sort of injustice upon the shipper.

Mr. NELSON. Mr. President, will the Senator from Missouri yield to me?

Mr. REED. I yield gladly to the Senator from Minnesota.

Mr. NELSON. Would it not be a wiser provision to compel the shipper in every case to declare the value of the property that he ships, and then to provide that there should be no limitation beyond the declared value; in other words, require the shipper to state the value of the shipment and prohibit the common carrier from limiting his liability below that declared value?

Mr. REED. That was really the thought——

Mr. CUMMINS. That is just what is now being done.

Mr. WEST. Mr. President——

Mr. CUMMINS. If I may be permitted to make a suggestion, that is precisely the evil which we are trying to correct. A man drives his carload of steers to town to send them to Chicago from my State, and there is put before him by the railroad company a bill of lading or a contract, which contains a declaration as to the value of those steers. The shipper signs that

to debate the resolution. I therefore again ask unanimous consent for the present consideration of Senate bill 4522.

The VICE PRESIDENT. Is there objection?

Mr. NEWLANDS. Mr. President, I observe that there are certain amendments to the bill which will be offered by the Senator from Texas [Mr. SHEPPARD], and I can not assume that the bill will not take time for debate. The report on the bill was made by the Senator from Arkansas [Mr. ROBINSON], who is the chairman of the subcommittee which considered the bill. The Senator from Arkansas is absent from the city and will be absent for a week or 10 days. I should much prefer that the Senator from Iowa would permit this matter to lie over until the Senator from Arkansas returns.

Mr. CUMMINS. I can not hear the Senator from Nevada.

Mr. NEWLANDS. Mr. President, I stated that the chairman of the subcommittee which had the bill under consideration was the Senator from Arkansas [Mr. ROBINSON]; that he reported the bill; that he is now absent in Arkansas and will not be back for 10 days at least; and I suggested that the Senator from Iowa should let the matter lie over until the Senator from Arkansas returns.

Mr. CUMMINS. Mr. President, the Senator from Arkansas is earnestly in favor of this bill. He and myself were members of the subcommittee that had hearings upon the bill, and one of the last things that he said to me before he went home was to lose no opportunity to bring the bill before the Senate, and to do it at the earliest possible moment. I am sure that the Senator from Nevada is not speaking for the Senator from Arkansas when he asks delay.

Mr. NEWLANDS. Mr. President, I have had no communication with the Senator from Arkansas regarding this bill, and I take it for granted, of course, that he expressed himself regarding it as the Senator from Iowa has indicated; but still there are amendments offered to this bill, and it seems to me entirely proper that the Senator from Arkansas should be here, as he is more familiar with the bill than anyone else. Therefore I suggest to the Senator from Iowa that the matter should go over until his return.

Mr. CUMMINS. Of course, it is in the power of the Senator from Nevada to object——

Mr. NEWLANDS. Yes; I object.

Mr. CUMMINS. But I do not intend to postpone it because the Senator from Arkansas is absent, in view of the fact that he especially asked me not to postpone it, but to bring it on just as soon as I could. He realizes the importance of the bill quite as fully as I do, and he reported on behalf of the committee the amendments which are now printed in the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. THORNTON. Mr. President, in the absence of the chairman of the Committee on Interoceanic Canals, I wish to say to the Senator from Iowa that I can not consent to his bill interfering with the consideration of what is called the Panama Canal tolls bill when the time comes for it to be taken up; and I can not consent to its consuming the time that properly should be devoted to the consideration of the naval appropriation bill, which is now under consideration, and which, I think, will be finished this afternoon. I have no objection to considering the bill in which the Senator from Iowa is interested, provided the discussion can be closed on it by half past 12 or 1 o'clock; otherwise, I shall have to object.

The VICE PRESIDENT. The Chair will state, as a matter of parliamentary law, that an objection may be interposed at any time before 1 o'clock to the further consideration of the bill. Is there any objection to the present consideration of the bill?

Mr. NEWLANDS. I do not understand what the Chair said with reference to the bill. Do I understand that objection can be made to its further consideration at any time before 1 o'clock?

The VICE PRESIDENT. Yes; objection can be made to its further consideration at any time before 1 o'clock.

Mr. NEWLANDS. The bill will not, then, take its place as the unfinished business?

The VICE PRESIDENT. Certainly not; it will go back to the calendar undisposed of at that time.

Mr. BRANDEGEE. Mr. President, does not the objection, which can be interposed at any time, relate to a bill which has been taken up under Rule VIII? After the Senate gives unanimous consent for the consideration of this bill, I do not think that a Senator——

The VICE PRESIDENT. It relates, in the opinion of the Chair, to a bill taken up in the morning hour not on motion.

Mr. BRANDEGEE. Such a bill may be objected to at any time?

The VICE PRESIDENT. Such a bill may be objected to at any time during the morning hour. That is the understanding of the Chair with reference to the rule. The opinion of the Chair has been that as to a bill taken up without exception during the morning hour the Senate might discover that it was leading to too great an expenditure of time and stop it and send it back to the calendar. That has been the view of the Chair. Is there objection to the present consideration of the bill? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, which had been reported from the Committee on Interstate Commerce with amendments.

The Secretary proceeded to read the bill and read to the word "transportation," in line 19, on page 2.

Mr. SHEPPARD. Mr. President, is it proper to offer an amendment at this point? I understand this is merely the first reading of the bill.

Mr. GALLINGER. Mr. President, the bill evidently should be read in its original form.

The VICE PRESIDENT. The Chair thinks the bill should be read first, and then amendments may be offered.

Mr. SHEPPARD. I wish to offer an amendment to this line of the bill.

The VICE PRESIDENT. The Chair thinks the bill should be first read for the information of the Senate, and then amendments may be offered.

The Secretary resumed and concluded the reading of the bill.

The first amendment reported by the Committee on Interstate Commerce was, on page 3, line 6, after the word "State," to insert "Territory, or the District of Columbia"; and in line 7, after the word "State," to insert "or Territory, or from a point in a State or Territory to a point in the District of Columbia, or for transportation wholly within a Territory," so as to read:

That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; and any such common carrier, railroad, or transportation company so receiving property for transportation from a point in one State, Territory, or the District of Columbia to a point in another State or Territory, or from a point in a State or Territory to a point in the District of Columbia, or for transportation wholly within a Territory, shall be liable to the lawful holder of said receipt or bill of lading.

The amendment was agreed to.

The next amendment was, on page 3, line 11, after the word "full," to strike out "actual value of such property" and insert "actual loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass"; so as to read:

For the full actual loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass, notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

Mr. GALLINGER. Mr. President, I ask the Senator from Iowa precisely what difference in meaning there is between the language of the bill and the amendment?

Mr. SMITH of Georgia. We can not hear the Senator from New Hampshire.

Mr. GALLINGER. I inquired of the Senator from Iowa as to the exact difference in meaning between the language of the bill in its original form and the amendment, which, in lieu of the words "actual value of such property," proposes to insert "actual loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass."

Mr. CUMMINS. The language of the bill is not very happily chosen in this respect, but the difference is that if the property was damaged, not wholly destroyed, the words of the original

bill would seem to have implied that the entire value of the property could be recovered, whereas it is the intent that only the actual loss or damage shall be recovered.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also, on page 3, line 22, after the words "*Provided, however,*" the committee proposes to strike out "That, if the property so offered and received for transportation," and in lieu thereof to insert "That, except as to ordinary live stock, if such property so offered and received for transportation."

The amendment was agreed to.

The SECRETARY. On page 3, line 25, after the word "or," the committee proposes to strike out the word "otherwise," and insert: "by other means, or if express authorization has been heretofore granted or shall be hereafter granted by the Interstate Commerce Commission for the establishment and maintenance of rates for the transportation thereof dependent upon the value of the property shipped, as stated in writing by the consignor and reference given in the rate schedule to such authorization, then."

The amendment was agreed to.

Mr. SMITH of Georgia. I will ask the Senator from Iowa to give us a word of explanation of this amendment before it is agreed to.

Mr. CUMMINS. I think it might be well to state at this point just what the difficulty is with the law as now construed by the Supreme Court.

Prior to 1906 it was the law in most of the States of the Union, either by statute or by the declaration of the courts of the State, that any agreement, rule, or regulation that sought to limit the liability of railway companies to less than the actual value of the property injured, or the actual loss or damage sustained by an individual, if a person was injured, was void as against public policy. I think it is well, possibly, at this point, to show that.

In our State, for instance—and I choose now one decision of the Supreme Court construing a statute of the State and one decision construing or applying the common law of the State as declared by its highest tribunal—in the case of the Chicago, Milwaukee & St. Paul Railway Co. against Solan, reported in One hundred and sixty-ninth United States, at page 133, the Supreme Court had before it for review the judgment of the Supreme Court of Iowa in a suit brought by a shipper of stock for injuries which he had sustained while upon an interstate journey accompanying the stock which he owned. The section of our code which relates to the subject is as follows:

No contract, receipt, rule, or regulation shall exempt any corporation engaged in transporting persons or property by railway from liability of a common carrier or carrier of passengers which would exist had no contract, receipt, rule, or regulation been made or entered into.

This particular plaintiff had entered into an agreement with the Chicago, Milwaukee & St. Paul road that in the event of injury to him the recovery should be limited to $500. He was injured, he sued, and the supreme court of the State held that under this section of the code the agreement which had been entered into was void, and that, notwithstanding the agreement, he had a right to recover his full damage. In the Supreme Court of the United States, to which the judgment was taken, it was urged that inasmuch as this was an interstate transaction, an interstate journey, and inasmuch as Congress had exclusive jurisdiction over interstate commerce, the statute of Iowa was invalid and could not apply to such an instance. The Supreme Court, however, in very decided and positive terms held that until Congress acted upon the particular subject the legislation of the State was effective and valid, and it affirmed the judgment of the Supreme Court of Iowa.

A little later there came before the Supreme Court the case of the Pennsylvania Railroad Co. against Hughes, reported in One hundred and ninety-first United States, at page 477. There a horse had been shipped from New York to Pennsylvania, and the owner or shipper had agreed with the railroad company that in case of loss or in case of killing the animal the recovery should be not to exceed $100; I think that was the limitation. There was a trial, and the Supreme Court of Pennsylvania held that the agreement was contrary to the policy of that State—that is to say, it was contrary to the common law of Pennsylvania—and entered a judgment for the full value of the horse. The judgment was taken for review to the Supreme Court of the United States; and then again the Supreme Court held that the law of the State, as declared by its highest judicial tribunal, was the law that must be applied to the instance, and that the plaintiff was entitled to recover the full value of the animal, notwithstanding the fact that it was injured in an interstate carriage, and that Pennsylvania, either through her legislature or through her courts, had a perfect right to determine the respective rights and liabilities of the persons interested until Congress acted.

Such was the law in nearly all of the States of the Union when in 1906 we came to revise the interstate-commerce law. There was, as you will remember, quite an extensive revision of the law in 1906, and as a part of that revision there was adopted what has become well known as the Carmack amendment. It is shown in the first paragraph of this bill. It reads:

That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or a bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

It will be observed that the purpose of this amendment was to make the initial carrier liable for any loss or damage that might occur to property or persons during the entire carriage. I am sure it was not in the mind of Congress, and certainly not in the mind of the Senator who offered the amendment, to make any change whatsoever in the law to which I have referred governing the extent of recovery.

A year or two after that time, however, an express company lost a ring which had been committed to its care, and which was shipped under a contract for limited liability—$50, I believe, or $25. When that case reached the Supreme Court of the United States the court reviewed the entire field, and said that while before the Carmack amendment was adopted these State statutes and State laws through judicial interpretation were valid, yet inasmuch as Congress had acted upon the subject of bills of lading, and had not specifically provided against the exemption or immunity from liability to which I have referred, therefore all the State statutes and all the State judicial declarations upon the subject were abrogated, and that a common carrier could validly agree with a shipper that if a horse or an animal of any kind were shipped upon the rate that had been customary, if the animal were lost the recovery should be no more, we will say, than $25 or $30 or $40, as the railroad company might desire.

I shall not read the opinion of the court; it goes into the subject very carefully; and the conclusion I have stated will not be disputed by anyone who is familiar with it. It has been followed by three other decisions of the Supreme Court construing this amendment, all in harmony with the first one, the effect of which is to destroy what has been, I was about to say, from time immemorial the law of the country controlling this subject, and to make it valid for railroad companies to limit their liability to a certain sum which may be named in the bill of lading.

Mr. SMITH of Georgia. Mr. President, I wish to suggest to the Senator that he read the title of the case and the volume, so that it may be in the RECORD.

Mr. CUMMINS. The title of the case is Adams Express Co. against Croniger. It is reported in volume 226 of the United States Supreme Court Reports, at page 491. I do not refer to the others, for they are of the same general tenor.

In this bill we have tried to restore to the shippers of this country not all, but a measure, of the rights which they possessed and which they exercised prior to the passage of the Carmack amendment, which inadvertently destroyed those rights. Therefore we provided that the railroad company should be liable to the lawful holder of the receipt or any other person for the full actual loss, damage, or injury caused by it—notwithstanding any limitation of liability or limitation of the amount of recovery or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule, regulation, or in any tariff filed with the Interstate Commerce Commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void.

We understood perfectly well, however, that there were instances in which certain common carriers ought to have a right to limit their liability, especially in cases in which the goods shipped were concealed by boxing or wrapping; cases in which the common carriers could not have any knowledge with regard to the character or value of the goods.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

and improvement of their farms. The settler does not need to halt when he exhausts his own capital. When he has one field graded he can borrow money on that to grade another.

This generous aid and the thoughtful consideration for his welfare is a great encouragement and incentive to the ambitious and earnest beginners. I have never seen elsewhere men work as hard or achieve as much in the first two years as on those Victorian settlements. But all who come are not industrious or capable. Such a scheme is especially attractive to the visionary and incompetent. Some of the settlers seem to regard the house, the farm, and the graded fields as an endowment, and to believe that the State which has done so much to help them proceed will do the remainder. To help the inexperienced and guard against being imposed upon by the idler or indifferent, the State employs in each district a tactful, practical farmer who is the friend, counsellor, and adviser of the working settler and a stimulator to others. When his efforts and influence fail the fact is reported to the head office. The settler knows of this and also knows that such report will have a controlling influence in determining whether or not he is to obtain loans or be given sympathetic treatment when payments are delayed. The law is so framed that the commission administering it has discretion to defer payments where settlers are unfortunate, but it also has authority to eliminate promptly any settler who fails to show earnestness, industry, and thrift.

This scheme of comprehensive aid has now been in operation for six years. The settlements that are three years old are practically established and self-supporting. It is the unanimous opinion of all those familiar with development that nowhere else have they seen such rapid progress in the cultivation of land or such large returns in the early years of settlement. One of the inspectors was formerly a successful farmer in the Imperial Valley, Cal. It is his belief that as much progress is made in these settlements in Victoria during 18 months as was made on an average in the Imperial Valley in 5 years.

One can not help being inspired by the hope, the gratitude, and the tremendous industry that is everywhere manifest. The government that inaugurated these measures is nearer a real democracy than a government that leaves the settler to struggle unaided. While Australia and New Zealand have led in the movement to aid settlers, their example is now being followed in other developing countries. South Africa has adopted it, and the newspapers report that British Columbia intends to adopt it. The Canadian Pacific Railway is loaning each settler on its irrigated tracts in aid of these initial improvements, and the Argentine is beginning to consider making such aid a feature of its colonization policy.

SHOULD THE POLICY OF THE UNITED STATES BE CHANGED?

The adoption of a similar policy in the United States would relieve settlers of much anxiety and hardships without imposing any burden on the taxpayer. By using the public credit long terms for repayment could be obtained at low rate of interest, and with settlers fitted for their work and given practical advice by the Government, repayment of loans would be assured, and development would then continue under opportunities as favorable as those provided in other countries. Every condition that has secured the success of State aid in Australia exists here in equal or greater measure. The tenant farmers of the Middle West furnish a large body of the very best class of settlers. The country does not have to look for them on the other side of the world. The lands are here, the works have been built. All that is needed is the inauguration of some businesslike scheme which will provide the funds and exercise the necessary direction and oversight over the settlers.

The greatest need in this country is the complete use of the works already built. From Colorado to California are private and public works, with less than half the land under cultivation, and with inadequate revenues are struggling to maintain their financial credit. Suitable settlers would completely change the situation. Under some of these schemes the conditions for extending this aid are almost the same as factory, while under others settlement under present conditions should be prevented. Either the water supply is inadequate, the land is unfit, or the charges for land and water are too high. To extend public aid in the settlement of such enterprises means inevitable disaster to all concerned, and the first step in all such cases should be an investigation by some competent public authority to weed out the sound from the unsound schemes. Starting with sound enterprises there should, in each case, be an organization to meet and take charge of the settlers, and there must be some way by which large sums of money can be provided to give them the necessary aid.

In the State of Victoria this money is provided in a large measure by the State Savings Bank, which has deposits of $110,000,000, on which 3 and 3½ per cent interest is paid. This money is loaned directly to the farmers at 4½ and 5 per cent. A remote country, with small accumulations, thus gives the farmers money at about half the interest rates prevailing in the western part of the United States. It would seem that the Victorian policy might wisely be followed in the United States, and the funds deposited in the postal savings bank of the Nation loaned to farmers developing irrigated lands rather than to the banks, as at present. The experience of all of the Australian States shows that not only is this a safe use for these funds, but it can be made a great agency for national development. Safety could be further insured by an arrangement under which the States would guarantee the returns of all funds loaned to settlers within their boundaries. In any event, the cost of improving land is as great as the expense of providing water for it, and if we are to have a humane and rounded out scheme of development the settler's side must receive more consideration.

INTERSTATE TRADE COMMISSION.

Mr. OLIVER. I have here a memorial of the Philadelphia Board of Trade protesting against the passage of the interstate trade commission bill. It is not a long article, and I ask leave to have it printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

PROTEST AGAINST PASSAGE OF BILL PROVIDING FOR THE CREATION OF AN INTERSTATE TRADE COMMISSION.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Philadelphia Board of Trade, respectfully represents:

That there has been introduced in the House of Representatives a bill entitled H. R. 14361, providing for the creation of an interstate trade commission.

Your memorialist is opposed to the proposed legislation for the following reasons:

PURPOSE OF THE COMMISSION.

Under the title of a trade commission the bill provides for the creation of a committee or body of three members, which shall have power to investigate the business of any corporation or class of corporations, with certain exceptions. It may require statements by any corporation within its jurisdiction of its financial condition, its trade relations, its business methods, etc., and may enforce the production of its business and other records and the attendance of its officers, employees, or other witnesses. In general purpose and effect it is intended to subject all of the business of the country (not already under commission supervision) to governmental supervision.

It should be noted that this body is not a court or judicial tribunal properly constituted to try and determine alleged infractions of any law or laws, but a body expressly authorized to impose upon the business of the country, or such classes of business as may be designated by it, the duty and burden of reporting annually to it the full record and account of its transactions.

PRINCIPLES OF FREE GOVERNMENT.

The only proper basis we believe, on which Government can in general interfere in either individual or business life is in laying down certain general rules or principles of conduct, applicable to all, and providing the necessary machinery for their enforcement. A proper tribunal, whether called a court or commission whose duty it is to hear and determine charges of infractions of the law properly brought before it, is an essential part of the machinery for the enforcement of the law. A commission whose duty it is to "smell out" offenders or to require reports and generally oversee the details of business life has no place in the machinery of a free government.

Supervision of business merely as supervision is no more necessary to the public welfare, no more desirable, and no more possible than the supervision of the details of individual life. In either case it is indefensible on principle and in justis to be characterized as an objectionable form or characteristic of paternalism.

STATESMANSHIP V. POLITICS.

Accompanying the vast business expansion of the past 25 years there have been discernible certain practices which the sound moral judgment of the community disapproved. They comprised rebates given by public-service corporations (whose semipublic character should require them to treat all alike), willful and malicious attempts to injure competitors (outside the realm of the injury incident to fair competition), and attempts to acquire absolute control of particular industries. In the reaction against these things the public judgment should not be warped, sound principles of government should not be forgotten, and meretricious expedients should not be adopted.

The fact which we seek to emphasize is that every one of these admitted evils has been fully legislated against; the country has adequate courts to enforce the law and officers charged with the duty of prosecuting where the offenses are charged. During the last five or six years public opinion has called for the rigid enforcement of the law. The law has been enforced, rebates have stopped, malicious injuries to competition have been punished, and great industries dissolved into small competitive fragments. Whether all of this will inure to the public welfare or not, whether in some respects the existing law may not be too stringent, we leave for time to determine. What we confidently assert, however, is that no one who has followed the history of these things can doubt the sweeping and effective character of the existing law to prohibit existing evils or the efficiency of the existing machinery for enforcing the law when that machinery is once set in motion.

Under the circumstances additional legislation will tend to confuse rather than clarify and is open to the just suspicion of political expediency.

GOVERNMENT BY COMMISSION.

In the reaction which has followed our great period of expansion the States have very generally attempted the experiment of commission rule for all public-service corporations. The Federal Government has adopted the same expedient with respect to the railroads. It would be unfair to so characterize these measures without giving the reasons for our belief that in their present form, at least, these commissions are experimental and have not yet demonstrated their right to a permanent place in our institutions.

1. THE FUNDAMENTAL DIFFICULTY.

In the first place, then, these commissions (so far as they are empowered to regulate prices) are all founded upon the anomalous principle that persons, without any direct responsibility for the consequences, without personal and first-hand knowledge of the requirements, and subject to influences of political expediency, are delegated to determine what (this or that public-service corporation needs and shall earn. When it is considered that a large part of the savings of the country are invested in these companies, the outcome seems fraught with uncertainty and danger.

2. THE COST.

The commissions, Federal and State, have entailed a heavy burden of expense upon the community, directly upon business and indirectly upon the people as a whole. This expense is partly due to the cost of maintenance of the commissions themselves, but in much larger part to the requirements imposed by the commissions on the individuals or corporations coming within their jurisdiction. The data collected and furnished by one public-utility company at the request of one commission cost upward of $100,000, irrespective of the services of the officers and employees. If this were a fair average per State for each corporation (as to which we have not sufficient data for judgment), it would mean that the aggregate expense of the experiment of commission supervision of the public utilities alone will come to an enormous total.

An independent public-utility company doing a small but steady business was forced by the additional expense imposed by the commission requirements of its State to cease doing business, and its only method of saving the value of its assets was by sale to a competitor of sufficient size to bear without breaking the additional burden.

Probably most of the public-service corporations are to-day confronted with the concrete fact that if new money is needed to develop the service which they render to the community it must be raised by bond issues and heavy premiums paid to those who take the risk of disposing of the bonds. This condition is less sound from the economic standpoint than one in which the necessary funds can be raised on sales of stock, and the reason for the condition is very simple—if the commissions limit the amounts which the companies may earn, the public

have no sufficient inducement to invest in stocks; if the commissions impose on the companies heavy additional expense, the security for the bonds is depreciated. This condition must result unfavorably to the public in the end; it means less efficient service at higher prices.

If the final result of commission supervision over public-service corporations is to make the transaction of the public-service business unduly expensive (the community eventually paying the expense), is to prevent competition by tending to eliminate all but the larger and more powerful units, and is finally to so limit the credit of these companies and curtail the inducements they can offer to investors, that they are unable to finance themselves except at exorbitant rates, the systems of supervision by commissions is bad for the community and must eventually be modified or abandoned.

3. INDIRECT EFFECTS.

The indirect effects of governmental interference through commissions in business are not to be lightly ignored. While the general depressed condition of business and great shrinkage in values will doubtless be attributed by different persons to different causes—to foreign complications, to tariff changes, to world-wide movements of uncertain character, or other causes—one of the conditions powerfully affecting this country is undoubtedly this: The savings of the people of this country are invested chiefly in the business of the country. The vast sums invested in the railroads are confronted with the restrictive control of railroad earnings by the Interstate Commerce Commission, as well as by a mass of legislation in the several States exacting new forms of taxation, requirements of extravagant service, limitations of charges, etc. The almost equally large volume of savings invested in the public utilities is confronted with the same general tendency through the operations of the commissions appointed in the various States.

The results of this restrictive legislation is apparent to all in the present difficulty experienced by the railroads and other public utilities in obtaining necessary capital, in the consequent stoppage of normal growth, and in the shrinkage of the value of their securities. However much other causes may intervene to assist in the general depression, the curtailment of the purchasing power of the largest portion of the business agents of the country must and does play a large part in the unfavorable conditions which to-day exist.

CONCLUSION.

Under these circumstances we respectfully submit that wisdom and sound judgment require that the effect upon the country of commission supervision of the public-service corporations be carefully noted over a series of years before any attempt should be made to extend that system in any degree beyond its present limits.

If after a full and complete trial commission control over railroads and public utilities is modified or developed into a system beneficial to the country, it will be ample time to consider in what form, if at all, Government should intervene to regulate the industries and activities of individuals or corporations not engaged in public service but in private enterprise. In the meantime both public and private rights are amply guarded by existing law.

For the above reasons, among others, your memorialist respectfully submits that the interstate trade commission bill should not receive your favorable consideration.

And your memorialist will ever pray.

On motion, the report was accepted and the following resolutions adopted:

"1. *Resolved*, That the memorial issued by the officers and committee in charge, under the direction of this board, opposing the so-called omnibus antitrust bill is hereby approved.

"2. *Resolved*, That the officers be instructed to enter a negative vote to the referendum submitted by the Chamber of Commerce of the United States to its members in relation to the creation of an interstate trade commission.

"3. *Resolved*, That the officers be instructed to issue the memorial submitted to this council by the committee on legislation in opposition to the proposed interstate trade commission."

NOTE.—A copy of the memorial opposing the passage of the omnibus antitrust bill (H. R. 15657), as formulated by the committee on "legislation" under the authority of a resolution adopted at the meeting of the board held April 20, 1914, accompanies this summary.

WM. M. COATES, *President.*

Attest:

W. R. TUCKER, *Secretary.*

PERSONAL EXPLANATION—REPUBLIC COAL CO.

Mr. MYERS. Mr. President, I desire to make a personal statement.

On the 23d of March last, when Senate joint resolution No. 41, providing for the sale of certain coal lands to the Republic Coal Co., of Montana, was before the Senate and under discussion, I had the floor, and after having made a statement that the Republic Coal Co. was a subsidiary company of the Chicago, Milwaukee & Puget Sound Railway Co. and that so far as that resolution was concerned it was practically identical with that railway company, I used this language:

The Northern Pacific owns each alternate section of coal lands there and will not sell any coal to a competing line. It absolutely refuses to treat with it or deal with it or negotiate with it at all.

At the time I used that language I believed it to be entirely and literally true. I had so understood. Shortly thereafter I received a letter from Mr. J. M. Hannaford, president of the Northern Pacific Railway Co., in which he called my attention to that language and informed me that it was not correct, and stated that he had had some correspondence with the manager of the Republic Coal Co. looking to the leasing of some of the coal lands of the Northern Pacific Railway Co.; that he had made the manager of the Republic Coal Co. a figure on leasing some of the coal lands of the Northern Pacific Railway Co., and that the manager of the Republic Coal Co. claimed that he could not pay the price and had declined to enter into a lease at the price quoted.

Mr. Hannaford asked me for the source of my information on the subject, and I gave him as my informant the manager of the Republic Coal Co. That gentleman was in the city at the time, and I called to his attention the letter of Mr. Hannaford and he verified Mr. Hannaford's statement. He said that the Northern Pacific Railway Co. had made to him a price on the leasing of some coal land, but he claimed that the price was prohibitive and was beyond his reach, and that he could not afford to pay it, and therefore no lease had been entered into.

I had been under the impression that the Northern Pacific Railway Co. had absolutely refused to negotiate with or deal with the manager of the Republic Coal Co. at all and so stated, but upon having my attention called to the statement I learned the facts to be, as acknowledged by both sides, that a price had been quoted, and that the manager of the Republic Coal Co. claimed that the quoted price was prohibitive, and that therefore he could not afford to enter into a lease at the price named. I suppose that is a matter of opinion between him and the president of the Northern Pacific Railway Co.

I now make this statement, in order to correct and set right my former statement, made under a misapprehension, which I believed to be correct at the time. It appears that the reason why no lease has been entered into has been because of a difference of opinion between the management of the two institutions as to what the Republic Coal Co. could afford to pay the Northern Pacific Railway Co. for coal in the vicinity of the operations of the former company. The misstatement that I made was entirely unintentional on my part and I was entirely innocent in making it.

While believing that it is right that the Republic Coal Co. should have coal for the operation of its trains on the Milwaukee Railroad, believing that it is an absolute necessity, and believing still, as I do, that Senate joint resolution No. 41 is a just and meritorious measure and that the Republic Coal Co. should be allowed to buy coal from the Government at a reasonable price, at the same time I do not wish to do any injustice to the management of the Northern Pacific Railway Co. I stated that the Northern Pacific Railway Co. refused to negotiate with the Republic Coal Co. for the leasing or sale of any coal lands. I know that the manager of the Republic Coal Co. never intended to mislead me and would not do so. Doubtless he told me that he had "been unable to negotiate" a sale or lease with the Northern Pacific, meaning that they had been unable to come to terms, while I gained therefrom the idea that the Northern Pacific had refused to negotiate. I now know there was no refusal to negotiate but an inability of the parties to effect a negotiation, on account of differences of opinion. It was an innocent misapprehension on my part. I know that the manager of the Republic Coal Co. never intended to mislead or misinform me. It was my own misunderstanding.

I realize that the Northern Pacific Railway Co. and the Chicago, Milwaukee & Puget Sound Railway Co. are both great institutions, each of which has done a grand work for the State of Montana, the great northwest, and the entire country. Each is entitled to just and fair consideration, and I want each to have equal rights and just and fair treatment; nothing more and nothing less. I would not knowingly reflect on either. I highly esteem both.

I would not wish any statement of mine which would do injustice to either one to go uncorrected. Therefore I take great pleasure in making the correction I have just made.

I do not believe that the innocent misstatement which I made was material to the merits of the subject under discussion. I still believe Senate joint resolution 41 meritorious, and that it should speedily pass the Senate and House. The correction I have made is immaterial to its merits and is in nowise prejudicial to it and does not affect its rights. However, I do not wish any statement of mine, whether material to justice or not, to misrepresent anyone.

LIABILITY OF COMMON CARRIERS.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution (S. Res. 354) submitted yesterday by Mr. CUMMINS, as follows:

Resolved, That immediately after the final disposition of the bill now the unfinished business the Senate take up for consideration S. 4522, to amend the interstate-commerce act relating to liability of common carriers.

Mr. CUMMINS. Mr. President, I believe time can be saved by the suggestion which I am about to make. I expect to debate this resolution long enough to show why the bill to which it refers should receive consideration very soon, but I believe we can dispose of the bill in less time than it will require me

Mr. BURTON presented a petition of sundry citizens of Ohio, praying for the enactment of legislation to provide compensatory time for Sunday services performed by employees of the Post Office Department, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Ohio, praying for the postponement of all antitrust legislation until the next session of Congress, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Ohio, praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of sundry citizens of Ohio, praying for the repeal of the toll-exemption clause in the Panama Canal act, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ohio, praying for an appropriation to provide for the erection of a monument to the memory of Capt. John Ericsson, which was referred to the Committee on the Library.

He also presented resolutions adopted by the Chamber of Commerce of Youngstown, Ohio, favoring the granting of full public hearings on the proposed antitrust legislation, which were referred to the Committee on Interstate Commerce.

Mr. SMITH of Michigan presented memorials of the International Union of Steam Engineers; of the Newspaper Web Pressmen's Union; of the Journeymen Barbers' Union; and of the International Wood Carvers' Association of America, Detroit Branch, all of Detroit; of Local Union No. 284, Brick, Tile, and Terra Cotta Workers' Alliance, of Spring Wells, of the Street and Electric Railway Employees Local Union, No. 343, of Kalamazoo; of Bartenders' Local Union No. 411, of Muskegon; and of sundry citizens of Detroit, Bay City, Isabella, Gladstone, and Escanaba, all in the State of Michigan, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of the Grand River Evangelical Brotherhood, of Detroit; of the Sunday School Association of Allegan County; of the congregations of the Congregational and Baptist Churches of South Haven; and of sundry citizens of Swartz Creek and Wolverine, all in the State of Michigan, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. WEEKS presented a petition of the Men's Union of the First Methodist Church of South Framingham, Mass., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by Mount Hermon Commandery, No. 261, Knights of Malta, of Whitman, Mass., favoring the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Mansfield, Williamsburg, Fitchburg, and Gardner, all in the State of Massachusetts, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented memorials of sundry citizens of Harding County, of Sioux Falls, and Lemmon, in the State of South Dakota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. WORKS presented memorials of sundry citizens of San Diego and Stockton, in the State of California, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of O'Neill, Fairbury, Central City, and Raymond, all in the State of Nebraska, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 246, Order of Railway Conductors, of Wymore, Nebr., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Burlington, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

CALLING OF THE ROLL.

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Page	Sutherland
Brady	Kenyon	Perkins	Thomas
Brandegee	Kern	Pittman	Thompson
Bristow	La Follette	Pomerene	Thornton
Bryan	Lane	Saulsbury	Tillman
Burton	Lea, Tenn.	Shafroth	Vardaman
Catron	Lodge	Sheppard	Walsh
Chamberlain	Martin, Va.	Sherman	Warren
Colt	Martine, N. J.	Simmons	Weeks
Crawford	Myers	Smith, Ariz.	West
Cummins	Newlands	Smith, Md.	White
Gallinger	Norris	Smith, Mich.	Works
Gronna	O'Gorman	Smoot	
Hitchcock	Oliver	Sterling	
Hughes	Overman	Stone	

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate to-day. He is paired with the junior Senator from Florida [Mr. BRYAN].

Mr. WHITE. I wish to announce the unavoidable absence of my colleague [Mr. BANKHEAD] and to state that he is paired with the Senator from West Virginia [Mr. GOFF]. This announcement will continue during the day.

Mr. KERN. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. CLARKE], the senior Senator from Texas [Mr. CULBERSON], the junior Senator from New Hampshire [Mr. HOLLIS], and the junior Senator from Arkansas [Mr. ROBINSON], all of whom are paired. This announcement may stand for the day.

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

REPORTS OF COMMITTEES.

Mr. CHAMBERLAIN, from the Committee on Military Affairs, to which was referred the bill (H. R. 5304) to increase the efficiency of the aviation service of the Army, and for other purposes, reported it with an amendment and submitted a report (No. 576) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 5433) to amend an act entitled "An act to establish the Glacier National Park in the Rocky Mountains south of the international boundary line, in the State of Montana, and for other purposes," approved May 11, 1910, reported it without amendment and submitted a report (No. 577) thereon.

Mr. MARTINE of New Jersey, from the Committee on Industrial Expositions, to which was referred the amendment submitted by Mr. JONES on the 15th ultimo, proposing to appropriate $200,000 for the purpose of collecting and maintaining an adequate Alaskan exhibit at the Panama-Pacific Exposition, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMITH of Maryland:

A bill (S. 5711) providing for the appropriation of a sum of money for the erection at Fort McHenry, Baltimore, Md., of a monument to Francis Scott Key and the soldiers and sailors who participated in the Battle of North Point and the defense of Fort McHenry in the War of 1812; to the Committee on the Library.

By Mr. MYERS:

A bill (S. 5712) for the relief of the Jefferson Lime Co.; to the Committee on Claims.

By Mr. GRONNA:

A bill (S. 5713) to amend the act entitled "An act for the relief of certain settlers on the public lands, and to provide for the payment of certain fees, purchase money, and commissions paid on void entries of public lands," approved June 16, 1880; to the Committee on Public Lands.

By Mr. WEEKS:

A bill (S. 5714) providing for the promotion of certain officers of the Navy or Marine Corps, on retirement, to the next higher grade; to the Committee on Naval Affairs.

By Mr. LANE:

A bill (S. 5715) granting an increase of pension to Jen Rody Chauncey (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 5716) granting an increase of pension to Frank Saurjous (with accompanying papers); to the Committee on Pensions.

By Mr. CHAMBERLAIN:

A bill (S. 5717) granting an increase of pension to Max Pracht, alias Maxwell Pratt (with accompanying papers); and

A bill (S. 5718) granting a pension to John Sidney Montgomery (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5719) granting an increase of pension to Cary Otis (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 5720) providing for the classification of salaries of veterinary inspectors, meat inspectors, inspectors' assistants, stock examiners, skilled laborers, and clerks employed in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture and Forestry.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HITCHCOCK submitted an amendment proposing to appropriate $9,125 for the paving, curbing, and constructing sewers in connection with the improvement of that portion of north Thirtieth Street between Fort Street and Laurel Avenue, adjacent to the Fort Omaha Military Reservation, Omaha, Nebr., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. O'GORMAN submitted an amendment proposing to increase the salary of the chief clerk, Senate post office, from $1,800 to $2,250 per annum, intended to be proposed by him to the legislative, etc., appropriation bill, which was ordered to lie on the table and be printed.

OMNIBUS CLAIMS BILL.

Mr. SHEPPARD submitted an amendment intended to be proposed by him to the omnibus claims bill, which was ordered to lie on the table and be printed.

PANAMA CANAL TOLLS.

Mr. PITTMAN. I submit an amendment to the Panama Canal tolls bill which I ask may be read.

There being no objection, the amendment was read, ordered to lie on the table, and to be printed as follows:

SEC. 3. The President of the United States may at any time by proclamation reduce the rate of tolls to be paid by vessels of the United States passing through the Panama Canal, or may exempt such vessels from the payment of any tolls or make and publish general rules prohibiting any vessel of any nation, including the United States, its citizens or subjects, from passing through the canal that has been granted any form of subsidy, bonus, or rebate or that possesses any privilege which would constitute a discrimination in favor of such vessel against the vessels of any other nation, including the United States, or charge such vessel such additional tolls as will equalize such conditions or make and publish such other general rules and regulations as, in his opinion, may be necessary for the purpose of securing or maintaining entire equality in the use of the canal and of preventing discrimination against the vessels of any nation, including the United States, its citizens or subjects: *Provided*, That neither the passage of this act nor anything therein contained shall be construed to waive, abandon, or impair any treaty or other right possessed by the United States.

Mr. RANSDELL submitted an amendment intended to be proposed by him to the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912, which was ordered to lie on the table and be printed.

WOMAN SUFFRAGE IN CALIFORNIA (S. DOC. NO. 488).

Mr. WORKS. I have here an address in the form of a report by a committee of women of southern California upon the practical working and operation of woman suffrage in the State of California containing valuable and interesting data upon live issues now before Congress and the people. I ask that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

IRRIGATION DEVELOPMENT IN AUSTRALIA.

Mr. JONES. I have here an address delivered by Elwood Mead, engineer department of the state rivers and water supply commission, Victoria, Australia. Mr. Mead was formerly connected with the Agricultural Department of our Government. The address deals with conditions under irrigation projects and gives a statement as to how the farmers there have been aided and the results of such aid. I ask that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

SYSTEMATIC AID TO SETTLERS THE FIRST NEED IN IRRIGATION DEVELOPMENT.

[Address delivered at the Irrigation Conference, Denver, Colo., on Apr. 9, 1914, by Elwood Mead, C. E., chairman state rivers and water supply commission, Victoria, Australia.]

For the past seven years I have had the privilege of working for a government that has shown great wisdom and sagacity in its social and industrial legislation. Nowhere has this been more conspicuous than in its land and water laws and the policy followed in irrigation development. In this it has blazed trails which this country can follow to advantage. Recently I explained to Gov. Johnson, of California, the methods by which Victoria, one of the Australian States, is securing settlers on its irrigated lands and aiding them to rapidly become self-supporting and prosperous. He was greatly interested, and asked me to come to this convention as a delegate from California and explain what I had told him. Believing that a national policy of aid to settlers on irrigated lands will prove of immense value in developing this country and stop the drift of American farmers to other lands, I availed myself of the governor's suggestion, and did this the more readily because of the opportunity of meeting many whom I had formerly known.

The absence of adequate financial help for settlers during the first five years is the main cause for the stagnation in irrigation development in this country and for the calling of this conference. One only needs to put himself in the place of the settler to realize what a costly and serious venture it is to attempt to transform unimproved land into an irrigated farm and how much danger there is to the man of small capital that the attempt will prove a disaster. Before the settler can have any return from his land he must do many things not required in an unirrigated country. A house must be built, ditches dug, land cleared and graded, seed sown, and the somewhat difficult art of irrigation mastered under untried conditions before he can have any return. While this is being done there is no income. His scanty capital is being swallowed up in living expenses. Often there is much hardship for himself and his family. Many a poor settler's wife has aged 10 years in 10 months. If money has to be borrowed, interest rates are excessive, and all combine to discourage those to whom these conditions are strange and new.

To these have been added in recent years great increases in charges for land and water. Costly dams and permanent works mean much higher water charges than were paid by the earlier generation of irrigators, until the marvel is not that many fail, but that any endure. With water rights costing from $40 to $60 per acre and with the present western interest rates, the chances are all against the success of the settler who has less than $5,000 or $6,000 capital. The question which now needs to be decided is whether opportunities under national or private works are to be restricted to men with this or larger capital, or poorer men encouraged by helping them to improve their farms.

PROBLEMS OF SETTLEMENT HAVE BEEN NEGLECTED.

Thus far in America we have almost entirely ignored the requirements of colonization and settlement. We have looked upon the building or irrigation works and the marketing of irrigation securities as the main problems of irrigation development. We have not given enough thought to the obstacles which confront the farmer in completing the work of reclamation, and the risks and hardships imposed on himself and his family when they undertake the development of raw land, and the payment of high charges now imposed. Another mistake has been to regard irrigation enterprises as something which could be paid for quickly. We have taken it for granted that if the works were built the farmer would come forward and foot the bills. The actual facts are entirely different. Irrigation works do not create irrigated agriculture. The money spent on dams and canals must be followed by an equal or greater expenditure for houses, farm buildings, fences, grading, and ditching fields before the water can be used and irrigation works have either revenue or productive value.

Owing to settlers not being able to obtain financial aid many have not been able to complete the preparation of their land for irrigation in a reasonable time, and, as a result, have failed, when through timely assistance they would have succeeded. These failures have deterred others from attempting settlement, hence a large part of the irrigable land is unoccupied. Until this is changed the reclamation of irrigated land will continue to involve regrettable hardship and loss to many deserving settlers. Development will be slow and irrigation securities will have uncertain value. Irrigation works will not fulfill their greatest purpose, which is to create opportunities for poor men, and American farmers will continue to emigrate to the ready-made irrigated farms of Australia and Canada.

STATE AID IS FEASIBLE.

Adequate financial aid for settlers during the first five years is the greatest question before this conference. It is also the one about which there is likely to the greatest difference of opinion. No one, I think, doubts its need or value if wisely and honestly managed, but many do not regard it as feasible simply because it has not been attempted.

With respect to the latter, I have had during the past five years a most convincing and instructive experience. As chairman of the State water commission of Victoria I have assisted in carrying out one of the most complete schemes of State aid to irrigated settlement ever attempted. Its success will, I hope, encourage this country to adopt a similar policy.

Seven years ago the situation under the irrigation schemes of Victoria was not unlike that under the Reclamation and Carey Acts projects to-day. Canals were built, water was available, but settlers were not there to use it, and hence the works were unprofitable. The State government determined to change this by creating conditions which would enable anyone who had industry and thrift to secure an irrigated farm, even if he had little or no money, and which would warrant its inviting settlement from distant countries. It has succeeded in its purpose by requiring only small initial payments and giving adequate aid and direction. No charge is made for water rights, and the annual payments for water are only intended to cover 4 per cent interest on the cost of works and the expenses of operation and maintenance. The cash payment on land is only 5 per cent of its cost and 3½ years is given in which to complete payments with interest at 4½ per cent. Houses are built for settlers on a cash payment of about one-fourth the cost, payments of the remainder may extend over 20 years with 5 per cent interest. The State, when desired, grades and seeds a portion, up to one-fourth, of each farm, on the payment of one-fifth the estimated cost, and allows the payments of the remainder to extend over 10 years. It employs disinterested expert advisers to help the settler select his farm, buy his horses and cows, and do what is needed to get established on his farm. The saving in money and time which this system effects can only be appreciated by those who have seen it in operation. Many settlers select their farm and arrange for the erection of their house before leaving Europe; are able to go directly from the ship to their new home, and have a living income from a dairy herd within a month from their arrival.

The State follows up this initial assistance by loaning the settler 60 per cent of the value of any improvements he makes. This enables men with small capital to complete without delay the grading, seeding,

James Dyrssen, Dock Print, Frank Heizer, Tom Park, Harry Meier, L. Findlay, L. H. Doty, C. H. Greenlary, J. A. Kingsley, T. J. Huegel, E. L. Byrd, William Wheat, L. Wheat, Fred Denchie, E. Diggs, J. L. Hart, J. E. Pous, August Baker, Gus Kramer, Will Robison, H. Hollenberg, John Witten, E. Westhis, August Luctewitte, A. Coffee, I. L. Patte, L. Gordon, Eustus Cander, E. Baysinger, D. T. Hatcher, F. E. Daugherty, Oscar Lewis, C. Lewis, J. M. Kelsay, G. Henry Barckers, Joseph Barckers, John Campbell, Roy Harris, W. Werkvain, W. M. Lundzers, Charles Christian, H. Schmidt, T. H. Wilkerson, Ed. Reed, Sam Wiggins, Frank Ebert, Oliver T. Patter, S. H. Freshour, Frank Miller, Thomas Brown, George Stewart, J. Henderson, Anderson Ramy, S. Brown, D. Brown, A. L. Thomas, J. H. Billows, B. N. Scrivner, Charley Chaney, Orul Clary, W. Warenfack, H. S. Beck, Walter Smallwood, William Wilton, John Wickers, M. B. Campbell, Tom Phillipps, Herman Miller, James Richter, Boyd McDaniee, Oscar Milton, Henry Chapel, S. R. Carter, E. Slater, Charles Parsons, James Harris, W. H. Campbell, J. P. Cooper, E. E. Scaggs, John Hughes, Sam Hopkins, James Morrow, J. Mannus, Fred Swanke, F. Opel, B. Menges, M. W. Scott, George Monarch, C. Murrow, Dell Campbell, Charles Stewart, Clem Meyers, Thom West, Charles Mulville, James Mulville, W. M. Mulville, B. S. Marrow, Henry Young, I. N. Stone, Oden Balance, Jerome Smith, Ed. Roberts, Oscar Coffy, Mik Kastner, A. Kingers, C. Scaggs, Rhodes Barbarick, and I. M. King, all of Jefferson City; Clyde Tanis, Aubrey Tanis, and Pete S. Bergen, Eugene; L. Kehret, Edward F. Norton, Phillip Fehl, G. W. Burlew, John Schmidt, William A. Rouner, August Mantey, L. P. Stahl, Bernard Thole, John F. Thole, Will Kornfeld, August F. Mantey, Edward E. Engelland, William A. Sennewald, Morris Garder, William G. Ryan, Julius Engelland, Morris Lander, Fred L. Mueller, Henry Schmitt, all of St. Louis; F. C. Henderson and J. M. Murphy, of Marion; T. M. Swerauigin and John Welch, of Centertown; Harry Wilson, John Warren, Derby Thomas, D. L. Duden, Fred L. Fleagel, and N. W. Bloehberger, all of Lohman; Ira Triffelt, Ben Lutz, and G. Scott, all of Millbrook; W. H. Wetzel and Nath. Rourk, of Enon; C. K. Scott, Floyd Amos, D. Rourk J. Scrivner, W. D. Roark, A. Scrivner, B. F. Rourk, N. W. Marrow, N. A. Doahla, and F. Wittenmeyer, all of Russellville; Martin West, of Decatur; and Dan Kauffman, of Elston, all in the State of Missouri, protesting against House joint resolution 168 and Senate joint resolutions 50 and 88 and all similar prohibition legislation; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of various citizens of Tacoma, Wash., opposing national prohibition; to the Committee on Rules.

Also, petitions of various citizens of Raymond, Wash., opposing national prohibition; to the Committee on Rules.

Also, petition of various citizens of Vancouver, Wash., opposing national prohibition; to the Committee on Rules.

By Mr. KAHN: Memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to the control of the waters of the Colorado River; to the Committee on Rivers and Harbors.

Also, memorial of the Church Diocese of Los Angeles, Cal., favoring the child-labor bill; to the Committee on Labor.

Also, memorial of the Musicians' Mutual Protective Union, of San Francisco, Cal., protesting against national prohibition, to the Committee on Rules.

Also, memorial of the Red Bluff (Cal.) Chamber of Commerce, favoring the Newlands river regulation bill; to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Iowa: Petition of F. A. McDowell and others, of Washington, Iowa, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of Wadhamds & Co., of Portland, Oreg., favoring House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

Also, petition of the Klauber Wangenheim Co., of San Diego, Cal., favoring passage of House bill 15986, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. LEE of Pennsylvania: Petition of the mine workers of Panther Creek Valley, Pa., relative to Colorado strike conditions; to the Committee on Mines and Mining.

By Mr. MERRITT: Petition of sundry citizens of the State of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. MURRAY of Oklahoma: Petition of the Chamber of Commerce of Enid, Okla., against present consideration of trust legislation; to the Committee on the Judiciary.

By Mr. NELSON: Petition of 15 citizens of Sun Prairie, Wis., protesting against national prohibition; to the Committee on Rules.

Also, petition of 18 citizens of Dane County, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Protest of Bryce B. Kerr and 28 other citizens, F. L. Hunt and 53 other citizens, Edward Halloran and 52 other citizens, and Edwin Winter and 84 other citizens, all of San Francisco, Cal., against the passage of the Hobson Nationwide prohibition resolution; to the Committee on Rules.

By Mr. PETERS of Massachusetts: Petitions of sundry citizens and voters of the eleventh Massachusetts congressional district, and sundry citizens of the State of Massachusetts, protesting against national prohibition; to the Committee on Rules.

By Mr. RAKER: Resolutions of the Chamber of Commerce, of Los Angeles, Cal., favoring the acquiring by the United States of sufficient land in Mexico to place the Colorado River entirely within the borders of the United States; to the Committee on the Public Lands.

Also, resolutions of the Christian Men's League, of Red Bluff, Cal., favoring the Gillett bill, designed to check polygamy; to the Committee on the Judiciary.

Also, resolutions of the southern California child labor committee of the Episcopal Church convention at Covina, Cal., favoring the Palmer child-labor bill (H. R. 12292); to the Committee on Labor.

By Mr. REILLY of Connecticut: Memorial of the Wholesalers' Credit Association of Erie, Pa., favoring the passage of House bill 15988, relative to false statements through the mails; to the Committee on the Post Office and Post Roads.

Also, memorial of Silver City Lodge, No. 819, International Association of Mechanics, of Meriden, Conn., favoring passage of Senate bill for Federal inspection of locomotive boilers; to the Committee on Interstate and Foreign Commerce.

By Mr. J. M. C. SMITH: Petition of Street and Electric Railway Employees' Union, No. 343, of Kalamazoo, Mich., against national prohibition; to the Committee on Rules.

By Mr. SMITH of New York: Petition of sundry citizens of Erie County, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Knights of Columbus, relative to barring from the mails the Menace; to the Committee on the Post Office and Post Roads.

By Mr. STONE: Petitions of sundry citizens of the sixteenth congressional district of Illinois, against national prohibition; to the Committee on Rules.

By Mr. SUTHERLAND: Papers to accompany the bill (H. R. 16986) granting a pension to Joseph Harman; to the Committee on Invalid Pensions.

Also, petition of Wesley Methodist Church of Wheeling, W. Va., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Fairmont Chamber of Commerce, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Arkansas (by request): Petitions of 8 citizens of Hot Springs, Ark., and 44 citizens of Pine Bluff, Ark., protesting against national prohibition; to the Committee on Rules.

By Mr. THACHER: Petitions of sundry citizens of Massachusetts relative to national prohibition constitutional amendment; to the Committee on Rules.

Also, petition of sundry citizens of Provincetown, Middleboro, and Carver, all in the State of Massachusetts, favoring national prohibition; to the Committee on Rules.

Also, petition of various members of the General Court of Massachusetts, favoring Gettysburg peace memorial commission; to the Committee on the Library.

By Mr. TREADWAY: Petition of the Granville (Mass.) Grange, Patrons of Husbandry, favoring Government ownership of the telegraph and telephone lines; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Massachusetts State Board of Trade, favoring the passage of House bill 6435, providing for ocean mail service, etc.; to the Committee on the Post Office and Post Roads.

By Mr. WILSON of New York: Petitions of 175 citizens of the third New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. WINSLOW: Petitions of various business men of Millbury, Spencer, Milford, and Uxbridge, all in the State of Massachusetts, favoring the passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

Also, petitions of citizens of Worcester, Mass., protesting against the passage of national prohibition resolutions; to the Committee on Rules.

SENATE.

TUESDAY, *June 2, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, by Thy own grace Thou hast bestowed upon us the measureless gifts of life. Thou hast never tired in expressing Thy care for Thy creatures. Day by day Thou dost shower upon us the unmerited blessings of Thy grace. We pray that in order that we may enjoy and use the blessings that come from the Divine hand we may gain possession of our own powers, will, conscience, and thought, and that these being brought into the realms of freedom by being brought into accord with Thy will may be the means of our enjoyment and of the using of Thy gifts. Lead us this day in all the service that we can perform for our Government, and may Thy blessing abide with Thy servants in the Senate. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions from sundry citizens of Slatington, Eagleville, Mount Chestnut, Beaver Falls, Prospect, and Claysville, in the State of Pennsylvania; of Elgin, Oreg.; of Stafford, Kans.; of Baltimore, Md.; and of Oakland, Cal., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. GRONNA presented petitions of sundry citizens of Walcott, Dwight, and Galchutt, all in the State of North Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. STERLING presented memorials of sundry citizens of South Dakota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Bratsberg, Ludlow, Ralph, and Haley, all in the State of South Dakota, praying for the enactment of legislation to allow homesteaders 1 tie on 640 acres for stock-raising purposes, which was referred to the Committee on Public Lands.

Mr. PERKINS presented a memorial of sundry citizens of Oakland, Cal., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of the Ministerial Union of Los Angeles, Cal., and a petition of sundry citizens of San Bernardino, Cal., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the Protestant Episcopal Church of Los Angeles, Cal., praying for the enactment of legislation to regulate interstate commerce in the products of child labor, which was referred to the Committee on Education and Labor.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the acquisition by the Government of certain land in Mexico for the protection of the Colorado River, which was referred to the Committee on Public Lands.

He also presented a petition of the Chamber of Commerce of Red Bluff, Cal., praying for the enactment of legislation to provide for the regulation and control of floods, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of California, praying for the enactment of legislation to provide for Federal censorship of motion pictures, which were referred to the Committee on Education and Labor.

Mr. HUGHES presented memorials of sundry citizens of New Jersey, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of New Jersey, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Plainfield and Rahway, in the State of New Jersey, remonstrating against the enactment of legislation to prohibit the distribution and dispensing of narcotic drugs by physicians, dentists, and veterinarians, which was ordered to lie on the table.

He also presented a petition of the Twelfth Ward Democratic Club of Jersey City, N. J., praying for the repeal of the exemption clause of the Panama Canal act, which was ordered to lie on the table.

Mr. KERN presented memorials of sundry citizens of Marion, Fort Wayne, and Indianapolis, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a petition of the Pastors' Association, of Bridgeport, Conn., and a petition of sundry citizens of Waterbury and Northfield, Conn., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Division No. 500, Order of Railway Conductors, of New London, Conn., praying for the enactment of legislation to further restrict immigration, which was ordered to lie on the table.

He also presented a petition of the Business Men's Association of Middletown, Conn., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. GALLINGER presented a petition of the Warner Valley Neighborhood Conference, of Newport, N. H., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Portsmouth, N. H., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD. I present resolutions adopted at the One hundred and twenty-sixth General Assembly of the Presbyterian Church in the United States of America on the subject of national prohibition. I ask that the resolutions may be read.

There being no objection, the resolutions were read, as follows:

CHICAGO, *May 26.*

Members of the One hundred and twenty-sixth General Assembly of the Presbyterian Church in the United States of America to-day went on record as favoring national prohibition, indorsing the national administration, the State Department, and the Navy Department for their action in support of the temperance movement, urged ministers and church members to withdraw from clubs and social organizations which dispensed alcoholic beverages, and condemned cigarette smoking.

Mr. SHEPPARD presented a memorial of sundry citizens of Dallas, Tex., and a memorial of Cigarmakers' Local Union, No. 404, of Austin, Tex., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Local Union of Christian Endeavor of Houston, Tex., and a petition of the congregation of the Westminster Presbyterian Church, of Houston, Tex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Booster Club of Henrietta, Tex., remonstrating against the enactment of any anti-trust legislation at this time, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Morganton, N. C., and of the Western Oklahoma Ministerial Association of the Pentecostal Church of the Nazarene, of Bethany, Okla., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented petitions of sundry citizens of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. SHIVELY presented a petition of Henry W. Lawton Camp, No. 35, Department of Indiana, United Spanish War Veterans, at Fort Wayne, Ind., praying for the enactment of legislation to provide for the retirement of superannuated civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented a petition of the Congregational Sunday School, of Orland, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of Cigar Makers' Local Union No. 54, of Evansville, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

to be printed in the RECORD, and the gentleman from North Carolina did not know what was in either one of them, and one was a speech by the President.

Mr. WEBB. If the gentleman from Illinois wants to publish a speech that has not been read, and the gentleman does not know what is in it, very well.

Mr. CURRY. This can not be an objectionable speech; it was delivered before the U. S. Grant Circle of the Ladies of the Grand Army of the Republic.

Mr. WEBB. I have no objection.

The SPEAKER pro tempore. Is there objection?

There was no objection.

THE SPEAKER.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to print in the RECORD an article published in the Washington Herald of Sunday, written by former Representative John Q. Tilson, of Connecticut, with reference to Speaker CLARK.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 9 o'clock and 37 minutes p. m.) the House adjourned until to-morrow, Tuesday, June 2, 1914, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. STOUT, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 12249) to extend the provisions of the act of June 25, 1910, authorizing assignment of reclamation homestead entries, and of the act of August 9, 1912, authorizing the issuance of patents on reclamation of homestead entries to lands in Flathead project, Montana, reported the same with amendment, accompanied by a report (No. 730), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STOUT, from the Committee on the Public Lands, to which was referred the bill (H. R. 1516) for the relief of Thomas F. Howell, reported the same with amendment, accompanied by a report (No. 731), which said bill and report were referred to the Private Calendar.

Mr. SCOTT, from the Committee on Claims, to which was referred the bill (H. R. 6879) for the relief of Frank Payne Selby, reported the same with amendment, accompanied by a report (No. 732), which said bill and report were referred to the Private Calendar.

Mr. METZ, from the Committee on Claims, to which was referred the bill (H. R. 12484) to pay the Cleveland Press, of Cleveland, Ohio, $200 for a horse shot because of injuries sustained on a defective platform scale in the post office at Cleveland, Ohio, reported the same without amendment, accompanied by a report (No. 733), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill (H. R. 4952) to refund to John B. Keating customs tax erroneously and illegally collected at Portland, Me., on cargo of coal March 11, 1903, reported the same without amendment, accompanied by a report (No. 734), which said bill and report were referred to the Private Calendar.

Mr. PETERS of Maine, from the Committee on Claims, to which was referred the bill (H. R. 16795) to reimburse the owners of the schoonor *Thomas W. H. White*, reported the same without amendment, accompanied by a report (No. 735), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUGHES of Georgia: A bill (H. R. 16952) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure; to the Committee on Education.

By Mr. CARY: A bill (H. R. 16953) prohibiting the sale or keeping for sale, in the District of Columbia, of undrawn cold-storage poultry; to the Committee on the District of Columbia.

By Mr. CARTER (by request): A bill (H. R. 16954) to regulate insurance companies and others in the use of the United States mails; to the Committee on the Post Office and Post Roads.

By Mr. CARR: A bill (H. R. 16955) to provide for an increase in the facilities of the Frankford Arsenal for the manufacture of artillery ammunition authorized by recent appropriation acts; to the Committee on Appropriations.

By Mr. GOODWIN of Arkansas: A bill (H. R. 16956) providing for the extension of the post office at Camden, Ark.; to the Committee on Public Buildings and Grounds.

By Mr. BRITTEN: A bill (H. R. 16957) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, as amended by the act approved August 22, 1912, entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes"; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 16958) granting an increase of pension to Mary Decker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16959) granting an increase of pension to Ann Gardner; to the Committee on Invalid Pensions.

By Mr. BAILEY: A bill (H. R. 16960) granting an increase of pension to John Gore; to the Committee on Invalid Pensions.

By Mr. BOWDLE: A bill (H. R. 16961) granting an increase of pension to John H. H. Babcock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16962) granting an increase of pension to Mary A. Muir; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 16963) for the relief of heirs of estate of Calvin Blevins, deceased; to the Committee on War Claims.

By Mr. GITTINS: A bill (H. R. 16964) granting an increase of pension to George Oatman; to the Committee on Invalid Pensions.

By Mr. GREEN of Iowa: A bill (H. R. 16965) granting a pension to Anna M. Dayton; to the Committee on Invalid Pensions.

By Mr. GREENE of Vermont: A bill (H. R. 16966) granting a pension to Joseph E. La Rocque; to the Committee on Invalid Pensions.

By Mr. HAMILTON of Michigan: A bill (H. R. 16967) granting a pension to Henry F. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16968) granting a pension to Rebecca McCullough; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 16969) granting an increase of pension to Mrs. James L. Adams; to the Committee on Pensions.

By Mr. KONOP: A bill (H. R. 16970) granting an increase of pension to Porter H. Campbell; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 16971) granting a pension to Thomas D. Parks; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 16972) granting a pension to Sheldon S. S. Campbell; to the Committee on Pensions.

Also, a bill (H. R. 16973) granting a pension to Margaret A. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16974) granting an increase of pension to Charlotte Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16975) granting an increase of pension to Charles Francis Fisher; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16976) granting an increase of pension to Isaac L. Griswold; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16977) granting an increase of pension to Emma L. Packard; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16978) granting an increase of pension to Jennie Recor; to the Committee on Invalid Pensions.

By Mr. MORGAN of Louisiana: A bill (H. R. 16979) granting a pension to Elizabeth Walsh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16980) for the relief of Odalie Pedesclaux; to the Committee on War Claims.

By Mr. PETERS of Maine: A bill (H. R. 16981) granting a pension to Jennie C. True; to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: A bill (H. R. 16982) for the relief of Horace Freeman; to the Committee on Claims.

Also, a bill (H. R. 16983) for the relief of J. Paul Jones; to the Committee on Claims.

By Mr. J. M. C. SMITH: A bill (H. R. 16984) granting a pension to Lois Finney; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 16985) granting an increase of pension to Charles E. Chase; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 16986) granting a pension to Joseph Harman; to the Committee on Invalid Pensions.

By Mr. UNDERHILL: A bill (H. R. 16987) granting a pension to Sarah E. Ellison; to the Committee on Invalid Pensions.

By Mr. FOWLER: A bill (H. R. 16988) granting a pension to Charles F. Rich; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 16989) granting an increase of pension to Joel K. P. Wood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16990) granting an increase of pension to Jacob M. Lincoln; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions from certain citizens of Seattle, Wash.; Mount Pulaski, Ill.; St. Louis, Mo.; Arkansas City, Kans.; Ware, Iowa; Havelock, Iowa; Olympia, Wash.; Monterey, Cal.; Monteno, Ill.; Santa Barbara, Cal.; Clovis, Cal.; Los Angeles, Cal.; Toledo, Ohio; Wenatchee, Wash.; Snohomish, Wash.; Morning Sun, Ohio; La Junta, Colo.; and Hampton, Nebr., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions of protest from the Boston Central Labor Union concerning the deplorable conditions existing in the Colorado mine strike; to the Committee on Mines and Mining.

Also (by request), resolutions of protest against the adoption of a national prohibition amendment, from certain citizens of Franklin County, Mo.; to the Committee on Rules.

By Mr. BELL of California: Memorial of the Ministerial Union of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

Also, memorial of the Southern California Child Labor Committee, favoring the child-labor law; to the Committee on Labor.

Also, memorial of the Los Angeles (Cal.) Chamber of Commerce, relative to control of the Colorado River; to the Committee on Rivers and Harbors.

By Mr. BORCHERS: Petitions of 64 citizens of Champaign, 150 citizens of Oneana, 22 citizens of Philo, and 200 citizens of Dewitt County, all in the State of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Petition of Branch No. 1, National Association of Civil-Service Employees, of Chicago, Ill., protesting against the removal of civil-service employees from the Government service at Washington, D. C., on the ground of alleged superannuation; to the Committee on Reform in the Civil Service.

By Mr. BROWNING: Petition of 9 citizens of Wenonah, N. J., favoring national prohibition; to the Committee on Rules.

By Mr. BURKE of Wisconsin: Petition signed by 40 residents of the city of Port Washington, Wis., protesting against the passage of House joint resolution 168, Senate joint resolutions 50 and 88, and against all similar prohibition measures; to the Committee on Rules.

By Mr. CARY: Petition of various members of W. R. Cushing Post, Department of Wisconsin, Grand Army of the Republic, relative to appropriation for controlling by the Government the battle field of Bull Run; to the Committee on Military Affairs.

By Mr. CHURCH: Petition of Sunday School of Methodist Church of Dunbar, Cal., relative to censorship by the Government of motion pictures; to the Committee on Education.

By Mr. CURRY: Petitions of Sunday School of the Christian Church of Winters, Methodist Episcopal Sunday School of Lacy, and Union Sunday School of Peters, all in the State of California, favoring censorship of motion pictures by the Federal Government; to the Committee on Education.

Also, petition of the Vallejo Drug Co., of Vallejo, Cal., and the Palmer Drug Co., in favor of House bill 13305, the Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Methodist Episcopal Church of Lockeford, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Methodist Episcopal Church of Brentwood, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition of 262 citizens and residents of Stockton, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of the First Methodist Episcopal Church of Sacramento, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition of the First Baptist Church of Sacramento, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition of T. E. Williamson, president of the Loyal Sons Class of the First Christian Church of Stockton, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petition of the Sacramento Federated Trades Council, of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petitions of 75 citizens and residents of the third California district, protesting against national prohibition; to the Committee on Rules.

Also, petition of 42 citizens and residents of the third California congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

Also, petition of the American Association for Labor Legislation, favoring House bill 15222, the workmen's compensation bill; to the Committee on the Judiciary.

Also, petition of the China & Japan Trading Co. of New York, relative to House joint resolution 173, concerning loss in the Boxer outbreak in China in 1900; to the Committee on Foreign Affairs.

By Mr. DONOVAN: Petitions of sundry citizens of Connecticut, against national prohibition; to the Committee on Rules.

Also, petition of the Bridgeport (Conn.) Pastors' Association, favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of various members of W. R. Cushing Post, Department of Wisconsin Grand Army of the Republic, relative to appropriation for acquiring tract on which is the Battle of Bull Run ground; to the Committee on Military Affairs.

By Mr. GARDNER: Petition of sundry citizens of Salem, Mass., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of the Newburyport (Mass.) Branch, National Association of Civil Service Employees, favoring House bill 5139, the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. GILMORE: Petition of the Massachusetts State Board of Trade, favoring House bill 6435, to provide for ocean mail service between the United States and foreign ports; to the Committee on the Post Office and Post Roads.

Also, petition of Court John Ericsson, No. 155, Foresters of America, Quincy, Mass., favoring erection of a memorial to John Ericsson; to the Committee on the Library.

By Mr. GRIEST: Petition of Harry N. Beyer, of Nottingham, and Ellis Brown, of Little Brittain, and other citizens of Lancaster County, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. HAWLEY: Petition of sundry citizens of the State of Oregon, protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of the Woman's Christian Temperance Union of Oregon, comprising 3,000 voters, favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petitions of Edward M. Marcham and other citizens of the State of Oregon, protesting against national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of the State of Washington, protesting against national prohibition; to the Committee on Rules.

By Mr. IGOE: Petitions of Earnest Holger, Hardie Dillinger, Charles Flowers, Tonie Wilbers, W. E. Tafft, George Oaks, Ed. Moore, Will Lansam, M. Nacy, O. Wornell, D. G. Simpsina, W. H. Showers, W. W. Meesene, Tom Nelson, Charles Byron, Ralph Smith, E. S. Elliott, Eugene Carroll, C. C. White, E. F. C. Hardling, W. Sauvain, Pill Mans, John Bruy, Ben Hayna, Milton Smith, Albert Young, J. W. Adams, Yancy Bolton, Chester Hogue, M. C. Screvner, A. L. Hayter, C. P. Sanderson, J. H. Hemmingway, B. P. Price, W. R. White, T. H. Abbott, L. E. Smith, L. C. Gayle, Forrest Moore, Jack Renn, Arthur Markham, H. O. Dele, T. Hootzuser, Thomas Groeber, John McDonell,

Mr. METZ. My question is, How are you going to reach the one-man corporation?

Mr. VOLSTEAD. The amendment I have offered is practically a copy of a similar act that is applied to the railway corporations by the interstate-commerce act. It has this additional advantage over the one contained in the bill. It does not increase the punishment beyond the limit fixed in the various acts. Take, for instance, section 9. The punishment there is only $100, while the punishment provided in section 12 is $5,000.

Mr. WEBB. It is $100 a day in section 9.

Mr. VOLSTEAD. But you do not intend to change that item, you intend that the punishment shall be the same; that is, that the punishment of the individual shall be the same as the punishment of the corporation. Now, the amendment that I have offered——

Mr. WEBB. Will the gentleman permit an interruption?

Mr. VOLSTEAD. Yes.

Mr. WEBB. I take it that we all agree that this section ought to be amended, and I ask unanimous consent to let this section go over until to-morrow and see if we can not draw up an amendment that will be acceptable to both sides.

Mr. TOWNER. I hope that will be granted.

The CHAIRMAN. Does the gentleman yield to that request?

Mr. VOLSTEAD. Yes.

Mr. TOWNER. Before leaving it, I would like to inquire of the chairman of the committee if this section might not be omitted altogether. I would like this question to be considered. The reason for that is this: Returning to page 20, you have defined there the word "person" to include also corporations. But that does not by any means mean that the word "person" always means a corporation. It means in the bill just as much as it ever did. It means a person, and if any person commits any of the acts that are prohibited by this act—that is, if his personal connection can be shown with any of those acts—will he not be deemed as a violator of the terms of this act?

Mr. VOLSTEAD. May I suggest to the gentleman that I think it is very essential that some prohibition of this kind should be made, because section 8, which deals with the question of stock consolidations, does not mention persons at all. It is simply a prohibition against corporations, and in order to prevent individuals from carrying out the consolidations prohibited in section 8 you will need that; otherwise you would have nothing at all.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that section 12 be passed over. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 15. That no preliminary injunction shall be issued without notice to the opposite party.

No temporary restraining order shall be granted without notice to the opposite party unless it shall clearly appear from specific facts shown by affidavit or by the verified bill that immediate and irreparable injury, loss, or damage will result to property or a property right of the applicant before notice could be served or hearing had thereon. Every such temporary restraining order shall be indorsed with the date and hour of issuance; shall be forthwith filed in the clerk's office and entered of record, shall define the injury and state why it is irreparable and why the order was granted without notice, and shall by its terms expire within such time after entry, not to exceed 10 days, as the court or judge may fix. In case a temporary restraining order shall be granted without notice in the contingency specified, the matter of the issuance of a preliminary injunction shall be set down for a hearing at the earliest possible time and shall take precedence of all matters except older matters of the same character; and when the same comes up for hearing the party obtaining the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve his temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require.

Section 263 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, is hereby repealed.

Nothing in this section contained shall be deemed to alter, repeal, or amend section 266 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

Mr. MACDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. MACDONALD] offers an amendment, which the Clerk will report.

Mr. MACDONALD. Mr. Chairman, beginning with the second paragraph on page 33, line 13, I move to strike out the remainder of the section and insert the language that I have sent to the desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 33, line 13, strike out the remainder of the section down to and including line 24, on page 34, and insert in lieu thereof the following:

"In construing this act the right to enter into the relation of employer and employee, to change that relation and to assume and create a new relation of employer and employee, and to perform and carry on business in such relation with any person in any place or do work and labor as an employee shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment by either the employee or employer where no irreparable damage is about to be committed upon the property or property right of either no injunction shall be granted, but the parties shall be left to their remedy at law."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. MACDONALD].

Mr. MACDONALD. Mr. Chairman, the second paragraph of section 15, as I read it, does nothing to change existing law in regard to injunctions or the issuance of injunctions, except one thing, and that one thing is that the language of the section, by implication, creates a new and distinct class of cases in which injunctions can issue with notice. The paragraph provides—

That no temporary restraining order shall be granted without notice to the opposite party—

And so forth; and in continuation states no further jurisdiction in such cases than now exists under the present practice, thereby, by implication, creating another class of injunctions that can be granted with notice; and I am constrained to believe that a court could hold, and probably would hold, that that might authorize courts to issue injunctions in cases of invasion of personal rights where they are not so authorized to do now. That has been a long-mooted question in some aspects of this controversy—whether the right of issuing injunctions where property and property rights are threatened with irreparable injury and no adequate remedy exists at law, is not gradually being extended so as to take in, partially at least, personal rights. And I think that if this section of the law is passed as it now stands you leave room for argument, at least, that there is an express authorization of the statute which by implication permits the issuance of injunctions in that class of cases.

The language that I have offered as a substitute for this section is, as is well known, a part of the Bartlett bill, and is unobjectionable, and plainly states the object for which it is intended. I think that it is very important that this change should be made, so that there can be left upon the statute no question as to whether the right to extend the issuance of injunction to this field has been granted.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Michigan [Mr. MACDONALD] and to explain this provision.

The language that the gentleman objects to is substantially the language of rule 73 of rules of practice for the courts of equity adopted by the Supreme Court of the United States.

The Clayton anti-injunction bill that was passed at the last session of Congress contained a similar provision, which was modified in this bill so as to make it conform to rule 73 adopted by the Supreme Court of the United States in equity cases. We did not desire to disturb that rule; but the fact that they have adopted it as a court rule is no reason why we should not incorporate it into the statute, especially when we are dealing with the general subject of injunctions.

Mr. MACDONALD. Is it true that there is nothing in this section but what is the practice now under the law and the rules?

Mr. FLOYD of Arkansas. I am not sure of that; but the point I make is that the first part of the language that the gentleman moves to strike out follows the language of rule 73 of the Supreme Court of the United States in equity cases, formulated and adopted by the Supreme Court since the passage of the Clayton bill in the Sixty-second Congress. I will incorporate that rule in my remarks:

Rule 73.

PRELIMINARY INJUNCTIONS AND TEMPORARY RESTRAINING ORDERS.

No preliminary injunction shall be granted without notice to the opposite party. Nor shall any temporary restraining order be granted without notice to the opposite party, unless it shall clearly appear from specific facts, shown by affidavit or by the verified bill, that immediate and irreparable loss or damage will result to the applicant before the matter can be heard on notice. In case a temporary restraining order shall be granted without notice, in the contingency specified, the matter shall be made returnable at the earliest possible time, and in no event later than 10 days from the date of the order, and shall take precedence of all matters, except older matters of the same character. When the matter comes up for hearing the party who obtained the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve his temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order, the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require. Every temporary restraining order shall be forthwith filed in the clerk's office.

The other provisions of the section have been very carefully considered. No material change has been made in the other

provisions of the Clayton injunction bill, which was thoroughly considered and passed at the last session of the Congress.

While in the past some courts have followed the general principles laid down in those provisions of this bill that relate to injunctions, I desire to call the attention of the gentleman from Michigan [Mr. MACDONALD] to the fact that we have many Federal courts in this country, and that a great many of the judges have adopted rules contrary to the principles laid down here and have enforced them in their respective courts; and the Committee on the Judiciary in preparing this injunction bill made an effort to follow the better line of decisions of the Federal courts and to put in the statute an inhibition that would prevent courts that had been abusing the writ of injunction by issuing it in cases in which we do not feel that the issuance of an injunction was justified from doing so in the future.

Mr. MACDONALD. Does the gentleman refer to cases of injunctions where it is doubtful whether the injunction is based upon threatened injury of personal rights rather than property or property rights?

Mr. FLOYD of Arkansas. We preserve that distinction in the bill.

Mr. MACDONALD. Not in terms.

Mr. FLOYD of Arkansas. I think so.

Mr. MURDOCK. Mr. Chairman, before the gentleman takes his seat——

Mr. FLOYD of Arkansas. I yield to the gentleman.

Mr. MURDOCK. I should like to have the gentleman explain about this section. What is the time of the notice given in case of a restraining order where irreparable injury is claimed? How much of a notice is provided for in this bill?

Mr. FLOYD of Arkansas. It may be issued without notice, but unless the parties proceed within 10 days the suit abates and must be dismissed. The rule of the Supreme Court is more liberal than the provision of the bill passed at the last session, which provided for 7 days and a renewal of 7 days, which would make 14 days; but the rule of the Supreme Court which is incorporated here requires the parties to proceed within 10 days or the suit will abate and must be dismissed.

Mr. MURDOCK. The language of the bill is that no preliminary injunction shall be issued without notice to the opposite party. There must in every case be some notice.

Mr. BARTLETT. Unless——

Mr. MURDOCK. Unless irreparable injury to property is claimed.

Mr. FLOYD of Arkansas. Yes.

Mr. MURDOCK. The provisions of the second paragraph are precisely in keeping with the better practice now. Is that right?

Mr. FLOYD of Arkansas. Yes; that is what we understand.

Mr. MURDOCK. But you are writing into statutory law a rule of the Supreme Court. Is that right?

Mr. FLOYD of Arkansas. Yes; absolutely. In the consideration of this question we examined the decisions. One court would hold that a certain practice was lawful and would refuse to issue an injunction. Another court would proceed to issue an injunction, and it was this wrongful issuance of injunctions in cases where courts were not justified under the facts in issuing them that has given rise to this criticism of the Federal courts.

We propose to write the better practice of the Federal courts into the statute as a rule to govern all the courts, and not leave it to their discretion to issue injunctions on whatever state of fact may suit the fancy of the judge.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 17. That every order of injunction or restraining order shall set forth the reasons for the issuance of the same, shall be specific in terms, and shall describe in reasonable detail, and not by reference to the bill of complaint or other document, the act or acts sought to be restrained, and shall be binding only upon the parties to the suit, their agents, servants, employees, and attorneys, or those in active concert with them, and who shall, by personal service or otherwise, have received actual notice of the same.

Mr. MURDOCK. Mr. Chairman, I move to strike out the last word. I wish the gentleman from North Carolina would explain section 17.

Mr. WEBB. The main purpose of the section is to bind nobody to the statute except the agent and those in active service; the parties enjoined are those who have actual interests.

Mr. MURDOCK. Is this as in the case of section 15 merely writing into the statutory law the practice of the court?

Mr. WEBB. Yes; I think the case of In re Lennon is practically embodied in this section. It has not always been the practice in the Federal courts, but we are making or trying to make a uniform practice for all the courts.

Mr. FLOYD of Arkansas. We prohibit what is known as the blanket injunction. Courts have issued injunctions against parties without naming them and so a man might go in California and violate an order of the court in New York and not know it, and be brought into court for contempt in violating the order. The main purpose of this section is to prevent what is commonly known as the blanket injunction.

Mr. MURDOCK. This makes it specific?

Mr. WEBB. Yes; it does away with what as the gentleman from Arkansas says is a blanket injunction and protects every man who may come within the injunction law.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I think there is to be some contest in regard to section 18, is there not?

Mr. WEBB. Yes. I thought the Clerk might read section 18 and then we would leave that open for amendment to-morrow.

The CHAIRMAN. Without objection, the pro forma amendments are withdrawn and the Clerk will read.

The Clerk read as follows:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

Mr. WEBB. Mr. Chairman, the House has been in continuous session since 11 o'clock this morning, 10 hours and a half. It has been a very strenuous day, and on behalf of the committee I want to thank the Members who have stayed here and assisted us. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to; accordingly, the committee rose, and Mr. FITZGERALD, having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes, and had come to no resolution thereon.

VOCATIONAL EDUCATION (H. DOC. NO. 1004.)

The SPEAKER pro tempore laid before the House the report of the Commission on National Aid to Vocational Education, which was ordered printed and referred to the Committee on Education.

EXTENSION OF REMARKS.

Mr. CURRY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MURDOCK. Upon what subject?

Mr. CURRY. I want to print in the RECORD a speech delivered by my colleague, Hon. JULIUS KAHN, at the memorial service held by the Grant Circle of the Ladies of the Grand Army of the Republic.

Mr. WEBB. Is there any criticism of the Executive in that speech?

Mr. CURRY. Not that I know of; I have not read it. [Laughter.]

Mr. WEBB. I regret very much to object, Mr. Chairman.

Mr. MANN. Is there any reason why a Member of Congress should not criticize the Executive?

Mr. WEBB. No; except that the Member might come here and do it instead of having another Member put it in the RECORD.

Mr. MANN. If there are to be no speeches placed in the RECORD which criticizes the Executive, there will be no speeches extended in the RECORD praising him.

Mr. WEBB. We do not know what is in the speech, and the gentleman from California himself does not know.

Mr. MANN. If it is not a proper speech, it will be stricken out of the RECORD. We authorized three speeches this morning

It seems to me very clear that when the bill comes to provide for the venue, it ought to add the words "where the cause of action or any part thereof arises."

That fixes the venue, and does not make the plaintiff depend upon the place where he may be able to find an agent.

Mr. Chairman, I withdraw the pro forma amendment if I may, and offer this amendment.

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn; and the gentleman from Texas offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 31, line 4, strike out the period at the end of the paragraph, insert a comma, and add the following: "or where the cause of action or any part thereof arises."

Mr. MANN. I suggest that the gentleman offer it to come in after the amendment just agreed to.

Mr. SUMNERS. I meant to ask unanimous consent that it come in after the amendment just adopted.

The CHAIRMAN. If there be no objection, the amendment will be modified in the way indicated by the gentleman from Texas.

Mr. SUMNERS. Mr. Chairman and gentlemen of the committee, I am certain that this amendment ought to be adopted. There is no reason on earth why it should not be adopted. This amendment provides that suit may be instituted where the cause of action or any part thereof accrues. Now, why should it not be adopted? If a man suffers an injury in a given locality, why not bring the suit there?

Mr. WEBB. The bill provides that you can sue the corporation wherever it may be found, or wherever it has an agent, or wherever it resides. Now, how could you get service on a corporation unless it be found in a locality or unless it has an agent there?

Mr. SUMNERS. May I ask the gentleman a question before answering his? Has the gentleman any objection to permitting a man to bring suit at the place where he suffers the injury?

Mr. WEBB. You may not be able to find anyone to serve process upon.

Mr. SUMNERS. We can provide for the service of process later. The service of process is governed entirely by the laws which Congress may enact; and if it is necessary to have subsequent legislation in order to regulate the matter of service of process that is no reason why the suit should not be brought at the place where the cause of action arises.

Mr. WEBB. You might authorize suit against the property of the corporation, but you could not get personal service on the corporation unless it had an agent there, or was found there, or resided there.

Mr. SUMNERS. Unless Congress authorized service beyond the district, and we can do that.

Mr. WEBB. How can you get service of process?

Mr. SUMNERS. By sending your process to an officer of the Federal Government at the place where the corporation has its residence or an agency.

Mr. CARLIN. The gentleman's amendment does not provide for that.

Mr. SUMNERS. I know it does not; but there is no reason why that amendment could not be added. I will offer that amendment if it ought to be there. If you adopt this amendment, that does not interfere with the right of service of process, just the same as you have it under this bill. Suppose a corporation or individual goes into a certain locality and there inflicts an injury, and then withdraws its agent from that territory. Do you mean to tell me that this committee is in favor of driving the man who suffered the injury to a foreign jurisdiction to get his remedy? There is nothing fair or just about it, and I am sure that the committee do not intend to do that. I merely want to call your attention to it, and I hope the committee will agree to it. It does not weaken your bill by just adding that much more to it, and it gives the poor man who has suffered the injury that much additional opportunity to bring suit at or near his home. It can not hurt your bill.

Mr. WEBB. We have already broadened he provisions of the Sherman Act with reference to the bringing of suit and the service of process at any place where the corporation is an inhabitant, or wherever it is found, or wherever it has an agent. I can hardly conceive of a suit being brought otherwise than under these conditions, and it makes service by process easy, and therefore we oppose the amendment.

Mr. FOWLER. Mr. Chairman, I want to ask the gentleman in charge of the bill a question. The language of the bill is as amended "wherever it may be found," and the amendment is "or has an agent." What do you mean by the language "wherever it may be found"?

Mr. WEBB. Wherever it has an agent. The circuit court of appeals has so decided.

Mr. FOWLER. The antecedent of "it" is "corporation." Where may a corporation be found?

Mr. WEBB. Wherever it has an agent, and practically every State in the Union requires, before a corporation is allowed to do business within the borders of the State, that it must have an agent upon whom process can be served.

Mr. FOWLER. That is true, and that is the reason of my asking the question. This is a Federal proceeding and ought not you to enumerate the officers on whom service may be had? Ought you not to say the president, the vice president, any director, or any agent of the corporation, so that it would mean something? "It" stands for corporation in the language you have used.

Mr. WEBB. I am not sure, but I think there is a provision in the Federal law which allows you to serve the president, vice president, director, or agent of a corporation.

Mr FOWLER. The gentleman means that the plaintiff is permitted to get service on the corporation by serving the president, vice president, director, or an agent?

Mr. WEBB. Yes.

Mr. FOWLER. I am not sure, and I want information on that.

Mr. KONOP. Will the gentleman yield?

Mr. FOWLER. I will yield to the gentleman.

Mr. KONOP. I would like to ask a question. You say wherever it may be found or has an agent. Suppose a violator of the antitrust law is an individual? Would you refer to him as "it"?

Mr. WEBB. This refers to corporations who commit actions in restraint of trade.

Mr. CARLIN. This is in relation to suits against corporations.

Mr. FOWLER. The antecedent of "it" is "corporation." The only point I wanted to raise is as to the person on whom service would be had. My opinion is that the persons ought to be enumerated if they are not definitely enumerated in some Federal statute.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. FOWLER. Yes.

Mr. FLOYD of Arkansas. I desire to call the gentleman's attention to the fact that the language he is discussing is found in section 7 of the Sherman antitrust law, where it says "in which the defendant resides or is found." There has never been any difficulty about service in regard to those words, and the gentleman from Illinois desires to put a limitation upon that language which would lessen it and narrow it. When you mention specific officers, agents, or individuals upon whom service may be had, like the president, vice president, and director, and so forth, you narrow the scope of the provision. The corporation is found wherever it is transacting business and has any kind of an agent.

Mr. FOWLER. Well, you must have some person definite on whom to get service before you can get a corporation into court. The gentleman from Arkansas is too good a lawyer not to know all that.

Mr. FLOYD of Arkansas. But when you say agent it includes every kind of an agent.

Mr. FOWLER. There is a difference between an officer of a corporation and the agent of a corporation.

Mr. DAVENPORT. If the gentleman from Illinois will yield——

Mr. FOWLER. I will yield.

Mr. DAVENPORT. I have had occasion within the last few weeks to look up the Federal statutes in regard to the service of corporations. There is a statute that provides in substance that a suit against a corporation may be served on the president, vice president, or agent, or any officer of the corporation.

Mr. FOWLER. That is exactly the point I am raising. If there is a Federal statute providing that service shall be made upon representatives of a corporation in order to get it into court, I presume that this language is sufficient.

Mr. DAVENPORT. That is a fact, because I looked it up within two weeks.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 12. That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws the offense shall be deemed to be also that of the individual directors, officers, or agents of such corporation; and upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. LENROOT. Mr. Chairman, I move to strike out the last word for the purpose of asking information of the chairman of the committee. Section 12 as it appears before us now is radically different from the section in the original bill. I would like to ask the chairman of the committee what the thought of the committee was in lines 12 and 13. The language is "the offense shall be deemed to be also that of the individual director, officers, or agents of such corporation." Was it the thought of the committee that each director of a corporation guilty of this offense should also be deemed personally guilty?

Mr. WEBB. As far as we are concerned, it would be read, in connection with line 13, after the semicolon, "and upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any such prohibited acts shall be deemed guilty of a misdemeanor," and so forth. I think it should be connected up with that provision.

I do not think that the officer of the corporation could be convicted unless you picked out the officer who had done the prohibited thing, and that is explained in lines 13 to 15, inclusive.

Mr. LENROOT. It ought to be so, but it certainly does not read so on its face. It would be open to construction and the construction seems to me to be uncertain.

Mr. FLOYD of Arkansas. What suggestion has the gentleman to make?

Mr. LENROOT. The original section read in this way:

Shall be deemed to be also that of the individual directors, officers, and agents of such corporation authorizing, ordering, or doing any of such prohibition acts.

It limited the guilt to those actually responsible for the acts violative of the law. I am not offering an amendment, because I also want to raise another question.

Mr. FLOYD of Arkansas. While the gentleman is on that point, if he will notice the draft of the original provision he will find that it is connected with the preceding clause; but the committee, in order to make it clear that the conviction of the corporation did not of itself constitute the director's guilt, changed it so as to read:

And upon the conviction of the corporation any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor—

And so forth.

Mr. LENROOT. I want to ask the gentleman if in seeking to avoid one difficulty he has not gotten into another?

Mr. FLOYD of Arkansas. If we did, we would be very glad to have any suggestion from the gentleman.

Mr. LENROOT. I am not entirely clear myself. I am asking for information.

Mr. FLOYD of Arkansas. The purpose we had was to make it clear that, when a corporation had been guilty, those officers, agents, and directors of the corporation that either authorized, ordered, or did the thing prohibited should be guilty. Under the existing law, and without that provision of the statute, the person who did the things would undoubtedly be guilty; but in the enforcement of the criminal provisions of the Sherman law, experience has demonstrated that both juries and courts are slow to convict men who have simply done acts authorized or ordered by some officers of the concern higher up, and the words "authorized" and "ordered" were introduced to reach the real offenders, the men who caused the things to be done; and if the language is susceptible of any ambiguity and is not clear, we desire to make it clear. I will state to the gentleman that we intended to give agents and officers a trial, and we do not mean that the guilt of the corporation shall attach to them without trial; but in order to obtain a conviction, it will be necessary for the Government to charge them specifically with authorizing, ordering, or doing of the thing prohibited, and, on proof, convict them.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. LENROOT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, before the gentleman proceeds, will he yield in order that I may ask a question?

Mr. LENROOT. Yes.

Mr. MANN. Under this language—

and upon the conviction of the corporation, any director, officer, or agent who shall have authorized, ordered, or done any of such prohibited acts shall be deemed guilty of a misdemeanor—

would the corporation have to be convicted before any proceeding, information or otherwise, indictment, could be brought against the officers of the corporation for the offense?

Mr. FLOYD of Arkansas. I do not think so. It was not so intended.

Mr. MANN. Is not that what it says? The first part says:

That whenever a corporation shall be guilty of the violation of any of the provisions of the antitrust laws the offense shall also be deemed to be that of the individual directors—

And so forth.

How can you tell when the corporation is guilty until you have tried the corporation?

Mr. FLOYD of Arkansas. I think the officers, directors, and agents might be guilty independently of the guilt of the corporation.

Mr. MANN. In the first part you have to find the corporation guilty before any of them can be convicted, and then you go on and say that upon conviction the others may be convicted.

Mr. LENROOT. Mr. Chairman, I appreciate the difficulty that the committee was in with reference to the original section to make it clear that merely upon conviction of the corporation the officers should not be convicted of the offense without trial, but in attempting to remedy that it seems to me the committee has gotten into another and even more serious difficulty. As suggested by the gentleman from Illinois [Mr. MANN], the first section now reads that the corporation itself must first be convicted before they can proceed against the officers; but that is not the most serious thing, for I am afraid, as the section reads, it will be construed in this way: That when the corporation is convicted the question of violation of law becomes a settled fact, and the only issue that the officers are entitled to be heard upon in the action against them is the simple one as to whether or not they ordered or authorized the act to be done, and denying them the opportunity to be heard as to whether the act itself was in fact prohibited by the law; but they certainly must have the right to have that question determined as well as the fact as to whether or not the particular act was ordered or authorized by them.

Mr. FLOYD of Arkansas. In other words, the gentleman from Wisconsin suggests that the language used might be interpreted to mean that the officers of the corporation would never be convicted unless the corporation was first convicted.

Mr. LENROOT. That is the way it reads.

Mr. FLOYD of Arkansas. I desire to say it was not the intention of the committee to give it any such construction and to repeat that if an amendment can be suggested that will cure the apparent defect the committee will be glad to accept it. We intended to provide that when the corporation was convicted that the offense should be deemed also the offense of the officers and agents authorizing, ordering, or doing the prohibited thing, and then to provide that these individuals should not be convicted except upon indictment and trial as to the facts charged.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. VOLSTEAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 12 and substitute:

"Any person who shall do, or cause to be done, or shall willingly suffer and permit to be done any act, matter, or thing prohibited or declared to be unlawful in the antitrust laws or shall aid or abet therein, shall be deemed guilty of such prohibited and unlawful acts, matters, and things and shall be subject to the punishments prescribed therefor in the trust laws."

Mr. FLOYD of Arkansas. Mr. Chairman, we desire to oppose the amendment offered by the gentleman from Minnesota.

The CHAIRMAN. The gentleman from Minnesota has the floor.

Mr. VOLSTEAD. Section 12, as it reads, I think clearly requires that there must be first a conviction of the corporation before there is any guilt on the part of the officers, because it provides that upon conviction the officers doing certain things shall be guilty of a misdemeanor; consequently it is necessary to establish first the guilt of the corporation. I assume that the committee did not intend any such result as that, because instead of making the guilt personal it would make it——

Mr. METZ. If the gentleman will permit me there, we are trying in all of these sections to deal with the corporation, with the corporate form of doing business. The individual is not touched in any shape or manner. The moment he incorporates under the State law he becomes a corporation. Now, a great majority of the corporations of this country are not corporations in the sense that their stock is for sale, but it is a one-man concern and is under the control of one man with dummy directors, and if he——

Mr. VOLSTEAD. I did not yield for a speech, but simply for a question.

serves on the boards of 50 national banks or trust companies. The amendment of the gentleman from New Jersey says this: Let us permit a man to serve on two or more national banks or trust companies, no matter what their size may be; but if he does wrong when so serving, then the Federal Reserve Board is to have him removed from his position and he will not be permitted to serve any longer. I consider that the gentleman from New Jersey has proposed a very liberal and proper amendment. My amendment, which I shall offer if his is defeated, is not so liberal. My amendment provides that the Federal Reserve Board may issue a revocable permit allowing a man to serve on the board of directors of two banking institutions, no matter what their size.

The amendment of the gentleman from New Jersey is just. If, however, you gentlemen are unwilling to agree that a man shall be permitted to serve in two large banking institutions until removed for misconduct, perhaps you will consent to my amendment. The gentleman from New Jersey proposes to allow service on two large boards, unless forbidden by the Federal Reserve Board. I propose to allow service on two large boards if specially permitted by the Federal Reserve Board. You gentlemen who come from country districts ought not to deprive us who live near large cities of the best banking talent we can find—so far, of course, as is consistent with the public welfare.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield four minutes to the gentleman from Tennessee [Mr. AUSTIN].

ACTION OF TENESSEE BANKERS' ASSOCIATION.

Mr. AUSTIN. Mr. Chairman, I desire to have read from the Clerk's desk resolutions unanimously adopted by the Bankers' Association of Tennessee at their annual meeting held at Chattanooga on the 29th day of May. This association is composed of the National, State, and private bankers of that State, and its membership I should think politically is at least two-thirds Democratic.

The CHAIRMAN. Without objection, the Clerk will read:

There was no objection, and the Clerk read as follows:

Whereas Congress has now been in session almost continuously for more than a year; and

Whereas during that time a great amount of legislation has been passed, the entire tariff revised, the entire currency system of the United States has undergone a complete and fundamental change; and

Whereas it will take much time for the banking interests to adjust themselves to these new laws; and

Whereas there are now pending before Congress numerous bills which, if passed, will undertake the regulation of all business institutions with which banks are constantly doing business, and not only will banks be undergoing, as they are undergoing, a complete change of methods, but the business with which they are constantly in contact will themselves be undergoing a complete change; Be it

Resolved, That we believe that the country is sorely in need of a period of legislative rest while the business of the country is readjusting itself to the new currency and banking bill, and that we consider the passage of any great amount of new legislation by Congress at this time to be unhelpful to the general welfare of the country, and we believe the passage of such legislation will rather tend to further stagnate business than to stimulate it; Be it further

Resolved, That the secretary be hereby directed to forward to our Congressmen and our Senators a copy of this resolution.

DANIEL WEBSTER'S VIEWS.

Mr. AUSTIN. Mr. Chairman, in connection with the discussion we have had to-night, participated in by the gentleman from Massachusetts [Mr. GARDNER], I wish to read an extract from a speech made by Daniel Webster 81 years ago in the Senate of the United States in reference to banks, corporations, and monopoly. This is taken from a speech by Mr. Webster in the Senate in 1833 and has a bearing on the pending measure:

There are persons who constantly clamor. They complain of oppression, speculation, and pernicious influence of accumulated wealth. They cry out loudly against all banks and corporations and all means by which small capitalists become united in order to produce important and beneficial results. They carry on mad hostility against all established institutions. They would choke the fountain of industry and dry all streams. In a country of unbounded liberty they clamor against oppression. In a country of perfect equality they would move heaven and earth against privilege and monopoly. In a country where property is more evenly divided than anywhere else they rend the air aboulting against agrarian doctrines. In a country where wages of labor are high beyond parallel they would teach the laborer that he is but an oppressed slave.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOUSTON having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 15190. An act to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. WEBB. Mr. Chairman, I hope the committee will not adopt the amendment of the gentleman from New Jersey. We feel that it would make this important provision in the bill practically useless. It is well known that the influences of interlocking directorates are such that you can not place your hand upon the sore spot, you can not place your hand upon the source where the damage to a business man is done. If you transfer the right to the Federal Reserve Board to discover where the wrong is done, you might as well throw it away, for in my opinion the reserve board would not find it. These influences are so subtle that a ferret could not find where a man was hurt. Complaint has been made about a string of banks in Boston before our committee. There are three or four different banks there in which directors were common in them all. A business man or two would apply to one of these banks for a loan. Nothing doing. He would then apply to another bank for a loan, and another bank, and finally he is shut out entirely. Now, the reserve board could not tell who did that, where the information came from, so the committee thought it better to make a hard and fast rule in order that no man could serve on these boards as an interlocking director, rather than transfer it to the board, which might never, or certainly would hardly ever, find the source of injury or wrong, and we think therefore it is better to adhere to the rule laid down in the bill, and I hope the committee will do so.

Mr. BARNHART. Will the gentleman yield?

Mr. WEBB. Simply for a question.

Mr. BARNHART. The gentleman from Massachusetts [Mr. GARDNER] repeatedly said that under the pending amendment the reserve board would have the right to remove directors caught in wrongdoing, or words to that effect. Is there anything in the present law that would prevent the removal of directors under such conditions?

Mr. CARLIN. Nothing; any director caught in wrongdoing can be removed now. A clause in the banking and currency bill provides it.

Mr. GARDNER. Will the gentleman yield to me; can I have the attention of the gentleman from Virginia?

Mr. CARLIN. Certainly; excuse me; the gentleman behind was calling my attention to something.

Mr. GARDNER. Can any director be removed to-day for any action which will lessen the competition between two banks in both of which he is a director?

Mr. CARLIN. Not for lessening competition; of course not.

Mr. GARDNER. That is the point of the amendment of the gentleman from New Jersey about which the gentleman from Indiana asked.

Mr. CARLIN. The difficulty with the gentleman from Boston is this——

Mr. GARDNER. I am not from Boston.

Mr. CARLIN. With the gentleman from Massachusetts is this: We are endeavoring to drive at a system, whereas this amendment undertakes to deal with individuals and specific cases.

Mr. GARDNER. The gentleman is driving at a system with which the gentleman has no experience in that part of the country from which the gentleman comes.

Mr. CARLIN. The gentleman is very much mistaken. I expect I have had as much experience if not more than the gentleman.

Mr. GARDNER. Well, perhaps.

Mr. WEBB. Mr. Chairman, I ask for a vote, if discussion is ended.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was rejected.

Mr. BARTLETT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 30, line 21, after the word "of" when it occurs the first time in the line, insert the words "not exceeding."

Mr. BARTLETT. Mr. Chairman, has all debate been exhausted.

The CHAIRMAN. The gentleman from North Carolina has three minutes remaining.

Mr. WEBB. I yield one minute to the gentleman from Georgia.

Mr. BARTLETT. Mr. Chairman, the bill as it is now presented makes a flat fine of $100 a day, irrespective, and gives the court no discretion in the matter. The amendment I offer is simply to make it not exceeding $100 a day. There may be

cases where the court would like not to impose the largest penalty, and this amendment simply gives the court some discretion in the matter so as to adjust the penalty to the case.

Mr. WEBB. Mr. Chairman, the committee sees no objection to the amendment. We think it is a fair one.

The question was taken, and the amendment was agreed to.

Mr. GARDNER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Page 29, line 3, after the word 'election,' insert '*Provided*, That the Federal Reserve Board may grant to any person a revocable permission to serve at the same time as a director or other officer or employee of an additional bank, banking association, or trust company, notwithstanding anything contained in this paragraph, whenever it is satisfied that such permission may be granted without detriment to the public welfare and without the creation of monopoly or restraint of trade: *Provided further*, That in his annual report the Secretary of the Treasury shall specify each permission granted in accordance with the preceding proviso together with the reasons therefor.'"

Mr. WEBB. Mr. Chairman, of course the committee is opposed to that amendment because it changes the whole principle of the interlocking-directorates section of this bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was rejected.

Mr. REILLY of Connecticut. Mr. Chairman, I desire to offer an amendment, which I would like the Clerk to report.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 29, lines 6 and 7, strike out the words "one hundred thousand" and insert in lieu thereof the words "two hundred thousand."

Mr. REILLY of Connecticut. Mr. Chairman, I do not desire to discuss this amendment further than to say——

Mr. MANN. Mr. Chairman, has the gentleman time?

The CHAIRMAN. The time has been fixed.

Mr. REILLY of Connecticut. I had an arrangement made with the chairman to offer an amendment.

Mr. WEBB. If my time is not exhausted, I will be glad to yield to the gentleman.

The CHAIRMAN. The gentleman from North Carolina has two and one-half minutes remaining.

Mr. WEBB. I yield to the gentleman one minute, Mr. Chairman.

Mr. REILLY of Connecticut. All I desire to say or can say in the minute allowed me is that the frenzied financiering and unfair control by interlocking directorates that this bill seeks to rectify do not apply to cities of 100,000 or 200,000 inhabitants. In the banking business of New Haven, Bridgeport, Worcester, Fall River, and other New England cities there is no interlocking directors' evil and no need of this legislation. It looks as if the other cities of the country were being punished for the offenses of one or two great money centers and a few money kings. The limit should be raised to cities of at least 200,000, and might safely go beyond that figure.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Connecticut [Mr. REILLY].

The question was taken, and the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

Mr. VOLSTEAD. I yield to the gentleman three minutes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] is recognized for three minutes.

Mr. MANN. Mr. Chairman, I am not in sympathy with the section, and, having said that much about the section, I would like to ask a question in reference to what it means. Section 9 provides—

That from and after two years from the date of the approval of this act no person who is engaged as an individual—

Now what? Then it proceeds:

Or who is a member of a partnership.

Now, if the gentleman can find anything that follows that that it relates to, I will be willing to give him a new suit of clothes. [Laughter.]

Mr. BARNHART. It would not relate to it if it would follow it.

Mr. MANN. I yield, Mr. Chairman, to know what that refers to, if anybody can tell me. All the language that follows it relates to a corporation. I suppose that the mere fact that an individual is "engaged" is not intended to prevent him from being an officer or director or employee of a corporation.

Mr. CARLIN. That section is intended to apply to the individual.

Mr. MANN. I know. I am not asking what the section applies to, but what this language applies to:

No person who is engaged as an individual.

What?

Mr. CARLIN. An individual engaged in producing or selling equipment.

Mr. MANN. That is not what the bill says. The bill says:

No person who is engaged as an individual, or who is a member of a partnership, or is a director or other officer of a corporation that is engaged in the business, in whole or in part, of producing or selling equipment—

And so forth.

All the language about equipment is related to and a part of the definition of "a corporation," and there is no language in the paragraph that relates to an individual or a partnership except that under the language a man that is "engaged," or a man who is a member of a partnership, can not become a director or other officer or employee of a corporation. Of course I do not expect the gentleman to correct it now, but, as a matter of credit to even the Democratic side of the House, I hope the gentleman will study grammar enough and rhetoric enough to make that language mean sense. [Laughter.]

Mr. CARLIN. I think the gentleman needs to become a student, and not the gentlemen on this side.

Mr. MANN. Oh, the gentleman can say that, but the gentleman can not answer the question.

Mr. CARLIN. I think the language is perfectly correct. That answers the question.

Mr. MANN. If you should leave that in the bill, and any school teacher looked at it, you would be forever discredited. [Laughter.]

Mr. CARLIN. I think the gentleman is mistaken about that.

The CHAIRMAN. The pro forma amendment will be considered withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found.

Mr. CULLOP. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman a question. This is a section that should be amended to conform to the previous amendment about jurisdiction and service. I suppose the committee wants to offer an amendment, does it not?

Mr. WEBB. I believe the amendment we agreed to before, Mr. Chairman, was that after the word "found" we would insert the words "or has an agent."

Mr. CULLOP. I would like, Mr. Chairman, to suggest that there be incorporated in the amendment further the language "and wherever the cause of action accrues." That applies to bringing a suit; that any suit or action against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found or has an agent, and it ought to go further, and I think that was the agreement, and provide "or where the cause of action arises."

Mr. CARLIN. How will you get service there?

Mr. CULLOP. There is where it has an agency.

Mr. CARLIN. If you sue them where they have an agency, it does not make any difference where the cause of action arises. You would not help the bill any by adding what you suggest. I think if you include the words "or has an agent" you have got the whole thing.

Mr. CULLOP. If the committee are satisfied with that, I will not press the suggestion.

The CHAIRMAN. Does the gentleman from North Carolina offer an amendment?

Mr. WEBB. The amendment which I suggested, after the word "found," in line 4, on page 31, to add the words "or has an agent."

The CHAIRMAN. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 31, line 4, after the word "found," insert the words "or has an agent."

Mr. WEBB. And strike out the period, and insert a comma after the word "found."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The amendment was agreed to.

Mr. SUMNERS. Mr. Chairman, I move to strike out the last word, for the purpose of making a suggestion to the committee, and if necessary, of offering an amendment.

Mr. WINGO. What kind of a bank? A bank organized and operated under the laws of the United States.

Mr. PETERSON. Any kind of a bank.

Mr. WINGO. But more than one bank or association or trust company can operate under the laws of the United States. In other words, that inhibition goes to the national bank directors.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. That is as far as we can carry it.

Mr. CULLOP. Mr. Chairman, I would like to have the attention of the gentleman from Arkansas. I think I understand this proposition just as the gentleman does, and that is if he means one director, a man may be a director in a bank of $2,500,000, capital, surplus, and deposits combined, organized under the laws of the United States, but he can not be a director in any other bank organized under the laws of the United States, but there is nothing to prohibit him from being a director in a State or private bank in this bill.

Mr. WINGO. There is nothing to prohibit, but I want to get the opinion of the gentleman from Indiana on this. As I understand, there is nothing to prohibit a Missouri preacher who happens to be a director in a Kansas City national bank also from being a director and having dominating control in 45 banks in Oklahoma and Arkansas.

Mr. CULLOP. Nothing, unless he has not the capital to own the stock.

Mr. FLOYD of Arkansas. That is only true where banks have less than $2,500,000 capital.

Mr. CULLOP. Yes.

Mr. CARLIN. That is the limit placed on it.

Mr. CULLOP. But a man can be a director in a national bank with a stock of $2,500,000 capital, deposits, and surplus and there is nothing to prohibit him from being a director in a State bank or private bank or in numerous banking concerns providing their capital does not run above $2,500,000.

Mr FLOYD of Arkansas. That is what I explained to the gentleman from Indiana before.

Mr. CULLOP. But the gentleman from Virginia [Mr. CARLIN] was combating that proposition just a moment ago, and hence I raised the question again.

Mr. CARLIN. It was a misunderstanding, if that is the case. I tried to make it plain that the capital had to be $2,500,000.

Mr. CULLOP. But the gentleman did not state that, and that is why I called attention to the fact again.

Mr. FLOYD of Arkansas. Will the gentleman from Indiana permit me to answer further the gentleman from Massachusetts in regard to that exception?

Mr. CULLOP. I will be glad to yield to the gentleman.

Mr. FLOYD of Arkansas. I think that the case referred to by the gentleman from Massachusetts is covered in lines 15, 16, and 17.

Mr. CULLOP. What page?

Mr. FLOYD of Arkansas. Page 30.

The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this act it shall be lawful for him to continue as such for one year thereafter.

Mr. PHELAN. Mr. Chairman, will the gentleman yield for just a minute?

Mr. FLOYD of Arkansas. Yes.

Mr. PHELAN. I am not certain whether that covers it or not.

Mr. FLOYD of Arkansas. It refers to that act.

Mr. PHELAN. Whether or not it does with reference to the director, it does as to an officer or employee; but those are the words used on line 16 on page 29—"director or other officer or employee."

Mr CULLOP. That refers to some other corporation than a bank. That does not apply to a bank. If the gentleman from Massachusetts [Mr. PHELAN] and the gentleman from Arkansas [Mr. FLOYD] will observe, commencing on line 24 of page 29, the language is—

That from and after two years from the date of the approval of this act no person at the same time shall be a director in any two or more corporations, either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, engaged in whole or in part in commerce.

This has no reference to the banking business, but to other affairs.

Mr. CARLIN. That relates to industrial commerce.

Mr. CULLOP. Yes. That does not relate to banking. That relates to industrial and commercial corporations, or institutions of that kind, but has no reference whatever to the banking business.

Mr. FLOYD of Arkansas. I will state to the gentleman from Indiana that on page 29, in reference to the banking section, the same language is repeated again on line 1 of page 29:

And when a director has been elected in accordance with the provisions of this act it shall be lawful for him to continue as such for one year thereafter under said election.

Mr. CULLOP. Yes; but that refers back to the qualification on page 28 of the $2,500,000 capital, deposits, and surplus.

Mr. FLOYD of Arkansas. I think not. It says "in accordance with the provisions of this act." I think that is broad enough to cover it. He is eligible when he is elected. That is on lines 1, 2, and 3 of page 29.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CULLOP] has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to repeat that if this provision is not clear in this respect we would be glad to have an amendment offered to clarify it.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana [Mr. CLINE].

Mr. STAFFORD. Mr. Chairman, let us have this reported again. It has been some time since it was reported.

The CHAIRMAN. Without objection, the Clerk will report the amendment again.

The Clerk read as follows:

Amendment offered by Mr. CLINE:

Page 29, line 18, strike out the words "the entire," at the end of the line, and insert the words "not less than three-fourths of the," so that the lines as amended will read: "more than one other bank or trust company organized under the laws of the United States or any State where not less than three-fourths of the capital stock of one is owned by stockholders in the other," etc.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. McCOY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. McCOY] offers an amendment which the Clerk will report.

The Clerk read as follows.

Strike out, on page 28, lines 8 to 25, inclusive, and on page 29, lines 1 to 23, inclusive, and insert in place thereof the following:

"Whenever an officer or director of a bank or trust company, member of a Federal reserve bank, shall be also a private banker, or an officer or director of any other bank or trust company, and it shall appear to the Federal Reserve Board upon proof, after due notice of hearing and an opportunity to be heard, that such officer or director is taking advantage of his position so as substantially to lessen competition between such banks or trust companies or any of them, or between himself and any such bank or trust company, or that he is exercising improper influence over any such bank or trust company in the granting or refusing of credit, the Federal Reserve Board shall remove such officer or director from one or all of said banks organized under the laws of the United States and may require the removal of such officer or director from such State bank or trust company, or in the alternative the retirement of such State bank or trust company from membership in said Federal reserve bank."

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on this amendment be closed in 10 minutes.

Mr. MANN. Why not limit debate on the section?

Mr. WEBB. I would be very glad to do that.

Mr. MANN. Let us see who has an amendment on the section.

Mr. GARDNER. Mr. Chairman, reserving the right to object, if the amendment of the gentleman from New Jersey [Mr. McCOY] is not adopted, I have an amendment that I should like to offer for myself.

Mr. WEBB. Would the gentleman like to have five minutes to discuss it?

Mr. GARDNER. It is on the same line as that of the gentleman from New Jersey.

Mr. WEBB. I ask, Mr. Chairman, that all debate on this section and amendments thereto be closed in 20 minutes.

Mr. MANN. Well, we want a little more time than that.

Mr. WEBB. I will give the gentleman all he wants.

Mr. MANN. We will take 15 minutes on this side.

Mr. WEBB. Thirty minutes, then, Mr. Chairman.

Mr. BARTLETT. Mr. Chairman, I want to say that I shall not object, but I desire to offer an amendment on page 30, line 21, to put in the words "not exceeding" just before the words "$100 a day." I do not care to discuss it. That is all.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on this section and all amendments thereto close in 30 minutes, one half of the time to be controlled by himself, and the other half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD]. Is there objection?

There was no objection.

Mr. McCOY. Mr. Chairman, the amendment which I have offered strikes out of the section in regard to interlocking bank directorates that part which controls and limits them by the amount of $2,500,000 in the one instance and by the population of the town in which the banks are situated in the other

instance, and proposes to substitute for that a provision establishing two principles which it is believed should be followed in banking: and then it provides that if either of those principles be violated, on complaint of the violation being made to the Federal Reserve Board, the Federal Reserve Board, after a hearing, shall act.

Now, I introduced as drastic an interlocking directorate bill affecting banks as could possibly be imagined. That was before we had the hearings. But after the hearings I was satisfied that in order to remedy some admitted evils, of which I complained as much as anybody, and which exist principally in some of the large cities we might easily go too far and hit a great many people who are directors in banks and who are entirely innocent of any attempt to do the sort of thing complained of. The complaints when boiled down were in substance that on the one hand banks suppress competition and on the other hand that they unfairly discriminate in making loans. Now, this amendment provides, in substance, that there must be competition, and that there must be no unfair discrimination in making loans. Then it provides, as I said before, that on complaint of the violation of either of those two general principles, the Federal Reserve Board shall remove the officer or director complained of from one or all of said banks organized under the laws of the United States; that is as far as we have power to go directly in the way of removal, and the proposed amendment provides that they may require the removal of such officer or director from such State bank or trust company, or the withdrawal of the bank or trust company from the Federal reserve bank. In other words they might say, "You must get out of the State bank or trust company," and failing that, in the alternative, might require the retirement of a State bank or trust company from membership in the Federal reserve bank.

Now, why does not that entirely take care of this whole situation? If the abuse exists, here is the power to remedy the abuse; but by making these artificial limitations—because they are purely artificial limitations—of $2,500,000 of capital, surplus, deposits, and undivided profits in the one instance, and of 100,000 population in the other, while we may remedy some of the evils, we are pretty certain to injure unnecessarily a great many people of the kind of whom no complaint has been made.

Mr. BARTON. Will the gentleman yield?

Mr. McCOY. Certainly.

Mr. BARTON. Under your amendment who makes the complaint?

Mr. McCOY. Anybody can make the complaint. It does not limit it to any particular person. Presumably it will be the person who has been injured.

As I say, from all over the country we have encountered, or have been informed in the testimony, of situations such as exist in and about Chicago, New York, St. Louis, San Francisco, and other places, and, moreover, in other parts of the country where they have no very large cities.

The CHAIRMAN. The time of the gentleman has expired.

Mr VOLSTEAD. I yield 15 minutes to the gentleman from California [Mr. KENT].

Mr. KENT. Mr. Chairman, it seems to me that this is a sane and sensible proposition. This amendment seeks to cure an evil and not to stop the ordinary course of business. It seems to me it is a remedy for the trust evils of which we complain. The alternative is that those men who invest in bank stocks and who under this bill would be ineligible for directors would naturally put in dummies to act as directors for them. It is very much better that capable and able business men, who have a knowledge of credit, who have a knowledge of business, should act as directors of banks than that they, having invested in bank stocks, should put in dummies to represent them. No one could be more opposed than I am to the limitation of credit and the unfair practices that have debauched the commercial world; but I, of my own knowledge, know that men of capital who invest in bank stocks are naturally anxious to watch those investments and would not take the responsibility of banking shown in the double liability of national-bank stock unless they knew what was going on in the banks in which they were interested.

If at any time these directors, by collusion, by unfair practices, by blacklisting, refusal of credit, or combination, should do things that are contrary to the public welfare, under this amendment they can be disassociated from protection or control of their investments. But as things are to-day, to provide that men must be limited in their directorship in corporations in which they are interested, not on the ground of evil they may do by combinations contrary to law and to public policy, but merely on account of the fact of their caring for their investments, it seems to me that such a course must lead necessarily to the incompetence born of dummy directors and consequent chaos in business organization. [Applause.]

Mr. WEBB. Mr. Chairman, I yield four minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from New Jersey [Mr. McCOY] on the ground that he proposes to change the whole theory of this bill and to interject into the provisions of it a new and untried experiment, and to legislate the power to deal with bank directors to the Federal Reserve Board, which, perhaps, in the course of a very short time, will need legislating as badly as do the directors of banks now. That is his proposition.

Now, I believe in dealing with corporations as you would deal with individuals. This is a criminal statute and I believe in a criminal statute we should say to corporations and to persons acting as agents of corporations what they can do, and give them the widest latitude to do things not prohibited in the law; we should put them on notice of what is prohibited by statute, but when you adopt a system of creating boards and letting the board exercise favoritism on the one hand and their prejudices on the other, then indeed we will enter on an era of dissatisfaction, strife, and discontent in this country that will disturb the business interests of the entire country.

We believe in regulating and controlling, but not in disturbing, legitimate business. We believe that great evils have grown out of interlocking directorates, and everybody recognizes that condition who has given the subject any consideration.

The gentleman from California [Mr. KENT] says that it will only create dummy directors. What have we now? We have one great and powerful director, say, of a railroad company, director of the holding company, director of all the affiliated corporations owned by the railroad company and by the holding company, and who are the other directors? They select some employee of that company and of the affiliated companies, give him one share of stock, make him sign up a transfer to them in blank, and then appoint him a director. Is he not a dummy director, pure and simple? We desire to prevent this evil; we desire to do it in an intelligent and sensible way. We desire to put all men upon notice, so that they will know when they are violating the law and when they are not.

It has been argued that certain men are alone capable of carrying on the business of a great concern. What an absurdity. There is one phase of this legislation that has been overlooked largely. It was mentioned by the President, and that is the opportunities that will be offered by this legislation to thousands of young men now shut off from business opportunity and who are now mere hirelings. They are not getting a fair chance in the business world. It will open up a thousand avenues for them. Where we now have 1 man a director of 50 corporations we will have 50 capable men occupying places of importance in the business world, places of responsibility, and the result will be good to the business interests of this country.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. VOLSTEAD. I will yield five minutes, Mr. Chairman, to the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER. Mr. Chairman, the trouble with the majority is that they do not wish to injure any legitimate business, but nevertheless they do injure legitimate business. I have in mind an instance in my own district, and I have no doubt that similar instances could be found in every other district which is suburban to Boston. In the city of Salem in the Merchants Bank we have a director who is also a director in the Liberty Trust Co. in Boston, a large concern. He remains a director in the Merchants Bank of Salem out of local pride, greatly to the benefit of the community. There is no connection on earth between the Liberty Trust Co. in Boston and the Merchants Bank in Salem, and yet because the Liberty Trust Co. has over two and a half millions in assets and deposits, this bill says that we must deprive Salem of this director's services. I have no doubt the same situation exists in the district represented by the gentleman from Massachusetts [Mr. MITCHELL]. I have no doubt that the same situation exists in every district suburban to Boston. We are depriving the national banks in those suburban districts of the services of men who are actuated solely by public spirit. I prefer the amendment offered by the gentleman from New Jersey [Mr. McCOY] to the amendment which I shall offer myself if his amendment is rejected. The McCoy amendment bears no relation to what the gentleman from Arkansas [Mr. FLOYD] has been saying. The gentleman has been talking about individuals who serve on 50 directorates.

Certain men may perhaps serve on a great number of miscellaneous directorates, but there is no man on earth who

Mr. CULLOP. Does not the gentleman mean to refer to page 28, beginning line 8

Mr. FLOYD of Arkansas. Yes. The other was not the right provision. This provision reads:

That from and after two years from the date of the approval of this act no person shall at the same time be a director or other officer or employee of more than one bank, banking association, or trust company organized or operating under the laws of the United States either of which has deposits, capital, surplus, and undivided profits aggregating more than $2,500,000——

Mr. CULLOP. That applies to national banks only, and does not refer to State or private banks.

Mr. FLOYD of Arkansas. Wait until I get through. I read further:

And no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than $2,500,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States.

Mr. CULLOP. Now, if the gentleman will permit right there, in order to make that prohibition it would have to be a private bank with a capital and surplus and profits and deposits amounting to $2,500,000. It does not apply to State and private banks with a smaller sum.

If it was a bank of $100,000, then a director or officer in the national bank that had more than $2,500,000 could be a director in that State bank, and there is nothing here to prohibit it.

Mr. FLOYD of Arkansas. I think I can make the gentleman understand that it is absolutely prohibitive.

Mr. CULLOP. If there is anything, I shall be glad to have the gentleman do so. I am asking the question for information.

Mr. FLOYD of Arkansas. I will try to make it plain. I think it is prohibitive. It says:

That from and after two years from the date of the approval of this act—

Mr. CULLOP. Where is the gentleman reading?

Mr. FLOYD of Arkansas. I am reading from line 8, page 28—

No person shall at the same time be a director or other officer or employee of more than one bank, banking association, or trust company organized or operating under the laws of the United States either of which has deposits, capital, surplus, and undivided profits aggregating more than $2,500,000.

The words "either of which" would cover it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CULLOP. I ask unanimous consent that the gentleman's time be extended five minutes, because I consider this a profitable discussion.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the time of the gentleman from Arkansas be extended five minutes. Is there objection?

There was no objection.

Mr. FLOYD of Arkansas. As I stated at the outset we deal with the eligibility of the bank directors, and if either of these banks specified has the capital, surplus, and so forth, then the person can not be at the same time a director in the two. That provision would exclude him. That is, if he was a director in the little bank, he would be ineligible to be a director in the large bank, for the reason that the provision relates to his eligibility, and he could not be in both of them. One might be a very small bank.

Mr. CULLOP. But if the gentleman will begin at the semicolon and read the next subdivision of the paragraph, and then construe that with the previous provision that he has read, I think he will find that if one of those banks is a private bank or a State bank there is nothing in this provision that will prohibit one of the directors in the national bank with a capital, deposits, and profits amounting to more than $2,500,000 from being a director in the private or State bank, provided it has not a capital, deposits, and surplus of more than $2,500,000. Now, I have asked that question because I have had bankers writing me about that subject from my district. A number of them are interested in small banks in different localities. I have examined the bill carefully, and I can find nothing to prohibit the same.

Mr. McCOY. Will the gentleman allow me——

Mr. FLOYD of Arkansas. I will answer the gentleman's question.

There is nothing in this bill to prevent that.

Mr. McCOY. I should like to call the gentleman's attention to line 14, page 28—

And no private banker—

Now go down to line 18—

shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States.

Does not that absolutely exclude private bankers?

Mr. CULLOP. Oh, no.

Mr. SABATH. Oh, no.

Mr. CULLOP. He can not be in two banks organized under the laws of the United States, but there is not a word excluding him from the State bank or private bank. If there is, I would be glad to have it pointed out.

Mr. FLOYD of Arkansas. I desire to say, further——

Mr. CARLIN. It was not intended to do that.

Mr. PHELAN. If the gentleman means two State banks, we can not prohibit his being a director of both. We have nothing to do with that, or at any rate we have not yet assumed jurisdiction if we have it.

Mr. FLOYD of Arkansas. When this bill was originally drafted by the committee we made its provisions broad and covered in scope every kind of bank, but in the hearings——

Mr. CULLOP. But the gentleman from Virginia [Mr. CARLIN] said it was never intended to cover such a case as I am putting to the gentleman from Arkansas, and if there is, I want to know it.

Mr. FLOYD of Arkansas. As finally prepared, it was not intended to cover that. If the gentleman will read the first bills he will see that they contain a sweeping prohibition of interlocking directorates, but in the hearings we found that there were so many conditions that existed throughout the country that were perfectly harmless that we made many exceptions. We put in a limitation prohibiting common directors where either of the national banks has a capital, surplus, and undivided profits of $2,500,000. In that case they are prohibited from having common directors, although one may be the smallest kind of a national bank.

But when it comes to the question of a State bank, the limitation is $2,500,000. That disqualifies the private banker or State bank director from being a director of a national bank or national banking association outside of cities of 100,000 inhabitants.

Mr. CULLOP. Let me put this proposition: As I understand it, a director of a national bank, with its deposits and capital stock and undivided profits of $2,500,000, can be director in a State or private bank organized in the same locality, provided its capital stock, profits, and undivided deposits amount to less than $2,500,000?

Mr. FLOYD of Arkansas. If he is not within a city exceeding 100,000 inhabitants.

Mr. CULLOP. I want to call the gentleman's attention to provision on page 29:

No banking association or trust company—

No bank, banking association, or trust company organized or operating under the laws of the United States in any city or incorporated town or village of more than 100,000 inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association, or trust company located in the same place.

Now, if the gentleman will observe, the rest of that section down to the word "bank," in line 23, is one continuous sentence, so that this provision as to $2,500,000 and the director in one bank being a director in another is applied only in cases where the bank with its $2,500,000 is located in a city of more than 100,000 inhabitants.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. CULLOP. I ask that the gentleman have five minutes more.

Mr. STAFFORD. Reserving the right to object, I would like to know if there is any limitation on debate?

Mr. FLOYD of Arkansas. I do not understand the gentleman's position to be correct.

Mr. CULLOP. It must be in a city of more than 100,000 inhabitants.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Arkansas proceed for five minutes more. Is there objection?

Mr. CARLIN. I would suggest to the gentleman that we dispose of the pending amendment and then take this question up and discuss it.

Mr. CULLOP. That is what this amendment is.

Mr. SABATH. The amendment applies to this very provision.

Mr. FLOYD of Arkansas. If the gentleman from Indiana will permit me, I will explain the two provisions. If the two banks are in a city exceeding 100,000 inhabitants, then I understand that there can be no common directors, regardless of capital. The limitation of $2,500,000 does not apply in a city. It simply prohibits in cities exceeding 100,000 inhabitants there being common directors in national banks or banks operating under the laws of the United States, like those State banks which took advantage of the late act, without regard to capitalization or

without regard to the amount of capital, surplus, and undivided profits. In all other cases the rule is that $2,500,000 capital, surplus, and undivided profits applies throughout the country.

Mr. SABATH. You do make exception in this provision, and you mean that it shall apply to only cities having a population over 100,000.

Mr. FLOYD of Arkansas. No; that is not it. That inhibition is that there shall not be common directors at all, without regard to the limitation, in cities of 100,000 population.

Mr. FARR. What was the theory of the committee in discriminating against cities of that size?

Mr. FLOYD of Arkansas. On the theory that the banking interest is generally centered in cities. We had complaints before our committee, especially in the larger cities, that men who offered perfectly good security were, on account of the chain of banks having common directors, say, in a dozen different banks—a man perfectly responsible, with good security, would make application for a loan, and be refused by one bank, and then would be refused in turn by every other bank in the city, through the influence of that common director.

Mr. PHELAN. Mr. Chairman, I would like to ask the chairman of the committee a question. I am not quite clear as to lines 14 to 19, on page 29. Where it says the entire capital stock, that does not mean necessarily joint ownership of all the stocks in both banks? For instance, if you have two banks, one a State and one a national, with a million dollars capital, and one has 20 stockholders and one 10 stockholders, if five of the latter own all the stock of the former, that is enough to get the two banks within these provisions, is it not?

Mr. FLOYD of Arkansas. Yes.

Mr. PHELAN. Suppose, under these conditions, 10 men in a national bank own all the stock of a trust company, and there are common officers and directors in both banks. Suppose I of the 10 men sells his stock, does it follow that immediately the directors have to resign their positions and the officers have to get out? Is there any provision in the bill to prevent such a hasty change?

Mr. FLOYD of Arkansas. I am glad that the gentleman from Massachusetts has asked that question. We realize the importance of so wording the statute that a director might not be put in the attitude of being eligible one day and a criminal the next. So we provide that where the disqualification is based on capitalization, surplus, and undivided profit, you shall take the average for the preceding year, and that when he is eligible at the time of his election, his eligibility continues throughout the year.

Mr. PHELAN. Yes; but this is not in the capitalization, surplus, and undivided profit section. This is in a different paragraph. It is the stock and not the amount of the capitalization that applies on page 29.

Mr. FLOYD of Arkansas. I will say to the gentleman from Massachusetts that if that is not covered in the exceptions it ought to be.

Mr. PHELAN. I just mentioned it because I do not see it, and I thought possibly I might have missed it.

Mr. FLOYD of Arkansas. The gentleman will realize the difficulty in providing a definite rule making it a criminal offense for a man to act as a director under the conditions described here. We fix it so that if he is eligible at the time of his election his eligibility continues for a year, although the condition of his bank might change or the capitalization be increased so that he would be ineligible under the terms of the provision and also in regard to the other provision, as to population, we make similar exceptions and provide that if eligible when elected his eligibility continues for a year; but if the particular point raised by the gentleman from Massachusetts is not covered it certainly ought to be, and we ought to make it clear.

Mr. PHELAN. My impression is that it is not covered in this particular place.

Mr. FLOYD of Arkansas. I am glad the gentleman has called our attention to that, because the theory upon which we are proceeding is to provide that if the director is eligible under this law at the time of his election, no matter what happened in the meantime, he shall be eligible for a year, the usual period for which bank directors are elected.

Mr. CLINE. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes. I am inclined to think that we overlooked that particular provision, and I desire to say frankly to the gentleman from Massachusetts that if we have it is important that an amendment should be offered to cure that defect.

Mr. PHELAN. I can offer that amendment later, can I not?

Mr. FLOYD of Arkansas. Yes.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CLINE. Mr. Chairman, I ask unanimous consent that he be permitted to continue for five minutes more.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that the gentleman from Massachusetts be permitted to continue for five minutes. Is there objection?

Mr. BOOHER. Mr. Chairman, I object.

Mr. WINGO. Mr. Chairman, I want to ask for some information from either the gentleman from Virginia [Mr. CARLIN] or the gentleman from North Carolina [Mr. WEBB]. Is there anything in this section that reaches this proposition? Let us say there is a national banking association in Kansas City that owns and controls 45 banks in the States of Oklahoma and Arkansas, and there is one man who is a common director in them all. Is there anything in this that will prohibit that?

Mr. CARLIN. Oh, yes; if the capital of any one of them exceeds two and a half million dollars or if the bank be situated in a city of 100,000 inhabitants or more. If the capital is smaller or the population smaller it does not prohibit it.

Mr. WINGO. Suppose there is a private banker in Missouri who owns a controlling interest and is a common director in a great many small banks scattered through those different States. Does it reach that condition?

Mr. CARLIN. It does not reach any number of small banks unless the capital of some one of them, surplus and deposits, should amount to two and one-half millions of dollars, or unless the bank should be situated in a city of 100,000 inhabitants.

Mr. WINGO. Suppose it is a national banking association that has a capital of two and a half million dollars. In other words, take a banking association that comes within the prohibited class in Kansas City. Is there anything to prohibit it from owning and controlling through a joint director 45 State banks in Oklahoma and Arkansas?

Mr. CARLIN. The bank itself?

Mr. WINGO. Yes.

Mr. CARLIN. No. This bill does not deal with combinations relating to bank stocks.

Mr. WINGO. I say controlled through a common director.

Mr. CARLIN. They can not have a common director if at any time the capital, surplus, and deposits reach the sum of two and a half millions. He could not be a director in any other bank.

Mr. WINGO. That is a director in banks organized under the laws of the United States.

Mr. CARLIN. Yes; or those that are not. Of course, we can only reach State banks as they are related to national banks.

Mr. WINGO. It is provided on page 28 of the bill that no person shall be at the same time a director in more than one bank organized under the laws of the United States which shall have a capital of more than two and a half millions. There is nothing to prohibit that person from being a director in a national banking association having two and a half million dollars and at the same time being a director in 45 State banks in other States, is there? He can still be a director in a national bank of two and a half millions, and you do not prohibit——

Mr. CARLIN. If he is a director in a bank of two and a half millions surplus capital and undivided profits, he is prohibited from being a director in any other bank.

Mr. WINGO. Not in any other bank, but in any other United States bank.

Mr. CARLIN. In any national bank.

Mr. WINGO. But does it prohibit him from being a director in 45 State banks?

Mr. CARLIN. I think it does; yes.

Mr. WINGO. If they are State banks they are not organized under the laws of the United States.

Mr. CARLIN. We have authorized him to be a director in one State bank and under only one condition, and that is where a common stock ownership exists in the same party.

Mr. WINGO. I would like for the gentleman to point out in this section where you prohibit a man from being a director in a national bank of two and a half million capital and at the same time a director in a private or a State bank, however great their number may be.

Mr. CARLIN. We had that question up a moment ago.

Mr. CULLOP. And we settled it just against what the gentleman decided now.

Mr. CARLIN. No; we did not.

Mr. CULLOP. Exactly.

Mr. PETERSON. If the gentleman will see the beginning of section 9, it says:

That from and after two years from the date of approval of this act no person at the same time shall be a director or other officer or employed in more than one bank.

Mr. WEBB. Mr. Chairman, I want to say that so far as the $5,000,000,000 are invested in public utility corporations, if they are legal now, they will continue to be legal notwithstanding this act, because we specifically exempt those which are not illegal at present. If they are not legal under the present law, we certainly would not want to be put in the attitude of legalizing them in this act, and therefore I think it would be a very dangerous provision to put in the bill at this time. I trust the committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 9. That from and after two years from the date of the approval of this act no person who is engaged as an individual, or who is a member of a partnership, or is a director or other officer of a corporation that is engaged in the business, in whole or in part, of producing or selling equipment, materials, or supplies to, or in the construction or maintenance of, railroads or other common carriers engaged in commerce, shall act as a director or other officer or employee of any other corporation or common carrier engaged in commerce to which he, or such partnership or corporation, sells or leases, directly or indirectly, equipment, materials, or supplies, or for which he or such partnership or corporation, directly or indirectly, engages in the work of construction or maintenance; and after the expiration of said period no person who is engaged as an individual or who is a member of a partnership or is a director or other officer of a corporation which is engaged in the conduct of a bank or trust company shall act as a director or other officer or employee of any such common carrier for which he or such partnership or bank or trust company acts, either separately or in connection with others, as agent for or underwriter of the sale or disposal by such common carrier of issues or parts of issues of its securities, or from which he or such partnership or bank or trust company purchases, either separately or in connection with others, issues or parts of issues of securities of such common carrier.

That from and after two years from the date of the approval of this act no person shall at the same time be a director or other officer or employee of more than one bank, banking association, or trust company organized or operating under the laws of the United States either of which has deposits, capital, surplus, and undivided profits aggregating more than $2,500,000; and no private banker or person who is a director in any bank or trust company, organized and operating under the laws of a State, having deposits, capital, surplus, and undivided profits aggregating more than $2,500,000, shall be eligible to be a director in any bank or banking association organized or operating under the laws of the United States. The eligibility of a director under the foregoing provisions shall be determined by the average amount of deposits, capital, surplus, and undivided profits as shown in the official statements of such bank, banking association, or trust company filed as provided by law during the fiscal year next preceding the date set for the annual election of directors, and when a director has been elected in accordance with the provisions of this act it shall be lawful for him to continue as such for one year thereafter under said election.

No bank, banking association, or trust company organized or operating under the laws of the United States in any city or incorporated town or village of more than 100,000 inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association, or trust company located in the same place: *Provided*, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares: *Provided further*, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other: *And provided further*, That nothing contained in this section shall forbid a director of class A of a Federal reserve bank, as defined in the Federal reserve act, from being an officer or director or both an officer and director in one member bank.

That from and after two years from the date of the approval of this act no person at the same time shall be a director in any two or more corporations, either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, engaged in whole or in part in commerce, other than common carriers subject to the act to regulate commerce, approved February 4, 1887, if such corporations are or shall have been theretofore, by virtue of their business and location of operation, competitors, so that an elimination of competition by agreement between them would constitute a violation of any of the provisions of any of the antitrust laws. The eligibility of a director under the foregoing provision shall be determined by the aggregate amount of the capital, surplus, and undivided profits, exclusive of dividends declared but not paid to stockholders, at the end of the fiscal year of said corporation next preceding the election of directors, and when a director has been elected in accordance with the provisions of this act it shall be lawful for him to continue as such for one year thereafter.

That any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of $100 a day for each day of the continuance of such violation, or by imprisonment for such period as the court may designate, not exceeding one year, or by both, in the discretion of the court.

Mr. CLINE. Mr. Chairman, I offer the following amendment on page 29, line 18, to strike out the word "entire" at the end of the line and insert the words "not less than three-fourths of the," so that the provision shall read:

Provided, That nothing in this section shall apply to mutual savings banks not having a capital stock represented by shares: *Provided further*, That a director or other officer or employee of such bank, banking association, or trust company may be a director or other officer or employee of not more than one other bank or trust company organized under the laws of the United States or any State where the entire capital stock of one is owned by stockholders in the other.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 29, line 18, strike out the word "entire," at the end of the line, and insert in lieu thereof the words "not less than three-fourths of the."

Mr. CLINE. Mr. Chairman, it is well known to every man in the House who has had any connection with the banking business, and especially with national banks, that in the last five or six years there has been organized, in conjunction with national banks, trust companies. The stock of the trust company has almost universally been owned by the bank of which the trust company was an auxiliary, but where a former stockholder happened to die and the stock has been distributed, it is sometimes impossible for the banking company to own the entire stock. I have one or two instances in mind where it would work a hardship to the bank that sought to control all the stock of the trust company which was organized for the purpose of carrying long-time loans or building loans for the benefit of the bank's customers.

It would be impossible after the distribution of the stock of a deceased stockholder in some instances to get all of the stock. Of course, I understand it is the purpose of the law to make the bank and the auxiliary institution one banking institution, but I do not understand why they can not be protected just as easily with a control of three-fourths of the stock or more as with a control of the entire stock. It still would constitute one banking institution. Take the instance I have in mind. It is impossible for the bank to secure $200 of outstanding stock, and that under the bill would compel the bank that has the trust company in connection with it to close out the trust company business, to close out the long-time or building loans that it is accommodating its customers with, and I am at a loss to see what advantage it would be to compel the bank to have the entire stock when three-fourths of the stock is as effectual to prevent evil effects arising from interlocking directorates as all of it would be. It seems to me that the full purpose is accomplished by compelling the bank to have three-fourths of the stock and not to require the banks that fall under these conditions to close out their trust-company business.

Mr. FLOYD of Arkansas. Mr. Chairman, we desire to oppose the amendment offered by the gentleman from Indiana. We do not think that there is anything in this interlocking-directorate provision in this bill that will cause anybody to close out their business. We have not undertaken in this bill to deal with the stocks or to prevent common ownership of stocks, but we are attempting to prevent a well-known evil in the business world, an evil not only to the general public, but an evil to every stockholder in this Nation. The corporate business, honestly and properly managed, is the most desirable system of business ever devised by man. While that is true, it furnishes the greatest opportunity for dishonesty of any form of business. Whenever you permit the directors of banks and of different concerns to control these different concerns, you may rest assured that those directors are going to control the business of the several concerns in such a way that they will get the greatest profit and advantage out of it to themselves or to the particular concern in which they are most deeply interested. To give you an illustration, before the Judiciary Committee, in an investigation of another matter, we had before the committee a director of two coal companies who was also a director of a railroad company. He negotiated a deal between the two coal companies. He was a director in both, and then approved it as the director of the railroad company, and he was asked by a member of the committee if he could see any possible way whereby his personal interests could suffer in such a transaction, and he frankly admitted that he could not.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this point. I will in a moment. The object of this whole provision is in the interest of honesty, not only in the interest of the general public, but in the interest of the stockholders of the corporations themselves. The objection to the amendment offered by the gentleman from Indiana is this: We have a provision in the bill that where the stockholders of one company own all the stock of the other, there may be interlocking directors.

Mr. CULLOP. But that bank would have to be located in a city or village of not less than 100,000 inhabitants.

Mr. FLOYD of Arkansas. Of more.

Mr. CULLOP. The provision in the bill is:

No bank, banking association, or trust company organized or operating under the laws of the United States in any city or incorporated town or village of more than 100,000 inhabitants.

It would not apply to banks in a city of 50,000.

Mr. FLOYD of Arkansas. That proviso would.

Mr. CULLOP. I do not think so.

Mr. FLOYD of Arkansas. The proviso would apply anywhere in any kind of a city where the stockholders of one own the entire stock of another.

Mr. CULLOP. Well——

Mr. FLOYD of Arkansas. Now, the object of this legislation is to prevent the concentration of capital under one control. In the Pujo investigation it developed that four or five concerns in New York, through a system of interlocking directorates, controlled practically the finances of this country, and then it finally centered in one great concern in New York.

Mr. CLINE. Will the gentleman yield?

Mr. FLOYD of Arkansas. I do.

Mr. CLINE. But you provide in this bill that a national bank may have an auxiliary in the shape of a trust company.

Mr. CARLIN. May have one.

Mr. CLINE. Providing they own the entire stock. Now, what advantage does the law get in securing any of the stock above 75 per cent of the stock where they only seek to hold joint relationship with another company?

Mr. FLOYD of Arkansas. Well, the point is this: Where they own the entire stock the tendency would not be to concentrate, but would be rather to divide up, divide their capital; it is one ownership practically, and could at will draw the entire amount back into one concern, but if we except banks owning not less than 75 per cent of the stock of the other, it seems that we will leave a loophole that will permit the control and concentration of money that we are endeavoring to prohibit.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I will ask for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FLOYD of Arkansas. Let me explain how this works. Your committee gave great consideration to this whole question, and especially to the question of the exemption of one trust company. Let me submit that since the adoption of the currency law the necessity that caused the creation of trust companies in connection with national banks does not exist to the same extent that it did previous to the adoption of that law, because under the old law a national bank could not lend money on real estate, and hence a trust company became an adjunct and handmaid of the national-banking system in order that they might do certain things which the banks were prohibited from doing under the law.

Mr. McKENZIE. Will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this point. I want to make my point clear. Now, we gave very careful consideration to this provision and to every phase of the question, and you will bear in mind we have no jurisdiction over the State banks. We excluded the private banker, the State bank director, and the trust company director from a directorship on national banks upon the theory and question of qualification. We are allowed to prescribe the qualifications of the directors of national banks, and in prescribing and fixing the qualifications of the directors of national banks we provide in this bill that the private banker, the State bank director, and the director in the trust company shall not be eligible to be directors in national banks. Now, if you permit common directors in two banks on a percentage system, then you provide a condition where through the trust company or the State bank these great national banking institutions can have an affiliated trust company, and if you permit that affiliated trust company the national bank can maintain these interlocking connections with State banks and trust companies, and you thus permit the evil of interlocking directorates which in a somewhat different way heretofore obtained, as we believe, to the detriment of the public and especially to the detriment of the stockholders of the banks.

Mr. PHELAN. Will the gentleman yield just for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. PHELAN. I do not wish to take issue with the committee, but can not you do it under this bill as it is framed where you allow the directors to be on a national bank and on a State bank at the same time, providing the stock is in the same ownership? It seems to me you allow the very thing you do not want to do.

Mr. FLOYD of Arkansas. That would be an extreme case.

Mr. PHELAN. But you are not limiting it to one of these cases.

Mr. FLOYD of Arkansas. It will be only one, and such a case would be rare indeed, and it would be of short duration where they own the entire stock, because the very moment a common ownership ceased and a part of the stock went into other hands there would be the inhibition of the law.

Mr. MANN. Mr. Chairman, will the gentleman yield to me?

Mr. FLOYD of Arkansas. I yield to the gentleman.

Mr. MANN. The gentleman is talking about a provision that covers cases in my town which I am somewhat familiar with. Take, for example, the case of the First National Bank of Chicago. There is the First National Savings & Deposit Co.——

Mr. FITZHENRY. The First Trust & Savings Co.

Mr. MANN. Yes. It is fixed so that you can not sell the stock of the one without selling the stock of the other.

Mr. PHELAN. Yes. That is done in the case of a bank that I know of.

Mr. MANN. They do a trust business. In this case that I speak of there is no chance for the stock to become scattered. You can not buy the stock of the First Trust without buying at the same time the stock of the First National, and you can not buy the First National stock without buying the First Trust stock. There is some arrangement by which that is held in that condition. Now, of course, if that were not the case no one could tell whether they owned all the stock, or three-quarters of the stock, or half the stock. A man to-day might be a legal director and to-morrow he might be a criminal.

Mr. FLOYD of Arkansas. We provide against that.

Mr. MANN. I understand that.

Mr. CULLOP. I wanted to ask the gentleman from Illinois a question.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas [Mr. FLOYD] may have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. In the case that the gentleman from Illinois speaks of as an illustration, that institution also deals with real estate, renting, mortgages, and so forth; guardianships; acts as administrator of estates, receiverships, and things that a national bank could not do.

Mr. MANN. It is a trust company.

Mr. CULLOP. It has outside earnings and outside profits and does business which national banks under the laws can not engage in, can they?

Mr. MANN. I do not say whether a national bank could or not. I think they do it sometimes.

Mr. CULLOP. A national bank could not collect rents from real estate and perform the duties incident to receiverships, guardianships, and things like that.

Now, I would like to ask the gentleman from Arkansas about a case that has been presented to me, where there is a national bank with deposits, profits, and capital stock of more than $2,500,000. Is there anything in this measure to prevent any director or stockholder or officer of that bank from being a director or other officer of a State or private bank that may be organized in the same county?

Mr. FLOYD of Arkansas. In the same place?

Mr. CULLOP. In the same county.

Mr. FLOYD of Arkansas. Certainly.

Mr. CULLOP. For instance, the stockholders of a national bank in a county seat will have, out in some little town, a State bank or a private bank, which becomes a feeder to the national bank at the county seat.

Mr. FLOYD of Arkansas. Did the gentleman say less than $2,500,000?

Mr. CULLOP. No; I said more than $2,500,000.

Mr. FLOYD of Arkansas. It is prohibited.

Mr. CULLOP. What is there in this measure to prohibit a director in a bank of that kind being a director in a State bank in the same county, in the same State, that will have perhaps $100,000 of capital stock and undivided profits, deposits, and so forth?

Mr. FLOYD of Arkansas. The wording of the bill prevents it.

Mr. CULLOP. I deny there is, and if there is I would like to have the gentleman point it out.

Mr. FLOYD of Arkansas. On page 29, on line 4, there is this provision:

No bank, banking association, or trust company organized or operating under the laws of the United States in any city or incorporated town or village of more than 100,000 inhabitants, as shown by the last preceding decennial census of the United States, shall have as a director or other officer or employee any private banker or any director or other officer or employee of any other bank, banking association, or trust company located in the same place.

No; that is not the provision I had in mind.

patronize both systems. I believe that every local telephone exchange should be owned by the municipality in which it is located or by the Government, and that all long-distance systems should be owned and operated by the Government. But whether or not we agree about that we certainly should not disagree upon the proposition that wherever there is real competition between any two local telephone exchanges it is a burden and not a benefit to the public in that locality.

The amendment I propose will simply authorize the owners of one exchange to purchase the exchange of another when not forbidden by the law of the State or locality, and when competition in the transmission of interstate-toll messages is not interfered with nor interrupted.

I happen to live in a town where we have two systems, one exchange is located in Texas and the other in Arkansas, and I wish to make it certain that my people will not always be compelled to patronize and maintain two telephone systems. I dare say there are other towns in the United States that are similarly located, and that feel the same burden that my town does.

Mr. WEBB. Mr. Chairman, will the gentleman yield to me for a question?

The CHAIRMAN. Does the gentleman from Texas yield to the gentleman from North Carolina?

Mr. VAUGHAN. I yield.

Mr. WEBB. Will the coalition of these two exchanges substantially lessen competition?

Mr. VAUGHAN. It will lessen competition for the patronage of the people. The people in the town will not be compelled to patronize two telephone systems.

Mr. WEBB. How about the interstate rates?

Mr. VAUGHAN. The amendment I propose provides that the purchase or acquisition shall be permitted only when competition for the transmission of interstate toll messages is not interfered with, and whenever commerce would be affected thereby, it is not permitted until it has been submitted to and approved by the Interstate Commerce Commission.

Mr. WEBB. Why do you say "where messages are not interfered with or interrupted"? Why not say "competition in the transmission of interstate toll messages is not substantially lessened"? That is the language that is used in other provisions.

Mr. VAUGHAN. If the committee will accept my amendment, I will agree to that change in the language.

Mr. WEBB. If it does not substantially lessen competition, it does not apply to the interstate telephone exchanges at all. That is already in the bill.

Mr. VAUGHAN. Why not make it plain that a transaction which could not injuriously affect but would benefit is not forbidden by this bill, which may be construed to forbid what the committee must admit can not be any violation of the spirit or the purpose of antitrust legislation?

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by printing the report on the next bill for consideration under the rule.

The CHAIRMAN. The gentleman from Georgia [Mr. ADAMSON] asks unanimous consent to extend his remarks in the RECORD by printing the report on the next bill to be considered under the rule. Is there objection?

There was no objection.

Following is the report referred to:

[House Report No. 681, Sixty-third Congress, second session.]

PROPOSED AMENDMENTS TO SECTION 20 OF THE ACT TO REGULATE COMMERCE.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following report to accompany H. R. 16586:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 16586) to amend section 20 of an act to regulate commerce, having considered the same, report thereon with a recommendation that it pass.

Since reporting H. R. 16133 to the House your committee agreed upon some additional amendments and concluded to incorporate them, as well as the committee amendments already agreed upon and reported together with the original text in a new bill, which was accordingly introduced by the author of H. R. 16133 and, by subsequent order of the committee, is hereby reported to the House with a recommendation that it be considered by the House in lieu of H. R. 16133.

The bill herewith reported proposes certain amendments to section 20 of the act to regulate commerce, which has for many years authorized the Interstate Commerce Commission to acquire all necessary information touching the condition of carriers as to physical property, their stocks and bonds, all of their accounts, reports, and details and methods of doing business. The commission found the act in some respects defective as to the authority conferred, and the amendments proposed in this bill in the first 11 pages are designed to supply the needed authority. The authority conferred by the terms of section 20 was not broad enough to cover the subjects, knowledge of which it was necessary to acquire, inasmuch as it did not authorize the examination of books, papers, contracts, and correspondence of construction companies and other persons, natural and artificial, with which the carriers might have dealings of a character injurious to the transaction of interstate commerce. Neither did this provision confer authority to compel the production and furnishing of all information, books, accounts, correspondence, documents, and other papers. Neither did the terms of the act provide for the public and for the stock and bond holders themselves the necessary publicity deemed so essential to the proper conduct of all public and quasi public business. It is thought by the commission and by your committee that the amendments proposed to the text, all of which amendments are indicated by being included in brackets and appear on the first 11 pages of the bill, are not only all necessary, but also will go far to supply defects in existing law.

The amendments offered in the first 11 pages are in pursuance of the recommendations of the celebrated stock and bond commission headed by Dr. Hadley, which thoroughly studied the entire question and made recommendations in line with the amendments heretofore referred to. Many witnesses before your committee thought that these amendments if made would constitute the only legislation necessary in the way of regulating the issuance of stocks and bonds. Some members of your committee concurred in that opinion, and all conceded that such amendments were necessary whether additional legislation were enacted on the subject of stocks and bonds or not. However, on mature deliberation and full hearing your committee concluded that there was a very general belief throughout the country that something should be done by the Federal Government in the nature of constituting a veto power in the interest of stability and efficiency of the carriers themselves to prevent them from impairing their financial strength and consequently injuring or destroying their capacity to perform their function to the public as common carriers. There is no doubt of the power of Congress to authorize the exercise of such a veto power if necessary to protect the carriers against the cupidity or incompetency of their own directorates or the avarice and exploitation of speculators who would use their power to wreck the carriers in order to realize sudden and large gains. There is a popular belief that for that very purpose of protecting the carriers in their stability and financial ability to discharge their duties to the public it is necessary to authorize the Interstate Commerce Commission to prevent the assumption by the carriers of obligations of any character which would weaken their capacity as common carriers or tend in any way to impair their ability to afford proper facilities and service to the public.

As section 20 of the act to regulate commerce had already authorized the commission to secure information of stocks and bonds and financial condition of the carriers, it was thought proper to perfect this provision to carry out the purposes intended, and it appeared peculiarly appropriate to incorporate by amendment in the same section the veto power upon the overissue of stocks and bonds because the two provisions are entirely cognate and germane one to the other. With the provisions beginning at the bottom of page 11 and occupying page 12, authorizing the commission to pass upon every proposed issue of stock and bonds, section 20, as amended in the preceding 11 pages, becomes more valuable than ever, because it will enable the commission through its regulatory instrumentalities to keep itself constantly supplied with information as to the actual condition of all carriers, and thus be enabled to meet and checkmate any improper effort that may be made to secure approval of an issue of stock or bonds. So that if the provisions conferring authority for such investigation and veto power are adopted, it will be only the more valuable by reason of the context in the preceding 11 pages, and if those provisions following the first 11 pages should not be adopted, then section 20 as amended in the first 11 pages of the bill would be sufficient to afford great relief in themselves. It will be noted that your committee has provided against any possible friction or conflict of jurisdiction between the Federal commission and the State authorities by requiring that notice of every application for approval of stock and bond issues shall be given to the regulatory authority of the State concerned, so that such authority may appear and be heard on the proposition. There is no doubt in our mind that that provision will rapidly lead up to a satisfactory working of the law and to absolute harmony and agreement between the two authorities.

The provision prohibiting the overissuance of stocks and bonds may be enforced by either one of two provisions offered in the bill. One is by injunction against acts declared to be unlawful and the other is by criminal prosecution for their violation.

Your committee has seen proper to provide and report another provision in the bill prohibiting common or interlocking directorates and management. When we learned that the Judiciary Committee was not undertaking to deal with the directorates of railroad companies we then heeded what appears to be a public and almost universal demand to prohibit interlocking directorates of carriers. Whether the necessity for this provision is so great as represented or not, and whether the anticipated benefits are exaggerated or not, there is a general impression that most of the wreck and ruin of railroads and consequent damage to public service and the public interest has been due to the machinations of men who managed different corporations, and by the policies adopted for the different corporations constituting a system or about to be consolidated into a system wrought ruin to some or all of the carriers involved. It has been represented to us that that practice has ceased, that railroad men are now no longer dishonest or incompetent, and that it is a matter of convenience for the same men to handle different enterprises without having to consult so many different people; but our observation is that there are good men enough in the world to fill every responsible position and then not have enough positions to go around, and we observe, in answer to the suggestion, that if the practice has ceased the provision in the law will not hurt anybody, for no man will be punished unless he is guilty. If any rash man should decide in the future to break out and imitate some of the disastrous escapades of the past, the law would be here to give him justice for his misdeeds. It has further been urged that in the case of large systems, formed by the consolidation of many smaller corporations, it is not necessary to have different directors for all the minor corporations. We answer that it is not necessary to have these consolidations; and the most vicious thing about all combinations in transportation and all other kinds of business is that, while they multiply the benefits of the few men retained, they dispense with the services of so many men both competent to fill the position and entitled to the fair emoluments thereof. We have thought it liberal enough to provide for relief in extreme cases through the approval of the Interstate Commerce Commission.

The date is postponed two years, and if any case exists where it is necessary to the interests of the public or the preservation of the property and the maintenance of facilities of transportation that any man should be a director or officer in more than one corporation, your committee believes that the public and the carriers can trust the Interstate Commerce Commission to pass on the question. This provision is germane and cognate to the preceding provisions of the bill, for the reason that the officers and directors of a carrier initiate all actions

issuing stock and bonds, which form the subject of previous provisions of the bill.

The further complaint that the penalties prescribed are drastic is, in our opinion, not well taken. Punishments which fine a corporation are nugatory. The fines are paid out of the treasury of the corporation; no man suffers in the deal, as he feels no punishment as a violator of the law; and the capacity of the corporation is weakened to the amount of money taken out of its treasury. That is a vicious system, as it is liable to make the public suffer through the infliction of inferior service and allows the culprits to go free instead of punishing them in person and takes much-needed money from the corporate treasury. There is but one way to make malefactors fear the law, and that is to inflict personal punishment, and the severity of that punishment should be proportionate to the crime committed. The man who will unhesitatingly take advantage of his power afforded by his position in the financial world to wreck the facilities and ability of a carrier to discharge its duties to the public besides hoodwinking innocent investors out of hundreds of millions of dollars and embarrassing other innocent investors by unloading upon them worthless stocks and bonds is worth of the most severe human punishment, and for that reason your committee has left the punishment of such violators to the discretion of the court.

Mr. CARLIN. Mr. Chairman, I yield two minutes to the gentleman from New Hampshire [Mr. STEVENS].

The CHAIRMAN. The gentleman from New Hampshire [Mr. STEVENS] is recognized for two minutes.

[Mr. STEVENS of New Hampshire addressed the committee. See Appendix.]

Mr. CARLIN. I yield three minutes to the gentleman from New York [Mr. BROWN].

Mr. BROWN of New York. Mr. Chairman, I offer the following amendment:

The CHAIRMAN. There is an amendment pending.

Mr. VAUGHAN. I yield five minutes to the gentleman from Texas [Mr. HENRY].

Mr. CARLIN. How much time did the gentleman from Texas use?

Mr. VAUGHAN. Five minutes.

[Mr. HENRY addressed the committee. See Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. VAUGHAN].

Mr. CARLIN. I thought I would allow the gentleman from New York [Mr. BROWN] to offer his amendment.

The CHAIRMAN. The amendment of the gentleman from New York [Mr. BROWN] will not be in order until this amendment is disposed of.

Mr. CARLIN. Then I will use a part of my time now and use a part of it later.

Mr. Chairman, this amendment is the most remarkable one that has been offered during the consideration of this bill. While it was stated that it is a simple little amendment seemingly, allowing States to regulate their own telephone exchanges, the fact is that this amendment exempts the American Bell Telephone Co. from a decree of the court rendered within the last few months in a dissolution proceeding on behalf of the United States Government.

That company combined, as they admitted, in State after State, telephone company after telephone company until they had monopolized the telephone business of the United States, and when suit was threatened for dissolution they consented to the decree, and now we have an amendment which will eliminate that decree.

Mr. FLOYD of Arkansas. They bought out all the telephone exchanges in my part of the country, and as soon as they had done that the first thing they did was to raise the price.

Mr. BARTLETT. That is the usual course.

Mr. CARLIN. This amendment says:

Nor shall anything in the antitrust laws be construed to forbid persons operating local telephone exchanges engaged in commerce from selling their local exchanges to competitors for local business, when such sale or acquisition is not forbidden by any law of the State or locality where the exchange is situated.

And by the system of purchase and sale they have been able to form a great combination which the Government has just dissolved. It seems to me it needs but to mention it to show that the committee can not consent to accept this amendment, and that it has no place in this bill.

Mr. WINGO. Will the gentleman allow a question?

Mr. CARLIN. Certainly.

Mr. WINGO. Let us use a concrete illustration. Suppose in the town of Horatio, Ark., the Southwestern Telephone Co. own not only the long-distance line but the local exchange. Suppose in the town of De Queen, Ark., 9 miles north, there is a company that owns both the local and the long-distance lines. The long-distance line runs into Oklahoma, the State line being only 8 miles away. The line also runs out over three or four counties having a rural system. Suppose that the Southwestern Telephone Co., at Horatio, should sell its local exchange to the man who owned the De Queen exchange and the country exchanges. Do you mean to say that that would be inimical to the public good? Do not you think that that ought to be permitted?

Mr. CARLIN. I am not sure that I understand the gentleman's question, but what I mean is that the combination of a number of competing telephone exchanges engaged in interstate business so that it is controlled by one corporation is a combination in restraint of trade.

Mr. WINGO. I agree with the gentleman.

Mr. CARLIN. And this is what this amendment permits.

Mr. WINGO. Oh, no. If I thought that, I would not advocate it. Does not the amendment say that one competitor may sell its local exchange to another competitor so long as it does not violate the State law and does not restrain interstate commerce?

Mr. HENRY. Yes.

Mr. CARLIN. Oh, the gentleman from Texas is mistaken. The amendment reads:

Nor shall anything in the antitrust laws be construed to forbid persons operating local telephone exchanges engaged in commerce from selling their local exchanges to competitors for local business or from acquiring local exchanges from competitors for local business when such sale or acquisition is not forbidden by any law of the State or locality where the exchange is situated and competition in the transmission of interstate toll messages is not intercepted or interfered with.

Mr. WINGO. Is not that what I said?

Mr. CARLIN. If the exchanges are within the State, we have no control over it.

Mr. WINGO. I call attention to this: Unfortunately for the situation, the gentleman from Texas—from Texarkana—has a concrete proposition. In my district there is a railroad that wiggles in and out across the State line. I have given you a concrete illustration of a sale which took place less than a week ago, and I know it is for the public good and does not create a monopoly, but tends to the betterment in the service.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken; and on a division (demanded by Mr. VAUGHAN) there were—ayes 11, noes 22.

So the amendment was lost.

Mr. BROWN of New York. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 25, line 19, after the word "investment," add the words "or for investment and operation."

Mr. BROWN of New York. Mr. Chairman, I offer this amendment for the purpose of clarification only, because I do not know what the result of this paragraph is going to be. At the present time there is $5,500,000,000 invested in the securities of holding companies who operate public-utility companies subject to State regulation by the public-utility commissions in the various States. If these holding companies under State regulation do not bring about, or attempt to bring about, as the language of the bill reads, a substantial lessening of competition, I assume that this committee has no desire to interfere with the extension of their lawful business. But in the way the bill is drawn, Mr. Chairman, all future operations by holding companies may be unlawful for three reasons.

In the first place, in the district of Michigan two Federal judges recently held that for a corporation to sell its securities in more than one State constituted interstate commerce. Again in the State of Texas it is held that ownership of a gas-producing company and an electric-light company in the same location, no matter how much they may be regulated as to price of output and quality of service, is ownership of technically competing companies. Again it might be well held that the distribution of supplies from the parent holding company to the various plants in the various States would be interstate commerce. Therefore, in order to clarify these matters, I trust that the committee will consent to the adoption of this amendment in order that public-utility holding companies may continue their lawful business under the operation not only of the present law, but also under the provisions of this very able bill.

Mr. FLOYD of Arkansas. Mr. Chairman, we oppose the amendment offered by the gentleman from New York. We think that we have made all exceptions in this provision of the bill that ought to be made. We have made so many exceptions that some of our friends on the opposite side claim that the provisions of this section amount to nothing. We think we have already placed and incorporated in the section proper limitations; and this amendment is as objectionable as the one voted down a few moments ago, and more so, for the reason that it is general, while that undertook to exempt a specific thing. This excepts broadly these investment companies, and we object to it.

the principle—that competing lines of railways could not be joined by holding companies; that holding companies could not be organized that had even the potential power of preventing competition without violating the Sherman law. But under the provisions of this section, in order to establish a violation of the antitrust law we must go further and show that the competition has actually been lessened and prevented or a monopoly obtained. Nothing of that kind was required prior to the enactment of this section if it should become a law.

Mr. VOLSTEAD. Will the gentleman permit me to call his attention to the third paragraph of this section, that does not even condemn a monopoly?

Mr. GREEN of Iowa. I was about to allude to that. In the third paragraph of the section is found a series of exemptions which runs through the section until almost everything imaginable has been exempted. I read from one of the provisos:

The section shall not apply to corporations purchasing stock for investment, or using the same by voting or otherwise to bring about a lessening of competition, nor shall it prevent a corporation engaged in commerce from causing the formation of subsidiary corporations, or from owning or holding all or part of the stock of such subsidiary corporations.

Under this provision, no matter how complete the monopoly, unless some action was taken by voting it would not fall under the ban of the law, while under the present law it is so well settled that a combination of competing lines is illegal that it is not necessary for the Department of Justice to bring a suit against railway companies which have been consolidated through a holding company or by the purchase of stock, whether one or the other. The simple statement of the Department of Justice that action will be brought to dissolve the combination has been sufficient to cause the railway companies attempting consolidation to yield immediately and consent to a dissolution.

Under this section (8) holding companies may be organized which can obtain the control of two competing lines, and then under the preceding section they may enter into any agreement that they choose to fix rates, to determine the service which they shall perform, and, in short, to absolutely eliminate competition.

This is what the committee has brought forward as something that will bring relief to the people. Why, Mr. Chairman, it is just what those in control of the railways have been seeking for. They now can say:

This is the way I long have sought,
And mourned because I found it not.

[Laughter.]

The majority of the Judiciary Committee have brought in what the railroads have been hounding the Interstate Commerce Commission for and demanding of Congress for lo these many years, and it has been refused them until this time. Now they have all the powers of consolidation they ever really wished and asked for in the two sections, and may consolidate under one section and agree on rates under the other. [Applause.]

Mr. Chairman, this section should be stricken out. It serves no purpose. There never was any demand or reason for it, nor have gentlemen undertaken to give any reason why it should be adopted. The relief afforded by the Sherman law was ample. As the gentleman from Minnesota [Mr. VOLSTEAD] has stated, this section is likely to furnish the means of evading the most valuable portion of the Sherman law which we now have on our statute books.

Complaints against this and the preceding section are answered by gentlemen on the other side by calling attention to provisions to the effect that these sections shall not be construed to permit acts illegal under the present law. But if these provisos are relied upon, why keep these sections in the bill? Why should we enact a law which we so much fear partially repeals the Sherman Act, that we are obliged to follow it by a proviso that it shall not be so construed? Could anything be more useless or confusing?

Section 12 is the so-called "personal-guilt section." It is claimed by the authors that it will attribute the guilt of the corporation to its officers. As a matter of fact, it will do nothing of the kind. As originally drawn, while I do not think that its authors intended that it should conceal a "joker," it was in fact a joke. In order to convict any individual of a violation of the antitrust laws it required a conviction first of the corporation and then of the individual—in other words, two convictions to show one crime. As amended, it is questionable whether it is any better. It may not now require two trials, but it certainly will require more evidence than was necessary under the Sherman law, and unless further amended this section will weaken this important statute instead of strengthening it.

There are some of the provisions of the bill that meet with my approval. The section extending the statute of limitations while a suit is pending against a trust is an excellent one and ought to have been enacted long ago. The proviso authorizing an individual as well as the Government to commence an equity action to restrain a threatened injury by some monopoly is also a good one, although I doubt whether as much good will be received therefrom as was expected. Section 6, as amended in the Committee of the Whole House, is excellent in its purpose, although there may be some doubt about its constitutionality, and I have no fault to find with its provisions with reference to labor organizations, which, in my opinion, merely state the law according to the best authorities.

The bill, taken as a whole, is a political measure, framed for purposes which are political, rather than those which would be for the benefit of the country at large. It is evidently intended to hold it up before the country as an example of legislative activity on the part of the Democratic administration, which is determined to do something, "right or wrong." It demonstrates the inability of a Democratic Congress to frame constructive laws under which business can thrive; the laborer receive his just reward; competition be free; and predatory interests restrained. No great constructive measure has ever yet been made a law through that party which did not in a few months after enactment become so unpopular that the people could not repeal it soon enough. The form of this bill does not indicate any improvement in the capacity of that party for government.

The antitrust provisions of the bill are simply buncombe, designed to give the country the impression that the Democratic Party was redeeming its party pledges, and by the inclusion of some good provisions, to place the Republican Members of this House in a false light. If I should vote against the bill, I realize that it would be claimed that I was voting against measures which would tend to suppress the trusts and also against policies in regard to labor organizations which I have always favored. I do not propose to be put in such a position. For years I have worked to make the laws against trusts more efficient, and I have always been in favor of giving labor its just dues, although I have not been willing to select any particular class and grant it a special privilege. I am not in any way responsible for any of the defective provisions in this bill. I have repeatedly spoken in opposition to them on the floor of this House. I have offered amendments myself and have supported those offered by others which would have eliminated its evil features and made it more efficient in controlling trusts without in any way interfering with legitimate business. But amendment after amendment has been voted down regardless of their merit. It has become so plain, Mr. Chairman, that the Democratic majority is not intending to prevent acts which restrain trade or create monopolies that it is useless to offer amendments further. Their whole purpose is to make a showing regardless of whether anything is accomplished in the way of curbing monopoly. If there was any prospect that this bill would become a law in its present form, I would not give it my vote; but no one expects anything of the kind. The bill is introduced for appearance, well knowing that it never will become a law as it now stands, and in the expectation that it will not even be considered by the Senate before the congressional elections.

The hope is that its high-sounding phrases, which can be understood by no one, will deceive the people and ensnare their opponents. I will not walk into such a trap. As I have stated, I have long been working among the ranks of those who are opposed to trusts and monopolies. Years ago I was selected by the governor of Iowa as a delegate to and attended the convention held at Chicago to consider measures against trusts—the first ever held in this country for that purpose—and I have always been in favor of giving the laboring man the right to organize. On prior occasions when measures giving the workingmen their rights have been before the House I have supported them by my voice and by my vote. I decline now to be put in the attitude of opposing the principles which I have before advocated by reason of my vote upon a bill the antitrust provisions of which are a mere pretense and a sham.

The attempt which has been made in this bill is entirely in the wrong direction. The Sherman law, as I believe, is amply sufficient to reach all restraint of trade and monopoly exercised or attempted in interstate commerce. It is true that evils now exist, but they exist partly through lack of enforcement of the Sherman law and partly because the wrongful acts are committed in intrastate commerce—that is, wholly within the boundaries of a single State—and are not within the jurisdiction of Congress. Many, if not most, of the evils at which this bill

is aimed can only be reached through State laws. I regret to say that the laws of my own State are not what they should be on this subject, and we need therein a broad and comprehensive measure like the Sherman Act. We need, especially on the part of our national authorities, a fearless and thorough enforcement of the Federal law which, it is unnecessary to say, we are not receiving. We need also a Federal law requiring all concerns doing an interstate business to come under its jurisdiction, and a provision that as a penalty for a failure to observe such antitrust laws the privilege of transacting such business will be withdrawn. Then, and then only, in my judgment, will the great combinations which now are a menace to our national existence be properly curbed and restrained, and to this end I shall direct my best efforts.

Mr. MANN. Mr. Chairman, I would like to get the attention of the gentleman in charge of the bill if I might. On page 25 this language is inserted, this being the section in regard to holding of stock by one corporation in another corporation:

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

The first provision is:

This section shall not apply to corporations purchasing such stock solely for investment.

Of course, that includes any stock that is purchased for investment, and all stock is purchased for investment when it is purchased at all. Then there is the exception—

And not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

That would not apply to voting for the election of officers, would it?

Mr. CARLIN. Mr. Chairman, I do not understand. Is the gentleman consuming five minutes under the rule, or is he trying to provoke debate?

Mr. MANN. I am trying to get some information which seems difficult to obtain.

Mr. CARLIN. Is the gentleman speaking in his own time?

Mr. MANN. I am speaking in my own time, I believe, under the five-minute rule.

Mr. CARLIN. That is what I wanted to get at. What is the question?

Mr. MANN. What does this exception mean? Here is a provision which says that this section shall not apply to corporations purchasing stock solely for investment, with an exception, and the exception is—

And not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition.

That would not prevent voting the stock they purchase.

Mr. CARLIN. I think not, unless they were voting it with that object in view.

Mr. MANN. How would it be possible to show that they were voting the stock for the purpose of bringing about the lessening of competition? They vote stock for officers, and they may vote stock as to the issuance of other stock or bonds, but they do not vote stock as to the policy of the corporation.

Mr. CARLIN. If they voted that stock for sale to a holding company, the object of which would be combination with a competing company, that would be one way in which they would bring themselves within the provisions of this statute.

Mr. MANN. But there is another provision in reference to holding companies.

Mr. CARLIN. Yes; but this is the holding company provision that we are discussing now. The gentleman is discussing the holding company provision of the bill.

Mr. MANN. Oh, no; I am discussing the question of where one company buys the stock of another. You say it shall not apply where they buy stock for investment, unless they vote it to lessen competition.

Mr. CARLIN. That is right.

Mr. MANN. They do not vote to lessen competition in any case.

Mr. CARLIN. They could vote stock in violation of section 9, which follows, in the election of interlocking directorates, and by reason of that fact competition might be lessened—any number of various specific acts which go to bring about the lessening of competition might be done through stock voting or otherwise.

Mr. MANN. Under this section one corporation can buy and own the stock of another, and it can vote that stock unless it be proven that it voted for the purpose of substantially lessening competition.

Mr. CARLIN. That is correct.

Mr. MANN. I do not think it means anything.

[Mr. FARR addressed the committee. See Appendix.]

Mr. CARLIN. Mr. Chairman, as all time has expired, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. VOLSTEAD. Mr. Chairman, I would like to add a few words.

Mr. CARLIN. How much time does the gentleman expect to use?

Mr. VOLSTEAD. Five minutes.

Mr. CARLIN. Very well.

Mr. VOLSTEAD. Mr. Chairman, in connection with the colloquy that has just taken place between the gentleman from Illinois and the gentleman from Virginia, I desire to call to the attention of this House the Northern Securities Co. case. That case originated in my country, and I think I know a little about it. That company was formed for the purpose of holding stock purely as an investment. Upon the trial of that action the company showed that it had never given any direction whatever to the officers of the Northern Pacific or the Great Northern Railroad, the two railroad companies combined in the Northern Securities Co.

The company itself had no power whatever to run a railroad. Here was a case on all fours with the one you provide for in paragraph 3 of this section, but did the court take the view that this consolidation did not restrain trade? Not at all. As I said before, the court saw just as clearly as any man in his senses could see that such an organization necessarily destroyed competition, because when the Northern Securities Co. became the owner of the two railroads competition would necessarily cease. It would not be necessary to do anything to direct the officers of the two railroads not to compete. They knew that every dollar expended for the purpose of competition as between those two was money taken away from the Northern Securities Co., and as a consequence taken from the company for which they were working. Now, this bill clearly legalizes just that sort of an arrangement, and you know that practically every combination in restraint of trade that has been formed in this country in the last 15 or 20 years has been formed in this same fashion, and still you legalize that sort of a combination. It seems to me so clear that I must confess I can not understand how this committee expects to defend it. It can not be defended. I think you owe to the country a frank statement as to the purpose of this section. If it is for the purpose of wiping out the Sherman antitrust law, let us know it, and we will go before the country on that issue. If, on the other hand, you pretend that it does not, it seems to me we are entitled to an explanation before you write it into the statute.

Mr. CARLIN. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

Mr. VAUGHAN. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add, after the period in line 2, page 27, the following paragraph:

"Nor shall anything in the antitrust laws be construed to forbid persons operating local telephone exchanges engaged in commerce from selling their local exchanges to competitors for local business, or from acquiring local exchanges from competitors for local business, when such sale or acquisition is not forbidden by any law of the State or locality where the exchange is situated and competition in the transmission of interstate toll messages is not interrupted nor interfered with: *Provided*, That where such sale or purchase will affect commerce it shall not be permitted until the terms thereof have been submitted to and approved by the Interstate Commerce Commission."

Mr. CARLIN. Mr. Chairman, I wish to reach an agreement as to how long we shall have debate on this and all other amendments. Are there any other amendments desired to be offered to this section?

Mr. BROWN of New York. I have an amendment to offer.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent that all debate upon this section and all amendments thereto be concluded in 20 minutes, 10 minutes to be controlled by myself and 10 minutes by the gentleman from Texas.

Mr. MANN. There are three gentlemen who want five minutes apiece.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that all debate upon the pending section and all amendments thereto be closed in 20 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. VAUGHAN. Mr. Chairman, the whole theory of all antitrust legislation is that competition for patronage is beneficial to the public, but there is at least one business in which it is not beneficial but is injurious to the public. The existence of two good, well-patronized telephone systems in any community makes it necessary for every business man in the community to

I could bring myself to vote for the provisions of these sections 8 and 9, all of them. Nor, Mr. Chairman, have I yet brought myself to the conclusion that I can vote for them. I know, Mr. Chairman, it is not very fashionable to suggest that the Constitution stands in the way of legislation of any sort by Congress. But it would not be out of place, Mr. Chairman, to call attention of some—not many—of the adjudicated cases upon this subject, cases adjudicated by the Supreme Court of the United States.

I maintain, and the Supreme Court has decided, that the charters of the corporations granted by the States are their guide as to what they shall do in the internal management of those corporations. I do not believe it is a proper exercise of legislative authority by Congress under the commerce clause of the Constitution to say who shall or who shall not be directors of a corporation organized by a State. If we examine the law writers and the decisions of the courts that have passed upon those subjects we shall find that the regulation of the internal affairs of a corporation, what business it shall do, what the directors shall do, who they shall be, of whom the board of directors shall be composed, is an exercise of the police power of the States solely, and not a power authorized to be controlled by Congress.

Let us take the opposite view of it, Mr. Chairman, for a moment. Suppose Congress should undertake to say, in spite of State legislation, that there should be interlocking directorates; that there should be combinations of interstate railroads running from one State to another in spite of constitutional prohibitions.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. BARTLETT. Suppose, Mr. Chairman, that Congress should declare that railroads that were engaged in interstate commerce might have interlocking directorates, and the States should forbid it. Is it to be presumed that Congress could authorize a thing of that sort? Yet, if Congress can forbid it, Congress can grant it.

Now, let us see what the Supreme Court of the United States says upon that subject.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Iowa?

Mr. BARTLETT. I do.

Mr. GREEN of Iowa. Is the gentleman speaking now of the provisions of section 9 instead of section 8?

Mr. BARTLETT. I said at the beginning that I was speaking of the provisions of sections 8 and 9. I am fully aware that the Supreme Court has decided in the Northern Securities case that holding companies, such as the Northern Securities Co., when they undertake to combine, and thereby interfere with commerce and have a monopoly, come within the purview of the act of 1890 by a divided court of 5 to 4. But I will read from the case of the Louisville & Nashville Railroad Co. *v.* Kentucky (161 U. S., 702).

Mr. Chairman, I ask unanimous consent that I may have 10 minutes instead of 5. I want to put this in the RECORD.

Mr. CARLIN. Mr. Chairman, I shall not object to my friend.

Mr. BARTLETT. The chairman of the Committee on the Judiciary when he left told me I might have additional time.

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. BARTLETT. This was a case where the Louisville & Nashville Railroad undertook to combine with another railroad and to purchase some of its stock and own it in contravention of the constitution of Kentucky, which said it should not be done. When attacked in the courts for doing it they set up that the statute of Kentucky was unconstitutional because it interfered with interstate commerce, both railroad companies being interstate railroads. In that case the court said:

> It was said in Sherlock *v.* Alling (93 U. S., 99, 103, 104) and quoted with approbation in Plumley *v.* Massachusetts (155 U. S., 461) that "in conferring upon Congress the regulation of commerce it was never intended to cut the States off from legislating on all subjects relating to the health, life, and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the Constitution. * * * and it may be said, generally, that the legislation of a State not directed against commerce or any of its regulations, but relating to the rights, duties, and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit."
>
> It has never been supposed that the dominant power of Congress over interstate commerce took from the States the power of legislation with respect to the instruments of such commerce so far as the legislation was within its ordinary police powers. Nearly all the railways in the country have been constructed under State authority, and it can not be supposed that they intended to abandon their power over them as soon as they were finished. The power to construct them involves necessarily the power to impose such regulation upon their operation as a sound regard for the interests of the public may seem to render desirable. In the division of authority with respect to interstate railways Congress reserves to itself the superior right to control their commerce and forbid interference therewith, while to the States remains the power to create and to regulate the instruments of such commerce so far as necessary to the conservation of the public interests.
>
> If it be assumed that the States have no right to forbid the consolidation of competing lines, because the whole subject is within the control of Congress, it would necessarily follow that Congress would have the power to authorize such consolidation in defiance of State legislation—a proposition which only needs to be stated to demonstrate its unsoundness. As we have already said, the power of one railway corporation to purchase the stock and franchises of another must be conferred by express language to that effect in the charter, and hence, if the charter of the Louisville & Nashville Co. had been silent upon that point it will be conceded that it would have no power to make the proposed purchase in this case. As the power to purchase, then, is derivable from the State, the State may accompany it with such limitations as it may choose to impose. Its results, then, from the argument of the appellant that, if there be any interference with interstate commerce it is in imposing limitations upon the exercise of a right which did not previously exist, and hence if the State permits such purchase or consolidation it is bound to extend the authority to every possible case or expose itself to the charge of interfering with commerce. This proposition is obviously untenable.

So that if the Congress has the right to exercise this power of prohibiting interlocking directorates in corporations simply because they engage in interstate commerce, then Congress has the power to permit interlocking directorates; and if the power is in Congress, the power is exclusive in Congress, and the whole power to regulate can be taken away from the States. In my opinion that can not be done.

I have another case here to which I desire to call the attention of the House, in volume 204, United States, page 152. That was a case where the State of New York levied a tax upon the transfer of shares of stock sold in New York. The tax was resisted upon the ground that the stock was sold to some one outside of the State, and that the tax was an interference with interstate commerce. The court held:

> The protection of the commerce clause of the Federal Constitution is not available to defeat a State stamp-tax law on transactions wholly within a State, because they affect property without that State, or because one or both of the parties previously came from other States.

Those are two decisions which I have cited, and to which I desire to call the attention of the committee. If they are the law, if it be true that the State and only the State has the right to regulate who shall be directors and who shall not, and what a railroad or a corporation shall do in reference to purchasing or owning the property of its competitor, then the Congress has no power such as this bill undertakes to exercise. I do not think it has the power. I may be mistaken. I know that the steps have been long and the strides have been far in the direction of controlling everything under the commerce clause of the Constitution.

I recall a letter written by Mr. Jefferson to Judge Sloan in 1816, as I recall the year, when, criticizing and condemning the effort to concentrate all power in the Federal Government here at Washington, Mr. Jefferson said that under the commerce clause of the Constitution they would undertake not only to regulate what was real interstate commerce, but to bring under the control of Congress all manufacture and agriculture. If he could now revisit these scenes of his labors and see what has been done and what we are daily attempting to do he would see that the prophecy he made in 1816 had almost come to a dread realization.

So, Mr. Chairman, I find myself in this position of having very serious doubt as to the constitutionality of these sections and as to the power of Congress to enact them. I can not get away from that. It is no hobby. I have undertaken to study the question. I have given much thought to it on other occasions, as I have also upon this occasion, and I can not escape the conviction that Congress does not have the power, in regulating the instrumentalities of Congress, like railroads that pass from one State to another, to say how the internal affairs of such a corporation shall be managed.

To repeat what was said in the Kentucky case, would anyone presume for a moment that Congress would have the power to say that if the State law forbade it, that one competing railroad could absorb another, yet, in spite of said State law, should authorize such consolidation? Yet if Congress has the supreme and sole power and jurisdiction over the subject, it would have the right to permit it—as it does in this bill—permit traffic arrangements and permit railroad officers to confer together for

the purpose of making agreements. If the State law forbids corporations within its domain from making these arrangements, Congress having the power to direct and saying that they can make these arrangements, and that one railroad could absorb another, you can not escape the conclusion and conviction that if Congress has the exclusive power to forbid these things it has the power to permit them.

So, Mr. Chairman, I come back to the proposition that these provisions of this bill give me serious concern and serious doubt as to what my duty in the matter is. I realize that I am liable to err as to how the law will be construed. When I read some recent decisions of the Supreme Court of the United States it looks, Mr. Chairman, as if they were ready to go even further than Congress wants them to go. The Supreme Court may decide this to be constitutional. As far as I am concerned I think they endanger the good provisions of the bill, and that in the platform, as it was written in Baltimore, the demands placed on the Democratic Members were made without considering whether they could be sustained in the courts or not. [Applause.]

Mr. GREEN of Iowa. Mr. Chairman, orders have been issued from the White House that the trust problem should be taken up at this session and some new law passed. These instructions have been issued in accordance with a theory, of which the President seems to be the chief exponent, that to cure any evil that exists it is only necessary to put a new law upon the statute books, and it matters little in what form the law is enacted. One part of this theory is that legislation upon any subject, no matter how complicated, can easily be drafted, and when once formulated should be accepted by Congress without any changes or amendments. At this particular time I doubt whether the country at large is as ready to accept this theory as it has been. It is getting some experience with half-baked legislation, and now in the bill before us we have some measures as to which the cookery has not even gone that far. We had already on our statute books undoubtedly the best law on the subject of trusts and combinations in restraint of trade possessed by any nation. It is a model of brevity, clearness, and of comprehensiveness. It has been tried again and again and never found wanting except when its failure was caused by incompetency, neglect, or something worse. It will not, of course, reach acts done in intrastate business. These can only be reached by the States themselves, although the framers of this bill seem to have overlooked this obvious rule.

Mr. Chairman, the bill is drawn on wrong lines. It undertakes to deal with specific acts, regardless of whether they are done in restraint of trade or for the purpose of creating a monopoly. In framing the bill it seems to have been forgotten that an act may be perfectly innocent and an aid to competition when done by a small dealer for the purpose of extending his trade, while the same act may be highly injurious when done by a large concern as a part of a far-reaching scheme for the purpose of creating a monopoly. It has been said by a member of the committee introducing the bill that the Sherman law merely reached acts done in restraint of trade, while this bill was intended to promote competition. Such a statement shows an utter misconception of the Sherman law. If restraint of trade be forbidden—and everyone concedes it is forbidden by the Sherman law—competition is free. We can not compel different concerns to compete, but we can compel them to give a free and fair field to competition with each other and forbid their combining with each other in restraint of trade and thus preventing competition. This is just what the Sherman law does. Restraint of trade, Mr. Chairman, is the exact converse of competition. Forbid restraint of trade and the door is thrown wide open for competition. The Sherman law provides for competition and at the same time it does not fetter business, because sales and contracts alike are left undisturbed where no restraint of trade is imposed.

Another great defect in the bill is that it undertakes to be specific, but finding that the attempt resulted in expressions either too broad or too narrow, it has been sought to remedy the difficulty by the use of indefinite terms. Who can even guess at the meaning of certain expressions used in the bill? For example, "wrongfully injure a competitor"; "arbitrarily refuse to sell"; "substantially lessen competition"; "legitimate purposes," and so forth. The committee itself seemed to be so uncertain of the effect of the bill that it not only inserted numerous provisos, but it was found necessary to follow these provisos with other provisos to the effect that no part of the bill should be construed to modify existing laws.

The result, if the bill becomes a law, will be to create doubt and uncertainty. The business man embarking upon a voyage of trade will not know which way to steer his vessel. The construction of the act will necessarily be involved in a fog of doubt, and until its uncertainties are settled the most honest may be in fear and the active will hesitate.

The bill will neither do the harm many expect nor the good which its authors anticipate. It is so crudely drawn that many of its provisions are meaningless, and it is so far from having any "teeth" that a corporation lawyer who could not drive a six-horse team and hand wagon through nearly all of its provisions ought to be discharged at once. In some respects it actually weakens the Sherman law by providing a method of evading it.

Section 2 of the bill is a good example of the method which has been used in preparing the bill. This section forbids discrimination in prices in different localities, except such as is caused by making due allowance for transportation charges, and so forth. Yet the only way for a small concern to get a foothold in a new locality is to sell at first at a reduced price; otherwise it will be unable to get the business. In so doing competition is stimulated and a monopoly on the part of those who have been in control of that market can be prevented. But this section seems to place such transactions under the ban of the law. The large industries can easily establish branch houses in any desired locality, and thus evade the law entirely, although its purpose in lowering prices may be part of a plan to build up a monopoly and drive its competitors out of that locality. Thus the small concern may be punished, although its acts are not only innocent but in reality beneficial, while the big monopoly goes free. The effect of this section, if it has any effect, will not be to promote competition, but to destroy it, and its provisos legalize acts which are forbidden under the Sherman law when done as a part of a scheme to restrain trade.

Section 3 is so indefinite that no one can tell what it means. It is intended to compel those operating coal mines to sell to the public. It will have no such effect. No two persons have agreed as to what is the meaning of the word "arbitrarily," as used therein. If it means what the authors of the bill state, namely, "without any reason whatever," then the section has not the slightest effect. If it means what some others claim, it will embarrass the small dealer without in any way reaching the large dealer who has branch selling houses in each State. In any event, its meaning is so uncertain as to make its enforcement impracticable and its enactment useless, if not dangerous.

Section 4 strikes at the small dealer, who can not maintain an agency of his own in another State while the large dealer can maintain an agency therein, and by making his sales through such agency cause all such sales to be intrastate business and entirely escape the provisions of the section. Like the two preceding sections it holds a club over the head of the small dealer and leaves open a wide door through which the big interests may escape.

Section 5 is included in the Sherman law as it now stands.

The first paragraph of section 7 does not include cooperative agricultural associations, and all amendments for that purpose were rejected. In its original form it contained nothing not already provided by law.

The second paragraph of section 7 is one of the most dangerous in the whole bill. It gives the railroads the privilege of making agreements with reference to rates and services which they shall perform regardless of whether they are competing lines or not. The railways have been trying for years to obtain this privilege, and heretofore Congress has always denied it. It is true that the bill excepts agreements to maintain rates, but this can easily be evaded as it does not forbid agreements to establish or fix rates. The provision that such agreements shall be approved by the Interstate Commerce Commission does not help the situation. Inevitably competition is destroyed when such agreements are made, rates will be raised, and service heretofore rendered will be denied. The railways can agree upon slow trains, upon onerous conditions for shippers, and to refuse privileges heretofore granted. Whether intended or not this paragraph conceals a "joker" of the most dangerous kind.

Section 8 is a sham, pure and simple. It pretends to be that which it is not and which it can not be. It pretends to forbid the consolidation of competing railroad companies by means of holding companies. As an actual fact it facilitates such consolidation. It pretends to strengthen the Sherman law while it actually weakens it. It pretends to forbid the use of holding companies for the purposes of consolidating companies engaged in commerce. It actually provides that such holding companies may be organized instead of commanding their dissolution.

Mr. Chairman, it was held in the Northern Securities Co. case—and since that time no lawyer has pretended to doubt

porations go into interstate commerce we have a right to say to them, "You must comply with provisions of this class, provisions that are recognized generally as reasonable." I simply submitted them as such. I realize it is useless for me to attempt to convince this committee, but I want to impress upon it that it is not safe to go before this country with a provision such as you have in section 8. Here is a provision that clearly wipes out for all practical purposes the Sherman Antitrust Act so far as it prohibits combinations in restraint of trade. The Democrats and the Republicans stand pledged to the maintenance of the Sherman Antitrust Act. Do you believe that you can deceive the people into the belief that you are passing an effective statute? In some way this statute may soon reach the courts. When it does the court will give it the construction that its plain language clearly warrants, and when they do you will have a reckoning. No doubt you expect this bill to be rewritten in the Senate. I do not believe you expect this bill to become a law or you would try to correct it in this House. It certainly does not add to the standing or dignity of the House by passing such a political makeshift as this.

Mr. THOMPSON of Oklahoma. Mr. Chairman, I regret the action taken by the Banking and Currency Committee when it met the other day and agreed not to consider rural-credits legislation immediately, but to postpone action until the antitrust program is out of the House. This means that there will be no legislation on the subject of rural credits at this session of Congress. Mr. Chairman, I conducted a filibuster in this House on the 14th of last month, in the interest of legislation for the farmers and laborers of this country, which is more important, in my opinion, to the American people than the tariff, a commercial system of banking, or the antitrust acts. We were assured by the leaders of this House, if the Banking and Currency Committee would report a bill, it would be considered at this session. I desire to call attention that nearly a month has passed, and the Banking and Currency Committee has not held a meeting to consider the question. I am informed that some, if not all, of the Democratic members of that committee met informally the other day and, by a majority vote, decided not to consider this question until after the antitrust bills had been disposed of in the House. No one is so simple as not to be able to understand what this means. We all know that this legislation has been put in cold storage and will be strangled, so far as this session of Congress is concerned. Had the Banking and Currency Committee met immediately after the 14th of May and begun the consideration of this question, on the report of the subcommittee, which had been holding sessions since last November, it might possibly, with the assistance of H. Parker Willis, of the Wall Street Journal of Commerce, who prepared the banking and currency bill we passed last year, and who received $3,500 for that work, have reported to Congress, before the antitrust program is out of the way, a bill on this subject. This Congress, if this had been done, could have passed a bill on this subject at this session.

Mr. Chairman, if this legislation is not passed at this session of Congress the people will know where to place the blame. It will rest on the Banking and Currency Committee. The action of that committee in postponing the consideration of this subject until the antitrust program is completed means that it will take a month after that date before a bill can be reported. That will be some time in July, and insures death to this legislation at this session. Mr. Chairman, the widespread demand for this legislation among the American farmers has been demonstrated to me by letters from all parts of the country. I have just received a letter inclosing one addressed to Mr. Bryan. It is so simply worded, so earnest in purpose, and so appealing in tone that I desire to read it into my remarks to impress upon the Congress that a great mistake is being made by postponing action which means so much to the American farmer. He has suffered long and patiently; he has seen the earnings of his family taken to build battleships, to construct the Panama Canal, to dig out rivers and harbors, to build cities and foster and encourage manufacturing industries, to wage costly wars that people of islands beyond the seas might be free—all this he has seen and borne without complaint; but I warn you if this piece of legislation so vital to the welfare of himself and family is put to death in the House of Representatives he will demand an accounting; he will visit his wrath on the heads of those who prove faithless in this hour which is fraught with so much promise to him. Mr. Chairman, the letters I refer to read:

ABERDEEN, S. DAK., *May 28, 1914.*

Hon. J. B. THOMPSON,
Washington, D. C.

MY DEAR SIR: I inclose a letter which I had intended to send direct to Mr. Bryan, but upon reading your remarks in the CONGRESSIONAL RECORD of May 22 I concluded to inclose it with one to you upon the matter of the rural credits bill, for which you have been so nobly contending. The farmers of the great Northwest will be in a sad plight this fall if they are not able to borrow money to protect the abundant crop which at this time bids fair to excel any other year. As a consequence of several bad years, these crops will have to go on the market at thrashing time, and that means a price below the cost of production. The farmers of the Northwest are living in hopes that this bill may become a law and in effect before the crop is disposed of.

God bless you and give you success in your efforts.

Very respectfully, yours,

C. H. CREED, Sr.

And the letter addressed to Mr. Bryan reads as follows:

ABERDEEN, S. DAK., *May 28, 1914.*

Hon. W. J. BRYAN,
Secretary of State, Washington, D. C.

MY DEAR SIR: By way of introduction I will say that I am the founder of the Dacoma Industrial Chautauqua, near Aberdeen, which platform you have graced several times, which doubtless you remember distinctly, although you may have forgotten the manager. I wish to send greetings in behalf of the agricultural interests of this section for the great work you have done since entering upon the great office which you have so ably filled and for the efficient work in behalf of the interests of the farmers of the whole country. One thing more ought to be done before Congress adjourns, and that is the passage of a rural credits bill. The present outlook is good for an immense yield of small grain, and under the present system of commerce the great bulk of this crop will have to be marketed at a very low figure—below the actual cost of production—if the farmers can not borrow money at reasonable rates against their stock of grain and get a reasonable price, based upon the law of supply and demand. We are in hopes that President Wilson—God bless him—and you can see the great need of the enactment of this measure at the present session of Congress, and for this purpose we are writing this original request that you might be the means of giving us the relief which we so much desire.

God bless and give you abundant success in your work.

Most sincerely, yours,

C. H. CREED, Sr.

Mr. Chairman, if this legislation is not reported at an early date, I shall avail myself of all the power the rules of the House permit to force some action. I will not sit idly here and permit this legislation to be slaughtered in the House by its supposed friends. We were told the other day when I was making a fight for the consideration of this rural credits bill that the banking and currency bill passed last year extended credit of $369,000,000 to the farmers of this country. I congratulate myself that I was partly responsible for this credit extended to the farmer; but I desire to call attention in this connection to the fact that the regulations under which these loans may be made are as follows:

First. Real estate security must be farm land.

Second. It must be improved.

Third. There must be no prior lien.

Fourth. The property must be located in the same Federal reserve district as the bank making the loan.

Fifth. The amount of the loan must not exceed 50 per cent of the actual value of the property upon which it is secured.

These loans must not be for a period longer than five years, and the total of such loans by any bank must not exceed one-third of its time deposits and must not in any case exceed the capital and surplus of the bank. The time deposits in the district which I represent, according to the last report made to the Comptroller of the Treasury by the national banks, are:

Murray County, $22,350, and the amount loaned on real estate under this law could only be $7,450.

Garvin County, $129,293.19, and the amount of loans would be restricted to $43,097.73.

McClain County, $26,174.92, and the amount of loans would be restricted to $8,724.97.

Cleveland County, $2,246.12, and the loans would be restricted to $748.70.

Oklahoma County, $543,221.75, and the amount of loans would be restricted to $181,073.92

In Logan County there are no time certificates of deposit, and there would be no loans on farm lands.

In Payne County the time deposits are $80,589.34, and the amount of loans would be restricted to $26,263.10.

Mr. Chairman, I desire to say in conclusion that Mr. WINGO, of Arkansas, Mr. RAGSDALE, of South Carolina, and Mr. NEELEY of Kansas, all of whom have ever been steadfast friends of the farmer, I am informed, voted for the immediate consideration of this legislation. I hope we may build a fire on the backs of those who voted against the interests of the farmers and laborers of the country, which will cause them to wake up and legislate in the interest of this great industry, which comprises 40 per cent of the population of our country.

Mr. Chairman, I voted for the Thomas amendment this afternoon to the antitrust act, and I want to call attention to a report that is carried this afternoon in the Evening Star of an interview with the President which confirms me in the view that I took at that time when I voted for the Thomas amendment. I did not believe that the Webb amendment was broad enough to exempt labor and farmers' organizations from the terms of

the antitrust act. The Star carries this report, in talking about the interview with the President:

He was asked numerous questions as to pending legislation, and especially as to the amendments to the Clayton bill touching upon the exemption of labor unions from the operation of the Sherman antitrust law. He does not believe that the amendments agreed upon by the administration and Congress give the exemptions mentioned.

That is in exact accordance with the view that I had when I voted for the Thomas amendment. The article continues:

On the contrary, he thinks there is no more immunity for labor and farm organizations, as far as violations of the law are concerned, than any corporation or other organization.

Mr. Chairman, I did not believe when I voted this afternoon that the amendment offered by the gentleman from North Carolina [Mr. WEBB] took care of labor and farmers' organizations, especially of farmers' organizations. I have not very many labor organizations in my own State, but we have a great many farmers' organizations, and I want to say this, that while that amendment might exempt the organization as such, it did not exempt the actions of the organization officials. Suppose the president of the farmers' union were to send down word to the organizations, or to the members of the union, to hold their cotton in the warehouse and not to sell it, to await a better price, is there any member of the Committee on the Judiciary who would say that that would not subject the member of the organization who sent down that word to prosecution under the Sherman antitrust law? If there is any Member, I would like for him to rise in his place and say so. The question was propounded here by Mr. GARNER this afternoon to the gentleman from Texas [Mr. HENRY], who is a genuine friend of the farmer, and Mr. HENRY did not answer the question. It was also submitted to the gentleman from Pennsylvania [Mr. GRAHAM], and he candidly admitted that it would subject these members of the farmers' union, the grange, and so forth, to criminal prosecutions under the Sherman antitrust law. Now, Mr. Chairman, I want to say this: These gentlemen come before us and say this amendment offered by Mr. WEBB is supposed to take care of the farmers' and labor organizations. If this amendment takes care of them, why are not you willing to go further and put in it that they shall not be subject to prosecution; that these organizations shall not be subject to the terms of the antitrust act?

If we want to do the thing, if you want to exempt these organizations why not put language in the bill that absolutely and plainly takes care of them, and not put language in there that would be subject to judicial construction. Now, I do not know what experience you gentlemen have had with Federal judges. I know, Mr. Chairman, that out in our State we have not very much regard for the opinion of a Federal judge on any question. Why, they have tied up our 2-cent fare rate, they have enjoined our taxation, they have attempted, Mr. Chairman, to enjoin statehood in Oklahoma in the face of an act of Congress.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. THOMPSON of Oklahoma. Yes.

Mr. HENRY. The gentleman referred to my colleague asking me a question, and said that I did not reply to it. I did make a reply to it, and I want to add here that even if this exemption were not written into the law which we have written in the shape of the Webb amendment that the farmers of Oklahoma or of Texas could meet and agree to hold their cotton or their grain, and put it in a warehouse, and hold it there until they got ready to sell, and that would not be a violation of the terms of the Sherman antitrust law.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY. I ask unanimous consent that the gentleman have five minutes longer.

Mr. CARLIN. Mr. Chairman, reserving the right to object, the gentleman now is discussing matters that have been disposed of in the committee before, and we are trying to get along with this bill. We have 23 sections to dispose of, and we have just reached section 8, and, while the discussion is extremely interesting, if it is going to take very much longer——

Mr. HENRY. It is not going to take more than two minutes longer.

Mr. CARLIN. I have no objection to the gentleman having two minutes.

The CHAIRMAN. Is there objection to the gentleman from Oklahoma proceeding for two minutes?

Mr. THOMPSON of Oklahoma. If I do not get some time, I will raise the point of no quorum if the gentleman wants to make objection.

Mr. CARLIN. That is the gentleman's privilege.

Mr. THOMPSON of Oklahoma. And I will exercise my privilege.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY. I say, without this exemption the farmers of Texas could have met and agreed to put their cotton in the warehouse and keep it there until they got ready to sell, and it would not be a violation of the Sherman antitrust law. Now, this exemption makes assurance doubly sure, and they are exempted from the provisions of the antitrust law, both in State and interstate commerce, if they see proper to invoke the protection of it.

Mr. THOMPSON of Oklahoma. Does the gentleman mean to say to this House that if the farmers of Oklahoma were to put their cotton in a warehouse and hold it for a certain price they would not be guilty under this act?

Mr. HENRY. Even if this law were not passed now they could not be touched under the terms of the Sherman antitrust law.

Mr. THOMPSON of Oklahoma. Suppose the men who manufacture the cotton should put their manufactured goods in the warehouse to hold the manufactured goods for a certain price, would they be guilty under this act?

Mr. HENRY. If it entered into interstate commerce and becomes a part of interstate commerce, that is another proposition; but here is a purely local proposition, and it is not in violation of that statute. You can put every bale of cotton raised in Oklahoma or every bushel of corn or grain and hold it there until you get ready to sell, and that is not a violation of the Sherman antitrust law.

Mr. BARKLEY. I will say further this is exactly what was done in Kentucky with the tobacco raisers who pooled their tobacco——

Mr. THOMPSON of Oklahoma. And there was a fine imposed of $3,500——

Mr. BARKLEY. That is where they were charged with interfering with interstate tobacco by crossing the Ohio River.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMPSON of Oklahoma. I had five minutes, I thought.

The CHAIRMAN. The gentleman had two minutes.

Mr. THOMPSON of Oklahoma. I thought it was five.

Mr. CARLIN. I have no objection to the gentleman having three minutes more.

Mr. THOMPSON of Oklahoma. I want to extend my remarks by publishing in the RECORD a letter I have here on the subject of rural credits.

The CHAIRMAN. Is there objection to the gentleman's request?

Mr. THOMPSON of Oklahoma. Mr. Chairman, I have a letter here on that subject, and a letter addressed to the Hon. William Jennings Bryan, Secretary of State, on that subject, and I want to put both of those letters in the RECORD. And I want to say at this time, Mr. Chairman, that unless we have rural credit legislation we have got to maintain a quorum pretty soon, and I shall make some points of no quorum.

The CHAIRMAN. The gentleman from Oklahoma [Mr. THOMPSON] asks unanimous consent to extend his remarks in the RECORD by the insertion of certain letters. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, this provision, section No. 8 and the subsequent section of this bill, stretch the power of Congress over interstate commerce very far. In fact, Mr. Chairman, I have very serious doubts myself whether they do not go beyond the limit of the power of Congress to regulate interstate commerce by undertaking to regulate the internal management of corporations created by the States.

So far as I am concerned, Mr. Chairman, on another occasion I saw fit to give expression to my views on this subject in a minority report which I signed, emanating from the Committee on Interstate and Foreign Commerce of the House in 1910, and also to say what I thought about that subject on the floor during the discussion of that bill. I think there is more power in Congress and more reason for exercising it in regulating the matter of directors or the matter of transportation companies than it has to exercise it in this bill. I realize, Mr. Chairman, that the Democratic Party in its Baltimore convention adopted this in its platform:

We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including, among others, the prevention of holding companies, of interlocking directors, of stock watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

I am a pretty loyal Democrat, Mr. Chairman. I believe in following the declarations of party platforms, confiding in the wisdom of those who represent the party in the convention; and but for that declaration in the party platform I do not see how

partly to this committee and to other committees, if caught at the inception, but they have gone to the committee, have re-

upon it, and if that be true, it is certainly in order to offer it as a separate section.

Mr. TOWNER. Oh, I beg the gentleman's pardon. It does. It says "commerce," which you define by this bill to be interstate commerce. It is limited strictly to that.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. TOWNER. Mr. Chairman, I would like to have five minutes more.

The CHAIRMAN. The gentleman from Iowa [Mr. TOWNER] asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. TOWNER. Now, Mr. Chairman, allow me to make a further statement in regard to this amendment. Certainly it meets a real evil, and if gentlemen desire to make this bill of benefit to the people of the United States they ought not to object to this amendment to it.

The products of the Iowa creameries last year sold in the Chicago market at the average price of 33 cents a pound, and yet the average price received by the farmers for their butter fat was only 25 cents a pound. The "centralizers," those controlling their market, made 36 per cent on the butter and had a margin of 20 per cent in addition on the overrun, for a pound of butter fat will produce 1.20 pounds of butter. Two of the cooperative concerns paid the farmers 34½ cents a pound, or more than the Chicago prices.

Now, if you allow the destruction of these cooperative associations, not only of creamery and dairy products, but all other associations of that character—voluntary associations of the farmers who put directly their product on the market—if you destroy them and drive them out of business, you put into the hands of these "centralizers," who control the markets, the power to destroy competition and enable them to pay the farmers just what they choose for their product.

Mr. METZ. Will the gentleman yield for a question?

Mr. TOWNER. Yes.

Mr. METZ. In New York City we have no dairies and no cows, and we have got to get milk from outside. Now, suppose that across the line in New Jersey there is a town which has a cooperative concern like the one the gentleman speaks of. The milk dealer in New York City is shy in milk and must get a supply. He goes to New Jersey and buys milk from the farmers at a higher price than the cooperative concern is paying, for the purpose of getting milk to take it to New York. Would that be permissible under your amendment, or must the city of New York go without milk?

Mr. TOWNER. I will say to the gentleman that this bill could not apply in any case unless the object and purpose was to destroy competition or establish a monopoly or drive out a producer.

Mr. METZ. The purpose is to get the milk, and if they take it away that town has got no milk.

Mr. TOWNER. This amendment is limited strictly to cooperative associations. It meets directly a real need; it meets directly an evil that is growing throughout the United States and needs immediate relief.

Mr. METZ. You prohibit anybody buying from the dealer or producer at a higher price the thing which is purchased by the cooperative concern.

Mr. TOWNER. I will say to the gentleman that there can be nothing that will so bring down the price of food products to the ultimate consumer like the destruction of these combinations that control them. The middlemen are the people who raise the prices. Butter is sold in the Chicago market at an average price of 33.92 cents for a whole year, and yet the farmers receive less than 25 cents for their product. The farmers will receive a higher price and the consumers will pay a lower price if you will encourage cooperation in the production of food products. I sincerely hope this amendment may be adopted.

Mr. GREEN of Iowa. Mr. Chairman, if there is any necessity for section 2, there is also special necessity for the converse, which is found in the amendment of my colleague. Section 2 provides that any person who shall discriminate in price with intent to injure a competitor between different purchasers of commodities shall be subject to the penalties of the act. This amendment provides, in effect, that anyone who shall discriminate between sellers—that is, persons who are bringing various products to him to be sold—shall also be subject to the penalty where the object and purpose is to destroy competition or to obtain a monopoly. As my colleague has suggested it strikes at an evil that has been maintained and been growing for a long time in the section of country which we represent. A very large creamery is maintained in the neighboring State of Nebraska, and that creamery makes a practice of overbidding and outbidding any concern that may start up in competition with it in the neighboring State. The only way this evil can be reached is by some such provision. I am very much inclined to think it ought to have been included in section 2.

I know it is said that these acts are already reached and covered by the Sherman Act. It is true they are, if there is any restraint of trade or if monopoly is intended to be acquired, as I think; but the gentlemen upon the other side have all along been contending that similar acts were not covered and not reached by the Sherman Act. If so, then this provision which has been introduced by my colleague [Mr. TOWNER] is absolutely necessary in order to reach actions of this character.

Mr. FITZHENRY. Mr. Chairman, I rise to oppose this amendment. It seems to me it should be defeated, if for no other reason than the manner in which it is drawn. It provides that in any city, town, or county in the United States where a cooperative association is established for the purpose of producing or marketing a product any person who shall, directly or indirectly, for the purpose of destroying competition, discriminate in price in the purchase of such food products or other material within such city, town, or county shall be subject to the penalties provided. It provides, first, for the location of the cooperative institution in a certain city, town, or county, and limits its operation to the city, town, or county, and clearly covers intrastate and not interstate commerce. It is true that in the following phrase these words are used:

Or use other means the effect of which is to destroy competition or to secure a monopoly in commerce.

That is such a vague provision that it ought not to be written into the law at this place.

Any merit that there might be in this proposition is all covered by the Sherman antitrust law, and the adoption of this amendment at this time will simply limit the remedies of the people against the institution which it is aimed against.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FITZHENRY. Yes.

Mr. GREEN of Iowa. Is the gentleman aware that you have much the same provision in section 2 with reference to the discrimination in price of commodities, which uses similar language? It refers to "purchasers of commodities in the same section."

Mr. FITZHENRY. Section 2 is to promote competition and not to limit it as is the idea here, and then section 2 is aimed against monopoly, a concern being engaged in interstate commerce coming into a particular locality and lowering the price, destroying the competitor, and then raising the price again. It covers a train of events.

Mr. WEBB. If the evil practices detailed by the gentleman from Iowa are interstate in their operation and effect, he defines very clearly a case which would come within the provisions of section 2 of the Sherman antitrust law, which is plain and specific, and which would break up the practice which he inveighs against and which ought to be broken up. It reads:

Every person who shall monopolize or attempt to monopolize or combine or conspire with any other person to monopolize any part of trade among the several States—

And so forth.

The acts which he complains of are covered by the Sherman antitrust law if they are interstate. If they are intrastate, he can not complain to Congress, because we have no power to remedy it. He must go to the State legislature and get them broken up by an act of that body, as we have done in North Carolina. Two or three months ago this same practice was tried on the people of the city of Wilmington, N. C., and the grand jury indicted them under the antitrust laws of our State and put them out of business and broke it up—the practice—by imposing fines on the parties to the practice.

Mr. GREEN of Iowa. Does the gentleman say that the acts attempted to be reached by section 2 are not done in restraint of trade?

Mr. WEBB. There it is the individual act, and the discriminating act itself is condemned.

Mr. GREEN of Iowa. That is what this is.

Mr. WEBB. Here you have a perfect monopoly described by the gentleman from Iowa [Mr. TOWNER] describing every detail, which makes it a monopoly or an attempt to monopolize, and comes within section 2 of the Sherman antitrust law.

Mr. GREEN of Iowa. It comes in the same way under the provision you have in section 2.

Mr. WEBB. This is not the place to offer the amendment. It would mutilate section 7 and has nothing to do with the preceding parts of the same section. The law is ample to cover the condition described, and I trust the House will not adopt the amendment.

anything about interstate commerce.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

SEC. 8. That no corporation engaged in commerce shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of another corporation engaged also in commerce, where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition, or to create a monopoly of any line of trade in any section or community.

No corporation shall acquire, directly or indirectly, the whole or any part of the stock or other share capital of two or more corporations engaged in commerce where the effect of such acquisition, or the use of such stock by the voting or granting of proxies or otherwise, is to eliminate or substantially lessen competition between such corporations, or any of them, whose stock or other share capital is so acquired, or to create a monopoly of any line of trade in any section or community.

This section shall not apply to corporations purchasing such stock solely for investment and not using the same by voting or otherwise to bring about, or in attempting to bring about, the substantial lessening of competition. Nor shall anything contained in this section prevent a corporation engaged in commerce from causing the formation of subsidiary corporations for the actual carrying on of their immediate lawful business, or the natural and legitimate branches or extensions thereof, or from owning and holding all or a part of the stock of such subsidiary corporations, when the effect of such formation is not to eliminate or substantially lessen competition.

Nothing contained in this section shall be held to affect or impair any right heretofore legally acquired: *Provided*, That nothing in this paragraph shall make stockholding relations between corporations legal when such relations constitute violations of the antitrust laws.

Nor shall anything herein contained be construed to prohibit any railroad corporation from aiding in the construction of branch or short-line railroads so located as to become feeders to the main line of the company so aiding in such construction, or from acquiring or owning all or any part of the stock of such branch line, nor to prevent any railroad corporation from acquiring and owning all or any part of the stock of a branch or short-line railroad constructed by an independent company where there is no substantial competition between the company owning the branch line so constructed and the company owning the main line acquiring the property, or an interest therein, nor to prevent any railroad company from extending any of its lines, through the medium of the acquisition of stock or otherwise of any other railroad company, where there is no substantial competition between the company extending its lines and the company whose stock, property, or an interest therein, is so acquired.

A violation of any of the provisions of this section shall be deemed a misdemeanor, and shall be punishable by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. VOLSTEAD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out all of section 8 and substitute the following:

"SEC. 8. (a) That it shall be unlawful to own, hold, or otherwise use any share of any capital stock of any corporation so as to aid in carrying into effect, creating, or maintaining any contract combination in the form of trust or otherwise, or conspiracy in restraint of commerce, or to own, hold, or otherwise use any such share so as to aid in effecting or attempting to effect a monopoly or any combination or conspiracy to monopolize any part of commerce. In addition to any punishments prescribed by existing law, it is provided that as a penalty for a violation of this provision all earnings that may accrue upon any share of capital stock while so unlawfully owned, held, or used shall be forfeited and belong to the stockholders of the corporations having issued the same whose shares are not then unlawfully owned, held, or used. And none of the shares of such stock while so unlawfully owned, held, or used shall entitle anyone to vote or otherwise participate in the election of any director, trustee, officer, or employee of the corporation having issued such share or to otherwise participate in the management or control thereof.

"(b) No corporation shall issue any share of capital stock or borrow any money to acquire any part of the capital stock of any corporation engaged in commerce, and the acquisition of any such stock by any such means is prohibited. Nor shall any share of capital stock of any corporation engaged in commerce be acquired by or on behalf of any other corporation by exchanging therefore directly or indirectly any share of the capital stock of another corporation. As a penalty it is provided that all earnings that may accrue upon any share of stock hereafter acquired in violation of this paragraph shall, while retained directly or indirectly by the corporation acquiring the same, be forfeited and belong to the other shareholders of the corporation having issued the same. And none of the shares of stock acquired in violation of this paragraph shall, while so retained, entitle anyone to vote for any director, trustee, officer, or employee of the corporation having so issued such stock, or to otherwise participate in the management or control thereof. This paragraph shall not prevent any bank, banking association, or trust company engaged as a business in receiving deposits from using such deposits to acquire, either by purchase or as security, any share of capital stock of a corporation engaged in commerce.

"(c) Unless otherwise authorized by the Commissioner of Corporations, no stock or any bond or obligation due more than two years from the date of issue shall be issued by any corporation engaged in commerce for less than par or until the fair market value thereof shall have been paid in cash into the treasury of the corporation. Said commissioner may, however, on application, permit any issue for less than par and for property in place of cash if it shall appear to him that it is reasonably necessary and that a fair consideration is actually received for such issue. Stocks, bonds, and obligations issued in violation of this paragraph shall be void.

"(d) That no corporation engaged in commerce shall declare any dividend except from the net profits arising from its business; nor shall it divide, withdraw, or in any way pay to the stockholders, or any of them, any part of the capital stock of such corporation, or any of the proceeds of the issue or sale of any such stock, unless it shall first be made to appear to the Commissioner of Corporations that it is reasonably necessary for the purpose of maintaining the credit of the corporation or to carry on its legitimate business. Any person who shall violate or participate in violating any provision of this paragraph or suffer or permit any violation thereof shall be individually liable for all the debts of the corporation and all shares of stock issued in violation of this paragraph shall be void.

"(e) That paragraphs (c) and (d) of this section shall not apply to any corporation whose capital stock, including bonds due more than one year from their date of issue, shall be less than $2,000,000 par value, unless the Commissioner of Corporations shall find and certify as to any corporation that it is a part of some combination that is so conducted as to make it substantially a business unit with more than $2,000,000 in capital including such bonds; or unless said commissioner shall find and certify as to any corporation that it controls more than one-half of all commerce in its line of commerce in any section that includes two or more States. Upon making such certificate, a copy thereof shall be delivered to the corporation affected, and from the date of such delivery this section shall apply to such corporation, and no part of this section shall apply to any corporation subject to regulation as a common carrier under the act entitled 'An act to regulate commerce,' approved February 4, 1887, and amendments thereto. Nor shall this section be construed to repeal any provision of the antitrust laws."

Mr. VOLSTEAD. Mr. Chairman, I assume that it is useless at this time to try to make this law any stronger by offering any amendments. We have to-day exempted labor organizations from the Sherman Antitrust Act; we have also exempted railway companies so as to permit them to stifle competition, and now section 8 is submitted to authorize the formation of trusts. I called attention to this section some days ago. I have listened patiently for any explanation of this section that would show that my criticism is not justified, but so far I have heard no such explanation.

I again call attention to the third paragraph of this section 8, and again repeat that it clearly permits corporations to consolidate into trusts. Clearly permits the creation of a community of interests that will eliminate anything like competition. I am not going to explain this feature any further than I did a day or two ago. Anyone who will read it carefully will come to the same conclusion that I have come to. I want to explain briefly the nature of my amendment. The first paragraph of the amendment attempts to compel corporations to unscramble their own eggs. It attempts to make it unprofitable for corporations or individuals to hold stock in violation of the Sherman Antitrust Act, and as such to induce them voluntarily to separate and organize along legal lines. If we depend on the courts to set aside these combinations, we know from past experience that it is ineffectual.

Mr. BARTLETT. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. I yield for a question.

Mr. BARTLETT. I could not get the purport of the gentleman's amendment. Does his amendment, like the section, deal solely with holding companies?

Mr. VOLSTEAD. It deals with all combinations through stock ownership.

Mr. BARTLETT. I understand this section 8 deals with holding companies only.

Mr. VOLSTEAD. No; it deals with all combinations through stock ownership. Paragraph 3 of the section deals solely with holding companies, but paragraphs 1 and 2 deal generally with stock consolidation of corporations, whether holding companies or not. Paragraph 2 of the amendment which I have offered was suggested in the hearings on this bill. Almost the only method adopted by corporations in forming these consolidations is by the issue of their own stock in exchange for the stock of the corporation that they seek to acquire. Corporations do not invest surplus money which they may have in the corporate stock of another corporation. On the other hand, they create an additional amount of stock and take that stock and use it for the purpose of trading for the stock of the corporation they seek to acquire. I have drawn the second paragraph so as to prohibit that practice. If that practice was prohibited, I do not believe we should have very much trouble about the formation in the future of other consolidations of corporations by reason of stock ownership. The third and fourth paragraphs of my amendment present nothing particularly new; like provisions can be found in almost any statute that seeks to regulate corporations.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I have sought not to apply paragraphs 3 or 4 to the small corporations that only incidentally do an interstate business. I have limited those two provisions to corporations with a capital stock of $2,000,000, but in defining capital stock I include the bonds. You can find provisions like those two in the Massachusetts statute or in the New Jersey statute. It seems to me that when these cor-

trusts and monopolies in restraint of trade. There is not a place it declares that they shall not transport their products

why, in dealing with monopoly, we should not deal with the

law, but clearly belongs to and is a part of the subject matter

to be regulated in the legislation now proposed to be adopted by this measure.

If the Chair will turn to section 3 he will observe that that section was amended by the adoption of an amendment offered by the gentleman from Oklahoma so as to cover these two articles of commerce. It was then contended that as this bill was drawn it did not cover the subject of oil and gas and hydroelectric energy, and the bill was so amended. And it is now contended that the transportation of both oil and gas in some sections of the United States is so manipulated and controlled that they avoid coming under the Interstate Commerce Commission, or the act to regulate commerce passed in 1887 or any amendment thereto.

If that be true—and I assume no one here will attempt to deny that condition in relation to this matter—then where does it belong if it does not belong in this bill, and when is the time to adopt the amendment or some provision to regulate that important matter, if not now in the handling of this trust legislation?

These two things—oil and hydroelectric energy—constitute two of the greatest articles of commerce, and are absolutely controlled to-day by the trusts of this country; and while we are adopting this antitrust legislation bearing directly on this subject and kindred subjects, is not this the time when something controlling these articles of commerce should be incorporated into this measure? I call the attention of the Chair to the language of the amendment, showing that it is not an amendment to the interstate-commerce law of 1887, because it distinctly provides that it is not any part of that law, but these are articles entirely outside of the purview of that legislation and all of the amendments that have been made of it. I submit that it is in order here, and I hope we will incorporate in this measure provisions which will control these twin giants of monopoly and which have been remorseless in their exploitation of the people of the entire country. We should see to it that these two great combinations are not permitted to escape all legislation which will make them amenable to strict regulation.

The CHAIRMAN. Will the gentleman from Indiana permit the Chair to ask him a question?

Mr. CULLOP. Certainly.

The CHAIRMAN. If the gentleman from Oklahoma [Mr. FERRIS] were to offer a bill containing in effect the provisions offered by him in this amendment, to what committee of this House would it go? In other words, what committee would have jurisdiction of it? Would it be the Committee on the Judiciary or the committee to which the gentleman belongs, the Committee on Interstate and Foreign Commerce?

Mr. CULLOP. I shall be glad to answer the Chair as I understand that matter. While I do not think that question is important here, or I do not think it could have any bearing in the consideration of this legislation, I do say that the jurisdiction of the subject matter of this bill was properly in the Interstate Commerce Committee and not the Judiciary Committee, and I agree with the distinguished gentleman from Illinois [Mr. MANN] upon that subject. Nearly every question dealt with in this legislation is a proper subject for the Committee on Interstate Commerce, and does not belong to the Judiciary Committee at all. But I submit the test in deciding this question is not to what committee a bill embracing this question should be referred, but does the amendment contain subject matter directly connected with the objects covered by this proposed legislation? Measured by that test it is clearly germane here and in order.

If that question had been raised at the inception of this legislation, the Speaker of this House doubtless would have referred the bill to the Committee on Interstate and Foreign Commerce instead of the Judiciary Committee, because the subjects embraced in it are proper subjects of legislation for the Committee on Interstate and Foreign Commerce and not the Judiciary Committee. But the question the Chair is now asking, I take it, is not the proper test and does not settle this question. The subject matter covered by this amendment is germane to the legislation here proposed and to the legislation that has been adopted all along in the sections of the bill we are now considering.

Mr. FERRIS. Will the gentleman yield?

Mr. CULLOP. I will.

Mr. FERRIS. Mr. Chairman, my only thought was to supplement what the gentleman is saying by calling attention to the fact that on the second paragraph of section 7 that we have just disposed of and on which a long debate ensued the gentleman from Illinois debated what occurred two years ago. The bill from beginning to end is made up of matters that belong partly to this committee and to other committees, if caught at the inception, but they have gone to the committee, have received consideration, been reported here, and this House has jurisdiction of it, and we ought to go along with it.

Mr. CULLOP. Mr. Chairman, one thought further and I am through. Let me call the attention of the Chair to this proposition: That whenever any subject has been referred for regulation or supervision in any provision in this bill it has been referred to the Interstate Commerce Commission and not to the courts of this country. Running through every provision from the first word in it to the close of the provision the jurisdiction and settlement of questions in a primary sense are committed to the Interstate Commerce Commission and not to the courts in this country. The last amendment adopted here was a matter that did not put the regulation of it under any court in this country, but it put it under the regulation of the Interstate Commerce Commission. If that view of it be true, then this subject is germane here. If the standard of what committee it would be referred to is to be taken as a measure of the jurisdiction of this question, the last amendment was not germane, and a number of amendments that have been adopted during the course of the consideration of this bill are not germane, because the question was referred for arbitrament to the Interstate Commerce Commission and not to the courts of the land.

Mr. MORGAN of Oklahoma. Mr. Chairman, may I call attention of the Chair to a few points? In section 9, which provides—

That from and after two years from the date of the approval of this act no person who is engaged as an individual, or who is a member of a partnership, or is a director or other officer of a corporation that is engaged in the business, in whole or in part, of producing or selling equipment, materials, or supplies to, or in the construction or maintenance of, railroads or other common carriers engaged in commerce, shall act as a director or other officer or employee of any other corporation or common carrier engaged in commerce—

And so forth.

Now, Mr. Chairman, if the committee had jurisdiction to control who shall be the directors of common carriers, why would not an amendment such as the gentleman from Oklahoma offers be germane? If it is appropriate to say who shall be directors of a common carrier in this bill, then it is appropriate to legislate on any subject that applies to common carriers; and if this amendment goes out on a point of order, will not we be compelled to take out of this bill section 9?

Mr. LENROOT. Mr. Chairman, with reference to the Chair's question to the gentleman from Indiana as to whether, if this amendment was introduced as an original bill it would go to the Interstate Commerce Committee, I submit to the Chair that that can not decide the germaneness of the amendment, for the reason that the sole standard is whether or not there is anything in this bill as it now appears before the committee to which this amendment is germane. If there is, it must be admitted, although in the first instance it might have gone to the Interstate Commerce Committee. If the Chair will recall, a little later on in the bill the subject of directors of banks is dealt with. If that had been introduced as an original bill it would have gone not to the Judiciary Committee but to the Committee on Banking and Currency.

Now, with reference to the germaneness of this amendment, I wish to submit an observation that has not been mentioned to the Chair, and that is that this is clearly germane under section 3 of the bill. In other words, section 3 of the bill has dealt with this very subject, and having done so this proposed amendment becomes germane. Section 3 deals, as amended, with interstate commerce in the product of the mine. It is provided that the owner or person controlling the product, or the transporter engaged in selling, is prohibited from arbitrarily refusing to sell that product.

Let me read to the Chair the amendment as it now stands:

That it shall be unlawful for any corporation or any person or persons to transport the products of any mine or mines, including coal, oil, gas—

And so forth.

Now, then, we have dealt with the transporter of these very products in section 3, and this proposed amendment only does one thing. The section as it stands relates to arbitrarily refusing to sell, and all this does is to provide that they shall not engage in that transportation unless they shall become a common carrier. It has nothing whatever to do with any amendment of the interstate-commerce law in the slightest degree. It simply places a condition precedent on the transportation of this product of the mine which this committee has dealt with in section 3.

It seems to me clear that if this amendment had been proposed to section 3 after the adoption of the gentleman's amendment no one would have thought of raising the point of order upon it, and if that be true, it is certainly in order to offer it as a separate section.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Yes.

Mr. FERRIS. Supplementary to what the gentleman has said, on page 24, the first paragraph of section 7 deals with labor conditions, and if the Chair is going to say as a test that the committee had no jurisdiction, that portion should have been referred to the Committee on Labor.

Mr. LENROOT. Yes.

The CHAIRMAN. But the Chair did not mean to intimate that that would be the test. The gentleman from Indiana simply suggested it to the Chair, and that is the reason the Chair propounded the interrogatory.

Mr. WEBB. Mr. Chairman, just a word or two. We are dealing here not with the creation of interstate common carriers, but with the acts of interstate carriers already established and the acts of individuals. We are dealing with combinations, contracts in restraint of trade, and immoral business practices. We are not undertaking to create common carriers, and that is all there is to my friend's amendment. He wants the committee considering an antitrust bill to force certain corporations to become common carriers, because they transport their own product from one State to another. It is not necessary to discuss that phase of it, but I doubt very much whether Congress can say that because a man transports his corn from one State to another on his own shoulders or in his own wagon that he can be compelled to be a common carrier. This very identical question is now pending before the Supreme Court of the United States. It comes from the Interstate Commerce Commission on an appeal, showing it is an interstate-commerce question, and I submit that this House in preparing an antitrust bill should not be put in the attitude of creating common carriers, and that therefore the amendment is not germane to this section or to the bill.

[Mr. DECKER addressed the committee. See Appendix.]

The CHAIRMAN. The Chair is ready to rule. The gentleman from Oklahoma [Mr. FERRIS] has offered an amendment as a new section which relates to the transportation of the products of any mine and provides that it shall be unlawful for any corporation to transport such product unless it becomes a common carrier within the intent and purpose of the special act entitled "An act to regulate commerce," approved February 4, 1887. In ruling upon the point of order it is not the province of the Chair to pass upon the desirability of such legislation or the importance of the particular amendment. If the Chair were to express his personal opinion he might be in sympathy with a good deal of what the gentleman from Oklahoma has said. But the Chair must pass upon the point of order under the rules and procedure governing such matters. This amendment does not on its face refer to any monopoly or restraint of trade or seek to prevent a monopoly in restraint of trade. The bill under consideration is a bill to supplement existing laws against unlawful restraints and monopolies. Reference has been made to the second paragraph of section 7, but as the Chair construes that paragraph it is simply intended to relieve certain officers of common carriers from the operation of the Sherman antitrust law under certain conditions set forth in the paragraph. The Chair is unable to understand how the amendment proposed by the gentleman from Oklahoma can be germane to a bill framed for the purpose of supplementing existing laws against unlawful restraints and monopolies. The Chair does not say it will not be in order at some future time in the consideration of this bill, but it certainly seems to the Chair, so far as this particular portion of the bill is concerned, that it is not germane, and for that reason the Chair sustains the point of order. The Chair would like to state, in addition, reference having been made by the gentleman from Wisconsin to section 3 and the amendment adopted by the committee a day or so ago, as a reason why this amendment is germane, that if the gentleman will read that amendment he will see that it simply provides that those in control, either as owners or transporters of the products of any mine, etc., shall not have the right to withhold such products from any responsible purchaser or, in other words, to use them for the purpose of crushing out competition. Quite a different proposition from that which is presented in the amendment now proposed. The Chair thinks that the amendment is not in order to this particular paragraph or section of the bill and therefore sustains the point of order.

Mr. TOWNER. Mr. Chairman, I desire to offer a new section.

The CHAIRMAN. The gentleman from Iowa offers a new section, which the Clerk will report.

The Clerk read as follows:

Page 24, after line 24, insert as a new section:

"That in any city, town, or county of the United States wherein a cooperative association is established for the purpose of producing or marketing a food product or products any person who shall directly or indirectly for the purpose of destroying competition, discriminate in price in the purchase of such food products or the materials thereof within such city, town, or county, or use other means the effect of which is to destroy competition or secure a monopoly in commerce, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding one year, or by both such fine and imprisonment, in the discretion of the court."

Mr. TOWNER. Mr. Chairman, this attempts to reach, and I think reaches, a very great evil which exists to such an extent that many of the States of the Union have already legislated to overcome it. Wherever a cooperative association is formed among the producers of food products large dealers in the same line of business at once try to drive the cooperative association out of business, and for that purpose will send into that territory their agents to purchase the products from the producers and endeavor by paying higher prices to drive out the cooperative association. The payment of higher prices for a time is for the purpose of destroying the competition of the cooperative association, put it out of business, and thus control the prices themselves. There is no law now in existence that exactly meets that condition with regard to interstate trade. For instance, to give a concrete example of the way this matter works, a cooperative creamery is established in some small town. If control is sought of the market by some large company or great combination of that character in an adjoining State they will send their agents to the town where the cooperative association is located and establish a receiving station—centralizers, as they are called.

Mr. WEBB. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from North Carolina?

Mr. TOWNER. Yes; I will yield.

Mr. WEBB. I thought that section 2 absolutely destroyed that practice.

Mr. TOWNER. I can not agree with the gentleman in regard to that. I can not even take the time to argue it. If that is the opinion of the committee, of course they will then be opposed to this amendment. But I think this amendment will make it so certain that there will be no question about it.

It is a very great evil. It injuriously affects more producers in this country than any other one thing to-day. In the State of Iowa there are many cooperative creameries established, and they are being put out of business by these "centralizers" from other States, who go into their markets and buy the products from the farmers at a higher price for a certain time, but whose sole object is to destroy the established creamery and control the market in their own interest.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Iowa yield to the gentleman from Arkansas?

Mr. TOWNER. Yes.

Mr. FLOYD of Arkansas. I did not catch the full purport of the gentleman's amendment. Can the gentleman briefly state it?

Mr. TOWNER. I can not state the purport more succinctly than to state its terms. My amendment reads:

That in any city, town, or county in the United States wherein a cooperative association is established for the purpose of producing or marketing a food product or products, any person who shall directly or indirectly for the purpose of destroying competition discriminate in price in the purchase of such food products or the materials thereof within such city, town, or county, or use other means the effect of which is to destroy competition or secure a monopoly in commerce, shall be deemed guilty of a misdemeanor—

And so forth.

Mr. WEBB. Mr. Chairman, I want to make this suggestion to the gentleman: We have absolutely no authority to pass that sort of an amendment. The gentleman is asking Congress to go into a city or a little town or village and regulate the affairs of business there. That does not relate to interstate commerce at all.

Mr. TOWNER. Oh, the gentleman is mistaken. This amendment would be effective only with regard to those engaged in commerce, and your bill says "commerce" is interstate commerce. The gentleman should not think that I do not know this bill operates only in interstate commerce. That is the great difficulty now. Very many States have legislated and do control this matter in the States, but that is not the most serious trouble. The serious trouble comes from those large combinations outside of the States and which the States can not control. This bill is limited in its terms and applies only to operations in interstate commerce.

Mr. GARNER. But the gentleman's amendment does not say anything about interstate commerce.

the Interstate Commerce Commission is aware of the fact that I brought it to the attention of the Interstate Commerce Com-

Mr. FOWLER. I do not understand that the amendment as I have offered it has ever been offered to this part of the bill.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 24, line 21, after the word "Commission," add the following: "and any Member of Congress."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. FOWLER) there were—ayes 8, noes 16.

So the amendment was rejected.

Mr. PLATT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Section 24, line 24, after the word "rates," add the following: "*Provided further*, That nothing in this act shall be construed as applying to associations of manufacturers conducted purely for profit and not for their health or for pleasure.

[Laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer the following as a new section.

The CHAIRMAN. Are there any further amendments to this paragraph. If not, the Chair recognizes the gentleman from Oklahoma.

Mr. FERRIS. Mr. Chairman, I have hesitated to offer an amendment to this section, because the Committee on the Judiciary have done so well, and I commend them for their good work and I am in sympathy with many of the provisions of the bill. But I wish to offer the following amendment.

The Clerk read as follows:

Page 24, line 24, after the word "rates" insert the following as a new section:

"SEC. 7a. That from and after the passage of this act it shall be unlawful for any corporation or any person or persons to transport the products of any mine or mines, including coal, oil, gas, or hydroelectric energy, either by rail, water, pipe line, transmission line, or otherwise, from one State, Territory, or District of the United States to any other State, Territory, or District of the United States, or to any foreign country, who shall not become a common carrier within the meaning and purposes of and subject to the act entitled 'An act to regulate commerce,' approved February 4, 1887."

Mr. FLOYD of Arkansas. Mr. Chairman, I make the point of order on that. I do not think it is germane.

Mr. FERRIS. Mr. Chairman, the point of order comes too late. The amendment has been debated.

Mr. BARTLETT. Oh, it has just been reported.

Mr. FERRIS. Oh, but it has been reported heretofore, and the point of order comes too late.

Mr. BARTLETT. Mr. Chairman, it seems to me that the point of order was raised and sustained when the same thing was offered as an amendment to the second paragraph of section 7. It was then withdrawn with a view of offering it as a new section, and the gentleman now offers it as a new section.

The CHAIRMAN. The Chair will state to the gentleman that the point of order was sustained when it was offered as an amendment to section 7. The gentleman now offers it as a new section.

Mr. FERRIS. And I proceeded to debate it, and did debate it, and after that some one asked that it be reported.

Mr. STAFFORD. But it was not reported.

Mr. FERRIS. It had been reported before, as I think the Chair will remember.

Mr. HARRISON. It had been offered as an amendment to the other paragraph.

Mr. BARTLETT. But it is offered now as a new section. It was withheld while these other amendments were offered.

Mr. HARRISON. It could not have been offered as a new section until now.

The CHAIRMAN. The RECORD shows that the amendment had not been reported. It was reported when it was offered as an amendment to the paragraph.

Mr. FERRIS. The Chair is not holding that it had not been read? It was read when I first offered it.

Mr. CARLIN. It was read out of place and out of time.

The CHAIRMAN. It was offered at that time as an amendment to the second section of paragraph 7, and it went out on a point of order. The gentleman now offers it again, and the Clerk has just reported it. What is the point of order made by the gentleman from Arkansas?

Mr. FLOYD of Arkansas. Mr. Chairman, I make the point of order that the amendment is not germane to the bill; that we have not undertaken in this bill, or in any paragraph of it, to regulate or define common carriers, but have been dealing with a criminal statute. What the gentleman seeks to amend is within the jurisdiction of another committee. This legislation is supplementary to the Sherman antitrust act regulating trusts and monopolies in restraint of trade. There is not a paragraph in it in which we undertake to assume jurisdiction over common carriers or to regulate in any way common carriers or define who shall be deemed common carriers or who shall not be deemed common carriers. The second paragraph of section 7, while it mentions common carriers, relates to certain agreements, conferences, or arrangements by common carriers, and is inserted for the specific purpose of relieving them from the operation of the Sherman antitrust law as a criminal statute in regard to such, and for no other purpose, and we submit that the amendment is not germane to any portion of this bill. That is a matter under the jurisdiction of the Interstate Commerce Committee. That is the committee that ought to deal with the matter embodied in this amendment.

Mr. HARRISON. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. HARRISON. The amendment offered by the gentleman from Oklahoma proposes to amend the act of February 4, 1887, which is the Interstate Commerce Commission act, and this bill does not propose to amend that.

Mr. FLOYD of Arkansas. There is not a paragraph in the bill that undertakes to amend the provisions of law relating to common carriers or the Interstate Commerce Commission act. We are dealing simply with the Sherman Act.

Mr. FERRIS. Mr. Chairman, the very first section of the bill, on page 19, which begins with line 15, specifically amends three different statutes wholly foreign to this bill. Section 7, the very paragraph that we have just concluded, in the second paragraph of it, specifically deals with common carriers. The gentleman in charge of the bill on the Judiciary Committee says that they did not assume jurisdiction in one breath and in the next breath he asserts that that section relieves common carriers from the laws that we now impose upon them by the Sherman Antitrust Act. I submit to the Chair, if the committee has jurisdiction to relieve common carriers from certain obligations imposed upon them by law, I can not fathom why we have not the same jurisdiction and the same power to impose additional conditions upon them, and if the rule works one way I can not understand how the gentleman could contend that offering this as a new section the committee is without jurisdiction to consider it.

Mr. BARTLETT. Mr. Chairman, it seems to me this is clearly violative of the rule of germaneness. In order that an amendment be germane it must be not only germane to the paragraph and the section, but germane to the bill and the purposes which the bill has in view. The very face of the amendment itself discloses that it proposes to do something which it is contemplated will put these companies described in this amendment not under the act of 1890, known as the Sherman antitrust law, but under the act of 1887, known as the interstate-commerce law, to regulate common carriers.

Mr. FERRIS. Does not the exemption afforded them on page 24 from lines 11 to 24 to that extent mention the Sherman antitrust law, and on page 19 does not the language from lines 15 to 24 and on over to the next page specifically amend three statutes foreign to this bill; and if not, why not?

It is amazing that the whole bill can be made up of amendments of the various statutes in another section that comes from the existing law in this identical section, and that an amendment trying to do the same thing in another paragraph should be held out of order.

Mr. BARTLETT. It is amazing that a gentleman of the intelligence of the gentleman from Oklahoma should get on a hobby here and ride it eternally in the House as he has done this proposition.

Mr. FERRIS. It is a pretty good hobby when you are trying to ride the Standard Oil and the water-power trusts.

Mr. BARTLETT. Now, Mr. Chairman, on the point of order I say this bill has reference solely to the creation of an addition to the Sherman antitrust law. The Committee on the Judiciary has no jurisdiction to consider propositions relating to interstate commerce except as to the effect of the law relating to interstate commerce. Now they propose to say—what? That no corporation or person shall not do—what? Shall not transport the products which they produce between the States; who shall not become a common carrier under the act of 1887.

Mr. Chairman, this bill which we are considering does not propose to deal with common carriers at all. There is nothing in it, except this provision; and the second paragraph of section 7, relating to common carriers, has reference to agreements which violate the Sherman antitrust law as was known in what we call the Trans-Missouri Transportation cases and the Traffic Association cases, which happened to be the first consideration of the Sherman law adjudicated by the Supreme Court; so this is an amendment not to the antitrust law, but an amendment to the interstate-commerce law. Upon its very face it declares that they shall not transport their products

unless they shall come within the meaning and purpose of the act of 1887, which has no reference to the control or regulating of trusts, but the sole purpose of the amendment is made to the act of 1887 and as amended in 1906 and 1910, and has reference solely to transportation and not to violations of the antitrust law. So that, upon its very face, it indicates that it is subject to a point of order, because it proposes to deal and does deal with an entirely different subject foreign to the one dealt with in this bill.

Mr. CAMPBELL. Mr. Chairman, if the gentleman from Oklahoma should introduce a bill embodying the subject matter of his amendment, then there is no question but the subject matter would direct that the bill be referred to the Committee on Interstate and Foreign Commerce rather than the Committee on the Judiciary. There is no question in my mind but this amendment covers the subject matter over which the committee reporting this bill now under consideration has no jurisdiction. The subject matter of the amendment is so important and so different from the subject matters that are referred to the Committee on the Judiciary that the Committee on Interstate and Foreign Commerce has sole jurisdiction, so that in my opinion the point of order is well taken.

Mr. FERRIS. Mr. Chairman, I do not desire to consume too much of the time of the committee, but I want to call the attention of the Chair and the committee just for a moment to this proposition. The Congress of the United States has begun on a trust program made up of three bills, the first of which is the trade-commission bill, which they said has nothing to do with pipe lines, common carriers, Standard Oil rates, and the water-power trust. That bill has been laid aside with a favorable recommendation. We are now considering a bill from the Committee on the Judiciary, dealing with all sorts of monopoly in every conceivable form and fashion and every conceivable way, and I want to ask the Chairman and the House if it is going to be the ruling of the Chair and if it is going to be the decision of the committee that a complete trust program shall be put through, ought we not to put through a measure dealing with the Standard Oil Trust or the water-power trust? We do not want to shoot wide of the mark; they are notorious monopolies in this country, and these are propositions with which we ought to deal. It is not enough to push them aside when we are dealing with trust legislation.

The section 3 that we amended Friday by including oil, gas, water power, and so forth, certainly is dealing with the subject, and, if for no other reason, that ought to render additional legislation on the same subject in order.

Again, this bill is wide in its scope. It deals with labor legislation in the first part of paragraph 7. It deals with stocks, bonds, and banking legislation in other sections. Why is it we can not deal with the most monumental of all trusts?

It is not sufficient for the House to say, it is not sufficient for the Chairman to say, every time a question is raised on a bill dealing with monopoly, that it is out of order, or it is germane, or not germane, when the identical section dealing with that particular proposition relates to carriers. It is remarkable in the extreme that the Committee on the Judiciary should in an amendment say they have the power to exempt carriers from certain obligatory duties, and in the next breath should say they have no right, and that it would be not germane to put upon a bill a provision putting duties upon them.

I do not know what the decision of the Chair may be, and I do not know what the disposition of the committee may be, but surely this House is in favor of declaring the pipe lines and water-power trusts carriers to be common carriers and subject to the Interstate Commerce Commission. I can not fathom a proposition of running away from a question so important, so necessary, and so patent and so universally agreed to by everybody.

For years the Interstate Commerce Commission themselves upon their own motion have been trying to bring pipe lines under the jurisdiction of that commission. What happens? In comes the Standard Oil Co. and brings an injunction proceeding and enjoins them from coming under the protection of that law.

This is the first time, and it is the only time during this administration and this Congress, under the resolution adopted by the Democratic caucus, when we have any chance to get relief on this proposition. I believe a bill on trusts and monopolies might properly go to any extent and all its provisions would still be germane as parts of a bill that proposes to curb monopolies. What are the pipe lines? The worst monopoly in the country. What is the Standard Oil Co.? The worst monopoly in the country. What is the Water Power Trust? One of the worst monopolies in the country. Is there any reason why, in dealing with monopoly, we should not deal with the transportation question, which is the vital cord in the whole trust question.

It has been said, and well said, that he who controls the transportation controls the country, and it is very true. The men who control the pipe lines control the production of oil and the price of oil, both in the region of production and at the consumer's end; and even so with the power trust. I believe that a bill so comprehensive as to carry out the legislative antitrust program for an entire administration and for an entire Congress should include this transportation question. The Chair may be ready to hold that this section shall be considered at this time, or——

Mr. CULLOP. Mr. Chairman, will the gentleman yield at that point?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from Indiana?

Mr. FERRIS. I do.

Mr. CULLOP. Is not the purpose of this amendment to control the transportation of these products now, or regulate them where they are not controlled or regulated under the interstate-commerce law?

Mr. FERRIS. Precisely; and not alone that, Mr. Chairman, but the oil-transportation companies are all in the oil-production business themselves. The only market for crude oil that the independent producer has is the pipe-line company, which is a transporter, which transports it or refuses to transport it, as it elects to do. It then has it in its full control and sells it at what it will at its destination point.

Mr. CULLOP. Is not the further purpose of this amendment also to control a situation which now, because of the peculiar conditions of operating the pipe lines, can not be controlled by the Interstate Commerce Commission?

Mr. FERRIS. Absolutely; and the Commerce Court, under the Hepburn amendment, sought to do this very thing that I am trying to do; only I drew the amendment here a little more comprehensively, so as to be sure and include it. Then came along the Prairie Oil and Gas case, which I have before me, and knocked out this proposition of holding pipe lines as carriers. Judge Mack dissented in an able opinion, and the matter is now pending in the Supreme Court. This amendment does what the court indicated a former Congress could have done when we enacted that law. We can do it now. We ought to do it now. There is no use to postpone it. The American people deserve it. The trust question is being dealt with; we ought to do it now.

Mr. CULLOP. Mr. Chairman, as I read this amendment, it is not an attempt to amend the interstate-commerce law at all, but it is to put into this law a remedy for a condition which the Interstate Commerce Commission can not control for the want of legislation. There is no law upon that subject, and the language of the amendment very clearly shows that it does not attempt to amend the interstate-commerce law. It is an amendment to this bill on a matter that is not now regulated or under the supervision in any way of the Interstate Commerce Commission.

I want to call the attention of the Chair to the language:

That from and after the passage of this act it shall be unlawful for any corporation or any person or persons to transport the products of any mine or mines, including coal, oil, gas, or hydroelectric energy, either by rail, water, pipe line, transmission line, or otherwise, from one State, Territory, or district of the United States to any other State, Territory, or district of the United States, or any foreign country—

Now, listen to the language—

who shall not become a common carrier within the meaning and purpose of and subject to an act entitled "An act to regulate commerce," approved February 4, 1887.

Now, by the very language of the amendment it clearly shows that the subject matter embraced in this amendment is not a subject under any provision of the interstate-commerce law, but it is a matter entirely outside of it and a matter that it can not handle, and for that reason it has a proper place here, and it is proposed to place it under the supervision of the different sections of this bill.

Section 3 was amended so as to include oil and gas and water-power production, so as to make the language of that section clearly cover those articles of commerce. Now, as those articles of gas and oil are transported in some of the States, and especially in the State of the gentleman from Oklahoma [Mr. FERRIS], it does not come under the provisions or regulations of the interstate-commerce law; but the pipe lines are so regulated and conducted that the commission can not obtain jurisdiction of the subject matter at all because of the manner in which the oil is transported. The very language of this section shows that it is not an amendment to the interstate-commerce law, but clearly belongs to and is a part of the subject matter

And, after all, gentlemen, if you vote this in, do not ever chide me again. There never was a provision more bitterly opposed in this House than was this provision when I reported it four years ago. It takes you gentlemen on that side some time to catch up. I do not know that I am personally proud of being the leader of the Democratic side of the House four years in advance. Although I have pride in the Democratic membership, it takes four years for that membership to catch up. If you keep on you may catch up with the other good things I have proposed, but which you have voted down. [Laughter and applause.]

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Yes.

Mr. STAFFORD. I would like to have the gentleman's opinion whether under this phraseology railroads could enter into agreements as to rates and other matters for 50 years, and if it had the approval of the Interstate Commerce Commission it would be binding upon the railroads for that time or a longer time?

Mr. MANN. Well, you will notice they have left out of this provision a provision which was in the bill which I reported to the House, which was in effect that they could not enforce these agreements; that is, that an agreement entered into might be withdrawn at any time without penalty on the part of any railroad. But there is no limitation in this, as I recall it. Here is an agreement which, if the Interstate Commerce Commission approves, is binding, although it may place a penalty of a million dollars upon the railroad company which fails to live up to the agreement.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Iowa?

Mr. MANN. Yes.

Mr. GREEN of Iowa. If this section is enacted in its present form, is there any object in enacting the next section, which is intended to prevent the acquirement by holding companies of competing railroads?

Mr. MANN. Well, I will not undertake to say about that.

Mr. GARNER. I want to ascertain whether the gentleman is in favor of this second paragraph in section 7.

Mr. MANN. Well, if the gentleman is here—as he seldom is [laughter]—when we vote, the gentleman will find out.

Mr. GARNER. The gentleman is making an argument now which consumes considerable time, instructing the House and its Members how they shall follow him, and I want to find out whether he is in favor of this, so that I can follow him. [Laughter.]

Mr. MANN. It contains considerable instruction, too.

Mr. GARNER. It has nothing to do with the merits of this law.

Mr. MANN. How is the distinguished gentleman from Texas going to vote?

Mr. GARNER. I am waiting for the gentleman from Illinois to indicate how he will vote. [Laughter.]

Mr. MANN. Oh, no. You usually vote four years after I do.

Mr. HULINGS. Mr. Chairman, will the gentleman yield to a question?

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. Yes.

Mr. HULINGS. Under the present arrangement there is nothing to prevent any of these railroads or their officers from conferring if they do not do anything, is there, under the present law?

Mr. MANN. If they confer for the purpose of raising rates, they are guilty under the law, or for the purpose of doing anything else that is in restraint of trade.

Mr. HULINGS. Can the railroads raise rates without the consent of the Interstate Commerce Commission?

Mr. MANN. They can not raise the rates if the commission suspends the rates, but ordinarily the rates are not suspended. The railway company files a rate sheet that goes into effect 30 days after it is filed unless the commission issues an order extending the time in which it shall go into effect. Then it may be extended for 10 months.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes; I yield to the gentleman.

Mr. GARDNER. I ask this question for my own information and enlightenment. The evidence adduced at the time of the investigation of the United States Steel Corporation shows that the Interstate Commerce Commission is aware of the fact that railroad traffic agreements exist, and that it utilizes those agreements and that no one objects. Now, does this wording which is proposed here, this proposed change in the law, permit more than that which already exists as a matter of practice?

Mr. MANN. Oh, yes; it goes further than what now exists, although what now exists is contrary to law.

Mr. GARDNER. Does it go substantially further?

Mr. MANN. It goes substantially further.

The CHAIRMAN. The question is on the amendment.

Mr. CARLIN. I yield to the gentleman from Arkansas [Mr. FLOYD] so much time as he may need.

Mr. FLOYD of Arkansas. Mr. Chairman, I have listened with great interest to the gentleman from Illinois [Mr. MANN]. I hardly know how to answer his position, because I have been unable to discover what it is; but I want to say to the gentleman that assuming everything he has said about the record vote on the proposition four years ago to be correct—and I do not question his statement, although I have not looked it up—we who voted against it four years ago will be no more inconsistent in voting for it now than he who proposed it four years ago is inconsistent in offering a motion to strike it out.

Mr. MANN. I did not offer a motion to strike it out.

Mr. FLOYD of Arkansas. Then I beg the gentleman's pardon.

Mr. MANN. My colleague, Mr. MADDEN, offered the motion this time and four years ago.

Mr. FLOYD of Arkansas. I beg the gentleman's pardon. I misunderstood the parliamentary situation.

Now, I desire to make this explanation: We have not considered this bill in the light of what we may have done in the past upon these questions, but the committee in charge of this bill have endeavored to bring in legislation that would be of value, and if there are any defects in the present law we have endeavored to remove those defects by appropriate legislation.

Now, the gentleman says that the Committee on the Judiciary has not jurisdiction of this proposition. I desire to take issue with the gentleman on that proposition. If such conferences or agreements are unlawful, they are unlawful by virtue of the provisions of the Sherman antitrust law, and under the rules of this House the Committee on the Judiciary has jurisdiction over that question. This matter was brought to the attention of the Subcommittee on the Judiciary having the bill in charge, and it was thoroughly investigated.

The matter was brought to our attention by representatives of the railroads, who explained that in the very nature of things they were compelled to meet, compelled to have these conferences, compelled to make arrangements, in order to carry on and conduct the traffic business of the railroads in the interest of the general public and to prevent conflicts and frictions in their dealings with the public; that it was necessary to have these conferences and meetings, and that since the enactment of laws upon the subject of interstate commerce they had been having these meetings; and yet, with their knowledge of the Sherman law and of the interpretations placed upon that law by the courts, they had always felt that if the Government should proceed against them under the terms of the Sherman law they might be adjudged guilty of a crime and punished for doing what the very nature of their business and the interest of the public require them to do.

But we did not depend upon the representations of the railroad people. We then took the matter up with the Interstate Commerce Commission, which has jurisdiction over this matter. While we did not go to the Interstate Commerce Committee of the House for information on that subject, we went to the great body of men, the Interstate Commerce Commission, who for years have been administering the affairs of interstate railroads, to the great advantage and to the general satisfaction of the public, and obtained their views upon the subject; and I desire to say that the provision reported in this bill was drawn by the Interstate Commerce Commission, and will be found in a letter of James S. Harlan, chairman of the commission, which letter I will put into the RECORD at the conclusion of my remarks. I will read the provision which was so drawn by the Interstate Commerce Commission:

> Nor shall anything contained herein or in said antitrust law be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission and all such agreements shall be entered and kept of record by the carriers parties thereto, and shall at all times be open to inspection by the commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

After this matter was brought to our attention, after we brought it to the attention of the Interstate Commerce Commission, and they had approved the proviso in the language which I have read to you, we incorporated that provision into the bill, instead of the provision that was incorporated in the bill originally, and the provision that we bring before you has the approval of the Interstate Commerce Commission.

I have no apology to offer for the position of the committee upon this question. We have been endeavoring to bring in this legislation in such form that it will be beneficial to the business interests of this country and beneficial to the American people. If the Sherman law has been so interpreted as to work harm, or to prevent legitimate or necessary things, your committee believes it ought to be amended. We believe that it has been so interpreted in regard to fraternal, labor, farmers', and other associations. We brought in a provision to relieve those associations; and we believed also, when this matter was brought to our attention, when we understood the facts, that the railroads were entitled to relief in this respect; and we compliment the gentleman from Illinois [Mr. MANN] on being in advance of us, if he thinks this provision is right. In the preparation of this bill we did not hesitate to seek and obtain information from any source, and I disclaim that in any provision of this bill we acted from any narrow point of view, or that we hesitated to do a thing in the interest of capital or business, when we were convinced that the demands of justice required it.

Now, I desire to submit at this point two letters from the chairman of the Interstate Commerce Commission, James S. Harlan, and ask that they be printed in the RECORD.

The letters are as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, April 27, 1914.

Hon. H. D. CLAYTON,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of this date inclosing confidential committee print of a bill offered by you to supplement existing trust laws. Immediately upon its receipt I called a conference of my colleagues, but in view of the absence of Commissioners Clements and Clark from the city we were not able to reach a conclusion this afternoon. I hope to convey to you the views of the commission early to-morrow afternoon.

Permit me to call your attention to the clause beginning in line 4 on page 6. It reads:

"But any agreement in the premises shall likewise continue," etc.

It occurs to me that the meaning would be made more clear by substituting:

"But any such matter that shall be made the subject of agreement by any such association shall likewise," etc. In other words, as I assume, it is the subject matter of the agreement and not the agreement itself that ought to continue under our regulating or supervisory jurisdiction.

Very truly, yours,

JAMES S. HARLAN, *Chairman.*

INTERSTATE COMMERCE COMMISSION,
Washington, April 24, 1914.

Hon. HENRY D. CLAYTON,
Chairman Committee on the Judiciary,
House of Representatives, Washington, D. C.

DEAR SIR: Further acknowledging your letter of the 22d, inclosing a copy of the confidential committee print of a bill to supplement existing trust laws, and calling our attention to certain language in it commencing at the foot of page 5 and continuing through line 6 on page 6, I beg to say that the bill has had consideration by the commission.

We do not understand that the provision in any degree modifies existing laws forbidding the consolidation or merger of railroad corporations operating competing lines, but that it is intended to go no further than to legalize associations of officials of common carriers organized for the purpose of agreeing upon rates, classifications, operating rules, accounting, and other similar matters now subject to the jurisdiction of this commission.

Such associations have been in active existence for many years. They have stated and special meetings at which matters within our jurisdiction are the subject of discussion and conference and not infrequently of actual agreement; and often when no positive and affirmative agreement is reached such conferences are nevertheless followed by a concert of action among the participating carriers. These facts have been shown in contested cases before us, the testimony being offered by the complainants on the general theory that such agreements are unlawful. The commission, however, has never based any order on the hypothesis of unlawfulness in the action taken by the carriers as the result of any such conference or agreement, except in so far as any such agreement or concert of action might have some bearing upon the reasonableness or general lawfulness of the rate or practice in dispute before us.

The increasing stability in rates now observable in our transportation service results to no small extent from the conferences of the traffic associations of carriers. As a practical matter, therefore, we see no objection to what is sought by the provision in question. We do not understand that it is intended to modify the provisions of law forbidding carriers to enter into any contract or combination for the pooling of traffic or earnings, or to modify the prohibitions of law against agreements by which one carrier undertakes not to change a rate or rates except upon the consent of one or more other carriers. But to avoid any confusion on these points the following paragraph is suggested as a substitute for the paragraph of the bill commencing with line 24 on page 5:

"Nor shall anything contained herein or in said antitrust laws be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers parties thereto and shall at all times be open to inspection by the commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic or existing laws against joint agreements by common carriers to maintain rates."

You will observe that the substitute above proposed embodies a clause requiring carriers to make a record of the agreements and understandings of their associations and to keep them open to inspection.

Very truly, yours,

JAMES S. HARLAN, *Chairman.*

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GARNER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5168. An act for the relief of the King Theological Hall and authorizing the conveyance of real estate to the Howard University and other grantees;

S. 5254. An act authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club; and

S. 5673. An act to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest," approved March 2, 1911.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5168. An act for the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University and other grantees; to the Committee on the District of Columbia.

S. 5254. An act authorizing the Secretary of the Interior in his discretion to sell and convey a certain tract of land to the Mandan Town and Country Club; to the Committee on the Public Lands.

S. 5673. An act to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest," approved March 2, 1911; to the Committee on the Public Lands.

ANTITRUST LEGISLATION.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MADDEN].

The question was taken; and on a division there were—ayes 21, noes 36.

So the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment.

Mr. CARLIN. Mr. Chairman, I make the point of order that it is too late to offer an amendment under the agreement.

The CHAIRMAN. The Chair understands that the gentleman from Oklahoma is to offer a new section, but withholds that until the gentleman from Iowa can offer an amendment.

The Clerk read as follows:

At the end of the section strike out the period and insert a comma and add the following:

"Or authorize competing lines to make agreements with reference to the rates which shall be charged or the services rendered."

Mr. CARLIN. I understand, Mr. Chairman, that all time on this paragraph has expired.

Mr. MANN. Mr. Chairman, did I have any time left?

The CHAIRMAN. The gentleman had one minute.

Mr. MANN. I yield that one minute to the gentleman from Iowa.

Mr. GREEN of Iowa. That is all I want. I only desire to say a word with reference to this amendment. It is claimed here that the purpose of this bill is to further competition and not to restrain it. If this section is adopted as it stands, it will absolutely nullify the following section, which provides that holding companies may not hold or control competing lines. If gentlemen wish, in fact, to still preserve the competition feature of the present law, this amendment should be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. FOWLER. Mr. Chairman, I desire to offer an amendment. On page 24, line 21, after the word "Commission," insert these words: "and any Member of Congress."

The CHAIRMAN. The Chair will state to the gentleman from Illinois that an amendment has been offered at that particular place and adopted by the committee.

ing the amendment offered by the gentleman from Pennsylvania [Mr. HULINGS]. But, Mr. Chairman, I would like to ask the members of the committee one or two questions with reference to the paragraph as it stands. It reads:

Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement.

Now, I would like information wherein the antitrust laws now can possibly prohibit the conferring together and making of any lawful agreement.

Mr. WEBB. I want to say to the gentleman that we think the trust laws would not apply to that condition of affairs, but the Interstate Commerce Commission thought we ought to make the thing perfectly clear, and therefore the section.

Mr. CARLIN. The mere meeting is thought by many to come within the law and might be construed to be a combination, and they want to make it clear, and that is the object of the provision.

Mr. MANN. If the gentleman will yield, they may have in mind the fact that when the law regulating railroad rates was passed four years ago, as gentlemen will recall, a lot of railroad officials met, and it was proposed to raise the rates in advance of the passage of the law. The bill under consideration provided that the Interstate Commerce Commission might suspend the proposed rates. President Taft threatened to have proceedings begun under the Sherman antitrust law and indict these people, whereupon the rates went glimmering. I suppose this is designed to allow them to do the thing that they tried to do then.

Mr. LENROOT. I remember the circumstances very well, and it was the Sherman law alone that prevented the increase of rates at that time until the amended law went into effect so as to permit suspension. Now, then, Mr. Chairman, this is in the disjunctive. The antitrust laws do not prohibit the making of any lawful agreement. They do not do that now; of course not. But the gentleman says that the conferring among themselves may be a violation of the Sherman law, and they wish to permit such conferences.

Mr. Chairman, if the conferences lead to something that means a violation of law, they ought to be subject to the antitrust laws.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. FLOYD of Arkansas. I will state that in the opinion of the committee these meetings of the traffic managers and officers of railroads are absolutely essential in order that officers and managers of different railroads may carry on business without friction and without complication and without annoyance to the traveling public. They must understand each other, and since the laws regulating interstate commerce have been on the statute books they have been compelled by the necessities and the nature of their business to have these meetings, conferences, and enter into arrangements; and yet they have felt that possibly under the strict interpretation of the Sherman law, if they were ever charged in the courts with a violation of the law, they might be held guilty of a violation of the Sherman Act. This is intended to lift them from under the ban of the existing law and to allow them to meet, confer, and understand each other, and to make any lawful agreements; but the exceptions in the provision expressly provide that their agreements shall still be subject to the regulation and power of the Interstate Commerce Commission. The amendment which we have just adopted, offered by the gentleman from Pennsylvania, makes that clear.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Wisconsin five minutes more.

Mr. LENROOT. Mr. Chairman, now, to recall a little of the history in connection with this same question, this identical proposition was up four years ago, in 1910. I then took quite an active part in securing an amendment almost identical with the one which has now been adopted. Another amendment which was also adopted prohibited any agreement of any character between railroads which were directly competing with each other. These amendments, with the assistance of the solid Democratic side of the House, were incorporated as a part of the Mann bill.

After we had improved the bill in that respect, improved it more and to a greater extent than this section now stands, a motion was then made to strike the entire section out of the bill, and that motion prevailed, and every Democrat, I believe, voted "aye," so that the provision went out of the Mann bill; and I am, I confess, a little surprised to find that it again creeps into this bill, brought in by the Democratic Party, who were then unanimously opposed to it. I am frank to say that, with the amendment just adopted, I have such confidence in the Interstate Commerce Commission that I do not know that the public interests will be injured if this remains in the bill, but certainly it was a most dangerous proposition before the adoption or the acceptance of the amendment offered by the gentleman from Pennsylvania [Mr. HULINGS]. I voted to strike it all out in 1910, and I shall vote to strike it out to-day, because, I may add, I can see no possible good to come from it in the way in which it is framed. So far as lawful agreements are concerned, they are permitted now. You have accomplished nothing there. So far as conferences are concerned, they are not under the ban of the law now unless there is something injurious to the public interest going on in those conferences, and if there is, I know of no reason why they should not be under the ban of the law.

I yield back the balance of my time.

Mr. VOLSTEAD. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. ESCH].

Mr. ESCH. Mr. Chairman, many of the practices of interstate carriers, if the Sherman antitrust law were strictly construed, would be held subject to the penalties of the act. Those violations have been winked at, however, to a certain extent. The necessity for some conference agreements has long been recognized, provided such conference agreements were subjected to the supervisory control of the Interstate Commerce Commission, and in this very provision in this bill the committee is practically seeking to carry out a recommendation contained in the Republican platform of 1908, which reads as follows:

We believe, however, that the interstate-commerce law should be further amended so as to give railroads the right to make public traffic agreements, subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever.

The amendment offered by the gentleman from Pennsylvania, just adopted, carries out that further suggestion—that such conference agreements should be subject to the regulatory power of the Interstate Commerce Commission. President Taft, in his special message to Congress on January 7, 1910, wherein he recommended to Congress amendments to the interstate-commerce act, stated, among other things, as follows:

The subject of agreements between carriers with respect to rates has been often discussed in Congress. Pooling arrangements and agreements were condemned by the general sentiment of the people, and, under the Sherman antitrust law, any agreement between carriers operating in restraint of interstate or international trade or commerce would be unlawful. The Republican platform of 1908 expressed the belief that the interstate-commerce law should be further amended so as to give the railroads the right to make and publish traffic agreements subject to the approval of the commission, but maintaining always the principle of competition between naturally competing lines and avoiding the common control of such lines by any means whatsoever. In view of the complete control ever rate making and other practices of interstate carriers established by the acts of Congress and as recommended in this communication, I see no reason why agreements between carriers subject to the act, specifying the classifications of freight and the rates, fares, and charges for transportation of passengers and freight which they may agree to establish, should not be permitted, provided copies of such agreements be promptly filed with the commission, but subject to all the provisions of the interstate-commerce act, and subject to the right of any parties to such agreement to cancel it as to all or any of the agreed rates, fares, charges, or classifications by 30 days' notice in writing to the other parties and to the commission.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois is recognized for 25 minutes.

Mr. MANN. Mr. Chairman, this proposition now before us revives old times to me. I reported into the House four years ago a bill which became the amendment to the interstate-commerce act of 1910, containing a provision somewhat similar but better guarded than the one that is in this bill. The Committee on Interstate and Foreign Commerce had jurisdiction of the subject matter, and knew something about it. The present proposition comes in a bill reported from the Committee on the Judiciary, which has never made any investigation of railroad matters, and I assume does not pretend to know very much about the subject. It was not in the bill as originally drafted. There were a great many committee prints of this bill, and this never appeared in one of the committee prints. Mr. Clayton introduced a bill in the House on April 14, 1914, of which the present bill is the issue, and this provision was not in that Clayton bill introduced on April 14. It had never been suggested to the Committee on the Judiciary, so far as I can learn, that any proposition of this kind should be put into the antitrust bill until just before the bill was reported. The committee, having decided to incorporate in the bill a provision ex-

empting labor organizations and farmers' organizations from the operation of the antitrust law, concluded that it would even up the situation by a provision exempting railroads from the operation of the antitrust law.

What are the facts? The railroads everywhere do have some kind of an understanding as to rates between competitive points. I suppose it would be impossible between two points, where each of two railroads ran, for one to have one rate and the other to have a different rate. They have always in some way gotten together. Four years ago I proposed in the administration bill to insert a provision practically taken from the Republican platform authorizing railroads to make these agreements, the rates when made to be subject to the operation of law. This provision goes a little further than that in behalf of the railroads. This provision authorizes the officers of common carriers to confer among themselves without any restriction and without any limitation. There is a restriction now inserted in the bill that the rates they make must be approved by the Interstate Commerce Commission, but the right to confer is made absolute. You do not need anything more. They never need to make a rate by agreement when they can confer. The heads of a dozen railroads get together and stick their legs under the mahogany and say the rate from New York to Chicago shall be raised so much on a certain class of freight. There is no agreement necessary. All they need is the power to confer. There is no limitation in this section on the power to confer.

If they make an agreement and write it out, why, they have to submit that to the Interstate Commerce Commission, but after they confer each one goes out and has a rate sheet filed raising the rate. There is no agreement, only a conference, and the rate goes into effect.

Mr. BARTLETT. That is just as it was with the Steel Trust, which had its banquets and conferences.

Mr. MANN. Yes. Now, these conferences to-day are under the ban of the antitrust law. When the act of four years ago was to be passed and put upon the statute books, an act which gave the power to the commission to suspend a proposed rate, the railroads met, or their officials did, and after a conference each one said to himself or to somebody else, we will raise the rate. It was announced in the papers the rates were to be raised, but President Taft directed the Attorney General to file an injunction proceeding at St. Louis to restrain the railroads from putting into effect the proposed rates, and there was in addition a prosecution under the criminal provisions of the law, and the railroads quit. But they would have that power under this. Now, do not misunderstand me. I reported the provision of four years ago, not so strongly in favor of railroads in that bill as in this bill, and thereupon the Committee of the Whole House on the state of the Union made various amendments to the section, one of them very similar to the amendment just agreed to, called the Hulings amendment. We inserted in that section this provision:

Provided, That the proposed agreement before being made, and the rates, fares, charges, and classifications specified therein, shall be presented to and approved by the Interstate Commerce Commission.

That amendment was agreed to. The distinguished Chairman of the present Committee on Interstate and Foreign Commerce, which committee has jurisdiction of these matters, then the ranking Democratic member of my committee, made these few remarks on the subject of this legislation, among others:

Now what is the object of this thing? The object of it is plainly not to benefit the people; it is not intended to apply to rates at any points except competitive points. The way stations by thousands along single lines of road, with no competition, will never be benefited. They may appeal and pray for help, but they will never get it under this section or any other of that sort. The whole object of it is to enable carriers to agree upon a stable basis of rates that they will all work under and not begin to compete one with the other. That is all there is to it.

The present chairman of the committee, the gentleman from Georgia [Mr. ADAMSON], is one of the best-posted men in this country on the subject of railroad legislation. He has been on the committee studying it now for nearly 18 years. That was the Democratic view which he expressed at that time. And, again, he said:

I was proceeding to say that the desire of these carriers is to escape competition and underbidding at competitive points only. They can only do that by agreeing upon an ironclad system of rates that they will all stick to. Of course that would be in violation of the antitrust law, because it prevents carriers from bidding against each other; but would it benefit even the competitive points—

And so forth.

And there is another very distinguished Member of this House who has been for some time a member of the Committee on Interstate and Foreign Commerce, who was then and is now a Democratic Member from Tennessee [Mr. SIMS], and he had this to say about this proposition which the Democratic committee has now reported:

It was boldly admitted by the gentleman from Illinois—

That was myself—

that this section does repeal and render nugatory so much of the Sherman antitrust law as applies to these agreements. Does any gentleman in this House want to go out and ask for a renomination or a reelection to this House admitting that he would willfully and with full knowledge vote to repeal pro tanto the antitrust law in any respect?

And the committee after inserting what was then called the Martin amendment, along the same lines as the Hulings amendment here, had another amendment proposed. Mr. Kendall, of Iowa, offered this amendment:

Provided, That in considering agreements contemplated by this section due regard shall be had in the maintenance of the principle of competition between natural competitive carriers, and no such agreement shall be approved between the carriers directly and substantially competitive with each other.

That is not in the pending proposition, and that was inserted in the Committee of the Whole House on the state of the Union, and after that came the amendment of my colleague [Mr. MADDEN], who has a similar motion pending here, to strike out the section which was No. 7, as this is No. 7, and we had a vote upon that. The committee divided, and there were ayes 102, noes 102. The amendment was not agreed to at that point. Tellers were asked for, and on tellers there were ayes 110, noes 91, and every Democrat in this House voted "aye," and every insurgent Republican—that is what they were called then—voted "aye."

Mr. BURKE of South Dakota. To strike out?

Mr. MANN. To strike out; and that was one of those times, which were not very numerous on propositions of that kind, when the gentleman from Illinois, in charge of the bill, got very badly licked. Just before this provision was stricken out in this bill in the House under these circumstances, a provision which then had been made much more beneficial to the people than this, the Senate considered a similar Senate bill and had stricken out the same section in the Senate. Of course, I can not comment upon how the individual Senators voted over there, but if I were not in a legislative body here I could say that every Democratic Senator voted to strike out. [Laughter and applause on the Republican side.]

Now, we have a provision brought in here by the committee which did not have jurisdiction of it, without consideration by the committee, to reverse the unanimous action of the Democratic side of this House four years ago, and the question with me is whether you have learned more and know more or whether you have forgotten what you did in the past. My distinguished friend from North Carolina might suggest that a committee with little knowledge on the subject found it easier to handle it than did a committee that had a great deal of knowledge on the subject.

The railroads have been trying to get this provision into the law ever since I have been a Member of this House. The Pennsylvania Railroad Co. and its counsel in every bill which has been suggested to be brought before this House on the subject of railroad legislation have asked that this provision be put into it. It has been suggested time and time again. The Interstate Commerce Commission has suggested it and urged it. President Taft urged it. President Roosevelt urged it. The railroads have all been for it. I do not say that it is a bad provision, because I supported a very similar one four years ago, although that one was better than this; but Congress, in close touch with the people and the shippers, has never been swerved from its opinion on this subject by the attitude of the men here who had been argued with by the big railroad officials.

The provision does destroy every semblance of competition between the railroads. It is true that the Interstate Commerce Commission has control over the railroad rates, but when this provision goes into the law there is no longer any competition. Now, competition is not merely over rates. Competition is largely over business, and while we never have proposed a pooling permit under the law, under this provision authorizing the railroad officials to confer lawfully they can make any sort of a conference or understanding they please in regard to rates or in regard to quantities of freight. But, of course, they will not be able to make a lawful agreement where they can find one railroad that does not live up to the agreement. Under the old system where railroads entered into these agreements there was a penalty imposed when a railroad broke the agreement. They can not make such an agreement as that unless it be approved by the Interstate Commerce Commission, but they can make their conferences and agreements in honor among themselves as they please.

Mr. WEBB. It would be if it were offered. The gentleman will have time to present his amendment. I will be glad to have the Chairman put the request.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that all debate on the pending paragraph and all amendments thereto be closed in 80 minutes, one half of that time to be controlled by himself and the other half by the gentleman from Minnesota [Mr. VOLSTEAD]. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object for a moment, I want to ask the chairman of the Committee on the Judiciary a question. I hope it is not arranged so that all the time shall be taken up on one amendment and requiring that the other amendments be voted down in rotation. Now the gentleman from Illinois [Mr. MANN] comes along with an amendment to strike out the whole paragraph.

Mr. MANN. That is not my amendment, to begin with. But other amendments take precedence over it, among them that of my colleague from Illinois [Mr. MADDEN].

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. CARLIN. Mr. Chairman, I want to make a suggestion to the gentleman while he is on his feet. I want to suggest to gentlemen who have amendments already prepared that they send them to the desk and there have them read, so that they can be included in the debate.

Mr. MANN. I hope this will not be taken out of my time. I suggest to the gentleman in charge of the time to yield to gentlemen to offer amendments. I am perfectly willing to delay, so far as I am concerned, until those amendments are disposed of.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Oklahoma half a minute and to the gentleman from Texas [Mr. VAUGHAN] half a minute in which to offer amendments.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] is recognized.

Mr. FERRIS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. It is to be considered as pending?

Mr. FERRIS. Yes.

Mr. MANN. He offers the amendment, if it is in order, to perfect the text.

Mr. FERRIS. I thought the gentleman from Illinois wanted to go ahead.

Mr. TOWNER. Mr. Chairman, would it not be better if these amendments were offered in connection with the remarks of the gentleman from Oklahoma and other gentlemen?

Mr. WEBB. If the gentleman from Illinois will yield, I will recognize each one of these gentlemen to offer amendments.

Mr. MANN. I will yield.

Mr. FERRIS. Mr. Chairman, let my amendment be reported.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Oklahoma five minutes.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. FERRIS:

"Page 24, line 24, after the word 'rates,' insert the following proviso: '*Provided*, That from and after the passage of this act it shall be unlawful for any corporation or any person or persons to transport the products of any mine or mines, including coal, oil, gas, or hydroelectric energy, either by rail, water, pipe line, transmission line, or otherwise from one State, Territory, or District of the United States to another State, Territory, or District of the United States, or to any foreign country, who shall not become a common carrier within the meaning and purposes of and subject to the act entitled "An act to regulate commerce," approved February 4, 1887.'"

Mr. WEBB. Mr. Chairman, I make the point of order that that is not germane. It does not sound germane from the reading of it.

Mr. FERRIS. I want to be heard on that, Mr. Chairman.

Mr. HULINGS. Mr. Chairman, I believe I have sent to the desk an amendment already.

Mr. FERRIS. The gentleman from North Carolina [Mr. WEBB] has made a point of order on my amendment. I want to be heard on the point of order.

The CHAIRMAN. The Chair will state that the gentleman from Pennsylvania [Mr. HULINGS] did not have the floor.

Mr. HULINGS. I had the floor to offer an amendment and was recognized by the Chair.

The CHAIRMAN. The Chair will state to the gentleman that an agreement was made by the committee to limit debate on this section.

Mr. HULINGS. I did not want to be run over; that is all.

Mr. FERRIS. Mr. Chairman, I hope argument on the point of order will not be taken out of my time. I want to be heard on the point of order.

This bill is to supplement existing laws against unlawful restraints and monopolies and combinations for unlawful purposes. This particular paragraph deals with common carriers and interlocking directorates and traffic arrangements.

Mr. MANN. Oh, there is nothing about interlocking directorates and traffic arrangements in this paragraph.

Mr. FERRIS. Listen a moment and let us determine who is right. This section provides:

Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

The amendment I have offered, Mr. Chairman, is to amend and supplement the antitrust laws of the United States, and has to do with the particular paragraph under consideration, and has to do with the particular bill now pending before the House. Nothing can be more germane, nothing could be more in order, dealing precisely with the proposition of carrying in interstate business, and with the proposition laid down in this section and even in the title of the bill.

Mr. WEBB. Mr. Chairman, may I ask the gentleman a question?

The CHAIRMAN. Does the gentleman from Oklahoma yield to the gentleman from North Carolina?

Mr. FERRIS. Yes; with pleasure.

Mr. WEBB. Is not that very question now pending in the Supreme Court of the United States on appeal from the State of Oklahoma, and is not the decision of that court expected on the 8th of this month?

Mr. FERRIS. It is. But this is to strengthen the law the Commerce Court sought to destroy. The Interstate Commerce Commission has for a long time been trying to bring pipe lines under their own jurisdiction, and they instituted a series of proceedings on their own motion to bring that about. The Prairie Oil & Gas Co., with others, went in and enjoined the commission, and I hold in my hand the decision in the Prairie Oil & Gas case, which was decided by the Commerce Court, and I think the dissenting opinion by Judge Mack is the correct law and ought to be the law; but I fear that the Supreme Court will not uphold the decision of the Commerce Court, and I want to write this amendment into the law so we will be sure to get relief. This amendment was submitted to Secretary Lane, who probably knows more about this matter than most of us here, and he is heartily in favor of the adoption of such a principle. This is too important to pass by lightly.

Mr. WEBB. Mr. Chairman, our view is that while this amendment may be germane to some portion of the bill, it certainly is not germane to this particular paragraph of this section, which exempts certain traffic arrangements from the operation of the antitrust law.

In addition to that, the gentlemen from Oklahoma ought not to undertake to take two bites at the same cherry. They have submitted their controversy to the highest court in the land, and they ought to wait until the 8th day of this month, when the proceeding will probably be terminated, before they ask to put something new into this bill, and particularly in this paragraph of this section.

Mr. CARTER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from North Carolina yield to the gentleman from Oklahoma?

Mr. WEBB. Yes.

Mr. CARTER. You expect to pass this bill before the 8th of this month, do you not?

Mr. WEBB. Yes; and yon expect this decision by the 8th.

Mr. CARTER. Suppose you do not get the decision by the 8th of this month, and then this bill is passed?

Mr. WEBB. There is another branch of this lawmaking body where the gentleman may have his amendment offered.

Mr. CARTER. We should be very glad to offer it there, but we have not the privileges over there which we have in this House.

The CHAIRMAN. The paragraph under consideration provides that nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making lawful agreements, and so forth. The amendment offered by the gentleman from Oklahoma [Mr. FERRIS] provides that it shall be unlawful for any corporation or person or persons to transport the products of any mine or mines, including coal, and so forth, unless they become common carriers under the act of 1887. The Chair fails to see how the amendment offered by the gentleman from Oklahoma can be germane to this particular paragraph. It may be entirely germane to other sections of the bill which have not yet been reached, but upon that the Chair is not now called upon to rule.

Mr. FERRIS. If the Chair has any doubt about it, I confess that the section has two independent propositions in it. The first is purely a labor proposition, and the second is a carrier proposition. I will offer it as a separate section, section 7½, and will strike out the word "provided."

The CHAIRMAN. The Chair will state that it is not in order to offer it as a separate section now, because we are considering section 7.

Mr. FERRIS. The chairman of the committee a moment ago, in answer to a question asked of him, said he was of the opinion that an amendment offered as a separate section would constitute an amendment to this paragraph and would come within the rule. If the Chair thinks otherwise, I will offer it as soon as the paragraph is disposed of.

The CHAIRMAN. The Chair will state that as long as there are any amendments to be offered to this particular paragraph it will be out of order to offer the amendment which the gentleman from Oklahoma proposes. The point of order is sustained.

Mr. FERRIS. I will withdraw the amendment at this time and will ask the Clerk to have it returned to me.

Mr. WEBB. I yield to the gentleman from Texas [Mr. VAUGHAN].

Mr. VAUGHAN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the close of section 7 the following paragraph:

"Nothing in the antitrust laws shall be construed to forbid persons operating local telephone exchanges engaged in commerce from selling their local exchanges to competitors for local business or from acquiring local exchanges from competitors for local business when such sale or acquisition is not forbidden by any law of the State or locality where the exchange is situated and competition in the transmission of interstate toll messages is not interrupted nor interfered with."

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to make a point of order against that amendment at this point. I do not think it is germane to this section or paragraph.

Mr. VAUGHAN. I think it is germane, and I should like to be heard on the point of order, but I would not like to have it taken out of my five minutes.

Mr. FLOYD of Arkansas. Will the gentleman from Texas yield to me?

Mr. VAUGHAN. Yes.

The CHAIRMAN. Does the gentleman propose this as a separate paragraph or section?

Mr. VAUGHAN. I offer it as a separate paragraph to this section.

Mr. FLOYD of Arkansas. I make the point of order that it is not germane to this section.

The CHAIRMAN. The Chair does not think the amendment of the gentleman from Texas is in order at this time. It is not germane to the paragraph which is now under consideration.

Mr. VAUGHAN. Mr. Chairman, I should like to be heard on that for a moment, and to suggest that this paragraph proposes to exempt certain transactions from the operation of the antitrust laws.

Mr. FLOYD of Arkansas. Will the gentleman from Texas yield to me for a moment?

Mr. VAUGHAN. Yes.

Mr. FLOYD of Arkansas. I will state to the gentleman that it seems to me if it is germane anywhere, it is germane to the section relating to holding companies, which is section 8. I will state to the gentleman that there are a number of exceptions in that section, and it seems to me that section 8 is the one that will make unlawful the transactions that the gentleman desires to exempt, if anything in this bill does make them unlawful, so that there would be the proper place to offer it, provided, of course, it should be held to be germane at that point.

Mr. VAUGHAN. That being the case I ask unanimous consent to withdraw the amendment now and offer it to section 8.

The CHAIRMAN. If there be no objection, permission will be granted to withdraw the amendment.

There was no objection.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 21, strike out the colon after the word "commission" and insert a comma and the following:

"But no such agreement shall go into effect or become operative until the same shall have first been submitted to and approved of by the Interstate Commerce Commission."

Mr. CARLIN. Mr. Chairman, I want to understand whether we are now operating under the agreement that this debate is a part of the 40 minutes.

The CHAIRMAN. The gentleman is correct.

Mr. HULINGS. Mr. Chairman, it seems to me in reading this paragraph that as it stands it would give authority to these traffic associations to make pooling arrangements or lawful agreements as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but it does not distinctly give the Interstate Commerce Commission authority over the rule or the agreement that is made.

Mr. WEBB. I should like to make a statement. It was the idea of the committee that these agreements could not go into operation until they were O. K'd by the Interstate Commerce Commission.

Mr. HULINGS. I presume so.

Mr. WEBB. We think that is a reasonable conclusion to draw from the section or paragraph.

Mr. HULINGS. I doubt whether the language is clear.

Mr. WEBB. That was our intention.

Mr. HULINGS. The amendment makes that thoroughly clear, and I ask that the amendment be again reported.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The amendment was again read.

Mr. WEBB. I call the attention of my friend to the fact that this agreement is subject to the regulation or supervision of the Interstate Commerce Commission.

Mr. HULINGS. No. There is just where I think the failure is. The agreement is not subject. The matter about which the agreement may be made is subject to the regulation of the Interstate Commerce Commission.

Mr. WEBB. Of course the association is under the control of the Interstate Commerce Commission.

Mr. HULINGS. In my judgment it requires the amendment to make it clear.

Mr. MANN. Will the gentleman yield?

Mr. HULINGS. Certainly.

Mr. MANN. Is not this the distinction between the provision in the bill and the gentleman's amendment: That under the gentleman's amendment the agreement to fix rates before it goes into effect must be approved by the commission, and under the bill the rates go into effect and after that the commission may revise the rates?

Mr. HULINGS. That is precisely the point.

Mr. WEBB. Mr. Chairman, the committee wants to be perfectly frank with the House on both sides. If there is any doubt about the intent and scope of the provisions in the bill we want to accept the amendment so as to make it perfectly clear.

Mr. FLOYD of Arkansas. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

Mr. WEBB. Mr. Chairman, we will gladly accept that amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. HULINGS].

The question was taken, and the amendment was agreed to.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I shall not occupy all the time yielded to me for the reason that I desired to submit an amendment to the same effect as that offered by the gentleman from Pennsylvania [Mr. HULINGS]. I congratulate the gentleman from Pennsylvania [Mr. HULINGS] for presenting an amendment that is acceptable to the committee and the committee for accepting the amendment. There is no question whatever but what it was absolutely necessary that such an amendment should be adopted in order to protect the people and to carry out the purpose and intent of the section. I yield back the balance of my time.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, like the gentleman from Iowa, I was about to offer the same amendment, and like him I wish to congratulate the members of the committee on accep-

I know the gentlemen constituting the leadership on this committee have no desire to neglect the farmer. I know the gentleman from Maryland [Mr. LEWIS], who is the champion in the interest of labor, has no desire to do an injustice to the farmer, and yet, as I have studied this question, I believe that the National Government ought not only to permit farmers to organize, but that the National Government should make appropriation to encourage the farmers to organize.

The United States is doing more and has done more along the line of education for the farming interests than any nation on earth, but along the lines of teaching our farmers to organize for better business we are a quarter of a century behind the great European Governments. There is no question about that.

Mr. WEBB. Will the gentleman yield?

Mr. MORGAN of Oklahoma. Certainly.

Mr. WEBB. Wherein do the farmers get more in the Nelson amendment than we have given them in the amendment just adopted?

Mr. MORGAN of Oklahoma. I think there is some question of whether there can be a farmers' organization to aid the farmers in marketing the crops more cheaply, or in purchasing their supplies at a less price under the committee amendment which has been adopted. To carry on this kind of an organization it may be necessary to have capital stock, and it may be necessary that these organizations shall be for the purpose of profit. As long as we do not permit the farmer to organize trusts to elevate prices of cotton, wheat, or some other staple product, we are doing the country no injury.

We passed the tariff act, but we all know that under that act the farmer is largely placed in competition with the farmers of the world, however ignorant they may be, or however cheap the labor they may employ, or however cheaply they may be able to produce farm products. We passed the currency act, but you postponed the bill to give our farmers cheaper interest. What have you done for the farmer? Now, when you are passing a third great bill, you are about to place therein a section which, in my judgment, does not do the farmers of this country justice. I believe that it is in the interest not only of the farmer but in the interest of the great consuming masses of the country that we should encourage the farmers to organize to market their crops and in buying supplies.

Gentlemen who pose here as champions for labor are indirectly pleading against labor when they oppose the organization of farmers. We want the farmers to organize so that the products of the farm can come more directly to consumers with less cost and with a fewer number of middlemen. [Applause.]

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas, a member of the committee.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Minnesota. In the exception made in section 7 as it is written we use the same language in reference to farmers' organizations that we do in reference to labor and other organizations mentioned. We believe to that extent they should be differentiated from industrial and other corporations organized for profit. Gentlemen, I represent a farming district, and I also represent one of the greatest horticultural districts in the United States, but I am opposed to incorporating a provision in this bill that will allow the farmers and the horticulturists of this country to enter into combinations to increase the price of their products, which are industrial commodities, when in the existing law we forbid manufacturers and other classes of citizens from entering into such combinations.

I come from the South, and the South produces three-fourths of the cotton in the world, and perhaps more. I am opposed to any law that would allow the cotton farmers of the South to enter into combinations to control the price of cotton which at the same time would make it a crime for the manufacturers who purchase that cotton and manufacture it into cloth to enter into like combinations to raise the price of the manufactured product. For these reasons we think the amendment should be rejected. I represent the majority of the committee in opposing the amendment offered by the gentleman from Wisconsin, and I hope the House will vote it down. [Applause.]

Mr. WEBB. Mr. Chairman, just one word before we vote. The Illinois antitrust act, as my friend from Illinois knows, undertook to exempt agricultural products and live stock while in the hands of the producer and raiser. It was in these words:

> The provisions of this act shall not apply to agricultural products and live stock while in the hands of the producer and raiser.

That was in the antitrust act.

A man by the name of Connolly was the defendant when this particular act came to the notice of the Supreme Court. When the Supreme Court came to pass upon it they said that that act was void because it undertook to exempt agricultural products and live stock.

Mr. MANN. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MANN. That was under a constitutional limitation on the power of the Legislature of Illinois, and that is not in the United States Constitution.

Mr. WEBB. I understand that perfectly. The fourteenth amendment forbids any State to deny every citizen the equal protection of the law. That is the ground on which the Supreme Court in this case puts its opinion in declaring the statute unconstitutional. But I want to call attention to this one sentence in the opinion of that great and good judge, Judge Harlan:

> We conclude this part of the discussion by saying that to declare that some of the class engaged in domestic trade or commerce shall be deemed criminals if they violate the regulations prescribed by the State for the purpose of protecting the public against illegal combinations formed to destroy competition and to control prices, and that others of the same class shall not be bound to regard those regulations, but may combine their capital, skill, or acts to destroy competition and to control prices for their special benefit, is so manifestly a denial of the equal protection of the laws that further or extended argument to establish that position would seem to be unnecessary.

The proposition of my friend from Minnesota [Mr. NELSON] is to allow a certain class of people to form corporations with the avowed purpose of monopolizing certain products for the purpose of enhancing the prices of those products. If that be his amendment, I do not believe that any man ought to vote for it, because I do not see why one man should have the right to enhance the price of a certain class of products by monopoly whereas another man is denied that same right and is put in jail if he does it.

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. NELSON. Therefore the gentleman feels that farm organizations should be properly under the Sherman antitrust law?

Mr. WEBB. No; I do not believe that they should, if they are organizations for mutual help, without profit, just like labor organizations, and this bill expressly legalizes their existence.

Mr. NELSON. Will the gentleman explain how any farm organization not organized for profit could possibly be in violation of the terms of the law?

Mr. WEBB. If a farmer or a doctor or a merchant or a manufacturer, or a combination of them, violates the law of the land, they ought to be punished for it.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MANN. Under the Webb amendment which we have just agreed to, would it not be lawful for 10,000 or 100,000 farmers to join an organization not for profit?

Mr. WEBB. Absolutely.

Mr. MANN. To raise the price of wheat or the price of cotton or to refuse to sell it at a less price than a certain fixed price higher than the then market price?

Mr. WEBB. I do not know whether it would go that far or not. As long as the product is their own cotton or corn they can hold it as long as they please.

Mr. MANN. I asked the question, and the gentleman said a while ago that he did not believe in that; but is not that the effect of the amendment that we agreed to, as long as the organization is not for profit, that it shall not be considered as an organization in restraint of trade?

Mr. WEBB. That is what the amendment says; yes.

Mr. MANN. So that if a million farmers, if they could get them to agree, could agree not to sell cotton below a fixed price or corn or wheat or any other product below a fixed price, and that agreement would be lawful?

Mr. WEBB. So long as the farm products are in the hands of those who produce them.

Mr. MANN. It might not be in hand, but it might be in a warehouse.

Mr. WEBB. That is still in the producer's possession.

Mr. CARR. Would it not be for profit if it raised the price, and therefore illegal?

Mr. MANN. But it would not be an organization for profit.

Mr. CARR. That is what the gentleman says—organized for profit.

Mr. WEBB. I do not believe we ought to permit corporations organized for profit to monopolize any product and to depress or raise the price of any product, for such would be offensive to every principle of law against monopoly and restraint of trade.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wisconsin.

The question was taken; and on a division (demanded by Mr. NELSON) there were—ayes 23, noes 59.

So the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> Page 24, after the word "laws," at the end of the Webb amendment, add the following:
>
> "There shall be no abridgment of the right of wage earners and producers to organize for the protection of wages and improvement of labor conditions."

Mr. BRYAN. Mr. Chairman, I claim no pride of authorship in this amendment. A very much greater Bryan than I is the man who wrote this amendment. I have copied it verbatim from the Democratic platform enunciated at Baltimore by the Democratic Party, and it is declared to be the last word of that party on this particular subject.

The CHAIRMAN. The Chair will state that according to his understanding the gentleman from Minnesota [Mr. VOLSTEAD] controls the time for debate.

Mr. VOLSTEAD. Mr. Chairman, I yield the gentleman five minutes.

Mr. BRYAN. Mr. Chairman, this is a part of the Democratic platform, and it gives me a great deal of pleasure to dish up to the Democrats here an amendment which ordinarily I know they would not adopt, but which, under the peculiar conditions existing, it being a part of their own platform, they will surely adopt.

It goes a good deal further than the amendment that has been adopted, for it provides that there shall be no abridgment of the right of labor to organize to promote higher wages and protect their own product, and it is true it might, under interpretation, grant labor a great deal more rights than labor has demanded. But it is a part of the Democratic platform.

Mr. HENRY and Mr. SLOAN rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. BRYAN. I yield first to the gentleman from Texas.

Mr. HENRY. Does the gentleman wish to adopt all of the Democratic platform?

Mr. BRYAN. I will say to the gentleman that I could hardly ask to put all of the Democratic platform in this bill, for if we were to do so we would save the Panama Canal.

Mr. HENRY. The gentleman knows that all of his amendment is in section 7 as amended?

Mr. BRYAN. If it is already in the bill, then it will not be out of place to call the matter to the attention of Congress and permit Congress to vote upon it. The Democratic platform has some good things in it, but I have noticed that it has not always been approved. I have noticed that on two or three occasions it has been denied recognition on the floor of this House, and I am anxious to see whether in this particular case the very words of the Democratic platform will prove to be obnoxious to the members of the Democratic Party on this floor. I ask that the amendment be adopted; it comes from such an eminent authority.

I now yield to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Speaking about the plank in the Baltimore platform, I want to ask the gentleman if he has read the latest bulletin to discover whether or not it is a slight interference and like a good many others it has been repudiated?

Mr. BRYAN. Well, I have not discussed the latest bulletin, but I recognize the fact that when we are on the Democratic platform, according to some precedents, we have to learn what the latest authority is about it, but I do not think in a case of this kind, in a matter involving the Democratic Party's interpretation of its duty to labor, that anybody would have to be consulted, and I think the fact that this amendment is a plank from the Democratic platform ought to be enough not to require any debate whatever, and I hope it will be adopted.

Mr. CARLIN. I yield one minute to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman, I desire to have incorporated in the RECORD in my time a letter from the four religious organizations of Tuolumne County, Cal., against polygamy and in favor of a constitutional amendment prohibiting it.

Mr. BRYAN. I would like to ask the gentleman what the subject of polygamy has got to do with the Democratic Party going off after strange gods? I want the Democratic Party to stick loyally to its one platform till death, and I do not know how polygamy has anything to do with that.

Mr. BARNHART. Will the gentleman yield?

Mr. RAKER. Yes; to anybody interested on this subject, of course, I always yield.

Mr. BARNHART. Why should not the gentleman from California introduce that through the basket in the regular way?

Mr. RAKER. It is not in the basket clause.

Mr. BARNHART. I am serious about it.

Mr. RAKER. I am serious about it.

Mr. BARNHART. Why does not the gentleman introduce it in the regular way?

Mr. RAKER. I want to get it in in this way, to show that the people of California are anxious to recognize and are in favor of this constitutional amendment proposed to the people prohibiting polygamy, so that they might vote upon it. They are interested in it.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert a letter as a part of his remarks. Is there objection?

Mr. MANN. What is the letter?

The CHAIRMAN. In reference to polygamy.

Mr. MANN. We have a rule that nothing shall come in this debate except that relating to the bill, although I think it might come in on this bill which they say has plural wives.

Mr. BARNHART. I object.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. HULINGS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk. I do not know it is in order at this time, because it is an amendment to the second paragraph.

The CHAIRMAN. It is not in order at present. The Chair will state to the gentleman. The Clerk will report the amendment offered by the gentleman from Illinois to the paragraph which is pending.

The Clerk read as follows:

> Page 24, strike out lines 11 to 24, both included.

Mr. MANN. Mr. Chairman, this amendment——

Mr. CARLIN. Will the gentleman suspend? I want to inquire, if possible—we have had four or five hours debate on this section, and I would like to see if we could not arrive at some time for concluding debate on the second paragraph.

Mr. MANN. We would like about 45 minutes.

Mr. HULINGS. I understand the gentleman's amendment is to strike out the paragraph.

The CHAIRMAN. So the Chairman understands.

Mr. HULINGS. My amendment is to insert.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] has the floor at the present time.

Mr. HULINGS. The gentleman's amendment is to strike out, while the amendment I present is to perfect the section, and I assume it has precedence.

The CHAIRMAN. Such an amendment as the gentleman indicates would be a preferential amendment.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on the second paragraph and all amendments thereto be closed in 80 minutes, 40 minutes to be controlled by the gentleman from Minnesota and 40 minutes by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon the second section and all amendments thereto be closed in 80 minutes, 40 minutes to be controlled by himself and 40 by the gentleman from Minnesota. Is there objection?

Mr. FERRIS. Mr. Chairman, reserving the right to object, I have an amendment I think is fairly important; it may not appear so to the rest of the committee; but I would like to make it certain that I may have 5 or 10 minutes.

Mr. WEBB. I can not agree to the gentleman having 10 minutes. There are a great many gentlemen who would want to have 10 minutes. We have given 80 minutes to a discussion of this section, and I think that is plenty of time.

Mr. MANN. I think we occupied three or four hours on it one day two or three years ago, when I had charge of the bill.

Mr. WEBB. I am very glad we are making such excellent progress now. I am sure that 80 minutes is time enough to discuss this.

Mr. FERRIS. I will not object; but if there are eight amendments, that would give eight Members 10 minutes apiece.

Mr. WEBB. I could not agree to give the gentleman 10 minutes, but he will have some time to discuss his amendment.

Mr. CARLIN. And the gentleman is only entitled to five minutes under the rule.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BEALL of Texas. Mr. Chairman, reserving the right to object, I would like to say to the chairman of the committee my colleague has an amendment he proposes to offer to the same paragraph. Would that come in under the unanimous-consent agreement?

ganizations or to restrain individual members of such organizations from carrying out the legitimate objects thereof.

The provisions of sections 9 against interlocking directorates is one of the most important and far-reaching legal restraints in the whole history of corporate reform. It is one which, as the President has said, opinion deliberately sanctions and for which business waits. In his message of January 20, 1914, the President said:

> It [business] awaits with acquiescence, in the first place, for laws which will effectually prohibit and prevent such interlockings of the personnel of the directorates of great corporations, banks, and railroads, industrial, commercial, and public-service bodies, as in effect result in making those who borrow and those who lend practically one and the same, those who sell and those who buy but the same persons trading with one another under different names and in different combinations, and those who affect to compete; in fact, partners and masters of some whole field of business.

It was developed by the Pujo committee that Mr. George F. Baker, chairman of the board of directors of the First National Bank of New York, is a director in 22 corporations having aggregate resources of $2,272,000,000, and that the directors of that bank are directors in not less than 27 other corporations whose aggregate resources are $4,270,000,000. Mr. James Stillman, chairman of the board of directors of the National City Bank, is a director in 7 corporations, with aggregate resources of $2,476,000,000, and that the directors of that bank are directors in no less than 41 other corporations which have aggregate resources of $10,564,000,000; that the members of the firm of J. P. Morgan & Co. are directors in 47 of the largest corporations in the country; and that these three groups, Messrs. J. P. Morgan & Co., the directors of the First National Bank, and the National City Bank, hold 118 directorships in 34 banks and trust companies having total resources of $2,679,000,000 and total deposits of $1,983,000,000; 30 directorships in 10 insurance companies having total assets of $2,293,000,000; 105 directorships in 32 transportation systems having a total capitalization of $11,784,000,000 and a total mileage of 150,200 miles; 63 directorships in 24 producing and trading corporations having a total capitalization of $3,339,000,000; 25 directorships in 12 public-utility corporations having a total capitalization of $2,150,000,000; in all, 341 directorships in 112 corporations having aggregate resources or capitalization of $22,245,000,000.

Such a condition is contrary to public policy, is violative of the spirit of business fairness, and is destructive of that freedom and democracy of individual opportunity which ought to characterize the institutions of a republic. It is offensive to that scriptural injunction that—

> No man can serve two masters, for either he will hate the one and love the other, or else he will hold to the one and despise the other.

It is in moral opposition to that relationship of trust which legally exists between a corporation and a director. It is a clear rule of law that directors of a corporation are trustees for the stockholders and that the corporate property is a trust fund to be administered by them in the utmost good faith. No contract in which a director is interested can be sustained against attack where the interested director is a necessary part of the quorum. In England they have a rule that whenever it appears that a director of a corporation is interested in corporate matters under consideration by the board of directors, such director is thereby removed from office. In an Ohio case it was said:

> A director whose personal interests are adverse to those of the corporation has no right to be or act as a director. As soon as he finds that he has personal interests which will conflict with those of the company he ought to resign.

Each corporation is interested in obtaining an advantageous bargain and each ought to have a sole claim upon the best endeavors of its agents. As the New York court said:

> The law permits no one to act in such inconsistent relations. It does not stop to inquire whether the contract or transaction was fair or unfair. It stops the inquiry when the relation is disclosed, and sets aside the transaction or refuses to enforce it, at the instance of the party whom the fiduciary undertook to represent, without undertaking to deal with the question of abstract justice in the particular case.

As long ago as 1880 Mr. Justice Field said:

> It is among the rudiments of the law that the same person can not act for himself and at the same time, with respect to the same matter, as the agent of another whose interests are conflicting. The two positions impose different obligations, and their union would at once raise a conflict between interest and duty; and, constituted as humanity is, in the majority of cases duty would be overborne in the struggle.

And yet this salutary rule has been made wholly ineffective to prevent unfair contracts between corporations through the agency of a common director by judicial decision that such contracts are valid when the vote of the interested director was not necessary to carry the resolution or his presence to constitute a quorum, and that even where his vote and presence were so necessary, the contract is voidable only in a proper proceeding taken for that purpose by the corporation, its shareholders, or its creditors, and is not absolutely null and void.

And yet everyone knows that it is the common practice in such cases for a director actively to interest himself in the discussions of such contracts and then have himself recorded as "not voting." Where the interested director is a representative of the fiscal agent of such corporation, it is unnecessary for him even to be present at meetings where such contracts are voted, for since he controls the supply of capital his will can not be disregarded.

This ruling of the courts has rendered actions to set aside such contracts so infrequent as to be almost negligible. Manifestly stockholders have but slight knowledge of the transactions of large corporations which are managed exclusively by a board of directors. Nor would knowledge alone suffice since they are under the necessity of producing evidence often carefully concealed and difficult of exposure. Even with the necessary evidence at hand, a suit against a large corporation or one of its directors is usually an expensive and protracted proceeding, and one which stockholders of moderate means will not often undertake. Even large stockholders may very well fear the power of the interlocked interests of such a director and his associates and conclude rather to bear the ills he has than fly to others that he knows not of.

Mr. Chairman, I would go still further than this bill, for whereas it has been provided that no person shall be a director in two or more commercial corporations either of which has capital of more than $1,000,000, I would extend the prohibition to prevent any person who is a stockholder to the extent of 10 per cent or more of the share capital of any corporation capitalized at $1,000,000 or more from being at the same time a director in any corporation capitalized at more than $1,000,000, except the corporations in which he is a stockholder. I can see no difference in principle in the one case than in the other. The evils to be avoided are identical, the conflict of interest is the same, the divided allegiance is equally evident.

The time has come, Mr. Chairman, to deal effectively with these abuses. The paternal control of a few self-constituted masters can not longer be suffered to obstruct the industrial activity which is the spirit of liberty and the very lure of life. In this bill we lay the ax to the root of the tree of monopolistic control. We seek to destroy the processes which make monopoly possible. And further fulfilling our pledges we make guilt personal. We declare then the offending individual shall himself answer for his offending. We seek to protect the commerce of the Nation and to allow it to flow in the natural channels of free and fair competition, to permit the individualistic spirit of America to find expression and our human resources to be utilized in the freedom of our industrial life. [Applause.]

The CHAIRMAN. The gentleman yields back eight minutes.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Chairman. I should not undertake to discuss this provision further were it not for the deep respect I feel for the high-minded patriotism of the author of the amendment, Mr. NELSON, a compliment I wish to pay him in this public way. I think, however, he, with some others, is proceeding on an assumption with reference to these amendments which is not sustained by the actual conditions of the discussion. That assumption is that in some sort of a way Congress is giving to the farming organizations and to other mutual organizations the rights which they are to enjoy in the future. That is an error. Their right to exist and their conditions of existence will continue to spring from the legislation of the respective States; and the farming organizations in which my friend from Wisconsin [Mr. NELSON] is justly so much concerned can look with confidence to the legislature of his own State for their charters of privileges and their bills of rights.

Mr. NELSON. Mr. Chairman, I should like to ask the gentleman——

Mr. LEWIS of Maryland. Let me first complete this thought. It is only under conditions whereby any commercial organization may become a trust or monopoly that the jurisdiction of national legislation will attach to that organization at all. It is very misapprehensive of the situation to suggest any fear for the farming organizations which exist in this country, because in evidence of that we have the actual situation itself to dispel such fear. There is the well-known California Citrus Fruit Association, of the Pacific coast, which has reached very, very large proportions, and the operations of which are a matter of national notice. Yet, large and important as it is, there has been no effort to apply even the unamended Sherman antitrust law to its operations. There is, therefore, no ground to express the fear that the National Government is about to or may at

any time proceed against the farming organizations of the country. Their rights will continue to be the rights which are granted them by the respective States. Now I will yield to the gentleman from Wisconsin for his question.

Mr. NELSON. If the States can properly grant them the rights the gentleman mentions, why can not the Congress grant them also the right to be protected interstate?

Mr. LEWIS of Maryland. The Congress does grant that right under the present antitrust laws, especially as qualified and amended by this clause, section 7.

Mr. NELSON. One further question. The gentleman is a very able representative of labor, and as such he asked relief for labor organizations because they were always under the threat of being prosecuted under the Sherman law. Why does he not ask, in all fairness, that farmers be treated as he has insisted that labor should be treated?

Mr. LEWIS of Maryland. We do give them the same rights in the same clause and in the same language of section 7.

Mr. NELSON. Oh, but the gentleman——

Mr. LEWIS of Maryland. There was this difference: The labor organizations had been attacked, and successfully attacked, in the courts.

Mr. NELSON. But the farmers have also been attacked in Kentucky, as the gentleman knows.

Mr. LEWIS of Maryland. Both of them are relieved from that attack in the same provision.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman from Maryland three minutes more.

Mr. NELSON. The gentleman from Maryland is very fair, and I want to say to him that I am very sorry to see that labor has deserted its old-time ally, the farmer. Labor is specifically excluded, because of the two qualifications, "capital stock" and "conducted for profit." But what has the farmer, if he organizes a cooperative business association for profit?

Mr. LEWIS of Maryland. That introduces what I would wish to add to my remarks. What is it that the farmer of the United States wants? I do not believe he wants to raise prices, as a trust or a monopoly is instinctively designed to do. What he wants is to get for his own products the prices that he knows the consumers of this country are paying for them. If we could give the farmer a method by which he could secure for his product what the consumers actually pay, I am sure he would be delighted; farming prosperity would be greatly augmented and the Nation itself blessed by such prosperity.

Now, there is nothing in this provision that is not designed to give him the fullest opportunities to organize with reference to the marketing of that product through mutual cooperation. But I am sure the gentleman recognizes that in dealing with the trusts the statutes must draw lines of distinction, and the statute in this particular case draws its line of distinction between the organization of men and the monopolizers of commodities. That distinction is sustained by the instincts of justice in the human race. The ordinary workman in the factory can combine his manhood, his intelligence, and his organizing instincts for mutual advantage. The farmer is explicitly mentioned as having the right to do the same thing. Now, to do otherwise would be to open the gates for, possibly, that citrus fruit association, if it ever should overgrow and overleap the bounds where national welfare becomes involved. I think that in all fairness to the gentleman from Wisconsin it can be claimed for this section 7, as it is now amended, that it is equally just to all forms of human labor, on the farm as well as in the factory. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. Mr. Chairman, we do not care to discuss this any further on this side. I suppose gentlemen on the other side have completed what they wished to say.

Mr. VOLSTEAD. I yield to the gentleman from Washington [Mr. FALCONER].

Mr. FALCONER. Mr. Chairman, I speak in favor of the amendment offered by the gentleman from Wisconsin [Mr. NELSON]. I believe there was something also in the statement of the gentleman from Pennsylvania [Mr. GRAHAM] a few minutes ago when he said that this bill seems to treat of several distinct lines of legislation. It is characteristic of this Congress to do an omnibus legislative business. I believe it would have been wiser for the Congress to have treated the question of labor and farm cooperative associations entirely separately from monopolies and trusts.

This bill—and I do not rely on my own judgment alone, but from general discussion of eminent gentlemen—is very much complicated; but there should be no misunderstanding regarding the rights of farm cooperative associations in an endeavor to obtain just consideration when organizing among themselves for the purpose of profitably marketing their own produce.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, I should not impose further remarks on the House if I did not really believe that there is great merit in the amendment proposed by the gentleman from Minnesota. The first paragraph of section 7 of the bill as reported by the committee and as amended by the amendment offered by the gentleman from North Carolina is as follows:

> SEC. 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof, nor shall such organizations or orders or associations, nor the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

Now, I have prepared what I think would be a proper substitute for the first paragraph of section 7, as quoted above. It is as follows:

> SEC. 7. That nothing contained in the antitrust laws shall be construed to prevent the existence or operation of labor organizations; or to forbid such labor organizations or persons belonging thereto from entering into any contract, agreement, or arrangement with a view to lessening the hours of labor; or of increasing their wages; or of bettering their conditions; or to forbid the existence and operation of consumers' organizations; or to forbid such organizations or members thereof from entering into any contract, agreement, or arrangement with a view to lessening the cost to them of goods, wares, and merchandise, or of any agricultural or horticultural product; or to forbid the existence or operation of any farmers' organization or any agricultural or horticultural organization; or to forbid such organizations or the members thereof from entering into any contract, agreement, or arrangement with a view to reducing the cost to them of tools, implements, machinery, fertilizers, or of any other supplies needed by persons engaged in agriculture or horticulture; or with a view to collective bargaining in the sale of their products or to obtain better credit or lower interest; nor shall such organizations or orders or associations, nor the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

My objection to section 7 as it has been amended is that under it only farmers' organizations without capital stock and not conducted for profit would be legal under this section. In other words, it exempts from antitrust laws only farmers' organizations organized for mutual help along social, literary, and educational lines. There has been no attempt to dissolve such farmers' organizations, so that the provisions of section 7 really give to farmers nothing. While we are considering this question we should in plain language give the farmers the right to organize, even with capital stock or for profit, so long as their organizations are along legitimate lines to aid them in marketing their products as cheaply as possible and in purchasing their supplies as cheaply as possible.

Now, the amendment offered by the gentleman of Minnesota [Mr. NELSON] is broad enough to give the farmers what they need and should have. I think it was Sir Horace Plunkett, who made a thorough study of American agriculture, and who has devoted his life largely in an effort to improve agricultural conditions in Ireland, who said that improvement in agriculture must come through better farming, better business, and better living, and that the first of these was better business in farming. Improvement in farming—the making of the farm what it should be in this country—must come through better transportation facilities, better educational advantages, and better organization among our farmers.

As a member of the Judiciary Committee I filed a minority report to this bill, in which I said:

> The law not only should not prohibit but should encourage farmers to organize with a view to purchasing implements, machinery, and other farm supplies at less cost and with the view to collective bargaining in the sale of their products and in the purchase of supplies. In France, Germany, and other European countries farmers' organizations are authorized by law. The line along which these organizations can act is definitely defined. Governmental aid, direction, and assistance is given. Such organizations are encouraged to engage in a wide field of purely business transactions. These organizations have contributed immensely to the expansion of the agricultural interests of those countries. It would be exceedingly unfortunate at this time, when we are about to enter upon the important task of providing our farmers with better credit facilities, to enact a law which may be construed to make all farmers' organizations unlawful except such as are organized for the mutual benefit of members along literary, insurance, and social lines.
>
> Practically every other business is highly organized but the business of farming. There are about 6,500,000 farmers. Something like 12,000,000 persons over 10 years of age toil on the farm. The farmers are at a great disadvantage. Labor is organized. Business is organized. Concentration, combination, cooperation everywhere except among the farmers. With the most intelligent farmers of the world, in business cooperation our farmers are far behind the less intelligent farmers of other countries. To aid our farmers in the line of greater cooperation has now become a national duty, and it would be hardly short of a public calamity to enact a statute which on its face restricts and limits to a narrow sphere the purposes for which agricultural associations may be formed.

sire to be put in a class where, without any chance to form a monopoly, they can be accused of attempting to monopolize trade and be harassed, as they can be, if we leave this bill in its present form. That should not be done. They should not be harassed and forced out of business or forced back into the old ruts that they had to follow before they commenced to cooperate, and I think if you put this measure on the statute books in its present form that so far as the American farmer, the principal class in numbers in this country, is concerned, you are taking a step backward and injuring him instead of benefiting him. [Applause.] I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back one minute.

Mr. NELSON. Mr. Chairman, I yield seven minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Chairman, I desire to say in this behalf that I have consulted three Members of the Committee on the Judiciary and was informed that no representative of the farmers came before that committee and demanded this legislation or any part of it. The facts are that the farmers' part in this bill is simply to be used as a stalking horse to obtain other features of this legislation. Well was it said—I noticed the gentleman from Pennsylvania [Mr. CASEY] in his maiden speech said it—that that side of the House was redeeming its pledges, in that ancient and stately joke perpetrated and promulgated at Baltimore, to the farmers and laborers. I desire to speak about it, especially relating to the trust feature, and in support of the Nelson amendment, which seeks to give at least a measure of the favor professed in this bill but in fact withheld.

So far as the farmers are concerned, this is the second installment of the so-called favorable trust legislation. The first installment was presented in the Underwood tariff bill, the sponsors of which claimed it to be a fulfillment of the tariff plank of the Baltimore convention. That plank stated the general Democratic policy for tariff revision downward as follows:

We favor the immediate downward revision of the existing high and, in many cases, prohibitive tariff duties, insisting that material reductions be speedily made upon the necessaries of life.

You will note that it stood for a reduction of duties rather than a removal of duties. The bill was said to be one for revenue only. In a subsequent clause it provided that certain articles should have the tariff removed absolutely and placed upon the free list, the following being the language used:

Articles entering into competition with trust controlled products and articles which are sold abroad more cheaply than at home should be put upon the free list.

This is the only authority for expansion of the free list found in the Baltimore platform. In the Underwood bill there was a large expansion of the free list. Eighty per cent of the value of all the American products placed upon the free list and which were not on the free list under the Payne law were products of the farm, so that the majority of this House considered farm products as being in competition with trust-controlled products or were sold abroad more cheaply than at home.

Every farmer in the United States knows that neither one of those statements are true, so that in the name of antitrust legislation a most gigantic imposition was perpetrated upon the farmers of this country.

Two statements are surprising to the country. First, that the farmers' products are trust produced or in competition with trust-produced articles; second, that farmers' products are sold abroad cheaper than at home, and yet these two statements are the only basis for the free listing of nearly all the products of the Northwest.

And now they come in with their second installment of trust legislation for the farmers, and while the first installment was an imposition this one is a fraud. They first include the farmer organization with the laboring men in section 7. Here they pretend to preserve for the farmers, laboring men, and horticultural associations special privileges. But they are preserved only while in a state of repose so far as the farmers are concerned. When they come into action for the purpose of carrying out only those things that can be of value to them, they are prohibited, except where a further provision is provided in the act itself. Now, then, in section 7 the farmers and the labor organizations were placed upon a parity; but in section 18 we find the labor organizations are specially provided for. So that each and every act by which they can accomplish the legitimate purposes of their organization is permitted by the law. We find no corresponding section to section 18 to protect the farmers. Section 18 is as follows:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to, or withholding from any persons engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto. Nor shall any of the acts specified in this paragraph be construed or held unlawful.

This matter, Mr. Chairman, as I say, was not asked for by the farmers of the United States. The farmers of the United States are in favor of equality before the law with the manufacturers, miners, laborers, and all others of this country. But when there is presented, as this bill presents, a motley mass of discriminations and favors to various industries denied to others, then in the general skirmish and scrimmage the farmers are entitled to have their share of that discrimination. For that reason the farmers of the United States do not want this meaningless sop thrown to them in this bill, which has no more substance or satisfaction in it than a Dead Sea apple, which would crumble to ashes upon touch; because there is no provision throughout the whole bill in any place that would protect them in carrying out any special course of action whereby they might forward their industry for the purpose of increasing the prices of their products or perhaps reducing the prices of those which they bought.

Perhaps the most exasperating feature of this legislation is the cheap estimate placed upon the farmers' intelligence and vigilance. The farmers of this country will see through this cheap attempt to placate them for the wrongs which have been inflicted upon them by this Congress and will rescat the attempt to make them a stalking horse for other classes interested in legislation. This bill discriminates against the small dealer certainly; whether there is a discrimination against the large dealer is a problem. It has nets to catch small fishes, but none apparently strong enough to catch large ones. The discriminations in section 3 must operate in favor of the large mine owner and against the small.

Section 7 to the farmer must appear a fraud upon its face.

Section 8 grants to the railroads of the United States means of combination and agreement hitherto denied by Congress and until this committee acted which neither House of Congress ever dared to favor.

The Nelson amendment we are now discussing is a discrimination. But if you are in the discriminating business, it is important that you give 30,000,000 people of the United States interested in agriculture their share of the discrimination. But this you deny.

I can understand why this bill was drafted by three Members of the majority party in conjunction with the White House with the minority excluded, as was stated in the opening of this debate. It was so with the tariff bill, which discriminates against the farmer. It was drafted by the majority Members with the same aid, because it is a better means of keeping the real purpose of legislators in the dark. A great many people in the United States thought when the tariff bill was being drafted that trust articles and trust-controlled products, and those that were in competition with trust-controlled products, should be placed upon the free list; that that was intended for the manufacturing interests of the United States, and especially those of the East. But when it was unveiled it was found to strike to the extent of 80 per cent the products of the soil, and to the extent of only 20 per cent other products. [Applause on the Republican side.]

The CHAIRMAN (Mr. WILSON of Florida). The time of the gentleman has expired.

Mr. NELSON. Mr. Chairman, will that side consume some of its time?

Mr. WEBB. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. CARR].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CARR] is recognized for 10 minutes.

Mr. CARR. Mr. Chairman, history and chronicle are full of the achievements of heroes, kings, and statesmen in war and politics, but slight insight is given us into the commercial customs or methods of business of ancient or even medieval times. And yet we know that mighty wars were fought whose obscure

objects were really the extension of trade, the acquisition of land, the increase of wealth. Since the day when Joseph forced the people to pay him for his corn, first their money, then their flocks, their cattle, and their asses, and lastly their land and their freedom, the spirit of monopoly has pervaded trade. From the primitive practices of royal monopolists of brick and papyrus in Egypt, of mines and banking in Greece, of salt in Rome, and of many less extensive but more significant methods of trade control among merchants, factors, and shipowners, this genius of monopoly has grown through the years in strength and influence until recently one of the leading bankers of America, Mr. George F. Baker, was constrained to admit before the Pujo committee that the conditions prevailing in the United States had brought about a situation not entirely comfortable for a great country to be in. This grave situation is not a result of the natural growth of industry. On the contrary, it has been brought about through unfair trade practices, through the artificial elimination of competition, through the control of credit achieved by a small group of men over our banks and industries. This result has been attained by three principal methods: First, through the consolidation of banks and trust companies, the reservoirs of money, and their control and the control of the large funds of life insurance companies, through stock holdings, voting trusts, and interlocking directorates; second, through large combinations and consolidations of public-service corporations and the formation of huge industrial trusts, intertwined in interest through common directors, voting trusts, and stock holdings; and, third, through banker management. The very immensity of these trusts and combinations made necessary their financing through bankers who had acquired the power to control the resources of the depositories of the people's money, and thereby enabled a few large banking houses to demand representation upon the directorates and to dictate the business policy of these large commercial units, the issue of stocks and bonds beyond the reasonable needs of business, the purchase of supplies from favored concerns at prices wholly arbitrary, and for the benefit of corporations in which the same group of men were largely interested.

In other words, through the power acquired by the bankers to grant or withhold credit they were not only able to decree the combination and consolidation of industrial units, thereby making necessary large issues of securities and stocks, determined in amount almost absolutely by the will of the bankers, but they were enabled to charge for their services as underwriters all that the traffic would bear. These huge commissions were only made possible through large consolidations, and therefore it became the interests of the bankers to control industrial organizations and to effect these combinations. With the consequent elimination of competition and the ability to fix prices and control markets they were enabled to earn their interest charges and to pay dividends upon fictitious valuations.

An interesting example of the "vicious circle of control through which our financial oligarchy now operates" is stated by Mr. Louis D. Brandeis in his book, Other People's Money, and How the Bankers Use It:

J. P. Morgan (or a partner), a director of the New York, New Haven & Hartford Railroad, causes that company to sell to J. P. Morgan & Co. an issue of bonds. J. P. Morgan & Co. borrow the money with which to pay for the bonds from the Guaranty Trust Co., of which Mr. Morgan (or a partner) is a director. J. P. Morgan & Co. sell the bonds to the Penn Mutual Life Insurance Co., of which Mr. Morgan (or a partner) is a director. The New Haven spends the proceeds of the bonds in purchasing steel rails from the United States Steel Corporation, of which Mr. Morgan (or a partner) is a director. The United States Steel Corporation spends the proceeds of the rails in purchasing electrical supplies from the General Electric Co., of which Mr. Morgan (or a partner) is a director. The General Electric sells supplies to the Western Union Telegraph Co., a subsidiary of the American Telephone & Telegraph Co., and in both Mr. Morgan (or a partner) is a director. The telegraph company has an exclusive wire contract with the Reading, of which Mr. Morgan (or a partner) is a director. The Reading buys its passenger cars from the Pullman Co., of which Mr. Morgan (or a partner) is a director. The Pullman Co. buys (for local use) locomotives from the Baldwin Locomotive Co., of which Mr. Morgan (or a partner) is a director. The Reading, the General Electric, the Steel Corporation, and the New Haven, like the Pullman, buy locomotives from the Baldwin Co. The Steel Corporation, the Telephone Co., the New Haven, the Reading, the Pullman, and the Baldwin Cos., like the Western Union, buy electrical supplies from the General Electric. The Baldwin, the Pullman, the Reading, the Telephone, the Telegraph, and the General Electric Cos., like the New Haven, buy steel products from the Steel Corporation. Each and every one of the companies last named markets its securities through J. P. Morgan & Co., each deposits its funds with J. P. Morgan & Co., and with those funds of each the firm enters upon further operations.

This specific illustration is in part suppositious, but it represents truthfully the operation of interlocking directorates. Only it must be multiplied many times, and with many permutations, to represent fully the extent to which the interests of a few men are intertwined. Instead of taking the New Haven as the railroad starting point in our example, the New York Central, the Santa Fe, the Southern, the Lehigh Valley, the Chicago & Great Western, the Erie, or the Pere Marquette might have been selected; instead of the Guaranty Trust Co. as the banking reservoir, any one of a dozen other important banks or trust companies; instead of the Penn Mutual as purchaser of the bonds, other insurance companies; instead of the General Electric, its qualified competitor, the Westinghouse Electric & Manufacturing Co. The chain is, indeed, endless, for each controlled corporation is entwined with many others.

Mr. Chairman, the Democratic Party is pledged not to the regulation of monopoly but to its absolute destruction by the enactment of specific legislation. The Baltimore platform declares:

A private monopoly is indefensible and intolerable. We, therefore, favor the rigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States. We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including, among others, the prevention of holding companies, of interlocking directorates, of stock watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

The series of trust bills presented to this Congress are designed to fulfill that pledge to the American people. The present bill embraces six important provisions exclusive of procedural rules, as follows:

First. It attempts to prevent unfair discrimination in price whereby great corporations, by selling their goods at a less price in the particular communities where their rivals are engaged in business than in other places throughout the country, endeavor to destroy competition and render unprofitable the business of competitors. The prohibition is comprehensive and permits of exception only on account of differences in grade, quality, and quantity of the commodity sold, and on account of differences in the cost of transportation. Although 19 or 20 States have, within the last few years, enacted such laws to correct such discriminatory practices within their borders it is very necessary that there should be national legislation on the subject, as it is now possible for a great corporation to lower the prices of its commodities throughout the borders of one State without violation of State laws, and thereby destroy the business of competitors within that State.

Second. It is made unlawful for the owner or operator of a mine or the selling agent thereof in commerce to refuse to sell such product to a responsible person who applies to purchase the same. Thereby it is made impossible that the bounty of the earth shall be monopolized.

Third. It is made unlawful for a manufacturer to contract with a dealer not to use or deal in the commodities of a competing manufacturer. Such practice results in driving out competitive articles from a community and tends to establish a monopoly in the trade of the commodity handled under the exclusive contract and generally results in sales at a higher profit. Very often, however, the merchant finds his shelves filled with articles he is unable to sell. It is unfair to the dealer, but it is more grievously unfair to the millions of American consumers who are compelled to purchase the necessaries of life through the ordinary channels of trade in their respective communities.

Fourth. It is made unlawful for a corporation engaged in commerce to acquire the whole or any part of the stock of another corporation engaged in commerce where the effect of such acquisition is to eliminate or substantially lessen competition between the corporation whose stock is so acquired and the corporation making the acquisition or create a monopoly of any line of trade in any section or community. The evil to be avoided by this prohibition is obvious. It goes much further than the Sherman antitrust law and defines with practical precision in what an undue restraint of trade consists.

Fifth. It is made unlawful after two years (a) for an individual, a member of a partnership, or a director or other officer of a corporation engaged in the business of producing or selling equipment, materials, or supplies to railroads or common carriers to act as a director, officer, or employee of another corporation or common carrier purchasing from such person or the partnership of which he is a member or the corporation of which he is a director or other officer; (b) for any banker, director, or other officer of a bank to be a director, officer, or employee of any common carrier for which such person or bank or trust company acts as underwriter or from which such person, banker, or trust company purchases securities; (c) for any person to be at the same time a director, officer, or employee of more than one bank, banking association, or trust company whose deposits, capital, surplus, and undivided profits aggregate more than $2,500,000; (d) for any person to be at the same time a director in any two or more commercial corporations either of which has capital, surplus, and undivided profits aggregating more than $1,000,000, except common carriers subject to the control of the Interstate Commerce Commission.

Sixth. It is provided that nothing contained in the antitrust law shall be construed to forbid the existence and operation of fraternal, labor, consumers', argicultural, or horticultural or-

WISCONSIN FARMERS HIT BY THE PROPOSED LAW.

In Wisconsin all our creameries are organized by farmers and our farmers' cooperative organizations are organized for profit, and have capital stock, and would be prohibited from doing business under this proposed law.

The Sherman antitrust law was never intended to apply to farm organizations, and it was not applied to them until it had been in operation many years.

In the famous Kentucky Tobacco case, where the farmers attempted to pool their tobacco so that they could get a fair price for it, a complaint was made, and they were indicted and fined $3,500. The complaint was instigated by a combination that desired to distract the attention of the country from the Beef Trust and other prosecutions and make the Sherman law unpopular so it would be repealed.

PURPOSE OF ANTITRUST LAWS.

The antitrust laws were enacted for the protection of the people from monopoly; that is, to prevent speculators from cornering a product and exacting a profit from the consumer many times larger than the amount of labor they placed upon it.

Whoever heard of the farmers of the country getting a monopoly on wheat, potatoes, corn, oats, or dairy products? We all know that there is no danger of the producers scattered all over the United States getting a corner on farm products and selling them at exorbitant prices. We know that the farmer has not the capital; that he is not brought in close enough contact with his neighbor a thousand miles away to corner the market; and that the corn grower in Illinois and the corn grower in Iowa, the potato grower in Maine and the potato grower in Wisconsin could not cooperate so as to control the market.

Cooperation among farmers, with the greatest encouragement the different States and the United States can give, can never possibly be more than local cooperation extending over a few townships or counties.

The antitrust laws are enacted to prevent vast aggregates of capital handled by men in the great centers of population cornering the market, controlling the necessities of life, taking advantage of the producers' necessities and buying at a low figure, sometimes below the cost of production, and without changing the product simply by transporting it and storing it, exacting an outrageous profit from the consumer, a profit out of all proportion to the amount of labor expended, and in many instances amounting to more than the total amount received by the real producer.

The Meat Trust is a conspicuous example of the monopoly the antitrust laws are aimed at.

COOPERATION OF FARMERS IN WISCONSIN.

The dairy farmer, through cooperation, is receiving no more than he ought to for his product, but is getting what the consumer is paying less the fair cost of making the butter and cheese and the handling and selling of it. With all other farm products from 35 to 45 per cent of what the consumer pays goes for transporting, handling, and distributing the article.

The cooperative cheese factories in Sheboygan County, one of the great cheese counties in Wisconsin, have an organization for the sale of their cheese, and they are receiving 3 or 4 cents per pound more than the cheese producers in the State of New York, and yet the consumer gets his product cheaper than he does in that State, showing that cooperation of the farmer not only helps him as a producer but also helps the consumer.

The Agricultural Department is expending large sums of money to very good advantage in showing the farmer how he can raise more bushels of grain per acre. In addition to this, it should assist him in marketing his farm products, encouraging him to cooperate, so that he can get a fair profit for the crops that he raises.

There should be no doubt about the law as to it allowing the farmer to cooperate to the fullest extent. It should be so plain that no one would question it, and the adoption of the Nelson amendment will make it so.

The legislative committee from the Society of Equity, of Wisconsin, representing 12,000 farmers, are not satisfied with the proposed law as it now is.

I offer a letter written by Charles A. Lyman, J. Wes. Tubbs, and D. O. Maloney, legislative committee of the Society of Equity, regarding section 7 of this bill, a similar letter having been sent to the Hon. JOHN M. NELSON:

AMERICAN SOCIETY OF EQUITY,
Madison, Wis., May 25, 1914.

Hon. EDWARD E. BROWNE,
House of Representatives, Washington, D. C.

DEAR SIR: Our society, 12,000 strong, is counting on you at this time to champion the cause of agriculture in Wisconsin, which has already suffered from tariff legislation, by leading in enacting laws favorable to cooperation.

Be sure to provide in impending antitrust legislation for free and unhampered cooperative action in assembling, grading, standardizing, packing, storing, and marketing farm products.

Agriculture must be permitted to do its business cooperatively and business can not be done without capital.

Would not a general provision permitting all cooperative business activities where all profits above operating expenses are returned to the patrons—producers and consumers—solve the problem? Anyway it must be solved to save our greatest and most important industry, to effect economies in distribution, and to protect consumers from unlimited exploitation.

CHARLES A. LYMAN,
M. WES. TUBBS,
D. O. MAHONEY,
Legislative Committee.

DEMOCRATIC PARTY CAN NOT AFFORD TO BE UNJUST TO THE FARMERS.

This Congress and the Democratic Party can not afford to strike a blow at the great agricultural interests of this country like the passage of this law will.

The Democratic Party in the solid South may be able to roll up its customary majority regardless of its attitude toward the farmers, but the citizenship of the great northern and western agricultural States do not inherit their political faith. They are not voting a party ticket because their fathers and grandfathers did, but are holding the party in power to a strict accountability.

THE DEMOCRATIC PARTY HAS NOT DEALT FAIRLY WITH THE FARMERS.

I charge the Democratic Party with not dealing fairly with the farmers of the North and West.

I ask, What have you done for the farmers who, during the last crop year, produced nearly $10,000,000 worth of wealth?

You have appropriated $141,000,000 for battleships. You have appropriated $100,000,000 for the Army, although you spent almost two weeks' time making speeches on the Winston Churchill peace resolution. You have appropriated $44,000,000 for rivers and harbors.

You have done all this after talking economy and accusing the former Republican administration of being extravagant.

The 12,000,000 farmers of this country have received very little consideration at your hands.

NOTHING FOR GOOD ROADS.

The $25,000,000 appropriation for wagon roads that passed this House in February is sleeping the peaceful sleep of death in one of the committees of the Senate.

RURAL CREDITS SHELVED.

The farmers of the country demanded and were promised by this administration a law that would enable them to borrow money at a lower rate of interest and on easier terms. This would help the farmer in moving his crops and enable the tenant farmer and the young man with small capital to become the owner of a farm with a fair chance of paying for it.

Many wanted rural-credit legislation to be written into the banking and currency law, where it could have been appropriately placed, but "the powers that be" said no, and it looks as though rural-credit legislation had been relegated with the other broken promises of the Democratic Party.

UNDERWOOD TARIFF DISCRIMINATES AGAINST THE FARMERS.

By taking off the tariff on farm products you have opened wide the doors of the great home market of the United States to the farmers of the world and invited them to dump their surplus.

Argentina, since the tariff bill went into effect, has sent millions of dollars' worth of butter, beef, and corn into the United States.

Canada, which has more acres of agricultural land than the United States, is already in competition with us.

Prof. Charles McCarthy, reference librarian at Madison, Wis., an authority upon the subject, says:

A year ago when I made the statement that the farmers would be in a bad way unless they organized to meet the low tariff some laughed at the statement. Verification of what I said then now comes from other sources.

The president of the Chamber of Commerce of Manchester, England, says:

In three short months all the surplus cattle of Canada have been sold to American buyers. Imports of chilled meats in New York quickly became an established trade. Canadian cream and milk has been sold to such a large extent that there is practically no Canadian butter for export and the quantity of cheese for this market will rapidly diminish. New Zealand butter is also finding an outlet to America.

Dr. McCarthy says:

My statement is borne out by these facts. The farmers should begin to organize for better marketing and production as their only hope to meet the increased competition. We now have what are practically summer prices for butter. I believe this also demonstrates that organization is necessary or our farm industries will eventually go to the wall.

OVERPRODUCTION.

Every farmer knows that we have a surplus crop of some farm product almost every year, which brings down the price of that product below the cost of production.

Overproduction will be a frequent occurrence with no tariff on farm products.

We sometimes think that the United States is the only agricultural country.

Germany raises on an average of from six to seven times the amount of potatoes raised by the whole United States.

Last year the United States raised 331,525,000 bushels of potatoes against Germany's 1,988,591,308 bushels of potatoes. Ireland raised 139,002,358 bushels of potatoes, Canada 78,544,000 bushels, and many other countries raised a large quantity of this product.

It should be remembered that potatoes can be shipped from these countries to our sea ports on the Atlantic sea coast and to our southern ports for from 6 to 8 cents a bushel, about as much as it costs the average farmer to haul his potatoes to the nearest railroad station.

In the year 1913 Russia raised 700,000,000 bushels of wheat; France, 350,000,000 bushels; British India, 280,000,000 bushels; Germany, 178,000,000 bushels; Canada, 170,000,000 bushels; and Argentina, 135,000,000 bushels.

They are shipping eggs to this country from far-away China. In the month of December, 1913, 1,514,296 dozen of eggs, valued at $334,315, were shipped to this country. Under the 5-cent duty on eggs no importations were made.

The importation of corn has increased from 25,819 bushels to 1,632,613 bushels in November, and from 638 bushels to 2,343,444 bushels in December, and in the case of fresh meats of various kinds the importations have advanced from nothing under the old tariff to a total of 16,029,189 pounds under the new.

This shows a surrender of our market to foreign importers.

THE CONSUMER HAS RECEIVED NO BENEFIT.

If anyone will send for Government Bulletin No. 138, issued by the United States Bureau of Labor Statistics, they can get the retail prices of the principal articles of food in each of the 40 important cities throughout the United States.

This bulletin shows that the retail price of the 15 staple articles of food were increased over the same months the year before the tariff went into effect.

I herewith attach statement from this Government bulletin:

Comparing retail prices on October 15, 1913, with prices on the same date 1912, 13 of the 15 articles for which quotations are given advanced and 2 declined in price. Potatoes advanced 42.3 per cent, eggs advanced 14.2 per cent, round steak advanced 12.9 per cent, ham advanced 10.6 per cent, rib roast advanced 8.8 per cent, sirloin steak advanced 8.3 per cent, bacon advanced 8.2 per cent, hens advanced 7.5 per cent, pork chops advanced 6.5 per cent, butter advanced 3.7 per cent, milk advanced 2.7 per cent, corn meal advanced 1.7 per cent, and lard advanced 1 per cent. Sugar declined 8.8 per cent, and flour declined 2.6 per cent.

When the price of each of the articles of food is weighted, according to average consumption in workingmen's families, retail prices were at a higher level on October 15, 1913, than at any other time during the last 23 years and 10 months. Retail prices of food on October 15, 1913, were 76.9 per cent above the average price for the 10-year period, 1890 to 1899; 7.9 per cent above the price on October 15, 1912, and 16.9 per cent above the price on October 15, 1911.

The cities for which actual prices are shown are Atlanta, Ga.; Baltimore, Md.; Birmingham, Ala.; Boston, Mass.; Buffalo, N. Y.; Charleston, S. C.; Chicago, Ill.; Cincinnati, Ohio; Cleveland, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; Fall River, Mass.; Indianapolis, Ind.; Jacksonville, Fla.; Kansas City, Mo.; Little Rock, Ark.; Los Angeles, Cal.; Louisville, Ky.; Manchester, N. H.; Memphis, Tenn.; Milwaukee, Wis.; Minneapolis, Minn.; Newark, N. J.; New Haven, Conn.; New Orleans, La.; New York, N. Y.; Omaha, Nebr.; Philadelphia, Pa.; Pittsburgh, Pa.; Portland, Oreg.; Providence, R. I.; Richmond, Va.; St. Louis, Mo.; St. Paul, Minn.; Salt Lake City, Utah; San Francisco, Cal.; Scranton, Pa.; Seattle, Wash.; and Washington, D. C.

STAGNATION IN BUSINESS.

President Wilson, when interviewed May 28, 1914, on the business depression throughout the United States, said:

That while he was aware of the present depression of business, there was abundant evidence that it was merely psychological; that there is no material condition or substantial reason why the business of the country should not be in a most prosperous and expanding condition.

The most conservative authorities upon the unemployed say that there are from one and one-half to two million men out of employment in the United States. These conditions seem due to something more than a state of mind, as indicated by the President.

When our laboring people are out of employment they cease to become consumers, and this injures the markets of the farmer.

Every man, woman, and child in the United States consumes 4.7 bushels of wheat a year, which is equivalent to a barrel of flour a year, while in Russia the consumption of wheat is 2.6 bushels, and in India seven-tenths of a bushel of wheat is consumed by the average inhabitant.

The American people are better clothed and better fed than any class of people in the world, and therefore the 100,000,000 inhabitants of America afford the best home market for the farmers of any country in the world.

FOREIGN CONVICT LABOR COMPETITION.

A recent investigation establishes the fact that there are 2,441,000 convicts in foreign prisons competing with our American workmen. This convict labor is being sold by the countries where the prisons are located at from 5 cents to 25 cents per day. The foreign manufacturer who buys this labor has no rent, storage, light, heat, or power to pay for in the majority of cases. These convicts are manufacturing practically every kind of article that is being manufactured abroad, and these convict-made goods are coming to the United States under the Underwood tariff law in unrestricted competition with goods manufactured by our American labor.

It is conservatively estimated that the annual output of foreign convict labor amounts to $500,000,000 per year.

No wonder our imports are steadily increasing and our exports are falling off.

EXPORTS FALLING OFF.

Official figures from the Department of Commerce show that under the heading of "Manufactures for the further use in manufacturing" our exports have fallen off $5,100,000 in the single month of April, 1914, compared with the corresponding month of the previous year.

I voted against the passage of the Underwood tariff bill, and in doing so I said, in a speech I made against it, that the passage of that bill would be a reversal of a great industrial policy of the United States, an industrial policy which has brought us great prosperity.

If this prosperity continues under the new industrial policy of "tariff for revenue only," it will be the first time in our country's history.

The Underwood tariff bill has been in force less than nine months, but in that brief space of time it has proven such a failure that there is an overwhelming sentiment against it.

I can not vote for the so-called "Clayton antitrust bill" in its present form, with a discrimination against farmer organizations. I am disappointed in the bill in this and other particulars, and hope it may be amended by the adoption of the Nelson and other amendments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HULINGS. Mr. Chairman, if I am in order I desire to offer an amendment to the second paragraph——

The CHAIRMAN. The time has been fixed.

Mr. HULINGS. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULINGS. What is before the committee?

The CHAIRMAN. The committee is considering the first paragraph and debate has been fixed at 70 minutes. The gentleman can offer his amendment later.

Mr. MORGAN of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Chairman, I do not know as I desire to use five minutes on this question, but I do want to say that, in my opinion, the framers of the Sherman antitrust law never dreamed that at any time it would be used as an instrument to oppress either organized labor or farmers' associations. It would seem, at first thought, when you come down to the legal or ethical point, that farmers' organizations, if incorporated, should be controlled as any other corporation; but when we take into consideration the slight chance of controlling commodities of universal production it would seem to be impossible for the farmers as a class to organize and get their product in such shape they could so control it as to become a monopoly. They can cooperate to such an extent they can keep from becoming the prey of commission and unprincipled middle men. That has been the main object of farmers' societies and farmers' cooperative associations. It has been to try to get at least a fair share of the profit of their toil and a fair share of the money that the consumer pays. I have seen before the days of farmers' cooperative associations when they have had a hard time to make a living, and after they had established the cooperation that they had bettered their condition.

It seems to me that no one should desire to see them put at the mercy of either the commission men or the middle men who prey on them, and that is the reason I think that the farmer, who is the largest in number of any one class in our country, should have the benefit of some fair laws and some fair consideration. I do not think that the farmers as a class want any special legislation or any marked favor. Neither do they de-

ropean countries in the last 10 years than in any previous period in the history of the movement.

As to the extent of cooperation in Europe, the commission said:

The commission visited a dozen countries, and in every one they found active agricultural cooperation. They were not able to visit some countries, as, for example, Bulgaria. But so far as could be learned, with the possible exception of Turkey, there is not a single country in Europe that has not developed a more or less complete system of agricultural cooperation.

There are many more interesting and striking paragraphs to which I would call your attention, showing the enthusiasm which farmers in Europe are showing for cooperative movement. Time will not permit me to read them.

Speaking of cooperation in the United States, it said:

There is in the United States as a whole considerable successful business cooperation in agriculture. The fruit growers of the West through their selling societies, the grain growers of the Central West in their cooperative elevators, the dairymen of the Northwest in their cooperative creameries, the vegetable growers of the eastern coast in their selling societies, the many mutual insurance societies, and the great numbers of cooperative country stores are doing a successful business and are increasing rapidly.

Again, under the head of "Cooperation and its application to the United States and Canada":

Nevertheless the American farmer should gradually, even if slowly, give up the individual method of doing his business and take up the collective method. Otherwise he can not hold his own except in the comparatively few cases of the very large and well-to-do farmers. The great masses of farmers will soon be perfectly helpless in their business relationships unless they can, by collective effort, place themselves on a par with other business men.

Under the head of "Cooperation and the consumers," the report of the commission says:

The immediate purpose of cooperation is a more effective and less expensive means of distributing the products which the farmer grows to the individuals who finally consume them. At present the farmer gets too little of what the consumer pays and probably the consumer pays more than he ought to. Cooperation between producers and cooperation between consumers ought to increase the price to producers and decrease the cost to consumers.

Now, I wish to call your attention to what some gentlemen said to the committee on this subject, and I am surprised to see that the committee has deliberately ignored their recommendation.

Mr. FARR. May I ask the gentleman a question?

Mr. NELSON. Certainly.

Mr. FARR. Will the Webb amendment prevent the cooperation which the gentleman desires?

Mr. NELSON. Unquestionably; it permits nothing except that the farmers can come together and discuss better methods. The moment that they cooperate they must have shares of stock, and it will be considered that they are conducting the organization for profit, and therefore this section does not apply to them.

Mr. GARDNER. Will the gentleman yield?

Mr. NELSON. Yes.

Mr. GARDNER. Would not it be possible to amend the gentleman's amendment in such a way as to permit a farmers' organization with capital stock, if it so desires, to purchase more cheaply, without opening the door to such an organization to market its products at a price indicative of a combination in restraint of trade?

Mr. NELSON. I think not. But answering that question, the gentleman is fearful of something of which there is no danger of at all to the country. The farmers handle perishable products, and they only hold it over so that it will not be sold when the market is glutted. In the fall they assist each other in reaching a better period of the year. Moreover, the farmers are all hard up, they must have money, they can not hold it over very long. Cooperative marketing merely enables them to find a better market. There is no danger that the farmers of the country could go to such an extent that they would practically monopolize any product.

Mr. GARDNER. Will the gentleman yield?

Mr. NELSON. Certainly.

Mr. GARDNER. Did I understand the gentleman to say that cotton and wool are perishable products?

Mr. NELSON. I did not say so.

Mr. GARDNER. Or potatoes?

Mr. NELSON. Are not potatoes perishable products?

Mr. GARDNER. Not particularly.

Mr. MANN. What does the gentleman from Massachusetts know about potatoes?

Mr. NELSON. It shows what he knows about farming. Now, Mr. Chairman, I want to show you what you are doing. President Van Hise says——

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. NELSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wisconsin asks for five minutes more. Is there objection?

Mr. CARLIN. Reserving the right to object, I want to say that we have been discussing this provision for an hour and a half. How much longer does the gentleman want?

Mr. MANN. We would like at least a half an hour on this side.

Mr. CARLIN. Can we agree upon an hour on this paragraph and all amendments thereto?

Mr. MANN. Are there any other amendments to this paragraph on this side?

Mr. BRYAN. I have an amendment, and I want five minutes on it.

Mr. CARLIN. Can we agree that all debate on this paragraph and all amendments thereto shall be concluded in one hour?

Mr. MANN. We want a half an hour on this amendment, and then the gentleman from Washington wants five minutes on his amendment. That is, on this paragraph and all amendments thereto.

Mr. FERRIS. That does not mean the whole section?

Mr. MANN. No.

Mr. CARLIN. Mr. Chairman, I ask unanimous consent that all debate on the first paragraph of this section and all amendments thereto shall be included in 70 minutes—35 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 35 minutes by the gentleman from North Carolina [Mr. WEBB].

The CHAIRMAN (Mr. WILSON of Florida). The gentleman from Virginia asks unanimous consent that all debate on the first paragraph and amendments thereto close in 70 minutes—35 minutes to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and 35 minutes by the gentleman from North Carolina [Mr. WEBB]. Is there objection?

There was no objection.

Mr. CARLIN. In that agreement is the 10 minutes which the gentleman from Wisconsin has already used included?

Mr. NELSON. No; that is in addition to what I have used. I was interrupted. I had no chance to read but a small part of what I wished to.

Mr. CARLIN. Then that will give that side 45 minutes and our side 35 minutes.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. NELSON].

Mr. NELSON. Mr. Chairman, President Van Hise, of the University of Wisconsin, in speaking about the Sherman law and other things before the Committee on the Judiciary, used this language:

The law that stands in the way of beneficent cooperation of this kind should be modified so as to permit that useful and beneficial cooperation. Now, this rising tide, this pressure, has come upon us so that we have increased our force in the department of economics very materially, and there are always farmers in 15 or 20 communities that want instruction along this line; and in this way the cooperation among farmers is increasing in Wisconsin, Nebraska, California, and in many of the States of the South, and in a few years it will sweep over the entire country and we shall have cooperation among the farmers along all lines in the handling of their products. They have now, in the handling of eggs, an association similar to that for the handling of cranberries in Wisconsin and the citrous-fruit growers of southern California, and under the circumstances it is questionable whether it will be quite so popular a political position to attack cooperation among the farmers.

And I may add that in Wisconsin not only do the cranberry growers cooperate in marketing their products, but the cheese producers, the tobacco raisers, and the potato growers as well.

President Seth Low, of the Civic Federation, an educator, came before the Committee on the Judiciary and, speaking of this very law, which was a ban upon the farmers, he said:

For the last seven years or more I have been carrying on a farm at Bedford Hills in New York. In doing that I very soon became aware of what, I think, is the fundamental problem of the farmer. I am speaking now of the small farmer; it does not affect me at all or other men with capital. But the fundamental problem of the farmer, certainly in the eastern part of the country, and, I suspect, more or less all over the Union, is this: That he buys at retail and sells at wholesale. He has to pay retail prices for everything he gets and then has to take wholesale prices for what he sells. I submit to the committee that there is not another business in the country that can do that. Imagine what would happen to any manufacturer, or any railroad, if they had to pay retail prices for coal and everything that they purchased, and then had to sell their product at the wholesale price of the day. That is the problem with which the farmer is confronted. That was the problem that confronted Denmark and all the European countries. In Europe, where the pressure has been greater, they have solved it through cooperation. They form cooperative societies which have two objects. In the first place, they want to buy together so as to get things at wholesale rates instead of at retail rates; then they want to sell together, so that they can get the benefit of businesslike care in the handling of their products.

Mr. CARLIN. How has that affected the consumer?

Mr. LOW. The consumer does the same thing; he combines to buy direct and at wholesale. As I was going to say to you, however, these cooperative associations on the part of consumers would be absolutely

forbidden under this proposed law. The details of cooperation are a little different in almost every country. England is especially notable for these cooperative associations of consumers.

Further on he said:

I do not believe that the farmer ought to have rights that other Americans have not; but I do think they are entitled to form cooperative societies and to agree to give to them all their business for the purpose of purchasing more cheaply together and for the purpose of selling what they produce to better advantage.

* * * * * * *

I think you will recognize the propriety of cooperative associations of consumers as well as of producers, because they certainly have the right, or ought to have the right, to buy together for the purpose of getting things more cheaply, just as producers should have the right to combine together for the purpose of getting better prices for their products. It is very vital, of course, as far as the farmers are concerned and in its effect upon agriculture. You take these gentlemen in Kentucky who raise tobacco; they can not afford to raise tobacco unless they can get an adequate price; and it is the same way with every other producer. You must encourage generous production by enabling the producer to get all that his goods are worth. I come right back to what I said at the beginning, that the trouble with the farmer is that he has to buy at retail and sell at wholesale. That is not reasonable; and cooperative societies are designed to change that, so that under cooperation the small farmer can get his plow as cheaply as the man who has a bigger business. That must be encouraged. When cooperation is thoroughly well developed, a man who produces a small amount of tobacco can get as good a price as the man who raises a great deal of tobacco.

In answer to the argument that the legalization of cooperative organizations among farmers amounts to class legislation Seth Low said:

Now, what I want to point out is that those people do not combine, either the consumers or the farmers, for the purpose of monopoly. Not a single cooperative association aims at monopoly; it aims at something very different. What it wants to do is to enable the small farmer to buy his plow, to buy his fertilizer, and buy his seed at prices that a man with capital has to pay and at no higher prices.

Mr. Low offered the following suggestions to the committee, as to how the bill ought to be amended so as to legalize cooperative buying and selling by organizations of farmers:

I am not a lawyer; and, with all respect to the lawyers who have suggested this language, I think it would be better to change that phraseology so as to permit in terms the formation of such cooperative associations of producers and of consumers, because I think they have, and ought to have, the right to combine in order to buy more cheaply—to buy at wholesale and distribute economically what they produce.

* * * * * * *

Yes; that would be my suggestion; and I think in that way you would avoid a sort of criticism which I have seen aimed at this bill—that it is class legislation. It is not class legislation if you word it right. I do not think anybody can say it is class legislation to say that laboring men can have the same right to combine for collective bargaining as stockholders have. That is good sense; it is not class legislation. Neither is it class legislation to say that farmers and consumers can combine for the sake of buying more cheaply or selling to greater advantage. That is not class legislation; everybody ought to have that right.

Mr. Chairman, I use the language suggested by Seth Low in this amendment, specifically relieving these cooperative associations from the Sherman law; and that is the only effect the amendment will have.

I have nothing further to add but to repeat that there is a difference between organizations of farmers and monopolies. They are not only different, but are radically opposite. The farm organization is in existence to protect itself from the other. The farm organization is the only way possible for the farmer to protect himself against the oppressions of monopolies and trusts. The farmer deals with his own labor, the product of his life—it is inseparable from him—while the monopolist deals with the capital and credit of others. Monopoly is oppressive, and exacts tributes; but there is not a single case on record where a farm organization has ever practiced oppression upon the consumers, and it is impossible, as I have pointed out. We who have been brought up with farmers, and know what these associations are doing, know that they can not keep their goods; they can not organize so that they can practice oppression.

Mr. WEBB. Mr. Chairman, will the gentleman yield?

Mr. NELSON. Yes.

Mr. WEBB. Does the gentleman think it would be right to allow the cotton farmers of the South or the corn raisers of the West to form corporations whereby they could hold, corner, or monopolize the entire cotton crop or corn crop of the season and compel the world to pay them 25 or 30 or 40 cents a pound for it, or $2 a bushel for corn, and clean up two or three hundred millions of dollars? Does the gentleman think that would be right? I want to get his opinion.

Mr. NELSON. Mr. Chairman, I want to say to the gentleman that I have had that query propounded to me by the gentleman before, and this is my candid judgment. The gentleman is conjuring up an imaginary evil.

Mr. WEBB. Oh, no.

Mr. NELSON. Wait one moment, until I answer the question. If these cotton growers are like the farmers of the Northwest, and I do not believe they are any more thrifty, they can not afford to hold their crops to any such extent. They must dispose of them within a reasonable time to meet the payments of interest and principal on mortgages, and their tenants oftentimes have the results of their toil to live on during the year. The gentleman takes one specific crop. He can make an exception, but the vast quantity of products of the farm are perishable, and there is not a particle of danger; and I will ask the gentleman if his question does not imply that he is not exempting the farmers from the operation of the Sherman law if they have shares of stock or are conducted for profit?

Mr. WEBB. I do. I do not think they ought to be exempted if they form great corporations for profit.

Mr. NELSON. And the gentleman has not exempted them.

Mr. WEBB. No; and I want to say further that when the farmers or any other class of men form a corporation for profit, to pay dividends, and undertake to monopolize any product in this country they ought to come within the Sherman antitrust law, and I would hate to live in a country where that sort of thing did not prevail, and the farmers in my district view this matter just as I do. They do not want to violate law or good morals. They want a fair deal and yield the same to others.

Mr. NELSON. If you have not taken them out, what sort of farm organizations have you taken out of the ban of the law?

Mr. WEBB. Mutual organizations, such as generally exist to-day among them.

Mr. NELSON. That have no capital?

Mr. WEBB. Certainly.

Mr. NELSON. But get together to discuss better methods?

Mr. WEBB. Yes. Has the gentleman any metaphysical sensors that will tell us the difference between the man who forms corporations for monopolistic purposes and the man who spins in the factory or the man who raises sheep?

Mr. NELSON. Can the gentleman name a single instance where any cooperative farm organization has practiced oppression upon the country?

Mr. WEBB. That is not the question.

Mr. NELSON. You have denied this right because you have conjured up an imaginary case with the cotton growers.

Mr. WEBB. Mr. Chairman, I want to say this: I have never had a farmer, whether he raises corn or wheat or oats, ask me to give him a right that he would not have given to every other man in the country. They are an honest set, and ask for no special privileges.

Mr. NELSON. That is what I am insisting upon—not special privilege, but equal rights. You permit capital in any quantity to avail itself of this cooperative principle. They can put their money together, and the money is represented by capital stock, but you deny the farmers of this land the right to do the same.

Mr. WEBB. Oh, we do not at all.

Mr. NELSON. The gentleman says that they can do it, but he knows that they can not very well. The farmer wants to keep his individual farm. He does not want to hold it under a corporation. He wants to be independent, but he wants to cooperate with other independent farmers in buying supplies and in marketing his products without being under the ban of the law—without being a criminal. This you do not permit him to do.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. MORGAN of Oklahoma. Mr. Chairman, I yield to the gentleman from Wisconsin [Mr. BROWNE].

Mr. BROWNE of Wisconsin. Mr. Chairman, I am in favor of the amendment offered by my colleague, Mr. NELSON, of Wisconsin, which provides that all cooperative agricultural associations formed for the purpose of buying more cheaply and marketing their products to better advantage shall not be construed to be illegal combinations in restraint of trade under the antitrust laws.

Section 7 of this bill, as it now stands, does not exempt any agricultural, horticultural, or cooperative association that is organized for profit or has capital stock.

A great many, I believe, that voted for the Webb amendment did so with the understanding that it exempted from the operation of the law the bulk of the farm organizations, but the gentleman from North Carolina, who drew the amendment, now admits that it was not so intended and does not exempt any farm organization which has capital stock or which is organized for profit.

So the issue at this time is well defined, and it means that if this law is passed without the Nelson amendment that all farmer organizations and cooperative associations that are organized for profit or have capital stock will be prevented from doing business.

At least 75 per cent of the farmer organizations in the United States are organized for profit and have capital stock.

tion and has gone into a searching committee to find out what certain organizations want, without any regard to the merits of the proposition?

Mr. NELSON. I was speaking of the statement of the chairman that farmers' organizations were not opposed to it, whereas I have received a number of telegrams from farmers' organizations protesting against it.

As soon as this amendment is disposed of, I wish to offer an amendment that, I think, will meet the approval of farmers' organizations.

Mr. WEBB. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from North Carolina?

Mr. NELSON. Yes.

Mr. WEBB. I have no protests filed with the committee. The committee received no protests against the provisions of this section which was put in the bill as section 7. I am reliably informed by gentlemen on the floor that the general counsel of the Farmers' Union very heartily indorses this amendment which the gentleman has just voted for and which seems to be acceptable to labor as well.

Mr. GARDNER. Mr. Chairman, if the gentleman from Wisconsin has concluded——

Mr. NELSON. Mr. Chairman, has my time expired?

The CHAIRMAN. No; it has not.

Mr. NELSON. I want to say to the gentleman that in the committee I filed protests from organizations of farmers against the language that was then proposed to be inserted in the law and this new section, in effect, does the very same thing against which they protested at that time.

Mr. Chairman, I yield now, and shall offer an amendment and speak in my own time later on.

Mr. GARDNER. Mr. Chairman, I take the negative of the motion to strike out the last word for the purpose of asking a question of the gentleman from Kansas [Mr. MURDOCK].

Do I understand the gentleman from Kansas to portray the position of the Progressive Party in saying that he advocates the exemption of cotton planters' associations and woolgrowers' associations and associations gotten together for the purpose of enhancing the prices of the staples of life from the operation of the antitrust laws?

Mr. MURDOCK. I have made no statement about the growers of cotton or the growers of wool, and I have not spoken for anybody but myself this morning. But I will say to the gentleman from Massachusetts that I am in favor of a law here which will directly, in terms, exempt farmers' organizations and labor unions from the provisions of the Sherman antitrust law.

I do so because I believe, in the first instance, that labor is not a commodity, and because, in the second instance, I believe that agriculture is so highly individualized that it is in no sense a menace to society; and I believe that the Sherman antitrust law was passed not to reach the farmers' organizations, and not to reach the labor unions, but to reach monopoly, which thrives, by the way, more in the gentleman's district than it does in mine. [Laughter and applause.]

Mr. GARDNER. Possibly it is a fact that it does; but if you exempt cotton planters' associations and if you exempt woolgrowers' associations, and if you exempt these associations gotten together for the purpose of enhancing the cost of the necessaries of life, as is proposed by the Progressive Party in the proposition which has been brought forward by the gentleman from Michigan [Mr. MACDONALD], you will find that in the gentleman's district—have I the attention of the gentleman from Kansas?

Mr. MURDOCK. Yes.

Mr. GARDNER. You will find that in the gentleman's district in Kansas there will be more injury done to the people of the United States than in my district.

Mr GREGG rose.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] is recognized.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Is not debate exhausted on this amendment?

The CHAIRMAN. The Chair will state that it is. This debate is proceeding by unanimous consent.

Mr MANN. I ask for a vote, Mr. Chairman.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Michigan [Mr. MACDONALD].

Mr. GREGG. Mr. Chairman, I move to strike out the last word.

Mr. MANN. Mr. Chairman, I make the point of order that that amendment is not in order. We have already that amendment in the third degree.

Mr. GREGG. I move, then, Mr. Chairman, to strike out the last two words.

Mr. MANN. That is an amendment in the fourth degree.

The CHAIRMAN. The debate is exhausted on the pending amendment.

Mr. GREGG. Mr. Chairman, I ask unanimous consent to talk for three minutes.

The CHAIRMAN. The gentleman from Texas [Mr. GREGG] asks unanimous consent to proceed for three minutes. Is there objection?

Mr. MANN. I shall not object to this request, but I shall to other requests. The gentleman will get a chance later on to speak on these amendments.

Mr. GREGG. I wish to speak right on this point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. GREGG]?

There was no objection.

Mr. GREGG. Mr. Chairman, this provision, section 7 of the bill, even after the adoption of the Webb amendment, which was intended to improve the section, exempts from the operation of the antitrust laws only such labor, agricultural, and horticultural organizations, orders, or associations as have no capital stock or are not conducted for profit.

Now, if we are going to grant this exemption to the labor and agricultural orders and organizations, and everybody here seems willing to grant it, we should do it in such broad and unequivocal language as to give them the full benefit, which I am afraid this provision as written does not do.

Labor orders are organized not only to improve the hours and conditions of labor but also to increase their wages to the highest reasonable rate and to maintain them at that standard. This is right, and what I want them to have. I fear that under this section the courts will construe that the organization to increase and maintain their wages is for profit, and therefore that they are not exempt from the antitrust laws. Should the courts so hold, the labor organizations will not have received any benefit from this provision. I want to make it so plain that there can be no mistake that they are exempt.

Again, suppose that in the future it should become necessary for labor organizations in the conduct of their business to issue capital stock to raise money needed in their business; in that event they would at once become subject to the antitrust laws. We are not legislating only for the present and present conditions, but for the future and future conditions. We should not so hem them in that in the future they may not adopt such methods of conducting their business as may seem best to them.

What is the object of farmers' organizations? One of the main objects is by cooperation to secure the best market and price for their products. Should they agree not to sell their cotton, wheat, corn, or other products at less than a given price, I fear the courts would hold that they were an organization for profit, and under this provision as now worded they would not be exempt from prosecution and punishment under the antitrust laws. Thus would be destroyed one of their main objects for organization. I am not willing to subject them to any such danger.

Again, suppose an agricultural or horticultural organization in my county or anywhere else should, in addition to their other purposes, wish to organize for the purpose of erecting a warehouse and issue stock for that purpose, a thing which they have done in some cases, in order to have some place in which to store their products, while they are holding them for more favorable conditions in the market. Most of them are people of small means and not able by voluntary contributions to build warehouses, and if they should issue capital stock to build one, they at once, under the provisions of this section as worded, would become subject to the operations of the antitrust laws. Thus you force them either to expose their products to the weather or to rent warehouses possibly at exorbitant rent. For one I am not willing to do this, but want them to have the right by issuing stock or otherwise to build and own their own warehouses. If we are going to do anything for them, let us do it ungrudgingly.

The amendment offered by the gentleman from Kentucky [Mr. THOMAS] meets and obviates all the objections which I have pointed out, and I shall therefore vote for it.

Mr. THOMAS. Mr. Chairman——

The CHAIRMAN. All debate has expired.

Mr. THOMAS. Mr. Chairman, I ask unanimous consent to ask the gentleman from Colorado [Mr. KEATING], if he will yield to me, a question, in view of the statement he made a while ago. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The gentleman from Kentucky [Mr. THOMAS] asks unanimous consent to proceed for two minutes. Is there objection?

Mr. MURDOCK. The gentleman from Colorado [Mr. KEATING] is not here. What are you going to ask him?

Mr. THOMAS. Wait, and you will find out. He is here.

Mr. Chairman, the gentleman from Colorado [Mr. KEATING] a few moments ago, in interrogating the gentleman from North Carolina [Mr. WEBB], stated that this amendment is just what organized labor wanted. Is it not a fact that organized labor wanted to exempt organized labor entirely from the operation of the antitrust law, such as is not here offered, and was not this Webb amendment simply the result of a compromise?

Mr. KEATING. If I had the time, Mr. Chairman, I would be very glad to answer that question.

Mr. THOMAS. That could be answered by yes or no.

Mr. KEATING. The amendment proposed by the gentleman from Kentucky [Mr. THOMAS]——

Mr. THOMAS. Mr. Chairman, I object to the gentleman's making a speech in my time. I simply asked him a question.

Mr. KEATING. I have to answer the question clearly. The amendment offered by the gentleman from Kentucky [Mr. THOMAS] was considered by the representatives of organized labor, and they decided that the proposition submitted by Mr. WEBB, of North Carolina, was a stronger proposition and more beneficial to labor organizations than the proposition submitted by the gentleman from Kentucky. [Applause.]

Mr. THOMAS. Is it not a fact that the Webb amendment was accepted by organized labor only after they came to the conclusion that they could not get the amendment that I submitted?

Mr. KEATING. The statement which I made—and I made it very deliberately, because it was repeated to me since this House met, by a leader of organized labor, who is qualified and authorized to speak for organized labor—was that the amendment as submitted by the gentleman from North Carolina [Mr. WEBB] was better, from the viewpoint of organized labor, than the Thomas amendment, which had been previously considered by the labor leaders. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. MACDONALD].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. MURDOCK. Division, Mr. Chairman!

The committee divided; and there were—ayes 51, noes 98.

Accordingly the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I ask to have that amendment read for information.

The CHAIRMAN. If there be no objection, the amendment will be again reported.

The Clerk read as follows:

Strike out the first paragraph of section 7 as amended and insert in lieu thereof the following:

"The provisions of the antitrust laws shall not apply to agricultural, labor, consumers', fraternal, or horticultural organizations, orders, or associations."

The question being taken, the Chariman announced that the noes appeared to have it.

Mr. THOMAS. Let us have a division.

The committee divided; and there were—ayes 70, noes 79.

Mr. THOMAS. Mr. Chairman, I ask for tellers.

Tellers were ordered, and the Chairman appointed Mr. THOMAS and Mr. WEBB.

The committee again divided; and the tellers reported—ayes 69, noes 105.

Accordingly the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer an amendment.

Mr. NELSON rose.

The CHAIRMAN. Will the gentleman from Washington withhold his amendment. The gentleman from Wisconsin [Mr. NELSON], a member of the committee, will first be recognized.

Mr. NELSON. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Wisconsin offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend the paragraph as amended by inserting after the word "profit" and before the words "or to forbid," in line 8, page 24, the following "or of cooperative agricultural associations formed for the purpose of buying more cheaply, and of marketing their products to better advantage," so as to make the first paragraph of this section read:

"That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural or horticultural organizations, orders or associations, instituted for the purpose of mutual help, and not having capital stock or conducted for profit, or of cooperative agricultural associations formed for the purpose of buying more cheaply and marketing their products to better advantage, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

Mr. NELSON. Mr. Chairman, I ask permission to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Wisconsin asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. NELSON. Mr. Chairman, this House has now done justice to labor organizations, and I am very glad of it. As a member of the committee I earnestly did all I could to secure this result in our report from the committee. I am not going into any argument on this feature of it. I discussed it fully in the report made from the committee and in the speech I made to the House.

I now want to appeal to the House to do justice to the farmers' associations of our country. I want to say to you that this section does nothing for the farmers except to permit them to come together to discuss better methods of farming. Of course, such organizations never were under the Sherman antitrust law; but the language of this section is carefully selected, and in defining the associations that are exempt it says that if they have capital stock or are conducted for profit, then it will not take them from under the ban of the law. This does not legalize organizations of farmers cooperatively buying supplies or selling their products, but may have the effect of clearly rendering them illegal.

Now, gentlemen, I want to impress upon you the importance of business cooperation on the part of farmers in this country and in foreign countries, and at the risk of tiring you a little I wish to call your attention to this voluminous report——

Mr. LEWIS of Maryland. Will the gentleman from Wisconsin yield?

Mr. NELSON. Yes.

Mr. LEWIS of Maryland. Would not the effect of the permission to organize cooperative associations be to repeal the word "profit" and the words "capital stock" in the clause as perfected up to this time?

Mr. NELSON. Let me say to the gentleman that as I drew this amendment first, to get at this difficulty I struck out the words "not having capital stock and not conducted for profit"; but those words may be necessary with reference to other organizations that might pretend that they were fraternal, or horticultural, or something of that kind. So I have amended this and made a separate classification, specifically exempting agricultural associations that are cooperative, but leaving in the limitation "not having capital stock and not conducted for profit" as to these other organizations.

Mr. LEWIS of Maryland. I will ask the gentleman whether the qualification he desires to make would not open the gate to commercial organizations that the antitrust laws were originally designed to prevent?

Mr. NELSON. I think not. They would have to be shown to be bona fide agricultural associations, and, of course, any sham would be exposed in court.

Now, I wish to call attention to this volume, Senate Document No. 214, Agricultural Cooperation and Rural Credit in Europe. It contains nearly 1,000 pages of testimony taken by a double commission, an American commission consisting of delegates from various States and from Canada, and a United States commission. On the American commission were men appointed from nearly all the States and from the Provinces of Canada, and there was a United States commission consisting of Members of this House and the Senate. Both commissions have made extensive reports which have been printed as public documents. I wish briefly to read a few extracts from the very excellent report of the American commission, which will show you what this movement is.

The person who goes among European farmers for the first time will be impressed with the fact that cooperation is the most important thing about European agriculture. It is, of course, not true that all the farmers band themselves together, and yet that is a very common way of doing farm business. Farmers buy together, sell together, borrow and lend together, insure together, own machinery together, and in some cases actually carry on a farm together. There are 25,000 cooperative societies of various kinds in Germany alone. It is really astonishing to see the extent to which the farmers, particularly the small farmers, have accomplished results which would have been impossible if each farmer had depended upon himself.

* * * * * * *

The last sentence is the key to much of the success of the European farmer. He found that alone he could do nothing; together with his fellows he could do a great deal. He proved that one and one are more than two; at least, that two people who work together can accomplish a great deal more than two people who work separately. Hence was formed a habit of doing collectively what farmers had been doing singly and alone, and it was found that as the farmers became accustomed to doing business in this way it proved to be the better way. So gradually at first the method spread. It is important to know that there has been a greater development of cooperation in practically all the Eu-

tions, orders, or associations from carrying out the legitimate objects thereof; and such organizations, orders, or associations, or the members thereof, shall not be construed or held to be illegal combinations in restraint of trade under the antitrust laws."

The reason why the amendment of the antitrust act, to that length at least, is desirable and even necessary is that section 1 of the act is so comprehensive in its scope that the courts are at liberty to regard anything in the form of a combination that has the effect of "restraining trade" as a criminal conspiracy. Logically speaking, there is no reason whatever why the Federal courts should not outlaw strikes of wage earners as conspiracies whenever those strikes, as they often do, have the effect of restraining trade or commerce among the States. It is well known that down until recent times the lawful right to strike, to quit work in concert, was not recognized. The right to withdraw labor power, not individually but collectively, is the very foundation of the modern labor movement. It corresponds to the churchman's constitutional right to the free exercise of his religion. The Sherman antitrust law menaces the right to strike, and therefore the demand for the amendment of the law is justified.

That labor's fears are well founded concerning the gradual extension of the scope of the law of 1890 to prohibits acts whose lawfulness had been recognized in England and America, after generations of struggle, as a necessary concession to labor's moral right to improve its economic condition under the wage system appears convincingly in the several suits brought under the statute in recent years against labor organizations. Suits of that character are now pending in the courts. One Federal judge in Louisiana ruled that a strike to force employers to enter into a joint agreement with union labor was in restraint of trade under the antitrust act. Union labor in the West Virginia coal fields has been lately haled into the Federal courts accused of conspiracy under the same law. A clearer legal definition, a more specific legal understanding of labor's rights under Federal law in initiating and maintaining strikes and other acts of industrial warfare—so long as that sort of warfare is permitted and even legalized under our system—becomes most desirable. The extreme comprehensiveness of the Sherman Act, so much admired by those who imagine that it is the last word in legislation affecting monopoly, may become a danger the moment the law is permitted to run beyond those "unlawful restraints and monopolies" in interstate commerce which it was chiefly designed to curb.

Violent protests against these labor amendments to the antitrust law emanate from several quarters. It is urged most vehemently that they grossly violate the principle of equality of all people before the law. But the truth is that when wage earners won the right to quit work in concert they were necessarily conceded an exceptional status under the old conspiracy laws. "Inherent differences that exist" should be "recognized by the laws and the courts as well as by reason," says Samuel Gompers, and Samuel Gompers, for once at least, tells the truth with much clearness and force. There are inherent differences between combinations of wage earners and combinations of corporations seeking to monopolize industries. So, too, there are inherent differences between industrial corporations and railroad corporations, which should be recognized by the laws. The Federal antitrust law is unsatisfactory; it will never be wholly successful in its working until it is confined to its proper field. Railroads should be exempt from it; so should labor. But that is not saying that railroads and labor should be exempt from all law. There will be law enough to go around, everyone should believe.

Mr. Chairman, I want to say just a word in concluding the debate on this great subject. The Democratic Party is now about to fulfill its promise made to the great labor organizations and the farmers' organizations of this country. [Applause.] We have decided that flesh and bone shall no longer be considered a commodity in the sense of manufactured products. We have decided that human beings shall be placed above things. We have decided that men with consciences and minds shall be recognized before the law as such, and that those that labor with their hands and hearts for wages shall be separated from the things which they produce. [Applause.]

We have gone as far as we can consistently and rightfully go under our Constitution. A step further, in my judgment, toward the amendment offered by the gentleman from Kentucky [Mr. THOMAS] and the gentleman representing the Progressives on this floor would be in the very teeth of the Constitution itself, and while they cry out that they want to do more for labor they know or ought to know that what they can do for labor organizations must be done under our Constitution and not in violation thereof. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. MURDOCK and Mr. THOMAS) there were 207 ayes and no noes.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read the amendment offered by the gentleman from Kentucky [Mr. THOMAS].

The Clerk reads as follows:

Strike out all of section 7 down to and including the word "thereof" in line 10 and insert the following:

"The provisions of the antitrust law shall not apply to agricultural, labor, consumers, fraternal, or horticultural orders or associations."

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. If that amendment is adopted, it leaves the amendment by the gentleman from North Carolina that we have just adopted in the bill, does it not?

The CHAIRMAN. The amendment of the gentleman from Kentucky seems to strike out the paragraph as amended.

Mr. BARTLETT. It strikes it out down to and including the word "thereof," so it would not strike out the amendment just adopted.

Mr. THOMAS. Mr. Chairman, I move to strike out the first paragraph of section 7 as amended.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. BARTLETT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. Mr. Chairman, as I understand it, this amendment of the gentleman from Kentucky [Mr. THOMAS], if adopted, does not affect the amendment that we have just adopted?

The CHAIRMAN. The Chair thinks that it strikes out the whole of the first paragraph of section 7 as amended.

Mr. BARTLETT. Then this amendment of the gentleman from Kentucky, if adopted, would take the place of the paragraph as it has been amended?

The CHAIRMAN. That is the opinion of the Chair. The Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out the first paragraph of section 7 as amended and insert in lieu thereof the following:

"The provisions of the antitrust laws shall not apply to agricultural, labor, consumers', fraternal, or horticultural organizations, orders, or associations."

Mr. THOMAS. Mr. Chairman, it is well enough, as a distinguished gentleman from Georgia at one time said on the floor of this House, to stop and see just where we are at. Courts in construing laws always construe the law as a whole. Let us read and construe this section as amended, and see just where we are at. Section 7 provides that nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations or associations instituted for the purpose of mutual help and not having capital stock or conducted for profit. As amended it will read:

Labor, fraternal, agricultural, or consumers' organizations shall not be held or construed to be illegal combinations in restraint of trade under the antitrust law.

What labor organization? What agricultural organization? Construing this law as a whole, only those organizations which do not have capital stock or are not conducted for profit. Those are the only two classes that this bill as amended applies to. If a labor organization is conducted for profit, this amendment does not apply to that organization; if a labor organization has capital stock, this amendment does not apply to such an organization, because, reading and construing the law as amended, in its entirety, only organizations which have no capital stock and which are not conducted for profit are exempt under this amendment.

What is the object, the very primary object of a labor organization? It is profit. Profit how? To advance and increase the wages of its members. That is a profit to them, and consequently that amendment can not apply to such organizations, because you have got to construe this law in its entirety, and no court will construe it piecemeal. What is the object of the farmers' organization? It is to obtain better prices for their products, and that is a profit to the farmer, and if that is a profit to the farmer then your amendment does not apply, because your amendment can apply only to those organizations which are named in the body of this bill. This bill limits it to those organizations which do not have capital stock and are not conducted for profit.

I voted for this amendment. I do not think there is anything in it. I do not believe that it changes in one iota the original text of the bill. Gentlemen have said that they desire above all things to exempt these organizations from the operations of the antitrust laws. If you do, why do you not do it? My amendment is plain. It is concise; it will not take any court to construe it, because it provides that these antitrust laws shall not apply to these associations, and that is what the farmers and the laborers of this country want; and if you want a clear, clean-cut exemption, vote for this amendment of mine and you will get it; otherwise you will not.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. MACDONALD. Mr. Chairman, I wish to offer an amendment, which I send to the desk, as an amendment to the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report the amendment to the amendment, offered by the gentleman from Michigan.

The Clerk read as follows:

Amend section 7 by striking out all of the first paragraph before the Webb amendment after the word "shall," in line 4, page 24, and insert the following in lieu thereof: "apply to trade-unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed, nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products; nor to fraternal or consumers' organizations, orders, or associations, instituted for the purposes of mutual help and not having capital stock or conducted for profit."

Mr. MACDONALD. Mr. Chairman, this amendment will accomplish the purpose designed by the amendment of the gentleman from Kentucky [Mr. THOMAS], but it will also leave in the Webb amendment, so that those who are really interested in getting an exemption of these organizations in this law will have the benefit of both of these ideas. There are many gentlemen on this floor who are not in favor of this idea, and there are many gentlemen who are in favor of the idea of really exempting these organizations; and I say again that if you are in favor of exempting these organizations specifically from the operation of these laws, vote for this amendment. If you are not, do not vote for this amendment, because this makes it plain and unmistakable in its meaning.

Mr. WEBB. Mr. Chairman, I take it that the Committee of the Whole has perfected section 7 to its satisfaction when it adopted the amendment which was just adopted by a vote of 207 to nothing. These amendments offered in addition thereto have been discussed, and I understand that the sentiment of the House is that section 7 should be amended as it was amended a moment ago, and no further.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Certainly.

Mr. MURDOCK. The gentleman has heard the amendment of the gentleman from Kentucky and that offered by the gentleman from Michigan, and we have just had a vote which shows a remarkable state of affairs, that every Member present is in favor of the exemption of organized labor from the provisions of the Sherman antitrust law. This is a matter which has been in controversy for 24 years, and what I want to ask the gentleman is this: In view of this remarkable unanimity, does not the amendment offered by the gentleman from Kentucky and that offered by the gentleman from Michigan go much further than the gentleman's amendment?

Mr. WEBB. I could not say it goes much further; but why should the gentleman from Kansas [Mr. MURDOCK] want a division on the floor of the House when there is no division as between labor and capital and the farmers. All of us are united on this.

Mr. MURDOCK. From the debate I will say to the gentleman that there is a great difference of opinion as to just what his amendment does. I do not think, and I do not think the gentleman thinks, that it goes as far as that amendment offered by the gentleman from Kentucky [Mr. THOMAS] and that amendment offered by the gentleman from Michigan [Mr. MACDONALD], and I would like to ask the gentleman from North Carolina this, and then I will take my seat: Did the Committee on the Judiciary intend the Webb amendment to exempt organized labor from the provisions of the Sherman antitrust law?

Mr. WEBB. It certainly does exempt their existence and operation if organized for mutual help and without profit.

Mr. MURDOCK. Does it say anything——

Mr. WEBB. We wanted to make it plain that no labor organization or farmers' organization organized for mutual help without profit should be construed to be a combination in restraint of trade or a conspiracy under the antitrust laws. Now, I will say frankly to my friend that we never intended to make any organizations, regardless of what they might do, exempt in every respect from the law. I would not vote for any amendment that does do that. [Applause.]

Mr. MURDOCK. If the labor organization goes beyond the province of mutual help, then is it subject to the Sherman antitrust laws?

Mr. WEBB. If it violates the law, it is. Of course it is an organization subject to the law, and I ask if my friend from Kansas would vote to exempt it from all laws?

Mr. MURDOCK. I would vote to exempt it from being confined under the antitrust laws to mere inactive existence.

Mr. WEBB. But the gentleman would not vote to exempt it and nobody else from all laws?

Mr. MURDOCK. I understand that, but I would give strikers the right to peaceful assemblage.

Mr. WEBB. We give them that right in this bill.

Mr. MURDOCK. I doubt it very much.

Mr. CARLIN. The gentleman can not doubt it if he will read section 18.

Mr. MURDOCK. Section 18 of this bill confines its jurisdiction to employers and employees. Strikers are not employees. The relation of employer and employee ceases when employees strike.

Mr. WEBB. I do not know how my friend——

Mr. MURDOCK. That is the way I read section 18.

Mr. WEBB. The gentleman should read it like the lawyers of the labor unions of the country read it, and I believe they understand it. We expressly provide in section 18 that labor organizations can strike, that they can persuade others to strike, that they can pay strike benefits, that they can have peaceful assemblages, and a great many other things. That is their bill of rights and they are satisfied with it, and what is it that dissatisfies my friend from Kansas if the labor people of this country, if the farmers of the country, and the capitalists of the country are satisfied with it? [Applause.]

Mr. MURDOCK. I will tell the gentleman why I am not satisfied. The gentleman from North Carolina and the Judiciary Committee have left out the same words, "shall not apply to," which have been carried in all amendments for the last 24 years and put into the amendment language that must be construed by the courts and construed how heaven only knows and the gentleman from North Carolina does not know.

Mr. WEBB. That is what was said about "restraint of trade," "reasonable doubt," and a thousand expressions you can not exactly define, but you have got to leave something to the courts. This is what labor wants, and I think my friend from Kansas ought to be satisfied.

Mr. KEATING. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. KEATING. I want to ask the gentleman from North Carolina if it was not the fact that the representatives of the organizations of labor in this city who represent the great national organizations and the representatives of the great national farmers' organizations had not gone over this amendment and if they did not state this is exactly what they wanted?

Mr. WEBB. That is my understanding, and of course everybody so understands it.

Mr. KEATING. And if the representatives of labor and the representatives of the great farmers' organizations have not some kick coming to them, what does the gentleman want us to do now? [Applause.]

Mr. MANN. That is my understanding.

Mr. NELSON. Mr. Chairman, the gentleman does not know——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SCOTT. Mr. Chairman, I move to strike out the last word.

Mr. NELSON. Mr. Chairman, I move to strike out the last word, just to ask a question of the gentleman, because if these amendments are voted down, as possibly they may be, I wish to offer an amendment which I have carefully prepared on the question of farmers' organizations. The gentleman said that the representatives of the farmers' associations have agreed to this amendment. I ask him to name one representative of any farmers' association that agreed to this amendment. I have received telegrams from farmers' associations protesting most vehemently against them. Now, will the gentleman name one representative from these farmers' associations——

Mr. WEBB. I will say to my friend that I have never heard of a single farmer objecting to the provisions of this bill.

Mr. NELSON. Has the gentleman seen a single representative of the farmers' associations in reference to this amendment?

Mr. HENRY. If the gentleman will permit, I will try to answer that question.

Mr. MANN. The gentleman is not chairman of that committee.

Mr. WEBB. What is the question the gentleman wants to ask?

Mr. NELSON. Name a single representative of any farmers' association who agreed to this amendment.

Mr. WEBB. I can not name a single representative of farmers' associations who is against it.

Mr. HENRY. I submitted this proposed language to the Farmers' Union of Texas and asked if it would satisfy the farmers, and they wrote back it was entirely satisfactory.

Mr. NELSON. Did the gentleman point out the effect of the language, "and not conducted for profit."——

Mr. HENRY. Yes; and I pointed that out and asked for suggestions, and they said they had no suggestions to make, because it was as plain as the English language could make it.

Mr. NELSON. Did the gentleman point out that it exempted no organization except those who came together for mutual discussion of methods, and that farmers' organizations that were conducted for the purpose of marketing their product should not be exempted?

Mr. MANN. Will the gentleman permit? Do I understand that Congress has abdicated its province and right of legisla-

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] is recognized.

Mr. MORGAN of Oklahoma. Mr. Chairman, evidently no argument is necessary before this House to secure the passage of this amendment. I wish, however, expressing my own personal views, to declare myself in favor of this amendment, not that I believe that this amendment contains all that should be added to this section, but because I understand the proposed amendment has the approval of the labor organizations of this country, and I assume the leaders of such organizations have carefully examined the amendment and are satisfied with its provisions.

Mr. Chairman, if there be a conflict between capital and labor—and, in a broad sense, there should not be—but if there be or is such a conflict, so far as I am concerned, after the most careful and deliberate consideration on my part, I propose to place myself on the side of labor. [Applause.]

Because, gentleman, I believe that on that side lie the interests of my country and of humanity. The great bulk of the citizens of this country are wage earners. The great bulk of the wealth produced in this country is distributed through the payment of wages. Labor organizations have their imperfections, no doubt. But, on the whole, I believe such organizations are beneficial to the country and helpful to all wage earners. Such organizations may be at times subject justly to criticism. But what organization of human beings is not subject to criticism? But with all their defects I believe it would be a calamity for this Nation if such organizations should cease to exist. In my judgment it would be a misfortune to the country if through our national laws our labor organizations should be hampered and hindered in all their legitimate work. So far as we can aid them by national legislation in their great purpose of shortening the hours of labor, increasing wages, and improving conditions under which labor is performed we should do so, and by so doing I believe we are rendering a patriotic service to our country. There are many who think legislation favorable to labor organizations means hostility to the great business interests of the country. This is not true. The intelligent wage earners of the United States know that, after all, their own welfare depends upon the prosperity of business. They know that business must prosper or labor will suffer. Employees know that any serious loss to employers will react unfavorably upon employees. So that, after all, I believe the business interests of this country are really safe in the hands of labor. We have in the United States the most intelligent workingmen in the world. They know that their share of wealth must come through wages paid; that good wages can not be paid by business concerns that are unprofitable. So that I can not think that our labor organizations are hostile to business or are dangerous to industrial peace. More than that, the very strength of this Nation, the perpetuity of this Republic, depend largely upon the attitude of the wage earners of this country toward our institutions and our flag. I believe the National Government should by its legislation indicate its friendliness toward the labor of this country, so that the great labor organizations of this country and the rank and file of the army of wage earners of this Nation who are not in organized labor will have a friendly attitude to our institutions, to our country, and to our flag; so that in time of war, in time of stress, in time of danger, the great body of wage earners, constituting the masses of this Nation, will remain true and loyal to the flag of our country. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I desire to occupy only a minute or two in speaking on this amendment.

I desire to call attention to a peculiar situation. This morning I read in one of the newspapers that labor claims for this proposed amendment one meaning while the administration claims an entirely different meaning. It seems to me that we ought to write the amendment so that it will not be open to dispute as to its meaning. If this amendment is intended to legalize the secondary boycott, this House ought to know it. If it is intended, as I believe it is claimed by those who present it on this floor, simply to legalize the existence of these organizations, I do not believe there is anyone here who would be opposed to it. It is very unfortunate that an amendment should be proposed to this bill which must of necessity go into the courts after it becomes a law before anybody will know definitely just what it means. It looks as though it has been drawn to deceive somebody. It is perfectly plain that if those who drew it intended to write a clear exemption of labor into this statute, they could easily have found the language. It is unfortunate, and it seems to me that before we close the discussion on this paragraph some proposition ought to be submitted that no one can dispute. We ought to know what we are voting for. [Applause.]

I yield to the gentleman from Iowa [Mr. GREEN] the balance of my time.

The CHAIRMAN. The gentleman from Iowa [Mr. GREEN] is recognized.

Mr. GREEN of Iowa. Mr. Chairman, while I agree with the gentleman from North Carolina that this amendment only expresses the consensus of the best opinion as to what the law now is, I am still of the opinion that it is well to put in the statute an affirmative declaration which can not be misunderstood. Under the Sherman law as it now stands a labor organization is perfectly legal, and a peaceable strike or peaceable picketing is perfectly legal, under the decisions of a majority of the courts.

Mr. Chairman, I had occasion not long ago to advise a committee of a labor organization who waited upon me. They were engaged in a strike against the Harriman and Illinois Central lines. They represented a body of machinists. They told me they were threatened by the attorneys of those railroads with a prosecution under the Sherman law. I advised them that the Sherman law had no application to the situation as it existed under their strike, for their strike was a perfectly peaceable one. They had committed no violence. They had threatened no one with violence, but had simply expressed by their action their right as organized members of a fraternity to stop work peaceably. I told the men not to be alarmed; that no prosecution would be begun, and to tell the railroad attorneys to go ahead if they desired, but in the end they would meet an action for damages for malicious prosecution. But the men were not prosecuted. There was no action begun against them, nor was anything done under the Sherman law. Yet there is, as I think, some necessity for this provision, for the reason that there have been isolated decisions by the lower Federal courts holding that the mere organization of a body of laborers for the purpose of maintaining or raising wages is contrary to law. There have been some indictments under the Sherman law, and one is now pending, as I understand it, in Colorado. It is true that the reason has been given that in the particular instances to which the law has been so applied that violence had been committed or attempted. But there should be some definite standard, and the section as amended fixes one, and labor organizations which confine themselves to legitimate purposes need not fear the law.

Mr. WEBB. I yield to the gentleman from Missouri [Mr. DECKER].

Mr. DECKER. Mr. Chairman, I shall support this amendment. It distinguishes between the man and the dollar, between the ore and the man who digs the ore, between the throttle and the man at the throttle. It distinguishes between labor and the products of labor. It is a just distinction, which was written before the formation of government upon the tablet of nature by Almighty God. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Connecticut [Mr. REILLY].

Mr. REILLY of Connecticut. Mr. Chairman, I am in favor of the plainest statement of the intention of the committee in regard to the amendment under consideration. If the committee intended to exempt labor and farmers' organizations from the operation of the Sherman antitrust law, why does it not say so?

I am not a lawyer; just a common layman, without ability to give a judicial opinion, but I do know what is meant when it is stated that the Sherman antitrust law shall not apply to certain organizations.

Let us state the case as plainly as possible, so there will be no doubt in the mind of anyone as to what it is intended to do. If these organizations are to be exempted, let us say so; if they are not, let us say that. Do not let us quibble nor leave it to courts to upset the intention of Congress in this matter.

Mr. CARLIN. I yield to the gentleman from Ohio [Mr. BRUMBAUGH].

Mr. BRUMBAUGH. Mr. Chairman, I desire to state that personally I favor the plainest and most explicit declaration possible in behalf of the rights of labor. I think this is best for both sides concerned and interested in this matter. I shall vote for this amendment, because I understand it meets with the approval of labor organizations that have carefully examined it, and at the same time it is considered fair by those who employ labor. In fact, I am informed that the amendment is the result of mutual understanding between both labor leaders and employers of labor, and I have been advised and assured personally by labor leaders in whom I place every confidence that the

amendment is satisfactory to labor organizations and friends of labor everywhere.

Mr. Chairman, it is gratifying, indeed, to those of us who have been the friends and champions of labor and labor laws for years, both here and elsewhere, and who at the same time have wanted this great advance made in justice not only to labor but to honest employers of labor as well, to see this great question settled in this sensible, reasonable, amicable manner, in this spirit of fairness to all concerned, and thus see this tardy justice done to the great cause of labor, upon which the prosperity and happiness of the people as a whole and the growth and grandeur of our great Nation must ever rest. No nation can be or ought to be strong and great and secure that does not respect and honor its laboring men and women. The most honorable and dignified thing in all this world for any man or woman is honest labor, whether of hand or heart or brain; for did not the Nazarene Carpenter, the Christ Himself, give to honest labor a halo of honor and dignity that no rank of birth or wealth can equal or enjoy?

Extremely gratifying to me, indeed, is it to see this great Democratic Congress keep and redeem our promises made to labor and labor organizations; to see this Democratic Congress place the man above the dollar and to be able to hear the heartbeats of humanity above the clinking of the coin of commercialized wealth. [Applause.]

No other Congress in 50 years has done so much by law to assist and relieve labor. By our tariff law we take the hand of trust monopoly on the high prices of the necessaries of life out of the pockets of the laboring man. By our currency bill we protect his little saving in the banks from the panic by gambling heretofore pastime operations of the money power. By this amendment we take the hands of those who would oppress and tyrannize off of the throat of labor and let it breathe free.

Mr. Chairman, personally I want to say that I am proud to have come from the ranks of laboring people myself. I know by years of personal experience their life of toil, and I can sympathize with their struggles and needs. Laboring men seldom ask for aught but their just deserts, and the Good Book says that the laborer is worthy of his hire and condemns those who would oppress the laborer in his way.

I propose now, as I always have in the past, to stand for all just demands in labor's interests.

I congratulate my friends and fellows, the laborers, on this advance, which is the promise, I trust, of the dawning of a better day wherein labor shall receive its just recompense of reward, wherein life shall be sweeter, labor lighter, and the world for all a better place to live upon. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. Mr. Chairman, how much time is there remaining?

The CHAIRMAN. The gentleman has six minutes.

Mr. CARLIN. I yield to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS of Maryland. Mr. Chairman, I want to extend my sincere congratulations to the committee that has reported this bill and that has now proffered the amendment which will perfect section 7. It is not too much to say that by this single measure, with its complementary sections on injunctions and contempts, by one single stroke of the legislative hand more is being done in our country to rectify the judicial status of the great toiling masses than has ever been accomplished in our history before. [Applause.] Nor does this mean violent or radical treatment of the relations of labor and capital.

This section 7, taken with its complementary sections, places the American workman where the British workman was placed by Parliament in 1906. Their experience shows that property will be as safe, the rights of employers will be as secure, if this measure is enacted into a law, which I predict will become known as the great magna charta of American workmen. [Applause.]

Everybody understands that section 7 would have been written into the Sherman Act in 1890 had there been any thought of the application since made of that great act. Everybody knows that Congress at that time had no thought of legislating with regard to the relations of employers and employees. I challenge contradiction for that statement. If Congress had ever intended to legislate upon these relations and saw fit to do what the States may well do and are doing, for it is their subject matter and not a Federal subject matter—prescribing penalties for individual wrongs when committed—I challenge the gentlemen of this House to say that Congress would have ever said to the toiler: "If you overstep the line and commit a tort, you shall be subject to threefold damages." That was the natural sentence to have pronounced on the trust, an outlaw organization that sought to suck up all the commercial profit and power of the Republic. That is a sentence—the sentence of outlawry—that never can be pronounced, now or in the future, on a peaceful organization of workingmen. [Applause.]

I know there is some misapprehension. Some honest people are inclined to think that this section may mean a species of class legislation. They commit the error of considering labor as a commodity, a natural error inspired by the circumstances under which the price of labor, unfortunately, is sometimes determined by the iron laws of the market. But there is this distinction between labor and a barrel of oil, a commodity: Labor is never in truth a commodity; labor can never under our institutions be property, either before the court or before the legislature. Under our Constitution, property in human beings has forever ceased. While a barrel of oil is not only a commodity in the market, it is a commodity before the courts; it is a commodity before the legislature. The legal attribute of a commodity is property; but the legal attribute of the workingman is citizenship. A different principle of sociology and justice apply to these two subject matters when they are before Congress or before the courts. The rules that are rationally applicable to property can seldom be justly applied to the man. I thank you, gentlemen, for your attention. [Applause.]

Mr. WEBB. Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia [Mr. CARLIN].

Mr. CARLIN. Mr. Chairman, I want to read into the RECORD two editorials, one from the Globe and Commercial Advertiser, of New York, of Thursday, May 28, and another from the Springfield Daily Republican, of Thursday, May 28.

They are as follows:

THE SO-CALLED LABOR EXEMPTION.

The Globe is pleased to note a subsidence of the determination to misrepresent and to appeal to prejudice against an explicit recognition by Congress of the right of labor organizations to exist. A year and two years ago, when the issue was up, the public was confused by untrue statements, oracularly made, that the labor unions were browbeating Congress into exempting them from prosecution under the Sherman law. A reading of the proposed amendment to the Sherman law revealed the misrepresentation, but few could be induced to read it. It became almost a truism in certain quarters that the wicked labor unions were asking the special privilege of committing crimes at pleasure.

But last night the Evening Post, which has been one of the worst offenders in the past, published in its Washington correspondence a fair summary of the proposed amendment. And this morning the Times, which has formerly raged against the black horror of authorizing the commission of crimes, acknowledges in its editorial that the law gives to the unions no greater rights than are already theirs under a reasonable reading of Chief Justice White's "rule of reason." Only the Sun remains to cry out in the old, lusty way against the alleged tyranny of Gompers and his associates.

If labor organizations now have the right to exist and to carry out the legitimate objects of the association, then the amendment is merely declaratory of the present law, and in the nature of surplusage. But in the Danbury hat case the Supreme Court used language that suggested that perhaps labor unions are per se illegal under the Sherman law—that it is an illegal restraint of trade for men to agree to work for similar wages or to quit work in a concerted way. Several Federal district attorneys have threatened and one or two have actually begun proceedings for the dissolution of labor unions as involving restraint of trade. Their right to exist being thus called in question, it is not strange that the labor organizations ask for an affirmative recognition.

There is no license to commit crime. Talk about this line in bush. If a labor organization violates the Sherman law, it will be open to prosecution under the Sherman law. But its members may not be sent to jail for merely belonging. This may be the law now; but doubt has been thrown on the right of men to combine together for the joint selling of their labor, and it is worth while to have the doubt removed.

THE LABOR AMENDMENT.

Organized labor by no means gets what it demanded in the labor amendments to the Federal antitrust law now under consideration by the lower branch of Congress. But it has secured something from the majority party. Complete and unqualified exemption from the operation of the Sherman Act was asked for on the lines indicated by the bill introduced and championed by the late Senator Bacon, of Georgia, a conservative of the older school. It is interesting to note. Senator Bacon always stoutly maintained that the intention whatever existed on the part of the Congress that passed the Sherman Act in 1890 to bring labor organizations within its prohibitions, but the courts did what Congress did not do by interpretations of the law. Such is the strong belief of many of the students of that legislation. Yet none of the leading political parties has ventured to indorse fully the exemption demand. The Democrats in 1908 and 1912 inserted in their national platform:

"The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade."

That idea, so far as it goes, if carried into effect, would insure exemption for labor organizations from the antitrust law, but it has to do only with the "restraint-of-trade" prohibition contained in the act. The exemption should surely go that far, if no further, and the Republican is glad to see that the amendment said to be agreed to by the House leaders and the radical labor representatives in that body reads as follows:

"That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organiza-

wonder how, if labor unions be lawful, men may be legally restrained from joining them.

JUDGE DAYTON'S CONTEMPT DECISIONS.

On November 11, 1913, the West Virginia-Pittsburg Coal Co. filed a petition and several affidavits asking that Van Bittner, president of the Pittsburgh district of the United Mine Workers, several employees of the coal company, and Meyer Schwartz, a local storekeeper who had leased to the United Mine Workers land upon which to hold meetings, be attached for contempt of alleged violation of the restraining order.

The injunctions and the suit brought, as we have already shown, were for the purpose of enabling the coal company to invoke the assistance of a Federal court in its controversy with its employees concerning wages and hours of employment. Is not this occasion sufficiently serious to cause thoughtful citizens to ponder upon the effect that such interference will have upon the attitude of the workers toward governmental authority and their respect for law and the judiciary? Injustice ever begets discontent and demands for reform. A wise and generous nation will give heed to these demands, however crude their expression. Sea captains might as well scuttle their ship as to ignore signs of approaching storms. The workers will not always patiently endure both burdens and injustice.

In March, 1914, some thirteen or fourteen of the employees of the company and three or four organizers of the United Mine Workers were tried at Philippi, W. Va., a town situated at a distance of about 150 miles from the company's mines, although the original chancery suit had been docketed at Wheeling, only a few miles from the mines.

JUDGE DAYTON'S METHODS.

Judge Dayton tried the cases, of course, without a jury. Particularly significant of his judicial attitude is the fact that he permitted hearsay and all kinds of evidence to be introduced before him, declaring that he would later determine for himself what part of the evidence was legally admissible and what part should be excluded.

The court rested its decision upon the supposition that the United Mine Workers is an illegal conspiracy and took "judicial notice" that in the chancery cause of the Hitchman Coal & Coke Co. v. John Mitchell et al., an entirely separate and distinct case now pending in the United States Circuit Court of Appeals for the Fourth Circuit, the court had found and determined the United Mine Workers of America to be an unlawful organization, "an unlawful and criminal conspiracy both under common law and the Federal Sherman Trust Act."

It follows that if a Federal judge can "take judicial notice" that the United Mine Workers of America has been determined an illegal conspiracy in another case, now pending before the court, any finding of a court may be regarded as established for any other case, and any Federal judge may "take judicial notice" that any other voluntary association of working people is "at common law and under the Federal Sherman Act" likewise an illegal conspiracy. If this precedent be established, any injustice may thus be perpetuated to the lasting injury of the working people, and, regardless of evidence in particular cases before a court, that court will be able to act upon "judicial notice" of what has happened in other cases.

ARGUMENT FOR REVISION.

These new abuses introduced by Judge Dayton constitute one more pressing argument for revision of the law and the practice regulating injunctions as well as the Sherman antitrust law. The application of the Sherman antitrust law to organizations of workers and the issuance of injunctions to regulate personal relations are based upon the same fundamental principle—that labor power is property. The workers demand that they be recognized as freemen, that the rights be restored to them which were theirs before the courts applied law and legal principles in a manner that robs them of personal rights of freemen.

In announcing his findings in the case, Judge Dayton called attention to a number of acts "committed" by the defendants as evidence of violations of the restraining order. Among them are these:

A few days after, on Sunday, Van Bittner and Oates appeared at the mine at Collier with a brass band of about 35 men, followed by a procession of some 125 organization men and sympathizers, from Steubenville, Ohio, largely, who marched across the company's property and held a meeting on the public road, which meeting was addressed by Bittner.

Shortly afterwards Oates rented from Myer Schwarz a small angle of unoccupied ground, possibly an eighth of an acre, surrounded on two or three sides by the company's property and an old road, about 1,000 feet from the company's pit mouth, and erected two tents there over which was placed a large sign, "Headquarters of the United Mine Workers of America." For the rental of this ground for six months Oates paid Schwarz $200, as he admitted, out of the organization funds, although the true rental value did not exceed for this six months $10 or $12 at most.

STRUGGLING TO ESTABLISH.

All acts of the miners struggling to establish better conditions of life and work in West Virginia should be considered in their relation to the power of the mine operators. That power was made practically supreme by ownership of the property and land upon which the miners must live and move. It was maintained by supervision of post offices, by control over stores and supplies, by ownership and control over schools and churches, by the company's mine guards, agents of detection and compulsion. These miners did not have one square foot of ground on which to exercise their guaranteed rights to life, liberty, and the pursuit of happiness; not one square foot for freedom of speech and the promotion of their own welfare and interest. Yet under the vague all-inclusive terms of a judicial order, a Federal agent of justice assumes the power to punish free men for renting a strip of ground upon which to live, to organize a union, and to carry out the normal and lawful purposes of that union. Under that restraining order the officials of the Mine Workers' Union are forbidden to give that organization friendly advice as to how to promote their interests or to aid them in efforts in any manner whatsoever. The purpose of this restraining order was to prevent organization among the workers, to prevent all methods by which the miners could make their protests effective, and to use the Federal courts as a strike-breaking agency in order to assist the mine operators to "control" their men to conduct their business in any manner that assured the highest dividends.

CONSPICUOUS ILLUSTRATION.

A funeral of a miner killed by the company's hired thugs was made conspicuous as an illustration of the company's method of dealing with men who retain a spark of independence. This the judge particularly notices in his findings.

Judge Dayton points out that funds of the United Mine Workers were used to retain lawyers to defend the men before the courts; to pay the fines of men arrested, and to furnish bail bonds. Could any judicial situation be more intolerable? What manner of justice does injunctive rule establish when it becomes unlawful to pay moneys demanded by the law?

In considering the defendants individually and in sentencing them Judge Dayton said:

Now the eighth paragraph of this finding will be to the effect that, while I do not deem it necessary in law to show further the connection of these men than that they joined this organization and were part and parcel of it, yet it will be in effect the setting forth of the individual acts of these defendants, and I propose to find these facts.

VERY QUEER VERDICT.

Frank Ledvinka was called before the court and declared guilty of the following:

This court will find that you are an organizer of the United Mine Workers, and have been for the last seven years a national organizer; that you come from Ohio for the purpose of organizing and carrying on this strike after the decision in the Hitchman Coal Co. case was decided and determined; that the United Mine Workers was a conspiracy and an unlawful organization; that you divided with James Oates the authority and leadership in directing and controlling the activities of the strikers, made speeches in which you denounced the inauguration and the prosecution of the strike; sent Harry Youshack to the home of one of the company's employees to threaten him, aided in defending strikers who were arrested for assaulting nonunion men; broke the promise you made to this court on December 2; advised the strikers that they must fight, must stop the company's employees from working, must beat and assault them for the purpose of preventing them from working; that you were authorized, as stated, by Frank M. Hayes, international vice president of the United Mine Workers of America, to make this attempt to unionize the mines of the Panhandle section of West Virginia, and did what was done in this strike in pursuance of that authority.

EARNEST GIRL REPRIMANDED.

Fannie Sellins, a faithful, earnest girl, struggling to aid and improve the toilers' working conditions, was called before the bar and was thus addressed:

This court finds from this evidence that you are a paid organizer of the United Mine Workers; that you have made the false pretense of being engaged in religious and charity work; that you frequented the camp at Collier, which was not a fit place for any decent woman; spent most of your time with James Oates and Secundo Coliffe, aiding and assisting them in directing the activities of the strikers in preventing the company's employees from working; made inflammatory speeches intended to incite the strikers to acts of violence; incited and attempted assaults on the company's employees at the railroad bridge; aiding in providing supplies for the camp at Collier, using funds of the United Mine Workers; aided in the defense of the strikers arrested for assaulting the company's employees; participated in the attempt to make the Moore funeral a means of inciting the strikers to acts of violence; that you advised the strikers to beat up the nonunion men; that you advised the strikers to go to No. 3 mine and beat and assault nonunion men; that you led a mob of from 150 to 200 men to intercept the company's employees north of Wellsburg, paid their fares on the cars to the place where they divided into three several troops for the purpose of intercepting the company's men, whom you expected to come from work by one of the roads; that you advised the strikers to knock the heads off the nonunion men, whom you designated as "scabs"; preached to the strikers your defiance of the orders of this court and urged them to defy and disobey the court and its injunction; that you broke your promise made to this court on December 2, and, after promising to obey the injunction, made a speech in which your proclaimed your defiance and your intention to continue to disobey the injunction.

This being the evidence, the sentence of this court is that you be imprisoned in the Marion County jail for a period of six months.

EVIDENCE DECLARED FALSE.

Miss Sellins asked, "May I say one word?"

Judge Dayton replied, "Not one word."

Then Miss Sellins said, "That evidence is all false."

To Tom Smith Judge Dayton said:

This court finds from this evidence that you participated in the Moore funeral procession and assisted in the attempt to incite the strikers to violence by carrying banners with inflammatory inscriptions; that you sided in organizing and carrying on the strike at Collier and in many of the acts done there in violation of the injunctions; that you were a part of the time in charge and control of the camp at Collier and directed the picketing and other means of preventing nonunion men from going to work; that you did picket duty yourself for the purpose of preventing nonunion men from going to work; that you trespassed on the company's property after being warned not to do so.

This court sentences you to five months in the Wetzel County jail. Bond, $2,500.

The West Virginia mine operators have made efforts to induce immigrants to go to the State. Workers from countries where the standards of work and life are lower than in the United States, workers unacquainted with the American spirit of independence and self-protection, constitute, for a time at least, docile employees. For this reason the mine operators have sent agents abroad and to the port of New York to direct immigration toward their mines. Some of these miners acquired American views and joined the strike for greater freedom, and because of that are now said to be in danger of deportation as "undesirables." One of these "undesirable foreigners" painted by American ideals, Ernest Ewald, was found guilty, as follows:

IMMIGRANTS INDUCED.

This court ascertains that you were an occupant of the tents at Collier from the time the camp was established and stayed there for the purpose of picketing the approach to the mine and preventing nonunion men from going to work there and of intimidating those who were working; that you did picket duty for the purpose of preventing nonunion men from going to work there; that you trespassed on the company's property and were fined by the local authorities for so doing; that you stopped men on their way to work at Collier and caused them to turn back and go away; that you patrolled as a picket at the camp at night armed with a gun. You are a foreigner. I have no doubt but what you were misled into this, but, nevertheless, it is clear that you came to this country, where you can make twice as much for a day's wage as you can at your home; yet you preferred to follow this unlawful organization instead of earning your living honestly in legitimate labor and the sweat of your brow. You preferred to take their hired pay of a few dollars a week and work against law and order and peace and sobriety and the rights of men and the rights of property; you preferred to do that. You will be sentenced to three months in the Monongalia County jail. Bond, $1,500.

Another foreigner was given this judicial interpretation of American liberty and justice:

This court finds from the evidence that you frequented the camp at Collier; that you did picket duty for the purpose of preventing the nonunion men from going to work, and trespassed on the company's property at the mouth of the mine frequently.

You are a foreigner, and came to this country for the purpose of improving your condition. You were making more money, twice over, than you could get in your own country, yet you preferred to join this unlawful organization and engage in these unlawful practices rather than to work and make the higher wages, honestly and upright and under the law. You still remained there after you quit work instead of going away and leaving the company to exercise its rights over its own property. I will sentence you to 30 days in the Hancock County jail. Bond, $500.

MENTAL BIAS AND PREJUDICE.

The language of Judge Dayton reflects mental bias and prejudice against the workers. He permitted to be laid before the court as evidence hearsay and other improper testimony. Witnesses for the prosecution were permitted to testify as to facts and occurrences not within their personal knowledge. Witnesses were permitted to testify in such a way that it was not possible to tell what statements were based on personal knowledge and what on information gained from others. Testimony of a prejudicial nature, not pertinent to the charges, was admitted in evidence. The court so ordered, saying that he would determine what should be accepted and what rejected. Yet, in announcing his findings, Judge Dayton said:

Now, gentlemen, touching the questions of these motions that have been made, I want to say I do not regard it as incumbent upon myself as a judge to go to the labor of setting forth in detail what part of this testimony is irrelevant, improper, and immaterial. There are 759 pages of it. I do regard it as my duty to file in these cases a finding of fact from the material and relevant testimony, rejecting the consideration of that which is immaterial and irrelevant.

Judge Dayton's methods destroy the definiteness of rights of law and undermine the foundations of justice.

An appeal was taken to the United States Circuit Court of Appeals, where the cases were argued during the first of May.

APPALLING PROOFS.

No more distressing, appalling proofs of need of reform of law relating to the injunctive process can be found than the injunctions issued by Judge Dayton. It is the abuses of judicial authority, jurisdiction, and power that beget bitter, burning indignation against the methods and agents of justice. If we would prevent our courts from being brought into contempt, we must see to it that they are really agents of justice. No court should be prostituted to the service of the private purpose of individuals. No court should be used as a strike-breaking agency.

The restraining order, the temporary injunction, the contempt proceedings in Judge Dayton's court show that the purpose for which the usurpatory power was invoked was not to prevent irreparable injury to property, but to rivet the fetters on the workers to defeat an industrial movement to secure better wages and conditions of work and to prevent any weakening of the autocratic rule and domination of the mine owners.

JUSTICE, TRUTH, AND EQUALITY.

Such "judicial proceedings" will solidify the great labor movement in West Virginia, and with the solidification will come the public awakening, now dormant, to the realization that an autocratic court can only temporarily trample upon the rights of its citizens, but in the end justice, truth, and equality must stand before the American courts as truth, justice, and equality stand before God.

While the period of transition is in progress, while certain courts are cleaning themselves of their present unwholesome associations; throwing off the cloak of selfish and sinister influence, labor will have to fight its battle, make the sacrifice, be punished, reprimanded, and made unhappy; yet so surely as the silver lining follows the cloud, so surely will it emerge from its present unfortunate condition in West Virginia, redeemed and triumphant. And with the redemption will come a clean court, with honor, justice, and equality actuating its every movement; and with the same redemption the court will see about it a happy people, honoring and respecting it because of its strict adhesion to the American principles of justice.

THE RESTRAINING ORDER.

I desire to say a word on the "restraining order" and "temporary injunctions." These legal instruments forbid acts which may cause injury to property, and broadly prohibit any acts which would enable the workers individually or collectively to work in furtherance of their particular interests.

In violation of these intended sacred principles of equity the evident purpose of the West Virginia mine operators was, and in certain sections of the same State now is, to perpetuate anti-union policies for their own greed and aggrandizement, and forcing upon their employees working conditions little better than slavery.

I believe, and it is my sincere conviction, that the principle of justice is of incalculable importance to these miners of West Virginia and to the workers elsewhere in these cases.

I believe in the right of dissatisfied workmen and their sympathizers to organize; to conduct a strike for the purpose of securing better terms and conditions of employment; the right to furnish and receive strike benefits.

I do not believe in the practice of employers, under the guise of "sacredness" of contracts for personal services, preventing anyone from approaching their employees to ask them to quit work and to join with fellow workers for the protection and the promotion of the interests of all; I do not believe in the practice of a judge issuing orders restraining persons from doing that which they have a lawful right to do and the practice of a judge punishing them for violating such unlawful orders.

BETTERMENT OF HUMAN LIFE.

The House is now considering a bill for the reform of abuses of the injunctive process. Those abuses American workers have felt more keenly than all other citizens. In the name of justice they demand the speedy enactment of law adequate to prevent future perversions of justice. They demand not only that organizations of workers be deemed lawful, but that they be accorded the legal right to such normal and necessary activities as will make organizations real forces for the betterment of human life.

Associated effort for self-help is the only protection upon which the workers can rely. It has done more than any other force for the uplift of the masses of our country. It will do more as the way is opened to greater opportunities. The workers demand these opportunities in the name of justice and humanity. They demand legislation that shall exempt them from the provisions of the Sherman Antitrust Act and protect them from abuses of the injunctive process. [Applause.]

Mr. CARLIN. Mr. Chairman, how much time has the gentleman from Minnesota [Mr. VOLSTEAD] remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. CARLIN. I ask that the gentleman use some of his time.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. MORGAN].

PRESERVATION OF LIBERTY.

The despotism of one can, in this sense, be no better than the despotism of another. If we are to preserve "government of the people, by the people, and for the people," any usurpation by the judiciary must be as sternly resisted as usurpation by the executive.

What labor is now seeking is the assistance of all liberty-loving men in restoring the common-law definitions of property, and in restricting the jurisdiction of the equity courts in that connection to what it was at the time of the adoption of the Constitution.

To those who ask proof of the justice of labor's demands for correction of abuses of the injunctive process there is no better proof than can be found in the injunctions of Judge Dayton, of the Federal District Court for the Northern District of West Virginia. No injunctions have been more persistent, arbitrary, flagrant abuses of judicial power than those issued by that court.

CONDITIONS IN WEST VIRGINIA.

Conditions in that district are conducive to such abuses—West Virginia is a corporation-ridden State. The coal companies own vast tracts of territory over which they exercise practically absolute control. Their great industrial power has created the false impression that profits for the companies are tantamount to prosperity for the State. The companies have been allowed to interpret what constitutes prosperity and how it shall be maintained. Company managers are held responsible for profits. Naturally they condemn anything that decreases profits or "interferes" with business. That human rights may conflict with property rights is to them of no consequence, for they think property rights only concern profits. As what could not be accomplished in "other ways" was done through injunctions—the coal fields of West Virginia have been an injunction-governed district.

WORKERS DENIED CERTAIN RIGHTS.

The injunction rule that Judge Jackson inaugurated Judge Dayton has maintained with great "efficiency." The purpose of that rule is to deny free workers the right to organize in order to better their working conditions. Every agent of Government and force has been used to maintain the mines nonunion—to maintain the same "freedom" that the Colorado Fuel & Iron Co. is trying to force upon the miners of Colorado. The serious injustice that has resulted is most conclusively demonstrated by the injunctions issued by Judge Dayton against the coal miners during the strike of 1912–13.

The West Virginia-Pittsburgh Coal Co., incorporated under the laws of West Virginia, and operating large coal mines in the northern Panhandle district of West Virginia, petitioned for and obtained from Judge Dayton, on September 29, 1913, a temporary restraining order. The restraining order forbade the officers of the United Mine Workers, "their committees, agents, servants, confederates, and associates, and all persons who now are, or hereafter may be, members of said United Mine Workers of America, and all persons combining and conspiring with the said designated persons, and all other persons whomsoever, and each and every one of them" from organizing the company's mines, from "conspiring" to inaugurate a strike against the company, or from doing anything to aid in any strike against the company. The restraining order with slight modifications was made a preliminary injunction December 2, 1913.

OUTRAGE AGAINST RIGHTS.

Mr. Chairman, the injunction is so preposterous, such an outrage against the rights of the workers, such an arrogant usurpation of power, that the specific inhibitions are given in full. In reading the injunction and considering the things which the miners are forbidden to do, the extensive land holdings of the company should be held in mind. The miners lived in the company's houses, built upon the company's property. It was impossible for them to move outside their own dwellings without "trespassing" upon the company's land.

The wording of the injunction is also significant. The words are so chosen as to convey the idea that normal, lawful activities are "conspiracies." The injunction assumes the lawful right of the company to whatever relations with its employees will produce greatest profits, and to regard those relations as part of the right to do business. The "right to continue service" from employees is the basis for several prohibitions. Judge Dayton assumed that a strike is unlawful, that labor organizations and their purposes are illegal.

SPECIFIC PROHIBITIONS IN JUDGE DAYTON'S INJUNCTION.

The officers and the present and future members of the United Mine Workers, their associates, and all other persons are enjoined and restrained:

"1. From interfering and from combining, conspiring, or attempting to interfere with employees of the plaintiff for the purpose of unionizing plaintiff's mine, without plaintiff's permission and consent, and in aid of such purpose knowingly and wilfully bringing about in any manner the breaking by plaintiff's employees of contracts of service known to them at the time to exist which plaintiff now has with his employees, and from knowingly and willfully bringing about in any manner the breaking by plaintiff's employees of contracts of service which may hereafter be entered into by persons with plaintiff and be known to them, while the relationship of the employer and employee as to such employee so brought to break his contract exists, and especially from knowingly and willfully enticing plaintiff's employees, present or future, knowing such relationship, while the relationship of the employer and employee, as to such employee enticed, exists, to leave plaintiff's service, giving or assigning directly or indirectly as a reason for any such act so brought about, or enticing and leaving the plaintiff's service, that plaintiff does not recognize the United Mine Workers of America, or that plaintiff runs a nonunion mine, or that the interests of the United Mine Workers of America require that plaintiff shall not be permitted to run a nonunion mine, or that the interests of the union will be best promoted thereby.

"2. From interfering and combining, conspiring, or attempting to interfere with the employees of plaintiff so as knowingly and willfully to bring about in any manner the breaking by the plaintiff's employees of contracts of service known to them at the time to exist, which plaintiff has with its employees, and from knowingly and willfully bringing about in any manner the breaking by plaintiff's employees of contracts of service which may hereafter be entered into by persons with plaintiff, and be known to them, while the relationship of employer and employee, as to such employee so brought to break his contract exists, and especially from knowingly and willfully enticing plaintiff's employees, present or future, knowing such relationship of employer and employee as to such employee so enticed exists, to leave plaintiff's service without plaintiff's consent, against plaintiff's will, and to plaintiff's injury.

SOME STARTLING SPECIFICATIONS.

"3. From interfering with, hindering, or obstructing the business of plaintiff, or its agents, servants, or employees, in the discharge of their duties as such, at and about plaintiff's mines or elsewhere, by trespassing on or entering upon the grounds and premises of the plaintiff, or within its mines for the purpose of interfering therewith, or hindering or obstructing its business in any manner whatsoever, or with the purpose of compelling or inducing, by threats, or force, intimidation, violence, violent or abusive language, or persuasion, any of the employees of plaintiff to refuse or fail to perform their duties as such employees.

"4. From compelling or inducing, or attempting to compel or induce, by threats, intimidation, force, or violence, or abusive or violent language, any of the employees of plaintiff to leave its service or fail or refuse to perform their duties as such employees, or to compel or attempt to compel by threats, intimidation, force, violent or abusive language, any person desiring to seek employment in or about the plaintiff's mine and works from so accepting employment therein.

"5. From entering upon or establishing a picket or pickets of men on or patrolling railroads or highways, public or private, passing through or adjacent to the plaintiff's property for the purpose of inducing or compelling by threats, intimidation, violence, violent or abusive language, or persuasion, any employee of plaintiff to fail or refuse to perform his duties as such, or for the purpose of interviewing or talking to any person or persons on said railroad or highways coming to plaintiff's mines to accept employment with plaintiff, for the purpose and with the intention of inducing and compelling them, by threats, violence, intimidation, violent or abusive language, persuasion, or in any other manner whatsoever, to refuse or fail to accept service with plaintiff.

REGULATING THE EMPLOYER.

"6. From compelling or inducing or attempting to compel or induce by threats, force, intimidation, or violent or abusive language any employee of said plaintiff to refuse or fail to perform his duties as such employee; and from compelling or attempting to compel, induce by threats, intimidation, force, or violence, or abusive or violent language, any such employee to leave the service of plaintiff; and by like methods to prevent or attempt to prevent any person desiring to accept employment with plaintiff in or about its mines or works or elsewhere from doing so by threats, violence, intimidation, or violent or abusive language.

"7. From interfering in any manner whatsoever, either by threats, violence, intimidation, persuasion, or entreaty with any person in the employment of plaintiff who has contracted with

and is in the actual service of plaintiff, to entice or induce him to quit the service of plaintiff or fail or refuse to perform his duties under this contract of employment, and from ordering, aiding, directing, assisting, or abetting in any manner whatsoever any person or persons to commit any or either of the acts aforesaid.

"8. From congregating at or near the premises of plaintiff, and from picketing or patrolling said premises for the purpose of intimidating plaintiff's employees or coercing them by threats, intimidation, violence, abusive or violent language, or preventing them, in the manner aforesaid, from rendering their service to the plaintiff; and in like manner from inducing or coercing them to leave the employment of plaintiff; and from in any manner so interfering with the plaintiff in carrying on its business in its usual and ordinary way; and from interfering by threats, intimidation, violence, violent or abusive language, with any person or persons who may be employed or seek employment by plaintiff in the operation of the plaintiff's mines or works.

RIGHTS OF LABOR QUESTIONED.

"9. From either singly or in combination with others collecting in and about the approaches to plaintiff's mines and works for the purpose of picketing or patrolling or guarding the highway and approaches to the property of the plaintiff for the purpose of intimidating, threatening, or coercing any of plaintiff's employees from working in its said mines or works, or any person seeking employment therein, from entering into such employment, and from interfering with said employees in going to and from their daily work in and about the mines and works of plaintiff.

"10. And from either singly or collectively going to the homes and boarding homes of plaintiff's employees, or any of them, for the purpose of intimidating or coercing any or all of them to leave plaintiff's employment."

The injunction then enjoins the miners from "conspiring" to strike, from even using "persuasion" to "induce" employees to strike, from "trespassing," that is, going outside their homes for the purpose of "enticing" employees to leave the company's service. Can these workers be free if they do not have the right to stop work? If they have that right, how can they be restrained from "conspiring" to exercise it?

WHAT FREEDOM MEANS.

Mr. Chairman, have free workers a right to organize to promote their own welfare and happiness? How can they be restrained from conspiring to achieve that purpose, even without the permission of the company? In organization workers exercise personal rights. Note the skillful twist of this injunction specialist in the phrase "unionizing plaintiff's mine," which is intended to give the impression that property rights were endangered.

Note in section 3 another touch of the expert—"elsewhere"—limitless, boundless "elsewhere." And again "in any manner whatsoever." Can any judge be justified in forbidding the United Mine Workers from obstructing the business of the West Virginia-Pittsburgh Coal Co. "in any manner whatsoever"? Think of the manifold activities, perfectly legal, normal activities, covered by the phrase "in any manner whatsoever."

DESPOTIC LEGISLATION.

How can justice exist when a judge is permitted to issue injunctions which amount to despotic legislation? If even one judge may under existing conditions deprive even one worker of rights necessary to his freedom, then those existing conditions must be changed without delay. One human being is more valuable than a mine. But Judge Dayton ruthlessly trampled upon the rights of many workers, and by precedent all workers.

In section 5 the miners are forbidden to use railroads, private or public highways "passing through or adjacent to the plaintiff's property" for the purpose of "interviewing" or "talking to any person" or "in any manner whatsoever" to explain working conditions in the mines to enlist support for the cause of the strikers. Think of it—freedom of speech denied by an injunction in order to help the mine operators to keep their employees or "prospective employees" ignorant of their opposition to organized labor, higher wages, and better conditions of work.

The prohibitions of section 6 are not for the purpose of protecting mine property, but are for the very obvious purpose of helping the operators to fasten their grip upon their unorganized, impoverished employees. What property right has the West Virginia-Pittsburgh Coal Co. in the labor power of its employees? It has no property or property right in the labor of the mines. Then by what authority can any judge command workers not to induce fellow workers to refuse or fail to perform personal service—labor? If any of those conducting the strike should become too vehement in the manner of their inducement there is recourse at law for disturbance of the peace, and so forth. Assuming that the purpose of a judge in issuing an injunction may be good, yet by usurping authority, by establishing a precedent that constitutes a menace to free institutions, the issuance of that injunction is a greater and more far-reaching wrong than any act of violence by a worker overwrought from a sense of injustice.

ENTICE OR INDUCE ILLEGAL.

In section 7 members of organized labor and "all other persons whomsoever" are enjoined from interfering "in any manner" to "induce" the employees of the company to strike, or from ordering, aiding, directing, assisting, or abetting a strike "in any manner whatsoever." A strike is legal, yet this judge presumes to forbid free man to "entice or induce" free workers to "commit" legal acts.

What is the value of law if irresponsible judges may ignore it and substitute their own orders? How long can a constitutional government be maintained under judicial anarchy? How long can such a judiciary retain the respect of just, law-abiding citizens? Under section 7 of the injunction payment of strike benefits are prohibited; distribution of food and clothing to strikers and their families; every charitable impulse and every sympathetic desire to help those fighting for industrial justice are forbidden.

The prohibitions of section 8 are based upon the assumption that the right of the company to "carry on its business in its usual and ordinary way" is so sacred that the judicial authority of the United States may be exerted to protect that right and to prevent striking miners from securing higher wages and better working conditions.

Sections 9 and 10 prohibit the miners' officials and all persons whomsoever from singly or collectively using their influence with the company's employees or any seeking employment with the company to join the strikers' cause.

WRITTEN CONTRACTS BINDING.

The injunction contains several references to contracts of workers, implying that the company entered into written contracts with its employees equally binding upon both. Miners testified that they were hired from day to day under no formal contract; in fact, the only way the coal company could have had a contract with its employees was through the method it had rejected—collective bargaining with the representatives of its employees. Even had such a contract existed, it would give the employers no right to enforce performance of specific services.

The thirteenth amendment to the Constitution of the United States is a specific denial of such a right. It reads:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

Those who know the industrial world know the powerful, heartless force of greed which opposes betterment of working conditions in order to maintain high profits; they know the long, unending struggle of the workers from slavery up to greater freedom; they know that in law, philosophy, and even in common phrases of speech are incorporated principles or fragments of principles based upon the concept that workers are slaves. All these constitute barriers to the freedom and progress of the workers. Many eminent conscientious judges do not understand this struggle of labor in effort to establish distinctions between human rights and property rights and to secure legal recognition of human rights for those who labor.

TRADITION MOLDS SYMPATHIES.

This injunction issued by Judge Dayton is typical of the injustice done by those whose habit of thought and sympathies are molded by traditions of the sacredness of property. Government was first established to protect property, but its functions have been constantly widened until now they extend to the protection of individuals and their rights as human beings. Some judges have not yet sensed this development; such a one is Judge Dayton, another is Judge Taft, one of those who inaugurated the practice of using injunctions to help employers against their employees in industrial conflicts.

Perhaps some qualm of an unsuspected conscience moved Judge Dayton to add the following paragraph to the temporary injunction:

The plaintiff's employees who have signed and entered into contracts introduced in evidence in this suit have the right at any time to terminate the contract and to go to work elsewhere, and when they have done so they have a perfect right to join the union of the United Mine Workers of America or any other labor union, and nothing in this order shall be construed as in any manner limiting their said rights.

A vague suspicion seems to be stirring in the judge's intellect, causing him to think that even labor unions may be legal in some localities. Perhaps he may have yet another idea, and

person resides or works or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peacefully assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in absence of such dispute by any party thereto, nor shall any of the acts specified in this paragraph be considered or held unlawful.

CONTEMPT CASES; JURY TRIALS.

"SEC. 19. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law shall be proceeded against for his said contempt as hereinafter provided.

"SEC. 20. That whenever it shall be made to appear to any district court or judge thereof or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney, that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor; which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court the alleged contempt be not sufficiently purged, a trial shall be directed at a time and place fixed by the court: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

"In all cases within the purview of this act such trial may be by the court or, upon demand of the accused, by a jury, in which latter event the court may impanel a jury from the jurors then in attendance, or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor; and such trial shall conform, as near as may be, to the practice in criminal cases prosecuted by indictment or upon information.

THE PUNISHMENT PRESCRIBED.

"SEC. 21. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now provided by law in criminal cases, and may be affirmed, reversed, or modified, as justice may require. Upon the granting of such writ of error, execution of judgment shall be stayed and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court, or by any justice, or any judge of any district court of the United States or any court of the District of Columbia.

"SEC. 22. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or on behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 19 of this act may be punished in conformity to the usages at law and in equity now prevailing.

"SEC. 23. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act."

SOCIETY AND JUSTICE.

The foregoing paragraphs, as amended by the Judiciary Committee, indicate plainly that justice is the purpose toward which society is groping slowly—uncertainly yet ultimately. The ideal may change and shift, but justice ever remains the goal. The law of the land embodies concepts of rights that must be granted individuals to secure them freedom of self-development and action. Justice exists when these rights are accorded to all individuals.

To the courts of our country belongs the duty of making justice a forceful reality in the lives of men. The courts are the guardians of the rights and ideals of the Nation. They are the agencies by which justice is brought into the lives of people. If they do justice, they create respect for governmental authority. If they deny justice, they create contempt for law and rebellion against governmental authority.

American courts have an unusually grave responsibility, for their power has become practically unlimited. Their power to interpret law and to pass upon its constitutionality makes them superior to the legislatures. Judges are the least responsible of all our governmental agents.

An independent judiciary is necessary for purity of justice. Yet this very independence constitutes a menace, for judges are human, and may allow practices and concepts to become established which pervert justice. Such perversions of justice have been the reason for all the great legal reforms. Such perversions of equity courts now demand reform.

POWER OF EQUITY COURTS.

Equity courts were established in England to infuse into legalism a morality which was precluded by the strict letter of the law. Practically all equity law has resulted from judicial legislation. The judge makes the law, determines whether or not his law is violated, and determines the penalty for any violations of his law. Therefore equity proceedings reflect the personal attitude of mind, convictions, and animus of the individual judge.

The power built up by equity courts in the United States is unlimited. Like all arbitrary power, it has been abused. The particular class of abuses that has caused the greatest injustice and has aroused most bitter discontent is the use of the injunctive process in industrial disputes to regulate personal relations and to assume the functions of the law courts.

The writ of injunction was intended to protect property against injury from which the law afforded no protection. Under the influences of judges who had no personal knowledge of industrial affairs, no sympathy with workers in industry, and no understanding of the difference between property rights and personal rights, injunctions have been issued for the purposes which transform the agencies of justice into engines of injustice and oppression.

BURDENS OF INDUSTRY.

Those who bear the burdens of industry and the brunt of whatever injustice prevails have for years, in protest, called attention to grievous wrongs that have been inflicted upon them by the courts.

The effort to secure decent working conditions, a fair wage, and reasonable hours of work has involved the workers in a struggle with all the forces of greed and intrenched power, whose aim is to deny the growing economic and social demands of the workers.

The struggle has not infrequently degenerated into a conscienceless war to hold the workers in subordination and in the domination of every political agent to accomplish this purpose. Judges have been induced to serve this purpose—some consciously and some unconsciously. Injunctions have been issued that deny workers rights guaranteed them by constitutional and statutory laws; that deny workers freedom of speech, press, and normal action.

Judges have sentenced workers for doing that which they have a lawful right to do; have sentenced them for violations of the injunctions when the injunctions themselves were issued in direct contravention of specific inhibitions of law. Let us present the basic principles which determine the jurisdiction of equity courts and limit their powers.

INJUNCTIONS AND THEIR IMPORT.

The writ of injunction should be exercised exclusively for the protection of property and property rights.

To secure the aid of equity courts by the injunction process the petitioner must have no other remedy at law.

He who seeks equity must come into court with clean hands.

The injunction writ must never be used to regulate personal relations or to curtail personal rights.

Equity power—injunctions—must never be used in an effort to punish crime. This is the function of the law courts.

The equity courts must not be used as a means to set aside trial by jury.

In all America there is not a man learned in the law who will dispute that the principles just stated are the fundamental bases for equity procedure in the issuance of injunctions.

DEMANDS FOR JUSTICE.

Mr. Chairman, though courts have jailed workers, they have not silenced indignant protest or stifled or jailed love and demand for justice. Though they have jailed workers for contempt of unwarranted judicial orders, they have not been able to jail their contempt for arbitrary abuse and usurpation of authority. With defiant challenge of wrong, the workers demand that the courts of justice be restored to their rightful purposes; that they be made the courts of all the people, and not the courts of a privileged class—the employing class. There are those who believe that American workers exaggerate the need for legislation to prevent abuses of the injunctive process. There are others who wish to create that impression in order to retain the special privileges and advantages these abuses afford them. All the forces of prejudice and greed are lined up to prevent legislation which shall free the workers from restrictions upon normal efforts to protect and further their own material interests.

GOVERNMENT BY INJUNCTION.

What is "government by injunction" or, in other words, the misuse of the equity power? It is the modern use of the writ of injunction, especially in labor disputes, which is revolutionary and destructive of popular government.

Our Government was designed to be a government by law, said law to be enacted by the legislative branch, construed by the judiciary, and administered by the executive.

An injunction is "an extraordinary writ issued out of equity enjoining a threatened injury to property or property rights where there is not a plain, adequate, and complete remedy at law."

The definition of equity is: "The application of right and justice to the legal adjustment of differences where the law, by reason of its universality is deficient" or "that system of jurisprudence which comprehends every matter of law for which the common law provides no remedy * * * springing originally from the royal prerogative, moderating the harshness of the common law according to good conscience." In other words, it is the exercise of power according to the judgment and conscience of one man.

PROPERTY RIGHTS.

It was for this reason that in Great Britain, whence the United States derives its system of equity, as well as of law, the equity power was limited to the protection of property or property rights, and in such cases only where there was no remedy at law; the words adequate and complete have been added here.

When the courts of equity take jurisdiction over and issue injunctions in labor disputes they do so to protect business, which, under late rulings by several courts, is held to be property. These rulings are disputed and condemned by other courts, which hold that relations between employers and employees—between buyer and seller—are personal relations, and as such, if regulated at all, are regulated by statute or common law only. If the latter contention be right, and of this we believe there can be no question, the ruling that makes business property or the right to carry on or continue in business a property right is revolutionary and must lead to a complete change, not only in our industrial, but in our political life. If the court of equity be permitted to regulate personal relations, it will gradually draw to itself all legislative power. If it be permitted to set aside or to enforce law, it will ultimately arrogate to itself jurisdiction now held by the law courts and abolish trial by jury.

LAW AND EQUITY.

The Constitution confers equity power upon the courts by stating that they shall have jurisdiction in law and in equity in the same way that it makes it their duty to issue the writ of habeas corpus and in substantially the same way as it provides for trial by jury. Equity power came to us as it existed in England at the time of the adoption of our Constitution, and it was so limited and defined by English authorities that our courts could not obtain jurisdiction in labor disputes except by the adoption of a ruling that business is property.

If business be property in the case of a strike or boycott, and can therefore be protected by the equity court against diminution of its usual income, caused by a strike or boycott conducted by the working people, then it necessarily must be property at other times and therefore entitled to be protected against loss of income caused by competition from other manufacturers or business men. Business and the income from business would become territorial and would be in the same position as land and the income from land. The result would be to make all competition in trade unlawful; it would prevent anyone from engaging in trade or manufacture unless he comply with the whims and fancies of those who have their trade or means of production already established.

No one could enter into business except through inheritance, bequest, or sale.

DEFINITION OF PROPERTY.

In order to show the fallacy of this new definition of property we here state the accepted legal definitions of property, business, and labor.

Definition of property: Property means the dominion of indefinite right of user and disposition which one lawfully exercises over particular things or subjects and generally to the exclusion of all others. Property is ownership, the exclusive right of any person freely to use, enjoy, and dispose of any determinate object, whether real or personal. (English and American Encyclopedia of Law.)

Property is the exclusive right of possessing, enjoying, and disposing of a thing. (Century Dictionary.)

A right imparting to the owner a power of indefinite user, capable of being transmitted to universal successors by way of descent, and imparting to the owner the power of disposition from himself and his successors. (Austin, Jurisprudence.)

SOLE DESPOTIC DOMINION.

The sole and despotic dominion which one claims and exercises over the external things of the world in total exclusion of the right of any other individual in the world. (Blackstone.)

It will be seen that property is the products of nature or of labor, and the essential element is that it may be disposed of by sale, be given away, or in any other way transferred to another.

There is no distinction in law between property and property rights.

From these definitions it is plain that labor power or patronage can not be property, but aside from this we have the thirteenth amendment to the Constitution prohibiting slavery and involuntary servitude.

LABOR AND PROPERTY.

Labor power can not be property, because it can not be separated from the laborer. It is personal. It grows with health, diminishes in sickness, and ceases at death. It is an attribute of life.

The ruling of certain courts makes of the laborer a serf, of patronage an evidence of servitude, by assuming that one may have a property right in the labor or patronage of another.

Definition of business: That which occupies the time, attention, and labor of men for the purpose of livelihood or profit; that which occupies the time, attention, and labor of man for the purpose of profit and improvement. (American and English Encycl. of Law.)

That which busies or that which occupies the time, attention, or labor of one as his principal concern, whether for a longer or shorter time. (Webster's Dictionary.)

Definition of labor: Physical or mental effort, particularly for some useful or desired end. Exertion of the powers for some end other than recreation or sport. (Century Dictionary.)

It will be seen from the definitions that while there is a fundamental difference between property and business there is none at all between business and labor, so that if business be property, so is labor, and if the earning power of business can be protected by equity power through injunction, so can the earning power of labor; in other words, the laborer may obtain an injunction against a reduction of his wages or against a discharge, which would stop the wages entirely.

If this new definition of property, by including therein business and labor, be accepted, then the judge sitting in equity becomes the irresponsible master of all men who do business or who labor.

DISCRETIONARY GOVERNMENT.

We contend that equity power and jurisdiction—discretionary government by the judiciary—for well-defined purposes and within specific limitations granted to the courts by the Constitution, has been so extended that it is invading the field of government by law and endangering constitutional liberty; that is, the personal liberty of the individual citizen.

As government by equity—personal government—advances, republican government—government by law—recedes.

We have escaped from the despotic government of the king. We realized that, after all, he was but a man. Are we going to permit the growing up of a despotic government by the judges? Are not they also men?

the power if not destroy monopolies. As a remedy we have now before this House a measure called "A bill to supplement existing laws against unlawful restraints and monopolies." I intend to vote for this bill, for while I do not believe that we shall get complete relief from it, I am ready and anxious to support any measure which will do something toward breaking the power of monopoly. But will this proposed law accomplish the desired result? I am anxious that it shall strip monopoly of its power, and yet I can only feel that it will do much better in the way of regulation than the present law.

I believe that this bill is the most perfect development thus far of the plan to solve the problem of monopoly by control and regulation. But the job of controlling and regulating a monopoly is much the same as if you were to give a man your farm and then try to order when he should plow, where he should sow, at what price he should sell his crops, and to say that he should not talk to his neighboring farmer across the fence about the price of what they have to sell. You lost the right and power to control effectively when you gave away the farm, and so the people of the country are unable to control and regulate monopolies because they have given them the natural resources of the country. It makes little difference whether the grant was originally made to one person or to a number of persons. The true remedy and, in fact, the only real cure for the evils of monopoly is to restore to the public as far as possible these natural resources. If a tax sufficient to absorb economic rent were levied upon the real value of oil land, coal land, ore land, and other sources of raw material, we would find the strangle hold of monopoly soon loosened. No man or men could then afford to withhold from use the natural resources which they have gotten into their possession. In order to pay such a tax they would be compelled to make use of the land or resources under their control; and if they should do this, they would turn out their products in such quantities as to make it necessary to sell at a reasonable price in order to dispose of their output. The customers would then be able to buy the products more freely. Labor would receive higher wages, because of the increased demand for labor resulting from the using of resources heretofore held out of use by monopoly. Of course increased demand for anything, including labor, means that more must be paid to get it. Why have we not applied this simple remedy? Why do we give the earth to a few and then try to regulate them?

The explanation, it seems to me, is that men's minds usually accept, as an explanation for any difficulty, the cause which is most apparent and nearest to the trouble. So when we see a few men getting immense fortunes in a very short time, we begin to blame the men and try to regulate their actions. Restore to the people their rights in the natural resources of the country and the trust question will solve itself. This, as I have already suggested, can be done by taxation. But, answer some, this would not be fair to those who have paid for these privileges in the natural resources. Let me call your attention to the fact that the taxing of such resources at a rate about equal to its natural rent would simply prevent the monopoly from playing the dog-in-the-manger game of withholding the natural resources from use, but would still leave them the title and possession and a reasonable profit if they will but use them. The profit which has come to monopoly merely from the privilege of controlling the natural resources would of course be much reduced under the plan which I have suggested, but you who support the pending bill can not offer that as an objection to the plan. The very purpose of the bill before this House is to prevent the trusts or monopolies from getting an unfair profit. The plan of the bill reported by the committee is to leave the trusts in possession of their special privileges in the natural resources, but to tell them how to sell their product and to whom they must sell it, so that they will be fairer to the people. But if by taxation we compel the holders of the natural resources to use them or to let others use them, the natural law of supply and demand will reduce prices and raise wages, and this would mean prosperity for all.

There has been a great deal said during the debate on this bill about the proposal that labor unions shall not be subject to the terms of the antitrust law. We have observed the tearful anxiety of those who shudder at the very thought of class legislation when it appears to favor the cause of labor. Keeping in mind the purpose of this bill, does the so-called exception in favor of labor constitute class legislation? I claim that it does not.

The evil that the bill is intended to correct is the monopoly of the natural resources—to prevent a few persons from getting control of such portions of the earth as contain the raw material or means of production of the necessities and comforts of life. We have a natural and moral right to prevent a monopoly of the earth, the storehouse provided by God for the human family. We have a right and duty to destroy special privilege in the earth which was provided by the Creator, not for one or a few but for all His people. To permit anything else, to permit one or a few to own and absolutely control the earth, is to put the rest of mankind at the mercy of these few, because they can only live and labor on the terms made by the few.

But no man has any natural or moral right of ownership in another man's body or his power to labor, and therefore no man has any right to say that another shall or shall not work or to say that he shall not consult with his fellows about working or refusing to work or in regard to the terms of employment so long as the conference is free from violence. The same right as to his labor, whether manual or mental, must be conceded to the individual employer or if a corporation be the employer, then the officials of such corporation have the right to consult with one another or with like officials of some or all other corporations in regard to the terms upon which they will do their work. This, however, is an entirely different thing from permitting a monopoly of the resources of the earth.

It is the old, old story of the struggle of the millions of human beings for the fruits of their toil, on the one hand, and by the holders of special privileges for the fruits of other men's toil on the other hand. And yet, all this is permitted in the name of justice. Millions of men and women toil wearily from day to day and drag out only a miserable existence. Countless children are without food enough to fully nourish them, and know not how to laugh. Mr. Chairman, we can not much longer tolerate such conditions. We must soon stop trying the time-worn plan of permitting a few men to monopolize the earth, and then trying to compel them by law to be kind enough to give others their just share of its fruits. We must go to the root of the evil. We must remove the cause by abolishing special privilege itself.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HAMLIN].

The CHAIRMAN. The gentleman from Missouri [Mr. HAMLIN] is recognized.

Mr. HAMLIN. Mr. Chairman, I can not hope to say much within the time allotted me. I will say, however, that I am heartily in favor of the amendment offered by the chairman of the committee to section 7 of the bill. I do not believe that it would be right to place labor organizations, farmers' organizations, and fraternal organizations in the same category with organizations formed for the express and sole purpose of making money. One organizes for the purpose of uplifting humanity, the other for the purpose of exploiting humanity.

The present method of business is to put the brawn and muscles of human beings in one end of the scale and dollars in the other end and weigh it out, just as the grocer weighs out his sugar to a customer. This is revolting to any man who loves his fellow man. Involved on one side of the balance are the cold, unsympathetic dollars; on the other side are the lives, the happiness, and existence of human beings.

Surely the law ought to make a distinction between the two. Human happiness and human welfare ought not to be put on the auction block and knocked off to the highest bidder as a chattel may be. The only reason why trusts and combinations are declared illegal is because they are organized and operated for the express purpose of the more effectively exploiting the people by taking advantage of their necessities and controlling the price of these necessities to the consumers, as well as the purchase price which they have to pay for the raw material. They do this by consolidating or controlling all business in their line and thereby shutting out competition. Combinations of capital seek to control both the selling and purchasing price of all articles of necessity.

Labor seeks only to protect the selling price of one article, to wit, his brawn and muscle. This amendment protects the labor organizations, farmers' organizations, and fraternal organizations from the operation of the Sherman antitrust law, and in that the Democratic Party fulfills another pledge made in its platform.

I am truly glad to see our Republican friends lining up for this amendment; true some of us remember that for 16 long years of Republican rule they never found it convenient to protect the laborers of this country from the effects of the Sherman antitrust law, still we welcome them over to our standard and say we will gladly accept your votes even though you had to be forced to do it by a Democratic Congress.

I think that every Member here recognizes that one of the big questions before us it to deal fairly and right with labor and capital. For a long time I have felt that capital is largely responsible for the struggle that is on between the employer and the employee. Capital has been too domineering and selfish. I once heard the president of a large operating coal company,

in dealing with the demand of their employees for better wages, say, "What right have these d—n fellows to make demands on us and attempt to tell us how we shall run our business? We have thousands invested and they haven't a penny." I said to him, "That is where you are radically wrong. These laborers have infinitely more invested in the business than you have. You have only a portion of your money invested and these laborers have their very existence and the existence of their wives and children invested, and who can measure the love of a parent for his child, or who will attempt to do so in cold dollars and cents?" Mr. Chairman, let us not deal with the comfort and happiness of human beings as we deal with steel rails, oil, and other commodities.

I repeat what I said in the beginning, that labor organizations and farmers' organizations ought not to be placed in the same category with organizations formed for the express purpose of making money. I hope this amendment will be adopted.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. CASEY].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CASEY] is recognized.

Mr. CASEY. Mr. Chairman, it was with considerable interest I took up the study of this very important measure. The more I delved into it the more and more I became impressed with the absolute need of an amendment such as has been offered by the gentleman from North Carolina [Mr. WEBB]. I realize and appreciate the importance of this bill, because I believe it is one of the most important that has or will come before this House for consideration.

ORIGINAL CLAUSE UNSATISFACTORY.

When it was reported by the Judiciary Committee I, as well as a number of my colleagues, went over it with careful deliberation, section by section, and when we reached section 7 it was apparent that it did not and could not meet expectations.

We asked the committee to change the phraseology so as to give labor organizations and farmers' organizations and beneficial societies the recognition promised in the Democratic platform. After some consideration the committee agreed to do so.

I desire to say to the Members who are hesitating about voting for the amendment that it is my sincere belief that the Webb amendment gives labor, gives the farmers, and gives the beneficial organizations the relief they are seeking. And I want to add that by following the recommendations of the Judiciary Committee we are doing that which the members of the great American Federation of Labor, what the members of the great Brotherhoods of Railroad Trainmen, the Railroad Conductors, the Railroad Firemen, the Railroad Engineers, and the farmers' organizations, that are directly and vitally interested in this legislation, desire we should do.

DISTINCT LINE DRAWN.

In consideration of their wishes, in consideration of the great moral issue involved, and in consideration of the world desire to draw the line between labor and its product, and in consideration of the desire to give the farmer as well as the laborer a greater scope, so that they may develop, so that they may live with a greater degree of comfort, so that they may prosper; and when these great forces are content the leaven of a greater and better mankind will dominate in this country; and I ask you, in consideration of all these things, to adopt the amendment offered by the gentleman from North Carolina [Mr. WEBB], chairman of the Judiciary Committee.

Mr. Chairman, wherever the working people have made progress some form of organization has been the agency that has transformed individual impotency into collective strength—fraternities, lodges, merchant guilds, craft guilds have been helpful; but the labor unions—trades-unions—have been the most potent factors in the forward movement.

HIGHER STANDARD OF LIFE.

The demand for higher wages represents the conviction that a constantly greater share of increased social wealth should go to those who create it. The progress of humanity results from the elimination of poverty. Poverty means degrading environment and influence that result in intellectual and moral degeneration. Permanent amelioration of the human lot must have as its basis material resources. The next step is to distribute these products so that the greatest number may fairly benefit thereby. As an element in the forces determining distribution, the trade-union has been most potent. A comparison of conditions prevailing among the unorganized with those that have employed collective bargaining reveals unmistakable proofs of the beneficent results due to trade-unionism. Higher wages mean better homes, better clothing, better food, better bodies and minds, recreation, a higher standard of life.

The aim for a higher standard of life is the incentive for the demand for a shorter workday. The verdicts of modern scientists are confirming the fundamental importance of this demand which the trade-union has so long been pressing. These scientists are warning us against the danger to the race from the continuous industrial strain and concentration of energy in modern industry. Commerce and industry can be allowed to exploit the leisure of the workers only at the expense of national well-being. The shorter workday means increased efficiency of the worker in the shop, better, longer, and happier living, and development of the higher emotions and feelings. It increases the productive period of the worker, lengthens his life, and enables him longer to provide for those dependent upon him, that the children may have an opportunity to taste of the pleasures of child life before assuming the burdens of the human "struggle for existence."

CONSERVE HUMAN RESOURCES.

This more efficient, more human worker demands better working conditions, the aim being to conserve human resources. Much has been done to let pure air and sunshine into working places, to exclude conditions breeding organisms injurious to life, but ever-increasing knowledge and the widening of our conception forbid us to stop or stay in the crusade for human welfare. Among all the organizations on the American continent working upon the various phases of this great problem, in my opinion, the great American Federation of Labor is the leader, and has often been the pioneer blazing the way.

These three demands of organized labor are comprehended in this larger and ultimate ideal—to enrich, enlarge, and magnify humanity. The influence and the potency of the American labor movement are so well appreciated by the thinkers and leaders in our Nation's affairs that almost every considerable movement for humanitarian, economic, or political reform has endeavored to enlist their approval and support. Men of labor play an honorable and important part in the affairs of this great Nation. They are daily helping to determine its destiny.

For years the laboring people have contended that the Sherman antitrust law was never intended to apply and should not have been applied to the voluntary organizations of the working people. By reason of the decision of the Supreme Court in the Hatters' case, and of several courts in other cases, that law was made to apply to organizations of workers. It is unnecessary at this time to recount the various phases and the developments of the efforts to secure remedial legislation which the working people of the country have so long and so justly demanded.

THE SEVENTH SECTION.

In this bill, dealing with supplementary legislation on the Sherman antitrust law, is incorporated the following section as amended:

"Section 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders or associations instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof, nor shall such organizations, orders, or associations, or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

There are other sections of this bill which deal with the regulation and limitation of the issuance of injunctions. There are sections dealing with the subject of the regulation of contempt proceedings and providing for jury trials in alleged indirect contempts. The section dealing with injunctions as amended, in which labor is primarily interested, is as follows:

"SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

THE RESTRAINING HAND.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do, or from attending at or near a house or place where any

to create and sustain competition in trade and give the people the right of choice as to what articles of merchandise they will use.

Suppose, for instance, a manufacturer of plows should go to a local merchant in some agricultural community and propose to allow the merchant to handle his particular brand of plows. Or suppose the merchant himself should seek the handling of those plows in that community. The manufacturer might say, "I will let you handle my plows, provided you agree not to handle the plows made by any other concern." But the merchant would say in reply, "Many people in my community use other brands of plows, and I would like to handle other plows, so that I can furnish them to those who may desire them." The manufacturer, under the present law, would have the right to say, "You can not handle my plows unless you agree not to handle any other plow on the market." The result would be that the merchant would have to agree to that or be denied the right to handle the plows in question. In that event the merchant suffers because he is in the power of the trust or monopoly of a given brand of plows, and the community suffers because of a lack of competition and because of a frequent inability to secure the article they desire. All such conditions operate to restrain the freedom of trade and to build up monopoly at the expense of the people. It is hoped that this provision of the pending bill will go far to relieve trade of such handicaps and to restore and maintain the proper sort of competition.

Other sections of the bill forbid one corporation from acquiring the stock or shares of another corporation where the effect of such acquisition and control would be to eliminate or substantially lessen competition. This provision is intended to prevent what is commonly known as "holding companies." A "holding company" is a company that holds the stock of another company or companies, and one whose primary object is to "hold" the stock of other companies, which is a common and favorite method of promoting monopoly.

Under this method one corporation may buy up all the stock of several competing corporations engaged in commerce, or enough of their stock to give the "holding company" control of them all, and thereafter all the different corporations whose stock has been thus bought up are under the same control and are operated as though it were one concern. As thus defined, a "holding company" is created for the sole purpose of fostering monopoly and stifling competition, and is simply an incorporated likeness of the old-fashioned trust. For instance, a great corporation located in the city of New York or Chicago, under that system, might purchase the stock of 25 or 50 different smaller corporations in different States engaged in manufacturing similar and competitive products. These smaller corporations would remain separate corporations as organized under the laws of the different States, but their stock would be owned and they would be controlled by the corporation in New York or Chicago which owned their stock; and whereas previously they had all been competitors in the markets of the world, they would now, for all practical purposes, operate as parts of one great "holding" corporation, and competition would be at an end. This measure is designed to prevent that, where the primary purpose or the necessary consequence is to destroy or substantially lessen competition in trade.

Another great evil in the conduct of business, which is denounced by the Democratic platform, is what is commonly called "interlocking directors." By this term we mean the condition where the same men are directors and officers of many different corporations, some of them supposedly competitors, but all of them actuated by a community of interest which in many instances in the past has resulted in disaster. Recently one man in New York resigned from the board of directors of 50 different corporations. His published reason for so doing was that he recognized the changed condition of public sentiment regarding this manifest evil, and desired to adjust himself to the new ideals now permeating the business world. Whether this action was brought about by the dictates of conscience or the exercise of a prudent foresight we need not now stop to inquire.

The same conditions exist with reference to many others who have not yet adjusted themselves to the new conditions and demands of modern business thought, but who are as intricately "interlocked" in the boards of directors of naturally competing corporations as was he to whom I have just referred. There can be no real competition between companies engaged in commerce where the same persons control the policy of the different companies. It would be contrary to the weakness of human nature if they did not manipulate all of such companies for their selfish ends regardless of the interests of the public. Many examples could be called to mind where the directors of railroads, banks, coal companies, steamship companies, and various manufacturing concerns have been and are now so linked and "interlocked" that there is no competition in management and therefore none in operation. The whole design of the bill now under discussion in so far as it affects business is to secure and maintain fair and free competition among concerns and products naturally competitive, and therefore, in accordance with the declaration of our platform, it is provided in this measure that such conditions are to be remedied in so far as legislation may make this possible and practicable.

I desire, Mr. Chairman, to discuss briefly at this point the provisions of this bill which affect the rights of labor and of those who labor.

In searching the sacred pages of the Holy Scriptures for inspiration and guidance through this earthly journey we call life we find nowhere a command that we shall form a monopoly or that we shall become vastly rich or that we shall oppress our fellowman. Nowhere within the covers of that wonderful book are we admonished to "toil not, nor spin." But we are commanded to labor. Out of the voiceless silence of the ages past comes the command that "in the sweat of our faces" shall we eat bread. Thus in this, as in many other passages of the Bible, labor is not only sanctioned, but is sanctified; and we read each time with renewed consolation the invitation of the Son of man to "Come unto me, all ye that labor and are heavy laden, and I will give you rest."

Mr. Speaker, there is nothing more ennobling than honest toil, and none more noble than the honest toiler. In every age, in every clime, in every condition of human progress, he has borne more than his share of the burdens of the fight. In every battle for human liberty he has been in the forefront, willing to give his life, if necessary, that others might have life and have it more abundantly. When home and country have been in need of defense, he has harkened to the voice of duty and gone forth from those he loved to return no more. In religion, in patriotism, in service to humanity, in the drudging hardships of camp and quarry, of field and factory, the man who works and the woman who works have contributed more to the welfare of the world than all the hosts combined whose claim to our remembrance is bolstered chiefly through the "boasts of heraldry or the pomp of power." And some day, somewhere, I hope to see erected to those who toil and have toiled, or shall ever toil, a monument more beautiful, more imposing, and more lasting than any that has been erected in the name of cruel war or selfish greed. [Applause.]

Imbued deeply with the sentiments I have sought feebly to express, it is not strange that I place myself upon the side of those who favor the amendment to this bill, which exempts labor organizations and farmers' organizations from the operation of the antitrust law.

In support of that amendment, I submit that it was never the intention of Congress to apply the antitrust laws to such organizations, and if they had intended it such intention would have been wrong. The object in view in passing the antitrust laws was to strike at and destroy an evil, to curb monopoly, and punish combinations and conspiracies in restraint of trade. No one will contend, in the light of history, that labor unions or farmers' organizations are an evil; but, on the contrary, they have been greatly beneficial to those who labor in factory, field, or shop, and the blessings flowing therefrom have been shared by many indirectly who were not members of such organizations.

The offense denounced by the Sherman antitrust law is that of combining or conspiring in restraint of trade. Can it be said that an organization of men who work with their hands, who have organized for mutual help, for improving the conditions of labor, or advancing the wages which they receive is a combination or conspiracy in restraint of trade? Manifestly such an interpretation of the law would be an injustice to labor. Can it be said that an organization of farmers, who have organized for mutual protection and in order to insure an adequate price for the products which they have dug from the soil, is an illegal combination in restraint of trade? Such a construction of the law would be unjust and unwarranted. The great trusts and monopolies are offensive organizations. They are organized for profit and exploitation. Laboring men and farmers have been compelled to organize in self-defense in order to protect themselves against the rapacity of those whose acts are denounced by the Sherman antitrust law.

So that we may in truth say that this amendment exempting such organizations from the operation of the antitrust law gives to labor and to agriculture what it asks and is entitled to. It recognizes the difference between the man whose only asset is his power to work and the man who seeks to use labor and the products of labor for monopolistic purposes. It recognizes the self-evident truth that all real wealth in the final analysis is produced by those who toil, and that therefore the man who

toils and eats his bread in the sweat of his brow has a moral and legal right to cooperate with others of his fellow men in the same condition for the purpose of mutual help, protection, and improvement not only of the conditions of labor, but for the advancement of the compensation which he receives therefor.

This principle was recognized in the Democratic platforms of 1908 and 1912, when a plank was incorporated therein advocating the thing we are now about to write into this law. It is gratifying to be able at this time, when the Democratic Party is engaged in writing into the statutes new laws for the reestablishment of legitimate conditions of business, to place in the law a provision giving to labor a legal status. And as business under the provisions of this bill will be eventually liberated from the unwholesome conditions which have crippled and shackled it in the past, so will the man who with his hands makes business and prosperity possible receive that share of legal recognition to which he is entitled. And I hope and believe that the provision under discussion will be overwhelmingly adopted. [Applause.]

In conclusion, Mr. Speaker, I desire to call attention briefly to the great work which has been accomplished by the present Democratic administration in carrying out the platform pledges and enacting laws for the benefit of the whole people of the United States.

On the 4th day of March, 1913, the Democrats obtained control of every branch of the National Government. President Woodrow Wilson came into office as the first Democratic President in 16 years, having behind him the loyal support of a Democratic Senate and House of Representatives. He called Congress into extraordinary session on April 7, 1913, and since that date it has been in continuous session. During that length of time it has revised the tariff downward, in accordance with the mandate of the people and the doctrines of the Democratic Party. Our party has always advanced and fought for the principle that the taxing power of the Government should not be used except for the collection of public revenue sufficient to carry on the Government economically administered, and that it ought not to be exercised to enrich a few at the expense of the masses. The Democratic tariff of 1913 recognized that principle in every detail.

During the period since the Democratic Party came into power it has placed upon the statutes an income tax, which has been demanded by the American people for nearly a generation. Under this law the swollen wealth of the country will contribute its just proportion toward the expenses of Government, whereas heretofore it has enjoyed the benefits of this Government without contributing to its support in proportion to the benefits received and the ability to pay. The Democratic Party has for many years, in and out of season, without ceasing, and without shadow of turning, advocated the passage of an income-tax law, and we are now able to see the result of its efforts crystallized into a law which all men now recognize as just and equitable.

During that period the Democratic administration has passed a law reforming and reorganizing the banking and currency laws of the United States, a task which had been ignored by the Republican Party for 50 years. The passage of that law meant the death knell of the Money Trust; the impossibility of Nation-wide financial panics; makes it impossible for a few high financiers to concentrate the money of this country in Wall Street; extends a strong, helping hand to the farmer, while fully protecting the interests of the business man and the banker; provides for the establishment of foreign branches to take care of our foreign commerce; provides for the issuance of elastic currency, which will meet the demands of trade in every season and in every part of the United States; and takes from the hands of a few money manipulators the power to control the financial policy of this Government and places it with the people through their constituted authorities, where it ought to be. When this new system has been fully organized and put in operation it is the belief of all classes of our people that it will prove itself to be one of the greatest pieces of constructive legislation ever enacted by Congress.

In addition to these things, the administration of President Wilson has been instrumental in eliminating from Washington a lobby which in former times has exercised a baneful influence upon legislation. It has secured the repeal of that provision of the Panama Canal act which gave to a shipping monopoly a subsidy of nearly $2,000,000 per annum out of the pockets of the people. It has caused to be signed treaties with more than half the nations of the world providing for the arbitration of international disputes, thus hastening the day when peace may dwell among the peoples of the world and the staggering expenditures for war and its horrors may be greatly reduced.

It has passed the industrial employees' arbitration act, providing for mediation, conciliation, and arbitration in controversies between employers and employees.

It has developed and extended the Parcel Post System to a high degree of perfection, resulting in a reduction of rates and an increase in the size of packages, making home life for the city man and for the farmer easier and cheaper.

It has inaugurated in the Department of Agriculture a system of markets whereby scientific and modern business methods will be applied toward the elimination of waste in transporting and distributing farm products.

It has passed the Lever bill providing for farm-extension work, which is designed to increase greatly the productiveness of American farms and thereby add to the general wealth of the Nation. It is intended to carry directly to the farm all the scientific discoveries of the Department of Agriculture and the State agricultural colleges. When it is remembered that during last year the farmers of the United States created nine billions of wealth, the importance of the passage of such a bill can be easily understood.

It has passed through the House of Representatives and hopes to pass through the Senate a bill granting Government aid to the different States and their subdivisions for the construction and maintenance of good roads, thus making more easy the transportation of farm products and adding to the prosperity and happiness of the people.

Many other important matters of legislation and administration for the benefit of the people have been inaugurated, to which I can not call attention for lack of time. And now Congress is engaged in the passage of these bills to supplement the antitrust laws, to prevent overcapitalization of railroads engaged in interstate commerce, to curb and restrain and, as far as possible, destroy monopoly and restore honest and practical competition in trade. And in addition to this it has under course of preparation bills for the establishment of a practical and effective system of rural credits, which will afford to those engaged in farming facilities for obtaining credit on long time and at lower rates of interest than are at present available, which we hope to enact into law in the near future, and which we hope will result in permanent good to those who need credit, that they may establish homes and finance their agricultural enterprises with greater chances of success than is possible under conditions as they exist at present. [Applause.]

Such a record, Mr. Speaker, is sufficient to cause any party or any administration to feel that its labors have not been in vain. Such a record is sufficient to demonstrate to the country that the Democratic Party knows how to serve the people, and that it has the courage and the intelligence to go forward instead of backward; that it has the patience to tire not in well-doing; and that it has the foresight to strive for the accomplishment of those things which shall in the end make for industrial peace at home and international peace abroad, and set a new mark in the advancement of the ages which shall reflect honor upon our efforts and glory upon our flag. [Applause.]

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Ohio [Mr. CROSSER].

The CHAIRMAN. The gentleman from Ohio [Mr. CROSSER] is recognized.

Mr. CROSSER. Mr. Chairman, there is no economic problem which engages the attention of the people so much as the trust or monopoly evil. The iron hand of monopoly is felt by every person in the United States, and indeed by the people throughout the world. It is well that the public mind is aroused, because failure to check the growth of monopolies and failure to prevent the ravages of those already in existence will result in industrial slavery.

What is a monopoly and what is its source of power to oppress? It is created by welding together all of the industries which produce any article and placing this combination under one control. There is then no one to offer at a lower price articles similar to those produced by the monopoly. In other words there is no competition. The monopolist can then demand and receive all the public can and will pay rather than be without the article in question. The monopoly being the only employer of the kind of labor required in the production of the article which it alone produces, can and does say what such labor will be paid as wages. The customer must pay what the monopoly or trust demands for its product, or do without, as no other can offer the same for sale. The workman skilled only in making the thing sold by the monopoly must accept the wages it offers or do without and try to learn some other business.

It does not require much thought to enable any man to understand the danger to free men from the tyrannical power which monopolies can wield. Every earnest man who thinks for a moment of others agrees that something should be done to limit

by penalties for ignoring injunctions ex parte. The contention of union-labor leaders that unions should be exempt from the operation of the injunction provisions of the Sherman Act is a sound one, says Reedy's Mirror. It is a contention based upon the workingman's right to his own labor. The inclusion of labor unions under the new act is not necessary. If they violate that law, they usually lay themselves open to prosecution for more serious violations of law.

Clearly the Sherman antitrust law was not meant to apply to combinations of labor. That law was and is directed against combinations of corporations. There is no question of equality under that law as between privileged corporations and united workers. Surely no sane person wants the Sherman Act used to force a man to work for some one he doesn't want to work for. That's what the application of the Sherman Act to union labor would amount to. Unless labor hasn't anything belonging to all the people entitling the Government to regulate it beyond compelling it to keep the peace. But the big corporations have governmental privileges, special favors, and Government rightly regulates them. A labor organization that might be subject to action under the proposed law would be subject to more drastic action for grosser offenses first. And this consideration alone makes it plain that the Sherman Act was never intended to apply to union labor. The exemption of organized labor would be no privilege at all. What labor organization aims at and what combinations and trusts aim at are entirely different things. The one seeks only to see that the laborer gets his proper hire. The other seeks to gouge labor of its share of what it produces. The President should favor the labor exemption, because if he does not the Sherman Act will be made the means to prevent the workingman from bettering his pay or the conditions under which he shall earn that pay.

In speaking upon this same subject the following appears in the American Federation of Labor, published at Washington, D. C., in its issue of Saturday, May 30, 1914:

VICTORY IS IN SIGHT—LABOR TO BE FREED FROM ANTITRUST LAWS, INJUNCTION ABUSE, AND UNJUST CONTEMPTS.

WASHINGTON, *May 28.*

The parliamentary situation of the Clayton antitrust bill in Congress, in which labor is vitally affected, has reached a satisfactory stage. For years the American Federation of Labor contended that the Sherman antitrust law was never intended to apply and should not have been applied to the voluntary organizations of the working people. By reason of the decision of the Supreme Court in the Hatters' case, and of several courts in other cases, that law was made to apply to organizations of workers. It is unnecessary at this time to recount the various phases and developments of the efforts to secure remedial legislation which the working people of the country have so long and so justly demanded. There was an apparent disposition on the part of those in control of legislation to enact a bill adequate to meet the needs of the working people. But upon close study and scrutiny the representatives of the American Federation of Labor soon learned that the labor sections of the tentative drafts of the Clayton antitrust bill were ineffective, and insisted upon changes to conform to declarations of the Democratic and the Progressive Parties. For a time it appeared that divergent opinions would result in a permanent cleavage. Representatives of the American Federation of Labor insisted upon good faith being observed. After many changes the representatives of all parties and the American Federation of Labor reached a general agreement. The American Federation of Labor has had the hearty cooperation of the labor group in Congress and the representatives of the railroad brotherhoods and of the farmers' organizations.

In the Clayton bill dealing with supplementary legislation on the Sherman antitrust law is incorporated the following agreed-upon section:

"SEC. 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof, nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

There are other sections of the Clayton bill which deal with the regulation and limitation of the issuance of injunctions. There are sections dealing with the subject of the regulation of contempt proceedings and providing for jury trials in alleged indirect contempts. The section dealing with injunctions, in which labor is primarily interested, is as follows:

"SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employee, or between employers and employees, or between employees, or between persons employed and persons seeking employment, involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

"And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working, or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to or withholding from any person engaged in such dispute any strike benefits or other moneys or things of value; or from peacefully assembling at any place in a lawful manner and for lawful purposes, or from doing any act or thing which might lawfully be done in absence of such dispute by any party thereto, nor shall any of the acts specified in this paragraph be considered or held unlawful."

The sections dealing with the contempt proceedings and jury trials are as follows:

"SEC. 19. That any person who shall willfully disobey any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia by doing any act or thing therein, or thereby forbidden to be done by him, if the act or thing so done by him be of such character as to constitute also a criminal offense under any statute of the United States or at common law shall be proceeded against for his said contempt as hereinafter provided.

"SEC. 20. That whenever it shall be made to appear to any district court or judge thereof, or to any judge therein sitting, by the return of a proper officer on lawful process, or upon the affidavit of some credible person, or by information filed by any district attorney that there is reasonable ground to believe that any person has been guilty of such contempt, the court or judge thereof, or any judge therein sitting, may issue a rule requiring the said person so charged to show cause upon a day certain why he should not be punished therefor, which rule, together with a copy of the affidavit or information, shall be served upon the person charged with sufficient promptness to enable him to prepare for and make return to the order at the time fixed therein. If upon or by such return, in the judgment of the court, the alleged contempt be not sufficiently purged, a trial shall be directed at a time and placed fixed by the court: *Provided, however*, That if the accused, being a natural person, fail or refuse to make return to the rule to show cause, an attachment may issue against his person to compel an answer, and in case of his continued failure or refusal, or if for any reason it be impracticable to dispose of the matter on the return day, he may be required to give reasonable bail for his attendance at the trial and his submission to the final judgment of the court. Where the accused person is a body corporate, an attachment for the sequestration of its property may be issued upon like refusal or failure to answer.

"In all cases within the purview of this act such trial may be by the court or, upon demand of the accused, by a jury. In which latter event the court may impanel a jury from the jurors then in attendance or the court or the judge thereof in chambers may cause a sufficient number of jurors to be selected and summoned, as provided by law, to attend at the time and place of trial, at which time a jury shall be selected and impaneled as upon a trial for misdemeanor, and such trial shall conform as near as may be to the practice in criminal cases prosecuted by indictment or upon information.

"If the accused be found guilty, judgment shall be entered accordingly, prescribing the punishment either by fine or imprisonment, or both, in the discretion of the court. Such fine shall be paid to the United States or to the complainant or other party injured by the act constituting the contempt or may, where more than one is so damaged, be divided or apportioned among them as the court may direct, but in no case shall the fine to be paid to the United States exceed, in case the accused is a natural person, the sum of $1,000, nor shall such imprisonment exceed the term of six months.

"SEC. 21. That the evidence taken upon the trial of any person so accused may be preserved by bill of exceptions, and any judgment of conviction may be reviewed upon writ of error in all respects as now, or hereafter, provided by law in criminal cases, and may be affirmed, reversed, or modified as justice may require. Upon the granting of such writ of error execution of judgment shall be stayed and the accused, if thereby sentenced to imprisonment, shall be admitted to bail in such reasonable sum as may be required by the court or by any justice or any judge of any district court of the United States or any court of the District of Columbia.

"SEC. 22. That nothing herein contained shall be construed to relate to contempts committed in the presence of the court, or so near thereto, as to obstruct the administration of justice, nor to contempts committed in disobedience of any lawful writ, process, order, rule, decree, or command entered in any suit or action brought or prosecuted in the name of or in behalf of the United States, but the same and all other cases of contempt not specifically embraced within section 19 of this act may be punished in conformity to the usages at law and in equity now prevailing.

"SEC. 23. That no proceeding for contempt shall be instituted against any person unless begun within one year from the date of the act complained of; nor shall any such proceeding be a bar to any criminal prosecution for the same act or acts; but nothing herein contained shall affect any proceedings in contempt pending at the time of the passage of this act."

It is confidently predicted, justified by the parliamentary situation, that the bill, with the above sections, will be passed by the House within the next few days.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. BARKLEY. Mr. Chairman, for a number of years there has been much discussion and agitation in this country on the subject of trusts and monopolies. In 1890 Congress passed what is known as the Sherman antitrust law in an effort to curb, prevent, or restrain unlawful combinations in restraint of trade and insure lawful and wholesome competition in the commerce of the United States. Notwithstanding that law has been in force for 24 years, combinations, trusts, and monopolies have increased at a marvelous rate and have grown so enormous in size as almost to stagger with bewilderment and confusion the mind that undertakes to contemplate or unravel them. So successful have these great combinations of wealth been in the past, not only in their organization but also in their operation, that we are now compelled to buy much that we buy from a trust, and to sell to a trust much that we have to sell. This condition in the past has enabled the trust and monopoly to fix the price of the thing it bought from us and the thing it sold to us, the result being that the real producer and the real consumer have both been at the mercy of these great aggregations of wealth.

It would be interesting, if time permitted, to go somewhat into detail in undertaking to show the methods these corporations have adopted and practiced in stifling competition and controlling the markets of trade. But this is a familiar story. We have seen them force out of the market independent concerns by the most destructive and unfair methods and practices. We have seen them, by threats and by intimidation,

force a competitor to sell out to them or be financially ruined. We have seen them go into communities and in order to drive out a legitimate competitor reduce the price of their own article below the cost of production, and then, after the competitor had gone to the wall or sold out his business, the trust would raise the price of its own article far above the cost of production and a reasonable profit. Why could it do this? Because, after driving its competitor out of business, it had control of the field. Who paid in the end for this method of transacting business? The consumer, who was compelled to buy from them, because there was no one else left from whom to purchase.

This method of big business has been very largely practiced in the manufacturing industry. It was this method which enabled great corporations like the Standard Oil Co., the American Tobacco Co., the International Harvester Co., and many others of like size and purpose to obtain absolute control of the manufacture and sale of the commodities which they manufactured and sold.

This condition has been recognized by all parties in the United States for the past 15 or 20 years. Real competition in trade has been gradually growing less and less as monopoly has increased. Notwithstanding there has been an insistent and persistent demand from the people of every class and creed for relief from these burdensome conditions, no administration and no party has made any honest effort to correct these manifest evils until the Democratic Party came into power on March 4, 1913. It is true the Republican administration "prosecuted" a few corporations, and possibly "fined" the "corporation"; and it is true that they "dissolved" the Standard Oil Co. and the American Tobacco Co. But the small fines assessed against the corporation as such resulted in no real benefit to the people, and the dissolution of the Standard Oil Co. and the American Tobacco Co. was soon followed by a rise in the value of their shares of stock, which greatly enriched their owners without corresponding benefit to the people. No officer of either company was ever prosecuted.

In the campaign of 1912 the Democratic Party, at its convention at Baltimore, adopted the following plank in its platform, upon which it went before the people and asked their votes:

A private monopoly is indefensible and intolerable. We therefore favor the vigorous enforcement of the criminal as well as the civil law against trusts and trust officials, and demand the enactment of such additional legislation as may be necessary to make it impossible for a private monopoly to exist in the United States.

We favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including among others the prevention of holding companies, of interlocking directors, of stock watering, of discrimination in price, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

We condemn the action of the Republican administration in compromising with the Standard Oil Co. and the Tobacco Trust and its failure to invoke the criminal provisions of the antitrust law against the officers of those corporations after the court had declared that from the undisputed facts in the record they had violated the criminal provisions of the law.

We regret that the Sherman antitrust law has received a judicial construction depriving it of much of its efficacy, and we favor the enactment of legislation which will restore to the statute the strength of which it has been deprived by such interpretation.

There is, Mr. Speaker, no evasion or equivocation about the language of that platform. There is nothing in it that the simplest mind can not understand. It demands the enforcement of the criminal laws against those who have violated the antitrust laws, and it demands the enactment of further laws prescribing the conditions upon which corporations may engage in trade between the States, among them being the prevention of holding companies, interlocking directors, unfair discrimination in price, and the control by any one corporation of so large a proportion of any given industry as practically to wipe out competition.

We, the Democratic Party and the Democratic administration, are now engaged in undertaking to enact a law in compliance with the pledges of that platform. We are seeking at this time to do what no other party has attempted to do, either for lack of courage or intelligence, namely, to write into the statute laws of the United States provisions designed to protect legitimate business against the unfair methods of monopoly and to protect the people themselves against the encroachments of those who in the past have sought to hinder and obstruct the freedom of competition in everything necessary to the prosperity and happiness of the people.

The provisions of the bill now under consideration are intended to prevent unfair discrimination, in so far as that end may be accomplished by legislation. Section 2 of the bill is designed to correct a widespread and common unfair trade practice whereby certain great corporations have heretofore endeavored to destroy competition and render unprofitable the business of competitors by selling their goods and merchandise at a lower price in the community of their rivals than at other places throughout the country, hoping that after the rival in business had been driven from the field the corporation would then enhance the price sufficiently to regain the loss made necessary in driving out the competitor. This section expressly forbids such practices when intended to injure or destroy the business of a competitor. This bill is not designed nor intended to prevent the lowering of prices in a legitimate way, for we are all interested in seeing that the cost of those things which are necessary to human progress and happiness shall not be above their reasonable value. But our experience in the past has demonstrated the fact that when a great corporation which has or is seeking a monopoly of the products of human labor goes into the field and by its unfair methods drives out a competitor in business, the people have usually been compelled to pay increased prices for the article controlled by such corporation after it has obtained a monopoly and driven out competition. It is an old axiom that competition is the life of trade, and the measure now before the House is designed to restore as far as possible healthy competition, so that the people may receive the benefit of the natural flow of trade in every legitimate channel.

The necessity for such legislation is shown by the fact that within the last few years 19 States of this Union have enacted laws forbidding such unfair discrimination and unfair practices, and it is important that Congress should supplement these State laws with similar legislation, as Congress alone has the power to regulate interstate commerce and the conditions upon which it may be engaged in.

In like manner, section 3 of the bill is intended to prevent owners or operators of mines, oil or gas wells, or other mineral products to refuse arbitrarily to sell his product, or any part of it, to a responsible purchaser. It is now recognized that the great mineral deposits which God has placed in the earth were placed there for the benefit of mankind. The coal, the oil, the gas, the copper, the gold and silver, the iron and steel, and other forms of mineral wealth are absolutely indispensable to human development and comfort in these modern days. In the past it has frequently happened that legitimate enterprises have been made to suffer because the coal barons and the oil kings refused to sell to them the necessary coal or the necessary oil with which to carry on their business. Such refusal has sometimes resulted in the closing of manufacturing plants and the throwing out of employment of men, simply because the owner of the coal or of the oil or other product of the mine practiced favoritism and discrimination as between purchasers, with the intention of building up one concern and destroying the other. Recognizing that these great natural sources of mineral wealth belong in truth to all the people and were created for all the people, it is sought in this measure to prevent their monopolization for the benefit of a few and to the injury of the great masses of those who depend upon them for the comforts and necessities of life.

Section 4 of the bill is designed to prevent what is known as "tying contracts." A great manufacturing company will go into a community and make a contract to let one certain person, firm, or corporation handle its products, provided such person, firm, or corporation will agree not to handle the goods of any other manufacturer who is a competitor. The very essence of such a transaction is monopoly. The local concern is not always nor usually to blame, because it desires to handle the particular articles in question, and perhaps it would like to handle similar articles manufactured by other concerns. But he frequently can not obtain the articles made by one manufacturer without agreeing not to handle the competitive articles made by another manufacturer, and so a monopoly of the given articles is created and an unlawful and unwholesome restraint of trade is the result, and the people are frequently unable to obtain the benefits of competition because the manufacturer ties the local merchant with a contract not to sell the products of a like or similar character made by a competing manufacturer. This bill will not prevent a manufacturer from selecting his customer or from making one person, firm, or corporation in any community his sole agent for the distribution of his products, because such a provision would be impracticable and perhaps work injury to legitimate business. But while it is true that he can designate a given concern to whom he will sell the products of his factory, he can not compel that concern to agree not to handle also the products of other manufacturers if he wants to do it. The merchant is not required to handle the products of others, unless he wants to do it. But this bill is intended to give the local merchant the right to handle as many competitive articles of the same kind as he may wish to handle, without tying his hands to one and only one concern under penalty of being refused or denied the right to handle such concern's products. The object and intention of this section of the bill is

ganizations to better transport and market the food products of cooperation becoming evident to the farmers. There are now

The CHAIRMAN. The gentleman from Pennsylvania is recognized for two minutes.

Mr. GRAHAM of Pennsylvania. These are the organizations that are intended to be exempt as organizations from the operations of these antitrust laws. I was very much impressed with the argument of my young friend, the Progressive in Pennsylvania, Mr. William Draper Lewis, the dean of our law school, when he said before the Judiciary Committee that the same law ought not to operate and regulate wares and merchandise and things that operated to regulate labor; and these bills ought to be divorced; the three portions ought to be divorced and separated from each other. For I am in this embarrassing position: I am going to vote to sustain the Webb amendment to this bill and incorporate it in the bill, and upon other grounds in which the bill is damaging and injurious to the business interests of this country I must vote against it as a whole. The Webb amendment will be adopted and the bill will be triumphantly passed in this House by the Democratic majority, so the absence of my vote on its final approval will not be missed, whereas I shall have expressed my willingness to exempt from the operations and effect of this statute the existence of these corporations but not any unlawful acts. [Applause.]

Mr. CARLIN. How much time has the gentleman from Minnesota consumed?

The CHAIRMAN. The gentleman has 21 minutes remaining, and the gentleman from Virginia 12 minutes.

Mr. VOLSTEAD. I yield 5 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, I shall vote for this Webb amendment, because it does accomplish a purpose that there ought not to be any difference of opinion about. Whether it goes as far as it ought to is a question that we need not discuss now; and I wish just for a moment, Mr. Chairman, to give my opinion of what will be accomplished by the adoption of this amendment. In the first place, I must disagree with the gentleman from Pennsylvania [Mr. GRAHAM] that the original section 7 accomplished the same purpose.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit an interruption?

Mr. LENROOT. I will.

Mr. GRAHAM of Pennsylvania. I meant to say—and if I did not I did not express myself fully—that it was intended by the gentlemen of the committee to accomplish the same purpose. That was my understanding; that is all.

Mr. LENROOT. With that statement I have nothing further to say, but it is entirely clear to me that the original section accomplished absolutely nothing so far as the exemption of these organizations are concerned from prosecution under the antitrust laws; but with this amendment it does just this—that whatever opinion may be entertained as to the acts of individual members of these organizations, with this amendment adopted the organization itself can not be dissolved, the organization itself can not be pursued as having violated the law, and therefore it is a step forward regardless of the question of whether it goes far enough or not. But now, Mr. Chairman, I want to direct myself for just a moment to another proposition, a legal proposition, that runs all through section 7, and that is the use of the words "shall be construed," and so forth. It is most unfortunate, Mr. Chairman, that the committee has used this language.

It is of course within the province of this Congress to construe any act of its own; but, Mr. Chairman, it is not within the province of this Congress to attempt to construe any act of a previous Congress. But by this language it is attempted to construe all of the antitrust laws. Now, it is entirely clear to every lawyer that it is the province of the legislature to make the law and it is a judicial function to construe it. This Congress has no power to say to the court how it shall construe a law heretofore made; and the effect of all of it is, if the courts specifically uphold it, as I believe they will, they will entirely throw out of consideration the words "shall be construed" and say that it was the intention of Congress to change the law, as unquestionably it is. Now, this language has been criticized time after time by the courts. For instance, in a case in the Supreme Court of the United States, speaking of identical language, it said:

> But for the unfortunate and unnecessary use of the word "construed" in this sentence we apprehend that none of the resistance to this class of taxes now under consideration would have been thought of.

And all the way through the cases the courts have struggled to uphold the acts of Congress and legislatures, but only by saying that, while the legislature used the words "shall be construed," the real purpose was not to construe the law but to change it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield the gentleman one additional minute.

Mr. LENROOT. Now, Mr. Chairman, I am satisfied the courts will in interpreting this law say that the words "shall be construed" shall be thrown aside, and that it was the intention of this Congress to modify the existing antitrust laws; but this Congress has no power to modify the existing antitrust laws as to acts committed under them prior to the passage of this act; and if there is any idea that by using this language we are changing the law with respect to existing cases, we have no power to do it, and we have utterly failed.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I have always believed that the organization of labor is the only defense the workingman has against the inevitable tendency under the competitive system to reduce wages to the lowest point of subsistence. I therefore am in favor of legalizing and recognizing to the fullest extent these organizations; but it seems to me that the committee in proposing this legislation did not accomplish anything in that direction. If you will permit me to paraphrase this seventh section, it will read something like this:

> That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of a railroad company or a steamboat company or to forbid or restrain individual members of such organizations from carrying out the legitimate objects thereof.

And adding the Webb amendment:

> Nor shall such organizations or members thereof be held to be unlawful combinations or conspiracies in restraint of trade.

Of course a railroad company is not an unlawful combination, and of course a labor organization is not an illegal organization, and if that be true what does the section mean? It seems to me that there is a concealed purpose here to throw to the laboring men of the country something that means nothing; in fact, something that gives them nothing that they do not now have. Of course these organizations are not now illegal and in restraint of trade and conspiracies, and they never were. Take out of the section "labor organizations" and put in instead "railroad organizations," and nobody will pretend that under the antitrust laws the section would exempt the railroad organization from dissolution by the courts for violation of the antitrust law. How, then, can it be maintained that if the language of the section so paraphrased would make a railroad organization liable to dissolution that the section as it stands would not make a labor organization liable to dissolution?

But what you ought to do—and I suppose this is the real meat in the coconut—is to do something which will meet the real question. If members of such an organization commit an illegal act, that will be sufficient under the antitrust laws to warrant the dissolution of that organization.

Now, that, as I understand, is the real thing. Nobody, I suppose, wants to exempt people in this country from the consequences of illegal acts. Nobody asks Congress to do that. A railroad, a trust organization, if it commits illegal acts, may be dissolved by the courts; the whole institution may be dissolved. The purpose of the laboring man, as I understand it here, is that if they commit illegal acts, the court may go after the individual members responsible for the illegal acts; but the labor organization of which the lawbreakers may be members itself can not be dissolved. But the section under consideration does not do this at all, and I fear it does not give labor and farm organizations any real exemption.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Kansas?

Mr. HULINGS. Yes.

Mr. MURDOCK. It is a question as to what is illegal. The gentleman has read the bill. Does he believe, under this bill, that in case of a strike, where the strikers assemble peaceably, remote from the place of the strike, an injunction would lie against them for peacefully assembling?

Mr. HULINGS. I do not think it ought to; and I think the power of injunction has been greatly abused by the courts, especially in labor disputes.

Mr. MURDOCK. It looks to me, under this bill, as if it will.

Mr. HULINGS. That would be a matter for the court when the act should be brought before it for adjudication. I fear the act itself is not clear.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. WEBB. Mr. Chairman, does the gentleman from Minnesota [Mr. VOLSTEAD] desire to use the remainder of his time now?

Mr. VOLSTEAD. I would rather not. I have some little time left.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DICKINSON].

The CHAIRMAN. The gentleman from Missouri [Mr. DICKINSON] is recognized.

[Mr. DICKINSON addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Missouri [Mr. HENSLEY].

The CHAIRMAN. The gentleman from Missouri [Mr. HENSLEY] is recognized.

Mr. HENSLEY. Mr. Chairman, I am in hearty accord with the purpose sought to be obtained by the amendment offered by the gentleman from North Carolina [Mr. WEBB], chairman of the Committee on the Judiciary. I am in favor of exempting labor organizations, farm organizations, and fraternal organizations from the operations of the antitrust laws. I have never been able to understand the process of reasoning on the part of the courts of our country which has brought these organizations within the purview of the Sherman antitrust law. One has but to review the speeches made by Senator Sherman, author of the antitrust act; Senator Vest, of Missouri—than whom there were no greater—and many other noted lawyers and statesmen then serving in the Senate of the United States to see and to understand to a certainty that Congress had no thought of including these organizations within the operation of the law; but nevertheless, in some instances, the courts have construed the law to apply to these organizations, which has resulted in great harassment to the laboring people everywhere.

The laboring people, through their representatives, for many years have put up a gallant fight, insisting upon this law being construed as the lawmakers intended it to be and as common humanity and even-handed justice demand. The representatives of labor on the part of the farmers of this Nation and those representing the men who toil in the factories and toil in the mines, the men who produce the wealth of the Nation and who fight the battles of our country, have pressed upon Congress to write an exemption into the law which would indicate the intention of Congress to not bring these people within the operations of the antitrust act; but the party heretofore in power has at all times turned a deaf ear to these appeals and have failed and refused to do that which, it seems to me, to have been their plain duty to this great body of toilers. So finally the Democratic Party, in convention assembled at Baltimore in 1912, declared in favor of this exemption, and so it remains for this Congress, this Democratic Congress, to write into this antitrust legislation an exemption which will be so clearly and unmistakably put that none can be deceived by the language employed, that none of the organizations heretofore mentioned shall be affected by this antitrust legislation or the Sherman antitrust law. It is written in this amendment just as the people most affected by it asked that it be written. So that, Mr. Chairman, to-day by this piece of legislation we are crowning the efforts of the laboring people, covering many years, with the success that is only their just deserts; and I rejoice in this triumph, because it is not only for the good of these organizations mentioned in the amendment, but for the common good of all mankind.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from California [Mr. RAKER].

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. RAKER. Mr. Chairman, I shall support the amendment to section 7, proposed and presented by the gentleman from North Carolina [Mr. WEBB], the chairman of the committee. I believe that it will add to the efficiency of the section and will carry out the desires of labor.

I understand that those organizations, those interested, have gone over the proposed amendment, and are satisfied with the amendment as it is now proposed by the committee instead of the proposed amendment that was presented by them and sent to each Congressman some days ago, where they proposed to amend section 7 by striking out certain language and using the words "shall not apply."

Gentlemen have discussed here the language "shall construe." You will find here that there is an additional word—"the court shall not hold" or will not be permitted to hold that these organizations are acting in restraint of trade.

Section 7, with the addition of the Webb amendment, will then read as follows:

> SEC. 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

The section as thus amended has been agreed upon and is satisfactory to the American Federation of Labor, the Farmers' National Organization, and the Brotherhood of Locomotive Engineers and Firemen of the United States. This will bring about the legislation that labor has been working for for over 25 years, and it now becomes the privilege of a Democratic Congress and a Democratic President to see that such legislation is enacted. The executive council of the American Federation of Labor has been actively and earnestly engaged in bringing about this legislation. In the American Federation of Labor Weekly News Letter, published at Washington, D. C., on Saturday, May 23, 1914, they have given a history of the legislation that is now being considered as contained in section 7 of this bill, which is as follows:

AMERICAN FEDERATION OF LABOR EXECUTIVE COUNCIL ACTS ON TRADE-UNION EXEMPTION CLAUSE.

WASHINGTON, *May 15.*

The American Federation of Labor executive council takes exception to the trade-union exemption clause of the Clayton antitrust bill which, it is claimed, is intended to cover those demands of organized labor embodied in the Bartlett-Bacon bills. At the council's session last week the following resolutions were adopted:

Whereas the American Congress, in its wisdom, enacted a law on July 2, 1890, known as the Sherman antitrust law, which was intended by them to apply exclusively to large combinations of wealth—so-called trusts of property—for the avowed and specific purpose of preventing monopoly and exploitation of special privileges.

It was undoubtedly the intention of Congress to enact a law that would be effective in the prevention of huge combinations of wealth from crushing their competitors in the business world; it was also the avowed and openly expressed opinion of the statesmen who voted that law that it should not apply to farmers' or laborers' organizations established for the betterment of producers of wealth.

The United States Senate, in Committee of the Whole, on March 26, 1890, while considering the Sherman bill, almost unanimously agreed to a provision exempting the organizations of working people from the proposed act.

On June 2, 1900, in the Fifty-sixth Congress, the House of Representatives, by a vote of 260 to 8, adopted a similar declaration in a supplementary amendment to the Sherman Act.

On June 2 and June 21, 1910, the House of Representatives again declared that the Sherman Act should not apply to the voluntary association of working people.

On February 20, 1912, in the Sixty-second Congress, the House of Representatives again made a similar declaration.

On February 28, 1913, the Senate accepted those provisions.

On March 4, 1913, after President Taft had vetoed the declaration, the House of Representatives, by a vote of 364 to 48, passed the bill over the veto of President Taft with the declarations intact.

On April 14, 1913, in the Sixty-third Congress, the House of Representatives, by a vote of 198 to 47, again declared itself in favor of the above-stated declarations.

On May 7, 1913, the United States Senate, by a vote of 41 to 32, agreed to the House declaration, and on June 23, 1913, President Woodrow Wilson signed the sundry civil appropriation bill, approving the Hamill-Roddenbery provision exempting labor and farmers' organizations from the antitrust appropriation section of that act.

At the Denver convention of the Democratic Party in 1908, and at the Baltimore convention of the Democratic Party in 1912, emphatic declarations were unanimously adopted by those conventions pledging the Democratic Party, if elected to power, to enact legislation so that the organizations of labor and producers "should not be regarded as illegal combinations in restraint of trade."

Hon. Woodrow Wilson, the candidate for the Presidency, in his speech of acceptance, emphatically pledged himself to support that specific plank in the platform of his party.

The above historical facts can neither be disputed nor denied; and

Whereas the antitrust bill, H. R. 15657, now being considered by the House of Representatives, is the administration measure and is intended to cover supplementary trust legislation, with the avowed purpose to meet the Democratic platform declarations in reference to its labor planks.

I here insert an article from Organized Labor in its issue of May 23, 1914. Speaking upon this question, the following pertinent and applicable language is used:

[From Organized Labor, Saturday, May 23, 1914.]

LABOR'S POSITION ON THE ANTITRUST LAW.

President Wilson is said to be in favor of subjecting trades-unions to the provisions of the Sherman law against combination in restraint of trade. It is proposed that the unions shall not be subject to injunction for such action as may restrain trade. A strike or a boycott may be punished just as the organization of a trust in business. This proposal is supported by the contention that the law should bear upon all people alike, upon the labor striker as upon the engrosser and forestaller of commodities or the railroad combiner. To exempt the unions would be, it is said, to grant them a special privilege. All of which sounds and looks good; but is it?

A labor union has no special privilege bestowed by the State. It hasn't even a charter. Corporations have advantages as such. They are creatures of the State and subject to regulation. Labor unions are not formed to make profits. They are formed to prevent the lowering of wages even more than to further the raising of wages. That the unions seek a labor monopoly in retraint of trade is not true. Their end is not a monopoly of work, but proper pay for the work the workers perform. And it must not be forgotten that back of the labor union is the laboring man. That man has a right to himself. He has a right to work or not work, as he pleases, and if he withholds his work he is not restraining anybody's trade or commerce. If he prevents another man from working, that is something more than an offense against the Sherman Act, if it is anything. He can be punished for it as a crime or misdemeanor under other laws, but he should not be punished

illegal, and to punish the efforts of its members to obtain better wages, shorter hours, or better conditions by fine and imprisonment! Who would dare on the floor of this House to introduce and defend a bill making farmers' cooperative associations, designed to obtain better prices, greater market facilities, or cheaper transportation rates unlawful? And yet certain persons affect to see in an effort to avoid such calamitous result something questionable and unworthy. I never would have supported a proposition to punish the organization or operation of such associations, and I do not hesitate now to support any legislation necessary to prevent such punishment; and I do so without apology, because I believe it is right and justifiable from every possible standpoint.

THE PROVISION AS AMENDED.

It may be well to state the provision as it will stand if this amendment is adopted:

SEC. 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof, nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

I am sorry the language used is not clearer. I regret that it contains limitations which may obscure its meaning. The first limitation, that such associations shall be instituted for the purpose of mutual help, is not important, for it would be easy to prove that such was their purpose.

The next limitation, that such associations must not have capital stock, is of more importance, for many strictly cooperative associations issue capital stock to their members as an incident to corporate organization and operation. It is a needless requirement and should have been omitted.

The next requisite, that such associations to be within the benefits of the exclusion must not be conducted for profit, is unnecessary and dangerous. It should have been omitted. Still, I do not give it the broad interpretation given it by some Members. It is true that any association, social, scientific, or literary, may be conducted with profit to its members. But the word "profit" as used in the bill has no such broad meaning. It means, and will doubtless be interpreted to mean, conducted for the purpose of obtaining profits as an organization to distribute dividends to its stockholders. Most farmers' cooperative associations would not fall within its terms. Indeed, it is reasonably clear that no cooperative association where the receipts above salaries and operating expenses are returned to the patrons, producers, or consumers of the association would be within the excluded classes. Neither would labor organizations which succeeded in raising wages, although of undoubted "profit" to their members, be within the terms of the statute. "Profit" in a general sense and "profit" in a business transaction are entirely distinct and separate in meaning and application, and it is the latter meaning which is intended in the provision. Still, it would have been better to have omitted language subject to possible misinterpretation. The paragraph should have been entirely recast and its meaning made clear.

But I do not believe Members will be justified in voting against the provision because its language is not all that could be desired. The matter is too important to allow minor imperfections to bring about its defeat. It may secure all we desire. It must better existing conditions. At least it is something gained, a distinct step in advance.

The general purpose is clear. It is to be hoped that in its interpretation the courts will be governed by the larger view. That such is the present trend of decisions is a hopeful sign. As Senator Sherman said in the debate on the great and beneficial act of which he was the author, "It is difficult to define in legal language the precise line between lawful and unlawful combinations."

"Trade" has a broad meaning, and "restraint of trade" is a phrase of wide scope. Many things may result in a restraint of trade entirely innocent and even praiseworthy. Thousands of the agreements of everyday life might be interpreted as a restraint of trade if an absolute meaning is given the term. It is not the purpose of the law to prevent or punish these. The restraint of trade meant in the act is that which is intended to destroy competition, to establish monopoly, to drive out of business an honest competitor. As Senator Sherman said:

It is the unlawful combination, tested by the rules of common law and human experience, that is aimed at by this bill, and not the useful and lawful combination.

It needs no argument to prove that labor organizations to better the conditions of the workingmen and that farmers' organizations to better transport and market the food products of the country ought not to be considered or made by statute unlawful. It is to prevent such result that this provision is inserted in the bill, and for the reasons stated it should receive the support of every just and fair-minded man.

LABOR ORGANIZATIONS.

It is altogether too common to condemn labor unions because of the violence of some frenzied striker. It is quite likely that the outrages of those who represent the employers in labor troubles are at least equal in number and enormity to those chargeable to the strikers. All who really wish for the betterment of conditions and the good order of society hope for a method by which the peaceful settlement of these unfortunate conflicts can be secured. But it is wrong and altogether unjust to condemn all labor organizations because of the violence or crimes of some of their members.

Labor unions have accomplished a great good and are absolutely necessary to protect labor against the exactions and impositions of capital. They have brought about better wages, shorter hours, and better conditions of labor, and such results are not only a blessing to those immediately affected, but they are a blessing to society and the State. It ought to be our desire and effort as legislators to encourage and foster such organizations, and not to discredit and punish them. Manhood and not money is here involved. The welfare and happiness of men, women, and children are here affected, not mere property rights. We are dealing with things vital and sacred, and should not touch them lightly or with selfish or sordid aim.

There are in the United States more than 30,000 local labor associations. Many, perhaps most, of these have agreements with their employers. These agreements relate not only to wages but to many things beneficial alike to employer and employees. If these agreements should be held as restraint of trade, if the organizations should be dissolved and the members sent to jail, the Nation would be shocked and its sense of justice outraged. Yet that is what may occur at any time a Government prosecutor sees fit to institute proceedings. It is to prevent this that the provision under discussion is incorporated in this bill.

It is objected that this legislation is class legislation. If by this is meant that it will not apply to all our population it must be admitted. It does not apply to all of our 100,000,000; it only applies to about 30,000,000. But that is rather a large proportion. It constitutes a considerable interest. Most of our legislation is class legislation if this is class legislation. Nine-tenths of the items of every appropriation are class legislation in this sense. There is no merit in this objection.

The English act of 1875 specifically relieved combinations of wage earners, concerned with questions of wages, working hours, and labor conditions, from the condemnation which the common law applied to combinations in restraint of trade. We are now at this late date only doing what a sense of justice and of sound policy led England to do nearly 40 years ago. It is a reproach, which we should hasten to remove, that our regard for the rights of labor and the welfare of our workingmen is not so great, nor our humanitarian standards so high as that of Great Britain.

FARMERS' ASSOCIATIONS.

The benefits of farmers' organizations designed to induce a larger production, better quality, cheaper transportation rates, better prices, and better market facilities are generally recognized. Trusts among the farmers or monopolies in farm products by the producers are impossible. Local cooperative association is perhaps the most effective means by which conditions in regard to the matters stated can be improved, and such improvement will result in benefit for the consumer as well as the producer. To restrain such associations would be absurd. To declare them unlawful would be the very height of folly. To allow them to remain subject to possible prosecution and their members liable to indictment as criminals is indefensible from every possible standpoint.

Discussing the fact that the farmer and producer does not receive a fair proportion of the price paid by the consumer the Secretary of Agriculture, in his last annual report, says:

It is clear that before the problems of marketing the individual farmer standing alone is helpless. Nothing less than concerted action will suffice. Cooperation is essential. * * * All the successful attempts in the marketing of any product anywhere in the world have come through organized effort. * * * The aim should be an economic arrangement which shall facilitate production, lead the producer to standardize and prepare his product for the market and to find the readiest and best market for his product. Such action will result in gain to the producer as well as to the consumer. Furthermore, it is desirable that such concerted action shall proceed from below upward. * * * Experience shows that the best results are secured only when the members of such a cooperative society are those who are bona fide producers.

Already is the wisdom and, indeed, the necessity of such cooperation becoming evident to the farmers. There are now

established and in operation in the United States cooperative associations of creameries, 2,165; of cheese factories, 336; elevators, 2,020; besides many hundreds of fruit, cotton, tobacco, and other associations regarding which accurate statistics are not available. This is but the beginning of a movement which is bound to develop to immense magnitude as its necessity shall be understood and its merits recognized.

The food problem of a nation is ever a vital one. The high price of food products paid by the consumer and the small price received by the producer is becoming understood and is a condition that must be remedied. That one half of the price finally paid by the user of food products is absorbed by transportation and middlemen is a condition everyone must see ought not to exist. It is the concensus of opinion of those who have most carefully and dispassionately studied the question that the remedy lies in associated effort, in cooperative associations of the producers. As the Secretary of Agriculture says:

All successful attempts in the marketing of any produce anywhere in the world have come through organized effort.

It is to protect such associations from assault by those who will profit by their absence that this provision is inserted in this bill. It is to prevent the possibility that efforts which are so manifestly for the benefit of all the people should be discredited and punished that we are now urging the adoption of the pending legislation.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. JOHNSON].

Mr. JOHNSON of Washington. Mr. Chairman, I am proud to say that I am and have been for a long time an active member of the International Typographical Union. And for a great many years it has occurred to me that it has been a mistake on the part of those in high places, while admitting that the differences between capital and labor constitute a great problem, to invariably put it up to labor itself to solve that problem—the knottiest one of all. Why should labor—tired with tedious hours and strenuous effort—be always asked to find for itself the solution?

This section 7 of this antitrust bill is a case in point. Not so long ago it was discovered that the Sherman antitrust law does what its framers did not intend it to do—that is, it catches by the throat and would throttle organized labor.

Thereupon organized labor must solve another problem. This section 7 of this new antitrust bill was written. Labor accepted the section. Then the discovery was made that section 7 would not serve the purpose—that it is like the hollow log lying under the wire fence through which the pig undertook to go from one field to another. The pig went through the hollow log all right, but the log was curved, and the pig landed right back in the same field. That is your section 7. Labor figured it out, and asked for the amendment which is now offered by Chairman WEBB, and which I support. My regret is that section 7 and the amendment are made a part of an antitrust bill which I fear can not stand up when it comes under the close criticism of another lawmaking body.

It is not a partisan question, as some have tried to make it appear here to-day. The flaw in section 7 was, I understand, pointed out by one of the Nation's leading Republicans. I am glad that organized labor accepted that tip.

Does anyone contend that the Sherman antitrust law ever was meant to prevent the organization of labor? Few—very few—make that declaration. Some men who unfortunately can not see that those who pay wages to labor need the upgrading, contract-making, legitimate American labor organizations, manned by leaders who would mean well to all labor—be it union or otherwise—would hang on to these decisions, and would gladly see skilled labor deprived of its right to organize.

Some who deal with labor consider the whole proposition with alarm. But they need not. On the one hand is labor, organized under competent leaders, willing to give a fair day's work for a fair day's pay; willing to make contracts and live up to them; willing to have peace—in fact, urging peace.

On the other hand, if you strike down organized labor, choke it to death, you will add to the ranks of those so-called revolutionists, who will not have peace, who are in the hands of agitators, who go from one strike into another, and who do not and can not help those who toil.

Let those who pay wages choose with whom they prefer to deal. I have heard the prediction made by the gentleman from Iowa [Mr. TOWNER]. I will go a step further and predict that the time will come—let us hope that it is far distant—when the people of the United States will thank God they have organized and ready the American Federation of Labor, which lays the flag of the United States on its altar, which respects the rights of property, and which is eternally opposed to revolution; firmly opposed to direct action; an organization which helps workingmen instead of destroying them, and which stands against those aggregations which make contracts only to break them; against those organizations which teach "No God, no master"; against those un-American agitators who pledge men to disregard their oaths and urge them to perjure themselves whenever necessary, who advocate the destruction of property secretly, and who do all in their power to stop the wheels of progress. Oh, if these be dilemmas, which will you have? One is American, the other is not. One leads on to peace, the other leads to strife. Which will you have? [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I do not agree with the suggestion of the gentleman from Washington [Mr. JOHNSON] with reference to the language incorporated in this bill by the Committee on the Judiciary. I think their intention by that language was to accomplish precisely what is being accomplished by the insertion of this amendment. Evidently it satisfied everybody for a while, with the exception of a few, and as a result of the objection raised by them this new amendment is proposed.

I must take exception to the remark of the gentleman from Texas [Mr. HENRY] when he said this amendment was submitted to the Judiciary Committee and comes before the House approved by that committee. It was not submitted to the Committee on the Judiciary in any form that I ever heard or knew of, but is presented here as an amendment on the floor of the House.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. THOMAS. I would suggest to the gentleman from Pennsylvania that probably there is a new Judiciary Committee, and that the gentleman from Texas [Mr. HENRY] is the chairman of it. [Laughter.]

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I accept the suggestion of the gentleman from Kentucky. It may be true. I regret exceedingly that this bill comes before this House involving three separate subjects of legislation. One is the regulation of business, another is the regulation of judicial procedure, and another is the regulation of labor and other organizations. If these matters were prepared and presented to us in separate bills, then they could receive their distinct support or opposition as men might feel toward them.

So far as the Webb amendment now proposed is concerned, it seems to me that it effectuates what the committee proposed in the original section 7, only in broader and clearer language. It provides that a certain class of organizations and their members shall not be held liable as conspiracies in restraint of trade or monopolies under the language of the antitrust law. As I understand it, it does not exempt them if they are guilty of aggressive, malicious, and criminal acts. If these are committed, then they are as much liable as any other class or set of citizens, and that is as it should be, for in matters of crime there ought to be no classification of the citizens of our country.

Mr. GARNER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Pennsylvania. Certainly.

Mr. GARNER. Mr. Chairman, I proposed an inquiry to my colleague, Mr. HENRY, of Texas, when he was discussing this amendment, and I desire to now propound the same inquiry to the gentleman from Pennsylvania, because I have a great deal of respect for his opinion concerning the legal constructions of this amendment. That is this: If cotton raisers should warehouse their cotton, a number of them, we will say 10,000 farmers, representing, say, a million bales of cotton, and determine that they would not sell until they got a certain price, would not that be a violation of this law?

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I will answer that directly, first, by saying that in my judgment it would, for the simple reason that that would be creating a corner in cotton, and a conspiracy to raise or depress the price of any commodity has been a crime in all the history of the Anglo-Saxon people. I will answer it in another way. The Webb amendment provides that certain organizations shall not be held to be conspiracies or organizations in restraint of trade, and that refers us back to the language of section 7 to ascertain what class of associations are covered by this exemption. When we refer to section 7 we read:

Associations instituted for the purpose of mutual help and not having capital stock or conducted for profit.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. GARNER. Can not the gentleman have more time?

Mr. VOLSTEAD. I yield two minutes more for the gentleman from Pennsylvania.

mitting and even encouraging that we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

When, on the other hand, we are dealing with one of the other classes, the combinations aimed at chiefly by this bill, we are dealing with a transaction the only purpose of which is to extort from the community, monopolize, segregate, and apply to individual use, for the purposes of individual greed, wealth which ought properly and lawfully and for the public interest to be generally diffused over the whole community.

Mr. Chairman, the Sherman antitrust law was passed in 1890. It was aimed at trusts and combinations of capital; and in spite of that law the trusts and combinations have grown. Its author at that time hoped that it would solve the trust problem, but the trusts and combines grew with impunity, and we are to-day hoping that we have a cure for the trust evils. I shall vote for these three trust bills because I believe it is a step in the right direction. My only hope and wish is that the trust evil can be curbed. But in the discussion of the different sections of these bills we hear that we can not go further than interstate commerce goes in curbing these great combinations. I think the trust problem could better be handled if constitutionally we had power to regulate all commerce, and I think the time will come when an amendment to the Constitution of the United States giving Congress power to regulate commerce, intrastate as well as interstate, will be given serious consideration.

Now, Mr. Chairman, in conclusion, I hope that the amendment exempting these organizations will prevail. Let us give encouragement to the toilers and farmers of the land. These men are the very bulwarks of our prosperity and greatness.

Mr. CARLIN. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. QUIN].

Mr. QUIN. Mr. Chairman, I understand they are about to slip a little amendment in here that the courts and the country can easily handle. Now, I want to put something in that has guts in it. This amendment talks about the courts "construing" and "holding." My friend from Texas talks about what Gen. George did. I have the honor to come from the same State that James G. George came from. If Senator George were here, he would be an advocate for this amendment. He was recognized as one of the greatest lawyers in the whole Union, and if he were living to-day he would throw up his hands in holy horror at the forward steps taken by the Federal courts of this country. In his day, gentlemen, the courts did not undertake to legislate away the rights of the people; but now it has come to the point that the people can not get their rights except through Congress, and when we come here some Members want to put a little easy stuff in that the courts can construe against the farmers' unions and the labor unions. Let us put language in here that they can not misconstrue; let us put in language that nothing in this antitrust law shall apply to farmers' unions and labor unions. We know that these organizations and farmers' unions are not any criminal trusts. The great trusts and monopolies of this country that with greedy hands grind profits out of human blood want such measly language as you are proposing to put into this antitrust law. They do not want the strong, virile language, the Anglo-Saxon words that every schoolboy, much less a Supreme Court judge, will understand; and for that reason I hope that the House will adopt the Thomas amendment into this antitrust law. [Applause.]

The great and powerful influence of monopolistic corporations has been growing and overriding the United States Congress and the courts. Many on this floor claim that the Sherman law is good enough. If that law is good enough, I ask in the name of the people why it is that ever since this law has been on the statute books the trusts and monopolies have organized, grown, multiplied, and prospered to such an extent that the people have been robbed and the courts of the country openly defied? If the Sherman antitrust law is good enough, there is something radically wrong with the Federal courts and the Federal district attorneys. I am induced to believe that there is something the matter with both. The Republican Party never did want to enforce the law against big money.

Virtually all of the Federal judges and the United States district attorneys are the appointees of the Republican Presidents. Some of them try to enforce all the law.

Where these district judges and attorneys endeavored to put the big criminals, the head men in these gigantic trusts, behind the bars, these conscientious officials have been handicapped in every possible manner. Many judges have endeavored to enforce the Sherman antitrust law, but have you heard of one of these trust nabobs being sent to the penitentiary? The only effective way that it has been enforced is against the poor people. It has never yet hurt a rich man. The poor men who compose farmers' unions and labor unions have felt the heavy hand of the Sherman antitrust law.

My friend from Texas [Mr. HENRY] says Senator George never thought the law would apply to such beneficent organizations. The whole record shows that the great lawyers of that Congress never dreamed of such an outrage as the Sherman antitrust law being construed by the courts so as to affect the farmers and labor organizations of this country. The only way on earth to keep the eagle eye of the Federal courts off the farmers' unions and the labor unions is to make this antitrust law so plain that they are not included in its scope that any child in the United States can understand it. If there is the slightest ambiguity in the language, you will hear of some Federal judge in "Possum Hollow" announcing a decision that the farmers' union is a trust in restraint of trade and that the individual members are subject to indictment if by concert of action they hold their cotton or other farm products for a higher price. I am going to vote for the Webb amendment, and on top of that I shall support the Thomas amendment. The Webb amendment leaves too much for the courts to construe; but if you will follow it up by adopting the Thomas amendment, we all know the farmers' unions and the labor organizations will be in the "clear" for all time.

The great capitalists of the United States have been busy for many years organizing powerful trusts, and, as an incident to their business, they have oppressed labor, destroyed honest competitors, robbed and plundered the people. Their activities have not been confined to any special lines, but these financial freebooters have operated in every nook and corner of every field of all commerce. Every household necessity is now under the control of some trust. They did not even think enough of the poor to let meat remain free from their greedy, monopolistic hands. Can any man in this House think of an organization of thieves equal to that gigantic aggregation of capitalists who form the Beef Trust? Why is it that none of these men are wearing stripes in the penitentiary? It is either the fault of the law or it is the fault of the Federal judges and district attorneys where they operate. I believe this bill we are passing now will be so plain that no judge can construe it so as to release the trust magnates.

The public-service corporations in many instances have been operated in a high-handed way by trust officials. Right now you have under your observation in the Department of Justice an investigation of one of the biggest railroad "steals" that ever disgraced this country. I refer to the New York, New Haven & Hartford Railroad episode. The ex-president of that system, Mr. Mellen, under oath, admits that Mr. Morgan and other capitalists who held positions as directors openly robbed the stockholders out of many millions of dollars. In 1903 that railroad system had liabilities of $94,000,000, and more than 22,000 people put their savings into it in the form of stock at $240 a share, which paid annual dividends of 8 and 10 per cent every year. These trust magnates began to plunder it, and after raking in fabulous fortunes through methods that ought to lead them direct into the northeast corner of a penitentiary, the railroad system in 1913 had the enormous liability of $115,000,000, and its stock pays no dividend at all; but the once splendid system is now a financial wreck, a sad monument to the rascality of big business. This is just one little case I am calling to mind.

Nearly all of the great railroad systems of this country have been robbed in the same way. It is made possible through the interlocking directorate. If the big bankers who have the handling of other people's money are permitted to own and control the directors of railroads and steamship lines, as well as other public utilities, the people are going to suffer. Many of these big bankers have demonstrated that they will do shady tricks to get a few extra millions of dollars. The men who compose the many trusts seem to think all the people of the United States are mere slaves, to work to add increased millions to the greedy coffers of the avaricious money kings. Right now these railroad corporations are before the Interstate Commerce Commission endeavoring to be allowed to raise their freight rates. The captains of industry have been quite successful under the Sherman antitrust law in robbing these railroads, and they now have the gall to come up to the Capitol and ask that the servants of the people give them legal permission to rob the people through high freight rates. The American people are not going to stand this much longer. They have demanded relief through legislation, and this Congress must give it to them. The men who toil with their hands—the farmers and the artisans and tradesmen—have turned their eyes toward this Capitol and they are going to watch till relief comes or they will place men in these seats who will transmute their sentiments into law. The people know that no man could get to be worth $500,000,000 in 50 years if the laws were not so fixed that the few can prey on the many. They demand that we correct that evil, and unless I am badly fooled I believe this Congress has done much to correct

it. If we pass these antitrust laws properly, I am certain that many millions of our population will see the dawn of a brighter day. If the money power were to continue to dominate this Government as it did before the Democracy came into power, the signs of a revolution would soon be seen on our national horizon, and it would not be a bloodless one, either. The great amalgamation of capital and the greed that seems to animate the powerful men in control of the great wealth of this Republic is a reason for the foundations of our Government to begin to shake. How have these financial kings, many of them common thieves, filling high places, operated for the last few years?

Here is what one of them testified to in Washington City on the 23d day of May, 1914, just one week ago last Saturday: Mr. Charles S. Mellen, ex-president of the New York, New Haven & Hartford Railroad, being on the witness stand, said Prof. Weyman, of Harvard, got $10,000 a year from the New Haven Railroad for "fanning" fires of sentiment in the railroad's favor; his brother $25 a day and his father $50 a day. Lawyer Wardell got $12,000 and Lawyer Innes $15,000. Many other names were mentioned in this connection. Gentlemen, the idea of such a proposition—the officers of that railroad stealing the stockholders' money to hire a college professor and a few lawyers to fool the people. Listen. Mr. Mellen swore that more than 1,000 newspapers received various sums from the railroad. That is not all. One E. D. Robbins, a lawyer of Hartford, got $100,000 "for the purpose of molding public sentiment in Connecticut in 1907 over a charter." Gentlemen, that is the kind of business many of the captains of industry have been engaged in in all branches of big business. Immense fortunes are spent in spreading propaganda to fool the people, and then the people are robbed threefold to pay it back with big profits. These same benchmen of big money have contributed $50,000 and $100,000 to campaign funds with the nonchalance of a drummer buying a cigar. They did not give that money away, but they gave it with the intention of having a "friend at court." and it seems they never failed to have a friend at court till Democracy put a President in the White House. Do you believe that any honest business man in this country would object to this bill if he understood what it means? We are trying to help the honest and legitimate business of this country, and this law will help. I want to put the criminals in business in the penitentiary and free the American people from the shackles they have been forced to wear all these years. The law ought to give the little man in business the same show that it gives the big, strong financial magnate. The law we are fixing to pass will land the big fellow behind the bars if he wrongfully destroys the business of his little competitor. The powerful trusts of this country have not only held up the public and forced them to pay an exorbitant price for all the necessities of life, but they have been able to hold the produce of the farm down to the minimum price. They have forced the farmers to pay big prices for what they buy and compelled them to accept small prices for what they raise on their farms. This greed of organized wealth has held the wages of the poor men, women, and children in factories and mines down to the lowest scale, and the tills of the powerful have been filled with dollars coined out of this poor, human labor.

Gentlemen, can any man who has a heart that throbs with sympathy and justice oppose the amendments to protect the farmers and the laboring people? I am going to stand by them on every vote. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, I was not satisfied with the original language used in the paragraph, neither am I satisfied with the amendment proposed; nevertheless, I will support the amendment. I will do this because it is the best that can be obtained, and I believe will assist, at least in some degree, to make clear the object and purpose of the provision.

That object and purpose is, Mr. Chairman, to definitely state that the provisions of the antitrust laws shall not be so interpreted as to forbid the existence or operation of labor or farmers' organizations instituted for mutual help. With that object and purpose I am in entire sympathy.

I presume there has been no proposition discussed in recent years which has absolutely no valid objection to it that has been more misrepresented and abused. It has been termed a proposal to exempt certain classes from the operation of the law, while others are included; to punish one and release another for the same act; to say that all are not equal before the law. It is none of these things.

Any association of the classes mentioned, or any member who violates the antitrust laws will be liable to their penalties the same as any other association or person. It is merely provided that the organization or legitimate operation of such associations shall not be held to be within the prohibitions of the statute.

NOT WITHIN PURPOSE OF SHERMAN ANTITRUST ACT.

Nothing is better established than the fact that such associations were not intended to be included in the Sherman antitrust law. In February, 1890, Senator Sherman introduced his bill making associations or agreements in restraint of trade or to monopolize trade illegal. A month later, and while his bill was pending, the question was raised as to whether under any circumstances it would apply to labor or farmers' organizations. In order to settle this, Senator Sherman himself proposed the following amendment to his bill:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers, made with a view of lessening the number of hours of labor or increasing their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with a view of enhancing the price of agricultural or horticultural products.

This amendment was agreed to by the Senate without a division.

The bill and amendment went to the Senate Judiciary Committee, and was sent back to the Senate without the amendment. When the reason for the omission of the amendment was demanded, Senators George and Vest stated that the amendment had not been included because it was unnecessary; that no one could construe the act so as to include such associations.

Referring to the claim that such organizations might be affected, Senator Sherman said:

It does not interfere in the slightest degree with voluntary associations made to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay, if you please, to get their fair share in the division of production, are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

Senator HOAR, who had a large part in the framing of the act, defended the exclusion of labor organizations from the operation of the bill on the broadest grounds. He said:

When you are speaking to regulate the transactions of men who are making corners in wheat or in iron or in woolen and cotton goods, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. * * * But when a laborer is trying to raise his wages, or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the government and the character of the State itself. * * * I hold therefore that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements, for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations, who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting or even encouraging that, we are permitting and encouraging what it not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

The circumstances attending the adoption of the Sherman Antitrust Act are thus referred to that it may be thoroughly understood that the law was not intended to apply to farmers' or labor organizations. The great men who took part in formulating that law did not desire, and did not intend, that under any circumstances any such organizations should be prohibited or punished. The bill could not have had the support of its own sponsors if it had been so interpreted. It could not have passed had it been so understood. There has never been a time since that a law having such interpretation could have passed either House of Congress. What an assumption of superior virtue it is that condemns as unjust and unmoral efforts to make the law in form and substance what was from the first the intention of Congress, and ever has been, and is now, its purpose!

An unfortunate interpretation by the courts has given the act a meaning not intended and not desired. Now we propose to make clear what was intended and what is desired. That is all. To do so is neither novel nor strange. It is being done everywhere in cases where an act is found not to have the intended purpose. If the objects sought to be reached are not secured, the act is enlarged to include the intended objects. If persons or objects not intended to be included or affected are found to be within the terms of the act, it is amended so as to exclude them. And that is what we propose to do here.

It is a strange thing that gentlemen will endeavor to hold included within the prohibition of the statute those things not intended to be included, and thus to compel a submission to penalties on the part of those whom they would not venture even to propose to punish as an independent proposition. Imagine anyone here proposing to make a labor organization

I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements, for the sake of maintaining and advancing their wages in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are permitting and even encouraging that, we are permitting and encouraging what is not only lawful, wise, and profitable, but absolutely essential to the existence of the Commonwealth itself.

It is true that in the Danbury Hat case, in Two hundred and eighth United States, the Supreme Court decided that the action of the labor union involved in that case was a violation of the Sherman antitrust law. It is also true that no longer ago than Friday last another circuit court of appeals of the United States decided in a like case that such action of a labor organization was not in violation of the Sherman antitrust law. Therefore, to make the thing clear, in order to do that which Congress has the right to do, to make the statute so clear that "he that runs may read," to make the way so plain that "the wayfaring man, though a fool, can not err therein," we propose to put the proposition in this bill in compliance with the universal demand of the labor organizations, in compliance with the Democratic platforms in 1908 and 1912, and, above all, in compliance with the demands of right and justice and civilization. [Applause.]

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. Availing myself of the privilege of extending my remarks, the Democratic national convention of 1908 declared in its platform:

> The expanding organization of industry makes it essential that there should be no abridgement of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

The Democratic national convention of 1912 also declared:

> The expanding organization of industry makes it essential that there should be no abridgement of the right of the wage earners and producers to organize for the protection of wages and the improvement of labor conditions, to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.

At the first session of this Congress I introduced the bill I have just referred to, which reads as follows:

> A bill (H. R. 1873) to make lawful certain agreements between employees and laborers, and persons engaged in agriculture or horticulture, and to limit the issuing of injunctions in certain cases, and for other purposes.
>
> *Be it enacted, etc.*, That it shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements, or combinations with the view of lessening the hours of labor, or of increasing their wages, or of bettering their condition; nor shall any arrangements, agreements, or combinations be unlawful among persons engaged in horticulture or agriculture when made with the view of enhancing the price of agricultural or horticultural products; and no restraining order or injunction shall be granted by any court of the United States, or by any judge thereof, in any case between an employer and employee, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment in any case, or concerning any agreement, arrangement, or combination of persons engaged in horticulture or agriculture with the view of enhancing prices as aforesaid, or any act or acts done in pursuance thereof, unless in either case said injunction be necessary to prevent irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law; and such property or property right must be particularly described in the application, which must be sworn to by the applicant or by his agent or attorney.
>
> In construing this act the right to enter into the relation of employer and employee, to change that relation and to assume and create a new relation of employer and employee and to perform and carry on business in such relation with any person in any place or do work and labor as an employee shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment by either the employee or employer where no irreparable damage is about to be committed upon the property or property right of either no injunction shall be granted, but the parties shall be left to their remedy at law.
>
> SEC. 2. That no person or persons who are employed or seeking employment or other labor shall be indicted, prosecuted, or tried in any court of the United States for entering into any arrangements, agreements, or combinations between themselves as such employees or laborers, made with a view of lessening the number of hours of labor or increasing their wages or bettering their condition, or for any act done in pursuance thereof, unless said act is in itself unlawful; nor shall any person or persons who may enter into any arrangements or agreements or combinations among themselves for the purpose of engaging in horticulture or agriculture with a view of enhancing the price of agricultural or horticultural products, be indicted, prosecuted, or tried in any court of the United States on account of making or entering into such arrangements, agreements, or combinations, or any act done in pursuance thereof, unless said act is in itself unlawful.

Mr. CARLIN. I yield five minutes to the gentleman from Kentucky [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, to say the least of this amendment, it is as ambiguous as the prophecy of a Roman oracle. As a matter of fact it means nothing. It is a mere declaration of that which is now the law. To make the statement that this law shall not be construed so as to hold certain organizations to be illegal is simply to state that those organizations per se shall not be declared illegal by this law. You might insert a paragraph declaring that under this law the Baptist Church or the Masonic Order should not be construed to be an illegal combination in restraint of trade. They are not illegal, even in the absence of that declaration. Agricultural organizations and labor organizations under this law are not illegal combinations, even without that declaration; and notwithstanding that declaration the very moment that an agricultural association or a laborers' organization violates any provision of this law it is applicable to such association, and they can and will be punished under the law. Any man knows that. For instance, should these associations have in their by-laws or charters articles which allowed them to form conspiracies, to form monopolies in restraint of trade, does any man contend that the very moment they attempted to carry out such declaration of the organization they would not fall under this law? To be sure they would. If you are going to exempt these organizations, exempt them. If you are not going to exempt them, say so. The amendment which I shall offer after this amendment has been voted on simply declares that the provisions of the antitrust laws shall not apply to any of these organizations. There you have a clear-cut exemption. I understood from the gentleman——

Mr. HENRY. Will the gentleman yield?

Mr. THOMAS. I decline to yield to the gentleman from Texas. He twice refused to yield to me. But I will reconsider and yield to him. [Laughter.]

Mr. HENRY. I thank the gentleman. I did not mean any discourtesy to him. I just did not have much time.

Mr. THOMAS. You had more time than I have. Will you have any time extended?

Mr. HENRY. I will yield next time to the gentleman.

Mr. THOMAS. Ask your question.

Mr. HENRY. The question is this: This amendment provides that these organizations shall not be held to be conspiracies or illegal combinations in restraint of trade under the antitrust laws. Now, what else would you allow them to do?

Mr. THOMAS. I would exempt them from the operations of this law. Notwithstanding the amendment which you are supporting, the very moment they violated any of the provisions of this law they would be punishable under the law.

Mr. HENRY. Would the gentleman allow them to commit violence under his amendment?

Mr. THOMAS. No, sir; they would not be allowed to commit violence under my amendment, because there are laws in this country to punish any man who commits violence or who destroys property. There are laws outside of the antitrust laws for the punishment of crime.

The CHAIRMAN. The time of the gentleman has expired.

Mr. THOMAS. I ask unanimous consent for five minutes more.

Mr. HENRY. I ask unanimous consent that the time be extended five minutes on each side, five minutes to be given to that side and five minutes to this.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time be extended 10 minutes, 5 minutes to be controlled by the gentleman from North Carolina and five minutes by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. STAFFORD. Reserving the right to object, do I understand that has the approval of the Committee on the Judiciary?

Mr. CARLIN. I have no objection. We are glad to accommodate our friends.

The CHAIRMAN. Is there objection to the request?

There was no objection.

The CHAIRMAN. Does the gentleman from Virginia yield five minutes to the gentleman from Kentucky?

Mr. CARLIN. Yes; I do.

The CHAIRMAN. The gentleman from Kentucky is recognized for five minutes more.

Mr. THOMAS. Mr. Chairman, the amendment which I shall offer after the committee amendment has been voted on is simply to the effect that the provisions of this law shall not apply to these organizations. Mr. Chairman, there are some Members of this House who want to talk all the time and do not want anybody else to talk.

The CHAIRMAN. The committee will be in order.

Mr. THOMAS. As I had started to state, I believe when we go a-catting we ought to go a-catting; and I believe that if we are going to take these organizations out from under this law we ought to do it in such a way that there can be no mistake about it and no reason for any court decisions upon the question hereafter. [Applause.] My amendment simply says that these antitrust laws shall not apply to these organizations. If any man thinks he can make an amendment plainer than that, I would like to hear from that gentleman, even the gentleman from Texas [Mr. HENRY].

Now, these organizations ought to be exempt. These antitrust laws are intended for the suppression of monopolies and trusts. Who ever heard of an agricultural trust? Who ever heard of a laborers' trust? They are not the men who have the wealth of this country. Yet under these antitrust laws as they have been construed by the courts if a number of farmers pool their tobacco or their wool or any other agricultural product and employ an agent to sell it for them in order to get the best obtainable prices they commit an act for which they are subject to punishment under these antitrust laws, as the tobacco farmers of the State of Kentucky were. You have heard of that case. A number of farmers pooled their tobacco. One of them went out of the pool, took his tobacco to the depot, and got a bill of lading for it to Cincinnati. His neighbors met and sent a committee to him and asked him to stand with them and not ship his tobacco to Cincinnati. He said, "Well, he had had the trouble of hauling it to the depot, and that it was all right if they would haul it back." They hauled it back. For their action they were indicted and fined $3,500. President Taft finally pardoned them of the fine, but he never would do it until the prosecution of the Beef Trust under these antitrust laws failed in Chicago. So I say, gentlemen, that if you are going to take them out of the provisions of these laws, take them out. If you are going to keep them in, why, keep them in, and do not go to beating the devil around the bush about it. Come out plainly and let us keep them in or take them out, one of the two. The gentleman from Texas [Mr. HENRY] tells you that when the Sherman law was passed it was intended to exempt farmers' and laborers' organizations.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Michigan [Mr. MACDONALD].

The CHAIRMAN. The gentleman from Michigan [Mr. MACDONALD] is recognized for five minutes.

Mr. MACDONALD. Mr. Chairman, I am very much in favor of the principle of exempting these organizations from the operation of the antitrust laws. I expect to vote for the Webb amendment, if for no other reason, for the moral effect that the adoption of that amendment will have; but I am not given to self-deception, and in voting for that amendment I am not deceiving myself as to the effect of that amendment. That amendment may have some beneficial effect for the organizations mentioned therein, but it will not exempt those organizations from the operation of the antitrust laws. Now, the Supreme Court in the case of Loewe against Lawlor, commonly known as the Danbury Hat case, put this matter up to Congress in no uncertain terms. They say, on page 279 of volume 208 of the United States Reports:

> After the Sherman law was enacted bills were introduced in the Fifty-second Congress—

And then they enumerate all the bills that have been introduced to amend the Sherman antitrust law, making it inapplicable to labor and these other organizations. And then they say:

> Congress therefore has refused to exempt labor unions from the comprehensive provisions of the Sherman law against combinations in restraint of trade, and this refusal is the more significant, as it followed the recognition by the courts that the Sherman antitrust law applied to labor organizations.

Now, the amendment that has been offered by the gentleman from North Carolina makes by implication these organizations subject to the terms of the law. It defines certain acts which are said in general terms to be permissible, and therefore by implication it leaves forbidden other acts which are not permissible, and makes by implication these organizations subject expressly to the terms of the Sherman law if they should violate any of the provisions of the law.

Another point is this: The amendment provides that they shall be liable only within certain limits and those limits are confined to this—where they exercise their powers only for mutual help and not for profit. They are limited absolutely to that field in their operations, and who, forsooth, will decide whether their operations fall within the restrictions of mutual help and not for profit? Why, the courts, of course; and you will have the same old battle for definite construction over and over again. Therefore you have for certain purposes and as to certain acts brought these organizations where the courts may hold them expressly within the operation of the Sherman law.

Now, every gentleman who gives this matter any consideration instinctively realizes that this is true. The gentleman from Texas [Mr. HENRY] realizes it as well as anybody else, because in his speech this morning he said, "Gentlemen, we are going to make this law not to apply to these organizations." He said in this speech "not apply"; why does he not say so in the amendment? There is no way of making it any plainer or simpler or doing what you want to do than to use the language that the gentleman used in his speech, but which is not used in the amendment.

Mr. MURDOCK. Will the gentleman yield?

Mr. MACDONALD. Certainly.

Mr. MURDOCK. And are not the words "shall not apply" the words used in the Terry amendment, in the Hamill amendment, and in the Hughes amendment?

Mr. MACDONALD. Yes; every amendment proposed to this law have used the words, and that was in the amendment that the Supreme Court in the Danbury Hat case said if Congress had done those things there would be no question about the operation of the law. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. Mr. Chairman, I yield three minutes to the gentleman from Wisconsin [Mr. KONOP].

Mr. KONOP. Mr. Chairman, I am in favor of the amendment exempting labor, farm, and other like organizations from the operations of antitrust laws. Section 7 of this bill, which provides that the existence and operations of such organizations shall be construed not to be forbidden, means very little and provides no exemption whatever. I am in favor of exempting these organizations because in this bill we are not dealing with associations of men, but associations of dollars for profit. We are aiming at the gigantic trusts and combinations of capital and not at associations of men for the betterment of their condition. We are aiming at the dollars and not at men. We do aim to put an end to association of men's dollars which unlawfully restrain trade, destroy competition, and create monopoly. Let us put the man above the dollar and exempt all associations of men organized for the betterment of their condition. [Applause.]

Mr. Chairman, we are a great country. We have been blessed with wonderful natural resources. We have a great Government. We have great farms and great industries. And what is it that makes our country so great? Not the idler, not the men who sit amidst downy bolsters and costly appliances, but the men who work with hand and brain. These are the men who contribute to our country's greatness. These are the men who produce the wealth of this country. It is true that both capital and labor are essential in our industrial progress, both are entitled to consideration, but the men who labor are entitled to higher consideration, because they are the producers of all wealth and capital. The men who labor in the field and factory are the men who make our country great.

The almighty dollar needs no protector. The idle rich, whose money is invested in great, oppressive trusts and combinations, have always been able to take care of themselves and then yet some. But the laboring man has struggled through the ages for emancipation. The struggle is still on. Slavery, peonage, feudalism, and oppression of every kind has been the lot of the producers of wealth. But a new era has come. Labor is now organized. The farmers are now organized. And because of these organizations much has been done to elevate the toiler to a higher plane. Much is being done toward a complete emancipation of the man who works. Better, sanitary, and safer places and conditions are provided for labor to work. The hours of labor are being shortened and a better living wage is being paid, not because of the philanthropy of capital, but because through organization labor is able to obtain these reforms. Where would parcels post be had it not been for the organized demand of the farmers of the country? What we should do is not to hamper these great organizations of laborers and farmers of the land, but to encourage them in the conservation of the health and welfare of the great masses. [Applause.]

Some say that this amendment is class legislation, and hence unconstitutional. Mr. Chairman, way back in March 25, 1890, nearly a quarter of a century ago, when the Sherman antitrust bill was under consideration in the Senate as in Committee of the Whole, Senator Sherman offered an amendment to the bill, as follows:

> *Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers, made with a view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture, made with a view of enhancing the price of their own agricultural or horticultural products.

This amendment was adopted on that day. On March 27, when the bill was before the Senate, some discussion arose as to the constitutionality of the amendment, and Senator Hoar, of Massachusetts, used these words, in which I entirely concur:

> I hold, therefore, that as legislators we may constitutionally, properly, and wisely allow laborers to make associations, combinations, contracts, agreements for the sake of maintaining and advancing their wages, in regard to which, as a rule, their contracts are to be made with large corporations who are themselves but an association or combination or aggregation of capital on the other side. When we are per-

THE STOCK-AND-BOND LAW.

The next bill coming up for consideration under the special rule is the Rayburn stock-and-bond law. This is another important recommendation of the Pujo Money Trust report. It prohibits the fraudulent and fictitious issuance of stocks and bonds by interstate railway corporations. It is patterned after and based upon the Hogg stock-and-bond law of Texas. It places these roads under the strong and dominating hand of the Government, and, wisely administered, will prevent the recurrence of the New Haven frauds and similar corrupt transactions. And so in a series of bills Democracy has come to the rescue of the people and honest men. We are doing those things we have promised the voters we would accomplish.

And having struggled through my public career for many years to bring about these reforms, I crave pardon for exulting with just pride that I have been instrumental as a member of the Rules Committee and Representative in helping to advance all these measures to the point of consummation. Let us hope that never again will special privilege be enthroned in high governmental places and the people plundered, despoiled, and robbed by those ever seeking unwarranted advantage. [Applause.]

Mr. WEBB. Mr. Chairman, will the gentleman from Minnesota consume some of his time?

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Kansas [Mr. MURDOCK]. [Applause.]

Mr. MURDOCK. Mr. Chairman, if the amendment which the Committee on the Judiciary offered is amended, as proposed by the gentleman from North Carolina, and it will be, and that perfected paragraph satisfies those who have contended for years for the right of organized labor to exemption from the provisions of the Sherman antitrust law, this is the end of one of the most notable battles in the history of our country; but if this amended paragraph does not satisfy them, then the American Congress this morning is enacting a legislative tragedy——

Mr. GARNER. Will the gentleman yield?

Mr. MURDOCK. I would like to get started, if the gentleman will permit me. For over a period of 10 years this particular battle, which many presume is now about to close, has been one of the chief activities here. The men who have headed the American Federation of Labor, Mr. Gompers and those associated with him, have left no stone unturned, they have worked day and night, year in and year out, to accomplish this exemption. They not only have plead with every great national convention for party platform pledges for the enactment of this exemption into law, but they have worked here in Washington in season and out of season to accomplish this. And they have accomplished upon occasion in this body within my experience political revolution. They have upset party regularity and party majority. They have overridden the veto of a President. They stood here face to face for years against the powerful National Association of Manufacturers, which attempted in every way to block the avenues to public service and to keep back this legislation. The old Republican stand-pat leadership for years had as one of its chief activities the defeat of this proposition. They locked and doubled locked this proposition in the pigeonholes of committees; but the leaders of labor who were fighting for it never repined; they never lost heart. They kept on fighting for it. Why? Because they believed in it. When this Government made the first attack upon monopoly, labor had already begun to combine itself into organization. Why? For self-preservation and for self-protection; and when labor combined in this, my friends, it soon awoke to the benefactions and blessings of cooperation.

Now, I am one of those who are sometimes designated as the gentleman from Texas says some men here are designated. For there are those who have persistently called me a demagogue because from the very start of my career I have stood for all amendments which went to the exemption of organized labor from the provisions of the Sherman antitrust law. Why did I vote for them? Because I believe with all my heart and soul that the leaven that is working to the perfection of our Democracy is the aspirations and ideals of labor. [Applause.] I am in favor of giving to labor an exemption from the hindrances to progress that the courts have put upon it. Now, when we first passed the Sherman antitrust law labor believed it was exempted, and it went to the courts and the courts after long litigation told organized labor that under the terms of the Sherman antitrust law it was not exempt. That is, the courts sent organized labor back to Congress. It came here and prayed at the doors of your committees for exemption. It fought the most powerful lobby that has ever flourished in this country. It met rebuff and defeat. But it fought on and, finally, by the help of organized labor, the Democratic Party came into power. That party had given a pledge of exemption in the Baltimore platform which had been in the Democratic platform of 1908, and in response to the platform pledge the Bacon-Bartlett bills were introduced. They were direct and explicit in their terms.

Mr. BARTLETT. Will the gentleman permit me to interrupt him?

Mr. MURDOCK. I wish they had come out of the committee——

Mr. BARTLETT. Permit me to say——

Mr. MURDOCK. The gentleman realizes I have but a few moments——

Mr. BARTLETT. But they did come out of the committee and went on the calendar and an effort was made to get a rule from the Committee on Rules over which the gentleman from Texas presided and it could not be done.

Mr. MURDOCK. Yes; the Bacon-Bartlett bill has been smothered. Now, the Bacon-Bartlett bill was in plain, specific terms. It would have met the situation. But in place of its provisions the Democratic leadership placed upon this bill an amendment which did not exempt labor, which was unsatisfactory to a number of gentlemen on the Democratic side——

Mr. GARNER. Will the gentleman yield?

Mr. MURDOCK. If the gentleman will just let me go on with this narrative—those who protested against the original amendment in this bill as it was reported out of the committee succeeded in making themselves heard, and after a discussion pro and con there was added to the original amendment the phrase which we have offered to the bill to-day in the way of an amendment by the gentleman from North Carolina. Now, what does that amendment mean?

Mr. GARNER. That is what I wanted to ask the gentleman.

Mr. MURDOCK. What does it mean? Some of the friends of labor say that that amendment does exempt organized labor from the provisions of the Sherman antitrust law, but its enemies say that it does not exempt organized labor. Who knows? No man on the floor of this House. Who will determine? The courts.

Now, the tragedy of this transaction, my friends, is this: That after labor went to the courts and after the courts had sent it back to Congress, Congress sends labor back to the courts again. Eight or ten or twelve years hence the courts will decide what the amendment which we are about to adopt means.

Mr. HENRY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Texas?

Mr. MURDOCK. No; I will not yield just now. If the gentleman will permit me, I will yield in a minute.

Now, Mr. Chairman, I am going to vote for this amendment. I voted originally for the Hughes amendment—in which I believe; which was explicit. I voted for the Hamill amendment. I have voted every time this matter came up in the House for plain, direct, specific language in favor of exemption. Had I been a Member of Cohgress 14 years ago I should have voted for the Terry amendment. I want the House to listen again to the language of the Terry amendment. Listen:

> Nothing in this act shall be so construed as to apply to trade-unions or other labor organizations organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

How certain that is, how direct, how sweeping, compared with the amendment which has been offered!

Now, I will yield to the gentleman from Texas [Mr. HENRY].

Mr. HENRY. When the amendment says that these organizations shall not be regarded as conspiracies or illegal combinations in restraint of trade under the antitrust laws, how can you make it plainer?

Mr. MURDOCK. Ah, you could make it a good deal plainer.

Mr. GARNER. Mr. Chairman, will the gentleman yield right there?

Mr. MURDOCK. I want to say to the gentleman from Texas [Mr. HENRY] that the gentleman from Michigan [Mr. MACDONALD] will offer an amendment which is direct, and which will make it plain, and will not be a subject of doubt in the courts, but will give the exemption to which labor is entitled under the law.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on agreeing to the amendment offered by the gentleman from North Carolina [Mr. WEBB].

Mr. CARLIN. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes.

Mr. BARTLETT. Mr. Chairman, I shall support the Webb amendment, but in the time allotted to me I can not say what I desire to say on this subject, because for years I have

devoted much attention to it and have frequently voted for the principle embodied in it and endeavored to have legislation of this character enacted. I did hope that I might have opportunity to speak more at length on the proposition and not simply confine myself to a synopsis of the history of this matter or to mere statement of my reasons for insisting that labor organizations and farmers' associations should not fall under the antitrust law, but I have but a few minutes. Whatever may be the result of this amendment to the antitrust bill, I claim no special credit for it, but I do insist that I have endeavored, in season and out of season, at all times, to have the injustice of the Sherman Antitrust Act, as construed by the Supreme Court, which held such associations subject to that act, corrected by proper legislation.

In the last Congress I introduced a bill which has become known as the Bartlett-Bacon bill, or the Bacon-Bartlett bill, and which was reported to this House from the Committee on Labor and went on the calendar at an early day of that Congress, and the report of the committee on that bill I hold in my hand, which is as follows:

> *Be it enacted, etc.* That it shall not be unlawful for persons employed or seeking employment to enter into any arrangements, agreements, or combinations with the view of lessening the hours of labor, or of increasing their wages, or of bettering their condition; nor shall any arrangements, agreements, or combinations be unlawful among persons engaged in horticulture or agriculture when made with the view of enhancing the price of agricultural or horticultural products; and no restraining order or injunction shall be granted by any court of the United States, or by any judge thereof, in any case between an employer and employee, or between employers and employees, or between persons employed and persons seeking employment, or involving or growing out of a dispute concerning terms or conditions of employment in any case, or concerning any agreement, arrangement, or combination of persons engaged in horticulture or agriculture with the view of enhancing prices as aforesaid, or any act or acts done in pursuance thereof, unless in either case said injunction be necessary to prevent irreparable injury to property or to a property right of the party making the application for which there is no adequate remedy at law; and such property or property right must be particularly described in the application, which must be sworn to by the applicant or by his agent or attorney.
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> In construing this act the right to enter into the relation of employer and employee, to change that relation and to assume and creat a new relation of employer and employee, and to perform and carry on business in such relation with any person in any place or do work and labor as an employee shall be held and construed to be a personal and not a property right. In all cases involving the violation of the contract of employment by either the employee or employer where no irreparable damage is about to be committed upon the property or property right of either no injunction shall be granted, but the parties shall be left to their remedy at law.
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> SEC. 2. That no person or persons who are employed or seeking employment or other labor shall be indicted, prosecuted, or tried in any court of the United States for entering into any arrangements, agreements, or combinations between themselves as such employees or laborers, made with a view of lessening the number of hours of labor or increasing their wages or bettering their condition, or for any act done in pursuance thereof, unless said act is in itself unlawful; nor shall any person or persons who may enter into any arrangements or agreements or combinations among themselves for the purpose of engaging in horticulture or agriculture with a view of enhancing the price of agricultural or horticultural products, be indicted, prosecuted, or tried in any court of the United States on account of making or entering into such arrangements, agreements, or combinations, or any act done in pursuance thereof, unless said act is in itself unlawful.

The purpose of this bill was to make arrangements, agreements, or combinations of wageworkers or farmers lawful, which the courts in interpreting the Sherman antitrust law have held to be illegal combinations in restraint of trade, and to restrict the injunctive power exercised by the courts over personal relations between individuals where no real property right is endangered or involved, and relegating causes in such personal relations to the adjudication of the law courts.

There has been some doubt expressed as to whether or not the Sherman antitrust law was ever intended to apply to organizations of workingmen and farmers when dealing with their own labor or the products of their own labor; but whether or not it was intended to apply to organizations of that character, the fact remains that it has been applied to them. An examination of the debates in the Senate discloses the fact that the author of the law, Senator Sherman, did not intend it to be and did not believe that it would be applied to organizations of workingmen or farmers. In the debate on the bill in the Senate on March 21 and March 24, 1890, Senators Hiscock and Teller called attention to the possibility of the measure applying to organizations of that character. Replying, Senator Sherman said:

> The bill as reported contains three or four simple propositions which relate only to contracts, combinations, agreements made with a view and designed to carry out a certain purpose which the laws of all the States and of every civilized community declare to be unlawful. It does not interfere in the slightest degree with voluntary associations made to affect public opinion to advance the interests of a particular trade or occupation. It does not interfere with the Farmers' Alliance at all, because that is an association of farmers to advance their interests and to improve the growth and manner of production of their crops and to secure intelligent growth and to introduce new methods. No organizations in this country can be more beneficial in their character than farmers' alliances and farmers' associations. They are not business combinations. They do not deal with contracts, agreements, etc. They have no connection with them. And so the combinations of workingmen to promote their interests, promote their welfare, and increase their pay if you please, to get their fair share in the division of production are not affected in the slightest degree, nor can they be included in the words or intent of the bill as now reported.

Efforts were made time and time again to have that bill considered. A resolution was introduced by me, which went to the Committee on Rules, over which the gentleman from Texas [Mr. HENRY] presides, asking for a rule making the bill privileged, so it could be considered. This resolution was pressed in a hearing had before that committee, and the committee was urged to give us an opportunity to have the bill considered by the House, because it was known whenever the House could have an opportunity to vote upon this measure it would pass it, having on several occasions supported a like measure in no uncertain terms and by no uncertain majorities. But we could not persuade the Committee on Rules to report the bill. Again, when this Congress met, the first bill I introduced was this same bill, a copy of which I will make a part of my remarks. The principle of my bill is now incorporated into this bill reported by the Committee on the Judiciary and as contained in the amendment offered by the gentleman from North Carolina [Mr. WEBB].

I congratulate the Committee on the Judiciary; I congratulate the country that the hour is now at hand when the shackles placed by a misconstruction of the Sherman antitrust law upon labor and like organizations shall be stricken from them, and when they shall stand before the country free to exercise their right to perform and do those acts as organizations that they are entitled to do and those things which no one should ever construe they were forbidden to do by the Sherman antitrust law. [Applause.]

In pursuance of that, I wish to put into the RECORD as to the right to do them the statement of that great lawyer and learned Senator, Mr. Hoar, who made it on the 27th day of March, 1890, when this original proposition was before the Senate, and when the right of Congress to pass it was challenged by other great lawyers, among them Mr. Edmunds, of Vermont. Senator Hoar then made that statement, clear and forcible, which assured the Members of the Senate that, in his opinion, we had the right to enact such legislation. It was not enacted. It was put upon the bill as an amendment, and it was referred to the Committee on the Judiciary in the Senate, and the bill came back without it; and these same Senators, Senator George and Senator Vest, stated to the Senate that that amendment had not been incorporated because no one could construe that the Sherman antitrust law would in any way affect labor organizations.

I quote from the CONGRESSIONAL RECORD of March 27, 1890:

The PRESIDING OFFICER. The question is upon the amendment last reported.

Mr. EDMUNDS. Let it be read again.

The CHIEF CLERK. On page 4, line 66, section 1, after the word "action," the Senate, as in Committee of the Whole, inserted the following clause:

> "*Provided*, That this act shall not be construed to apply to any arrangements, agreements, or combinations between laborers made with a view of lessening the number of hours of their labor or of increasing their wages; nor to any arrangements, agreements, associations, or combinations among persons engaged in horticulture or agriculture made with the view of enhancing the price of their own agricultural or horticultural products."

Mr. HOAR. Mr. President, I wish to state in one single sentence my opinion in regard to this particular provision. If I correctly understood the Senator from Vermont—I did not hear him fully, and very likely, hearing only a part of what he said, I did not apprehend it—he thought that the applying to laborers in this respect a principle which was not applied to persons engaged in the large commercial transactions which are chiefly aimed at by this bill was indefensible in principle. Now, it seems to me there is a very broad distinction which, if bourne in mind, will warrant not only this exception to the general provision of the bill, but a great deal of other legislation which we enact, or attempt to enact, relating to the matter of labor.

When you are speaking of providing to regulate the transactions of men who are making corners in wheat, or in iron, or in woolen or in cotton goods, speculating in them or lawfully dealing in them without speculation, you are aiming at a mere commercial transaction, the beginning and end of which is the making of money for the parties, and nothing else. That is the only relation that transaction has to the State. It is the erection or diffusion or change of ownership of the wealth of the community. But when a laborer is trying to raise his wages or is endeavoring to shorten the hours of his labor, he is dealing with something that touches closely, more closely than anything else, the government and the character of the State itself.

The maintenance of a certain standard of profit in dealing in large transactions on wheat or cotton or wool is a question whether a particular merchant or a particular class of merchants shall make money or not, or shall deal lawfully or not, shall affect the State injuriously or not; but the question whether the standard of the laborer's wages shall be maintained or advanced or whether the leisure for instruction, for improvement, shall be shortened or lengthened is a question which touches the very existence and character of government of the State itself. The laborer who is engaged lawfully and usefully and accomplishing his purpose in whole or in part in endeavoring to raise the standard of wages is engaged in an occupation the success of which makes republican government itself possible and without which the Republic can not in substance, however it may nominally do in form, continue to exist.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk again read the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. THOMAS. Reserving the right to object——

Mr. HOWARD. I make the point of order that it is too late to object.

The CHAIRMAN. The Chair thinks not; the gentleman from Kentucky was on his feet.

Mr. THOMAS. I would like unanimous consent for five minutes on this amendment myself.

Mr. WEBB. I will give the gentleman four or five minutes.

Mr. THOMAS. I want five, not "four or five" minutes. [Laughter.]

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none.

Mr. WEBB. Mr. Chairman, the amendment which is under consideration is, in the opinion of the committee, in keeping with the declaration of the Democratic platform—to the effect that labo, organizations and farmers' organizations organized for mutual help shall not be considered or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

It is needless to say that we have had much diversity of opinion in adopting and agreeing on this particular section, but after all, Mr. Chairman, we have embodied in this amendment what we understand to be the best legal interpretation of the best judges in the United States. Personally I have never had any idea that the existence and operation of labor organizations, of farmers' unions, or fraternal orders were ever intended to come within the provisions of the antitrust law. However, some labor leaders have contended for many years that labor organizations have their existence as a matter of sufferance and at the whim of the Attorney General, and if suit should be brought, if they were not dissolved entirely, much trouble could be given them. We are therefore writing into the statutes of the United States the concensus of opinion of the best judges of the country on this troublesome question. I have not had an opportunity of reading the opinion, but only last Friday the circuit court of appeals of the fourth circuit at Richmond, Va., held that a labor organization was not a conspiracy or combination in restraint of trade. Therefore we say that we have embodied in this section as set forth in the first part of section 7 and as expressed in the latter part of this amendment which I now offer what is generally understood to be the law and should be the law in the United States with reference to labor organizations, as well as fraternal and farmers' organizations. [Applause.]

I now yield 15 minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY. Mr. Chairman, there has been so much controversy about what was intended when the original Sherman antitrust law was passed that I think we should make clear just what we intend by this law. Some of us did not believe section 7 as originally written by the Committee on the Judiciary expressed exactly what should be in this bill. Therefore we took exception to the language of the first part of the paragraph in section 7 and insisted there should be additional language. Among those who agreed that the language was not plain enough were the gentleman from North Carolina, Mr. KITCHIN, the gentleman from Illinois, Mr. HINEBAUGH, the gentleman from Illinois, Mr. GRAHAM, the gentleman from Iowa, Mr. TOWNER, the gentleman from Maryland, Mr. LEWIS, and myself. We met to confer, and concluded that we ought to make the language more explicit. In that conference held in the committee room of the Committee on Rules, on the evening of May 21, 1914, we agreed that this language should be added at the end of the first paragraph of section 7, to wit, after the word "thereof":

Nor shall such organizations, orders, or associations or the members thereof be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

This language I have read is exactly the verbiage used by the gentleman from North Carolina [Mr. WEBB] in the amendment offered by him and is the amendment agreed upon by Mr. KITCHIN and our conferees in my office. The Committee on the Judiciary courteously accepted the language as prepared by the gentlemen in the conference, believing, I assume, that we were correct and that the original language used by them was not quite explicit. So we came to a satisfactory agreement with the House Judiciary Committee about this addition to the first part of section 7, and, as far as I am concerned, we are standing squarely with the committee for that paragraph with our added language. We called into the conference with us the heads of the American Federation of Labor, and submitted this amendment to them, and said to them that we believed its adoption as an addition to section 7 would clearly exempt labor organizations and farmers' organizations from the provisions of the antitrust laws.

They agreed with us; they called their counsel into conference with them and with us, and we all concurred that this amendment added to the paragraph of section 7 would give these organizations what they have desired so long, and all they have been struggling for since the original enactment of the Sherman antitrust law.

In my judgment, when Congress was dealing with "combinations in restraint of trade" it never intended that the law should apply to labor organizations or farmers' organizations without capital and not for profit. The courts took a different view of it and construed the act as it was never intended that it should be interpreted. The time has come when we can correct that error and write the language in the law as those gentlemen insist that it should be and should have been.

I am glad of the opportunity of espousing their cause to-day and standing with them in accord and agreement. The Judiciary Committee has acceded to their position to the extent indicated by me, and so has the President. This is entirely a satisfactory solution of the question. [Applause.]

Mr. Chairman, unfortunately there are many men in this country who hesitate to espouse the cause of organized labor or the farmers for fear they will be called "demagogues." That has kept many a man from advocating on the floor of this House what he believed in his heart, because he dreaded adverse criticism. We have come up to the proposition to-day and we propose to meet it and say that these men are entitled to what they have been demanding, and we shall write it in the antitrust laws. Let us review the history of that matter for a little while. When the original Sherman law was proposed in the Senate, Senator George, of Mississippi, not a demagogue, but a great lawyer and a great statesman, offered this amendment:

Provided, That this act shall not be construed to apply to any arrangements, agreements, or combinations between the laborers made with a view of lessening the number of hours of labor or the increasing of their wages; nor to any arrangements, agreements, or combinations among persons engaged in horticulture or agriculture made with a view of enhancing the price of agricultural or horticultural products.

The amendment was agreed to without opposition. A little later in the proceedings the bill with amendments was referred to the Committee on the Judiciary, and when the committee reported it back to the Senate the George amendment was left out, because all agreed that the act as written without that language in it meant exactly what was contained in the George amendment.

Mr. GARNER. Mr. Chairman, will the gentleman yield for a question?

Mr. HENRY. Just for a question.

Mr. GARNER. The gentleman contends that it never was the intention to prohibit farmers' unions, for instance, from organizing to get better prices for their products?

Mr. HENRY. Yes.

Mr. GARNER. Will the gentleman contend that his proposed amendment will permit farmers' organizations to warehouse their cotton and agree among themselves that they will not sell it except at a certain price?

Mr. HENRY. Beyond the peradventure of a doubt it allows that very thing, and if it did not I would not vote for the amendment.

Mr. GARNER. There is where the gentleman differs from me with reference to the effect of his amendment.

Mr. HENRY. If it did not, I would not support it a single instant. It is as broad and strong as the George amendment and ought to be written into this law. Let us trace the history a little further. Later on, in 1900, when the Littlefield antitrust bill was before the House—and I happened to be a Member of that Congress—Mr. Terry, of Arkansas, offered an amendment which was agreed to in the House by a vote of 260 yeas to 8 nays. That amendment was offered on June 2, 1900, and is as follows:

Nothing in this act shall be so construed as to apply to trade-unions or other labor organizations, organized for the purpose of regulating wages, hours of labor, or other conditions under which labor is to be performed.

So it was written into the antitrust bill as it passed this body and went to the Senate. After we put that exemption in the bill Mr. Littlefield lost all interest in it, and it was not heard of again in the Senate of the United States.

Next, on June 21, 1910, Mr. HUGHES, of New Jersey, offered an amendment to the sundry civil appropriation bill to this effect:

Provided further, That no part of this money shall be spent in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, shortening of hours, or bettering the condition of labor, or for any act done in furtherance thereof not in itself unlawful.

By a vote of 82 to 52 that amendment was inserted in the sundry civil appropriation bill, and on June 23, 1910, when the bill came back from the Senate, Mr. TAWNEY, chairman of the Committee on Appropriations, moved to recede and concur—which meant that the House agreed to the Senate amendment—striking the Hughes exemption from the bill. That motion was agreed to by a vote of 138 to 130, and then it was that the disintegration of the standpat Republican Party began. No matter what gentlemen may say or think, when the Republican Party made it manifest that they were not willing to write this exemption in the antitrust laws the great labor organizations lost confidence in them and turned to another party. They came to the Democratic convention at Denver, and we wrote a promise in our platform. And then they came to Baltimore in 1912, and we wrote a pledge in that platform. We are here to redeem our word, just as we made it, and put the promised exemption in the antitrust legislation and send it to the Senate of the United States. [Applause.]

The amendment which has been offered by the Judiciary Committee, and has been prepared by Messrs. KITCHIN, LEWIS of Maryland, TOWNER, GRAHAM of Illinois, HINEBAUGH, and myself, in connection with them, is in the exact language of the Baltimore platform, to this effect:

The expanding organization of industry makes it essential that there should be no abridgment of the right of wage earners and producers to organize for the protection of wages and the improvement of labor conditions *to the end that such labor organizations and their members should not be regarded as illegal combinations in restraint of trade.*

This language construes itself. It is the Baltimore platform in exact words. It is the spirit, the substance, the verbiage, and the promise of the Democratic platform, and Democrats will do no less than carry out their pledges to the people on this question. [Applause on the Democratic side.]

Mr. Chairman, again, on February 26, 1913, when the sundry civil appropriation bill was under consideration, this amendment was offered by Representatives HAMILL and Roddenbery:

Provided, however, That no part of this money shall be expended in the prosecution of any organization or individual for entering into any combination or agreement having in view the increasing of wages, the shortening of hours, or bettering the conditions of labor, or for any act done in furtherance thereof, not in itself unlawful; *Provided further*, That no part of this appropriation shall be expended for the prosecution of producers of farm products or associations of farmers who cooperate or organize in the effort to obtain and maintain a fair and reasonable price for their products.

The House agreed to that amendment, and on March 4, 1913, President Taft vetoed the bill because it contained that exemption. We passed it over his veto by the overwhelming vote of 264 yeas to 48 nays, and it went to the Senate, where the fight was waged on the question of exemption, and there in the Senate the bill failed.

Then the Democratic administration came into power, and again the Hamill-Roddenbery amendment was inserted in the sundry civil appropriation bill, which was passed through the Sixty-third Congress and signed by Woodrow Wilson. For these identical exemptions I have fought, and continue to fight. Our amendment, offered by Mr. WEBB, chairman of the Judiciary Committee, is as strong, salutary, and far-reaching as the twice-approved Hamill-Roddenbery amendment.

Now, gentlemen, organized labor has never asked that they be permitted under the law to commit crimes or to do unlawful things. They have never come to this Government and pleaded for special privilege. They have never asked for anything to which they are not entitled at our hands. They have said that when we are dealing with *conspiracies in restraint of trade and combinations and trusts* it was never intended that the man who sells his labor—his God-given right—should be classed as conspiring against trade or in unlawful combinations against the antitrust laws. We are now about to correct that error, and make it plain and specific, by clear-cut and direct language, that the antitrust laws against conspiracies in trade shall not be applied to labor organizations and farmers' unions.

When, as chairman of the Committee on Rules, I had the honor to present the resolution bringing up for consideration this bill and the Democratic administration antitrust program, it was my privilege to announce that section 7 of this antitrust bill was not satisfactory to labor, and that I heartily concurred in that view; and that a plain provision clearly exempting them from the antitrust laws would be presented and adopted by the House. We have prepared such provision, and the gentleman from North Carolina [Mr. WEBB] has presented it for us as labor and the farmers wish it. In the beginning of my remarks it is set out as approved by labor, the Committee on the Judiciary, the Democratic President, and skilled legal counsel for the wage earners. It is apparent that in a few brief moments it will be adopted by an overwhelming vote of the House. This executes the meritorious and just contract the Democratic Party has made with labor; and I rejoice that I am here to witness and participate in the triumph of the honorable men who win their bread by the sweat of their brow.

RECOMMENDATIONS OF THE PUJO MONEY TRUST COMMITTEE.

It is gratifying to state that not only has this important bill satisfied the laborer and the farmer, but it contains many other salutary and strong provisions, including some of the best recommendation of the Pujo Money Trust committee, which, as chairman of the Committee on Rules, I had the proud privilege of originating and putting on foot in the House a little over two years ago.

INTERLOCKING DIRECTORATES.

In dealing with banking corporations, interstate railways, and industrial corporations and trusts, the measure contains strong and effective provisions against interlocking directorates and all their attendant evils. It carries out the substantial provisions of the magnificent Money Trust and Steel Trust reports. Adequate penalties are provided. The plighted faith of the Democratic platform at Baltimore is kept and written into law. It makes guilt personal and consigns to prison flagrant violators of the law.

GOVERNMENT BY INJUNCTION ABOLISHED.

In several sections "government by injunction," through the usurpation of petty judicial tyrants, is destroyed and forever discontinued. No longer through the writ of injunction and the equity processes of the court can the unjust and tyrannical judge imprison and outrage honorable citizens without the right of trial by jury. The "midnight injunction" is banished and the citizen must have due and reasonable notice before he is deprived of his liberty and rights. He will have his day in court and not be outraged by secret judicial decree while his back is turned and the temples of justice shut against him. This is a great triumph for labor and justice, written in the very heart of this bill.

THE NEW FREEDOM FOR LABOR.

In section 18 a bill of rights, establishing a "new freedom" for labor, is written into solemn law to endure as a Magna Charta for those who toil and produce for the balance of mankind. I am happy to witness this day and to assist in passing this section that dedicates in our statutes a permanent command to the courts of equity and law to respect the rights of labor and cease outraging their inherent and God-given privileges. It reads:

SEC. 18. That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and employees, or between employers and employees, or between employees or between persons employed and persons seeking employment, involving, or growing out of, a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property, or to a property right, of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

And no such restraining order or injunction shall prohibit any person or persons from terminating any relation of employment, or from ceasing to perform any work or labor, or from recommending, advising, or persuading others by peaceful means so to do; or from attending at or near a house or place where any person resides or works, or carries on business or happens to be, for the purpose of peacefully obtaining or communicating information, or of peacefully persuading any person to work or to abstain from working; or from ceasing to patronize or to employ any party to such dispute, or from recommending, advising, or persuading others by peaceful means so to do; or from paying or giving to, or withholding from, any person engaged in such dispute, any strike benefits or other moneys or things of value; or from peaceably assembling at any place in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by any party thereto.

Then to make sure that no court shall ever attempt to pervert and nullify the law we are going to add at the end of section 18 this broad and explicit language:

Nor shall any of the acts specified in this paragraph be considered or held unlawful.

Is this not indeed a notable and triumphant victory for the laboring forces after their long and severe struggle for justice? My heart swells with pride when I ascribe this act of justice to the master hand of Democracy.

JURY TRIAL IN CASES OF CONSTRUCTIVE CONTEMPT.

Then follows ample provision for jury trials in cases of indirect contempt. Such is our platform promise, and thus by this strong language and act have we redeemed it. It satisfies labor and they have accepted it as a solemn redemption of our tendered pledge. What more could be asked? What more could be accomplished? In this bill labor has secured more rights and just privileges than all the legislation secured them in a hundred years of Federal enactments! A great achievement for them and a wonderful record for Democracy!

increase of appropriation. We are ready to make and do make this report within the time specified, and, Mr. Speaker, it is most pleasing to the commission to state that we propose to turn into the Treasury of the United States several thousand dollars of the $15,000 of the appropriation. [Applause.] Now, Mr. Speaker and gentlemen of the House, I propose to submit on behalf of the commission the report and bill. I do not ask to have it read, because it is too voluminous.

The SPEAKER. The gentleman submits a report from the commission. That report goes through the basket.

Mr. MANN. I am not sure, but I suppose the report should be referred to a committee.

The SPEAKER. The report and bill will be referred to a regular committee.

Mr. MANN. I do not know what committee it goes to.

The SPEAKER. The Chair will refer it properly.

Mr. WEBB. Mr. Speaker, I ask for the regular order.

ANTITRUST LEGISLATION.

The SPEAKER. The regular order is that the House resolve itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special rule. In the absence of Mr. HULL, the gentleman from Tennessee, Mr. BYRNS, will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657 and other bills embraced within the special rule, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

Mr. WEBB. Mr. Chairman, I wish to offer an amendment to section 7.

Mr. GARNER. Mr. Chairman, there is one amendment now pending, offered by the gentleman from Illinois [Mr. MADDEN] immediately before the committee rose on Friday last. Shall we not have to vote first on that amendment?

The CHAIRMAN. The chairman of the Committee on the Judiciary has an amendment in addition to that offered by the gentleman from Illinois.

Mr. MANN. Mr. Chairman, if we have to dispose of the first paragraph before we take up the second paragraph of that section, I suggest that the gentleman from North Carolina ask unanimous consent that the first paragraph of the section be taken up before the second paragraph, and that they be considered separately; that the two paragraphs be considered as entirely separate.

Mr. WEBB. My idea was, Mr. Chairman, to let all amendments to the section be disposed of, as has been the practice in the past.

Mr. MANN. It is immaterial to me. I thought perhaps the gentleman would like to take up the labor proposition first.

Mr. WEBB. Then, Mr. Chairman, I ask unanimous consent that the amendments to the first paragraph of section 7 be disposed of before we take up the second paragraph of that section.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the first paragraph of section 7 be first considered. Is there objection?

Mr. MURDOCK. Mr. Chairman, reserving the right to object, there is one amendment pending. To which paragraph is that intended to apply?

Mr. WEBB. To the second paragraph.

Mr. MURDOCK. And the amendment which the gentleman from North Carolina offered is to the first paragraph?

Mr. WEBB. Yes; to the first paragraph of the section.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from North Carolina [Mr. WEBB].

The Clerk read as follows:

On page 24, at the end of line 10, amend by striking out the period and inserting a semicolon and by adding the following: "Nor shall such organizations, orders, or associations, or members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from North Carolina.

Mr. THOMAS. Mr. Chairman, I wish to offer an amendment to the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. THOMAS] to the amendment of the gentleman from North Carolina [Mr. WEBB].

The Clerk read as follows:

Strike out all of section 7 down to and including the word "thereof," in line 10, and insert the following: "The provisions of the antitrust laws shall not apply to agricultural, labor, consumers, fraternal, or horticultural organizations, orders, or associations."

Mr. WEBB. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. That is, to know whether the amendment just presented by the gentleman from Kentucky is in order. From its construction it seems to be an amendment to an amendment to an amendment. I make a point of order on it.

Mr. MANN. I make the point of order, Mr. Chairman, anyhow, just to preserve the record straight and conform to the rules of the House. As a matter of fact, Mr. Chairman, we have treated the existing committee bill, which is an amendment in itself, as though it were an original bill, and all through the discussion and consideration so far we have allowed amendments to amendments to the committee amendment, although I think that was a little irregular; but nobody has said anything about it, because it is usual when you bring in such a thing to treat a committee substitute as though it were an original bill.

Mr. MURDOCK. The committee substitute is the one which was reported under the rule.

The CHAIRMAN. That would be in keeping with the rule in Committee of the Whole, to permit an amendment to an amendment.

Mr. MANN. But this is not an amendment to the amendment offered by the gentleman.

The CHAIRMAN. The Chair thinks it should not be treated as an amendment. Does the gentleman from North Carolina insist on his point of order?

Mr. WEBB. I withdraw it. We are going to have a vote on it anyhow.

Mr. MACDONALD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Michigan [Mr. MACDONALD] offers an amendment, which the Clerk will report.

Mr. NELSON. Mr. Chairman, as a member of the committee, I think I have the privilege of offering an amendment before the other gentleman.

The CHAIRMAN. The gentleman is correct. The Clerk will report the amendment offered by the gentleman from Wisconsin.

Mr. NELSON. I offer it as a substitute.

The Clerk read as follows:

Insert after the word "profit" and before the words "or to forbid," in line 8, page 24, the following: "Or of cooperative associations formed by farmers for the purpose of buying more cheaply and of marketing their products to better advantage," so as to make the first paragraph of this section read: "That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers', agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock, or conducted for profit; or of cooperative associations formed by farmers for the purpose of buying more cheaply and marketing their products to better advantage; or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof; nor shall such organizations, orders, or associations, or the members thereof, be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws."

Mr. MANN. Mr. Chairman, I shall have to make a point of order that that is not a substitute, on the face of it. We shall get all confused and mixed up in this section unless we treat the amendments as separate amendments.

Mr. MURDOCK. Let us have them all offered as amendments.

Mr. MANN. The gentleman from Wisconsin will have the opportunity to offer the amendment that he desires to offer at the proper time, without question.

Mr. NELSON. I have no objection to taking them up in order.

The CHAIRMAN. The Chair will state that there is an amendment and substitute pending now.

Mr. GARNER. Mr. Chairman, my understanding was that the gentleman from North Carolina [Mr. WEBB] offered his amendment for the purpose of allowing all gentlemen to offer amendments thereto at this time for purposes of information and to have them considered as pending.

Mr. MANN. He can not do that. I made the point of order before that the amendment of the gentleman from Kentucky was not an amendment to the amendment of the gentleman from North Carolina. It plainly is not.

The CHAIRMAN. The Chair thinks the point of order raised by the gentleman is well taken.

Mr. FERRIS. Mr. Chairman, let me inquire of the chairman if the gentleman does not think the reading of so many amendments would tend to confuse rather than to help us?

I can not hold in my head five or six different amendments, all relating to different phases of the subject.

Mr. MURDOCK. They will be reported before we come to vote on them.

Mr. GARNER. The gentleman from Oklahoma realizes that we ought to get a limit of debate, if possible, on this paragraph. Now, the object of the chairman of the committee, as I understand it, is to have all amendments offered at this time for information, and as the different amendments are discussed, they will be reported from the desk, and the committee in that way will be able to understand the merits of each one of the amendments.

Mr. FERRIS. The trouble about that is that we do not have the amendments printed, and we will have to go to the desk to see what they are, and it will be confusing.

Mr. MANN. I shall have to make a point of order against the offering of these amendments in this way. Nobody will know where we are in a few minutes.

The CHAIRMAN. The point of order is sustained.

Mr. MANN. Mr. Chairman, a parliamentary inquiry. What is now pending?

The CHAIRMAN. The Chair will state to the gentleman that the amendment offered by the gentleman from North Carolina [Mr. WEBB] and the substitute offered by the gentleman from Kentucky [Mr. THOMAS] are pending.

Mr. MANN. What became of the point of order which I made on the amendment offered by the gentleman from Kentucky that it was not an amendment to the amendment?

The CHAIRMAN. The Chair understands the gentleman from Kentucky offers it as a substitute for the amendment offered by the gentleman from North Carolina.

Mr. MANN. Yes; but I make the point of order that it is not a substitute. It is offered to a different part of the section. They have no relation to each other.

Mr. THOMAS. It is offered to the first part of the section. It is either a substitute or a separate amendment to the first paragraph of the section.

Mr. MANN. That would be in order; but the amendment of the gentleman from North Carolina [Mr. WEBB] comes in at the end of the paragraph, and the amendment proposed by the gentleman from Kentucky comes in at the beginning of the paragraph. They might both be agreed to by the committee. One is not a substitute for the other in any sense.

Mr. GARNER. It makes no difference, just so you get a vote.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. THOMAS] desire to be heard on the point of order?

Mr. THOMAS. I will say this much, may it please the Chair, that the amendment or the substitute, as the case may be, which I have offered, is to the first paragraph of section 7. I understand that the amendment offered by the gentleman from North Carolina [Mr. WEBB] is to the last part of this paragraph. That is what I understood the gentleman from Illinois to claim.

Mr. MANN. If the gentleman will pardon me, the amendment offered by the gentleman from North Carolina is to add something at the end of the paragraph.

Mr. THOMAS. Yes.

Mr. MANN. The amendment proposed by the gentleman from Kentucky is practically to change the language of the paragraph. Now, Mr. Chairman, if it is to be held as an amendment to the amendment, and if the amendment of the gentleman from Kentucky is agreed to, there will be no chance of getting a vote upon the amendment of the gentleman from North Carolina; and although the committee might want to agree to both amendments, it could not possibly do it, if it is held to be an amendment to the amendment, because it would not be in order. I take it, to offer this amendment over again after we had substituted something for it.

Mr. HENRY. I suggest to the gentleman from Kentucky that he offer his amendment later.

Mr. MANN. The amendment of the gentleman from Kentucky will be in order after the amendment of the gentleman from North Carolina is disposed of.

Mr. THOMAS. My amendment is certainly an amendment to the first part of the paragraph.

Mr. MANN. Oh, undoubtedly.

The CHAIRMAN. The Chair thinks that, strictly speaking, the amendment of the gentleman from North Carolina [Mr. WEBB] should be considered as an amendment to perfect the text of the bill. The amendment offered by the gentleman from Kentucky strikes out the paragraph and proposes to insert new matter. For that reason the Chair feels constrained to sustain the point of order. Of course, the gentleman from Kentucky will have an opportunity to offer his amendment later. The question is on the amendment offered by the gentleman from North Carolina.

Mr. THOMAS. When shall I have an opportunity of offering my amendment?

The CHAIRMAN. As soon as this amendment is disposed of and the gentleman is recognized by the Chair.

Mr. THOMAS. Suppose the amendment of the gentleman from North Carolina is adopted.

Mr. GARNER. Then the gentleman from Kentucky can offer his.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that his amendment will be in order as soon as the amendment of the gentleman from North Carolina is disposed of.

Mr. THOMAS. Does the Chair hold that I may offer it as an amendment or as a substitute?

Mr. GARNER. When the amendment of the gentleman from North Carolina is disposed of the gentleman from Kentucky can offer his proposition as an amendment.

Mr. WEBB. Mr. Chairman, I apprehend there will be some desire to discuss the amendments offered to the first paragraph of section 7, and I want to know from my friend from Minnesota [Mr. VOLSTEAD] if we may get some understanding as to the amount of time to be consumed on amendments to the first part of the section, and to the entire section?

Mr. MANN. How much time does the gentleman from North Carolina want on his amendment?

Mr. WEBB. I should think we can dispose of it in 35 or 40 minutes on our side.

Mr. MANN. Do you want that much time on this amendment?

Mr. HENRY. I should like to have 15 minutes on this particular amendment myself.

Mr. WEBB. I make this request, that we devote two hours to the discussion of the amendments to this entire section, one hour to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and the other hour to be controlled by myself.

Mr. MANN. Would it not be better to dispose of these amendments one at a time?

Mr. MURDOCK. And fix a time limit on each separate amendment.

Mr. WEBB. I think that would be more orderly, but I should like to have some understanding as to the time on the entire section.

Mr. MANN. We will try to reach an equitable understanding about that. I will say to the gentleman there is no desire to take up a great deal of time.

Mr. WEBB. How much time is desired on these amendments?

Mr. GARNER. The gentleman means on his amendment. There will be some discussion desired on the Thomas amendment.

Mr. THOMAS. I want some time on my amendment, Mr. Chairman. I am going to offer that amendment to the whole paragraph.

Mr. MURDOCK. I want 10 minutes on the Webb amendment.

Mr. MANN. How much time does the gentleman from North Carolina want on his amendment?

Mr. WEBB. I think we can dispose of it in 45 minutes on our side.

Mr. HENRY. It is understood that I shall have 15 minutes, is it not?

Mr. MANN. Very well; make it 45 minutes on a side. It is possible we may not use all the time on this side on this amendment, but we want time on the other amendments.

Mr. WEBB. Very well. You shall have that. I agree to that.

The CHAIRMAN. What is the request of the gentleman from North Carolina?

Mr. WEBB. I ask unanimous consent that on the amendment proposed by the committee, which I have just sent to the Clerk's desk, the debate be closed in 90 minutes, 45 minutes to be controlled by the gentleman from Minnesota and 45 minutes to be controlled by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending amendment be closed in 1 hour and 30 minutes, one half to be controlled by himself and the other half by the gentleman from Minnesota [Mr. VOLSTEAD]. Is there objection?

Mr. QUIN. Reserving the right to object, Mr. Chairman, I would like to have both amendments reported.

The CHAIRMAN. There is only one amendment pending.

Mr. QUIN. I would like to have that reported.

Navy, except that in the Army an amount paid by the Government for burial expenses is deducted, and I think this should be the same, so that they will rest alike. In one case the family pays the expenses, and in another the death occurs so far away that the expenses are paid by the Government. I think it should be inclusive of that, instead of exclusive.

Mr. THORNTON. I will say to the Senator that I was not aware exactly what the rule was in the case of enlisted men in the Army. All I know is that this was the recommendation sent down by the Navy Department, requesting that it be offered as an amendment, and I was instructed by the committee to offer it as a committee amendment.

Mr. WARREN. Would the Senator mind letting it lie over while we proceed to other amendments, until I can find the provision of existing law?

Mr. THORNTON. I will ask that the amendment may be temporarily laid aside.

I wish to say that as the Senator from Massachusetts [Mr. LODGE] is compelled to leave the Chamber shortly, I will request him to now offer the amendment he was requested by the committee to offer.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of the bill, the following:

The President may, in his discretion, direct the sale, in such manner, at such price, and upon such terms as he shall deem proper, of the battleships *Idaho* and *Mississippi*. All moneys received from the sale of said vessels shall, after payment therefrom of the expenses of such sale, be deposited by the Secretary of the Navy in the Treasury, and shall, until expended, be available for the construction of such other vessel or vessels, at least equal for purposes of offense and defense to the most modern vessels of the same class now projected here or abroad, as the President may in his discretion authorize: *Provided*, That no vessel shall be sold, exchanged, or conveyed under this authorization unless such sale, exchange, or conveyance, or the agreement therefor, shall have been made prior to July 1, 1915: *Provided further*, That any vessel or vessels constructed from the money received from the sale of the *Mississippi* and *Idaho* shall not be included in the annual appropriations for the increase of the Navy.

Mr. THOMAS. Mr. President, I should like to inquire from the chairman or some member of the committee when these vessels were constructed.

Mr. LODGE. I was about to state the facts in that regard. The construction of these vessels was authorized in 1905, and they were completed in 1908. They are first-rate vessels of their type.

Mr. THOMAS. Why should they be sold?

Mr. LODGE. The Senator's question anticipates what I was about to say.

Mr. THOMAS. I beg the Senator's pardon for interrupting him unnecessarily.

Mr. LODGE. The President and the Secretary of the Navy recommend this sale because an offer has been made, or they understand an offer is to be made, for their purchase by a European Government. They think it will be of advantage to sell these two vessels, if they can be sold for cost or more, and build one vessel in their place.

These two vessels are of 13,000 tons each. Those which we are at present building are of 30,000 tons each. The Navy Department thinks it would be a very good arrangement for us to exchange these two vessels for one vessel of the larger type. They expect to realize enough from them to build one vessel like battleship *No. 39* now laid down in the New York yard. They will not sell otherwise.

If the vessels are not sold, there is no loss to the Navy of the United States. They are fine vessels. The only objection is that they are of 13,000 tons apiece, while the most recent types constructed to-day are more than twice as large.

Mr. THOMAS. I quite agree that the opportunity for selling these ships will probably be taken advantage of, but the fact is that these two vessels of 13,000 tons each were completed in 1908, which was probably the extreme dimension of ships at the time their keels were laid, and now they are practically of no value to our Navy.

Mr. LODGE. If the Senator will allow me, that is not correct. They are valuable ships. Capt. Winterhalter, who appeared before the committee with the Secretary of the Navy in regard to it, told me that they were first-rate vessels and that there was no objection at all to our keeping them.

Mr. THOMAS. They are not valuable.

Mr. LODGE. They are very valuable.

Mr. THOMAS. They are not valuable as against vessels of 30,000 tons.

Mr. LODGE. No; one of them is not.

Mr. THOMAS. Neither of them, I presume.

Mr. LODGE. That is not so certain.

Mr. THOMAS. But by 1920 we will be selling our 30,000-ton vessels, for the reason that in this race for naval construction they will be building them at a cost of forty or fifty million dollars each and in all probability having a tonnage of 50,000 or 60,000. It is a good illustration of the progress which the nations are making in their competition in boat building that will inevitably lead all the nations of the earth to bankruptcy.

Mr. LANE. I should like to suggest to the Senator from Colorado that in 1920 we will be buying the ships back, for the reason that they will be smaller targets for the bombs thrown from airships, and smaller ships will be valuable.

Mr. THOMAS. We will not be buying them back unless the Armor Trust and the War Trust in the meantime disappear, and I see no signs of that. We will keep building them as long as those trusts can keep the Nation apprehensive as to the hostile designs of its neighbors.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THORNTON. I send to the desk an amendment which I ask to have read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 47, after line 17, insert:

Hereafter in addition to the appointments of midshipmen to the United States Naval Academy as now prescribed by law, the Secretary of the Navy is allowed 15 appointments annually from the enlisted men of the Navy who are citizens of the United States and not more than 20 years of age on the date of entrance to the Naval Academy and who shall have served not less than one year as enlisted men on the date of entrance: *Provided*, That such appointments shall be made in the order of merit from candidates who have passed such physical and such competitive mental examinations as the Secretary of the Navy shall prescribe; and candidates so selected shall then be required to pass the physical and mental examinations now required by law for entrance to the Naval Academy.

Mr. THORNTON. Mr. President, I desire to say that this is the same amendment, except a change as to the number to be appointed and the time of service, that was ruled out on a point of order last Wednesday raised by the Senator from Massachusetts [Mr. WEEKS]. The Senator from Massachusetts, however, is perfectly willing that the amendment in its present shape shall be adopted.

Mr. LODGE. A point of order was made by my colleague, the junior Senator. Is the age changed?

Mr. SMOOT. Yes; from 22 to 20.

Mr. THORNTON. I will say to the Senator that it was submitted to his colleague.

Mr. LODGE. I did not hear that part of the Senator's statement.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THORNTON. I now send up the following amendment.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 37, after line 17, after the numerals "$9,788,000," insert the following proviso:

"*Provided*, That the Secretary of the Navy be authorized at his discretion to issue free of cost the national flag, United States national ensign No. 7, used for draping the coffin of any officer or enlisted man of the Navy or Marine Corps whose death occurs while in the service of the United States Navy or Marine Corps, upon request, to the relatives of the deceased officer or enlisted man or, upon request, to a school, patriotic order, or society to which the deceased officer or man belonged.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. Also add the word "*further*," after "*Provided*," in the bill at that point.

The amendment was agreed to.

Mr. THORNTON. I send up the following amendment.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 59, line 2, strike out the word "steam" before the word "machinery," so that, if amended, it will read:

Construction and machinery: On account of hulls and outfits of vessels and machinery, etc.

The amendment was agreed to.

Mr. THORNTON. I now send up the following amendment.

The SECRETARY. On page 59, after line 13, insert as a separate paragraph:

A committee is hereby authorized to be appointed, to consist of one member of the Committee on Naval Affairs of the Senate and one member of the Committee on Naval Affairs of the House of Representatives, to be selected by the chairmen of the respective committees, and one naval officer, to be selected by the Secretary of the Navy, to investigate and report at the next regular session of Congress upon the selection of a suitable site for the erection of an armor plant to enable the United States to manufacture its own armor plate and specialtreatment steel capable of standing all ballistic and other necessary tests required for use in vessels of the Navy at the lowest possible cost to the Government, taking into consideration all of the elements necessary for the economical and successful operation of such a plant, such as the availability of labor, material, and fuel, and transportation facilities to and from said plant. Said report shall contain the cost of a site sufficient

to accommodate a plant having an annual output capacity of 20,000 tons and a site for an output of 10,000 tons, and also an itemized statement of the cost of the necessary buildings, machinery, and accessories for each, and the annual cost and maintenance of each, and the estimated cost of the finished product.

Said committee is authorized to sit during the recess of Congress, to send for persons and papers, and to administer oaths.

The sum of $5,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of said committee and to be immediately available.

Mr. GALLINGER. Mr. President, a few days ago, when a somewhat similar amendment was offered, the junior Senator from Pennsylvania [Mr. OLIVER] made a point of order against it. I will ask the Senator who has offered the amendment if that Senator had any information that this amendment would be offered?

Mr. THORNTON. The only information I have on the subject is that the department thought that, drawn in this way, it would cover the objections made by the Senator from Pennsylvania, and that in this shape it would not be subject to the point of order.

Mr. GALLINGER. Mr. President, I would make the point of no quorum, and I hope the Senator from Pennsylvania will come in.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Kenyon	Page	Sterling
Bristow	Kern	Perkins	Stone
Bryan	La Follette	Ransdell	Swanson
Catron	Lane	Saulsbury	Thomas
Chamberlain	Lee, Md.	Shafroth	Thornton
Clapp	Lewis	Sheppard	Tillman
Cummins	Martin, Va.	Simmons	Vardaman
Gallinger	Martine, N. J.	Smith, Ariz.	Warren
Gronna	Myers	Smith, Ga.	White
Hughes	Nelson	Smith, Md.	
James	Norris	Smith, Mich.	
Jones	Overman	Smoot	

Mr. MARTIN of Virginia. The senior Senator from West Virginia [Mr. CHILTON] is detained from the Senate on account of sickness in his family. He is paired with the Senator from New Mexico [Mr. FALL].

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably absent from the Senate.

Mr. THORNTON. I announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS] and will state that he is paired with the senior Senator from Pennsylvania [Mr. PENROSE]. I ask that this announcement may stand for the remainder of the day.

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of the absentees.

Mr. VARDAMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 2, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 1, 1914*.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, infinite Spirit, for that law of our being which takes us at times away from the busy whirl and turmoil of life's activities and brings us to Thee in prayer, where forgetting the conventionalities of society, commercial values, party strife, and religious differences we may lift our hearts to Thee in love and gratitude for past favors, confessing our sins, imploring Thy mercy and Thy guidance in all the duties of life.

Open Thou the crystal fountain,
Whence the living waters flow;
Let the fiery cloudy pillar
Lead us all the journey through;
Strong Deliverer;
Be Thou still our strength and shield.

In His name. Amen.

The Journal of the proceedings of Friday, May 29, 1914, was read and approved.

ADDRESSES AT ARLINGTON.

Mr. COX. Mr. Speaker, I ask unanimous consent to insert in the RECORD speeches delivered by the honorable Speaker of this House, the President of the United States, and Senator SMOOT at Arlington Cemetery on Decoration Day, May 30.

The SPEAKER. The gentleman from Indiana asks unanimous consent to have printed in the RECORD speeches made by the President, Senator SMOOT, and the Speaker at Arlington. Is there objection?

Mr. MANN. I would suggest to the gentleman he have printed the introductory speeches, also, of the different speakers.

Mr. COX. I will put them in if I can get them. I think they are in the Post.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GRIEST, until such time as his physician consents to a renewal of active duties.

To Mr. STEPHENS of California, for six days, on account of duties connected with the Board of Visitors, United States Naval Academy, Annapolis, Md.

MIGRATORY BIRD LAW.

Mr. BARTLETT. Mr. Speaker, I ask permission to extend my remarks by inserting in the RECORD a decision of Judge Trieber, of the United States District Court for the Eastern District of Arkansas, rendered on Saturday, upon the constitutionality of the migratory bird law.

Mr. COX. How does he hold?

Mr. BARTLETT. That it is unconstitutional.

The SPEAKER. The gentleman from Georgia asks unanimous consent to print a decision by Judge Trieber in reference to the migratory bird law.

Mr. BARTLETT. In which the law was held to be unconstitutional.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ORDER OF BUSINESS.

Mr. KINDEL. Mr. Speaker, I would like to call the attention of the House to the fact that the notice of the Lindsey meeting last week is incorrect as published in last Friday's RECORD, relating to the meeting held in the matter of the coal strike. Can that be corrected?

Mr. GARNER. The gentleman's statement corrects it.

The SPEAKER. All the gentleman can do is to make a statement in contradiction of it; the gentleman can not correct the text of the article. Neither the gentleman has the right, the House, nor the whole Congress.

Mr. KINDEL. Mr. Speaker, I would say that this meeting which was held was a Socialist meeting, and——

Mr. FOSTER. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from Illinois demands the regular order, and the regular order is to go into committee.

COMMISSION ON NATIONAL AID TO VOCATIONAL EDUCATION.

Mr. HUGHES of Georgia. Mr. Speaker, I would ask the gentleman to withhold his demand for the regular order for a moment. The Commission on Vocational Education wish to make their report, and the time is limited.

Mr. FOSTER. I have no objection to that, but I do not think we ought to have this coal strike discussed at this time.

The SPEAKER. Does the gentleman withhold his objection?

Mr. FOSTER. I do, in order that the gentleman from Georgia may make his report.

Mr. HUGHES of Georgia. Mr. Speaker, the Commission on National Aid to Vocational Education was created by an act approved January 24, 1914, authorizing the President of the United States to appoint a commission of nine members to consider the subject of national aid to vocational education and report their findings and recommendations not later than June 1. This commission, Mr. Speaker and gentlemen of the House, was composed of four congressional members and five noncongressional members. This general committee has been in session for two months, almost every day. The subcommittee composed of noncongressional members were in session not only all day but frequently at night. Too much credit, Mr. Speaker, can not be given to the noncongressional subcommittee——

Mr. MANN. Does the gentleman intend to prefer a request?

Mr. HUGHES of Georgia. If the gentleman will wait a few minutes, I just wish to make these preliminary remarks.

Mr. MANN. I am not willing to wait unless I know what is coming.

Mr. HUGHES of Georgia. It will be all through in half a second.

Mr. MANN. It will be; that is true.

Mr. HUGHES of Georgia. Does the gentleman object. I hope he will not.

The SPEAKER. Has the gentleman from Georgia any request?

Mr. HUGHES of Georgia. I wanted to say this much: This committee is ready to make their report and submit it. They are not asking for an extension of time nor are they asking for an

I presume this amendment was drawn by some one interested in an association of clergymen; and it is possible that the word "captain" may mean in their estimation the same thing in the Navy that it does in the Army. In the Navy, however, the highest officer on the biggest battleship afloat, unless he is in command of the fleet, is a captain, and it seems to me that with all the authority and responsibility a captain has and all he had to do to attain the grade of captain, he ought not to have at his side with the same rank the parson who leads in religious devotion those who may be on the ship.

Mr. MARTINE of New Jersey. Mr. President, I will say that I was spoken to by a chaplain in the Navy with reference to this particular provision. The number allowed, I think we will all agree, is spread out quite thin enough, 1 chaplain to 1,250 men.

Mr. WARREN. I have no objection to the number of chaplains being increased.

Mr. MARTINE of New Jersey. The argument advanced for higher rank, as he put it to me, was that it would give them a more commanding position in the Navy, and that their influence would correspondingly be made more important and valuable in that way. Whether the higher rank carries with it any additional salary I am not prepared to say.

Mr. LODGE. It does not.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Massachusetts tells me it does not.

Mr. WARREN. I differ from the Senator from Massachusetts as to that; but, allowing that he is right, I do not know of any reason why a chaplain, in order to have greater influence of a spiritual nature over his charge, should have equal rank with the captain of a battleship, the highest rank in the Navy, except that of admiral. This is the trouble, let me say——

Mr. HUGHES. Mr. President, what rank do the chaplains in the Army have?

Mr. WARREN. A chaplain in the Army has the rank of captain, with the exception that a small percentage, after, I think, 30 years' service, have the rank of major. This provision gives chaplains in the Navy the relative rank of colonel, lieutenant colonel, and major in the Army; that is, 10 per cent are to have the relative rank of colonel, 20 per cent are to have the relative rank of lieutenant colonel, and 20 per cent are to have the relative rank of major.

I do not see any reason for this, and I want to say what the result will probably be: In the Navy there has been a rule since long before any of us, perhaps, can remember that whatever advantages the Army had the Navy should also have. That being true—and in most matters it is made so by statute—the Army, on the other hand, naturally demands that it shall have what the Navy has. I see no necessity for having chaplains in the Navy with higher grade than chaplains in the Army. I do not see any reason why we should be called upon almost immediately to raise the rank of chaplains in the Army and Navy. It has been a very satisfactory service heretofore, if we may judge from the number of applicants we have for the position. I know that I have had, during my service in the Senate, hundreds of applications, and, although whatever it may be in the Navy, in the Army the position seems to be in an appointive way a perquisite of the President. I do not know of any President who has asked that the rank should be increased. I do know, however, that in the medical branch, in the dentistry branch, and in the veterinary branch the officers connected therewith are always trying to get higher rank; and it has been the duty of the Committee on Military Affairs, so far as the Army is concerned, and of the Committee on Naval Affairs for the Navy, to hold the ranks level with one another according to the degree of responsibility. I dislike to see a position of this kind taken that is going to result in raising the rank of chaplains of the Navy above the rank held by chaplains in the Army. If it means no increase in salary, certainly there is no reason for it; and if it does mean an increase in salary, there is certainly no reason why chaplains in the Navy should receive greater rank than those in the Army. I understand the amendment was agreed to while I was absent by detail of the Senate, but I sincerely hope that it may be corrected in conference.

Mr. LODGE. Mr. President, in 1842 there were 24 chaplains created for the Navy.

Mr. WARREN. Will the Senator allow me to say that I do not object to increasing the number at all?

Mr. LODGE. In 1842 there were 24 chaplains created for the Navy. There were then 1,554 officers and 12,000 enlisted men. Now the number has grown to 3,600 officers and 61,000 men. The chaplains are absolutely inadequate for the service of the American Navy to-day. All the churches of the country, without exception, have united in asking for this increase in the number of chaplains, and it has been given, I think, in a very moderate way. They are to be added at the rate of only seven a year, and their number is to be increased until a limit of one for every 1,250 men is reached. I do not think the Senate can possibly disagree to the need of more chaplains in the Navy. The work they do is extremely valuable from every point of view.

When the personnel act was passed the chaplains were excepted specifically by name from the longevity pay increase which that act carried. They do not receive as much pay as the doctors and paymasters of similar relative rank, and that remains unchanged by this amendment.

As to the question of rank, doctors in the Navy can have relative rank as high as admiral; so can paymasters; and under this provision 10 chaplains are to have relative rank as high as captain in the Navy. Chaplains with that rank will not be sent to sea; there will be no conflict of rank; they will only have relative rank; but it does give them a certain recognition for long years of service.

If we give relative rank to staff officers, which has been the settled policy of the Navy for many years, I do not see why chaplains should not have at the end of many years' service relative rank as high as captain, which only 10 can receive. We have not raised the pay of chaplains; we have not given them the pay which other officers of the staff with relative rank receive. I have here somewhere the exact differences, which are perhaps worth looking at. They get $550 less when they get to be lieutenant commanders than a doctor or paymaster of the same grade; and that we have not raised. We have not increased their pay. I think we ought to have increased their pay, but we have not done it in this amendment. All we have done is to give, by very slow degrees, the number of chaplains which the Navy ought to have.

It is impossible for 24 chaplains to do the work of the United States Navy to-day. That number was based on a force of 14,000 men, all told. Now there are 61,000 men, and officers in proportion, as I have said—65,000 in round numbers.

Mr. LA FOLLETTE. Not enough to conduct the burial service.

Mr. LODGE. Why, no. There are not enough to put on the battleships that go to sea. There are not enough to be in the hospitals and in the navy yards of this country. It is utterly impossible for them to do it.

I think this is one of the best amendments that has been put into any naval bill. It was put in by the House committee and went out under their rule on a point of order. The point of order will not lie against the amendment here, because it is not general legislation. We have increased the Marine Corps here. We have increased other divisions here. It is a change of existing law, which is the House rule, but that is not our rule. Our rule is general legislation. This is simply increasing the numbers of a particular branch of the service, which has been done here repeatedly.

I think it would be a very great misfortune if this amendment should be lost. It was really agreed to by the House. It went out there only on a point of order. If it goes into conference it will be accepted. We have taken the House provision in our amendment. When you think of the relative rank that is given to doctors, paymasters, and civil engineers, I do not see any reason for refusing it to the chaplains.

Mr. WARREN obtained the floor.

Mr. THORNTON. Mr. President, will the Senator from Wyoming permit me now to answer the question he asked me some time ago?

Mr. WARREN. I shall occupy the floor only for a moment. There is no objection that I know of as to the number of chaplains. I think it is a very just and very worthy measure; but a comparison of the chaplains as to their rank with the officers of the Medical Service and the Engineers fails when you consider that in the medical line, for instance, the medical officers that arrive at the rank which is proposed here do so not only at the end of long and arduous service, but when they have charge of great divisions, when they have hundreds of doctors under them, when they have a great amount of responsibility and property in the way of stores of medicines, and so forth, in their charge. It is the same way with engineers and other officers. In the service of the chaplains, however, there is no routine of office now, and I know of none that can be imposed, where one officer has charge of great properties and the direction of a great number of men under him.

These chaplains, as I understand, are sent on different warships and to the different navy yards, and it seems to me worse to give them the rank and not the pay than it would to give them the pay and less rank. I see no good reason why the highest rank in the Navy should be given to some chaplain

who, as the Senator says, probably will not go to sea. I will admit that it makes a nice, soft place for some man who may have done good service, but I believe he would prefer to have less rank and more pay, to which I certainly should not object.

Mr. MARTINE of New Jersey. Mr. President, there are many of them who do go to sea. I have in my mind now one who has just returned from Vera Cruz. I am simply answering the particular point the Senator made, that they do not go to sea. I know he is mistaken in that particular statement.

Mr. SMITH of Michigan. The Senator knows that they desire to go.

Mr. MARTINE of New Jersey. I know that they desire to go and do go.

Mr. THORNTON. Mr. President, the Senator from Wyoming asked me some time ago if I could give the reasons that actuated the committee in creating the grade of captain for the chaplains. I have not had the opportunity to reply until now. I wish to say to him frankly that I do not know, because I was not present at the time the amendment was carried, being detained by request of the Secretary of Commerce on what was considered an important matter of business. Therefore I do not know of my own knowledge; but other members of the committee who were present will no doubt be able to explain the matter to the Senator's satisfaction; at least, I hope so.

Mr. SWANSON. Mr. President, I understand the Navy now confers the rank of captain on certain chaplains. This does not increase the pro rata number of those that can be captains, as I understand. The chaplains can not get pay exceeding that of junior commander. That is the limit of their pay. They already have the rank of captain in the Army. A chaplain in the Navy can not be higher than a major, as I understand. We do not change the law permitting them to have the rank of captain.

There is great necessity for this increase. There are only 8 battleships that are able to have chaplains now. Of the 24 chaplains that we now have, only 8 could be provided for battleships.

Mr. WARREN. The Senator will understand that there is no objection to the increase of the number.

Mr. SWANSON. There has been no change in the rank given them. We do not change the law in that respect.

Mr. WARREN. Why do you insert it here, then?

Mr. SWANSON. We keep up the same pro rata—10 per cent of them.

Mr. WARREN. Why do you insert it here, if it is already the law?

Mr. SWANSON. The law is that a certain pro rata of them are captains now, as I understand.

Mr. WARREN. I have not seen that law.

Mr. SWANSON. We keep up the same proportionate number. They are entitled to the rank but not to the pay of captain, as I understand, under the present law.

Mr. LODGE. They are not entitled to the pay of captain; but they have now the relative rank of major, I know, and I think some of them have the relative rank of captain. I do not think we give them any more rank or pay than they now have.

Mr. SWANSON. None of them.

Mr. WARREN. I should be glad to have the Senator produce the law, for I may be wrong about it.

Mr. WEEKS. Mr. President, I have here a list of chaplains in the Navy. There are five who have the relative rank of captain.

Mr. LODGE. I felt sure of that.

Mr. WEEKS. There are 7 who have the relative rank of commander. There are 5 who have the relative rank of lieutenant commander. There is 1 who has the relative rank of lieutenant. The remainder of the 24 have the relative rank of lieutenant, junior grade.

Mr. LODGE. Has the Senator the statute there?

Mr. WEEKS. I have not the statute. I have the Navy Register.

Mr. LODGE. The Navy Register certainly would not be contrary to the statute. I know they have the relative rank of major.

Mr. WEEKS. Under the provision which is offered here, the proportional number of chaplains of the relative rank of captain would be less than in the present establishment.

Mr. LODGE. Yes.

Mr. WEEKS. And the proportional number having the relative rank of commander would be less than in the present establishment, so that in reality the average rank of chaplains in the Navy will be lower than it is at present.

Mr. SWANSON. I think the Senator will find the law to be the act of June 29, 1906, found in the Navy Yearbook, at page 515, in which the pay and the increase in grades were fixed. This provision simply carries out, with the increase, the existing law with the present 24 chaplains, as I understand.

Mr. WARREN. Then, as I understand, this is really a limit on the present law? Is that the ground the Senator takes?

Mr. SWANSON. It is not a limit. It does not change the existing law as to the number.

Mr. WARREN. But as to the percentage?

Mr. SWANSON. As to the percentage; that is all.

Mr. WARREN. Of course the Senator will understand that I made no point of order. In fact, I could not do so, because the amendment was agreed to the other day. I did want this explanation, however, and I wanted it in the RECORD, because of what I have stated—the comity between the two branches of our fighting forces, each one jealous of its own. I wanted to meet the statement as to why that provision has been inserted here, what it means, and what it amounts to.

Mr. JONES. Mr. President, I should like to ask the Senator from Virginia [Mr. SWANSON] or the Senator in charge of the bill [Mr. THORNTON] with reference to this provision, as it has been discussed.

I received a telegram to-day very strongly objecting, as I understand, to this provision of the bill. I understand, also, that it was adopted a day or two ago in Committee of the Whole. I wish to ask what change, if any, from the existing law this provision makes in the method of selecting the chaplains?

Mr. LODGE. It makes no difference.

Mr. JONES. The plan of selecting them will be just the same as we have been following and are following now?

Mr. LODGE. They will be appointed in the same way.

Mr. JONES. By the same kind of board and with the same examinations as now?

Mr. LODGE. Precisely. That is all provided for in the amendment—their examinations and everything. The grade of acting chaplain is created.

Mr. JONES. I know that is provided in the amendment; but I wish to know whether the provision in the amendment is the same as we have been following in the past in selecting chaplains?

Mr. LODGE. Except that now chaplains appointed to the Navy from civil life, as they all are appointed now, are not appointed acting chaplains. They are given at once the grade of junior lieutenant.

Mr. JONES. What is the difference between the method provided in this amendment for the selection of chaplains in the Navy and the method pursued heretofore?

Mr. LODGE. None.

Mr. JONES. None at all?

Mr. LODGE. None at all, except the interposition of this grade of acting chaplain, which lasts three years after they first enter. Then they get their regular commission and their rank.

Mr. JONES. So that the only substantial part of this amendment is that it increases the number of chaplains?

Mr. LODGE. That is all.

Mr. JONES. I must confess that I can not see any especial objection to that, or any basis for the telegram I have received.

Mr. THORNTON. I now send up another committee amendment, which I ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 31, at the end of line 6, it is proposed to insert:

That the act approved August 22, 1912, making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, in so far as it relates to the payment of six months' pay to the widow of an officer or enlisted man, etc., be amended to read as follows:

"That hereafter, immediately upon official notification of the death, from wounds or disease not the result of his own misconduct, of any officer or enlisted man on the active list of the Navy and Marine Corps, the Paymaster General of the Navy shall cause to be paid to the widow, and, if no widow, to the children, and, if there be no children, to any other dependent relative of such officer or enlisted man previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, exclusive of any expenses of interment which the Government defrays under existing law."

Mr. WARREN. Mr. President, is it intended by that amendment to have six months' pay added to the funeral expenses?

Mr. THORNTON. Six months' pay exclusive of interment expenses; six months' pay to the widow or children of anyone who dies in the service, unless it was on account of his own misconduct.

Mr. WARREN. Yes; I understand. I wish to say that that is very much like what is already provided in the Army and

concerned, the Secretary can take the overhead charges, no matter what is appropriated for that purpose, and proportion those overhead charges to different items of work done in the yards, just as the private yards do. Those yards have repair work and they have ships for individuals and ships for the Government. They have dozens of items, and the work is going on, and they divide and apportion the overhead charges and all the different charges among the different items of work so as to ascertain the actual cost of each one.

The Secretary of the Navy is at perfect liberty, without any of this legislation whatever, to make such a statement as will show the actual and truthful cost of a battleship built in a Government yard. We do not need to change the bookkeeping account and provide that the books shall be properly kept. You need not provide for a juggling of the accounts in order to ascertain the cost of a battleship. You may keep the account according to the act of Congress making the appropriation, but when the Secretary comes to report to Congress or to make a memorandum for his own guidance in the department to determine the cost of a battleship or the cost of repairs on them or any other cost, he can apportion all the expenditures as in his judgment and the judgment of the experts in the department will be just and right and consistent with the facts.

There is no trouble whatever about it that I can see. It is incomprehensible to me that the Secretary of the Navy should come here complaining that he can not ascertain the cost of a battleship unless Congress legislates in respect to how he shall keep his accounts. Let him keep his accounts according to the truth and facts and in accordance with law, and when he comes to determine the cost of a battleship he can apportion the expenditures among the different pieces of work done in that yard in order to ascertain the cost of each.

I do not believe that there is the slightest difficulty in ascertaining truthfully the cost of a battleship without all this legislation here, and it is mischievous legislation, in my judgment, when it comes to a provision of law that Congress can appropriate money according to the estimates of the department for a certain purpose and the Secretary may use it for some other purpose. That is general legislation on this bill, and, in my judgment, it ought not to be allowed.

Mr. O'GORMAN. Mr. President, it would seem at first blush as though the matter of keeping accounts might be attended to by the Secretary of the Navy without the aid of legislation; but, as has been said by the Senator from Florida [Mr. BRYAN], owing to a ruling made by the Comptroller of the Treasury, the Secretary of the Navy, in order to accomplish the reform that he has in mind, needs the aid of this legislation.

I have substituted for the word "actually" the word "lawfully" in this amendment, and as amended I can not see any force in any criticism leveled at it, because, in substance, it merely provides that all moneys lawfully expended for yard maintenance shall be charged to yard maintenance. As modified I submit the amendment for the consideration of Senators.

Mr. MARTIN of Virginia. I make the same point of order. I do not see any difference myself.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Georgia?

Mr. O'GORMAN. I do.

Mr. WEST. If my idea about the matter is correct, in getting at the cost of a ship, in order to illustrate that with a simple example, there is $30,000,0000 worth of work done in a yard and battleships cost $10,000,000. Then the battleships ought to be charged up with one-third of the $30,000,000 worth of work that is being done in that yard. That would be correct bookkeeping.

Mr. CLAPP. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the junior Senator from Minnesota?

Mr. O'GORMAN. I do.

Mr. CLAPP. It seems to me the controversy has arisen from a misunderstanding of the purpose. There is no question that the senior Senator from Virginia [Mr. MARTIN] is correct in his position. The Secretary of the Navy for his own information, or to secure the basis of advice to Congress as to the desirability of building a battleship in a navy yard, can make such a statement as in his judgment the facts warrant. He can make such a distribution of the cost as he thinks the facts warrant. If that was all that was desired, no amendment would be necessary, because he can do that without any authority whatever from Congress.

But I understand that it goes further than that, and what the Secretary wants is a limited authority for the actual distribution of the funds in the building and repair of battleships. If that is desired, of course some additional authority is necessary.

Mr. MARTIN of Virginia. It is general legislation.

The VICE PRESIDENT. It is probably not appropriate for the Chair to inquire what language means, but he has listened for about two months to a discussion of the real meaning of language, and is not philologist enough to determine what it does mean. There seems to have been a statement that the real purpose of this amendment is to enable the Secretary of the Navy to make expenditures from any sum appropriated here, and, if it is lawfully made for yard maintenance, that he shall charge it to yard maintenance, regardless of whether the sum total thereof shall exceed the sum appropriated by Congress for yard maintenance or not.

Mr. O'GORMAN. Mr. President, if it should exceed the amount appropriated, would it be a lawful expenditure by the Secretary of the Navy?

The VICE PRESIDENT. The Chair is coming to that, because the word "lawfully" simply means that from the fund money may be spent for yard maintenance.

Mr. O'GORMAN. However, the word "lawfully" in that connection places a restraint upon the expenditures of the Navy Department. They must be lawful expenditures.

Mr. WARREN. But you make it lawful by saying that he can take it from any fund.

The VICE PRESIDENT. Under any designation whatever, the Chair's original ruling assumed that the sole purpose was to keep the amount of yard maintenance up to the amount of the appropriation for yard maintenance. Now, it seems to be the purpose to permit the Secretary of the Navy to expend any sum of money he pleases for yard maintenance out of any particular fund herein provided and to charge it up to yard maintenance. The Chair sustains the point of order.

Mr. TILLMAN. Mr. President, before this matter passes from the attention of the Senate, I want to say that the Secretary of the Navy when he entered upon his duties found a system of bookkeeping which he was told had been in long use there under the system in vogue there. He can not find out exactly what a battleship does cost or anything else. Under it battleships are charged with the cost of maintaining the yard and other expenditures which he does not think are just and reasonable. The yards will have to be maintained anyhow, whether the battleships are built in them or not, and it can readily be seen that by such bookkeeping the Government yard is made to appear in a very bad light as compared with private yards in building ships or making repairs or anything else. The committee desired to clarify the bookkeeping in accordance with the Secretary's wishes, and proposed the amendment which went out on the point of order Friday. Our efforts this evening to straighten matters out with that object in view have all failed. I have no fault to find with the rulings of the Chair, for I think he has been right. I have advised the Secretary of the Navy to revise his regulations and give orders for such a system of bookkeeping as he wishes, which will accomplish the purposes he has in view, and if the Comptroller of the Treasury turns him down, to come to Congress and we will try to give him relief.

Mr. THORNTON. I now send up another committee amendment and ask to have it read.

The VICE PRESIDENT. The amendment will be read.

The SECRETARY. On page 22, after line 2, insert the following proviso:

Provided, That the Secretary of the Navy is authorized to make such readjustments as may be necessary to equalize the pay of the clerical, drafting, inspection, and messenger force carried on the rolls of the navy yards and stations with the salaries paid employees of the other Government departments having like duties.

Mr. REED. Mr. President, a parliamentary inquiry. Do I understand that the amendment offered by the Senator from New York has been ruled out of order?

The VICE PRESIDENT. The Chair has ruled it out on the ground that it is general legislation.

Mr. REED. Has any business intervened?

The VICE PRESIDENT. An amendment has been presented just now, but the Chair has not the slightest objection to an appeal being taken from the decision of the Chair, and will grant that right.

Mr. REED. Mr. President, with all respect in the world for the opinion of the Chair, I appeal from the decision. I think, for once, the Chair is mistaken.

Mr. SWANSON. I make the point of order that business has intervened.

The VICE PRESIDENT. But the Chair never proposes to take advantage of that. The Chair will recognize the right of the Senator from Missouri to appeal.

Mr. SWANSON. The Chair might not; but business has intervened.

Mr. REED. I will say to the Senator from Virginia that I was in the Senate; I heard the colloquy; my attention was distracted for an instant by some one speaking to me, and I was utterly surprised when I knew that the point of order had been sustained. I do not think we ought to stand on a technicality of that sort when the Chair is entirely willing to let the Senate pass on the proposition.

Mr. MARTIN of Virginia. Mr. President, it is not a question, as I see it, as to what would be pleasing to the Chair; but it is a question of order on which we, of course, expect——

The VICE PRESIDENT. Of course, business has intervened; and if any Senator objects——

Mr. MARTIN of Virginia. I object. I consider the matter finally disposed of, and I raise the point of order.

Mr. REED. Mr. President——

The VICE PRESIDENT. It is therefore not the fault of the Chair that the Senator from Missouri can not now appeal from the ruling of the Chair.

Mr. JONES. I should like to have the amendment last submitted again stated.

Mr. REED. I beg the Senator's pardon. I heard the Chair rule this particular question in order. I was called from the Chamber a moment, and no appeal was entered to the ruling of the Chair that the amendment was in order. On my return I heard the colloquy. Of course, if the Senator from Virginia insists upon it, I presume the only way to bring the question up will be upon the floor of the Senate when we are sitting as a Senate, and I give notice now that I shall raise the question at that time. I desire to debate it.

Mr. JONES. I should like to have the amendment that was last sent to the desk again read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. On page 22, line 2, after the numerals "$425,000," it is proposed to insert the words:

Provided, That the Secretary of the Navy is authorized to make such readjustments as may be necessary to equalize the pay of the clerical, drafting, inspection, and messenger force carried on the rolls of the navy yards and stations, with the salaries paid employees of the other Government departments having like duties.

Mr. THORNTON. I will say to the Senator from Washington that it is simply in accordance with the rule of the Senate, and is the same provision that passed the Senate at the last session.

Mr. JONES. It seems to me, Mr. President, that is giving the Secretary of the Navy a power that Congress ought not to give him. If there should be a readjustment, it should be submitted to Congress and Congress should approve it. On the face of it, without further consideration, I am compelled to make the point of order against the amendment that it is general legislation.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. THORNTON. On behalf of the committee, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. On page 24, line 16, it is proposed to strike out "$10,000" and to insert in lieu thereof "$20,000," so that, if amended, it will read:

Navy Yard, Charleston, S. C.: To complete torpedo-boat berths (to cost not exceeding $300,000), $150,000; dredging, to continue, $20,000.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. THORNTON. On behalf of the committee, I now offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. On page 27, line 12, under the head of "Repairs and preservation of navy yards and stations," after the words "navy yards," it is proposed to insert "and Naval Observatory," so that if so amended it will read:

For repairs and preservation at navy yards and Naval Observatory, coaling depots, coaling plants, and stations, $1,100,000.

The amendment was agreed to.

Mr. THORNTON. I now offer the committee amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. On page 28, at the end of line 22, after "$142,000," it is proposed to insert the following:

Provided, That the expenditure of $40,000 is hereby authorized from the naval hospital fund for such temporary structures and equipment of the naval hospitals at Mare Island and Puget Sound as may be necessary to make especial preparation for the sick of the Navy and visiting fleets at the time of the Panama-Pacific International Exposition and to relieve the present crowded condition of those institutions.

The amendment was agreed to.

Mr. THORNTON. I now offer the committee amendment, which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from Louisiana will be stated.

The SECRETARY. On page 31, at the end of line 6, after the words "fiscal year," it is proposed to insert:

Provided further, That hereafter no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct shall receive pay for the period of such absence, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of the Navy: *And provided further*, That an enlistment shall not be regarded as complete until the enlisted man shall have made good any time in excess of one day lost by unauthorized absences, or on account of disease resulting from his own intemperate use of drugs or alcoholic liquors or other misconduct, or while in confinement awaiting trial or disposition of his case if the trial results in conviction, or while in confinement under sentence.

Mr. LODGE. Mr. President, I thought I was present at all meetings of the committee, but I never heard that amendment read. It is all new to me.

Mr. HUGHES. Unless the Senator from Massachusetts intends to do so, I desire to make the point of order against the amendment.

Mr. THORNTON. This amendment was adopted at a meeting held on May 14.

Mr. HUGHES. Certainly it is pretty general legislation.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. LODGE. I repeat, I thought I was at every meeting of the committee, though I may not have been. I was at every called meeting.

Mr. THORNTON. I can remember that on at least one occasion—I will not say that it was on the occasion when this amendment was adopted—the Senator from Massachusetts asked to be excused on account of having to attend another committee meeting after he had been at the meeting of the committee for a short while.

Mr. LODGE. I did not leave the committee room on that occasion, and I never heard the amendment before it was read at the desk. However, the point of order having been made and sustained, the amendment is gone.

Mr. WARREN. Mr. President, I do not desire to delay the Senator in charge of the bill, but I wish to ask a question. In the text of the amendment to which the amendment just ruled out of order was an amendment I notice there is a provision for chaplains, a large additional number of whom are probably necessary. I notice that a certain percentage—10 per cent, I think—are to have the rank of captain in the Navy, which is equal to the rank of colonel in the Army.

Mr. THORNTON. Is the Senator now alluding to the provision as to chaplains?

Mr. WARREN. Yes.

Mr. THORNTON. We are not on that now.

Mr. WARREN. I am asking the question because we are right at that point now. A certain number of chaplains are to have the relative rank of colonel in the Army, a certain number the rank of lieutenant colonel, a certain number the rank of major, and so forth. Of course in the Army, where a chaplain has charge of many more troops than a chaplain in the Navy, so far as their spiritual well-being is concerned, they have the rank of captain, with the exception that a few chaplains, after very long service, have the rank of major. I should like some little explanation of this provision, as I was absent on business of the Senate the day this amendment was acted on.

Mr. THORNTON. Will the Senator please tell me what he wishes explained? I do not know that I can explain it, but I will do the best I can.

Mr. WARREN. On page 32, just following the place where the last amendment was offered, it is provided:

Hereafter the total number of chaplains and acting chaplains in the Navy shall be 1 to each 1,250 of the total personnel of the Navy and Marine Corps, as fixed by law, including midshipmen, apprentice seamen, and naval prisoners—

I believe that will increase the number from about 24, the present number, to about 49 or 50. Then follows this provision:

And of the total number of chaplains and acting chaplains herein authorized 10 per cent thereof shall have the rank of captain in the Navy, 20 per cent the rank of commander, 20 per cent the rank of lieutenant commander, and the remainder to have the rank of lieutenants and lieutenants (junior grade).

to yards and docks money which is appropriated for battleships, making them cost a great deal more than they ought to cost.

Mr. WARREN. Then it is clearly out of order. There is no question about that.

Mr. CUMMINS. Mr. President, the necessity for this amendment is so apparent that I feel like saying just one word about it.

I have no difference with the Chair regarding his construction of the amendment as now written; but I suggest to the chairman of the committee that if he would change the amendment so as to read:

All sums lawfully used for yard maintenance in yards in which ships are built shall be charged to yard maintenance account—

I think then it would not be subject to the point of order.

The VICE PRESIDENT. It is not the business of the Chair to make suggestions, but the Chair, as at present advised, would hold this amendment in order if it read in this way:

That all expenditures appropriated for in this bill, under whatever designation appropriated, which do not actually constitute a part of yard maintenance, shall not be charged to the yard-maintenance fund.

It seems to the Chair that would be in order.

Mr. LODGE. Mr. President, I am inclined to think the language suggested by the Chair would meet the difficulty, but I desire to say to the Senate that the reason for attempting to do this is because we do not appropriate properly. We appropriate a certain sum for yards and docks, and then we take out of "Increase of the Navy" other large sums, and use them for yard maintenance.

The appropriations ought not to be made in that way. The "Increase of the Navy" appropriation ought to be reduced, and a corresponding amount added to the maintenance of yards and docks. That is the proper and direct way of getting at it. Then we should not have this difficulty of false costs.

The VICE PRESIDENT. As the amendment now stands, the Chair will hold that it is general legislation; that it is not a limitation upon the expenditure of money by the Secretary of the Navy; but it is general legislation suffering and permitting him to pay, at his discretion, all the moneys appropriated in this bill——

Mr. TILLMAN. Mr. President, before the Chair finishes his ruling, I wish to ask if he will modify the amendment as he suggested and make it in order, because it will accomplish what we are trying to do—prevent bookkeeping from showing things charged to battleships which do not belong there.

Mr. WARREN. Mr. President, if I am in order, I will suggest to the chairman of the committee that the way to meet that difficulty is to enlarge the direct appropriation for yards and docks.

Mr. LODGE. That is the way to do it, of course.

Mr. WARREN. That is regular. The committee have the power to offer such an amendment, and, of course, it would not be out of order.

Mr. MARTIN of Virginia. Mr. President, I simply desire to suggest that it is a most extraordinary thing that the Chair should prepare an amendment to be submitted to the Senate. I have understood that the prerogatives of the Chair were to preside over the Senate, and not to prepare amendments. I object to such an innovation as that on the proceedings of a legislative body.

The VICE PRESIDENT. The Chair will sustain the point of order to the amendment as presented.

Mr. O'GORMAN rose.

Mr. LODGE. I now offer, on behalf of the committee——

Mr. THORNTON. Mr. President, I wish to say to the Senator from Massachusetts that the committee has not finished offering its amendments. As soon as it has done so I will give way to him.

Mr. LODGE. Very well. I think the Senator had better offer the amendment himself. I will send the amendment to him. I was simply authorized and directed, by a unanimous vote of the committee, to offer it.

Mr. THORNTON. I wish to say to the Senator that I have not the slightest objection to his offering the amendment, but I did ask him to wait until we got through with these others, and then offer it. I am perfectly willing for him to offer it, but I do not want him to put it in that way, as if I were objecting to his offering it. All I asked in the beginning was that he should wait until we got through with these.

Mr. LODGE. I thought the Senator had concluded, because I saw that the Senator from New York [Mr. O'GORMAN] was about to offer an amendment. I think, however, the Senator from Louisiana had better offer this amendment. He is acting as chairman, and I think he had better take charge of it.

Mr. O'GORMAN. I offer as a substitute, on behalf of the committee, an amendment to take the place of the one which was just proposed, and to which the point of order was sustained.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after the numerals "$425,000," it is proposed to insert:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated, which are actually expended for yard maintenance, shall be charged to yard maintenance.

Mr. MARTIN of Virginia. I make the same point of order.

The VICE PRESIDENT. The Chair overrules the point of order. The question is on agreeing to the amendment, unless there is an appeal from the ruling of the Chair.

Mr. WARREN. Mr. President, if that is to be the construction hereafter in appropriating for the various subjects in appropriation bills, we might as well appropriate in a lump sum one hundred and odd millions for the Navy, and let it go at that.

Some years ago an attempt was made in the Senate to have the naval bill subdivided as is the Army bill and as are other appropriation bills. As these bills originate in the House, the best that could be done was to incorporate in the bill certain language calling on the department to estimate in future in the manner that estimates are made for other bills. As a matter of fact, either the department has not so estimated or, if it has so estimated, those erecting the appropriation bill have not paid attention to it, except as to the Marine Corps and the Naval Academy.

One who is familiar with appropriation bills, if he looks through this bill, will find that when he comes to the Marine Corps and the Naval Academy more proper subdivisions are made; the amounts are subdivided so that we can tell where the money goes; but as to the balance of the bill, we start in here with the very first paragraph, as follows:

The Secretary of the Navy shall send to Congress at the beginning of its next regular session a complete schedule or list showing the amount of money of all pay and for all allowances for each grade of officers in the Navy, including retired officers, and for all officers included in this act and for all enlisted men so included.

That language has been in every naval appropriation bill for five or six years, and it has been deliberately ignored every year in building up this bill. As a matter of fact, we find slush funds here, over $40,000,000 in one, and various sums running up to several millions in others; and not satisfied with that, there seems to be a proposition in this amendment offered now to take what has been heretofore in a slight degree subdivided and practically put it into one fund and make it apply throughout the bill.

I have no objection to appropriations of the proper sum for navy yards and docks, but it ought to be done in the regular way. If we are going to have any rule or any law or any order or any knowledge or any economy about appropriations, we ought not to hide them under a bushel, as has been done here year after year as to a part of the naval bill. When, now, the broad proposition comes that we put in the bill an amendment that enables the department to take any amount of money anywhere in the bill that it wants for yards and docks, as I have said, we might just as well strip it and say "$150,000,000," or whatever is necessary, "for the Navy," and let it go at that.

Mr. CRAWFORD. May I ask the Senator from Wyoming if the real purpose of this amendment, instead of being to promote correct bookkeeping, is not simply to give authority to these people to use funds for this purpose which have been appropriated for one purpose?

Mr. WARREN. Certainly.

Mr. CRAWFORD. Then why not say so?

Mr. WARREN. That is the direct effect of it.

Mr. CRAWFORD. It seems to me that, instead of seeking to promote correct bookkeeping, it is to secure authority to divert an appropriation from the purpose named and to use it for another purpose.

Mr. WARREN. It is to give authority to the directing power to take the money and use it as they wish instead as we have intended to appropriate it.

Mr. JONES. I should like to ask the Senator from New York whether or not this amendment permits money that has been appropriated for maintenance purposes to be used for maintenance purposes.

Mr. O'GORMAN. It states, in substance, that the money which has been actually expended for yard maintenance shall be charged up to yard maintenance. By an erroneous system which has heretofore prevailed it has appeared that items of expenditure made in connection with yard maintenance have been added to the actual cost of the construction of a ship. There is one instance in the case of the *New York*, built recently in the

Brooklyn Navy Yard. The overhead charge for yard maintenance aggregated more than a million dollars; yet it was charged as a part of the cost of actual construction of the ship, as was stated by the distinguished chairman of the Naval Committee, the Senator from South Carolina [Mr. TILLMAN], a few days ago.

Unhappily, in years past private shipyard interests in this country have had a sufficient influence respecting the methods of keeping the books of the Navy Department to make it appear that the building of ships by the Government was far more expensive than the building of like ships by private enterprise. The time has now come when that system should be changed and the evil should be eradicated, and it is the judgment of the Secretary of the Navy as well as the judgment of most of the members of the Naval Committee, if not of all, that that system will be changed by the adoption of this amendment.

Mr. WARREN. This proposed amendment simply perpetuates it and makes it lawful to do this. It does not prevent such a practice. It is within the power of the Secretary of the Navy now to cease the operation of such a practice.

Mr. JONES. I wish to ask the Senator from New York another question, simply for information.

Mr. BRYAN. I will tell the Senator that the Secretary of the Navy appeared before the committee and stated that under the ruling of the comptroller he was unable to charge to the yard maintenance what actually was spent for that purpose, but he was forced under that ruling to charge expenditures upon yard maintenance to the battleships. It was to get away from that ruling that he asked that this amendment be made.

Mr. JONES. This amendment does not permit the Secretary to take a fund appropriated for some particular purpose and use it for maintenance purposes?

Mr. O'GORMAN. It does not under the language used.

Mr. SWANSON. I will explain it.

Mr. JONES. Is there any law now under which he is authorized to use for the purpose money appropriated for some purpose other than maintenance?

Mr. O'GORMAN. Not that I know.

Mr. JONES. It is the purpose of the amendment, I understand, to provide that a fund used for maintenance shall be charged to maintenance.

Mr. O'GORMAN. That is correct; and that the fund used for construction shall be charged only to construction.

Mr. SWANSON. If the Senator will permit me, here is $7,800,000 appropriated for battleships.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Minnesota?

Mr. SWANSON. I do.

Mr. NELSON. The vice of this amendment is that it is more than a matter of bookkeeping. It practically authorizes the Secretary of the Navy to take out of any appropriation made in the bill and apply it to the maintenance of yards and then make the bookkeeping accordingly. It is throwing the door wide open and giving the Secretary of the Navy power to divert any appropriation, for whatever purpose made, to the maintenance of yards. The amendment goes too far. If you want to limit it to bookkeeping simply, change your amendment into a proper form.

Mr. O'GORMAN. Is it possible that the Senator from Minnesota is directing his remarks to the Senate committee amendment as it appears in the printed bill, or is he keeping in mind the amendment I have offered?

Mr. NELSON. It is the amendment which has just been offered by the Senator from New York.

Mr. O'GORMAN. I will ask the Secretary to read that amendment again, and we will see if it is subject to that construction.

The VICE PRESIDENT. The amendment will be again read.

The Secretary read as follows:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated, which are actually expended for yard maintenance shall be charged to yard maintenance.

Mr. NELSON. That is, if it is expended for that purpose it shall be charged to it, but it gives the power to take money out of any appropriation and use it for that purpose. That is the vice of the amendment.

Mr. O'GORMAN. I would not suppose that this language would confer that authority upon the Secretary of the Navy if it is not given to him elsewhere.

Mr. WARREN. There is not any question about it.

Mr. SWANSON. I will explain this particular appropriation. Here is an appropriation made in the bill of $7,800,000 for battleships. The only way by which to draw the pay for that is to draw against that appropriation. If you draw for the maintenance of yards, the comptroller will not honor the warrant. So this will enable the Secretary of the Navy, as the Senator from Minnesota very properly says, to expend a part of the $7,800,000 for maintaining a yard; and if he actually spent it for maintaining the yard, then the warrant will be honored by the comptroller and it will be paid.

The VICE PRESIDENT. Is that the construction?

Mr. SWANSON. That is the construction to be placed upon it.

The VICE PRESIDENT. On this amendment?

Mr. SWANSON. On the amendment. It says, "Any funds that are actually expended for maintenance"; that is, anywhere in the bill. You can not draw it if appropriated for a battleship or appropriated for some other purpose. If he actually spends it in maintaining a yard, then it shall be charged accordingly, and that will be honored. That is the construction I place on it.

The VICE PRESIDENT. The Chair, then, will be compelled to reverse his ruling and sustain the point of order, if that is what the amendment means.

Mr. SWANSON. That is what it means.

Mr. O'GORMAN. Mr. President——

Mr. WARREN. There is not any kind of question about it. The comptroller knows that it means that and nothing else, and it can not mean anything else.

Now, I do not wish to be understood as cramping the Navy or the naval appropriation bill, or embarrassing the Naval Committee; I want to work with them; but for this kind of a practice to creep into our appropriation bill means absolute chaos. It means to leave in the department the entire control. The Secretary can spend $100,000 or $5,000 or $500,000, and charge it up to docks and yards, and we could find out sometime afterwards, perhaps, how much it cost us for docks and yards, but know little of costs or what might be going on meantime. If the Secretary of the Navy has estimated wrongly, or if there is something that has come in since from the comptroller that requires legislation or regulation, and the committee feels that the Secretary is embarrassed, he can send another and later estimate covering the ground, and the committee can put it in proper form by joint resolution or otherwise.

I might say that when we make the appropriation for battleships, and I wish the attention of the Senator from Virginia for a moment, when stating that so many millions shall be appropriated for battleships, we might provide that not exceeding a certain amount or percentage should be used from each such appropriation for yards and docks. But we can not leave things at loose ends all through the bill, so that the entire appropriation can be used as the department may see fit.

Mr. NELSON. Will the Senator from New York yield to me for a moment?

Mr. O'GORMAN. I will.

Mr. NELSON. I wish to make one suggestion. I think a very brief amendment will accomplish what the Senator intends to accomplish. Let it read:

Provided further, That whatever sums are lawful and properly expended by the Secretary of the Navy for yards and docks shall be charged as such.

That covers it.

Mr. O'GORMAN. I will substitute for the word "actually" the word "lawfully," so that it will read:

Provided further, That all expenditures appropriated in this bill, under whatever designation appropriated, which are lawfully expended for yard maintenance shall be charged to yard maintenance.

Is that satisfactory?

Mr. WARREN. That does not cover the point.

Mr. O'GORMAN. Why not?

Mr. WARREN. It does not cover the point because our appropriations are separated under different heads.

Mr. TILLMAN. Will the Senator from Wyoming prepare an amendment that he thinks will cover the point?

Mr. WARREN. I am not a member of the committee. I am not working against you. I am not against the proper appropriation being given.

Mr. TILLMAN. I am just after honest bookkeeping; and the Secretary of the Navy states that under the ruling of the comptroller he can not do it.

Mr. MARTIN of Virginia. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Virginia?

Mr. O'GORMAN. Yes.

Mr. MARTIN of Virginia. Possibly I am mistaken, but this whole matter is a most amusing one to me. The Secretary of the Navy can ascertain the cost of a battleship. He need not limit himself to book items as to where the matters are charged. He can keep his books according to law. If an appropriation is made for one purpose, it ought to be used for that purpose. If it is not used for that purpose, he is violating the law. So far as ascertaining the cost of a battleship is

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Oregon [Mr. LANE] and vote. I vote "nay."

Mr. HITCHCOCK. I desire to announce that the Senator from Delaware [Mr. SAULSBURY] is absent and paired with the Senator from Rhode Island [Mr. COLT].

Mr. LODGE (after having voted in the affirmative). I have a general pair with the Senator from Georgia [Mr. SMITH], but as he would vote as I have voted on this question I will allow my vote to stand.

Mr. CRAWFORD. I have a general pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of the following Senators: The Senator from Arkansas [Mr. CLARKE], who is paired with the Senator from Utah [Mr. SUTHERLAND]; the Senator from Texas [Mr. CULBERSON], who is paired with the Senator from Delaware [Mr. DU PONT]; the Senator from New Hampshire [Mr. HOLLIS], who is paired with the Senator from Maine [Mr. BURLEIGH]; and the Senator from Maryland [Mr. SMITH], who is paired with the Senator from Vermont [Mr. DILLINGHAM].

Mr. JONES. I understand I can transfer my pair with the Senator from South Carolina [Mr. SMITH] to the Senator from New Hampshire [Mr. GALLINGER], which I do, and vote "nay."

The result was announced—yeas 15, nays 41, as follows:

YEAS—15.

Bryan	Martin, Va.	Simmons	Tillman
Chilton	Oliver	Stone	West
Lewis	Overman	Swanson	White
Lodge	Shively	Thornton	

NAYS—41.

Ashurst	Gronna	Nelson	Smoot
Borah	Hitchcock	Norris	Stephenson
Brady	Hughes	O'Gorman	Sterling
Bristow	James	Page	Thomas
Burton	Jones	Perkins	Thompson
Catron	Kenyon	Pomerene	Vardaman
Chamberlain	Kern	Reed	Walsh
Clapp	La Follette	Root	Warren
Clark, Wyo.	Lee, Md.	Shafroth	
Crawford	Lippitt	Sheppard	
Cummins	Martine, N. J.	Smith, Ariz.	

NOT VOTING—39.

Bankhead	Gallinger	Newlands	Smith, Ga.
Brandegee	Goff	Owen	Smith, Md.
Burleigh	Gore	Penrose	Smith, Mich.
Clarke, Ark.	Hollis	Pittman	Smith, S. C.
Colt	Johnson	Poindexter	Sutherland
Culberson	Lane	Randell	Townsend
Dillingham	Lea, Tenn.	Robinson	Weeks
du Pont	McCumber	Saulsbury	Williams
Fall	McLean	Sherman	Works
Fletcher	Myers	Shields	

The VICE PRESIDENT. The Senate disagrees to the first clause of the Senate committee amendment, to wit, the amendment which proposes to strike out the words "One of the battleships hereby authorized shall be built and constructed at a Government navy yard," and those words remain in the bill.

The question now is upon agreeing to the amendment of the committee proposing to strike out the second clause of the paragraph, reading:

And the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment, and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

Mr. OLIVER. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Pennsylvania will state his parliamentary inquiry.

Mr. OLIVER. I ask if those words have not already been stricken out of the bill on a point of order?

The VICE PRESIDENT. No.

Mr. REED. A parliamentary inquiry. I remember distinctly on Friday raising the point of order——

The VICE PRESIDENT. That was on the amendment proposed to the committee amendment by the Senator from Mississippi [Mr. WILLIAMS], which raised the amount from $200,000 to $400,000; and the Chair sustained the point of order.

Mr. REED. I stand corrected. As I understand, a vote "yea" at the present time is a vote to strike out of the bill the provision for the $200,000 appropriation?

The VICE PRESIDENT. A vote "yea" is a vote to strike that out of the bill. The question is on agreeing to the committee amendment striking out the second clause of the paragraph. [Putting the question.] By the sound the ayes seem to have it.

Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Announcing my pair as before, and its transfer, I vote "nay."

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and will vote. I vote "yea."

Mr. JAMES (when his name was called). I transfer my pair with the junior Senator from Massachusetts [Mr. WEEKS] to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

Mr. MYERS (when his name was called). In the absence of my pair, the junior Senator from Connecticut [Mr. MCLEAN], I withhold my vote.

Mr. REED (when his name was called). I make the same transfer that I announced on a previous vote and vote "yea."

Mr. WARREN (when his name was called). Under the same transfer of pair as heretofore announced, I vote "yea."

The roll call was concluded.

Mr. CLARK of Wyoming. I ask whether the senior Senator from Missouri [Mr. STONE] has voted?

The VICE PRESIDENT. He has not.

Mr. CLARK of Wyoming. Having a pair with that Senator, I withhold my vote.

Mr. CRAWFORD (after having voted in the affirmative). I failed to announce my pair with the senior Senator from Tennessee [Mr. LEA]. I transfer that pair to the junior Senator from California [Mr. WORKS] and will allow my vote to stand.

Mr. JONES. I desire to announce that I have a pair with the junior Senator from South Carolina [Mr. SMITH], and therefore refrained from voting. I also desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is necessarily absent from the city.

Mr. GOFF. I transfer my pair with the senior Senator from Alabama [Mr. BANKHEAD] to the senior Senator from Connecticut [Mr. BRANDEGEE] and will vote. I vote "yea."

Mr. MYERS. I transfer my pair with the junior Senator from Connecticut [Mr. MCLEAN] to the junior Senator from Nevada [Mr. PITTMAN] and will vote. I vote "nay."

The result was announced—yeas 44, nays 12, as follows:

YEAS—44.

Ashurst	Gallinger	Nelson	Shively
Borah	Goff	Norris	Simmons
Brady	Gore	O'Gorman	Smoot
Bristow	Gronna	Oliver	Stephenson
Bryan	Hughes	Page	Sterling
Burton	Kenyon	Perkins	Thomas
Catron	Kern	Pomerene	Thompson
Chamberlain	La Follette	Reed	Vardaman
Clapp	Lippitt	Root	Walsh
Crawford	Martin, Va.	Shafroth	Warren
Cummins	Martine, N. J.	Sheppard	White

NAYS—12.

Chilton	Lewis	Overman	Thornton
James	Lodge	Smith, Ariz.	Tillman
Lee, Md.	Myers	Swanson	West

NOT VOTING—39.

Bankhead	Fletcher	Owen	Smith, Md.
Brandegee	Hitchcock	Penrose	Smith, Mich.
Burleigh	Hollis	Pittman	Smith, S. C.
Clark, Wyo.	Johnson	Poindexter	Stone
Clarke, Ark.	Jones	Randell	Sutherland
Colt	Lane	Robinson	Townsend
Culberson	Lea, Tenn.	Saulsbury	Weeks
Dillingham	McCumber	Sherman	Williams
du Pont	McLean	Shields	Works
Fall	Newlands	Smith, Ga.	

The VICE PRESIDENT. So that portion of the committee amendment which asks to strike out of the bill the following words:

And the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built, with the necessary building slips and equipment, and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed—

is agreed to, and that language is stricken from the bill.

Mr. LODGE. The committee amendments are not yet concluded.

Mr. THORNTON. Mr. President, while that disposes of the last of the committee amendments that are incorporated in the bill, there are various other amendments which will now be submitted, beginning with the one I now send to the desk and ask to have read.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. After line 13, on page 6, the committee proposes to insert the following paragraph:

That officers who now perform engineering duty on shore only shall be eligible for any shore duty compatible with their rank and grade to which the Secretary of the Navy may assign them.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. BRISTOW. Mr. President, I should like to know the reasons for that change in the law. Do not officers, when they are on shore duty, get additional pay?

Mr. LODGE. No; they get less.

Mr. BRISTOW. They get less, do they?

Mr. THORNTON. They get less.

Mr. BRISTOW. What is the object of the amendment?

Mr. THORNTON. I will read the object, as stated by the department in its letter to the committee:

The reason for asking for it is that a strict interpretation of existing law narrows the field of duty to which officers who are members of the old Engineer Corps may be assigned. Occasions might arise when it would be desirable to order these officers to other shore duty, where their experience and ability might be availed of, and the proposed amendment would give the Secretary of the Navy the authority necessary to so employ them.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. LODGE. Mr. President——

Mr. THORNTON. Mr. President, I will ask the Senator from Massachusetts please to allow me to complete these amendments, because there probably will be more discussion on the one he wishes to offer than there will be on these. It seems to me we had better get through with those on which there will not be a fight before we take up those on which there will be a fight.

I offer, on behalf of the committee, the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 9, after the word "agency," the first word in the line, the committee proposes to insert the words "or agencies," so that, if amended, it will read:

Provided, That authority is hereby granted to employ the services of an advertising agency or agencies, etc.

The amendment was agreed to.

Mr. THORNTON. I offer, on behalf of the committee, the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 17, after the word "reenlistment," the committee proposes to insert "or who has completed four years in the Revenue-Cutter Service and received therefrom an honorable discharge or an ordinary discharge with recommendation for reenlistment."

The amendment was agreed to.

The SECRETARY. On page 8, line 24, after the word "naval," the first word in the line, the committee proposes to insert "or revenue cutter."

The amendment was agreed to.

The SECRETARY. On page 8, line 25, after the words "Marine Corps," the committee proposes to insert "Revenue-Cutter Service."

The amendment was agreed to.

Mr. THORNTON. I offer on behalf of the committee the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, line 8, after the word "docks," the committee proposes to insert "and Naval Observatory," so that, if amended, it will read:

For general maintenance of yards and docks and Naval Observatory, namely,

The amendment was agreed to.

Mr. THORNTON. I offer on behalf of the committee the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. On page 22, after the figures "$425,000," in line 2, the committee proposes to insert:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated, which actually constitute a part of yard maintenance, shall be charged to yard maintenance.

Mr. THORNTON. Mr. President, I will state for the information of any Senator who may desire it that that is in the nature of a substitute for an amendment that went out on a point of order last Wednesday. The object of the other amendment was merely in order that books could be kept so as to show the actual cost of building a ship, and not a fictitious cost. Many Senators said they could not understand the amendment the way it was framed before, and it went out on a point of order, but I think this is so very plain that no one can make the objection that it is not intelligible, and the object of it is good.

Mr. MARTIN of Virginia. Mr. President, I make the point of order that this is general legislation on an appropriation bill.

Mr. VARDAMAN. I ask that the amendment may be stated.

The VICE PRESIDENT. The Secretary will state it again.

The SECRETARY. Under the subhead "Bureau of Yards and Docks," on page 22, line 2, after the numerals "$425,000," the committee proposes to insert the following proviso:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated, which actually constitute a part of yard maintenance, shall be charged to yard maintenance.

Mr. O'GORMAN. Mr. President, before a ruling is made on the question of order I desire to suggest that the amendment proposed by the committee as embraced in the printed copy of the bill went out Wednesday on a similar point of order. The matter in question is urgently needed by the Navy Department. The amendment was incorporated at the special request of the Secretary of the Navy. It was designed to give him a little more freedom with respect to the method of applying disbursements and keeping books of accounts, and with the view particularly of enabling him to know with some accuracy the exact cost of constructing a ship.

After the previous amendment went out on the point of order the department suggested that an amendment in the language now before the Senate would answer the purpose. It seems to me that it is not subject to the point of order made. This is an appropriation bill, and the amendment is germane to the appropriation. It contains an instruction to the officer who will disburse the money as to how he shall account for it on his books, and I submit that it is not new legislation.

Mr. LODGE. Mr. President, I think the amendment as originally drawn was subject to the point of order, but in its present form it seems to me it is not. Of course it is germane. In its present form it seems to me simply to direct the head under which expenditures for yards and docks appropriated for in this bill shall be classified.

The VICE PRESIDENT. The Chair would like to make an inquiry of the Senator from Massachusetts.

This proviso reads:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated—

Now, there are expenditures appropriated for under very many designations—

which actually constitute a part of yard maintenance shall be charged to yard maintenance.

It is not a proviso on the part of the Senate of the United States that the Secretary of the Navy may use any of the sums appropriated in this bill for yard maintenance, and shall charge them to that account, but it is an amendment, as the Chair reads it, that whatever is appropriated under this bill, for whatever purpose appropriated, which actually constitutes a part of yard maintenance, shall be charged to the yard-maintenance account, whether used for yard maintenance or not.

Mr. LODGE. Mr. President, if that is the interpretation of this amendment, it is not in order, for it involves, then, a transfer of appropriation. I understood from the wording of the amendment that it simply directed that all sums of money, under whatever head appropriated, which were actually expended for yard maintenance should appear as such in the accounts.

The VICE PRESIDENT. But it does not so read.

Mr. LODGE. The objection to the other amendment, as it seemed to me, was that it did involve a liberty of transferring appropriations; and I thought that was clearly general legislation, because the Secretary has no such power now. If this amendment includes a power to transfer appropriations which are not used for yard maintenance, I am sorry to say that I think the point of order lies.

The VICE PRESIDENT. The Chair has read the proviso once. The Chair will read it again:

Provided further, That all expenditures appropriated for in this bill, under whatever designation appropriated—

That manifestly embraces more than yard maintenance.

Mr. LODGE. It embraces all appropriations.

The VICE PRESIDENT. It embraces all appropriations—

which actually constitute a part of yard maintenance, shall be charged to yard maintenance.

Mr. LODGE. It was that limitation that seemed to me to bring it within the rule. "Actually expended for yard maintenance." Of course, under that language the Secretary could not, for instance, transfer the appropriation for the Marine Corps or for the Philadelphia Home, because they are not used for yard maintenance.

Mr. MARTIN of Virginia. He certainly could.

The VICE PRESIDENT. There is an appropriation in this bill for the maintenance of yards and docks.

Mr. LODGE. Yes.

Mr. TILLMAN. But it is not half enough. The department is compelled, under the necessities of the condition, to charge

question which was then pending and which had, indeed, the attention of the Senate for three or four hours.

I know of no one who desires to delay a vote on the tolls question. My own judgment is that all who desire to speak will have made their speeches by Thursday or Friday of this week, at which time we can proceed to vote without delaying action on other matters of vital importance.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from North Carolina?

Mr. O'GORMAN. Yes.

Mr. SIMMONS. I wish to inquire of the Senator from New York, who represents one side of this controversy, whether we can not now agree upon some time for taking the vote.

Mr. O'GORMAN. Personally I shall have no objection to agreeing upon some hour on Friday. I think by that time every Senator who desires to speak will have spoken.

Mr. SIMMONS. I trust the Senator will ask for unanimous consent that that shall be done; and if he does not, I will make the request.

Mr. O'GORMAN. If there be no objection, I ask that we proceed to vote at 4 o'clock on Friday of this week.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. O'GORMAN. I do.

Mr. CUMMINS. I have no disposition to delay a vote upon the bill, but I am constrained to object to fixing an hour for voting upon it. Whenever the majority feels that we ought to consider the bill to the exclusion of all others until a vote is reached upon it, I at least can see no objection to that course; in fact, I think that is the course which ought to be pursued. I shall object at any time to a unanimous-consent agreement for fixing an hour to vote upon the bill. I have no objection to holding it under consideration until we do reach a vote.

Mr. O'GORMAN. Would the Senator have any objection to an agreement to proceed with the consideration of the pending tolls bill to the exclusion of all other business beginning on Wednesday morning of this week?

Mr. SIMMONS. Mr. President——

Mr. CUMMINS. Personally I have no objection.

Mr. O'GORMAN. The reason why I suggest Wednesday is that one Senator has given notice that he will speak on Wednesday morning.

Mr. CUMMINS. One objection will be unavailing, because the majority has it in its own hands to proceed with the consideration of the bill until we reach a vote. I would have no objection to agreeing to do what the majority has it in its power to do, nor do I see any reason for not so doing. My position is that whatever debate occurs hereafter upon the bill ought to occur under such circumstances as that a vote upon the bill or upon some amendment to it can be taken whenever the debate closes. This measure is peculiar in some respects, and I do not think the Senate ought to agree to vote at a specified time upon it. It ought to vote whenever Senators no longer care to speak upon it.

Mr. SIMMONS. Mr. President, if the Senator from Iowa will permit me, the Senator sees—I think he must see—that if an individual Senator is able to control this matter by simply giving notice that he will make a speech at some future day, the whole Senate may be indefinitely held up from reaching a final vote.

Mr. CUMMINS. I do not think it ought to be indefinitely held up.

Mr. SIMMONS. Neither do I.

Mr. CUMMINS. On the contrary, I believe in that kind of debate which is to be followed by action.

Mr. O'GORMAN. I want to ask the Senator from North Carolina if I understand he objects to the proposal I have submitted to the Senate—that after the morning business on Wednesday of this week we take up the tolls bill and proceed, to the exclusion of all other business, with the consideration of the bill down to a vote?

Mr. SIMMONS. I will ask the Senator if, in the place of "Wednesday," he would not be willing to insert "Tuesday morning"?

Mr. O'GORMAN. No.

Mr. SIMMONS. There will be debate sufficient to carry the matter over until Wednesday. The Senator who has given notice that he will speak on Wednesday will not then lose his opportunity.

Mr. KERN. He will be entirely in order.

Mr. O'GORMAN. If the Senator who has announced that he will speak on Wednesday is here, I will say that it is largely out of deference to his notice that I have made the suggestion. I refer to the junior Senator from Mississippi [Mr. VARDAMAN].

Mr. SIMMONS. The junior Senator from Mississippi is here.

Mr. O'GORMAN. If the junior Senator from Mississippi has no objection to proceeding on Tuesday rather than on Wednesday, I have no objection.

Mr. VARDAMAN. Mr. President——

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from New York yield to the Senator from Mississippi?

Mr. O'GORMAN. I yield to the Senator from Mississippi.

Mr. VARDAMAN. Mr. President, I was assured that a vote could not possibly be reached before Wednesday afternoon; indeed I thought all of the intervening time would be taken up by the Senate in the discussion of this question. I shall not be prepared to discuss it until that time.

Mr. KERN. The Senator does not object to our taking up the bill to-morrow?

Mr. VARDAMAN. I have no objection to the bill being taken up now or to its being taken up at any time; certainly not. The bill has been up to-day. I had no idea there would be any effort to insist upon a vote earlier than Wednesday. I do not see the necessity for this haste. Senators want to discuss the matter. Its discussion has not interfered with the other business before the Senate. I shall not consume very much of the time of the Senate on Wednesday, and I am willing to vote at any time after that when the Senate may desire to vote on the question.

Mr. O'GORMAN. Mr. President, to indicate to the Senate the attitude of the committee, I now give notice that beginning on Wednesday morning next after the conclusion of morning business the tolls bill will be kept before the Senate to the exclusion of all other business until such time as a vote may be reached in due course. I now ask that the unfinished business be temporarily laid aside.

The VICE PRESIDENT. Without objection, it will be so ordered.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I ask unanimous consent that the Senate proceed to the consideration of the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

The VICE PRESIDENT. The question is on the amendment on page 56, on which the yeas and nays have been ordered.

Mr. CLAPP. Let the amendment be stated.

The VICE PRESIDENT. The vote on the yeas and nays disclosed the lack of a quorum on Friday evening, and the Senate adjourned with the question pending.

Mr. CLAPP. May we not have the amendment again stated, Mr. President?

The VICE PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. Under the heading of "Increase of the Navy," on page 56, beginning with the word "One," in line 20, the committee proposed to strike out the remainder of the paragraph. To that amendment Mr. O'GORMAN offered an amendment to strike out, beginning with the words "and the Secretary of the Navy," in line 22, the remainder of the paragraph. The Senate, as in Committee of the Whole, agreed to that amendment.

Mr. CHILTON. What is the pending amendment?

The SECRETARY. So that the following words remain in the House text:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

And the remainder of the paragraph is stricken out.

Mr. CHILTON. Now, what is the pending question?

The VICE PRESIDENT. The Chair thinks it but fair for the Chair to state before the vote is taken upon the amendment as amended that there is this parliamentary situation confronting the Senate: The Senate committee amendment has already been stated by the Secretary. The amendment of the Senator from New York [Mr. O'GORMAN] to the amendment struck out the latter clause only of the amendment as proposed by the committee. The amendment as amended is now the question upon which the Senate is to vote. The parliamentary situation is that, if the amendment as amended be defeated, then does that simply leave in the bill the following words:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard—

Or does it leave in the bill the entire paragraph as it came from the other House? The Chair is impressed with the idea that if the amendment as amended fails of adoption by the Senate, the entire paragraph remains in the bill, notwithstanding the vote on the amendment as proposed by the Senator from

New York. The Chair feels inclined to make this statement now before the vote is taken on the amendment as amended to the end that, if the Senate do not agree with the opinion of the Chair, it may be otherwise decided by the Senate; or, if the Senate do agree with the ruling of the Chair and desire to take any step whereby the parliamentary situation may be cleared up and the vote be taken simply upon the question of either leaving in the bill or striking out of the bill the paragraph—

One of the battleships hereby authorized shall be built and constructed at a Government navy yard—

That such step may be now taken.

Mr. HUGHES. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Chair has not quite concluded the opinion of the Chair; when the Chair shall have done so, he will then hear the Senator from New Jersey.

In other words, the Chair is impressed with the view that, as the parliamentary situation is now, whichever way the vote goes, either the paragraph in its entirety will stay in or the first clause of the paragraph will stay in the bill.

Mr. SWANSON. Mr. President—

The VICE PRESIDENT. The Chair stated that he would first recognize the Senator from New Jersey. The Senator from New Jersey.

Mr. HUGHES. Mr. President, I wish to make a parliamentary inquiry. I desire to know if, in the opinion of the Chair, a vote of "nay" strikes out all of the amendment but leaves the paragraph in the bill as it came from the other House, then would it be possible to offer another amendment to carry out the wishes of the Senate immediately thereafter and to carry out the will of the Senate as expressed on the last day when the Senate considered this proposition? My understanding of this amendment, I will say to the Chair, on Friday night was that a vote of "nay" left the language in the bill:

One battleship hereby authorized shall be built and constructed at a Government navy yard.

The VICE PRESIDENT. The Chair is of the opinion that a vote "yea" would leave that language in the bill, because it is the amendment as amended, and that a vote "nay" would leave the entire paragraph in.

Mr. SWANSON. Mr. President, that is the reverse of the way we voted on Friday night. It seems to me the situation is this: The committee offered an amendment striking out the entire clause. Then an amendment was offered by the Senator from New York [Mr. O'GORMAN] striking only a part of it out. That was carried; that is to strike out the Senate committee amendment; and that amendment was amended to that extent. Now, the committee amendment having been amended to that extent, it is impossible for the Senate to again vote to strike it out. So that the only question that comes up is to strike out the portion which has been left in by the amendment of the Senator from New York to the committee amendment. It would seem to me that a vote of "nay" would leave that in the bill and a vote of "yea" would let it go out, as we voted on Friday night last. It seems to me the decision of the Chair on Friday was clearly correct. The question is now, Shall we keep in the bill the part first amended by the committee's amendment as presented by the Senator from New York?

The VICE PRESIDENT. But the Chair feels that, in justice to the Senator from New York, who did not, in the opinion of the Chair, present his amendment in parliamentary language—the Chair having changed the language of the Senator from New York—the Chair feels, in justice to him, that the situation ought to be explained to the Senate.

The amendment as offered in the language of the Senator from New York was on page 56 to amend the committee amendment by retaining in lines 20, 21, and 22, the words "One of the battleships hereby authorized shall be built and constructed at a Government navy yard." That was the real purpose of the amendment offered by the Senator from New York, to leave this language in the bill and to strike out the remainder of the paragraph; so that, taking into consideration the intention of the Senator from New York, the amendment as amended must be carried in order to comply with the real intention of the Senator from New York.

Mr. O'GORMAN. By common consent and acquiescence and construction on Friday the second paragraph of the clause in question was struck out. I apprehend there will be no objection to submitting to the Senate now the amendment as I proposed it in the precise language just read by the presiding officer, so that the Senate may pass upon the definite proposition, as to whether there will be retained in the bill a provision that one of the battleships hereby authorized shall be built and constructed at a Government navy yard, and that there be a vote on that.

Mr. HUGHES. I ask unanimous consent that the proposition be submitted in that way.

Mr. LODGE. If it is possible to go back to the original proposition of the bill, the committee reported to strike out a certain paragraph; that paragraph is obviously divisible; it carries two propositions, and it can be divided on the request of any Senator. If that were done, the first question would be on agreeing to the committee amendment as to the first clause; and the next question would be, Shall the committee amendment be agreed to as to the second clause? Then we would determine which clause shall stay in and which shall go out or whether they shall both remain in or both go out, as the vote may decide.

The VICE PRESIDENT. The Senator from Massachusetts very clearly states what may be done under the laws of the Senate; but the situation the Chair felt ought to be explained before the vote was taken.

Mr. O'GORMAN. I ask unanimous consent, Mr. President, that the question may be submitted to the Senate in the language suggested in my proposed amendment, namely, that the provision covering the suggestion that "one battleship hereby authorized shall be built and constructed at a Government navy yard" shall be retained in the bill.

Mr. LODGE. I think, Mr. President, if the Senator from New York will allow me, that he ought to add to that request the request that the committee amendment be divided.

Mr. O'GORMAN. I have no objection to that.

Mr. LODGE. And that the vote be taken first on his amendment.

The VICE PRESIDENT. Is there any objection to dividing the question so that the two propositions shall be voted upon separately?

Mr. O'GORMAN. There is no objection to that, as I understand, Mr. President.

The VICE PRESIDENT. The Chair hears none, and it is so ordered.

Mr. LODGE. The question will come first on the first clause, and then the question will come on the second clause.

The VICE PRESIDENT. That is correct. The first clause is:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

The committee proposes to strike that out. A negative vote would leave it in the bill. The yeas and nays have been ordered on that question, and the Secretary will call the roll.

Mr. BRYAN (when his name was called). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND] which I transfer to the junior Senator from Arkansas [Mr. ROBINSON] and vote "yea."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], but I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. GOFF (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. GRONNA (when his name was called). I have a general pair with the Senator from Maine [Mr. JOHNSON]. I transfer that pair to my colleague [Mr. MCCUMBER] and vote "nay."

Mr. JONES (when his name was called). I am paired with the Senator from South Carolina [Mr. SMITH], and therefore will have to withhold my vote. If I were at liberty to vote, I should vote "nay."

Mr. O'GORMAN (when his name was called). I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I am released from that pair on this vote, and I vote "nay."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Florida [Mr. FLETCHER] which I transfer to the Senator from Illinois [Mr. SHERMAN] and vote "nay."

Mr. THORNTON (when the name of Mr. WILLIAMS was called). I am requested to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS], and also that he is paired with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I have a pair with that Senator, and therefore withhold my vote.

tion or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date thereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and thereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

TREATY WITH REPUBLIC OF PANAMA.

The United States of America and the Republic of Panama, being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries—

The President of the United States of America, John Hay, Secretary of State; and

The Government of the Republic of Panama, Philippe Bunau-Varilla, envoy extraordinary and minister plenipotentiary of the Republic of Panama, thereunto specially empowered by said Government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

"ARTICLE 1.

"The United States guarantees and will maintain the independence of the Republic of Panama.

"ARTICLE 2.

"The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles, extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed; the said zone beginning in the Caribbean Sea 3 marine miles from mean low-water mark and extending to and across the Isthmus of Panama into the Pacific Ocean to a distance of 3 marine miles from mean low-water mark, with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation, and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation, and protection of said enterprise.

"The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described, and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra, and Flamenco.

"ARTICLE 3.

"The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said article 2 which the United States would possess and exercise, if it were sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

"ARTICLE 4.

"As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes, and other bodies of water within its limits for navigation, the supply of water, or water power, or other purposes, so far as the use of said rivers, streams, lakes, and bodies of water, and the waters thereof, may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal.

"ARTICLE 5.

"The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance, and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific Ocean.

"ARTICLE 6.

"The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States, in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation, and protection of the said canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said canal or the Panama Railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed, or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

"ARTICLE 7.

"The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights, or other properties necessary and convenient for the construction, maintenance, operation, and protection of the canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation, and protection of the said canal and railroad. All such works of sanitation, collection and disposition of sewage, and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents, or nominees shall be authorized to impose and collect water rates and sewage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of the cost of said works within a period of 50 years, and upon the expiration of said term of 50 years the system of sewers and waterworks shall revert to and become the properties of the cities of Panama and Colon, respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except tb the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

"The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances, whether of a preventive or curative character, prescribed by the United States, and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

"The same authority granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

"ARTICLE 8.

"The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Co. and the Panama Railroad Co. as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Co. to sell and transfer to the United States its rights, privileges, properties, and concessions, as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in article 2 of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the canal shall revert to the Republic of Panama, except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

"ARTICLE 9.

"The United States agrees that the ports at either entrance of the canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time, so that there shall not be imposed or collected customhouse tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the canal or belonging to or employed by the United States, directly or indirectly, in connection with the construction, maintenance, operation, sanitation, and protection of the main canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the canal.

"The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for mixing repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the canal and for other works pertaining to the canal.

"ARTICLE 10.

"The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the canal, the railways and auxiliary works, tugs and other vessels employed in the service of the canal, storehouses, workshops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery, and other works, property, and effects appertaining to the canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the canal and railroad and auxiliary works.

"ARTICLE 11.

"The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

"ARTICLE 12.

"The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon or in any wise connected with the said canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

"ARTICLE 13.

"The United States may import at any time into the said zone and auxiliary lands, free of customs duties, imports, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars,

machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation, and protection of the canal and auxiliary works, and all provisions, medicines, clothing, supplies, and other things necessary and convenient for the officers, employees, workmen, and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

"ARTICLE 14.

"As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

"The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

"But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

"ARTICLE 15.

"The joint commission referred to in article 6 shall be established as follows:

"The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons, and they shall proceed to a decision; but in case of disagreement of

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the commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments, who shall render the decision. In the event of the death, absence, or incapacity of a commissioner or of an umpire, or of his inability, declining, or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the commission or by the umpire shall be final.

"ARTICLE 16.

"The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention, and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies, or misdemeanors without said zone, and for the pursuit, capture, imprisonment, detention, and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies, and misdemeanors within said zone and auxiliary lands.

"ARTICLE 17.

"The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the canal enterprise and for all vessels passing or bound to pass through the canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

"ARTICLE 18.

"The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

"ARTICLE 19.

"The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying dues of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war, and supplies.

"ARTICLE 20.

"If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall devolve on and be assumed by the Republic of Panama, there may be any privilege or concession in favor of the Government of a third power of a third power in relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

"ARTICLE 21.

"The rights and privileges granted by the Republic of Panama to the United States in the preceding articles are understood to be free of all anterior debts, liens, trusts, or liabilities or concessions or privileges to other Governments, corporations, syndicates, or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama, and not to the United States for any indemnity or compromise which may be required.

"ARTICLE 22.

"The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the canal under article 15 of the concessionary contract with Lucien N. B. Wyse, now owned by the New Panama Canal Co., and any and all other rights or claims of a pecuniary nature arising under or relating to said concession or arising under or relating to the concessions to the Panama Railroad Co. or any extension or modification thereof; and it likewise renounces, confirms, and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of 99 years of the concessions granted to or held by the above-mentioned party and companies, and all right, title, and interest which it now has or may hereafter have in and to the lands, canal, works, property, and rights held by the said companies under said concessions or otherwise and acquired or to be acquired by the United States from or through the New Panama Canal Co., including any property and rights which might or may in the future, either by lapse of time, forfeiture, or otherwise, revert to the Republic of Panama under any contracts or concessions with said Wyse, the Universal Panama Canal Co., the Panama Railroad Co., and the New Panama Canal Co.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest or claims of Panama, and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Co. shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

"ARTICLE 23.

"If it should become necessary at any time to employ armed forces for the safety or protection of the canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

"ARTICLE 24.

"No change either in the government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

"If the Republic of Panama shall hereafter enter as a constituent into any other government, or into any union or confederation of states, so as to merge her sovereignty or independence in such government, union, or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

"ARTICLE 25.

"For the better performance of the engagements of this convention and to the end of the efficient protection of the canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

"ARTICLE 26.

"This convention, when signed by the plenipotentiaries of the contracting parties, shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

"In faith whereof the respective plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

"Done at the city of Washington the 18th day of November, in the year of our Lord 1903.

"JOHN HAY. [SEAL.]
"P. BUNAU-VARILLA. [SEAL.]"

Mr. KERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Oliver	Stephenson
Borah	Kenyon	Overman	Swanson
Bristow	Kern	Page	Thomas
Bryan	Lee, Md.	Perkins	Thompson
Burton	Lewis	Pomerene	Thornton
Catron	Lippitt	Root	Tillman
Chamberlain	Lodge	Salisbury	Vardaman
Chilton	Martin, Va.	Shafroth	Walsh
Clark, Wyo.	Martine, N. J.	Sheppard	Warren
Cummins	Myers	Shively	West
Goff	Nelson	Simmons	White
Gronna	Norris	Smith, Ariz.	
Hughes	O'Gorman	Smoot	

Mr. THORNTON. I was requested to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS].

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. O'GORMAN. Mr. President, I do not know whether there is any other Senator who desires to discuss the tolls question to-day. If there is no one prepared to go on now, I ask that the bill be temporarily laid aside.

Mr. KERN. If there are no further arguments to be made upon the bill, I do not see why it should be laid aside. If the debate is ended, I think we should proceed to dispose of the bill.

Mr. O'GORMAN. The Senator might well know that the debate is not ended. Notice, I think, has been given by at least one Senator to speak on Wednesday morning. I know of at least two others who expect to speak during the week. While there may be reasons why a vote on the tolls bill should be expedited, I know equally good reasons for the expedition of the vote on the naval appropriation bill, which had the attention of the Senate for most of last Friday. It may be remembered that after a protracted discussion regarding certain features of that bill we were compelled to adjourn at half past 6 in the evening, because of the absence of a quorum which was needed at the time we were taking a vote, and most of us assumed, when we adjourned at half past 6 Friday evening, that at the earliest opportunity to-day we would resume the consideration of the naval appropriation bill and proceed to take a vote upon the

dated it as special privilege, contrary to the principles of our Government. For myself I fail to see any difference in principle between protection per se, which levies a tribute upon each of many people and dumps the whole thing into the pockets of a few favored manufacturers, and giving to a few favored coastwise shipowners exemption from tolls at an expense which must be borne by all of the people, a little bit from each one of many for the benefit of a few. I am as much opposed to it as I am opposed to a protective tariff. I consider it as undemocratic as I consider the protective tariff system. Each is protection, favoritism, largess, bounty donation.

It has been said that the people would get the benefit of this toll exemption in the way of reduced freight rates, but there is no assurance of that. I have heard of no offer by American coastwise shipowners, nor any guaranty nor suggestion from them, that they would so lower rates as to give the people the benefit of this exemption. There is no guaranty. In my opinion, no reliance is to be placed upon it. It is giving away substance for shadow. It is giving away something in hand in hopes of getting the same back. Why not keep it while we have it? Why give it away and trust to the generosity of a monopoly to return this largess to the people? Is it not better to keep it in the first instance and know that we will have it, and take no chance on getting it back? Why throw away something in hopes that you will find it and get it back? Do prudent men throw away money and take chances on finding it? To my mind it is unsound and indefensible economy. For many years we have heard the specious claim that in the increased wages paid to American workingmen and the creation of new markets the money taken from the pockets of the masses and bestowed upon a few manufacturers by the protective tariff is returned to the people; but the American people have repudiated that claim. Equally as sophistic and fallacious, in my opinion, is the claim now made that the people would get back the bounty bestowed upon coastwise shipowners by exempting them from payment of tolls. The people are tired of being fooled by monopoly.

The truth of the matter is that American coastwise ships can be charged the regulation toll for passage through the Panama Canal and then they could undercharge by far the transportation charges of transcontinental railroads. The people can get the benefit of an enormous reduction and still charge coastwise ships toll and get what is due for putting such ships through the canal. As to transcontinental railroad rates, it is my understanding that the Interstate Commerce Commission, a body in which the people have great confidence, is clothed with authority to fix interstate freight rates. The transcontinental railroads, great promoters of civilization and prosperity, are entitled to a reasonable rate of interest on their investments, and their rates should not be lowered below that, neither by competition nor by law, and when they charge more than that the Interstate Commerce Commission has all the power needed to reduce their rates.

Expert testimony before investigating committees of the House and Senate shows that the use of the Panama Canal by American coastwise ships in transporting freight between Atlantic and Pacific coast points will save them in cost of transportation from $3 to $3.50 per ton. The toll rate has been fixed at $1.20 per ton for such vessels as are to pay. Thus, it will be seen, coastwise ships could pay the toll of $1.20 per ton and still save in cost of transportation from $1.80 to $2.30 per ton. This alone, if the people should get the benefit of it, would make stanch competition for the transcontinental railroads and result in great saving to the people, at the same time causing no loss to the people by the donation of toll costs to the owners of such ships. Is not that good enough? As a good-sized coastwise ship can carry 5,000 tons of freight at a trip, the saving to the people, if they are really to get the benefit, would be on one trip of such a ship, even though it pay its tolls, an average of $10,250.

It is said that the American and Canadian transcontinental railways are opposed to toll exemption for American coastwise ships. That should scare nobody. If such exemption is wrong, the railroads have a right to oppose it and to voice such opposition, although I have heard none of it, if there be any. That is beside the question. The question should be decided on its merits, on a test of right or wrong, regardless of the attitude of the railroads or anything or anybody else.

American coastwise shipping is already a monopoly. Foreign ships are forbidden by law to engage in the coastwise trade. American ships have a monopoly of it, and now, in addition to that, some would give them a subsidy, largess, bounty, donation, exemption from taxation. Are the American people in favor of giving subsidies to monopolies? If so, there is more than one monopoly that would like to have a subsidy and exemption from taxation. It would doubtless be very pleasing to the American coastwise shipowners to be exempted from payment of tolls. Suppose Congress should enact a law that all professional men, when traveling on business, need pay no railroad fare, on the theory that when they should arrive at their destinations they would charge their clients or patients less than otherwise and the people would get the benefit of the exemption. The professional men would doubtless be pleased, but would the people submit to that? Suppose all bankers, merchants, and business men were by law exempted from payment of interstate railroad fare. Would the people consider that fair? The Government has authorized the building of a railroad in Alaska. Suppose it should enact a law that all bona fide residents of Alaska should be allowed to travel and ship freight on that railroad without cost to them. The people of the United States would have to pay the cost thereof; and would the people of this country uphold that sort of discriminatory legislation at their cost?

It has been urged that the Government has spent millions of dollars in improving its rivers and other internal waterways, and that therefore steamboats operated on them should be charged for that privilege if coastwise ships are to be charged canal tolls. The illustration is not analogous. Our rivers are there by nature—the gifts of God to the people. We have no moral right to charge for the operation of steamboats on our inland waterways. There was no money invested by us in the creation or placing of them. They were put there without cost to us. The mere fact that we choose to appropriate some money to improve them and keep them in order gives us no right to take away from any man the inherent right to operate a steamboat on a great God-given internal waterway, placed there by the Creator for the benefit of all His creatures. We may spend money thereon or not, as we deem best, but any amount of money that we may spend in the improvement thereof is so insignificant as compared with what might be computed in dollars and cents as the equivalent of the original value thereof that it would give us no right to deny any man the right to operate a craft thereon.

To the contrary, we constructed the Panama Canal at the expense of the whole people, at the enormous cost of nearly $400,000,000, and it is our duty to recompense the whole people as much as possible for that tremendous outlay of their money. Col. Goethals, the constructor of the canal, takes the position that those who use it should pay for the privilege, and that it is the duty of the United States to recoup itself as far as possible for the enormous cost of the construction of the canal.

Much has been said about repeal of the toll-exemption law at the dictation of Great Britain. Great Britain protested against it before the enactment thereof, but since its enactment not a word of protest is being heard from Great Britain. Great Britain is not dictating nor demanding the repeal of the toll-exemption law. Nobody is acting at the behest or under the dictation of Great Britain. That assertion will scare nobody. There is nothing to it. President Wilson is not acting at the dictation or behest of Great Britain, and nobody believes he is. Neither are those who are acting with him. President Wilson is looked upon by the overwhelming majority of the people of this country, regardless of politics, as an able, wise, sincere, conscientious, patriotic citizen, who, as man and President, wants to do right and is trying to do right, and trying in a far-seeing, wise, patriotic, unbiased, unprejudiced manner. The people of the country have confidence in his integrity and good intentions.

It has been urged by some with much plausibility and earnestness that the Democratic national platform having declared in favor of toll exemption for American coastwise ships Democrats are bound thereby and should vote against repeal. It matters not how that plank got into the Democratic platform. It rather appears to me that while we were at Baltimore zealously guarding the Democratic national convention against the encroachments of certain big interests and privilege-seeking monopolies, which we feared, a plank was inserted in favor of one monopoly the significance of which failed to catch the attention of the convention.

So far as I am concerned, I am not disturbed about that plank in the Democratic platform. No platform, no party, no power on earth has the right to make me do what I think is wrong. I put right above party platform. I consider that plank un-Democratic and contrary to the fundamental principle of Democracy, which is equal rights to all and special privileges to none. I do not feel bound by any plank in any platform which I deem distinctively un-Democratic and morally wrong. If a Democratic platform contained a declaration in favor of a protective tariff as such, protection per se, I should unhesitatingly renounce it. I would not feel bound by it, because it would be at variance with all the tenets of Democracy. I do not believe, if a Democratic platform should contain a bald declaration in favor of

robbery, I would feel bound by it. I consider protection as nothing but legislative robbery, and I consider toll exemption for American coastwise ships legislative robbery of the people for the benefit of a monopoly. I do not believe in favoring monopolies. Therefore I feel no more bound by this declaration than if it were a declaration of so many words in favor of plain extortion.

I do not believe, anyway, that this declaration in the Democratic national platform had anything to do with the result of the last election—do not believe that the election was influenced by it in the slightest degree. I do not believe that the great majority of the voters knew it was in the Democratic platform nor that one voter out of thousands who may have known it realized its significance. I do not believe it influenced any voters in my State. I have no recollection of having heard it mentioned there. It is charged by some that the President has changed his mind on this question. I do not know that he has. He may possibly feel that conditions have changed. Should he have changed his mind—which I do not know and of which I do not profess to speak—it would not be the first time he had honestly changed his mind when convinced he had been wrong, nor is he the only honest man who has ever changed his mind. In part, the fact that he is President is due to the fact that he is honest and courageous enough to change his mind when convinced that it is right to do so. One of the greatest marks of an honest man is the courage to declare a change of convictions.

While I had decided in my own mind, before the President delivered his message, that toll exemption for coastwise ships was wrong and should be repealed, even had I not so decided, I would be willing to grant the President's request for repeal. He is at the head of our Government. He is the head of the administration. He is more intimately acquainted with foreign affairs than I. In such matters he knows better than I what is best for the country and the people. I have confidence in his wisdom, ability, integrity, patriotism, and devotion to principle. I believe he is fighting an earnest battle for the rights of the people. An army which does not follow its leader will not accomplish anything. I am willing to follow the leader in matters where I have no settled convictions to the contrary or which are not contrary to my conscience. Of course, where I have settled convictions to the contrary or in matters of conscience I am not willing to follow anyone, but otherwise I follow the leader. I have confidence in the President. The people have confidence in him. He is the President of the whole people, regardless of party. I believe he is able, courageous, and honest. When he asks us to repeal the toll-exemption law and says, "I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure," I believe he means what he says and knows what he is talking about, and I am in favor of granting his request. He makes that request not in a party sense nor of us as partisans. He makes it as President of the whole people; makes it of us as Senators, Americans, patriots, regardless of party; and in that sense I here refer to it and favor granting it. In such matters as this he is the leader of all of us—leader in a larger sense than a political sense, in a higher sphere than that of political platforms.

A number of amendments have been offered to the pending bill for repeal. I prefer the bill exactly as it came from the House, without any amendment. I have no particular objection to the amendment suggested by the Senate Committee on Interoceanic Canals, but do not see any need of it. If we have a right to do this thing—repeal the exemption law—it is our privilege to do so outright. If we have no right to do it, we should not do it. I do not believe the amendment offered by the committee adds to or detracts from our rights in the premises. Therefore I would prefer the bill without the amendment, but have no serious objection to it. As to the amendment offered by the Senator from Idaho [Mr. BORAH], to refer the matter to the people at the next election, I know of but one thing to be gained by it, and that is delay.

If the proposed repeal is violative of a treaty, no vote of the people could make it right. If it is not violative, no vote of the people could make it less so. I need no vote of the people to instruct me on the economic phase of the question. It is our business to dispose of this matter, and we should not shirk it by trying to shuffle it off on to the people. As to other amendments offered, I do not believe they better conditions. This is an issue that is before us for settlement. We should meet it directly and without qualification. This Congress is the body which should pass upon the construction of the Hay-Pauncefote treaty. It is a political question. Here and now I consider the place and time to settle this. I believe we should either repeal the exemption or refuse to repeal it, and that it should be settled here and now as to what our policy in that regard will be. I believe we are the people to do it; it is our duty; and I am for outright repeal. I am opposed to the delay arbitration would cause. I am for immediate action.

I believe that the large thing to do is the only thing that we can afford to do. I believe we should act in this matter upon and in accord with the lofty principle of benefit to all mankind in which it was originally conceived; free from all selfishness and suspicion of narrowness. Let us do what we started out to do—erect and perpetuate a lasting monument of great achievement which will show to the world that the American heart throbs with love of all mankind; that the American people are large enough to do a great thing which will redound for all time to the common advancement of the civilization, commerce, prosperity, friendly intercourse, enlightenment, and welfare of all the world, the common good of all mankind—without seeking any paltry, selfish advantage or seeking to give a few dollars to an American monopoly; thus showing that we not only believe in the brotherhood of all mankind, the community of interest of all nations, but that we act in that belief and prove it by our acts. With great respect for the profound learning and honest convictions of those who differ from me, I shall vote for repeal.

I here produce and make a part of my remarks and ask to have incorporated in the RECORD copies of the Hay-Pauncefote treaty and our treaty with the Republic of Panama for the acquisition of the canal strip.

HAY-PAUNCEFOTE TREATY.

The United States of America and His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any obstacle which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries—

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty, Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States, who, having communicated to each other their full powers which were found to be in due and proper form, have agreed upon the following articles:

"ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

"ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscriptions to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

"ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutraliza-

cost of transshipment at San Francisco, and the delay involved, would exceed the tolls on such cargoes?

Mr. MYERS. No, Mr. President; I did not read all of the testimony before the Senate committee, nor all of that before the House committee. I read most of Prof. Johnson's testimony or statement and that of some others. I now refer to Prof. Johnson's article in the North American Review. I must say that I have not read the phase of the testimony to which the Senator from Kansas refers.

Mr. BRISTOW. If the Senator will examine the hearings, he will find that all of those who appeared before the committee who had experience in shipping and were familiar with the subject from the practical point of view said that it would be impossible to transship in that way without incurring a greater expense than the tolls would amount to.

Mr. MYERS. I gladly take the Senator's statement for that. While the gentlemen who testified to that effect doubtless have had practical experience, which Prof. Johnson has not had, Prof. Johnson is, I believe, professor of the chair of transportation and railroads in the University of Pennsylvania, and has made an exhaustive and lifelong study of the subject, and I think his opinion is entitled to great weight. Of course, I realize that these differences are largely matters of opinion as yet, because they have not been put into practice.

Mr. BRISTOW. I am sorry to impose on the Senator; but if the Senator will examine the matter carefully he will find that Prof. Johnson has expressed opinions on both sides. His books are different from his testimony; so that really, on many of these controverted points, his declarations in his books that were printed a couple of years ago or more and his testimony this year are at variance.

Mr. MYERS. That may be, Mr. President. I take it that Prof. Johnson, in that event, is not the only honest man who has ever changed his mind. I quote from his latest utterance in the North American Review for April, 1914; and I take it that his latest utterance is the one by which he would stand.

I have read with enjoyment quite a number of the learned and able arguments for or against repeal by Members of the House and Members of the Senate. All were illuminating, interesting, and persuasive, and I derived profit as well as pleasure from the reading of all thereof; but, without disparagement to any, I believe that as able, exhaustive, and convincing an argument as I have read in favor of repeal is that made by Hon. FREDERICK C. STEVENS, a Republican Representative from Minnesota. I think his arguments that toll exemption for American coastwise vessels is a violation of the Hay-Pauncefote treaty are convincing and conclusive. Certainly he has no political motive in defending the policies of a Democratic administration or in upholding the hands of a Democratic President. He argues from an independent standpoint, without bias or prejudice, as an American citizen and patriot who has at heart the welfare and honor of his country.

I make no pretensions to being an international lawyer, jurist, or scholar, nor to having any ability along those lines. When eminent, able, and learned international lawyers, jurists, students, and scholars differ upon a great international question, as they do in this case, upon the question of whether or not toll exemption for American coastwise vessels is a violation of the provisions of the Hay-Pauncefote treaty, I set up no ultimatum of my own. I merely say that the arguments of those who contend that it is a violation of the treaty are the more persuasive and convincing to me. However, I believe that upon a question like this, when eminent, able, and conscientious authorities in the persons of distinguished international lawyers, jurists, scholars, and students of our own country differ amongst themselves as to whether or not toll exemption for American coastwise vessels is violative of our treaty with another nation we should put our national honor above dispute amongst ourselves and resolve any substantial doubt in favor of the larger and more generous construction. The only thing to do is the larger thing; especially, when the President of the United States, himself an able, wise, patriotic, learned man and profound scholar, says that in his opinion toll exemption for American coastwise ships "is in plain contravention of the treaty with Great Britain, concerning the canal, concluded on November 18, 1901"—the Hay-Pauncefote treaty.

Even though toll exemption of American coastwise ships may or may not be violative of the Hay-Pauncefote treaty, be that as it may, I am unalterably opposed to toll exemption for American coastwise ships because I believe it to be an indefensible subsidy, a special privilege to the favored few at the expense of the many, a special privilege to a certain class at the expense of the masses and utterly at variance with the old-time, fundamental Democratic doctrine of equal rights for all and special privileges to none. A subsidy has been defined as "a grant of funds or property from a government to a private person or company to assist in the establishment or support of an enterprise deemed advantageous to the public; any gift of money or property made by one person to another by way of financial aid." President Taft, in one of his messages to Congress about the canal, said that toll exemption for our coastwise ships simply amounted to a subsidy to our coastwise ships and defended it as such. During the debates upon the present bill for repeal a number of Representatives and Senators who have argued against repeal have admitted that toll exemption is a subsidy and treated it as such. It is generally so accepted. I so regard it.

If the United States should donate out of the Public Treasury to the owner of each American coastwise ship a certain sum of money, it would plainly be a subsidy; and who is there who would justify or defend it? What a hue and cry of disapprobation it would raise in this country! The idea of taking by law money out of the pockets of the masses of the people and paying it over perforce to the rich owners of a few coastwise ships would be staggering; yet what is the difference between that and toll exemption? By the present law we are simply exempting from taxation, common to others, a certain class of people—relieving them from taxation at the expense of the people. I can see no practical difference between a subsidy and a discriminatory exemption from taxation; to my mind, it is the same thing in effect, and each is a subsidy. Suppose the great steel-manufacturing plants of this country or the railroads or the banks were by law exempted from payment of taxes and the burden of taxation thereby made the heavier on the rest of the people; would there be any justice in that?

It is estimated that the maintenance and operation of the Panama Canal will cost the people of this country about $17,000,000 per year. It is estimated that the tolls paid by oversea vessels will amount to about $11,000,000 per annum, leaving a deficit of $6,000,000 per annum to be paid by the people of this country. It is estimated that if our coastwise ships should be required to pay toll, they would contribute about $1,000,000 per year to the lessening of the deficit. Manifestly, if they should not be required to pay toll, that $1,000,000 per year, or whatever it may be found to amount to, would have to be paid by the people of this country. Why should the people of this country pay something for the benefit of a few owners of coastwise vessels? The question is, Shall the owners of the vessels pay their toll, or shall the people of this country pay it for them? If the owners of the vessels be not required to pay, the people of the country must pay, and the result is the special privilege of exemption to a favored few at the expense of the masses, and, according to my understanding, that is undemocratic.

It has been estimated that the actual cost to this Government, the actual outlay of cash which the Government will be required to make to put the average American coastwise ship through the canal, will be $2,000. The shipowner will get the benefit of that, and should he be exempted from tolls would not have to pay anything for it, whatever the actual cost might be. He would be getting something for nothing, apparently. I say apparently, because there is no such thing in the economic world as getting something of value for nothing. It may not cost the recipient anything, but it will cost somebody. Somebody has to pay for it. In this case the shipowner would not pay for it, but you and I, everybody, the toiling masses of the country, would pay for it. Would that be right? I believe the worst thing that can be taught a man is that he can get something for nothing. He may try it and succeed so far as cost to him is concerned, but it will cost somebody else something, and if the right man does not bear the cost, somebody else, who should not bear the cost, will have to bear it. It inculcates economic dishonesty.

All the arguments, all the oratory, all the eloquence, all the logic, all the reasoning, all the learning, all the appeals to national pride and patriotism in the world can not get around the solid fact that for a shipowner to have a ship put through the Panama Canal at a cost of $2,000 to the Government of the United States, or of any other sum whatsoever, and at no cost to him, would be giving him something for nothing, but that the people of the United States would have to bear the cost. That is the solid rock in the pathway of those who oppose repeal which can not be evaded nor wiped out of existence. It is a plain, simple fact, of which there can be no denial.

The people of this country have protested for years against a protective tariff. The clamor against it has been loud, long, and strong. The people have decided by their ballots that a law, under the guise of protection to American industries, which legislates money out of the pockets of the masses into the pockets of a few manufacturers, is wrong and they have repu-

canal, set forth in plain terms that any such canal constructed should be for the "benefit of mankind, on equal terms to all," thus putting the idea of the construction of such canal on a high plane of lofty principle, for the benefit of the world, utterly unselfish and free from narrowmindedness. It further provided for the strict and complete neutralization of any such canal. That treaty was superseded by the present Hay-Pauncefote treaty. The preamble of the latter refers to the Clayton-Bulwer treaty, and recites that the general principle of neutralization of the last-named treaty should not be impaired by the present treaty, thus continuing in force the general principle of neutralization of the Clayton-Bulwer treaty and making it a part of the spirit of the present treaty. The present treaty then provides, among other things, that the present canal "shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there will be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise."

It seems to me that the words "all nations" include the United States. The treaty does not say "all nations other than the United States." How easy it would have been to have said so had it been so intended! I take it that the words mean all nations of the earth. They certainly can not mean all nations of Europe; all nations of the Eastern Hemisphere; all nations other than the United States. I think they mean all nations of the earth, and the United States is one of the nations of the earth. Learned arguments have been indulged in about the meaning of these words, but I prefer the construction of that great journal, the New York World, which, some weeks ago, said in effect that the words "all nations" need no construction, but speak for themselves and mean literally what they say. I am like the judge who said that the learned arguments of counsel might be all right, but he would decide the case on common sense. It seems to me that common sense indicates that the words "all nations" mean what they say. I am not disposed to give any technical or restricted meaning to them.

Able arguments have been made by learned statesmen to show that the provisions above quoted from section 1 of article 3 of the Hay-Pauncefote treaty do not forbid toll exemption to American coastwise ships. It has been argued that the Hay-Pauncefote treaty did not contemplate the construction of the canal in its present location, that it is located on different territory from what was then contemplated, that we own the territory on which it is constructed, and may do as we please with it, and that the Hay-Pauncefote treaty is thereby abrogated. Yet article 4 of the Hay-Pauncefote treaty says:

> It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

That alone might not put beyond doubt the control of the Hay-Pauncefote treaty over the canal, but in 1903, before the construction of the canal was begun, the United States entered into a treaty with the Republic of Panama regarding the construction, operation, and control of the canal, and article 18 of that treaty says:

> The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901—

Meaning the Hay-Pauncefote treaty; and section 1 of article 3 thereof is the portion thereof heretofore quoted and providing for equality of treatment of all nations and providing that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Thus the United States, before beginning the construction of the canal, solemnly pledged its word to the Republic of Panama, from which it obtained the ground on which to construct the canal, that it would be constructed, operated, and conducted in strict conformity with the provisions of our Hay-Pauncefote treaty with Great Britain, thus impressing indelibly upon the canal all provisions of the Hay-Pauncefote treaty, no matter if the canal is constructed in a different place from that once anticipated. Furthermore, our treaty with the Republic of Panama expressly recites that title to the canal strip is vested in the United States, for the purpose of constructing and operating thereon a canal in accordance with the provisions of the Hay-Pauncefote treaty. Thus we hold the strip as trustee for an especial purpose, and should be careful of our trust.

It has been argued ably and with much force that the words "vessels of commerce" have a technical meaning and do not include coastwise ships. Yet our treaty with Great Britain in regard to the Welland Canal uses those words, and they have been held in practice by both nations to include coastwise ships. If they mean coastwise ships for the Welland Canal they mean coastwise ships for the Panama Canal. We have a large number of treaties in regard to shipping with South American republics, and in nearly every instance there is a clause that the provisions of the treaty shall not apply to coastwise ships, showing the intention specifically to exempt them. No such exemption was made nor intention manifested in the Hay-Pauncefote treaty. I do not care to construe the Hay-Pauncefote treaty in a technical way, nor to give technical meanings to its words. I prefer to construe it in a larger and more liberal way, which will be generous to the rights and contentions of others interested.

It has been contended that if we must charge our coastwise ships for passage we must charge our war vessels, but to my mind that contention is not reasonable. Our coastwise ships are owned by individuals or corporations—are privately owned—while our warships are owned by the Government, and there would be no sense in the Government taking money out of its Treasury and paying the same money back into its Treasury as toll for its warships. The law never requires a vain or useless thing to be done.

It has been contended that if we must charge our coastwise ships for passage we have no right to defend the canal in time of war, to victual our ships in it, to embark or disembark troops in it, to load on our warships within its zone munitions of war, or to do in time of war other things forbidden in the Hay-Pauncefote treaty. To my mind that contention is not sound. The right of self-defense is an inherent right. Those provisions of the Hay-Pauncefote treaty refer only to belligerent vessels of war. The United States can not be belligerent to itself. War between any two nations abrogates all treaties of, or as to, those nations. War between the United States and Great Britain would abrogate the Hay-Pauncefote treaty between those two nations. War between the United States and any other nation would abrogate the rights of that nation in or to the use of the canal under the Hay-Pauncefote treaty. The Hay-Pauncefote treaty specifically provides that—

> the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

I am profoundly impressed with the learned argument and sound reasoning of Prof. Emory R. Johnson, of the University of Pennsylvania, as evinced in a contribution by him to the April, 1914, number of the North American Review, in which he contends, and I think clearly proves, that coastwise-toll exemption is trade discrimination, evasion of the law, and violation of the Hay-Pauncefote treaty. To my mind his reasoning is invincible and his logic irresistible. He shows that a cargo loaded in Liverpool but intended for San Francisco and shipped in a trans-Atlantic steamer from Liverpool to New York, and there reloaded on an American coastwise ship and carried on to San Francisco via Panama Canal, would under the present condition of the law evade payment of canal tolls, while a like cargo, shipped from Liverpool direct to San Francisco via Panama Canal, would be required to pay toll.

He further shows that goods shipped from New York directly to the Orient via Panama Canal would have to pay canal tolls, while an American coastwise ship could load a cargo at New York and proceed via Panama Canal to San Francisco, and there have the goods reloaded on an oriental steamship and carried to the Orient, or that the coastwise ship, after arriving at San Francisco, could take out clearance for the Orient without unloading at San Francisco and proceed to the Orient without changing the cargo from one ship to another, and in either of the latter events payment of canal tolls would be evaded. I see nothing incorrect in his statements, nothing false in his premises. If his premises are correct, his conclusions are unavoidable and, in my opinion, can not be refuted. Prof. Johnson argues that the present law to exempt from toll American coastwise vessels when the canal may be put in operation would cause fraud, deceit, subterfuge, evasion of law, violation of the principles of our treaty, violence to integrity, and downright dishonesty. I firmly believe that he is correct.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. THOMAS in the chair). Does the Senator from Montana yield to the Senator from Kansas?

Mr. MYERS. With great pleasure.

Mr. BRISTOW. Mr. President, I observe that the Senator is quoting from Prof. Johnson in regard to the tolls; and he spoke of transshipment at San Francisco, and said it would be an evasion of the coastwise trade provision, so that, in fact, foreign commerce would go through free. Did the Senator read the hearings of the committee, and does he remember that all of the testimony from practical, experienced men was that the

refunding them to him after they are paid? Why can not we exempt the party from paying tolls to the same extent as if we repaid them? It is said that the citizens of the United States are not the United States. But the citizens of the United States are not citizens of foreign countries, nor do they occupy the same relation to the United States as citizens of foreign countries. They are entitled to help, protection, and the benefit of legislation.

Our citizens pay for this canal. It has been contended by some that they do not favor the exemption of tolls because that would require the United States to tax the people to pay the amount which is exempted, and also because it would be encouraging a monopoly in the shipping business; that the tax would be compelled to be paid by the poor people who are not prepared to stand it. This contention is contradictory in its terms. It is contended that it would protect a monopoly which should not be protected; also, that it would impose a duty upon the rich, including all monopolies, who they say ought not to be protected. The poor people would not be taxed to make up any deficit which would be caused by exempting the tolls. The tax for that purpose would be raised exactly the same as our revenue is raised to-day.

First, from the incomes of persons having more than $3,000 and from corporations having an income. Certainly there ought to be no complaint on the part of the party in power to increasing the tax very slightly on that class of our people. The next source of revenue from which we obtain taxes is from the sale and manufacture of liquor and tobacco, both of which are counted as luxuries and not entitled to any tender consideration. Certainly they are not entitled to any more consideration than the upbuilding of our shipping. The third source from which we obtain tax is from merchandise imported from foreign countries, nearly all of which imports are never used by or reach people who have an income less than $3,000. The poor people of this country do not purchase foreign-made goods. It is the wealthier class who do that. A great many of the articles imported consists of wines and liquors, silks and satins, and articles of luxury. Very few imported articles reach the poor.

Is there any particular reason why an additional tax may not be imposed upon the wealthy who use the articles imported? It is estimated by Prof. Johnson that the amount of the exemption from taxation would be about $1,200,000, and that is only about one-tenth part of the total amount of the estimated income of the canal. The merchandise which would go through the canal on coastwise ships would nearly all be American products. By reducing the freight we would reduce the price of the same, and as the poorer class use the American products almost entirely they would get the benefit of the free tolls. It has been shown in the arguments and by documents introduced that comparatively small portions of the coastwise ships in this country belong to corporations.

But why should not corporations be encouraged to unite their means and build ships of commerce so as to do our freighting and save the great amount that is expended from going into foreign coffers, from which we never receive any benefit? If an individual accumulates wealth in this country, he most always uses it in this country. He does not let it lie idle. He invests it. He may enter into combinations with various other parties having the capacity to carry on large enterprises, and that is necessary. If such had not been permitted, we would have no railroads in the United States; we would have no rolling mills; we would have no cotton nor woolen factories; we would have a very restricted condition of business enterprise. It would be low in its scale, insignificant in its quantity, and not of a character that reaches out, takes hold of, and develops the country or builds up great establishments in which the people can be employed and from which we can supply the wants of the country without going abroad to do it. It would be better if we could encourage capitalists to build more ships and keep the money at home.

If we could make the coastwise trade profitable to them being engaged in that character of business, they would reach out and across the ocean and carry to and from other countries the exports and imports which we now pay foreign shipowners to carry for us. Free tolls is but a small item. It is an item which we would pay. It should not be granted to any foreign shipowner or freighter, especially until the income becomes so great that it exceeds the amount of the operation and maintenance of the canal, sanitation, cost of the Army and Navy in protecting and fortifying it, a proper payment of interest, and a sinking fund be provided for.

Mr. MYERS. Mr. President, I shall not attempt much more than a brief statement of the reasons for the faith within me that prompts support of the bill for the repeal of that provision of our law which provides toll exemption for our coastwise shipping through the Panama Canal. I am strong in that faith and strong in my convictions in behalf thereof. I had intended to prepare and deliver in this body a more extended address in behalf of repeal, but circumstances over which I had no control have prevented; and, furthermore, at this late day, after such prolonged, profound, and illuminating debate as we have had in this body, upon every phase of the subject in question, presenting every argument, pro and con, it would be inappropriate and presumptuous for me now to attempt any extended argument on the subject. I do not feel that anything that I could say would further illumine the subject or add anything to the very able and learned arguments that have preceded. However, I deem it appropriate and opportune at this time that I give to this body, and to such of my constituents as may feel an interest therein, a simple statement of my reasons for the vote I shall cast in favor of repeal and my views thereof. In doing so I realize that this is a question of large proportions, and I respect the sincerity and honesty of those who hold opposite views, granting to them the same honesty of conviction that I claim for myself.

On the 7th of August, 1912, when the act for the government of the Panama Canal was under consideration in this body and when a vote was had upon the amendment offered by the Senator from Ohio [Mr. BURTON] to subject our coastwise shipping to payment of tolls, I did not vote upon that amendment, being paired with the Senator from Connecticut [Mr. McLEAN]. I do not know, had I voted thereon, how I would have voted, but presume I would probably have voted with my Democratic brethren against the amendment.

On the 9th of August, 1912, after that amendment had been defeated and when the bill for the general regulation of the canal, including the provision for toll exemption for American coastwise ships, was put upon its passage in this body, I voted for the general act in its entirety, including, as it did, the provision for toll exemption for American coastwise ships. To that extent and that extent only I voted for such toll exemption. Almost up to the time of the roll call I was undecided about how I should vote, because at that time I regarded with disfavor the idea of granting toll exemption to American coastwise ships. It impressed me then as a species of special privilege. According to my recollection, the question of whether or not such toll exemption was a violation of the Hay-Pauncefote treaty had not been very extensively debated at that time. I was in doubt about how I should vote, and was inclined to vote against the entire act until a fellow Democratic Senator, who was sitting next to me, drew on me the Democratic national platform and called my attention to the declaration therein in favor of toll exemption for American coastwise ships. If I had known before that there was such a plank in the Democratic national platform, it had escaped me. That shows how much of an impression it had made upon me, and I doubt not there were millions of other voters upon whom it had made no more impression. I certainly did not hear it read in the convention, although present when the platform was read, and if I afterwards read that particular plank it had for the time escaped my memory. Being in doubt on the subject and not having time for extended reflection, I decided to resolve the doubt in favor of the platform and voted for the bill containing the provision for toll exemption. However, I have been sorry of it ever since. Soon thereafter, upon reflection and deliberation, I concluded that I had done wrong in voting for the bill with that provision in it, and that toll exemption for American coastwise ships was, as I now believe it is, an indefensible subsidy and a special privilege to a favored few at the expense of the many and contrary to Democratic doctrine. Long ago, before the President's message in behalf of repeal, in fact, when I first heard it rumored that Representative ADAMSON or some one else would introduce in the House a bill for the repeal of the toll-exemption provision, I determined that if I should ever have a chance to vote to reverse my former vote I would do so.

As to the contention that the exemption from tolls of American coastwise ships is a violation of the Hay-Pauncefote treaty, while I have not had the privilege of hearing, I have had the pleasure of reading a number of the very able arguments, in each the House and the Senate, for or against repeal, and I have tried to follow closely the reasoning of each; and I must say that the reasons and arguments advanced in behalf of the contention that it is a violation of that treaty are the more persuasive to me.

The Clayton-Bulwer treaty of 1850 between the United States and Great Britain, which was the beginning of our negotiations with Great Britain for the construction of an interoceanic

nulty to Panama, and the costs of the Army and Navy in protecting and fortifying it, but otherwise not.

How can we draw a distinction between our coastwise ships and our vessels of war in paying toll in the face of the treaty which uses both of them in the same connection and without any discrimination or difference between the words applying to them? Yet it is admitted by nearly every one, if not by every one, that our warships should not be charged with tolls, but where the authority comes to do that it is difficult to ascertain from the language of the clause in question if the United States are included in the words "all nations." If the language which provides for the neutralization of the canal applies to the ships of commerce and war of foreign nations and to our own coastwise ships through the canal, then it applies to our ships of war as well. There are no words of exception in favor of our ships of war. I do not believe that the neutralization which is referred to in the treaty applies to the ships of the United States and its citizens. If it did, our warships must be treated in the payment of tolls exactly as our merchant ships, or as the merchant ships of any other nation, or the warships of any other nation.

I believe that the neutralization which is referred to is that which is specified in the second, third, fourth, fifth, and sixth clauses of article 3 of that treaty, and that means that we shall keep that canal from being blockaded, from any act of war being exercised or hostility committed therein, but that can not apply to the United States, nor can the clause which provides that vessels of war of a belligerent shall not revictual or take any stores in the canal except strictly necessary, and that they shall pass through with the least possible delay, in accordance with the regulations in force, which we are to prescribe. Nor the provision that no belligerent shall embark or disembark troops or munitions of war or warlike materials on the canal except in case of accidental hindrance, and so forth. Nor the provision that the vessels of war of a belligerent shall not remain longer than 24 hours in the waters, and so forth. Nor that the vessel of war of one belligerent shall not depart within 24 hours of the vessel of war of another belligerent, or that any of the provisions or clauses of article 3 of the treaty, namely, Nos. 2, 3, 4, 5, and 6, are intended to operate upon the vessels of war of the United States as they do upon the vessels of war of other countries.

If clause 1 is to be construed as a part of the neutralization of the canal, and the other clauses are to be considered according to their actual literal reading, without reference to the circumstances and conditions prevailing and without reference to the fact that we are the owners of the canal, that we built it and are managing and controlling it for the benefit of commerce; then if we were at war with Great Britain or any other country and such country at war with us should seek to seize the canal or to blockade it, we would have no right to disembark an additional force in the canal for its protection, nor to keep our ships within it to prevent it from being seized. We would have to act as any other foreign countries being at war. Our soldiers would have to stay away from the canal. Our ships would have to leave it and get more than 3 miles away from the mouth or entrance to it. We would have to leave it open to our enemies for assault. One of these enemies might be some nation which would be in the category of not even having observed the rules which we had prescribed for the government of the canal. We would not be allowed under that provision, with our ships in the canal, to engage in a battle with the ships of a foreign nation who had sailed into the canal and attacked us.

It is true we might use our forces which we then had there and our guns which we had already established there for the defense of the canal to drive them off, or to prevent their occupying the canal; but if they entered into the canal and got into the big lake through which it passes, where they might find vessels of our fleet, we would not have the right to engage in a conflict with them, if the construction which some place upon this treaty holds good. But will anyone upon a fair consideration of the conditions and circumstances and surroundings of the requirements of that clause and the relation of the facts thereto contend that we would not have a right to keep our fleet there; that we would not have a right to land additional troops there; that we would not have a right to do everything which is prohibited by those different sections of the treaty in order to safeguard and protect that canal for neutral nations and for future use? It may be that it is not very probable that such condition would exist, but it may. We may get into a war with foreign nations who would like to own that canal. Treaties are seldom ever kept in perpetuity. They are sometimes abrogated by agreement. Frequently they are ignored. Often they become obsolete and sometimes broken or violated. Now and then a treaty continues, as has the treaty with Great Britain which acknowledged our independence and which will continue as long as we are an independent Nation.

If Great Britain or Germany should not observe the rules prescribed in article 3 of the treaty, but should get control of the canal and hold it against all others, who would be required to enforce the terms of the treaty? On whom would the obligation to keep the canal free and neutral devolve? It will be noticed the United States was the only power which adopted the neutralization clause of the canal.

This was changed from the provisions of article 2 of the Hay-Pauncefote treaty which was ratified by the United States, but rejected by Great Britain, in which both countries provided for the joint neutralization of the canal. Why was this change made? Certainly it was so made after reconsideration of the provisions of the former treaty, and, possibly, after suggestions which had been made by Great Britain in her objections which were to the amendment which was inserted—clause 5, article 2—in that treaty in regard to using force for the defense of the United States and maintenance of public order in the canal, which it is supposed was the substantial objection that Great Britain made to the ratification of that treaty. It was understood, evidently, that that provision should be rejected and the United States should have the sole power of neutralizing the canal, which meant that they alone should use the necessary force required to keep it neutral.

But if the construction which is said to be placed upon that treaty with reference to the coastwise shipping of the United States must prevail, we have placed ourselves in the attitude of compelling our ships of war to be subject to the same conditions as the ships of war of other nations. We are compelling ourselves to abide by the provisions which, while we are defending the canal against a foreign power, will not allow us to occupy it or deal with it so as to protect it for the use of the world.

I make this contention to call the attention of the Senators to the fact that we are not to be treated in connection with that canal in the same light as other foreign nations; that the rules which we established there were to operate differently upon us from what they should operate upon other nations; that when we prescribed rules as we had a right to prescribe and regulations as we had a right to adopt we did it for foreign nations, with the idea that we might observe them or not, as we liked. That we were not bound by the same restrictions in the treaty with which other nations were bound; that we were dealing with our own property and with our own rights and protecting them against the claims and acts of all nations as far as we deemed it just and equitable to do so.

In construing the words "just and equitable" in the treaty, as I have stated, we must construe them in the light of all the facts and surrounding circumstances; in the light of the ownership or nonownership of the canal; in the light of the obligations or the want of obligations of different nations and ours in regard to the canal and the difference between such obligations; in the light of everything which goes to the construction, maintenance, operation, and government of the canal, and not by a strict construction of the letter of the treaty, which would work absurdity in many instances if such construction was to be made to apply to us. If they do not apply to us with the same obligations and restraints that they do to other countries in article 3 thereof, then every provision of it must be modified or limited when it is intended to apply it to us for our guidance and observation, in accordance with the relation we bear to the canal, different from that which any other country bears. Great Britain had no rights at the Isthmus of Panama when that treaty was entered into. She gave away no rights that she had at that place—ceded nothing. She had agreed that we might construct a Nicaraguan canal or some other canal at some other point where she might have had some rights. She can not interpose herself in this manner and say that we are depriving her of some right which we owe to her on account of some concession made by herself at that isthmus, where she had nothing to concede.

I insist that the rules of neutrality prescribed by the treaty only embrace paragraphs 2, 3, 4, 5, and 6, which are to be enforced by the United States, to do which we can not comply with them as a foreign power. There is a difference between money paid by a foreigner for tolls and that paid by a citizen of the United States. So far as we are concerned, the foreigner's money goes into the Treasury of the United States when paid and stays paid. We do not refund it to him. A citizen's money will go into the Treasury of the United States, but we may refund it to him as a matter of public policy. What is the difference between exempting the tolls of an individual and

investment. It was because they could use the bonds for which it was given in the national banks to secure the issue of national-bank currency, and thus obtain the interest upon the money invested in the bonds as well as on the bank stock, giving them much more than 4 or 5 or even 6 per cent interest upon the investment which they made. Take away from the bonds carrying that 2 and 3 per cent the right to use them as a basis for the issuance of national-bank currency and I challenge anyone to show where those bonds will be maintained at par or can be maintained at par. To-day they are below par.

The argument of Earl Grey falls to the ground, because at the lowest rate of interest suggested, which is 3 per cent, the amount which will be raised by the tolls at $1.20 per registered ton will fall far short of the required quantity to pay the entire maintenance and operation of the canal and that interest, not taking into account the cost of the Army and Navy in protecting the canal. The only other question suggested in the argument of Earl Grey on this point is that we would not know how much would be lost by allowing our coastwise shipping to go through the canal free. That is a matter of regulation in the canal. There is no reason why we should not know it. There is no reason why every vessel that passes through the canal should not be inspected and its tonnage ascertained. It would be a mere matter of regulation to require every vessel to be measured and its tonnage ascertained according to the same rules adopted for all foreign vessels and reported to the proper authorities who have to collect the tolls upon other vessels.

It would require no law to do that; we can always know what the exact amount would be that was exempted in favor of such vessels, and whenever that amount reached the point where it would be more than the deficit which our Government would have to make up out of the Public Treasury to pay for the operation and maintenance of the canal and interest and other charges it would then be time enough, if ever, to raise the questions in favor of Great Britain which are now being raised here. It would then be the time when, if she was entitled to it, she could demand an arbitration. But how can Great Britain demand an arbitration until she knows that a discrimination is being made which affects the interests of her shippers or shipowners? How can she demand an arbitration, if at all, until she knows what rate of interest we propose to charge upon the money which we have invested in that canal, as well as all other expenses incidental to its operation and maintenance?

The fact that we have provided for the issuance of bonds to raise money to construct the canal, bearing interest at the rate of 3 per cent, is no reason why that would be an adequate interest to pay the Government for the money invested in that canal. That money was raised at par by our Government simply on account of the condition of banking affairs in the United States.

It may be possible that the management of the banking interest will be radically changed. It is generally asserted by the party in power throughout the land that they have no love for the present national banking system, and they do not believe, as a rule, that bonds should be used to secure the national-bank currency. It was proposed at the commencement of the enactment of the bill to establish regional banks that all bonds should be retired. In that way there would be none of them left upon which to base the issuance of national-bank currency.

If such course should prevail—and who will say that it may not prevail if the party in power continues in power—would it be pretended that this Government could raise money on the issuance of a bond bearing 3 per cent interest, to be held as an ordinary investment, without the right to use it in the manner in which it is now being used, or some equivalent manner? It is difficult to believe that anyone would think so. When we calculate the amounts to be reimbursed to us, we must calculate money at current rates, at the rate it bears, not in the markets of Europe, but in the markets of the United States. The withdrawal of the bonds so that they can not be used for the issuance of national-bank currency, or something equivalent to that, would reduce them below par. Can it be said in estimating the tolls to be imposed to make up these expenses or outlay in the shape of operation and maintenance and interest, as well as other expenses which may be necessary, that we would not have the right to demand interest, even as high as 4, 5, or even 6 per cent if the condition of affairs in this country should require it? And are we not traveling rapidly now in that direction?

By the statements which were incorporated into the RECORD by the Senator from Utah [Mr. SMOOT] a few days since, it appears that the financial policy adopted by the present administration has had the effect to reduce our exports to foreign countries to such an extent, and to increase the imports from foreign countries to such an extent, that the balance of trade during the month of April last was against us, while during the fiscal year last past that balance of trade was about $650,000,000 in our favor. That was $650,000,000 added to the real wealth of our country over and above what will be added to it if conditions continue in the same channel they are now going. How much that balance of trade will hereafter be against us we do not know.

It was about $10,271,872 for the month of April, so that instead of our receiving an addition to our wealth of $650,000,000 annually, we will be paying out and deducting from our wealth about $123,000,000 annually, provided that it does not grow any worse than it was in the month of April; but the facts exhibited show that there is a decided gradual increase in this change of the balance of trade against us, so that we may expect a still greater balance of trade as time goes on under the present laws enacted under the forced conditions imposed by the present administration. If money grows scarce, the rates of interest will increase, and, according to said statistics, money may soon be scarce.

Is the exemption of our coastwise shipping from tolls through the canal a violation of the first clause of article 3 of the Hay-Pauncefote treaty? Does that provision, fairly and legally construed, so hold? It provides:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

It will be noted that the last clause of that section defines what conditions and charges of traffic shall be. What was the necessity of inserting those words "such conditions and charges of traffic shall be just and equitable" if the ships as to tolls should go through upon an entire equality? Possibly, one answer to that might be that the charges should not be excessively great so as to impose unreasonable burdens upon those who pay the tolls. That is possibly one thing that was meant; but the language is not limited to that alone. The words "just and equitable" must be considered in connection with all the circumstances and surroundings in connection with the facts that the United States and its people built that canal and own it and must operate and will be responsible for its neutralization and perpetuity as a channel of traffic; that they must repair it should earthquakes or landslides or other extraordinary events happen which might obstruct it; that to defend it they must keep an army and navy there, and even engage in war and go to extraordinary expense to see that it is protected against interruption or seizure or obstruction in any manner by foreign nations.

The words "just and equitable" contained in the last paragraph of clause 1 of article 3 of the existing treaty were not incorporated in the treaty first agreed upon and ratified by the Senate of the United States with an amendment and which was rejected by Great Britain.

The present treaty made radical changes in the provisions of article 3, being article 2 of the treaty which was not accepted by Great Britain. That proposed treaty contained a paragraph, at the end of clause 5, article 2, which was inserted as an amendment by the Senate of the United States, as follows:

> It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

Evidently, Great Britain did not wish to give its assent to the provisions of that amendment that she was to be a party to the enforcement of the treaty clauses mentioned in the article 2 of that proposed treaty.

By that article she would have bound herself, jointly with the United States, to the enforcement of all the clauses of the same; whereas in the new treaty, the one now in force, it was provided that the United States alone, and not in conjunction with Great Britain, adopted the rules for the neutralization of the canal; and at the end of clause 1 of article 3 thereof there was inserted the provision "that the conditions and charges of traffic should be just and equitable." Those words were not incorporated in the treaty which was rejected by Great Britain. They must have been inserted by the United States, because the neutralization of the canal was confided entirely to her, and the matter of charges was left entirely to her, she being the sole owner and constructor of the canal and having the entire superintendence and government of it. The purpose of inserting that provision was to be a modification and limitation of the provisions preceding; that is, the terms "entire equality" and "no discrimination against nations."

Would not the words "just and equitable" be considered when the United States should fix the amount of charges which it would impose for the purpose of paying the operation, maintenance, and sanitation of the canal, proper interest on the money invested, including the cost of the Army and Navy in fortifying and protecting it, and even for a sinking fund to pay for the entire amount? Where is the limit imposed upon the United States by those words? We have to decide what is "just and equitable." In article 2 of the Hay-Pauncefote treaty it was provided that the canal might be constructed under the auspices of the United States and that, subject to the treaty, this Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal. That confers upon our Government the entire, absolute, and perfect dominion over that canal.

We have the right under those provisions to regulate the tolls, as we have undertaken to do; and in regulating those tolls we are only required to make them so that they are "just and equitable" according to the circumstances and conditions connected with the canal, of which we ourselves are the sole judges.

Has the time arrived when this question can be properly agitated as to whether we are discriminating or not? Dr. Emory Johnson estimates that the total receipts from tolls, including tolls from coastwise ships, if imposed, would reach about $12,000,000. It is estimated by Col. Goethals that the annual charges for the operation and maintenance of the canal, its sanitation, and the annuity to Panama will amount to over $4,250,000. We have invested, or will have invested, in this canal about $400,000,000 when it shall have been completed, including the cost of fortifying it, the interest upon which, at 3 per cent, will amount to $12,000,000 per annum, which should be paid to us out of incomes, commencing from the time we made the expenditures, or, otherwise, adding the interest in the meantime until the canal is thoroughly opened, to arrive at the sum to constitute the full amount on which the interest shall be computed. This, added to the cost of operation, maintenance, sanitation of the canal, and the annuity to Panama, will not be less than $16,250,000 annually, and may be considerably more, to which must be added $10,000,000 annually for the Army and Navy expenses in protecting and fortifying the canal. So that there will be a deficit, even if the tolls on coastwise ships are imposed, of over $3,800,000 annually, without taking into consideration the Army and Navy expenses, which will have to be paid out of the Treasury of the United States, and this amount will be increased by $4,000,000 if we estimate the rate of interest at 4 per cent, which would be entirely reasonable.

Until the stage is reached in which the tolls shall exceed the amount of operation, maintenance, and sanitation of the canal, annuity to Panama, and a fair interest to be allowed upon the amount invested, besides the Army and Navy expenses in protecting it, what country will have the right to complain that we are discriminating against them? The amount of tolls which will be charged for American coastwise ships estimated by Prof. Johnson will be about $1,200,000 annually, which will, if deducted, reduce the annual income from the canal to about $11,400,000.

But it is said they must be so regulated that there will be no discrimination, and the question arises here, What is a discrimination? And in determining that it will only be necessary to consider whether or not the passage of our coastwise ships through the canal without paying toll constitutes a discrimination. Under our laws coastwise ships can not receive or discharge freight or passengers at any port outside of the United States. They may land at foreign ports for the purpose of repairs or to revictual. When one of them undertakes to go into a foreign port to deliver or receive freight or passengers it is compelled to surrender its license as a coastwise ship under the law. A coastwise ship of a foreign country—and all of them have coastwise ships regulated very much as ours are—can not receive freight at a port in the United States to be discharged at another port in the United States. Our coastwise ships are limited to business along our coast.

All ships of foreign nations, as well as our own, doing business between our ports and foreign ports, in doing business along the coasts of the United States, can only deliver their freight and passengers brought from a foreign port to our country, although they may for that purpose enter different harbors or ports, but they can not take on freight from one port to another; for instance, from New York to Baltimore or Charleston or New Orleans. While they may go from New York to New Orleans to deliver the freight which they have brought across the seas, not one pound can they take up on our coast and carry and deliver to another port on our coast.

Our coastwise ships and all our ships are excluded from doing a coastwise business in foreign countries. All foreign ships are excluded from doing a coastwise business in our country, as well as all of our own ships which are not registered or licensed as coastwise ships. So that the business in which the coastwise ships of Great Britain are engaged, while of a similar character or kind as that in which our coastwise ships are engaged, is absolutely a distinct and different business, not in conflict with or by our coastwise ships. There can be no competition in the most remote degree between the coastwise ships of England and those of America. Neither can do any part of the business which the other can do. Then why say there is a discrimination against the foreign shipping by granting to our coastwise ships free tolls through the canal? We do not take away one penny which can or might be gained by the British shipping. We do not diminish their income in anything.

If we do not do injury or wrong or diminish the earnings of their shipping, or take away their traffic, how can it be said that any law of ours discriminates against them? To do so you would have to go still further and say that by virtue of the Hay-Pauncefote treaty, in order that British ships should be put upon an equality with ours, we should repeal our coastwise ship law and admit Great Britain to do business along our coast with our own ships. But no one will contend for that proposition; if they should, they would certainly be judged to be very un-American and unpatriotic. It is claimed by some that we discriminate against the ships of foreign countries which may bring freight, say, from Liverpool to New York and discharge it there and reship it upon an American coastwise ship to San Francisco, and that therefore we would enable that kind of shipping to discriminate against foreign shipping. But such would in no manner be the result.

It is shown that by reshipping at the port of New York, for instance, it would cost at least 25 cents per ton of 2,000 pounds to unload, and to reload it in the same port another amount of at least 25 cents, which, besides breakage, delay, increase of the distance, and other injury, would more than exceed the $1.20 per registered ton, which is not more than 60 cents per ton of 2,000 pounds, which we have imposed upon the foreign shipping and our own transoceanic ships through the canal. This treaty should be interpreted in accordance with its practical results and not upon theoretical ideas which will never be realized. The discrimination which is prohibited by the treaty must be one that so discriminates between the shipping of our own country and that of others that there will be a loss or injury to the other shipping. In all the arguments which I have noticed in this Chamber and read in the RECORD, I have not yet seen one that points out any substantial injury or loss that will result to foreign ships passing through the canal by exempting our coastwise ships, or any of our ships from paying tolls, until the amount collected shall exceed the sum required for operation, maintenance, sanitation of the canal, the annuity to Panama, interest on the investment, and the Army and Navy expenses to be incurred in defending and protecting the canal.

It is insisted by some and denied by others that our vessels of war, both transports and battleships, should pay tolls in going through the canal. If the reasons mentioned by Earl Grey, that our coastwise ships ought to be charged in order to not oblige foreign shipping to pay a higher rate of toll than would be necessary to pay the operation, maintenance, sanitation of the canal, and interest upon the money invested, should be maintained—and that is all the British Government actually claims—why do not the same reasons prevail as to our vessels of war, including transports and battleships? Why should not the amount be paid by the Nation in order to reduce the proportionate amount that British shipping and the shipping of other foreign nations should pay, so that it can be known and easily ascertained how much it would be just and equitable for foreign nations to pay?

Can there be any distinction drawn between the United States being obliged to pay tolls in order to make up the total amount that is necessary to pay the expenses of operating and maintaining the canal and providing for the interest on the money and payment of other charges and that of requiring our coastwise shipping, or any other American shipping of commerce or war, to pay tolls for that purpose? It is generally admitted that we have the right to pay back or reimburse all our ships for what they have paid out; but it is insisted that we ought to pay it in the first instance, whether reimbursed or not, so as to determine the proportion of the cost of operation, maintenance, sanitation of the canal, and of the proper amount of interest we should bear on our part. Such might be true if the amount when paid by shippers would more than cover the total cost of operation, maintenance, sanitation of the canal, the an-

in the platform of principles which they formulated and laid before him and the country as the reasons why they should be placed in power and their candidate elected President? Must we not consider that the will of the people when expressed, after due consideration of the reasons which induced them to elect the party which is now in power to take over the administration o the affairs of this country, should have great weight with the legislators and Executive of the United States in the conduct of the public business and in the enactment of our laws? And must we not also believe that the understanding of the people when they elected the present Executive and the present Congress, and gave them the power they now have, was that the administratio d the majority of Congress elected thereon should carry out those principles as construed and interpreted by the members of their convention and their candidates and representatives at the time they were asking to be interested with the Government? There was no apparent misunderstanding about the meaning of the language which is incorporated in the Democratic platform. The present Secretary of State, the intimate adviser of the Chief Executive, was chairman of the committee which drafted that platform. The matter of constructing and operating the Panama Canal in the interest of the people of the United States and for the general welfare of the people of the world had long been discussed and debated. The Hay-Pauncefote treaty was then in full force. The act in question had already passed the House and been extensively discussed therein, and particularly the provision under consideration, and the same had been considered in the committee of the Senate at the time the Democratic convention was held. The attention of the present Chief Executive had been called to it and called to it in a way that he sought to avail himself and his party of the benefits to be derived from his then construction thereof.

The President, as before stated, said to us in his address on this matter that we should voluntarily withdraw from "a position everywhere questioned and misunderstood." Did he mean by that that the action of Congress in exempting coastwise ships from toll was everywhere questioned, and also that it was misunderstood? He stated that that action was in contravention with the treaty with Great Britain. Does he properly mean by that that our action as to being in contravention with the treaty was everywhere questioned but that those who questioned it misunderstood it? Can his language be interpreted in any other way? He must have been reading and been impressed with the short biography of Theodore Roosevelt, written by Alfred Henry Lewis about the time of, or shortly after, the modification made in the Hay-Pauncefote treaty of 1901, in which Alfred Henry Lewis, speaking on the subject of the canal, said:

> The propriety of the canal no one American—save transcontinental railways—was ever heard to deny, but to the last crowned head of them, every European ruler, and even the elected one of France, has been and is opposed—they believe with Sir Walter Raleigh that he who holds the isthmus of Darien holds the keys to the world, and are solicitous that no such lock opener shall hang at the girdle of America.

At the same time the President gives us to understand in that message that our action was misunderstood. How could it have been misunderstood? It was a simple, plain act, expressed in as few words as possible and as pointed as it could be made, and that was that no tolls should be charged on coastwise ships of the United States passing through the canal. That language could not be misunderstood. The purpose of it could not well be misunderstood. But, as stated by Alfred Henry Lewis, to—

> the propriety of the canal * * * to the last crowned head of them, every European ruler, and even the elected one of France, has been and is opposed.

And that is what the President tells us is not debated; he says, outside of the United States, but that it is misunderstood everywhere, and therefore we should take this step recommended by him, whether we were right or wrong in passing that act, although our act in doing so is misunderstood by all other countries, they being opposed to our position. If their opposition is based upon a misunderstanding, why should we reverse it in order to carry out an improper interpretation or understanding of our acts in passing that law?

President Wilson, about August 16, 1912, delivered a very remarkable speech to 2,500 farmers of the State of New Jersey, his own home State, for the purpose of catching votes for himself in that campaign so as to be elected to the high office he now holds. He told them in that speech, in his peculiarly lucid manner, somewhat like the manner he addressed us on the 5th of March last, that—

> By a very insenious process, which I would not keep you standing in the hot sun long enough to outline, the legislation of the United States has destroyed the merchant marine of the United States.

Then, after making some other statements to flatter their vanity and attract their consideration to himself, he said:

> One of the great objects in cutting that great ditch across the Isthmus of Panama is to allow farmers who are near the Atlantic to ship to the Pacific by way of the Atlantic ports, to allow all the farmers on which I may, standing here, call this part of the continent to find an outlet at ports of the Gulf or the ports of the Atlantic seaboard, and then have coastwise steamers carry their products down around through the canal and up the Pacific coast or down the coast of South America.

And then he proceeds:

> Now, at present there are no ships to do that, and one of the bills pending—passed, I believe, yesterday by the Senate as it had passed the House—provides for free toll for American ships through that canal and prohibits any ship from passing through which is owned by any American railroad company.

And then he says:

> You see the object of that, don't you? We do not want the railroads to compete with themselves, because we understand that kind of competition.
>
> We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent.

He then, to flatter the farmers further, says:

> The farmers of this country are, in my judgment, just as much concerned in the policy of the United States with regard to that canal as any other class of citizens of the United States. Probably they are more concerned than any other one class; and what I am most desirous to see is the farmers of the country coming forward as partners in the great national undertakings and take a wide national, nay, international, view of these great matters, feeling all the pulses of the world that beat in the great arteries of their own life and prosperity. Everything that is done in the interest of cheap transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways.

And then he calls attention to the platform and its objects and purposes by saying:

> Our platform is not molasses to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not. They know the American people are now taking notice in a way in which they never took notice before, and gentlemen who talk one way and vote another are going to be retired to very quiet and private retiremt.

According to this last statement I think the President may have been somewhat of a prophet. He certainly has talked one way and proposed to vote another when he signs this bill, if it passes. Will he and those who have changed from advocating that measure to catch votes retire voluntarily into very quiet and private retirement? If they do not, most of them may expect the people will retire them to such retreat against their will. The President seems to have been fully assured that the platform was the utterance of earnest and honest men who intend to do business along those lines and who were not waiting to see whether they could catch votes with those promises before they determine whether they are going to act upon them or not. Surely he did not ask to get the votes before he had determined to act upon the promises. His determination must have been fully made up. He had entered upon that determination with a well-based consideration that he would carry it out and was simply presenting it to them in all of his earnestness and in all of his extreme desire to catch their votes and secure his election.

When we take these utterances, given under such circumstances as they were given there, after the principles about which he was talking had been enunciated by over a thousand chosen delegates in the Baltimore convention, selected from those who were supposed to be the best informed and most progressive men of his party, and after he had accepted them as party principles to which he had pledged his adherence, we must naturally suppose that he had them then "fully considered and maturely formed," his judgment in regard to the matters about which he was communicating with the farmers of New Jersey and on which he was soliciting their votes in his behalf.

If such utterances as he made there were made without a judgment fully considered and maturely formed, namely, if they were made from impulse, a desire, and a wish to gain votes without due consideration and reference to the soundness of the proposition advanced, then surely the last clause of that remarkable speech should be made operative as to him and his party; that is, that "gentlemen who talk one way and vote another are going to be retired to very quiet and private retreat." It would seem from the attitude of the President and his party adherents at the present time that the platform utterances of the Baltimore convention were "molasses to catch flies" and nothing else.

Such being the case, well might the President say to us that we ought to reverse our action without raising the question whether we were right or wrong. After taking the position in which he had placed himself by that speech to the farmers and

by his address to us and by his acceptance of the nomination under the platform of his party containing an advocacy of the law which he now wishes repealed he could give no other reason. For us to comply, right or wrong, would be according to his way of dealing with the voters. He has been setting us an example which he expects us to follow. An example in which, it is said by many, he has coerced his political friends into cooperating with him, regardless of whether it is "right or wrong." Every Democrat in the Senate who voted on the motion of Senator BURTON to strike out that free-toll proposition voted against doing so in favor of free tolls. Twenty-two of them did so, and 20 of that number are still here.

But notwithstanding this turncoat policy of the administration or of the Executive who now constitutes the administration, many of us believe that the action taken by Congress in exempting coastwise ships through the canal from the payment of tolls and providing that as to American ships the President could fix the tolls as he pleased or exempt them entirely is "just and equitable," and that it is not in contravention of the Hay-Pauncefote treaty which the President says it contravenes.

Some of the Senators who voted to retain the provision now sought to be repealed have stated that they will now vote to repeal it because it amounts to a subsidy. Why should we not subsidize our ships in order to build up a substantial merchant marine? If we could build up a merchant marine by subsidizing it, would it not save to this country and to our people large volumes of money which are now paid to foreign subsidized ships for freight and passengers annually? Statistics show that we pay hundreds of millions each year to foreign ships to carry our freight and passengers to and from foreign countries, all of which could be kept at home if we had a merchant marine sufficient to do that carrying. Everything else being equal the patriotism of the American would make him prefer the American vessel to the foreign vessel.

At the present time nine-tenths of the passengers and freight of Americans to and from foreign countries is carried in foreign ships. If we had sufficient ships belonging to our countrymen, nine-tenths would be carried in those ships and nine-tenths of the money which is now paid to foreign shipowners by Americans would be paid to American shipowners and kept at home. The amount of money expended in transporting freight and passengers, which should and would annually go in American ships in one year, if used for the purpose of constructing American ships, would enable us to nearly absorb the ocean tradic of the world. That money if paid to the owners of American ships would be invested in the building of other American ships, which would compete for the traffic of the world. It is true that that money would not go into the United States Treasury, but it would go to our people, like all other moneys which are expended in this country. It would permeate every branch of industry. It would help to build ships and every legitimate enterprise in our land.

Many Members of this Congress who now give as a reason that they will not support this free-toll law because it is a subsidy are certainly committed by their former deliberate acts to a contrary proposition. In addition to the law proposed to be repealed, there is in the tariff law which passed this Congress at the extraordinary session an express provision that 5 per cent of the duties on all merchandise imported into the United States in an American registered ship shall be deducted from the duties imposed by that legislation. This is directly in the face of the treaty of 1815 with Great Britain, from which country the great body of our imports come.

In article 2 of that treaty it is specifically and unequivocally stated—

> That no higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels than those payable in the same ports by a vessel of the United States.

And also—

> The same duties shall be paid on the importation into the United States of any articles the growth, product, or manufacture of His Britannic Majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels.

If the exemption of tolls in favor of our coastwise trade is a subsidy, then is not that reduction upon the amount of duties to be imposed on merchandise brought into the United States in American ships of 5 per cent also a subsidy, and a much clearer and more specific one? That reduction of duties might not only have the character of being a subsidy, but it has the additional character of being, directly, a violation of the treaty of 1815 with Great Britain. Why should the Chief Executive of this Nation and the majority party in this Congress, when they know Great Britain has protested against that reduction as violative of treaties with her, not call for its repeal without considering whether it is right or wrong?

Possibly the party of the majority in Congress have not been quickened into activity in that regard by the spiritual inspiration emanating from a threat to withdraw from them political patronage. The spirit may yet move them.

Is there anything in the treaty which prohibits any nation from reimbursing its subjects for tolls paid through the canal? It is admitted by many here and denied by few, if any, that we have the right to reimburse our ships for the tolls they pay, the same as foreign nations do. Is it not drawing a very technical distinction to say that we can not release the payment of the tolls to the shippers when we have the right to reimburse them for the tolls they pay? The only difference between the two propositions is that the payment by the coastwise ships would go into the general body of the income of the canal, while if they were released from it it would not be added to it.

But where would that make any difference, except as to the United States, when we do not collect enough tolls on the entire shipping going through the canal to pay the total expense of operation, maintenance, sanitation of the canal, interest upon the money invested, and an additional expense of $10,000,000 for the Army and Navy to protect it and keep it neutralized. The deficit in that way will amount to many times as much as the tolls which we will collect from the coastwise ships.

Earl Grey refers to the only plausible point which might be suggested against our exempting tolls to our coastwise ships in his communication to Ambassador Bryce of November 14, 1912, printed in the hearings of the Senate had in reference to this bill, in which he is supposed to have stated the whole objection of Great Britain, on page 1018 of which he says:

> This rule also provides that the tolls should be "just and equitable." The purpose of these words was to limit the tolls to the amount representing the fair value of the services rendered—i. e., to the interest on the capital expended and the cost of the operation and maintenance of the canal. Unless the whole volume of shipping which passes through the canal, and which all benefits equally by its services, is taken into account, there are no means of determining whether the tolls chargeable upon a vessel represent that vessel's fair proportion of the current expenditure properly chargeable against the canal; that is to say, interest on the capital expended in construction and the cost of operation and maintenance.
>
> If any classes of vessels are exempted from tolls in such a way that no receipts from such ships are taken into the account in the income of the canal, there is no guaranty that the vessels upon which tolls are being levied are not being made to bear more than their fair share of the upkeep. Apart altogether, therefore, from the provision in rule 1 about equality of treatment for all nations, the stipulation that the tolls shall be just and equitable, when rightly understood, entitles His Majesty's Government to demand, on behalf of British shipping, that all nations passing through the canal, whatever their flag or their character, shall be taken into account in fixing the amount of the tolls.

The point made by him is that by the exemption of any ships from the payment of tolls, the amount which would be required to be charged as tolls on the other ships passing through the canal, in order to pay the current expenditure properly chargeable against the canal, that is, interest on the capital expended in construction and cost of operation and maintenance, would exceed their proper proportion, more than it would be if the tolls were charged upon all ships alike, regardless of their character. That might possibly, in one view of the case, be a fair criticism of the law if it was understood that the tolls should be made sufficiently high to raise the total of all the money necessary to pay the maintenance and operation of the canal and fair interest upon the money invested, and also the costs of the Army and Navy to neutralize the canal, but this law does not require that amount to be imposed. In fact, the law which embraces the clause now sought to be repealed provides that the tolls on no ship shall exceed $1.25 for each registered ton, and shall not be less than 75 cents except on American ships.

With equal propriety the British Government could also object to the limitation in the law that the amount should not be less than 75 cents per registered ton, for the reason that in the course of time the increased shipping passing through the canal may, at the rate of 75 cents per registered ton, raise a higher amount than would be necessary to pay the maintenance and operation of the canal and a reasonable interest. But whatever that rate is, it is not for the British Government or any other Government to say what interest we will impose to reimburse us on our investment or to pay for its use in the canal.

There is no place in the United States where interest to-day is probably less than 4 per cent per annum, and times may come, as it has in the past, when interest will easily exceed 4 per cent. It may come, also, when the current rate of interest will fall lower than 4 per cent, but it is doubtful that it will ever be much lower. It is true that we have been able to obtain money for 2 and 3 per cent, but that was not because the persons furnishing the money desired it as a simple interest-earning

further, it appears from the official correspondence that this provision was inserted in the treaty by Great Britain to meet the very contingency of the United States becoming the territorial sovereign and of her then invoking the very rule now relied upon by the Senator from New York [Mr. O'GORMAN].

Again Mr. Olney gives force and effect to the "'general principle' of neutralization" which was carried from the Clayton-Bulwer treaty into the preamble of the Hay-Pauncefote treaty. On his construction of the Hay-Pauncefote treaty, this "general principle" applied not to the proprietor of the canal, but only to the users of the canal, which was the status of the United States in the Clayton-Bulwer treaty; and he maintains that the United States is giving full effect to this principle when it treats the users of the Panama Canal on terms of equality.

On the other hand, the Senator from New York [Mr. O'GORMAN], as to this preamble, says:

> The reference to the "general principle" of neutralization in the preamble is, in a strict sense, no part of the treaty. It merely indicates the reason or the occasion for making it. A preamble can not of itself confer any power. * * * It can not be permitted to introduce doubt or uncertainty where otherwise none would exist.

It is apparent that the Senator from New York [Mr. O'GORMAN] gives little or no effect to the preamble as affording a guide to the interpretation of the treaty.

Again, Mr. Olney is of the opinion that the case of Olsen v. Smith (195 U. S., 332) bears no analogy and has no application to the "vessels of commerce" in rule 1 of the Hay-Pauncefote treaty.

On the other hand, the Senator from New York [Mr. O'GORMAN] relies upon this case as settling the law that coastwise vessels are not included in "vessels of commerce" in rule 1.

My conclusion is that any interpretation of the Hay-Pauncefote treaty which excludes the United States from the rule of equality with respect to all vessels passing through the canal is contrary to the express terms of the treaty and the manifest intention of the high contracting parties.

Mr. President, I look upon the map of the world and I see two narrow strips of land which hold together great continents and divide great oceans.

It has been the dream of mankind for centuries that passageways might be cut through these narrow strips for the world's benefit. And mankind has demanded that if ever these stupendous undertakings were accomplished, if ever these canals were built, they should be dedicated to civilization and to the commerce of all nations, and that the vessels of all nations should have the right of passage through them on terms of absolute equality. Both of these mighty projects have now been accomplished and the dream of mankind has been realized.

I turn to the Suez Canal, the first of these world waterways to be built, and I find that Europe has recognized the demand of civilization and that this canal has been dedicated to mankind and the commerce of the world. I find that the great powers of Europe, the owners and the territorial sovereigns, entered into a solemn compact by which the use of this canal is secured to the vessels of all nations on terms of entire equality.

I now turn to the Panama Canal and to America, and I find that American genius, energy, and skill have accomplished the second of these vast achievements, and I find the nations of the world asking, What will America do? Will she dedicate this canal to civilization and to the commerce of all nations? Will she, as builder, owner, and territorial sovereign, do as Europe has done? Will she, too, recognize her duty to mankind and decree that the use of this canal shall be free and open to all nations on terms of absolute equality?

And then the thought comes to me: Oh, America, you have been carrying on the most remarkable experiment in government in the world's history. You have taught mankind that self-government is not a failure. You have demonstrated the possibility of an enduring democracy extending over a continent. You have made a Constitution which is the marvel of the world, and which holds in its strong and loving arms 48 imperial States. Your example is spreading democracy over the earth with irresistible force. You have grown big and rich and powerful, until your influence dominates this hemisphere; and at the foundation of all this greatness lies the rule of equality upon which your Government is based; and to-day the nations of the world are only asking you to apply this rule to all vessels which seek to pass from ocean to ocean through the Panama Canal.

Mr. CATRON. Mr. President, the proposition under consideration to be acted upon by the United States Senate is, Shall the clause in the act to provide for the opening, maintenance, operation and protection of the Panama Canal and the sanitation and government of the same, approved August 24, 1912, which says: "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States" be repealed? And shall the other language with reference to the tolls be so amended as to absolutely preclude the United States from exempting United States vessels from paying tolls or lowering the tolls which they or any of them shall pay? This, it is claimed should be done on the theory that the language sought to be changed is in violation of the Hay-Pauncefote treaty, as we have been told by the President of the United States in his address made before us on March 5 of this year, in which he says:

> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901.

He also states in that address:

> The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong.

And, then, he further states:

> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

It seems that many Members of this body and of the other House of Congress who had on the passage of the act which is now sought to be amended voted for the provisions which the President insists now are in "contravention to the treaty" and "constitute a mistaken economic policy from every point of view," like President Wilson are attempting to cover their tracks and throw the people who are following and watching them off the trail. The President in some way not known to those of us who are not in his confidence is able to command obedience and submission to his will of many of those of his party followers, and that against their expressed, avowed, and recorded opinions and judgments. We find many of them undertaking to give reasons for their change, and giving very different and peculiar reasons therefor. The President does not tell us what is the foreign policy of his administration in support of which he desires us to enact this legislation. He states that he will not know how to deal with other matters of even greater delicacy and nearer consequence which, from the language and the connection in which that statement is used, would probably not refer to his foreign policy, but to something else about which he furnishes us no information and is unwilling to enlighten us with reference thereto. What are the matters of "greater delicacy" than his foreign policy with which he would not know how to deal? Also, what are the "matters of nearer consequence" with which he would not know how to deal? Who can answer the question? Who has attempted to answer the question? Yet this language has been used by the President in order to influence our action on this measure. Section 3, article 2, of the Constitution of the United States, in speaking of the powers and duties of the President, says:

> He shall from time to time give to Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient.

That communication in regard to the foreign policy and "other matters of even greater delicacy and nearer consequence" does not give to Congress any information of the state of the Union. It possibly does recommend to our consideration the measure before us as one which he possibly judges to be necessary and expedient. But should not that judgment of his, under the clause of the Constitution which is stated, be accompanied with information on which we should form our judgment or act? Or is it that the President is allowed to form his own judgment as to what is necessary and expedient and tell us without giving any reason for it or without allowing us to use our judgments? Certainly the address contains no information whatever. Nor does the clause in his address which urges us to "reverse our action without raising the question whether we were right or wrong" give us any information. He asks us to take his judgment for it. It is true that in another part of the address he states that in his "judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view" and is "in plain contravention of the treaty with Great Britain." If it was intended that Congress should blindly follow the will and recommendations of the President as to this legislation, as he in this address urges us to do, "without raising the question whether we were right or wrong," then it may be said that he has made a recommendation on a measure which he judges necessary and expedient, although he gives us no information as to the facts. Can we be expected, without raising the question, to accept that as a reason for the repeal of this law, especially when we find that the party which nominated and elected him to the office which he now holds distinctly advocated the enactment of the law in its present terms

equality in respect to the ships, citizens, and subjects of both countries; and this general principle was carried into the preamble of the Hay-Pauncefote treaty as a guide for its interpretation.

Fourth. The United States—and this is the most vital fact of all—adopted in the Hay-Pauncefote treaty the rule of equality of the Suez Convention, of 1888. This was an agreement between Great Britain and the other European powers who owned the Suez Canal, and Turkey and Egypt, the territorial sovereigns, by which they all bound themselves to the rule of equality as to the vessels of all nations passing through the canal.

Here was the only analogy which the contracting parties had to go by. Here was the only interoceanic canal in the world, and the owners and territorial sovereigns had agreed that all nations should be treated on terms of absolute equality; and we find this basic rule carried into the Hay-Pauncefote treaty as Rule 1. Is it conceivable that Great Britain understood that the United States, the prospective builder, owner, and possible territorial sovereign of another interoceanic canal, excepted herself from this rule of equality in the Hay-Pauncefote treaty? The owners and territorial sovereigns of the only existing interoceanic canal had voluntarily agreed, in the interests of commerce and civilization, to include themselves in this rule of equality, and could the United States do less with respect to its projected interoceanic canal? And is it not incredible that Great Britain, with the Clayton-Bulwer treaty still in force with its basic rule of equality, should have consented to the making of a new treaty in which the United States was to be exempted from the rule? And is it not perfectly natural that the American negotiators, having in mind the settled policy of the United States in regard to an Isthmian Canal, and having before them the Clayton-Bulwer treaty, and having also before them what Europe had done with respect to the Suez Canal, should have agreed to adopt the same rule of equality in respect to our Isthmian Canal?

Fifth. But in addition to all this we have the positive testimony of Mr. Choate and Mr. White, two of the American negotiators, that the United States was included in the rule of equality, that this was the basic principle which Great Britain insisted upon during all of the negotiations, and that this rule "excludes the possibility of exemption of any kind of vessels of the United States."

This chain is complete. There is no weak link in it, and the mind is convinced beyond a reasonable doubt that if we construe the Hay-Pauncefote treaty according to the intent of the contracting parties the United States was included in the words "all nations" and bound herself to observe the basic rule of equality.

There is another, but far less fundamental, contention in regard to the Hay-Pauncefote treaty.

It is claimed that "vessels of commerce," in rule 1, do not include coastwise vessels, and nothing in support of this proposition can be added to the argument of the junior Senator from New York [Mr. O'GORMAN] in his recent speech. This contention, however, rests on the arbitrary rule of international law that the term "vessels of commerce" in treaties is always understood to exclude coastwise vessels. If this is an inflexible rule to which there can be no exception, it is difficult to reconcile it with the fact that the United States and Great Britain, in numerous treaties, have been careful specifically to exclude coastwise vessels.

Furthermore, I do not think this is an absolutely inflexible rule that must be applied to all treaties. I believe the true rule is that each treaty should be considered by itself in order to determine this question.

Now, the Hay-Pauncefote treaty relates to a great interoceanic canal; it relates to oceans and continents, and not to rivers, bays, and coast lines, and I think that the broad rule of equality, which is the foundation stone of this treaty, was intended to embrace every vessel flying any flag which passes through this canal. I believe that in the contemplation of this treaty all vessels are over-seas vessels.

If, then, all vessels passing through this canal are over-seas vessels and are included in this class, it is plain that American coastwise vessels are over-seas vessels within the meaning of this treaty, and hence that the exemption of these coastwise vessels would operate as a discrimination against the vessels of other nations. The rule laid down by the Supreme Court in Olsen *v.* Smith (195 U. S., 332) was based entirely upon the proposition that the exemption in that case did not operate as a discrimination, and that case therefore has no application, in my opinion, to the Hay-Pauncefote treaty.

The Hay-Pauncefote treaty as originally framed was a contract between the United States as the prospective builder and proprietor of an isthmian canal and Great Britain, by which the United States agreed to adopt the basis rule of equality in the operation of the canal. This was the first draft of the treaty, and no changes in the subsequent draft in any way affected this rule of equality.

There was, however, an amendment inserted in the final draft which is of great importance. The first draft was dated in 1900, and in October, 1901, just before the final draft was submitted, this provision was added:

> ART. 4. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Under this provision the United States passes from a prospective proprietor of a canal to a prospective sovereign of the territory on which the canal is built, and this covenant binds the United States to the obligations of the treaty in case she should ever become the territorial sovereign.

The United States had already bound herself as builder and owner, and she now binds herself as territorial sovereign, just as Turkey and Egypt bound themselves as territorial sovereigns in the Suez convention of 1888.

But this covenant did not extend any further than the obligations mentioned in the treaty comprising the rules of equality and neutralization. All her other rights of sovereignty were preserved and are now preserved to the United States just as much as the rights of sovereignty are preserved to Turkey and Egypt under articles 10 and 13 of the Suez convention.

Mr. President, when you have found that an interpretation of a contract agrees with the intention of the parties, all its parts will harmonize with that interpretation. And this is true in the Hay-Pauncefote treaty; every part of it, the preamble, the body of the treaty, and the end, are found to harmonize with the basic rule of equality. On the other hand, if an interpretation is at variance with the real intention of the parties, there is often much trouble in ascertaining the meaning of some of the provisions of the contract. And this is true of those who believe that the United States is excepted from the great principle of equality embodied in rule 1 of the Hay-Pauncefote treaty.

Let me illustrate this by two notable addresses, one by a most profound lawyer and eminent statesman, and the other by an accomplished jurist and a distinguished Member of this body.

With respect to the provision in the Hay-Pauncefote treaty providing that no change of territorial sovereignty shall affect the obligations under the present treaty, Richard Olney says:

> But the treaty of November 18, 1901, adds a clause * * * no change of territorial sovereignty of the country or countries traversed by the canal shall affect the obligations of the parties to the treaty, thus assenting in advance to the acquisition by the United States of the territory needed for the canal. Hence, since the United States did afterwards acquire the canal zone, the terms of the November Hay-Pauncefote treaty apply to the case of an artificial waterway constructed by a State on its own territory.

With respect to this provision the Senator from New York [Mr. O'GORMAN] says:

> The meaning of this provision is that the rights of the parties shall not be affected by a change in the sovereignty which may occur after the canal is constructed. * * * If sovereignty had been acquired by the United States after the construction of the canal, then this provision would be applicable. * * * The canal has been constructed on territory over which the United States exercises the power of sovereignty, while the canal contemplated by the treaty was to be built on alien soil, and therefore the Hay-Pauncefote treaty is wholly inapplicable.

Here are two irreconcilable constructions of this fundamental provision of the Hay-Pauncefote treaty; according to one construction, this provision contemplated that the canal might be built on American territory, and according to the other construction the canal was to be built on alien territory.

Not only do Mr. Olney and the Senator from New York [Mr. O'GORMAN] give a different interpretation of this provision, but each relies upon a different rule of international law.

Mr. Olney relies upon the rule that a nation constructing an artificial waterway within its own territory may prescribe the terms upon which other nations may use it.

Of course, this rule has no application if the nation agrees by treaty to include itself in a rule of equality of treatment for all nations.

The Senator from New York [Mr. O'GORMAN] in support of his interpretation relies on the rule of international law, rebus sic stantibus, that parties contract with respect to the conditions contemplated at the time, and that the obligations cease to be binding as soon as the conditions are essentially altered.

With respect to this rule it may be observed that the language of this provision in the Hay-Pauncefote treaty is general, and, hence, applies to any change in territorial sovereignty; and,

mencement of my remarks at the present time so that he may deliver an address which he says probably will not exceed 30 minutes; and by an understanding between him and myself and the junior Senator from Nevada [Mr. PITTMAN] we will defer to that Senator in order that he may introduce an amendment to the bill and submit a few remarks thereon. I wish to have it understood, however, that I do not lose my right to proceed at the close of the remarks of the junior Senator from Rhode Island.

Mr. PITTMAN. I offer an amendment which I ask to have read.

The VICE PRESIDENT. The Secretary will read the amendment.

The SECRETARY. Add a new section, as follows:

SEC. 3. The President of the United States may at any time by proclamation reduce the rate of tolls to be paid by vessels engaged in the coastwise trade of the United States passing through the Panama Canal, or may exempt such vessels from the payment of any tolls, when he is satisfied that such act is advisable for the purpose of securing or maintaining entire equality in the use of the canal and of preventing discrimination against such coastwise vessels: *Provided*, That neither the passage of this act nor anything therein contained shall be construed to waive or impair any treaty or other right possessed by the United States.

Mr. PITTMAN. Mr. President, by the courtesy of the Senator from New Mexico [Mr. CATRON] and the Senator from Rhode Island [Mr. COLT] I have been allowed just a few minutes to make a brief statement. It will take me only about two minutes.

I offer this amendment for the purpose of enabling the President at all times and under every condition to protect the subjects of all nations, including the subjects of the United States, in the use of the canal "on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects," as stated in the Hay-Pauncefote treaty.

The following is submitted in support of the amendment:

First. The treaty does not prescribe that the ships of all nations shall be charged the same rate of tolls, but, on the contrary, provides that the terms shall be such "that there shall be no discrimination."

Two. It is the duty of both parties to the treaty to prevent discrimination in favor of the citizens of either in the use of the canal.

Third. If the exemption from payment of tolls of coastwise vessels passing through the canal would be a discrimination against vessels of British subjects paying the tolls, then it must follow that if the vessels of both countries were required to pay tolls, and Great Britain repaid the amount of such tolls to its subjects and the United States did not repay the amount of such tolls to its citizens, there would be a discrimination in favor of the vessels of the subjects of Great Britain and against the vessels of the citizens of the United States to the amount of the tolls so charged. It is immaterial by whom such tolls were paid so long as not paid by the subjects owning or operating such vessels or charged with such expense. The fact would remain that the vessels of the subjects of Great Britain would be under less burden in passing through the canal, and to such extent would have an advantage over the citizens of the United States.

Fourth. If the vessels of the subjects and citizens of both countries should pay the same rate of tolls, then "entire equality" could only be preserved and "discrimination" prevented by the same rate of refund or subsidy made or granted by both of such countries to its citizens.

Fifth. Great Britain can bring about this equality and eliminate such discrimination by not subsidizing its vessels passing through the canal. The United States, being opposed to direct subsidies, can only secure such equality by reducing the tolls on the vessels of its citizens by an amount equal to the subsidy received by the subjects of Great Britain, or increasing the rate of tolls to be paid by such subsidized vessels, or by preventing subsidized vessels from passing through the canal.

If Great Britain repaid its subjects in the form of a subsidy the full amount of the tolls paid by them, then the United States to avoid such discrimination would be compelled to exempt its citizens from the payment of any tolls. If the British subsidy should be equal to only one-half of such tolls, then the reduction of tolls to citizens of the United States should be only one-half, so the equality could be maintained.

Sixth. If this construction of the treaty is adopted it is unnecessary to determine at this time the many other vexing and doubtful questions, such as whether or not the United States is included in the description "all nations" or whether or not the word "vessels" used in the treaty includes vessels engaged in the coastwise trade. Without admitting that we have no right to exempt our coastwise vessels, we require such vessels to pay tolls until the President is satisfied that such payment is an unjust burden or permits a discrimination against citizens of the United States.

Seventh. This procedure is fully sustained by legislative precedents. By the Payne-Aldrich tariff law the President was authorized to collect the maximum tariff from any country which unduly discriminated against the United States or the products thereof or paid export bounty or export duty or prohibited exportation of articles to the United States, so as to unduly discriminate against the United States or its products, and in the absence of such discriminations to reduce the maximum tariff 25 per cent.

By the Underwood-Simmons tariff law power of protection against such discrimination was granted in the following language:

That whenever any country, dependency, colony, province, or other political subdivision of government shall pay or bestow, directly or indirectly, any bounty or grant upon the exportation of any article or merchandise from such country, dependency, colony, province, or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid in all such cases, in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed.

Mr. CATRON. I yield for the present to the Senator from Rhode Island [Mr. COLT].

Mr. COLT. I thank the Senator from New Mexico.

Mr. President, I am in favor of the repeal of the free-tolls provision of the Panama Canal act because I believe that law places us in an indefensible position before the nations of the world in regard to our treaty obligations; because I believe that the law violates the meaning and intent of the Hay-Pauncefote treaty; and because I think that, independent of any treaty, the Panama Canal, like the Suez Canal, should be free and open in time of peace to the vessels of all nations on terms of entire equality.

The vital question in dispute under the Hay-Pauncefote treaty is the question of equality of treatment of all vessels passing through the canal, and by this free-tolls provision we have, arbitrarily and without submitting the question to arbitration, made inequality of treatment the law of the land. In a great international controversy, in which the whole world takes the deepest interest, we have entered judgment in our own favor without the consent of the other party and without giving the other party an opportunity to be heard.

We have taken this action notwithstanding the fact that a treaty is a solemn contract between independent nations, that its obligations are equally binding upon each of the high contracting parties, and that the fulfillment of these obligations rests alone upon honor and good faith.

We have taken this action notwithstanding the fact that where a treaty, owing to the inherent imperfection of language, is capable of two interpretations, and honest differences arise between the contracting parties as to which is the proper interpretation. The United States, in the interest of peace and good will among nations, has been the foremost advocate and champion of the principle that these differences should be submitted to arbitration; and that owing largely to our efforts this principle of arbitration has become an established canon of international law.

We have taken this action notwithstanding the fact that conflicting and irreconcilable differences of opinion exist as to the true interpretation of the Hay-Pauncefote treaty; and that under one interpretation this exemption is a violation of the treaty, and that under another interpretation it is not a violation.

We have taken this action notwithstanding the fact that the legal effect of this exemption is to modify or change the treaty according to the interpretation of the other contracting party.

We all know the legal effect of a later statute upon a treaty. Under the Constitution of the United States, statutes and treaties made in pursuance thereof are the supreme law of the land. Statutes are made by the President, the Senate, and the House of Representatives. Treaties are made by the President and the Senate. Statutes are therefore of equal, if not of greater, authority than treaties. It follows that treaties may be modified, changed, or repealed by acts of Congress. When a treaty and a later statute relate to the same subject the statute will control because it is the later expression of the will of Congress, the effect being that the statute then becomes the supreme law of the land, notwithstanding it may violate the terms of a treaty.

Head Money cases (112 U. S., 590, 599), Whitney *v.* Robertson (124 U. S., 190, 194, 195), and United States *v.* Lee Yan Tai (185 U. S., 213, 221).

In Whitney against Robertson the court said:

In Head Money cases it was objected to an act of Congress that it violated provisions contained in treaties with foreign nations, but the court replied that, so far as the provisions of the act were in conflict with any treaty, they must prevail in all the courts of the country; and after a full and elaborate consideration of the subject it held that, "so far as a treaty made by the United States with any foreign nation can be the subject of judicial cognizance in the courts of this country, it is subject to such acts as Congress may pass for its enforcement, modification, or repeal."

It is clear, then, that if the Hay-Pauncefote treaty and this statute should come before the Supreme Court for adjudication, the court must enforce the statute, although it conflicts with the treaty. What we have done, in legal effect, so far as the United States is concerned, is to insert in rule 1 of article 3 of the Hay-Pauncefote treaty the words, "No tolls shall be levied upon vessels engaged in the coastwise trade of the United States," and to make these words controlling; and we have done this without the consent of Great Britain and against her protest.

What we have done has been to settle the vital question in controversy under the Hay-Pauncefote treaty in our own favor by legislation instead of submitting the question to arbitration.

We stand before the world to-day in the case of this great international treaty of refusing to arbitrate and of substituting legislation. I believe this position is indefensible. I believe it is a violation of our treaty obligations toward Great Britain. I believe that it places us in a wrong position before the nations of the world with respect to treaty obligations. I believe this policy is destructive of the whole principle of arbitration, and I believe that the only honorable thing for the United States to do, before taking any other action, is to repeal this law.

Mr. President, the Hay-Pauncefote treaty presents a conflict between the rule of equality and the rule of inequality in the operation of the Panama Canal, and this conflict arises from two different interpretations of the treaty.

Under one interpretation equality is the controlling principle. Under the other interpretation ownership or sovereignty is the controlling principle.

Under one interpretation the canal must be free and open to the vessels of all nations on terms of equality. Under the other interpretation the canal must be free and open to the vessels of all nations on terms of equality, except the United States.

Under one interpretation the United States, being bound by this rule of equality, can not discriminate in favor of her own vessels. Under the other interpretation the United States, not being bound by this rule, can impose any terms she pleases on the passage of her own vessels through the canal. Under one interpretation this is an interoceanic canal open to the vessels of all nations on terms of equality. Under the other interpretation this is an American canal, to be operated for the benefit of the American people.

In seeking for the true interpretation of the Hay-Pauncefote treaty we must ever keep in mind certain facts: The treaty relates to an isthmian canal connecting the Atlantic and Pacific Oceans. The United States and Great Britain had made a former treaty relating to such a canal, known as the Clayton-Bulwer treaty. This was a treaty between Great Britain and the United States as mere users of the canal, under which they entered into an agreement of joint protection, neutralization, and absolute equality of rights. This treaty was made in 1850, and was succeeded by the Hay-Pauncefote treaty in 1901.

The only other interoceanic canal in the world in 1901 was the Suez Canal. In 1888 the owners and the territorial sovereigns of the Suez Canal entered into an agreement as to the rules which should govern the use of this canal. These rules related to equality of treatment of all vessels and to neutralization.

Under the Hay-Pauncefote treaty the United States passed from the position of mere user under a former treaty to a position of owner, and in a provision inserted late in the final draft of the treaty to the possible position of territorial sovereign; and to-day the United States has realized everything which was possibly contemplated by the Hay-Pauncefote treaty. She has become in fact the builder, the owner, and the territorial sovereign of this interoceanic canal.

Bearing in mind these facts the question of the proper interpretation of the Hay-Pauncefote treaty resolves itself into this inquiry: Did the United States in 1901 contract to abide by the rule of equality and substantially the rules of neutralization adopted in the case of the Suez Canal, or did she except herself from these rules and only agree to apply them to other nations?

In determining this question it is necessary that we should look at the conditions which existed at the time since the parties were only dealing with existing conditions.

It is not right, first, to fill our minds with the ideas of ownership, sovereignty, the enormous cost of the canal, transcontinental railroads, subsidies, and party platforms, and then to turn our eyes upon this treaty and see if by some possible construction we can not exclude the United States from the basic rule of equality.

We have before us simply a contract made in 1901, and the only question is what did the parties agree to at that time, and not what would the United States agree to in 1914.

The present controversy turns upon the proper construction of rule 1 of article 3 of the treaty:

ART. 3. The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

RULE 1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

The battle ground of contention is over the meaning of the words "all nations" in rule 1, and the vital question in dispute is whether "all nations" mean all nations including the United States or all nations excluding the United States.

Now, it is true that "all nations" may be so interpreted as to include or exclude the United States. Let us turn for a moment to these two interpretations.

One interpretation is that in reading rule 1 the natural and common-sense meaning of the rule is that "all nations" means all nations, and not all nations except the United States; and this seems clearly to be the meaning when rule 1 is read in connection with the introductory paragraph of article 3, which immediately precedes, in which the United States "adopts"—that is, takes as its own—the "following rules."

There is, however, another interpretation which may be given to this rule and to the words "all nations." If you start with the idea of ownership by the United States and supplement this with the words "observing these rules," and with the words "such nation" following a little later, it is not difficult to reach the construction that this is the case of a proprietor of a canal agreeing to terms of equality with respect to his customers or the users of the canal, and that this in no way binds the proprietor himself to these terms, and, hence, that "all nations" mean all other nations and do not include the United States.

While this is a possible construction of rule 1, it seems strained, and when you consider that the words "observing these rules" were not in the first draft of the treaty and were put there at the instance of Great Britain for a special reason, not material to this inquiry, the interpretation that "all nations" do not include the United States becomes still more artificial.

Looking at this question from the standpoint of 1901 and not of 1914, and remembering that on the face of the treaty the minds of the contracting parties met on the basis of the Suez convention, I think that the surrounding conditions and circumstances demonstrate beyond a reasonable doubt that it was the intention of the parties to include the United States in the rule of equality, and that "all nations" in rule 1 includes the United States. Let me summarize these facts:

First. The free and equal use of navigable channels and waterways has been the traditional policy of the United States for more than 100 years, as shown in the recent notable speech of the senior Senator from Ohio [Mr. BURTON].

Second. The free and equal use of an isthmian canal connecting the Atlantic and Pacific Oceans by all nations on terms of absolute equality has been the settled and uniform policy of the United States for more than 80 years.

The evidence on this point is overwhelming. It is found in presidential messages, instructions by Secretaries of State, resolutions by both Houses of Congress, and in treaties. We may here cite several of these expressions:

The free and equal right of navigating such canal to all such nations on the payment of such reasonable tolls.

To secure to all nations the free and equal right of passage over the Isthmus.

Construction of a great highway dedicated to the use of all nations on equal terms.

For the benefit of mankind on equal terms for all.

Must be for the world's benefit—a trust for mankind.

We may well close these few citations with a quotation from Secretary Blaine's letter to Mr. Lowell:

Nor does the United States seek any exclusive or narrow commercial advantage. It frankly agrees, and will by public proclamation declare at the proper time, in conjunction with the Republic on whose soil the canal may be located, that the same rights and privileges, the same tolls and obligations for the use of the canal, shall apply with absolute impartiality to the merchant marine of every nation on the globe.

Third. For 50 years, from 1850 to 1901, the United States and Great Britain were bound together by a treaty relating to an Isthmian Canal, the basic principle of which was the rule of

MIGRATORY BIRD LAW.

Mr. BRYAN. Mr. President, I have a copy of a decision rendered by the district judge of the eastern district of Arkansas in the Federal migratory bird law case. I ask that it may be printed in the RECORD.

Mr. SMOOT. I will ask the Senator if this was not printed last week in the RECORD?

Mr. BRYAN. It was not. A brief account, setting forth the facts that the law had been held unconstitutional by this district judge, was printed. This is the text of the opinion.

Mr. SMOOT. It is the full text?

Mr. BRYAN. Yes.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

United States v. Harvey C. Shauver. W. H. Martin, Esq., United States district attorney, and J. H. Ackles, of Nashville, Tenn., for the United States; E. L. Westbrook, of Jonesboro, Ark., for the defendant. Trieber, district judge.

The defendant demurs to the indictment in this cause, which charges him with a violation of that part of the appropriation act for the Department of Agriculture approved March 4, 1913 (37 Stat., 828, 847), known as the migratory birds provision, and the regulations made by the Department of Agriculture in pursuance thereof, and which have been approved by the President. That provision reads:

"All wild geese, wild swans, brant, wild ducks, snipe, plover, woodcock, rail, wild pigeons, and all other migratory game and insectivorous birds which in their northern and southern migrations pass through or do not remain permanently the entire year within the borders of any State or territory, shall hereafter be deemed to be within the custody and protection of the Government of the United States, and shall not be destroyed or taken contrary to regulations hereinafter provided therefor.

"The Department of Agriculture is hereby authorized and directed to adopt suitable regulations to give effect to the previous paragraph by prescribing and fixing closed seasons, having due regard to the zones of temperature, breeding habits, and times and line of migratory flight, thereby enabling the department to select and delineate suitable districts for different portions of the country, and it shall be unlawful to shoot or by any device kill or seize and capture migratory birds within the protection of this law during said closed seasons, and any person who shall violate any of the provisions or regulations of this law for the protection of migratory birds shall be guilty of a misdemeanor and shall be fined not more than $100 or imprisoned not more than 90 days, or both, in the discretion of the court.

"The Department of Agriculture, after the preparation of said regulations, shall cause the same to be made public, and shall allow a period of three months in which said regulations may be examined and considered before final adoption, permitting, when deemed proper, public hearings thereon, and after final adoption shall cause the same to be engrossed and submitted to the President of the United States for approval: *Provided, however*, That nothing herein contained shall be deemed to affect or interfere with the local laws of the States and Territories for the protection of nonmigratory game or other birds resident and breeding within their borders, nor to prevent the States and Territories from enacting laws and regulations to promote and render efficient the regulations of the Department of Agriculture provided under this statute."

In pursuance of this authority, the Department of Agriculture has adopted suitable regulations, which have been approved by the President.

GROUND FOR DEMURRER.

That the National Constitution is an enabling instrument, and therefore Congress possesses only such powers as are expressly or by necessary implication granted by that instrument, is not questioned. Unless, therefore, there is some provision in the National Constitution granting to Congress, either expressly or by necessary implication, the power to legislate on this subject the act can not be sustained.

The deference due from the judiciary to the other coordinate departments of the Government has made the courts, when the constitutionality of an act of the legislative department is attacked, to yield rather than encroach on the legislative domain. Only if the question is practically free from real doubt will the courts declare an act of the legislature unconstitutional. The fact that the statute goes to the verge of the constitutional power is not enough; it must appear clearly that it is beyond that power to justify a court to declare it void. These principles are so well settled by an unbroken line of decisions of all the American courts that it is unnecessary to cite authorities to sustain them.

It is equally well settled that as to all internal affairs the States retained their police power, which they as sovereign nations possessed prior to the adoption of the National Constitution, and no such powers were granted to the Nation. (Cooley Const. Lim., 574; Patterson v. Kentucky, 97 U. S., 501-503; Covington, etc., Bridge Co. v. Kentucky, 154 U. S., 204, 210; United States v. Boyer (D. C.), 85 Fed., 425, 434.) But it is now equally well settled that the United States does possess what is analogous to the police power, which every sovereign nation possesses as to its own property (Camfield v. United States, 167 U. S. 518, 525), and to carry into effect those powers which the Constitution has conferred upon it. (In re Debs, 158 U. S., 564, 581; Light v. United States, 220 U. S., 523, 536; Hoke v. United States, 227 U. S., 308, 323.)

It is not claimed by counsel for the Government that the power to enact such legislation exists under the commerce clause of the Constitution, but it is claimed that subsection 2 of section 3, Article IV, of the Constitution, which is as follows, grants the necessary power:

"The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State."

IMPLIED ATTRIBUTE.

It is also claimed that it is one of those implied attributes of sovereignty in which the National Government has concurrent jurisdiction with the States; that it is a dormant right in the National Government, and where the State is clearly incompetent to save itself the National Government has the right to aid. To sustain the latter proposition stress is laid on the fact that it is impossible for any State to enact laws for the protection of migratory wild game, and only the National Government can do it with any fair degree of success, consequently the power must be national and vested in the Congress of the United States. A similar argument was presented to the court in Kansas v. Colorado (206 U. S., 46, 90), but held untenable. Mr. Justice Brewer, speaking for the court, disposed of it by saying:

"But the proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers. That this is such a Government clearly appears from the Constitution, independently of the amendment, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This is the natural construction of the original body of the Constitution, independently of the amendment, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the tenth amendment. This amendment, which was seemingly adopted with prescience of just such a contention as the present, disclosed the widespread fear that the National Government might, under the pressure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary, they should be granted by the people in the manner they had provided for amending that act. Its principal purpose was not the distribution of power between the United States and the States, but a reservation to the people of all powers not granted."

This disposes of that contention.

Are migratory birds, when in a State on their usual migration, the property of the United States or of the State where they are found? If they are the property of the Nation, the States would have no power to regulate, control, or prohibit the hunting or killing of them. But the rule of law, which all the American courts have recognized, is that animals feræ naturæ, denominated as game, are owned by the States, not as proprietors, but in their sovereign capacity as the representatives and for the benefit of all their people in concern. This principle has not only been maintained by all the highest courts of the States in which the question has arisen, but has had the approval of the Supreme Court of the United States in every case which has come before it. (Martin v. Waddell, 6 Pet., 367; McCready v. Virginia, 94 U. S., 391; Smith v. Maryland, 18 How., 71, 74; Manchester v. Massachusetts, 139 U. S., 240, 358; Lawton v. Steele, 152 U. S., 133; Geer v. Connecticut, 161 U. S., 519; The Abby Dodge, 223 U. S., 166.)

DECISIONS CITED.

In McCready v. Virginia it was said:

"In like manner the States own the tidewaters themselves and the fish in them, so far as they are capable of ownership while running. For this purpose the State represents its people, and the ownership is that of the people in their united sovereignty."

It is true that this quotation was not absolutely necessary for the determination of the issues in that case, but the question of ownership of the fish in tidewater was indirectly involved, and the learned chief justice who delivered the opinion of the court evidently deemed it necessary to determine it.

In Manchester v. Massachusetts a statute of Massachusetts regulating the fishing of menhaden in Buzzards Bay was involved, and it was there held:

"We think it must be regarded as established that as between nations the minimum limit of the territorial jurisdiction of a nation over tidewaters is a marine league from its coast; that bays wholly within its territory not exceeding 2 marine leagues in width at mouth are within this limit; and that included in this territorial jurisdiction is the right of control over fisheries, whether the fish be migratory, free-swimming fish, or free-moving fish, or fish attached to or imbedded in the soil."

In that case the court also quoted with approval from Dunham v. Lamphere, 3 Gray, 268:

"That in the distribution of powers between the General and State Governments the right to the fisheries and the power to regulate the fisheries on the coast and in the tidewaters of the State were left by the Constitution of the United States with the States, subject only to such powers as Congress may justly exercise in the regulation of commerce, foreign and domestic."

In Martin v. Waddell, after a careful review of the English authorities, it was expressly held that "the public common or piscary belongs to the people in their united sovereignty, and the State holds it in trust for them."

Geer v. Connecticut may well be considered the leading case on this subject, as it reviews very learnedly all the law pertaining thereto. Mr. Justice White (now Mr. Chief Justice) reviewed not only the law as it existed under the common law, but under the laws of Solon, the law as it is found in the institute of Justinian, the Civil and Salic Law, and the Code of Napoleon, and sustained a statute of the State of Connecticut prohibiting the killing of certain game at any time when intended to be conveyed beyond the limits of the State. After reviewing all the authorities, the learned justice summarized the law as follows:

"The foregoing analysis of the principles upon which alone rests the right of an individual to acquire a qualified ownership in game and the power of the State deducible therefrom to control such ownership for the common benefit, clearly demonstrates the validity of the statute of the State of Connecticut here in controversy. The sole consequence of the provision forbidding the transportation of game killed within the State beyond the State is to confine the use of such game to those who own it, the people of that State."

AS TO CONSTITUTIONALITY.

In Sills v. Hesterberg (211 U. S., 31) the constitutionality of the New York statute prohibiting the possession of game at certain times was attacked as violative of the National Constitution. That the State was the owner of all the game in the State, whether migratory or not, was not questioned by those attacking the statute, but it was claimed that the State had no power to prohibit the possession of game in the closed season when imported from a foreign country or another State where the killing is not prohibited. The statute was sustained as a proper exercise of the police power to protect the game in the interest of the food supply of the people of that State.

In the Abby Dodge case the principles laid down in the McCready case, that "each State owns the beds of all tidewaters within its jurisdiction unless they have been granted away; also the tidewaters themselves and the fishes in them, so far as they are capable of ownership while running," is reaffirmed.

In Judson on Interstate commerce, section 11, the author states the law to be:

"Thus the wild game within a State at common law belongs to the sovereign, and in this country to the people in their collective capacity, and the State therefore has a right to say that it shall not become the subject of commerce."

Even after the game has been reduced to possession there is but a qualified ownership in it, subject to the control of the State. Phelps v. Racey (60 N. Y., 10); Commonwealth v. Savage (155 Mass., 278); Organ v. State (56 Ark., 270); State v. Geer (69 Conn., 144, affirmed in 161 U. S., 519); State v. Northern Pacific Express Co. (58 Minn., 403); State v. Rodman (58 Minn., 393); American Express Co. v. Peoples (133 Ill., 649); ex parte Maxer (103 Cal., 476); People v. Collison (85 Mich., 105); in re Deininger (108 Fed. (C. C.), 623).

The act of Congress of May 25, 1900, chapter 553 (31 Stat., 188), known as the Lacey Act, the constitutionality of which has been sustained—Rupert v. United States (181 Fed., 104); C. C. A., 255)—in effect legalizes the statutes of the States for the control of wild game within their borders whether migratory or not. People v. Hesterberg (184 N. Y., 126).

The claim that the migratory birds are the property of the United States must therefore be held untenable.

It is also argued that Congress has frequently exercised the power to regulate matters which could only have been done under the general police power, and the validity of these acts when attacked as beyond the power of Congress has been upheld. Counsel refers to the lottery acts, the antitrust acts the national railway legislation, the safety-appliance act, the quarantine laws, the pure food and drugs act, the act regulating mailable articles, and other acts of similar nature. But every one of these acts was upheld under some provision of the Constitution, either that of the Post Office Department, the commerce clause, the taxing power, or some other grant. Whenever Congress or the head of a department went beyond that power, as by including intrastate carriage with interstate, the act was declared unconstitutional. Trademark cases (100 U. S., 92); Illinois Central Railway Co. v. McKendree (203 U. S., 514). The Employers' Liability cases (207 U. S., 463).

It may be, as contended on behalf of the Government, that only by national legislation can migratory wild game and fowl be preserved to the people, but that is not a matter for the court. It is the people who alone can amend the Constitution to grant Congress the power to enact such legislation as they deem necessary. All the courts are authorized to do when the constitutionality of legislative acts is questioned is to determine whether Congress, under the Constitution as it is, possesses the power to enact the legislation in controversy; their power does not extend to the matter of expediency. If Congress has not the power, the duty of the court is to declare the act void. The court is unable to find any provision in the Constitution authorizing Congress, either expressly or by necessary implication, to protect or regulate the shooting of migratory wild game when in a State, and is therefore forced to the conclusion that the act is unconstitutional. The demurrer to the indictment will be sustained.

TRIEBER, *Presiding Judge.*

ADDRESS BY SENATOR SMOOT (S. DOC. NO. 487).

Mr. OVERMAN. I ask to have printed as a document the address delivered by the senior Senator from Utah [Mr. SMOOT] at the memorial exercises held on Saturday last at Arlington, Va.

The VICE PRESIDENT. Without objection, that action will be taken.

THE LAW OF PARDON.

Mr. CHAMBERLAIN. I desire to present and ask for the publication as a public document of a little work by Prof. James D. Barnett, professor of political science at the University of Oregon, on the subject of the law of pardon. I ask that it be referred to the Committee on Printing.

The VICE PRESIDENT. It will be referred to the Committee on Printing.

DEMOCRATS MUST PROGRESS.

Mr. NEWLANDS. I ask that an article from the News-Scimitar, of Memphis, Tenn., entitled "Democrats must progress," upon the subject of the importance of taking up constructive legislation with reference to the development of our rivers, may be printed in the RECORD. It is only half a column in length.

Mr. GALLINGER. What did I understand the Senator to say was the title—"Democrats must progress"?

Mr. NEWLANDS. "Democrats must progress." It dwells upon the importance of taking up constructive measures with reference to the development of our rivers.

Mr. GALLINGER. Mr. President, if there is any hope in that direction, the document ought to be printed. [Laughter.]

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the article on progress will be printed.

The matter referred to is as follows:

DEMOCRATS MUST PROGRESS.

Is the future of the national Democratic Party assured? Will the tariff law so reduce the cost of living as to win the plaudits of the masses for the now dominant party? Will the currency law so readjust individual opportunity as to reduce or abate the complained-of evils of concentrated wealth? Or does the great piece of constructive legislation upon which the Democratic Party must rely for continued success at the polls yet remain to be enacted?

These questions more and more are arising in the public mind, and the time for the well-wishers of the party to answer them is now, not after the issue has been drawn and the voters are on their way to the polls.

It is, of course, too early to know with precision what the effect of the tariff law is to be. Democrats generally believe it will do far more good than harm. Republicans generally believe it will do more harm than good. Time alone can settle the issue.

The currency law, by reason of the action of the committee in the placing of the regional reserve banks, has, at the inception of its application, developed much antagonism in various cities.

The President's policy with reference to the Panama Canal tolls question is opposed by many Democrats and Republicans alike.

So it would seem, on the face of the returns thus far, that the future of the party is not yet assured; that the piece of constructive legislation on which the country as a whole can agree is nationally beneficial in a great, big way is yet to be made a law.

The building of the Panama Canal made Roosevelt.

The scientific development of the natural resources of the United States will make Wilson. President Wilson probably appreciates this opportunity, but the Senators and Representatives, as a body, do not as yet seem to have awakened to the fact.

The problems of forestry, soil protection, irrigation, power development, water pollution, and inland navigation are closely linked with the problems of national drainage and flood prevention. The platform pledges of the Democratic Party cover these problems. The public need is urgent. There are vast areas of fertile lands to be protected against overflow; other vast areas need the waters that now go to waste in floods; hydroelectric power development must be depended on more and more as a potential economy of national endeavor.

These problems have been studied scientifically and intelligently by advanced thinkers during many years past, and the thought of such men has been given expression in a splendidly constructive measure known as the Newlands-Ironsard river regulation and flood prevention bill. That bill is now awaiting action by Congress.

Its purpose is to give the scientific bureaus of the Federal Government the authority to initiate plans and projects, and the money and power to carry them out, for the control of the drainage of the country. Thus relieving congestion in crowded and flood-menaced sections, checking soil erosion, correcting the underground water supply, and at the same time developing an enormous continuing national asset of timber, of power, and of inland navigable waterways.

Such legislation will live as a perpetual monument to the wisdom of the political party securing it. The toilers of the land will learn to appreciate its benefits more and more. The prosperity of the Nation will increase as a result of it.

The welfare of the country requires such legislation.

So it would seem the part of wisdom for the party in power to enact it with no more delay than is necessary and rest its hope for the future thereon.

THE MISSISSIPPI RIVER (S. DOC. NO. 486).

Mr. NEWLANDS. Mr. President, I ask unanimous consent for the immediate consideration of Senate resolution 358, which has been reported favorably by the Committee on Printing, providing for the publication as a Senate document of an article by Mr. Barnett E. Moses, entitled "The Problem of the Mississippi River." The cost of the printing will be $36.08, and the cost of each additional thousand copies will be $4.90. I ask that the resolution be amended so as to provide for the printing of 5,000 copies.

Mr. BURTON. May I ask the Senator from Nevada whether this document has been already printed, and whether this is an additional edition?

Mr. NEWLANDS. No; it has not been printed. It is a very excellent article.

Mr. BURTON. Who is the author or writer?

Mr. NEWLANDS. Mr. Barnett E. Moses, of the Memphis bar. This is a very able article, relating to "The Problem of the Mississippi River," and I have received numerous requests that it be printed as a public document.

Mr. BURTON. What is it about—the improvement of the river for navigation?

Mr. NEWLANDS. Yes.

Mr. BURTON. Or the matter of protection against floods?

Mr. NEWLANDS. The improvement of the river for navigation and also for the conservation of the adjoining lands.

The VICE PRESIDENT. Is there any objection to the present consideration of the resolution? The Chair hears none.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. NEWLANDS. I move to amend the resolution by inserting the words "5,000 copies of."

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to amend the resolution by inserting, in line 1, after the word "That," the words "5,000 copies of," so as to make the resolution read:

Resolved, That 5,000 copies of the manuscript submitted by Mr. NEWLANDS on March 5, 1914, entitled "The Problem of the Mississippi River," by Mr. Barnett E. Moses, of the Memphis bar, be printed as a Senate document.

The amendment was agreed to.

The resolution as amended was agreed to.

PANAMA CANAL TOLLS.

Mr. THORNTON. I ask unanimous consent that the unfinished business, the Panama Canal tolls bill, may be taken up for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. CATRON. Mr. President, by agreement with the junior Senator from Rhode Island [Mr. COTT], I will waive the com-

Mr. CUMMINS. I am glad to have that suggestion from the Senator from Colorado, and I comply with it by asking unanimous consent to take up the bill for consideration now.

The VICE PRESIDENT. Is there objection?

Mr. THORNTON. Mr. President——

Mr. WALSH. I feel obliged to say to the Senator from Iowa that I have been very assiduously endeavoring to obtain for the bill S. 4405, popularly known as the radium bill, the parliamentary situation of unfinished business. I reiterate that these valuable lands belonging to the Government of the United States are being absorbed every day by what practically amounts to a monopoly of the production of radium in this country which is unloading its product upon the people at a cost from two to three times its real value, and that the Government hospitals, in order to keep pace with the private hospitals in the country and hospitals abroad managed and conducted by Governments, will be obliged to go out into the open market and purchase what we allow thus to be absorbed at what will eventually amount to something like $3,000,000 to the Government of the United States unless some speedy steps are taken to conserve this valuable resource.

Mr. CUMMINS. I did not hear the concluding suggestion of the Senator from Montana. Does he object?

Mr. WALSH. I shall feel impelled to bring this bill to the attention of the Senate at the very earliest opportunity; and much as I regret being put in that position, I shall be obliged to object to the consideration of any other measure before the radium bill is considered by the Senate.

Mr. CUMMINS. My present request is that the bill to which I have referred be now brought before the Senate. I am temporarily leaving my resolution out of the question. Does the Senator from Montana object to taking up at this time the bill to which I have referred?

Mr. WALSH. How much time does the Senator think the bill will occupy?

Mr. CUMMINS. I do not think there will be any debate at all upon it, and I do not believe that it will require more than 15 minutes; but, of course, that is only an opinion. If, however, the Senate grants me leave to have the bill taken up now, it could not continue very long; but I do not want that done if it will be unsatisfactory to the Senators who are to speak this morning upon the tolls bill. Of course, in no event could the consideration of the bill continue beyond 1 o'clock.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Iowa asks unanimous consent for the present consideration of Senate bill 4522. Is there objection?

Mr. NEWLANDS. Mr. President, I have just entered the Chamber. Is the bill to which the Senator refers the one relating to bills of lading?

Mr. CUMMINS. It is a bill intended to restore the law as it was in most of the States prior to 1906, so that common carriers can not limit their liability.

The PRESIDING OFFICER. The Secretary will state the number and title of the bill.

The SECRETARY. It is Order of Business No. 346, being the bill (S. 4522) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. NEWLANDS. Mr. President, as I entered the Chamber I was informed that the purpose of the Senator from Iowa was to have this bill in some way made the unfinished business.

Mr. CUMMINS. I have asked for unanimous consent to proceed with the consideration of the bill at this time. Of course, that will not make it the unfinished business.

Mr. NEWLANDS. I wish to say that as the trust bill will probably come up immediately after the tolls bill shall have been disposed of I shall be compelled to object to the consideration of any bill which will interfere with the consideration of that bill, but as it is believed this bill will only take a short time—and I share in that belief—I have no objection to the present consideration of the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KERN. Mr. President, before any consent of that kind is given we want some assurance that no considerable length of time will be occupied by the consideration of this bill. The Panama tolls bill is before the Senate as the unfinished business. It is highly desirable that that be given the right of way this week. If the bill referred to by the Senator from Iowa [Mr. CUMMINS] could be disposed of in a few moments in a formal way, I would not object; but I can not consent to anything that will take any considerable length of time, which would stand in the way of the Panama tolls bill.

Mr. CUMMINS. I repeat that I have never encountered any objection to the bill except from the representatives of the railroad companies. Whether the objection that was made to the bill by the railroad companies in the committee will appear in the Senate I do not know; but I believe that it will not. If it does not, it will require but a very few minutes to dispose of the bill.

Mr. KERN. With that understanding, I shall not object.

Mr. WILLIAMS. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I do not know what bill it is unanimous consent for the consideration of which is asked. Therefore I am making objection to the bill independent of it. I think we ought to get a vote on the tolls bill before we open the Senate to the consideration of anything else. I therefore object.

Mr. CUMMINS. Now, Mr. President, I insist upon my resolution. I am, of course, conscious that a single objection will take it over one day, but I intend to insist upon it.

Mr. GALLINGER. Let the resolution be again read.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 384), as follows:

Resolved, That immediately after the final disposition of the bill now the unfinished business the Senate take up for consideration Senate bill 4523, to amend the interstate-commerce act relative to liability of common carriers.

Mr. THORNTON. Mr. President, I would ask the Senator from Iowa if by that he expects to displace the naval appropriation bill? If so, I shall certainly oppose the resolution.

Mr. CUMMINS. The consequences of adopting this resolution every Senator knows as well as I. The Senator from Louisiana, however, must be conscious that the naval appropriation bill will in all probability be disposed of long before the tolls bill is voted on. I have no doubt that the appropriation bill will be very speedily voted upon, whereas the tolls bill will probably not be voted on until the latter part of this week, and perhaps not so soon as that. My resolution simply gives this bill a specific place after the disposition of the tolls bill.

Mr. THORNTON. Mr. President, at 1 o'clock automatically the Panama Canal tolls bill comes before the Senate, unless it is placed before it by unanimous consent prior to that time. Just as soon as the discussion of the Panama Canal tolls bill is finished for the day I shall be obliged to insist on bringing up the naval appropriation bill.

Mr. CUMMINS. This resolution does not interfere with that.

Mr. THORNTON. I do not know how long the consideration of the resolution will last.

Mr. CUMMINS. This resolution does not in any way interfere with the naval appropriation bill.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I have never known the unfinished business to be provided for by resolution. I have known a special order to be made which would give a day in court to a particular bill; but if we are to provide that after one unfinished business is disposed of another shall be taken up, we can see exactly what that will lead to. For that reason I must object to the consideration of the resolution for the day at least.

Mr. CUMMINS. Mr. President, my resolution does not make the bill referred to therein the unfinished business, nor does it attempt to do so.

The VICE PRESIDENT. There being objection, the resolution goes over for the day.

TRANSPORTATION OF PARCEL-POST PACKAGES.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 363) submitted by Mr. SMITH of Georgia on May 14, 1914, as follows:

Whereas on August 24, 1912, a joint committee on postage on second-class mail matter and compensation for transportation of mails was authorized to investigate and report upon the rates, etc., paid to the railroad companies for the carriage of mail matter; and

Whereas the matter carried by the parcel post is of a character that can be handled in a different class of car and at cheaper rates than ordinary mail matter; and

Whereas it is of great importance that the Post Office Department should have an opportunity to readjust its contracts for mail transportation, with a view of providing economical and suitable accommodations for the transportation of parcel-post packages; Therefore be it

Resolved, That the joint committee on postage on second-class mail matter and compensation for transportation of mails be requested to

report at as early a day as possible the result of their investigations and their findings.

Resolved further, That the joint committee on postage on second-class mail matter and compensation for transportation of mails be requested to advise the Senate of the time at which they will be able to make their report.

Mr. SMITH of Georgia. Mr. President, I ask unanimous consent that the resolution may go over until Thursday next, without losing its position. It is possible that by that time it may be unnecessary to press it.

The VICE PRESIDENT. Without objection, the resolution will go over until Thursday next.

NEW YORK CENTRAL & HUDSON RIVER RAILROAD CO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be read.

The Secretary read the resolution (S. Res. 382) submitted by Mr. NORRIS on May 28, 1914, as follows:

Whereas the New York Central & Hudson River Railroad Co., through its ownership of the stock of the Lake Shore & Michigan Southern Railway Co., forms a continuous line of railway from Chicago, through Buffalo, to New York City; and

Whereas said New York Central & Hudson River Railroad Co. controls by lease the West Shore Railroad Co.; and the said Lake Shore & Michigan Southern Railway Co. owns the stock of the New York, Chicago & St. Louis Railroad Co. (Nickel Plate), which, together with the said West Shore Railroad Co., constitutes a railroad running parallel to the Lake Shore & Michigan Southern Railway Co. and the New York Central & Hudson River Railroad Co. from Chicago, through Buffalo, to New York City; and

Whereas the New York Central & Hudson River Railroad Co. owns the stock in the Michigan Central Railway Co., a line of railway extending from Chicago to Buffalo; and

Whereas said New York Central & Hudson River Railroad Co. owns the stock in the Western Transit Co. and the Rutland Transit Co., constituting a water-navigation line engaged in interstate commerce between Buffalo and Chicago and intermediate points; and

Whereas this ownership results in a combination under one control of four competing lines of transportation between Chicago and Buffalo and two competing lines between Buffalo and New York City; and

Whereas the said Lake Shore & Michigan Southern Railway Co., in addition to the ownership of the said New York, Chicago & St. Louis Railroad Co., owns all of the stock of the Toledo & Ohio Central Railway Co.; of the Chicago, Indiana & Southern Railroad Co.; and of the Jamestown, Franklin & Clearfield Railroad Co.; and also owns more than 50 per cent of the stock of the Pittsburgh & Lake Erie Railroad Co.; and

Whereas the said New York Central & Hudson River Railroad Co. controls the Western Maryland Railway Co., which, together with the said Pittsburgh & Lake Erie Railroad Co., constitutes another competing line between territory covered by the Lake Shore & Michigan Southern Railway Co. and the New York, Chicago & St. Louis Railroad Co. with the Atlantic seaboard; and

Whereas the said New York Central & Hudson River Railroad Co. is now taking the necessary steps to more completely consolidate all of the aforesaid railroads, together with others, under one ownership and control: Therefore be it

Resolved, That the Attorney General be, and he is hereby, directed to inform the Senate whether the various combinations of railroads above set forth are in violation of the Sherman antitrust law or any other statute of the United States, and whether the Department of Justice has in contemplation any action for the dissolution of said combinations.

The VICE PRESIDENT. The question is on the motion of the Senator from North Carolina [Mr. OVERMAN] to refer the resolution to the Committee on Interstate Commerce.

Mr. NORRIS. Mr. President, does the Senator from North Carolina insist upon his motion?

Mr. OVERMAN. I certainly do, Mr. President. I have examined the record and have noticed that when we were in the minority such resolutions were always referred to a committee, and I think this resolution should be referred to the Committee on Interstate Commerce. I do not care to say anything more about it; the resolution has been debated here at length.

Mr. NORRIS. I have no desire to debate it, and I am not going to do so; but on that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I have a general pair with the senior Senator from New Mexico [Mr. FALL]. In his absence, I withhold my vote.

Mr. COLT (when his name was called). I have a pair with the Senator from Delaware [Mr. SAULSBURY] and therefore withhold my vote.

Mr. CRAWFORD (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA] and withhold my vote in his absence.

Mr. THORNTON (when Mr. O'GORMAN's name was called). I am requested to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN].

Mr. SUTHERLAND. I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Oklahoma [Mr. OWEN], I vote "yea."

The roll call was concluded.

Mr. WHITE. I wish to announce the absence of my colleague [Mr. BANKHEAD] from the city and his pair with the junior Senator from West Virginia [Mr. GOFF]. I ask that this announcement may stand for the day.

Mr. MYERS. I inquire if the Senator from Connecticut [Mr. MCLEAN] has voted?

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. MYERS. I have a pair with that Senator; but I transfer that pair to the Senator from Oklahoma [Mr. GORE] and vote "yea."

Mr. BRYAN (after having voted in the affirmative). I have a pair with the junior Senator from Michigan [Mr. TOWNSEND], which I transfer to the junior Senator from Arkansas [Mr. ROBINSON] and allow my vote to stand.

Mr. CRAWFORD. I will transfer my pair with the senior Senator from Tennessee [Mr. LEA] to the junior Senator from California [Mr. WORKS] and vote "nay."

Mr. JAMES. I transfer the general pair I have with the Senator from Massachusetts [Mr. WEEKS] to the Senator from Maryland [Mr. LEE] and vote "yea."

Mr. GALLINGER. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the senior Senator from North Dakota [Mr. MCCUMBER] and vote "yea."

I beg to announce that the junior Senator from Maine [Mr. BURLEIGH] is paired with the junior Senator from New Hampshire [Mr. HOLLIS]; that the Senator from Vermont [Mr. DILLINGHAM] is paired with the Senator from Maryland [Mr. SMITH]; that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED]; that the Senator from Illinois [Mr. SHERMAN] is paired with the Senator from New Jersey [Mr. HUGHES]; and that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON].

Mr. TILLMAN. I have a general pair with the Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. GOFF. I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD] and therefore withhold my vote.

Mr. GRONNA. I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted.

The VICE PRESIDENT. The Chair is informed that he has not.

Mr. GRONNA. I have a general pair with that Senator. Not knowing how he would vote if present, I shall have to withhold my vote. Were I permitted to vote, I should vote "nay."

The result was announced—yeas 33, nays 20, as follows:

YEAS—33.

Brandegee	Martin, Va.	Shafroth	Tillman
Bryan	Myers	Shively	Walsh
Burton	Newlands	Simmons	Warren
Catron	Oliver	Smith, Ariz.	West
Clark, Wyo.	Overman	Smith, Ga.	White
Gallinger	Pittman	Stone	Williams
James	Pomerene	Swanson	
Lippitt	Ransdell	Thompson	
Lodge	Root	Thornton	

NAYS—20.

Ashurst	Clapp	Kern	Norris
Borah	Crawford	La Follette	Page
Brady	Cummins	Lane	Perkins
Bristow	Jones	Martine, N. J.	Sheppard
Chamberlain	Kenyon	Nelson	Sterling

NOT VOTING—42.

Bankhead	Gore	O'Gorman	Smith, S. C.
Burleigh	Gronna	Owen	Smoot
Chilton	Hitchcock	Penrose	Stephenson
Clarke, Ark.	Hollis	Poindexter	Sutherland
Colt	Hughes	Reed	Thomas
Culberson	Johnson	Robinson	Townsend
Dillingham	Lea, Tenn.	Saulsbury	Vardaman
du Pont	Lee, Md.	Sherman	Weeks
Fall	Lewis	Shields	Works
Fletcher	McCumber	Smith, Md.	
Goff	McLean	Smith, Mich.	

So the resolution was referred to the Committee on Interstate Commerce.

Mr. JONES subsequently said: Mr. President, it has occurred to me that I have a pair with the junior Senator from South Carolina [Mr. SMITH]. I inadvertently voted on the question of referring to the committee the resolution of the Senator from Nebraska [Mr. NORRIS]; but inasmuch as my vote would not change the result one way or the other, it can stand without any injury. I simply wish to make this statement in justice to myself.

thereafter, the sum of $1,000,000. Said sums shall be allotted to the States in the proportion which their population bears to the total population of the United States not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1918, nor less than $10,000 for any fiscal year thereafter. And there is hereby appropriated the following sums, or so much thereof as may be needed, for the purpose of providing the minimum allotment provided for in this section: For the fiscal year ending June 30, 1916, the sum of $46,000; for the fiscal year ending June 30, 1917, the sum of $32,000; for the fiscal year ending June 30, 1918, the sum of $24,000; for the fiscal year ending June 30, 1919, and annually thereafter, the sum of $90,000.

SEC. 5. That in order to secure the benefits of the appropriations provided for in sections 2, 3, and 4 of this act, any State shall, through the legislative authority thereof, accept the provisions of this act and designate or create a State board, consisting of not less than three members, and having all necessary power to cooperate, as herein provided, with the Federal board for vocational education in the administration of the provisions of this act. The State board of education or other board having charge of the administration of public education in the State, or any State board having charge of the administration of any kind of vocational education in the State may, if the State so elect, be designated as the State board for the purposes of this act.

Any State may accept the benefits of any one or more of the respective funds herein appropriated, and it may defer the acceptance of the benefits of any one or more of such funds, and shall be required to meet only the conditions relative to the fund or funds the benefits of which it has accepted: *Provided*, That after June 30, 1917, no State shall receive any appropriation for salaries of teachers, supervisors, or directors of agricultural subjects unless it shall have taken advantage of at least the minimum amount appropriated for the training of teachers, supervisors, or directors of agricultural subjects, as provided for in this act, and that after said date no State shall receive any appropriation for the salaries of teachers of trade and industrial subjects unless it shall have taken advantage of at least the minimum amount appropriated for the training of teachers of trade and industrial subjects, as provided for in this act.

SEC. 6. That a Federal board for vocational education is hereby created to consist of the Postmaster General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor. The board shall organize and elect one of its members as chairman. The board shall have power to cooperate with State boards in carrying out the provisions of this act. It shall be the duty of the Federal board for vocational education to make or cause to have made studies, investigations, and reports, with particular reference to their use in aiding the States in the establishment of vocational schools and classes and in giving instruction in agriculture, trades and industries, commerce and commercial pursuits, and home economics. Such studies, investigations, and reports shall include agriculture and agricultural processes and requirements upon agricultural workers; trades, industries, and apprenticeships, trade and industrial requirements upon industrial workers, and classification of industrial processes and pursuits; commerce and commercial pursuits and requirements upon commercial workers; home processes and problems and requirements upon home workers; and problems of administration of vocational schools and of courses of study and instruction in vocational subjects.

Such studies, investigations, and reports concerning agriculture, for the purposes of agricultural education, shall, so far as practicable, be made in cooperation with or through the Department of Agriculture; such studies, investigations, and reports concerning trades and industries, for the purposes of trade and industrial education, shall, so far as practicable, be made in cooperation with or through the Department of Labor; such studies, investigations, and reports concerning commerce and commercial pursuits, for the purposes of commercial education, shall, so far as practicable, be made in cooperation with or through the Department of Commerce; such studies, investigations, and reports concerning the administration of vocational schools, courses of study and instruction in vocational subjects, shall, so far as practicable, be made in cooperation with or through the Bureau of Education.

The Commissioner of Education shall be the executive officer of the board. He may make such recommendations to the board relative to the administration of this act as he may from time to time deem advisable. It shall be the duty of the Commissioner of Education to carry out the rules, regulations, and decisions which the board may adopt. The Federal board for vocational education shall have power to employ such assistants as may be necessary to carry out the provisions of this act.

SEC. 7. That there is hereby appropriated to the Federal board for vocational education the sum of $200,000 annually to be available from and after the passage of this act for the purpose of making or cooperating in making the studies, investigations, and reports provided for in section 6 of this act, and for the purpose of paying the salaries of assistants and office and such other expenses as the board may deem necessary to the execution and administration of this act. The Federal board for vocational education may allot any part of said appropriation to any United States department or bureau for the purpose of making any study or investigation, or part thereof, under the provisions of this act.

SEC. 8. That in order to secure the benefits of the appropriations for any purposes specified in this act, the State board shall prepare plans, showing the kinds of vocational education for which it is proposed that the appropriation shall be used; the kinds of schools and equipment; courses of study; methods of instruction; qualifications of teachers and, in the case of agricultural subjects, the qualifications of supervisors or directors; plans for the training of teachers; and, in the case of agricultural subjects, plans for the supervision of agricultural education, as provided for in section 10. Such plans shall be submitted by the State board to the Federal board for vocational education, and if the Federal board finds the same to be in conformity with the provisions and purposes of this act, the same shall be approved. The State board shall make an annual report to the Federal board for vocational education on or before September 1 of each year on the work done in the State, and the receipts and expenditures of money under the provisions of this act.

SEC. 9. That the appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects and of teachers of trade and industrial subjects shall be devoted exclusively to the payment of salaries of such teachers, supervisors, or directors having the minimum qualifications set up for the State by the State board, with the approval of the Federal board for vocational education. The cost of instruction supplementary to the instruction in agricultural and in trade and industrial subjects provided for in this act necessary to build a well-rounded course of training shall be borne by the State and local communities, and no part of the cost thereof shall be borne out of the appropriations herein made. The moneys expended under the provisions of this act in cooperation with the States for the salaries of teachers, supervisors, or directors of agricultural subjects or for the salaries of teachers of trade and industrial subjects shall be conditioned that for each dollar of Federal money expended for such salaries the State or local community, or both, shall expend an equal amount for such salaries; and that appropriations for the training of teachers of vocational subjects as herein provided shall be conditioned that such moneys be expended for maintenance of such training, and that for each dollar of Federal money so expended for maintenance the State or local community, or both, shall expend an equal amount for the maintenance of such training.

SEC. 10. That any State may use the appropriation or any part thereof allotted to it under the provisions of this act for the salaries of teachers, supervisors, or directors of agricultural subjects, either for the salaries of teachers of such subjects in schools or classes or for the salaries of supervisors or directors of such subjects under a plan of supervision for the State to be set up by the State board, with the approval of the Federal board for vocational education. That in order to receive the benefits of such appropriation for the salaries of teachers, supervisors, or directors of agricultural subjects the State board of any State shall provide in its plan for agricultural education that such education shall be that which is supported and controlled by the public; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and be designed to meet the needs of persons over 14 years of age who have entered upon or who are preparing to enter upon the work of the farm or of the farm home; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board with the approval of the Federal board for vocational education as the minimum requirement for such education in schools and classes in the State; that the amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes; that such schools shall provide for directed or supervised practice in agriculture either on a farm provided for by the school or other farm for at least six months per year; that the teachers, supervisors, or directors of agricultural subjects shall have at least the minimum qualifications determined for the State by the State board with the approval of the Federal board for vocational education.

SEC. 11. That in order to receive the benefits of the appropriation for the salaries of teachers of trade and industrial subjects the State board of any State shall provide in its plan for trade and industrial education that such education shall be given in schools or classes supported and controlled by the public; that the controlling purpose of such education shall be to fit for useful employment; that such education shall be of less than college grade and shall be designed to meet the needs of persons over 14 years of age who are preparing for a trade or industrial pursuit or who have entered upon the work of a trade or industrial pursuit; that the State or local community, or both, shall provide the necessary plant and equipment determined upon by the State board with the approval of the Federal board for vocational education as the minimum requirement in such State for education for any given trade or industrial pursuit; that the total amount expended for the maintenance of such education in any school or class receiving the benefit of such appropriation shall be not less annually than the amount fixed by the State board, with the approval of the Federal board, as the minimum for such schools or classes in the State; that such schools or classes giving instruction to persons who have not entered upon employment shall require that at least half of the time of such instruction be given to practical work on a useful or productive basis, such instruction to extend over not less than 9 months per year and not less than 30 hours per week; that at least one-third of the sum appropriated for any State for the salaries of teachers of trade and industrial subjects shall, if expended, be applied to part-time schools or classes for young workers over 14 years of age who have entered upon employment and such subjects in a part-time school or class may mean any subject given to enlarge the civic or vocational intelligence of such workers over 14 and less than 18 years of age; that such part-time schools or classes shall provide for not less than 144 hours of class instruction per year; that evening industrial schools shall fix the age of 16 years as a minimum entrance requirement and shall confine instruction to that which is supplemental to the daily employment; that the teachers of any trade or industrial subject in any State shall have at least the minimum qualifications for teachers of such subject determined upon for such State by the State board with the approval of the Federal board for vocational education: *Provided*, That for cities and towns of less than 25,000 population, according to the last preceding United States census, the State board, with the approval of the Federal board for vocational education, may modify the conditions as to the length of course and hours of instruction per week for schools and classes giving instruction to those who have not entered upon employment in order to meet the particular needs of such cities and towns.

SEC. 12. That in order to receive the benefits of the appropriation in this act for the training of teachers, supervisors, or directors of agricultural subjects, or of teachers of trade and industrial or home economics subjects, the State board of any State shall provide in its plan for such training that the same shall be carried out under the supervision of the State board; that such training shall be given in schools or classes supported and controlled by the public; that such training shall be given only to persons who have had adequate vocational experience or contact in the line of work for which they are preparing themselves as teachers, supervisors, or directors, or who are acquiring such experience or contact as a part of their training, and that the State board, with the approval of the Federal board, shall establish minimum requirements for such experience or contact for teachers, supervisors, or directors of agricultural subjects, and for teachers of trade and industrial and home economics subjects; that not more than 50 per cent nor less than 20 per cent of the money appropriated under this act for the training of teachers of vocational subjects in any State for any year shall be expended in the preparation of teachers, supervisors, or directors of agricultural subjects or of teachers of trade and industrial subjects or of teachers of home economics subjects.

SEC. 13. That in order to secure the benefits of the appropriations for the salaries of teachers, supervisors, or directors of agricultural subjects, or for the salaries of teachers of trade and industrial subjects or for the training of teachers as herein provided, any State shall,

through the legislative authority thereof, appoint the State treasurer as custodian for vocational education, who shall receive and provide for the proper custody and disbursement of moneys paid to the State from said appropriations.

SEC. 14. That the Federal board for vocational education shall annually ascertain whether the States are using or are prepared to use the moneys received by them in accordance with the provisions of this act. On or before the 1st day of January of each year the Federal board for vocational education shall certify to the Secretary of the Treasury as to each State which has accepted the provisions of this act and complied therewith, certifying the amounts which each State is entitled to receive under the provisions of this act. Upon such certification the Secretary of the Treasury shall pay quarterly to the custodian for vocational education of each State the moneys to which it is entitled under the provisions of this act. The moneys so received by the custodian for vocational education for any State shall be paid out on the requisition of the State board, as reimbursement for expenditures already incurred, to such schools as are approved by said State board and are entitled to receive such moneys under the provisions of this act.

SEC. 15. That whenever any portion of the fund annually allotted to any State has not been expended for the purpose provided for in this act, a sum equal to such portion shall be deducted by the Federal board from the next succeeding annual allotment from such fund to such State.

SEC. 16. That the Federal board for vocational education may withhold the allotment of moneys to any State whenever it shall appear that such moneys are not being expended for the purposes and under the conditions of this act. If any allotment is withheld from any State, the State board of such State may appeal to the Congress of the United States, and if the Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

SEC. 17. That if any portion of the moneys received by the custodian for vocational education of any State under this act, for any given purpose named in this act, shall by any action or contingency be diminished or lost, it shall be replaced by such State, and until so replaced no subsequent appropriation for such education shall be paid to such State. No portion of any moneys appropriated under this act for the benefit of the States shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings or equipment, or for the purchase or rental of lands.

SEC. 18. That the Federal board for vocational education shall make an annual report to Congress, on or before December 1, on the administration of this act and shall include in such report the reports made by the State boards on the administration of this act by each State and the expenditure of the money allotted to each State.

THE INCOME TAX.

Mr. SMITH of Georgia. I introduce a joint resolution and ask that it be read and referred to the Committee on Finance.

The joint resolution (S. J. Res. 155) to remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, in cases where said returns are completed by June 1, 1914, was read the first time by its title and the second time at length and referred to the Committee on Finance, as follows:

To remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, in cases where said returns are completed by June 1, 1914.

Whereas the income tax has gone into effect for the first time during the present year; and

Whereas through misapprehension of the law many parties have failed to make their proper returns prior to March 1, 1914; Therefore be it

Resolved, etc., That the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, be, and the same are hereby, remitted for the present year in all cases where said returns are completed by June 1 of the present year, and where the failure to make said returns was not due to a purpose willfully to refrain from making the same.

STATISTICS ON MARRIAGE AND DIVORCE.

Mr. SHEPPARD. I introduce a joint resolution, which I ask may be read at length.

The joint resolution (S. J. Res. 154) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and the District of Columbia for the seven years from January 1, 1907, to December 31, 1913, and for each year thereafter annually: *Provided*, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

Mr. SHEPPARD. There is a petition accompanying the joint resolution which I should like to have read in connection with it. It will explain the measure.

There being no objection, the petition was read, as follows:

INTERNATIONAL COMMITTEE ON MARRIAGE AND DIVORCE,
May 11, 1914.

To the Senate and House of Representatives of the United States:

The undersigned petitioners, all being citizens of the United States, respectfully pray that provisions be made for the collection of statistics of and relating to marriage and divorce for the seven years from 1907 to 1913, inclusive, and annually hereafter.

Your memorialists respectfully point out the reasons given in the petitions for the prior investigations, and beg leave to refer you to Bulletin 96 of the Bureau of the Census and to the two-volume Report on Marriage and Divorce issued by it in 1908 and 1909, presenting a summary of the earlier investigation and the full data for the 20 years from 1887 to 1906.

From these volumes and from the estimates made in the official correspondence of this bureau it appears that over 1,000,000 divorces will be granted in the United States in 10 years ending with 1916.

We also show that in spite of the many changes in the marriage and divorce laws of the several States in the past 65 years the tide of divorces has steadily risen throughout every portion of our Nation at an average rate three times as great as the rate of increase of the population.

And we would show farther that the increase of interest evidenced by memorials and resolutions from many most important educational bodies, both religious and secular, requires that exact information be had every year from the Government concerning the more than 100,000 divorces that are now being granted annually in our own continental United States.

Alfred Harding, Bishop of Washington; David H. Greer, Bishop of New York; William T. Manning, Trinity Church, New York; Natalie F. Hammond; Morgan L. O'Brien; Newell De Witt Hillis, Plymouth Church, Brooklyn; W. Bourke Cockran; Cornelius Woelfkin, Fifth Avenue Baptist Church, New York City; Samuel McCune Lindsay; Christian F. Reisner, Pastor Grace Methodist Church, New York City; Felix Adler, Leader of the Society for Social Culture; Wm. Jay Schieffelin.

Mr. GALLINGER. Mr. President, I notice that the joint resolution calls upon the Director of the Census. I will ask the Senator if we have a Director of the Census at the present time?

Mr. SHEPPARD. It is my opinion that we have a very fine one, Mr. President.

Mr. GALLINGER. I thought I read the other day that he was a candidate for the governorship of a great State, and I did not suppose that he would continue to hold his office while seeking the governorship of a State.

Mr. SHEPPARD. I think the matter will be handled satisfactorily to all concerned.

Mr. GALLINGER. That is to say, if he fails to elect himself governor of the State he will continue Director of the Census, I suppose. Is that the idea?

Mr. SHEPPARD. The Senator has had long experience in politics, and he must know that very few people voluntarily resign.

Mr. GALLINGER. Mr. President, I am glad that we have a Director of the Census. I was afraid we had none.

The VICE PRESIDENT. The joint resolution and accompanying petition will be referred to the Committee on the Census.

AMENDMENT TO THE RIVER AND HARBOR BILL.

Mr. LIPPITT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

LIABILITY OF COMMON CARRIERS.

Mr. CUMMINS submitted the following resolution (S. Res. 384), which was read:

Resolved, That immediately after the final disposition of the bill now the unfinished business the Senate take up for consideration Senate bill 4522, to amend the interstate-commerce act relative to liability of common carriers.

Mr. CUMMINS. Mr. President, I will explain the resolution by saying that it is the bill to which I referred some days ago and for which I asked unanimous consent for consideration at that time. I do not believe it will require more than 20 minutes to dispose of the bill. It is a very important one. It is intended to relieve shippers of freight upon railways from the very unjust and burdensome rule which has been placed upon them since the decision of the Supreme Court in the case of Adams Express Co. against Croniger, and to remedy an obvious and acknowledged defect in what is known as the Carmack amendment, adopted in 1906.

I do not want to interfere in any way with procedure that will hasten the final disposition of the tolls bill, but I hope that I may have this bill considered immediately after it. I assure the Senate that there is nothing in the bill that will provoke any considerable debate; at least I believe there is nothing of the kind in it, because it is reported unanimously by the Interstate Commerce Committee, and I think if there had been any grave objection to it it would have been encountered in that committee.

Mr. SHAFROTH. Mr. President, I have had on the calendar a notice for two months that I would call up Senate joint resolution No. 10. While I do not want to interfere with the short discussion of any other measure, it seems to me that the Senator from Iowa could easily call up his bill after 1 o'clock and have consideration of it for a full hour. I would have no objection whatever to that course, but to substitute it for another measure and make it the order of business seems to me would not be the proper course in view of the notices which have been given.

act approved October 3, 1913, for failure to properly return the income tax provided for in said act, in cases where said returns are completed by June 1, 1914, was read the first time by its title and the second time at length and referred to the Committee on Finance, as follows:

To remit under certain conditions and for the year 1914 the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, in cases where said returns are completed by June 1, 1914.

Whereas the income tax has gone into effect for the first time during the present year; and

Whereas through misapprehension of the law many parties have failed to make their proper returns prior to March 1, 1914: Therefore be it

Resolved, etc., That the penalties provided by the act approved October 3, 1913, for failure to properly return the income tax provided for in said act, be, and the same are hereby, remitted for the present year in all cases where said returns are completed by June 1 of the present year, and where the failure to make said returns was not due to a purpose willfully to refrain from making the same.

STATISTICS ON MARRIAGE AND DIVORCE.

Mr. SHEPPARD. I introduce a joint resolution, which I ask may be read at length.

The joint resolution (S. J. Res. 154) authorizing and directing the Director of the Census to collect and publish statistics of marriage and divorce was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and the District of Columbia for the seven years from January 1, 1907, to December 31, 1913, and for each year thereafter annually: *Provided*, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

Mr. SHEPPARD. There is a petition accompanying the joint resolution which I should like to have read in connection with it. It will explain the measure.

There being no objection, the petition was read, as follows:

INTERNATIONAL COMMITTEE ON MARRIAGE AND DIVORCE,
May 11, 1914.

To the Senate and House of Representatives of the United States:

The undersigned petitioners, all being citizens of the United States, respectfully pray that provisions be made for the collection of statistics of and relating to marriage and divorce for the seven years from 1907 to 1913, inclusive, and annually hereafter.

Your memorialists respectfully point out the reasons given in the petitions for the prior investigations, and beg leave to refer you to Bulletin 96 of the Bureau of the Census and to the two-volume Report on Marriage and Divorce issued by it in 1908 and 1909, presenting a summary of the earlier investigation and the full data for the 20 years from 1887 to 1906.

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He also presented a memorial of the board of aldermen of New York City, N. Y., remonstrating against the proposed appropriation for the renovation of the present post-office building in City Hall Park, New York City, and favoring an appropriation for the construction of a new building on a more suitable site for the post office and Federal courts, which was referred to the Committee on Public Buildings and Grounds.

Mr. JONES presented memorials of sundry citizens of Centralia, Spokane, Dayton, Seattle, South Bend, and Aberdeen, all in the State of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Waverly, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PERKINS presented petitions of sundry citizens of San Francisco, Winters, and Auburn, all in the State of California, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of San Diego and Stockton, in the State of California, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Barnard, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. CRAWFORD presented petitions of sundry citizens of Oral, Hot Springs, Ardmore, Madison, Hermosa, Cascade Springs, Rapid City, Minnekahta, Lithia, Edgemont, Lead, and Sturgis, all in the State of South Dakota, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the general conference of the Congregational churches of New Hampshire, praying for a peaceful settlement of the difficulties between Mexico and the United States, which was referred to the Committee on Foreign Relations.

Mr. LIPPITT presented petitions of sundry citizens of Rhode Island, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Rhode Island, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition from the school committee of Johnston, R. I., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

RECLAMATION-EXTENSION BILL.

Mr. PITTMAN. I ask that certain telegrams from the governor of the State of Nevada, from the president of the water users' association, and from the Reno Commercial Club, in support of the passage of the reclamation-extension bill, may be printed in the RECORD.

There being no objection, the telegrams were referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

[Telegram.]

CARSON, NEV., *May 28, 1914.*

Senator KEY PITTMAN, *Washington, D. C.:*

Passage by Congress at this session of the reclamation-extension bill, providing for 20 years' reclamation payments by entrymen and authorizing Secretary of the Interior to cooperate with irrigation districts, we regard as imperative to the success of the Truckee-Carson reclamation project in this State as well as to the success of reclamation projects throughout the West, and we hereby urge your utmost efforts in support of its passage.

Tasker L. Oddie, Governor; Gilbert C. Ross, Lieutenant Governor; George Brodigan, Secretary of State; J. Eggers, State Controller; George B. Thatcher, Attorney General; Joe Josephs, Clerk Supreme Court; C. L. Deader, Surveyor General; William MacMillan, State Treasurer; John Edwards Brag, Superintendent Public Instruction; G. F. Talnot, Chief Justice; F. H. Norcross, Justice Supreme Court; P. A. McCarran, Justice Supreme Court; Joe Farnsworth, Superintendent State Printing; Ed. Ryan, Insurance of Mines; C. A. Norcross, Commissioner of Agriculture; W. M. Kearney, State Engineer.

[Telegram.]

FALLON, NEV., *May 28, 1914.*

Hon. KEY PITTMAN, *Washington, D. C.:*

Imperative for interests of Truckee-Carson project and entire State of Nevada that this session of Congress pass legislation providing for 20-year reclamation payments, and authorizing Secretary of the Interior to cooperate with irrigation districts. Please use best endeavors to that end; our information that bill has passed Senate and is before the House. Can not something be done to get favorable action? Failure of passage of measure at this session of Congress would be serious disaster to us.

R. L. DOUGLAS,
President of Water Users' Association.

[Telegram.]

RENO, NEV., *May 31, 1914.*

Senator KEY PITTMAN,
United States Senate, Washington, D. C.:

Are advised that reclamation-extension bill is in danger of being sidetracked. Failure of passage of bill at this session will be most serious setback to everyone. We earnestly urge your active support for passage of bill at this session.

RENO COMMERCIAL CLUB.

TERMS OF COURT AT ERIE, PA.

Mr. BRANDEGEE. From the Committee on the Judiciary I report back favorably without amendment the bill (H. R. 15190) to amend section 103 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, as amended by the act of Congress approved March 3, 1913, and I submit a report (No. 574) thereon.

Mr. OLIVER. I ask unanimous consent for the present consideration of the bill. I will state that it is simply a bill changing the time for holding the terms of court in the city of Erie, in the western district of Pennsylvania. It has passed the House, and its enactment is requested by the judges of our district courts and by the members of the bar generally in western Pennsylvania.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. OLIVER. I ask that the report of the House committee, which is a very short one, may be printed in the RECORD.

The VICE PRESIDENT. Without objection, that may be done.

The report is as follows:

[House Report No. 536, Sixty-third Congress, second session.]

TERMS OF COURT AT ERIE, PA.

Mr. GRAHAM of Pennsylvania, from the Committee on the Judiciary, submitted the following report, to accompany H. R. 15190:

The Committee on the Judiciary, having had under consideration the bill (H. R. 15190), report the same back with the recommendation that it do pass.

The changes made in existing law by this bill are as follows:

1. Changes the day for the beginning of the terms of the district court of the western district of Pennsylvania by providing that the sessions of said court held at Erie shall begin on the third Mondays in March and September of each year instead of as now provided on the third Mondays of January and July. This change is desired by the court and bar in that locality for their greater convenience and the facility of business. The time of the meeting of the court at Pittsburgh remains unchanged, the court meeting part of the time at Erie and part of the time at Pittsburgh.

2. Provides that—

"The clerk shall place all cases in which the defendants reside in the counties of said (western) district nearest Erie upon the trial list for trial at Erie, where the same shall be tried, unless the parties thereto stipulate that the same may be tried at Pittsburgh."

This matter is now governed by the discretion of the clerk, and this change substitutes therefor a fixed rule except in those cases governed by a stipulation of the parties.

The effect of this bill is purely local, and meets with the approval of those whom its adoption will affect. It is believed that the changes are wholesome ones and will promote the administration of justice.

TERMS OF COURT IN WEST VIRGINIA.

Mr. CHILTON. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States, and I submit a report (No. 575) thereon. I ask unanimous consent for the immediate consideration of the bill. I will explain that it refers entirely to the holding of court in the State of West Virginia and provides two additional places at which court shall be held, one in the northern district and one in the southern district. It meets with the approbation of both Senators from that State.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

A bill (S. 5574) to amend and reenact section 113 of chapter 5 of the Judicial Code of the United States.

Be it enacted, etc., That section 113 of chapter 5 of the Judicial Code of the United States be amended and reenacted so that the same shall read as follows:

"SEC. 113. The State of West Virginia is divided into two districts, to be known as the northern and southern districts of West Virginia. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Hancock, Brooke, Ohio, Marshall, Tyler, Pleasants, Wood, Wirt, Ritchie, Doddridge, Wetzel, Monongalia, Marion, Harrison, Lewis, Gilmer, Calhoun, Upshur, Barbour, Taylor, Preston, Tucker, Randolph, Pendleton, Hardy, Grant, Mineral, Hampshire, Morgan, Berkeley, and Jefferson, with the waters thereof. Terms of the district court for the northern district shall be held at Martinsburg on the first Tuesday of April and the third Tuesday of September; at Clarksburg on the second Tuesday of April and the first Tuesday of October; at Wheeling on the first Tuesday of May and the third Tuesday of October; at Philippi on the fourth Tuesday of May and the second Tuesday of November; at Elkins on the first Tuesday in July and the first Tuesday in December; and at Parkersburg on the second Tuesday of January and the second Tuesday of June: *Provided*, That a place for holding court at Philippi shall be furnished free of cost to the United States by Barbour County until other provision is made therefor by law. The southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Jackson, Roane, Clay, Braxton, Webster, Nicholas, Pocahontas, Greenbrier, Fayette, Boone, Kanawha, Putnam, Mason, Cabell, Wayne, Lincoln, Logan, Mingo, Raleigh, Wyoming, McDowell, Mercer, Summers, and Monroe, with the waters thereof. Terms of the district court for the southern district shall be held at Charleston on the first Tuesday of June and the third Tuesday of November; at Huntington on the first Tuesday of April and the first Tuesday after the third Monday of September; at Bluefield on the first Tuesday of May and the third Tuesday of October; at Williamson on the first Tuesday of October; at Webster Springs on the first Tuesday of September; and at Lewisburg on the second Tuesday of July: *Provided*, That a place for holding court at Webster Springs shall be furnished free of cost to the United States: *And provided further*, That no court shall be held at Williamson until a suitable building for the holding of said court shall have been provided."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GRONNA:

A bill (S. 5707) for the erection of a public building in the city of Fargo, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. MARTINE of New Jersey:

A bill (S. 5708) granting an increase of pension to Amelia Dingler (with accompanying papers); to the Committee on Pensions.

By Mr. LIPPITT:

A bill (S. 5709) granting a pension to Sarah E. Harriman; to the Committee on Pensions.

By Mr. SMITH of Arizona:

A bill (S. 5710) granting an increase of pension to George Washington Cameron; to the Committee on Pensions.

VOCATIONAL EDUCATION.

Mr. SMITH of Georgia. Mr. President, during the present session of Congress a joint resolution was passed providing for the appointment by the President of a commission to consider the question of national aid to vocational education, and to report upon the advisability of such aid, and, if possible, to present also a plan for the aid. The joint resolution required the commission to report by June 1.

The President named the commission, consisting of Senator Page and myself, Congressmen Hughes and Fess, Mr. John A. Lapp, Mr. C. A. Prosser, Mr. Charles H. Winslow, Miss Agnes Nestor, and Miss Florence M. Marshall.

For the last two months the commission has been laboriously at work. The two Senators and the two Congressmen have given to the commission all the time possible, while the five other members have devoted all of their days to the work and have also frequently worked at night. Senator PAGE and myself, together with the two Congressmen, were necessarily compelled to leave the substance of the report largely to the five noncongressional members, who gave all of their time to the work, and while the nine members of the commission signed the report, it is chiefly the product of the five noncongressional members of the commission.

A large amount of testimony was taken upon the subject. Letters of inquiry were written to every State asking for the views of State superintendents and other educators. The commission has directed that the testimony be printed.

The report which I present to-day will also be printed under the supervision of the commission.

After paying for printing the reports we are gratified to state that there will still be about $4,000 left unexpended from the $15,000 appropriated for the use of this commission.

We have jointly perfected a bill which provides for eventually an appropriation of $7,000,000 by the National Government toward training teachers and toward paying the salaries of teachers for vocational educational work.

By direction of the commission 5,000 copies of the report are being printed for the use of the Senate.

I present not only the report, but I offer the bill which is approved by all the members of the commission, and I ask that it be read by title and printed in the RECORD and referred to the Committee on Education and Labor.

The bill (S. 5705) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure, was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

A bill (S. 5705) to provide for the promotion of vocational education; to provide for cooperation with the States in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the States in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure.

Be it enacted, etc., That there is hereby annually appropriated, out of the money in the Treasury not otherwise appropriated, the sums provided in sections 2, 3, and 4 of this act, to be paid to the respective States for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, and directors of agricultural subjects, and of teachers of trade and industrial subjects, and in the preparation of teachers of agricultural, trade, and industrial and home economics subjects; and the sum provided for in section 7 to the Federal board for vocational education for the administration of this act and for the purpose of making studies, investigations, and reports to aid in the organization and conduct of vocational education, which sums shall be expended as hereinafter provided.

SEC. 2. That for the purpose of cooperating with the States in paying the salaries of teachers, supervisors, or directors of agricultural subjects there is hereby appropriated to the States for the fiscal year ending June 30, 1916, the sum of $500,000; for the fiscal year ending June 30, 1917, the sum of $750,000; for the fiscal year ending June 30, 1918, the sum of $1,000,000; for the fiscal year ending June 30, 1919, the sum of $1,250,000; for the fiscal year ending June 30, 1920, the sum of $1,500,000; for the fiscal year ending June 30, 1921, the sum of $1,750,000; for the fiscal year ending June 30, 1922, the sum of $2,000,000; for the fiscal year ending June 30, 1923, the sum of $2,500,000; for the fiscal year ending June 30, 1924, and annually thereafter, the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their rural population bears to the total rural population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1922, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be necessary, for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1916, the sum of $48,000; for the fiscal year ending June 30, 1917, the sum of $34,000; for the fiscal year ending June 30, 1918, the sum of $24,000; for the fiscal year ending June 30, 1919, the sum of $18,000; for the fiscal year ending June 30, 1920, the sum of $14,000; for the fiscal year ending June 30, 1921, the sum of $11,000; for the fiscal year ending June 30, 1922, the sum of $9,000; for the fiscal year ending June 30, 1923, the sum of $34,000; and annually thereafter the sum of $27,000.

SEC. 3. That for the purpose of cooperating with the States in paying the salaries of teachers of trade and industrial subjects there is hereby appropriated to the States, for the fiscal year ending June 30, 1916, the sum of $500,000; for the fiscal year ending June 30, 1917, the sum of $750,000; for the fiscal year ending June 30, 1918, the sum of $1,000,000; for the fiscal year ending June 30, 1919, the sum of $1,250,000; for the fiscal year ending June 30, 1920, the sum of $1,500,000; for the fiscal year ending June 30, 1921; the sum of $1,750,000; for the fiscal year ending June 30, 1922, the sum of $2,000,000; for the fiscal year ending June 30, 1923, the sum of $2,500,000; for the fiscal year ending June 30, 1924, the sum of $3,000,000, and annually thereafter the sum of $3,000,000. Said sums shall be allotted to the States in the proportion which their urban population bears to the total urban population in the United States, not including outlying possessions, according to the last preceding United States census: *Provided*, That the allotment of funds to any State shall be not less than a minimum of $5,000 for any fiscal year prior to and including the fiscal year ending June 30, 1922, nor less than $10,000 for any fiscal year thereafter, and there is hereby appropriated the following sums, or so much thereof as may be needed for the purpose of providing the minimum allotment to the States provided for in this section: For the fiscal year ending June 30, 1916, the sum of $66,000; for the fiscal year ending June 30, 1917, the sum of $46,000; for the fiscal year ending June 30, 1918, the sum of $34,000; for the fiscal year ending June 30, 1919, the sum of $28,000; for the fiscal year ending June 30, 1920, the sum of $25,000; for the fiscal year ending June 30, 1921, the sum of $22,000; for the fiscal year ending June 30, 1922, the sum of $19,000; for the fiscal year ending June 30, 1923, the sum of $56,000; for the fiscal year ending June 30, 1924, and annually thereafter the sum of $50,000.

SEC. 4. That for the purpose of cooperating with the States in preparing teachers, supervisors, and directors of agricultural subjects, and teachers of trade and industrial and home economic subjects there is hereby appropriated to the States, for the fiscal year ending June 30, 1916, the sum of $500,000; for the fiscal year ending June 30, 1917, the sum of $700,000; for the fiscal year ending June 30, 1918, the sum of $900,000; for the fiscal year ending June 30, 1919, and annually

SENATE.

MONDAY, *June 1, 1914.*

The Senate met at 11 o'clock a. m.

Rev. C. Everest Granger, D. D., of the city of Washington, offered the following prayer:

O glorious Lord God, maker, preserver, and giver of all good, we approach Thee this day with all reverence, with deep humility, and in simple faith. Grant us, we pray Thee, the great blessing of Thy divine grace. May Thy wisdom instruct, Thy spirit inspire, and Thy love overshadow all Thy servants this day. Make us deeply sensible of our need of Thee, and give us, we pray Thee, a comfortable assurance of Thy presence at all times and of Thy aid in special hours of need. Help us in our helplessness to lean hard upon Thee, and when we lean hard upon Thee help us. Vouchsafe to us, O God, strength for the duties of life and Thy wisdom, that we may intelligently do Thy will and serve our fellow men. In mercy pardon our sins and eternally save us. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of Friday last was read and approved.

TRANSPORTATION BETWEEN ATLANTIC AND PACIFIC PORTS.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, acknowledging receipt of resolution of the Senate of the 16th ultimo, relative to the ownership of and rates charged by vessels between Atlantic and Pacific ports of the United States, which was referred to the Committee on Interstate Commerce.

POST-OFFICE EMPLOYEES.

The VICE PRESIDENT. The Chair lays before the Senate a communication from the Postmaster General, which will be read.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 1, 1914.

THE PRESIDENT OF THE SENATE.

MY DEAR MR. PRESIDENT: I am in receipt of Senate resolution 373, reading as follows:

"*Resolved*, That the Postmaster General be directed to transmit to the Senate the following information:

"First. The names, ages, and length of service of those employees in the department in the District of Columbia and in the post office in Washington City who served in any war of the United States and who have been demoted, discharged, or resignations called for since March 4, 1914.

"Second. The rating of efficiency of each of such employees on March 4, 1914, and the rating with which they were credited at the date of demotion, discharge, or when resignation was called for."

In compliance with this resolution I wish to state that none of the employees of this department who served in any war of the United States has resigned or been removed since March 4, 1914. The only such person demoted is George Marshall, who, on March 24, 1914, was reduced from fireman, at $720, to laborer, at $660, on account of the excessive use of intoxicants. Mr. Marshall is 48 years old, has served in the department five years, and is a veteran of the Spanish-American War. He was informed at the time of his reduction that if his record warranted such action he would be restored to his former grade at the expiration of two months, and he was so restored on May 24, 1914.

The names, ages, length of service, and efficiency ratings of the war veterans in the employ of the Washington, D. C., post office who have been demoted, dropped from the rolls, or resigned from the service since March 4, 1914, are as follows:

Name.	Age.	Length of service.	Efficiency rating.	Action taken.
		Years.		
William E. Tew	74	37	78.4	Resigned.
Samuel R. Strattan	74	17	85	Do.
William A. Hutchins	77	19	84.8	Do.
Joseph Randall	77	47	94.6	Do.
John J. B. Lerch	81	51	59.2	Do.
Augustus Ridgely	78	51	69.1	Do.
G. T. Galliher[2]	68	32	85	Reduced.
O. T. Putnam	71	11	75	Do.
William W. Mills	77	42	88	Dropped.
George Dean	69	41	88	Do.

[1] Months. [2] Confederate Civil War veteran.

The postmaster states that these ratings covered the period from July 1 to December 31, 1913, and were the ratings of these persons on March 4, 1914, and at the time of their demotion, resignation, or separation from the service. There have been no removals or resignations during the present administration of any other persons employed in the Washington post office who served in any war of the United States, and the only such person demoted during that time was Henry L. Johnson, who was reduced in rank and salary on June 7, 1913, on charges preferred by Mr. Fulton R. Gordon, of Washington, D. C., who stated that in doing so he was "simply performing a patriotic duty."

There is inclosed a copy of a letter dated May 28, 1914, from the postmaster of Washington explaining why the action recommended by him was necessary.

Very truly, yours,

A. S. BURLESON,
Postmaster General.

WASHINGTON CITY POST OFFICE,
OFFICE OF THE POSTMASTER,
May 28, 1914.

Honorable POSTMASTER GENERAL,
Washington, D. C.

SIR: In response to a letter from the chief clerk of the department, dated May 27, asking for certain information called for in a resolution adopted by the United States Senate May 26, I transmit herewith the names, ages, length of service, and efficiency ratings of the war veterans in the employ of the Washington post office who have been demoted or dropped from the rolls or have resigned from the service since March 4, 1914. The ratings here given were made on January 1, 1914, and covered the period from July 1, 1913, to December 31, 1913. They were the only ratings with which the men were credited either on March 4, 1914, or at the time of their demotion or separation from the service. The information, as far as I am able to ascertain from the records of the office or from the employees in the office, is as follows:

William E. Tew; salary, $900; age, 74 years; period of service, 37 years; rating, 78.4 per cent; Union Civil War veteran; resigned.

Samuel R. Strattan; salary, $1,200; age, 74 years; period of service, 7 months; rating, 85 per cent; Union Civil War veteran; resigned.

William A. Hutchins; salary, $1,200; age, 77 years; period of service, 19 years; rating, 84.8 per cent; Union Civil War veteran; resigned.

Joseph Randall; salary, $1,200; age, 77 years; period of service, 47 years; rating, 94.6 per cent; Union Civil War veteran; resigned.

John J. B. Lerch; salary, $900; age, 81 years; period of service, 51 years; rating, 59.2 per cent; Union Civil War veteran; resigned.

G. T. Galliher, salary, $1,000; age, 68 years; period of service, 32 years; rating, 85 per cent; Confederate Civil War veteran; reduced to $800.

O. T. Putnam, salary, $1,000; age, 71 years; period of service, 11 years; rating, 75 per cent; Union Civil War veteran; reduced to $800.

Augustus Ridgely, salary, $1,100; age, 78 years; period of service, 51 years; rating 69.1 per cent; Union Civil War veteran; resigned.

William W. Mills, salary, $1,200; age, 77 years; period of service, 42 years; rating, 88 per cent; Union Civil War veteran; dropped.

George Dean, salary, $1,200; age, 69 years; period of service, 41 years; rating, 88 per cent; Union Civil War veteran; dropped.

These separations and demotions were only a small part of the results of the reorganization intended to put the administration of the Washington post office on a business basis. Less than 20 per cent of the employees affected by the reorganization were veterans of wars, which is a small percentage when it is considered that a large number of the older employees in the office are war veterans.

In order that you may be fully informed as to what has been undertaken in the Washington post office, I beg to report to you the results to date of this reorganization which was undertaken to enable the post office to render greater efficiency to the public, to keep the expenditures of the office within the allotment of money available for this city, and to comply with the spirit and intent of the law.

Growing out from this reorganization there have been to date 18 resignations and 30 demotions, while 3 employees have been dropped from the rolls. With three exceptions those who have either resigned or been dropped from the rolls were no longer necessary to the service, and the department has been advised that no appointments will have to be made to fill the vacancies thus caused.

Separations from the service as a result of this reorganization had nothing to do with the nationality, religion, or politics of any employee concerned, but were based only on consideration of the employee's efficiency or his necessity to the service, as is required by the following provision of the act of Congress approved April 1, 1909:

"The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the Postal Service from the existing laws respecting employment in such service is hereby prohibited."

I do not know, save from hearsay, the number of former soldiers involved in these separations, but I have been informed that of the 51 employees separated or demoted 9 were Union and 1 were Confederate war veterans. Of the 21 persons separated from the service 1 (a Union war veteran) was totally deaf, and every direction given him had to be in writing; 1, a woman, had never recovered from a stroke of apoplexy, but had been kept on the rolls nearly a year, although unable to do more than the simplest desk work that required the services of another employee in constant supervision; 2 others, also Union war veterans, had afflictions of the mouth, commonly believed and feared by other employees to be malignant cancers and to be a menace to their associates and to the recipients of mail; while several others were in such stages of physical or mental incapacity as to either render their services nil, or require constant supervision. One of the war veterans whose affliction of the mouth is feared to be malignant cancer handled incoming letter mail for the Washington public, while the other, with an apparently like affliction, handled mail for Members of the House of Representatives and United States Senators.

When I assumed charge of the Washington post office on April 1, 1914, I entered upon the work with a mind free from any prejudice as to the personnel of the office or its administrative methods. However, in the councils with my supervisory officials, I soon became aware of an intolerable situation in the office. I found that the service was top-heavy in the matter of the lighter desk and window work, and that the public interest demanded a strengthening of the distribution service, on which rests the whole intricate and responsible scheme of dispatch and delivery of the mails.

The civil-service system had been in force long enough to fill the office with elderly employees, particularly men too old to memorize the complex and ever-changing schemes of routing and distributing the mail. In addition, there had been unloaded on the Washington post office in a long course of years, through strong political influence or as a convenience to various departments of the Government, a large number of inexperienced employees whose services had not been sought by the post office, and who were not needed in its operation. Notwithstanding the inhibition of the United States statutes against keeping on the Government pay rolls useless, inefficient, or incapacitated employees, a desperate effort had been made to take care of these employees in some manner, with the result that all kinds of needless clerical or window jobs were created for them, either in the main office or outlying stations. Some of these persons were given the baldest pretenses at earning their salaries, ranging from $720 to $1,800 a year—mostly at $1,200 a year.

Although there was employed a sufficient force of unskilled laborers, one aged man was assigned to picking up scraps of paper on the post-

office sidewalk. For eight hours a day of this character of service he was drawing a salary of $720 a year. He was given a rating of 88.5 per cent. Two men were "pensioned" at $900 a year each, attending the messengers in a closed-in room awaiting their turns to take out special-delivery letters. A number of men were employed at the "cutting table" at a salary of $1000 per month each. Their duty was to cut open small packages of letters. Others were given employment at the "facing table," at a salary of $100 per month. All they had to do was to arrange the letters on a table with the address sides facing in one direction and separating the long from the short envelopes. Any boy or girl could do the work at either the "facing table" or "cutting table," yet for eight hours a day of this character of work these men were receiving such a salary—substantially a pension—of $1,200 a year. This is the salary paid expert distributors for the most trying work in the postal service, and to earn which these distributors must constantly practice and study their work at home after completing their day's task in the post office. On these tasks at the "cutting" and "facing" tables at $1,200 a year were employed four of the men separated from the service. All four men were Union war veterans. The services of all these men were unnecessary, as the work is easily absorbed by the regular office force in the slack time. In addition, other places were created, equally unnecessary, equally simple, and equally well paid. Every device within the broadest interpretation of the law was resorted to in an effort to keep aged or politically protected employees on the pay roll.

In the meantime there was a constant strain on the distribution service, which needed keeping up to the highest pitch of efficiency, because of the steady growth of the mails and the great strides made by the parcel post. There were 1,007 employees on the pay roll of the Washington post office. Its quota was full. Under the Post office appropriation act the Post Office Department could not allot to the Washington office the additional men so sorely needed in the handling of the mails. Every unexpected important rush of mail necessitated the employment of extra men or overtime, until this overtime and extra service has reached the sum of $20,000 a year for the Washington office. Yet here were men in the important operating divisions of the office doing practically children's work for salaries of $1,200 a year, who by their retention in the service were preventing the employment of young and active men for the swift and complex work involved in the movement of mail matter.

On the one hand was the public entitled to an exacting and expeditious handling of their mail and on the other was the department requiring that the Washington office keep expenditures within the sum available for its operation. At the same time the supervising heads, who were in no way responsible for this state of affairs in the office, were clamoring for relief from a condition that not only was intolerable, but constantly was growing worse.

With the consent of the department I undertook to give that relief, and am giving it, by the introduction of such simple business methods as it is obvious that this particular situation required. The plan of reorganizing the operating force of the office on a rational basis as is now being carried out consists of eliminating all employees whose services are not necessary or whose work can be more expeditiously and intelligently performed by efficient men. Under the head of unnecessary employees come those whose work can be absorbed with ease by the large force always available in the slack time in the office. This includes those who have resigned or have been dropped because their infirmity or incapacity has permitted them to do but a limited range of the exacting work involved in handling the mails; also men and women assigned to window or desk work, because they were needed but because places had to be found for them to keep them on the Government pay roll.

It appears to have been a long-standing policy in the Government service generally to be more liberal with the creation of positions than ordinary business experience would justify. For instance, in one station in the 13 hours that the windows are open there were sold last year a daily average of $103 worth of stamps. For presiding at that window 8 hours a day one employee received $1,200 a year. At another window an average of 18 money orders were cashed or issued in the 13-hour period, and for presiding at that window 8 hours a day, cashing or issuing an average of less than 2 money orders an hour, and doing a negligible amount of clerical work on the side, an employee received $1,200 a year. At a third window an average of 12 pieces of registered mail were handled during the 13-hour period, and for 8 hours of this kind of service, together with a small amount of clerical work on the side, a clerk received $1,200 a year. Ordinary business instinct, if not a proper conception of public duty, would suggest consolidating those jobs in the hands of one efficient clerk. That is what I have ordered done. The Washington office being already oversupplied with such help, I was compelled to advise the Post Office Department that the services of two of these clerks are no longer necessary.

In this manner the main office and the stations are being reorganized. Superfluous employees are being eliminated and the slack is being taken up wherever possible by concentrating the work of the service for greater efficiency and closer supervision.

There has also been undertaken a readjustment of salaries commensurate with the character of work performed, and this has resulted in the recommendation of a number of decreases as well as increases of salary.

The system of ratings has been improved, the rating now being broken up into the several elements that enter into an employee's standing. As a result an employee's rating hereafter will reflect his value to the Postal Service as well as his regularity of attendance and proficiency in the particular task on which he is engaged.

By this course of administration we are beginning to live with greater efficiency within the allotments that the Post Office appropriation act makes possible for this office. At the same time we have been able to steadily improve the post-office service to the people. Since April 1 we have added carriers and wagons for the delivery service; we have extended the territory for the five-trip business delivery; we have vastly improved the mail collections and are building up and strengthening the distribution service of the office.

In the conduct of this reorganization, much of which was of a painful nature, I have had the loyal and unselfish support of the supervisory heads of the office.

I will add that in the light of the provision of the law which reads: "The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the Postal Service from the existing laws respecting employment in such service, is hereby prohibited," I could not possibly take into consideration the personal fortunes of those who, unfortunately, had to be separated from the service. To have done so would have made it impossible to carry out this reorganization, which has been undertaken solely for the double purpose of rendering greater efficiency to the public and of bringing the service within the letter and intent of the law.

Very respectfully,

OTTO PRAGER, *Postmaster.*

The VICE PRESIDENT. The communication will be printed in the RECORD.

Mr. STONE. Mr. President, the report ought to be disposed of in some way. I should prefer to have it lie on the table or to have it taken up to-morrow morning. It is in response to a resolution which has fulfilled its object. It calls for certain information from the Postmaster General, which information is supplied by this communication. If it is merely to go in the RECORD and lie there without anything else being done, it seems to me it will be a useless performance.

The VICE PRESIDENT. The Chair will inquire what can be done with it.

Mr. STONE. I think, on proper consideration, to-morrow morning or some later morning we can have it, at least, referred to a committee or printed as a Senate document.

Mr. JONES. Mr. President, I suggest to the Senator that the communication is in response to a resolution which the Senate has adopted.

Mr. STONE. Yes.

Mr. JONES. It gives us the information called for. Of course I should be very glad to see it published as a document, although I think having it printed in the RECORD probably will give us all the information that is necessary. The communication gives us the information called for. There is no other resolution pending.

Mr. STONE. At all events, I desire to make some observations on it. I shall not do so this morning, for the reason that I do not care to interfere with my friend the Senator from New Mexico [Mr. CATRON], who had risen to proceed with his address; but to-morrow morning, if I can get a few moments' time, I wish to make some observations on the report.

Mr. WARREN. If the Senator will allow me, I think, by unanimous consent, we can have it lie on the table for a day, and then I think it ought to be referred to some committee.

Mr. STONE. That was my idea—to have it printed and lie on the table.

Mr. OVERMAN. Does it not go into the RECORD, anyway, by rending?

Mr. GALLINGER. Of course.

Mr. STONE. Yes; it goes in the RECORD.

Mr. OVERMAN. I submit, then, that it ought to lie on the table.

Mr. STONE. It has been read, so it will appear in the RECORD; but we do not wish to throw it away on the floor. We ought to do something with it. I ask, therefore, that it lie on the table.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Yes.

Mr. NELSON. I hope the communication may be printed. It was not read in its entirety, so it would not all go into the RECORD. I hope it may be printed in the RECORD and also as a document.

Mr. STONE. I have no objection to that.

Mr. NELSON. I make the request, with the permission of the Senator from Missouri.

Mr. STONE. But I should like to dispose of it in that way to-morrow morning instead of this morning. I ask that it lie on the table for the present.

The VICE PRESIDENT. The communication has been ordered printed in the RECORD. It will lie on the table until some further disposition has been made of it.

Mr. JONES. I understand it is intended that the letter from the postmaster of the city of Washington accompanying the communication is also to be printed in the RECORD.

The VICE PRESIDENT. The whole document.

Mr. JONES. So that it will all be printed in the RECORD.

The VICE PRESIDENT. It is so ordered.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Monterey, Clovis, Los Angeles, Santa Barbara, Colusa, and Oakland, in the State of California; of Clarkston, Wenatchee, Snohomish, Seattle, and Olympia, in the State of Washington; of Havelock and Ware, in the State of Iowa; of Mount Pulaski and Manteno, in the State of Illinois; of Morning Sun and Toledo, in the State of Ohio; of St. Louis, Mo.; of Hampton, Nebr.; of Elwyn, Pa.; and of La Junta, Colo., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

protesting against section 6 of House bill 12928; to the Committee on the Post Office and Post Roads.

By Mr. BRYAN: Petitions of 272 citizens of Burlington, 16 citizens of Castle Rock, 27 citizens of Duvall, 70 citizens of North Gaskins, 85 citizens of Benton, 35 citizens of West Sound, 40 citizens of Monitor, and 341 citizens of Bellingham, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. CANDLER of Mississippi: Petition of a mass meeting of the Woman's Christian Temperance Union of over 200 people, at Starkville, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. CARY (by request): Petition of the Central Council of Social Agencies, of Milwaukee, Wis., favoring House bills 1915 and 5819, relative to the naturalization of immigrants; to the Committee on Immigration and Naturalization.

By Mr. COOPER: Petitions of various residents of Brookfield, Wis., protesting against Nation-wide prohibition; to the Committee on Rules.

Also, petition of W. R. Cushing Post, Grand Army of the Republic of Waukesha, Wis., favoring legislation to make a park of Bull Run battle field; to the Committee on Military Affairs.

By Mr. CURRY: Petition of C. C. Qurn, of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Methodist Church, of Stockton, Cal., favoring national prohibition; to the Committee on Rules.

By Mr. DALE: Petitions of Peter Weiss and sundry other citizens, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. DILLON: Petitions of sundry citizens of South Dakota, protesting against national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Memorial of the Central Labor Union, of South Norwalk, Conn., protesting against national prohibition; to the Committee on Rules.

Also, petition of the Central Labor Union, of South Norwalk, Conn., protesting against conditions in the Colorado mines; to the Committee on the Judiciary.

By Mr. DOOLITTLE: Petition of sundry citizens of the State of Kansas, favoring establishment of a bureau of farm loans (H. R. 11755) in the Treasury Department of the United States; to the Committee on Banking and Currency.

By Mr. DYER: Petition of Messrs. Ray and H. E. Williams, John Hussey, Charles Alblinger, W. F. Fishbeck, Henry William Feeney, B. J. Koenig, Henry J. Gallagher, Fred W. Kless, W. A. Henry, Fred Diestelhorst, Herman Sauerwein, Harry Bentz, E. J. Timmons, Sam Perkins, James E. Downey, R. H. Irvine, A. J. Hill, Thomas J. O'Meara, James William Hatten, J. Gruber, William C. Brauer, Thomas Walsh, Patrick Broderick, George Meishelmer, Gordon Willis, all of St. Louis, Mo., against national prohibition; to the Committee on Rules.

Also, petition of Mrs. H. E. Canary, M. W. Teasdale, W. F. Hauk, Mrs. H. W. Teasdale, all of Newburg, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. FESS: Petition of Society of Friends, of Selma, Ohio, indorsing President Wilson's efforts to avert war with Mexico; to the Committee on Foreign Affairs.

By Mr. FRENCH: Petitions of sundry citizens of Idaho, against national prohibition; to the Committee on Rules.

By Mr. GORMAN: Petitions of H. H. Witt and 47 other citizens of Cook County, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. GRAHAM of Illinois: Petition of a joint meeting of the Springfield and Decatur Evangelical Ministerial Associations at Springfield, Ill., favoring censorship for moving pictures; to the Committee on Education.

Also, petitions of sundry citizens of Springfield, Ill., favoring passage of bill to amend the postal and civil-service laws (H. R. 12928); to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Petitions of sundry citizens of Oak Grove and Portland, Oreg., protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the State of Oregon, protesting against national prohibition; to the Committee on Rules.

By Mr. IGOE: Petitions of Paul O. Wendell, E. B. Hudson, L. Odell, Earl Thompson, W. S. Carter, jr., N. P. Edwards, J. C. Ledman, Carl Johnson, N. J. Edwards, Henry Limerick, N. E. Le Begue, F. A. Greer, C. J. Le Begue, William Craft, James Farrell, W. J. Lang, Guy F. Smith, G. H. Stott, W. H. Berry, Jesse Lewis, Paul Hartroig, I. C. Thistlwait, W. A. Tillberry, H. Morseman, M. S. Bretches, Carl P. Werner, H. Riley, O. W. Stobb, Ed. Sucewain, A. T. Jackman, W. M. Johnson, H. M. Bell, A. M. Hoffman, Ossil Carpenter, H. T. Fitzgerald, W. F. O. Hain, S. F. Werter, C. A. Masteri, George Pugh, Louis Meints, G. L. Smith, E. F. Holdner, E. L. Metcalf, J. J. Comer, J. W. Crowder, A. W. Cleesen, John Smith, H. H. Wilkinson, A. O. Otten, W. P. Howser, J. Eiseman, Roy Cunningham, H. J. Wells, R. W. Reynolds, H. C. Maness, E. A. Brackmon, W. L. Harriman, A. J. Stevens, William Owens, C. Newcomb, Raymond Owens, O. F. Reid, B. L. Rendleman, J. H. Perkins, S. D. Myers, C. M. Bake, Henry Evans, W. A. Fisher, J. A. Martin, J. P. Norlen, B. F. Cramer, I. W. Miller, H. W. Wooley, E. V. Anderson, Fred Jackson, George Jotter, F. J. Miller, B. H. Paxton, J. T. Hirst, William Sims, J. H. Stanfield, William Dierkes, E. S. Cower, P. J. Grey, N. V. Leyler, J. F. Speck, W. Metcalf, E. J. Sweeney, P. E. Judd, F. J. Whalen, O. C. Burnes, P. B. Heradon, Frank Douglas, Emmett Lanse, Fred Esser, D. W. Jones, Tim Delaney, Joe Carson, Fred Brown, Robert Kramfekl, D. L. Kelley, S. A. Dickesson, William Paxton, J. W. Amett, F. R. Pard, Dr. W. T. Simund, C. B. Wachild, George Wresch, William Schurer, George C. Williams, C. W. Allcow, C. F. Fischer, E. L. Bowen, D. B. Griffin, W. Wilson, Pat Salley, C. W. Royce, Fred Pirriguey, J. E. Brulton, J. H. Sullivan, Ed J. Gross, N. L. Simpson, H. C. Johnson, Roy Herrick, J. Manion, L. A. Condry, George G. Benton, George H. San Huestanlaon, L. Kahn, John Sherman, G. C. Murray, Mike Zor, Kosta Komoff, O. H. Buhlig, William Hartman, Porter Williams, Cary Roberson, Albert Hunter, George N. Grasllitson, G. M. Erler, J. Earl Husking, John Hilt, H. E. Mult, A. Wagner, Vic Leller, F. Rains, Frank Gorfes, H. M. Berry, E. J. Smith, Charles Hizler, Charles Fisvats, L. S. Berry, E. Pertor, W. K. Ralney, Thomas Welch, F. G. Bailey, H. A. Gfechis, R. R. Cunningham, W. A. Scanlon, George A. Scott, Jah Bowman, G. V. Meredith, C. F. Phillips, Ernest Kuhn, L. B. Shull, G. L. Perriguey, H. Griggs, J. M. Knans, T. E. Riley, E. M. Dirck, Ed Bill, C. Jeckman, C. Coom, E. F. Strong, H. F. Strang, W. R. Guthrie, E. H. Young, V. H. Cob, A. R. Crafts, Mel Ilgenfutz, E. E. Wilhlta, J. H. Marten, H. L. Stewart, C. R. Chapdean, E. R. Murphy, T. H. Ferguson, S. R. Hill, Randall Pugh, Warren G. Stephens, and J. D. Thompson, all of Sedalia; E. H. Miller, H. W. Benjiminn, P. L. Hogan, William Bosch, William Diehl, R. Rumet, George Schmidt, Edward J. Miller, Charles J. Jennings, Charles Ottensmeyer, H. P. Preston, Tony England, Albert Oldendorph, A. L. Mandeville, C. C. Torely, A. J. Perry, J. Ewertowski, William H. Kamp, Sherman Kerrting, John Kratky, Fred C. Falsy, J. S. Reynolds, J. W. Brown, Al Bornemann, William Snedkamp, B. Snedkamp, M. McNulty, A. Sarraziny, Fred Lohmeyer, George O. McNamee, W. G. Haupt, Frank Powlosk, F. Wilder, Edward H. Rencher, Timothy Dineen, E. C. Carpenter, Eugene Burlemann, Willard Kaiser, Oz Randle, John J. Donohue, George F. Neal, George Heilkley, W. F. Coffey, Andrew A. Monscol, Otto G. Gahal, Charles Kanumermeyer, Robert D. Barsaland, William Wahlbrink, Fred. Baer, Michael Cunningham, John W. Poppi, George Rost, Jerry Hoenward, H. Peteis, J. Lyons, Fred. Peck, John A. Bodlman, B. H. Rubbeck, Peter Mitchell, R. C. Flottmann, E. B. Fell, Charles Biehl, William E. Schewe, H. N. Schapor, Louis Roeder, Louis P. Schaeffer, John A. Ballas, Edw. Steingmeier, Henry Kenter, W. J. Waldorf, Oliver F. Hennessey, Joseph Hoffmann, John H. Koenig, J. Gruber, F. Erichbrugge, Charles Alblinger, John Hussey, Sam Perkins, Henry William Feeney, Harry Bentz, Henry J. Gallagher, James E. Hanney, R. H. Irvine, Herman Sauerwein, Fred. W. Kless, Ray, Williams, Thomas Walsh, A. J. Hill, W. I. Fishbeck, E. J. Timmons, W. H. Henry, J. Williams, B. J. Koenig, and Fred. Diestelhorst all of St. Louis; and A. A. Starke and R. A. Smith, of Smithton, all in the State of Missouri, protesting against the passage of House resolution 168 (Hobson prohibition amendment) and all similar prohibition legislation; to the Committee on Rules.

By Mr. KAHN: Petition of the civil-service employees of San Francisco, favoring civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. KENNEDY of Connecticut: Petition of the Sunday Noon Club of the Second Congregational Church, of Waterbury, Conn., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of sundry citizens of New Haven, Conn., favoring national prohibition; to the Committee on Rules.

Also, petitions of various business men of New Milford, Canaan, and Torrington, all in the State of Connecticut, favoring House bill 5208, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Iowa: Memorial of the Order of Gobblers, of Burlington, Iowa, protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Iowa Retail Jewelers' Association, at Des Moines, Iowa, favoring the passage of the Owen-Cooke bill; to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Rhode Island: Petitions of Amos B. Chace and Wenteilo Messmer, of Oak Lawn, R. I., protesting against national prohibition; to the Committee on Rules.

Also, memorial of the Wholesalers' Credit Association of Erie, Pa., favoring the passage of House bill 15988, relative to false statements in the mails; to the Committee on the Post Office and Post Roads.

By Mr. KETTNER: Petitions of the Concordia Turnverein, of San Diego; of the German-American Alliance of San Diego; of the Anaheim Concordia, and of Lodge 95, Knights of the Royal Arch, of Anaheim; of the German-American Alliance of Southern California; of the Manufacturers' Association of San Diego; and of sundry citizens, all in the State of California, against national prohibition; to the Committee on Rules.

By Mr. LEE of Pennsylvania: Petitions of sundry citizens of eastern Pennsylvania attendant at the Nicholson-Huminger evangelistic services at Tamaqua, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LESHER: Petition of 18 citizens of Shamokin, Pa., protesting against national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of 63 citizens of the fourteenth congressional district of New York, against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens and business firms of New York and 65 voters of the fourteenth New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petition of 175 citizens of Springfield, Nebr., favoring national prohibition; to the Committee on Rules.

Also, petitions of 44 citizens of Omaha, Nebr., and 13 citizens of Douglas County, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of James Long, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Petitions of 80 citizens of Plattekill, N. Y., and 400 citizens of Germantown, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. McGILLICUDDY: Petitions of sundry citizens of Ridlonville, Mexico, and Rumford, and the Woman's Christian Temperance Union of Brownfield, all in the State of Maine, favoring national prohibition; to the Committee on Rules.

By Mr. MAGUIRE of Nebraska: Petition of sundry citizens of Richardson and Otoe Counties, Nebr., protesting against national prohibition; to the Committee on Rules.

By Mr. MANN: Petition of the East St. Louis Commercial Club, favoring House bill 9292, relative to classifying employees of Bureau of Animal Industry; to the Committee on Agriculture.

Also, petition of Branch National Association of Civil Service Employees, of Chicago, Ill., protesting against summary dismissals in the Washington City Post Office; to the Committee on the Post Office and Post Roads.

By Mr. NELSON: Petitions of 15 citizens of Dane County, Wis., protesting against national prohibition; to the Committee on Rules.

By Mr. J. I. NOLAN: Petition of various civil-service employees residing in San Francisco, Cal., for the enactment of legislation providing some sort of retirement for superannuated employees, which petition is approved by the collector of customs, the surveyor of customs, the United States appraiser of the port of San Francisco, also the superintendent of the United States mint at San Francisco, the postmaster, and the naval officer of the port; to the Committee on Reform in the Civil Service.

Also, protest of Edna Hamilton and 26 other women voters of San Francisco, Cal., against the passage of the Hobson Nation-wide prohibition resolution; to the Committee on Rules.

Also, protest of the Alameda County Central Labor Council, of Oakland, Cal., against the passage of the Hobson Nation-wide prohibition resolution; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of the Narragansett Machine Co., of Providence, R. I., relative to the Clayton antitrust bill; to the Committee on the Judiciary.

Also, petitions of Fred Groble and W. B. Reynolds, of Providence, R. I., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Newport, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of the New England Coal Dealers' Association, favoring elimination of section 11 of House bill 15657; to the Committee on the Judiciary.

By Mr. PAYNE: Petition of 400 voters of the thirty-sixth New York congressional district, protesting against national prohibition; to the Committee on Rules.

By Mr. PHELAN: Petition of sundry citizens of the seventh congressional district of Massachusetts, against national prohibition; to the Committee on Rules.

Also, petition of 50 citizens of Lynn, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. PLUMLEY: Petition of the Vermont Congregationalists, favoring national prohibition; to the Committee on Rules.

Also, petition of P. D. Leavitt and 15 others, citizens of the second district of Vermont, protesting against national prohibition; to the Committee on Rules.

By Mr. RAINEY: Petition of the Summit Grove (Ill.) Presbyterian Church, favoring national prohibition; to the Committee on Rules.

By Mr. RAKER: Letters from Rev. D. M. Marsham, of Tehama, Cal., and Rev. J. M. Fisher, of Chicago, Ill., favoring national prohibition; to the Committee on Rules.

By Mr. REILLY of Connecticut: Petitions of the Young Men's Christian Association of the State of Connecticut and the Christian Endeavor Unions of Guilford and other towns of the State of Connecticut, favoring national prohibition; to the Committee on Rules.

Also, memorial of the Common Council of Stamford, Conn., favoring passage of bill for retirement of aged Government employees; to the Committee on Reform in the Civil Service.

By Mr. ROBERTS of Nevada: Petition of H. F. Holland and numerous other citizens of Yerington, Nev., protesting against House joint resolution 168 and Senate joint resolutions 88 and 50, relative to national prohibition; to the Committee on Rules.

By Mr. SELDOMRIDGE: Petitions of sundry citizens of the State of Colorado, protesting against national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of Boulder and Denver, Colo., favoring national prohibition; to the Committee on Rules.

Also, petition of the Denver (Colo.) Chamber of Commerce, favoring passage of House bill 13921, relative to reclamation law; to the Committee on the Public Lands.

By Mr. SHARP: Petition signed by numerous residents of Mount Vernon, Ohio, protesting against changing the United States flag; to the Committee on Military Affairs.

Also, resolution adopted by the German Women's Branch of the Socialist Party in Lorain, Ohio, favoring full investigation of the strike situation in Colorado mines and the taking over by the Government of those mines; to the Committee on Mines and Mining.

Also, resolution adopted by Major Woodworth Camp, No. 62, United Spanish War Veterans, of Elyria, Ohio, favoring the passage of House bill 17470, providing pensions for dependent widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petitions from numerous organizations and individuals in the fourteenth congressional district of Ohio, protesting against passage of House joint resolution 168 and Senate joint resolution 88, for national prohibition; to the Committee on Rules.

By Mr. SPARKMAN: Petition of the Central Trades and Labor Assembly of Tampa, Fla., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Florida, favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Central Council of Social Agencies of Milwaukee, Wis., favoring House bills 1915 and 5819, relative to naturalization of immigrants; to the Committee on Immigration and Naturalization.

By Mr. STEPHENS of California: Petition of Fannie M. Gleason, of Los Angeles, Cal., favoring national prohibition; to the Committee on Rules.

Also, petition of the San Francisco Retail Cigar Dealers' Association, favoring Stevens price bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Council of the City of Richmond, Cal., favoring House bill 3677, granting right of way for construction of a bridge across San Francisco Bay; to the Committee on Rivers and Harbors.

By Mr. WALLIN: Petition of sundry citizens of the thirtieth New York congressional district, favoring national prohibition; to the Committee on Rules.

By Mr. YOUNG of North Dakota: Petition of sundry citizens of North Dakota, relative to reorganization of the Army; to the Committee on Military Affairs.

right to supervise the matters which are the subjects of traffic agreements, but does not give the Interstate Commerce Commission any right whatever over the agreements themselves. All the Interstate Commerce Commission would have the right to do under this provision would be to accept the contracts entered into by the combination permitted to the railroad companies under this second paragraph of section 7, for filing purposes.

I protest against the passage of this paragraph, and I wish to give notice to the country that the committee in recommending it for adoption have simply recommended the relief of the railroad companies of the country from prosecution under the provisions of the Sherman antitrust law, whereas all the way through the bill they seek to restrict all other branches of business from entering into trade agreements of any kind and provide for the imposition of fines and imprisonment for those who enter into such agreements. It seems strange that in the same bill the committee should recommend the exemption of railroads from the provisions of the Sherman law while imposing greater restrictions on all other business organizations. I see no justification for such action. All should be treated alike; all should be exempt or none should be. This bill creates monopolies on the one hand and destroys legitimate business on the other, gives to those who have and takes away from those who have not.

The wish of the Democratic leaders seems to be to satisfy the railroads, and in the next to fool the labor leaders. No one should close his eyes to the deal with the railroads evidenced in section 7. The railroads would be worse hurt by a real exemption than any other interest, and the second paragraph of section 7 was smuggled in at the last minute. But not one word of objection comes from that source, nor will there be any organized opposition to the compromise amendments, so called. Before taking them up, I call attention to an excerpt from the New York Sun, which is ever on the alert for any menace to capital:

President Wilson, on the other hand, takes the stand that the amendment he has approved will not preclude the prosecution of labor unions for acts in violation of the antitrust laws. His supporters in the House, who had aided in drafting the amendment, have advised him that the language to be added to the Clayton bill will merely clarify that section which deals with labor organizations, and that it will not, in fact, exempt them from prosecution.

It is proposed to add at the end of the first paragraph this sentence:

Nor shall such organizations, orders, or associations, or members thereof, be held or construed to be illegal combinations in restraint of trade under the antitrust laws.

The addition is superfluous and merely senseless repetition in its purport of what precedes.

If the antitrust laws are not to be construed "to forbid," and so forth, or "to forbid or restrain individual members," and so forth, what need to say that they shall not "be held or construed to be illegal combinations or conspiracies in restraint of trade under the antitrust laws"? Laws such as the antitrust act do not apply to any individuals or classes, whether acting together or singly as such, nor has any court ever said that they do. The law applies not to any persons, natural or artificial, as persons or as organizations, but solely to their acts or conduct. If members of an organization should in fact restrain trade, according to the judgment of a court, section 7 neither as it stands nor as it is proposed to amend it would protect them. They would not restrain trade in their organized capacity. They would not if they tried, because not within the legal purposes of the organization. The courts would simply ignore their relation to the labor organization, as they did in the case of Loewe against Lawler. Section 7 is simply abortive. The purpose that labor would accomplish by it should not be attempted in the exercise of congressional power under the interstate-commerce clause, but under the power to create courts and regulate their jurisdiction.

Section 7 therefore, whether considered as it stands or as it is proposed to "amend" it, is merely innocuous and abortive.

But sections 15 and 18 are not mere "gold bricks." They are gold bricks containing dynamite. Democratic Party pledges have been profuse and explicit, but the alleged performance is not merely a mockery. It is a betrayal and death thrust. Those who pretend to represent labor and yet cast their fortunes in with the Democrats on sections 15 and 18, believing that exposure will not be swift and complete, have another guess coming.

Now, what is the revamped "amendment" to section 18? At the end of the second paragraph of section 18 it is proposed to add the words, "Nor shall any of the acts specified in this paragraph be considered or held unlawful." I would like you to take the matter up for yourself and answer for yourself this question. Does that meet any criticism that has been offered to the section?

The amendment directs the courts to take the view as to certain acts which, upon reading the paragraph, they must take anyhow.

None of the acts specified ever were held unlawful per se; and after the care taken to annex to them the qualifying words "peacefully" and "lawfully," or "peaceful" and "lawful," how would it be possible for a court to now hold them unlawful per se? And that is all that the new amendment purports to require of them.

The vice of section 18 is the fact that it gives with one hand and takes away with the other, as is shown in some of the speeches on the floor, and that sections 15 and 18, in combination, confer a new jurisdiction, or, at any rate, confirm a jurisdiction, which, it was claimed, was usurped and heretofore exercised destructively.

No one has attempted to answer this criticism, and no one can answer it; so I need not dwell upon it. I will, however, add just a few words. Some one may say that the section will be given a liberal construction. On the contrary, having the form of an exemption from ordinary course of procedure, it must be construed strictly. And when anyone argues that the words "employer and employees" will be held to mean those previously holding the relation, the courts will refuse to so radically change and extend the meaning.

In conclusion I call attention to this from the New York World:

A decision not to wait for the House to act on the trust legislation was reached to-day by the Senate Interstate Commerce Committee, which has been considering an omnibus trust bill. This measure, it was decided, should be reported out as soon as possible, regardless of what the House might do in the meanwhile.

Let the significance of that be noted. The President has evidently studied Capt. Cuttle, and is "devilish sly." After labor has been betrayed by its friends in the House, their work will be nullified in the Senate. But they will have taken the gag from the Democrats and won popular support for Democracy's candidates, unless their exposure be complete and prompt. The World is the administration's mouthpiece.

Mr. WEBB. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. Mr. Chairman, it is understood that if the committee rise at this time other amendments may be in order on next Monday morning when the House reconvenes at 11 o'clock?

The CHAIRMAN. Certainly.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. HAY having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657 and other bills, and had come to no resolution thereon.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5504. An act to authorize the Secretary of Commerce to provide additional inspection of the fisheries of Alaska, and authorizing the purchase or construction of vessels and boats to be used in connection therewith; to the Committee on the Merchant Marine and Fisheries.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. REED, until June 5, on account of important business.

To Mr. YOUNG of North Dakota, for three weeks, on account of important business.

To Mr. SELDOMRIDGE, for three days, on account of important business.

ADJOURNMENT.

Mr. WEBB. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.), in accordance with the order heretofore made, the House adjourned until Monday, June 1, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of Commerce submitting an estimate of appropriation to enable the Secretary of Commerce to employ such other persons as may be necessary to enforce the laws prohibiting the overcrowding of passenger and excursion vessels (H. Doc. No. 1003), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, to which was referred the joint resolution (H. J. Res. 270) authorizing the Secretary of Commerce to have taken specimens of the Pribilof Islands fur seal as specimens for the collections of the National Museum, reported the same without amendment, accompanied by a report (No. 727), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill (S. 4714) to authorize Louis Eder to enter lands under the homestead laws, reported the same with amendment, accompanied by a report (No. 728), which said bill and report were referred to the Private Calendar.

Mr. LENROOT, from the Committee on the Public Lands, to which was referred the bill (H. R. 1062) granting a patent to Joseph Robichean, reported the same with amendment, accompanied by a report (No. 729), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PALMER: A bill (H. R. 16928) to amend section 260 of the Judicial Code; to the Committee on the Judiciary.

By Mr. JOHNSON of Washington: A bill (H. R. 16929) providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington; to the Committee on Public Buildings and Grounds.

By Mr. MOORE: A bill (H. R. 16930) to provide aids to navigation for the new Schooner Ledge Channels, Delaware River, Pa. and Del.; to the Committee on Interstate and Foreign Commerce.

By Mr. FOSTER: A bill (H. R. 16931) to provide for the uniform selection and purchase of fuel to be used by the United States; to the Committee on Mines and Mining.

By Mr. MARTIN: A bill (H. R. 16932) to repeal the desert-land acts in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. NORTON: A bill (H. R. 16933) appropriating the sum of $75,000 for the purpose of drilling and testing wells in counties west of the Missouri River in the State of North Dakota; to the Committee on Irrigation of Arid Lands.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Wisconsin: A bill (H. R. 16934) for the relief of Hugh E. Carney; to the Committee on Naval Affairs.

By Mr. CARLIN: A bill (H. R. 16935) granting a pension to Oden Lake; to the Committee on Pensions.

By Mr. DRUKKER: A bill (H. R. 16936) granting an increase of pension to Anna F. Haase; to the Committee on Pensions.

By Mr. GREENE of Massachusetts: A bill (H. R. 16937) to correct the military record of George W. Hodgson; to the Committee on Military Affairs.

Also, a bill (H. R. 16938) to correct the military record of John T. Sellers; to the Committee on Military Affairs.

Also, a bill (H. R. 16939) to correct the military record of Henderson H. Watson; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 16940) to provide for the promotion of Pay Director William W. Gait, United States Navy, to the rank of rear admiral in the Pay Corps of the Navy upon his retirement from the service; to the Committee on Naval Affairs.

By Mr. HOXWORTH: A bill (H. R. 16941) granting a pension to Josephine B. Culver; to the Committee on Invalid Pensions.

By Mr. KENNEDY of Connecticut: A bill (H. R. 16942) granting a pension to Orrilla Hough Henderson; to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 16943) granting an increase of pension to Sylvester B. Van Duser; to the Committee on Invalid Pensions.

By Mr. PHELAN: A bill (H. R. 16944) granting a pension to Lawrence Burke; to the Committee on Invalid Pensions.

By Mr. PLUMLEY: A bill (H. R. 16945) granting a pension to Addie Day Johnson; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 16946) for the relief of heirs or estate of Wilson W. Whitaker, deceased; to the Committee on War Claims.

By Mr. POWERS: A bill (H. R. 16947) granting an increase of pension to Raney H. Irwin; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 16948) granting an increase of pension to James C. Nones; to the Committee on Invalid Pensions.

By Mr. SELDOMRIDGE: A bill (H. R. 16949) granting an increase of pension to Loisa V. Dyer; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 16950) granting a pension to Minnie Mahler; to the Committee on Invalid Pensions.

By Mr. VARE: A bill (H. R. 16951) granting a pension to Elizabeth R. Foster; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Resolutions of certain citizens of Bellevue, Pa., Fort Sumner, N. Mex., Edgewood, Iowa, Wichita, Kans., Cascade, Iowa, Fort Morgan, Colo., Tonawanda, N. Y., Philadelphia, Pa., Wheeling, W. Va., Newton, Iowa, and Kirkwood, Ill., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

Also (by request), resolutions from certain citizens of Franklin County, Mo., protesting against the adoption of a national prohibition amendment to the Constitution of the United States; to the Committee on Rules.

Also (by request), petition of sundry citizens of Millersburg, Mo., favoring national prohibition; to the Committee on Rules.

By Mr. ADAMSON: Petition of sundry citizens of Muscogee and Harrison Counties, Ga., favoring national prohibition; to the Committee on Rules.

By Mr. AIKEN: Petition of sundry citizens of Pelzer, S. C., favoring national prohibition; to the Committee on Rules.

By Mr. AINEY: Petition of sundry citizens of the fourteenth congressional district of Pennsylvania, favoring national constitutional prohibition amendment; to the Committee on Rules.

By Mr. BARCHFELD: Petition of 258 citizens of Pittsburgh, Pa., protesting against national prohibition; to the Committee on Rules.

Also, petition of sundry citizens of Coraopolis, Pa., and the First Methodist Episcopal Church of Carnegie, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BARTLETT: Memorial of the Macon (Ga.) Central Labor Union, protesting against national prohibition; to the Committee on Rules.

By Mr. BRITTEN: Petitions of sundry citizens of Chicago, Ill., protesting against national prohibition; to the Committee on Rules.

By Mr. BRODBECK: Petitions of the Ministerial Association, the Epworth Methodist Episcopal Church, officers of the quarterly conference of the First Methodist Episcopal Church, and the council of Messiah Lutheran Church, all of York, Pa.,

same facts alleged as a violation of the law, and would come into court and establish the facts by an overwhelming preponderance of the evidence, but the defendant would answer that the same facts were litigated in the former trial in some other cour between other parties, where the plaintiff had only one witness and the defendant had five or six witnesses, and judgment was rendered for the defendant in that trial. That judgment would be an estoppel against the complainant in the subsequent action. Does any man on this committee think that provision ought to stand? Every man knows, it matters not how strong the evidence would be of the breach of the law, charging the same facts as in the former cause of action, would be forever barred and could not recover.

Furthermore, this provision seems to suppose that these combinations will always do business and use the same methods as they have been using, and yet we all know they are changing their plans of operation every year. But the violations of the same over the same subject matter would constantly be going on and no remedy to prevent it. Does any man in this committee think that kind of a law would be fair to the citizen? He has surely suffered enough. It matters not how strong the evidence would be. Because there was not sufficient evidence in the first case tried or because of collusion, parties are forever estopped from prosecuting suits successfully. The facts are the same. Does any man believe that legislation of that kind would be right? Would it be in aid of the trusts or would it be in the suppression of their unlawful business? Better have no legislation than permit this provision to remain in the measure. It will sorely vex us if we do.

I read that paragraph of the President's message to which the distinguished gentleman from Arkansas [Mr. FLOYD] alluded. I do not agree with him in his construction of what the President says in that paragraph in reference to this matter.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. Certainly.

Mr. FLOYD of Arkansas. If the gentleman had paid particular attention to what I said he would know that I stated expressly that the President only recommended that it should be binding as against the corporation, and that the committee had put in this other provision.

Mr. CULLOP. Yes; I agree with the President in his recommendation in that respect and assert he goes no further on that subject, but I do not agree with the committee in their proposed legislation in this particular matter. I regret the committee insists upon it remaining in the bill. I hope it changes its position in this regard.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. I would like to have a little more time, if it can be given to me—just two minutes.

Mr. VOLSTEAD. I will yield two minutes to the gentleman, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana is recognized for two minutes.

Mr. CULLOP. Now, in answer to the statement of the gentleman from Arkansas about litigation in these cases, if we were to leave this open so that every individual could go into court if he desires, the gentleman says it would be too costly upon the litigants. I say to the gentleman that that matter concerns the litigants alone and not the Members of Congress. That is none of their affair. We are not to become the guardians of the individual, to determine how the private individual shall expend his money. That is his business and not ours.

The courthouse doors ought to swing inwardly, and do to every citizen of this country. Yet if we enact this provision as the committee has brought it in here we have closed the doors of the courthouse to the citizens of this country. That is a matter of the highest concern to them. We will have denied to the citizen by the enactment of this provision the right to go into court and recover damages for wrongs inflicted. Why? Forsooth, because a collusive suit has been brought in some place, or had been tried without preparation, or had been tried without sufficient evidence; and yet a stranger, an innocent person, is bound by that decree. He had no say; he took no part in it; and yet by this proposed legislation the door would be shut against him and his cause of action. We are adopting antitrust legislation for relief to a suffering public, furnishing a remedy for wrongs long perpetrated, but I fear if provisions of this kind are incorporated in the measure we will not accomplish our purpose or perform the duty as well as the people desire it should be done. I hope that the amendment of the gentleman from Minnesota will be adopted.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. VOLSTEAD. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman has six minutes left.

Mr. VOLSTEAD. Mr. Chairman, I offer another amendment which I desire to call to the attention of the committee, and I ask to have it read.

The CHAIRMAN. An amendment is pending.

Mr. VOLSTEAD. I offer another amendment at the end of this section, and ask to have it read at this time for the information of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 6, page 23, after the word "laws," on line 18, add "and any evidence or a transcript of any evidence taken at or before the trial of any such suit or proceeding to establish any such determinations shall at any time be admissible in evidence in any action or proceeding brought by any other party than the United States.

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD] is recognized.

Mr. VOLSTEAD. Mr. Chairman——

Mr. MURDOCK. Will the gentleman yield before he goes into the explanation of this amendment for a question on the other amendment that he has offered?

Mr. VOLSTEAD. This amendment is in line with that.

Mr. MURDOCK. Will the gentleman yield for a question?

Mr. VOLSTEAD. I yield to the gentleman.

Mr. MURDOCK. Suppose that the Associated Press, a news agency, should be attacked by the Government, and the courts should hold that it was not a trust, not a combination in restraint of trade. Under the provisions of this bill as it now stands, would all publishers be estopped from bringing suit against the Associated Press?

Mr. VOLSTEAD. Yes; they would be estopped so far as suing for any damages under the antitrust laws.

Mr. MURDOCK. Either simple damages or damages in treble the amount?

Mr. VOLSTEAD. Yes.

Mr. MURDOCK. Is there any question about that?

Mr. VOLSTEAD. There is not.

Mr. MURDOCK. The gentleman's amendment which he offered previous to the last amendment would remedy a difficulty of that kind?

Mr. VOLSTEAD. Yes; that is the object.

Mr. Chairman, I call attention to the amendment that has just been read. During the hearings our attention was called to the fact that something of this kind ought to be written into the law. A suit may be pending and may drag along in the courts. The Government may not prosecute it. During that time, of course, no advantage can be secured from any proceeding on behalf of the Government. Now, it seems to me that if a suit has been brought by an individual and the evidence necessary to establish that suit has been introduced in an action brought on behalf of the Government that evidence might properly be used in the private suit, as well as in the suit in which it was originally taken.

I do not believe any harm would come. It certainly seems to me that if the decree itself can be used as evidence, no real objection can be urged against using the testimony that has been introduced to secure that decree. A defendant charged with being a trust would have the right to introduce testimony in opposition to this evidence, and would otherwise have the right to dispute it. It would be very much fairer than to introduce the decree itself, and it seems to me that if the committee is willing to go as far as they do in this section—that is, to make the decree binding—they ought to be willing to allow that testimony to be used. It would save a great deal of cost and expense to the private litigant if he could take a transcript of the testimony in a suit brought by the Government and use it in his case; take, for instance, depositions or evidence taken before a master in such a suit.

Mr. SCOTT. Will the gentleman yield?

Mr. FLOYD of Arkansas. Will the gentleman from Minnesota yield?

Mr. VOLSTEAD. I yield to the gentleman from Iowa.

Mr. SCOTT. I was going to ask whether the amendment would permit the use of these depositions and the testimony before the submission of the suit in which such testimony was taken?

Mr. VOLSTEAD. Yes; I tried to draw the amendment so as to permit that.

Mr. SCOTT. Would not that be open to this objection, that until it was received in evidence no ruling would be made upon its competency?

Mr. VOLSTEAD. No; but the ruling would be made when it was offered. If it was not competent testimony, it could not

be introduced in the suit, but if it was competent, it seems to me it would be perfectly proper to admit it.

Mr. SCOTT. I understood that the amendment went so far as to make it admissible.

Mr. VOLSTEAD. It makes it admissible upon the particular issue that is to be determined. That is the object of it. I had a letter a day or two ago from the attorney general of the State of Louisiana, asking for this very thing others asked for before our committee, and it seems to me it would be a proper amendment. It is an amendment to accomplish the purpose sought by this section. If we are honestly striving to help the private litigant, we ought to give him this additional assistance.

Mr. WEBB. May I ask the gentleman a question?

Mr. VOLSTEAD. I yield to the gentleman from North Carolina.

Mr. WEBB. I call the attention of the gentleman to his last amendment, which, it seems to me, does the very thing he is striving not to do in his first amendment. The amendment reads as follows:

And any evidence, or a transcript of any evidence, taken at or before the trial of any such suit or proceeding to establish any such determinations—

I think that ought to be "issues"——

Mr. VOLSTEAD. The word I used was "determinations."

Mr. WEBB. The amendment continues—

shall at any time be admissible in evidence in any action or proceeding brought by any other party than the United States.

That gives both the plaintiff and the defendant the right to use the transcript of evidence.

Mr. VOLSTEAD. It is not conclusive; it is only evidence.

Mr. WEBB. But you permit either the plaintiff or the defendant to use it.

Mr. VOLSTEAD. It would be evidence in favor of the private party.

Mr. WEBB. It would be evidence in favor of either party who cared to use it.

Mr. SCOTT. I would like to ask the gentleman if it would be objectionable to modify his amendment by saying "competent and material evidence."

Mr. VOLSTEAD. No; but I do not think the court would admit anything not competent and material.

Mr. SCOTT. The amendment as framed makes it admissible, and it strikes me that it would be rather a strong word unless you add the words "competent and material."

Mr. VOLSTEAD. It would not be evidence unless it was competent and material. The court would exclude it if it was not competent or material.

Mr. SCOTT. But your amendment uses the word "testimony."

Mr. LEVY. Mr. Chairman, I ask unanimous consent to offer an amendment and have it pending.

The CHAIRMAN. The gentleman from New York offers an amendment.

The Clerk read as follows:

Page 23, after the word "laws," in line 18, insert "That nothing herein contained shall interfere with legitimate business or commercial enterprises, and no citizen shall be deprived of his liberty or happiness while pursuing the same."

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I am opposed to the last amendment offered by the gentleman from Minnesota. I want to say a few words further in regard to his first amendment. I do not think that the section as drawn is subject to the constitutional objections made to it, or that it denies the right of trial by jury. It relates to evidence. It does not cut off jury trials. I desire to explain again, as I explained in the outset, that the recommendation for this legislation in the President's message was to the effect that the judgment might be used against the corporation adjudged guilty of violations of the Sherman Act in suits by private litigants, and that in the bill introduced by the gentleman from Wisconsin [Mr. LENROOT], from which we took substantially the wording of the provision, the proposition was to make the judgment binding only upon the defendant corporation. I desire to state further that in the tentative bill prepared by the committee and submitted to the House and to the country for consideration we incorporated substantially the language of the provision in the Lenroot bill, providing alone for the introduction of such decree as evidence against the defendant corporation. In the hearings and during the consideration of this section practically all the criticism that was made against it, which provision we regard as one of the most excellent provisions in the bill, was to the effect that to make it apply to only one of the parties litigant was unfair, unjust, and would render the proposition unconstitutional. In view of such criticism we modified it and made it apply equally to both parties.

As I stated, the amendment or modification was made by the Judiciary Committee of the House. Now, speaking for myself and associates on the subcommittee, who had in charge the preparation of the bill, after conference and after this debate, I desire to state that we withdraw our resistance to the first amendment offered by the gentleman from Minnesota, but we still ask the House not to adopt the second amendment offered by the gentleman.

Mr. WEBB. Mr. Chairman, may we have the first amendment reported?

The Clerk read as follows:

Page 23, line 5, strike out the words "or has not." In line 7, strike out the words "or has not." In line 14, strike out the words "in favor of or." In line 16, strike out the words "or against."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read the second amendment.

The Clerk again reported the second amendment offered by Mr. VOLSTEAD.

Mr. VOLSTEAD. Mr. Chairman, I ask unanimous consent to withdraw that amendment. While I believe that there ought to be legislation along that line, it is not in just the form that I think it ought to be, and I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will now read the next amendment offered by the gentleman from New York [Mr. LEVY].

The Clerk read as follows:

Page 33, after the word "laws," in line 18, insert "that nothing herein contained shall interfere with legitimate business or commercial enterprises, and no citizen shall be deprived of his liberty or happiness while pursuing the same."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 7. That nothing contained in the antitrust laws shall be construed to forbid the existence and operation of fraternal, labor, consumers, agricultural, or horticultural organizations, orders, or associations instituted for the purposes of mutual help, and not having capital stock or conducted for profit, or to forbid or restrain individual members of such organizations, orders, or associations from carrying out the legitimate objects thereof.

Nothing contained in the antitrust laws shall be construed to forbid associations of traffic, operating, accounting, or other officers of common carriers for the purpose of conferring among themselves or of making any lawful agreement as to any matter which is subject to the regulating or supervisory jurisdiction of the Interstate Commerce Commission, but all such matters shall continue to be subject to such jurisdiction of the commission, and all such agreements shall be entered and kept of record by the carriers, parties thereto, and shall at all times be open to inspection by the commission: *Provided*, That nothing in this act shall be construed as modifying existing laws prohibiting the pooling of earnings or traffic, or existing laws against joint agreements by common carriers to maintain rates.

Mr. WEBB. Mr. Chairman, I give notice that on Monday morning at 11 o'clock the committee will offer an amendment to this section, and I reserve the right now to offer it.

Mr. MADDEN. Mr. Chairman, I desire to offer an amendment. I shall not be here on Monday, and I would like to have my amendment pending.

Mr. WEBB. I have no objection to the gentleman from Illinois offering an amendment.

Mr. MADDEN. Mr. Chairman, I move to strike out the second paragraph of section 7.

The CHAIRMAN. The gentleman from Illinois offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 24: Strike out the second paragraph of section 7, being lines 11 to 24, inclusive.

Mr. MADDEN. Mr. Chairman, I want to say in this connection, if I may be permitted for just a moment to do so, that I believe this second paragraph of section 7 exempts the railroads of the United States from the provisions of the Sherman antitrust law, that it is more drastic in its provisions in that respect than was section 7 in a bill to regulate the railroads passed by the House in 1910. This not only gives traffic associations connected with railroads the opportunity for organizing, but it gives also the operating, accounting, and other officers of common carriers the same privilege. It grants to the officers of one railroad, the traffic officers, the executive officers, and all other officers connected with the railroad, the privilege of entering into a combination with similar officers of any other railroad, permits them to enter into any traffic arrangements they choose, giving to the Interstate Commerce Commission the

by jury on a question of fact when I am guaranteed that right by the Constitution of the United States." But the judge on the bench would reply to me and say, "Why, Congress has passed a law saying that the decree in equity shall be conclusive evidence"—not, as the gentleman from Texas said, presumptive evidence, but conclusive evidence, and conclusive evidence of the law as well.

Mr. SISSON. Mr. Chairman, will the gentleman yield?

Mr. PROUTY. Yes.

Mr. SISSON. I notice the last paragraph of section 4, in line 19, provides that in the event the gentleman should bring suit believing he had been injured by some combination in violation of law and thereafter the Federal Government, by the Attorney General, should institute a suit, instantly the gentleman's right of action would be suspended until the Federal court had decided the suit of the Federal Government, would it not?

Mr. PROUTY. Yes; I think so, under the terms of this act.

Mr. SISSON. The only thing reserved to the gentleman would be his right of action, because the statute of limitations would not run against that right in the event the Government recovered.

Mr. PROUTY. That part of the section, I think, is all right and is not subject to criticism.

Mr. SISSON. That part is all right, but does the gentleman believe that his rights in the court should be determined upon the questions raised by the Attorney General of the United States?

Mr. PROUTY. Why, certainly not; the Constitution expressly prohibits it. In other words, the Attorney General could go in and prevent my having a trial before a jury.

Mr. SISSON. That is the point I had in mind.

Mr. PROUTY. By instituting a proceeding in equity and having the case tried.

Mr. SISSON. That is the point I had in mind, that the Attorney General, if he was disposed to do so—we would not charge that of any particular Attorney General—might cook up a case which would directly defeat the rights of every individual if he had been injured.

Mr. PROUTY. While I do not say that, but there was a purpose on the part of the men who adopted this constitutional provision that every man should have the right of a trial by jury. It is well known and everybody knows who has read jurisprudence that there is a tendency in the courts to act along certain lines dangerous to popular rights; and one thing that all countries, not alone the United States, have had to do was to assert their rights in order to protect themselves against the courts by having the right to appeal to a jury of their peers; and we put into the first amendments we adopted to the Constitution a provision that no man could be deprived of the right of a trial by jury; yet, if this law passes, that provision has been made absolutely nugatory. The question of fact and of law both have been determined in a proceeding in equity. Now, is there any doubt about that? Starting with the section—

> That whenever in any suit or proceeding in equity hereafter brought by or on behalf of the United States under any of the antitrust laws there shall have been rendered a final judgment—

And so forth.

Then it ends by saying that it shall be binding both for and against the defendant and be conclusive as to the same questions of law and conclusive as to the same questions of fact. Now, if that does not violate the sixth article of the Constitution, which requires trial by jury, then I do not read correctly. Now, you can not say any more than this. When I stood up here and asked the gentleman—who is an able lawyer, as I know he is—whether he had found any precedents in any decisions of the United States courts that had held that a man could be absolutely barred and stopped by a lawsuit to which he was not a party, he said that he had not found one, and I was not surprised, and I listened to his speech, first for 10 minutes and then for 20 minutes and then an extension, and he has not called our attention to a single decision, and I venture the assertion that he can not find one. Now, the recommendation of the President does not correspond with this bill. He only asked Congress to pass a bill that will bind the defendant in the equity suit. While I have some doubt on that phase, as has been suggested here, yet there is a reason why a defendant corporation might be bound by a determination of a case in which it was a defendant, but there is no court who has ever held that a man was bound by a case to which he was not a party.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. There is an amendment already pending offered by the gentleman from Minnesota.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I endeavored to be permitted to ask the chairman of the committee a question in reference to the report of the committee. I find on page 14 of the report this language:

> And that when such decree or judgment is so offered it shall be conclusive evidence of the same facts and be conclusive as to the same questions of law as between the parties in the original suit or proceeding.

It is therefore quite evident that the gentlemen who prepared the report on this bill had not carefully examined the bill which they were reporting. They have reported that judgments and questions should be conclusive only as between the parties to the original suit, but they have reported a bill so framed as to be conclusive between not only the parties to the original litigation, but conclusive as to the whole world. Now, it is probably unnecessary for me, following the able arguments which have been presented upon this constitutional question, to repeat in any measure what has already been said. I think that nearly everyone here now recognizes that it would be a constitutional impossibility to enact a law which would deprive persons who were not parties to an original suit of their right to their day in court. The chairman of the committee suggested as a reason for this provision that after the United States, with all of its powers and all of its machinery, had litigated the question and failed, that it would be improbable that anyone would be so bold as to institute a suit against the corporation for damages. That was the purport of his question. I suggest that a man might be so bold as to go before a jury of American citizens and ask for justice when the United States had failed before a United States district judge.

It is also suggested by the chairman of the committee that in considering this bill the committee had thought it unfair to so frame it as to be conclusive only as against the corporation defendant in the original suit. It seems to me rather inconsistent to say that it would be unfair to conclude the corporation charged with conspiracy by a decree of a court of equity and then say it would be fair to conclude an individual who brings a suit for damages by a decree of a court, and in a suit to which he was not a party. But apparently the committee have sought to even up this question. They have said that they thought it unfair merely to conclude a party to a suit by a decree in equity, but they believed it would be perfectly fair to conclude the other individual without any day in court at all. I think there is a grave question also as to the constitutionality of the statute, even if changed to conform to the amendment offered by the gentleman from Minnesota. However, I am not clear upon that question. I am satisfied, however, that the matter never will be settled until it reaches the Supreme Court of the United States. When you enact into this statute a provision which deprives a corporation of the right to a hearing before a jury as provided by the Constitution you will find that statute challenged and you will never know what the law is upon the question until the court of last resort speaks the last word. Personally I am inclined to the opinion that the statute so amended would be constitutional. I am inclined to the opinion that if the corporation is brought into a court of equity upon a proper bill and by a proper service, and with subject matter over which the court has jurisdiction, that probably the findings of fact would be conclusive upon the corporation and would be binding, leaving open only the matter of damages to be submitted to the jury.

However, upon no course of reasoning could it be held that this statute in its present form would be constitutional, and, therefore, I believe that the amendment of the gentleman from Minnesota should prevail. But if it is thought best to take the chances of the decision of the Supreme Court as it may come in the future upon the statute as it will be when amended that way, that is a matter for this House to decide.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VAUGHAN. Mr. Chairman, I ask unanimous consent that the amendment be again read.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

Mr. FLOYD of Arkansas. Did the gentleman from Minnesota [Mr. VOLSTEAD] use all the time he desires? If not, will he yield more of his time now to somebody?

Mr. VOLSTEAD. I yield 10 minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Chairman, with the general purpose of the committee with reference to this section I am heartily in sympathy. Without this section both the provision of the

Sherman law and section 5 of this bill, relating to damages, are absolutely ineffectual so far as affording any real relief or remedy to a litigant is concerned. Take the case of the Standard Oil Co., as already mentioned. It was absolutely impossible for any private individual, no matter how great his injury may have been, to have instituted a case against the Standard Oil Co. and secure a judgment for damages. But Mr. Chairman, in the effort of the committee to equalize this question of estoppel I am not in sympathy, and I regret exceedingly that the committee has taken the position it has.

I am aware that in the tentative bill that the committee framed that objection was made to the provision relating to estoppel, claiming that it was one-sided and unfair and unjust, and there was some argument made that for that reason it was unconstitutional. At that time, Mr. Chairman, I had made somewhat careful examination and investigation of the authorities with reference to this question, and I became satisfied that the provision as it stood in the tentative bill was constitutional. But, Mr. Chairman, if there was doubt as to the provision in their tentative bill the doubt has been doubled in the bill now before the committee, for originally the estoppel worked only against the defendant, a defendant who had had his day in court, who had had an opportunity to litigate every question that was involved, but now they create an estoppel against a third party, who has never had a day in court, never an opportunity to be heard, and you say that he shall be estopped in the same manner and to the same degree as the defendant, who has had an opportunity to litigate every question that is involved.

Now, Mr. Chairman, what is the right of a defendant in this case or in any kind of a case? It is the right to an opportunity to be heard and a judicial determination upon the facts involved, before his property can be taken from him, and when he has had that opportunity, whether it be in a case between the Government and the defendant or between other parties, the legislative body has a right to say that once that question has been determined it shall be determined for all time, so far as the party is concerned who has had his day in court.

Mr. FLOYD of Arkansas. Will the gentleman from Wisconsin yield?

Mr. LENROOT. Yes.

Mr. FLOYD of Arkansas. I will ask the gentleman from Wisconsin whether in his judgment the decision, if made applicable only to the defendant who had his day in court, is subject to the criticism that it violates any provision of the Constitution?

Mr. LENROOT. I do not think it is, and I will state my reason.

Mr. FLOYD of Arkansas. I will be glad to hear you.

Mr. LENROOT. Now, the question of right of trial by jury is subject to limitation. For instance, two private individuals, the plaintiff and defendant, in an equity suit, litigate certain questions, and afterwards a case between the same parties at law arises. They are entitled to a trial by jury at law under the Constitution, but they are not entitled to a trial by jury of every fact or every issue that may be set up in that action of law. If any of those questions have been tried and settled in an action in equity between the same parties, their determination becomes conclusive in an action at law, and an estoppel, as well as in an action at equity. There is the distinction. The defendant here is a party in equity. He and the Government are two parties in equity. Now, when it comes to an action at law between the third party and this defendant who has been one of the parties in the equity suit, it is entirely proper, and not open to any constitutional objection, to say that that judgment that has been rendered between those parties, one of them the defendant, shall be an estoppel against the defendant who was a party to the suit in equity. But it is quite a different thing to say that it shall be an estoppel as against the party who never had a day in court, who was never a party to the equity proceeding.

Now, it has been said by the gentleman from Texas [Mr. BEALL] that this right of action given the private individual is only a privilege given by the statute, and therefore we may make such conditions as we choose. That is true, Mr. Chairman, so far as treble damages are concerned, but no further. It does not require any statutory provision to give a private individual the right to sue for simple damages any corporation or any individual for violation of the antitrust law. He has that right the same as he has the right against any individual for damages for violation of law. But as this bill now stands it would cut him off and work an estoppel against him in an action that he has regardless of any statute—a right that he has regardless of any statute. And therefore, Mr. Chairman, if this section shall be of any value, it seems to me that the amendment proposed by the gentleman from Minnesota should be adopted, and, if adopted, I believe that the section will be sustained and affirmed by the Supreme Court of the United States. If the section shall stand as it is, I have very grave doubt whether any portion of it will stand, and I am rather inclined to think that the Supreme Court will hold that by reason of this attempted estoppel of third parties who had never had their day in court the entire section will be held invalid.

The CHAIRMAN. The gentleman yields back one minute.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, I am opposed to this provision in the bill as it stands, and am in favor of the amendment of the gentleman from Minnesota [Mr. VOLSTEAD]. If this proposition as contained in the bill stands, it would furnish a great advantage to the combinations and trusts of this country, and would enable them to carry on their nefarious business more successfully than heretofore. This provision as it comes from the committee into this House, if adopted, would fortify every combination in restraint of trade, every trust and organization created to suppress competition. Under it they would thrive and flourish as never before. This section if enacted would revolutionize the doctrine of estoppel, as it is a complete innovation in the practice and procedure of now well-established rules. It creates by statute an estoppel which can be invoked against parties who were not connected with litigation, who were strangers to it, who had no knowledge of it, and who had no opportunity to be heard. To my mind it is a most dangerous step, one fraught with evil consequences, and will be productive of much injury in the end. So dangerous do I for one consider it that I can not under any circumstances give it my support. The doctrine of estoppel is a wholesome one, and its employment under existing well-established rules, familiar to all lawyers, serves a valuable purpose in our judicial system. But give it the force and application proposed in this provision and it is made an instrument of danger, to be employed to defeat the ends of justice in meritorious cases. Every illegal combination in restraint of trade, every trust in the country would be gratified with its passage.

Suppose some corporation or individual doing business in New Jersey in violation of this law, in order, under it, to become immune from its provisions, would enter into a collusion with some scoundrel to have a suit brought for the purpose of securing a judgment in its or his favor, in order to plead an estoppel in some other jurisdiction. Application would be made to the district attorney to file the action. He would do so. He would make the charge cover every phase of the law, and then, upon the trial, fail, because of want of a preponderance of the evidence. Testimony would be produced tending to support every material charge necessary to warrant a recovery, but this would be overcome by the defendant either by number of witnesses or intelligence of witnesses or character of witnesses, or for any reason, and judgment on the issues and evidence would be rendered for the defendant. That judgment under this provision would be a complete bar when pleaded in estopped in any other suit growing out of the same cause of action, it would not matter by whom or where brought. This is a concrete illustration of how injuriously it could be invoked. What a weapon of danger it places in the hands of the law violators, of those who have by their indefensible methods been preying upon the public. Can we adopt such a provision? Others may do as they like—the responsibility is theirs; but, for myself, I should not support it, but do what I can to have it amended so as to escape this pitfall for the engulfment of the people's rights.

I do not care to discuss its constitutionality; others may assail it for that reason. But I do not believe the courts would permit it to stand if it remains as it now is, for the reason it is destructive of the right of the citizen to have his case tried in the courts of the country on its merit and not on the merits of some one else.

Let me take the case that I gave to the gentleman from Texas, involving the same facts. Supposing the Government should bring an action and when it came to trial have only one witness to prove its cause of action, and the defendant came in with three or four witnesses equally as credible and denied the charge. Under the well-settled rules of evidence the defendant would obtain a judgment in the case exonerating it from the charge. This judgment could be pleaded as an estoppel in all subsequent suits involving the same cause of action, it matters not where nor by whom brought. Such a doctrine, in my conception of the administration of justice, is wrong and productive of harm. I can not support such a proposition.

Supposing the same violation of the law should occur in some other State or jurisdiction, and suit was instituted by some other person, and five witnesses were produced to prove the

exist, or has existed, under any administration in the past, or will exist under any administration in the future. I have too much faith in the integrity of our institutions to be alarmed by any such suggestion as that.

Now, what do we propose, then? We propose, in the first place, in one of the sections of this bill, to give every private suitor who has a cause of action against a combination acting in violation of law triple damages under this bill, as he is given triple damages under section 7 of the Sherman Act against the offending corporation. But the remedy given in section 7 of the Sherman Act has been of little value and practically useless in the past, because the individual, the small man, and the small concern, were utterly helpless in their efforts to confront in the courts these great and powerful corporations, and the result was that the remedy provided in the Sherman Act has been of little efficiency, and the remedy provided in this bill for similar offenses, for violation of its provisions, may be of little efficiency unless we supplement it and lend to private litigants the aid of this great Government, that has the means, the opportunity, and the force, and the machinery to cope with the greatest and most powerful corporations and combinations in the country.

Mr. SUMNERS. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Just for a short question.

Mr. SUMNERS. It is not clear to my mind how an individual claiming to be injured by a corporation could profit by the judgment already rendered in favor of the Government.

Mr. FLOYD of Arkansas. I will endeavor to make that clear. Not only do we allow the judgment to be offered in evidence in such suits, but we provide that from the day that the Government institutes its suit until the termination of that suit the statutes of limitations are suspended in favor of the party injured by the wrongful acts of the corporation. After the termination of that suit, if by the judgment of a Federal court the defendant corporation is found to be guilty of an unlawful combination, the party injured, with the proofs furnished by the Government in that suit of wrongful acts—it may be pertaining to this very litigant—can institute a suit, offer the judgment or decree against the corporation in obtaining his judgment, and the court will then assess threefold damages. It is as simple as can be.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SUMNERS. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended 10 minutes. I want to ask a question.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that the time of the gentleman from Arkansas be extended 10 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SUMNERS. Now, section 5 provides that triple damages may be rendered in favor of the person who has been injured by an act, not by a trust, but by an act done in violation of the antitrust law. Now, when he comes to bring his suit, I do not see how he could avail himself of the judgment already rendered declaring the defendant to be a trust, unless the facts in the case in which the defendant was found to be a trust involved the particular individual suing.

Mr. FLOYD of Arkansas. The gentleman from Texas is mistaken, badly mistaken.

Mr. SUMNERS. I am asking for information; that is all.

Mr. FLOYD of Arkansas. If no fact in the Government suit related in any way to the party's case, there would still be this advantage: It is a condemned corporation under the law, and he would not have to prove it was acting unlawfully in restraint of trade. The Government has already established that fact, and it is conclusive against defendant corporation. All that the private litigant is required to do under that section as proposed in the bill is to introduce his decree, which is conclusive against the corporation, showing that that corporation has been condemned as an unlawful combination acting in restraint of trade, and then produce the facts to show that he has been damaged by it and to what extent. What better advantage could you afford a litigant than to enable him to avail himself of the benefit of the Government's decree in that way? Now, this has been criticized, and the amendment offered by the gentleman from Minnesota [Mr. VOLSTEAD] is responsive to that criticism, on the ground that we have no right to make it binding upon the individual or litigant not a party to the Government suit, and also a constitutional question has been raised to the effect that to make the decree binding against the private litigant not a party to such original suit is tantamount to denying him the right of a trial by jury.

Now, I want to answer the arguments on each of those propositions. In the first place, as a matter of practical effect, the legislation is largely against the offending corporation and chiefly in favor of the injured litigant who is complaining of the wrongful acts of the corporation. And even if in some few cases the litigant might be deprived of a portion of his rights or of a portion of his evidence by a decree in favor of a corporation, how few would be the number of cases and what an infinite advantage is given to litigants in general upon the broad proposition that the Government suit was brought by the Government for the benefit of all of its citizens, and that when a decree has been obtained enables all of its citizens to take advantage of the work and of the decree of the Government in private suits. But as a matter of practical effect, assuming as I do that the men in high position in this Government will act honestly, will not go into collusion with any unlawful combination, I can see no great danger to private litigants in providing that the decree shall be conclusive against private litigants in cases wherein corporations have been charged with being unlawful combinations in restraint of trade and have been adjudged not guilty.

What possibility would there be for any individual to maintain a suit when this great Government of ours, the greatest in the world, has exhausted its resources to prove that a combination is unlawful and has failed to do it? Do you think there is much in their argument? What private litigant could undertake it after the Government, with its resources, its money, its detectives, its Secret Service men, its opportunities for gaining information, its bureaus—with all those things at its command had exhausted its resources and failed? What private individual would stand any chance or have any opportunity to accomplish more than the Government did, and in consequence lose anything by this provision?

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield there?

Mr. FLOYD of Arkansas. I decline at this moment. I want to answer these legal arguments.

Now, it has been contended that this provision as drawn interferes with due process of law and with the right to trial by jury. I have been asked to give my authority. I can not cite any decisions directly in point, because it is a new proposition; and, besides, I have not had any opportunity to run down decisions on other questions that may have a bearing on this subject. But I have the Constitution here; I have the provisions in the Constitution; and I confidently assert that there is no principle in the Federal Constitution that is violated by this provision.

Now, I want to read you the fifth amendment to the Constitution. It reads:

ARTICLE V.

No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb, nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Is that provision in the Constitution violated by what we propose? The corporation is not proceeding against an individual. An individual is proceeding against a corporation. Get that distinction clearly in mind. In what we propose a corporation is not proceeding against an individual for the purpose of depriving him of either life, liberty, or property, but the individual is asserting his legal rights against the corporation; and that principle would be applicable to the corporation sued, but not to the individual that is instituting a suit and asserting a right against the corporation for torts committed by it.

Now, in maintaining or trying suits what is the rule? The legislative body makes the rules of evidence, prescribes what may be evidence, and the things that may be legally admitted in evidence in a trial by the courts; and there is nothing in this amendment violative of the right of trial by jury, and no provision of the Constitution is violated by what we propose in this provision.

The CHAIRMAN. The time of the gentleman from Arkansas has again expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I ask for 10 minutes more.

The CHAIRMAN. The gentleman from Arkansas asks to proceed for 10 minutes more. Is there objection?

Mr. HULINGS. I object. Mr. Chairman. The gentleman has had three or four extensions of time, but has not had the courtesy to allow any interruptions.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. HULINGS] objects.

[Mr. BEALL of Texas addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, we have now spent an hour discussing this amendment and the section, and I want to know

if we can not come to some agreement as to the limit of time that is to be spent upon this section. I shall move to rise when we finish this section.

Mr. MANN. We want 45 minutes on this side if we can have it.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto may be closed in 1 hour and 10 minutes, 45 minutes to be controlled by the gentleman from Minnesota and the remainder by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending section and amendments thereto close in 1 hour and 10 minutes, 45 minutes to go to the gentleman from Minnesota and the remainder of the time to the gentleman from North Carolina. Is there objection?

There was no objection.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, the first paragraph of section 6 is so clearly unconstitutional as it stands that there ought to be no discussion or argument about it in a body composed largely of lawyers, as is this House. This section provides that a third party may be estopped by a decree or judgment rendered in a case in which he was not a party and had no opportunity of appearing nor any notice served upon him whatever. If there is any proposition of law that is well settled, it is that no person can be estopped or concluded by a decree or judgment which is rendered in a case to which he is not a party, or where he has not had his day in court, or of which he has not had notice. And yet all of these three propositions are controverted by section 6 as it now stands. It gives the third party no day in court, no opportunity to be heard, and it provides for no notice upon him whatever. It is not strange that the gentleman from Arkansas has said that this is entirely new. It certainly is new to jurisprudence in this country.

Mr. BARTLETT. It is new to assert such a proposition, but the other proposition is old enough that a man can not be deprived of his property without due process of law or giving him a day in court.

Mr. GREEN of Iowa. That proposition is as old as the law in this country. The provision of the Constitution that forbids it is found in the fifth amendment, which provides that no man shall be deprived of his property or rights without due process of law, and yet they seek to provide in this section that he shall be deprived of his property without any due process of law, without even notice of hearing or any day in court. So far as that particular matter is concerned there need be no discussion. When it comes to the question of fairness and justice in the matter I think it is fair that the defendant corporation, who has had its day in court, should be estopped, while the third party, who has had no opportunity to be heard, ought not to be estopped or concluded.

It can be reasonably said that the defendant had introduced all of the evidence he had on the subject; that he has had every opportunity that could be given him in another case; that it would not change the result or the decree if the case were heard over again as to him, but the third party, the private corporation or individual, as it might be, which was not a party to the original case, has never had any opportunity whatever. The gentleman from Arkansas [Mr. FLOYD] said, as I understood him, that there had been no case where the Government had failed, and that no other corporation or private individual has succeeded in a suit on the same facts or a similar case.

Mr. FLOYD of Arkansas. Oh, I think the gentleman misunderstood me.

Mr. GREEN of Iowa. I would be glad to have the gentleman correct me if I have misstated what he said.

Mr. FLOYD of Arkansas. I said the cases were rare.

Mr. GREEN of Iowa. I was about to say that in the well-known Knight case against the Sugar Trust the Government did fail because of incompetence or carelessness on the part of the Government attorney. There was no other reason. The suit ought to have been won. Subsequently another party or corporation, I forget which, did obtain judgment for something like $2,000,000 against the Sugar Trust for violation of the Sherman antitrust law, and it was stated by the gentleman from Texas [Mr. BEALL], who just preceded me and who made as able an argument as could be made for this provision, that the third party would not be estopped unless the facts were similar. Unfortunately we have a provision in this section that makes the estoppel as complete as it would be against the Government, and that provision is:

Said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute in favor of or against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of or against any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws.

The rules of estoppel apply in the same way if the Government failed to make out its case, because it did not produce sufficient evidence when it had it; then the third party would be estopped as conclusively as the Government, and that is exactly what the section says.

I wish to speak for a moment with reference to the objection raised by my colleague, Mr. SCOTT. I am not entirely clear as to whether this section is constitutional even as against the defendant corporation, but I am inclined to think that the provision might stand in that respect. It is true that the original decree in favor of the Government might have been rendered in an equity suit. The suit commenced by a third party might be a suit for damages commenced in a case at law, in which either party is entitled to a trial by jury. But the trial by jury will still go on as to the extent of the damages, as to the amount of the judgment which might be rendered, and this decree is only rendered conclusive as to the findings of fact, and the conclusions of law with reference to the existence of a trust and the violation of the Sherman law. But I agree with the gentleman from Texas [Mr. BEALL] in saying that even as to that matter the section is of doubtful constitutionality, and I have some doubt as to whether it will be of very much benefit to the private individual in any event. He can always avail himself of the search which the Government has made in order to obtain the evidence. He can use, presumably, and obtain the same evidence which the Government has used, even though the decree be not made conclusive in his favor; but if it is possible, if it can constitutionally be made conclusive in his favor, I would be in favor of having it done. In any event, the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] ought to be agreed to.

Mr. VOLSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Iowa [Mr. PROUTY].

Mr. PROUTY. Mr. Chairman, the question here involved is a very simple one, if carefully analyzed. Article V of the amendment to the Constitution which binds the Federal Government expressly provides that no man shall be deprived of life, liberty, or property without due process of law. Every court that has ever passed upon that provision of the Constitution—and there are some 60 or 70 cases in the United States Supreme Court—has held that no one can be deprived of his property unless he has had his day in court. "Due process of law" has been held again and again to mean that he must have his day in court, by notice and otherwise.

The second proposition I presume no one will question—that the rights involved in a suit at law or claim for damages against anyone is property within the meaning of the Constitution. Therefore we can safely say that the Constitution provides that no one shall be deprived of his rights in a lawsuit except by due process of law. Keeping this in mind, just see where this section as it now stands would lead us. Suppose I had a case against the Standard Oil Co., as I did at one time, in which I alleged conspiracy to defraud, conspiracy in restraint of trade, under the Sherman antitrust law. Suppose, now, when I got that case ready to be submitted to the jury, and the Standard Oil Co. should come into court with a case that had been tried down in New Jersey, in an equity proceeding, and should say, "You can not recover anything from us, because that question was adjudicated in an equity proceeding down in New Jersey." I would say, "Why, I never heard of that case; I do not know anything about it; and how can I be estopped, how can I be deprived of my rights against the Standard Oil Co. in a proceeding to which I never was a party and of which I knew nothing?"

If the theory of these gentlemen is correct, a man can be absolutely deprived of his right to property without any knowledge of it whatever. There is the second provision that is just as clear when carefully analyzed, and that is the sixth article of the amendment to the Constitution, which provides, in substance, that a man shall be entitled to trial by jury in all cases in which the amount involved is more than $20. Just take the case I have now named. Suppose I had started suit against the Standard Oil Co. in the city of Des Moines and was asking a trial by jury upon the question of facts, the prime central fact of all those cases, and that is whether there was a conspiracy, whether there is a contract in restraint of trade. Suppose I were ready to try that case before a jury in the city of Des Moines. The Standard Oil Co. would say, "Why, that identical question was determined in an equity case down in New Jersey three years ago." I would reply, "It can not be possible that I am going to be deprived of the right of trial

Mr. MANN. I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Minnesota be extended five minutes. Is there objection?

There was no objection.

Mr. GREEN of Iowa. The gentleman wishes a judgment to stand as against the defendant in the case. Now, in line 14, therefore, he does not wish the word "against" stricken out, but, as the Clerk has it, the word "against" is stricken out.

I have examined the copy. In line 14 the words which I am satisfied the gentleman wishes to have stricken out are the words "in favor of or."

Mr. VOLSTEAD. Mr. Chairman, I admit the error, and I ask to be permitted to amend it by changing line 14.

Mr. GREEN of Iowa. Mr. Chairman, I will read it, if the House will permit and the gentleman yields, as it should be:

Line 14, strike out the words "in favor of or."

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to modify his amendment as indicated. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Chairman, will the gentleman from Minnesota yield for a question?

Mr. VOLSTEAD. Certainly.

Mr. SCOTT. Mr. Chairman, I ask the gentleman whether in the case of a suit brought at law against a corporation for damages under the antitrust law, as it exists to-day, such defendant corporation would have the constitutional right to demand a jury trial in the law action?

Mr. VOLSTEAD. Certainly; it would.

Mr. SCOTT. Then how can we, by legislation, make a decree in equity conclusive evidence against that corporation?

Mr. VOLSTEAD. I do not think we can.

Mr. SCOTT. Does not the gentleman's amendment seek to do that very thing?

Mr. VOLSTEAD. I do not think so. My amendment seeks to avoid making a judgment conclusive against a private party.

Mr. SCOTT. But as against a corporation. Having tried the case before a court in equity, it is deprived of the right to jury trial in the law action for damages which the Constitution guarantees. The gentleman has substituted a court of equity for the constitutional jury.

Mr. VOLSTEAD. Mr. Chairman, personally I will be perfectly willing to have this section stricken out, because I do believe that this section, instead of being an advantage, is going to be a disadvantage in many ways. I believe that rather than make a provision of this kind we ought to permit the evidence introduced in a Government suit to be admissible in any private suit, because then the two suits could proceed at the same time, and they could proceed while the witnesses were living, while there would be some interest in the prosecution, rather than years afterwards, when perhaps many of the parties who might be used as witnesses would be dead.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. MURDOCK. There is some doubt as to what the amendment does. What is it designed to do?

Mr. VOLSTEAD. The design is to change this section so that a judgment in favor of a corporation declared to be an unlawful monopoly shall not bar a private suit by an individual that may be injured by that monopoly.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

Mr. FLOYD of Arkansas. Mr. Chairman, I ask unanimous consent that I may be permitted to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to explain to the House this particular section, as there will probably be other amendments offered to it. The President in his message delivered to the House on January 20, 1914, among other recommendations, had this to say:

> There is another matter in which imperative considerations of justice and fair play suggest thoughtful remedial action. Not only do many of the combinations effected or sought to be effected in the industrial world work an injustice upon the public in general; they also directly and seriously injure the individuals who are put out of business in one unfair way or another by the many disclosing and exterminating forces of combination. I hope that we shall agree in giving private individuals who claim to have been injured by these processes the right to found their suits for redress upon the facts and judgments proved and entered in suits by the Government where the Government has upon its own initiative sued the combinations complained of and won its suit, and that the statute of limitations shall be suffered to run against such litigants only from the date of the conclusion of the Government's action. It is not fair that the private litigant should be obliged to set up and establish again the facts which the Government has proved. He can not afford, he has not the power, to make use of such processes of inquiry as the Government has command of. Thus shall individual justice be done while the processes of business are rectified and squared with the general conscience.

That is the recommendation made by the President. The Committee on the Judiciary in considering this question did not depend alone on the recommendation of the Executive, but we sought information from different sources. We examined bills introduced in Congress pertaining to this subject, and among other bills we found one introduced in the House by the gentleman from Wisconsin [Mr. LENROOT], and one in the Senate by Senator LA FOLLETTE, in which we found this language:

> SEC. 12. That whenever in any suit or proceeding, civil or criminal, brought by or on behalf of the Government under the provisions of this act a final judgment or decree shall have been rendered to the effect that a defendant, in violation of the provisions of this act, has entered into a contract, combination in form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, or has monopolized or attempted to monopolize or combined with any person or persons to monopolize any part of the trade or commerce among the several States or with foreign nations, the existence of such illegal contract, combination, or conspiracy in restraint of trade or of such attempt or conspiracy to monopolize, shall to the full extent to which the facts and issues of fact or law were litigated and to the full extent to which such fact, judgment, or decree would constitute in any other proceeding an estoppel as between the Government and such person, constitute as against such defendant conclusive evidence of the same facts and be conclusive as to the same issues of law in favor of any other party in any other proceeding brought under or involving the provisions of this act.

The amendment incorporated in the bill is that provision modified, but not substantially affected, except in the one particular to which the amendment of the gentleman from Minnesota pertains.

Mr. PROUTY. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. PROUTY. In the bill that the gentleman has just read, and also in the recommendation of the President, it only anticipates that the defendant in that suit would be estopped. Has the gentleman any authority or advice on how that estoppel could be made binding as against a man who was not a party to a suit or privy to it?

Mr. FLOYD of Arkansas. I desire to be heard on that question.

Mr. PROUTY. Has the gentleman any authority on that question?

Mr. FLOYD of Arkansas. I have no direct authorities on the proposition, because this is a new proposition, but I desire to be heard upon it. The purpose was set forth in the President's recommendation. In endeavoring to follow out that recommendation, which your committee deemed a good one, and in searching for information from different sources, we found the ideas embodied in the President's message incorporated in a proposed bill by the gentleman from Wisconsin, Mr. LENROOT, and we did not hesitate to use that provision in our bill. In our tentative bill we used it practically as it was written in the bill introduced by the gentleman from Wisconsin, but we found, after we had placed the bill in the limelight, that the one criticism that was made against that provision was that it was unfair to permit the judgment to be used in favor of one of the parties to the suit and to refuse to permit the judgment to be used as to the same facts and upon the same questions of law in favor of the other party. And in the interest of justice and common fairness, believing that it was a sound proposition of law and justice to do so, we modified it so as to make the decree conclusive as to both parties.

Mr. PROUTY. Mr. Chairman, will the gentleman yield further?

Mr. FLOYD of Arkansas. For a question.

Mr. PROUTY. Do I understand the gentleman to say that the provisions of this bill are the same as those of the gentleman from Wisconsin, Mr. LENROOT?

Mr. FLOYD of Arkansas. I said that the general proposition was the same, and I read the provision of the bill introduced by the gentleman from Wisconsin, showing that the original proposition in our tentative bill was substantially the same, but we modified it when we made it applicable to both the parties.

Mr. PROUTY. Well, in Mr. LENROOT's bill it would only be binding on one party to the suit.

Mr. FLOYD of Arkansas. The President in his message only suggested and recommended that it be made binding upon the corporation and in Mr. LENROOT's bill he provided that it should be only binding upon the corporation, but your committee, after having hearings on the subject, after listening to criticisms of that provision, found that it was subject to criticism if we made the decree applicable in favor of one party and not applicable against him in case the decision was adverse to the Government, and in the interest of what we believe to be justice and fair play

we modified it accordingly, and neither Mr. LENROOT nor the President is responsible for that modification, but your committee is responsible for it.

Mr. PROUTY. What I really desired to ask the gentleman was whether he has any authority that would show under any circumstances——

Mr. FLOYD of Arkansas. If the gentleman will permit me, I will explain, and I expect to submit not a specific authority, for never in the history of legislation, in my knowledge, has this particular proposal been submitted to us. We are dealing with a new question——

Mr. PROUTY. I agree with the gentleman in that.

Mr. FLOYD of Arkansas. My purpose is to justify it not only in morals but in law. Now, what are the facts; what is the situation? You take the case of the Standard Oil Co. and the American Tobacco Co. case. After years of litigation they were terminated, and there were volumes of proof showing that they committed acts which were held by the court to be unlawful, and it was shown in the testimony that by such unlawful means those great combinations had destroyed the business of hundreds of competitors. If the statute of limitation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURDOCK. Mr. Chairman, I ask unanimous consent that the gentleman may have five more minutes.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that the gentleman from Arkansas may have five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. SCOTT. Will the gentleman yield at this time?

Mr. FLOYD of Arkansas. Not at this time. I desire to make a general statement, and if I have time then I will yield. These combinations were declared to be unlawful and being unlawful were liable in treble damages under section 7 of the Sherman law, and yet private persons injured were absolutely without remedy because their causes of action were barred by the statute of limitation. The second provision of this section saves the statute of limitation to these litigants. Now, upon what principle can this legislation be justified? I desire to say that the only principle upon which the antitrust legislation, the Sherman Act, the supplemental acts thereto, and this act can be justified is upon the broad ground of public policy. The only authority, the only reason, that justifies the Government in interfering in the affairs of private citizens or in the affairs of corporations incorporated under laws of the several States is based upon the principle of public policy or for the general good, the general welfare. When one of these suits is brought against a combination alleged to be an unlawful combination the public money is expended in large sums in order to maintain that suit. For what purpose? For the general good, for the good of all the citizens, for the good of the entire people of the United States, based upon the broad principle of public policy. The courts have upheld this character of legislation which has been assailed from every quarter, bitterly contested. The highest court of this land has upheld the Sherman law, and has upheld the statutes of the States adopted to accomplish the same purpose in the States, always upon the ground that the Government has the right to inquire into and to deal with and prohibit and regulate the affairs of individuals and of corporations upon the ground of public policy.

Mr. SCOTT. May I ask the gentleman a question at this point?

Mr. FLOYD of Arkansas. Not at this point; I will yield to the gentleman later. Now, if that be true, then, when one of these suits is instituted, carried on by the Government at the public expense, it is carried on in the interest of the American people and of every citizen. It is true those directly concerned, affected, or injured by the corporation, may have a greater interest than other citizens, but it is in the interest of the people generally, the whole people, the Government representing the people, representing all the citizens; and, so far as that decree as between the Government and the corporation is concerned, I do not believe that anyone can question the justice or the right of making it conclusive. Such decree imports absolute verity, binding upon the Government and the party to the suit, both as to findings of fact and questions of law determined in the suit. Does anybody question that? That is the common rule of law applied to all judgments and decrees of all courts of record. That is an old doctrine of the law. Then what do we propose in this case? The word "conclusive" seems to have created confusion in the minds of a great many persons. What are we seeking to do? We are not giving to that decree any element or quality except such as attaches to every other decree. A decree or judgment of a court of record imports upon its face absolute verity. Such decree is binding upon all parties to the suit, and can not be attacked collaterally. What we are attempting to do in this case is to apply that decree, with its usual effect, with its usual force, in another suit wherein one of the parties was not a party to the original suit.

Mr. ALEXANDER. Will the gentleman yield right at that point?

Mr. FLOYD of Arkansas. I would prefer to finish.

Mr. ALEXANDER. I would like to get an answer right at that point. Does the gentleman mean against that defendant, or against anybody else? The gentleman certainly does not want that decree to estop parties to enter suit where the defendant is not a party, does he?

Mr. FLOYD of Arkansas. I do not know that I understand the gentleman's question.

Mr. ALEXANDER. I can very well understand why if it is a suit against the United States Steel Corporation, where the corporation in a suit by the United States has been decreed to be in a trust in violation of the terms of the antitrust laws should be excluded in another suit by another party against that corporation, but I can not understand where a party can be estopped if they are different parties to the controversy.

Mr. FLOYD of Arkansas. Well, I will try to explain that to the gentleman. I must decline to yield now, because I have not the time. I am endeavoring to state my position. This is a new question, based upon new principles, and I am endeavoring to justify it, and I will be glad to permit interruptions after I have stated the proposition.

Now, is there any objection to using it against a convicted corporation when a private litigant brings a suit against such corporation? Is there any valid objection to making that decree binding upon the defendant corporation although this private individual seeking redress was not a party to the suit brought by the Government against the corporation for violations of the Sherman Act, in which the corporation is adjudged guilty by final decree of the court?

Mr. ALEXANDER. I would say, none whatever. So far, so good.

Mr. VOLSTEAD. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. I yield to the gentleman from Minnesota.

Mr. VOLSTEAD. I want to call your attention to a provision in the Constitution that provides that in a suit at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

Mr. FLOYD of Arkansas. I have that marked, and I shall discuss it later. I hope the gentleman will not insist upon my going into that question now.

Mr. VOLSTEAD. I wanted to call your attention to that in connection with an equity suit.

Mr. FLOYD of Arkansas. Then I assume, in response to my last question, that there is no serious, at least no legal, objection to making that decree binding upon the defendant corporation found guilty of violations of the antitrust laws, although in the new suit a private litigant, who was not a party to the Government suit, is the complainant in an action for damages against the convicted corporation. Now, that is what was recommended by the President, that is what was provided in Mr. LENROOT's bill, that is what was provided by your committee in its tentative bill on the subject, and the amendment of the gentleman from Minnesota [Mr. VOLSTEAD] seeks to restore the bill in that respect to the form in which it was originally drafted. The only serious criticism that we ever had from any source as to this particular section proposed was the criticism that it was made binding in favor of a private litigant against the corporation, but not in favor of the corporation when the facts and law were found to be in favor of the corporation. It was argued that in that case to refuse to make it binding also against the individual was unjust, unjustifiable in law, and grossly unfair.

Mr. CULLOP. Now, Mr. Chairman, will the gentleman yield there?

Mr. FLOYD of Arkansas. Yes.

Mr. CULLOP. My question is this: Supposing a collusive suit was brought and the defendant won on the issue, then is every outsider barred from any further suit? According to this language he is.

Mr. FLOYD of Arkansas. I understand the question, and I will answer it. But I hope the gentleman will not interrupt me until I state my position fully.

The gentleman from Indiana asks as to the effect of this provision if a collusive suit is brought. My answer to that proposition is that if the time ever comes in this Government when any Attorney General will enter into collusive suits with corporations and combinations engaged in unlawful acts, it will be an evil day for our Republic, a day when every statute will become useless and justice will become a mockery. I am not prepared to believe that any such condition will arise or can

Mr. HENRY. We adopted section 6 and went back to section 3. There is no question about that.

Mr. TOWNER. The gentleman is mistaken. We went back from the amendment pending to section 5, and after that was completed we went back to section 3.

The CHAIRMAN (Mr. BYRNS of Tennessee). This discussion of section 3 is not in order at this time. The gentleman's amendment is numbered "section 3A."

Mr. CARLIN. This is the first time I have heard that.

Mr. ALEXANDER. Mr. Chairman, everybody agrees that section 4 has been passed and that we were considering section 5. By unanimous consent section 3 was passed over. It is not in order for the gentleman from Oklahoma to offer an amendment of a new section called "section 3A" which precedes section No. 4. He might offer it as "section 4A," but he can not go back except by unanimous consent.

Mr. MANN. It could not be "section 4A."

Mr. ALEXANDER. "Section 5A," I should say.

Mr. BRYAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRYAN. If the gentleman wants to offer his new section to follow section 3, at what time in the parliamentary procedure could he have offered it except at this particular moment? Was it ever in order until we had finished section 3?

The CHAIRMAN. The Chair thinks that the gentleman is correct. The amendment is in order at this time. The gentleman from Oklahoma is recognized.

Mr. MORGAN of Oklahoma. Mr. Chairman, this discussion should not be taken out of my time.

The object of the section I have offered is to put in a general section that will include unfair discriminations that are not included in sections 2, 3, and 4. In fact, if sections 2, 3, and 4 were stricken out and this section placed in the bill, it would cover, comprehend, and include all that is included in sections 2, 3, and 4. That is the kind of language we should use; that is, language that will comprehend not simply a single unfair practice, but, if possible, all unfair practices. There is not in this bill any section that includes generally unfair practices.

Mr. WEBB. Mr. Chairman, will the gentleman yield to me for a question?

Mr. MORGAN of Oklahoma. Yes.

Mr. WEBB. Did the gentleman offer this amendment to the trade-commission bill the other day?

Mr. MORGAN of Oklahoma. I think not. I want to read section 3 of the act to regulate commerce, because this section is fashioned after that.

The first paragraph of section 3 of the act to regulate commerce provides—

That it shall be unlawful for any common carrier subject to the provisions of this act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic, in any respect whatsoever; or to subject any particular person, company, firm, corporation, or locality, or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Now, that section has been construed many times by the Interstate Commerce Commission, many times by the Supreme Court of the United States; and, more than that, it was taken from the English traffic act which was enacted in 1854, and it has been construed by the English courts. Under that section the Interstate Commerce Commission have been able to prevent many unfair discriminations and practices by the common carriers—discriminations and practices that could not have been foreseen and prohibited specifically. So, if you are in earnest in trying to control unfair practices, in trying to prevent unjust discriminations, why not insert in this bill a general provision of law that will prevent discrimination in price, in terms, by contract arrangements or agreements or otherwise, so as to give one person or locality an undue or unreasonable advantage over another, or so as to subject any person or locality to undue or unreasonable prejudice or disadvantage.

With such a section as this in this act, as time shall go on, it will suppress many unfair practices and unjust discriminations which can not now be named. The language has been construed. The provision has been found useful in preventing unfair discriminations by common carriers. It would be useful and effective in controlling the large industrial concerns, which in the monopolistic power they possess rank with our railways. This bill prohibits only a few things. Big concerns may desist from things prohibited herein. But they may resort to other practices just as reprehensible, just as dangerous, and yet just as effective in driving out competition. To my mind it would be exceedingly unwise to pass this bill without one section that is drawn so as to make all business practices which are unjust and unreasonable unlawful. It is useless to close a few of the avenues which lead to monopolistic control of business without an attempt to close all. For as long as there is one way open those seeking undue advantage over others will find it. No legitimate objection can be urged against this section which I have proposed. It makes it unlawful for any person through the price charged or the terms given or the contract entered into to discriminate so as to give any person, locality, or community any undue or unreasonable advantage over any other person or community, or so as to subject any other person or community to any undue prejudice or disadvantage. Can there be any objection to this? Is not this just the sum and substance, the very heart of what you are attempting to do? Is it not the practice or method that gives one an undue advantage over another that you want to prevent? This is my understanding of what you are attempting. If I am correct, then the new section which I have offered should be adopted.

Mr. WEBB. It strikes me that the gentleman's amendment ought not to have been offered as section 3a, but as a substitute for sections 2, 3, and 4.

Mr. MORGAN of Oklahoma. That is the way I intended it, but I could not get it in that way. If this is adopted, I shall move to strike out sections 2, 3, and 4.

Mr. WEBB. The gentleman's amendment is a sort of omnium gatherum in which he undertakes to cover the practices condemned in sections 2, 3, and 4. I believe the House is fairly well satisfied with these three sections as we have adopted them, and that it will prefer them to the amendment of my friend from Oklahoma, and I therefore hope his amendment will be voted down.

The CHAIRMAN. The question is on the amendment of the gentleman from Oklahoma.

The amendment was rejected.

Mr. TOWNER. Mr. Chairman, I offer an amendment to section 5.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 19, after the word "forbidden," insert the words "or declared to be unlawful."

Mr. CARLIN. In order to get the matter straightened out, I make the point of order that section 5 has been passed and that therefore the amendment is not in order.

The CHAIRMAN. The Chair will state to the gentleman from Iowa that section 5 was completed yesterday, and that the next section to be considered is section 6. After section 5 had been completed the chairman of the committee requested that we return to section 3. Therefore the Chair thinks that the amendment offered by the gentleman comes too late.

Mr. TOWNER. If the Chair will pardon me just a moment, I think the Chair is entirely right in his statement; but there was an agreement stated by the gentleman from Illinois [Mr. MANN] yesterday that we should return to section 3 after we had disposed of any pending amendments that we had under consideration last evening. This morning we did dispose of the pending amendments to section 5, and then——

Mr. MANN. Under the circumstances I ask unanimous consent that the gentleman have the privilege of offering his amendment. There was a misunderstanding.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Iowa be permitted to offer the amendment which has been read from the Clerk's desk. Is there objection?

There was no objection.

Mr. TOWNER. I call the attention of the committee to this amendment. I think they ought to accept it. I move to add the words "or declared to be unlawful" for the reason that in some of the sections of this bill certain things are forbidden and in others they are declared unlawful. If the gentleman will turn, for instance, to section 8, he will find that in that section certain things are forbidden. The language of section 3 is that it shall be unlawful for the owners, and so forth. I offer this amendment for the purpose of perfecting the language of the text, because certain things are forbidden and certain things are declared to be unlawful, and this section ought to be made to apply to both.

Mr. WEBB. Does not the gentleman think anything that is forbidden in law is unlawful?

Mr. TOWNER. I do not know whether the courts would so hold or not.

Mr. WEBB. I do not think there is any doubt about it.

Mr. TOWNER. But that is not the customary language, and it certainly ought not to be left in doubt. Why do you hesitate to accept an amendment which will remove all possibility of doubt? Do you want the doubt to continue?

Mr. WEBB. The committee think that anything which is forbidden is declared to be unlawful.

Mr. TOWNER. I think the committee never thought about it at all.

Mr. WEBB. I am stating it now.

Mr. TOWNER. They have not given it any consideration. There are certain things in this law that are forbidden, and there are certain other things that are declared to be unlawful. You want this section to apply to both. Why do you not say so?

Mr. WEBB. Everything that is declared to be unlawful in this bill or in the antitrust law is forbidden by law.

Mr. TOWNER. Very well, if that is the gentleman's attitude.

The CHAIRMAN. The question is on the amendment of the gentleman from Iowa [Mr. TOWNER].

The amendment was rejected.

The Clerk read as follows:

SEC. 6. That whenever in any suit or proceeding in equity hereafter brought by or on behalf of the United States under any of the antitrust laws there shall have been rendered a final judgment or decree to the effect that a defendant has or has not entered into a contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce, or has or has not monopolized, or attempted to monopolize or combined with any person or persons to monopolize, any part of commerce, in violation of any of the antitrust laws, said judgment or decree shall, to the full extent to which such judgment or decree would constitute in any other proceeding an estoppel as between the United States and such defendant, constitute in favor of or against such defendant conclusive evidence of the same facts, and be conclusive as to the same questions of law in favor of or against any other party in any action or proceeding brought under or involving the provisions of any of the antitrust laws

Whenever any suit or proceeding in equity is hereafter brought by or on behalf of the United States, under any of the antitrust laws, the statute of limitations in respect of each and every private right of action, arising under such antitrust laws, and based, in whole or in part, on any matter complained of in said suit or proceeding in equity, shall be suspended during the pendency of such suit or proceeding in equity.

Mr. WEBB. Mr. Chairman, I will ask the gentleman from Minnesota [Mr. VOLSTEAD] if we may have some agreement as to time on this section, and if he has any idea of what time he would like to have?

Mr. VOLSTEAD. I am not aware just how many gentlemen desire to offer amendments, but I think we had better proceed for a few minutes until we know how many amendments will be offered.

Mr. MANN. If I may have the attention of my friend from North Carolina [Mr. WEBB], I wish to make a suggestion. To-morrow is Decoration Day, and the House does not meet. There are a number of Members who want to leave the House fairly early this afternoon to take trains to go out of town in connection with the exercises of to-morrow. I think every Member wants to be here when section 7 comes up. Can we get some kind of an agreement as to when we will quit to-night?

Mr. MURDOCK. We will not be able to get through with section 7 to-night.

Mr. WEBB. Mr. Chairman, the committee in charge of this bill desires to make as much headway as possible. We have lost two days out of this week on account of the death of Senator Bradley and the fact that Memorial Day is to-morrow. I regret that we can not have a night session to-night, but we have to take into consideration the temper of the Members in this trying weather and the circumstances that require many to go away to-night for Memorial Day. I will agree that when we finish section 6 this afternoon I will ask unanimous consent to adjourn until Monday at 11 o'clock.

Mr. MANN. It does not require unanimous consent; that is covered by the rule.

Mr. WEBB. With the additional notice that we are to have a session Monday night and Tuesday night if we do not finish the bill by that time.

Mr. MURDOCK. The gentleman does not mean to go into the discussion of the bill under the five-minute rule on Monday night?

Mr. WEBB. Yes; I know that the rule under which we are considering this bill only provides that we shall have night sessions during general debate.

Mr. MURDOCK. The gentleman's purpose is that when we finish section 6 we will adjourn?

Mr. WEBB. Yes.

Mr. MURDOCK. And not go into section 7?

Mr. WEBB. That is the understanding.

Mr. STAFFORD. Does not the gentleman think that we would make more headway and better progress if we come in earlier in the day and do away with the night session? Everybody realizes that night service is hard on the Members, and if we could meet at 10 o'clock we could make much better headway than we could in the evening.

Mr. WEBB. I am perfectly willing to meet at 10 o'clock, but the gentleman heard the murmur of noes all over the hall, which shows that they are not willing to accept his suggestion.

Mr. MANN. Mr. Chairman, at this season of the long session, since I have been here, it has been customary on bills of importance to meet at 11 o'clock and very often run without a recess into a night session. I think we have reached that stage at this session where we ought to do it a part of the time.

Mr. HUMPHREY of Washington. But we are to be here all summer, are we not?

Mr. MANN. I do not know, but I do not think we will. I think we will adjourn Congress in July. I may be mistaken; but we will not adjourn in July if we spend a month on one bill.

Mr. MURDOCK. I think, to save his reputation as a prophet, the gentleman had better make it August 1.

Mr. WEBB. Now, Mr. Chairman, I will ask the gentleman from Minnesota if we can not agree upon some limit to the time for discussion of this section 6.

Mr. VOLSTEAD. I think we had better run along a few minutes. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 23, line 5, strike out the words "or has not"; in line 7, same page, strike out the words "or has not"; in line 14, same page, strike out the words "or against"; in line 16, same page, strike out the words "or against."

Mr. VOLSTEAD. Mr. Chairman, this amendment would change the section so that the decree or judgment would only be binding on any combination that may be found to be in restraint of trade and not in its favor. This section in effect provides that in the event a judgment is entered it can be pleaded by the offending party not only against but also in its favor. I think that is entirely unjust, and it seems to me that it is clearly unconstitutional. It does not seem to me that there can be any argument in favor of such a proposition.

Mr. BARTLETT. Will the gentleman yield?

Mr. VOLSTEAD. Yes.

Mr. BARTLETT. What effect does the gentleman's amendment have on the proposition that the judgment shall be conclusive as to the violation of the law as to all parties?

Mr. VOLSTEAD. Under the amendment the decree would still be conclusive against an illegal combination, but it would not be conclusive in its favor. It seems to me that it should not be evidence in an action brought by a private party that has never been in court. To illustrate: The Government brings a suit, and it is prosecuted to judgment. If the judgment is against the Government, it absolutely relieves the corporation from any suit by a private party for damages, though this private suitor may never have known of the action nor have had any opportunity to introduce evidence or be heard.

Mr. BARTLETT. Provided the judgment is in favor of the corporation?

Mr. VOLSTEAD. Yes. It can not possibly be legal to deprive a person of his rights in this way. To illustrate: I was told that in Philadelphia a refinery was wrecked by illegal acts in restraint of trade committed by the Sugar Trust. The Sugar Trust was sued by the Government, but the Government lost the suit. If this section had been in force the refinery which had been wrecked, completely ruined by this trust, would not have been able to recover at all. The refinery brought a suit, which was settled out of court for something like $2,000,000.

Now, it seems to me that there is no sense or justice in the position assumed by the committee in this instance. It is doubtful whether you can make the judgment conclusive against an illegal combination or in favor of a party that has not been in court, but you certainly can not bind parties who have had no opportunity to litigate a question.

Mr. BARTLETT. If I understand the purport and effect of the gentleman's amendment, it is that the judgment in favor of the alleged violator of the law shall not be considered conclusive in a suit between him and some other party; in other words, that it shall not take a man's property without due process of law or denying him equal protection of the law.

Mr. VOLSTEAD. It would confiscate every claim that a private party had in case there was a judgment in favor of the corporation.

Mr. BARTLETT. This is in the interest of the individual and not in the interest of the corporation.

Mr. VOLSTEAD. Exactly.

Mr. GREEN of Iowa. Mr. Chairman, I want to call the attention of the gentleman from Minnesota to a clerical error in his amendment.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, the clear intention of this section is to compel the producer of mine products to sell to the dealer. It would hardly be construed that any consumer or any individual citizen could buy whenever he got ready. Now to make a concrete example, my amendment provides that every "cooperative association that makes purchases for distribution among its members" shall also be included in the class which shall have the right to buy under this provision. I remember such an association in western Oklahoma attempted to buy coal and they refused them because they were not a "commercial concern," because they were not selling for profit, and they had to buy coal from West Virginia. This amendment which I offer is to permit "cooperative concerns" or societies to buy as well as dealers, and that is all there is to the amendment. I regret I am allowed no more time to urge its adoption.

Mr. CARLIN. Will the gentleman on the other side use some of his time?

Mr. VOLSTEAD. I yield three minutes to the gentleman from Kentucky [Mr. POWERS].

Mr. POWERS. Mr. Chairman, we have in southeastern Kentucky over 10,000 square miles of bituminous coal territory. The western coal field of Kentucky has over 6,000 square miles, making in all in the State of Kentucky over 16,000 square miles of bituminous coal territory. There are only 14,000 square miles in the entire State of Pennsylvania—I mean of bituminous coal territory—so it can be readily seen that the State of Kentucky is vitally concerned in section 3 of this bill. Under its provisions I see nothing to prevent any of the great moneyed interests of this country from buying up under compulsion the entire coal output of southeastern Kentucky or of any other section of this great country. Section 3 says:

That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use.

The amendment offered by the gentleman from Kentucky [Mr. BARKLEY] to the effect that the amount of coal to be sold ought to be limited to a reasonable amount, it seems to me, ought to prevail. When we absolutely throw open and give the great moneyed interests of this country the power to buy up, without any power to refuse, the entire coal output, it looks to me that instead of taking it out of the hands of monopolies of this great country that you are putting it into the hands of the monopolies and giving them power to control absolutely the entire coal output of the country.

Mr. AVIS. Mr. Chairman, my attention has been called to the fact that my amendment as drawn would not read connectedly with the present section as adopted a moment ago, and I therefore desire to modify it.

The CHAIRMAN. The gentleman from West Virginia asks unanimous consent to modify his amendment. Is there objection? The gentleman offers his amendment after what?

Mr. AVIS. I have sent it to the Clerk to be reported.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from West Virginia.

The Clerk read as follows:

Page 21, amend the Ferris amendment by inserting after the word "energy" in the amendment the following: "except bituminous and semibituminous coal mines."

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia——

Mr. CARLIN. I would like to know if the gentleman from Minnesota has used his time?

Mr. VOLSTEAD. I desire to yield the balance of my time to the gentleman from Tennessee [Mr. AUSTIN].

Mr. GARDNER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. The question now is upon the amendment offered by the gentleman from Kentucky [Mr. BARKLEY] to the amendment of the gentleman from West Virginia, is it not?

Mr. BARKLEY. My amendment is not offered as an amendment to his, but as an independent amendment.

The CHAIRMAN. The amendment of the gentleman from Kentucky is an independent amendment. The Chair recognizes the gentleman from Tennessee for seven minutes.

Mr. AUSTIN. Mr. Chairman, early in the consideration of this measure, on the 23d day of the present month, I had read from the Clerk's desk two letters from Mr. John L. Boyd, manager of the Proctor Coal Co., of Knoxville, Tenn., urging the same objections which have been so well stated by the gentleman from West Virginia [Mr. AVIS].

In my opinion, Mr. Boyd voices the sentiment of all of the operators of that eastern coal field of Tennessee. There is no combination in the coal fields of Tennessee among the operators, and I know of no ownership of coal lands by any of the railroad corporations of that State. The coal business has not been a profitable one, as the records will show, and to-day there is a decrease, and has been a constant decrease, in the coal output and the sale of coal in the country and in the Tennessee coal fields since the Underwood tariff bill went into operation.

The State of Tennessee has employed in its mines from 800 to 1,000 convicts digging coal, and for the first time since the State engaged in that industry they have been unable to dispose of the output from the State mines, unable to find a market, and hence have required the closing down of the mines in which the State convicts have been employed. This bill will not aid the coal industry. It will not aid any legitimate industry in this country. It is not offered for that purpose. Those who are in charge of legislation here are not seeking to develop or promote the business interests of this country. They were not elected upon a platform of that kind, and they would be untrue to the traditions of their party if they sought by legislation to promote or advance the business interests of the country. [Applause on the Republican side.]

The Underwood tariff bill did not increase the number of pay envelopes, but it did furnish an army of 2,000,000 unemployed workingmen that had constant employment before the enactment of that bill. We were told in the consideration of that measure that it would promote American industry and extend trade, and when it failed we were then told that a currency reform was needed, and not a tariff for revenue only, to improve the condition of the working people and to promote the business of the country. We were told that same identical thing 20 years ago, when the Wilson bill was tried.

Mr. Bryan and the leaders of the Democratic Party stated that it was not the tariff, but that it was the reform of the currency—16 to 1—that was needed in order to stop depression and promote business. And having failed to carry out the promises made in the platform at Baltimore by the Underwood tariff bill, we were then given a nostrum in the shape of the currency bill. And when that failed, along with the Underwood tariff bill, we are handed the so-called antitrust legislation as a remedy for the closing of mills and for the idle mechanics, all of whom were employed before the Underwood tariff bill became a law.

And so, Mr. Chairman, in the interest of the American people, in the interest of business, and in the name of the idle, honest, deserving workingmen, I protest against this bill, which will not help, but which will depress, retard, and injure, along with the Underwood tariff bill and the currency bill, the business condition of affairs in this fair land of ours. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. Mr. Chairman, I sincerely trust that the amendment of the gentleman from West Virginia [Mr. AVIS], exempting bituminous-coal operators from the provision of this section, will not be accepted. The complaint which he makes that it will be possible for one operator to buy the product of four or five or more of the independent operators and thus monopolize the output is answered by saying that those who so buy for purposes of monopoly would be guilty of violating the Sherman antitrust law. I do not think it is fair to assume that that would be done, in order to get my friend's operators and constituents exempted from this just law, which would apply to all coal-mine operators alike.

And in addition to that, I doubt very much the right or power of Congress to exempt one set of coal operators from the operation of the law and putting another set of coal-mine operators within the law. I do not think Democrats or Republicans believe in that kind of class legislation, as it is contrary to the very spirit and genius of our institutions.

The CHAIRMAN. The time of the gentleman from North Carolina has expired. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. AVIS].

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. AVIS. Division, Mr. Chairman.

The committee divided; and there were—ayes 32, noes 81.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Oklahoma [Mr. MURRAY].

The Clerk read as follows:

Page 21, line 24, before the word "and," insert: "Or to any cooperative association making purchases for distribution among its members."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. HULINGS].

The Clerk read as follows:

Page 21, line 24, after the word "States," insert the following: "Shall be where the effect of such refusal shall be to restrain trade or to secure to such owner or operator monopolistic control of such products."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HULINGS. Division, Mr. Chairman.

The committee divided; and there were—ayes 43, noes 68.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Kentucky [Mr. BARKLEY].

The Clerk read as follows:

Page 21, line 19, after the word "product," insert the following: "in reasonable quantities."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York [Mr. LEVY].

Mr. LEVY. It is to modify the amendment.

The CHAIRMAN. The gentleman from New York [Mr. LEVY] asks unanimous consent to modify his amendment. Is there objection? [After a pause.] The Chair hears none. What is the modification?

Mr. LEVY. The modification is only to apply to the amendment that has been passed—the amendment of the gentleman from Oklahoma [Mr. FERRIS].

Mr. MANN. I object.

Mr. LEVY. Then I offer it as I offered it before.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LEVY].

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. WEBB. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WEBB. Has not all time expired?

The CHAIRMAN. All time has expired; but any gentleman can offer an amendment.

Mr. MORGAN of Oklahoma. I offer an amendment to follow section 3.

Mr. CARLIN. Mr. Chairman, I think under the unanimous-consent agreement entered into by the committee it was agreed that all debate and all amendments should be——

The CHAIRMAN. The gentleman from Virginia must be mistaken about that, because since the present occupant took the chair there have been several amendments offered.

Mr. MANN. All debate is closed.

The CHAIRMAN. Debate is closed.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to make a point of order against the amendment offered by the gentleman from Oklahoma [Mr. MORGAN], on the ground that it is not to section 3.

Mr. MORGAN of Oklahoma. Mr. Chairman, I withdraw the amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] withdraws the amendment.

Mr. BRYAN. Mr. Chairman, I move to amend by striking out the section.

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 3.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

Mr. MONDELL. The amendment I offer comes in at the beginning of line 15.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Amend, page 21, line 19, after the word "commerce," by inserting the words "to discriminate in price or otherwise as between persons or places for a like product delivered under similar terms and conditions."

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. MONDELL. A division, Mr. Chairman.

The CHAIRMAN. A division is demanded.

The committee divided; and there were—ayes 40, noes 63.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. MORGAN of Oklahoma. Mr. Chairman, I now offer my new section.

The CHAIRMAN. The gentleman from Oklahoma [Mr. MORGAN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Mr. MORGAN of Oklahoma moves to amend by adding a new section, to be numbered section 3a, to follow section 3, as follows:

"SEC. 3a. That any person or corporation engaged in commerce who shall by the price charged for any article, product, or commodity sold or leased, or by the terms granted or given to the purchaser or lessor of any article, product, or commodity, or by the contract, arrangement, or condition upon which any such article, product, or commodity shall be sold or leased, or by any other means, discriminate as between persons, localities, or communities, so as to give any undue or unreasonable preference or advantage to any particular person, firm, corporation, locality, or community in any respect whatsoever, or so as to subject any particular person, firm, corporation, community, or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, sections 2, 3, and 4——

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. My inquiry is in reference to the agreement that we had. I am trying to find out just what was the unanimous-consent agreement about time, and whether this is in order. While this amendment is offered as a new section, it is not in the shape of an amendment, and I would like to inquire whether, under the agreement had, the gentleman is now entitled to debate it?

The CHAIRMAN. The Chair understands that the amendment is offered as a new section to the bill.

Mr. MORGAN of Oklahoma. Yes; as a new section. I would like to explain to the Members of this House the purposes of the section. We have under section 2 prohibited discriminations in price. We have in section 3 prohibited the arbitrary refusal to sell coal, and so forth. We have in section 4 prohibited a man from selling goods, and——

Mr. CARLIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CARLIN. Section 3 has been adopted. All amendments have been defeated, and we have passed to section 6, having already adopted sections 4 and 5. Now, the gentleman offers a new section, and he does not say where or to what part of the bill it belongs. I make the point of order that it is not in order.

Mr. TOWNER. Let me suggest to the gentleman that this is the parliamentary status, as I understand it: Section 5 has been read for amendment, and of course amendments have been offered, but section 5 has not been passed beyond amendment. I have an amendment I want to offer. The gentleman would have the right to offer an amendment.

Mr. CARLIN. Section 5 was adopted, and we reverted then to section 3. We had commenced to read section 6, and then we went back to section 3.

Mr. TOWNER. I beg the gentleman's pardon. When we adjourned last night there was pending an amendment to section 5. There has been no debate on section 5.

Mr. CARLIN. The gentleman is mistaken. We adopted an amendment to section 5 and concluded the section, and then we went back to the consideration of section 3.

Mr. TOWNER. Oh, no. That was on the order to revert to section 3. We have not concluded the debate on section 5 or the right to amend section 5. There has been no action of that kind. I know that, because I desire to offer an amendment of my own to section 5.

Mr. HENRY. We had concluded section 5 and had begun to read section 6, and then we returned to section 3.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. HENRY. Yes.

Mr. MURDOCK. Yesterday an agreement was made that we would go back to section 3 as soon as the matter then pending before the committee was concluded. As soon as the matter of the amendment of the gentleman from Missouri [Mr. DICKINSON] and the amendment thereto offered by the gentleman from Indiana [Mr. CULLOP] was completed this morning we went back to section 3.

rectly through stock ownership in other companies or by bond holding in other companies or by financial backing by any one of various methods.

In Illinois the proportion is a little more than 60 per cent—about 66⅔ per cent. In other words, of the 840,000 acres of available coal lands in Illinois at present, approximately 541,000 acres are in the hands of railroads, besides 75,000 acres in the hands of large holders who are believed to hold the same for the railroads, a total of 616,000 acres.

Here is the way the available coal lands are distributed in Illinois: The C. & E. I. Railroad Co. has 35,000 acres of coal lands; the Illinois Central 25,000 acres; the Rock Island has 5,000; the St. Paul has 25,000; the Missouri Pacific has 16,000; the Wabash has 25,000; the Union Pacific, which does not run in Illinois at all, as I understand, has 45,000 acres in that State. But the Union Pacific, as you will remember, owns the stock control of the Chicago & Alton; and to protect the Chicago & Alton the Union Pacific has 45,000 acres in Illinois.

The Big Four lines have 90,000 acres in Illinois; the United States Steel Corporation has 75,000 acres in Illinois; the Clover Leaf has 15,000 acres; the Litchfield & Madison has 15,000; the St. Louis, Troy & Eastern has 4,000; the St. Louis & O'Fallon has 15,000; and Messrs. Corey and others, the Steel Corporation officials, have 20,000 acres. This makes a total of 541,000 acres of Illinois property out of the 840,000 available for present coal production; in other words, 64 per cent. Adding the 75,000 acres above referred to, and the total becomes 616,000 acres out of 840,000 acres; in other words, 73 per cent.

This is the real condition of the coal situation in these two States, and it warrants substantial treatment.

It is this ownership in these two States, and doubtless in the State of West Virginia the same thing exists, that is putting the independent coal operator out of commission and monopolizing the bituminous coal trade and regulating the price. When they get them once in their clutches they can control not only the output but the price as they please to fix it; and they have and will continue to do so, as all experience has demonstrated.

Mr. AVIS. Mr. Chairman, will the gentleman yield?

Mr. CULLOP. I am sorry I can not yield, but I have not the time. That is the condition of the independent coal operator to-day in the States of Indiana and Illinois; and in the State of Ohio it is. I am informed, practically the same. I have no doubt it exists in the State of West Virginia and in the district from which the distinguished gentleman comes.

If there is no legislation such as is proposed here to control the sale and output of these mines, the railroads will dominate the whole production, the price, and have a complete monopoly; crowd out the independent producer and the people will be made to suffer. Regulation is demanded, and should be speedily had in order that monopoly may not punish and plunder the public.

True, as the gentleman says, the independent operator has been running at a loss not only this year but last year as well, and the cause of this will be found in the fact that the railroads are attempting to drive them out of business, and are about to succeed in doing so, and when once success has crowned their efforts in this respect, then they will remain complete masters of the situation, and the public will pay dearly for fuel. We should handle this question so as to prevent them from carrying their purpose into effect. Public good requires treatment of this matter, and, if need be, heroic, drastic treatment. Railroads buy coal lands in the States I have named, open and equip mines ready for operation, then lease them to some person, sometimes no doubt a dummy, at a royalty of 8 or 9 cents a ton. He produces, the roads haul the product to market; there may be no profit in the sale of the product; the price is beaten down, but the railroads make money out of the freight charges for transportation, and hence can afford this method of reducing prices. They do not suffer because of what they earn in hauling the product to market. But the employment of the method is crushing the independent operator, and the low price thus produced is causing him in order to compete to operate at a loss, and soon he must abandon the business and leave the field to the railroad companies. With the independent operator out of business, competition has vanished, and they have complete control of the situation; can dictate the quantity of the production and the price at which the same shall be sold. They then become the masters of the situation of this great necessity, and can dominate both our domestic and industrial consumption of fuel. This condition, for truly it is a serious condition, requires serious consideration for the adoption of some real remedy that may relieve the people from its disastrous effects, if once attempted to be carried out. This is the solution of the unfortunate condition of the independent coal operators now, and from it they need and require relief.

Once our great fuel supply passes entirely under the control of monopoly, the people will suffer as never before from the exactions of its greed as they fall prey to its insatiable avarice. [Applause.] This provision as it now stands will afford some, if not complete, protection, and I hope it will be permitted to remain as it is in order that the independent operator may have some assistance in his great effort to sustain competition, and that the whole of this great industry may not entirely pass under the control of the great railroads of the country.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CARLIN. I yield to the gentleman one minute more.

Mr. CULLOP. Now, this provision of the bill seeks to remedy, in part, at least, this evil, a remedy that the independent coal miners are demanding in at least two of these States, and I understand likewise in the State of Ohio—something that will relieve them of the grip of these monopolies that are grabbing up these coal lands, that now have two-thirds of them in three of the greatest coal-producing States in the Union, enabling them to conduct the operation of the mines and the disposal of the product as they please. The independent coal operator will be put out of business at the behest of these great monopolies, controlling the product as they do, unless we pass this or some other remedial legislation. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. HULINGS].

Mr. HULINGS. Mr. Chairman, I would like to ask some member of the committee whether Congress has the right to legislate upon a matter of this nature. The oil producer produces his oil in the State of Oklahoma or Pennsylvania. He sells his product at the well; invariably almost it is purchased by the Standard Oil Co. I want to know whether the committee holds that that transaction, entirely within the State, is covered by this legislation?

Mr. FLOYD of Arkansas. It would not and could not be affected by this legislation. This legislation would only reach those transactions in interstate commerce.

Mr. HULINGS. I wish to say that, so far as I know the oil business, the producer of the oil sells his product at the well and the transaction is completed there.

Mr. FLOYD of Arkansas. In cases where that is true this legislation would not affect it.

Mr. HULINGS. It is almost invariably true of the oil business. When the pipe-line company, the buyer, gets the oil, it may transport it out of the State, and that would make its transaction interstate commerce and be under the jurisdiction of Congress, but the oil producer would not be within the jurisdiction of Congress and only liable to State regulation.

Mr. FLOYD of Arkansas. Undoubtedly; and the second clause of the provision provides for those in control of the product, which would reach the second man referred to provided he was engaged in interstate commerce.

Mr. HULINGS. This section applies to the owner or operator of oil wells, and it is very rare indeed that the operator of an oil well ever engages in interstate commerce.

Mr. FLOYD of Arkansas. Then I want to say to the gentleman that in that case this legislation would in nowise affect him.

Mr. HULINGS. That is what I supposed. Now, Mr. Chairman, it seems to me that the amendment offered by the gentleman from Wyoming [Mr. MONDELL], which would define what an "arbitrary refusal" is, ought to have been adopted. But since that was cast out I propose the following amendment, which I send to the desk that it may be read for information.

The Clerk read as follows:

Page 21, line 24, after the word "States," insert the following: "where the effect of such refusal shall be to restrain trade or to secure to such owner or operator monopolistic control of such products."

Mr. HULINGS. Mr. Chairman, I think there should be something of that sort in this bill. On the question of "arbitrary refusal," suppose it is arbitrary and does not restrain trade or does not give monopolistic control of the products. There is nothing in the refusal itself, unless it does these things, and I want to suggest to the committee that the amendment which I have proposed, I believe, carefully defines and carries out the purpose of the section.

I yield back the remainder of my time. I desire to have my amendment voted on at the proper time.

The CHAIRMAN. The amendment of the gentleman will be voted on at its proper time.

Mr. CARLIN. Mr. Chairman, I yield five minutes to the gentleman from Kentucky [Mr. BARKLEY].

Mr. BARKLEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read for information.

The CHAIRMAN. The gentleman offers an amendment to be read for information, which the Clerk will report.

The Clerk read as follows:

Page 21, line 19, after the word "products," insert the following: "in reasonable quantities."

Mr. BARKLEY. Mr. Chairman, I offer this amendment because I am somewhat in doubt about the effect of the section as it is written in the bill. In the report of the committee—and I desire to call the attention of the committee to this report—the following language is used referring to section 3 of the bill:

This section, like section 2, is limited in its application to the United States and to places under the jurisdiction thereof, and has no reference to persons desiring to purchase such a product for export sale. In that case the seller is permitted to arbitrarily refuse to sell to a responsible bidder, for otherwise a foreign dealer being responsible might purchase the entire output of a mine to the detriment of manufacturers and dealers in the United States and the owner be powerless to prevent it.

If that provision as applied to coal that had been intended for foreign trade would have permitted a foreign dealer to purchase the entire output of a miner, and the latter could not, by reason of this provision in the bill, refuse to sell the whole output, then the same thing would apply to a local purchaser who undertook to purchase the entire output of the mine. The same reason that would apply to the foreign dealer who undertook to purchase the entire output of the American miner would apply to a domestic transaction, because the owner could not prevent it by reason of this section, would apply equally and with the same force to a monopolist in the United States who was a responsible purchaser, and who went to a mine owner and offered to take the entire output of the mine.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. FLOYD of Arkansas. In the first place, as I have already explained a moment ago, this has no reference to the local dealer who is selling his product within his own State. He can sell it in any way he sees proper to any person to whom he desires.

Mr. BARKLEY. I realize that.

Mr. FLOYD of Arkansas. It applies only to persons who are selling such products in commerce, and it only applies to those who arbitrarily refuse to sell to a responsible person applying to purchase. I am unable to conceive how such a provision would result to the detriment of the small dealer. The object and purpose of the section is to prevent those who have obtained a monopoly upon vast areas of lands containing these minerals to arbitrarily refuse to furnish the products to consumers for use and consumption or to manufacturers who are engaged in competitive business with those producing or handling the products who at the same time are using such products themselves, or selling them to other and favored manufacturers engaged in a similar line of business. That is the object of it, and I do not think the small dealer could be detrimentally affected by it.

Mr. BARKLEY. Mr. Chairman, I realize the object of the bill as written is to prevent monopolists from refusing to sell to independent dealers or bona fide purchasers who want to use the article, either for the manufacture of other products or for resale; but the bill as it is written does not limit it to those men, but is universal in its scope, and takes in the little dealer as well as the big dealer. I realize that Congress can not regulate a transaction that occurs wholly within a State; but suppose the Standard Oil Co. of New Jersey should go into a community in another State——

Mr. AVIS. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Not at this time. Suppose the Standard Oil Co. or some other corporation which is a monopoly should go to an independent oil well or an independent mine owner in Oklahoma and some other State and see piled up a great quantity of coal or see stored a great quantity of oil and should say, "We will offer you the market price for this whole quantity"; and suppose the mine owner or the well owner should say, "I do not want to sell it to you," and the Standard Oil Co. should reply, "But here is a provision that says you can not arbitrarily refuse to sell it to me, for I am a responsible purchaser." Then the well owner might say, "I want this to use in this community to supply my customers," but the Standard Oil Co. would reply, "You have more oil in your well and you have more coal in your mine and you can get it out; but I want this which is lying here, and you are not using it, and you have no right to refuse to sell it to me." Then the court must pass on whether that is an arbitrary refusal.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. FLOYD of Arkansas. I desire to suggest that in my judgment and opinion, if he had any good reason for refusing, it would not be an arbitrary refusal.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. CARLIN. Mr. Chairman, I yield the gentleman three minutes more.

Mr. FLOYD of Arkansas. Mr. Chairman, my suggestion is that if a mine owner has any good reason, such as that he desires to sell to his customers or that he has contracts outstanding to be filled or any other legitimate good reason, no court would ever hold that such act would constitute an arbitrary refusal under the provisions of this section as drawn.

Mr. BARKLEY. I want to say this to the gentleman. I realize the force of his argument and the value of this section, but if this amendment which I propose is adopted, then the question of the power to refuse to sell the entire output can never arise, because then the owner can say, "We will sell you a reasonable amount of this product, but we want the balance of it for the supply of our own customers," and if this amendment were adopted it would be impossible to raise the question in any court as to the power of the local miner to refuse to sell his entire output.

Mr. CARLIN. Would you not in the last analysis have to submit to the court the determination of what is a reasonable quantity?

Mr. BARKLEY. Yes; but it would be no more harmful to have to pass on what would be a reasonable quantity than to have to interpret the meaning of the word "arbitrary."

Mr. CARLIN. The difficulty is twofold.

Mr. BARKLEY. Not at all. It would be easier for the court to pass on the question of whether or not a definite refusal to sell a given quantity of coal or oil was a reasonable quantity or within the discretion of the local well or mine owner than it would to go into all the facts that would make it necessary to give a different interpretation to the word "arbitrary" in every transaction. I now yield to the gentleman from West Virginia.

Mr. AVIS. In connection with what the gentleman has just stated, and in connection with the reply made by the gentleman from Arkansas [Mr. FLOYD], in which he stated, as I understood him, that section 3 would have no effect on sales within a State, where the mine owner operated in such State, under the terms of this bill, would not mine owners, if they were engaged in interstate commerce—and practically all of the mine owners are—be compelled to sell their product outside of the State to the first person who applied therefor, if he were a responsible person, firm, or corporation, to the exclusion of the people within such State?

Mr. BARKLEY. The responsible purchaser applies to the mine owner or operator anywhere in the United States or any Territory under the jurisdiction of the United States; and if the responsible purchaser from one State goes into another State and offers to purchase the entire output of a given mine or oil well, I am afraid of this section as it is written, because it leaves the possibility of prosecution in a court of justice if he refused to sell the entire output of any mine or any well, and I believe the language that I have offered will take away that possibility or that doubt.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARLIN. I yield two minutes to the gentleman from New York [Mr. LEVY]. [Applause.]

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment for information, which the Clerk will report.

Mr. LEVY. In my limited time I can hardly explain it.

The Clerk read as follows:

Page 21, line 16, after the word "owner," insert "the United States Government in Alaska."

Mr. LEVY. Mr. Chairman, my object is to throw open the coal lands of Alaska. This is the greatest monopoly in the United States to-day. The cause of business depression throughout the United States at the present time is due to too much legislation. Every time we legislate to centralize power in the hands of the Federal Government it seems the citizens of the United States have to pay more for their products. When the Hepburn bill was enacted into law coal advanced, and it has never come down in price since; and so it will be with this bill—the people will be obliged to pay increased prices. The question is solely one of supply and demand, and so it is with oil and other products. I regret exceedingly that such propositions as this should come before the Congress, because it will only increase the burdens of the people. [Applause.]

Mr. CARLIN. Mr. Chairman, I yield two minutes to the gentleman from Oklahoma [Mr. MURRAY].

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

Mr. STEPHENS of Texas. Mr. Chairman, I desire to offer an amendment to the amendment. After the word "production" in the amendment I desire to add the word "transportation." I think the gentleman will accept the amendment.

Mr. FERRIS. I will vote for it. Go ahead and offer it.

The CHAIRMAN. Will the gentleman state the amendment again?

Mr. STEPHENS of Texas. The word "transportation" already comes in after the word "production"—hydroelectric plants, production, transportation, coal, oil, gas, and so forth. It only carries out the idea of placing pipe lines in this amendment. If the gentleman will not accept it, I will withdraw the amendment.

The CHAIRMAN. Without objection, the gentleman will be permitted to withdraw his amendment to the amendment. [After a pause.] The Chair hears none. The question is now on the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the Chairman announced that the ayes seemed to have it.

Mr. FLOYD of Arkansas. Division, Mr. Chairman.

The committee divided; and there were—ayes 58, noes 24.

Mr. WEBB. Mr. Chairman, I ask for tellers.

Tellers were ordered; and the Chairman appointed Mr. WEBB and Mr. FERRIS to act as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 28.

So the amendment was agreed to.

Mr. AVIS. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from West Virginia [Mr. AVIS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 17, after the word "mine," insert the words "except bituminous and semibituminous coal mines," and on line 18, after the word "mine," insert the words "except as aforesaid."

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman eight minutes.

The CHAIRMAN. The gentleman from West Virginia [Mr. AVIS] is recognized for eight minutes.

Mr. AVIS. Mr. Chairman, the purpose of this amendment is to except bituminous and semibituminous coal mines from the provisions of section 3.

I have already at great length discussed this subject, but feeling as I do, and, as I have said before, that if this section becomes a law it will promote and create monopoly rather than destroy it, I want, in the limited time that I have, to repeat some things that I have already said.

In the first place, there is no such thing as a monopoly of the soft-coal industry of the United States. There are at this time over 6,000 of these soft-coal mines throughout the United States, located in the great States of Illinois, Pennsylvania, Ohio, West Virginia, Kentucky, Virginia, Alabama, Washington, Utah, Wyoming, and a number of other States, and these mines are owned by over 3,500 separate and distinct owners.

Now, if this section becomes a law, from the little knowledge that I have of the coal business—and I claim to have some knowledge of it, having lived in a coal-producing section for 25 years—I believe it will absolutely permit the large corporations, the very ones you are aiming this section at, to destroy the small corporations.

There are three classes of concerns engaged in the soft-coal production industry. There are the large corporations that have a tremendous output, that are enabled to place their agencies and storehouses over the United States and supply such demands as may be made upon them. These corporations maintain expensive sales agencies, and they have their own men to represent them. There is a second class of coal producers in this country who sell a portion of their output to certain dealers and employ agents and brokers to sell the balance. The third class—and the great majority of the mine owners in this country belong to that class—consists of those who have an output of about 400 tons a day, or less, who are unable to maintain their own sales agencies and who do not handle the sales end of their business. In order to dispose of their respective productions these concerns are compelled to employ agents and brokers to work up a trade for their coal upon commission, in such territory as may be assigned to them, and these operators compete with the big operators in such territory.

For instance, these small operators, on account of the good quality of their coal and on account of the extreme care they take in preparing it for the market, have customers who have been brought to them through the quality of their coal and the efforts of such agents and brokers in the respective territories that have been assigned to them, such as the lake section, the Northwest, or New England.

Now, what is the result? Under this section such small operators will be compelled to sell their coal to the first responsible firm, person, or corporation who applies to purchase it—not alone for use or consumption but for the purpose of resale.

Now, what is to prevent me, if I am a big operator or big corporation, with whose coal the coal of the small operator is competing in that territory, from going to him, under this section, and saying, "I am a responsible bidder; I will buy your entire output for this year"? I might be buying it for some unfair purpose, and could destroy his trade in that territory, yet this section would require the small operator to sell to the large operator and would thereby enable the large operator to destroy the small operator, who is dependent upon that method of disposing of his product.

Now, if there were a monopoly in this business the situation would be different. I realize that this committee is trying to curb monopolies, and I am in favor of preventing monopoly; but, as I said before in this discussion, there is no such thing as monopoly of the soft-coal business of this country. Competition is so great to-day among the soft-coal mine operators of this country that they have scarcely made a dollar in the last five years, and none of them, with perhaps few exceptions, has made a dollar in the past year, and that is largely due to the fact that there is an overproduction of soft coal throughout this country. The competition is so great, as I said the other day—and the figures will bear me out—that we are selling coal to-day at about the same prices at which we sold it 8 or 10 years ago, notwithstanding the fact that freight rates, wages, and mine supplies have doubled in cost. Therefore, if this section becomes a law you will be playing into the hands of the big fellow.

In the limited time that I have let me also invite your attention to the fact that this is a tremendous industry, and a great many States are engaged in it. In 1909 there were nearly $1,100,000,000 invested in this industry. The value of the soft-coal output of this country at the mine is about $450,000,000 a year. Of that amount over $300,000,000 goes directly to labor, and the number of miners engaged in this industry exceeds 500,000, and many hundred thousands more people are directly dependent upon it.

Now, you should not do anything to cripple or injure an industry of this magnitude, so as to lessen the opportunity of those engaged in it to provide the safeguards that the miners of this country are entitled to, so that the men who daily face the dangers and hazards underground in mining may be better protected in the future. If this bill becomes a law I honestly believe that you will put out of business a great number of the soft-coal producers of the country. I insist that there is no monopoly of the bituminous-coal industry, and that you are aiming this section at something that does not exist. You should not attempt to cripple the soft-coal industry of this country and stop the development of my State—in which State over one-third of the people are dependent upon the soft-coal industry—without great care and consideration.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. AVIS. I will yield to the gentleman for a short question.

Mr. RAKER. Taking the statement that the gentleman made, that concerning the man who is producing 400 tons a day and has his regular customers and is selling at the regular price, without a monopoly, you contend that the large corporation could come in now and compel this man to set aside his regular customers and sell his coal to the corporation?

Mr. AVIS. Undoubtedly. Listen to the language of section 2. Section 2 provides—and you have adopted that section:

Nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

Now, while you have provided that no mine owner shall refuse arbitrarily to sell his product to any responsible person, firm, or corporation who applies therefor, yet you have made this limitation by section 2, which qualifies the words "refuse arbitrarily."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Would the gentleman like more time?

Mr. AVIS. I should like five minutes more.

Mr. VOLSTEAD. I yield to the gentleman five minutes.

Mr. AVIS. I should like to explain a little further, in reply to the gentleman. I imagine the evil that some gentlemen anticipate is that which might exist in a community where a consumer could not purchase coal from some dealer. Now, that is not the fault of the mine owner. The mine owner sells his coal in a certain territory, and if a dealer gets the control of his output he can put up the price or refuse to sell, as he may please; and that is the very thing that, by this section, you are enabling the dealer to do, because the dealer may not be engaged in interstate commerce. You compel the mine owner, if he is engaged in intersinte commerce, to sell not only for use and consumption, but to sell for the purpose of resale. Therefore, if some dealer wants to control the output in a certain section, he can go to the operator directly, if he is a responsible person, firm, or corporation, and buy his entire output, or a great part of it, in that way depriving the operator of his customers, and control that particular coal in his section, and therefore have a monopoly of it.

Mr. GREEN of Iowa. And that particular local transaction could not be reached by this bill, because the transaction between the dealer and the consumer would be entirely intrastate and beyond the reach of any interstate provision.

Mr. AVIS. Yes. That could not be reached at all.

Mr. GREEN of Iowa. And therefore the very evil that they are trying to reach will not be struck at all.

Mr. AVIS. That is absolutely true. Now, when this bill was being considered I knew nothing about the intention to incorporate this section. Had I known of it, I would have appeared before the committee, and I would have had others go also. As soon as I observed this section I communicated with the coal men in my district. As I said a moment ago, in my State we have nearly 900 coal mines. We produce one-sixth of all the bituminous coal produced in this country. The value of the product is over $60,000,000 a year. I communicated with these gentlemen as soon as I learned of this section, and every single one of them has pointed out some of the evils that I have attempted to point out to you—and they realize that they are in great danger. It does seem to me that it is manifestly wrong to attempt to legislate concerning an industry as if it were a monopoly, when it is just the reverse, and when severe competition is now hurting that industry so badly that nobody can make a dollar from it. I ask any gentleman on this floor, representing any bituminous coal producing district, to point out any small miner of soft coal in his section who is earning any money to-day. The big concerns may be earning some money, but not the small ones.

Mr. AUSTIN. I wish to say to the gentleman that the coal operators of my district have been consulted, and they take the same position as that taken by the operators of the gentleman's State.

Mr AVIS. I am glad to hear the gentleman's statement. This provision will affect not only the operators, but also the dealers. Say I am a small operator having a mine in the State of Illinois and want to sell my coal in a certain town. I can not afford to establish a selling agency in that town. In order to get a dealer in that town to circularize and sell my coal there I have to give him that territory on commission, so that he can compete with the large dealers who are also engaged in selling coal in that town. He has procured a number of customers. This section will permit those customers to come to me directly, to come to the mine owner, and compels me, the mine owner, to sell directly to the customers whom the dealer has procured. Thereby it tends to eliminate the coal dealers of this country who have spent money and years of time in working up a trade in their respective sections. Now, is that fair to the mine owner? Is it fair to the dealer? Is it fair to anybody to put an industry in the class of monopolies when there is no monopoly of that industry—not nearly so much of a monopoly as there is of the lumber industry or of the cotton industry or of many other industries in this country?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURRAY of Oklahoma. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURRAY of Oklahoma. I understand that there is a limit to this debate on this section and all amendments thereto.

The CHAIRMAN (Mr. GARNER). That is correct.

Mr. MURRAY of Oklahoma. I want to offer an amendment to this section.

The CHAIRMAN. If the gentleman can get the floor. The gentleman from North Carolina [Mr. WEBB] controls the time.

Mr. MURRAY of Oklahoma. There certainly should not be any question of controlling the time on the introduction of amendments.

The CHAIRMAN. The gentleman will have an opportunity to offer his amendment when the debate is exhausted.

Mr. MURRAY of Oklahoma. Then there will be no more opportunity for debate.

The CHAIRMAN. No.

Mr. MURRAY of Oklahoma. I should like to introduce my amendment while the debate is going on.

Mr. CARLIN. The debate was limited by unanimous consent. We have no objection to the gentleman offering his amendment and letting it come in.

Mr. MURRAY of Oklahoma. That is all I ask.

The CHAIRMAN. The gentleman from Oklahoma may offer his amendment for information. It can only be read at this time for information. The Clerk will report the amendment of the gentleman from Oklahoma.

The Clerk read as follows:

Page 21, line 24, before the word "and," insert the words "or any cooperative association making purchases for distribution among its members."

Mr. CARLIN. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Chairman, to meet some of the evils at which this section strikes, on February 13, 1914, I introduced a bill which was referred to the Interstate and Foreign Commerce Committee. That bill (H. R. 12354) prohibiting common carriers from owning or leasing coal lands, is as follows:

Be it enacted, etc., That it shall be unlawful for any common carrier subject to the provisions of this act to acquire ownership of any lands underlain by coal or of any coal underlying any lands, except as may be necessary and intended for its use in the conduct of its business as a common carrier.

SEC. 2. That it shall be unlawful for any common carrier subject to the provisions of this act to lease or sell upon a royalty basis to any person or persons, firm or firms, corporation or corporations, any lands underlain by coal, or any coal underlying any lands, whether the ownership of such lands and coal or such land or coal has been heretofore or may be hereafter acquired by said common carrier.

SEC. 3. That from and after January 1, 1916, it shall be unlawful for any common carrier subject to the provisions of this act to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country any coal or products of coal or products from land underlain by coal manufactured, mined, or produced by it or under its authority, or by any person or persons, firm or firms, corporation or corporations, to whom or to which said common carrier may have or hereafter may have leased or sold upon a royalty basis any lands underlain by coal or any coal underlying any lands, except such coal or products of coal or products from land underlain by coal as may be necessary and intended for its use in the conduct of its business as a common carrier.

The committee in charge of the bill now under consideration state the objects of this section, as follows:

This provision is new, but in view of the fact that many railroad corporations, the United States Steel Corporation, and other corporations have acquired and own, either directly or indirectly, through the medium of subsidiary corporations, vast areas of land containing coal, iron, and copper and other minerals in common use, we feel that this legislation is needed and fully justified. By its enactment into law we make it impossible for mere ownership of mines to enable the owners or those disposing of the products thereof to direct the disposal of such products into monopolistic channels of trade. It will liberate from the power of the trust every small manufacturer who is compelled to go into the open market for his raw material and every person who desires to purchase coal for use or for resale to those who desire to purchase for use or consumption, and will afford to every such manufacturer an opportunity to purchase same for cash wherever offered for sale in commerce. The section expressly forbids the mine owner or person controlling the sale of the product of the mine to arbitrarily refuse to sell such product to any responsible purchaser, and thereby prevents the mine owner or operator from giving the preference to another and rival dealer in the disposal of such product.

The independent operators to-day are not in the position which the distinguished gentleman from West Virginia [Mr. AVIS] has supposed, but they are in the hands of a monopoly, and are being crushed by that monopoly; and it was the independent operators of Illinois and Indiana who came before the Interstate and Foreign Commerce Committee and demanded legislation upon this subject which would relieve them from the grasp of that monopoly which was destroying their existence and blighting their opportunities. If in their monopolistic greed they should succeed, then they would control the coal production and the price and reap a golden harvest. Aware of this situation and gravity of the condition, the independent operators appealed to Congress for protection from the injuries with which they were threatened, and to relieve that unfortunate situation I introduced the measure which I have read; and as this section will afford them additional relief, I hope it will stand and the amendment of the gentleman from West Virginia [Mr. AVIS] will not prevail. The facts in these two States justify their alarm, and I call the attention of the committee to them. The conditions existing in two States—Indiana and Illinois—from the statistics are shown to be as follows:

There are approximately 3,000,000 acres of coal lands in Indiana and Illinois, about 1,000,000 of which are presently available for coal operation from a commercial standpoint; the other 2,000,000 acres will not become available until the further passage of time, with improved methods, additional railroad facilities, and higher prices.

Of the 1,000,000 acres of coal available at present, it is estimated that about 160,000 acres are in Indiana and the other 840,000 acres in Illinois. It has come about that of the Indiana available coal lands, 60 per cent have come into the ownership of the railroads operating in Indiana either directly or indi-

independent oil operators in the State of Oklahoma and other oil-producing States?

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. KELLY].

Mr. KELLY of Pennsylvania. Mr. Chairman, the logic of the gentleman from Texas [Mr. BEALL] seems to be that an evil must grow intolerable before it should be dealt with by legislation. That is hardly the end and aim of this legislation, if it is to protect the people against the evils of monopoly. I hope that this amendment of the gentleman from Oklahoma [Mr. FERRIS] will be adopted, because without it this bill will not touch one of the mightiest potential monopolies in this Nation. Charles Steinmetz, consulting engineer of the General Electric Co., made a statement recently in which he pointed out the possibilities of water-power development, and said that in a few years not a running stream of water would be found in the country but that the water would be stored in reservoirs and dams to furnish power to be used for every routine duty of the household, as well as for transportation.

The General Electric Co. at the present time owns 35 per cent of the developed water power of the Nation, and will become one of the main monopolists of the Nation if this monopoly is to be permitted to continue. Without such a provision as this amendment of the gentleman from Oklahoma, it seems to me, this antimonopoly measure would be as bad as the tragedy of Hamlet with Hamlet left out, because the railroad monopoly, the United States Steel Trust, and other monopolies will be as nothing compared to the menacing possibilities of the water-power monopoly of this Nation, unless action be taken in time.

We have heard from the gentleman from Georgia [Mr. BARTLETT] of the sanctity of State rights and that such sacred rights must not be desecrated. I want to say, Mr. Chairman, that the State rights theory has passed its day and we are not solving national problems by piecemeal and by fractions in this year of 1914. Here is a problem, national in scope, that touches the people of the United States, and this amendment should have the support of every Member of the House who believes that the people of the Nation make up an entity and that a State can not be expected to solve a national problem such as the water-power monopoly, which concerns every man and woman and child of the United States.

President Roosevelt in his message in 1908 called attention to the fact that the water monopoly threatened to become one which would interfere with the rights of every American citizen. In his message of February 26 of that year he said:

> Among these monopolies, as the report of the commission points out, there is no other which threatens, or has ever threatened, such intolerable interference with the daily life of the people as the consolidation of companies controlling water power.

Must we wait until this "intolerable interference with the daily life of the people" becomes an accomplished fact before dealing with it? Surely we have seen enough of that kind of let-alone policy, which has resulted in a brood of marauding monopolies, to convince us that an ounce of prevention is worth a pound of cure.

I would call your attention, further, to the recent report of the Inland Waterways Commission, which contains the following statement:

> Wherever water is now or will hereafter become the chief source of power, the monopolization of electricity produced from running streams involves monopoly of power for the transportation of freight and passengers, for manufacturing, and for supplying light, heat, and other domestic, agricultural, and municipal necessities, to such an extent that unless regulated it will entail monopolistic control of the daily life of our people in an unprecedented degree.

The Nation must act if we are to prevent special-privilege control of the sources of power and its production and distribution. Here is an opportunity to do something now, and I hope that this House will show its appreciation of the value of this great asset of the American people. If the section means anything, this amendment will reach the question of water power, the basis of the greatest monopoly possibility in the Nation. That is the demand of to-day—not to wait until intolerable evils have grown up, but to guard against conditions which may become intolerable in the future. [Applause.]

Mr. WEBB. May I inquire of the gentleman from Minnesota how much more time he desires to use on this amendment?

Mr. MONDELL. Mr. Chairman, I desire to offer a substitute for this amendment.

The CHAIRMAN. The Clerk will report the substitute.

The Clerk read as follows:

> Page 21, line 17, strike out all after the word "mine," all of lines 18 and 19 down to and including the word "commerce," and insert in lieu thereof the following: "Oil or gas well or water-power plant, or anyone controlling the products of mines, oil or gas wells, or water-power plants to discriminate in price or otherwise as between persons or places for a like product delivered under similar terms and conditions, or."

Mr. FERRIS. Mr. Chairman, I raise the point of order that an agreement was made in regard to a division of time on this one amendment and that the amendment of the gentleman is not in order until this amendment is disposed of.

The CHAIRMAN. The Chair does not understand there was any agreement in regard to the limit of time on any amendment, but there was an hour and 30 minutes limit put upon the section and all amendments.

Mr. FERRIS. I did not understand it that way.

The CHAIRMAN. That was the agreement as the Chair understood.

Mr. FERRIS. That does not preclude the offering of additional amendments?

The CHAIRMAN. Oh, no.

Mr. MANN. It does not preclude the offering of amendments, but it precludes debate on them, except within the time limit set.

Mr. FERRIS. Suppose the hour and a half is all consumed in debate?

Mr. MANN. It will not be all consumed on this amendment, I will say to the gentleman.

Mr. FERRIS. I want to offer some other amendments.

The CHAIRMAN. The question is on the substitute offered by the gentleman from Wyoming.

Mr. VOLSTEAD. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, the committee, in reporting this bill, intended to compel miner operators, and those controlling mine products, to sell their products to whoever made a reasonable offer for them. That is undoubtedly the intent of the provision. Unfortunately it is not happily stated, and if the paragraph were adopted as it is in the bill it would take the courts the next 20 years to determine what constitutes an arbitrary refusal to sell a product. What we ought to do, if we are going to legislate on this matter of the sale of products at all, is to say that there shall be no discrimination as between persons and places in the sale of products delivered under similar terms and conditions. That sort of a provision will meet the evil we seek to meet, the evil under which the owners of mines, the owners of oil wells and gas wells, the owners of water-power plants sometimes refuse to sell to any except those with whom they have made contracts. It would take the courts a good long time to decide whether such a refusal was an arbitrary one if it were not an outright refusal, but an offer to sell at an impossible price and under conditions of delivery to which a person seeking to purchase could not accommodate himself.

Mr. AUSTIN. May I ask the gentleman a question?

Mr. MONDELL. Yes.

Mr. AUSTIN. Under the gentleman's amendment would a coal operator be compelled to sell 10 tons of coal at the same price as he sold 1,000 tons of coal?

Mr. MONDELL. The gentleman is a good judge of the English language, and he knows that under my amendment he would not be required to do it; he would be required to sell a like product under similar terms and conditions of delivery and in like quantities for the same price. In other words, he would be compelled to sell to Jones, if he had it for sale, the same amount of coal in the same quantity and under the same terms of delivery at the price at which he sold to Brown.

Mr. AUSTIN. How does the gentleman interpret the original provision of section 3 on that point?

Mr. MONDELL. It is impossible for anyone to interpret it. As a matter of fact, the point I am attempting to make is not directly treated in section 3. All that section 3 says is that there shall not be an arbitrary refusal to sell. What is an arbitrary refusal to sell? And is there a gentleman here who can venture, or will venture, a guess as to what the courts might say constituted an arbitrary refusal to sell? I have intended in my amendment to cover the ground covered by the amendment of the gentleman from Oklahoma, and in addition to that I have attempted to define what it is that we seek to prohibit; that is, the refusal to sell the same product under similar terms and conditions of delivery at the same price to all who may seek to buy.

Mr. WEBB. Will the gentleman permit an interruption?

Mr. MONDELL. I will.

Mr. WEBB. We intended to cover that very proposition in section 2 of the bill. Section 3 goes a little further, because we are dealing with products of the mine.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, this is the first time I have had an opportunity to address the committee since the trust

bills have been before the House, and I ask that I may have five minutes additional.

The CHAIRMAN. The Chair will state to the gentleman that the committee has limited the time for debate. Does the gentleman ask unanimous consent?

Mr. MONDELL. I do.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent that he may be allowed five minutes additional, not to be taken out of the time limited by the committee.

Mr. WEBB. Can not the gentleman from Minnesota yield the gentleman more time?

Mr. VOLSTEAD. I am not able to give it.

Mr. WEBB. I am sorry we have not the time. I had to cut a gentleman down to three minutes to whom I had promised five minutes.

Mr. MONDELL. The gentleman is aware of the fact that owing to other duties it has been impossible for me to be on the floor during this discussion, and I have up to this time had no time. Of course, if the gentleman does not care to have me use five minutes, he can object.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming? [After a pause.] The Chair hears none.

Mr. MONDELL. Mr. Chairman, my opinion is that there is a real evil that we must meet. There has been a great deal of complaint throughout the country of the high price of bituminous and anthracite coals in many localities. When you come to investigate that question in its relation to bituminous coals you find this to be the fact, that bituminous coals are sold at the pit mouth all over the country under the keenest competition and at low prices—at prices so low that it is difficult, owing to the competition, for the operator to make proper provision for safety in the mines. But before the coal reaches the consumer it has gone through processes of contract under which the consumer is compelled to pay in many instances an outrageous price. If we prohibit the refusal to sell to anyone who seeks to purchase, and do it in an equitable way, as provided by my amendment, we will, I believe, relieve a situation which is acute and intolerable in many parts of the country.

Gentlemen have referred to oil and water power. My motion is that, while the amendment would be useful and valuable with regard to oil and water power, it is of even more importance with regard to bituminous coal. It may be exceedingly important with regard to the sale and distribution of water power. While we are legislating on this subject we should make it very clear and definite what it is that we prohibit. My amendment, reading it with the balance of the section, is that it shall be unlawful for the owner or operator of any mine, oil or gas well, or water-power plant, or anyone controlling the products of these mines or wells or plants, to discriminate in price or otherwise between persons and places for a like product delivered under similar terms and conditions. And then it shall be unlawful for them to arbitrarily refuse to sell. My amendment definitely states what it is we prohibit, and the courts will then have no difficulty in determining what constitutes an arbitrary refusal to sell.

Mr. LEVY. Will my colleague allow me?

Mr. MONDELL. In just a moment. Without a provision of this kind it will be utterly impossible for the courts to determine. An operator may offer to sell at a price far above what he is receiving from others. He may offer to sell under impossible conditions of delivery. He may agree to sell quantities in excess of the needs of the purchaser, and the courts will have no sort of guide without some language such as I suggest as to what constitutes arbitrary refusal to sell. If my amendment is adopted, then we shall have prohibited discrimination as between persons and places for like quantities under similar terms and conditions, and the courts will be able to determine in each individual case whether the law has been violated.

I yield now to the gentleman from New York.

Mr. LEVY. I would like to ask the gentleman if he does not consider the United States acted arbitrarily in Alaska in refusing to sell coal lands or opening them up?

Mr. MONDELL. Oh, yes. But because some officials of the department may have done wrong, there is no reason why in legislating now on this matter we should not do our duty. I do not fear the effect upon legitimate operation of legislation of this character when it is properly drawn and clearly defines its purpose. Such a provision as this was contained in a bill for the leasing of coal lands in Alaska, which I introduced several years ago, and which should have become a law. Such a provision is contained in two bills which I have introduced at this session of Congress for the leasing of coal and oil and gas lands.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. LINTHICUM. Mr. Chairman, I ask that the gentleman's time be extended for half a minute.

The CHAIRMAN. The gentleman from Maryland [Mr. LINTHICUM] asks unanimous consent that the gentleman be allowed half a minute additional. Is there objection?

Mr. MANN. Well, I will have to object to that.

The CHAIRMAN. Objection is heard. The question is on the amendment——

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Mississippi [Mr. HARRISON].

Mr. HARRISON. Mr. Chairman, this amendment enlarges the present section of the bill by proposing to include in it coal, gas, oil, and hydroelectric energy. The amendment adopted to the section on yesterday, which was offered by the gentleman from Ohio [Mr. BATHRICK], included mineral deposits. It seems to be conceded that coal and oil and gas are included in the words "mine or mineral deposits," and I shall therefore confine my remarks to the question of hydroelectric power. In my opinion, there is no question before the American people that is quite so large and important as the regulation and control of water-power corporations and monopolies throughout the country, and I concede to no Member here a more progressive spirit in that direction than I entertain. I believe it is such a large question that more consideration should be given to it than the few minutes' discussion that we have had here in the House on this section. It is so large and important that three committees of this House have been working on it for many months. This amendment is carelessly drawn. There is even a variance of opinion between those Members of the House who advocate the amendment, not only in the meaning of it but the effect of it. You can not legislate intelligently on so important a matter in an hour and a half's consideration.

There is now on the calendar of this House a bill reported out of the Committee on Interstate and Foreign Commerce that deals with this question intelligently. I believe it will be called up for consideration and passage before the House adjourns. There has also been reported by a subcommittee to the full Committee on Foreign Affairs a bill dealing with the question of hydroelectric energy developed at Niagara Falls. That bill will be reported to the House shortly. There is now on the calendar a bill that deals with the question of hydroelectric energy generated from water power on the public lands of the country, reported out of the committee over which the author of this amendment, the distinguished gentleman from Oklahoma [Mr. FERRIS], presides. These bills deal with this question in all its phases, and will give all the Members of the House an opportunity to express their views, so that we can really get at the very milk in the coconut of this question. And it seems to me, Mr. Chairman, that we ought not now to pass this amendment that deals with it in a loose-shod kind of a way and does not give the relief that is really needed.

The question that actually confronts us is not, so far as respects hydroelectric energy, that water power companies will not sell their hydroelectric energy to other concerns or people, and thereby create a monopoly, but the important question, so far as concerns water power, is that these companies charge too much for their current and they are not answerable, so far as service is concerned, to the Interstate Commerce Commission of the United States or the public service commissions of the various States.

Mr. MONDELL. Will the gentleman yield?

Mr. HARRISON. I can not yield now; I have but three minutes.

That is quite a different proposition from that which would apply to coal and to mines, because the mines and mineral products of the country have been gobbled up and controlled by a few companies to that extent that the owners of them will not sell their products so that the people can be benefited. They are withheld from the market for various reasons. The greatest trouble with the water-power companies is service and rates. Let us wait and pass such water-power legislation as will deal with the question fully, completely, and intelligently. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The question is on the amendment offered by the gentleman from Wyoming [Mr. MONDELL] as a substitute to the amendment offered by the gentleman from Oklahoma [Mr. FERRIS].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MONDELL. Division, Mr. Chairman.

The committee divided, and there were—ayes 39, noes 45.

So the substitute was rejected.

Production and value of petroleum in the United States, 1859–1912.

Calendar year.	Years.	Production			Value.		
		Yearly production.	Daily average production.	Total production, series of years.	Yearly value.	Daily average value.	Total values, series of years.
1859	1	2,000	6	2,000	$32,000	$88	$32,000
1860	2	500,000	1,670	502,000	4,800,000	13,151	4,832,000
1861	3	2,113,609	5,791	2,615,609	1,035,968	2,838	5,867,968
1862	4	3,056,600	8,375	5,672,209	3,209,525	8,793	9,077,493
1863	5	2,611,309	6,332	8,283,608	8,225,663	22,536	17,302,856
1864	6	2,116,109	5,797	10,397,717	20,896,576	57,261	38,199,432
1865	7	2,497,700	6,843	12,897,417	16,459,853	45,095	54,659,285
1866	8	3,597,700	9,857	16,495,117	13,455,398	36,864	68,114,683
1867	9	3,347,300	9,170	19,842,417	8,066,993	22,101	76,181,676
1868	10	3,646,117	9,989	23,488,534	13,217,174	36,211	89,398,850
1869	11	4,215,000	11,548	27,703,534	23,730,450	65,015	113,129,300
1870	12	5,260,745	14,413	32,964,279	20,503,754	56,175	133,633,054
1871	13	5,205,234	14,261	38,169,513	22,591,183	61,894	156,224,234
1872	14	6,293,194	17,242	44,462,707	21,440,503	58,741	177,664,737
1873	15	9,894,788	27,106	54,356,495	18,100,464	49,590	195,765,201
1874	16	10,926,945	29,937	65,283,438	12,647,527	34,651	208,412,728
1875	17	8,787,514	24,073	74,070,952	7,368,133	20,187	215,780,861
1876	18	9,132,660	25,021	83,203,621	22,982,822	62,967	238,763,683
1877	19	13,350,363	36,576	96,553,984	31,788,566	87,092	270,552,249
1878	20	15,396,858	42,211	111,950,852	18,044,520	49,430	288,596,769
1879	21	19,914,146	54,560	131,864,998	17,219,708	47,153	305,816,477
1880	22	26,286,123	72,017	158,151,121	24,600,638	65,399	330,408,115
1881	23	27,661,238	75,784	185,812,359	23,512,051	64,417	353,920,166
1882	24	30,349,897	83,151	216,162,256	23,631,165	64,743	377,551,331
1883	25	23,449,633	64,246	239,611,889	25,740,252	70,521	403,291,583
1884	26	24,218,438	66,352	263,830,327	20,476,924	56,101	423,768,507
1885	27	21,858,785	59,887	285,689,112	19,194,694	52,585	442,963,201
1886	28	28,064,811	76,893	313,753,953	20,028,457	54,872	462,991,658
1887	29	28,283,083	77,490	342,037,036	18,856,005	51,662	481,847,664
1888	30	27,612,025	75,649	369,649,061	17,950,333	49,179	499,797,997
1889	31	35,163,513	96,330	404,812,574	26,903,310	73,872	526,701,307
1890	32	45,823,572	125,571	450,636,146	35,265,105	96,891	562,126,412
1891	33	54,292,655	148,747	504,928,801	20,536,553	83,634	579,662,615
1892	34	50,514,657	138,306	555,443,458	25,906,463	70,977	618,559,078
1893	35	48,431,096	132,688	603,874,024	28,832,226	79,267	647,391,404
1894	36	49,344,516	135,190	653,219,449	35,522,005	97,321	683,013,419
1895	37	52,892,276	144,910	706,111,716	57,691,279	158,058	704,704,778
1896	38	60,960,361	167,012	767,072,077	58,518,709	160,321	799,223,487
1897	39	60,475,316	165,686	827,547,393	40,923,611	112,136	840,151,098
1898	40	55,364,233	151,710	882,911,626	44,168,339	121,080	884,346,437
1899	41	57,070,850	156,358	939,982,676	64,003,904	176,997	948,950,341
1900	42	63,620,529	174,303	1,003,603,205	75,752,691	207,542	1,024,701,032
1901	43	69,389,194	190,137	1,072,992,399	66,417,335	181,963	1,091,120,367
1902	44	88,766,916	243,197	1,161,759,315	71,178,910	195,011	1,162,299,267
1903	45	100,461,337	275,236	1,262,220,652	94,694,050	259,436	1,256,993,317
1904	46	117,080,960	320,770	1,379,301,612	101,175,435	277,193	1,358,168,802
1905	47	134,717,380	369,081	1,514,019,192	84,157,509	230,568	1,442,326,311
1906	48	126,493,936	346,556	1,640,513,128	92,444,735	253,273	1,534,770,946
1907	49	166,095,335	455,056	1,806,608,463	120,106,749	329,060	1,654,877,695
1908	50	178,527,355	489,116	1,985,135,818	129,079,194	353,642	1,783,956,889
1909	51	183,170,874	501,838	2,168,306,692	128,326,487	351,585	1,912,283,376
1910	52	209,557,248	574,129	2,377,863,940	127,893,688	350,410	2,040,185,064
1911	53	220,449,391	603,971	2,598,313,331	134,044,752	367,246	2,174,229,816
1912	54	222,538,604	609,685	2,820,851,935	164,087,342	449,554	2,338,317,158
Total		2,820,851,935			2,338,317,158		

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman one minute more, in order to ask him a question. I wish to state to the gentleman from Oklahoma that the gentleman from Ohio [Mr. BATHRICK], who seems to be something of an expert on this oil question, and who is just as insistent that oil be included in this section as the gentleman from Oklahoma is, offered an amendment which the committee accepted, so that the section would read that it shall be unlawful for the owner or operator of any mine or natural mineral deposit to refuse arbitrarily to sell. The gentleman from Ohio [Mr. BATHRICK], with his expert knowledge, assured the committee that "natural mineral deposit" included oil.

Mr. DAVENPORT. I hope the gentleman is correct. I have not run down the definition of "natural mineral deposit" sufficiently to say whether or not that is technically correct. I hope it is. I am in doubt, and I think the Geological Survey is in doubt upon that question.

Mr. WEBB. Mr. Chairman, I yield four minutes to the gentleman from California [Mr. RAKER].

Mr. RAKER. Mr. Chairman and gentlemen of the committee, I am in favor of the Ferris amendment. Having determined that it shall be unlawful for one operator to dispose of the product of his mine to one and refuse it to another, which is intended unquestionably to mean coal, there can be no question why the operator of the oil well should not come under the same category as the mine owner. It is for the same purpose, used in the same way, and if one should be controlled the other should. There is no distinction to be made in regard to gas. The committee has fully and thoroughly gone into this subject and determined that this legislation is necessary in regard to coal mines. Now, it is not a question of going into the natural features as to oil and gas; it is only a question for the determination by the House whether or not they should apply the same rule to oil and gas as they apply to coal; and to the question of hydroelectric power, which is the fourth subject, it is the same as the other three.

The committee has determined that it should regulate the question of coal. The question of the conservation or the nonconservation, whether a man should have the right to build a reservoir on the public domain, what should be the rules of the Government in regard to it, how much he should pay, whether or not navigable or nonnavigable streams should be regulated, whether or not the bill as prepared by the Committee on Interstate and Foreign Commerce should be passed, whether or not the bill of the Public Lands Committee should be passed, has nothing to do with this question. Having once determined the right, having once entered into interstate trade, can there be any reason why you should regulate the man that handles the coal, and should not control the one that deals in oil or gas that covers all the various industries as coal, and the same way in regard to hydroelectric energy that is distributed?

It does not matter what the Government is going to do on navigable streams nor as to the method regulating it, nor does it apply to the nonnavigable streams on the public domain. All those things will be disposed of by proper legislation, and in due time—and that will be at this session of Congress. But the point is that having once determined the right, the man entering into business in distributing hydroelectric energy, in distributing oil and distributing gas, should be placed on the same basis, under the same rules and restrictions, as the man who is dealing in coal. The question suggested by one gentleman opposed to this amendment that a man can go out and buy out these dealers or distributors of gas and electric energy

is all moonshine of the worst kind, because this bill is intended only for the purpose, as I have stated—that when you have a supply of hydroelectric energy, if he is supplying it to any particular locality, then he must supply it to the adjoining city or the adjoining party who desires to have it for mining or milling purposes. You could not buy the whole plant. It is only a question of saying that A and B shall be equally treated; that they shall be permitted to buy at the same price; not that you can go in and say, "Mr. A, I want to buy you out, and you will be compelled to sell or else come under a penalty." I therefore trust that the committee will adopt the amendment offered by the gentleman from Oklahoma.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. BEALL].

Mr. BEALL of Texas. Mr. Chairman, the committee in framing this bill attempted to reach certain evil practices connected with the conduct of business in this country and at the same time sought just as few restrictions as possible consistent with reaching the recognized evils.

In the conduct of business in this country it has always been recognized that a man should have a right to select his own customers, and the committee in this bill specifically prescribe that that right shall remain with the man who is proposing to do business. But the question came up that with respect to certain natural products there had been abuses of such a character that some regulation was demanded. So the committee put into this bill the provision that the man who engaged in commerce who owned mines and handled the product of the mine should not have this right, ordinarily given a man who is engaged in business, to select his own customers, but that he should be compelled to sell that product to anyone who applied to him for purchase; in other words, that he should not have the arbitrary right to refuse to sell.

Mr. RAKER. Will the gentleman yield?

Mr. BEALL of Texas. I will.

Mr. RAKER. A man, on the one hand, operating a coal mine and the other a gas well—can there be any distinction between

Mr. BEALL of Texas. As I understand it, the bill as it stands

Mr. BEALL of Texas. As I understand it, the bill as it stands now has been broadened so that there is no question but that it includes not only the product of the mines, but also the product of the gas and oil wells. Those are great natural products. Now, gentlemen say because you include coal you ought to include gas and oil. Very well; we have done that. Now they say, having included the natural products, you must go a step further and include all the instrumentalities that are used for the distribution and use of the natural products. The gentleman from Oklahoma says you must include the pipe lines. If they are pipe lines operating wholly within the State of Oklahoma, they are within and under the control of the State of Oklahoma. If they are pipe lines operating in interstate business, they are all under the control of the Interstate Commerce Commission, placed there by Congress. Whatever regulation may be necessary for the control of pipe lines Congress has already authorized and empowered the Interstate Commerce Commission to provide.

Now, gentlemen go further and say that you ought to include not only these natural products but those things that are manufactured out of the natural products, the refined oil; you ought to include not only water power but electric energy that is developed from water power. You see that there is a progressive demand and that there is no end to it. If you ought to include electric lines because electricity is developed by water power, then you ought to include steam, because steam comes from coal.

Mr. FERRIS. They are already controlled.

Mr. BEALL of Texas. And you ought to include the manufactured products of the factory, because they are manufactured by a power which is generated by steam that comes from coal, that comes out of one of these mines, and so on and on. This committee, as I said in the beginning, attempted in this bill not to cover the whole universe, not to cover or attempt to correct every conceivable evil that might arise in connection with doing business in this country, but it sought to reach certain recognized, well-defined evils, to bring them under the inhibition of the law, to apply the corrective power of the law to these specific things, and it is my judgment that you will have a much more effective law, a much simpler law, a much better law, if you will limit the provisions of this bill to universally recognized evils, correcting them, and when you have done that I think the country will be willing to approve your efforts.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. WEBB. Mr. Chairman, I yield three minutes to the gentleman from Oklahoma [Mr. CARTER].

Mr. CARTER. Mr. Chairman, I am very glad to know that my friend from Texas [Mr. BEALL] wants to confine the operations of this bill to some specific injustice, for there is no business under heaven's canopy that has been the subject of such oppression and mistreatment as has fallen to the lot of the independent oil producers in Oklahoma. We have in that State five pipe-line companies, all owned or controlled, it is asserted, by the Standard Oil Co. These oil companies, it seems, in order to evade responsibilities as common carriers refuse to ship the oil of the independent producers, but buy it at their own price. They have the independent people completely at their mercy and can purchase oil at their own price, for they make of themselves exclusive purchasers when they refuse transportation of the product of any other person. Having a monopoly of transportation facilities they can and do fix the price of oil as best suits their convenience. This is not the worst. If the pipe-line companies would only take the oil production at their own price, the independent producers might be able to exist; but it is asserted by the independent producers—and I believe it to be a fact—that the pipe-line companies will not give independent producers a fair distribution in transportation.

The oil of the independent producers is flatly refused at any price until the production owned by the pipe-line companies is taken care of. This is the worst monopoly on the face of the earth. It is worse than monopoly; it is larceny, for the pipe-line companies themselves, mind you, are producers of oil and own leases and titles to land right adjacent to that of the independent producers. I say larceny, because when they refuse to take the product of the independent operator they simply draw the oil from his land beneath the surface and produce it from their own wells, so that within a few years the independent producer finds his profitable oil well converted into a "duster."

I want to call your attention to the Healdton field in my home county. This Healdton field was brought in about eight or nine months ago, and arrangements were made with pipe-line companies to take care of the production at $1.05 per barrel, and the pipe-line companies continued to take this product at $1.05 per barrel until 60 or 90 days ago. Then within 20 days different cuts in price were made by pipe lines, who are the only purchasers, and who have a complete monopoly of the field, until oil to-day in this field is only worth 50 cents per barrel. The Healdton producers when they were induced to develop that field were first led to believe that they would have no difficulty in getting pipe lines to take all the oil they could produce. At different times restrictions in the amount transported have been made until now the pipe-line companies refuse to carry over 8,000 barrels per day, and I see by the papers that one of the many wells in this field is now producing 6,000 barrels per day. So that the pipe-line companies really will take only 2,000 barrels more than the production of the largest well. A cut in price within 20 days from $1.05 to 50 cents and a reduction of the amount purchased from perhaps 20,000 to 6,000 is the deplorable condition that the small operators in this field are up against.

Mr. BEALL of Texas. How can we reach that by this law? How can we compel a man to buy?

Mr. CARTER. Oh, Mr. Chairman, the gentleman had five minutes and I wanted to interrupt some of the statements made by him very badly, but I did not do it on account of the short time he had, and I hope he will now let me continue.

This amendment may not reach that specific point, and I believe it can be improved upon, but as has been said by the gentleman from Oklahoma [Mr. FERRIS] most of that can all be trashed out either by the Senate or in conference, so that our people will get some relief.

My friend from Texas [Mr. BEALL] asserted that pipe lines had all been taken care of by Congress. I would like to know when that was done. I also want to call the gentleman's attention to the fact that the decision of the Commerce Court held that pipe lines were not even common carriers, and for this reason our small operators in the past have been unable to get them to take any part of their product at any price, not even at 50 cents per barrel. If the Supreme Court of the United States should reverse the Commerce Court and declare these lines to be common carriers, that would give considerable relief, but what should be done is to divorce production from transportation. Pipe lines ought not to be permitted to own oil deposits, for whenever they do you will place all other operators completely at the mercy of the pipe lines and permit them to rob them of all their own oil, as I have already stated, by drawing it off through the wells of the pipe line company.

You have a bill here to supplement existing laws against unlawful restraints and monopolies and other purposes. You are providing for relief from monopolistic oppression along other lines. On what ground, then, do you refuse to assist the small

Mr. Chairman, I am ready at all times to advance along lines where we may render relief to the people against monopolies and restraints of trade in interstate commerce. I do not concede the doctrine that Congress has any right to control the water power of the land except in order to provide for navigation.

I do not concede the right of Congress to regulate in any way the prices of water power generated by the use of the streams. And, so far as that is concerned, I have heretofore expressed my views upon the question and filed them in this House. In connection with the very able Members of this House now connected with the Committee on Interstate and Foreign Commerce, I have given my views on that subject; and whatever may be the clamor or the demand that we proceed and destroy all business of every kind and take away from the States the rights that have been conceded to them, I am not ready to yield to that public clamor now, nor do I expect hereafter to yield to it.

Mr. FALCONER. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Washington?

Mr. BARTLETT. If I have time; yes.

Mr. FALCONER. I wanted to ask the gentleman if he thinks the natural resources in the Western States, for instance, or any other State, ought to be used for the benefit of the people of the whole United States?

Mr. BARTLETT. Oh, I think the States have the right, where it is not public domain or land that belongs to the United States Government, to regulate the water power on that domain and the resources of it through State laws in the States in which those resources are situated, and the States should not be interfered with by Congress, and I believe that Congress has not the right to interfere. I do not say that with regard to the Western States simply because the Western States have asserted that doctrine of late and have maintained it. I have asserted it as my doctrine with reference to the rights of every State, and that is the position that every man who hopes to see the perpetuity of our system of Government ought to take and stand upon.

Mr. Chairman, I repeat that this Committee on the Judiciary, after months of careful inquiry and patient study, dealing with the laws and decisions in the past, has brought into this House a bill covering all the subjects that they have deemed it wise and proper to consider for the purpose of amending the Sherman antitrust law.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. BARTLETT. My opinion is that in some phases we have gone too far; but this, I venture to say, is a venture upon a sea of uncertainty which you can not fathom and can not sail upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. KENT].

The CHAIRMAN. The gentleman from California [Mr. KENT] is recognized for five minutes.

Mr. KENT. Mr. Chairman and gentlemen, if there is any possible excuse for putting into this bill a clause providing for equitable distribution of coal these other sources of power and energy should without question be placed in equal position.

I do not know whether or not this bill will be of service to the public. I am not sure but that these matters can be equally well handled under the common law or the vague Sherman law, which has been made more or less definite by court decisions. But the bill is here before us, and if we are going to recognize the evils of monopoly in the anthracite coal fields, and possibly some of the other fields by this provision in section 3, we certainly should recognize the necessity of controlling other forms of energy. In a little while we shall clearly realize that the control of the mechanical energy of the Nation, either by the Nation or by the States on one side or by private and oftentimes greedy individuals on the other, means the welfare or the ruin of our prospects for greater equality of economic opportunity.

Gentlemen have talked about bills emanating from other committees. The bill from the Committee on Interstate and Foreign Commerce, referring to power on navigable waterways, is based necessarily upon a request for a concession from the Federal Government. To my mind, it is sadly inadequate. As conditions precedent to such grants there may be demanded, and should be demanded, regulation in the public interest. In the water-power bill, which the Committee on the Public Lands has reported, we have worked on that theory and have fully protected the public. We find that we can control the concession granted by and in the name of the Federal Government for the interest of the consumers. But those sources of supply and those bills do not by any means include sufficient remedies against abuse that are to be attempted by this bill. They are merely incidental to a present partial public ownership. In this bill we are legislating concerning property in private ownership in order to prevent trusts and monopolies, resultant in extortion by the improper use of so-called private property, all of which is only held by the power and the privilege granted by organized society; and if we are to control monopoly of anything and prevent extortion under any cloak, we are here and now forced to control this water-power product in the interest of the public, whether situate on public or private land.

If we are going to demand equality of treatment in the oil and in the coal and gas business and in the other resources that furnish energy, the proper and only place where we can define such control is right here and now in this bill. If this bill means anything looking toward trust and monopoly regulation it certainly must take into account the control of these most important items. [Applause.]

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Washington [Mr. BRYAN].

The CHAIRMAN. The gentleman from Washington [Mr. BRYAN] is recognized for five minutes.

Mr. BRYAN. Mr. Chairman, I am as heartily in favor of any law that will restrict the Water Power Trust, the General Electric Co., or whatever you call it, as any man on the floor of this House. I believe in the public ownership of these utilities. I believe in the cities and communities owning and operating them, and I believe in putting this Water Power Trust out of business and taking away its rights entirely.

But under the present conditions these two forces are struggling for supremacy all over this country—the Water Power Trust and the public—in the various municipalities. The cities and larger municipalities come here, like the city of San Francisco, and get a grant from Congress, such as the Hetch Hetchy, and then counties and States are going into that line of activity more or less, and there is a continual fight between those two contesting forces. To-day the trust is trying to absorb every water power that it can and prevent the municipalities from winning or from progressing along those lines. The municipalities have the right and power of eminent domain. They can demand and take away from the trust, and they can demand and take away from any private owner of these water-power grants their rights, and can appropriate them to the use of the municipalities and sell the current, sell the product of the water power at cost, without any profit whatever.

But now we come to a provision that requires any owner of such a water power—a municipality, for instance, after it does go through the condemnation proceedings and gets possession of it—to sell the product to any concern that comes along and wants to buy. We boast that our cities are able to sell this current cheap, and they are so able. They reduce the price continually. And so when the trust comes along and says, "I will pay you more than you are getting now for the current produced by this water right; I will pay you twice what you are getting"; and the city says, "No; I will not sell it to you." The Water Power Trust says, "By this bill of Congress you are compelled to sell it to me, and you can not refuse to sell it to me." Thus one of the effects of the bill would be to give the General Electric Co. and the Water Power Trust of this country that which is superior to the right of eminent domain against the municipalities of this land. It would be to give those people the right to take away from us, whenever they wanted to, those utilities by buying the entire product of the plant we had acquired.

I am willing to have a law of this kind passed if it provides that no such refusal to sell shall be permitted when in restraint of trade, and let it be determined whether or not each particular case is in restraint of trade. Let each case stand on its merits when the time comes; but I am opposed to putting into the law a provision that gives to any set of men the absolute, unequivocal right to buy in small or in wholesale quantities the rights that the cities of this land have acquired by all the toil and trouble incident to the acquirement of these utilities. These private individuals have the cash in bank. They can draw their checks for $500,000 or $1,000,000 and say, "Here is the money." The cities can not do that. The cities have to float bonds; they are hampered in every way about getting the money, so that the General Electric Co. could go to any city at any time and say, "Here, I want to buy your plant. You are competing, and we want your plant or the product of your plant. We have out there a competing plant. I will give you 25 per cent more than you are making now. Will you refuse?" The city would say, "Yes, indeed, we refuse." Then they will produce this law

which says that it shall be unlawful for the owner or operator of any such utility to refuse.

Mr. SUMNERS. Does the gentleman contend that a private corporation can exercise the right of eminent domain against a municipal corporation?

Mr. BRYAN. Of course I do not. It can not do it; but you put this law on the statute book, and any corporation, firm, individual, company, or concern can go and take the product of a public utility away from a city merely by offering to buy and tendering the cash, and the city can not refuse; it is absolutely prohibited. The trust could go and get a court order compelling the city to deliver, and if they did not deliver, the mayor and council would go to jail. The corporations will not get the right of eminent domain, but they will get a power superior to it. If the cities of this country could go to a private corporation and say, "Here, we want to buy your plant, and here is the money for it, you have got to sell it to us," that would be an easy way of getting it; but they can not do that. They have got to go into the courts and have long procedure, and the delays incident to the exercise of the power of eminent domain before they get it; but here you want to fix it so that the General Electric Co. can come and say, "Here, we want this. Here is the money, and you must sell it to us." The little city of Bremerton has just voted on the proposition of buying the electric lighting plant. I do not know how the election went, but I think they will buy it. But in the meantime, under such a law as this, a private concern could exercise the right of buying up the product of that light plant after the city acquired it, and then they could raise the rates on the people. Let the people alone in this country and in a few years cities and towns will not be pestered by Boston financiers who are attempting to monopolize all the traction companies and other public utilities.

Mr. DAVENPORT. Mr. Chairman and gentlemen of the committee, I confess I am not as much interested in that part of the amendment offered by my colleague from Oklahoma [Mr. FERRIS], which relates to water power, as I am in that part of the amendment which relates to oil and gas. The State which I have the honor to represent in part is one of the largest oil-producing States in the Union, and yet new oil fields in Oklahoma are being brought in every few months. The independent producers and refiners in Oklahoma are without the proper protection from the pipe-line companies, owned or controlled by the Standard Oil Co. or its subsidiaries, one of the greatest monopolies to-day in the United States. The provision of this amendment relating to oil and gas is not broad enough to furnish all the relief necessary to aid the independent producers in the oil fields in Oklahoma, but it will be a start in the right direction, and I am anxious to see the amendment adopted, or a similar amendment, that will require the sellers of oil and its by-products to treat all customers fairly and to sell to all alike. I want to see the law so drafted that the pipe-line companies may be prohibited from engaging in the production of oil. If we can so draft the law as to prevent owners of pipe lines from engaging in the production in competition with the other producers, then we will have accomplished what is necessary to prevent monopoly in the oil fields by the pipe-line owners. Without assigning any reason and with no visible condition to cause a reduction the Standard Oil Co. and its subsidiaries, the Prairie Oil & Gas Co., began to reduce the price of crude oil in the Oklahoma fields and reduce the price from $1.05 per barrel in the Healdton field to 50 cents per barrel, and in the other fields in Oklahoma from $1.05 to 75 cents per barrel. The situation in the Oklahoma field is anomalous and seems to be growing worse daily, and the question is, What remedy is the proper one to enact into law so as to give the people who are producing oil and gas in Oklahoma the protection that they are entitled to?

I do not think the amendment that was incorporated in this section on yesterday is sufficiently broad to control those engaged in the transportation and selling of both crude and refined oil. I am specially interested in the oil proposition, because my State produces one-third of the output of oil to-day in the United States and almost 65 per cent of the refinable oil in the United States, and we are in a very peculiar condition in Oklahoma with reference to the production, transportation, and sale of oil. The independent producers of Oklahoma are absolutely at the mercy of the pipe-line companies as the purchasers of their oil. It was suggested to me awhile ago by the gentleman from Arkansas [Mr. FLOYD] that it was an intrastate question. I say it is not an intrastate question. We can regulate the sale and control of the product as long as we can consign it to points in the State; but we can only handle it to the State line, and then when it comes to a question of getting a market and transporting the oil and selling it beyond the State line it becomes an interstate proposition, and the pipe-line companies are to-day trying and doing everything they can to choke out the independent oil producer in Oklahoma and compel him to sell his product for anything that they choose to give him. Three months ago crude oil was selling in the Oklahoma fields at $1.05 a barrel.

The statement I am including in my remarks will show the production of oil from 1859 down to and including 1912. It may be claimed by some that supply and demand regulate the price of crude oil and that the reason for reducing the oil to the price it had been reduced by the pipe-line companies in Oklahoma is because of the quantity of oil they have on hand and the market for the sale of the same and its products. I do not believe this contention to be correct, nor do I believe the facts surrounding the transactions in the mid-continent oil field will bear out such a theory. It is indisputable that the pipe-line companies and the Standard Oil Co. are not developers of oil fields, but that the oil field is developed by the independent producer, who seeks out a location where he believes oil is to be found and spends his hard-earned money in developing the field. It is true that the moment the independent producer develops oil in a locality the great oil monopoly or one of its branches immediately rush into the field, through its paid employees, and begin to take leases and will, if possible, give a higher bonus for a lease than the independent men can possibly pay. Not only that, it is the history of the oil monopoly, so far as I have been able to observe it, that it will raise the price of oil and encourage development until an oil field is well developed and until the independent producers have invested heavily in production and development, and then it has been the experience of independent producers that the oil monopoly will reduce the price of oil for the purpose of forcing out the independent producer and compelling him to sell his product to the controllers of the pipe lines or the oil monopolies operating in the field. Another condition that is very detrimental to the independent producer and the independent refiners of oil is the fact that the pipe-line companies, or those who control the pipe-line companies, as soon as a field is developed, immediately begin to secure leases and become producers in competition with the independent producers and will develop the property belonging to those who control the pipe line in such a way as to force the independent producer to expend great sums of money in development to protect his line; that is, the pipe-line company, or those who own the pipe-line stock, will secure a lease adjoining a lease belonging to an independent producer and will immediately develop their property by drilling wells along the line of the lease of the independent producer, and this forces the independent producer to drill his property or to permit the pipe-line company or the parties owning the lease with whom they are operating to drain his land through their wells. Such manipulation of oil leases in the oil field as I have just spoken of is largely responsible for the bankruptcy of many independent producers and works a hardship and disadvantage to all of the independent producers and damages them very materially in their properties.

The relief needed by the independent oil producers and the refiners in the way of legislation is a law that will beyond question make the pipe-line companies common carriers and prohibit a pipe-line company or anyone who is owner of the stock in a pipe-line company from engaging in or being interested in the production of crude oil in a field where the pipe-line company that he owns or is interested in enters the field for the purpose of transporting oil from one place in a State to another place in said State or from one State to another. No common carrier should be interested in the production of the product it is carrying to the extent that it should be permitted to discriminate against those who are producing, by carrying its own product and refuse to carry the product of others. I want to see the oil industry prosper and I want to see men who invest their money make a profit, but I do not desire to see one class of men engaged in an industry and manipulate it in a way as to rob another class of men who are in a legitimate business for legitimate profit.

If the wells in the Oklahoma fields were permitted to run their full capacity, it would be 225,000 barrels a day; the reduction of 30 cents per barrel amounts to $67,500 a day that is being taken from the people of Oklahoma; less than what they were receiving three months ago.

PRODUCTION AND VALUE OF PETROLEUM IN THE UNITED STATES.

In the following exhibit will be found the production of petroleum in the United States since the birth of the industry in 1859 to the close of the year 1912, together with the daily average production and daily average value. Also the combined production and combined value through the series of years. Compiled by W. M. Denham, Tulsa, Okla., from the records of the United States Geological Survey.

ments in support of the amendment now proposed. I suggest the exceeding great danger not only to the ultimate fate of this bill but to its speedy consideration in bringing in propositions of such momentous importance as those suggested by the gentleman from Oklahoma, who asks us on a few moments' discussion to accept them.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. DAVENPORT. Mr. Chairman, I would like to ask the gentleman if his objections to the amendment are because of the fact that he fears it may endanger the passage of the pending bill, or because he thinks there is no merit in the amendment?

Mr. FLOYD of Arkansas. Not exactly either and partly both. In regard to the first suggestion, I think that whenever we interject a proposition of that kind, on which there is a division, we do encourage and aid the enemies of the bill, because we bring new recruits to aid in the future those who are against the bill; and in regard to the merits of the proposition, I submit we have had no opportunity to consider them; and the gentleman from Oklahoma has offered the amendment here on the floor of the House and yet never before suggested to the Judiciary Committee, and no one else ever suggested, that that particular phase of the water-power question was a thing to be dealt with in this trust bill; and I insist it is not fair for the gentleman from Oklahoma, who has been giving this question great study, and which is an issue almost as great in itself as the trust question, to bring it in in this way before us and insist upon its adoption at this time.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the gentleman be permitted to proceed for five minutes longer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. DAVENPORT. Mr. Chairman, I wanted to say to the gentleman from Arkansas that I have not very much knowledge with reference to water power. Unfortunately or fortunately, I live in a country where we have very little water power, but I am especially interested in the provision relating to the transportation or sale of the crude oils and their refined products, which are produced to a large extent in my State. Does not the gentleman think we should have some relief?

Mr. FLOYD of Arkansas. That is an intrastate matter, and we have no jurisdiction over that. We can only deal with matters in interstate commerce.

Mr. DAVENPORT. I was asking from the point of view of interstate legislation and not intrastate, and because I took it that the consumption of oil by the entire people of the United States is an interstate question and not an intrastate question.

Mr. FLOYD of Arkansas. We have conceded an amendment as to oil and gas; we have allowed it to go into the bill. Now, there is another objection to putting this legislation in here. This, in so far as antitrust legislation is concerned, is a new provision, a new departure in legislation. Section 3 stands out alone, a new proposition, based upon certain conservation ideas in this country. The section as written limits its application to raw materials, the products of the mines producing iron, copper, coal, and other minerals, including oil and gas, but the gentleman proposes to extend its scope into the domain of manufactured products.

Mr. FERRIS. Will the gentleman yield right at that point?

Mr. FLOYD of Arkansas. And we draw the line in section 3 upon such products. It was insisted by some extremists that we ought to extend the provisions of section 3 so as to make them apply to manufactured products. It was not the purpose or the design of the committee to do anything of the kind, and the gentleman, on a much more difficult question, is seeking to depart from the original purpose of the bill and deal with manufactured products, such as electricity, when we refused to apply this section to any manufactured product of any kind whatsoever.

Mr. FERRIS. Will the gentleman yield right there?

Mr. FLOYD of Arkansas. Yes.

Mr. FERRIS. Does the gentleman think that oil which comes out of the earth or power produced by falling water is a finished product? What could be more God-given than those two things? Why does the manufacture occupy any different status——

Mr. FLOYD of Arkansas. You will never pass any statute in this House or elsewhere that will control falling water that comes from the heavens. You are attempting an absurdity in such talk. You are endeavoring to control a product of manufacture as a result of water power. Electric currents sent by the hand and instrumentality of man by machinery into the current of interstate trade and commerce are manufactured and not natural products.

Mr. FERRIS. I will debate that with the gentleman if he so desires.

Mr. HARRISON. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. HARRISON. Is the gentleman aware of the fact there is now a bill pending and on the calendar from the Committee on Interstate and Foreign Commerce dealing with the question of water power?

Mr. FLOYD of Arkansas. I am perfectly aware of that, and I think the Interstate Commerce Committee and the Committee on the Public Lands, of which the gentleman from Oklahoma is chairman, are the committees that ought to take up this great question and deal with it in a separate bill, matured and duly considered in all its phases; and for that reason, not saying anything against the merits of the proposition, I oppose the amendment. It may contain merit, but I advise the House never to accept an amendment of such magnitude and of such far-reaching consequences as are involved in this proposal in this way.

Mr. THOMSON of Illinois. Mr. Chairman, the argument of the gentleman from Arkansas to this amendment might apply to any amendment that might be offered on the floor of this House. Certainly he does not propose to say that the membership shall be precluded from offering amendments, important or not important, if they happen not to have appeared before the committee and urged them there.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes, sir.

Mr. FLOYD of Arkansas. Not at all; but this amendment was brought in by the gentleman from Oklahoma [Mr. FERRIS], chairman of a committee having jurisdiction of this question, and if he proposes to legislate in this bill concerning one of the greatest questions before the American people, and one of the most controverted, and incorporate provisions in this bill relating to it, I think it is due the Committee on the Judiciary, under those circumstances, that he should have appeared and submitted the matter to the committee.

Mr. THOMSON of Illinois. The very facts that the gentleman recites are additional reasons why this amendment should be considered and adopted. It comes from the chairman of the committee that has jurisdiction over the subject matter with which this amendment has to do, but that committee does not have jurisdiction over the precise thing involved in this amendment. One of the reasons why I rose, Mr. Chairman, was to answer my friend from Washington [Mr. BRYAN], who says that the adoption of this amendment would necessitate——

Mr. BRYAN. Attempt to answer.

Mr. THOMSON of Illinois. I will attempt to answer——

Mr. BRYAN. The gentleman evidently did not expect to get recognition until I made my speech.

Mr. THOMSON of Illinois. Oh, I heard the speech, and sometimes the gentleman is heard without making a speech. [Laughter.] He contends that this amendment, or the adoption of the amendment, will force a municipality to sell out to a trust. I confess I do not like the substantive language of this section. It says it shall be unlawful for an owner or an operator of a mine or any person controlling its products to refuse arbitrarily to sell such product to anybody who applies for it. If somebody who controls a product, heat, let us say, or power, should apply under this section to a municipality for that product and the municipality should refuse to sell certainly no court would hold that that was an arbitrary refusal where the municipality went into court and showed, as they could do under such circumstances, that the applicant for the power was merely trying to get hold of it for the purpose of monopolizing it and using it as a trust. That would not be construed as an arbitrary refusal to sell. The court would not therefore compel the municipality to dispose of the product to the first person coming along providing that was the kind of person it was. This is an important amendment, and it is important that it should be adopted, and the fact that Mr. FERRIS, chairman of the Committee on Public Lands, which committee has jurisdiction of this subject matter, happens not to have appeared before the Committee on the Judiciary and urged the amendment is no reason why it should not be considered, and every reason cited by Mr. FERRIS why it should be adopted is in my opinion sound, and I hope the committee will adopt it.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment be closed in 15 minutes.

Mr. BRYAN. I would like to have five minutes.

Mr. CARTER. I would like to have five minutes.

Mr. RAKER. I want five minutes.

Mr. KENT. I would like to have some time.

Mr. WEBB. I will make it 20 minutes, and ask that all debate on this particular amendment may be closed in 20 minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate on the pending amendment be closed in 20 minutes.

Mr. DAVENPORT. Mr. Chairman, I would like to ask the chairman of the committee to extend that time to about 40 minutes, because I am vitally interested in a portion of this amendment, and I would like an opportunity to be heard.

Mr. WEBB. I would like to inquire of gentlemen on the other side how much time they desire?

Mr. MANN. The gentleman from California, the gentleman from Washington, the gentleman from Wyoming, and several gentlemen here want five minutes apiece——

Mr. WEBB. Then, Mr. Chairman, I ask unanimous consent that all debate on this amendment and section——

Mr. MANN. Oh, no; not on the section.

Mr. WEBB. I would like to get an agreement in regard to the time to be consumed on the entire section.

Mr. MANN. We might make an agreement in regard to the entire section.

Mr. AVIS. I would like to have about eight minutes.

Mr. BARKLEY. I want about five minutes on an amendment which I propose to offer.

Mr. MANN. We would like to have 25 minutes on the coal amendment.

Mr. WEBB. Mr. Chairman, I make this request——

Mr. MANN. Make a request as to time on this amendment, and then request for time on the section after that. I mean altogether.

Mr. WEBB. Mr. Chairman, I ask that all debate on this amendment and the other amendments to the section, and the section itself, be closed in an hour and ten minutes.

Mr. MANN. How much time do you want on this amendment?

Mr. WEBB. I would say 25 minutes on our side.

Mr. CARTER. I think you would want 30 minutes. The gentleman from Georgia [Mr. BARTLETT] wants to be heard.

Mr. MANN. Make it 45 minutes on this amendment. Then, how much time do you want after that?

Mr. WEBB. We want 20 minutes.

Mr. MANN. That would be another 45 minutes. Suppose you make the request to close debate on this amendment in 45 minutes, and then, after the disposition of this amendment, allow 20 minutes for debate on the section and all amendments thereto.

Mr. FERRIS. I hope the gentleman will leave the latter part of the request off. If this amendment is not adopted, there are other amendments I wish to offer.

Mr. WEBB. We are very anxious to close debate some time on this section.

Mr. FERRIS. Mr. Chairman, I would like to submit a unanimous-consent request.

The CHAIRMAN. Does the gentleman from North Carolina [Mr. WEBB] yield to the gentleman from Oklahoma [Mr. FERRIS]?

Mr. WEBB. Yes.

Mr. FERRIS. I ask unanimous consent that I be permitted to withdraw my amendment, on the condition that the Committee on the Judiciary, or the chairman, or any one of them, will in their own time, before this program is through, report back here an amendment that will include oil, gas, and water power.

Mr. WEBB. Mr. Chairman, I object. We can not agree to that. We have so much else to do.

Mr. FERRIS. I do not think you ought to deal with coal and leave the others out.

Mr. WEBB. How about an hour and a half on amendments and the section?

Mr. MANN. That is all right. Forty-five minutes on this side and 45 minutes on yours.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on this particular amendment and all the other amendments to the section be closed in 1 hour and 30 minutes, one half to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and the other half to be controlled by myself.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that all debate on the section and all amendments thereto close in 1 hour and 30 minutes, one half of that time to be controlled by himself and the other half by the gentleman from Minnesota [Mr. VOLSTEAD].

Mr. DAVENPORT. Reserving the right to object, Mr. Chairman, I would like to know if I may have five minutes of that time in which to address the committee upon the question of the amendment relating to oil products?

Mr. WEBB. Yes; we will agree to that.

Mr. FERRIS. Mr. Chairman, reserving the right to object just for a moment, I think the chairman of the committee has ample time, probably more than will be needed; but does not the gentleman think he ought to grant some time to the gentlemen who are in favor of the amendment? The gentlemen over there are against the amendment.

Mr. MANN. The gentleman from Oklahoma can speak for himself but for nobody on this side of the House.

Mr. FERRIS. I am not trying to say that all the gentlemen on that side of the House are against the amendment at all. I merely state that two members of the committee who were supporting the bill will undoubtedly be against it.

Mr. MANN. I am unable to learn that fact.

Mr. RAKER. I would like to submit to the gentleman in charge of the bill whether I might have five minutes in favor of the three amendments suggested by the gentleman?

Mr. WEBB. Mr. Chairman, I do not think there will be a particle of trouble in dividing up the time. We have been liberal enough to give time to those who are opposed to the committee's position. We are not disposed to be captious about it. We have ample time, but I think the debate ought to close in that time.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB] that all debate on this section and amendments thereto be closed in 1 hour and 30 minutes, one-half to be controlled by himself and one-half by the gentleman from Minnesota [Mr. VOLSTEAD]?

Mr. CULLOP. Reserving the right to object, I would like to ask if all the amendments should not be presented and reported before the debate begins, especially the one on the coal subject? Unless this time is divided in some way between these two subjects that amendment will not be presented for discussion.

The CHAIRMAN. The Chair will state to the gentleman that that matter is with the committee.

Mr. CULLOP. I would like to have the attention of the chairman on that subject.

Mr. WEBB. In reply to that, Mr. Chairman, I think the proceeding we had yesterday is a good one—to present an amendment, discuss it, and vote on it.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina [Mr. WEBB]? [After a pause.] The Chair hears none.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. An amendment is pending.

Mr. LEVY. They say that all amendments have to be put in now.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I am opposed to this amendment, because, in my judgment, if it is adopted and made a part of this bill and finally becomes a law, we will venture into a sea of confused conditions and ideas with reference to the administration of this law which would be more complicated and confused and crossed and obscure than the diagram of the wires that we see in front of us and to which the gentleman has referred. [Applause.]

Why, Mr. Chairman, the law which we propose to amend and which we have probably wisely proposed to amend, having passed one bill to give relief, known as the "trade-commission bill," is an advance along the lines of regulating and controlling interstate commerce and those who may engage in it. It took 20 years of consideration and adjudication of cases in the Supreme Court of the United States to finally reach a position where the present law is understood and can be enforced. It took 20 years in order to arrive at a point where sane and sound suggestions might be made and to propose sane and sound amendments to that law.

In 1910 this House passed an act putting oil pipe lines and things of that character under the control of the Interstate Commerce Commission, and it has taken the Supreme Court a long time in that case and in its consideration, and it has not yet been able to render a decision of whether Congress has the right to regulate or control the transmission of oil through pipe lines. Now, we propose to venture further upon the sea of law and say that not only pipe lines and gas lines, but lines that transmit power by electricity, because it is produced by the water power of the land, shall be regulated by Congress.

in the situation. In the first place, the increase in amount of development in these Western States has been large, while the tendency toward concentration into large financial units has been even more marked, so that the stage is already reached where the entire territory of these 11 Western States is practically divided among the larger companies. Thus 28 operating companies control 90 per cent of the developed power in the West, and 6 of these companies control over 100,000 horsepower each. Even more striking, however, is the increase in the number and importance of public-service securities holding companies during these recent years. While 3 of such companies were active in 1912 and were then noted as "general electric companies," these appear to have been but the forerunners of a horde of such corporations whose titles are characterized as simply "bewildering permutations of a few adjectives and nouns." It is because of the enormous capitalization of these companies and their large holdings of the securities of the operating companies I have just mentioned that the subject attains the utmost importance.

The system of stock holding through these holding companies is elaborate. While the stocks and bonds of the operating companies are offered to the public for investment, the controlling interest is usually retained by a holding company; in many cases the method of control exercised is publicly known, while in still other cases the holding companies confine their public reports of their activities to bare statements of the amount of securities held, concealing the identity of the operating companies over which control may be so exercised.

In the detailed statement submitted to the Public Lands Committee it is noted that while many of the holding companies, so far as public information indicates, have no relations with any particular operating companies, they do possess directors in common with other holding companies whose affiliations are more definitely known. Instances of interlocking directors, which of themselves might not be conclusive evidence that the same general financial interests are concerned, are repeated, however, to such an extent that a practically complete network of holding companies is established, and thus the evidence of community of interest becomes very strong. The compiled list of the important companies operating in the West includes 24 holding companies, and it is to be noted that certain men are very conspicuous. In these 24 holding companies 50 men together hold 135 directors' positions, so that if the 24 companies were considered as together forming one large corporation in which each man had as many votes as he now has in the separate companies, these 50 men would have little short of a majority. Further, 2 of the directors are each connected with 7 holding companies, 3 with 5, and 4 others with 4; all of these gentlemen are connected with the General Electric Co. and its acknowledged subsidiaries. The relations brought out by these lists of directors make it reasonable to assume that the General Electric Co. dominates the water-power situation. In some cases the companies are direct subsidiaries, in others they bear a subsidiary relation to the General Electric Co.; in the third class there is shown a predominant General Electric influence, while in the fourth class the companies are associated with the General Electric Co. through interlocking directors, and in a fifth class there is an apparent association through banking affiliations. The statement before our committee suggests that the harmonious relations between those who control the water-power situation of the West are to an important extent due to affiliation of interests of greater magnitude than may have been analyzed in this connection. It may be regarded as entirely probable that relations similar to those indicated in this statement and on this chart as existing between the operating and holding companies under discussion would be found to extend much further if the relations of the General Electric Co. and the American Telephone & Telegraph Co., the United States Steel Corporation, the Standard Oil Co., the Amalgamated Copper Co., and the large railroad companies to the great financial interests were studied.

The gist of the whole matter is that large and powerful financial interests of the East are strongly intrenched in their control of the water-power situation of the West as well as of the East. Future additions to their monopolistic holdings may be prevented by legislation now proposed by the various committees already mentioned, but that will not suffice. The present strangle hold by these big monopolies must be broken if the communities and industries of the West are to have freedom. Nor should we in our thoughts or in our legislative acts separate the mineral fuels and their monopolistic control from this subject of hydroelectric energy and its control; together the fuels and the water power constitute the great public utilities, which are not only of importance to present-day prosperity, but are coming more and more to be vitally essential to the civic and industrial life of the future. If trust legislation is to free the people, it should not neglect any one of these great natural resources—coal, oil and gas, and hydroelectric energy. The trusts have not neglected them.

We have had before us ex-Secretary of the Interior Walter Fisher. We have had before us Mr. Gifford Pinchot. We have had before us the head of the Geological Survey, Dr. George Otis Smith. We have had before us Secretary of the Interior Lane's most competent men to help us. We have had before us the best talent and the best information we could get on the subject. As a result of that we have reported a bill which the House may or may not reach this session. The parliamentary situation is such we can not, in all probability, reach it this session. In any event, we are at work on control and regulation of the abuses that have grown up in the mining and removal of coal and other minerals, and we should reach the other offenders, who are as bad or worse.

Mr. CAMPBELL. I did not get from the reading of the amendment at the Clerk's desk just what its purpose is. Its purpose is to include oil, gas, and water power, to give the same sort of regulation that the bill proposes to give to coal, minerals, and so forth; and if any live man on either side of this Chamber, inside or out of it, can assign one reason why it should not be done I would like to hear it.

Mr. BRYAN. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BRYAN. If your amendment carries, any concern that has water power to sell must sell it and can not arbitrarily refuse to sell it to any responsible person. The city of Seattle has a lot of current to sell, and if your amendment passes and the Stone-Webster people want to buy it, will we have to sell it them?

Mr. FERRIS. If they offer to pay the same price and you have it to sell. Remember this amendment or the original text has no application unless the commodity is being sold "arbitrarily."

Mr. BRYAN. Will not your amendment make every municipality in the country sell out?

Mr. FERRIS. No; you might as well say that every coal mine in the country would have to sell all their coal to a single concern. That was so stated here the other day, but no one could possibly be misled by that. The gentleman's trouble is not a real one, I am sure. It is purely fanciful.

Mr. BRYAN. How can the gentleman say that and say that Seattle must sell?

Mr. MANN. Look at the map.

Mr. BRYAN. I see the map.

Mr. FERRIS. This amendment, if agreed to, does precisely for water power and oil what the bill now does for coal.

Mr. GARNER. If it ought not to apply to coal, it ought not to apply to water power.

Mr. BARTLETT. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. BARTLETT. The gentleman speaks about water power. He means the current produced by water power?

Mr. FERRIS. Yes; my amendment says the current produced by hydroelectric plants. There is no difficulty about that; it will include them.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. HARRISON. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. HARRISON. The gentleman says operator or transporter. The question I desire is whether or not the word "transporter" carries with it the distribution of this electric current or the transmission of the electric current.

Mr. FERRIS. I think it would, and it would also include pipe lines, which is very much desired. The electricity and oil are only susceptible of one method of transmission; oil goes through the pipe line and the current of electricity is transmitted by wire. They ought to be included as common carriers and be subjected to the same regulation as common carriers. On yesterday the chairman of the Judiciary Committee expressed a willingness to take in oil, and I hope he will now consent to take in water power as well.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. FERRIS. Certainly.

Mr. STEPHENS of Texas. Does the gentleman believe that his amendment is sufficiently strong to include pipe lines carrying oil to market? I am very much interested in that, because the greatest oil field in the United States is in my district.

Mr. FERRIS. I think it is. Of course, if it is not strong enough, we can adopt this and then amend it. It ought to be drawn tight enough to accomplish it.

Mr. J. I. NOLAN. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. J. I. NOLAN. If I remember aright, the Hetch Hetchy bill contains a provision that prohibits the city of San Francisco from distributing any electric energy from Hetch Hetchy to private corporations for resale. How would this provision affect that?

Mr. FERRIS. If the power they use themselves, this would not have any effect on it. As to the surplus power, it would decree that they should sell to those who applied on equal terms. It would at least prevent any arbitrary sale of it, and it ought to.

Mr. J. I. NOLAN. Would the Great Western Power Co. and the Pacific Electric Co. come in on equal terms with private municipalities?

Mr. FERRIS. Not at all; the city owns its own plant and can use it for its own purposes as it desires. That is a special act on a lot of conditions contained therein, and this does not meddle with that.

Mr. J. I. NOLAN. But I am speaking about cities along the right of way.

Mr. FERRIS. I do not think so; it would not apply any more than it does to the coal provision in the bill. You will recall that none of this section applies unless arbitrary methods are resorted to. There certainly can be no objection to that. The facts stated by the gentleman have no application here.

Mr. J. I. NOLAN. I understand that; but I want to know how this affects the Hetch Hetchy current.

Mr. FERRIS. I do not think it affects it in any way. That is a special grant and it would not affect it.

Mr. DECKER. Will the gentleman yield?

Mr. FERRIS. I will.

Mr. DECKER. I would like to ask the gentleman, in a word, what the meaning of this language will be after he amends it and what it means now? Does this section mean that a man can not sell to one man and withhold selling from another, or refuse to sell to another? Is that what it means, or does it mean that if you have anything of this nature mentioned in the section to sell, you would have to sell it if any responsible person wants to buy it?

Mr. FERRIS. The gentleman reaches to the main fabric of the section which was more fully explained by the chairman of the committee yesterday than I could do in the short time allotted me.

Mr. DECKER. I did not understand that explanation.

Mr. FERRIS. Well, the chairman of the committee can state it more ably than I can. In a word, my amendment does for water power and oil precisely what the Judiciary Committee seeks in this bill to do for coal.

Mr. DECKER. What does the section mean now is what I want to know.

Mr. FERRIS. I refer the gentleman to the chairman of the Judiciary Committee.

Mr. DECKER. And then I want to know what it means after the gentleman has amended it by his language.

Mr. FERRIS. My own view is, and it is not the best or last word on the subject, it is intended as an antimonopoly amendment, and it seeks to keep the party producing from mines coal or other minerals from practicing extortion on one set of citizens to the exclusion of others. Its purpose is certainly a laudable one and I am sure it appeals to the gentleman.

Mr. DECKER. Does the gentleman think that that is what it does?

Mr. FERRIS. I think that is what it accomplishes. I am contending for the same regulation that they apply to coal to be applied to oil and water power.

Mr. FOSTER. Will the gentleman allow me to suggest that the very energy produced by coal provided for in this bill is also produced by water power which you want to include.

Mr. FERRIS. The gentleman is correct about that. I thank him for the suggestion. It is true.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

Mr. FERRIS. I do not want an extension of time unless it is for the purpose of answering questions.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent that the time of the gentleman from Oklahoma be extended two minutes. Is there objection?

There was no objection.

Mr. BARKLEY. Before anybody will understand what this section means the court will have to pass upon it. Now, the definition of the word "arbitrarily" is the crux of the whole matter in this section.

Does the gentleman believe that this section as amended or as it now stands might be construed by the court to mean that any responsible purchaser might come and propose to purchase the entire output or product of any given corporation, and that corporation, notwithstanding the needs of various individuals in that community, could be compelled to sell its entire product to that responsible corporation if it offered the price demanded?

Mr. FERRIS. Mr. Chairman, the gentleman can have his distorted idea of what it means. My idea is not a distorted one, nor is the idea of the Judiciary Committee distorted, but they are seeking to regulate the sale of the God-given treasures of the universe to all mankind alike, and the section, I think, accomplishes that. They might distort and force into it complicated constructions of it and try to make it mean something else, but I do not think so. I am willing to adopt in toto the views of the Committee on the Judiciary on the section and say that it is a good section, but I want to add to it two of the most notorious monopolies in the world and make it a better section.

Mr. BARKLEY. Is the gentleman able to suggest any further amendment that would relieve the section of the possibility of such construction? I am in sympathy with the gentleman's idea.

Mr. FERRIS. I will leave that to the Committee on the Judiciary. If the general tenor of the section is not pleasing to the gentleman or to the Members of the House, they can amend it.

The CHAIRMAN. The time of the gentleman from Oklahoma has again expired.

Mr. FLOYD of Arkansas. Mr. Chairman, the committee is not willing to accept the amendment offered by the gentleman from Oklahoma, and I desire to state very briefly the reasons why we oppose the amendment and why we think the question involved in it should not be incorporated in this measure. The gentleman from Oklahoma is the chairman of the Committee on the Public Lands, and the question involved in his proposition constitutes one of the greatest and one of the most controverted issues in this country to-day, and it is the province of the committee, of which the gentleman is the chairman, to deal with this great question, and we do not think this trust legislation which is intended to deal with certain specific subjects and known evils ought to be loaded down with such issues as this. We think that the particular subject which he intends to embody here is worthy of a great and carefully considered bill, which I hope the gentleman's committee will bring into this House at an early date. He includes in his amendment questions and issues that are not embodied in the provision as it is written. In section 3 we deal with raw material, mineral, and mineral products, and your committee have stated heretofore that the language incorporated in the bill as originally presented was designed and intended to include oil and gas, but on account of doubts expressed as to that fact and as to the scope of the provision as written, we readily consented to the amendment which was adopted on yesterday, which expressly includes oil and gas, and when we have done that we think we have gone far enough. Gentlemen do not seem to realize in proposing this legislation we are not going along lines of easy resistance. Every proposition in this bill is controverted by terrific forces, and every gentleman who succeeds in getting a more drastic and far-reaching provision placed upon the bill is helping the enemies of the bill in addition to helping the proposition for which he stands.

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. FERRIS. The gentleman says that the committee of which I am fortunate enough to be the chairman should deal with this.

Mr. FLOYD of Arkansas. Undoubtedly the gentleman's committee has jurisdiction to deal with it.

Mr. FERRIS. Oh, not at all. We have jurisdiction over the disposition of sites only, and have nothing whatever to do with the regulation of these matters. It is purely up to the gentleman's committee, and we have no jurisdiction over it. We have reported a bill with reference to the disposition of sites, but I know the gentleman from Arkansas on a moment's thought will recognize that we have nothing to do with the regulation of sites already existing.

Mr. FLOYD of Arkansas. Then I suggest that the gentleman should have appeared before the Committee on the Judiciary, if his contention is correct, and presented reasons and argu-

The CHAIRMAN. If there be no objection, the committee will revert to section 3.

There was no objection.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

Mr. CULLOP. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. CULLOP. Is not the amendment of the gentleman from West Virginia [Mr. ARIS] now pending and to be disposed of first? I understood it was introduced yesterday.

Mr. ARIS. I have not offered my amendment yet.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Oklahoma [Mr. FERRIS].

The Clerk read as follows:

Page 21, strike out lines 16, 17, and 18, down to and including the word "products," and insert in lieu thereof the following:

"That it shall be unlawful for the owner, operator, or transporter of the product or products of any mine, oil, or gas well, reduction works, refinery, or hydroelectric plant, producing coal, oil, gas, or hydroelectric energy, or for any person controlling the products thereof, engaged in selling such products"—

Mr. BARTLETT. It is unlawful to do what?

Mr. FERRIS. That is stated in the language of the bill to which this is an amendment.

Mr. STAFFORD. In line 18 the word "product" occurs twice. Which one is referred to on this amendment?

Mr. FERRIS. The second one.

Mr. Chairman, on yesterday the chairman of the Judiciary Committee indicated a willingness to accept and the committee adopted an amendment which included minerals in place. I have been fairly active last night and this morning to determine whether or not that amendment was sufficient, and I have become convinced that it is not sufficient to include oil, the products of oil, or give us any relief, and of course it does not include water power or hydroelectric energy at all. So, if the chairman of the Committee on the Judiciary or those gentlemen in charge of the bill will listen to this amendment, it does three things and no more.

It first prescribes the same sort of regulation for oil and water power that they propose in the bill for other minerals.

On yesterday the house adopted an amendment which I am to-day moving to strike out, with other language, and insert in lieu thereof the language just read by the Clerk. I do not know how the House will feel about it, for I know there is a strong disposition not to amend this bill; but when we come in here with an amendment or a section in this new bill which specifically regulates coal and other minerals, I can not for the life of me understand why we can not at the same time regulate the sale and handling of oil, gas, and water power. The oil question and the abuses that have grown up about it are so important, the appeals on every hand for some relief from it makes me feel a word on what the industry is would be of interest to this House. It follows, as developed in the recent hearings of the Oklahoma oil producers, and can be found on page 11 thereof:

PRODUCTION AND VALUE OF PETROLEUM IN THE UNITED STATES.

In the following exhibit will be found the production of petroleum in the United States since the birth of the industry in 1859 to the close of the year 1912, together with the daily average production and daily average value. Also the combined production and combined value through the series of years, from the records of the United States Geological Survey.

Calendar year.	Years.	Production.			Value.		
		Yearly production.	Daily average production.	Total production, series of years.	Yearly value.	Daily average value.	Total values, series of years.
1859	1	2,000	6	2,000	$32,000	$88	$32,000
1860	2	500,000	1,670	502,000	4,800,000	13,151	4,832,000
1861	3	2,113,609	5,791	2,615,609	1,035,668	2,138	5,867,668
1862	4	3,056,690	8,375	5,672,299	3,201,525	8,773	9,077,193
1863	5	2,611,309	6,332	8,283,608	3,225,863	22,595	17,302,856
1864	6	2,116,109	5,797	10,397,717	20,836,576	57,261	38,139,432
1865	7	2,497,700	6,843	12,837,417	16,459,853	45,095	54,659,285
1866	8	3,597,700	9,857	16,435,117	13,455,398	36,864	68,114,683
1867	9	3,347,300	9,170	19,842,417	8,066,968	22,101	76,181,676
1868	10	3,646,117	9,989	23,488,534	13,217,174	36,211	89,398,850
1869	11	4,215,000	11,548	27,703,534	23,730,450	65,015	113,129,300
1870	12	5,260,745	14,413	32,964,279	20,033,754	56,175	133,633,054
1871	13	5,205,234	14,261	38,169,513	22,591,180	61,894	156,224,234
1872	14	6,203,194	17,242	44,462,707	21,440,503	58,541	177,664,737
1873	15	9,893,786	27,106	54,356,493	18,100,464	49,590	195,765,201
1874	16	10,926,945	29,937	65,283,438	12,647,527	34,651	208,412,728
1875	17	8,787,514	24,075	74,070,952	7,368,133	20,187	215,780,861
1876	18	9,132,669	25,021	83,203,621	22,982,822	62,967	238,763,683
1877	19	13,350,303	36,576	96,553,924	31,788,566	87,092	270,552,249
1878	20	15,396,868	42,211	111,950,852	18,084,520	49,420	288,636,769
1879	21	19,914,146	54,560	131,864,998	17,210,708	47,153	305,847,477
1880	22	26,286,123	72,017	158,151,121	24,609,638	65,366	330,458,115
1881	23	27,661,238	75,781	185,812,359	23,512,676	64,417	353,970,791
1882	24	30,349,897	83,151	216,162,256	23,631,165	64,743	377,581,331
1883	25	23,449,633	64,246	239,611,889	25,740,252	70,521	403,291,583
1884	26	24,218,438	66,352	263,830,327	20,476,924	56,101	423,768,507
1885	27	21,858,785	59,887	285,689,112	19,193,984	52,583	442,962,491
1886	28	28,064,841	76,860	313,753,953	20,028,457	54,872	462,990,948
1887	29	28,283,483	77,490	342,037,436	18,856,606	51,662	481,847,554
1888	30	27,612,025	75,649	369,649,461	17,950,313	49,175	499,797,867
1889	31	35,163,513	96,330	404,812,974	26,903,340	73,872	526,700,857
1890	32	45,823,572	125,571	450,636,546	35,365,105	96,891	562,126,062
1891	33	54,292,655	148,747	504,929,201	30,526,553	83,634	592,652,615
1892	34	50,514,657	138,396	555,443,858	25,908,463	70,977	618,561,078
1893	35	48,431,066	132,688	603,874,924	28,932,326	79,267	647,493,404
1894	36	49,344,516	135,190	653,219,440	35,522,095	97,324	683,015,499
1895	37	52,892,276	144,910	706,111,716	57,691,279	158,058	740,706,778
1896	38	60,960,361	167,012	767,072,077	58,617,779	160,571	799,323,457
1897	39	60,475,516	165,686	827,547,593	40,929,611	112,136	840,253,068
1898	40	55,364,233	151,710	882,911,826	44,168,359	121,080	884,346,437
1899	41	57,070,850	156,358	939,982,676	64,903,904	178,997	948,950,501
1900	42	63,620,529	174,303	1,003,603,205	75,732,691	207,542	1,024,683,192
1901	43	69,389,194	190,107	1,072,992,399	66,417,335	181,965	1,091,100,527
1902	44	88,766,916	243,197	1,161,759,315	71,178,910	195,011	1,162,279,437
1903	45	100,461,337	275,236	1,262,220,652	94,694,030	259,435	1,256,973,467
1904	46	117,080,960	320,770	1,379,301,613	101,175,455	277,193	1,358,148,922
1905	47	134,717,580	369,061	1,514,019,192	84,157,399	230,568	1,442,306,321
1906	48	126,493,036	346,556	1,640,513,128	92,444,735	253,273	1,534,750,935
1907	49	166,095,335	455,056	1,806,608,463	120,106,749	329,090	1,654,857,685
1908	50	178,527,355	489,118	1,985,135,818	129,079,184	353,642	1,783,936,869
1909	51	183,170,874	501,838	2,168,306,692	128,328,487	351,585	1,912,265,356
1910	52	209,557,248	574,129	2,377,863,940	127,999,683	350,410	2,040,185,044
1911	53	220,449,391	603,971	2,598,313,331	134,044,752	367,246	2,174,229,796
1912	54	222,538,604	609,695	2,820,851,935	164,087,342	449,554	2,338,317,138
Total		2,820,851,935			2,338,317,138		

(Supplement to the Oil and Gas Journal, Tulsa, Okla., Oct. 2, 1913.)

The shocking growth of this mammoth monopoly, which is now paying 50 cents per barrel for oil in Oklahoma oil fields and selling the same oil at Port Arthur to the Federal Government for $1.39 per barrel, and its profits and dividends are so amazing that it is worth while to pause and observe them. Its dividends, exclusive of other profits, since its organization are as follows:

Standard Oil Co. of New Jersey—Dividends paid since organization.

		Total production, United States, barrels.	Total value.
1882 to 1901, inclusive	$351,833,000	687,180,079	$726,709,123
1902, rate, 45 per cent	45,831,956	88,766,916	71,178,910
1903, rate, 44 per cent	42,877,478	100,461,337	94,694,030
1904, rate, 36 per cent	35,188,266	117,080,960	101,175,455
1905, rate, 40 per cent	39,335,320	134,717,580	84,157,399
1906, rate, 40 per cent	39,335,320	126,493,036	92,444,735
1907, rate, 40 per cent	39,335,320	166,095,335	120,106,749
1908, rate, 40 per cent	39,335,320	178,527,355	129,079,184
1909, rate, 40 per cent	39,335,320	183,170,874	128,328,487
1910, rate, 40 per cent	39,335,320	209,557,248	127,846,323
Total	709,762,620	2,192,030,411	1,675,761,300

[1] Estimated.

Dividends by rates paid from organization to 1901, inclusive, were as follows: 1882, 44 per cent; 1883 and 1884, 6 per cent; 1885, 10½ per cent; 1886 and 1887, 10 per cent; 1888, 11½ per cent; 1889–1891, 12 per cent; 1892, 12.21 per cent; 1893 and 1894, 12 per cent; 1895, 17 per cent; 1896, 21 per cent; 1897, 33 per cent; 1898, 30 per cent; 1899, 23 per cent; 1900 and 1901, 48 per cent.

At the recent hearings before the Interstate Commerce Committee on this matter Mr. J. J. Maroney, an independent producer of Oklahoma, introduced into the record a comment on those figures that are as true and forceful as they are illuminating and instructive.

His remarks are as follows:

Magnificent though the figures above given are as representing the profits actually taken down by the monopoly during the years of its growth, they really present but the most trivial portion of the wonderful potentialities of the concern to extract profit from the business. There is no possible accounting of the extent of properties bought up by this company itself and by its numerous subsidiaries, side companies, and sometimes professed opponents, and much-advertised "independents." These properties were bought up at prices fixed by the conditions which it was in the power of the monopoly to make, having the power to fix and to manipulate the quoted prices of the crude article. The limitless power of the monopoly, in other words, has been but partially seen and exposed in the record of dividends actually paid. The relentless use of that power is seen in the conditions in the fields where the choicest properties are constantly gravitating to the possession of the interests in which the power reels. That the condition has not changed with the so-called dissolution is as plain as the virility of the exercise of the same power during the halcyon days of the open avowal of the monopoly and its purposes. The thoughtful will see in this plain lesson that unregulated transportation in the article is the thing that is to be dissolved if the prevailing conditions are to be changed, and not the monopoly, which is the inevitable fruition of that power which private control of transportation gives. While the fact continues that the article is transported by agencies which are subservient to private interests and not, as in all other commercial articles, to public interests, the private interests in control will naturally, inevitably, and always continue to soak up the profits in the business. Men are not rascals for doing this. By all rules of business, which has its resemblance to piracy in some of its aspects and always will have, those men are "shrewd"; and shrewdness is a relative term and trait. If all men were equally alert, each one just exactly the peer of every other, there would be none accorded the credit of being "shrewd." It is not innate perversity which guides men to take the limit of advantage which come to them by the less than equal alertness of their fellows. The "general results" in part indicated by the table above spells more than anything else the lack of shrewdness, which prevails in an industry where the burden of "hazard" falls apparently all to one side and the bounty of profit so largely to the other.

Our people have been robbed by pipe lines, by drilling offset wells, by refusing to carry the oil at all, by maltreatment until our patience is gone.

Oil from its character can only be carried through pipe lines, all of which are interstate, so they escape our State law, and it is up to Congress while legislating on trusts to relieve us from the most vicious of them all.

It can not await another session. It has waited too long now. We are on the subject of regulating trusts; our hands are to the plow; let us get some relief from such oppression to the people who produce, to the people who consume.

There is no more fertile field in which to work, and I think the committee should adopt this amendment.

Mr. HUMPHREY of Washington. Will the gentleman yield for a moment?

Mr. FERRIS. The abuses of the Standard Oil Co. in my State are enough to amaze not only the State of Oklahoma but the entire universe. We are second in the United States in the production of oil. The State of California is first in its production. Our State, however, produces 65 per cent of the refinable oil of the United States. This morning I have submitted my amendment to some departmental experts of the Geological Survey. I have submitted it to the Assistant Attorney General for the Interior Department, in whom I have confidence and from whom I have received help before, and they think my amendment will accomplish much good and, in short, do the business. I dislike very much to come in here and offer an amendment to the bill of the Judiciary Committee, but on yesterday the committee said with great frankness that they intended to include oil, and I have no doubt they would be glad to include water power. If the amendment is not what it should be, we can perfect it in the Senate or in conference, or later you can revert to it and perfect it here. This is not the last word on the subject. There is no chance to go wrong when proceeding in the right direction. Undoubtedly this Congress ought not to pretend to legislate on minerals without including oil, gas, and water power. The worst monopoly in the country to-day is the Standard Oil Co. What earthly reason can anyone assign why it should be omitted?

Mr. Chairman and gentlemen of the committee, in my haste I have omitted many of the things I feel duty bound to say with reference to the oil situation in my State and in the country. But for want of time I shall for the moment pass to a question so intricate, so monumental in importance, that I scarcely dare to try to say a word about it in this Hall of Congress. Up to a few months ago I might well and truthfuly say I knew little or nothing about water power or the many ramifications and intricate problems connected with it. I am again within the facts to say that I know now but little of it, its importance, or an intelligent handling of it. I must, however, in frankness say that during the last three months the Committee on the Public Lands have given the most patriotic attention and study to this monumental problem.

There developed in hearing much testimony brought to us by Secretary Franklin K. Lane, and, to my mind, he is the most efficient, the most capable Secretary of the Interior that the country has had in administering its affairs. The country is peculiarly fortunate in having a man at the helm who has first-hand information on these problems. The country is again fortunate to have a man who knows how to do and dares to do the things that should be done. Such a man is Hon. Franklin K. Lane, the present Secretary of the Interior.

His unbounded patriotism and industry made him willing to, and he did, turn over to the Committee on the Public Lands for their use, information, and edification two of his very best men, to wit, Dr. George Otis Smith, the head of the Geological Survey, whose industry, patience, and ability as a geologist and an engineer is worthy of the keenest commendation. Again, he afforded us and kept ever present in the committee during the sessions Mr. E. C. Finney, Assistant Attorney General for the Interior Department, whose efficiency and ability may well be acknowledged.

The Agricultural Department afforded us the services of the chief engineer of the Forest Service, Mr. Merrill, who gave us much valuable information that we needed to have in dealing with this intricate question. The chart which I have brought in before you and which now stands before you on the pedestal was prepared by the departments, pursuant to long, careful, and faithful work. It brings in a word what some would not have time to run down and shows clearly the interlocking situation with reference to water power and its various ramifications.

The hearings quite well disclosed that the control of the water powers of the country is coming more and more into a few hands. This was strikingly shown by the testimony given in the recent hearings before the Public Lands Committee and in the evidence there submitted. Not only is the complexity of interlocking directorates shown by the chart before you, but a statement discussing this control of water-power development in the Western States was incorporated in the hearings of our committee at the suggestion of my colleague on the committee, the gentleman from Illinois [Mr. GRAHAM]. The statement goes into the matter with considerable detail and forms about 60 printed pages, and was prepared by engineers of the United States Geological Survey. The information regarding the water power developed in the 11 Western States is largely taken from original data in the files of the Geological Survey and the Forest Service, while the affiliations of the corporations controlling the great bulk of this power were ascertained by the works of reference dealing with corporation matters, as well as the current files of financial journals.

This statement is valuable as a continuation of the 1912 report of the Commissioner of Corporations on the subject, and it is especially noteworthy that the short period which has elapsed between that report and the preparation of the present statement, although only two years, has witnessed marked changes

Mr. RUCKER. Yes.

The SPEAKER pro tempore. The question is on ordering the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. BARTLETT. Division, Mr. Speaker.

The House divided; and there were—ayes 89, noes 6.

So the conference report was agreed to.

ANTITRUST LEGISLATION.

The SPEAKER pro tempore. Under the rule the House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the antitrust bill, and the gentleman from Tennessee [Mr. BYRNS] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, the antitrust bill, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The CHAIRMAN. When the committee rose on yesterday there was pending an amendment offered by the gentleman from Missouri [Mr. DICKINSON], to which an amendment had been offered by the gentleman from Indiana [Mr. CULLOP]. The question now is on the amendment to the amendment.

Mr. WEBB. Mr. Chairman, the committee has an amendment to this section which we think will satisfy the gentlemen who have offered amendments, and if they will withdraw their amendments we will now offer the committee amendment.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to suggest and offer as a substitute for the pending amendment the following:

Page 22, line 22, insert after the words "is found" the words "or has an agent."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 22, after the word "found," insert the words "or has an agent."

Mr. DICKINSON. Mr. Chairman——

Mr. FLOYD of Arkansas. I yield to the gentleman from Missouri [Mr. DICKINSON].

Mr. DICKINSON. Mr. Chairman, I am contented to withdraw the amendment I offered, with the consent of the gentleman from Indiana [Mr. CULLOP] and of the House, so that it may not stand in the way of the substitute proposed by the committee.

Mr. CULLOP. Mr. Chairman——

Mr. DICKINSON. One second. I want to say this, that while I believe the additional words added would be a better amendment than the one proposed in the substitute, as far as I am concerned I will withdraw my amendment. But I want to give notice that when we reach section 10 I purpose to offer an amendment to that, using the words "or has an agent where the cause of action arose."

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Will the gentleman from Arkansas yield?

Mr. FLOYD of Arkansas. I yield to the gentleman from Indiana.

Mr. CULLOP. The substitute is perfectly satisfactory, and I think covers the whole question.

Mr. BARTLETT. Mr. Chairman——

Mr. FLOYD of Arkansas. I yield to the gentleman from Georgia.

Mr. BARTLETT. As I understand now, you propose to amend the proposition by inserting after the word "found" the words "or has an agent"?

Mr. FLOYD of Arkansas. Yes, sir.

Mr. BARTLETT. And that would apply equally to individuals as well as to corporations?

Mr. FLOYD of Arkansas. Certainly.

Mr. BARTLETT. So that if you could not find an individual against whom you desired to bring suit, but the agent of the individual, you could serve the agent of the individual. Is that true?

Mr. FLOYD of Arkansas. That is true.

Mr. BARTLETT. Ought not the gentleman to further define the agent as an agent who has to transact the business of the corporation? If the gentleman will permit me just a moment; I do not desire to take his time unnecessarily, but it is an important proposition.

Mr. FLOYD of Arkansas. Certainly.

Mr. BARTLETT. Mr. Chairman, I desire to call the attention of the committee to this state of facts. This is an important proposition, because upon the service thus obtained will rest this suit and all suits. If you inquire into the various statutes of the States providing for service upon corporations and upon their agents you will not find, or I have not found at least, any place where the agent of an individual is permitted to be served by a process and to bind the individual.

Mr. MANN. Will the gentleman yield for a question?

Mr. BARTLETT. One moment. Let me finish this sentence. But you can obtain jurisdiction of the individual in any State where he is found by serving upon the person a copy of the process or writ. Now I yield.

Mr. MANN. The gentleman will notice that this provision only relates to the district in which suit may be brought and has nothing to do with service on the defendant. In other words, if this language were inserted and suit might be brought in the district where one person had an agent in the form of another person, service on the agent would not be sufficient to bring the individual into court.

Mr. BARTLETT. Then if the purpose of the section is to give jurisdiction to the court in that particular locality, that court would serve its process upon those within its jurisdiction.

Mr. MANN. Well, it could not serve process upon an individual who was not within its jurisdiction?

Mr. BARTLETT. It could not. No.

Mr. MANN. So after all this provision apparently only fixes the district in which suit may be brought?

Mr. BARTLETT. Yes.

Mr. MANN. Now, it may be that you can serve the agent of a corporation and thereby get service upon the corporation, but you could not serve the agent of an individual and thereby get service upon the individual?

Mr. BARTLETT. Because there happens to be a provision in the Constitution that requires an individual to be sued in the district where he resides.

Mr. MANN. Oh, no. The gentleman is mistaken about that.

Mr. BARTLETT. I am not. At least I do not think I am.

Mr. MANN. The gentleman has in mind a provision about the criminal prosecution where the offense is committed.

Mr. BARTLETT. No; I have not. Anyhow, I will fortify my statement about that, if necessary. Anyhow, my judgment is this should be amended in order to make it safe. To give jurisdiction to a court in that district or that State or that locality over an individual who may have an agent not to transact this business about which you are suing him for, but to transact entirely some other kind of business, such as running a farm, would, in my judgment, be very fatal to it; and this provision with reference to the agency should be limited to the question of an agent of a corporation, because the statutes of the various States on that subject have been upheld.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, may we have a vote?

Mr. STAFFORD. I assume the gentleman will not object to five minutes being consumed on this side?

The CHAIRMAN. The gentleman from Missouri [Mr. DICKINSON] asks unanimous consent to withdraw his amendment, and the gentleman from Indiana [Mr. CULLOP] makes a like request with reference to the amendment to the amendment. Is there objection?

Mr. SCOTT. Reserving the right to object, Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCOTT. What would there be before the committee?

The CHAIRMAN. The gentleman from Arkansas [Mr. FLOYD] proposes to offer an amendment. Is there objection to the request made by the gentleman from Missouri and the request of the gentleman from Indiana to withdraw their amendments?

There was no objection.

Mr. FLOYD of Arkansas. Mr. Chairman, I offer the amendment which I have sent to the Clerk's desk, and ask to have the amendment reported again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 22, line 22, by inserting, after the word "found," the words "or his agent."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Arkansas.

Mr. FLOYD of Arkansas. Mr. Chairman, I understand that some gentlemen desire to speak upon it.

Mr. SCOTT. Mr. Chairman, the amendment to my mind would bring about an anomalous condition. As the section now stands, providing that suit may be brought in any district where the defendant is found, it means that it may be brought in any district—and I refer to corporations—where a corporation may be found transacting business permanently.

Mr. FLOYD of Arkansas. Undoubtedly that is what it means.

Mr. SCOTT. It would not include any agent. The amendment enlarges the present interpretation of the word "found" as applied to the corporate jurisdiction, and permits suit to be brought, with absolute discretion on the part of the plaintiff, in any district in which the defendant may have an agent, without defining the character of that agent.

Now, we all know that there is an almost infinite number of characters of agents. Corporations transacting interstate business have agents, we may say, in practically every State of the Union for some purpose. Surely it can not be possible that the gentleman would attempt to confer jurisdiction and venue upon the Federal court in every district in the United States where any agent can be found, regardless of the question whether the corporation is domiciled in that State or district, or whether it is doing business there.

I believe gentlemen will find themselves in serious difficulty and confusion when it comes to certain other sections of the Federal statutes—those sections pertaining to the removal of causes, for instance, and in many others—because we have a consistent code of procedure at the present time. We have many expressions which through a long series of years of use have crystallized to well-understood meanings and interpretation. If we are to open this venue or jurisdiction to any district in the United States where any agent may be found, we are going to have a great deal of confusion and great injustice is to be done. It is going to open the door wide for annoyances to business, if any man can go anywhere in the United States and institute his action, if he can obtain any colorable service and compel the business institutions of the country to follow him about.

That has been one of the reasons, if not the cardinal reason, why the courts have given the present construction to the word "found," interpreting it to mean the place where the corporation does business, and in giving that interpretation, further, only those suits can be brought there which grow out of the business which the corporation is doing in that State or district. In other words, you can not go into the district of Texas and maintain a suit against a corporation in Texas, with respect to a cause of action which did not pertain to its business in Texas, but which pertained to its business in the State of its domicile. You are going to adopt that line of business if you adopt this amendment, in my opinion.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. ROOKER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 150. Joint resolution providing for the taking for purposes of illustration of 30 specimens of Pribilof Islands fur seal for the collection of the United States National Museum.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

The message also announced that the President of the United States had approved and signed bills of the following titles:

On May 27, 1914:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

On May 28, 1914:

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. SUMNERS and Mr. SINNOTT rose.

The CHAIRMAN. The gentleman from Texas [Mr. SUMNERS] is recognized.

Mr. SUMNERS. Mr. Chairman, I believe this matter of venue is one of the most important connected with the whole subject of antitrust legislation.

As suggested by the gentleman who has just spoken [Mr. SCOTT], unless the venue be properly placed, on the one hand, you may subject the defendant to blackmail. We used to have a custom down in Texas under which suits would be brought in remote sections of the State and the defendants in humble positions would be compelled to pay the amounts demanded because they could not go to the expense of hiring lawyers, taking depositions, and so forth, to defend the causes of action far removed from their homes. The possibility of this sort of procedure ought to be guarded against. On the other hand, if the venue be not properly placed, the plaintiff in humble position may be deprived of the benefits of this bill. The philosophy of legislation with regard to this subject should give the venue at the place wherein the cause of action arises. The recognition of this right to parties injured runs through the whole system of American procedure. It has come down from the common law of England, in which Government it has stood the test of centuries. Why should you not bring a man before the court at the very place where the injury has been inflicted? Why drive a man who has a cause of action to a foreign jurisdiction in order to get his remedy?

I say to you gentlemen in charge of this bill that it ought to be amended so that a man who suffers in his goods or his business in a given locality may bring the man or the corporation that inflicts the injury before the court in that locality, and there have their differences adjudicated. Instead of driving the man injured in Texas, for instance, to California or New York in order to procure a redress of the injury that has been inflicted upon him in Texas. It violates the philosophy of remedial legislation and is contrary to that system of procedure which will insure justice among the people and make this law effective.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

The CHAIRMAN. Does the gentleman from Texas yield to his colleague?

Mr. SUMNERS. I do.

Mr. STEPHENS of Texas. Is it not a fact that in your city of Dallas, Tex., there are a great many distributing agencies of many manufacturing concerns all over the country, engaged in selling farm implements and farm equipment, and agencies for other purposes, and would it not be a great benefit to the people of our State who purchase machinery from those people to have the right to bring suit in Dallas, for instance, and serve the process upon the agent who has sold this machinery to our citizens? Would not that be a great advantage over the present law?

Mr. SUMNERS. That would be true; but if a corporation or individual, doing business in Texas, with an agent located in Dallas, should go into the Panhandle of Texas and there inflict an injury on a citizen living in the Panhandle of Texas, that citizen ought to have the right to bring the man or the corporation to the court in the Panhandle, and there compel reparation for the injury inflicted.

Mr. BARKLEY. Is it the gentleman's construction of this amendment that if it is adopted an individual residing in Missouri, having a just complaint against a corporation residing in New York, may go down to Dallas, Tex., and bring a suit against that corporation in New York, and obtain service on an agent in Dallas, Tex., and that that service, under this amendment, would be valid?

Mr. SUMNERS. I am not talking about service. This confusion arises from not drawing the distinction between the individual upon whom service may be had and the place where suit may be brought. That is the confusion that arises under this bill. The service upon the agent is merely a technical method of procuring service upon the corporation, and the residence or nonresidence of the agent cuts no figure in the proceeding, save as it gives a means of getting service. It is all right, in so far as service is concerned, to provide in the bill that service may be had upon the agent and that service upon the agent is service upon the corporation. I am not criticizing that provision. What I am complaining of is that the provisions of this bill giving the right of recovery to the citizen injured by some act prohibited by the antitrust laws may become of no value to the humble citizen unable to go to a foreign jurisdiction to prosecute his suit.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I call for a vote.

The amendment was agreed to.

Mr. FERRIS. Mr. Chairman, can we not revert to section 3?

Mr. CARLIN. I think that was the agreement—that we should revert to section 3 this morning.

pendence. And still we deprecate war. What position would we be in to-day for peaceful arbitration with England concerning our independence and free Government and our individual right to worship according to our own conscience? And where would be our boasted liberty if it had not been for the War of the Revolution? Was it worth the sacrifice? Yes, a thousand times. For out of the requiem of the Battle of Bunker Hill and the melody of the Star-Spangled Banner millions of lives to-day, and untold millions to follow us, enjoy such liberty of thought, action, and pursuit that is the wonder and admiration of the world and makes for equal opportunity.

We deprecate war. But without war we would be to-day a disrupted and a divided nation. Were it not for the War of the Rebellion each State might now claim the right to secede, and instead of us being one nation of 48 States which now constitutes the Union, we might be 48 independent nations. That was severe warfare, and the resources of the Nation in men and treasure were taxed severely to preserve it.

Under Lincoln, Sherman, Sheridan, Farragut, and Grant, and such a splendid galaxy of military chieftains, leading an army of such fighting men as the world never knew, the task of not establishing but restoring the Union was again accomplished. Was it worth it? We say it was.

Then, again, when murder, plunder, and barbarism stalked in Cuba, and our brave boys lost their lives in the *Maine*, it was McKinley and Dewey, the blue and the gray, Rough Riders, Joe Wheeler, and Schley, in answer to the call, who drove Spanish tyranny and power from that fair land. The War with Spain received the plaudits of the world, and Cuba, with its 2,250,000 freemen, tell of the result.

Mr. Speaker, at the close of the Thirty-eighth Congress of the United States, from your desk, Speaker Colfax took occasion to felicitate the House and the country on the achievements of our men in arms, and among other things said:

> But in this hour of gladness I can not forget the obligations, paramount and undying, we owe to our heroic defenders on every battle field upon the land and every wave-rocked monitor and frigate upon the sea. Inspired by the sublimest spirit of self-sacrifice, they have realized a millionfold the historic fable of Curtius as they have offered to close up, with their own bodies if need be, the yawning chasm that imperiled the Republic. For you and me and for their country they have turned their backs on the delights of home and severed the tenderest of ties to brave death in a thousand forms; to confront with unblanched cheek the tempest of shot and shell and flame; to storm frowning batteries and bristling intrenchments; to bleed, to suffer, and to die. As we look from this Capitol Hill over the Nation there are crushed and broken hearts in every hamlet; there are wounded soldiers, mangled with rebel bullets, in every hospital; there are patriot graves in every churchyard; there are bleaching bones on every battle field. It is the lofty and unfaltering heroism of the honored living, and the even more honored dead, that has taken us from every valley of disaster and defeat and placed our feet on the sun-crowned heights of victory. The granite shaft may commemorate their deeds. Our American Valhalla may be crowded with the statues of our heroes, but our debt of gratitude to them can never be paid while time shall last and the history of a rescued Nation shall endure.
>
> If my voice, from this Representative Hall, could be heard throughout the land, I would adjure all who love the Republic to preserve this obligation ever fresh in grateful hearts. The dead, who have fallen in these struggles to prevent an alien flag from waving over the ashes of Washington or over the graves where sleep the great and patriotic dead of the last generation, the hero of New Orleans and the illustrious commoner of Kentucky, can not return to us. On Shiloh's plain and Carolina's sandy shores, before Richmond, and above the clouds at Resaca Mountain, the patriot martyrs of constitutional liberty sleep in their bloody shrouds till the morning of resurrection. But the living are left behind. And if the sacred record appropriately commends the poor, who are ever with us, to our benefactions and regard, may I not remind you that the widow and the fatherless, the maimed and the wounded, the diseased and the suffering, whose anguish springs from this great contest, have claims on all of us, heightened immeasurably by the sacred cause for which they have given so much? Thus, and thus alone, by pouring the oil of consolation into the wounds that wicked treason has made, can we prove our devotion to our fatherland and our affectionate gratitude toward its defenders.

Half a century has since passed, and of that grand army of 2,772,408, less than 500,000 are still living. On May 1, 1914, there was upon the pension roll but 435,693, and they are diminishing at the rate of 100 each day. The Nation's defenders have enshrined themselves in the hearts of all our citizens, and the pledge of Speaker Colfax has been carefully kept by a grateful Nation. To care for those who fought our battles in war and are now dependent is not a gratuity; it is not a gift; it is not an unwarranted or groundless recompense; it is our Nation's duty in recognition of a just obligation. For four years at the time of life when young men fit themselves for future activities, and for a period of time equal to the full term of a college course, they set aside the hope and opportunity of a successful business career to uphold the flag.

The following statement shows that pensions were granted to colonial soldiers in this country for injuries and losses sustained in war:

1636. Pilgrims of Plymouth, a reasonable maintenance.
1644. Virginia Assembly, for disability and indigent families.
1676. Court of Massachusetts Bay, relief on application.
1691. Charter of Plymouth Colony, from public treasury.
1718. Colony of Rhode Island, to every disabled officer and private.
1776. Continental Congress, half pay to widows and children.
1818, March 18. For service to indigents.
1861, July 22. One hundred dollars and arrearage of pay and allowances.
1862, July 14. Specific rates to injured and disabled.
1866, July 25. Specific rates to minor children.
1886, March 19. Rate increased.
1890, June 27. Rate upon service and to widows.
1907, February 6. Age and service law.
1908, April 10. Increase to widows.
1912, May 11. Present age and service law.

It has been the policy of this country always to pension its deserving soldiers and sailors, and while in the main our pension laws are just and liberal, certain amendments would make them more so.

I would approve of a law providing that a war widow, living with the soldier during and since the war, should, upon the death of the soldier, draw his pension. She offered up many a prayer in her secret chamber for his success in the Army and suffered in hardships and anxieties during his absence. She has shared his vicissitudes in life and like him has done her patriotic duty since the war.

The rigid law of limitation within which a widow can be pensioned should be changed and the time of marriage to the soldier to entitle her to a pension should be shortened. It does not seem right that a widow who married a soldier in May, 1890, should under the law be entitled to a pension while one who married a soldier in July of the same year, 1890, should be denied a pension under the law. If she was the warden of the soldier and assisted the Government in caring for him in his helpless condition she ought to be rewarded.

In the construction of the pension law a soldier should be considered as physically sound when he enlisted, and the burden of proof that he was not so at that time should be placed on the Government.

I would like to see a competency paid to those brave veterans who, from whatever cause, whether from sickness or misfortune, since the war are now unable to work and unable to care for themselves and have the dread of ever becoming dependent removed.

The above or similar amendments would not perceptibly increase the amount now paid for pensions and would be doing added justice to those entitled to such benefits.

I am also in favor of the dollar-a-day Sherwood pension bill, and think the time fast approaching when it will be enacted into law.

The insult to our flag at Tampico stirred the patriotic blood of this great Nation and mobilized our Army and Navy; but what of tearing our flag from the customhouse at Monterrillo and stamping it in the street, as stated in the New York Sun of May 4, 1914:

> Enraged Mexicans made hostile demonstrations against Americans in the streets in the vicinity of the United States consulate, and the American flag was torn down, trampled in the dirt, and burned. Americans outside the city were charged 1,000 pesos each for safe conduct through the city to the steamer, and at least 50 were unable to pay that sum and were left behind.

Can an American citizen carry the red flag of anarchy in this land of the Stars and Stripes? To him should await but martial law, and dire consequences should be meted out to everyone claiming the protection of the American flag who dares to offer it insult. It is our national emblem; it stands for liberty, national sovereignty, noble Christian citizenship, and good will to all men, and it should be respected and protected in this and every other land while we endure as an independent Nation. I am not for war, and I am not for peace at any price. Hundreds of American citizens are fleeing from Mexico City under protection of the British flag. Where is our own flag?

Recently we have witnessed every indignity that can be offered against a nation—insult to our flag; murder of our citizens upon our own territory; slaughter, plunder, and rapine against peaceful American citizens residing in Mexico; our troops fired upon and shot; our consuls imprisoned and court-martialed. The property of our citizens has been looted and destroyed and they made to abandon everything and flee for their ransomed lives. If this calls for mediation only, when might war ensue? The country of Mexico, here on the very threshhold of our Republic, in this enlightened twentieth century, is undergoing a looting and barbarism that has never been eclipsed in any age or clime.

I have many times wondered if we are meeting our full responsibility in Mexico and doing our duty.

If we went to Mexico to appease the insult to our flag, and this was ostensibly the purpose, we ought to appease it and get out. But evidently that was not the sole purpose, and some are

for getting out, while some are for going in, and evidently some are for standing still. As to what we should do, each seems to be left to answer for himself. If anyone feels comfortable standing still and looking on over the borders while innocent men, women, and children are being slaughtered by irresponsible bandits bent on loot, I am not one of that mind.

I am for raising our flag in Mexico until peace is restored and a stable government established, and I am for keeping it up until every citizen and country is indemnified for their losses. No other country but the United States can restore order in Mexico; no other country can secure a stable government there but the United States. And no other country can give the inhabitants of Mexico a better government than the United States. In the end action must be taken by the United States.

Mr. Speaker, I have received many petitions from the veterans of my district protesting against any change in our flag. I have only been able to find one bill introduced in Congress for that purpose, which follows:

House concurrent resolution 6.

Resolved by the House of Representatives (the Senate concurring), That the flag of the United States of America shall hereafter be as described: It shall consist of 13 alternating stripes of red and white, with a field of blue in which shall be stars to the extent of 48, arranged in a circle, to symbolize our Federal Union, which said circle shall be increased 1 star upon the admission of any other State. Within said circle of 48 stars shall be 1 large five-pointed star, constructed of smaller stars, which shall symbolize and represent our unparalleled Nation, the great Republic of the world. In the center of said star so constructed of smaller stars as above described shall be a red circle, which shall represent our colonial and insular possessions.

The change does not appear to be a violent one; but the old soldiers do not want it changed at all, except to add a new star for each new State, and they can not be blamed or criticized for that. It is the symbol of our nationality and representative Government. They want it to remain just as Francis Key saw it flying over Fort McHenry on the 21st day of September, 1814, in the dawn of the morning, from his prison on the British frigate in Chesapeake Bay. They want it just as Ellsworth hoisted it in Alexandria in 1861. They want it just as they fought for it, just as they died for it, and just as it looked to them when going into battle; just as it looked on the rampart and at Fredericksburg, and just as it looked at Appomattox. May its stars bedeck the earth like the stars of the firmament; may its folds kiss the breezes of every clime and its stripes bring that universal love of freedom, liberty, prosperity, and happiness which it bears to every living heart. It is the flag we all love. We can all indorse the beautiful lines of Nesbit:

> Your flag and my flag, and how it flies to day;
> In your land and my land and half the world away;
> Rose red and blood red its stripes forever gleam;
> Snow white and soul white the good forefathers dream;
> Sky blue and true blue, with stars that gleam aright;
> A gloried guidon of the day; a shelter thro' the night.
> Your flag and my flag, and oh how much it holds!
> Your land and my land secure within its folds;
> Your heart and my heart beat quicker at the sight;
> Sun kissed and wind tossed, the red and blue and white;
> The one flag, the great flag, the flag for me and you;
> Glorified, all else beside, the red and white and blue.

[Applause.]

DIRECT VOTE FOR UNITED STATES SENATORS.

Mr. RUCKER. Mr. Speaker, I call up the conference report on the bill (S. 2860)——

Mr. WEBB. Mr. Speaker, I make the point of order that that motion is not in order under the rule under which we are now operating. The rule specifically provides that nothing shall interfere with the consideration of these trust bills except the further urgent deficiency bill, which has already been passed, conference reports, and appropriation bills, or the sending of bills to conference. Now, with those three exceptions, nothing else can be considered under this rule.

Mr. RUCKER. Will the gentleman yield? I am sure it will not take 15 minutes—possibly not 5.

The SPEAKER pro tempore. The Chair will state, in view of the fact the Speaker of the House has already ruled on this question, the present occupant of the chair does not like and would not undertake to overrule the Speaker of the House.

Mr. WEBB. Very well, Mr. Speaker; if the Chair feels that way about it I withdraw the point of order.

The SPEAKER pro tempore. The gentleman from Missouri calls up the conference report which the Clerk will read.

Mr. RUCKER. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 726).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 2860 having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2 and agree to the same.

That the House recede from its amendment numbered 3.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Insert after the word "That," with which the amendment is introduced, the words "section 2," so that the amendment shall read:

"SEC. 3. That section 2 of this act shall expire by limitation at the end of three years from the date of its approval."

And the House agree to the same.

W. W. RUCKER,
R. F. BROUSSARD,
Managers on the part of the House.
T. J. WALSH,
ATLEE POMERENE,
WM. S. KENYON,
Managers on the part of the Senate.

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The Senate receded from its disagreement to the House amendments Nos. 1 and 2, and the House receded from its amendment No. 3.

Amendment No. 4: The Senate receded from its disagreement to amendment No. 4 and agreed to the same with an amendment. As agreed to, amendment No. 4 will read as follows:

SEC. 3. That section 2 of this act shall expire by limitation at the end of three years from the date of its approval.

The effect of this amendment, as finally agreed upon, is to leave section 1 of the act permanent law and limit the life of section 2 to three years.

W. W. RUCKER,
R. F. BROUSSARD,
Managers on the part of the House.

Mr. RUCKER. Mr. Speaker, I move that the House agree to the conference report, and on that I demand the previous question.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER. I yield to the gentleman from Illinois.

Mr. MANN. The language of section 3 as it passed the House, I think, is "that this act shall expire by limitation." The conference report says that the Senate recedes from its disagreement and agrees to the amendment of the House with an amendment, as follows: "Insert after the word 'that' the words 'section 2,' so that it will read: 'That section 2 of this act.'" Now, that is a very small matter, except to the man who is going to enroll the bill. It does not propose an amendment to insert "section 2 of," but to insert "section 2."

Mr. RUCKER. Mr. Speaker, I will suggest to the gentleman that the section itself is set forth in full as amended.

Mr. MANN. The enrolling clerk thus finds in the conference report two contradictory statements—one where the Senate agrees to the amendment of the House with an amendment inserting "section 2."

Ordinarily that is what he takes; but if he takes that in this case he makes a grammatical or rhetorical error, but which, it is true, is corrected. I think the Members of the House who prepare reports where the enrolling clerk must enroll a bill and must follow the report of the committee on conference ought to have it so the enrolling clerk can follow it and know what he is doing.

Mr. RUCKER. I do not think there is any trouble about that.

Mr. MANN. It may be; the gentleman may think there may be no trouble. I consulted with the enrolling clerk of the House, who of course does not enroll this bill, because it is a Senate bill, and he did not know what he would do about it; and I do not know what I would do and I do not think the gentleman from Missouri would know what he would do about it.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Missouri [Mr. RUCKER].

Mr. BARTLETT. Mr. Speaker, the conference report, as I understand it, makes permanent section 1, and the provisions of section 2 are to expire at the end of three years. Is that the result of the conference?

Mr. WILLIAMS. The Senator can make his explanation afterwards.

Mr. JAMES. I transfer the pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from Arkansas [Mr. ROBINSON] and vote. I vote "nay."

Mr. BRISTOW. I desire to state that the junior Senator from Minnesota [Mr. CLAPP] is unavoidably detained. If he were here, he would vote "nay."

Mr. KERN. I desire to announce the unavoidable absence of the following Senators: The Senator from Arkansas [Mr. CLARKE], who is paired with the Senator from Utah [Mr. SUTHERLAND]; the Senator from Texas [Mr. CULBERSON], who is paired with the Senator from Delaware [Mr. DU PONT]; the Senator from Florida [Mr. FLETCHER], who is paired with the Senator from Wyoming [Mr. WARREN]; the Senator from New Hampshire [Mr. HOLLIS], who is paired with the Senator from Maine [Mr. BURLEIGH]; the Senator from Tennessee [Mr. LEA], who is paired with the Senator from South Dakota [Mr. CRAWFORD]; the Senator from Montana [Mr. MYERS], who is paired with the Senator from Connecticut [Mr. MCLEAN]; the Senator from South Carolina [Mr. SMITH], who is paired with the Senator from Washington [Mr. JONES]; and the Senator from Kansas [Mr. THOMPSON], who is paired with the Senator from Illinois [Mr. SHERMAN].

Mr. SIMMONS (after having voted in the affirmative). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP], who is absent. I transfer that pair to the Senator from Oklahoma [Mr. GORE] and will let my vote stand.

Mr. WALSH. I have heretofore announced my pair, but I transfer it to the Senator from Oklahoma [Mr. OWEN] and vote "nay."

The result was announced—yeas 16, nays 30, as follows:

YEAS—16.

Brandegee	Martin, Va.	Smith, Ga.	Tillman
Johnson	Oliver	Smith, Md.	West
Lewis	Overman	Swanson	White
Lodge	Simmons	Thornton	Williams

NAYS—30.

Ashurst	Hughes	Nelson	Shafroth
Borah	James	Norris	Sheppard
Bristow	Kenyon	O'Gorman	Sterling
Catron	Kern	Page	Thomas
Chamberlain	La Follette	Perkins	Vardaman
Cummins	Lane	Pittman	Walsh
Gronna	Lee, Md.	Poindexter	
Hitchcock	Martine, N. J.	Reed	

NOT VOTING—49.

Bankhead	du Pont	Newlands	Smith, S. C.
Brady	Fall	Owen	Smoot
Bryan	Fletcher	Penrose	Stephenson
Burleigh	Gallinger	Pomerene	Stone
Burton	Goff	Ransdell	Sutherland
Clarke	Gore	Robinson	Thompson
Clapp	Hollis	Root	Townsend
Clark, Wyo.	Jones	Saulsbury	Warren
Clarke, Ark.	Lea, Tenn.	Sherman	Weeks
Colt	Lippitt	Shields	Works
Crawford	McCumber	Shively	
Culberson	McLean	Smith, Ariz.	
Dillingham	Myers	Smith, Mich.	

The VICE PRESIDENT. A quorum has not voted.

Mr. HUGHES. I move a call of the absentees.

Mr. SMITH of Georgia. Under the rule, as I understand it, unless a sufficient number of Senators vote, and thereby give the Senate a quorum, it is required that the roll of the entire Senate be called, so as to ascertain whether or not there is a quorum present.

Mr. HUGHES. I ask for a call of the Senate.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Oliver	Swanson
Brandegee	Kenyon	Overman	Thomas
Bristow	Kern	Page	Thornton
Bryan	La Follette	Perkins	Tillman
Burton	Lane	Pittman	Vardaman
Catron	Lee, Md.	Poindexter	Walsh
Chamberlain	Lewis	Reed	West
Chilton	Lodge	Shafroth	White
Cummins	Martin, Va.	Sheppard	Williams
Gore	Martine, N. J.	Simmons	
Hitchcock	Nelson	Smith, Ga.	
Hughes	O'Gorman	Sterling	

The VICE PRESIDENT. Forty-five Senators have answered to the roll call. There is not a quorum present.

Mr. KERN. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, June 1, 1914, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May 29, 1914.*

The House met at 11 o'clock a. m., and was called to order by the Speaker pro tempore, Mr. HAY.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

We bless Thee, Almighty God, our heavenly Father, for a united country, strong in its material, intellectual, moral, and spiritual resources, and our hearts go out in grateful memory to the true, the noble, brave, patriotic men who sacrificed even unto death, that it might live. Keep us, we beseech Thee, close to Thee, that we enter not into temptation and misuse the precious gifts with which Thou hast so abundantly blessed us, but lead Thou us on to still greater heights of glory, an example to the world of righteousness, truth, and justice, "with malice toward none and charity for all." Peace reigning o'er us, one country, one flag, one God and Father of us all. And Thine be the praise forever. In the spirit of the Lord Jesus Christ. Amen.

APPROVAL OF THE JOURNAL.

The Journal of the proceedings of yesterday was read.

The SPEAKER pro tempore. Without objection, the Journal as read will stand approved.

Mr. MANN. Mr. Speaker, reserving the right to object, I understood the Journal as read to say that the House disagreed to the amendments of the Senate to the Agricultural appropriation bill. As a matter of fact, that was not the motion, although it should have been; and, as a matter of fact, as I am informed, that was not the message which was sent by the House to the Senate. The fact is that the Senate adopted amendments to the Agricultural appropriation bill, and without insisting upon its amendments, asked for a conference, and the House, without disagreeing to the amendments of the Senate, agreed to the conference, so that there was no disagreement between the two Houses, and the point had not been reached where it was proper to have a conference. The Journal does not agree with the message which was sent to the Senate. I call attention to it, because I think Members who present these matters to the House ought to do it in a correct manner, so as not to get everybody tied up.

Mr. BARTLETT. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. BARTLETT. The gentleman's proposition is that the House ought to have disagreed to the Senate amendments and to have agreed to the conference?

Mr. MANN. Each House before it asks for a conference either disagrees or insists upon its own amendments.

Mr. BARTLETT. That is correct.

Mr. MANN. And in this case the Senate did not insist upon its amendments, and the House did not disagree to the Senate amendments.

Mr. BARTLETT. Mr. Speaker, it was suggested to the gentleman from South Carolina that the motion he put was not a proper motion, and he insisted upon it.

Mr. MANN. I could not hear the gentleman from South Carolina [Mr. LEVER] when he made the motion, or during the conversation which he had with the gentleman from Mississippi [Mr. CANDLER].

Mr. BARTLETT. Does not the gentleman think the Journal ought to show a disagreement to these amendments in some way?

Mr. MANN. Oh, I think the Journal now states a disagreement, but the message which was sent to the Senate yesterday by the House did not state that the House had disagreed to the Senate amendments, because the message was in conformity with the motion made in the House yesterday.

Mr. CANDLER of Mississippi. Mr. Speaker, I will state to the gentleman from Illinois [Mr. MANN] that I asked the gentleman from South Carolina [Mr. LEVER], the chairman of the Committee on Agriculture, whether or not his request was to disagree to the Senate amendments and he said that it was not.

Mr. MANN. I understand, and there is no occasion for a conference until there is a disagreement between the two Houses.

Mr. CANDLER of Mississippi. I thought myself that that ought to have been the request, to disagree to the Senate amendments and to agree to the conference.

Mr. MANN. It should have been.

Mr. BARTLETT. As I recall, the gentleman from Mississippi [Mr. CANDLER] suggested that to the gentleman from South Carolina at the time he made his motion.

The SPEAKER pro tempore. The Chair thinks the statement of the gentleman from Illinois is correct, and, without objection, the Journal will be corrected.

Mr. MANN. Oh, I have no objection to whether it is corrected or not, but I think there ought to be a disagreement.

Mr. CANDLER of Mississippi. Mr. Speaker, I ask that the RECORD be corrected.

The SPEAKER pro tempore. Without objection, the RECORD will be corrected. [After a pause.] The Chair hears no objection.

Mr. GARNER. Mr. Speaker, if the Journal is corrected to show no disagreement was had in the House as to the Senate amendments, and that part of the Journal is vacated, would it not be necessary to now disagree to the Senate amendments and to ask for a conference?

The SPEAKER pro tempore. The Chair thinks that in effect the Senate amendments have been disagreed to.

Mr. MANN. The papers are gone beyond the possession of the House in any event.

The SPEAKER pro tempore. And it is now beyond the power of the House.

The Journal was approved.

THE PAGES.

Mr. CANDLER of Mississippi. Mr. Speaker, by unanimous consent the House has agreed that when it adjourns to-night it will adjourn over to-morrow, which is Decoration Day, until Monday. I understand that, regardless of this fact, the pages on the floor of the House and the telephone pages are required to remain here upon the floor to-morrow from 10 o'clock until 2. There will be nobody here, and I see no necessity for requiring these boys to remain here to-morrow, when there will be nothing for them to do. Therefore I ask unanimous consent that they may not be required to be present to-morrow, in order that they may have the day.

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that the pages on the floor of the House and the telephone pages may not be required to attend to-morrow from 10 o'clock until 2. Is there objection?

There was no objection, and it was so ordered.

DECORATION DAY.

Mr. J. M. C. SMITH. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes on the subject of Decoration Day.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to address the House for 15 minutes on the subject of Decoration Day. Is there objection?

Mr. RUCKER. Mr. Speaker, reserving the right to object, will the gentleman permit me to first dispose of a formal matter which is before the House?

Mr. J. M. C. SMITH. Yes; certainly.

Mr. WEBB. Mr. Speaker, I will ask the gentleman if he will not take 10 minutes?

Mr. RUCKER. Without wanting to displace the gentleman, I would like to call up the conference report——

The SPEAKER pro tempore. That would have to be done also by unanimous consent.

Mr. RUCKER. Mr. Speaker, it is privileged, is it not?

The SPEAKER pro tempore. Not under the present rule.

Mr. RUCKER. I think on yesterday the Speaker ruled it was privileged when the present occupant of the chair was not presiding.

Mr. GARNER. The Speaker held that a conference report was in the discretion of the Chair whether he could call it up under this rule.

Mr. MANN. The Speaker held this conference report was in order under the rule.

Mr. GARNER. That this conference report was in order under the rule.

The SPEAKER pro tempore. The Chair will call attention to the rule:

> The order of business provided by this resolution shall be the continuing order of business of the House until concluded, except that it shall not interfere with Calendar Wednesday, nor with the consideration of House bill 16508, the further urgent deficiency bill, nor with the consideration of conference reports on appropriation bills or the sending of appropriation bills to conference.

Now, the Chair understands the bill called up by the gentleman from Missouri is not an appropriation bill.

Mr. GARNER. Mr. Speaker, the gentleman from Illinois [Mr. MANN] at the time that rule was under consideration made an inquiry of the Speaker with reference to conference reports.

Mr. MANN. In reference to matters on the Speaker's table.

Mr. GARNER. In reference to matters on the Speaker's table, and the Speaker then said that in construing that rule that he would hold it was within the discretion to call up matters on the table, so it is entirely with the Chair——

The SPEAKER pro tempore. Of course the present occupant of the Chair was not conversant——

Mr. MANN. But the Speaker on yesterday, when this conference report was called up, or rather when the same bill was called up, held it was in order to be called up.

The SPEAKER pro tempore. Very well.

Mr. RUCKER. I will read what the Speaker said if the Chair desires.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent to address the House for 15 minutes.

Mr. J. M. C. SMITH. For 10 minutes, as I have been asked to limit my time to that.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, does the gentleman intend to indulge in any criticisms of the administration?

Mr. J. M. C. SMITH. I simply desire to speak on the subject of Decoration Day.

Mr. FITZGERALD. Men can talk on a great many things under such a title.

Mr. MANN. Is the gentleman so tender about the administration?

Mr. FITZGERALD. No; I am not tender about it.

Mr. J. M. C. SMITH. It is too broad a field to go into.

Mr. FITZGERALD. But I do not propose to permit indiscriminate criticism.

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Upon the statement of the gentleman I do not object.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. J. M. C. SMITH] is recognized for 10 minutes.

Mr. J. M. C. SMITH. Mr. Speaker, I am very appreciative of the indulgence of the House at this time. I had intended to speak to-morrow, but in honor of the veteran soldiers of our country the House will adjourn over to-morrow, and I now thank you for giving me the opportunity to speak to-day.

The 30th day of May is set apart to commemorate the great achievements of the Grand Army of the Republic in the War of the Rebellion and all soldiers and sailors in fighting the battles of our country and preserving the Union.

On this day will assemble in every part of our land, from the Atlantic to the Pacific, in the Northland and in the Southland, millions who will pay homage to the Nation's dead, and in loving remembrance place flowers upon the silent tombs of those who fell in battle and of those who offered their lives for their country who have since died and have been given a final resting place in the city of the dead.

In that memorable war, the greatest of all times, were engaged the largest armies known to authentic war history. In this war the conflict was the fiercest; the deeds of daring and bravery the most exemplary; the victories the most brilliant; and the achievements by armies more beneficial to all mankind than in any prior conflict, and time will never efface the splendor and glory of the valor of those brave men.

Time will not permit me to recount the deeds of daring and bravery of those illustrious men who sacrificed their lives in that great conflict, nor of those who offered their lives in defense of their country; that will be told upon the plains and hillsides by millions who will this day recount the stirring scenes of battle and the glories of their achievements; and around the hearthstones of many homes made sad and solemn by the absence of those who went forth at the call to arms and who never returned will be recounted the sacrifices made, and to many will recur the blighting remembrance of the last farewell.

Mr. Speaker, it is not alone to the dead that we owe a debt of gratitude but also to all those yet living who in the flower of their young manhood offered their lives in the defense of their country. Neither do we neglect the loving wives and mothers who parted with their dearest treasure and who so uncomplainingly have gone through life in hallowed sorrow. To them all this country owes a debt of admiration and respect which no recompense can efface; to them do we, who to-day enjoy the benefits and share in the glory of their victories, acknowledge our gratitude. To them all time will garnish the pages of our national record and gild our history with the luster of their sacrifices. To the living and the dead, to those who fill the known and the unknown graves, to all who took the solemn vow that he would die if need be in freedom's name, we devoutly and reverently acknowledge that their glory ends not with the grave, but all future generations will do them homage.

We love to read of Bunker Hill, Yorktown, Lexington, Valley Forge, and of those times that tried men's souls. We learn how Washington and Lafayette and Greene and Wayne, with a half-paid, half-fed, and half-clothed army won our inde-

of the committee to strike out the words. If the vote is "yea," the words which the Senator from New York wants retained go out of the bill.

Mr. WHITE. That is all right, if that is the ruling of the Chair. I simply wanted to know about it.

Mr. O'GORMAN. To remove any possible doubt, if I can have the attention of the Chair——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. A "nay" vote on the pending motion will have the effect of retaining in the bill the provision for which I have been contending.

Mr. LODGE. Certainly.

Mr. President, I simply want to put in the RECORD again, in connection with what the Senator from Wisconsin [Mr. LA FOLLETTE] has been saying, the comparative figures to which the Senator from Pennsylvania [Mr. OLIVER] has already called attention.

Mr. LA FOLLETTE. From what is the Senator about to read?

Mr. LODGE. This is from the official report of the Navy Department. It is taken from the Government report. I shall not read the details, but simply the totals.

The total cost of the U. S. S. *Florida*, built by the United States Government, was $6,235,137.05. The cost of the *Utah*, the sister ship, was $4,145,228.34. The *Florida*, the Government-built ship, went into commission September 11, 1911, and the repairs to March 1, 1914, were $151,175.68. The U. S. S. *Utah*, built in a private yard, went into commission August 31, 1911, only 15 days earlier, and the repairs to date on that ship were $95,363.03.

Mr. WEST. Mr. President, what did the Senator from Massachusetts say was the difference in the cost?

Mr. LODGE. I shall have to figure it out. It is $2,150,000.

Mr. WEST. They were sister ships?

Mr. LODGE. Sister ships; yes. That is exclusive of armor and armament.

Mr. WEST. And the Government-constructed vessel exceeded the other in cost by $2,150,000?

Mr. LODGE. Those are the figures from the Navy Department.

Mr. CUMMINS. Mr. President, the Chair very wisely, I think, declined to construe or interpret this bill with regard to the discretion of the Secretary of the Navy. From my point of view, it is as full of doubt in that respect as the Hay-Pauncefote treaty. I do not believe it gives fairly and fully discretion to the Secretary of the Navy to build a ship in a Government navy yard, even though the amendment now pending is adopted, if these words are stricken out. I suggested that to the Senator from Massachusetts when he was on his feet a few moments ago, and he said it could be easily changed so that the true intent would appear; but it has not been so changed.

Mr. LODGE. We can not change it until we reach it.

Mr. CUMMINS. I now desire to call the attention of the Senator to just what the bill does in that respect. The provision on this subject begins:

That for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships carrying as heavy armor and as powerful armament as any vessel of their class, to have the highest practicable speed and greatest desirable radius of action, and to cost, exclusive of armor and armament, not to exceed $7,800,000 each.

There the bill will end, so far as battleships are concerned, if the amendment of the committee as amended is permitted to remain in the bill.

It then proceeds to mention certain other naval craft which are also authorized to be built, and then says:

Three of the coast-defense submarine torpedo boats herein authorized shall be built on the Pacific coast: *Provided*—

I shall not read the proviso; but it is provided that they shall be built there if they can be built as cheaply as they can upon the Atlantic coast.

Now, mark this language:

The Secretary of the Navy shall build any of the vessels—

That item includes the two battleships—

herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

That may be interpreted to mean that the Secretary of the Navy shall build these vessels in the navy yards if he finds that this combination exists, or it may mean that he can only build the vessels in these navy yards if he finds that the combination exists. But that is not the principal difficulty about the bill. On page 60 we find a provision which I will read:

Of each of the sums appropriated by this act, except such amounts as may be required to meet obligations authorized in previous acts and for which contracts have been made, no part shall be used to procure through purchase or contract any vessels, armament, articles, or materials which the navy yards, gun factories, or other industrial plants operated by the Navy Department are equipped to supply, unless such Government plants are operated approximately at their full capacity for not less than one regular shift each working day, except when contract costs are less than costs in said Government plants, and except when said Government plants are unable to complete the work within the time required, and except in cases of emergency.

That means, and there can be no other fair inference drawn from it, that if the Secretary of the Navy receives a bid for the building of these battleships which is less than the cost which he computes or estimates as the cost of building the ship in the Government navy yard, he must accept such bid and exclude the Government navy yard from the work.

I am one of those who believe that the construction of a battleship in a Government navy yard is more important than any reasonable difference between the cost of constructing it there and the cost of constructing it in a private yard. But, however that may be, we are not prepared to compare the cost of constructing it in the navy yards with the cost of doing it in the private establishment until we change the law with regard to the bookkeeping of the Navy Department. The Secretary of the Navy has so declared to the Committee on Naval Affairs. He has said that in estimating the cost of building a ship in the Government yard he is required by the law to charge to the construction of that ship many items of expenditure which ought not to be charged to the ship, and he says, as I understand it, at least I read that from a very reputable source, that the battleship *New York* was really built for $500,000 less than the battleship *Texas*, although, according to the books of the Navy Department as compared with the books of the private shipbuilder, it apparently cost $1,500,000 more.

I am not willing, therefore, to have it said here that a vote to sustain the committee's amendment as amended is a vote to give to the Secretary of the Navy unqualified, full discretion whether to build his ship in the Government navy yard or not, for I do not think the law as proposed can be so construed. I would not be in favor of giving him that discretion, even though the bill did so specifically provide, for I think the policy of building one of these ships in a Government navy yard is a policy that ought to be declared by Congress, and that the discretion to depart from it ought not to be vested in any governmental officer, however fair and however patriotic and however competent he may be.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Iowa yield to the Senator from Virginia?

Mr. CUMMINS. I yield to the Senator from Virginia.

Mr. SWANSON. The language the Senator has called to the attention of the Senate, saying it would not leave any discretion to the Secretary of the Navy, is precisely the same language that was in the act last year, under which the Secretary of the Navy has given to the navy yard at Philadelphia the building of a transport and the building of a supply ship to the Boston Navy Yard. The language has always been construed as leaving an absolute discretion in the Navy Department. It is the same language used in the appropriation act of last year, under which the discretion has been exercised.

Mr. CUMMINS. That may be. I do not know what the bids upon the ship built in the Philadelphia Navy Yard were; I do not know what the costs were. I do not know the proposed cost by the private builder as compared with the estimated cost by the Government; but I say, no matter what has been done, if the Secretary of the Navy finds a bid for this ship for a less sum than he can construct the ship in a Government navy yard, according to the methods of bookkeeping now prevailing there, he will be obliged as an honest, competent, and faithful official to award the contract to the private shipyard, and not build it in the Government yard.

Mr. SWANSON. I simply want to call the attention of the Senator to the fact that this language has been carried, as I understand it, in repeated naval appropriation acts and it has had the construction of the department. Under that construction it has always been held that it left a discretion with the department to build in private yards or in Government yards. The language, I understand, has not been changed, because it is the language carried from year to year.

Mr. CUMMINS. I do not know, for I have not examined it. I only know when the bids come in, if the bids are lower than

the estimated cost by the Government, the Secretary of the Navy can not feel that he has that full discretion which those who are proposing to adopt the amendment of the committee would like to give him.

Mr. LODGE. Will the Senator allow me?

Mr. CUMMINS. Certainly.

Mr. LODGE. The practice of the department and the interpretation of the law is exactly as the Senator from Virginia [Mr. SWANSON] has described it. But if there is any possible doubt it is very easy, when we reach that point in the bill, to insert, after the words "Secretary of the Navy," in the eighteenth line, the language which has been used in 8 or 10 recent acts:

The Secretary of the Navy may build any or all the vessels authorized in this act in such navy yards as he may designate.

There can be no question about it if that language is put in.

Mr. WILLIAMS. Mr. President——

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I call the attention of the Senator from Massachusetts to the bottom of page 58, where I insert a comma in place of the period and add these words:

Or if for any other reason the Secretary of the Navy shall deem it in the public interest to construct one or both in a Government navy yard.

That would cure the entire trouble.

Mr. LODGE. It would cure it just as my amendment would cure it. I adopted the language of the old law. Either one would cure it, but we can not cure it until we get to it.

Mr. CUMMINS. Undoubtedly it can be cured; and I am very much obliged to both the Senator from Massachusetts and the Senator from Mississippi for pointing out the way in which it can be cured.

I rose largely for the purpose of indicating that the vote did not mean precisely what it was asserted in some quarters that it meant. So far as I am concerned, it would make no difference with my vote. I am in favor of building one of these ships in a Government navy yard, and I believe that to do otherwise would be to overturn the very highest public policy, not only for the reasons stated by the Senator from Wisconsin [Mr. LA FOLLETTE] but because it is essential that the Government shall retain all the while the capacity to build its own battleships. To allow that great organization in the Brooklyn Navy Yard to disintegrate—that great plant which has been accumulated with such infinite care and great genius, I may say, in order that the ship may be built in some private yard—to me is contrary to the best and highest interests of the United States. I intend to vote in such a way as will retain the Brooklyn Navy Yard in full efficiency, and if it be the only navy yard capable of building a ship of the character here described, that the ship shall be built there and under Government supervision and at Government expense.

Mr. WEST. I should like to ask the Senator from Iowa a question before he takes his seat. Why is it that the Government is unable to adopt some system of bookkeeping whereby it would be able to arrive at the real cost of these battleships, so that there could be some comparison made?

Mr. CUMMINS. I do not understand that myself, but I will read to the Senator from Georgia an extract from the statement of the Secretary of the Navy:

All the cost figures sent to Congress by myself and other Secretaries of the Navy concerning the cost of navy-yard construction of battleships do not show the truth. At the request of the House Naval Affairs Committee I recently sent Chairman PADGETT figures purporting to show the cost price of the battleship *New York*, built in the Brooklyn Navy Yard. Those figures contained items which should not properly have been charged against the ship. There was nothing else for me to do, however, but to put them in. If the law is changed, then I will be able to use my own discretion as to what overhead charges should be assessed against ships built at our yards.

Continuing, he says:

Navy yards have a twofold purpose. In time of war they should be used entirely for making repairs to ships.

I am not sure that this is an extract from the Secretary's testimony. It may be the editorial in the Brooklyn Eagle from which I am quoting:

In time of peace they can very well be employed in constructing battleships. Those improvements made at the yards while a ship is under way that are of a permanent nature should not be assessed against the ship. They should be charged to some other appropriation. Now they are charges to the price of the ship, and it is not right. For instance, a pump at the Brooklyn yard furnishing water for use by the men working on the *New York* broke while the ship was under way. A new one was installed in its place. The cost of this work was charged against the *New York*. This was not right, but we could do nothing else under the present law. If the Senate amendment were part of the law now, this item would not have been included in the final cost price of the ship.

The VICE PRESIDENT. The Secretary will call the roll upon agreeing to the amendment of the committee as amended.

The Secretary proceeded to call the roll, and Mr. ASHURST responded "nay."

Mr. POINDEXTER. Mr. President——

SEVERAL SENATORS. Too late.

Mr. POINDEXTER. I was on my feet before——

SEVERAL SENATORS. The roll call has begun.

Mr. WHITE (when Mr. BANKHEAD's name was called). I desire to announce that my colleague [Mr. BANKHEAD] is paired with the junior Senator from West Virginia [Mr. GOFF].

Mr. BRYAN (when his name was called). I am paired with the junior Senator from Michigan [Mr. TOWNSEND], who is absent, and I withhold my vote.

Mr. CHILTON (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL]. I do not know how he would vote, and I withhold my vote for the present.

Mr. JAMES (when his name was called). I have a general pair with the junior Senator from Massachusetts [Mr. WEEKS]. I therefore withhold my vote.

Mr. KENYON (when Mr. JONES's name was called). I wish to announce that the Senator from Washington [Mr. JONES] is paired with the Senator from South Carolina [Mr. SMITH].

Mr. SMITH of Maryland (when his name was called). I am paired with the senior Senator from Vermont [Mr. DILLINGHAM]. I transfer that pair to the Senator from Nevada [Mr. NEWLANDS] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from New York [Mr. ROOT]. I am informed that if the senior Senator from New York were here he would vote upon this amendment as I would vote, and I therefore vote "nay."

Mr. WALSH (when his name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. Not knowing how he would vote I withhold my vote.

Mr. WILLIAMS (when his name was called). I wish to transfer the pair I have with the senior Senator from Pennsylvania [Mr. PENROSE] to the senior Senator from Indiana [Mr. SHIVELY]. I vote "yea."

The roll call was concluded.

Mr. REED (after having voted in the negative). I inadvertently voted, but I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arizona [Mr. SMITH] and allow my vote to stand.

Mr. O'GORMAN. I have a general pair with the senior Senator from New Hampshire [Mr. GALLINGER] who is temporarily absent from the Chamber. I transfer that pair to the junior Senator from Tennessee [Mr. SHIELDS] and vote "nay."

Mr. POINDEXTER (after having voted in the affirmative). Mr. President, I desire to change my vote from "yea" to "nay," and I wish to state in personal explanation of it my understanding of the parliamentary situation. The question upon which we are now voting is upon the amendment of the committee as it was amended by the amendment of the Senator from New York [Mr. O'GORMAN]. So the question upon which we are voting is an amendment proposed by the committee to strike out of the bill the words after the semicolon, in line 22:

And the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

I am in favor of retaining that in the bill. The amendment proposed is to strike it out. Consequently I voted "nay" upon the amendment. The amendment of the Senator from New York is not involved in this question at all, because that amendment has already been adopted. The amendment of the committee was amended by a vote of the Senate by agreeing to retain that language in the bill.

Mr. HITCHCOCK. I make the point of order that debate is not in order in the midst of a roll call.

Mr. WILLIAMS. A roll call can not be interrupted.

Mr. POINDEXTER. I am making a personal explanation. I have said practically all that I desire to say except——

Mr. HITCHCOCK. I make the point of order, and I should like a ruling by the Chair.

The VICE PRESIDENT. The point of order must be sustained.

Mr. POINDEXTER. I ask leave to print, if the Senator will allow me to do that.

Mr. OLIVER. I object to any leave to print, Mr. President.

So that the portion of the amendment proposed to be stricken out by the committee, reading as follows, will stand in the bill:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

The VICE PRESIDENT. The question is on the amendment proposed by the Senator from New York to the amendment of the committee.

Mr. THOMAS. Mr. President, I propose to support the amendment offered by the Senator from New York to the committee amendment, without at the present time detaining the Senate by giving my reasons. My purpose in referring to the matter at all is due to the fact that at the appropriate time I desire to offer, and will offer, an amendment to strike out all of the bill beginning on line 13, page 56, and extending from that line down to the last line on page 58. Inasmuch as that motion will include the amendment of the Senator from New York, if that amendment should prevail, I thought it no more than right to call attention to my ultimate purpose.

The VICE PRESIDE T. The question is on the amendment proposed by the Senator from New York to the amendment of the committee. [Putting the question.] The ayes seem to have it.

Mr. SWANSON. I ask for a division.

The VICE PRESIDENT. All in favor of the amendment proposed by the Senator from New York to the amendment of the committee will rise.

Mr. LANE. Mr. President, I do not understand the question.

Mr. O'GORMAN. What is the question?

Mr. LODGE. As I understand, if I may ask a parliamentary question before we vote, if this vote prevails we strike out the latter part of the portion which the committee recommends to be stricken out. Then the question will recur on striking out the rest of it, and those of us who agree in the view of the committee should vote "yea" on both votes.

Mr. SMITH of Georgia. Oh, no.

Mr. LODGE. Certainly; and that strikes out the whole thing. This does not carry the amendment of the Senator from New York. This is a perfection of the text which the committee propose to strike out. The Senator from New York proposes to perfect it by striking out the latter part, and then the vote recurs on whether we will strike out the first part.

Mr. O'GORMAN. Mr. President, the specific amendment which I have offered, and which is submitted to the Senate, will remove any doubt. It consisted of the words:

That so much of the portion struck out by the committee as may be embraced in the words "One of the battleships hereby authorized shall be built and constructed at a Government navy yard" shall be retained.

In other words, that the words just read by me—"One of the battleships hereby authorized shall be built and constructed at a Government navy yard"—shall be retained in the bill.

Mr. SMITH of Georgia. As I understand, the effect of the amendment, therefore, is to affirmatively establish in the bill the first clause which the committee recommends be stricken out.

Mr. O'GORMAN. Yes.

Mr. SMITH of Georgia. And it ends that part of the question.

Mr. LODGE. I ask the Chair to rule whether, if we strike out this portion, the vote does not then recur on the remaining portion which we have not acted upon?

The VICE PRESIDENT. The ruling of the Chair undoubtedly would be that then the question would be put on the amendment as amended.

Mr. LODGE. Exactly.

The VICE PRESIDENT. If the vote were "yea," the Brooklyn Navy Yard would go out, and if it were "nay" the Brooklyn Navy Yard would stay in.

Mr. O'GORMAN. I do not fully understand that, Mr. President. The Senate committee proposes an amendment striking out certain language on page 56, and I propose an amendment to that of the Senate committee providing for the retention of the words I have read.

The VICE PRESIDENT. But there is no such motion known to parliamentary law as the retention of part of a motion to strike out.

Mr. LODGE. The Senator from New York, if he will permit me, moves to perfect the part which the committee recommends be stricken out. He proposes to perfect it by striking out the latter part. If that carries, there still remain those three lines compelling the Secretary to build one ship in a navy yard, after which the question comes whether the amendment proposed by the committee to strike out the rest of it shall prevail.

Mr. O'GORMAN. That is satisfactory.

The VICE PRESIDENT. It has the same effect exactly. Those in favor of the amendment proposed by the Senator from New York to the amendment of the committee will rise. [A pause.] Those opposed will rise. [A pause.] The ayes have it, and the amendment is agreed to. The question now recurs on the amendment of the committee, as amended, to strike out certain language, and, in order that there may be no doubt, the Secretary will state it.

The SECRETARY. On page 56, line 20, beginning with the word "One," strike out the following:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

Mr. LODGE. Oh, no; that has gone.

The VICE PRESIDENT. That has gone.

Mr. O'GORMAN. Mr. President, to avoid any misunderstanding, a vote "yea" on this amendment now is to remove from the bill entirely the provision about building one of the battleships in a Government yard. Those who desire a battleship built in a Government yard will vote "nay" on the pending motion.

The VICE PRESIDENT. Undoubtedly.

Mr. SMITH of Georgia. It will leave it in the discretion of the Secretary of the Navy.

Mr. O'GORMAN. No.

Mr. LODGE. He is given discretion later on in the bill.

The VICE PRESIDENT. The question is on the amendment. [Putting the question.] By the sound, the noes have it, and the amendment is rejected.

Mr. WILLIAMS. Mr. President, I ask for a division.

Mr. LODGE. Mr. President, I do not think the question could have been understood. I did not understand it. I understand that a vote "aye" is a vote to strike out the clause compelling the Secretary to build one of the battleships in a Government yard. I ask the Chair to put that question. If not, I will call for the yeas and nays.

Mr. VARDAMAN. Call for the yeas and nays.

Mr. LODGE. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. BRANDEGEE. Mr. President, is it not in order to ask the Secretary to state what the amendment is before the roll is called?

The VICE PRESIDENT. It is.

Mr. BRANDEGEE. I should like to have it stated for the purpose of the RECORD.

The VICE PRESIDENT. The Secretary will state the amendment.

Mr. HUGHES. A parliamentary inquiry. A vote in the affirmative is a vote to strike out the language directing the Secretary of the Navy to have a battleship built in a Government yard?

The VICE PRESIDENT. Undoubtedly; and the Secretary is about to state the amendment.

Mr. BRANDEGEE. I can tell how to vote if I can hear the amendment stated.

The SECRETARY. The committee proposes to strike out the following words on page 56, line 20, beginning with the word "One":

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

Mr. WILLIAMS. Mr. President, as I understand, a vote "yea" upon the proposition before the Senate, if it prevails, leaves it discretionary with the Secretary of the Navy to build this battleship where he thinks best, and a vote "nay" compels him to build one of them in the Brooklyn Navy Yard.

The VICE PRESIDENT. The Chair is not going to construe the bill.

Mr. LA FOLLETTE. Mr. President——

SEVERAL SENATORS. Call the roll.

Mr. LA FOLLETTE. I know Senators desire to vote, and I am not going to take more than a minute of time to say that I believe the Secretary of the Navy, if he is given the discretion, would construct one of the two battleships authorized in the Brooklyn Navy Yard, as that is the only Government navy yard where it could be constructed.

Mr. WILLIAMS. Provided, if the Senator will pardon me, that he shall not find that the present construction going on there would delay him too long.

Mr. LA FOLLETTE. Oh, Mr. President, I do not propose, so far as my vote is concerned, to leave it to anybody's discretion. I am in favor of building this battleship, if it is to be built at all, in a Government navy yard. I am certain, if built in a Government yard, it will be better built than if built in any

private navy yard; and I am certain, Mr. President, if the Government navy yard is given an even chance with the private navy yard, it will be built cheaper in the Government navy yard.

We have had one or two, and only one or two, tests, as nearly as I can ascertain. From such inquiry as I could make here on the floor of the Senate we have built but three battleships in the Government navy yards. I may be wrong about that. One of those the Secretary of the Navy was compelled to build there because the language of the appropriation bill required him to do so. There were two battleships, sister ships, turned out in 1905. They were alike. As I understand, they were built on the same plans. One was built in a private yard and the other in a Government yard. The one built in the Government yard cost something like $300,000 more than the other to build. The excess of cost of that vessel was due to the fact that it was to be used as a flagship, and to the further fact that considerable expense was incurred by delay in the delivery of armor plates. Eliminating the additional cost chargeable to these two items, the difference in cost as against the Government-constructed ship was $220,555. But the history of those two battleships for the next three or four years, which I have been able to trace in the few minutes this debate has been on, is very interesting.

During 1906, the first year those two ships, built on exactly the same model, were in use, the cost for repairs on the one built in the Government navy yard, the *Connecticut*, was $236.97. The cost of repairs on the *Louisiana*, the sister ship, built in a private yard, was $5,851.03.

In the second year the cost for the *Connecticut* was $53,557.94. The cost for the *Louisiana* was $99,851.03.

The third year the difference in the upkeep of these two vessels was as follows: On the Government-built vessel it was $111,833 and some cents. On the vessel constructed in the private yard it was $149,167.

I have not been able to run it down any further in the little time I have had, but the difference in the cost of upkeep between the Government-constructed vessel and the vessel constructed in a private yard for those three years was 33 per cent in favor of the Government-constructed vessel.

Mr. WEST. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Georgia?

Mr. LA FOLLETTE. I do.

Mr. WEST. I should like to ask the Senator if there was any difference in the use of these vessels? That might have had a good deal to do with it, especially in reference to the machinery.

Mr. LA FOLLETTE. There may have been something in that; but I take it that where you see this difference in the cost of upkeep running right along, year after year, in favor of the Government-built ship, as far as I have traced the history of them, it indicates that better work is done where the work is performed by the Government, and there is no gouging on the part of any party privately interested.

Mr. SWANSON. Mr. President, if the Senator will permit me——

Mr. LA FOLLETTE. Pardon me for a few minutes.

Whenever a battleship is constructed in a private yard it is necessary for the Government to install watchers—inspectors—to maintain a sort of espionage over the work in all its details in order to insure honest work. It is well known you can not have the sort of supervision which will provide against every element of dishonesty that a contractor who considers only his private gain is impelled to impose upon one for whom he performs a contract. With the Government, under the improved systems and the high efficiency being wrought into all Government work, there is no inclination or reason for anybody defrauding or cheating on the work or using inferior material.

While I have voted ever since I have been in the Senate for one battleship instead of two, I nevertheless favored the amendment of the Senator from Mississippi [Mr. WILLIAMS], and should have voted for it if it had been submitted to the Senate. I believe, if adopted, it would introduce into this Government work the element that is always desirable—that of competition; that of strife between two organizations, each seeking to make the best record—and that would prove a great incentive to still higher efficiency in the Government yards.

In so far as this work of building battleships is to go on, I should like to see it done by the Government. I believe we would have better work, and I believe we would eliminate a strong, powerful influence that makes for international disturbance, and that was referred to so eloquently and so brilliantly by the Senator from Mississippi the other day. I refer to this world-wide organization that is stimulating and fomenting discord in order that it may make profit out of the furnishing of munitions of war of every sort and kind. In so far as this Government is to make preparation against the dire evil of war, I want to see it done solely under Government supervision and at Government expense.

Mr. SWANSON. Now, Mr. President, if the Senator will permit me——

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Virginia?

Mr. LA FOLLETTE. I yield the floor.

Mr. SWANSON. I simply wish to make one statement.

The Senator made a mistake about the *Connecticut* and the *Louisiana*. I have here a letter from Admiral Watt, the Chief Constructor of the United States Navy, in response to a letter from Mr. JONES. Admiral Watt's letter is dated April 1, 1914, and in it he gives the expense of each of these two ships from 1906 to the 1st of March, 1914. He states that there has been spent on the *Connecticut* $917,610.06 and that there has been spent on the *Louisiana* $885,915.75. That is up to the 1st of March, 1914.

Mr. LA FOLLETTE. Mr. President, that simply carries the history of these two vessels some four or five years later than the data which I had before me, which were for the first three years. For those years I am very certain that the data were accurate, because they were taken from the report.

Mr. SWANSON. In the year 1907, which was the year immediately afterwards, there was spent on the *Connecticut*, he states, $54,960.29.

Mr. LA FOLLETTE. My figures are $53,557.94.

Mr. SWANSON. On the *Louisiana*, $105,404.49.

Mr. LA FOLLETTE. My figures are $99,851.

Mr. SWANSON. In 1908—this is signed by him—there was spent on the *Connecticut*, the Government-built ship, $140,482.70, and on the *Louisiana* $96,691.43.

Mr. LA FOLLETTE. I am very much surprised at those figures, because I am very certain they are not in agreement with the figures that appear in the previous report, from which the figures I quoted were taken.

Mr. SWANSON. This is a letter from Admiral Watt, the Chief Constructor of the Navy.

Mr. LA FOLLETTE. I do not care if it is a letter from him; I took these figures myself from the report. I did not have the figures for the latter period, and I believe the figures of the report for the three years covered by the report should be accepted as authoritative.

Mr. SWANSON. This is in response to a letter asking the amount spent each year on these ships.

Mr. WHITE. Mr. President, the immediate question before the Senate seems to me to be a parliamentary question as to the effect of a vote. As I understand, a successful affirmative vote means to leave with the Secretary of the Navy the discretion of determining where he will contract to build these ships. A successful negative vote means to require him to build one of these ships in a Government navy yard. Am I correct about that?

The VICE PRESIDENT. The Chair has already stated that the Chair would not pretend to decide what the bill means. The effect of a successful affirmative vote would be to strike out the provision that one ship shall be built at a Government navy yard; but whether or not that leaves it in the discretion of the Secretary of the Navy to build it at a Government navy yard is for the bill itself to say and not for the Chair.

Mr. WHITE. Then, Mr. President, will a successful affirmative vote defeat the amendment of the Senator from New York?

The VICE PRESIDENT. The amendment of the Senator from New York has already been agreed to.

Mr. LODGE. No; this is the yea-and-nay vote on the amendment.

Mr. WHITE. This is the yea-and-nay vote called for on that proposition, as I understand.

Mr. LODGE. A yea-and-nay vote has been ordered, but it has not yet been taken.

The VICE PRESIDENT. It is not on the amendment of the Senator from New York.

Mr. LODGE. It is on the amendment of the committee.

The VICE PRESIDENT. It is on the amendment of the committee as amended.

Mr. LODGE. Certainly.

The VICE PRESIDENT. A successful affirmative vote simply means that the provision that one ship shall be constructed at a navy yard goes out of the bill.

Mr. WHITE. The amendment of the Senator from New York has already been carried, as I understand.

Mr. LODGE. The amendment of the Senator from New York has been carried, and now the question recurs on the amendment

stricken out shall have precedence," it comes fairly within the rule. The Senator from Mississippi is seeking to amend the part to be stricken out before the motion is put on striking it out.

Mr. BRISTOW. Then the amendment of the Senator from New York will come later.

The VICE PRESIDENT. Yes; and before action on the amendment of the committee.

Mr. THORNTON. Mr. President, I can not say that I am able to speak on this question with a mind full of knowledge, because that would not be the truth, but I can say that I can speak on it with a mind absolutely free from prejudice and uninfluenced by any desire save that of conserving the interests of the Government according to my judgment.

As I said in opening the debate on the amendment, I am most heartily in favor of the maintenance of the Government navy yards. I will say here what I have said to outsiders who have approached me on the subject since the bill was reported to the Senate, in the interest of the legislation suggested by the amendment of the Senator from New York, that I am so anxious to see the Government yards maintained and kept in a proper state of efficiency that I would be willing, if necessary, to have battleships built in them at a greater cost to the Government than if built at private shipyards. But I said that I wished the rule of reason to apply there also. I would not feel justified in wishing to see the Government pay an undue excess to Government yards over what they pay to private yards, unless it was absolutely necessary for the maintenance of those yards. I do believe that the Government will be justified in paying something more to Government yards than to private yards, if necessary for their maintenance, but not more than is necessary.

I have said also that every member of the Committee on Naval Affairs of the Senate is in favor of maintaining the Government navy yards. I am morally sure of that because of their statements that I have heard.

I said also that I am satisfied the Navy Department of the Government is in favor of maintaining these navy yards, and in proof of that I will read the statement of the Secretary of the Navy, which is the conclusion of the letter addressed by him to the chairman of the House committee, a portion of which has already been read to the Senate by the Senator from Virginia. I quote from the end:

CONCLUSION.

From all of the foregoing it must be evident that—

1. The department desires to encourage shipbuilding in the navy yards.

2. Only the New York yard is at present equipped for building a battleship and can build only one at a time.

3. The Mare Island yard is the only other yard sufficiently developed in shipbuilding to be intrusted with a battleship, but it is not equipped for the work.

4. However, the department hopes that the Congress will see its way clear to leave the question an open one, not restricting it to either private or navy-yard building. If it is decided that one or more battleships must be navy-yard built, funds for the necessary yard equipment must be provided.

Mr. President, I do not think the Senate will make any mistake in acceding to the request of the department in this matter in leaving it an open question for them to decide according to the best interests of the Government. Bear in mind the statement that is made here so unequivocally by the Secretary of the Navy that the department desires to encourage shipbuilding in the navy yards. I hope, therefore, that the amendment of the Senator from New York, supplemented as I understand it is by the amendment of the Senator from Mississippi, will not be agreed to.

Mr. BRISTOW. Mr. President, I ask for a division of the amendment offered by the Senator from Mississippi so that each proposition may have a separate vote. One, as I understand it, is that we shall build one of these battleships at a Government navy yard and the other is that we shall equip a Government navy yard in addition to the one we now have. There being two propositions in the amendment, I ask for a vote on each, and I do so because I am in favor of constructing one of these ships in a Government yard, but I am not in favor of equipping two yards to build one ship. I think one navy yard that has an equipment for the construction of battleships is all that is necessary for the people of the United States to invest in at the present time. It would seem to me to be a foolishness and extravagance that could not be justified to equip two yards to construct battleships when we build only one annually, and I think we are building too many, anyway.

The VICE PRESIDENT. The Chair will state for the information of the Senator from Kansas that the amendment of the Senator from Mississippi, although it should prevail, would not prevent a vote upon the amendment proposed by the Senator from New York, and that amendment divides the question.

Mr. BRISTOW. I understand that; but have I not the right to ask for a division of an amendment where there are two distinct propositions in the amendment? Is it not within the parliamentary rule that a division can be called for upon an amendment of that character?

The VICE PRESIDENT. The Chair does not understand what the Senator from Kansas wants to have divided.

Mr. BRISTOW. I want a vote on the provision of the amendment which requires the equipment of an additional navy yard and an appropriation of $400,000 for that purpose, and a vote also upon the proposition that one of these ships shall be constructed in a Government navy yard.

The VICE PRESIDENT. That comes clearly under the questions as they are pending. A vote on the amendment of the Senator from Mississippi is a vote on the equipment of a new navy yard, and a vote on the amendment of the Senator from New York is a vote simply on the Brooklyn Navy Yard, as a matter of fact.

Mr. BRISTOW. Do I understand the Chair to rule, then, that a vote for the amendment offered by the Senator from Mississippi is simply a vote on the question as to whether we shall equip an additional navy yard? If that stands alone, and that is the only question involved in the amendment, I can readily vote my sentiments; but if the two propositions are contained I shall have to vote against one thing that I am in favor of, and that is the reason why I think I have a right to ask for a division. If the Chair will hear me a moment further——

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Will the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. Certainly.

Mr. VARDAMAN. I was just going to suggest that the amendment be read, and then the Senator can see just what will be the effect of it. Let it be again read.

The VICE PRESIDENT. The amendment will be again read.

The SECRETARY. The committee reports in favor of striking out, on page 56, line 20, beginning with the word "One," the following words:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard; and the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

To that amendment the Senator from New York [Mr. O'GORMAN] proposes to strike out, beginning with the word "and," on line 22, so that it would leave in the text of the bill the words:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

The Senator from Mississippi [Mr. WILLIAMS] proposes to so amend the House text, the part proposed to be stricken out, that it will read as follows:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard, and the Secretary of the Navy is hereby authorized to equip an additional navy yard in which battleships may be built, with the necessary building slips and equipment; and the sum of $400,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy.

Mr. BRISTOW. Mr. President, there are two distinct propositions in the amendment offered by the Senator from Mississippi. One is to construct one of these battleships in a Government navy yard and the other is to equip an additional navy yard, and appropriating $400,000 for that purpose.

Mr. JONES. Let me suggest to the Senator that the amendment of the Senator from Mississippi does not change the first clause in the House text at all. It leaves it exactly as it is here. The only change he proposes is to provide for the equipment of an additional yard. I would suggest that he leave out the first part and then that proposition will be presented to the Senate.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Pennsylvania?

Mr. BRISTOW. I do.

Mr. OLIVER. I will say there is another slight change, increasing the appropriation from $200,000 to $400,000. But little things like that do not count.

Mr. JONES. That is involved in the proposition to equip another navy yard; that is all.

The VICE PRESIDENT. The Chair thinks the Senator from Kansas will be entirely satisfied with the ruling of the Chair when, if the Chair can express itself clearly, the Chair rules in the first instance that the amendment of the Senator from Mississippi [Mr. WILLIAMS] is in order and not divisible, because

it is simply attempting to perfect the text of a portion of the bill to which there is pending a motion of the Senator from New York to strike out a part of the same, and to which there is also pending a motion to strike the entire portion of the bill out by the committee. It is not proper for the Chair to even suggest how to vote; but if we should reach the point when it comes down to a final vote on striking out the clause after it has been amended, if it is amended, then the Senator from Kansas clearly has a right to have the final question divided.

Mr. BRISTOW. I understand the ruling of the Chair, I think, but in voting for the amendment of the Senator from Mississippi a Senator is required to vote in favor of equipping an additional yard. If he votes against it he votes against constructing one of these ships in a Government yard.

The VICE PRESIDENT. Oh, no.

Mr. BRISTOW. If he does not do that, then my way is perfectly clear, because I am not in favor of equipping an additional yard. If voting against the amendment of the Senator from Mississippi simply means a vote against the equipment of another navy yard, and does not affect the remainder of the bill, of course my vote is very clear.

The VICE PRESIDENT. Then the question is left open on subsequent amendments that are pending for the Senator from Kansas to exercise his judgment as to whether there shall be a ship constructed at the Brooklyn Navy Yard or whether there shall not be.

Mr. LODGE. Mr. President, I will say in reply to what the Senator from Kansas [Mr. BRISTOW] was saying—though the Chair has already covered the ground—that the amendment that we start with is the amendment of the committee to strike out certain words. The first thing in order is to amend and perfect the words which it is proposed to strike out. The Senator from Mississippi [Mr. WILLIAMS] proposes to amend by way of a substitute. If that carries, then the question comes on agreeing to the committee amendment. That has not been disposed of or we could divide the motion if we chose to do so. If that fails, then the question recurs on the amendment of the Senator from New York [Mr. O'GORMAN] to restore a part of the clause which the committee propose to strike out. When that is disposed of the question comes on striking out the remainder of the clause.

Mr. REED. Mr. President, I should like to inquire of the Senator from Mississippi whether the Secretary of the Navy has made an estimate as to the amount of money which will be required to equip an additional yard so that that yard can build a first-class battleship?

Mr. WILLIAMS. I will answer that by saying that I do not know. I got the figures "$400,000" by consultation with those whom I presumed did know; and they said that the $200,000 provided by the House bill was not sufficient for the purpose; that it would require $400,000. I therefore inserted those figures. I am not on the Naval Committee, and I do not know what estimate was submitted.

Mr. REED. Can any Senator inform me whether there has ever been an authoritative estimate sent here by the Secretary of the Navy stating that an expenditure of $400,000 will equip another navy yard so that that yard can build a first-class battleship?

Mr. WILLIAMS. I do not know.

Mr. THORNTON. I will answer the Senator by saying no.

Mr. HUGHES. In answer to the question of the Senator from Missouri I will say that my understanding is that we can not equip any yard for $400,000, but that it will cost at least $600,000. I understand that information comes from the Navy Department.

Mr. REED. Mr. President, that disposes of that proposition, so far as I am concerned. I do not propose to blindly vote to appropriate $400,000 or $200,000 or any other amount to equip a navy yard when nobody can tell me whether it will equip a navy yard or whether it will equip two navy yards, and when the best information we have, which comes merely in the form of a suggestion here, is that it will require $600,000. Certainly, we ought not to be entering upon the business of distributing $200,000 and $400,000 in this reckless manner without any estimate, without any knowledge that it will accomplish the work. Surely we ought to wait until at least some naval architect has given us the benefit of an estimate.

Mr. SWANSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED. I do.

Mr. SWANSON. I have made inquiry as to what it would cost to equip the Norfolk Navy Yard to build the largest battleship. As to the building of the slips, I do not suppose it would cost $200,000.

Mr. WILLIAMS. Two hundred thousand dollars.

Mr. SWANSON. Two hundred or three hundred thousand dollars; but they estimated that to build additional shops, to make every possible change to absolutely equip the Norfolk Navy Yard so that the largest battleship could be built there, would not take over $500,000. I am satisfied $400,000 would equip it to do the work. This means the moving of shops and everything to make the Norfolk Navy Yard really up to date, as I understood, but I am satisfied that $400,000 will equip that yard.

Mr. REED. Mr. President, in view of the statement that there has been no estimate, and in view of the manifest fact that we are utterly at sea with reference to what it will cost, I make the point of order that the amendment is out of order, because it proposes to appropriate money in the absence of an estimate or recommendation by any department.

Mr. LODGE. Mr. President, the sum of $200,000 was put in the bill by the other House; it is not in the Book of Estimates; but if the Senator from Missouri cares to know about the cost of slips, it is all here in the House hearings, which I now read:

The CHAIRMAN. Building slips, $200,000.

That was what they put in the bill in the other House.

Mr. SWANSON. Will the Senator from Massachusetts permit me to interrupt him?

Mr. LODGE. The Senator will allow me to finish reading this. It continues:

The CHAIRMAN. Building slips, $200,000. Will you explain about that, Admiral?

Admiral STANFORD. This item is for the purpose of constructing building slips or ways to permit of the construction at the yard of the smaller vessels required in the naval service. The slips proposed would have a capacity sufficient for building and launching vessels having a tonnage up to 16,000, and are desired in accordance with the policy of the department.

* * * * * * *

Mr. ROBERTS. Now, what part of the $200,000 goes into the crane and what part into the slips?

Admiral STANFORD. It is estimated that about $173,000 will be required for the supporting construction and foundation work and cranes, of which probably $30,000 to $40,000 will be required for the cranes.

Mr. ROBERTS. Now, let me ask you, Admiral, how much it would cost to put in slips with a suitable crane to build battleships of the largest size?

Admiral STANFORD. Slips sufficient for battleship construction would involved large additional expenditures to provide more conveniently located buildings and equipment which would be required for the heavy construction work.

Mr. ROBERTS. That is, if we are going to build a battleship of the heaviest type, we will have to have some buildings erected near these slips?

Admiral STANFORD. It would probably be found necessary to increase both the building and machine-tool equipment.

Mr. ROBERTS. But that does not just answer my question. What I want to know particularly is how much additional appropriation would be required for slips and a suitable crane and track and power extensions, etc. In other words, what did the building slip in New York cost, with its crane?

Admiral STANFORD. The New York building slip has been extended so many times I do not know offhand just how much it has cost to date. The estimated expenditure on account of the New York slip is between $350,000 and $400,000.

Mr. REED. Mr. President, I insist upon my point of order.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SWANSON. I hope the Chair will permit me a minute to read a letter from the department in regard to this matter being estimated for—a letter that has been read. The language is as follows:

If it is decided that one or more battleships must be navy-yard built, funds for the necessary yard equipment must be provided.

That is part of a letter from the department to the effect that if we were going to build one of these battleships in a navy yard the necessary funds must be provided.

Mr. REED. Does the Senator from Virginia think that is an estimate?

Mr. LODGE. That is not an estimate.

The VICE PRESIDENT. The Chair sustains the point of order. The amendment is out of order. The question now is on the amendment proposed by the Senator from New York [Mr. O'GORMAN] to the amendment of the committee.

Mr. O'GORMAN. I ask to have the amendment read, Mr. President.

The VICE PRESIDENT. The Secretary will read the amendment to the amendment.

The SECRETARY. Instead of striking out as proposed by the committee, beginning with the word "one," in line 20, on page 56, it is proposed to begin with the word "and," in line 22, and to strike out the following words:

And the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

structed at a Government yard. Not only in this case was it put in upon the floor of the House, but in almost every other case, because the Secretaries of the Navy in the past have been unfriendly to governmental construction, and the friends of governmental construction have been the Members of the House and the Members of the Senate.

I do not like to see this policy abandoned. I do not pretend to say that the present Secretary of the Navy is unfriendly to governmental construction; but in so many different ways has it been attempted to favor private shipyards and to discredit, criticize, and blame governmental construction, that I think Congress should write into this bill, in the language that it has written into practically every other bill that I can remember, whenever two ships were to be constructed and it was possible to lay down one of them in a Government yard, that the Secretary of the Navy should continue the policy that we forced upon them in the past.

Mr. LODGE. Mr. President, I desire to say just a word about the antiquity of this policy.

This clause appears in the act of 1913. In the act of 1912 it is provided that—

> The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear—

And so forth. He is given full liberty. He is not compelled.

Mr. HUGHES. Mr. President——

Mr. LODGE. Wait a moment.

In the act of 1911 there is no such provision. In the act of 1910 it is left at his option to build.

Mr. HUGHES. Mr. President, that may very well be.

Mr. LODGE. What I mean is that this clause compelling him to build a ship in a navy yard occurs in just one act before.

Mr. HUGHES. No; the Senator must be mistaken about that.

Mr. LODGE. I am not. I have the acts before me.

Mr. HUGHES. The Senator refers to the last two or three acts?

Mr. LODGE. No; it was not in the last two or three acts; it was only in the last act.

Mr. HUGHES. This language never has been put into a bill unless there was a yard which could accommodate a ship; but where Congress has been called upon to pass a bill, and the situation permitted a Government yard taking one of those ships, the language, according to my recollection, has always been put in the bill.

Mr. LODGE. The Senator's recollection is at fault. The language of which the Senator is speaking, and which is in this bill, occurs, so far as I have been informed, in just one bill, and that is the bill of last year.

I will go back further. In 1909 there is nothing. I can carry it back all the way, if desired.

Mr. HUGHES. The Senator does not mean to state, does he, that there was no language in any of these bills providing that the Secretary of the Navy should build certain ships at certain yards?

Mr. LODGE. In just one act is he compelled to do it.

Mr. HUGHES. What act is that?

Mr. LODGE. The act of 1913.

Mr. HUGHES. If the Senator will go back three or four years he will find language authorizing a ship to be built in a navy yard prior to that language. It would be in the bill only one year in three or four.

Mr. LODGE. I have gone back to 1909. My arithmetic is not good, but that is five years, I think.

Mr. HUGHES. The Senator will find, I am sure, although I am depending entirely upon my recollection of what occurred——

Mr. LODGE. I am not speaking from recollection. I am reading the law.

Mr. HUGHES. Very well. I will ask the Senator to go back to an earlier date.

Mr. LODGE. How far back?

Mr. HUGHES. As far back as is necessary to reach a period when a naval bill was passed at a time when it was possible for a ship to be built in a Government yard.

Mr. LODGE. In 1913 we had this compulsory clause, as it is proposed here. In 1912 it was made entirely discretionary; the Secretary "may" build in a navy yard. In 1911 there is no provision at all about it. In the act of 1910 it is provided that the "Secretary may build any or all of the vessels authorized in this act." The language is, "he may." He is given full latitude, and I should like to see it given to him again. In 1909 there is nothing about it. He is not compelled to build in a navy yard.

I do not wish to detain the Senate while I look back in these bills; but this matter of compelling him to build in a navy yard is recent. I am very glad to have it inserted in the large way in which it was put in two of the acts, that he may build in the yards, at his discretion, any or all of the vessels that are designated. I am very glad to have that done.

Mr. WILLIAMS. Under the acts that said he might do it, he did do it, did he not?

Mr. LODGE. Why, certainly he did.

Mr. MARTIN of Virginia. Mr. President, this amendment has been so thoroughly discussed that I do not feel justified in making any extended remarks in relation to it. I shall, therefore, detain the Senate for only a very few minutes.

This seems to be a question between the people of the United States and the State of New York There is no other Government yard in the United States equipped to build a battleship except the Brooklyn Navy Yard. The Senator from New York is so jealous of that supremacy that he objects to a little appropriation of $200,000 because he is afraid it might equip some other Government yard to compete for this work.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. MARTIN of Virginia. I yield.

Mr. O'GORMAN. I am not aware that I objected to the $200,000 feature. That was struck out by the committee.

Mr. MARTIN of Virginia. I understood the Senator from New York to say that he only wanted to retain the language, which said:

> One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

The Senator from New York desired to have it stop there. He wanted to omit the balance of that amendment, which appropriated $200,000 for the equipment of a navy yard that might be selected by the Secretary of the Navy.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia further yield to the Senator from New York?

Mr. MARTIN of Virginia. I yield to the Senator.

Mr. O'GORMAN. There is a misunderstanding. The House bill contains a provision appropriating $200,000 to equip some navy yard, but that entire House provision regarding the appropriation was struck out of the bill by the Senate committee by amendment. I am now merely seeking to amend the amendment of the Senate committee by restoring at least a part of what they proposed striking out.

Mr. MARTIN of Virginia. Mr. President, there is no misunderstanding. I understood the Senator from New York perfectly well, and I think every Senator on the floor of this Chamber understood him, as desiring that only a part of what was struck out by the Senate committee should stay struck out. He wished that the part which appropriated $200,000 to equip another yard which might come in competition with the Brooklyn yard should stay stricken out. The Senator said he had no desire to interfere with the action of the committee in striking out that part of the amendment, but he did object to striking out the part which made it compulsory that the Secretary of the Navy should give one of these battleships not to a Government yard, but to the Brooklyn yard. That is all there is in it, for he knows that when it says "a Government yard" it means the Brooklyn yard, unless we make a further appropriation to equip some other Government yard; and he opposed making an appropriation to equip any other Government yard, but insisted on the provision that compelled the Secretary of the Navy, whether it was in the interest of the Government and the people of the United States or not, to build one of these battleships in the Brooklyn Navy Yard.

So I say it is simply a question between the Senator's pet, the Brooklyn Navy Yard, on the one side and the people of the United States on the other. If the opportunities and the advantages of the Brooklyn Navy Yard are so much greater than those of any other Government yard and so much greater than those of private yards, why not let the able Secretary of the Navy determine where he will build these battleships? No human being has asked that the Brooklyn Navy Yard should be excluded. I would not have the Brooklyn yard excluded. I desire the fullest liberty, the amplest power for the Secretary of the Navy, to do that which is for the best interest of the people of the United States. If it is for the best interest of the United States that all of these battleships shall be built at the Brooklyn Navy Yard. I say let them be built at the Brooklyn Navy Yard.

There happens to be in my State a Government yard at Norfolk, and there happens to be in my State also a private shipyard, about 20 miles from Norfolk, at Newport News. The Newport News shipyard has in its charter a provision that in case of war or any emergency the Government of the United

States can walk in and take possession of the yard, with its entire equipment, use it as it sees fit, and pay little, much, or nothing, as it chooses, for it. It is kept up by private means, but it is always available for the use of the Government. When the Government chooses to walk in and say "I want this yard for Government use" its charter provides that it shall be turned over to the Government. It is a yard large enough to lay down at one time four of the biggest battleships ever constructed. It is equipped and ready now to lay down four of the biggest battleships ever constructed; but, Mr. President, I ask no favors for it. I ask simply fairness. I ask that the work provided for in this bill, about $25,000,000 worth, may be disposed of in the interest of the people of the United States; not in the interest of the Newport News Shipyard; not in the interest of the Norfolk Navy Yard, and certainly not in the interest of this great potentiality—New York—which reaches out and takes in almost everything within reach.

New York was in control of the finances of the United States so long that it brought about a revolution, and we had to have a new banking system to prevent these grasping arms in financial New York from absorbing the utilities of the United States from one end of it to the other. The Democratic Party had enough vitality to protect the country against the too grasping disposition of New York.

I do not wish to speak unkindly or unjustly. New York is a great city, and it has done a great deal; but we know that immense aggregations of wealth always lead to a little too aggressive a spirit and too self-aggrandizing purposes, and we had to protect the financial world from the grasping disposition of this immense potentiality, the city of New York.

I say, therefore, let us not turn over to New York the shipbuilding business. Let us treat the shipyards in New York justly and fairly, but let us not give her a monopoly. If the Government of the United States wants to extend its purpose of constructing ships in Government yards, it is all right, but in making the extension do not let the Senator from New York have his way and prevent every other navy yard from entering into competition with the Brooklyn yard.

I want the Secretary of the Navy to have the largest possible margin of freedom. I want him empowered to protect the people of the United States. I want him to get the best ships, and I will not say necessarily at the lowest price, for conditions may be such, and frequently are such, that I would gladly see him pay more to a Government yard for some of this work than to have the same work done in a private shipyard; but I say let there be a spirit of fairness; let there be a spirit of justice. The people have a right to consideration in this matter—a greater right than New York or Norfolk or Newport News or Philadelphia or Boston. I say let the Secretary of the Navy have the fullest authority, the broadest margin of freedom. Let him be empowered to do that which is best for the people of this country.

You must bear in mind, Mr. President, that there are some considerations besides the mere cheapness of ships. That matter has been discussed by several Senators who have addressed the Senate. It is necessary to keep these Government yards organized; it is necessary to keep them in working order; but how often do we hear it proclaimed from one end of this country to the other that we must do something for our merchant marine? We hear a great deal of talk about helping the merchant marine, but we see very little done. The Senator from Wisconsin [Mr. LA FOLLETTE] can sympathize with that, as he has a bill in which he is trying to do something for the operation of ships when they go to sea; but the first step in looking after a merchant marine is the building of the ships. They cost too much in our home yards, and they always will cost too much unless the yards have enough work to carry on their operations on an economical scale. There is not enough private work done in the American yards to keep them up. It is wise economy on the part of the Government, I say, to give some work to the private yards and some work to the Government yards, so as to keep both of them in operation, so as to keep both classes of yards well organized and well equipped to meet the obligations that rest upon them and to fulfill the demands which the country makes upon them.

The Senator from New York talks about the four or five thousand men that will go out of employment if we do not give the New York yard enough work. I tell him that the ordinary complement of workmen in the Newport News yard is 7,500, and they have recently been compelled to discharge a thousand of them, and propose to discharge two or three thousand more in the next two or three weeks. I say that in order to maintain the shipbuilding industry some liberality is due to the private shipyards of this country. Unless some liberality is shown to them they will go out of business, and then our merchant marine will suffer, and the Government will lose the most powerful agency which it could call on in time of war for the construction of ships of war.

In meeting these different obligations I stand with the committee. The committee has stricken out the amendment that compelled the construction of one of these ships in Brooklyn whether it was for the best interests of the country or not. I say, let it be built at Brooklyn if it is for the best interests of the Government and of the people; and let the Secretary of the Navy, who is as disinterested as anyone can be, and sworn to discharge the obligations of his office, determine whether one or more of them shall be built at Brooklyn and where the others shall be built. I say, leave the matter open as the committee left it.

I say that the amendment reported by the Naval Affairs Committee of the Senate is a just and a fair one. It is just to all the yards, Government yards and private yards, when it authorizes the Secretary of the Navy to award this work where he thinks the interests of the Government and of the people will be best subserved.

Mr. LODGE. Mr. President, I have been running back as well as I could over these acts. In the act of 1899 there is nothing about building in the yards; in the act of 1900 there is nothing; in the act of 1901 there is nothing; in the act of 1902 there is a compulsory provision like the present one. The act of 1903 follows the form which was used for a series of years, and which I think is a very good one:

> The Secretary of the Navy may build any or all the vessels herein authorized in such navy yard as he may designate.

That gives him full authority to build in the navy yards, and I think that excellent phraseology and a much better system. That is the phraseology of the act of 1904; there is nothing compulsory. In the act of 1905 there is nothing compulsory. In the act of 1906 it is not compulsory. The act of 1907 is not compulsory. The act of 1908 is compulsory. The act of 1909 is not; the act of 1910 is not; the act of 1911 is not; the act of 1912 is not; and the act of 1913 is. There have been four compulsory provisions, and in the rest, since we began to make provision about where we should build the ships, it has been generally that the Secretary of the Navy may build any or all in the navy yards, giving him full liberty, just what I desire him to have.

I said, Mr. President, if we were going to pass this clause at all we ought to provide for equipping another yard or yards, but it should be remembered that the equipment will take some time, and unless the ship is to be greatly delayed it will land in the Brooklyn yard just the same.

Mr. THORNTON obtained the floor.

Mr. WILLIAMS. Mr. President——

Mr. THORNTON. I yield to the Senator from Mississippi.

Mr. WILLIAMS. I wish to make a change in the amendment offered by me.

Mr. THORNTON. I rose to make some remarks at what I thought would be the conclusion of the debate.

Mr. WILLIAMS. Before the Senator does that I want to read the amendment, because I have made some modification in it, and the Senator may direct his remarks to it as modified. Then I shall sit down.

Mr. THORNTON. Very well.

Mr. WILLIAMS. I ask that the Secretary may read the amendment, because since saying that I would offer it I have made some slight changes in it, and I want the Senate to hear it just as it now stands.

The PRESIDING OFFICER. The amendment will be read as modified.

The SECRETARY. The committee proposes, on page 56, line 20, beginning with the word "One," to strike out the remainder of the paragraph. To that proposed amendment the Senator from New York [Mr. O'GORMAN] proposes to begin striking out, in line 22, with the word "and." To that amendment the Senator from Mississippi [Mr. WILLIAMS] offers certain changes, so that the paragraph in question will read:

> One of the battleships hereby authorized shall be built and constructed at a Government navy yard, and the Secretary of the Navy is hereby authorized to equip an additional navy yard in which battleships may be built, with the necessary building slips and equipment; and the sum of $400,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy.

Mr. BRISTOW. Mr. President, a parliamentary inquiry. Is not the amendment of the Senator from Mississippi an amendment in the third degree?

Mr. WILLIAMS. I am offering the House language.

The VICE PRESIDENT. The Chair thinks that, under the last clause of Rule XVIII, "motions to amend the part to be

Mr. LODGE. I yield.

Mr. O'GORMAN. Is not the Senator aware that a provision similar to the one which is now urged was inserted in the last three or four naval appropriation acts where two battleships were provided for.

Mr. LODGE. I am aware it was inserted, and I think it was a bad provision. I thought so then and I think so still. This House provision is not recommended by the department. It did not come in from the House committee, which is an extremely good committee, with a very able chairman. They did not bring it in. It came in on the floor.

Mr. CUMMINS. May I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Iowa?

Mr. LODGE. I yield.

Mr. CUMMINS. I ask the question purely for information. I was rather led to believe that, in the absence of the language proposed by the House, and which is sought to be stricken out by the Senate committee, the implication would be that the Secretary of the Navy must build the battleships in the navy yards. I ask whether that be not well founded. I call the Senator's attention to the fact that it first provides for the construction of two first-class battleships, and then certain torpedo-boat destroyers, and then certain submarines, and then it proceeds:

> Three of the coast defense submarine torpedo boats herein authorized shall be built on the Pacific coast: *Provided*, That the cost of construction on the Pacific coast does not exceed the cost of construction—

Then it proceeds:

> The Secretary of the Navy shall build any of the vessels herein authorized in such navy yards as he may designate, should it—

That is, provided—

> should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Now, if the Secretary of the Navy should believe that there was no combination among private shipyards that would destroy competition, it seems to me there is here a very clear instruction that he must build these ships in those yards rather than build them in the Government navy yards. I ask the Senator from Massachusetts if that is not a fair implication from the bill as it is now presented?

Mr. LODGE. I had read those provisions that the Senator has read to the Senate. The one he has last read has been in the law for a good while. I think myself, as a matter of practice, that the Secretary of the Navy finds no difficulty under that clause in putting any ship in the navy yard that he wants to; but if it is desired to give him still greater latitude, it is easy enough to modify that so as to give him authority to build in a navy yard in his discretion. I am perfectly willing to do that. What I object to is compelling him to build in a navy yard, so that he has no discretion. I want the Secretary of the Navy to have the discretion that will enable him to get the best ship for the United States for the least money.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. Certainly.

Mr. O'GORMAN. Will the Senator from Massachusetts state how it is possible for the Government to have its ships constructed at a reasonable rate if the only means of controlling, checking, and regulating prices, namely, a well-equipped navy yard, is dismantled, its force expelled and dispersed?

Mr. LODGE. I am sorry I did not have the attention of the Senator. I began by saying that I was thoroughly in favor of maintaining the navy yards and not of dismantling them, of maintaining their organization, of giving them ships to build. I am entirely in favor of that, as I explicitly stated. I think they ought to have a proportion of the battleships to build. I think their plant and organization ought to be maintained. We are building one battleship at Brooklyn at this moment; we are building a supply ship in Boston; and they are building a transport at Philadelphia. I think that is an excellent thing to do.

What I object to, however, is tying the hands of the Secretary of the Navy so that he has no discretion at all. I want him to have the power to use a private yard in competition and to use the Government navy yard in competition by having the discretion which he exercised in regard to the supply ship. He got competing bids from every navy yard and from every private yard in the country, but the Boston Navy Yard happened to be the one that made the lowest bid. It bid below any of the private yards; it made so low a bid that the department thought at first it was impossible for them to do it; they had the figures all gone over; they made some advance; and then their bid was $100,000 below the lowest private bid. So the department sent the order for the ship to be built there. I think that is good; I think it is good for the yards; I think it keeps up the organization of the yards better than anything else; but they have to feel that they have got to compete and that they have to do their very best. If you have a Government navy yard that is sure to get the work, they, knowing the present situation, that there is only one yard that can do the work, of course they do not have the stimulus for bringing out a vessel as quickly and as cheaply as they would if they felt that they would not get another ship unless they built it at a low price.

I do not want to see the Secretary of the Navy tied up. There is a large body of men employed in each of our navy yards. There is one in my State. I am interested in having those men kept employed; and I think to have steady employment, either of repair or of building, is very important for the navy yards, and ought never to be neglected. We have had too much uncertainty about the employment of navy yards, which has had a tendency to debilitate the organization; but it is also well to remember that there are other large bodies of workingmen, skilled mechanics, who are employed in the other great yards, and I think they are entitled to some consideration. They ought to have an opportunity to get at least some of this work. We have private yards from Maine to Norfolk; some of them very large yards. Those yards have been building ships for years. I think it is a great advantage to the country to have them, and I think they are entitled to some consideration.

Mr. WILLIAMS. Mr. President, I want to ask the Senator from Massachusetts if he does not believe that the bureaucracy or the personnel, or whatever you may call it, in control of one navy yard would really compete with those in control of another navy yard if there were two navy yards that were equipped to build first-class battleships?

Mr. LODGE. There is no question of that, of course.

Mr. WILLIAMS. The esprit du corps in different navy yards would lead them to bring their estimates down to the lowest possible cost, working against one another. Therefore there ought at least to be two navy yards equipped to build these ships.

Mr. LODGE. I entirely agree with the Senator from Mississippi about that. The stimulus which in the last few years has been applied to the navy yards by making them show their construction costs and the time of one navy yard as against another has had a most admirable effect. It was notorious in the old days that the Government yard would take years in building a ship, and that it would cost three or four times as much as it would in a private yard. I refer to the days before the beginning of the construction of the new Navy. They would do what they called "repairing a ship." They would take perhaps one timber of an old ship, retaining its name, perhaps a part of the keel, build a new ship onto it, and call it "repairs." The amount of time and the waste of money when all the work went in that way to the navy yards was deplorable. We have got out of all that; we have got the navy yards competing with each other, and they ought to have their share of the business. I am thoroughly in favor of that. I think it is well to keep up the private yards. What I want is to have the Secretary of the Navy in such position, not that he can not give the construction of ships to the navy yards; I want him to do that; but I do not want to compel him to give the building of ships to the navy yards any more than I want to compel him to give ships for construction to private yards. If it is necessary to modify the clause on the next page so as to give him a larger freedom, I am in favor of doing it.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

Mr. LODGE. I yield.

Mr. O'GORMAN. Do I understand the Senator from Massachusetts to say in what he describes as "the old days" that any considerable number of ships were then built in Government yards?

Mr. LODGE. Under that system of repairs the first step toward the construction of the new Navy was when Secretary Chandler got through Congress a provision that there should not be more than 20 per cent of the cost of a vessel spent in repairs. That put the old ships out of commission and out of the Navy. The practice had been to take an old, worn-out ship, and, under the head of "repairs," to build a new ship.

Mr. O'GORMAN. My information is that the Government has expended upward of $500,000,000 of public money for ships for the Navy.

Mr. LODGE. Since when?

Mr. O'GORMAN. During its history.

Mr. LODGE. Since the foundation of the Government?

Mr. O'GORMAN. Yes. Of that amount not to exceed $35,000,000 has been expended through the Government navy yards. Therefore, it appears that, with the exception of this comparatively small amount, until within the last couple of years the private shipyards of the country have had a monopoly of the Government's business in the construction of its ships of war.

Mr. LODGE. Mr. President, the case that I have been stating about the old system of repairing and building a new ship under the name of "repairs," I know from personal knowledge existed. I have seen such cases in the Charlestown Navy Yard. I know that to be so, and it was a bad system. That is what sent the work into the private yards when we came to start in on the construction of the new Navy. The reputation of our navy yards for delay and expense, taking years to build a ship, was so bad that the Government turned to private yards as the only way in which the new Navy could be built up. As time has gone on they have developed the navy yards in the right way, and the navy yards are now getting into a position where they can build ships in as quick time as they can be built in private yards and are being brought very close to the same cost. It is for that very reason that I do not want to tie the Secretary to a hard-and-fast rule. I want him to have the opportunity as much as possible to build ships wherever he can get the best ship in the quickest time, and I think if his hands are free he can do that much better than if he is compelled to build a battleship in a particular yard.

Mr. HUGHES. Mr. President, I am in favor of the amendment proposed by the Senator from New York [Mr. O'GORMAN]. This matter presents another angle of the situation that was before the Senate yesterday, when we voted into the bill a proposal to enable, or rather to compel, the Secretary of the Navy, if he expends the money that we intrust to him economically, to have the Government do all of a certain character of work for the United States Navy. For years every naval appropriation bill of which I have any recollection, if passed at a time when it was possible to anticipate the completion of a ship or the launching of a ship from the ways, contained a provision that one battleship of the two provided should be built in a Government yard. This is the first bill in my recollection which has not contained a provision of that sort.

I am in favor, and have been in favor, as I said yesterday, of a certain amount of governmental competition along all these lines.

Mr. LODGE. If the Senator will allow me, the clause of which the Senator speaks is of comparatively recent introduction. If the Senator will look back, he will find that there have been a great many authorizations for naval construction without such a clause.

Mr. HUGHES. I said in recent years; and I am referring to the period covered by my service in the other branch of Congress. I think I can say that for the past 10 or 12 years there has never been a naval appropriation bill passed through the House, when the situation was such that it could be provided that one battleship should be built in a Government yard, which did not contain that language and that direction to the Secretary of the Navy.

We had a lot of trouble with the last Secretary of the Navy in this respect. We had to meet arguments made upon the floor of the House, based upon information furnished by him, which, with all due respect to the gentleman who made the arguments, were absurd. The statement was openly made that each battleship constructed in a Government yard cost between a million and a half and two million dollars more than it would have cost had it been constructed in a private yard. Overhead charges were juggled; and, one instance I remember, when it was boldly asserted that a pump manufactured in a Government yard, which could have been purchased for $200 or $300, cost the Government $1,500. That result was brought about by charging the construction of buildings in various parts of the yard, salaries of officers, and other items of expense that had absolutely nothing to do with the construction of that pump, against that particular piece of work.

A determined effort was made to discredit Government construction of battleships. That effort was met by men just as determined that we should not return to the old system under which private manufacturers held the whip hand over the Government and dictated the prices at which battleships should be constructed and the time of delivery. Whether a ship costs more constructed in a Government yard than in a private yard is a matter of very little consequence to anybody who knows the facts and has an idea of the real difference between the cost of a ship constructed in a private yard and the cost of a ship constructed in a Government yard. The cost does not make very much difference, because it is relatively small; but we do gain in the fact that we compel the private manufacturers to construct our ships for a great deal less comparatively than they constructed them years ago; and we compel them to deliver the ships to us in the same length of time in which they are required to deliver them by other nations for whom they construct battleships. So far as I am concerned, I do not look with favor upon an abandonment of that policy for a single moment.

I want to say to the Senate that my political interests, if they could control me in any way on this question, would cause me to align myself on the other side of it. There is no Government yard in my State; there is no Government yard in which I have any particular interest; there are a few men living in my State who are employed in the Brooklyn Navy Yard, but they are infinitesimal in number and do not make any particular difference to me. On the other hand, one of the biggest private shipyards in the country is located in my State, and they are keen bidders for this class of work and do not think that the Government should go into this business at all. I think it should.

I feel about this proposition very much as I felt about the other. I would not like to see the Government provide sufficient equipment to carry out the entire naval building program each year, thereby discouraging private enterprise, driving private builders engaged in the construction of battleships out of business and leaving the Government dependent entirely upon its own efforts, so that in time of emergency we would not know where to turn. I think the Government should continue and even extend its activities along this particular line. I do not think this bill should be permitted to pass without an instruction to the Secretary of the Navy that one of these ships should be constructed in a Government yard.

The situation in the Brooklyn Navy Yard, which at the present time, in my judgment, is the only navy yard equipped for the construction of battleships of the class provided for in this bill, is such that the Congress can properly and safely direct the Secretary of the Navy to have one of the battleships authorized by the pending measure constructed in some Government yard, and I do not think there is the slightest doubt that it would be constructed in the Brooklyn Navy Yard.

At the time of the laying of the keel of battleship No. 39 the commandant of the yard said that in 10 months she would be off the ways. If that statement is true—and I have no reason to doubt it—there will be a hiatus between the finishing of that ship and the laying down of another, which will cause either one of two things: First, men are not prone to work themselves out of employment; men who see their work coming to an end are likely to "soldier" on the job, as the saying is. That would run up the cost of the maintenance of the yard and the cost of the construction upon which they are already engaged. On the other hand, if the organization of the Brooklyn Navy Yard know that by speeding up their work and by advancing the construction of the ship now building there they will get a chance at a new ship, so that there will be no hiatus between the construction of one and the laying down of another, it will be an incentive to them to give the Government their very best efforts, and it may well be that the fact that this new ship would follow so closely upon the heels of its predecessor would result in an enormous saving to the Government.

Senators constantly say, and have been saying for a great many years, that there is a vast difference between the cost of governmental construction and the cost of private construction. I am glad to know that the Secretary of the Navy is investigating that very question, and when it is investigated and the results of a fair investigation are laid before Congress I am convinced that a great many gentlemen will be surprised by the small difference that will be shown to exist between governmental and private construction. When we arrive at a fair basis of fixing overhead charges, when we have a system that will honestly attempt to place upon each piece of governmental construction the overhead charges which naturally belong on that piece of construction, it will no longer be possible for instances to occur such as the one I referred to a while ago, where it was calmly announced that it had cost the Government $1,500 to build a pump when it could have gone out on the market and purchased the pump at from two to three hundred dollars; it will no longer be possible to construct new buildings at a cost of hundreds of thousands of dollars at the Brooklyn Navy Yard or any other navy yard, and charge the cost of the new construction up against a battleship that has left the ways.

This proposal of the Senator from New York, in my judgment, is simply a continuation of a policy that was forced upon the last Secretary of the Navy and the last administration. I do not remember that any committee on either side has ever voluntarily put in the bill a proposal that a ship should be con-

tion of a battleship a year in order that the Brooklyn Navy Yard may have the privilege of constructing it. That is the only issue here.

If you do not need the battleship; if there is no urgent necessity for it; if there is to be a delay of a year before it shall be available for this country, why appropriate for it this year? The navy yards exist only for the purpose of furnishing ships for the Navy. They have no other purpose in the economy of our Government. Except so far as they may keep ships afloat; except so far as they construct battleships; except so far as they repair battleships; except so far as they can increase the military power of the Government in that respect, they have no use under our system of government. We desire them to answer that purpose. Government navy yards should be created to give cheaper ships and prompter ships. They should not be used as a means to delay the construction of a ship for more than a year.

The Secretary of the Navy asks to have the privilege of constructing the ship either in a navy yard or by private contract, as he sees fit. The Naval Committee of the House concurred in that request. The Naval Committee of the Senate concurred in it. It seems to me there is no reason, either in the saving of money, in the promptness of getting a battleship, or in the necessity for it, why this work should be delayed, as the department says it will be, for a year in the case of the machinery and from four to six months in the case of the hull. I see no reason why the completion of this battleship should be delayed a year in order to permit it to be constructed in the Brooklyn Navy Yard.

So far as work in the Brooklyn Navy Yard is concerned, the Secretary of the Navy says that from the best information he can obtain the ship now under construction there will not be launched before the 15th of July. We always carry at least one battleship in the naval bill. Consequently, when Congress meets in December it will be time to appropriate for another battleship, and then work can be furnished to the Brooklyn Navy Yard. This is what influenced the Secretary of the Navy, the Naval Committee of the House, and the Naval Committee of the Senate.

Mr. O'GORMAN. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Jones	Overman	Thomas
Bryan	Kenyon	Page	Thornton
Burton	Lane	Perkins	Tillman
Catron	Lee, Md.	Poindexter	Vardaman
Chamberlain	Lodge	Pomerene	Walsh
Chilton	Martin, Va.	Reed	Warren
Cummins	Martine, N. J.	Sheppard	Weeks
Gore	Myers	Smith, Ga.	West
Hitchcock	Norris	Smoot	White
James	O'Gorman	Sutherland	Williams
Johnson	Oliver	Swanson	

Mr. WHITE. I wish to announce the absence of my colleague [Mr. BANKHEAD]. He is paired with the junior Senator from West Virginia [Mr. GOFF]. This announcement may continue throughout the day.

The VICE PRESIDENT. Forty-three Senators have answered to the roll call. There is not a quorum present. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. BRISTOW, Mr. SHAFROTH, and Mr. SMITH of Maryland answered to their names when called.

Mr. GALLINGER, Mr. LA FOLLETTE, and Mr. HUGHES entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present. The question is on the amendment proposed by the Senator from New York [Mr. O'GORMAN] to the amendment of the committee.

Mr. O'GORMAN. Mr. President, I desire to say a word in reply to some statements made by the junior Senator from Virginia [Mr. SWANSON].

The Senator states that it will involve a year's delay in the construction of one of these battleships if the bill should require that one of the ships should be built in a navy yard. He is clearly in error in that statement. If this bill were passed immediately, several months would be occupied in drafting drawings and plans. A couple of additional months would be occupied in advertising and receiving bids. It is the judgment of the Secretary of the Navy that moving with the greatest celerity the earliest day upon which the construction of battleships could be commenced would be the 1st of November. As I have stated, the Brooklyn Navy Yard, according to the statement made by the commandant of that yard, will have finished the construction of the battleship now being built there by the 15th of January. So, at the outside, it would involve a delay of about two or two and a half months, and the Secretary of the Navy is himself authority for the statement to me that whatever delay would be involved would be purely negligible, and is entitled to no consideration in passing upon the question before us.

Mr. SWANSON. If the Senator will permit me, I read from the memorandum of the Secretary of the Navy in a letter to the chairman of the House committee.

Mr. O'GORMAN. I am stating now what the Secretary of the Navy stated yesterday morning at the close of a meeting of the Naval Committee in the Capitol.

Mr. SWANSON. In that memorandum he states, if the Senator will permit me, that the delay of the hull will be at least four or possibly six months, and the delay of the machinery will be a year.

Mr. O'GORMAN. I want to say that when the Secretary of the Navy made this statement yesterday he was making it upon the assurance of two experts from his department who were with him.

As I have already stated, the real question involved in this amendment is whether the Newport News Shipbuilding Co., a great shipbuilding trust of the country, is to build these two ships or whether the efficiency of one of our own navy yards is to be maintained at a high standard by having one of the two ships built there. Forty million dollars of the capital of this Government, as I have already stated, is represented in the Brooklyn Navy Yard, and unless there is a direct instruction to the Secretary of the Navy that one of these ships shall be built in a Government navy yard—and there is only one Government navy yard capable of constructing a battleship—you may have that valuable plant idle for months after the completion of battleship 39, which is now in course of construction.

Our navy yards, whether they are equipped to build battleships or other vessels, are a part of our national defense. They have to be maintained at a high standard of efficiency. We should have no legislation which may result in the dismemberment of the plant and the disintegration of the force, because if there should be no battleships to be constructed in the Brooklyn Navy Yard after the present one is completed, the force of three or four thousand of the most skilled mechanics in the world who are there now assembled would be dispersed, and as soon as you weaken the efficiency of your own navy yards you extend every latitude to the private shipbuilders of the country.

In my judgment—and I say it respectfully—the choice which is to be made by the Senate on this amendment is whether you want one of these battleships built in your own navy yard or whether you want both of them to be built by a private company.

One word more before I conclude. It has been already suggested that it costs more to build a ship at a Government navy yard than at a private yard; and that claim can be sustained only by relying upon the concededly erroneous methods of bookkeeping that have prevailed in the Navy Department for many years and that the present Secretary of the Navy is so anxious to change. There is a provision requested by the Secretary which was incorporated in this bill and which went out on a point of order yesterday that would have enabled the Secretary of the Navy to have devised methods and plans by which the actual cost of the construction of a ship could be ascertained without imposing upon the ship the overhead charges which represent the cost of maintenance and which represent the expenses which would be incurred by the Government whether it built a battleship or not.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Pennsylvania?

Mr. O'GORMAN. I do.

Mr. OLIVER. I would like to ask the Senator from New York whether the overhead charges are not legitimately a part of the cost of the ship. Does the Senator for a moment think that private shipyards get along without any overhead charges, or that they do not include such charges in the cost of their ships when they bid for their construction?

Mr. O'GORMAN. As I understand it, the navy yards, whether they are constructing battleships or not, are a source of expense to the Government. There are certain items of expense which run on whether the yard is occupied or not. That is well illustrated in the supposed cost of the battleship *New York*. It will be remembered that the *New York* and the *Texas* are sister ships. The *Texas* was built by the Newport News Shipbuilding Co.; the *New York* was built in the Brooklyn Navy Yard. According to some figures which have been published, although the *New York* was finished five months

earlier than the *Texas*, yet the cost of the *New York* in the Brooklyn Navy Yard was $1,126,000 in excess of the amount paid for the construction of the *Texas*; but the fact is that the overhead charges in the Brooklyn Navy Yard amounted to $1,534,600 and were charged against the ship, and if those overhead charges were not put upon the ship the actual net cost in the Brooklyn Navy Yard of constructing the battleship *New York* would represent something like $408,000 less than the amount paid the Newport News Shipbuilding Co. for the construction of the *Texas*.

Mr. OLIVER. What I wanted to ascertain from the Senator is this: To properly compare the relative cost of the two ships would you not then have to deduct from the price paid for the *Texas* to the Newport News Shipbuilding Co. the amount of their overhead charges?

Mr. O'GORMAN. No; because the methods pursued are entirely different. The Newport News Co. is a purely commercial enterprise. It is building ships of different kinds at all times and is incurring expense, I presume, only when it has work which justifies the maintenance of the plant——

Mr. OLIVER. Oh, no.

Mr. O'GORMAN. While our navy yards are a part of our national defense and public interest demands that they shall be kept up to the highest state of possible efficiency.

Mr. OLIVER. I understand that very well; but still the private yards have overhead charges just the same as the United States has, and in the same proportion, and if you deduct the overhead charges of one million or so from the cost of the ship built in the Brooklyn Navy Yard you will have to deduct like charges in the cost of the ship built in the Newport News yard. You can not get away from such a conclusion.

Mr. O'GORMAN. May I ask the Senator whether he would give the building of all our battleships to private corporations if in every instance it could be shown that the private shipbuilding company could build them a little cheaper than it would cost the Government to build its own ships?

Mr. OLIVER. No; not necessarily. I do not want to take that stand; but I do say that if the cost is inordinately greater, as has been our experience heretofore, then I would let them by private contract.

When this question was before the Senate two years ago I offered an amendment providing that if the bid of the private yards was a million dollars less than the estimated cost in a navy yard it should be built by private contract. That amendment was voted down. We have been paying entirely too much in our navy yards for the construction of our battleships. In the case of the *Florida* it cost over $2,000,000 more than its sister ship, the *Utah*, and it was by no means as good a job. The United States ship *Florida* went into commission September 15, 1911. The *Utah* went into commission August 31, 1911. The *Utah* was built by private contract at a cost exceeding $2,000,000 less than the *Florida*. The repairs on the *Florida* to date have been $151,175.68. The repairs on the *Utah* have been $95,363.03. Now, it is a simple business proposition, and I would build these ships on business principles; and it is not——

Mr. O'GORMAN. I will say to the Senator that it is purely a business proposition so far as the private building companies are concerned, but with respect to the Government it is more than a business proposition. It is a patriotic proposition. Once dismantle the only shipyard the Government has——

Mr. OLIVER. There is no danger of the Brooklyn yard being dismantled.

Mr. O'GORMAN. I can not yield just now. With the only yard dismantled, with its labor of three or four thousand men dispersed, the Government will have to depend upon the Shipbuilding Trust of this country and accept the prices it will exact for the building of battleships.

Mr. WILLIAMS. Mr. President, it seems to me that both the Senator from New York and the Senate committee are failing to provide for the most vital thing that ought to be provided for, and that is for an additional navy yard in which battleships can be constructed. For us to have in this great country only one navy yard equipped to build a battleship, it seems to me, would be suicidal, almost, in time of war. If we should be so unfortunate as to lose the particular point upon which that one navy yard was situated, it would be almost irreparable during the balance of the war.

I would rather see the provision in the House bill providing that one of the battleships shall be built in a navy yard go out than to see the provision in the House bill which provides for equipping an additional navy yard go out. It seems to me that if we are to build one of the ships in the navy yard we ought at the same time to retain the appropriation for the equipment of an additional navy yard for the construction of battleships, and that if we are not to require the building of one of the battleships in a navy yard, but are to leave it to the discretion of the Secretary of the Navy, we still ought to make provision for an appropriation whereby at least one more navy yard in this country may be equipped to build battleships.

I agree with what the Senator from New York said, to a very large extent. I do not want to dismantle a great Government navy yard which can construct a battleship, and have it when it is required to do more work to go out and gather up the odds and ends of labor that have been discharged and begin to put itself in a situation where it can again work. I do not want that, but I want at least two navy yards in the country equipped for the building of battleships. It would be better if there were still more of which that could be said.

It seems to me the Senator from New York has made a mistake, and if he were going to offer an amendment he should have offered an amendment in the exact language of the House bill. If it be in order, Mr. President, I shall move as a substitute for the amendment offered by the Senator from New York the language of the House bill, which is:

> One of the battleships hereby authorized shall be built and constructed at a Government navy yard, and the Secretary of the Navy is hereby authorized to equip an additional navy yard—

I strike out the word "such" and insert the words "an additional" before "navy yard"—

> at such place as he may designate, in which the battleship herein authorized is to be built, with the necessary building ships and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated—

And so forth, in the language of the House bill.

Mr. LODGE. Mr. President, I desire to say merely a word on the committee amendment striking out the provision of the House bill. I think that for the welfare of our Navy we need both the private yards and the navy yards. I think it would be a misfortune not to give enough work to our navy yards to insure the maintenance of the organization and reasonably steady employment for the men at those yards. I think it would be a still greater misfortune if by taking the Government work, which is very important, at the navy yards we should cause the private yards to be diminished or go out of business. I think if building ships became a Government monopoly they would probably be as inferior, as the products of a Government monopoly, as the powder that is made in France, which is a Government monopoly, is considered inferior by every other nation. Therefore I think we want to maintain them both.

No. 39 is being built at the Brooklyn yard at this moment. So that yard has already a battleship on the stocks. It happens to be the only yard where we can build a battleship at the present time.

Mr. TILLMAN. The Senator means with present dimensions.

Mr. LODGE. With present dimensions.

Mr. TILLMAN. We could build it at Charleston if the dock were big enough.

Mr. LODGE. We can build ships, of course, of smaller tonnage and less length at other yards, but I mean great battleships, such as are authorized here. If this is to be passed at all, and I hope it will not be, we ought to pass it as the House provided, of course. But I think it is a great mistake in policy to compel the Secretary of the Navy without regard to cost to build a ship in a navy yard. He ought to be in a position to make the Government yards compete for this work with the private yards, and force them to keep their prices down. On page 58 of the bill he is given authority to build every ship authorized in the navy yards if he believes that there is any combination or any disposition to charge too much on the part of the private yards. He is given absolute liberty to build them all in the Government yards, and I do not think we ought to tie his hands and put him in a position where he is to say to the Government yards, "I have got to give this to you. It makes no matter how much you spend, how long a time you take. I have got to put this work there." He ought to be in a position to say to them, "If you can not build a ship with reasonable equality of cost and time with the private yards, you will not get the work." By enforcing competition among the yards he has lowered the price very much on other ships, one of which, a transport, has been sent to Philadelphia and a supply ship to the Boston yard, by making them bid against each other and against private yards. That is the position he ought to be in, a position of real strength. I am not against his building battleships in a navy yard. On the contrary, I think it is a good thing to build a proportion of the battleships in a navy yard; but I think it is a very great mistake in policy to tie his hands and put him at the mercy of the Government yards.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from New York?

to be at the service of the Navy, but it also operates as a regulation on the charges imposed by the private builders of ships. I think, Mr. President, that the best interests of the service and the best interests of the American people will be promoted by incorporating in this bill a provision, substantially similar to the provision which has found a place in like bills during the last six years, that wherever two ships are built, one shall be built in a Government yard.

I submit this amendment to the Senate committee amendment. I may say in this connection that, although a member of the Naval Committee, I was unavoidably detained by the session of the Senate on the day when this particular matter was receiving the attention of the committee and I did not have the opportunity at that time, of which I now avail myself, to present the merits of the suggestion which I now offer to the Senate.

The VICE PRESIDENT. The Secretary will state the amendment offered by the Senator from New York to the amendment reported by the committee.

The SECRETARY. On page 56, beginning at line 20, it is proposed to amend the amendment reported by the committee by retaining the words:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard.

Mr. SWANSON. Mr. President, I will endeavor to state to the Senate in a very succinct manner the issue involved in the amendment presented by the Senator from New York.

This bill provides for the construction of two battleships. The department recommends that it shall have the option that is carried in the bill reported by the Committee on Naval Affairs of the Senate of building these ships either in a private yard or in a Government yard, as it may see proper. The committee of the House, after hearing the matter fully, reported the bill, leaving this option to the Government, as desired. In the House the amendment which the Senate committee, following the action of the Committee on Naval Affairs of the House and the recommendation of the department, left out of the bill, was put on the bill after a very strenuous fight on the part of Members in the House of Representatives.

The amendment of the Senator from New York, if adopted, would compel the Government to build one of the battleships in the Brooklyn Navy Yard. If that amendment prevails, it will be impossible for any other navy yard anywhere in the country to make estimates for or to have the privilege of building one of the battleships provided for. Consequently, the question for the Senate to determine is whether, against the protest—I will not say "protest"—but against the recommendation of the department and against the recommendation of the Naval Committee of the House and against the recommendation of the Naval Committee of the Senate, we shall build one of the battleships proposed to be authorized in the Brooklyn Navy Yard.

I want it distinctly understood that if the bill prevails as reported from the committee it is optional with the Government to build a battleship in a Government yard or not, as it sees fit. If the battleship can be completed in time, and if it can be constructed at a reasonable price, the department will have the authority under the bill as reported by the Senate to construct a battleship in the Government navy yard at Brooklyn or elsewhere, as it thinks the best interests of the Government may require. The amendment proposed by the Senator from New York is simply an effort to force the department, against its judgment, against the judgment of the Naval Committee of the House, and against the judgment of the Naval Committee of the Senate, to build one of the battleships to be authorized in the Brooklyn Navy Yard. That is the issue presented to the Senate.

Mr. WEST. Mr. President, is the Government to be forced to construct one battleship in the Brooklyn Navy Yard regardless of what it will cost the Government?

Mr. SWANSON. Regardless of what it will cost, because in the case of a ship constructed in a Government yard only estimates are made. When you start to build a ship in a Government navy yard, if you appropriate $7,800,000 for the construction of the ship and the cost runs up to eight or nine million dollars, the department is compelled to come back to Congress with a deficit and ask for a further appropriation.

Mr. THOMAS. Mr. President, I should like to inquire of the Senator from Virginia whether, in his opinion, either one of these battleships can or will be constructed anywhere for $7,800,000?

Mr. SWANSON. When battleships are constructed by private yards under bids the yard is required to construct the ship at the price for which the contract is let. The Government makes its specifications, bids are called for, and, when accepted, the cost of the ship can not exceed the amount provided for in the appropriation, because the ship is constructed under a contract calling for a sum not in excess of the amount appropriated.

Mr. TILLMAN. The amount appropriated in the pending bill provides for the hull alone, and not for any armor or armament.

Mr. SWANSON. As the Senator from South Carolina states, the appropriation contemplates the construction of the hull alone, and does not provide for armor or armament.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. O'GORMAN. Answering the question of the Senator from Georgia [Mr. WEST], I desire to say that just preceding the paragraph that I desire to have retained in the bill there is a provision that two first-class battleships shall be built, to cost, exclusive of armor and armament, not to exceed $7,800,000 each; so that in no event, whether the ships be constructed at a Government navy yard or by private enterprise, can more than that amount be expended for a ship.

Mr. SWANSON. Mr. President, that is the limit of cost. If the ship is constructed under contract, the contractors will be compelled to build it at the contract price; but if the Government proceeds to build it at a Government navy yard, then it is built on an estimate, and if the price runs up to eight million or nine or ten million dollars the Government will be compelled to appropriate the money to complete the ship. That is because there is no fixed and determined contract price in the case of a ship constructed at a Government yard, but the yard simply makes an estimate, and that estimate may be exceeded.

Mr. MARTIN of Virginia. I will say to the Senator that was so in the case of the battleship *New York*.

Mr. SWANSON. That has been the case with one of the ships built in the Government navy yards. I believe the Government ought to have navy yards capable of building ships in order to compel private shipbuilders to build for the Government at reasonable, fair, and just prices. I think some of the other navy yards in the country should also be equipped to compete with the Brooklyn Navy Yard.

Mr. President, let us see the reason why the Secretary of the Navy and why the Naval Committee of the House and the Naval Committee of the Senate have said it is unwise to enact this compulsory provision here at this time. The Secretary wrote a letter to Mr. PADGETT, chairman of the Naval Committee of the House, as follows:

MAY 5, 1914.

Hon. LEMUEL P. PADGETT,
Chairman Committee on Naval Affairs,
House of Representatives.

MY DEAR MR. PADGETT: As you will see by the inclosed memorandum—

Which I shall read to you later—

the technical bureaus disapprove the building of a battleship either at New York or Mare Island out of the coming appropriation. This simply means that we are not yet prepared to do what I would wish. Next year it would look more propitious. New York will have launched No. 38, and without further expense we could start another battleship; this year is too soon.

* * * * * * *

In any event, I hope you will be able to leave the department to act as may be best, with only the usual legislation defining the placing of all building in navy yards in the event of a combination.

Very sincerely, yours,

JOSEPHUS DANIELS.

That is the request of the Secretary of the Navy that it shall be left optional with him whether this battleship shall be built in a navy yard or by private contract. Here is the memorandum showing that it should not be required that a battleship should be built at the Brooklyn Navy Yard.

The following questions are asked and answered:

What delay would it occasion if one of the new battleships were ordered built at the New York Navy Yard?

That is a question that was asked the department.

Here is the delay in connection with the hull:

Hull: The keel of battleship No. 39 was laid March 16, 1914. The average elapsed time between laying of the keel and launching, in the case of the last six battleships, is about 15 months. Since battleship 39 is considerably larger than either of those ships it will probably require at least 15½ months from the date of laying keel until date of launching; that brings her date of launching about July 1, 1915. If battleship No. 40 or 41 is to be built at New York Navy Yard, this would place the earliest date of laying of her keel about July 15, 1915. The plans and specifications for battleship 40 and battleship 41 will be ready for advertisement about August 1, 1914; opening of bids about October 1, 1914; placing of contract about October 15, 1914. If one of these vessels is to be built at the New York yard, the keel should be laid by March, 1915. It is probable, therefore, that there would be a delay of at least 4 months on this score—in the case of the new battleship. The New York yard is not equipped with draftsmen and other facilities for the rapid designing of details for two battleships of somewhat different design, even though one be at a considerably advanced state of construction.

That is for the hull. Now for the machinery:

It is estimated that a delay of about one year would result so far as the machinery is concerned.

If this ship is required to be built in the Brooklyn Navy Yard, there is no use in making the appropriation for it this year. We will meet here in December. If there is a delay of a year in the machinery and of at least six months in the construction of the hull, it is useless to make an appropriation for this battleship and wait a year in order that the Brooklyn Navy Yard may get this contract.

With that condition and the fact that the navy yard at Brooklyn is now working to its full capacity, and will be so working until the 15th of July, according to the memorandum furnished the committee by the Secretary of the Navy, there is no occasion for holding up this work for the Brooklyn Navy Yard. Congress will meet in December. Another appropriation for a battleship will be made then, and this question of compelling one to be built in a navy yard can be properly brought before the Senate at that time.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. O'GORMAN. The Senator states that there is no need of holding up this work at the Brooklyn Navy Yard. I should like to ask whether there is any particular reason why these ships should go to the Newport News Ship Building Co., a private trust?

Mr. SWANSON. I will say that it is not a trust, Mr. President. There are nine shipbuilding yards in this country. The contract is given to the lowest bidder at the lowest cost to the Government. I see no reason why one trust, the Government shipbuilding trust at Brooklyn, should be given all of this work. Whether it is a Government trust or any other trust it does not deserve to be supported more than any other.

There is no reason why work all over this country should be suspended, and the use of the battleship delayed, in order that the one governmental trust in the construction of battleships shall have work a year from now. That is the proposition of the Senator. If he is antagonizing trusts, why does he insist on keeping the Brooklyn yard a shipbuilding trust?

Mr. O'GORMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I do.

Mr. O'GORMAN. Does the Senator consider that the Government of the United States is a shipbuilding trust because one of its navy yards is so equipped that it can build a battleship?

Mr. SWANSON. If it has but one yard that can build a battleship, and can make only one estimate for it, then, so far as Government construction of ships is concerned, the Brooklyn yard is a Government monopoly in shipbuilding.

Mr. WARREN. Mr. President, will the Senator explain the difference between the Government being a trust when it comes to shipbuilding and the Government being a trust when it comes to making powder? I remember the Senator's remarks of yesterday, in which he thought the Government ought to have a monopoly when it came to making powder.

Mr. SWANSON. I will explain that to the Senator if he wishes me to do so. There are certain things for which the Government is the only possible customer. Smokeless powder for the Army and Navy is made for no other customer than the Government. No other people use it except the Government.

Mr. WARREN. What about battleships, then?

Mr. SWANSON. I will come to that. Consequently a plant equipped to make smokeless powder or a plant equipped to make armor is equipped for one purpose only, to make powder or armor for the Government. In the construction of ships, however, with all of their various ramifications, a shipyard can build small ships and large ships; and the yards that are in this business have more outside business than they have for the Government.

An armor plant has no customer except the Government. A smokeless-powder plant has no customer except the Government. In the case of a shipbuilding plant, however, the Government work forms only a small part of the business done by it. The reason why private plants generally have been able to build ships cheaper than the Government shipyards has been because they do other business and keep their forces together, and the expense is distributed over both governmental work and private work, but in the armor plant and the smokeless-powder plant all expenses of every kind and character are charged up to the Government. It is not so in private shipyards. That is one reason why the private shipyards have built ships cheaper than the Government yards.

I have here a statement showing that the *Connecticut* cost $374,000 more than the *Louisiana*, a sister ship built by contract.

The *Florida* cost $2,269,000 more than the *Utah*, a sister ship built by contract.

The *Jupiter* cost $500,000 more than the *Cyclops*, a sister ship built by contract.

The *New York* cost $1,463,000 more than the *Texas*, a sister ship built by contract.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from New York?

Mr. SWANSON. I will yield in just a moment.

Mr. O'GORMAN. I wish to ask a question with reference to the statement the Senator has just made.

Mr. SWANSON. I will ask to have this statement from the department, contained in a letter written to Representative JONES, included in my remarks. I will not read the names of all the ships that come later.

Mr. REED. What is the date?

Mr. SWANSON. It is in the CONGRESSIONAL RECORD of February 26, 1913.

The VICE PRESIDENT. In the absence of objection, it will be so ordered.

The matter referred to is as follows:

Navy-yard built.	Cost about—	More than—
Connecticut	$374,000	Louisiana, a sister vessel built by contract.
Florida	2,269,000	Utah, a sister vessel built by contract.
Jupiter	500,000	Cyclops, a sister vessel built by contract.
New York	1,463,000	Texas, a sister vessel building by contract.
Cincinnati	770,000	Formal proposals received for their construction.
Raleigh	714,000	
Maine	780,000	Limit of cost inside which it is estimated that vessels could have been contracted for.
Texas	449,000	The average of informal estimates received from three shipbuilding companies. (See p. 339, Secretary of the Navy's hearing, Jan. 12, 1911.)
Vestal	250,000	
Prometheus	140,000	
Total	7,709,000	

Mr. O'GORMAN. Mr. President, with the permission of the Senator from Virginia, I desire to state that the battleships *New York* and *Texas* were built at the same time. They were sister ships. The *New York* was built in a Government yard. The *Texas* was built by the Newport News Shipbuilding Co. Nominally, the *Texas* cost $1,126,000 less than the battleship *New York*; but, according to information which I have received, while the expenditure on the *New York* was nominally $6,956,000, of that amount $1,534,000 represented overhead charges incident to the maintenance of the yard, which should not have been charged against the cost of the construction of that particular ship.

The present bookkeeping system of the Navy Department respecting naval construction is so unfair that the Secretary of the Navy personally requested the committee to give him in this bill authority to revise the system, and so prevent the recurrence of such inaccurate estimates as to the cost of construction of a ship. It will be remembered, however, that the provision went out on a point of order made by the senior Senator from Virginia [Mr. MARTIN] yesterday.

The more costly you make it appear for the Government to construct ships in the navy yards the greater latitude the private shipbuilding interests of the country have in imposing extortionate charges upon the Government.

Mr. SWANSON. Mr. President, in reply to that statement, I will say that the Government now has authority to charge to the construction of a ship what it thinks ought to be charged, in the way of direct and indirect charges. Its bookkeeping determines what ought and what ought not to go to a particular ship. When, however, we make an appropriation for the maintenance of the Brooklyn Navy Yard, if we build a battleship there it costs more to maintain a yard on account of its being there, in clerical hire and in various ways.

What the department wishes is to be able to take money that is appropriated for the construction of battleships and have power to transfer it, if it sees proper, to maintenance and take it off the construction of the ship; that is, to transfer an appropriation that we make for one purpose to another purpose.

This has been the record of the Government in connection with the constructoin of ships in Government yards and in private yards. The fact, though, that the Government can construct battleships, and ought to have the authority to do it, has been potential in making those shipbuilding concerns charge a great deal less for building ships than they otherwise would.

This question is not between a private yard and a Government yard, if the issue is to be precipitated. The question is whether you are going to wait a year and delay the construc-

be seriously detrimental to the interests of the other, unless there is some large principle involved or some great interest jeopardized if such question is not raised.

Now, what are the demands of Great Britain in this instance? They are three in number: First, that no tolls are to be levied upon ships engaged in the coastwise trade of the United States; second, that we have exempted the vessels of the Republic of Panama from paying tolls; third, that a discretion is given the President of the United States to discriminate in fixing tolls in favor of ships belonging to the United States and its citizens. The reason given for making this protest is essentially a selfish one, namely, that if such policy is carried out it may increase the proportional charge which other ships will have to pay in using the canal. Is this a broad and generous ground for Great Britain to take? Is it not true that even including our coastwise shipping the ships of Great Britain will make five times as much use of the canal as the ships of our country? Is there any contention that the rate fixed for tonnage is an unfair or unreasonable one? Is it not true that the maintenance of the canal will under any circumstances cost twice as much as the tolls which will be received? I think there will be no question as to the soundness of these statements. I contend that there is no good, valid, broad reason for Great Britain injecting these technical contentions into this subject.

Looking at this whole question from the broad viewpoint of international comity, we are in far the stronger position, because we have made all the sacrifices in the past and are going to make all the sacrifices in the future which have been made or will be made in connection with the building and operation of this canal. We are not in a position to make a large use of its facilities, and this is entirely limited to our own citizens trading with our own citizens. This does not concern Great Britain or any other country, and therefore it seems to me that the position taken by our former partner is not only extremely technical but is ungenerous and unwise.

Congress is acting as a trustee for the American people, as it does in treating all international subjects. A trustee should invariably deal honorably and justly, but he has no right to be generous, as the President suggests we should be in this case. Even if the question of generosity should enter into this controversy by whom should the generosity be shown—to the United States by Great Britain or to Great Britain by the United States? It was not originally contemplated that our Government would furnish the money to build the canal, which we have done. No one dreamed that we would pay Panama $10,000,000 and make other valuable concessions to purchase the canal strip so that the canal would be constructed through our own instead of through foreign territory. It was not supposed that we would pay the French company $40,000,000 for a quitclaim deed to their rights, and no consideration had been given to the claim which Colombia might have for a large money consideration and other concessions for a relinquishment of the claim of that country to the Panama territory. It is true that this last question has not been settled, but it probably is a fact that a considerable payment will necessarily be made in order to do justice to that country. I doubt even if it was contemplated that the canal would be fortified, and certainly no thought was given to the possibility that this country was to assume the expense of erecting fortifications, manning them, and maintaining them for all time. In addition to these sacrifices which we have made is the necessity to maintain a health standard which will in itself facilitate commerce and furnish the shipping of the world facilities to promptly replenish their supplies, thereby not only making the canal a transit from one ocean to another, but in effect a depot of such general character that every condition met in seafaring life may be readily supplied.

The small point raised that we give the vessels of Panama free transit through the canal can not be now or in the future of any importance, because it is not likely that the vessels of that Republic will cut any figure in the commerce of the world. Neither is there any probability that the President will make use of the privilege which is given him to charge discriminatory duties in favor of our ships engaged in the foreign trade, although he would be amply justified in giving them the equal benefits which the ships of the various nations have or will have in the amount of subsidies which they receive in some form from their own governments. The longer I consider this question the greater grows my amazement that the English Government, dependent as they are to a great degree on the good will and cooperation of our people, should have assumed such a narrow, technical, and unwise position. We do not know what is going to develop in the future. We see a treaty which seems to be applicable to conditions at one time absolutely inapplicable at another. Some day we may be engaged in a great war. We are sure to have many perplexing problems develop from time to time, and I maintain that, in the first place, we are not in honor bound to grant the concessions demanded by Great Britain; that there is nothing in the treaty which compels our doing so, and that there is nothing in the economical situation or the great international question which may develop in the future which warrants our doing so.

The President has said that he does not know how to deal with questions of greater delicacy and greater importance in our foreign relations. I do not know what these questions are. If he refers to the Mexican question, nothing we can do in the Canal Zone will affect the inextricable confusion which exists there to-day. That is beyond redemption. If there are other political complications, I have not heard of them, and they should be submitted to those who are to pass on this question before they are given consideration.

I have no disposition to indulge in that rather harmless but common practice of making the eagle scream. Our strength with other nations will not, in my opinion, depend on making unnecessary concessions harmful to our own interests. We have been continuing for many years a policy relating to our shipbuilding industry and shipping interests generally which is a reflection on our intelligence and foresight as a Nation. It would seem as if we were at the lowest stage possible in this course, and yet there are two other steps which might be taken which would wipe out effectually and finally every vestige of what is left of our merchant marine. The first step would be to pass this bill, certainly preventing any possibility of our developing a foreign commerce under our own flag unless we pay large subsidies for so doing, and the other would be to adopt a provision, which has some if not many supporters, to remove the restrictions which we have allowed our coastwise shipping since the adoption of the Constitution, a course which has been pretty consistently followed, as I have pointed out, by all other nations. Under conditions as they exist to-day the removal of the restriction limiting coastwise shipping to our own ships would in a few years effectually wipe out every vestige of shipping which we have on the high seas. I am not prepared to take that step; I am not prepared to take any of the steps which are proposed in this bill. The longer I consider it the more insistent I feel that it is most inadvisable, and when the American people understand it I feel sure that they will vigorously resent the action which the Senate seems likely to take.

Mr. O'GORMAN. I ask unanimous consent that the Panama Canal tolls bill be temporarily laid aside.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ADJOURNMENT OVER DECORATION DAY.

Mr. KERN. I move that when the Senate adjourns to-day it adjourn until Monday next at 11 o'clock in the forenoon.

The motion was agreed to.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I ask unanimous consent that the naval appropriation bill be placed before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. The pending amendment is the amendment of the committee passed over on page 56 at the instance of Mr. O'GORMAN. The committee proposes, beginning on line 20, page 56, with the word "One," to strike out down to and including line 4, on page 57, as follows:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard; and the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

Mr. THORNTON. Mr. President, the object of the committee was not to absolutely restrict the Navy Department in the matter of the place of building the two battleships provided for in the bill. The object of the amendment intended to be proposed by the Senator from New York [Mr. O'GORMAN] is very clearly to force the department to build one of these ships in a Government navy yard.

I think that we all admit the necessity of maintaining the Government navy yards, and I am sure that the department fully recognizes that necessity. I am morally sure if the committee amendment is allowed to stand and the Secretary of the Navy is unhampered in the matter, that one of those ships will be built in a Government navy yard; but if the amendment prevails it may be, while one of the ships may be built in a Government navy yard, it will be at a very much greater expense to the Government than it would be if the committee amendment is allowed to stand, for then the Government would have absolutely no discretion. The navy yard could bid up to the full amount and the department would be forced to accept the bid.

This is simply in the interest of giving the Government a fair show in the matter, so that it will not be at the mercy of the Government navy yard to exact all that it can on account of the fact of there being no competition whatever between the Government navy yard and a private navy yard.

I repeat, the department wishes to see the Government navy yards maintained; there is no desire at all on the part of the department any more than there is on the part of the Naval Affairs Committee to starve out any of the Government navy yards. On the contrary, we recognize the necessity for maintaining those yards, but at the same time the committee does not think that the navy yard ought to be put in the position of being allowed to exact more than it should have, which it will have the power of doing if this amendment is stricken out, but which it will not have the power of doing if this amendment of the committee is allowed to remain.

Mr. WILLIAMS. Does the Senator from Louisiana not refer to the private shipyards?

Mr. THORNTON. No, sir; I did not mean the private shipyards. I meant exactly what I said. Mr. President, I will repeat the proposition, as the Senator from Mississippi does not seem to have understood me. The proposition is simply that if the committee amendment is allowed to remain the department is not forced to build one of those ships in a Government navy yard; but if the amendment intended to be proposed by the Senator from New York prevails, the Government will be forced to do so. Therefore the Government navy yard could exact a much greater price for the work than it could if there were competition between it and a private navy yard. I have no doubt that one of these ships will be built in a Government navy yard if the committee amendment stands, but I also have no doubt that if the amendment is rejected and if the amendment intended to be proposed by the Senator from New York is adopted, that the ship will be built at a much greater expense to the Government than it otherwise would be.

Mr. O'GORMAN. The distinguished Senator from Louisiana [Mr. THORNTON] did not intend it, but one would get the impression from his remarks that the Government, in relation to its own navy yards, stands in the same position it occupies in relation to the private shipyards of the country. I can not see the force of the suggestion that the Government will be at the mercy of its own shipyards. It is a contradiction in terms. The navy yards are part of the Government.

I shall offer an amendment which will perpetuate in this bill a plan that has been in vogue during some few sessions of Congress, and which has had the approval of the country, and that is, where two battleships are to be built, one of the two shall be built in a Government yard. There are many reasons why that should be so.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kansas?

Mr. O'GORMAN. I do.

Mr. BRISTOW. Does not the bill as it came from the other House make such provision?

Mr. O'GORMAN. Not exactly. I will state what the provision is.

Mr. BRISTOW. I wish to understand the provision.

Mr. O'GORMAN. The bill as it comes from the other House provides:

One of the battleships hereby authorized shall be built and constructed at a Government navy yard—

If it stopped there, it would be quite satisfactory, but it continues—

and the Secretary of the Navy is hereby authorized to equip such navy yard as he may designate in which the battleship herein authorized is to be built with the necessary building slips and equipment; and the sum of $200,000, or such part thereof as may be necessary, is hereby appropriated for the navy yard designated by the Secretary of the Navy in which the battleship is to be constructed.

There is but one Government navy yard at the present time equipped to construct a battleship; that is the Brooklyn Navy Yard, which represents an expenditure of public moneys of $40,000,000. There are some other yards. There is one at Norfolk, Va.; there is one in Pennsylvania; there is one on the Pacific coast, where, with an equipment which would cost not $200,000, but probably $600,000, a modern battleship could be constructed. I imagine that the inspiration of this provision as found in the House bill is that Representatives interested in some of these navy yards which are not now equipped to build a battleship, supposed that the Secretary of the Navy might be induced to designate one of these other navy yards—as he might under the House provision—as the navy yard where one of these battleships would be constructed. In that connection there is this proposed appropriation of $200,000; and the best judgment available, the only information that has come to me, is that if one of these yards were selected and the $200,000 placed in the yard for the purpose of equipping it, it would be but a short time before representations would be made to the Navy Department, and then to Congress, asking additional appropriations, aggregating altogether $600,000, before any other Government yard in this country would be equipped to build a battleship.

One reason that may be offered why the provision of the House bill, which reads—

One of the battleships hereby authorized shall be built and constructed at a Government navy yard—

should not be retained by itself is that at the Brooklyn Navy Yard there is at the present time in course of construction a battleship. The keel of that battleship was laid on the 16th of March last. I was present at the ceremony, and I heard the commandant of the navy yard declare that the construction of that battleship, known as No. 39, would be a record breaker, and that in 10 months it would be turned out of the yard completed. Ten months from the 16th of March would be the 16th of January, 1915.

It will be claimed, I imagine, before this discussion concludes, that if this provision remains as I ask to have it remain, it will involve some delay in the construction of one of the two battleships provided for by this bill; but from information which I have received from officers of the Navy Department, if any delay whatever is involved, it can not exceed three months. The Secretary of the Navy himself said to me that the delay, whatever it is, will not be appreciable; and by the time the plans are completed and the contracts let probably seven or eight months will elapse; so that, in any event, it would involve a delay of but one or two or, at the outside, three months before the construction of the proposed new battleship could be commenced in the Brooklyn Navy Yard.

What are some of the advantages of supporting the one fully equipped navy yard that we possess? As I have said, the Brooklyn Navy Yard represents a governmental expenditure of $40,000,000. The one battleship now being constructed there will be finished probably in January of next year. They have a force of men, aggregating, I think, from three to four thousand, especially qualified, skilled, and equipped for this employment. If there is no other battleship to be constructed, as soon as No. 39, now on the ways, is completed, that force must disband. As was repeated here so often yesterday, and as I have heard the Secretary of the Navy declare, our Government navy yards are part of our national defense. They must be maintained, and they ought to be maintained, at a high standard of efficiency. How can you maintain a high standard of efficiency in the one great navy yard which the Government owns if you will allow legislation on the naval bill to work a discontinuance of the activity in this yard? As I have said, there is a force there now of three or four thousand men, who are as well equipped for this work as men in any part of the known world; and it ought to be the policy, it seems to me, of Congress to arrange to have a new battleship built in that yard just as soon as the one which is now under construction there is completed.

There are interests in this country which look with disfavor upon the building of battleships in our own navy yards. It is sometimes stated that it costs more to build a battleship in our own yards than in private yards. I heard it stated in the Naval Committee but a day or two ago by the distinguished chairman of the committee, in the presence of all the members, that there was a time not many years back when the private shipbuilding interests of the country had sufficient influence with respect to legislation and with respect to the conduct of public departments to make it appear by a fictitious and erroneous system of bookkeeping that a ship built in a Government yard was far more expensive to the Government than a ship built in a private yard. Not many years ago it required from five to six years in a private yard to turn out a battleship, a dreadnaught. The shortest period in which a battleship was ever constructed was the period taken by the Brooklyn Navy Yard in the construction of the battleship *New York*, which was completed in five months' less time than her sister ship, the *Texas*, constructed in the private yard at Newport News, where I am told that four battleships can be constructed at one time.

One great advantage of encouraging our own yards is not only to keep a sufficient equipment of skilled labor ready at any time

now known as the Spooner Act was inserted in its place. Section 6 of that act reads as follows:

That in any agreement with the Republic of Colombia or with the States of Nicaragua and Costa Rica the President is authorized to guarantee to said Republic or to said States the use of said canal and harbors, upon such terms as may be agreed upon, for all vessels owned by said States or by citizens thereof.

This bill passed the Senate June 28, 1902—within six months of the ratification of the Hay-Pauncefote treaty, and it was passed by the same Senate which had ratified that treaty, which presumably knew what it was doing—and as a result of the passage of this bill Secretary Hay negotiated a treaty with the Republic of Colombia, which was signed January 22, 1903, and promptly ratified by the Senate, but failed of ratification by the Republic of Colombia. This was known as the Hay-Herran treaty, in article 16 of which this provision is found:

The canal when constructed and the entrance thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the Hay-Pauncefote treaty.

And following that, article 17 of the Hay-Herran treaty provides as follows:

The Government of Colombia shall have the right to transport over the canal its vessels, troops, and munitions of war at all times without paying charges of any kind.

This would seem to be in direct contradiction with the position now taken by the British Government, as being in violation of article 3 of the Hay-Pauncefote treaty, and it must be remembered that this entire action was taken within one year of the adoption of the Hay-Pauncefote treaty, and that John Hay was Secretary of State and had to do with the drawing of both treaties.

In the meantime Panama had seceded from Colombia, and had entered into international relations with this country. A treaty was made with Panama, signed November 18, 1903—Mr. Hay still being the Secretary of State—in article 18 of which we find the following:

That the canal shall be subject to all the conditions provided in the Hay-Pauncefote treaty.

And in the following article this reservation is made:

The Government of the Republic of Panama shall have the right to transport over the canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind.

It should be noted that this treaty was also made by Mr. Hay, and no protest was made in either the case of the treaty with Colombia or the treaty with Panama.

Later, in 1909, a treaty was negotiated between the Republic of Colombia and the United States, drawn presumably by Senator Root, as he was at that time Secretary of State, which made provisions for the conveyance through the Panama Canal of troops, materials of war, and ships of war of Colombia without paying any toll to the United States. This treaty was ratified by the Senate January 24, 1909, but was not ratified by the Colombian Congress. I quote the language covering the reference which I have made:

ART. 2. The Republic of Colombia shall have the liberty at all times to convey through the ship canal now in course of construction by the United States across the Isthmus of Panama the troops, materials for war, and ships of war of the Republic of Colombia without paying any duty to the United States, even in the case of an international war between Colombia and another country.

Presumably when this treaty was made we were giving a valuable right which we were supposed to have to give, notwithstanding the Hay-Pauncefote treaty, in settlement of any claims which Colombia might have to the territory included in the Canal Zone resulting from the secession of the State of Panama.

President Taft, in his message to Congress in December, 1911, uses this language:

I am confident that the United States has the power to relieve from the payment of tolls any part of our shipping that Congress deems wise. We own the canal. It was our money that built it. We have the right to charge tolls for its use. Those tolls must be the same to everyone; but when we are dealing with our own ships the practice of many Governments of subsidizing their own merchant vessels is so well established in general that a subsidy equal to the tolls, as equivalent remission of tolls, can not be held to be a discrimination in the use of the canal. The practice in the Suez Canal makes this clear.

In the message to Congress of August 19, 1912, President Taft said:

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty.

I believe it is a generally recognized principle that all contracts should be considered from the standpoint of the conditions and circumstances which existed when they were entered into. A treaty is a contract between two nations, and therefore the conditions which existed at the time of the making of the Hay-Pauncefote treaty should be considered in reaching a conclusion in this case.

When the Hay-Pauncefote treaty was under consideration it was not supposed that the United States was to construct a canal through its own territory or even that the United States was to furnish the money with which to carry on the work, and that therefore it was not necessarily to exercise sovereign power over the territory covered by the waters of the canal. There were many conflicting and confusing conditions in the situation—concessions and treaties and vested rights of various character to be provided for. I believe it is a fair statement that the contracting parties, when this treaty was made, assumed that the United States was to have general superintendence of the conditions under which the construction of the canal was to be undertaken; that the canal was to be under its influence and its protection; but that the thought of the United States acquiring the Panama Canal Zone or building the canal on its own account had not even been given consideration; that those who were insistent on the Nicaraguan route as being the better one of the two in the hearings before the Senate committee not only advocated this route, but stated that all the money necessary to construct a canal by that route would be furnished from private sources without seeking the aid of any Government.

No one will contend that these were the conditions which existed when Congress passed the act of August, 1912. In the meantime the United States had become the owner of the Canal Zone, and therefore was sovereign of that territory. It had used the money of the people of the United States in the construction of the canal, and, in fact, not a single one of the fundamental conditions which existed were similar to those which prevailed 10 years before; so, in taking the position which Congress did in 1912, it was not varying from the traditional policy of this country, for it has always adhered to the policy of protecting its coastwise commerce.

The United States has substantially 30 treaties now in existence with other nations in which the language used is similar to the language used in the section of the rule which we are discussing. Yet in substantially every case our negotiators inserted a provision that the treaty did not apply to coastwise ships. An illustration of this form is found in the treaty between the United States and Denmark of 1826, which uses this language:

Nor shall higher or other charges of any kind be imposed in the ports of one party on vessels of the other than are or shall be payable in the same ports by native vessels.

And in 1887 our country in a treaty with the Republic of Peru used this language:

No higher or other duties or charges on account of tonnage, lighthouses, or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges shall be imposed in any ports of Peru on vessels of the United States than those payable in the same ports by Peruvian vessels, nor in any ports of the United States on Peruvian vessels than shall be payable in the same ports by vessels of the United States.

Yet in both of these treaties the paragraphs relating to coastwise shipping provided that it should not be included in the general declaration. It is also true that England has until recently adhered to a similar policy in reference to coastwise vessels.

As far as I am informed, with the variations applying to specific conditions, the whole history of diplomatic relations not only in England and the United States but in the case of all commercial countries the exempting of coastwise trade from treaties and conventions has been made and limitations on duties and charges imposed in other trades have been provided for in the coastwise trade. One of the acts during the brief life of the Republic of Texas was to make a commercial treaty with Great Britain, ratified on November 13, 1840, in which this language was used:

The stipulations of the present treaty shall not be considered as applying to the navigation and carrying trade between one port and another situated in the dominions of one contracting party by the vessels of the other, as far as regards passengers, commodities, and articles of commerce, such navigation and transport being reserved by each contracting party to national vessels.

There is reliable authority for the statement that, including the thirty-odd treaties in which the United States has exempted its coastwise shipping after using phraseology similar to that in the Hay-Pauncefote treaty and the 31 treaties in which Great Britain has made a similar provision, that 47 commercial countries have in one form or another pronounced themselves in favor of holding intact for home use the coastwise trade of their countries, and, practically speaking, that covers every commercial country in the world.

I furnish some examples of the manner in which coastwise trade is limited in cases of colonial and detached coast lines.

Germany, Holland, and Denmark limit the preference to national vessels engaged in such trade to the aid given the German railways and other subsidies. France reserves to herself the trade between her Atlantic and Mediterranean seaports and between France and Algeria. In other cases her carrying trade is open to foreign vessels on equal terms with French vessels. Portugal, except in special cases, reserves the trade with her over-sea possessions. Spain gives a preferential duty on colonial products brought to Spain in Spanish bottoms. Russia, since 1900, treats all trade between Russian ports as coasting trade reserved to her own vessels. This even includes trade between European and Asiatic ports.

As regards the home coasting trade proper, all countries which reserve wholly or partially the trade with distant possessions reserve the home coasting trade, though in several countries the coasting trade is open on conditions of reciprocity.

In the British Empire the trade between the United Kingdom and the British colonies, and also the intercolonial trade, is free from any restriction as to nationality of the vessel. In the case of Canada the coasting trade is only open on the condition of reciprocity, the foreign countries whose vessels are at present allowed to participate in it being Italy, Germany, the Netherlands, Sweden and Norway, Austria-Hungary, Denmark, Belgium, and Argentina.

The amount of trade done by English vessels in coasting trade of Great Britain compared with foreign vessels indicates that substantially all British trade is carried in British vessels. In the year 1902 loaded English vessels in the coasting trade clearing for that year amounted to 62,220,558 tons, while foreign vessels amounted to but 374,977 tons; and in the British colonial trade loaded vessels amounted to 11,172,000 tons clearing while foreign vessels amounted to 1,118,000 tons, due quite likely to higher entrance and clearance charges for foreign than domestic vessels.

If the instances given are not sufficient to prove the contention, the language used in the treaty which concluded the War of 1812 may be cited as additional evidence, I think, sufficient to illustrate this point.

This treaty provided that the vessels of the United States should have access to British ports, and that no "higher or other duties or charges" should be made upon them than upon British ships, yet during the entire life of that treaty no American ship has entered a British port on the same terms as a British coastwise vessel, and we have never made the contention that the treaty was violated. As an illustration of this difference existing to-day, at the port of Bristol British coastwise vessels pay 19 or 20 cents entrance and clearance, while American vessels pay 56 cents entrance and clearance, and the same general difference obtains at other English ports. The treaty which I am quoting also provided that no "higher or other duties or charges" should be made upon British than upon American vessels in American ports, and yet there never has been a British ship admitted to an American port on the same terms as our American coastwise shipping. There has been, as far as I know, no complaint that the treaty has ever been violated, and in the frequently quoted case of Olson against Smith, Mr. Justice White disposed of the contention that British ships were entitled to the same terms as American coastwise vessels by declaring that there was no merit in the contention; that the treaty to which reference is being made did not in any sense place British ships engaged in a foreign trade on the same footing with the coastwise vessels of this country. (Olson v. Smith, 195 U. S., 344.)

Article 3 of the Hay-Pauncefote treaty of 1901 reads as follows:

The United States adopts as the basis of neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal, that is to say.

In the original Hay-Pauncefote treaty of 1900 the phraseology was very different. It read:

The high contracting parties—

Meaning Great Britain and the United States—

adopt the following rules.

It seems to me that this change in phraseology is very significant. The Senate refused to approve the language which made Great Britain one of the parties to provide regulations and rules for the government of the canal, evidently claiming that, as we were building the canal and as we had established a tariff of $1.20 a net ton, incomparably cheaper, taking into consideration the cost of the enterprise, than the prevailing rates through the Suez Canal, that the United States should make the rules governing the conduct of the canal and not permit another nation which had no interest in any of the expenditures to join in so doing.

Now, article 3 goes on to say:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The whole contention in this situation is the words "all nations." If the words "all other nations" had been used there would be no case for us to consider. We might at once forget the interest which the railroads, the coastwise shipping, foreign nations, and all others affected by the building of the canal have, because there would be no question raised as to our right to take such action in this matter as we saw fit. It must be remembered that it is the United States that is making these rules, and I believe that when it says "all nations" it means "all other nations," and does not include itself in that category. We are the owners of the canal; we are opening the canal to the commerce of the world, charging for its use a just, reasonable, and proper rate; we are to charge under this rule the same rate to all nations; we are to keep the canal open under all conditions, not only to commerce but to vessels of war, and we are stating the terms under which commerce can use our property.

It should also be noticed that the language relating to this rule says:

The vessels of commerce and war of all nations observing these rules—

Does anyone contend that we would make rules to admit our own ships to our own canal and compel them to observe rules applicable to others in time of war? Of course, any such proposition is absolutely untenable if not ridiculous. Neither is it sound to say that ships shall be admitted which agree to observe the rules. That language was rejected by the Senate, and it is now specifically stated that it admits ships which observe the rules rather than those agreeing to do so.

It is said—and I believe correctly stated—that the sentence—

Such conditions and charges of traffic shall be just and equitable—

was added at the instance of the British negotiators; at least, it was not in the first draft of the treaty; but it is now contended that British ships were to be given the same terms as American ships. If that is true, why should it be desirable to stipulate that they should receive just and equitable treatment? It would seem that the proposer of that sentence believed that the just and equitable treatment applied to ships of all nations other than the United States and that the United States had full power to accord such treatment as seemed best. Certainly it—the United States—would not be likely to accord treatment to its own shipping which was not just and equitable.

Mr. Olney has pointed out in his discussion of this question that a nation can never lose its sovereignty except by express and specific language, and that this principle was enforced by The Hague Court in the North Atlantic Fisheries Arbitration against the United States.

Those who favor the repeal bill have frequently assented to the version of the treaty to the effect that we had a right to let our vessels go through the canal free, but that it is impolitic to do so; that we have certain rights in our relations with our neighbors, but that we do not exercise those rights because they would injure our neighbor by so doing, and the Senator from Mississippi the other day quoted Burke in saying:

If I am the owner of sheep, I have the right to shear my sheep in winter; but I do not do it merely because I have the right.

I fail to see how that is comparable with this situation. If we exempt our coastwise ships from paying tolls, we are not harming Great Britain by so doing, because the toll which Great Britain is paying is reasonable and is not sufficient to maintain the canal in any case. If we prefer to make up a deficiency in operating the canal in one way rather than another, that is the business of the United States. Neither would we be harming ourselves by so doing necessarily, as in the case of shearing the sheep in winter, because we may decide that the maintenance of shipbuilding industries and of an active coastwise fleet which may be used in time of war for auxiliary purposes is preferable to requiring the payment of tolls.

In his address delivered by the President to Congress March 5, 1914, he uses this language:

* * * and we are too big, too powerful, too self-respecting a Nation to misinterpret with a too strained or refined reading the words of our own promises.

Does not this language apply with equal force to Great Britain? We are the two great English-speaking nations; for every reason we should act sympathetically in such matters of international importance. There are many reasons why our people are in keen sympathy with those living under the British flag. There should be no question raised by either which is going to

tween $395,000 and $445,000 is to be paid to Russian vessels using the Suez Canal, this being a sufficient amount to pay the Suez Canal tolls. This is not, however, the entire expenditure made by Russia to ships using the Suez Canal, because they would receive a part of subsidies paid for other purposes.

SPAIN.

A subsidy is granted based upon the speed of vessels, the mileage covered, and the displacement of ships engaged in the Asiatic trade. The total bounty paid for service of this character by Spain in the year 1911 amounted to $580,000. In addition, $148,650 was paid on account of shipbuilding bounties, some portion of which went to vessels engaged in trade through the Suez Canal.

SWEDEN.

Sweden has a large number of forms of encouragement for its shipping trade, including postal subventions, steamship lines, bounties on shipbuilding, and so forth. In addition to these, in 1907 there was an authorized subsidy not to exceed $102,775 per annum to the Swedish East Asia Co. to meet the expenditures incurred by the company in payment of the Suez Canal dues. This has since been reduced to an amount not exceeding $83,330 per annum, which is to cover 60 per cent of the Suez Canal dues.

GREAT BRITAIN.

The Peninsular & Oriental Steamship Line passing through the Suez Canal connects Great Britain with the important ports of the East. This line is receiving at present $1,650,000 annually in bounties, and it has had liberal assistance since 1840.

AIDS TO CENTRAL AND SOUTH AMERICAN COMMERCE.

Undoubtedly the same practice will take place in using the Panama Canal; so that, even if the shipping of other countries pays tolls and ours does not, it will be, in reality, using the canal "on terms of entire equality." If we compel our ships to pay tolls, that will not be the case. It may be said that there is no certainty that this course will be followed by other countries. At least, it can be stated that it is being followed now, to some degree, in conducting trade between European and Central and South American countries. I herewith furnish, as far as I have been able to obtain it, a list of the bounties and subventions which are now paid to shipping engaged in Central and South American trade, in addition to the encouragement of navigation, shipbuilding, ship repairing, and other forms of bounties which, to some degree, inure to the benefit of lines of steamers engaged in this traffic:

AUSTRIA-HUNGARY.

Austria-Hungary pays $165,000 annually as a subsidy to the Brazilian service. In addition to this, the Austrian-Lloyd, which possesses a fleet of 68 vessels engaged in various trades, received a total, including subventions of different character, of $1,750,000 in the year 1910.

BELGIUM.

The Belgian Government remits all pilotage and other dues to vessels of the Cosmos Line engaged in South American trade.

BRAZIL.

The Brazilian Government has a contract, entered into September, 1912, with certain Italian steamship lines, the subsidy for this service being fixed at approximately $20,000 per round trip, two-thirds of which is paid by the Federal Government and one-third by the State government of Sao Paulo.

CHILE.

The Chilean Government pays the Compania Sud-Americana de Vajores $40,000 annually for service along the west coast of South America, and gives the Pacific Steam Navigation Co. (English) valuable facilities for discharging cargo at the Government wharves in Valparaiso.

FRANCE.

France pays for the Brazil and River Plate service $260,000 annually for postal subventions; $995,600 annually for postal subvention to West Indies, in addition to which $80,000 is added for the Mexican postal service. This includes a speed bounty. It pays $2,215,000 annual bounty for the New York and West India service. This is in addition to construction and other bounties which are paid, a portion of which would apply to vessels engaged in the North and South American services.

GERMANY.

The German lines' preference to Central and South American ports is included in preferential railway rates on German State railroads for various classes of goods, the definite amount of which, however, can not be determined.

ITALY.

Italy pays to the Genoa-Central American Line $100,000 annually, in addition to which there are large bounties paid for navigation, construction, and repairs, the total bounties for these purposes paid in the year 1912 aggregating $4,005,000.

JAPAN.

Japan paid in 1911 $2,330,000 direct bounties for North American lines and $372,560 bounties to South American lines, in addition to which large amounts in other forms of subsidies, which included, in 1911, $5,584,610 for the extension of steamship routes, $940,535 for encouragement of navigation, $563,975 for encouragement to shipbuilding, $2,550 for the training of seamen, $10,205 for subsidy to lifeboats—a total of $7,000,000, and this is only a part of the encouragements which are furnished by the Japanese Government for the development of the shipping industry.

MEXICO.

The Mexican Government paid for subsidies to steamship lines in the year 1911 a total of $275,000, which included $100,000 for service between Canadian and Mexican ports on both coasts; $96,155 to the Pacific Navigation Co. (English), and other smaller amounts to different steamship lines for near-by foreign service.

THE NETHERLANDS.

The Netherlands Government pays a direct subsidy to the Royal West Indian Mail Service of $28,375 annually.

PERU.

The Peruvian Government pays $150,000 per annum to the Peruvian Steamship & Dry Dock Co. for various services, including the use of the company's steamers as auxiliaries in time of war. The company's steamers are also exempted from the payment of shipping dues.

SPAIN.

Spain pays two lines of steamers—the North of Spain sailing to Cuba and Mexico and the other sailing from Mediterranean ports to New York, Cuba, and Mexico—a subsidy based on sailings, speed, distance, and displacement of ships, in addition to which it pays shipbuilding bounties in various forms.

GREAT BRITAIN.

To the Royal West India Steamship Co., $400,000 annually; to the Pacific Co. operating to Central and South American ports, $162,500, in addition to which $350,000 has recently been added to cover west-coast service.

That this policy is almost sure to be extended is indicated by a report made by our consul at Nantes, Walter H. Schulz, incorporated in the Daily Consular and Trade Reports of May 7, 1914, as follows:

WESTERN FRANCE AND THE PANAMA CANAL.

[By Consul Walter H. Schulz, Nantes, France, in Daily Consular and Trade Reports, May 7, 1914.]

That the French Government and the chambers of commerce of western France are thoroughly alive to the potentialities of the Panama Canal and the influence that that canal will exercise on the commerce of France in Pacific waters was demonstrated again by recent developments. The public press and the chambers of commerce of Nantes and St. Nazaire after a study of the economic consequences attending the opening of the canal have petitioned the Government to further subsidize the Compagnie Générale Transatlantique, and this with a view of extending to Valparaiso, Chile, the present Havre-Bordeaux and St. Nazaire-Colon service. A postal agreement, similar to the one of 1911, it is thought, would be sufficient for that purpose.

The Compagnie Générale Transatlantique perhaps is the most important of French lines. Since 1884 it has received a subsidy from the French Government, and a regular service by two lines has been maintained between France and Central America in consequence—the Havre service and the St. Nazaire service. It is now proposed to extend its field of operations into the Pacific, and if the Government can be induced to lend its aid, direct steamship communication between France and the west coast of North and South America is assured. The fact that the French Government refunds Suez Canal tolls to another well-known French line is cited as a precedent, and gives rise to the hope that similar action will be taken by the next Parliament with regard to the use of the Panama Canal by the French merchant marine. It is estimated that the canal tolls for a round trip to Valparaiso will be $6,176 to $7,720.

The Nantes Chamber of Commerce also has recommended inquiries with a view of establishing direct steamship communication between Nantes, St. Nazaire, and the north Pacific coast, including the principal ports of California and Canada, but the chamber counsels that no definite action be taken in this matter until the effect of the canal upon commerce generally is better understood.

Five of the six sections of article 3 of the Hay-Pauncefote treaty relate directly to the use of the Panama Canal in time of war. If any one of these rules is to be considered from one standpoint, they must all be considered from that standpoint, and among them will be found the following propositions: That the canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it; that a belligerent shall not revictual or take any stores in the canal except such as are strictly necessary; that the transit through the canal shall be promptly made; that no vessel shall embark or disembark troops or munitions of war or warlike material in the canal except on account of an accident, and that transit even in such a case shall be resumed at the earliest

possible moment; that these rules shall apply to the waters adjacent to the canal; that vessels of war of a belligerent shall not remain in such waters for longer than 24 hours at any time; and that one belligerent shall not follow another within 24 hours of the departure of the first vessel. Can it be possible that anyone believes that these rules would prevent the United States from maintaining men-of-war in the canal in time of war or doing the other things which they prohibit to the men-of-war of other nations; that it would be necessary for a United States vessel of war to leave the canal in the shortest possible time; and that it could not leave this vantage point within 24 hours of the time of the departure of the enemy with which we were in an actual state of war?

The United States has been under treaty obligations since its first treaty with Granada, adopted in 1846, to protect the Isthmus and to maintain neutrality of the transit across it. It has frequently landed troops to carry out this treaty provision, and the acquisition by the United States of the territory through which the canal has been constructed would seem to be sufficient to modify the Hay-Pauncefote treaty so as to accord belligerent rights to our men-of-war in the canal district.

If that is the case, it is difficult to see how discrimination can be made against vessels of commerce under similar circumstances, as they are covered by the same language in the treaty; so if the vessels of war of the United States have a different status from those of other nations, then undoubtedly vessels of the United States engaged in commercial pursuits, foreign and domestic, must be included in the same category. For instance, would it be claimed that a vessel of the Panama Railroad Co., the stock of which is owned by the United States, engaged in carrying a cargo through the canal is to pay toll, and if so, if such action would be taken in case the vessel were carrying material owned by the United States for construction purposes on United States works?

Suppose, for example, that a bill which is now pending in the Senate Committee on Naval Affairs should be adopted and we established a line of Government steamers to the west coast of South America, would it be claimed that we would have to pay tolls on a Government vessel engaged in commerce for the people of the United States conducted by the United States? And will anyone contend for a moment that if an English or French or German ship under the control of its Government passed through the canal that tolls would not be charged? Of course, if we charged tolls in such a case we would be simply transferring money from one pocket to another; it would be equivalent to the Government paying for departmental mail. I think no contention will be made that in such a case we should be compelled to pay for the passage of our own ships.

It was even proposed in the bill which passed Congress in 1912 that vessels belonging to the United States, including those of the Panama Railroad Co., the stock of which is owned by our Government, were not bound to pay tolls on the same terms as vessels of foreign nations.

We have provided that shippers of freight in the United States shall receive just and equitable treatment from the transportation companies, yet if the construction freight belonging to railroads and the transportation of the railroad employees and officials were paid for at the same rate charged other shippers, it would undoubtedly modify the rates charged to other shippers and to other travelers. It seems to me that this is on all fours with the use of the canal; that it would be absurd to charge tolls on a vessel engaged in carrying material through the canal for the construction of United States works.

In effect, the Government of Great Britain admits the contention that our men-of-war are exempt, for in its note of protest of November 14, 1912, this language is used:

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

Therefore the suggestion that vessels of war of our country should pay tolls or any part of the United States forces should not have absolutely free use of the canal under all conditions seems untenable, and that the limitations placed on the use of the canal for other belligerents should not apply to our own. If this is admitted, how can we divorce five sections of article 3 to which this subject applies from section 1 of article 3, which is the one in controversy?

REASONS FOR CLAYTON-BULWER TREATY.

The basic claim which Great Britain has to a part in the canal construction and control is of a shadowy character, but in order to clearly show this I shall have to refer briefly to the Clayton-Bulwer treaty of 1850, which was replaced by the Hay-Pauncefote treaty. The Clayton-Bulwer treaty was made because of the unusual events which had transpired immediately preceding 1850. Our northern boundary had been extended to the Pacific Ocean on the forty-ninth parallel; we had acquired from Mexico a large area, including the coast of California; the Republic of Texas had become a part of the United States; and, most important of all, the gold discovery of 1849 had diverted a large emigration to California. It was extremely dangerous to cross the plains, and therefore the long and tedious trip around the Horn or the shorter but more or less dangerous trip across the Isthmus was found necessary in order to reach this new El Dorado.

Naturally, these conditions attracted renewed attention to the necessity for a canal, and at that time the Nicaragua route was the one generally considered most feasible. We had acquired valuable concessions from Nicaragua, but by a course of action including the seizure of an island for debt and the assumption of a protectorate over the Mosquito Coast, which, at least, had in it very little equity, Great Britain had acquired control of the Atlantic end of what would be the Nicaragua Canal. Therefore the necessity for a treaty with Great Britain which would cover the proposed development. It will be seen that entering into a treaty of this kind would not have been necessary if we had been able to maintain the Monroe policy, because it not only recognized Great Britain's supposed rights in Central America, but it provided for a joint protectorate of a public development which was to be undertaken on the American Continent.

As soon as the Civil War and the contentions arising out of it had been sufficiently adjusted, attention was directed to this treaty and its lack of applicability to the conditions which had developed since it had been agreed to. The real incentive in making the Clayton-Bulwer treaty, in addition to obtaining a clear title to the Atlantic coast end of the canal, was the hope and expectation that English capital would be interested in its construction. It was for this reason that our Government surrendered the exclusive privileges which it held and expressed this sacrifice in the seventh article of the treaty in this language:

That no time should be unnecessarily lost in commencing and constructing the said canal.

It was not, at that time, even suggested that the money to build this canal would be furnished by the Governments of the United States or of Great Britain; it was assumed that it would be private capital, and the completed work should be under the joint protectorate of the two countries. Private capital was not available in the United States and there was not sufficient incentive for English private capital to go into such an enterprise.

Time was lost and nothing substantial had been done toward the building of the canal when the conditions developed by the Spanish War, especially in sending the *Oregon* from the Pacific to the Atlantic coast, again attracted attention to its necessity. It was then that our Government approached England with a proposition to arrange a new treaty to replace the Clayton-Bulwer treaty, the purpose being to bring that instrument down to date.

PANAMA AND OTHER TREATIES.

Article 19 of the convention entered into between the United States and the Republic of Panama on November 18, 1903, provided that an exception should be made in favor of vessels of the Republic of Panama in the conditions prescribed for the vessels of other nations, and this is one of the three protests made by Sir Edward Grey after the canal act of 1912 was passed; but it will be noted that, although we had apparently departed from the construction of the Hay-Pauncefote treaty in our later treaty with the Republic of Panama, that no notice was taken of this by Great Britain or any other country until it had become desirable for other reasons to protest against the canal act of 1912.

Secretary Knox, in his reply to Sir Edward Grey, under date of January 17, 1913, covered the objections made in this language:

The United States has always asserted the principle that the status of the countries immediately concerned by reason of their political relation to the territory in which the canal was to be constructed was different from that of all other countries.

Immediately after the adoption of the Hay-Pauncefote treaty, which was proclaimed in February, 1902—in fact, but three days after its ratification by the Senate—a bill was introduced in the House of Representatives for the construction of the Nicaragua Canal. It was promptly taken up and passed the House January 9, 1902—within three weeks of the time of the ratification of the Hay-Pauncefote treaty. The bill then came to the Senate, where it was considered. Everything in the bill after the enacting clause was stricken out, and what is

unusually able one, various reasons have been advanced why the bill should be passed or rejected. I shall only refer to most of them briefly, because, in my opinion, there is but one real question at issue, and that is the language of the treaty. It is true that the economic features are very important and may have the most far-reaching effect, but, even if that were so and we were sacrificing large interests, there would be no other proper course for us to follow, if the treaty, which is in effect a contract, between the United States and Great Britain definitely and certainly agrees that we shall charge tolls on our coastwise and other shipping.

I attach no weight to the hysterical statements which have been made in the debate about foreign complications as a result of our not passing this bill. I have searched with some diligence for a warlike word or an angry protest coming from any other country if we decide to maintain our present position. It is possible that there have been received by the State Department protests of some kind against this action which have not been made public, but careful inquiry does not bear out such a supposition, and the press of other countries does not show any public sentiment in favor of such action, so I can not believe that the President and others who have used similar language have been justified in saying that our international standing is now below the usual standard or that our course in this matter is going to affect our relations with other countries. If the President has tangible information justifying his expressed opinion, he should submit it to Congress.

Neither am I inclined to place great reliance in the statement that the transcontinental railroads have been taking an influential part in attempting to influence the action of Congress. It may be that they have communicated with other Senators directly or indirectly; but if this has been done they have overlooked me. I do not recall that I have a single word in any form from any railroad corporation or those representing a railroad corporation relating to this subject. The transcontinental railroads probably have interests which may be affected—quite likely they are interested in the conclusion to which we come; and yet in its final analysis if the rates now being charged by railroads are not fair we have a vigilant Interstate Commerce Commission which is prepared to pass on them and to give the shipper justice in all cases. Furthermore, I am one of those who believe that, generally speaking, railroad rates are now quite as low as the conditions of transportation warrant if a reasonable return is expected on railroad capitalization, and if there are those who think that a payment in any form of canal dues will lower transcontinental rates to any considerable extent they will be, in my opinion, disappointed or, if not disappointed, they must be prepared to see serious troubles come to our railroad corporations.

My course in this matter has been influenced by the economic question which has been raised by those directly interested in coastwise shipping. I have no doubt plans have been made by existing companies to undertake business through the canal when it is constructed with the expectation that there would be no tolls charged, and if a change in this policy is made it may to some degree necessitate changing their plans and require a readjustment of the methods of conducting this business, but in the final analysis I am confident that the shipper in such cases will very largely pay the toll, as he will pay the other costs of transportation, and that the coastwise carrier will obtain substantially the same return on the business he does that he would if no tolls were charged. But the policy we adopt may and quite likely will have a material influence in developing not only our coastwise shipping, but our commerce in general; so that our action should be determined not only by the action which is best at present, but what will be best in the years to come. This canal should benefit our own shippers, our coastwise trade, and our general commerce, as well as be beneficial to the commerce of the rest of the world. Neither is it necessary for me to criticize the action which individual Democratic Senators propose to take in this matter. They are between the necessity of carrying out the recommendation of the President or following by strict construction the declaration of their party platform. None have been louder than they in their protestations to the country that a political platform should be lived up to and that it was political dishonesty to deviate from its provisions. It is for them to decide whether their consciences are sufficiently elastic to enable them to support a bill against which their platform makes a positive declaration.

But this furnishes an opportunity to make comment on the methods followed in making political platforms, to which the American people should give some consideration. Platform committees of national and other conventions meet at a time of great excitement. They appoint a subcommittee and frequently, as in the case of the Baltimore convention, that subcommittee appoints another subcommittee which draws the platform, so that two or three men at a time, when sane and careful action is impossible, prepare a code which is to serve as a political creed for many millions of voters. Any such procedure is supremely ridiculous, and political parties should adopt saner methods; at least, the platform should be prepared long before the convention meets; it should be submitted to the country in some manner and provision made for the adoption of tangible and reasonable suggestions which may be made as a result of this publicity.

A few days ago the senior Senator from Ohio delivered a most carefully prepared and very able argument in favor of the repeal, in which he went into in great detail the history of and principles governing waterway legislation and treaties relating to that subject. No man in public life has a broader knowledge of such questions than he, and I have so much regard for this knowledge that I hesitate to raise a doubt even to the conclusions which he reaches; yet it seems to me that there are radical differences between the Suez Canal and Panama Canal and all others, including those to which he referred. The Welland and most other canals were constructed to overcome obstacles in natural waterways and are supplemental to them. Furthermore, they are used almost entirely for commercial purposes and for no other purposes, and in the case of the Welland Canal, especially, the unfairness in the rates which were originally established was intended to build up local Canadian cities and Canadian business at the expense of the business of other communities, the course followed being similar to that used in the earlier days in granting rebates to our American railroads. That can not in any way be comparable to the policy which is now in force of granting free tolls to our coastwise shipping through the Panama Canal, for that does not in any way injure the commerce of other commercial centers or the shipping interests of other nations.

The construction of the Panama Canal was undoubtedly, to a very large extent, a war measure, combined with a desire to facilitate the commercial intercourse of the world. This was not true perhaps of the original construction of the Suez Canal, but the purchase of the stock of that canal by Great Britain was largely for military reasons. Great Britain had a great dependency in the East; the time to reach it around the Cape was so much greater than through the canal that if the latter were controlled by any other power it would have placed Great Britain, in defending its dependency, at a great disadvantage.

There are those in the United States who make it a business to develop war scares between our country and certain foreign nations. These incendiaries had endeavored to develop a public sentiment in favor of the construction and maintenance of a fleet on the Pacific similar to the present Atlantic Fleet, contending that our enemies might come from either direction and that it was unfair to either coast to leave it unprotected. If such a policy had been undertaken, it would have required the maintenance of two battleship fleets and would have cost, without taking into account extraordinary repairs, not far from $15,000,000 annually in addition to the cost of the construction of 20 battleships, which would have aggregated at least $250,000,000, and to this should be added the depreciation in battleships, which would have brought the total cost up to an enormous figure.

The arguments to which I have just referred, and many similar ones which have been more or less prominent during this discussion, may, in my judgment, be sidetracked, for the question which should really determine our action is the construction which should be placed on the words in rule 1 of article 3 of the Hay-Pauncefote treaty, which reads as follows:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

What were the purposes of those who drew the treaty and of the Senate when the treaty was being considered by it? My own impression had been until recently that we were by the terms of the treaty in duty bound to treat all the shipping of the United States on exactly the same terms which apply to the ships of Great Britain and other nations, and in changing this conclusion I am not unmindful that some of those who were active in formulating the treaty have recently testified that the President's view of the controversy is the correct one; but I have failed to find that any consideration was given by the negotiators to the difference between general commerce and coastwise shipping, and the only evidence that it was discussed in the Senate took place during the consideration of an amendment offered by Senator Bard, of California, which especially precluded applying the terms of the treaty to coastwise shipping. It is true that this amendment did not prevail, but so many Senators who voted against it have stated that they did so because they thought it unnecessary and did not want to hamper the treaty with such matter rather than because they were opposed to the principle that it is a reasonable conclusion to draw that the Senate would have accepted this amendment if it had not supposed coastwise shipping did not come within the terms of the treaty.

I am, as briefly as possible, going to point out my reasons for believing that (1) the Hay-Pauncefote treaty does not necessitate our compelling our coastwise shipping to pay tolls; (2) that there is no moral reason for our following such a course; (3) that the custom of all nations has been and is now to exempt coastwise shipping from laws, rules, and regulations applying to other shipping; (4) that equitable conditions would not obtain, whether we charged our coastwise shipping or not, because of subsidies granted to the ships of other countries; and (5) that this contention is undoubtedly advanced for the express purpose of adding another handicap to the development of our merchant marine which would result in an equivalent benefit to our commercial rivals.

When this question was originally considered, in 1850, Great Britain was our equal partner, and while at that time the building of the canal by the Governments was not given consideration, undoubtedly the necessary costs of fortification and maintenance, if there were such, were to be borne equally by the two countries. Under present conditions what has Great Britain done to justify our doing an unjustifiable act; that is, to show generosity to that country by giving up a form of sovereignty over what actually belongs to us as much as does the territory of the District of Columbia? The answer must be, Nothing whatever. On the other hand, she will be the most greatly benefited from a commercial standpoint of any nation by the construction of the canal; in fact, it is probably true that ships flying the British flag will make as much use of the canal as those belonging to all other nations combined. In addition to that, Great Britain will have available the $400,000,000 which we have expended in the canal's construction to develop her various industries, including her shipbuilding and shipping itself, so that in effect we will have used our capital to provide a means to enable our commercial rivals to increase the preponderance of advantage which they now hold over us, and this advantage will be increased from year to year, because still more of our capital will be necessary in order to maintain this great international development, for the cost of maintaining and protecting the canal and a reasonable interest on the investment will be at least twice any amount of money which can be received from tolls in the near future. The only possible harm that can come to Great Britain from our adopting the policy of granting free tolls to our coastwise and other shipping will come to the Tehuantepec Railroad Co.—this is more or less problematical—and the possible harm which may come to the shipping of the Dominion of Canada. But the shipping of the Dominion of Canada, at least all of any considerable moment, is controlled by the subsidized Canadian Pacific, Canadian Northern, and Grand Trunk Railroad Cos.

The total expenditure made by the Canadian Government last year for the encouragement of commerce was $2,703,200, and this stipulated that the lines of steamers receiving this subsidy shall not call at the ports of the United States.

What a travesty on justice and fairness it would be to forbid the use of the canal to ships owned by our own railroads and then make this enormous sacrifice to open the canal to the ships of the subsidized railroads of our commercial rival to the north. It can not do them any harm if we allow our shipping to go through free, because there is a certainty that a handicap exists equal to the tolls charged against American ships owing to the difference in the cost of construction and operation. But even if this were not so, there should not be an American who would be in favor of granting to the ships of a foreign country privileges which we refuse to grant to ships flying the American flag, owned and controlled by American capital. No contention of the kind which has been raised by Sir Edward Grey should have been thought of by that Government; they should have recognized the splendid privileges and opportunities which we were giving their shipping and the shipping of the world, and even if they had believed that they had a technically sound contention in the three points which have been raised by the English Government, reasonable fairness on its part should have led it to waive these objections and permitted us to manage our own canal and our own shipping without question or objection.

Quoting once more from section 1 of article 3 of the Hay-Pauncefote treaty this language:

> * * * so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions of charges of traffic or otherwise.

Just what is meant by the expression "or otherwise" I am unable to determine, but it is a fact that our shipping of all kinds is conducted under a serious handicap, due largely to the excessive cost of construction in this country and the excessive cost of operation, so that we are not on equal terms with the shipping of the world, and probably never can be. But in addition to these handicaps all other nations in the world in some form grant assistance to their shipping, so that it may compete successfully with that of other countries.

In this respect we are the trustees of the American people. It is our duty to build up our shipping industry, and especially our duty to see that no action is taken which is going to militate against it in favor of that of other nations; and the very course which we are now asked to take would be another instance of the aggressiveness and industry of another nation in trying to place further handicaps on our shipping. This policy is well illustrated in the action of European Governments in the use of the Suez Canal. It is true that rates through the canal are equitable, but in order that the shipping of the individual country shall not suffer by the payment of such rates it has become the fixed policy of most European nations to pay subsidies, so that to-day if we had any shipping in that part of the world it would not as an industry be receiving just and equitable treatment, because it would have the handicap of these subventions paid by European countries. It seems to me desirable to show just how comprehensively this course has been followed by our commercial rivals, and I submit herewith in detail the subsidies now paid for using the Suez Canal.

SUBSIDIES PAID FOR USING THE SUEZ CANAL.

AUSTRIA-HUNGARY.

For the year 1910 Austria-Hungary paid $472,500. Until 1907 there had been paid for East African service an additional bounty of varying amount, but which did not exceed in any one year $300,000.

FRANCE.

In 1911 France spent $6,670,000 for bounties for construction and navigation and $5,530,000 for mail subventions. Of the mail subvention payment, $2,220,000 was paid to lines using the Suez Canal.

GERMANY.

One million seven hundred and fifty thousand dollars are paid to German East African lines and the North German Lloyd for postal service through the Suez Canal. In addition, the German East African lines receive an indirect bounty in largely reduced rates furnished by all German State railways on goods exported from inland States of Germany to East Africa; and, generally speaking, all German State railways give reduced rates on German goods shipped over German State railways, and they are given a further preference when the shipment is continued on German steamships.

ITALY.

Subsidies for postal service in Italy are paid as follows: To the National Co. of Maritime Service, $1,840,000 annually. This line runs to India and China. To the Venetian Navigation Co., $200,000 annually. This line runs from Venice to Calcutta. In addition, there are navigation bounties amounting to $470,715, very largely paid to the National Co. There are also construction bounties fixed at a maximum of $440,000 per annum; $659,880 are allowed for construction bounties and losses due to customs duties on account of the remission of duties to various lines, a part of which applies to the National Co., using the Suez Canal.

JAPAN.

Japan allowed in the year 1911, $1,617,440 as subsidies to steamers employed in the European service, in addition to which there are various kinds of bounties for construction, repairs, and other forms of payment, a portion of which would apply to steamers using the Suez Canal.

NETHERLANDS.

In the Netherlands $125,000 annually is granted to the Java-Japan Line, in addition to which there are granted postal subsidies for five lines, one of which uses the Suez Canal.

PORTUGAL.

Portugal pays $20,000 for a line plying between Lisbon and Portuguese East Africa.

RUSSIA.

Russia made in 1912 an appropriation of $3,670,000 for the encouragement of its mercantile marine. Of this amount, be-

any provision that was inserted in that treaty? That being conceded, I make the further suggestion that any provision in that treaty can be taken from it with about the same ease with which it was inserted in the first place.

Mr. BRANDEGEE. Well, Mr. President, there are so many suggestions thrown out inter alia and obiter by the Senator that I should hate to say "yes" or "no" in answer to what he says.

Mr. O'GORMAN. I will probably simplify the question by asking, Does the Senator from Connecticut entertain any doubt that the United States, without any delay or difficulty, could secure the consent of the Republic of Panama to the abrogation of article 18 of the treaty with that Republic?

Mr. BRANDEGEE. Mr. President, the Senator's views about this treaty, I should judge from the question he asks, are somewhat astonishing. This treaty with Panama, whatever the Senator's idea may be about the potency of the Republic of Panama, for all purposes of consideration here is as solemn and as binding an international agreement as was ever drawn between two nations——

Mr. O'GORMAN. That is not disputed.

Mr. BRANDEGEE. And it must be observed accordingly. It is absolutely immaterial at whose suggestion or under whose influence or persuasion the terms of the treaty were agreed upon. The treaty speaks for itself as the highest international contract that two nations can make; and the speculations which Senators may entertain as to whether the influence of the Republic of the United States of America, with all that that implies in the way of pressure, diplomatic and otherwise, would in the end prevail to eradicate from this treaty one of the provisions placed there for the protection of one of the high contracting parties, is a question that the Senator from New York is just as well able to answer as is any other Senator.

Mr. O'GORMAN. I would value the Senator's own opinion, if he cares to volunteer it on the question, as to whether he thinks there would be any difficulty in the United States securing from the Republic of Panama consent to the abrogation of article 18 of the treaty.

Mr. BRANDEGEE. Mr. President, I suppose if this Government went to work with all of its international influence, and with the consequences in view on the part of the little, feeble Republic upon which its influence was brought to bear in the case of refusal, that we might get that provision out of the treaty, and that we might compel Panama to make another treaty; but that treaty is all the title we have on the Isthmus of Panama. Having obtained it, and having accomplished what we wanted to accomplish by the negotiation of the treaty, Panama having acted in good faith, I should hope that the United States would not now seek to compel Panama by pressure of any kind to waive something that was freely granted to her when she gave us this permission.

Mr. O'GORMAN. Mr. President, with the permission of the Senator from Idaho, I should like to put a further question to the Senator from Connecticut.

The PRESIDING OFFICER. Does the Senator from Idaho yield further?

Mr. BORAH. I yield.

Mr. O'GORMAN. Do I understand the Senator from Connecticut to state, as a matter of law, that the disregard or the violation of a covenant in any instrument conveying title works a forfeiture of the title?

Mr. BRANDEGEE. I did not state that, Mr. President. I did state, however, that this was one of the considerations for the making of the treaty. I do not consider a treaty to be a sort of an instrument by which the parties may, by a process of eclectics, obey that portion of the treaty which they think to be in their own interest and violate the other portion. Whether or not we could violate our agreements and stipulations in a treaty with them without hurting ourselves in other respects more than we help ourselves by the violation is a question of casuistics that I would not feel, offhand, qualified to discuss very deeply.

Mr. O'GORMAN. I should like, in order to ascertain the viewpoint of the Senator from Connecticut, to ask whether he disputes this proposition: That in a grant, whether it be by deed or treaty, a violation of a covenant, as distinguished from the violation of a condition, confers upon any party to the instrument a greater right than a claim for damages, if any be sustained, by the disregard of the covenant?

Mr. BRANDEGEE. Mr. President, a treaty is not to be construed by one of the parties alone.

Mr. O'GORMAN. That scarcely answers the question, Mr. President.

Mr. BRANDEGEE. Very likely; but I am obliged to answer questions in my own way.

I do not regard this provision as simply a stipulation or an agreement which may be broken or kept irrespective of the other party to the treaty. I think this is a reservation by Panama. Panama had the sovereignty, and when she granted to us the right to build and operate a canal over her territory and put in the provision that when completed it should be open and operated in every respect according to certain provisions it was not a grant upon the part of either this Government or that other Government, but was a reservation which Panama made, she having the sole authority there.

I never have been one of the Senators who think when we got a right to build and maintain a ditch across the territory of a sovereign power for the purpose of operating a canal and putting our ships through there and paid money for it and agreed to pay rent for it at the rate of $250,000 a year forever under this specification; that for the purposes of the canal we had all the rights that we would have if we were sovereign; that Panama ever gave us any sovereignty there such as independent sovereign nations may maintain. And if the United States should abandon that canal or blow it up or refuse to operate it, I do not think under this treaty the United States would have any right to retain control of the Panama Canal Zone.

Mr. O'GORMAN. Does the Senator state that the omission to pay the annual charge of $250,000 would operate as a forfeiture of the rights of the United States under the treaty?

Mr. BRANDEGEE. I have not stated that in terms, Mr. President, but the series of questions which the Senator is propounding evidently proceeds upon the theory that we can violate every provision in a treaty which imposes a burden upon us, and still hold good our title under the instrument whose provisions we are violating——

Mr. O'GORMAN. Mr. President——

Mr. BRANDEGEE. Holding the other party to the full performance of the contract, while violating such portions of the contract as we have a mind to.

Mr. O'GORMAN. Mr. President, I have been very unfortunate in conveying my views if the Senator from Connecticut believes that I made any such statement as he has just announced. I have been insisting, however, and I make the claim with confidence, that the violation or disregard of a covenant in this instrument would not work a forfeiture of our rights to the canal, even though it might give a right to Panama to make a claim for damages sustained by Panama in consequence of any breach.

With particular reference to the provision regarding the annual payment of $250,000, there is a distinct stipulation in the treaty that any delay or difference with respect to that payment can not affect the rights conferred upon the United States under the treaty; in other words, if there be a delay or a dispute in respect to the annual payment of $250,000, and we should be wrong in our contention, the Republic of Panama could, by appropriate course, make a demand upon us for that amount annually; but our failure to pay it could not, under the express language of the treaty, impair in any degree our right to the zone through which the canal runs.

Mr. BORAH. Mr. President, the question of a conditional title, which has sprung up in the debate in the last few days, was interesting, if not startling, when first presented. The claim is made that although we have purchased this territory and expended upon the Canal Zone some $400,000,000, yet we have only a conditional title, dependent upon one of the most uncertain things in the world, and that is the continuance in force of a treaty which we made with a nation other than the one from which we took title. Such a proposition would convict John Hay of criminal stupidity.

Mr. President, one only needs to review the express terms of this grant to see that no conditional title exists with reference to the territory over which we have built the canal, other than the condition that we occupy it for canal purposes. That is the only possible condition which would in any wise work a forfeiture in any way, shape, or form to any part or parcel of that territory over which the canal is built. I discussed this a few days ago, but as it has come up again I venture to suggest something further on the matter.

Mr. WEST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I yield.

Mr. WEST. Does the Senator think that the zone can be occupied for any purposes other than for a canal by this Government?

Mr. BORAH. I have just said that the only condition that can possibly be inferred is that we occupy the zone for canal purposes; but that the other terms, covenants, conditions, agreements, and so forth, which are embodied in this treaty might be observed or not observed, violated or otherwise, without affecting our title to the canal.

I am going to take just a few moments of the time of the Senator from Massachusetts [Mr. WEEKS] to read a few lines into the RECORD from the grant:

> The Republic of Panama grants to the United States in perpetuity the use, occupation, and control of a zone of land and land under water for the construction, maintenance, operation, sanitation, and protection of said canal of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal to be constructed.

Then it gives a more particular description of the zone. That is a grant in perpetuity of land for a specific purpose, to be used for a canal, and there is no condition to be inferred and no condition can arise out of the language other than the condition that it be occupied for canal purposes. So long as we occupy it for canal purposes, it is our territory in perpetuity; and there is no other condition in the grant which undertakes to work a forfeiture of it. Then the treaty provides:

> ARTICLE 2.
>
> The Republic of Panama grants to the United States all the rights, power, and authority within the zone mentioned and described in article 2 of this agreement, and within the limits of all auxiliary lands and waters mentioned and described in said article 2, which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located, to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power, or authority.

There are no conditions either precedent or subsequent to that grant. But there is another clause which is even more definite and certain and unmistakable in its purport, and that is the clause which fixes the consideration and which says:

> As the price or compensation for the rights, powers, and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of $10,000,000 in gold coin of the United States on the exchange of the ratification of this convention, and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

For the "rights, powers, privileges," and authority arising under this grant—which we must treat as a grant, notwithstanding it is in a treaty—we pay Panama the sum of $10,000,000, and when the $10,000,000 was paid the title to that property passed to us in perpetuity, and it is ours just as unconditionally as the territory upon which this Capitol rests so long as we use it as a canal. Our title could never be assailed until we should abandon the canal itself.

Furthermore, the treaty provides:

> But no delay or difference of opinion under this article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

Further on there is a provision, which might be likened to a covenant in a deed, that when the canal is opened it shall be opened under the terms of the Hay-Pauncefote treaty, but no condition attaches to the grant in case it is not opened under the terms of the Hay-Pauncefote treaty; there is no provision to the effect that we shall forfeit anything in case we do not do so. We stand in the same position with regard to this title as if there were two separate instruments, one a distinct grant, under which we paid $10,000,000, and another an agreement; one affects the other no more than if they were two separate and distinct agreements.

Mr. President, the Supreme Court of the United States said:

> It is hypercritical to contend that the title of the United States is imperfect——

Speaking of the Panama Canal——

> and that the territory described does not belong to this Nation.

Certainly it belongs to us. We are under obligations to observe that treaty, just the same as we are to observe the Hay-Pauncefote treaty or any other treaty; but its violation would not affect the title any more than the violation of a covenant of a deed would affect title under the deed, or any more than if I gave you my note for which you gave me a deed and I should fail to pay the note, you could go into a court of equity and cancel my deed because I failed to pay the note.

Mr. O'GORMAN. Mr. President, I merely want to add, with the permission of the Senator from Massachusetts [Mr. WEEKS], one word to what has been said as to what might be the effect upon our title of a violation to observe every provision of the Panama treaty. I said a moment ago that there was an express stipulation in the treaty that our title could not be affected in consequence of any dispute, contention, or delay with respect to the annual payment of $250,000. The language of the treaty goes even further than that, because it is provided in article 14—

> But no delay or difference of opinion under this article—

That is the article that speaks of the consideration—

> or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

That is as strong as language can make it and reserves to the United States the right at any time to assert its views respecting any of the other provisions of the treaty without impairing in any degree its title, which is granted by the second article of the treaty. If those words which I have just read do not give that reservation to the United States, then they serve no purpose whatever. In a word, that provision protects the title of the United States to the zone, leaving any dispute that may arise between the United States and the Republic of Panama under other provisions to adjustment, settlement, and determination without impairing in any manner the title of the United States to the zone.

Mr. BRANDEGEE. Mr. President, Senators may, of course, continue to hold any view they please as to how binding the different provisions of the treaty with Panama are or what effect the breach of any of them will have upon the title of the United States or upon the parties to the treaty. That has nothing whatever to do with the question that I asked the Senator from Oregon, which was, How would we be in any better position if the Hay-Pauncefote treaty were denounced and abrogated, unless we should also get rid of the provisions contained in article 18 of the treaty with Panama? We would be in no better position.

The Senator from New York suggests that, by diplomatic intercourse, we might get rid of the provision contained in the treaty with Panama which compels us to observe the terms of the Hay-Pauncefote treaty made with Great Britain. Perhaps we might and perhaps we might not; it does not make any difference whether we would or not. The fact is that the conditions mentioned in the Hay-Pauncefote treaty are embedded in the treaty we made with Panama, by which treaty we acquired the right to build the canal across the Isthmus. If we want to violate the provisions of the treaty with Panama, I suppose we could, as we could violate any other treaty if we wanted to do so. It is idle now to consider whether we would forfeit our title to our $400,000,000 and to our rights in the Canal Zone if we did violate this provision. The only point of my remarks, and the only point and applicability of this discussion at present, in my opinion, is that there is a covenant with Panama to observe the conditions of the Hay-Pauncefote treaty and to operate the canal under it.

Mr. WEEKS. Mr. President, I have given the pending bill more careful consideration than any similar legislation since I have been a Member of Congress, because there is a distinct impression that a failure to pass it would be a reflection on the honor of our country, and especially on the honor of those responsible for such action. That is a test which can not be neglected in any matter personal or national, and therefore I could not see my way clear to vote either for this bill without studying it from every viewpoint or vote against it without assuring myself that there are ample reasons to justify my so doing. I know that many of those in Massachusetts whom I am trying to represent have gotten the impression from press reports or perhaps from opinions expressed by others, many of whom have given it little consideration, that there is only one side to this question—the side which the President in his message to Congress March 5, 1914, describes in the following language:

> In my own judgment, very fully considered and maturely formed, that exemption constitutes a mistaken economic policy from every point of view, and is, moreover, in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901. But I have not come to urge upon you my personal views. I have come to state to you a fact and a situation. Whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside the United States. Everywhere else the language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal. We consented to the treaty; its language we accepted, if we did not originate it; and we are too big, too powerful, too self-respecting a Nation to interpret with a too strained or refined reading the words of our own promises just because we have power enough to give us leave to read them as we please. The large thing to do is the only thing we can afford to do, a voluntary withdrawal from a position everywhere questioned and misunderstood. We ought to reverse our action without raising the question whether we were right or wrong, and so once more deserve our reputation for generosity and for the redemption of every obligation without quibble or hesitation.
>
> I ask this of you in support of the foreign policy of the administration. I shall not know how to deal with other matters of even greater delicacy and nearer consequence if you do not grant it to me in ungrudging measure.

After long consideration I am convinced that the President is in error in his conclusions and that the course for Congress to take is to refuse to pass the pending bill.

In the debate which has taken place during the past month, and it has been most comprehensive and in many respects an

his conclusion of law based thereon.

ments of the House numbered 1 and 2, and agree to the same.

whether the vessels engaged in that trade go through the canal free from tolls or pay them, for in neither case, in my opinion, can they hope to compete successfully with foreign bottoms carrying the same class of freight from the ports of British Columbia to the north of us; and that the construction of the canal will in fact and in many ways benefit the people of that country more than it will us. My reason for making this statement is that under their laws their ships can and do employ crews of Asiatics, the individual members of which work for wages ranging from $6 to $8 per month, while our ships are compelled to pay wages ranging from $20 to $30 per month.

Also the foreigner competing with us for that trade can purchase his vessel abroad for about 30 per cent less than our citizens can procure the same type of vessel in this country. This reduces the interest charges on the investment and the amount which must be marked off for depreciation, which is an item of considerable importance on such property. All of the other expenses which go to make up the cost of the operation of their vessels are less than those of vessels of the same class owned in this country. For these reasons they will be able to and will carry potatoes, apples, hops, salmon, and other articles of commerce from, say, Vancouver, British Columbia, to the Atlantic seaboard after paying the tolls for from $1 to $2 a ton less than our ships can afford to carry the same articles, and in the case of lumber from $3 to $4 less per thousand feet, even though our vessels are exempted from the payment of such tolls. This means that they will force that trade away from our coast cities and into their own ports. Freedom from tolls for such shipping will be a measure of relief, but will not entirely relieve the situation. This is an unfortunate state of affairs, and some remedy will have to be provided for it, else a large portion of our trade will fall into decay.

The remedies which have been suggested are either the throwing open of our ports free to the shipping of the world or the adoption of the La Follette seamen's bill, which will relieve us from the wretched duty which we have heretofore assumed of pursuing, capturing, and returning deserting seamen to foreign vessels. If we refuse to do this unclean work for them, their sailors would desert at every port, and foreign vessels would be compelled to pay the same rate of wages which are paid by our own ships in order to secure crews to continue their voyage. In addition, citizens of this country would have to be allowed to buy their ships where they could secure them cheapest. Any attempt to change our navigation laws so that our vessels would be enabled to employ Asiatic crews will not and should not be tolerated in this country, and that remedy is not to be considered.

In connection with this subject I deem it worth while to state that in many of the ports on the Pacific coast the most valuable water front and dock property is either owned and controlled by the railways or private corporations, and the people are excluded from them except on the payment of charges for their use. In the city of Portland, Oreg., where we have about 10 miles of water front on each side of the river, all of it until recently was in the hands of private persons or railway interests, with the exception of one street 60 feet wide, which was the only means of outlet the people of that city had to the harbor. Within the last few months, however, the people have purchased about 500 feet of water front for a public dock, which will be entirely inadequate to free the city.

It has been stated that if the tolls are rebated to the owners of coastwise vessels, it will prove to be of no benefit to the people for the reason that the shipping interests will pocket the same. Judging from their treatment of the people in the past, there is foundation for the belief that they will do this if they are allowed to do so, but that is another question which is not involved in the interpretation of the treaty or the question of tolls, and it is within the power of the people to stop it at any time when they take sufficient interest in it to do so. Until they do, however, I fear that the rebating of tolls will make but little difference to the producer or to the ultimate consumer, but if Congress would but do its duty by the people of this country in other respects it would help.

It looks to me on the face of the proposition as if this country had expended a large sum of money, amounting to nearly $475,000,000, and in addition had assumed the obligation of paying some $15,000,000 or $20,000,000 a year in addition for the privilege of driving its own citizens out of the shipping business and keeping them out of it afterwards.

We free the competitors of our ships from all liability for cost of construction and all fixed charges, and their tolls are repaid to them by their own nation, while our ships are held for all fixed charges and cost of construction and pay their own tolls in addition.

A treaty under whose terms a country agrees in advance to do such a thing, and by so doing puts all of its shipping interests, both oversea and coastwise, out of business, is surely unique and speaks volumes for the lack of sagacity of the agents of this Nation who helped to draw it.

So far as I can see there is but one honorable way out of the unfortunate situation, and that is to abrogate the treaty and then enter into an agreement with all maritime nations under which every nation, ourselves included, shall pay for the use of the canal in exact proportion as they make use of it and in addition to set aside a sum sufficient to pay for the cost of its construction within a period to be estimated as its life.

If in addition to this an agreement for an international system of policing it on land and patroling it by sea, thus guaranteeing its neutrality and safety, were entered into, equity would be done to all and we would be spared a heavy expense and a long step would be taken toward international peace and comity as well. This would also tend to relieve the people of the earth from the grievous and unnecessary burden of maintaining rival navies.

If after that was done there could be made a further agreement by and under which all the seagoing war vessels in the world of every description could be gathered into one great flotilla over the deepest known spot in the ocean and all sunk on some specified day, the angels in heaven would smile when they witnessed the spectacle and the canal, now a source of contention and bickering, would prove a blessing to all nations.

I have tried to weigh this question without prejudice and without fear or favor to either side of the contention, and after having done so I have concluded that not only is there room for honest difference of opinion, but also that one man's opinion is about as good as another's concerning it.

I do not and will not question any man's motives, no matter which way he votes upon it, and I shall bespeak for myself the same courtesy and consideration.

If we refuse to make our coastwise ships pay tolls, it is said we will be accused of national knavery. If we compel such shipping to pay tolls while all others escape doing so, we will, no doubt, be accused of being fools. One must make his choice. I fail to find anything in the treaty which seems to me to say or which means definitely either the one thing or the other. At the same time by a series of deductions one can prove to his own satisfaction either side of the contention.

In respect to the question of subsidies, I repeat that I find that when both ships sail from foreign ports the foreign ship is by the treaty granted special and valuable privileges over our own ships, and in addition will no doubt have its tolls paid by its own Government, while we compel our ships to pay their own way in addition to their other burdens. This does not seem to me to be giving a fair deal to our own countrymen, and I am not in sympathy with it. I do not ask that our ships should have the best of the bargain; but I do object to seeing them get the worst of it, as they undoubtedly will in this respect.

As to the coastwise shipping, I have concluded that, owing to our laws, by reason of which the owners of our ships can neither employ labor nor buy ships as cheap as can their competitors, and also owing to the fact that our Government has undertaken to assist foreign ships to retain such cheap labor and at the same time continues to prevent our citizens from buying vessels in a better market, it is already so badly handicapped that it will perhaps be unable to compete for the business. I feel that to add to its burden at the request of a nation which has already in its grasp about all of the benefits which will be derived from the canal, and more than will accrue to this country, without its having expended one day's labor upon it or one sou marqué toward the cost of its construction, is asking a little too much. Not only that, but it so happens that the request that this country compel all its shipping to pay tolls for passing through the canal comes from a nation which will pursue exactly the opposite course itself and pay the tolls on its own shipping. In the old days on the Pacific coast, when a person who conducted business in a like manner made such a request he was promptly urged to hie himself to a warmer climate.

When the contention was first made that this Nation, under the terms of the treaty, was in justice to itself and in honor bound to its neighbors to repeal the bill which granted freedom from tolls to our coastwise shipping, I had given no study to the subject and was much impressed with what seemed to be an evident intention to deal fairly in the matter with all parties to it.

In arriving at a conclusion I have done so contrary to a predilection in favor of the assumption that my duty lay the other way. I have tried, however, to arrive at a just conclusion con-

cerning it, and I am willing to concede that I may be mistaken. I have done so with considerable regret that I am unable to agree with those whom I esteem who take the opposite view. It seems to me, when all is said, that the question is one which merely scratches a surface which is underlaid with problems of far greater importance and significance to the people of this country, and that, so far as the bill is concerned, one can best serve his country by voting against it.

Mr. BRANDEGEE. Mr. President, if I may have the attention of the Senator from Oregon, who has just spoken, I wish to know if it would be agreeable to the Senator to answer a question suggested by one of his statements?

Mr. LANE. I will answer it truthfully, if I can.

Mr BRANDEGEE. I have no doubt of that, Mr. President. I call the Senator's attention to his statement that he thought it might be necessary to abrogate the Hay-Pauncefote treaty, or some such statement made by him. Assuming that it would be possible to abrogate a treaty which had superseded another treaty, a treaty of the nature of the Hay-Pauncefote treaty, what would the Senator think had been accomplished to meet his views provided article 18 of the treaty with Panama, dated November 18, 1903, remained in operation? That article provides that—

> The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

Mr. LANE. The Senator's inference is that if we abrogate this treaty we will have a contention then and a matter to settle with Panama

Mr. BRANDEGEE. Not exactly; but if I may give my view of it, even if we could abrogate the Hay-Pauncefote treaty with Great Britain, what good would have been accomplished or how would the situation be improved, in the opinion of the Senator, unless we could also abrogate the treaty with Panama to which I have just referred, which is our title to the present Canal Zone?

Mr. BORAH. Mr. President——

Mr BRANDEGEE. I hear a voice in the rear, but I wanted the Senator from Oregon to answer the question if he could and then I would be glad to yield to the Senator from Idaho if he wants to ask me anything.

Mr. BORAH. I should like to ask the Senator from Connecticut if he takes the position in the question he asks the Senator——

Mr. BRANDEGEE. Mr. President, I must decline to yield to answer a question now while I have one pending. I hope to get an answer from the Senator from Oregon before the Senator from Idaho can interpolate his view of the question. Therefore I have declined to yield to the Senator from Idaho, but if he insists upon speaking out of order against my protest and the Chair will allow him to do so I am helpless.

Mr. BORAH. I shall not insist in doing that, but I shall draw my own conclusion.

Mr. BRANDEGEE. That, of course, the Senator has an inalienable right to do.

Mr. LANE. Mr. President, I would go fairly and justly to Panama and make some arrangement with her, if I could do it peacefully, and I would be willing, if necessary, to arbitrate the question with her. I would be willing, for that matter, to make any arrangement with her which was honorable by which we could get rid of this other bargain, which is a bad one. It might pay to sell the canal and go and build another somewhere else. I think it would pay the country to do that. It would be cheaper in the long run to give it back to Panama and make her a present of a basket of doughnuts to accept the gift and to build another canal at Tehuantepec.

Mr. BRANDEGEE. Without discussing whether the basket contained doughnuts or gold bricks or any legitimate article of commerce, do I understand the Senator to say that he would be willing to arbitrate with Panama the question of our title to the Canal Zone?

Mr. LANE. To what demand she might make upon us for our retention of that location, yes; or any other question in which there was a difference of opinion. I would be willing to pay some little boot under the present conditions to get rid of the obligation that we are said to be under to a country which is of more importance than Panama. I would throw in Huerta and Villa to boot.

Mr. BRANDEGEE. I would agree with the Senator from Oregon about throwing in Villa et alia enormia, but, Mr. President, strong as I may be for peace and order and arbitration, I am not willing, as at present advised, to arbitrate our title to the Canal Zone after we have spent $400,000,000 on it.

Mr. BORAH. Mr. President, before the Senator from Connecticut takes his seat, I should like to ask him if he contends that article 18 of the Panama treaty has anything to do with our title to the canal?

Mr. BRANDEGEE. I claim that article 18 is embedded in the treaty with Panama by which we got the right to construct the canal across the Isthmus; that it is just as much a binding part of the treaty as is any other part of the treaty; and that it is one of the conditions and considerations upon which Panama gave us the right to build and maintain the canal.

Mr. BORAH. Does the Senator claim that article 18 of the treaty was one of the considerations for the title, the violation of which would forfeit the title?

Mr. BRANDEGEE. Of course, I claim that all agreements in the treaty made by both the high contracting parties are what constitute the treaty; and I assume that each side thought that what it put in for its own protection was part of the mutual considerations for the action of both or either.

Mr. BORAH. Mr. President, the treaty with Panama makes plain what the consideration was for the title, and we might violate article 18 of the Panama treaty without affecting the title to the canal in the least, just the same as if I should grant to a person a piece of property by deed, and he should pay me $10,000 for the title. If he should enter into a separate and distinct agreement embodied in the deed, the violation of that agreement would not forfeit his title to the property which he had purchased under the deed. Under the Panama treaty we purchased a certain amount of ground; we paid for it; and we specifically stated in the treaty that we had paid for it with $10,000,000 and $250,000 a year thereafter. We specifically stated further in the treaty that no other terms in the treaty should affect the convention or its operation in any respect whatsoever. I do not understand how it can be argued for a moment that article 18 can affect the question of the title. We are bound by it the same as we would be bound by any other treaty obligation; to violate it would be a moral wrong the same as it would be to violate any other treaty obligation; but if any condition should arise which would justify us in abrogating that treaty, it would not affect the title which we have purchased and paid for. That title is ours; it comes to us by specific grant, for which we paid a valuable consideration, and the fact that the grant is found in a treaty does not change its legal import and conclusiveness.

Mr. BRANDEGEE. Mr. President, instead of having purchased and paid for the title, as I read article 14, it provides, in addition to the $10,000 which we paid—

> and also an annual payment during the life of this convention of $250,000 in like gold coin, beginning nine years after the date aforesaid.

Then it proceeds:

> The provisions of this article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

One of the other benefits was:

> ARTICLE 18.
>
> The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by section 1 of article 3 of, and in conformity with all the stipulations of the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

But what I am saying, and what I asked the Senator from Oregon [Mr. LANE] was, even if the Hay-Pauncefote treaty were abrogated, the clause by which the United States agrees to maintain the canal in accordance with the terms of the Hay-Pauncefote treaty would be just as binding upon us.

Mr. BORAH. Certainly it would.

Mr. O'GORMAN. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I yield.

Mr. O'GORMAN. I want to ask the Senator from Connecticut if he has any doubt that the so-called Panama treaty, to which reference is now made, was in fact dictated by the State Department of the United States?

Mr. BRANDEGEE. Why does the Senator from New York call the treaty to which he refers as "the so-called" treaty?

Mr O'GORMAN. I will omit the words "so-called" in speaking of the Panama treaty to which the Senator from Connecticut has just made reference. I mean the Hay-Bunau-Varilla treaty.

Mr. BRANDEGEE. Now, what is the question which the Senator from New York asks me?

Mr. O'GORMAN. Is the Senator not aware that all the provisions of that treaty were in fact dictated by the State Department of the United States, and that Panama, at that time just emerging from a revolution, was in no position to insist upon

Mr. NORRIS. It has to take one case at a time. I have no objection to the Senator making all the investigation he wants to make. I should be glad to support a resolution, if he will bring in one, in some other combination similar to this. I do not think the Senator ought to call on me to do it, however. He ought to do a little of that kind of work himself. I have had so much of it already that I am criticized, often unjustly, and almost always very severely; so I should like to unload some of this work on the Senator from Massachusetts.

Mr. WEEKS. I suggest that if this kind of information is going to be requested it should be made general enough to apply to all similar cases.

Mr. NORRIS. Then, if I did that, I would be met with all kinds of objections. They will say, "Why, here is the worst kind of a slam at the Attorney General. Here is the worst kind of an insult. You have got a dragnet. Give us a bill of specifications. Tell us what you know about this and that, and make it specific." That would be the answer. When I make it specific, then they say, "What evidence have you here to show that the Nickel Plate is owned by the Lake Shore? What evidence have you to show that the West Shore road has been leased to the New York Central? What evidence have you to show that the Michigan Central is owned by the New York Central?" and so forth. If I branched out and took in what the Senator from Massachusetts wanted, I would have such a volume here that we would be in session 40 years without being through it.

Mr. POMERENE. Mr. President——

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Ohio?

Mr. NORRIS. Yes; I will yield to the Senator from Ohio.

Mr. POMERENE. I was going to suggest, along the line of my former question, that this preamble, as drawn, is substantially a finding of facts; and I doubt whether the Senate ought to place itself upon record as finding these allegations to be facts without some further investigation or some further evidence.

Mr. NORRIS. Let me ask the Senator, then, whether he wishes to say at the beginning, "Whereas it is currently reported" or "generally believed," or something of that sort? If the Senator thinks that would help the resolution any, I am willing to put it in.

Mr. POMERENE. I should very much prefer something of that kind; and for that very reason it seems to me the resolution ought to be referred to a committee, so that they could investigate it and report upon it and modify it in some way that would be in harmony with the information we now have on the subject.

Mr. NORRIS. We have the information, I think. Has the Senator any idea that anybody, either here or elsewhere, is going to deny, for instance, that the New York Central owns a controlling interest in the Michigan Central, or that the Lake Shore owns the stock of the Nickel Plate?

Mr. POMERENE. Mr. President, I have no knowledge whatever on the subject.

Mr. NORRIS. If the Senator is not satisfied with my statement, is he not willing to take the statement of the Interstate Commerce Commission? Does he want to make an issue here of something that will be admitted by these people if they get into court? Are we going to strain at a gnat in order to get up an issue and get into a dispute here about something that everybody admits is true?

Mr. POMERENE. Mr. President, I do not propose to be either technical or captious about this matter; but when I am asked to make a finding of facts I want some evidence on the subject, or else I want to modify the resolution in some way that will be in harmony with the information which we have; that is all.

Mr. NORRIS. I have asked the Senator about the evidence. Does he not think the statement of the Interstate Commerce Commission is good evidence?

Mr. POMERENE. It is information upon which I can form a belief. I do not think it is even evidence.

Mr. NORRIS. I will admit that it would not be evidence in court, probably, the way I have offered it here. I am not disputing that. The Senator must not think, however, that somebody is being tried here, that we are trying a lawsuit, and that we have to be just as careful before we pass a resolution to have it demonstrated and proven in the Senate as we would if we were trying as case before a jury. We have never yet done that in the Senate.

Mr. POMERENE. The Senator has substantially stated my objections. He has embodied in this preamble a finding of facts.

Mr. NORRIS. Yes.

Mr. POMERENE. And he is asking the Attorney General for his conclusion of law based thereon.

Mr. NORRIS. Yes; I admit that.

Mr. LEWIS. Mr. President——

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. LEWIS. Mr. President, I rise to ask the Senator from Nebraska if he could, consistently with his purpose, accept as an amendment, on page 3, under the paragraph of the resolution, line 3, after the word "railroads," the words "if existing as," so as to read:

Resolved, That the Attorney General be, and he is hereby, directed to inform the Senate whether the various combinations of railroads, if existing as above set forth, are in violation—

And so forth.

Mr. NORRIS. I should be very glad to do that. I thank the Senator for the suggestion. I am very glad to have that amendment made.

Mr. LEWIS. If the Senator will allow me to intrude upon him for a moment, I must make perfectly clear my attitude.

I live in Chicago, as is known, and one of these railroads runs into the city where I live. It is of public record that I appeared as the counsel for a minority stockholders' interest in a suit seeking to prevent some of the things recited in the preamble as they were alleged then to be. The Senator from Nebraska and myself have had some conferences touching the form of his resolution.

My solicitude is this: I wish to be very, very plain. I do not feel that any friend of the Attorney General of the United States on this side of the Senate should at this time permit himself by any observation to be put in an attitude that would encourage the charge that is being made in the public press from time to time that the Attorney General sought to circumvent an investigation and examination touching the New York, New Haven & Hartford Railroad. If there shall appear on this side of the Chamber objections that partake of technical form on the part of those who are known to be friends of the administration and the advocates of it, as to this investigation, there will undoubtedly go forth from certain other sources the charge that it is proven that the Attorney General is opposed to these forms of investigation, because the friends of the law department on this side of the Chamber sought to intercept a similar investigation as to the New York Central as that which it is charged the Attorney General himself wanted to frustrate in the New York, New Haven & Hartford case.

Consequently the objection made by the able Senator from North Carolina [Mr. OVERMAN], the Senator from Ohio [Mr. POMERENE], and the Senator from Missouri [Mr. REED] seems to me to turn only and solely on the point that the preamble recites findings of fact without qualification, whereas they wish to have it understood that if those facts exist the Attorney General might or could do certain things. For that purpose the words which I dared interpolate in the Senator's resolution, it seems to me, would make the situation to be that the Attorney General is to offer an opinion if such facts as cited in the preamble do exist. For that reason I took the liberty to ask if the amendment could be accepted in that form.

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. The morning hour having expired, the Chair lays before the Senate the unfinished business, which is House bill 14385.

Mr. NORRIS. I ask unanimous consent that the resolution may go over without prejudice.

Mr. LEWIS. I ask consent that the Senator's request be complied with, if I may be allowed to do so.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolution goes over without prejudice.

ELECTION OF SENATORS.

Mr. WALSH. I desire to submit a conference report on Senate bill 2860. I ask the attention of the Senator from Utah [Mr. SUTHERLAND]. I am pleased to say to the Senator that we have succeeded in securing an amendment to the amendment proposed by the House in accordance with what seems to be the desire of the Senator, so that under the amendment as it stands section 1 of the act will be permanent in character and section 2 only to have effect for three years, if it is adopted.

The VICE PRESIDENT. The report will be read.

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: Insert, after the word "That," with which the amendment is introduced, the words "section 2," so that the amendment shall read:

"SEC. 3. That section 2 of this act shall expire by limitation at the end of three years from the date of its approval."

And the House agree to the same.

T. J. WALSH,
ATLEE POMERENE,
WM. S. KENYON,
Managers on the part of the Senate.

W. W. RUCKER,
R. F. BROUSSARD,
Managers on the part of the House.

Mr. SUTHERLAND. I think the Senator from Montana succeeded in making a very satisfactory arrangement about the matter. As far as I am concerned, I am entirely willing that the conference report shall be agreed to.

Mr. WALSH. I ask for its adoption.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

PANAMA CANAL TOLLS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. CATRON. Mr. President, I wish to give notice that on Monday next, immediately after the close of the morning business, I shall address the Senate on the pending bill.

Mr. LANE. Mr. President, so much has been said on the subject of canal tolls that I feel that I do but scant courtesy to this body in presenting my views upon it. There are, however, certain conditions concerning it, and which accompany it, that I feel it a duty to set forth for your consideration before the debate is closed and the measure is finally passed upon.

If it is conceded that we have agreed to admit the passage of all vessels, both foreign and domestic, which are engaged in the foreign or our own coastwise trade through the canal on the same terms, it must be admitted that we have made a bad bargain.

It has been urged by some eminent Members of this body who are Democrats that we did make such an agreement, and by others equally as eminent and who are members of the same party that we did not do so, and still others, who are equally as eminent in its councils, have argued eloquently upon both sides of the question with equal poise and certainty of conviction.

To add to the confusion, upon the other side of the Chamber we find stalwart Republicans, members of the old guard, differing with one another in respect to the terms of the treaty and our obligation under it, and the Progressives are also divided in the same manner.

In addition to this confusing state of affairs, we are confronted by some Democrats and all of the Republicans with one of the planks in the Democratic platform, upon which we stood so proudly before election, which declares in favor of the exemption from tolls for American coastwise shipping.

In an effort to neutralize the effect of this other Senators invite our attention to another plank in the platform which nullifies the one referred to, and denounces subsidies as undemocratic, and proceed to prove that the first plank is not to be considered, inasmuch as it is an indorsement of a policy which practically subsidizes an interest already protected; all of which serves to call attention to such a diversity of policies and doctrines in the Democratic platform as to leave plenty of room for honest difference of opinion as to its meaning in regard to this subject—in which respect it bears close resemblance to the Hay-Pauncefote treaty.

Viewing the subject "by and large," as sailors say, and after carefully reading some of the speeches which have been made upon the subject and listening to others, I have come to the conclusion that the terms of the Hay-Pauncefote treaty are obscure and subject to so many different interpretations that it ought to be abrogated at once, and for that reason if no other. In respect to the Democratic platform, one will depart from one or the other of the doctrines which it sets forth whichever way he votes.

I find under the terms of the treaty, the meaning of which is not disputed by anyone, that if two vessels of the same tonnage, one owned by citizens of this country and the other by citizens of some foreign country, should sail from the same port in Europe, loaded with the same kind of a cargo, and both pass through the canal, that both of them would have to pay the same amount of tolls for the privilege of doing so, and the idea has suggested itself to me that under such conditions the owners of the foreign bottom would be quite free from all obligations incurred in the construction of the canal and also free from the payment of any interest for the debt which was incurred in its construction, as well as from the cost of maintenance and for patrolling it, both by land and sea, all of which will amount to an enormous sum, while upon the other hand the owners of the American vessel would be held liable to pay their share of these expenditures, that the American owners of ships by these conditions will be placed at a disadvantage with the foreign-owned vessel in competing with it for the business of the world, and that, however small or large the difference may be, to the extent that it exists it is, in fact, an actual discrimination against our own shipping, and is also, in effect, a rebate or subsidy in favor of foreign-owned vessels.

Under the terms of the Hay-Pauncefote treaty, article 3, subdivision 1, there is a statement that—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If it is contrary to the policy of this country to pay subsidies to the shipping interests of its own citizens, it seems to me that it is obnoxious to grant what is practically a subsidy to the citizens of other nations with whom they will be compelled to compete for business.

Nearly all foreign nations whose ships will use the canal will refund to the owners of such vessels the amount which they expend for tolls, while on the other hand our ships will have no such relief granted to them. This condition of affairs will inevitably result in that portion of our shipping engaged in foreign commerce and using the canal being driven off the sea, and I can see no way of its escaping that fate.

It may not be out of place at this time to call attention to the contention made by some that $300,000,000 of American money is invested in ships which fly foreign flags and are engaged in carrying freight and passengers—mostly immigrants—to this country.

These vessels owned in part by American citizens, whose tolls through the canal will be paid by the foreign nation whose flag they fly and under whose laws they are registered, are also said to be subsidized by those nations to keep on hand and readily available a complement of guns and ammunition, and are outfitted in every way to act as auxiliary cruisers and scouts to destroy the shipping of this Nation in the event that war should occur between the two nations. The conduct of such citizens is an act of treachery to this country and should be dealt with as such, instead of being favored at the expense of the rest of the more honorable people of this country. These same vessels whose welfare has been so well guarded by the terms of the Hay-Pauncefote treaty are busily engaged in flooding this country with immigrants from Europe, and thus are at work in harmony with, if not in actual conjunction or partnership with, those other large interests who use this cheap labor in order to keep down its price. By this conduct they establish a condition whereby there ensues keen competition in the labor market, and by the continual repetition of this process and the pitting of newer importations of laborers against those already here they not only dodge the law which forbids them to import it, but also make a profit by the transaction, and in addition have brought about a condition of unrest in the affairs of this country that should cause all right-thinking citizens to pause and take notice. A continuation of the exploitation of the people and resources of this Nation in this manner by those so dishonest as to engage in it will, in my opinion, in the not distant future create a "Villa" in this country, and the scenes now being witnessed in Mexico will be repeated here, and attempts to cure the condition by means of legislation that does not go straight home to the mark are sure to fail.

I am willing to concede that the policy of granting subsidies has nothing to do with the tolls question, yet it must be conceded by all that it will have a practical and direct bearing upon the shipping interest of this country of far-reaching importance in the near future and may prove vital to it.

In respect to our coastwise shipping I have come to the conclusion that, so far as the people of the Pacific coast are concerned, it will make no great difference in the general results

as doing an injustice to the Attorney General and as in reality insulting him; as claiming that he was not doing his duty. Setting forth a state of facts which the Senator from Missouri says constitute a violation of the Sherman antitrust act and then demanding that the Attorney General institute a prosecution, it seems to me might possibly be construed as a reflection, if we assume that the facts were all set forth.

Mr. POMERENE. Mr. President——

Mr. NORRIS. Let me finish first, and I will yield to the Senator later.

I have said the Attorney General has had notice of this proposition. In a general way the whole country has had notice. Everybody knows. I take it, of the existence of this great combination, at least in some of its details. This matter was brought to the attention of the Department of Justice in the preceding administration; and here is a letter from the Department of Justice, dated May 21, 1909, in which it is stated:

The department is in receipt of your letter of the 20th instant, in regard to your complaint that the New York Central & Hudson River Railroad Co. is violating the Sherman law by reason of the fact that it controls a large majority stock interest in three parallel and competing railroads operating between Buffalo, N. Y., and Chicago, Ill., to wit, the Lake Shore & Michigan Southern Railway Co., the New York, Chicago, & St. Louis Railway Co., and the Michigan Central Railroad Co.

In view of the fact that the case of the United States v. Union Pacific Railroad Co. et al.—

That is the case I mentioned a while ago—

now pending in the courts, will determine whether or not it is a violation of the Sherman law for one railroad to own a majority stock interest in several competing railroads, the department has decided that no action be taken in the premises at the present time.

That was signed by Wade H. Ellis, Acting Attorney General.

Mr. REED. Who was the Attorney General at that time?

Mr. NORRIS. Mr. Wickersham. As I said before, this matter was called to the attention of the Department of Justice during the preceding administration. The Senator will not be able, with all his ingenuity, to make out of this that I am undertaking to ask any information of the present Attorney General on account of partisan reasons.

Mr. REED. Oh, Mr. President, the sole purpose of my question—I was reading a document at the time—was to learn who was the Attorney General. I was casting no insinuations or reflections.

Mr. NORRIS. On the 15th day of May, 1913, under the present administration, a letter was directed to Mr. McReynolds, the Attorney General, and his attention at considerable length was called to this particular matter and to the letters on file since May, 1909. The letter from the Department of Justice is not the only one I have here. There was at least one other letter, as well as other correspondence, as to whether or not this was a violation of the law, and so forth, and some quotations from the Supreme Court, set forth in a letter——

Mr. OVERMAN. Is that a letter to the present Attorney General?

Mr. NORRIS. It is a letter to the present Attorney General; yes.

Mr. OVERMAN. Who addressed that letter to the Attorney General?

Mr. NORRIS. This was directed to the Attorney General by C. H. Venner & Co.

Mr. OVERMAN. Does the Senator know whether or not they have had a reply?

Mr. NORRIS. Yes; and I am going to read it. I am going to explain this notice which the Senator from Missouri has been talking about. Venner & Co. call attention to all the other letters that are on file in this same matter. On the 24th day of May, 1913, Venner & Co. received an answer from the Attorney General. That was under the present administration of Mr. McReynolds, and this is the letter:

GENTLEMEN: This department is in receipt of your letter of the 15th instant, in which you allege that the New York Central & Hudson River Railroad Co. controls three parallel and formerly competing lines between the cities of Chicago and Buffalo, and urging the institution of dissolution proceedings under the Sherman Act.

You are informed that the entire subject of railroad combinations is now under consideration by the department, and your action in bringing this instance to its attention is very much appreciated.

Respectfully,

(Signed) J. A. FOWLER,
Assistant to the Attorney General.
(For the Attorney General.)

That was more than a year ago. Can any Senator say that the resolution I have introduced is a reflection on anybody after the prior notice, as the Senator calls it, has remained for more than a year without any action being taken? There may be sufficient reason why no action has been taken; and I repeat that the object of this resolution is to find out that reason. If the resolution is not courteous, if the language is in any way discourteous or reflecting, it ought to be changed, and I would not have any objection to any change that would make it courteous.

Mr. REED. Mr. President, will the Senator yield for a question?

Mr. NORRIS. I want to say, if the Senator will permit me just a moment, that I have no intention of casting a reflection on anybody, and it seems to me that this resolution does not do so; but, Mr. President, if men will insist on being insulted when one is trying to act politely toward them, I am not to blame for it; I have no such intention.

As I have said, the matter was taken up with the former Attorney General, and he gave a reason why he did not proceed. I thought myself that the reason he gave in a general way was good, but even if the opinion of the Supreme Court held that the Union Pacific case, involving also the Central Pacific and the Southern Pacific, held that that combination was not illegal, I did not think it would be a fair precedent in this case, because that combination was formed by railroads which I had a good deal of doubt about as to whether they operated in competitive territory, but in this case I do not believe there could be any such doubt. The Supreme Court, however, held that in the Central and Southern Railroad case the combination was contrary to law, and then it seemed to me that it was proper to take steps looking to the dissolution of the combination of the roads mentioned in the resolution.

Mr. OVERMAN and Mr. REED addressed the Chair.

Mr. NORRIS. I yield first to the Senator from Missouri, and then I will yield to the Senator from North Carolina.

Mr. REED. The Senator has just read a letter from the Attorney General written more than a year ago. At that time the method pursued in communicating was by writing to him. Has the Senator in the intervening year written to the Attorney General?

Mr. NORRIS. I have not.

Mr. REED. Or in any way asked him whether he has arrived at any conclusion?

Mr. NORRIS. I have not, Mr. President.

Mr. REED. Does not the Senator think that that would have been quite the proper thing to do?

Mr. NORRIS. It would have been perfectly proper, I will say, and perhaps I am subject to criticism, because I did not do it, but I did not. I am not going to try to cover up any of the facts.

Mr. REED. Does not the Senator think now that the Attorney General would deal with him in entire frankness, if he asked him?

Mr. NORRIS. Probably. I have not denied that; I have not asserted anything here from which such a conclusion could be drawn. On the other hand, has not the Senate a right, if it wants to do so, to ask this question? Is it any more discourteous for the Senate to ask it than for an individual to do so?

It appeared to me, when that letter was written, that the Attorney General had a scheme on hand by which he was going to take hold of this great question in a broad way. I have had that letter in my possession ever since about the time it was written. I refused to introduce any resolution then, because it seemed to me that that answer was sufficient at least for a delay, and that if the Attorney General had that in contemplation he ought to be given an opportunity, without anybody interfering with it, to carry out the plan that he had. Having waited more than a year, however, and nothing having developed, it seemed to me that it was perfectly proper to introduce this resolution.

Mr. OVERMAN. The only question with the Senator, then, is the time. He has the information from his own letter that the Attorney General is considering or investigating the matter; and because he has not brought the suit within 12 months the Senator does not ask for the opinion of the Attorney General, but he asks that which only a court can decide, and that is whether or not this combination is in violation of the Sherman Antitrust Act.

Mr. NORRIS. The court will never decide it if the Government does not begin an action.

Mr. OVERMAN. But can the Attorney General say whether or not it is so? He can only give an opinion.

Mr. NORRIS. That is all he is asked to give.

Mr. OVERMAN. He is asked whether the combination is in violation of the Sherman Antitrust Act.

Mr. NORRIS. That will be his opinion, I take it.

Mr. OVERMAN. The Senator knows now that he is considering the matter, and if he finds that it is in violation of the antitrust law he is going to bring a suit.

Mr. NORRIS. How long should we wait? Suppose we wait four years, and this Attorney General goes out and another one

comes in, and then he says, "Well, I am considering it," shall we wait four years more?

Some of the men under the Attorney General who had been in the other cases, or were investigating all cases of this kind, were under the former Attorney General and are still under this one. They know all about the situation in a general way. The department knows about it. It seems to me that after we have waited a year it is proper for us to say, "What have you done? What are you going to do, if anything? Is there anything there that ought to bring about action on the part of the Government?"

Mr. OVERMAN. Does the Senator know that the Attorney General has not been investigating this matter?

Mr. NORRIS. No; I assume that he has been investigating it and that he is ready to give his opinion on it. He has had over a year's time in which to do it.

Mr. OVERMAN. Does not the Senator think that the resolution had better go to a committee, and let the committee inquire what is being done?

Mr. NORRIS. No; I do not think so. That is for the Senate to say, of course. If the Senate wants to do that, it will have a chance.

Mr. OVERMAN. Does not the Senator think that would be the better course?

Mr. NORRIS. No; I do not think so.

Mr. OVERMAN. To have the resolution go to the committee, and let the committee communicate with the Attorney General and see what has been done, and whether or not it is proper to pass the resolution?

Mr. NORRIS. I do not think so.

Mr. OVERMAN. I do not want to block the matter at all. As to the merits of the matter, I know not. If the facts stated in the preamble are true, of course the Attorney General, I take it for granted, will bring the suit, and is preparing to do it.

Mr. NORRIS. Mr. President, I think I ought to say a word on that subject of the preamble.

The Senator from Missouri referred to the statements in the preamble. I think they are true.

Mr. OVERMAN. I have no doubt of that.

Mr. NORRIS. I do not suppose I have the same opportunity to investigate that the Attorney General has. I may be mistaken about it. I have no doubt about the truth of every one of the statements. I would not have put them in the resolution if I had not believed them; but I could not go on the witness stand and testify under oath as to their truth. They may not be true. Some of them may be true and some of them not true. If they are not true, the Attorney General will be able to tell us that they are not true.

Mr. POMERENE. Mr. President——

Mr. NORRIS. I yield now to the Senator from Ohio.

Mr. POMERENE. The Senator has in part answered the question which I intended to ask when I first rose. Each of these preambles has a recital of one or more facts.

Mr. NORRIS. Yes.

Mr. POMERENE. They are specific statements. If this resolution is passed, the Senate will be committing itself to a belief in the correctness of each one of these statements.

If the Senator has personal knowledge of these facts, that is one thing. If he is reciting these matters simply upon information and belief, that is another.

Mr. NORRIS. Let me give the Senator some information.

Mr. POMERENE. I was going to ask the Senator, in the instances in which he has not specific personal knowledge, if he will not give us the information upon which he bases these statements.

Mr. NORRIS. Yes; I shall be glad to do so. Some of them I gathered from Poor's Manual. Some of them I gathered from the statement of the facts by the Interstate Commerce Commission in reporting on the resolution that I referred to in the beginning of my remarks. I gathered some of them from other similar sources.

Let me read a little here from the report of the Interstate Commerce Commission. I take it that is pretty good authority. I take it that they know. I will say to the Senator from Ohio that I do not believe there is any question about the facts, but his question is a very proper one.

Here is a statement that includes some of the whereases, but not all of them:

The Lake Shore owns all of the stock of the Toledo & Ohio Central Railway Co.; of the Chicago, Indiana & Southern Railway Co.; and of the Jamestown, Franklin & Clearfield Railroad Co., and a trifle more than 50 per cent of the stock of the Pittsburgh & Lake Erie Railroad Co. and of the New York, Chicago & St. Louis Railroad Co.

That is the Nickel Plate; and so on. The document from which I have been reading is the report of the Interstate Commerce Commission, No. 5960, in the matter of the proposed bond issue by the New York Central & Hudson River Railroad Co.

I will say to the Senator that I have assumed that if I got a statement of that kind from the Interstate Commerce Commission, or if I should see it in Poor's Manual or other similar sources, the fact was true.

Mr. REED. Mr. President, of course nobody charges the Senator with bad faith. Of course he must believe these things or he would not have recited them in the resolution. The Senator, however, has told us in express terms that he does not know these things to be true. Now, I ask him if he thinks he ought to ask the Senate to pass a resolution solemnly reciting a long list of matters as of fact when he admits that he does not know whether they are facts or not?

Mr. NORRIS. Mr. President——

Mr. REED. Ought not the resolution——

Mr. NORRIS. Let me answer that question before the Senator asks another one.

Mr. REED. If the Senator will let me finish my question, ought not his resolution to be framed——

Mr. NORRIS. Now, the Senator is putting another question.

Mr. REED. Ought not the resolution to be framed so that it would read, "Whereas it is reported," and so on?

Mr. NORRIS. I have no objection to amending it in that way.

Mr. REED. Very well. That is a different thing.

Mr. NORRIS. I have no objection whatever to that. I take it that if the committee had this question under investigation and nobody denied, to begin with, a certain fact, and you took it from the opinion of the Interstate Commerce Commission in regard to the ownership of a railroad, you would not investigate any further unless somebody denied it. If somebody came in and said, "I deny this proposition"; if the Lake Shore road said, "We do not own the Nickel Plate," then it would be something of which we ought to have proof that is more definite and more admissible as evidence. Nobody has ever disputed it, however. I think it is common knowledge. When we get a statement from the Interstate Commerce Commission that such is the fact I think it is sufficient evidence to act on in the Senate, especially when it is merely asking for information from the Attorney General.

Mr. WEEKS rose.

Mr. NORRIS. I now yield to the Senator from Massachusetts.

Mr. WEEKS. Mr. President, I desire to ask the Senator from Nebraska if he would be willing to broaden his resolution so as to ask for similar information in similar cases of combinations as, for instance, by the purchase of stock, or otherwise, in the case of the Southern Railway; the Seaboard Air Line; the Louisville & Nashville; the Illinois Central; the Atchison, Topeka & Santa Fe; the Great Northern; the Northern Pacific; the Chicago, Milwaukee & St. Paul; and some 20 or 30 other railroads which have combined with railroads in their territory during the time the Sherman Antitrust Act has been in force?

Mr. NORRIS. I have no objection. Why does not the Senator bring in such a resolution, however? It is not any defense to this resolution to say, "Why, there is another combination existing somewhere." In my judgment, the Senator can not cite a single instance in the whole United States where there is a combination of so many railroads for so long a distance that ought to be competing, and that are so nearly parallel, and in the same territory, as in this particular instance of the New York Central.

Mr. WEEKS. Mr. President, I was led to make that inquiry of the Senator somewhat because he read from a letter from a firm of brokers relating to the subject. I have had several printed communications from that firm of brokers which indicated to me that they were interested in the stock of the New York Central Railroad——

Mr. NORRIS. They are; they are stockholders.

Mr. WEEKS. And perhaps they were not "long" of the stock. It seems to me that if we are going to have this kind of an investigation it should be general enough to cover all similar cases in the United States, and not pick out one system of railroad for this kind of an attack, because the Senator knows that the forcing apart of a great system like the New York Central, where the combinations were made some 20 years ago, can not be done without serious damage to the operations of the road and to the security holders.

Mr. NORRIS. I take it, then, that the Senator thinks the Department of Justice was wrong when it undertook to dissolve the Central Pacific and the Southern Pacific, and that the department was wrong when it commenced the action in the Northern Securities case?

Mr. WEEKS. No; I am making no statement of that kind.

there are more combinations set out here than there were in the other resolution, and they said:

We think this question is one more properly to be passed upon by the Department of Justice, and as to it we therefore express no opinion.

They did not answer that question.

Now, I want to be perfectly frank with the Senate, and I say frankly that the real object of this resolution is to get action by the Department of Justice for the dissolution of these combinations or a sufficient reason why such action should not be begun. There may be such a reason. I do not know of any, and I can not conceive of any, but there may be one, there may be several. It is certainly perfectly proper if we believe, as I think we all do, that these various combinations do exist, and that it does block competition as far as these roads are concerned.

The Senator from Indiana [Mr. KERN] spoke of the lively competition that existed before the Michigan Central was taken over. I lived in Ohio when the Nickel Plate Railroad was built. I remember the first railroad survey ran between the house and barn of the farm on which I lived. Later it was built about a mile on one side. I am familiar with that country. All those towns through there are touched by those two roads. It runs through some of the best country in the world, and the Nickel Plate ought to be a lively competing line to the Lake Shore road; but it was bought by the Lake Shore, and then what followed? I do not believe the Nickel Plate ever built a branch line; they never took the initiative; they did not do anything in developing the country, because it was to the interest of the railroad that owned it that it should not do so. They wanted to kill competition, and they did kill competition; and now, as one of the whereases says, the New York Central is contemplating the perfection of some of these various plans and trying to take over various railroads in the State of Ohio, some of which are not mentioned in the resolution, and some of which I believe could properly be mentioned. I did not know enough about the facts, so I did not want to put them in. It means the breaking down of competition between the coal fields of West Virginia and Pennsylvania and the Lake country. They are now in litigation in the State of Ohio. The officials of the State of Ohio have now under consideration the question as to whether some of these things shall be permitted or not; and it seems to me that the Federal Government ought to take a stand here and say that these things are right or say that they are wrong, and then undertake to make them right.

Now I yield to the Senator from North Carolina.

Mr. OVERMAN. I did not exactly understand what the Senator from Nebraska proposes by this resolution. It says:

That the Attorney General be, and is hereby, directed to inform the Senate whether the various combinations of railroads above set forth are in violation of the Sherman antitrust law.

As the Senator from Wyoming [Mr. CLARK] said, suppose the Attorney General says it is, or suppose he says it is not, what difference does it make to the Senate? I presume the Attorney General is doing his duty, and that if it is a violation of the antitrust law he is bringing a suit for that purpose. He ought to do it, and it is his duty to do it; and I presume he is going about that very thing to-day. Now, why should we have his opinion on this subject? What is the purpose of it? Is it a reflection on the Attorney General? What is the purpose of getting this information?

Mr. NORRIS. Is the Senator through with his questions?

Mr. OVERMAN. I am asking the question.

Mr. NORRIS. I will answer categorically the last question of the Senator. It is not a reflection on the Attorney General. It seems that no resolution can be introduced here calling on the Attorney General for information unless some Senator construes it to be a reflection upon him. I have some correspondence here with the Department of Justice——

Mr. OVERMAN. The Senator has not answered my first question. What is the preference of getting this information?

Mr. NORRIS. I think if the Attorney General says it is an illegal combination the next step will be to begin action to have the combination dissolved. Is there any objection to calling his attention to the fact?

Mr. OVERMAN. If it is illegal?

Mr. NORRIS. What is the objection to calling special attention to the fact? It is not giving him specific instructions, but permits him to rely upon his own judgment and upon his own investigation, and the result of that investigation he would have to make public.

Mr. OVERMAN. If that is so, does not the Senator suppose that the Attorney General is going ahead and prosecuting the case?

Mr. NORRIS. I should think he would.

Mr. OVERMAN. Of course he would. Then what is the purpose of the resolution?

Mr. NORRIS. It is calling his attention to it. He has not done so yet. I am going to read some correspondence——

Mr. OVERMAN. The very fact that the Senator has introduced the resolution calls attention to it.

Mr. NORRIS. If the Senate does not want to interfere in the matter, it can vote down the resolution, and let it do so.

Mr. OVERMAN. Not at all. That is not my purpose.

Mr. NORRIS. That is just what the effect would be.

Mr. OVERMAN. I do not see what the opinion of the Attorney General on this matter has to do with the action of the Senate.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. Is not the situation really this, eliminating the formality of expression, that the Senator from Nebraska thinks there is a combination in violation of the Sherman antitrust law, and he thinks the Attorney General is not prosecuting it, but he wants to insist that he shall do so?

Mr. OVERMAN. I ask the Senator if that is his purpose, to say that he has failed in his duty?

Mr. NORRIS. I would not say he was not doing his duty. I do not want to go that far. I want the Attorney General either to prosecute or to state what he thinks are the facts and why he does not.

Mr. OVERMAN. I have confidence enough in the Attorney General to say that if he believes they are doing it in violation of law—and I believe it is in violation of the law—I think he will do it, but I do not see why the Senate should pass a resolution simply calling for his opinion.

Mr. NORRIS. Mr. President, I will further answer the suggestion of the Senator. I am going to read some correspondence.

Mr. REED. Will the Senator permit me?

Mr. NORRIS. I will yield to the Senator.

Mr. REED. Has the Senator any reason to believe that the Attorney General has had his attention called to this combination?

Mr. NORRIS. Yes; I have. I was about to read some correspondence to show it.

Mr. REED. Has the Senator any reason to believe that the Attorney General is not willing to go on and perform his duty, and, if there is a combination, to prosecute it?

Mr. NORRIS. I did not hear the last part of the Senator's question.

Mr. REED. Has the Senator any reason to believe that the Attorney General, having had his attention already directed to this combination, will not go on and perform his full duty with reference to a prosecution?

Mr. NORRIS. I am not sure that the Attorney General believes that there is a violation of the law. It may be that the Attorney General knows more about it than we do. It may be that the Attorney General does not believe there is a violation of the law.

Mr. REED. Very well.

Mr. NORRIS. If that be true, he can give a reason for the faith in him, and he will tell us so.

Mr. REED. That hardly answers my question, because if the Attorney General has had his attention directed to this matter, and no one is prepared to charge that he is not willing to perform his duty, it follows that he is now in the discharge of his duty, proceeding as he ought to proceed to investigate and to determine the facts and take such action as the law warrants. If that is the case, then the sole effect of this resolution would be to demand that the Attorney General shall do that which he is already doing.

Mr. BORAH. Mr. President——

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. BORAH. I do not see how the Senator from Nebraska could have framed his resolution in more courteous and polite language for the purpose of simply calling this matter to the attention of the Attorney General. It says:

That the Attorney General be, and he is hereby, directed to inform the Senate whether the various combinations of railroads above set forth are in violation of the Sherman antitrust law or any other statute of the United States, and whether the Department of Justice has in contemplation any action for the dissolution of said combination.

If the Senator from Nebraska simply desired to call the attention of the Attorney General to this condition of affairs, assuming possibly that it had not been called to his attention, he seems to have used quite inoffensive language.

Mr. REED. But how can he assume possibly that they have not been called to his attention when the Senator has already stated he knows they have been called to his attention?

Mr. BORAH. The presumption would be that if there had been a violation of the Sherman antitrust law the Attorney General would have proceeded to prosecute these parties. Now, the Senator from Nebraska asks him as to whether or not there is a violation. If the Attorney General gives reasons why he believes that there is no violation of the Sherman antitrust law, it relieves him from the implication of failing to do his duty.

Mr. REED. But it is a question now of notice we are discussing. No one has yet impugned the motives of the Attorney General.

Mr. BORAH. No; it is only asking for his contemplated action.

Mr. REED. That is a separate question which I shall be glad to discuss. This whole question now avowed by the Senator is notice. That notice, the Senator states, he has already given, and if the notice has already been given it is not necessary to give it again.

The question of asking the Attorney General to state in advance what he contemplates doing with reference to the prosecution of a company which is alleged now or assumed for the time being at least to be engaged in criminal practices is quite a different question, and it involves the propriety of the Senate insisting that the Attorney General shall advise the criminal in advance as to just what he contemplates—a very bad practice, and a practice which might be resorted to by the friends of combinations in order that the Department of Justice should be forced to advise the criminal in advance of the action contemplated, and thus balk the ends of justice.

Let me be plain. I attribute no such motive as that to the Senator from Nebraska. I know he has no such motive. I would not think of intimating that; but if the practice were indulged in it could easily be employed for that purpose.

Mr. BORAH. But suppose that the Attorney General should advise the country that he contemplated bringing a suit against these railroad companies, and the railroad companies, out of dire fear of the contemplation of that suit, should dissolve themselves and reorganize themselves into competitive bodies, no particular harm could be done the public.

Mr. REED. Ah, but that is not the point I am addressing myself to. Suppose the Attorney General were in the pursuit of certain information necessary to make a case and was about to get it, and suppose that the railroads were advised in advance that he was seeking that information, it might be very easy to spirit away the evidence and get a witness out of the country to balk the ends of justice. The Senator from Idaho has practiced law too long not to understand the very great advantage frequently flowing to a defendant to be advised in advance that the State is making an investigation and contemplates a prosecution.

Mr. BORAH. That is true with reference to a particular class of violators of the law, but it is not true with reference to railroads, to any considerable extent, because the physical facts are there; they are the competing lines, running side by side, and ownership is well and easily established. Of course, if the Attorney General is after some secret information, he would undoubtedly advise us to that effect, and we would doubtless allow him to contemplate awhile longer or to postpone matters until he was well prepared.

Mr. REED. The Senator from Idaho evidently overlooks the little circumstance that recently transpired, where the books of a railroad company were burned—at least it was so charged in the public press. He overlooks the fact that witnesses in these trust cases have found it convenient to emigrate to Europe. He overlooks the fact that in various trust prosecutions—at least in those brought by States, one of them, notably, by my own State—it was found necessary, in order to get subpœnas upon witnesses who had been advised in advance and ran away, to delay proceedings for months. I say that if we are to assume two facts—first, that the Attorney General has been notified, and, second, that he is an honest man—then the purpose in passing this resolution is nil, unless it be to intimate that he is not an honest official.

I want to ask the Senator from Nebraska if it is not true now that the Attorney General has already complained, and complained bitterly, because contemplated prosecutions have been interfered with and immunity granted to witnesses, which, he alleges, may seriously interfere with criminal prosecutions?

Mr. NORRIS. No; that is not true.

Mr. REED. And if one of those resolutions was not introduced by the Senator himself?

Mr. NORRIS. That is not true. The Senator from Missouri is referring to the resolution in regard to the New Haven Railroad. The Attorney General did not have in contemplation any criminal action, and nobody has been given immunity in that case. The Attorney General has never said, excepting as the statements have appeared in the newspapers——

Mr. REED. Did he not write a letter in which he said——

Mr. NORRIS. Not only that, but, if the Senator wants to go into that proposition, I have a statement from the Attorney General's office now in my desk to the effect that there never was in contemplation any criminal action; that there was no violation of any Federal statute in all the proceedings that were had in the New Haven affair.

Mr. REED. Is it not——

Mr. NORRIS. I do not want to discuss that now, unless it is desired to go into it, because that has not anything to do with this question.

Mr. REED. I want to ask merely one question with reference to the matter. Is it not a fact that the Attorney General wrote a letter in which he warned the Interstate Commerce Commission or its attorney or the Senator from Nebraska that the proceedings about to be taken where these witnesses were to be put upon the stand might result in immunity and in barring prosecution by the Government? Is not that true?

Mr. NORRIS. The Attorney General wrote some letter; he published a letter.

Mr. REED. Yes.

Mr. NORRIS. It had something to that effect in it.

Mr. REED. I want, with the courtesy of the Senator from Nebraska, to add this, and then I will take my seat: In what I have said I do not want to be misunderstood. I am not criticizing the Interstate Commerce Commission nor its attorney; I am simply taking this position with reference to the matter now under consideration, that if the Attorney General has been notified, if the Senator believes he is not performing his duty; and the Senator as a lawyer and as a former judge having examined into these matters believes there is a combination, the proper way to present the question would be by a square resolution reciting the facts of the combination and calling upon the Attorney General to begin a proper prosecution; but if it is merely a question of notifying the Attorney General, then the fact that the notice has already been given is a complete answer to the proffer of this resolution.

Mr. NORRIS. I should like to suggest to the Senator that he ask a question now. He has asked one three or four times, and I am ready to answer it whenever he gets through, but he keeps repeating it.

Mr. REED. I will be through in a moment. That being the case, it would seem to me that the sole purpose of this resolution is by indirection to reflect upon the Attorney General, because the resolution recites as facts things which, if they be true, constitute all that is necessary to make a combination in violation of the antitrust act. Having recited that, the resolution proceeds then to ask the Attorney General what his opinion is, and then whether he intends to prosecute them.

It seems to me that it would be a much fairer way for the Senator to recite his facts, as he has, and to denounce these people as a trust, and put it up to the Senate whether they want to command the Attorney General to proceed. Then the question would remain to be settled whether it is necessary to put that sort of humiliation upon the Attorney General.

Mr. NORRIS. Mr. President, I am not going to discuss the question involved in the other proposition. I am ready to discuss it if it comes properly before the Senate. I refer to the New Haven matter; but it is not involved in this resolution. The Senator from Missouri [Mr. REED] very adroitly works it in in the way of a criticism upon this resolution and upon my action in the matter, but I am going to pass it because it is not involved here. I am only going to say that, in my judgment, immunity has been given to nobody. The Attorney General did not contemplate any prosecution against anybody who has testified or who is going to testify; at least, in a conference called for the purpose of ascertaining whether it would be proper for that investigation to proceed, at which the Senator from Indiana [Mr. KERN] was present, there was no claim made by the Attorney General that he had any sufficient evidence on which to prosecute anyone, or that he contemplated any such prosecution.

Now, as to the question which the Senator has submitted—and he has repeated it five times at least, always in different form and always clothed in beautiful language—that if the Attorney General has once had notice, is not this resolution, in fact, only another notice and therefore in reality insulting to the Attorney General? I am not to blame if somebody puts a construction on my action that I do not believe is warranted, and that I had no intention of having anyone put upon it, and insists always when a question is asked here of the Attorney General that a reflection is really being cast upon him.

The Senator from Missouri says I ought to set forth these facts in a resolution, as I have, and then demand that the Attorney General take action. Had I taken that course, there is no doubt that I would have been assailed here in the Senate

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN of Virginia:

A bill (S. 5697) to facilitate the use of square No. 673, in the city of Washington, for storage warehouse purposes; to the Committee on the District of Columbia.

By Mr. KERN:

A bill (S. 5698) revising and amending the statutes relative to trade-marks; to the Committee on Patents.

By Mr. THOMAS:

A bill (S. 5699) granting a pension to Blanche L. Kuykendall (with accompanying papers); to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 5700) for the relief of H. Frank Adkins (with accompanying papers); to the Committee on Claims.

By Mr. JONES:

A bill (S. 5701) providing for the disposal of certain lands in block 32, in the city of Port Angeles, State of Washington; to the Committee on Public Lands.

By Mr. SMOOT:

A bill (S. 5702) granting an increase of pension to William H. Rich (with accompanying papers); to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 5703) granting an increase of pension to Gardiner Roberts; and

A bill (S. 5704) granting a pension to Clara E. S. Lunt; to the Committee on Pensions.

By Mr. SAULSBURY:

A bill (S. 5705) authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Elsie McCaulley from Glenwood Cemetery, District of Columbia, to Philadelphia, Pa.; to the Committee on the District of Columbia.

DONATION OF CANNON.

Mr. WEEKS submitted an amendment intended to be proposed by him to the bill (S. 5495) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, which was ordered to lie on the table and be printed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SAULSBURY submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

Mr. SHIELDS submitted an amendment proposing to increase the salary of the postmaster of the Senate from $2,250 per annum to $3,000 per annum, intended to be proposed by him to the legislative, executive, and judicial appropriation bill, which was ordered to lie on the table and be printed.

COMMITTEE ON REVOLUTIONARY CLAIMS.

Mr. GALLINGER submitted the following resolution (S. Res. 383), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay, out of the contingent fund of the Senate, to E. W. Lillard 60 days' salary at the rate of $2,220 per annum; to Rella M. Lane 60 days' salary at the rate of $1,440 per annum; and to Ephraim S. Lillard 60 days' salary at the rate of $1,200 per annum, the same being for services as clerk, assistant clerk, and messenger, respectively, to the Committee on Revolutionary Claims, for 60 days from May 27, 1914.

NEW YORK CENTRAL & HUDSON RIVER RAILROAD CO.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution (S. Res. 382), submitted by Mr. NORRIS on the 28th instant, was read, as follows:

Whereas the New York Central & Hudson River Railroad Co., through its ownership of the stock of the Lake Shore & Michigan Southern Railway Co., forms a continuous line of railway from Chicago, through Buffalo, to New York City; and

Whereas said New York Central & Hudson River Railroad Co. controls by lease the West Shore Railroad Co.; and the said Lake Shore & Michigan Southern Railway Co. owns the stock of the New York, Chicago & St. Louis Railroad Co. (Nickel Plate), which, together with the said West Shore Railroad Co., constitutes a railroad running parallel to the Lake Shore & Michigan Southern Railway Co. and the New York Central & Hudson River Railroad Co. from Chicago, through Buffalo, to New York City; and

Whereas the New York Central & Hudson River Railroad Co. owns the stock in the Michigan Central Railway Co., a line of railway extending from Chicago to Buffalo; and

Whereas said New York Central & Hudson River Railroad Co. owns the stock in the Western Transit Co. and the Rutland Transit Co., constituting a water-navigation line engaged in interstate commerce between Buffalo and Chicago and intermediate points; and

Whereas this ownership results in a combination under one control of four competing lines of transportation between Chicago and Buffalo and two competing lines between Buffalo and New York City; and

Whereas the said Lake Shore & Michigan Southern Railway Co., in addition to the ownership of the said New York, Chicago & St. Louis Railroad Co., owns all of the stock of the Toledo & Ohio Central Railway Co.; of the Chicago, Indiana & Southern Railroad Co.; and of the Jamestown, Franklin & Clearfield Railroad Co.; and also owns more than 50 per cent of the stock of the Pittsburgh & Lake Erie Railroad Co.; and

Whereas the said New York Central & Hudson River Railroad Co. controls the Western Maryland Railway Co., which, together with the said Pittsburgh & Lake Erie Railroad Co., constitutes another competing line between territory covered by the Lake Shore & Michigan Southern Railway Co. and the New York, Chicago & St. Louis Railroad Co. with the Atlantic seaboard; and

Whereas the said New York Central & Hudson River Railroad Co. is now taking the necessary steps to more completely consolidate all of the aforesaid railroads, together with others, under one ownership and control: Therefore be it

Resolved, That the Attorney General be, and he is hereby, directed to inform the Senate whether the various combinations of railroads above set forth are in violation of the Sherman antitrust law or any other statute of the United States, and whether the Department of Justice has in contemplation any action for the dissolution of said combination.

Mr. OVERMAN. I move that the resolution be referred to the Committee on Interstate Commerce in order that it may be considered and reported back at an early day. I think the committee can report it back very shortly.

Mr. NORRIS. Mr. President, this resolution, like all similar resolutions that are passed, simply calls upon the Attorney General for information. I think the facts set out in the whereases of the resolution are matters of common knowledge. For instance, it is well known that the Lake Shore road, the Michigan Central road, and the Nickel Plate road form three parallel lines of railway running from Chicago to Buffalo. Two of those roads for a great distance are in plain sight of each other, running to all the principal cities between those two terminals, and between the Lake Shore and the Michigan Central there are two boat lines operating between Buffalo and Chicago and all the intermediate lake cities. From Buffalo east there are the New York Central and the West Shore roads, running parallel clear across the State of New York to Albany within plain sight of each other, running into nearly all the cities in that State, and then from Albany south, running on opposite sides of the Hudson River to the city of New York.

The question asked of the Attorney General is whether the ownership of these railroads under one head—the New York Central Railway—constitutes a violation of the Sherman antitrust act. That is the substance of the resolution. There is another combination of railroads named in the resolution that is also owned by the New York Central, namely, the Western Maryland and the Pittsburgh & Erie, I think. While those roads are not close to the others, they form a railroad line from the same territory covered by these other roads to the seaboard, which they reach at Baltimore.

The only thing the resolution asks is whether these railroads, having been combined under one ownership, violate the Sherman antitrust law.

Mr. WEEKS rose.

Mr. NORRIS. Just a moment, please. Let me say that not very long ago the Supreme Court had before it the question of the combination of the Central Pacific, running from Ogden, Utah, to the Pacific coast, and the Southern Pacific, a thousand miles farther south, but with the same terminal. The court held that the combination of those two roads was contrary to the Sherman Antitrust Act.

It seems to me that no good can come from referring a simple proposition of this kind to a committee. There is no action proposed, so far as the resolution is concerned, except to ask the Attorney General whether that combination is in violation of law. I think the fact that the combination exists is admitted practically by all those who are familiar in a general way with the statements that have appeared from time to time.

Mr. KERN. Mr. President——

Mr. NORRIS. I have promised to yield to the Senator from Massachusetts. Afterwards I will yield to the Senator from Indiana.

Mr. WEEKS. Mr. President, many of the purchases referred to in the resolution were made some 20 years ago. There may be a question about the policy of dissolving corporations in such cases which will come up at the proper time, if the resolution passes, after the Attorney General reports.

I am not going to object to the adoption of the resolution, but I wish to call the Senator's attention to the fact that in casually looking up the matter for a minute or two I noticed that the West Shore Railroad was leased to the New York Central January 1, 1886, which was before the passage of the Sherman Act; and I presume the Senator will want to have eliminated any question that relates to a lease made before the passage of the present law.

Mr. NORRIS. I will say to the Senator that the New York, Chicago & St. Louis Railroad, commonly known as the Nickel Plate, was also purchased by the Lake Shore Road prior to the passage of the Sherman Antitrust Act. Personally I do not think that makes any difference. The fact that the combination was formed before the enactment of the Sherman law will be no defense. Whether it does or not, however, if there is any dispute about it, we ought to get the opinion of the highest legal authority that we have in the Government, so that if that is a defense, if that does not constitute a combination in violation of law, the Attorney General probably will tell us so. There are various other combinations that have existed, all connected with this subject matter, and which are set out in the various whereases of the resolution, where the combination was formed since the passage of the Sherman Antitrust Act, and I think one of them only within the last year or so.

Mr. WEEKS. Of course, if the lease had been made before the passage of the law it would not be affected by the law, and we might be asking the Attorney General a very foolish question. My only point was that if there were other such cases in this resolution they ought to be eliminated before it is agreed to.

Mr. BORAH. Mr. President——

Mr. NORRIS. I will first yield to the Senator from Indiana and then to the Senator from Idaho.

Mr. KERN. Mr. President, the Senator from Nebraska did not mention what seems to me to be the objectionable feature of this resolution, namely, the last clause, in which we call upon the Department of Justice to know its intentions as to bringing an action for the dissolution of the combination. I objected to that kind of a resolution some time ago. I do not think it is proper for Congress to call on the Attorney General to disclose in advance what he proposes to do with reference to suits in the enforcement of the Sherman antitrust law.

I am in entire sympathy with the resolution, except that part. I can remember when the Michigan Southern and the Michigan Central were actively competing lines. The competition was a very wholesome one. I then remember when the so-called Nickel Plate road was built by Mr. Brice and some others from Chicago to Buffalo. It was intended to be a very actively competing line; that is to say, it was presumedly to be an actively competing line, and the presumption was so strong that these other interests bought it out at a very large figure, to the very great profit of Mr. Brice and his associates. I have often wondered why it was that these three great trunk lines, natural competitors for business, were permitted to be consolidated in one great corporation.

If the last clause was stricken out—that clause which calls on the Attorney General to show his hand, to advertise to the country what he intends to do with reference to bringing a lawsuit—I would be very heartily in favor of the resolution without a reference, because there is nothing obscure about the resolution. It simply calls for information as to facts that are well known to some of us and which ought to be well known to all.

Mr. CLARK of Wyoming. Mr. President——

Mr. NORRIS. Let me first reply briefly to the Senator from Indiana. Personally I do not see any objection to the clause the Senator from Indiana objects to. I do not think it is very material to the resolution, I will say, and I would not have any objection to striking it out. I remember that the Senate, in the last Congress—in the last session, I think, of the last administration—passed a joint resolution instructing the Attorney General—even they went further than asking him, but passed a joint resolution instructing him—to take an appeal in a certain case or to take some other action. I know I was on the Judiciary Committee of the House and I tried my best to get a favorable report out of that committee and have the House pass it. However, it died; we did not reach it.

Mr. GALLINGER. Will the Senator permit me just a word?

Mr. NORRIS. I wanted to yield to the Senator from Wyoming, but I will yield to the Senator from New Hampshire first.

Mr. GALLINGER. Mr. President, on a previous occasion when a similar resolution was before the Senate I took occasion to criticize language which was identical with the language employed in this resolution, to which the Senator from Indiana calls attention. I used, perhaps, too strong a word on that occasion when I said I thought it was impertinence to ask the official of the Government to disclose what the Government contemplated doing in any case of this kind. I will not use that word to-day, but I will appeal to the Senator to strike out that language, because I feel sure that it will not weaken the resolution.

Mr. NORRIS. I do not think it will weaken it myself. Now I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. The question that I wanted to ask the Senator does not have reference to the last paragraph. The fact of the matter is I am not sure but that the last paragraph is better than the first. The first paragraph calls upon the Attorney General for a legal opinion upon a statement of facts set forth in the preamble. I wanted to ask the Senator what he thinks of the propriety of calling upon the Attorney General for a legal opinion? There is no question, of course, of our right and our duty, if he has the facts, to call upon him for the facts which he may have discovered or which can be discovered, but of course his legal opinion would not be binding upon Congress, neither would his legal opinion transmitted to Congress be binding upon any person. I wanted to suggest to the Senator whether he thinks it is really good form for the Congress of the United States or the Senate of the United States upon a known statement of facts to ask the Attorney General for his legal opinion in this manner by a public resolution?

Mr. NORRIS. I believe it is more respectful to the Attorney General to ask his opinion than it would be to get the opinion, for instance, of the Judiciary Committee of the Senate, and then on the strength of that opinion instruct the Attorney General by a joint resolution what he should do. My idea is that there is not anything improper in asking the Attorney General for his opinion. I do not myself think there is anything improper in the last clause. It does not seem to me to be at all objectionable. I do not want anything in the resolution that is objectionable, and I am not undertaking to get anything in it that is so.

Mr. CLARK of Wyoming. The Senator does not understand me. I am not particularly objecting to the last paragraph; but suppose the Attorney General should give his legal opinion to the Senate upon this statement of facts, and suppose his opinion should be that it did form a combination in restraint of trade or against the Sherman Antitrust Act; what then?

Mr. NORRIS. My judgment is—and that is the real object of the resolution—that these various combinations that are set forth in the whereases to the resolution are illegal, contrary to the Sherman Antitrust Act, and that they ought to be dissolved by the Government. If the Attorney General rendered an opinion that they or any one or more of them were unlawful, he would undoubtedly follow it with proper action. I want to call the attention of the Attorney General in an official way to what I believe to be a violation of the law. If there is no violation of the law there, the Attorney General will be able to say so. It will be easy for him to ascertain what these combinations are; and if they are illegal and there is nothing that can be done, perhaps it would be useful to have that information in framing legislation that the Senate or the Congress might desire to enact for the purpose of avoiding the contingency that exists now because of these various combinations.

Mr. CLARK of Wyoming. Of course, neither the Senator from Nebraska, who himself has been an eminent lawyer and upon the bench, nor the Senate itself would care to be bound by any opinion the Attorney General might render upon a known state of fact. In other words, neither the Senator nor the Senate would care to submit to the Attorney General of the United States the decision of the question whether a pending state of fact constituted violations of the law or not. That is the point I wanted to get at.

Mr. OVERMAN. Mr. President——

Mr. NORRIS. Before I yield to the Senator from North Carolina let me say a word in answer to the Senator from Wyoming about the legal phase of it. Some time ago I introduced a resolution calling on the Interstate Commerce Commission to make an investigation in regard to certain securities that the New York Central proposed to issue to be used in the acquisition of some of the combinations that are set out in the whereases to this resolution. The Senate passed that resolution. The Interstate Commerce Commission made an investigation and found that the bonds that I had called attention to in the resolution were legal and proper. There were other questions in the resolution. One of them asked the commission to specifically find whether the bonds, some 4 per cent bonds instead of 3½ per cent bonds, that seemed to me were a great loss to the stockholders of the company, were proper to be issued to carry out this consolidation, and then if the combination was in violation of the law.

The Interstate Commerce Commission, in reporting upon their action to the Senate, saying that they believed it was proper under all the circumstances for them to issue the 4 per cent bonds and take up the 3½ per cent bonds, took up the other question, which was really a legal question, the question that is in reality involved here in this resolution, although

perfect their title to the lands rather than to be given the right to lease them.

Mr. WORKS. Mr. President——

Mr. PITTMAN. It is in aid of a compromise.

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from California?

Mr. PITTMAN. I do.

Mr. WORKS. These bills do not commit the Government to a general leasing system. If they did, I should sympathize with what has been said by the Senator from Utah [Mr. SUTHERLAND], because I think that is a very serious question which ought to be very carefully considered before we enter upon any system of that kind. This bill affects only certain operators in California, and they are the small operators who are about to be crowded out on account of litigation and their property practically confiscated. It is just simply for their protection; and I hope that Senators will not object to the consideration of the bill.

Mr. SHAFROTH. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Colorado?

Mr. PITTMAN. I do.

Mr. SHAFROTH. I should like to ask the Senator from Nevada whether he has any objection, inasmuch as it has been asserted both by him and by the Senator from California [Mr. WORKS] that this applies only to claims which have been located in the State of California, to so limit it in the bill?

Mr. PITTMAN. Oh, no; I have not said that it applied only to claims in California.

Mr. SHAFROTH. I understood the Senator to say there were 400 claims affected by it, and that they were all in the State of California.

Mr. PITTMAN. I do not know that to be a fact, though I think nearly all of them are; but the bill is limited to claims that were initiated prior to the withdrawals authorized by Congress.

Mr. SHAFROTH. I desire to say, Mr. President, that I am opposed to any leasing system that affects the leasing of lands in my State. I have no objection if the Senator from California wants this to apply to his State; but if it is going to apply to my State, I must say that I should like to examine the bill more closely. We ought to name the States affected and have it apply to those States named. I should have no objection to that; but it does seem to me that if it is known that such claims are limited to certain States, the bill ought to so specify, for I do not want the law to apply in my State.

Mr. PITTMAN. Let me explain it to the Senator. This bill does not provide for the leasing of anything in any State, unless in aid of a compromise of litigation. You can not compel the claimant to accept a lease; the claimant can not compel the Government to give him a lease; it is simply an enabling act to allow the Secretary of the Interior to accept the surrender of a claim to title, and to give a lease if agreeable to both parties. I repeat, it is simply in aid of the settlement of litigation. It does not involve the question of leasing. We have not come down to that at all.

Mr. SHAFROTH. I ask the Senator whether or not this condition of affairs might not arise? Suppose the Interior Department would say, "Well, we have withdrawn certain lands, and we will not permit you to operate those at all, unless you come in and make some kind of a leasing agreement."

Mr. PITTMAN. That is exactly the condition now.

Mr. SHAFROTH. The question is whether that could apply to those lands that are in dispute now and to lands which the Secretary of the Interior or somebody else might put in dispute in the future.

Mr. PITTMAN. That might all be true. The Government can challenge any title to land initiated under the Government; we can not take that right away from the Government, nor do we desire to do so.

Mr. SHAFROTH. That may be so; but you can readily see that there have been wholesale withdrawals on the part of the Government in regard to coal lands, particularly by putting such an enormous price upon them that nobody will enter them; and if we are to sanction a matter of that kind and give the Secretary the power to lease in the event that a dispute arises, we might as well have a general leasing bill.

Mr. PITTMAN. Oh, no; there is nothing to prevent the claimant from going ahead and testing out his claim before the courts.

Mr. SHAFROTH. How many States does the Senator say have claims affected in this way?

Mr. PITTMAN. I do not know. The bill applies wherever we have oil and gas.

Mr. SHAFROTH. In every State?

Mr. PITTMAN. Wherever they have oil and gas.

Mr. SHAFROTH. We have oil and gas in our State to some extent.

Mr. WORKS. Mr. President, I do not understand that at the present time anybody will be affected by the bill, except operators in California. So far as I am concerned, I am perfectly willing that the effect of the bill shall be confined to my State. I think that will be the effect of it, at all events.

Mr. SHAFROTH. Has anybody appeared before the committee with relation to the matter as to whether any other State than California is affected?

Mr. WORKS. I have never heard that anybody is affected outside of California. No one has made any claim of that kind.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Wyoming?

Mr. PITTMAN. I think I will yield first to the Senator from Wyoming, if the Senator from California has concluded; if he has not concluded, I will yield to him.

Mr. WORKS. I yield to the Senator from Wyoming, if I am entitled to the floor.

Mr. CLARK of Wyoming. Mr. President, I do not suppose the Senator from Colorado [Mr. SHAFROTH] or any other Member of this body has been or is more opposed to a general leasing system on the part of the Government than I am. I have contended in season and out of season that the Western States should not become Commonwealths of tenants under the dominion of absent landlords. I have, however, examined this bill very carefully, and, so far as I am concerned, I see nothing whatever objectionable in it. It might, I think, affect some lands in the State of Wyoming; whether as a matter of fact it will I do not know; but I have examined the bill with that possibility in view.

One side of the question is just this: Up to 1910 it was questioned by very many whether the Executive had authority to withdraw lands. I was one of those who insistently claimed that he had not. However, up to that time lands had been withdrawn, and up to that time some of these locations had been made, but titles had not passed. The claims were initiated, and after the first withdrawals, which to many of us seemed entirely unauthorized, in 1910 we passed a law authorizing the President for certain purposes to withdraw lands, which he did. The controversy has come up upon those lands which were withdrawn prior to that time, and this bill is limited to those particular lands.

The question is now pending before the Supreme Court of the United States as to the authority and the validity of the former withdrawals. This bill does not settle or attempt to give legislative sanction or dissent as to the authority of the President, but people had gone on and developed those lands prior to the time of withdrawal. The situation now is that the Government having instituted suits against some of the individual holders or applicants for patents, the right to produce oil by all of them is questioned. The pipe lines will not receive their product, because they say, "If we pay the individual operator for his oil and if the Government shall be successful in its contention, we may be called upon to pay the Government also for the oil which we shall have transported from those particular lines."

This bill gives these individual holders the privilege if they choose to do so—it does not compel them to do so—to stand upon their former rights and litigate the matter out; but if they choose to do so, it allows them to enter into an agreement with the Secretary of the Interior at a maximum compensation by which a permit shall be granted them to operate the land. I can see nothing in this bill that infringes upon my former view or present view as to the general leasing operation.

Mr. SUTHERLAND. Mr. President, let me ask the Senator from Wyoming a question. The case which is now on appeal in the Supreme Court of the United States is upon the holding of a Federal judge in the court below, who has decided in favor of these locators, and decided that the withdrawal upon the part of the Secretary of the Interior of those lands prior to the passage of the act of Congress upon that subject was invalid. Am I correct about that?

Mr. CLARK of Wyoming. The situation of the particular suit which, as I understand, will test this whole question of the validity of the withdrawals was that the district court of the United States held against the contention of the Government; in other words, held that the withdrawals prior to authority being given to Congress were invalid. That suit went to the court of appeals, which certified it to the Supreme Court of the United States.

Mr. WHITE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. CLARK of Wyoming. As soon as I have finished the sentence I will be glad to yield. A hearing was had, and thereafter a rehearing was ordered, which was held, I think, the last time the court met to hear arguments; so that it is still an open question.

Mr. SHAFROTH. Mr. President, is the Senator satisfied that the bill will not be a detriment to any of the locators in his State?

Mr. CLARK of Wyoming. I am satisfied of that; yes.

Mr. SHAFROTH. I have no objection to the bill.

Mr. WHITE. I should like to inquire of the Senator if the character of the claims under which this compromise is sought to be made is at all defined in this bill?

Mr. CLARK of Wyoming. I do not know that they are defined in this bill, but the character of the oil-land claims is well defined by the statute.

Mr. PITTMAN. I do not think the Senator from Wyoming understands. I think the Senator from Alabama wants to know whether or not the claims of the claimants against the Government which are to be compromised are set out in the bill.

Mr. WHITE. Whether they are defined.

Mr. PITTMAN. I will say that they are not set out in the bill because the claim of an oil claimant is always based upon a statutory location.

Mr. CLARK of Wyoming. That is exactly what I said.

Mr. PITTMAN. And the Government is challenging the validity of those locations.

Mr. WHITE. The condition is defined, then?

Mr. PITTMAN. The condition is sufficiently defined.

Mr. WHITE. I should like to inquire of the Senator if this applies to mineral lands other than oil lands?

Mr. CLARK of Wyoming. Not at all.

Mr. PITTMAN. It does not.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

Mr. BORAH. May I ask, before this matter proceeds, is the proposed substitute reported unanimously from the Public Lands Committee?

Mr. PITTMAN. It is.

Mr. BORAH. It is general in its application and does not apply alone to California?

Mr. PITTMAN. It does not.

Mr. BORAH. Is the Senator from Nevada anxious to have this bill disposed of this morning?

Mr. PITTMAN. I am very anxious, and I will say that the Department of the Interior is also very anxious to have it disposed of. There is a great loss to the Government and to the independent operators right now. Every day the Southern Pacific Railroad Co. and the Standard Oil Co. are taking oil out of this very ground that is in dispute, and the Government wants to compromise and the independent operators want to compromise the matter.

Mr. BORAH. Mr. President, I certainly do not want to stand in the way of legislation which is important and for which an emergency seems to demand immediate consideration; but I do not want, by permitting this bill to pass without objection, to have it understood that I am consenting to a general leasing system with reference to public lands. That is a matter requiring a great deal of careful consideration before any policy which shall become permanent is agreed upon.

Mr. WORKS. Mr. President, I want to say to the Senator from Idaho that this is a matter of the greatest emergency, and it affects interests in my own State. There is nothing in this bill that commits the Government to a leasing system; and it will not be injurious in any way. It is simply for the protection of some of the smaller oil operators in my State, whose property is about to be destroyed by the big operators on account of litigation that has taken place there that binds the hands of these people so that they are not able to dispose of their oil. Not only that, but while their hands are tied in that way, the Southern Pacific Railroad Co. can dispose of its oil; it is putting down wells near the lands of these operators, and it is absolutely taking the oil away from them. The bill is simply for their relief, and it can not result in any such misfortune as the Senator from Idaho apprehends. If I thought it committed the Government to a general leasing system, I should feel like the Senator from Idaho, because I am not committed to the leasing of oil or any other lands, and I want to assure the Senator that the bill has no such effect.

Mr. BORAH. In view of the statement of the Senator from Nevada and that of the Senator from California, who know most about this matter, I shall not interpose any further objection.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee in the nature of a substitute.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill authorizing the Secretary of the Interior to grant permits to the occupants of certain unpatented lands on which oil or gas has been discovered, and authorizing the extraction of oil or gas therefrom."

KING THEOLOGICAL HALL.

Mr. HOLLIS. From the Committee on the District of Columbia I report back favorably, with an amendment in the nature of a substitute, the bill (S. 5168) for the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University, and I submit a report (No. 569) thereon. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. May I ask the Senator if the bill comes from the committee with a unanimous report?

Mr. HOLLIS. It does. This is a purely private bill. The King Theological Hall is a charitable organization composed of certain Episcopalian clergymen; and this bill is designed to remedy certain technical defects in the organization and give them the power to convey real estate.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with an amendment to strike out all after the enacting clause and to insert:

That the following persons be, and they and their successors, as trustees, are declared to be, the corporation of the King Theological Hall, established by act of Congress approved January 7, 1891, and the legal trustees thereof, namely: Alfred Harding, Randolph H. McKim, Richard P. Williams, George Williamson Smith, and William C. Rives, in such capacity said trustees, or their successors, are hereby authorized to convey all or any part of the real estate of said corporation, whether now owned or hereafter acquired.

Said trustees at any regular meeting may authorize any two of their number to execute a good and sufficient deed of conveyance of such real estate.

The trustees above named, or their successors, may, if they shall deem it necessary, increase their number from time to time and determine by by-law the number required to constitute a quorum: *Provided*, That the whole number of trustees shall not exceed 15.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of the King Theological Hall, and authorizing the conveyance of real estate to the Howard University and other grantees."

MANDAN (N. DAK.) TOWN AND COUNTRY CLUB.

Mr. WORKS. On behalf of the chairman of the Committee on Public Lands [Mr. MYERS], I report back favorably from that committee, without amendment, the bill (S. 5254) authorizing the Secretary of the Interior, in his discretion, to sell and convey a certain tract of land to the Mandan Town and Country Club, and I submit a report (No. 570) thereon.

Mr. GRONNA. I ask unanimous consent for the present consideration of the bill.

Mr. GALLINGER. Let the bill first be read, Mr. President.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to sell and convey to the Mandan Town and Country Club, of Mandan, N. Dak., at a price of not less than $30 per acre, the below-described land: In section 33, in township 139 north of range 81 west of the fifth principal meridian, beginning at a point 1,120 feet due east from the northwest corner of the southeast quarter of said section 33, thence running due south 400 feet, thence running due east 300 feet, thence running due north 400 feet, thence running due west 300 feet to the starting point, containing 2¾ acres, more or less: *Provided*, That if the said Mandan Town and Country club should at any time attempt to use said tract of land for any other purpose than that of recreation or attempt to sell, lease, or convey said tract, the land shall revert to the United States.

The VICE PRESIDENT. Is there any objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

In this way, and in this way only, can our fair State, our beautiful country, our boasted civilization, our ancient rights, and even our lives be saved.

SUBMITTED AS A WARNING.

Fraternally submitted to our brethren of the order throughout the country and to the world outside as a warning of the danger that threatens the Republic through the importation into this country of these lawless forces that are breeding treason and making war upon our dearest institutions

Kensington Council, No. 16, Junior Order United American Mechanics, Denver, Colo., by its committee appointed for the purpose of drawing up and of promulgating this statement.

C. W. VARNUM, *Chairman.*
L. A. HASTINGS, *Secretary.*
H. H. FODY.
O. B. SCOBEY.
F. L. VARNEY.

We hereby certify that the above resolution was this day unanimously adopted at a regular meeting of Kensington Council, No. 16, Junior Order United American Mechanics, and the committee was instructed to have 5,000 copies printed in pamphlet form, and to send a copy to all National and State officers and to every council of the order, and that a copy be sent to the American, the official organ of the order, with a request that it be published.

The committee was further instructed to transmit a copy to His Excellency the President of the United States, a copy to each Member of the Congress, and a copy to the governor of every State in the Union.

The committee was also instructed to transmit a copy to our Representatives in Congress, with the request that they present it as a memorial to the House of Representatives, and a copy to our Senators, with a request that they present it as a memorial to the Senate of the United States, and that they be requested to secure the printing of this statement in the CONGRESSIONAL RECORD.

Witness our hands at Denver, Colo., this 19th day of May, A. D. 1914.

[SEAL.] EDWARD H. WAHL, *Councilor.*
L. T. FROST,
Assistant Recording Secretary.

POLYGAMY.

Mr. OVERMAN. I have been requested to bring forward a petition and to ask that it be read in the open Senate. I desire that to be done.

The VICE PRESIDENT. Without objection, the petition will be read.

The Secretary read as follows:

THE EWVIN COTTON MILLS CO.,
West Durham, N. C., May 11, 1914.

To the Senate and House of Representatives in Congress assembled:

Whereas the Mormon Church teaches the divine sanction of polygamy, and its prophet and many of its priests practice that crime; and

Whereas the political powers of the Mormon Church nullifies the operation of the local laws in these sections of this country where Mormon polygamy exists;

Now, therefore, we, citizens of the United States, in public assemblage convened, do respectfully urge upon Congress the speedy adoption of the pending resolution to amend the Constitution so that it shall forbid the existence of polygamy and polygamous cohabitation anywhere in the United States of America.

Done at Durham, N. C., May 11, 1914.

E. R. LETBURN, *Chairman.*
W. A. ERWIN, *Secretary.*

Mr. SUTHERLAND. Mr. President, I have observed several times during the present session that communications of this character have been received. I had not intended to pay any attention to them; but they indicate that some sort of a propaganda is at work in the country upon this subject.

I desire to say that the good people who send these communications are misinformed about conditions in Utah. Polygamy is absolutely abandoned there, and has been abandoned for many years. Some remnant of it remains, it is true. Some of the people who entered into these relations many years ago still continue to maintain their households. There are cases where these old men and old women, who were married many years ago, still continue to maintain those relations; but the system of polygamous marriage, so far as the present and the future are concerned, has disappeared.

In that connection I desire to call attention to a recent statement made by Bishop F. S. Spalding, bishop of the Episcopal Church in the State of Utah. Bishop Spalding has lived in that State for many years. He is a very fair man. He has strenuously opposed the theological teachings of the Mormon Church, and of course is very strongly opposed to polygamy.

In the course of a statement made by him in February, 1914, he says, speaking of these attacks:

> So vitriolous has the attack on Mormonism been and so much interest has been aroused throughout the whole country that every missionary from Utah is expected to present new evidence of polygamy, treason, and even white slavery. There are societies and individual lecturers busy supplying this demand. The National Reform Association, of which James S. Martin, D. D., is general superintendent, with offices in Pittsburgh, Pa., held a reception to ex-Senator Frank J. Cannon in Philadelphia on February 5 of this year. The invitation sent to leading citizens read as follows:
>
> "Open defiance of law, the teaching of treason, the multiplying of polygamous marriages, the most aggressive proselyting now progressing in the world—these compel attention to the Mormon Church and organized action against it."
>
> A careful man, cognizant of the facts, would have to qualify every one of those statements. The people in Utah are law-abiding; the charge of treason depends on a part of the temple ritual, which may be as much a dead letter as parts of the Anglican Liturgy. The old temple oath to revenge the death of the prophet is undoubtedly repeated by the majority of Mormons with a mental reservation. Not only are polygamous marriages not multiplying, but polygamy was never practiced by the Mormons to the extent popularly supposed; and if the churches are even half awake they have nothing to fear from the proselyting efforts of 2,000 Mormons scattered over the earth, most of whom are schoolboys, who only know a few little speeches and a few Bible texts, and who look at the call to a mission quite as much as a chance to see the world as to convert it. The point I want to insist on most strongly is that we must be on our guard lest we yield to the temptation actually to regret that the Mormons are improving—to be almost sorry that we have lost our old thunder, because we can no longer honestly repeat the stories of the sensationalists, who are not held back by either truth or charity. It is high time that the same hopeful attitude was taken with reference to Mormonism as has been taken in regard to other religions which we as Christians consider inadequate. The thoughtful student of the great ethnic religions to-day tries to find points of contact and glimmerings of truth. The days in which interest in foreign missions was aroused by dreadful tales of brutality, lust, and ignorance have happily passed away, and the spiritual and ethical value in even the religions of the backward races is being recognized. The attitude toward the Mormon seems to be the sole exception to this more philosophical method of approach. We will surely be wiser and more Christian if we think that because the Latter-day Saints have so much truth they deserve more truth than to persuade ourselves that they have willfully rejected all truth and are steeped in lust and crime and are therefore utterly bad.

And further on he says:

> The young Mormon does not want to practice polygamy. He may say that he believes in it as a doctrine, but he doesn't want to practice it himself. In the very nature of the case it is impossible to perpetuate polygamy in the twentieth century in the United States of America in the temperate zone. It is not fair to expect young Mormons to condemn polygamy, because in so doing they would condemn their own fathers and mothers. You ask, Why do they not strike out the polygamy section from "Doctrines and Covenants"? The answer is: For exactly the same reason that we can't get the 39 articles out of the prayer book. Ecclesiastical societies are always most conservative. It is harder to change church law, church ritual, church organization than any other social conventions. The dead letter must be very dead before it is buried. There are still hyper-Calvinists among the Presbyterians in spite of the revision of the Westminster confession; but if an ardent Methodist believer in free will spent time and money discovering as many as he could and then published the list and insisted that the revision of the Westminster confession was a piece of hypocrisy and that the Presbyterian Church really believed all that Jonathan Edwards preached at Stockbridge, his procedure would not be commended as loving and Christian. And yet must it not be admitted that this is just about what has been done in the case of the Mormons and polygamy?

Mr. President, I wish to say for myself that I know something about the conditions in Utah, and statements to the effect that polygamous marriages are still being celebrated there are utterly without foundation. I will venture to say that there are no more bigamous marriages in the State of Utah in proportion to the population—and I might go further and say not so many—as there are in the city of New York or in any of the eastern cities. Of course there are violations of law there, as there are violations of law everywhere; but from my knowledge of the situation and of the opinions and temper of the people I am quite sure that if the question could be presented to the Mormon people to-day whether or not they would return to the system of polygamous marriage and that question could be submitted to a vote of the membership of the church itself, and they could be assured that no interference would be had against them whatever they undertook to do, an overwhelming majority of the people themselves would vote against returning to it.

The VICE PRESIDENT. The petition will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEE ON INDIAN AFFAIRS.

Mr. MYERS, from the Committee on Indian Affairs, to which was referred the bill (S. 3898) to amend an act entitled "An act to provide for the acquiring of rights of way by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March 2, 1899, reported it with an amendment and submitted a report (No. 572) thereon.

He also, from the same committee, to which was referred the bill (S. 3899) to provide for the acquiring of additional lands by railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes, reported it with amendments and submitted a report (No. 573) thereon.

LEASING OF OIL AND GAS LANDS.

Mr. PITTMAN. From the Committee on Public Lands I report back favorably without amendment the bill (S. 5673) to amend an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, and their successors in interest," approved March 2, 1911, and I submit a report (No. 569) thereon. I ask for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill? The Chair hears none, and the Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That an act entitled "An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest," approved March 2, 1911, be amended by adding thereto the following section:

"SEC. 2. That where applications for patents have been or may hereafter be offered for any oil or gas land included in an order of withdrawal upon which oil or gas has been discovered, prior to such application for patent, and where there has been no final determination by the Secretary of the Interior upon such applications for patent, said Secretary, in his discretion, may enter into agreements, under such conditions as he may prescribe, with such applicants for patents in possession of such land or any portions thereof relative to the disposition of the oil or gas produced therefrom or the proceeds thereof, pending final determination of the title thereto by the Secretary of the Interior, or such other disposition of the same as may be authorized by law."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PITTMAN. From the Committee on Public Lands I report back favorably, with an amendment in the nature of a substitute, the bill (S. 5434) to provide for the leasing of oil and gas lands withdrawn from entry, and I submit a report (No. 571) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

Mr. SUTHERLAND. Let us first hear the bill read.

The VICE PRESIDENT. The Secretary will first read the bill.

The SECRETARY. The committee reports to strike out all after the enacting clause of the bill and to insert:

That upon relinquishment or surrender to the United States, within six months from the date of this act, by any locator or his successors in interest, of his or their claim to any unpatented oil or gas lands included in an order of withdrawal, upon which oil or gas had been discovered, was being produced, or upon which drilling operations were in actual progress October 3, 1910, or prior thereto, and were prosecuted until oil or gas was discovered, or have continued with reasonable diligence until the date of this act, and the claim to which land was initiated prior to July 3, 1910, the Secretary of the Interior may, in his discretion, grant, on such reasonable terms and conditions as he may prescribe, to such locator or his successors in interest a permit to occupy the said lands so relinquished, and to extract the oil or gas therefrom, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said permit to be conditioned upon the payment by the permittee of a royalty of not exceeding one-eighth of the oil or gas extracted or produced from said premises, or of the proceeds thereof, each permit to continue so long as oil or gas can be extracted from said land in paying quantities.

SEC. 2. That the Secretary of the Interior is hereby authorized to perform any and all acts, and make such rules and regulations, as he may deem necessary and proper for the purpose of carrying the provisions of this act into full force and effect, and all permits or assignments thereof shall be subject to such rules and regulations, and the failure of any permittee, or of his successors, to comply with the terms and conditions of the permit shall work a forfeiture of the same, to be declared by a court of competent jurisdiction.

Mr. SUTHERAND. I should like to ask the Senator from Nevada how much land will this bill apply to?

Mr. PITTMAN. How many acres in the United States?

Mr. SUTHERLAND. Yes.

Mr. PITTMAN. I do not know; it is impossible to state. It will apply to probably several hundred claimants.

Mr. SUTHERLAND. Are they in different States?

Mr. PITTMAN. Yes; in different States.

Mr. SUTHERLAND. In what States?

Mr. PITTMAN. It would apply to lands in California, in Wyoming, and probably to some land in Idaho.

Mr. BRISTOW. Is not this a very important piece of legislation?

Mr. PITTMAN. This is not the general leasing bill, I will say to the Senator, but it is——

Mr. BRISTOW. I think it ought to go over and be considered with other bills of that kind. I do not think we ought to pass a bill of this importance through in a minute or two.

Mr. PITTMAN. I wish to state to the Senator from Kansas that this matter has been under consideration by the Committee on Public Lands for a long time. The committee appointed a subcommittee which went into it carefully, and it was taken up before the full Committee on Public Lands on Wednesday, and all the members of the committee who were present were unanimously in favor of it, and I think all members of the committee, even those not present, since reading the report are in favor of it.

The situation is simply this: There is under consideration before the Public Lands Committee a bill providing for a general leasing system of oil and gas lands. That is not this bill. In the State of California a very peculiar condition exists, a condition that requires immediate remedying, so we are told by the Secretary of the Interior and by those who appeared before the Committee on Public Lands to present these various matters.

The condition is this: In the oil fields of California practically half of that land is owned by the Southern Pacific Railroad Co. by virtue of its railroad grants of every other section. A large portion of the land not owned by the Southern Pacific Railroad Co. is owned by the Standard Oil Co. and the Santa Fe Railroad Co. The Government has instituted five suits as test suits. One of those suits involves the title to the Southern Pacific lands. Another one of those suits, as I am informed, involves the validity of certain withdrawals by presidential proclamation. Other cases involve the question of dummy locations; that is, locations originally by several individuals for the benefit of some one person.

While there are only five suits instituted, the questions raised in those five suits challenge the title to all other claimants whose locations are in a similar condition. Those who have been sued in the five suits are in a position where they can ask the court of equity to allow them to put up bonds and to proceed to mine the oil. Those whose titles are challenged, but against whom no suit has been instituted, have no remedy at all.

Now, let us see what the condition is. The great pipe-line companies there, which are owned by the Standard Oil Co. and by the Southern Pacific Railroad Co., will not transport the oil from these lands that are challenged, and the operators on those lands can not get their oil to market except through these pipe lines. The Standard Oil Co. says to these individual operators, "We will not take your oil, because if the Government should eventually prevail against you it may make us pay again for the same oil." The Southern Pacific Co. says the same thing. The result is that these independent operators are unable by reason of such a cloud on their title to dispose of their oil. The Southern Pacific Co. has its own pipe line, and although its title is challenged it pays no attention to the challenge, but takes its own oil through its own line to market. Although the title of the Standard Oil Co. is challenged on the same ground, it has its own pipe line and it takes its own oil to its market.

Now, then, the condition is such that the Southern Pacific Railroad Co., with its vast holdings, and the Standard Oil Co., with its vast holdings, are driving wells right along the line of these private operators and are pumping the oil from under the ground of these independent operators, and at the same time they are refusing to carry their oil out on the ground that their title is challenged. The Secretary of the Interior says that this means an ultimate loss not only to the independent operators but to the Government. The bill simply provides that the Government may, in the discretion of the Secretary of the Interior, accept a surrender of all claims to title by these independent operators and in lieu of such surrender grant to them a lease upon the lands that they surrender at a royalty of 12½ per cent.

Mr. SUTHERLAND. Mr. President, if I understand the situation, these oil claims were located prior to the passage of the withdrawal act by Congress.

Mr. PITTMAN. They were.

Mr. SUTHERLAND. The lands were withdrawn or attempted to be withdrawn by the Secretary of the Interior prior to the passage of the act. Is that the fact?

Mr. PITTMAN. Yes, sir; that is true.

Mr. SUTHERLAND. And the locations were made after that attempted withdrawal, but before the act of Congress?

Mr. PITTMAN. Prior to the act of Congress.

Mr. SUTHERLAND. This bill is limited to that class of lands.

Mr. PITTMAN. It is entirely limited to that class of lands.

Mr. SUTHERLAND. I want to say to the Senator that, so far as I am concerned, if the bill is confined to those lands, I have no objection to it.

Mr. PITTMAN. That is all it extends to.

Mr. SUTHERLAND. I am very much opposed to any general leasing proposition. I think the Government of the United States ought not to go into the business of leasing its lands. While, of course, it is within the constitutional power of the Government of the United States to lease its lands, if it pleases, I think it is against the spirit of the principles upon which the Federal Government was instituted.

Mr. WORKS. Mr. President——

Mr. SUTHERLAND. I think those lands ought to be open to settlement by private citizens in such a way that they may be merged into the property of the State as rapidly as possible, and I am utterly opposed to any sort of a general leasing system. I wanted to say that much so that my consent to the passage of the bill might not be misconstrued.

Mr. PITTMAN. The bill only provides for the compromise of lawsuits by virtue of which the Government and the independent operators are both losing. It is to compromise lawsuits, because the subject of litigation will not be in existence when such test suits are determined.

Mr. SUTHERLAND. If I understand the situation, I think the people who located the oil lands ought to be permitted to

Martin, and they were unable to carry him across the exposed ground, so they placed him in a depression in the hills where he would be safe from the fire from both sides and retreated.

HEROIC RESCUE WORK.

Another detachment fought its way up to the tent colony where they heard the cries of women and children. The tents had caught fire before the soldiers arrived, but when they heard the cries of the women and children they rushed in among the burning tents and rescued between 25 and 30 and carried them away to safety. While engaged in this humane work they were under constant fire from the Greeks. To save these women and children the soldiers, while still under fire from the Greeks, were obliged to tear up tent floors, which had been nailed down over the openings to the pits, and drag the cowering occupants out by main force. Then these soldiers, who had had no pay for three months, took up a collection among themselves and raised $18 that night for the relief of these suffering women and children.

Late in the afternoon the sand hills were retaken by the soldiers, who then found the body of their comrade Martin with his head blown off and his limbs broken. This barbarity shocked and infuriated them, and, of course, it was immediately reported to Lieut. Linderfeldt. A few minutes after this Louis Tikas was captured, after he had been fighting all day with his Greeks. Acting under the frightful stress of that all day's battle, where the strikers numbered almost 20 to 1, without water, food, or rest for nine hours, and with the report of the atrocities committed upon the body of his comrade Martin fresh in his mind, Lieut. Linderfeldt is reported to have committed the unsoldierlike offense of striking a prisoner. Whether this be true or not time will determine, and whether if true the excuse is sufficient can only be known when all the facts and circumstances are developed. But at least the provocation was great.

NO "MASSACRE OF THE INNOCENTS."

There was, however, no firing on women and children, unless it were firing by the Greeks on the little Snyder boy, who was killed by a striker's bullet and who was the only child killed or even struck by a bullet. Both sides agree also that no woman was struck by a bullet from either side. The 13 women and children who were suffocated in the tiny pit under the ground not large enough for 3 of them to remain in for three hours and live, were probably dead long before the tents caught fire. But in any event the soldiers could not possibly have been to blame in the slightest degree. The strikers had rifle pits in front of the colony tents, and were hidden in the arroyo or gulch behind them and were firing on the soldiers from both places. The strikers could easily have retreated from both rifle pits and from the arroya and still have continued the fight on equally as good terms from some other vantage point, but they elected not to do so.

WOMEN AND CHILDREN AS A SHIELD.

The death of these women and children was a most regrettable incident of this unfortunate battle in this inexcusable war, but the Greeks started the war and commenced the battle. They also were in a position to know that the women and children were in the underground pits, while the soldiers were not in a position to even suspect such a thing. Among civilized peoples when the men go out to war they first put women and children in places of safety, instead of leaving them exposed to all the dangers of battle, and in this case, as the soldiers had seen the women and children running to the arroya, where they would be absolutely safe, they naturally supposed and had a right to suppose that they were all out of danger. The Greeks, who must have known that some women and children were left in the colony, could have retreated from the colony or could easily have changed the place of fighting to another point, and either maneuver would have stopped the battle or have changed the line of fire, so that the women and children left in the tents would have been safe. They chose, however, to do neither, but to continue the fight in a place which made it necessary for the firing to endanger the lives of their own women and children.

The fault, then, rests squarely upon the shoulders of the strikers themselves and not upon the members of the National Guard who were stationed there to uphold the constitution and laws of the State, who were attacked by overwhelming numbers, and who were fighting for their lives as well.

It is inconceivable to suppose that 34 men, scattered in three or four groups, would deliberately attack a very much larger force, as well armed and better fortified than they were themselves.

The wonder is that these 34 men should have been able under any circumstances to have defended themselves successfully against their desperate assailants. It is another great tribute to the splendid fighting material composing our National Guard.

MACHINE GUNS.

The troops had two machine guns, one of which they used all day and the other from about 4 p. m. These guns were never turned on the tent colony itself, but were used against the Greeks intrenched in the sand hills and rifle pits and along the railroad tracks.

Admiral Fletcher threatened to destroy Vera Cruz with the great cannon of the American fleet unless sniping from the house tops were stopped.

RETURN OF THE NATIONAL GUARD.

The main body of the National Guard, who had been returned to their homes, were called back to the field on April 22, and although they had had no pay for three months and the families of many of them were suffering from the actual necessities of life they loyally took up their duty again, and if the ill-advised truce had not been made on the 24th peace would have been quickly reestablished by the swift defeat of the strikers. As it was, the strikers took advantage of the so-called truce to burn and destroy half a dozen mines and to murder many citizens of the State, the troops being compelled by the terms of the truce to do nothing to protect either life or property.

Then came the call for the Federal troops, two or three desperate battles between the strikers and the National Guard brought on by the determination of the strikers to destroy the remaining mines in the district, the defeat and surrender of the strikers to the National Guard, the arrival of the Federal troops, and the withdrawal of the State troops from the strike districts. It is perhaps worthy of note that this so-called truce, as well as the final surrender of the miners, was negotiated by a leading lawyer of Denver with as much nonchalance as though he were drawing a stipulation for the continuance of a petty case in a justice court.

FOUNDATION OF THE GOVERNMENT.

This Nation was founded upon the eternal principles of freedom of speech, freedom of the press, freedom to worship God, and freedom of labor. Freedom of labor means that the laborer himself shall be permitted to choose whether he shall work or not, where he shall work, the kind of work he shall engage in, and who his employer shall be. All these matters to be decided by the laborer for himself and not by some one else for him.

Certain ignorant, ill-advised, and vicious people have willfully and maliciously misinterpreted these rights, deeming freedom of speech as license to malign their neighbors, freedom of the press as license to distort the news and to besmirch and befoul this country and its institutions, deeming freedom to worship God as license to persecute, torture, and even to kill those who worship him in a different way, and deeming freedom of labor as being license to forcibly prevent other men from working.

Labor agitators have for many years preached, taught, and practiced, not only in Colorado but in every State in the Union, the doctrine that a labor union can not only work or quit work as it pleases—which is its inalienable right—but that a labor union can also rightfully prevent other men from working, and that in order to prevent other men from working the union men have the right not only to use peaceful persuasion but also to use physical violence upon those other workingmen, to burn and destroy their houses, to kill them by secret assassination or open murder, and that in their warfare against nonunion men the union men have the right to openly defy the duly constituted authorities of both State and Nation and to defy and insult the flag of our country.

AGITATORS, NOT WORKERS.

These labor agitators are not workers themselves, but are mere parasites on workingmen's organizations, and they have for many years taught their deluded followers class distinctions, class hatred and prejudice, and have encouraged class war, and people who ought to know better have blindly encouraged them in their false teachings.

They talk of "industrial war" as glibly and gleefully as though great enterprises were built up by the burning and destruction of property, and as though men would be attracted to enterprises in which they are daily in danger of assassination.

To them the destruction by violence of a factory or plant is but an incident in the carrying on of industrial war. These acts of violence indeed are a very important and helpful factor in their campaigns for raising money.

These labor agitators under different names, in Pennsylvania as Molly Maguires, in Idaho and Colorado as the Western Federation of Miners, and now as the United Mine Workers, have openly taught and freely practiced the use of force, even though it lead to murder, as proper means of inciting class hatred and class war.

The confession of the McNamaras as to the blowing up of the Times Building in Los Angeles and other wholesale destruction of properties by dynamiters as the hired agents of the Structural Steel Workers illustrates their method of procedure.

This present trouble in Colorado was deliberately brought about not because of any conditions in the mines but by these same labor agitators who are not workers and who seek to prevent others from working.

That they are the mere labor agitators with no intention or desire to work or to plan work for others is shown by the fact that Gov. Ammons last fall offered to the United Mine Workers thousands of acres of unused coal lands belonging to the State at 10 cents per ton royalty, which was the lowest price, but the Mine Workers were not courteous enough even to make any response or to take any interest in the matter.

This business of organizing unions, fomenting strikes, and especially of preparing for the use of violence and of accustoming their members to the idea of killing nonunion men is a profession in itself.

The labor leaders in this trouble are not miners, and very few of them are residents of Colorado. They have been imported into the State, and especially into the strike districts, for the purpose of inciting strikes and of directing hostilities against the authorities.

Louis Tikas never was a miner himself, but was brought from Denver to the strike district and employed by the miners' union as interpreter and leader of the Greeks. These Greeks are reputed to be in large numbers veterans of the late war between Greece and Turkey. If this be true, under our immigration laws they ought to be deported as undesirable citizens. Certainly this suggestion can not be considered intemperate. Men who come to the United States and who take up arms against it and who, before they have learned to speak the English language, murder citizens of the State, are surely undesirable citizens and ought to be sent back to the land from which they came, and the Federal Government which permitted their importation owes it to the State of Colorado to take them away from us.

NOT A COLORADO PROBLEM.

In this connection we can not too strongly impress upon the country that this is not a Colorado matter, but purely an interstate or national affair. The trouble did not originate in Colorado, nor is it officered or financed here. The miners' union headquarters is at Indianapolis, Ind., and from there have come the orders, the leaders, and the money to support this movement, which is not merely a war against Colorado, and which does not simply mean war against the United States, but which in its essence and ultimate aim is a war against organized society everywhere. Their purpose is not confined to the destruction of authority here, but their real purpose is to destroy authority everywhere. This is a very strong statement, but the history of the movement bears it out in full.

W. T. Hickey, secretary of the State Federation of Labor, telegraphed Congressman KEATING in commenting on the situation and as a protest, "we take this to mean that they (the coal companies) will have protection of the Federal troops." He says this as though he considered it a crime for the Federal troops to protect the coal companies. His protest against protection for the companies shows that he knows that they have need of protection from some one, and from whom could it be except from him and his lawless companions? We predict that if the coal companies or their workmen are protected by the Federal troops, the strikers will dig up the guns they do not even pretend they have surrendered and commence war upon the United States just as they have been making war upon Colorado.

Many outside papers, taking their cue from the position of our local papers, have called this striker's war, with its deplorable violence and loss of life, "The shame of Colorado." It should more properly be called "The shame of labor unionism" and "The shame of the United States."

We can not too strongly insist that this is not in any sense a Colorado question. We are the focus of all eyes to-day, because to day the striker's war is here, but to-morrow it may be in West Virginia or Ohio or Pennsylvania or Michigan or any other State.

The shame, the suffering, the disgrace, and the fear that Colorado suffers to-day may to-morrow be borne by any State against which the United Mine Workers of America may turn its attention. The pretext here is one thing, the pretext for the next outbreak may be another;

but always the real cause is the fixed determination that the unions shall control affairs in all industrial pursuits and that the laws of the labor union shall take precedence over the laws of the land.

ABUSE OF THE NATIONAL GUARD.

Nor should much stress be laid upon abuse of the National Guard by the strikers and their allies. These unions have for many years carefully promulgated a sentiment of hatred for soldiers, whether of the Regular Army or of the National Guard, and have even gone to the extent of declaring in their own constitutions that a man can not belong to both the union and to the Army, even as musicians. They also occupy the same attitude toward the police and sheriffs and their deputies and all other peace officers. Their opposition is not to any particular form of authority, but to authority of any kind.

DEPRAVED LEADERS, BRUTAL FOLLOWERS.

Practically all of the miners involved in this strike are ignorant, depraved, and brutal foreigners, peasants from the lowest and most hopeless class of the peoples of southern Europe, who know little and care less for the principles of free government. By a mistaken national policy men of this type have been permitted to invade this country at the rate of over a million a year, so that now they number in our midst many millions, all herded together in industrial centers and who threaten with their low ideals and base habits of life to destroy our civilization as the Huns and Vandals of old destroyed the civilization of ancient Rome and set the world back a thousand years during which rich and poor alike suffered from the horrors of poverty, superstition, and oppression.

These ignorant, depraved, and brutal foreigners are led by better educated, but as depraved and brutal officers, who are usually of a foreign extraction, as far removed from American ideals of freedom of speech, freedom of worship, freedom of labor, and freedom of government as are these later importations of ignorant herds whom the leaders incite to deeds of violence the leaders themselves are too cowardly to commit. These men, depraved leaders and brutal followers together, number but two or three thousand, and while exercising their own undoubted right to refuse to work have denied to more than 10,000 of their fellow men the right to work.

The 10,000 workers have as much right to work as the 2,000 idlers have to be idle.

ATROCITIES UNSPEAKABLE.

The strikers here, as everywhere else, endeavor by intimidation, by violence, and by assassination to enforce their unlawful and unjust edict that the workers must quit their work. The lawful authorities of Colorado, acting under their sworn duty, endeavored to protect peaceable workmen in their right to work and in the exercise of their rights. The strikers, denying both rights, defied the Government and made open war against it. This is no exaggeration. They actually issued and published an open and formal declaration of war against Colorado and made a call for troops. They enlisted men to fight against Colorado; they drilled these men into armies; they marched these armies from place to place; these armies fought battles against the State troops; they killed Colorado soldiers, occasionally in open battle, but more often by assassination. They deliberately and treacherously murdered a hospital surgeon while wearing his Red Cross uniform and while performing his duty of ministering to a wounded man. After their leaders had made a solemn treaty and had agreed to a temporary truce these strikers openly marched across the country burning and destroying property and murdering Colorado's citizens. They have driven men, women, and children into mines and have deliberately and intentionally destroyed the shafts and openings with the intention of killing them by fire and suffocation. They have set fire to boarding houses and purposely burned alive unoffending and noncombatant workingmen. They have been guilty of atrocities unspeakable and indescribable.

They are even now standing in flagrant defiance of the authority of the Government of the United States and are treating, negotiating, and haggling with the officers of the Army as to the conditions and terms on which they will agree to surrender their arms.

TREASON.

Our Constitution defines treason as "levying war against the State or in adhering to its enemies, giving them aid or comfort."

Under this definition all these strikers, but especially their officers and leaders, as well as those disloyal State officials who are in league with them, and also those newspapers, women's organizations, and Christian citizenship unions "adhering to them and giving them aid and comfort" are, many of them, guilty of treason against the State, and that in its most heinous form.

The law of organized society has ever been and must ever be that whoever raises his hand against the Government is a traitor and must pay the penalty with his life. In no other way can organized government exist. Whoever complains of wrongs in existing laws must turn his attention to their correction by peaceful means. He who attempts to correct his own wrongs by force is a criminal. He who attempts to correct the wrongs of society by force is a traitor.

We speak of this organization as armies, with no idea of dignifying them or the purpose of their being, but only for the purpose of indicating their size and deliberate purpose. In reality they were frenzied mobs, drunk with the lust for blood, who rushed from mine to mine burning and destroying property, murdering men and mutilating their dead bodies like wild beasts or fiends in human shape, and respecting neither flag of truce, Red Cross, nor any of the rules of civilized warfare.

In all these acts of treason, murder, pillage, and arson the strikers have been aided, abetted, and encouraged by newspapers as venal and truckling as the strikers are depraved and vicious, and by State officials who, by reason of their betrayal of their oaths of office and of their duty as officials, are more guilty of these treasons and assassinations than are the ignorant, misguided strikers whom these officials and newspapers have by their appeals to passion and prejudice influenced to commit the actual deeds of violence.

By reason of the reign of terror established by these strikers, agitators, and newspapers freedom of speech and freedom to work have been in a large measure denied to the people of Colorado.

The strike has more or less completely involved seven different coal-mining districts, some of them 400 miles apart, and in which are over a hundred mines, each of which must have its detail of soldiers to insure protection. There are also many towns, railroad bridges, and other properties all subject to attack and destruction.

GOOD WORK OF THE NATIONAL GUARD.

The Colorado National Guard has served in these strike districts with less than half the number of men demanded by the Regular Army officers for the same purposes. They were not furnished with sufficient clothing or supplies, they received no pay for over three months by reason of the worse than treasonable actions of our State auditor and other officials, and they were denied that moral support from press and people that a Nation's troops are entitled to in time of war. In spite of all these difficulties our State troops for six months maintained absolute peace, quiet, and safety in the strike districts without loss of life on neither side and without loss of property of any kind to anyone. Under the most trying circumstances, subjected daily to the vilest abuse of the most brutal of men and of women almost as brutal, they conducted themselves with a dignity, decorum, and sense of military duty worthy of the highest commendation and praise.

COMMENDATION AND DENUNCIATION.

In view of all these facts, conditions, and circumstances we call upon the country to revise and to reverse its opinion of the government and troops of the State of Colorado, and to commend them for their efforts to properly solve a question that did not originate here, but has been thrust upon us by the attitude of the country at large upon the questions of labor and immigration. We call upon Congress to immediately pass the Burnett bill, which will, in large measure, prevent the immigration to this country of these illiterate, depraved, and criminal hordes which are now pouring into this land and who threaten its very life. The perpetuity of American institutions, the safety of life and property, and the protection of our own people are of greater importance to us and to the world than is the maintenance of a maudlin sentiment which permits the invasion of our country by ignorant hordes who know nothing of and who would ruthlessly destroy its beneficent institutions.

We most heartily commend Gen. John Chase, commanding, and the officers and men of our National Guard for their patient forbearance and soldierly attitude under the most trying and adverse conditions and circumstances.

We commend Gov. Ammons for his efforts to maintain law and order in the community.

We most severely denounce those disloyal State officials whose weakness and treachery tied the governor's hands and gave aid and comfort to enemies of the State.

We as severely denounce those newspapers which by their inflammable articles and comments, and by their prejudiced and distorted reports, have attempted to place the blame where it does not belong, have defamed and humiliated Colorado and its government, both civil and military, and have excused, justified, and been potent factors in inciting the deeds of violence and outrage that have disgraced the past and which now endanger the future of the State.

We as warmly commend those newspapers that have told the truth and have bravely stood for law and order.

We can not find words strong enough to express our horror and detestation of those infamous men and hysterical women who as leaders and advisers of their ignorant followers, or as their defenders and apologists, are the real traitors and murderers in this frightful strikers' war. Their words and their deeds are ineradicable blots on the pages of the history of our State and of our civilization.

PEACE BEFORE PROSPERITY.

There must be peace before there can be prosperity. There must be order in the community and safety for life and limb before we can turn our attention to the correction of existing wrongs. Violence begets violence and must be repressed by the stern hand of organized society.

The Good Book tells us that if a man will not work, neither shall he eat. We contend that if a man will not work, if he prefers that his wife and children shall starve, he at least shall not be permitted to kill and murder other men who do wish to work in order to save their wives and children from starvation.

It is no longer a question as to whether nonunion men shall be allowed to work in Colorado; it is now a question as to whether or not any man shall be allowed to live without permission from the labor union.

WARS FOR FREEDOM.

Fifty years ago we fought a great war in this country to establish the right of a man not to be compelled to work for another unless he wished to do so.

Now we are facing a threatened war which we must fight to establish the right of a man to work for another if he wishes to do so.

That war was fought to free men from slavery to private individuals. This war, if it comes, and it seems as though come it must, will have to free men from slavery to private organizations.

Both the slaveholding individual before the war and the slaveholding labor union of the present pretend that the slaves are being held for their own good, though against their own will, and both claim that if the slaves will not voluntarily submit to their masters they must be beaten into submission or killed. Both hypocritically claim that this is for the good of humanity.

TRUE THEORY OF EMPLOYMENT.

The true theory is that every employer shall be allowed to employ whom he pleases, and every employee shall be allowed to work for whom he pleases, so that employer and employee are agreed as to the terms and conditions of the employment. Any other principle is a denial of freedom to the individual, and a denial of freedom is the essence of slavery.

FUNDAMENTAL PRINCIPLES OF GOVERNMENT.

We reaffirm in the most positive terms and as the fundamental principles of popular and free government:

First. The right to worship God, every man in his own way.

Second. The right of free speech, with responsibility for the abuse of this right.

Third. The right of labor to be free from any master, religious, personal, corporate, or union.

Fourth. The right of capital to the safety of its investments, and that it be subject to no tyranny of private organization, but only to the majesty of the law.

Fifth. The right of every man to protection by the State of his life, his limbs, and his property.

Sixth. The impartial enforcement of every law, whether it be for the protection of labor or for the protection of property.

Seventh. Swift, sure, and severe punishment for all offenses against the law, and especially of such high crimes as treason and murder.

We call upon all good and patriotic citizens to stand ready to uphold these fundamental rights with every power of voice, pen, and vote, with every ounce of strength and every drop of blood, with every power that organized and civilized society can bring to bear.

By Mr. KINDEL: Papers to accompany a bill granting pension to Almira Graham; to the Committee on Pensions.

By Mr. LA FOLLETTE: Petitions of sundry citizens of North Yakima, Walla Walla, Grandview, Waverly, Opportunity, and Spokane, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

Also, petitions of sundry citizens of the third congressional district of Washington, against national prohibition; to the Committee on Rules.

By Mr. LANGHAM: Petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Pennsylvania Manufacturers' Association, favoring House bill 1933, the convict-labor bill; to the Committee on Labor.

By Mr. LESHER: Petitions of 3,532 citizens of Shamokin, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. LEVY: Petitions of sundry citizens of New York, against national prohibition; to the Committee on Rules.

Also, petitions of the Waldorf Astoria Importation Co; the Fritzsche Bros., of New York; and sundry citizens of New York, protesting against national prohibition; to the Committee on Rules.

By Mr. LOBECK: Petitions of the Fort Worth (Tex.) Chamber of Commerce and the East St. Louis (Ill.) Commercial Club, favoring House bill 9292, to classify the employees in the Bureau of Animal Industry, Department of Agriculture; to the Committee on Agriculture.

Also, petition of 43 citizens of Douglas County, Nebr., against national prohibition; to the Committee on Rules.

By Mr. LONERGAN: Petition of Karl Woegerbauer, of Hartford, Conn., protesting against national prohibition; to the Committee on Rules.

By Mr. McCLELLAN: Petition of sundry citizens of Windham, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. MITCHELL: Petition of various business men of Massachusetts, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

Also, petition of 210 citizens of Franklin, Mass., and 88 citizens of Brookline, Mass., favoring national prohibition; to the Committee on Rules.

By Mr. MOON: Papers to accompany bill for the relief of the legal representatives of John V. Anderson; to the Committee on War Claims.

By Mr. J. I. NOLAN: Memorial of the San Francisco (Cal.) Retail Cigar Dealers' Association, favoring passage of House bill 13905; to the Committee on Interstate and Foreign Commerce.

By Mr. O'LEARY: Memorial of Branch No. 16, Glass Bottle Blowers' Association, of Ravenswood, Long Island City, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. O'SHAUNESSY: Petition of sundry citizens of Providence, R. I., favoring national prohibition; to the Committee on Rules.

Also, petition of the Chamber of Commerce of Providence, R. I., against present passage of bill creating an interstate trades commission; to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Thread Co., of Westerly, R. I., against Edwards bill, prohibiting importation of Egyptian cotton; to the Committee on Ways and Means.

Also, petitions of the D. & W. Fuse Co. and H. N. Tenner, of Providence, R. I., against House bill 15657, the Clayton anti-trust bill; to the Committee on the Judiciary.

Also, petition of sundry citizens of Providence, R. I., against national prohibition; to the Committee on Rules.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 16890, for relief of Martha A. Knapp; to the Committee on Pensions.

Also, papers to accompany House bill 16892, to place on the muster-in rolls the name of John O. Kinney; to the Committee on Military Affairs.

Also, papers to accompany House bill 16891, to correct military record of Albion P. Dyer; to the Committee on Military Affairs.

By Mr. SCULLY: Petitions of various business men of Asbury Park, Freehold, South River, and Jamesburg, all in the State of New Jersey, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of 65 citizens of Charlotte, Mich., and 30 citizens of Marshall, Mich., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. SMITH of New York: Petition of sundry citizens of Buffalo, N. Y., protesting against national prohibition; to the Committee on Rules.

By Mr. TAYLOR of Colorado: Petition of the Christian Endeavor Society and sundry citizens of Longmont, Colo., and various voters of Durango, Colo., favoring national prohibition; to the Committee on Rules.

By Mr. VOLLMER: Petitions signed by F. B. Lodge and 18 other citizens of Iowa, and petitions signed by William S. Miller and 10 other citizens of Iowa, protesting against House joint resolution 168, Senate joint resolutions 88 and 50, and all prohibition measures introduced in Congress; to the Committee on Rules.

SENATE.

FRIDAY, *May 29, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we make mention of Thy name with reverence and godly fear. We would not degrade our own nature and corrupt our own mind by taking Thy name vainly upon our lips. We come to Thee, the author of all our freedom, the sphere in which we have our largest life, the center and source of all our blessing, and at the mention of Thy name we bow our body and mind and heart before Thy throne. We acknowledge the sovereignty of no man over our intellectual life, but our largest freedom is in the surrender of our minds and hearts to God. Grant us this day that perfect liberty which is found in conformity to the will of our Maker and our Father. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

SURVEY OF FLORIDA WATERS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of the 19th instant, certain information and data relating to the survey of Kissimmee and Caloosahatchee Rivers and Lake Okechobee and tributaries, and the improvement of navigation between Caloosahatchee River and Lake Okechobee, Fla., which, with the accompanying papers, was referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a cablegram in the nature of a memorial from the Board of Trade of Hilo, Hawaii, which was read and referred to the Committee on Pacific Islands and Porto Rico, as follows:

[Cablegram.]

HILO, HAWAII, *May 26.*

PRESIDENT SENATE AND SPEAKER HOUSE,
Washington:

Board of Trade of Hilo earnestly remonstrate proposed reduction salaries governor and secretary. Present salaries inadequate. Should be increased. Reduction means only rich men can afford hold these offices.

METZGER, *President.*
DETO, *Secretary.*

The VICE PRESIDENT presented petitions of sundry citizens of Newton, Edgewood, and Cascade, in the State of Iowa; of Wheeling, W. Va.; of Kirkwood, Ill.; of Tonawanda, N. Y.; of Bellevue, Pa.; of Wichita, Kans.; of Fort Morgan, Colo.; and of Fort Sumner, N. Mex., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. NELSON presented memorials of sundry citizens of St. Paul, Minneapolis, Chesholm, and Red Wing, all in the State of Minnesota, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Mankato, Farmington, Faribault, Wheaton, Frazee, Glenville, Minneapolis, and St. Paul, all in the State of Minnesota, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union, of Alexandria, Minn., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was ordered to lie on the table.

He also presented a petition of the congregation of the Methodist Episcopal Church of Northfield, Minn., praying for

the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented a petition of sundry citizens of Colfax, La., praying for national prohibition, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of New Orleans, La., remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented the petition of F. C. Knotts, of Auxvasse, Mo., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. McLEAN presented memorials of the Central Labor Union of South Norwalk, and of sundry citizens of Stamford, Waterbury, and Hartford, all in the State of Connecticut, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. NORRIS presented a memorial of sundry citizens of Webster County, Nebr., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KERN presented memorials of sundry citizens of Indianapolis, Terre Haute, Fort Wayne, and of the Central Labor Union of Evansville, all in the State of Indiana, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of Castleton, Ind., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. WEEKS presented a memorial of Local Branch, No. 108, National Association of Letter Carriers, of Newburyport, Mass., remonstrating against the repeal of the compensatory time privilege of post-office employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the directors of the port of Boston, Mass., favoring the refunding of all tolls paid by American coastwise shipping passing through the Panama Canal in case the coastwise shipping is not exempted from the payment of tolls, which was ordered to lie on the table.

Mr. PAGE presented a petition of the congregation of the Baptist Church of Rutland, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. BRANDEGEE presented a memorial of the Central Labor Union of Norwich, Conn., and a memorial of the Central Labor Union of Norwalk, Conn., remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

He also presented a memorial of the Central Labor Union of Norwalk, Conn., remonstrating against the conduct of the mine owners of Colorado, which was referred to the Committee on Education and Labor.

Mr. BURLEIGH presented petitions of sundry citizens of Belfast and Jefferson, Me., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. WARREN presented memorials of John Ramsay, of Rock Springs, and of sundry citizens of the State of Wyoming, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN presented a memorial of sundry citizens of Oak Grove and Multnomah, in the State of Oregon, remonstrating against national prohibition, which was referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a petition of Aewas Lake Grange, Patrons of Husbandry, of Tonasket, Wash., praying for the enactment of legislation providing Government ownership of coal mines in Colorado, which was referred to the Committee on Education and Labor.

Mr. THOMAS presented petitions of sundry citizens of Colorado, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

STRIKE SITUATION IN COLORADO.

Mr. THOMAS. I have a document entitled "Statement of the Strike Situation in Colorado," being a report of the special committee appointed to investigate and report to Kensington Council, No. 16, Junior Order United American Mechanics, of Denver, Colo., and I make the request that the same be spread on the columns of the CONGRESSIONAL RECORD. I ask that that be done.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. THOMAS. I may say that the document just offered is one I neither indorse nor disaffirm. I do not pretend to stand sponsor either for the statements or the conclusions which are therein outlined.

The matter referred to is as follows:

STATEMENT OF THE STRIKE SITUATION IN COLORADO.

[A report of the special committee appointed to investigate and report to Kensington Council, No. 16, Junior Order United American Mechanics, Denver, Colo. Unanimously adopted May 19, 1914.]

DENVER, COLO., *May 19, 1914.*

To the officers and members of Kensington Council, No. 16, Junior Order United American Mechanics:

Your committee, appointed to investigate the strike situation in this State, and to prepare a statement in relation thereto, would respectfully make the following report:

Kensington Council, No. 16, Junior Order United American Mechanics, of Denver, Colo., is a patriotic fraternal society. Its only interest in the present strike controversy is as to its effect upon the public welfare. Its membership is composed of professional men, workingmen, and business men, but, so far as we know, not a single member of the council is interested as employee, attorney, employer, or in any other capacity, either directly or indirectly, with either of the parties to the strike controversy now raging in this State.

We feel, therefore, that we have the opportunity and that it is our right and duty to give to the order and to the world an account of causes and effects, past, present, and future, of this ill-starred controversy, and also to submit some reflections as to the remedy.

COLORADO'S COAL FIELDS.

Colorado is a great coal State. We have more than 11,000,000 acres of coal lands, of which by far the greater part still belongs to the United States Government; 473,000 acres belong to the State of Colorado, as trustee for the school fund and other funds. Of these 473,000 acres belonging to the State less than 14,000 are under lease, and of the 14,000 leased to private parties only 5,500 acres are productive. Less than 3 per cent of the vast coal acreage of Colorado is held in private ownership. Less than 5 per cent of the total tonnage of coal mined in Colorado is from lands belonging to the State. The two greatest fields are popularly called the northern and southern, and they are about equal in extent. The unions have, however, looked upon these great fields, employing in normal times about 13,000 men, with avaricious eyes, and have made many attempts to unionize them. In the fall of 1913 emissaries of the union were sent here from Indiana, West Virginia, and other States, and all the power of the United Mine Workers was focused upon the southern fields, and a strike was ordered.

The operators declared that they could get along very well without the union men, and soon, following their usual tactics on such occasions, the union men began to beat up and even to kill nonunion workmen, and on October 28 the National Guard was sent into the district to keep the peace. The They did for six months with the loss of but two lives, one by accident, and the other killed while resisting arrest with arms in his hands, neither being union men.

April 17, 1914, the troops, with the exception of 34 men left at Ludlow, were withdrawn, because the State auditor had thrown every possible obstacle in the path to prevent the payment of the troops or of providing for their support in the field.

Immediately upon their withdrawal pillage, arson, and murder broke out in their most horrible form. April 20 [illegible] the battle of Ludlow.

THE BATTLE OF LUDLOW.

The strikers' tent colony at Ludlow was an armed camp under strict control of the union leaders, and was peopled by a class of persons graphically described in the report of the military commission as "ignorant, lawless, and savage south European peasants." They spoke 20 or more different languages, and most of them could not speak English at all. While they were of many nationalities, the Greeks predominated, especially as a fighting force.

The tent colony was purposely so located as to command an unobstructed view of the railroad depot near at hand, where workingmen were obliged to get on and off of the trains. The conduct of the strikers during the winter was such that it was necessary to send a detail of soldiers to meet every train, in order to protect the nonunion men from physical violence.

No man wishing to leave the colony and go to work could do so except under guard of the State troops, and during the winter over a hundred men were in this way taken from the tent colony under military guard at their own request.

April 20 a detail of men was sent in the usual manner to rescue a man who had called for help to get away, and, as usual, the negotiations were had with Louis Tikas. This time, for some reason, the man was not given up, and instead the Greeks took to the hills and appeared to be preparing for action, while the women and children ran to the shelter of a deep gulch north of the colony. There were only 34 soldiers on duty, and they were scattered in small groups, most of them being 2 or 3 miles away. Tikas went back to his Greeks, promising to call them back to the colony, but failed to do so. The soldiers saw the Greeks running to the hills and taking possession of vantage points around them, but their officers would not allow them to fire until the strikers first opened fire on them. This is one of the many instances showing that while the soldiers suffered from all the dangers and liabilities of war they were prevented from taking advantage of its privileges. Had the soldiers been free to fight their enemies, the Greeks would never have rescued the hills and the battle would have been much shorter. As it was, when the firing from the Greeks had lasted long enough to show that they really meant business the troops returned it, and then these 34 soldiers fought and held at bay several hundred foreigners from 10 a. m. until 2 p. m., when reinforcements began to arrive, though at the most there were only about 120 soldiers engaged. The number of strikers engaged has been variously estimated at from 400 to 800 men. They were heavily armed with the latest and best models of high-power rifles, although their leaders had solemnly assured the State government that they had surrendered their arms. They used explosive bullets and so-called "poisoned" bullets (both expressly forbidden by the rules of civilized warfare), and some of their ammunition was manufactured in Greece. They were amply supplied with ammunition, over 15,000 rounds having been found in John Lawson's tent after the battle.

When the reinforcements arrived the soldiers began to press forward and steadily drove the Greeks back until they took a range of sand hills where a soldier named Martin was wounded. The fire of the Greeks was concentrated upon this position, and the soldiers were unable to hold the hills. There were but four men in the detachment with

Accordingly the committee rose; and Mr HAY having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657, relating to unlawful restraints and monopolies, and had come to no resolution thereon.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 152. Joint resolution authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases; to the Committee on Foreign Affairs.

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries; to the Committee on Foreign Affairs.

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress; to the Committee on Foreign Affairs.

S. J. Res. 153. Joint resolution authorizing the President to accept an invitation to participate in an International Congress on Neurology, Psychiatry, and Psychology; to the Committee on Foreign Affairs.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

WITHDRAWAL OF PAPERS.

Mr. ANDERSON, by unanimous consent, was given leave to withdraw from the files of the House pension papers in the case of Bridget Thomas, H. R. 7313, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. NEELY of West Virginia, for five days, on account of illness.

To Mr. GRAHAM of Illinois, for one week, on account of important business.

To Mr. BELL of Georgia, for two days, on account of illness.

To Mr. ROGERS, further leave, on account of illness in his family.

ADJOURNMENT.

And then, on motion of Mr. WEBB (at 6 o'clock and 6 minutes p. m.) the House, under the special rule, adjourned until tomorrow, Friday, May 29, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting an item of appropriation for remodeling, repair, or improvement of the old customhouse and postoffice building at New Orleans, La. (H. Doc. No. 1002); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 15983) to restore homestead rights in certain cases, reported the same with amendment, accompanied by a report (No. 722), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation, in Wyoming, reported the same with amendment, accompanied by a report (No. 723), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAUNDERS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16269) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes, reported the same with amendment, accompanied by a report (No. 724), which said bill and report were referred to the House Calendar.

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16783) providing for the taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as the manner of enforcing payment thereof, reported the same without amendment, accompanied by a report (No. 725), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 16897) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. ALLEN: A bill (H. R. 16898) authorizing the Secretary of War to donate to the Union Veteran Legion, No. 12, of Cincinnati, Ohio, one mortar or cannon; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 16899) providing an additional appropriation for the Federal building at Bellaire, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 16900) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately; to the Committee on Agriculture.

By Mr. RAKER: A bill (H. R. 16901) to authorize the Secretary of Agriculture to locate and construct a public highway in the Trinity National Forest, in Trinity County, Cal., and for other purposes; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 16902) for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific International Exposition, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE of South Dakota: A bill (H. R. 16903) to increase the limit of cost for the construction of a public building at Aberdeen, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 16904) to facilitate the use of square No. 673, in the city of Washington, for storage warehouse purposes; to the Committee on the District of Columbia.

By Mr. SHERWOOD: A bill (H. R. 16905) providing for the purchase of a site and the erection thereon of a public building at Port Clinton, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 16906) providing for issuance of noninterest-bearing bonds by States, Territories, counties, townships, municipalities, or incorporated towns or villages for public improvement purposes, and issuance of Treasury notes secured by same, and for other purposes; to the Committee on Banking and Currency.

By Mr. MITCHELL: A bill (H. R. 16907) authorizing the Secretary of War to donate to the city of Waltham, Mass., two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

By Mr. TREADWAY: Resolution (H. Res. 528) directing the Secretary of the Navy to furnish information relative to certain appropriations under the act of March 4, 1911; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 16908) granting an increase of pension to William P. Gwin; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 16909) granting a pension to Dora Dee Walker; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 16910) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16911) granting an increase of pension to Ferdinand Hermann; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16912) granting a pension to Maria C. Haney; to the Committee on Invalid Pensions.

By Mr. KINDEL: A bill (H. R. 16913) granting a pension to Almira Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16914) granting a pension to Lucy J. Lindsey; to the Committee on Pensions.

Also, a bill (H. R. 16915) granting an increase of pension to Jacob S. Fritz; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16916) granting an increase of pension to Frederick Weber; to the Committee on Invalid Pensions.

By Mr. LOGUE: A bill (H. R. 16917) granting a pension to Sarah C. Dalsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16918) granting a pension to Margaret Lauber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16919) granting a pension to Ellwood I. Beatty; to the Committee on Pensions.

Also, a bill (H. R. 16920) for the relief of the legal representatives of Donnelly & Egan, deceased; to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 16921) granting an increase of pension to James Cleveland; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 16922) for the relief of the legal representatives of John F. Anderson; to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 16923) granting an increase of pension to William L. Chalk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16924) granting an increase of pension to James Kinzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16925) granting an increase of pension to Henry W Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16926) granting an increase of pension to Amos Poe; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 16927) granting a pension to Mary A. Keller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the General Society of the Cincinnati, favoring official participation by this Government in celebration of "One hundred years of peace between English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), petition of 118 citizens of Eolia, Mo., favoring national prohibition; to the Committee on Rules.

Also (by request), resolutions from certain citizens of St. Charles County, Mo., protesting against the adoption of a national prohibition amendment; to the Committee on Rules.

Also (by request), resolutions of certain citizens of Ebeyn, Pa.; Wichita, Kans.; Milan, Minn.; Los Angeles, Cal.; Homer City, Pa.; Broomall, Pa.; and Springfield, Mass., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the American Association of Title Men, protesting against the registration of land titles; to the Committee on Banking and Currency.

By Mr. ANDERSON: Petition of the Presbytery of Winona, Minn., consisting of 53 churches, 18 pastors, and 2,322 members, favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petitions of 235 citizens of Pittsburgh and sundry citizens of Mount Lebanon and Castle Shannon, all in the State of Pennsylvania, against national prohibition; to the Committee on Rules.

Also, petitions of the First Presbyterian Church of Homestead, Pa., and the Woman's Christian Temperance Union of Coraopolis, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petitions of 49 citizens of Garrettsville, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BUTLER: Petitions of sundry citizens of Spring City, Conteaville, Ruttledge, Morton, Chester County, Wayne, East Lansdowne, the Woman's Christian Temperance Union of Lansdowne, Clifton, Collingswood, West Chester, Chester, and the Middletown Woman's Christian Temperance Union, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of the Business Men's Association of Contesville, Pa., favoring retirement of the aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of Pennsylvania, favoring the eighteenth amendment to the United States Constitution; to the Committee on the Judiciary.

Also (by request), memorial of the Board of Trade of Chester, Pa., favoring Government ownership of the telephone systems of the United States; to the Committee on the Judiciary.

By Mr. CURRY: Petition of the Methodist Episcopal Church of Calistoga, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petitions of 3 citizens and residents of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of Mrs. John Stark and 12 other citizens and residents of Vallejo, Cal., in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Mr. E. Kern, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the United States customs inspectors, port of New York, favoring the passage of House bill 15764, relative to salaries of inspectors of customs; to the Committee on Ways and Means.

Also, petition of the Corby Commission Co., of New York, on behalf of the Columbia River Packers' Association, of Astoria, Oreg., protesting against prevention of fishermen using gill nets in the Columbia River; to the Committee on the Merchant Marine and Fisheries.

By Mr. DERSHEM: Petition of various voting citizens of Payne Creek, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of various business men of Danbury, Conn., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. FALCONER: Memorial of the United Daughters of the Confederacy, relative to matter of cotton tax collected from 1862 to 1868; to the Committee on War Claims.

By Mr. FITZGERALD: Petitions of 146 citizens of the seventh congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. GILLETT: Petition of 52 citizens of the second congressional district of Massachusetts and 30 citizens of Montago, Mass., protesting against national prohibition; to the Committee on Rules.

Also, petition of 161 citizens of the second congressional district of Massachusetts, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Petition of sundry citizens of Cattaraugus County, N. Y., and Franklinville, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Tacoma, Elma, Raymond, Yacolt, Chehalis town and county, and South Bend, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

Also, memorial of sundry citizens of Roslyn, Wash., urging settlement of industrial disputes; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ridgefield, Wash., protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Ridgefield, Wash., favoring passage of a bill to amend the postal and civil-service laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Algona, Auburn, and Pacific, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. KELLY of Pennsylvania: Petition of 427 citizens of Turtle Creek, 450 citizens of Pittsburgh, and 250 citizens of East Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the Chamber of Commerce of Providence, R. I., against enactment of bill to create an interstate trade commission until ample time has been given for consideration of the same; to the Committee on Interstate and Foreign Commerce.

Accordingly the committee rose; and Mr HAY having taken the chair as Speaker pro tempore, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 15657, relating to unlawful restraints and monopolies, and had come to no resolution thereon.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2, Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. J. Res. 152. Joint resolution authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases; to the Committee on Foreign Affairs.

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries; to the Committee on Foreign Affairs.

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress; to the Committee on Foreign Affairs.

S. J. Res. 153. Joint resolution authorizing the President to accept an invitation to participate in an International Congress on Neurology, Psychiatry, and Psychology; to the Committee on Foreign Affairs.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 264. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Congress of Chambers of Commerce and Commercial and Industrial Associations.

WITHDRAWAL OF PAPERS.

Mr. ANDERSON, by unanimous consent, was given leave to withdraw from the files of the House pension papers in the case of Bridget Thomas, H. R. 7313, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence were granted as follows:

To Mr. NEELY of West Virginia, for five days, on account of illness.

To Mr. GRAHAM of Illinois, for one week, on account of important business.

To Mr. BELL of Georgia, for two days, on account of illness.

To Mr. ROGERS, further leave, on account of illness in his family.

ADJOURNMENT.

And then, on motion of Mr. WEBB (at 6 o'clock and 6 minutes p. m.) the House, under the special rule, adjourned until tomorrow, Friday, May 29, 1914, at 11 o'clock a. m.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, submitting an item of appropriation for remodeling, repair, or improvement of the old customhouse and postoffice building at New Orleans, La. (H. Doc. No. 1002); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERGUSSON, from the Committee on the Public Lands, to which was referred the bill (H. R. 12050) reserving from entry, location, or sale lots 1 and 2, in section 33, township 13 south, range 4 west, New Mexico prime meridian, in Sierra County, N. Mex., and for other purposes, reported the same without amendment, accompanied by a report (No. 721), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. FERRIS, from the Committee on the Public Lands, to which was referred the bill (H. R. 15983) to restore homestead rights in certain cases, reported the same with amendment, accompanied by a report (No. 722), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHURCH, from the Committee on the Public Lands, to which was referred the bill (H. R. 92) to extend the general land laws to the former Fort Bridger Military Reservation, in Wyoming, reported the same with amendment, accompanied by a report (No. 723), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SAUNDERS, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill (H. R. 16269) to regulate the taking or catching of sponges in the waters of the Gulf of Mexico and the Straits of Florida outside of State jurisdiction; the landing, delivering, curing, selling, or possession of the same; providing means of enforcement of the same, and for other purposes, reported the same with amendment, accompanied by a report (No. 724), which said bill and report were referred to the House Calendar.

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the bill (H. R. 16783) providing for the taxation of and fixing the rate of taxation on inheritances, devises, bequests, legacies, and gifts in the District of Columbia, and providing for the manner of payment as well as the manner of enforcing payment thereof, reported the same without amendment, accompanied by a report (No. 725), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 16897) to tax the privilege of dealing on exchanges, boards of trade, and similar places in contracts of sale of cotton for future delivery, and for other purposes; to the Committee on Agriculture.

By Mr. ALLEN: A bill (H. R 16898) authorizing the Secretary of War to donate to the Union Veteran Legion, No. 12, of Cincinnati, Ohio, one mortar or cannon; to the Committee on Military Affairs.

By Mr. FRANCIS: A bill (H. R. 16899) providing an additional appropriation for the Federal building at Bellaire, Ohio; to the Committee on Public Buildings and Grounds.

By Mr. ASWELL: A bill (H. R. 16900) to regulate trading in cotton futures and provide for the standardization of "upland" and "gulf" cottons separately; to the Committee on Agriculture.

By Mr. RAKER: A bill (H. R. 16901) to authorize the Secretary of Agriculture to locate and construct a public highway in the Trinity National Forest, in Trinity County, Cal., and for other purposes; to the Committee on Agriculture.

By Mr. KAHN: A bill (H. R. 16902) for the coinage of certain gold and silver coins in commemoration of the Panama-Pacific International Exposition, and for other purposes; to the Committee on Coinage, Weights, and Measures.

By Mr. BURKE of South Dakota: A bill (H. R. 16903) to increase the limit of cost for the construction of a public building at Aberdeen, S. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. MONTAGUE: A bill (H. R. 16904) to facilitate the use of square No. 673, in the city of Washington, for storage warehouse purposes; to the Committee on the District of Columbia.

By Mr. SHERWOOD: A bill (H. R. 16905) providing for the purchase of a site and the erection thereon of a public building at Port Clinton, in the State of Ohio; to the Committee on Public Buildings and Grounds.

Also (by request), a bill (H. R. 16906) providing for issuance of noninterest-bearing bonds by States, Territories, counties, townships, municipalities, or incorporated towns or villages for public improvement purposes, and issuance of Treasury notes secured by same, and for other purposes; to the Committee on Banking and Currency.

By Mr. MITCHELL: A bill (H. R. 16907) authorizing the Secretary of War to donate to the city of Waltham, Mass., two bronze or brass cannon or fieldpieces with their carriages; to the Committee on Military Affairs.

By Mr. TREADWAY: Resolution (H. Res. 528) directing the Secretary of the Navy to furnish information relative to certain appropriations under the act of March 4, 1911; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURNETT: A bill (H. R. 16908) granting an increase of pension to William P. Gwin; to the Committee on Pensions.

By Mr. BYRNES of South Carolina: A bill (H. R. 16909) granting a pension to Dora Dee Walker; to the Committee on Pensions.

By Mr. CLAYPOOL: A bill (H. R. 16910) granting an increase of pension to Thomas C. Rodgers; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16911) granting an increase of pension to Ferdinand Hermann; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 16912) granting a pension to Maria C. Haney; to the Committee on Invalid Pensions.

By Mr. KINDEL: A bill (H. R. 16913) granting a pension to Almira Graham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16914) granting a pension to Lucy J. Lindsey; to the Committee on Pensions.

Also, a bill (H. R. 16915) granting an increase of pension to Jacob S. Fritz; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 16916) granting an increase of pension to Frederick Weber; to the Committee on Invalid Pensions.

By Mr. LOGUE: A bill (H. R. 16917) granting a pension to Sarah C. Daisey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16918) granting a pension to Margaret Lauber; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16919) granting a pension to Ellwood I. Beatty; to the Committee on Pensions.

Also, a bill (H. R. 16920) for the relief of the legal representatives of Donnelly & Egan, deceased; to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 16921) granting an increase of pension to James Cleveland; to the Committee on Invalid Pensions.

By Mr. MOON: A bill (H. R. 16922) for the relief of the legal representatives of John F. Anderson; to the Committee on War Claims.

By Mr. MURDOCK: A bill (H. R. 16923) granting an increase of pension to William L. Chalk; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16924) granting an increase of pension to James Kinzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16925) granting an increase of pension to Henry W Morgan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 16926) granting an increase of pension to Amos Poe; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 16927) granting a pension to Mary A. Keller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of the General Society of the Cincinnati, favoring official participation by this Government in celebration of "One hundred years of peace between English-speaking peoples"; to the Committee on Foreign Affairs.

Also (by request), petition of 118 citizens of Eolia, Mo., favoring national prohibition; to the Committee on Rules.

Also (by request), resolutions from certain citizens of St. Charles County, Mo., protesting against the adoption of a national prohibition amendment; to the Committee on Rules.

Also (by request), resolutions of certain citizens of Eboyn, Pa.; Wichita, Kans.; Milan, Minn.; Los Angeles, Cal.; Homer City, Pa.; Broomall, Pa.; and Springfield, Mass., protesting against the practice of polygamy in the United States; to the Committee on the Judiciary.

By Mr. ALLEN: Memorial of the American Association of Title Men, protesting against the registration of land titles; to the Committee on Banking and Currency.

By Mr. ANDERSON: Petition of the Presbytery of Winona, Minn., consisting of 53 churches, 18 pastors, and 2,322 members, favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petitions of 235 citizens of Pittsburgh and sundry citizens of Mount Lebanon and Castle Shannon, all in the State of Pennsylvania, against national prohibition; to the Committee on Rules.

Also, petitions of the First Presbyterian Church of Homestead, Pa., and the Woman's Christian Temperance Union of Cornopolis, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BATHRICK: Petitions of 49 citizens of Garrettsville, Ohio, favoring national prohibition; to the Committee on Rules.

By Mr. BUTLER: Petitions of sundry citizens of Spring City, Contesville, Rutledge, Morton, Chester County, Wayne, East Lansdowne, the Woman's Christian Temperance Union of Lansdowne, Clifton, Collingswood, West Chester, Chester, and the Middletown Woman's Christian Temperance Union, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

Also, petition of the Business Men's Association of Coatesville, Pa., favoring retirement of the aged civil-service employees; to the Committee on Reform in the Civil Service.

Also, petition of sundry citizens of Pennsylvania, favoring the eighteenth amendment to the United States Constitution; to the Committee on the Judiciary.

Also (by request), memorial of the Board of Trade of Chester, Pa., favoring Government ownership of the telephone systems of the United States; to the Committee on the Judiciary.

By Mr. CURRY: Petition of the Methodist Episcopal Church of Calistoga, Cal., in favor of national prohibition; to the Committee on Rules.

Also, petitions of 3 citizens and residents of Sacramento, Cal., protesting against national prohibition; to the Committee on Rules.

Also, petition of Mrs. John Stark and 12 other citizens and residents of Vallejo, Cal., in favor of national prohibition; to the Committee on Rules.

By Mr. DALE: Petition of Mr. E. Kern, of Brooklyn, N. Y., protesting against national prohibition; to the Committee on Rules.

Also, petition of the United States customs inspectors, port of New York, favoring the passage of House bill 15764, relative to salaries of inspectors of customs; to the Committee on Ways and Means.

Also, petition of the Corby Commission Co., of New York, on behalf of the Columbia River Packers' Association, of Astoria, Oreg., protesting against prevention of fishermen using gill nets in the Columbia River; to the Committee on the Merchant Marine and Fisheries.

By Mr. DERSHEM: Petition of various voting citizens of Payne Creek, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. DONOVAN: Petition of various business men of Danbury, Conn., favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. FALCONER: Memorial of the United Daughters of the Confederacy, relative to matter of cotton tax collected from 1862 to 1868; to the Committee on War Claims.

By Mr. FITZGERALD: Petitions of 146 citizens of the seventh congressional district of New York, against national prohibition; to the Committee on Rules.

By Mr. GILLETT: Petition of 52 citizens of the second congressional district of Massachusetts and 30 citizens of Montago, Mass., protesting against national prohibition; to the Committee on Rules.

Also, petition of 161 citizens of the second congressional district of Massachusetts, favoring passage of House bill 5308, relative to taxing mail-order houses; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of the Pennsylvania Retail Jewelers' Association, favoring Owen-Goeke bill to eliminate time guaranty on gold filled watchcases; to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON of New York: Petition of sundry citizens of Cattaraugus County, N. Y., and Franklinville, N. Y., favoring national prohibition; to the Committee on Rules.

By Mr. HUMPHREY of Washington: Petitions of sundry citizens of Washington State, against national prohibition; to the Committee on Rules.

By Mr. JOHNSON of Washington: Petitions of sundry citizens of Tacoma, Elma, Raymond, Yacolt, Chehalis town and county, and South Bend, all in the State of Washington, protesting against national prohibition; to the Committee on Rules.

Also, memorial of sundry citizens of Roslyn, Wash., urging settlement of industrial disputes; to the Committee on the Judiciary.

Also, petition of sundry citizens of Ridgefield, Wash., protesting against the passage of the Sunday-observance bill; to the Committee on the District of Columbia.

Also, petition of sundry citizens of Ridgefield, Wash., favoring passage of a bill to amend the postal and civil-service laws; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of Algona, Auburn, and Pacific, all in the State of Washington, favoring national prohibition; to the Committee on Rules.

By Mr. KELLY of Pennsylvania: Petition of 427 citizens of Turtle Creek, 450 citizens of Pittsburgh, and 250 citizens of East Pittsburgh, all in the State of Pennsylvania, favoring national prohibition; to the Committee on Rules.

By Mr. KENNEDY of Rhode Island: Petition of the Chamber of Commerce of Providence, R. I., against enactment of bill to create an interstate trade commission until ample time has been given for consideration of the same; to the Committee on Interstate and Foreign Commerce.

Mr. DICKINSON. Yes.

Mr. ALEXANDER. This is not new language. I think this is language, in hæc verba, of section 7 of the Sherman anti-trust law.

Mr. WEBB. This is absolutely taken from section 7 of the Sherman antitrust law.

Mr. CULLOP. Will the gentleman permit a question right there?

Mr. FLOYD of Arkansas. Let me read the language of section 7. It says "in the district in which the defendant resides or is found," and, this being supplemental, it was intended to make it read and give it the same effect as in the Sherman law.

Mr. CULLOP. But "is found." A corporation does not move around; it is a stationary affair, and its residence is some place fixed in its articles of incorporation. Now, then, it is stationary. It is the agent who moves around, and then either the law or the by-laws of the corporation provide who are the persons upon whom service can be made to bring them into court; but if you fix it "any agent," as I have suggested, then you have it that wherever there is an agency in any State or District in the Union you can get a valid service if they have any such agent, and then you get it by the law, as most of the States have a statute.

Mr. FLOYD of Arkansas. If the gentleman will permit, I desire again to call his attention to the fact that individuals may be guilty of violating this provision the same as corporations, and that individuals do not necessarily have agents, and it is necessary that we retain this provision in the bill as it is written, in order to give service upon individuals, and corporations are found wherever they are engaged in business and wherever they have agents.

Mr. CULLOP. But individuals doing an interstate business.

Mr. FLOYD of Arkansas. We have here a provision in reference to service that is incorporated in the original act which we are proposing to supplement, so why not follow the language of the Sherman Act in that regard, for that is all we do.

Mr. GARNER. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. Has the Supreme Court ever passed on that language of the Sherman Act "is found"?

Mr. FLOYD of Arkansas. I do not think so. It is the language of the statute in my State and I think in many others.

Mr. GARNER. Does the gentleman know in investigating this matter or has he run across any decision of the Supreme Court construing that language in the Sherman antitrust law?

Mr. FLOYD of Arkansas. I never did. I never heard of any complaint in regard to it, and in this bill the provisions with reference to service follow the original Sherman law. It has the approval of the Attorney General's office, and there never has been any difficulty about the interpretation of the Sherman law as to service. And so in passing supplementary legislation we should, I think, content ourselves in that regard with the terms of the Sherman law.

Mr. CULLOP. May I suggest to the gentleman from Arkansas that every suit which has arisen under the Sherman antitrust law has been brought at the home of the corporation itself, or at its principal place of business, and therefore there was no occasion to construe this language. "is found," which is ambiguous and uncertain. If you are to construe "is found," you will have to construe that as the place of the residence of the corporation, because it is not migratory. You can not get service upon some person traveling throughout the country and hold your jurisdiction throughout that territory.

Mr. CARLIN. Why should not the suit be brought in the habitat of the corporation? We have been successful so far in that matter.

Mr. CULLOP. In this case for the very best reason, I think. The gentleman from Virginia [Mr. CARLIN] now has disclosed the purpose of this language, and that is why I am combating it, and for the best of reasons, I think. I do not want to make a resident of California come to Trenton, N. J., to bring a suit for violation of this law, but I want him to sue at home in the jurisdiction where the cause of action arose.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. FLOYD] has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, other gentlemen have taken my time, and I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent for five minutes more. Is there objection?

There was no objection.

Mr. DICKINSON. Mr Chairman, merely for the purpose of a question. I want to ask the distinguished gentleman from Arkansas whether some similar amendment has not been suggested by a distinguished representative of the Government now engaged in prosecution under the Sherman antitrust law, extending the language, after the word "found," so as to make it clear and certain?

Mr. FLOYD of Arkansas. There has been such a suggestion made by Mr. Dickinson, who is now engaged in prosecuting the Steel Trust for the Government. But this language is broader than the language you contend for. I contend when you leave the words "is found" in the law you can get service on an individual anywhere within the jurisdiction in which he happens to be found and upon a corporation in any place where it is doing business or has an officer or agent upon whom service may be had; and the words of the proposed amendment are words of limitation.

As this is supplementary legislation to the Sherman law, I would ask some of these distinguished gentlemen to explain to me what reason or what policy would require or justify that we should provide one rule as to service under the original law which we do not repeal nor modify in that regard, and a different rule for bringing suits under this supplementary law. The suggestion was made by the Attorney General, as I understand, so as to harmonize the provisions of the proposed law with those of the existing law and to give the Government the widest possible scope in getting service in these cases, and the provision is right as it is written and ought not to be changed.

Mr. GARNER. Will the gentleman yield for a question?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. The gentleman says this gives the broadest scope possible for the bringing of suits against agents and others. Can the gentleman point out under the Sherman antitrust law any suit that has been brought against a corporation outside of the jurisdiction of its home?

Mr. FLOYD of Arkansas. I can not.

Mr. GARNER. If there has been no suit in these 20 years——

Mr. FLOYD of Arkansas. I do not say there has not. I say that I have not investigated that point.

Mr. GARNER. I was going to assume that there were no suits brought against a corporation except in the jurisdiction of its home, and the prosecuting officers must have assumed that was the only place they had jurisdiction or else there would have been some suit somewhere brought outside of the jurisdiction of the home of that corporation.

Mr. FLOYD of Arkansas. I do not deny or affirm that. I have not investigated that question.

Mr. GARNER. The very fact that there have not been any suits brought in these 20 years——

Mr. FLOYD of Arkansas. I do not admit there have not. I do not concede the fact stated.

Mr. GARNER. I was asking the gentleman that question.

Mr. ALEXANDER. If the gentleman will yield, I think that there are two suits pending in New York against foreign shipping lines for violation of the Sherman antitrust law.

Mr. CULLOP. Now, will the gentleman yield to me for a question?

Mr. FLOYD of Arkansas. You see in this——

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. FLOYD] has again expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent that he have five minutes more.

The CHAIRMAN. The gentleman from Indiana [Mr. CULLOP] asks unanimous consent that the gentleman from Arkansas have five minutes more. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, we have given the gentleman from Arkansas five minutes once or twice, and what do we find? He did not have five seconds of the time. Now, what a farce it is to give the gentleman from Arkansas five minutes and let some one else use the five minutes. Probably there is not another Member of this House who can explain or illuminate this question as the gentleman from Arkansas [Mr. FLOYD], and Members who know nothing whatever of the subject can not get the benefit of what he has to say.

I withdraw my objection.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CULLOP. Now, Mr. Chairman, I desire to ask this: You say it is provided in this that where the defendant is found——

Mr. FLOYD of Arkansas. Resides or is found.

Mr. CULLOP. Resides or is found?

Mr. FLOYD of Arkansas. Yes.

Mr. CULLOP. Now, under that language you could not get jurisdiction of the defendant by serving process on an agent, unless you have fixed in the law that service upon the agent will give jurisdiction of the corporation. So that you add

nothing whatever to this in any respect, except, as I take it, to fix the place of the residence of the corporation. I ask the gentleman, is it legal to serve process on an agent, and is jurisdiction obtained by such service, unless the law makes him an agent upon whom service of process will confer jurisdiction against the corporation?

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. When does the time of the gentleman from Arkansas [Mr. FLOYD] begin? When did the gentleman take the floor?

The CHAIRMAN. The Chair will state that his time is running now.

Mr. FLOYD of Arkansas. Mr. Chairman, in answer to the gentleman from Indiana, I think it would be a very dangerous practice for us here, in the heat of debate, with differing opinions, to amend a provision relating to service of process, when the very language that is incorporated in this bill has been written in the existing law for 24 years, and there has never been any complaint from any source concerning it, nor any confusion about it; and when the Attorney General of the United States, who was heretofore connected with one of the most notable trust suits that has ever been brought and is now in control of all trust suits now pending, asks us to fix the service in this supplementary legislation in the exact words in which it is found in the existing law.

We followed his judgment. We believe we did right in following it, and we think this House will be wise in following his judgment, because we are not amending the Sherman law. We are merely supplementing it by additional legislation; and there it stands, just as it is written. We are proposing new and supplementary legislation, and in doing so you are proposing by these amendments offered to fix a different rule for service of process in this bill from that provided in the original act. Gentlemen talk about confusion. This would bring confusion. A person in bringing suit under the original Sherman law would obtain service wherever the person or corporation resides or is found, but in bringing suit under the supplementary legislation he would have to follow this new statute and the new rule relating to service injected into it. In the interest of harmony, and especially when there is no objection to the Sherman law in that regard, especially when the highest legal officer in this Government, charged with the enforcement of the law, has recommended it, we feel that we ought to bow to his judgment and reject the amendments proposed. We believe this House would do well to follow recommendations of your committee and leave the provisions relating to service as they are in the bill. The same language used here occurs in other sections further on in the bill. Why have two rules for service in the enforcement of the antitrust laws of this country? Why have one rule in the original Sherman law as it is written and another rule in the supplemental provisions thereto proposed in this bill, which are intended to broaden and extend the provisions of the Sherman Act, without attempting to curtail or cut short in any respect the virtue, power, and efficacy of that law as it is written?

Mr. GARNER. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. GARNER. Would the gentleman favor a statute which would permit service on an agent?

Mr. FLOYD of Arkansas. I think you can get service on an agent under this provision. I do not know how you can sue a railroad corporation unless you get your service on an agent.

Mr. GARNER. If the gentleman finds, upon further investigation, that this provision would not permit it, then would the gentleman object to an amendment?

Mr. FLOYD of Arkansas. If, on mature investigation, we find that any provision of this bill is defective in any way and will not carry out the purpose for which it is intended, I assure the gentleman that nobody will be more willing to accept such an amendment than your committee; but I appeal to you not to change these provisions hastily, in the heat of debate. I think the provisions relating to service properly drafted as they appear in the bill, and that the proposed amendment and others suggested in the debate would narrow the scope of the provisions as drawn. I hope that the amendment will be rejected and that section 5 will not be amended, as the words objected to are a verbatim copy of language used in section 7 of the Sherman Act, proposed for reenactment here so as to make this supplementary legislation harmonize with the existing law.

Mr. SCOTT. Mr. Chairman, I believe the language both in the Sherman law and in this particular section was advisedly used. I think some of the gentlemen on the other side have forgotten some of the occasions when they found it necessary to look up the decisions on this question. It is not a new or unsettled question. The expression "found" as used in connection with Federal jurisdiction of corporations means where the corporation is doing business. A corporation must submit the jurisdiction of the Federal court either in the home of the corporation, which is the State that creates it, or in some other district or State where it is found doing business. And that does not mean merely where it has an agent or an agency, because many times corporations have an agent or an agency in a State and is not doing business within the jurisdiction clauses of the statutes.

Mr. SUMNERS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. SUMNERS. Does it not occur to the gentleman that since this bill contemplates suits may be brought by private individuals, that they be permitted to bring suit where the wrong is done and follow the old rule of procedure?

Mr. SCOTT. You could not adopt any method that would introduce more confusion into the law than that, because the question as to where the cause of action accrued is very often one of great difficulty to decide. It is a matter over which State statutes have no control.

The statute, as suggested by the gentleman from Indiana, of his State could have no effect of conferring jurisdiction on the Federal courts. While I do not think it would harm the section to say "found doing business," because that is what the expression means, it would introduce confusion to use the expression "agent or agency," because that has no limitations in the Federal decisions up to the present time. The expression "found doing business" has become fairly well defined.

The gentleman from Indiana is again mistaken when he says that there have been no suits brought to enforce the Sherman antitrust law except at the home of the corporation. I hope he has not forgotten the great Beef Trust prosecutions—a New Jersey corporation was a defendant—which were tried out in Chicago.

Mr. SUMNERS. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. SUMNERS. Does the gentleman believe that if a private individual in California, wronged by a corporation that has its domicile in New York, was forced to resort to the courts in New York you would practically deprive that man of an opportunity, if he was an ordinary citizen, of pursuing the remedy which the law provided?

Mr. SCOTT. You do not do that, because he could always bring suit in California if he can find anyone upon whom to serve process. He brings it in the State court, and the corporation at once takes it to the Federal court. That has been the history and procedure.

Mr. DICKINSON. Will the gentleman yield?

Mr. SCOTT. Yes.

Mr. DICKINSON. Take a New Jersey corporation doing business in Texas and doing business in Illinois. It may commit no violation of the law, no wrong, no damage in Texas; and if so, a suit ought not to be brought there. If this same corporation does some one an injury, does do damage in Illinois, ought not the suit to be brought there? I give the widest liberty of bringing suits where the damage is done and where the action arose. My amendment seeks to be fair both to the corporation and to the person and to the plaintiff.

Mr. SCOTT. I could not conceive that anything would deprive the plaintiff of his right to choose the place of trial if he so desired, either in the district where found or where the corporation resides.

Mr. LEVY. Mr. Chairman, this bill is full of ambiguities. The trouble with it is that it will take 20 years to decide what it means, as it did the Sherman antitrust law. The discussion of this bill here has proved conclusively how dangerous it is to interfere with the business relations and rights of citizens all over the country. I claim that these provisions in this bill at the present time are disastrous to the business of the United States. Let me read to you a resolution or petition made by three of the largest manufacturing associations in the world:

> We, the undersigned, representing the National Implement and Vehicle Association, the Ohio Manufacturers' Association, and the Illinois Manufacturers' Association, in which States the manufacturing industry represents 33,164 factories, employing 1,084,000 employees, with an annual pay roll of $782,365,000, desire to cooperate with the Congress in legislation which will eliminate business abuses.
>
> We favor an interstate trade commission properly regulated, but we are opposed to all legislation which is discriminatory, and we ask that all other business legislation be deferred until the business men of the United States can become acquainted with the proposed laws, of which they are now entirely ignorant.

Mr. WEBB. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Mr. WEBB. If there is any doubt, and the gentleman will offer an amendment to cure it, the committee will accept it.

Mr. GARDNER. I should prefer to have the gentleman from North Carolina do that. It is a rather embarrassing thing for me to do, seeing that the United Shoe Machinery Co. is situated in my district. The gentleman from Massachusetts [Mr. PHELAN] can give the gentleman from North Carolina [Mr. WEBB] full information as to the facts.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

Mr. DICKINSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 22, in line 22, after the word "found" strike out the comma and insert the words "doing business and the cause of action may accrue."

Mr. DICKINSON. Mr. Chairman, I have prepared this amendment to be inserted after the word "found" in section 6—the words "doing business and the cause of action may accrue;" and I have also prepared an amendment to be inserted in section 10 after the word "found," using the same language.

Mr. CULLOP. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Missouri yield to the gentleman from Indiana?

Mr. DICKINSON. As I have only five minutes, I prefer to proceed for a few minutes, and then when I have made my statement I will ask for additional time, for the purpose of responding to any questions, if consent is given.

On last Saturday, during the general debate, I made some suggestions with reference to adding some language after the word "found" in section 10, which reads as follows:

SEC. 10. That any suit, action, or proceeding under the antitrust laws against a corporation may be brought not only in the judicial district whereof it is an inhabitant, but also in any district wherein it may be found.

Upon considering the bill, it seemed to me that the same amendment ought to be offered on page 22, in section 5, after the word "found," which says:

That any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws, may sue therefor in any district court of the United States in the district in which the defendant resides or is found.

You will note that on page 20, at the end of section 1, the following language is used:

The word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

I have been told that the language used in these sections is the same language as that used in the Sherman antitrust law. I am informed that the same suggestion I now offer has been made by a distinguished judge who is dealing with this class of legislation and prosecutions under the antitrust law.

Mr. FLOYD of Arkansas. Will the gentleman yield, with regard to the last suggestion?

Mr. DICKINSON. I yield to the gentleman from Arkansas.

Mr. FLOYD of Arkansas. That last suggestion follows the words of the Sherman law, and I never heard any complaint about it:

The word "person" or "persons" wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Mr. DICKINSON. Yes.

Mr. FLOYD of Arkansas. We simply copied the language of the Sherman law.

Mr. DICKINSON. I understand that; but let me proceed further for a moment. I want to call the attention of members of the committee to the fact that this law seeks to provide for an action, suit, proceeding, or trial in the judicial district where the corporation, as mentioned specifically in section 10, is an inhabitant. I want to call attention to the fact that a corporation is an inhabitant of the State where it gets its incorporation, and which it selects as its place of residence. Speaking for a moment with reference to the corporation as distinguished from the person, in section 10, when you use the language—

And also in any district wherein it may be found—

How are you going to find a corporation for the purposes of jurisdiction, not for the purposes of mere service? Of course you can find it by serving certain processes upon its agents, officers, or employees.

Mr. CULLOP. Mr. Chairman, will the gentleman permit an interruption right there?

Mr. DICKINSON. Yes.

Mr. CULLOP. I would suggest that to correct the very matter you are driving at—because this is an attempt to give jurisdiction wherever the cause of action arises—you strike out the words "is found" and insert the words "has an agent." That will give service wherever the cause of action arises. Otherwise, if you leave it in this way, you will have to go to the home of the corporation.

Mr. DICKINSON. Mr. Chairman, I do not agree with the gentleman from Indiana [Mr. CULLOP] in that suggestion. I have before me the amendment suggested by an eminent judge, using somewhat similar language; but I believe that these suits, actions, and proceedings ought to be brought, in the case of a corporation, not only where it is an inhabitant by virtue of its incorporation, and not only against a person who is an inhabitant of a certain State, but only where that corporation or that person may have some agent in a remote district, but it ought to be brought where the corporation or the person is doing business and where the cause of action accrues.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. DICKINSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. DICKINSON. For instance, take a corporation or a person, inhabitant of New Jersey. They may be doing a small business in the State wherein they are incorporated, or where the individual is a citizen, and the principal business may be done in West Virginia or Colorado or in Missouri. Wherever the cause of action accrues, wherever the damage is done, wherever the witnesses are, there is the place where it ought to be at least permitted to be sued and trial to be had.

A New Jersey corporation or a West Virginia corporation may transact business in Missouri or in Colorado or in far-away California. There is where the wrongs may be done, where the violations of the law may be committed, and there is the evidence of these things; and they should not be compelled for the purposes of a trial to have suit brought in some far-away State or district, of which they are the inhabitant by virtue of the incorporation therein or selection of a residence therein. I think, after the word "found," there ought to be additional language such as I have offered in this section. I will ask the Clerk to read the amendment.

The Clerk read as follows:

On page 22, line 22, after the word "found," strike out the comma and insert the words "doing business and the cause of action may accrue."

Mr. DICKINSON. Now, one more suggestion. The same amendment, it seems to me, ought to follow the word "found" in section 5 and in section 10. The same language ought to follow where it provides for the prosecution of a corporation and the prosecution of the person taking into consideration the definition of the word "person." I do not ask to strike out any language of the committee, but simply to add to it, to make clear and definite and certain so that any person and any corporation may be sued not only where it has its residence as a corporation or individual, but that it can be sued wherever it is found doing business and the cause of action may arise.

Mr. STEPHENS of Texas. I desire to ask the gentleman if he will not change the point at which he has offered his amendment. I thoroughly agree with him, but I think it ought to come in after the word "resides," line 22, page 22, so that it will read, "in which the defendant resides, does business, or is found."

Mr. DICKINSON. Mr. Chairman, I much prefer that the amendment finally agreed upon should come from the committee. I have no disposition to inject any amendment of my own or my personality into this bill, but I want such appropriate language as will make it certain and definite.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. DICKINSON. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Missouri asks that his time be extended five minutes. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask the chairman of the committee how long he intends to run to-night. This is a hot day and we have been in session since 11 o'clock, and Members are getting tired.

Mr. WEBB. I hoped that we would get through with sections 5 and 6. I do not think there will be much opposition, and we think we can do it in 15 or 20 minutes.

Mr. STAFFORD. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. DICKINSON. Mr. Chairman, I have before me a suggestion of an amendment which came from a distinguished representative of the Government, a distinguished judge, formerly a high official, in which he suggests the following words: It is to insert the words "in the district wherein the defendant may be doing business or have an agent, representative, or director." That does not seem to me to cover the situation entirely. The suit ought to be authorized to be brought against the corporation or person in the district of which he is an inhabitant or where the cause of action accrues and not merely where some agent or representative may be located remote from the point where the damage is done.

Mr. SCOTT. Will the gentleman yield?

Mr. DICKINSON. I will.

Mr. SCOTT. What is the gentleman's understanding of the word "found"; what is its import as used in this section?

Mr. DICKINSON. I understand that there is some decision by some court that I am not very familiar with that may possibly cover the very thought suggested by my proposed amendment. I do not believe that it meets the situation, and if there be any doubt about it, in order that the Government may prosecute successfully and institute suits and actions and have trials the language ought to be clear and definite, and so plain that he who runs may read, so that there can not be two constructions.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield?

Mr. DICKINSON. Yes.

Mr. FLOYD of Arkansas. I desire to make an explanation of this provision. It is one of the administrative features of the bill which has the approval of the Attorney General, who has been connected with some of these great trust suits, and this language was used to make this section conform to the existing law and enable him to have greater liberty in bringing these suits. I want to call the gentleman's attention to the fact that that language has the approval of the Attorney General, and while of course that does not bind us, I think if we adopt any amendments to it, it should be after mature consideration.

Mr. DICKINSON. Mr. Chairman, in response to that, I want to say again, as I said before, that I have no disposition to press any amendment suggested by me, and I want to repeat that I prefer that the amendment come from the committee in appropriate language. For that reason I do not care to further press the amendment at this time.

Mr. CULLOP. Mr. Chairman, I desire to offer an amendment to the amendment, in line 22, after the word "or," to strike out the words "is found," and insert the words "has an agency."

The CHAIRMAN. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Page 22, line 22, strike out the words "is found" and insert in lieu thereof the words "has an agency."

Mr. CULLOP. Mr. Chairman, that will make it read:

In which the defendant resides or has an agency doing business, and the cause of action may accrue.

Mr. FLOYD of Arkansas. Why strike out the words "is found"?

Mr. CULLOP. Because the words "is found" will not avail anything in serving a process or getting jurisdiction of the defendant, except at the place where the corporation resides. The word "found" as used there is vague and indefinite, and means nothing, so far as acquiring jurisdiction is concerned. But I can see that it will do no harm to leave them, and I shall at the proper time ask to modify the amendment in this respect.

Mr. FLOYD of Arkansas. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. CULLOP. Certainly.

Mr. FLOYD of Arkansas. This act applies to persons as well as to corporations?

Mr. CULLOP. Certainly.

Mr. FLOYD of Arkansas. And the words "is found" would certainly give you advantage in dealing with a person.

Mr. CULLOP. It may in such instance. But suppose a person lives in New Jersey, doing business there, how can jurisdiction of him be acquired in any Federal court in Colorado or Nevada? Suppose process is served on him, he will enter his appearance and move to quash the process, and answer that he was called into that jurisdiction by the process of some court. That defendant will never go into Colorado in such a way that he will be subject to a valid service, and if he was called there upon some public business he can quash the service, if it be made upon him, because when a man is compelled to go into a jurisdiction upon public business, you can not serve a process of the court on him and bring him into court and require him to answer a cause of action; but if he has an agency doing business there, then jurisdiction can be obtained over the corporation or the individual in the territory where the cause of action arises. But why insert the language "is found" in this without he has an agent? It may result, and more than likely will result, in a failure to acquire jurisdiction other than at the place where the corporation or individual resides.

Mr. J. M. C. SMITH. Mr. Chairman, will the gentleman yield for a suggestion?

Mr. CULLOP. Certainly.

Mr. J. M. C. SMITH. Is it not true that in all the States foreign corporations are compelled to appoint a person at the capital for the very purpose of receiving service?

Mr. CULLOP. All that I know of. I thank the gentleman for the suggestion that he has made. In nearly every State there is a law, as the gentleman from Michigan suggests, requiring the corporation to appoint an agent for the purpose of serving process upon him, and if the corporation has no agent in my State the auditor of state is made the agent for that purpose; but now, if we undertake to limit the service of process upon the defendant to wherever it is found, we will never in all probability get jurisdiction in these cases except at the place of the home of the individual or the corporation. What objection could there be to inserting the language "or has an agent"? It will clarify the matter and make certain that which is now uncertain. The defendant can then be found to serve the process upon him; but if you do not do that, when and where will we find the defendant? In many instances only certain persons are delegated by the corporate acts or by-laws upon whom the legal service can be had. That person in such a case would never go into the territory where a cause of action arises, but he would send somebody else there, upon whom legal service could not be made.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CULLOP. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CULLOP. In such cases the defendant would always avoid sending the person in the territory upon whom process could be served, and get the defendant into court to answer any cause of action which might be brought, and the cause would go out of court on a plea in abatement. I am trying to have this made so jurisdiction can be secured by a service of process upon the agent, and when there is service upon the agent it will compel the corporation or individual to answer in court the cause of action, but by the amendment of the gentleman from Missouri I fear no one will ever get one of them into court to answer a cause of action or respond to one. He will never be found, he will avoid being found, he will be in hiding, and the injured party will never get service upon him. If he does find him, he will be in a position to quash service for some reason known to some statute in that jurisdiction. Hence I ask the gentleman from Missouri to let the amendment that I have offered be inserted, so it will be of some real purpose to the people who may have occasion to bring suit under this statute, and not be, as it is now, that they will have to travel probably from California to New Jersey or New York to bring suit.

Mr. DICKINSON. I would like to make the inquiry would not the same objection the gentleman makes now apply to the statute where the corporation is an inhabitant by virtue of it having been incorporated there?

Mr. CULLOP. No; clearly not. Let us make this so there will be no avenue for escape.

Mr. DICKINSON. I want to say I have no objection to any additional language. I want to add additional words after the word "found," but I care not whether it be the language I have suggested or the additional language suggested by the gentleman from Indiana, but I really prefer that the committee in charge of this bill offer its own amendment complete and perfect it for consideration.

The CHAIRMAN. The time of the gentleman from Indiana has again expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to state that the provision written into the bill has the approval of the Attorney General, who is engaged in prosecuting these suits, and the purpose of it is to broaden the language so as to give the Government the widest latitude in securing service, and the amendments suggested are limitations upon that authority. The very broadest language that can be used in a statute of this kind conferring jurisdiction is to give the jurisdiction where the corporation resides or is found.

Mr. ALEXANDER. Will the gentleman yield?

are specified, so that the manufacturer only who has made his goods popular can sell them to the Government. It is so in the case of soap, it is so in the case of soap, it is so in the case of tobacco, and a good many other articles. Specifications issued by this very administration, which is advancing and insisting upon this so-called antitrust legislation, call for supplies for our Mexican necessities which even specify certain brands of tobacco made by the Tobacco Trust; certain brands of soap, made exclusively by certain manufacturers; certain brands of soap, made exclusively by certain manufacturers of soap. This is what a trust-busting administration demands for itself.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE. Mr. Chairman, I shall therefore avail myself of leave to extend, so that I may place in the RECORD several communications which relate to this bill. I believe they should have consideration, because they represent the sober judgment of some of the leading citizens of Philadelphia—citizens who have been deeply concerned over the recent trend of legislation and who know what they are talking about.

I submit letters from representatives of two of the oldest of our banks, presenting the views of experienced and conservative men with respect to section 9 (interlocking directors), and a memorial from the Philadelphia Board of Trade in general opposition to the bill:

THE CENTRAL NATIONAL BANK,
Philadelphia, March 25, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: An act has been introduced into the House with the intent of prohibiting interlocking directorates between certain corporations. This act has been drafted to correct certain abuses which it is alleged have crept into banking and the extension of credit on the part of certain groups of banks, presumably in New York.

In seeking to correct that which is claimed as an evil existing in the metropolis of the country far greater harm in the sum total will be done to the mass of our banking institutions and to the community at large by the enactment of this new law.

We can not recall a single instance here in Philadelphia in which the interlocking directorate feature has prevented competition or militated unjustifiably in any way against a single individual in the commercial community. In the history of this bank, through its long and honorable record of a half century, we do not know of an instance in which the members of its board of directors have been influenced in the extension of credit in any manner which has unduly favored or has disfavored any portion of the commercial community entitled to credit from this bank.

The bill as lined up will affect probably 10 of our directors, and in the end we may lose half of them—possibly more—men whose influence stands paramount, whose integrity has always stood for the best in this community, and whose influence will not unlikely go to some State trust company here, and thus this bank will thereby be materially weakened in the personnel of its management. These men will be hard to replace, owing to their trained minds, their discriminating and analytical judgment. We cite our own bank as a concrete case; the same conditions obtain among many others here in this city, as well as among a majority of the national banks in the larger towns and cities throughout the country.

It seems to us that Congress should very carefully balance this problem, and in trying to remedy one evil not create a condition which will be even more harmful. You are seeking to build up a great banking system for us, yet this act, if it shall become a law, will weaken many of the integral parts (its leading member banks) and strengthen the State banking systems as against the regional system. Can you afford to do this, particularly when we are trying to help you in every way possible? Do you think it the part of wisdom to force large groups of the most desirable and influential men in cities like Philadelphia out of the national system into State bank or trust company directorates, and thus build up the State system at the expense of the regional system? Is it fair to harass and unjustly punish the clean, straight bankers of this country, who are in the great majority, and who have through all these years transacted a strictly uplifting, legitimate business, in order to correct an alleged abuse in one particular city?

We respectfully submit the foregoing for your consideration, and we feel it our duty in the interest of our stockholders and in the interest of the new regional system which you are seeking to build up to enter our protest against the enactment of a law which we believe will prove not only harmful to the member banks of the regional system, but will weaken the system as a whole.

Very truly, yours,

WM. T. ELLIOTT, *President.*

THE GIRARD NATIONAL BANK,
Philadelphia, May 18, 1914.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

MY DEAR MR. MOORE: You have requested me to write you concerning the interlocking directorate feature of the trust bill now before Congress for consideration.

There is no real demand on the part of intelligent people for the enactment of any such legislation as is contemplated in the bill as it affects the directorships in national banks. Such unwise legislation will be of disastrous consequence to the banks really affected by its provisions, and as the bill is now constituted it grossly discriminates against national banks that are unfortunate enough to be operating in cities of over 100,000 population.

Interlocking directors of national banks in cities or towns of under 100,000 population could be of much more detriment to their respective communities than similar directors in larger cities, as the number and scope of the banks in smaller cities are much more concentrated, and as a consequence the possibility of a director's power greater than in the larger cities where there are a number of strong competing institutions. If so-called interlocking directors are permissible in and helpful to smaller communities, there is no line of logical reasoning that will show they are not of increasing usefulness to the cities of over 100,000 population.

We national banks in the larger cities are now to operate under the Federal reserve act, which will of necessity make a great change in the conduct of our business; in the reserve cities the banks are facing a large shrinkage of deposits on account of the reserve of other banks being transferred to the Federal reserve banks, and it is the banks in the reserve cities that will be vitally affected by the provisions of the new trust bill, and yet before we have had any opportunity to adjust ourselves to the changed conditions along comes more legislation that will deprive our banks of the services of the directors that are really the backbone of our institutions, not only on account of the value of their wide experience and the business they have been able to bring to us, but the feeling of confidence in the institution that is engendered by their association with us. What will be the effect?

The State banks and trust companies that are already getting a lion's share of the really desirable business will corral all the men of affairs and their business and their influence to the great detriment of the national banks, and the national banks will be greatly weakened by their loss, with no possible benefit to the very people the proposed legislation is supposed to benefit.

A bank can not prosper unless it gives its customers as good, if not better, treatment than its immediate competitors, and the bank with the strongest board, comprised of men of affairs interested in numerous enterprises, is usually the most alert, most aggressive, and accommodating and most useful to any community. It is against such a bank with a board that is of real benefit to its customers that this bill will discriminate; and to what good end?

Another thing that must not be overlooked—these very men that are being legislated out of directorships have in the majority of cases been invited to become associated with our financial institutions with which they are identified and have not bought their way in to control its affairs, as is so generally misrepresented, and have been, as a rule, the big factor in the success of the institution under consideration.

Take the banks in Philadelphia, for example—the important trust companies are large holders of the stocks of all the older national banks through the administration of trusts, not as actual owners, and are large depositors with our national banks. What exception can be taken to the fact that the officers of these trust companies are directors in our national banks? It is of importance to the trust companies that they are so represented, important to the trusts they represent, and of great value to the customers of the bank with which they may be identified, and of no possible harm to any interests.

Some of the most useful and conscientious national-bank directors are members of private banking firms. Why should they be eliminated by law from a directorship in a city bank? I can assure you they are of more use to any bank than the bank is to them.

You can go all along the line and take the men interested in million-dollar companies engaged in commerce and eliminate them from the directorships in national banks as provided in the act and you will take away the very men that are of the most importance, directly and indirectly, to the customers, large and small, of our national banks, and I ask who is to be benefited by their forced withdrawal? Absolutely no one, and a great business—that of national banking—disarranged and damaged.

In other words, don't drive out of national banking the very class of men that collectively are of inestimable value to the national banks, and through them to the multitude of bank customers and shareholders, and force these men into a position where they will naturally gravitate toward State banks and trust companies—with them will go their business and their influence. Instead of strengthening the national banking system you will impair its usefulness. The national banks have difficulty enough now holding their own with what are known as State banks and trust companies; the recent enormous increases in the latters' number and resources prove this.

The national banks have welcomed constructive legislation; destructive legislation along the lines contemplated is unwarranted and will be only a detriment to the country's development.

Yours, very truly,

J. WAYNE, JR.,
Vice President and Cashier.

PHILADELPHIA BOARD OF TRADE,
Philadelphia.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Philadelphia Board of Trade, respectfully represents:

That there has been introduced into the House of Representatives a bill (H. R. 15657) entitled "A bill to supplement existing laws against unlawful restraints, monopolies, and for other purposes."

Your memorialist submits the following reasons for its opposition to this proposed measure:

PRICE DISCRIMINATION.

In section 2 of the act it is declared to be a crime to discriminate in price between purchasers of commodities with the purpose or intent to injure the business of a competitor.

With the general moral purpose ascertainable in this provision no one would disagree. There is such a thing as an effort to wantonly destroy the business of a competitor by means other than those recognized as fair competition. The act, however, as drawn is, we believe, unsound and likely to do substantial harm.

Discriminations in price are essential to any freedom in trade. The manufacturer or dealer in goods who has a large supply in the West with a small demand must be at liberty to sell in the West at a lower price than he would in the East, if he had there a small supply and an active demand. He must sell at an advancing or declining scale of prices and on such market as may exist in different localities. Discrimination in price per se is a part of the life of trade, and contains no element of immorality.

Moreover, discrimination in price is an essential to competition. Competition means obtaining business formerly done by others, and this is accomplished by price cutting in the market where the competitor is operating. It would be mere hypocrisy to pretend that competition does not injure or destroy the business of the competitor. The avowed purpose of the competition is to take the competitor's business from him, as he is attempting to take your business from you. Competition is the settled policy of the law, and it would be manifest folly to pass an act requiring that the effects of competition must not exist. The direct effect of competition is "to injure or destroy."

It follows therefore that every person in a competitive business who cuts prices in order to obtain the business formerly held by some other

competitor would come within the terms of the proposed act, since the direct effect of his price cutting is to injure the business of his opponent, and he is presumed to know the effect of his acts. The act as drawn should not therefore be passed. It would place everyone doing business in the United States in jeopardy of fine and imprisonment.

If we assume that there is such a thing as a willful and malicious attempt to injure or destroy the business of a competitor outside the scope of legitimate competition, legislation should be directed against such willful and malicious attempt, whether accomplished by price cutting, the spreading of false reports, or any other dishonest means or practices. What is a willful and malicious attempt should be left to the courts. The act ought not to be open to the construction that cutting prices in order to take away the competitor's business is a crime.

The Supreme Court has interpreted the Sherman Act to mean that where ruthless and destructive methods are employed with the "primary" intent to injure or destroy the business of a competitor, such acts bring the offender within the purview of the present law. Under these circumstances we do not believe that additional legislation is needed.

THE RIGHT TO SELL.

Your memorialist respectfully submits that no public necessity justifies the denial to the owners of mines or mining properties the right to sell or to withhold from sale the products of mines developed at their own risk and with their own capital. There can be no freedom unless the inherent rights of the individual are interfered with only when overpowering public necessity demands.

INTERLOCKING DIRECTORATES.

Your memorialist believes that it will be conceded by all that the achievements and prosperity of a nation are dependent upon the productivity of the individual. Unless the man of brains, resource, and energy has scope for the use of these gifts and qualities the whole country suffers, at home and abroad. The provision against interlocking directorates prohibits the individual with the capacity which is most needed from doing his best service for the country. For such a restriction upon national liberty and such a handicap placed upon the energy of the Nation it should be shown that there exists a great public necessity, to be met by this means and no other. Your memorialist believes that neither precedents nor the arguments advanced for an interference by Government with existing conditions are three in number:

1. That interlocking directorates, so called, may be used to create a combination in restraint of trade. Granting this possibility, there is nothing in it to justify curtailing the usefulness of the best abilities of the country. If several directors of one corporation are acting on the board of a competing corporation in such a way as to effect a combination in restraint of trade, the arrangement can be set aside by the courts under existing law. It is not the presence of the same individual on two boards of directors that is the evil; why, then, cut down our national effectiveness?

2. That these (interlocking directorates) may sometimes be made use of to effect dishonest schemes for individual profit. Here, again, it is entirely feasible to legislate against making secret or dishonest profits from official position without depriving the business of the country of its most efficient servants.

3. That sometimes a person of large means or abilities is elected to a number of directorates and thus may become too powerful in the world of business or finance.

This ground is untenable. No country can prosper unless the incentives for individual effort are great, unless the prizes for usefulness and success are position and power. To be afraid that position and power may be misused, to take away the incentive for a nation's efforts, because some one will perhaps abuse them, is cowardice and folly.

We respectfully submit, therefore, first, that there is no overpowering public necessity for the proposed act, and, second, that other means are available for meeting any wrongs in existing conditions without emasculating the energy of the people or curtailing the productivity of the genius of the country. Legislate against fraud, conspiracies to do unlawful acts, or abuse of official positions; do not legislate against the proper liberty of the individual.

STOCK OWNERSHIP.

The provisions of the proposed act relating to stock ownership are, in the opinion of your memorialist, unnecessary and unwise. It is hard to believe that anyone familiar with business conditions can honestly assert that competition without limit is for the best good of the people: the destructiveness of competition is in evidence. The desire to compel competition which will work the best result for all can not be determined by legislation—it must be worked out by the slow process of evolution. The great period of consolidation through which the country has passed was due partly to the realization that unrestrained competition was wasteful and uneconomic; partly because the world trade has grown to a point where the countries which would lead must operate through larger and more powerful units of business. The result has been on the whole good. No one familiar with conditions at the beginning of the period of consolidation and expansion would return to them. The law as it stands prohibits consolidations which unduly restrain trade or create monopoly. Assuming that this restriction is necessary, upon what might perhaps otherwise develop into too great a degree of consolidation, it is evident that the growth of the units of business must go on, and if two or more weaker units find it of advantage to unite it would be bad policy to prevent the working out of their salvation in their own way. We have legislated fully against the danger of monopoly, we should not be afraid of the natural working out of economic laws lest we kill our own advancement.

PICKETING.

Your memorialist most earnestly objects to the provision of the bill relating to "picketing." This practice means in plain terms the surrounding of a place of employment by those who desire to stop work in such a way that those who desire to work may be prevented by persuasion if possible, or by force if necessary, from working. The individual who desires to work ought in a free country to be protected in that right. The owner of the factory who desires to run his factory ought to be protected from willful interference. For the Government to give its official sanction to a practice which would not have to be legalized, if it were not immoral and used for purposes of intimidation, would be altogether abhorrent to fair play and stable government.

CONCLUSION.

Your memorialist believes that the consensus of opinion of the business men of this country is against the passage of this or any other so-called antitrust bill, and that to pass such an act as is now proposed would do violence to the judgment of that portion of the community perhaps best able to judge of its effect upon the welfare of the country.

The fact that the act in question is described as an antitrust bill, when in reality it deals with the law of business relations generally, is persuasive proof that the time is not ripe for the passage of additional legislation of this character. It is evidence that the framers of the bill are thinking in terms of an attack upon some more or less mythical embodiment of evil called a trust. It is certain that the country must suffer, unless the laws affecting business are framed with a scientific accuracy to prohibit only the thing that is wrong, without interfering with the convenient machinery of business or limiting the initiative and effective energy of the people.

For which reasons, among others, we respectfully submit that this bill should not receive your favorable consideration.

And your memorialist will ever pray.

True copy.

WM. M. COATES, *President.*

Attest:
WM. R. TUCKER, *Secretary.*

MALCOLM LLOYD, Jr., *Chairman,*
SAMUEL T. KEEN,
S. R. VEOOMAN,
CHAS. S. WALTON,
S. PEMBERTON HUTCHINSON,
NATHAN HAYWARD,
JOSEPH A. JANNEY, Jr.,
Committee on Legislation.

Mr. WEBB. Mr. Chairman, I yield two minutes to the gentleman from Kansas [Mr. TAGGART].

Mr. TAGGART. Mr. Chairman, I am wholly unable to understand why the distinguished gentleman from Pennsylvania [Mr. MOORE] would seem to favor the first man that comes to town with a thoroughly advertised article and would claim the right to the exclusive market because he was the first one that came along. He grants no rights whatever to a man that might come the next day and who might have an article that he had patented, that he had thoroughly advertised, and that finally might become such a well-accepted article by the American public that even the United States Government would make choice of it for supplies for the Navy or Army. Why do you have a choice? Who is entitled to the American market? The man who simply has advertised? The man who appears first? Do you grant no right whatever to the man who comes in second or third or fourth? Suppose your favorite arrived after the merchants had been tied up with exclusive selling contracts? Would you be satisfied? Now, the first man that you seem to favor would never have gotten a start in the world, he never would have had an article thoroughly advertised and acceptable to the public if exclusive agencies were in complete operation when he began to put it on the market, because under your theory when he would come to town the merchants would all have been tied up by exclusive contracts, and perhaps the very one who is now your favorite would not have any chance at all. The idea is not only to liberate the man who has the right to purchase and sell anything and every lawful thing that he pleases to sell anywhere, but to liberate the second man or the third man or the fourth man who comes to visit the merchant, and who offers his wares to the merchants of the town and places them on the market. Give them all the same even chance. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER. Mr. Chairman, I should like to ask the gentleman from North Carolina [Mr. WEBB], the chairman of the committee, if it would detract anything from his bill, page 22, lines 9 and 10, if we strike out the words "or fix a price charged therefor, or discount from, or rebate upon, such price"?

Mr. WEBB. Well, I will say to the gentleman I think it would. It would hurt the effect of the bill considerably and might license the doing of those very things to which we object.

Mr. GARDNER. But you have only specified three of the devices which are customary in the case of exclusive-sale contracts. Are you not afraid that a court might hold that you intended to permit the devices which you left out?

Mr. WEBB. To what devices does the gentleman refer?

Mr. GARDNER. Now, I call your attention to your report, in which you use the expression, "the first inducement in every case must of necessity relate to price." Take the case of the United Shoe Machinery Co., which is situated in my district. The United Shoe Machinery Co. obviously might make a contract under which they would say to the shoe manufacturers, "If you will use our machines exclusively, then we will keep all your machines in order." Now, as a matter of fact, one of the reasons why the United Shoe Machinery Co. has so many supporters among the small manufacturers in my district is because of the fact that they keep all their machinery in order. I have not any sympathy with their system of "tying" leases at all, but their system for promptly repairing machinery is remarkable.

Mr. WEBB. I think the words "discount from" or "rebate upon" would cover what the gentleman desires.

Mr. GARDNER. I doubt it.

restricted or stopped is injuring no one and doing no damage to the business world?

The gentleman from Arkansas has said that this section was based upon a decision of the United States Circuit Court of Appeals rendered by Judge Sanborn; but that case, in my judgment, is no authority for the position which the gentleman from Arkansas has taken. The suit was one for damages under the Sherman law.

It is true that Judge Sanborn did state in that case that contracts of sale which provided that the lessee or purchaser of the article sold should not use or deal in goods furnished by other parties was not an act inhibited by the Sherman law, for the reason that he considered it was not an act done in hindrance or suppression of competition or in creation of a monopoly. But this has nothing to do with the point upon which the case actually turned and upon which the decision was based. That point was that the plaintiff was not harmed in the least by the transaction which he complained of.

The Department of Justice has never taken the position that contracts of this character, made for the purpose of promoting a monopoly or for the purpose of hindering or restraining trade, was legal, but, on the contrary, has commenced several cases and prosecuted many individuals because of their entering upon just such transactions as this. No Attorney General that I know of under any administration has ever taken the position which is now taken by the majority of the committee as a reason for bringing forward this section. The real fact is that it adds nothing in proper form to the provisions of the Sherman law, but, as I have said, simply gives additional advantages to the large concerns and throws additional restrictions upon the small dealer. [Applause on the Republican side.]

Mr. MITCHELL. Mr. Chairman, I do not think there should be any mistake among the Members of the House with reference to the extreme importance of this section of this bill. There are some important provisions in this bill, but I do not believe that there is a more vital or more important provision in it than section 4. One of the evils that this section seeks to cure is the evil with reference to the "tying contracts," and I want to call attention to one specific condition which exists in this country which has been created by this system of tying contracts. A gentleman appeared before the Judiciary Committee, an independent shoe-machinery manufacturer, who stated that from 95 to 98 per cent of all of the machinery used in the manufacture of shoes in this country was manufactured by one company. He said that they absolutely controlled and dominated the field by this system of tying contracts. They have in the manufacture of shoes some of the best machines, essential machines, machines that it is absolutely necessary for every manufacturer to have in order to do business. Manufacturers who furnish some of the minor machines and who are in the field trying to get a foothold and a market for their machines can not commercialize their business, can not get the machines into these factories because this gigantic monopoly—and there is no monopoly more powerful—has this system of tying contracts with the manufacturers. The manufacturers, in order to get the essential machines, must sign a contract that they will also take these other minor machines where there is some competition. If they do not do that, then, according to the provisions of their contract, the shoe-machinery company is able to remove all the machinery from the factory. As a result of that system, they have practically the field to themselves.

Now, Mr. Chairman, the States of this Union have recognized that evil. In Massachusetts this corporation was organized by the consolidation of a number of independent machine companies in about 1890. The manufacturers began to protest in a feeble kind of way against the continuation of this trust. The shoe journals protested against its organization and its system of doing business. The protest became so strong that in 1907 the Massachusetts Legislature passed a law seeking to remedy this evil and to open the door to the inventive genius of the thousands of men who are engaged in the shoe-machine business and who want to put shoe machines on the market. The legislature passed a law in 1907, but the effect of it has been circumvented. We have had investigations, and the Attorney General is proceeding against the shoe machinery company, believing that it is in violation of the Sherman antitrust law. I do not believe that this Congress ought to speak in any uncertain terms. I think the Members on both sides of the House ought to give this provision of the bill their support. I am not quite as familiar as are some other Members with the exclusive contracts, but I know that they form one of the greatest instruments, one of the greatest means of creating a monopoly in this country, and we have an opportunity in this bill to stop that system and break it up where it is at the present time.

What is the inducement that is offered the small dealer or the small grocery man or small business man or the dealer in any community to take one of these exclusive agencies?

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. MITCHELL. Yes.

Mr. GREEN of Iowa. Was I not correct in saying that these acts were in violation of the Sherman antitrust law?

Mr. WEBB. I will answer that. The Department of Justice has held that one individual act is not, but that a series of acts will bring him within the Sherman antitrust law.

Mr. MITCHELL. We want to make sure of our ground in this act. We want to give everyone a fair field and no favors. We want to give opportunity to the little fellow. We want the shoe workers, shoe manufacturers, machine manufacturers, and the great body of consumers to be freed from the grip and fetters of monopoly and special privilege. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by the gentleman from New Jersey [Mr. McCOY].

The question was taken; and on a division (demanded by Mr. McCOY) there were 28 ayes and 71 noes.

So the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, section 4, page 22, by inserting, in line 4, after the word "of," the words "or appoint an agent to sell," so that the section will read:

"SEC. 4. It shall be unlawful for any person engaged in commerce to lease or make a sale of, or appoint an agent to sell, goods, wares, merchandise, machinery, supplies, or other commodity on condition or with any understanding, agreement, or contract that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller; and any person violating the provision of this section shall be decreed guilty of a misdemeanor, and on conviction thereof shall be fined not to exceed $5,000 or by imprisonment not exceeding one year, or by both.

Mr. WEBB. The effect of that amendment would be that nobody could sell his goods except he sold them in person; he could not establish an agency; he could not send out men to sell goods for him.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN of Oklahoma. Mr. Chairman, gentlemen will observe that in discussing the amendments to this section that the section applies only to the leasing and sale of goods. I voted against the amendment offered by the gentleman from New Jersey because I think there is some real merit in this section as it now stands. But, gentlemen, if we really desire to destroy monopoly, if we really desire to protect the people against monopoly, then we ought to broaden this section so that one who sells through agencies can not prohibit the agent from dealing in the goods of a competitor, because a corporation through agents can establish and maintain a monopoly with the same degree of success that it can by the selling or leasing of goods with the understanding that the purchaser will not deal in the goods of a competitor. Now, a large number of my constituents are farmers. They deal largely with the International Harvester Co., an institution or a corporation with $120,000,000 capital.

Unless you accept my amendment, this gigantic corporation not only has a monopoly in the sale, largely, of farm machinery through agents in Oklahoma, but throughout this great Nation—to all of the 6,500,000 farmers. Are you going to leave section 4 so that it will not protect the farmers of this country against this monopoly? It seems that you are. I am in favor of reducing the power of the shoe machinery company to maintain a monopoly by leasing machines, but I am also in favor of extending the section so that it will reach the International Harvester Co., that sells the farmers of this country perhaps two-thirds, if not three-fourths, of all of their harvesting machinery. Yet, again, the majority in this House is going back on the farmers of this Nation. You are still leaving in the hands of that gigantic corporation the power to establish exclusive agencies, with an agreement or contract that they shall not act as the agents of any other firm. How is an independent manufacturer to get his goods on sale throughout the Nation? He is handicapped by the fact that the great harvester company has monopolized the active, able agents throughout this great Nation. In the report of the Corporations Commissioner upon the methods used by the International Harvester Co. he cites that that is one of the methods they use to establish and maintain their monopoly. It has been said here frequently in this debate that the section as it stands, in a measure, controls the small concern

that must sell its goods direct because it has not got the power to establish agencies, but the mammoth concern may establish local and exclusive agencies, and this law will not touch it.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

Mr TOWNER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read. I will state that the amendments which I shall offer are merely to perfect the text, and I will ask careful attention of the committee to the amendments.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 3, strike out the words "engaged in commerce," and in line 4, after the word "sale," insert the words "in commerce."

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. TOWNER].

Mr. TOWNER. Mr. Chairman, that amendment, I will say, is more important, perhaps, than will appear at first blush. By the language used in the text you limit the prosecution of any person to persons who are engaged in commerce, which, under the definition of commerce, means those who are engaged in interstate commerce. That is not what you mean, certainly, because you do not mean that it shall be required to prove that any person who violates this act shall be engaged in interstate commerce. The language of all of these bills is that any person who violates or does the thing which the law prohibits shall be punished. The language, for instance, of the Federal antitrust law is that "every person who shall make any such contract or engage," and so forth. In section 2 of this bill the language is "every person who shall monopolize," and so forth. In section 3 the language is "every person who shall make any illegal contract," and so forth.

This is the difficulty with the language used. It is not as descriptive of the person that the phrase "in commerce" should be applied, but it is as descriptive of the act, and therefore the words "in commerce" should follow the word "sale" in section 4, so that it will read:

That any person—

No matter whom he may be, engaged in commerce or not—

That any person who shall lease or make a sale in commerce of goods, wares, merchandise—

And so forth.

Otherwise this section would be inoperative and perhaps unconstitutional, because it would apply in the form in which it is to sales made in intrastate commerce, which would be absolutely unconstitutional, as the gentleman knows, for Congress has not that power, so that the limitation placed here being upon the person is a limitation that ought not to exist, and the lack of that limitation on the sales would make it apply to all sales, even in intrastate commerce, and, therefore, for both reasons, the section ought to be amended, as I have suggested.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

Mr. TOWNER. Mr. Chairman, I yield back the balance of my time on that amendment and offer another amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The gentleman yields back two minutes and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 9, after the word "states," strike out the word "or" and insert in lieu thereof the words "and shall."

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa.

Mr. TOWNER. Mr. Chairman, it would appear that that amendment ought to be adopted without any question whatever. The other amendment ought to have been adopted, but it is a habit that it is the requirement of gentlemen on the other side to vote down all amendments no matter whether the amendment affects the text and makes the bill stronger or not. The word "or" has no business here. It means nothing. What the gentleman means is:

Or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and shall fix a price charged therefor—

And so forth.

The word "or" certainly must have been unintentionally or carelessly used, or else it was used for the purpose of making the provision of the statute inoperative and of no effect.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The question was taken, and the amendment was rejected.

Mr. TOWNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back two minutes.

Mr. TOWNER. Mr. Chairman, I offer a third amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 10, after the word "condition," insert a comma and the word "agreement."

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman.

Mr. TOWNER. Mr. Chairman, it would seem also to the ordinary man——

Mr. WEBB. Does this amendment come after the word "understanding"?

Mr. TOWNER. No; after the word "condition." Of course it is better there——

Mr. WEBB. Mr. Chairman, I think the amendment is good; and, as far as the committee are concerned, we will accept it. [Applause.]

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken, and the amendment was agreed to.

Mr. TOWNER. I yield back the balance of my time.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The Chair will state there is no amendment pending.

Mr. MOORE. Mr. Chairman, I move to strike out the last word. A little while ago I asked the gentleman from North Carolina [Mr. WEBB] as to the effect of this section upon those who undertake after advertising to place their wares by a special arrangement with a local dealer, and his answer was that unless the merchant or manufacturer who made the deal with the local dealer insisted that the exclusive right to sell should be granted apart from the question of competition that he would not be punished, but that if he in any way insisted that the competitor's goods should be eliminated, then he would be subject to the fine and imprisonment imposed by the section. And all this new and drastic legislation in the interest of the local dealer or the country merchant.

Now, Mr. Chairman, I have been looking at this matter from the viewpoint of the man who is struggling to build up a business in this local way. Say there are two merchants in the gentleman's town, each striving for business, and the manufacturer of a certain brand of soap or soup, it makes no difference, comes along and says to one of them, the one who is more energetic than the other, perhaps, that he may have the exclusive right to sell the product, a specialty that he has advertised well, and that is so popular that even "the children cry for it," as some advertisements read. The goods are salable, and have been made so by the genius of the inventor or manufacturer and because of the heavy promotion expenditure made upon them.

Mr. TAGGART. Will the gentleman yield?

Mr. MOORE. I can not in five minutes, although I would like to do so. Now, after all this labor and energy and expense of advertising it appears that if the manufacturer or jobber undertakes to say to the local merchant, "I will give you the exclusive privilege and authority of selling my popular soup or soap," he has to go to jail. That is not a very great inducement either to the manufacturer, the inventor, or the local business man. It does not aid the local business and, so far as the question of morals is concerned, it seems to punish the industrious and progressive business man in favor of the faker or the manufacturer of spurious or inferior articles, who may thus derive advantage from the legitimate advertising and the scientific energy of those who created the business and paid dearly to advance it. In other words, Dr. Cook reaps the gate receipts while the real explorer, the real patentee, the real inventor, the real manufacturer, who did the work and filled the house, would suffer the penalty of fine and imprisonment. If this be the effect of the enactment, the man who has not expended any energy, time, or money in promoting or advancing trade could always play a waiting game and then come in and take advantage of all the facilities of the trade established by the man who had the enterprise and courage to spend his money to acquire it. This does not seem fair or moral.

And there is another side to it. I make the statement now, and I challenge anybody to contradict it, that the Government of the United States itself—that is to say, the present administration of the Government—is now encouraging the very kind of business that the gentleman from North Carolina assumes by this measure to stop.

It is advertising for supplies to be used in the Mexican emergency, particularly in the Navy Department, many of which

Mr. ADAIR. That is his remedy. Will the gentleman yield for one more question?

Mr. WEBB. Yes; just for one question.

Mr. ADAIR. I am engaged in the manufacturing business. We go out into the markets and establish agencies. We sell our line of goods to one man in a county, and to nobody else, but we do not bind him up in a contract to buy the goods of no one else.

Mr. WEBB. Then the gentleman is exempt from this section, and ought to be. If there are a dozen kinds of knives and razors, every merchant who buys them ought to have the right to buy all of them and sell them to anyone he pleases, and no one manufacturer ought to have the right to exclude him from the privilege of buying any razor or knife in competition with the one that he is selling him.

Mr. ADAIR. It is no part of monopoly for a manufacturer to establish an agency.

Mr. WEBB. No. Certainly not under this section. What we are striking at is the monopolistic contract.

Mr. McCOY. Does not the Standard Oil Co. have agencies all over the United States?

Mr. WEBB. Yes, I understand so.

Mr. McCOY. Is not that the biggest monoply there is?

Mr. WEBB. Yes. But we are not aiming at monopoly per se in this section, but at a contract or contracts which lead to monopoly. Monopoly is covered by the Sherman law, and we are trying to prevent those contracts which build up and lead to such monopoly.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. MANN. It being a common practice for people who invent something or who manufacture a specialty to place it in the hands of a local merchant and advertise it at the expense of the manufacturer or the seller, under this provision, if that should be done so as to build up a trade in this specialty in this store, the storekeeper would have a right to take in a competing article and get the benefit of the advertisement, as I understand it.

Mr. WEBB. Yes.

Mr. MANN. That looks moral, also.

Mr. WEBB. He has that right now, and exercises it every day under a decision of the Supreme Court.

Mr. ADAIR. You walk into a drug store down here in the city and ask for a bottle of Hood's sarsaparilla, and the druggist says, "Yes; I can give you that, if you want it, but here is one that is just as good," and he sells it to the customer at a cheaper price.

Mr. MANN. Not to me, not sarsaparilla. [Laughter.]

Mr. ADAIR. Since when did the gentleman quit drinking sarsaparilla?

Mr. MANN. I never quit, for I never commenced.

Mr. ADAIR. Oh, I beg the gentleman's pardon. I believe his beverage is Peruna?

Mr. MANN. Oh, that is the gentleman's specialty, not mine. [Laughter.]

Mr. WEBB. Briefly, Mr. Chairman, this section does not prohibit any manufacturer from establishing agencies, for when he establishes agencies he furnishes the goods to the agents, and the title to the property usually remains in the manufacturer, and the agent acts for him and sells his goods and returns the money when he sells them.

It does not forbid the manufacturer to go into a town and sell to one customer alone, provided he does not add to that sale the condition that that customer shall not sell competitive articles. It does not prevent that kind of sale, provided the illegal condition is not added to it. Now, I want to say this. Unscrupulous big business and the trusts are not in favor of this section, for it destroys one of their favorite weapons. They are trying to put forth the small business fellow to oppose this section, to make it appear that the little fellows are against this provision; but, as a matter of fact, those who are destroying competition in this country are the real opponents of this section.

Mr. McCOY. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. McCOY. Did one of these little fellows who were crowded out come before the committee?

Mr. WEBB. Every independent, as I remember, who spoke before the committee was in favor of section 4.

Mr. McCOY. I would like to have one name.

Mr. WEBB. If the gentleman will give me time to look the matter up in the volumes of hearings, I could find it, and my colleagues will bear out my statement.

Mr. McCOY. Will the gentleman yield again?

Mr. WEBB. No; I can not. My friend had 30 minutes, and I have only 12. This illegal, monopolistic contract system is what has built up the big mail-order houses and practically destroyed the little merchants all over this country, because the little merchant is ordinarily an honest man, and when an agent of a trust walks into his little store and says, "I will sell you these articles that have been splendidly advertised if you agree never to sell any of our competitors' articles." The little merchant agrees, and he feels bound to stand by it. His customers see that they can buy but one line of articles from him and turn to the mail-order house, where a variety of articles is found, and his customer sits down and orders from the mail-order house and soon the little merchant is destroyed, because he is fettered by the trust's exclusive contract. [Applause.]

Mr. MADDEN. Will the gentleman tell the House what gives the mail-order house a monopoly if it is not the Government of the United States by giving it the use of the mails?

Mr. WEBB. I am not talking about the monopoly given by the United States, but I am talking about the small merchant whose business we are trying to unfetter by this bill.

Mr. MADDEN. The gentleman said the mail-order house had a monopoly. What gives it a monopoly if it is not the Government of the United States, which gives it the use of its mails?

Mr. WEBB. I did not say the mail-order house was a monopoly; but that the exclusive contract we forbid has driven farmers to the mail-order house. We can destroy that condition somewhat with the unfettering of the little merchant from these exclusive contracts which compel him not to sell competing goods.

Mr. MADDEN. Can we take away the right of the people to use the mails if they want to send a letter to a mail-order house?

Mr. WEBB. No; but when the small merchant is permitted to handle all the articles he pleases the mail-order house will cease to get the business, because the small man will be permitted to carry all kinds of goods on his shelves and not be confined to one single line of goods.

Mr. DONOHOE. Does this measure propose to interfere with the relation between the manufacturer and his salesman who sells on commission?

Mr. WEBB. Not at all.

Mr. GARDNER. Do the mail-order houses undersell the local merchant?

Mr. WEBB. I do not know. They sometimes do by selling an inferior quality of goods, by attractive advertising, and they gull a good many people; but they find it out sooner or later, and will go back to their honest local merchant if he carries a variety of articles from which they can select what they want.

Mr. KINDEL. Will the gentleman permit one question?

Mr. WEBB. Yes.

Mr. KINDEL. Is it not a fact the parcel-post rates [laughter] have more to do with that than any other thing?

Mr. WEBB. That may have something to do with it. Now, if gentlemen of the House wish to destroy this section 4 they will vote for the amendment of my friend Mr. McCOY. If they want to retain the tooth in it, then vote that amendment down, and we will force the United Shoe Machinery Co., which is one of the completest monopolies in shoe machinery in the world, to abolish their monopolistic contracts and give the shoe manufacturers of this country a chance to live and maintain their existence by buying and using or leasing such machinery as they choose. [Applause.]

Mr. VOLSTEAD. I yield five minutes to the gentleman from Massachusetts [Mr. GARDNER].

Mr. STAFFORD. Mr. Chairman, may we have the amendment again reported?

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. VOLSTEAD. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. GARDNER] the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized for three minutes.

Mr. GARDNER. Mr. Chairman, the gentleman from Arkansas [Mr. FLOYD] tells us that in the interest of the consumer he is against the amendment offered by the gentleman from New Jersey, and the gentleman from North Carolina [Mr. WEBB] tells us that in the interest of the country merchant he is against the amendment of the gentleman from New Jersey because the country merchant is being put out of business by the mail-order house. Now, if the mail-order house puts out of business the country merchant, the mail-order house

puts him out of business by underselling him, which many people hold to be in the interest of the consumer.

In answer to an inquiry from the gentleman from Indiana [Mr. ADAIR], the gentleman from North Carolina says that section 4, as it stands—and I, for one, believe in section 4, although I favor the amendment of Mr. McCOY—does not prohibit exclusive agencies. It does not prohibit exclusive agencies for the man or corporation who has capital enough; but it does prohibit the kind of exclusive agency which the man with small capital is forced to contract with. For instance, if I were an automobile manufacturer with a small capital, I could not all over the country establish agencies such as would be permitted in section 4 as it is drawn at present. I could not afford to carry the enormous stock of automobiles which would be necessary in order to break into the market. If, however, the amendment offered by Mr. McCOY is adopted, I could pursue the present practice of the automobile trade, a practice by which a small man can avail himself of the capital of other small men. That is the way the automobile business has been built up. A man who has a new make of automobiles comes to some bright young man in Washington and says, "I can not afford to make you my agent, but I will sell this machine to you if you agree to sell my machines and my machines only. If you sell other machines, I can never establish a demand for mine, because of these great automobile concerns which are already competing for the market."

This amendment is distinctly in the interest of the small manufacturer. It is the men who began as small manufacturers who have built up the automobile trade. One of them is the person who made those vast amounts of money which the gentleman from Arkansas [Mr. FLOYD] has been telling us about. He did it by cutting down the cost and the price of an automobile, cutting it down and down. Apparently he can manufacture at half the cost of his competitors. Now, the gentleman from Arkansas says, "Yes; he has made such an enormous amount of money that we will build a wall around him and prevent him from having any competitor." That is what you are doing if you leave section 4 unamended. You are building a wall around these gigantically successful people, so that the next Mr. Ford who comes along will not be able to break into the business, because he will not have at his command enough capital to own automobiles all over the United States.

Neither the gentleman from Arkansas nor the gentleman from North Carolina has answered one word of what the gentleman from New Jersey [Mr. McCOY] has said. They have told you about practices, very reprehensible ones, in restraint of trade, practices which, as a matter of fact, do produce monopolies and which are intended to produce monopolies. They have cited those practices for the purpose of defeating the amendment of the gentleman from New Jersey, just as if his amendment were designed to permit those practices, or would permit them. On the contrary, the gentleman's amendment forbids those practices, inasmuch as it provides that these exclusive agencies shall not be permitted if they are to be used for the purpose of building up monopolies or for the purpose of restraint of trade.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Chairman, there is an old story that illustrates a good deal the present situation. It tells of a man passing along the street and noticing another man working with a crowbar at the side of a cellar wall that projected above the sidewalk. He said, "My friend, what are you trying to do?" "Well," he says, "that cellar is very dark, and I am trying to let some light into it." The first man went about his business for a couple of hours, and coming back he saw the other man still working and the aperture not very much larger than when he first saw it. He said to him, "Well, my friend, how have you succeeded?" The man replied, "I haven't let much light into it, but I have let a power of dark out." [Laughter.]

And it seems to me that in much of the discussion we are indulging in here we are letting a power of dark out about this question. But, all boiled down, it is a simple proposition, as I view it. Now, I may be letting more dark out.

There are two classes of transactions aimed at in this section 4. One is a lease and the other is a sale. It is quite true that there is nothing in this section which forbids the creation of agencies. That is to say, the manufacturer may have an agent who exclusively sells his goods, because employing an agent does not involve either a lease or a sale. Indeed, the manufacturer might go to a retail dealer in some village or city or town and say, "I wish to introduce my goods here; I want to have you as my special agent, and I want you not to handle the goods of any competitor of mine"; and so long as there is not a transaction in the nature of a lease or a purchase there, then that retailer can transact that business and do it lawfully, and there is no prohibition in section 4 against such a piece of conduct as that.

Now, so far as selling is concerned, a system or practice has grown up in the business world where a man has a limited capital, or where for the protection of the manufacturer contracts are made in the nature of an agency contract, but the goods are invoiced to the man that has to do the handling of the goods, and the price is paid to the manufacturer and the transaction amounts, perhaps, to a sale. That is the kind of thing that this section 4 does forbid. I know of nothing immoral in such a transaction as that. A man can not serve two masters. He must be loyal to one or the other when their interests conflict. Wherefore, if you make such an arrangement as that, and to conserve your capital or for your own protection make a conditional sale of the goods and engage this man to handle those goods exclusively for you, there is no element of immorality involved in such a transaction. And yet that is forbidden.

The amendment of the gentleman from New Jersey would cure the evil that is in this proposition created by the language of this section. You would leave business free to make any transaction that it pleases so long as it does not amount to what this amendment would cover, namely, a restriction of trade or the creation of a monopoly.

Now, let me ask in relation to the leasing question, whether it would not also cure that. In the minority report we have said:

> Again, the manufacturer sells no machines at all, but only leases them, and because they are delicate and any injury to them is his own loss, he leases them only to lessees who agree not to use imperfectly adapted parts, supplies, or appliances of other manufacture. Or he leases them at a special rental, upon the understanding that the lessees shall not use imperfectly adapted parts, supplies, or appliances of any other manufacture. Or he agrees to sell to the lessee perfectly adapted parts, supplies, or appliances, upon the understanding that the lessee shall not use imperfectly adapted ones of other manufacture. Each of these transactions—which good morals and honorable business conduct from time immemorial have always sanctioned—is forbidden by the bill.

The amendment of the gentleman from New Jersey [Mr. McCOY] would cure that evil, because unless these practices amount to a restriction of trade or creation of a monopoly, they ought not to be forbidden, and would not be forbidden. Therefore I favor the adoption of the amendment.

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MANN. Mr. Chairman, among the gentlemen who were to have time a while ago was the gentleman from Iowa [Mr. GREEN], who at that time yielded to some one else. Can the gentleman consent to let him have five minutes?

Mr. WEBB. Under unanimous consent; yes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Iowa have five minutes in addition to the time already allotted.

Mr. WEBB. May I incorporate in that a request for five minutes for the gentleman from Massachusetts [Mr. MITCHELL]?

The CHAIRMAN. The gentleman from North Carolina and the gentleman from Illinois ask unanimous consent that the gentleman from Iowa [Mr. GREEN] and the gentleman from Massachusetts [Mr. MITCHELL] be allowed five minutes apiece, in addition to the time already agreed upon. Is there objection? [After a pause.] The Chair hears none.

Mr. GREEN of Iowa. Mr. Chairman, this section of the bill is like the rest of this proposed statute. It lays burdens upon the small manufacturer and the small dealer, but leaves the whole matter wide open for the large concern. It is perfectly easy for any large institution to evade the provisions of this section. All they have to do in the world to except themselves from its provisions is simply to establish a selling agency of their own, to have their own agent, to hire him in accordance with any terms that they see fit, and exempt themselves entirely from the provisions of this bill. On the other hand, burdens are laid upon the small manufacturer and dealer, as has been shown here.

The amendment offered by the gentleman from New Jersey [Mr. McCOY], instead of taking away anything from the section actually adds to it by depriving the large manufacturer of the power to set up a monopoly through his selling agency in defiance or disregard of this section. It brings us back, really, to the Sherman law, it is true, but what harm is there in any of these trade agreements unless there is a monopoly or a restraint of trade or a hindrance of competition in some way? Who has been injured thereby? What evil is there that needs to be remedied, except something of that nature? Why should we undertake to hamper trade when that which is sought to be

Mr. VOLSTEAD. I yield five minutes to the gentleman from Kansas.

Mr. MURDOCK. Mr. Chairman, my intention is to go with the committee on this proposition, although I think anyone who has sat here for the last hour and listened to this discussion must in honesty confess that it is completely confusing. It has been proved here that a sales agency is, under certain circumstances, a good thing, and it undoubtedly has been proved here, on the contrary, that a sales agency can be a very bad thing, and both propositions are true. A monopoly, exercising the power which comes through a sales agency, can crush the retail trade down, and has crushed it down; can prey upon the ultimate consumer, and does prey upon him. Yet at the same time the instrument of a sales agency can be used, as in the beginning of a new business, for the benefit of the retail trade and for the benefit of the consumer.

This situation, which is so plainly exemplified in the contradictions of this discussion, is a natural result of trying to write into law statutory prohibitions against business forms by adopting definitions of changing business practices. Take, for instance, the actual practical application of this section 4. We are simply turning the matter over to the courts. For after Congress shall have passed it, made it law, the Attorney General will, with timidity and hesitation, attempt to enforce it. It will finally reach the courts for interpretation, and after the lapse of 8, 10, or 12 years the business world will reach some sort of a definite understanding about the actual meaning of the section. What will happen to business in the meantime? Advantage to the powerful and monopolistic, and harm and disadvantage to smaller business.

The Democratic Party had its chance this year to create an interstate trade commission with real power to differentiate between big business which is monopoly and big business which is not monopoly, between monopoly which is harmful and big business which is not. You did not embrace that opportunity, and you are going to pay your penalty in a good many different ways. You stand before the country to-day timid and hesitating. You have against you the great predatory powers, and they are using your very hesitant course of action here in this trust program to terrorize small business. I want to read to the gentleman from Arkansas [Mr. FLOYD] a letter which I have received. By the way, I am not antagonizing the position of the gentleman from Arkansas on this particular section in so doing. A merchant in my district has received a letter from the president of the Pictorial Review, a fashion publication in the city of New York. This letter, sent to me by William Allen White, of Emporia, Kans., is as follows:

NEW YORK, *May 1, 1914*.

DEAR SIR: We take the privilege of writing you on a subject of vital importance to yourself and the country at large. It is no doubt evident to you that prosperity has been lost somewhere in this country, owing to the mischievous activities of the politicians, as recognized by all men.

We inclose herewith draft of a letter which embraces the views of a majority of the thinking business people of our section of the country and which should be addressed to the President of the United States, the Congress, and members of the Interstate Commerce Commission, respectively. Might we suggest, if you agree with us, that you take the trouble of writing letters of a similar character to the President, the Members of the United States Senate and the House of Representatives from your State? If you prefer to use copies of the inclosed letter we will mail you as many copies as you can conveniently use. Just send us a postal card. It will be more effective, however, if you write them on your own letterheads. The sooner this appeal is made the greater effect it will have on the politicians who have caused the loss of prosperity.

Inclosed find a list of names and addresses to whom the letter should be sent, but we omit the names of the Representatives and Senators from your State, with whom you are no doubt familiar.

Yours, respectfully,

THE PICTORIAL REVIEW CO.
W. P. ALMELT, *President*.

With this letter is a draft of another letter to be addressed to Members of Congress, the President of the United States, the Interstate Commerce Commissioners, the Speaker of the House, and others. This draft of a proposed letter is as follows:

HONORED SIR:

We respectfully appeal to your sense of justice and ask in the name of the suffering American people, in the name of common sense, why wantonly harass business at this juncture when it is struggling for its very existence?

Why throw more thousands of men idle when so many families are already starving?

Why subject business to any experimental legislation now, when it is not prosperous? Postpone it. Drastic action on your part is a peril at this time. What we do need is a little building up—no more tearing down. We have had a sufficiency of experimental legislation for the present.

The granting of the petition of the eastern railroads for a 5 per cent freight increase will do more for the prosperity and development of the country than all legislation against unlawful restraint and monopolies. Such a determination will result in a movement forward, not backward, and any contrary determination by the Interstate Commerce Commission will emphasize the fact that Washington hostility is balking prosperity. The merchants of this country are vitally interested. Business must not be retarded, otherwise commercial failures will increase. The continual senseless attacks by governmental bodies upon merchants, by impending assaults upon railroad, industrial and mercantile corporations, revision of the tariff, and currency reform have resulted in sinking business to such an extent that it has thrown hundreds of thousands out of employment, reduced wages, and decreased values in railroad industries and mercantile corporations to the extent of at least $3,000,000,000.

The most serious situation that confronts the country to-day is the fact that unemployment is growing more acute. We need relief. We ask the Congress of the United States to halt before it is too late. Postpone all antibusiness legislation. Give the country a rest, and last but not least permit Congress to earn a well-deserved early rest.

Yours, respectfully,

_____.

This letter from this New York concern is apparently sent to dry goods men all over the land, asking them to write to all these various officials in Washington to cease what the letter designates antibusiness legislation. It is part, apparently, of the plan of the great powers in New York City to terrorize small business and the effort is not fruitless, for that terror has reached the hearts of the Democratic leaders. You are putting through this body and expect to pass through the Senate halfway patch-work legislation that will not reach the sore spot in this country, but which will add to already deplorable business confusion. When you do that you are playing into the hands of the big interests who want no legislation at all, who want merely further confusion and delay. That is the truth of the matter. You had a chance on the Democratic side this year, and I was hoping that you would take advantage of it, to give to an interstate trade commission power to make the differentiations, which would clarify instead of befogging the business world. You did not take it. You passed the problem up to the courts, and we will wait 8 or 10 or 12 years for them to tell us what section 4 means. The country can not afford to wait. The larger interests are all the time growing larger and more powerful, and little business is growing more desperate. And all the time the monopoly pirates, fattening upon inadequate statutes or delay, are working to induce the smaller men out over the country to write to Congressmen protesting against any legislation at all. The country needs legislation, but it needs legislation that will bring quick remedies to business ills, and not put the matter over into the overcrowded courts, ill adapted for this work, while the honest business of the country is made to wait helplessly and hopelessly on through the years. [Applause.]

Mr. WEBB. Mr. Chairman, there may be some of the 23 sections of this bill that are open to criticism along the line the gentleman has just made, that they are of doubtful meaning, for it is sometimes very hard to make words in the English language express just exactly what you mean; but I believe this section 4 is the least open to that objection of any section in the bill, and I am rather surprised that my friend from Kansas [Mr. MURDOCK] should make that criticism of this particular section. Stripped of some of its verbiage, that section reads as follows:

SEC. 4. That any person * * * who shall lease or make a sale of goods, * * * or fix a price charged therefor, or discount from, or rebate upon such price, on the condition or understanding that the lessee or purchaser thereof shall not use or deal in the goods * * * of a competitor * * * shall be deemed guilty of a misdemeanor.

It means simply this, that if I am a manufacturer or a wholesaler, and go to a small town and pick out the most popular merchant in that town—I have advertised my goods well—and, of course, naturally he is anxious to buy them. I go to this most popular merchant and tell him that I will let him buy my goods, provided he will not sell or carry in stock any of my competitor's goods. Now, I do not know how other gentlemen may look at such a contract, but that contract, in my opinion, is in and of itself a contract in restraint of trade. Enough of those particular restraining contracts combined would make such manufacturer or wholesaler guilty of violating the Sherman antitrust law. One act, one contract, would not come within the meaning of the Sherman antitrust law, but a series of acts, each one of which we condemn in this section, would bring them within the terms of the Sherman antitrust law, and what we are trying to do is to forbid the various individual acts which irresistibly lead to monopoly.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. WEBB. I will.

Mr. SELDOMRIDGE. This provision, as I read it, seems to affect the seller of the goods and not the purchaser. Suppose there is a merchant in town who desires to purchase a line of goods handled by another dealer, made by some manufacturing concern, under this bill he could not compel the manufacturer to sell these goods to him.

Mr. WEBB. I do not quite understand the gentleman.

Mr. SELDOMRIDGE. I have in mind a manufacturer of a line of stock food. I am engaged in selling stock food. It is sold by my competitor, and I can not buy it because it is being handled by my competitor. Is there anything in the bill which

would allow me to compel the manufacturer or producer to sell to me? As I read the bill I am prevented from buying it.

Mr. WEBB. Oh, no; not at all. You could not compel him to sell to you. He can choose his customers. All this section forbids is that when I sell goods to a purchaser and get my money for them I can not at the same time contract with him that he shall not sell anybody's goods which compete with mine.

Mr. MOORE. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE. Suppose I am the manufacturer of a soap and I make a specialty of it. I have advertised it extensively, and I go into the town which the gentleman has referred to and try to make an arrangement with the local merchant that he will sell my soap. I have gone to great expense in advertising, but I do not say to him that I want him not to use the goods of my competitor. Am I violating the law?

Mr. WEBB. Not at all.

Mr. MOORE. If I build up a trade and establish a reputation for my goods, I can go into the gentleman's town and make an arrangement with the local dealer to sell my goods, provided I do not say that he must not sell the goods of my competitor?

Mr. WEBB. Yes; so long as you do not bind him not to sell your competitor's goods.

Mr. MOORE. Suppose I am the inventor and the manufacturer of a phonograph and I have devised certain records that produce sound more clearly than other phonographs, and I go into the gentleman's town and offer the local dealer my business, the exclusive right to sell my particular records, and another and inferior article is offered to that dealer, am I to be punished because by reason of my inventive genius, superior knowledge, and the superiority of my article, I say to the local dealer that I will give him my exclusive trade and that he is not to put on the shelves something that will be advertised as "just as good," thus faking the public?

Mr. WEBB. Yes; you are to be punished if you make a contract with him that will prevent him from selling a competitive article. He should be left free to sell such articles as he chooses to keep in stock.

Mr. MOORE. Suppose I have a proprietary medicine, a cough cure, selling at 25 cents a bottle, and some one has something not so good, but which can be produced a little cheaper, and I make an arrangement with the dealer as against the inferior article. Can I still be punished?

Mr. WEBB. If you make a contract with the merchant that he shall not sell any competing goods but yours, you are to be punished, and you ought to be punished. Let the public find out the inferior quality of the goods, but give the merchant freedom in his business. The public is more interested in preventing monopoly than in the quality of the goods. If we can prevent monopoly, the public will soon discover the fake or inferior goods.

Mr. HELGESEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. HELGESEN. Take the illustration used by the gentleman from Pennsylvania, where a manufacturer goes into the town and offers business to the dealer, but does not say to him that he must not handle the goods of any competitor, but says, "If you will handle mine I will give you 5 or 10 per cent extra discount," would he be punishable?

Mr. WEBB. Yes; he would be; he would come within the intent and meaning of this section if such agreement is to prevent the sale of competitive goods.

Mr. TOWNER. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. TOWNER. Does not the gentleman think that this will result in a decrease of competition rather than an increase of competition, which of course we all desire? For instance, three dealers handling phonographs may each handle them all; would not there be more competition if each handled one than if all three dealers handled all of the phonographs? Is not there likely to be a decrease of competition?

Mr. WEBB. In answer to that I will say that it is barely possible, but not probable. Business should be left to take care of itself if not built on immoral or illegal contracts. I do not believe there is a man on either side of the House who will say that it is right or fair business for a manufacturer to make a contract with the merchant to sell only his goods and that he shall not sell goods that compete with his. It ought not to be allowed.

Mr. ALLEN. Will the gentleman yield?

Mr. WEBB. I will.

Mr. ALLEN. This amendment offered by the gentleman from New Jersey does not affect the proposition, for the gentleman has stated "it shall be done with intent to establish a monopoly or destroy the business of a competitor."

Mr. WEBB. Yes; and there you have two things necessary to be proven. The amendment which my friend from New Jersey has offered sends us back to the Sherman law. You have got to prove both the illegal contract and the intent, and so forth. In the section as written you have only to prove the illegal contract. If the manufacturer makes a monopolistic contract, he ought to be punished for it without having to prove also that he intended to hurt some one thereby. He should not be allowed to make such contract, whether he actually intends to injure or not.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. STAFFORD. Would not the logic of the gentleman's position be that any jobber would not be permitted to select an agent or drummer to sell exclusively his wares?

Mr. WEBB. No; there he is the agent or the drummer, and he does not buy the goods from the manufacturer, but simply represents the jobber as agent.

Mr. STAFFORD. But he might sell them on certain commissions.

Mr. WEBB. He represents the manufacturer, and is the agent.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. HUMPHREY of Washington. I want to ask the gentleman this question: Suppose a dealer comes into a city, goes to the manufacturer and says to him, "I will handle your goods if you will not permit anyone else in town to do it," would that be legal?

Mr. WEBB. I think it would come within the spirit of the section if the manufacturer accepted such condition, and I think it ought to.

Mr. HUMPHREY of Washington. I think it ought to also; but it does not seem to me that it would. It seems to me that you cover it only in one way. Suppose the retailer says to the man, "I will handle your goods if you will not make a contract with anyone else to handle them."

Mr. WEBB. That might be done, but we are trying to unfetter the little business man and protect him and his customers from monopolistic contracts imposed by the big dealer.

Mr. HUMPHREY of Washington. If you do not stop that sort of procedure, will not the other be useless?

Mr. WEBB. Not at all.

Mr. HUMPHREY of Washington. Will they not simply change the manner of doing business?

Mr. WEBB. We want the little merchant to be able to buy all kinds of goods, keep a variety, and sell them to his customers, instead of being confined to one particular man's line.

Mr. HUMPHREY of Washington. Under the statement the gentleman has made, would it not still be a monopoly in any particular village, because they would select one particular man?

Mr. WEBB. It would be a monopolistic contract if the buyer and the seller agreed to such condition.

Mr. ADAIR. Mr. Chairman, will the gentleman yield?

Mr. WEBB. Yes.

Mr. ADAIR. There is nothing in this bill, as I understand it, that prevents a manufacturer from establishing an agency for his goods in any town, and giving that agent the exclusive right to sell the goods, provided he does not tie him up with a contract not to sell anybody else's goods?

Mr. WEBB. That is true.

Mr. ADAIR. I would not vote for this bill if it prevented a manufacturer from establishing an agency.

Mr. WEBB. It prevents the manufacturer from going to a little or big merchant and selling goods to him on condition that that merchant shall sell only his goods and not sell the goods of any competitor, and I ask both Republicans and Democrats on the floor of this House to give their support to that proposition, because it is good business morals, and it is a long step toward unfettering the little business man all over the country, and it will make the little country merchant feel that he can furnish supplies of all sorts and varieties to his customers instead of forcing them to go to the big mail-order houses to get what they want because they can not find the goods on the shelves of their local merchant.

Mr. MOORE. Mr. Chairman, is there anything to prevent a competitor from going into a country town and making the same deal that the person sought to be affected by this bill made? Why could not a competitor go into the country town and set up his business in his own way with another dealer?

Mr. ADAIR. He does; and he should.

Mr. MOORE. Is not that his remedy?

Mr. MANN. The understanding being that the amendments may be disposed of as they come along?

Mr. WEBB. Yes; that can be done. Forty minutes to be controlled by the gentleman from Minnesota and 35 minutes by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that all debate upon section 4 and all amendments thereto be closed in 75 minutes, 40 minutes of which time to be controlled by the gentleman from Minnesota and 35 minutes by the gentleman from North Carolina. Is there objection?

Mr. DONOVAN. Mr. Chairman, reserving the right to object, there certainly ought to be some proper way of conducting matters here. Parliamentarians ought not to be allowed to interrupt the gentleman speaking without addressing the Chair. It is a grave breach of the rules for a man to interrupt without first addressing the Chair and obtaining that privilege. Now, that great parliamentarian, as he claims to be, from the State of Massachusetts willfully violated the rule time after time; and this great lawyer from New Jersey, who is not courteous enough——

Mr. GARDNER. Mr. Chairman, I call for the regular order.

Mr. DONOVAN. I withdraw the objection, Mr. Chairman.

Mr. MANN. The gentleman from Massachusetts ought to be glad that the gentleman from Connecticut was awake. When I went to the ball game yesterday he was asleep. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

Mr. WEBB. I yield to the gentleman from Ohio if he is against the amendment——

Mr. ALLEN. I am for the amendment.

Mr. WEBB. Then I can not yield the gentleman time.

Mr. McCOY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McCOY. By the agreement which was entered into, who controls the time with reference to this amendment which I have proposed?

The CHAIRMAN. There was no agreement with reference to the particular amendment offered by the gentleman from New Jersey. The agreement was that the time upon this section and amendments thereto should be limited to 75 minutes—35 minutes of which time to be controlled by the gentleman from North Carolina and 40 minutes by the gentleman from Minnesota.

Mr. McCOY. Now, another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McCOY. Is there any violation of the rules if one Member carries on a private conversation with another Member?

The CHAIRMAN. As the Chair understands, there is not unless it disturbs the business of the committee.

Mr. McCOY. It remains for the other Member to object if he is being disturbed. I just wanted to know how far one could go.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Does the Chair hold a man can take the floor at any time without addressing the Chair?

Mr. MANN. I make the point of order that the gentleman from Connecticut [Mr. DONOVAN] can not do that, although he is doing it.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from Illinois, the leader of the minority, always violates the rules more than any other Member of this House, and no other Member uses the personal pronoun to equal him, under any circumstances. And I have no further inquiry to make.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 152. Joint resolution authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases;

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries;

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress; and

S. J. Res. 153. Joint resolution authorizing the President to accept an invitation to participate in an International Congress on Neurology, Psychiatry, and Psychology.

ANTITRUST LEGISLATION.

The committee resumed its session.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman, I have read this amendment carefully, and it seems to me that the gentleman in charge of the bill ought not to object to it, because I think it is reasonable, and should be adopted for the same reasons that impelled the committee to incorporate substantially the same language in section 2 of the bill, relating to price discrimination. While it is stated in the report that there is no objection to the establishment of exclusive agencies and no intention to prohibit same, yet, if the language is not amended as proposed by the gentleman from New Jersey [Mr. McCOY], all that a concern that wanted to evade the law would have to do would be to say to its agent, "If, after instructing you in the use of our machine, advertising it, and so forth, you sell the similar goods of some other concern we will decline to renew our contract with you," and thus evade the law. Now, we do not want to write the law in that way. What we want to do is to write a law that will promote competition by enabling the small manufacturer to maintain agencies throughout the country, where otherwise he could not do so. The great corporations are able to maintain their own selling organizations. Therefore this amendment appeals to me as being in the interest of the small manufacturers.

Now, I want to have read in my time a letter from the Business Men's Club of Cincinnati, Ohio, where this matter was thoroughly discussed, and also a letter and resolutions from the Chamber of Commerce of Cincinnati in reference to the same subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE BUSINESS MEN'S CLUB CO.,
Cincinnati, May 16, 1914.

Hon. ALFRED G. ALLEN,
House of Representatives, Washington, D. C.

MY DEAR MR. ALLEN: At the regular monthly meeting of the board of directors of the Business Men's Club held last night a resolution was passed protesting against the passage of section 4 of H. R. 15657, and directing me to convey to you the protest of the Business Men's Club's directors and to ask you to see that it receives proper attention and is presented as soon as possible to the proper committee considering the bill.

The resolution passed is as follows:

"*Resolved*, That the board of directors of the Business Men's Club Co., of Cincinnati, strongly proteats against the passage of section 4 of House bill 15657 because—

"This section as it stands is in the interest of the large combines and monopolies. They do not need the middleman as do their smaller competitors. They can afford to establish their own selling organization in the various market centers—in fact, most of them now have their own selling organizations—and this section, prohibiting exclusive selling agreements, takes away the only means by which the smaller competitors of these big combines are enabled to compete with them in selling. The smaller concerns, as a rule, can not afford to establish their own selling organizations, and therefore must have the aid of the middleman.

"This section would prohibit smaller concerns from selecting an exclusive middleman representative under an exclusive arrangement. They would have to sell to all middlemen, which would mean indifferent and inefficient representation in competition with the bigger concern with its direct selling organization. When all middlemen may handle identical products, then no middleman takes any special interest in it.

"Under the present method of exclusive selling arrangements there is ample competition between the various middlemen for the benefit of the consumer. Each middleman is fighting every other middleman in the interest of his exclusive line. If the exclusive agency arrangement is abolished and the manufacturer must sell all middlemen, who in turn must sell all competing makes of the same article, then economy and efficiency in selling are destroyed and selling expenses greatly increased; for this would mean that the middleman must maintain larger stocks, larger warehouses, greater number of salesmen, etc. These increased expenses must ultimately be paid by the consumer.

"The 'exclusive agency agreement' method of sale is very widely employed to-day in all the various channels of business. Certain makes of shoes, hats, clothes, tobaccos, foods, manufacturing supplies, automobiles, etc., are handled exclusively by certain middlemen. A provision, therefore, which makes this arrangement a misdemeanor under the Sherman Act, if enacted in the law, would bring about a very wide disturbance of existing business methods. All of this seems unnecessary and unwise, inasmuch as the 'exclusive agency' method of sale as practiced to-day does not in any way act in restraint of trade or of full competition for the benefit of the consumer.

"*Be it further resolved*, That a copy of this resolution be sent to Congressmen ALFRED G. ALLEN and STANLEY BOWDLE, with the request that it be presented as soon as possible to the proper committee considering the bill."

Thanking you for the interest you may take in the matter, I am,

Respectfully, yours,

RUTHERFORD H. COX,
Civic Secretary, Business Men's Club.

CINCINNATI CHAMBER OF COMMERCE,
Cincinnati, May 20, 1914.

Hon. ALFRED G. ALLEN,
House of Representatives, Washington, D. C.

MY DEAR MR. ALLEN: Inclosed please find copy of resolution adopted by the board of directors of the Cincinnati Chamber of Commerce at a meeting held May 19, 1914.

If consistent, the chamber of commerce would appreciate your support of this amendment, and believes you will find, upon investigation,

that this feature was included in the bill under a misapprehension of business conditions and that its adoption would tend to stifle rather than promote competition.

Very truly, yours,

W. C. CULKINS, *Executive Secretary.*

Whereas the Clayton bill, No. 15657, now pending in the House of Representatives, forbids the establishment of exclusive selling agreements between the manufacturer and the "middleman" and makes the same a misdemeanor under the Sherman law; and

Whereas the present method of establishing exclusive selling agreements is widespread and a common practice in business; and

Whereas it tends to promote competition by enabling the smaller producer to maintain agencies at many places where he would be unable to provide a selling organization, thereby leaving that territory under the exclusive control of the larger organizations, who maintain their own individual selling force: Therefore be it

Resolved by the board of directors of the chamber of commerce, That we are opposed to the inclusion in the Clayton bill of the provisions prohibiting such selling agreements and urge that they be stricken from the bill; and be it further

Resolved, That copies be sent to the Representatives of this county and to the Senators from Ohio.

The CHAIRMAN. The time of the gentleman has expired. The question is on agreeing to the amendment.

Mr. WEBB. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. IGOE].

Mr. IGOE. Mr. Chairman, I desire to have read in my time a letter, which I send to the Clerk's desk. This letter is from probably the largest shoe manufacturing company in the world and is in favor of section 4 of the bill.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

ST. LOUIS, MO., *May 20, 1914.*

Hon. WILLIAM L. IGOE,
House of Representatives, Washington, D. C.

MY DEAR SIR: The Clayton bill (H. R. 15657), introduced in the House on May 2, is of deep interest to shoe manufacturers.

Particularly is this true with regard to section 4 of said bill.

In shoe manufacturing there prevails to-day more keen, active competition than exists in any other great industry, but progress and development in shoe manufacturing is being retarded by the lack of competition in shoe machinery.

The present system of leasing shoe machinery, with stipulations that the machines so leased shall exclude the use of similar machines of another make, has reached a high degree of monopoly in shoe machinery.

It appears to the shoe manufacturer that more time has been spent in developing and perfecting the various and numerous clauses in the leases by the Shoe Machinery Co. than has been given to development and improvement of machines.

Under the lease system when a factory is once equipped with machines which pay a constant and high royalty to the machinery company, there is no incentive to the machinery company to put new and improved machines into such a factory, for by so doing the profit-paying machines then in operation will be made useless by the later models.

This strong incentive to stifle improvement in shoe machinery is one of if not the greatest evil of "exclusive use" at which the Clayton bill is directed.

Respectfully, yours,

INTERNATIONAL SHOE CO.,
By F. C. RAND.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey [Mr. McCOY].

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Chairman, I am opposed to the amendment and I favor the provision as it stands. While the gentleman from Illinois [Mr. MADDEN] was discussing this amendment he referred particularly to the price of automobiles, and he admitted that the result of this system was to maintain the retail price—the price to the consumer of that article—no matter how much competition there might be in the actual supply. And that is the result of the operation of this system, namely, that it destroys competition in price. You might have a billion automobiles for sale, of one hundred thousand different varieties, and yet you would have to pay five or six or ten times more for them than it costs to produce them.

Mr. McCOY. Now, will the gentleman yield?

The CHAIRMAN. Will the gentleman from Minnesota yield to the gentleman from New Jersey?

Mr. STEENERSON. Not now. I will yield later.

Now, take this system, and it may be said as to certain lines it is all right. Now, I will illustrate it in a matter that affects the actual living expenses. Some years ago my attention was called to the fact that on a line of railroad running out of St. Paul, Minn., we had a number of towns located in a rich farming country where they raised live stock, and one of these farmers asked me why they could not sell a fat steer or even a corn-fed steer to the local butcher, but that the local butcher had to buy his meat from a refrigerator car sent out by the Beef Trust from St. Paul. I went to the butcher shops in several of those towns and was informed that in order to get fresh beef they had to buy it from that trust. If they bought from the farmer, then they could not get these other staple articles that every butcher shop has got to keep or get out of business, for instance, lard, ham, bacon, cheese, salt fish, pickles, and various other of these side lines.

Now, if they could not buy these articles they could not keep shop, and they would not sell them to them because they did not buy their fresh meat from them. If they bought one steer from a farmer, either dressed or killed it themselves, they could not buy these other articles, and the result was, that although a laboring man in one of those towns could have bought his meat for 10 or 15 cents a pound and still give the butcher a reasonable profit, if the butcher had been able to buy from the farmers, as a matter of fact he had to pay 25 to 30 cents a pound, an enormous profit to the Beef Trust.

Now, this proposition contained in this bill is the only proposition I have seen yet coming from the Democratic Party that will actually tend to reduce the cost of living. I have criticized their tariff bill as failing to reduce the cost of living, and I stand by every word I have said, but they have, either intentionally or accidentally, in this section hit upon a way by which the ultimate consumer will in a certain degree receive the benefit and have a little chance to get a lower cost of living. [Applause.]

Mr. McCOY. Will the gentleman yield?

Mr. STEENERSON. Yes; I will yield.

Mr. McCOY. Now, I would like to have the gentleman point out how section 4 of this bill meets that particular situation which he has described up in his State.

Mr. STEENERSON. I say that the man could not be supplied with these other articles unless he bought these articles.

Mr. McCOY. That has nothing to do with this section.

Mr. STEENERSON. Oh, yes; it has.

Mr. McCOY. Not with my amendment.

Mr. STEENERSON. The practice in some of these places has been destroyed by the State law, but, for instance, there are articles such as was read from the desk, in the letter presented by the gentleman from Ohio [Mr. ALLEN], articles of food, for instance, cereal food, that cost 1 cent a pound to produce, and they sell them for 15 cents a pound, and you exclude the right to sell any other competing article.

Mr. McCOY. There is no testimony before the committee to that effect.

Mr. STEENERSON. I know there is not, but we have got to go by our experience throughout the country. There is the article of stock food, for instance. It is a matter of common knowledge that one manufacturer of stock food in Minneapolis, who gets his screenings and his bark from the sawmill for only a fraction of a cent a pound, through this tying system excludes all other articles from his exclusive agencies and is enabled to charge an exorbitant price. Of course he spends a very large part of it for fraudulent advertising, such as is described in the report on this bill, and the result is that people pay three or four times as much for the article as it costs. There is the test. It is a system that does not tend to supply the public goods at a reasonable price or that tolerates competition in price. It does not tend to efficiency. The test of efficiency is cheapness to the consumer. Price is ordinarily governed by supply and demand, but this system nullifies that law and enables the manufacturer and middleman to exploit the consumer at will. It is a system that is indefensible from the public point of view.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. I yield to the gentleman two minutes more.

Mr. STEENERSON. There is the test of the system: Will it produce a more economical distribution of the necessities of life? Will the abolition of this system tend to give to the consumer cheaper clothing, cheaper food, and cheaper vehicles? I asked the gentleman from Illinois about the comparative profit there was in selling other vehicles, like sleighs, wagons, and buggies. Does anybody suppose that the manufacturer of bobsleighs or of lumber wagons or of buggies would expect to give his agent 20 per cent commission, or that he could sell his buggy to his agent for two or three times what it cost to produce it? No. They are articles which enter into ordinary commerce, and the tendency is to produce them as cheaply as possible and to give the benefit of that cheaper production to the man who buys them, whereas no matter if you live in a land of plenty, no matter if the automobile is a vehicle that is as plentiful as the air you breathe, under this system you would have to pay three or four or five times more than it costs to produce them.

I am opposed to this amendment and am in favor of the provision of the bill.

Mr. MURDOCK. Mr. Chairman, I want to speak on this amendment.

The CHAIRMAN. The Chair will state to the gentleman that the time is controlled by the gentleman from Minnesota [Mr. VOLSTEAD].

glad that the gentleman from Connecticut was awake. When I went to the ball game yesterday he was asleep. [Laughter and applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New Jersey.

Mr. WEBB. I yield to the gentleman from Ohio if he is against the amendment——

Mr. ALLEN. I am for the amendment.

Mr. WEBB. Then I can not yield the gentleman time.

Mr. McCOY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McCOY. By the agreement which was entered into, who controls the time with reference to this amendment which I have proposed?

The CHAIRMAN. There was no agreement with reference to the particular amendment offered by the gentleman from New Jersey. The agreement was that the time upon this section and amendments thereto should be limited to 75 minutes—35 minutes of which time to be controlled by the gentleman from North Carolina and 40 minutes by the gentleman from Minnesota.

Mr. McCOY. Now, another parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. McCOY. Is there any violation of the rules if one Member carries on a private conversation with another Member?

The CHAIRMAN. As the Chair understands, there is not unless it disturbs the business of the committee.

Mr. McCOY. It remains for the other Member to object if he is being disturbed. I just wanted to know how far one could go.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. Does the Chair hold a man can take the floor at any time without addressing the Chair?

Mr. MANN. I make the point of order that the gentleman from Connecticut [Mr. DONOVAN] can not do that, although he is doing it.

Mr. DONOVAN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DONOVAN. The gentleman from Illinois, the leader of the minority, always violates the rules more than any other Member of this House, and no other Member uses the personal pronoun to equal him, under any circumstances. And I have no further inquiry to make.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 152. Joint resolution authorizing the President to accept an invitation to participate in the International Congress on Occupational Diseases;

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an International Exposition of Sea Fishery Industries;

S. J. Res. 105. Joint resolution authorizing the President to accept an invitation to participate in the Sixth International Dental Congress; and

S. J. Res. 153. Joint resolution authorizing the President to accept an invitation to participate in an International Congress on Neurology, Psychiatry, and Psychology.

peals to me as being in the interest of the small manufacturers.

Now, I want to have read in my time a letter from the Business Men's Club of Cincinnati, Ohio, where this matter was thoroughly discussed, and also a letter and resolutions from the Chamber of Commerce of Cincinnati in reference to the same subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

THE BUSINESS MEN'S CLUB CO.,
Cincinnati, May 16, 1914.

Hon. ALFRED G. ALLEN,
House of Representatives, Washington, D. C.

MY DEAR MR. ALLEN: At the regular monthly meeting of the board of directors of the Business Men's Club held last night a resolution was passed protesting against the passage of section 4 of H. R. 15657, and directing me to convey to you the protest of the Business Men's Club's directors and to ask you to see that it receives proper attention and is presented as soon as possible to the proper committee considering the bill.

The resolution passed is as follows:

"*Resolved*, That the board of directors of the Business Men's Club Co., of Cincinnati, strongly protests against the passage of section 4 of House bill 15657 because—

"This section as it stands is in the interest of the large combines and monopolies. They do not need the middleman as do their smaller competitors. They can afford to establish their own selling organization in the various market centers—in fact, most of them now have their own selling organizations—and this section, prohibiting exclusive selling agreements, takes away the only means by which the smaller competitors of these big combines are enabled to compete with them in selling. The smaller concerns, as a rule, can not afford to establish their own selling organizations, and therefore must have the aid of the middleman.

"This section would prohibit smaller concerns from selecting an exclusive middleman representative under an exclusive arrangement. They would have to sell to all middlemen, which would mean indifferent and inefficient representation in competition with the bigger concern with its direct selling organization. When all middlemen may handle identical products, then no middleman takes any special interest in it.

"Under the present method of exclusive selling arrangements there is ample competition between the various middlemen for the benefit of the consumer. Each middleman is fighting every other middleman in the interest of his exclusive line. If the exclusive agency arrangement is abolished and the manufacturer must sell all middlemen, who in turn must sell all competing makes of the same article, then economy and efficiency in selling are destroyed and selling expenses greatly increased; for this would mean that the middleman must maintain larger stocks, larger warehouses, greater number of salesmen, etc. These increased expenses must ultimately be paid by the consumer.

"The 'exclusive agency agreement' method of sale is very widely employed to-day in all the various channels of business. Certain makes of shoes, hats, clothes, tobaccos, foods, manufacturing supplies, automobiles, etc., are handled exclusively by certain middlemen. A provision, therefore, which makes this arrangement a misdemeanor under the Sherman Act, if enacted in the law, would bring about a very wide disturbance of existing business methods. All of this seems unnecessary and unwise, inasmuch as the 'exclusive agency' method of sale as practiced to-day does not in any way act in restraint of trade or of full competition for the benefit of the consumer.

"*Be it further resolved*, That a copy of this resolution be sent to Congressmen ALFRED G. ALLEN and STANLEY BOWDLE, with the request that it be presented as soon as possible to the proper committee considering the bill."

Thanking you for the interest you may take in the matter, I am,
Respectfully, yours,

RUTHERFORD H. COX,
Civic Secretary, Business Men's Club.

CINCINNATI CHAMBER OF COMMERCE,
Cincinnati, May 20, 1914.

Hon. ALFRED G. ALLEN,
House of Representatives, Washington, D. C.

MY DEAR MR. ALLEN: Inclosed please find copy of resolution adopted by the board of directors of the Cincinnati Chamber of Commerce at a meeting held May 19, 1914.

If consistent, the chamber of commerce would appreciate your support of this amendment, and believes you will find, upon investigation,

provided for the middleman than there is on the ordinary articles, like wagons, buggies, and so forth?

Mr. MADDEN. I do not know how much commission ought to be allowed for the sale of automobiles.

Mr. STEENERSON. Is it not a fact that automobiles are unreasonably high?

Mr. MADDEN. I do not know; I do not know what they cost.

Mr. STEENERSON. Do they not allow an exorbitant commission?

Mr. MADDEN. I do not think it is an exorbitant commission to a man who runs an agency, who has to sell exclusive machines, who has rent and taxes to pay, who pays in advance for the machines, invests his money, has to pay for advertising, employs salesmen, bookkeepers, and all those things that enter into the conduct of a business. I maintain that there is no business in the United States conducted by anybody, unless it is a business of a fabulous amount, that can be conducted for less than 15 per cent for the average business done. If that be true, it can not be said that 20 per cent is a high commission to pay, because out of the 20 per cent he must pay 15 per cent for expenses, and if he can retain 5 per cent he is not overpaid.

Mr. STEENERSON. But the cost of production——

Mr. MADDEN. I do not know anything about the cost of production. It may be that the manufacturer can build a machine for $1,000 that he sells for $2,000.

Mr. STEENERSON. Does not this system enable the manufacturer as well as the agent to dispose of his goods for three or four times the price that it costs to produce them?

Mr. MADDEN. Any argument that we might have on the floor would not settle that question. It takes scientific information, scientific organization properly assembled, properly conducted, to run a great business, and if anybody on this floor can tell me how a great business enterprise can be conducted successfully, and tell me what it ought to cost to conduct that enterprise, I would like to get his picture. [Laughter.]

Mr. FLOYD of Arkansas. Mr. Chairman, section 4 of this bill is intended for the benefit of the consumer. I am not going to controvert the contention that the tying or exclusive contract forbidden in this section is for the benefit of the manufacturer. I am not going to controvert that this system may be so used as to be beneficial to the retailer, but our friends who are opposed to this provision never look beyond the manufacturer or local dealer, never look to the interests and the rights of the consumers of this country. I desire to speak for the consumer, and to show you how this provision will be beneficial not only to the consumer but to every independent small manufacturer in this country.

The contention that under this system and by this kind of contract the small dealer can build up a trade is an absurdity. Here is the proposition. One of these big manufacturers carries a line of manufactured goods into your town and makes a contract to the effect that he will place the goods with a local dealer on condition that the merchant will not handle the goods, wares, or merchandise of his competitor in that line. What is the effect of it? They have commodities that are absolutely essential to the business of the merchant or small dealer, and in order that no other manufacturer may sell anything that that merchant uses to that merchant, he makes this exclusive or tying contract. If he is a manufacturer of shoes, he must be supplied with every implement, or otherwise the big manufacturer of shoe machinery would withdraw everything and cut off his supplies. The best illustration you can find of this evil practice is the leasing system of the United Shoe Machinery Co. They lease on condition that the man who takes their goods under the lease shall not deal in the commodities of any competitor.

Mr. McCOY. Will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. McCOY. Do they lease on condition that he will not deal in any other goods; is it not on condition that he will not use any other goods?

Mr. FLOYD of Arkansas. Well, will not use, because the shoe-machinery company will not sell, but lease their machines. The manufacturers of shoes do not own the machines, and yet the gentleman from New Jersey stands for that kind of a system in this country.

Mr. McCOY. I know the gentleman wants to be fair. He knows that I do not stand for the system of the United Shoe Machinery Co., does not he?

Mr. FLOYD of Arkansas. I have heard the gentleman from New Jersey repeatedly say that he did not; but he stands for a principle that has made the shoe machinery company a gigantic monopoly in this country, and if he stands for the system he stands for encouraging the building up of other like monopolies. What counts it to the American people for the gentleman to oppose the shoe machinery company if he stands for the principle that enables them to build up and enables them to maintain a great monopoly?

Mr. McCOY. Is not my amendment aimed at monopoly?

Mr. FLOYD of Arkansas. The gentleman's amendment is practically in the language of the Sherman law so far as monopoly is concerned, and yet the circuit court of appeals has held that this particular contract is not within the provisions of the Sherman law, and hence we insist that a change of the language shall be made so that it will be within the law.

What is the effect of it? The gentleman from Minnesota struck at the vital point of this whole controversy. It is the consumer. The gentleman from New Jersey seems not to understand that there is any testimony in the hearings bearing upon this question. If he will read the hearings, he will find an abundance of testimony condemning this system.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. FLOYD of Arkansas. Mr. Chairman, I ask to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. FLOYD of Arkansas. One manufacturer of rim glasses was before our committee and he was a great advocate of this system. He made frames for $1.25, sold them to the dealer for $2, and required the dealer to sell them to the consumer for $5. The whole effect of this system and practice is to drive out competition locally and to enable the manufacturer to get higher prices. That is not the only evil of it. It discommodes the American people everywhere. Whenever a manufacturer comes along and makes one of these exclusive or tying contracts and gets the local merchant bound down to the proposition or agreement that he will handle this particular commodity, and will not handle any other commodity of like kind, manufactured or produced by a competitor, and then cuts out all other like commodities, the consumers must take that commodity or nothing, if they deal with that merchant.

Mr. ALLEN. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. ALLEN. Is not the case that the gentleman cited just now, the eyeglass case, one that involves the principle of resale, fixing the resale price, while the one that we have under consideration is one where the manufacturer has simply sold his machine or whatever it may be to the merchant or factor who represents him in the community?

Mr. FLOYD of Arkansas. True, and these same men who were before the committee opposing this provision spent days asking the committee to bring in a provision to annul the effect of the Supreme Court decision, which denies them the right to fix the retail price.

Mr. McCOY. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. McCOY. Do I understand the gentleman to contend that the people who were opposing section 4 were there advocating the right to fix the retail price?

Mr. FLOYD of Arkansas. Not necessarily all of them.

Mr. McCOY. Were any of them?

Mr. FLOYD of Arkansas. I think so.

Mr. McCOY. I disagree with the gentleman. There was not anybody there who was advocating that.

Mr. FLOYD of Arkansas. The gentleman from New Jersey insists that under this system the small man can promote his business. Let us see. The very reverse is true. The big, the powerful manufacturer makes it impossible for the small man to get in; but suppose one does get in and gets an exclusive contract of some kind, then you have two monopolies, and you never get beyond monopoly. If you had three or four, they would all result in restricted monopolies, and in the meantime the American public are denied many conveniences, and denied them by means which are tending all the time to build up monopoly and to create higher prices.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Yes.

Mr. GARDNER. Does not the gentleman think that the fact that all of these automobile companies have been able to build themselves up from small organizations by this very system has resulted in a benefit to the consumer?

Mr. FLOYD of Arkansas. The gentleman takes an illustration in which I am not particularly concerned—the automobile.

Mr. GARDNER. But the gentleman has been using the United Shoe Machinery Co. as an illustration.

Mr. FLOYD of Arkansas. It is the American consumer, the man who buys bread and meat and medicine, the man who

labors in the sweat of his brow and who toils in season and out in order to eke out an existence that I am referring to; and to allow a system that will permit these powerful monopolies to deny them the comforts of life and extort high prices from them under exclusive contracts is what I object to.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this time. I want to deal with the automobile proposition.

Mr. GARDNER. But the gentleman did not let me finish my question.

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Massachusetts has no right to interrupt the gentleman from Arkansas in that way.

The CHAIRMAN. Does the gentleman from Arkansas yield to the gentleman from Massachusetts?

Mr. FLOYD of Arkansas. Not until I answer his question.

Mr. GARDNER. But the gentleman did not allow me to ask the question.

The CHAIRMAN. The gentleman declines to yield.

Mr. FLOYD of Arkansas. The gentleman from Massachusetts has mentioned the automobile business. I am very glad that he did. Under this system, this favored system, this system that is going to build up the small man, it is in testimony before our committee that these contracts, exclusive contracts, have enabled one automobile company, with a capital of $2,000,000, to make a profit of $25,000,000 in one year, and they or their representative gave the testimony before your committee.

Mr. GARDNER. Has the gentleman answered me?

Mr. FLOYD of Arkansas. I do not stand for this kind of a system.

Mr. GARDNER rose.

Mr. FLOYD of Arkansas. Oh, I am not through answering the gentleman's first question yet.

Mr. GARDNER. But the gentleman never gave me a chance to ask it.

The CHAIRMAN. The gentleman declines to yield.

Mr. FLOYD of Arkansas. How did they do it? How did they make it? Do you think that any business man in America with a capital of $2,000,000 can earn a profit of $25,000,000 in one year on that $2,000,000 alone? Not at all.

Mr. GARDNER. Has anybody——

Mr. DONOVAN. Mr. Chairman, a point of order. The gentleman from Massachusetts is a parliamentarian, and he knows that he violates the rules.

Mr. FLOYD of Arkansas. I decline to yield at this time.

Mr. GARDNER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GARDNER. I make the point of order that the gentleman from Connecticut [Mr. DONOVAN], when he asks for recognition, must await it before he makes the point of order.

Mr. FLOYD of Arkansas. I decline to yield at this time. I want to get through with this automobile business. I am not criticizing this automobile company, but I am describing the method they use, which I think is wrong and detrimental to the American public, one that makes automobiles higher than they should be and gives the manufacturers unusual and unjustifiable profits, not on their own investment, but upon the investment of men who deal with them, whose hands are tied and whose money is invested in property bound by an exclusive contract.

Mr. McCOY. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this time. I am not through with the automobile business.

The CHAIRMAN. The gentleman declines to yield.

Mr. FLOYD of Arkansas. I decline to yield until I get through answering the question of the gentleman from Massachusetts. How did they do it? They made contracts with agents throughout the country—exclusive agents—and they did not turn over their machines to these exclusive agents on their own money, but they made each agent take six machines and pay for them; and after he had taken six machines and paid the full price therefor they called him a sole selling agent and made him enter into a contract that he would not buy or handle or use the automobiles of any competitor.

Mr. McCOY. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Not at this time. I am not through with the automobile business. They made these local agents, so called, buy their machines and pay for six machines, and then they gave them enormous profits to sell them to the general public, to make them active, and the result was that they sold many of these automobiles at high prices and made enormous profits, and at the end of the year this automobile company in footing up its accounts found that with an investment of $2,000,000 they had earned $25,000,000 profit in one year, speculating on other men's money, and the consumer paid the bills and paid the profits.

The dealer's hands were tied. The man who dealt with that particular dealer had to purchase that particular class of automobiles and could not buy any other.

Mr. McCOY. Will the gentleman permit an interruption?

The CHAIRMAN. Does the gentleman yield?

Mr. FLOYD of Arkansas. I yield to the gentleman from New Jersey.

Mr. McCOY. Is not the net result of the Ford operations that the Ford machines are now cheaper than baby carriages used to be?

Mr. FLOYD of Arkansas. I do not know how high baby carriages used to be [laughter], but the price of the Ford machine, if they are making a profit of $25,000,000 a year on a $2,000,000 investment, is certainly high enough for American customers and purchasers.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCOY. I ask unanimous consent that the gentleman may have five minutes more.

Mr. GARDNER. Mr. Chairman, reserving the right to object, I would like to ask whether the gentleman proposes to try to silence discussion——

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from Arkansas may proceed for five minutes. Is there objection?

Mr. FLOYD of Arkansas. I am not attempting to silence discussion.

Mr. GARDNER. I am reserving the right to object——

Mr. FLOYD of Arkansas. If the gentleman means that if I do not see proper to yield to the gentleman or any other Member of the House in the midst of a discussion before I finish my argument, he can object.

The CHAIRMAN. Is there objection?

Mr. GARDNER. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Massachusetts objects.

Mr. WEBB. Mr. Chairman, I want to see if we can not close debate on this question in, say, 15 minutes.

Mr. McCOY. I ask the gentleman to yield to me then.

Mr. MANN. We have wasted about one hour on one amendment, and there are other amendments to be offered, and I notice the committee has taken up a large share of the time that has been wasted.

Mr. WEBB. That was on requests from the other side.

Mr. McCOY. Mr. Chairman, I ask unanimous consent that the gentleman from Arkansas have leave to proceed for five minutes.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman from North Carolina how much time has already been taken up in this connection?

Mr. WEBB. I am sorry to say I can not answer, but I think 30 minutes has been taken up——

Mr. MANN. It has been over an hour.

Mr. WEBB. Thirty minutes have been occupied by the gentleman favoring the amendment and 10 or 15 minutes by those who are opposed to it.

Mr. MANN. It has been an hour since the amendment was offered.

Mr. BARNHART. Why not have all the amendments which are prepared read from the desk and then determine which are of the most importance and which will require the longest discussion?

Mr. TOWNER. I suggest to the gentleman that we ought to be allowed to determine that ourselves.

Mr. WEBB. Can the gentleman suggest how much time gentlemen require on that side?

Mr. TOWNER. I have three amendments I desire to offer, and I only ask for five minutes on each one.

Mr. ALLEN. I want five minutes on the amendment.

Mr. STEENERSON. I want five minutes.

Mr. MORGAN of Oklahoma. I would like to have 10 minutes.

Mr. MANN. Forty minutes are required on this side.

Mr. WEBB. We would like to have 30 minutes on this side, so say 70 minutes.

The CHAIRMAN. Does the gentleman from New Jersey withdraw his request for unanimous consent.

Mr. MANN. Have it included in this and yield time. How much time does the gentleman want on that side?

Mr. WEBB. Out of abundance of caution we will take 35 minutes on this side, and the other side can have 45 minutes. I ask unanimous consent that debate on this section and amendments thereto be limited to 75 minutes——

kind in the United States?

which I send to the desk and ask to have read.

among the several States or with foreign nations or a part thereof for

and the gentleman's amendment is intended to permit them——

Mr. McCOY. No; my amendment is aimed simply at—I will read the amendment. It is to leave the section as it stands and forbids that kind of thing. It is to amend the section so as to permit that sort of contract to be made where it is not made with the intent to obtain or establish a monopoly or to destroy the business of a competitor

Mr. GARDNER. That is what I understand. What I was going to say was that the gentleman's amendment is designed to permit sole selling agencies where the agent buys the goods, provided the transaction is not engaged in for the purpose of restraining trade or creating a monopoly. Is that correct?

Mr. McCOY. That is correct.

Mr. GARDNER. May I ask the gentleman how he interprets these words: "or fix a price charged therefor, or discount from, or rebate upon such price"? What is the need of those words if you forbid the sale of goods.

Mr. McCOY. I do not think they add anything; but the committee itself says, at page 11 of the report, that the words "or fix a price charged therefor, or discount therefrom, or rebate upon such price," are merely descriptive of the different methods used by the manufacturers to induce the dealer or local merchant to enter into this exclusive or tying contract.

Mr. GARDNER. That is all very well; but the report goes on and explains that "the first inducement in every case must of necessity relate to price." Now, suppose it was found that one of these exclusive agents or exclusive purchasers had created a restraint of trade by some device other than the fixation of prices or rebates; might not a court hold that the very inclusion of these words, which the committee says are descriptive, had by implication legalized the use of other methods of discrimination?

Mr. McCOY. I would say to the gentleman from Massachusetts I would rather not discuss that proposition now. The gentleman may be right about it, but I would like simply to take up this question of my amendment.

Mr. GARDNER. I want to get it clear in my mind in connection with the other.

Mr. McCOY. I do not know but that the gentleman is right; but I have not considered that end of it. Now, the committee in its report says that the provision of section 4 "is designed merely to prevent this unfair trade practice, now so common throughout the country, and which is generally regarded by everyone who has given the subject any serious consideration as unjust to the local dealer and to the community and as monopolistic in its effect."

Now, I will call the attention of the committee to what are the facts in regard to the community at large, and who fail to say at any rate in regard to these hearings where they had an opportunity to do. Now, then, let us see what this does. For instance, we have a great many manufacturers of machine tools. Those are these big tools we see in the various machine shops in the country, and I do not need to describe them; I do not need to tell you how bulky they are. They look expensive and they are expensive. Now, these manufacturers of machine tools all make these exclusive selling agencies. They do it for this reason: They are not a trust; they are not combined together in any way to stifle competition. Some of them are not big. There is one in my district, a very small concern, comparatively. Now, if it had to carry a stock of these expensive machine tools all over the United States, wherever they naturally would be in the hands of the ordinary agent—that is, the principal retailing the title and simply turning them over to the agent for sale—do not you see, can not anybody see, that unless they have enormous resources they can not afford to do that sort of thing, and that is the very cause leading to these sole selling agents.

Mr. MADDEN. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. MADDEN. The very thing the gentleman complains of would prevent anybody starting any new business.

Mr. McCOY. Surely; and I am coming to that. Now, what is the consideration which moves the so-called agent to go into this matter and put up his money? Why it is, of course, that he would get a better price for the machines than he could get otherwise, and it is perfectly natural, because he puts up the money, and he should have a better price than if the machines were sold outright to somebody who did not want to put up the money to carry these goods but wanted them for actual use. In other words, the manufacturer with a small capital goes substantially into a partnership with the agent who is to handle these goods. The manufacturers say, "I will not sell or allow anybody else to sell in that territory." The agent says, "On account of these prices which you have given to me, I will not sell the goods to anybody else."

Mr. STAFFORD. Will the gentleman yield?

Mr. McCOY. Yes.

Mr. STAFFORD. Can the gentleman inform the committee whether these many business houses who have the exclusive selling contracts are protesting against the character of that form of business dealings?

Mr. McCOY. I have protests from everywhere about it.

Mr. STAFFORD. Are they protesting against the character of the contracts?

Mr. McCOY. You mean the people who make the contracts?

Mr. STAFFORD. The persons who make them and the business houses who are the recipients of the contracts.

Mr. McCOY. Not at all. I understand that all the automobile people carry on their business in that way. Let us suppose, for the sake of——

Mr. STAFFORD. And there is the office-furniture business—the Yawman & Erbe, the Shaw-Walker concerns, and any number of other manufacturers that have exclusive contracts for dispensing their wares.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. McCOY] has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman have 10 minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. McCOY. The gentleman asks whether these agents, for whom the committee rather tries to arouse our sympathies, are taking these contracts by having them forced onto them by the manufacturers. I think a little imagination should answer that question. All the automobile concerns, I believe, have these sole selling agency contracts. Now, let us suppose that every one of these agents in the city of Washington should die tomorrow. Do you believe that the automobile manufacturers would have to chase to Washington to get agents? Detroit would be filled with Washingtonians wanting to get these contracts.

The argument made by one of the members of the committee, who principally supports this proposition, is this, that it is unfair that a man should first sell his goods and then exact from the man to whom he has sold them a contract that he will not sell anybody else's goods. Now, the proposition cuts itself. One does not first sell the goods and then exact something from that man. He could not do it. If he sold the goods without any form of contract except as to sale and delivery, that would be the end of it. But the contract on the one hand to sell and the contract on the other hand not to sell is a mutual agreement which both of them are perfectly willing to enter into.

Now, the gentleman from Illinois [Mr. MADDEN] has suggested something about somebody going into business. Let us take a couple of young men who have some article for sale which they think is a pretty good article. They think that if it could be properly placed it would have a big sale. They have a small capital. What are they going to do? They can not hire agents, commercial travelers, and send them all over the country. They can not establish agencies all over the country. The only thing they can do, and I believe every lawyer here has known plenty of cases of that kind, is to get somebody who will take one of these sole selling agencies, and who will give his attention to their business and build up a trade for the little man.

Mr. MURDOCK. Now, right there, will the gentleman yield?

Mr. McCOY. Surely.

Mr. MURDOCK. Does not the argument the gentleman is making put upon the new corporation or new company the necessity of establishing a finely articulated retail business all over the United States, which is the very trouble the committee is trying to reach, thereby shutting out the new man from the retail trade by exclusive contracts?

Mr. McCOY. I do not quite understand the gentleman. Do you mean the committee is endeavoring to remedy by this provision the cessation of retail business?

Mr. MURDOCK. No. The committee is trying to give the new man a chance to get his wares out to the public through existing retail agencies. And does not the gentleman's proposition cut the new firm out of that opportunity?

Mr. McCOY. No. It does not cut them out of the opportunity. The bill cuts them out of the opportunity. It provides that the man who has, for instance, a small invention and wants to market it—it prevents a man who wants to get into any kind of business, without a great amount of capital, from being able to do that. Now, here is one thing the committee does claim, and it is along the line of a suggestion of the gentleman from Kansas. They claim that by creating an agency in a small place and making the so-called agent agree not to sell the goods it throws the community over into the hands of the mail-order houses. On the other hand, they argue that people go to the mail-order stores because of this sole selling agency there, and

the result of their going is to destroy this retailer who takes this sole order agency. Again, one argument eats the other.

Mr. MADDEN. How can you stop a mail-order man doing that, except by taking his postal privileges away from him?

Mr. McCOY. You can not. But here is what you can do: If a manufacturer has one of these sole selling agencies, he will not permit the mail-order house to sell in that district in competition with that dealer. As this provision stands, it simply means that concerns like the Standard Oil Co., the Tobacco Trust, and all other big concerns that have enough capital to enable them to establish strict agencies all over the United States, will proceed to do business in that way.

Mr. MADDEN. What the gentleman means by "strict agency" is the man who represents the concern and handles the commodity under contract?

Mr McCOY. They go there and put in a store, and hire the agent, and have the money to do it. But the little fellow, the man you and I know in our districts, is in all kinds of business. He will not be able to compete with people in his line of business simply because he can not have these agencies. He can not carry the goods in these agencies.

Mr. GARDNER. May I see once more if I get the gentleman's idea correctly. Supposing a small manufacturer of automobiles up in Massachusetts, with limited capital, desires to sell his automobiles throughout the Union. If he desires to sell his wares through the kind of agency which this bill permits to exist, then he is obliged to supply all the capital and own all those automobiles?

Mr. McCOY. Absolutely.

Mr. GARDNER. Whereas if he can go to a smart young man in Washington, for instance, and say, "You have got a little capital; I am ready to sell you my automobiles at a low price, but I want to have somebody to hustle my automobiles on the market in preference to other automobiles." As I understand it, this bill says to that manufacturer who has not the capital to own the business himself, "You can not make any such trade in order to have your automobile boosted instead of the Packard automobile."

Mr. McCOY. Absolutely.

Mr. GARDNER. You say that the manufacturer who has a small capital ought to be able to sell his wares to some smart young man on an exclusive contract, so that he may compete with the manufacturer with large capital, provided that his agreement with the smart young man is not designed to create a monopoly in restraint of trade?

Mr. McCOY. Absolutely.

Mr. GARDNER. If I get the gentleman's idea——

Mr. McCOY. Absolutely. My amendment is in the interest of the small man, and the committee proposition is in the interest of the big man.

Mr. GARDNER. Precisely, if I understand the gentleman correctly.

Mr. McCOY. That is the exact situation.

Mr. STAFFORD. As I understand these contracts in the business world, they are for a limited period, and they do not place any hardship upon the contractee, the one who has the exclusive agency. He can terminate it under certain stipulations or at the termination of the contract, which is usually for one year or two years.

Mr. McCOY. The contract runs for a short period, and if an article is worth selling you can get hundreds of people who will seek these contracts.

Now, I want to say to the members of the committee that I would ask those who oppose my amendment to point out where in the hearings that sort of thing was complained of. And if they can not find it in the hearings then I ask proof from somewhere or other, except from mere statements that these things may happen, to justify this section without my amendment.

I yield the balance of my time.

Mr. MADDEN. Mr. Chairman, if section 4 of the bill is not amended along the line suggested by the gentleman from New Jersey [Mr. McCOY] it will restrict the opportunity of men who have never been in business before from going into any business at all. The bill purports to protect the small business man in his right to do business; but the truth is that it protects the man who needs no protection, and discriminates against the man who ought to be encouraged. A man can not go into business originally, under this provision of the bill, without taking somebody's customer away; and if he takes a man's customer away, under this section of the bill he commits a crime, because he does the man an injury. If we are not to permit men to go into business because they take the business of somebody else away from them, thereby injuring them in their business, and as a result of that commit a crime, we are not opening up competition in business; we are establishing a monopoly by this bill.

The agencies that must, as a matter of course, be permitted to be established in order to develop the growing business of the men engaged in the industrial affairs of America can not be restricted. We must have the right to establish these agencies or we can not expand. We have a convention being held in this city to-day, gathered from every quarter of America, for the purpose of devising means by which we can expand our foreign trade, and the men who are here are men who are versed in the commercial life of the world. You can not restrict the advance of commerce by any law. You can not change the trend of events by any language that you can write into any section of any bill. The development of the world can not be stopped by an attempt to limit monopoly and to extend the right of competition. It becomes apparent at once that the wise men who have tried for more than 2,000 years to regulate trade by law and to surround that trade with protection in every way, and to fix punishments for violations of the law, have not been improved upon much by the gentlemen who sit at the table of the Judiciary Committee of this House, and who have had the honor to prepare this bill. The business of the world will be done because of the activity of the men of the world ——

Mr. DONOHOE. Will the gentleman yield?

Mr. MADDEN. In just a moment, please. To say that you can not establish an agency to put on the market the goods of the man who is starting in business for the first time, is to say that you restrict the opportunity for men to engage in business. A man with $10,000 capital, making a specialty, may have sufficient money to manufacture a small quantity of the specialty; but he has not a sufficient amount of money to expand the sale of this commodity throughout the country; and so he must, as a matter of course, engage some man who is willing to take an exclusive agency, and to that man he will sell his goods for delivery and sale within a given territory. The contract between those two men will provide that in consideration of the sale of a certain quantity of this specialty, a certain percentage will be delivered to the agent who has the contract, at a fixed price below the price at the factory. Automobile manufacturers engage agents everywhere to sell their automobiles exclusively, and they allow them 20 per cent, and out of that 20 per cent the agent pays his own expenses, his rent, his salesmen's salaries, and everything connected with the operation of the agency.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. I ask for five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. McCOY. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. McCOY. Is it not frequently a term of these contracts that the continuance of the contract depends upon the agent selling a certain number or a certain quantity of the goods?

Mr. MADDEN. Certainly.

Mr. McCOY. So that he is pushed in the competition.

Mr. MADDEN. I was just coming to that. The terms of the contracts themselves provide that the agency will not be allowed to remain in the man who has the contract unless he produces certain results, unless he is able to pay for a certain quantity of the commodity placed on the market. And so by the establishment of these agencies, by encouraging men of small means to enter business and push their trade into every section of the Nation, you not only encourage competition but you actually create the competition; whereas if you say to a man that he can not establish an agency, you immediately prevent competition and establish a monopoly.

In connection with this legislation I have heard a good deal said to the effect that a man ought not to be allowed to select his own customer, or that he may be permitted under certain circumstances to select his own customer. Anybody would imagine, from the reading of the bill, permitting a man to select his own customers, that the people of the United States are clamoring to buy the goods of the various manufacturers of the country. The fact is there is not a manufacturer anywhere in the United States, unless it be the Standard Oil Co. and the American Tobacco Co., that have not men all over the country ransacking every nook and corner in order to find customers to whom they may sell their goods.

Mr. STEENERSON. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. STEENERSON. The gentleman stated that the usual commission was 20 per cent on automobiles. Is it not a fact that the system here referred to permits an exorbitant charge to the ultimate consumer, and is not there a larger commission

The Clerk read as follows:

Page 22, line 14, insert, after the word "seller," the following:

"With the intent of obtaining or establishing a monopoly or of destroying the business of a competitor."

Mr. McCOY. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to proceed for 10 minutes. Is there objection?

There was no objection.

Mr. McCOY. Mr. Chairman, I notice in the report of the committee on this bill, on page 11, the following:

Section 4 of this bill has apparently been much misunderstood, and great confusion seems to have arisen in regard to its provisions. Whether designedly or from a misunderstanding of its purport we know not, but it has been contended very earnestly that its provisions prevent exclusive or sole agencies.

I do not know in whose mind any confusion has or ought to have existed in regard to the question of exactly what this section does mean. Before proceeding with what I have to say I want to ask the members of the committee, when those who are in opposition to this amendment are heard, not to allow any red herring to be drawn across the scent and not to permit the matter to become mixed with this question of leases, because if they do, then they will have argued before the committee not the amendment which I propose, but they will have to go all over the question of the United Shoe Machinery Co.'s tying leases. I am just as much opposed to those as anybody can be. I do not propose by this amendment to permit that thing to be done, and I ask the committee to keep their minds on just the one proposition.

Nobody has maintained in support of this section that it had for its purpose the prohibition of what is known as an agency; that is, a straightaway agency, where there is simply the question of principal on one side and agent on the other. The committee itself says that it is not intended to do away with that sort of thing, and the absurdity of their position in that respect I hope to be able to demonstrate. In other words, the committee says that anybody, any manufacturer or producer, no matter who he is, can have just as many strict agencies as he wants to have. They can be agents who have roofs over their heads, or they can be commercial travelers, traveling throughout the country—that they do not seek to prevent that in any way, but that what they do seek to prevent is the making of contracts to create what are known as sole selling agencies. I do not know how much explanation is necessary in order to show what a so-called sole selling agency is. It has come to have a sort of technical meaning. Of course the number of contracts which can be executed, and by which sole selling agencies, so called, are created, can be infinite in their variety, but the main gist of a sole selling agency contract—and that is the thing which the committee seeks to hit—is a contract by which the man who has a thing to sell undertakes to give an exclusive territory to an agent, and on the other hand undertakes to bind that agent not to sell in that territory any of the goods of a competitor. I want to call the attention of the committee to this fact. I presume they know this much of it, that the Committee on the Judiciary did have hearings in regard to these trust bills, tentative and otherwise. I do not know how many pages of testimony were taken, but a great many pages. I do not claim to have read all of the testimony. I have not, in fact, read it all, nor have I heard it all, but I have, so far as I have had the time, gone through the hearings, and have had in mind what was said when I was present at the hearings, and I believe, although I may be to some degree mistaken, that no member of the committee can point out any objection made by any man who appeared before our committee to these technical sole selling agencies. So far as I have been able to discover anything in the hearings, it will be found at page 140, and I call attention to the fact that it is the testimony of Mr. J. B. Moorehead, of Lexington, Mo., who was the national secretary of the Retail Merchants' Association of the United States.

It is obvious that if there is any harm to be remedied, if any harm has been done to the retail merchants of the country by permitting these sole selling agencies, the secretary of this association would have pointed it out. Let us take it up from the point of view of these retail merchants. I desire to call attention to the fact that the witness is now testifying about one of these so-called tentative bills, and I read from his testimony:

Mr. CARLIN. Do you not think that section 10 of bill No. 1 would give you some relief?

Mr. MOOREHEAD. I am not prepared to say.

Mr. CARLIN. I will read the language of that section to you:

"That it shall be deemed an attempt to monopolize trade or commerce among the several States or with foreign nations or a part thereof for any persons in interstate or foreign commerce to make a sale of goods, wares, or merchandise, or fix a price charged therefor or discount from or rebate upon such price, on the condition or understanding that the purchaser thereof shall not deal in goods, wares, or merchandise of a competitor or competitors of the seller."

Mr. MOOREHEAD. I am not up on forms of law. I do not know whether that would cover the case or not.

Mr. CARLIN. The intention is to liberate the retailer and give him a right to sell anybody's goods he wants to sell and to prevent a contract which would require him to sell exclusively a particular line of goods.

Mr. MOOREHEAD. That may be the difficulty of some lines of retailing, but that is only incidental to the great problem.

The business that is big enough, the aggregation of capital that is big enough to say to the manufacturer: "You sell us your product at such a price. If you do not do it, we will manufacture that product ourselves." That is the main thing. And what is the result?

Mr. CARLIN. You do not catch the idea of this section. The idea is that the manufacturer shall not say to any one man that he shall sell the particular line of goods of that particular manufacturer exclusively. It liberates the retailer. It liberates the retailer from that situation and allows him to buy goods of anybody he wants to and sell them in his store.

Mr. MOOREHEAD. I think that may be all right, but where that might be relevant to one case, there would be hundreds of cases that would not be on that line.

Mr. CARLIN. I am calling your attention to that one thing now, and ask you whether you do not think that would be helpful?

Mr. MOOREHEAD. I see no objection to it now.

That is not to be compared to the big question. Here is the proposition: As I started to say, the manufacturer may be intimidated to sell his goods to a large distributor by having it said to him, "You must sell us these goods at such a price, or we will make them ourselves." What is the result? The big buyer gets the goods at cost, and that gives him a tremendous advantage over the little fellow.

That is all my colleague on the committee could get out of the retailer. So apparently the retailer is not damaged in any way by the making of these sole selling agency contracts.

Mr. GARDNER. Mr. Chairman, will the gentleman yield for a question?

Mr. McCOY. Certainly.

Mr. GARDNER. In the report Mr. Clayton says in his report that this section "not only does not prohibit or forbid exclusive agencies," and so forth, and the gentleman uses the term "sole selling agencies." Many of us do not understand the difference.

Mr. McCOY. Mr. Chairman, as I stated in the beginning, this bill does not undertake to forbid contracts creating a strict agency, where the agent is a strict agent, and the man on the other side is a strict principal, and I see that I have failed to make the question of a sole selling agency clear.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to proceed for 10 minutes further.

Mr. GARDNER. Mr. Chairman, I hope that he will be granted this time, because there is a great deal that will need elucidation.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCOY. Mr. Chairman, the gentleman from Massachusetts, by his suggestion, reminds me that I did not complete the explanation of what a sole selling agency is. It involves not only this creation of an exclusive territory, in which the principal will sell only to one person and in which the so-called agent will deal only in the goods of that person, but the so-called agent buys the goods from the principal. That is what is technically known as a sole selling agency.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. McCOY. Yes.

Mr. MADDEN. It would not prevent the sole selling agent from having a sole selling agency for another class of goods that were not in competition?

Mr. McCOY. Not at all; but simply the one particular kind of goods that the principal is making.

Mr. MADDEN. He could have as many sole selling agencies as he could handle without any conflict with the other in competition.

Mr. McCOY. As many as he could possibly handle. It only relates to one thing or perhaps two or three other things that the principal is making.

Mr. GARDNER. Even yet I do not understand. Now, apparently section 4 forbids any person to make a sale of goods on condition that the lessee or purchaser thereof shall not use or deal in the goods of a competitor.

Mr. McCOY. Yes.

Mr. GARDNER. Now, the report says that this provision is not intended to prevent exclusive agencies. The gentleman, I take it, is contending, however, that the provision does, as a matter of fact, prevent sole selling agencies.

Mr. McCOY. Where the so-called agent buys the goods?

Mr. GARDNER. Where the so-called agent buys the goods; and the gentleman's amendment is intended to permit them——

long as the human race exists. We ought to put in that restriction, and we ought to pass some other bills in relation to water power in this country. Approximately 12 per cent only of the water-power possibilities on the public lands of this country have been utilized so far. This House ought to make it possible to utilize the rest of that water power and put statutes onto the books which will enable us not only to lease water power for a short time but contain sufficient recapture clauses, so that we can bring it back and utilize it by the Government, or utilize it by local municipalities if they elect to take it over. Nothing is needed worse than cheap power and cheap illumination. This bill ought not to omit it. I hope the committee will be glad to accept it.

The committee has accomplished much good here, but this is too important to omit. It is not sufficient to leave out oil and water power. They are the two large questions of this day.

Mr. CAMPBELL. Has the gentleman from Oklahoma any plan whereby the remaining portion of this water power may be utilized?

Mr. FERRIS. I have. We have a bill on the calendar now. It is not reported yet, but it is authorized to be reported. The gentleman from Illinois [Mr. GRAHAM], of the Public Lands Committee, has been designated to write the report. It was introduced by me. It has the support of the conservative people of this country.

Mr. CAMPBELL. I take it some one will have to harness the water before it can be made use of.

Mr. FERRIS. Very true; and we have furnished ample provision for that. I hope the amendment of the gentleman from Ohio will be adopted

Mr. WEBB. I want to say that when we drafted this section we intended that it should apply to oil. As there seems to be some doubt about it, the committee thinks the amendment of the gentleman from Ohio makes it more certain, and I am perfectly willing to accept the amendment, because it is our intention to include oil as one of the products of mines.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the adoption of the amendment of the gentleman from Ohio [Mr. BATHRICK].

Mr. BARKLEY. I ask unanimous consent to have the amendment again reported.

The Clerk read the amendment again, as follows:

After the word "mine," in line 17, and in 18, on page 21, insert the words "or natural mineral deposit."

The amendment was agreed to.

Mr. MURDOCK. Now get in your request for unanimous consent.

Mr. WEBB. Mr. Chairman, I renew my request.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that this section be passed for amendment to-morrow.

Mr. AVIS. Reserving the right to object, may I ask the gentleman from North Carolina a question?

Mr. FLOYD of Arkansas. Were those words also inserted after the word "mine," in line 18?

The CHAIRMAN. Both amendments were read and adopted.

Mr. DECKER. Mr. Chairman, I should like to have the amendment read which I send to the Clerk's desk.

The CHAIRMAN. The request of the gentleman from North Carolina [Mr. WEBB] for unanimous consent is pending.

Mr. WEBB. I withdraw that request in view of the fact that the gentleman from Missouri [Mr. DECKER] says he can not be here to-morrow and would like to have his amendment offered and to speak five minutes on it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. DECKER].

The Clerk read as follows:

On page 21, in line 19, after the word "arbitrarily," insert the following:
"With the purpose or intent thereby to destroy or wrongfully injure the business of any person."

[Mr. DECKER addressed the committee. See Appendix.]

Mr. WEBB. Mr. Chairman, I think this amendment is useless. What we really aim to punish under this section is the big operator who has millions of tons of coal and who arbitrarily refuses to sell to any but those he favors. Although I may go to him or you may go to him with the money and ask him to sell to us, he arbitrarily, capriciously, without any good reason whatever, refuses to sell his product, and we think he ought to be punished if he so refuses.

Mr. MADDEN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MADDEN. Does the gentleman know of a case of that kind in the United States?

Mr. WEBB. I do not recall one at present.

Mr. MADDEN. Neither does anybody else. It is mere nonsense and ought to be stricken out.

Mr. WEBB. If the gentleman from Illinois knew the high authority and the great men who favor this provision he perhaps would not make that statement.

Mr. MANN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MANN. What does it mean when it says "refuses arbitrarily to sell"? What does the word "arbitrarily" mean?

Mr. WEBB. It means without reason, without cause, capriciously.

Mr. MANN. The gentleman says "without cause." A man sells to one and he does not sell to another, because he does not like him, perhaps, and that is cause.

Mr. WEBB. That would be arbitrarily, I should say.

Mr. MANN. Does it mean sufficient cause, and if so, what is sufficient cause? Does the gentleman think that the courts would be able in 20 or 30 years to determine what this means?

Mr. WEBB. Yes; if they applied everyday common sense to it they would reach a conclusion very soon.

Mr. MANN. It would require more common sense than I possess or than is possessed by the gentleman from North Carolina, because he is not able to define it. What does "arbitrarily" mean? The definition the gentleman gave was "without cause."

Mr. WEBB. Yes; without reason or cause—capriciously.

Mr. BRYAN. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. BRYAN. The gentleman says that they are after the big operators; but suppose a man comes from Alaska with a big bag of gold dust or nuggets and some one offers to purchase it from him, by what right could he refuse to sell? He has it for sale for no other purpose whatever. This statute would compel him to sell it at the first proposition.

Mr. WEBB. If he got his price for it, he would be glad to be relieved of it, and if he did not get his price he need not sell, though I hardly think this section would apply to the case stated by the gentleman.

Mr. BRYAN. The statute does not say anything about big operators; it says "all operators."

Mr. WEBB. It is intended to apply to the monopolistic operators.

Mr. LEVY. Does this apply to the coal lands in Alaska?

Mr. WEBB. No; they are owned by the Government and are held for all the people. I hope that the amendment offered by the gentleman from Missouri will not be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. DECKER].

The question was taken, and the amendment was rejected.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all discussion on this section and amendments thereto go over until to-morrow morning.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the remaining discussion on this section and amendments thereto go over until to-morrow morning. Is there objection?

Mr. FERRIS. Is it the arrangement to take this up the first thing in the morning?

Mr. WEBB. We probably will.

Mr. MANN. Unless something is pending.

Mr. FERRIS. The first thing you do on this bill will be to take up this section?

Mr. WEBB. Unless something is pending.

Mr. GARDNER. Mr. Chairman, I would like to ask the gentleman from North Carolina whether this unanimous consent implies that no new amendments will be offered?

Mr. WEBB. Oh, no; it does not.

Mr. GARDNER. I have no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read as follows:

SEC. 4. That any person engaged in commerce who shall lease or make a sale of goods, wares, merchandise, machinery, supplies, or other commodities for use, consumption, or resale within the United States, or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon such price, on the condition or understanding that the lessee or purchaser thereof shall not use or deal in the goods, wares, merchandise, machinery, supplies, or other commodities of a competitor or competitors of the lessor or seller shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court.

Mr. McCOY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

not mining. There is also a question as to whether producing oil from an oil well is mining. In either event, it ought to be made clear, and the clause ought to have the word "transporter" in there, as well as the word "owner" and the word "operator."

Mr. BATHRICK. I wish to say further that I offered this amendment as it stands, with the knowledge that what the gentleman from Oklahoma says about placer mines is correct. I will also direct the attention of the committee to the fact that there is a strange sameness of prices asked of consumers of fertilizer. This product relies largely upon phosphate mines, but there is a large supply of phosphate rock dredged from rivers, and I doubt that these deposits would come under the definition of the word "mine," although phosphate, I think, is a derivative of phosphorus, which is an inorganic substance coming from the earth, and would be construed as a "mineral" as well as oil.

These matters I ask the committee to take into consideration. I expect to be absent to-morrow, and I trust some of the gentlemen on the floor of this House will take the matter up and see that that section is taken care of in these respects. If it should happen that I can not be here and no vote under the agreement can be had to-day.

Mr. WEBB. Mr. Chairman, I yield to the gentleman from Missouri [Mr. DECKER] to offer an amendment. I believe that was agreed to.

Mr. MURDOCK. Is not there an amendment pending?

The CHAIRMAN. There is an amendment pending, the Chair understands, offered by the gentleman from Ohio [Mr. BATHRICK].

Mr. GARDNER. I demand the regular order.

The CHAIRMAN. The regular order is to dispose of the amendment pending, offered by the gentleman from Ohio [Mr. BATHRICK].

Mr. FERRIS. Mr. Chairman, if a vote is to be had on the amendment, I want to be heard on it. If this is to be laid aside, to be voted on to-morrow——

Mr. WEBB. I understood the agreement was that the vote thereon should go over until to-morrow.

The CHAIRMAN. The Chair desires to ask the gentleman from North Carolina if that motion was put?

Mr. WEBB. The motion was not put.

Mr. FERRIS. You were asking for unanimous consent to pass that over until to-morrow?

Mr. WEBB. I did ask unanimous consent to withdraw, and I renew it, that amendments may be offered now and spoken to, and then allow the matter to go over until to-morrow.

Mr. MANN. The gentleman from Ohio [Mr. BATHRICK] wants to go away, and so why not dispose of his amendment and then, unless other gentlemen insist, put the section over until to-morrow?

Mr. WEBB. It would be more agreeable to let this section go over until to-morrow.

Mr. MANN. The gentleman has no objection to disposing of this particular amendment now, has he?

Mr. WEBB. There is no debate. We are ready to vote on this amendment now if the gentleman from Ohio desires.

Mr. FERRIS. I am not ready to vote on it.

Mr. MANN. How much more time is wanted on this amendment?

Mr. FERRIS. Mr. Chairman, I hope the gentleman from North Carolina will carry out the thought that he and the gentleman from Illinois had a moment ago, which was to let the gentleman from Ohio [Mr. BATHRICK] offer his amendment and make a speech on it, and then let the whole matter go over until to-morrow.

Mr. MANN. He has offered his amendment and made his speech. Why does not the gentleman from Oklahoma answer the speech and let us vote on this amendment?

Mr. FERRIS. Because I have a lot of other amendments I want to offer to the section.

Mr. WEBB. Mr. Chairman, I ask unanimous consent that all debate on the amendment of the gentleman from Ohio [Mr. BATHRICK] be closed in five minutes.

Mr. MOORE. Mr. Chairman——

The CHAIRMAN. Is that the gentleman's motion? Has the gentleman finished his motion?

Mr. WEBB. Yes, sir.

The CHAIRMAN. The gentleman from North Carolina [Mr. WEBB] asks unanimous consent that the amendment of the gentleman from Ohio [Mr. BATHRICK] be voted on in five minutes and that the section then go over for amendment until to-morrow.

Mr. MOORE. Mr. Chairman——

Mr. MURDOCK. Reserving the right to object, why not put those requests separately?

Mr. GARDNER. Why should not the gentleman move to close debate in five minutes on the amendment?

Mr. WEBB. Mr. Chairman, I ask unanimous consent to close debate in five minutes.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the debate on this amendment offered by the gentleman from Ohio [Mr. BATHRICK] close in five minutes. Is there objection?

Mr. MOORE. Reserving the right to object, the gentleman from Ohio has already spoken and taken up the time. I presume, he desired to take up in support of his amendment. It is evident that a number of gentlemen want to speak on this proposition, as other gentlemen have risen. It is not fair to other gentlemen who desire to speak to close debate in five minutes.

Mr. MANN. I suggest to the gentleman that he move to close debate in five minutes.

The CHAIRMAN. Does the gentleman object?

Mr. WEBB. I hope the gentleman will not object.

Mr. MOORE. I reserved the right to object, in the interest of other gentlemen who might desire time, but if the arrangement is satisfactory to them and the gentleman from Ohio I will not object.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Chairman, if I could have my preference, I would willingly let this matter go over until to-morrow; but as that course is not desired, I may as well say what I have to say now. I will offer the amendments I have in mind to-morrow.

This section of the bill should undoubtedly be amended. On page 21, line 16, after the word "owner," there should be inserted a comma and the words "transporter, transportation companies, including pipe lines," so that you will catch the pipe lines. That is, roughly, amendment No. 1.

The second amendment that should be offered is along the line of the amendment offered by the gentleman from Ohio, which I am perfectly willing to support; but I think a better amendment would be, in line 18, page 21, after the word "any," to insert the words "including the products from placer or lode mines," so that you will be sure to take in the sands of the sea or rivers that are washed on the surface, from which mineral is obtained, which may or may not be a mine, under the strict construction of the term. One thing is certain, it is never an effort in vain to make certain that which is at best uncertain.

I am not at all sure that placer mining, under which all is removed from the surface of the earth, can be considered to be a mine at all. It may be, but it is doubtful. There is a question whether or not under the commodity clause the pipe lines that carry it can be reached. The Commerce Court held the law declaring them carriers void, and the matter is now pending in the Supreme Court; and so far we can not get a decision out of the Supreme Court. We have been expecting it for a long time. This is the most important matter to the great oil industry of this country within my knowledge.

There should be another amendment to this section, which I will offer as soon as I get a chance, after the word "mine," in line 18, page 21, to insert the words "or hydroelectric water power or products produced by such power."

When the chairman of the committee explained this section in his initial speech he said that the well-grounded and competent reason for the adoption of a section similar to this with reference to mines was because the products of mines are a God-given treasure for all of us that should not be monopolized by any of us.

I thought his explanation, interpretation, and definition of it was a full, complete, and magnificent one; but can any living man on earth say that anything is so subject to monopoly as falling water? Can anybody say that one commodity over another is more God-given than falling water, which, dependent upon the topography of the country at a given point, is high and low at another point; and can anyone here or elsewhere justify the omission of water power from this section? No question is more important, few questions are more universal. It affects all of us. Water power lights American homes, streets, and cities. It runs our sewing machines, our automobiles, our vehicles, cooks our food, warms our homes, and every conceivable thing that electricity has been applied to in the last generation. Remember, gentlemen, that electricity is fairly in its infancy. Nobody knows what 50 years will bring to us in hydroelectric development, and no one can safeguard too well the water power of the country and prevent its getting into the hands of selfish monopoly that may torture all mankind as

That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers.

What would prevent the paper manufacturers of this country from refusing to sell the Democratic Party publications paper? Suppose they would sell paper only to the Progressive and Republican papers. Suppose the shoe manufacturers of a particular locality would say they would not sell shoes to anybody except a certain set of people, the bakers refuse to sell bread to strikers, the butchers refuse to sell meat to members of the union. Under the present law that is absolutely prohibited if it is a selection or discrimination in restraint of trade, and in this bill such transactions are unconditionally protected.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. BRYAN. I yield.

Mr. FLOYD of Arkansas. Now, as we understand the proposition, under the present law things that the law prohibited are not authorized by any proviso. We leave the present law as it is, and this proviso simply does not undertake to make it an offense or fix a penalty under this particular provision of the statute.

Mr. BRYAN. Is the gentleman quite sure the court, in interpreting this provision as a substitute for the former statute, will not take this proviso——

Mr. FLOYD of Arkansas. Absolutely sure.

Mr. BRYAN (continuing). And say that this proviso governs in that particular matter? That the proviso is a part of the whole section, and where the main provisions of the section apply the proviso must follow?

Mr. FLOYD of Arkansas. The proviso does not authorize anything. When we insert a proviso applying to certain things we leave the law as to those things exactly as it is. If it is a violation of the law now, it will be a violation of the law after the enactment of the provision into law.

Mr. BRYAN. Then, why not agree to my amendment and strike out the proviso and let the law stand as it is if we are going to depend upon the law as it is?

Mr. FLOYD of Arkansas. This provision if made a statute would then make them unlawful, and we would prohibit many things we do not desire to prohibit. We do not desire to disturb customs that are not wrong within themselves. We have said that throughout this debate. We are seeking to correct real wrongs; and where customs and practices appear to be proper and right, we do not propose to disturb them; and the effect of the gentleman's proviso would make the things mentioned in the exception unlawful that are not now unlawful under the Sherman law; and if any one of these things mentioned in the proviso are unlawful under the Sherman law, this does not repeal the Sherman law.

Mr. BRYAN. Yes; but you prohibit certain things provided the seller may select his own customers, and so forth. Now, it seems to me you can not enforce your prohibition except under the stated terms of your proviso.

The CHAIRMAN (Mr. HARRISON). The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer this amenedment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, line 14, after the word "customers," insert "except when such act tends to create monopoly, destroy competition, restrain trade, or."

Mr. BRYAN. Mr. Chairman, I do not care to debate the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

Mr. GOOD. Mr. Chairman, I offer an amendment on page 20, line 20, to strike out the words "in price."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 20, in line 20, by striking out the words "in price."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. MURDOCK. Mr. Chairman, let us have a division on that.

The committee divided; and there were—ayes 35, noes 46.

So the amendment was rejected.

The Clerk read as follows:

SEC. 3. That it shall be unlawful for the owner or operator of any mine or for any person controlling the product of any mine engaged in selling its product in commerce to refuse arbitrarily to sell such product to a responsible person, firm, or corporation who applies to purchase such product for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, and any person violating this section shall be deemed guilty of a misdemeanor and shall be punished as provided in the preceding section.

Mr. WEBB. Mr. Chairman, it was suggested the gentleman from West Virginia [Mr. AVIS] is very much interested in this section, and he desires to leave, and if there is no objection I will ask that this section be passed until to-morrow.

Mr. AVIS. And that it will be taken up the first thing to-morrow, or some time to-morrow.

Mr. WEBB. The request is that we pass it over until to-morrow.

Mr. BATHRICK. Mr. Chairman, I have got to go away to-morrow myself, and I desire very much to present an amendment to this section.

Mr. DECKER. Offer it and let it be pending.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent to pass over this section until to-morrow. Is there objection?

Mr. BATHRICK. Now, Mr. Chairman, reserving the right to object, what disposition will you make affecting my amendment because of my being obliged to be absent to-morrow?

Mr. WEBB. So far as the committee can say, I will be glad to have you offer it now and have it pending.

Mr. MANN. Let me suggest to the gentleman that the section be read, and then the gentleman from Ohio offer his amendment, and let that be disposed of, and then the section be passed over.

Mr. BATHRICK. That is agreeable to me, Mr. Chairman. I offer the amendment.

Mr. WEBB. Mr. Chairman, I ask that all amendments be offered now.

Mr. MANN. I do not think it is desirable to have a half a dozen amendments offered at once.

The CHAIRMAN. Does the gentleman from North Carolina withdraw his request for unanimous consent?

Mr. WEBB. No, sir; but I postpone the request until the gentleman from Ohio [Mr. BATHRICK] offers his amendment and speaks on it.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Ohio [Mr. BATHRICK].

The Clerk read as follows:

After the word "mine," in lines 17 and 18, page 21, insert the words "or natural mineral deposit."

Mr. BATHRICK. Now, Mr. Chairman, as near as I can gather by any definition which I am able to find, the word "mine" does not cover an oil well. One of the most powerful means which the Standard Oil Co. has to carry on their monopoly is their power to refuse to sell the products of oil wells to independent refiners. Another means which they have to accomplish monopoly is to go into those oil sections where independent oil wells are located and temporarily, by very small sums on different occasions, overbid the price which independent refineries will pay for this oil. The result is that the independent oil companies are often thus encouraged to refuse to sell their oil to independent refineries. In this connection, reverting to section 2, I have thought that a discrimination in the price offered for a raw material could as well carry out an intent to destroy and wrongfully injure the business of a competitor as the discrimination in the price asked of purchasers. But that thought is aside from my amendment.

Now, this section as it is drawn, in my opinion, and with all respect to the committee for their careful and intelligent labors, to the purpose of preventing monopoly, leaves the door wide open for the Standard Oil Co. and others who own oil wells, which are not mines, to be exempt from this provision. And I say to the gentlemen of this House that if you intend to strike at the capsheaf monopoly of this country, the one which has formed the basis for most of the condemnation which has been directed toward monopoly, this section must be amended in some such respect as I have indicated.

As the Clerk has read, I propose to insert the words "or natural mineral deposit" after the word "mine," in lines 17 and 18 of section 3. Oil is a mineral, but an oil well is not a mine; and if we use the words "or natural mineral deposit" in the place that I have indicated I think there is no question whatever that we will cover the subject of oil.

Mr. FERRIS. Will the gentleman yield right there?

The CHAIRMAN. Will the gentleman from Ohio yield to the gentleman from Oklahoma?

Mr. BATHRICK. Yes.

Mr. FERRIS. I am inclined to think that there is something to what the gentleman says, and I am wondering whether it will be better to also insert the word "placer" or "lode." Now, there is a question of whether washing sand on the surface is

so forth, and those words are limited by the words of section 2, which prevent him from selecting his own customers. And I want to say to you gentlemen who come from the great coal-producing States of the Union—I am not referring to anthracite coal, but to bituminous coal—that there is no monopoly of the coal business; that the production now is greater than the demand therefor; and that, notwithstanding the fact that freight rates, labor, and mine supplies have doubled in price, bituminous coal is selling as cheaply to-day, if not more cheaply, than it sold 8 or 10 years ago, and we in West Virginia are putting coal into New England and paying $2.10 a ton freight on it and selling it more cheaply than it is sold at the pit mouth at Cardiff, Wales.

Mr. FLOYD of Arkansas. Will the gentleman yield?

Mr. AVIS. Yes.

Mr. FLOYD of Arkansas. Will the gentleman read the paragraph as it will read if amended?

Mr. AVIS. Will the gentleman give me time for that?

Mr. FLOYD of Arkansas. Yes.

Mr. AVIS. As it is now the language is—

That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

As amended it will read:

That nothing herein contained shall prevent persons engaged in selling goods, wares, bituminous or semibituminous coal, or merchandise in commerce from selecting their own customers.

Gentlemen, there is no monopoly of the coal business, not nearly so much as there is of the timber and cotton business. As I say, competition is so great that in my State the mines are not running more than two and one-half days a week.

Mr. FLOYD of Arkansas. What does the gentleman do with the last clause?—

Except as provided in section 3 of this act.

Mr. AVIS. I propose to strike out the words—

Except as provided in section 3 of this act.

In other words, to-day the competition is so great in the bituminous-coal industry——

Mr. FLOYD of Arkansas. Will the gentleman permit a suggestion there?

Mr. AVIS. Yes.

Mr. FLOYD of Arkansas. That relates to section 3. The language the gentleman complains of is in section 3.

Mr. AVIS. Yes; in sections 2 and 3.

Mr. FLOYD of Arkansas. It seems to me that the gentleman's exception ought to be in section 3.

Mr. AVIS. Except for this purpose, if the gentleman will permit me and give me a little further time to answer——

Mr. ALEXANDER. Will the gentleman yield?

Mr. AVIS. I desire to answer the gentleman from Arkansas. The trouble with section 3 is that its purpose is to cover all minerals, even oil and gas. Now, by section 2 you prevent, or rather you limit or define the meaning of the words "refuse arbitrarily," in section 3, by saying, in effect, in section 2, that it is an arbitrary refusal to select one's own customers by a coal operator or a mine owner. Either that exception ought to be in section 2 or the words stricken out of that section that would cause any confusion if a question should be taken before the courts to decide what was intended. I hope that gentlemen who come from the great States of Illinois, Ohio, Pennsylvania, Indiana, Kentucky, West Virginia, Virginia, Alabama, Utah, Washington, and Wyoming and the other States engaged in the bituminous-coal industry will hesitate before they decline to adopt this amendment.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, aside from whatever merits may be embodied in the amendment offered by the gentleman from West Virginia, I desire to call his attention to the fact that there is nothing in the section he proposes to amend that in any way deals with the subject matter about which he complains. That is in section 3, and the effect of his amendment incorporated in section 2 would completely destroy section 3, and it seems to me that in order to reach the purpose desired by the gentleman this language which he proposes to strike out should remain intact in section 2, and whatever amendment he desires to incorporate in regard to mine products ought to be offered to section 3.

Mr. AVIS. I will say to the gentleman that if I thought that was a fact I would not ask to have it adopted here, or if you put the exception in section 3 it might cover the point, but how do you know that the House is going to do so? If you leave the words "except as provided in section 3 of this act" in section 2, and incorporate the amendment I propose in section 3, you would have two sections apparently conflicting. You would have one section excepting bituminous coal, and then you would have another providing that nothing herein contained shall prevent a person selecting his own customers, except as provided in section 3.

Mr. FLOYD of Arkansas. I think I can make it clear that the gentleman's statement is not correct. It says that nothing herein contained shall prevent persons engaged in selling goods, wares, and merchandise in commerce from selecting their own customers, except as provided in section 3 of this act. Now, if section 3 of the act did not exist, and if reference to that section is stricken out of the language in section 2, there would be nothing to prevent bituminous-coal operators from selecting their customers in section 2. The limitations are in section 3, and I insist in perfect good faith that the gentleman ought to offer his amendment to section 3, which deals with the products of mines and contains the provisions complained of.

Mr. AVIS. I appreciate the courtesy of the gentleman from Arkansas, but what is confusing to me is that if you put my amendment into section 3 it will apparently conflict with this language, that—

nothing herein contained shall prevent persons * * * from selecting their own customers, except as provided in section 3 of this act.

Mr. FLOYD of Arkansas. If the gentleman's amendment is incorporated in section 3, it will relate back to section 2, and modify its provisions accordingly.

Mr. AVIS. The gentleman may be right, but I am afraid the meaning will be obscure. Will the gentleman accept my proposed amendment to section 3?

Mr. FLOYD of Arkansas. No; I could not afford to accept the amendment; but I think if the gentleman offers it in section 3, as I suggest, he will accomplish his purpose without in any way affecting or displacing the purpose of section 3 as to other products of mines. It is unnecessary to make any amendment to section 2, providing you can secure an amendment in section 3 excepting bituminous-coal products from the provisions of that section.

Mr. AVIS. The gentleman may be right—and I am inclined to think that he is—but, at the same time, I think that the language might be obscure and cause confusion.

Mr. FLOYD of Arkansas. Well, Mr. Chairman, we oppose the amendment, because we do not think it has any place in this section.

Mr. VOLSTEAD. Mr. Chairman, I yield three minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Chairman, I desire to ask the chairman of the Judiciary Committee a question. Does the word "commodities" in this section include everything that can be shipped, like live stock, live poultry, horses, mules, and so forth?

Mr. WEBB. I think so; why should it not?

Mr. SWITZER. There has been some query about it on this side.

Mr. MADDEN. Does it include coal?

Mr. WEBB. It would include coal except for the provision in section 3.

Mr. SWITZER. Mr. Chairman, I desire in support of the amendment offered by the gentleman from West Virginia [Mr. AVIS] to read a few lines from a coal operator in my district—Mr. Edwin Jones, of Jackson, Ohio—relative to section 3. It is as follows:

I find the bill states that an operator can not arbitrarily refuse to sell such product to persons, firms, or corporations. As you quite well understand, occurrences are common wherein business firms are responsible financially, but oftentimes their business methods are such that you would not be desirous of doing business with them. Oftentimes mine owners have arrangements that have been in force for years, wherein they have given exclusive sale to certain jobbers of coal, and frequently we find cases where a man, firm, or corporation will be justly at that time entitled to credit, but that you had good reason on account of the habits of the man or individual in charge to believe that he could not continue to be successful.

Mr. Chairman, I think the criticism of this bill respecting this industry is well timed and should be considered before voting on section 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and the amendment was rejected.

Mr. MORGAN of Oklahoma. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by striking out section 2 on page 20 and inserting in lieu thereof the following:

"SEC. 2. That any person engaged in commerce who shall discriminate in price, terms, or otherwise as between persons, sections, or communities, with intent thereby to destroy or wrongfully injure a competitor or to establish a monopoly or destroy or lessen competition in the production, manufacture, distribution, or sale of any such article, product, or commodity, shall be deemed guilty of a misdemeanor, and

upon conviction thereof shall be punished by a fine not exceeding $5,000 or imprisonment not exceeding one year, or both."

Mr. VOLSTEAD. Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. MORGAN of Oklahoma. Mr. Chairman, I would like the attention of the other side to the provisions of this amendment. I want to call attention to the fact that section 2 prohibits but one thing—it prohibits simply discrimination in price. So far as this section is concerned, a man may be guilty of any other discrimination that would have the same effect in destroying competition, in injuring a competitor, or in injuring the public in any way, but yet it is not made unlawful under this section.

Mr. MURDOCK. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. For a question.

Mr. MURDOCK. The gentleman knows that one of the great cereal food manufacturers of this country, when he sells a large amount of that cereal to one man, gives a certain number of boxes in addition as a premium. Is that practice reached in this section?

Mr. MORGAN of Oklahoma. Certainly not, and that is one fact I wish to impress on that side of the House. In my first amendment the distinguished gentleman from Arkansas [Mr. FLOYD] complained because I wanted to restrict the application of this section to the large concerns, and now I wonder what answer he will make to this amendment, which I have offered, because here I want to enlarge the language, and enlarge it so that it will comprehend and include practically all unfair discrimination. He will vote one down because it narrows and vote the other down because it broadens. In the end we get the same result. The language which I have inserted is so as to add to the words "discrimination in prices" the words "in terms or otherwise," so that it will include all unfair discrimination. Are you partial to one discrimination?

Mr. WEBB. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. WEBB. Does not the gentleman think his amendment is covered if this is done directly or indirectly? Does not that cover the very ground that the gentleman seeks to cover now?

Mr. MORGAN of Oklahoma. No; because "directly or indirectly" apply only to discrimination in price. Why should not it be unlawful for one to discriminate in terms? I hold here the report of the Commissioner of Corporations for 1913 upon the International Harvester Co. What does he show there? He shows that one of the most effective methods used in acquiring a monopolistic control in that great industry was by discrimination in terms. Notice what he says on page 35 of that report:

In this connection there is large complaint that the company grants unusually long terms of credit to purchasers of some of these newer lines. One of the competitors of a company said, "The International Harvester Co. sells terms, not harrows."

One of the most effective methods of the International Harvester Co. was to give better terms than the independent and smaller concern could give, and the report of the Commissioner of Corporations shows that these dealers complain that the International Harvester Co. sold "terms and not harrows," and yet when you are legislating for the purpose of controlling and making unlawful the methods of the great concerns of the country, you say to them, "Go ahead and use all kind of discrimination in terms, use all kinds of unfair practices, use all kinds of disreputable methods in the interest of the big corporations, and so long as you do not discriminate directly or indirectly in price, you shall be free and untrammeled to go and devour the small concern and exact undue profits from the people by your excessive prices." I want to know whether the Members of that side of the House will vote against enlarging this section, so that you shall make other things unlawful.

Take the second proviso. It provides that only discrimination in price "for the purpose or intent of destroying or wrongfully injuring a competitor" shall be unlawful. You can discriminate for all other purposes, so long as you do not discriminate with the purpose of destroying or injuring a competitor.

Mr. GARDNER. Mr. Chairman, will the gentleman yield?

Mr. MORGAN of Oklahoma. Yes.

Mr. GARDNER. I want to ask the gentleman whether his amendment does anything further, substantially, than to strike out the words "in price," because, as I heard it read, it strikes out the last two provisos of that section as well?

Mr. MORGAN of Oklahoma. Yes.

Mr. GARDNER. I am in sympathy with the gentleman striking out the words "in price."

Mr. MORGAN of Oklahoma. I do not strike out "in price," but I add "in terms or otherwise."

Mr. GARDNER. I am in sympathy with that, but what about striking out the two provisos?

Mr. MORGAN of Oklahoma. I had an object in that. I enlarged the section in this, because I make it unlawful not only to discriminate with the purpose of destroying a competitor, but with the purpose of establishing a monopoly or lessening or destroying competition. Why should you not enlarge it? It does not weaken the section if I leave the language which you use and add this other language. It does enlarge it. It may enable you to prosecute some large concern that you could not prosecute under this section as it is.

When I want to narrow one of these sections, you vote it down, because you do not want it narrowed; and when I want to broaden one so as to make it more comprehensive, you vote that down on that account.

I have left out that first proviso and also the second proviso, because when in one part of the section you prohibit the great concerns of this country from discriminating in price and then add a proviso that this shall not apply to any discrimination on account of grade, quality, or quantity, what have you done? You have opened the gates—not the eye of a needle, but the gates of a great highway—into which the trusts can enter. Why? Take the International Harvester Co. They have many brands of machinery, many kinds of harvesters, various classes of farm implements. The great concern may have one brand of goods to sell in Oklahoma and another to sell in Nebraska. They have the capital, they have the organization, and they have the financial backing. They can have all kinds of qualities and grades of goods. The small concern can not.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired. The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken; and on a division (demanded by Mr. MORGAN of Oklahoma) there were—ayes 30, noes 47.

So the amendment was rejected.

Mr. BRYAN. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Page 21, line 11, after the word "transportation," strike out the remainder of the paragraph.

Mr. BRYAN. Mr. Chairman, can I have a minute on that? Is the time in such state that I can not explain my amendment?

Mr. MURDOCK. Or has all the time been exhausted?

The CHAIRMAN. The Chair will state to the gentleman——

Mr. WEBB. I will yield three minutes to the gentleman.

Mr. BRYAN. I will only take up a minute or so, probably not the entire three minutes. The present law provides, or at least the act——

Mr. MOORE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it. Does the gentleman from Washington yield?

Mr. MOORE. But I make a parliamentary inquiry.

Mr. BRYAN. Not unless it does not come out of the time yielded to me by the gentleman from North Carolina.

Mr. MOORE. It is a question as to whether the gentleman has any time.

Mr. BRYAN. Mr. Chairman, I refuse to yield to the gentleman if that is the question.

Mr. MOORE. Mr. Chairman, I make the point of order the gentleman has no time under the agreement made some time ago.

The CHAIRMAN. The Chair will state that the gentleman from North Carolina [Mr. WEBB] yielded three minutes.

Mr. MOORE. I make the point of order the gentleman from North Carolina has no time to yield. There was an agreement that all discussion should cease at the end of a certain time.

The CHAIRMAN. But the gentleman from North Carolina has seven minutes at his disposal.

Mr. MOORE. I beg pardon, if that is true.

Mr. MURDOCK. I think the gentleman ought to beg the pardon of the gentleman from Washington.

Mr. MOORE. I do, most profoundly.

Mr. BRYAN. It is granted. Mr. Chairman, the present terms of the Sherman antitrust law are such that the seller of goods making an attempt to select his customers and refusing to sell to all others, if such selection or discrimination be in restraint of trade, it is a violation of the law. But under this provision the seller can select his customer to the exclusion of all others, and it is legal whether it is in restraint of trade or not. I think that the only effect of this proviso in the bill is to give all parties an opportunity to name their customers where they are prohibited from doing so under the present law. For instance, this says—

The CHAIRMAN. Those gentlemen have control of the time.

Mr. MOORE. I shall not consent to any further unanimous consents if there is to be such a limitation of time for debate on questions of this great importance to the people of this country.

Mr. LEVY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LEVY. Do I understand that on my amendment which has been read I have no time?

The CHAIRMAN. The Chair will state to the gentleman that the amendment has not been offered and read.

Mr. LEVY. Am I to be precluded from offering it and speaking on it?

The CHAIRMAN. The gentleman will have opportunity to offer his amendment, but with reference to the time for discussion the gentleman will have to obtain that from gentlemen who have control of the time.

Mr. LEVY. But they will not grant it.

Mr. MURDOCK. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MURDOCK. I think it ought to be suggested to the gentleman from New York that he ought to get time from one or the other of the men who have the time to yield. The gentleman was on his feet asking recognition, and I point out to the Chair that he was refused recognition because he was not a member of the committee.

The CHAIRMAN. The Chair has made that suggestion to the gentleman. The time is under the control of the gentleman from North Carolina and the gentleman from Minnesota.

Mr. WEBB. The gentleman has not asked for time.

Mr. LEVY. I have.

Mr. WEBB. I beg the gentleman's pardon, he spoke to my colleague. After this amendment is voted on, or before this amendment is voted on, if the gentleman from Minnesota [Mr. VOLSTEAD] wishes to yield to Mr. MOORE time, he can still discuss this amendment, but we have finished with it on our side.

Mr. MANN. The gentleman from Pennsylvania has already had five minutes.

Mr. LEVY. How about my amendment?

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Pennsylvania.

The question was taken, and the Chairman announced the noes seemed to have it.

Mr. GRAHAM of Pennsylvania. Division, Mr. Chairman.

Mr. HULINGS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HULINGS. I desire to know just what this amendment is, and I ask that it be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

The committee divided; and there were—ayes 29, noes 46.

So the amendment was rejected.

Mr. LEVY. Mr. Chairman, I have two amendments which I desire to offer.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

On page 20, line 20, between the words "indirectly" and "discriminate," insert the word "unreasonably."

Mr. WEBB. I yield two minutes to the gentleman from New York.

Mr. LEVY. Mr. Chairman, the amendment offered by me is no more than fair and just. It has been decided by the Supreme Court of the United States, and if the Supreme Court of the United States had not put in the word "reasonable" in the Sherman law about one-half of the business of the United States would have been compelled to close up. I say, again, it is no more than fair that the word "unreasonably" should be put in the bill. That is my view of it, as well as the people's. I think it is a great mistake to rush this question to such rapid conclusion. It is a question that ought to be seriously considered, as I conceive it is one of the most important bills that has been before the House of Representatives this session, and will require many years for its construction by the courts.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will report the second amendment.

The Clerk read as follows:

On page 21, strike out lines 5 and 6 and the word "court," in line 7, and insert in lieu thereof the following: "by a fine not exceeding $1,000 for the first offense, and for the second and each succeeding offense by imprisonment not exceeding one year, or by both fine and imprisonment, in the discretion of the court."

Mr. WEBB. Mr. Chairman, I yield one minute to the gentleman from New York.

Mr. LEVY. Mr. Chairman, we do not want to declare all our citizens criminals before they are given an opportunity to have the law construed. If it is decided that they have violated the law, they should be punished by a fine for the first offense, and for a second and each succeeding offense it should be imprisonment.

The question was taken, and the amendment was rejected.

Mr. GREEN of Iowa. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, lines 1, 2, and 3, after the word "thereby," strike out "destroy or wrongfully injure the business of a competitor of either such purchaser or seller" and insert in lieu thereof the following: "create a monopoly, hinder competition, or restrain trade."

Mr. VOLSTEAD. Mr. Chairman, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Chairman, the gentlemen in charge of the bill have stated in the report that in preparing this section they had simply followed the provisions of laws which had already been enacted in some 19 States. This statement, however, is an error. The laws of the States to which reference is made in this connection in the report, with the exception of two or three, are not drawn upon similar lines to this section. In fact, the only ones that correspond substantially are those of Louisiana and Nebraska. Michigan has a somewhat similar statute with reference to petroleum products. The statutes of the other States are aimed simply at the evil of destroying or preventing competition or restraining trade. The restriction which is made in this section will apply whether there is any attempt at monopoly, whether there is any attempt to restrain trade, or whether there is any attempt to prevent competition. In order to so frame the section that business might not be prevented, framers of the bill have inserted a number of provisos which would not be necessary if the section was in proper form.

Now, let me illustrate how this section will apply in actual business. There is in my own town a small canning factory. I have no interest in it whatever myself. It manufactures probably a couple of million of cans of corn a year. It sells some of the product in my own State, in my own town, but the larger portion of it in States farther west, principally Colorado, Utah, and California. Necessarily it must make a different price in my own State than that which it makes in the States of Utah and California. The bill says it may do this provided this discrimination is based simply and solely on the cost of transportation. But they can not regulate the price in that manner, for the grade of corn they make there is a fairly uniform price in the States of Utah and California, and they must compete there with canners from the State of my friend from Nebraska [Mr. BARTON], who have a less rate of freight than this canning factory in my town would be able to obtain. Then, according to the proviso in the bill, if we change the price at all in Utah and California we would be obliged to fix it strictly in accordance with the rates of freight. If this is done, the canning company could not sell its products at all in those States.

The distinguished gentleman from North Carolina and also the distinguished gentleman from Arkansas, defining the acts to which this section applies, have said it was cases where there was an attempt to drive out a competitor by means of fixing a lower price in some particular locality than was fixed in another State. If that is correct, why not so provide in that section instead of using words to which nobody can give a definition? What do the words "wrongfully injure" mean? One gentleman says one thing, and another says another thing. Nobody has undertaken to define the term beyond this mere statement that has been made by the gentleman from South Carolina [Mr. WEBB] and the gentleman from Arkansas [Mr. FLOYD]. If they use the terms I have provided for in this amendment, "to create a monopoly, to hinder competition, or restrain trade," then they will have words that have been passed upon judicially and which business men are ready to act under, and which will require no provisos which will permit of loopholes and evasions by which the whole act can be rendered nugatory.

Mr. Chairman, I think this amendment ought to be accepted and adopted.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, in reply to the gentleman from Iowa [Mr. GREEN], I desire to state it is not contended that the verbiage of this section is the same as that included in all of the different State statutes; but our contention

is that the principle, the wrong that we are attempting to correct by the provisions in section 2 of this bill, has become so notorious and so well known that 21 States have passed statutes preventing discrimination, following the same principle. Now, the gentleman proposes to weaken the effect of what we have written here by requiring it to apply only when the effort is made to create a monopoly.

We are dealing with interstate trade and commerce. If the purpose is to create a monopoly, the persons offending are violating the Sherman law; and at the risk of giving the court some trouble in construing the statute, and at the risk of giving a wrongdoer some trouble in construing the statute, we have proposed a statute here which we believe, if enacted into law, will be more effective than all the provisions of the Sherman law have ever been in suppressing one of the grossest and greatest wrongs in the business methods of the great and powerful corporations of this country. For that reason we hope that the House will not weaken this provision by adopting the amendment offered by the gentleman from Iowa, which has the exact wording of the provisions of some of the State statutes.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. GREEN of Iowa. Surely the gentleman did not want to misstate my amendment. It covers not merely an attempt to create a monopoly, but anything that had the purpose to injure competition or restrain trade. Now, can the gentleman state anything that will be covered by this section as it is worded now that is not covered by my amendment?

Mr. FLOYD of Arkansas. I think so. I think it is more specific and more definite. Gentlemen complain of the difficulties of the business world on account of these provisions. I believe that in drafting statutes, and especially in drafting a criminal statute, we should make them so plain and specific that any man who reads can understand.

Mr. MURDOCK. Will the gentleman yield on that point?

Mr. FLOYD of Arkansas. Yes.

Mr. MURDOCK. I would like to ask the gentleman, in connection with what he has said, in line 11, page 21, what does the language of the bill mean by "difference in cost of transportation"? Do you mean the published rates, the rates filed with the Interstate Commerce Commission, or not? What do you mean by "transportation" there?

Mr. FLOYD of Arkansas. We mean the actual cost of transportation.

Mr. MURDOCK. Take the Standard Oil Co., and, as the gentleman knows, it owns great tank-line steamers and pipe lines which other people do not have the use of, and all manner of special means of transportation—are those included in this or not; or only the rates filed with the Interstate Commerce Commission, and no other rates, included in this line?

Mr. FLOYD of Arkansas. The rates of transportation, the cost of transportation, whatever it may be or by whatever means it may be incurred.

Mr. MURDOCK. The gentleman said he wanted to be specific in the statute, and I was trying to find out.

Mr. FLOYD of Arkansas. Well, that is the way I understand it. Of course if a company has a pipe line of its own, the situation might be different.

Now, since the gentleman has mentioned the Standard Oil Co., the testimony in the great trial against the Standard Oil Co. has developed the fact that one of the very worst offenders that has ever existed in this country in this evil practice of unfair discrimination is that same Standard Oil Co.

Mr. MURDOCK. Does the gentleman think he has reached them in that phrase?

Mr. FLOYD of Arkansas. We certainly do. We have reached the Standard Oil Co., and we have reached every other concern that comes within the purview of this particular provision.

Mr. HULINGS. Will the gentleman permit a question?

Mr. FLOYD of Arkansas. I will.

Mr. HULINGS. I see, in line 10, page 21, that one of the exceptions is that discrimination can be made when there is a difference in the cost of the commodity. Now, does not that provision specifically provide that the big man will always have that discrimination in his favor, and if you allow that do not you make just an open road for big business to avoid the law?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FLOYD of Arkansas. I am sorry my time has expired; I would like to answer the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. GREEN].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. VOLSTEAD. Division, Mr. Chairman.

The committee divided, and there were—ayes 34, noes 42.

Accordingly the amendment was rejected.

Mr. GARDNER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 1, transpose the word "thereby" and the word "to."

The CHAIRMAN. The gentleman from Minnesota [Mr. VOLSTEAD].

Mr. VOLSTEAD. I yield to the gentleman from Massachusetts a quarter of a minute.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 15 seconds.

Mr. GARDNER. Mr. Chairman, this is in order to avoid a split infinitive. The gentleman from Vermont [Mr. GREEN], who is much more of a rhetorician than I am, tells me that we could never be reelected in New England if we allowed——

The CHAIRMAN. The time of the gentleman has expired.

Mr. WEBB. The gentleman is from Massachusetts, a State of scholars, and we owe a great deal to its scholars, orators, and statesmen. Therefore, in order to avoid the calamity of a split infinitive, which the gentleman seeks to prevent, we will accept the gentleman's amendment. [Applause and laughter.]

The amendment was agreed to.

Mr. TOWNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, line 2, strike out the words "or wrongfully injure the business of a competitor, of either such purchaser or seller" and insert in lieu thereof the word "competition."

Mr. VOLSTEAD. I yield to the gentleman from Iowa [Mr. TOWNER] one minute.

The CHAIRMAN. The gentleman from Iowa is recognized for one minute.

Mr. TOWNER. Mr. Chairman, this is quite similar to the amendment offered by the gentleman from Iowa, my colleague, Mr. GREEN. However, I think it is more clearly evident that this will be an extension of the rule rather than a limitation. Certainly the evident purpose of the section is to prevent the destruction of competition. If this amendment is adopted, the statute will read:

That any person engaged in commerce who shall, either directly or indirectly, discriminate in price * * * with the purpose or intent thereby to destroy competition, shall be deemed guilty of a misdemeanor.

I submit to the gentleman from Arkansas that this language is much more comprehensive than the language in the bill, and very much less liable to meet with adverse construction by the courts.

The amendment was rejected.

Mr. AVIS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 21, lines 13 to 15, inclusive, after the word "customers," in line 14, strike out the comma, and in lines 14 and 15 strike out the words "except as provided in section 3 of this act" and insert in lieu thereof the following: In line 13, after the word "wares," the words "bituminous or semibituminous coal," and insert a period after the word "customers," in line 14.

Mr. VOLSTEAD. I yield to the gentleman from West Virginia [Mr. AVIS] five minutes.

The CHAIRMAN. The gentleman from West Virginia is recognized for five minutes.

Mr. AVIS. Mr. Chairman and gentlemen, I appeal particularly to the gentlemen who come from bituminous and semibituminous coal-producing States to consider carefully the amendment that I have just offered. The committee has stated that it is the purpose of section 2 to prevent one competitor from destroying or injuring another competitor. It has also been stated that its purpose is to control or prevent monopoly. I say to you gentlemen that, in my humble opinion, coming from a coal-producing State and knowing conditions in the bituminous coal fields, if this bill becomes a law as it is to-day, instead of destroying monopoly it will destroy competition and create monopoly.

You will notice that section 2 permits every man to prefer and select his own customers, except as provided in the last four lines:

That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

And in section 3 of this act it is provided that no operator or owner of a coal mine can "refuse arbitrarily" to sell, and

Mr. WEBB. The case which my friend cites will never arise under this section. Everybody is given the right of self-defense, and if a man cuts his price to meet competition, and without any intent or purpose to destroy or wrongfully injure a competitor somewhere else, my friend knows there is no tribunal that would undertake to indict him under this section, because he is not acting with a wrongful intent.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. STAFFORD. When a jobber cuts his price, or gives a dating, for instance, or a discount which he does not give to the general public, in order to get business, does he not thereby intend to injure some other jobber, or some other dealer to whom he is not giving that preferential price?

Mr. WEBB. Oh, no; not necessarily.

Mr. STAFFORD. Why, necessarily. He is doing it for the purpose of not giving the same favor to the trade generally.

Mr. WEBB. If he gives that advantage to one jobber and not to another jobber under the same general conditions and thereby discriminates with intent to destroy, and so forth, he is liable to indictment under this act, and ought to be.

Mr. STAFFORD. That is the very purpose with which business is to-day carried on, and your view would make it a criminal offense, and every large wholesaler would be subjected to a criminal prosecution under this present phraseology.

Mr. WEBB. He ought to be indicted if he cuts prices and discriminates therein for the purpose of destroying or wrongfully injuring a competitor.

Mr. STAFFORD. That is not the morale of the business public generally.

Mr. WEBB. It is good business morals to-day, and ought to be enforced by law.

Mr. KENT. Will the gentleman yield?

Mr. WEBB. Certainly.

Mr. KENT. I would like to ask the gentleman if competition itself may not inherently be an injury?

Mr. WEBB. That depends upon the standpoint from which you view the matter. Some argue that it is and some argue to the contrary. Economists have not agreed on that question.

Mr. KENT. You intend to control a man's business, if you can, in order to prevent his injuring you.

Mr. WEBB. No; but this practice has been a favorite bludgeon used by the trusts—to go to a town and say I will sell these goods 20 or 30 per cent lower than our competitor sells them, and in that way put independents out of business in that community. I say if they do that they ought to be indicted.

Mr. BARTON. Will the gentleman yield?

Mr. WEBB. I will.

Mr. BARTON. We had an illustration recently where a big fire insurance company came into the State where local insurance companies have been doing business, not confined to the border of the State, and cut prices in that immediate locality until we had in three States 40 or 50 local companies put out of business, and then the price was put back where it was profitable to the company. Might not this same condition exist where we started a wholesale house in a State where their territory was confined to the State—might it not be a reduction of prices for putting that institution out of business?

Mr. WEBB. If the purpose is to wrongfully injure or destroy a competitor, this section will cover such practice; but insurance companies are not reached, as the Supreme Court has held that their contracts or policies are not interstate commerce.

Mr. BARTON. Is it not right that they should come within the law?

Mr. WEBB. Yes.

Mr. MOORE. Mr. Chairman, I wish to ask the chairman of the committee whether it is intended to reach mail-order houses by this paragraph.

Mr. WEBB. It means to embrace everybody who operates in interstate commerce and discriminates in price for the purpose of destroying or wantonly injuring a competitor.

Mr. MOORE. Suppose a large mail-order house in Chicago was circularizing the country and should enter into competition with the crossroads store in the gentleman's county, would the department store, the mail-order house in Chicago, be liable to prosecution under this act?

Mr. WEBB. If it discriminated in prices for the purpose of destroying or wrongfully injuring such crossroad store, it would be guilty.

Mr. MOORE. And that is the purpose of the act?

Mr. WEBB. Yes.

Mr. MOORE. Suppose one large department store in Washington in the ordinary competition with smaller stores should on certain days of the week advertise that shoes would be sold at a reduced price, a price far below that at which shoes were sold in hundreds of smaller stores, would the passage of this act enable the smaller stores to prosecute the department store?

Mr. WEBB. I think it would be very hard in that case to prosecute the department store under the terms of the law. It would sell the same shoes to everybody at the same price, and it would be difficult to prove that it was being done to put the small competitor out of business.

Mr. MOORE. In the case of the department store advertising that on a certain day it will reduce the price of certain articles which would put several competitors out of business, this act would not apply in the interest of the small business man, would it?

Mr. WEBB. That would be wholly within the State and would not be affected by this act. It would not affect the Philadelphia or the New York department store if they sold within the confines of their State.

Mr. MOORE. The effect of the act, then, would not be to relieve the small dealer, but to permit the large concern, with its great capital and its fine advertising facilities, to invite and attract the public in large numbers, and thus put out of business the small competitor in a perfectly natural way.

Mr. WEBB. The gentleman knows that the evil he is speaking of is within the State control. We can only handle transactions which affect interstate business.

Mr. MOORE. I grant that, if the business is wholly within the State, but you think your act would apply to the mail-order house that is circularizing the country and doing business in other States.

Mr. WEBB. It would.

Mr. MOORE. And houses in other States undertaking to do business in the gentleman's county.

Mr. WEBB. If it intended to destroy or wrongfully injure a competitor, it would.

Mr. MOORE. There would be no relief to the small dealer in the State jurisdiction, but there would be to the crossroads dealer in the gentleman's State, providing there was an interstate business. That is the gentleman's opinion?

Mr. WEBB. Certainly; and you would have to go to the States for relief in the other case.

Mr. GARDNER. Will the gentleman from Pennsylvania allow me to ask a question of the gentleman from North Carolina?

Mr. MOORE. I yield to the gentleman.

Mr. GARDNER. Would the adoption of the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM] open the door to the practices which you seek to prevent by section 2?

Mr. WEBB. It might be a suggestion to the parties that that could be done.

Mr. GARDNER. Is not the real reason for the gentleman's opposition to the amendment that you do not wish to have one line of the bill changed if you can help it?

Mr. WEBB. No, sir; that is not the case at all. We invite helpful amendments. I oppose this amendment because, as I said, I think the amendment of the gentleman from Pennsylvania is useless and unnecessary.

Mr. MANN. Will the gentleman yield for a suggestion?

Mr. WEBB. Certainly.

Mr. MANN. There are five amendments to be offered on this side, and, so far as I know, that is all that will be offered from this side to that section. Can we reach an agreement about debate?

Mr. WEBB. I hope that we may. I suggest a half an hour.

Mr. MANN. We want 25 minutes on this side.

Mr. MURDOCK. The gentleman had better take some time for himself, for he will need it.

Mr. WEBB. Then, Mr. Chairman, I ask unanimous consent that all debate on this section and amendments thereto be closed in 50 minutes, one half of the time to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and the other half by myself.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that debate on this section and all amendments thereto close in 50 minutes, one half of the time to be controlled by the gentleman from Minnesota [Mr. VOLSTEAD] and the other half by himself. Is there objection?

There was no objection.

Mr. LEVY. Mr. Chairman, I have an amendment which I desire to offer. Is it proper now?

The CHAIRMAN. There is an amendment pending. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GRAHAM].

The question was taken, and the amendment was rejected.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I offer the following amendment which I send to the desk and ask to have read.

Mr. LEVY. But, Mr. Chairman, the Chair said that he would recognize me.

The CHAIRMAN. But the gentleman from Pennsylvania is a member of the committee. The Chair understands the rule to be that members of the committee are entitled to preference. The Chair will recognize the gentleman from New York later. The Clerk will report the amendment of the gentleman from Pennsylvania.

The Clerk read as follows:

Page 21, line 11, after the word "for," insert the words "difference in cost of production in different localities and for."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. VOLSTEAD. Mr. Chairman, I yield the gentleman from Pennsylvania [Mr. GRAHAM] three minutes.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I ask the very serious and impartial consideration of this amendment by the committee which has this bill in charge. This amendment covers one of the conditions that perhaps inadvertently has been left out of the bill, and I really think ought to be inserted in it as a matter of fairness and justice. Everyone in this House knows that the cost of production varies in different localities, so that a price based on a single cost of production can not be maintained as a universal price. I have simply asked here that in line 11, after the words "allowance for," the words "difference in cost of production in different localities and for" be inserted. To allow for that difference is just as fair and reasonable as to allow for the difference in transportation, and I have received communications from business men calling attention to this fact and showing how it would work injuriously to them and their business if they were obliged to charge a uniform price. They can not do it; and yet the language of the section compels them to. Unless the committee is wedded, as the gentleman from Massachusetts [Mr. GARDNER] suggested, to putting this bill through the House line for line and word for word, without change, then I appeal to the reason and fairness of gentlemen of the committee to insert this amendment in this section of the bill.

I yield back the remainder of my time.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I do not care to take up the five minutes yielded to me on this amendment. I desire to say only a word. The exceptions in this statute are the usual exceptions in the statutes of the several States that have enacted legislation on this question.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. GRAHAM of Pennsylvania. Does the gentleman mean to say to this body that because certain language has been adopted in some State legislatures it is therefore binding upon us when a question of an amendment appeals to our reasoning and sense of justice?

Mr. FLOYD of Arkansas. Why, not at all.

Mr. GRAHAM of Pennsylvania. Then why refer to State legislation?

Mr. FLOYD of Arkansas. And I am surprised at the gentleman asking such a question. I object to the amendment of the gentleman from Pennsylvania because there is no necessity for it and there is no good reason for it. The place of production will be the point from which the cost of transportation would be reckoned.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield for another question?

Mr. FLOYD of Arkansas. Not at this point.

Mr. GRAHAM of Pennsylvania. But it is pertinent to that statement.

Mr. FLOYD of Arkansas. Very well.

Mr. GRAHAM of Pennsylvania. Does not the gentleman know that a great many producers have plants located in different localities and that at each one of those plants, owing to local and other causes, the cost of production is different, and that each of those plants is for the purpose of supplying its own section of the country? Is not that a reason for this amendment?

Mr. FLOYD of Arkansas. I understand that there is a difference in cost of production in different sections of the country, but we do not think that, in striking at the evil we are striking at, that element is serious enough to warrant us in putting in this exception. This provision is striking at a known evil, one of the worst evils that has ever been practiced in this country, to the detriment of manufacturers in different sections of the country, and we think when we have made the exceptions we have made here that we have gone far enough. We are striking at monopoly, at those powerful corporations that make a practice of discriminating in prices and in underselling in particular localities, and thereby absolutely destroying and putting out of business independent manufacturers all over the country. The object is to give opportunity to build up manufacturing industries in every section of the country and to enable men in different sections to build up new enterprises, and thus save communities and States and sections of the country the cost of transporting the same commodities from some central point in the United States to every part of the country.

Mr. GRAHAM of Pennsylvania. Will the gentleman answer me how the adoption of this amendment would prevent the purpose that the gentleman has in mind, that of preventing monopoly? Why has the committee recognized difference in cost of transportation and yet refused to recognize difference in cost of production in different localities?

Mr. FLOYD of Arkansas. I will explain to the gentleman that in drafting this bill we think we have placed in it all of the exceptions that are essential. This is a criminal statute. Certain elements must be proved and established beyond a reasonable doubt before any man can be convicted under its provisions. We are striking at a known stupendous evil, from which the people of every section of this country have suffered, and we do not desire to weaken the bill by placing additional exceptions into the provisions of the bill, and in that connection I desire to answer further suggestions made by the gentleman from Pennsylvania in the outset. There might be a thousand things, a hundred things, or twenty things not mentioned in these exceptions that would be a complete defense to a charge under this section, because in order to convict any man under the provisions of this section you must show two things: You must show that he is selling at discriminating prices in one locality, different from the prices at which he is selling in other localities, and you must show further that he is doing it with a wrongful purpose and intent to destroy or injure a competitor, either of the seller or of the purchaser.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield further?

Mr. FLOYD of Arkansas. And there may be many things not mentioned in these exceptions that would completely exonerate the person charged with unlawful discrimination. In other words, no man could be convicted unless the criminal acts made necessary to constitute a crime in this provision are established.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. GRAHAM of Pennsylvania. I would like to say, Mr. Chairman——

Mr. WEBB. I yield one minute more to the gentleman from Arkansas.

Mr. GRAHAM of Pennsylvania (continuing). Simply to bring the matter out clearly——

Mr. FLOYD of Arkansas. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM of Pennsylvania. There is no device in the amendment; it is apparent upon its face that it is perfectly fair. I would ask my learned colleague on the committee if this bill does not require from the producer to maintain a uniform price throughout the whole country wherever he operates? Now, is it fair, in relation to a commodity of such a kind, that it must be produced at different places and sold in the community adjacent thereto, and forming its environment, to put the burden on him of maintaining a uniform price everywhere when the cost of production in different localities varies? Now, you have allowed for the different cost of transportation, why do you not in equity and justice allow for this difference also?

Mr. FLOYD of Arkansas. I do not admit the gentleman's premise. The man might lower the price for any lawful purpose. It might be proper to meet the cost of transportation or any other purpose providing he did not have in his mind an evil purpose and intent of lowering the price to put out of business a competitor. That is my answer to the proposition.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is there any more time to discuss the amendment on this important matter?

The CHAIRMAN. The Chair states that the time to be devoted to this section and all amendments thereto is under the control of the gentleman from North Carolina and the gentleman from Minnesota by agreement in the committee.

Mr. MOORE. And we are restricted to such time as has been designated?

inserted. To allow for that difference is just as fair and reasonable as to allow for the difference in transportation, and I have received communications from business men calling attention to this fact and showing how it would work injuriously to them and their business if they were obliged to charge a uniform price. They can not do it; and yet the language of the section compels them to. Unless the committee is wedded, as the gentleman from Massachusetts [Mr. GARDNER] suggested, to putting this bill through the House line for line and word for word, without change, then I appeal to the reason and fairness of gentlemen of the committee to insert this amendment in this section of the bill.

I yield back the remainder of my time.

Mr. WEBB. Mr. Chairman, I yield five minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Chairman, I do not care to take up the five minutes yielded to me on this amendment. I desire to say only a word. The exceptions in this statute are the usual exceptions in the statutes of the several States that have enacted legislation on this question.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. FLOYD of Arkansas. Certainly.

Mr. GRAHAM of Pennsylvania. Does the gentleman mean to say to this body that because certain language has been adopted in some State legislatures it is therefore binding upon us when a question of an amendment appeals to our reasoning and sense of justice?

Mr. FLOYD of Arkansas. Why, not at all.

Mr. GRAHAM of Pennsylvania. Then why refer to State legislation?

Mr. FLOYD of Arkansas. And I am surprised at the gentleman asking such a question. I object to the amendment of the gentleman from Pennsylvania because there is no necessity for it and there is no good reason for it. The place of production will be the point from which the cost of transportation would be reckoned.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield for another question?

Mr. FLOYD of Arkansas. Not at this point.

Mr. GRAHAM of Pennsylvania. But it is pertinent to that statement.

Mr. FLOYD of Arkansas. Very well.

Mr. GRAHAM of Pennsylvania. Does not the gentleman know that a great many producers have plants located in different localities and that at each one of those plants, owing to local and other causes, the cost of production is different, and that each of those plants is for the purpose of supplying its own section of the country? Is not that a reason for this amendment?

Mr. FLOYD of Arkansas. I understand that there is a difference in cost of production in different sections of the country, but we do not think that, in striking at the evil we are striking at, that element is serious enough to warrant us in putting in this exception. This provision is striking at a known evil, one of the worst evils that has ever been practiced in this country, to the detriment of manufacturers in different sections of the country, and we think when we have made the exceptions tion I desire to answer further suggestions made by the gentleman from Pennsylvania in the outset. There might be a thousand things, a hundred things, or twenty things not mentioned in these exceptions that would be a complete defense to a charge under this section, because in order to convict any man under the provisions of this section you must show two things: You must show that he is selling at discriminating prices in one locality, different from the prices at which he is selling in other localities, and you must show further that he is doing it with a wrongful purpose and intent to destroy or injure a competitor, either of the seller or of the purchaser.

Mr. GRAHAM of Pennsylvania. Will the gentleman yield further?

Mr. FLOYD of Arkansas. And there may be many things not mentioned in these exceptions that would completely exonerate the person charged with unlawful discrimination. In other words, no man could be convicted unless the criminal acts made necessary to constitute a crime in this provision are established.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. GRAHAM of Pennsylvania. I would like to say, Mr. Chairman——

Mr. WEBB. I yield one minute more to the gentleman from Arkansas.

Mr. GRAHAM of Pennsylvania (continuing). Simply to bring the matter out clearly——

Mr. FLOYD of Arkansas. I yield to the gentleman from Pennsylvania.

Mr. GRAHAM of Pennsylvania. There is no device in the amendment; it is apparent upon its face that it is perfectly fair. I would ask my learned colleague on the committee if this bill does not require from the producer to maintain a uniform price throughout the whole country wherever he operates? Now, is it fair, in relation to a commodity of such a kind, that it must be produced at different places and sold in the community adjacent thereto, and forming its environment, to put the burden on him of maintaining a uniform price everywhere when the cost of production in different localities varies? Now, you have allowed for the different cost of transportation, why do you not in equity and justice allow for this difference also?

Mr. FLOYD of Arkansas. I do not admit the gentleman's premise. The man might lower the price for any lawful purpose. It might be proper to meet the cost of transportation or any other purpose providing he did not have in his mind an evil purpose and intent of lowering the price to put out of business a competitor. That is my answer to the proposition.

Mr. MOORE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE. Is there any more time to discuss the amendment on this important matter?

The CHAIRMAN. The Chair states that the time to be devoted to this section and all amendments thereto is under the control of the gentleman from North Carolina and the gentleman from Minnesota by agreement in the committee.

Mr. MOORE. And we are restricted to such time as has been designated?

Mr. RIORDAN with Mr. MAPES.
Mr. ROUSE with Mr. SMITH of Idaho.
Mr. RUBEY with Mr. SELLS.
Mr. SAUNDERS with Mr. PARKER.
Mr. SMALL with Mr. MORIN.
Mr. SPARKMAN with Mr. MOSS of West Virginia.
Mr. STEPHENS of Mississippi with Mr. NELSON.
Mr. STEPHENS of Nebraska with Mr. PAIGE of Massachusetts.
For 10 days:
Mr. HILL with Mr. COPLEY.
For the session:
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. HOBSON with Mr. FAIRCHILD.
Mr. UNDERWOOD with Mr. MANN.
Mr. SCULLY with Mr. BROWNING.
Mr. METZ with Mr. WALLIN.

Mr. CAREW. Mr. Speaker, I am paired with Mr. DANFORTH, and I desire to withdraw my vote of "no" and to answer "present."

The name of Mr. CAREW was called, and he answered "Present."

Mr. GLASS. Mr. Speaker, I desire to ask if my colleague, Mr. SLEMP, of Virginia, has voted?

The SPEAKER. He did not.

Mr. GLASS. Mr. Speaker, I desire to withdraw my vote of "aye" and to answer "present."

The name of Mr. GLASS was called, and he answered "Present."

Mr. MANN. Mr. Speaker, I am paired with the gentleman from Alabama, Mr. UNDERWOOD. I desire to withdraw my vote of "no" and be recorded "present."

The name of Mr. MANN was called, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HAY). A quorum is present, and the Doorkeeper will open the doors.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the House agree to the request of the Senate for a conference on the disagreeing votes of the two Houses on the bill H. R. 13679, a bill making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915.

The SPEAKER pro tempore. The gentleman from South Carolina asks unanimous consent to take from the Speaker's table the bill H. R. 13679, the Agricultural appropriation bill, and agree to the request of the Senate for a conference. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, did the Speaker state the request was to ask for a conference or to agree to a conference?

The SPEAKER pro tempore. To agree to a conference.

Mr. MANN. It is an unusual thing, and I think a rather improper thing, for the Senate when it passes one of the annual appropriation bills to ask for a conference upon the passage of the bill. Sometimes when there is great urgency of some bills it might be quite proper to ask for a conference on the part of the House which last passes the bill, but it never was in conformity with parliamentary usage, and, so far as I recall, this is the first time where one of the annual appropriation bills having passed the House and then having passed the Senate the Senate has sent the bill back to the House at once insisting upon its amendments and asking for a conference.

Mr. LEVER and Mr. GARNER rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. MANN. To either fair charmer.

Mr. GARNER. Under the rules governing a conference the House asking for the conference has charge of the papers, and must act on the conference report, or it is usual to act on the conference committee report first. I say, under the rules governing conferences of the two Houses, the House asking for the conference has charge of the papers, as I understand it, and it is usual for them to act first on the report as it is made.

Mr. MANN. The gentleman is mistaken. The House that agrees to the conference acts first on the conference report.

Mr. PAGE of North Carolina. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. Yes.

Mr. PAGE of North Carolina. The gentleman lets very little escape him——

Mr. MANN. I know this session of Congress they have done this same thing before.

Mr. PAGE of North Carolina. At this session of Congress the District appropriation bill passed the House, and the Senate passed that bill, appointed conferees, and sent the bill to this House.

Mr. MANN. I think they did on one other bill at this session of Congress, but it is not a good custom.

Mr. LEVER. Mr. Speaker, in answer to the observation of the gentleman from Illinois [Mr. MANN], I confess that when I saw the Senate had asked for a conference on this bill I was greatly surprised, although, being no parliamentarian myself, I did not know but that they had the right to do it. But I understand, while it is not the custom, it is not beyond their right to do so, and I agree with the gentleman from Illinois that it is a bad practice. However, they have asked for the conference, and there seemed to be nothing else to do except for us to agree to it.

Mr. MANN. I am not going to object. I think it is beyond their right, but we can not raise that question in this House

Mr. LEVER. That is very true.

The SPEAKER pro tempore. Is there objection?

Mr. CANDLER of Mississippi. Mr. Speaker, reserving the right to object, may I ask the gentleman from South Carolina what his request is? Is it to disagree to all the amendments of the Senate and agree to the conference asked by the Senate?

Mr. LEVER. No. The request is that the House agree to the conference asked for by the Senate on the Agricultural appropriation bill. The Senate passed the bill, sent it back to the House with its amendments, and asked for a conference. It is now the duty, I presume, of the House to agree to the conference, in order that we may get the bill into conference on the various amendments that have been offered.

Mr. CANDLER of Mississippi. Then, there is no request that we agree or disagree to their amendments?

Mr. LEVER. None whatever. The request is that we agree to the conference in order to have the opportunity to consider in conference all amendments as soon as possible.

Mr. CANDLER of Mississippi. That course will expedite the consideration and the final passage of the bill, and therefore I have no objection. I realize the importance of enacting this great bill into law at the earliest date practicable.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER pro tempore appointed the following conferees: Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN.

ANTITRUST LEGISLATION.

The SPEAKER pro tempore. Under the rule the House resolves itself automatically into the Committee of the Whole House on the state of the Union for the further consideration of the antitrust bill, and the gentleman from Tennessee [Mr. BYRNS] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 15657, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 15657) to supplement existing laws against unlawful restraints and monopolies, and for other purposes.

The CHAIRMAN. When the committee rose on Tuesday the Clerk had read section 1. If there are no amendments——

Mr. MORGAN of Oklahoma. Mr. Chairman, I wish to offer an amendment as a new section following section 1.

The CHAIRMAN. The gentleman from Oklahoma offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding a new section, to be numbered section 1a, to follow immediately after section 1, page 20, as follows:

"SEC. 1a. That no firm, association, or corporation shall be subject to the provisions of sections 2, 4, and 8 of this act, unless by itself, or with one or more other corporations owned, operated, controlled, or organized in conjunction with it so as to constitute substantially a business unit, has an aggregate capital, including stocks and bonds issued and surplus owned, of not less than $5,000,000."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MORGAN of Oklahoma. Mr. Chairman, one of the proper criticisms to sections 2, 4, and 8 is that it includes all small business concerns in its provisions. It is the contention of some of us on this side of the House that we should go to the full length and extent of our control over the large concerns, but should eliminate so far as we can any effort to annoy and burden and restrain the small concerns which possess no monopolistic power, and which, from a national viewpoint, do not affect the general interests of the country.

Now, that very proposition came up before the Committee on the Judiciary and it came up before the Interstate Commerce Committee as to what corporations should be brought under the control and regulation of the interstate trade commission.

I think when the bill was first drawn and introduced by the chairman of the Judiciary Committee, the interstate trade bill, all concerns were brought under the control and regulation of that commission. And I for one, in speaking before the Interstate Commerce Committee, advocated that it should be amended so as not to include all concerns engaged in interstate commerce, and others advocated the same thing. And so when that bill was finally drawn it did not include all concerns or corporations engaged in interstate business. Therefore I have drawn this section which in language practically corresponds with the language used in the Covington interstate trade bill.

I think it is wise that if we are entering upon a new policy in two directions, with two arms, interstate trade commission, and then the enactment of additional laws to bring these concerns under proper control, that they should go together, that these two sections should correspond in their jurisdiction over concerns exactly with those concerns that are brought under the interstate trade commission.

And so, having this conviction, having this conception, believing that especially at the start we ought to limit our restrictions of the larger concerns that possess monopolistic power, I have in good faith presented this amendment, bringing within these sections only the concerns that shall be brought under the interstate trade commission. I think it is a wise amendment and I hope the committee will adopt it.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Oklahoma [Mr. MORGAN].

Mr. FLOYD of Arkansas. Mr. Chairman, I desire to oppose the amendment offered by the gentleman from Oklahoma, for the reason that we do not think that such amendment ought to be adopted. The fact is that our friend from Oklahoma has gotten the trade-commission idea in his head, and he seeks at every opportunity, and did in the committee, and I presume he will here, to inject some provision relating to the trade commission into this bill.

Now, in the first place, we do not think that there should be any limitation as to capitalization or surplus whatever as to sections 2, 3, or 8. We have provided limitations of this character in another section of the bill pertaining to interlocking directorates. Here he proposes to raise the limitation we have placed in that section and put a limitation of $5,000,000 in these particular sections. We have been endeavoring by these sections referred to to forbid certain wrongs that exist in our system, and we believe that any such amendment as that proposed by the gentleman from Oklahoma would tend largely to defeat the purposes of each of these sections. And therefore we oppose the amendment and hope the committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That any person engaged in commerce who shall, either directly or indirectly, discriminate in price between different purchasers of commodities in the same or different sections or communities, which commodities are sold for use, consumption, or resale within the United States or any Territory thereof or the District of Columbia or any insular possession or other place under the jurisdiction of the United States, with the purpose or intent to thereby destroy or wrongfully injure the business of a competitor of either such purchaser or seller shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both, in the discretion of the court: *Provided*, That nothing herein contained shall prevent discrimination in price between purchasers of commodities on account of differences in the grade, quality, or quantity of the commodity sold, or that makes only due allowance for difference in the cost of transportation: *And provided further*, That nothing herein contained shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers, except as provided in section 3 of this act.

Mr. WEBB. Mr. Chairman, I should like to ask my friend from Minnesota [Mr. VOLSTEAD] if we may come to some agreement as to the time to be consumed in discussing this section and amendments thereto.

Mr. VOLSTEAD. I think it would be better to let the debate proceed for a little while.

Mr. MANN. It is a little early yet to shut off debate. There are a number of amendments which gentlemen on this side desire to propose.

Mr. WEBB. There is no desire to shut off amendment.

Mr. MANN. I understand that. There are a number of amendments to be offered to this section. We will try to help the gentleman expedite the bill.

Mr. WEBB. I thank the gentleman. I will make no request at this time. Mr. Chairman, as to limiting debate.

Mr. LEVY. Mr. Chairman, I have an amendment.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. GRAHAM], a member of the committee. The Clerk will report the amendment proposed by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 20, line 20, after the word "shall," insert the words "except in lawfully meeting competition."

Mr. BARTLETT. Mr. Chairman, I ask to have the amendment read again. We could not hear it.

The CHAIRMAN. The committee will be in order. If there be no objection, the Clerk will again report the amendment.

The amendment was again read.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, on day before yesterday the gentlemen upon the other side invited us to present our views toward improving any of the terms or provisions of this bill. It is with that end in view that I offer this amendment, which, if adopted, would largely remove the objections to which this section of the proposed bill is now subject.

The great scope and purpose of our antitrust laws is to put down monopoly and restraint of trade and to foster and protect competition. As is pointed out in the minority report, this section as framed is calculated to limit and destroy competition. There certainly can be no objection, therefore, to writing the words of this amendment into this paragraph, so that no fetter or restraint will be put upon lawful competition.

It has been held in some of the cases that have been tried that wherever prices are cut below cost that is unfair trade practice; but where a man meets another's price in protecting his business in a district with a price it is his lawful right and privilege, and it is the object of competition that he should meet his price. The benefit of competition is supposed to flow to the public. That is the only way in which it can reach the consumer or the public. Now, if this clause is limited in this respect, it obviates many of these objections.

There is another difficulty, however, to which another amendment may be applied, and I will not speak of that at this time.

Mr. WEBB. Mr. Chairman, we hope this amendment will not be adopted, because in our opinion it adds nothing to the section. We think under the provisions of the section any man who honestly meets competition is not thereby "intending to destroy or wrongfully injure any other person." If that is his object, meeting honest competition, this section will not hurt him, and we consider it useless to write into this section the amendment of my friend from Pennsylvania [Mr. GRAHAM]. Therefore I hope it will be voted down.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit an interrogation?

Mr. WEBB. Yes.

Mr. GRAHAM of Pennsylvania. Is not one of our objects to avoid subjecting business men to the possibility of lawsuits and litigation? If you say that matching a price to meet lawful competition is not within the prohibition of the bill, then why not write it into the body of the bill?

Mr. WEBB. My friend is a good lawyer, and he would not advise any client he has or ever will have that this section would reach the cases that he wishes to exempt, because any person who honestly meets competition for that purpose is not thereby intending to destroy or wrongfully injure any other person.

Mr. GRAHAM of Pennsylvania. Will the gentleman permit one word further?

Mr. WEBB. Certainly.

Mr. GRAHAM of Pennsylvania. I simply desire to bring out my exact purpose in offering this amendment. There is nothing latent or hidden in it. I am simply endeavoring to improve the language of the bill, so as to carry out its purpose. I would certainly advise any client or business man who consulted me about the present language of the bill that it is fraught with great peril to him if he in a particular district is met by competition and cuts his prices there, and does not cut his prices in every other district wherever he trades. I should advise him that if he fails to do that he is committing an offense under this section.

Now, again, if a man cuts the price to meet a competitor, is he not open to prosecution under this section, because every man is presumed to intend the natural consequences of his acts? That is a legal axiom. Now, the natural consequence of my act in cutting a price to retain my business is either to take business from a competitor or to hold my own business, and under this language the question is left to the jury to say whether it was wrongfully done. Now, why should the business community be subjected to trial upon that issue, whether or not the act is wrongfully done?

particular sections. We have been endeavoring by these sections referred to to forbid certain wrongs that exist in our system, and we believe that any such amendment as that proposed by the gentleman from Oklahoma would tend largely to defeat the purposes of each of these sections. And therefore we oppose the amendment and hope the committee will vote it down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MORGAN].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

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Mr. MANN. It is a little early yet to shut off debate. There are a number of amendments which gentlemen on this side desire to propose.

Mr. WEBB. There is no desire to shut off amendment.

Mr. MANN. I understand that. There are a number of amendments to be offered to this section. We will try to help the gentleman expedite the bill.

Mr. WEBB. I thank the gentleman. I will make no request at this time, Mr. Chairman, as to limiting debate.

Mr. LEVY. Mr. Chairman, I have an amendment.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

destroy or wrongfully injure any other person." If that is his object, meeting honest competition, this section will not hurt him, and we consider it useless to write into this section the amendment of my friend from Pennsylvania [Mr. GRAHAM]. Therefore I hope it will be voted down.

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Now, again, if a man cuts the price to meet a competitor, is he not open to prosecution under this section, because every man is presumed to intend the natural consequences of his acts? That is a legal axiom. Now, the natural consequence of my act in cutting a price to retain my business is either to take business from a competitor or to hold my own business, and under this language the question is left to the jury to say whether it was wrongfully done. Now, why should the business community be subjected to trial upon that issue, whether or not the act is wrongfully done?

gentleman reciprocates the great depth of love that I bear for him; hence I take no offense. [Laughter and applause.]

Mr. Speaker, I have no feeling about this matter at all, but it does seem illogical to have on the statute books a law authorizing the election of Members of this House and oppose having on the statute a law authorizing States to elect Members of the other House. The Constitution should be put in force; and that is all this bill seeks to do. It does not interfere with the sacred rights of any State. I will stand with the gentleman from Georgia or any other man to the limit of my capacity to preserve the States from Federal invasion; but I do not regard compliance with public will as a license for Federal invasion or as permitting such invasion. When the great body of the American people demand a reform, as it has for many years demanded the election of Senators by the people, the will of the people is more sacred to me than the dogma of State rights as advocated by some gentlemen whom I know. [Applause.]

But I believe that both State rights and Federal rights can be preserved. I believe the enjoyment of every right a State has can be secured; and I believe the rights of the great body of American people can be given voice in this country through appropriate legislation without sacrificing the tenets for which the learned gentleman so ably speaks and which has developed in our country the immortal characters he named.

Mr. Speaker, I hope, regardless of the attitude of my friend from Georgia—and I say it with feeling of the greatest kindness—that this House will do the right thing and send this bill back to conference. It is apparent—and everybody knows it—that we are going to pass a law like this. Then why not do so at this opportune time? Some gentleman on this side asked a question which I have not answered, and as I want to make myself clear, if I have not already done so, I will say that the proposition is to put the bill in conference again, so as to agree to an amendment of section 3 of the bill, which was put in by the House, so as to confine the limitations as to time to section 2 and leave section 1 as permanent law. I repeat that, in my judgment, this will not invade any fair theory or doctrine of State rights that can be imagined.

Mr. MURDOCK. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. MURDOCK. If the law stands in section 1 as permanent law, will it affect the time or manner of the election of United States Senators in any State?

Mr. RUCKER. The section does fix the time.

M.. MURDOCK. Will that affect the existing custom in any State?

Mr. RUCKER. No; not in the least.

Mr. MURDOCK. In Mississippi and Louisiana Senators are chosen some years previous to their taking their seats.

Mr. RUCKER. This bill will affect those conditions, because section 1 provides that Senators shall be elected at "the regular election held in any State next preceding the expiration of the term for which any Senator was elected." So that hereafter the election of Senators will be held at the general election next preceding the expiration of the senatorial term.

Mr. MURDOCK. As it ought to be.

Mr. MANN. Will the gentleman yield?

Mr. RUCKER. Yes.

Mr. MANN. The cases referred to by the gentleman from Kansas are States where they have quadrennial elections.

Mr. RUCKER. I thank the gentleman. Mr. Speaker, one more word and I am done. I have no feeling in this matter. I have kept faith with the Committee on Rules and with the House. If the House does not want to pass a reasonable measure, let the House take the responsibility and turn it down. I have presented it to the House as best I could, not in passion, but deliberately, believing it ought to become law. If the House agrees with me and will send the bill back to conference, we will bring in a report as soon as possible and help make it law.

Mr. MANN. Will the gentleman yield me three minutes?

Mr. RUCKER. Mr. Speaker, I will yield three minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, two years ago, after quite a contest in the House and in the country, the House adopted what was called a reform in the rules, and provided for the selection and afterwards for the election of the Committee on Rules wholly disconnected from the Speaker.

It was said in the old days, though not very truthfully, that in order to get a bill up before the House it was necessary to go hat in hand to the Speaker to obtain recognition; but under this reform system we now have a condition where one not only has to go hat in hand and on his knees to the gentleman from Texas [Mr. HENRY], but one must agree in advance what he will put in his bill. In the old days, after the bill came before the House, it was left for the House to determine what it would enact into legislation; but now you have to prepare your amendments and submit them to the gentleman from Texas [Mr. HENRY] and see whether he will let you have the bill considered in the House under an agreement that you will insist, according to the gentleman from Georgia [Mr. BARTLETT], not only that the House will agree to the amendments but that you will make the Senate agree to them also. [Laughter and applause.] We are having a contest here now between two gentlemen as to whether faith is being kept, the Committee on Rules having held up, just as a highwayman does, the gentleman from Missouri [Mr. RUCKER] and insisted that he should offer and advocate an amendment to the bill before the Committee on Rules would allow him to have it considered in the House, and when the gentleman from Missouri offered the amendment and secured its adoption it is now charged that he is acting in ill faith because he does not hold up the Senate. We have never had such a proposition before the House at any time previously.

Mr. HENRY. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. HENRY. Does the gentleman not think the fact that the House has always sustained the Committee on Rules proves its patriotism and wisdom?

Mr. MANN. I do not. I never have known the Committee on Rules in my service in the House to be defeated on a vote. The party usually stands behind the Committee on Rules, whether the party agrees with it or disagrees with it, but that is the very reason why the Committee on Rules, when it has presented to it a proposition as to the consideration of a bill in the House, should not undertake to say what shall go in the bill as a condition precedent to letting the bill be considered in the House. The Committee on Rules, under the existing circumstances in the House, now controls what will take place in the House. There is no way of getting a bill up before the House unless it is privileged, except by unanimous consent or by a rule from the Committee on Rules, and the Committee on Rules will not report a rule, apparently, unless one will agree with the committee in advance what the bill shall contain. The House might as well adjourn and go home and leave only the gentleman from Texas here. [Applause.]

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. MANN. If I have the time.

Mr. MURDOCK. The gentleman did not say it, but he ought to have said it, that there is no way by which the House can discharge the Committee on Rules.

The SPEAKER. The time of the gentleman from Illinois has expired. The question is on the motion of the gentleman from Missouri, that the House do further insist upon its amendments and agree to the conference asked by the Senate.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 81, noes 14.

So the motion was agreed to.

The Chair announced the following conferees: Mr. RUCKER, Mr. BROUSSARD, and Mr. AINEY.

Mr. BARTLETT. Mr. Speaker, I desire to submit the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the conferees on the part of the House be instructed to insist upon the amendments of the House to Senate bill 2860.

Mr. MANN. Mr. Speaker, I make the point of order that the resolution is not in order, the conferees having been appointed.

Mr. BARTLETT. They can be instructed only after they are appointed.

Mr. MANN. Oh, no; they can be instructed only before they are appointed, and after the conference is agreed to.

Mr. BARTLETT. If I am wrong about it, very well.

Mr. MANN. Oh, the gentleman is wrong.

The SPEAKER. What is the statement of the gentleman from Illinois?

Mr. MANN. Instructions to the conferees can only be made after the conference is ordered or agreed to, and before the conferees are appointed.

Mr. BARTLETT. Mr. Speaker, this is exactly what was done in the deficiency bill, in reference to certain amendments that the Senate put upon that bill.

Mr. MANN. Oh, the gentleman is in error. The motion was made to instruct the conferees after the conference was agreed to and before the conferees were appointed. We have agreed to the conference with the Senate, and we have named the conferees, and it has gone beyond the House.

The SPEAKER. The truth about the matter is that the Chair misled the gentleman from Georgia, and informed him the other way.

Mr. MANN. If that is the case, I will withdraw the point of order, for I have no desire to take advantage in any statement made by the Chair.

The SPEAKER. That is the status. The gentleman from Georgia asked the Chair and the Chair informed him that now was the time to make the motion.

Mr. BARTLETT. Of course, Mr. Speaker, I ought to have known what the rule is.

The SPEAKER. The gentleman from Illinois withdraws the point of order. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BARTLETT) there were—ayes 37, noes 81.

Mr. BARTLETT. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Georgia demands the yeas and nays. Those in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Seven Members have risen, not a sufficient number.

Mr. BARTLETT. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Georgia makes the point of order that there is no quorum present. Evidently there is no quorum present. The Doorkeeper will lock the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. Mr. Speaker, before the roll is called, I ask unanimous consent that the resolution be again reported.

The SPEAKER. Without objection, the Clerk will again report the resolution.

There was no objection, and the Clerk again reported the resolution.

The question was taken; and there were—yeas 80, nays 191, answered "present" 11, not voting 151, as follows:

YEAS—80.

Abercrombie	Davenport	Hughes, Ga.	Sabath
Aiken	Dent	Jacoway	Seldomridge
Aswell	Dupré	Keating	Sisson
Bailey	Eagle	Lazaro	Stringer
Barkley	Elder	Lee, Ga.	Summers
Bartlett	Fergusson	Lever	Taylor, Ark.
Beall, Tex.	Ferris	McAndrews	Taylor, Colo.
Blackmon	FitzHenry	McDermott	Taylor, N. Y.
Brockson	Floyd, Ark.	Maher	Thomas
Brumbaugh	Foster	Montague	Thompson, Okla.
Buchanan, Tex.	Garrett, Tex.	Moon	Tribble
Burgess	Godwin, N. C.	Murray, Okla.	Vaughan
Burnett	Goodwin, Ark.	Neeley, Kans.	Walker
Byrnes, S. C.	Hammond	O'Brien	Watkins
Byrns, Tenn.	Hardy	Oldfield	Watson
Candler, Miss.	Harrison	Park	Weaver
Caraway	Helin	Pou	Webb
Carlin	Henry	Quin	Wilson, Fla.
Carter	Holland	Ragsdale	Wingo
Collier	Howard	Rayburn	Witherspoon

NAYS—191.

Adair	Dillon	Hayden	Peters, Mass.
Alexander	Dixon	Helgesen	Peters, Me.
Allen	Donohoe	Hinebaugh	Peterson
Anderson	Donovan	Houston	Phelan
Anthony	Doolittle	Howell	Plumley
Ashbrook	Doremus	Hulings	Porter
Avis	Doughton	Humphrey, Wash.	Post
Baker	Drukker	Igoe	Powers
Baltz	Dunn	Johnson, Utah	Prouty
Barnhart	Eagan	Johnson, Wash.	Rainey
Barton	Esch	Kelly, Pa.	Raker
Bathrick	Evans	Kennedy, Iowa	Rauch
Beakes	Falconer	Kennedy, R. I.	Reilly, Conn.
Bell, Cal.	Farr	Kent	Reilly, Wis.
Booher	Foss	Key, Ohio	Roberts, Mass.
Borchers	Fields	Kindel	Roberts, Nev.
Bowdle	Fowler	Kinkaid, Nebr.	Rothermel
Britten	Francis	Kitchin	Rupley
Brodbeck	Frear	Konop	Russell
Brown, N. Y.	French	Korbly	Scott
Browne, Wis.	Gallagher	La Follette	Shackleford
Bryan	Gard	Lee, Pa.	Sharp
Buchanan, Ill.	Gardner	Lesher	Sherwood
Burke, S. Dak.	Garner	Lewis, Md.	Shreve
Burke, Wis.	Gerry	Lieb	Sinnott
Butler	Gillett	Linthicum	Sloan
Campbell	Gilmore	Lloyd	Smith, J. M. C.
Canter	Glass	Loback	Smith, Md.
Cantrill	Goeke	Lonergan	Smith, Minn.
Cary	Good	McCoy	Smith, N. Y.
Casey	Gordon	Macdonald	Stafford
Chandler, N. Y.	Gorman	Magnire, Nebr.	Stedman
Claypool	Graham, Pa.	Mitchell	Steenerson
Cline	Gray	Mondell	Stephens, Cal.
Connelly, Kans.	Green, Iowa	Moore	Stephens, Tex.
Conry	Greene, Mass.	Morgan, Okla.	Stevens, N. H.
Cox	Greene, Vt.	Moss, Ind.	Stone
Crosser	Gregg	Murdock	Stout
Cullop	Hamlin	Nolan, J. I.	Sutherland
Curry	Harris	Norton	Switzer
Decker	Hart	Page, N. C.	Taggart
Deitrick	Hausen	Patten, N. Y.	Talbott, Md.
Dershem	Hawley	Patton, Pa.	Talcott, N. Y.
Dickinson	Hay	Payne	Tavenner
Temple	Treadway	Walters	Woodruff
Thomson, Ill.	Tuttle	White	Woods
Towner	Underhill	Williams	Young, N. Dak.
Townsend	Volstead	Winslow	

ANSWERED "PRESENT"—11.

Adamson	Guernsey	McKenzie	Rucker
Carew	Hinds	Madden	Sims
Glass	Hobson	Mann	

NOT VOTING—151.

Ainey	Falson	Knowland, J. R.	Paige, Mass.
Ansberry	Finley	Kreider	Palmer
Austin	Fitzgerald	Lafferty	Parker
Barchfeld	Flood, Va.	Langham	Platt
Bartholdt	Fordney	Langley	Reed
Bell, Ga.	Gallivan	Legare	Riordan
Borland	Garrett, Tenn.	Lenroot	Rogers
Broussard	George	Levy	Rouse
Brown, W. Va.	Goldfogle	Lewis, Pa.	Ruley
Browning	Goulden	Lindbergh	Saunders
Bruckner	Graham, Ill.	Lindquist	Scully
Buikley	Griest	Loft	Sells
Burke, Pa.	Griffin	Logue	Sherley
Calder	Guider	McClellan	Slayden
Callaway	Hamill	McGillicuddy	Slemp
Carr	Hamilton, Mich.	McGuire, Okla.	Small
Church	Hamilton, N. Y.	McKellar	Smith, Idaho
Clancy	Hardwick	McLaughlin	Smith, Saml. W.
Clark, Fla.	Hayes	Malon	Smith, Tex.
Coady	Heim	Manahan	Sparkman
Connolly, Iowa	Helvering	Mapes	Stanley
Cooper	Hensley	Martin	Stephens, Miss.
Copley	Hill	Merritt	Stephens, Nebr.
Covington	Howarth	Metz	Stevens, Minn.
Cramton	Hughes, W. Va.	Miller	Taylor, Ala.
Crisp	Hull	Morgan, La.	Ten Eyck
Dale	Humphreys, Miss.	Morin	Thacher
Danforth	Johnson, Ky.	Morrison	Underwood
Davis	Johnson, S. C.	Moss, W. Va.	Vare
Dies	Jones	Mott	Vollmer
Difenderfer	Kahn	Murray, Mass.	Walsh
Dooling	Keister	Neely, W. Va.	Whaley
Driscoll	Kelley, Mich.	Nelson	Whitacre
Dyer	Kennedy, Conn.	Ogdsby	Willis
Edmonds	Kettner	O'Hair	Wilson, N. Y.
Edwards	Kess, Pa.	O'Leary	Young, Tex.
Estopinal	Kiekead, N. J.	O'Shaunessy	
Fairchild	Kirkpatrick	Padgett	

So the resolution was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. JOHNSON of Kentucky with Mr. MADDEN.

Mr. GLASS with Mr. SLEMP.

Mr. CALLAWAY with Mr. MERRITT.

Mr. GUDGER with Mr. GUERNSEY.

Mr. CLANCY with Mr. HAMILTON of New York.

Mr. GARRETT of Tennessee with Mr. FORDNEY.

Mr. SMITH of Texas with Mr. BARCHFELD.

Mr. TAYLOR of Alabama with Mr. HUGHES of West Virginia.

Mr. DALE with Mr. MARTIN.

Mr. SLAYDEN with Mr. BURKE of Pennsylvania.

Mr. SHERLEY with Mr. WILLIS.

Mr. BELL of Georgia with Mr. AINEY.

Mr. BORLAND with Mr. BARTHOLDT.

Mr. DIES with Mr. GRIEST.

Mr. FLOOD of Virginia with Mr. KESS of Pennsylvania.

Mr. HARDWICK with Mr. MCLAUGHLIN.

Mr. HELVERING with Mr. MANAHAN.

Mr. HULL with Mr. MILLER.

Mr. L'ENGLE with Mr. MOTT.

Mr. YOUNG of Texas with Mr. HAMILTON of Michigan.

Mr. MURRAY of Massachusetts with Mr. ROGERS.

Mr. CAREW with Mr. DANFORTH.

Mr. MCKENZIE with Mr. HELM.

Mr. GRAHAM of Illinois with Mr. SAMUEL W. SMITH.

Mr. CLARK of Florida with Mr. AUSTIN.

Mr. COVINGTON with Mr. CALDER.

Mr. DIFENDERFER with Mr. COOPER.

Mr. DOOLING with Mr. CRAMTON.

Mr. ESTOPINAL with Mr. DAVIS.

Mr. EDWARDS with Mr. DYER.

Mr. FAISON with Mr. EDMONDS.

Mr. FINLEY with Mr. HAYES.

Mr. FITZGERALD with Mr. KAHN.

Mr. GOLDFOGLE with Mr. KEISTER.

Mr. HUMPHREYS of Mississippi with Mr. KELLEY of Michigan.

Mr. JOHNSON of South Carolina with Mr. J. R. KNOWLAND.

Mr. LEVY with Mr. LAFFERTY.

Mr. MCKELLAR with Mr. KREIDER.

Mr. MORRISON with Mr. LANGHAM.

Mr. O'HAIR with Mr. LANGLEY.

Mr. O'SHAUNESSY with Mr. LEWIS of Pennsylvania.

Mr. PADGETT with Mr. LINDQUIST.

Mr. PALMER with Mr. VARE.

Mr. REED with Mr. MCGUIRE of Oklahoma.

Mr. RUCKER. I yield the gentleman seven and a half minutes.

The SPEAKER. The gentleman from Georgia is recognized for seven and a half minutes.

Mr. BARTLETT. Mr. Speaker, it may be that it is old-fashioned democracy not now so much revered and respected to stand up for State rights, especially in a matter of regulation and control of elections. It may be, Mr. Speaker, that we have arrived at that era when the members of a great party which stood for those rights in the various States from 1868 to 1894 and denounced in their State and national platforms control of elections by Federal authority may accept such doctrine. It may sound strange to new ears in this House. There was a day when great Democrats like Samuel J. Tilden, Thomas A. Hendricks, Vest, Voorhees, and a line of great men and Democrats, who will live in history as great statesmen and great Democrats, and who stood for this great right of the people, who will live as illustrious and distinguished statesmen and Democrats when those who now seek to destroy that for which they contended are justly forgotten. Mr. Speaker, I feel deeply about matters of this kind. I do not propose to vote for a bill or a measure that is the entering wedge to confer upon the Congress the right and the power to go into the States and not only regulate the time, places, and manner of holding elections, but finally to regulate the qualifications of voters, registration, and all sorts of things that were embraced in the infamous Lodge election bill of 1894, which was lost in the Senate by the heroism and the patriotic devotion of two or three Republicans like Stewart, of Nevada, Teller, of Colorado, and others.

Mr. WEBB. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. WEBB. I doubt if the Members of the House understand the difference between yourself and the gentleman from Missouri [Mr. RUCKER]. Will you state succinctly what it is, so that we will know how to vote intelligently on the question?

Mr. BARTLETT. Yes; if I have time.

Mr. WEBB. I think that is important.

Mr. BARTLETT. The point of difference is that I am opposed to Federal authority having anything to do with election of Senators and providing how they should be elected, except by the constitutional amendment that has been adopted. And while this is a mere innocent thing apparently, and simply provides for the time when Senators shall be elected, when you concede to Congress the policy of saying how we shall elect Senators, the next step will be to say——

Mr. WEBB. The point is made that it passed the House as a temporary measure, while the Senate has made it permanent.

Mr. BARTLETT. I understand the gentleman. The point is this: When this bill was considered in committee and came out of the Committee on Rules, there was carried out an express agreement that that bill should be considered as privileged, and that an amendment should be offered in this House limiting the existence of the law to three years. I was informed no rule would have been obtained unless the bill was to be amended. The House agreed to it. Now, the Senate disagreed to this report. That is the point upon which they disagreed. They desire to have it permanent, but I desire, if we are to have an invasion of the rights of the States, to have it for only three years, and not forever.

Gentlemen may think that this is a mere bogie man. But you are building, as did those men of old, a monster, calling it something in the interest of present necessity and emergency. When the time comes, and it will come shortly if Democrats forget their duty, that same monster will trample the life out of State sovereignty and State and local self-government, and it will be no time to cry aloud then upon the mountains to hide you, by pretending that you simply intended it to be temporary. It is but the advance step, and when you have taken it others will come in your place who will not consider it temporary. I do not know what the views of others are, but before I consent to do this, even at the dictation of anybody or at the request of anybody, I will surrender back to my constituents my commission and render them an account of the position I have always occupied upon this question without fear of their disapproval. Good faith, Mr. Speaker, good faith to this House requires that the conferees should not in advance go into the conference with the understanding that they are to agree with the Senate in the matter of voting out this most vital amendment put in by the unanimous voice of the House.

Mr. RUCKER. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. RUCKER. In what respect is this first section vital to anybody in the world?

Mr. BARTLETT. Well, the gentleman has become so obsessed with the idea of having Congress do something, to take charge of the elections of Congressmen and Senators, that he does not see any harm in anything, though it be something that points directly to the heart of the existence of the State governments themselves.

Mr. MURDOCK. The gentleman is talking to this amendment that this act shall expire by limitation within three years of the date of its approval. Have the House conferees receded from that amendment?

Mr. BARTLETT. No. The House conferees agreed to it, the House adopted that amendment, and when the conference report came up in the Senate the Senate disagreed to it and sent it back. The gentleman from Missouri [Mr. RUCKER] says it ought not to be in there so far as the first section is concerned.

Mr. MURDOCK. And the gentleman from Missouri [Mr. RUCKER], when he reaches conference, will agree to the elimination of that amendment?

Mr. BARTLETT. Not all of it. I will not say that.

Mr. MURDOCK. I have been following the gentleman from Georgia and want to be clear on the point.

Mr. BARTLETT. I do not want to misstate the gentleman from Missouri. Now, Mr. Speaker, I have said all I desire to say now. If I had time I could say a great deal more. I feel deeply on the matter, and I submit that to agree to this thing as it is is but a step in the direction of concentrating all powers in Congress in matters of election, and we will see them fast approaching the point where we will have no States, but will have one great confederated republic here, controlled by Congress, and the States sinking to the plane of mere provinces. For one, I propose to stand where I have always stood, in opposition to measures of the kind. [Applause.]

The SPEAKER. The time of the gentleman from Georgia has expired.

Mr. RUCKER. Mr. Speaker, it seems that I am the most unfortunate of men. I have not been able in years to attempt the discharge of a public duty in response to overwhelming sentiment all over this land, even in the great State of Georgia——

Mr. BARTLETT. The gentleman is mistaken about that.

Mr. RUCKER (continuing). That I did not arouse the gentleman's recollection of the past, cause him to have horrible nightmares and dreams and visions of Federal usurpation. Prudence admonishes me to stop here.

Mr. BARTLETT. Say what you please.

Mr. RUCKER. Oh, Mr. Speaker, I recognize the fact that I can say what I please, here or elsewhere, but I do not please to say anything to which the gentleman can take exception.

Mr. BARTLETT. I did not mean it that way.

Mr. RUCKER. I hope the gentleman will not interrupt me.

Mr. BARTLETT. If I can not address the Chair or the gentleman either——

Mr. RUCKER. I yield.

Mr. BARTLETT. I did not desire you to yield.

Mr. RUCKER. I beg the gentleman's pardon. The gentleman knows how I love him and how highly I regard his patriotic sentiments.

Mr. BARTLETT. I understand that.

Mr. RUCKER. But, Mr. Speaker, it is the most marvelous thing in the world to me that a great statesman, the leading statesman from the South, the one man upon whom the welfare of this whole country devolves, the one man who alone must protect this great country from Federal-controlled elections and all their attendant evils, that this one gentleman should always be on the alert to oppose that which the people of his own State demand, and which I, in the discharge of a public duty, present to this House. It is true that in the Committee on Rules objection was made to the effect that the bill was not clear enough and did not definitely fix a period when this act should expire by limitation of law and no part of it become permanent law. I read the title and I read the bill, and I heard its provisions discussed, and I frankly admit I understood it was intended to be a temporary measure only, and when that question arose I did say I would offer an amendment in definite language, but I was not driven to it; I did it voluntarily. I did say that when the bill came before the House an amendment would be offered fixing a definite limitation of three years, so that at the end of that time the act would become a dead letter. I did that. I kept the faith. I have not deceived the gentleman or anybody else.

Mr. BARTLETT. I did not say the gentleman had.

Mr. RUCKER. But the gentleman speaks about having yielded—depending upon what I said here before the House and what he understood occurred in the committee room.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. RUCKER. Yes; certainly.

Mr. BARTLETT. I did not say the gentleman had yielded. I said the gentleman had not yielded; but the gentleman had stated on the floor of the House——

Mr. RUCKER. Yes; but the gentleman said, as I understood him, that I had agreed to offer an amendment to the bill, putting a limitation to its life, in order to get the rule, and that now I am going back on it.

Mr. BARTLETT. I did not say the gentleman had gone back on it. I said this, if the gentleman will permit——

Mr. RUCKER. I want to say——

Mr. BARTLETT. Will the gentleman permit me to interrupt him?

Mr. RUCKER. Certainly.

Mr. BARTLETT. I said the gentleman had stated a few minutes ago that the first section ought to be permanent law.

Mr. RUCKER. Yes; I said that because, after reflection, that is my best judgment.

Mr. BARTLETT. And presuming from that statement that the gentleman would agree with the conferees of the Senate on that——

Mr. RUCKER. It is my purpose to agree, I will say to the gentleman frankly.

Mr. BARTLETT. That is all I stated.

Mr. RUCKER. But the gentleman stated—I think I caught him correctly, because he always uses choice English, and I can always understand plain English such as he always uses—he did state that the House was induced to permit the first conference report to be agreed to by unanimous vote, relying on the promise I made. Let me say it may be that the gentleman is right and that everybody else is wrong, but within 24 hours of this time a distinguished gentleman elsewhere in this Capitol told me that the gentleman, with some display of feeling and passion, had said that they had slipped one over on him when he was not present and did not know anything about it, and that he did not intend to let them slip anything else over on him.

Mr. BARTLETT. I deny that I said that.

Mr. HOWARD. Mr. Speaker——

The SPEAKER. To whom does the gentleman from Missouri yield?

Mr. RUCKER. I yield to both gentlemen.

Mr. HOWARD. I should just like to ask the gentleman, because I want to understand. I understand we passed this measure as an emergency or temporary measure.

Mr. RUCKER. Yes.

Mr. HOWARD. That at the expiration of three years this law would be of no force or effect.

Mr. RUCKER. I am going to discuss that in a few minutes.

Mr. HOWARD. Now, the Senate has seen proper to strike out that provision. I should like to ask the gentleman why they should make it a permanent act, when we intended to make it a temporary act?

Mr. RUCKER. I will try to make that clear to the gentleman.

Mr. BARTLETT. Will the gentleman from Missouri yield?

Mr. RUCKER. Certainly.

Mr. BARTLETT. I want to deny the statement that I said that they had slipped over anything on me. I never made any such statement as that. That imputes something to the gentleman from Missouri that I never have said, nor have I entertained any such view.

Mr. RUCKER. The gentleman can not impute it to the gentleman from Missouri, because I did not say the gentleman said it to me.

Mr. BARTLETT. I know. I say that would be imputing something to the gentleman from Missouri——

Mr. RUCKER. I accept the gentleman's statement without the least hesitation.

Mr. BARTLETT. That is all I want to say.

Mr. RUCKER. I repeat, I accept the gentleman's statement. I have found him always courageous, but most of the time wrong.

Mr. BARTLETT. I will let the RECORD speak as to that.

Mr. RUCKER. Mr. Speaker, if I am not right the gentleman from Georgia will correct me. My recollection is that the great State of Georgia was the very first State in the Union to ratify the seventeenth amendment.

Mr. BARTLETT. It never ratified it, but refused to consider it.

Mr. RUCKER. Is that so?

Mr. BARTLETT. Yes.

Mr. RUCKER. The State of Georgia was the first State to elect a Senator by the people.

Mr. BARTLETT. Yes.

Mr. RUCKER. The State is doing that?

Mr. BARTLETT. Yes; but the vote of the Legislature of Georgia was never cast for that amendment; never.

Mr. RUCKER. It was the first State to elect a Senator by the people under the recent amendment.

Mr. BARTLETT. I believe so; yes.

Mr. RUCKER. Now, Mr. Speaker, why all this controversy? It is true, as stated by the gentleman from Georgia [Mr. BARTLETT], that when the conferees met we agreed practically to the bill as it passed the House, agreed to this particular section that we are now discussing, which is the limitation section. Senators of the United States, including the learned lawyer who drew the bill, accepted it without quibble or question; but when the Senate was asked to agree to the conference report, which contained section 3 in full just as the House passed it, the question was raised, "What are you going to do about electing United States Senators by the people hereafter?"

If this bill becomes a law as reported by the conference committee, it will make the entire law with reference to the election of Senators by the people a temporary law, and will compel Congress within three years, either now or later, to pass another law exactly like section 1 here; and who objects to it? Why, every time the gentleman from Georgia [Mr. BARTLETT] has been elected and given a seat upon this floor, he has been elected in pursuance of a statute identically like this. The Constitution was held not to be self-enforcing, and in order to give it force and vitality in order to enable the States to elect their Representatives, Congress passed a law that Representatives should be elected every two years in all the States. Now, having adopted an amendment to the Constitution providing for popular election of Senators, it becomes absolutely imperative, unless we are going to abolish that other House of Congress, to enact the first section of this bill in order to put the Constitution which the people have ratified into force and give it effect, and that is all that this does or seeks to do.

The amendment of the House, section 3 of the bill, applied to the entire act; and when Senators discovered that that would put us in the nonsensical position of making this entire act temporary and therefore necessitating a bill hereafter to enact these very provisions into permanent law, they asked that we vacate proceedings under a former conference report and meet the Senate in conference again and modify section 3 so as to confine the limitation as to time to section 2 only. That is the section which authorizes temporarily the nomination and election of Senators, and it will become absolutely nugatory the very minute a State acts, and I believe the State of Georgia has acted, so this act can never become effective there.

No provision of this bill will ever be effective in Georgia except those of section 1, which merely put the constitutional amendment in force and authorizes the people there to elect their Senators. But there are States, many of them, where Senators are to be elected in the near future and where the legislatures will not convene until after the time fixed for election. This law should be passed in order to save the people of those States the great expense of convening their legislatures in extra session.

Mr. HOWARD. Will the gentleman yield?

Mr. RUCKER. Certainly.

Mr. HOWARD. Does this particular act carry with it the effect of giving to Congress the power of fixing the time of holding elections for United States Senators if it should pass in the present form?

Mr. RUCKER. It does fix the time. It says Senators shall be elected at the general election at which Members of Congress are elected next before the senatorial term expires. It fixes the time in that way, and in that way only.

Mr. HOWARD. Was not the purpose of the act to pass some legislation giving power to hold an election and to fill a vacancy that might occur before the legislature could meet and pass a law?

Mr. RUCKER. Mr. Speaker, it seems that I have been unfortunate in my language. It is the judgment of gentlemen that until we pass a law putting the Constitution into effect it will not go into effect.

Mr. BURKE of South Dakota. Did not the State of Georgia elect a Senator under the seventeenth amendment without the statute being enforced?

Mr. BARTLETT. Yes; and so did the State of Maryland. I apologize to the gentleman from Missouri for interrupting him without his permission.

Mr. RUCKER. The gentleman from Georgia can do anything with or without my permission and not offend me. I know his genial nature—always in a happy mood—and anything that he might say I would accept as friendly advice and assistance. His criticisms I know are always friendly, because I know the

powder question. We can not disregard in this particular case | to discuss the amendment—and I hope that no one does

tion with furnishing powder for the Army and Navy have been, evidently, if to the benefit of the Du Pont Co., certainly to the benefit of the Nation as well.

I believe there is but one way to handle this matter, whatever may be done with the amendment, and that is, if you can secure powder at a reasonable price—it may be at a little higher price than it will cost the Government to manufacture it—in some way to maintain the works that are now erected to make this particular smokeless powder of large grain to be used for the Navy. I take no stock in the plan to spend money enough to erect a plant sufficiently large to make all our own powder, whether in time of peace or in time of war. That may be economy from a narrow, immediate viewpoint, but it is not my idea of safe or final economy. It would be dangerous and foolhardy, and especially so at this particular time.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. THORNTON. Mr. President, if the Senator from Wyoming wishes to know what result is expected to be accomplished by the expenditure of this $500,000, I will say that the information will be found at page 473 of the hearings.

Mr. WARREN. I will say to the Senator that I am perfectly familiar with that; and I will say another thing—I am obliged to the Senator for calling me to my feet—Gen. Crozier, who is at the head of the Ordnance Bureau of the Army, and Admiral Strauss, who is at the head of the Ordnance Bureau of the Navy, have always maintained, and maintain now, that we should not destroy competition by a Government monopoly. The House committee asked Admiral Strauss question after question all through the hearings about this; and while he believes we should enlarge the works, he has made it plain that we ought to buy some of our powder continuously outside of our own works. That is the safety of the matter. It was the plan when these works were started. The Navy works were started after the Army works. The plan under which the scheme was worked out was that with plants of our own we could get more favorable prices; we could maintain the quality of the powder; we could rework powder; but that safety required at all times that we should buy a certain quantity of powder from those who would manufacture it in this country in order to prevent the closing of private works or changing private smokeless-powder works into commercial powder works only.

Mr. THORNTON. Mr. President, I think the discussion of this amendment has demonstrated to all that it is a plain business proposition, and that great public good will come from carrying it into effect. I trust the Senate will readily come to that conclusion and signify it by agreeing to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. THORNTON. I ask that the naval appropriation bill be now temporarily laid aside.

The VICE PRESIDENT. In the absence of objection, that will be done.

EXECUTIVE SESSION.

Mr. KERN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 12 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 29, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 28, 1914.

APPOINTMENT IN THE NAVY.

William E. Lawhead, a citizen of Ohio, to be an assistant surgeon in the Medical Reserve Corps of the Navy from the 21st day of May, 1914.

POSTMASTER.

NORTH CAROLINA.

S. W. Smith to be postmaster at Wilson, N. C., in place of Benjamin T. Person. Incumbent's commission expired March 24, 1914.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28, 1914.

UNITED STATES MARSHAL.

Harry A. Bishop to be United States marshal, first division of the District of Alaska.

POSTMASTERS.

ILLINOIS.

Herbert I. Baldwin, Tonica.
James J. Dougherty, Ottawa.
Ralph I. Dunlap, Jacksonville.
Howard F. Dyson, Rushville.
Joseph Kramer, West Chicago.
John McCann, Arcola.
Charles G. McClary, Edinburg.
Elby Ozment, Carriers Mills.
Alonzo E. Werts, Abingdon.
Benjamin F. Wineland, Flora.

KANSAS.

A. B. Hoffman, Harper.

KENTUCKY.

R. A. Field, Catlettsburg.

OHIO.

Crayton V. Calvin, Columbiana.
Marshall E. Foucht, Upper Sandusky.
William A. Turnbull, Cedarville.

VIRGINIA.

C. H. Willoughby, Jonesville.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 28, 1914.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father Almighty, out of whose substance we have our being and through whose providence we may pass from life unto life, toward that perfection for which we long as individuals and as a nation, may peace, joy, and happiness fill our cup to-day, and inspire us with brighter hopes for the morrow under the divine leadership of the world's great Exemplar. Amen.

The Journal of the proceedings of yesterday was read and approved.

ELECTION OF UNITED STATES SENATORS.

Mr. RUCKER. Mr. Speaker, I call up the bill S. 2890, relative to election of United States Senators, and move that the House do further insist upon its amendments and agree to the conference asked by the Senate.

The SPEAKER. The gentleman from Missouri calls up the bill relative to the nomination and election of United States Senators and moves that the House do further insist upon its disagreement to the Senate amendments and agree to the conference asked for by the Senate.

Mr. BARTLETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BARTLETT. Mr. Speaker, as I understand it, the conference report already made by the conferees was agreed to by the House.

The SPEAKER. And the Senate rejected the conference, so it failed.

Mr. BARTLETT. Does not the acceptance of the conference report by the House discharge the conferees?

The SPEAKER. That is true. The Chair is about to appoint the conferees, if the motion is agreed to.

Mr. BARTLETT. What is the action of the Senate? They disagreed to the action of the House and asked for a further conference?

The SPEAKER. That is the status of it.

Mr. BARTLETT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Missouri a question.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. RUCKER. I will be glad to yield.

Mr. BARTLETT. As I understand it, the House, by amendment, provided that this bill should be operative only for three years, and both Senate and House conferees agreed to it. The Senate now disagrees to the conference report and asks for a conference. To what part of the conference report did they disagree?

Mr. RUCKER. The reason for the disagreement was on account of amendment No. 3, inserted in the bill by the House, and that amendment limited the life of the entire act to not exceeding three years. The fact of it is that the first section of the act ought to be permanent law, and the purpose of this conference now is to amend the amendment of the House, so as to exclude from that limitation section 1 of the bill.

Mr. BARTLETT. Mr. Speaker, reserving the right to object——

Mr. MANN. But this is a privileged motion.

The SPEAKER. It is privileged; that is true.

Mr. RUCKER. But not require unanimous consent.

Mr. BARTLETT. I do not know about that. Mr. Speaker, I raise the question of order, that the House having agreed to the conference report that was a disposition of it, so far as the House was concerned, and that all matters that come after that in the House arise de novo, just as though the conference had not been had and as if there had been no conference committee appointed.

Mr. RUCKER. That is my idea, exactly.

Mr. BARTLETT. And therefore that bill is in the same position as if no conference had been had and the bill had not been sent to conference, so that it gains no position of privilege by reason of the fact of having a conference report here, because, so far as the status of the case now is concerned, there has never been any conference on this particular bill, and the bill stands simply as being reported to the House by the Committee on the Election of President, Vice President, and Representatives in Congress, ready for such action as the House sees fit to take.

Mr. MANN. Mr. Speaker, will the gentleman from Georgia yield for a question?

Mr. BARTLETT. Surely. I am not absolutely certain about the ground that I take.

Mr. MANN. I do not think the gentleman is right; but irrespective of that, this is a House Calendar bill with Senate amendments.

Mr. BARTLETT. No; it is a Senate bill.

Mr. MANN. It is a House Calendar bill. It was not a Union Calendar bill.

Mr. BARTLETT. In that sense the gentleman is, of course, correct.

Mr. MANN. When it came over here from the Senate with the disagreement it did not have to go to the Committee on the Election of President and Vice President. It is privileged.

Mr. BARTLETT. No; it was a Senate bill.

Mr. MANN. That is very true.

Mr. BARTLETT. It came over here and went to the Committee on the Election of President, Vice President, and Representatives in Congress and was reported by that committee.

Mr. MANN. That is true.

Mr. BARTLETT. And was reported by that committee and placed on the House Calendar as a Senate bill. A rule was obtained, and the bill was considered under that rule. The House put certain amendments on the bill, and it went to the Senate, and the Senate disagreed to the House amendments and asked for a conference.

Mr. MANN. But as soon as the House put amendments on the bill it came into a privileged status. There is nothing else to do with it except to take it off the Speaker's table. It can not be referred to a committee except by a vote of the House.

The SPEAKER. There is no doubt in the mind of the Chair about its being privileged. The only thing that might militate against its being privileged would be this special rule, and after reading the rule the Chair does not think that interferes with its privilege.

Mr. BARTLETT. Mr. Speaker, I desire to have five minutes, if the gentleman will grant it.

Mr. RUCKER. I have no objection on earth, if other gentlemen are willing to grant the gentleman the time. I yield the gentleman five minutes.

The SPEAKER. The gentleman from Georgia is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, the gentleman from Missouri [Mr. RUCKER] now states this first section of the bill ought to be permanent law. As I understand it the Committee on Rules when it reported the bill to the House reported it with the understanding that an amendment was to go upon the bill providing it should only continue for three years. Now it is proposed by the gentleman from Missouri in the conference to yield to the Senate in its disagreement to this House amendment, and it is fair to state, Mr. Speaker, that many of those who had serious objections to this bill here did not press them because it was a report from the Committee on Rules giving it privilege with the understanding that this was to be a temporary measure.

Mr. HENRY. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. HENRY. I would like to say the gentleman is entirely correct, and I concur in his statement that that was one of the essential things agreed to before the rule was to be reported.

Mr. BARTLETT. That is my understanding.

Mr. MANN. Does my friend from Georgia think a private understanding of the Committee on Rules is binding upon the House of Representatives?

Mr. BARTLETT. No; I do not; but, as I remember, when the rule was reported it was stated upon the floor of the House that certain amendments had been agreed to be put upon this bill before it was agreed to be reported. I do not understand there was any private understanding, and in pursuance of that agreement the House accepted that and the House is bound, or ought to be bound, by its action in the matter of putting this amendment on.

Mr. HENRY. Will the gentleman yield for a moment?

Mr. BARTLETT. Yes.

Mr. HENRY. I want to say the gentleman has stated the agreement just as it was. The understanding was this bill was to be a temporary expedient, and that an amendment was to be written into the bill before the Committee on Rules would report such a rule. It may not have been a written——

Mr. MANN. I will say to the gentleman I never heard of it.

Mr. HENRY. If so, that is the only thing the gentleman has overlooked during this session.

Mr. MANN. I may overlook many private understandings.

Mr. BARTLETT. Now, the action of the House ought to be binding upon the conferees. Here we have now my distinguished friend from Missouri coming to the House before the conferees are appointed saying that the chairman of the conferees believes that he will have to yield to the Senate, and this bill was gotten through the House with the vote of the House—I am not referring to an agreement, but I would be justified in referring to it—with that understanding, and the gentleman from Missouri now proposing to do this regardless of the action of the House. Mr. Speaker, so far as I am concerned, I do not believe that Congress should now enter upon the making of laws for the election of United States Senators in the States. When the resolution to provide for the direct election of Senators was considered, the Democratic caucus refused to in any way take away from the States the right to regulate these elections; and three times the House voted down that proposition which proposed to take away from the States this right. Then the Bristow amendment was had in the Senate; and when it came to a determination of whether or not we should accept that amendment on the resolution for election of Senators by direct vote of the people, whether we should support a proposition which gave to Congress the absolute power to regulate and control the elections in the various States of United States Senators, as Congress had done from 1872 to 1894 the election of Congressmen, I saw my duty was plain, and in obedience to my convictions and duty to my people, I voted not again to restore to Congress the power to regulate elections, as had been done and attempted to be done by the Federal elections laws and the Lodge force bill, which were repealed by the first Democratic administration we had after 1890.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. I would like a little more time.

Mr. RUCKER. Mr. Speaker, I am not privileged to give any more time, because I am now being chastized for violating an agreement I made with my friend the gentleman from North Carolina [Mr. WEBB].

Mr. BARTLETT. Very well.

Mr. RUCKER. I will not give the gentleman any more time to abuse me.

Mr. BARTLETT. Mr. Speaker, I make the point there is no quorum present.

Mr. WEBB. I desire to say to the gentleman I do not control the time. I understand this bill is taken up under a privileged motion. I have no objection, so far as the committee is concerned, to the gentleman having five minutes more.

Mr. FOSTER rose.

Mr. RUCKER. Just a moment; I want to take care of this.

The SPEAKER. For what purpose does the gentleman from Illinois rise?

Mr. FOSTER. I want to ask that the gentleman be given five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Georgia be allowed to proceed for five minutes.

Mr. DONOVAN. Mr. Speaker, make it 10 minutes at least; it is a great question.

The SPEAKER. But the gentleman from Illinois only requested five minutes.

Mr. MANN. The time at present is in the control of the gentleman from Missouri.

Mr. RUCKER. It seems like the gentleman from Illinois, the Speaker, and the gentleman from Georgia have taken it away. How much time does the gentleman desire?

Mr. BARTLETT. I would like to have about seven minutes.

Mr. WARREN. Mr. President, the Senator from Louisiana is very modest about it; but, although I shall only take a few moments, I hardly think I should be taken from the floor even by the appeal of the Senator from Louisiana.

Mr. THORNTON. I recognize the right of the Senator from Wyoming and of every other Senator to speak on this subject as long as he pleases.

Mr. WARREN. I only wish to say a few words. The matter has been discussed too long already, I admit.

Mr. President, this is an economic question and one relating directly to the safety of our country in time of war, and it is one, as will be observed from the remarks which have been made, of wide sweep. Some would spend three or four million dollars for erection of powder manufactories; some would spend $500,000; some would spend enough to make all the powder we might need in case of war, which would be not three or four million dollars, but several times that sum.

Allusion has been made to the ships of other countries lately supplying one of the alleged peaceful nations, a nation with which it is claimed we are on a peace basis—Mexico—with powder and arms. Of course, so long as we maintain and insist that we are at peace with Mexico there is no legal reason why a foreign country should refrain from selling guns or powder or any other munitions or necessities of war to the Mexicans, although I may say to the credit of this Du Pont Co., or trust, that on simply the mere hint from the Secretary of the Navy that the department hoped they would not furnish powder to the Mexican Government, they refrained from entering into a large and profitable contract within the last few months.

It has been said here to-day over and over again that the Secretary of the Navy states that it will take only $500,000 to complete this plant, which will enable it to make all the powder required for the Navy. Of course, yielding to questions when asked, they admit that means only in time of peace. The testimony here of Admiral Strauss, who is the head of the Ordnance Bureau, and who speaks for the Navy, is that it will take $785,920 to put in the improvements which they require at this powder plant. It seems to me that this amendment, while probably not subject to a point of order, is an awkward one, because it states:

Naval proving ground, Indianhead, Md.: Toward extension of powder factory, $500,000.

Under that provision the department might contract for $20,000,000, and if they need only $500,000 or $785,920, I suggest to the Senator in charge of the bill, while I am not claiming that the amendment is or is not in order, it is certainly in bad shape when it provides "Toward extension of powder factory, $500,000," without placing any limit as to what that extension shall be. Under the evidence that is before us it will require $785,000. I would suggest to the Senator from Louisiana that before taking a vote on the amendment he amend it in some form so as to bring it within the ordinary terms of appropriations.

Mr. THORNTON. I will ask the Senator to state again the amendment which he would like to have inserted.

Mr. WARREN. The provision on page 26, in lines 14 and 15, reads:

Toward extension of powder factory, $500,000.

Mr. THORNTON. How would the Senator like to have that amended?

Mr. WARREN. It is not for me to say how I should like to have it amended.

Mr. THORNTON. Well, what would the Senator suggest?

Mr. WARREN. That provision is open at both ends, and there might be millions expended under it. It seems to me there should be some statement that it shall not exceed a certain sum.

Mr. THORNTON. Mr. President, there would not be the slightest objection to putting in after the word "factory" the words "not exceeding $500,000."

Mr. WARREN. Mr. President, without stopping there at this time, but going on with the little I have to say, the Government has built two powder factories in the United States, one for the Army and one for the Navy. The Du Ponts have built three institutions for making smokeless powder, in order to furnish powder to the United States. They were furnishing all of it before the Government built its two factories. We therefore now have five different smokeless-powder plants. My idea would be, whether we enlarge the factory at Indianhead, as proposed, or not, to maintain these five different plants, separated sufficiently in location so that if one should be destroyed by explosion we might have the use of the others—this, of course, against the time of need, the time of war.

I was perhaps the first—in fact, I know I was the first in this body—to propose that we build a powder factory for the Army, so that we might be certain as to the quality of the powder furnished the Government and its cost and that we might have trained men in order, if we wanted to improve and enlarge the works, that we might be able to do so. The proposition was put before the Du Pont people, and our Government was furnished by them with all the information it needed, and with their cooperation rather than antagonism the plant was started.

As has been stated on the floor the price of powder has receded from 83 cents to 53 cents per pound. I do not know how much more it may recede. I know that a board, consisting of Gen. Crozier, perhaps Admiral Strauss, and other officers, decided that it cost the Government something over 40 cents a pound, as has been stated, to manufacture powder; but in figuring that, of course, they included nothing for taxes; they included nothing for extra compensation for the scientific work and the extraordinary services furnished by officers of the Army and Navy, nothing for advertisement or selling expenses, and so forth. Under all the circumstances they figured that a reasonable cost price for the Du Ponts would be about 49 cents. There has been a change since. The Du Ponts have brought out an improvement by which the alcohol which is employed as a solvent is made a second use of, and there is a probability that there will be a slight further recession of actual cost.

My idea of what should be done is that there should be a certain amount of powder made for the Army at its factory, a certain amount made for the Navy at the naval factory, and that we should enter into a contract each year sufficiently large to retain the works of the private producers, because, as I have said before, powder is contraband and we could not buy it from any nation on earth if we were at war.

Tremendous quantities of powder are used in war. What we use now in a year is hardly a flyspeck upon the wall compared to what would be used in time of actual war. A charge for a 14-inch gun consists of sacks of powder larger than a grain sack. Of course in time of peace we can buy powder from any nation, but if we should become involved in war no nation would sell us any.

It may be the better policy is, as has been stated here, to build the proposed addition to the factory at Indianhead as a club, and not for use; but if that club results in closing the private plants instead of reducing prices it may not seem so funny. If it is the judgment of the Senate that that is the better course—the "club" threat—I must be content; but even if it is now designed to build this addition to the Indianhead powder factory for "club" use only, and if we are to spend $800,000 on it, I am pretty sure that it will not be kept idle merely to serve the purposes of a club. It will be said, "So long as we have built the factory, we can manufacture powder more cheaply than can private individuals," and it will be used to manufacture powder. If it is used to its highest capacity, and the Army mill is used in the same way, and we will have no patronage to give to private powder manufacturing concerns in our own country, then, of course, we must do one of two things: We must build a factory large enough so that it can carry us through in time of war, or we must calculate to keep out of warlike entanglements and wait for powder, as we had to do in the little miniature war we had with Spain over Cuba.

It is an open story that as time went on, day after day and day after day, and Congress was demanding of the President that we should intervene and throw our arms around and help poor Cuba, we had no powder, and one of the men who is very much before the public now, and who was then in a somewhat minor position, used the authority, or rather the lack of authority but power of his position, to buy $50,000 worth of powder, as it is recorded, without law, appropriation, or order from his superiors. But war was soon on, and he was praised rather than criticized. Finally, after we had bought sufficient powder for a start and were in such a position that we would undertake this engagement, we made a contract with the Du Ponts for 5,000,000 pounds of the old-style powder at thirty-three and a fraction cents. The war did not last very long, and we found we were going to have more powder than we wanted. In the meantime the Du Ponts had, without any request from us, reduced the price 3½ cents, because one of the discoveries made had rendered it possible for them to make the powder much more cheaply. We then asked them what we should do about the two million and odd pounds of powder that we were about to have left. Our contract was binding, but the company said, "Never mind; we will cancel it"; and so they did. So that, with all the blackness you may paint against that company, its relations with the United States in connec-

nounced officially that we are not at war with Mexico. Therefore we can have no fleet blockade, which is an act of war. Therefore Puerto Mexico, like many other ports—like Salina Cruz, when ships landed arms the other day—is open to the peaceful commerce of all nations.

Mr. POINDEXTER. What I say is not in criticism of the administration, but I am simply discussing the actual status of affairs there. The Senator's remark that we could not prevent the landing of munitions of war there because we are not at war recalls the fact that we did prevent the landing of munitions of war at Vera Cruz, and we have the same power to do it at any other port.

Mr. LODGE. We could not do it unless we declared a blockade or took the town, as we did Vera Cruz.

Mr. POINDEXTER. Yes. We did not declare the blockade before proceeding.

Mr. LODGE. No; we took Vera Cruz; and if the arms had been landed we should have seized them in the customhouse. That is why it was done. It was to prevent the landing of the arms.

Mr. POINDEXTER. Would the Senator point out the distinction, from the standpoint of the Government interests, between landing 15,000,000 rounds of cartridges at Puerto Mexico and landing them at Vera Cruz, to be used as effectively in the one case as in the other?

Mr. LODGE. Absolutely none.

Mr. POINDEXTER. We have the same right in one case as the other.

Mr. LODGE. Precisely.

Mr. LEE of Maryland. Responding to the inquiry of the Senator from Colorado [Mr. THOMAS], there is about $1,300,000 invested in the powder plant at Indianhead; and the statement of Admiral Strauss, in his testimony, is to the effect that this additional expenditure of $500,000 will more than double the output of that establishment and will make enough powder for the entire purposes of the United States Navy.

It is not the purpose of the Federal Government to make all its powder there. I read a memorandum early in the debate, direct from the Secretary of the Navy, to the effect that the Government, with the increase to this powder plant, will be able to make all the powder necessary for the Navy, but will not necessarily make it all, depending, of course, upon the prices of the powder concerns. The Government must have the whip hand in this matter.

Now, Mr. President, that is a simple statement of the whole story. There is no intention on the part of the Government for an exclusive Government manufacture of smokeless powder. There is no intention to drive out of this business the present men or firms who are engaged in the business, but the intention is to protect the interest and rights of the ultimate consumer—the Government of the United States.

The Senator from New Jersey [Mr. HUGHES] has stated that he was in favor of vast expenditure for the protection of the Government in the manufacture of ironclad battleships, armor plate, guns, and so forth, but that the greatness of the expense prevented the experiment to a large extent. In this case the size of the investment——

Mr. HUGHES. I would not interrupt the Senator except for the fact that he attributes to me a statement I did not make.

Mr. LEE of Maryland. That is what I understood the Senator to say. I will be glad to have the Senator correct what I say if I misrepresent him in any way.

Mr. HUGHES. I said that the Government of the United States could manufacture its armor plate. I was not saying anything about the largeness of the expenditure of money. I said I believed the Government should enter into the construction of battleships. I did not say anything about the largeness of the expenditure.

Mr. LEE of Maryland. The point I bore especially in memory in reference to the remark of the Senator from New Jersey was that he objected to the necessary vastness of any effective expenditure for the protection of the Government by the ownership of defensive plants.

Now, in this case I should like to call the attention of the Senator particularly to that fact—that we have an opportunity without a vast expenditure, namely, with the very small expenditure of $500,000, to protect our Government from the monopoly of the powder concerns, a very small expenditure protecting our Government, developing the power of powder production in this country, and providing for the ultimate expression to the great investment that this country has in its naval forces, that ultimate expression being the powder, the firing force of the fleet.

Mr. President, we can not overestimate the importance of the powder question. We can not disregard in this particular case the comparatively small expenditure that will be necessary for the protection of the public. There is, furthermore, in this amendment an illustration that may excite some interest among those who are concerned about the trusts and monopolies in this country, because after a long governmental suit for an injunction, the suit of the United States *v.* E. I. Du Pont de Nemours Powder Co. (168 Fed. Rep., 127), referred to by the Senator from Missouri [Mr. REED], and a private suit between the companies that were engaged in this business on behalf of one alleged to have been injured by the powder combine, there comes this Government proposition, from one of the departments of the Government, of an enlarged protective experimental plant for the benefit of the Government itself. Now, here is a new economic proposition—a protective manufacturing plant, not necessarily to be used, but to be held in the hand of the Federal Government as a protecting agency for the Government itself as the ultimate consumer. It is, of course, a "horrible example" of power on the part of the Federal Government; no person interested in the "special interests" can tell where this "horrible example" will lead to and what it will ultimately result in, but it is highly significant that the experiment has thus far been successfully made and that it only requires $500,000 to make it apparently complete.

I trust that this honorable body will agree to adopt this amendment as an illustration of its own sentiment and its recognition of the sentiment of the country on this subject.

Mr. MARTINE of New Jersey. Mr. President, I have in my hand a most startling statement regarding this Gunpowder Trust between the Du Ponts and United Rheinisch Westphalian Gun Powder Mills, which, I think, it will be illuminating at this time to present. Amongst other things, I find this:

> The great German powder makers agreed not to "directly or indirectly sell or cause to be sold in any portion of the United States of America or in any other territory now or hereafter belonging to the United States of America any brown powder or nitrate of ammonia powder; and will not sell any brown powder or nitrate of ammonia powder with the intent that the same shall be used by the United States of America or in the United States of America or such territory."

I find, further, here that there is a complete compact between the Du Pont Co., the Powder Trust, which my colleague [Mr. HUGHES] stood here in such glorious form seemingly defending, and the German Government. The Du Ponts, however, had more. They also agreed that any improvements that might be made in formulas or in the manufacture of powder would be immediately imparted to the Germans. The United States working out the problem of smokeless powder at its torpedo stations had turned the information over to the Du Ponts, and the E. I. Du Pont de Nemours Powder Co. had privately agreed to reveal all those improvements to the German powder makers. Here, mind you, is the absolute wording of the contract, be it said to the eternal shame of anyone who would ally himself with any organization which would supply a foreign Government and constitute a menace to our rights and pretend to be an American. I can not understand it. The tenth article of this agreement is:

> Tenth. That any and every improvement upon said processes or either of them made by either of the parties hereto at any time hereafter shall forthwith be imparted to the other of the parties hereto.

The Du Ponts had paid still more for their monopoly. They had agreed to keep their German friends informed at all times of all powder furnished to the United States Government, stating in detail its quality and characteristics.

The thirteenth article declares:

> Thirteenth. That the parties of the second part (the Du Ponts) will, as soon as possible, inform the party of the first part (the Germans) of each and every contract for brown powder or nitrate of ammonia powder received by the parties of the second part from the Government of the United States or any other contracting party or parties, stating in detail quantity, price, time of delivery, and all of the requirements that the powder called for in such contract has to fulfill.

So the German Government are every hour of the day and every day of the year in possession of the quality of powder and the number of pounds of powder which we have in every magazine furnished by this harmless little trust, bowered up in the hilltops of my Commonwealth, be it said to our shame. I want to do all I can to strip it from power, even though there was not an ounce of powder to be used for other purposes. Let the Du Ponts and the trust go out and let the Government prevail. I shall vote for this amendment, and I would like to double the sum. Instead of half a million dollars, I would make it two millions and a half, annihilate them, and drive out this contemptible monopoly, which prospers under our shelter and our laws and the laws of the Commonwealth in which I live.

Mr. THORNTON. Mr. President, if no other Senator desires to discuss the amendment—and I hope that no one does——

Mr. WEEKS and Mr. PAGE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Missouri yield, and to whom?

Mr. REED. I will yield in a moment. The trust is giving to foreign Governments the full benefit of all the knowledge which has been obtained through Government tests and through Government assistance, except that the trust preserves the secrets of the manufacture in order that it may enjoy a monopoly of the sale to foreign Governments.

Mr. WEEKS. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. WEEKS. I think the Senator from Missouri has been led into error in the remarks which he has just made about foreign governments buying vast quantities of powder and storing it for future use.

In the first place, powder deteriorates to a considerable degree, so that no nation would keep on hand a very large supply of it. In the second place, foreign governments are in the habit of purchasing only their surplus supply in this country; and it is not true that we manufacture a better powder than do many plants that are located in Europe.

What I rose particularly to call to the attention of the Senator from Missouri, however, was the reflection which he made on the possibility that the Du Pont Powder Co. might sell powder to other governments with which we might be at war. I have seen it stated in the public press in several instances lately that the Du Pont Powder Co. had a contract with one of the contesting parties in Mexico to sell powder to it, and that the company referred the matter either to the Navy Department or to the War Department and asked if it would be inimical to the interests of this country if it carried out the contract, stating that it would cancel the contract if that were the case.

I do not know that that is true, but I think in justice to the company it should be said that it was generally reported in the public press.

Mr. REED. Mr. President, if that be the fact, then the Du Pont Powder Co. should be given due credit. But the Senator to some extent misapprehends my remarks.

In the first place, it is true that powder is now preserved for considerable periods. One of the items contained in the reports filed in connection with this bill is a statement with reference to the capacity of our own Government factory to work over the powder in order that it may be kept in proper condition.

As to foreign countries buying only their surplus supply in this country, if—as the representative of the trust says—this is the best powder in the world, then you may be sure the foreign governments will acquire it whenever they can get it.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. In just one moment. The fact that when actual war was impending in Mexico the Powder Trust came to our Government and asked its opinion as to whether or not it ought to furnish somebody powder does not at all meet the proposition that other nations may be accumulating this powder and laying it by before any cloud of war has arisen.

I should hesitate to charge any American citizen, whether he was a violator of our trust laws or not, with so base a thing as the sale of powder to a nation actually at war with us. One reason I would have confidence that he would not do it is because if he did he would be guilty of treason to this country, and would be likely to be executed for making profits in that way. He would be giving aid and comfort to the enemy in time of actual war, and it would be an overt act.

Mr. PAGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. REED. I do; yes.

Mr. PAGE. What I am particularly interested to know is whether the sale of powder to a foreign country is made over the protest of the United States, or whether it is not absolutely true that the United States controls the entire matter, and consents only when it wishes to consent that the powder company shall sell to foreign nations?

If the powder company is doing a dishonorable thing, I should like to know it; but if it is acting entirely in accordance with the wishes of the Federal Government in regard to powder, it seems to me the charge the Senator makes is wrong, and ought not to be made.

Mr. REED. Mr. President, I have not made a charge. I listened to the reading of this evidence by the Senator from Wisconsin. I read a paragraph or two myself, and then I ventured the observation that if it be true that this is the best powder in the world, that it was worked out, in part, through the genius of the Government experts, and if its secrets are by the Government carefully guarded—if all those things are true, and if, being true, a private company is selling this powder to foreign powers, we ought to build our own factories and guard our own secrets. I have charged nothing against any person. I am simply discussing the evidence.

Mr. President, I do not want to indulge in any vituperation; but there is a sentence or two here, in the statement attributed to Mr. Buckner, of the trust, which deserves attention:

> I can see no reason why the merchants of this country should not be permitted to do a business of that kind. Smokeless powder is not a secret. It is a question of ability to make it, and because we have reached a superior position in the art of manufacturing smokeless powder we are taking nothing, I should say, from the defense of this country by selling in times of peace this article to any other Government that might want it.

If we have achieved a superior position by reason of the possession of a superior powder and furnish the same powder to foreign countries, we destroy our advantage. We are no longer superior. We have traded our advantage for dollars. Every man knows that other Governments guard carefully many of their military secrets. The character of certain of their ordnance, the nature of their fortifications, the power of their explosives—all these and many more secrets are guarded as carefully as possible. If, in order to maintain a copartnership with a powder trust, we must expose the secrets of this Nation and have the results of all our efforts nullified by the sale of powder to foreign countries for profit to that trust, then we ought to abolish the partnership. Furthermore, we should enforce the criminal laws of the land and abolish the trust, root and branch.

This concern is, or recently was, a trust. It was held to be a trust or combination in the case of the United States against E. I. Du Pont de Nemours & Co., decided in the Circuit Court of the United States for the District of Delaware, on June 21, 1911. I do not know what it has done to purge itself, but I understand another case is pending. As to the latter statement I do not speak with definiteness. I have sent for the record. I do say to the Senate of the United States, however, that in my humble judgment when we stand here with a law prohibiting trusts and combinations in one hand and a contract with a convicted trust in the other, under which we pay it enormous profits, we are in an absurd and a pitiable condition before the world. We certify to all mankind that our denunciation of trusts and combinations is not in good faith. We furnish to the world evidence that we are pretending an enmity which does not exist. We feed the serpent that we have declared shall be destroyed. We pay it profits at the same moment we assert it to be an outlaw and a criminal. Nay, more, we pay a special tribute upon its monopolistic powers, for, having no other place to purchase, we purchase from it and pay it the profits that monopoly sees fit to extort.

I shall not close what I have to say without referring to one other statement. It has been argued here that the Government can fix the price of powder; that a Government board or Congress by law can fix the price. The inference was left very plain by the Senator from New Jersey [Mr. HUGHES] that as the Government could do this, we could compel the powder company to sell to us at our price. It is true that upon interrogation he repudiated that intent.

Mr. President, it must be plain to everyone that at present the Government can not fix the price of powder. The Government can say that it will pay a certain price and no more, but it can not compel the manufacturer of powder to accept the price offered. It takes two to make a bargain, and until the two agree there is no bargain. If there were 10 or 20 or even 2 independent powder companies in actual rivalry, actually competing in the market, the Government then, by saying "We will pay this much and no more," might find some one of these sources of supply willing to furnish powder to the Government at the Government's price. When, however, the trust is the only place where the Government can buy powder, the trust is as powerful as the Government. The Government, forced on by its necessities, must have powder; and there being but one place from which it can obtain it, the proprietor of that place is in a position as powerful as is the position of the Government. He can say that he will close his mill and not furnish it at that price with as little loss to himself as the Government can say that it will sacrifice its interests by failing to buy at all.

The truth is that there is nothing more intolerable than that a government representing 90,000,000 people is at the mercy of an illegal and criminal combination, an outlaw of the commercial world. It is an intolerable thought that our supplies in time of war can be shut off by the mandate of one board of directors or by the decree of the proprietor of one concern, and

that we may be obliged, in the face of an enemy, to stand without means of defense or to pay the tribute that one man holding a complete monopoly sees fit to exact.

Mr. President, I do not know whether this Republic will ever be engaged in a great war. I do know that although every morning we liberate at Washington a flock of peace doves, yet at the same time the harpies of war are nesting in the capitals of every nation of the earth. I do not know whether the newspaper account of this morning is true, but if true then the very arms we sought to prevent entering the port of Vera Cruz have been landed. But a few days have passed since the attempt to land these same arms was regarded as so serious an emergency that the President without waiting the action of Congress landed marines from our vessels. Then the emergency was regarded as sufficient to warrant the baptism of Mexican soil by the blood of the sons of the United States. Those arms have been now landed in another port of Mexico, while we stood supinely by without potency or protest.

Mr. LODGE. If the Senator will allow me, Admiral Badger's dispatch, which was sent down by the department, states that they were landed.

Mr. REED. I do not know whether it be true that that vessel was convoyed by a German man-of-war, but since the statement from the Senator from Massachusetts I can not doubt the fact that the arms are now in the hands of Mexican soldiers. But, sir, if it be true that while in the interest of humanity we were engaged in negotiations to bring about peace and order in Mexico an armed vessel of a foreign country was sent to convoy into a port a vessel laden with the very arms and munitions which our men died to keep out, then I say, instead of spending our time in dreaming that the sun of the millennium is about to rise, that the lion and the lamb will lie down together, and that peace and tranquillity are here forever to remain, we might as well awaken to the ugly truth that that country will hold its place among the nations of the earth which has the vessels of war and the armaments and the men to defend its rights. Confronted by conditions of this kind we ought not to hesitate as to the wisdom of building powder factories big enough so that we are not at the mercy of a trust that sells the finished product to nations that may be at war with us some day.

I do not believe war is coming; I do not think it will come; but the sight of a German man-of-war following the heels of a vessel laden to the guards with munitions of war about to be turned over to a man who has defied our Government, who has broken the rules of civilized warfare, and who has made himself so much an outcast he can not be recognized by our President, is not a pleasing one for the eyes of my imagination. The fact that the United States Government has not a navy yard big enough to build more than one ship in a year, and that the attempt is being made to starve that yard to death, and the fact that the superior powder wrought out by the genius not only of the Du Pont Co. but by that of our own Army and Navy officers and experts is being shipped to foreign countries does not set well upon my stomach. I believe in peace. I hope we shall always live in peace, but if we are to have peace, then in my opinion we must be prepared to demand and enforce our peace.

Mr. LODGE. Mr. President, when I interrupted the Senator I did not wish to be misunderstood in what I said. I read a dispatch, an official dispatch, from Admiral Badger, saying that the *Ypiranga*, the vessel which had been shut out from Vera Cruz, had landed her cargo of arms at Puerto Mexico, the port at the eastern terminus of the Tehuantepec road. I do not recall that anything was said in that dispatch about the German cruiser, though I heard the story that the German cruiser was there. I do not think the admiral said anything about the ship being convoyed by the German cruiser. There was absolutely no need of a convoy. The port of Puerto Mexico is just as open to the vessels of trade of other countries as the port of New York. We are not at war with Mexico. We are not blockading her ports. Those ports that we do not hold are, of course, open. I do not believe that any German cruiser was needed to get that vessel in. I am very sorry that she got in. The only way to have prevented it would have been to have taken the port.

Mr. BORAH. Mr. President——

Mr. REED. If the Senator will pardon me just one sentence—the statement in regard to the German vessel of war is contained in great detail in the morning papers. I qualified my statement clearly to show that I was basing what I had to say upon the assumed truth of that statement. The Senator from Massachusetts is very correct in limiting the statement with reference to the dispatch from the admiral, as he has stated.

Mr. LODGE. I quoted the official dispatch which I have. We can accept it as correct.

Mr. BORAH. Do I understand the Senator to say that the admiral in his dispatch made mention of a German vessel?

Mr. LODGE. I do not recall whether he did or not. I think it was merely a statement that this vessel had landed her cargo of arms at Puerto Mexico.

Mr. BORAH. I see no reason why she could not land her cargo of arms there if she desired to do so.

Mr. LODGE. None in the world.

Mr. LEE of Maryland. Mr. President, recurring to the amendment which is before the Senate, it reads as follows:

> Naval proving ground, Indianhead, Md.: Toward extension of powder factory, $500,000.

There is an old saying in our language that is entitled to great respect and reflects the sentiment of our people: "Trust in God and keep your powder dry." That is a reverent saying, because it recognizes the overruling power of Providence; but at the same time it recognizes the self-protecting necessity under the laws of nature that is upon us mortal men.

One great point which seems to have escaped attention in this debate is the fact that in case of war there would be the utmost need for an expansion of the powder supply of this country far beyond the capacity of the present private manufacturers and of the present Government plant. This alone would justify the amendment, but the experience of the Government with the so-called Powder Trust has been an instructive one. Before the manufacture of powder by the Navy was commenced at Indianhead, on the Potomac, not far from the National Capital, the trust was charging the Government 83 cents a pound for smokeless powder. After that manufacture began and was conducted by the Government the charge was reduced by the trust to the present price of 53 cents a pound. The Secretary of the Navy advised me this morning that the manufacture can be conducted by the Navy of the best possible smokeless powder in the world at 38 cents a pound. The Senator from Virginia [Mr. SWANSON] says that with the overhead charges it is slightly over 41 cents a pound.

Mr. THOMAS. Mr. President——

Mr. LODGE. Would it interrupt the Senator? I have now the official dispatch, and I see there is nothing said about the German cruiser. It is from Admiral Badger, and he reports that the *Tacoma*, now cruising off Puerto Mexico, has reported to him that the *Ypiranga* discharged cargo all yesterday afternoon at the dock at Puerto Mexico. Admiral Badger adds:

> No specific information regarding character cargo discharged, but there is every indication that the *Ypiranga* has landed her entire cargo of war material.

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Colorado?

Mr. LEE of Maryland. Certainly.

Mr. THOMAS. My purpose in interrupting the Senator is to inquire what is the capacity of the Government factory at Indianhead?

Mr. LEE of Maryland. I was just going on to state what that would amount to if this appropriation is passed.

Mr. POINDEXTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Washington?

Mr. LEE of Maryland. I yield.

Mr. POINDEXTER. Before the matter is passed by I should like to ask a question of the Senator from Massachusetts who has just read an official dispatch from Admiral Badger.

Mr. LODGE. That is all I had seen.

Mr. POINDEXTER. The Senator has given a great deal of attention to foreign matters generally, and I suppose to this question also. I should like to ask him if there was any occasion for a cruiser on the part of Germany or any other foreign nation to be used in the landing of arms and munitions at Puerto Mexico, in view of the fact, as published at least in the newspapers generally throughout the country, that not only had the administration taken no precaution to prevent the landing of all kinds of merchandise there, but had expressly instructed our military representatives there that trade with Tampico was to be free. A dispatch or a statement purporting to be a dispatch has been printed verbatim in the newspapers from our administration to our representatives there expressly instructing them that they were not to interfere with the trade of that port.

Mr. LODGE. If the Senator from Maryland will allow me, it will only take a moment. There was no occasion for a cruiser of any foreign nation to be present to help a ship of that nation to land, and there would have been no right to prevent its landing. Puerto Mexico, in contemplation of law, is a peaceful port, open to the trade of all the world. There is no blockade, because a pacific blockade, if declared by us, would apply only to American and Mexican ships. It has been an-

all the powder needed each year, so as to compel those who furnish us half to sell it at a reasonable price.

Now, the Du Pont Manufacturing Co., I will say, in justice to them, the evidence shows, do not sell powder abroad for more than they furnish it to us. They have dealt with this Government in a very liberal spirit considering that it was a trust, a monopoly. The evidence shows that. But because they have upon certain occasions dealt fairly with the Government there is no reason why the Government should pay two or three hundred thousand dollars a year in excess of what we ought to pay for the powder.

Mr. SMITH of Maryland. May I ask the Senator a question?

Mr. SWANSON. Certainly.

Mr. SMITH of Maryland. I understand it is not the policy of the Government to furnish all the smokeless powder, but it is proposed that part of it shall be manufactured by private corporations. That is my understanding.

Mr. SWANSON. Secretary Daniels stated distinctly in the hearings that he wants this appropriation so as to compel these people, if necessary, to reduce the price on the half the Government now buys from them.

Mr. REED. Mr. President, I desire very briefly to call attention to some statements which have been made during the progress of this argument.

One statement is that we must have competition in order to be protected against extortionate prices and that we acquired that competition when the Government a few years since established a factory of limited capacity. And yet it is admitted that if the Government factory were running at its full capacity it could not supply more than about one-half of the powder we consume.

That leads me to inquire what is competition. If I absolutely must have a thousand barrels of water to-morrow and one individual controls the only water supply, I am at his mercy. There is no competition. If I create a supply for 100 barrels of water there is competition as to 100 barrels, but there is no competition as to the 900 other barrels of water which I must have. If the Government of the United States is obliged to have for its Navy 4,500,000 pounds of powder annually and has established a factory with a capacity of 2,225,000 pounds and the other 2,225,000 pounds can only be purchased from one concern, as to the one-half which the Government is unable to produce there is no competition. To the extent the Government is unable to meet its own demands for powder it is as completely at the mercy of the trust or combination as it was with reference to the whole before it established a plant.

It follows, therefore, as night follows the day, that competition does not exist so that it can be thoroughly potential unless there are two sources from which you can draw your supplies and each is substantially able to furnish the entire supply. Therefore, if we are to have a competition which will relieve the Government from the exactions of a monopoly and make it independent of the monopoly, we must have a source of supply which is independent of the monopoly and which is equivalent to the demands we must meet.

In other words, when the Government of the United States builds a factory large enough to make all its own powder, then, and not until then, will it be in a position to dictate terms to the Powder Trust and be independent of the Powder Trust.

Having once acquired that capacity, the Government may then run its mills to their limit or it may run the mills at one-half capacity and buy the amount of powder which is necessary to supply the deficiency. It then has potential competition as to all the powder it desires to use. It can protect itself and exact fair treatment. Short of that it is at the mercy of the trust.

Mr. President, it is stated here that if the Government were to build a plant with sufficient capacity to supply its own needs, immediately the private manufacturers would go out of business and the Government would be in a hopeless condition in time of war, because its plant would not have a sufficient capacity to meet the increased demands incident to a war.

Let us analyze that statement. Before the Government ever built a factory, what was our position? We were buying our powder from what is here denominated a powder trust. If that company was manufacturing only for the United States, it is fair to believe that it did not build a plant with a surplus capacity sufficient to meet the demands of a great war. The trust is not so inspired by patriotism as to lead it to so vast an expenditure. Therefore we were dependent upon one factory, presumably running fairly near its capacity. It follows that when we built a Government factory we simply safeguarded ourselves by adding another source of supply. We took over to ourselves an additional protection in time of war.

If we now should make our Government factory equal to the entire demands of our Government, would we not be as well off with that factory under governmental control as we were before we built any factory at all and were obliged to rely absolutely upon a privately owned factory? The question answers itself.

If we want to have a real surplus of manufacturing ability sufficient for a war emergency, the thing to do is to build a Government factory capable of making all of our powder used in ordinary times. Then, having created that governmental competitive unit, we will have two sources of supply, each with a surplus capacity, each capable of coming to our rescue in time of war. In time of peace each factory can be given a fair amount of work, the Government being all the time in a position to demand fair prices because it is in a position to make all the powder it needs and is not, therefore, forced to buy on the terms offered by the trust. The argument, therefore, that if the Government dares build an addition to its factory it will be helpless in time of war seems to me to be somewhat weak, if not ridiculous.

I offer another observation. I understand that the total consumption of powder in the United States to-day is about 4,500,000 pounds.

Mr. WARREN. That merely applies to the Navy. It does not cover the Army.

Mr. REED. I am speaking of the Navy; this bill applies to the Navy, and I hope that all my figures will be taken as applying to that case. Of that consumption our own factory produces over half. Therefore the total demands by the Navy upon the Powder Trust are probably in the neighborhood of 2,500,000 pounds.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New York?

Mr. REED. I do.

Mr. O'GORMAN. I fear the Senator from Missouri is slightly in error with respect to his last statement. I know he will be glad to have it corrected.

Mr. REED. I shall be glad to have it corrected.

Mr. O'GORMAN. A year ago an order was given to the Du Pont Co., which was the only bidder, for 4,500,000 pounds of smokeless powder. That quantity was furnished by the Du Pont Co. to the Government at an estimated loss to the Government of $585,000, based upon what it would cost the Government to furnish that identical quantity.

Mr. REED. I thank the Senator from New York. The figures I had in mind were derived from the consumption item instead of the item of purchase, which includes the additional item of powder stored for war emergencies. I will accept 4,500,000 pounds as the amount we must buy. The capacity of the mills of the trust, according to the best information I can get, is 10,000,000 pounds. They do not maintain that additional capacity, as I said a few moments ago, out of any patriotic reason. There is some other occasion than that surplus. The reason is found in the fact that this trust, combination, or company, or by whatsoever name you see fit to designate it, is engaged in making smokeless powder and selling it to other nations. That being the fact, it is idle to say that the trust will close its factory, dismantle its works, and go out of business simply because the Government of the United States sees fit to build an addition to its powder mill.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Wisconsin?

Mr. REED. I yield to the Senator.

Mr. LA FOLLETTE. Is the Senator from Missouri aware of the fact that the smokeless powder manufactured by the Du Pont Powder Co. is manufactured upon the formula furnished by the Government?

Mr. REED. I so understand the fact.

Mr. LA FOLLETTE. That formula the Government guards very carefully from publicity. I ask the Senator from Missouri if he is also aware of the fact that the Du Pont Powder Co. manufactures upon the Government's formula the powder that it sells to the other Governments of the world?

Mr. REED. I would have to answer that, if I were entirely frank, and I wish to be, by saying that I do not know that to be the fact, but I have heard the charge made. If the Senator from Wisconsin does know the facts I should be very glad to have them put into the RECORD now or at such time as suits the Senator's convenience.

Mr. LA FOLLETTE. My attention has been directed to an article recently published in Harper's Weekly, entitled "The Powder Trust." The writer of that article quotes the sworn testimony of an investigation of the Powder Trust, conducted,

I assume, by Congress, though I have not been able to discover just when or by what committee the inquiry was made. In that investigation Gen. Crozier testified as follows:

> I would like to state that some parts of these specifications—
>
> Referring to the specifications upon which the powder is manufactured—
>
> Are regarded in a measure as confidential. We are very careful as to whose hands they should fall into.

In that same investigation the vice president of the powder company testified—I can read it without delaying the Senator more than a moment——

Mr. REED. Take your time.

Mr. LA FOLLETTE. He testified that the Powder Trust also sells powder of the same kind and grade as that used by our Government to any foreign Government which cares to purchase it.

Edmund G. Buckner, vice president of the Du Pont Powder Co., made the following statement on the stand:

> I can see no reason why the merchants of this country should not be permitted to do a business of that kind. Smokeless powder is not a secret. It is a question of ability to make it, and because we have reached a superior position in the art of manufacturing smokeless powder we are taking nothing. I should say, from the defense of this country by selling in times of peace this article to any other Government that might want it.

He testified, further, on being questioned:

> Does your company furnish any other Governments with ordnance powder?
>
> Vice President BUCKNER. Yes, sir.
>
> Is it similar to that furnished the United States?
>
> Vice President BUCKNER. Yes, sir; it is similar.
>
> It is the same kind of powder?
>
> Vice President BUCKNER. Yes, sir.
>
> It is exactly similar?
>
> Vice President BUCKNER. Yes, sir; I would say that it is the same powder.
>
> Has that been the custom of your company at all times?
>
> Vice President BUCKNER. Yes, sir.
>
> Is the character of the powder you furnish the American Government the result of particular requirements of the Army and Navy?
>
> Vice President BUCKNER. Yes, sir; they give us specifications that they want us to fulfill.
>
> And is that same compliance with these specifications had in regard to powder furnished other Governments?
>
> Vice President BUCKNER. We think that is the best powder and we make it that way.
>
> The result of that being that any other Government in making purchases from you obtains the benefit of the furtherance that has been made in the development of that powder by the United States Government?
>
> Vice President BUCKNER. Yes, sir; that is true.
>
> The American Government, then, obtains no advantage in the character of the powder manufactured by you?
>
> Vice President BUCKNER. I should say not.
>
> On the other hand, the information that they (i. e., the Army and Navy) give you in regard to the making of powder of good quality is used by you in making the powder for other Governments?
>
> Vice President BUCKNER. We make powder for them; yes, sir; we have never, however, given the information; we have simply sold the product.

Now, just a word, if I am not overtaxing the patience of the Senator from Missouri. It seems that this Government would do well to make an appropriation large enough to enable it to manufacture all of its powder, so that it would not be compelled to surrender to any private corporation the secret processes which it has developed. The superiority of this powder has been worked out in the Government's own factory and then the formula turned over to the Powder Trust because the Government in its own factory could not manufacture enough of the powder to supply itself. I believe that we would do well and act wisely if we invest enough money to enable the Government to manufacture enough powder to supply all of its needs and to be absolutely independent of the Powder Trust.

Mr. REED. Mr. President, I am obliged to the Senator for his interruption. I had heard of these matters, but I had not seen the article of May 2 in Harper's Weekly. I must assume when a publication of the standing of Harper's Weekly professes to set forth in hæc verba evidence given upon official hearings that the matter is correctly presented. I would not always make the same statement with reference to comments or expressions of opinion, but when a statement is made purporting to be from the records I must accept it as correct.

Mr. WARREN. Mr. President——

Mr. REED. I yield to the Senator from Wyoming.

Mr. WARREN. I think the statement made is correct, so far as it goes; but it will be noticed in Mr. Buckner's reply that he does not admit or claim that the Government has furnished him any secret information. In fact, all of the evidence before the committee heretofore has been that all of the secrets and matters pertaining to the making of powder have come from the Du Ponts to the Government, rather than from the Government to the Du Ponts, except as they have cooperated, and I think they have cooperated all of the time since the Government has gone into the making of powder. It is true, as stated, that the Government has its specifications, but those specifications are largely made up from the information originally obtained from the people who make the powder, and from trying out in the Government's various projectiles the powder thus made.

Mr. SWANSON. Mr. President, if the Senator will permit me right there——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. REED. I do.

Mr. SWANSON. I understand that the present specifications for smokeless powder made for the Government have been collected after governmental tests, which are very expensive, including shooting at long distance, piercing armor, and so forth, which it is impossible for private enterprises to conduct.

Mr. WARREN. The Senator is right as to that.

Mr. SWANSON. I think this character of powder was selected after tests conducted at Newport; and, as I have stated, it is impossible for private enterprises to conduct such tests. I think nearly all the experiments in connection with this powder as to its efficiency, carrying power, and destructive power must necessarily be conducted by the Government.

Mr. WARREN. That is very true.

Mr. SWANSON. So far as some of the chemical processes are concerned, I know the Du Pont Co. recently discovered a method of preserving the efficiency of powder, or making it last longer, and they gave that to the Government; but as to the specifications of real efficiency, the destructive power of the powder, and so forth, they must come from experiments conducted by the Government, in which private enterprise can not engage.

Mr. WARREN. If the Senator from Missouri will allow me to make an observation, the Senator from Virginia is right. As a matter of fact, the information as to chemical processes, combinations, and so forth, come to the Government largely from the Du Ponts. The Government, on the other hand, has tried out this powder under all circumstances, and, working in harmony with the Du Ponts, the degree of excellence has been attained which the Government demands in the making up of powder. The Du Ponts have charged little or nothing to the Government for their secrets and have retained none. On the other hand, the Government has not denied the privilege, as I understand, to the Du Ponts to manufacture powder for whoever they may choose on any required specifications.

Mr. REED. Mr. President, the scope which this discussion is now assuming ought to have required some careful preparation. I rose here merely to reply to some observations which had been made and which I thought were unsound; but, Mr. President, it is charged in this article under quotation marks that Gen. Crozier, whose standing is not challenged by any man, stated upon this hearing:

> I would like to state that some parts of these specifications are regarded in a measure as confidential. We are very careful as to whose hands they should fall into.

The article further states:

> So vital did Gen. Crozier regard the mere specifications of the smokeless powder that he objected to certain specifications being shown. And they were not shown.

That is, they were not even shown to the committee.

If it be true—and it must be taken as true, because the representative of the Powder Trust so states—that this powder, the manufacture of which has been worked out in part by Government experts, the tests of which have been made by the Government, and the secrets with reference to which are of great importance—if it be true that all of the benefits of this knowledge have been by the trust turned over to foreign Governments, then I say the time has come to stop the manufacture of Government powder in any private plant.

It is said by this powder merchant that the trust only sells powder to foreign Governments in time of peace. Of course it has so far only sold it in time of peace, because we have had no foreign war since the trust found out how to make smokeless powder for ordnance.

A concern, however, that sells this powder to-day, when we are at peace, sells it with full knowledge that it can now be preserved for many years; that every Government is laying up stores of it; that we are seeking to put aside vast quantities of it ourselves, to keep for emergencies. The trust is therefore putting into the hands of foreign powers the improved powder which has been wrought out in part by the genius of the employees of the Federal Government. The powder may at any time be used to hurl shot and shell against our own ships and fortifications.

powder.

Has that been the custom of your company at all times?

Vice President BUCKNER. Yes, sir.

Is the character of the powder you furnish the American Government the result of particular requirements of the Army and Navy?

Vice President BUCKNER. Yes, sir; they give us specifications that they want us to fulfill.

And is that same compliance with these specifications had in regard to powder furnished other Governments?

Vice President BUCKNER. We think that is the best powder and we make it that way.

The result of that being that any other Government in making purchases from you obtains the benefit of the furtherance that has been made in the development of that powder by the United States Government?

Vice President BUCKNER. Yes, sir; that is true.

The American Government, then, obtains no advantage in the character of the powder manufactured by you?

Vice President BUCKNER. I should say not.

On the other hand, the information that they (i. e., the Army and Navy) give you in regard to the making of powder of good quality is used by you in making the powder for other Governments?

Vice President BUCKNER. We make powder for them; yes, sir; we have never, however, given the information; we have simply sold the product.

Now, just a word, if I am not overtaxing the patience of the Senator from Missouri. It seems that this Government would do well to make an appropriation large enough to enable it to manufacture all of its powder, so that it would not be compelled to surrender to any private corporation the secret processes which it has developed. The superiority of this powder has been worked out in the Government's own factory and then the formula turned over to the Powder Trust because the Government in its own factory could not manufacture enough of the powder to supply itself. I believe that we would do well and act wisely if we invest enough money to enable the Government to manufacture enough powder to supply all of its needs and to be absolutely independent of the Powder Trust.

Mr. REED. Mr. President, I am obliged to the Senator for his interruption. I had heard of these matters, but I had not seen the article of May 2 in Harper's Weekly. I must assume when a publication of the standing of Harper's Weekly professes to set forth in hæc verba evidence given upon official hearings that the matter is correctly presented. I would not always make the same statement with reference to comments or expressions of opinion, but when a statement is made purporting to be from the records I must accept it as correct.

Mr. WARREN. Mr. President——

Mr. REED. I yield to the Senator from Wyoming.

Mr. WARREN. I think the statement made is correct, so far as it goes; but it will be noticed in Mr. Buckner's reply that he does not admit or claim that the Government has furnished him any secret information. In fact, all of the evidence before the committee heretofore has been that all of the secrets and matters pertaining to the making of powder have come from the Du Ponts to the Government, rather than from the Government to the Du Ponts, except as they have cooperated, and I think they have cooperated all of the time since the Gov-

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quiring upon what basis it would cancel the remainder of the contract involving 2,800,000 pounds. The Du Pont Co. answered that it would gladly cancel the contract without compensation, as it was anxious to concentrate its forces in supplying the demands of the industrial world.

Other concerns dealing with the Government during that war not only increased the price of the product furnished to the highest limit, but demanded extravagant sums in lieu of the cancellation of contracts. On the basis of other settlements made, the Du Pont Co. could have held the Government up for more than one-quarter of a million dollars on the cancellation of this contract.

2. Dehydration by alcohol: This process for the replacement of water in guncotton by alcohol by use of a hydraulic press was invented and patented by Mr. Francis G. du Pont. It affords not only by far the most efficient and economical method for accomplishing this important step in the manufacture of smokeless powder, but, what is more important, invests the entire operation with an element of safety that is beyond estimate in value. The use of this process was given to the Government without charge and the presses now in use by the Navy were made from our patterns.

3. Recovery of alcohol: For a number of years the Government furnished the Du Pont Co. the alcohol entering into the manufacture of Government powder. Under the original process, once used this alcohol was destroyed or escaped by evaporation. At its expense and risk, solely in the interest of economy to the Government, the Du Pont Co. perfected a process by which the alcohol was recovered and returned to the Government. The Du Pont Co. had the assurance that if it succeeded in perfecting a system for recovering this alcohol, the expense thus incurred would be made good by the Government. The Auditor for the Navy Department declared this agreement not binding, and an itemized statement showing an expenditure of $75,000 was turned down. This process was given for use in both Government plants, notwithstanding, without a cent's compensation, and has already resulted in saving the Government hundreds of thousands of dollars. This saving will continue as long as smokeless powder is manufactured.

4. Reworking powder: Smokeless powder deteriorates with age and in time becomes unsuitable for use, resulting in large loss to the Government. The Du Pont Co. invented a process of reworking powder and handed this process over to the Government for use in both its plants without a cent's compensation. Hundreds of thousands of dollars have been saved to the Government by this process.

5. A stabilizing material: Comparatively recently the Du Pont Co. brought to the attention of the Government the results of its inquiries and investigations with respect to a suitable stabilizing material for smokeless powder. This was adopted by the Government and more than doubles the life of this powder. This has not increased the price of powder to the Government, but has resulted in an enormous saving.

6. Powder for small arms: Several years ago the Du Pont Co. perfected a powder for small arms by the use of which the life of the rifles used by the Government has been extended from 1,500 rounds to 15,000 rounds and the accuracy life of the rifle not yet reached. This powder which was sold to the Government without any increase in price, gave to the 800,000 Government rifles an increased money value of approximately $20,000,000. The Du Ponts also gave the Government the right to manufacture this powder in its plants for a mere nominal royalty.

7. Nitration of cotton: This company has invented new and valuable improvements in the methods of nitration of cotton. Ingenious mechanical devices have reduced greatly the cost of manipulation and improved the quality of the product. These improvements have been offered to the Government for a nominal consideration.

8. Stability: The Du Pont Co. several years ago expended over $400,000 to obtain for the Government a new powder which they and the officials of the Government thought of great value. They might have gone into the markets of the world and sold this powder at an enormous profit, but at the request of the Government the company kept this a secret without the Government bearing any portion of the burden. Gen. Crozier and Admiral Mason are familiar with this matter. By reason of improvements made in our smokeless powder the new powder mentioned is now useless and the investment to the company was a total loss.

9. The Army powder plant: After Congress appropriated money to build a powder plant at Dover, following its policy of giving to the Government the free and unrestricted use of all it has and all it knows bearing upon the manufacture of powder, the Du Pont Co. invited the Government officials to their engineering department and gave them the use of every drawing it had. The company sent its engineers out to assist in laying out the Government plant. It is impossible to place an estimate on the value of the service rendered, the Du Pont Co. having spent hundreds of thousands of dollars in developing plans and economies that were freely given away.

10. The pyro incident: As indicating the disposition of the Du Pont Co. to be fair and honest and "on the square" with the Government, I will relate an incident that occurred a few years ago: One morning the gentleman at the head of our operating department came to me and told me that he was greatly distressed and disturbed over something he had just discovered in our smokeless-powder plant at Haskell. He said that an employee, without intending to defraud the Government, had been detected switching samples of pyro sent to the Government for testing purposes—substituting former samples which had to be perfect. He did this in order that he might make a good showing in comparison with other factories. This man had been with us six years, and during that time there had been manufactured 3,000,000 pounds of powder with which he had come in contact. A meeting of our board of directors was called and the matter was submitted. I explained how, if we were forced to take this powder back, it would cost us well on to $2,000,000. On the other hand, if the Government should use the powder and it should prove defective it might cost the Government ships and the lives of many men. There was no hesitation on the part of the board of directors. They instructed me to take the train at once for Washington and make a complete showing of what had been discovered. I got Admiral Mason and Gen. Crozier together and told them the story. Gen. Crozier said to me at the time that he had known many concerns to attempt to swindle the Government, but that this was the first instance in which he had known the principal to voluntarily confess a shortcoming. I requested that they should send officers to our plant to be present at an investigation. The committee appointed by the Government reported that they believed the powder to be of satisfactory quality, but since the Government had not been furnished with samples of each lot of pyrocellulose used in the manufacture they required the Du Pont Co. to give them a guaranty of six years on life of the powder. No greater percentage of the powder went wrong through these years at this plant than went wrong at the other plants, including the Government plants; but this confession and guaranty cost the Du Pont Co. about $50,000. (Col. Buckner's testimony at House hearing.)

[Statement submitted by Admiral Strauss.]

Referring to the statements contained in the hearings entitled "Reasons why the present Government smokeless-powder situation should be left undisturbed": These reasons are discussed seriatim, under the same headings, as follows:

First. Heretofore no difficulty has been experienced in controlling the price of powder, and possibly such control under the existing arrangement might continue indefinitely. It is possible, however, that a difference of opinion might arise as to the proper price to be paid to the Du Pont Co., in which case the Government would not be in a position to dictate terms. The Government does prepare the specifications, supervise the manufacture, and has, for several years past, fixed the price to be paid for the finished product.

Second. The Du Pont Co. has made large investments with the expectation of getting a large amount of Government business, and but a small portion of its smokeless-powder plants could be used for other purposes. Since the beginning of the manufacture of smokeless powder, however, the Navy has placed orders in excess of $26,000,000 for smokeless powder, and the total profit on this sum would undoubtedly reimburse them for their investment should the plants now become valueless, and besides, yield them a very fair interest on the capital.

Third. The question of the cost to manufacture smokeless powder is discussed at length in this and previous hearings. What constitutes a fair profit is a matter which I do not feel competent to discuss. The hazard in manufacturing smokeless powder is negligible.

Fourth. I do not believe that there would be serious danger of the Government plant being destroyed, even in time of war.

Fifth. The large capacity of the Du Pont plants is a valuable asset for the Government.

Sixth. No discussion.

Seventh. I am not able to state what amount the Du Pont Co. spends for experiments, but they undoubtedly do spend large sums for experimental work and they have given the Government the advantage of it, either free or for a nominal consideration. The excellence of our smokeless powder can hardly be ascribed altogether to the experimental work done by the Du Ponts. The rigid specifications exacted by the Government as based on our own experience have contributed largely to that result.

Eighth. The Du Pont Co. has been very liberal in allowing the Government to use economical methods of manufacturing, such as recovery of solvent, reworking of powder, nitrating, etc., but I can not state whether or not the saving to the Government has "far exceeded the profits they have obtained from the Government."

Ninth. The Government does look to outside manufacturers for explosives other than smokeless powder, but I am not prepared to state that the manufacture in any considerable quantities has been at an "actual loss."

Tenth. I have reason to believe that the Government is buying powder from the Du Pont Co. about 25 cents cheaper than the company is selling it abroad.

Eleventh. I agree with the statement that a Government monopoly is not advisable in respect to the manufacture of powder. I believe that the Government needs competition as well as the private manufacturers need it.

Twelfth. The reason for this is discussed later.

In regard to the statements "indicating fair treatment":

1. Conduct in war: On March 17, 1898, the Bureau of Ordnance made two requisitions for brown prismatic powder. One was for 2,278,000 pounds and was placed with the California Powder Works; the other was for 2,308,000 pounds and was placed with the Du Pont Co. The price was to be $0.32175 per pound. In June, 1898, when the deliveries were not quite one-quarter completed, the price for the rest of the powder was reduced to 29 cents per pound. In the latter part of 1898, the Du Pont Co. entered into an agreement with certain foreign powder makers, by which the company learned certain trade secrets for making brown powder. In consideration of these the Du Pont Co. was to pay a royalty until a certain total amount of royalty had been paid. I can find no written agreement between the Du Pont Co. and the Bureau of Ordnance stating that the price of powder would be reduced by the amount of the royalty as soon as the total royalty had been paid, but references in letters indicate that at least a verbal agreement to this effect existed. Referring to "Extract from hearings" on the "fortifications appropriation bill" before the subcommittee of the Committee on Appropriations, Fifty-fourth Congress, third session, "Cost of powder," on page 327, there is a letter from the Chief of Bureau of Ordnance dated December 13, 1899, asking the Du Pont Co. for a statement of how much in royalties had been paid. On page 360 a letter from the Du Pont Co. to Mr. B. Peyton, of the California Powder Works, dated July 22, 1898, contains this statement: "We therefore suggested that July 1 should be the date at which the new price took effect, but unfortunately the Government was entitled to have received the 29-cent price sometime previous to July 1." From the above it seems that at least a verbal agreement to reduce the price of powder by the amount of the royalty existed in June, but there is no record to show whether this agreement existed prior to March 17, 1898, when the requisitions were placed, or was volunteered by the company when their payment of royalties ceased.

In addition to the 4,586,000 pounds of powder ordered on March 17, 1898, the bureau later agreed to order another 1,000,000 pounds of powder if the Du Pont Co. would install additional machinery and thus increase their output. Of this total of 5,586,000 pounds the company agreed to cancel the contract for 2,375,000 pounds of this powder, the manufacture of which had not been completed when the war closed. The company made no charge for canceling this contract.

2. Dehydration by alcohol: The Du Pont Co. invented and designed the presses for dehydrating pyrocellulose. The Government is using this method with presses of the same design. Prior to that time, in France dehydrating was accomplished by spraying with alcohol. The process invented by the Du Ponts made the manufacture of smokeless powder practically a safe industry.

3. Recovery of alcohol: When the manufacture of smokeless powder was first started for the Government, the Government furnished the alcohol used. The company did at its own expense develop a method for recovering a large percentage of this solvent. A description of this method was furnished the Government without cost, and the system was installed at Indianhead beginning with the manufacture of powder at that place.

4. Reworking powder: The method of reworking powder now in use at Indianhead was designed by the Du Pont Co., but the successful dehydration of this reground powder was first worked out at Indianhead.

5. Stabilizer: The statements in regard to the Du Pont Co.'s bringing to the attention of the Government the results that could be accomplished by using diphenylamine as a stabilizer are correct; the stabilization of the powder has probably doubled its life and resulted in a very great saving to the Government.

6. Powder for small arms: The Navy purchases its small-arms ammunition from the War Department. This powder was invented and developed by the Du Pont Co. and greatly increased the life of the .30 caliber rifle.

7. Nitration of cotton: The statements in regard to the new mechanical nitrators are correct. The Du Pont Co. has recently given the Navy Department the plans, specifications, and the right to use this process for a nominal consideration, and the system is now being installed at Indianhead, where it will result in a material economy.

8. Stabilite: The statements in regard to stabilite are correct, but I have no information in regard to the amount expended by the company in developing this powder.

9. Army powder plant: The statements in regard to the Army powder plant are believed to be correct.

10. The pyro incident: The statements in regard to the pyro incident are correct. The officials of the company reported the fraud to the bureau as soon as they discovered it.

Mr. SWANSON obtained the floor.

Mr. REED. But, if the Senator from Virginia will pardon me one word, the Senator from New Jersey had urged in his argument repeatedly, as I understood him, that it required infinite pains and care and industry to keep abreast of the improvements in the manufacture, and that that could only be done or would only be done in private institutions. It seemed to me therefore a pertinent inquiry as to whether or not the private institutions of this country had kept abreast of the advanced science of other nations, and that was the reason for my interrogatory.

Mr. WARREN. May I answer that question?

The VICE PRESIDENT. Does the Senator from Virginia yield to the Senator from Wyoming?

Mr. WARREN. Just a word on account of the inquiry made by the Senator from Missouri.

Mr. SWANSON. If it is a short statement I will yield, but not for a speech.

Mr. WARREN. If I may have the attention of the Senator from Missouri for a moment, the Spanish War developed that there was increasing use of smokeless powder. The United States Government took the matter up with the powder manufacturers of this country, cooperating with them, and started into the work of perfecting a process for making high-grade smokeless powder.

Soon afterwards, and I speak with some confidence, because I think I was about the first one to propose it, the Army provided for building a small powder-making plant. The Navy followed with its plant afterwards. The Army put its inventors and expert ordnance officers to work not in competition so much as in collaboration, if you please, with the makers to perfect smokeless powder, and ever since with the contracts that have been made between Du Ponts and the Government for Army and Navy there has been competition of mind against mind that has perfected powder to a great extent; and within the last five or six years there has been the greatest improvement of all, and that is in the durability of it.

Mr. REED. The fact then remains that when we were dependent altogether for our supply upon our private manufacturers they had fallen so far behind in the science of manufacturing powder that even Spain or other European nations had smokeless powder before they apparently knew anything about it.

Mr. WARREN. No; perhaps I misstated the case. They were already making smokeless powder, but not of the character that the Government was buying. In fact, they had no orders from the Government to do so.

Mr. REED. They were making smokeless powder for shotguns.

Mr. WARREN. It was new in the country.

Mr. REED. They were making smokeless powder for use in small firearms, a thing which had been done, of course, for many years. I understand further from the Senator now—and I am obliged to him for his statement; it is very enlightening—that the Government began to make powder itself, competition began to spring up, and that we began to get really a first-class powder.

Mr. WARREN. Mr. President——

Mr. SWANSON. I can not yield any further. I am not going to speak over 10 minutes and the Senator from Wyoming can take the floor.

It seems to me that this matter is in a very small, narrow compass. I want to state in a very few minutes what is the purpose of the department. We consume about 4,000,000 pounds of powder a year. That is the yearly use of powder in the Navy. As soon as a battleship is constructed and completed it is furnished with ammunition and arms necessary for an engagement, and that will continue there until it is engaged in war. Powder very frequently requires to be reworked. They found that powder to a certain extent loses its strength. At Indianhead we rework the powder and it saves thousands and thousands of dollars each year. They have now discovered a process by which it does not require to be worked so much.

Half the powder is at present manufactured by the Government. The other half is purchased. There is but one concern that can furnish smokeless powder in the United States and that is the Du Pont Co. For that half we are completely at the mercy of the Du Pont Manufacturing Co. We recently passed a law providing that the Government shall not pay in excess of 53 cents per pound. Before 1903 the price was 80 cents a pound; in 1903 it became 70 cents a pound, and last year we put 53 cents as the ultimate amount that could be paid. That rate was fixed in the appropriation act.

Now, what does the Secretary of the Navy ask Congress to do? An investigation, thorough and complete, has been made by Admiral Strauss, the finest expert I think on this question in the United States, who was for years at Indianhead. They have made an estimate as to what smokeless powder costs the Government. We have never been able to get from the Du Ponts what their smokeless powder costs them. They refuse to furnish the Government any information on that subject.

In estimating this cost the Government divides it into three heads. First, there is the invoice price. In that is included the purchase of the cotton, the purchase of the alcohol, the sodium nitrate, the production labor, handling material, leave and holidays, superintendence and clerical force, repairs, labor and material, power expense, and other material. On that basis it costs the Government 29.9 cents a pound. Yet, to go further and include all the cost, there is another item of expense, and that is overhead charges. At Indianhead plant, where the powder is made, they have made a complete estimate of what all those overhead charges are. Those overhead charges include powder boxes, administration (officers' pay and allowances), pensions (disability pay), and all other items of overhead charges. That amounts to 8 cents a pound. Next they include interest. That is interest on what it costs for the plant and the money invested in it. After adding up all of these the Government estimates the cost at 40.1 cents per pound to make powder. These items are all that could be included. They are accurate, they are full and complete.

The Government paid last year for half the powder—the powder it bought—53 cents a pound, the ultimate limit fixed by law. The plant now produces more powder each year. From the appropriation of 1913 and 1914 the Government purchased five million and a half pounds of powder, paying 53 cents, at a loss to the Government of $585,000 in excess of what it would have cost if it had manufactured the powder in its own plant. Next year, if you pay 53 cents, the half that you purchase from the Du Ponts will cost between two and three hundred thousand dollars more than the half manufactured by the Government.

Now, what is the proposition submitted by the Navy Department? The department says we are completely at the mercy of the trust for one-half our powder. For $500,000 you can take the Indianhead plant and increase the capacity sufficiently to manufacture all the powder needed by the United States Government, so far as its Navy is concerned. For $500,000 in two years, if you manufacture it all, it would save the entire expenses of the plant.

Secretary Daniels says it is not his purpose to destroy the Du Pont factory entirely if they will come down to a reasonable price in selling their powder; but he says the fact that the Government has the power to manufacture all the powder needed will compel that trust to sell the powder to the Government at a reasonable price. He states in his testimony before the committees that if they do not come to a reasonable price and reduce the price from 53 cents, with that leverage he will proceed to make powder in the Navy factory.

Now, that is the issue before Congress. There is talk about the danger of the factory blowing up. The manufacture of cotton smokeless powder is practically a safe enterprise. It is not like black powder. It is comparatively safe, and the accidents do not occur that occur to other explosives.

In addition to that, we occupy this position in reference to our smokeless powder: The Du Pont Co. makes the powder according to the specifications, according to the plans, the investigation, and the direction of the department entirely, and we pay them this profit. We furnish the specifications and everything in reference to it.

Mr. President, it seems to me that the contention of the department is right and that we should be able to manufacture

pose of discovering new processes in the manufacture of powder? Tremendous progress has been made along those lines in recent years, and it is quite within the bounds of possibility that the powder that will be manufactured under this appropriation will be practically worthless before it is delivered, because of new discoveries having been made. These gentlemen are taking the chance of leaving the Government behind in the progress of this art or science.

Private individuals will reward men who make discoveries. Can anybody conceive of an officer of the United States Government, who in the course of his investigations stumbled upon a process which resulted in a reduction of the cost of smokeless powder by 50 per cent, being rewarded by a sum of money carried in an appropriation bill? Why, points of order would come from every direction; but the fact is that it would not be attempted. Private individuals can do those things, and do do them.

I have never contended that the Government does these things more cheaply than private individuals. It does not. The Government, in the face of private competition, keeps up and often forges ahead; but I should be very loath indeed to see the manufacture of powder placed altogether in the hands of a Government monopoly and have the paid servants of the Government the only ones interested in carrying on its production.

Mr. REED. Before the Senator resumes his seat I want to ask him if it is a fact that the so-called Powder Trust has for many years been engaged in the manufacture of powder and selling it to foreign governments, and if that one item would not probably keep the business alive even if the Government of the United States withdrew its patronage?

Mr. HUGHES. I do not know anything about that. I will say to the Senator, except that I do know this: This knowledge has been forced on me by the fact that I live in Passaic County, where there is made much of the smokeless powder that is manufactured for and sold to the Government. Nearly all this powder is made in this particular plant, if that answers the Senator's question. I do not know anything about the foreign sales.

Mr. REED. I will ask the Senator the further question, if as a matter of fact while the Government purchases of powder do not run above probably 3,000,000 a pounds a year——

Mr. HUGHES. About 4,000,000 pounds.

Mr. REED. While they do not run above 4,000,000 pounds a year, there is a capacity to-day in the private plants controlled by the trust of over 10,000,000 pounds.

Mr. HUGHES. Smokeless powder, does the Senator mean?

Mr. REED. Yes.

Mr. HUGHES. I could not say. I had better not say anything about that, because I do not know.

Mr. REED. I should like to ask the Senator a further question. Is it not a fact that, instead of keeping up with the advance of science when we were absolutely in the hands of this powder combination and had no factory of our own, they failed to manufacture up-to-date smokeless powder, and if we did not go into the Spanish War with that handicap?

Mr. HUGHES. There was not any smokeless powder during the Spanish-American War. The Senator is making an absolutely baseless statement, which has been made a hundred times. There was not such a thing as smokeless powder in existence in this country during the Spanish-American War. It was not in use in either the Army or Navy. They did not know what it was.

Mr. REED. I will ask the Senator if smokeless powder did not exist at that time; and I will add the question if the armies and navies of foreign countries did not have it.

Mr. HUGHES. I do not know. I know that we did not have it, and I do not care anything about what other countries did.

Mr. REED. I asked the question of the Senator in a perfectly courteous way, without the slightest idea of offending him. If asking him a question when he is addressing the Senate upon a subject that he claims to be familiar with is offensive, I apologize for having done so. I was seeking light, and if it offends the Senator to give it to me, I am very sorry that I trespassed on his time.

Mr. HUGHES. The Senator managed not to disclose the fact that he was seeking information; at least I did not discover it. I have never claimed to be familiar with the advance of smokeless powder in the Army or Navy of the United States or in the other nations of the world. I did not say anything about the conduct of this or any other combination of men during the Spanish American War. That was never mentioned in the controversy by anybody on either side. I pretended to no special knowledge in connection with it.

Mr. HUGHES subsequently said:

Mr. President, I ask permission to insert in my remarks two statements on this subject that appear in the printed hearings before the House committee.

The VICE PRESIDENT. Without objection, that may be done.

The matter referred to is as follows:

[Statement submitted by Mr. Browning.]

REASONS WHY THE PRESENT GOVERNMENT SMOKELESS POWDER SITUATION SHOULD BE LEFT UNDISTURBED.

First. Because with two plants of its own and three commercial plants the Government not only has abundant capacity but the source of supply is so distributed as to protect the Government in any emergency. As the Government prepares the specifications for making the smokeless powder, supervises its manufacture, fixes the price to be paid for the finished product, and is able to keep close track of the cost of manufacture by reason of the operation of its own factories, it has absolute control of the powder situation at the present time.

Second. Because when the Government, after experiments at Newport, decided upon the present type of smokeless power it called in manufacturers and turned the proposition over to them to perfect and make practical. As a result the Du Ponts invested several million dollars in plants, processes and machinery, having faith and confidence that the business would be a continuing one. The taking over of the manufacture of smokeless powder by the Government would greatly impair this investment. These plants can not be used in the manufacture of other kinds of explosives.

Third. Because, according to the tables submitted by Admiral Twining, Chief of Bureau of Ordnance, Navy Department, and Gen. Crozier, Chief of Ordnance, War Department, at recent hearing held by Subcommittee on Fortifications House of Representatives. It was shown that the cost of the manufacture of smokeless powder to the Du Ponts is approximately 49 cents per pound on a 5,000,000-pound output. The Government buys this powder for 53 cents per pound. This gives a profit of about 8 per cent, certainly not extravagant when the hazard associated with the manufacture of explosives is considered.

Fourth. Because the concentration of the manufacture of smokeless powder for the Navy at one point would be taking an undue hazard. Should the Government plant blow up or be otherwise destroyed in time of war, the country would be helpless. New plants could not be built in a few days. It would require months to build and equip a smokeless-powder plant.

Fifth. Because the taking over of this manufacture by the Government would impair present reserve manufacturing capacity. The Du Ponts could manufacture all the powder they supply to the Government at one plant. In order to meet all possible demands in the event of war, they maintain three plants. Thus the Government has five splendid, up-to-date smokeless-powder plants upon which to rely in the event of war. It is no exaggeration to state that this feature of national defense is the only one that is complete and satisfactory and can be depended upon to meet any demand at any moment.

Sixth. Because approximately $300,000,000 is expended annually on the Army and Navy, and less than 1 per cent, or about $3,000,000, of this vast sum goes for powder. Strange that all this sensational contention is made over the expenditure of this 1 per cent, while no question involving the expenditure of the 99 per cent is ever heard.

Seventh. Because little, if any, of the money appropriated by the Government for the purchase of smokeless powder is expended at the Government plants on experiments looking to the betterment of the quality. This work has been left to the Du Ponts. In their laboratories they expend approximately $500,000 annually, and a great deal of attention is given smokeless powder. This accounts for the fact that the United States leads the world in the general excellence of its powder

Eighth. Because, taking into consideration the savings wrought by the system for the recovery of alcohol, for the reworking of powder, for the manufacture of small arms, etc., the actual value of the services the Du Ponts have performed for the Government far exceeds the profits they have obtained from the Government.

Ninth. Because the Government looks to outside manufacturers for much else than smokeless powder in the way of explosives used for national defense. In many instances these explosives are perfected after much trouble and expense, and turned over to the Government at actual loss.

Tenth. Because this Government is buying its smokeless powder 25 per cent per pound lower than any nation on earth buys a similar powder. The Du Pont Co. is selling powder in the markets of the world on this basis. It is not one of those companies that "sells abroad cheaper than at home."

Eleventh. Because Government monopoly is never advisable. France monopolizes the manufacture of smokeless powder, matches, and cigars. Admittedly it has the most inferior smokeless powder, matches, and cigars in the world.

Twelfth. Because the Du Pont Powder Co. probably enjoys the unique distinction of being the only concern selling the Government during the Spanish-American War that reduced the price of its commodity in the midst of the conflict.

INDICATING FAIR TREATMENT.

As evidence that the Du Pont Co. has not only been prompted by a spirit of fairness but a sentiment of patriotism in dealing with the Government, your attention to the following specific performances is called:

1. Conduct in war: It is a matter of history that the Spanish-American War was postponed several months because the Government did not have powder with which to fight that war. It might be said that in this emergency the Govecnment was at the mercy of the powder maker. The Du Ponts in this crisis did not advance the price. A contract for 5,000,000 pounds of brown prismatic powder, at 32½ cents per pound, was made with the Du Pont Co., and every force was concentrated to fill the order. Commercial plants were robbed to equip and strengthen the plants hastily constructed to make Government powder

After many thousand pounds of powder had been delivered on this contract an advantage in the manufacture presented itself by the expiration of a royalty, and the cost of manufacture was reduced 3½ cents per pound, thereby reducing, in the midst of the conflict, the price of powder to 29 cents per pound.

The war came to an end sooner than was anticipated, and but 2,200,000 pounds of powder had been delivered on this 5,000,000 pound contract. The Government communicated with the Du Pont Co., in-

country. Is the Senator aware that this plant on which it is proposed to leave the Government of the United States absolutely dependent for powder, consisting of 30 or 40 buildings, is situated in one spot, near the coast, and an explosion in any one of the buildings would absolutely destroy the plant?

Mr. NORRIS. I think if the Government was going into the manufacture of powder, and particularly if it was going into it to the extent of manufacturing it for cases of emergency like war, it would be very foolish to have only one plant and in one location. For business reasons, the same as private parties do, it would probably have several powder factories. Even though we were only going to manufacture powder for the ordinary consumption of the Government, I should think there might be good reasons why it might be well to manufacture it in more than one place. Why should we not pursue the same business methods that private parties pursue, if we are going into the business at all?

Mr. HUGHES. Of course, I agree with the Senator, absolutely; but the discussion that is going on between the Senator and myself is academic. This is not a theory that confronts us now; it is a condition. I agree with the Senator that if we do this thing we ought to go further, and that instead of an appropriation of $500,000 for new construction there ought to be an appropriation, perhaps, of $5,000,000 to put up plants in various parts of the country; to put up plants dependent upon each other, perhaps, but located in different localities, and located in the interior; but that is not what is proposed here.

It is proposed to extend the plant that already exists to such an extent that it will at least discourage, and in my opinion absolutely destroy, private competition. I would feel so if I owned that plant. If my best customer was getting ready to make the stuff that I was selling him, and was going to be able to make it in such quantities that he could make all that I was selling him, I would begin to think that my chances of doing business with him were very small.

Mr. MARTINE of New Jersey. Mr. President, will the Senator yield to me?

Mr. HUGHES. In just a minute; as soon as I finish this statement I will.

It is proposed to put this new construction down here at Indianhead, where all the rest of the construction is; and it is not proposed to go on and manufacture enough powder to provide for emergencies. We are still going to rely upon the private manufacturer for emergencies; but nobody can tell—the Secretary of the Navy can not tell, and I do not know how any man in this body can tell—that the private manufacturer will be there when the emergency occurs.

Mr. MARTINE of New Jersey. Mr. President——

Mr. HUGHES. Now I yield to my colleague.

Mr. MARTINE of New Jersey. If the Senator will permit a question, I desire to know if it is not reasonable for us to assume that the Government of the United States, having at hand experienced and expert engineers and powder makers, will be as circumspect as to the location and construction of buildings as will the private powder concerns?

The Senator says it is the purpose to locate this new plant at Indianhead, where, if an explosion takes place, it will annihilate all the buildings.

Mr. HUGHES. I did not say that.

Mr. MARTINE of New Jersey. Did I not understand that from the Senator?

Mr. HUGHES. I do not know what the Senator understood, but I did not say it.

Mr. MARTINE of New Jersey. I thought my ears were not at fault; but I take back that statement, then. I say we are safe with our engineers, experienced and expert in the location of powder plants, as a private individual would be; and I understand from that which I have seen in my State—and my travels around there have been about as extensive as those of my colleague—that these are very inexpensive buildings, as a rule, anyway. You find little huts up through New Jersey, up in Pompton and Hopatcong and up around in that region, very inexpensive ones; a little hut nestled in here and a drying house nestled over yonder; so that the matter of the upkeep of a plant would not be a very great burden anyway.

It seems to me the whole of this controversy is——

Mr. HUGHES. I have not finished, Mr. President.

Mr. MARTINE of New Jersey. I am not going to interfere with the Senator; but just let me say——

Mr. HUGHES. I will be through in a very few minutes.

Mr. MARTINE of New Jersey. I will ask the Senator to let me proceed for just a minute, and say that the whole of this seems to me to be just defending a private monopoly. I believe the Government can manufacture powder a good deal cheaper than these private firms are willing to sell it to us, and in case of an extreme emergency we will be amply capable of taking care of it. These men will come begging us to buy their powder.

Mr. HUGHES. I thank the Senator for a very lucid exposition of the other side of this controversy; but I am compelled to say, in all frankness and candor, that what he says does not relate in any way to the proposition I am discussing. For fear the Senator's flight of oratory has driven it out of the minds of my colleagues, I will spend a minute or two in restating it.

The proposition is to extend this plant at Indianhead. The powder is made there in a chain of buildings, and an explosion in any one of the chain of buildings at Indianhead would stop the operations of the plant. Of course that is not true in the case of a private powder manufactory with plants scattered all over the country.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. HUGHES. I do.

Mr. LEE of Maryland. I should like to advise the Senator that in conversation this morning over the telephone with Admiral Strauss, who is in charge of this matter, he stated that the drying houses, and so forth, were so situated that an explosion in one would not endanger the others.

Mr. HUGHES. Mr. President, the Senator is advising me of something of which I was thoroughly advised. He has misunderstood what I said. He does not understand what I am trying to say. I am not talking about an explosion in one drying house blowing up all the other drying houses. I say the powder is made in a chain of houses. Different operations and processes are carried on in the different buildings, and the powder is carried from house to house. A process in each house is necessary before the product is finally finished. An explosion in any one of the houses breaks the chain, and it is impossible to complete the process and manufacture powder until that house is restored.

I am not talking about an explosion affecting the other houses. Of course, common sense would dictate to anybody—an officer of the United States Navy or whatever he may be—that in making powder it is necessary to erect the different buildings at such a distance from each other that an explosion in one is not going to blow up the others; but when an explosion occurs in one of that chain of plants, until that damage is repaired, until that building is restored, until arrangements are made to carry on the process that is being carried on there, the making of powder absolutely stops. Therefore an explosion of one of these essential buildings at Indianhead will stop the Government from making powder. If the private individuals have been driven from the business at that time the Government will not get a pound of powder until the destruction created by that explosion has been repaired, until order has been restored, and the process has been installed once more.

Gentlemen, patriotic men, men charged with the responsibility of representing their States and their constituencies ought to be careful that misguided zeal in the chase of trusts and monopolies does not carry them into a position where they will be doing affirmative injury to the Government they are representing

As I said before, I am indifferent as to what the Senate does about this proposition; but I wanted to lay fairly before it the fact that it is now proposed, and it is the object of this amendment, to have the Government make all its own smokeless powder, and make it all in one place; that if we look for the logical consequences of our actions and conduct to follow, there will be nobody making smokeless powder but the United States Government; and then, when an emergency arises, we will have no place to turn. If an explosion occurs in one of that chain of buildings the manufacture of powder ceases until repairs have been made and the building has been reconstructed, and in the meantime the Government gets no powder.

So much for the mechanics of it; so much for the details. The other objection I make is on the broad principle that while I insist upon the Government going into the manufacture of anything that is vitally necessary to it, especially things the manufacture of which is generally confined to a few people who can readily combine, I do not want the Government to go beyond the point of proper competition to protect itself. I do not want the Government to become a monopoly itself, as I said before, not because I believe a Government monopoly is bad, but because a monopoly of any kind tends to produce certain bad results.

Just conceive of the manufacture of powder being in the hands of Government servants who are paid a fixed amount each year, regardless of what they do. Where is the incentive for Government servants to burn the midnight oil for the pur-

that contemplated supplying itself with powder in emergencies, it would render necessary a plant and an equipment which would be of such a character and such a cost that the Government would not be able to make its powder in time of peace as cheaply as it could purchase it.

Mr. NORRIS. That is the point I want to raise. Are we not paying too much now, in the judgment of the Senator? Have we not been paying too much in the past?

Mr. HUGHES. I can not say as to that. I do not set myself up as an expert. I know that the Congress has fixed a limit of 53 cents, beyond which they can not go; and there is a board of officers which goes into the question thoroughly and which has the Government costs before it. You see, the Government is very happily situated in this controversy. That is the reason I do not see the necessity for all this legislation on this particular matter, when there are so many other things crying for attention.

Mr. NORRIS. I think there are a good many other things crying for attention. I agree with the Senator; but, of course, we are not considering them now.

Mr. HUGHES. They should be in this bill.

Mr. NORRIS. I should like to have them in this bill.

Mr. HUGHES. They are not here, however. They went out on points of order and in various other ways.

Mr. NORRIS. Yes.

Mr. HUGHES. So they are not here; but, at that, I think the committee is doing the best it can. I think the Secretary of the Navy is doing the best he can. I think he is addressing himself to all these questions and getting himself informed on them; but this proposition was tempting to him; it was easy to do; it did not require much money, and that is probably the reason why it was put in.

Mr. NORRIS. It seems to me it is altogether a question of fact whether or not in the past we have been paying an exorbitant price for powder, and whether we can obviate that difficulty by making it in some Government institution. If we can not do that, it would be foolish to go into it. If we can, we ought to do it.

Mr. HUGHES. In my judgment, this is the situation as it confronts us to-day: There is a board of officers which fixes the price of powder, and which can fix the price of powder to be purchased under this bill at 30 cents a pound, if it chooses. There is no limitation upon it. That board of officers has access to the cost figures of the Secretary of the Navy at the Indianhead factory. That board of officers can find out exactly what it costs the Government to make powder, and it can fix that price. The first time a private individual refuses to sell his powder to the Government at the price fixed by that board it might be well for the Congress to take notice of it, and to go into the business of making powder even much more extensively than is proposed here; but it seems to me that this is one branch of governmental and private activity in which the Government has more advantage than it has in any other.

Mr. WILLIAMS. Mr. President, I wish to ask the Senator a question.

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. HUGHES. I do.

Mr. WILLIAMS. The Senator has just said that the first time the board fixed a price at which these people refused to sell it would be well to take up this matter. Now, I do not know the fact, and I am asking for information; but I understand that at one time the board fixed 48 cents, and the company refused to sell at that figure, and the Government, being compelled either to buy the powder at 53 cents or to do without it, bought it at 53 cents, notwithstanding the fact that the board had fixed 48 cents as the proper and fair price.

Mr. HUGHES. I do not think that is true, but I will not challenge the statement.

Mr. WILLIAMS. Some member of the committee, perhaps, has the information and can give it later, but I have heard that.

Mr. HUGHES. If that had ever happened, it is very likely that I would have heard of it, because I have been active in this matter.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New Hampshire?

Mr. HUGHES. I yield to the Senator.

Mr. GALLINGER. I should like to ask the Senator a question. This is a matter upon which I am not well informed. Suppose the Government builds a very large plant for the manufacture of powder. Is it probable that the demand would keep that plant in operation all the time, or what portion of the time, and would there not necessarily be a loss resulting from the fact that the plant probably would not be run constantly?

Mr. HUGHES. I think the manufacture of powder is a continuous process. I think, however, the Government has relied in the past very, very much upon the private manufacturers, and I do not think the Government is going to have the joyous time it anticipates when the private manufacturers go out of business.

As I say, I think the making of powder is a continuous process, and I think that with the proposed new construction and a steady customer like the Government this plant will be manufacturing powder about as advantageously as any governmental agency engaged in manufacturing.

Mr. GALLINGER. As I suggested to the Senator, I am not well informed on this question. My only thought was that the Government, of course, could not sell its product; it could only manufacture it for itself; and as a consequence it seems to me we would be wise to limit our productive capacity. That was the only thought I had in mind. I do not know whether this proposition goes to that extent or not.

Mr. HUGHES. I do not think so.

Mr. CLARK of Wyoming. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Wyoming?

Mr. HUGHES. I yield.

Mr. CLARK of Wyoming. It was suggested in a question by the Senator from Nebraska that possibly it might be well to build a plant sufficient to supply all our needs in time of emergency or in time of war. If the Senator has considered that matter at all, I will ask him whether, if a plant of that sort should be established sufficient to meet all emergencies in time of war, it would not be of such great capacity that the cost of making powder in time of peace would very much exceed that spoken of by the Senator from Virginia?

Mr. HUGHES. It would be absolutely prohibitive. I tried to say that in answer to the Senator from Nebraska, but I did not state it so clearly nor nearly so well as the Senator from Wyoming has stated it.

Mr. NORRIS. I did not understand what the Senator said.

Mr. HUGHES. The Senator from Wyoming had just asked me if the Government went into the business of making smokeless powder so extensively as to be ready to meet any emergency, what the effect on the price would be, and what effect the upkeep of that plant would have upon the making of powder in ordinary times. In my judgment, it would make the cost of making powder under ordinary circumstances absolutely prohibitive.

Mr. NORRIS. I should like to ask the Senator another question. That being true—and I have no doubt, I will say, but that the price of powder in case of emergency would be higher than in the case of the ordinary use of powder from year to year—if it is wise for the Government to go into the manufacture of powder in time of peace to supply our ordinary and current demands because we have been held up and compelled to pay to a Powder Trust an exorbitant price for powder, why would not the same reasoning apply to powder manufactured in case of emergency? Would it not be more expensive for the private party to manufacture powder in time of emergency and get his material and his employees and everything ready to operate, the same as it would for the Government, so that in any event, in case of emergency, the price of powder would be increased?

If the theory of having powder made by the Government in time of peace is good, I can not see why the theory of having powder made by the Government in time of war for the same reason would not be good. Let us suppose that the Government does not engage in the manufacture of powder in time of peace. The people who are manufacturing the powder that the Government is using in ordinary times, and who are not making much more than the Government uses, would have in case of war to increase their output, their machinery, and their number of employees, and the resulting expense would have to be paid just the same.

Mr. HUGHES. The Senator must understand, of course, that the making of powder for the Government is a very small part of the activities of the concern which is furnishing the powder to the Government.

Mr. NORRIS. If that be true, then certainly the making of powder by the Government would not seriously interfere with the private parties who are making powder.

Mr. HUGHES. Oh, yes; it would. One of the plants is devoted exclusively to making smokeless powder for the Government, but in case of emergency they would not have nearly the difficulty that the Government would have in adapting to this purpose other plants which they have, scattered all over the

Mr. SMITH of Maryland. Mr. President, I should like to ask the Senator what put the price down? It was the Government going into the business, I believe.

Mr. HUGHES. The Senator has asked me a question and then has very kindly answered it.

Mr. SMITH of Maryland. Is not that the case?

Mr. HUGHES. The Senator has very kindly answered the question; so I will let it stand as it is in the RECORD.

Mr. MARTINE of New Jersey. Mr. President, I should like to ask my colleague if he believes the price would have gone down had it not been for Government competition?

Mr. HUGHES. I do not think it would have gone down nearly as much if it had not been for Government competition.

Mr. MARTINE of New Jersey. It would not have gone down a bit.

Mr. HUGHES. I have never objected to Government competition: I helped to establish Government competition; but I should not like to see the policy carried on until it discredits the men who originated it and defeats its own purpose.

I was a Member of Congress in another body some years ago when an amendment was offered which provided that no part of the money appropriated for the purchase of powder should be used to purchase powder from a trust, and in the same breath it was argued that all the powder was controlled by a trust. I had been doing some "trust busting" of my own and was at that time engaged in that popular pastime; but I saw and pointed out that the result of that limitation upon the appropriation meant that for a year the Secretary of the Navy, if he obeyed the law, could not buy a pound of powder; but that limitation went on the bill. It came over to the Senate, the Senate accepted it, and it became a part of the law.

It was argued then that the Du Pont Powder Co. was a trust. That was the common belief; I believed it; and I think there is not the slightest doubt about it. From watching the operations of that company in my own territory I knew it had gotten into the combination all the little fellows who were engaged in the various branches of the powder-making and explosive industry, such as capmakers, and so forth.

They all came under common control about that time. I knew that, because they were writing me letters protesting against the limitation being placed upon the appropriation bill; and all the letters, although they came from men whom I had known as being connected with separate and competing companies, this time came upon the stationery of the Du Pont de Nemours Co., showing that they had passed under a common control. I exhibited the correspondence very frankly and candidly to gentlemen who were seeking to put this limitation in the law, showed them that there was a trust, and that every concern in the country engaged in the manufacture of powder was in it at that particular time; and that with the limitation the American Government would be absolutely prohibited from purchasing a pound of smokeless powder during the life of that appropriation bill. Notwithstanding that, the provision went on the bill. Somebody had the curiosity the next year to ask the Secretary of the Navy how he got around it, and he said he regarded it as his duty to buy powder, and he bought powder, although he violated the law in so doing.

There were a lot of well-meaning gentlemen who thought it was a good thing to prevent the Government from doing business with a trust. As an abstract proposition I agree with that; but it is carrying it beyond reason, it seems to me, to legislate in such a way as to inflict a slight injury upon the trust and a great injury upon the Government. Suppose the Secretary of the Navy had been a stickler for law and an extremely sensitive and conscientious man and had held that he could not buy powder that year, and some great emergency had arisen, how pleasant it would have been for those gentlemen who had carried their "trust-busting" activities to the extent of preventing the United States Government from purchasing powder!

I am indifferent as to what happens to this proposition, so long as the Senate understands it. The naked question involved is whether or not we ought to go so far in any particular line—in the making of armor plate, the building of battleships, the casting of guns, the making of small arms, or any of the other activities in which the Government engages—whether we should go so far in any one of those lines of human endeavor as to shut out and extinguish private manufacture, particularly when it is admitted that the Government will be helpless in an emergency without the private manufacturer. That is admitted.

The admiral says that with the construction which he can put up with the money appropriated in this bill he can manufacture all the smokeless powder that the Government needs to buy under ordinary circumstances, and then in an emergency he will be compelled to resort to the private manufacturers. Suppose, however, there is no private manufacturer to resort to?

Mr. NORRIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Nebraska?

Mr. HUGHES. I do.

Mr. NORRIS. Does the Senator think that if this amendment is agreed to the Government will save money by manufacturing all the powder that it will use under ordinary circumstances?

Mr. HUGHES. I think if it continues its present practice it will; yes. For the life of me I can not see why the Secretary of the Navy approves——

Mr. NORRIS. Then, as I understand, the only possible objection the Senator can have to this amendment is that in case of war or some emergency of that kind when we wanted a large amount of powder the Government would not be able to manufacture it, and in the meantime the private parties manufacturing powder would have gone out of business? Is that the idea?

Mr. HUGHES. Not altogether. Perhaps I should qualify my last answer to the Senator and say that I do not believe, and I have never contended that the Government does anything more cheaply than a private corporation. I have often contended, however, that the Government should do certain things, even though it cost a little more to do those particular things, because of the general benefit that will result.

For instance, I have never contended that it costs less money to build a battleship in a navy yard than it costs to get the same battleship from a private shipyard. Manifestly it can not be so, because the conditions under which the Government laborers are now employed are infinitely superior to the conditions under which the men in the private yards work. I want it to be that way, and everybody wants it to be that way, and we will not cavil about the little additional cost that goes to the welfare and the remuneration of Government employees. I know the Senator from Nebraska, at least, will not quarrel with that view. We will get that back, and more, too, in finding out, as we ought to be able to find out, and as any intelligent administration can find out, just what those battleships cost and just what they ought to be built for by private corporations.

Mr. NORRIS. I am trying to get some information from the Senator, because I know he is well posted on the matter, in regard to this particular argument about the powder proposition.

Mr. HUGHES. I do not think they can make powder at Indianhead as cheaply as if it can be made in my own home county.

Mr. NORRIS. That is not exactly the question I wanted the Senator to answer. Let me ask him another one leading up to it. How are these private parties equipped who are now engaged in the manufacture of powder? Are they equipped for an emergency?

Mr. HUGHES. Oh, yes.

Mr. NORRIS. So if we did not do anything of this kind, and an emergency arose, they would be able to supply all that we could possibly use?

Mr. HUGHES. Yes. I am glad the Senator asked me that question. I want to say, though it may not be absolutely responsive to what he asks me, that their plants are scattered all over the country. I have said once or twice in this debate that all this smokeless powder is made in my county. I do not think that statement is strictly accurate. I know that for some time I thought it was, but I understand some of it is made elsewhere. Anyway, they have plants all over the country, and they can shift their orders and change about, and they are watching and ready to make the necessary expansion at any time.

Mr. NORRIS. That being true, as I understand, the purpose of this amendment is to enable the Government to get its powder at a cheaper rate. In other words, it is generally conceded, I think, that we have been paying too much for our powder. Now, if it is profitable—and it seems to me it is—for the Government to manufacture powder for the ordinary run of business in time of peace, if there is any danger of our not being able to supply ourselves in time of emergency, why would not a sufficient answer to that be that the Government should extend its operations so that it will be able to meet its own demands in time of emergency? If we can make the powder in time of peace for a lower price than we are compelled to pay to this so-called trust, why can we not do the same thing in time of war?

Mr. HUGHES. The Senator's question answers itself. If the Government were going into the powder business on a basis

secondly, it would be utterly unable to furnish powder enough in time of war.

Mr. SWANSON. If the Senator will permit me to make this clear, I will say the Government proposes to make an expenditure of $500,000 for the addition to the present plant, which will be equipped so that it can manufacture enough powder to supply what the Government may need each year.

Mr. WARREN. No; it would require $800,000, according to the testimony here, to be able to make more powder.

Mr. SWANSON. That is in time of peace?

Mr. WARREN. Yes.

Mr. SWANSON. Three per cent on the $500,000 is $15,000 a year.

Mr. HUGHES. I should like to continue my statement and get through with it. I did not yield to the Senator to make a speech.

Mr. WARREN. I beg the Senator's pardon. I will wait until he has concluded.

Mr. HUGHES. The Senator had better reserve his argument until the point is made.

Mr. President, with reference to the point made by the Senator from Virginia [Mr. SWANSON], I want to say to the Senator, once and for all, that I do not care what he says, a certain board of officers—the title of which I do not now call to mind—officers of the United States Government absolutely fix the price of this powder; that is all there is to that. The Secretary of the Navy, through his control of that board of officers, or Congress, if it so chooses, can, as it has done time and time again, fix the price at which this powder shall be purchased. The only question to be decided here is whether the Senate thinks it is a proper policy for the Government to engage in the exclusive manufacture of its own smokeless powder under conditions which would render it impossible for private manufacturers to exist. That is all there is to this question.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Maryland?

Mr. HUGHES. Yes.

Mr. LEE of Maryland. I ask the Senator from New Jersey if he does not know that the position of the Secretary of the Navy is that the Government, with this increase, will be able to make all the powder necessary for the Navy; but it will not necessarily make it all, depending, of course, upon the price that the powder concerns fix for powder? But the Government must have the whip hand. That is the position of the Secretary of the Navy; and I believe the Senator from New Jersey knows it.

Mr. HUGHES. And the Senator from New Jersey knows more than that.

Mr. SWANSON. Will the Senator from New Jersey permit me to make a suggestion?

Mr. HUGHES. Gladly.

Mr. SWANSON. This is the proposition of the Secretary of the Navy, and I do not want him to be misunderstood here: He says that for an expenditure of $500,000 we can develop the capacity of the powder plant we now have. The interest on the investment at 3 per cent is $15,000 a year. Now, if you give him the power to expend that amount of money, with interest at 3 per cent—$15,000—it will be possible to compel the Du Pont Powder Co. to furnish its half of the powder, and to furnish the Government at a reasonable price each year; because, if that company does not do so, the Government may make its own powder. It will have to do so. Until it has that power as to half the powder that the Government purchases, it will be completely at the mercy of the Du Pont Powder Co.

Mr. HUGHES. I decline to yield further to enable the Senator from Virginia to make a statement which absolutely contradicts the statement that I make, and for which I, myself, stand as authority. I will say now that I will leave the disposition of this whole controversy by the Senate upon that naked proposition; and I will leave it to any other member of the committee except the Senator from Virginia, if it be not true that a board of officers has the right to fix the prices at which the Government shall purchase powder?

Mr. SWANSON. The board can fix the price, but——

Mr. HUGHES. I said I would leave it to any other member of the committee except the Senator from Virginia, who has stated over and over again that that is not so, and that the price is to be fixed by the Powder Trust——

Mr. SWANSON. I did not make that statement.

Mr. HUGHES. I understood the Senator to make that statement.

Mr. SWANSON. I said that the price could not exceed the 53 cents; that the board fixed it; but the board has no place to get powder except from the Du Pont Powder Co. If it should offer 48 cents a pound and have the offer accepted, the Government would get the powder.

Mr. HUGHES. Then the Senator does admit that the price is fixed by the board of officers.

Mr. SWANSON. The price is fixed by the board of officers, but the board can not fix the price, because there is but one powder company.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Missouri?

Mr. HUGHES. Yes.

Mr. REED. The Senator from New Jersey made a statement with reference to the price of powder, and as he makes the statement, broadly, it is that the Government can fix the price. Of course I understand, as we all understand, that the Government can by law stipulate that it will not pay above a certain amount, and through any of these boards that it sees fit to appoint it may declare that it will not go beyond a certain amount. That is the Government's side of the contract. But does the Senator mean to say that, if by law or by the action of a board a price shall be fixed that is unsatisfactory to the private producers of powder, we could in any way compel them to deliver that powder at our price?

Mr. HUGHES. Of course the Senator from New Jersey knows that that would be impossible, and I do not think the Senator from Missouri is justified in taking up my time to ask me a question of that sort.

I can only say that the power and authority of the board of officers to fix the price of powder has no connection with the limitation of 53 cents. A limitation upon the price of powder is occasionally put on by Congress; it has been put on two or three times in my memory; but whether that is done or not, the authority of the board of officers continues; and this board of officers is charged with the duty of saying what price the Government shall pay for this powder; and it has never yet happened that the powder manufacturers have failed to furnish powder at the price fixed.

Mr. SWANSON. If the Senator will permit me there, the Government fixes the price at 53 cents; that is what they do now.

Mr. HUGHES. But Congress put the limitation on the naval appropriation bill.

Mr. SWANSON. If the Senator will allow me, I have just said that Congress fixed the price at 53 cents.

Mr. HUGHES. Well, Mr. President, I should like to be given an opportunity to make my statement.

Mr. SWANSON. That is the price paid.

The VICE PRESIDENT. The Senator from New Jersey refuses to yield further.

Mr. HUGHES. Within my recollection Congress has, by way of limitation on an appropriation bill, provided that no part of the money appropriated therein should be expended for powder in excess of the price of 50 cents a pound, or whatever the price was. The board of officers could under that legislation say that a fair price between the Government and a private manufacturer would be 30 cents a pound. Their authority does not depend upon that appropriation bill. That board was in existence and was doing its work year after year when there was no legislation limiting the price which the Government could finally pay. So we find ourselves in the position that the Government is in active competition with private individuals, is making about one-third of its own powder supply, has the right to fix the price, has always fixed the price, and has brought the price down almost every time it has fixed it, and yet powder has always been furnished. So that so far as we know it can go on indefinitely saying precisely at what price this private concern should furnish powder to the Government.

Now we are asked to engage in new construction involving half a million dollars. In the hearings those who are asking for this appropriation for new construction say that with it they will be able to manufacture all the smokeless powder that the Government can use. I want the Senate to decide the question; I should like to have it submitted to the Senate; I do not want to take any advantage; and if the Senate thinks that it is the proper policy and the proper thing to do I want it to have an opportunity to say so, and therefore, so far as I am concerned, I will not insist upon the point of order. I should prefer to have the question submitted to a vote of this body for them to say whether or not they think it is a wise governmental policy to engage in an industry of this kind to such an extent that it means the exclusion of private individuals.

That is all there is to it. I have been on the other side of this proposition. All my life I have been insisting that the Government should go into various lines of business with the object of furnishing competition against private manufacturers

who enter into combinations and force up prices to the Government, but I have never contemplated such a policy being carried so far as to make the Government the sole manufacturer or the sole entity carrying on any particular line of industry.

Mr. SMITH of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the senior Senator from Maryland?

Mr. HUGHES. With pleasure.

Mr. SMITH of Maryland. If the Senator will allow me, I should like to say that prior to the Government entering into the manufacture of powder the price paid by the Government was fixed by the parties who manufactured it, and was only reduced by the fact that the Government did go into the manufacture of powder.

Mr. HUGHES. The Senator is absolutely mistaken. I thought he wanted to ask me a question——

Mr. SMITH of Maryland. I am not mistaken; it is the absolute fact. So far as I am concerned, I do not think that the Government ought to manufacture all the powder which it may require, but there ought also to be private manufacturers, or corporations, if you please. At the same time, however, I do say that it is necessary to have some competition in order to get the powder at a proper price. That is the object of the provision here. The amendment does not provide for a new building, but only for an extension of the present plant in order to increase its capacity.

Mr. HUGHES. I decline to yield further. I thought the Senator wanted to ask me a question, and not to argue the matter in my speech.

Mr. LEE of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the junior Senator from Maryland?

Mr. HUGHES. For a question; yes.

Mr. LEE of Maryland. Do I understand the Senator from New Jersey to have withdrawn his point of order and to be arguing upon the merits of the amendment?

The VICE PRESIDENT. The Chair does not understand whether or not the Senator from New Jersey has withdrawn the point of order.

Mr. HUGHES. I will say, Mr. President, as I said a while ago, that I have no desire to have this question decided on a technicality. I think the Senate has a right to pass upon the merits of it; and, for that reason, I withdraw the point of order, in order that the matter may be submitted on its merits to the Senate.

Mr. VARDAMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. HUGHES. I yield to the Senator from Mississippi.

Mr. VARDAMAN. I want to ask the Senator from New Jersey if he has the data by which he could give me the difference in the cost to the Government of manufacturing its powder and buying it from an independent manufacturer?

Mr. HUGHES. I will say, yes. I can give the Senator the figures furnished by the Secretary of the Navy. The Secretary of the Navy says that, wages and materials alone computed, the cost of making powder is 38 cents a pound. I repeat, that is the estimate for wages and materials alone. I confess that I am unable to say to what extent the overhead charges of making powder will add to the cost. My experience—and I live in a powder-making district——

Mr. SWANSON. Mr. President——

Mr. HUGHES. I decline to yield.

Mr. SWANSON. The Senator is making a mistake——

Mr. HUGHES. Well, let me finish my statement. I have not been able to finish a sentence since I started. I will say that I come from a powder-making district, and I know that a great part of the charges in powder-making plants are overhead charges. The cost of occasional explosions does not, as I understand the Secretary of the Navy, figure in the cost at which he arrives for making powder. That you would call insurance, I presume, and it must be an extremely large item. Coming, as I have said, from a powder-making district and knowing the frequency with which explosions occur, it seems to me that the cost of insurance alone must be a tremendous item; but the Secretary of the Navy, as I understand him, says that he makes no allowance for the value of the land, that he makes no allowance for the value of the buildings and for various other charges which private individuals have to pay, those items in the case of the Government being paid for out of other funds. Consequently, it is extremely difficult to arrive at a proper basis of comparison as to the cost of making anything that the Government makes, with reference to a private individual engaged in the same line. It can be done; but no honest effort has ever been made, so far as I know, until a few weeks ago, to find out what should properly be included in the cost. The Secretary of the Navy has made an attempt to learn what should properly be charged against battleship construction as overhead charges——

Mr. VARDAMAN. Mr. President, I desired to ask the Senator—he has partially answered the question—if the Secretary of the Navy, in his investigations, has made any statement as to the saving to the Government by manufacturing powder for itself?

Mr. HUGHES. The figures of the Secretary of the Navy show that he can make powder for 38 cents, but he admits, at least he said to me, that the charges to which I have referred were not included. I asked him the question, because I am as much interested in it as he is, and I have been interested in it a good deal longer than he has; but it sometimes happens that a new convert is more zealous than an old believer, and I fear that perhaps he has been carried beyond the point of safety in his zeal. I said, in answer to the Senator's question, that the Secretary states that powder is made by the Government for 38 cents, figuring only wages and material. Of course, nobody else can make it on that basis; but suppose he comes to the conclusion by the use of the intelligence of men expert along accounting lines that because he makes it at 38 cents, figuring the things that he does figure, a private individual ought to make it at 40 or 45 cents, figuring the things that should be figured in his case. He can fix the price at that point; he can make a reasonable allowance for profit; and he can keep these men in business, which is something I regard as vital.

I feel that way with reference to the construction of battleships; I feel that way with reference to the construction and manufacture of armor plate and all the other things the manufacture of which is in the hands of a few corporations, where it is easy for them to combine and where they make a product which the Government must have.

Nobody seems to be worrying much about the fact that we are mulcted millions of dollars each year on the price paid for armor plate. That is a matter of common knowledge; everybody knows it; hardly anybody can be found who will deny it. I know it myself to be so with reference to gun casting. It was formerly so to a greater extent than it is now with reference to battleships. Nobody is worrying about all these things, but there seems to be a whole lot of solicitude at this time with reference to this one particular item, although the Government is better equipped to protect itself in this case than in any one of the others.

Mr. VARDAMAN. Mr. President, does the Senator think that the addition to this Government plant would drive private enterprise out of the business?

Mr. HUGHES. I do; and that is what I want to lay before the Senate. That is the only object of this discussion. Admiral Strauss said that this money would enable him to build new construction enough to manufacture all the smokeless powder that the Government could use each year; but he admitted that if an emergency arose he could not meet it; and then, he said, he would rely upon private manufacturers. But a private manufacturer who has established a plant for the purpose each year of supplying powder to the Government, if he sees the Government constructing a plant big enough to make all of its own powder is likely to turn his attention in the direction of making some other kind of powder. The logical and natural result of this policy is the extinction of the manufacturer, so far as the making of smokeless powder is concerned.

That is the naked question that is presented to the Senate, whether we should rush heedlessly into a position involving an expenditure of half a million dollars in order to carry a policy beyond the point it was ever dreamed it would be carried—beyond the point of furnishing fair competition, beyond the point of defending the Government against the exactions of combinations of private individuals, and to the point of giving the Government itself a monopoly.

I am not going to contend, of course, that a Government monopoly is as offensive as a privately controlled monopoly. I do not believe it is. I do not see any particular wrong, as a matter of public policy, in a governmental monopoly. But I do believe—and I think the observation of every Member of the Senate will bear me out—that there are certain faults attaching to a private monopoly which will follow in the case of a public monopoly. I believe it will stifle enterprise; that there will be no rivalry, no competition. Government servants who are paid fixed salaries will be in charge of the manufacture of smokeless powder. As I said awhile ago, powder manufacturing is a developing science or process. The price of powder has gone down from eighty-odd cents a few years ago to 53 cents now.

has paid more for rough castings than it would be necessary to pay in order to obtain the finished product.

We have now at the Washington Navy Yard, as I said awhile ago, skilled mechanics, working fair hours, getting leave and reasonably fair wages, and we are called upon to stand back in admiration of the cost at which the work is being done. Nobody tells us what the basic raw material has cost us and how much private individuals have overcharged us on the rough castings for a gun which we can not make, and which no attempt is made to make, for the Government itself.

There is no reason on earth why there should not be a foundry over at that yard. There is no reason on earth why there should not be foundries enough to enable the Government to check combinations of private gun manufacturers.

The same thing is true with reference to armor plate. I am not criticizing the committee. Of course, I understand the committee is doing the best it can. I understand that the proposition to establish a plant was looked on with favor in another body, but that it was regarded as inadvisable to go into it at this time. Something like $7,000,000 was needed to start an armor-plate plant, and the reasons for not attempting it now were probably sufficient. I am not quarreling with the committee. I am simply pointing out the situation that exists here. Here we have competition. We have the Government making one-third, at least, of the smokeless powder that it uses, and now this proposition contemplates making it all. At the same time the committee looks with equanimity upon this other situation under which the Government is absolutely held up by gun casters or molders and the armor-plate makers.

I am indifferent as to what the Chair does with reference to the point of order. As I have said, I have a sort of selfish interest in the proposition. Nearly all the smokeless powder that is sold to the United States Government is made in the county of Passaic.

Mr. WILLIAMS. Will the Senator pardon me just a moment for a question for information? What page of the bill is it that the Senator thinks gives the monopoly to the Government?

Mr. HUGHES. It is on page 26, line 12. I have contended always that the Government should engage in certain industrial activities in order to protect itself against combinations and monopolies. It should engage in the construction of battleships, and it has engaged in the construction of battleships. It should engage in the manufacture of armor plate, and I hope it will engage in the manufacture of armor plate. It should institute foundries in order to help the Government escape the exactions of the combinations of men who cast these guns. I have voted every time I had the opportunity to enable the Government to enter into the manufacture of powder, and the Government did engage in the manufacture of powder, and is now making about one-third of the smokeless powder that is consumed.

In addition to that, time after time Congress has limited the price of powder, and the Senate can now, by way of limitation, fix the price that the Government can pay. Not only that, but there is a board of officers of the United States Government who can fix to a penny the price that the Government will pay for this powder.

So I regard the policy of the Government in going into the business of making powder to such an extent as will necessarily drive every private individual out of it as being a policy of doubtful expediency.

As I said, the amendment may not be subject to a point of order. I am inclined to think it is, and I am sure that if it is not I can have a lot of amusement in the future on general appropriation bills.

I merely wanted to state to the Senate how I feel about this general proposition. The Secretary of the Navy says he does not desire to acquire a monopoly of powder making but that he wants to have the whip hand in this controversy. For the life of me, I am unable to see why he has not got the whip hand now, making a third of the powder, knowing precisely what it costs, and, under the law, having the right to fix the price.

Mr. SWANSON. If the Senator will permit me, I will explain it. The bill appropriates for the purchase of 3,811,000 pounds of powder. It is estimated that the Government will make by building its own powder factory 2,500,000 pounds, which would leave about 1,300,000 pounds to be bought of the Du Pont Co.

Now, there is no other buyer for the powder. The Government is compelled to have it, and can not get along without it. Suppose the Government, having no one else to buy it from, is compelled to pay the price of the manufacturers, subject to the limitations fixed by Congress, which is 53 cents a pound?

Mr. HUGHES. The Senator is mistaken about that.

Mr. SWANSON. Who else buys it?

Mr. HUGHES. The board of officers fix the price.

Mr. SWANSON. The board of officers do not fix the price. The statute says that they can not pay in excess of 53 cents a pound.

Mr. HUGHES. Exactly, and as much less as it can be purchased for.

Mr. SWANSON. But one person can furnish the Government the Du Pont powder. This appropriation of $500,000 will enable the Government to equip the Government factory, and when the Government comes to buy the one million and a half or two million pounds of powder, if the private manufacturer charges too much for it we can proceed in the Government factory to make it.

In the testimony before the committee it is stated that with this appropriation of $500,000 we would not then be at the mercy of the Du Pont Co. for the amount of powder needed for the Government.

I should like to say in this connection that the Government makes this powder at 40 cents. That includes overhead charges, and 3 per cent interest on the investment; and it pays 53 cents, which is 13 cents lost to the Government.

Mr. WILLIAMS. Mr. President, with the consent of the Senator from New Jersey, I should like to ask the Senator from Virginia [Mr. SWANSON] a question. If I understood the Senator, he said that the limitation in the bill was 53 cents and that the Government made powder at 40 cents. Then, why do you not change the limitation and provide in this bill that the Government shall not pay over 43 cents?

Mr. SWANSON. The only reason is that you are absolutely at the mercy of the Du Pont Co.

Mr. WILLIAMS. Then you would not be at their mercy.

Mr. SWANSON. They would not sell it; you would be at their mercy. You must have powder to arm your ships, in the first place. As soon as a battleship is constructed it is armed and its munitions are furnished. The law requires it. That is fixed. If you have not some way to get powder, the ship is absolutely useless. So the only way you can compel them to sell for a reasonable price is for the Government to be able to make all the powder that it wants.

Mr. WARREN. Does the Senator from Virginia think, with this proposed addition, that in case of war with a foreign country the powder mills would be able to furnish the amount of powder needed?

Mr. SWANSON. They think so.

Mr. WARREN. Who thinks so?

Mr. SWANSON. The Secretary of the Navy thinks so.

Mr. WARREN. The ordnance officers here think right to the contrary.

Mr. SWANSON. They think that in case of an emergency, a great war for a prolonged time, the Government should have the power to manufacture all the powder it needs; but the Secretary of the Navy states that he does not purpose to do so; he thinks the powder plant of the Du Ponts should continue, and that the Government should be able to manufacture all the powder it needs annually on a peace basis so that it could compel the powder manufacturers to make contracts at a reasonable price.

Mr. WARREN. Mr. President, would the Senator desire to have the Du Ponts and others continue their concerns, so that in case of war we would be able to purchase powder?

Mr. SWANSON. The Secretary of the Navy states that he desires them to continue; that he has no purpose of putting them out of business; that the only contention he has is as to the price paid. It is utterly impossible for the Government to get powder at a reduced price unless the Government is in a position so as to make the powder. In his testimony, as stated by the Senator from New Jersey, the Secretary of the Navy says this is the only way in which we can obtain powder at a reduced price.

Mr. WARREN. I am quite familiar with all that has heretofore passed as to the Du Ponts. In the time of the Spanish-American War we had many contracts with them, and the Government reduced the price 3½ cents a pound without even a requirement of law at all. I hold no brief for the Du Pont people; but I do want to see some portion of this powder made by somebody else besides the Government, so that the machinery may be in existence when we get into a war in order that we may be able to purchase some portion of the powder; for, as the Senator knows, powder is contraband. We could not buy a dollar's worth of powder from another country as soon as we are at war with any foreign power. Whatever may be necessary for a powder plant we may provide, but I think the Senator should not take the ground that the Government is going to undertake to make all of its powder, because, first, it would require a plant costing many millions of dollars to do it, and,

monopoly of the manufacture of powder and shut off private competing manufacturers from competition with it as it would be for private individuals to have a monopoly of making powder.

I have a peculiar interest in this matter, inasmuch as the powder which is furnished to the Government is manufactured in my home county. Six or seven million dollars' worth of property is located in that county in factories owned by the Du Pont Powder Co., which is used exclusively in manufacturing smokeless powder for the Government.

As I said, despite that fact I have been one of those interested in the movement to have the Government come into competition with the private manufacturers of powder. But this proposal means that we are to extend Government manufacture to the absolute exclusion of private manufacturers. I am firmly convinced that in the manufacture of powder, which is a progressive art or science, it would not be a good thing for the Government alone to be interested in its manufacture. I think the competition of private individuals would be as good for the Government as the competition of the Government would be good for private individuals.

Mr. O'GORMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from New Jersey yield to the Senator from New York?

Mr. HUGHES. Certainly.

Mr. O'GORMAN. I wish to ask the Senator a question. Is it not a fact that it has been claimed and is claimed now that the Government is paying from 33 to 40 per cent more for the powder which it purchases than it would cost the Government to produce it?

Mr. HUGHES. I will say to the Senator that something like that is claimed, and it may be true.

Mr. O'GORMAN. If that be true, is not that the all-sufficient reason why the Government should make its own powder rather than patronize even an American manufacturer who charges the Government from 33 to 40 per cent more than the price at which the Government itself can produce the powder?

Mr. HUGHES. I will say to the Senator, and I might as well say it now as at some time later, because I have no doubt that I will be charged with inconsistency before we get through with this and one or two other bills, that this is my notion as to what should be done in all these matters: I think, and I have thought for years, that the Government should be engaged in the manufacture of armor plate and should make its own armor plate. I have thought for years that the Government should have a foundry for the casting of big guns. The Government does not cast any guns, although it is a matter of record——

Mr. SWANSON. The Senator is mistaken. The Government does cast big guns.

Mr. HUGHES. They have not the proper foundry facilities.

Mr. SWANSON. The Government casts a 14-inch gun at a cost to the Government of $60,000 and private individuals charge the Government $79,000 for such a gun.

Mr. HUGHES. Where is this?

Mr. SWANSON. Here at the navy yard.

Mr. HUGHES. How long has that foundry been in use?

Mr. SWANSON. For some time.

Mr. HUGHES. Not for some time.

Mr. SWANSON. It has cast 10 guns there.

Mr. HUGHES. I will not question the Senator's information, but I will say that for a number of years the Government did not have a foundry, and there are cases in the record from which it can be demonstrated that the Government was habitually charged more for castings than it would have been compelled to pay for the finished guns. In other words, while the Government was maintaining an expensive plant and equipment for the purpose of finishing guns from the rough castings the private concerns that made the rough castings charged them more for those castings than they would have asked for furnishing the finished guns.

My notion about all these things I will state as briefly as I can for the information of the Senate. I think the Government ought, and I have done my best to put the Government in a position where it could, build battleships, not that I desire the Government to build all its own battleships. I would be against that proposition, because the people of this country would not stand for the vast expenditure necessary to equip yards and appropriate money sufficient to handle the new construction called for by the naval program each year. And if it were done, naturally every private concern engaged or interested in the building of battleships would go out of business, and while the Government would be able to build the ships needed in ordinary times, when an emergency arose and it was necessary to prepare for war the Government would find itself with no private yards in which to have them built.

I think that would be a bad situation. I think the Government should have well-equipped yards to enable it to compete. The result of that policy has been that where private parties took seven or eight years to build battleships the Government has demonstrated at its own navy yards that they can be built in three years. The Government also demonstrated, although laboring under the handicap of shorter hours and a leave system, that ships can be built at much less cost in Government yards than private manufacturers were charging, and we checked the extortions of the combined private builders of battleships in this country by this Government competition.

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Will the Senator from New Jersey yield to the Senator from Pennsylvania?

Mr. HUGHES. Certainly.

Mr. OLIVER. The Senator stated that the Government had demonstrated that it could build battleships cheaper in a navy yard than they could be built in private yards.

Mr. HUGHES. I did not say that.

Mr. OLIVER. Then I misunderstood the Senator.

Mr. HUGHES. I did not say that, but I think it comes very nearly being true. However, that is another question which will probably come up later.

Mr. OLIVER. I thought the Senator said that the Government had demonstrated it could build battleships more cheaply in navy yards than in private yards, and I was just going to ask——

Mr. SWANSON. Mr. President, I should like to give the Senator some information. The Government is now building a 14-inch gun. Admiral Strauss, who has charge of it, says that they are now building a 14-inch gun at the Washington Navy Yard and that they are going to build 20.

Mr. HUGHES. They have done that for years. I am not talking about building guns. I am talking about the rough castings made in a foundry.

Mr. SWANSON. The Government can construct the gun for $60,000 and it buys them for $79,000.

Mr. HUGHES. The Government buys these rough castings from private individuals, and unless the situation has changed recently it paid more for the rough castings than it probably would have had to pay for the finished gun. I have contended that we should have a foundry, and I think I am justified in saying that the Senator from Virginia is mistaken when he says that they have a foundry at the Washington Navy Yard. It does not seem possible that that can be so or I would have known of it.

Mr. SWANSON. I will read what Admiral Strauss says.

Mr. HUGHES. The Senator has read it, and I agree with it, but that has nothing to do with this case.

Mr. SWANSON. It is stated here by Admiral Strauss:

> It costs us to manufacture a 14-inch gun at the Washington Navy Yard $60,145. The last bids from the Bethlehem and Midvale steel companies for the same work were $79,800 for the first-named company and $79,200 for the second, but these bids were not accepted. The cost at the Watervliet Arsenal is $61,000.

Mr. HUGHES. The rough castings the Senator is speaking about were probably purchased from private individuals. I do not say that in every case the charge for the rough castings——

Mr. SWANSON. I am not discussing where they get the materials from, but what I insist——

Mr. HUGHES. That is all I am discussing.

Mr. SWANSON. It costs the Government $60,000 for every gun it manufactures in its own navy yard.

Mr. HUGHES. That is all I am discussing. I am not discussing anything else. I said that there are instances on record where the Government has paid more for rough castings than it would have had to pay for the finished gun. They have taken the rough castings over to the navy yard and put skilled mechanics on that work for months and then they have figured the cost.

Mr. SMITH of Georgia. Will the Senator state what those instances are, so that we can know them, because if the Government has been paying more for rough castings than for finished guns it ought to be stopped. If that is going on now, the statement by Admiral Strauss seems to be very misleading.

Mr. HUGHES. If the Senator will permit me to make my statement and do me the courtesy to address the Chair and ask me to yield, I will be obliged to him.

I will say to the Senator that that statement has been made over and over again. I do not know whether it is true now or not, but there are individual instances that can be cited, and it can beyond question be demonstrated that the Government

The Panama Canal before it is ready for service will cost the United States more than three times as much as the Suez Canal cost its stockholders; so, with equal tonnage, which we will not likely have, and the same expense of operating, this Government would have to charge three times as much. But even on a much smaller tonnage estimate, according to the report of traffic experts, the Panama Canal would pass through its locks 10,500,000 net tons, whereas the Suez Canal passed in round numbers 16,582,000. Now, this Government proposes to charge only $1.20 per net registered ton. It takes no financier, when considering the cost of construction and upkeep, to determine that the rates fixed by this Government are extremely reasonable; besides, there is no charge for passengers passing through the canal.

It has even been contended in this Chamber that as we will be unable to pay for maintenance and upkeep ($6,000,000) and the guarding and policing the fortifications ($10,000,000), we should not only allow free tolls to our ships but subsidize the ships of all nations to the extent of the tolls that the United States would collect. As Proctor Knott once said in a notable speech—commonly known as his "Duluth speech"—delivered in the House of Representatives in 1871, where the bill sought that the Government donate large tracts of land to build a railroad to Duluth, that his relation was only a "trustee to an express trust." That is the relation we sustain to this canal, and we have no right, in order to save to our coastwise shipping interests about $1,000,000 annually, to donate about $10,000,000 out of the hard earnings of the masses of the United States to the nations of the world. Yet, as a matter of right, I hope to be able to show that we are not in a much better position when we undertake to extort from all the people in order to give the few in the trade constituting, if I am to believe what has been stated in this Chamber, a great monopoly—a trust, if you please; that more familiar word in legislation and political parlance.

I expect to show that the coastwise trade has in a sense been a legalized subsidy for nearly a hundred years—worse than a subsidy, for, without regulation under the Interstate Commerce Commission, they have charged everything the commodity carried would bear without let or hindrance, or without fear on the high seas of any competition, for no nation on earth save the United States can engage in our coastwise trade, and who can this prohibition hurt, and I ask this question for the benefit of those who have said on this floor it was not for the people engaged in coastwise shipping they were concerned, but for the dear people—the masses who consume these products that were shipped in under free tolls. But I will illustrate with a concrete example and let those contending for free tolls answer my contention.

For the sake of this illustration I will take a coastwise vessel passing from New York to New Orleans, and will say the charges on this vessel are $3 per ton, but if our coastwise shipping was open to all nations the same commodity could be hauled at $2 per ton. Now, according to the arguments made on this floor for free tolls, the people generally would receive in the reduced price this difference of $1 per ton. But the people do not get it, and in a form it is a clear subsidy to our coastwise vessels; and neither would the people get the other subsidy, the $1, I will say for the sake of this argument, allowed for free tolls through the Panama Canal. This, I claim, is worse than a subsidy, for the United States clearly discriminates between coastwise vessels passing through the canal and those not going through. Let me illustrate by taking the vessels sailing under the United States flag and all bound for New Orleans.

One, I will say, is a coastwise vessel from New York, the second a coastwise vessel from San Francisco, and the third a vessel from the Orient flying the American flag.

It is quite clear to the minds of all that the coastwise vessel from San Francisco enjoying free tolls has $1 per ton differential over the vessel flying the American flag from the Orient, and as all vessels passing through the canal except coastwise vessels pay tolls, it necessarily gives the vessel from San Francisco advantage over the New York vessel, for the $1 per ton is a clear subsidy, as no vessel is allowed it except the one from San Francisco. The Government is not only subsidizing coastwise vessels passing through the canal—amounting, as I have already shown, to a double subsidy—but she, in allowing coastwise ships to pass free through the canal, is accomplishing what we have tried to prevent so long, driving ships that float the American flag from the high seas.

I want those who advocate free tolls, and are as a consequence so deeply moved in their efforts to advance the interests of the people suffering for the want of free tolls, to turn their attention to another thing that might really help the people in the United States. The vessels from any land may bring the products of their countries into our ports, and having landed them here, it may be, free, if there be no tariff, they can pass through free on the subsidized vessels. These foreign products come into the United States, and if they should be transferred in any of our ports they go through the canal free, yet our American vessel, flying the American flag—or any other vessel, as to that, from any other country on earth—must pay the tolls.

But I must pass to the consideration of another branch of the question of free tolls. Failing in cutting a canal through the Isthmus of Panama, it was once the dream of the people that a great railroad on the leviathan order might be constructed over the Isthmus so that a ship and cargo might be transported without breaking bulk. Suppose this beautiful dream had been realized, would the advocates of free tolls be here asking for free passage across the Isthmus of Panama on this titanic railroad? The railroad would not have cost as much as the canal, and the request made of the United States would have been just as reasonable. And, furthermore, it would be just as reasonable for the Government to own all the transcontinental railroads and give free passage, and to give free passage on the railroad in Alaska the Senate recently voted $35,000,000 to construct. Oh, when and where will this paternal doctrine find its limit! It will, perhaps, come when there is a higher order of created human intelligences, when the millennial dawn shall break upon the world, peace and good will reign forever, and, under the benign and beneficent influence of good government, the ethereal state of man will come when there is no more work. Considering the way this Government is drifting, that would be the result, if the money should only hold out.

Now, I wish briefly to refer to the transcontinental railroads, which, if we are to believe much that is said about them, if blotted from the map, the country would be better off.

I think, after all, there is some good in them. They may have done wrong, and, as long as they are owned, controlled, and run by men, they will do some wrong in the future. But they are not entirely engines of oppression. They may have extorted from the people when they should have let the people keep something of what they took. We are all too prone to look at the business of others through glasses other than our own.

Now, let us consider what the United States would be without railroads. Along the Pacific and Atlantic Oceans, the Gulf of Mexico, and the navigable streams, lined with green-fringed borders in a high state of cultivation, there would be beautiful and attractive homes and lovely cottages; but back of all these beauties and charms that contribute so much to man's happiness and comfort would be the wilds for the Indians and the deer.

We have an Interstate Commerce Commission, whose duty is to see that all these railroads are run in accordance with the laws made and provided for their control. They were taxed to build the Panama Canal, and naturally they would be unwilling for competitive vessels to be allowed to pass free through the locks. The law is such that they can not own vessels to work in conjunction with their lines and pass through the canal.

Railroads are great developers in a country, and sometimes, I think, they are too much abused. The public is too apt to get the impression that only the wealthy are the stockholders. This is a grievous mistake, and I will illustrate by taking the Pennsylvania Railroad, which on April 1 of this year had 89,602 stockholders; 43,158 of the number were women, and the average holdings of all the stockholders were 111 shares each. This shows conclusively that the stock was pretty well distributed, many people, no doubt, of moderate means holding it purely as an investment. Let them be controlled but not oppressed, and the country will fare better. Do not take from them and give to an already subsidized coastwise shipping monopoly.

It has been pretty well settled in the discussion that, taking the Isthmus before the construction of the canal, vessels landing at either side with freight must discharge the cargo, load it on cars, cross the Isthmus, and load into the waiting vessel. This requires an average of 12 days and costs $3 per ton, and all nations, including the United States, are on terms of entire equality. It is said by the experts the average toll per ton will be 60 cents. Now, the vessel has saved an average of $2.40 per ton and 12 days consumed in this transfer, and will make the trip from New York to San Francisco in less time than freight over the transcontinental lines. They will not be competitive in the way of terminal freights, but, as they must live, the cities not on navigable streams will have higher rates.

It should be well understood that unless the Government in regulating rates permits a margin for profits there will be no more railroad building in this country unless the Government enters the business.

Now, I wish to show we are not dealing with our neighbor, Canada, on terms of entire equality.

Take two vessels, one leaving Seattle and the other a Canadian vessel leaving Vancouver, both bound through the Panama Canal for points on Lake Erie. Our coastwise vessel passes through the canal free and the Canadian vessel pays the tolls. They both pass through the Welland Canal in Canadian territory on terms of entire equality and discharge their cargoes at Buffalo, or some other point on Lake Erie. Thus it would seem to an unbiased mind that the Canadian vessel was discriminated against to the amount of the tolls through the Panama Canal. It is too obvious that Canadian transcontinental railroads are discriminated against for me to pursue the matter further.

I wish to say, further, when the United States decides she must, in order to promote the welfare and upbuilding of this great country, take over all public-utility corporations, she but adds another to the threatened dangers now menacing this Republic.

That was rather a sad view the Senator of New Hampshire [Mr. GALLINGER] took of the situation a few days ago when he had incorporated in the RECORD the declaration of another that in order to maintain the rights of the people of a certain class they would burn, murder, and commit other violence to secure their rights. They seem to forget that the courts of justice in this country are open for the trial of causes where the law has been violated. Yet I wish to say in passing—and I trust I do not take a too pessimistic view of the situation—unless this Government does something to keep from our shores by more rigid immigration laws to exclude the vile, nubridled, and uneducated people, who subsist on from 5 to 10 cents per day, then the pictures now painted in the newspapers of the horrors, desolation, and suffering in the coal mines are mild in comparison with the lurid conditions the future holds in store for us. Let us hope by wise legislation there are better conditions awaiting this country; but we can not properly assimilate such numbers so much unfitted for the laws of our land, and we should hold in mind that unrestricted immigration is the fitad of many of the woes of this country, and there should be some check by legislation to it.

In conclusion, Mr. President, I desire to say this great Nation should not be characterized by illiberality in arrogating unto itself the right to decide in favor of free tolls for the coastwise vessels of this country against the views of so many of her own eminent statesmen and diplomats, as well as almost every civilized nation of the earth. The high purpose in the life of a great nation, as well as that of an individual, should be to do right; and thus established the United States would still remain in the forefront for international peace and the universal brotherhood of nations. But take the other course, and the furies of the commercial world may be turned against us in our onward and upward march to a still higher destiny, and God grant we may never realize the ominous picture of Story, America's great publicist and expounder of the Constitution, when he says of this great Republic:

> The fabric may fall at last, for the work of man is perishable and must forever possess inherent elements of decay.

She could well afford to adopt what the great Senator, Ben Hill, of Georgia, said on the floor of this Senate:

> Sir, there is but one patriotic course for men to pursue in the high position of this country. Call back, if you can, the people to an honest, renewed recognition of the obligation of contracts and of covenants. Teach the present generation, teach all generations, that implicit fidelity to obligations, fidelity to constitutional obligations, and fidelity to contract obligations, through all trials at any cost, is the purest religion, the wisest statesmanship, and the highest patriotism.

We should on this occasion, when our national reputation for fidelity and obligation to contracts is at stake, ponder fittingly these lofty utterances.

Mr. WARREN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hughes	O'Gorman	Smoot
Brady	James	Oliver	Stephenson
Brandegee	Johnson	Overman	Sutherland
Bristow	Jones	Page	Swanson
Bryan	Kenyon	Perkins	Thomas
Burton	Kern	Pittman	Thompson
Catron	La Follette	Pomerene	Thornton
Chamberlain	Lane	Ransdell	Tillman
Chilton	Lee, Md.	Robinson	Walsh
Clapp	Lewis	Saulsbury	Warren
Cummins	Lodge	Shafroth	Weeks
Gallinger	McCumber	Sheppard	West
Gore	Martin, Va.	Shively	White
Gronna	Martine, N. J.	Simmons	Williams
Hitchcock	Myers	Smith, Ga.	Works
Hollis	Norris	Smith, S. C.	

Mr. MARTINE of New Jersey. I was requested to announce the absence of the Senator from Arizona [Mr. SMITH] on official business.

Mr. WHITE. I wish to announce the absence of my colleague [Mr. BANKHEAD] and to state that he is paired with the junior Senator from West Virginia [Mr. GOFF]. This announcement will apply to any roll calls throughout the day.

The VICE PRESIDENT. Sixty-three Senators have answered to the roll call. There is a quorum present.

NAVAL APPROPRIATIONS.

Mr. THORNTON. I ask the Senate to proceed to the consideration of House bill 14034, the naval appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14034) making appropriations for the naval service for the fiscal year ending June 30, 1915, and for other purposes.

Mr. THORNTON. Mr. President, at the time the consideration of the bill was left off yesterday afternoon all the committee amendments reported to the bill itself had been passed on, except two. The first of those, passed over by request of the Senator from New Jersey [Mr. HUGHES], is on line 14, page 26:

> Naval proving ground, Indianhead, Md.: Toward extension of powder factory, $500,000.

I understood that possibly the Senator from New Jersey would move to strike out that amendment on a point of order. I wish to say in advance, before the point of order is made, while I do not know the exact ground on which it is to be made I do not believe there is anything under the Senate rules which would justify the exclusion of the amendment on a point of order, because it is not new legislation, it is not general legislation, and it is not an amendment offered on the floor without having been passed on by the committee or without having been recommended by the department. All those factors have been complied with. It is simply, as stated, an extension of an existing powder factory, which has been in operation since 1898, and from time to time additional appropriations have been made so as to increase its utility.

The department is very urgent in its insistence that this provision should be inserted in the bill, because it considers it to be vitally necessary from the standpoint of economy and from the standpoint of efficiency, and particularly at this time, when there may be occasion for a speedy demand for smokeless powder.

I think for the reasons I have stated the point of order would not lie, if it is made by the Senator from New Jersey.

I now ask that the amendment be taken up.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the committee.

Mr. HUGHES. Has the point of order been decided?

The VICE PRESIDENT. None has been made, the Chair understands.

Mr. HUGHES. The point of order was made on the amendment.

The VICE PRESIDENT. What is the point of order?

Mr. HUGHES. The point of order is that it is general legislation.

The VICE PRESIDENT. What general legislation?

Mr. HUGHES. General legislation proposed on an appropriation bill.

The VICE PRESIDENT. But what is general about providing for the extension of a powder factory?

Mr. HUGHES. That is general.

The VICE PRESIDENT. The Chair makes the inquiry.

Mr. HUGHES. That, in my opinion, is general legislation. It is not private, special legislation.

Mr. President, I will say that my object in making the point of order is to elicit information in reference to what is desired to be done in this connection. For a number of years I have been a proponent of the proposition that the Government should enter into competition with private powder manufacturers, so as to protect itself in the matter of fixing prices for powder. I was prominent in the legislation which brought that condition about. At one time there was a monopoly in existence in this country, and the Government had to pay any price the manufacturers chose to exact; but that situation has now changed. The Government has appropriated from time to time $1,300,000, as I remember, for the construction of powder works, so that we are now engaged in making something like 3,000,000 pounds of powder a year. The proposed new construction provided for in this amendment would result in the Government making all the powder it needs.

I was of the opinion, and I am still inclined to the opinion, that it would be nearly as bad for the Government to have a

to another. It is to be observed that the change of conditions | advanced. Confident and reiterated predictions, as we all know,

the matter of free tolls, touching almost every feature of this | Col. George W. Goethals, and others corroborate the men who

were actively engaged in the negotiations leading up to the signing of this important treaty.

It seems to me that all this array of indisputable testimony should establish beyond any sort of peradventure that free tolls through the Panama Canal were never contemplated or mentioned by either of the signatories to the treaty. It is true some of the Senators in their arguments in favor of free tolls have advanced quite a number of German authorities in the endeavor to establish their contention. While Germany is noted for her men of erudition and broad scholarship—her great lawyers and publicists—her position, when it comes to passing upon the rights of the British Government, should be considered in connection with the attitude she has sustained toward England for many years.

Both of these great nations would feel easier were they further removed from each other, and it is rather natural that, ancient enemies as they are, Germany does not want England, with her great merchant marine, to occupy any vantage ground, so a jealous, selfish interest may have something to do in shaping the legal diplomatic opinions that emanate from her great writers on treaties and international law.

It hardly seems necessary for me to go into the discussion—any more than to merely mention it—of the Hay-Pauncefote treaty with such weight of authority establishing conclusively to my mind its entire equality to all nations—preferring none. Admitting, however, my limited knowledge as to the construction of the treaties and treaty rights, I shall be brief in considering our rights and obligations under the Hay-Pauncefote treaty.

I ask to have inserted in the RECORD the Hay-Pauncefote treaty at this time.

The PRESIDING OFFICER (Mr. PAGE in the chair). In the absence of objection, permission to do so is granted.

The treaty referred to is as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Hon. Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's ambassador extraordinary and plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles:

ARTICLE 1.

"The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

"It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3.

"The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal, that is to say:

"1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

"2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

"3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

"Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

"4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

"5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

"6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents, and from acts calculated to impair their usefulness as part of the canal.

"ARTICLE 4.

"It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

"ARTICLE 5.

"The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

"In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

"Done in duplicate at Washington, the 18th day of November, in the year of our Lord 1901.

"JOHN HAY. [SEAL.]
"PAUNCEFOTE. [SEAL.]"

Mr. WEST. In transmitting to the President the Hay-Pauncefote treaty, Mr. Hay said:

THE PRESIDENT:

I submit for your consideration and for transmission to the Senate, should you deem it proper to do so, with a view to obtaining the advice and consent of that body to its ratification, a convention signed November 18, 1901, by the respective plenipotentiaries of the United States and Great Britain to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of April 19, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention.

Respectfully submitted.

JOHN HAY.

DEPARTMENT OF STATE,
Washington, December 2, 1901.

Now, in his letter to the President, Mr. Hay said:

Without impairing the "general principle" of neutralization established in article 8 of that convention.

To show the temper of the Senate, when the treaty came up for ratification in that body, Senator Bacon, of Georgia, proposed the following amendments:

In the preamble strike out all after the words "United States," in the tenth line, down to and including the word "convention," in line 11.

Strike out from article 2, in line 10, the following words: "Subject to the provisions of the present treaty."

Strike out all of articles 3 and 4.

The preamble reads as follows:

The United States of America and His Majesty Edward VII, of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, and Emperor of India, being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in article 8 of that convention, have for that purpose appointed as their plenipotentiaries:

The President of the United States, John Hay, Secretary of State of the United States of America;

And His Majesty Edward the Seventh, of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the Seas, King, and Emperor of India, the Right Honorable Lord Pauncefote, G. C. B., G. C. M. G., His Majesty's Ambassador Extraordinary and Plenipotentiary to the United States;

Who, having communicated to each other their full powers, which were found to be in due and proper form, have agreed upon the following articles.

And the amendments of Senator Bacon proposed to strike out "without impairing the 'general principle' of neutralization established in article 8 of that convention."

Referring to the Clayton-Bulwer treaty, we find article 8 in that convention, which Senator Bacon was desirous of getting rid of, reads as follows:

The Governments of the United States and Great Britain, having not only desired in entering into this convention to accomplish a particular object but also to establish a general principle, they hereby agree to extend their protection by treaty stipulations to any other practicable communications, whether by canal or railway, across the Isthmus which connects North and South America, and especially to the interoceanic communications, should the same prove to be practicable, whether by canal or railway, which are now proposed to be established by the way of Tehuantepec or Panama. In granting, however, their joint protection to any such canals or railways as are by this article specified it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other state which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

If this article meant nothing to the Hay-Pauncefote treaty, what object could Senator Bacon have had in moving to strike out the words above referred to in the preamble? The distin-

guished Senator was too well versed in matters of foreign relations and international law not to know the full force and effect of this clause in the preamble of the present treaty. But let us go a step further in the matter of amendments offered by Senator Bacon. He proposed to strike out in article 11 in the Hay-Pauncefote treaty the words "subject to the provisions of the present treaty," and then the article would read:

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

To go still further, the Senator proposed to strike out articles 3 and 4, leaving, as amended, only three articles—1, 2, and 5, in the entire treaty, which would read as follows:

ARTICLE 1.

The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscription to or purchase of stock or shares, and that the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 5.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by His Britannic Majesty; and the ratifications shall be exchanged at Washington or at London at the earliest possible time within six months from the date hereof.

In faith whereof the respective plenipotentiaries have signed this treaty and hereunto affixed their seals.

Done in duplicate at Washington, the 18th day of November, in the year of our Lord one thousand nine hundred and one.

JOHN HAY. [SEAL.]
PAUNCEFOTE. [SEAL.]

Now, if the distinguished Senator had succeeded in passing these amendments, only one of which means anything, and that as amended has reference to construction and providing for the regulation and management of the canal by the United States—article 1 merely states that the present treaty supersedes the Clayton-Bulwer convention, and article 5 has reference only to the ratification of the signatory powers—had these amendments been agreed to the opposition to the pending bill might have had good ground for their contention, for the whole matter of construction and regulation of the Panama Canal would have been left to the United States.

But how did the Senate view the amendments offered by Senator Bacon?

They were defeated by a vote of 18 yeas to 60 nays.

Senator McLAURIN, of Mississippi, proposed to strike out of article 3 the following:

Substantially as amended in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal.

And this amendment was likewise disagreed to.

Had the amendment proposed by the Senator from Mississippi prevailed, then the remainder of the paragraph would read as follows:

The United States adopts, as the basis of the neutralization of such ship canal, the following rules—that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

If this part of the section, "substantially as embodied in this convention of Constantinople, signed the 28th of October, 1888, for the free navigation of this canal," meant nothing, why was it put into the section? It meant, just as the Suez Canal is operated to-day, that, including England, all nations must be on entire equality. It meant, as the convention of Constantinople included England, so this Hay-Pauncefote treaty includes the United States.

Now, it seems to me the only escape for the United States from the terms of this section is to say that the part England took in making the treaty was merely pro forma, and it was, so construing it, clearly an edict, declaration, propaganda, or pronunciamento, and England was not in anywise considered a party thereto. But how two parties can enter into a compact and one is bound and the other is not is entirely beyond my comprehension.

How you can include the one and exclude the other without in express terms so declaring in the instrument is to my mind the knotty problem.

Besides, as the Senator from Ohio [Mr. BURTON] has with the most painstaking diligence and careful research shown that this great Nation in all her treaties has for more than a hundred years placed herself, her citizens, and subjects on entire equality with the other signatory powers. Then, with all the language in the Hay-Pauncefote treaty tending to establish beyond any sort of cavil the entire equality of not only the two signatory powers, but all nations observing the rules, I can not see how anyone can escape the conclusion that the United States are included among "all nations."

As to the acquisition of the belt of land stretching across the Isthmus of Panama, it is made clear in the treaty that it in nowise would change the terms of the convention. In the purchase of this strip of land from Panama, it seems to be clear that the United States were to use it in accordance with the terms of the Hay-Pauncefote treaty; and should this Government at any time abandon it or convert it to uses other than for canal purposes, it would revert to Panama. In other words, it is my candid judgment that this Government could not, on the terms the purchase was made, establish there a tubercular hospital or a leprotarium, or anything of like character.

Much has been said in the discussion in reference to the Welland and other canals in the Dominion of Canada, and rebates that were allowed to vessels discharging their cargoes in the Canadian ports. This was done, and a rebate of 18 cents out of 20 cents was allowed to all vessels going east to Montreal and points beyond. While the terms of the treaty regulating the traffic upon this canal were not near so clear and definite in meaning, the United States declared it was a patent discrimination against the citizens and subjects of this Government, and that this gross injustice under the treaty stipulation had to cease.

After congressional protests and long diplomatic correspondence the troubles arising out of the discrimination favoring Canadian citizens were settled, yet the Dominion of Canada was unceasing in protesting that she was transgressing no rights under the treaty that belong to citizens of the United States.

She finally yielded to the demands made by this Government, and all discrimination against our citizens ceased.

Some who have taken a position favoring free tolls through the Panama Canal have sought to justify the contention so assumed, because in the face of treaty rights Canada persisted in giving rebates to all vessels going east discharging cargoes at Montreal and points beyond.

Should the transgression of Canada of a treaty and treaty rights, especially after she has ceased to do what is inhibited under the treaty, furnish a pretext years after the wrongdoing for this Government to enter the field with a view of retaliating after the incident is closed and almost forgotten? To pursue such a course would be ill-becoming a great nation; besides we would leave ourselves open to the criticism and animadversion of the civilized nations of the earth. But let not this great Government appear in the rôle of administering retributive justice to such nations as failed in the past to observe their treaty obligations. The United States surely could not justify herself in pursuing such a course.

This is the charitable view of the strong toward the weak, and should be the guiding principle of our Government that has been the foremost among the nations of the earth in advocating universal peace and international brotherhood.

To those who do not think the United States are included in the term "all nations" I desire now as briefly as possible to call their attention to the economic and commercial view of the question, and determine the rights of our citizens from an economic standpoint.

I shall first consider briefly the Suez Canal, that is giving service on terms of entire equality to all nations observing the rules under the convention of Constantinople, October 28, 1888, for the free navigation of this canal. The cutting of this canal at this time by De Lesseps was regarded as a wonderful piece of engineering skill, and cost the stockholders about $127,000,000.

This great water highway that floats the vessels of almost every civilized nation of the globe is 103 miles long, 28 feet deep, and 17 hours are required for vessels to pass through it. This canal is operated under a stock company, and the total number of shares is 379,245.

It is said the British Government owns 176,602 of these shares, and the last dividend declared showed a net income of 31 per cent. The charges per net ton for vessels with cargo were $1.30, and 82 cents per ton for vessels in ballast, and $1.93 for each passenger 12 years of age or over. It can be seen that this is a magnificent property, and if it were owned by shareholders under our Government, being a public-utility corporation, the stockholders would not long draw 31 per cent, for the Government would step in and demand that the charges be reduced.

Under the third article of the Hay-Pauncefote treaty the United States adopted six rules in regard to the neutralization and use of the Panama Canal. The first of these rules reads as follows:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

The Panama Canal act of August 24, 1912, declared that vessels engaged in our coastwise trade were exempted from the payment of tolls passing through the canal. It is claimed not only by the British Government, but by the President of the United States and a number of our prominent statesmen and jurists, that this legislation was in contravention of the rule just quoted. On the other hand, many of our distinguished international lawyers and statesmen, including ex-President Taft, ex-Secretary of State Knox, the Speaker of the House of Representatives, and numerous others, take a wholly different view, which, it may be observed, has the support of several English authorities as well.

When the Hay-Pauncefote treaty was concluded in 1901, the vessels engaged exclusively in our coastwise trade, or, as it is entitled in the Revised Statutes, our domestic commerce, consisted of those enrolled under our navigation laws and which paid an annual license to the Government. These vessels plied between the different ports of the United States, including, by virtue of special acts of Congress, the ports in Porto Rico, Hawaii, and Alaska, and were at all times, except when on the high seas, in territory under the jurisdiction of the United States. As the Hay-Pauncefote treaty referred to a canal which was to be constructed on the soil of a foreign power, it is a serious question whether the treaty could have referred to our coastwise vessels, inasmuch as such vessels sailing from an Atlantic port to a Pacific port, or the reverse, and which to reach their destination would have had to pass for some 40 miles through the territory of a foreign nation, were evidently differentiated from our vessels engaged in domestic commerce which sailed directly from one port to another port of this country and were never beyond its jurisdiction except when on the high seas.

I never have been able to bring myself to believe, Mr. President, that when the treaty of 1901 was negotiated the British Government had our coastwise vessels specifically in mind. I believe that these vessels were excluded from consideration not only because they were engaged exclusively in our domestic commerce with which British ships could not compete, but because domestic commerce in general, or "cabotage," as it is called in continental Europe, refers exclusively to commerce carried on under domestic jurisdiction. A precisely analogous case, with which the British Government must necessarily have been familiar, is to be found in Europe. The commerce of Russia between its ports on the Baltic Sea and its ports on the Black Sea, which only reaches its destination by passing for many miles through the Dardanelles in Turkish territory, can not be considered as cabotage, or coastwise trade.

The assertion has been made that it was clearly understood between the contracting powers that the above rule did cover specifically our coastwise vessels, and that therefore we are bound in good faith not to discriminate in their favor. Admitting, for the sake of argument, that the above assertion was correct, it could only have referred to the understanding between the British Government and the representatives of the Executive branch of our own Government who conducted the negotiations; but, Mr. President, under the Constitution the President of the United States does not possess the exclusive treaty-making power, but shares it with the Senate. In fairness, therefore, when we consider this point, the intent of the Senate when it ratified the treaty should be taken into account, and it is the practically unanimous testimony of those who were then members of that body that it was the clear and definite understanding of the Senate that the United States had the full right to exempt its coastwise vessels from the imposition of tolls without incurring any imputation of thereby violating the treaty.

Some two years later, the situation was entirely changed when the Republic of Panama ceded to our country a tract of territory extending from the Atlantic to the Pacific Ocean, known as the Canal Zone, over which the United States enjoys full and complete sovereignty, as is affirmed by a decision of the Supreme Court. Under these conditions it is evident that our coastwise vessels plying between the Atlantic and Pacific and not touching at any foreign ports would be always within American territory except when on the high seas, and that their status, therefore, would be identical with those vessels which sail from one Atlantic port to another, or from one Pacific port to another. It is to be observed that the change of conditions incident to our newly acquired sovereignty was recognized by Great Britain in her second note, which concedes that—

Now that the United States has become the practical sovereign of the canal, His Majesty's Government do not question its title to exercise belligerent rights for its protection.

Taking up now, Mr. President, the second branch of my subject—as to the economic questions involved—I will say that I have always been a strong advocate of a wise and well-considered system of subsidies for American commerce, believing this to be the only way in which our almost nonexistent merchant marine can be restored. Two years ago I voted against the conference report on the "act to provide for the opening, maintenance, protection, and operation of the Panama Canal," and when the vote was taken on the motion to strike out the clause exempting American coastwise vessels from the payment of tolls, I stated that had I not been paired I would have voted "yea." My action at that time was based on the belief that if subsidies were to be granted to our coastwise shipping it was far wiser and better to grant them directly and openly by refunding their canal tolls than to do so in the indirect way provided for in the act just mentioned, particularly as by the former method we would not have involved ourselves in a controversy as to the observance or nonobservance of our treaty obligations. Had the interests of our coastwise shipping been thus treated, the British Government would have had no valid grounds for objection, as, like all the other great powers, it has always granted subsidies to its own merchant marine, these subsidies being one of the factors which have brought about the practical extinction of our merchant marine.

Now, Mr. President, I am aware of the fact that it is alleged that an exemption from tolls is not a subsidy, and the junior Senator from New York, in his very able speech on the bill now before the Senate, has defined a subsidy as "a gift of public funds from the Government to a private person or corporation to aid in the establishment or support of an enterprise deemed advantageous to the public"; which definition, in my judgment, is far too narrow. A subsidy is defined in Webster's International Dictionary to be "a grant from the Government, from a municipal corporation, or the like, to a private person or company to assist in the establishment or support of an enterprise deemed advantageous to the public; a subvention"; and a subvention is defined by the same authority to be "the act of relieving, as of a burden; support; aid; assistance; help. A Government aid or bounty." If the definitions of the International Dictionary be accepted, it is evident that a subsidy is not confined to a gift in the shape of money, but to aid, assistance, or help in any form. As instances, we may cite the extensive grants of land made by the Government to our transcontinental railroads and the donations of land or exemptions from local taxation so often made by municipalities to encourage the location of new enterprises within their corporate limits. Going a step further, let us take the case of a river which is of sufficient depth for ordinary vessels of commerce, but which has a bar at its mouth which renders it inaccessible. Now, the Government could make a grant of money to the communities interested for the purpose of enabling them to dredge the bar and make the stream accessible, and it could not be disputed that this would be a subsidy; but should the Government say "No; we will not give the money directly, but will dredge the bar at our own cost and in our own way," it seems to me that such an expenditure of public funds would amount practically to the same thing. In short, Mr. President, to my mind any aid extended for the establishment or support of enterprises deemed advantageous to the public—whether in the form of direct grants of money, land, or other valuable considerations, or by the expenditure of funds to improve our rivers and harbors—is a subsidy, in a direct or indirect form.

Another argument presented in support of the pending bill is based upon the prediction that if the exemption from tolls be retained it would not be of any avail to the general public by the reduction of freight rates, but would simply permit the vessel owners to reap larger profits at the expense of the taxpayers. Economic predictions, Mr. President, when they refer to special and particular cases, are somewhat hazardous. A great many unsound ones have been made in the past. Many years ago it was insisted that the removal of the duty on coffee by the so-called "free breakfast table" act would be of great benefit to the consumer; but the sequel proved that all that ensued was that the Treasury of the United States was the loser without any benefit to the consumer. A similar instance was the forecast made as to the loss to the cattle owners throughout the land when hides were put on the free list, the fact being that after this action was taken the price of hides advanced. Confident and reiterated predictions, as we all know,

have been made that the reduction of the tariff would greatly reduce the cost of living, but up to the present moment these have not been fulfilled. All such economic considerations, however, Mr. President, are relatively unimportant, in my judgment, the chief points at issue being whether the exemption from tolls of our coastwise traffic was or was not a violation of the treaty, and as to our responsibilities to the people of this country in any action which may be taken.

Passing now, Mr. President, to the last branch of my subject, in a much more able way than I could have done the junior Senator from Utah has anticipated much of what I had intended to say in regard to the precedent which would be established by the repeal of the exemption. Should the question in dispute be arbitrated in the future, it is very plain, Mr. President, that a repeal of the act exempting our coastwise vessels from the payment of tolls would be treated as a confession that in enacting the legislation of August 24, 1912, we had exceeded our rights and powers under the treaty. Should this act be repealed, we will have needlessly sacrificed our liberty of action, and will be compelled to depend upon direct money subsidies if it be found necessary hereafter to help our merchant marine.

Mr. President, the past and especially the present administration has taken such strong ground in regard to the arbitration of all differences which may arise between ourselves and other nations that it was a matter of very great surprise to me that the message of the President of the United States did not recommend that the question in regard to the exemption of tolls should be settled in this way, as proposed by the British Government. I for one would be glad to see it referred for adjustment to a proper tribunal. The question is difficult as well as delicate, and it seems to me that arbitration would be an eminently proper method of bringing about a settlement, but the message, while not making the slightest reference to such a course, simply urges the absolute and unconditional repeal of the exemption of tolls so far as our coastwise vessels are concerned.

In making his recommendation, which involves the legal interpretation of the Hay-Pauncefote treaty, the President thereby absolutely reverses the judgment of the previous administration, which, it is to be observed, was especially equipped for the proper interpretation of questions of this character in view of the eminent legal attainments of the former President and former Secretary of State, both of whom have presented very full and complete arguments in explanation of their conclusions. While not disputing the right of President Wilson to take such action as he may think proper and to ignore the attitude of the previous administration, we may well consider for the moment the grounds upon which he demands the repeal of the act. He states that in his "own judgment," after mature consideration, the act of August 24, 1912, is "in plain contravention of the treaty with Great Britain concerning the canal concluded on November 18, 1901," but does not give us the legal reasons upon which his conclusions are based. He next states that his interpretation of the treaty is in accord with that of foreigners in general, and that everywhere, except in the United States, the "language of the treaty is given but one interpretation, and that interpretation precludes the exemption I am asking you to repeal." He also refers to the effect of the repeal upon the foreign policy of the administration, but his reference is so vague that it is impossible to draw any specific conclusions. In brief, the message pressingly urges Congress to absolutely reverse the position it took two years ago in regard to the exemption of our coastwise trade from the payment of tolls in deference to public opinion abroad and upon the "judgment" of President Wilson. Further, the message in question is misleading and unsatisfactory, first, because it fails to make any mention of the notes of the British Government asserting that the Panama Canal Act of 1912 violated the Hay-Pauncefote treaty, which was the origin of the whole controversy, and, second, because it absolutely ignores the British proposals to settle the matters in dispute by arbitration.

To conclude, Mr. President, I should much prefer to see the differences of opinion in regard to the interpretation of the treaty settled by arbitration, but if this be not possible, after a very careful consideration of the whole question, I feel that I would not be justified in agreeing to unconditionally surrender, as is so strongly urged by President Wilson, any legal or equitable rights which the United States may possess in the premises, nor to take a step which, in my judgment, impinges upon the dignity of our country and upon the self-respect of every American citizen. I shall, therefore, vote against the bill.

Mr. WEST. Mr. President, after so much has been said in the matter of free tolls, touching almost every feature of this great question of such vital and serious consequence to this Nation, I fear I shall not be able to follow other than a beaten track in my efforts to offer anything new, illuminating, or calculated in any way to cause anyone to look at this difficult problem in a light different to that in which it has hitherto been presented. Yet in some respects—not commercial or material in their nature—in my judgment, it is the gravest problem, save one, that has been presented for solution by this Government since the great question that preceded and followed in the wake of the War between the States. How important, then, is it that we should make no mistake in considering well this great question before it is finally determined?

We have a country of wonderful resources, of splendid possibilities in the long line of development that still lies before us, and, in my judgment, of the greatest population-sustaining potentiality of any country on earth of the same territorial extent. It is not worth while in this discussion, as serious as the matter is, not only to this but other civilized nations of the earth, for us to become unduly alarmed, fearing that we will part with some of our sovereign or inalienable rights under the Constitution. When the United States was in its infancy, isolated as it is, no other nation dared to attempt to land on our shores since the treaty of Ghent, nearly a hundred years ago, to invade any portion of our territory.

Now, with a hundred million people, matchless in advancement and civilization, all united in a common cause, with immeasurable resources, the greatest factor in the world to make a nation puissant and all-conquering, why should we fear and tremble lest our rights should be invaded or be unduly filched from us by any power meditating our overthrow?

I fear some of the Senators are resorting to an extreme position in becoming unduly apprehensive for fear we yield our rights under the Hay-Pauncefote treaty to England and other nations using the canal on terms of entire equality. A great Nation like the United States can afford to be broad and liberal in the construction of treaties and treaty rights. If there is even a reasonable doubt as to the proper construction of the Hay-Pauncefote treaty, this Government, with strong argument to support her contention in favor of passing our coastwise vessels through the canal free, should yield in the face of the fact that England and nearly every other civilized nation of the world are considerately opposing our contention for free tolls.

As the question has been so ably argued both for and against free tolls for our coastwise vessels, exhausting every possible source of information, I shall content myself with only a brief argument in my effort to demonstrate that under the Hay-Pauncefote treaty we have no right to pass our merchant marine plying the seas from the Atlantic to the Pacific coastwise except on terms of entire equality.

When we pass to an economic consideration of this vitally important subject, it is not by any means because I deem the economic side of the question of more serious consequence to the United States or to the interests of the great industrial force of our Nation.

My purpose to leave alone any extended discussion of the Hay-Pauncefote treaty or the Clayton-Bulwer convention is because many of the distinguished Senators, with more accurate knowledge of treaties, treaty making, and treaty obligations, have been, it seems to me, convincing in their arguments that the United States were included in "all nations," the vessels of whose citizens were to use this canal on terms of entire equality. The senior Senator from New York [Mr. ROOT], whose argument last week seemed to be so conclusive, was intimately identified with Mr. Hay, our great diplomat and one of the controlling spirits in directing and framing the Hay-Pauncefote treaty, and he says that it was their intention, and there was no other understanding with Mr. Choate, Lord Pauncefote, and Lord Lansdowne in all the writings leading up to the signing of the Hay-Pauncefote treaty, that not only the United States but all other countries observing these rules should use the canal on terms of entire equality.

Mr. Joseph H. Choate, then ambassador to Great Britain from the United States, assisted in the negotiation of the treaty. Mr. Choate—and what he says was vouched for in the very able argument by the distinguished senior Senator from New York [Mr. ROOT] delivered in this body a few days ago—speaking for Mr. Hay and Lord Pauncefote, whose lips are now sealed in death, says that there was no suggestion at any stage of the negotiations leading up to the signing of this treaty that there should be toll exemption for any nation or any of its citizens or subjects. Not only Mr. Hay, Mr. Root, Mr. Choate, and Mr. Andrew D. White, but Lords Pauncefote and Lansdowne and a host of other distinguished men like Senator Lodge, Senator Burton, Charles W. Eliot, Oscar S. Strauss, George F. Edmunds, Col. George W. Goethals, and others corroborate the men who

ton-Bulwer treaty and the first Hay-Pauncefote treaty on the one hand and the existing Hay-Pauncefote treaty on the other. Article 1 of the Clayton-Bulwer treaty reads as follows:

The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have to or with any state or people, for the purpose of erecting or maintaining any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any state or government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

The first paragraph of article 2 of the Hay-Pauncefote treaty of 1900, which was never ratified, reads:

The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in article 8 of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules, substantially as embodied in the convention between Great Britain and certain other powers signed at Constantinople October 29, 1888, for the free navigation of the Suez Maritime Canal; that is to say:

It will be noted that in both of these treaties the two nations stood on terms of exact equality, and Great Britain equally with the United States was a party to the adoption of the rules under which the proposed canal should be operated. Now, compare this with articles 2 and 3 of the present Hay-Pauncefote treaty:

ARTICLE 2.

It is agreed that the canal may be constructed under the auspices of the Government of the United States either directly at its own cost, or by gift or loan of money to individuals or corporations, or through subscription to or purchase of stocks or shares; and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

ARTICLE 3, PARAGRAPH 1.

The United States adopts, as the basis of the neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal; that is to say:

It will thus be seen that Great Britain in this treaty retires from the position she occupied under both of the others, and that the United States, and the United States alone, adopts and prescribes the rules under which the canal shall be operated. The first of these rules is the chief bone of contention:

RULE 1.

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

Now, let us examine this rule, always keeping in mind that it is a rule laid down by the United States, the sole owner of the canal. It says:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality.

I presume it will be conceded that the phrase "vessels of commerce" as applied to any nation means the vessels of commerce belonging to citizens or subjects of that nation and flying its flag, and that the phrase "vessels of war" means the vessels owned by the government itself. "Vessels of commerce and of war" of the United States would therefore mean all vessels flying the flag of the United States. Now, under this rule vessels of war as well as of commerce must pay tolls. That is conceded. On the 19th of November, 1912, following the enactment of the Panama Canal bill, President Taft issued his proclamation prescribing the following rates of toll to be paid by vessels using the canal:

1. On merchant vessels carrying passengers or cargo, $1.20 per net vessel ton—each 100 cubic feet—of actual earning capacity.
2. On vessels in ballast without passengers or cargo, 40 per cent less than the rate of tolls for vessels with passengers or cargo.
3. Upon naval vessels, other than transports, colliers, hospital ships, and supply ships, 50 cents per displacement ton.
4. Upon army and navy transports, colliers, hospital ships, and supply ships, $1.20 per net ton, the vessels to be measured by the same rules as are employed in determining the net tonnage of merchant vessels.

It will here be seen that all vessels, both of commerce and of war, must pay tolls. None are excluded. If, then, the phrase "all nations observing these rules," as contained in rule 1 of the Hay-Pauncefote treaty, includes the United States, the grantor, it must necessarily follow that the naval vessels of the United States, and the army and navy transports, colliers, hospital ships, and supply ships owned by it, must be charged tolls as well as like ships of other nations. Now, this is a construction which nobody places upon this rule. Everybody concedes that the naval vessels of the United States can pass free, or, at least, that the United States has the power to allow them free passage without being charged with a violation of the treaty. How, then, can we escape the conclusion that this power or this rule carries with it the right to exempt its ships of commerce as well? There can be no other conclusion.

Now, let us suppose that two battleships appear in the harbor of Colon at the same time, bound for the Pacific. One belongs to the United States Navy, the other to Great Britain. They pass through the canal on the same day. The British ship pays toll at the rate of 50 cents per displacement ton; that of the United States pays nothing. Neither Great Britain nor the advocates of repeal, nor any other person, will contend that this is an infraction of rule 1. Why construe the rule one way as to warships and another as to merchant vessels? The language of the treaty is precisely the same with regard to both—

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality.

But let us go a little further in the examination of this treaty. In addition to rule 1, which is the main subject of contention, it lays down five other rules under which the canal shall be used. Not one of these five can by any possibility be held to apply to the United States as a user of the canal.

The second rule provides that—

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It surely can not be contended that this rule is in any way intended to apply to the United States, for it stands to reason that no country would ever under any circumstances institute a blockade of its own canal, and its right to fortify and to protect it is conceded by everybody. This rule is laid down by the United States as one of the conditions under which other nations shall be allowed to use its canal.

Third. Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

If these rules are intended to govern the United States as well as other nations, it would prevent our Government from using the canal as a harbor of refuge in case of war with any other power, and such use is in reality the chief reason why this Government incurred the enormous expense involved in building and assumes the great responsibility of maintaining it.

The other rules read as follows:

Fourth. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

Fifth. The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress, and in such case shall depart as soon as possible, but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

Sixth. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof for the purposes of this treaty and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

If these rules are to control the United States as well as other nations, we could not maintain any depot of supplies on the canal; we could not revictual our ships or maintain a coaling station; or, in fact, use the canal or the canal territory for any other purposes of war. Why, then, may I ask, did we build it? It is not necessary to go into any lengthy discussion of this proposition, for nobody contends that the United States is in any way bound by the last five of the treaty rules. Why, then, contend that it is bound by rule 1? To use the concise and convincing words of Mr. Olney:

When five out of six of the treaty rules for the use of the canal do not apply to the United States it is a reasonable conclusion that the sixth also was not meant to apply.

Mr. President, it seems to me that a careful consideration of the subject leads inevitably to the conclusion that the canal is the property of the United States, built across her own territory by her own sons with her own money; that she can handle and manage this property of hers in any manner that seems best to her, subject only to the limitations she has placed upon herself in the treaties with Great Britain and the

Republic of Panama; that the exemption of her own shipping from the payment of tolls is in no way a violation of either of these treaties, especially in view of the fact that the tolls which we propose to charge to vessels of other nations are so low that if we add to the revenues derived from them the amounts we would receive if we charged tolls for our own shipping the total sum would be several million dollars short of the amount necessary to operate the canal, to say nothing of a return on the investment.

Now, a few words as to the policy of doing this. In the years that are past the United States has spent many millions upon her waterways and her harbors. Not a dollar of tolls is charged upon any of them. Why should we make an exception of this, the greatest and most important of all? Senators upon the other side say it is a subsidy. Subsidy is a great scare word for our Democratic friends, but only when it is coupled with the word "ship." Other subsidies do not frighten them. If the subsidy takes the shape of an appropriation of $678,240 for the extermination of the cotton-boll weevil, or of $400,000 for the eradication of the southern cattle tick, or of any other of the multiform ways of spending Government money, of which latter-day statesmen are so fond, they do not run away from it. I will frankly say that I am not afraid of subsidies, called even by that opprobrious name and applied to American shipping. If Congress would spend for the encouragement of American shipping a tithe of the money it annually wastes in subsidizing certain favored localities and classes, the country would fare infinitely better. I wonder if we realize the tribute we are yearly paying to other countries for carrying our foreign commerce. For the fiscal year of 1913 the total value of our exports and imports was $3,773,030,864. Of this we carried in our own ships only $381,032,495, or almost exactly the same value as we carried away back in the year 1861. In 1861 we carried 65.2 per cent of our foreign commerce in our own bottoms. In 1913 we carried just 11.2 per cent. The amount of toll we pay to the people of other nations, and particularly to Great Britain, for carrying our foreign commerce is almost beyond computation, and a comparatively small sum paid annually for the encouragement of American shipping would return us twenty, sixty, or a hundred fold.

If this toll exemption is a subsidy, then practically every appropriation we make, except for actual running expenses, can be called by that name.

For nearly 50 years a private corporation maintained a series of locks and dams upon the Monongahela River in my State. This company charged tolls upon every vessel passing up and down the river. The tonnage was, and still is, very great, consisting largely of coal, and the company reaped large profits. About 20 years ago the Government bought out this company and freed the commerce of the river, relieving the coal-mining industry of what had been rather a heavy burden. Now, in doing this the Government subsidized somebody. If the freeing of the river from tolls reduced the price of coal, the steel manufacturers and the people down the Ohio and Mississippi who used it were subsidized. If, as I believe, it made little or no impression upon the price, the coal operators were the direct beneficiaries of the subsidy.

The Agricultural bill, which passed the Senate last week, carried an appropriation of $50,000 to enable the Secretary of Agriculture, in cooperation with the authorities of the States concerned or with individuals, to make investigations and demonstrations in connection with the development of livestock production in the cane-sugar and cotton districts of the United States. The Senate, in its wisdom and liberality, voted by a majority of two to one to increase this appropriation to $100,000. What else is this but a subsidy intended, I presume, to reconcile the heretofore sugar growers of Louisiana to the cruel stab they received in the house of their friends by the enactment of the tariff bill? This exemption of tolls, Mr. President, is no more—in fact, it is even less—of a subsidy than this and many other grants like those I have referred to which pass Congress almost daily. It surely is no more of a subsidy to-day than it was on the 7th of August, 1912, when every Democrat in the Senate voted in its favor.

I believe that under the treaty we have this right. I believe we have it not only as applied to our coastwise shipping, but to that engaged in foreign trade. I believe that the right ought to be exercised, for I do not think that so far as the ships flying our flag are concerned they should be subjected to any other rule than that which governs our other waterways. I will therefore vote against the repeal. I will go further—I will vote for any proposition which seeks to amend the existing law so as to exempt our foreign as well as our coastwise shipping from the payment of tolls. At the same time, Mr. President, I realize that the subject is not free from controversy. I have been deeply impressed with the arguments presented by Senators who have so ably spoken on the other side of the question. If by our treaty we have precluded ourselves from passing our own ships free through the canal, which I do not believe, we ought to stand by our bargain. Inasmuch as the Government of Great Britain, which in the note of Mr. Innes conceded our right to exempt our own shipping, now insists on another interpretation of the treaty, and as this view is taken by many of our own people, I think it is a fair case for arbitration, and I will vote for any amendment which provides for submitting the question to any impartial tribunal. I firmly believe that any such tribunal will decide that the United States has a full right to do as she pleases with her own. If the judgment is otherwise, we should abide by it.

Mr. DU PONT. Mr. President, to those who have not given the subject special attention it might seem, at the first blush, that, despite the differences of opinion, the proposed repeal of the exemption from the payment of tolls of our vessels engaged in coastwise trade is not a complex proposition. As a matter of fact, however, the whole question is a very intricate one, involving a number of highly important considerations, including the controversy between the British Government and our own in regard to the proper interpretation of the Hay-Pauncefote treaty.

Under date of the 8th of July, 1912, prior to the passage of the Panama Canal act on the 24th of the following month, which exempted our coastwise trade from tolls, the British Government made a general protest against any exemption from tolls in favor of American shipping passing through the canal, followed, November 14, 1912, by a much fuller note on the same subject, special exception being taken to the Panama Canal act as an infraction of the treaty. This note stated that the British Government—

recognizes that many persons of note in the United States, whose opinions are entitled to great weight, hold that the provisions of the act do not infringe the conventional obligations by which the United States is bound, and under these circumstances they desire to state their perfect readiness to submit the question to arbitration if the Government of the United States would prefer to take this course—

And that—

a reference to arbitration would be rendered unnecessary if the Government of the United States should be prepared to take such steps as would remove the objections to the act which His Majesty's Government have stated.

The steps referred to being, apparently, the repeal of the Panama Canal act.

In its reply to the preceding notes, on the 17th of January, 1913, Mr. Knox, our Secretary of State, after dissenting from the interpretation placed upon the treaty by the British Government, expressed the opinion that arbitration would not be in order until the completion of the Panama Canal, as the provisions of the treaty in regard to its use would not become operative until the canal was opened; and added that the arbitration proposal might be carried out either under special agreement or under a proposed arbitration treaty which was being negotiated between the two powers.

This was followed by another note from the British Government, dated February 27, 1913, suggesting that—

the difference which exists between the two Governments is clearly one which falls within the meaning of article 1 of the arbitration treaty of 1908—

And that the—

interest of both countries requires that issue to be settled promptly before the opening of the canal, and by means which will leave no ground for regret or complaint. The avoidance of possible friction has been one of the main objects of those methods of arbitration of which the United States has been for so long a foremost and consistent advocate.

Mr. President, the various questions involved in the discussion of the pending bill may be summed up under three heads:

First. As to whether the coastwise exemption provided for in the Panama act was in violation of the Hay-Pauncefote treaty of 1901, as asserted by the British Government and by President Wilson.

Second. As to the economic questions involved in the repeal of the coastwise exemption.

Third. As to the precedents which might thereby be created and as to our moral and patriotic obligations to the people of the United States.

So far as the first head is concerned, I do not propose to trace the diplomatic history of the Hay-Pauncefote treaty, nor to discuss the question as to whether the words "all nations" include, or do not include, the United States, this having been done most fully and most ably by others, and I shall merely refer to a few points in connection with the bill which have made a certain impression upon my mind.

different ports of our own country in our own way. The utmost suggestion contained in Mr. Innes's note with reference to our coastwise vessels was that it might be difficult to enforce a law exempting them from payment of tolls. He in effect concedes our right to make such a law. Now, this right being conceded, the suggestion seems presumptuous and preposterous that the United States, having enacted such a law, could not or would not in good faith provide against its infraction or evasion.

The protest of the British Government was not received by our Secretary of State until the 9th of December, 1912, and then for the first time Great Britain disclosed the strength and weakness of her demand, and set out in detail the reasons upon which it was founded and the arguments in support of such reasons. There is a sharp distinction between what we did in 1912 and what we are now called upon to do. We were then merely considering an economic question of a purely domestic nature, the answer to which could in no way affect our dominion over the canal or our power to encourage the upbuilding of our domestic commerce. Now our action involves the acceptance or rejection of a demand to surrender for all time attributes of sovereignty and rights of ownership, the full import and consequence of which upon our peace and prosperity it is impossible to foresee.

In the note of Mr. Innes, which antedated the passage of the canal act, he mentions the fact that it was proposed to exempt not simply the coastwise shipping but all American shipping from the payment of tolls, and he stated that this would, in the opinion of His Majesty's Government, be an infraction of the treaty. When the canal act was signed by President Taft, he thought it wise to take cognizance of this suggestion, and in a memorandum accompanying his approval he repudiated the claim that we could not exempt our vessels engaged in foreign as well as domestic commerce if we elected so to do. The statement of President Taft in this respect is lucid and convincing, but the act contained no such exemption and only exempted coastwise vessels, and this right the British Government had admitted. Here the business should have ended; but the forces behind the British foreign office were insistent, and as a result of this insistence, on the 9th of December, 1912, there was handed to Secretary Knox a lengthy statement by Sir Edward Grey, the purpose of which was to advance an argument why the United States could not exempt its coastwise vessels using the canal, a right which was admitted in the first protest and a thing which the United States had already done. The chief argument in this statement was that in computing tolls, in order to insure that equal treatment which the treaty called for, all vessels using the canal should be taken into consideration, and that to grant an exemption to our coastwise vessels would be to increase the tolls on British ships over and above what they would have to pay if no such exemption were made.

Now, this is all there was to the British case at that time, and all there is in the protest beyond this claim is argument put forth to establish the proposition that the treaty gives Great Britain that equality with us which makes our refusal to consider all vessels in computing tolls a violation of British rights. The answer to this complaint was obvious. President Taft in fixing the tolls to be paid had taken into consideration all the vessels of every nation, our own included, which it was expected would pass through the canal, and Secretary Knox lost no time and wasted no energy in discussing reasons why we should fix the tolls upon a formula which we had already adopted.

After first informing Great Britain that we did not agree with the construction placed by the British Government upon the Hay-Pauncefote treaty or upon the Clayton-Bulwer treaty as set out in the communication, and that we did not deem it necessary at that time to amplify or reiterate the American position upon the construction of those treaties, the Secretary proceeded to point out that the complaint had no basis of fact. He directed attention to the fact, which I have already referred to, that the President in fixing the rate on the basis of $1.20 per net ton took into consideration all vessels of every description under any flag which will use the canal; that the proclamation of the President fixing the tolls is based upon a report by Prof. Johnson, which estimates that the revenue necessary to maintain the canal will be $19,000,000; that the report took as a basis all competitive vessels engaged in the coastwise trade of the United States, United States vessels engaged in foreign commerce, and foreign vessels of a like description, and that upon this just and equitable basis the tolls were fixed. Moreover, British attention was directed to the fact that this revenue would not be sufficient to maintain the canal—at least for the first few years—and that by this basis for tolls the United States Government bears whatever loss is necessitated by taking into consideration the tolls of even nonpaying vessels. The tolls were therefore fixed on a basis fully in agreement with the suggestions of the British Government, and the chief contention of Sir Edward Grey falls to the ground.

Here again was a place where this controversy should have ceased, and so far as anyone seems to know the information to Great Britain in Mr. Knox's answer to Sir Edward Grey was accepted at its face value. The ground of the British protest had been swept away and our canal act stood unimpeached. Great Britain had mistakenly assumed that our tolls at Panama would be fixed without reference to the use of the canal by American coasting vessels, and based her argument of treaty violation on that mistaken assumption, and asked us to arbitrate on the soundness of her position. We showed her that we had taken the same position and that the tolls were fixed in exact conformity to her own contention. What more was there, then, to the case? Nothing, until we are now urged to repeal the act on the ground that the arguments were sound as advanced by Great Britain to maintain a demand which we had already granted by anticipation.

The present issue as presented to us by the President is: Shall we repeal the law that does Great Britain no harm for the reasons assigned by Great Britain when she mistakenly supposed it did her an injury? That is to say, has Great Britain the equality with the United States under the Hay-Pauncefote treaty which she claimed when she supposed that equality was infringed?

The real purpose of the Hay-Pauncefote treaty was to settle the privileges other nations should enjoy in the use of the canal which the United States had determined to build. It required no treaty to settle the owner's privileges or rights—they are incident to ownership.

Note the language of the treaty. The rules for the government of the canal are not the joint rules of the two contracting parties, but are adopted by the United States in order to prescribe the terms under which the canal could be used by such nations as would observe the rules. It required no rules to establish the owner's right to use its own canal, and what shall be the terms of such use is a matter solely for domestic legislation.

The effort to take advantage of the general language of rule 1, extending the use of our canal to all nations upon equal terms, and to construe them in utter disregard of our different relation to the subject, constitutes a plausible but unsound argument upon which, to the credit of Great Britain, it is only fair to say, she does not rely. Sir Edward Grey does not find the terms of limitation wholly in rule 1. He predicates his claim that we are limited in our freedom of action in respect to the canal by the Hay-Pauncefote treaty upon the ground that, as he claims, the neutrality which we established by that treaty means equality, and that equality between the United States and Great Britain is the same equality that was stipulated in the Clayton-Bulwer treaty. The Clayton-Bulwer treaty can only be read intelligently when the purposes designed to be accomplished and the means of their accomplishment are steadily kept in mind. The purposes were to establish a common policy of the two nations to require of a canal to be built by outside parties that it should be neutral territory—that both countries should enjoy it upon the same terms—and that this should be accomplished by encouraging such outside party to construct the canal, which they jointly agreed to protect, if such third party would give them as good terms for its use as it gave to any other nation.

In the protest of Sir Edward Grey (see Senate Document No. 11, Sixty-third Congress, page 14) he uses the following language:

> They (the British Government) consider that by the Clayton-Bulwer treaty the United States had surrendered the right to construct the canal, and that by the Hay-Pauncefote treaty they recovered that right upon the footing that the canal should be open to British and United States vessels upon terms of equal treatment.

This assertion takes no account of the essential purposes of the treaties and the changed circumstances under which the Hay-Pauncefote treaty was effected.

Article 8 of the Clayton-Bulwer treaty says:

> In granting, however, their joint protection to any such canals or railways as are by this article specified, it is always understood by the United States and Great Britain that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of as just and equitable; and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.

From this it will be seen—and it seems to me that it ought to be accepted without question—that the consideration for equal terms rested solely upon the protection to be granted by

the two nations to the canal. On no other condition were equal terms to be granted to the subjects of Great Britain and the citizens of the United States. Sir Edward Grey attempts to fuse this with the "general principle" of neutralization referred to in the eighth article of the Clayton-Bulwer treaty, to which it has no relation whatever.

The "general principle" referred to in the preamble of the Hay-Pauncefote treaty is, by the language of the treaty itself, the "general principle" of article 8 of the Clayton-Bulwer treaty. Now, the "general principle" of this article of the latter treaty is the principle of protection, and protection alone; that is, that all countries protecting the canal shall enjoy an equality of treatment in the use of the canal, with the provision that if at any time the treatment becomes unequal the nation discriminated against shall thereafter be relieved from the duty of protection. In other words, equality of treatment was predicated and dependent upon protection. This article 8 of the Clayton-Bulwer treaty, and all other treaty articles dealing with the question, show beyond doubt, first, that the powers extending protection to the canal should enjoy preferential treatment in the use of the canal, and, secondly, that protection of the canal and equality of treatment were mutually interdependent conditions; that protection was to be extended only so long as the treatment was equal, and that the only remedy of such nations in case of unequal treatment was to withdraw their protection. Protection and equal treatment went hand in hand; were mutually interdependent.

The first Hay-Pauncefote treaty incorporated this "general principle" by providing for joint protection of the canal by the United States and Great Britain, and for an equality of treatment and management of the canal as between them. The two things, protection and equality, were in this treaty mutually interdependent, as they were in the Clayton-Bulwer treaty, but the Senate refused its advice and consent to this treaty and sent it back to the President so modified as to relieve England from any duty or responsibility to protect, all such duty and responsibility being put upon the United States, and also so modified as to reserve to the United States the whole right to regulate the canal. Great Britain declined to accede to these modifications and the treaty fell; but all the principles involved in the modifications were incorporated in the treaty of 1901, which is now existent. Therefore England, no longer bound to protect the canal—the sole and only consideration upon which a demand for equality of treatment could be based—lost the only right she possessed to demand equality of treatment with the protecting power, the United States. As a consequence, the demand for equality of treatment now made stands without any equivalent from her. No longer bound to protect, she is no longer entitled to the same treatment which is extended to the protecting nation, and by the very "general principle" which she invokes, protecting nations stand upon a different and preferential basis as to equality of treatment from all the rest of the world.

Article 3 of the Hay-Pauncefote treaty, the only treaty which is now in force, appears to me to adequately carry out the "general principle" of neutrality, which was not to be impaired, and also comprehends the spirit of that principle. If absolute rights of ownership and control, and therefore freedom to deal with its own commerce in the use of the canal as it sees fit, are not recognized and conferred by article 2 of that treaty, then it is verily a source of wonder what the language does mean. I will read it:

> ART. 2. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations or through subscriptions to or purchase of stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have and enjoy all the rights incident to such construction as well as the exclusive right of providing for the regulation and management of the canal. (S. Doc. 456, 63d Cong., 2d sess., p. 21.)

With respect to the value of the consideration given Great Britain for superseding the Clayton-Bulwer treaty, Sir Edward Grey refers to the account of the negotiations preceding the ratification by the United States Senate of the Hay-Pauncefote treaty, which Secretary Hay sent to the Senate Committee on Foreign Relations. (See Senate Document No. 456, Sixty-third Congress, second session.) Since the British Government, by that reference, recognizes the credibility and authority of this document, I feel warranted in referring to it in answering their contention. In that document Secretary Hay says:

> The whole theory of the treaty is that the canal is to be an entirely American canal. The enormous cost of constructing it is to be borne by the United States alone. When constructed it is to be exclusively the property of the United States, and is to be managed, controlled, and defended by it. Under these circumstances, and considering that now by the new treaty Great Britain is relieved of all the responsibility and burden of maintaining its neutrality and security, it is thought entirely fair to omit the prohibition that "no fortification shall be erected commanding the canal or waters adjacent."

Further along in the same document it is stated:

> Upon a full exchange of views this article proposed by the United States was accepted by Great Britain and becomes article 4 of the treaty now submitted. It is thought to do entire justice to the reasonable demands of Great Britain in preserving the general principle of neutralization and at the same time to relieve the United States of the vague, indefinite and embarrassing obligations imposed by the eighth article of the Clayton-Bulwer treaty.

The clear purport of these statements is that the British Government, in agreeing to the supercession of the Clayton-Bulwer treaty, had in view as a consideration the relief it would have from the obligation to protect the neutrality and security of the canal. This view is abundantly substantiated in a memorandum inclosed in a dispatch from Lord Lansdowne to Mr. Lowther, under date of August 3, 1901 (see Senate Document No. 456, Sixty-third Congress, second session, page 50), which says:

> It is also to be borne in mind that owing to the omission of the words under which the country became jointly bound to defend the neutrality of the canal, and the abrogation of the Clayton-Bulwer treaty, the obligations of Great Britain would be materially diminished. This is a most important consideration.

It can thus be seen that Great Britain in consenting to any modification of the Clayton-Bulwer treaty was not unmindful of the obligations imposed upon her by that treaty, and of the relief which such modification would bring from the obligation of protecting and defending the canal and of guaranteeing its neutrality. But it seems to me that there was another and more compelling reason why the Government of Great Britain should not only be willing but anxious to accede to any terms which the United States might propose, and that is the advantage which would inevitably accrue to that country from the very construction of the canal. Great Britain is the greatest shipowner in the world. Her flag flies on every sea. According to the report of the Commissioner of Navigation, the steam mercantile marine of Great Britain on the 1st of July last consisted of 10,000 vessels, with a total gross tonnage of 19,849,167 tons. This is more than equal to the combined mercantile marines of the United States, Germany, France, Italy, Japan, Russia, the Netherlands, Norway, and Sweden. These countries together own 10,523 vessels, and their combined capacity is only 16,173,936 tons. The canal will, of course, facilitate and stimulate ocean navigation, and as a consequence of her enormous preponderance as a shipowner Great Britain will naturally reap more benefit from its construction than all the world besides. Her government, therefore, could in no way afford to be a stickler for terms when another government was ready and willing not only to construct the canal but to assume the entire responsibility for its maintenance and protection.

The avowed purpose of the Hay-Pauncefote treaty was to facilitate the construction of a ship canal *by the United States* and to remove any objection which might arise out of the Clayton-Bulwer treaty to the construction of such a canal under the auspices of the United States without impairing the "general principle of neutralization" established in article 8 of the convention.

Now, note, the object was to facilitate the construction by the United States—not to give the United States permission to construct. How did it facilitate the construction? In one way only. It was the fulfillment of our engagement in the Clayton-Bulwer treaty to extend the principle of neutralization to the Panama Canal as we had agreed to do.

The contention of Great Britain is not advanced by the allegation that we secured our right to build the canal by the abrogation of the Clayton-Bulwer treaty. The real question is, What rights has Great Britain in our canal under the Hay-Pauncefote treaty? Great Britain never had any rights in any canal under the Clayton-Bulwer treaty. There was no canal. All that the United States and Great Britain agreed to was that if one were constructed by some country other than the United States or Great Britain, or by private parties or a private corporation, the two contracting nations would defend it if they were given equal rights and equal tolls, a policy in which they agreed they would ask all the world to join, which they never did.

The Clayton-Bulwer treaty, under which the two nations, the United States and Great Britain, jointly agreed to protect a canal to be built by outside parties, is abrogated in express terms. Its place is taken by the Hay-Pauncefote treaty, by the terms of which the United States undertakes not only to build but to protect and defend the canal, and as its builder, protector, defender, and owner it adopts rules under which the citizens and subjects of other nations can share the results of its enterprise and expenditure.

Now, let us look at the terms of this treaty. But first I wish to point out the strong line of distinction between the Clay-

fixed for the Panama Canal, estimated that the total tonnage which would pass through the canal in 1915 would be ten and a half million tons. The tonnage of the Suez Canal for 1912 was 20,125,120 tons. The freight carried from coast to coast by all our transcontinental railroads combined is 3,000,000 tons. It is estimated that the coastwise traffic which will pass through the canal will be 1,250,000 tons annually, and it is the exemption or nonexemption of this million and a quarter tons from the payment of tolls which has caused so much acrimonious debate. In other words, the rivers, large and small, for which we are providing in our rivers and harbors bills, float nearly as much tonnage annually as will pass through the Panama Canal and the Suez Canal, plus the cross-continent tonnage of all the railroads during the next 10 years.

SENATOR BURTON'S CHANGE OF TUNE.

Then the creeks and the insignificant rivers—what of the money wasted in their improvement? Surely this is pork, and distributed, too, among the Members in such fashion as to make the passage of the barrel certain. What a curious notion, that a Congressman could gain favor at home by securing appropriations of money to waste on worthless creeks! Surely this could gain votes only in the immediate vicinity of the miserable creek, and there better than anywhere else would it be known that the money was in fact being wasted. Are the people dunces? Do these creeks all flow through the grounds of some insane asylum? Otherwise how could a Congressman gain popular favor by needless expenditures of the tax-raised money on impossible and worthless creeks?

Senator BURTON was chairman of the Rivers and Harbors Committee for 10 years. During that time he spent much money on the Great Lakes and viewed the magical growth of commerce there with commendable pride. He also spent much money on the ridiculous creeks, and was severer perhaps than anyone else in his judgment and in his criticisms of those who spoke of the pork barrel. When the first rivers and harbors bill, after he reached the Senate, was reported to that body, word came over to the House that he was making a most vigorous attack on it. Pork barrel, in fact, had been one of the phrases used.

D. S. Alexander, one of the most conscientious patriots who ever served in Congress, and certainly one of the most lovable of men, had been Mr. BURTON'S pupil for those 10 years and now had succeeded to the chairmanship of the House committee. He had framed the bill on the identical lines so long laid down and so well defended by Mr. BURTON, and he refused to believe the story. The old Members followed him post haste to the other Chamber, to be resolved if Brutus so unkindly knocked or no. Which particular role he was essaying, Brutus or Casca, nobody knew. All soon were aware, however, that he was knocking, and knocking hard at that.

The Brazos, the Trinity, and some other projects that were the children of his own brain—or, at least, had been ushered into this breathing world under his skillful legislative attention—shared the shafts of his forceful criticisms. In this he seemed to be playing no favorites, whatever else he might be playing.

Alexander was speechless; but being a Member of the House, and at the moment only a visitor de gratia in the Senate, this was not surprising; the rules required it. He had known Saul of Tarsus, but this was Paul! After it was over he led his committee colleagues back to the House, a madder if not a wiser man. They believed the great Senator, at whose feet they had learned how to frame river and harbor bills, had for some reason put an antic disposition on. The charge of pork barrel, however, had been revived and this time sponsored by a man whose opinion was worth something and whose words carried weight.

The old adage says that bad news travels fast. There are some stories that are hardly to be classed as bad news, but that are nevertheless entitled to honorable mention in these speed contests. Videlicet: Once upon a time there was an old priest, Abbé Huc, who visited China and wrote a book, in which he said the Yellow River had, by reason of the levees along its banks, filled its channel until the bottom of the river was higher than the adjacent territory. There was no truth in the story; but it took the wings of the morning and flew to the uttermost parts of the earth.

WORK ON THE TRINITY.

How very many people have heard it, and how very few people ever read the book or heard of the abbé. So with the Trinity River. Dallas, Tex., is on this river, a few miles above its confluence with the East Fork. There has rarely been a situation where a competing water route to the sea was more closely indicated, as the doctors say, than at Dallas. In the center of the greatest cotton belt in the world, it was actually being strangled by the railroads. It was proposed to improve the Trinity; but then the question was raised whether there was sufficient water in the short stretch down to the point where the two forks united to maintain the required depth if a lock and dam were put there.

In an unhappy moment an engineer suggested that if there were any doubts on this point artesian wells could be sunk to supply the deficiency. How that tale spread and how it has grown and waxed fat as repetition as well as distance lent enchantment. It has been repeated in infinite variations until there are but few who have not heard at least one version of it.

The very matter-of-fact business men of Dallas were confronted with the condition, while the theory was cutting its fantastic tricks as clever paragraphers about the country gave it additions and much curvreless. Everybody smiled when the Trinity was mentioned; and so these self-same business men went down into their pockets and dug up some $65,000 wherewith to construct a lock and dam to demonstrate that there was ample water in this short section of the river. This they did to everybody's satisfaction, and Congress thereupon adopted the project. It was understood from the very outset that no commerce could develop until the series of locks and dams were completed to the Gulf. There was nothing stranger in this than that there would be no commerce at Panama until the canal was completed. In a few years the improvement of the Trinity will be completed and this greatest cotton-producing section of the world will then be enabled to use it. Until that good day comes, however, it must serve our orators and editors as an illustration of the wicked waste involved in the annual pork barrel, where money is spent on a stream that bears no commerce.

The Brazos has to run this same gantlet until its progressing improvement brings Waco in touch with the Gulf of Mexico.

These are the bright particular spots that illumine every article on the "pork barrel," and they are the horrible examples pointed to by the orators who fight this same devil—that is, by those who happen to know these projects are being provided for. As a rule, of course, your political orator does not labor under the handicap of accurate information.

The climax of pork-barrel orations and editorials usually—almost invariably—finds its fitting cap in the waste of the people's money on ridiculous creeks. How I have heard the changes rung on these worthless creeks!

A party of Congressmen were riding round Boston Harbor some years ago. We were being shown the shipping and the wonderful facilities of that great port by one of the jolliest and cleverest sons of the Old Bay State. We passed a curious old hulk lying in a rather neglected nook of the harbor, when our guide pointed it out as the old *Constitution*, and really grew eloquent in his recount of its heroic achievements. We were charmed.

Then another less imaginative Bostonian broke in to explain that this was all a mistake. So far from being the *Constitution*, it was nothing more than an unworthy barge converted into a houseboat. Turning on this iconoclast, our host shouted:

"Well, I knew that all along; but it was serving the purpose most excellent well, and now you have converted this delightful surprise into the biggest disappointment of the morning—and that, too, simply for the sake of uninteresting truth."

THE TONNAGE OF THE CREEKS.

If it were not for the fact that it would be doing ill service to the cause of waterway improvement by poisoning the public conscience with palatable though thoroughly unwholesome fallacies, I would not break this insignificant-creek idol; but I must. Let us, therefore, consider some dry though very pertinent facts.

During the past four years Congress has passed four rivers and harbors appropriation bills. The total carried in these four bills for the improvement of creeks, all told, was $901,000. These same bills carried, for all rivers and all harbors, something more than $100,000,000. Of this sum the creeks got something less than 1 per cent. During those same four years those same creeks, counting all, floated in commerce among our people a tonnage officially valued at $1,000,000,000.

The Ohio River runs for a thousand miles through one of the richest valleys of this turbulent earth. We are now hurrying to completion a project there for a 9-foot depth from Pittsburgh to the Mississippi River, where it will connect with another 9-foot channel out to the Gulf. We are going to spend on this Ohio River project $63,000,000, and everybody applauds the enterprise, as everybody must. The tonnage of the Ohio River is about 10,000,000 annually.

Those creeks, which cost us less than $1,000,000 in four years, bear an annual commerce of nearly 7,000,000 tons. How many railroads are there in these United States that can carry a billion dollars of commerce with a trackage-maintenance charge of $901,000? Our maintenance charges on Panama, military included, are going to be some twenty-five or thirty million dollars annually.

Is there any poet now in captivity who expects to see $20,000,000,000 of commerce pass through the Panama Canal annually? If it does not, then the creeks will show better in the comparison.

We are all gratified at the commerce on the Great Lakes. It amounted last year to 78,000,000 tons. We have spent something less than $50,000,000 in their improvement and maintenance to date. Four-fifths of the commerce of the Lakes is ore and coal. Expressed in tons of ore this billion dollars of commerce floated on our creeks during the past four years would load 55,000 ore ships of 6,000 tons' burden each. If these could set out on the ocean in line, three ships to the mile—and the law will not permit them to travel that close together—we should have a line of loaded ships from Boston through the Panama Canal and across the Pacific Ocean to Hongkong.

If this ore were loaded on cars carrying 30 tons each, it would fill 11,000,000 cars and require 370,000 locomotives to pull them. Putting the trains 1 mile apart—less distance would be dangerous—they would cover every mile of track in the United States and have enough trains left over to encircle the world four times, a double track round the world at the Equator, and another double track round the world passing through the North and South Poles on the way.

If one is at all interested in the development of our transportation facilities, the next time he meets one of these much-maligned creeks he should take his hat off to it.

This is what the inside of the pork barrel looks like.

Senator BURTON'S criticism was not confined to the items of the bill. No man understands all the phases of waterway improvement better than he. That Congress has invested many dollars in waterway projects which have not returned the service hoped for and expected is most certainly true. That the future will demonstrate we are to-day no better prophets in such matters than our predecessors may well be granted. No project was ever more earnestly advocated both in and out of Congress than the old Hennepin Canal.

HOW THE MONEY IS SPENT.

Representatives, and maybe some Senators as well, came in on the flow as their predecessors went out on the ebb of the tide of popular clamor for the construction of this once far-famed canal. It was the most paramount of all the paramount issues in a number of districts of the Middle West. It serves to-day as the horrible example.

"But yesterday the word of Cæsar might
Have stood against the world; now lies he there,
And none so poor to do him reverence."

Mr. BURTON'S criticism went to the method of appropriating rather than to the items for which the appropriations were made. I should say, perhaps, his shafts were better aimed at the method than at the items.

In the days of his chairmanship, rivers and harbors bills were passed only every two or three years. A cash appropriation would be made and then authority given the Secretary of War to enter into contracts for continuing the improvement for several years ahead, to be paid for by the Committee on Appropriations from time to time as the work progressed.

Great pressure was brought on Congress to have an annual rivers and harbors bill just as we have annual bills for the Army, the Navy, and so on. This plan became so popular, in fact, and for obvious reasons, that the committee could not resist either the clamor or the arguments in its favor. Mr. Alexander therefore determined on the try it. Until it could be tested by actual practice and experience no man could foretell with certainty its success or failure as an economic policy. There were no prophets to read the future—none, at any rate, who could show any divine commission; so the policy was looked on as an experiment.

If it was to be attempted, every consideration of wisdom and expediency required that the test be fair and complete. Interpreted in the light of this purpose, the conclusion was irresistible that the annual bill should carry no authorization for continuing contracts. Cash sufficient to carry on the work for one year only made it certain that the next year's bill would pass. In this way alone could a fair trial be had.

Four annual bills have since been passed, and the fifth is on the House calendar to-day ready for action. The policy is now as completely

fixed as a part of the legislative program as the policy of any other annual appropriation bill. Several lessons have been learned.

Under the plan universally followed by Congress no river or harbor improvement is ever undertaken until it has first been investigated by the engineers of the Army and recommended by them as desirable, cost and commerce both considered. Before the annual-bill policy was adopted it therefore frequently happened that a bill providing for a survey would remain on the committee's calendar for three years; and after the survey was ordered another three years would intervene before the report of the engineers could be acted on.

This country is growing at a very rapid pace. Six years is a long time to wait; so it can be asserted with assurance that the annual bill, in obviating this needless and costly delay, has justified itself.

This, however, is not the whole story. Mr. BURTON thought the continuing-contract system was the economical way to do the work, and time and experience have abundantly justified his theory. When a project has been adopted that will require 5 or even 10 years to complete—the 9-foot project for the Ohio River, for illustration—the businesslike course is to ascertain just how rapidly the work can most economically progress, and then authorize the engineers to proceed.

One Congress can not bind its successor, and there can be no guaranty that funds will be provided next year if the matter be left entirely to the determination of a future Congress. Contractors hesitate to invest in the necessary plant if work for only one year is absolutely assured, and but one method of assurance is possible, and that is to give authority by statute to the Secretary of War to enter into binding contracts.

THE SHIBBOLETH OF ECONOMY.

Experience is the best of all schools, and Congress now has taken the course prescribed. We have learned the lesson and must either return to that system or be convicted of wasteful negligence. The policy of annual bills has been thoroughly justified for the reasons above referred to, though not amplified, and should and will continue; but if just criticism and economy are to be avoided, those projects which can be most economically prosecuted under authority to make contracts for work or materials for several years ahead must be so undertaken.

Congress is always responsive to the will of its people in fact. Members must return to their constituents every two years for judgment. The cry of economy and the charge of extravagance are always the shibboleths of the opposition.

The temptation, then, is indeed great to adhere to the policy of making allowance only for one year's work, though conscious all the while that by so doing the cost of the completed project will be increased. This is the real measure of the service rendered to the taxpayers of the country by those whose zeal for economy focuses their mental vision on the total, let the items be what they may.

If constituencies can be satisfied by assurance that the year's budget is no larger than its predecessor, the election returns will give no cause for complaint, and the professional economist can continue his wasteful practices while the happy taxpayer foots the bills.

Every thoughtful citizen understands and confidently expects that the growing needs of this developing country will be reflected in increasing demands on the Public Treasury. What it is their right to demand and duty to require is that no project for the improvement of any waterway be undertaken by Congress that can be not reasonably be expected to promote the general welfare. When such a project is adopted it is the part of statesmanship, as it is the duty of patriotism, to provide for its completion in such manner and in such reasonable time as will effect the result at the minimum cost.

If this rule be faithfully followed, the criticism of those who speak without knowledge and the censure of those who scold without reason may well be disregarded.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On May 27, 1914:

S. 4096. An act to amend the act authorizing the National Academy of Sciences to receive and hold trust funds for the promotion of science, and for other purposes.

On May 28, 1914:

S. 4632. An act for the relief of settlers on the Fort Berthold, Cheyenne River, Standing Rock, Rosebud, and Pine Ridge Indian Reservations, in the States of North and South Dakota.

PANAMA CANAL TOLLS.

Mr. THORNTON. Mr. President, I ask that the unfinished business, being the Panama Canal tolls bill, be laid before the Senate for consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14385) to amend section 5 of an act to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation of the Canal Zone, approved August 24, 1912.

Mr. OLIVER. Mr. President, on the 7th of August, 1912, when the Panama Canal bill was before the Senate, I was one of the eleven Senators who voted to strike from the bill the provision for exempting vessels engaged exclusively in the coastwise trade of the United States from the payment of tolls. I did so because it then seemed to me that the exemption of our vessels was in contravention of the obligations imposed on our country by the Hay-Pauncefote treaty of 1901. As to the economic policy involved in such exemption I never was in doubt, and if the question had been free from the complications involved in the treaty I would, without hesitation, have cast my vote in favor of exemption; but I am one of those who believe that men and nations should live up to their contracts under all circumstances and at whatever cost, and I voted as I did because it then seemed to me that the treaty imposed on us the obligation of charging our own vessels the same tolls as we proposed to charge those flying other flags. I will frankly confess that I have changed my mind on this proposition. In doing this I have followed an illustrious example. In August, 1912, immediately after the enactment of the legislation which he now asks us to repeal, the distinguished gentleman who is now President of the United States gave that legislation his approval in these words:

One of the bills passed yesterday by the Senate, as it had passed the House, provides for free tolls for American ships through the canal.

We want water carriage to compete with land carriage, so as to be perfectly sure that you are going to get better rates around the canal than you would across the continent. Everything that is done in the interest of free transportation is done directly for the farmer as well as for other men. So that you ought not to grudge the millions poured out for the deepening and opening of old and new waterways. Our platform is not malaseas to catch flies. It means business. It means what it says. It is the utterance of earnest and honest men, who intend to do business along those lines, and who are not waiting to see whether they can catch votes with those promises before they determine whether they are going to act upon them or not.

The platform upon which the President was nominated contained the following plank:

We favor the exemption from tolls of American ships engaged in the coastwise trade in passing through the Panama Canal.

The President's acceptance of this plank was distinct and unequivocal. So that as late as the summer and fall of 1912 Mr. Wilson was unquestionably favorable to this exemption, and yet on the 5th of March last he addressed Congress in the following words:

I have come to ask you for the repeal of that provision of the Panama Canal act of August 24, 1912, which exempts vessels engaged in the coastwise trade of the United States from payment of tolls, and to urge upon you the justice, the wisdom, and the large policy of such a repeal with the utmost earnestness of which I am capable.

I have as much right to change my mind as the President of the United States has to change his. In fact, I think that my right in that respect is even greater than his, because my responsibility is less. When I undergo a change of mind it is only my own opinion that is being altered, while, as must be evident to everybody who has observed the course of events during the past few months, a change of mind on the part of the President involves a shifting of opinion on the part of a great majority of those who represent his party in both Houses of Congress. No one for an instant believes that this legislation could receive the support which is now being given it on the other side of the Chamber if it were not for the insistence of the masterful and all-compelling man who moves the minds of his followers from place to place like the figures on a chessboard.

As I stated before, I voted against exemption because it then seemed to me that it was in violation of our treaty obligations. Upon a more careful study of the treaty and of the circumstances which led to its adoption, and of the radical differences between it and the Clayton-Bulwer treaty which it superseded, as well as an earnest consideration of matters which have come to light since the enactment of the legislation which it is now proposed to repeal, I am convinced that the exemption of our shipping, coastwise or otherwise, from the payment of tolls, is in no way an infraction of the treaty. Not only this, but, notwithstanding the protests of the British Government, I do not believe that, so far as coastwise shipping is concerned, that Government in reality entertains the view that it is such an infraction. The President says "whatever may be our own differences of opinion concerning this much-debated measure, its meaning is not debated outside of the United States." I must take issue with this statement. Our right to exempt our coastwise shipping has been officially conceded outside of the United States, even by the British Government. On the 8th of July, 1912, just before the passage of the Panama Canal bill, Mr. A. Mitchell Innes, chargé d'affaires of the British Embassy at Washington, addressed a note to Secretary Knox, in which he used this language:

As to the proposal that exemption shall be given to vessels engaged in the coastwise trade, a more difficult question arises. If the trade should be so regulated as to make it certain that only bona fide coastwise traffic which is reserved for United States vessels would be benefited by this exemption, it may be that no objection could be taken.

He then follows it by saying:

But it appears to my Government that it would be impossible to frame regulations which would prevent the exemption from resulting, in fact, in a preference to United States shipping and consequently in an infraction of the treaty.

At the time when the canal bill was passed, in August, 1912, this note of Mr. Innes was all that our Government knew concerning the sentiment of the British Government on this subject. At that time we had not heard of the doctrine, which has since been advanced, that the neutrality of the canal meant equality with its owner. No argument or reason of any kind had then been advanced showing or tending to show that we had parted with the right to regulate our own commerce between the

paper reporter, brings them and their transactions into the light. Even then usually there is no provision for recovery by the injured or for punishment of the wrongdoer, no bond on which anybody can sue.

Beneath his skin every American citizen of every station and avocation, and whatever party name may he may wear, is a Democrat in all the essentials and fundamentals. That is, he is attached passionately to the principles of local self-government, of the widest individual liberty compatible with the general weal and order of society. This new currency measure is democratic essentially. It looks to decentralization of direct financial control, to financial local self-government, so far as is consistent with stability and the general safety; to a currency that which will be worth its face value everywhere, which will be based on the actual values it purports to represent, as well as the faith and credit of the General Government, and which yet will be elastic, expanding to meet needs where and when they develop, receding when not needed; a system fitted to meet any emergency, moving smoothly and noiselessly for the ordinary uses of business in tranquil times.

Too much money and too little money are alike evil and dangerous. Opinions differ as to which is the worse. Probably one is as bad as the other. The design of the new law is to supply just enough money or credit, when and where business needs it, to create for our commerce, as has been said, foundations so even, so broadly laid, and so deeply planted that they can not be shaken.

As it is, the country bleeds and sweats to the big financial centers. Take the South as an instance—and the conditions with which you here in North Carolina are familiar exist everywhere in the country. Most of our railway systems are controlled frequently through the trust known as the voting trust—by men who are interested in the great banks in the three central reserve cities. So it happens that the large deposits of the railways, their collections from the southern people, as also from the western people, are sent on largely to those banks. The same is true of the telegraph and telephone companies, the life and fire insurance companies, and of many of the larger manufacturing enterprises. The merchants and manufacturers of North Carolina pay their freight bills to the railways. The money goes largely and promptly to New York, and is lent out and used there in stock-market operations, or as the directors of the banks, who are also often the directors of the roads and other corporations, may elect. Of course there is no law which provides for the carrying of the reserves and bank balances of railways and industrial corporations in the central reserve cities, where the national banks of the country have also been accustomed to keep their reserves.

When North Carolina needs money to move the cotton crop her banks must call on New York for money which should be in their own vaults; for the return of money paid in here in freight bills, insurance premiums, and otherwise; and your banks sometimes think themselves lucky if they can be allowed the use of any part of it. Let us illustrate more concisely: In February last the national banks of New York and Chicago held on deposit from the banks and trust companies throughout the United States more than a thousand million dollars—an amount equal to nearly one-third of the total money in circulation in the entire country. No wonder you and the financial business men of the country stood with chilled ague whenever New York chose to show indications of having cold feet. Of this thousand million dollars placed with the New York and Chicago national banks by the banks and trust companies throughout the country, less than eighty-five million, in January last, was being loaned back to the banks and trust companies of the United States. Of the balance of the money sent to the national banks of New York and Chicago, about two hundred millions was invested in bonds and securities; about three hundred millions had been loaned to bonucstomers of these banks—that is to say, to borrowers who kept no accounts with them—on "bought paper" and loans secured by stock-exchange and other collateral—this is, of course, in addition to hundreds of millions which the banks were lending their own customers on stock-exchange and other similar securities.

These deposits of $1,000,000,000 placed with the national banks of New York and Chicago by other banks and trust companies are exclusive, it should be observed, of the huge balances sent on to them by the trusts and great corporations located everywhere, but controlled largely in the big cities. As you know, and as the Seattle banker I have quoted testified, there have been times when your banks were crippled or crippled because you could not get back from the banks which carried your reserves the money you had intrusted to them at 2 per cent interest to keep for you.

It is not hard to see how centralization of financial resources and money supply and concentration of financial power has been forced, and the invisible and irresponsible despotism created by acts of Congress and policies of government made necessary by those acts.

Now, we do not propose to use violence to force disintegration and decentralization, to do anything with a jolt and a lerk. It is understood clearly that to rush headlong and at full speed over an evil or an obstacle may cause derailment or jarring, uncomfortable and bad for passengers. The thought or plan as I understand it, is to invite decentralization, to encourage it, to give opportunity for it, to make local self government possible, to remove the influences which draw a few centers the money that is paid out to the corporations and deposited in the local banks.

Real science is the exploration of the secrets and hidden forces of nature, and intelligent application of them when they have been discovered. This new system has been drawn with infinite pains and care on that principle—the exploration, discovery, and application of the natural laws of trade and human nature—the conditions in our own country, and our relations with other countries.

Of course, absolutely free banking is as impossible as it would be to leave to each individual the regulation of his own conduct according to his own impulses or conclusions. You would realize this more clearly than you do if you could be behind the scenes in the comptroller's office. You would learn that the banking business is one of the safest as well as one of the most worthy in the world when conducted with close compliance to the laws and regulations and the demands of honesty. Defalcations, excessive loans, and concentration of credits to single or allied interests are the three most fatal maladies.

It would do no harm if every president of a national bank would read over and study his oath of office at least once a month. I venture the assertion that some of them—present company excepted, of course—do not know what they have sworn to do and not to do. On one occasion a Member of Congress, now past history, complained personally to a Comptroller of the Currency of criticism of excessive loans made by the bank of which he was president—loans far beyond the legal limit he had sworn should not be exceeded. He did not understand really his obligations and legal limitations.

Another bank in the West that came under the observation of the comptroller's office had a board of directors composed of the president, his wife, son, daughter, and son-in-law, and reported that directors' meetings were held each morning at the breakfast table. Rather different was another bank in which the cashier and president refused to call a meeting of the directors until emphatically required by the examiner to do so. The directors appeared, seemingly, and it was discovered that by a by-law they were entitled to $10 each for every meeting attended. The directors urged the bank examiner to call again soon, but the president was not at all hospitable.

I have taken advantage of the privilege of being the only speaker to talk to you at some length. It is an unusual and happy experience to have no competition or limitation in oratory, with the knowledge that I shall escape criticism by taking an early train for Washington. It is delightful for a speaker to have an audience at his mercy; makes him feel quite like a New York financial potentate. Now, I will detain you just a little longer to tell you certain details of the practical operation of the new law, which may be of special interest to you.

The law does not require a single business man to change his account from the bank with which he has kept it or any business man or bank to suspend dealings with the bank or banks in the central reserve or reserve cities with which they have in the past been doing business. It does offer to banks freedom of choice. It says to the banker that he can follow his preferences, sentiments, or habit in selecting the source of his borrowings, and the member banker of any Federal reserve district may feel free and peaceful and at ease when he knows that he has in his portfolio notes, drafts, and bills of exchange arising out of actual commercial transactions, which he can convert into money at the Federal reserve bank with greater ease and promptness than it has sometimes been possible for him to withdraw his cash balances from his reserve agents and almost with as much ease as it has ever been possible to draw an credit balance with any correspondent. He is not dependent on the whims or fortunes of any other bank. He need not shiver at the prospect of abundant crops for fear he may not have available the funds with which to meet demands for money. He need not fear the withdrawal of the money necessary to accommodate the bank's customers he can, as a matter of right, call on his Federal reserve bank.

Secretary McAdoo last summer met with admirable foresight and wisdom the annual crop-moving crisis, by putting the resources of the Federal Treasury at the service of the farmers and bankers of the country just when there were evidences of a purpose to make money scarce and high and to bring on a panic. The country is under endless obligations for that, but we can not depend on having always in command of the Treasury Department a man so courageous, so ready, so careful of the public needs, and so careless of the wishes of a selfish money power.

Among other benefits the new currency law, by its direct system of clearances, will release and make available for purposes of trade and commerce hundreds millions of dollars which under the old system have been tied up in tedious processes of collection. It will also save to banks and to merchants and business men generally some millions of dollars which they are now paying, directly and indirectly, for the collection of country checks and checks on outside cities.

To refer more particularly to your own district the fifth, I will try to explain to you how the new method will work in transactions of domestic exchange.

In this district, embracing the States of North and South Carolina, Virginia, West Virginia (except four counties), the District of Columbia, and Maryland, there are some 475 member banks.

A cotton mill at Columbia, S. C., under the old plan sends its check on its Columbia bank for a shipment of coal to the coal company at Bluefield, W. Va. The local bank at Bluefield forwards this check to its correspondent in Richmond. This correspondent sends the check to its own correspondent in Columbia, who makes the collection from the Columbia bank and then draws a check on New York for New York exchange, which it remits to Richmond. The Richmond bank thereupon notifies the Bluefield bank of the collection of the item. The collection and exchange charges on distant country banks amount usually from one-tenth to one-fourth of 1 per cent, or possibly more, and probably a week or more elapses between the remittance of the South Carolina check to the Bluefield bank and the time when the Bluefield bank gets its report that the item has been collected and placed to its credit in Richmond.

Under the new currency act "every Federal reserve bank shall receive on deposit at par from member banks . . . checks and drafts drawn upon any of its depositors." That means that the Bluefield bank receiving the check on the Columbia, S. C., bank mails it to the Federal reserve bank at Richmond. The Federal reserve bank at Richmond thereupon charges the Columbia bank with the amount of the check, credits the Bluefield bank with the proceeds, and notifies the two banks accordingly.

The Federal reserve act also provides that each Federal reserve bank shall receive at par, and credit accordingly, all checks and drafts drawn upon any of its member banks, from every other Federal reserve bank; that all checks and drafts drawn by any depositor—that is to say, by any member bank—on any Federal reserve bank, shall be received and credited at par by every other Federal reserve bank. This means that the checks of the member banks in the country towns throughout these five States are worth their full face value, without deduction for exchange or collection charges, to every other member bank, and that the amount of each check may be cashed at par immediately, without following the devious and roundabout courses now observed in the collection of checks. Virginia and West Virginia are in the fifth district; only one night distant from Richmond, and a check mailed one afternoon in the most distant portions of the district should reach Richmond the following day in time to be included in that day's operations of the Federal reserve bank.

Let us now consider another aspect of the new law: Under the old national bank act a national bank with a capital of, say, $200,000, deposits of, say, $1,500,000, bills receivable amounting to $1,200,000, and $300,000 reserve would only be permitted to borrow a total of $200,000, the amount of its capital. If a run should start on such a bank, the amount which it could raise by loans, if strictly held to the old law, would be but $200,000, the amount of its capital, which might be quite inadequate to meet a run, and the bank, though thoroughly solvent, might be forced to suspend.

Under the new law, however, if a bank with $200,000 capital and deposits of $1,500,000 should have loaned $1,200,000 to its customers on commercial paper and should encounter an unexpected run, in addition to borrowing $200,000, the amount of its capital, such a bank would have authority to rediscount with the Federal reserve bank of which it is a member, notes, drafts and bills of exchange issued or drawn for agricultural, industrial, or commercial purposes, having not more than 90 days to run, to any reasonable extent which may be approved by the Federal reserve bank to which application for such re-

discounts may be made. In other words, if such a national bank as we have used in this illustration should have loaned the entire amount of its deposits, less the 15 per cent which it is required to keep as reserve, to its customers on acceptable commercial paper, and for any unexpected reason should be subjected to a run, the Federal reserve bank of its district would have the authority to rediscount for the member bank the entire amount of its bills receivable, as represented by its commercial paper, thus enabling the bank to pay its depositors immediately and in full.

We can not overestimate the value of the additional security which this provision of the act confers upon every honestly, capably managed member bank, and the relief from strain and anxiety and from the fear and apprehension of panics and unreasoning runs which it gives to the officers of every member bank.

Another important change provided for by the Federal reserve act is the new arrangement for the compensation of national bank examiners. Under the present law the compensation of national bank examiners is based, except as to reserve cities, on the capital stock of the bank examined. Under the operations of this law a national bank examiner has been receiving for the examination of a certain national bank in the fifth district, with over $9,000,000 of assets and many thousands of accounts, the munificent sum of $25. It is, of course, clear that an examiner could make only an imperfect examination of such a bank in the space of three days at a compensation of, say, $8 per day, out of which $8 allowance he has to pay his own railroad fare, hotel expenses, as well as clerical assistance. It is not unnatural that but few examiners would willingly spend the 10 days or two weeks which it might require to make a thorough examination of such a bank when he is running personally in debt in doing so.

Under the new currency law the Federal Reserve Board, upon the recommendation of the Comptroller of the Currency, is given authority to fix the compensation of bank examiners on the basis of annual salary, so that those banks which need additional time and attention from the examiner have reason to receive the careful, close scrutiny which the case may call for. It is believed that the new system of bank examinations will reduce materially the number of bank failures and enable the department to check up many abuses and correct many evil situations which in the past have been ignored or glossed over by examiners in their hasty and incomplete investigations.

I thank you, gentlemen, for the opportunity to address you. Approaching the study of this new and revolutionary measure with the caution natural to every man trained in banking under the system with which we have grown up, I have become more thoroughly aroused to its merits and more deeply impressed as I have watched the methods of construction, the processes of growth, and have considered the underlying principles directing those who did the work.

It would be unjust, in congratulating ourselves upon the benefits and blessings we are to receive from this epoch-making piece of legislation, not to acknowledge the obligations we owe for the splendid results achieved to the patient and untiring labors, resourcefulness, and constructive genius of the distinguished chairman of the Banking and Currency Committee of the Senate and House of Representatives and to the Secretary of the Treasury, whose counsel, skill, and support in the shaping and enactment of this great measure were of inestimable value.

Here in North Carolina the records show magnificent natural progress and you have special interest in changes in the banking system which are so surely destined to promote and encourage your growth and expansion.

In the triumphs of peace and industry, as in the glories won on battle fields, and in the domain of statesmanship, all classes of your people have done full and honorable parts; have united in making the name of your State stand high and shine bright in the roll of the States in building and maintaining this mighty Republic of ours. You are living true to your record; have furnished to the Cabinet two of its ablest and most useful members, in the capacities of directness, faithful, and courageous, the strong supporters of huge responsibilities.

I invoke your aid to promote the success of this new system in which your calling gives you special interest and opportunity, in a system designed to distribute the benefits and blessings of ever increasing resources and wealth equitably among your people of all stations who have done so well their respective parts toward creating your greatness. I believe this new system, for which we are indebted in a great measure to the patient guidance and masterly leadership of the scholar and statesman chosen to the Presidency, will bring new strength, new scope, new assurance to our entire commercial system, and for your State and my State and all the States and the people as a whole mean deliverance from dangers that beset us, and a new career of advancement based on the solid foundation of real substance, honesty, justice, and democracy in its highest meaning and purpose.

RIVER AND HARBOR BILL.

Mr. RANSDELL. I ask unanimous consent to have printed in the RECORD a very interesting and learned article on rivers and harbors. It is entitled "The Inside of the Pork Barrel," by Hon. BENJAMIN G. HUMPHREYS, of Mississippi, published in the Saturday Evening Post of May 23.

The VICE PRESIDENT. Is there objection?

Mr. GALLINGER. What is the request?

Mr. RANSDELL. That an article on the river and harbor bill entitled "The Inside of the Pork Barrel," by Hon. BENJAMIN G. HUMPHREYS, of Mississippi, published in the Saturday Evening Post of May 23, may be printed in the RECORD.

Mr. GALLINGER. That is a most interesting pork barrel—the river and harbor bill. I have been looking at it, and if this throws any light on the subject I think we ought to have it printed in the RECORD.

Mr. RANSDELL. It throws a good deal of light on it, and I hope the Senator from New Hampshire will read it and that every other Senator will read it.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

THE INSIDE OF THE PORK BARREL.

[By B. G. Humphreys.]

In a few days Congress is going to pass an omnibus river and harbor bill, and then in a few more days the newspapers will be discoursing on the evils of the pork barrel—and why not? Heaven knows they frequently discourse on much worse things, though rarely, it must be admitted, on topics about which they really know quite so little.

The first thing one does when he leaves the grammar school is to forget his geography. Why should these gentlemen who write editorials for our great newspapers, and who know about tariffs and things, burden their minds with mere geography? Why bother about Raccoon Creek when it is so easy to remember the Suwanee River? Why keep such prosy old names as Pollock Rip and Cooper River in mind when it is so much pleasanter to let one's thoughts rest on the banks of the Wabash, or where rolls the Oregon?

A good Massachusetts friend, for many years a member of the Rivers and Harbors Committee, told us that a Harvard man took him to task on one occasion for wasting money on so many insignificant and worthless streams. "Why," he replied, "the trouble is not with the legislation—it is with you; you don't know the geography of your country." Naturally this was protested. "Well, I will name a river in this country navigable for 300 miles that you never heard of." And naturally enough this, too, went to protest. "The Coosa." And his friend owned up.

When the new man comes to Congress he has to start something—so many of them believe; and about the surest way to the headlines is to denounce the pork barrel. A very wise old man told me many years ago down in Mississippi, when I was beginning to look around politically and take notice, that the very best thing a young man so intentioned could do was to go and fight with the devil. It does not make much difference what devil it is. An imaginary one will answer the purpose, just so you fight him loud." Since that day I have come to believe that this old sage has lectured pretty generally around this country.

THE INTRACOASTAL CANAL.

When the river and harbor bill was before Congress a year ago one of this old teacher's pupils grew almost eloquent—at any rate, he fought loud—denouncing the pork barrel. Naturally he was requested to indicate the particular project he wished to have eliminated, so he concluded to read the bill and try to guess the answer. The House adjourned over Sunday, and when we resumed consideration of the bill on Monday he was ready to specify. Somebody has had a big map of the United States printed, with a broad blue strip running from Boston a short distance inland along the whole Atlantic coast, across Florida, around the Gulf to the Mexican border.

This blue strip is supposed to indicate the course of the Intracoastal canal. The usual amount of study devoted to this project consists of a more or less casual glance at the map and a somewhat more definite "Well, I'll be darned!" The real project for this inland route may be stated in a few words, and a somewhat careful examination of the map will probably suggest the thought that it is manifestly feasible. A cut across Cape Cod—and private enterprise is now making it—gives a protected coastwise passage behind Long Island into New York from Boston. The tonnage actually carried now and subjected to the dangers of the passage through Marthas Vineyard and round Cape Cod is difficult to ascertain with exactness. It is very large—just how many millions can only be roughly estimated, but certainly larger than the tonnage that passes through the Suez Canal; and the passenger traffic is enormous.

Surely it would not be a foolish thing to make the way safe. The next cut is across New Jersey from Raritan Bay to the Delaware River, and private enterprise dug that many years ago. The next cut is across Delaware from the river to Chesapeake Bay; and there, too, private enterprise has long since constructed the Delaware & Chesapeake Canal. Running down this protected course several hundred miles through Chesapeake Bay, the next cut is from the Chesapeake to Albemarle Sound.

Strangely enough, these two waters are already connected by two privately dug canals—one through the Dismal Swamp; the other known as the Chesapeake & Albemarle Canal. The traffic carried through both these canals through the years is not large. Some years ago, when the year before Congress purchased the last named. All of it, of course, was compelled to pay toll to the companies that owned and operated them. It would require an ordinary freight train of 20 loaded cars two trips daily every day in the year to transport the tonnage.

Just what the saving to the commerce of the coast will amount to when this canal is deepened and widened and made a free waterway can only be guessed; but the Engineer Corps of the Army, after a very thorough study of the question, reported that the expense of the improvement, including the purchase price, was justified by the needs of commerce; and thereupon Congress adopted the project. It will enable the coastwise craft to avoid the storms and dangerous traffic of the shoals and hidden reefs off Cape Hatteras, the most dangerous point on our Atlantic seaboard, where many fortunes and human lives are annually lost.

From Beaufort to Savannah the difficulty will be greater, but future Congresses may find it worth while to undertake this section. From Savannah to Key West the project will require little excavation and the cost will be small.

Along the Gulf of Mexico nature has providently so disposed the sea islands as to provide this section of the canal almost without the necessity for human activities to amplify. Look at the map if your curiosity or interest is roused.

However, as one of those immortals who used to gather around the table at the coffeehouse and hear Dr. Johnson's long sentences expressed it, "This is going far afield." I must return to our friend the orator. To use expressive slang, the intracoastal canal "got its;" it was the biggest and the greatest piece of pork in the barrel! When Clearwater Harbor was reached in the bill it must be stricken out. The chairman explained that this was not a part of this inland waterway.

"Judging from its name I had assumed that it must be some distance inland," the objector explained. Most natural assumption. How could Clearwater Harbor be near the ocean? Traversing the broad prairies from the land of the cactus on his triumphal march to the Nation's Capital, he had crossed many rivers—the Red, the Arkansas, and even the Father of Waters. All were rushing in tawny currents on and into the sea, and surely this common receptacle of so much silt must be the muddiest hole in Christendom. Clearwater Harbor near the ocean—the idea!

The rivers whose improvement and maintenance are provided for in the bill now pending in Congress floated last year a commerce amounting to 263,213,128 tons. This is exclusive of the traffic on the rivers connecting the Great Lakes, and does not include the tonnage of our harbors. These figures will be more readily understood when compared with the tonnage of other transportation routes which hold a prominent place in the public mind. Mr. Emery Johnson, the official expert upon whose figures the House relied when the rate of tolls was

mediately put on its passage without any consideration, and especially a resolution of this importance, demanding statements from a department, it seems to me is not according that degree of care which we ought to manifest. I repeat, if I have properly understood the resolution, I shall probably be heartily in accord with it; but it is a little hasty, it seems to me, to have a resolution offered in this way, with unanimous consent asked for its consideration, and action expected on the instant. Is not the Senator from Nebraska willing to let the resolution lie over for a day, so that we may examine it?

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. REED. I did not wish to put it in that form.

Mr. NORRIS. I should like to say to the Senator that an objection, of course, will take the resolution over until to-morrow, and I have no objection to its going over. I am perfectly willing, if the Senator from Missouri or any other Senator desires to examine the resolution, to allow it to go over. It only calls for certain information from the Attorney General, and, I repeat, I have no objection to its going over until to-morrow, if the Senator from Missouri desires that it shall do so in order that he may fully examine it.

Mr. REED. I made the request, but I did not wish to put it in the form of an objection. I should, however, like an opportunity to examine the resolution, and I probably shall be in favor of it when I shall have examined it. I ask that it may go over.

The VICE PRESIDENT. The resolution will go over until to-morrow.

LOCATION OF FEDERAL RESERVE DISTRICTS.

Mr. HITCHCOCK. Mr. President, I desire to ask for a reconsideration of the order of the Senate for the printing of certain briefs and articles presented to the organization committee of the Federal Reserve Board relative to the location of reserve districts in the United States. I make this request for the purpose of amending the order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is reconsidered.

Mr. HITCHCOCK. I ask that the letter of the reserve bank organization committee submitted to the Senate May 18, 1914, transmitting the briefs and arguments presented to the organization committee of the Federal Reserve Board relative to the location of reserve districts in the United States, together with such accompanying maps and diagrams as may be necessary, be printed as a Senate document.

Mr. President, by way of explanation, I will say that the first order did not give authority for the printing of maps and diagrams and accompanying documents. I have since that time gone over the maps and diagrams with the printing clerk and have eliminated such as are not necessary, and this order merely contemplates the printing of those that are necessary to explain the written matter.

I ask for the entry of the order.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

RURAL CREDITS.

On motion of Mr. HOLLIS, it was

Ordered, That 8,000 additional copies of the bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes, be printed for the use of the Senate document room.

ADDRESS BY HON. JOHN D. RYAN.

Mr. WALSH. Mr. President, I send to the desk a copy of an address delivered yesterday before the national foreign-trade convention by a distinguished citizen of Montana, Hon. John D. Ryan, entitled "The Sherman Law and its Effect on Export Trade." It deals with an important feature of the trust problem now engaging the attention of Congress. I ask that it may be printed as a Senate document, for the information of Members of both Houses.

Mr. SMOOT. Will the Senator allow it to be referred to the Committee on Printing?

Mr. WALSH. I will be very glad to have that done.

Mr. SMOOT. It is the course that is usually taken in such matters.

Mr. WALSH. Very well.

The VICE PRESIDENT. The address will be referred to the Committee on Printing.

DEMOCRACY IN BANKING.

Mr. JAMES. I ask to have printed in the RECORD an address by John Skelton Williams, Comptroller of the Currency, delivered before the annual convention of the North Carolina Bankers' Association in the house of representatives at the capitol at Raleigh May 13, 1914, on the subject of Democracy in Banking.

Mr. SMOOT. Will the Senator allow it to be referred to the Committee on Printing, just as all similar matters are?

Mr. JAMES. I desire it printed in the RECORD. I do not wish to have it printed as a public document, but merely that it be printed in the RECORD. It is a very able address.

Mr. SMOOT. I have not any question as to that, nor have I any desire to withhold it from publication.

Mr. JAMES. It is not usual to have referred to the Committee on Printing matters intended to be printed in the RECORD.

Mr. SMOOT. Oh, no; not if it is only intended for the RECORD.

Mr. JAMES. This is only for the RECORD.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DEMOCRACY IN BANKING.

[Address of John Skelton Williams, Comptroller of the Currency, delivered before the annual convention of the North Carolina Bankers' Association in the house of representatives at the capitol at Raleigh, May 13, 1914.]

Mr. President and members of the North Carolina Bankers' Association, about a week from now those of you who believe in the Mecklenburg Declaration of Independence will celebrate it. Maybe some of those who will celebrate will have doubts, and I shall not undertake either to change those doubts to full faith or to confirm them. The Government assumes that I am to do a certain amount of work for it, and experience proves that he who becomes thoroughly involved and interested in discussion of the Mecklenburg declaration, whether for the affirmative or the negative, will have no time left for other matters. Whether Thomas Jefferson, of Virginia, borrowed his declaration from the work of a talented North Carolinian may be left, like that other question between the two States—which claims the more gallant soldier whose lifeblood flowed highest on the heights of Gettysburg—for each man to decide for himself. In both those great events of American history there is honor enough for all the participants.

My purpose is to talk to you of a new declaration of independence, involving no shock of arms, no shedding of blood, no severance of ties, yet mighty in its consequences for the present and the times to come after. Nowhere in the world could such a theme be presented more appropriately than in the capital of a people who from the beginning of their history on this continent have been foremost in protest against error, evil, and oppression; most restless under injustice; most energetic in demand for freedom, and the rights conferred by freedom and constituting it.

The new banking law, of which I, as Comptroller of the Currency, am asked to talk to you North Carolina bankers, is not only a declaration but a guaranty of the freedom of the financial and commercial interests of our country from the possibility of the rule of a small group of men, sometimes unknown, sometimes too well known.

It is a plan of decentralization and distribution, demanded by the expansion and growth of our Republic. It is not intended to injure anybody, and it will not injure any but those who insist on being injured, and let us hope that there will be none such. There is strength in voluntary and accepted unity, but there is none in servitude of units enforced by law. There is vigor irresistible in the willing combination of many for a common purpose. There is weakness and inevitable and infinite corruption in the concentration of power which means tyranny on one side and enslavement on the other. We have been living in swaddling clothes, which have become fetters—tightened or loosened by a few strong hands. Alternately business has been stimulated to feverish and sometimes wild exertion, and given knock-out drops, reducing it to helplessness and the very appearance of death. We have grown, but the growth has been uneven and therefore sometimes unhealthy. Too often our prosperity has been of the kind that shows in statistics splendid aggregates, but is not felt or enjoyed by the average individual citizen.

The system we have endured through half a century hampered us, because it checked our growth and was unequal to our needs. It was dangerous—deadly dangerous—not only because it compressed control of our increasing resources and wealth into the keeping of a small number of individuals at certain great centers, but because it aided in the heaping up of vast fortunes, inciting discontent and resentment, the parents of revolution the forerunners of destruction.

Poverty is not always felt acutely until contrasted with riches. Inequalities vividly evident are the worst foes of any Government, the surest evidence of its inadequacy, the urgent signals for its amendment. When nobody is swollen abnormally with riches nobody feels pinched or is made angry or desperate by lack of them.

This new measure is part of a general and deep movement for a new life, new standards, new methods for the United States. A change is necessary and is coming, and common sense tells us to prepare ourselves and our affairs for it. Who knows that the discounts of the national banks in the 50 reserve and central reserve cities increase, as they have done, from $1,800,000,000 in 1903 to more than $3,000,000,000 in 1914 we surely need a banking and currency system with the capacity to stretch and give.

When a dozen men own among themselves $1,600,000,000, and through a system of interlocking directorates control as much more, directing an amount equal to the total currency supply for 100,000,000 people, we should realize that such power is a peril, not only to our commerce and to the people at large, but to the Government itself. I have heard it said those men have held this huge Republic by the throat, but if that statement is strong, we do know that under the conditions which have existed they could precipitate a panic or force artificial and injurious activity at their will. Working from ambush, seen by none, felt by all, they could have shaken the credit of the country so as to paralyze and make in time of peace ruin and desolation worse than war. There is no need to quarrel with these men. Considering what they could and might have done, we may say, as was said of Warren Hastings in India, we are astonished at their moderation.

Some of these commanders in chief of finance and captains of industry have proved that they had high patriotic instincts and came to the help of the Government and people in time of stress. Others had the sound wisdom to realize that their real prosperity and the stability

of their great possessions were best promoted by reasonable prosperity and hopefulness among the masses of the people. Yet it is not right or safe that the happiness and hope of all these scores of millions of our citizens should depend on the mercy, the caprice, or the opinions of any 12 or 50 or 100 men.

Some of the greatest fortunes, the magnitude of which takes the breath of the ordinary man and strains his imagination, are results of our system of banking and finance, of a protective tariff, taxing many for the benefit of the few, and of laxity in the enforcement of laws, inadequate and feeble at their best. They are dangerous but only to the general body of the people they possess, and it must be remembered that a huge mass of money does not always either prove or supply wisdom, and to the contrary sometimes upsets it.

There is a suggestion of cynical satire in the mythological story that King Midas, whose touch changed to gold everything upon which it fell, was given at last the ears of an ass. He prayed to the gods to relieve him of the rich but deadly faculty which forbade him even from eating food possible to his digest. So men with the genius, the faculty, the instinct—whatever it is—for what we call making money may well pray for a law or dovetailing plan of laws forbidding them from piling up money in quantities greater than any man can use comfortably or can be intrusted with safetyed.

There is no natural limit to greed and the ambition to acquire. If we can not provide artificial limitations we can, at least, devise and provide plans to prevent centralization and to protect the public. As we have seen within the few years, men who to the rare learned arrogant confidence in the overwhelming power of gathered gold have been led, perhaps almost imperceptibly to themselves, to use it for the mastery of politics and legislation. In both those great events of American history there is honor enough for all the participants.

My purpose is to talk to you of a new declaration of independence, involving no shock of arms, no shedding of blood, no severance of ties, yet mighty in its consequences for the present and the times to come after. Nowhere in the world could such a theme be presented more appropriately than in the capital of a people who from the beginning of their history on this continent have been foremost in protest against error, evil, and oppression; most restless under injustice; most energetic in demand for freedom, and the rights conferred by freedom and constituting it.

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Some of these commanders in chief of finance and captains of industry have proved that they had high patriotic instincts and came to the help of the Government and people in time of stress. Others had the sound wisdom to realize that their real prosperity and the stability

on a better and broader plan than we have used heretofore. We need to replace the foundation, to discard the patchwork and false work on which we have operated. The strongest, surest, the deepest foundation possible for our financial structure is the confidence and assured safety and contentment of the people who do the voting, with whom rests the final decision—the ultimate giant power, which, blinded and strong, would pull away the pillars of the temple; which, seeing and working intelligently and hopefully, will help, in our work of building, those of us who are trying to build.

We have grown and prospered in spite of an imperfect, repressing, and perilous banking and currency system. We have grown as a vine sometimes forces its way through a crevice in a wall, our very growth inviting disaster and death, our wonderful vitality hastening catastrophe, because the more brilliant the flower and the more abundant the fruit the sooner must the withering be when the roots are among stones and can gather no new life. Over 50 years of growth under the old banking act has been forced by the generosity of the soil of a new land, by the unconquerable energy and resiliency of a virile and courageous people; yet it has been interrupted by periods of business depression and stagnation; our progress punctuated by panics, discreditable, appalling—to many ruinous. These have usually come at intervals of about 10 years, more or less, sometimes preceded by long months of sickening apprehension, sometimes foreseen by the far-seeing, sometimes bursting upon us with dreadful suddenness. The immediate results, seen by all, have been crashing of banks and trusted commercial houses, the wholesale stoppage of industries, the wiping away or cruel draining of the results of honest thrift, denial to willing and hungry labor of the opportunity to earn bread and shelter.

We believe one of the most valuable and beneficial effects of this new banking bill will be to make such panics as we have had in the past virtually impossible. When there is confidence there can be no panic. The panic is, as its name signifies, fear, distrust. When the people know that their financial institutions are stable, that behind them stands a Gibraltar of solid assets, that checks will be honored on presentation, and that their deposits are safe, there is no fear or doubt. It is a familiar maxim that a bank is like a woman's reputation—likely to be injured by the faintest whisper. When the banks have behind them substantially the combined strength of all other banks and supplies of currency ready to answer their needs, limited practically only by their valid values, malice can not invent nor credulity or ignorance accept reports to hurt or drag them down.

Nor will their credit or their lives any longer be held at the mercy of any so-called Money Trust. Help for their just needs will be theirs by right, by requirement of law; they can ask with high confidence of receiving aid, instead of depending for it on the doubtful answer to their supplications. They will not know, as many of them have known, the misery of begging vainly for the use of their own money held by reserve or central reserve banks, and of suffering impairment or disaster because of being denied return of what they had intrusted for safekeeping. A leading banker of Seattle, vice president of the clearing house, testified before the reserve bank organization committee, sitting in that city a few weeks ago, as follows:

"Let us go back," said he, "for a moment to the panic of 1907. If we could have drawn our money in this district from Chicago, New York, and St. Louis we would not have known that there was a panic in existence. Conditions were all right out here, but our resources were simply tied up and we were helpless."

Understand it is not assumed or promised that this new law will perform the functions of Divine Providence—shower blessings on everybody or establish universal prosperity. Nor will it bolster up or save banks improvidently, recklessly, or corruptly managed. It is intended to enable banks honestly and sagaciously conducted to enjoy the legitimate results of their own integrity and sagacity. Its purpose is to enable the natural and just laws of trade, beautiful, symmetrical, and sane, when undisturbed—as is the law of gravitation—to work to their results which have been brought to light by which the shareholders of railways and other great enterprises, established to build up the country and to promote the public interests, were despoiled. Their property and money were taken from them by the knight of masses of money working stealthily. The raids had none of the attractions of the picturesque or the merit of courage. They were cold-blooded, relentless seizure of other men's goods by plots, treachery, and betrayal of trusts which should have been held sacred.

Yet it would be foolish, unjust, and wicked to hold New York as a community, or her leading citizens generally, among whom are men as high and honorable as any country contains, responsible for the misdeeds, treachery, and lawlessness of certain conspicuous offenders. Without doubt the overwhelming majority of the citizens of our great cities, as of our people generally, have viewed such violations of laws, legal and moral, with as great abhorrence as any of us, and have felt the blush of shame that such crimes are possible in this enlightened age and under the form of government which has also produced our long procession of heroes, patriots, and statesmen.

Every thinking and patriotic American must exult in New York's splendid achievements, in the glories she has built, which have made her the wonder and admiration of the world. The people of the South would be ungrateful if they forget the generosity of her people when trouble had come upon them from fire, earthquake, and pestilence, and her purse has been opened wide to every appeal from any part of the land.

The purpose should be to change the relation of New York to the country generally from an attitude of dominating ownership to friendly partnership. Big as New York is, it is not big enough to direct the destinies of this continent. Fast as it has grown, it has not grown so fast as the United States has grown in wealth, capacity, population, thought, and aspiration.

No one reservoir is wide or strong enough to hold and control the money supply for the inconceivably tremendous activities in which we are engaged, for our endless variety of industries and enterprises, our different climates, seasons, and products, our requirements sometimes crowding and conflicting with each other. No group of men at any center, however broad in mental grasp or earnest in intent to seek the best results for all, can be intrusted safely with the unlimited and unrestrained control and direction of the flowing and recall of supplies of currency for the needs of the present, and the increasing needs that will come with the near future.

In our political affairs we impose on those to whom we intrust authority the most careful and elaborate restrictions. We draw lines beyond which no Government or representative of Government is permitted to step. We have decreed that the humblest home shall not be invaded by State or Federal officials, the smallest bit of property shall not be seized, the most obscure man shall not be deprived of his liberty without due process of law. Yet we have permitted to grow up what is aptly called an "invisible government," more powerful in many respects than the visible government, touching our daily lives more intimately and immediately than any government can do, reaching into the vaults of our banks, the safes of our merchants, the cupboards of our housewives. On the power of this we have set no limit. We have left it unrestrained. We have allowed it omnipotence without responsibility; permitted its operations to be conducted, too often, without possibility of appeal or redress.

We demand of a township constable, the pettiest officer of the law, that he give bond for faithful performance of his duties; that he shall oppress no citizen, shall faithfully return the few dollars he may collect. Under our laws control of millions and billions of dollars, power to confiscate or destroy railway systems, great manufacturing industries, towns, and cities are forced to the keeping of unknown men who give no security, are responsible to nobody, who remain undiscovered, and act frequently through acknowledged "dummies," until some accident, some chance question by an investigating Congressman, or inquiry by a news-

The resolution (S. Res. 380) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the sum of $1,500 be paid to Frank P. Glass out of the contingent fund of the Senate, which payment shall be in full of all demands of the said Glass for expenses incurred by him in the proceedings brought to establish his right to a seat in this body under the appointment of the governor of Alabama.

PRIBILOF ISLANDS FUR SEAL.

Mr. THORNTON. From the Committee on Fisheries I report back favorably, with an amendment, the joint resolution (S. J. Res. 150) providing for the taking for purposes of illustration of 30 specimens of Pribilof Islands fur seal for the collection of the United States National Museum. I ask unanimous consent for the present consideration of the joint resolution, for the reason that it is necessary to act promptly, because the Commissioner of Fisheries has just left for Alaska, and it will be necessary for him to make the collection this summer in order to make it available.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment was, in line 4, after the word "taken," to strike out "from" and insert "for," so as to make the joint resolution read:

Resolved, etc., That the Secretary of Commerce be, and he is hereby, authorized to have taken for the collections of the United States National Museum a series of specimens of the Pribilof Islands fur seal, to properly illustrate the range of variation in both sexes at all ages, said collection not to exceed 30 specimens in number.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 5687) granting an increase of pension to George Willis; and

A bill (S. 5688) granting a pension to Eliza L. Johnsonbough (with accompanying papers); to the Committee on Pensions.

By Mr. WILLIAMS:

A bill (S. 5689) for the relief of Alice Petrie Watkins, Charles Petrie, and the heirs of Eva Petrie Hamilton, or their personal representatives (with accompanying paper); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 5690) granting an increase of pension to Charles Brink (with accompanying papers); to the Committee on Pensions.

By Mr. LANE:

A bill (S. 5691) granting an increase of pension to George W. Sullivan (with accompanying papers); to the Committee on Pensions.

By Mr. BRYAN (for Mr. FLETCHER):

A bill (S. 5692) granting an increase of pension to Mary B. Jenks; to the Committee on Pensions.

By Mr. MARTIN of Virginia:

A bill (S. 5693) to provide for the promotion of Pay Director William W. Galt, United States Navy, to the rank of rear admiral in the Pay Corps of the Navy upon his retirement from the service; to the Committee on Naval Affairs.

By Mr. BRADY:

A bill (S. 5694) granting an increase of pension to George M. Getts; to the Committee on Pensions.

By Mr. SMITH of Maryland:

A bill (S. 5695) for the relief of the Southern Transportation Co. (with accompanying papers); to the Committee on Claims.

By Mr. CHAMBERLAIN:

A bill (S. 5696) granting a pension to Andrew J. Mills (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILLIAMS submitted an amendment relative to the rights of the Mississippi Choctaw Indians whose names do not appear upon the approved rolls of the Choctaws in Oklahoma, etc., intended to be proposed by him to the Indian appropriation bill, which was ordered to lie on the table and be printed.

Mr. ROBINSON submitted an amendment proposing to appropriate $234,435 for labor and material required in the installation of a drainage system in the city of Hot Springs, Ark., to care for storm waters from the mountains of the Hot Springs Reservation and for perfecting a sanitary sewer system in that city, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SIMMONS submitted four amendments intended to be proposed by him to the river and harbor appropriation bill, which were referred to the Committee on Commerce and ordered to be printed.

Mr. GORE submitted an amendment providing that the unobligated balances in the appropriation "Public works, Bureau of Yards and Docks," for the year ending June 30, 1914, or so much thereof as may be deemed necessary by the Secretary of the Navy, may be by him expended for the construction of storage tanks for oil, for the purchase and treatment of oil for naval purposes, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to lie on the table and be printed.

NAVAL CLAIMS.

Mr. SMITH of Maryland submitted an amendment intended to be proposed by him to the bill (S. 5489) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

FUNERAL EXPENSES OF THE LATE SENATOR BRADLEY.

Mr. JAMES submitted the following resolution (S. Res. 381), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, from the miscellaneous items of the contingent fund of the Senate, the actual and necessary expenses incurred by the committee appointed by the President of the Senate in arranging for and attending the funeral of the late Senator William O. Bradley, from the State of Kentucky, vouchers for the same to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

NEW YORK CENTRAL & HUDSON RIVER RAILROAD CO.

Mr. NORRIS. I submit a resolution and ask unanimous consent for its present consideration.

The resolution (S. Res. 382) was read, as follows:

Whereas the New York Central & Hudson River Railroad Co., through its ownership of the stock of the Lake Shore & Michigan Southern Railway Co., forms a continuous line of railway from Chicago, through Buffalo, to New York City; and

Whereas said New York Central & Hudson River Railroad Co. controls by lease the West Shore Railroad Co.; and the said Lake Shore & Michigan Southern Railway Co. owns the stock of the New York, Chicago & St. Louis Railroad Co. (Nickel Plate), which, together with the said West Shore Railroad Co., constitutes a railroad running parallel to the Lake Shore & Michigan Southern Railway Co. and the New York Central & Hudson River Railroad Co. from Chicago, through Buffalo, to New York City; and

Whereas the New York Central & Hudson River Railroad Co. owns the stock in the Michigan Central Railway Co., a line of railway extending from Chicago to Buffalo; and

Whereas said New York Central & Hudson River Railroad Co. owns the stock in the Western Transit Co. and the Rutland Transit Co., constituting a water-navigation line engaged in interstate commerce between Buffalo and Chicago and intermediate points; and

Whereas this ownership results in a combination under one control of four competing lines of transportation between Chicago and Buffalo and two competing lines between Buffalo and New York City; and

Whereas the said Lake Shore & Michigan Southern Railway Co., in addition to the ownership of the said New York, Chicago & St. Louis Railroad Co., owns all of the stock of the Toledo & Ohio Central Railway Co.; of the Chicago, Indiana & Southern Railroad Co.; and of the Jamestown, Franklin & Clearfield Railroad Co.; and also owns more than 50 per cent of the stock of the Pittsburgh & Lake Erie Railroad Co.; and

Whereas the said New York Central & Hudson River Railroad Co. controls the Western Maryland Railway Co., which together with the said Pittsburgh & Lake Erie Railroad Co. constitutes another competing line between territory covered by the Lake Shore & Michigan Southern Railway Co. and the New York, Chicago & St. Louis Railroad Co. with the Atlantic seaboard; and

Whereas the said New York Central & Hudson River Railroad Co. is now taking the necessary steps to more completely consolidate all of the aforesaid railroads, together with others, under one ownership and control. Therefore be it

Resolved, That the Attorney General be, and he is hereby, directed to inform the Senate whether the various combinations of railroads above set forth are in violation of the Sherman antitrust law or any other statute of the United States, and whether the Department of Justice has in contemplation any action for the dissolution of said combination.

The VICE PRESIDENT. The Senator from Nebraska asks unanimous consent for the present consideration of the resolution. Is there objection?

Mr. REED. Has this resolution been before a committee of the Senate?

The VICE PRESIDENT. It is an original resolution submitted by the Senator from Nebraska.

Mr. REED. I think a resolution of its importance ought to go to a committee. If I have caught its import, I am heartily in accord with it; but to have a resolution read without having it printed and thus being before the Senate, and im-

Mr. SIMMONS. I have concluded; but I think the Senator ought to have the courtesy to permit the Senator from Mississippi to ask me a question.

Mr. OLIVER. If the Senator has concluded, I object to further discussion.

Mr. WILLIAMS. Never mind, I shall not insist. I just wanted to ask the Senator a question before he took his seat.

Mr. SIMMONS. I have not said what I wanted to say, but owing to the impatience of the Senator from Pennsylvania, who seems this morning to be exceedingly desirous to suppress any discussion on this side in reply to what the Senator from Utah said some days ago, I will not consume any further time.

Mr. OLIVER. The Senator from Pennsylvania is exceedingly patient. I do not object to the Senator from North Carolina concluding, but I do object to further discussion here on the part of other Senators.

Mr. SIMMONS. I will not interrupt the Senator further.

Mr. WILLIAMS. I had no idea of discussing anything. I wanted to ask a question of the Senator from North Carolina before he took his seat.

Mr. OLIVER. I supposed the Senator from Mississippi was only coming in with one of his little interludes. We know what that means.

Mr. WILLIAMS. I will state further that I am heart and soul with the Senator from Pennsylvania, and I hope the example he now sets of discussing the tolls bill and keeping it under discussion, with nothing at any time to interfere, will be adopted by the Senate and followed out.

Mr. OLIVER. I should be glad to hear the Senator from Mississippi on one subject——

Mr. O'GORMAN. I ask that the tolls bill be laid before the Senate.

Mr. RANSDELL. Before that is done——

The VICE PRESIDENT. The morning business has not been concluded, and the request of the Senator from New York is not in order. We are still on the presentation of petitions and memorials.

Mr. O'GORMAN. I withdraw the request. There have been so many addresses this morning I assumed that the morning business had been closed.

COEUR D'ALENE INDIAN RESERVATION.

Mr. BRADY. On the 26th of May I introduced a bill appropriating $100,000 for the construction of a system of wagon roads on the Cœur d'Alene Indian Reservation in Idaho.

I have a letter which I have received from the officials of the Plummer highway district stating in very concrete form many good reasons why the bill should be passed.

Every homesteader had to pay the Government for his land. There are many Indian allotments in the district, and the Indians pay no taxes and do no work on the roads, and the homesteaders even have to pay for the right of way and must build the roads over the Indian lands. I am desirous that the records may show the great need of the passage of this bill. People have settled in the Plummer district from all parts of the United States and have taken up homesteads with the intent to build homes and develop the country. These people are among the best class of our citizens and certainly deserve this recognition. I ask that the letter may be printed in the RECORD and referred to the Committee on Indian Affairs.

There being no objection, the letter was referred to the Committee on Indian Affairs and ordered to be printed in the RECORD, as follows:

BOARD OF COMMISSIONERS,
PLUMMER HIGHWAY DISTRICT,
Plummer, Idaho, May 9, 1914.

Hon. JAMES H. BRADY,
United States Senate, Washington, D. C.

DEAR SENATOR: Inclosed herewith you will find a certified copy of our minutes of a special meeting held to-day.

The Coeur d'Alene Reservation was opened to entry May 2, 1910. Plummer is virtually the center of that reservation. People came here from all over the United States and took up homesteads with the desire to build homes and to develop the country and make it a good place in which to live. Homesteaders, as you know, are poor, ordinarily. There was not one mile of road built within miles of the village of Plummer. There were no roads laid out, even. Homesteaders cut trails across the mountains to reach some place where they could secure supplies.

In 1912 we formed a highway district under the laws of the State. We bonded ourselves for $15,000 in the year 1913. We taxed ourselves for the purpose of building roads as heavily as we could, with the result that we will have in taxes this year about $16,000, all told. This indicates we believe, the good faith of the people here. It shows that they are in earnest, that they are taking the Government domain that was raw land and are attempting to change it into farms and beautiful homes.

Every homesteader had to pay the Government for his land. The country is sprinkled with Indian allotments. The Indians pay no taxes, do no work on the roads, but, on the contrary, charge the people for a right of way, and the people must build over these Indian lands. These roads benefit the Indians as much as they do anyone else. This is a hard country to build roads in. Brush must be cut, stumps must be blown out, and the roads graded at great expense. Under the circumstances, we believe that no one would oppose a bill appropriating the sum of $100,000 to the Plummer Highway District for the purpose of building a system of roadways. Nothing could do more to build up the country, and in view of the hardships and the sufferings that homesteaders here have gone through, no one is more entitled to Federal aid.

We would like to impress upon you as forcibly as we can the necessity of the appropriation which we ask. It would simply be a case where the Government would be treating its own homesteaders in a manner in which they deserve to be treated.

We therefore ask and petition you that you use your best efforts to have the appropriation we ask for passed at this session of Congress.

If there is anything that we can do to help you in the matter, kindly let us know.

Very respectfully,

THE PLUMMER HIGHWAY DISTRICT,
WILLIAM HOUCK,
President Board of Commissioners.
WILLIAM RIORDAN, *Commissioner.*
MAHLON E. HARVEY, *Commissioner.*

Attest:

GEORGE J. MCFADDEN, *Secretary.*

REPORTS OF COMMITTEE ON MILITARY AFFAIRS.

Mr. DU PONT, from the Committee on Military Affairs, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3869) to amend the military record of John Morrow (Rept. No. 564); and

A bill (S. 3989) for the relief of Alfred E. Smith (Rept. No. 565).

RESTORATION OF ANNUITIES.

Mr. LEWIS. In behalf of the Senator from Minnesota [Mr. CLAPP] I ask that the bill (H. R. 11246) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863, be taken from the calendar and recommitted to the Committee on Indian Affairs.

The VICE PRESIDENT. Without objection, it is so ordered.

MABLE PETERS AND LORETTA PETERS.

Mr. WILLIAMS. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably without amendment Senate resolution 369. I call the attention of the Senator from Kentucky [Mr. JAMES] to the report, and I ask unanimous consent for the present consideration of the resolution.

Mr. SMOOT. I shall not object to this resolution on account of its nature, but I shall object to the consideration of any bills during the morning hour.

Mr. WILLIAMS. I should not ask for the consideration of any measure that would take much time. This is merely the usual routine matter.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the contingent fund of the Senate, to Mable Peters and Loretta Peters, sisters of George Peters, late a messenger to the Committee on Patents, a sum equal to six months' salary, at the rate he was receiving by law at the time of his death, said sum to be considered as including funeral expenses and all other allowances.

SENATOR FROM MARYLAND.

Mr. KERN. I am directed by the Committee on Privileges and Elections to submit a report (No. 566) relative to the claim of Hon. BLAIR LEE for $2,500 for expenses and counsel fees made necessary by the objections made to his taking his seat in the Senate as a Senator from the State of Maryland. Accompanying the report is a resolution, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 379) was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate, as follows:

Resolved, That the sum of $1,500 be paid to BLAIR LEE out of the contingent fund of the Senate, which payment shall be in full of all demands of the said BLAIR LEE for expenses incurred by him in the proceedings involving the validity of his credentials and his right to a seat in this body.

HON. FRANK P. GLASS.

Mr. KERN. From the Committee on Privileges and Elections I submit a report (No. 567) relative to the claim presented by Frank P. Glass for $2,889.53 for personal expenses and counsel fees in the prosecution of his application to be admitted to a seat in the Senate as a Senator from the State of Alabama. Accompanying the report is a resolution, which I ask may be read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The resolution will be read.

Senate that from the same report from which I quoted I now want to quote the excess of exports for the 10 months ending the fiscal year 1912–13, and for the year 1914. Let them speak for themselves. I care not what the Secretary of Commerce may say. These are the figures, and these figures tell the truth.

Mr. President, the excess of exports for the 10 months ending April, 1912, was $524,172,358. For 1913, $559,833,167. Now, mark you, the excess of exports for 1914 was but $174,371,465.

I care not what the Secretary of Commerce may have written to the Senator from Missouri. Those figures emanated from his office. They are the figures showing the customs receipts of the Government of the United States, and also showing the amount of exports as reported by the Department of Commerce.

In order that the Senator from Missouri may know exactly what I did say as to the excess of exports, I read from my remarks of May 20:

> The returns of the Department of Commerce show that the merchandise exports for April of this year amounted to $162,368,852, as compared with $199,813,438 for the corresponding month of last year under a protective tariff. This is, as I stated, a loss in exports of $37,434,586 in a single month.

That is what I stated, and that is exactly what the RECORD shows, and that is exactly what is shown by the statement I hold in my hand from the Department of Commerce.

Mr. STONE. Does the Senator deny that he used the words I read from his speech?

Mr. SMOOT. I think the Senator, in quoting the words, applied the $10,000,000 to another subject matter entirely, and compared it with another subject matter—not the Secretary of Commerce—that I do not say, but the Senator, as I understood him.

Mr. STONE. The Secretary of Commerce shows that over $19,000,000 of it was for foodstuffs, raw cotton, and cotton seed. That has nothing whatever to do with the tariff.

Mr. SMOOT. Why, Mr. President, cottonseed oil and foodstuffs and cotton are always exported every year; the percentage of decrease in these articles no doubt is about the same as all other goods exported. We all know there would be a less exportation of cotton if there was such a falling off in exports as was the case, but it was universal in all lines of exportations.

Mr. President, I do not wish to detain the Senate any longer. I simply wish to say to the Senator and to the Senate that there is not a single statement made by me on the 20th of May that can be successfully contradicted. My statements are true; and, if the Senate will remember, I confined myself on that day to just what the figures show. I did not go into any elaborate discussion. I was not on the floor more than five minutes; but I thought what I then said ought to go into the RECORD, and for that purpose I took the floor.

Mr. SIMMONS. Mr. President, I should like to ask the indulgence of the Senate, not for the purpose of making any argument supplementary to the very admirable statement made by the Senator from Missouri [Mr. STONE], but simply in order to put into the RECORD some figures with reference to our imports and exports during the past nine months, as compared with the same nine months of last year, and during the month of March of this year, as compared with the month of March of last year. I shall not attempt any discussion. I expected to do that to-morrow morning, but the Senator from Missouri [Mr. STONE] has anticipated me, and I am very glad that he has done so.

Mr. President, with reference to the increase of imports and falling off of exports for the month of April, referred to by the Senator from Utah [Mr. SMOOT] a few days ago, during my absence on account of illness, I think it will be admitted, and if not admitted the official statistics will demonstrate the fact, that the increase in imports for that month was very largely the result of the increased imports of food products, and that the falling off in exports in that month was likewise due to the decrease in exports of certain raw products, including food products, raw cotton, cottonseed oil, and so forth.

It is a fact that for the last 16 years there has been a constant increase in our importations of food products from foreign countries. This has been due to the fact that in recent years the increase in our food production has not kept pace with the increase in our population and the increased demand for those products for domestic consumption.

I want to call the attention of the Senator from Utah, if the Senator from Massachusetts [Mr. LODGE] will permit me to have the attention of the Senator from Utah——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. It is going to take but a few minutes for me to complete my statement.

Mr. OLIVER. I have no objection to the Senator putting in all the figures he wishes, but I do object to further discussion of this subject at this time.

Mr. SIMMONS. The time for the Senator to have made that objection was when I asked consent that I might be allowed to make this statement. He was silent then, and I think it comes——

Mr. OLIVER. I call for the regular order.

Mr. SIMMONS. It comes with bad grace for the Senator to interrupt me in the middle of a sentence to make this objection.

Mr. OLIVER. The Senator said he did not intend to discuss the question, and he is now proceeding to discuss it, and I object to the discussion of it at this time.

Mr. SIMMONS. I have to state facts in order that the Senate may understand the significance of the figures which I give.

The VICE PRESIDENT. Does the Senator from Pennsylvania insist on the regular order?

Mr. OLIVER. I insist on the regular order.

Mr. SIMMONS. I trust the Senator from Pennsylvania will permit me to proceed for a few minutes.

Mr. OLIVER. I do not insist on it to the extent of objecting to the Senator putting in any figures.

Mr. SIMMONS. It will not take 10 minutes.

Mr. OLIVER. Ten minutes are too much, and even five minutes are too much. The discussion never should have taken place at this time.

Mr. SIMMONS. I ask the Senator to permit me to finish my statement.

Mr. OLIVER. Well, Mr. President, I have the reputation of being very easy, and I withdraw the objection.

Mr. SIMMONS. Mr. President, to show to what extent the importations of food products of this country have been increasing in recent years, I desire to put in the RECORD the fact that in 1898 our imports of food products to this country amounted to only $190,000,000, and in 1913 our importations of food products amounted to $405,000,000. This increase was under Republican tariff laws. In 1898 our export of food products amounted to $590,000,000, and in 1913, 15 years afterwards, it amounted to only $502,000,000. This falling off was under Republican tariff laws.

If the Senator from Utah had gone back to the month of March he would have seen that a condition existed that is very different from that which existed in the month of April. If you confine yourself to a single month in any year, under any tariff law—by picking out a particular month, you can show a marked discrepancy with reference to the imports and the exports of that month as compared with the like month in a previous year. That would be no indication of the current of trade at all. You must take a period extending over several months in a year in order to ascertain what is the indication of trade.

If the Senator had taken the month of March, 1913, he would have found that in that month the imports of merchandise amounted to $155,000,000, in round numbers, and to $82,000,000 in the month of March, 1914. He would have found that the exports of merchandise for the month of March, 1913, amounted to $183,000,000, while the exports for the month of March, 1914, amounted, in round numbers, to exactly the same amount—$183,000,000. In the month of March, 1914, our exports were almost exactly equal to our exports in March, 1913.

Now, take the imports for the period of nine months ending with March during the last three years. We had during those nine months in 1912 imports amounting to $1,203,000,000 in round figures, and in 1913 amounting to $1,401,000,000. In 1913, with the Payne-Aldrich law in operation, there was an increase in imports from $1,203,000,000 to $1,401,000,000 during those nine months. For 1914, during those nine months the imports were $1,398,000,000. So the imports for the nine months ending in March, 1914, were less than the imports for the nine months ending in March, 1913, when the Payne-Aldrich bill was in operation.

Now, when you come to the exports, you find that during the nine months ending in March, 1912, the exports of merchandise were $1,689,000,000; in 1913, $1,881,000,000; in 1914, for these nine months, $1,859,000,000. There was a very small falling off during the nine months ending with March, 1914, as compared with the exports for the nine months ending March, 1913.

Mr. WILLIAMS. I should like to ask the Senator before he takes his seat, were these goods which we imported in sufficient quantities——

Mr. OLIVER. Mr. President, I will ask the Senator from North Carolina if he has concluded?

Mr. SMOOT. I asked unanimous consent of the Senate.

Mr. STONE. So did I.

Mr. OLIVER. I beg pardon of the Senator; he asked for no unanimous consent.

Mr. STONE. I said in the beginning that I wished by the consent of the Senate to submit some remarks.

Mr. OLIVER. I insist on the regular order, Mr. President.

Mr. JAMES. I should like to ask the Senator from Pennsylvania if, in view of the fact that the Senator from Utah [Mr. SMOOT] made a speech on this subject by unanimous consent, in granting which this side participated, would the Senator now call for the regular order and shut off the Senator from Missouri, who is replying to the speech of the Senator from Utah, under such circumstances? Is that the idea of fairness the Senator from Pennsylvania would invoke in this Chamber?

Mr. OLIVER. There can be no objection to the Senator from Missouri proceeding at the proper time with his remarks.

Mr. STONE. Very well; I will proceed.

Mr. SMOOT. Mr. President, I sincerely trust that the Senator from Pennsylvania will withdraw his request that the regular order be proceeded with. I should like to hear the Senator from Missouri conclude, and I think that he ought to be allowed to conclude.

Mr. OLIVER. Mr. President, I thought the Senator from Missouri was through. I have listened to his remarks, but he is now starting out upon a new line, and we do not know where he will lead us.

Mr. STONE. No; the Senator does not know where I am going to lead him; that is the trouble with him. [Laughter.] The Senator does not want to be led. He is like some other creatures that I know of, distinguished in my State; you can lead them to water, but you can not make them drink; you can tell the Senator the truth, but he will not absorb it. [Laughter.]

Mr. OLIVER. Mr. President, I am willing to hear the truth at all times, and I am always amused when listening to the Senator from Missouri; but just now I happen to be looking forward to saying something myself on another subject, and I should like the Senator to get through in some reasonable time. I withdraw my point of order, Mr. President.

Mr. STONE. Oh, I thought the Senator would withdraw it in due time and on proper solicitation from agreeable sources.

The letter I was going to read from this very prominent and leading farmer in my State is as follows. Let me read now from Mr. Adams's letter:

> Public sentiment here is strongly behind Wilson. Of course, there are knockers—

Yes; knockers there, as there are here—

> Of course, there are knockers; we expect that; but the thinking business people are all pleased with the tariff and the bank bill, and are behind Wilson in Mexico, too. Now, listen: Wool is selling at 21 cents per pound, the highest price in 10 years; frying chickens 35 cents, old hens 13 cents, hogs 8 cents on foot, and an ordinary yearling calf brings $40 and up; horses and mules almost out of sight. Manufactured goods are lower. Clothing from one-fourth to one-third; hardware down some, and sugar $4.50 a hundred pounds—it has been $6.50 and $7 per hundred for 8 or 10 years. That looks good. A man can sell a 200-pound hog for $16, buy a hundred pounds of sugar, and have $11.50 left; under the Republican tariff he could only have $9 left. Some difference; see?

Mr. President, so as not to trespass further upon the patience and good nature of the Senator from Pennsylvania, I will conclude my observations this morning with this letter, asking the Senator from Utah especially to give prayerful attention to both the masterly communications I have submitted. They ought to help him.

Mr. SMOOT. Mr. President, I did not think the short statement I made would touch the tender nerves of the Secretary of Commerce and the distinguished Senator from Missouri so keenly and wound so deeply. I made no comments in presenting the figures to speak of, and I wish to say now that I defy the Secretary of Commerce and I defy the Senator from Missouri to say that there is one assertion or one figure in the statement that is incorrect.

I have here the statement of the Department of Commerce from which I quoted every figure, and I say now that there is not one figure that I quoted that is not found in and based upon the report of the Department of Commerce—not one. I call the attention of the Senator to the very opening statement that I made:

> Mr. President, the tariff law has been in force now some six months, and it can now be judged as to what the future result of the workings of that bill will be as affecting our commerce.
>
> I am in receipt of the report from the Bureau of Foreign and Domestic Commerce, Department of Commerce, showing the total values of imports and exports of the United States for the month of April, 1914.

Mr. President, I knew well what the importations and exportations were for the last 10 months. They are found in this same report. But how often have the Senators upon the other side of the Chamber, when attention has been called in the past to the working of the bill, stated that there had not yet been time to judge of the results of the Democratic tariff bill; and I agreed with them. Orders could not be placed at once; goods could not be made at once in a foreign country; it takes time for the goods to arrive in this country; and it was unfair to judge of the workings of the tariff bill until time had elapsed. I particularly stated that the figures I gave were for the month of April; and, Mr. President, is it any better for the month of May? Are not our importations so far this month exceeding the amount of importations a year ago to a greater extent than the importations of April did a year ago last April?

I received but this morning the daily statement of the United States Treasury. I find that in the case of the receipts to the Government from customs during this month, up to date, the amount collected upon goods imported into this country is $17,742,117.43. In the case of the corresponding month and date of the fiscal year 1913, a year ago, with a rate considerably exceeding the present rate—as announced by the Senator having the bill in charge, 26 per cent ad valorem as against 42 per cent—we find that the revenue collected at that time for that particular month was $16,920,542.08. There has been collected for the Treasury of the United States for the present month, as against a year ago, $821,575.35 more up until the 26th of May, 1914. Think of the millions of dollars more that have been imported into this country at the present rate to bring about that condition.

Mr. REED. Mr. President, will the Senator permit me to ask him a question?

Mr. SMOOT. Certainly, Mr. President.

Mr. REED. Does the Senator think the goods are being sold any cheaper?

Mr. SMOOT. Mr. President, in my investigation I have failed to find a case where they have been sold cheaper.

Mr. REED. Then, if they are not sold any cheaper, why is it that they should come in at all, if the prices remain just the same as they did before?

Mr. SMOOT. Oh, Mr. President, that question has been asked and answered at least a hundred times in the Senate; but I will answer the Senator once more.

Mr. REED. I should like to hear it answered once.

Mr. SMOOT. I will gladly do so if I can, and I hope it will be to the satisfaction of the Senator from Missouri; but if not I can not help it.

The goods that are imported into this country are imported at a cost slightly below the goods that are made in this country—just enough below to secure the order. When they arrive, they are in the hands of the importer. The difference between the cost in a foreign country and in this, and the difference between the price for which the importer sells the goods and the price which the ultimate consumer pays is divided, first, with the foreign manufacturer; second, with the importer; third, with the wholesalers and jobbers of this country; and, fourth, with the retailer. The customer at the end receives no benefit.

Take, for instance, gloves. A difference of $1 a dozen in the cost of gloves would mean a great advantage to an importer; it would, in some cases, mean a fair profit. But do you think the retailer is going to sell a $2 pair of gloves for any less than he did before? That has been demonstrated so many times that I thought everybody understood it.

By the way, Mr. President, at this particular time I wish to disavow any of the credit that the senior Senator from Missouri [Mr. STONE] undertakes to ascribe to me for the passage of the Payne-Aldrich bill. I had not the bill in charge; but I want to acknowledge that I did everything in my power to see that it did pass, humble as that may have been.

Mr. REED. Mr. President——

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Missouri?

Mr. SMOOT. I yield.

Mr. REED. I simply wish to ask the Senator if there are two sources of supply instead of one, and if one of those sources of supply, the foreign source, augments so that there are more goods actually brought into the country, does not that inevitably produce a reduction?

Mr. SMOOT. To the importer, the jobber, and to the retailer, yes; but not to the consumer.

Mr. REED. If the jobber——

Mr. SMOOT. Mr. President, I have not the time now to go into the details of this question further, because——

Mr. REED. Very well.

Mr. SMOOT. The Senator from Pennsylvania [Mr. OLIVER] is waiting to proceed with his speech, and therefore I do not want to take the time of the Senate any longer than necessary. I simply wish to say to the Senator from Missouri and to the

I proceed with the Secretary's letter:

Not only so, but during the first year of the Payne-Aldrich tariff law—

The Smoot-Aldrich-Payne law—

five months showed the imports in excess of the exports, and one of these months, namely, March, 1910, showed an excess of imports of $19,341,578.

Mr. SMOOT. Mr. President——

Mr. STONE. Now, wait a moment. I want this to sink in deep on the Senator's consciousness:

And one of these months—

Says Secretary Redfield—

namely, March, 1910, showed an excess of imports of $19,341,578—

Or nearly twice as much as the shortage, so called, occurring in the month of April, 1914, about which the Senator uttered such tearful, albeit vociferous, lamentations.

Mr. SMOOT. Not half as much, instead of twice as much.

Mr. STONE. Here is what the Senator said:

The imports exceeded exports in April by $10,271,872.

That is what the Senator said. I am reading from his own speech. The Senator may not be correct in his statement; that is a possibility always when he is discussing the tariff. When he is talking about post offices and other things he gets nearer to dependable facts.

Mr. SMOOT. I believe the Senator wants to be correct in his statements.

Mr. STONE. The Senator can have his chance; but I want to rub this on now. I want the Senator to be still while I apply this remedy to his disease.

Mr. SMOOT. I thought the Senator wanted to state the facts regarding a statement which I have made.

Mr. STONE. I do. I have read absolutely word for word what appears in the Senator's speech.

Mr. SMOOT. I will read it afterwards, Mr. President.

Mr. STONE. Well, read it afterwards. The Secretary further says:

Any statement as to the effects of a tariff based upon figures for six or eight months is necessarily illusive.

The Secretary does not seek to take advantage of what the figures show for five months of the first year of the Smoot bill. He says such figures are more or less illusive and unreliable as a basis for sound calculation, and the Senator from Utah knows that, too, though he did not say it the other day. He would have said it if he had been back to 1910 and talking about the excess of imports over exports during five months of that year, but he happened to be talking about this Democratic bill, and that was a horse of another color. Hence he did not remember last week that the exports and imports for one month were not a sound basis upon which to make an argument as to the continuing effects of a tariff measure. It did not suit his purpose to remember it at that time.

Any statement as to the effects of a tariff based upon figures for six or eight months—

Says the Secretary—

is necessarily illusive, but if the present tariff is to be judged that way and condemned because of the excess of imports in one month since its passage, what shall be said of the Payne law—

Or, rather, I say, of the Smoot law—

when in a like period after it came into effect there were three months in which the imports exceeded exports, and in one of these that excess was nearly double that about which so much is now said.

I see the Senator is putting on a serious look, and well he might. [Laughter.] I know it hurts. I am applying this caustic, however, with as great tenderness as possible. I really do not mean to be cruel.

Mr. SMOOT. I am sure the Senator is not.

Mr. STONE. But it is necessary sometimes to burn a little. Now, again, the Secretary says:

The criticism made of the present law on the basis of April figures is either good or bad—

That is, it is justified or it is not—

If it is good, then by so much the more is the Payne law—

The Smoot law—

condemned for showing results of the same character, but to a far greater extent.

Is not that so? I am asking the Senator from Utah if that is not so? If you condemn the Underwood law for an excess of imports over exports for one month since it came into effect, and if for the same corresponding period of time after the Smoot law went into effect there were three months of such excess, should you not likewise condemn that law?

The Secretary says:

If the criticism is bad, as I think it is, it falls by its own utterance. You might fairly offset Senator SMOOT's remarks about "one shipment of tin plate of 12,000 cases landed in the port of New York" by these words from Bradstreet's for May 23, volume 42, No. 1873, page 340:

"The Standard Oil Co. has awarded a contract for 600,000 base boxes, or 30,000 tons, of tin plate to the American Sheet & Tin Plate Co. The order was taken in active competition with Welsh mills."

In the present law we reduced the duty on tin plate from the equivalent ad valorem of about 25 per cent to 15 per cent, and the Senator, by calling attention to the fact that 12,000 cases of tin had come into New York, sought to create the impression and send it broadcast that the tin industry could not compete with foreign mills, and yet here is a statement from a source so authoritative that it will not be questioned that the enormously large contract referred to was given to an American concern in open competition with foreign mills.

Mr. President, I think this communication from the Secretary demolishes absolutely the bad impression, the wrong impression, the remarks of the Senator from Utah were intended to convey to the public.

Mr. GALLINGER. Mr. President, may I ask the Senator a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from New Hampshire?

Mr. STONE. Yes.

Mr. GALLINGER. Is it or is it not a fact that during the six months of the present tariff law 33,000,000 pounds of tin plate have come into this country as against 3,000,000 pounds previously for the same length of time?

Mr. STONE. Does the Senator assert that to be absolutely the fact as to the amounts stated?

Mr. GALLINGER. I assert it as a fact, as it comes to me from what I conceive to be an entirely reliable source.

Mr. STONE. The Senator is not in the habit of making statements that are not very well authenticated, and I am not prepared at this moment to say whether he is correct as to his figures or not. It may be that more came in during the first six months of the present law than came in during the first six months of the Smoot law. Perhaps, as the Senator says, during the last——

Mr. GALLINGER. No; ten times as much—33,000,000 pounds as against 3,000,000 pounds.

Mr. STONE. Possibly ten times as much; but the point I make is that if the American tin-plate manufacturers can successfully compete with foreign mills under present duties, I see no reason why American manufacturers using tin plate, as well as American ultimate consumers, should not have the benefit of this competition and of consequent lower prices. We have argued that question here over and over again, and I do not care to go over it again at this time. My present purpose is simply to put against what the Senator from Utah said the other day—not wishing it to go uncontradicted—the statement which I have read from Secretary Redfield.

And now, for the benefit of the Senator from Utah, also the Senator from North Dakota [Mr. MCCUMBER], and for the other side of the Chamber generally, I want to read a few lines from a letter which I received the other day from a prominent farmer in my State, Mr. B. B. Adams, of Republic, Mo. This letter was written in response to some letters I sent out into the State making inquiry of the people along the lines of industrial conditions in our Commonwealth, since so much is being said here regarding existing conditions. Senators have a habit, some of them, of getting up here from time to time and launching attacks with bold assertions, and they do it with such confidence and with such long faces and upward eye rollings that it is a little hard to stand up in their presence and on the spur of the moment contradict what they say. I have been trying to load up a little on this subject. [Laughter.] Here is one sample of the ammunition I have been able to gather——

Mr. OLIVER. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. Always—with pleasure.

Mr. OLIVER. Mr. President, I hesitate to break in upon this enlightening discourse of the Senator from Missouri; but, in the interest of the orderly conduct of the business of the Senate, I feel that I must ask that the regular order be proceeded with.

Mr. STONE. Well, the Senator from Utah desires to be heard, and therefore I suppose the Senator from Pennsylvania does not wish now to urge the regular order so much.

Mr. OLIVER. Mr. President, I do not think the Senator from Missouri has any right to break into the regular order of the business of the Senate in this way. He can talk upon this subject at the proper time; but this is not the proper time.

Mr. JAMES. Nobody objected to the Senator from Utah proceeding the other day.

Mr. STONE. How did the Senator from Utah break in?

viding for the building annually by the Government of two battleships, which was ordered to lie on the table.

Mr. SMITH of Maryland presented petitions of sundry citizens of Royal Oak, Mount Rainier, and Travilah, all in the State of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Baltimore, Md., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented a petition of the Woman's Christian Temperance Union of Washington, D. C., praying for the enactment of legislation to provide for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. SHIVELY presented a petition of Ralph N. Smith, Thomas Brown, M. A. Chase, and sundry other citizens of Laporte, Ind., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a memorial of William Haley, Charles T. Sears, William Sears, and sundry other citizens of New Albany, Ind., remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Lodge No. 465, International Brotherhood of Maintenance-of-Way Employees of the Cincinnati, Hamilton & Dayton Railway Co., of Connersville, Ind., praying for the enactment of legislation to promote the safety of employees and passengers on railroads engaged in interstate or foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. LEE of Maryland presented petitions of sundry citizens of Maryland, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. MYERS presented petitions of the Christian Endeavor Society of the Presbyterian Church of Oliver Gulch, Mont., and of sundry citizens of Kalispell, Mont., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. POINDEXTER presented a memorial of Local Union No. 258, United Mine Workers of America, of Roslyn, Wash., remonstrating against existing conditions in the mining districts of Colorado, which was referred to the Committee on Education and Labor.

He also presented petitions of sundry citizens of the State of Washington, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Tacoma, Seattle, Walla Walla, Spokane, and Vancouver, all in the State of Washington, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

IMPORTS AND EXPORTS.

Mr. STONE. Mr. President, I ask leave of the Senate to occupy a few moments of time. I desire to call attention to some remarks made a few days since by the senior Senator from Utah [Mr. SMOOT] and to make some remarks of my own by way of a response, and this I shall do for the especial benefit of the Senator from Utah.

On the 20th of the present month the Senator from Utah took an inopportune occasion to make a tariff speech, basing his remarks on a Government report showing imports and exports for the month of April last. I did not hear the Senator's speech, not being present at the time. I read his remarks, however, in the RECORD the following day, always being interested in his fulminations. They will be found on pages 8874 and 8875 of the RECORD.

After reading this address by the Senator——

Mr. SMOOT. Not an address, a statement.

Mr. STONE. Well, after reading the statement of the Senator from Utah, and not having immediate facilities at hand nor time at my disposal to examine into the accuracy of the Senator's compilations and assertions, I wrote a note to the Secretary of Commerce, who has ready and abundant facilities for examining into statistical data, and asked him to examine the statement of the Senator and furnish me with information with respect to the matter covered by the Senator's speech, with any comparative data that might be pertinent as bearing on the Senator's assertions and deductions. In reply I have a letter from the Secretary, which I think it would not be inappropriate to read. If it is considered objectionable to read a communication of this character from a Cabinet officer criticizing a Senator's statement made in debate, I will not read it, but merely use the information conveyed in the communication.

Mr. SMOOT. I certainly have no objection, because every figure that I quoted to the Senate in that statement is quoted from the Department of Commerce. I shall be pleased indeed if the Senator will have the letter read, and then I will ask that the report of the Department of Commerce be put in the RECORD.

Mr. STONE. I did not ask particularly whether it would be pleasing or displeasing to the Senator from Utah, but whether it would be proper as a senatorial proceeding to read the letter. If no one objects, I will read it. It is dated May 25, 1914. The Secretary of Commerce says:

MY DEAR SENATOR: I have, thanks to your kind favor of the 22d, read with some interest, not unmixed with amusement—

I hope it is not offensive to the Senator from Utah that the Secretary should be amused.

Mr. SMOOT. Not in the least.

Mr. STONE (reading)—

not unmixed with amusement, the outputting of Senator SMOOT as reported in the CONGRESSIONAL RECORD for May 20, 1914, page 8874, to which you kindly call my attention.

My first suggestion is that to select any single month as indicating anything special is so absurd a proceeding as to need no reply. Pretty much anything could be shown by such a course as that. Such a statement taken by itself alone amounts to nothing at all.

Senator SMOOT dwells upon "a loss in exports"—

The Secretary is quoting from the Senator now—

"a loss in exports of $37,434,586 in a single month."

This was the month of April.

We do not know fully yet what the exports were that thus fell off. We do, however, know that $19,000,000 of them, more than half, were in exports of raw cotton, cottonseed oil, and foodstuffs, including meat. These are not related to the tariff at all. Nor do we know yet in what lines of goods the increased imports from April are. Nothing can be suggested as to tariff effects from these April figures till the facts are known, which is not yet the case.

It is amusing, however, and instructive, in view of the outbreak you bring to my attention, to call to your notice the following words of Senator SMOOT—

Now, the Secretary again quotes from the Senator—

"The imports exceeded exports in April by $10,271,872. Thus we are coming to a condition which has existed under former Democratic tariff laws, when distress everywhere prevailed."

That is what the Senator said. Undoubtedly the main purpose the Senator had in rising on that occasion was to make the observation which appears in the closing paragraph I have just quoted, with several others of like kind.

The Secretary proceeds to say:

Looking back to the last time—

That is, the last time before April—

Looking back to the last time when the imports—

I want the attention of the Senator from Utah when he is through with the conversation he is holding, for I am reading this especially for his benefit. I want to rub this on his sore spots with cayenne ointment, hoping that in spite of the pain it may have some good effect on the intellectual and moral obtuseness he displays whenever he undertakes to discuss the tariff.

I read again:

Looking back to the last time when imports exceeded exports, we discover that it was while the Payne-Aldrich—

I am not content with that designation; I prefer to name it the Payne-Aldrich-Smoot law, for that much is due the Senator from Utah—

the Payne-Aldrich law was in effect that this event took place. The trade balance in our favor during the 10 months ending with April, 1910—

During the period when the Smoot-Aldrich-Payne law was in effect—

the trade balance in our favor during the 10 months ending with April, 1910, was $170,931,416, or over $300,000,000 less than during the 10 months ending with the present April.

Let the full force of that be understood. During the first 10 months of the operation of the tariff law which bears the names of Smoot, Aldrich, and Payne the balance of trade in our favor was $300,000,000 less than it was during the 10 months ending with April, 1914—the April which looks so dark to the Senator from Utah.

Mr. JAMES. That was under the existing law.

Mr. STONE. Yes; as my friend from Kentucky says, "that was under the existing law." It was under the Underwood-Simmons law that this larger trade balance occurred—this Democratic law which the Senator from Utah strives so hard but vainly to discredit.

SENATE.

THURSDAY, *May 28, 1914.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, the fairest vision that we have gained in life is that which has brought Thee to a personal relation to Thy creatures. We have seen Thy handiwork in the sky above us and Thy great glory in all the work of creation. But our supreme vision is when we look into the face of God as our Father and know that Thou dost reveal Thyself unto us. We pray that this day the light of this vision may guide us in the discharge of the duties that are before us, for Thou in Thyself hast opened to us the portals of the temple of truth. So do Thou lead us on. Grant that Thy grace, ministered through those that know Thee, may push back the boundaries of ignorance and lift the burdens that are unbearable in life, and bring in the reign of God's love and peace among men. For Christ's sake. Amen.

The VICE PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

RATES ON SUGAR.

The VICE PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, in response to a resolution of the 26th instant, a copy of the transcript of testimony taken before the Interstate Commerce Commission in the matter of the application of R. H. Countiss, agent, in behalf of transcontinental carriers, for relief from certain provisions with respect to rates on sugar from points in California and other States to Chicago, which, with accompanying papers, was referred to the Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the conference asked for by the Senate on the amendments of the Senate to the bill (H. R. 13679) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1915, and had appointed Mr. LEVER, Mr. LEE of Georgia, and Mr. HAUGEN managers at the conference on the part of the House.

The message also announced that the House further insists upon its amendments to the bill (S. 2860) providing a temporary method of conducting the nomination and election of United States Senators, disagreed to by the Senate, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RUCKER, Mr. BROUSSARD, and Mr. AINEY managers at the further conference on the part of the House.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented petitions of sundry citizens of Homer City, Broomall, North Girard, and Khedive, in the State of Pennsylvania; of Wichita and Walton, in the State of Kansas; of Mount Ayr and Bussey, in the State of Iowa; of Omaha, Nebr.; of Smithfield, Ohio; of Springfield, Mass.; of Los Angeles, Cal.; of Milan, Minn.; of Green Bay, Wis.; and of North Yakima, Wash., praying for the adoption of an amendment to the Constitution to prohibit polygamy, which were referred to the Committee on the Judiciary.

Mr. DU PONT presented memorials of sundry citizens of Edgemoor and Wilmington, in the State of Delaware, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. ROBINSON presented a petition of sundry citizens of Wilmar, Ark., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. LODGE. I present resolutions adopted by the Chamber of Commerce of Boston, Mass., which I ask may be printed in the RECORD and referred to the Committee on Interstate Commerce.

There being no objection, the resolutions were referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolved, That, in the opinion of the board of directors of the Boston Chamber of Commerce—

(1) What the country needs at the present time is a rest from new legislation affecting business and an opportunity to adjust itself to the new conditions created by recent Federal legislation, such as the income tax, the revision of the tariff, and the currency law.

(2) There is not sufficient time during the present session of Congress to consider, with the deliberation to which it is entitled, the matter of so-called trust regulation or any general legislation contemplating changes in or additions to the present restrictions on interstate or foreign trade.

(3) Accordingly the board of directors is opposed to the consideration or enactment of any form of such legislation during the present session of Congress.

(4) The whole subject of such legislation should be postponed until the next session of Congress, and in the meantime Congress, by its committee, should take the opportunity to invite the cooperation of business men throughout the country in framing needful legislation.

FRANCIS R. BANGS.
LOUIS A. COOLIDGE.
ALBERT GREENE DUNCAN.
EDWARD K. HALL.
CHARLES J. HUBBARD.
JOHN MASON LITTLE.
GEORGE F. MEAD.
DANIEL D. MORSS.
JAMES J. PHELAN.
RUSSELL ROBB.
CHARLES STEWART.
ALEXANDER WHITESIDE.
SYDNEY R. WRIGHTINGTON.

Mr. LODGE presented petitions of sundry citizens of Fitchburg, New Bedford, Gardner, Provincetown, and Middleboro, all in the State of Massachusetts, praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of New Bedford, Boston, Lowell, Worcester, Roslindale, Westport, Mattapoisett, Holyoke, Lawrence, Fall River, Chelmsford, Chicopee, Methuen, Cambridge, Randolph, Dedham, Fairhaven, and Springfield, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. HITCHCOCK presented petitions of sundry citizens of Fillmore County, Omaha, and Edgar, all in the State of Nebraska, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of Plainfield, Vt., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. KENYON presented memorials of sundry citizens of Iowa, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Iowa, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Iowa, remonstrating against the repeal of the law granting compensatory time privilege for Sunday services performed by employees of the Post Office Department, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry citizens of Iowa, praying for Federal intervention in an effort to settle the difficulties between miners and operators in the State of Colorado, which was referred to the Committee on Education and Labor.

Mr. KERN presented petitions of sundry citizens of Warren County, Laporte, and Indianapolis, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens of Indianapolis, Clinton, Anderson, Fort Wayne, and Terre Haute, all in the State of Indiana, remonstrating against the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which were referred to the Committee on the Judiciary.

Mr. CRAWFORD presented a petition of sundry citizens of Parker, S. Dak., praying for the adoption of an amendment to the Constitution to prohibit the manufacture, sale, and importation of intoxicating beverages, which was referred to the Committee on the Judiciary.

Mr. GALLINGER presented a petition of the Men's Club of Grace Church, of Manchester, N. H., praying for the enactment of legislation to promote the welfare of American seamen in the merchant marine, which was ordered to lie on the table.

He also presented a petition of Local Branch No. 3, National Association of United States Civil Service Employees, of Portsmouth, N. H., praying for the enactment of legislation granting leaves of absence to per diem clerks and other employees in the navy yards of the country, which was ordered to lie on the table.

Mr. JAMES presented a petition of sundry citizens of the State of Kentucky, praying for the enactment of legislation pro-

VOLUME LI, PART X.

CONGRESSIONAL RECORD,

SIXTY-THIRD CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-THIRD CONGRESS, SECOND SESSION.

VOLUME LI.

WASHINGTON
1914